

Agenda Including Addeds

Planning and Environment Committee

The 11th Meeting of the Planning and Environment Committee

June 18, 2018, 4:00 PM

Council Chambers

Members

Councillors S. Turner (Chair), A. Hopkins, M. Cassidy, J. Helmer, T. Park, Mayor M. Brown

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

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5.	Deferred Matters/Additional Business	
5.1.	<i>(ADDED) 7th Report of the London Advisory Committee on Heritage</i>	484
6.	Confidential	
6.1.	<i>(ADDED) Personal Matters/Identifiable Individual/Litigation/Potential Litigation/Solicitor-Client Privileged Advice</i>	
	A matter pertaining to personal matters about an identifiable individual, including municipal or local board employees; Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.	
7.	Adjournment	

Trees and Forests Advisory Committee

Report

5th Meeting of the Trees and Forests Advisory Committee
May 23, 2018
Committee Room #3

Attendance PRESENT: R. Mannella (Chair); T. Khan, J. Kogelheide, C. Linton, N. St. Amour and M. Szabo and J. Bunn (Acting Secretary)

ABSENT: C. Haindl, G. Mitchell and R. Walker

ALSO PRESENT: A. Macpherson, M. Morris, J. Ramsay and S. Rowland

The meeting was called to order at 12:15 PM.

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 Parks and Recreation Master Plan Update

That the following actions be taken with respect to the Parks and Recreation Master Plan:

- a) it BE NOTED that the attached presentation from A. Macpherson, Environmental and Parks Planning, with respect to this matter, was received; and,
- b) a Working Group BE ESTABLISHED, consisting of T. Khan, M. Szabo and A. Morrison, to review the Parks and Recreation Master Plan and report back at the June meeting of the Trees and Forests Advisory Committee, with input on the above-noted plan.

2.2 Complete Streets Update

That it BE NOTED that the attached presentation from M. Morris, Engineer-in-Training, with respect to an update on the Complete Streets project, was received.

3. Consent

3.1 4th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 4th Report of the Trees and Forests Advisory Committee, from its meeting held on April 25, 2018, was received.

3.2 Municipal Council Resolution - 3rd Report of the Trees and Forests Advisory Committee

That it BE NOTED that the Municipal Council resolution, from its meeting held on April 24, 2018, with respect to the 3rd Report of the Trees and Forests Advisory Committee, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Green Legacy Update

That it BE NOTED that the attached presentation from A. Cantell, ReForest London, with respect to the Green Legacy Project, was received.

5.2 Trees Located at Southdale Road and Wharncliffe Road South

That it BE NOTED that the Trees and Forests Advisory Committee heard a verbal update on the trees located at the corner at Southdale Road and Wharncliffe Road South from A. Macpherson, Manager, Environmental and Parks Planning.

5.3 Clarification of Meeting Agenda Submission Process

That it BE NOTED that the Trees and Forests Advisory Committee held a general discussion with respect to the process for submitting items for the committee agendas.

6. Deferred Matters/Additional Business

None.

7. Adjournment


The meeting adjourned at 1:40 PM.



Play Your Way! Parks & Recreation Master Plan Update

May / June 2018


Trees and Forests Advisory Committee



Play Your Way! Purpose of Connecting With You

Purpose:

1. To review the plan to update the Parks and Recreation Master Plan this year.
2. Ask for your assistance in sharing the Community Survey with your networks and the public.
3. To request your Committee's input.



Play Your Way!

About the Master Plan

Creating a “Game Plan” for Parks, Recreation Programs, Sport Services and Facilities

- The Master Plan provides an overall vision and direction for making decisions. It is a high level/policy directive document.
- It is based on public input, participation trends and usage, best practices, demographic changes and growth forecasts.
- The Plan will be used by the City to guide investment in parks, recreation programs, sport services and facilities over the next ten years and beyond.





Play Your Way!

Master Plan Overview

- The City has retained **Monteith Brown Planning Consultants**, **Tucker-Reid & Associates** and **Swerhun Facilitation** to assist in preparing the Update.










Play Your Way!

Master Plan Building Blocks

1. Public and Stakeholder Input
2. Demographics and Growth
3. Trends and Usage Data
4. Existing Policies and Guidelines
5. Park, Program, and Facility Distribution
6. Facility Inventories and Asset Management Data






Play Your Way!

Project Scope

Items within Scope:

- 
 - **Recreation Programming**, such as aquatic, sport, wellness, arts/crafts, dance/music, and general interest programs provided by the City and other sectors
- 
 - **Recreation and Sport Facilities**, such as community centres, pools, sports fields, playgrounds and more
- 
 - **Parks & Civic Spaces**, such as major parks, neighbourhood parks, gardens and civic squares
- 
 - **Investment in the Community**, such as neighbourhood opportunities, public engagement, sport tourism and more






Project Scope

Items out of Scope:

- **Parkland Dedication Policies** (London Plan)
- **Cycling** (London Plan, Transportation and Cycling Master Plans)
- **Natural Heritage and Trails** (London Plan, Conservation Master Plans, ESA Master Plans)
- **Arts, Culture and Heritage** (Cultural Prosperity Plan and related reports)

Although these items are addressed in other studies, the Master Plan will ensure alignment





Guiding and Supporting Documents

The Master Plan is a Strategy that guides the provision and management of parks, recreation programs, sport services and facilities. It is influenced by several Overarching Plans and informs several Technical Reports.


Key Overarching Plans	Key Strategies	Key Technical Reports
The London Plan Council's Strategic Plan Accessibility Plan Sector-specific guiding documents, such as the Framework for Recreation in Canada, Parks for All, and others	Age Friendly London Action Plan Child and Youth Agenda Strengthening Neighbourhoods Strategy Transportation and Cycling Master Plans Cultural Prosperity Plan Community Diversity and Inclusion Strategy SHIFT: Rapid Transit Initiative Back to the River / One River Thames Valley Corridor Plan	Development Charges Background Study Conservation Master Plans for Environmentally Sensitive Areas Park-specific Master Plans Business Cases and Feasibility Studies Various By-laws, Policies and Procedures





Deliverables and Timing

- **Background Research** March to June 2018
- **Engagement** May to July 2018
 - Community Survey (Opens May 23rd)
 - Stakeholder Sessions/Focus Groups/Interviews
- **Draft Plan #1** Sept / Oct 2018
- **Draft Plan #2** Oct / Nov
- **Final Plan** presented to the new Council January 2019

Community Survey

Purpose


- To establish a broad picture of usage, satisfaction, priorities, demographics

Timing

- Will be available May 23 until mid-July, hosted through getinvolved.london.ca

How can you help?

- Share the link to the survey with your networks
- Let us know if you would like posters or postcards to distribute





Play Your Way!

COMMUNITY SURVEY

Parks and Recreation

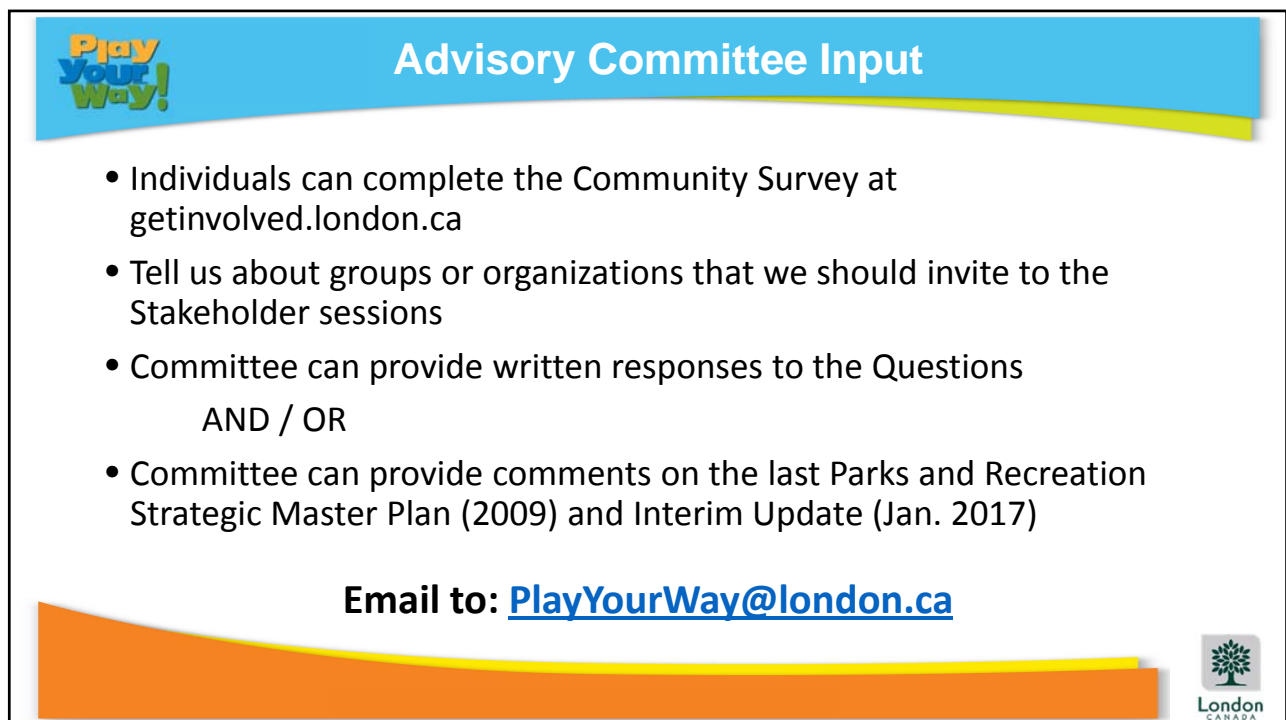
MASTER PLAN

Your input is important.
Tell us how you like to Play Your Way.
Complete the community survey:
getinvolved.london.ca

As London grows and changes, the recreation needs of residents also change. We want to ensure that the right parks, recreation and sport services, programs and facilities are in place to improve quality of life for all Londoners.

Help us plan for the next **10 years** and tell us what recreation, parks and sport services mean to you!

London CANADA



Play Your Way!

Advisory Committee Input


- Individuals can complete the Community Survey at getinvolved.london.ca
- Tell us about groups or organizations that we should invite to the Stakeholder sessions
- Committee can provide written responses to the Questions

AND / OR

- Committee can provide comments on the last Parks and Recreation Strategic Master Plan (2009) and Interim Update (Jan. 2017)

Email to: PlayYourWay@london.ca



London CANADA



Advisory Committee Input

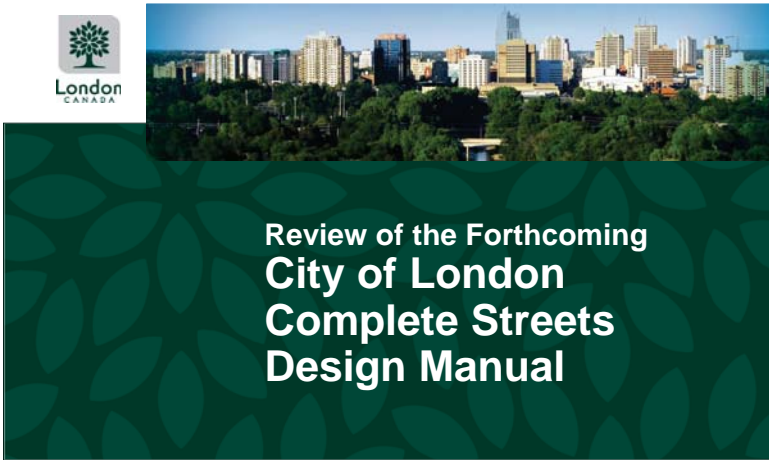
Guiding Questions

1. What are the most pressing **issues and priorities** for your Advisory Committee?
2. How can the City of London's parks, recreation and sport **services and facilities** continue to support the needs of your Committee? Please be specific.
3. How can your Committee, the City and others **work together** to meet future needs?
4. Are there any initiatives that are being contemplated, planned or are being implemented that could tie into these or other priorities for parks, recreation and sport services and facilities?



Parks & Recreation Master Plan Update

Thank you!



Review of the Forthcoming City of London Complete Streets Design Manual

Trees and Forests Advisory Committee
May 23, 2018

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Introduction - What are Complete Streets?

“ A complete street is one that is designed to accommodate the mobility needs of **all ages, abilities, and modes of travel**. Safe and comfortable access for **pedestrians, bicycles, transit users, and the mobility challenged** are not design after-thoughts, but are **integral to the planning of the street** from the start. ”

- London Transportation Master Plan



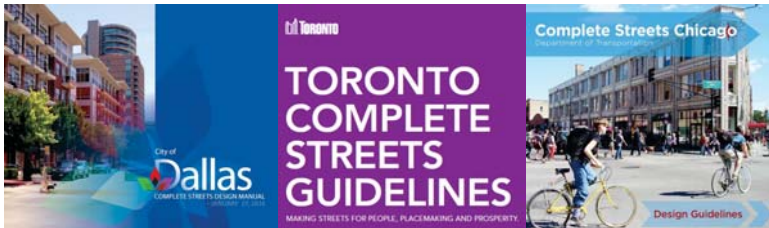
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Introduction – Complete Streets Manuals

Complete Streets Guides & Manuals have been developed by **many cities around the world** to help **direct and coordinate** street planning/design towards more balanced mobility options



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Background

The 2016 City of London Official Plan introduced a group of **Street Classifications**, which set the stage for more **context sensitive city building policies** and **redefining mobility** for Londoners

- Classifications Include:
- Rapid Transit Boulevards
 - Urban Thoroughfares
 - Civic Boulevards
 - Main Streets
 - Neighbourhood Connectors
 - Neighbourhood Streets
 - Rural Thoroughfares
 - Rural Connectors



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Background

Each **Street Classifications** was accompanied with policies to guide future planning and design towards a an **intended character and function**, while progressing towards **overall mobility goals**

DESIGN FEATURES	STREET CLASSIFICATION		
	Rapid Transit Boulevard	Urban Thoroughfare	City Boulevard
Planned Street Width (Width of Right-of-Way)	50m	40m	30m
VEHICLE ZONE			
Divided and/or Separated	+		
On-street Parking (Additional to Through Lanes)	+	+	-
On-street Parking (in Through Lanes)	+	+	+
Cycle Facility	+	+	+
Left Turn Lanes	+	+	+
Right Turn Lanes	+	+	+
Planted Medians	+	+	+
Curb Extensions			
PEDESTRIAN ZONE			
Hard Surface from Curb to Building Face	+		
Standard Sidewalk (1.5m wide, both sides)	+	+	+
Coordinated Utilities	+	+	+
Street Trees	+	+	+
Street Furniture	+	+	+
Pedestrian-scaled Lighting	+	+	+
Landscape Planters	+	+	+
Grass Boulevard	+	+	+
Enhanced Cross-walk Treatments	+	+	+
Low Impact Development	-	-	-

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Background

Many stakeholders were included in consultation efforts for the development of the Complete Streets Design Manual and attended a **Stakeholder Workshop**, held on June 2nd, 2017. These groups included:

- Accessibility Advisory Committee
- Can-Bike
- Hyde Park Business Association
- Bell
- London Middlesex Road Safety Committee
- Middlesex Health Unit
- Start Communications
- Cycling Advisory Committee
- London Fire
- London Development Institute (LDI)
- Downtown London BIA
- London Hydro
- London Transit
- Union Gas
- Tree and Forests Advisory Committee
- Argyle BIA
- City of London Water
- London Environmental Network
- City of London Development Services



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Goals

The City of London Official Plan suggested the preparation of a Complete Streets Manual to establish:

- Overall cross-sections for the street classifications
- Design parameters for the public realm



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London Complete Street Manual - Content

- Chapter 1: Complete Streets: Vision and Principles**
 - Complete Streets concepts and policy support
- Chapter 2: Elements of Complete Streets**
 - Complete Streets features
- Chapter 3: Undertaking Complete Streets Design**
 - Processes for balancing the needs of current and future users
- Chapter 4: Street Design for Roadways**
 - Street characteristics/priorities and conceptual cross sections, by street classification
- Chapter 5: Street Design for Intersections**
 - Intersection treatments that provide Complete Streets elements for specific combinations of street classifications
- Chapter 6: Moving Forward with Complete Streets**
 - Progress indicators for Complete Streets outcomes



Contents:

1. What are Complete Streets?
2. Who is This Guide For?
3. Review of Complete Streets Policies in London
4. Core Principles for Complete Streets

CHAPTER

1

COMPLETE STREETS: VISION AND PRINCIPLES



Local Policy Support

“ At the local level, policy support for complete streets is found in a number of documents, including the:

- Strategic Plan
- The London Plan
- Downtown Plan
- Design Specifications and Requirements Manual
- Cycling Master Plan
- London Rapid Transit
- London Road Safety Strategy
- London 2030 Transportation Master Plan
- Urban Forest Strategy



Core Principles

- Embed Sustainability**
- Prioritize Safe and Accessible Options for People**
- Ensure Context Sensitivity**
- Prioritize Connectivity**
- Emphasize Vitality**





Core Principles



Embed Sustainability



“ Promote ecosystem diversity through trees, planters, and vegetation. ”



Ensure Context Sensitivity

“ Allow for the influence of important neighbourhood characteristics. ”



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**COMPLETE
STREETS: VISION
AND PRINCIPLES**

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Contents:

General Considerations and Tools for:

1. Pedestrian Facility Design
2. Cycling Facility Design
3. Transit Facility Design
4. Motor Vehicles
5. Green Infrastructure
6. Utilities and Municipal Services

CHAPTER

2

**ELEMENTS OF
COMPLETE
STREETS**

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Street trees can be planted on both sides of the sidewalk where space permits (Google).

“ **Embed Sustainability:** Street trees make communities safer, healthier, and more walkable. ”

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“ **Provide connectivity:** As the slowest mode of transportation, pedestrians have the greatest sensitivity to route directness. ”



All AODA compliant push button

**ELEMENTS OF
COMPLETE
STREETS**

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Design For Accessibility

“ Pedestrians include those who are using a walker, crutches, a wheelchair or an electrically powered mobility device as well as individuals with a visual impairment. Design features should be used to accommodate all of London’s pedestrians, such as:

- appropriately wide pedestrian clearways;
- audible pedestrian signals;
- tactile walking surface indicators (TWSIs);
- visually contrasting surface treatments; and
- amenities such as seating



**ELEMENTS OF
COMPLETE
STREETS**

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Contents:
(under development with City input)

1. Process Overview
2. Planning
3. Conceptualizing
4. Designing
5. Implementing

CHAPTER

3

UNDERTAKING
COMPLETE
STREETS
DESIGN



Contents:

1. Street Typologies
2. Design Guidance for:
 - Rapid Transit Boulevards
 - Urban Thoroughfares
 - Civic Boulevards
 - Main Streets
 - Neighbourhood Connectors
 - Neighbourhood Streets
 - Rural Thoroughfares
 - Rural Connectors

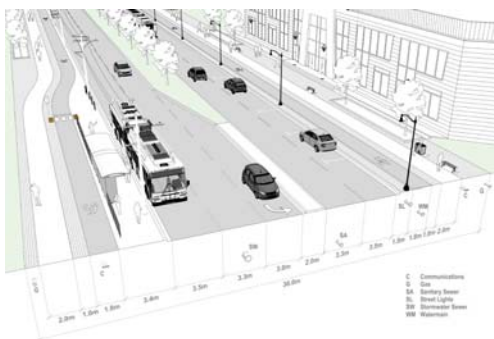
CHAPTER

4

STREET DESIGN
FOR ROADWAYS



Example
Civic Boulevard



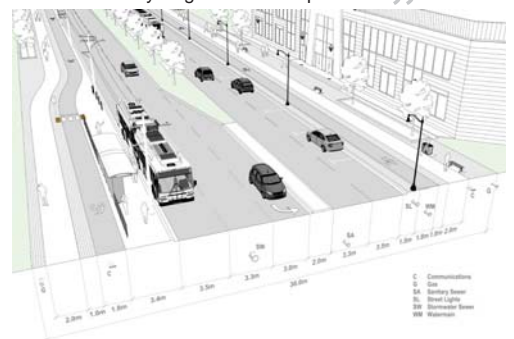
STREET DESIGN
FOR ROADWAYS



“ Physically separated and continuous cycling facilities are preferred.”

Example
Civic Boulevard

“ Civic Boulevards provide multi-modal connections between different neighbourhoods across the City including downtown.”

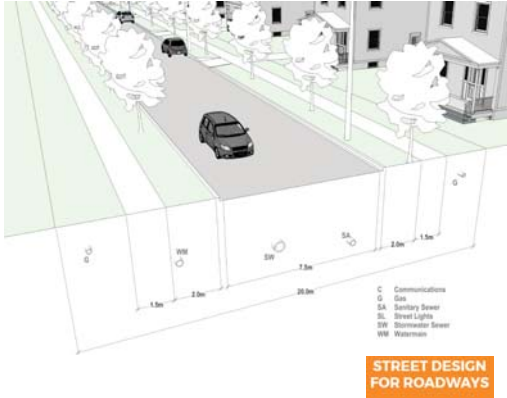


STREET DESIGN
FOR ROADWAYS

“ The variety of destinations along these corridors can generate significant volumes of walking trips ”



Example
Neighbourhood Street



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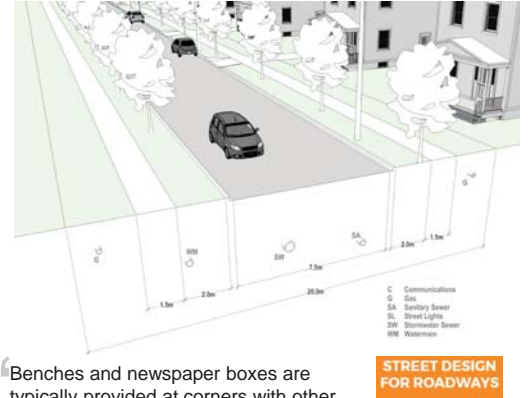
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Example
Neighbourhood Street

“Neighbourhood Streets are where most Londoners, including many families, live; enhancing the livability, sense of community, and the ability to age-in-place are important considerations.”

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“Benches and newspaper boxes are typically provided at corners with other major streets.”

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Contents:

1. Intersection Design Principles
2. Design Guidance for:
 - Rapid Transit Boulevard Intersecting a Main Street
 - Urban Thoroughfare intersecting a Civic Boulevard (Signalized)
 - Urban Thoroughfare Intersecting a Civic Boulevard (Roundabout)
 - Urban Thoroughfare Intersecting a Neighbourhood Connector
 - Civic Boulevard Intersecting a Neighbourhood Street

CHAPTER
5
STREET DESIGN FOR INTERSECTIONS

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Example
Rapid Transit Boulevard Intersecting a Main Street



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Example
Rapid Transit Boulevard Intersecting a Main Street

“The pedestrian clearway widens as the planter boxes and trees are discontinued, providing for greater ease of pedestrian movement and queuing.”

“Centre median design requires dedicated transit signals which use the same phasing as the through motor vehicle movement.”



STREET DESIGN FOR INTERSECTIONS



Contents:
(under development with City input)
1. Principles of Performance Metrics
2. Options for Measuring Complete Streets Performance

CHAPTER

6

MOVING FORWARD WITH COMPLETE STREETS



COMPLETE STREETS DESIGN MANUAL CITY OF LONDON

Next Steps

- Share Draft with Stakeholders and Finalize late summer 2018
- Education campaign
- Move towards a network of Complete Streets



Questions

GREEN LEGACY FEASIBILITY STUDY

PROJECT UPDATES

RECENTLY COMPLETED

- Business Case Modeling
 - All partner demand (~60,000 trees and shrubs per year by 2028)
 - TPS requires 44,000 trees/year on private land
 - No caliper variant
 - No fruit trees variants
- Infrastructure Analysis

INFRASTRUCTURE ANALYSIS:

- Several prospective facilities identified
- Urban areas rarely get to have growing facilities of their own due to cost of land
- Partners at table have space potentially available
 - Fanshawe Conservation Area
 - Westminster Ponds Centre
- Space needs overwhelmingly driven by caliper trees
- If we explore “Missouri Gravel Beds”, may even be capacity to deliver (slightly smaller) caliper stock in a small space

BUSINESS MODELLING:

- Ability to model a number of different scenarios
 - Different sizes, quantities of trees
 - Different ages of trees
 - Allows edits to material costs, spacing, etc.
- Calculates:
 - Capital costs
 - Operating costs
 - Land and space requirements
 - 60,000 trees = 297,000 in stock (supply for current + future years), 12 acres of land

PRIVATE SECTOR LIMITATIONS

- There are currently **no major growers** in London
 - Growing our own trees here can provide **job creation** as well as **volunteer and educational opportunities** in our community
- Generally speaking, private sector **cannot use unpaid volunteers**
 - If a private business owner making money off them, they have to be paid
 - Small exception currently available for high school co-op students (though “spirit” of this could be debated)

OTHER PRIVATE SECTOR NOTES

- Demand in SWO is generally high and likely to increase as climate change progresses (extremely low risk of putting anyone out of business)
- ReForest London and City have both experienced problems with substitutions (a sign that suppliers have been unable to keep up with demand)
- Identifying ways to continue to engage private sector will be part of final report: B&B caliper trees (or bareroot stock to supply MGBs) both good potential options (plus pots, soil, etc.)

MAJOR BENEFITS

- A Green Legacy initiative in London would....
 - **Double** our ability to secure/purchase trees (or halve our cost)
 - Involve **thousands of students** each year
 - Serve as its own advertising tool to **landowners** (people who have been involved in growing more likely to want to plant, also the “feel good” aspect)
 - Growing is only half the battle!

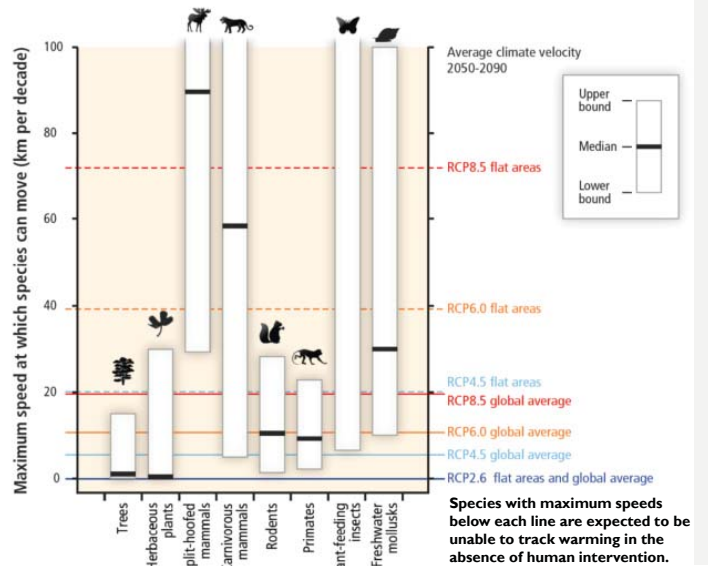
MAJOR BENEFITS

- A project like this could be seen as both **city-building** and **community-building**
 - Building space provides opportunity for other environmental programming, workshops, signage, etc.
 - Programming provides opportunity for many different types of organizations, their members, and residents, to come together to achieve a public good



PRECEDENT...

- Wellington County's program
- Cities of Detroit, Calgary, and others grow their own trees
- Nobel Peace Prize winning "Green Belt" initiative



AND NECESSITY

- Not a single country in the world is currently on track to meet it's Paris commitments, which were crafted based on how much we could emit and still hold temperatures to 2 °C (actual target)/1.5 °C (aspirational)
 - World is on track for 3°C warming (probable runaway scenario)
- Last UN-IPCC report did not include any permafrost data
 - Permafrost GHGs are double what is currently in atmosphere

WHERE DO WE GO FROM HERE?

- We must find ways to slow climate change and keep up with what change is occurring
 - “Pay as you go” approach unsustainable
 - B.C. wildfires
 - Victory gardens
- For urban and rural communities, Wellington model shows considerable promise

WHERE DO WE GO FROM HERE?

- Next steps:
 - Partner-Specific Benefits & Priorities Analysis
 - Final Report & Operations Manual (August)
 - Dissemination
- Team will be preparing recommendations including a “go/no-go” recommendations for the report
- Possibility of pursuing a 1 year OTF-Transform grant specific to convening to expand discussions to other groups (especially social services)

ANY QUESTIONS?



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: City of London
Hamilton Road Area CIP Forgivable Loan Program
Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the Hamilton Road Area CIP Forgivable Loan Program, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 26, 2018 to adopt a by-law to establish financial incentive programs including forgivable loans for the Hamilton Road Area community improvement project area.

Executive Summary

Summary of Request

Municipal Council directed the Civic Administration to report back with amendments to the Hamilton Road Area Community Improvement Plan to implement the forgivable loan programs, similar to those provided in the downtown and Old East Village, within the Hamilton Road Area community improvement project area.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to introduce the Façade Improvement Loan program and the Upgrade to Building Code program, including a forgivable component, for the Hamilton Road Area community improvement project area. Appendix "A" contains the detailed guidelines on how the loan programs will operate including the Targeted Area and Targeted Uses for properties to be eligible for the forgivable loans. Properties outside the Targeted Area but still within the Hamilton Road Corridor as defined by the Community Improvement Plan remain eligible for the standard non-forgivable loan programs.

Rationale of Recommended Action

The introduction of forgivable loans for a targeted area within the Hamilton Road Corridor will help to achieve the vision and objectives of the Hamilton Road Area Community Improvement Plan.

Discussion

1.0 Background

The Hamilton Road Area Community Improvement Plan (CIP) was developed through a two-year community engagement process. In March 2018, Municipal Council adopted the CIP and the area within which the CIP applies known as the community improvement project area.

Overlapping with the creation of the Hamilton Road Area CIP, the Civic Administration undertook an extensive CIP Service Review in 2016 and 2017. The CIP Service Review made recommendations on future financial incentive programs for the Hamilton Road Area CIP. As a result, the Hamilton Road Area CIP was considered for the Upgrade to Building Code Loan and the Façade Improvement Loan, excluding the forgivable component. Through the preparation of the CIP, the Hamilton Road Corridor as defined

in the CIP (Bathurst Street to Highbury Avenue) was found to be in need of incentives to help improve the commercial and residential building stock and to help reduce vacancies along the Corridor.

In March 2018, the Civic Administration brought forward a recommendation to adopt financial incentive program guidelines that outlined how the two loan programs operate. At the Planning and Environment Committee (PEC) meeting, a request was made that the inclusion of forgivable loans, similar to those found in downtown and the Old East Village, also be made available to the Hamilton Road Area. This request was approved in principal and the Civic Administration was directed to return to the PEC with amendments to the financial incentive program guidelines to implement forgivable loans for the Hamilton Road Area. The relevant clauses of the March 27, 2018 Municipal Council resolution are provided below.

At its meeting held on March 27, 2018, Municipal Council resolved:

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application by The Corporation of the City of London, relating to a Community Improvement Plan for the Hamilton Road Area:

- f) that forgivable loans similar to those provided in downtown and Old East Village BE APPROVED IN PRINCIPLE for the Hamilton Road Community Improvement Area, it being noted that the balance of the Community Investment Reserve Fund is sufficient to cover the estimated budget of \$118,000 for 2018 and 2019; and,*
- g) the Civic Administration BE DIRECTED to report back to the Planning and Environment Committee with amendments to the Hamilton Road Community Improvement Area to implement forgivable loans;*

It should be noted that no amendments are required to the Hamilton Road Area CIP or the Hamilton Road Area community improvement project area. Instead, the inclusion of forgivable loans as a financial incentive program are addressed through the establishment of the financial incentive guidelines and the adoption of its related by-law (Appendix "A").

2.0 Forgivable Loans

Community Improvement Plan Loan Programs

The City of London offers two loans programs through Community Improvement Plans: Façade Improvement and Upgrade to Building Code. The Façade Improvement Loan is intended to support the maintenance, improvement, and beautification of the exterior appearance of buildings and to encourage reinvestment in the Hamilton Road Area. The Upgrade to Building Code Loan program is intended to assist property owners with the financing of building improvements that are often necessary to ensure older buildings comply with current Building Code and Fire Code requirements, as well as address safety issues.

The Façade Improvement loan is issued to cover the lesser of:

- 50% of the cost of the eligible work per building;
- A maximum of \$50,000 per building.

The Upgrade to Building Code loan is issued to cover the lesser of:

- 50% of the cost of the eligible work per building;
- A maximum of \$200,000 per building.

Both loans are interest free and are amortized over a 10-year period. Loan repayment begins six months after the advancement of the loan cheque.

An application is submitted for each loan program by the applicant and approved by Planning Services staff. If approved, the City issues a Commitment Letter to the applicant outlining the committed loan amount and details on the loan programs.

Forgivable Loans – What Are They, How Are They Different, and How Do They Work?

Forgivable loans offer an extra incentive to property owner to invest in their properties by granting back a portion of the annual loan repayments over the 10-year amortization period. The terms of the loan (for example: maximum loan amount, repayment schedule, and zero interest) remain the same as the standard loan. Besides the grant portion, the major difference is the introduction of a Targeted Area (also known as the Targeted Incentive Zone) for forgivable loans and Targeted Uses.

Forgivable loans only apply to a defined Targeted Area within the community improvement project area. This area is determined by Staff in consultation with the local business association or BIA. A list of Targeted Uses is also created. For a property to be eligible for a forgivable loan it must have a Targeted Use occupying the ground floor of the building. The use must be permitted under the Zoning By-law and must have a key role in achieving the goals of the Business Association/BIA, the Community Improvement Plan, the London Plan, and any other current or future plan that provides direction on the growth and development of the defined area. The Targeted Area and Targeted Uses for the Hamilton Road Corridor are discussed in more detail in Section 3.0.

The grant portion of a forgivable loan is calculated on an annual basis. For the Façade Improvement Loan, a maximum of 25% of the annual loan repayments is forgivable. For the Upgrade to Building Code Loan, a maximum of 12.5% of the annual loan repayments is forgivable.

The following scenario offers an example of how a Forgivable Façade Improvement Loan works:

The applicant (“Ms. Smith”) applies for a Façade Improvement Loan prior to beginning construction on her building. Ms. Smith works with the local BIA/BA representative to submit a complete loan application to Planning Services including an application form, façade drawing, and two comparable quotations for the eligible work. The lowest provided quotation is for \$125,000. Planning Services staff review the application and proposed façade improvements, verify that the property is located in the Targeted Area, and because the application is approved, issue a Loan Commitment Letter to Ms. Smith for the maximum loan amount of \$50,000. After receiving any necessary approvals (for example, a Building Permit) she now proceeds with the work. Ms. Smith completes the façade improvement work and pays her contractors in full. Ms. Smith provides proof of payment to Planning Services staff. Finally, staff review the finished improvements to ensure they are complete and in keeping with what was approved.

After staff confirm the work was completed as approved, the loan can now be processed and loan agreement signed. Staff complete their due diligence and issue a \$50,000 loan cheque to Ms. Smith in March 2018 with the following terms:

- Loan Amount: \$50,000;
- Monthly payment: $\$50,000 / 114 \text{ payments} = \438.60 ;
- Interest Rate: 0%;
- Loan Issue Date: March 2018;
- Repayment Start Date: September 2018.

In 2018, Ms. Smith makes four loan payments (September to December) for a total of \$1,754.40.

In the first quarter of 2019, Planning Services staff send Ms. Smith a letter for her to complete and return to confirm that the ground floor of her property was actively occupied from September to December and to identify what business or use was occupying the ground floor. Staff review the letter to confirm if the use is a Targeted Use as defined in the program guidelines. If so, Ms. Smith is issued a grant cheque for \$438.60 (25% of her annual repayment).

In 2019, Ms. Smith would make 12 monthly payments for a total of \$5,263.20 and if the ground floor of her property continues to be actively occupied by a Targeted Use, she would receive a grant for \$1,315.80 in the first quarter of 2020.

This pattern continues annually for the duration of the loan.

If the ground floor of the property is vacant or does not contain a Targeted Use, the property owner is not eligible for the grant. If the ground floor of the property is vacant or does not contain a Targeted Use for only a few months of a year, the grant is pro-rated based on the number of months the ground floor was occupied by a Targeted Use.

It should be noted that the above scenario is an example and is a condensed version of the process for illustrative purposes.

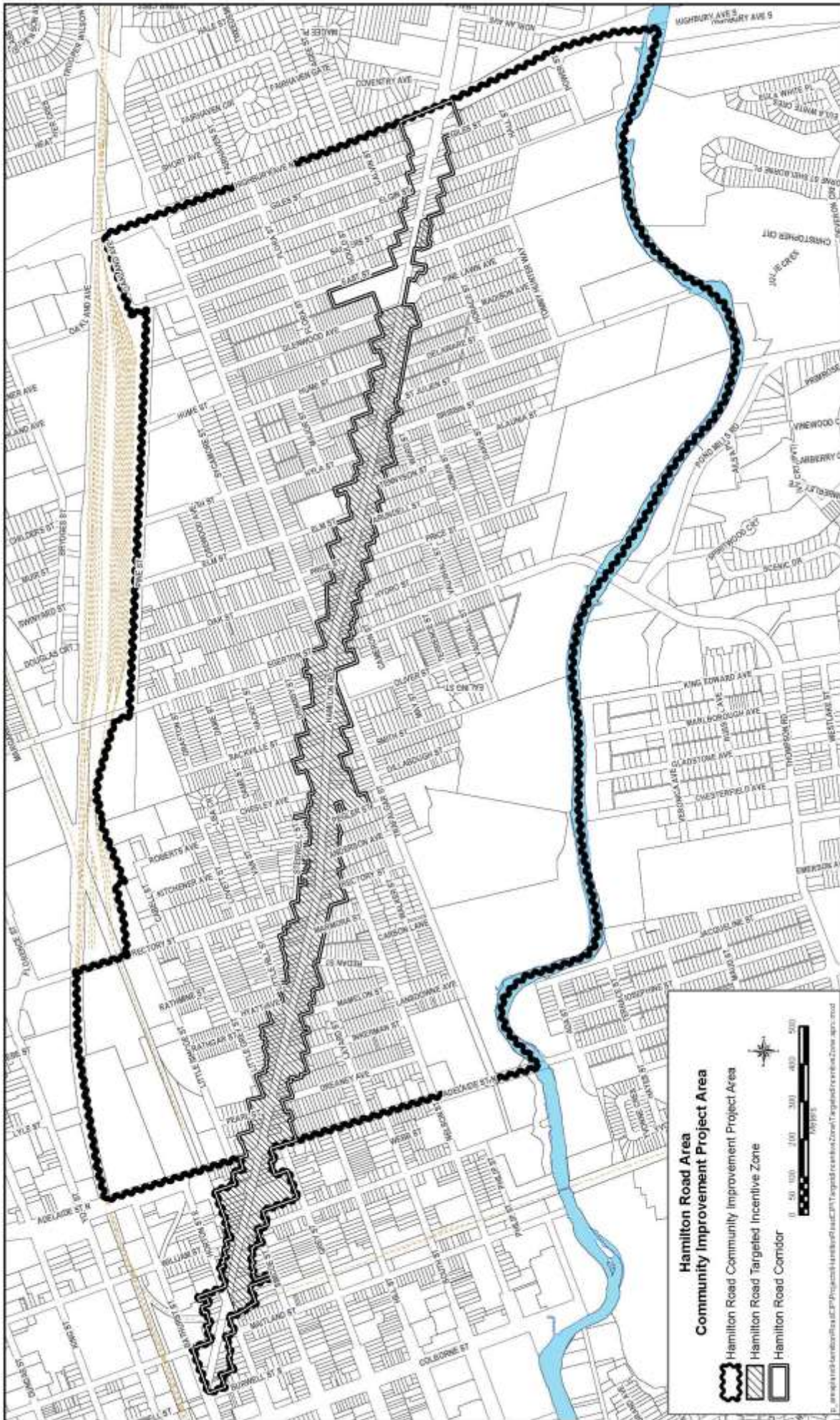
3.0 Hamilton Road Area CIP Forgivable Loans

Targeted Area (Targeted Incentive Zone)

As explained in Section 2.0, for a property to be eligible for a forgivable loan it is required to be in the Targeted Area.

Figure 1 identifies the recommended Targeted Area for forgivable loans along the Hamilton Road Corridor:

Figure 1 - Targeted Area for Forgivable Loans



Generally the Targeted Area is the Hamilton Road Corridor between Horton Street and Pine Lawn Avenue, as well as the properties on the south side of Hamilton Road between East Street and Sanders Street.

The Targeted Area has the highest concentration of commercial properties in the corridor and would benefit the most from the availability of forgivable loans.

Properties within the Hamilton Road Corridor but outside the Targeted Area are still eligible to receive the standard Façade Improvement or Upgrade to Building Code Loan; however, these properties are not eligible for the forgivable component.

Targeted Uses

As explained in Section 2.0, for a property to be eligible for a forgivable loan it is required to have the ground floor actively occupied by a Targeted Use.

Table 2 in Appendix “A” outlines the uses permitted along the Hamilton Road Corridor and if they are targeted or not-targeted for forgivable loans. It should be noted that not all the uses listed in the table are permitted on all properties within the Corridor. The Zoning By-law Z.-1 establishes what uses are permitted on a specific property. If a use is not listed in the table and is approved for the Hamilton Road Corridor through a Zoning By-law Amendment application or related process, the Managing Director, Planning and City Planner or designate will make the determination if that use is a Targeted Use.

The uses that were selected as being Targeted Uses help support the vision and objectives of the Hamilton Road Area Community Improvement Plan, particularly, to build upon the success of the local small businesses and restaurants to create a healthy, vibrant, and mixed-use main street. In other words, the forgivable loans are targeted towards uses that will encourage multi-residential living, walking, shopping, and eating along Hamilton Road.

Both the Targeted Area and the Targeted Uses have been reviewed by the Hamilton Road Area Business Association.

Affordable Housing

Though not explicitly listed as a Targeted Use for forgivable loans, the provision of affordable housing is desired on the upper floors of mixed-use buildings along Hamilton Road. To assist in this initiative, dwelling units above the first floor is listed as a Targeted Use in Table 2 in Appendix “A”. Working with the London Housing Development Corporation, property owners along Hamilton Road may be eligible for programs that encourage the provision of affordable housing.

4.0 Financing

As identified in clause f) of the March 27, 2018 Municipal Council Resolution (see section 1.0 of this report for the relevant portions of the resolution), the funding for the Hamilton Road Area forgivable loan programs will come from the Community Investment Reserve Fund, with up to \$118,000 budgeted for 2018 and 2019.

5.0 Conclusion

Initially the Hamilton Road Area Corridor was only considered for the standard Façade Improvement Loan program and Upgrade to Building Code loan program; however, at the direction of Municipal Council, the Civic Administration has prepared financial incentive guidelines that include forgivable loans for the Hamilton Road Corridor similar to those provided in downtown and Old East Village.

The Hamilton Road Area Financial Incentive Guidelines are attached as Appendix “A”. The Guidelines outline in detail how the loan programs will operate and in what area of the Hamilton Road Area community improvement project area. For the forgivable loans, a Targeted Area (Targeted Incentive Zone) and Targeted Uses are identified that support the vision and objectives of the previously adopted Hamilton Road Area Community Improvement Plan.

**File: Hamilton Road Area CIP Forgivable Loan Program
Planner: G. Bailey**

Prepared by:	Graham Bailey, MCIP, RPP Planner II, Urban Regeneration
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

June 4, 2018
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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. C.P.- _____

A by-law to establish financial incentives
for the Hamilton Road Area Community
Improvement Project Area.

WHEREAS by subsection 28(2) of the *Planning Act*, the Council of a municipal corporation may, by by-law, designate the whole or any part of an area as a community improvement project area;

AND WHEREAS by subsection 28(4) of the *Planning Act* enables Council of a municipal corporation to adopt a community improvement plan for the community improvement project area;

AND WHEREAS the Official Plan for the City of London contains provisions relating to community improvement within the City of London;

AND WHEREAS the Municipal Council of The Corporation of the City of London adopted By-law C.P.-1522-112 to designate the Hamilton Road Area Community Improvement Project Area;

AND WHEREAS the Municipal Council of The Corporation of the City of London adopted By-Law C.P.-1523-113 to adopt the Hamilton Road Area Community Improvement Plan;

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

1. The Hamilton Road Area Financial Incentive Program Guidelines attached hereto as Schedule 1 is hereby adopted;
2. This By-law shall come into force on the day it is passed.

PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 26, 2018
Second Reading – June 26, 2018
Third Reading – June 26, 2018

Schedule 1

**Hamilton Road Area Community Improvement Plan –
Financial Incentive Program Guidelines**

The program guidelines provides details on the financial incentive programs provided by the City of London through the Hamilton Road Area Community Improvement Plan (CIP), which includes:

- Façade Improvement Loan Program (including non-street façades);
- Upgrade to Building Code Loan Program.

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How to Read this Document

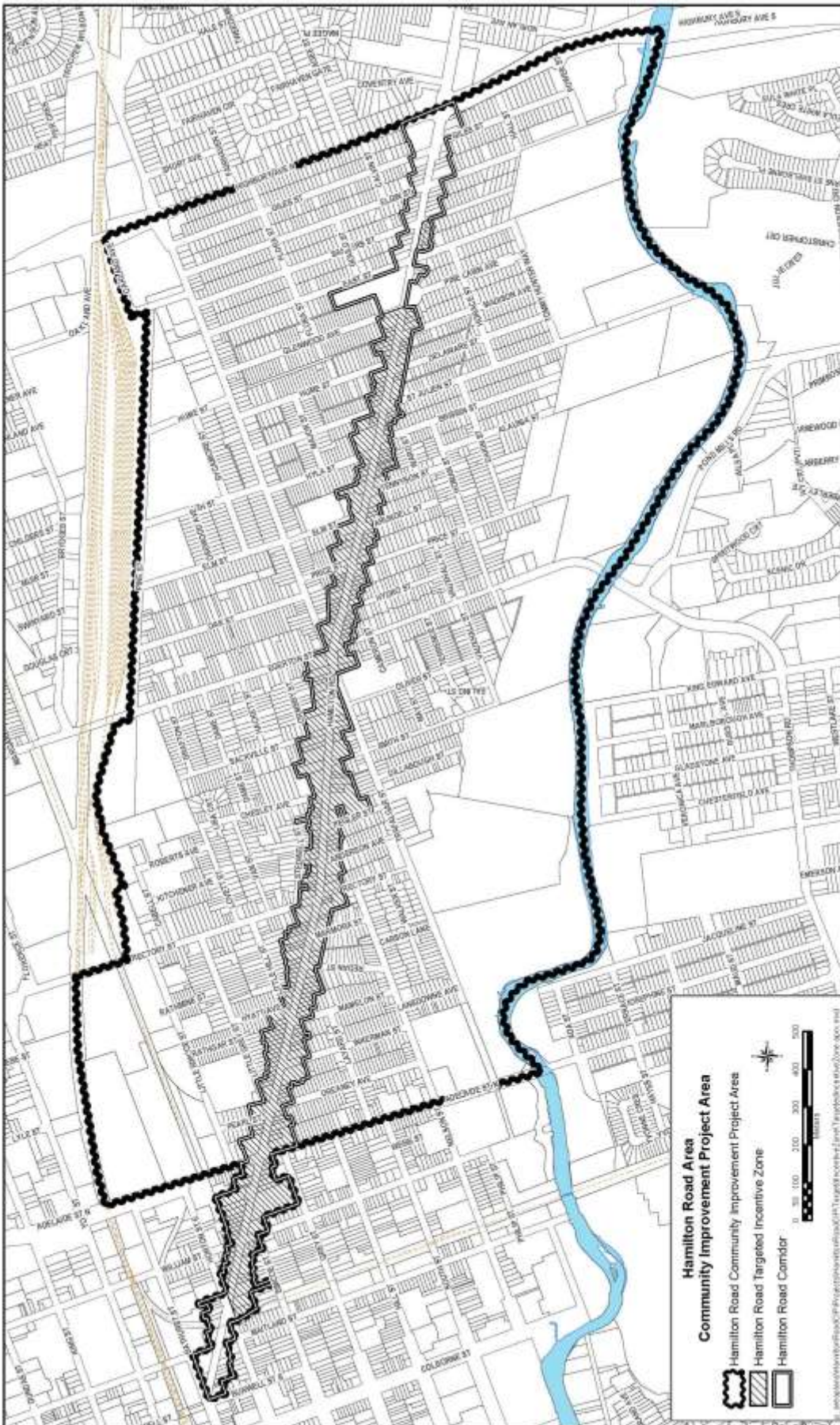
Each of the financial incentive programs has its own specific Purpose, Program Objectives and Eligible Improvements. There are many areas of each program that are the same including Definitions, Eligibility Criteria, Targeted & Non-Targeted Uses, Appeal of Refusal Section, Relationship to other Financial Incentive Programs, as well as Monitoring & Discontinuation of Programs.

Therefore, the program guidelines are arranged so that information respecting all programs is stated once and details specific to individual programs are outlined in the program specific sections.

Further, the document helps to identify what the responsibility of each stakeholder is in the incentive program process. The initials **PO** indicate the property owner (or agent acting on behalf of the property owner) is responsible for completing that task or action, whereas **CL** indicates that a City of London staff member is responsible.

PO – Check the map to locate your property in the Hamilton Road Area Community Improvement Project Area – Hamilton Road Corridor Sub-project Area. After verifying the property location on the map, check Table 1 to verify what programs may apply. Then proceed to review the rest of the program guidelines or use the Table of Contents to skip directly to a program to learn more about it and its eligibility information.

Map 1 – Hamilton Road Area Community Improvement Project Area



Only properties located in the Hamilton Road Corridor Sub-project Area are eligible for financial incentives. Properties located in the Targeted Area may be eligible for Forgivable Loans.

Table 1 – Financial Incentive Programs offered in the Hamilton Road Corridor Sub-project Area

Financial Incentive Program	Hamilton Road Corridor (see Map 1)
Façade Improvement Loan	X
Forgivable Façade Improvement Loan	X
Upgrade to Building Code Loan	X
Forgivable Upgrade to Building Code Loan	X
Rehabilitation and Redevelopment Tax Grant	
Residential Development Charges Grant Program	

1. Definitions

Active Occupancy – The space being used by a business that is open, in operation and serving customers.

Annual Grant Amount – The annual grant is defined as the grant amount that would be given to the applicant in any one year of the ten-year grant period.

- For Tax Grant this means each property owner will be given ten annual grants and the annual grant amount will change over this period depending upon year and grant level;
- For Forgivable Loans this means the amount that would be given each year based on the *Yearly Grant Value* set out in the agreement and *Pro-rated Yearly Grant Percentage* which is based on ground floor occupancy;
- For the Combined Development Charge (DC)/Tax Grant this means the amount that would be given to the applicant in any one year of the grant period. Each property owner will be given annual grants until such time as the value of Residential DCs have been repaid. The annual grant amount may change over the term of the grant period depending upon year and grant level.

Annual Grant Calculation – The annual grant for any single year will be calculated as follows, the *Annual Tax Increment* multiplied by the *Year/Level Factor*.

Annual Tax Increment – The incremental difference between the municipal portion of property taxes that would be paid for a full year before the improvement versus after the improvement. This can also be considered the tax increase that is directly related to the renovation or redevelopment project. This amount is fixed based on the tax rate at the time of pre-improved assessed value.

Annual Tax Increment Calculation – The annual tax increment will be calculated as follows, the annual taxes based on the post-improved assessed value less the annual taxes based on the pre-improved assessed value. This annual tax increment is fixed for the ten-year duration of the grant schedule. Changes to the tax rate, general reassessments or changes in tax legislation will not be considered for the purpose of calculating the annual tax increment.

Example:

Annual tax based on post-improved assessed value	\$100,000
- <u>Annual tax based on pre-improved assessed value</u>	<u>- \$25,000</u>
= <i>Annual Tax Increment</i>	= \$75,000

Approved Works – The materials, labour and/or effort made to improve a property that are determined to meet eligibility criteria under the incentive program requirements.

**File: Hamilton Road Area CIP Forgivable Loan Program
Planner: G. Bailey**

Applicant – The person who makes a formal application for a financial incentive program offered through the City's Community Improvement Plans. The person may be the owner of the subject property, or an agent, including a business owner who is occupying space on the subject property or contractor who has been retained to undertake improvements on the subject property. If the *Applicant* is not a registered owner of the property subject to the incentive program the *Applicant* will be required to provide authorization in writing from the registered owner as part of a complete application.

Calendar Year – The 12 months of the year commencing January 1 and ending December 31.

Commitment Letter – A document prepared by the City of London outlining its agreement with a property owner, to provide a future financial incentive – loan(s) and/or grant(s) – to a property owner, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of approved works that the property owner will undertake in order to receive the grant or loan.

Complete Application – Includes a completed application form for financial incentive program(s) with the property owner(s) signature and date, which is accompanied by:

- Complete drawings of the works to be undertaken (including a façade drawing for façade projects);
- Itemized list of specific improvements;
- Two (2) comparable quotations by qualified contractors showing cost estimates for each of the proposed works which are required to be included in the incentive program. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required);
- A cover letter that summarizes the work to be completed and summarizes the provided quotations;
- A signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications;
- A copy of the Building Permit (if required);
- A copy of the Heritage Alteration Permit (if required);
- Any other information that may be deemed necessary by the Managing Director of Planning and City Planner, or designate.

Development Charge – Means any Development Charge (DC) that may be imposed pursuant to the City of London's Development Charge By-law under the Development Charges Act, 1997.

Discrete Building – Means any permanent structure which is separated from other structures by a solid party wall and is used or intended to be used for the shelter, accommodation, or enclosure of persons. To be a discrete building, the structure will have a distinct municipal address.

Dwelling unit – Means a suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.

First storey – The storey that has its floor closest to grade and its underside of finished ceiling more than 1 .8m above the average grade.

**File: Hamilton Road Area CIP Forgivable Loan Program
Planner: G. Bailey**

Grant Cap – The maximum amount of money that the City will provide as a grant back to the property owner.

Maximum Yearly Grant Value – Grant values are established in the payment schedule which is included in the agreement between the City and the property owner. With respect to the forgivable loans the annual grant equals the yearly loan repayments multiplied by a percentage, to a *Grant Cap*, as shown below:

Program	Loan Amount	Forgivable Loan Portion	Considerations for Yearly Grant
Upgrade to Building Code	\$200,000 maximum	The lesser of a maximum of \$25,000 or 12.5% of the loan is eligible to be paid back in the form of grants over the term of the loan	- Number of payments made in the previous <i>Calendar Year</i> - Number of months the main floor was actively occupied with a targeted use in previous <i>Calendar Year</i>
Façade Improvement	\$50,000 maximum	The lesser of a maximum of \$12,500 or 25% of the loan is eligible to be paid back in the form of grants over the term of the loan	- Number of payments made in the previous <i>Calendar Year</i> - Number of months the main floor was actively occupied with a targeted use in previous <i>Calendar Year</i>

Municipal Portion of Property Tax – For the purposes of the Tax Grant program, property taxes refer only to the municipal portion of the property taxes paid, and does not include such charges/taxes/levies as education, water, sewer, transit or phase-in.

Non-Targeted Area – Lands within the Hamilton Road Area Community Improvement Plan Project Area which are eligible for incentive programs however are not eligible for consideration of Forgivable Loans.

Non-Targeted Uses – The use occupying the ground floor of a building which is permitted under the land use zone but not listed as a targeted use. Please refer to Section #2 for a full list of *Targeted* and *Non-Targeted Uses*.

Post-Improved Assessed Value – For the purpose of calculating the *Annual Tax Increment*, the *Post-Improved Assessed Value* of the property will be established based on:

- i. Completion of the project as identified by the applicant; and
- ii. Completion of the reassessment of the property by the Municipal Property Assessment Corporation (MPAC) such that the work done at the project completion date (defined in i. above) is recognized. Note: Receiving the *Post-Improved Assessed Value* from MPAC may take one to two years or longer.

Pre-improved Assessed Value – For the purpose of calculating the *Annual Tax Increment*, the pre-improved assessed value of the property will be established as the earlier of the following:

- i. Date of application for building permit;
- ii. Date of application for demolition permit; or

- iii. Date of application for the Rehabilitation and Redevelopment Tax Grant Program.

Future increases in taxes that may be phased in AFTER the *Post-Improved Assessment Date* (as defined above) will not be eligible for grant calculation.

Pro-rated Yearly Grant Percentage – The percentage of months in the *Calendar Year* where the ground floor is actively occupied by a targeted use and can be used in calculating the value of a yearly grant payment on the forgivable portion of a loan.

Rehabilitation Project – For the purpose of the incentive programs shall mean the restoration or reconstruction of buildings, structures or parts thereof to modern building standards without the removal of the building or structure from the lot.

Redevelopment Project – For the purpose of the incentive programs shall mean the development of lands, which are vacant, planned for demolition, in part or in whole, or which will have the building or structure removed from the lot.

Relevant Tax Class Rate – For the purpose of the incentive program means the applicable tax class as of the date of the corresponding grant year.

Targeted Area – Lands within a defined area of the Hamilton Road Area Community Improvement Plan Project Area which are eligible for the consideration of Forgivable Loans.

Targeted Uses – The use occupying the ground floor of a building which is permitted under the land use zone and has a key role in achieving the goals of the City's Strategic Plan, the Business Improvement Area, the Community Improvement Plan, and any other current or future related plans. Please refer to Section #2 for a full list of *Targeted* and *Non-Targeted Uses*.

Year 1 – The first full calendar year that taxes are paid after the project is completed and reassessed. This becomes the first of the ten years of grant payments.

Yearly Grant Value – Means the amount of money granted back to the applicant which may change from year to year based on the calculation of the *Yearly Loan Repayments* multiplied by 25% (for Façade Improvement loan) or 12.5% (for Upgrade to Building Code loan) to give the *Maximum Yearly Grant Value* that is multiplied by the *Pro-rated Yearly Grant Percentage*.

Example (Upgrade to Building Code Loan with the ground floor occupied for six months of the *Calendar Year*):

Yearly Loan Repayments multiplied by 12.5% = *Maximum Yearly Grant Value*

\$60,000 x 12.5% = \$7,500

Maximum Yearly Grant Value multiplied by *Pro-rated Yearly Grant Percentage* = *Yearly Grant Value*

\$7,500 x 50% = \$3,750

Yearly Loan Repayments – The total value of the loan payment made by the applicant to the City in a *Calendar Year*. The loan agreement includes a loan schedule which provides details on the terms of loan including when loan repayment begins as well as the amount of monthly repayments.

Year/Level Factor – The following tables illustrate the *Year/Level Factor* that is used for each of the Tax Grant levels. The appropriate table will be populated based on the *Annual Tax Increment Calculation* and the *Annual Grant Calculation* and will be included as part of the Grant Agreement between the property owner and the City of London:

Part IV Heritage Designated		Existing Buildings		Vacant or Cleared Land	
Year	Level 1	Year	Level 2	Year	Level 3
1	100%	1	70%	1	60%
2	100%	2	70%	2	60%
3	100%	3	60%	3	50%
4	90%	4	50%	4	40%
5	80%	5	40%	5	30%
6	70%	6	30%	6	20%
7	60%	7	20%	7	10%
8	50%	8	10%	8	10%
9	40%	9	10%	9	10%
10	30%	10	10%	10	10%

2. Table 2 - List of Targeted & Non-Targeted Uses

Permitted Uses within the Hamilton Road Corridor	Targeted	Non-Targeted
Accessory dwelling units	X	
Animal hospitals	X	
Apartment buildings	X	
Artisan Workshop	X	
Assembly halls		X
Automobile body shops		X
Automobile repair garages	X	
Automotive uses, restricted		X
Bake shops	X	
Bakeries	X	
Brewing on Premises Establishment	X	
Building or contracting establishments		X
Business service establishments	X	
Campground		X
Catalogue stores	X	
Cemeteries		X
Clinics	X	
Commercial recreation establishments	X	
Community centres	X	
Conservation lands		X
Conservation works		X
Continuum-of-care facilities	X	
Convenience service establishments	X	
Convenience stores		X
Converted dwellings		X
Craft Brewery	X	
Cultivation of land for agricultural/horticultural purposes		X
Custom workshop	X	
Day care centres	X	
Donation Centre	X	
Dry cleaning and laundry plants		X
Duplicating shops		X
Dwelling units, above the first floor	X	
Dwelling units, together with any other permitted uses	X	
Elementary schools	X	
Emergency care establishments	X	

**File: Hamilton Road Area CIP Forgivable Loan Program
Planner: G. Bailey**

Permitted Uses within the Hamilton Road Corridor	Targeted	Non-Targeted
Existing dwellings		X
Existing industrial uses		X
Existing Self-storage establishments		X
Financial institutions	X	
Fire stations	X	
Florist shops	X	
Food stores	X	
Food, tobacco and beverage processing industries		X
Funeral homes	X	
Golf courses		X
Group Home Type 2	X	
Handicapped person's apartment buildings	X	
Home and auto supply stores	X	
Hostels		X
Institutions	X	
Laboratories	X	
Libraries	X	
Lodging house class 2	X	
Managed forest		X
Manufacturing and assembly industries		X
Medical/dental laboratories	X	
Medical/dental offices	X	
Nursing homes	X	
Offices support	X	
Offices	X	
Paper and allied products industries		X
Personal service establishments	X	
Pharmaceutical and medical product industries		X
Places of Worship	X	
Police station	X	
Printing establishments	X	
Printing, reproduction and data processing industries		X
Private clubs	X	
Private parks		X
Private Schools	X	
Public Parks	X	
Recreational buildings		X
Recreational golf courses		X
Repair and rental establishments		X
Research and development establishments	X	
Rest homes	X	
Restaurants, eat-in	X	
Restaurants	X	
Retail stores	X	
Retirement lodges	X	
Schools	X	
Senior citizen apartment buildings	X	
Service and repair establishments	X	
Services trades	X	
Single detached dwelling		X
Stacked townhouses	X	
Studios	X	

Permitted Uses within the Hamilton Road Corridor	Targeted	Non-Targeted
Taverns	X	
Taxi establishments		X
Textile processing industries		X
Truck sales and service establishments		X
Video rental establishments		X
Warehouse establishments		X
Wholesale establishments		X

Any new use that is not listed in Table 2 but is permitted through a Zoning By-law amendment or other process will be deemed a Targeted or Non-Targeted use at the discretion of the Managing Director, Planning and City Planner or designate.

3. Eligibility Criteria for Financial Incentive Programs

Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Managing Director, Planning and City Planner, or designate.

To be eligible for any Financial Incentive Program, the applicant, property and project must meet all conditions detailed in this program description.

Property Owner Considerations

- The applicant must be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the applicant will be required to provide authorization in writing from the registered owner as part of a complete application;
- All mortgages and charges, including the subject financial incentive(s), must not exceed 90% of the post-rehabilitation appraised value of the property (i.e. the owner must maintain 10% equity in the property post-improvement);
- All City of London realty taxes must be paid in full when the loan and/or grant is issued and remain so for the lifetime of the loan and/or grant;
- The registered owner of the property must have no outstanding debts to the City of London;
- The property owner and/or applicant, must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation;
- The Financial Incentive Programs will not apply retroactively to work completed prior to the approval of the application by the Managing Director of Planning and City Planner, or designate.

Property Considerations

- The property must be located within the Hamilton Road Corridor Sub-project Area as identified in the Hamilton Road Area Community Improvement Project Area (see Map 1);
- There are not any City of London Building Division orders or deficiencies relating to the subject property at the time the loan or grant is issued;
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans (for example,

applications for an Upgrade to Building Code Loan, Facade Improvement Loan, and Tax Grant can be made at the same time).

Building Considerations

- Separate applications must be submitted for each *discrete building* (as defined) on a single property;
- The property must contain an existing buildings (occupied or unoccupied) located within an identified area for improvement under the Hamilton Road Area CIP (for the Residential Development Charge Grant & Tax Grant Programs, the property may also be vacant);
- Where the entirety of a multi-unit building, which contains separate units, are all under the same ownership, (or with condominium status) it will be considered as one building for the purpose of the incentive programs;
- Where a building is within a contiguous group of buildings, a *discrete building* will be interpreted as any structure which is separated from other structures by a solid party wall and a distinct municipal address;
- Each *discrete building* on each property is eligible for financial incentive programs;
- Each *discrete building* is eligible for multiple Upgrade to Building Code loans provided the total of all loans do not exceed the maximum amount allowable under the program guidelines (\$200,000), additional Upgrade to Building Code loans may be considered after the previous loan(s) is repaid;
- Each *discrete building* is eligible for multiple Façade Improvement loans provided the total of all loans do not exceed the maximum amount allowable under the program guidelines (\$50,000), additional Façade Improvement loans may be considered after the previous loan(s) is repaid;
- Each property is eligible for a Rehabilitation and Redevelopment Tax Grant;
- Each *discrete building* is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans (for example applications for an Upgrade to Building Code Loan, Facade Improvement Loan, and Tax Grant can be made at the same time);
- There must be no City of London Building Division orders or deficiencies and no by-law infractions when the loan or grant is issued.

4. Application Process

Expression of Interest

PO – It is suggested to meet with Planning Services or the BIA if/when one exists regarding an expression of interest or proposal before any financial incentive application is made to the City of London. While Planning Services staff are often involved in meeting with the BIA and a property owner, no records are formally kept until a complete incentive application, accompanied by appropriate drawings and estimates, is submitted to Planning Services.

Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Managing Director, Planning and City Planner, or designate.

Consultation Phase

Step 1 – PO – The Applicant contacts the City of London and/or the BIA who will arrange a meeting to share ideas for the proposed project, information about incentive programs, provide application form(s), and assist with the application process. This meeting will also help to identify what permits or permissions may be required to complete the proposed improvement project. Consultation with an Urban Designer and/or Heritage Planner may be necessary. Where possible, the City will make appropriate staff available for this meeting, which is usually on site at the property where the proposed work is planned.

Applications made for financial incentive programs do not in any way replace the need for obtaining any necessary approvals. Prior to undertaking building improvements the property owner (**PO**) is required to obtain any necessary approvals and/or permits. Heritage Alteration Permits (for properties requiring them) will be required before financial incentive applications are accepted. Discussions with City staff and the BIA are encouraged early in the conceptual phase to ensure proposed façade improvements comply with City regulations and guidelines, and the proposed improvements are eligible under the incentive program criteria. Service London staff are also available to help with clarifying/applying for applicable permits.

Concept Phase

Step 2 – PO – A *Complete Application* (see Definition Section) for incentive programs is submitted to the City of London.

For the Tax Grant and Residential Development Charge Grant programs, the applicant must also obtain a building permit and make full payment of Residential Development Charges.

Residential Development Charge Grants are processed by Planning Services in conjunction with Development and Compliance Services (Building Division). Application to the Residential Development Charge (DC) Grant program is triggered when the full payment of Residential DCs is made to the Building Division. **PO – After making the DC payment, applicants must contact Planning Services to complete the application process.**

Step 3 – CL – City of London Planning Services Staff will review the application for completeness and inform the applicant in writing that either, more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the approved works, related costs, and monetary commitment that the City is making to the project. The letter will also state whether the commitment is for a Forgivable Loan. For the Residential DC Grant the residential DCs must be paid prior to the City's issuance of a *Commitment Letter*. For the Loan Programs, the City's commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted. **PO – Any subsequent changes to the project will require review and approval by appropriate City staff.**

Step 4 – CL – Planning Services Staff may visit the subject property and take photographs, both before and after the subject work is completed. When considering forgivable loans, staff will also confirm that the intended use meets the eligibility requirements of the program.

Construction Phase

Step 5 – PO – Having obtaining all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for approved works the applicant may start to undertake eligible improvements. With respect to the Residential DC Grant there is an additional requirement that the DCs have been paid.

Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Managing Director, Planning and City Planner, or designate.

Confirmation Phase

Step 6 – PO – The applicant will notify the City in writing (via letter or email) once the project is complete and the costs respecting those works are paid. For Loans the applicant will submit paid receipts (as proof of payment in full). Confirmation that related building permits are closed is also required so that the City may begin drafting an agreement. With respect to Tax Grant and Residential DC Grant, when the project is complete or following the re-assessment of the property, the applicant will notify Planning Services, in writing, that the project is complete for the purpose of calculating the *Post-Improved Assessed Value*.

Step 7 – CL – Before setting up any agreement Planning Services staff must ensure the improvements, as described in the City's *Commitment Letter* are completed and other criteria, as set out in the respective program guidelines, have been met. Generally speaking, this includes:

- Related costs, or bills respecting those approved works are paid in full;
- Related building permits are closed;
- The loan must be in good standing with no arrears owing;
- All City of London property taxes must be paid in full and the account deemed in good standing by the Taxation Division;
- There must be no outstanding debts to the City;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding Building Division orders or deficiencies against the subject property.

Step 7.i (Grants) – CL – Upon written notice from the applicant, Planning Services will request the City's Finance and Corporate Services Taxation Division to provide a grant schedule that establishes the value of the annual grant over the term of the grant program.

Step 7.ii (Grants) – CL – Upon request by Planning Services, the Finance and Corporate Services Taxation Division will establish a *Post-Improved Assessed Value*. To do this they will review the assessed value of the property and determine whether this is the final assessment relating to the completion of the renovation or development project. If this is not the final assessment, the Finance and Corporate Services Taxation Division will contact the Municipal Property Assessment Corporation (MPAC) and request that the final assessment be prepared.

Step 7.iii (Grants) – CL – The Finance and Corporate Services Taxation Division will prepare and note the annual tax increment for the purpose of calculating the grant schedule. The Finance and Corporate Services Taxation Division will then prepare a schedule for the first year that the new taxes were levied for the full year.

Step 7.iv (Grants) – CL – At the completion of the *Calendar Year*, Planning Services staff will ask Finance and Corporate Services Taxation Division staff to confirm that all taxes have been paid for that year and that the tax account is in good standing with a zero balance. Upon receiving confirmation, a grant agreement can be drafted.

Agreement Phase

Step 8 (Loans) – CL – Once the approved works are verified by Planning Services, staff will draft the loan agreement.

Step 8 (Grants) – CL – Once the eligible works are verified and the grant schedule is complete, Planning Services staff will draft the grant agreement and provide a draft copy of the grant agreement to the applicant for review.

Step 9 (Loans) – CL – Planning Services staff will request a cheque, and the Document General to place a lien on the property in the amount of the loan is prepared.

Step 9 (Grants) – CL – After the applicant has approved the grant agreement Planning Services staff can prepare two hard copies of the agreement to be signed.

Step 10 – CL – When all the documentation is ready Planning Services staff will contact the applicant to arrange for a meeting to sign the documents (and in the case of a loan, exchange a loan cheque for the first 12 post-dated repayment cheques provided by the property owner or applicant (**PO**)).

Full loan repayment can be made at any time without penalty. **PO** – To make a full or partial repayment above the standard monthly payment, please contact Planning Services or Accounts Receivable.

Step 11 – Planning Services staff will have two original copies of the agreement available for signing. One original signed copy is kept by the applicant and one is retained by the City.

PO – Please note that loan cheque distribution cannot occur in December due to financial year-end. Instead all loan cheques requested in the Agreement phase in December will be processed in January.

5. Financial Incentive Approval

Once all eligibility criteria and conditions are met, and provided that funds are available in the supporting Reserve Fund, the Managing Director, Planning and City Planner or designate will approve the incentive application. Approval by means of a letter to the applicant will represent a commitment by the City of London. Loan commitments will be valid for one year and will expire if the work is not completed within that time period. The Managing Director, Planning and City Planner may, at his/her discretion, provide a written time extension of up to one year. **PO – It is important to note that the consideration of such an extension will require a written request from the applicant detailing the reasons the extension is being sought.**

6. Additional Rehabilitation and Demolition

Additional work to the interior of the building can be undertaken without Planning Services approval subject to obtaining a building and/or heritage alteration permit, when required. The loan programs do not impose any specific restrictions on demolition except that any outstanding loan amount must be repaid to the City prior to the issuance of a demolition permit.

7. Inspection of Completed Works

The loan will be paid to the property owner (or designate) following City receipt of invoices for all completed work and after the City inspection of all completed improvements has taken place. The City will inspect the work completed to verify that the proposed improvements have been completed as described in the application.

8. Incentive Application Refusal and Appeal

If an application is refused, the applicant may, in writing, appeal the decision of the Managing Director, Planning and City Planner to the City Clerk’s Office who will provide direction to have the matter heard before Municipal Council through the Planning and Environment Committee.

9. Relationship to other Financial Incentive Programs

It is intended that the Loan and Grant Programs will complement other incentive programs offered by the City of London. Property owners may also qualify for financial assistance under those programs specifically detailed within the program guidelines. However, the funding from these programs cannot be used to subsidize the property owner’s share of the total cost of the loan programs property improvements.

10. Monitoring & Discontinuation of Programs

As part of the program administration Planning Services staff will monitor all of the financial incentive programs. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in Incentive Monitoring Reports which will be prepared to determine if programs should continue, be modified, or cease to issue any new commitments. Each program is monitored to ensure it implements the goals and objectives of the Community Improvement Plan within which the program applies. The City may discontinue the Financial Incentive Programs at any time; however, any existing loan or grant will continue in accordance with the agreement. A program’s success in implementing a Community Improvement Plan’s goals will be based on the ongoing monitoring and measurement of a series of identified targets that represent indicators of the CIP’s goals and objectives, as noted in the Program Monitoring Data section.

11. Program Monitoring Data

The following information will be collected and serve as indicators to monitor the financial incentive programs offered through the Hamilton Road Area Community Improvement Plan. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the CIP have been met.

Incentive Program	Monitoring Data
Façade Improvement Loan Program	<ul style="list-style-type: none"> - Number of Applications (approved and denied); - Approved value of the loan and the total construction cost (i.e. total public investment and private investment); - Pre-Assessment Value; - Total Value of Building Permit (if required); - Location of façade being improved (Street Front, Non-Street Front); - Post-Assessment Value; - Use Type (Targeted or Non-Targeted); - Increase in assessed value of participating property; - Total Loan Amount; - Number of forgivable loans; - Number of loan defaults; - Cost/Value of loan defaults.
Upgrade to Building Code Loan Program	<ul style="list-style-type: none"> - Number of Applications (approved and denied); - Approved value of the loan and the total construction cost (i.e. total public investment and private investment); - Pre-Assessment Value; - Total Value of Building Permit; - Post-Assessment Value;

Incentive Program	Monitoring Data
	<ul style="list-style-type: none"> - Use Type (Targeted or Non-Targeted); - Increase in assessed value of participating property; - Total Loan Amount; - Number of forgivable loans; - Number of loan defaults; - Cost/Value of loan defaults.
Tax Grant Program	<ul style="list-style-type: none"> - Number of Applications (approved and denied); - Pre-Assessment Value; - Total Value of Building Permit; - Level of Grant (Type 1, Type 2 or Type 3); - Post-Assessment Value; - Use Type (Targeted or Non-Targeted); - Number of residential units created; - Increase in assessed value of participating property; - Total Grant Amount; - Number of grant defaults; - Cost/Value of grant defaults.
Development Charge Program	<ul style="list-style-type: none"> - Number of Applications (approved and denied); - Pre-Assessment Value; - Total Value of Building Permit; - Number of residential units created; - Post-Assessment Value; - Type (Targeted or Non-Targeted Industrial) Use; - Increase in assessed value of participating property; - Total Grant Amount; - Number of grant defaults; - Cost/Value of grant defaults.

12. Activity Monitoring Reports

Annual Activity Reports will measure the following variables:

- Number of applications by type;
- Increase in assessment value of properties;
- Value of the tax increment (i.e. increase in property tax after the construction activity);
- Value of construction and building permits issued;
- Number of units created (by type, ownership/rental);
- Number and value of incentive program defaults;
- Ground floor occupancy rates within the CIP area where the program(s) is in effect.

COMMON PROGRAM INFORMATION SECTION ENDS HERE

INDIVIDUAL PROGRAM INFORMATION BEGINS NOW

13. Façade Improvement Loan Program

Façade Improvement Loan Program – Purpose

The Façade Improvement Loan Program is intended to assist property owners in identified community improvement project areas with façade improvements and to bring participating buildings and properties within the identified community improvement areas into conformity with the City of London Property Standards By-law. Through this program, the City provides a no interest 10-year loan. Loans will be issued to cover 50% of the cost of the eligible works to a maximum of \$50,000.

Façade Improvement Program – Objectives

The overarching goals of this Program are to:

- Support the maintenance, improvement and beautification of the exterior appearance of buildings in the Hamilton Road Area;
- Encourage reinvestment in the Hamilton Road Area;
- Help make the Hamilton Road Area environment interesting and aesthetically pleasing for residents, patrons and visitors alike;
- Bring participating buildings and properties into conformity with the City of London Property Standards By-law.

Façade Improvement Program – Eligible Works

Eligible works that will be financed through this program include improvements that are demonstrated to enhance the appearance of building exteriors in compliance with applicable Urban Design Guidelines. Examples of works that may be eligible under this program include:

- Exterior street front renovations;
- Portions of non-street front buildings, visible from adjacent streets. Non-street front visible portions may only be eligible for funding after the street front façade has been improved or street front improvements have been deemed unnecessary by the Managing Director, Planning and City Planner, or designate;
- Awnings that are affixed to the exterior street front of a building which are used to keep the sun or rain off a storefront, window, doorway, or sidewalk, and/or to provide signage for a commercial tenant;
- Business name signage that is affixed to the exterior street front of a building;
- Decorative lighting which is affixed to the exterior street front of a building that is ornamental and installed for aesthetic effect;
- Eaves troughs, rain gutters, soffits, fascia, bargeboard, and other materials that direct rain water;
- Doors, windows, and their finished framing;
- Professional fees for the preparation of drawings and technical specifications required for eligible works (limited to the lesser of a maximum of \$5,000 or 10% of the loan).

Note: A Heritage Alteration Permit is required for heritage designated properties in the Hamilton Road Area.

Façade Improvement Program – Works Not Eligible

The following provides examples, but not a complete list of works that are not eligible to be financed through this program:

- New stucco building materials;
- Back lit signs;
- Any other materials that at the discretion of the Managing Director, Planning, and City Planner, or designate, are deemed ineligible or inauthentic.

Façade Improvement Program – Loan Terms

- **A complete application must be received and a *City Commitment Letter* issued before any work can commence.**

Period

The loan will be interest free and will be amortized over a 10-year period.

Loan Amount

Loans will be issued to cover the lesser of:

- 50% of the cost of the eligible works per building;
- A maximum of \$50,000 per building.

While more than one *discrete building* on a single property may be eligible for a loan, loans will not exceed 50% of the cost of the eligible works that related to each *discrete building*.

More than one loan may be issued for each *discrete building* on each property, but the sum of these loans must not exceed the maximum loan amount of \$50,000 per *discrete building*.

Determination of Eligible Non-Street Front Façade Improvements

The Managing Director, Planning and City Planner or designate will decide when this program can be applied to a building façade that is not street facing. Typically this consideration is made when the street-front façade is deemed to be in compliance with applicable Urban Design guidelines and Building and Fire Codes.

Determination of Façade Improvements where there are Two Street Frontages

If a building has both the front and rear façade facing a municipal street (not a private street or a laneway), then the building is eligible for a Façade Improvement Loan for each unique street fronting façade. Further, if a building is on a corner property where two or more façades face a municipal street (not a private street or laneway), then the building is eligible for two or more Façade Improvement Loans. All façade designs must be deemed in compliance with applicable Urban Design guidelines and the Building and Fire Codes, to be eligible for loans.

Loan Distribution

The City will provide the applicant with one cheque in the full amount of the approved loan after: (1) the City has completed its due diligence to ensure the applicant and property remain eligible for the loan, (2) the Loan Agreement has been signed, and (3) the first 12 months of post-dated cheques (to be used for the first year repayment of the loan) are received. City of London Accounts Receivable staff will contact the applicant annually to request a supply of cheques in subsequent years. **PO** – The applicant will

notify the City about any changes to their banking arrangements and replace cheques as appropriate over the term of the loan. **The City will not provide partial loan amounts or progress payments.**

Loan Security and Postponement

Loans will be secured through the registration of a lien placed on property title for the total amount of the loan. Liens will be noted on the tax roll and will be registered and discharged by the City. The Managing Director, Planning and City Planner or designate may postpone the lien (subordination of a lien to another lien on the same property) which is given as security for the loan in circumstances where any of the registered mortgages are being replaced, consolidated or renewed and the total value of all mortgages and charges including the City's lien does not exceed 90% of the appraised value of the property.

Loan Agreement

Participating property owners in the financial incentive programs shall be required to enter into a loan agreement with the City. This agreement shall specify such items as (but not limited to) the loan amount, the duration of the loan, and the owner's obligation to repay the City for any monies received if the property is demolished before the loan period elapses. The agreement shall include the terms and conditions included in the program guidelines.

Repayment Provisions

Loan repayments will begin six months after the advancement of funds. Repayment of the loan will be on a monthly basis and does not include interest. The monthly payment amount will be calculated based on the total loan amount divided by **114 payments**. Full repayment can be made at any time without penalty.

Transferable Loans

At the discretion of the City, loans may be transferable to a new property owner providing that the new owner meets the eligibility criteria and agrees to the terms and conditions of the loan. The new owner must enter into a new loan agreement with the City for the outstanding loan value at the time of purchase. Otherwise, where the ownership is transferred the outstanding balance of the loan shall immediately become due and payable by the selling property owner.

Façade Improvement Program – Forgivable Loan – Grant Terms

Subject to the eligibility criteria detailed in the program guidelines, forgivable loans are set up to grant a percentage of the annual loan repayment back to the applicant over a 10-year period.

Forgivable Grant Amount

Where applicable, and if confirmed in the City's *Commitment Letter*, a portion of the Façade Improvement loan may be forgivable and paid back to the applicant in the form of a grant to cover the lesser of:

- A maximum of \$12,500; or
- 25% of the loan amount.

Annual Grant Value

Means the amount of money granted back to the applicant which may change from year to year based on the calculation of the *Yearly Loan Repayments* multiplied by 25% to give the *Maximum Yearly Grant Value* that is multiplied by the *Pro-rated Yearly Grant Percentage*.

For example:

\$50,000 Façade Improvement Loan

Yearly Loan Repayments = \$50,000 / 114 payments = \$438.60 / month x 12
monthly payments = \$5,263.20

Maximum Yearly Grant Value = \$5,263.20 x 25% = \$1,315.80

Maximum Yearly Grant Value multiplied by *Pro-rated Yearly Grant Percentage* =
Yearly Grant Value

\$1,315.80 x 50% (assumes ground floor was only occupied for 50% of the
Calendar Year) = \$657.90.

The grant value may differ from year to year based on targeted use occupancy. Grant amounts will be monitored to ensure the maximum Forgivable Grant Amount is not exceeded.

Grant Disbursement

PO – The disbursement of the grant requires action by the applicant. During the first quarter of the *Calendar Year* the City will send out an acknowledgment letter requesting that the applicant verify the number of actual months in which a targeted or non-targeted use actively occupied the ground floor of the building for the previous *Calendar Year*.

PO – To be eligible to receive the annual grant, the applicant must meet all conditions detailed in the program guidelines including:

- The loan must be in good standing with no arrears owing;
- All City of London realty taxes must be paid in full and the account deemed in good standing by the Taxation Division;
- There must be no outstanding debts to the City of London;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding City of London Building Division orders or deficiencies against the subject property;
- The acknowledgement letter is completed by the applicant and returned to City of London Planning Services.

Having confirmed that the applicant has met all conditions of the program guidelines, the annual grant can be disbursed. *Providing misleading information can result in the default of the balance of the loan and the forfeiture of the ongoing grant.*

14. Upgrade to Building Code Loan Program

Upgrade to Building Code Loan Program – Purpose

The Upgrade to Building Code Loan Program is intended to assist property owners with the financing of building improvements that are often necessary to ensure older buildings comply with current Building Code Requirements. The costs associated with these improvements frequently pose a major issue for building owners wanting to upgrade their properties. This issue is amplified in the Hamilton Road Area where much of the building stock is older and needs major rehabilitation. Through this program, the City provides a no interest 10-year loan for an eligible property. Loans will be issued to cover 50% of the cost of the eligible works to a maximum of \$200,000. In some locations (see the targeted incentive zone map for specific locations) a portion of these loans may be partially forgivable in the form of a grant from the City.

Upgrade to Building Code Loan Program – Objectives

The overarching goals of this Program are to:

- Support the maintenance, improvement, beautification, and viability of the historic building stock in the Hamilton Road Area;
- Encourage the development of residential units in older buildings through conversion and adaptive re-use;
- Support the development of distinctive, interesting and attractive commercial spaces in existing buildings to assist in the regeneration of the Hamilton Road Area;
- Help ensure that buildings are safe for residents, patrons, and visitors alike by meeting Ontario Building Code and Fire Code regulations;
- Bring participating buildings and properties into conformity with the City of London Property Standards By-law.

Upgrade to Building Code Loan Program – Eligible Works

Eligible works that will be financed through this program include improvements that are demonstrated to be necessary to meet Building and Fire Code requirements, address one or more health and safety issues, and accessibility and/or environmental sustainability issues. Examples of works that may be eligible under this program include:

- The installation or alteration of fire protection systems such as sprinklers, stand pipes, fire alarms, emergency power, lighting, and exit signs;
- Installation or alteration of fire separations, fire doors, fire shutters and other fire protection devices;
- The relocation of fire escapes and the installation of new exit facilities;
- The extension of plumbing and electrical services for the creation of habitable space;
- The replacement of plumbing, electrical, and mechanical systems that no longer meet Building Code requirements;
- The construction or alteration of stairs, guards, handrails, etc.;
- The reinforcement or reconstruction of floors, walls, ceilings or roofs;
- The installation or alteration of required window openings to residential spaces;
- Required improvements to ventilation systems;
- Improvements for barrier-free accessibility including elevators, ramps, and washrooms;
- Improvements for green, or sustainable developments such as living walls and green roofs;
- Improvement to basements, or other such spaces that can be occupied and are located below the first storey;
- Asbestos abatement, including the removal, enclosure and/or encapsulating to prevent building occupant from being exposed to the fibers;

**File: Hamilton Road Area CIP Forgivable Loan Program
Planner: G. Bailey**

- Renovations required to remove moulds (or other materials caused by water-damage from interior building materials), replace affected materials and install vapour barriers;
- Professional fees for the preparation of drawings and/or technical specifications required for eligible works (limited to the lesser of a maximum of \$5,000 or 10% of the loan);
- Other improvements related to health and safety issues at the discretion of the Managing Director of Planning and City Planner or designate.

Upgrade to Building Code Loan Program – Loan Terms

Period

The loan will be interest free and will be amortized over a 10 year period.

Loan Amount

Loans will be issued to cover the lesser of:

- 50% of the cost of the eligible works per buildings; or
- A maximum of \$200,000 per building.

While more than one *discrete building* on a single property may be eligible for a loan, loans will not exceed 50% of the cost of the eligible works that relate to each *discrete building*.

More than one loan may be issued for each *discrete building* on each property, but the sum of these loans must not exceed the maximum loan amount of \$200,000 per *discrete building*.

Loan Distribution

The City will provide the applicant with one cheque in the full amount of the approved loan after: (1) the City has completed its due diligence to ensure the applicant and property remain eligible for the loan, (2) the Loan Agreement has been signed, and (3) the first 12 months of post-dated cheques (to be used for the first year repayment of the loan) are received. City of London Accounts Receivable staff will contact the applicant annually to request a supply of cheques in subsequent years. **PO** – The applicant will notify the City about any changes to their banking arrangements and replace cheques as appropriate over the term of the loan. **The City will not provide partial loan amounts or progress payments.**

Loan Security and Postponement

Loans will be secured through the registration of a lien placed on property title for the total amount of the loan. Liens will be noted on the tax roll and will be registered and discharged by the City. The Managing Director, Planning and City Planner or designate may postpone the lien (subordination of a lien to another lien on the same property) which is given as security for the loan in circumstances where any of the registered mortgages are being replaced, consolidated or renewed and the total value of all mortgages and charges including the City's lien does not exceed 90% of the appraised value of the property.

Loan Agreement

Participating property owners in the financial incentive programs shall be required to enter into a loan agreement with the City. This agreement shall specify such items as (but not limited to) the loan amount, the duration of the loan, and the owner's obligation to repay the City for any monies received if the property is demolished before the loan

period elapses. The agreement shall include the terms and conditions included in the program guidelines.

Repayment Provisions

Loan repayments will begin six months after the advancement of funds. Repayment of the loan will be on a monthly basis and does not include interest. The monthly payment amount will be calculated based on the total loan amount divided by **114 payments**. Full repayment can be made at any time without penalty.

Transferable Loans

At the discretion of the City, loans may be transferable to a new property owner providing that the new owner meets the eligibility criteria and agrees to the terms and conditions of the loan. The new owner must enter into a new loan agreement with the City for the outstanding loan value at the time of purchase. Otherwise, where the ownership is transferred the outstanding balance of the loan shall immediately become due and payable by the selling property owner.

Upgrade to Building Code Loan Program – Forgivable Loan – Grant Terms

Subject to the eligibility criteria detailed in the program guidelines, Forgivable Loans are set up to grant a percentage of the annual loan repayments back to the applicant over a 10-year period.

Forgivable Grant Amount

Where applicable, and if confirmed in the City's *Commitment Letter*, a portion of the Upgrade to Building Code loan may be forgivable and paid back to the applicant in the form of a grant to cover the lesser of:

- Maximum of \$25,000; or
- 12.5% of the loan amount.

Annual Grant Value

Means the amount of money granted back to the applicant which may change from year to year based on the calculation of the *Yearly Loan Repayments* multiplied by 12.5% to give the *Maximum Yearly Grant Value* that is multiplied by the *Pro-rated Yearly Grant Percentage*.

For example:

\$150,000 Upgrade to Building Code Loan

Yearly Loan Repayments = \$150,000 / 114 payments = \$1,315.79 / month x 12 monthly payments = \$15,789.48

Maximum Yearly Grant Value = \$15,789.48 x 12.5% = \$1,973.69

Maximum Yearly Grant Value multiplied by *Pro-rated Yearly Grant Percentage* = *Yearly Grant Value*

\$1,973.69 x 100% (assumes ground floor was occupied for the entire *Calendar Year*) = \$1,973.69.

The grant value may differ from year to year based on targeted use occupancy. Grant amounts will be monitored to ensure the maximum Forgivable Grant Amount is not exceeded.

Grant Disbursement

PO – The disbursement of the grant requires action by the applicant. During the first quarter of the calendar year the City will send out an acknowledgment letter requesting that the applicant verify the actual number of months in which a targeted or non-targeted use actively occupied the ground floor of the building for the previous *Calendar Year*.

PO – To be eligible to receive the annual grant, the applicant must meet all conditions detailed in the program guidelines including:

- The loan must be in good standing with no arrears owing;
- All City of London realty taxes must be paid in full and the account deemed in good standing by the Taxation Division;
- There must be no outstanding debts to the City of London;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding City of London Building Division orders or deficiencies against the subject property;
- The acknowledgement letter is completed by the applicant and returned to City of London Planning Services.

Having confirmed that the applicant has met all conditions of the program guidelines, the annual grant can be disbursed. *Providing misleading information can result in the default of the balance of the loan and the forfeiture of the ongoing grant.*

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas, P.ENG
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: Application By: Foxhollow North Kent Developments Inc.
Portion of 1284 & 1388 Sunningdale Road West
For: Removal of Holding Provision (h-100)
Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Planning, based on the application of Foxhollow North Kent Development Inc. relating to the property located at 1284 and 1388 Sunningdale Road West the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 26, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1284 and 1388 Sunningdale Road West **FROM** a Holding Residential R1 (h-100*R1-3) Zone and Holding Residential R1 (h-100*R1-5) Zone **TO** a Residential R1 (R1-3) Zone and Residential R1 (R1-5) Zone to remove the h-100 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

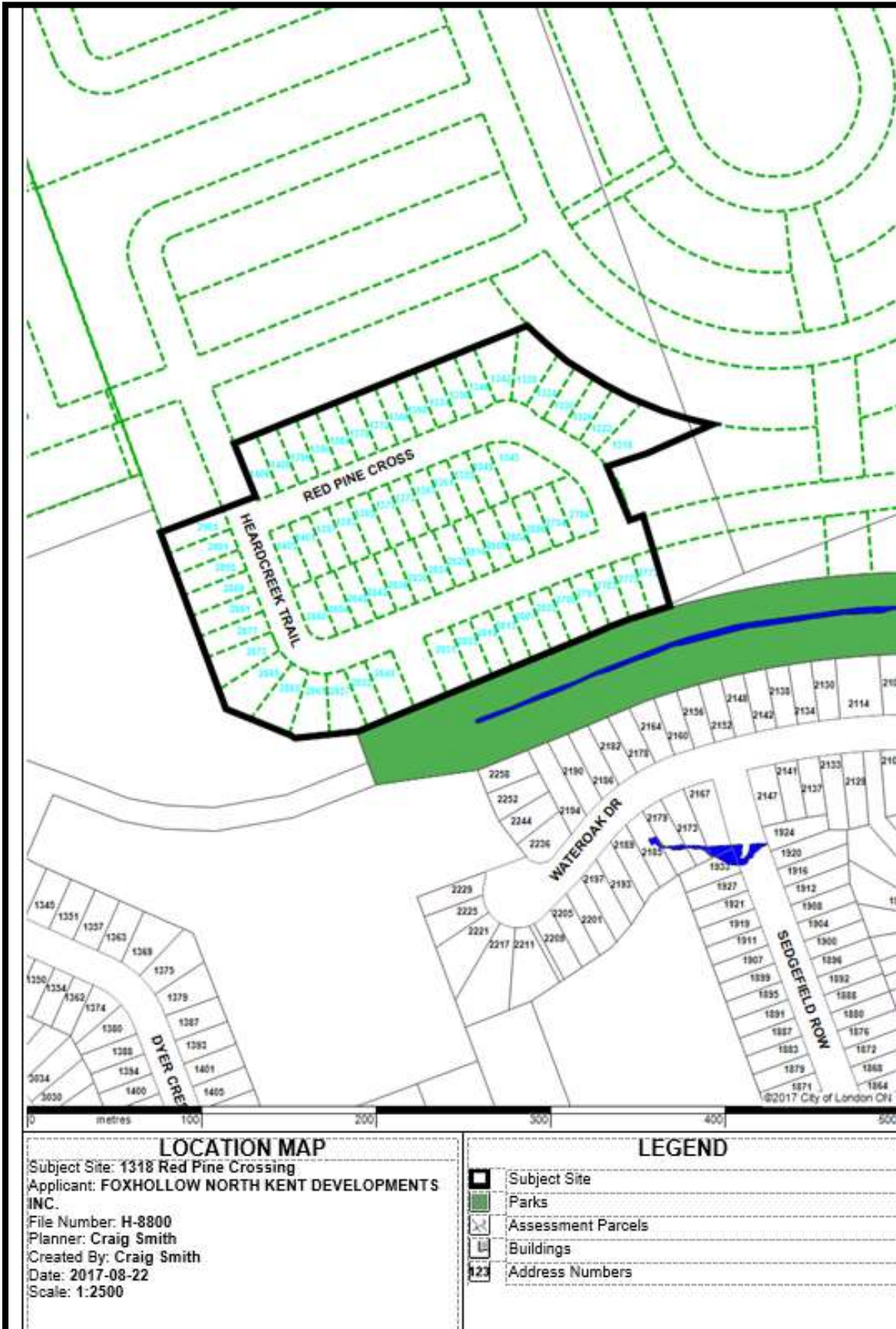
The purpose and effect of this zoning change is to remove the h-100 holding symbols to permit the development of 69 single detached dwelling lots.

Rationale of Recommended Action

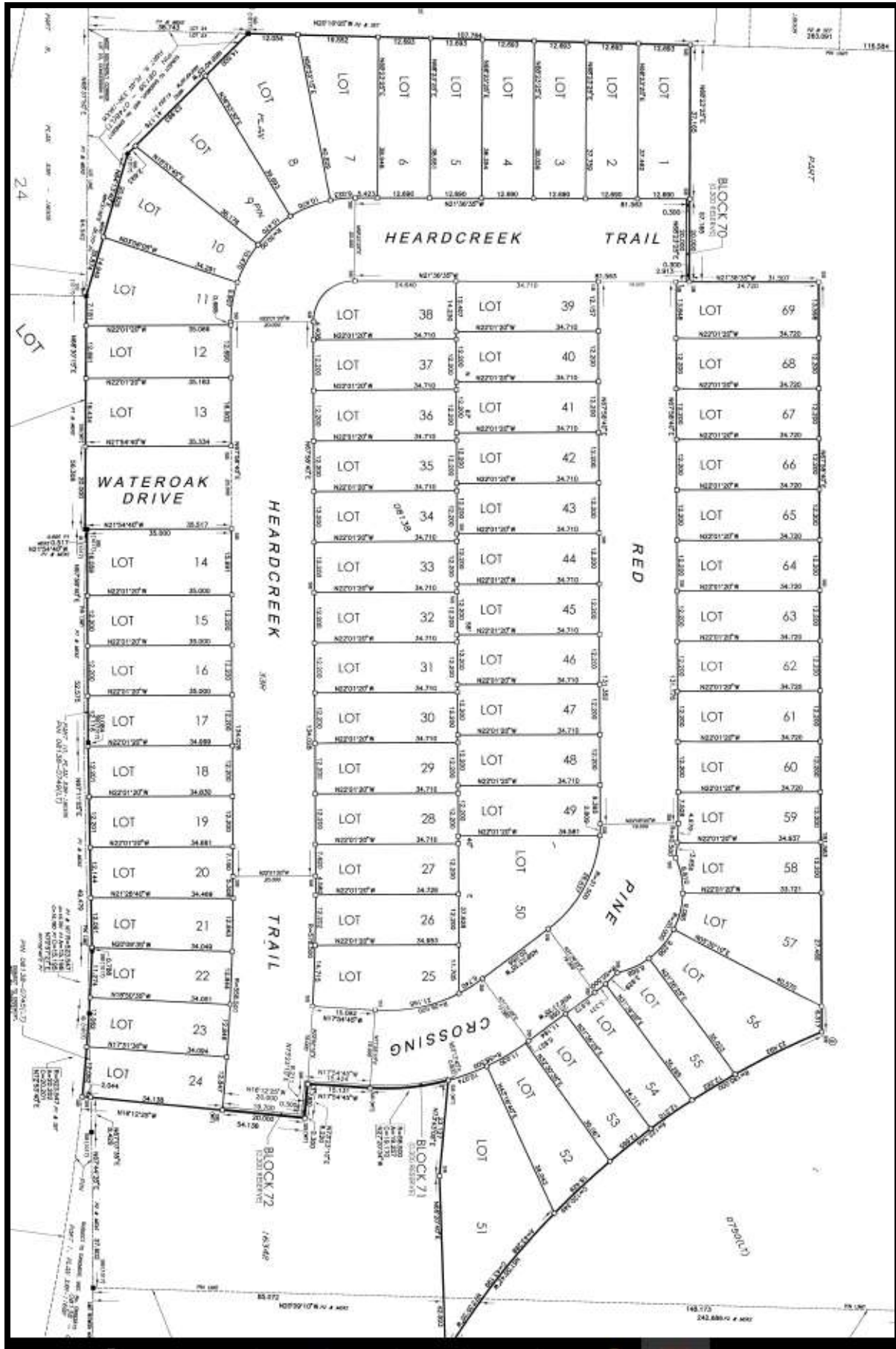
1. The removal of the holding provision will allow for development in conformity with the Zoning By-law.
2. Through the subdivision approval process the required security has been submitted to the City of London, and appropriate clauses are included in the registered subdivision agreement, the h-100 holding provision is no longer required.

Analysis

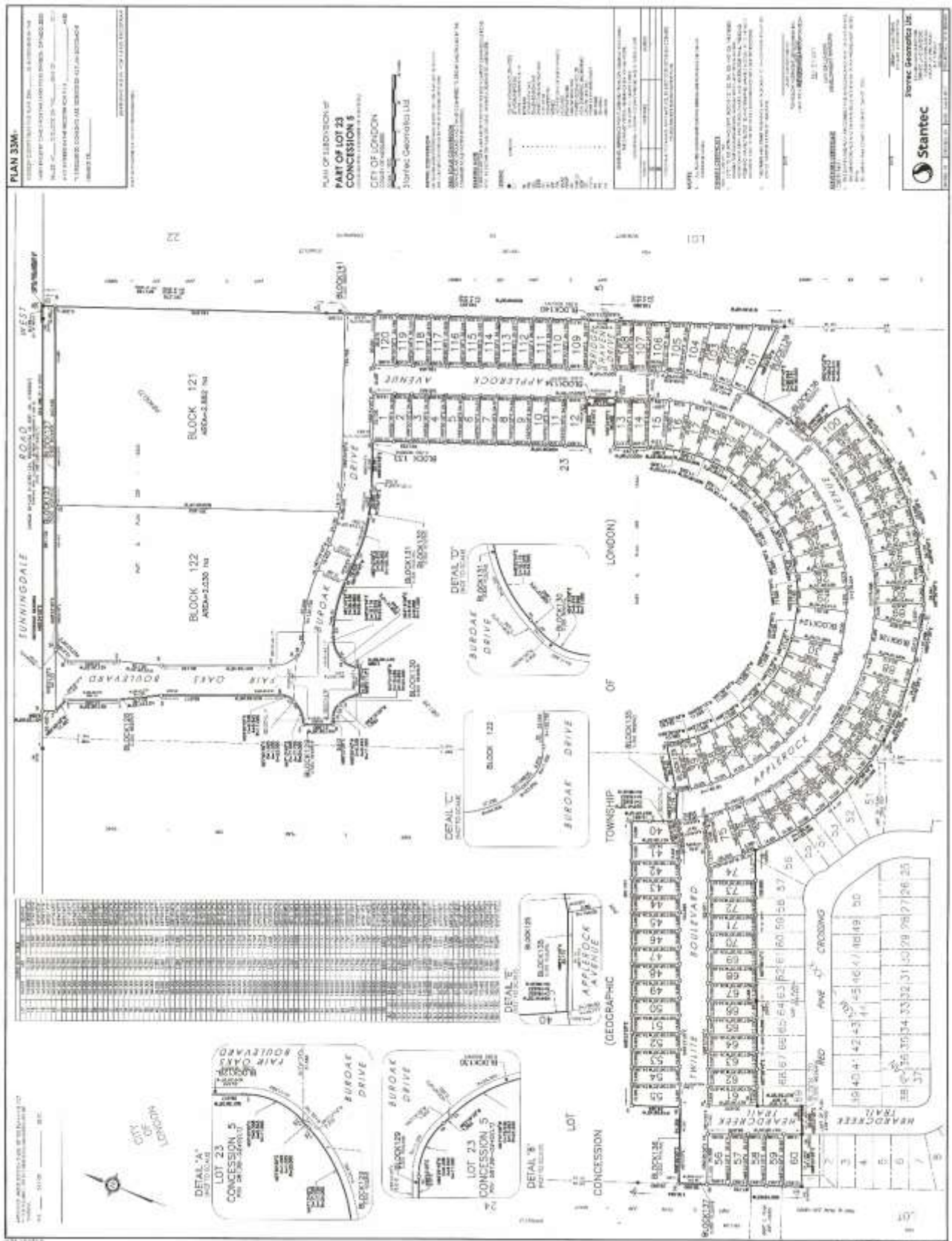
1.1 Location Map



1.2 Subdivision Phase 1- 1284 and 1388 Sunningdale Road West



Subdivision Phase 2nd 1284 and 1388 Sunningdale Road West



2.0 Description of Proposal

To remove the h-100 holding provisions from the lands that ensures for the provision of adequate water service and appropriate access a development agreement shall be entered into to the satisfaction of the City. The removal of the h-100 holding provision will allow for the construction of 69 single detached homes.

3.0 Relevant Background

3.1 Planning History

On September 20, 2017, Council approved amendment Z.-1-172611 to Zoning By-law Z.-1 to remove the h holding provision from the 1st phase of draft plan 39T-04510. The h-100 holding provision was deferred pending the completion of waterlooping and a second access required through the second phase of the subdivision being registered.

The first phase of the subdivision which consists of 69 single family detached lots was registered on December 7, 2017 (33M-730). Access to the first phase is from the extension of Waterloo Drive from the Claybar Subdivision immediately to the south. Following the registration of the second phase, the first phase will have access and waterlooping through the second phase to Sunningdale Road West.

The applicant has submitted the required security to the City of London for the 2nd Phase of the Foxhollow North Kent Development Inc. subdivision. The special provisions were endorsed by Council on December 12, 2017. The owner has provided the necessary security and the subdivision agreement is being finalized for execution by the owner and the City.

Council, on June 4, 2018, removed the h. and h-100 holding provisions from the 2nd phase of Foxhollow North Kent Development Inc. subdivision that requires a development agreement be entered into with the City and that waterlooping and two public access be provided.

4.0 Key Issues and Considerations

Why is it Appropriate to remove this Holding Provision?

h-100 Holding Provision

The (h-100) holding provision states that:

“To ensure there is adequate water services and appropriate access, no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.”

The h-100 holding provision requires that a looped watermain system be constructed and a second public access is available for these lands. A looped watermain will be constructed through the existing 250 mm watermain on Heardcreek Trail, to the 900 mm diameter watermain on Sunningdale Road West and the 300 mm diameter watermain on Buroak Drive. Access to the subdivision will be from the extension of Heardcreek Trail to Sunningdale and Waterloo Drive. The completion of Heardcreek Trail provides full public access to the subdivision. This satisfies the requirement for removal of the “h-100” holding provision.

More information and detail about public feedback and zoning is available in Appendix B & C.

5.0 Conclusion

It is appropriate to remove the h-100 holding provision from the subject lands at this time as second public road access and water looping has been provided, noise and vibration mitigation measures will be implemented, the required security has been submitted to the City of London and the registration of the subdivision agreement is imminent.

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

June 11, 2018
CS/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2017\H-8800 - North Kent Subdivision, Phase 1
S)\2ndPECAODAPECreport-H-8800PEC2.docxx

Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2018

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 1284 and 1388 Sunningdale Road West

WHEREAS Foxhollow North Kent Developments Inc. have applied to remove the holding provisions from the zoning for the lands located at 1284 and 1388 Sunningdale Road West, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1284 and 1388 Sunningdale Road West, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R1 (R1-3) Zone and Residential R1 (R1-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on June 26, 2018.



Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - June 26, 2018
Second Reading - June 26, 2018
Third Reading - June 26, 2018

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



<p>File Number: H-8800 Planner: CS Date Prepared: 2018/05/08 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> 
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© Kroll-Burns

Appendix B – Public Engagement

Community Engagement

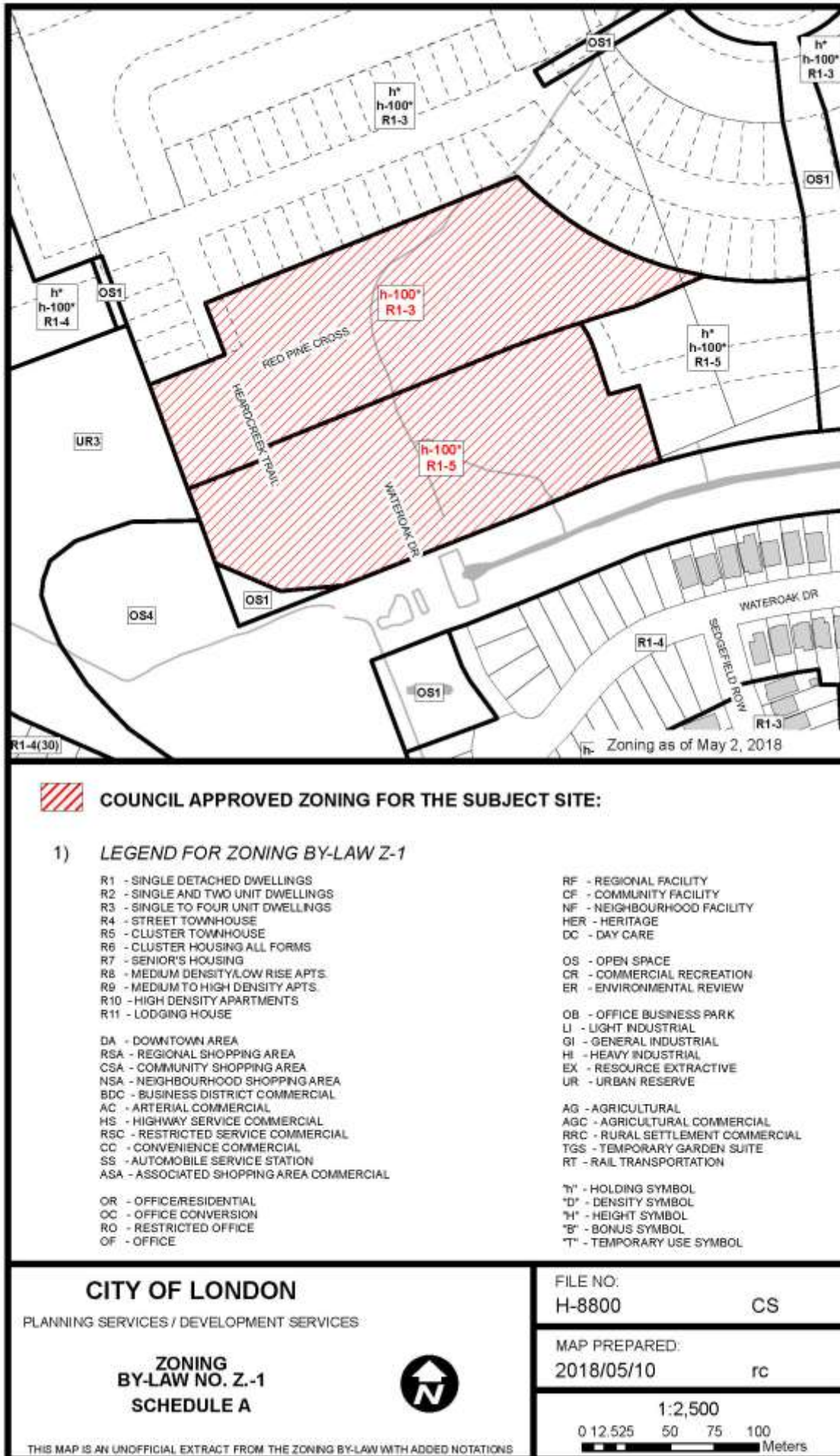
Public liaison: Notice of the application was published in the Londoner on August 24, 2017

0 replies were received

Nature of Liaison: City Council intends to consider removing the h and h-100 holding provisions from the lands that ensures for the orderly development of land and for the provision of adequate water service and appropriate access a development agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than September 11, 2017.

Appendix C – Relevant Background

Existing Zoning Map



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: 1551733 Ontario Limited c/o York
Development Inc.
608 Springbank Drive
Removal of Holding Provisions (h-5 and h-201)

Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Planning, based on the application of 1551733 Ontario Limited c/o York Development (London) Inc. relating to the property located at 608 Springbank Drive the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 26, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 608 Springbank Drive **FROM** a Holding Residential R9 Special Provision (h-5*h-201*R9-7(25)*H44) Zone **TO** a Residential R9 Special Provision (R9-7 (25)*H44) Zone to remove the h-5 and h-201 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

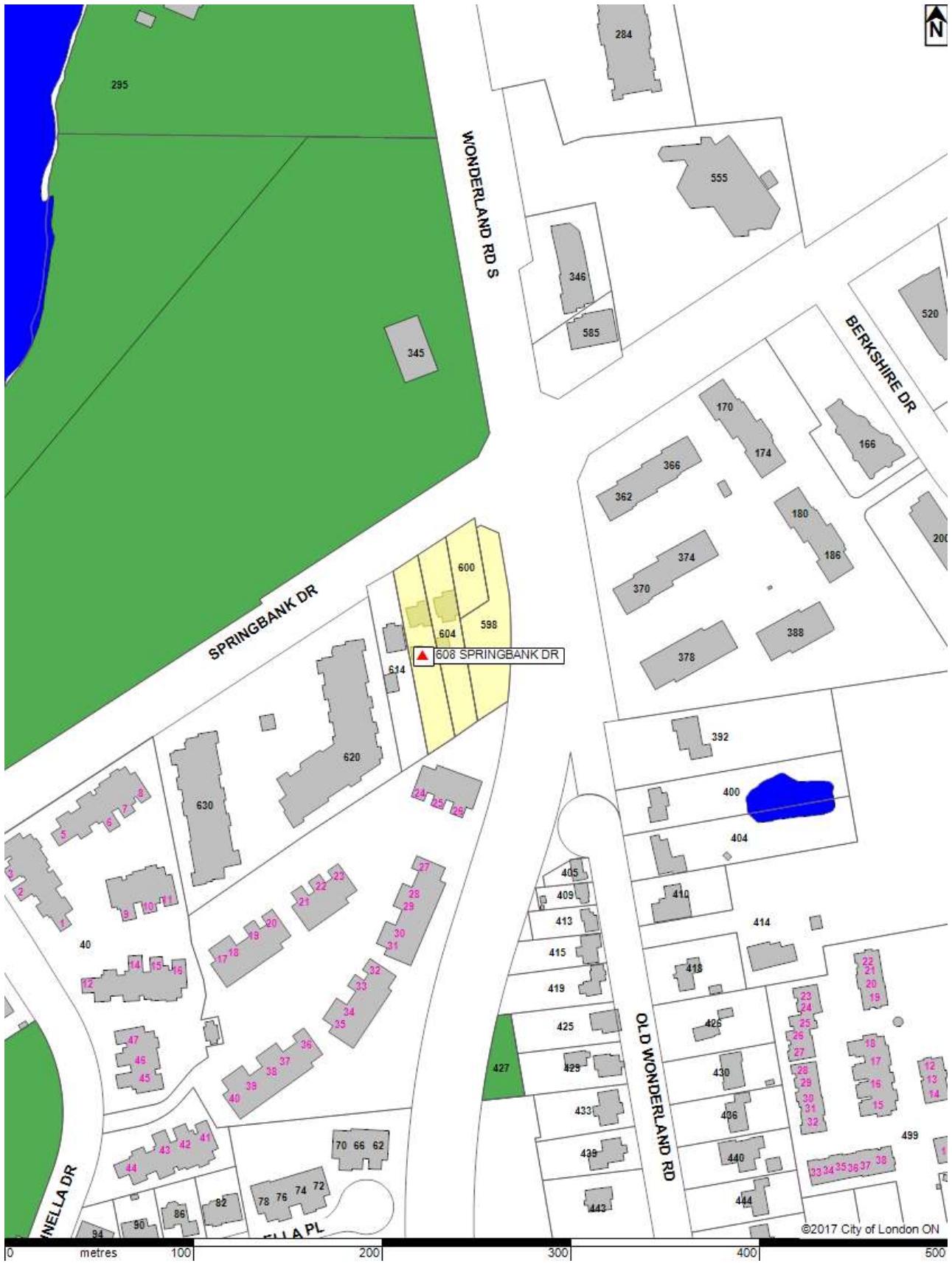
The purpose and effect of this zoning change is to remove the h-5 and h-201 holding symbols to permit the development of a 13 storey apartment building with a total of 101 residential units.

Rationale of Recommended Action

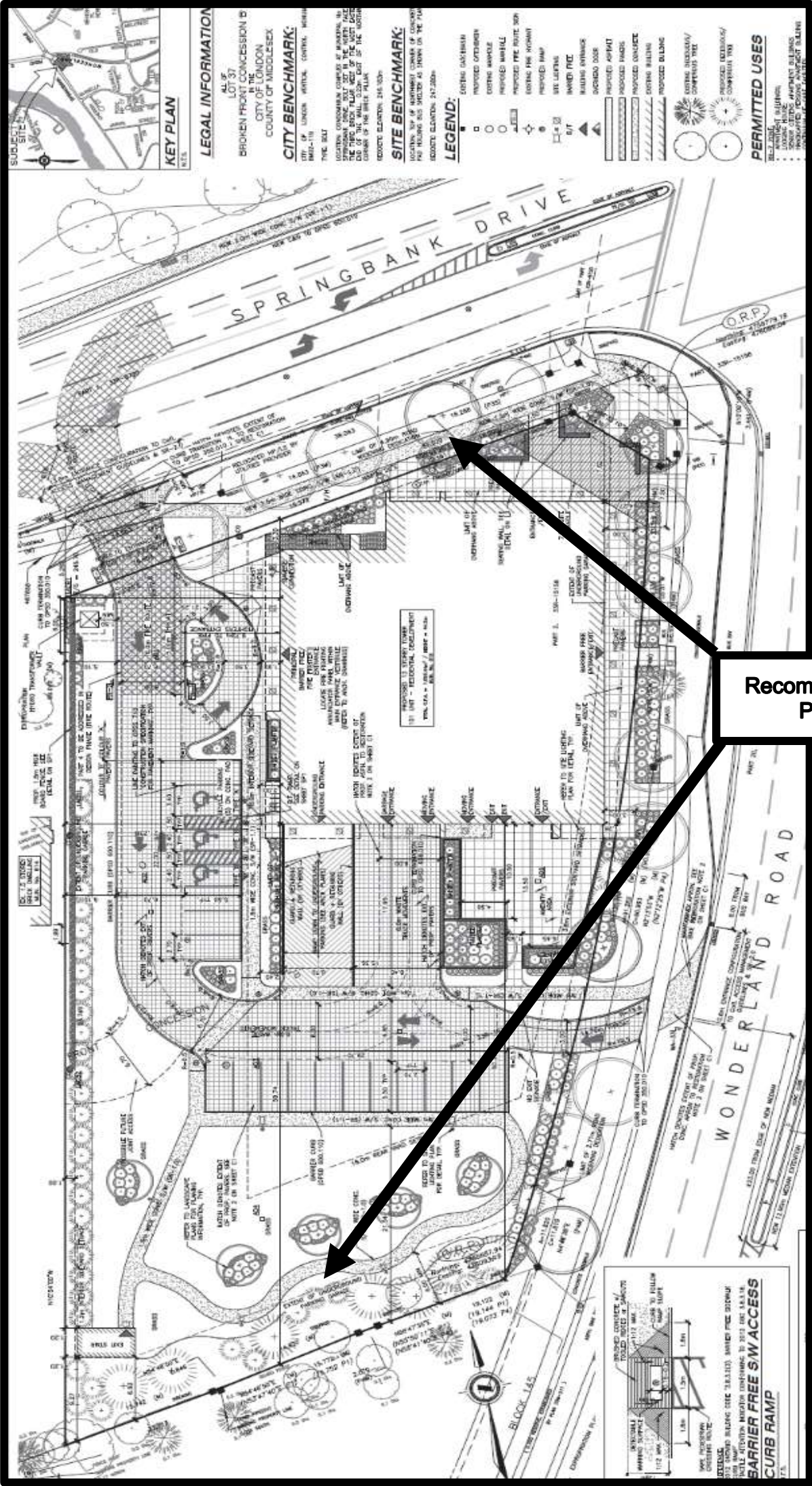
1. The removal of the holding provisions will allow for development in conformity with the London Plan, Official Plan and Zoning By-law.
2. Through the site plan approval process, the required security has been submitted to the City of London and the development agreement has been executed. The h-201 holding provision is no longer required.
3. A public participation meeting was held on August 27, 2017 and Council's recommendations have been included in the executed development agreement. The h-5 holding provision is no longer required.

Analysis

1.1 Location Map



1.2 Site/Landscape Plan 608 Springbank Drive



Recommended Tree Plantings

2.0 Description of Proposal

To remove the holding provisions from the lands to permit the development of a 13 storey apartment building with a total of 101 residential units.

3.0 Relevant Background

3.1 Planning History

October 5, 2015: Report to the Planning and Environment Committee recommending approval of a Zoning By-Law amendment to permit a 13 storey apartment building with a total of 101 residential units and a height of 44 metres on lands located on the south side of Springbank Drive, west of Wonderland Road. (Z-8374)

February 6, 2017: Report to the Planning and Environment Committee on the Decision by the Ontario Municipal Board (PL151140) to dismiss the appeal of Zoning By-law Amendment Z-8374 on December 8, 2016.

September 6, 2017: Council recommendation following the Public Participation meeting on August 27, 2017 for Site Plan Approval:

That on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the site plan approval application relating to the property located at 598, 600, 604 and 608 Springbank Drive:

- a) *the Approval Authority **BE ADVISED** that issues were raised at the public meeting with respect to the application for Site Plan approval to permit the construction of a 13 storey apartment building with 101 residential units relating to the site plan being different than the site plan approved by Council in 2015;*
- b) *the Approval Authority **BE ADVISED** that large caliper trees be planted along the southerly portion of the property and lighting be directed away from adjacent land uses and be contained on the site; and,*
- c) *the Approval Authority **BE ADVISED** that the Municipal Council supports the Site Plan application;*
- d) *the Civic Administration **BE DIRECTED** to consider the planting of appropriate trees along the boulevard.*

4.0 Key Issues and Considerations

Why is it Appropriate to remove these Holding Provisions?

The h-5 holding provision states that:

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

On August 27, 2017 a public participation meeting was held before the City of London Planning and Environment Committee. Based on the provided public comments, Council requested that large caliper trees be planted along the southerly portion of the property and lighting be directed away from adjacent land uses and be contained on the site and to consider the planting of appropriate trees along the boulevard.

As shown on the attached site/landscaping plan, trees are required to be planted on the boulevard and along the south property lines. These required trees satisfies Council's requests that "appropriate" trees are considered by the Approval Authority to be planted along the boulevard.

Council had also requested that lighting be directed away from abutting lands. In the Site Plan Control By-law, Section 8 requires that: *The type, location, height, intensity and direction of lighting shall ensure that glare or light is not cast onto adjacent residential properties or natural areas adversely affecting living environment, or onto adjacent public streets which would pose a vehicular safety hazard. Moreover, energy conservation measures must be considered to ensure that the site is not illuminated more than it need be.* Lighting has been provided as per the requirement of the Site Plan Control By-law and is directed away from abutting lands and contained on the site.

The approved Site Plan, Landscape Plan, Photometric Plan and Development Agreement require that trees are planted along the south lot line and in the City's Boulevard and that the lighting is directed away from abutting lands and contained on site. This satisfies the requirement for the removal of the h-5 holding provision.

h-201 Holding Provision

The (h-201) holding provision states that:

Purpose: The removal of the h-201 shall not occur until such time as the Owner, through the site plan process, enters into a development agreement with the City of London which includes the provision for a future joint access with the property to the west, municipally known as 614 Springbank Drive, and the joint rights-of-way are registered on title to the satisfaction of the City Engineer.

The City and the Applicant have executed the development agreement and the required security has been submitted. In the executed Development Agreement, Section 32 a) it states: *The Owner agrees to provide future joint access with the property to the west, municipally known as 614 Springbank Drive, and the joint rights-of-way are registered on title to the satisfaction of the City Engineer.*

This satisfies the requirement for removal of the "h-201" holding provision.

More information and detail about public feedback and zoning is available in Appendix B & C.

5.0 Conclusion

It is appropriate to remove the h-5 and h-201 holding provisions from the subject lands at this time as a development agreement has been enter into and the required security has been submitted to the City of London.

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

June 11, 2018

CS/

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Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2018

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 608 Springbank Drive.

WHEREAS 1551733 Ontario Limited c/o York Development (London) Inc. have applied to remove the holding provisions from the zoning for the lands located at 608 Springbank Drive, 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 land;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 608 Springbank Drive, as shown on the attached map, to remove the h-5 and h-201 holding provisions so that the zoning of the lands as Residential R9 Special Provision (R9-7(25)*H44) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - June 26, 2018
Second Reading - June 26, 2018
Third Reading - June 26, 2018

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



File Number: H-8911
 Planner: CS
 Date Prepared: 2018/05/30
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Revised/2018

Appendix B – Public Engagement

Community Engagement

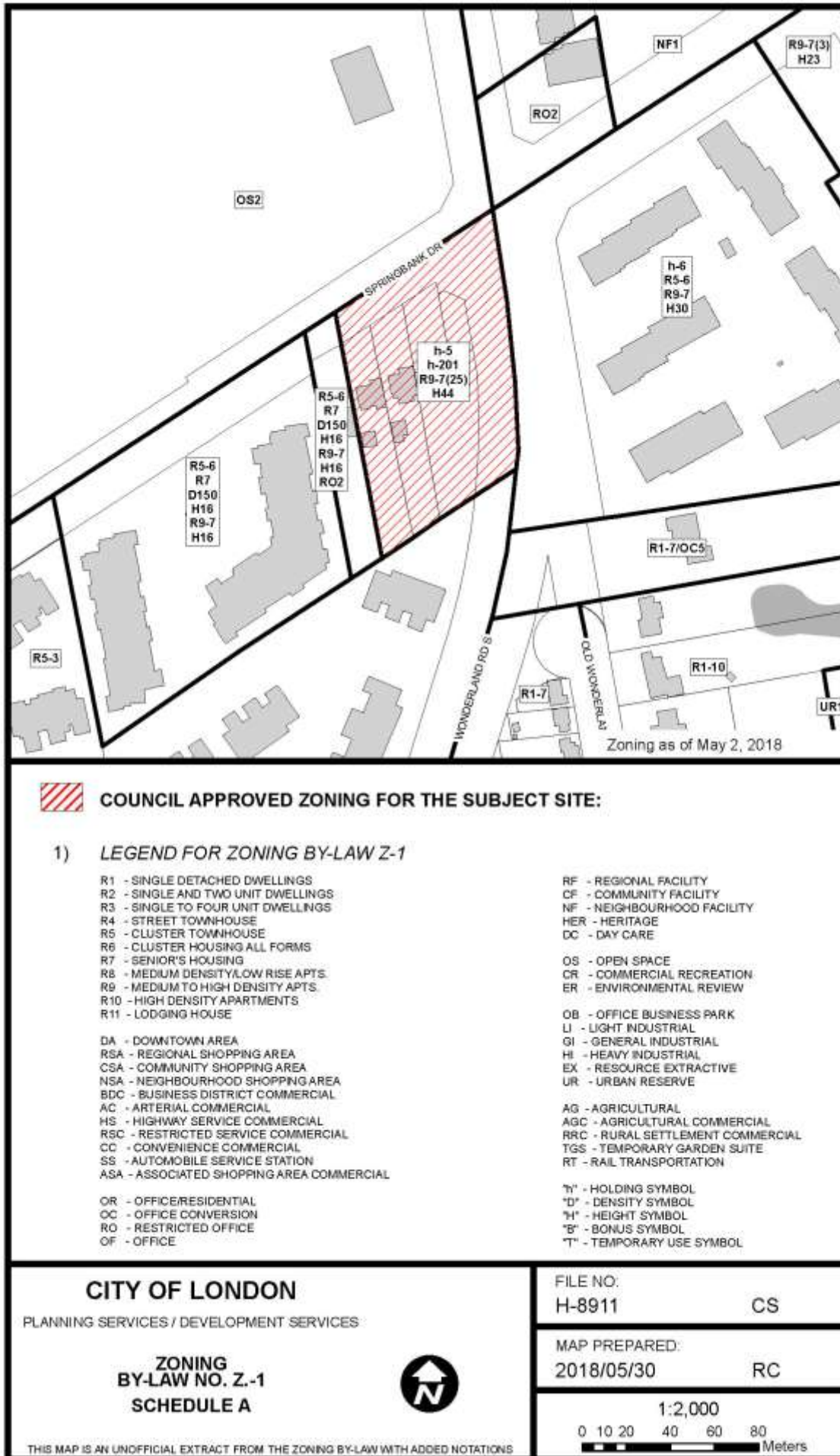
Public liaison: Notice of the application was published in the Londoner on May 31, 2018

0 replies were received

Nature of Liaison: City Council intends to consider removing the h-5 and h-201 holding provisions from the lands that ensures that a Public Participation meeting be held and that provision for a future joint access with the property to the west, municipally known as 614 Springbank Drive, a joint rights-of-way be registered on title an agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than June 18, 2018.

Appendix C – Relevant Background

Existing Zoning Map



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Anna Lisa Barbon
Managing Director, Corporate Services & City Treasurer, Chief
Financial Officer

Subject: Capital Works Budget Cost Sharing for 164 Sherwood Forest
Square

Date: June 18, 2018

Recommendation

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the attached Source of Financing Report outlined in Appendix 'A' **BE APPROVED** with respect to the site plan development agreement between The Corporation of the City of London and Futurelands Ltd. for the Capital Works Budget cost sharing of external works located at 164 Sherwood Forest Square.

Commentary

1.0 Relevant Background

Futurelands Ltd. is seeking Site Plan Approval to construct six apartment buildings, each four storeys with a total of 147 residential units located at 164 Sherwood Forest Square.

Unlike subdivisions, the special provisions of a site plan development agreement are handled administratively through delegated authority and most site plans do not involve the construction of external infrastructure. Generally, most of the services required with site plan development are considered 'local service' costs which are borne by the Owner.

City Staff identified external minor roadworks on Sherwood Forest Square that would support increased traffic volumes, improve existing traffic operations and pedestrian safety. As the Owner was constructing external works required to service the site, it was beneficial to include these additional minor roadworks under the same project umbrella. These additional external minor roadworks are eligible for cost sharing from the Capital Works Budget. Construction of the external works are scheduled for July and August of 2018 in order to reduce impacts on the adjacent Sir Fredrick Banting Secondary School.

2.0 Financial Analysis

A work plan was submitted by the Owner's Professional Engineer that provided a breakdown of the engineering and construction cost estimates for the external works. A 50% cost sharing arrangement was reached with Futurelands Ltd. regarding construction of the eligible portion of the minor roadworks. Therefore, it is recommended that Council commit the funding reflected in the below development agreement condition:

The anticipated reimbursements from the Capital Works Budget excluding HST are as follows:

- For construction of roadworks to support the increased traffic volumes and improve existing traffic operations on Sherwood Forest Square. The estimated construction cost of which is \$128,081, limited to this maximum amount. The estimated engineering design and construction administration cost of which is \$19,212, limited to this maximum amount which shall not exceed 15% of the City Capital Works component of the construction cost.

The external minor roadworks will be subject to a public competitive tender in accordance with the City's Procurement of Goods and Services Policy.

3.0 Conclusion

The external minor roadworks associated with the site plan at 164 Sherwood Forest Square will improve existing traffic operations and are eligible for cost sharing under the Capital Works Budget. Staff will prepare the registered development agreement to contain the clauses necessary to permit payment of the eligible works.

Staff are recommending that Council approve the attached Source of Financing in Appendix 'A' to enable a claim payment to Futurelands Ltd.

Prepared by:	Jason Senese, CGA, CPA, MBA Manager, Development Finance
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Finance
Concurred in by:	Doug MacRae, P.Eng, MPA Division Manager, Transportation Planning & Design
Recommended by:	Anna Lisa Barbon, CGA, CPA Managing Director, Corporate Services and City Treasurer and Chief Financial Officer

Cc.: Jason Davies, Manager, Financial Planning & Policy,
Michael Pease, Manager, Development Planning
Edward Soldo, Director, Roads and Transportation
John Millson, Senior Financial Business Administrator

Appendix 'A': Source of Financing Report

APPENDIX 'A'

Chair and Members
Planning & Environment Committee

#18108
June 18, 2018
(Claimable Works)

**RE: Capital Works Budget Cost Sharing for 164 Sherwood Forest Square
(Subledger RD180011)
Capital Project TS144618 - Road Networks Improvements
Futurelands Ltd. - \$147,293.00 (excluding H.S.T.)**

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCE OF FINANCING:

Finance & Corporate Services confirms that the cost of this project can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Corporate Services & City Treasurer, Chief Financial Officer, the detailed source of financing for this project is:

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
Engineering	\$1,000,000	\$613,558	\$19,551	\$366,891
Construction	11,724,824	8,818,449	130,336	2,776,039
Construction (King's College)	22,935	22,935		0
City Related Expenses	1,404	1,404		0
NET ESTIMATED EXPENDITURES	\$12,749,163	\$9,456,346	\$149,887	1) \$3,142,930

SOURCE OF FINANCING:

Capital Levy	\$3,372,654	\$3,372,654		\$0
Debenture By-law No. W.-5638-135	847,844			847,844
Drawdown from Capital Infrastructure Gap R.F.	535,720		149,887	385,833
Federal Gas Tax	7,970,010	6,060,757		1,909,253
Other Contributions (King's College)	22,935	22,935		0
TOTAL FINANCING	\$12,749,163	\$9,456,346	\$149,887	\$3,142,930

Financial Note:

	<u>Engineering</u>	<u>Construction</u>	<u>TOTAL</u>
1) Contract Price	\$19,212	\$128,081	\$147,293
Add: HST @13%	2,498	16,651	19,149
Total Contract Price Including Taxes	21,710	144,732	166,442
Less: HST Rebate	2,159	14,396	16,555
Net Contract Price	\$19,551	\$130,336	\$149,887

lp


 Jason Davies
 Manager of Financial Planning & Policy

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Harasym Homes Inc.
1900 Kilgorman Way

Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, on the application by Harasym Homes Inc. relating to lands located at 1900 Kilgorman Way, comprising Lot 9 Registered Plan No. 33M-682, the request to amend Zoning By-law Z.-1 to change the zoning of the lands FROM a Holding Residential R1 (h-37•R1-14) Zone TO a Residential R1 (R1-14), **BE REFUSED** for the following reasons:

- i) based upon further review of the Minimum Distance Separation requirements, and in consultation with the Ministry of Agriculture, Food and Rural Affairs, the application to remove the holding “h-37” provision would not be appropriate or consistent with the Provincial Policy Statement, and policies of The London Plan and the Official Plan; and,
- ii) the condition for removing the holding provision has not been met as the subject lot is within the Minimum Distance Separation MDS1 setback of a neighbouring livestock facility.

Executive Summary

Summary of Request

The applicant has requested the removal a holding provision from the zoning on a vacant lot at 1900 Kilgorman Way.

Purpose and the Effect of Recommended Action

The purpose and effect is to recommend refusal of the application to remove the holding (“h-37”) symbol from the zoning to permit construction of a single detached dwelling permitted under the Residential R1 (R1-14) Zone.

Rationale of Recommended Action

Pursuant to the March 6, 2018 resolution of Municipal Council, a further review of the existing livestock facility and updated calculations were undertaken to confirm the subject lot is constrained by the Minimum Distance Separation MDS1 setback requirements.

Analysis

1.0 Background

Municipal Council, at its meeting held on March 6, 2018 resolved:

15. *That, the application by Harasym Homes Inc., relating to lands located at 1900 Kilgorman Way, comprising Lot 9 Registered Plan No. 33M-682, BE REFERRED back to the Managing Director, Development and Compliance*

Services and Chief Building Official to undertake a further Minimum Distance Separation (MDS) calculation in accordance with the 2017 MDS and to report back at the next Planning and Environment Committee meeting; it being noted that M. Moussa provided a delegation to the Planning and Environment Committee with respect to these matters. (2018-D09) (15/4/PEC)

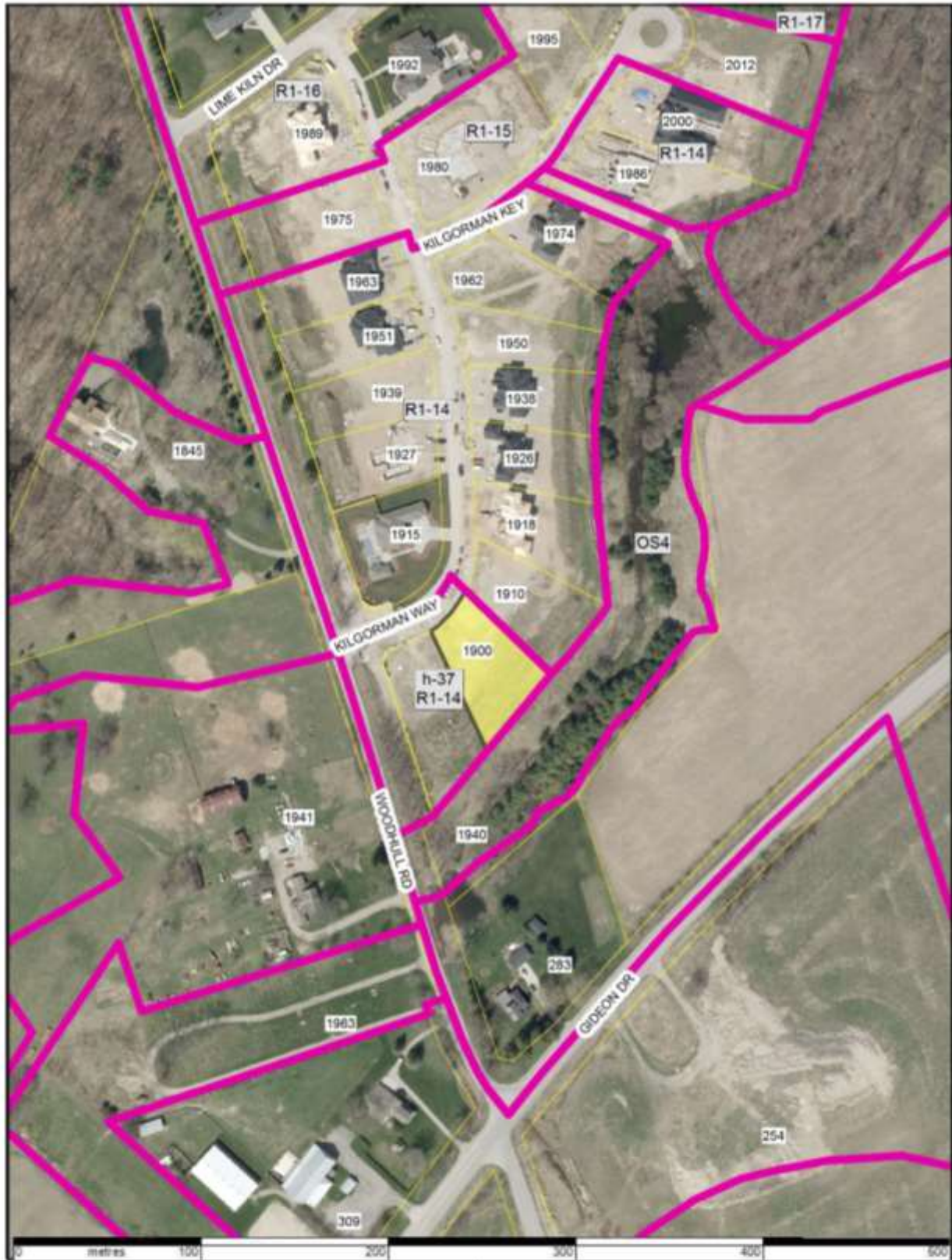
Development Services staff subsequently met with Mr. Moussa, owner of the livestock facility at 1941 Woodhull Road, the applicant's agent, and staff from the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Further information and clarification was provided regarding the housing capacity of the existing barn, and the number and type of livestock, namely horses and beef cattle. Although the facility is presently used for stabling horses, Mr. Moussa indicated there is the potential for beef cattle as well. The existing livestock barn has a floor area of approximately 210 square metres and could potentially house 9 horses or 22 beef cows, including calves. There is no manure storage facility present on the site.

With assistance from OMAFRA staff, Minimum Distance Separation (MDS) calculations were undertaken based on the current Provincial MDS Formulae and Guidelines, and information provided by the owner. This resulted in minimum separation distances (MDS1) measured from the barn of 176 metres based on housing capacity for horses, and 220 metres based on a capacity for beef cattle. The updated calculations confirm the subject lot at 1900 Kilgorman Way lies within the MDS1 setback.

Minimum Distance Separation (MDS) calculations undertaken at the time the subdivision application was being considered for draft approval identified two livestock operations within the immediate area having separation setbacks overlapping the southerly portion of the subdivision. A large livestock facility located at 254 Gideon Drive has since been removed and there are no longer any buildings or structures on the site. A smaller livestock facility was identified at 1941 Woodhull Road, the property presently owned by Mr. Moussa. The MDS calculations prepared under the Provincial MDS Guidelines in effect at the time the application was under review, in 2004, resulted in a separation distance of 133 metres based on an estimated housing capacity of 13 livestock units (type of livestock being horses). The results of the MDS1 calculations were summarized in a report from the General Manager of Planning and Development to Planning Committee at a public meeting held December 13, 2004.

With respect to the current application to remove the "h-37" provision, it was noted in the previous staff report that the 133 metre separation distance extended from the existing barn to approximately 2 - 3 metres inside the westerly lot line of the vacant building lot at 1900 Kilgorman Way. As this subdivision consists of large residential estate lots, it was staff's opinion that the subject lot had sufficient area outside of the MDS arc of influence and was not significantly impacted in terms of its ability to provide a building footprint for a home and outdoor living area. It was for this reason, in addition to the fact that the large livestock facility located at 254 Gideon Drive had been removed, that staff felt the condition for removing the h-37 symbol from the zoning for this lot had been met. It was also felt that the holding provision should continue to be maintained on the remaining building lot (1890 Kilgorman Way) closest to the livestock facility at 1941 Woodhull Road.

Location Map



LOCATION MAP	LEGEND
Subject Site: 1900 Kilgorman Way Applicant: Harasym Homes Inc File Number: H-8854 Planner: L. Mottram Created By: LM Date: 2017-11-23 Scale: 1:2500	<ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
Corporation of the City of London Prepared By: Planning and Development	

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. Existing uses may be permitted on an interim basis. Staff have had an opportunity to follow-up on the Municipal Council direction to undertake a further Minimum Distance Separation (MDS) calculation in accordance with the 2017 MDS Formulae and Guidelines. Based on further clarification and information provided regarding the existing livestock facility and the updated MDS1 calculations, staff are not in a position to recommend removal of the “h-37” provision at this time as the calculations confirm the subject lot is constrained by the MDS1 setback requirements.

The existing livestock operation can continue to operate as it has been, regardless of whether the requested holding provision is removed or retained. However, any proposal for expansion would be required to meet MDS II separation setbacks away from sensitive land uses. The livestock facility at 1941 Woodhull Road is constrained by the presence of an adjacent cemetery to the south (Woodhull Cemetery), as well as the residential subdivision and other non-farm uses in the immediate area. Cemeteries are normally considered under the MDS Guidelines as a Type B Land Use as they are considered an institutional use (i.e. more sensitive). Therefore, a proposal for expansion or alteration of the existing livestock facility currently on the property would be severely constrained.

The Provincial Policy Statement 2014 contains policies with respect to the application of Provincial Minimum Distance Separation formulae intended to separate sensitive land uses so as to reduce incompatibility concerns about odour from livestock facilities. The The London Plan and Official Plan also contain policies with respect to the implementation of the Minimum Distance Separation (MDS1 and MDSII) guidelines and setback requirements (specific policy references found in Appendix A). Based upon further review of the MDS guidelines and requirements, the recommendation to refuse the application to remove the holding “h-37” provision at this time is considered appropriate and consistent with the PPS and policies of The London Plan and the Official Plan.

5.0 Conclusion

Pursuant to the March 6, 2018 Municipal Council resolution to undertake further MDS calculations in accordance with the 2017 guideline document, and upon receiving further information and clarification regarding the existing livestock facility, staff are of the opinion that it would not be appropriate to recommend removal of the “h-37” provision at this time as updated calculations confirm that the subject lot is located within the MDS1 required setback.

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

GK/PY/MK/LP?LM/lm
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 May 22, 2018

CC: Matt Feldberg, Manager Development Services (Subdivisions) - electronic only

Appendix A – Policy Context

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

Provincial Policy Statement, 2014

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

Official Plan

9.2.10 Minimum Distance Separation Requirements - The creation or expansion of any livestock operation within the Agriculture, Rural Settlement and Urban Reserve designation will be required to comply with the Minimum Distance Separation (MDSII Formula) requirements established by the Ontario Ministry of Agriculture, Food and Rural Affairs.

Livestock operations that exist within the Agriculture or Rural Settlement designation will be provided protection from the encroachment of all new development including all applications for Official Plan Amendments, Zoning By-law Amendments, Plans of Subdivision or Condominiums, or land severances; through the application of Minimum Distance Separation (MDS I Formula) requirements.

The London Plan

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 (MDS I) Implementation Guidelines and Formulae, as amended by the Province from time to time.

1774_ Prior to the issuance of any building permit for any new or altered livestock facility, including manure storages, the City will require compliance with the provincial Minimum Distance Separation (MDS II) setbacks and compliance with the provisions of the Zoning By-law.

Appendix B – Relevant Background

Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

H-8854

LM

MAP PREPARED:

2018/01/25

WR

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Additional Reports

File No. H-8854 – Planning and Environment Committee Meeting on February 20, 2018 – Report from the Managing Director, Development & Compliance Services and Chief Building Official on an application by Harasym Homes Inc. to remove the holding “h-37” provision from the zoning on lands located at 1900 Kilgorman Way; comprising Lot 9 Registered Plan 33M-682.

Good afternoon,

I would like to request to be a delegation at Monday's PEC meeting to address item 2.6, file number H-8854 for the removal of holding provision at 1900 Kilgorman Way. I would like to address the staff report provided and provide additional information to the Committee.

Thank you,

Matt Campbell
Zelinka Priamo Ltd.
318 Wellington Road
London, ON
N6C 4P4

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, Managing Director, Development and Compliance Services and Chief Building Official
John M. Fleming, MCIP RPP
Managing Director, Planning and City Planner

Subject: Notification to Tenants in the Planning Process

Meeting on: Monday, June 18, 2018

Recommendation

That, on the recommendation of the Director, Development Services, with the concurrence of the Managing Director, Planning and City Planner, the following actions **BE TAKEN**:

- a) the following information report regarding “Notification to Tenants Regarding Planning Applications”, **BE RECEIVED** for information;
- b) the approach to provide notification to tenants as outlined in this report **BE ENDORSED**; and,
- c) The Civic Administration **BE DIRECTED** to initiate The London Plan and Official Plan amendments to address the *Smart Growth for Our Communities Act (Bill 73)* relating to tenants notification for public consultation.

Executive Summary

Summary of Request

On June 27, 2017, Municipal Council resolved that the Civic Administration **BE DIRECTED** to include notification of tenants by mail in Phase 2 of the improvements to public engagement in the planning process.

Summary of Recommended Action

Civic Administration will initiate The London Plan and Official Plan Amendments with further enhanced notification measures which may apply in certain circumstances and will be in compliance with the applicable *Planning Act* requirements. The adopted language in a future The London Plan and Official Plan Amendments will direct staff to utilize its best efforts to provide notice to tenants within a prescribed area of a planning application site.

Rationale of Recommended Action

The recommended approach for providing notice to tenants within the circulation area of an active planning application will be put in a practice by Planning Services and Development Services staff as outlined in section 3.6 of this report. The new policy and practice providing for best efforts to notify tenants exceeds provincial requirements for tenant notification and fulfils the direction of Council from June 27, 2017.

The key challenge for a tenant notification policy is that there are limited reliable sources of information to obtain the names and addresses of tenants. A prescriptive policy requiring notification to all tenants within a planning application circulation area could result in risk of appeals, delays to Planning reviews, increased costs and unrealistic expectations to residents.

1.0 Legislative Framework

1.1 *Planning Act* Public Notice Requirements

Ontario Regulations prescribe two methods by which public notification must be fulfilled:

The first requirement is that notice shall be given by:

“...ordinary mail, to every owner of land within 120 metres of the subject land...and by posting a notice, clearly visible and legible from a public highway or other place to which the public has access...” [O.Reg. 545/06., s. 5(4)]

The second requirement is that:

“notice shall be given by publishing a notice in a newspaper that...is of sufficiently general circulation in the area to which the proposed by-law would apply that it would give the public reasonable notice of the public meeting...” [O. Reg. 545/06, s. 5(7)]

These requirements represent the minimum provincial standards for notification and only one of these two methods is required to be met.

1.2 *Planning Act* requirements for Notice to Tenants

The *Smart Growth for Our Communities Act (Bill 73)* was enacted in 2015 in response to Province-wide concerns about the accessibility of the planning process. The amendments to the *Planning Act* enable municipalities to adopt an alternative procedure with regard to public notification for amendments to the Zoning By-law and Official Plan. Where such alternative procedures are outlined in a municipality's Official Plan, the *Planning Act* permits the municipality to implement its alternative measures for *“...informing and securing the views of the public...”*

Through this new planning legislation, the Province included new requirements for tenant notification that specifically required notices to include *“if applicable, a request that the notice be posted by the owner of any... and that contains seven or more residential units in a location that is visible to all of the residents”*.

1.3 The City of London Official Plan (1989) Notice Requirements

The City of London Official Plan includes alternative procedures that closely mirror the *Planning Act* requirements. These include the requirement for:

- *Publication in a local newspaper that, ... is of sufficiently general circulation in the area adjoining the subject land that it would give the public reasonable notice of the application; and/or*
- *Prepaid first class mail or personal service delivery*

The alternative procedures also require the City of London to provide public notification and public liaison notices, to the best of the City's ability, to the following individuals:

- *Every owner of land within the affected site and/or area to which the proposal applies, as shown on the last revised assessment roll*
- *Every owner of land within 120 metres (400 feet) of the area to which the proposal applies, as shown on the last revised assessment roll; and,*
- *Every person and agency that has given the City Clerk a written request for such notice.*

The City's current practice for Notice fulfills both of the minimum standards of the Province, thereby going beyond the *Planning Act* requirements.

The City of London does not currently mail notifications to tenants of properties in response to applications for land use change. Consistent with the Official Plan

requirements, notice is given by prepaid first class mail to every owner of land within 120 metres (400 feet) of the area to which the proposal applies, as shown on the last revised assessment roll. If the property is not owner-occupied or if it contains multiple units, the property owner has the option of disseminating the information to their tenants upon receipt of the public notice.

1.4 The London Plan Notice Requirements

At the time of submission of this Information Report, the Public Engagement and Notice Policies of the Our Tools section of The London Plan are Council and Ministry approved, but are not in effect. Notwithstanding, the policies approved relating to Method of Notification include the following:

METHOD OF NOTICE

1624_ Notice of Application and Notice of Public Meeting will be given by:

- 1. Publication in a local newspaper that, in the opinion of the City is of sufficiently general circulation in the area adjoining the subject land that it would give the public reasonable notice of the subject matter.*
- 2. Publication on the City of London website.*
- 3. Mail or email, to the best of the ability of the municipality, to:*
 - a. Every owner of land within the affected site and/or area to which the proposal applies, as shown on the last revised assessment roll.*
 - b. Every owner of land within 120 metres of the area to which the proposal applies, as shown on the last revised assessment roll.*
 - c. Every person and agency that has given the City Clerk a written request for such notice.*
 - d. The applicant.*
 - e. The relevant neighbourhood association, where one exists and is known to the City.*
 - f. The public bodies and agencies as prescribed by the Province.*

1625_ Notice of Application will also be given by signage on or near the site of the application providing brief details of the application and where more information can be obtained.

In an effort to enact new tools provided through Bill 73, *The London Plan* has included requirements for Notices of Application and Public Meeting Notices that include a request that landlords (for any number of units) post a copy of the notice where their tenants can see it. As such, the City will be meeting and exceeding provincial requirements for tenant notifications. Policy 1629 of the London Plan is provided below:

NOTIFICATION TO NON-OWNER OCCUPIED DWELLINGS

1629_ Where Staff are aware of non-owner occupied dwellings located within the circulation radius, efforts may be made to request that the owners of land notify their tenant(s) and/or post the notice in prominent location(s) within the building such as in common areas, front lobby, laundry area, and mail room.

Planning Services and Development Services staff has recently enacted enhanced written Notices for Planning amendment applications and have included a request for landlords to notify their tenant(s) and/or post the notice in prominent location(s) within the building such as in common areas, front lobby, laundry area, and mail room. Also, staff anticipate that the larger, more detailed on-site signs that are now being utilized for notification purposes will contribute to tenant awareness of applications in their neighbourhood.

2.0 Council Direction

2.1 Improvements to Public Engagement

On March 23, 2015, Planning Services presented a report to the Planning and Environment Committee intended to initiate improvements to public engagement in the planning process.

Key area of focus included:

- communicating in plain language; and,
- making public notification more effective, by improving the format, expanding the media options, and exploring ways to reach citizens more directly.

On March 23, 2015, Municipal Council resolved:

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to potential improvements to public engagement in the planning process:

- a) the report dated March 23, 2015, from the Managing Director, Planning and City Planner, with respect to potential improvements to public engagement in the planning process, BE RECEIVED;*
- b) the proposed “Improvements to Public Engagement in the Planning Process” BE CIRCULATED to the London Development Institute, the Urban League, the London Homebuilders Association, London Area Planning Consultants, London area architects, landscape architects and urban designers; and,*
- c) the Civic Administration BE DIRECTED to report back at a future meeting of the Planning and Environment Committee with respect to the proposed “Improvements to Public Engagement in the Planning Process” as modified based on stakeholder consultations;*

This report included nine issues to explore where improvements can be made to the planning process engagement practices. These included:

- Plain-language and formatting improvements to planning reports to make them easier to understand;
- Improvements to possible land use change signage;
- Improving the web presence;
- Plain-language and formatting improvements to public notices;
- Provide mail notification to tenants;
- Expand the existing 120m mailing radius;
- Refine the newspaper notification;
- Developing protocols for non-statutory Community Information Meetings;
- Use of Social Media.

On December 12, 2016, an Information Report was submitted to PEC to provide a status update on the project. Throughout 2016, Staff from Planning Services and Development Services began to group the aforementioned initiatives into interrelated bundles so that they may be implemented as a package in phases once they could technically be implemented.


Among the initial changes to initiate improvements to public engagement in the planning process, enhancements to signage and webpages were complemented by improving the mailing notices for uniform branding, more detailed information, and also direct readers to the dedicated webpages. Staff engaged the public and industry stakeholders in discussions as a starting point for the development of new land use change signage, notices, and webpages.

On June 19, 2017, Planning Services presented a report to the Planning and Environment Committee intended to initiate improvements to public engagement in the planning process, with actions intended to achieve the following:

- Enable City staff to implement Phase 2 of the proposed improved public engagement practises, which include mailed notices written in plain language, improved on-site signs, an improved web presence, and improved practices for giving notice to tenants.
- Give direction to City staff to initiate an Official Plan amendment to implement relevant requirements and permissions of the *Smart Growth for Our Communities Act (Bill 73)* regarding community consultation and the manner of giving notice for various types of *Planning Act* applications.

One of the key issues that was brought forward by Council was the Notice to Tenants. The staff report proposed no change to expand notification by mail to include tenants, but rather suggested that improvements to other methods of notification, such as signage, would increase the number of notified tenants. The staff report also proposed that mailed notices requests landlords to post the notices in prominent locations within the rental buildings to notify tenants of planning applications in proximity to the subject site. Staff have amended and are using the mailed notices and an example is provided in Figure 1.


Figure 1. Example of New Mailed Notice of Application



NOTICE OF PLANNING APPLICATION

Official Plan and Zoning By-law Amendment

505 Talbot Street and Other Properties



File: OZ-8490
Applicant: Tricar Group

What is Proposed?

An Official Plan and Zoning amendment to allow for:

- Request for bonus zoning
- 30 storey mixed-use building
- Ground floor commercial space
- 224 residential units
- 214 internal parking spaces
- Heritage Square
- Removal of existing heritage structures

LEARN MORE & PROVIDE INPUT

Please provide any comments by **Month Day, Year**

Planner Name
plannername@london.ca
519-661-CITY (2489) ext. ####
Planning Services, 206 Dundas Street, London ON, N6A 1G7
File: OZ-8490
london.ca/planapps

You will receive Notice of Public Meeting at a future date.

You may also discuss any concerns you have with your Ward Councillor:

Ward Councillor Name
councillorname@london.ca
519-661-CITY (2489) ext. ####

If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.

Date of Notice: Month Day, Year

Request for Landlords to Post Notices in Tenant Occupied Buildings

In addition, at this meeting there were discussions resulting in a request that staff find solutions to increase the number of tenants that receive notice of planning applications by mail. This discussion resulted in a direction from Council to staff as follows:

On June 26, 2017, Municipal Council resolved:

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to improvements to public engagement in the planning process:

a) ... b)...c)...

d) the Civic Administration BE DIRECTED to include notification of tenants by mail in Phase 2 of the improvements to public engagement in the planning process; ...

2.2 What does this mean?

The intended outcome of Council's 2015 direction is geared towards improving public engagement and making the planning process more accessible to the general public by providing and inviting *meaningful* participation. Staff have moved in this direction throughout 2016 and 2017 with improvements endorsed by Council to public engagement in the planning process (notably with signage, web pages and notices). Council has further directed staff to find solutions to better improve public engagement in planning processes by way of providing notice to tenants on various planning applications.

The purpose of this report is to consider the options and present a staff recommendation to implement this direction.

2.3 How can staff Implement Council's Direction to provide Notice to Tenants on Planning Applications?

In order for Civic Administration to implement Council's direction, staff need to initiate Official Plan and The London Plan Amendments to address the Smart Growth for Our Communities Act (Bill 73) and other matters as they relate to the planning process for public consultation. The amendment would add policy that public notification and public liaison notices be sent to tenants within an affected site or area to which a proposal applies.

2.4 Who is impacted?

Enhanced notification for tenants has implications, in terms of costs, resources and time for processing files for the following service providers:

- Planning Services
- Development and Compliance Services
- City Clerk's Office

2.5 Moving from Existing Practice (MPAC) to an approach that implements Council's Direction

The City uses Municipal Property Assessment Corporation (MPAC) data when developing mailing labels for Planning Application Notices. Currently, the City does not have the ability to generate a personalized label for tenant-occupied dwellings or units since a tenant database does not exist. The current mapping system that creates mailing labels is only capable of generating labels that would reach owners. The City

does have the ability to generate mailing labels within a notification area directed at addresses of any assessed municipal property – also known as door points.

The GIS Master Address database does not have the ability to generate the names of tenants, so any notification mailed to tenants of rental buildings would be addressed to “Occupant” rather than a personalized label. Mailing labels generated through this database would also only have the ability to reach the main or ground floor unit only. Our database does not identify the number of units located at a property as it only generates one label per address. There is a concern that the lack of personalized labels, as well as the inability of this data base to generate a label for each unit at a property address, may reduce the effectiveness of the notices. The onus would fall on owners of rental properties and/or ground floor tenants to notify their respective tenants and neighbours of any application or public meeting that might affect them.

Given the lack of reliable information for tenant residency, there is a high likelihood that many tenants living within the circulation area would not receive the notification as noted above. If tenant notification became a requirement for notice within the Official Plan, any non-compliance with the requirements could result in appeals to the Local Planning Appeal Tribunal (LPAT) on the basis of failure to comply with the City’s own statutory requirements.

3.0 WHAT ARE OTHER MUNICIPALITIES DOING

A survey of Ontario municipalities indicates that the minimum standard required by the *Planning Act* is typically utilized, which is the 120-metre notification radius and notifications to registered property owners only. The onus falls on owners of rental properties to notify their respective tenants of any application or public meeting that might affect them.

Like London, many Municipalities have recently amended their Official Plans to adopt new alternative measures for enhanced notification requirements. Below is a brief highlight of some of the alternative notification measures implemented for informing and securing views from members of the public.

3.1 City of St Catharines:

St. Catharines, through its recently adopted Official Plan Amendment #13 has implemented the use for an alternative method of notification as outlined in policy 16.18 below to allow for enhanced consultation during the early review process and not rely solely on the notice of public meeting as outlined the in Planning Act. The Implementation and Interpretation section of The Plan was amended by adding a new Section 16.18 Public Facilitation and Notification, as follows:

16.18 Public Facilitation and Notification

One of the principles of sustainability is transparent and participatory government. The City recognizes and supports integrated public engagement and consultation as a key component in the land use planning process.

1. *This Plan:*
 - i. *strongly supports opportunities for citizen and stakeholder participation and input while balancing the need to process development applications within the timelines prescribed within the Planning Act;*
 - ii. *encourages the involvement of citizens, business, stakeholders, other level of government and related agencies, community groups, networks and associations in the development of planning policies, regulations and standards, and implementation through the planning process.*
2. *The City will follow the public notification procedures and regulations for informing and obtaining input on planning matters that are contained within the Planning Act. Notwithstanding, the City may exceed these requirements as deemed appropriate.*

3. *Where a notice of public meeting or a notice of a development application is required, notice will be given, at a minimum, in accordance with the applicable requirements of the Planning Act.*
4. *The City:*
 - i. *may set out public meeting requirements and notification on planning matters where such requirements and notification are not required or prescribed in the Planning Act;*
 - ii. *should establish protocol for the consistent and timely provision and disbursement of information on planning documents, planning matters, and development applications outside of the requirements of the Planning Act;*
 - iii. *will use a variety of communication methods to provide information, notification, and to seek public engagement and input on planning matters and development applications. Depending on the issues and in accordance with the Planning Act, the City shall choose the most appropriate method of communication, Communication may be in the form of:*
 - a) *direct mail outs, electronic or otherwise;*
 - b) *public notice signs;*
 - c) *newspaper advertisements*
 - d) *surveys, electronic or mail out;*
 - e) *public information open houses;*
 - f) *workshops/charettes;*
 - g) *public meetings;*
 - h) *the City web site and other forms of social media.'*

The City of St. Catharines **does not** mail notification to tenants of properties in response to applications for land use changes.

3.2 The Region of Waterloo

The Region of Waterloo, through its Official Plan, has implemented the use for an alternative method of notification as outlined in policy 12.4.2 (5) below to allow for enhanced consultation during the early review process and not rely solely on the notice of public meeting as outlined the in Planning Act

12.4.2 (5) With regard to proposed Amendments to the Official Plan or Zoning-Bylaw(s), the following shall apply:

- a) *Two public meetings may be held to inform and secure the views of the public with respect to the approval of an Amendment to the Official Plan or Zoning By-Law. The first meeting shall be known as the Informal Public Meeting and the second shall be known as the Formal Public Meeting. City staff may waive the Informal Public Meeting where there is a desire to expedite the approval process or where the holding of such meeting would serve no useful purpose.*
- b) *The purpose of the Informal Public Meeting is to present the proposed Amendment and to obtain the preliminary comments of those affected by the proposed Amendment. The Informal Public Meeting shall be open to the public and any person who attends the meeting shall be afforded an opportunity to make representations regarding the proposed Amendment. After the meeting, the application will be referred to municipal staff for a report. The municipal staff report shall be considered at the Formal Public Meeting. This meeting shall be open to the public and any person who attends the meeting shall be afforded an opportunity to make representations in respect of the proposed Amendment.*
- c) *Depending on the nature and scope of the application, there may be benefit to holding neighbourhood open house(s) in addition to the Formal and Informal Public Meetings, in order to provide the community additional information regarding technical studies and the scale and scope of the proposal. These open house sessions would be information sharing and informal in nature.*

The Region of Waterloo **does not** mail notification to tenants of properties in response to applications for land use changes.

3.3 The City of Ottawa:

The City of Ottawa states that when “*the proposed amendment or plan affects a large area or the posting of an on-site notice is, for whatever reason, not appropriate, notification in both official languages will either be given directly to targeted stakeholders or published in a city newspaper.*” The City of Ottawa, through its Official Plan, has implemented the use for an alternative method of notification as outlined above to allow for enhanced consultation during the early review process and not rely solely on the notice of public meeting as outlined the in *Planning Act*.

The City of Ottawa **does not** mail notification to tenants of properties in response to applications for land use changes

3.4 The City of Hamilton

The City of Hamilton does not specify which alternative notification measures will be used but rather includes language in its Official Plan that the most appropriate methods will be used that it will be in compliance with the applicable *Planning Act* requirements.

The City of Hamilton **does not** mail notification to tenants of properties in response to applications for land use changes

3.5 The City of Guelph

The City of Guelph through its Official Plan, has also implemented the use for an alternative method of notification for enhanced consultation during the review process as outlined the in *Planning Act*. The City of Guelph **does not** mail notification to tenants of properties in response to applications for land use changes, however notices for planning applications provide the following direction to owners of Multi-Tenant & Apartment Buildings:

Requirement for Owners of Multi-tenanted Buildings

Upon receiving this Notice, owners of multi-tenant buildings with seven (7) or more residential units are required under the Planning Act to post this Notice of Public Meeting in a location that is clearly visible to all tenants (i.e. building or community notice board). The Notice shall remain posted until Month, Date, Year (the day after the Public Meeting).

3.6 City of Burlington

The City of Burlington, through its Official Plan, has implemented the use for an alternative method of notification as outlined in policy 11.3.1 below to allow for enhanced consultation during the early review process and not rely solely on the notice of public meeting as outlined the in *Planning Act*. The Official Plan policies adopted in Burlington address an alternative approach for enhanced consultation that does address notice to tenants.

11.3.1 PROCEDURES

a) *The procedure to inform and obtain public and agency input regarding a development application, where applicable, shall include the following steps:*

... (iii) *a preliminary notification of the application for amendment(s) to the Official Plan or Zoning By-law and/or a plan of subdivision, including basic details, may be given at least thirty (30) days prior to the Council meeting to consider approval of the proposed amendment(s) and/or subdivision. For site specific amendments and subdivisions, the preliminary notification shall be sent by prepaid first class mail or personal service or email to every owner of land (emphasis added) within one hundred and twenty (120) m of the subject area within the Urban Area as outlined on Schedule C: Land Use - Urban Area, of this Plan, within three hundred (300) m of the subject area within the*

Rural Area as outlined on Schedule I: Land Use Rural Area, of this Plan, and within three hundred (300) m of the subject area within North Aldershot as outlined on Schedule K: Land Use North Aldershot, of this Plan, **and may be sent to every tenant** (emphasis added). For amendments that generally apply to the city, a notice shall be placed in a local newspaper approved by the City Clerk, that has a general circulation in the area;

... (vii) for a site specific amendment or a plan of subdivision, notice of the statutory public meeting **shall be placed in a local newspaper and/or sent by mail or personal service to every owner of land** (emphasis added) within one hundred and twenty (120) m of the subject area within the area outlined on Schedule C: Land Use – Urban Area, of this Plan, within three hundred (300) m of the subject area within the area outlined on Schedule I: Land Use – Rural Area, of this Plan, and within three hundred (300) m of the subject area within the area outlined on Schedule K: Land Use – North Aldershot, of this Plan, and **may be sent to every tenant** (emphasis added) and to any parties who have requested notification of any meetings on this particular matter, provided the request is received before notices are issued;

4.0 What Options are available for providing Notice to Tenants

4.1 Using Elections Data to obtain Tenant Information

Development Services and Planning Services staff met with Taxation and Assessment staff as well as City Clerks staff to see if there was a way to use elections information to reach tenants within the City of London along with home owners.

Using Election information would be contrary to the *Elections Act* as it clearly states that:

(10) No person shall use information obtained from public records described in), except fir election purposes. 1996, c. 32, Sched., s. 88(10)

The *Elections Act* also continues to state:

*(11) A voters' list prepared under this Act shall not be,
(a) posted in a public place; or
(b) made available to the public in another manner that is prescribed.
1996, c. 32, Sched., s. 88(11)*

Through input received from both the City Clerks and Legal Services offices, staff were made aware that this would not be a solution to obtain addresses for tenants in the city.

4.2 Using London Hydro Data to obtain Tenant Information

Development Services and Planning Services staff have explored the use of electricity and/or water billing information to identify tenants. There are two issues with the collection and use of this data:

1. There is not a consistent approach for tenant and owner billing arrangements. Some landlords pay the water and not the electricity bills, some landlords cover the entire bill and some tenants pay all the utilities.
2. The Ontario Energy Board has very strict rules around what information can be released and this type of personal information is guarded and typically unavailable to third parties for use.

4.3 Using Precision Target Markets through Canada Post to reach all mailing addresses

Staff have reached out to Canada Post to determine if Precision Target Markets with postal codes would be a viable option for reaching tenants within the city. Further discussions are warranted to explore the potential to license Canada Post data directly

to distribute a notice by mail to a defined area (radius of 120 metres) as opposed to an entire postal code area. Initial discussions around the potential for creating flyers that could be distributed using postal codes that match the 120m radius did not provide any assurance that there would not be considerable overlap in the notice area for those properties receiving these flyers and staff have not been provided with details regarding costs and service levels for utilizing this service with Canada Post.

4.4 Powers to compel Landlords to post or distribute Notices (Landlord Tenant Act, Residential Rental Unit License By-law)

Recent changes to the *Planning Act* provide tools to require that landlords with seven (7) or more rental units post the notice in the building at accessible locations. The City has adopted an approach to expand this provision to all landlords regardless of the number of units they rent/lease out.

Civic Administration have reviewed possible mechanisms to compel landlords via the City of London's *Residential Rental Units Licensing By-law* ("By-law") and/or the *Residential Tenancies Act* ("Act") should a landlord choose not to post the required notices. Firstly, with respect to the By-law, section 7.3 states:

"Notwithstanding any other provision of this By-law, the Licence Manager may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the Licence Manager to give effect to this By-law."

In order for the City to apply this provision to ensure that landlords post notices, the City must argue that doing so is necessary to give effect to the By-law, which raises some concerns because the By-law relates to how licences are applied for and granted. Arguably, the licence manager does not have the power to tie the issuance or renewal of a licence to conditions related to posting public notices. Legal Services have advised that Staff should not seek to amend the By-law to effect change for notification purposes.

Secondly, the relevant provisions of the Act only address the requirement of a landlord to provide reasonable supply of any vital service, which is defined in the Act to mean hot or cold water, fuel, electricity, gas or heat. As a result, the City cannot require landlord to post a public meeting notice under the Act.

The onus would fall on owners of rental properties or ground floor tenants to notify their respective tenants / other residents of any application or public meeting that might affect them.

4.5 Utilize an approach that mirrors City Council Policy Manual, Chapter 7 (Engineering Services) for the Public Notification Policy related to Construction Projects.

This policy specifies that the standard notification for various public construction projects shall be provided by, "...written notification...to the affected property owners. Multiple copies of the same notice will be delivered to the landlord/superintendent of multi-unit dwellings to enable them to notify their tenants".

It should be noted that the "affected property owners" differ between Engineering projects and Planning applications. For Engineering projects, "affected property owners" are owners of land within a 30m radius of the project whereas for planning applications "affected property owners" are property owners within a 120 metre radius of the subject site. Also, for Construction projects the onus for hand delivering notices rests with the Project Manager. There are no tools provided within the *Planning Act* to compel a Municipality to have the applicant hand deliver notices.

4.6 Implement Official Plan / The London Plan Policy that speaks to providing best efforts to utilize enhanced measures where appropriate, that go beyond the minimum requirements of the *Planning Act*, including tenant notification

Municipal staff, as part of the phase 2 amendments to the improvements of public engagement in the planning process, will add new Official Plan and The London Plan policy that the **City of London may provide public notification and public liaison notices, to the best of the City's ability, to Tenants within 120 metres (400 feet) of the area to which the proposal applies.**

This policy approach would be implemented immediately by Development Services and Planning Services staff for providing Notice of planning applications.

In all future planning applications affected by this policy, staff will utilize both the Municipal Property Assessment Corporation (MPAC) data and our GIS Master Address database when developing mailing labels for planning application notices. Planners preparing mailing labels for planning applications would have to print out both sets of labels. The MPAC labels would contain personalized labels for the owners of each property within a notice area. The labels generated using the GIS master address database would generate mailing labels for each address within a notice area. These labels would only be addressed to "Occupant" for each property as there is no reliable source of information to obtain the names and addresses of tenants or the door-point numbers for all rental units, at this time.. Planners would proceed to go through both sets of labels and remove duplicate labels for every property. Properties that are owner occupied would receive personalized labels, while properties that are non-owner occupied would receive one mailed notice to the property marked as Occupant.

Owners not residing at the property within the affected planning application areas would still receive a notice. The onus to distribute or post the notice within these rental buildings would fall onto the owner of the rental property or an occupant. If door-point numbers can be verified for units within a rental building, mailing labels can be generated to reach this unit within the building. Also, if the number of rental units within a building / property can be verified, staff can provide notices in batches to be delivered to the property for distribution by either Canada Post or the landlord/owner This approach would ensure that best efforts are made to provide notice to tenants.

It is also important to note that current improvements to other methods of notification, such as signage and websites, as well as mailed notices will also increase the number of notified residents, including tenants, within a planning application area. As part of our best efforts policy framework, staff will continue to explore other options and access to data sources that will enhance our ability to notify all residents, including tenants within a planning application area, recognizing that we won't reach everyone. Some of these enhanced approaches include:

- Utilizing Precision Target Marketing through Canada Post, including exploring options for licencing service for notice distributions;
- Explore options to obtain or purchase verifiable data that identifies door-point number information for rental properties;
- Possible future changes to Planning Application processes that may add an additional public participation meeting that should provide additional opportunities for public engagement and participation;
- Introduce enhanced mailing envelopes for Planning Notices that identify the contents of the mail out as a Planning Application Notice to reduce the volume of mail that is returned or discarded by recipients; and
- Other best practices that can be implemented to enhance staffs ability to reach as many residents as possible, including tenants, when sending out Notices.

5.0 Continuous Improvement - Financial and Resource Implications

The operational process for sending out notice of planning applications described in section 4.6 will be carried out within existing staffing and budgetary resources of both Planning Services and Development Services. In approximately one year, monitoring analysis will be undertaken to determine the impact on existing resources to do the additional review of property information and the maintenance and upkeep of any new data sources or systems required. If appropriate, following the review, staff will submit a Multi-Year Budget Business Case to request additional funding sources, identifying the magnitude of the tenant notification and resources required to implement the recommendations on an ongoing basis.

6.0 RECOMMENDATION

Municipal Council has directed staff to include notification of tenants by mail in Phase 2 of the improvements to public engagement in the planning process. To address this direction Civic Administration will need to implement Official Plan and The London Plan Policy that speaks to providing best efforts to utilize enhanced measures where appropriate, that go beyond the minimum requirements of the *Planning Act*. This includes adding policy that the City of London may provide public notification and public liaison notices, to the best of the City's ability, to Tenants within 120 metres (400 feet) of the area to which the proposal applies. This approach will put in place a practice by Planning Services and Development Services staff as outlined in section 4.6 of this report that would implement the direction of Council from June 26, 2017, while also exceeding provincial requirements for tenant notification. Some of the anticipated amendments to the City's Official Plan and The London Plan to establish this policy is provided below (bold & underscored):

The City of London Official Plan (1989) Notice Requirements

The City of London Official Plan includes alternative procedures that closely mirror the Planning Act requirements. These include the requirement for:

- *Publication in a local newspaper that, in the opinion of the General Manager of Planning and Development is of sufficiently general circulation in the area adjoining the subject land that it would give the public reasonable notice of the application; and/or*
- *Prepaid first class mail or personal service delivery*

The alternative procedures also require the City of London to provide public notification and public liaison notices, to the best of the City's ability, to the following individuals:

- *Every owner of land within the affected site and/or area to which the proposal applies, as shown on the last revised assessment roll*
- *Every owner of land within 120 metres (400 feet) of the area to which the proposal applies, as shown on the last revised assessment roll; and,*
- *Every person and agency that has given the City Clerk a written request for such notice.*
- **Tenants within 120 metres (400 feet) of the area to which the proposal applies, may be sent notification, to the best of the City's ability.**

The London Plan Notice Requirements

METHOD OF NOTICE

1624_ Notice of Application and Notice of Public Meeting will be given by:

4. *Publication in a local newspaper that, in the opinion of the City is of sufficiently general circulation in the area adjoining the subject land that it would give the public reasonable notice of the subject matter.*

5. *Publication on the City of London website.*

6. *Mail or email, to the best of the ability of the municipality, to:*

- a. *Every owner of land within the affected site and/or area to which the proposal applies, as shown on the last revised assessment roll.*
- b. *Every owner of land within 120 metres of the area to which the proposal applies, as shown on the last revised assessment roll.*
- c. *Every person and agency that has given the City Clerk a written request for such notice.*
- d. *The applicant.*
- e. *The relevant neighbourhood association, where one exists and is known to the City.*
- f. *The public bodies and agencies as prescribed by the Province.*
- g. **Tenants within 120 metres (400 feet) of the area to which the proposal applies, may be sent notification, where possible.**

1625_ Notice of Application will also be given by signage on or near the site of the application providing brief details of the application and where more information can be obtained.

NOTIFICATION TO NON-OWNER OCCUPIED DWELLINGS

1629_ Where Staff are aware of non-owner occupied dwellings located within the circulation radius, efforts may be made to request that the owners of land notify their tenant(s) and/or post the notice in prominent location(s) within the building such as in common areas, front lobby, laundry area, and mail room.

Existing *Planning Act* and Official Plan requirements would continue to apply as the standard. Should a policy be adopted that would include direction that would require that notice be sent to tenants, such policy would not be possible to implement and would likely fail. This is largely due to the lack of reliable data for tenant occupancy. Such a policy approach would increase the potential for appeals to an Appeal Tribunal due to lack of notification, should the standards be changed to require tenant notification.

In situations where Staff are aware of rental dwellings located within the circulation radius, efforts will be made to request that the owner of the property notify their tenant and/or post the notice in prominent location(s) within the building such as in common areas, front lobby, laundry area, and mail room. In addition, Planning Services and Development Services staff will utilize best efforts to provide all properties within a planning application area with a mailed notice regardless of ownership / tenancy.

Policy that speaks to providing best efforts to utilize enhanced measures where appropriate, that go beyond the minimum requirements of the *Planning Act* is appropriate in this regard. Council's direction can be achieved by adding policy that the City of London may provide public notification and public liaison notices, to the best of the City's ability, to Tenants within 120 metres (400 feet) of the area to which the proposal applies.

It is also important to note that current improvements to other methods of notification, such as signage and websites will increase the number of notified residents, including tenants, within a planning application area.

CONCLUSION

Staff recommend amendments to The London Plan and Official Plan to add a new policy that the City of London:

Will provide best efforts to utilize enhanced notification measures, where appropriate, that go beyond the minimum requirements of the *Planning Act*. This includes adding policy that the City of London may provide public notification and public liaison notices, to the best of the City's ability, to Tenants within 120 metres (400 feet) of the area to which the proposal applies, where possible. This approach will put in place a practice by Planning Services and Development Services staff as outlined in section 4.6 of this report that would implement the direction of Council from June 26, 2017, while also exceeding provincial requirements for tenant notification.

The City of Burlington and The City of Guelph have included such policy within their Official Plan, noting that no other municipality in the province provides notice to tenants for planning applications

The key issue preventing the success of a tenant notification policy is that there are limited reliable sources of information to obtain the names and addresses of tenants. A prescriptive policy requiring notification to all tenants within a planning application area could result in risk of appeals, delays to Planning reviews, increased costs and unreliable expectations of residents.

Prepared by:	Lou Pompilii, MPA RPP Manager, Development Planning (Subdivision)
Reviewed by:	Michael Tomazincic, MCIP RPP Manager, Current Planning
Reviewed by:	Matt Feldberg Manager, Development Services (Subdivision)
Recommended by :	Paul Yeoman, RPP, PLE Director, Development Services
Concurred in by :	John M. Fleming, MCIP RPP Managing Director, Planning and City Planner
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official

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

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Scott Stafford
Managing Director, Parks and Recreation
Subject: Ontario's Main Street Revitalization Initiative – Municipal
Funding Agreement

Recommendation

That, on the recommendation of the Managing Director, Parks and Recreation, with the concurrence of the Managing Director, Planning and City Planner and the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the attached proposed By-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting on June 26, 2018 to:

- a) Approve a Municipal Funding Agreement (Schedule 1) between The Corporation of the City of London and the Association of Municipalities of Ontario to receive funding under the Ontario Main Street Revitalization Initiative;
- b) Authorize the Mayor and City Clerk to execute the agreement approved in a) above;
- c) Delegate authority to the Managing Director, Parks and Recreation to allocate funding from this program to eligible projects aligned with Council-approved programs and plans in accordance with the eligibility criteria of the Municipal Funding Agreement, subject to future reporting to Municipal Council on the allocation of the funds;
- d) Delegate authority to the Managing Director, Parks and Recreation to authorize and approve such further and other documents (including amendments and reports) that may be required in furtherance of the agreement, and that do not require additional funding or are provided for in the City's approved budget, and that do not increase the indebtedness of The Corporation of the City of London.

Previous Reports Pertinent to this Matter

None

Background

On January 23, 2018, the Ontario Ministry of Agriculture, Food and Rural Affairs ("OMAFRA") announced the Main Street Revitalization Initiative, to be administered by the Association of Municipalities of Ontario ("AMO") and Rural Ontario Municipal Association. This \$26 million program is intended to support Ontario's main streets and their business communities, and all single and lower tier municipal governments (except Toronto) are receiving funding under this program. The municipal funding allocations are based on a formula utilizing population from the 2016 Census, adjusted for smaller communities under 25,000 residents. London's one-time allocation under this program is \$369,137.95.

Discussion

Eligible projects under this funding program are intended to support revitalization activities within "main street areas," as defined through an existing Community Improvement Plan or any other municipal land use planning policy. Funding can be used in one or both of the following categories:

1. Community Improvement Plan – construction, renewal, renovation or redevelopment or material enhancement activities that implement priority financial incentives in existing Community Improvement Plans such as:

- a) Commercial building façade improvements
- b) Preservation and adaptive reuse of heritage and industrial buildings
- c) Provision of affordable housing
- d) Space conversion for residential and commercial uses
- e) Structural improvements to buildings (e.g. Building Code upgrades)
- f) Improvement of community energy efficiency
- g) Accessibility enhancements

2. Other Municipal Land Use Planning Policy – construction, renewal or material enhancement activities to fund strategic Municipal Physical Infrastructure and promotional projects such as:

- a) Signage – wayfinding/directional, and gateway
- b) Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails
- c) Marketing plan implementation – business attraction and promotion activities, special events

Eligible costs must be incurred after April 1, 2018 and prior to March 31, 2020 in order to be eligible for funding under this program. Costs outside of a municipality's "main street" areas are ineligible under this program; similarly costs related to routine repair and maintenance of municipal infrastructure also cannot be funded.

Civic Administration is currently in the early stages of considering options for the utilization of the funds. Delegated authority is being sought for the Managing Director, Parks and Recreation to allocate funding from this program to eligible projects aligned with Council-approved programs and plans in accordance with the eligibility criteria of the Municipal Funding Agreement, subject to future reporting to Municipal Council on the allocation of the funds.

In order to access the funding allocation, the City is required to enter into a Municipal Funding Agreement with AMO (Schedule 1). Delegated authority is also being sought for the Managing Director, Parks and Recreation to execute other documents related to this agreement (e.g. associated reporting requirements, amendments that do not require additional funding, etc.).

The Municipal Funding Agreement has been reviewed by Legal Services and Risk Management. The agreement includes an indemnification clause that requires the City to indemnify and hold AMO and the Province harmless from all liability associated with the funding and associated projects except for claims/losses which relate to the negligence of an officer, servant, employee, or agent of Ontario in the performance of his or her duties. In the opinion of Risk Management, the indemnity clause should not prevent the Corporation from moving forward with final approval of this agreement, as the potential benefit of the funds outweighs the associated risk from the indemnity clause.

Financial Impact

Funding under the Main Street Revitalization Initiative can be used to pay for up to 100% of the eligible costs of eligible projects; there is no municipal cost sharing required.

Should the costs of the projects undertaken exceed the funding available under the Main Street Revitalization Initiative, it is anticipated that the balance of funds will be sourced from existing approved budgets.

Conclusion

The City of London is the recipient of \$369,137.95 of funding under OMAFRA's Main Street Revitalization Initiative being administered by AMO. In order to access this funding, the Corporation must enter into a Municipal Funding Agreement with AMO. Delegated authority is also being sought for the Managing Director, Parks and Recreation to allocate funding from this program to eligible projects aligned with Council-approved programs and plans in accordance with the eligibility criteria of the Municipal Funding Agreement (subject to future reporting to Municipal Council on the allocation of the funds), and to execute other documents related to this agreement.

Prepared by:	Kyle Murray Senior Financial Business Administrator
Recommended by:	Scott Stafford Managing Director, Parks and Recreation
Concurred by:	Anna Lisa Barbon Managing Director, Corporate Services and City Treasurer, Chief Financial Officer
Concurred by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

Bill No.
2018

By-law No.

A by-law to approve a Municipal Funding Agreement between the Association of Municipalities of Ontario and The Corporation of the City of London for Ontario's Main Street Revitalization Initiative; and to authorize the Mayor and the City Clerk to execute the Agreement; and to delegate authority to the Managing Director, Parks and Recreation to allocate funding from this program to eligible projects aligned with Council-approved programs and plans, subject to future reporting to Municipal Council on the allocation of the funds; and to delegate authority to the Managing Director, Parks and Recreation to authorize such further and other documents that may be required in furtherance of the agreement.

WHEREAS subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

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

1. The Municipal Funding Agreement attached as Schedule 1 to this by-law between the Association of Municipalities of Ontario and The Corporation of the City of London, to receive funding under the Ontario Main Street Revitalization Initiative, is hereby authorized and approved.
2. The Mayor and the City Clerk are hereby authorized to execute the Municipal Funding Agreement authorized and approved under section 1, above.
3. The Managing Director, Parks and Recreation is hereby delegated authority to allocate funding from this program to eligible projects aligned with Council-approved programs and plans in accordance with the eligibility criteria of the Municipal Funding Agreement, subject to future reporting to Municipal Council on the allocation of the funds.
4. The Managing Director, Parks and Recreation is hereby delegated authority to authorize and approve such further and other documents (including amendments and reports) that may be required in furtherance of the agreement, and that do not require additional funding or are provided for in the City's approved budget, and that do not increase the indebtedness of The Corporation of the City of London.
5. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - June 26, 2018
Second Reading - June 26, 2018
Third Reading - June 26, 2018

MUNICIPAL FUNDING AGREEMENT

ONTARIO'S MAIN STREET REVITALIZATION INITIATIVE

This Agreement made as of 1st day of April, 2018.

BETWEEN:

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

(referred to herein as "AMO")

AND:

THE CORPORATION OF THE CITY OF LONDON

(a municipal corporation pursuant to the Municipal Act, 2001, referred to herein as the "Recipient")

WHEREAS the Province of Ontario is making \$26 million available for allocation for the purposes of supporting municipal Main Street Revitalization Initiatives in Ontario;

WHEREAS the Province of Ontario, Ontario municipalities as represented by AMO are signatories to Ontario's Main Street Revitalization Initiative Transfer Payment Agreement on March 12, 2018 (the "OMAFRA-AMO Agreement"), whereby AMO agreed to administer Main Street Revitalization funds made available to all Ontario municipalities, excluding Toronto;

WHEREAS the OMAFRA-AMO Transfer Payment Agreement contains a framework for the transfer of provincial funds to Ontario lower-tier and single-tier municipalities represented by AMO;

WHEREAS the Recipient wishes to enter into this Agreement in order to participate in Ontario's Main Street Revitalization Initiative;

WHEREAS AMO is carrying out the fund administration in accordance with its obligations set out in the OMAFRA-AMO Agreement and it will accordingly undertake certain activities and require Recipients to undertake activities as set out in this Agreement.

THEREFORE the Parties agree as follows:

1. DEFINITIONS AND INTERPRETATION

1.1 **Definitions.** When used in this Agreement (including the cover and execution pages and all of the schedules), the following terms shall have the meanings ascribed to them below unless the subject matter or context is inconsistent therewith:

“Agreement” means this Agreement, including the cover and execution pages and all of the schedules hereto, and all amendments made hereto in accordance with the provisions hereof.

“Annual Report” means the duly completed report to be prepared and delivered to AMO as described in Section 7.2 and Section 2 of Schedule D.

“Association of Municipalities of Ontario (AMO)” means a legally incorporated entity under the Corporations Act, 1990 R.S.O. 1990, Chapter c.38.

“Communication Report” means the duly completed report to be prepared and delivered to AMO as described in Section 7.1 and Section 1 of Schedule D.

“Community Improvement Plan” has the meaning as defined under section 28(1) of the Planning Act, R.S.O. 1990, c. P.13.

“Contract” means an agreement between the Recipient and a Third Party whereby the latter agrees to supply a product or service to an Eligible Project in return for financial consideration.

“Effective Date” is April 1, 2018.

“Eligible Costs” means those expenditures described as eligible in Schedule C.

“Eligible Projects” means projects as described in Schedule B.

“Eligible Recipient” means a

- a. Municipality or its agent (including its wholly owned corporation); and
- b. Non-municipal entity, including for profit, non-governmental and not-for profit organizations, on the condition that the Municipality(ies) has (have) indicated support for the Eligible Project through a formal grant agreement between the Municipality and the non-municipal entity.

“Event of Default” has the meaning given to it in Section 11.1 of this Agreement.

“Funds” mean the Funds made available to the Recipient through the Main Street Revitalization Initiative, a program established by the Government of Ontario. Funds are made available pursuant to this Agreement and includes any interest earned on the said Funds. For greater certainty: (i) Funds transferred to another Municipality in accordance with Section 6.2 of this Agreement, other than as set out in Sections 7.1(a), (c) and (f), are to be treated as Funds by the Municipality to which the Funds are transferred and are not to be treated as Funds by the Recipient; and (ii) any Funds transferred to a non-municipal entity in accordance with Section 6.3 of this Agreement shall remain as Funds under this Agreement for all purposes and the Recipient shall continue to be bound by all provisions of this Agreement with respect to such transferred Funds.

“Ineligible Costs” means those expenditures described as ineligible in Schedule C.

“Lower-tier Municipality” means a Municipality that forms part of an Upper-tier Municipality for municipal purposes, as defined under the Municipal Act, 2001 S.O. 2001, c.25.

“Municipal Fiscal Year” means the period beginning January 1st of a year and ending December 31st of the same year.

“Municipality” and “Municipalities” means every municipality as defined under the Municipal Act, 2001 S.O. 2001 c.25.

“Municipal Physical Infrastructure” means municipal or regional, publicly or privately owned, tangible capital assets primarily for public use or benefit in Ontario.

“Ontario” means Her Majesty in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs.

“Parties” means AMO and the Recipient.

“Project Completion Date” means the Recipient must complete its Project under this Agreement by March 31, 2020.

“Recipient” has the meaning given to it on the first page of this Agreement.

“Results Report” means the report prepared and delivered to AMO by the Recipient by which reports on how Funds are supporting progress towards achieving the program objective, more specifically described in Section 3 of Schedule D.

“Single-tier Municipality” means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes as defined under the Municipal Act, 2001, S.O. 2001 c. 25.

“Third Party” means any person or legal entity, other than the Parties to this Agreement who participates in the implementation of an Eligible Project by means of a Contract.

“Transfer By-law” means a by-law passed by Council of the Recipient pursuant to Section 6.2 and delivered to AMO in accordance with that section.

“Unspent Funds” means the amount reported as unspent by the Recipient as of December 31, as submitted in the Recipient’s Annual Report.

1.2 Interpretations:

Herein, etc. The words “herein”, “hereof” and “hereunder” and other words of similar import refer to this Agreement as a whole and not any particular schedule, article, section, paragraph or other subdivision of this Agreement.

Currency. Any reference to currency is to Canadian currency and any amount advanced, paid or calculated is to be advanced, paid or calculated in Canadian currency.

Statutes. Any reference to a federal or provincial statute is to such statute and to the regulations made pursuant to such statute as such statute and regulations may at any time be amended or modified and in effect and to any statute or regulations that may be passed that have the effect of supplementing or superseding such statute or regulations.

Gender, singular, etc. Words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa.

2. TERM OF AGREEMENT

- 2.1 **Term.** Subject to any extension or termination of this Agreement or the survival of any of the provisions of this Agreement pursuant to the provisions contained herein, this Agreement shall be in effect from the date set out on the first page of this Agreement, up to and including March 31, 2020.
- 2.2 **Amendment.** This Agreement may be amended at any time in writing as agreed to by AMO and the Recipient.
- 2.3 **Notice.** Any of the Parties may terminate this Agreement on written notice.

3. RECIPIENT REQUIREMENTS

- 3.1 **Communications.** The Recipient will comply with all requirements outlined, including providing upfront project information on an annual basis, or until all Funds are expended for communications purposes in the form described in Section 7.1 and Section 1 of Schedule D.
- a) Unless otherwise directed by Ontario, the Recipient will acknowledge the support of Ontario for Eligible Projects in the following manner: "The Project is funded [if it is partly funded the Recipient should use "in part"] by the Ontario Ministry of Agriculture, Food and Rural Affairs."
 - b) The Recipient shall notify Ontario within five (5) business days of planned media events or announcements related to the Project, organized by the Recipient to facilitate the attendance of Ontario. Media events and announcements include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.
- 3.2 **Contracts.** The Recipient will award and manage all Contracts in accordance with its relevant policies and procedures and, if applicable, in accordance with the Canadian Free Trade Agreement and applicable international trade agreements, and all other applicable laws.
- a) The Recipient will ensure any of its Contracts for the supply of services or materials to implement its responsibilities under this Agreement will be

awarded in a way that is transparent, competitive, consistent with value for money principles and pursuant to its adopted procurement policy.

4. ELIGIBLE PROJECTS

- 4.1 **Eligible Projects.** Costs directly and reasonably incurred by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs or activities funded under the Municipal Physical Infrastructure category, including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the role of small businesses in main street areas as more specifically described in Schedule B and Schedule C
- 4.2 **Recipient Fully Responsible.** The Recipient is fully responsible for the completion of each Eligible Project in accordance with Schedule B and Schedule C.

5. ELIGIBLE COSTS

- 5.1 **Eligible Costs.** Schedule C sets out specific requirements for Eligible and Ineligible Costs.
- 5.2 **Discretion of Ontario.** Subject to Section 5.1, the eligibility of any items not listed in Schedule B and/or Schedule C to this Agreement is solely at the discretion of Ontario.
- 5.3 **Unspent Funds.** Any Unspent Funds, and any interest earned thereon, will be subject to the terms and conditions of this Agreement.
- 5.4 **Reasonable Access.** The Recipient shall allow AMO and Ontario reasonable and timely access to all documentation, records and accounts and those of their respective agents or Third Parties related to the receipt, deposit and use of Funds and Unspent Funds, and any interest earned thereon, and all other relevant information and documentation requested by AMO or Ontario or their respective designated representatives for the purposes of audit, evaluation, and ensuring compliance with this Agreement.
- 5.5 **Retention of Receipts.** The Recipient will keep proper and accurate accounts and records of all Eligible Projects including invoices and receipts for Eligible Expenditures in accordance with the Recipient's municipal records retention by-law and, upon reasonable notice, make them available to AMO and Ontario.

6. FUNDS

- 6.1 **Allocation of Funds.** AMO will allocate and transfer Funds on the basis of the formula determined by Ontario.
- 6.2 **Transfer of Funds to a Municipality.** Where a Recipient decides to allocate and transfer Funds to another Municipality (the "Transferee Municipality"):

- a) The allocation and transfer shall be authorized by by-law (a "Transfer By-law"). The Transfer By-law shall be passed by the Recipient's council and submitted to AMO as soon thereafter as practicable. The Transfer By-law shall identify the Transferee Municipality and the amount of Funds the Transferee Municipality is to receive for the Municipal Fiscal Year specified in the Transfer By-law.
- b) The Recipient is still required to submit an Annual Report in accordance with Sections 7.1 (a), (c) and (f) hereof with respect to the Funds transferred.
- c) No transfer of Funds pursuant to this Section 6.2 shall be effected unless and until the Transferee Municipality has either (i) entered into an agreement with AMO on substantially the same terms as this Agreement, or (ii) has executed and delivered to AMO a written undertaking to assume all of the Recipient's obligations under this Agreement with respect to the Funds transferred; in a form satisfactory to AMO.

6.3 **Transfer of Funds to a non-municipal entity.** Where a Recipient decides to support an Eligible Project undertaken by an Eligible Recipient that is not a Municipality:

- a) The provision of such support shall be authorized by a grant agreement between the Municipality and the Eligible Recipient in support of a Community Improvement Plan. The grant agreement shall identify the Eligible Recipient, and the amount of Funds the Eligible Recipient is to receive for that Eligible Project.
- b) The Recipient shall continue to be bound by all of the provisions of this Agreement notwithstanding any such transfer including the submission of an Annual Report in accordance with Section 7.2.
- c) No transfer of Funds pursuant to this Section 6.3 shall be effected unless and until the non-municipal entity receiving the Funds has executed and delivered to the Municipality the grant agreement.

6.4 **Use of Funds.** The Recipient acknowledges and agrees the Funds are intended for and shall be used only for Eligible Expenditures in respect of Eligible Projects.

6.5 **Payout of Funds.** The Recipient agrees that all Funds will be transferred by AMO to the Recipient upon full execution of this Agreement.

6.6 **Use of Funds.** The Recipient will deposit the Funds in a dedicated reserve fund or other separate distinct interest bearing account and shall retain the Funds in such reserve fund, or account until the Funds are expended or transferred in accordance with this Agreement. The Recipient shall ensure that:

- a) any investment of unexpended Funds will be in accordance with Ontario law and the Recipient's investment policy; and,

- b) any interest earned on Funds will only be applied to Eligible Costs for Eligible Projects, more specifically on the basis set out in Schedule B and Schedule C.
- 6.7 **Funds advanced.** Funds transferred by AMO to the Recipient shall be expended by the Recipient in respect of Eligible Costs. AMO reserves the right to declare that Unspent Funds after March 31, 2020 become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.
- 6.8 **Expenditure of Funds.** The Recipient shall expend all Funds by March 31, 2020.
- 6.9 **GST & HST.** The use of Funds is based on the net amount of goods and services tax or harmonized sales tax to be paid by the Recipient net of any applicable tax rebates.
- 6.10 **Limit on Ontario's Financial Commitments.** The Recipient may use Funds to pay up to one hundred percent (100%) of Eligible Expenditures of an Eligible Project.
- 6.11 **Stacking.** If the Recipient is receiving funds under other programs in respect of an Eligible Project to which the Recipient wishes to apply Funds, the maximum contribution limitation set out in any other program agreement made in respect of that Eligible Project shall continue to apply.
- 6.12 **Insufficient funds provided by Ontario.** If Ontario does not provide sufficient funds to AMO for this Agreement, AMO may terminate this Agreement.

7. REPORTING REQUIREMENTS

- 7.1 **Communication Report.** Immediately upon execution of this Agreement the Recipient shall report to AMO any Eligible Project being undertaken in the current Municipal Fiscal Year in the form described in Schedule D.
- 7.2 **Annual Report.** The Recipient shall report in the form in Schedule D due by May 15th following the Municipal Fiscal Year on:
 - a) the amounts received from AMO under this Agreement;
 - b) the amounts received from another Eligible Recipient;
 - c) the amounts transferred to another Eligible Recipient;
 - d) amounts paid by the Recipient in aggregate for Eligible Projects;
 - e) amounts held at year end by the Recipient in aggregate, including interest, to pay for Eligible Projects;
 - f) indicate in a narrative the progress that the Recipient has made in meeting its commitments and contributions; and,

- g) a listing of all Eligible Projects that have been funded, indicating the Eligible Project category, project description, amount of Funds, total project cost, start date, end date and completion status.

7.3 **Results Report.** The Recipient shall account in writing for results achieved by the Funds through a Results Report to be submitted to AMO. Specifically the Results Report shall document performance measures achieved through the investments in Eligible Projects in the form described in Section 3 of Schedule D.

8. RECORDS AND AUDIT

8.1 **Accounting Principles.** All accounting terms not otherwise defined herein have the meanings assigned to them; all calculations will be made and all financial data to be submitted will be prepared in accordance with generally accepted accounting principles (GAAP) in effect in Ontario. GAAP will include, without limitation, those principles approved or recommended for local governments from time to time by the Public Sector Accounting Board or the Canadian Institute of Chartered Accountants or any successor institute, applied on a consistent basis.

8.2 **Separate Records.** The Recipient shall maintain separate records and documentation for the Funds and keep all records including invoices, statements, receipts and vouchers in respect of Funds expended on Eligible Projects in accordance with the Recipient's municipal records retention by-law. Upon reasonable notice, the Recipient shall submit all records and documentation relating to the Funds to AMO and Ontario for inspection or audit.

8.3 **External Auditor.** AMO and/or Ontario may request, upon written notification, an audit of Eligible Project or an Annual Report. AMO shall retain an external auditor to carry out an audit of the material referred to in Sections 5.4 and 5.5 of this Agreement. AMO shall ensure that any auditor who conducts an audit pursuant to this Section of this Agreement or otherwise, provides a copy of the audit report to the Recipient and Ontario at the same time that the audit report is given to AMO.

9. INSURANCE AND INDEMNITY

9.1 **Insurance.** The Recipient shall put in effect and maintain in full force and effect or cause to be put into effect and maintained for the term of this Agreement all the necessary insurance with respect to each Eligible Project, including any Eligible Projects with respect to which the Recipient has transferred Funds pursuant to Section 6 of this Agreement, that would be considered appropriate for a prudent Municipality undertaking Eligible Projects, including, where appropriate and without limitation, property, construction and liability insurance, which insurance coverage shall identify Ontario and AMO as additional insureds for the purposes of the Eligible Projects.

9.2 **Certificates of Insurance.** Throughout the term of this Agreement, the Recipient shall provide AMO with a valid certificate of insurance that confirms compliance with the requirements of Section 9.1. No Funds shall be expended

or transferred pursuant to this Agreement until such certificate has been delivered to AMO.

9.3 **AMO not liable.** In no event shall Ontario or AMO be liable for:

- (a) any bodily injury, death or property damages to the Recipient, its employees, agents or consultants or for any claim, demand or action by any Third Party against the Recipient, its employees, agents or consultants, arising out of or in any way related to this Agreement; or
- (b) any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit to the Recipient, its employees, agents or consultants arising out of any or in any way related to this Agreement.

9.4 **Recipient to Compensate Ontario.** The Recipient will ensure that it will not, at any time, hold Ontario, its officers, servants, employees or agents responsible for any claims or losses of any kind that the Recipient, Third Parties or any other person or entity may suffer in relation to any matter related to the Funds or an Eligible Project and that the Recipient will, at all times, compensate Ontario, its officers, servants, employees and agents for any claims or losses of any kind that any of them may suffer in relation to any matter related to the Funds or an Eligible Project. The Recipient's obligation to compensate as set out in this section does not apply to the extent to which such claims or losses relate to the negligence of an officer, servant, employee, or agent of Ontario in the performance of his or her duties.

9.5 **Recipient to Indemnify AMO.** The Recipient hereby agrees to indemnify and hold harmless AMO, its officers, servants, employees or agents (each of which is called an "Indemnatee"), from and against all claims, losses, damages, liabilities and related expenses including the fees, charges and disbursements of any counsel for any Indemnatee incurred by any Indemnatee or asserted against any Indemnatee by whomsoever brought or prosecuted in any manner based upon, or occasioned by, any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights caused by or arising directly or indirectly from:

- (a) the Funds;
- (b) the Recipient's Eligible Projects, including the design, construction, operation, maintenance and repair of any part or all of the Eligible Projects;
- (c) the performance of this Agreement or the breach of any term or condition of this Agreement by the Recipient, its officers, servants, employees and agents, or by a Third Party, its officers, servants, employees, or agents; and
- (d) any omission or other wilful or negligent act of the Recipient or Third Party and their respective officers, servants, employees or agents.

10. DISPOSAL

10.1 **Disposal.** The Recipient will not, without Ontario's prior written consent, sell, lease or otherwise dispose of any asset purchased or created with the Funds or

for which Funds were provided, the cost of which exceed \$50,000 at the time of sale, lease or disposal prior to March 31, 2021.

11. DEFAULT AND TERMINATION

- 11.1 **Event of Default.** AMO may declare in writing that an event of default has occurred when the Recipient has not complied with any condition, undertaking or term in this Agreement. AMO will not declare in writing that an event of default has occurred unless it has first consulted with the Recipient. Each and every one of the following events is an “Event of Default”:
- (a) failure by the Recipient to deliver in a timely manner an Annual Report or Results Report.
 - (b) delivery of an Annual Report that discloses non-compliance with any condition, undertaking or material term in this Agreement.
 - (c) failure by the Recipient to co-operate in an external audit undertaken by AMO or its agents.
 - (d) delivery of an external audit report that discloses non-compliance with any condition, undertaking or term in this Agreement.
 - (e) failure by the Recipient to expend Funds in accordance with Sections 4.1 and 6.8.
- 11.2 **Waiver.** AMO may withdraw its notice of an Event of Default if the Recipient, within thirty (30) calendar days of receipt of the notice, either corrects the default or demonstrates, to the satisfaction of AMO in its sole discretion that it has taken such steps as are necessary to correct the default.
- 11.3 **Remedies on default.** If AMO declares that an Event of Default has occurred under Section 11.1, after thirty (30) calendar days from the Recipient’s receipt of the notice of an Event of Default, it may immediately terminate this Agreement.
- 11.4 **Repayment of Funds.** If AMO declares that an Event of Default has not been cured to its satisfaction, AMO reserves the right to declare that prior payments of Funds become a debt to Ontario which the Recipient will reimburse forthwith on demand to AMO for transmission to Ontario.

12. CONFLICT OF INTEREST

- 12.1 **No conflict of interest.** The Recipient will ensure that no current member of the AMO Board of Directors and no current or former public servant or office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes or policies of Ontario applies will derive direct benefit from the Funds, the Unspent Funds, and interest earned thereon, unless the provision of receipt of such benefits is in compliance with such legislation, guidelines, policies or codes.

13. NOTICE

13.1 **Notice.** Any notice, information or document provided for under this Agreement will be effectively given if in writing and if delivered by hand, or overnight courier, mailed, postage or other charges prepaid, or sent by facsimile or email to the addresses, the facsimile numbers or email addresses set out in Section 13.3. Any notice that is sent by hand or overnight courier service shall be deemed to have been given when received; any notice mailed shall be deemed to have been received on the eighth (8) calendar day following the day on which it was mailed; any notice sent by facsimile shall be deemed to have been given when sent; any notice sent by email shall be deemed to have been received on the sender's receipt of an acknowledgment from the intended recipient (such as by the "return receipt requested" function, as available, return email or other written acknowledgment), provided that in the case of a notice sent by facsimile or email, if it is not given on a business day before 4:30 p.m. Eastern Standard Time, it shall be deemed to have been given at 8:30 a.m. on the next business day for the recipient.

13.2 **Representatives.** The individuals identified in Section 13.3 of this Agreement, in the first instance, act as AMO's or the Recipient's, as the case may be, representative for the purpose of implementing this Agreement.

13.3 **Addresses for Notice.** Further to Section 13.1 of this Agreement, notice can be given at the following addresses:

a) If to AMO:

Executive Director
Main Streets Agreement
Association of Municipalities of Ontario 200 University Avenue, Suite 801
Toronto, ON M5H 3C6

Telephone: 416-971-9856
Email: mainstreets@amo.on.ca

b) If to the Recipient:

Managing Director, Corporate Services/City Treasurer & CFO
Anna Lisa Barbon
CITY OF LONDON
P.O. Box 5035 City Hall, 300 Dufferin Ave.
London, ON N6A 4L9
(519) 661-2489 x4705
abarbon@london.ca

14. MISCELLANEOUS

14.1 **Counterpart Signature.** This Agreement may be signed in counterpart, and the signed copies will, when attached, constitute an original Agreement.

14.2 **Severability.** If for any reason a provision of this Agreement that is not a fundamental term is found to be or becomes invalid or unenforceable, in whole or in part, it will be deemed to be severable and will be deleted from this

Agreement, but all the other terms and conditions of this Agreement will continue to be valid and enforceable.

- 14.3 **Waiver.** AMO may waive any right in this Agreement only in writing, and any tolerance or indulgence demonstrated by AMO will not constitute waiver of rights in this Agreement. Unless a waiver is executed in writing, AMO will be entitled to seek any remedy that it may have under this Agreement or under the law.
- 14.4 **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.
- 14.5 **Survival.** The Recipient agrees that the following sections and provisions of this Agreement shall extend for seven (7) years beyond the expiration or termination of this Agreement: Sections 5, 6.7, 6.8, 7, 9.4, 9.5, 11.4 and 14.8.
- 14.6 **AMO, Ontario and Recipient independent.** The Recipient will ensure its actions do not establish or will not be deemed to establish a partnership, joint venture, principal-agent relationship or employer-employee relationship in any way or for any purpose whatsoever between Ontario and the Recipient, between AMO and the Recipient, between Ontario and a Third Party or between AMO and a Third Party.
- 14.7 **No Authority to Represent.** The Recipient will ensure that it does not represent itself, including in any agreement with a Third Party, as a partner, employee or agent of Ontario or AMO.
- 14.8 **Debts Due to AMO.** Any amount owed under this Agreement will constitute a debt due to AMO, which the Recipient will reimburse forthwith, on demand, to AMO.
- 14.9 **Priority.** In the event of a conflict, the part of this Agreement that precedes the signature of the Parties will take precedence over the Schedules.

15. SCHEDULES

- 15.1 This Agreement, including:
- Schedule A Municipal Allocation
 - Schedule B Eligible Projects
 - Schedule C Eligible and Ineligible Costs
 - Schedule D Reporting

constitute the entire agreement between the Parties with respect to the subject matter contained in this Agreement and supersedes all prior oral or written representations and agreements.

16. SIGNATURES

IN WITNESS WHEREOF, AMO and the Recipient have respectively executed, sealed and delivered this Agreement on the date set out on the front page.

RECIPIENT'S NAME:

THE CORPORATION OF THE CITY OF LONDON

Mayor Name

Signature

Clerk Name

Signature

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO

By Title

Signature

In the presence of:

Witness Title

Signature

**SCHEDULE A
MUNICIPAL ALLOCATION**

RECIPIENT'S NAME: THE CORPORATION OF THE CITY OF LONDON

ALLOCATION: \$369137.9534

The Recipient acknowledges this is a one time payment for Eligible Projects with Eligible Costs.

SCHEDULE B ELIGIBLE PROJECTS

Funding is to be directed to Eligible Projects to support revitalization activities within main street areas, as defined through an existing Community Improvement Plan or any other municipal land use planning policy. Funding can be used in one or both of the following categories:

- 1. Community Improvement Plan** – construction, renewal, renovation or redevelopment or material enhancement activities that implement priority financial incentives in existing Community Improvement Plans such as:
 - a. Commercial building façade improvements
 - b. Preservation and adaptive reuse of heritage and industrial buildings
 - c. Provision of affordable housing
 - d. Space conversion for residential and commercial uses
 - e. Structural improvements to buildings (e.g. Building Code upgrades)
 - f. Improvement of community energy efficiency
 - g. Accessibility enhancements

- 2. Other Municipal Land Use Planning Policy** – construction, renewal or material enhancement activities to fund strategic Municipal Physical Infrastructure and promotional projects such as:
 - a. Signage – wayfinding/directional, and gateway.
 - b. Streetscaping and landscape improvements – lighting, banners, murals, street furniture, interpretive elements, public art, urban forestation, accessibility, telecommunications/broadband equipment, parking, active transportation infrastructure (e.g. bike racks/storage, cycling lanes and paths) and pedestrian walkways/trails.
 - c. Marketing plan implementation – business attraction and promotion activities, special events.

SCHEDULE C
ELIGIBLE AND INELIGIBLE COSTS

1. Eligible Costs include:

- a. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal, renovation or redevelopment or material enhancement activities funded under existing Community Improvement Plan financial incentive programs.
- b. Costs directly and reasonably incurred on or after April 1, 2018 up to and including the Project Completion Date by the Recipient for construction, renewal or material enhancement activities funded under the Municipal Physical Infrastructure category including projects in downtown or main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy that will support the success of small businesses in main street areas.

2. Ineligible Costs include:

- a. Costs incurred prior to Effective Date or after the Project Completion Date;
- b. Any costs associated with providing the Annual and Results Reports to AMO;
- c. Any costs associated with lobbying Ontario, including other Ministries, agencies and organizations of the Government of Ontario;
- d. Costs associated with construction, renewal, renovation or redevelopment or material enhancement of all things in the following categories: highways, short-sea shipping, short-line rail, regional or local airports, and brownfield redevelopment;
- e. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement that do not improve energy efficiency, accessibility, aesthetics or marketability of small businesses within an Recipient's main street areas; or that do not encourage strategic public investments in municipal and other public infrastructure within main street areas that will benefit small businesses; or that otherwise will likely fail to contribute to the success of main street businesses;
- f. Costs of infrastructure construction, renewal, renovation or redevelopment or material enhancement outside of the Recipient's main street areas, as defined through an existing Community Improvement Plan or other municipal land use planning policy;
- g. The cost of leasing of equipment by the Recipient, any overhead costs, including salaries and other employment benefits of any employees of the Recipient, its direct or indirect operating or administrative costs of Recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with Eligible Costs above;
- h. Taxes, to which the Recipient is eligible for a tax rebate;
- i. Purchase of land or any interest therein, and related costs; and,

- j. Routine repair and maintenance Municipal Physical Infrastructure.

**SCHEDULE D
REPORTING**

1. Communication Report

Immediately following the Municipality executing this Agreement the Recipient will provide AMO a Communication Report in an electronic format deemed acceptable to AMO, consisting of the following:

Project Title	Project Description	Eligible Project Category (CIP/ Municipal Physical Infrastructure)	Total Project Cost	Estimate of Funds (Main Street) Spent

2. Annual Report

The Recipient will provide to AMO an Annual Report in an electronic format deemed acceptable to AMO, consisting of the following:

- a. Financial Reporting Table: The financial report table will be submitted in accordance with the following template:

Annual Report Financial Table	Annual	Cumulative
	20xx	2018 - 2020
Opening Balance	\$xxx	
Received from AMO	\$xxx	\$xxx
Interest Earned	\$xxx	\$xxx
Received from An Eligible Recipient	\$xxx	\$xxx
Transferred to an Eligible Recipient	(\$xxx)	(\$xxx)
Spent on Eligible Projects (for each Eligible Project category)	(\$xxx)	(\$xxx)

Closing Balance of Unspent Funds	\$xxx	
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b. Project List: The Recipient will provide to AMO a project list submitted in accordance with the following template:

Recipient	Project Title	Project Description	Eligible Project Category	Total Project Cost	Main Street Funds Used	Start & End Date	Completed?
							Yes/No/Ongoing

3. Project Results.

The Results Report shall outline, in a manner to be provided by AMO, the degree to which investments in each project are supporting progress towards achieving revitalization within main street areas:

- a. Community Improvement Plan Eligible Projects
 - Number of small businesses supported;
 - Total value of physical improvements;
 - Total Main Street Funds provided;
 - Total Municipal investment; and,
 - Total private investment.

- b. Municipal Physical Infrastructure Eligible Projects
 - Total value of physical improvements;
 - Total Main Street Funds provided; and
 - Total municipal investment.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Local Planning Appeal Tribunal Transition Report
Meeting on: June 18, 2018

Recommendation

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

Executive Summary

This report provides information regarding the transition from the Ontario Municipal Board (OMB) to the Local Planning Appeal Tribunal (LPAT), and the imminent changes to municipal processes required to accommodate the new system. This report focuses on the transition regulations and non-decision appeals in the interim, and precedes a subsequent report that will outline the comprehensive municipal response at a future date.

Background

1.0 Previous Reports Pertinent to this Matter

January 8, 2018: Planning and Environment Committee, “Ontario Municipal Board (OMB) Reform”

November 28, 2016: Planning and Environment Committee, “Ontario Municipal Board (OMB) Review, 2016.”

August 22, 2016: Planning and Environment Committee, “Ontario Municipal Board Review.”

2.0 Background

The Ontario Ministry of Municipal Affairs and the Ministry of the Attorney General initiated a review of the scope and effectiveness of the Ontario Municipal Board (OMB) in 2016 to improve how the OMB operates within the broader land use planning system. As a result, on May 30, 2017, Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017* was introduced. Bill 139 received Royal Assent on December 12, 2017, thereby bringing the Act into force. The schedules, rules and regulations applicable to the new Local Planning Appeal Tribunal came into force through proclamation on April 3, 2018.

The biggest change to the Provincial planning framework is the repeal of the Ontario Municipal Board (OMB) and replacement with the new Local Planning Appeal Tribunal (LPAT). The new legislation is intended to:

- Protect long-term public interests;
- Maintain and improve access to dispute resolution;
- Create greater transparency in the hearing and decision making processes;
- Give more deference to professional planners with a strong focus on written submissions;
- Give more autonomy to municipal decision makers;
- Create a new, independent agency to administer a cost-effective system for providing support services to the public for matters governed by the *Planning Act* that are under the jurisdiction of the LPAT;

- Create a new mandate for the LPAT as it relates to specific types of applications;
- Establish a new standard of review for appeals of specific applications;
- Limit the grounds for appeals on major matters to their failure to conform to or be consistent with provincial and local policies; and
- Exempt certain municipal land use decisions from appeal.

This report focuses only on the changes from the Ontario Municipal Board and the municipal approach for transition regulations and non-decision appeals. An LPAT “Transition & Implementation Working Group” comprised of members from the City Clerks Office, Planning Services, Development & Compliance Services and Legal & Corporate Services are considering the implications of Bill 139. A subsequent report will outline a comprehensive municipal response to Bill 139 of the various changes required, which is anticipated in August of 2018. The next report will address the broader aspects affected including:

- Education and Communication strategy for the public and industry professionals
- Format and timing for additional public participation meetings
- Changes to notice requirements
- Supporting policy requirements including amendments to the London Plan
- Planning report and complete application requirements
- Changes to decisions and appeals

The City of London has implemented a number of updates in preparation of, or in response to, the changes of the LPAT ahead of the comprehensive update. Municipal notices and websites have been updated to reference the LPAT and LPAT provisions. Planning reports now reflect LPAT requirements regarding the tests of consistency with the PPS, conformity with the Official Plan and opinion qualifications. An additional item to ensure Council can consider applications during the statutory timeframe to provide protection from non-decision appeals is detailed further through this report.

Transition Regulations

Transition regulations set out which *Planning Act* matters will be considered under the new procedures. Generally, if an appeal was filed prior to April 3, 2018, it will proceed under the old regime: the *Act* as it read on or before April 2, 2018. Appeals submitted on or after April 3, 2018 will proceed to the LPAT in accordance with the new legislation and Rules.

Changes to Process

The mandate of the LPAT has changed for Official Plan appeals (ss. 17(24), 17(36), 17(40), and 22(7)), Zoning By-law appeals (ss. 34(11) and 34(19)) and Subdivision appeals for non-decision only (s. 51(34)), with new rules and procedures that apply only to this class of appeals. For the purpose of this report, this class of appeals will be referred to as “Part 2” appeals. All other appeals will be referred to as “Part 1”.

A “new decision” procedure has been added to Part 2 appeals. The OMB conducted *de novo* hearings from decisions of a municipal approval authority, where matters were dealt with as if not previously heard or decided. Under the previous system, the OMB had to have regard to the decisions of a Municipal Council but was able to make its own independent decision with a limited degree of deference to the initial municipal decision.

Bill 139 considerably reduces the authority of the LPAT to overturn the municipal decision. Following a hearing, if the LPAT does not believe the decision of the municipality meets the applicable tests, the LPAT will not substitute its own decision; rather, it will provide notice to the municipality that it is returning the matter to the municipality for reconsideration with written reasons explaining the rationale for overturning Council’s decision. Council would then have 90 days to reconsider the application, with the benefit of the LPAT’s decision.

Non-decision Appeals

Under Bill 139 municipalities are given a longer period of time to make a decision on a planning application before an appeal can be filed. Municipalities now have 150 days to consider zoning amendments, 180 days to consider subdivision applications, and 210 days to consider official plan amendment applications (or combined official plan amendment and rezoning applications).

Where a municipality fails to make a decision within the new prescribed timelines, an applicant can appeal the non-decision of Council to the Tribunal. In this case, where there is no decision of Council, there may be a very limited evidentiary record to forward to the Tribunal for consideration.

Previous Municipal Response

The previous approach to addressing planning applications that were not ready to reach Council in the prescribed timeframe was to have the applicant acknowledge and agree that the application would continue to be processed beyond the timeframe without being appealed for non-decision. An application would be 'on-hold' for a variety of reasons including: design revisions to better mitigate impacts, implement advice of advisory panels, or address public concerns; where more information was required, such as refinements to submitted studies; to undertake additional studies either for the City, conservation authority or commenting agency; or similar situations where an issue surfaced after the complete application had been received (during the application review), that required attention and resolution prior to consideration by the Planning and Environment Committee and Council.

This acknowledgement was not a formal process of the *Planning Act*, and on certain occasions, files were appealed for non-decision after the 'on-hold' request was made. The City of London has approximately 18 such planning applications, that are currently on-hold by request of the applicant, past the prescribed timeframe without a Council decision, and subject to the Part 2 appeal procedures.

Proposed Municipal Response

In order to ensure that there is an adequate evidentiary record to submit to the Local Planning Appeal Tribunal in the event of a non-decision, the proposed interim approach is to ensure that applications are still heard by Council within the prescribed timeframe. This approach applies to applications that are still under review and require more time to process. For these applications, a report and public participation meeting will occur during the statutory timeframe to ensure Council has the opportunity to review the application, understand the issues, and hear from the public.

Planning Services/Development Services staff will then continue to review the application and allow for issue resolution. Once the reasons for the delay have been addressed, an additional public participation meeting may be scheduled, and an additional staff report, including a staff recommendation, will be provided.

Format

Under the interim proposed response, there will be two staff reports and two public meetings. The first report will provide:

- Detailed description of the proposed amendment
- The policy framework that will apply
- A summary of the public comments and feedback received
- Details of the issue(s) that need to be addressed
- The report will be provided for information purposes, and will contain no recommendation or proposed by-law

Comments received from the public participation meeting will be considered by Planning Services/Development Services staff and the applicant during the application review

period. In addition to achieving the objectives of supplementing “the record” for the purposes of a potential LPAT appeal, this approach will formalize public participation in the early stages of application review and offer an additional opportunity for the public to provide input.

Once the outstanding issue(s) have been resolved or addressed and staff are able to complete their review, a subsequent planning report and public participation meeting may occur. The second planning report will contain a complete analysis of the policy, the site context and other relevant matters, and a recommendation and implementing by-law (if required).

LPAT Requirements for Non-decision Appeals

Appeals for non-decision previously did not require the appellant to provide any reasons for the appeal. Under Bill 139, the appellant must provide an explanation of the basis for the appeal. Specifically, the appellant must explain how the existing part or parts of the official plan or zoning by-law amendment would be affected by the requested amendment, are consistent or do not conform to Provincial Policies or the Official Plan, and further how the proposed amendment to the Official Plan or zoning amendment would be consistent with or conform to the provincial policies and official plans.

Conclusion

This report provides information and an update regarding the transition from the Ontario Municipal Board (OMB) to the Local Planning Appeal Tribunal (LPAT), and the initial changes to municipal processes required to accommodate the new system. The LPAT Transition & Implementation Working Group will report back in August with additional process and administrative changes that are required to comprehensively address the Bill 139 implications.

Prepared and Submitted by:	Sonia Wise, MCIP RPP Planner II, Current Planning
Reviewed by:	Lou Pompili, MCIP RPP Manager, Development Planning
Concurred by:	Aynsley Anderson Solicitor II, Legal and Corporate Services
Concurred by:	Paul Yeoman, RPP PLE Director, Development Services
Recommended by:	John M. Fleming, MCIP RPP Managing Director, Planning and City Planner
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services, Development and Compliance Services, and Legal and Corporate Services</p>	

June 8, 2018

/sw

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June 7, 2018

Ms. Cathy Saunders, Clerk
Corp. of the City of London Clerk's Office
300 Dufferin Ave.
London, ON N6B 1Z2

Dear Ms. Saunders:

Re: 2018 Watershed Report Card

On behalf of the Kettle Creek Conservation Authority I am pleased to present Council with a copy of the 2018 Watershed Report Card. The Report Card, which is released every five years, provides a check on the current state of the Kettle Creek Watershed. Kettle Creek Conservation Authority has prepared this Report Card as a summary of the state of the watershed's forests, wetlands, and water resources using data collected from 2013 to 2017.

The Report Card is available electronically at www.kettlecreekconservation.on.ca and additional hard copies are available on request.

At Council's convenience and interest I would be happy to provide a brief overview of the Report Card and the overall state of the watershed.

Sincerely,

Elizabeth VanHooren
General Manager/Secretary Treasurer

Encl.

WHAT IS OUR WATERSHED'S KEY ISSUE?



Historically, the Lake Erie watershed was largely comprised of tallgrass prairie, wetlands, and mature forests. Through settlement and urbanization, much of this habitat has been lost, leaving a fragmented landscape and affecting species distribution and diversity. The degradation of these ecosystems, in combination with increased urbanization/industrialization and intensive farming practices have contributed to increased run-off and erosion, and subsequently increased sedimentation and nutrient loading.

Kettle Creek is a tributary of Lake Erie. As a result, Kettle Creek's water quality directly impacts the nearshore water quality of Lake Erie. While Lake Erie's health suffers from multiple issues such as climate change and invasive species, nutrient loading of phosphorus is seen as a key issue of concern. Over the last five years, 97.9% of the phosphorus samples collected across the KCCA watershed exceeded the Provincial Water Quality Objective. High levels of phosphorus can contribute to harmful algae blooms, low oxygen conditions and overall habitat loss and degradation.

These issues have been well documented in the Great Lakes Water Quality Agreement, and the many reports that describe the urgent need to increase the scale, scope and intensity of current efforts to address phosphorus. Lake Erie's deteriorating health serves as a warning to landowners, environmental agencies and governments on both sides of the border that Great Lakes restoration and protection must be a top priority.

Kettle Creek Conservation Authority is currently working collaboratively with Conservation Ontario, local, provincial and federal government agencies, and community organizations to help improve local conditions with programs that are based in science, provide technical support and leverage funding dollars for measurable success.

For more information on how this Watershed Report Card will inform programming to improve the health of the Kettle Creek watershed and Lake Erie visit www.kettlecreekconservation.on.ca.

OUR ACCOMPLISHMENTS

The Watershed Report Card provides a snapshot of current conditions in the Kettle Creek watershed and helps to identify environmental issues that need to be protected, restored or managed. Over the past five years, Kettle Creek Conservation Authority has been working with landowners, municipalities, government agencies and community groups to improve the health of the Kettle Creek watershed.

HIGHLIGHTS INCLUDE:

Water Quality

- Completed 130 stewardship projects across Elgin County through the Elgin Clean Water Program with total project costs exceeding \$1,600,000.
- Implemented two large-scale stream restoration projects on Beaver Creek, one of the watershed's only cool water streams.

Forestry

- Celebrated planting the one-millionth tree from 2001-2013. Since then, KCCA has planted an additional 200,000 trees in the watershed.
- Partnered with the Thames Valley District School Board to green the grounds of five local schools, and hosted a variety of community plantings with other partners.

Wetlands

- Created/restored 19 wetlands from 2013-2017 with the support of partners such as Ducks Unlimited, Elgin Stewardship Council, the Dorothy Fay Palmer Estate and Ontario Power Generation.

Education and Awareness

- Led the Green Your Ravine project - a campaign to promote, protect and improve the health of the ravine systems of St. Thomas.
- Launched a community-based social marketing campaign to encourage St. Thomas residents to use phosphorus free fertilizers.
- Hosted the St. Thomas-Elgin Children's Water Festival in 2014 and 2017, teaching over 7,000 elementary students about the importance of water to their lives and communities.
- The Carolinian Forest Festival celebrated its 10th anniversary in 2017, educating over 13,000 grades 6 and 7 students since its inception about the Carolinian Life Zone and our local forest resources.



Kettle Creek Conservation Authority
44015 Ferguson Line, St. Thomas, ON N5P 3T3
E-mail: info@kettlecreekconservation.on.ca
Website: kettlecreekconservation.on.ca
Phone: 519-631-1270 | Fax: 519-631-5026



The Watershed Report Card is available online and in other formats upon request.

Kettle Creek WATERSHED 2018 Report Card



Kettle Creek Conservation Authority has prepared this report card as a summary of the state of your forests, wetlands, and water resources using data collected from 2013 to 2017.



WHERE ARE WE?



What is a Watershed?

A watershed is an area of land drained by a creek or stream into a river which then drains into a body of water such as a lake or pond. Everything in a watershed is connected. Our actions upstream can affect conditions downstream.

Why Measure?

Measuring helps us better understand our watershed. We can target our work where it is needed and track progress. We measured:



Groundwater Quality



Surface Water Quality



Forest Conditions



Wetland Conditions

GRADING

A Excellent
B Good
C Fair
D Poor
F Very Poor
Insufficient Data

What is a watershed report card?

Ontario's Conservation Authorities report on watershed conditions every five years. The watershed report cards use Conservation Ontario guidelines and standards developed by Conservation Authorities and their partners.



GROUNDWATER QUALITY

Groundwater is the water found beneath the earth's surface in layers called aquifers. Once an aquifer is contaminated, it is often very difficult to repair, making groundwater a precious resource.

What Did We Find?

- Nitrate and chloride concentrations are better than the drinking water guidelines in all monitored wells (A grade).
- Groundwater quality results are limited to the aquifer from which the sample was taken. The quality of your well water may vary from that of the monitoring wells.

Regardless of the excellent grades, groundwater quality still has the potential to be negatively impacted by human actions. Optimizing fertilizer application, regular maintenance of septic systems, decommissioning unused wells and the reduction in use of ion exchange water softeners can help to reduce the potential degradation of water quality resources.



SURFACE WATER QUALITY

Phosphorus loading is the biggest issue impacting surface water quality in the Kettle Creek watershed. In the last five years, 97.9% of the phosphorus samples collected have exceeded the Provincial Water Quality Objective of 0.02 mg/L.

What Did We Find?

- Surface water quality in the watershed is a D grade, or poor.
- This low grade is due primarily to phosphorus concentrations consistently exceeding the PWQO and poor benthic invertebrate Family Biotic Index results.
- *E.coli* concentrations throughout the watershed are fair (C grade).

Our actions on the land impact the quality of our water. Surface water moves through the Kettle Creek watershed, outletting to Lake Erie at Port Stanley. Surface water can be impaired by fertilizers, pesticides, sedimentation and erosion, heavy metals, petroleum products and chemicals.



FOREST CONDITIONS

Environment Canada recommends 30% forest cover in a watershed to support wildlife species. The current forest cover in the Kettle Creek watershed is 14.07%.

What Did We Find?

- Forest Conditions Grades range from D to C (poor to fair).
- Forest cover is being lost faster than it can be replaced.
- Restoration and protection of natural habitats, particularly the existing large forest patches, should be encouraged to ensure ecosystem integrity is maintained.

Percent forest cover is the percentage of the watershed that is forested. Based on 2015 aerial photography, the watershed is losing 7.32 hectares of forest per year. Forestry programs offered by Kettle Creek Conservation Authority are critical to the watershed's overall health. Planting an average of 50,000 trees per year is barely keeping pace with the current rate of deforestation.



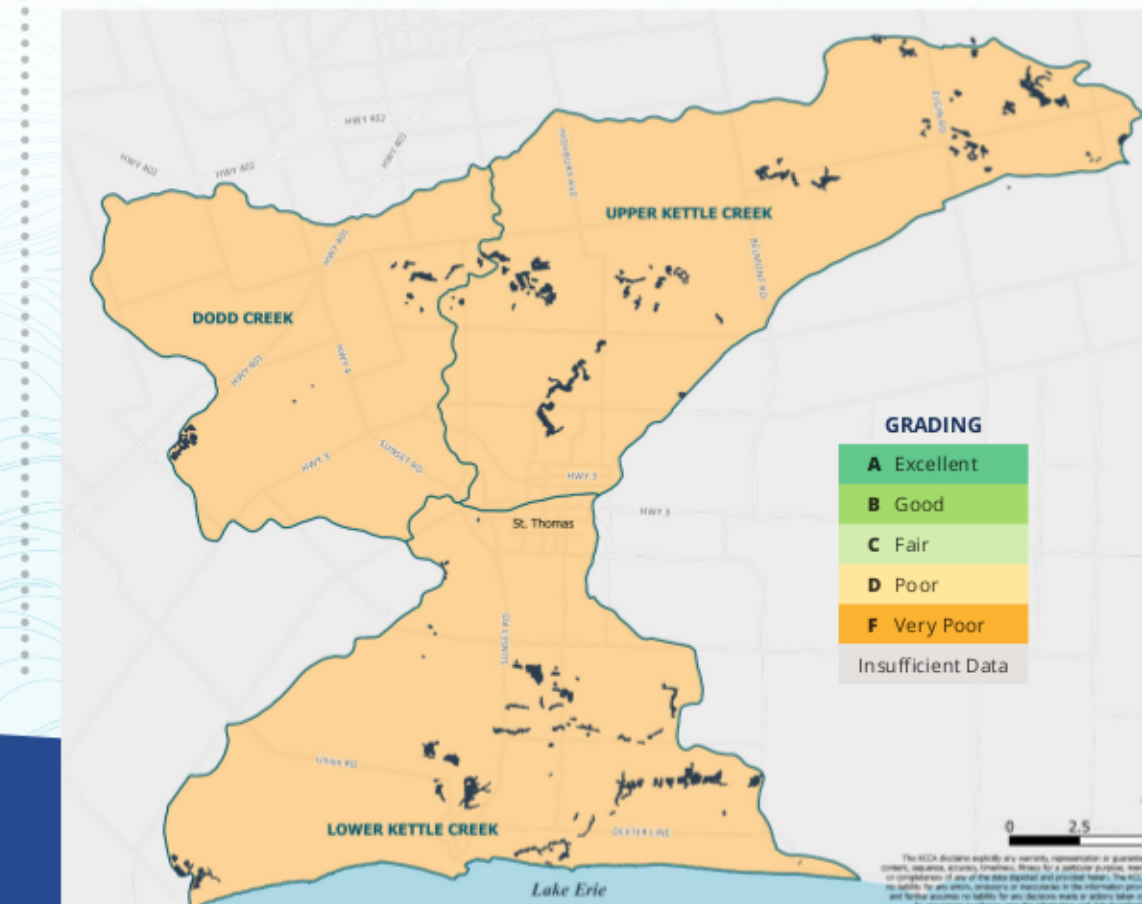
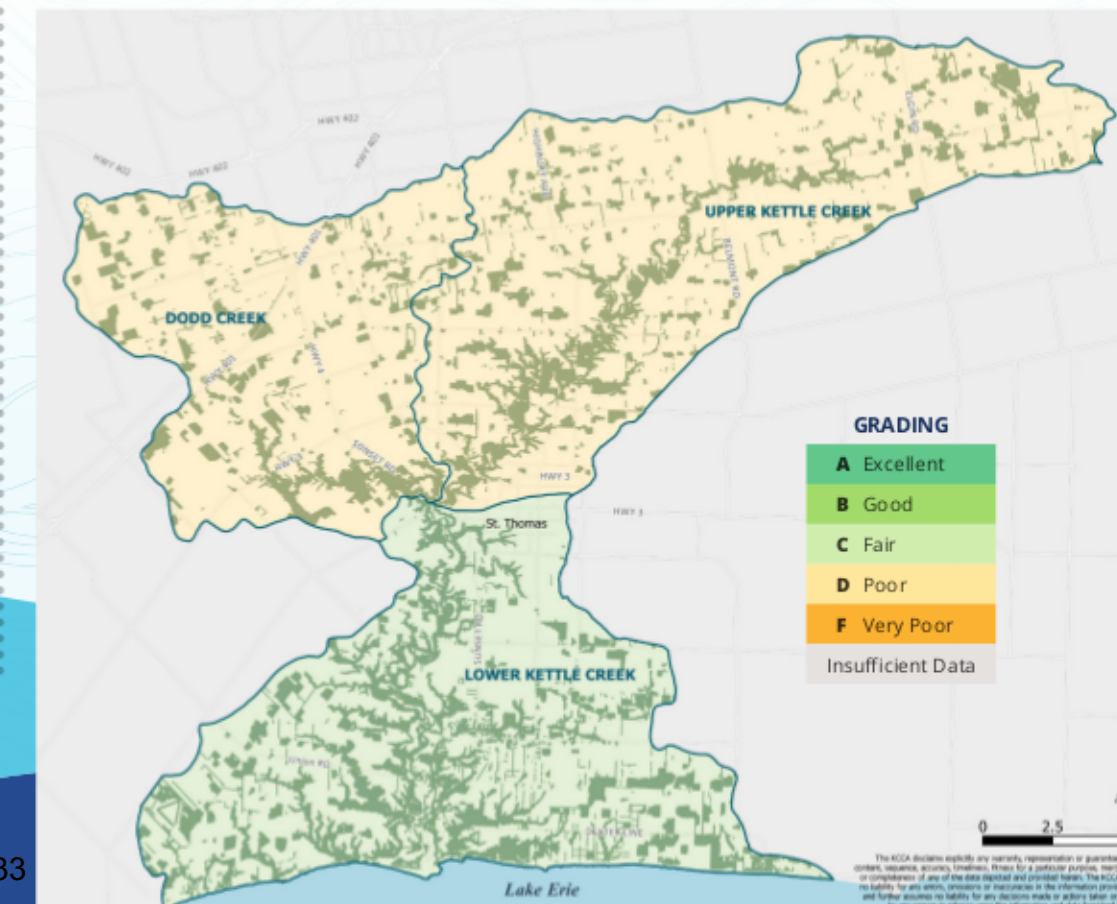
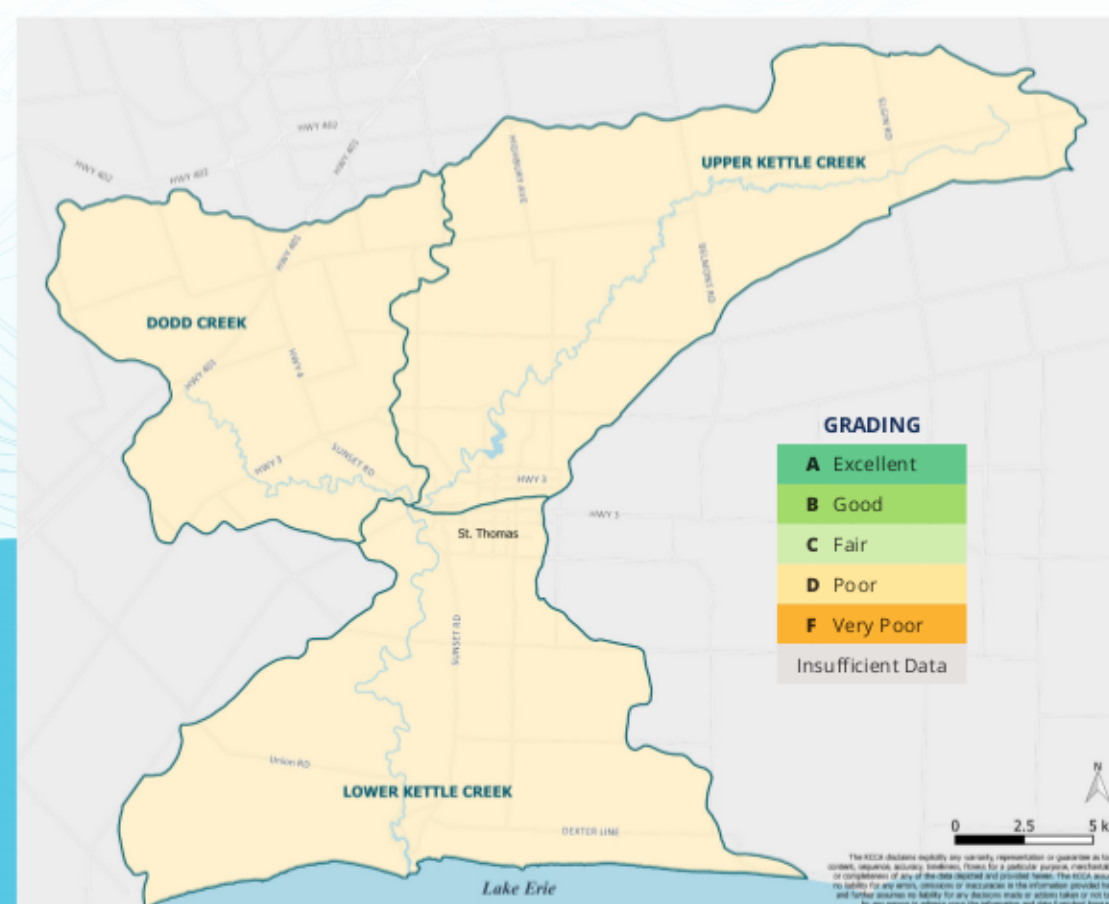
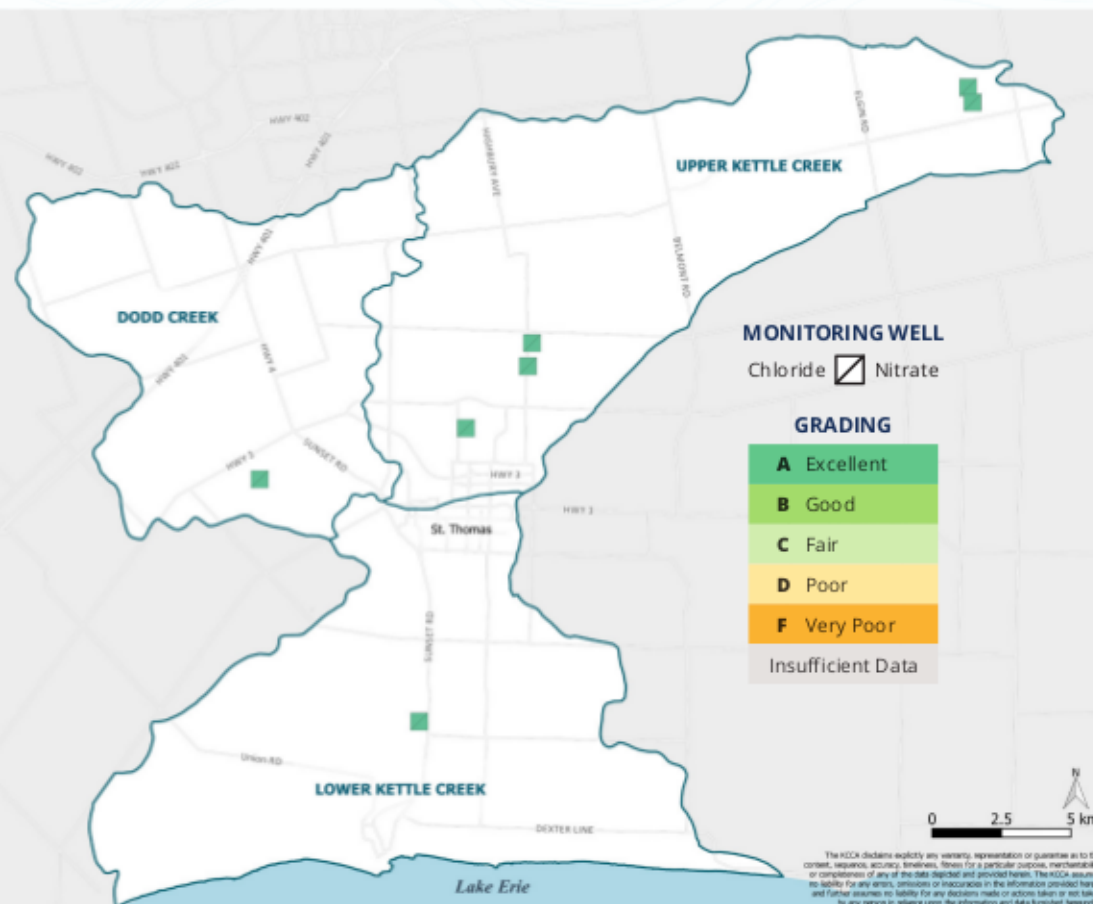
WETLAND COVER

Environment Canada recommends 10% wetland cover in a watershed to support wildlife species. Only 1.34% of the entire Kettle Creek watershed is wetland habitat.

What Did We Find?

- Wetland cover in the KCCA watershed is a F grade (very poor).
- The Dodd Creek subwatershed has the least wetland cover with less than half a percent of wetland cover and should be an area of priority for restoration and wetland creation work.

Percent wetland cover is the percentage of the watershed that is wetland habitat. Wetlands play an important role in the ecological health of a watershed by filtering toxins, controlling flood waters, groundwater recharge and acting as nursery areas for many types of aquatic wildlife.



Advisory Committee on the Environment

Report

The 7th meeting of the Advisory Committee on the Environment
June 6, 2018
Committee Room #4

Attendance PRESENT: S. Ratz (Chair), K. Birchall, M. Bloxam, S. Brooks,
S. Hall, J. Howell, L. Langdon, G. Sass, N. St. Amour, T. Stoiber,
D. Szoller and A. Tipping and J. Bunn (Secretary)

ABSENT: M. Hodge

ALSO PRESENT: Councillor M. van Holst; W. Abbott, T.
Arnos, A. Boyd, P. Donnelly, M. Losee, J.P. McGonigle, P.Shack
and J. Skimming

The meeting was called to order at 12:15 PM.

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 Waste Management Options

That the Managing Director, Environmental and Engineering Services & City Engineer BE REQUESTED to review the ~~attached~~ presentation from C. Marsales, Senior Manager, Waste Management Service, City of Markham, with respect to the Markham Waste Diversion Strategy "Mission Green" and explore the feasibility of implementing a similar program in City of London facilities.

2.2 Parks and Recreation Master Plan Update

That it BE NOTED that the presentation appended to the agenda, from J.P. Mcgonigle, Division Manager, Parks and Recreation, with respect to an update to the Parks and Recreation Master Plan, was received.

2.3 Environmental Programs Annual Overview Update

That it BE NOTED that the staff report dated May 28, 2018, from J. Stanford, Director, Environment, Fleet and Solid Waste, with respect to the Environmental Programs Annual Overview Update, was received.

3. Consent

3.1 6th Report of the Advisory Committee on the Environment

That it BE NOTED that the 6th Report of the Advisory Committee on the Environment, from its meeting held on May 2, 2018, was received.

- 3.2 6th Report of the Environmental and Ecological Planning Advisory Committee
- That it BE NOTED that the 6th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on May 17, 2018, was received.
- 3.3 4th Report of the Trees and Forests Advisory Committee
- That it BE NOTED that the 4th Report of the Trees and Forests Advisory Committee, from its meeting held on April 25, 2018, was received.
- 3.4 Municipal Council Resolution - Appointment of Andrew Powell to the Advisory Committee on the Environment
- That it BE NOTED that the Municipal Council resolution, from its meeting held on May 8, 2018, with respect to the appointment of Andrew Powell to the Advisory Committee on the Environment, was received.
- 3.5 Municipal Council Resolution - 6th Report of the Advisory Committee on the Environment
- That it BE NOTED that the Municipal Council resolution, from its meeting held on May 22, 2018, with respect to the 6th Report of the Advisory Committee on the Environment, was received.
- 3.6 Notice of Completion - Master Plan - London Pollution Prevention and Control Plan
- That it BE NOTED that the Notice of Completion of the Master Plan for the London Pollution Prevention and Control Plan, from M. McKillop, City of London and T. Mahood, CH2M, was received.

4. Sub-Committees and Working Groups

4.1 Waste Sub-Committee

That the Civic Administration BE REQUESTED to undertake the following with respect to the "Toilets Are Not Garbage Cans" public awareness sticker initiative, coordinated by B. Orr, Sewer Outreach and Control Inspector:

- a) require all bathroom stalls within City of London facilities to display the "Toilets Are Not Garbage Cans" sticker by no later than July 31, 2018;

it being noted that the above-noted sticker has already been approved for use by the City of London Communications Department, is already displayed in some, but not all, City of London facility bathroom stalls and is already being displayed, voluntarily, by many organizations, including retail stores, restaurants and schools;

- b) identify to the Advisory Committee on the Environment (ACE) the key Civic Administration who would be responsible for implementing the above-noted action, so that the ACE may follow up on the progress of the implementation and in order to have a specific contact who can advise the ACE of the reasons why a sticker is not displayed in certain instances; and,

- c) report back to the ACE by September 7, 2018 with respect to the feasibility of requiring all facilities that receive City of London funding,

including, but not limited to, Centennial Hall, the Covent Garden Market, Museum London, London Public Library locations, police and fire stations, Tourism London, the London Convention Centre, Dearness Home, Kettle Creek Conservation Authority, Lower Thames Valley Conservation Authority and the Upper Thames River Conservation Authority, to display the above-noted sticker in all bathroom stalls;

it being noted that the Waste Sub-Committee report, appended to the agenda, was received.

5. Items for Discussion

5.1 ACE Events Update

That it BE NOTED that the Advisory Committee on the Environment Events Update document, submitted by S. Ratz, was received.

5.2 ACE Presentations/Events/Meeting List

That it BE NOTED that the Advisory Committee on the Environment Presentations, Events and Meeting List document, dated May 16, 2018, submitted by S. Ratz, was received.

5.3 ACE Representative on Municipal Agencies Group

That J. Ramsay, Project Manager, Rapid Transit, BE ADVISED that Mike Bloxam will represent the Advisory Committee on the Environment (ACE) on the Municipal Advisory Group related to Rapid Transit; it being noted that S. Hall will act as an alternate representative for the ACE on the Advisory Group.

6. Deferred Matters/Additional Business

None.

7. Adjournment

The meeting adjourned at 2:18 PM.

MARKHAM DIVERSION STRATEGY

Mission Green



A little about Markham:

- Population 320,000
- Markham is the largest lower tier municipality in York Region
- Markham has jurisdiction over collection
- York Region provides material processing and disposal for the 9 York local municipalities
- Waste Management Dept part of Environmental Services – 5 FTE / 4 Recycling Depots / 9.2M Operating budget / \$88 per HH/yr



City of Markham Diversion Principles

- Municipal staff must 'walk the talk' -diversion is not just for residents – municipal facilities must separate and recycle same as residents
- One system for all - All residents whether living in a house, apartment and condo should have the same diversion opportunities
- Same recycling program at homes and at school
- Markham services all multi-res buildings – no opting out allowed



Mission Green...started here

Civic Centre
500 Employees



Mission Green at Work



All waste bins removed from City Hall
No employee workspace/desk waste containers allowed

Mission Green at Work- Recycling Stations



- ✓ All 42 City facilities have same program/containers
- ✓ City staff are their own waste managers

Mission Green....Residential



Green Bin & Bi-weekly Collection



- **MISSION GREEN** - Mission Green Committee formed
- Focus Group – raccoons biggest concern
- 2004 – Pilot for weekly Green Bin and Bi-weekly garbage collection at the same time – 12,000 homes
- Green bin - food, pet waste, diapers – in plastic bags
- Processing - Anaerobic Digestion
- Co-collect Green bin and blue box weekly/Garbage bi-weekly
- High level of public acceptance
- City wide launch – 2005
- Instant increase in diversion

Mission Green Tips

- Launch Green Bin and Bi-weekly Garbage at the same time
- Accept only food? Don't bother with Green Bin program
- Address raccoon concerns
- No leaf and yard in Green Bin
- Have a good reason to reduce garbage collection service ie Landfill issue



Mission Green - Phase 1 (Pilot)



- June 2004
- Newsletter Issue #1
 - Introduced pilot

- Pilot:
- September 2004
 - 12,000 homes
 - 1 green bin, 1 kitchen catcher
 - Introduced every other week garbage collection



Mission Green Resources

Toolkit

Education & Enforcement

Mission Green - Phase 2



- March 2005
- Newsletter Issue #2
 - Green Bin Guide insert
 - Announces July start date



Newsletter Insert



MISSION Green
The Green Bin Guide

RACCOONS RALLY AGAINST MARKHAM'S NEW GREEN BIN!

They come out at night, they're cunning scavengers for raccoons. As many Markham residents have discovered, the plastic garbage bag full of old beer cans is the raccoon's favorite of these. The good news is that Markham's new Green Bin has a strong lock. The Green Bin is very durable and has a strong latch, which is designed to keep raccoons from being able to open anything, your Green Bin is as raccoon-proof as possible.

HOW TO Raccoon-Proof Your Green Bin

1. Check that the Green Bin lid is fully closed.
2. Search for any holes or openings around the Green Bin. Otherwise, animals can use the bag to get to the bin even if you have your Green Bin locked. Use a 12 inch length of wire to secure the lid to the bin. Please remove the bag from the bin before locking your bin.
3. Check for any holes or openings in the morning.
4. Contact us if you have any questions.

The Green Bin Program Starts the Week of July 4th, 2005

Between June 13th and June 26th, a Green Bin and small indoor collection will be delivered to your home or business. You will receive your Green Bin by mail.

It's so easy to participate

1. The Green Bin will be delivered to your home or business.
2. The Green Bin will be delivered to your home or business.
3. The Green Bin will be delivered to your home or business.
4. The Green Bin will be delivered to your home or business.
5. The Green Bin will be delivered to your home or business.
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7. The Green Bin will be delivered to your home or business.
8. The Green Bin will be delivered to your home or business.
9. The Green Bin will be delivered to your home or business.
10. The Green Bin will be delivered to your home or business.

KEEP ON ORGANIC!

ORGANIC WONDERS!

Markham's new recycling program is a big step towards a greener future. It's a simple way to reduce your carbon footprint and help protect our environment. By recycling organic waste, you can help reduce the amount of garbage sent to landfills. This helps reduce the amount of methane gas produced, which is a major contributor to global warming. It also helps reduce the amount of water used in the production of new products. So, recycling organic waste is a win-win for everyone.

Mission Green Launch! Week of July 4th, 2005



Mission Green – follow up



MISSION Green
A Guide to Waste Reduction and Recycling in Markham

THE GREEN BIN IT'S WORKING!

Thanks to your efforts, Markham now has one of the highest recycling rates in Canada!

Michigan Inspects Our Garbage Trucks

Michigan Inspectors have inspected our garbage trucks and found them to be in excellent condition. This is a testament to the quality of our fleet and the care we take in maintaining our vehicles. We are proud to provide a reliable and efficient waste management service for our community.

YARD MATERIAL

Markham residents are a hard worker and we know you have a lot of yard material. We now have a dedicated bin for yard material, making it easier for you to dispose of your lawn care needs. This helps reduce the amount of yard waste sent to landfills and promotes a greener environment.

- November 2005
- > Newsletter Issue #3
 - > Green Bin stats
 - > Clean streets



Mission Green - Apartment Recycling



- Mandatory Tri-sorters
All multi-res buildings



APARTMENT RECYCLING GUIDE

Mixed Recyclables

Yes

- All glass bottles, jars & jugs
- All paper
- All aluminum food containers
- Aluminum foil trays/cups
- Simply sealed cans
- Simply sealed cans (dish, non-food)
- Milk, juice cartons
- Paper coffee cups
- Plastic microwaveable dinner trays
- Pop cans
- Meat soup bottles
- Yogurt containers

No

- Cellulose wrap
- Organics
- Plastic/Laundry packaging
- Plastic cutlery
- Plastic wrap
- Styrofoam
- Styrofoam cups/trays
- Styrofoam
- Wood, cardboard

1-800-431-7432 www.markham.ca

Zero Waste for Schools "Just Like Home"

- ✓ Developed to encourage & support Markham schools to adopt Zero Waste practices
- ✓ Grant provided to each school from the Markham Environmental Sustainability Fund
- ✓ "Recycling Stations" (green bin & blue box) in every class room
- ✓ Children *must* learn how to sort



Before



After

New Initiatives

In 2012, Council approved the "Best of the Best" – Markham's Roadmap to 80% Diversion

1. Mandatory Material Separation By-law
2. Unlimited Clear Bags for Residue
3. Expanded Textile Diversion Program
4. Zero Waste for Schools Program
5. Curbside Electronics and Battery Collection Curbside Ban

Clear Bags for Residue

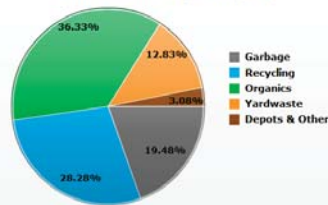
- Clear bag program now fully implemented across Markham
- Residue in dark bags at the curb are stickered and not collected
- High level of public acceptance, participation, and compliance
- Markham largest clear bag program in Canada
- Resulted in significant collection cost savings



Markham Diversion

Year 1 - Clear Bags April 2013 - March 2014

Total Tonnes by Category



AVERAGE %
DIVERTED FROM
LANDFILL

80.38%

Tonnes by Category per Month



On-site Food Composting



NEW! - Textile Donation

Community Centers & Fire Stations
Textile collection bin – April 2017



Waste Management Performance



York Region SM4RT Living Plan Balanced Scorecard | 2016

Historical Data

2017 Waste Tonnage

Month	Curbside Garbage	Curbside Recycling	Curbside Organics	Yard Waste	Apartment Recycling (F/E Container)
January	1,162	1,876	2,499	-	1186
February	902	1,514.27	2,212	-	957.00
March	1,133	1,849.15	2,548	-	957.00
April	1,262	1,811.72	2,335	863.45	968.00
May	1,553	2,022.18	2,646	1,205.88	1,272.00
June	1,591	2,001.54	2,813	1,256.01	1,013.00
July	1,357	1,734.86	2,451	967.27	986.00
August	1,462	1,949.96	2,967	930.59	1,212.00
September	1,377	1,794.54	2,618	688.06	1,011.00
October	1,230	1,742.19	2,556	976.34	1,322.00
November	1,257.66	1,900.42	2,653.43	2,528.29	139.95
December	1,030.93	1,787.98	2,372.72	524.33	134.76



The Regional Municipality of York Quarterly Tonnage Summary January to December 2017 (inclusive)								
DIVERSION			DISPOSAL			TOTAL TONNES	LOCAL MUNICIPAL CAPTURE RATE	
MUNICIPALITY	CURBSIDE	PUBLIC DROP OFF DEPOT	TOTAL DIVERSION	CURBSIDE	PUBLIC DROP OFF DEPOT			TOTAL DISPOSAL
YORK REGION TOTAL	218,296.28	12,550.05	230,846.33	94,290.62	39,958.87	134,249.49	365,095.82	63.2%
MARKHAM	65,680.44	1,942.18	67,622.62	21,491.87	3,707.02	25,198.89	92,821.52	72.9%

Markham's 81% Gross Curbside Diversion



2017	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Garbage	20%	19%	20%	19%	20%	20%	20%	19%	20%	18%	14%	17%
Recycling	33%	33%	33%	28%	26%	25%	26%	26%	27%	26%	22%	30%
Organics	44%	48%	45%	36%	34%	35%	36%	39%	39%	38%	30%	40%
Yard waste	0%	0%	0%	13%	16%	16%	14%	12%	10%	14%	29%	9%
Depots & Other	3%	0%	2%	4%	4%	4%	3%	4%	4%	4%	5%	3%
GROSS DIVERSION	80%	81%	80%	81%	80%	80%	80%	81%	80%	82%	86%	83%

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: Demolition Request for Heritage Listed Property at 2154
Richmond Street by Drewlo Holdings Ltd.

Public Participation Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, the following actions **BE TAKEN** with respect to the request for the demolition of the heritage listed property located at 2154 Richmond Street:

- a) The Chief Building Official **BE ADVISED** that Municipal Council consents to the demolition of this property;
- b) 2154 Richmond Street **BE REMOVED** from the Register (Inventory of Heritage Resources); and,
- c) The property owner **BE REQUESTED** to commemorate the historic contributions of the McCormick-Brickenden-Greenway family in the future development of this property.

Executive Summary

Summary of Request

A demolition request for the heritage listed property at 2154 Richmond Street was submitted.

Purpose and the Effect of Recommended Action

The purpose of the recommended action is to remove the property from the Register (*Inventory of Heritage Resource*) with the effect of allowing the buildings on the property to be demolished.

Rationale of Recommended Action

Staff evaluated the property using the criteria of *Ontario Heritage Act* Regulation 9/06 and found that the property is not meet the criteria for designation.

Analysis

1.0 Background

1.1 Property Location

The property at 2154 Richmond Street is located on the east side of Richmond Street, just north of Sunningdale Road East (Appendix A). The property is part of the former London Township that was annexed by the City of London in 1993. The property abuts the northern limits of the City of London.

1.2 Cultural Heritage Status

The property has been included on the *Inventory of Heritage Resources* since at least 2006. The *Inventory of Heritage Resources* was adopted as the Register pursuant to Section 27 of the *Ontario Heritage Act* in 2007. The property at 2154 Richmond Street is identified as Priority 2 resource.

1.3 Description

The property at 2154 Richmond Street is a large property with a rural character. The property is approximately 90 acres in size and is historically known as the south half of Lot 16, Concession VI, in the former London Township. Portions of the original 100 acre parcel were previously sold.

The property contains a house, barns, and drive shed (garage), which are described below. The remainder of the property is agricultural fields, paddock, and treed areas.

1.3.1 House

The house at 2154 Richmond Street is located near the southwest corner of the property, near to the intersection of Richmond Street and Sunningdale Road North (Appendix B). The house is accessed by a drive off of Richmond Street, which is enunciated by timber-clad lamp posts that flank the entrance to the driveway. The driveway loops around the house. A pond is located to the north of the driveway.

The house has a complicated massing, which indicates many previous alterations and additions to the original building. The existing house appears to have an augmented C-shaped footprint, with a partial concrete (likely parged) and partial fieldstone foundation. The building is two storeys in height with a hipped roof, with a small gable with attic window in the north wing.

The buff brick portion of the building is believed to be the original structure, and likely dating prior to 1878 as a structure is shown on the *Illustrated Historical Atlas of Middlesex County* (see Figure 2, Appendix A). Detailing of the paired window on the south façade suggests that the original building may have been constructed in the Queen Anne Revival architectural style, which is demonstrated in the floral-motif piercework in the wood trim of the window opening (see Image 7, Appendix B). This type of motif is found on buildings in London with confirmed dates of construction in the 1870s and 1880s. A buff brick addition was added to comprise part of the north wing of the main floor. This addition created an umbrage around the front door of the house.

From the side (north and south) facades, it is clear to see a large rear addition, which is clad in half-timbering in a mock Tudor style. This cladding is continued on the second floor addition to the original structure. The rear addition features a flat roof.

Some of the windows have been replaced with modern units, and some historic wood windows remain however most wood windows have aluminum storm windows. The front door is wood, but stylistically dates to the mock Tudor style additions to the building, as does the exterior light at the front.

A drive shed (garage) is located behind the house. It is constructed of wood and has a shed style roof. Some of the bays have sliding doors, whereas other bays are open.

1.3.2 Barns

The barns located at 2154 Richmond Street, together, form an ell with a common wall (see Appendix B). Within the *Stage 1 Archaeological & Built Heritage Assessment, Upland North Area Plan (2002)*, the barns are noted as “display a spectrum of material and building techniques extending from typical early forms of building with primitive material and limited tools to an innovative application of industrial products.”

Unfortunately, a fire caused substantial damage to the barns on February 16, 2018. This resulted in extensive damage to the structure (see Images 10-15, Appendix B). While some of the north barn remains, little remains of the south barn.

The north barn demonstrates characteristics of an English Barn, with the basement level at grade and a grain loft above. The south barn is a Bank Barn, which features a gangway (or barn hill) on the east side to access the upper level of the structure (hayloft). What can be seen of the remaining hewen timber structure appears to be mortise-and-tenon joints. Both barns have an unusual concrete block foundation, with a

rusticated or vermiculated cast detail (see Image 14, Appendix B). The interior walls of the barns appeared to have been painted, suitable for the horses that were once housed in the barns. The roof of the barns was clad in asphalt shingles, an unusual material choice for a barn roof. Refuse visible on site from the fire damage included earlier tin shingles which once clad the roof.

While at one point the barns may have been considered representative of a type and construction method, the damage caused by the fire has destroyed the integrity of the barns.

1.4 History

The Euro-Canadian history of this property begins with the grant of Lot 16, Concession VI from the Crown to the Canada Company in 1829. Lot 16 was divided into north and south halves, with the south half purchased by Folliot Gray in 1831. The property was passed to William Gray, and purchased by Philip Swarts (sic. Swartz) in 1848. In 1854, the south half of Lot 16 in Concession VI was purchased by George Walker. George Walker's son, George L. Walker, inherited his father's farm in 1890.

The Walker's called their farm "Spring Meadow," after the many springs found on the property which supplied the wells in the house, the barns, and a covered shelter near the street designed to refresh travellers (*London Township*, Volume II, p.297). The spring-fed pond was stocked with trout (Greenway).

George L. Walker sold the property to George Gleeson McCormick in 1927. George G. McCormick (1860-1936) was an heir to the McCormick Biscuit Factory fortune. He left the company shortly after the death of his father, Thomas McCormick, in 1905, leaving the management of the company to his brothers, Thomas and Frank. George G. McCormick was subsequently the President of the London Loan and Savings as well as the Consolidated Trusts Corporation (*London Township*, Volume II, p.297). He owned one of the first private motor vehicles in London in 1906.

Establishing homes north of London was fashionable for London's elite and influential families. This trend continued into the twentieth century. For example, Gibbons Lodge (1832 Richmond Street), built for the Gibbons family in the Tudor Revival style in 1932 or Hylands (now 120 Chantry Place), built for the Ivey family in the Georgian Revival style in 1937.

George G. McCormick renamed the farm at 2154 Richmond Street, "Dorindale," after his wife, Dorinda Birely McCormick (1863-1930). Their daughter, Catherine Keziah ("Kizzie") McCormick Brickenden (1896-1993) recalled the motivation for acquiring the country property at 2154 Richmond Street in about 1927:

In any case, the Geo. McC's were happy in their bungalow across from our 960 Wellington place. However, there was a lot more paving going on in the city, and to get a good ride outside our own paddock, necessitated quite a lot of clip-clopping over pavement, and encountering much annoying traffic. Papa had his eye on a good sized farm (90 odd acres), several miles north of the city limits. It had a big, useable stables, a staunch house; where help could live; lots of trees and ponds – altogether a lovely spot. It was promptly christened "Dorindale" after Mommy, and she and Papa drove out often for a picnic in the little summer house under the lovely shady trees. This happy situation did not last very long, however, because dear Mommy (who had not been really strong since her bad accident many years before, and yet had been such a source of love and courage) had that rare quality of patience, plus cheerfulness, that is very scarce – died all too soon (Brickenden 1978, 32).

Hunter and Jumper Canadian Sport Horses were raised at Dorindale, as well as Oxford sheep and Guernsey cattle (Archaeologix 2002). The farm was planted with oats and wheat, with a 10-acre apple orchard, and a grove of black walnut trees planted at the behest of Sir William Mullock (Greenway n.d., Middlesex Centre Archives). George and Dorinda McCormick also maintained a City house at 298 Dufferin Avenue (demolished

in advance of the construction of City Hall at 300 Dufferin Avenue), and later the O. Roy Moore-designed Spanish Revival masterpiece at 270 Victoria Street (heritage listed property) following its completion in 1928. Kizzie Brickenden and her husband, George Arthur Porte Brickenden (1896-1971), married in 1918 and lived at 960 Wellington Street (demolished in 1993). George Brickenden was a pilot in the Royal Air Force during WWI and a Wing Commander in WWII. He was also a partner in a London law firm, first opened as Brickenden, McMillan and Ferguson, and later served as Judge in Norfolk County.

Kizzie Brickenden took over management of the farm in about 1930 and inherited it upon her father's death in 1936. The farm house at 2154 Richmond Street was remodelled to include the "Grandfathers wing" of the home. In her memoirs (1978), Kizzie Brickenden recounts,

Art's and my plan for remodelling the very old, but sturdily built house at "Dorindale" were pretty well advanced, and it wasn't too long before we moved everything (horses first, and it was a treat to ride them in our own green fields, instead of pavement!) And now both grandfathers were comfortable ensconced in a special "Grandfathers Wing" which my own dear G. McC had added. A happy arrangement indeed, for Art and me, and for the children, and under the circumstances, probably the best for the two Grandpas (32).

It is suspected that these alterations in the 1930s led to the transition of what may have originally been a Queen Anne Revival style farmhouse to a structure more like the existing mock Tudor house building seen today. Mock Tudor, or Tudor Revival, was a popular architectural style in the 1930s and is often typified by half timbering and stonework detailing, as well as Tudor arch motifs. These characteristics can be seen applied at the building located at 2154 Richmond Street through previous alterations.

As an accomplished local actress and producer of theatrical productions, Kizzie Brickenden was instrumental in persuading the president of the Famous Players Theatre to sell the Grand Theatre in 1945 to the London Little Theatre for \$35,000 (*100 Fascinating Londoners*, 95-96). By 1949, 10% of Londoners (over 6,000 people) were subscribers of the Grand Theatre (*London: 150 Cultural Moments*, 85). In 1971, the London Little Theatre became Theatre London, and subsequently the Grand Theatre in 1983. The Grand Theatre, including its proscenium arch, is individually designated under the *Ontario Heritage Act*, and located within the Downtown Heritage Conservation District. The Brickenden Awards, "to celebrate and acknowledge excellence in independent theatre in London, in recognition of the continued burgeoning of new and non-mainstream theatre groups in London since the mid-90s," were named in honour of the late local actress, director, and playwright Kizzie Brickenden (Brickenden Awards).

In addition to her thespian accolades, Kizzie Brickenden's memoir, *Catherine Keziah... Her Story* (1978), shared her passion for equestrian sports and pride in her family. Family lore recounts a previous fire in the house at 2154 Richmond Street, where the Arva volunteer firemen saved the house while Kizzie Brickenden had lunch at the Knotty Pine Inn. Kizzie McCormick Brickenden was featured in *Chatelaine* magazine's article, "The Women of London" (1954), and *100 Fascinating Londoners* (2005).

George and Kizzie Brickenden's daughter, Alice Dorinda ("Dinnie") Brickenden (Hall-Holland) (Fuller) Greenway (b. 1920), received 6 acres at the southwest corner of the farm as a gift from her parents upon her marriage to Squadron Leader William Hall-Holland in 1942. A home was constructed at 2118 Richmond Street for the Hall-Holland family, but was demolished in 2013. Dinnie Greenway remained on the farm with late husbands, Col. Oswald M. Fuller and Dr. Robert Greenway, and subsequently moved into the house at 2154 Richmond Street in the 1990s. Dinnie Greenway only recently moved out of the house at 2154 Richmond Street after the fire on February 16, 2018. Dinnie Brickenden is well regarded for her contributions to the local equestrian community, including the Pony Club and the Royal Winter Fair.

2.0 Legislative and Policy Framework

2.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement* (2014) directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.” “Significant” is defined in the *Provincial Policy Statement* (2014) as, in regards to cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people.”

2.2 Ontario Heritage Act

Section 27 of the *Ontario Heritage Act* requires that a register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2) of the *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council “believes to be of cultural heritage value or interest” on the Register.

The only cultural heritage protection afforded to heritage listed properties is a 60-day delay in the issuance of a demolition permit. During this time, Council Policy directs that the London Advisory Committee on Heritage (LACH) is consulted, and a public participation meeting is held at the Planning & Environment Committee.

Section 29 of the *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29 of the *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Appeals to the Notice of Intent to Designate a property pursuant to Section 29 of the *Ontario Heritage Act* are referred to the Conservation Review Board (CRB).

2.3 Official Plan/The London Plan

Chapter 13 (Heritage of the City of London’s *Official Plan* (1989, as amended) recognizes that properties of cultural heritage value or interest

Provide physical and cultural links to the original settlement of the area and to specific periods or events in the development of the City. These properties, both individually and collectively, contribute in a very significant way to the identity of the City. They also assist in instilling civic pride, benefitting the local economy by attracting visitors to the City, and favourably influencing the decisions of those contemplating new investment or residence in the City.

The objectives of Chapter 13 (Heritage) support the conservation of heritage resources, including encouraging new development, redevelopment, and public works to be sensitive to, and in harmony with, the City’s heritage resources (Policy 13.1.iii). This direction is also supported by the policies of *The London Plan* (adopted 2016); *The London Plan* has greater consideration for potential cultural heritage resources that are listed, but not designated under the *Ontario Heritage Act*, through planning processes.

The Strategic Plan for the City of London 2015-2019 identifies heritage conservation as an integral part of “Building a Sustainable City.”

2.4 Uplands North Area Plan

In preparation of the *Uplands North Area Plan* (2003), the *Stage 1 Archaeological & Built Heritage Assessment, Uplands North Area Plan* (Archaeologix 2002) was prepared. This surveyed past archaeological assessments to identify where further archaeological work was required. Three properties with built heritage resources were also identified: 348 Sunningdale Road East (demolished in 2015), 2154 Richmond Street North, and 660 Sunningdale Road East. Both properties on Sunningdale Road East were previously included on the *Inventory of Heritage Resources*, and 2154 Richmond Street was subsequently added.

Regarding 2154 Richmond Street, the *Uplands North Area Plan* states,

Planner: K. Gonyou

Both the house and the barn on this property are significant. This property should be listed in the Inventory of Heritage Resources with a Priority 2 rating.

In a memo to the LACH on June 12, 2002, the Heritage Planner noted,
Both the house and the barn at 2154 Richmond Street are significant because of their association with the McCormick and Brickenden families. While the house has been greatly altered over time, the barn remains largely intact and displays numerous significant aspects of construction. The report recommends that this property should be listed in the Inventory of Heritage Resources with a Priority 2 rating. The report also recommends that efforts should be made to encourage the preservation of the barn at 2154 Richmond Street.

2.5 Register (Inventory of Heritage Resources)

Municipal Council may include properties on the *Inventory of Heritage Resources* (Register) that it “believes to be of cultural heritage value or interest.” These properties are not designated, but are considered to have potential cultural heritage value or interest.

Priority levels were assigned to properties included in the *Inventory of Heritage Resources* (Register) as an indication of their potential cultural heritage value. Priority 2 properties are:

“Buildings merit evaluation for designation under Part IV of the *Ontario Heritage Act*. They have significant architectural and/or historical value and may be worthy of protection by whatever incentives may be provided through zoning considerations, bonusing or financial advantages” (*Inventory of Heritage Resource*, 2005).

The *Inventory of Heritage Resources* (Register) states that further research is required to determine the cultural heritage value or interest of heritage listed properties.

3.0 Demolition Request

Written notice of their intention to demolish the house and barn located at 2154 Richmond Street was submitted by agents acting on behalf of the property owner and received on April 27, 2018. This notice of intention to demolish was accompanied by a structural investigation report of the barn structure (VanBoxmeer & Stranges Engineering Ltd., April 17, 2018) which was referred to the Building Division.

Municipal Council must respond to a notice of intention to demolish a heritage listed property within 60 days, or the request is deemed consented. During this 60-day period, the London Advisory Committee on Heritage (LACH) is consulted and, pursuant to Council Policy, a public participation meeting is held at the Planning & Environment Committee.

The 60-day period for the demolition request for the property at 2154 Richmond Street expires on June 26, 2018.

Staff undertook a site visit of the property, accompanied by a representative of the property owner, on May 2, 2018. The site visit included an exterior inspection of the property and buildings.

4.0 Cultural Heritage Evaluation

4.1 Criteria for Determining Cultural Heritage Value or Interest

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

1. Physical or design value:
 - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
 - ii. Displays a high degree of craftsmanship or artistic merit; or,

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

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet the criteria for designation, the demolition request should be granted and the property removed from the *Inventory of Heritage Resources* (Register).

The evaluation of the property using the criteria of *Ontario Heritage Act* Regulation 9.06 can be found below.

Table 1: Evaluation of 2154 Richmond Street using the criteria of Ontario Heritage Act Regulation 9/06.

Cultural Heritage Value	Criteria	Evaluation
The property has design value or physical value because it,	Is a rare, unique, representative or early example of a style, type, expression, material, or construction method	<p>The house located at 2154 Richmond Street has been substantially altered in a manner that does not demonstrate significant design or physical value. The house does not take the appearance of a farm house, which would be typically expected of a house in this location, or of the mansions established by prominent families the area north of London in the 1930s. It is not considered to be rare, unique, representative, or an early example of a style, type, expression, material or construction method.</p> <p>The barns at 2154 Richmond Street may have once been considered as representative examples of barn types and construction methods in the former London Township, however a fire on February 16, 2018 has destroyed the integrity of the barns to the extent where they no longer retain physical features to represent cultural heritage value or interest for the property.</p>
	Displays a high degree of craftsmanship or artistic merit	The property is not considered to demonstrate a high degree of craftsmanship or artistic merit. There is little detailing or ornamentation of the house or barns to demonstrate a high degree of craftsmanship or artistic merit.
	Demonstrates a high degree of technical or scientific achievement	The property is not considered to demonstrate a high degree of technical or scientific achievement.

Cultural Heritage Value	Criteria	Evaluation
The property has historical value or associative value because it,	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	<p>The property is associated with the McCormick-Brickenden-Greenway family, who purchased the property at 2154 Richmond Street in 1927 and resided there until very recently. The McCormick-Brickenden-Greenway family has made many contributions to the London community (the Grand Theatre or the Pony Club, for example), and is of local interest as demonstrated by the number of local publications which highlight members of the family, such as <i>100 Fascinating Londoners</i>.</p> <p>However, there are other properties in London which are also, or perhaps better, reflect potential significance of themes, people, organizations, and institutions associated with the McCormick-Brickenden-Greenway family:</p> <ul style="list-style-type: none"> • McCormick Factory, 1156 Dundas Street (designated under the <i>Ontario Heritage Act</i>) • Home of Thomas P. McCormick, brother of George G. McCormick, 294 Wolfe Street (West Woodfield Heritage Conservation District) and 651 Talbot Street (heritage listed property) • Home of Frank A. McCormick (brother of George G. McCormick), 238 Hyman Street (West Woodfield Heritage Conservation District) • Home of G. F. Brickenden (parents of G. A. P. Brickenden), 326 Queens Avenue (West Woodfield Heritage Conservation District) • Home of George G. and Dorinda McCormick (parents of Keziah McCormick Brickenden), 270 Victoria Street (heritage listed property) • Grand Theatre, 471 Richmond Street (designated under the <i>Ontario Heritage Act</i>) <p>While the McCormick-Brickenden-Greenway family may be influential in London, this is better represented by the exemplary properties where their contributions have been demonstrated.</p>
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	The property is not believed to yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	The property is not known to demonstrate or reflect the work of an architect, artist, builder, designer, or theorist who is significant to a community.

Cultural Heritage Value	Criteria	Evaluation
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	The property is not considered to define, maintain, or support the varied character of the area in a significant manner. The surrounding area is transitioning from an agricultural area to an area that is residential in character. Alterations to the house does not lend itself to define, maintain, or support the character of the past, current, or anticipated future character of the area. The loss of the barns has diminished the potential for this property to be recognized as a tangible link to the agricultural past of this area.
	Is physically, functionally, visually, or historically linked to its surroundings	The property is historically linked to its surroundings as an old building, however not in a significant manner. Landscaping, vegetation, and the topography of the property limit the potential visual links of the property to the surrounding area. The property is not physically or functionally linked to its surroundings in a significant manner.
	Is a landmark	The property is not believed to be a landmark.

4.3 Consultation

Pursuant to Council Policy for the demolition of heritage listed properties, notification of the demolition request was sent to 80 property owners within 120m of the subject property on May 30, 2018, as well as community groups including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice was also published in *The Londoner* on May 31, 2018.

5.0 Conclusion

The evaluation of 2154 Richmond Street found that the property did not meet the criteria for designation under Part IV of the *Ontario Heritage Act*. The fire damage to the barns located at 2154 Richmond Street has compromised their integrity to the extent where the barns are no longer able to retain their cultural heritage value or interest. While the property is directly associated with the McCormick-Brickenden-Greenway family, there are other properties in London that better reflect the historic interest of this family. The property was not found to have significant contextual values.

However, the McCormick-Brickenden-Greenway family is of historic interest. Research and evaluation identified interesting information related to the history of the family, and their role as leaders in London. Efforts should be made to recognize the contributions of the McCormick-Brickenden-Greenway family in the future development of this property. This could include, but should not be limited to: street names (noting that Springmeadow Road already exists in London), park names or features, cultural heritage interpretive signs, or entry features.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

June 11, 2018
KG/

Appendix A Property Location
Appendix B Images

Sources

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Appendix A – Property Location

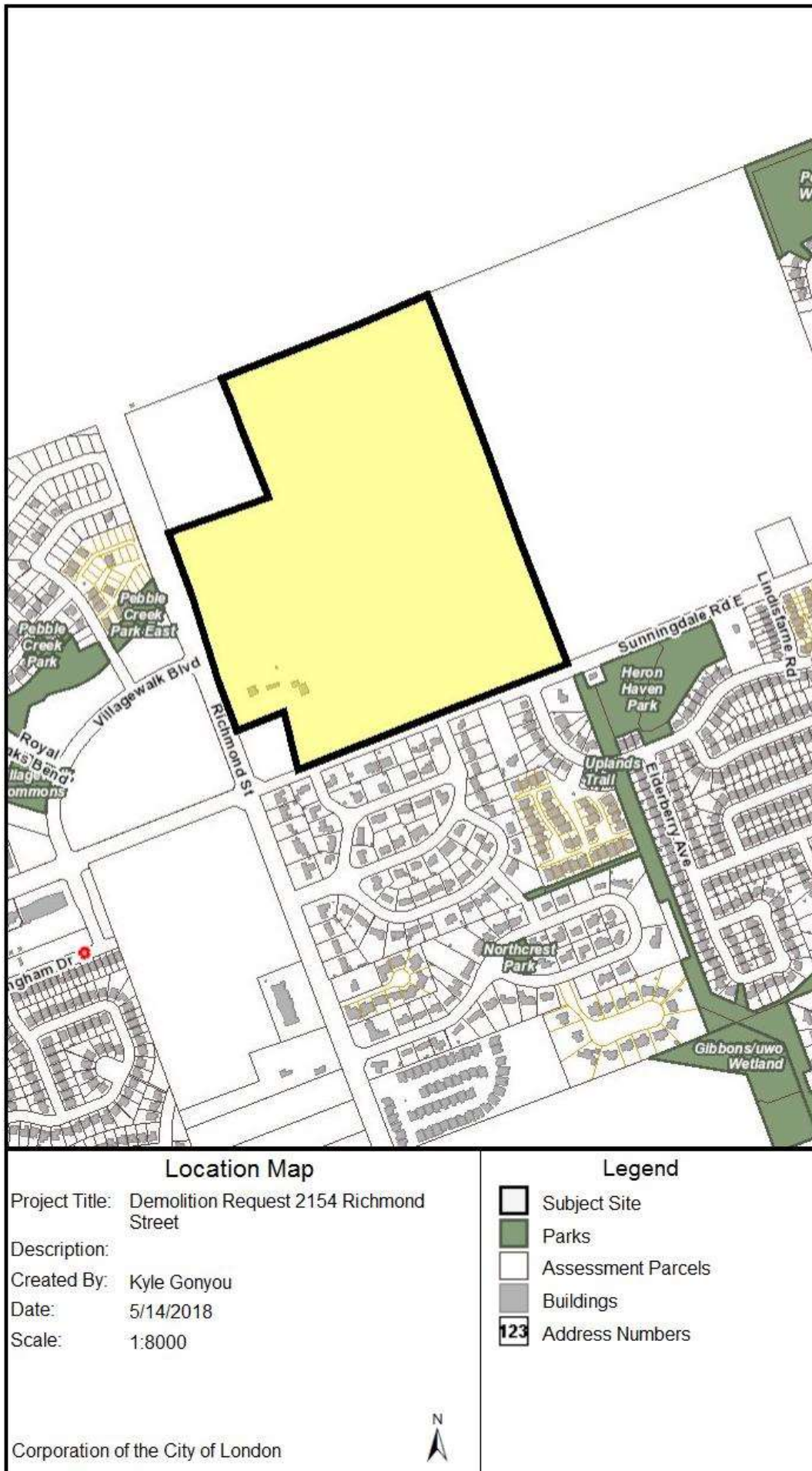


Figure 1: Property location of 2154 Richmond Street.



Figure 2: Detail of the Map of the Township of London in the Illustrated Historical Atlas of Middlesex County (1878) identifying the property now known as 2154 Richmond Street, with the building location circled in red.

Appendix B – Images



Image 1: Main (west) façade of the house at 2154 Richmond Street (courtesy of Middlesex Centre Archives, London Township Local Architectural Conservation Advisory Committee files, 1990).



Image 2: Main (west) façade of the house at 2154 Richmond Street (Archaeologix, 2002).

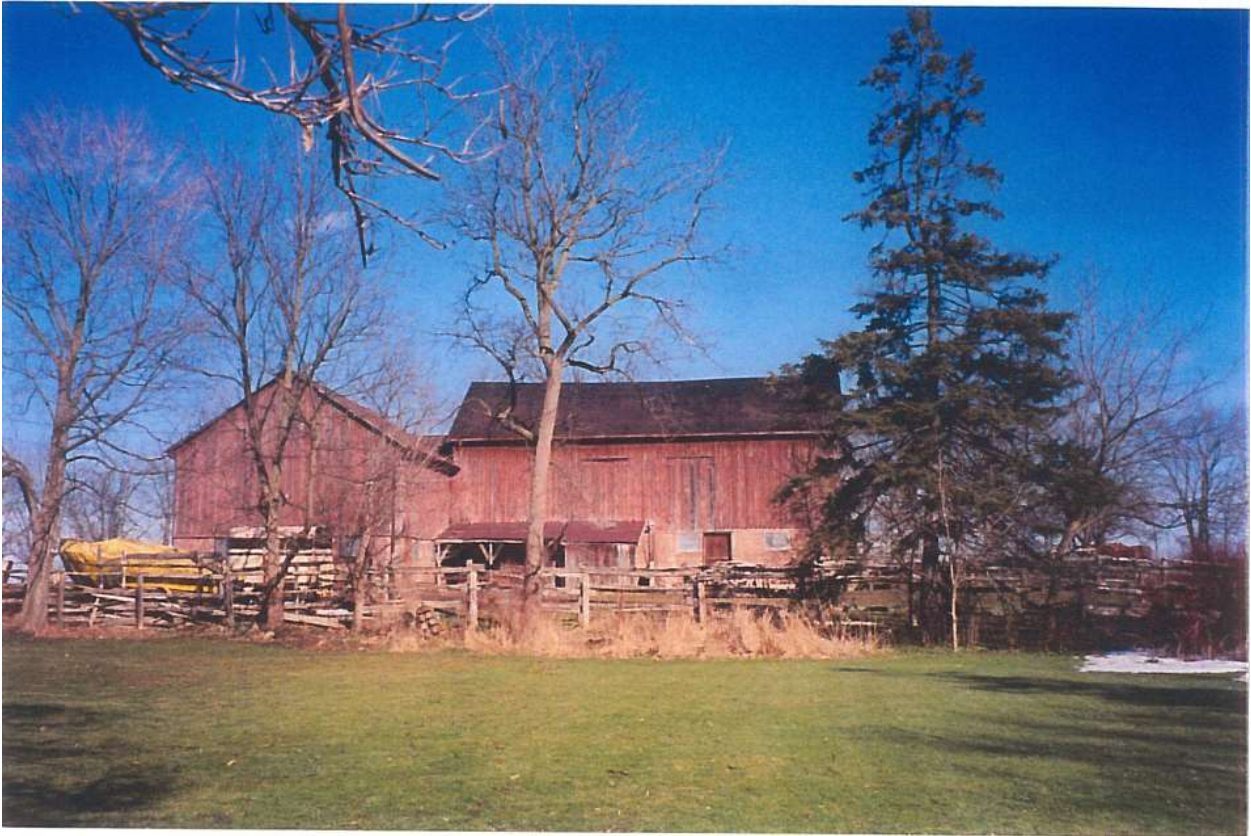


Image 3: View of the barns located at 2154 Richmond Street (Archaeologix, 2002).



Image 4: View of the property at 2154 Richmond Street from the entry feature at Richmond Street.



Image 5: View of the house at 2154 Richmond Street from the driveway, looking northeast.



Image 6: View of the south façade of the house located at 2154 Richmond Street. Note the difference in exterior cladding materials and roof forms, which helps to articulate alterations to the original brick masonry building.



Image 7: Detail of the floral-motif piercework in the wood trim of the window opening on the south façade of the house located at 2154 Richmond Street.



Image 8: View of the north façade of the house located at 2154 Richmond Street.



Image 9: Rear (east) façade of the house located at 2154 Richmond Street.



Image 10: View looking southeast from into the barnyard, showing the north barn located at 2154 Richmond Street. Note ruins of south barn in the distance beyond the north barn.



Image 11: View of the barns looking east from the south lawn of the property at 2154 Richmond Street. Note the extent of the damage to the south barn.



Image 12: View of the east façades of the barns located at 2154 Richmond Street. Note the extent of the damage to the south barn.



Image 13: View of the south façades of the barns located at 2154 Richmond Street. Note the extent of the damage to the south barn.



Image 14: Detail of the cast concrete block which comprises the base of the barns located at 2154 Richmond Street.



Image 15: Detail of the damage caused by fire on February 16, 2018 to the south barn located at 2154 Richmond Street.

PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – Demolition Request for Heritage Listed Property – 2154 Richmond Street

- *(Councillor A. Hopkins indicating that it is quite an interesting family and she understands in the staff report that the family be recognized; wondering whose responsibility that would be, would that come from the Planning and Environment Committee to the London Advisory Committee on Heritage or who would that be up to.); Mr. K. Gonyou, Heritage Planner, indicating that it is very specifically worded as a request to the property owner as this is not a heritage designated property, it is not possible to attach terms and conditions to its demolition so at this point it is being made as a request; noting that the current property owner was responsive to that request and they can anticipate that there will be subsequent planning applications that he hopes we will all be conscious of in making sure that this recognition is awarded.*
- *(Councillor S. Turner advising that if you look on page 465 of the Planning and Environment Committee Added Agenda, the London Advisory Committee on Heritage report, they have the same recommendation but they have added a clause d), which reads that the property owner BE REQUESTED to salvage any materials that have architectural value during the demolition process and we would need a motion from the Planning and Environment Committee to add that onto the recommendations.)*
- Paul Hinde, Planner, Ironstone Building Company, representing Mr. G. Bikas, Planner, Drewlo Holdings, one of the sister companies of the Drewlo umbrella of companies – expressing support for the staff recommendation; thanking staff for their diligent effort in preparing the report in a timely manner; advising that they were also present at the London Advisory Committee on Heritage Committee and answered any questions raised by the Committee who ultimately have also recommended that the application be endorsed by the Planning and Environment Committee.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Parkland Dedication By-Law CP-9 Update

Public Participation Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Parkland Dedication Requirements, Policies and Procedures Review:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 26, 2018 to amend By-law CP-9, Parkland Conveyance & Levy By-law, to implement the changes to the parkland dedication process;
- (b) the proposed by-law attached hereto as Appendix B" **BE INTRODUCED** at the Municipal Council meeting on June 26, 2018 to amend Council policies 17(2) and 17(3); and
- (c) that the revised Parkland Conveyance & Levy By-law CP-9 and the revised Council Policy be brought into force and effect in September, 2018.

Executive Summary

By-law CP-9 was approved by Council in 2010 which provided a revised approach to the calculation and collection of parkland dedication within the City of London. Included with the bylaw is a fee schedule for various residential unit types. With the exception of a minor change, the fees have remained consistent since 2010. In 2016, an independent city-wide land appraisal was conducted for residential lands in the city and recommended updates to the fee schedule to better reflect the true market value of developable lands.

This report also updates recent legislative changes from Bill 73 and minor housekeeping recommendations to By-law CP-9 and the Council Policy Manual. Part two of the review will examine more closely London's approach to parkland dedication processes and procedures, in comparison to industry standards.

Analysis

1.0 Background

1.1 History

After extensive review in 2010, Municipal Council approved a modified approach to the calculation of parkland dedication and the collection of cash-in-lieu (CIL) of parkland in the City of London. The review involved consultation with the Urban League, London Development Institute (LDI) and the Home Builders Association. The agreed upon approach was intended to provide benefits to both the municipality and the development community. These benefits included a consistent city-wide value for residential land and parkland, a bi annual independent appraisal of city-wide residential land, payment of CIL fees at the time of building permit, the exclusion of parkland dedication for natural heritage/hazard lands if dedicated to the City, a consistent value to constrained and hazard lands, a simplified method of collecting CIL and the consistent inclusion of all natural heritage/hazard lands in applications for plan of subdivision.

Since the adoption of the by-law in 2010, the fees related to the collection of cash-in-lieu of parkland have generally remained the same with the exception of minor increases to row housing and apartment unit fees. These minor adjustments were to better reflect their true market value. Notwithstanding these two fee increases, the residential unit values remain lower than the current market value.

In 2016, Metrix Realty Group undertook a bi annual assessment of residential land valuation for the City of London. Based on recent increases in land values throughout the City, the consultant recommended an adjustment to the valuation table. Realty Services reviewed the Metrix report and the recommendation and arrived at similar conclusions.

1.2 Study Approach

In 2017, staff initiated the process to update By-law CP-9 and the associated fee schedules. During that time, staff were directed to investigate other Ontario municipalities' approach to the collection of parkland dedication and or the collection of cash-in lieu in Ontario. It was noted that some municipalities were able to obtain a higher revenue from cash-in lieu than the current method implemented by the City of London. However, the full details were not reviewed.

To implement the recommendations of the Metrix land appraisal, it was decided to divide the study into two phases; a by-law up-date and a procedure review. The first phase included in this report is to:

- update the current parkland dedication by-law with the revised land valuation from the analysis undertaken by Metrix,
- to implement the amendments to the Planning Act from Bill 73 and
- to make minor housekeeping recommendations to the by-law and Council Policy Manual.

The second phase will undertake a review and comparison of the current approach by the City in collecting CIL and other approaches undertaken by a variety of municipalities in the province, including the standard approach afforded to the City by the Planning Act. The review will determine if sufficient value is being achieved through the current practice or if an alternative practice should be implemented. This report will be brought forward to PEC in the first quarter of 2019. The report will also address alternative forms of accepting constrained or hazard lands as parkland. LDI has raised concerns with the current land valuation of these lands and has suggested the concept of a tax receipt for the dedication of constrained or hazard lands. This concept will be further investigated in the second report.

2.0 Parkland Dedication

2.1 Current Legislative Authority – Parkland Dedication

The *Planning Act* provides municipalities with the authority to require the dedication of parkland or cash-in-lieu for recreational purposes at the time of development. Under Sections 51, 53 and 42 of the Act, municipalities can require 2% of the land area or cash equivalent for commercial and industrial developments and 5% of the land area or cash equivalent for all other types of developments.

The City can require, as a condition to the approval of plans of subdivision, plans of condominium, consents; and, the development, infill or redevelopment of land the conveyance of land for park or recreational purposes, cash-in-lieu of parkland and parkland dedication, or a combination of the two or at the building permit stage.

To ensure the land values reflect current market value and re-adjusted if needed, the City retained the services of Metrix Realty Group to undertake an independent review of the current rates applied to the above residential categories in London's residential market. The consultant provided their 2016 report to Realty Services with their findings and recommendations. The report was circulated to the London Development Institute for their review and comment.

The report and subsequent review from the Realty Services Division provided the following:

Our analysis as outlined above revealed the existing rates charged by the City for all four major density CIL rate categories are insufficient to meet the 5% maximum CIL goal, and we recommend these rates should be adjusted upward. As specified in the By-law, the low density category is further subdivided into four sub-categories based on lot frontage; each sub-category receives a separate rate. Based on the central tendency prices per acre estimated by the appraisal consultant, Realty Services recommends the following rate adjustments:

- *Detached SFR Lots:*
 - *>= 60 ft. \$1,900*
 - *50-59 ft. \$1,550*
 - *40-49 ft. \$1,300*
 - *<= 39 ft. \$1,000*
- *Cluster Detatched/ Semi-detached/ Duplex: \$975*
- *Attached Rowhousing: \$950*
- *Attached Apartments: \$550*

Using the Metrix residential land pricing study as an approximate guide, Realty Services recommends that a new base rate of \$175,000 per acre be applied to City acquisitions of table lands to be purchased for parkland use.

Residential Category	Lot Frontage	Average Gross Density Units/HA	2017 Cash-in-Lieu Rate	Proposed 2018 Cash-in-Lieu Rate
Single Detached Lots	> 18m	11	1,715	1,900
	15 to 17.99	13.5	1,380	1,550
	12 to 14.99	16	1,130	1,300
	<11.99	21	875	1,000
Cluster Detached/semi detached/Duplex	n/a	25.5	875	975
Attached Row house	n/a	39.5	775	950
Attached Apartment	n/a	148	375	550

From consultation with LDI concerns were raised with the increase to both the row housing and apartment residential unit rates noting the increase in 2011 were 48% and 32 % respectively. It should be noted the initial value of land calculated for these two unit types was based City-wide. The 2011 and the current suggested increases are based on current market value of each residential unit type. The Metrix report concludes the value of medium density land is \$467,250 per hectare (\$285,000/ac) and high density residential is \$845,310 per hectare (\$660,000/ac).

The value calculated for the CIL rate for both these residential unit types is currently based on the calculation of 5% of the overall area (Ha) rather than the alternative rate of 1 hectare per 500 residential units. The current use of the 5% value results in a much lower CIL rate. The table below illustrates the comparison of the two values.

Unit Type	Average Land Value per HA (AC)	Average Density per HA (AC)	CIL at 5%	CIL at 1/500
Medium Density (Row Housing)	\$467,250 (\$285,000)	45 (15)	\$950	\$2,804
High Density (Apartment)	\$845,310 (\$660,000)	150 (60)	\$550	\$1690

Potentially modifying the City’s process for receiving CIL will be part of the Phase II report.

2.2 Land Valuation of Open Space and Hazard Lands Included in Development Application

Consistent with the previous valuations Reality Services and Metrix reviewed and recommended the fair market value at which the City should purchase parkland. Based on the valuation process the City currently purchases tableland for parkland purposes at approximately \$396,590 per hectare (\$160,500 per acre), the proposed revised rate is \$432,420 per hectare (\$175,000 per acre).

The valuation of open space and hazard lands is a difficult undertaking as there are no open competitive markets for these environmentally constrained lands. Generally, lands such as flood plain, steep ravines, woodlots and wetlands are only purchased by the municipality or the conservation authority. Historically, the City of London has used a rate of \$13,590 per ha (\$5,500 per acre) as a benchmark for the acquisition of open space or hazard lands. As part of the 2010 “London Approach” constrained land values were assigned to natural hazard lands and natural heritage lands. In conjunction with the constrained land value ratio, natural hazard and natural heritage lands that are dedicated to the city are excluded from the overall calculations of parkland dedication for the development.

Under the premise that hazard lands do not provide development opportunity or financial value to the land, lands delineated by the Conservation Authority as hazard lands are valued at \$13,590 per hectare (5,500 per acre) recognizing that many Ontario municipalities do not provide cash incentives at all for these lands. Hazard lands are generally easily defined and would still be exempt from the 5% parkland dedication rate. The By-law accepts these lands as a contribution toward the parkland dedication requirement at a constrained rate of 27 to 1 or a cash-value equivalent of \$13,590 per hectare (\$5,500 per acre). As the base value of land has increased 14% from \$370,645 per hectare (\$150,000 per acre) to \$432,420 per hectare (\$175,000 per acre), the value of hazard land should reflect the same; \$16,036 per hectare (\$6,490 per acre).

Open space lands outside of natural hazard lands, such as upland significant woodland are valued at \$22,230 per hectare (\$9,000 per acre) because they provide some recreational value for hiking (but no “development” potential). These features are currently delineated through required environmental studies for applications of plan of subdivision and are exempt from the 5% parkland dedication rate. The By-law accepts these lands as a contribution toward the parkland dedication requirement at a constrained rate of 16 to 1 or a cash-value equivalent of \$22,230 per hectare (\$9,000 per acre). As the base value of land has increased 14% from \$370,645 per hectare (\$150,000 per acre) to \$432,420 per hectare (\$175,000 per acre), the value of significant features should reflect the same; \$27,026 per hectare (\$10,938 per acre).

LDI has continually expressed concern that the rate paid for open space/hazard land has remained the same for a number of years and should be increased to reflect market rates. While the land itself does not contain any development value per se, there are intrinsic and/or social values associated with these lands for both the municipality and its citizens, if accessible. LDI has suggested the concept of a tax receipt for constrained or hazard lands dedicated to the city. This approach will be further investigated in a future report.

For this report, staff are recommending the value of the hazard and the constrained lands increase by 14%.

2.3 Pathway Corridors

By-law CP-9 recognized that Section 51(25) of the Planning Act provides municipalities with the authority to acquire pedestrian pathways, bicycle pathways, and transit right of ways without forming any part of the parkland dedication. Generally, these facilities are included within newly developing areas of the city as a 15 meter wide corridor; 5 meters of which is dedicated to the City at no cost and the balance of the land is accepted as parkland dedication.

The Council and Ministry approved the London Plan which requires that the dedicated corridor be a minimum 25 meters. The matter is currently before the OMB as LDI, and others have appealed the standard dedicated width of the corridor.

2.4 Bill 73 – The Smart Growth for Our Communities Act (2015)

On July 1, 2016, Bill 73 – the Smart Growth for Our Communities Act came into force which provided a number of changes to the Planning Act and Development Charges Act. The Bill introduced three significant changes to the way municipalities require the conveyance of parkland or cash-in-lieu as a condition prior to development.

1. Prior to Bill 73, municipalities could pass by-laws requiring the conveyance of land for parkland purposes (2% for commercial and industrial developments, 5% for all other developments) as a condition of development or redevelopment. An alternative rate of 1 unit per 300 residential units could also be applied provided the Official Plan contained policies relating to the alternative rate. After Bill 73, the Municipality may still include an alternative rate for the calculation of parkland dedication but must prepare a “Parks Plan” which examines the need for parkland. The Parks Plan must include public consultation and consultation with the schools boards. For municipalities with a current approved alternative approach included within their Official Plan, this requirement does not apply.
2. The current Official Plan and the Council/Ministry approved London Plan both contain policies regarding the use of the alternative parkland calculation. Further, the Council has previously adopted a Parks and Recreation Master Plan with an update in 2015. Staff have retained a consultant to undertake a new Parks and Recreation Master Plan that should be completed in 2019.
3. The alternative rate for the calculation of parkland dedication has been partially amended. Prior to Bill 73, parkland dedication could be collected at 5% of the overall site area or a rate of 1 hectare per 300 residential rates. Bill 73 maintains this rate for the conveyance of lands, however, if there is insufficient desirable parkland the City may accept cash-in lieu of parkland at a rate of 1 hectare per 500 residential units (in place of the 1/300 residential units). This revised rate is only for cash-in lieu of parkland purposes.
4. Prior to Bill 73, municipalities were required to establish a specific account for cash-in lieu funds collected as a condition of development or redevelopment. Bill 73 introduced more transparency in the recording of this account. Specifically, the City Treasurer is required to publicly report out an annual financial statement of the account including the opening and closing balance; acquisition of land or machinery with the fund; construction or improvements to buildings with the fund; and details on any other expenses posted to the fund. These changes are proposed in the Council Policy Manual and By-law CP-9.

2.5 Minor Housing Keeping Changes to the Council Procedure Manual

Since the approval of the By-law in 2010, minor changes have occurred to incorporate department names and positions. The minor housekeeping amendments correct these titles and department names. Further, some concerns were expressed regarding the clarity of industrial applications.

In 2010, Council approved the policy to exempt industrial development from parkland dedication with the exception of industrial land which contains natural heritage/hazard lands. These natural heritage/hazard lands were to be dedicated to the City as their contribution towards parkland dedication. This report is not suggesting any changes to the policy, but rather include the policy within By-law CP-9.

3.0 Conclusion

By-law CP-9 was approved by Council in 2010 which provided a revised approach to the calculation and collection of parkland dedication within the City of London. Included with the bylaw is a fee schedule for various residential unit types. With the exception of a minor change, the fees have remained consistent since 2010.

In 2016, an independent city-wide land appraisal was conducted for residential lands in the city. The report recommended updates to the fee schedule to better reflect the true market value. These proposed changes were circulated to LDI for their review and comment.

A second phase of this report will be tabled with PEC in late 2018. This report will provide a comparison of other parkland dedication methods/approaches implemented in the province and make recommendations related to the London model.

Prepared by:	Bruce Page, Senior Planner, Environmental and Parks Planning
Submitted by:	Andrew Macpherson, OALA Manager, Environmental and Parks Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services</p>	

June 11, 2018
AM/BP

Y:\Shared\parksplanning\rep&recs\PEC O-7590 June -18

Bill No. (number to be inserted by Clerk's Office)
(2018)

By-law No. C.P.-1284-

A by-law to amend By-law CP-9 entitled
"A by-law to provide for the conveyance
of land and cash in lieu thereof for park
and other purposes".

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

1. Section 2.1 of Part 2 of By-law CP-9 is repealed and the following new section 2.1 is enacted in its place:

2.1 Land - for park purposes - conveyance - calculation

As a condition of development or redevelopment for residential purposes of any land within the City of London, the Owner of such land shall, at the request of the Corporation, convey to it for use for park or other public recreational purposes as follows:

- 1) In the case of land proposed for residential development the greater of either five (5%) percent of the land within the development application or an amount of land that is in the same proportion to the number of dwelling units proposed as one hectare bears to 300 dwelling units;
- 2) In the case of land proposed for development or redevelopment for commercial purposes, land in the amount of two percent (2%) of the land within the development application to be developed or redeveloped;
- 3) In the case of land proposed for development or redevelopment for Industrial purposes, parkland dedication requirements will be waived;
- 4) In the case of land proposed for development for use other than those referred in 2.1 1) and 2.1 2), land in the amount of five per cent (5%) of the land within the development application to be developed or redeveloped; and
- 5) Where a development or redevelopment application contains defined hazard or environmentally constrained open space lands, these lands will be excluded from the calculation of parkland dedication as set out in Section 2.1 provided the said lands, are in some form, dedicated to the Corporation.

2. Section 2.2 of Part 2 of By-law CP-9 is repealed and the following new section 2.2 is enacted in its place:

2.2 Cash - in lieu of land - prior to permit

Where the Corporation does not request the Owner to convey land, the Owner shall pay money to the Corporation in lieu of such conveyance to the prevailing value of the land otherwise required to be conveyed under section 2.1 of this by-law before the issuance of the building permit or, if more than one building permit is required for the development or redevelopment, before the issuance of the first permit.

As an alternative, the owner can pay the money in one lump sum at a rate of 1 hectare of park land for every 500 residential units at a value set out in Section 2.3.

3. Section 2.3 of Part 2 of By-law CP-9 is repealed and the following new section 2.3 is enacted in its place:

2.3 Land – value – per residential dwelling type – Table 1

The prevailing value of land otherwise required to be conveyed under section 2.1 of this by-law for the twelve month period commencing September 2018 and then every twenty-four months thereafter, may be determined by multiplying the value per dwelling unit in Column II of Table 1 for the corresponding type of residential dwelling unit in Column I by the number of that type of dwelling unit proposed on the land, and then adding all of the values for each type of dwelling unit to arrive at the prevailing land value.

Table 1	
Column I	Column II
Average Value of Land	\$432,420/hectare (\$175,000/acre)
Residential Detached Units	
Up to 11.99m lot frontage	\$ 1000.00
12m -14.99m lot frontage	\$1300.00
15m -17.99m lot frontage	\$1550.00
18m or greater lot frontage	\$1900.00
**Where lot frontage is defined under Zoning By-law Z.-1	
Cluster detached / Semi-detached / duplex	\$ 975.00
Attached Rowhousing	\$ 950.00
Attached Apartments	\$ 550.00
Value of Land for Alternative Rate Calculations	
Singles/Semi-detached/Duplex	\$432,420/hectare (\$175,000/acre)
Row Housing (Medium Density)	\$467,250/hectare (\$285,000/acre)
Apartments (High Density)	\$845,310/hectare (\$660,000/acre)
Value of Parkland	
Hazard land	\$16,036/hectare (\$6,490/acre)
Open space land	\$27,026/hectare (\$10,938/acre)
Ratio of hazard Land to table land	27 to 1
Ratio of open space land to table land	16 to 1
Table land to be purchased by the Corporation for parkland use	\$432,420/hectare (\$175,000/acre)

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 June 26, 2018.

PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 26, 2018
Second Reading – June 26, 2018
Third Reading – June 26, 2018

Appendix “B”

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. A - _____

A By-law to amend Council Policies 17(2), 17(3) and 19(3) related to Parkland Dedication.

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

1. Council Policy 17(2) is hereby amended by repealing the existing the Council Policy 17(2) and enacting the attached revised policy in its place.

17(2) Parkland Dedication – Value of Parkland dedication

That the following policy for establishing a value for 5% land dedication or the payment of cash-in-lieu in accordance with the market value be established:

- a. Cash-in-lieu of parkland dedication values will be set out in Table 1 of By-law CP-9, Parkland Dedication. These values will be evaluated by an Accredited Appraiser (AACI), of the City's choice, on a biennial basis (every 2 years) to ensure the values of the by-law reflect the current market value;
- b. Realty Services will retain an independent Accredited Appraiser (AACI) to undertake the review and through Planning Services to make recommendations to Council on the appropriate amendments; and
- c. For non-residential cash-in-lieu of parkland payments, an appraisal shall be undertaken by an Accredited Appraiser (AACI) and be submitted to Development and Compliance Services and Realty Services for review and confirmation

2. Council Policy 17(3) is hereby amended by repealing the existing Council Policy 17(3) and enacting the attached revised policy in its place.

17(3) Parkland Dedication – Plan of Subdivision

That, with regard to the dedication of parkland using section 51.1 of the Planning Act, R.S.O. 1990, Chapter P.13, where an application has been made for approval of a plan of subdivision, regard shall be had to the Official Plan policies concerning requirements for land dedication or cash-in-lieu.

Consistent with the Official Plan where City Council determines that the conveyance of parklands is desired, land in the amount of 2% for commercial or industrial purposes and land for all other purposes at a rate of one hectare for each 300 dwelling units or in the amount of 5% of the land proposed for subdivision, whichever is greater, will be described in the subdivision agreement and conveyed upon registration:

- a. The City will require that all hazard and /or open space lands within the land holdings of the owner are included in the application for development;

- b. Lands defined and determined to be hazard or open space in a staff approved ecological or environmental report will not be included within the in the calculations for parkland dedication provided the lands are acquired/dedicated, in some form, to the City;
- c. The City retains the right not to accept the conveyance of land that is considered not suitable or required for park and recreation purposes including, but not limited to the size of the parcel, hazard lands, wet lands, hydro lands, easements or other encumbrances that would restrict the City's use of the land. Where the City does not request the Owner to convey table land, the City may:
 - i. accept the equivalent of land in cash value as determine in By-law CP-9 Parkland Dedication or at a rate of 1 hectare per 500 residential units;
 - ii. accept hazard land and/or open space lands included within the application at a rate consistent with their value as determined in By-law CP-9 Parkland Dedication; or
 - iii. accept a transfer of an over dedication of parkland in a neighbouring plan of subdivision under the same ownership as outlined in Official Plan Policy 16.3.2 v).
- d. Lands that have been identified, to the satisfaction of the City, as hazard or open space and that are not included as parkland dedication will be acquired by the City at a rate determined in By-law CP-9. The City reserves the right to determine if the hazard and/or open space lands will form the part of the required parkland dedication;
- e. Where the city is to acquire large tracks of hazard and/or open space lands the following price index shall be applied:

Size in Ha	Size Multiplier
0 to 9.99	1
>10	0.69 (31%)

- f. The parkland dedications from applications for consent to create additional building lots will also fall under this policy. Where an application to register a condominium is caused by "development" rather than solely by conversion of an existing building, parkland dedications will be sought according to Council policy; and
 - g. Industrial development or division of industrial lands (consents, plan of subdivision) will not be subject to a 2% parkland dedication rate except where the City has an interest in acquiring natural heritage features as a land dedication.
3. Council Policy 17(4) is hereby amended by repealing the existing Council Policy 17(4) and enacting the attached revised policy in its place.

17(4) Parkland Dedication Cash-in-lieu

That the following policy be established for the valuation of cash-in-lieu of parkland dedicated to the City under Section 42, 51.1 and 53 of the Planning Act, R.S.O. 1990, Chapter P.13,:

- a. Cash-in-lieu of parkland dedication values will be set out in Table 1 of By-law CP-9, Parkland Dedication. These values will be evaluated by an Accredited Appraiser (AACI), of the City's choice, on a biennial

basis (every 2 years) to ensure the values of the by-law reflect the current market value;

- b. Realty Services will retain an independent Accredited Appraiser (AACI) to undertake the review and through Environmental & Parks Planning make recommendations to Council on the appropriate amendments;
- c. The valuation of Table 1 will take into account the value of residential, hazard and open space lands on a city-wide basis on the day before the day of draft approval. The following values are to be considered in the valuation:

Table 1	
Column I	Column II
Average Value of Land	\$432,420/hectare (\$175,000/acre)
Residential Detached Units	
Up to 11.99m lot frontage	\$ 1000.00
12m -14.99m lot frontage	\$1300.00
15m -17.99m lot frontage	\$1550.00
18m or greater lot frontage	\$1900.00
**Where lot frontage is defined under Zoning By-law Z.-1	
Cluster detached / Semi-detached / duplex	\$ 975.00
Attached Rowhousing	\$ 950.00
Attached Apartments	\$ 550.00
Value of Land for Alternative Rate Calculations	
Singles/Semi-detached/Duplex	\$432,420/hectare (\$175,000/acre)
Row Housing (Medium Density)	\$467,250/hectare (\$285,000/acre)
Apartments (High Density)	\$845,310/hectare (\$660,000/acre)
Value of Parkland	
Hazard land	\$16,036/hectare (\$6,490/acre)
Open space land	\$27,026/hectare (\$10,938/acre)
Ration of hazard Land to table land	27 to 1
Ratio of open space land to table land	16 to 1
Table land to be purchased by the Corporation for parkland use	\$432,420/hectare (\$175,000/acre)

- d. The revised Table 1 of By-law CP-9 will be implemented in September 2018; and
- e. For non-residential cash-in-lieu of parkland payments, an appraisal shall be undertaken by an Accredited Appraiser (AACI) and be submitted to Development and Compliance Services and Realty Services for review and confirmation.

4. Council Policy 17 is hereby amended by adding the attached policy:

17(5) Parkland Dedication – Site Plan

That the following policy be established for the dedication of parkland or cash-in-lieu of parkland to the City under Section 42 of the Planning Act, R.S.O. 1990, Chapter P.13, where an application has been made for site plan approval:

- a. Where commercial, residential or other land use is developed under Section 42 of the Planning Act, R.S.O. 1990, Chapter P.13, has not made previous contributions to parkland dedication, a condition for fulfillment of the parkland dedication will be a condition of site plan approval; and
- b. Where land is not desired or available for the municipality, cash-in-lieu of parkland will be required prior to the issuance of a building permit and valued at the day before the day of issuance of the building permit.

5. Council Policy 17 is hereby amended by adding the attached policy:

17(6) Parkland Dedication – Acquisition of Parkland Outside a Plan of Subdivision

That the following policy be established for the acquisition of hazard land and/or open space land outside an application under 42, 51.1 or 53 of the Planning Act, R.S.O. 1990, Chapter P.13.

- a. Where hazard lands are to be purchased outside a development application, a rate consistent with Table 1 of By-law CP-9 shall apply; and
- b. Other open space lands may be acquired at a higher value relative to their environmental or recreational value

6. Council Policy 17 is hereby amended by adding the attached policy:

17(8) Parkland Accounts

That the following policy be established for the updating of the current Parkland Reserve Fund.

- a. Funds received from cash-in-lieu payments for parkland dedication will be maintained in a separate fund and used for the acquisition of land, the development, management and restoration of parks and open spaces and other recreational needs.
- b. The account shall maintain with a minimum balance of \$300,000 for advantageous acquisitions as they may arise.
- c. The City Treasurer will present to Council an annual public financial statement containing the following:
 - i. the opening and closing balances,
 - ii. any land or machinery acquired with the funds,
 - iii. any buildings erected, improved or repaired with the funds,
 - iv. details of the amount spent, and
 - v. how capital costs for the land, machinery or buildings described above will be funded if the costs are not fully covered by the special fund

7. Council Policy 19(3) is hereby amended by repealing the existing Council Policy 19(3) and enacting the Attached revised policy in its place

19(3) Subdivision of Land by Consent

That a policy be established to provide that whenever a situation arises where land is being subdivided by means of "Consents to Register", the following points are to be observed:

- a. the agreement (which takes the place of a normal subdivision agreement) should not be executed by the City until after certain conditions have been first met, namely:
 - i) deposit of cash or conveyance of security lots;
 - ii) 5% land dedication or payment of cash in lieu of 5% dedication; and
 - iii) deposit with the Director of Development Services of any conveyances for streets, easements or other purposes.
- b. the Director of Development Services should refrain from executing consents until advised by the Managing Director of Legal and Corporate Services that the agreement has been executed on behalf of the City; and
- c. the Managing Director, Development and Compliance Services and Chief Building Official will refrain from issuing building permits for any lot until advised by the Consent Authority that the appropriate conveyance has been executed with the "Consent" affixed thereto.
- d. Industrial development or division of industrial lands (consents) will not be subject to a 2% parkland dedication rate except where the City has an interest in acquiring natural heritage features as a land dedication.

PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 26, 2018
Second Reading – June 26, 2018
Third Reading – June 26, 2018

Bill No. 299
2018

By-law No. CP-9_____

A by-law to amend By-law No. CP-9 entitled "A by-law to provide for the conveyance of land and cash in lieu thereof for park and other purposes."

WHEREAS section 42 of the *Planning Act*, R.S.O. 1990, c. P.13, authorizes the council of a local municipality to pass by-laws requiring as a condition of development or redevelopment the conveyance of land or the payment of money to the value of the land otherwise required to be paid in lieu of such conveyance for park or other recreational purposes;

AND WHEREAS Chapter 16 of the Official Plan for the City of London Planning Area - 1989 contains specific policies dealing with the provision of land for park or other public recreational purposes and the use of the alternative requirement in subsection 42(3) of the *Planning Act*, R.S.O. 1990, c. P.13;

AND WHEREAS the Municipal Council wishes to implement certain changes to the parkland dedication process, effective September 1, 2018;

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

1. Section 2.1 of Part 2 of By-law No. CP-9 is hereby repealed and the following new section 2.1 is enacted in its place:

2.1 Land - for park purposes - conveyance - calculation

As a condition of development or redevelopment for residential purposes of any land within the City of London, the Owner of such land shall, at the request of the Corporation, convey to it for use for park or other public recreational purposes as follows:

- 1) In the case of land proposed for residential development the greater of either five (5%) percent of the land within the development application or an amount of land that is in the same proportion to the number of dwelling units proposed as one hectare bears to 300 dwelling units;
- 2) In the case of land proposed for development or redevelopment for commercial purposes, land in the amount of two percent (2%) of the land within the development application to be developed or redeveloped;
- 3) In the case of land proposed for development or redevelopment for Industrial purposes, parkland dedication requirements will be waived;
- 4) In the case of land proposed for development for use other than those referred in 2.1 1) and 2.1 2), land in the amount of five per cent (5%) of the land within the development application to be developed or redeveloped; and
- 5) Where a development or redevelopment application contains defined hazard or environmentally constrained open space lands, these lands will be excluded from the calculation of parkland dedication as set out in Section 2.1 provided the said lands, are in some form, dedicated to the Corporation.

2. Section 2.2 of Part 2 of By-law No. CP-9 is hereby repealed and the following new section 2.2 is enacted in its place:

2.2 Cash - in lieu of land - prior to permit

Where the Corporation does not request the Owner to convey land, the Owner shall pay money to the Corporation in lieu of such conveyance to the prevailing value of the land otherwise required to be conveyed under section 2.1 of this by-law before the issuance of the building permit or, if more than one building permit is required for the development or redevelopment, before the issuance of the first permit.

As an alternative, the owner can pay the money in one lump sum at a rate of 1 hectare of park land for every 500 residential units at a value set out in Section 2.3.

3. Section 2.3 of Part 2 of By-law No. CP-9 is hereby repealed and the following new section 2.3 is enacted in its place:

2.3 Land – value – per residential dwelling type – Table 1

The prevailing value of land otherwise required to be conveyed under section 2.1 of this by-law for the twelve month period commencing September 1, 2018 and then every twenty-four months thereafter, may be determined by multiplying the value per dwelling unit in Column II of Table 1 for the corresponding type of residential dwelling unit in Column I by the number of that type of dwelling unit proposed on the land, and then adding all of the values for each type of dwelling unit to arrive at the prevailing land value.

Table 1	
Column I	Column II
Average Value of Land	\$432,420/hectare (\$175,000/acre)
Residential Detached Units	
Up to 11.99m lot frontage	\$ 1000.00
12m -14.99m lot frontage	\$1300.00
15m -17.99m lot frontage	\$1550.00
18m or greater lot frontage	\$1900.00
**Where lot frontage is defined under Zoning By-law Z.-1	
Cluster detached / Semi-detached / duplex	\$ 975.00
Attached Rowhousing	\$ 950.00
Attached Apartments	\$ 550.00
Value of Land for Alternative Rate Calculations	
Singles/Semi-detached/Duplex	\$432,420/hectare (\$175,000/acre)
Row Housing (Medium Density)	\$467,250/hectare (\$285,000/acre)
Apartments (High Density)	\$845,310/hectare (\$660,000/acre)
Value of Parkland	
Hazard land	\$16,036/hectare (\$6,490/acre)
Open space land	\$27,026/hectare (\$10,938/acre)
Ration of hazard Land to table land	27 to 1
Ratio of open space land to table land	16 to 1
Table land to be purchased by the Corporation for parkland use	\$432,420/hectare (\$175,000/acre)

4. 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.

5. This by-law shall come into force and effect on September 1, 2018.

PASSED in Open Council on June 26, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 26, 2018
Second Reading – June 26, 2018
Third Reading – June 26, 2018

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: 1616958 Ontario Inc.
335-385 and 340-390 Saskatoon Street
Public Participation Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 1616958 Ontario Inc. relating to the properties located at 335-385 and 340-390 Saskatoon Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 26, 2018 to amend the Official Plan by **ADDING** a policy to section 10.1.3 – Policies for Specific Areas;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at a future Council meeting, to amend The London Plan by **ADDING** a policy to Specific Policies for the Neighbourhoods Place Type; by **ADDING** the subject lands to Map 7 – Specific Policy Areas – of The London Plan **AND** that three readings of the by-law enacting The London Plan amendments **BE WITHHELD** until such time as The London Plan is in force and effect.
- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on June 26, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Residential R2/Light Industrial (R2-3/LI8) Zone, **TO** a Holding Residential R2/Restricted Office Special Provision (h-_*R2-3/RO(*)) Zone and a Holding Residential R2/Restricted Office Special Provision (h-_*R2-3/RO(**))Zone;

Executive Summary

Summary of Request

The applicant requested an Official Plan Amendment (“OPA”) to the 1989 Official Plan (“1989 OP”) to add a policy to Chapter 10 (Policies for Specific Areas), and a Zoning By-law Amendment (“ZBA”) to Zoning By-law Z.-1 to change the zoning of the subject lands from a Residential R2/Light Industrial (R2-3/LI8) Zone to a Residential R2 Special Provision/Restricted Office Special Provision (R2-3()/RO()) Zone.

The requested amendments would permit existing non-residential uses in the existing buildings, limit the maximum gross floor area of existing non-residential uses to their existing size, permit existing site conditions which do not meet the standard requirements of the requested zones nor the standard parking requirements in the Zoning By-law. The requested amendments would permit the existing lot area and lot frontage of each parcel as the minimum lot area and minimum lot frontage for residential uses to prevent the fragmentation of the subject lands for future multi-residential uses and to address compatibility issues between the existing industrial uses and new residential uses.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended OPA and ZBA is to permit the existing non-residential uses in the existing buildings and permit existing site conditions. The recommended OPA would add a policy to Chapter 10 (Policies for Specific Area) to the 1989 OP, and a policy to Specific Policies for the Neighbourhoods Place Type to The

London Plan (“The LP”) to permit automotive repair garages, support offices and charitable organization offices in the existing building at 335-385 Saskatoon Street; and studios, warehouse establishments, and support offices in the existing building at 340-390 Saskatoon Street.

The recommended ZBA would change the zoning of the subject lands from a Residential R2/Light Industrial (R2-3/LI8) Zone to a Holding Residential R2/Restricted Office Special Provision (h-__•R2-3/RO(*)) Zone and a Holding Residential R2/Restricted Office Special Provision (h-__•R2-3/RO(**)) Zone. The recommended Restricted Office Special Provision (RO(*)) Zone would permit automotive repair garages up to a maximum gross floor area of 477 m², and support offices and charitable organization offices up to a maximum gross floor area of 2,824 m² in the existing building, a minimum parking requirement of 60 parking spaces for permitted non-residential uses and other existing site conditions such as minimum yard depths, maximum lot coverage, minimum landscaped open space, minimum parking area setback to required road allowances and minimum driveway and parking aisle widths at 335-385 Saskatoon Street.

The recommended Restricted Office Special Provision (RO(**)) Zone would permit studios up to a maximum gross floor areas of 479 m², warehouse establishments up to a maximum gross floor areas of 940 m², and support offices up to a maximum gross floor areas of 3,238 m² in the existing building, a minimum parking requirement of 45 parking spaces for permitted non-residential uses and other existing site conditions such as minimum yard depths, maximum lot coverage, minimum landscaped open space, minimum parking area setbacks to required road allowances and minimum driveway and parking aisle widths at 340-390 Saskatoon Street.

The recommended (h-__) holding provision would ensure there is no land use conflict between the existing industrial uses and future residential uses should the site be developed for residential uses at a later date.

Rationale of Recommended Action

1. The recommended amendments are consistent with the 2014 Provincial Policy Statement (“PPS”) which directs municipalities to maintain suitable sites for employment uses and consider the needs of existing and future businesses. The recommended amendments are consistent with the PPS which promotes appropriate development standards to facilitate compact development in settlement areas.
2. The recommended amendment conforms to the 1989 OP policies which list the necessary condition(s) for approval of Policies for Specific Areas, and would augment the general policies of the Low Density Residential (“LDR”) designation to allow the continued use of the existing non-residential buildings on the subject lands for existing non-residential uses until the subject lands can redevelop for residential uses in accordance with the LDR designation.
3. The recommended amendment conforms to The LP policies which list the necessary condition(s) for approval of Specific Area Policies, and would augment the general policies of the Neighbourhoods Place Type to allow the continued use of the existing non-residential buildings on the subject lands for existing non-residential uses until the subject lands can redevelop for residential uses in accordance with the Neighbourhoods Place Type.
4. The recommended amendment to Zoning By-law Z.-1 will conform to the Official Plan and The LP as recommended to be amended. The recommended amendment to the Zoning By-law will permit the existing non-residential uses in the existing buildings; and limit the non-residential uses to their existing size to maintain an acceptable level of compatibility with the surrounding residential uses. The recommended amendment to the Zoning By-law will regularize and permit existing site conditions which do not meet the standard requirements of the requested zones, nor the standard parking requirements in the Zoning By-law. The existing site conditions can accommodate the existing non-residential use without serious adverse impacts for surrounding residential land uses.

5. The recommended holding provisions will ensure compatibility between existing industrial uses on the subject lands and new residential uses.

1.0 Site at a Glance

1.1 Property Description

The subject lands are located south of the intersection of Saskatoon Street and Dundas Street and are known municipally as 335-385 and 340-390 Saskatoon Street. 335-385 Saskatoon Street is located on the west side of Saskatoon Street and consists of an irregular shaped parcel approximately 0.64 hectare (1.58 acres) in size. This westerly parcel also abuts Borden Street to the south. 340-390 Saskatoon Street is located on the east side of Saskatoon Street and consists of an irregular shaped parcel approximately 0.55 hectares (1.36 acres) in size. The easterly parcel also abuts Whitney Street to the north and Borden Street to the south.

The existing buildings located at 335-385 and 340-390 Saskatoon Street are rectangular brick buildings that have been purpose-built for non-residential uses (See Figure 1 and 2). The existing building located at 335-385 Saskatoon Street is 1-storey in height. The existing building located at 340-390 Saskatoon Street is predominately 1-storey in height, with a 2-storey component located towards the northerly end of the parcel. The long building masses along Saskatoon Street are broken-up by a series of building recesses and projections and the interior of the buildings can be divided into several smaller units. There are several windows and man-doors along the front of the existing buildings that provide views and direct pedestrian access to Saskatoon Street and several man-doors and larger loading doors along the rear of the existing buildings to facilitate loading and service functions. In particular, there are two (2) elevated loading doors and one (1) elevated loading dock along the rear of the existing building at 340-390 Saskatoon Street.

The on-site surface parking area associated with the building at 335-385 Saskatoon Street is located at the northerly and southerly ends of the site and runs continuously around the rear of the building (See Figure 3). There are 60 existing on-site parking spaces as well as two (2) driveways on Saskatoon Street and one (1) driveway on Borden Street that provide vehicular access to the site. Landscaped open space on the westerly parcel is limited to a small grassed area at the northerly end of the site and between the building and Saskatoon Street.

The on-site surface parking area associated with the building at 340-390 Saskatoon Street is located at the northerly and southerly ends of the site and at the rear of the building, but the surface parking area does not run continuously around the rear of the existing building (See Figure 4). There are 45 existing on-site parking spaces and two (2) driveways, one from Saskatoon Street the other from Borden Street, which provide vehicular access to the site. There is a 3 metre (10 foot) wide City-owned lane located immediately east of 340-390 Saskatoon Street that runs north-south between Whitney Street and Borden Street and a corresponding 3 metre (10 foot) wide private right-of-way easement located along the rear of 340-390 Saskatoon Street and the side of 1680 Borden Street that runs parallel to, and immediately west of the City-owned lane. 340-390 Saskatoon Street and 1680 Borden Street have shared rights of access over the private right-of-way. The parking located along the rear of the building at 340-390 Saskatoon Street is accessed from the City-owned lane and the private right-of-way easement.

The location of the on-site surface parking area on both the westerly and easterly parcels do not meet the standard setback required between parking areas and road allowances nor do the on-site surface parking areas provide standard drive aisle widths.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Residential R2/Light Industrial (R2-3/LI8) Zone

1.3 Site Characteristics

- Current Land Use – Automotive Repair Garage, Support Offices (335-385 Saskatoon Street), and Support Offices, Studios, Warehouse Establishments (340-390 Saskatoon Street)
- Frontage – 20 m (66 ft.) along Borden Street (335-385 Saskatoon Street); and 25 m (82 ft.) along Borden Street (340-390 Saskatoon Street)
- Depth – Irregular (335-385 Saskatoon Street); and Irregular (340-390 Saskatoon Street)
- Area – 0.64 hectare (1.58 acres) (335-385 Saskatoon Street); and 0.55 hectares (1.36 acres) (340-390 Saskatoon Street)
- Shape – Irregular (335-385 Saskatoon Street); and Irregular (340-390 Saskatoon Street)

1.4 Surrounding Land Uses

- North – Commercial
- East – City-owned Lane and Single Detached Dwellings
- South – Single Detached and Semi-Detached Dwellings
- West – Hydro One Substation and Corridor and Single Detached Dwellings



Figure 1: 335-385 Saskatoon Street (West Side) Looking North



Figure 2: 340-390 Saskatoon Street (East Side) Looking North to Whitney Street

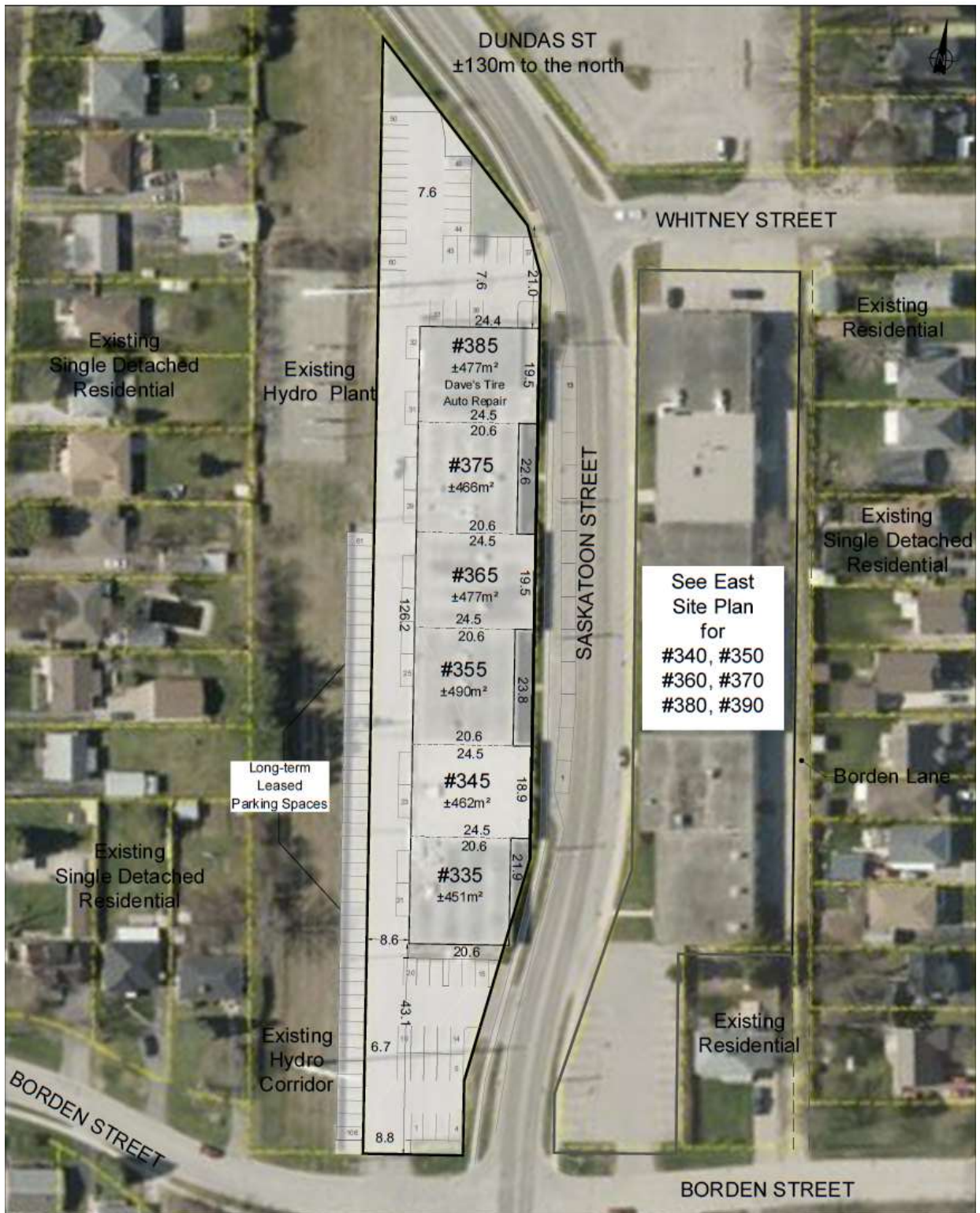
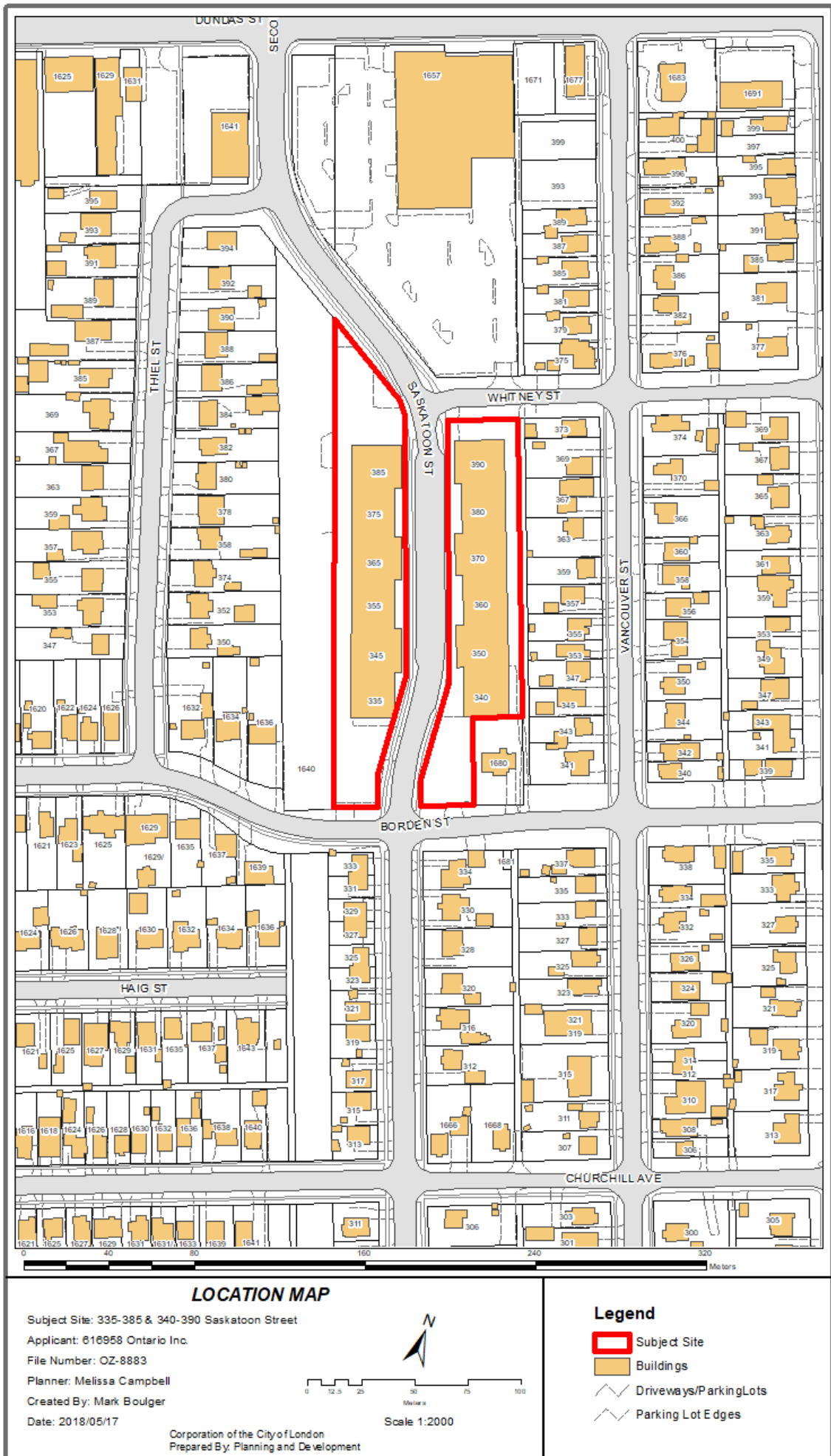


Figure 3: 335-385 Saskatoon Street (West Side) – Site Plan Existing Conditions



Figure 4: 340-390 Saskatoon Street (East Side) – Site Plan Existing Conditions

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The requested amendments are intended to recognize and permit existing non-residential uses in the existing buildings and existing site conditions such as exterior side yard, lot coverage, landscaped open space, gross floor areas for specific uses and parking provisions which do not meet standard requirements of the Zoning By-law. The requested amendments do not contemplate expansions or alterations to the existing buildings or changes in the existing site conditions at 335-385 and 340-390 Saskatoon Street. Site Plan Approval is not required.

3.0 Relevant Background

3.1 Planning History

A minor variance (File No. A05/120) was granted by the Committee of Adjustment in 2006 that permitted the lands at 1640 Borden Street, owned by Hydro One, to be used as an accessory parking area comprised of 46 parking spaces for 335-385 Saskatoon Street. In addition to the minor variance, there is also a 5-year renewable lease Hydro One has entered into with owner of 335-385 Saskatoon Street. As discussed in Section 4.3 of this report the accessory parking area cannot be counted towards the on-site parking supply for 335-385 Saskatoon Street, but was a factor when considering the appropriateness of the request to recognize the 60 existing on-site parking spaces at 335-385 Saskatoon Street as the minimum parking space requirement for all permitted non-residential uses.

3.2 Requested Amendment

The applicant requested an OPA to the 1989 OP to add a policy to Chapter 10 (Policies for Specific Areas), to allow the existing non-residential uses in the existing buildings until such time as the subject lands can be redeveloped for residential land uses in accordance with the LDR designation. The specific policy area would permit at 335-385 Saskatoon Street automotive repair garages, support offices and charitable organization offices in the existing building; and at 340-390 Saskatoon Street studios, warehouse establishments, and support offices in the existing building.

The applicant also requested a ZBA to Zoning By-law Z.-1 to change the zoning of the subject lands from a Residential R2/Light Industrial (R2-3/LI8) Zone to a Residential R2 Special Provision/Restricted Office Special Provision (R2-3(_)/RO(_)) Zone. The requested Residential R2 Special Provision (R2-3(_)) Zone would permit the existing lot area and lot frontage of each parcel as the minimum lot area and minimum lot frontage for residential uses to prevent the fragmented redevelopment of the subject lands for residential uses and to address compatibility between the existing industrial uses and new residential uses.

The requested Restricted Office Special Provision (RO(*)) Zone would permit at 335-385 Saskatoon Street automotive repair garages up to a maximum gross floor area of 477 m², support offices and charitable organization offices, each up to a maximum gross floor area of 2,824 m² in the existing building, a minimum parking requirement of 60 parking spaces for permitted uses and other existing site conditions such as minimum yard depths, maximum lot coverage, minimum landscaped open space, minimum parking area setbacks to required road allowances and minimum drive aisle widths.

The requested Restricted Office Special Provision (RO(**)) Zone would permit at 340-390 Saskatoon Street studios up to a maximum gross floor areas of 479 m², warehouse establishments up to a maximum gross floor areas of 940 m², and support offices up to a maximum gross floor areas of 3,238 m² in the existing building, a minimum parking requirement of 45 parking spaces for permitted uses and other existing site conditions such as minimum yard depths, maximum lot coverage, minimum landscaped open space, minimum parking area setbacks to required road allowances, and minimum drive aisle widths.

3.3 Community Engagement (see more detail in Appendix D)

Notice of Application was published in the Public Notices and Bidding Opportunities section of The Londoner on April 5, 2018, and sent to property owners in the surrounding area on April 11, 2018. The notice advised of a possible amendment to the 1989 OP to add a Specific Policy to Chapter 10 (Policies for Specific Areas) and a possible amendment to The LP to add a Specific Policy to the Neighbourhoods Place Type to permit the existing non-residential uses in the existing buildings. The notice also advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R2/Light Industrial (R2-3/LI8) Zone to a Residential R2 Special Provision/Restricted Office Special Provision (R2-3()/RO()) Zone. The notice advised of the requested Residential R2 Special Provision (R2-3()) Zone to permit the existing lot area and lot frontage of each parcel as the minimum lot area and minimum lot frontage for residential land uses. The notice also advised of the requested Restricted Office Special Provision (RO()) Zone to permit the existing non-residential uses in the existing buildings, limit the maximum gross floor area of the permitted non-residential uses to their existing sizes, permit existing site conditions which do not meet the standard requirements of the requested zone nor the standing parking provisions in the Zoning By-law.

Three (3) replies were received from the public as part of the community engagement process. A landowner west of 335-385 Saskatoon Street expressed concern about the automotive repair garage proposed to be permitted on the westerly parcel and potential emissions such as noise, odour, particulates, and vibration. The landowner was concerned that future automotive repair garages would be more intense than the existing automotive repair garage known as Dave's Tire and Auto Repair. The recommended amendments however, are intended to permit only the existing uses in the existing buildings and would not allow for the automotive use on the westerly parcel to expand beyond the scope of the business activities, or the physical size, that currently exists.

A landowner east of 340-390 Saskatoon Street expressed concern about snow storage and stormwater management practices creating off-site impacts that periodically block access to the City-owned lane. The landowner also expressed concern about picnic benches encroaching onto the City-owned lane which sometimes results in inappropriate language or lewd behaviour during employee breaks and/or lunch hours affecting the privacy of the residential properties located to the east. Truck traffic associated with warehouse establishments on the easterly parcel was also a concern. Snow storage and stormwater management are site plan control and/or property standards matters, and personal behaviour resulting in the misuse of the City-owned lane is an enforcement matter. With regards to concerns about permitting warehouse establishments on the easterly parcel, the location of the subject lands, the constrained access to loading facilities at the rear of the existing building, and the quality of the loading facilities are expected to limit the intensity of warehouse establishments. Similar to the automotive use on the westerly parcel, the recommended amendments to permit warehouse establishments on the easterly parcel, would not allow for the warehouse use to expand beyond the scope of business activities, or the physical size, that currently exists, and the associated truck traffic is not expected to intensify.

Concern was also expressed by a landowner about the use of on-street parking immediately in front of the existing buildings at 335-385 and 340-390 Saskatoon Street by employees of the former support office use (AutoData); the difficulties of having to navigate around vehicles parked on the street; and vehicle speeds along Saskatoon Street. As discussed in Section 4.3 of this report the former support office use (AutoData) likely generated a parking demand at the high-end of the standard parking rate requirement for support offices, and any future support offices would likely generate a lower parking demand. Speeding vehicles is an enforcement issue.

3.4 Policy Context (see more detail in Appendix E)

3.4.1 Provincial Policy Statement, 2014 (PPS)

The PPS provides broad policy direction on matters of Provincial interest related to land use planning and development. The PPS does not assign land use designations to properties. The PPS provides policies on key issues such as the efficient use of land and infrastructure and ensuring appropriate opportunities for employment and residential development, including support for a mix of land uses.

3.4.2 1989 Official Plan

The 1989 OP contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the PPS. The 1989 OP assigns land use designations to properties, and the policies associated with those land use designations provide for a general range of uses, and form and intensity of development that may be permitted.

The subject lands are designated LDR on Schedule “A” – Land Use to the 1989 OP. The LDR designation is intended for low-rise, low-density housing forms including single-detached, semi-detached and duplex dwellings. A limited range of non-residential uses are contemplated in the LDR designation including secondary uses that are considered to be integral to, or compatible with, residential neighbourhoods and/or convenience commercial uses. The existing non-residential uses on the subject lands are not contemplated in the LDR designation.

3.4.3 The London Plan

The LP is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications and partially in force and effect). The subject lands are located within the “Neighbourhoods” Place Type on Map 1 – Place Types in The LP, with frontage on a “Neighbourhood Connector” (Saskatoon Street) on Map 3 – Street Classifications. The broadest range of use and intensity contemplated for the subject lands in The LP are single-detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, group homes and home occupations, triplexes, and small-scale community facilities; a minimum height of 1-storey and a maximum height of 2.5-storeys. The existing non-residential uses on the subject lands are not contemplated within the Neighbourhoods Place Type. At the time of writing this report the Neighbourhoods Place Type policies were not in force and effect due to appeals to the Ontario Municipal Board.

4.0 Key Issues and Considerations

4.1 Specific Policy Areas

As noted above, within the LDR designation and the Neighbourhoods Place Type certain non-residential uses are contemplated as permitted secondary or convenience commercial uses that are compatible with a neighbourhood environment (Policy 3.2 and Policy 3.2.1). However, the existing non-residential uses on the subject lands are not contemplated in the LDR designation nor the Neighbourhoods Place Type necessitating the need for specific area policies. The applicant has requested specific area policies be added to the 1989 OP to augment the general policies of the LDR designation that would otherwise apply. Planning Services staff have considered the appropriateness of this request.

1989 Official Plan (1989 OP)

Chapter 10 – “Policies for Specific Areas” in the 1989 OP allows Council to consider policies for specific areas when it is in the interest of Council to maintain the existing land use designation while allowing for a site specific change in land use (Policy 10.1.1 ii)). In the near-term, the recommended amendment would permit the continued use of the existing non-residential buildings on the subject lands for existing non-residential uses, while not affecting the long-term ability of the subject lands to redevelop in accordance with the LDR designation once market conditions warrant redevelopment for residential uses.

To assist in evaluating the appropriateness of policies for specific areas relative to surrounding land uses, a Planning Impact Analysis will be undertaken (Policy 10.1.2.). The existing non-residential uses recommended to be permitted on the subject lands have been reviewed through a Planning Impact Analysis according to the relevant criteria of Section 3.7, and the relevant criteria have been met based on the analysis provided through-out in this report and summarized in Appendix F.

The London Plan (The LP)

The LP includes Specific Policies to the Neighbourhoods Place Type that serve to augment the general policies for Neighbourhoods Place Type with more specific policies. In The LP, Specific Area Policies may be applied where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (Policy 1729_).

Specific Area Policies may only be considered in limited circumstances where the following conditions apply (Policy 1730_ 1.-5.):

1. *“The proposal meets all other policies of the Plan beyond those that the specific policy identifies.”* With the exception of the general policies for the Neighbourhoods Place Type, the proposal by the applicant generally conforms to the policies of The LP.
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.”* Since the specific area policy will limit the non-residential uses to the existing buildings and their existing size, the specific area policy will discourage the non-residential uses from establishing any further, or intensifying, on the subject lands.
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.”* The existing buildings located on the subject lands were purpose-built for non-residential uses. The continued use of existing buildings on the subject lands will not create a precedent for the recommended specific area policies elsewhere.
4. *“The proposed use cannot be reasonably altered to conform to the policies of the place type.”* As noted above, the existing buildings on the subject land were purpose-built for non-residential uses and cannot readily be used for low-rise, low-density housing forms as intended by the place type policies.
5. *“The proposed policy is in the public interest, and represents good planning”.* In the near-term, permitting the existing non-residential uses in the existing non-residential buildings would avoid potential hardships or vacancies when trying to re-tenant the space and contribute to the vitality of the neighbourhood.

4.2 Land Use Compatibility

Planning Staff considered the appropriateness and compatibility of permitting the existing non-residential uses on the subject lands within the receiving neighbourhood.

Provincial Policy Statement, 2014 (PPS)

The PPS directs that municipalities shall support economic development and competitiveness by “...maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary use, and take in to account the needs of existing and future businesses” and by “encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities” (Policy 1.3.1 b) and c)).

Consistent with the PPS, permitting the existing non-residential uses on the subject lands would allow the subject lands to continue to be used for employment uses that contribute to economic activity and employment options within the neighbourhood.

1989 Official Plan (1989 OP)

An objective for all residential designations in the 1989 OP is to minimize the potential for land use compatibility issues which may result from an inappropriate mix of low, medium and high residential densities or residential and non-residential uses (Policy 3.1.1 vii). The use of the existing non-residential buildings on the subject lands for non-residential uses has not caused serious adverse impacts on near-by residential uses historically, and has achieved a reasonable level of acceptance within the neighbourhood.

The London Plan

For all planning and development The LP tries to achieve good fit and compatibility with the surrounding context (Policy 193_). For all planning and development applications potential impacts on adjacent near-by properties will be considered along with the degree to which impacts can be managed and/or mitigated. (Policy 1578_ 5.) As noted above, the use of the existing non-residential buildings on the subject lands for non-residential uses has not caused serious adverse impacts on near-by residential uses historically, and has achieved a reasonable level of acceptance within the neighbourhood.

The current Light Industrial (LI8) zone that applies to the subject land permits “*existing industrial uses*”. The recommended amendments would provide greater clarity than the current LI8 zone in terms of the types of industrial uses to be permitted on the subject lands. The recommended amendments would identify specific, individual, existing non-residential uses to be permitted on the subject lands. Many of those uses can be found as permitted secondary or complementary uses to primary industrial uses in various Light Industrial (LI) zone variations; however, in an effort to move towards conformity with the LDR designation and Neighbourhoods Place Type, it is recommended that the existing non-residential uses be permitted and regulated by the Restricted Office (RO) zone.

D-6 Guidelines: Compatibility between Industrial Facilities and Sensitive Land Uses were released by the Ministry of the Environment and Climate Change (formerly the Ministry of the Environment) in 1995 in accordance with the Environmental Protection Act. These guidelines are intended to be applied in the land use planning process to prevent or minimize land use conflict due to the encroachment of sensitive land uses and/or industrial uses on one another. The residential uses that surround the subject lands are considered to be sensitive land uses. Through the community engagement process a concern was expressed that automotive repair garages have the potential to cause emissions such as noise, odour, particulates, and vibration that may impact the enjoyment of surrounding residential properties. The recommended amendments would however, not allow automotive repair garages to expand beyond the scope of business activities or the physical size of the existing automotive use on the site, known as Dave’s Tire and Auto Repair. Subsequently, no new impacts on surrounding residential properties are expected to result from recognizing and permitting the existing automotive repair garage on the westerly parcel. The distance between the westerly parcel and surrounding residential properties would also exceed the minimum separation distance recommended between automotive uses as Class I industrial facilities and sensitive land uses.

Through the community engagement process, a concern was also expressed about the compatibility of warehouse establishments proposed to be permitted on the easterly parcel and the potential for truck traffic associated with warehouse establishments negatively impacting residential properties with rear yards facing the existing loading facilities. As discussed in Section 1.1 in this report, the proximity of loading facilities to the residential properties is an existing site condition. Although, warehouse establishments on the easterly parcel does not meet the minimum separation distances between industrial facilities and sensitive land uses that is recommended by the D-series guidelines, it is anticipated that the location of the subject lands, the constrained access to the loading facilities, and the quality of the loading facilities will limit the intensity of warehouse establishments on the subject lands. Similar to the automotive

repair garages on the westerly parcel, the recommended amendments would not allow warehouse establishments to expand beyond the scope of business activities or the physical size that currently exists, and the associated truck traffic is not expected to intensify. Given the low number of community responses received through the community engagement process (a total of 3) which expressed concern about the existing uses to be permitted on the subject lands, it would appear the existing non-residential uses on the subject lands have achieved an acceptable level of compatibility with the surrounding residential properties.

The applicant has requested a special provision be added to the Residential R2 (R2-3) Zone to recognize the existing lot area and lot frontage of each parcel as the minimum lot area and minimum lot frontage for residential uses to prevent the fragmentation of the subject lands for future residential uses, and to address the potential issue of compatibility between the existing industrial uses and future residential uses on the subject lands. Since recognizing the existing lot area and/or the existing lot frontage as minimum requirements would restrict the number of dwelling units to a maximum of two (2) dwelling units per lot as permitted by the R2-3 Zone, as an alternative to the requested special provision, a holding provision is recommended by Planning Staff. The recommended holding provision would require a compatibility study to demonstrate that the D-6 Guidelines can be met, or mitigation measures provided, to the satisfaction of the City of London prior to redevelopment for residential uses.

4.3 Parking

The applicant has requested special provisions for both the easterly and westerly parcels to permit the existing on-site parking spaces as the minimum parking requirement for all uses to be permitted by the Restricted Office Special Provision Zone. Planning Staff have evaluated whether permitting reductions to the minimum parking space requirement for both parcels is appropriate and have considered the concern raised through the community engagement process about on-street parking.

The applicant has requested a special provision to recognize and permit the existing 60 parking spaces on the westerly parcel as the minimum parking requirement for all uses to be permitted by the Restricted Office Special Provision Zone. The most onerous minimum parking requirement for the requested range of uses on the westerly parcel would be 106 parking spaces resulting in a deficiency of 46 spaces. The applicant has also requested a special provision to recognize and permit the existing 45 parking spaces on the easterly parcel as the minimum parking requirement for all uses to be permitted by the Restricted Office Special Provision Zone. The most onerous minimum parking requirement for the requested range of uses on the easterly parcel would be 72 parking spaces resulting in a deficiency of 27 spaces.

Provincial Policy Statement, 2014 (PPS)

The PPS promotes appropriate development standards to facilitate compact development in settlement areas (Policy 1.1.3.4). Consistent with the PPS the recommended special provisions will permit the existing on-site parking supply as the minimum parking requirement for all existing non-residential uses. The existing parking supply is anticipated to provide reasonable parking levels to maintain existing business activities. The relief from the standard parking rate requirements in the Zoning By-law provided by the recommended special provisions is will be aided by the restrictions on the intensity of the permitted uses (i.e. gross floor area maximums) and the requirement that all uses occur within the existing buildings.

1989 Official Plan (1989 OP)

The 1989 OP supports the provision of parking that is adequate for the land uses which are to be supported, and at a standard that promotes compatibility with adjacent land uses (Policy 18.2.12). In conformity with the 1989 OP, the recommended special provisions are anticipated to provide reasonable parking levels to maintain existing business activities.

The London Plan (LP)

The LP directs that the Zoning By-law establish parking standards that don't require excessive amounts of parking, and recognizes that in areas well served by transit, reduced parking rates may be appropriate (Policy 271_). The LP provides for accessory parking lots in utility corridors where acceptable to the relevant utility, compatible with surrounding land uses, and permitted in the applicable place type (Policy 463_). Within the Neighbourhoods Place Type, The LP directs that on-street parking may be permitted to address parking requirements (Policy 936_4.).

The support office use (AutoData) that formerly occupied significant portions of the existing buildings on both the east and west side of Saskatoon Street generated a parking demand at the high-end of the standard parking rate requirement for a support office, and any future support office would in all likelihood generate a lower parking demand. To provide greater flexibility in terms of the types of office uses that could re-tenant the existing buildings, the recommended amendments would also permit an office of a charitable organization which has a slightly higher standard parking rate requirement (1 space/40 m²) than a support office (1 space/45 m²). Notwithstanding the difference in the standard parking rate requirements, Planning Staff do not anticipate that an office of a charitable organization at this location will actually generate greater demand for parking than the previous support office use. Transportation Planning and Design Division did not express any issues or concerns with the recommended reduction in required on-site parking. The subject lands are located within walking distance of existing bus transit routes along Dundas Street which provides an alternative to private automobiles as a mode of transportation to and from the subject lands.

The existing on-site parking supply is also supplemented by 46 existing parking spaces located on the Hydro One lands at 1640 Borden Street adjacent to the westerly parcel. As noted in Section 3.1 of this report, a Minor Variance was granted by the Committee of Adjustment in 2006 (File 05/120) permitting the accessory parking area at 1640 Borden Street for use by 335-385 Saskatoon Street. The accessory parking area cannot be included in the official on-site parking supply for 335-385 Saskatoon Street according to the provisions of the Zoning By-law, as the accessory parking area is located on a separate lot. However, Planning Staff have taken into account the existence of the additional 46 parking spaces when considering the appropriateness of the requested site-specific provision that would permit the existing on-site parking supply as the minimum parking requirement for all permitted non-residential uses. The 46 parking spaces located at 1640 Borden Street is equivalent to the on-site parking supply deficiency at 335-385 Saskatoon Street

In addition to the accessory parking area located at 1640 Borden Street there is on-street parallel parking permitted on both sides of Saskatoon Street immediately in front of the existing buildings at 335-385 and 340-390 Saskatoon Street which would allow for convenient, short-term parking for visitors. To manage long-term employee parking on public streets and any potential negative impacts on the movement of traffic along Saskatoon Street and on adjacent properties, on-street parking is prohibited along Saskatoon Street outside of the permitted areas immediately in front of the existing buildings on the subject lands, and on-street parking is restricted in duration during regular business hours (maximum 2 hours) on certain side-streets (e.g. Borden Street, west of Saskatoon Street) to make on-street parking less attractive for employees.

Since the purpose and intent of the recommended amendments is to recognize and permit a range of non-residential uses that have existed on the subject lands for some time, the demand for parking is not expected to be more intense than previously experienced, and any associated off-site impacts are not expected to be made worse by permitting the existing on-site parking supply as the minimum parking requirement.

5.0 Conclusion

The recommended amendments to permit the continued use of the existing non-residential buildings on the subject lands for existing non-residential uses is consistent with the PPS which directs municipalities to maintain suitable sites for employment uses

and consider the needs of existing businesses. Consistent with the PPS, which promotes appropriate development standards to facilitate compact development, recognizing and permitting the existing on-site parking supply as the minimum parking requirement for existing non-residential uses would avoid an unnecessary oversupply of parking. The existing non-residential uses currently operate on the subject lands with the existing site conditions without serious impacts to surrounding residential land uses.

The continued use of the existing non-residential buildings on the subject lands for non-residential uses within a residential area necessitates the need for amendments to the 1989 OP and The LP to add specific area policies. The recommended amendments meet the conditions in the 1989 OP and The LP for specific area policies. Since the specific area policy will limit the non-residential uses to the existing buildings, the specific area policy will discourage the non-residential uses from expanding further or intensifying on the subject lands. It is not expected that the specific area policies will affect the ability of the subject lands to redevelop for residential uses in the future.

Once the 1989 OP and The LP are amended to include specific area policies, the recommended amendment to the Zoning By-law would conform to the 1989 OP and The LP. The recommended amendment to the Zoning By-law will permit the existing non-residential uses in the existing buildings and limit the non-residential uses to their existing range of business activities and size to maintain an acceptable level of compatibility with the surrounding residential uses. The recommended holding provisions will ensure compatibility between existing industrial uses on the subject lands and new residential uses.

Prepared by:	Melissa Campbell, MCIP RPP Planner II, Current Planning
Submitted by:	Michael Tomazincic, MCIP RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

MC/mc

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8883OZ - 335-385 and 340-390 Saskatoon St (MJC)\PEC\OZ-8883 - 335-385 and 340-390 Saskatoon St PEC Report (Apr 17-18).docx

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. C.P.-1284-
A by-law to amend the Official Plan for
the City of London, 1989 relating to 335-
385 and 340-390 Saskatoon Street.

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 June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 26, 2018
Second Reading – June 26, 2018
Third Reading – June 26, 2018

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 10.1.3 – “Policies for Specific Areas” to the Official Plan for the City of London to permit existing non-residential uses in existing buildings.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 335-385 and 340-390 Saskatoon Street in the City of London.

C. BASIS OF THE AMENDMENT

Chapter 10 – “Policies for Specific Areas” of the Official Plan allows Council to consider policies for specific areas where one of four criteria apply. One of these criteria is “the change in land use is site-specific and is located in an area where Council wishes to maintain the existing land use designation, while allowing for a site specific use” (Section 10.1.1 II).

The recommended amendment will recognize and permit the existing non-residential land uses in the existing buildings until such time as the subject lands can be redeveloped for residential land uses as intended in the Low Density Residential designation.

D. THE AMENDMENT

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

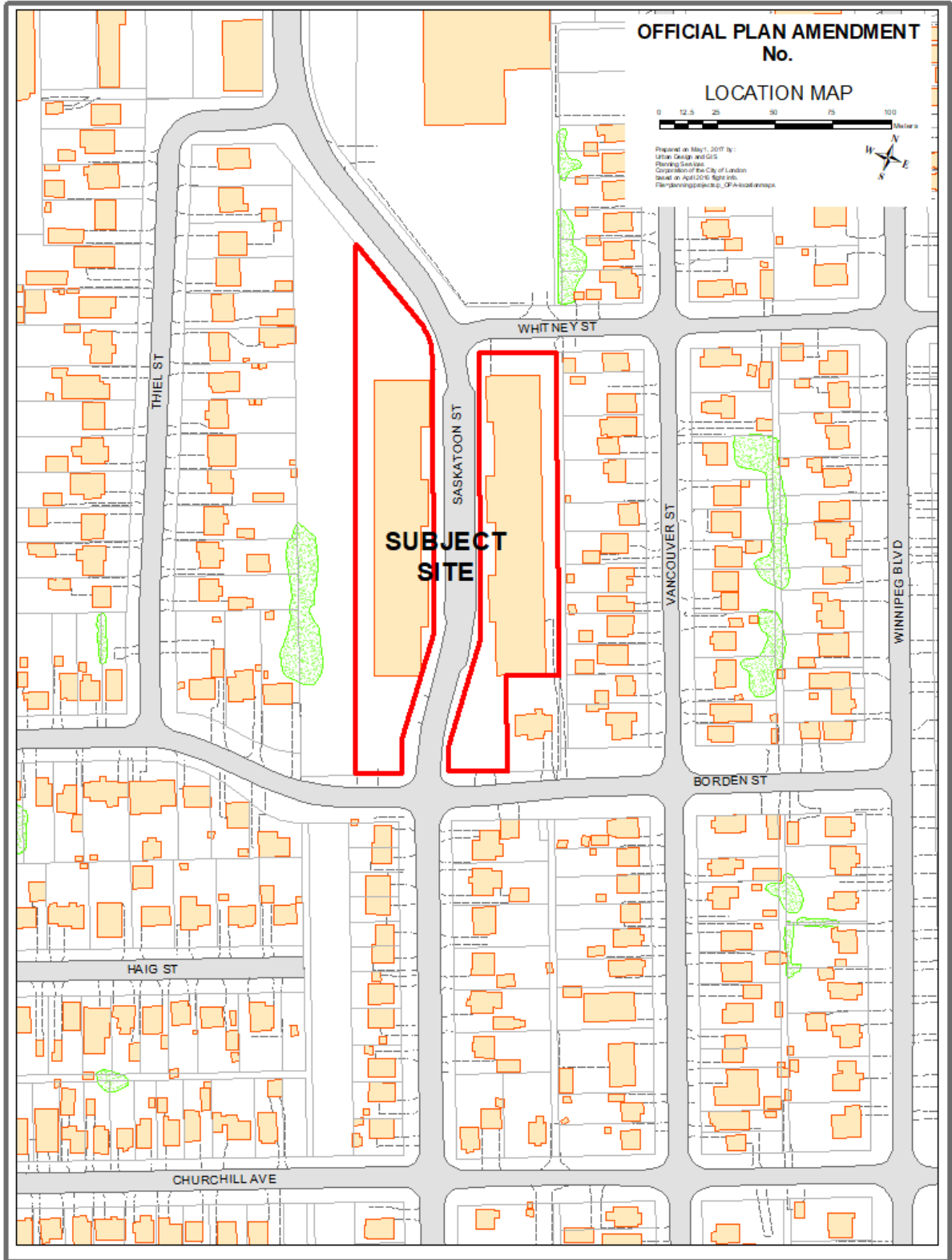
1. Section 10.1.3 – “Policies for Specific Areas” of the Official Plan for the City of London is amended by adding the following:

335-385 Saskatoon Street

In the Low Density Residential designation, automobile repair garages, charitable organization offices, and support offices may be permitted in the existing buildings.

340-390 Saskatoon Street

In the Low Density Residential designation, support offices, studios and warehouse establishments may be permitted in the existing buildings.



Appendix B

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. C.P.- ____

A by-law to amend The London Plan for
the City of London, 2016 relating to 335-
385 and 340-390 Saskatoon Street.

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

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

**AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add new policies to the Specific Policies for the Neighbourhoods Place Type and to add certain lands described herein to Map 7 – Specific Policy Areas, to The London Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 335-385 and 340-390 Saskatoon Street in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment will recognize and permit the existing non-residential land uses in the existing buildings until such time as the subject lands can be redeveloped for residential land uses as intended in the Neighbourhoods Place Type.

D. THE AMENDMENT

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

The London Plan is hereby amended as follows:

1. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London are amended by adding the following:

335-385 Saskatoon Street

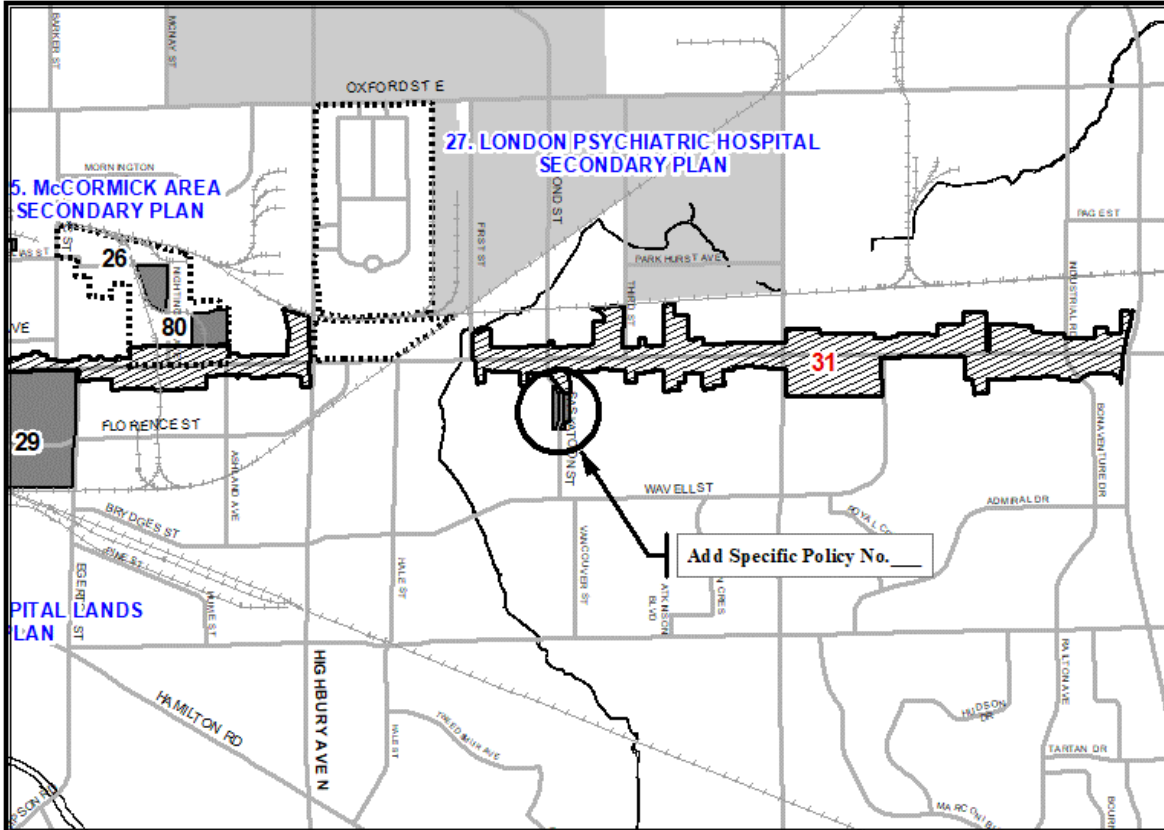
()_ In the Neighbourhoods Place Type at 335-385 Saskatoon Street, automobile repair garages, charitable organization offices, and support offices may be permitted in the existing buildings.

340-390 Saskatoon Street

()_ In the Neighbourhoods Place Type at 340-390 Saskatoon Street, support offices, studios, and warehouse establishments may be permitted in the existing buildings.

2. Map 7 – Specific Policy Areas, to The London Plan for the City of London Planning Area is amended by adding a specific policy area for the lands located at 335-385 and 340-390 Saskatoon Street in the City of London, as indicated on “Schedule 1”

AMENDMENT NO:



<p>LEGEND</p> <ul style="list-style-type: none"> Specific Policies Rapid Transit and Urban Corridor Specific-Segment Policies Near Campus Neighbourhood Secondary Plans 	<p>BASE MAP FEATURES</p> <ul style="list-style-type: none"> Streets (See Map 3) Railways Urban Growth Boundary Water Courses/Ponds
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This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

<p>SCHEDULE 1 TO THE LONDON PLAN</p> <p>AMENDMENT NO. _____</p> <p style="font-size: x-small;">PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8883</p> <p>PLANNER: MC</p> <p>TECHNICIAN: MB</p> <p>DATE: 5/23/2018</p>
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Appendix C

Bill No. (number to be inserted by Clerk's Office)
2018

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

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 335-
385 and 340-390 Saskatoon Street.

WHEREAS 1616958 Ontario Inc. has applied to rezone an area of land located at 335-385 and 340-390 Saskatoon Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 335-385 Saskatoon Street, as shown on the attached map comprising part of Key Map No. A108, from a Residential R2/Light Industrial (R2-3/LI8) Zone to a Holding Residential R2/Restricted Office Special Provision (h-_*R2-3/RO(*)) Zone.
- 2) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 340-390 Saskatoon Street, as shown on the attached map comprising part of Key Map No. A108, from a Residential R2/Light Industrial (R2-3/LI8) Zone to a Holding Residential R2/Restricted Office Special Provision (h-_*R2-3/RO(**)) Zone.
- 3) Section Number 3.8 2) of the Holding (h) Zone is amended by adding the following Holding Provision:
 -) h-_* Purpose: To ensure that there is no land-use conflict between existing industrial and future residential uses on these lands, the "h-_" symbol shall not be deleted and the lands shall not be developed for residential uses until a compatibility study has demonstrated that Ministry of the Environment and Climate Change D-6 Guidelines: Compatibility between Industrial Facilities and Sensitive Land Uses can be met, or mitigation measures provided, to the satisfaction of the City of London.

Permitted Interim Uses: any non-residential use permitted by the applicable zones.
- 4) Section Number 18.4 a) of the Restricted Office (RO) Zone is amended by adding the following Special Provision:
 -) RO(*) 335-385 Saskatoon Street
 - a) Permitted Uses
 - i) Automobile Repair Garages
 - ii) Offices, Charitable Organization
 - iii) Offices, Support
 - b) Regulations
 - i) Location of Permitted Uses

Permitted uses shall be restricted to the existing building.

- ii) Exterior Side Yard Setback (minimum) as existing
- iii) Lot Coverage (maximum) as existing
- iv) Landscape Open Space (minimum) as existing
- v) Gross Floor Area Office, Charitable Organization and Office, Support (maximum) 2,824 m² (30,397 ft²)
- vi) Gross Floor Area Automotive Repair Garage (maximum) 477 m² (5,134 ft²)
- vii) Parking (minimum) 60 spaces for all permitted uses.
- viii) Parking Areas Setback to Required Road Allowance (minimum) as existing
- ix) Driveways and Parking Aisles Widths (minimum) as existing

5) Section Number 18.4 a) of the Restricted Office (RO) Zone is amended by adding the following Special Provision:

-) RO(**) 340-390 Saskatoon Street
 - a) Permitted Uses
 - i) Offices, Support
 - ii) Studio
 - iii) Warehouse Establishment
 - b) Regulations
 - i) Location of Permitted Uses

Permitted uses shall be restricted to the existing building.

- ii) Exterior Side Yard Setback (minimum) as existing
- iii) Lot Coverage (maximum) as existing
- iv) Landscape Open Space (minimum) as existing

- | | | |
|-------|---|--|
| v) | Gross Floor Area
Office, Support
(maximum) | 3,238 m ² (34,854 ft ²) |
| vi) | Gross Floor Area
Studio
(maximum) | 479 m ² (5,156 ft ²) |
| vii) | Gross Floor Area
Warehouse Establishment
(maximum) | 940 m ² (10,118 ft ²) |
| viii) | Parking
(minimum) | 45 spaces for all permitted
uses. |
| ix) | Parking Areas
Setback to Required
Road Allowance
(minimum) | as existing |
| x) | Driveways and
Parking Aisles
Widths
(minimum) | as existing |

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.

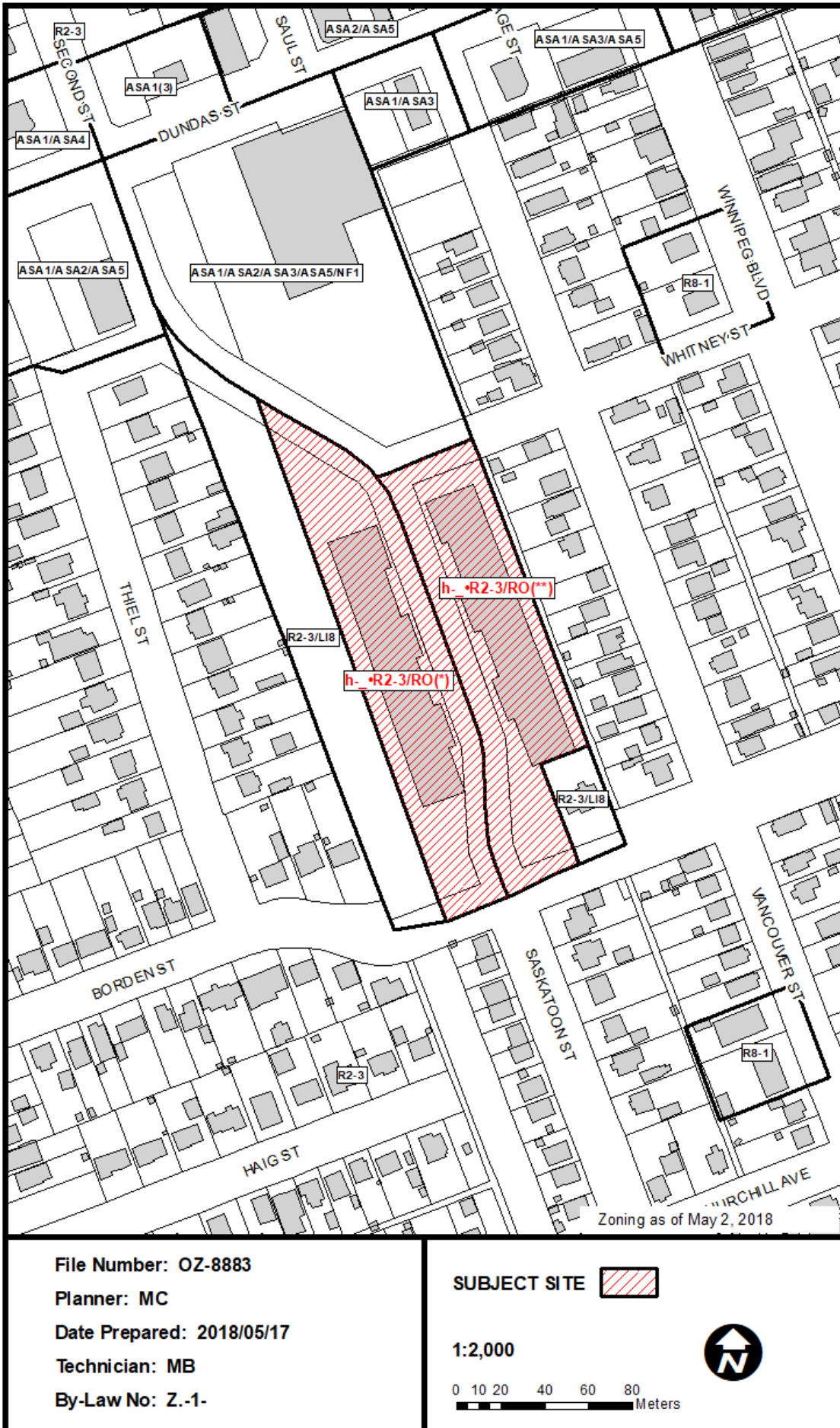
PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 26, 2018
Second Reading – June 26, 2018
Third Reading – June 26, 2018

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



Appendix D – Public Engagement

Community Engagement

Public liaison: On April 5, 2018, Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner*. On April 11, 2018, Notice of Application was also sent to 139 property owners in the surrounding area. A “Planning Application” sign was also posted on the site.

3 replies were received

Nature of Liaison: The notice advised of a possible amendment to the 1989 OP to add a Specific Policy to Chapter 10 (Policies for Specific Areas) and a possible amendment to The LP to add a Specific Policy to the Neighbourhoods Place Type to permit the existing uses in the existing buildings. The notice also advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R2/Light Industrial (R2-3/LI8) Zone to a Residential R2 Special Provision/Restricted Office Special Provision (R2-3(_)/RO(_)) Zone. The notice advised of the requested special provision to the Residential R2 (R2-3) Zone to regularize and permit the existing lot area and lot frontage of each parcel as the minimum lot area and minimum lot frontage for residential land uses to prevent the fragmented redevelopment of the subject lands for residential uses and to address compatibility between existing industrial uses and new residential uses. The notice also advised of the requested special provision to the Restricted Office (RO) Zone to regularize and permit the existing non-residential uses in the existing buildings, limit the maximum gross floor area of the permitted non-residential uses to their existing sizes, permit existing site conditions which do not meet the standard requirements of the requested Restricted Office (RO) zone, nor the standard parking provisions in the General Provisions Section of the Zoning By-law.

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

Concern for: automotive repair garages proposed to be permitted on 335-385 Saskatoon Street (the westerly parcel) and the potential for emissions such as noise, odour, particulates, and vibration; and that automotive repair garages would be more intensive than the current automotive repair garage known as Dave’s Tire and Auto Repair.

Concern for: snow storage and stormwater management practices on 340-390 Saskatoon Street (the easterly parcel) creating off-site impacts impeding access along the City-owned lane; picnic benches encroaching into the City-owned lane which sometimes results in inappropriate language or lewd behaviour during employee breaks and/or lunch hours affecting the privacy of the residential properties located to the east; and truck traffic associated with permitted a warehouse establishment.

Concern for: the use of on-street parking immediately in front of the existing buildings at 335-385 and 340-390 Saskatoon Street by employees of the former support office use (AutoData); the difficulties of having to navigate around vehicles parking on the street; and vehicular speeds along Saskatoon Street.

Responses to Public Liaison Letter and Publication in "The Londoner"

From: Bryan Muzylowsky [REDACTED]
Sent: Friday, April 13, 2018 5:45 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Comment and Input on Saskatoon Street Businesses As Well As Parking

Dear Melissa Campbell,

First of all thank you for informing me about the Business Development and for providing us with the necessary information regarding the businesses going in on Saskatoon Street. First of all and foremost I would like to express the fact that I have no problem myself with businesses and growing employment in any part of the London area. The only problem we do want to address as a community is the fact that we have had major problems with Auto Data in the past allowing their staff to park in the 2 hour parking zones and with the staff parking on both sides of the road it has been very difficult trying to drive around these obstacles on the street every single day. Another issue I would like to address is people getting out of work and speeding down Borden Street as well as Saskatoon Street like drag racers. It seems anymore when bylaws come into play that nobody wants to follow the rules anymore and therefore we expect that if businesses are going to be going in on Saskatoon Street that these employees park in the parking lot that's given to them and not on the street where they want to. Anyone caught violating the bylaw should have their car towed to the impound yard. It's time we as a community are treated like these very same employees would like to be treated and that they respect our wishes too.

Sincerely,
Bryan Muzylowsky

From: Carol Stevens [REDACTED]
Sent: Thursday, May 3, 2018 8:11 AM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Fw: Notice of Planning Application

Ms Campbell,
Please see the attached email to our Ward Councillor; Bill Armstrong.
We would appreciate any attention you can give this concern. Thank you. Carol Stevens

From: [Carol Stevens](#)
Sent: Sunday, April 22, 2018 4:24 PM
To: barmstro@london.ca
Subject: Notice of Planning Application

Dear Mr. Armstrong,
We have received a notice of planning application, File:OZ-8883, Applicant 1616958 Ontario Inc

The property that they are proposing the changes in zoning (335 – 385 Saskatoon Street) is directly behind us. Most of the proposed changes are not too concerning because they have been existent for some time in the sense that office spaces were always used and at one time a small appliance parts business. Currently as far as we know there is only the Tire Repair shop in that complex now. Our concern is the proposal for the automotive garages – increased noise level, the possible use of isocyanates and other paint products increase the potential for harmful fumes and decrease in our property value.

We are not in support of changing the existing zoning to residential uses in future, the potential for that property to become low income rental units/town houses would decrease our property value. Again when that type of housing is part of the landscape of a residential neighbourhood it changes the entire climate of the area.

We are in support of support offices but would like a more defined definition of this , charitable offices, studios and warehouse use of the existing buildings.

Mr. Armstrong we chose our street to live on because both my husband and I are "east enders". We wanted to stay in the east end, we are supportive of all business located in the east end and try to frequent their businesses over trendy ones outside of the east end. We chose our street because it was a quiet street with well looked after properties. My husband and I believe any of the other proposed changes outside of the ones we have voiced our approval will diminish the serenity and visual appeal of our neighbourhood.

Thank you for giving our concerns your attention.

Carol Stevens
Jim Stevens

From: [REDACTED]
 Sent: Sunday, May 6, 2018 9:41 AM
 To: Campbell, Melissa <mecampbell@london.ca>
 Subject: RE: Notice of Planning Application

Ms. Campbell,
 Thank you for taking the time to address our concerns. I appreciate the clarification of the proposals for zoning change. It would seem from your email that we do not have to be alarmed by any of the new zoning proposals.

We understand the owner's need to make this property appealing to a broader base of potential renters. It is not good business for the owner or neighbourhood to have long standing vacancies. If it is still the same owner as a few years ago we know him to be a reasonable man.

It is our hope that we are not left sitting on our deck listening to air ratchets and impact guns all day. Ms. Campbell it is not our intention to be difficult but one of the appealing aesthetics of our street is its serenity. One friend describes it as the prettiest street in London in the summer another says it reminds her of the street "Dick and Jane" lived on in her grade two reader! So you can appreciate why we want to preserve that as long as we can.

Thank you. Carol

Telephone	Written
Ruth-Anne McCutcheon 363 Vancouver Street London, ON N5W 4S7	Bryan Muzylowsky 1622 Borden Street London, ON N5W 2R2
	Carol & Jim Stevens 386 Thiel Street London, ON N5W 4P8

Agency/Departmental Comments

May 2, 2018: Development Services (Engineering)

Waste Water and Drainage Division

- No concerns for the official plan and/or re-zoning application.
- The following are to be considered when/if these lands coming for site plan approval:
 - The sewer available to the subject lands is the 200mm vitrified clay sewer on Saskatoon Street.

Transportation Division

- The following are to be considered when/if these lands coming for site plan approval:
 - Road widening dedication of 13.0m from centre line required on Saskatoon Street
 - Dedicated 6.0m x 6.0m daylight triangles required at:
 - NW corner of Borden Street & Saskatoon Street
 - NE corner of Borden Street & Saskatoon Street
 - SE corner of Whitney Street & Saskatoon Street
 - Detailed comments regarding access design and location will be made through the site plan process
 - Remove all parking spaces within dedicated lands

Water Division

No comments were received.

Additional comments may be provided upon future review of the site.

April 23, 2018: London Hydro

- No objection to the official plan and/or re-zoning application.

April 20, 2018: Upper Thames River Conservation Authority

- No objection to this application.

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

1.1.3.4 – *Settlement Areas*

1.3.1 b) and c) – *Employment*

1989 Official Plan

3.1.1 vii) – *General Objectives for all Residential Designations*

3.2 – *Low Density Residential*

3.2.1 – *Low Density Residential, Permitted Uses*

10.1.1 ii) – *Policies for Specific Areas, Criteria*

10.1.2. – *Policies for Specific Areas, Planning Impact Analysis*

18.2.12 – *Transportation Planning, Parking Policies*

The London Plan

Table 11 – *Range of Permitted Heights in Neighbourhoods Place Type*

Table 10 – *Range of Permitted Uses in Neighbourhoods Place Type*

193_ – *City Building Policies, City Design, What are we trying to achieve*

271_ – *City Building Policies, City Design, Parking*

463_ – *City Building Policies, Civic Infrastructure, Policies for all Infrastructure*

936_4. – *Place Type Policies, Urban Place Types, Neighbourhoods, Form*

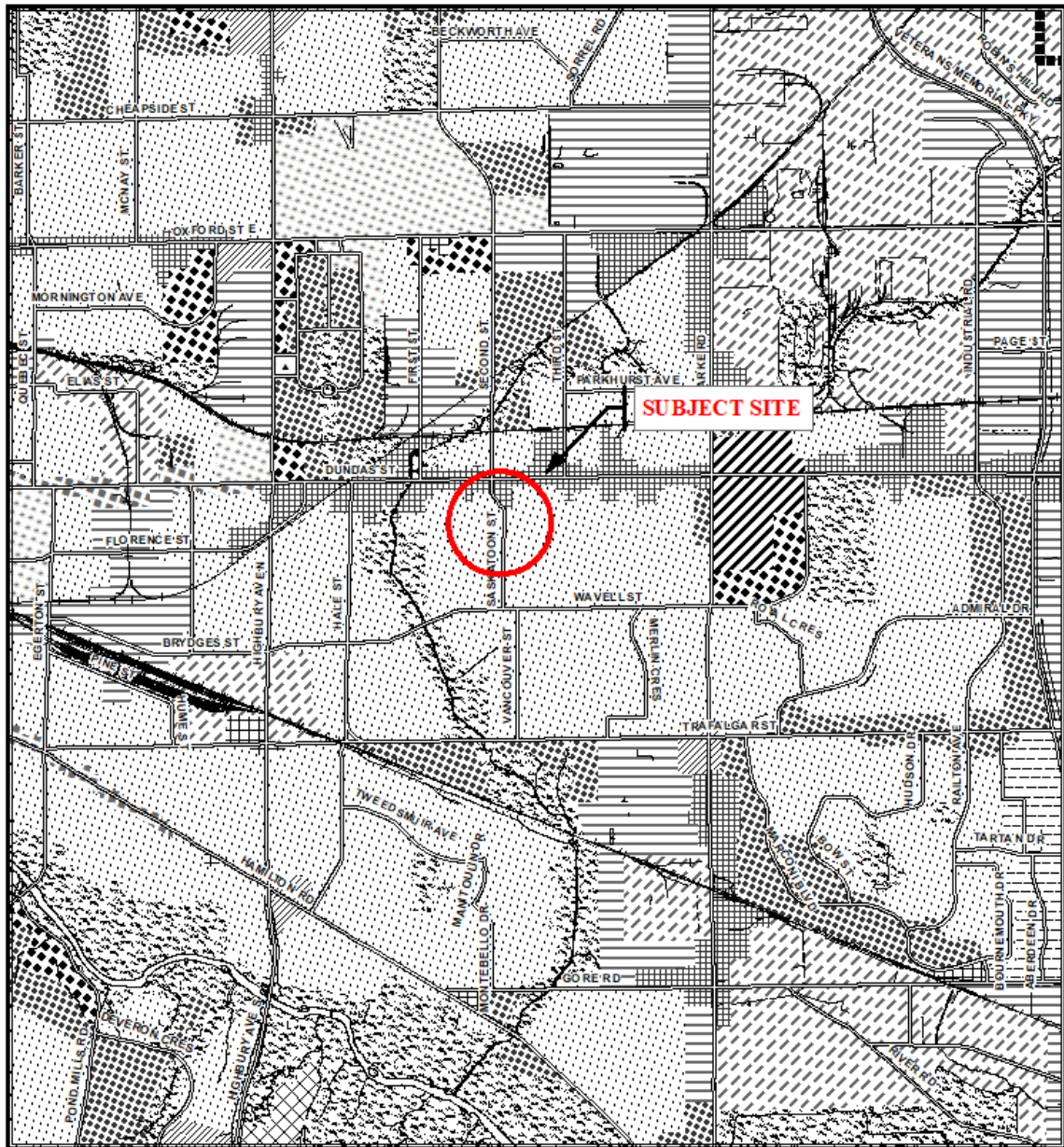
1578_5. – *Our Tools, Evaluation Criteria for Planning and Development Applications*

1729_ – *Our Tools, Specific Area Policies*

1730_1.-5. – *Our Tools, Specific Area Policies*

Appendix F – Relevant Background

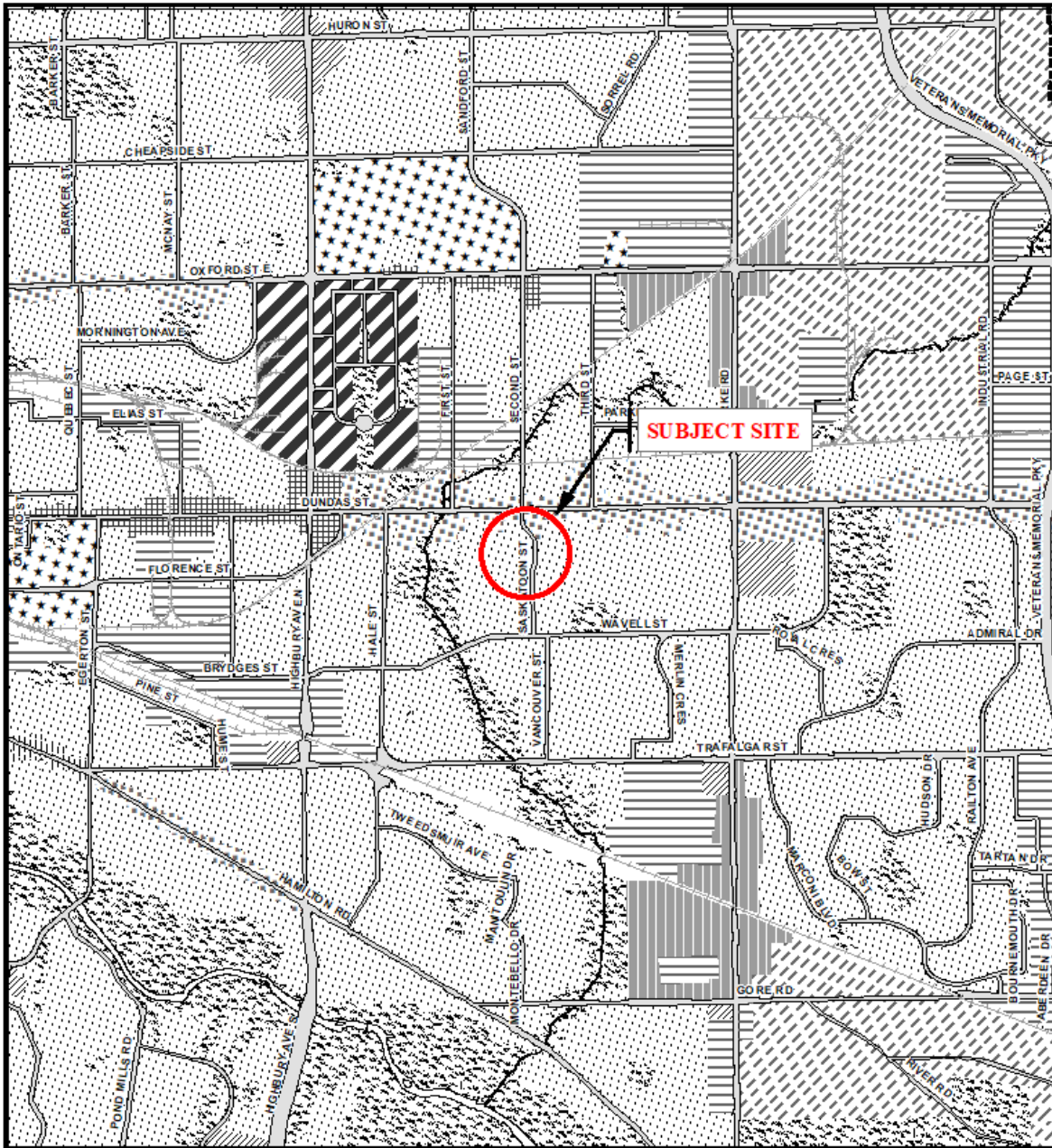
Additional Maps



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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8803</p>
		<p>PLANNER: MC</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/05/17</p>

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\coo\ns\00\excopts\mxd_templates\scheduleA_b&w_sx14_with_SWAP.mxd



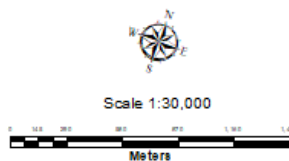
Legend

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

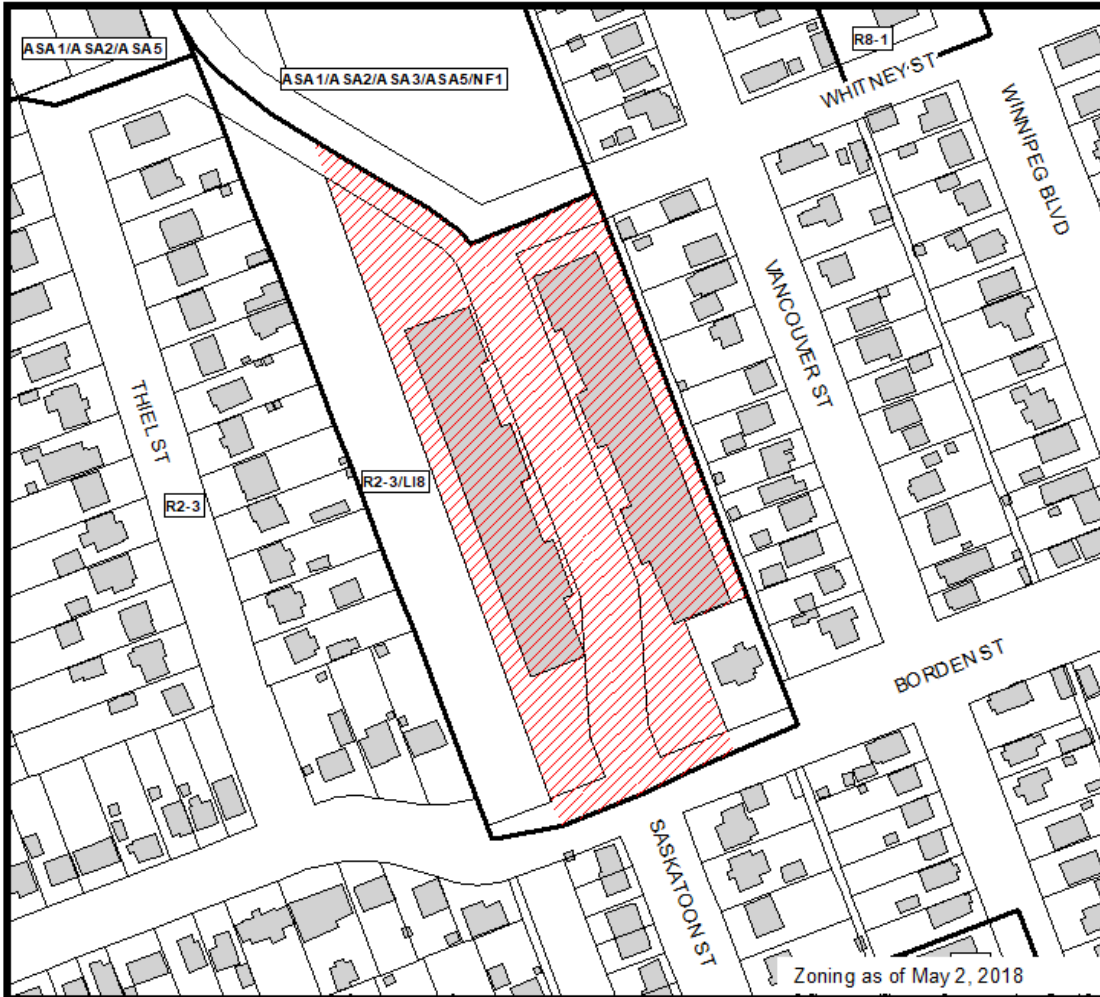
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

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



File Number: OZ-8883
Planner: MC
Technician: MB
Date: May 17, 2018



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-3/LI8

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:

OZ-8883

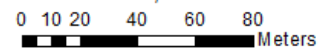
MC

MAP PREPARED:

2018/05/17

CK

1:2,000



Planning Impact Analysis 1989 OP, Section 3.7 Applicable Criteria Only	
(a) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The existing non-residential uses have not historically caused serious adverse impacts on near-by residential uses and have achieved a reasonable level of acceptance within the neighbourhood.
(b) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	To manage the intensity of the proposed use of the subject lands, special provisions would limit existing non-residential uses to be permitted to their existing size within the existing buildings. Site conditions will be recognized and permitted which do not meet standard requirements in the requested zones, but which are existing site conditions. The existing parking supply is anticipated to provide reasonable parking levels to maintain existing non-residential uses.
(c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use;	The existing non-residential uses on the subject lands are not contemplated in the immediate residential neighbourhood. The purpose and intent of the recommended amendments is to allow for the continued use of the existing non-residential buildings on the subject lands for existing non-residential uses until the subject lands can redevelop for residential uses as per the long term planned intent for the area.
(f) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The requested amendments do not contemplate expansions or alterations to the existing buildings or changes in the existing site conditions. The existing conditions are not anticipated to have potential impacts on surrounding land uses.
(h) the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;	The requested amendments do not contemplate expansions or alterations to the existing buildings or changes in the existing site conditions. The existing conditions are not anticipated to have potential impacts on surrounding land uses.
(i) the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;	The requested amendments do not contemplate expansions or alterations to the existing buildings or changes in the existing site conditions. The existing conditions are not anticipated to have potential impacts on surrounding land uses.

<p>(l) compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and</p>	<p>The recommended amendments include special provisions to regularize and permit existing site conditions which do not meet the standard requirements of the requested zones, nor the standard parking requirements in the Zoning By-law. The subject lands will be compliant with the Zoning By-law as amended. Site Plan Approval is not required, therefore compliance with the Site Plan Control By-law will not be addressed at this time.</p>
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PUBLIC PARTICIPATION MEETING COMMENTS

3.4 PUBLIC PARTICIPATION MEETING – 335-385 and 340-390 Saskatoon Street (OZ-8883)

- Laverne Kirkness, Kirkness Planning Consultants – introducing the owner, Robert Isaac, and Rob Secco from SDI Construction and Sue Hillis from Dale Brain Injury Services; expressing appreciation to M. Campbell, Planner II and M. Tomazincic, Manager, Current Planning, for working with them so closely because this is a very unique situation; advising that they have two thirty-thousand square foot buildings built around 1955, owned by Mr. Isaac for approximately fifteen years and most of the building was occupied by Auto Data who has relocated because they needed more space in what they know as the old Bell building at Talbot Street and Dundas Street; indicating that they are Downtown and happy; pointing out that the problem with the two buildings is the zoning, they have this R2-3 Zoning Residential which is of no practical value but it does implement the policy framework to some extent and then they have this LI-8 existing industrial zoning permitted use thing which is very unclear and uncertain so they are coming to the Planning and Environment Committee to ask for more certainty and basically asking for support offices, Auto Data type offices; stating that Mr. Isaac has a buyer for the west block, the 335 to 385, Rob Secco of SDI Construction who has a tenant that happens to be Dale Brain Injury Services; noting that this seems like a perfect fit, a match made in heaven as they are rezoning the property to support offices but if you could add charitable not for profit offices, they could find a new location, a much better location, really, a more central location for Dale Brain Injury Services organization; stating that the east side, they do not have a tenant so the charitable offices are not going to happen there, there is no need at this point but they will have the support offices but there is also some existing tenants, a Pilates studio on the east side and warehouse and also on the west side the auto tire dealership which they simply want to protect because they have been there for ten years or more and doing well and not creating any problems; indicating that to find these two buildings of each around thirty thousand square feet and to give them a more definite, specific zoning that requires a Chapter 13 policy makes so much sense, he thinks there is public interest served as well because the neighbourhood now knows more about what existing industrial uses are; expressing agreement with the staff report; hoping the Planning and Environment Committee support it and recommend it to Council so that they can get on with their progress and next steps for Dale Brain Injury Services.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Paramount Development (London) Inc.
809 Dundas Street
Public Participation Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Paramount Development (London) Inc. relating to the property located at 809 Dundas Street:

- (a) The comments received from the public during the Public Engagement process attached as Appendix "A" to the staff report dated June 5, 2018, **BE RECEIVED**
- (b) Planning staff **BE DIRECTED** to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act*, R.S.O 1990, c.P. 13.
- (c) **IT BEING NOTED** that staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the staff evaluation of the subject application.

Executive Summary

Summary of Request

The requested amendment is to permit a site-specific bonus zone to allow for a mixed-use development of two 24 storey apartment buildings set atop a three storey podium with ground floor commercial space, at a total density of 710 units per hectare.

Purpose and the Effect

The purpose and effect of the recommended action is to:

- i) Present the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve appeal rights of the public and ensure Municipal Council has had the opportunity to review the Zoning By-law Amendment request prior to the expiration of the 150 day timeframe legislated for Zoning By-law Amendments;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation; and
- iv) Bring forward a recommendation report for consideration by the Planning and Environment Committee at a future public participation meeting once the technical review is complete.

1.0 Site at a Glance

1.1 Property Description

The subject site is located at the southeast corner of the intersection of Dundas Street and Rectory Street and has an area of approximately 7,100m². The site is currently developed with two commercial buildings, including one mixed use building with residential on the second floor. The site is an irregular shape with a 'notch out' to the west along Rectory where there is currently a two storey building which is not part of the proposed application and not proposed to change. The site has frontage on Dundas Street, Rectory Street, and abuts a municipal laneway located to the south.

The site is located within a Main Street Commercial Corridor, and is surrounded by a diverse range of commercial, institutional and mixed use buildings including: to the west - the heritage designated building Aeolian Hall; to the east - medical/dental offices, the Western Fair Regional Facility, and the Western Fair Farmer's Market; to the north - the Ontario Court of Justice/Provincial Offences Court, a range of commercial uses, to the south - the Western Fair and parking. In the broader area, there is also a residential neighbourhood and the Old East Heritage Conservation District located further north.

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

- Official Plan Designation – Main Street Commercial Corridor (MSCC)
- The London Plan Place Type – Rapid Transit Corridor
- Existing Zoning – (OR*BDC(20)*D250*H46) Zone

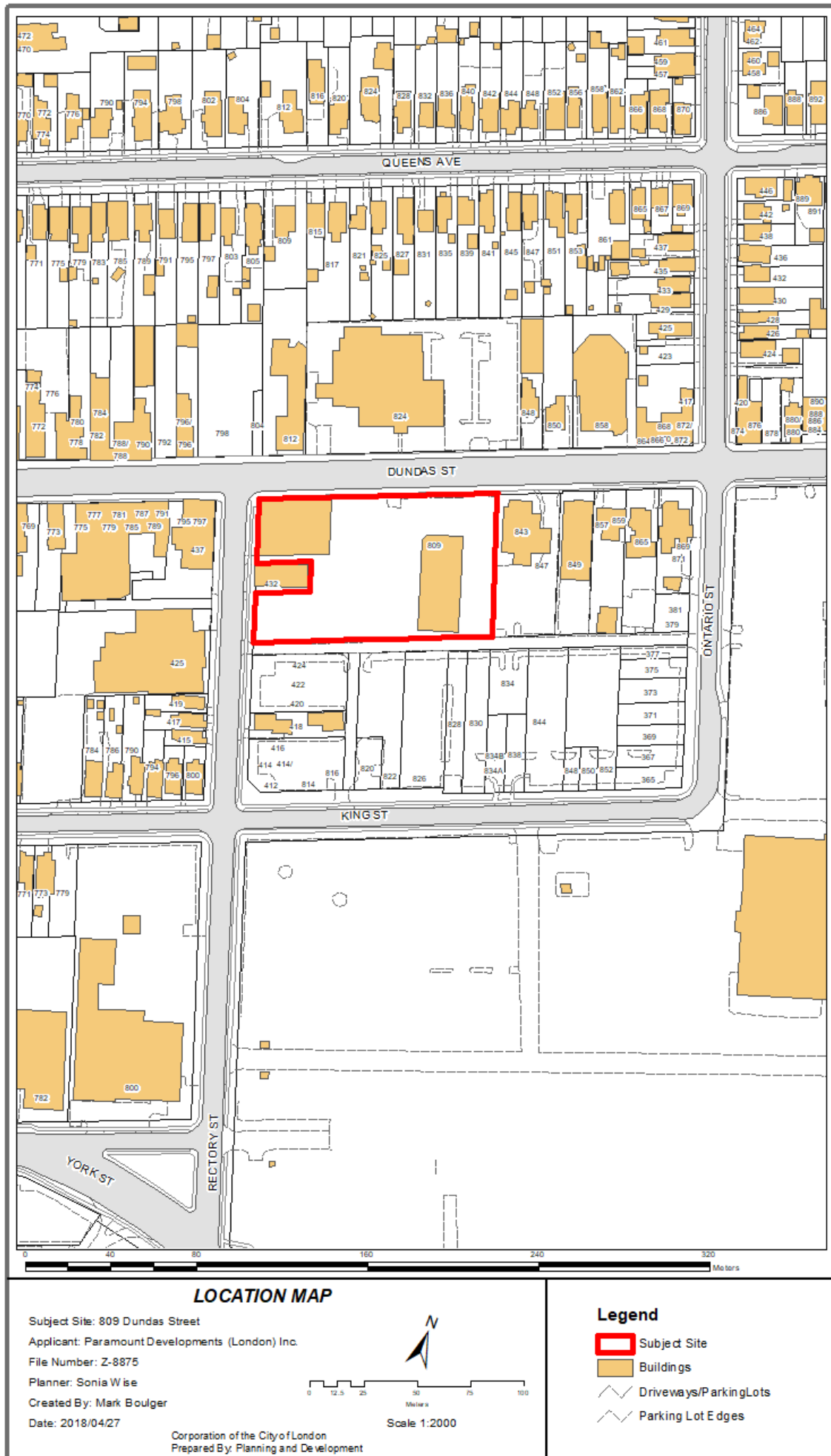
1.3 Site Characteristics

- Current Land Use – Commercial plaza/mixed use
- Frontage – 23m (75 ft) (Rectory Street)
- Depth – 111m (364 ft)
- Area – 7,100m² (76,424 sq ft)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Institutional/Commercial Corridor
- East – Commercial and Western Fair Farmer's Market
- South – Western Fair (Parking)
- West – Recording Studio/Aeolian Hall/Commercial Corridor

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The proposal is for a mixed use development with two 24-storey apartment buildings with a total of 480 residential units constructed on a 3-storey podium. The total residential density of the proposed development is 703 units per hectare (UPH).

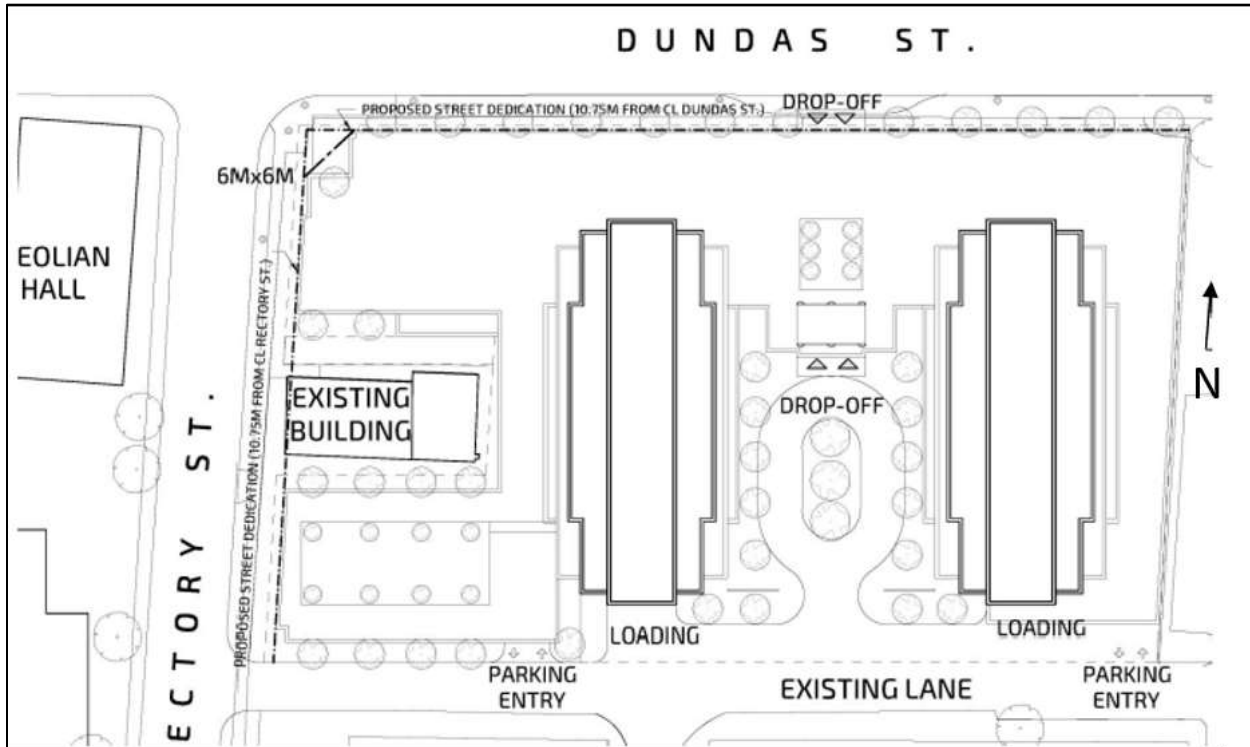


Figure 1: Conceptual Site Plan

The building provides a maximum height of 82m (269ft), with the residential tower portion exhibiting a distinct art-deco style. The podium materials are comprised of a variety of brick, and the tower composition is comprised of stucco/coloured concrete. The top four storeys of the building (floors 21-24) are terraced along the east and west portions.



Figure 2: Conceptual Rendering: view from the northwest

A total of 342 parking spaces for the development have been accommodated through one level of underground parking and two levels of above ground, structured parking which is fully enclosed in the building. Vehicular access to the parking is proposed at the rear of the site from the shared laneway along the south boundary of the subject lands.



Figure 3: Conceptual Rendering: view from the south

A total of 1,845m² (19,860 sq ft) of commercial gross floor area is proposed on the ground floor addressing Dundas Street, and the north portion of Rectory Street. The commercial area is divided into a number of separate units (approximately 10 bays).



Figure 4: Conceptual Rendering: view from the northeast

2.2 Submitted Studies

The application was accepted as completed on February 9, 2018. The following information was submitted with the application:

- Planning Justification Report
- Heritage Impact Statement
- Preliminary Sanitary Capacity Report
- Site Plan
- Traffic Impact Assessment
- Urban Design Brief
- Zoning Referral Record

2.3 Requested Amendment

The requested amendment is for a site specific bonus zone to allow for the proposed mixed use development. The base Business District Commercial zone with existing height and density provisions is proposed to be maintained. The bonus zone is requested to permit the following:

- Maximum Density of 710 UPH;

- Maximum height of 82m; and,
- Maximum lot coverage of 74%.

3.0 Relevant Background

3.1 Community Engagement (see more detail in Appendix B)

There were 22 responses provided through the community consultation period, including those from the Community Information Meeting, which was held on March 29, 2018, where approximately 29 people attended. The most commonly received comments include:

Support for:

- the project as proposed and the associated revitalization potential

Concerns for:

- no affordable housing being provided in a location that could support it
- the impact of the shadows and loss of sunlight cast by the buildings
- better design of the east wall (and the potential to incorporate a mural)
- provide distinctive treatments for storefronts and use materials found in area
- height proposed is too tall for area
- better connectivity to Dundas Street, the BRT station and Western Fair market
- increased traffic congestion and use of the laneway for vehicles
- area is currently under-parked, provide obvious parking for the proposal
- better address the Dundas Street and Rectory Street corner
- roof detail lacks continuity
- impacts of construction regarding noise, dust, vibration, and service interruptions
- overload on infrastructure with additional population, need to provide additional public facilities and services
- offer timed rental structure to encourage independent small businesses
- provide additional setbacks around 432 Rectory Street for access and function

3.2 Policy Context

The Old East Village area has been the focus of numerous studies, plans and efforts to revitalize and invigorate the corridor. In 1998 there was the Mayor's Task Force on Old East London Report, followed by "Re-establishing Value-A Plan for the Old East Village" prepared by the Planners Action Team in 2003. In 2004 Council adopted Official Plan Policies and Zoning By-law amendments to establish an Old East Village Community Improvement Project Area and create separate and distinctive segments of focus. Most recently, the Old East Commercial Corridor Urban Design Manual was created in 2016.

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. The policies support efficient and resilient development patterns through a range of uses, and appropriate infill and intensification in settlement areas and main streets.

With respect to sustaining healthy, liveable and safe communities, the PPS states:

1.1.3.2 – "Land use patterns within settlement areas shall be based on: a) densities and a mix of land uses which: 1) efficiently use land and resources; 2) 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;"

The PPS supports long-term prosperity through:

1.7.1 c) – *“maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets”*

1.7.1. d) – *“encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character”*

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

Re-establishing Value – A Plan for Old East Village 2003

The plan ‘Re-establishing Value: A Plan for the Old East Village’ was created in 2003 to revitalize the Old East Village Corridor. It was developed by the Planners Action Team (PACT) through the Ontario Professional Planners Institute (OPPI) to address the underlying issues impacting the corridor, and contained specific recommendations to improve the corridor. Priorities were identified in the PACT report which were further implemented through the Community Improvement Plan and other municipal processes.

Old East Village Community Improvement Plan (CIP) 2004

The Old East Village CIP was established in 2004 to provide the context for a coordinated municipal effort to improve the physical, economic and social climate of the Old East Village, and was implemented through OZ-6749. The focus was to improve private investment, property maintenance, renewal and desirability of the Old East Corridor and provide a suite of financial incentives. The OEV CIP established a strategic vision for the larger commercial corridor and its constituent sub-districts to: serve as a focal point for the surrounding residential community; offer goods and services which are useful to, and used by, the surrounding community; offer some goods and services for a broader City-wide market; and foster a pedestrian-oriented streetscape, while not excluding automobiles.

The purpose of the CIP is stated as follows:

p.14 – *“The Community Improvement Plan is to provide a context for revitalization initiatives in the corridor, and to guide the municipal decision-making process so that actions are undertaken that are supportive of, and instrumental in, encouraging renewal in the Old East Village”*

Old East Village Commercial Corridor Urban Design Manual 2016

The Old East Village Commercial Corridor Urban Design Manual (OEVCC UDM) was created in 2016, and recognizes that the Old East Village is an important area in London’s history and future. The design manual is intended to guide new development, renovation, and restoration in a way that aligns the vision established for the area and the Community Improvement Plan. The goal of the manual is to provide a basis for promoting high quality design that will complement the existing area.

2.1 Site Layout

a) Building Location

“Locate new buildings in line with the existing built line in order to maintain visual continuity and spatial enclosure of the street.”

“On corner sites, locate buildings at the corner and ensure that both street facing façades include an equal level of architectural detail.”

2.2 Built Form

a) Building Height Guidelines

“Design buildings that are a minimum of two storeys along the commercial corridor, include additional storeys at prominent gateways and intersections.”

“Step back, a minimum of 3.0m, all storeys above the third storey in order to reduce any overpowering or overshadowing effects on the street or adjacent properties.”

c) Massing and Rhythm

“Follow the established façade rhythm of the street when designing a new building by dividing the proposed building into bays that are proportionate to the surrounding buildings.”

“Continue the horizontal and vertical proportions established by surrounding existing buildings.”

“Ensure the massing of new buildings does not negatively affect adjacent buildings, particularly with respect to impact on air flow, sunlight, and sky views”

2.3 Façade Design

“All new buildings should be designed so that they include a defined base, middle and top. This can be achieved by using unique details in street level windows and doors, a signboard for the business name dividing the first and second floor, and features such as upper floor windows and cornice detail.”

Official Plan

The subject site is designated Main Street Commercial Corridor (MSCC), which takes the form of long established, pedestrian-oriented business or mixed-use districts, and is also located within the Old East Village Special Policy Corridor, which extends from Adelaide Street North to Charlotte Street along Dundas Street.

The following are policy excerpts from the Official Plan related to this development application:

4.4.1.1 Planning Objectives

“i) Provide for the redevelopment of vacant, underutilized or dilapidated properties within Main Street Commercial Corridors for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development;

ii) Encourage development which maintains the scale, setback and character of the existing uses;

iv) Encourage mixed-use development to achieve higher densities and to reinforce the objectives of achieving a diverse mix of land uses.”

4.4.1.4 Permitted Uses

“Permitted uses in Main Street Commercial Corridors include small-scale retail uses; service and repair establishments, food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities such as libraries and day care centres, correctional and supervised residences; residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings. Zoning on individual sites may not allow the full range of permitted uses.”

4.4.1.7 Scale of Development

“iii) Residential densities within mixed-use buildings in a Main Street Commercial Corridor designation should be consistent with densities allowed in the Multi-Family,

High Density and Medium Density Residential designations according to the provisions of Section 3.4.3. of this Plan.

iv) Main Street Commercial Corridors are pedestrian-oriented and the Zoning By-law may allow new structures to be developed with zero front and side yards to promote a pedestrian streetscape.”

4.4.1.9 Urban Design

“iv) provides appropriate building massing and height provisions to ensure main streets define the public spaces in front of and in between buildings.

v) provides for architectural guidelines to enable greater influence on building elevations, entrances and materials;”

The Old East Village Special Policy contains further guidance for development and recognizes that the corridor is not homogeneous. The existing conditions and future goals for the corridor differ from district to district, and area-specific policies have been established for four separate segments along the corridor including: the Village Core (Adelaide to Lyle), the Village Annex (Village Core east to Rectory), the Entertainment and Recreation District (the Western Fair) and the Area of Transition and Redevelopment (Village Annex east to Charlotte), which is where the subject site is located.

4.4.1.13.2 Old East Village

“iii) The Area of Transition and Redevelopment

The Area of Transition and Redevelopment extends from the eastern edge of the Village Annex to Egerton Street on the south side of Dundas Street and to Charlotte Street on the north side of Dundas Street. (OPA No. 373 - 2005/11/07)

While this area does include some high quality buildings which strongly relate to the corridor, the Area of Transition and Redevelopment includes large gaps in the streetscape created by parking lots, major institutional uses, office uses, light industrial uses, auto-oriented commercial uses, and residential buildings. Given the length of the entire corridor extending from Adelaide Street, this district is not currently considered a viable part of a continuous pedestrian commercial streetscape. Furthermore, its existing form does not support such a function unless there is significant redevelopment.

This plan supports the transition of this area to provide for a mix of uses. Unlike other segments of the corridor, development in the Area of Transition will not be required to support a pedestrian-orientation. The Area of Transition and Redevelopment will be pre-zoned to allow for medium and large scale development such as multi-family housing and mixed use development. Demolition of important buildings on the streetscape will be actively discouraged through the application of site-specific, lower intensity zoning that will remain in place until such time as a zoning amendment is approved concurrently with a development agreement.”

The bonusing provisions set out in the Official Plan are as follows:

19.4.4 ii) Objectives

“Bonus Zoning is provided to encourage development features which result in a public benefit which cannot be obtained through the normal development process. Bonus zoning will be used to support the City's urban design principles, as contained in Chapter 11 and other policies of the Plan, and may include one or more of the following objectives:

(a) to support the provision of the development of affordable housing as provided for by 12.2.2.

(b) to support the provision of common open space that is functional for active or passive recreational use;

(c) to support the provision of underground parking;

(d) to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space;

(e) to support the provision of, and improved access to, public open space, supplementary to any parkland dedication requirements;

(f) to support the provision of employment-related day care facilities;

(g) to support the preservation of structures and/or districts identified as being of cultural heritage value or interest by the City of London,

(h) to support innovative and environmentally sensitive development which incorporates notable design features, promotes energy conservation, waste and water recycling and use of public transit;

(i) to support the preservation of natural areas and/or features; and

(j) to support the provision of design features that provide for universal accessibility in new construction and/or redevelopment.”

London Plan

The subject site is located within the Rapid Transit Corridor Place Type and within the Old East Village Main Street segment. Rapid Transit Corridors are intended to be vibrant, mixed-use, mid-rise communities that border the length of our rapid transit services and include segments with unique character. The site is within the Main Street Specific Segment Policies of The London Plan for the Old East Village, which includes special policies for the lands that extend along Dundas Street from the Downtown to Quebec Street (844.1)

Use: 837.1 – *“A range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted within the Corridor Place Type.”*

837.2 - *“Mixed-use buildings will be encouraged.”*

Form: 841.3 - *“The mass of large buildings fronting the street should be broken down and articulated at grade so that they support a pleasant and interesting pedestrian environment. Large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged.”*

Intensity: 847 – *“Buildings in these three Main Street segments will be a maximum of 12 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 16 storeys, may be permitted in conformity with the Our Tools part of this Plan.”*

Bonusing Provisions Policy 1652

“Under Type 2 Bonus Zoning, additional height or density may be permitted in favour of facilities, services, or matters such as:

- 1) Exceptional site and building design.*
- 2) Cultural heritage resources designation and conservation.*

- 3) *Dedication of public open space.*
- 4) *Provision of off-site community amenities, such as parks, plazas, civic spaces, or community facilities.*
- 5) *Community garden facilities that are available to the broader neighbourhood.*
- 6) *Public art.*
- 7) *Cultural facilities accessible to the public.*
- 8) *Sustainable forms of development in pursuit of the Green and Healthy City policies of this Plan.*
- 9) *Contribution to the development of transit amenities, features and facilities.*
- 10) *Large quantities of secure bicycle parking, and cycling infrastructure such as lockers and change rooms accessible to the general public.*
- 11) *The provision of commuter parking facilities on site, available to the general public.*
- 12) *Affordable housing.*
- 13) *Day care facilities, including child care facilities and family centres within nearby schools.*
- 14) *Car parking, car sharing and bicycle sharing facilities all accessible to the general public.*
- 15) *Extraordinary tree planting, which may include large caliper tree stock, a greater number of trees planted than required, or the planting of rare tree species as appropriate.*
- 16) *Measures that enhance the Natural Heritage System, such as renaturalization, buffers from natural heritage features that are substantively greater than required, or restoration of natural heritage features and functions.*
- 17) *Other facilities, services, or matters that provide substantive public benefit.”*

4.0 Matters to be Considered

A complete analysis of the application is underway and includes a review of the following matters, which have been identified to date:

Provincial Policy Statement (PPS)

- Consideration for consistency with policies related to a mix of residential and commercial uses, efficient use of land, infrastructure and services that support transit

Community Improvement Plan (CIP)

- Consideration for how the proposed development achieves the vision of the CIP

Old East Commercial Corridor Urban Design Manual (OEVCC UDM)

- Evaluation of the proposed built form and site layout in relation to the urban design direction

Official Plan

- Conformity to policies related to: the appropriateness of the level of proposed intensification with respect to the bonusable provisions
- Impacts on adjacent properties and mitigation of identified impacts

- Compatibility with the surrounding neighbourhood and existing neighbourhood character and streetscape

London Plan

- Conformity to policies related to: the appropriateness of the level of proposed intensification with respect to the new planning direction
- The proposed bonusable features with respect to the bonusing framework

Technical Review

- Functional servicing analysis and available sanitary capacity to accommodate the proposed intensity
- A review of the Transportation impact assessment to ensure no negative impacts on existing and future road conditions
- Heritage implications regarding nearby listed or designated properties and archaeological potential
- Appropriate and desirable design of towers

Zoning

- Suitability of the requested bonus zone and regulation amendments in relation to the proposed development and neighbourhood

5.0 Conclusion

Planning staff will review the comments received with respect to the proposed zoning by-law amendment and report back to Council with a recommendation for Zoning By-law Amendment. A future public participation meeting will be scheduled when the review is complete and a recommended action is available.

Prepared by:	Sonia Wise, MCIP RPP Planner II, Current Planning
Submitted by:	Michael Tomazincic, MCIP RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

June 11, 2018

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Appendix A – Public Engagement

Public liaison: On February 22, 2018 Notice of Application was sent to 71 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 23, 2018. A “Planning Application” sign was also posted on the site.

22 replies were received

Nature of Liaison: Possible change Zoning By-law Z.-1 from an Office Residential/Business District Commercial Special Provision (OR*BDC(20)*D250*H46) Zone which permits a wide range of commercial, retail and residential uses with a maximum density of 250 units per hectare and an approximate height of 15 storeys (46m), to a Business District Commercial Special Provision Bonus (BDC(20)*D250*H46*B-___) Zone to permit the existing range of uses permitted by the Business District Commercial Zone variation, with an increased lot coverage, an increased height of 82m, and an increased maximum density of 710 Units per hectare through a bonus zone, in return for eligible facilities, services and matters outlined in Section 19.4.4 of the Official Plan, such as the provision of enhanced urban design and underground parking.

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

Support for:

Tasteful and appropriate design, quality materials, supportive of/excited for project (x 9), project will provide revitalization for area (x 4), traditional street frontage design

Concern for:

Affordable Housing:

Provide some affordable housing units (x4), as a mix of the total units (x 2), as part of the bonusing provisions, provide a minimum of 20%

Sunlight and Shadowing:

Shadow cast from building affect solar panels on Life Spin building (x 4), 12 storey form would cast less shadow, impacts on both sides of Dundas Street, creation of gloomy spaces

Building Design:

East blank wall needs to be addressed with better treatment (x 4), utilize east wall for a mural (x 2), provide distinctive treatment of storefronts (x 2), replicate materials found on existing storefronts in area, provide heritage design in heritage district, better address Rectory and Dundas corner, roof detail lacks continuity and visually splits the building,

Height

Highrise buildings are changing the skyline of OEV, no more than 15 storeys, 12 storeys should be the maximum, zoning requirements should be more inclusive than just height regulations, proposed height is too drastic compared to what is there now

Connectivity

Connectivity to Dundas St should be a high priority, pedestrian connectivity to BRT station at Dundas & Ontario (x 2), provide sidewalk along laneway to connect to Western Fair

Transportation

Concern for the high traffic volume on the laneway, currently inadequate public parking in area (x 2), commercial parking should be obvious, support increased demand for parking with increased provision of spaces, traffic congestion

Construction

Impacts of construction on business operations (x 3), noise impacts (x 3), dust (x 2), vibration (x 3) structural impacts (x 3), street closures and service interruptions (x 4), damage from construction vehicles

Servicing

Overload on infrastructure, the area can't support the influx of several hundred more residents, public spaces/schools need to accommodate tower dwellings

Other

Offer timed rental structure to encourage independent small businesses, provide additional setbacks for 432 Rectory Street for function and emergency access (x 2)

From: Paul Moieshyn [mailto:]
Sent: Sunday, March 11, 2018 5:35 PM
To: Wise, Sonia <swise@london.ca>
Subject: Bylaw amendment Z-8875

Hello Ms Wise

I welcome any efforts at urban intensification and renewal. It will be great for the neighbourhood. Please let me know how it goes and if there is anything I can do help support a positive outcome then let me know.
Thank you

Paul Moieshyn

Michael J. Chester
BARRISTER & SOLICITOR

March 14, 2018

City of London
Planning Services
P.O. Box 5035
London, Ontario
N6A 4L9

Fax: 519-661-5397

Attention: Ms. Sonia Wise

Dear Ms. Wise:

Re: Paramount Developments Inc.- 809 Dundas Street-File Z-8875;
My client: 875020 Ontario Inc.- 432 Rectory Street, London, Ontario

I act for 875020 Ontario Inc. My clients have provided to me a copy of the Notice of Application to Amend the Zoning By-Law dated February 21, 2018, with respect to the above-noted Application. My client's property is located at 432 Rectory Street which adjoins the Paramount property and is shown as the "Existing Building" on the Conceptual Site Plan.

My client objects to the rezoning based on the Conceptual Plan submitted. The primary reason for the objection is the proximity of the proposed buildings to my client's property. The plan indicates that the new buildings would surround my client's property and would be located within what would appear to be perhaps no more than two metres from the rear of my client's building. The specific issues arising from the close proximity to my clients building would be as follows:

1. The depth of the excavation required to support the 24 storey towers would be significant. A portion of my client's building and foundation is over one hundred years old. I believe my client has an implied easement of support over sufficient portions of Paramount's property as would be necessary to support the foundation for its building. The excavation that would be necessary at such a close proximity could cause my client's foundation to be damaged or completely collapse if proper excavation support practices involving excavation supports and underpinnings were not implemented. My client would want there to absolute certainty that its building would not be adversely impacted in any way by the excavation and construction;

CITY OF LONDON
PLANNING SERVICES

RECEIVED MAR 14 2018

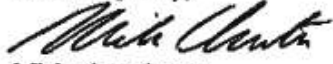
FILE NO _____
REFERRED TO _____
SUBSEQUENT REFERRALS _____
 FOR ACTION
 FOR INFORMATION
 FOR REPORT
 FILE
 C.S.P.
 OTHER

2. My client operates a recording studio at this property. The noise and vibration caused by construction in such close proximity would have a serious negative impact on its ability to carry on business for a significant period of time;

3. Once the new buildings were completed, there would not be sufficient room for any sort of vehicle access to the rear of my client's property for matters such as building maintenance or dealing with emergencies such as a fire.

I trust that the Planning & Environment Committee will consider my client's objections and concerns at its meeting and I would appreciate being provided details of any future public meeting, as would my client.

Yours very truly,



Michael J. Chester



March 21, 2018

Sonia Wise, Planner
City Of London Planning Services
P.O. Box 5035
LONDON ON N6A 4L9

Re: Proposed Development at 809 Dundas Street

I am writing to express my concerns regarding the proposed change to the Zoning By-Law that is currently planned for 809 Dundas. My office is located directly beside the proposed site at 843 Dundas Street. I run an Oral and Maxillofacial Surgery specialty practice at this location and perform delicate maxillofacial surgical procedures on a daily basis, serving patients from London and all across southwestern Ontario. I provide surgical care and anaesthesia for patients requiring specialty services and help patients with conditions such as oral cancer and facial deformities. Many of my patients have depression and anxiety as well as more serious psychiatric disorders such as schizophrenia. I am worried about the effects that long term construction will have on both my patients and my staff who provide care for these patients. The scale of this project is enormous. I am deeply concerned that this development will negatively impact my property and my ability to adequately service patients who require my care.

When I was initially in the planning phases for my facility, I was advised that there were numerous restrictions and guidelines in place that I was obliged to adhere to. These restrictions were governed by both the City of London and the Old East Village Business Improvement Association. I was forced to scale back on my planned development as a result of these restrictions and had to make numerous modifications to my initial plans. I was told there were many reasons for the various rules that were in place, both from a city planning perspective (infrastructure and existing bylaws) as well as for reasons related to the aesthetics of reinvigorating the Old East Village. I was told that these rules were in place for a reason and that all existing buildings and future developments would have to adhere to these same restrictions. The scope of the planned project at 809 Dundas is much more profound than I would have ever expected.

One of the changes to my initial building plan was due to the existing Zoning By-Laws regarding building height. The planning committee informed me that the buildings in this area would be restricted regarding total height. As a result, I had to modify my plans for a second storey and build a basement instead. I was forced to incur additional costs for a sewage ejection system that was required to be installed due the increased depth of my basement. Ironically, the proposed development is a dramatic shift from the previous regulations as the two towers are planned to be 24 stories high. I had no indication that this would ever be allowed based the tight restrictions that were imposed on my development.

I am concerned that the foundation of my building is at risk along with the structure. I am alarmed that during the extensive period of construction for the proposed development that the work being done will be extremely disruptive on my ability to perform delicate surgical procedures. My facility is a sterile

environment and the dust and debris that will be generated from the heavy construction will make my daily operations incredibly difficult. I take great pride in the fact that my property is immaculate as it is reflective of my profession, yet with the extensive construction it will become a daily, and even hourly battle to maintain it to its present standards. Additional daily maintenance for the property is not an additional responsibility I am willing to assume.

During the planning phase for my facility, the surface covering of my building was also dictated and I was not allowed to use stone or brick on the outside walls. This was done as part of the reinvigoration of the Old East Village and to ensure consistency in the look and feel of the neighbourhood. I am concerned that the planned project will not be subjected to the supposed rules that were placed on my development. I was not able to build my building in the way that I had originally envisioned but still adhered to the rules that were in place.

I am also worried that during construction of the proposed development that access to my building will be difficult for my patients. There may be road blockages that impede access to my parking lot. Also, there is the potential that vehicles related to the project may attempt to park in my parking lot and/or access the new construction site via my parking lot. There is the potential that my building may be damaged by large vehicles attempting to access the construction site through my narrow driveway. This has occurred before with significant damage to my facility. The construction related to the new development would be disruptive to my practice and impact my focus in serving my patients' needs.

While I believe that the infill created by this project would be a positive development for the Old East Village and for the City of London, I am extremely concerned on the impact that it will have on my position as the adjacent neighbour. I chose to settle in London following 18 years of post-secondary education, and I have specialized skills that few others possess in North America. I provide specialized services for the residents of East London as well as from all across Middlesex County and southwestern Ontario, and I would like to continue to do so in a world class facility. I would like to have my concerns addressed appropriately prior to any further action on the proposed development at 809 Dundas Street.

Sincerely,

Dr. Nicholas J. V. Hogg,
BSc, MSc, DDS, MD, MSc, FRCD(C)
Oral and Maxillofacial Surgeon
Subspecialty training in Craniofacial Surgery

Comments from 809 Dundas Community Consultation

March 29, 2018

**Summary and Thematic Analysis provided by the Old East Village BIA
Submitted April 16, 2018**

Promotion of Event and Recruitment of Attendees:

Business and property owners in the Old East Village Community Improvement Plan (CIP) received invitations to the community consultation event. Invitations by the BIA were conferred through an email and telephone campaign for the 10 days preceding the event. The telephone campaign reached out to 114 business owners.

Information and invitations for the event was circulated to the Old East Village residents through telephone, social media, and individual networks of the Old East Village Community Association and board members of the Old East Village Business Improvement Area (BIA). Residents, property owners, and interested parties were requested to call and RSVP for the event.

33 attendees of the March 23, 2017 community consultation who left contact information were also contacted via telephone.

Attendees to the event were asked to register and fill out and return comment cards. Of those who attended 29 people registered and 16 comment cards were submitted. 2 property owners submitted a letter and is included in the comments.

Attendance breakdown:

Attendees were asked to check all that apply.

- 4 – OEV Commercial Property Owners
- 3 – Business Owners
- 7 – OEV Residents
- 5 – Interested Party
- 1 – Unidentified

Thematic Analysis:

Feedback received from comment cards and letters are summarized in this section. Attendees of the community consultation were eager to share their thoughts on the proposed redevelopment. Comments from the cards generally showed optimism for the redevelopment paired with constructive observations on specific features or outcomes. Of these considerations seven themes were observed and broken down in more detail.

The first of these relates to affordability of prospective commercial and residential clients. Attendees identified that they would like to see a percentage of the residential units meet the criteria for affordable housing. They felt that a development of this scale created a great opportunity for inclusion. Comments also suggested that the commercial units have a yearly progressive rent structure to help foster independent small business.

The next theme identified was the impact shadowing may have on the surrounding properties. There are properties north of the proposed redevelopment site that utilize solar panels. Specifically 4 attendees expressed concern over the impacts on power generation a large development would have on those properties. Some commenters believed that the shadowing from the building would create “gloomy” spaces and have a negative impact on the buildings around the redevelopment.

The third theme encompasses the design of the building. Attendees felt that the conceptual plans show a very plain, non-windowed wall facing east. Comments suggested that character of some kind be added architecturally. Commenters requested that the storefronts replicate the diversity of materials and designs found along the Dundas corridor to keep with the heritage feel of the older buildings. An additional suggestion was to use the east facing wall as a space for a mural to add to the collection found around the Old East Village. Specifically the mural at the London Clay Arts Centre was suggested as an example.

Following building design a theme of building height was identified. Some attendees felt that the height of building should not exceed 12 to 15 stories. Commenters thought that the building heights higher than this and the influx of people from it would create pedestrian and vehicular congestion. Others felt that a building with a height as proposed would feel contextually out of place with the current built form of the Old East Village.

The fifth theme of comments focused on the connectivity of the redevelopment to the Dundas corridor. Attendees expressed that they would like to see the redevelopment’s connectivity to Dundas as a high priority. The redevelopment will be a prime location for the upcoming Bus Rapid Transit implementation along with access to the Western Fair District. Attendees would like to see the south facing side of the redevelopment address these amenities.

The sixth theme from the comment cards involved the changes to the neighbourhood’s parking situation in relation to the redevelopment. Comments expressed concern over an increase in parking demand brought from the addition of commercial storefronts. Neighbouring properties would like to make sure that their respective customers and clients have access to parking as demand increases.

The final theme identified from comments is the possible disruption caused during construction. The redevelopment site is surrounded by couple of businesses that music plays an integral role in the success of their enterprise. A few commenters expressed concern over noise and vibrations that will occur during construction and the effect it may have on their daily businesses. Disruptions to traffic and parking are expected and more information on how those would be handled was requested.

The Old East Village BIA would like to thank you for receiving the above thematic analysis based upon comments, conversations, and letters during the community consultation. The BIA takes an active role in the participation process for new neighbourhood development. We are pleased to provide this feedback and look forward to working with all parties as this project progresses.

Comment Cards

The comments in this report are taken word for word from the received comment cards and letters. They have been categorized according to theme.

Positive General Comments:

- Tasteful and appropriate looking – will be interested to see how the ground level units are developed & marketed – Would love you stage your model suites!!
- Quality material for the build, especially facing Dundas and Rectory.
- Very excited for this project.
- I think this is a fantastic way to revitalize what is often seen as a downtrodden area of the city. A new building and new business space will bring life back to the east end.
- A great development for this up-and-coming neighbourhood.
- Will bring great traffic to local businesses, more people to the core and attract & retaining young families.
- I think this will be great for the community. East London deserves a project such as this, with all of the other new developments in the area it will aid in reclaiming Old East as a premiere part of London and a desirable place to live.
- Great plan!
- Overall like design and the traditional street frontage.
- Just want to say what a great project Ian Stone & company are working on.
- Very excited to see amazing things taking shape on Dundas Street.
- Great to see a residential and commercial development on this site

Comments regarding Affordability in Residential and Commercial Units:

- Offer timed rental structures to encourage independent small business to fill commercial units. Ex.67% year 1, 80% year 3, 95% year 3 ect. Will help infill quickly and support small independent business growth.
- Can the inclusion of some affordable housing be contemplated as a condition of exceeding the present standards in terms of both height and density?
- I am involved @ lifespun @ Ontario and Dundas site. We work with families at or near the poverty line. I would like to see some of the units used as affordable housing for people. We are a community that care about our neighbours. What a good opportunity for this development to consider and act upon.
- There is no guarantee that this development has at least 20% affordable units, which should be in place no matter how high you negotiate

- Would be great to see some % of units as affordable housing. We need buildings that integrate affordable & market rent units.

Comments regarding Shadowing from new building:

- The shadow may impact solar panels at Life*Spin
- We are also very concerned about the shadows these buildings will have as we have solar panels on our roof which generated income which we depend upon. No doubt we will have a loss of sunlight due to the height of these proposed buildings. I would feel the 12 stories to be much more acceptable.
- Shadow impact on existing solar panels in the neighbourhood
- Shadowing impacts on solar panels on south side of Dundas.
- The shadow and light impact studies will show these towers will create gloomy spaces.

Comments regarding the building design:

- East facing wall needs better/attractive detail, ect.
- The blank wall facing the dental building (east elevation) can be a canvas for wall art similar to the east wall of the London Clay Arts Centre. This would create a wall art theme in OEV.
- Blank wall facing east need detail, character, windows.
- Brick walls on the west [east] side of building – understand that this wall edges on property line, so windows on the side (laneway) may not be feasible. However, given that it faces on to laneway and other businesses the wall should have some kind of aesthetic treatment e.g. mural (Simon Shegelmans OEV Posters) or repetition of some façade detail on the wall-which is tall, extensive and visible from Dundas Street.
- The key consideration in my view, in light of the character of the OEV neighbourhood, is distinctive treatment of each of the store fronts.
- Heritage district should have heritage design
- Infrastructure overload
- The proposal for commercial units that support the scale of the commercial corridor could be beneficial to the development of the business district. However, it is really important that the commitment to design storefront facades using materials that replicate the variety of storefront facades on the corridor is followed through.
- Re: street views; more detail is retained on the Dundas/Rectory corner, windows and other detail – brick façade facing street not supportable
- Roof detail lacks continuity and visually ‘splits’ building. It is possible to replicate crenellations on the east facing the lack of continuity of the feature visual ‘splits’ the building – looks like two separate buildings.

Comments regarding building height:

- Highrise buildings are changing the skyline of OEV. I’m not sure the area can support the congestion that will be caused by the influx of several hundred more residents.

- No more than 15 stories!
- Most major cities have more inclusive zoning requirements than simple height restrictions! Twelve stories high is enough for this corridor.
- The height is much too drastic a difference for this area compared to what is there now.

Comments regarding Connectivity:

- Connectivity to Dundas needs to be a HIGH priority.
- Pedestrian connectivity to BRT station @ Dundas & Ontario
- I feel there should be a sidewalk along the land to allow residents can use to walk to Western Fair and proposed BRT station.
- The first [concern] is the use of the rear laneway for a relatively large volume of traffic which it is not designed for.

Comments regarding Parking:

- Offer obvious parking for the customers of commercial units.
- Only parking problems.
- Neighbourhood parking issues: although we recognize that the building will likely have its own parking garage, an increase in population and commercial retail businesses proposed for the ground floor will put a big stress on parking resources in the neighbourhood. We do not currently have enough public parking and are concerned that we will lose business if the extra parking needs come in the neighbourhood without the creation of additional parking facilities.

Comments regarding construction concerns:

- We are concerned about our ability to operate during construction due to noise and vibrations coming from the construction site in such close proximity. We are primarily a music venue and often record concerts and do recording sessions during daytime hours.
- We are concerned about interruptions in services during construction and how these will impact our clients, rentals, and productions.
- Street closures and business interruption related to these issues are also a concern for us.
- Our building is an 1883 Designated Heritage Site. We have concerns that the vibrations might affect the structure and safety of our building.

Miscellaneous Comments:

- Doesn't look like EMAC recording studio has enough space to perform functions, i.e. access ect. This needs to be corrected.
- Traffic congestions
- Potential fires
- Public spaces/schools needed to accommodate tower dwellers.

March 9, 2018

CITY OF LONDON
PLANNING SERVICES

Re: Application Z-8875

RECEIVED MAR 14 2018

Dear Ms. Wise:

FILE NO _____
REFERRED TO _____
SUBSEQUENT REFERRALS _____
 FOR ACTION FILE
 FOR INFORMATION B.F.
 FOR REPORT OTHER

This is in response to the notice of February 21, 2018, regarding an application to amend the Zoning By-Law, at 809 Dundas St., by Paramount Developments. I own an office building at 849 Dundas St. and (full disclosure) I've been on the OEV BIA board for about 9 years. I have 2 major concerns with the proposal.

The first is the use of the rear laneway for a relatively large volume of traffic, which it is not designed for. I understand that this is owned by the City of London. It is not serviced by the City, and I believe the Western Fair District does some basic snow clearing and maintenance. This laneway is NECESSARY for access to parking lots for at least 3 buildings on the block. It is not wide enough for 2 cars to fit comfortably, there's no drainage, no room for snow plowing, room for sidewalks, and is just a dirt surface (with pot holes) on the west end where the building is proposed. I'm not sure what the traffic study will show, but I think this will be a huge problem for access to the lane, and for traffic flow in general. We need the lane to be easily accessible for our customers. There's also the ongoing maintenance issue. Will this be turned into a proper street with all that goes with it?

The second issue is the height of the structure. As you note in the letter, "any change to the Zoning By-law MUST conform to the policies of the Official Plan, London's LONG-RANGE planning document". According to section 19.4.4 of the official plan which is referenced:

- Principle i) Also, the height and density bonuses received should not result in a scale of development that is INCOMPATIBLE with adjacent uses or EXCEEDS the capacity of available services.
- Objectives ii) Bonus zoning is provided to encourage development features, which result in a PUBLIC benefit which cannot be obtained through the normal development process.
- Section 4.5 of the Official Plan suggests that a Planning Impact Analysis should be undertaken for issues such as this one.

And according to the London plan:

- Rapid Transit and Urban Corridors: Intensity 840, 1- Development within the corridors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure COMPATIBILITY.

- Table 9, shows that the standard height for this area is 12 storeys, and that even with MAXIMUM class 2 bonusing, it is 16 storeys.
- Main Street: Intensity section 847, 2.: Buildings....will be a maximum of 12 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 16 storeys, may be permitted in conformity with the Our Tools part of this Plan.
- Bonus Zoning:
 - 1642: ... the applicant shall submit a JUSTIFICATION REPORT that identifies the facilities, services or matters that are to be provided and how the PUBLIC benefit is commensurate with the extent of the greater height and density that is being requested.
 - 1650: ... However, an applicant must demonstrate that this greater height or density represents GOOD planning.
 - 1652: (public benefits that qualify for bonusing are)....facilities, services, or matters such as:
 - 1- Exceptional building and design.
 - 15 other descriptions
 - 17- Other facilities, services, or matters that provide substantive PUBLIC benefit.

My point is that the height is much too drastic a difference for this area compared to what is there now, and for the future concept of a "village". There is no high rise such as this in Wortley village, which the developers themselves compare this area to. So it is not "compatible" with the "vision" for the area in my opinion. It also does not fit with the 16 storey maximum bonus for the area. It does not provide any of the 17 PUBLIC benefits that would qualify for bonusing, except possibly "exceptional building design". Indoor parking in the building will not be public, so it does not qualify. And it will considerably exceed the services for the area.

A justification report, if provided, could not possibly support such a large bonus as requested, or support it as GOOD planning.

Just to be clear, I'm all in favour of this development as long as it's restricted to 16 storeys, and the laneway is not encumbered by traffic. In it's present iteration, it does not confirm to the long-term plans for the city, and therefore should not be approved.

Thank you in advance for your consideration.

Sincerely,



Victor Wagner



Dear Sir/Madame,

I am writing to you today in the official capacity of The Aeolian Hall Musical Arts Association to express concerns my Board of Directors have expressed to me regarding the pending development by Paramount Developments (London) Inc. at 809 Dundas St.

Although our organization is thrilled to see the interest in creating increased density in the core and our neighbourhood, we have some issues that need to be resolved before we feel we can support this development.

Here are the issues:

1. We are concerned about our ability to operate during construction due to noise and vibrations coming from the construction site in such close proximity. We are primarily a music venue and often record concerts and do recording sessions during daytime hours.
2. We are concerned about interruptions in services during construction and how these will impact our clients, rentals and productions.
3. Our building is an 1883 Designated Heritage Site. We have concerns that the vibrations created while hammering pilings for the foundation and other large vibrations might affect the structure and safety of our building.
4. Neighbourhood parking issues: although we recognize that the building will likely have its own parking garage, an increase in population and commercial retail businesses proposed for the ground floor will put a big stress on parking resources in the neighbourhood. We do not currently have enough public parking and are concerned that we will lose business if the extra parking needs come in the neighbourhood without the creation of additional parking facilities.
5. Street closures and business interruption related to these issues are also a concern for us.

We welcome your response to our concerns.

Sincerely,

Clark Bryan
Executive Director
The Aeolian

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

Telephone	Written
	Paul Moieshyn
	Robert Nation & Joe Vaughn (EMAC) 432 Rectory St, London ON N5W 3W4
	Nicholas Hogg 843 Dundas St, London ON N5W 2Z8
	Victor Wagner 849 Dundas St, London ON N5W 2Z8
	Jesse Helmer 706 Princess Ave, London ON N5W 3M3
	Kate Fowler 1018 Dundas St, London ON N5W 3A3
	Jeff Pastorius 623 Dundas St, London ON N5W 2Z1 & 778 Elias St, London ON
	Frank Filice 831 Elias St, London ON N5W 3N9
	Sarah Meritt 831 Elias St, London ON N5W 3N9
	Louis Polakovic 925 Plantation Rd, London ON N6H 2Y1
	Lewis Seale 1-1036 Dundas St, London ON N5W 3A5
	Zack Lawlis 78 Stuart St, London ON N5Y 1S3
	Kathryn Eddington 709 Princess Ave, London ON N5W 3M2
	Esther Andrews 481 Dorinda St, London ON N5W 4B3
	Jacqueline Thompson 866 Dundas St, London ON N5W 2Z7
	Cassie Norris 23-1290 Sandford St, London ON N5V 3X8
	Caleb Denomme 766 Princess Ave – Upper London ON N5W 3M4
	Jason Jordan 970 Willow Dr, London ON N6E 1P3
	Vito Pettinato 724 Dundas St, London ON N5W 2Z4
	Bryan Clark/Andrew Rosser (Aeolian Hall) 795 Dundas St, London ON N5W 2Z6

Agency/Departmental Comments

Development Services Engineering – March 21, 2018

Transportation

The following items are to be considered during the site plan approval stage:

- Road widening Dedication:
 - Dedicate 0.692m to obtain 10.75m from centreline along Dundas Street.
 - Dedicate 0.692m to obtain 10.75m from centreline along Rectory Street.
 - Dedicate new 6.0m x 6.0m sight triangle on the southeast corner of Dundas Street and Rectory Street.
- King Street, Ontario Street, and Dundas Street have been identified as rapid transit corridors in the Council approved Rapid Transit Master Plan (RTMP). The preliminary recommendations have identified Ontario Street as a candidate for a transit station, through the ongoing Transit Project Approval Process (TPAP) and has also been identified for a conversion from one way northbound traffic to a two way street with the addition of a southbound lane for traffic, the corridors and transit station locations will be refined in greater detail through the TPAP process. For information regarding the RTMP or TPAP please use the following web link: <https://www.shiftlondon.ca/>

Stormwater Engineering

The following items are to be considered during the site plan approval stage:

- Please note that as per City as-constructed drawing 17211, the site, at a C=0.37, is tributary to the existing 750mm storm sewer on Ontario Street via the 600mm storm sewer on Dundas Street fronting the site. However, the 750mm storm sewer on Ontario (STMH3 to STMH2 in as-con 17211) appears to be in surcharge condition and therefore hydraulic calculations should be required (storm sewer capacity analysis) to demonstrate the capacity of the existing 750 storm sewer system is not exceeded.
- Proving there is sufficient pipe capacity to service the site, on-site SWM controls should be designed to the satisfaction of the City Engineer. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, etc.
- Considering the number of parking spaces, the owner may be required to have a consulting Professional Engineer confirming that water quality will be addressed to the standards of the Ministry of the Environment and to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.

Wastewater and Drainage Engineering

- As part of the City's Pollution Prevention Control Plan (PPCP) and sanitary modeling in this area, it has been flagged that there is potential constraints in the English Street sanitary sewers downstream of this subject site. The English Street sanitary sewers downstream of this proposed development has been the subject of flow monitoring. Consequently WADE is taking steps to do additional flow monitoring to evaluate sanitary flows including wet weather.
- Dundas Street from Rectory to Adelaide has been identified for lifecycle replacement infrastructure works tentatively in 2020. English Street is still being considered for lifecycle replacement infrastructure works tentatively for 2021 pending budgets and approvals.

- Based on the significant intensification proposed as part of the initial zoning pre-application WADE requested a preliminary sanitary sewer capacity assessment. WADE is asking that the assessment be revised to include an inventory of all existing and abandoned connections to the municipal system inclusive of all storm sewers and connections on this site be accounted for to ensure no storm p.d.c.'s or connections are directed to the sanitary system.
- WADE is recommending an 'h' provision be applied until this density is supportable or upgrades in the downstream system have been undertaken.

Water

The following items are to be considered during the site plan approval stage:

- Water is available from the 250 CI on Dundas Street and the 200mm CI on Rectory.
- Based on the number of units and the potential height of the development, water servicing (including looping requirements) must be in compliance with section 7.9.3 of the City of London Design specifications.
- The design should consider the potential ownership structure of the property, ie. condo corporation, single ownership etc. and the servicing requirements based on that ownership structure.

London Hydro – March 19, 2018

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

UTRCA – March 19, 2018 Excerpt

No objections.

Urban Design – March 21, 2018

Urban Design staff commend the applicant for incorporating the following into the design; Providing for a continuous street wall along the Dundas Street frontage; Providing appropriate scale/ rhythm/ materials/ fenestration of the podium along the Dundas Street and Rectory Street frontages in keeping with the Old East Village Commercial Corridor Urban Design Manual; Incorporating all parking within the structure; Providing for appropriate tower setbacks from Dundas Street; Providing a north-south orientation of the towers, which limits the extents of shadows; Including a high proportion of transparent glazing on the towers; Providing for articulation on the exterior concrete columns on the towers.

Urban design staff have been working closely with the applicant through the rezoning process to address many of the design concerns that have been raised by the community, the Urban Design Peer Review Panel, and City staff. Some of the design concerns that remain outstanding include;

- Treatment of the podium at the intersection of Rectory and Dundas; include further windows on the ground floor elevations and further details on the upper facades.
- Treatment of the podium on the north half of the east façade; consider including openings or variation on this façade as it will be highly visible for the foreseeable future.
- Tower variation; Provide some variation between the two towers to address the perception of width and to add interest to the skyline
- Tower Massing, consider further articulation on the east and west facades of the towers, and consider the addition of colour to the towers in order to further break up the massing.

The applicant should provide a response to the UDPRP Memo issued following the March 2018 meeting detailing how they have considered all of the Panels comments.

Urban Design Peer Review Panel – March 29, 2018

The Panel provides the following feedback on the submission to be addressed through the Zoning Bylaw amendment underway:

- The Panel is supportive of the 3-storey podium which creates a pedestrian scale to the development along Dundas Street in character with the area.
- The Panel has a concern with the amount of overlap between the two proposed towers in terms of overlook and shadows cast on the space in-between them. There is a preference for the towers to stagger, providing offset between the towers in plan. This could involve a reduction in floor plate (and possibly dispersing density in a different manner e.g. additional floors on a stepped back podium or additional height on one or both towers) to allow for the staggering.
- The Panel suggests that the proponent and City staff evaluate the east tower relative the east property line to ensure appropriateness of separation with respect to tower overlook and impact on the possibility of a future tower development, should future tall buildings be deemed appropriate for the area.
- As an alternative to commercial ground floor space, the proponent could also consider street-fronting town houses in the podium. These could be multi-storey and provide additional screening for the upper parking garage levels facing the street.
- The Panel is supportive of the articulation of tower. Consideration should be given to providing some variation among the two towers to address the perception of width and add interest to the skyline.
- The Panel supports the canopy feature over the Dundas Street residential entrance and suggests further emphasizing this area to define it along the length of the façade.
- The Panel supports all parking located within the building. Consideration should be given for active openings to the second and third floor parking garage. Additionally, the Panel encourages a design that includes some active use (residential or commercial) on at least a portion of these upper floors for more “eyes on the street”, particularly after hours when commercial units are closed.
- The symmetry of the two tower scheme works well at the drop-off area, where the towers land on the ground, but from the Dundas Street perspective, consideration could be given to provide more variation to the skyline.
- Openings/variation along the eastern façade should be considered, even if minor, knowing that a future development may hide this façade in the future.

Concluding comments:

The Panel supports the overall design concept with the integration of the design recommendations noted above and commends the applicant for their thoughtful approach to the design at this early stage of development. This UDPRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process. Subject to the comments and recommendations above, the proposed development represents an appropriate solution for the site.

LACH – March 28, 2018

BE ADVISED that the London Advisory Committee on Heritage (LACH) is satisfied with the research contained in the Heritage Impact Statement dated January 2018, prepared by Zelinka Priamo Ltd. for the adjacent property located at 795 Dundas Street;

Appendix B – Policy Context

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

Provincial Policy Statement, 2014

Community Improvement Plan for Old East Village

Old East Village Commercial Corridor Urban Design Manual

Z.-1 Zoning By-law

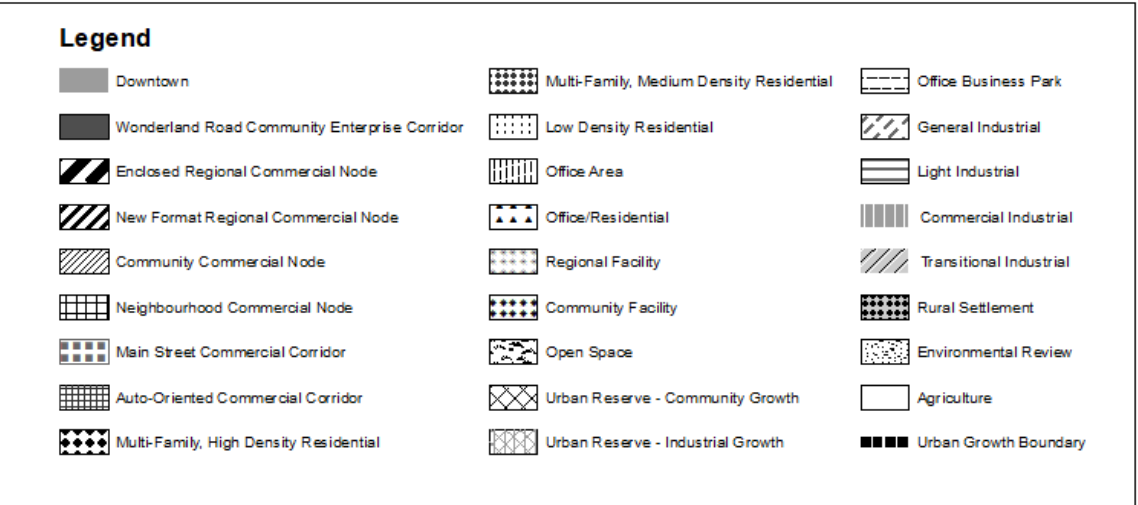
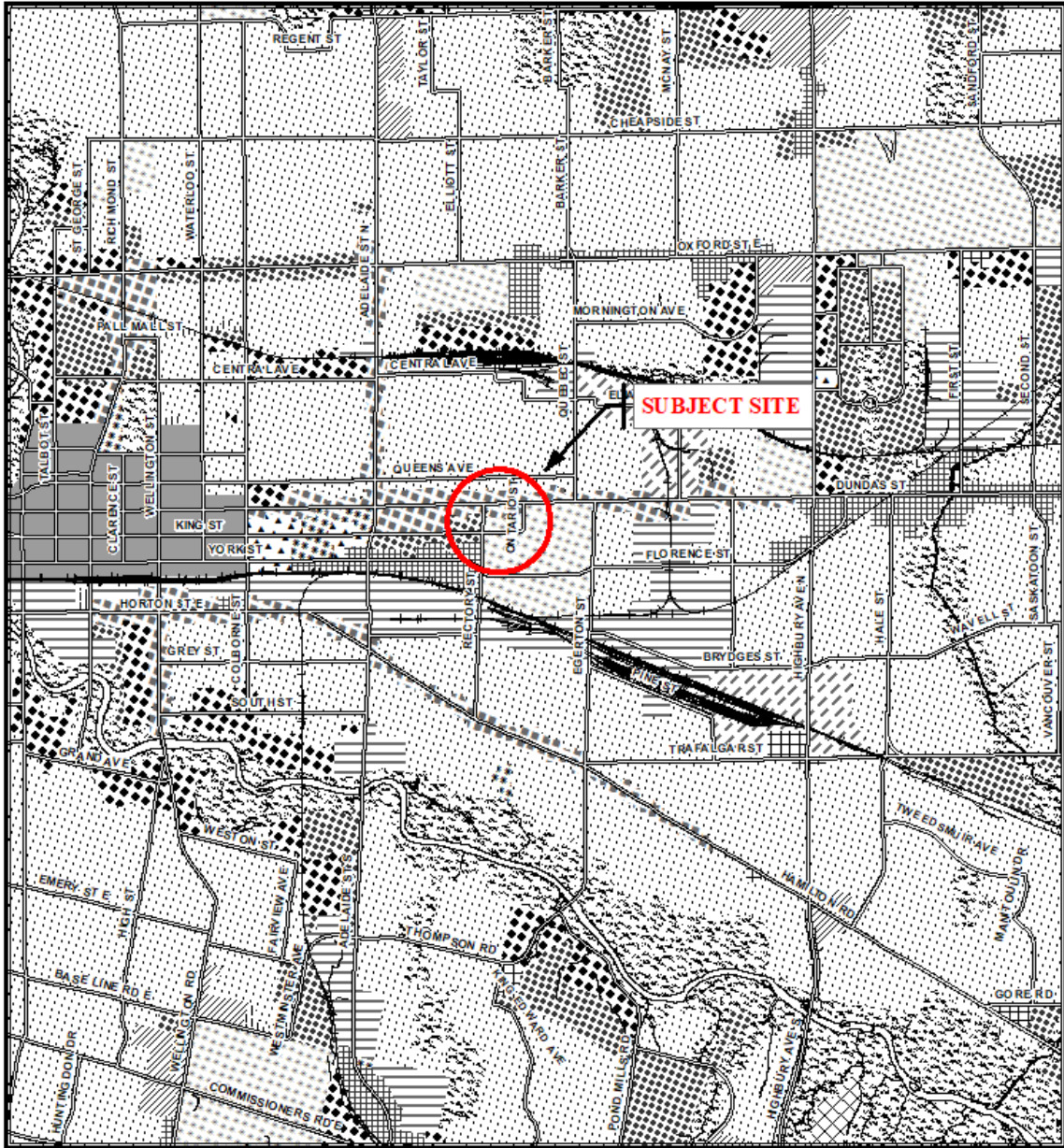
Site Plan Control Area By-law

Lane Maintenance Policy By-law A.-6168-43

Appendix C – Additional Information

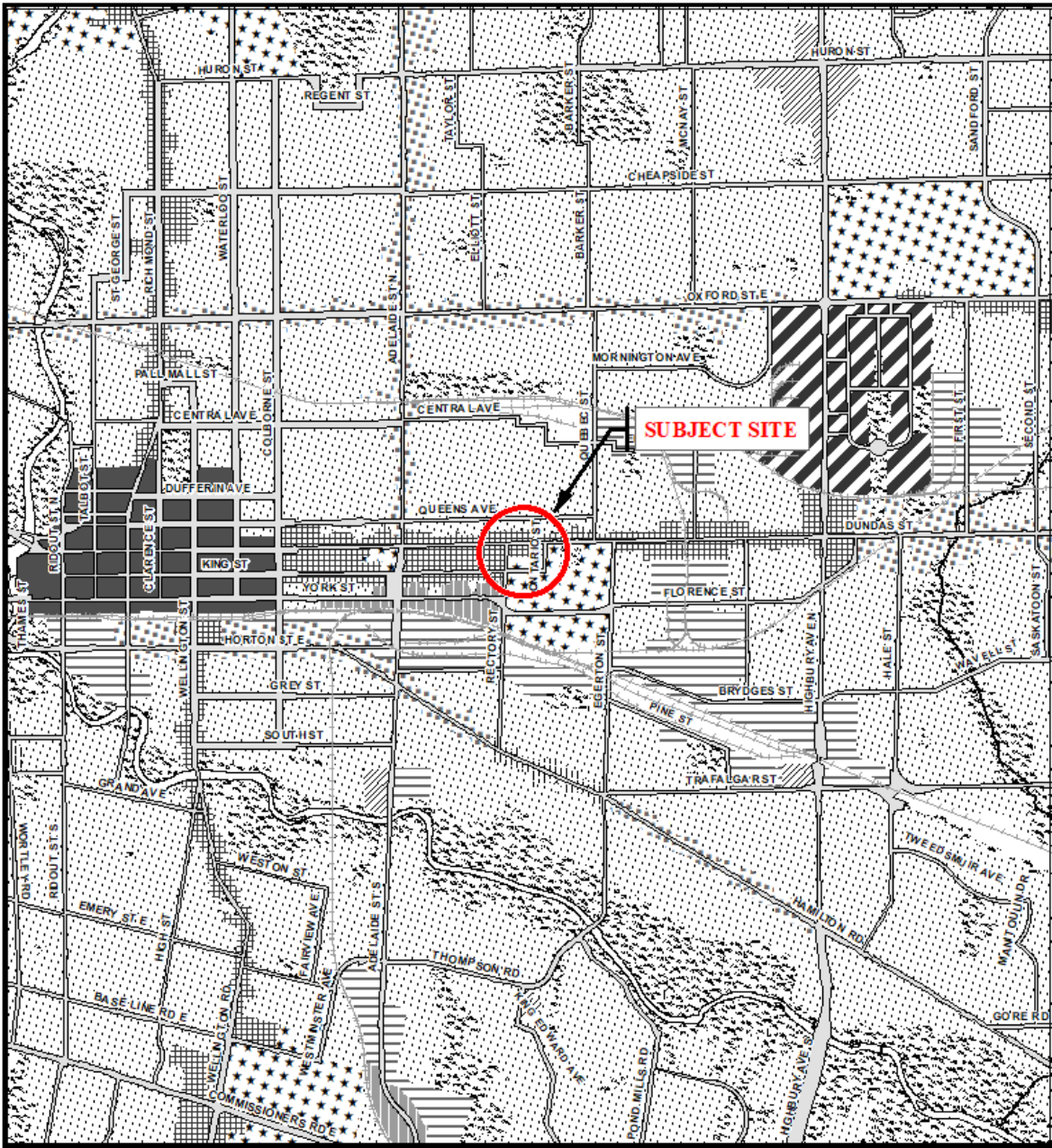
Additional Maps





<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8875</p> <p>PLANNER: SW</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/04/27</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid\excerpts\mxd_templates\scheduleA_b&w_6x14_with_SWAP.mxd



Legend

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

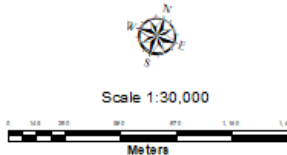
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON
Planning Services /
Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services



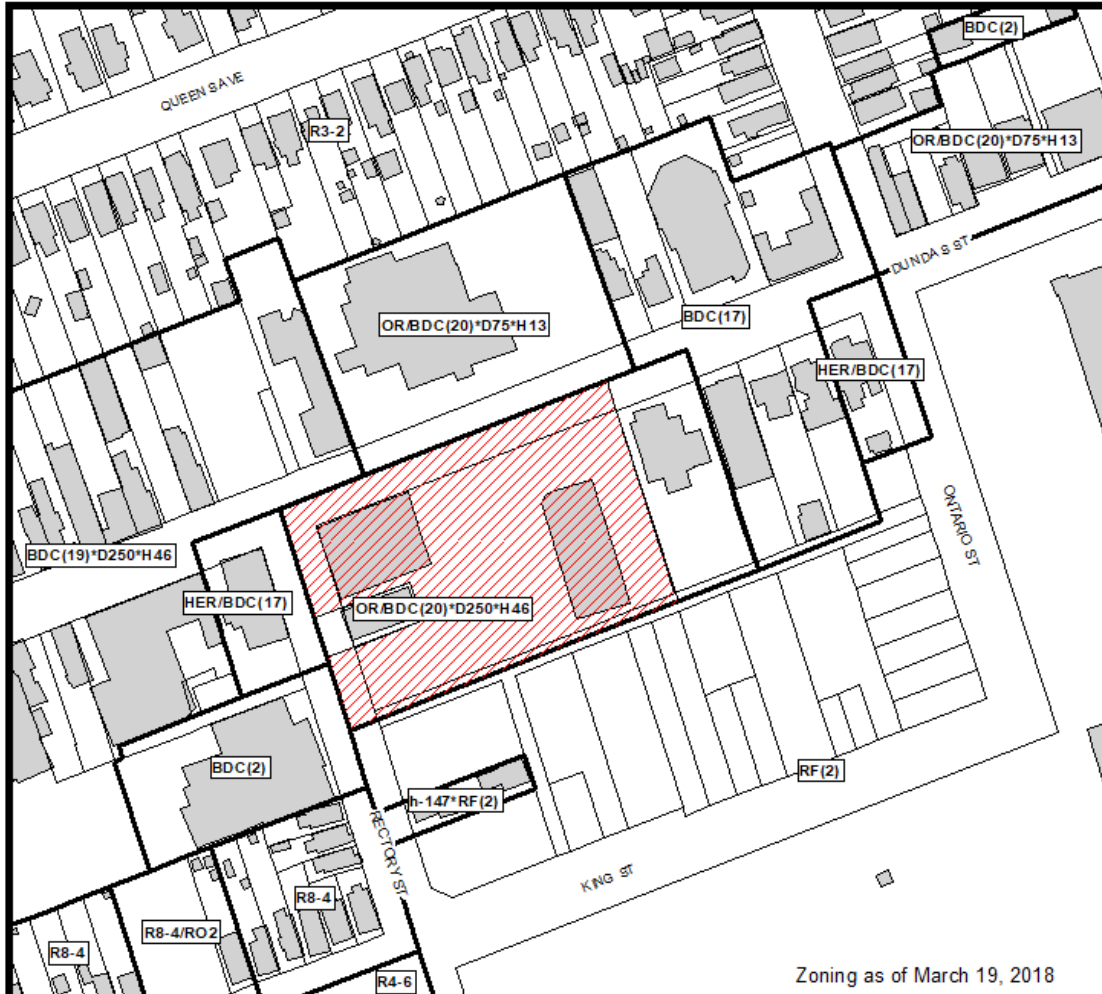
File Number: Z-8875


Planner: SW

Technician: MB

Date: April 27, 2018

Project Location: E:\Planning\Projects\lp_officialplan\work\consolid\00\excerpts_LondonPlan\EXCERPT_Map1_PlaceTypes_b&w_8x14.mxd



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OR/BDC(20)*D250*H46**

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-8875

SW

MAP PREPARED:

2018/04/27

MB

1:2,000

0 10 20 40 60 80

Meters

Additional Reports

November 2004 - OZ-6749 - Old East Village Corridor Community Improvement Area (CIP), including Official Plan and Zoning By-law Amendments.

April 2008 - Expansion of the Old East Village Corridor Community Improvement Plan.

Z-7519 – Planning and Environment Committee – June 15, 2008

PUBLIC PARTICIPATION MEETING COMMENTS

3.5 PUBLIC PARTICIPATION MEETING – 809 Dundas Street (Z-8875)

- Harry Froussios, Zelinka Priamo Ltd., Planning Consultants and Agents for Paramount Development Inc. – advising that he is here to bring the Planning and Environment Committee up to speed on where they are with the application at this point in time and where they go from this point on; advising that they have a brief presentation prepared and he will not take up too much of the Planning and Environment Committee's time, Ms. S. Wise, Planner II, has given the Planning and Environment Committee a lot of the background, he is just going to add a few things and then they are going to have Mr. John Nicholson and Mr. Jim Sheffield go through a little more detail in terms of the proposed development; stating that the Planning and Environment Committee might know some of these businesses such as Paramount Print, Painting and Decorating, Carter's Printing, which is actually on the subject lands and East Park Golf Gardens; advising that they have been able to incorporate a lot of the public comments into what is before the Planning and Environment Committee today; noting that it is an ongoing process, there are still things that they are looking at in terms of tweaking the design, adding certain elements through the comments that they received and they look forward to working with those groups as they move forward; indicating that the two above-ground parking levels will not be visible to the public; indicating that the proposed design has had regard for and respects the character of existing buildings, such as Aeolian Hall, in this area; noting that the Dundas Street wall will be extended across the subject lands in a manner that is reminiscent of and will enhance the historical streetscape of Dundas; advising that the proposed scale and form of the development is in keeping with other recently approved and constructed high density residential developments, for example, the Medallion which was brought up on the slides; however, this proposed development will also incorporate the commercial uses on the main floor which is important to revitalize the Old East Village area; the bonusable features that are attributable to the bonus development will provide an overall benefit to the community, those are things that are still being discussed with staff and we anticipate that the bonusable elements will be discussed and agreed to very shortly. (See attached presentation.)
- John Nicholson, Nicholson Sheffield Architects Inc. – providing a quick summary; reiterating that Ms. S. Wise, Planner II, has done a wonderful job laying this out for the Planning and Environment Committee; indicating that the site, which is indicated in red, with the Medallion project currently built and extended in turquoise, a future development site indicated in yellow; showing the site more fully developed with the rendered site conditions; showing the site slightly tweaked from the version that Ms. S. Wise, Planner II, was presented with showing a greater setback at the top of the penthouse level on one tower to the north and the other tower to the south; showing a slight change from the image presented by Ms. S. Wise, Planner II; indicating that they have grown the corner plaza from the corner in response to some comments from members of the public to allow more things to unfold opposite Aeolian Hall so it spreads that open corner along; indicating that you will notice that they have spent a lot of time developing the texture and materiality of the three lower floors, completely in line with the guidelines in question and the towers take on a slightly different texture but they do relate to each other upstairs and down through massing and materials; showing an image of the towers and the three Medallion towers nearby; noting that the one on the right just finished; showing a view of Rectory Street, showing the parking garage, this is projected, the parking garage is to the right and then there is the recording studio, the three storey element on the corner, Aeolian Hall on the left behind the trees and the tower is tucked in behind on the right hand side; showing a picture going the wrong way on King Street but it gives you a feel of the relative height of the towers and you can see the stepping aspect that they have chatted about at the penthouse level itself; showing a different view of the towers and penthouses with the open space of the Western Fair behind and Medallion and beyond; showing the main entrance, as described before, is off the lane, they do have a main drop off, a main entrance that goes to the centre of the two towers off of Dundas Street for obvious connectivity; advising that they were encouraged to access off the lane by staff so they have all of the access to the parking below that level; advising that if the Planning and Environment Committee wants to go into more detail on this they can, but they have been asked to provide a series of solar impact studies, the building across the street and then some, the sight across the street and then if you go to the next intersection, you will see a number of solar reflectors on the roof on the corner of Ontario Street and Dundas Street

and they were asked specifically by that owner to take a look at the impact of the shadow on that site which they have done; indicating that this has really allowed them to evaluate this and there is an impact, there is no question, but this is not a significant impact beyond the twelve storeys which is allowed as a right; showing the impact of about one month's difference, depending on the weather and the sunlight; reiterating that it is approximately one month difference of shade and shadow; advising that his diagram is available for further analysis.

- Jacqueline Thompson, Executive Director, LIFE*SPIN, 866 Dundas Street – advising that many but not all of you know, LIFE*SPIN is an independent social agency offering services that make life better for more than five thousand individuals and families in London each year; indicating that they have made a written submission which is in the package and there is no need for her to recite it all here so the Committee can have a look there; however, there are two key points that they wanted to reinforce; advising that the first is affordable housing, through our contact with the disadvantaged, LIFE*SPIN is kept acutely conscious of London's affordable housing deficit; stating that, for too many Londoners, paying market rents comes at a cost of grocery budgets, denies many priced opportunities for children and more; too many people are thrown back on such expedients as couch surfing; LIFE*SPIN urges the Planning and Environment Committee to make the inclusion of affordable units a requirement for all major residential developments as per the bonusing provision as set out in the Official Plan that refers to support the provision of affordable housing; if this rezoning is granted, the 809 Dundas Street development, is a place to start, between bonusing and any injection of public money that provides support to that is appropriate there is no good reason that a number of affordable units could not be included in the four hundred eighty units proposed there; referring to the London Plan, the Main Street Developments, talk about it being a maximum of twelve storeys giving it up to sixteen with bonusing, not twenty-seven, sixteen; asking the Planning and Environment Committee to look at that and the justification report on the public benefits to the community because they are missing the affordable housing and that is critical in this neighbourhood; it is also high time, they believe that Council get a comprehensive report from the Affordable Housing Corporation, the City's Affordable Housing Corporation, accounting for how our affordable housing reserve fund is being applied to create new affordable housing in our city; the second issue that was addressed briefly was the shadowing; stating that, in order to create a sustainable revenue source for LIFE*SPIN, who is not publicly funded, they had solar panels installed on the roof of the building four years ago; advising that the financial return to date has been more than \$27,000 to say nothing of the green equivalent energy such as taking one hundred ninety-eight vehicles off the streets or the planting of eight hundred and fifty-one trees; the hour by hour shadowing study that they have been able to consult shows that their solar panels located about half a block from 809 Dundas Street will be shaded for part of the afternoons from October to March reducing their annual income from the solar panels by about thirteen percent; stating that that loss of revenue is manageable but they do regret the diversion of every single dollar from direct services to the people who look to them for help; acknowledging the assistance that they have received in this matter from the Old East Village Business Improvement Area, the City of London Planning department as well as the frank and courteous hearing extended to them by Paramount Developments; advising that the Planning and Environment Committee would have received correspondence from the Old East Village Community Association in support of their submission to the Committee that inclusionary zoning, as noted in the Ontario Regulation 232.13 is important for the residents in this neighbourhood.
- Mohamed Moussa, 155 Thornton Avenue – advising that he remembers this place when it was an A&P grocery store; indicating that he spent the first seven years of his life living half a block away from here and the Saturday afternoon grocery trips with his mother; stating that, long ago, the A&P closed and there is not a time that he does not drive by that he looks at this and thinks to himself what can we make of better use of this and why has it not happened; expressing that he is very glad to see this proposal here and fully supports it; realizing that both Committee and Council cannot mandate that affordable housing be part of it, hoping that this will be one of the first in London that does do that.
- Jen Pastorius, Manager, Old East Village Business Improvement Area – (See attached presentation.)
- Gary Brown, 35A – 59 Ridout Street South – advising that he was out at this site on his bike a little while ago and he has been thinking a lot about this because it is precedent setting, do not think that it is not; the Committee gets to decide; stating that one of the things that this city has been criticized the most for by outside architectural experts is the

building of thumbs; just building buildings that are not surrounded by other tall buildings, they stick out, they look terrible and they really do; advising that this is another thumb but maybe it is the beginning; noting that he does not know; indicating that the developer is getting rid of one of his favourite coffee stores, that is beside the point; advising that he has known Clarke for a long time and it is next to an extremely important historical building; indicating that he has wrestled in his mind and it is not his neighbourhood so he does not get to decide, but he has wrestled in his neighbourhood, does the good far outweigh the potential bad because, to him, Dundas Street especially in the Old East Village, as a cyclist, as a pedestrian, it is human scale everything is down low, you walk down the street you feel like you belong there, you feel like you are home and this is the start of something different, this is a very tall building right on the street; advising that the Medallion properties are backed off the street; noting that he thinks that is a good idea personally; wishing that inclusionary zoning and everything was a part of their life now and maybe this is the beginning of that but it is up to the Planning and Environment Committee and the Planning department as this is setting a precedent as the first tall building on that area in this part of the city, it is going to stick out like a sore thumb for a little while but if you want it to be the start of something new than he can kind of understand that; noting that these are the things that he wrestles back and forth in his mind; realizing that it is very different from Old South, they have accorded this to Wortley Village but they have opposed tall buildings amongst other tall buildings, generally we consider that to be good design; indicating that this will be on its own so it is either the beginning of something new or they have built another thumb in the middle of nowhere in our city and we will know this for the next one hundred years; indicating that these are his thoughts of going forward, has no opinion of yes, no or good idea, bad idea; wishing there was a track record of this particular developer so that he could say "Oh, look what they have done, that is fantastic"; he does not believe that there is with tall buildings here, it is the first time, it is a leap of faith for everybody, it could be a good thing, it could be a bad thing, it all depends; wishing we would get the street interaction part of it designed well as we have tried extremely hard, he knows that we have not got it yet, almost every tall building that we have built feels very sterile when you walk by with the street interaction and he thinks that it is even more important that this particular design really get done right in the Old East Village because to him that is part of the charm is it being a human scale environment.

809 DUNDAS STREET PROPOSED MIXED-USE DEVELOPMENT

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



The Developer – Paramount Developments (London) Inc.

- Developer is London based with significant ties to the Community, and has a strong interest in the revitalization of Old East Village
- Comprised of a group of individuals with diverse backgrounds in land holdings, development, and business operations.
- Very active participant in ongoing discussions with City Staff, Old East Village BIA, and the public

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



City Staff/Public Consultation

- Extensive meetings with City Staff and Old East Village BIA over a period of 12 months to discuss proposal and design of building prior to formal submission in January 2018
- Public Open Houses held on March 23, 2017 (pre-application submission) and March 29, 2018 (post-application submission)
- Current submission is a product of ongoing discussions with City Staff, Old East Village BIA, and members of the public.

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



Proposed Development

Mixed Use development consists of:

- Two, 24-storey residential towers on a 3-storey podium
- 480 residential units comprised of a mix of 1 and 2 bedroom units, and penthouse units
- 1,845 m2 (20,000 ft2) of commercial space on ground floor of podium
- 332 parking spaces provided in one underground and two above ground parking levels
- Direct access provided from rear shared access lane that extends between Rectory and Ontario Streets

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Paramount Development Inc.



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SHEFFIELD
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INC.

Paramount Development Inc.





STREET VIEW (DUNDAS STREET)

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



STREET VIEW (DUNDAS STREET)

NICHOLSON
SHEFFIELD
ARCHITECTS
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Paramount Development Inc.



STREET VIEW (DUNDAS STREET & LYLE STREET)

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

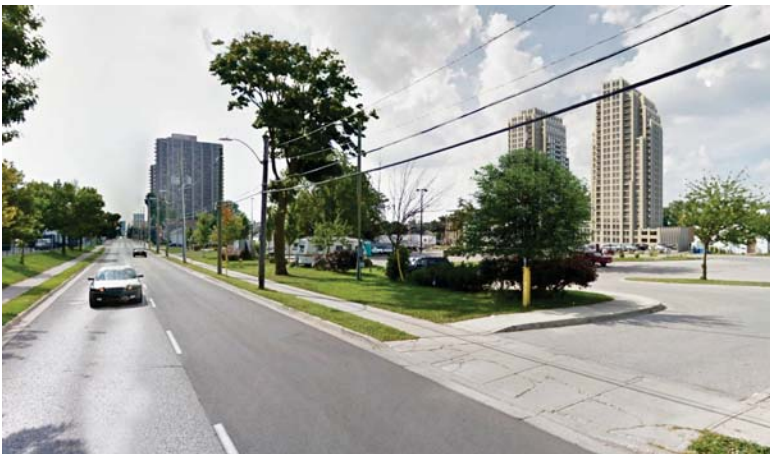
Paramount Development Inc.



STREET VIEW (RECTORY STREET)

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

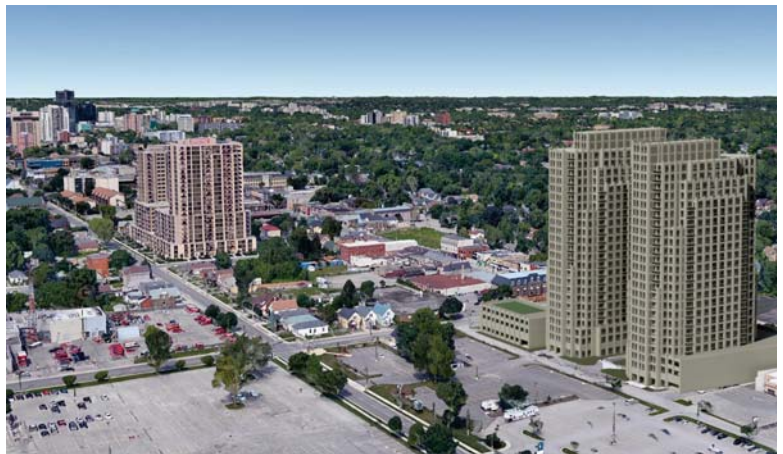
Paramount Development Inc.



STREET VIEW (KING STREET)

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3D VIEW (KING STREET)

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INC.

Paramount Development Inc.





3D VIEW (DUNDAS STREET)

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ARCHITECTS
INC.

Paramount Development Inc.



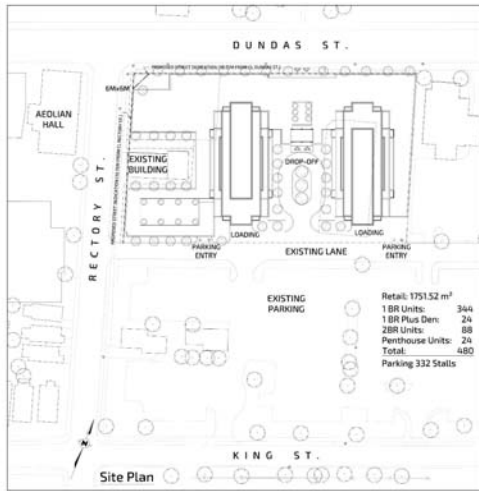
3D VIEW (DUNDAS STREET)

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Paramount Development Inc.



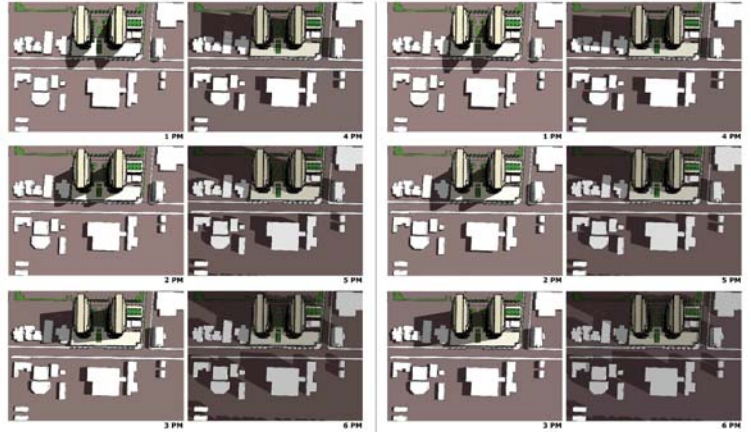
SITE DATA	
Address No.	1000 - 1010, 1015, 1020
Address No.	1015, 1020, 1025, 1030
City	Windsor, Ontario
County	Essex
Zone	Residential Medium Density (RMD)
Site Area	1.15 Ha (28.5 Acre)
Proposed Area	1.15 Ha (28.5 Acre)
Proposed Density	1751.52 m ² / 344 Units
Proposed Height	18.0 m (59.0 ft)
Proposed Parking	332 Stalls
Proposed Retail	1751.52 m ²
Proposed 1 BR Units	344
Proposed 1 BR Plus Den Units	24
Proposed 2 BR Units	88
Proposed Penthouse Units	24
Proposed Total	480
Proposed Parking	332 Stalls
Proposed Retail	1751.52 m ²
Proposed 1 BR Units	344
Proposed 1 BR Plus Den Units	24
Proposed 2 BR Units	88
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Proposed Penthouse Units	24
Proposed Total	480
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Site Plan

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INC.

Paramount Development Inc.

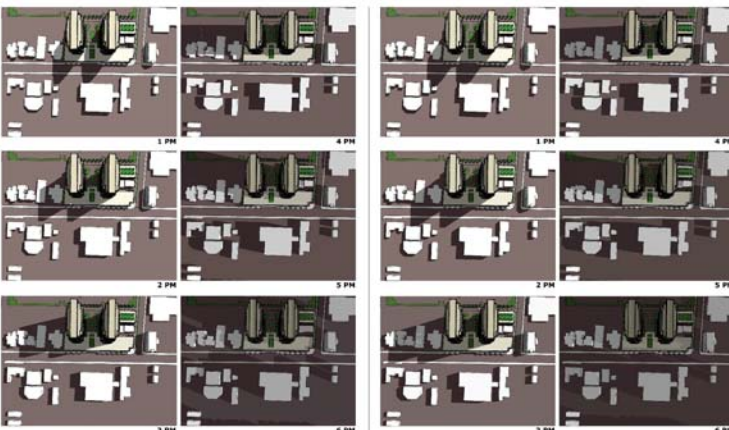


AUGUST 1ST (1PM - 6PM)

AUGUST 15TH (1PM - 6PM)

NICHOLSON
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ARCHITECTS
INC.

Paramount Development Inc.

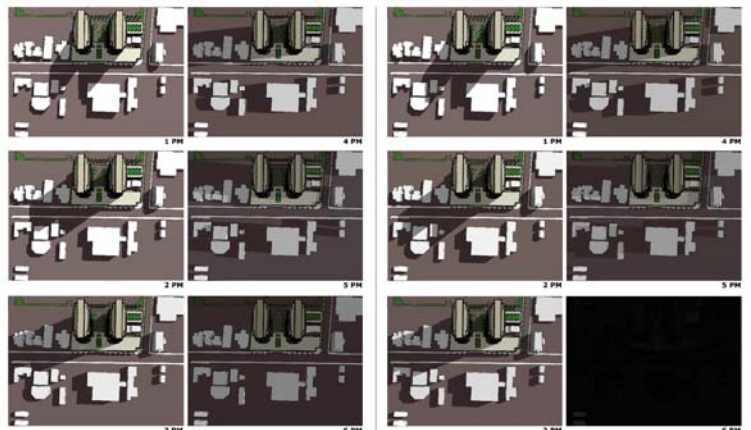


SEPTEMBER 1ST (1PM - 6PM)

SEPTEMBER 15TH (1PM - 6PM)

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SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



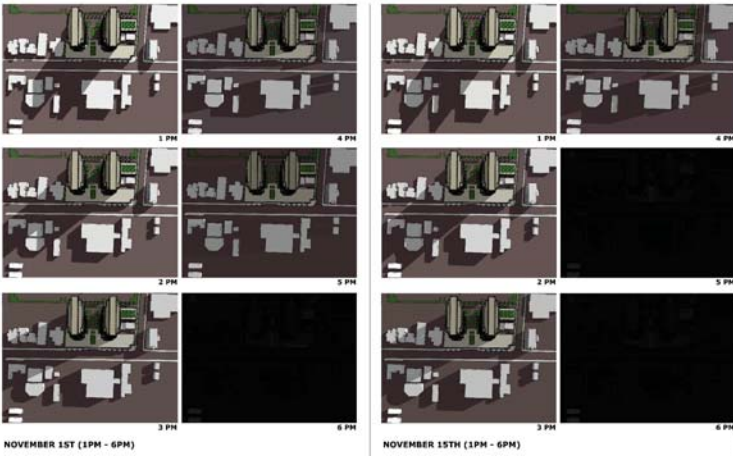
OCTOBER 1ST (1PM - 6PM)

OCTOBER 15TH (1PM - 6PM)

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ARCHITECTS
INC.

Paramount Development Inc.



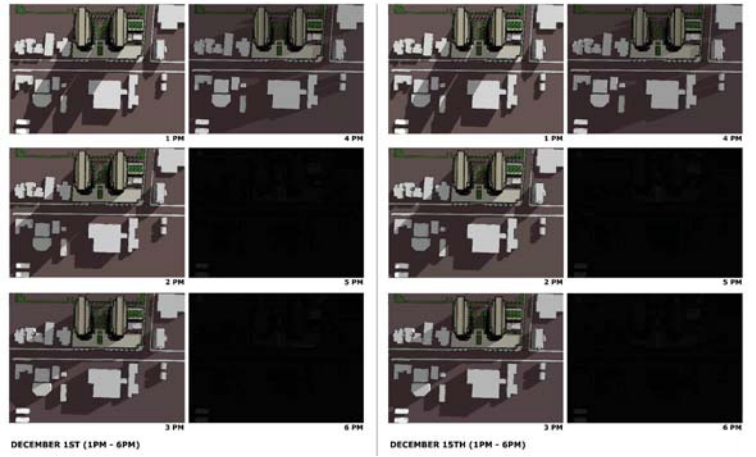


NOVEMBER 1ST (1PM - 6PM)

NOVEMBER 15TH (1PM - 6PM)

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SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.

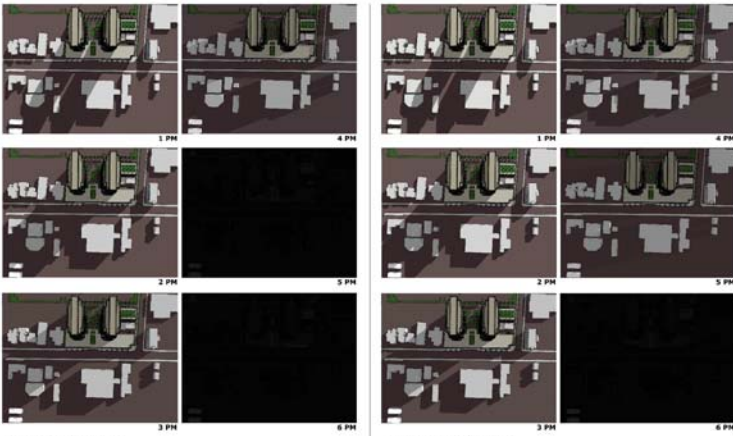


DECEMBER 1ST (1PM - 6PM)

DECEMBER 15TH (1PM - 6PM)

NICHOLSON
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ARCHITECTS
INC.

Paramount Development Inc.

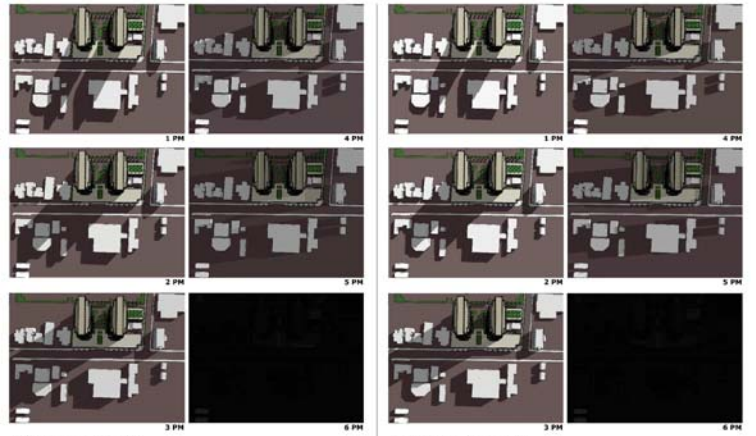


JANUARY 1ST (1PM - 6PM)

JANUARY 15TH (1PM - 6PM)

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.

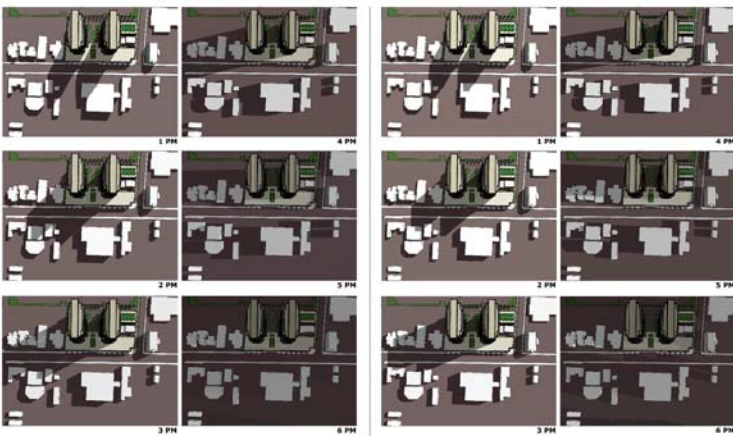


FEBRUARY 1ST (1PM - 6PM)

FEBRUARY 15TH (1PM - 6PM)

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ARCHITECTS
INC.

Paramount Development Inc.

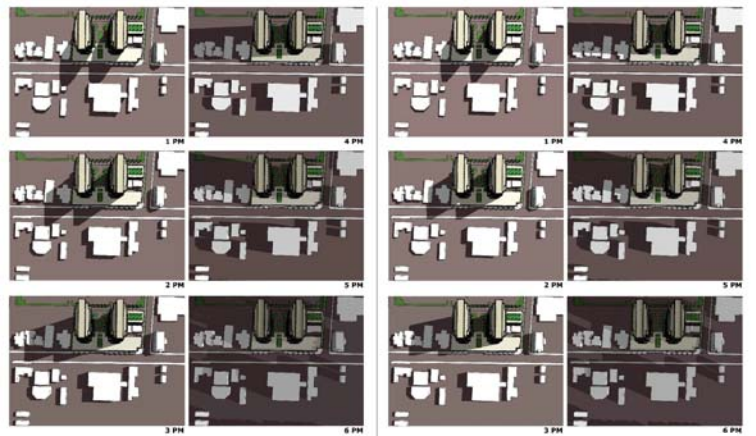


MARCH 1ST (1PM - 6PM)

MARCH 15TH (1PM - 6PM)

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



APRIL 1ST (1PM - 6PM)

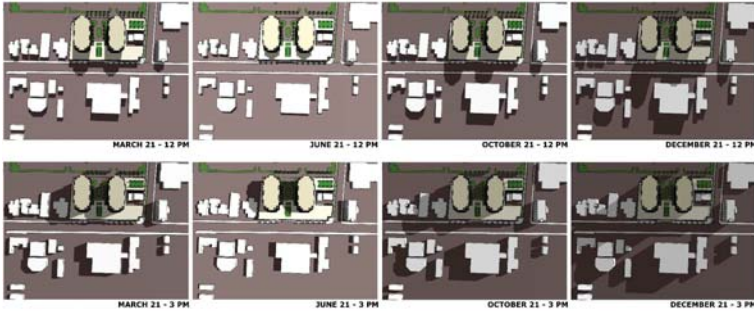
APRIL 15TH (1PM - 6PM)

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



12 STOREY SHADOW STUDY



NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



Benefits of Proposed Development

- The proposed development represents a significant revitalization project within the Old East Village; potential to be a catalyst for additional development and revitalization of the Old East Village Community.
- Provides a desired and preferred form of housing with modern facilities designed to high architectural standards that will contain a range of amenities and commercial uses typical of contemporary mixed-use buildings.
- All parking facilities are contained within underground / structured parking; carefully designed to be out of view from the public realm.
- The proposed development is located proximate to a wide range of services, amenities, commercial establishments, and will make extensive use of existing and planned public transit, including the future planned BRT line.

Benefits of Proposed Development (continue)

- Proposed design has had regard for, and respects, the character of existing buildings of importance (i.e. Aeolian Hall) in the area.
- The scale and built form of the proposed development is in keeping with other recently approved and constructed high-density residential apartment buildings in the area. However, the proposed development also includes a significant amount of commercial floor area.
- Bonusable features attributable to the proposed development will provide an overall benefit to the Community.

NICHOLSON
SHEFFIELD
ARCHITECTS
INC.

Paramount Development Inc.



Re: 809 Dundas Street Proposed Development Public Participation Meeting

Thank you for providing the opportunity to speak to this project. The Old East Village BIA has been involved since very early on. Paramount Developments reached out to us at the beginning stages of their project and as a result we hosted two community consultations in the Old East Village which was attended by both City of London staff and the project developers, provided the business and residential community with the opportunity to review the renderings and provide comment and area context.

At the first opportunity for feedback in March 2017, the thematic analysis showed majority of the comments focused on the design of the façade, the portion of the building on Rectory and the podium between the two towers.

At the following meeting in March 2018, as Harry, the project planner has also stated, the comments submitted at the first community consultation regarding those specific design elements had been noted and utilized in the new renderings. This was a clear sign that developers were listening and integrating local feedback into the project.

At that meeting further input was gathered, which also has been thematically analyzed and attached to tonight's Planning Report. So I will not go through the specifics as they are on record.

Subsequent to the most recent March meeting the BIA has been pleased to organize and attend additional meetings with City Staff and area property/business owners who have further and more specific questions, and moving forward I would happily do the same for any property owner who would like to discuss specific elements of the development as it relates to them.

I understand that there will be another Public Participation meeting further into this process, the BIA looks forward to working with Paramount Developments, City of London and area businesses to further inform this project in Old East Village.

Comments provided at June 18, 2018 Planning and Environment Committee.

By: Jen Pastorius, Manager of the Old East Village BIA.

June 14, 2018

City of London
300 Dufferin Avenue
London, ON
N6B 1Z2

Mayor Brown and Councillors:

Re. Impact of Requested Zoning Change at 809 Dundas Street “Z-8875”

LIFE*SPIN wishes to draw two matters to your attention as you consider the request for a change in zoning at 809 Dundas Street. These are:

- affordable housing; and
- the shadow that would be cast by the towers proposed for this property.

Should the question arise, let it be on the record that LIFE*SPIN favours appropriate intensification, for all the well-known reasons – notably to limit infrastructure costs and the loss of productive agricultural land. By “appropriate intensification,” we mean intensification that is balanced against other values.

LIFE*SPIN’S INTERESTS

Celebrating its 25th anniversary this year, LIFE*SPIN is an independent social agency that offers a range of free services to more than 5,000 low-income individuals and families, helping them improve their quality of life and move towards self-sufficiency.

Excepting summer student employment, LIFE*SPIN operates without tax dollars. Our services are funded by donations, rents from commercial and residential tenants in our heritage building on the northeast corner of Dundas and Ontario Streets, income from solar panels on the roof of this building, and a handful of miscellaneous sources.

Of particular relevance to this request for rezoning and the towers proposed at 809 Dundas Street are:

- the opportunity to add to London’s stock of affordable housing; and
- the shadowing of our rooftop solar panels, our only guaranteed source of income.

AFFORDABLE HOUSING

Through its routine contacts with disadvantaged persons, LIFE*SPIN is kept acutely aware of London’s deficit in affordable housing. For too many Londoners, paying market rent cuts into grocery budgets, denies many priced opportunities to children, and more. Too many people are thrown back on catch-as-catch-can expedients like “couch-surfing.”

We at LIFE*SPIN are proud of the contribution we make to filling the affordable housing gap. About half the space in our building is accounted for by ten well-maintained apartments for which we charge below-market rents. But this is obviously a long way from meeting London's overall needs.

The residential towers proposed for 809 Dundas offer an opportunity to reduce London's affordable-housing deficit. LIFE*SPIN, therefore, urges Council to:

- make the inclusion of some affordable units an element in "bonusing" this proposed development; and
- bring forward policy to implement an inclusionary zoning bylaw as permitted by Regulation 232/18 under the Ontario Planning Act, and to do so quickly enough that it can be applied to this development.

We also take this occasion to urge Council to:

- restore to the 2018 budget funds diverted from the Ontario Renovates and Home Ownership programs; and
- order a comprehensive report from its Housing Development Corporation, accounting for how the Affordable Housing Reserve Fund is being applied to create new affordable housing.

Further, as a matter of public policy, LIFE*SPIN believes that affordable units should be mixed in among market-rent units, not isolated in affordable-only buildings or zones within a building. Mixing can give low-income families valuable role-modelling that encourages movement towards self-sufficiency, particularly helpful to children.

Between bonusing and any injection of public money that proves appropriate, there is no good reason that a number of affordable units could not be included among the 480 units proposed for 809 Dundas Street.

SHADOWING

The towers proposed for 809 Dundas Street would stand 82 metres high (an increase of fully 78% over the 46 metres allowed by the present zoning) while the number of storeys proposed is 27 (an increase of 80% from 15).

With our building just a half-block away, the shadow cast by the towers would have a measurable impact on our solar panels.

LIFE*SPIN had these panels installed across the whole roof of its building with a view to establishing a new, sustainable revenue stream. It is, indeed, our only guaranteed source of funds.

(I cannot resist noting that getting this done offers, a good illustration of the LIFE*SPIN way. It was accomplished through partnerships with the Western University Career Centre, which managed the project, unpaid work by engineering and business students and professionals, and hundreds upon hundreds of hours of volunteer research and labour.)

In the four years since they were installed, the solar panels have generated 49.72 Mwh of energy, the equivalent of taking 198 vehicles off the roads or planting 851 trees. They

have also generated income of more than \$27,000 for LIFE*SPIN.

The hour-by-hour shadowing study we have been able to consult, thanks to the Planning Department, shows that the towers as proposed would shade our solar panels part of the afternoons from October to March, reducing the annual return by 13%.

Amounting to \$832, the loss of revenue may, on the face of it, seem trifling. But it equals more than 15% of our annual telephone bill, and we do regret every diversion of dollars from direct service to clients.

ACKNOWLEDGMENTS

Before closing, LIFE*SPIN wishes to acknowledge the assistance it has received in this matter from Jen Pastorius of the Old East Village Business Improvement Area and from the City of London Planning Department as well as the frank and courteous hearing extended to us by Paramount Development (London) Inc., the developers.

We also thank the Planning and Environment Committee for this opportunity to express our concerns.

Respectfully submitted,

Jacqueline Thompson
Executive Director of LIFE*SPIN

cc Sonia Wise, Planning Services
Jen Pastorius, OEV BIA

Report to Planning and Environment Committee

**To: Chair and Members
Planning & Environment Committee**

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

**Subject: Application By: Thames Village Joint Venture Corporation
1738, 1742, 1752 and 1756 Hamilton Road**

Public Participation Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Thames Village Joint Venture Corporation relating to the properties located at 1738, 1742, 1752 and 1756 Hamilton Road:

- (a) the proposed by-law attached hereto as Appendix "A-1" BE INTRODUCED at the Municipal Council meeting on June 26, 2018 to amend the Official Plan to delete the "Secondary Collector" road classification on Schedule 'C' – Transportation Corridors map;
- (b) the proposed by-law attached hereto as Appendix "A-2" BE INTRODUCED at the Municipal Council meeting on June 26, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property FROM an Urban Reserve (UR4) Zone, a holding Urban Reserve (h-2•UR4) Zone, a Residential R1 (R1-14) Zone, an Environmental Review (ER) Zone, an Open Space (OS4) Zone, and a holding Open Space (h-2•OS4) Zone TO:
 - i) a holding Residential R1 Special Provision (h•h-100•R1-3(*)) Zone to permit single detached dwellings on lots with a minimum lot frontage of 10 metres and a minimum lot area of 300 square metres; together with a special provision for a maximum lot coverage of 45% for one (1) storey dwellings;
 - ii) a holding Residential R1 Special Provision (h•h-100•R1-3(**)) Zone with a special provision to permit the existing single detached dwelling with a minimum front yard depth of 1.5 metres;
 - iii) a holding Residential R4 Special Provision (h•h-100•R4-6()) Zone to permit street townhouse dwellings with a minimum lot area per unit of 145 square metres, together with a special provision for a minimum lot frontage of 7.0 metres, a minimum front and exterior side yard depth of 3.0 metres to a main building and 6.0 metres to a garage, and a minimum rear yard depth of 6.0 metres where access from the front yard to the rear yard of each unit is provided through the garage;
 - iv) a holding Residential R6 Special Provision (h•h-100•R6-5()) Zone to permit various forms of cluster housing including single detached, semi-detached, duplex, triplex, fourplex, townhouse, stacked townhouse, and apartment buildings up to a maximum density of 35 units per hectare and a maximum height of 12 metres; together with a special provision for a minimum interior side and rear yard depth of 5.0 metres, and to permit open or covered but unenclosed decks or porches not exceeding one storey in height to project into the required yard no closer than 2.0 metres to a lot line adjacent an Open Space (OS5) Zone; and,
 - v) an Open Space (OS5) Zone to permit such uses as conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways, and managed woodlots;

it being noted that the following holding provisions have also been applied:

- (h) - to ensure orderly development and adequate provision of municipal

services, the “h” symbol shall not be deleted until the required security is provided and that the conditions of draft plan approval will ensure the execution of a subdivision agreement prior to development;

- h-100 – 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;
- (c) the Planning and Environment Committee REPORT TO the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Subdivision of Thames Village Joint Venture Corporation relating to a properties located at 1738, 1742, 1752 and 1756 Hamilton Road;
- (d) Council SUPPORTS the Approval Authority issuing draft approval of the proposed plan of residential subdivision, submitted by Thames Village Joint Venture Corporation (File No. 39T-17502) (Project No. OVE DP), dated September 20, 2017, as red-line amended, which shows a draft plan of subdivision consisting of 69 single detached residential lots, 2 cluster housing blocks, 1 street townhouse block, 7 open space blocks, 1 road widening block, 2 reserve blocks, 2 temporary turning circles, and 3 local streets; SUBJECT TO the conditions contained in the attached Appendix "A-3"; and,
- (e) the Applicant BE ADVISED that Development Finance has summarized claims and revenues information as attached in Appendix “A-4”.

Executive Summary

Summary of Request

The applicant has requested approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments to facilitate the development of a residential subdivision consisting of low density single detached dwellings, cluster dwellings, street townhouse dwellings, open space lands, and public road access via local street connections to Hamilton Road.

Purpose and the Effect of Recommended Action

The purpose and effect is the creation of a residential plan of subdivision which will consist of

- 69 single detached dwelling lots, including retention of one existing home on its own lot;
- a 29 unit vacant land condominium;
- a street townhouse block with potential to yield approximately 20 to 25 residential units;
- over 12 hectares of open space lands incorporating ravines, stream corridors, and buffers; and
- three local streets with two access road connections to Hamilton Road.

Rationale of Recommended Action

The proposed Thames Village Joint Venture Corp. Draft Plan of Subdivision, Official Plan and Zoning By-law amendments are consistent with The London Plan, the City’s Official Plan, the Old Victoria Area Plan, and the Provincial Policy Statement. The recommended red-lined draft plan and conditions of draft approval will create a residential subdivision compatible with adjacent lands, provide good connectivity and opportunities for a multi-use trail system, and appropriate protection and enhancement of natural heritage resources. The recommended Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments represent good land use planning and an appropriate form of development.

Analysis

1.0 Site at a Glance

1.1 Property Description

The southwesterly half of the site is characterized by tableland consisting of open fields previously in agricultural use. The northeasterly half of the site is composed of steep, wooded ravines in which there are two watercourses tributary to the Thames River to the north. Residential uses existing on the property consist of a single detached dwelling fronting the east side of Hamilton Road (1738 Hamilton Road), and an existing dwelling at the back of the property located on tableland overlooking the Thames River and adjacent ravine (1742 Hamilton Road). Not far to the east is another home within the same area, but located on a separate parcel of land outside the proposed subdivision lands (municipal address 1746 Hamilton Road). Both residential properties share a private lane for access from Hamilton Road.

A strip of residential dwellings situated on approximately 30 metre (100 ft.) wide by 67 metre (220 ft.) deep lots has developed over time along the north side of Hamilton Road. This was partly the result of a subdivision plan (R.P. 747) registered many years ago when the area was within the Township of Westminster. Through that registered plan, Oriole Drive, Bobolink Lane, and Cardinal Lane were dedicated as public highways. Oriole Drive and Bobolink Lane will be utilized to provide the subdivision plan with public road access to Hamilton Road.

The proposed subdivision lands are traversed by an untravelled road allowance lying east of Hamilton Road between Concession 1 and Broken Front Concession 'B' (known as the "Base Line" road allowance). The process of legally closing the road allowance as a public highway has been approved by Municipal Council. The bulk of the road allowance will be retained by the City for open space purposes, except for a small portion which is to be sold to the adjacent property owner/developer in order to connect development lands lying on either side of the road allowance. These lands are also traversed by the Hydro One Networks transmission corridor easement. Adjustments to the draft plan have been made to ensure that future residential development does not encroach into the hydro corridor easement lands.

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

- Official Plan Designations – "Low Density Residential", "Multi-family, Medium Density Residential", and "Open Space"
- The London Plan Place Types – "Neighbourhoods" and "Green Space"
- Existing Zoning – Urban Reserve (UR4), holding Urban Reserve (h-2•UR4), Residential R1 (R1-14), Environmental Review (ER), Open Space (OS4), and holding Open Space (h-2•OS4)

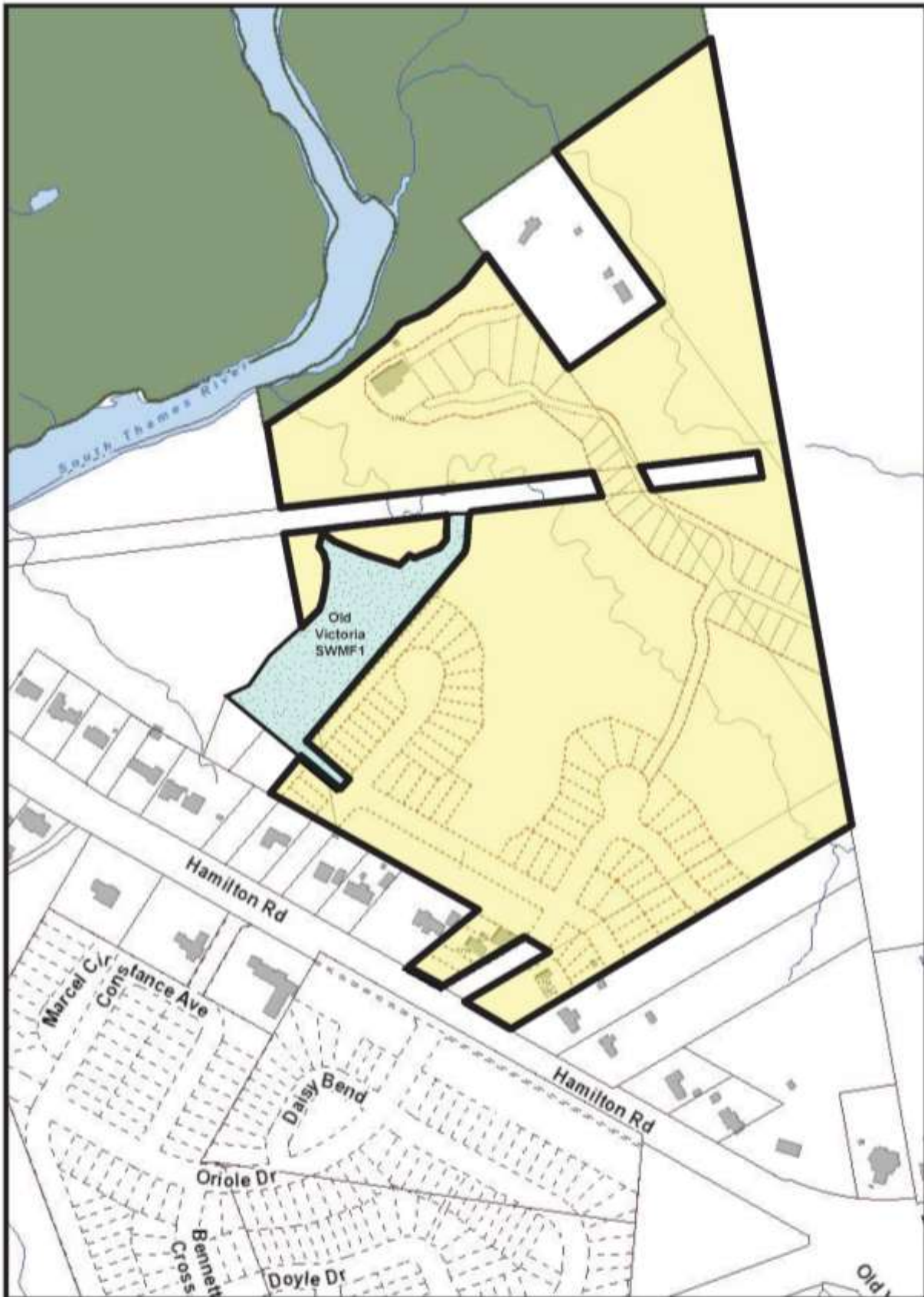
1.3 Site Characteristics

- Current Land Use – residential dwellings and vacant lands
- Frontage – 95 metres (312 ft.)
- Depth – varies from approx. 270 metres (886 ft.) to 600 metres (1,970 ft.)
- Area – approx. 19.4 hectares (48 acres)
- Shape – irregular

1.4 Surrounding Land Uses

- North – stormwater management facility, Thames River and open space
- East – agriculture
- South – low density residential
- West – low density residential

1.5 Location Map



Location Map		Legend	
Subject Property:	1738, 1742, 1752 & 1756 Hamilton Rd		Subject Property
Applicant:	Thames Village Joint Venture Corp.		Parks
File Number:	39T-17502 / OZ-8147		Assessment Parcels
Created By:	Rob Carnegie		Buildings
Date:	5/25/2018		Address Numbers
Scale:	1:4000		Stormwater Management Facility
Corporation of the City of London			

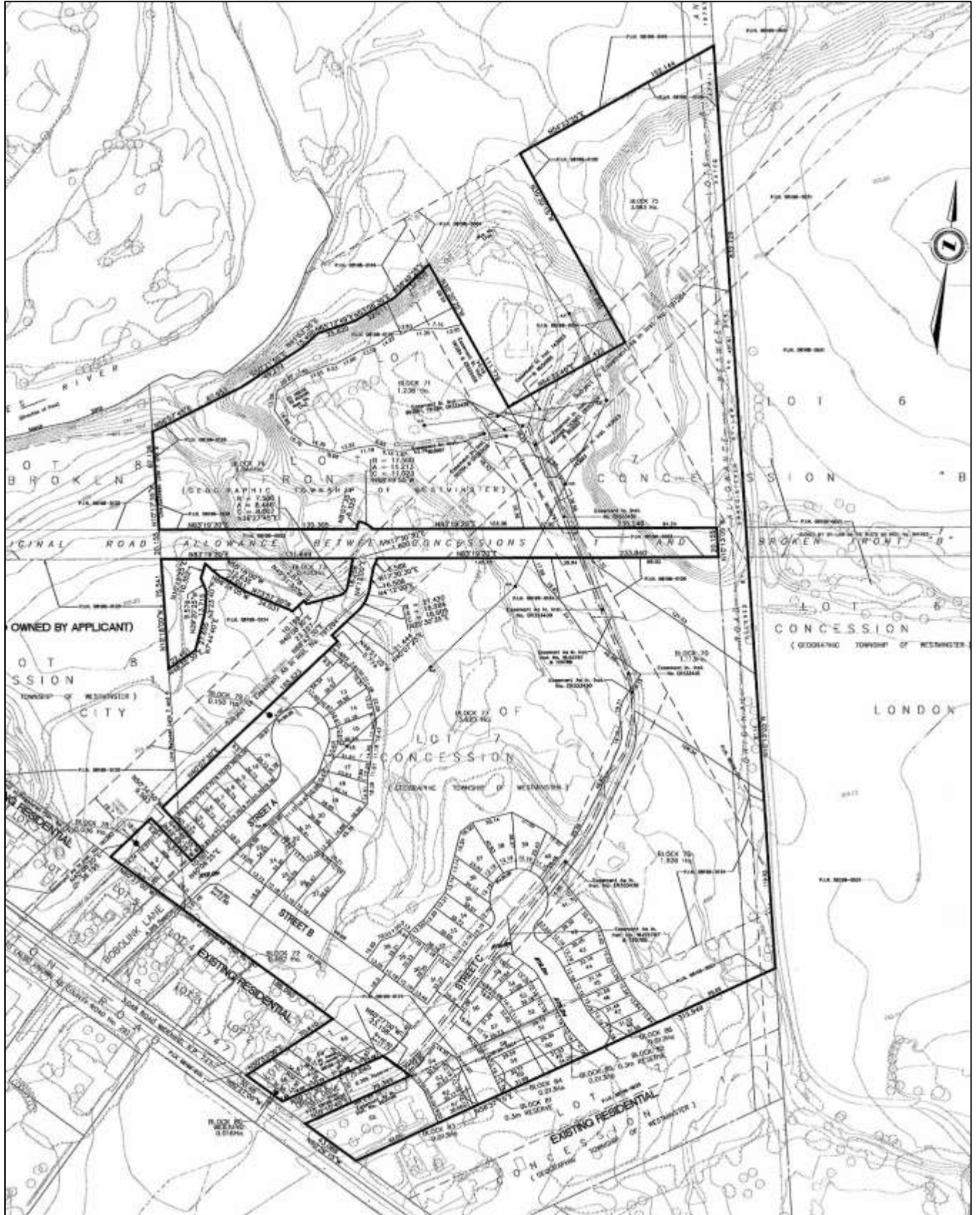
2.0 Description of Proposal

2.1 Development Proposal

The proposed draft plan of subdivision will consist of 69 single detached dwelling lots, including the retention of one existing home on its own lot; a 29 unit vacant land condominium; a street townhouse block with potential yield of approximately 20 to 25 units; over 12 hectares of open space lands including the ravines, stream corridors, buffers, and a narrow strip of land within the hydro corridor between the proposed subdivision and the Old Victoria SWMF1; and three local streets with two access road connections to Hamilton Road.



2.2 Development Proposal - Enlargement



3.0 Revealant Background

3.1 Planning History

The subject lands were included within the Urban Growth Boundary and designated Urban Reserve - Community Growth through the "Vision London" planning process, which was implemented through the adoption of Official Plan Amendment No. 88 in 1996. The Planning Area was originally identified as "Summerside East" but later changed to become known as "Old Victoria" based on the proximity of Old Victoria Road.

The Old Victoria Area Planning Study was initiated in December 2005. The Area Plan was subsequently brought forward for consideration and recommended for approval at a Public Participation Meeting of Planning Committee on September 24th, 2007. At its meeting on October 1, 2007, London City Council adopted the Old Victoria Area Plan pursuant to Section 19.2.1. of the Official Plan, as a guideline document for the review of planning applications, and the development of public facilities and services within the Old Victoria Community.

City Council also adopted Official Plan Amendment No. 427, which confirmed land use designations, road alignments and environmental features on Map Schedules "A", "B" and "C" of the Official Plan. In addition to mapping modifications, OPA 427 also included the adoption of area specific policies in Section 3.5.18 of the Official Plan (later carried over into "*The London Plan*" under Specific Policies for Neighbourhood Place Types Policies 1000 to 1011) to provide further guidance with respect to the form of development, public infrastructure facilities and environmental protection measures to be supported within the planning area.

A parallel Municipal Class Environmental Assessment for Stormwater Management was carried out for the Old Victoria Planning Area, concurrent with the preparation of the Area Plan, to determine the appropriate facilities required to address stormwater flows. The SWM strategy provided for the creation of two off-line wet ponds to service future development lands within the area. The first pond located north of the Victoria on the River subdivision is completed and operational. The pond serves the post development catchment area for much of the westerly portion of the Old Victoria Planning Area. The second SWM pond located on the east side of Hamilton Road, immediately adjacent the Thames Village Joint Venture proposed subdivision, serves the easterly portion of the planning area is now complete and operational.

3.2 Requested Amendment

Draft Plan of Subdivision – Request for approval of a draft plan of subdivision consisting of 69 single detached residential lots (Lots 1 - 69), two (2) cluster housing blocks (Blocks 70 & 71), one (1) street townhouse block (Block 72), seven (7) open space blocks (Blocks 73 - 79), one (1) road widening block (Block 80), two (2) reserve blocks (Blocks 81 & 82), temporary turning circles (Blocks 83 - 86), and three (3) local streets (Streets "A", "B" & "C").

Official Plan Amendment – Request for amendment to the Official Plan to Schedule 'C' – Transportation Corridors map to delete the "Secondary Collector" road classification on the east side of Hamilton Road. (Note: There was also a request to amend Schedule 'B2' - Natural Resources and Natural Hazards map to remove the "Aggregate Resource Area" delineation. Upon further review of the mapping, it was determined this delineation does not apply to the subject lands. It was broadly applied to include existing residential uses along the north side of Hamilton Road which would preclude future extraction activity).

Zoning By-law Amendment – Request for amendments to the Zoning By-law to change the zoning from an Urban Reserve (UR4) Zone, a holding Urban Reserve (h-2•UR4) Zone, a Residential R1 (R1-14) Zone, an Environmental Review (ER) Zone, an Open Space (OS4) Zone, and a holding Open Space (h-2•OS4) Zone to the following zones:

Residential R1 Special Provision (R1-3()) to permit single detached dwellings on lots with a minimum lot frontage of 10 metres and a minimum lot area of 300 square metres; together with a special provision for a maximum lot coverage of 45% for one (1) storey dwellings (**Lots 1 – 69**);

Residential R4 Special Provision (R4-6()) to permit street townhouse dwellings with a minimum lot area per unit of 145 square metres and minimum lot frontage per unit of 5.5

metres; together with a special provision for minimum front and exterior side yard depth of 3.0 metres to main building and 6.0 metres to garage, and minimum rear yard depth of 6.0 metres (**Block 72**);

Residential R6 Special Provision (R6-5()) to permit various forms of cluster housing including single detached, semi-detached, duplex, triplex, fourplex, townhouse, stacked townhouse, and apartment buildings up to a maximum density of 35 units per hectare and maximum height of 12 metres; together with a special provision for minimum interior side and rear yard depth of 5.0 metres, and to permit open or covered but unenclosed decks or porches not exceeding one storey in height to project into the required yard no closer than 2.0 metres to a lot line adjacent an Open Space (OS5) Zone (**Blocks 70 & 71**);

Open Space (OS5) to permit such uses as conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways, and managed woodlots (**Blocks 73 – 79**).

3.3 Community Engagement (see more detail in Appendix B)

In response to the Public Notice of Application, concerns were expressed by a resident on Hamilton Road regarding impact of development of street townhouses backing onto existing single family homes.

In response to the Departmental/Agency circulation of the Notice of Application, the Environmental Impact Studies and associated background studies, concerns were expressed with respect to the environmental impacts on the natural heritage system, particularly the impact of development on the local groundwater regime, tributaries, wetlands and seeps, and groundwater dependent ecosystems; post-development groundwater infiltration / surface water run-off; buffers and encroachment; trail planning; and environmental management plan and monitoring.

3.4 Policy Context (see more detail in Appendix C)

Old Victoria Area Plan

This planning area includes the lands bounded by the Thames River on the north, Commissioners Road East on the south, the Old Victoria Road alignment on the east and the lands that include the Victoria on the River subdivision on the west. The same area was also the subject of Official Plan Amendment No. 427 which applied land use designations, environmental mapping delineations, transportation corridors and area specific policies in section 3.5.18 of the Plan.

The Area Plan provided the basis and supporting documentation for OPA 427, including detailed information that is intended to assist in interpreting and implementing the more generalized Official Plan policies that apply to the Old Victoria area. While the Area Plan should be considered as a guide in evaluating the subdivision application, it does not have Official Plan status and there is flexibility to interpret or modify provisions of the Area Plan within the context of overriding Official Plan policies.

Official Plan

Official Plan Amendment No. 427 confirmed the land use designations, road alignments and environmental features on Map Schedules “A”, “B” and “C” of the Official Plan. In addition to mapping modifications, OPA 427 also included the adoption of area specific policies in Section 3.5.18 of the Official Plan, which provide further guidance with respect to the form of development, public infrastructure facilities and environmental protection measures to be supported within the Old Victoria Community Planning Area.

The London Plan

The Old Victoria Community Planning Area policies in the Official Plan have been incorporated into the “*The London Plan*” under Specific Policies for Neighbourhood Place Types (Policies 1000 to 1011).

Provincial Policy Statement, 2014

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies aimed at 1. Building Strong Healthy Communities, 2. Wise Use and Management of Resources, and 3. Protecting Public Health and Safety.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 - Impact of development of street townhouses backing onto existing single family homes.

Residents on Hamilton Road whose homes presently back onto an open field expressed concern with future development on Block 72, the loss of privacy and enjoyment of their rear yards. This block is intended for future development of street townhouses. Being a multiple-attached form of residential development, any future development will be subject to Site Plan Approval. Privacy fencing along the rear property line of the street townhouse block is typically not a requirement of the subdivision approval process; but, perimeter privacy fencing, landscaping and screening will be reviewed at the site plan stage, and appropriate measures to protect privacy of rear yard amenity space can be incorporated into the approved site plan and development agreement prior to development.

Official Plan and The London Plan

The recommendation conforms with the Official Plan under Section 19.9.2 iv), and The London Plan under the Our Tools Policies 1681-6, with respect to matters to be considered as part of Site Plan Approval – “*Matters Addressed by Site Plan Control – Location and design of on-site exterior lighting, landscaping, buffering, fencing, outdoor storage, and garbage disposal facilities*”.

4.2 Issue and Consideration # 2 - Impact of development on the groundwater regime, tributaries, wetlands, and groundwater dependent ecosystems.

Concerns with respect to groundwater impacts on natural heritage features and functions have been the focus of much back-and-forth between the applicant/consultant and the Conservation Authority during the review of the EIS and Hydrogeological Assessment. The recent response received from the UTRCA indicated that they have reviewed the Environmental Impact Study (EIS) submissions for the subject lands prepared by the applicant’s consultant, Natural Resource Solutions Inc. (NRSI); and the Hydrogeological Assessment reports prepared by Golder Associates Ltd. The Conservation Authority reports that they are generally satisfied with the technical studies that have been submitted to support this development application. While there are still some outstanding concerns (as outlined in their correspondence attached to this report), they have advised that these concerns can be addressed at the Detailed Design stage of the subdivision approval process. Therefore, draft plan conditions are being recommended to ensure that:

- a Final Environmental Impact Study which consolidates all of the various ecological submissions and addresses the Conservation Authority’s outstanding concerns be prepared to the satisfaction of the UTRCA, including the preparation of a Homeowners Information Package (D.P. Condition No. 120)
- a Final Hydrogeological Assessment and Water Balance Analysis which addresses the outstanding concerns be prepared to the satisfaction of the UTRCA (D.P. Condition No. 121); and,
- if it is determined through the review of the Final EIS, Hydrogeological & Water Balance and Stormwater Management studies that there is a need for a larger buffer to protect the natural hazard and natural heritage lands and their functions, that the draft plan be redlined to accommodate the required buffer (D.P Condition No. 122)

Provincial Policy Statement, 2014

The outstanding concerns are addressed by the recommended draft plan conditions which must be satisfied prior to Final Approval of the subdivision plan, and entering into a Subdivision Agreement. This approach is considered to be reasonable, and consistent with the Provincial Policy Statement - Section 2.1 Natural Heritage 2.1.1.: “*Natural features and areas shall be protected for the long term*”; Section 2.1.8: “*Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions*”; and Section 2.2.1: “*Planning Authorities shall protect, improve or restore the quality and quantity of water by:.....c) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features*

including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed.”

Official Plan

The recommendation conforms with the Official Plan under Section 15.1.1 Natural Heritage Objectives – 15.1.1iii) *“Protect, maintain and improve surface and groundwater quality and quantity by protecting wetlands, groundwater recharge areas and headwater streams.”* and Section 15.4.9. Groundwater Recharge Areas, Headwaters and Aquifers: *“...The City will require the protection of the hydrological function of these sensitive areas through its planning approval processes.”*

The London Plan

The recommendation is consistent with similar policy objectives reflected in the Natural Heritage and Water Resource policies of The London Plan: Policy 1308-3 *“Protect, maintain and improve surface and groundwater quality and quantity by protecting wetlands, groundwater recharge areas and headwater streams.”*; Policy 1363_ *The City shall protect, improve or restore the quantity and quality of groundwater and surface water through its planning approval processes, consistent with the Provincial Policy Statement and in conformity with the Natural Resources policies of this Plan....”*; and Policy 1393_ *Development and site alteration shall not be permitted on adjacent lands to natural heritage features and areas until appropriate studies have been completed to satisfy provincial and municipal policy and 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 heritage features or on their ecological functions.”*

4.3 Issue and Consideration # 3 – Thames Valley Parkway (TVP) trail crossing the hydro corridor.

City staff held discussions and met on-site with Hydro One Networks Inc. (HONI) officials regarding the issue of a crossing for the future trail over the hydro transmission corridor at the City’s Storm Water Management Facility (Old Victoria SWMF No. 1) outlet. HONI was initially opposed to any public path encroachment into the easement; however, they have now agreed in principle to the pathway crossing the easement, subject to their review and approval of the detailed design and the entering into an Encroachment Agreement. Detailed planning for the multi-use trail alignment will proceed in conjunction with the detailed design of the subdivision. Parks planning staff have been heavily involved in the conceptual routing for the trail and have recommended a draft plan condition that a conceptual plan be provided by the owner/subdivider delineating the alignment of the west-east Thames Valley Parkway (TVP multi-use pathway) from Whites Bridge (crossing the Thames River at Hamilton Road) to the eastern boundary of the proposed plan of subdivision with approval from all impacted agencies and utilities. If approval of the alignment cannot be secured, redline revisions to the plan of subdivision will be required to accommodate the 10 meter wide multi-use pathway corridor (D.P. Condition No. 116). A 15 meter wide corridor was originally requested; however, a narrower corridor width will be required in order to work around some “pinch” points, such as between the rear of Lots 14 and 15 and limit of the ESA boundary. The UTRCA also requests the proposed pathway/trail be located outside of erosion/slope hazard lands including the 6 metre erosion access allowance.

It should also be noted that HONI objected to the original draft plan submission (May 2017) as it showed the rear yards of residential lots (Lots 1 to 12) encroaching into the hydro easement. A revised draft plan has since been re-submitted (November 2017) which has removed the lots and a portion of the bulb of Street ‘A’ road allowance outside of the easement. The remnant strips of land identified as Blocks 78 and 79 will remain as open space and be conveyed to the City. HONI comments with respect to their approval of grading and drainage plans, fencing, and warning clauses are addressed by the recommended draft plan conditions (D.P. Conditions No. 69, 107 and 113)

Old Victoria Area Plan

The vision of a having a multi-use trail is one of the key components of the area plan as expressed under Section 3.1 Vision Statement – *“To provide internal linkages throughout Old Victoria Area based on multi-use trails, parks and roads for public transit, bicycles and walking”*; Section 4.4.4 Multi-Use Trails – *“Neighbourhood multi-use trails should be frequently connected to the creek corridors via public parks, hydro corridors, and public and private streets.”*; and Section 7.2.3 Open Space and Trail System – *“Many*

opportunities exist in this area to provide a well integrated and looped trail system that links the natural and protected areas with the community focal points.”.....”The future Old Victoria Area is anticipated to have an extensive network of multi-use trails throughout that will loop and connect to various points of the Thames Valley Parkway. It is intended that the majority of the trails will be within parkland, public squares and other open space areas such as the Hydro corridor.”

4.4 Issue and Consideration # 4 – Buffers, Encroachment, Environmental Management Plan and Monitoring

Comments from EEPAC generally expressed disagreement with the Environmental Impact Study’s calculations for determining the proposed buffer encroachment and compensation areas. These areas establish the limit of development for most of the lots backing onto the ESA lands (Lots 12 to 48). The results of the calculations indicate the total area of proposed encroachment into the development setback (or buffer) is 546.77 square metres. The total area of proposed development setback compensation is 2,101.43 square metres, exceeding the area of encroachment by 1,554.66 square metres. The results of the EIS calculations conclude the total area of compensation more than off-sets the amount of setback encroachment.

The EIS Addendum (July 2015) states that *“Recommendations are provided in the EIS to minimize impacts and ensure that mitigation measures are installed and functioning. These include recommendations to mitigate direct, indirect and induced impacts that may arise during the proposed development. Monitoring recommendations have also been provided to ensure that construction-stage mitigations are functioning appropriately, restoration plantings are establishing as expected, and established development setbacks and protective buffers are being respected. The proposed development, including areas of proposed localized encroachment into the development setbacks, is not anticipated to cause significant negative impacts to the ESA*”

Environmental and Parks Planning staff will be further refining these recommendations as this development proceeds to the Focused Design Study stage, and have also recommended as a condition of draft plan approval that the Owner prepare and submit a restoration and compensation plan as identified in the recommendations of the Environmental Impact Study and Addendum prepared by Natural Resource Solutions Inc. dated July 2015. The restoration plan shall also include a monitoring program for the restoration and compensation lands for a period of five (5) years. Prior to submitting the focused design study, the Owner and his consultants, shall meet with staff to scope out the requirements of the restoration and compensation plan. (D.P. Condition No. 117)

Other recommended draft plan conditions include the requirements for fencing without gates at the interface of lots and blocks in this plan adjacent any park or open space areas (D.P. Conditions No. 106), as well as requirements that the Owner develop and deliver to all purchasers and transferees of the lots in this plan, a homeowner guide/education package acceptable to the City and UTRCA. (D.P. Conditions No. 109 and 120)

Provincial Policy Statement, 2014

Based on the accepted EIS, the recommended draft plan and conditions of draft approval are consistent with the Provincial Policy Statement - Section 2.1 Natural Heritage 2.1.1.: *“Natural features and areas shall be protected for the long term”*; Section 2.1.8: *“Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”*

Official Plan

The recommended draft plan and conditions of draft approval conforms with the Official Plan under Section 15.1.1 Natural Heritage Objectives – 15.1.1ii) - *“Provide for the identification, protection and rehabilitation of significant natural heritage areas.”* and Section 15.3.6. Ecological Buffers - *“Ecological buffers serve to protect the ecological function and integrity of the Natural Heritage System. Ecological buffers will be required around, or adjacent to, and other components of the Natural Heritage System, based upon the recommendations of an approved Environmental Impact Study.”*

The London Plan

The recommended draft plan and conditions of draft approval conforms with The London Plan (as adopted by Council and currently under appeal) under Policy 1308–2 - *“Provide for the identification, protection, rehabilitation, and management of natural heritage features and areas and their ecological functions.”* and Policy 1412. - *“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.”*

More information and detail is available in Appendix B and C of this report. The consultant’s response to the EEPAC comments is provided in Appendix C.

4.5 Issue and Consideration # 5 – Is the recommended Official Plan Amendment appropriate?

Schedule “C”, Transportation Corridors map is recommended to be amended by deleting the “Secondary Collector” road classification on the east side of Hamilton Road. The alignment as shown on Schedule “C” appears as a short “loop” or “crescent” connecting future development with access to Hamilton Road via Oriole Drive and Bobolink Lane (see Appendix D map excerpt). The subdivision draft plan continues to incorporate the basic configuration, except it would be to the standards of a local street. The City’s Transportation Planning and Design and Development Services staff have reviewed the proposed draft plan and have no concerns with the change in classification to a local street. This follows a recent amendment to the Official Plan to change the road classification on the west side of Hamilton Road (Oriole Drive) from a “Primary Collector” to a local road. It is also consistent with Map 3 - Street Classifications Map in The London Plan, which identifies the lands on the east side of Hamilton Road to be served by future Neighbourhood Streets.

4.6 Issue and Consideration # 6 – Is the recommended zoning appropriate?

The following provides a synopsis of the recommended zones, permitted uses, regulations, and holding provisions to be applied to lots and blocks within the draft plan. Reference should be made to the Zoning Amendment Map found in Appendix “A-2” of this report.

Single Detached Residential Lots 1 to 64, Lots 66 to 67, and Lot 69 – are recommended to be zoned holding Residential R1 Special Provision (h•h-100•R1-3(*)) Zone to permit single detached dwellings on lots with a minimum lot frontage of 10 metres and minimum lot area of 300 square metres; together with a special provision for a maximum lot coverage of 45% for one (1) storey. The special provision to increase lot coverage from 40% to 45% will allow for construction of one floor bungalows with flexibility to add slightly more livable floor area to meet the needs of home builders and purchasers. The recommended zoning is consistent with the R1-3(17) zoning approved for the applicant’s Old Victoria East subdivision now being developed on the west side of Hamilton Road which has similar sized lots. It should be noted that Lot 65 is recommended to be “red-lined” out of the draft plan and will maintain the existing R1-14 Zoning. The lot contains an existing dwelling that now represents a remnant parcel as a result of a severance application to sever the vacant rear portion of the property to be joined with the proposed subdivision lands.

Single Detached Residential Lot 68 – is recommended to be zoned holding Residential R1 Special Provision (h•h-100•R1-3(**)) Zone with a special provision to permit the existing single detached dwelling with minimum front yard depth of 1.5 metres. This special provision zone will provide for the retention of the existing dwelling in its present location. The owner has expressed a strong desire to retain the dwelling consisting of a brick bungalow in good condition on its own lot within the draft plan of subdivision. Based on an accepted design option for the future Oriole Drive alignment, the edge of the road allowance will be approximately 2.0 metres from the southwest corner of the house, plus a 5.25 metre wide boulevard. Although there will be a relatively shallow front yard, the house will be retained on a much larger lot area providing sufficient clearance for a driveway and parking leading to the side and rear yard.

Street Townhouse Block 72 – is recommended to be zoned holding Residential R4 Special Provision (h•h-100•R4-6()) Zone to permit street townhouse dwellings with a minimum lot area per unit of 145 square metres, together with a special provision for a minimum lot frontage of 7.0 metres, a minimum front and exterior side yard depth of 3.0

metres to the main building and 6.0 metres to the garage, and minimum rear yard depth of 6.0 metres where access from the front yard to the rear yard of each unit is provided through the garage. A 5.5 metre minimum lot frontage per unit is the standard regulation. However, recently staff have been recommending a minimum lot frontage of 7.0 metres per unit in order to ensure there is adequate spatial separation to install and maintain underground utility, water and private drain connections between the unit and the services within the road allowance that it fronts on.

A minimum front and exterior side yard depth of 3.0 metres to the main building in place of the zone standard of 4.5 metres has been determined to be appropriate, and achieves community design objectives in the Old Victoria Area Plan for a strong building orientation to the street. Recognizing that Block 72 backs onto a developed area with fairly deep lots and deep rear yards, staff are of the opinion that a regulation that requires a 6.0 metres minimum rear yard setback for the street townhouse block is appropriate. Given that the proposed block is long and its depth is shallow, the unit's rear yards are expected to be wider. Therefore, a 6.0 metre minimum rear yard depth should provide sufficient buffer adjacent to existing residential rear yards.

Cluster Housing Blocks 70 & 71 – are recommended to be zoned holding Residential R6 Special Provision (h•h-100•R6-5()) Zone to permit various forms of cluster housing including single detached, semi-detached, duplex, triplex, fourplex, townhouse, stacked townhouse, and apartment buildings up to a maximum density of 35 units per hectare and maximum height of 12 metres; together with a special provision for minimum interior side and rear yard depth of 5.0 metres (in place of 6.0 metres when the wall of a unit contains windows to habitable rooms), and to permit open or covered but unenclosed decks or porches not exceeding one storey in height to project into the required yard no closer than 2.0 metres (in place of 3.0 metres) to a lot line adjacent an Open Space (OS5) Zone. These blocks are intended to be developed for a Vacant Land Condominium with access provided by a private driveway. The recommended special provisions for yard setbacks and yard encroachments have been determined to be appropriate, as the block is intended to be developed for single detached cluster housing within a confined area surrounded by open space.

Open Space Blocks 73 to 79 – are recommended to be zoned Open Space (OS5) Zone to permit such uses as conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways, and managed woodlots. This zone is appropriate for the natural heritage features within the subdivision plan that are to be protected and maintained as Open Space, including the adjacent buffer blocks.

Holding Provisions

Since this subdivision will be developed in phases, it is recommended that the standard holding (h) provision be applied to all proposed residential lots and blocks. The “h” provision is applied in almost all subdivision approvals for the purpose of ensuring adequate provision of municipal services, that the required security has been provided, and that a Subdivision Agreement or Development Agreement is entered into. A holding (h-100) provision is recommended for all residential blocks in the subdivision in order 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.

The recommended zones for the various lots and blocks within the proposed draft plan of subdivision, and the holding provisions applied to the zones, are considered appropriate and conform with the land use designations and policies of the Official Plan, the Place Types and policies of The London Plan, and are in keeping with the guidelines of the Old Victoria Area Plan.

4.7 Issue and Consideration # 7 – Is the subdivision design in keeping the Old Victoria Area Plan and City's Placemaking Design Guidelines?

The main attraction of this site is the unique backdrop of natural areas and passive open space. Both components of the public and private realm incorporate these features into the subdivision design. Street 'B' ties the subdivision together and is the main focal point providing a “window” street to the open space on the east side, and a long street townhouse block on the west provides opportunities for a strong street-oriented built form. The proposed private driveway serving the vacant land condominium block will act as a window street to the open space as its key design feature. Street 'A' (Bobolink Lane) and

Street 'C' (Oriole Drive) will be the main entrances to the neighbourhood providing public road connections to Hamilton Road. The site's configuration is the major influence on the road and lot pattern which has been largely determined by the development limits and buffer setbacks from the ESA. Buffers generally range from 10 to 30 metres along the edge of the ESA and its features, including some identified encroachment and compensation areas. The subdivision plan provides good connectivity with two public access points to Hamilton Road, and planning for a future multi-use trail through the area and around the adjacent SWM facility to the north, will provide excellent opportunities for walking and cycling. Overall, the design incorporates elements of the City's Placemaking and Old Victoria Area Plan Community Design Guidelines and is considered to be appropriate.

5.0 Conclusion

Based on Staff's review, the proposed Thames Village Joint Venture Corp. Draft Plan of Subdivision, Official Plan and Zoning By-law amendments are consistent with the Provincial Policy Statement, The London Plan, the City's Official Plan, and the Old Victoria Area Plan. The recommended red-lined draft plan and conditions of draft approval will create a residential subdivision compatible with adjacent lands, provide good connectivity and opportunities for a multi-use trail system, and appropriate protection and enhancement of natural heritage resources. The proposed plan represents good land use planning and is an appropriate form of development.

Recommended by:	Larry Mottram, MCIP, RPP Senior Planner, Development Services
Reviewed by:	Lou Pompilii, MCIP RPP Manager, Development Planning (Subdivision)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official

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

June 11, 2018
GK/PY/MF/LP/LM/lm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2017\39T-17502 - 1738, 1752 and 1756 Hamilton Road (LM)\Draft Approval\PEC Report.docx

CC. Matt Feldberg, Manager, Development Services (Subdivisions) – electronic only

Appendix A

Appendix "A-1"

Bill No. (number to be inserted by Clerk's Office)
2018

By-law No. C.P.-1284-
A by-law to amend the Official Plan for
the City of London, 1989 relating to
properties located at 1738, 1742, 1752
and 1756 Hamilton Road.

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 June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 26, 2018
Second Reading – June 26, 2018
Third Reading – June 26, 2018

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To amend Schedule “C” – Transportation Corridors of the Official Plan to delete the “Secondary Collector” road classification.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 1738, 1742, 1752 and 1756 Hamilton Road in the City of London.

C. BASIS OF THE AMENDMENT

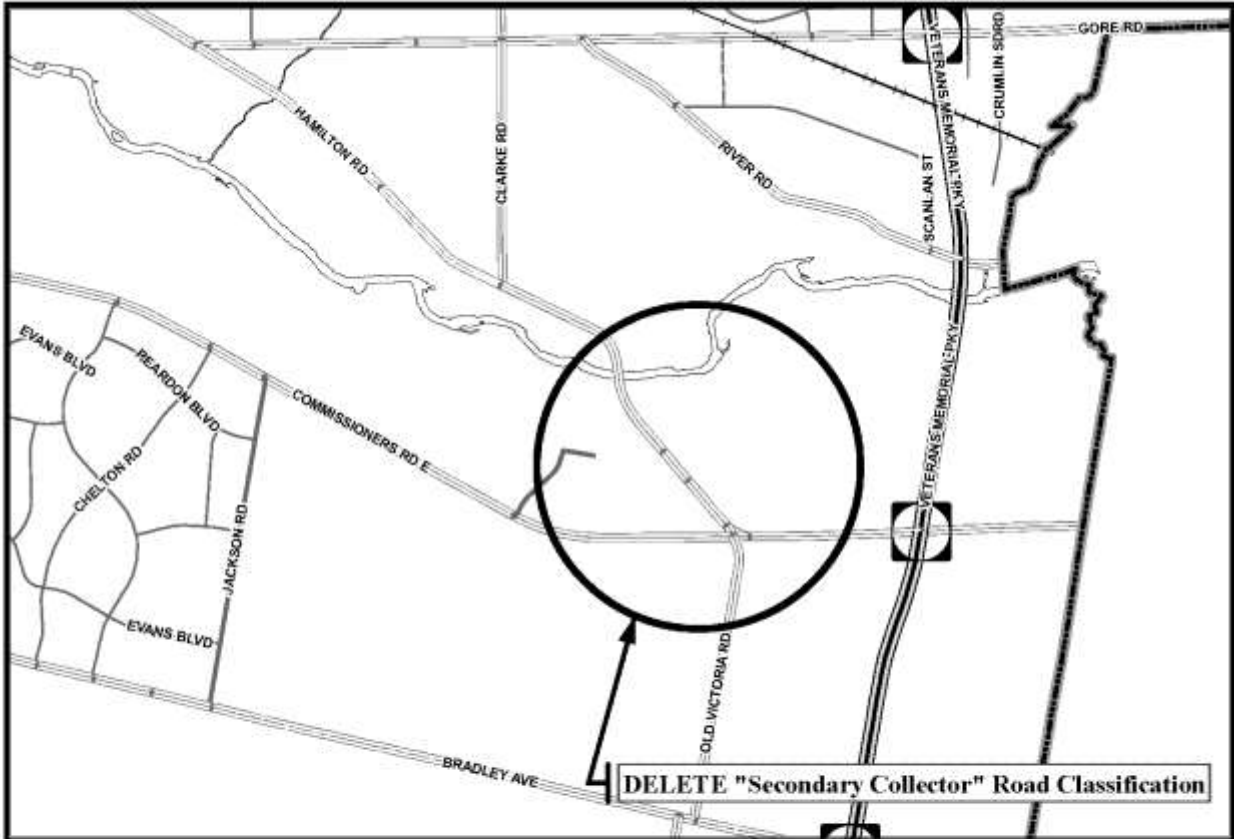
The amendment is being considered in conjunction with a proposed draft plan of subdivision consisting of low density residential uses served by local streets, including two public road connections to Hamilton Road. The City’s Transportation Planning and Design and Development Services staff have reviewed the proposed draft plan and have no concerns with the change in classification to a local street. This follows a recent decision by Municipal Council to amend the Official Plan to change the road classification on the west side of Hamilton Road (Oriole Drive) from a “Primary Collector” to a local road. It is also consistent with Map 3 - Street Classifications Map in The London Plan, as adopted by Municipal Council, which identifies the lands on the east side of Hamilton Road to be served by future Neighbourhood Streets.

D. THE AMENDMENT

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

1. Schedule “C”, Transportation Corridors to the Official Plan for the City of London is amended by deleting the “Secondary Collector” road classification, as indicated on the schedule attached hereto.

AMENDMENT NO: OZ-8147



Legend

ROAD CLASSIFICATION

- Secondary Collector
- Primary Collector
- Arterial
- Freeway
- Expressway

PROPOSED ROAD CORRIDOR

- Proposed Secondary Collector
- Proposed Primary Collector
- Proposed Arterial
- Proposed Freeway
- Proposed Expressway
- Proposed Interchange

THIS IS AN EXCERPT FROM THE PLANNING DIVISION'S WORKING CONSOLIDATION OF SCHEDULE C TO THE CITY OF LONDON OFFICIAL PLAN, WITH ADDED NOTATIONS

<p>SCHEDULE C TO OFFICIAL PLAN</p> <p>AMENDMENT NO. OZ-8147</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8147</p> <p>PLANNER: LM</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/01/25</p>
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PROJECT LOCATION: E:\Planning\Projects\p_officialplan\work\conso\00\amendments\oz-8147-revised\OPA_OVE_Jan2018_scheduleC_b&w_8x11_with_SWAP.mxd

Appendix "A-2"

Bill No.(number to be inserted by Clerk's Office)
2018

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

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1738,
1742, 1752 and 1756 Hamilton Road.

WHEREAS Thames Village Joint Venture Corp. has applied to rezone an area of land located at 1738, 1742, 1752 and 1756 Hamilton Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1738, 1742, 1752 and 1756 Hamilton Road, as shown on the attached map, from an Urban Reserve (UR4) Zone, a holding Urban Reserve (h-2•UR4) Zone, a Residential R1 (R1-14) Zone, an Environmental Review (ER) Zone, an Open Space (OS4) Zone, and a holding Open Space (h-2•OS4) Zone to a holding Residential R1 Special Provision (h•h-100•R1-3(*)) Zone, a holding Residential R1 Special Provision (h•h-100•R1-3(**)) Zone, a holding Residential R4 Special Provision (h•h-100•R4-6()) Zone, a holding Residential R6 Special Provision (h•h-100•R6-5()) Zone, and an Open Space (OS5) Zone.
- 2) Section Number 5.4 of the Residential R1 Zone is amended by adding the following Special Provision:
 -) R1-3(*)
 - a) Regulations
 - i) Lot Coverage 45%
One (1) Storey
Single Detached
Dwelling
(Maximum)
 -) R1-3(**)
 - a) Regulations
 - i) Front Yard Depth 1.5 metres
For Existing Dwelling
(Minimum)
- 3) Section Number 8.4 of the Residential R4 Zone is amended by adding the following Special Provision:
 -) R4-6()
 - a) Regulations
 - i) Lot Frontage 7.0 metres
(Minimum)
 - ii) Front and Exterior 3.0 metres
Yard Depth for
Main Dwelling
(Minimum)

- iii) Front and Exterior Yard Depth for Garage (Minimum) 6.0 metres
 - iv) Rear Yard Depth Where Access From The Front Yard to the Rear Yard is through the Garage (Minimum) 6.0 metres
- 4) Section Number 10.4 of the Residential R6 Zone is amended by adding the following Special Provision:
-) R6-5()
 - a) Regulations
 - i) Interior Side and Rear Yard Depth (Minimum) 5.0 metres
 - ii) Open or covered but unenclosed decks or porches not exceeding one (1) storey in height may project into the required yard no closer than 2.0 metres to lot line adjacent an Open Space (OS5) Zone

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.

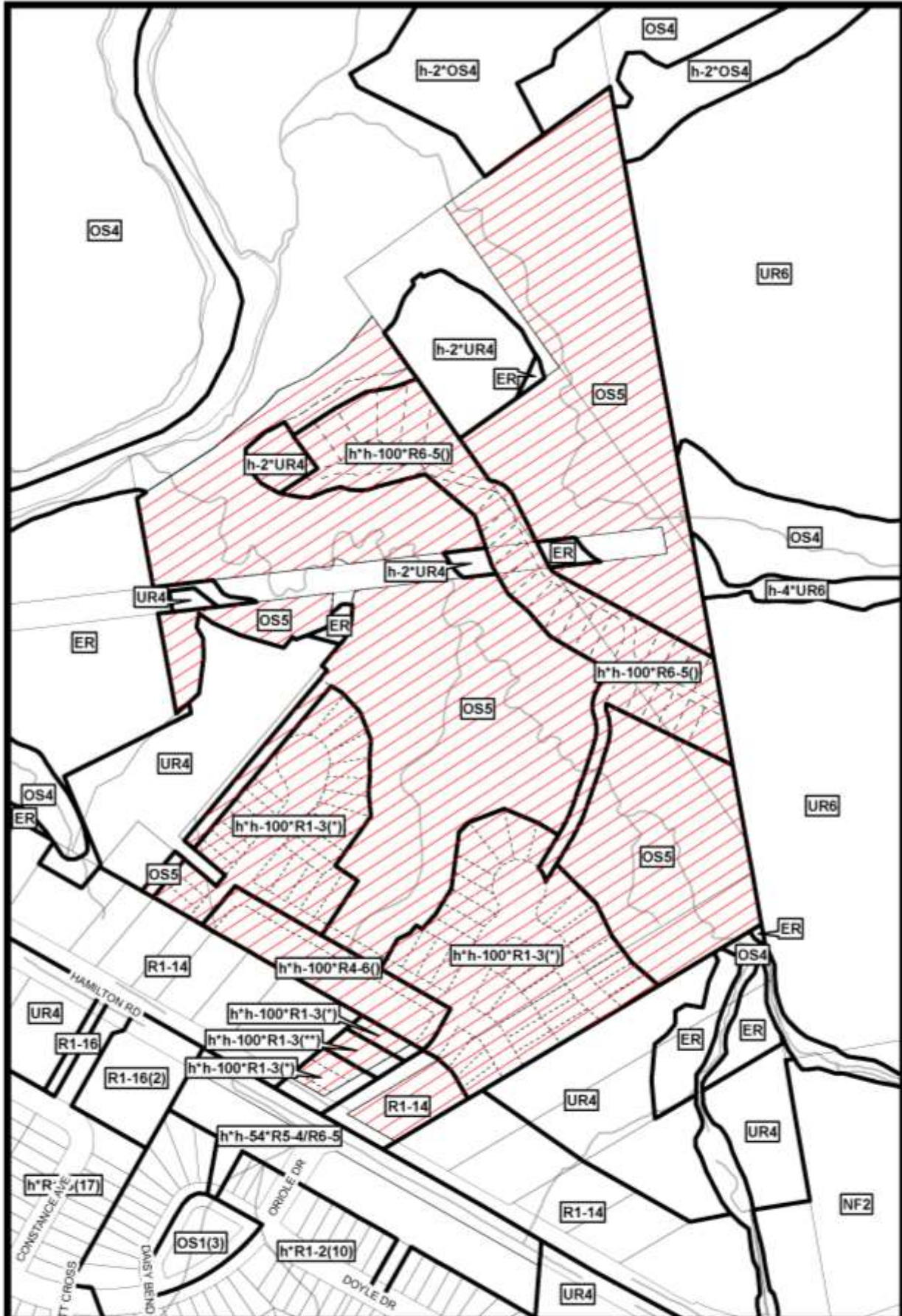
This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on June 26, 2018.


Matt Brown
Mayor

Catharine Saunders
City Clerk

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



File Number: OZ-8147 / 39T-17502
Planner: LM
Date Prepared: 2018/05/24
Technician: RC
By-Law No: Z-1-

SUBJECT SITE 

1:3,500

0 25 50 100 150 200 Meters



Appendix "A-3"
(Conditions to be included for draft plan approval)

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-17502 ARE AS FOLLOWS:

NO.	CONDITIONS
1.	This draft approval applies to the draft plan as submitted by Thames Village Joint Venture Corporation (File No. 39T-17502), prepared by Archibald, Gray & McKay and certified by Juan D. Zapata, Ontario Land Surveyor dated , 2018 (Project No. OVE DP), <u>as red-lined revised</u> , which shows 69 single detached residential lots, 2 cluster housing blocks, 1 street townhouse block, 7 open space blocks, 1 road widening block, 2 reserve blocks, 2 temporary turning circles, and 3 local streets.
2.	This approval applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3.	The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4.	The Owner shall request that street(s) be named to the satisfaction of the City.
5.	The Owner shall request that the municipal addresses be assigned to the satisfaction of the City.
6.	Prior to final approval, the Owner shall submit to the City a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7.	The Owner shall enter into the City's standard subdivision agreement (including any added special provisions) which shall be registered against the lands to which it applies. Prior to final approval the Owner shall pay in full all municipal financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.
8.	In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
9.	Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the City a complete submission consisting of all required clearances, fees, and final plans, and to advise the City in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the City, such submission will be returned to the Owner without detailed review by the City.
10.	Prior to final approval, for the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the City complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the City. The Owner acknowledges that, in the event that a submission does not include the complete information required, such submission will be returned to the Owner without detailed review by the City.

SEWERS & WATERMAINS

Sanitary:

11. In conjunction with the Focused Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:
 - i) A preliminary sanitary drainage area plan, including the sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City. Due to the depth of the outlet sewer on Hamilton Road, the sanitary plan shall include design details related to the connection of the internal sewers to the existing sewer on Hamilton Road and the proposed inverts of the internal subdivision sewers;
 - ii) A servicing report for the lands which have been identified as requiring pumped sanitary servicing. The report shall confirm that there is no viable option to provide gravity servicing, identify that a pumped system would be constructed at the Owner's cost and be privately owned and operated, identify the type of private servicing system(s) which may be implemented and describe how the ownership and operation of the private system will be managed for the development of the lands within Blocks 70 and 71.
 - iii) A servicing report that demonstrates an outlet to serve the subject lands and how it will ultimately outlet to the municipal sanitary sewer on Hamilton Road.
 - iv) A suitable routing for the sanitary sewer to be constructed through this plan. Further to this, the consulting engineer shall be required to provide an opinion for the need for an Environmental Assessment under the Class EA requirements for this sanitary trunk sewer;
 - v) An analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407;
 - vi) Confirmation that the Upper Thames River Conservation Authority has agreed in principle to the construction of any proposed sanitary sewer through any Blocks in this Plan within the UTRCA regulatory area.

12. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
 - i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 750 mm (30") diameter sanitary sewer located on Hamilton Road.
 - ii) Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City;
 - iii) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
 - iv) Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.

13. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:

- i) Not allowing any weeping tile connections into the sanitary sewers within this Plan;
 - ii) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer.
 - iii) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - iv) Implementing any additional measures recommended through the engineering drawing submission.
 - v) Installing Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer.
14. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Pottersburg Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

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

Storm and Stormwater Management (SWM)

15. In conjunction with the Focused Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:
- i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
 - ii) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City. This plan is to indicate any interim and ultimate conditions and any associated infrastructure and easements;
 - iii) Providing a preliminary plan demonstrating how the proposed grading and road design will match the grading of the proposed Stormwater Management Facility to be built by the City;
 - iv) Addressing the rerouting, enclosure and/or removal of any existing open watercourses in this plan and identify the needs for any setbacks from the open watercourses;
 - v) Providing details of the crossing of the watercourse to Block 70;
 - vi) Developing an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to the satisfaction of the City. This plan is to include measures to be used during all phases on construction; and
 - vi) Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.

16. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:
- i) The SWM criteria and environmental targets for the South Thames Subwatershed Study and any addendums/amendments;
 - ii) The Municipal Class Environmental Assessment Environmental Study Report for Old Victoria Plan – Storm Drainage and Stormwater Management Servicing Works (January 15, 2009);
 - iii) The approved Functional Stormwater Management Plan/Report for Old Victoria SWMF # 1 (AECOM 2015) and any other applicable Storm/Drainage and SWM Servicing Functional Report(s) for the subject lands or outlet systems;
 - iv) The City's Design Requirements for Permanent Private Stormwater Systems were approved by City Council and is effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and residential development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.
 - v) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - vi) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - viii) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - ix) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised; and
 - x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
17. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
- i) Construct storm sewers to serve this plan, located within the South Thames Subwatershed, and outlet them to the Thames River via the proposed regional Stormwater Management (SWM) Facility (Old Victoria SWM # 1) and the identified Tributary 2 in the Functional Stormwater Management Plan/Report for Old Victoria SWMF # 1 Report and all related stormwater/drainage servicing infrastructure in and related to, this plan of subdivision;
 - ii) Make provisions to oversize and deepen the internal storm sewers, if necessary, in this plan to accommodate flows from upstream lands external to this plan;
 - iii) Grade and drain all boundaries of the Lots/Blocks, open space and renaturalization areas in this plan to blend in with the abutting SWM Facility in this plan, at no cost to the City;
 - iv) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands, the Owner shall confirm the required erosion and sediment control measures were maintained and operating as intended during all phases of construction, and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - vi) Address forthwith any deficiencies of the stormwater works and/or monitoring program.

18. Prior to the issuance of any Certificates of Conditional Approval for any lot/block in this plan, or as otherwise approved by the City, the Owner shall complete the following:
 - i) All storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iii) Implement the re-routing, enclosure and/or removal of any existing open watercourses in this plan and identify the needs for any setbacks from the open watercourses, to the satisfaction of the UTRCA and City; and,
 - iv) Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City.

19. Prior to the issuance of any Certificates of Conditional Approval for any Lots/Blocks in this plan, the Old Victoria SWMF # 1, to be built by the City, to serve this plan, must be constructed and operational.

20. The Owner shall cross reference the submitted draft plan with the reference plan 33R-19767 for the adjacent Old Victoria SWM Facility # 1 block to ensure they are consistent as there are some discrepancies. Any additional land shall be included as part of the adjacent Open Space Block.

21. In conjunction with the engineering drawing submission, the Owner's professional engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

22. In conjunction with the Focused Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine, including but not limited to, the following:
 - i) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
 - ii) identify any abandoned wells in this plan
 - iii) assess the impact on water balance in the plan
 - iv) any fill required in the plan
 - v) provide recommendations for foundation design should high groundwater be encountered
 - vi) identify all required mitigation measures including the design and implementation of Low Impact Development (LIDs) solutions
 - vii) address any contamination impacts that may be anticipated or experienced as a result of the said construction
 - ix) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
 - x) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, include an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken

all to the satisfaction of the City.

23. Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.

24. The Owner shall ensure that any storm drainage areas within this draft plan of subdivision which cannot be serviced by the proposed SWM Facility shall be identified and SWM on-site controls for these specified areas shall be provided in accordance with the accepted Design Requirement for Permanent Private Stormwater Systems, all to the satisfaction of the City Engineer. Also, any parts of this draft plan that are not serviced by the proposed Old Victoria SWMF # 1 shall be required to provide quality controls for all storm flows, all to the satisfaction of the City Engineer.
25. The Owner's professional engineer shall ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specification and satisfaction of the City Engineer.
26. The Owner shall develop the proposed plan of subdivision in accordance with the Design and Construction of Stormwater Management Facilities, Policies and processes identified in Appendix 'B-1' and 'B-2' Stormwater Management Facility "Just in Time" Design and Construction Process adopted by Council on July 30, 2013 as part of the Development Charges Policy Review: Major Policies Covering Report.
27. The Owner shall ensure the post-development discharge flow from the subject site must not exceed capacity of the stormwater conveyance system. In an event where the condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirements for permanent Private Stormwater Systems.

Watermains

28. In conjunction with the engineering drawings submission, the Owner shall have their consulting engineer prepare and submit a water servicing report including the following design information, all to the satisfaction of the City Engineer:
 - i) Water distribution system analysis & modeling and hydraulic calculations for the Plan of Subdivision confirming system design requirements are being met;
 - ii) Identify domestic and fire flows for the potential ICI/medium/high density Blocks from the low-level water distribution system;
 - iii) Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
 - iv) Include modeling for two fire flow scenarios as follows:
 - Max Day + Fire confirming velocities and pressures within the system at the design fire flows; and
 - Max Day + Fire confirming the available fire flows at fire hydrants at 20 PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);
 - v) Include a phasing report as applicable which addresses the requirement to maintain interim water quality;
 - vi) Develop a looping strategy when development is proposed to proceed beyond 80 units;
 - vii) Provide a servicing concept for the proposed street townhouse (or narrow frontage) lots which demonstrates separation requirements for all services in being achieved;
 - viii) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
 - ix) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;

- x) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;
 - xi) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - xii) Include full-sized water distribution and area plan(s);
 - xiii) Identify on the water distribution plan the location of valves, hydrants, and the type and location of water quality measures to be implemented (including automatic flushing devices), the fire hydrant rated capacity and marker colour and the design fire flow applied to development blocks.
29. Prior to the issuance of any Certificates of Conditional Approval the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc. shall be shown clearly on the engineering drawings.
30. The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible for the following:
- i) to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal/assumption
 - ii) any incidental and/or ongoing maintenance of the automatic flushing devices
 - iii) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal/assumption
 - iv) all works and the costs of removing the devices when no longer required
31. The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging plan as set out in the accepted water servicing report and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the phasing as set out in the accepted water servicing report, the Owner would be required to submit revised plans and hydraulic modeling, as necessary to address water quality.
32. Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
- i) Construct watermains to serve this Plan and connect them to the existing low-level municipal system, namely the existing 250 mm diameter watermain on Hamilton Road;
 - ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and
 - iii) The available fire flow and appropriate hydrant colour code marker (in accordance with the City of London Design Criteria) are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval;
33. The Owner shall obtain all necessary approvals from the City Engineer for the servicing of all Blocks in this Plan of Subdivision prior to the installation of any water services to or within these Blocks.
34. With respect to Blocks 70 and 71, the Owner shall include in all agreements of purchase and sale and/or lease, a warning clause advising the purchaser/transferee that if it is determined by the Ministry of Environment and Climate Change (MOECC) that the water servicing for the Block is a regulated

drinking water system, then the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.

If deemed a regulated system, the City of London may be ordered by the Ministry of the Environment and Climate Change (MOECC) to operate this system in the future. The system may be required to be designed and constructed to City standards.

STREETS, TRANSPORTATION & SURVEYS

Roadworks

35. The Owner shall construct a cul-de-sac(s) on Street 'A' and Street 'C' in accordance with City of London Standard DWG. SR-5.0, to the specifications and satisfaction of the City Engineer. The Owner shall provide a raised circular centre island within the cul-de-sac(s) or as otherwise directed by the City Engineer.
36. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City Engineer.
37. At 'tee' intersections, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metres (20') tangent being required along the street lines of the intersecting road, all to the satisfaction of the City Engineer.
38. In conjunction with the first submission of engineering drawings submission, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the City Engineer:
 - i) provide a proposed layout plan of the internal road network including taper details for streets in this plan that change right-of-way widths with minimum 30 metre tapers for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, centreline radii, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections.
39. The Owner shall provide a minimum of 5.5 metres (18') along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs on Street 'A' and Street 'C'.
40. The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

<u>Road Allowance</u>	<u>S/L Radius</u>
20.0 m	9.0 m
19.0 m	9.5 m
18.0 m	10.0 m
41. The Owner shall have its professional engineer design the roadworks in accordance with the following road widths:
 - i) Bobolink Drive and Oriole Drive, Street 'A' (from Hamilton Road to Street 'B') and Street 'C' have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').

- ii) Street 'A' (from Street 'B' to cul-de-sac) and Street 'B' have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').
- 42. The Owner shall align Street 'A' opposite Bobolink Lane, to the satisfaction of the City Engineer.
- 43. The Owner shall align Oriole Drive/Street 'C' opposite Oriole Drive to the west of Hamilton Road, to the satisfaction of the City Engineer.
- 44. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make an application to the City to lift the existing 0.3 metre reserves at the east limits of Bobolink Lane and Oriole Drive, to the satisfaction of the City.
- 45. In conjunction with Focused Design Studies submission, the Owner shall submit a concept plan to show how Municipal Nos. 1742 and 1746 Hamilton Road will be serviced and accessed and identifying the location of an easement over Blocks 70, 71 and 75 if needed for servicing and access of 1746 Hamilton Road.
- 46. The Owner shall register an easement for access from the easterly limit of Street 'C' to 1742 and 1746 Hamilton Road, to the satisfaction of the City Engineer.
- 47. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall provide access for 1752 and 1754 Hamilton Road to Oriole Drive/Street 'C' and close and restore the boulevard for the existing accesses to Hamilton Road, to the satisfaction of the City, at no cost to the City.
- 48. The Owner shall contact the City to request the closure and conveyance of the existing road allowance within this plan, to the satisfaction of the City.

Sidewalks/Bikeways

- 49. The Owner shall construct a 1.5 (5') sidewalk on one side of the following streets:
 - i) Street 'C' – north and west boulevard
 - ii) Bobolink Lane – west boulevard from Hamilton Road to Street 'B'
 - iii) Oriole Drive – west boulevard
 - iv) Street 'B' – north boulevard

Street Lights

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

Boundary Road Works

- 51. The Owner shall red-line this plan to align Oriole Drive and opposite Oriole Drive in the subdivision on the west side of Hamilton Road, to the satisfaction of the City Engineer.
- 52. The Owner shall construct Bobolink Lane at the intersection of Hamilton Road with a minimum pavement width of 10.0 metres for a minimum storage length of 30.0 metres tapered back over a distance of 30.0 metres to a minimum pavement width of 8.0 metres on the standard road width of 20.0 metres.

53. The Owner shall align the travelled portion of Bobolink Lane perpendicular to Hamilton Road, to the satisfaction of the City Engineer.
54. The Owner shall construct Oriole Drive at the intersection of Hamilton Road with a minimum pavement width of 9.0 metres on a right-of-way width of 20.5 metres for a minimum storage length of 30.0 metres tapered back over a distance of 30.0 metres to the standard road width of 20.0 metres.
55. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall undertake external works on Bobolink Lane and Oriole Drive, to construct fully serviced public street connections to the subdivision, all to the specifications and to the satisfaction of the City, at no cost to the City.
56. The Owner shall make minor boulevard improvements on Hamilton Road adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
57. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install temporary street lighting at the intersection of Hamilton Road and Oriole Drive, and the intersection of Hamilton Road and Bobolink Lane, to the specifications of the City, at no cost to the City.
58. If the temporary access to 1691 Hamilton Road is still in place and functioning, prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a restricted access to Bobolink Lane in accordance with City standards, to the satisfaction of the City Engineer, at no cost to the City. Access to Bobolink Lane is to be restricted to right in/right out until such time as the temporary access to 1691 Hamilton Road is removed and decommissioned to the satisfaction of the City Engineer.

Sufficient security shall be provided to remove the restricted access in the future, if necessary, to the satisfaction of the City Engineer.
59. The Owner shall remove the right in/right out access on Bobolink Lane at such time as the temporary access to 1691 Hamilton Road is removed and decommissioned, to the satisfaction of the City Engineer.

Road Widening

60. The Owner shall dedicate sufficient land to widen Hamilton Road to 18.0 metres (59.06') from the centreline of the original road allowance.
61. The Owner shall dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Oriole Drive with Hamilton Road in accordance with the Z-1 Zoning By-law, Section 4.24.

Vehicular Access

62. The Owner shall restrict access to Hamilton Road by establishing blocks for 0.3 metre (1') reserves along the entire Hamilton Road frontage, to the satisfaction of the City. All vehicular access is to be via the internal subdivision streets.

Construction Access/Second Access Roads

63. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Hamilton Road or other routes as designated by the City.

64. Should an emergency access be required to accommodate development, the Owner shall locate, construct, maintain and close the access to the satisfaction of the City Engineer.
65. The Owner shall ensure any emergency access required is satisfactory to the City with respect to all technical aspects, including adequacy of site lines, provisions of channelization, adequacy of road geometries and structural design, etc. and provide any necessary easements.
66. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
67. The Owner shall construct a temporary turning facility for vehicles at the following location(s), to the specifications of the City:
 - i) Street 'B' – south limit
 - ii) Street 'C' – south limit

Temporary turning circles for vehicles shall be provided to the City as required by the City, complete with any associated easements. When the temporary turning circles(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.

68. The Owner shall notify the future owners of Blocks 70 and 71 that only one access will be permitted for the blocks to Street 'C'. A joint access agreement must be established for the shared access, to the specifications and satisfaction of the City.

GENERAL CONDITIONS

69. The Owner shall comply with any requirements of all affected agencies (eg. Hydro One Networks Incorporated, Ministry of Natural Resources, Upper Thames River Conservation Authority, etc.), all to the satisfaction of the City.
70. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.
71. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.
72. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
73. In conjunction with the Focused Design Studies submission, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:
 - i) servicing, grading and drainage of this subdivision

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

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

- 74. The Owner shall implement all geotechnical recommendations to the satisfaction of the City.
- 75. Once construction of any private services, ie: water, storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.
- 76. The Owner shall connect to all existing City services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
- 77. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the Plan.
- 78. In conjunction with Focused Design Studies submission, the Owner shall have his consulting engineer submit a concept plan which shows how all servicing (water, sanitary, storm, gas, hydro, street lighting, water meter pits, Bell, Rogers, etc.) shall be provided to condominiums/street townhouses indicated on Street 'B'. It will be a requirement to provide adequate separation distances for all services which are to be located on the municipal right-of-way to provide for required separation distance (Ministry of Environment Design Standards) and to allow for adequate space for repair, replacement and maintenance of these services in a manner acceptable to the City.
- 79. The Owner acknowledges that servicing for Block 72 must be approved through Site Plan Approval by the City prior to any installation of servicing.
- 80. The Owner shall have the common property line of Hamilton Road graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads", at no cost to the City.

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

81. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

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

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

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

82. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:

- i) commence upon completion of the Owner's service work, connections to the existing unassumed services; and
- ii) continue until the time of assumption of the affected services by the City.

83. With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

The connection into and use of the subject services by an outside Owner will be conditional upon the outside Owner satisfying any requirements set out by the City, and agreement by the outside Owner to pay a proportional share of the operational maintenance and/or monitoring costs of any affected unassumed services and/or facilities.

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

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility

designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

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

Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate, removal and/or disposals of any contaminates within the proposed Streets, Lot and Blocks in this Plan forthwith under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.

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

86. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.
87. In conjunction with the Focused Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.
88. The Owner shall have its professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
89. The Owner shall not commence construction or installations of any services (e.g. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (e.g. Hydro One Networks Inc., Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.)
90. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.

91. In conjunction with the engineering drawings submission, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
92. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
93. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.
94. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.
95. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
96. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
97. 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 municipal or private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing municipal or private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangement 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.
98. The Owner shall make all necessary arrangements to have adequate private easements registered on title and included in the Agreement of Purchase and Sale or Lease and in the transfer of deed of the external lands to the north of this Plan (1746 Hamilton Road), a covenant by the purchaser or transferee stating that the purchaser or transferee of the said Lots and/or Blocks, to allow the owner 1746 Hamilton Road, to access the external lands for private access, to the satisfaction of the City, at no cost to the City.
99. The Owner shall provide access for 1746 Hamilton Road in order to not create a land locked parcel and the existing hydro services for the residential property at 1746 Hamilton Road are to be relocated, all to the satisfaction of the City and London Hydro, at no cost to the City.
100. In conjunction with the first submission of engineering drawings, the Owner shall submit a Development Charge work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.
101. At the time this plan is registered, the Owner shall register all appropriate easements for all existing and proposed private and municipal servicing required

in this plan, to service external lands, all to the satisfaction of the City Engineer, at no cost to the City.

102. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services within this draft plan (e.g. Lot 16) and on Hamilton Road, Oriole Drive and Bobolink Lane, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan fronting this street (e.g. private services, hydro poles, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.
103. The Owner shall include in the Agreements of Purchase and Sale or lease and in the transfer of deed of Block 70 in this plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the said lots to observe and comply with the private easements and private sewer services needed for the servicing of Block 71 in this plan. No landscaping, vehicular accesses, parking access, works or other features shall interfere with the above-noted municipal or private maintenance accesses, servicing, grading or drainage that services other lands.
104. Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have the existing access and services to 1738 Hamilton Road, 1742 Hamilton Road and 1752 and 1754 Hamilton Road relocated and/or reconstructed to the satisfaction of the City should the existing dwellings on Lots 65 and 68 and Block 71 be retained. Any portion of the existing services not used shall be removed or abandoned and capped to the satisfaction of the City, at no cost to the City. In addition, the Owner shall regrade areas within Lots 65 and 68 to be compatible with the proposed subdivision grading and drainage, to the satisfaction of the City.

PLANNING

105. In conjunction with the Focused Design Studies submission, the owner shall prepare and submit a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of trees within lots and blocks. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the City Planner. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation as per the Council approved Tree Preservation Guidelines.
106. The Owner shall construct 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface of all existing and proposed private lots adjacent to existing and/or future Park and Open Space blocks. Fencing shall be completed to the satisfaction of the City Planner, within one (1) year of the registration of the plan.
107. The Owner shall construct 1.8m high continuous chain link fencing adjacent the Hydro One Networks Inc. (HONI) transmission corridor from Lots 1 to 3 and Lots 4 to 12, with no gates leading to back or side yards.
108. Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is

not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Environmental and Parks Planning.

109. The Owner shall develop and deliver to all purchasers and transferees of the lots in this plan, a homeowner guide/education package as approved by the Manager of Parks Planning and Design that explains the stewardship of natural areas and the value of existing tree cover, as well as indirect suburban effects on natural areas. The Owner shall submit the homeowner guide/education package for review and acceptance, in conjunction with the Focused Design Studies submission.
110. The Owner shall implement the recommendations of the Old Victoria East Subdivision 1691, 1738, 1742 Hamilton Road, London, Ontario Environmental Impact Study Addendum prepared by Natural Resource Solutions Inc. dated July 2015 for the lands on the east side of Hamilton Road, and updated by subsequent addendums, to the satisfaction of the City. In conjunction with the Focused Design Studies submission, the Owner shall provide a schedule indicating how each of the accepted Environmental Impact Study Addendum recommendations will be implemented and satisfied as part of the subdivision approval process.
111. The Owner shall convey Blocks 73, 74, 75, 76, and 77 to the City in order to satisfy a portion of the required parkland dedication based on the rates for hazard, open space and constrained lands. The remaining parkland dedication will be taken as cash-in-lieu as per By-law CP-9, to the satisfaction of the Manager of Environmental and Parks Planning.
112. Prior to undertaking any works or site alteration including filling, grading, construction or alteration to a watercourse in a Conservation Regulated Area, the Owner shall obtain a permit or receive clearance from the Upper Thames River Conservation Authority.
113. Prior to final approval, the Owner shall ensure that any lot located adjacent to the hydro easement shall have registered on title to the lot, and included in agreements of purchase and sale or lease, the appropriate Hydro One Networks Inc. (HONI) warning clause(s), to the satisfaction of the City.
114. In conjunction with the Focused Design Studies submission, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise on future residential uses adjacent arterial roads. The noise study shall be prepared in accordance with the Ministry of the Environment Guidelines and the City of London policies and guidelines. Any recommended noise attenuation measures are to be reviewed and accepted by the City. The final accepted recommendations shall be constructed or installed by the Owner, or may be incorporated into the subdivision agreement.
115. The Owner shall carry out a Stage 1-2 Archaeological Assessment by a licensed archaeologist. Implementation recommendations as a result of the assessment must be addressed, to the satisfaction of the Approval Authority. No final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the owner providing confirmation that the Ministry of Tourism, Culture, and Sport has reviewed and accepted the Stage 1-2 Archaeological Assessment into the Ontario Public Register.
116. In conjunction with the Focused Design Studies submission, the owner shall provide a conceptual park plan delineating the alignment of the west-east Thames Valley Parkway (TVP multi-use pathway) from Whites Bridge to the eastern boundary of the proposed plan of subdivision with approval from all impacted agencies and utilities, to the satisfaction of the Manager of Environmental and Parks Planning. If approval of the alignment cannot be secured, redline revisions

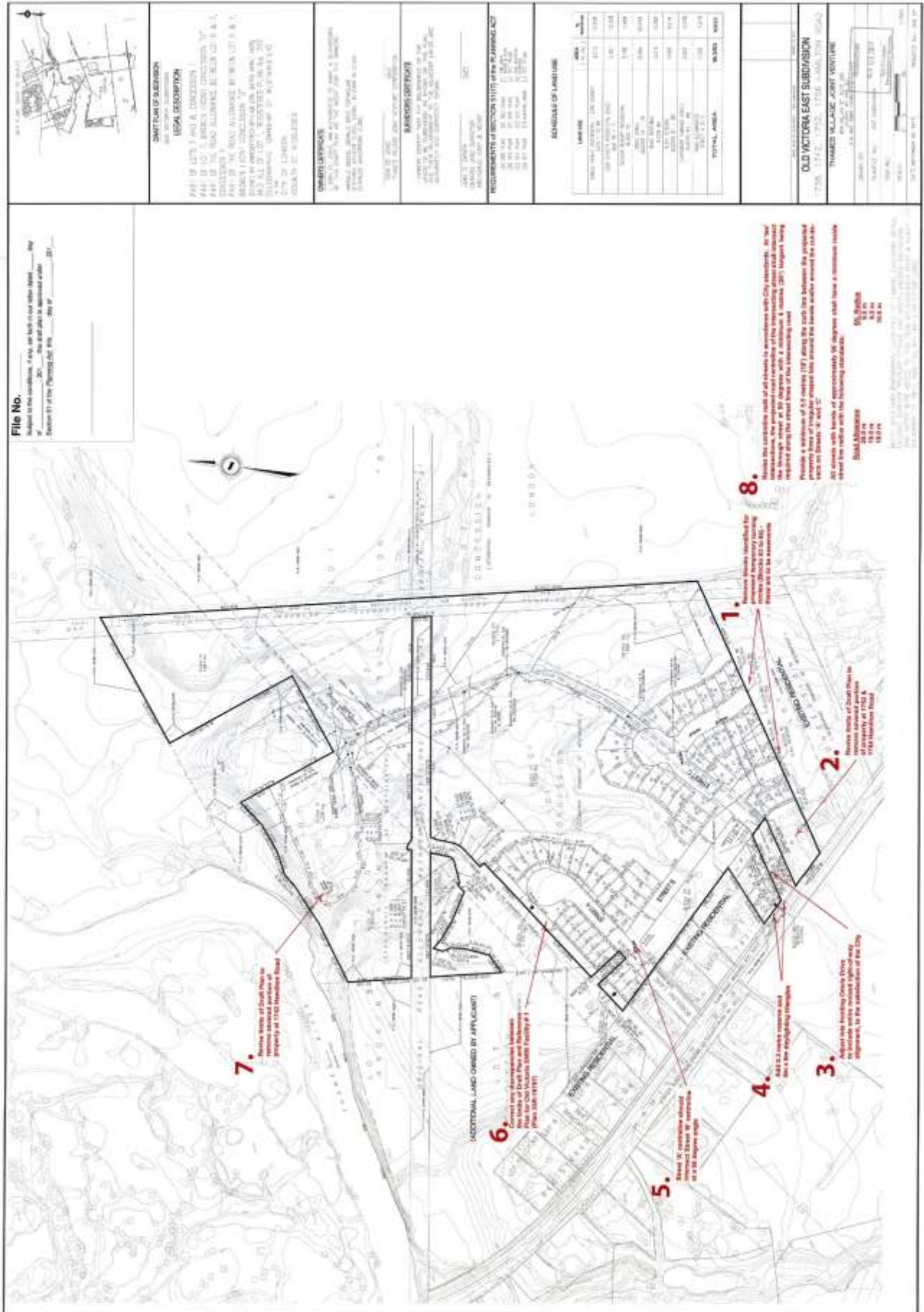
to the plan of subdivision will be required to accommodate the 10 meter wide multi-use pathway corridor.

117. In conjunction with the Focused Design Studies submission, the owner shall prepare and submit a restoration plan and compensation plan as identified in the recommendations of the Environmental Impact Study and Addendum prepared by Natural Resource Solutions Inc. dated July 2015. The restoration plan shall also include a monitoring program for the restoration and compensation lands for a period of five (5) years. Prior to submitting the focused design study, the Owner and his consultants, shall meet with staff to scope out the requirements of the restoration and compensation plan.
118. Prior to Final Approval of this Plan, the Owner shall submit a Municipal Address Change Application with the City, to change the addresses of 1742 and 1746 Hamilton Road, all related costs shall be solely at the Owner's expense and at no cost to the City.

UTRCA

119. The Owner shall complete a Final Stormwater Management Plan/Report which addresses the Conservation Authority's outstanding concerns (as noted in their correspondence dated May 1, 2018), to the satisfaction of the UTRCA.
120. The Owner shall complete a Final Environmental Impact Study which consolidates all of the various ecological submissions and addresses the Conservation Authority's outstanding concerns (as noted in their correspondence dated May 1, 2018), to the satisfaction of the UTRCA. A Homeowners Information Package shall also be prepared, to the satisfaction of the UTRCA.
121. The Owner shall complete a Final Hydrogeological Assessment and Water Balance Analysis which addresses the Conservation Authority's outstanding concerns (as noted in their correspondence dated May 1, 2018), to the satisfaction of the UTRCA.
122. If it is determined through the review of the Final Environmental Impact Study, Hydrogeological & Water Balance and Stormwater Management studies that there is a need for a larger buffer to protect the natural hazard and natural heritage lands and their functions, the draft plan be redlined to accommodate the required buffer.

Recommended Red-Line Revisions/Notes to Draft Plan



Summary of Red-Line Revisions/Notes to Draft Plan

1. Remove blocks identified for proposed temporary turning circles (Blocks 83 to 86) - these are to be easements
2. Revise limits of Draft Plan to remove severed portion of property at 1752 & 1754 Hamilton Road
3. Adjust lots fronting Oriole Drive to include entire revised right-of-way alignment, to the satisfaction of the City
4. Add 0.3 metre reserve and 6m x 6m daylighting triangles
5. Street 'A' centreline should intersect Street 'B' centreline at a 90 degree angle
6. Correct any discrepancies between the limits of Draft Plan and Reference Plan for Old Victoria SWM Facility # 1 (Plan 33R-19767)
7. Revise limits of Draft Plan to remove severed portion of property at 1742 Hamilton Road
8. Revise the centreline radii of all streets in accordance with City standards. At 'tee' intersections, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metres (20') tangent being required along the street lines of the intersecting road

Provide a minimum of 5.5 metres (18') along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs on Streets 'A' and 'C'

All streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standards:

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

Appendix "A-4"

1738, 1742, 1752 and 1756 Hamilton Road - Thames Village Joint Venture
 Draft Plan
 39T-17502

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs	Estimated Cost (excludes HST)
Claims for developer led construction from CSRF - No eligible claims	NIL
Total	NIL
Estimated Total DC Revenues (2018 Rates)	Estimated Revenue
CSRF	\$3,113,014
UWRF	\$280,492
TOTAL	\$3,393,506

- 1 There are no anticipated claims associated with this development.
- 2 Estimated Revenues are calculated using 2018 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.

Reviewed by:

May 22 / 2018
 Date


 Matt Feldberg
 Manager, Development Services
 (Subdivisions)

Appendix B – Public Engagement

Community Engagement

Public liaison: On May 17, 2017, Notice of Application was sent to 26 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 1, 2017. An Updated Notice of Application was sent out to surrounding property owners on November 21, 2017, and Notice of Application was published in *The Londoner* on December 7, 2017. A “Planning Application” sign was also posted on the site.

4 replies were received

Nature of Liaison: The creation of a residential subdivision consisting of low density single detached dwellings, cluster dwellings, street townhouse dwellings, open space lands, and public road access via local street connections to Hamilton Road.

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

Concern for:

Future development of street townhouses backing onto existing single family homes:

Will there be fencing along the rear property lines of existing homes on Hamilton Road adjacent the future street townhouse block?

Development Services also received concerns with respect to the growth of long weeds and grass on the subject lands; as well as requests for general information and approximate timing for development.

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

Telephone	Written
Brad Sparling – 1716 Hamilton Road	Mark McManus / Valco Consultants
James Elsley / McKenzie Lake Lawyers LLP	
Jameson Lake / Cushman & Wakefield Southwestern Ontario	

Agency/Departmental Comments:

1. Upper Thames River Conservation Authority
2. Hydro One Network Inc. (HONI)
3. EEPAC Working Group comments to PEC October 10, 2017
4. Letter response to the EEPAC Working Group comments prepared by Natural Resource Solutions Inc.



"Inspiring a Healthy Environment"

May 1, 2018

City of London - Development Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Larry Mottram (sent via e-mail)

Dear Mr. Mottram:

**Re: File No. 39T-17502/OZ-8147 – Updated Application for Draft Plan of Subdivision and Official Plan & Zoning By-Law Amendment
UTRCA Comments & Conditions of Draft Plan Approval
Applicant: Thames Village Joint Venture Corp.
1738, 1742, 1752 & 1756 Hamilton Road, London**

The Upper Thames River Conservation Authority (UTRCA) has reviewed this updated application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether these lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

PROPOSAL

The applicant is proposing a residential plan of subdivision comprised of 69 single detached residential lots, two cluster housing blocks, one street townhouse block and seven open space blocks.

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 riverine flooding and erosion hazards and wetland features including the surrounding areas of interference. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

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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/>

The following policies are applicable to the subject lands:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the Provincial Policy (PPS).

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

3.2.4 Riverine Erosion Hazard Policies

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

The UTRCA has reviewed multiple geotechnical submissions for the proposed development the most recent being titled **Thames Village Joint Venture Ltd. Consolidated Slope Stability Investigation Thames Village Residential Development 1742 Hamilton Road London, Ontario** prepared by exp dated July 2017. We are generally satisfied with the submission but will require a FINAL Consolidated Geotechnical Report as a condition of draft plan approval. The report shall be properly stamped sealed and signed by a professional engineer.

Based on discussion with City staff, we understand that a recreational pathway/trail is being considered/proposed on the subject lands. The UTRCA has not had the benefit of reviewing the location of this pathway and remind planning staff that any proposed pathway/trail shall be located outside of the riverine erosion/slope hazard lands which includes the 6 metre erosion access allowance. We also recommend that the draft plan be redlined to identify the location of the pathway/trail.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

The UTRCA has reviewed various Environmental Impact Studies (EIS) and submissions for the subject lands including the **Old Victoria East Subdivision 1691, 1738, 1742 Hamilton Road London, Ontario Environmental Impact Study Addendum** prepared by Natural Resource

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Solutions Inc. (NRSI) dated January 2015, revised July 2015, and a series of responses, the most recent being incorporated in the Hydrogeological Assessment dated April 13, 2018. Thank you for the additional assessment of the degree to which the ESA natural features are influenced by groundwater versus surface water hydrological inputs and the anticipated thermal regime of Tributary 2 and 2 C watercourses.

The UTRCA is generally satisfied that:

1. All of the groundwater locations have been identified.
2. The protocol for classifying stream thermal regimes is consistent with Chu et. al 2009¹.
3. The thermal tolerance of fish species from Coker et al. 2001² was considered when determining if a potential increase of 1.4 °C or 1.6 °C will impact these species.

However, the following concerns will need to be addressed in a Final Consolidated EIS, prepared to the satisfaction of the Conservation Authority:

1. Given that calculations are being deferred to the detailed design stage, the UTRCA cannot confirm whether:
 - a) maintaining 100% of the pre-construction infiltration volume through subsurface exfiltration system and lot-level BMPs and LIDs that will capture and treat up to the 95th percentile rain event will mitigate the reduced infiltration from the increase in impervious surfaces.
 - b) orifice controls are adequate measures to control outlet flow rates.

Please address in the Final EIS.

2. The Final EIS shall confirm/demonstrate how the SWH (i.e. small localized occurrences of apparent groundwater upwelling) will be protected, including appropriate buffers. If it is determined through the review of the FINAL EIS, Hydrogeological & Water Balance and Stormwater Management studies that there is a need for a larger buffer, the draft plan will have to be redlined to accommodate the required buffer.
3. Please provide a discussion as to how the exfiltration trenches will address salt from the road runoff they are capturing and exfiltrating into the surrounding native soils through perforated pipes.
4. Please provide a discussion as to how backyard pools will be drained, given that the rear lot areas of the majority of the lots will be directing water toward rear-lot ponding areas, where the runoff will be captured and allowed to passively infiltrate. Note that excess runoff from these areas will be allowed to naturally sheet flow directly into the ESA features. The UTRCA's concern is the amount of untreated pool water (with chemicals such as chlorine, salt) that will be released into the natural heritage features without any form of treatment. A Homeowners Information Package shall be prepared for the development to the satisfaction of the UTRCA which among others matters shall address backyard pools (and run off).

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5. What is the mitigation plan if the temperature of the tributaries increases such that the existing cool water stream is not maintained? What is the mitigation plan if surface and ground water levels are not maintained? What is the mitigation plan if these quality parameters are not maintained?

The UTRCA will require a baseline water temperature established on two (2) years of data rather than just one (1). For water temperature, the consultant needs to collect the daily maximum water temperature from July 1 to August 31 between 4pm and 6pm. The loggers must record at least 1 data point during that time of day.

In addition to the minimum two year baseline requirement, the UTRCA will require that monitoring/measurements continue throughout construction, and then 5 years of monitoring post project completion.

6. The UTRCA requires the monitoring plan to include justification supporting the level of effort and methodologies (e.g. monitoring durations, frequency, timing, etc.).

3.3.3.1 Significant Woodlands Policies

The UTRCA does not permit new development and site alteration in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands unless an EIS has been completed to the satisfaction of the UTRCA. As indicated, the UTRCA is generally satisfied with the ecological information that has been provided however, a Final Consolidated EIS will be required as a condition of draft plan approval to address our interests and outstanding concerns.

UTRCA PEER REVIEW COMMENTS ON TECHNICAL REPORTS

Hydrogeological Study & Water Balance

The UTRCA has reviewed the **Revised Report Hydrogeological Assessment Old Victoria East Subdivision – North Parcel, London, Ontario** prepared by Golder Associates Ltd. dated April 2018. The Site is the north parcel of the Old Victoria East Subdivision (Thames Village Joint Venture) and the area proposed for development is an ecologically important natural heritage feature. On Site and immediately surrounding the proposed development are groundwater dependent ecosystems (GDE's). Further, some of the existing residents on Hamilton Road have self-supplied well water from the shallow aquifer.

The hydrogeological Assessment is comprehensive. The current report incorporated data with seasonal high and lows measured in multiple wells over a year period (2017-2018), continuous data and a number of comprehensive water analyses have been completed in February 2018. A significant attempt to integrate the natural heritage and hydrogeology has been completed.

Low impact development (LID) measures have been proposed to compensate for changes proposed to pre and post development. LID features, if placed in pertinent areas to maintain groundwater quantity and quality may provide some protection to the existing natural heritage. The LID and stormwater components have not been detailed at this point. At this stage, it is possible for development to proceed with the recommended further investigation and monitoring.

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Areas of concern to be elaborated and/or discussed in the FINAL Hydrogeological Report include:

1. The groundwater contours developed on Site reflect the table land areas more than the areas of sensitive groundwater features. It is unclear when one combines all the data sets provided (quality and quantity) that the contours reflect the gradient and flow direction. It is established that groundwater dependent ecosystems are present throughout the Site (both seeps and wetlands) and groundwater upwelling occurs in a number of locations.
 - a. Shallow aquifers reflect surface topography and to some extent confining layers at depth (gradient often changes). The contours do not reflect the topography or shallow water table in the natural heritage areas or between the upland and lowland areas. In many cases the water table indicated is above the topography (Figure 7a and 7b).
 - b. Streams and watercourses are documented as gaining. Water table contours should reflect this and divert up-gradient.
 - c. The implication of the results of the piezometers are not discussed or integrated. Piezometers are normally installed to investigate the gradient at a location. The piezometer water should be sampled to compare and contrast groundwater to surface water at its exit point.
 - i. P1 appears to have a higher static than P2; similarly P4 is often higher than P3: what does this indicate? What was the purpose of installing piezometers at this location? Piezometers are sometimes installed at locations such as skunk cabbage to understand gradients within a wetland and determine if the setting is ephemeral or wet or whether sustained groundwater level is needed for some plant species.
2. The wetland is also a GDE and the interpretation of groundwater and this feature needs expansion. There is more discussion with respect to the seeps which is also important.
3. The shallow aquifer appears to be semi-confined at depth- by a till (see Figure 3 cross sections- till varies between 249-252 m ASL). The elevation of the till appears to control the GDE type of feature and the gradient of the water table. Above the till, where the shallow aquifer is present- wetlands are present. Where the shallow aquifer pinches out -seeps are more common. The upper part of the till acts as an aquifer (see BH 103 screened in till). The highest water table variation (indicates high conductivity) in BH 202 and hydraulic conductivity estimated as 9×10^{-5} m/s. The 200 series monitoring wells have similar responses on Figure 4a and likely indicates something about recharge at these locations.
4. Water Quality. The surface water quality appears to be significantly affected by groundwater input. NRSI documented gaining streams. A straight line between end members on the Piper diagram (Figure 6) indicates mixing groundwater and surface water. With the exception of sodium and chloride the remaining major cations and anions for all samples are similar (also indicated in the cation and anion section of the Piper diagram).
 - a. BH 2 is currently in a farm field. Outline possible sources of sodium chloride at BH 2 (e.g. pool drainage, septic system/ water softener?) If pool drainage, how might this apply on Site and how can this be controlled? These levels exceed half MAC for drinking water and will

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the domestic wells be impacted by increased de-icing, pool drainage etc.? Similarly, road de-icing can impact natural heritage.

b. Compare and contrast sodium (and chloride) levels in BH 2 with the shallow monitor BH 203 adjacent to Hamilton Road where road de-icing would be expected.

c. Compare and contrast sodium (and chloride) levels in BH 2 with surface water measurements. Is groundwater contaminating surface water?

d. Will the location of recreational pools and pool drainage affect LID design, performance and maintenance? Dissolved anions and cations are poorly remediated in LID systems.

e. Water temperature: Provide further discussion of the water temperature variations. The graph is very difficult to read. The water temperature (less variation) varies significantly from the air temperature. Groundwater recharge normally occurs when the daily maximum is above 0 degrees C. Recharge appears to occur on days when the temperature is below 0 air temperature. Confirm the air temperature and document- is it daily average versus daily maximum. Provide discussion on trends in locations. For example Tmp 3 is coldest throughout the period of record and Tmp 2 is the warmest and what might that mean with regard to groundwater input?

f. Other anthropogenic influences do to change in landscape are nutrients. Nutrients are often soluble and not filtered in LID situations. Nitrate in groundwater is only elevated in BH2 at this time. Address nutrient reduction in proposed development areas.

More work is needed to clarify the wetland features and the dynamics between wetlands, seeps and groundwater recharge/ discharge. Overall, the integrated approach has demonstrated many relationships but further work is required however the proposed development can likely move ahead for draft plan approval. The LID appear to be the panacea but the details of water quality (including temperature and salt), water quantity and where the recharge occurs in the LID is not adequately addressed at this stage of the development and is the limiting factor.

Follow Mitigation program indicated in Section 8.1 (Recommendations). Follow monitoring plan as indicated in Section 8.2. This is a significant local feature with groundwater dependence.

Urban environments significantly alter the nature of recharge to underlying aquifers. The change from rural to urban varies depending on the type of infrastructure used to manage stormwater. It is generally accepted that an increase in impervious surfaces associated with urbanization can lead to locally reduced groundwater recharge rates and increased surface runoff. Changes to groundwater recharge resulting from conversion of land for development is less documented due to lack of data from field-based studies. Therefore, it is important to monitor post development for five (5) years, in order to determine that the design features maintain the natural heritage system and mitigate for the groundwater changes to quality and quantity as predicted. In addition, to ensure that existing residents on self- supply drinking water are maintained in quantity and quality during and following development.

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Stormwater Management Report

The UTRCA has reviewed the ***Proposed Functional Stormwater Management Plan Proposed Old Victoria East Subdivision – Phase 2 and Phase 3 1742 Hamilton Road, London ON*** prepared by ENGPLUS dated February 2017, revised April 10, 2018 (received April 18, 2018). We offer the following comments:

1. The UTRCA requires the staging and sequencing of the erosion and sediment control drawings for the SWM LIDs proposed for the site at Detailed Design. The drawings shall be signed, sealed and dated by a P.Eng.
2. The UTRCA regulatory storm event is the 250 – year storm. Please update the SWM report by reporting the 250- year storm flows under the pre and post-development conditions at the detailed design stage.
3. Please provide detailed design/calculations of the proposed SWM LIDs at the detail design stage as mentioned in the report.
4. Please check the printing/font error in the sheet no. SK1.
5. Please provide a FINAL Stormwater Management Plan to the satisfaction of the UTRCA at the detailed design stage.

DRINKING WATER SOURCE PROTECTION

Clean Water Act

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We wish to advise that the subject lands are identified as being within a vulnerable area. Mapping which shows these areas is available at:

http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

Provincial Policy Statement (PPS, 2014)

Section 2.2.1 requires that: *"Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- e) implementing necessary restrictions on development and site alteration to:*
1. *protect all municipal drinking water supplies and designated vulnerable areas; and*
 2. *protect, improve or restore vulnerable surface and ground water features, and their hydrological functions."*

UTRCA Comments & Draft Conditions of Approval
File No 39T-17502/OZ-8147 - Updated

Section 2.2.2 requires that "*Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.*"

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at:

<http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

RECOMMENDATION

The UTRCA is generally satisfied with the technical studies that have been submitted to support this development application. While there are lingering concerns as indicated in our correspondence, the Conservation Authority is of the opinion that these likely can be addressed in the required FINAL technical reports at Detailed Design. Accordingly, the UTRCA offers the following conditions of draft plan approval:

That a Final Stormwater Management Plan/Report which addresses the Conservation Authority's outstanding concerns (as noted in this correspondence) be prepared to the satisfaction of the UTRCA.

That a Final Environmental Impact Study which consolidates all of the various ecological submissions and addresses the Conservation Authority's outstanding concerns (as noted in this correspondence) be prepared to the satisfaction of the UTRCA. A Homeowners Information Package shall also be prepared to the satisfaction of the UTRCA.

That a Final Hydrogeological Assessment and Water Balance Analysis which addresses the Conservation Authority's outstanding concerns (as noted in this correspondence) be prepared to the satisfaction of the UTRCA.

That if it is determined through the review of the FINAL EIS, Hydrogeological & Water Balance and Stormwater Management studies that there is a need for a larger buffer to protect the natural hazard and natural heritage lands and their functions, that the draft plan be redlined to accommodate the required buffer.

That the draft plan be redlined to identify any proposed pathway/trail which shall be located entirely outside of the natural hazard lands which includes the 6 metre erosion access allowance.

That the necessary Section 28 approvals be obtained from the UTRCA prior to undertaking any site alteration or development within the regulated area.

UTRCA Comments & Draft Conditions of Approval
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UTRCA REVIEW FEES

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications and peer review of technical reports. Our fee to review this application is \$5,850.00 and the UTRCA's fee to peer review the technical reports is \$4,100.00. We will invoice the applicant under separate cover. Furthermore, the UTRCA will collect peer review fees when the FINAL technical reports are submitted at Detailed Design.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 293.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Christine Creighton
Land Use Planner
IS/TT/ LN/IB/CC/cc

Enclosure – Regulations Mapping (please print on legal size paper to ensure that the scales are accurate)

c.c. Sent via e-mail -
Applicant – Thames Village Joint Venture Corp.
UTRCA – Mark Snowsell & Brent Verscheure – Land Use Regulations Officers

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5
www.HydroOne.com



Courier:
185 Clegg Road
Markham, Ontario L6G 1B7

VIA E-MAIL ONLY TO LMOTTRAM@LONDON.CA

December 8, 2017

City of London
Development Services
300 Dufferin Ave, PO Box 5035
London, ON N6A 4L9

Attention: Larry Mottram

Dear Mr. Mottram:

**Re: Draft Plan of Subdivision, Thames Village Joint Venture
1738, 1742, 1752, 1756 Hamilton Road
City of London
File: 39T-17502**

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the proposed plan titled "Old Victoria East Subdivision", dated September 2017 and attached to the City of London circulation dated November 21, 2017 ("the Plan"). As the subject property is abutting and/or encroaching onto a HONI high voltage transmission corridor (the "transmission corridor"), HONI **does not** approve of the proposed subdivision at this time, **pending review and approval of the required information**.

The comments detailed herein **do not** constitute an endorsement of any element of the subdivision design or road layout, nor do they grant any permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.

The following should be included as **Conditions of Draft Approval**:

1. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Two copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
2. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

3. At the developer's expense, temporary fencing must be placed along the transmission corridor prior to construction. Permanent 1.8 meter high continuous chain link fencing must be installed along the transmission corridor after construction is completed with no gates leading to back or side yards of the subdivision.
4. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer. The developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
5. HONI's easement rights are to be protected and maintained.
6. Blocks 78 and 79 as shown in the Plan will be transferred to the City as open space. Structures or obstructions of any nature which may interfere with the safe and efficient operation of the transmission line are not permitted within these Blocks.
7. Public access to the corridor is not permitted. A gate must be installed between Lots 3 and 4 on the Plan in order to prevent public access to the corridor. The City of London may use and access this gate for maintenance purposes.
8. When available, detailed designs for access and multi-use servicing affecting the transmission corridor (near Units 22 & 23 on the Plan) must be submitted to HONI for review and approval.
9. Historically, HONI has had access to the transmission corridor from Hamilton Road, through Street C and the area north of Street C, as shown in the Plan. HONI requires the same continuous access during and after construction of the subdivision has been completed, and will require an easement to maintain this access if the area is designated as a private road.

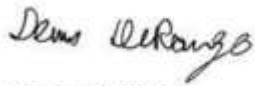
In addition, HONI requires the following be conveyed to the developer as a precaution:

10. The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Yours truly,



Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.

cc: Joan Zhao – Hydro One Networks Inc.
Dan White – Hydro One Networks Inc.
Paul Hinde – Tridon Group

EEPAC Working Group Comments

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Documents reviewed:

- 2015 Thames Village (Old Victoria East Subdivision 1691, 1732, 1742 Hamilton Road) EIS prepared by Natural Resource Solution (EIS 7-2015);
- 2015 exp's Hydrogeological Assessment and Water Balance;
- 2017 Golders' Hydrogeological Assessment;
- 2013 exp's Slope Stability Investigation;
- 2017 exp's Consolidated Slope Assessment; and
- 2015 AECOM's Old Victoria SWM Facility No., Functional Design Volume II-Supplemental Reports.
- consultant's document dated April 12, 2017 reply to City and UTRCA

**Submitted by: Berta Krichker, Sandy Levin, Alison Regehr, Ian Whiteside
August 24, 2017 EEPAC meeting**

INTRODUCTION

This EIS should not be accepted until a "holistic" document is prepared for review by the City and agencies. In its current form, with multiple documents, is confusing and liable to misinterpretation and understanding. EEPAC is concerned that it will be difficult for staff to provide clear conditions of development which is important as this development is being shoehorned adjacent to an ESA.

Ideally, the City should buy lands in this area to avoid having a development on each side of the ESA "finger" (Tributary 2c)

EEPAC is disappointed that it has not been involved in the review of this proposal since its review of the 2013 draft of the EIS addendum. It only received at its May meeting, a copy of the April 12, 2017 letter from the consultant which was a collection of responses from the consultant to the City and the UTRCA. EEPAC was not invited to the April 14, 2015 meeting referred to in the July 2015 version of the addendum (EIS 7-2015). In fact EEPAC only received EIS 7-2015 (which contained the consultant's comments to EEPAC's 2013 comments, when it asked for a single comprehensive version in June, 2017.

Further, EEPAC has grave concerns about this development proposal as will be detailed below. In general, it is being shoehorned into an ESA with many hopeful comments in the EIS that all will be right with the ESA after construction. However, the EIS is weak on considering and mitigating post construction impacts. It generally relies on standard conditions to provide the protection for the ESA post construction. This report includes recommendations for additional conditions of development and holding provisions meant to provide for a more detailed review of those post EIS Plans mentioned in the EIS 7-2015.

The Impact Analysis in EIS 7-2015 ignores the continued access to the Hydro corridor and the impact of grading which will not match existing grades. It appears permission has been given to encroachments (p. 93) that were permitted so that the constraints fit the development. The development should be sized to

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fit the constraints instead. It is also quite amazing that the impact analysis claims no significant impact from increased human entry into an ESA that has no managed trail system or Conservation Master Plan. There is also no mention of cats and dogs in the impact analysis either.

If, despite the deficiencies, the City recommends changes to the land uses, EEPAC has the following recommendation.

RECOMMENDATION #1: A specific holding provision(s) be applied to this subdivision and no Draft Conditions for this subdivision be issued by the City until all required clarifications and details listed below be provided by the owner and its consultants for EEPAC acceptance, all to the satisfaction of the City, MOECC and the supported by UTRCA:

- the hydrogeological assessment including water balance;
- the slope stability investigation and its buffers, dewatering detailed methodology and measures;
- specific water quality/quantity and erosion control monitoring program under the pre (existing baseline conditions) and post construction conditions (including, but not be limited to, water quality basic chemistry and biological monitoring-BioMap);and
- a cumulative impact evaluations of major features and functions of environmental/ecological system that may be impacted by the proposed land development and services.

Theme 1 - GROUND WATER AND INFILTRATION

The EIS references that discharge to the Thames from the Tributaries is cold water. We have concern is geochemistry/ temperature changes from dewatering/ surface water drainage (and flow into Thames) could have deleterious impact on habitat.

It appears that there is groundwater discharge along the entire length of the tributaries (Tributary 1, 2, 2a, 2b, 2c, and 6) with the presence of Skunk Cabbage, Marsh Marigold, and Watercress indicating the presence of groundwater discharge - groundwater discharge is not just confined to the visible seeps. This likelihood is further supported by the groundwater flow map prepared by Golders, which indicates the groundwater table of the unconfined aquifer is higher than ground surface and is therefore likely discharging to the tributaries. The report should address the potential impact to groundwater discharges along the entire length of the Tributaries.

RECOMMENDATION #2: This matter requires further commentary/ analysis prior to acceptance of the report. Impacts to the tributaries must be quantified.

Post development infiltration needs to be given a second look, with a more holistic approach that looks at the development as a whole (including the impact of the SWM facility) rather than piecemeal. EEPAC has two concerns:

The report we reviewed was in isolation to the other areas being developed. Groundwater flow to the tributaries will come from both the upland

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portions and the site covered by the Golders report, and post development infiltration for the entire site needs to be considered.

The addendum to the exp report from June, 2015 that discussed post development infiltration is insufficient and inconclusive:

- A), infiltration in the developed areas, even after mitigation measures, is expected to range between 40 and 65%, well below the 90% target cited in the Golders report.
- B) The assumptions regarding post development infiltration in Parcel 6, which is essentially the ESA, is likely wrong. The report assumes that run-off from adjacent parcels is treated as precipitation in Parcel 6; it is not, in my opinion (precipitation is evenly distributed over the entire site, whereas run off is a point source and will likely not infiltrate into the water table. As well, infiltration upstream in the areas being developed is much more important given groundwater flow into the upper reaches of the tributaries. Regardless, relying on infiltration outside of the development site to achieve one's "80%" target is not consistent with the Guidelines. The target should be applicable to the areas being developed only, not the developed areas plus adjacent areas.

RECOMMENDATION #3: The report not be accepted until this matter is clarified and the 80% infiltration target is demonstrated to be accurate.

RECOMMENDATION #4:

- A. Clarification and specific required details be integrated in the final Hydrogeological Assessment report, that demonstrate the proposed required hydrogeological systems performance and the system components correlation with: seepage, aquifers connections, wetlands, surface water infiltration areas and discharges, major water resources functions and features.
- B. Also, all of the above-noted information be integrated in the water balance evaluations for the pre and post-construction conditions for the subject lands. In this report the proposed hydrogeological systems' performance under post-construction conditions be designed to mimic the pre-construction conditions or at a minimum to meet a post construction water balance target of 80% of the pre-construction water balance conditions and infiltration measures be maximized to maintain the environmental/ecological health of this system.
- C. The site specific mitigations measures, dewatering methodology and procedure be included in the Hydrogeological Assessment report in coordination with the infrastructure and grading final design for this subdivision.

THEME 2 - SITE MONITORING DURING CONSTRUCTION ACTIVITIES

The report references the likely need for a Permit to Take Water during construction activities, as the likely dewatering volumes are in excess of 400,000 litres per day. Additionally, we reference the City of London guidelines for Sediment and Erosion, which specifies that controls must be put in place to ensure adequate protection of water quality in open watercourses within the

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City's boundaries. EEPAC has concern that dewatering during construction, as well as construction in general, could have an adverse impact on the adjacent ESA related to potential erosion and/ or increase in sediment entering the water course.

RECOMMENDATION #5:

- A. The dewatering plan should include an Erosion Sediment Control Plan, as well as appropriate measures to ensure the nearby watercourses located in the ESA are not impacted by the dewatering activities. The effectiveness of these measures should be evaluated consistent with groundwater monitoring program discussed in Section 8.
- B. Post-construction/dewatering, groundwater quality sampling should be conducted again to ensure no change to the baseline conditions. The wells being sampled post construction should be downstream of the construction site.
- C. For certainty, the parameters being analyzed should include BTEX as discussed in Section 4.2.

RECOMMENDATION #6:

- A. Clarifications and specific details be provided in the Consolidated Slope Assessment Report, the Hydrological Assessment Report and the final design of grading and storm/drainage SWM proposed servicing. This information needs to reaffirm that all surface water from the subject lands will be directed from the slope stability areas (as identified in the exp Slope Stability Investigation report).
- B. The final Slope Assessment report be required to confirm that the proposed slope stability buffers are based on all applicable engineering, environmental/ecological requirements and be required to identify the applicable dewatering detailed methodology/measures, the monitoring requirements to protect slope stability during construction activities.

THEME 3 - POST DEVELOPMENT GROUNDWATER INFILTRATION/ SURFACE WATER RUN-OFF

EEPAC would like to have a more detailed assessment of the pre and post development water balance. The report noted that it is important that the post-development water infiltration be sufficient to maintain the groundwater seeps into watercourses. These seeps are cited as being important to maintain.

In particular, EEPAC is concerned with the following:

The minimum post-development infiltration required to maintain the seeps is 90% of the pre-infiltration level (Section 6.2.4). Exp Services Inc. in their Hydrological Assessment and Water Balance Report on the Thames Village Residential Development (February, 2015) estimated the post-development infiltration will be 41.9% without mitigation measures, and from 71.0% to 89.6% with mitigation measures. While the Report discussed potential mitigation measures to increase post development infiltration, none were quantified. EEPAC recommends two additional mitigation measures:

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RECOMMENDATION #7

- A. increase the depth of topsoil throughout the development, as a thicker layer of topsoil is able to infiltrate/store/evaporate more water
- B. take actions to reverse soil compaction before laying topsoil (or reduce soil compaction in the first place) (e.g. <http://www.sustainabletechnologies.ca/wp/home/urban-runoff-green-infrastructure/low-impact-development/soakaways-infiltration-trenches-and-chambers/catchment-scale-evaluation-of-rear-yard-soakaways-and-soil-amendments/>)

RECOMMENDATION #8:

A - Quantify the impact of the proposed mitigation techniques in order to demonstrate achieving a minimum 90% pre-development infiltration rate.

B - Incorporate these design elements into the site plan.

C - Post-development, monitor the site to ensure that the groundwater seeps remain and that groundwater infiltration is not less than 90% of the pre-development infiltration rate.

Reports identify the subject site as not being connected to the storm water management pond. Rather, surface water (including stormwater runoff) from the site will presumably drain to the tributaries, bypassing the SWM Facility. Section 6.2.1 states there will be an increase in surface runoff post-development owing to an increase in impermeable areas, which could result in significant difference in the flow pattern after a rain event (peak flow will occur sooner and will be higher). This increase in the peak discharge may result in an increase in erosion and an increase in suspended solids in the watercourse.

RECOMMENDATION #9:

A. - Incorporate design elements into the site plan such that the peak discharge into the watercourses is not more than the current peak discharge.

B. - Ensure that appropriate sediment control measures are put in place to limit sediment discharge from the site to that which existed prior to site development.

RECOMMENDATION #10: All infiltration measures must be to the satisfaction of the UTRCA and the City. This is particularly important as page 11 of the April 2017 document repeatedly says “where feasible” without explaining what would make measures feasible.

RECOMMENDATION #11: A hydrogeological monitoring program must be developed in the detail design stage (page 7 of the April 2017 document) to the satisfaction of the City and the UTRCA. This requirement must be a condition of development. Holdbacks must also be required because if the monitoring determines that there has been harm to the wetlands, there must be a consequence.

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RECOMMENDATION #12: if the wetland feature and/or function is harmed, the proponent must either contribute to the creation of a wetland in another part of subwatershed or contribute to the City's Woodland Acquisition Fund or to the completion and/or implementation of the Meadowlily ESA Conservation Master Plan. This should be a condition of development.

THEME 4 - WATER QUALITY

EIS 7-2015 on page 108 suggests that a water quality monitoring program should be implemented and should be completed in conjunction with the requirements for the SWM facility. It is unclear to EEPAC if any of this coordination has taken place. The detail design work is done for the SWM facility and construction is imminent. It is probably too late to coordinate programs unless such work has already taken place.

RECOMMENDATION #13: A water quality monitoring program for the development must be prepared and approved by the City and the UTRCA as a condition of development.

OVERLAP BETWEEN SWM POND WORK AND DEVELOPMENT WORK

EIS 7-2015 and EEPAC's 2013 comments all refer to the work undertaken by a separate consultant for the City for the soon (August 2017) to be built SWM pond and outlet. EEPAC has not received the details design nor the restoration plan for the site. How the City's restoration plan and the proponent's plans will work in concert remains a mystery.

RECOMMENDATION #14: There be coordination between the SWM Unit, Development Services and Environment and Parks Planning on restoration and protection measures for the ESA, including monitoring.

CLINE LANDS

(See page 108 of EIS 7-2015). EEPAC is concerned about water quality impacts of the future development. It is stated that an oil grit separator (OGS) requiring periodic maintenance will be required. Given the lands will be in private ownership after development, how realistic is this? What mechanism does the City have to compel such works? If it does, where does such information go? Are there any examples in London where an OGS have been installed, inspected and reported? With new LID requirements coming into place in Ontario, there will be a greater need for a process to be in place if not already. Regardless, the EIS relies heavily on the detail design stage of development to provide details of such a system

RECOMMENDATION #15: Development Services implement a program for receiving and confirming the regular maintenance of OGS where installed on private property.

RECOMMENDATION #16: UTRCA and City approval be required of the lot level controls.

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RECOMMENDATION #17: Consideration be given to the road to the condo having curb and gutter with OGS rather than a gravel shoulder.

The pre-construction water quality/quantity monitoring program components are critical and important components for this monitoring program and will require to record the existing baseline conditions under dry and wet season conditions.

RECOMMENDATION #18:

- A. The water quality/quantity and erosion control monitoring program for the pre (existing baseline conditions) and post construction conditions (including, but not limited to, water quality basic chemistry and biological monitoring-BioMap) be developed and undertaken by the Owner and its consultant.
- B. The Draft Plan Conditions for this subdivision be required to incorporate all requirements for this water quality/quantity and erosion control monitoring program.

THEME 5 - BUFFERS AND ENCROACHMENT

It is unfortunate that the consultants used 10 year old city buffer Guidelines when Beacon's more recent Buffer Guideline work for the Credit Valley Conservation Authority has been used by a number of consultants. Regardless, EEPAC notes that EIS 7-2015 page 85 says that the City has agreed to buffers and the ESA boundary. Page 87 indicates the success of buffering is "provided the buffer is actively restored with native species."

EEPAC also notes that City staff confirmed that the proposed townhouse road can occur in the ESA buffer. This meeting was April 18, 2016. EEPAC was not in attendance and would not have supported such an agreement.

EIS 7-2015 repeatedly states for each small encroachment that it is not anticipated to cause a negative impact to the adjacent features. What the consultants ignore is the cumulative impact post construction. The entire document is weak in dealing with post construction impacts leaving much to future "Plans" yet to be developed. It is post development impacts generally that have negative impacts on flora and fauna.

EEPAC also takes issue with Table 1 on page 13 of the April 2017 document. It would have been much better to enlarge Area L and revegetate it. Area K is adjacent to the SWM facility. Not much of a useful buffer really, given it will probably be an access point for a path and or the outlet.

RECOMMENDATION #19: The success of the buffers depends not only on successful restoration, but also active post construction monitoring and enforcement. Sadly, the lack of a completed CMP for the ESA makes this post construction future questionable. City staff should move immediately to restart the CMP process or at least explain to Council the lack of action since they took office.

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RECOMMENDATION #20: Given that Sifton Properties is developing adjacent to the west side of Patch 09028, and that the Thames Village consultants did not have access to this site, the buffers for the east side of the patch must be reviewed with the City prior to acceptance of EIS 7-2015.

RECOMMENDATION #21: A holding provision be applied to the site until a cumulative impact analysis is provided to the satisfaction of the City.

EEPAC is also concerned that the consultant recommends on page 12 of the April 2017 document that the proposed extension of the ESA boundary provides an opportunity for passive regeneration of this existing rear lot area into a more natural feature over time. It is unclear from any of the documentation what happens if this opportunity fails? There is a risk that the area will be overrun with invasive species. Hence, EEPAC asks for the following as a condition of the monitoring program:

RECOMMENDATION #22: If the passive regeneration opportunity does not show results during the monitoring period of three years, the proponent be required to re-naturalize it with species approved by a City ecologist.

THEME 6 - TRIBUTARY 2

EEPAC is concerned about the possible negative impact to the fish in this Tributary. Page 101 points out that the proposed culvert, if installed wrong, could create a new barrier to fish.

RECOMMENDATION #23: All in water work, must (not should as stated in EIS 7-2015) must comply with DFO and MNRF requirements.

RECOMMENDATION #24: A qualified person (aquatic biology preferred) should be on site during the construction and have authority to stop work if the work on the culvert would create a barrier to fish movement.

All pre and post construction stage mitigation measures made in the EIS must be included in conditions of development. EEPAC has the following to add to these conditions.

THEME 7 - PRE-CONSTRUCTION CONDITIONS

RECOMMENDATION #25: A cavity tree assessment for bats and bat maternal colonies be a condition of approval (as suggested on page 94 of the January 2015 version of the EIS)

THEME 8 – CONSTRUCTION CONDITIONS

RECOMMENDATION #26: Any lay down, storage or fuelling must be 30 m outside setbacks and never adjacent to natural features, especially, watercourses. EEPAC is most concerned that this will be difficult to achieve for the Cline lands development.

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RECOMMENDATION #27: A Sediment Erosion Plan (mentioned at page 104 of EIS 7-2015) must be required as a condition of development. It must include direction that the storage of soils must be a minimum 30 m from all watercourses, slopes, and ravines.

On page 105, the consultants mention there should be an Environmental Management Plan to ensure sediment and erosion control measures are installed, maintained and functioning. As sediment control measures are a standard condition, EEPAC recommends the following additional requirements:

RECOMMENDATION #28: An ecologist/biologist, selected to the satisfaction of the City, with authority to stop work, be on site during construction.

RECOMMENDATION #29: A Flood Response Plan (mentioned at page 105 of EIS 7-2015) must be required as a condition of development. In that plan, it must mention that work must (not just should) not take place during high volume rain events or snow melts/thaws (see p.105-6 of EIS 7-2015).

RECOMMENDATION #30: Clean Equipment Protocol must be followed and be a condition of the development agreement.

THEME 9 - TRAIL PLANNING

Trails appear to be outside the scope of the addendum (p. 109 EIS 7-2015) given it is the development that gives urgency to having a trail system in place to handle the increase in human traffic. While EEPAC agrees that the standard condition, fences with no gates is a must, EEPAC also recommends:

RECOMMENDATION #31: The homeowner material include an explanation of why no gates should be ever installed in the fence.

THEME 10 - MANAGEMENT PLAN AND MONITORING

There is no information about species to be planted other than noting "native species" there is nothing about dealing with invasive species including Japanese Knotweed which was noted in an FOD7-4 community as well as Phragmites in Tributary 2C. It is unclear from all of the various documents in EEPAC's hands what the actual plan is other than to allow buffer areas to naturally regenerate. There is no list of plant species proposed for which area (given the mix of ecosites, one "size" will not be appropriate to all areas). NRSI's letter to the UTRCA and the City dated April 12, 2017 received by EEPAC at its May meeting, suggests that this natural regeneration will be monitored and if not satisfactory (to who?), "a plan could possibly be implemented." This is hedging of the first order and is not acceptable. In the many documents there is no detail provided. Given the location adjacent to a large section of an ESA, a formal plan must be in place prior to construction.

RECOMMENDATION #32: A condition of rezoning (a holding provision) be applied until a formal management plan, including invasive species management, species to be planted listed, monitoring periods and hold backs for remediation

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and subsequent plantings if natural regeneration fails, is approved by the City. If such a condition is not possible on zoning, it **must** be a condition of development approval.

There is woodland amphibian breeding habitat within the FOD5 community (page 5, April 12, 2017 letter). It is suggested that the 10 m buffer is sufficient protection. According to the MNRF's Significant Wildlife Habitat Mitigation Support Tool development on adjacent land can have significant impacts on breeding pond functions if it alters ground or surface water quality or quantity. Woodland ponds which dry up before larvae transform as a result of disruptions to hydrological function become unsuitable sites for reproduction. Adjacent development can have a very high impact if it separates breeding habitat from summer or winter habitat. Residential and commercial development may result in the release of contaminants (i.e., sediments, high nutrient concentrations)

RECOMMENDATION #33: The monitoring plan must include baseline information, monitoring and reporting of the health of the SWH. The plan must also include compensatory mitigation if SWH is lost.

The letter of April 12, 2017 on page 6 also notes that "... the location and orientation of the seeps on site (also Significant Wildlife Habitat) may be altered, this is not expected to negatively affect their function to support wildlife and provide a course of vegetation biodiversity with the ESA." While it is almost certain the seeps will be altered, there is also a real possibility that they will be negatively affected.

RECOMMENDATION #34: The monitoring plan must include baseline information and monitoring of the seeps ecological function and vegetation biodiversity. If function or vegetation biodiversity are lost, compensatory mitigation will be required from holdbacks.

RECOMMENDATION #35: Any areas planted as part of the restoration plan include signage explaining why it is a restoration area to encourage people to avoid damaging it while restoration is taking place. Thorny native plants such as hawthorns should be included in the planting plan as an additional deterrent to human entry.

RECOMMENDATION #36: The monitoring plan should be for a minimum of 3 "cycles." In other words, if planting is in the spring of 2018, the last inspection would occur in the spring of 2021.

RECOMMENDATION #37: Due to the plan to cut tree roots to construct the new road to the Cline property, monitoring of tree health should be for 5 years with a holdback for tree planting or other compensatory mitigation to replace trees killed.

Although EEPAC appreciates that p. 117 EIS 7-2015 recommends that the clock start on the monitoring at 90% build out, EEPAC recommends revised wording.

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RECOMMENDATION #38: The monitoring period begin the spring after 90% build out of the single family units or the 3rd spring after construction starts, whichever occurs first.

While EEPAC agrees with monitoring of the anthropogenic impacts (also page 117), the document is short on details of what will be done by who. For example, “warning of fines for unauthorized activities” signage is generally only installed at access points of managed trails. If there are no managed trails, the reminder of fines is an empty warning. It is unclear what mechanism exists to require the proponent to implement measures. What holdbacks will there be? What actions are taken by Development Services? This is particularly a concern because of the “phasing” of the development.

RECOMMENDATION #39: A holding provision be put on the Cline property subject in order to determine what impacts the single family development has had on the ESA prior to permitting the rezoning to come into force and effect. It might be necessary to make alterations to the development or site plans at that time.

THEME 11 - EDUCATIONAL MATERIAL FOR RESIDENTS

Anecdotally, a former EEPAC member who received “educational material” from the homebuilder found that it was included with a great deal of other information a new homeowner received. In other words, it was easy to miss and temporal at best. Therefore, EEPAC recommends for this addition to the standard condition.

RECOMMENDATION #40: In addition to the standard educational brochure, the proponent be required to:

- a. Contribute to the creation of an informational kiosk about the ESA at one or more trail heads nearest (within 50 m) to the development.
- b. Pay for a city mailing of the “Living With Natural Areas” brochure and EEPAC’s “cat” brochure to all property owners 6 months after 70% of the units are occupied.



June 4, 2018

Project No. 1469

Maneesh Poddar
Planner
Tridon Group

Dear Mr. Poddar,

**Re: Old Victoria East Subdivision, 1738, 1742, 1752-1754 Hamilton Road,
London
Response to EEPAC comments dated June 12, 2017**

Staff of Natural Resource Solutions Inc. (NRSI) have had a chance to review the City of London Environmental and Ecological Planning Advisory Committee (EEPAC) letter, received by the EEPAC Chair on June 12, 2017. The EEPAC comments are based on their review of NRSI's July 2015 Environmental Impact Study (EIS) Addendum, and a subsequent NRSI comment-response letter to the Upper Thames River Conservation Authority (UTRCA) and City of London dated April 12, 2017. Responses have been provided according to the themes outlined in the EEPAC letter. Certain EEPAC comments appear to be directed to City planning staff (e.g., recommendations for holding provisions); we have not responded directly to those comments.

Theme 1 – Groundwater and Infiltration

Watercourse Thermal Regime

Tributary 2 within the subject property is considered to have a coolwater thermal regime based on the presence of coolwater-dependent fish species within the watercourse as presented in the EIS Addendum. The coolwater thermal regime is also explained through the known occurrence of various groundwater seepages and upwellings along its length within the subject property. However, the majority of flow derives from warmwater upstream sources (e.g., from an upstream stormwater management pond and agricultural field tile drainage), which likely transitions into a coolwater regime as the flows incorporate groundwater inputs downstream towards the confluence with the Thames River. Tributary 2 is not considered a coldwater feature due to a lack of known fish species occurrences that would be indicative of coldwater conditions. The single occurrence of a Brown Trout (*Salmo trutta*) at one location, during one UTRCA sampling year (NRSI 2015) is considered anomalous in the context of the other species observations and we conclude that its presence is not indicative of a coldwater regime within Tributary 2.

As described in the Proposed Functional Stormwater Management Plan (Eng Plus 2018), an Etobicoke Exfiltration System has been proposed, which is designed to

provide on-site subsurface runoff volume storage for major storm events up to the 100-year storm event. The storage capacity and extended runoff detention durations achieved through this system will reduce surface storage and mitigate thermal impacts. By enhancing infiltration potential within the development and reducing runoff that enters the Environmentally Sensitive Area (ESA) through surface flow paths, hydrological inputs to the adjacent natural features will be thermally cooled to maintain an existing coolwater thermal regime in the receiving watercourses.

Water temperature monitoring will be undertaken during and post-construction and compared against pre-construction baseline conditions. This monitoring is required to ensure a coolwater thermal regime is maintained within Tributary 2 and remains suitable habitat for the coolwater-dependent fish species. Existing data loggers installed by NRSI on February 2, 2018 will be used to collect baseline temperature data and monitor long-term trends.

Infiltration and Groundwater Seepages

Refer to Sections 3.3.1, 3.3.3 and 6.1.2 of the Revised Hydrogeological Assessment (Golder 2018) for discussion of the impact assessment to groundwater discharge.

Specifically, Section 6.1.2 states that "based on the results of monitoring and site observations, water levels within the tributaries and south branch of the Thames River are not fully dependent on direct groundwater discharge. There are areas of localized groundwater upwelling and seepage that contribute to streamflow, but the watercourses on the Site are not anticipated to be fully reliant on groundwater to be sustained. NRSI's 2018 supplementary field data collection efforts [as presented in Appendix E of the Revised Hydrogeological Assessment report] have confirmed characterization of the natural watercourse features as being supported by a combination of both surface water and groundwater inputs. As a result, surface water levels are not anticipated to be impacted by any proposed construction dewatering."

The impact assessment in the context of the subdivision development, Section 6.2.4 discusses the following: *"Without mitigation, the anticipated decrease in groundwater recharge may lead to a localized reduction in the seepage volumes along the valley walls of the watercourses and within the ESA. Given that appropriate mitigation measures will be implemented to maintain at least 90% of the pre-development infiltration, the development is not expected to cause a decrease in the volume of groundwater seepage, though when combined with the cumulative effect of the recently constructed stormwater management facility (SWMF) at the Site, overall Site development may potentially impact the locations and/or orientations of the existing seeps. It is anticipated that seeps will remain in their local catchments and drain to the same ultimate receptors, despite the expected minor changes in location and orientation".*

With respect to the infiltration targets, the link has been made between the 90% target and the water balance completed by Eng Plus (2018) in Section 6.3 of the Golder hydrogeological assessment report.

Theme 2 – Site Monitoring During Construction Activities

The hydrogeological assessment report (Golder 2018) was designed to meet the needs of the proponent and UTRCA for approval. It is not currently designed to support a Permit to Take Water (PTTW) application due to the fact there are some unknowns with respect to excavation depths etc. that would be resolved during further design stages. A PTTW application package can be developed by Golder on behalf of the project team when required. The PTTW application package would include minor scope additions such as dewatering calculations and refinement of the proposed monitoring program in Section 8.2 of the Hydrogeological Assessment report (Golder 2018) to ensure parameters of concern are analyzed during baseline, construction and post-construction periods.

Responses to Recommendations:

#3A: By current industry standards in London, any dewatering plan prepared by a contractor generally includes or refers to (as part of a design drawing/tender package) a comprehensive Erosion and Sediment Control Plan. The Groundwater Monitoring Program (GWMP) (a component of the comprehensive Monitoring Plan to be prepared during detailed design) presented in Section 8.2 (Golder 2018) would be refined nearer to the date of construction.

#3B: The GWMP would include details of a post-construction monitoring phase (this is already referred to in Section 8.2 (Golder 2018) but would be refined).

#3C: Petroleum hydrocarbons (to include BTEX) are included in the parameter list in Section 8.2 (Golder 2018).

Theme 3 – Post-Development Groundwater Infiltration/Surface Water Runoff

Infiltration, Water Balance and Monitoring

The stormwater management plan has been designed to maintain 100% of the pre-construction infiltration volume, which will be captured, stored and infiltrated in the Etobicoke Exfiltration System up to the 90th percentile rain event in London (28mm). The system has been designed to maintain the pre-construction water balance within each of the existing catchment areas that contribute hydrological inputs to the natural features, and by exceeding the 90% infiltration target that was identified (Golder 2018) to achieve a water balance. This system will infiltrate runoff sources within their existing catchment areas such that infiltrated flows will continue to be directed to the same general areas of slope seepage as under current conditions. The proposed infiltration measures are not expected to cause a decrease in the volume of groundwater seepage within the ESA, although minor variations in the location and/or orientation of the seepages may occur along the valley walls. Runoff will be infiltrated as close to the source as possible and will be maintained within existing pre-construction catchment areas. This will allow infiltrated water to maintain similar flow paths such that the seepage area locations along the valley slopes are not significantly altered. This will mitigate potential for changes in the area and composition of groundwater-associated vegetation species within down-gradient forest slope and wetland areas.

Monitoring recommendations were made in the Hydrogeological Assessment report (Golder 2018), which include monthly groundwater level and surface water level monitoring across pre-, during- and post-construction monitoring periods. Water level

monitoring is proposed to ensure that water balance is being achieved as anticipated and that negative impacts associated with water quantity inputs are not occurring within the natural features. The seepage areas will also be regularly documented as part of the GWMP across pre-, during-, and post-construction phases. Refinement of the GWMP will occur nearer to the construction period as mentioned above. A Trigger Action Response Plan (TARP) may be suitable for the GWMP to indicate trigger levels and accountability in the context of detected impacts.

As further described under the response to Theme 10, vegetation monitoring at seepage locations will also be incorporated into the Monitoring Plan to monitor vegetation species composition and identify any changes that may be occurring in response to altered groundwater seepage conditions. The Monitoring Plan will outline corrective measures to be implemented in the event that hydrogeological and/or vegetation monitoring suggests negative impacts to the existing groundwater seepage functions within the ESA.

Surface Water Runoff

As described in the Proposed Functional Stormwater Management Plan for the proposed development (Eng Plus 2018), a portion of the development (post-development catchment areas A100 and A101) will drain toward the City's adjacent stormwater management facility. See the Stormwater Management Plan for the post-development drainage plan prepared by Eng Plus (sheet number SK2). Stormwater collected within the remainder of the development will ultimately drain into the adjacent watercourses (Tributaries 2 and 2C) according to the stormwater management plan. As described in the plan, stormwater will be collected and infiltrated, and excess runoff will drain to the watercourses at designated outlet sites as shown on the post-development drainage plan.

The stormwater management plan has been designed to provide on-site runoff volume storage for major storm events up to the 100-year storm event. Post-development peak flow rates will be controlled to pre-development rates before leaving the site to mitigate erosion and flooding impacts on the existing downstream drainage system (Eng Plus 2018). Stormwater runoff volume will be contained on-site within the subsurface exfiltration trenches for temporary volume storage. Additional storage is provided within roadway low areas to a maximum ponding depth of 300mm. Runoff that is released from the exfiltration trenches at the proposed outlet locations will be controlled to pre-development flow rates using orifice controls (Eng Plus 2018).

A detailed Erosion and Sediment Control Plan will be provided as a condition of development. Various erosion and sediment control recommendations were provided in the Proposed Functional Stormwater Management Plan (Eng Plus 2018).

Theme 4 – Water Quality

Monitoring

Should the City have a monitoring program in place for the adjacent stormwater management facility, we will work with the City to ensure that the monitoring program for

the development is compatible with the program undertaken for the stormwater management facility to facilitate data sharing, integration, and interpretation.

Water Quality Control Plan

A robust plan for water quality control within the development has been described in the Proposed Functional Stormwater Management Plan (Eng Plus 2018). As described in the plan, stormwater runoff from the 90th percentile storm event (28mm) will be retained and infiltrated into the ground using an Etobicoke Exfiltration System. The storage volume provided by the exfiltration system exceeds the water quality requirements objective for the Enhanced protection level (i.e., 100% controlled for the 90th percentile rainfall event) (Eng Plus 2018).

Additional lot-level controls will be provided by directing roof runoff from downspouts onto grassed surfaces that will sheet flow to shallow ponding areas at the rear-lot limits. This flow path will allow for natural filtration of the relatively clean rooftop runoff prior to temporary retention and infiltration within the rear-yard ponding areas.

Oil-grit separator (OGS) units will also be incorporated as lot-level controls within the development. Maintenance of the OGS units will be the responsibility of the condominium corporation. Pre-treatment devices such as goss traps will be placed in all catchbasins to capture any spillage and floatable contaminants before entering the exfiltration trenches (Eng Plus 2018).

Theme 5 – Buffers and Encroachment

North of Hydro Corridor

The EEPAC letter states that EEPAC would not have agreed to the City's acceptance of the proposed condominium road being located within the ESA buffer north of the hydro corridor, as was discussed during an April 18, 2016 meeting. As shown on Map 8c and as stated in NRSI's April 2017 letter, the proposed condominium road is to be located entirely outside of the 10m ESA buffer north of the hydro corridor.

Perimeter of Agricultural Fields

The areas of proposed ESA buffer encroachment are all located within areas of the Cline Lands that have been under agricultural production, and will therefore not require removal of natural vegetation features. The total area of ESA buffer encroachment presented in the July 2015 EIS Addendum is reduced from an earlier development concept based on discussions held with City staff, and has been offset by a larger area of lands that have been added to the ESA buffer as shown on Map 9a and described in EIS Section 6.3.

As stated in the EEPAC letter, the greater potential for ESA impact derives from post-development human occupation and use of the lands. As indicated in Section 6.5 of the EIS Addendum, all lots will be developed with permanent fences with no gates along their rear limits to prevent unauthorized access into the ESA. Other measures to

mitigate induced human impacts are being proposed including creation and distribution of a homeowners' brochure to educate homeowners about the sensitivity of the ESA and the buffer restoration areas, the installation of an educational/information sign, and additional homeowner information mail-outs (see responses to Themes 10, 11 below). ESA buffers that occur on lands that have been used for agriculture will be actively restored with native vegetation plantings. Dense, thorny species will be planted in areas of reduced buffer (<10m) to further inhibit human encroachment into the ESA. Post-construction monitoring of the buffers and adjacent ESA areas will be completed to document any evidence of human use disturbance that may be occurring. A detailed Monitoring Plan to be developed during the detailed design stage will outline additional mitigative steps to be taken if ESA disturbances are documented during monitoring activities. These measures have been proposed to mitigate induced impacts on the adjacent natural features, monitor and respond to any observed disturbances, and to compensate for the reduced buffers widths where those have been proposed.

The areas of expanded buffer presented in Table 1 of the April 2017 NRSI letter and as shown on Map 9a far exceed the amount of proposed buffer encroachment, by a value of 1,555m². This will provide an overall benefit through additional naturally-vegetated ESA buffer lands, in combination with the human induced impact mitigation measures stated above. We disagree with EEPAC's conclusion that Buffer Enlargement Area K does not provide a useful buffer. There are currently no plans for a path or stormwater management facility outlet access point in that location. If a pathway is proposed through that area at a later date, impacts associated with that undertaking will be addressed separately.

Buffer to Vegetation Patch 09028

EEPAC's Recommendation #16 states that the City should review buffers for the east side of the Vegetation Patch 09028 prior to acceptance of the EIS. It is NRSI's understanding that development approvals for the proponent's lands adjacent to Patch 09028 (referred to as the Mistretta Lands in the EIS Addendum) have already been issued, and that construction has commenced. The recommended buffers from this feature were in conformance with City of London guidelines for minimum buffer widths. These buffers were proposed based on our precautionary assumption that the Patch 09028 features were ecologically significant, since we could not directly characterize them on the ground due to site access limitations.

Southeast Development ESA and Buffer Extension

As stated in NRSI's April 2017 letter, NRSI delineated an extension of the ESA boundary and associated buffer with additional lots that were proposed by the proponent at the southeast end of the development (to the rear of Lots 46-48). Lands within this extended buffer area will be allowed to naturally regenerate from its current condition as mowed lawn. As part of the monitoring plan requirement to inspect the natural regrowth occurring within ESA buffer areas, the buffer area behind Lots 46-48 will be inspected to document the species types (e.g., native vs. non-native), diversity and coverage density that is occurring. This information will be provided to the UTRCA and City as part of regular monitoring reports. If considered necessary based on consultation between NRSI, the City and UTRCA, NRSI will undertake active buffer management (e.g.,

invasive species removal) and/or native species planting to achieve the desired vegetative form and function within the buffer. A planting strategy for the buffer will be discussed and agreed to with City and UTRCA staff prior to planting.

Theme 6 – Tributary 2

Authorization for In-Water Works

We agree with EEPAC's statement that all in-water work must comply with federal Department of Fisheries and Oceans (DFO) and Ontario Ministry of Natural Resources and Forestry (MNRF) requirements. All proposed in-water works will be subject to review against DFO criteria to assess the potential for serious harm to fish and fish habitat. NRSI aquatic biologists will complete a self-assessment following the DFO criteria as outlined on-line at:
<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>.

If through this assessment it is determined that a DFO review is required, then we will submit a Request for Review. The DFO will review the proposed activities against *Fisheries Act* criteria to determine if an authorization under the Act is required.

The requirement for DFO review will be determined based on the detailed design of the development. Any works that could cause serious harm to fish or fish habitats can only proceed subject to formal review under this DFO process. This requirement is stated in Section 6.3.4 of the EIS Addendum.

Construction Inspection

If closed-bottom (e.g., CSP) culverts are installed at watercourse crossings, a qualified aquatic biologist will undertake an inspection of the constructed culverts to ensure that they do not represent a barrier to fish movement. The EIS Addendum recommended that any culvert works be completed in the dry if possible. If this is not possible, all in-water works will be undertaken according to DFO and MNRF requirements including timing windows, and if necessary, watercourse work zone isolation and fish relocation to watercourse areas outside of the culvert work zone.

Theme 7 – Pre-Construction Conditions

A bat cavity tree assessment will be completed according to MNRF protocol prior to site development as stated in Section 6.3.3 of the July 2015 EIS Addendum. This assessment will be completed to determine whether the proposed development may cause a negative impact to Species at Risk bats and their habitat, in conjunction with MNRF consultation.

Theme 8 – Construction Conditions

We agree with EEPAC's recommendation that all laydown, storage or fuelling activities occur greater than 30m from the ESA buffers and never adjacent to the significant

features and watercourses. This requirement is feasible to accomplish during development of the Cline Lands.

A Sediment and Erosion Control Plan will be provided as a condition of development, and will include the requirement that all soil stockpiles be located at least 30m from all watercourses, slopes and ravines.

An Environmental Inspector or other qualified individual will be responsible to ensure that all measures outlined in the Environmental Management Plan are being adhered to and/or are functioning as appropriate (e.g., silt fencing). The Environmental Inspector or qualified individual will have the authority to stop work if required and to immediately address any noted issues or deficiencies.

A Flood Response Plan will be provided as a condition of development. The Flood Response Plan will stipulate that work not take place during high volume rain events or heavy snow melts/thaws.

A Clean Equipment Protocol will be included as a condition of the development agreement.

Theme 9 – Trail Planning

The homeowner information brochure will include information about the significance and sensitivity of the adjacent ESA natural features and their naturally restored buffers. The brochure will indicate why permanent fences with no gates were installed along rear-lot areas backing on to the ESA and the importance of ensuring that the ESA natural features are protected from human disturbance. The brochure will also include information about how homeowners can help protect and be good stewards of the adjacent features and wildlife species, such as by encouraging that cats not be allowed to roam outdoors due to the hazard posed to birds and other small wildlife.

Theme 10 – Management Plan and Monitoring

Buffer Restoration, Monitoring and Management

As part of the pre- and post-construction monitoring plan, NRSI biologists will inspect the ESA buffers for the presence, relative abundance and spatial coverage of non-native/invasive species. Many non-native species establish in lands subject to disturbance or changes from active agriculture to fallow conditions. However, many of these are annual agricultural weeds which through succession will give way to native goldenrods, asters and other early successional native plants. At the same time, we anticipate seed rain from the adjacent natural areas to give rise to native tree seedlings. If significant non-native/invasive species growth occurs, such that it is or may limit the growth or success of native vegetation species in the buffer or limit the buffer species diversity, then an Invasive Species Management Plan will be created to address the problem and outline specific controls. We recommend that such a plan not be created at this time as it would have to cover a wide range of potential species. In adaptively managing this potential problem we would be able to develop a plan as needed that

would be tailored to the problem at hand. The Invasive Species Management Plan would be submitted for review and approval by the City and/or UTRCA.

As stated in Section 6.6 of the EIS Addendum, areas of ESA buffer that contain existing vegetation (i.e., adjacent to the proposed condominium development, and behind Lots 46-48 as stated above under Theme 5) are expected to continue naturally regenerating along the edges of the ESA, which will ultimately enhance the existing natural feature edges and make them more robust to mitigate disturbances. Passively regenerating buffer areas will be monitored to ensure that they are naturally regenerating with a species assemblage and diversity (e.g., not dominated by non-native/invasive species) to the satisfaction of the City and/or the UTRCA. If satisfactory results are not observed through the passive regeneration process, invasive species will be managed according to the Invasive Species Management Plan and the buffers will be actively restored with native species plantings according to a buffer restoration plan to be approved by the City and/or the UTRCA.

The ESA buffers that occur within lands that were under active agricultural cultivation, including all expanded compensation buffer areas, will be actively restored with native vegetation plantings according to a buffer restoration plan to be approved by the City and/or the UTRCA. These buffer areas will also be monitored according to the requirements of the detailed Monitoring Plan to ensure that restoration plantings are successfully established and to manage non-native/invasive species growth as required according to the Invasive Species Management Plan.

A detailed list of vegetation species to be planted within the ESA buffers will be provided as part of a buffer restoration plan to be presented to the City and/or the UTRCA during the detailed design stage. Species will be selected that are ecologically appropriate to particular sections of ESA buffer, to be reflective of and consistent with the vegetation species that occur within the adjacent ESA sections, that are appropriate to the site conditions (e.g., soil type, sunlight exposure), and represent the desired transition between the core ESA natural features and the adjacent developed area. The buffer restoration plan will be reviewed and approved by the City and/or the UTRCA prior to construction.

As stated in EEPAC's Recommendation #32, an educational/information sign will be installed in a suitable location (e.g., adjacent to the condominium road where it passes adjacent to the buffer near the Tributary 2 crossing, or adjacent to Street B where it crosses Tributary 2C) to inform residents and other members of the public about the significance and sensitivity of the Meadowlily Woods ESA and will provide some information about the ecological communities and species that occupy the adjacent features. The sign will also state that the ESA buffers have been ecologically restored and why this is important to protect the functional integrity of the interior features. The draft content of the sign will be reviewed by the City and the UTRCA during the detailed design stage.

Amphibian Breeding Habitat Monitoring

Based on amphibian call surveys completed by NRSI as part of EIS field studies, no Significant Wildlife Habitat (SWH) for woodland amphibian breeding was identified on or adjacent to the subject property based on MNRF criteria (MNRF 2015). However, based

on field surveys completed by AECOM in association with the City's stormwater management facility development, it was assumed that the FOD5-1 forest community (approximately corresponding to NRSI's FOD5 and FOD5-2 communities) represented Amphibian Breeding Habitat (Woodland) SWH (AECOM 2015). AECOM made this assessment based on their detection of two SWH indicator species (Gray Treefrog (*Hyla versicolor*) and Spring Peeper (*Pseudacris crucifer*)) beyond 100m of their survey stations on the subject property, and was made on a precautionary basis since the AECOM survey records for these species included no estimate of species abundance. The approximate locations of these species were not mapped; they were simply recorded as beyond the point count radius (e.g. >100m). The required habitat criteria from the MNR's Ecoregion Criterion Table for determining woodland amphibian breeding SWH is: "*presence of a wetland, pond or woodland pool (including vernal pools) >500m² (about 25m diameter) within or adjacent (within 120m) to a woodland (no minimum size). Some small wetlands may not be mapped and may be important breeding pools for amphibians*" (MNR 2015). Based on NRSI fieldwork (Ecological Land Classification), there are no known vernal pools, ponds or other wetlands located within this forest polygon. It is our opinion that there is no amphibian breeding habitat within this forest polygon.

The criteria for Amphibian Breeding Habitat (Woodland) SWH is considered met when, among other criteria, it has been determined that two or more indicator species occur at a relative abundance that equals at least 20 individuals or a call level code of 3 (MNR 2015). Given that the AECOM study did not provide any assessment of species relative abundance, we do not agree that the forest community should be assumed as SWH. We therefore do not believe that there is sufficient rationale to support the need for long-term monitoring of amphibian breeding habitat, based on NRSI's assessment that the adjacent forest communities do not provide amphibian breeding habitat SWH or otherwise.

Groundwater Seepage Monitoring

Monitoring recommendations were made in the Hydrogeological Assessment report (Golder 2018), which include monthly groundwater level and surface water level monitoring across pre-, during- and post-construction monitoring periods. Water level monitoring is proposed to ensure that water balance with the adjacent natural features is being achieved as anticipated and that negative impacts associated with water quantity inputs are not occurring within the natural features. Groundwater quality monitoring is also proposed.

As part of the Monitoring Plan to be finalized during the detailed design stage with the City and the UTRCA, NRSI will complete inspections of the ESA groundwater seepage areas to assess whether changes to the species assemblage is changing over time in a manner that may suggest changes in groundwater seepage volumes, spatial extent or locations (e.g., shift to species preferring drier conditions, or notable changes in the number and spatial coverage of species that are indicative of groundwater inputs (e.g., Skunk-cabbage (*Symplocarpus foetidus*)). These inspections will take place in conjunction with the post-construction monitoring plan for the subject property that is agreed to with the City and the UTRCA. The monitoring requirements for groundwater seepage areas will have regard for, and will coordinate with, groundwater seepage vegetation monitoring that had been recommended following construction of the City's

stormwater management facility (AECOM 2015). The specific methodology will be aligned with the seepage vegetation monitoring being completed for the City to allow for direct comparison and compatibility of the data to better interpret the data and inform the need for corrective actions. This plan, which will assess the vegetative biotic response to any potential changes in groundwater hydrogeology that could affect the seeps, will relate the vegetation monitoring results against the monitoring results collected by Golder. This information will be presented together as part of comprehensive monitoring reporting to be provided to the City and UTRCA according to an agreed-to schedule.

Monitoring Program Timing and Duration

In its letter dated May 1, 2018, the UTRCA stated that 5 years of post-construction monitoring would be required. Specific details of the monitoring requirements will be further discussed with City and UTRCA staff in conjunction with completion of the formal Monitoring Plan to be prepared during the detailed design stage.

Regarding EEPAC's Recommendation #34 to monitor tree health in the development, we suggest that 3 years of post-construction tree health inspection is adequate to identify any potential health or die-back issues, rather than the recommended 5 years.

We agree to EEPAC's Recommendation #35 that the post-construction monitoring period begin the spring after 90% build-out of the single family units or the 3rd spring after construction starts, whichever occurs first.

Theme 11 – Educational Materials for Residents

In response to EEPAC's Recommendation #37(a), see our response above under Theme 10, which was provided in response to EEPAC's Recommendation #32. As stated above, an educational/information sign will be placed at a prominent location near the ESA/buffer to inform residents about the significance and sensitivity of the adjacent ESA natural features.

The proponent agrees to EEPAC's Recommendation #37(b), to pay for a city mailing of the "Living With Natural Areas" brochure and EEPAC's "cat" brochure to all property owners of the development 6 months after 70% of the units are accepted.

I trust that these responses sufficiently address the comments provided in EEPAC's letter submission. Please don't hesitate to contact the undersigned with any additional comments or questions.

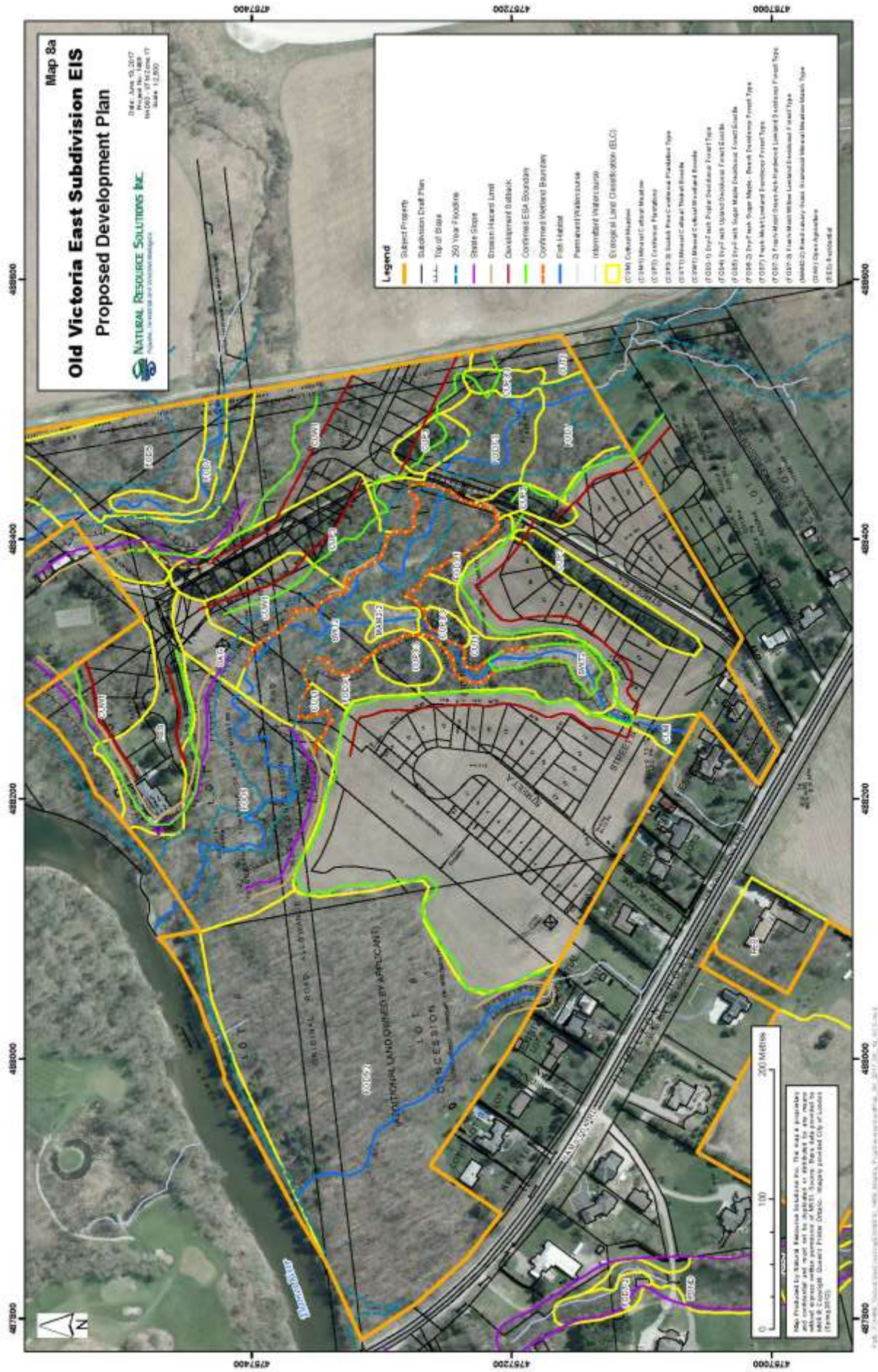
Sincerely,
Natural Resource Solutions Inc.

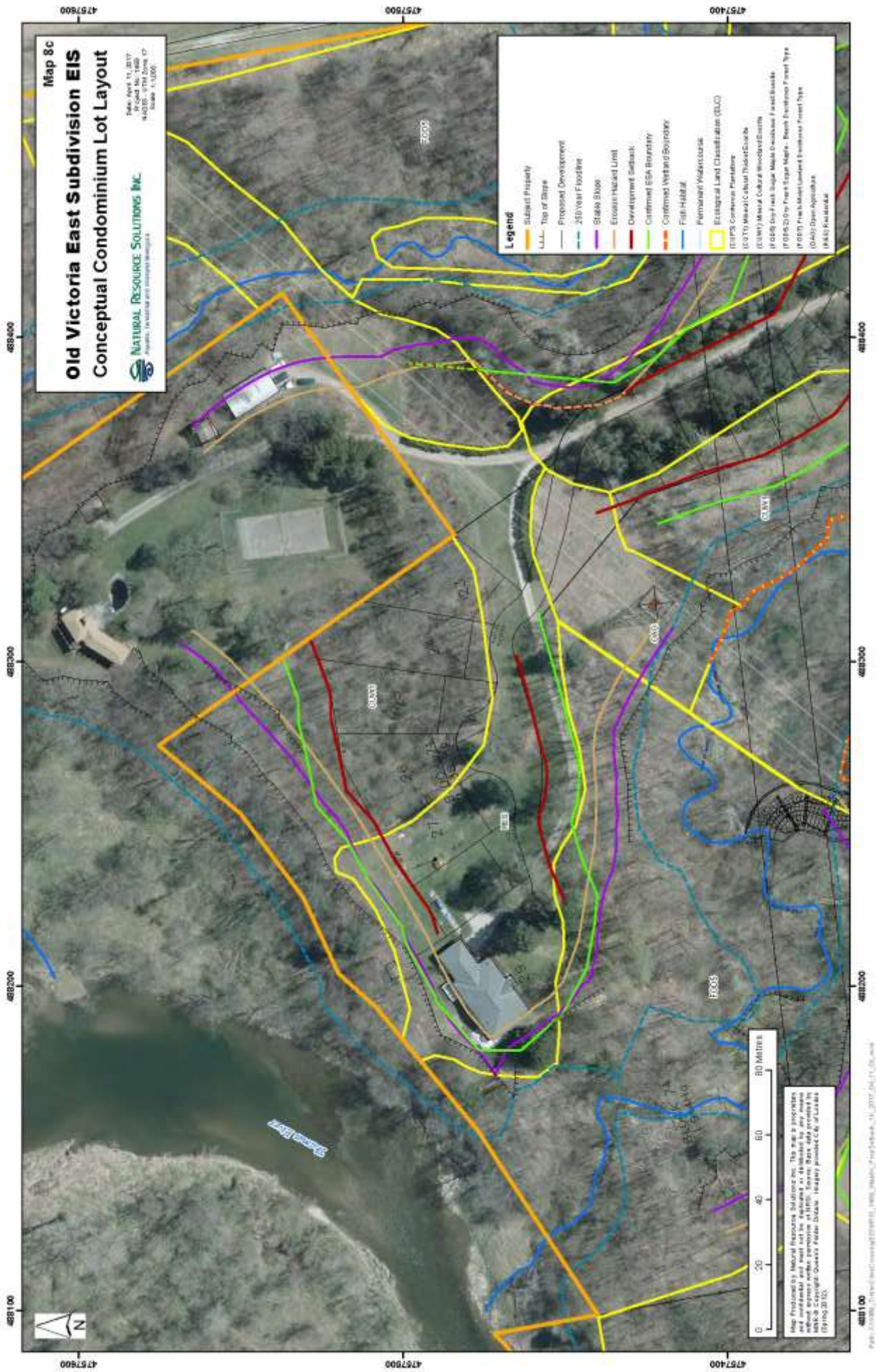
A handwritten signature in blue ink, appearing to read "Ryan Archer".

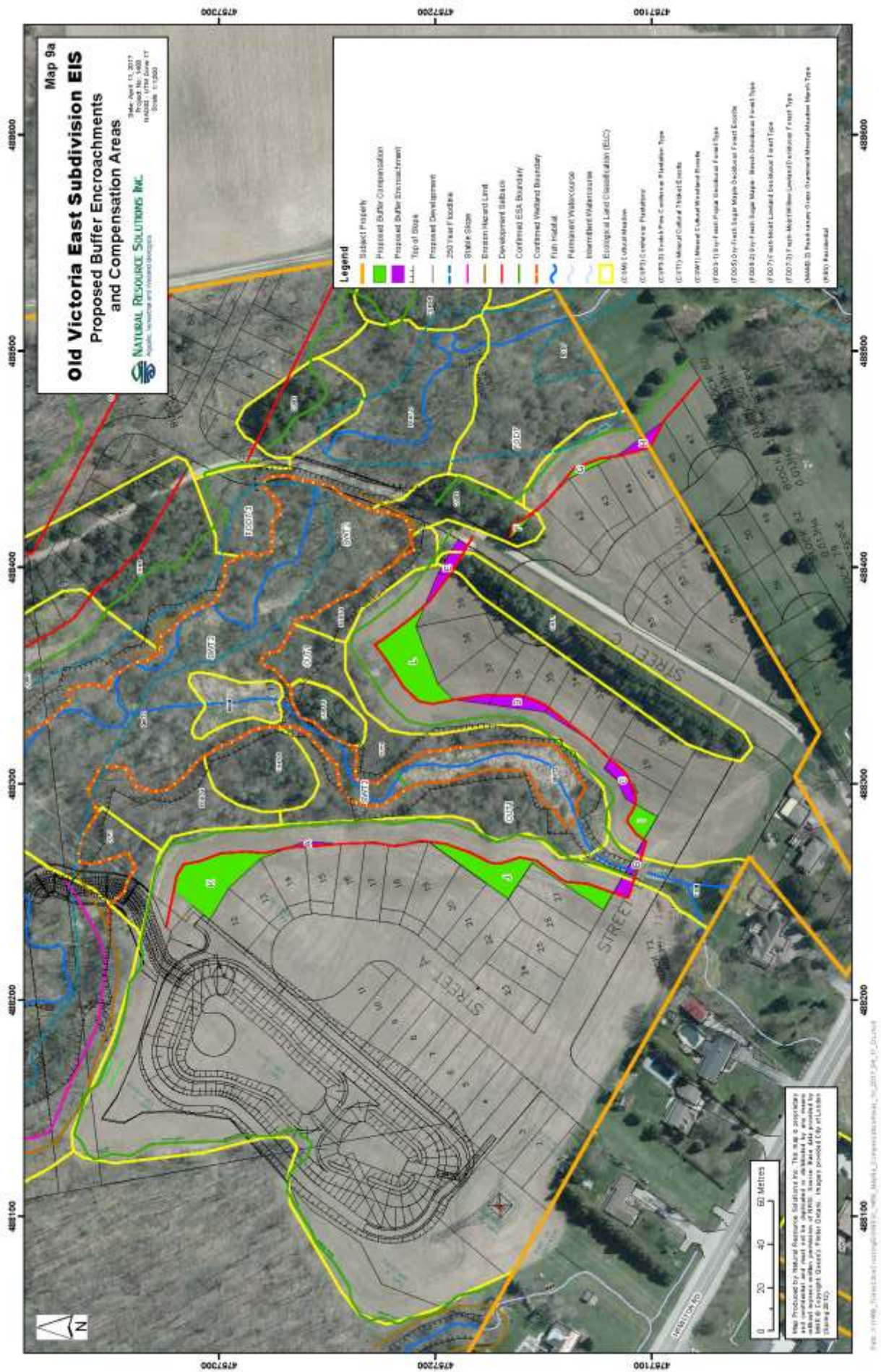
Ryan Archer, M.Sc.
Terrestrial and Wetland Biologist

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- Golder. 2018. Hydrogeological Assessment. Old Victoria East Subdivision – North Parcel, London, Ontario. Submitted to Mr. Don de Jong, Thames Village Joint Venture Ltd. March 2018.
- Natural Resource Solutions Inc. (NRSI). 2015. Old Victoria East Subdivision, 1691, 1736, 1742 Hamilton Road, London, Ontario Environmental Impact Study Addendum. Prepared for Thames Village Joint Venture. July 2015.
- Ontario Ministry of Natural Resources and Forestry (MNRF). 2015. Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E. January 2015.







Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested Draft Plan of Subdivision and land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Old Victoria Area Plan

In 2007, City Council adopted the Old Victoria Area Plan as a guideline document for review of planning applications within the area bounded by the Thames River on the north, Commissioners Road East on the south, the Old Victoria Road alignment on the east and the lands that include the Victoria on the River subdivision on the west. The same area was the subject of Official Plan Amendment No. 427 which applied land use designations, environmental mapping delineations, transportation corridors and area specific policies in section 3.5.18 of the Plan.

The Area Plan concept supports a significant open space component along the Thames River and tributary ravines, as well as a mix of housing forms and densities. Elements of this proposed draft plan that accurately reflect and implement the Council-approved Area Plan include the Low Density Residential lots and blocks, Medium Density Residential street townhouses, stormwater management facility, and extensive Open Space associated with the ravine lands and river corridor. There have been various discussions with the applicant during the draft plan review process to identify possible routings for a future multi-use trail system that utilizes the open space lands, creek corridors, SWM pond and hydro corridor lands; connecting the neighbourhood with the broader community. The multi-use trail system is referenced in policy 3.5.18.viii) of the Official Plan and Section 4.4 of the Area Plan.

Community Design Guidelines were adopted with the Area Plan to assist in implementing a common vision for the Old Victoria Planning Area by providing specific guidelines that can be applied through the subdivision design, zoning, public infrastructure works and site plan approval process. The Community Design Guidelines are referenced in policy 3.5.18.xii) of the Official Plan and outlined in Section 4 of the Area Plan. The guidelines have been implemented in the subdivision design, for example, by the recommended special zone provisions to allow street townhouse units with reduced front yard setbacks and reduced road widths to encourage a more intimate streetscape.

The draft plan of subdivision as recommended by staff is found to be in keeping with the Old Victoria Area Plan.

Official Plan

In 2007, City Council adopted Official Plan Amendment No. 427 which confirmed land use designations, road alignments and environmental features on Map Schedules “A”, “B” and “C” of the Official Plan.

In addition to mapping modifications, OPA 427 also included the adoption of area specific policies in Section 3.5.18 of the Official Plan, which provide further guidance with respect to the form of development, public infrastructure facilities and environmental protection measures to be supported within the Old Victoria Community Planning Area. The matters addressed in 3.5.18 include:

- guidelines to provide for the delineation of development boundaries and identification of setbacks from the Thames River Valley Corridor;
- identification of opportunities for re-vegetation and enhancement of lands within and adjacent to the ESA;
- identification and protection of tree preservation areas;
- criteria for the allocation of active/passive parkland, and the alignment of a multi-use trail system within the area;
- recognition of the Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works as the basis for the location and design of stormwater infrastructure within the area; and

- the adoption of Community Design Guidelines that are intended to supplement the City's standard criteria and standards for matters such as road geometry, landscaping, building orientation and pedestrian access.

The land use pattern in the proposed plan of subdivision, the recommended zoning and permitted uses reflects the designations identified on Schedule "A" - Land Use. Schedule "B" delineation of the ESA boundary and buffers has been refined through preparation of an Environmental Impact Study, and may be further refined at the detailed design stage if necessary to address Conservation Authority concerns with respect groundwater resources and measures to mitigate potential impacts, including a proposed LID (Low Impact Development) solution to be incorporated into the subdivision stormwater management design and drainage plans.

Schedule "C", Transportation Corridors map is recommended to be amended by deleting the "Secondary Collector" road classification on the east side of Hamilton Road. The alignment was configured as short "loop" or "crescent" connecting future development with access to Hamilton Road. The subdivision draft plan continues to incorporate the basic configuration, except to the standards of a local street. The City's Transportation Planning and Design and Development Services staff have reviewed the proposed draft plan and have no concerns with the change in classification to a local street.

The proposed plan of subdivision together with the conditions of draft approval and recommended zoning, are considered to be in conformity with the Official Plan.

London Plan

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the "Neighbourhoods" Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, and townhouse dwellings, and small-scale community facilities; and the "Green Space" Place Type. Uses within the Green Space place type are dependent upon the natural heritage features and areas contained on the subject lands, the hazards that are present, and the presence of natural resources which are to be protected. Various type of public parks are permitted; private green space uses such as cemeteries and private golf courses; agriculture, woodlot management, horticulture and urban gardens; conservation; essential public utilities and municipal services, storm water management, and recreational and community facilities. The range of dwelling types, open space and conservation uses permitted by the recommended zoning conforms to the Place Type policies and uses identified on Map 1 of the London Plan.

The City Building Policies of the London Plan have been reviewed, and consideration given to the how the proposed Draft Plan of Subdivision contributes to achieving those policy objectives, including the following policies most pertinent to this application:

Neighbourhood and Design Objectives

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.

As noted previously, Street 'B' ties the neighbourhood together and it represents the focal point of the neighbourhood providing a "window" street and access to open space. Integration of the adjacent stormwater management facility lands will also contribute to the neighbourhood's character and provide exposure to natural heritage features. The SWM maintenance access road may be utilized for access around the SWM pond to the future multi-use recreational trail. At the same time, the existing hydro transmission corridor and HONI easement rights must be protected. As requested by HONI, a condition of draft plan approval will require chain link fencing along the rear yards and Street 'A' interface to restrict access and protect against encroachments into the hydro easement (D.P. Condition No. 107). Staff will continue to work with HONI to look for opportunities for another pathway connection over the hydro corridor between the bulb of Street 'A' and the future multi-use trail crossing the SWM outlet.

204_ *Natural heritage is an important contributor to the character of an area and influences the overall street network. Neighbourhoods should be designed to preserve view corridors to natural heritage features and landmarks through lotting patterns, window streets, and building placement.*

The natural heritage features contribute to the character of the neighbourhood, and influence the street network. A window street will be incorporated at a central location within the neighbourhood providing public access to open space and views looking down into a natural wooded ravine corridor.

Street Network

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 designed to have multiple direct connections to existing and future neighbourhoods.*

Due to the configuration of the site area and the fixed locations of Oriole Drive and Bobolink Lane at Hamilton Road, it is difficult to design a street pattern that avoids short streets and cul-de-sacs. There is an existing private road which is being proposed to be utilized for the cluster housing blocks on the other side of the ravine corridor. A public road access would not be practical here as there is not enough room to accommodate a public road at the crossing or within the blocks themselves. Provision has been made for temporary turning circles at the end of the two legs connected to Street 'B' and Street 'C' providing future road connections to the adjacent lands to the south.

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.*

The subdivision plan supports connectivity with two public access points to Hamilton Road, and planning for a future multi-use trail through the area and around the adjacent SWM facility to the north, will provide good opportunities for walking and cycling to amenities outside of the immediate area.

Public Space

246_ *Public spaces should be designed and located as part of, and to support, the active mobility network.*

A conceptual park plan delineating the alignment of the west-east Thames Valley Parkway (TVP multi-use pathway), as shown on the Active Mobility Network mapping, will be required as a condition of draft plan approval (D.P. Condition No. 116).

Active Mobility

332_ *To achieve a high level of connectivity that can support all forms of mobility, street networks within new neighbourhoods will be evaluated for their connectivity ratio. A ratio of 1.5 or higher will be used as a target.*

The connectivity ratio is calculated at 1.2. However, the ratio is calculated at 1.75 if the two temporary turning circles representing dead end streets are not included.

348_ *Active mobility features will be incorporated into the design of new neighbourhoods and, where possible, enhanced in existing neighbourhoods to ensure connections to the street and transit system.*

A future multi-use trail is being planned to be incorporated within the proposed subdivision lands.

357_ *Cycling routes and pedestrian pathways will provide linkages between open space areas, neighbourhoods, centres, corridors, employment areas and the public transit services and will enhance the convenience, safety and enjoyment of walking and cycling.*

The recommended Draft Plan Conditions implement such aspects as the walking and cycling routes identified in the Active Mobility Network mapping (D.P. Condition No. 116).

Provincial Policy Statement 2014

The recommended draft plan and the recommended Official Plan and Zoning By-law amendments are consistent with the PPS 2014, as summarized as follows:

1. Building Strong Healthy Communities

The subject lands are located within the City's Urban Growth Boundary where adequate servicing capacity exists or is planned. A comprehensive land use plan to guide future development in this area has been prepared and adopted by Municipal Council, referred to as the "Old Victoria Area Plan". The proposed subdivision and accompanying Official Plan and Zoning By-law Amendments, are in keeping with the Area Plan and meet the objectives of Section 1.1.1 of the PPS by creating healthy, liveable, safe, and sustainable communities by promoting efficient and resilient development patterns; accommodating an appropriate range and mix of housing; and is in close proximity to employment areas, recreational and public open space uses. The proposed development will make use of existing and planned municipal water, sanitary sewers, and a new stormwater management facility. The subdivision plan has taken into account coordination with the existing hydro corridor easement (D.P. Conditions No. 69, 107 & 113), and protection of natural heritage features on adjacent lands through implementation of the Environmental Impact Study recommendations (D.P. Conditions No. 110 & 117).

2. Wise Use and Management of Resources

The subject lands are located within an area of existing wooded ravines, watercourses and wetland features. An Environmental Impact Study has been prepared to provide for protection of the natural heritage feature, and to demonstrate that there will be no negative impacts on the feature or its functions. There has been much back-and-forth between the applicant/consultant and Conservation Authority during the review of the EIS and Hydrogeological Assessment with respect to groundwater impacts on natural heritage features and functions. The review has progressed to a point now that UTRCA has advised that Draft Plan Approval can proceed, and that their outstanding concerns will be addressed at the detailed subdivision design stage and through conditions of Draft Plan Approval (D.P. Conditions No. 119 to 122).

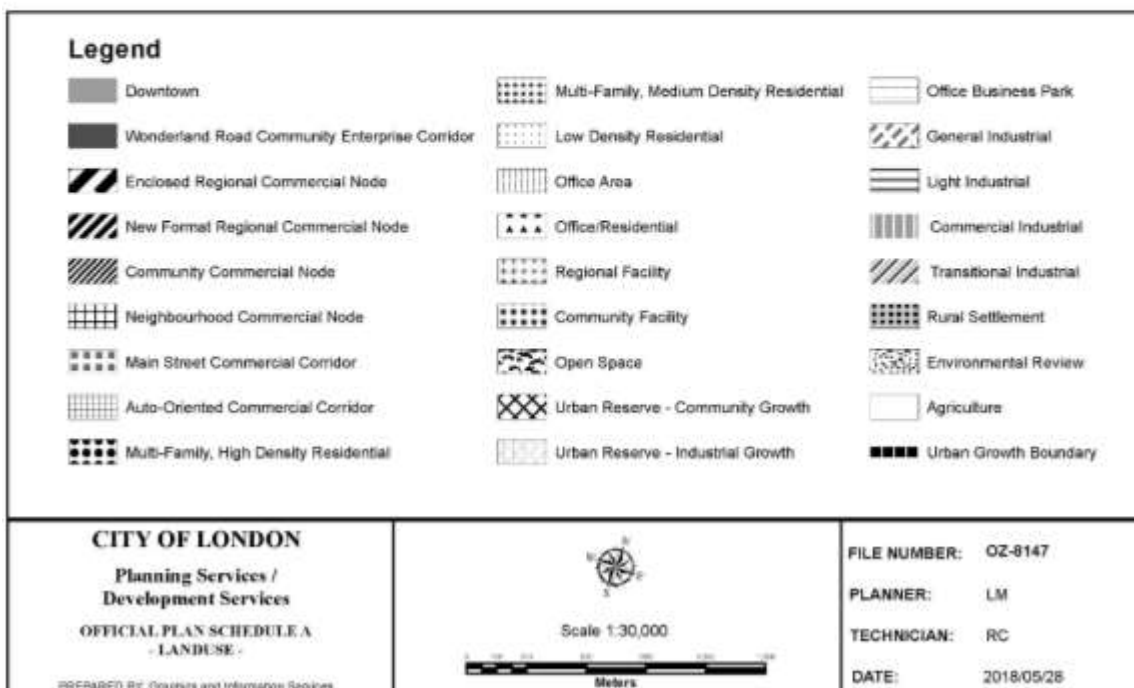
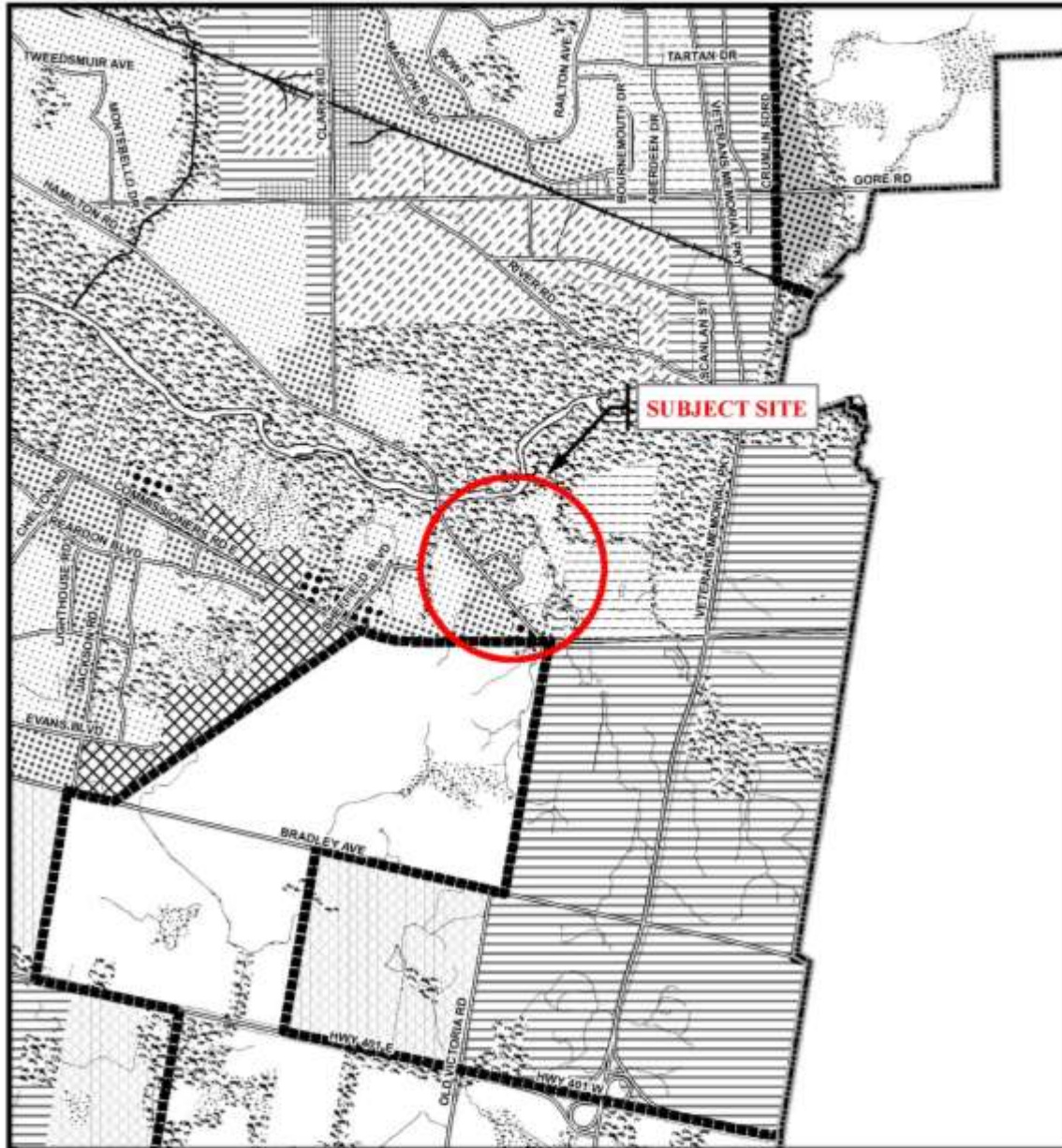
There are no identified concerns for protection of agricultural, mineral aggregates, or cultural heritage and archaeological resources. An assessment of archaeological resource potential was completed as part of the area plan process. Stage 3 and Stage 4 Archaeological Assessments were carried out over the majority of the subject lands in 2010. However, additional lands have since been added to the holdings and will require that a Stage 1-2 Archaeological Assessment be undertaken, in accordance with the recommended draft plan conditions (D.P. Conditions No. 115).

3. Protecting Public Health and Safety

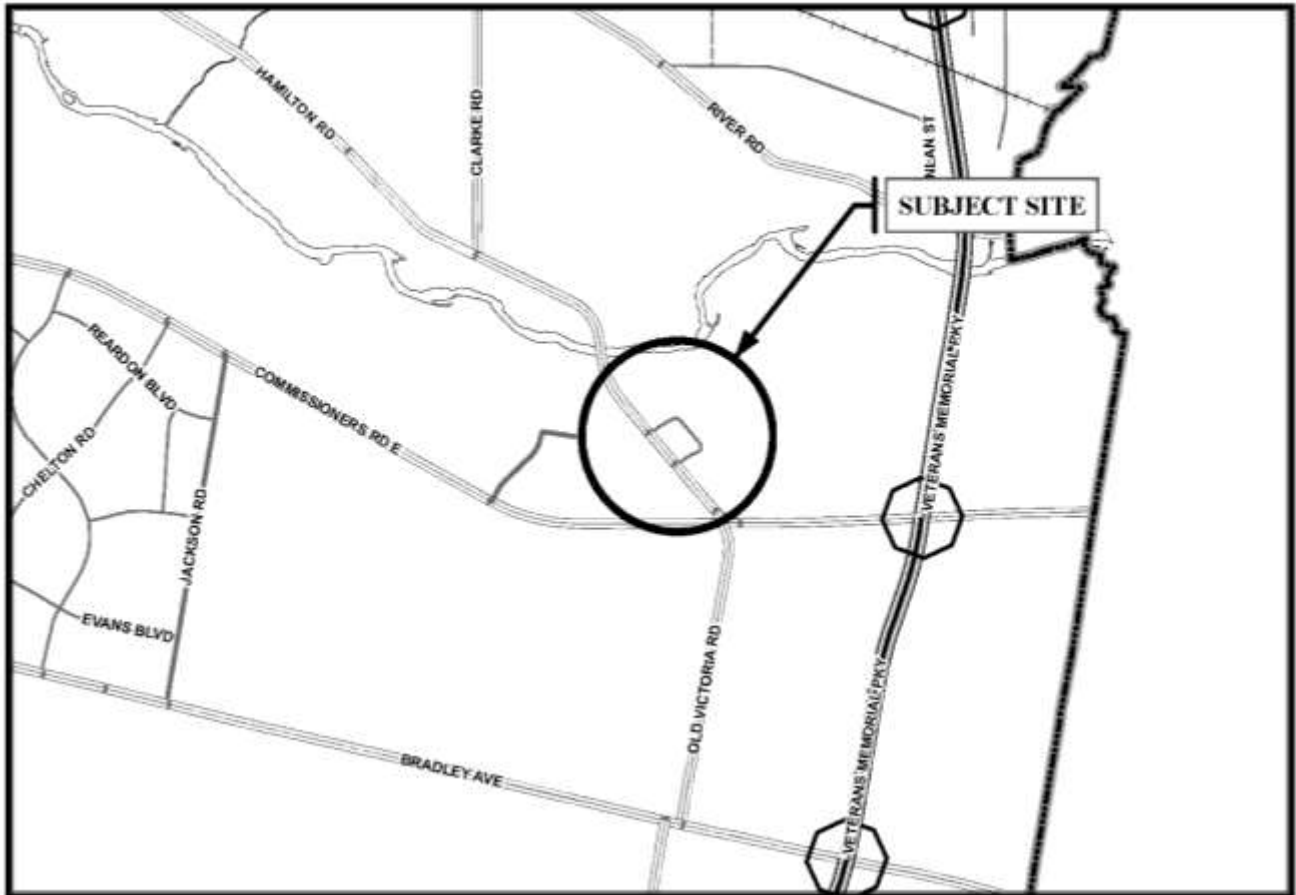
The recommended draft plan of subdivision, Official Plan and zoning amendments do not pose any public health and safety concerns, and there are no known human-made hazards.

Appendix D – Relevant Background

Additional Maps
 OFFICIAL PLAN SCHEDULE “A” –
 LAND USE MAP EXCERPT



OFFICIAL PLAN SCHEDULE "C" –
 TRANSPORTATION CORRIDORS EXCERPT



Legend

ROAD CLASSIFICATION

- Secondary Collector
- Primary Collector
- Arterial
- Freeway
- Expressway

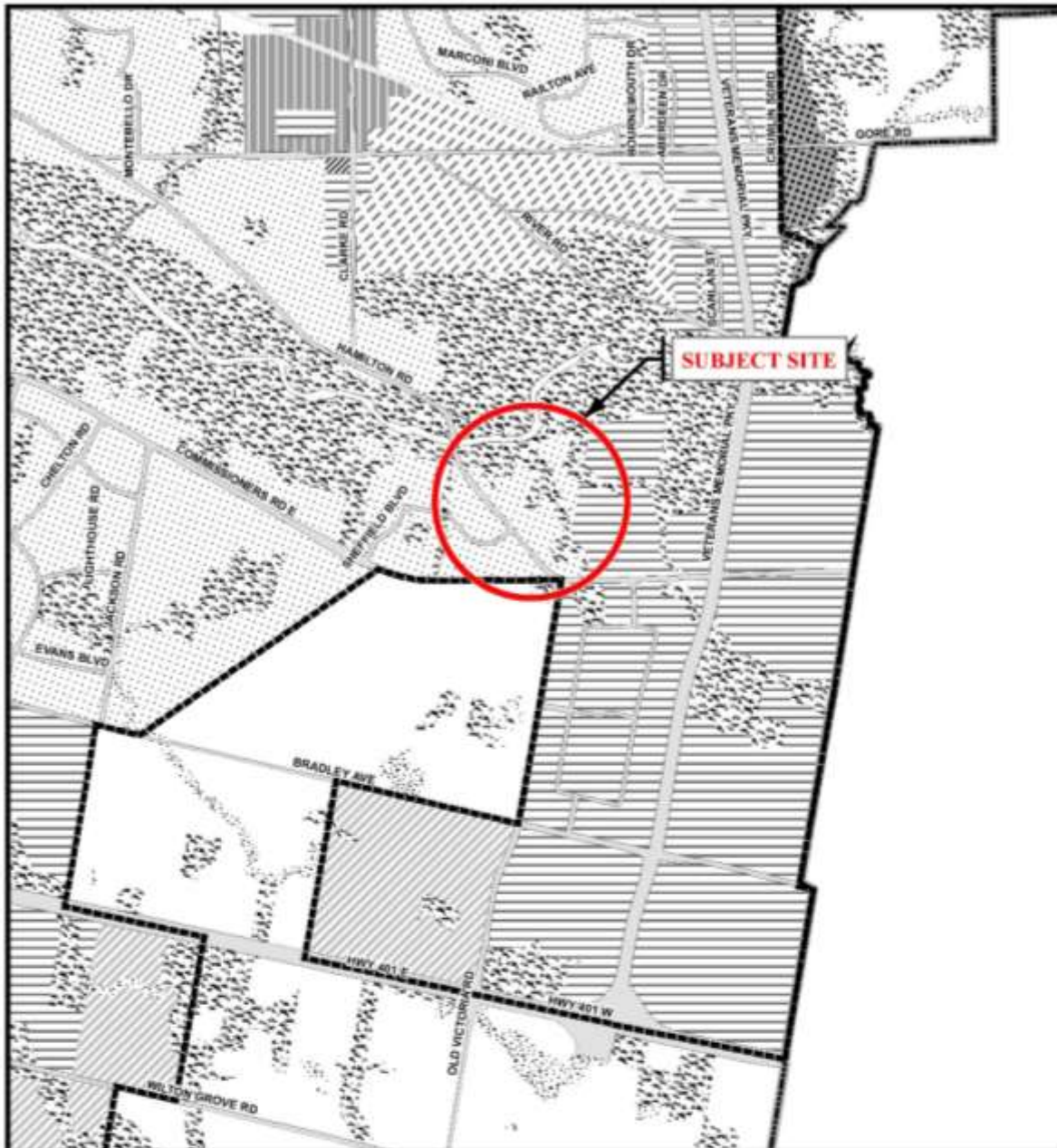
PROPOSED ROAD CORRIDOR

- Proposed Secondary Collector
- Proposed Primary Collector
- Proposed Arterial
- Proposed Freeway
- Proposed Expressway
- Proposed Interchange

THIS IS AN EXCERPT FROM THE PLANNING DIVISION'S WORKING CONSOLIDATION OF SCHEDULE C TO THE CITY OF LONDON OFFICIAL PLAN, WITH ADDED NOTATIONS

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE C TRANSPORTATION CORRIDORS PREPARED BY: Graphics and Information Services</p>	 Scale 1:30,000 Meters	<p>FILE NUMBER: OZ-8147 PLANNER: LM TECHNICIAN: RC DATE: 2018/01/25</p>
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THE LONDON PLAN MAP 1 –
 PLACE TYPES EXCERPT



Legend

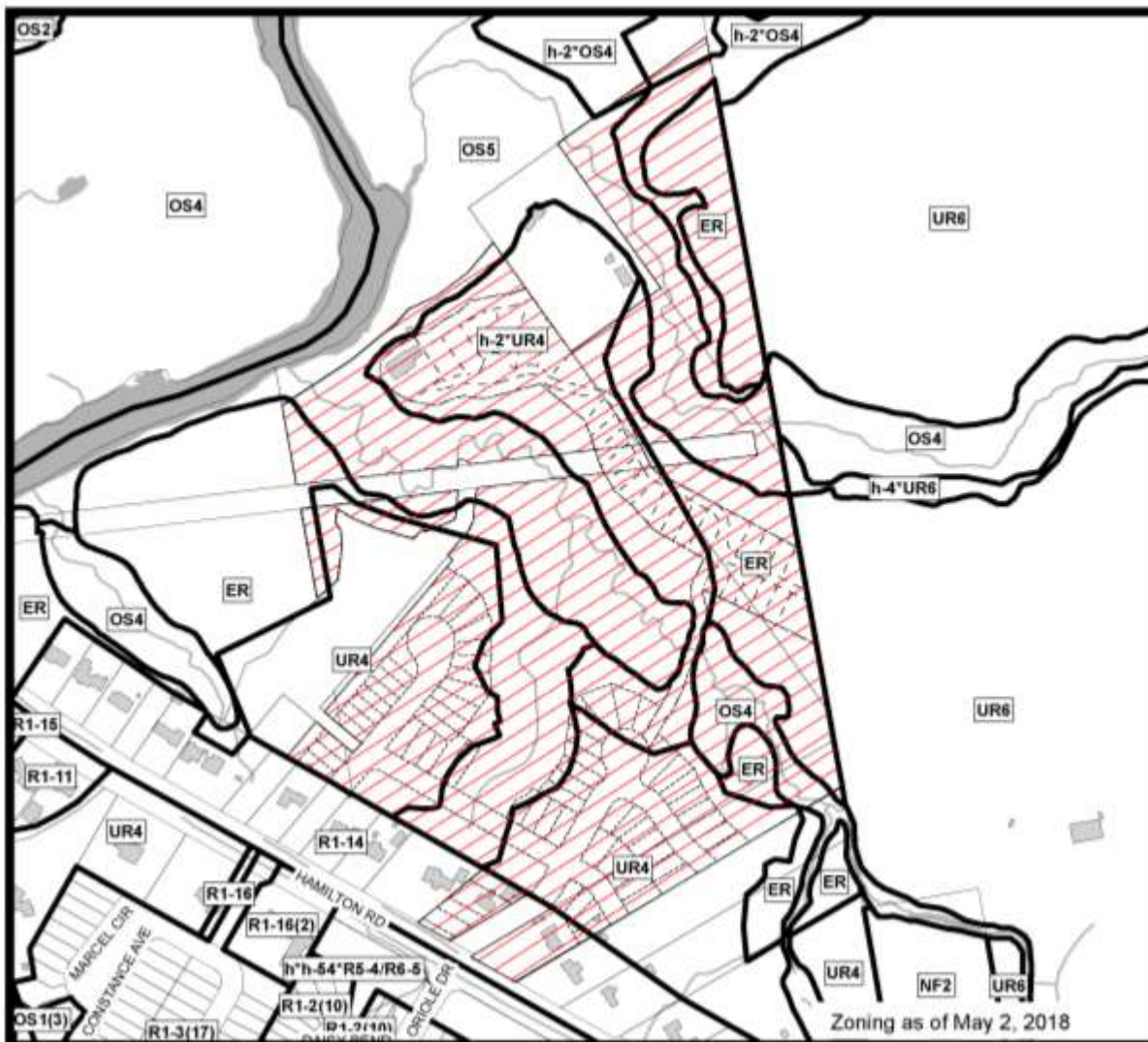
Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street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

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

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

<p>CITY OF LONDON Planning Services / Development Services</p> <p>LONDON PLAN MAP 1 - PLACE TYPES -</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>File Number: OZ-8147</p> <p>Planner: LM</p> <p>Technician: RC</p> <p>Date: 05/28/2018</p>
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PRESENT ZONING BY-LAW MAP EXCERPT




COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON
 PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A




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

FILE NO:
 OZ-8147 / 39T-17502 LM

MAP PREPARED:
 2018/05/24 RC

1:5,000

0 25 50 100 150 200 Meters



Additional Reports

Civic Works Committee Meeting on March 3, 2015 – Report from the Director of Roads and Transportation recommending closing of the untraveled road allowance between Concession 1 and Broken Front Concession 'B' in the geographic Township of Westminster lying east of Hamilton Road, commonly referred to as the "Base Line" road allowance, in order to incorporate the road allowance into a future residential subdivision development.

PUBLIC PARTICIPATION MEETING COMMENTS

3.6 PUBLIC PARTICIPATION MEETING – 1738, 1742, 1752 and 1756 Hamilton Road (39T-17502/OZ-8147)

- *(Councillor S. Turner enquires about the findings through the Environmental Impact Statement (EIS), that if the draft Plan is revised it will require buffers if indicated through the EIS, would that be up to and including the loss of lots if that was indicated.)* Mr. L. Mottram, Senior Planner, responding possibly, yes, it would be.
- Maneesh Poddar, Thames Valley Joint Venture Corporation – expressing appreciation to staff and the Upper Thames River Conservation Authority for their work in helping us get to this point; expressing support for the future environmental work and the Conditions of Approval.
- Gary Simm, 1764 Hamilton Road – enquiring about the accuracy of 1756 Hamilton Road as his next door neighbor is 1754 Hamilton Road; wondering if that property had changed from a duplex into one address; identifying that they border the property at 1752 and 1754 Hamilton Road, as you will see on the plan, there are lots bordering the line there; wondering if there will be any privacy fences or if the homes will be two storeys; hoping there is information regarding that.
- Brad Sparling, 1716 Hamilton Road – identifying that this is referred to as Lot 3 on the diagram; advising that there was reference made with respect to Block 72, the townhouse style homes; indicating that this lot will affect three residential properties that are currently there; stating that it was good to hear that something will be provided for privacy and he would like more detail as to what that might be; wondering why there is a townhouse style development behind large acreage properties to begin with; advising that now his house will back onto a potentially two storey wall of housing and he will lose all privacy; indicating that he has a raised sunroom at the back of his property; noting that he shares this view with his neighbor as well, who is not here tonight; wondering if such wall or privacy barrier was built, making sure the maintenance in the future or down the road, who is responsible for something like that; expressing another issue with Lot 2 on the diagram, which is his neighbor, his property is raised up and there used to be an old creek bed that goes through there and he is sure that when he goes home tonight it basically turns into a river that flows through there and directly impacts this townhouse style block that is set forth here; indicating that he is not sure why that is not being mentioned; advising that it is so bad at times that they think of taking a raft and getting the kids out to play in it, it is so intense; reiterating that it is the two things about the Block, why the townhouses, if there are stipulations to a subdivision plan that they need to put all this; stating that all these properties that are being affected are anywhere from half acre to one acre properties ranging in value from \$500,000 to upwards of \$1,000,000 and now are going to be directly affected by such townhouses and asking for more information, if they are one storey or two storey, what type of housing are we talking about here.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Thames Village Joint Venture Corporation
1742 Hamilton Road

Public Participation Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Senior Planner, Development Services, with respect to the application of Thames Village Joint Venture Corporation relating to the property located at 1742 Hamilton Road, the Planning and Environment Committee REPORT TO the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium.

Executive Summary

Summary of Request

This is a request by Thames Village Joint Corp. to consider a proposed Draft Plan of Vacant Land Condominium. The Draft Plan of Condominium is being reviewed concurrently with a proposed Draft Plan of Subdivision and application for Zoning By-law Amendment. The proposed Vacant Land Condominium will occupy two blocks within the subdivision plan consisting of 29 single detached dwelling units, and common elements for internal driveway and services, with public road access from local streets that will be developed as part of the proposed plan to subdivision.

Purpose and the Effect of Recommended Action

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

Rationale of Recommended Action

Subject to the Subdivision Agreement being finalized, Site Plan Approval being granted and a Development Agreement being entered into, the proposed Vacant Land Condominium is considered appropriate and compatible with the surrounding land uses, and conforms to The London Plan, the City's Official Plan, and the Condominium Submission, Review and Approval Guidelines. The application has also been reviewed for consistency with the Provincial Policy Statement.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site is described as a pocket of tableland overlooking the Thames River and adjacent wooded ravine corridors. A residential dwelling exists at the back of the property accessed by a long gravel laneway approximately 690 metres in from Hamilton Road. The laneway branches off to the northeast and serves another home within the same area, but located on a separate parcel (municipal address 1746 Hamilton Road). Both residential properties share the private lane for access to and from Hamilton Road. The tableland on either side

of the lane consists of open agricultural fields, manicured lawns, coniferous tree plantations, and cultural woodlands. The lane crosses an existing culvert and watercourse which flows through the ravine corridor.

The lands are traversed by an untravelled road allowance lying east of Hamilton Road between Concession 1 and Broken Front Concession 'B' (known as the "Base Line" road allowance). The process of legally closing the road allowance as a public highway has been approved by Municipal Council. The bulk of the road allowance will be retained by the City for open space purposes, except for a small portion which is to be sold to the adjacent owner/developer and consolidated with lands on either side for development of the proposed vacant land condominium. These lands are also traversed by the Hydro One Networks Inc. (HONI) transmission corridor easement.

1.2 Current Planning Information

- Official Plan Designation – "Low Density Residential"
- The London Plan Place Types – "Neighbourhoods"
- Existing Zoning – holding Urban Reserve (h-2•UR4) and Environmental Review (ER)

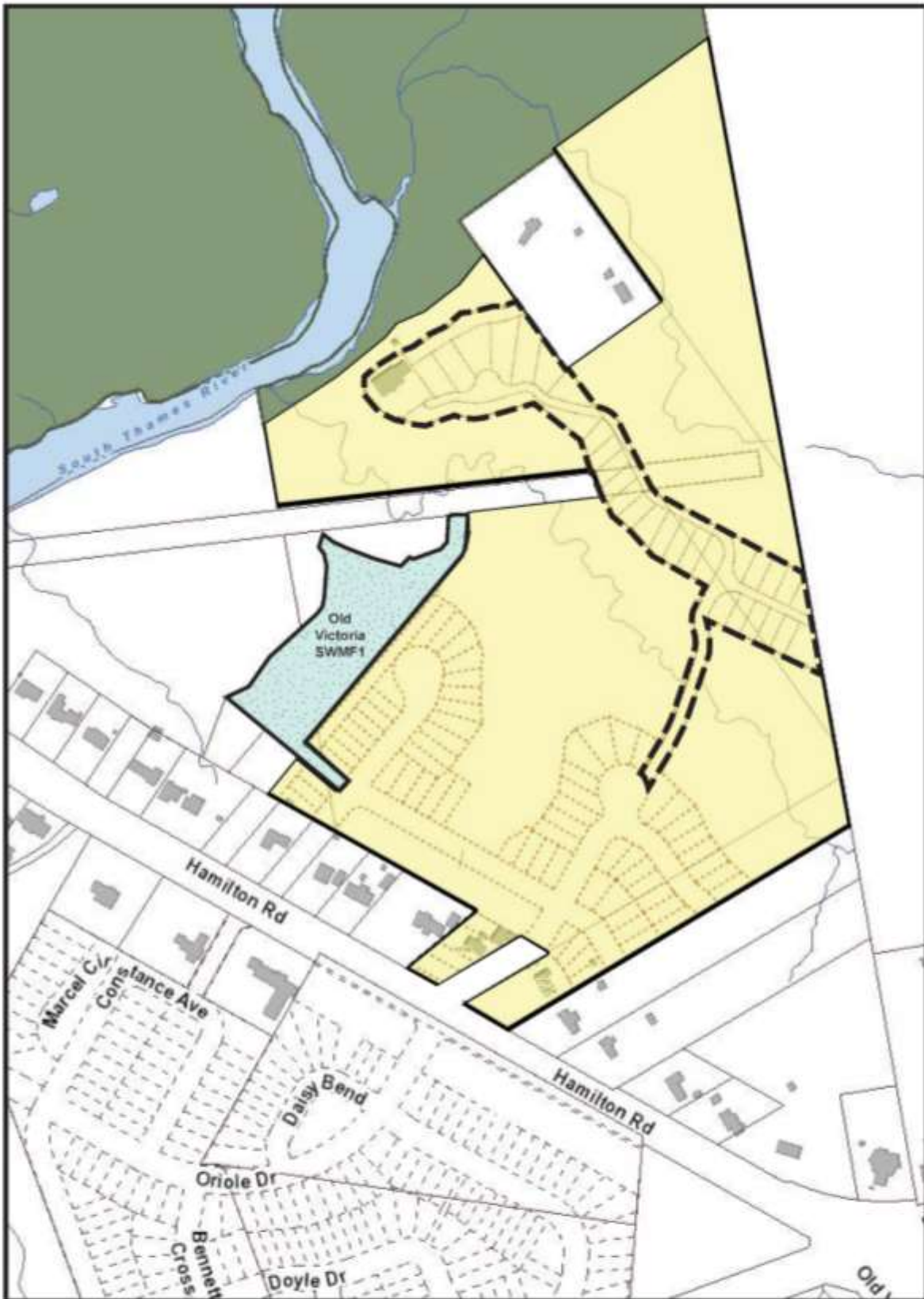
1.3 Site Characteristics

- Current Land Use – residential dwelling and vacant lands
- Frontage – no direct frontage on Hamilton Road
- Depth – variable
- Area – 2.4 hectares (6.0 acres)
- Shape – irregular

1.4 Surrounding Land Uses

- North – Thames River
- East – residential dwelling, open space, and agricultural fields
- South – open space
- West – open space, stormwater management facility, and future subdivision development lands

1.5 Location Map



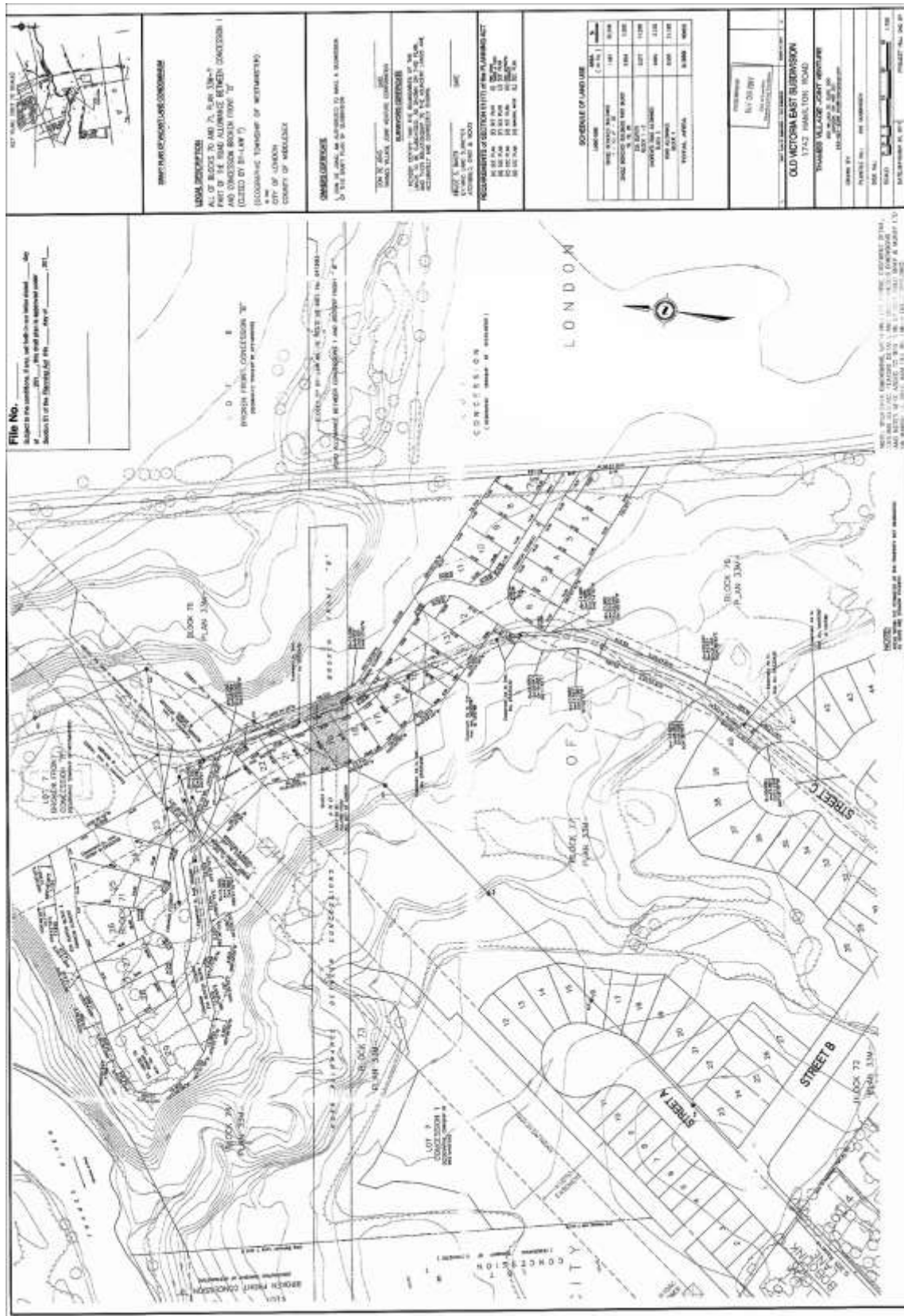
Location Map		Legend	
Subject Property:	1742 Hamilton Rd		Subject Property
Applicant:	Thames Village Joint Venture Corp.		Parks
File Number:	39CD-17501		Assessment Parcels
Created By:	Rob Carnegie		Buildings
Date:	5/25/2018		Address Numbers
Scale:	1:4000		Stormwater Management Facility
Corporation of the City of London			

2.0 Description of Proposal

2.1 Development Proposal

The development site is located within Blocks 70 and 71 of a proposed draft plan of subdivision submitted by Thames Village Joint Venture Corp. (File No. 39T-17502). The Draft Plan of Subdivision and Draft Plan of Vacant Land Condominium have been processed and reviewed concurrently. The proposed vacant land condominium consists of 29 single detached residential units and common elements to be registered as one Condominium Corporation. The registration of a vacant land condominium means that each unit will be sold to a future homeowner either before or after the home is constructed on the unit.

2.2 Draft Plan of Vacant Land Condominium



3.0 Relevant Background

3.1 Planning History

After annexation from the Town of Westminster, the subject lands were included within the City's Urban Growth Boundary and designated Urban Reserve - Community Growth through the adoption of Official Plan Amendment No. 88 in 1996.

At its meeting on October 1, 2007, London City Council adopted the Old Victoria Area Plan as a guideline document for the review of planning applications, and the development of public facilities and services within the Old Victoria Community.

City Council also adopted Official Plan Amendment No. 427, which confirmed land use designations, road alignments and environmental features on Map Schedules "A", "B" and "C" of the Official Plan. In addition to mapping modifications, OPA 427 also included the adoption of area specific policies in Section 3.5.18 of the Official Plan to provide further guidance with respect to the form of development, public infrastructure and environmental protection measures to be supported within the planning area. These policies were carried over into The London Plan under Specific Policies for Neighbourhood Place Types (Policies 1000 to 1011).

3.2 Community Engagement (see more detail in Appendix A)

There were no concerns from the public in response to the Notice of Application and the Londoner Notice.

In response to the Departmental/Agency circulation of the Notice of Application, Hydro One Networks expressed concerns regarding encroachment into the hydro easement.

3.3 Policy Context (see more detail in Appendix B)

Old Victoria Area Plan

This Old Victoria Area Planning Study identified the subject lands for future low density residential uses with local road access incorporating an existing laneway and ravine crossing.

Official Plan

The lands are designated "Low Density Residential" on Land Use Schedule 'A' of the Official Plan. The policies in Section 3.5.18 of the Official Plan provide further guidance for implementing the Old Victoria Area Plan.

The London Plan

The Old Victoria Community Planning Area policies in the Official Plan have been incorporated into the "The London Plan" under Specific Policies for Neighbourhood Place Types (Policies 1000 to 1011). Map 1 identifies these lands within the "Neighbourhoods" Place Type. The City Building Policies, Environmental and Civic Infrastructure Policies and Objectives have also been considered in the review of this application.

Provincial Policy Statement, 2014

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies aimed at 1. Building Strong Healthy Communities, 2. Wise Use and Management of Resources, and 3. Protecting Public Health and Safety. As further described in Appendix B, Staff is of the opinion that the condominium draft plan is consistent with the PPS.

Z.-1 Zoning By-law

An amendment to the zoning by-law is being reviewed concurrently with the application for draft plan of subdivision. The development blocks within the draft plan (Blocks 70 & 71) are proposed to be zoned Residential R6 Special Provision (h•h-100•R6-5()) which permits cluster housing in the form of single detached dwellings.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Encroachment into the hydro transmission corridor lands.

City staff have met with Hydro One Networks Inc. (HONI) officials regarding their concerns with the proposed Draft Plan of Vacant Land Condominium. The original draft plan submission showed portions of Units 22 and 23 encroaching into the hydro easement. A revised draft plan has since been submitted (November 2017) which has removed the unit boundaries and placed them outside the limits of the easement. The proposed driveway, lighting, site servicing and utilities within the common element which will cross the hydro corridor will be subject to HONI review and approval of the detailed design, and entering into an Encroachment Agreement. HONI also requires a right-of-way easement through the new vacant land condominium in order to access and maintain the easement corridor and transmission towers. HONI indicated that historically they had permission for access from the owners of the subject lands, as well as the owners of lands to the east. Provisions for granting a right-of-way agreement can be addressed through conditions of draft plan approval.

Provincial Policy Statement, 2014

Consideration has been given to the PPS Section 1.6.8 Transportation and Infrastructure corridors. Section 1.6.8.1 – *“Planning Authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.”* Section 1.6.8.3 – *“New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.”*

Official Plan

The review of this development application is consistent with the policies in the City’s Official Plan under Chapter 17 Services and Utilities, specifically with respect to the following policies:

17.1.1 General Servicing Objectives *“(iv) Co-operate with other agencies in planning for the multiple use of servicing and utility rights-of-way and corridors wherever possible.”*

17.9.4 Multiple Use of Corridors – *“Council will encourage the multiple use of major electric transmission and other utility corridors wherever appropriate. This may include open space and certain recreational uses in residential areas, and parking lots, outdoor storage areas and other similar uses in other areas.”*

The London Plan

This review has also considered The London Plan, City Building Policies and Civic Infrastructure Objectives including:

Planning of Civic Infrastructure 451–10. *“Collaborate and coordinate with other utility providers outside of the City’s direct responsibility.”* and 463 *“Where acceptable to the relevant utility, uses such as active and passive recreation, agriculture, community gardens, other utilities and accessory uses such as parking lots and outdoor storage may be permitted in utility corridors where compatible with surrounding land uses and where permitted in the applicable place type.”*

5.0 Conclusion

This application for approval of Draft Plan of Vacant Land Condominium was reviewed in conjunction with a proposed Draft Plan of Subdivision by Thames Village Joint Venture Corp. The Vacant Land Condominium is intended to occupy Blocks 70 and 71 of the proposed draft plan, and a small portion of an untraveled road which traverses the site. A Zoning By-law Amendment is also being recommended in conjunction with the draft plan of subdivision. The zoning will permit various forms of cluster housing. It is intended that cluster single detached dwellings be developed in the form of a vacant land condominium which conforms with the zoning proposed for the blocks.

Subject to the Subdivision Agreement being entered into, Site Plan Approval being granted and a Development Agreement being executed, the proposed Vacant Land Condominium is considered appropriate and compatible with the surrounding land uses, and conforms to The London Plan, the Official Plan and the Condominium Submission, Review and Approval Guidelines. The application has also been reviewed for consistency with the Provincial Policy Statement.

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

June 11, 2018
GK/PY/MF/LP/LM/lm

Appendix A – Public Engagement

Community Engagement

Public liaison: On May 17, 2017, Notice of Application was sent to 26 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 1, 2017.

Nature of Liaison: Notice of an application for approval of a Draft Plan of Vacant Land Condominium consisting of 29 residential units. These lands are part of a related application for approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments – Application File No. 39T-17502/OZ-8147 – Thames Village Joint Venture Corporation.

Responses: No replies were received

Agency/Departmental Comments:

1. Hydro One Network Inc. (HONI)

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, Ontario L3R 5Z5
www.HydroOne.com

Courier:
185 Clegg Road
Markham, Ontario L6G 1B7



VIA E-MAIL ONLY TO LMOTTRAM@LONDON.CA

June 29, 2017

City of London
Development Services
300 Dufferin Ave
London, ON N6A 4LP

Attention: Larry Mottram

Dear Mr. Mottram:

Re: Draft Plan of Vacant Land Condominium, Thames Village Joint Venture
1742 Hamilton Road
City of London
File: 39CD-17501

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the proposed plan of the above noted condominium. As the proposed facility is abutting and/or encroaching onto a HONI high voltage transmission corridor (the "transmission corridor"), HONI **does not** approve of the proposed condominium at this time.

The comments detailed herein **do not** constitute an endorsement of any element of the condominium design or road layout, nor do they grant any permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.

In order to provide its comments on the proposed subdivision, HONI requires the following:

1. The developer must contact **Joan Zhao**, HONI Senior Real Estate Coordinator at **(905) 946-6230** to discuss all aspects of the draft plan of condominium design, and ensure all of HONI's technical requirements are met to HONI's satisfaction.
2. Prior to HONI providing its final approval, the developer must make arrangements satisfactory to HONI for lot grading and drainage. Two copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor.
3. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

4. At the developer's expense, temporary fencing must be placed along the easement corridor during construction, and permanent fencing must be erected where condominium lots directly abuts the transmission corridor.
5. The developer shall make arrangements satisfactory to HONI for any encroachments and/or any uses of the transmission corridor. Separate proposals including detailed lighting and site servicing plans shall be submitted in triplicate to HONI for future road crossings for review and approval. The developer must contact **Joan Zhao** to begin the process of acquiring Construction and Encroachment Agreements.
6. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this condominium will be borne by the developer.
7. HONI's easement rights are to be protected and maintained.

In addition, HONI requires the following be added as a Note to the Conditions of Draft Approval:

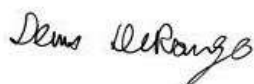
8. The transmission lines abutting this condominium operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.

Our preliminary review only considers issues affecting HONI's transmission facilities and transmission corridor lands.

For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions please call me at the number below.

Yours truly,



Dennis De Rango
Specialized Services Team Lead, Real Estate
Hydro One Networks Inc.
905-946-6237

Cc: Joan Zhao – Hydro One Networks Inc.

Appendix B – Policy Context

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

Old Victoria Area Plan

In 2007, City Council adopted the Old Victoria Area Plan as a guideline document for review of planning applications within the area bounded by the Thames River on the north, Commissioners Road East on the south, the Old Victoria Road alignment on the east and the lands that include the Victoria on the River subdivision on the west. The same area was the subject of Official Plan Amendment No. 427 which applied land use designations, environmental mapping delineations, transportation corridors and area specific policies in section 3.5.18 of the Plan. The proposed Draft Plan of Vacant Land Condominium has been reviewed within the context of these policies and is found to be in keeping with the Old Victoria Area Plan.

Official Plan

The subject lands are designated “Low Density Residential” on Schedule ‘A’ of the City’s Official Plan. This land use designation permits single detached, semi-detached, and duplex dwellings as well as other forms of low density residential uses at a maximum density of 30 units per hectare. The proposal to develop this parcel with 29 residential single detached dwellings will result in an overall density of approximately 12 units per hectare which is within the density limits in the Low Density Residential designation.

The proposed Draft Plan of Vacant Land Condominium represents a cluster housing form of development consisting of single detached dwellings. The use is compatible with the scale and type of housing existing in the immediate area, and with the form of housing proposed within the draft plan of subdivision. Based on Staff’s review, the proposed use, form and intensity conform to the City’s Official Plan policies.

London Plan

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, and townhouse dwellings, and small-scale community facilities. The proposed Draft Plan of Vacant Land Condominium in the form of cluster single detached dwellings conforms with the Place Types and policies of The London Plan.

The City Building Policies and Environmental Policies of the London Plan have been reviewed, and consideration given to the how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

357_ *“Cycling routes and pedestrian pathways will provide linkages between open space areas, neighbourhoods, centres, corridors, employment areas and the public transit services and will enhance the convenience, safety and enjoyment of walking and cycling.”*

In conjunction with the Focused Design Studies for the Draft Plan of Subdivision, Staff will work with the Developer on a conceptual plan for the Thames Valley Parkway (TVP) multi-use pathway. Options for the alignment of the pathway include a possible pathway crossing at the entrance to the private driveway to the Vacant Land Condominium. This may involve taking an easement over private lands for public access, similar to what was done in another nearby subdivision involving a pathway alignment at the entrance to a private block (Victoria on the River – Plan 33M-672).

1308–2 - *“Provide for the identification, protection, rehabilitation, and management of natural heritage features and areas and their ecological functions.”*

1412_ *"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."*

The limits of Draft Plan of Condominium were established by the development setback lines identified in the Environmental Impact Study undertaken as part of the Draft Plan of Subdivision application. The proposed private condominium road north of the hydro corridor was confirmed through the EIS to be located entirely outside of the 10 metre ESA buffer. South of the hydro corridor the private road remains outside of the buffer until it aligns with the existing access road which will ultimately connect with the bulb of Street 'C' in the proposed Draft Plan of Subdivision.

Detailed designs for the private condominium road improvements and services, and the road crossing structure over the tributary will be reviewed for acceptance by the City and the UTRCA as part of the subdivision engineering drawing review and Site Plan Approval processes. This review must take into consideration the potential environmental impacts and recommended mitigation measures outlined in the Natural Resource Solution Inc. (NRSI) Environmental Impact Study and EIS Addendum reports, and associated hydrogeological and stormwater management studies.

One recommendation as a condition of draft approval is a provision be included in the Condominium Declaration that purchasers of units within this development be provided with an education package prepared by the Owner, and approved by the City and UTRCA, explaining the stewardship of natural areas, how homeowners can be good stewards of the adjacent natural features, and importance of ensuring that the features are protected from human disturbance.

Vacant Land Condominium Application

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

- This proposal is consistent with the objectives and policies of the Official Plan, The London Plan, and the Old Victoria Area Plan.
- Sewer and water services will be provided in accordance a Subdivision Agreement and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- The proposed development meets the intent of the Placemaking policies.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster housing. Building elevation plans will be reviewed at the site plan stage. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties, including the hydro easement corridor. All grading and drainage issues will be addressed by the applicant's consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings, Subdivision Agreement and Site Plan Approval process.

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

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;

- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- Approval from Hydro One Networks Inc. has been given and provision made for right of access to the hydro transmission corridor;
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other structures in the common elements.

Z.-1 Zoning By-law

An amendment to the zoning by-law is being reviewed concurrently with the application for Draft Plan of Subdivision. The development blocks within the draft plan (Blocks 70 & 71) are proposed to be zoned Residential R6 Special Provision (h•h-100•R6-5()) which permits cluster housing including single detached, semi-detached, duplex, triplex, fourplex, townhouse, stacked townhouse, and apartment buildings up to a maximum density of 35 units per hectare and maximum height of 12 metres; together with a special provision for minimum interior side and rear yard depth of 5.0 metres (in place of 6.0 metres when the wall of a unit contains windows to habitable rooms), and to permit open or covered but unenclosed decks or porches not exceeding one storey in height to project into the required yard no closer than 2.0 metres (in place of 3.0 metres) to a lot line adjacent an Open Space (OS5) Zone.

Provincial Policy Statement, 2014

The proposed use achieves objectives for efficient development and land use patterns. It represents new development taking place within the City's urban growth area, and within an area of the City that is currently building out. It also achieves objectives for compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, and maintains appropriate levels of public health and safety. The subject lands are within a proposed draft plan of subdivision and are designated and intended over the long term for low density residential uses. Natural Heritage and Environmental Impact Studies were prepared and reviewed as part of the draft plan of subdivision process. The review of the EIS and Hydrogeological Assessment by the Conservation Authority with respect to groundwater impacts on natural heritage features and functions has progressed to a point that Draft Plan Approval can proceed, and that the outstanding concerns can be addressed at the detailed subdivision design stage, and through conditions of Draft Plan Approval. Provincial concerns for archaeological resource assessment and cultural heritage are also addressed through the recommended draft plan conditions. The proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

Appendix C – Relevant Background

Additional Reports

Civic Works Committee Meeting on March 3, 2015 – Report from the Director of Roads and Transportation recommending closing of the untraveled road allowance between Concession 1 and Broken Front Concession 'B' in the geographic Township of Westminster lying east of Hamilton Road, commonly referred to as the "Base Line" road allowance, in order to incorporate the road allowance into a future residential subdivision development.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Westdell Development Corporation
420 Fanshawe Park Road East

Public Participation Meeting on: June 18th, 2018

Recommendation

That, on the recommendation of the Manger, Development Planning, the following actions **BE TAKEN** with respect to the application of Westdell Development Corporation relating to the property located at 420 Fanshawe Park Road East:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of a four (4) storey apartment building with a total of one hundred and forty-two (142) residential units; and
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

The Site Plan Control application for 420 Fanshawe Park Road East is proposing a four (4) story apartment building. A driveway is proposed along the east property line off of Fanshawe Park Road East. Visitor parking is proposed behind the building, with the majority of the proposed parking located underground. A large landscaped open space area is proposed along the entire north side of the property.

Purpose and the Effect of Recommended Action

The purpose of this application is to attain Site Plan Control Approval for an apartment building, four (4) storeys/14.6 metres in height with one hundred and forty-two (142) residential units. The site is subject to a holding provision (h-5) that requires a public site plan review, which is to be heard at a public meeting of the Planning and Environment Committee.

Rationale of Recommended Action

1. The proposed Site Plan is consistent with the Provincial Policy Statement, which encourages infill and intensification and the provision of a range of housing types, compact urban form and efficient use of existing infrastructure.
2. The proposed Site Plan has regard to the use, intensity, and form in conformity with The London Plan.
3. The proposed Site Plan is in conformity with the policies of the Multi-Family, Medium Density Residential designation of the Official Plan (1989) and will implement an appropriate medium density form in accordance with the Official Plan policies.
4. The proposed Site Plan Control application integrates new medium density residential development that is consistent with the Uplands Community Plan.
5. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the north side of Fanshawe Park Road East, generally between Adelaide Street North and Richmond Street. The site has a frontage of 122 metres and a lot area of approximately 1.42 hectares that has exposure to an arterial road along its frontage and a local street along its northern boundary. The site previously contained a two storey single detached dwelling that was built in 1880. The dwelling was demolished in 2015. The site is currently undeveloped but remains well vegetated with a number of mature trees throughout the property. The site is surrounded by low density residential, single detached dwellings with such uses being located directly abutting the east and west property lines.

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

- Official Plan Designation – Multi-family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Residential R1 Bonus (R1-7*B42) Zone which permits apartment buildings.

1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 121.8m
- Depth – 116.9m
- Area – 14,232 m²
- Shape – Square

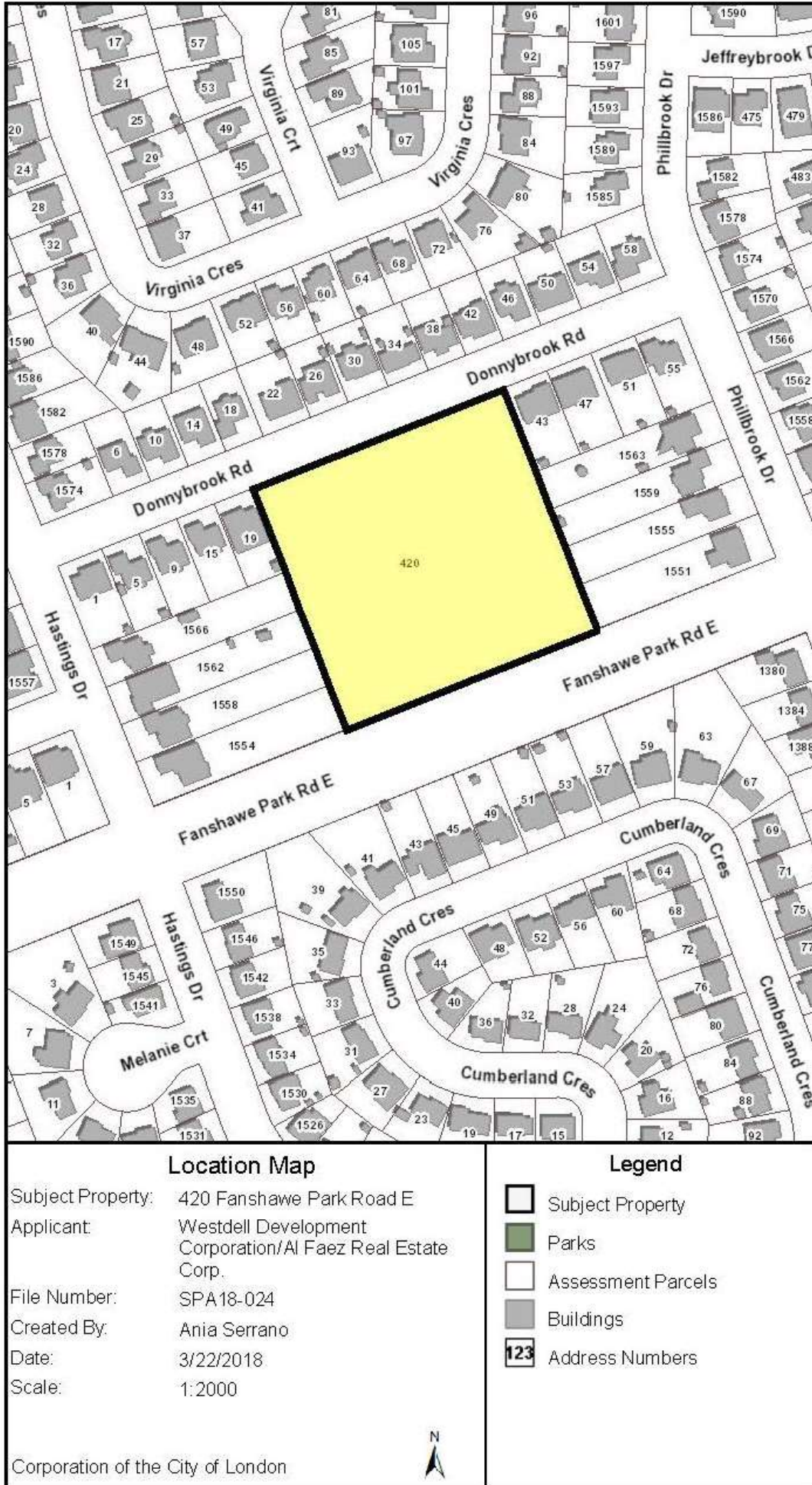
1.4 Surrounding Land Uses

- North – Low Density Residential
- East – Low Density Residential
- South – Low Density Residential
- West – Low Density Residential

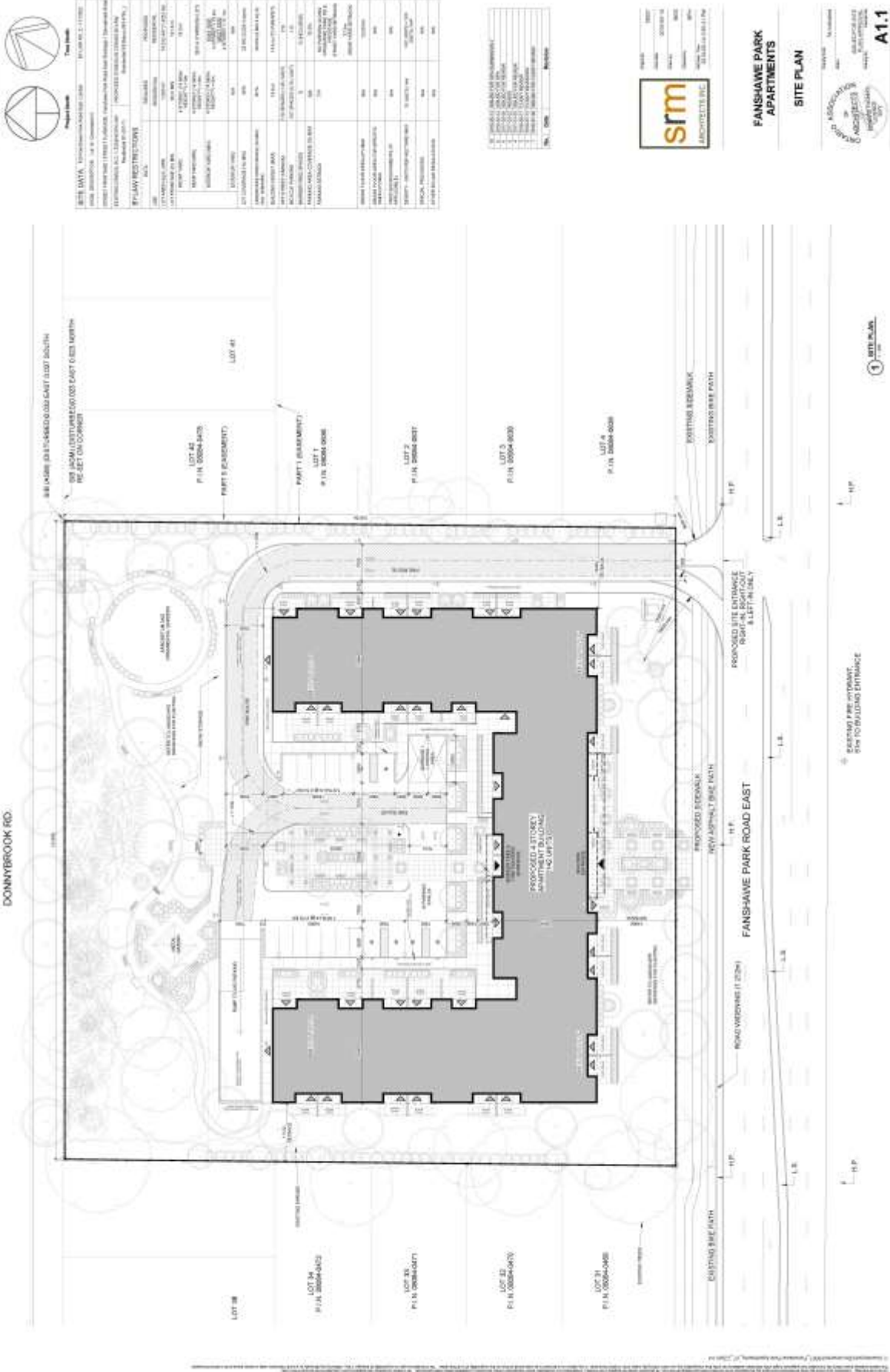
1.5 Intensification (142 units)

- The proposed 142 residential units represent intensification within the Built-area Boundary
- The proposed 142 residential units represent intensification within the Primary Transit Area

1.6 Location Map



1.7 Site Plan



1.9 Elevations

GENERAL NOTES

1. ALL DIMENSIONS ARE IN METERS AND MILLIMETERS UNLESS OTHERWISE SPECIFIED.

2. FINISHES ARE TO BE AS SHOWN ON THE EXTERIOR FINISH LEGEND.

3. ALL MATERIALS ARE TO BE SUPPLIED BY THE CONTRACTOR.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT ROADS AND HIGHWAYS.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT LANDSCAPE AND PLANTING.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT AIRWAYS AND VENTILATION SYSTEMS.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT ELECTRICAL AND MECHANICAL SYSTEMS.

11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT TELECOMMUNICATIONS SYSTEMS.

12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT WATER AND SEWER SYSTEMS.

13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT GAS SYSTEMS.

14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT RAILROADS AND TRAMWAYS.

15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT AIRPORTS AND HELIPADS.

16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT MARINE AND NAVIGATION SYSTEMS.

17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PORTS AND HARBOURS.

18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT AIR TRAFFIC CONTROL SYSTEMS.

19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT SPACE AND AIR FORCE SYSTEMS.

20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT NATIONAL DEFENSE SYSTEMS.

EXTERIOR FINISH LEGEND

1	BRICK	CLAY
2	CONCRETE	SMOOTH
3	CONCRETE	TEXTURED
4	CONCRETE	PAINTED
5	CONCRETE	COLORED
6	CONCRETE	PAINTED
7	CONCRETE	PAINTED
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18	CONCRETE	PAINTED
19	CONCRETE	PAINTED
20	CONCRETE	PAINTED

4 WEST ELEVATION

3 SOUTH ELEVATION

2 NORTH ELEVATION

1 EAST ELEVATION

5 MATERIAL AID

sr
ARCHITECTS INC.

FANSHAWE PARK APARTMENTS

ELEVATIONS

A3.1

2.0 Description of Proposal

2.1 Development Proposal

On March 15, 2018, staff received a Site Plan Control application for a low-rise apartment building of 4-storeys (14.6m) with 142 residential units. The building is 'U'-shaped with its primary façade oriented towards Fanshawe Park Road East. The vehicular access to the site is proposed along the east property limit, with access to Fanshawe Park Road East. The rear (north) property limit abuts Donnybrook Road. Vehicular access along this property limit is restricted by a 0.3 metre (1ft) reserve; therefore, a pedestrian connection is proposed to be the only access to Donnybrook Road. The ramp to the proposed underground parking is located at the rear of the building, towards the west side of the site. The majority of the parking is provided underground. A substantial landscaped buffer is proposed along the entire north limit of the site, and a combination of vegetation and privacy fencing are proposed along the east and west property lines. The proposed development is consistent with what was contemplated as part of a planning application (OZ-8624) to amend the Official Plan and Zoning By-law to permit the use.

3.0 Relevant Background

3.1 Planning History (see more detail in Appendix A)

At its meeting on May 23rd, 2017, the Planning and Environment Committee (PEC) considered an amendment to the Official Plan to change the designation of the subject lands from a Low Density Residential designation to a Multi-family, Medium Density Residential designation, and an amendment to the Z.-1 Zoning By-law from a Residential R1 (R1-7) Zone to a holding Residential R1 Bonus (h-5*R1-7*B-42) (OZ-8624). The amendment was sought to permit the proposed apartment building with a height of 14.6 metres (48 feet) and a density of up to 100 units per hectare. At its meeting on May 30, 2017, Council approved the amendments and resolved (among other others):

“The Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:

- i. The provision of privacy fencing along the east and west property lines;*
- ii. The provision of enhanced landscaping along the east and west property boundaries for screening; and,*
- iii. Restrict any fencing proposed for the north boundary to wrought iron or similar visually permeable fencing material.*

It being noted that the applicant has provided for the provision of privacy fencing and enhanced landscaping along the east and west property lines, and landscaping in-lieu of wrought fencing along the north property line.”

3.2 Community Engagement (see more detail in Appendix B)

Notice of Application

On April 5th, 2018, Notice of Application was sent to 351 property owners in the surrounding area, Notice of Application was also published in the Public Notices and Bidding Opportunities section of the Londoner on Thursday, April 5th, 2018.

Ward Meeting – April 2018

A Ward 5 meeting was held by Councillor Maureen Cassidy on Thursday, April 26th, 2018 at St. Joseph's Hospice Community Room. City staff presented the details of the Site Plan application to approximately 100 members of the public that were in attendance at the Ward meeting.

Notice of Public Meeting

On May 23, 2018, Notice of Public Meeting was sent to 351 property owners in the surrounding area. Notice was also published in the Public Notices and Bidding Opportunities section of the Londoner on Thursday, May 24, 2018.

At the time of the preparation of this report, there was a total of:

- 18 written responses
- 1 verbal response

Summary of Concerns and Comments:

Character: 1) Does not respect character of the area, 2) Existing residents were attracted to and bought in neighbourhood due to low density residential uses, 3) Proposal is not compatible with scale, intensity, or use.

Use: 1) Should be single detached dwellings or low density if site develops.

Form: 1) Not compatible with adjacent land uses, 2) Access to underground parking needs better screening or buffering.

Nature: 1) Loss of mature trees, 2) Maintain perimeter vegetation.

Noise: 1) Negative impacts of noise from development and during construction.

Privacy: 1) Loss of privacy for abutting dwellings.

Property Matters 1) Loss of security/lack of security measures, 2) Negative impact on property values.

Services: 1) Increased risk of flooding on Donnybrook, 2) All unused wells need to be capped, 3) Concern for existing sewage line on Donnybrook and request for back-flow prevention for each resident on Donnybrook.

Transportation: 1) Concern with vehicular access to Donnybrook Road, access to Fanshawe Park Road East and potential for cut-through traffic, 2) Concerns regarding increased traffic on Hastings Drive, Donnybrook Road, Phillbrook Drive, and Fanshawe Park Road E, 3) Inadequate parking provided and overflow on local streets, 4) Location of parking garage entrance, 5) Install lights at Hastings and Fanshawe Park Road E, 6) Construction access and parking, 7) Need for speed bumps and signage on Donnybrook Road.

Response to Public Concerns

The four-storey medium density multi-use apartment building is well-designed with additional setbacks from existing property lines to ensure the character of the existing neighbourhood is not adversely impacted. The Zoning By-law No. Z.-1 was amended on May 30, 2017 to change the zoning of the subject site from a Residential R1 (R1-7) zone to a holding Residential R1 Bonus (R1-7*B-42) to allow for the use of an apartment building. Through the Council Resolution, 60% landscape open space is a requirement of the bonus zone, where 30% is required through the Zoning By-law. The applicant has provided 60% landscape open space, and is maintaining the majority of the mature trees along the north, east and south property lines. Existing hedgerows along property lines are proposed to be maintained and a 1.8m board on board privacy fence is proposed along the east and west property lines.

With respect to servicing, a Geotechnical report was submitted with the 2nd submission for Site Plan Approval and is currently being reviewed. Any recommendations from the report will be incorporated into the design and servicing of the site. Site servicing has also been reviewed by the City's Wastewater Division and it has been determined that there is more than enough available capacity in the sanitary sewer to accommodate the proposed development.

A Transportation Impact Assessment was completed during the ZBA and OPA process which considered the current traffic conditions in the vicinity of the subject site, and the anticipated traffic that will be generated by the proposed development. The City's Transportation Planning Design Division reviewed and accepted the findings of the Transportation Impact Assessment at that time. A further Traffic Management Plan (TMP) was submitted with the Site Plan Application to determine the details of the proposed median on Fanshawe Park Road East, as well as the proposed median within the internal driveway on site. The TMP permits a left-hand turn from Fanshawe Park Road East, but no left-hand turns are permitted out of the subject site.

3.3 Policy and Regulatory Context

Provincial Policy Statement, 2014 (PPS)

The PPS encourages intensification and redevelopment where it can be accommodated, which takes into account the existing building stock and the suitability of existing or planned infrastructure (1.1.3 PPS). The proposal will develop a vacant and under-utilized site that has full access to municipal services. Land use within settlement areas shall be based on densities which efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available and support active transportation (1.1.3.2.a) & 1.4.3.d)). The proposal re-purposes the existing site and efficiently utilizes public services within a walkable neighbourhood and support public and active transportation options available along Fanshawe Park Road East. An appropriate range and mix of housing types and densities shall be permitted and facilitated by the planning authorities to meet projected requirements for all forms of residential intensification (1.4.3 b) 2). The bonus zone allows for a higher density and alternative housing type to the existing residential neighbourhood and provides for a broader range of local housing options.

Minimum targets for intensification and redevelopment within built-up areas have been established by Municipal Council, which includes a target of 45% within the Built-Area Boundary for all new residential development, and a target of 75% within the Primary Transit Area for all new intensification (1.1.3.5). The development is located within the Primary Transit Area and Built-Area Boundary; therefore, this development contributes to the target numbers. The proposed development is consistent with the Provincial Policy Statement.

The London Plan

The London Plan encourages "inward and upward" growth in existing built-up areas. Residential intensification is supported by infill development of vacant and underutilized lots through redevelopment at a higher density than currently exists on developed lands (80.4 & 6). A target minimum of 45% for all new residential development will occur within the Built-Area Boundary (81). The Built-Area Boundary is comprised as the line circumscribing all lands that were substantively built out as of 2006, and includes the subject site. Intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (83). The proposed development has regard to The London Plan.

Official Plan (1989)

The vision statement promotes an urban form with more intensive forms of residential development focused along sections of major transportation corridors, such as Fanshawe Park Road East, and in designated nodes to facilitate public transit (2.2.1 v). Infill residential development is encouraged and promoted in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services and facilities (3.1.1 vi). The proposed apartment building has full access to municipal services and efficiently develops an under-utilized site within an existing residential area. The proposed development is in conformity with the City Official Plan (1989).

Uplands Community Plan

The subject lands are located within the boundaries of the Uplands Community Plan. The subject site and surrounding area were already developed at the creation of the Community Plan and no specific policy direction to guide future development for the existing area was established. The Community Plan does specify that certain themes and intentions regarding the strategic placement and integration of medium density residential development into the community is relevant.

This proposal is in keeping with the Uplands Community Plan as the multi-family, medium density residential building is located on an arterial road, utilizes existing transit services, minimizes vehicle trips to the interior of the neighbourhoods, makes efficient use of servicing, and fronts onto Fanshawe Park Road East without the use of a noise wall.

Z.-1 Zoning By-law

Through the Zoning By-law Amendment (OZ-8624), the base zone of R1-7 was maintained, with a bonus zone to specifically implement the building design proposed. The bonusable features implement the following:

- A high quality development with a contemporary design and a mix and articulation of building materials including brick, metal panels, concrete, wood veneer and vision and spandrel glass;
- The provision of individual entrances to ground floor units on the south façade, with operable and lockable front doors, pedestrian scale features such as lighting and weather protection, and private amenity areas designed as courtyards enclosed with a combination of planters and decorative fencing;
- The provision of all but 18 required parking spaces below grade generally located under the building footprint;
- The provision of enhanced universally accessible features such as barrier-free access to all floors, and wide routes, paths and corridors that provides a functional width for persons using wheelchairs, scooters, pushing strollers;
- The location of all service and loading facilities within and behind the building and not visible from the public street;
- The enhanced provision of landscaping and retention of mature trees in a park-like setting at the north of the site with a minimum 60% landscaped open space; and
- The provision of a commemorative garden and/or signage to acknowledge the historic affiliation of the property within the landscaped open space along the north portion of the site.
- The proposed multi-family, medium density apartment is consistent with the bonus zone.

4.0 Key Issues and Considerations

4.1 Use

The Neighbourhood Place Type (The London Plan) permits a range of residential uses along Urban Thoroughfare street classification. In this instance, the proposed four (4) storey apartment building, with 142 residential units is a contemplated and permitted use. The plan states that Neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms (918_2.). The proposed development assists in accomplishing this goal as it is representative of infill development in an existing neighbourhood.

The Multi-family, Medium Density Residential (1989 Official Plan) designation primarily permits multiple-attached dwellings, such as row houses or cluster houses, low-rise apartment buildings, rooming and boarding houses, emergency care facilities, converted dwellings, small-scale nursing homes, rest homes and homes for the aged (3.3.1). The Multi-Family, Medium Density Residential designation may serve as a suitable transition between Low Density Residential and other more intense forms of land use, and it may also provide for greater variety and choice in housing, including aging in place, at locations

that have desirable attributes but may not be appropriate for higher density, high-rise forms of housing (3.3). The proposed development also provides an alternative dwelling type according to location, size, affordability, tenure, design, and accessibility (3.1.1 ii).

4.2 Intensity

The Zoning By-law No. Z.-1 was amended on May 30, 2017 to change the zoning of the subject site from a Residential R1 (R1-7) zone to a holding Residential R1 Bonus (R1-7*B-42). The R1-7 zone, allows for single detached dwellings. The implementation of the bonus zone allows the use of apartment buildings with a density of 100 units per hectare as an additional permitted use. The proposed site plan is consistent with the approved zoning.

4.3 Form

The development of well-designed and visually attractive forms of multi-family, medium density housing is encouraged through the Official Plan (3.1.3 ii). The proposed development has a contemporary design with a mix of building materials and colours to add visual interest. Various planes and changes in depths will be used to break up the massing of the building and provide an articulated façade. Similarly, variation in the roofline will add to the articulation of the building. The central access point to the building is located on Fanshawe Park Road East, which creates a focal point for the building.

4.4 Site Plan Control By-law: Privacy and Buffering

The proposed medium density building is surrounded by existing one (1) and two (2) storey single detached dwellings to the east, west, and north. The proposed apartment building is 4 storeys in height. The setbacks for the building are based on the R8-4 zone used for the implementation of such low-rise apartment buildings, which requires a larger setback than a single detached dwelling form, to create a separation distance proportionate to the scale of the development.

A 1.8 metre high board on board fence is proposed along the east and west property lines. The east, west and north property limit is also well vegetated with trees and shrubs. The existing vegetated area is proposed to remain largely intact, which will continue to provide a natural buffer.

4.5 Site Plan Control By-law: Traffic and Transportation

The site is located with frontage and access to Fanshawe Park Road East. There are two nearby secondary collectors, Hastings Drive (east) and Phillbrook Drive (west), and the local street Donnybrook Road north of the site (north). Vehicular site access is proposed from Fanshawe Park Road East along the east property limit.

As noted previously in this report, a Traffic Management Report has been submitted and reviewed by the Transportation Department that determined there is sufficient capacity for a left turn lane into the site on Fanshawe Park Road East, and with a right-out only from the site. Left turns onto Fanshawe Park Road East are not permitted. No vehicular access is permitted to Donnybrook Road.

Pedestrian access to the site is facilitated by way of a sidewalk to Fanshawe Park Road East, as well as a pedestrian connection to Donnybrook Road.

The site is located within Parking Area 3 of the city which requires 1.25 parking spaces per unit for apartment buildings. The proposal for 142 residential units requires a minimum of 178 parking spaces, which is the amount provided. Apartment buildings also require 0.75 bicycle parking spaces per unit, equivalent to 107 bicycle parking spaces, which is the amount provided.

4.6 Site Plan Control By-law: Tree Retention and Landscape Open Space

The existing site is highly vegetated with a variety of mature trees and shrubs. Through the Zoning By-law amendment, the bonus zone was created to require twice the amount of landscape open space than what is required in the R1-7 Zone. A large portion of the

landscape open space is in the north portion of the site, allowing for many of the mature trees in that area to be retained, and contribute to the vegetation buffer along Donnybrook Road. The proposed building is additionally set back from Fanshawe Park Road East to ensure as many mature trees along the frontage are maintained as possible.

Landscaping is proposed along the north property line in-lieu of fencing, with an opening to allow for a pedestrian connection to Donnybrook Road. An amenity space is proposed within a landscaped open space area located on the northerly portion of the property, which includes small gathering spaces and pedestrian pathways that connect the proposed building to Donnybrook Road. The identified amenity space contains many of the mature trees on the property and acts as a commemorative garden to represent the prior use of the site.

A Tree Preservation Report and Landscape Plan were required and submitted. As noted, the site is heavily vegetated, and the new plantings will be completed in a manner which is complementary with existing vegetation.

4.7 Outstanding Site Plan Comments

On April 12th, 2018 staff provided comments to the applicant with respect to their application package for Site Plan Control Approval. More detailed comments regarding this application are provided in “Appendix B”. The second submission for Site Plan Control Approval has been received and is currently under review with City staff. Below are a summary of the outstanding matters:

1. The traffic management plan is to be updated.
2. The access is to be updated to ensure that left turns are permitted out of the site.
3. A geotechnical report was included in the second submission and is under review.
4. A noise assessment was included in the second submission and is under review.
5. Building elevations are to be updated to match the regulations of the bonus zone, enhance the interface between materials, and improve private amenity areas.
6. The consultant is to provide additional proposed spot elevations along the east and west property lines to ensure that private properties abutting the property to the east and west are not adversely impacted by the development.

A Development Agreement is required to address outstanding matters and any additional issues as directed by Council, incorporating the approved site plan, landscape plan, site engineering plans, and building elevations designs that is necessary for Site Plan Approval. Special provisions in the agreement will address any other outstanding issues pertaining to the site, specifically requirements of the noise assessment, geotechnical report, tree preservation, and any additional items from Council.

The Owner must provide the necessary security at the time of executing the agreement to ensure all surface works are completed in accordance with the approved plan.

Once a site plan agreement has been entered into, in accordance with the Site Plan Control Area By-law, a separate application to remove the h-5 holding provision will be brought forward to Council to recommend the removal of the holding provision.

5.0 Conclusion

The proposed Site Plan Application is consistent with the Provincial Policy Statement, in conformity with the City of London Official Plan, has regard to The London Plan, and in keeping with the Uplands Community Plan. The application has been reviewed in accordance with the Z.-1 Zoning By-law and is considered to be in conformity with the applicable policies and regulations. The proposed Site Plan and elevations will result in development that will maintain the character of the area and in compliance with the Site Plan Control By-law.

Prepared by:	Amanda Lockwood Site Development Planner, Development Services
Recommended by:	Michael Pease, MCIP RPP Manager, Development Planning
Reviewed by:	Heather McNeely, MCIP RPP Manager, Development Services (Site Plan)
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

June 11, 2018
AL/al

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Appendix A

OZ-8624

Date: May 23rd, 2017

Author: Sonia Wise

Synopsis: 420 Fanshawe Park Road went through an Official Plan Amendment to change the designation of the subject lands from a Low Density residential designation to a Multi-family Medium Density Residential designation. The Zoning By-law No. Z.-1 was amended to change the zoning of the subject property from a Residential R1 (R1-7) Zone to a holding Residential R1 Bonus (h-5*R1-7*B-42) zone. The Bonus Zone permits an apartment building of 14.6m in height with an increased density up to 100 units per hectare in return for the provision of facilities, services, and matters which are outlined in the Council Resolution in Appendix D.

Recommendations: That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2431602 Ontario Limited relating to the property located at 420 Fanshawe Park Road East:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 30, 2017 to amend the Official Plan to change the designation of the subject lands **FROM** a Low Density Residential designation, **TO** a Multi-family, Medium Density Residential designation;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on May 30, 2017 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Residential R1 (R1-7) Zone, **TO** a holding Residential R1 Bonus (h-5*R1-7*B-__) Zone; subject to the completion of a development agreement that substantively implements the site and building design that is attached as Appendix "1".

The Bonus Zone shall be implemented through a development agreement to provide for an apartment building of 14.6m (48 ft) with an increased density up to 100 units per hectare in return for the provision of the following services, facilities and matters which are described in greater detail in the proposed by-law:

- i. A high quality development which substantively implements the site plan and elevations attached as Appendix "1", with minor revisions at the discretion of the Managing Director of Planning and City Planner;
 - ii. A contemporary building design with a mix and articulation of building materials including brick, metal panels, concrete, wood veneer and vision and spandrel glass;
 - iii. The provision of individual entrances to ground floor units on the south façade, with operable and lockable front doors, pedestrian scale features such as lighting and weather protection, and private amenity areas designed as courtyards enclosed with a combination of planters and decorative fencing;
 - iv. The provision of all but 18 required parking spaces below grade generally located under the building footprint;
 - v. The provision of enhanced universally accessible features such as barrier-free access to all floors, and wide routes, paths and corridors which provide adequate width for persons using wheelchairs, scooters, pushing strollers;
 - vi. The location of all service and loading facilities within and behind the building and not visible from the public street;
 - vii. The enhanced provision of landscaping and retention of mature trees in a park-like setting at the north of the site with a minimum 60% landscaped open space; and
 - viii. The provision of a commemorative garden and/or signage to acknowledge the historic affiliation of the property within the landscaped open space towards the north of the site.
- (c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) The provision of privacy fencing along the east and west property boundaries;

- ii) The provision of enhanced landscaping along the east and west property boundaries for screening; and
- iii) Restrict any fencing proposed for the north boundary to wrought iron or similar visually permeable fencing material.

Appendix B – Public Engagement

Community Engagement

Public liaison: On April 5th, 2018, Notice of Application was sent to 351 property owners in the surrounding area, Notice of Application was also published in the Public Notices and Bidding Opportunities section of the Londoner on Thursday, April 5th, 2018.

19 replies were received

Nature of Liaison: The purpose and effect of the Notice of Application is to develop the subject lands resulting in a 142 unit apartment building, 4 storeys and 14.6m in height.

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

Concern for:

Character: 1) Does not respect character of the area, 2) Existing residents were attracted to and bought in neighbourhood due to low density residential uses, 3) Proposal is not compatible with scale, intensity, or use.

Use: 1) Should be single detached dwellings or low density if site develops.

Form: 1) Not compatible with adjacent land uses, 2) Access to underground parking needs better screening or buffering.

Nature: 1) Loss of mature trees, 2) Maintain perimeter vegetation.

Noise: 1) Negative impacts of noise from development and during construction.

Privacy: 1) Loss of privacy for abutting dwellings.

Property Matters 1) Loss of security/lack of security measures, 2) Negative impact on property values.

Services: 1) Increased risk of flooding on Donnybrook, 2) All unused wells need to be capped, 3) Concern for existing sewage line on Donnybrook and request for back-flow prevention for each resident on Donnybrook.

Transportation: 1) Concern with vehicular access to Donnybrook Road, access to Fanshawe Park Road East and potential for cut-through traffic, 2) Concerns regarding increased traffic on Hastings Drive, Donnybrook Road, Phillbrook Drive, and Fanshawe Park Road E, 3) Inadequate parking provided and overflow on local streets, 4) Location of parking garage entrance, 5) Install lights at Hastings and Fanshawe Park Road E, 6) Construction access and parking, 7) Need for speed bumps and signage on Donnybrook Road.

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

Telephone	Written
Shu, Bob	Atta, Zina
	Barbon, Linda, 9 Donnybrook Road, London, ON, N5X 3C7
	Bos, Art 46 Donnybrook Road London N5X 3C8
	Bristol, Lorraine 1562 Phillbrook Drive London N5X 2S4
	Clarke, Grant and Karen 26 Nanette Drive
	Crimmins, James
	Curtis, Bruce
	Day, Peter
	Lee, Ed
	Malott, Lauren
	McHardy, Wendy, 19 Donnybrook Road
	McNicol, Lori, 19 Donnybrook Road
	Nenonen, David O
	Roch, Sauna, 26 Donnybrook Road
	Trocchi, Cathy

	Warden, Joan
	Wilson, Robert and Dianne
	Wu, Di, 43 Donnybrook Road

Written Response 1:

Ms. Amanda Lockwood
 Site Development Planner
 City of London, Development and Compliance Services,
 300 Dufferin Avenue
 London, ON N6A 4L9

Dear Ms. Lockwood:

Re: Site Plan Application File No. 18-024
 420 Fanshawe Park Road East

This letter is in response to your circulation of the above noted application for Site Plan Approval for the property located at 420 Fanshawe Park Road East. The Stoneybrook Heights and Uplands Residents Association has had an opportunity to review the submitted drawings and would like to make a number of comments with respect to this proposal. Those comments are included below.

We would also like to express our concern that notification of the Site Plan Review Process was limited to those property owners within 120 metres of the subject site. The rezoning application for these same lands (File No. OZ-8624) generated over 600 letters, e-mails, submissions and attendance at Planning Committee and Council meetings. This represented the single largest public response to a City of London planning application. It is very disappointing that the City Development Services did not notify the Community Association and the many other residents who were engaged on this significant development proposal.

Regarding the proposed Site Plan Application, the Community wishes to make the following comments and observations:

1. Vehicular access from the subject site to Donnybrook Road must be prevented and this prohibition ensured through a one-foot reserve (held by the City) along the Donnybrook Road frontage of the subject site.
2. Construction access to the subject site must be prohibited from Donnybrook Road and further, include a prohibition on construction workers parking their vehicles on Donnybrook Road or nearby streets including such streets as Phillbrook Drive, Hastings Drive, Wendy Crescent and Wendy Lane.
3. It is preferable that access to the subject site from Fanshawe Park Road should be restricted to right in and right out only. Removing a portion of the median on Fanshawe Park Road to allow left turn access into the site will create an area of unsafe turning movements along Fanshawe Park Road. Further, left turn access will effectively use the queuing lane for left turning vehicles turning north from Fanshawe Park Road on to Philbrook Drive. This will add both inconvenience and delay for community residents who depend on this east bound queuing space for northerly turn movements. In addition, permitting a left turning entrance from Fanshawe Park Road at this location will establish an undesirable precedent for other mid-block sites along Fanshawe Park Road.

A related concern is with respect to the impact of additional traffic on the traffic patterns in the vicinity of this development proposal. Currently, the intersection of Fanshawe Park Road and Hastings Drive is not signalized. With the development of the “Uplands North” community plan, the developer was to be responsible for implementing the installation of traffic lights by the time of full build out of the subdivision. The installation of traffic lights has not occurred and the volume of traffic and number of traffic movements continues to increase at this location. It is incumbent upon the City to ensure adequate traffic control is maintained at this intersection given a large elementary school and park are located on Hastings Drive only two blocks from Fanshawe Park Road.

4. Appropriate privacy fencing must be provided along the east and west property lines of the subject property so as to ensure adequate screening and protection for the abutting single detached dwelling properties. Such fencing must be of an appropriate height (e.g., eight feet) and be constructed of suitable solid materials (e.g., solid wood board on board) to achieve visual and noise screening.

5. The landscape plan does not include any proposed enhancement of the existing cedar privacy hedge along the rear property line adjacent to Donnybrook Road. The existing cedar hedgerow currently has a number of gaps in it and the mature cedars are experiencing some dieback which reduces the amount of screening offered. The landscape plan must add to and increase the amount of screening and the buffering effect of the hedgerow to effectively ensure appropriate screening is provided for the single detached homes along Donnybrook Road.

6. The access to the underground parking is located in close proximity to single detached homes along the east side of Hastings Drive. Also, the driveway along the easterly portion of the site is adjacent to single detached dwellings. Additional screening and buffering of vehicle headlights, noise and exhaust along the easterly boundary and near the parking garage entrance must be provided to mitigate these negative effects.

7. The site plan and landscape plans indicate a significant number of trees will be removed. The developer's tree protection studies show that 176 trees were inventoried on the site and 126 trees will be removed. Under the City's tree replacement requirements, the removal of 126 trees would require replacement of 378 trees. However, the developer is proposing to replace only 61 trees. This results in a significant deficiency of 317 replacement trees. A substantially better effort needs to be made by the developer to ensure fulfillment of the tree replacement requirements. Some of the replacement trees could include a large number of new cedar trees along the Donnybrook Road frontage to create a more effective visual and noise screen and buffer along this property line. Additional consideration should be given to requiring the developer to plant trees elsewhere in the neighbourhood (e.g., Virginia Park) sufficient to meet the City's tree replacement requirements.

8. Given the site is the location of the original farmhouse for this area, the developer must be responsible for capping any former unused wells on the development site in accordance with Provincial requirements.

9. The Community Association remains concerned about the sub-surface water movement on this site and the surrounding lands. A rather high water table exists in the area and there is a significant volume of groundwater moving through the soil. This volume of groundwater may create problems for construction on this site. Further, construction should not be allowed to alter the sub-surface water flow such that it causes problems for nearby homeowners and results in wet and flooded basements or other associated problems.

We thank you for the opportunity to provide comments on this proposed development application and ask that you give them your thorough consideration. Further, we ask that the above noted suggested improvements to the site plan be implemented to help address the concerns of the community and property owners adjacent or nearby the subject site.

Written Response 2:

Linda Barbon
[REDACTED]
[REDACTED]

Letter sent via email to:

mcassidy@london.ca; mvanholst@london.ca; alockwood@london.ca; mtomazin@london.ca; barmstro@london.ca; msalih@london.ca; jhelmer@london.ca; psquire@london.ca; joshmorgan@london.ca; phubert@london.ca; ahopkins@london.ca; vridley@london.ca; sturner@london.ca; husher@london.ca; tpark@london.ca; jzaifman@london.ca; mayor@london.ca; citycouncillors@london.ca

Re: Objection to site plan proposal 420 Fanshawe Park Rd. East – File No. SPA18-024

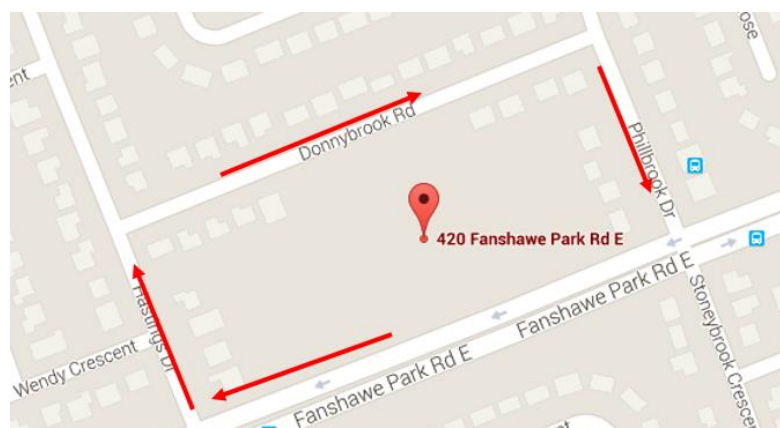
Dear City of London,

I am writing to express my continued firm opposition to the site proposal for 420 Fanshawe Park Rd. East. This letter is based on a review of the Developer's site plan proposal for this site. As a resident of Donnybrook Rd. for the last 14 years, I can attest to the impact that this current development proposal will have on this neighbourhood of single, family dwellings. I call upon City Councillors to consider the adverse effects to residents of this community by building according to this proposal.

As previously argued by an unprecedented number of Stoneybrook residents, myself included, this site plan is in conflict with the basis of the City's Official Plan, as it is incompatible with the existing character of the neighbourhood. This development will seriously change the landscape of our neighbourhood in an adverse manner. The building proposed will be built in a community of single, family dwellings. There are no buildings of a similar nature within 750m from this property. While this proposal is reduced in height from previous proposals, the number of dwellings within it remains the same. A development in density of such exponential proportions compared to surrounding properties is not all in keeping with the character of this neighbourhood. The dwellings directly adjacent to this property will be most impacted. Some of these homeowners have already resorted to selling their beloved properties to avoid the risk of such a monstrous development devastating the quiet, private nature that they have come to expect when purchasing a home in this community.

A site plan for development in an existing neighbourhood should reflect the nature of the community in place as per the City's Official plan as well as a respect of surrounding residents. While City planners and elected officials have stated that community input is important, over 600 Stoneybrook residents clearly stated reasonable grounds for their rejection of the proposed development, and their views were flatly ignored. Numerous questions and concerns brought forward by residents were left unanswered and disregarded. Elected officials and the City planning committee proceeded to accept a zoning amendment and a site plan that favours developers and does not at all represent the views of constituents who are directly affected. This site plan does not reflect an effort in good faith to establish a compromise that would be acceptable to both a developer and to current residents of the neighbourhood. The construction of 142 units in this neighbourhood is an extraordinary and unreasonable increase in density, regardless of how much foliage is planted on its perimeter. Such a development is entirely incompatible with the nature of surrounding housing and indicates a disregard for the adverse impact on current taxpaying residents.

As a resident of Donnybrook Road, I continued to be troubled by the traffic implications of the proposed site plan. Donnybrook is already used extensively as an artery for the traffic light situated at the Fanshawe Park Rd. and Phillbrook Drive intersection. Traffic is significant and at times, rapid. This is currently an important concern in terms of the safety of my children as well as the other children and elderly residents of this street. The proposed site plan will consciously and significantly increase traffic on Donnybrook Rd, resulting in an even greater danger to residents of this community. Residents of the proposed building who will be unable to make left-hand turns onto Fanshawe Park Rd. to enter/exit will exponentially increase the dangerous flow of traffic on our residential street; Donnybrook Road will be used even more commonly as an artery to the traffic lights as per the diagram below.



This is an unfair by-product of this proposed site plan and to which the entire Stoneybrook community has already voiced its opposition. Simply stated, I call upon our elected City Councillors, to respect and protect the safety of residents in this community by rejecting this site plan.

This site proposal for 420 Fanshawe Park Road East is not a welcome one, nor does it reflect an effort to establish an acceptable compromise between residents and a developer. In light of the many negative impacts to local residents, I implore the City of London Planning Department not to accept this current site plan in favour of a proposal of lower density that reflects the nature of the existing community.

Thank-you for your time and consideration of the Stoneybrook community's concerns.
Sincerely,

Linda Barbon

[REDACTED]
[REDACTED]
[REDACTED]

Written Response 3:

Amanda,

We would certainly appreciate it if the existing 30-year old mature cedar privacy hedge along the northern frontage onto Donnybrook Rd could remain in place and be extended to the east and west property lines. It is not clear from the recent landscape plan whether this is currently proposed. That would certainly assist in maintaining some privacy for current area residents with homes facing the development.

Thank You for your consideration,

Art Bos P. Eng.

[REDACTED]

Written Response 4:

RE: FILE #SPA 18-024

I am still appalled that the city of London are allowing this pretentious building to be built in a completely single family subdivision. This is definitely "SPOT ZONING", but our city seems to believe that the developers are more important than its residents.

There are so many concerns to address about this "white elephant", it's difficult to try to condense them knowing that the developer will probably just do what he wants regardless of what people try to input to relieve the negative effects in our lovely community.

My main concerns to the developer to address are:

1. High water table. This property had a large swampy pond area.
2. Inadequate infrastructure to handle new 142 units. Many homes already have flooding issues.
3. Proper, high, attractive fencing for people directly abutting this building.
4. Noise level during construction .
5. Noise from vehicles at all hours for residents abutting the development.
6. Headlights shining in people's windows at all hours that back onto these units.
7. Dust and vehicle exhaust levels for people with breathing problems. Studies has shown these fumes can lead to Alzheimers.
8. Vibration damage to closer homes.
9. Excessive traffic on surrounding streets and roads.
10. Safety of everyone walking in the area, especially children and seniors.

11. Not enough trees being planted to replace all the ones being cut down. This shows a huge deficiency and shouldn't be allowed!! Why change the rules for the developer?
 12. A lack of sufficient parking spaces for 142 units. Side streets should not have to put up with vehicles parking outside their homes.
 13. The exiting from the complex onto Fanshawe Park Road is a definite problem, especially if people are allowed to exit to the left. The rerouting of people heading east will involve u turns or circling the nearby streets to turn at the lights on Phillbrook Drive. Nothing works! Fanshawe is too busy to accommodate the exiting vehicles.
 14. Construction vehicles need to be banned from subdivisions streets and only use Fanshawe Park Road. The mud left on area streets from these vehicles cause a buildup of debris and cause the streets to be slippery and make it difficult to keep residents' vehicles clean etc. This can be seen at the development at Phillbrook Drive and Adelaide.
 15. The shadow report was not accurate? Many of the homes backing onto this building will have many hours of sunshine stolen from them.
 16. There are wells on this property to be capped off.
 17. The developer has misled the public that these units will be for seniors. Why all the bike racks? You can't fool me! These will be full of students!
 18. This developer removed community signs that we erected trying to fight this development and make people aware of meetings etc. We have witnesses to this illegal act. Complaints to the city were ignored! How can we rely on anything he says if he would stoop to this type of deception!
 19. This is not an attractive building and will stand out like a sore thumb!!!
 20. This has now set a precedent for London North development. The high rise on North Centre Road being proposed is just the start now!!
- Unfortunately, I could keep ranting on and on about this invasion in our community, but it's all in vain because it falls on deaf ears.

A Very Concerned Resident,
Lorraine Bristol,

[REDACTED]
[REDACTED]
[REDACTED]

Written Response 5:

A.Lockwood:

Concerning property at 420 Fanshawe Park Rd.E, totally opposed to said development in it's form of Westdell Development Co. proposal, the said land should be used for single housing units or semi-detached units, to fit into surrounding structures.

Also concerned of increased Traffic on a already taxed roadway!

Grant and Karen

[REDACTED]

[REDACTED]

Written Response 6:

Amanda Lockwood
Site Development Planner
Development Services
City of London

Dear Ms Lockwood,

I am writing with regard to the site plan for the 4 story apartment building "Fanshawe Park Apartments" to be built at 420 Fanshawe Park Road East. I am the occupant of lot [REDACTED], which backs on to the development site. My enquiry pertains to the 25 foot high cedar hedging that presently exists along the property line

separating the back end of my lot from the development site (and also my neighbours in lots #31-33 on Hastings Drive), and which currently provides a substantial privacy barrier.

In drawing A1.1 and drawing L1, this hedging is clearly marked. However, I see that in drawing L1, which shows the landscaping for the lot, it indicates (on the left side of the drawing) a 1.8m privacy fence, but it is not clear if this is intended to be built along the property line between the site and the properties on Hastings Drive. Further, there is a note (also on the left side of the drawing) which states "Note. Where the existing hedge is in poor condition and requires removals [sic] or pruning, new plantings and/or double row of plantings will be added."

My concern is that for privacy reasons that the existing cedar hedging should be retained. A 1.8m fence will give no privacy to the people in houses on Hastings Drive from the gaze of occupants in the 2nd, 3rd, and 4th floors of the apartment building. Nor will a newly planted hedge that will take another 25 years to grow to an adequate height for privacy purposes.

Perhaps you could clarify for me the developer's intention regarding this part of the landscaping plan. And, if this is still unclear, I would urge you to impress upon the developer the privacy concerns and the need to retain the existing cedar hedging along the property line.

Thanks you for your consideration.

James E. Crimmins

[REDACTED]

[REDACTED]

Written Response 7:

Bruce Curtis and Patricia Ferries

[REDACTED]

[REDACTED]

May 7, 2018

Ms. Amanda Lockwood
Site Development Planner
City of London, Development and Compliance Services
300 Dufferin Avenue
London, ON N6A 4L9

Dear Ms. Lockwood:

Re: Site Plan Application File No. 18-024
420 Fanshawe Park Road East

This letter is in response to your circulation of the above noted application for Site Plan Approval for the property located at 420 Fanshawe Park Road East. Regarding the proposed Site Plan Application, we wish to make the following comments and observations:

1. Vehicular access from the subject site to Donnybrook Road must be prohibited through the City holding a one-foot reserve along the Donnybrook Road frontage of the subject site and not releasing access for development purposes.

2. Construction access to the subject site must be prohibited from Donnybrook Road and further, include a prohibition on construction workers parking their vehicles on

Donnybrook Road or nearby streets including such streets as Phillbrook Drive, Hastings Drive, Wendy Crescent and Wendy Lane.

3. It is preferable that access to the subject site from Fanshawe Park Road should be restricted to right in and right out only. Removing a portion of the median on Fanshawe Park Road to allow eastbound left turn access into the site will create an area of unsafe turning movements along Fanshawe Park Road. Further, left turn access will effectively use much of the queuing lane for left turning vehicles turning north from Fanshawe Park Road on to Phillbrook Drive. This will add both inconvenience and delay for community residents who depend on this east bound queuing space for northerly turn movements. In addition, permitting a left turning entrance from Fanshawe Park Road at this location will establish an undesirable precedent for other mid-block sites along Fanshawe Park Road.

A related concern is with respect to the impact of additional traffic on the traffic patterns in the vicinity of this development proposal. Currently, the intersection of Fanshawe Park Road and Hastings Drive is not signalized. With the development of the "Uplands North" community plan, the developer was to be responsible for implementing the installation of traffic lights by the time of full build out of the subdivision. The installation of traffic lights has not occurred and the volume of traffic and number of traffic movements continues to increase at this location. It is incumbent upon the City to ensure adequate traffic control is maintained at this intersection given a large elementary school and park are located on Hastings Drive only two blocks from Fanshawe Park Road.

4. Appropriate privacy fencing must be provided along the east and west property lines of the subject property so as to ensure adequate screening and protection for the abutting single detached dwelling properties. Such fencing must be of an appropriate height (e.g., eight feet) and be constructed of suitable solid materials (e.g., solid wood board on board) to achieve visual and noise screening.

5. The landscape plan does not include any proposed enhancement of the existing cedar privacy hedge along the rear property line adjacent to Donnybrook Road. The existing cedar hedgerow currently has a number of gaps in it and the mature cedars are experiencing some dieback that reduces the amount of screening offered. The landscape plan must add to and increase the amount of screening and the buffering effect of the hedgerow to effectively ensure appropriate screening is provided for the single detached homes along Donnybrook Road.

6. The access to the underground parking is located in close proximity to single detached homes along the east side of Hastings Drive. Also, the driveway along the easterly portion of the site is adjacent to single detached dwellings. Additional screening and buffering of vehicle headlights, noise and exhaust along the easterly boundary and near the parking garage entrance must be provided to mitigate these negative effects.

7. The site plan and landscape plans indicate a significant number of trees will be removed. The developer's tree protection studies show that 176 trees were inventoried on the site and 126 trees will be removed. Under the City's tree replacement requirements, the removal of 126 trees would require replacement of 378 trees. However, the developer is proposing to replace only 61 trees. This results in a significant deficiency of 317 replacement trees. A substantially better effort needs to be made by the developer to ensure fulfillment of the tree replacement requirements. Some of the replacement trees could include a large number of new cedar trees along the Donnybrook Road frontage to create a more effective visual and noise screen and buffer along this property line. Additional consideration should be given to requiring the developer to plant trees elsewhere in the neighbourhood (e.g., Virginia Park) sufficient to meet the City's tree replacement requirements.

8. Given the site is the location of the original farmhouse for this area, the developer must be responsible for capping any former unused wells on the development site in accordance with Provincial requirements.

9. The Community Association remains concerned about the sub-surface water movement on this site and the surrounding lands. A rather high water table exists in the area and there is a significant volume of groundwater moving through the soil. This volume of groundwater may create problems for construction on this site. Further, construction should not be allowed to alter the sub-surface water flow such that it causes problems for nearby homeowners and results in wet and flooded basements or other associated problems.

We thank you for the opportunity to provide comments on this proposed development application and ask that you give them your thorough consideration. Further, we ask that the above noted suggested improvements to the site plan be implemented to help address our concerns with respect to development of the subject site.

Yours truly,
Bruce Curtis and Patricia Ferries.

Written Response 8:

Good morning Amanda

I live on Pine Ridge Drive, not far from where the proposed development will take place.

1) going from a single family home in a subdivision to a 142 unit apartment building seems like an extreme example of "intensification". Something half the size, maybe limited to two stories, would seem more appropriate to me.

2) we most often turn north onto Jennifer Road, while heading eastbound from Fanshawe, when returning to our home. This turn is just west of the proposed development.

There is no advanced green light at this intersection, and more often than not there is a car or cars going west on Fanshawe turning south onto Hastings Drive. This makes visibility very poor, and cars move at a fairly good speed along Fanshawe. We usually feel like we risking our life trying to turn here. The proposed development, along with other continuous development along Fanshawe, is making this situation increasingly worse. I assume there could be upwards of 200 to 250 vehicles residing at 420 Fanshawe if the proposed development moves forward as is.

Would it be possible as part of this process to install advanced green turn lights at the Jennifer Road /Fanshawe intersection?

My first choice would be a handful of townhouses on this site, but I do understand the desire for intensification, and I don't want to be a NIMBY. However, things like the impact of traffic on the surrounding area would seem to be a necessary part of any approval for a project of this magnitude.

Thank you for the opportunity to comment.

Peter Day

Written Response 9:

I am concerned about the traffic that would result with the occupancy of such a high density building. Also the traffic during the construction of such a large building and the time it would take to finish a building that size. The lack of privacy with such a high building that does not blend in with the surrounding neighbourhood of single family homes. The foot traffic in the area would also increase making the streets busy and noisy.

There doesn't seem to be enough trees being replaced and it does not address the time it takes a tree to grow to a significant size to matter.

I think that there are better alternatives for the piece of land.

Thank you

Brenda Lee Chan

Written Response 10:

Hi there, I am just wondering if I can get any information on when the proposed apartment building at 420 Fanshawe road east will be going up?
Do you know which company will be in charge of the rentals ie? Sifton? Drewlo?

I ask because I do currently rent in the area and am very much interested in this particular development. I have seen the proposal on line and it looks very lovely.

Cheers!

Lauren

Written Response 11:

Hi Amanda

I just purchased a house on 19 Donnybrook. My property is the first property beside the new development. I have questions

1. Access for construction will be from Fanshawe park road? No construction access from Donnybrook?
2. Once built no parking ie.. car access in and out of Fanshawe new development from Donnybrook? Just car access from Fanshawe park road.
3. How much green space is being preserved from Donnybrook if any?
4. cedars along my property will not be touched ?
5. When is the plan to start construction?
6. Please forward me the schedule for all meetings regarding this development.

Thanks

I have the plans Via my email but needed more details please .

Wendy ❁

Written Response 12:

Dear Amanda,

I am writing to you as a concerned neighbour for what is being developed right next door to me. I currently live at [REDACTED] and I AM THE CLOSEST NEIGHBOUR TO THE PROPOSED/APPROVED DEVELOPMENT at 420 Fanshawe Park Road and, in fact, share a cedar hedge along the north-west side of that property.

My concerns are as follows:

- the number of trees being removed on the property;
- keeping construction access off neighbouring streets;
- the necessity to have a traffic light installed at Hastings and Fanshawe Park Road;
- ensuring no vehicular access from the property onto Donnybrook;
- privacy fencing and;
- underground parking access and the proximity to my home!

MY BIGGEST CONCERN IS KEEPING MY HOME PRIVATE!

With the entrance ramp to the underground parking right outside my family room and deck, I am very worried about headlights, noise, and exhaust imposing on my home. I am most concerned about the 6' board-on-board fence that will be installed.

WHEN I STAND ON THE GROUND, WHERE THE ROOTS OF THE HEDGE ENTER THE DIRT, I NOTICE THAT A 6' FENCE WILL NOT EVEN COME REMOTELY CLOSE TO THE BOTTOM SILL OF MY FAMILY ROOM WINDOW!

The back of my BUNGALOW is elevated and, as such, a person standing in the family room and looking out the window will be looking well over any 6' fence! There is no point in putting in ONLY a 6' fence along the east side of my home (north-west side of 420 Fanshawe Park Road)!

What I would like to see along the west side of this property (especially along side my home) is a wall that is as high as the top of my window and this may be 15-20 feet or more! A wall similar to those seen on major streets throughout London would be my preferred choice to ensure privacy, noise reduction, and keep the exhaust pollution to a minimum. I like opening my windows and a 6' fence would not permit me to do so without very unpleasant issues!

I hope that my voice is heard when considering what is being proposed and approved next door!

Sincerely,

Lori McNicol

Written Response 13:

Response to Notice of Application SPA18-024

Page 1 of 2

David Nenonen

[REDACTED]

April 24th, 2018

Mayor, City Councillors, Planners and Planning Committee

Letter sent via email to:

mvanholst@london.ca; alockwood@london.ca; mtomazin@london.ca; barmstro@london.ca; msalih@london.ca; jhelmer@london.ca; psquire@london.ca; joshmorgan@london.ca; phubert@london.ca; ahopkins@london.ca; vridley@london.ca; sturner@london.ca; husher@london.ca; tpark@london.ca; jzaifman@london.ca; mayor@london.ca; citycouncillors@london.ca; mcassidy@london.ca

Dear City of London,

Re: Notice of Application for Approval of Site Plan Application – SPA18-24

Thank-you for this opportunity to provide comments. I have attached my previous letter and presentation to the Planning and Environment Committee from May 23, 2017, which received no response.

Questions and concerns from earlier correspondence includes:

1. East-bound traffic from the development will travel around the block to use the lights at Phillbrook Dr, and Fanshawe Park Rd. E., thereby significantly increasing traffic along Donnybrook Road. There are many times of day where turning left out of the development would be possible and should be accommodated to reduce this traffic into the adjacent low density residential neighborhood. For the remaining increased traffic volume on Donnybrook Rd., can the City provide speed bumps and signage?
2. The developer significantly reduced the number of parking stalls for the apartment building, which will likely lead to apartment dwellers and visitors parking along Donnybrook Road. Preventing this by having no parking along Donnybrook will inconvenience current homeowners. Can the City recommend an alternate solution?
3. The sewage line on Donnybrook Road was intended for one dwelling at this development location, and not 142 units. Although city engineers claim there is sufficient capacity, can the City ensure the local homeowners that no back-ups will occur by installing back-flow prevention

values at each residence on Donnybrook, or preferably, attach this development's sewer to the infrastructure on Fanshawe Park Road East?

4. For a development of this size, how can a 6 foot board-on-board fence which is applicable to the surrounding single family dwellings be acceptable? Noise, foot traffic and access to adjacent dwellings needs to be contained and restricted. Can the developer provide a noise-reducing fence at least 10 feet in height around the development?

It is my hope that the City of London and its elected officials would appreciate the absurdity and disrespect of asking for public feedback and providing letters stating that our "opinion on this application is important" when all of our concerns and letters against this development have been ignored. It is remarkable that a city would ignore opposition and response from over 600 individuals representing a kilometer radius of this high density development in the middle of a low density single detached neighbourhood, and continue to communicate as though they are concerned with the neighbourhood.

This development clearly does not take a form compatible with adjacent land uses, and the City of London has forced this development onto our neighbourhood. The many negative impacts listed in my two attachments have now caused another homeowner adjacent to this property to sell their home - 19 and 43 Donnybrook Road have both recently sold.

The City of London elected representatives have only represented the developer in this case and then leave the local residents to appeal these plans to the OMB at their own cost. So even though the entire neighbourhood has opposed this plan, the City of London expects its tax payers to hire their own lawyers to challenge the destruction of their neighborhood which is further funded by the taxpayer.

I urge our elected representatives to respect the wishes of the local homeowners.

Sincerely,

David Nenonen

[Redacted signature block]

Building Parking

Original 142 unit proposal:

- 233 vehicle stalls and 76 bicycles spaces

Revised 142 unit proposal:

- 178 vehicle stalls and 107 bicycles spaces

Concern:

- With the number of units and tenants remaining unchanged, the 55 less vehicle stalls (and additional visitors) will require parking on Donnybrook Road.
- Donnybrook Road is narrow (26 feet wide), and only 16 vehicles can park along the South side of the road. The entire street can accommodate up to 42 vehicles utilizing both sides of the Road, resulting in a 10 foot wide lane.

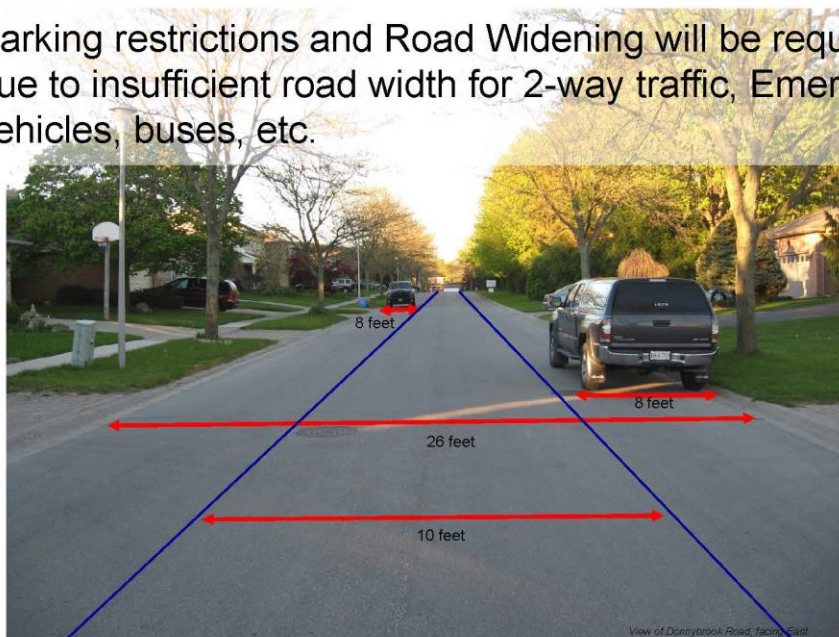
Building Parking



2

Building Parking

- Parking restrictions and Road Widening will be required, due to insufficient road width for 2-way traffic, Emergency vehicles, buses, etc.



3

Lost Privacy – Residents Leaving

- Homes on Donnybrook, adjacent to property with total loss of privacy, have sold due to this development



4

Lost Privacy



5

Lost Privacy – West Side



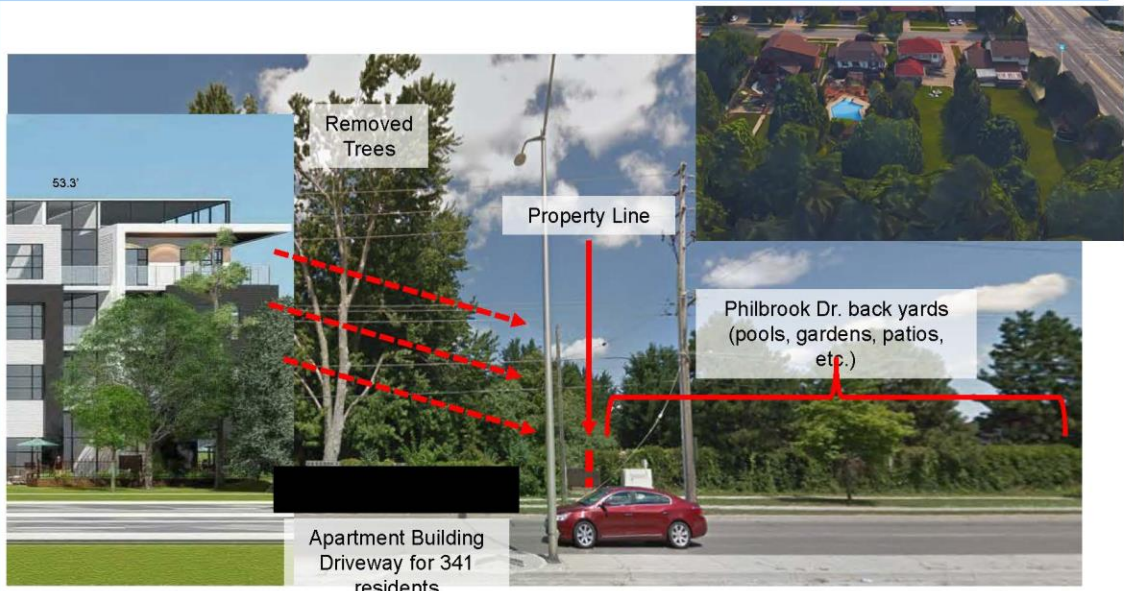
6

Lost Privacy and Traffic



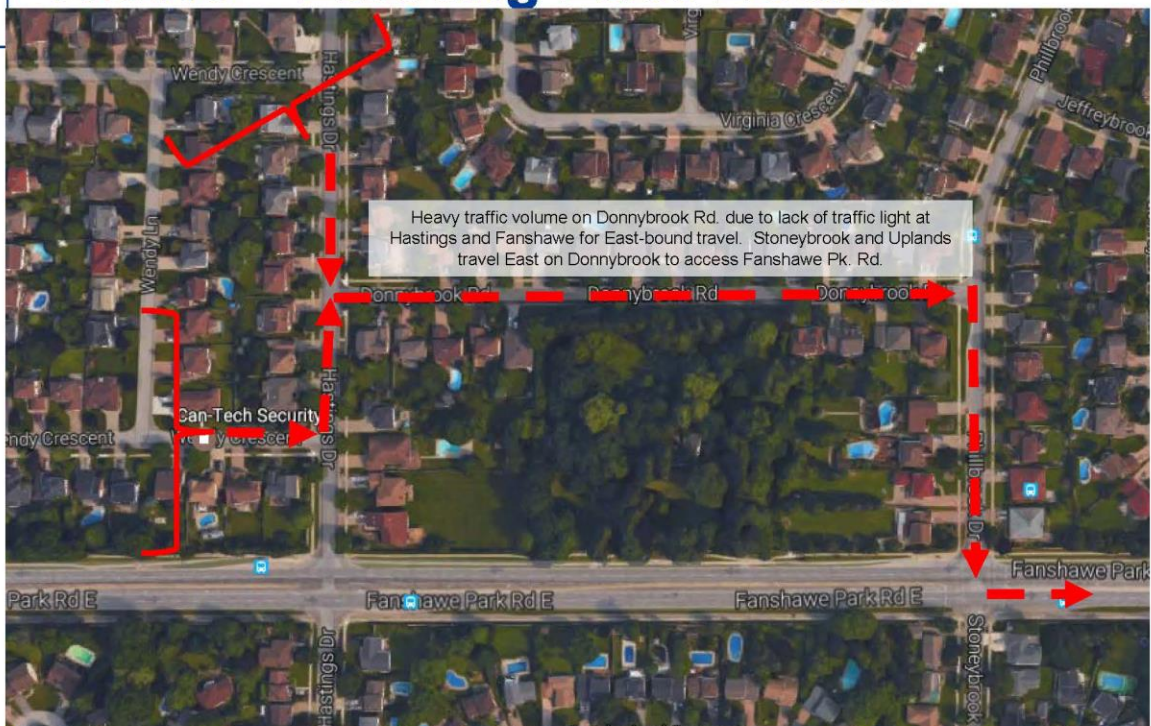
7

Lost Privacy – East Side



8

Traffic – Existing East-Bound



9

Traffic – Building East-Bound



10

Written Response 14:

Ms Lockwood,

I am writing this letter in response to the notice for approval of site plan application regarding the property located at 420 Fanshawe Park Road East. I would like to share some concerns I have regarding the submitted proposal. I am aware that there currently is a 1-foot reserve along Donnybrook Road that would prevent vehicular access to Donnybrook. I want to ensure that this reserve is protected, and that no future access will be considered. In addition, during construction, there should be no construction access granted on the neighbourhood streets. Consideration should also be paid to the amount of traffic that this development will add to the already busy neighbourhood. A re-evaluation of a traffic light installation at Hastings Drive and Fanshawe Park should be considered to help mediate the additional traffic, as well as speed bumps on Donnybrook Rd.

In addition to the traffic issues, I am also concerned about the landscaping plan for the property. This site is heavily forested and the plan intends to remove 126 trees while replacing only 61. My hope is that the city will enforce their tree replacement requirements and ensure more trees are planted on site. The Landscaping plan should also provide for more of a privacy barrier between the development, and the neighbouring properties.

Lastly, I am curious about the plan for groundwater movement, as unfortunately a geotechnical report was not included in the site plan documents. Our area is located on a high water table and I am concerned about how the underground parking will affect the groundwater movement, and how the development plans to handle this.

Thank you for your time,
Shauna Roch

Written Response 15:

I reviewed the site and landscape plans but I do not see an exit indicated on them. Did I miss something? Are they now entering and exiting onto Fanshawe?

Cathy Trocchi RRT

Written Response 16:

APRIL 30, 2018

DEVELOPMENT SERVICES,
CITY OF LONDON,
P.O. BOX 5035,
LONDON, ON.
N6A 4L9

RECEIVED BY
MAY 04 2018
CITY OF LONDON
DEVELOPMENT SERVICES

RE: FILE NUMBER SPA18-024
FILE HANDLER: AMANDA LOCKWOOD
WESTDELL DEVELOPMENT CORP.,
MUNICIPAL ADDRESS: 420 FANSHAWE PARK RD. E., LONDON, ON.

TO WHOM IT MAY CONCERN:

THE PROPOSAL TO DEVELOP SUBJECT LANDS, 420 FANSHAWE PK. RD. E., LONDON, TO A 142 UNIT APARTMENT BUILDING OF 4 STOREY AND 14.6 METERS IN HEIGHT IS "NOT" COMPATIBLE WITH THE ADJACENT LAND USE. SINGLE FAMILY HOMES OR CONDO TOWN HOMES WOULD BE FAR MORE COMPATIBLE. THE AFOREMENTIONED MUNICIPAL ADDRESS IS COMPLETELY SURROUNDED BY HIGH QUALITY SINGLE FAMILY HOMES, TO ALLOW AN APARTMENT COMPLEX WOULD BE MOST DISAPPOINTING. FROM THE NORTH SIDE OF WINDERMERE RD. TO 'ALMOST' SOUTH SIDE OF SUNNINGDALE RD., AND FROM ADELAIDE TO RICHMOND ST., THERE ARE NO APARTMENT BUILDINGS. PRESENTLY, THERE ARE FIVE, FOUR STOREY BUILDINGS AND ONE LONGER APARTMENT BUILDING UNDERGOING CONSTRUCTION AT ADELAIDE ST. N. AND SUNNINGDALE RD. VEHICULAR AND PUBLIC TRANSPORTATION WOULD INCREASE SIGNIFICANTLY ON ALREADY HEAVY ROUTES OF FANSHAWE AND ADELAIDE AREA. THANK YOU FOR THE OPPORTUNITY TO EXPRESS MY CONCERNS.

YOURS TRULY,

Joan Sarden

[REDACTED]

Written Response 17:

Hello Amanda,

We have been copied as adjacent neighbours regarding 420 Fanshawe Park Road.

1. Are you able to tell us how much of the original vegetation was saved? Are we talking 30%?
2. There appears to be three large trees on City Land scheduled for removal. Could you please advise the reason?
3. The site plan indicates 12 regular and 6 handicapped above ground parking spaces. With only 12 regular spaces for visitors, where will the overflow from 142 units park? We trust not on adjoining and adjacent streets. Who will monitor this?
4. Where will the construction vehicles be parked? We trust that they will also not be using adjoining and adjacent streets. Again, who will monitor this?
5. How will they handle snow removal? We never did get a real answer on that question at the public meetings. Will they be using parking spaces to pile snow? If not, they will need trucks and loaders on site every time we get a large snowfall. They can't push snow out on to Fanshawe. With all the daily traffic

flow and based on large equipment, they will probably be doing this well before 6:00 AM, adding noise issues to the neighbourhood and the subject complex.

6. How will they protect the vegetation along the East side of the entrance from salt? "Cedars proposed along the driveway based on the premise that low to no de-icing salt is used". Will they just use sand?

6. The site plan now refers to this property as "Fanshawe Park Apartments". Are these going to be pure rental units? We understood from the public meetings that this complex was going to be only expensive condos. \$500,00 was a suggested selling price. Has this changed?

We would appreciate your comments and feedback.

Thank you,

Robert and Dianne Wilson

Written Response 18:

Good morning Ms. Lockwood,

This email regards site planning for 420 Fanshawe Park Rd E.

We are home owner of [REDACTED], east side of the new development. We have two comments and please consider,

1. I request the developer will **provide additional high sound barrier fencing** under the city fence bylaw, to replace the current low rise wire fence, this will be in addition to the green screening on the site plan and protect our privacy and safe in a better way.
2. Also, does the developer have any plan of their security system, any video cameras will be in service for the new apartment building, how they designed and where they will be located?

We can send the current fence pictures if you need more information.

Best regards!

Di Wu

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear Ms. Lockwood,

We received another information in mail.

In addition to the previous email, as home owner of [REDACTED] We request the developer of 420 Fanshawe Park Rd E, to remove the entrance plan at Donnybrook Rd side, east side of the site plan. Considering the great volume of pedestrians, visitors of 142 units apartment building, this entrance will dramatically increase privacy and safety concern of nearby single home families. At previous public meetings, as the developer promised, there should absolutely no IN and OUT entrance at North side of the site, **no access from Donnybrook Rd**, including pedestrian entrance.

Kindly Regards,

Di Wu

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Telephone Response 1:

Summary: Bob Shu would prefer if the proposed building at 420 Fanshawe Park Road East would front onto Donnybrook Road, and back onto Fanshawe Park Road East.

Agency/Departmental Comments

General Comments:

1. Provide an R-Plan to show the dedication of land of 1.212m to accommodate the widening of 19.5m on Fanshawe Park Road East.
2. Parkland dedication has not been collected for the subject lands. It is to be noted that the applicant, as a condition of site plan approval, will be required to provide parkland dedication in the form of cash-in-lieu pursuant to By-law CP-9 and the Official Plan (\$375/unit x 142 units = \$53,250.00).

Site Plan and Landscape Comments:

1. Retain the following trees: 701, 702, 703, 726, 727, 741, 777, 791, 797, 798, 800, 901, 903, 909, and 908.
2. Consider a trenchless method of excavation for the rear sewer work, or consider shifting the pathway and excavation to the west to retain as many mature trees as possible.
3. Apply for the consensual removal of all City trees proposed to be removed. Please contact the Urban Forestry Division: 519-661-2489 ex. 4457.
4. Provide an area for snow removal, or provide a note on the site plan that all snow will be taken offsite.
5. Provide details on what 'alternatives' may be considered to the 1.8m solid wood privacy fence within the hatched area along the west property line.

Building Design Comments:

1. Ensure the elevations, site plan and landscape plan match the bonus zone.
 - a. Incorporate the proper number and locations of doors, windows, and balconies.
 - b. Reintroduce the windows and balconies on the southeast and southwest corners of the building.
 - c. Reintroduce the wider charcoal metal panel arch features.
 - d. Provide ground floor entrances on the building in line with what is on the landscape plan.
2. The detailing of the interface between materials must demonstrate a change of depth or plane, and materials should wrap around corners. Provide details or blow-ups to illustrate the articulation of materials on the south building facade.
3. Ensure private amenity areas read as structured space with boundaries while maintaining sightlines for safety. The planter beds with decorative railings/fencing should be a total of no more than 1m tall, to maintain visibility.
4. Privacy dividers between units (on the ground floors and balconies) must be compatible with the style/materials of the building. This should be made of a durable, permanent material. Provide details on the elevations or landscape plan.

Engineering Comments:

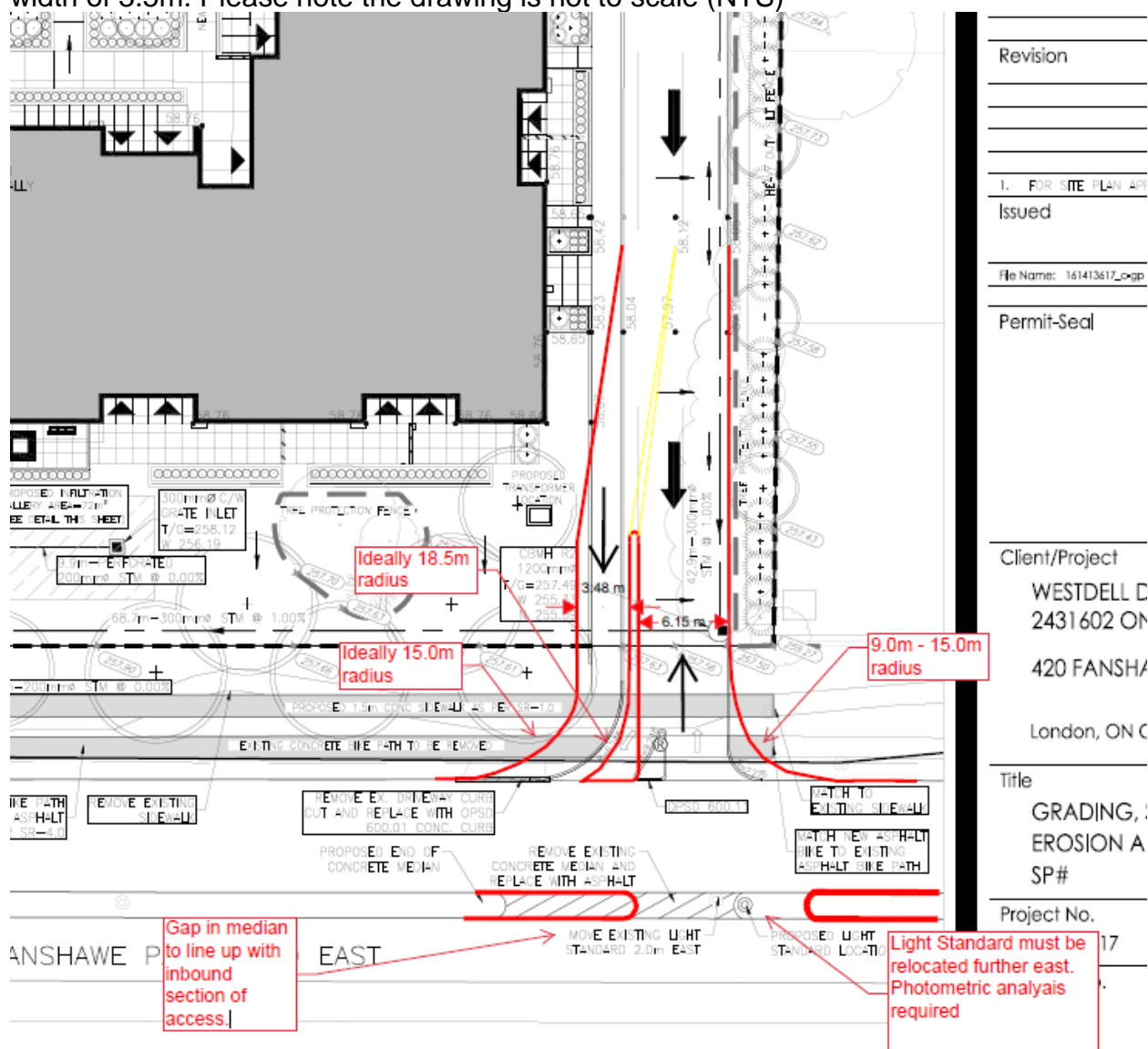
General

1. The consultant is to provide a copy of the Geotechnical Report.
2. The consultant is to indicate on the Grading, Servicing and Erosion drawing (drawing 1 of 4) the storm water information for the storm runs to be connected to the cap off of CBMH R6.
3. The consultant is to provide additional proposed spot elevations along the east and west property lines to ensure that private properties abutting the property to the east and west are not adversely impacted by this development.

Transportation

4. The TMP has been reviewed and the following comments provided:
 - a. The TMP for Donnybrook Road is accepted.
 - b. Through lane closures on Fanshawe Park Road are only permitted during the off-peak hours, where work is not permitted to begin until after 9am and complete by 3pm at the latest on weekdays. The existing westbound left turn lane can be closed for longer periods if necessary.

- c. Under no circumstances will either direction of Fanshawe Park Road be permitted to be fully closed with a signed detour route.
 - d. Weekend work should be considered for servicing, with one lane open in each direction at all times.
 - e. Provide separate TMP for sidewalk reconstruction as well as shown location of sidewalk closed signs, including signage at the safest crossing point at either end directing pedestrians to use the south sidewalk of Fanshawe Park Road E.
 - f. Provide LTC and emergency services a minimum of 10 business day notification prior to commencing work or closing through lanes to traffic.
5. Access:
- a. Refer to exhibit 2-2 within City's Access Management Guidelines for reference as the access design should largely match the concept
 - b. Gap in median must be shifted further east and only be found across area of inbound portion of proposed access. Photometric analysis must be provided as the median streetlight will need to be relocated more than 2.0m away from current location.
 - c. A raised concrete island separating the inbound and outbound portions of access must extend into the site at minimum 6.0m. The existing island between the inbound and outbound portions of the access must be increased.
 - d. The curb radii should be between 9.0m and 15.0m for the access in both the inbound and outbound directions.
 - e. Refer to the below for reference, showing an inbound width of 6.0m, and an outbound width of 3.5m. Please note the drawing is not to scale (NTS)



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

UTRCA:

The UTRCA has no objections to this application.

Canada Post:

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

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:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement, 2014*.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *The London Plan*, Council adopted June 23, 2016, Minister approved December 28, 2016.

City of London. *Uplands Community Plan Area*. 1998.

City of London. *Placemaking Guidelines*. 2007.

City of London. *Zoning By-law No. Z-1*, May 21, 1991, as amended.

City of London. *Site Plan Control By-law, C.P.-1455-541 – Consolidated* October 17, 2017

Appendix D – Relevant Background

Council Resolution – OZ-8624



London
CANADA

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

May 31, 2017

2431602 Ontario Limited
c/o C. Wiebe
MHBC
630 Colborne
London ON N6B 2V2

I hereby certify that the Municipal Council, at its meeting held on May 30, 2017 resolved:

10. That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2431602 Ontario Limited, relating to the property located at 420 Fanshawe Park Road East:

- a) the proposed by-law appended to the staff report dated May 23, 2017 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on May 30, 2017 to amend the Official Plan to change the designation of the subject lands FROM a Low Density Residential designation TO a Multi-family, Medium Density Residential designation;
- b) the proposed by-law appended to the staff report dated May 23, 2017 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on May 30, 2017, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan, as amended in part a) above), to change the zoning of the subject property FROM a Residential R1 (R1-7) Zone TO a holding Residential R1 Bonus (h-5'R1-7*B-___) Zone subject to the completion of a development agreement that substantively implements the site and building design appended to the staff report dated May 23, 2017 as Appendix "1";
- c) the Bonus Zone shall be implemented through a development agreement to provide for an apartment building of 14.6m (48 ft) with an increased density up to 100 units per hectare in return for the provision of the following services, facilities and matters which are described in greater detail in the proposed by-law:
 - i) a high quality development which substantively implements the site plan and elevations appended to the staff report dated May 23, 2017 as Appendix "1", with minor revisions at the discretion of the Managing Director of Planning and City Planner;
 - ii) a contemporary building design with a mix and articulation of building materials including brick, metal panels, concrete, wood veneer and vision and spandrel glass;
 - iii) the provision of individual entrances to ground floor units on the south façade, with operable and lockable front doors, pedestrian scale features such as lighting and weather protection, and private amenity areas designed as courtyards enclosed with a combination of planters and decorative fencing;
 - iv) the provision of all but 18 required parking spaces below grade generally located under the building footprint;
 - v) the provision of enhanced universally accessible features such as barrier-free access to all floors, and wide routes, paths and corridors which provide adequate width for persons using wheelchairs, scooters, pushing strollers;

The Corporation of the City of London
Office 519.661.2500 x4856
Fax 519.661.4892
hlaysnsk@london.ca
www.london.ca

- vi) the location of all service and loading facilities within and behind the building and not visible from the public street;
 - vii) the enhanced provision of landscaping and retention of mature trees in a park-like setting at the north of the site with a minimum 60% landscaped open space; and,
 - viii) the provision of a commemorative garden and/or signage to acknowledge the historic affiliation of the property within the landscaped open space towards the north of the site;
- d) the Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
- i) the provision of privacy fencing along the east and west property boundaries;
 - ii) the provision of enhanced landscaping along the east and west property boundaries for screening; and,
 - iii) restrict any fencing proposed for the north boundary to wrought iron or similar visually permeable fencing material;

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

it being noted that the Planning and Environment Committee reviewed and received the following communications, with respect to this matter;

- a communication dated May 17, 2017 from P. Barmby, 528 Sandybrook Drive;
- a communication dated May 8, 2017 from W. and C. Merryweather, 1559 Phillbrook Drive; and,
- a communication dated May 4, 2017 from K. Sui;

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

- the recommended amendments are consistent with, and will serve to implement the policies of the *Provincial Policy Statement, 2014* which encourages infill and intensification and the provision of a range of housing types, compact urban form and efficient use of existing infrastructure;
- the recommended Official Plan amendment is consistent with the policies of the Multi-Family Medium Density Residential designation and will implement an appropriate medium density form in accordance with the greater Official Plan policies;
- the subject lands are of a suitable size and shape to accommodate the development proposed, and have access to municipal infrastructure, public transit facilities, nearby commercial nodes and open space;
- the recommended Bonus Zone provides appropriate regulations to control the use, intensity and form of development, and will allow for a higher density in return for the provision of such bonusable features that will provide for an enhanced development which is of a compatible scale and height to the existing development in the area;
- the proposed development will provide a positive development which is oriented to, and enhances the character of, Fanshawe Park Road East without the use of noise walls; and,
- the proposed residential uses and scale of development are generally consistent with the London Plan. (2017-D09) (10/10/PEC)



C. Saunders
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/lk

cc. J. M. Fleming, Managing Director, Planning and City Planner
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PUBLIC PARTICIPATION MEETING COMMENTS

10. PUBLIC PARTICIPATION MEETING - Property located at 420 Fanshawe Park Road East (OZ-8624)

- Carol Wiebe, MHBC Planning – see [attached](#) presentation.
- *(Councillor Turner indicates that Mrs. Wiebe, MHBC Planning, showed the rendering of the site and the tree retention on one of the slides, as did Ms. S. Wise, Planner II. In Ms. Wise's comments, she talked about the Donnybrook aspect that the trees would be retained, believing that Ms. Wiebe mentioned that but it shows new plantings there and does not show a retention of the trees; showed some wispy parts, maybe some evergreens.); Mrs. Wiebe responding that the answer is yes, the existing trees that you can see in the photos, those will be retained and then there will be additional new planting to augment these; pointing out, also, not sure if the Councillors have been out to the site but there is an existing row of some mature trees but under those trees there is a lot of thorn bush and some other plant material that has to be cleaned out but that is intended to be augmented with new plant material; (Councillor Cassidy indicating that currently on the east and west side there is a rather large hedge and in the presentation Mrs. Wiebe shows some cedar plantings and some trees; wondering if that current hedge will be removed and new cedars put in.); Mrs. Wiebe responding that after their second neighbourhood meeting, that question came up and she did follow up with both their landscape architects and their arborist and they went out on site and they said actually that, with a little bit of pruning and trimming the existing hedge can remain because it is quite high in certain areas but what they are proposing is to plant an understory of new cedars along the base of that existing hedge so it would remain; (Councillor Hopkins requests an explanation about how the underground parking will work as well as the above-ground parking.); Mrs. Wiebe showing the site plan; the parking would come in off of Fanshawe Park Road East, turn and you can see a line where the ramp starts to go down so the cars would come down and then they would turn in the underground parking so the door to the underground parking at this level would be one full level underground but around the ramp there would be a low wall which would both also help to shield the headlights that are coming along this section of the driveway because this will be at grade and they do not actually start to go down until this point so this wall will help to shield any headlights from this direction and it will also help to muffle any sound from the garage door, but this is both the entrance and the exit to the underground parking; (Councillor Hopkins enquires if that is one level or two underground.); Mrs. Wiebe responds that it is one level underground; (Councillor Hopkins enquires about how many above-ground parking spaces.); Mrs. Wiebe responds that she believes that there are just the eighteen here and this is intended to be just for visitor parking and all of the underground parking that is required by by-law is provided as well as the bicycle parking requirements under the by-law are being satisfied; (Councillor Park asks what the diversity is among the one hundred forty-two units between one to two to three bedroom units.); Mrs. Wiebe indicates that she does not know the exact range because a lot will depend on what the feedback from the consumer is but this building is primarily targeted to an older demographic so it would probably be predominantly one bedroom plus den and two bedroom with or without a den so that is the demographic, an empty nester retiree individual so it is not likely that there will be a lot of three bedroom units, probably a majority of one and two bedrooms.*
- Dr. Stan Brown, 75 PineRidge Grove, President, Stoneybrook/Uplands Community Association – see [attached](#) presentation.
- Bruce Curtis, 99 Wendy Crescent – see [attached](#) presentation.
- Shauna Roch, 26 Donnybrook Drive – see [attached](#) presentation.
- David Nenonen, 9 Donnybrook Drive – see [attached](#) presentation.
- Mohan Vasudharini, 1 Wendy Crescent – wondering how she, as a City Councillor, would think about this project; sharing a couple of thoughts on that; talking about intensification and as a community; indicating that this entire community is welcoming of new neighbours into the neighbourhood; wondering what is appropriate intensification; stating that that is the main question, this ties in with the intent of this project; wondering what the City really

wants out of this project and what does the developer want out of the project; how we, as a community, will work around and integrate this into our day-to-day existence; once we figure out that this is the intent, we can then say that these are the drivers, one of them is economics, one of them is growth, one of them, as the developer mentioned, is a combination of dwelling units that they have spoken about; wondering if this project is achieving these things; that is something to be a part of; pointing out that speakers ahead of her have already pointed out to the Committee that perhaps it is not meeting those yard sticks; advising that another thing is, is this sustainable, at the end of the day, the Committee is going to be putting a lot of pressures on existing infrastructure; indicating that there was a single family residence in this unit and now we are going to have one hundred forty-two families living in the very same patch of land; wondering if these infrastructures surrounding this piece of land are elastic in nature, she does not think so and that is where the challenge comes from, which has been so capably pointed out by Mr. D. Nenonen who spoke ahead of her in terms of the traffic flow, in terms of why they have concerns about traffic, why we worry about the safety of the Jack Chambers kids who are going down the street to the school which is already a very well-populated school; advising that these are concerns which are flashing through the minds of the community; stating that the community has worked together as a unit, which is one of the reasons we really wanted four of them to have the time to speak to Council and bring forward their concerns; indicating that this is going to be precedent setting; indicating that this project, if approved, is definitely going to set a precedent; pointing out that her property backs onto Fanshawe Park Road and there was an intention of having a deep back lot because they were supposed to be away from city traffic, at least that is what she was given to understand when she migrated into this country and she bought that property in 2001; commenting that there are six properties on Wendy Crescent and there is nothing stopping them from joining hands and approaching a builder and looking for a similarly intensified property because they will be in a better place than this current situation, we are right on Fanshawe Park Road and they can be a commercial node; wondering if that is a direction that City Council wants to go, is that a box they want to open up; she does not know, it could well be; indicating that if you look at a pro's and con's analysis her plea to the Committee is not to just look at the policies, procedures, by-laws, the number of feet, the number of units, intensification, bonusing, all of these are policies and procedures; at the end of the day, it is human lives that we are talking about here and you have to keep in balance and she knows that their job is a hard job but it is a balance between growth, economic prosperity, appropriate optimum return on investment, not a greedy return on investment, no one is opposing development here; all we are saying is reduce the number of units so that it is sustainable within the context of this community; keeping these things in mind, she truly pleads of the Committee, please keep this human element and stretch that envelope in the right direction; applying existing policies, easy peasy, but seeing beyond that and seeing the human behind that, that is a tough job; please deliver on this and she is sure that the Committee is not going to let us down.

- Martin McGavin, 34 Jennifer Gardens – indicating that his son went to Jack Chambers and he is now at A.B. Lucas, but while at Jack Chambers he had classes in portables that were very hot in the summer and very cold in the winter; believing both Jack Chambers and A.B. Lucas are good schools but they currently have three students sharing one locker; reiterating that it is three students per locker; so the schools are crowded; pointing out that the Civic Administration states in their report that the enrollment is expected to decline at Jack Chambers over the next five years; indicating that he does not know what the source of that data is but he does not see enrollment going down in the schools; pointing out that the developer also was non-committal about the size of the units that were going to be built as well so they are not sure how many families and children will be in there; outlining that one thing that also came to his attention as he was viewing the presentation, we all see the pictures in the summer time, winter is another issue, snow removal for the property; pointing out that we see that narrow laneway that they have to enter from, snow plows have to come in and out of that place and it looked to him like there was no room for snow to actually be deposited on the grounds of the property; thinking that is all going to have to be picked up and carried away and that is going to make a lot of noise for the people who are only thirty feet from that property line; advising that that is another issue that needs to be considered for the developers as well.

- Jean Anne Goldrick, 1261 Hastings Drive – advising that she and her husband moved into their residence in 1969 and they have seen traffic as it has progressively become more difficult but they settled on Fanshawe Park Road; stating that the section in Mrs. S. Roch's presentation, which was very good, showed you an example number one of infill that is just behind St. Jude's Church that could be picked up and set into the Poole property; noting that they still think of it as the Poole property; pointing out that there is also Roland Court which is zoned R1-8 that could be picked up and put into that property; advising that when you look at all the slides that were put up on the screen, all you saw in the area that was designated single family dwelling were single family dwellings; now we are proposing to put in a unit that is four storeys high; stating that if you approve this, she wants to know what guarantee that the Committee can offer that it will not end up taking advantage of bonusing and being six storeys high because that has already happened in the area; advising that the one hundred forty-two units were presented when the building was six storeys high and although there were some stair stepping of the backs of some of the levels, it does not account for bringing it down to four storeys and taking away that once terrace that would have been on the top of the third level so she does not know where the one hundred forty-two units are going to be able to fit in the same square footage; believing that we need to keep the neighbourhood looking the same as the neighbourhood was designed; outlining that when people move into the new neighbourhoods like Sunningdale Road and they build their big three storey three car garage homes, that is fine, they know that down the street there are going to be two or three twelve storey apartment buildings or condos, whatever you want to call them as well as multi-family dwellings in the form of townhouses, they know that moving in; advising that when they moved into this area, they moved in thinking that this was going to be a single family dwelling area as was proposed plan; thanking the Committee for having this meeting.
- Lori McNichol, 19 Donnybrook Road – indicating that she is the exact neighbouring property in the northwest corner; noting that she is the one storey house that was referred to in an earlier presentation; advising that she is eleven metres from that property; indicating that as a resident directly affected by this proposed development she would like to express her concerns regarding the proposal; reiterating that her home abuts 420 Fanshawe Park Road East on the northwest corner; indicating that her home is noted on all diagrams and photos, in fact, her home is the one mentioned as being eleven metres away from this proposed development; pointing out that the ramp and subsequent garage door to the underground parking will be outside her back deck; with the number of units and ultimately an outrageous number of vehicles that garage door will never stop; expressing concern about the noise, the headlights and the exhaust fumes at all times of day and night; her kitchen, family room and two of their three bedrooms will no longer be able to have their windows open, not to mention what the impact of the increased traffic volume will have on the residents around this block, namely Hastings Drive, Donnybrook Drive and Phillbrook Drive; Donnybrook Drive is already too busy and she believes that the three hundred forty cars that has been estimated on peak times is inaccurate; the privacy of her yard will no longer be what it has been; for 22 years her family has called this their home; eleven metres; respectfully, she asks everyone in this room, including members of Council, how would you like this proposed development of one hundred forty-two units to be built within eleven metres of your home.
- Nicole Lanthier, 1590 Hastings Drive – thinking that there are a few inaccuracies that are presented in the proposal and she urges everyone really to recognize that maybe some of these assumptions or presentations should be looked at, there are conflicting statements about the water table issue from credible sources; advising that one of the rationales presented in the recommended amendment is that the proposed structure is of a compatible scale and height to the existing development in the area; advising that she does not think that most people would agree that that is in fact the case; pointing out that the area is currently single family homes of one to two storeys, to say that it is of compatible scale and height seems very questionable; outlining that the change from R-1 Residential to R-8 bonus is too dramatic of a change, it is not that people are against development, this is a dramatic change, it is not just an alteration, it is a dramatic change particularly with the bonusing which really kicks you into high density and let us recall again that this is mid-block, it is not a corner, it is not a node, it is mid-block; please consider that strongly;

indicating that it is creating a substantial conflict and issue for the existing property owners; it will change and degrade the quality of residential life in this area; a few cosmetic upgrades do nothing to reduce the noise, the loss of privacy and the traffic issues for those living near this large and dense development; having two tones of brick or a historical plaque in no way reduces those impact so why that is a point in favour for bonusing is lost to her; one does not ameliorate the other in any way; one hundred forty-two households on a lot that is suited to many fewer residences in this neighbourhood and the fact that travel through a low density neighbourhood central to this plan should be very strongly considered; stating that it is not that this neighbourhood is anti-development, this is not the right development for that site in any way; urging the Committee to please consider that some of the statements tabled in the proposal, although presented as factual, there seems to be some evidence that maybe further scrutiny is required.

- Monica King, 524 Bobbybrook Drive – indicating that she has been involved with this since the very beginning of the application and she has taken great pains to go over The London Plan, become familiar with it so that when she made comments they would be thoughtful about what The London Plan says and what the proposal is and what the Plan says; indicating that one thing that struck her is that in a number of the sections that she read in the Official Plan and the new Plan, over and over again they use the terms such as “projects should recognize the scale of adjacent land uses”, they should “reflect the character of the area”, they should “be sensitive to”, “compatible with” and “a good fit within the existing and surrounding neighbourhoods”; stating that there are probably over one dozen clauses that use those terms; advising that when she reviewed the proposal by the developer, as well as the Planning department proposal, she did not see anywhere where they have provided concrete proof or evidence as to how this apartment building succeeds in those things that are outlined in the Plan; wondering how does it fit, how is it sensitive to the area; reiterating that she does not see that addressed or proven in any of the information that she has been given; does not see that it fits with the Plan and the compatibility of the area; saying that it fits with the character and is compatible with the neighbourhood just does not make it so, you have to have the proof for that; trying to fit a square peg into a round hole by saying that it fits and is compatible because it has similar vegetation or the brick is the same as some of the surrounding buildings, that to me is not compatible; the proposal contravenes a number of clauses in the Official Plan and the current new Plan and she would put forth that there is no concrete evidence to say that it does fit and therefore it is not good planning; commenting that if a picture is worth a thousand words she would like to ask people to think about two things; the photos that were shown at the last of the representation showed the effect of the building and the affect it is going to have on the houses surrounding it; the photos that Ms. S. Wise put up about similar buildings where you saw the building and you saw the tiny little house beside it; that made her gasp and she does not know if other people in the audience felt the same about that poor little house, look at what is towering over it and think about how you might feel if you were that house and how the people here are going to feel.
- R. Osborne, 34 Donnybrook Road – stating that she has lived in the area for eighteen years and bought her current house eight years ago; noting that they followed the rules and went to Council to ask if it would remain a single family dwelling zone or low-density; indicating that they knew there would be a risk of infill but that they expected that it would happen at some point at a reasonable rate, not at the magnitude of a 4 to 6 storey unit; stating that they want infill and they want the property developed; noting that they wished the property would have been a heritage but that didn't happen; noting that they appreciate the Committees' time and that the community has worked so hard to voice their concerns; asking the committee to please listen to those concerns.
- R. Dunleavey, 86 Jennifer Gardens – indicating that he there with a lot of his neighbours; stating that he was diagnosed with blood cancer in 2011 and was told that he would not live the year; indicating that has three kids and that his daughter was 6 months old at that time and that it was the community that rallied behind his family and is part of the reason he is still here; noting that his daughter and her best friend, a neighbour that helped him run his first 10K and a crossing guard are the people he is thinking about; stating that his daughter's best friend lives across the street from the proposed development and what can he say to her in ten years', time if the community did not stand up and say something; noting that the developers want to develop it, but the community does too, with maybe a

single family dwelling; noting that with regards to his neighbour that lives behind him on Hastings, right across from Jack Chambers School, what we have right now is a ruined street, one of the worst streets in London; stating that he has called City Hall and they have come out to put asphalt down and it is a gong show right now because of a ton of traffic; stating that in the newsletter that comes out every month, where he lives on Jennifer Gardens, there is a proposal for the parents who drive their children to school to park on Jennifer Gardens or to park on Virginia; indicating that he counted the cars that parked on his street today and there were twelve; stating that he counted the distance from Jack Chambers School to Donnybrook and it is exactly half a kilometre; noting that it was discussed tonight about keeping people in the area and allowing seniors in the area and what he has seen, working as a mortgage specialist is that a lot of people moving out of the area are older and the people moving in are families that want their kids to go to Jack Chambers School; stating that if they put in 142 units and 142 older people move out and 142 families move in so their kids can go to Jack Chambers School, half a kilometre seems to be too far for these families to walk their children to school; noting that he is not judging or angry but that he suffered a spinal cord injury during his treatment and was issued a disabled parking pass and started running because he was tired of being judged; indicating that children will not walk, even a half of a kilometre so bringing more people into the area will just cause more traffic; stating that in regards to the crossing guard, she has a high demand job right now and adding 142 more units would just put more stress on her.

- Nancy Poole, formerly of 420 Fanshawe Park Road East – advising that since 1956 she has felt very much a part of the neighbourhood; indicating that she is here as a good neighbour; supporting her neighbours in their efforts to find an appropriate development for 420 Fanshawe Park Road East; stating that, at no time, did her husband and herself, when they realized because of age and health they had to leave their home did they intend to sell it to a developer and they were both so pleased when Dr. Chiu came with his wife and small son to meet them and to tell them that they would be living in their home; noting that that gave them great pleasure as this would be the fourth family that they would hope was going to enjoy living in that neighbourhood; stating that a little over a year later, she understands that things changed and a developer was then involved; advising that they felt betrayed and perhaps naive; enquiring about their totem pole as no one this evening has mentioned it; indicating that the totem pole is an indigenous artifact and it is governed under an *Act* and those rules are laws; wondering where their totem pole has gone because she has been told that it was taken down by a chainsaw, a car and a truck and it was taken away; asking the City what are your plans for their totem pole; reiterating that it is an indigenous artifact and governed under the *Act*; repeating her support of her neighbours and she is sure that the good thinking at City Hall and her neighbours can surely come to a happy resolution and a good use of the park that they developed on Fanshawe Park Road.
- Tanya Patry, 479 Jeffreybrook Close – commenting on a couple of points raised by the developer that she thought were of interest but seemed to not quite pan out with their belief, yes it works with their belief, but they were talking about the noise barriers that are there and how, if they developed this great building, it will be nice and it will be pretty there and it will detract from these noise barriers but the noise barriers are still going to be there, they belong there, they are not moving; pointing out that all you are doing is opening up the hole that is there already, which is fine, but do not use that as the reason that we should put this enormous building in your neighbourhood; commenting on the rapid transit, it is great that there is transit there but how many people really use the transit; reiterating that, as many people have previously spoken to, people do not even walk their kids to school in our neighbourhood half the time, it is all done by private vehicle; indicating that the developer also spoke about it being aging in place and her understanding is that it is not really written down so if they need to sell the units, these units will go to whoever will buy them because nobody wants to have an empty building, she totally understands that she obviously does not have the money to develop anything but she gets that you want your money back and you would not want a vacant building, when that happens it is going to go to students, it is going to go to everybody else and it is no longer going to be this aging thing so if that is what it is targeted as she would like to see it better described as that instead of what it is described as; with respect to safety in this neighbourhood you are

adding a lot more vehicles, there are several participation houses in their neighbourhood; stating that they took three years to purchase their home, it is an accessible home, they need it for their child as their child is bound to a wheelchair and he hopes that someday he will be able to use a mechanical chair much as one of their neighbours further down the street; if you have seen her, her name is Denise and she is a lovely woman, she is on our streets frequently she worries about her safety, she worries about her sons potential safety going down Phillbrook Road when he is older and hopefully able to do such things; these are some things that she thinks gets lost when our smaller roads are going to be overrun with all these vehicles and she hopes that is something that people consider.

- Kerri Hillis, 50 Donnybrook Road – speaking to what Mr. D. Nenonen highlighted on his slide, the large community area that accesses Donnybrook Road, page 25 of the staff report indicates that Donnybrook Road has three hundred forty vehicles a day; advising that she did her own vehicle study today and from 3:00 PM to 4:30 PM, in ninety minutes, eighty-eight cars went down Donnybrook Road; noting that that was not peak hours, peak hours in this report indicate 4:45 PM to 5:45 PM; stating that, roughly eighty-eight cars in ninety minutes, we are averaging one car a minute and now we are looking to add an additional one hundred seventy-eight cars to Donnybrook Road, which is now narrowed with all of the parking, which may happen on Donnybrook Road; advising that Donnybrook Road also has access to three school buses that use Donnybrook Road three times a day which will be challenging to get a bus down a street if all of the parking is taken up by cars; noting that, as a teacher, she interviewed just a couple of weeks ago at Jack Chambers Public School and it was interesting to hear the Principal speak highly of the school, which she agrees with and that is most sought after school in London; this is not word for word but a quote from the Principal, people shop to live in this neighbourhood for this school, people come from overseas to live in this neighbourhood to go to Jack Chambers Public School; believe that those people will be looking at this development to live in because quote from the Principal, people will do just about anything to live in this neighbourhood to access Jack Chambers Public School.
- Catherine Sunstrum, 47 Wendy Crescent – expressing appreciation to the Councillors for moving to a location that the area residents could join them and have time to speak with them tonight; indicating that this is not something that Mrs. N. Poole would be happy about and thanking Mrs. N. Poole for attending the meeting tonight because the property was always so beautiful and she has always done so much for London; expressing disappointment when she read some of the rationale in the package because she thought that there was no way this has all of the information and the fact that single-detached homes, single-detached development satisfies the definition of intensification, that is important; that is all we are asking is to be consistent and aligned with what you see in our neighbourhood; Mrs. Roch provided some excellent examples of wonderful infill, nice courts that fit and she is sure they would be happy to be there because it is true, so many people are trying to move into our neighbourhood and they cannot find homes, a nice little court in there would be something that is suitable and it would not take long to sell it; hoping that the Committee will not vote in favour of this proposal.
- Emily Hahn-Trinka, 1633 Hastings Drive – indicating that she is approximately five metres from the main parking lot at Jack Chambers Public School, on the main bus route with a driveway that is crumbling; advising that she shoveled fifty pounds worth of asphalt this morning; noting that the City has been out and repaired it but she has six more garbage cans for them to pick up tomorrow of asphalt because the driveway is in such bad repair; guessing we can all talk about the politics and the reasons for not having the development but as a resident who has kept her eyes closely on Jack Chambers Public School for eight years, stopped an arsonist on the playground, picked up twenty-seven wooden fish that have been painted to support an environmental initiative over the weekend; advising that one thing strikes her very clearly, we are a community, there are hundreds of us here tonight, hundreds of us replied that we are not in support of this development; looking at the bonusing on this property, she and her son go and explore on the property regularly; apologizing for trespassing but they enjoyed the totem pole up until last summer; indicating that fences, cedar hedges and board-on-board fences do not open this property up to the community; pointing out that a fence on Donnybrook Road that keeps them out, with “No Trespassing” signs, which is standard building protocol in the City of London does not open it up to them; indicating that she cannot even cut through on her bicycle because

she can guarantee you that there will be a "No Trespassing" sign for those of them going through to that bus stop or as a runner in the community, exploring the neighbourhood; asking the Committee to consider them, the neighbours, consider the community; noting that she is going to retire in this community and she is not going to be coming into that building; stating that you have hundreds of people in this auditorium here tonight that are thinking the exact same thing, they are looking at other alternatives because of the animosity that this project is creating; pointing out that she has some spare time on her hands right now and she is prepared to meet with other people in the community, entertain ideas, entertain solutions but make this a joint discussion, the Committee has heard that from the neighbours here tonight; advising that they do not want something that is one-sided and that is the piece that she would like to leave people with tonight, this is a two-way dialogue and we really need to think about that instead of us versus them or them versus us, let's make this a two-way proposition so that everyone can be happy with whatever that solution ends up being at the end of the day; bonusing is not a bonus for us; advising that we can come and talk traffic, kids, safety, cars, greenspace, trees, every driveway on that property cuts down all of the trees, she was just there this afternoon; reiterating her request to make this two-way and let's make this a community discussion versus a two-way, one way dialogue.

- Marg Seboa, 1150 Adelaide Street North – wondering how many trees are on the property now; wondering if anyone has done an inventory; indicating that there have been a number of other developments on Fanshawe Park Road that opportunity has been missed to save as many trees as possible; advising that she would like this development, whatever it is, to incorporate as many of the trees that are there now as possible; stating that she counted on the diagram approximately fourteen trees that would be retained; advising that she does not think that that is enough, there are far more trees on that property to maintain that park like setting, that would be perfect.
- Sarah Arabi, 1562 Hastings Drive – indicating that she attends Jack Chambers Public School, Grade 8; expressing concern about her school as there are a lot of students at the school, approximately eight hundred students, which translates to approximately twenty-five kids per classroom; indicating that if the Committee approves this development, what is going to happen is that classrooms will expand; noting that the school has expanded so many times already; remembering when she was in Grade 5 and there was an expansion then and there was an expansion before she went to Jack Chambers Public School; indicating that the school will have to expand more which will make the playgrounds smaller for kids because the expansions happen on the primary yard, not the intermediate because the intermediate yard has a hill; reiterating that it will leave less space for the younger kids to play; indicating that it will be expensive for the school, as well; indicating that most people who take transit go to schools like Central and most people go to A.B. Lucas so thinking that the transit will actually help will not really do anything.
- Annette Markvoort, 31 Wendy Crescent – thanking a number of people in this room because she has been following this for the last year and she is so incredibly impressed with the presentation that our community has put together; expressing her thanks to all of you, she has come this evening and she has supported with e-mails and talked in the neighbourhood but she has not put the time and effort that people have put into this to represent all of us and especially those who are most effected; reiterating her thanks for the incredible effort that the people have put forward, she is really impressed.
- Doug Osbourne, 34 Donnybrook Road – enquiring if it is a trust issue with a developer that puts through an application and then makes changes, he does not understand the process, he does not understand the bonus, all of a sudden you can have two extra floors; shifting the building five metres to the north, how is that going to affect shadowing; indicating that there is no access onto Donnybrook Road, traffic is only coming in off of Fanshawe Park Road East; wondering how long it is going to be before they put through an application that they want to put access through to Donnybrook Road; indicating that he is not sure if that is allowed, he would imagine that it is going to happen; advising that he does not know how many other issues, we are into ten foot floors now rather than eight foot floors; wondering how many more changes are going to happen.

PUBLIC PARTICIPATION MEETING COMMENTS

3.8 PUBLIC PARTICIPATION MEETING – 420 Fanshawe Park Road East (SPA18-024)

- *(Councillor M. Cassidy talking about the access to the Donnybrook sanitary sewer and wondering if staff have an idea of the impacts that will have on Donnybrook, will accessing that sewer from the site result in serious construction roadwork on Donnybrook itself.);* Mr. M. Almusawi, Technologist II, responding that the construction of the sanitary sewer will have some impact on traffic, that can be mitigated through an appropriate traffic management plan that is part of the application that will be reviewed by City staff; *(Councillor M. Cassidy enquiring about something that may have been covered in an indirect way; it is her understanding that there is at least one old well on this site that used to be accessed by the property back when it was originally built and there have been some concerns in the area about whether or not that well has been or will be adequately capped.);* Mr. M. Almusawi, Technologist II, responding that the Geotechnical report did not identify a well on site; however, they have reached out to the Geotechnical Engineer to investigate whether a well exists or not; any wells that will be found on site will have to be decommissioned as per the Ministry of Environment and Climate Change requirements and guidelines.
- Edward Thomas, SRM Architects, on behalf of the owner of the property – expressing that they have no concerns with the recommendation and site plan at this time; advising they have worked for a number of years on this project and they feel that the proposed development meets all the requirements from the public meetings and feel that they have a very strong application and will improve the neighbourhood greatly.
- Mr. Arbi, 291 Chambers Avenue – indicating that he does not live far from this project; advising that this project is within his area of interest when it comes to a project; noting that, on the other hand, if the project was one kilometer to the north where it would not interfere with people’s lives, he would completely agree with the project; reiterating that the project being where it is, will cause many problems for people living in that area; noting that he has been in this area for over twenty years; seeing the changes to the traffic, changes to the neighbourhood and this simply seems to be the biggest change he can ever recall; reiterating that he does not agree with the project for many reasons, one of them being the ten percent green area that this neighbourhood is lacking and now we are trying to bring more people living in this area and building more; *(Councillor S. Turner asking that comments be limited to the site plan itself as the application has been approved so the questions of its merit of whether it should be or should not be are comments that happened last year.);* Mr. Arbi advising that he simply objects to the project for many reasons, one of them being the green area that they are losing and the rest of them are the Councillor for Ward 5 spoke about.
- Bruce Curtis, 99 Wendy Crescent – expressing appreciation for the opportunity to speak this evening with respect to their concerns regarding the site plan application for 420 Fanshawe Park Road; advising that, while there are some smaller issues of concern for the neighbourhood, he will allow some of the other residents to speak to those but he will draw the Committee’s attention to three main issues which he will focus upon, which are landscaping and tree cover, groundwater issues and traffic and parking; beginning with landscaping and tree cover, Mr. Chair, in the report, staff are quoted in Section 4.4 of the report saying “the existing vegetated area is proposed to remain largely intact and will continue to provide a natural buffer, which he finds hard to believe when one looks at the extensive massing of the building on the site which will remove a very large number of trees and further, what the staff report does not address is the extent of tree removal on the site; indicating that the site plan and landscape plans of the developer indicate a significant number of trees will be removed; the developers Tree Protection Study shows that 176 trees were inventoried on the site and 126 of those trees will be removed; under the City’s normal tree replacement requirements, the removal of 126 trees would require a replacement of 378 trees; however, the developer is proposing to replace only 61 trees which results in a significant deficiency of 317 replacement trees; believing that a substantially better effort needs to be made by the developer to ensure fulfillment of the tree replacement requirements; noting

that some of the replacement trees could include a number of new cedars along the Donnybrook Road frontage to create a more effective visual noise screen and buffer along this property line; advising that the landscape plan does not include any proposed enhancement of the existing cedar privacy hedge along the rear of the property line adjacent to Donnybrook Road; indicating that the existing cedar hedgerow currently has a number of gaps in it and the mature cedars are experiencing some die back at this point and that reduces the amount of screening offered; the landscape plan should add to and increase the amount of screening and buffering in that hedgerow to effectively ensure proper screening; additional consideration could be given to requiring the developer to plant trees elsewhere within the neighbourhood such as the nearby Virginia Park to meet the City's tree replacement requirements; relating to the Geotechnical Report and groundwater, the Community Association raised concerns about groundwater levels during the original application process approximately one year ago; however, site plan staff accepted this as a complete application on March 15, 2018 without receiving a Geotechnical Report as part of that submission; advising that it was only in the past couple of weeks that the Geotechnical Report was made available to the public for review; advising that the Community Association remains concerned about the subsurface water movement on the site and surrounding lands; stating that a rather high water table exists within this area and there is a significant volume of groundwater moving through the soil; believing that construction should not be allowed to alter the subsurface water flow such that it causes problems for nearby home owners and results in wet basements, flooded basements and other associated problems; advising that the Geotechnical Report also notes saturated soil materials in a linear pattern from the bore holes in the Northwest corner of the site to the Southeast corner; expressing concern that the bore hole drilling, which was done in the first two weeks of January, 2018, during an extended cold period; noting that, it was an extended cold period at the beginning of the year when it was two weeks of sub-zero temperatures and this is the time at which the bore holes were undertaken; obviously that is going to affect the water in the three to five feet level and, while you can measure frozen water content, they do not believe that this is accurately reflecting the geotechnical activity on this site; relating to traffic and parking, section 4.5 of the staff report seems to indicate that left turns will not be permitted from the site onto Fanshawe Park Road but section 4.7.2 seems to indicate that this is still under consideration; advising that the Community Association does not support left turns from this site onto Fanshawe Park Road and the contradictory statement within the staff report must be reconciled; further, construction access to the subject site must be prohibited to Donnybrook Road and also include a prohibition on construction workers and construction vehicles from parking on Donnybrook Road and nearby streets of Wendy Crescent, Wendy Lane, Phillbrook Crescent and Hastings Road; construction worker and construction vehicle parking on these streets will exacerbate existing traffic issues and therefore the vehicles should be contained on the development site; *(Councillor Turner clarifying that there was a typo submission with respect to 4.7.2 and he believes that that is supposed to read that the access is to be updated to ensure that left turns are not permitted out of the site; seeking staff's affirmation of that.);* Mr. M. Pease, Manager, Development Planning, responding that that is correct, the typo within section 4.7.2 is not indicative of what is happening out there so there will be no left hand turns out of the site onto Fanshawe Park Road; *(Councillor Turner thanking staff for clarifying and indicating that he wanted to get that one answered and the other questions will be answered at the end.)*

- Shawna Roche, Donnybrook Road – echoing all the comments that have been made by Mr. B. Curtis; advising that she has a few questions to add; stating that when she looks at the map, they show the vegetation and the placement of the building and they keep hearing this number about sixty percent vegetation and she is trying to understand where that sixty percent number has come from because when you look at the picture, it looks like it is two-thirds building and one-third vegetation; asking for clarification, does that sixty percent vegetation obviously include the hydrangeas or is that including the trees that will be replaced as well; stating that on the east and west side of the property there has been discussion about making sure that the cedar hedges be maintained which is currently on the property line; however, there was also some discussion about a fence being put

on the property line; trying to understand what will be there, is it the cedar hedge or is it the fence; relating to the Geotechnical Report, they have a lot of concerns about that and she just wants to make sure that it is noted that they have a significant water issue on Donnybrook Road, a number of flooded basements; indicating that today her sump pump was running constantly to the point where they do have a backup because they cannot trust that the sump pump will do its job; wanting to make sure that that was noted and she can tell the Committee that a majority of the houses on the north side of Donnybrook Road have similar issues; expressing confusion on how the parking is going to work; initially there was talk of having a two storey underground structure and now it looks like it will just be a one level structure, she is assuming this may have been due to the Geotechnical report; wondering if it is going to be one level or two levels and will there still be the same amount of parking spaces underground; wondering if there is anything that the City can do to ensure that there will not be a large number of vehicles related to the property parking on our neighbourhood streets going forward; advising that Donnybrook Road is quite a narrow street and when they did have the soil testing occurring, with the number of trucks and construction vehicles that were parking, it was very difficult to get down the road; wanting to make sure that is noted; believing any additional parking that will happen on Donnybrook Road may cause some issues for traffic.

- Dave Nenonen – indicating that he has a few issues that he would like to bring up; noting that they have talked about them before, approximately one year ago; stating that he might differ from one of his neighbours; indicating that Donnybrook Road has a significant amount of traffic and this was presented to the Committee; stating that all east bound from Uplands and in their area will often go down Donnybrook Road in order to then turn right on Phillbrook Crescent and then turn left onto Fanshawe Park Road so it is already a fairly busy road; unfortunately, the decision to make this development only right in and right out means that everybody in this building and the developer estimates that is probably 340 residents, if they are going to go east or they are going to go south, which the most direct route is to go Fanshawe Park Road to Adelaide Street, they are going to make a right out of this building and they are either going to make an illegal u turn at the next intersection which is what the developer put in their proposal or they are going to turn right onto Hastings Road and right onto Donnybrook Road and go down a road; during rush hour time it was estimated that about 172 trips, for arguments sake you would say that half of them are going east, they are going to come down Donnybrook Road; advising that he is not crazy about the increase in traffic flow on their road and this is all because of the decision to go right in and right out and he does not see any need for that; stating that there are lots of examples around this city of just as busy areas and around apartment buildings where you can go right or left in and out and that would really reduce the amount of traffic down Donnybrook Road; speaking about parking on Donnybrook Road, as the Committee knows, there have been a few proposals here and these last two proposals they lost fifty-five parking spots in this apartment building and it is the same amount of units, the same amount of occupants and he does see that those people, especially with walking access onto Donnybrook Road, are going to want to park on Donnybrook Road which as a previous speaker said is quite narrow, it is twenty-six feet wide; knowing that when they presented this to the Committee one year ago, Councillor Helmer, he believes, mentioned the easy solution of no parking on Donnybrook Road, which is not great for the residents along Donnybrook Road and that does not seem like a solution to him; wondering if the City could propose some other alternative because there potentially could be, if the original or the second proposal was accurate and they needed fifty-five more parking spots, Donnybrook Road could be full; advising that they estimated, just a quick calculation of their road length that you could only park about thirty cars along their road and then you could not get an emergency vehicle down it; wondering if there could be a parking lane so you could put something to the building to adjust for this; noting that he is recommending that, but hoping that the City would have other options; speaking to the fence height and material; pointing out that he has heard a lot of times that because this is residential and it is interesting to hear residential because it is low density residential beside now high density residential and the talk about a six foot board on board fence is the same fence that divides

him and his neighbor, four occupants and two occupants; indicating that he does not see how that is reasonable that the fence, especially along the east and west side of this property, where the east side is going to be basically like a full road, between it and its neighbours and then the west side of the property will have a garage door for the one hundred seventy-eight vehicles that have parking underground that is closer to the occupants in that house than their own garage door, you are going to get complaints of hearing the vehicles and the door opening and closing of this underground parking lot if it is just a normal wood six foot fence; using that as a strong recommendation that it makes sense to him that the only type of fence that would be on both sides of this property be similar to the sound fence that is all along Fanshawe Park Road; if it is not then you are likely going to hear from the adjacent properties soon because of the noise.

- Lori Bristol, 1562 Phillbrook Crescent – reiterating all of the comments that her neighbours have made; however, today she would like to mention about the stormwater; indicating that on Phillbrook Crescent, the sewers are all overflowing from the rain when it came down, it really was not that serious of a storm so obviously there is a problem in their area; wondering about the fencing on the east and the west and when that would be erected; expressing concern for the people that abut onto that property if they are going to be constructed before all of this happens which would cut down on the dust and the noise a considerable amount; wondering about construction vehicles, will they be banned from the Phillbrook and Donnybrook and the neighbouring streets so they are not cutting through the subdivision; advising that they have added a bus route and the stop just happens to be right outside her house and when the bus stops it overhangs her laneway by about one third and it is really affecting the traffic so with the extra bus route this has also been quite a factor along Phillbrook Crescent.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: John M. Fleming
Managing Director, Planning and City Planner

Subject: The City of London Tree Protection By-law C.P.-1515-228
Amendments and Implementation Update

Meeting: June 18, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken in regards to The City of London Tree Protection By-law C.P.-1515-228 Amendments and Implementation Report:

- a) That the report and proposed by-law attached hereto as Appendix "A" **BE RECEIVED** for information;
- b) That the proposed amendments to the current by-law **BE REFERRED** to the Trees & Forest Advisory Committee for review and comment; and,
- c) That the proposed by-law **BE REFERRED** to a public participation meeting to be held by the Planning & Environment Committee on September 24, 2018 for the purpose of seeking public input and comments on amendments to the current by-law.

Executive Summary

Based on Council's August 22, 2016 direction, the purpose of the report is to provide a review of The City of London Tree Protection By-law C.P. 1515-228. Included in the report is initial community and stakeholder feedback, proposed amendments to the current by-law and an update on the impact of the by-law on staffing resources and work plan.

Analysis

1.0 Previous Reports

November 20, 2017	Planning & Environment Committee Report - The City of London Tree Protection By-law-C.P.1515-228 Implementation Review
October 10, 2017	Planning & Environment Committee Report – Planning Services Work Program update
July 17, 2017	Planning & Environment Committee Report – Staffing Resources to support the new Tree Protection By-law
August 22, 2016	Planning & Environment Committee Report – Adoption of the Tree Protection By-law and direction to monitor the implementation of the by-law and provide a status report and any recommended amendments to the by-law within a period of one year

2.0 Background

2.1 Planning History

Council Adoption of the Tree Protection By-law & Urban Forestry Strategy

In August 2016, Municipal Council adopted The City of London Tree Protection By-law C.P. -1515 -228. The intent of the by-law is to “Prohibit and regulate the destruction or injuring of trees in the City of London”. The adoption of the Tree Protection By-law was to support the “Protect More” pillar of The City of London - Urban Forest Strategy which was adopted in 2014. The Strategy’s vision is “London as The Forest City– A healthy, diverse and extensive urban forest for today and the future”. This pillar along with the other three major components to “Plant More”, “Maintain Better” and “Engage the Community” are a comprehensive management approach for a sustainable urban forest. It supports Council’s goal of reaching 34% tree canopy cover by 2065.

By-law covers 50cm diameter trees vs 75cm diameter Distinctive Trees

Through the approvals process at Planning & Environment Committee and Council, a revision to the by-law was made to amend the definition of “Distinctive Tree” to be greater than or equal to 50 cm diameter at breast height (DBH), instead of greater than or equal to 75 cm DBH. At that time, Administration indicated that this change would have a significant impact on the required resources to administer and enforce the proposed by-law. Accordingly, Council directed staff to move forward with the change and report back after a year of implementation and to identify progress on the implementation, potential revisions to the by-law, and any resource requirements resulting from the by-law. This report was presented to the Planning & Environment Committee on November 20, 2017.

Summary points from the Implementation Review Report include the following:

- Applications for Distinctive Trees are about four times the volume of what would have been submitted at the larger 75cm or greater DBH size. However, there is increased diversity in the types of trees being protected at the lower number.
- Significant amount of time and resources was needed in the first year to educate and guide applicants through the process. Improvement has been noticed in the quality of applications submitted by Tree Care Companies.
- Implementation of the by-law while still trying to continue with Urban Forest Strategy project work is challenging. Many activities related to the by-law are reactive in nature such as emergency permits and enforcement calls and further compounded by the seasonality of work.
- Many internal efficiencies and improvements have been made such as meetings to ensure consistency in the review of applications, the addition of a customer service representative, reduction in data entry and accepting pictures of dead trees (in some instances) to expedite application process.
- Even after realizing efficiencies, there is an expanding gap in the service delivery within Urban Forestry and its ability to carry out specific project work to support the Urban Forest Strategy.

Has the Tree Protection By-law Made a Difference?

It is evident that Londoners care about their trees. During the creation of the Urban Forest Strategy a public survey reported back that 86% supported a tree protection by-law for trees on private property. After approximately 18 months in effect, it is too early to measure the impact the Tree Protection By-law has had on preserving our tree canopy. Some information at this stage is anecdotal such as conversations with Tree Care professionals that mention that they have seen an increase in healthy trees being pruned instead of removed. There is no practical way to determine how many trees, of the protected tree types in the new by-law, have been saved that were otherwise being removed in London prior to the adoption of the by-law.

The preservation of mature trees and canopy cover continues to be a growing trend and priority for local municipalities. Since the adoption of London's Tree Protection By-law, St. Thomas has adopted a private tree by-law for individual trees of a smaller size than London currently protects. This does not include trees that are in tree protection areas and/or woodlands. Although a lower tier municipality and unable to protect woodlands, Burlington is currently in the process of a feasibility study for implementing a private tree by-law. In addition, Oakville has added the group of arborist/tree care professionals to their Licensing By-law. This means that these types of businesses will require appropriate insurance, completed estimates for work and other items that protect the public. It also required that they have all necessary permits when performing work and that only persons duly qualified to perform the duties of an Arborist can work with trees. This helps to ensure that only trees that are approved to be removed are removed while improving the industry standard for tree care maintenance. Such administrative changes would require additional staff to support and implement, and may be seen by some as more "red tape".

Commitment to preserving our urban forest is a long term endeavor that will benefit future generations and will entail longer term studies and analysis. The Urban Forest Strategy notes that canopy cover studies should be completed every five years and urban forest analysis every 10 years. This is to track the progress of our tree canopy cover goal of 34% by 2065. The latest data collected for canopy cover was in 2015 with the most recent urban forest analysis completed in 2012. An iTree Eco analysis is scheduled for Q4 of 2018. This work will provide updated trends on London's tree canopy cover based on the most recent information available. Staff is investigating using LiDAR (Laser Imaging, Detection and Ranging) to complete the next analysis. With this technology canopy cover analysis is expected to have increased accuracy and set a benchmark for future studies.

Replacement Trees

A sometimes overlooked piece of the Tree Protection By-law is to "encourage the preservation and planting of trees throughout the City of London". In cases where trees are approved to be removed, tree replanting can be required as a condition of the permit. Through this by-law over a hundred trees have been planted on private land. The greatest opportunity to increase our overall tree canopy cover is to plant on private land. Currently about 89% of tree planting opportunities are located on private land. In addition, the required replacement trees are larger shade type trees and are native species. These additional trees will improve the diversity of our urban forest, are improved species (replacing Norway maples) and will contribute to canopy cover over time that otherwise would not have been required. The proposed revisions to the by-law are providing clearer guidance for the requirement of replacement trees.

It is preferred that replacement trees are planted back onto the property from which they were removed. Where this is not possible and there is not adequate space, fees have been collected for tree planting elsewhere in the community. Since the adoption of the by-law approximately \$9,300 has been collected for off-site tree planting.

3.0 Community Engagement (see more detail in Appendix B)

From February to March 2018, Planning Services worked with the communications department to develop and implement an engagement strategy to collect feedback related to the Tree Protection By-Law. This included an event, personal phone calls, one-on-one meetings, outreach letters and a simple 12-question online survey. With a focus on those most impacted by the changes to the by-law, Urban Forestry staff hosted an event which brought together consultants and staff from various tree care companies to share their thoughts on the current version. Participants were split up into breakout groups, facilitated by City staff, which encouraged dynamic conversation about their current interactions with customers and their experiences with current tree removal processes.

In addition to the event, City staff connected with residents who had applied to have a tree removed in the last year over the phone and met face-to-face with developers, golf course and cemetery owners. This approach allowed for in-depth one-on-one conversations to take place. More detailed information about the engagement process can be found in APPENDIX B.

Through the different meetings and the survey, the following major themes appeared, and what follows is a summary of how those will be addressed in the coming months and how they have been incorporated into the proposed draft by-law:

1. Speed Up the Process
 - Investigate with City IT Services the ability to have on-line fillable forms and payments.
 - Create a simplified/streamlined application process for dead dying Distinctive trees.
 - Remove the requirement for posting the permit for 7 days before tree removal for all applications (this can still be required in special circumstances).
2. Make the By-law Easier to Understand
 - Look at the public facing pieces of the by-law for improvements and remove the redundant language to make the by-law shorter and easier to follow.
 - Create easier to understand supporting documents and applications to guide and assist applicants in the process.
3. Improve Education Around the By-law
 - Create a FAQ document about the by-law that will be specific for tree care industry distribution. This will identify the requirement for tree care companies to have permits when removing trees. Information will also include impacts for residents and tree care companies who do not comply with the by-law and ways to report activities of concern.
 - Hold yearly workshops with the tree care industry and the public on how to submit an application and other required application information such as how to measure a tree and what is a dead tree.
4. Adjust Fees
 - Fees will not be required when submitting an application. Fees will be paid when a permit has been approved and ready for pick-up.
 - Fees are proposed to be reduced to \$100 for all permits regardless of the type of permit (Distinctive Tree or Tree Protection Area) or number of trees to be removed.
 - Cost related to submitting long term plans for cemeteries and golf courses does not encourage best practices.

This feedback was reviewed with the City's Legal Services Division and suitable updates to the by-law have been proposed – (see APPENDIX A).

Staff will continue to work with Communications and stakeholders on a strategy to solicit and collect comments from the public about the proposed by-law amendments. This information will be included in the September report.

4.0 Summary of Major By-law Amendments

Major Administrative Changes

- Clarified what shall be included in a complete application and added a section on additional items the City Planner may require. This will help applicants in their submissions and Staff in decreasing the time for the review.
- Created a section to better define when the City Planner shall issue a permit and when not. This will help applicants better understand when a permit will be issued and provides consistency in the administration of the by-law.
- Created a shortened process for a “Dead Distinctive Tree” permit and a requirement for an “Arborist Opinion”. Approximately 60% of applications are

trees of this type. The amount of information required in an “Arborist Opinion” is similar to what would be provided in a quote by a tree care company (tree type, size, location, health, condition, recommendation). There will be no fee for this type of permit nor will replacement trees be required.

- Included new definition for an “Arborist Report”, who can complete one and that one is required for applications. This will improve the quality of the information submitted in the application helping to improve turn around in processing time. However, some companies may charge an additional cost for this report. Alternatively, some companies will waive this cost if they are the successful bidder of the work.
- Changes have been made in fee amounts and when they are collected in the process to receive a permit. This will be changed so that it is \$0 to submit an application but the applicant will be required to pay for the permit prior to it being released. This will help significantly decrease the time of the administrative side of the by-law and handling of payments.
- Added a definition for Replacement Tree(s) and clarified that they are required for all approved Distinctive Tree permits. Added new Schedule B calculating replanting and fees when off-site trees are required. In the current by-law replacement trees can be required but it is not clearly defined when and how many.
- Cemeteries and golf courses will not be required to submit long term maintenance plans as a condition of the permit. Trees on these sites will be subject to the same requirements as Distinctive Tree and trees located in Tree Protection Area.
- Changes to the “Protection of Forest Health” to align as an acceptable proactive cause with the Canadian Food Inspection Agency (CFIA).
- Removal of Schedule C “Critical Root Zone” and replaced with simplified definition.
- Update to Schedule D (now Schedule C) Tree Protection Area Map Key

Other minor administrative changes have been made throughout the by-law such as removing definitions that are not being used and/or expanding on others, correcting grammatical errors, and reorganizing sections to better guide applicants through the process. Another improvement to the by-law that should be considered is including Administrative Monetary Penalties (AMP) when the operational protocol has been established within the City. This process is designed to streamline the by-law enforcement process.

5.0 Staff Resources

On-Going Reprioritization of 2018 Urban Forestry Work Program

Permit applications for tree removals have been coming in consistently this year. In addition, there has been several weather events impacting trees. Due to the combination of reduced staffing and weather, our standard response time for completed applications has moved from two to three weeks to at least a five week response time. Even with a full complement of three Forestry Technologists it has been challenging to provide coverage for a by-law that covers the entire city when considering vacation time.

Legal has advised through this review that there should be clear and separate distinctions between the employees issuing the permits and employees that enforce the by-law. This ensures legal vigor in the process. Enforcement activities are also the most disruptive type of work performed by employees. Calls have to be responded to quickly to intervene early in the possible contravening activity or apply penalties, or to obtain solid evidence for a successful prosecution. It is unique that Urban Forestry enforces its own by-law. This by-law requires specific subject matter expertise but should still have the same robust legal structure as other enforcement areas. The City of Toronto in late 2016 created a separate Compliance & Enforcement division in their Forestry Branch dedicated to the proactive education and compliance of their tree protection by-law.

Currently their employees are not municipal by-law enforcement officers but may be in the future.

Staff will continue to make progress on some key initiatives through 2018 as outlined in APPENDIX C, but overall progress on the long-term Urban Forest Strategy continues to be impacted. This can be seen in the delay in updates to this by-law and the Boulevard Tree Protection By-Law P.-69, which impacts how our urban forest is being managed. One of the major findings of the engagement process was that many people did not know about the by-law at all, or how or if it applied to their land and how to measure the tree to know if the by-law applied to their tree. It is clear that education and communication efforts around the by-law should be improved. This can be seen as a possible impact of delaying the implementation of The Urban Forest Communication & Education Strategy over the last year. This initiative directly relates to “Engage the Community” pillar and the creation of a comprehensive communication strategy. Currently, City Communications provides on-going support to Urban Forestry on many projects such as National Tree Day, and the TreeME grant. However, this strategy would help reach our community and many partners in a targeted and effective manner. Tree care companies provided feedback that they believed that they are doing the majority of educating and communications around the by-law as first contact with homeowners.

Increase staffing resources through the addition of one Forestry Technologist & leave the By-law Distinctive Tree as greater than or equal to 50 cm DBH

Several options have been previously reviewed and it continues to be recommended that an additional Forestry Technologist be added to the compliment to support the implementation of the by-law. The addition of one Forestry Technologist would be used to redistribute and separate the by-law implementation from its enforcement. This position would also be responsible for improved educational awareness around the by-law. This will allow other staff to focus on planned permit applications and project work that supports the Urban Forest Strategic Plan and other Council priorities. Council may wish to consider the potential addition of this Forestry Technologist to support the adequate implementation of the Urban Forest Strategy, alongside other funding requests, through the 2020-2023 multi-year budget process.

6.0 Conclusion

Over the last 18 months we have had the opportunity to review how the by-law is progressing. The current engagement process has provided much insight into how the by-law can be improved and changes have been included where possible. The goal of the proposed amendments are to help make the process simpler and more predictable for applicants while streamlining requirements for a quicker review and improving consistency for staff.

This report was prepared with the assistance of S. Rowland, Urban Forestry Planner and L. Marshall, Solicitor.

Prepared by:	Jill-Anne Spence Manager, Urban Forestry
Submitted by:	Andrew Macpherson, OALA Manager, Environmental and Parks Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

June 6, 2018

Y:\Shared\Urban Forestry\PEC Reports\Tree Protection By-Law Report

Appendix A

Bill No.
2018

By-law No.

A by-law to regulate the Injuring and Destruction of Trees and to encourage preservation and planting of Trees throughout the City of London

WHEREAS Municipal Council has determined that it is desirable to enact a By-law to generally prohibit the Injury and Destruction of Trees within the Urban Growth Boundary that have a diameter of at least 50 cm, and all trees located within Tree Protection Areas, and to allow for the Injury and Destruction of such Trees in limited circumstances with a Permit, and to encourage preservation and planting of Trees throughout the City of London;

AND WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("*Municipal Act, 2001*") provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality, including respecting climate change"; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 9, Animals;

AND WHEREAS pursuant to subsection 135(1) of the *Municipal Act, 2001*, without limiting sections 9 and 10, a municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS pursuant to subsection 135(7) of the *Municipal Act, 2001*, without limiting sections 9 and 10, a municipality may require that a permit be obtained to injure or destroy trees, and impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS subsections 151(1) to (4) of the *Municipal Act, 2001* apply with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9 and 10 as if it were a system of licences with respect to a business;

AND WHEREAS subsection 1(1) of the *Municipal Act, 2001* defines "licence" to include a permit;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the Municipal Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the City Planner and the Hearings Officer including without limitation the power to issue, revoke, suspend and impose conditions on the permit and prescribe operational standards such as the format and content of forms or documents, are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons;

AND WHEREAS sections 429, 431, 444 and 445 of the *Municipal Act, 2001* provide for a system of fines and other enforcement orders;

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

Part 1 SHORT TITLE

1.1 This By-law may be cited as the "Tree Protection By-law".

Part 2 DEFINITIONS

2.1 For the purpose of this By-law:

"Applicant" means the Landowner or the Landowner's authorized representative who, pursuant to this By-law, applies for a Permit;

"Arborist" means an arborist qualified by the Ontario Ministry of Training, Colleges and Universities; a certified arborist with the International Society of Arboriculture; a consulting arborist registered with the American Society of Consulting Arborists; or a Registered Professional Forester;

"Arborist Opinion (Dead Distinctive Tree)" means a written opinion by an Arborist that contains the following:

- (a) the Arborist's opinion that the Tree is a Dead Distinctive Tree as that term is defined;
- (b) correct identification of the location, species and size of the Dead Distinctive Tree; and
- (c) a photograph or video of the Tree;

"Arborist Report" means a written report by an Arborist that contains the following:

- (a) correct identification of the location, species, size and condition of Trees;
- (b) states the Arborist's opinion why a Tree should be Injured or Destroyed;
- (c) describes how the Tree is proposed to be Injured or Destroyed;
- (d) states whether there are reasonable alternatives to the Tree Injury or Destruction;
- (e) calculate the number of Replacement Trees based on Schedule B, and suggest the species and location, and if in a Tree Protection Area, the Trees that may be planted or established through appropriate natural regeneration;
- (f) if Trees are to be Injured but not Destroyed, describes maintenance strategies and protection measures to be implemented; and
- (g) if requested by the City Planner, information to include Tree or Trees on adjacent properties that may be affected, and an aerial map representation showing the Critical Root Zone of those Trees;

"By-Law Enforcement Officer" means a person appointed pursuant to the *Police Services Act*, or any successor legislation, as a Municipal Law Enforcement Officer to enforce the provisions of this By-law;

"Boundary Tree" means a tree having any part of its trunk located on the boundary between adjoining lands. For the purposes of this definition, 'trunk' means that part of the tree from its point of growth away from its roots up to where it branches out to limbs and foliage;

"City" means The Corporation of the City of London;

"City Planner" means the person who holds the position of City Planner for The Corporation of the City of London or their written Designate who is authorized by the City Planner to act on their behalf in respect of this By-law;

"Conservation Authority" has the same meaning as defined in the *Conservation Authorities Act*, R.S.O. 1990 c.C.27;

"Critical Root Zone" means the area of land within a radius of ten (10) cm from the trunk of a tree for every one (1) cm of trunk diameter;

"Dead Distinctive Tree" means a Distinctive Tree that as a result of natural causes, is dead, or is in advanced and irreversible decline in health;

"Dead Distinctive Tree Permit" means a permit issued by the City Planner to permit the Injury or Destruction of a Dead Distinctive Tree;

"Declared Emergency" means a situation or impending situation that has been declared an emergency under the *Emergency Management and Civil Protection Act*, R.S.O. 1990 c.E.9;

"Designate" means any person acting with express authority conferred in writing by the City Planner and may include but is not limited to City employees or Qualified Persons hired by the City;

"Destroy" means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or disturbance of any part of its Critical Root Zone is such that it is likely to die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms "Destroyed" and "Destruction" shall have a corresponding meaning;

"Distinctive Tree" means a Tree that has a Trunk Diameter of 50cm or greater, and that is located on a property within the Urban Growth Boundary, excluding a Tree Protection Area;

"Distinctive Tree Permit" means a permit issued by the City Planner to permit the Injury or Destruction of a Distinctive Tree or Trees;

"Emergency Services" means the fire, police, or ambulance services when responding to an emergency event;

"Good Arboricultural Practices" means the implementation of the most recent techniques or methods of Tree management as recommended by the International Society of Arboriculture or their successor;

"Good Forestry Practices" has the same meaning as defined in the *Forestry Act* R.S.O. 1990 c. F.26;

"Hearings Officer" means a Hearings Officer appointed under the City's Hearings Officer By-law A.- 6653-121, as amended, or any successor by-law;

"Injure" means to harm, damage or impair the natural function, form of a Tree, including its roots within the Critical Root Zone, by any means excepting Injury by natural causes, and includes but is not limited to carving, drilling, injection, exploding, shattering, improper Pruning that fails to meet Good Arboricultural Practices, removal of bark, deliberate inoculation of decay fungi, pest or disease, inserting or driving foreign objects into or through the Tree or its roots, soil compaction, root excavation, suffocation, drowning, burying or poisoning. The terms "Injury", "Injuring" and "Injured" shall have a corresponding meaning;

"Landowner" means a person having title in the land on which the Tree(s) are situated; the

term “Landowners” shall have the same meaning, plural;

“Natural Ground Level” means the unaltered and original level of the soil around the base of a Tree that is supporting or did support the Tree during its early growth and establishment phase; where the Natural Ground Level varies around the Tree any measurement that is referenced from Natural Ground Level shall be measured from the highest part of the soil;

“Normal Farm Practice” means a normal farm practice defined in the *Farming and Food Production Protection Act 1998*, S.O. 1998, c.1.

“Order” means an Order to Discontinue Activity or a Work Order, as the context requires;

“Permit” means a Tree Protection Area Permit or a Distinctive Tree Permit, or a Dead Distinctive Tree Permit, as the context requires;

“Permit Holder” means the Landowner to whom a Permit has been issued;

“Pest” means anything that is injurious or potentially injurious, whether directly or indirectly, to a Tree;

“Pruning” means the removal of live or dead branches from a standing Tree. The terms “Prune” and “Pruned” shall have a corresponding meaning;

“Qualified Person” shall mean a person who, in the opinion of the City Planner, has satisfactory qualification, experience, education or knowledge to be an expert in the matter;

“Registered Professional Forester” means a person who is a registered and full member in good standing of the Ontario Professional Foresters Association and has the right to use the designation ‘Registered Professional Forester’ under the *Professional Foresters Act, 2000*, S.O. 2000, C. 18;

“Replacement Tree” means a native, shade or large growing tree that is required to be planted to replace a tree Destroyed pursuant to a Permit;

“Security” means an agreement between the City and an Applicant where the Applicant arranges an irrevocable letter of credit from a financial institution to specify and lodge a sum of money as determined by the City Planner as a condition of a Permit;

“Silvicultural Prescription” means an operational plan prepared by a Registered Professional Forester or Qualified Person that describes the existing conditions and the sustainable management objectives for Trees on a Site, and that prescribes the practice of controlling Tree establishment and the composition, growth and quality of Trees to achieve the objectives of management, the methods for managing the Trees and a series of silvicultural treatments and Good Arboricultural Practices that will be carried out to perpetuate Tree cover and establish a free-growing state for Trees that accommodates other resource, environmental and social values as may be identified;

“Site” means the general area where activities subject to this By-law is planned or executed, and in the case of a tract of land that extends over multiple landholdings, each separate landholding is a separate “Site”;

“Species at Risk” means any species listed in *Ontario Regulation 242/08* under the *Species Act, 2007*, S. 0. 2007,c.6 and species listed in Schedules of the *Species at Risk Act*, S.C. 2002, c.29;

“Tree” means a woody perennial plant, whether alive or dead, healthy or unhealthy, including saplings or seedlings and including the root system, where the plant has

reached, could reach, or could have reached a height of at least 4.5 metres (15 feet) at physiological maturity. The term “Trees” shall have the same meaning, plural;

“Tree Management Plan” means a written plan that sets out the scope, rationale and management intentions for managing an inventory of a Tree or Trees for a year or more. Other names for a “Tree Management Plan” include ‘Landscape Management Plan’, ‘Tree Protection Plan’, ‘Tree Planting Plan’, ‘Woodland Management Plan’ and ‘Forest Management Plan’;

“Tree Protection Area” means any geographic area of the City that appears as a Tree Protection Area on Schedule C of this By-law;

“Tree Protection Area Permit” means a permit issued by the City Planner to permit the Injury or Destruction of a Tree or Trees within a Tree Protection Area;

“Trunk Diameter” means the diameter of the trunk of a Tree measured 1.4m above the Natural Ground Level;

“Urban Growth Boundary” means the Urban Growth Boundary as defined in the City’s Official Plan;

“Woodland” shall have the same meaning as “Woodlands” as defined by the *Forestry Act*, R.S.O. 1990, c. F.26.

Part 3 SCOPE

- 3.1 This By-law applies to private property in the City of London:
- (a) to Trees that have diameter of at least 50 cm within the Urban Growth Boundary; and
 - (b) to Trees of any size within a Tree Protection Area.

Part 4 ADMINISTRATION

- 4.1 The administration of this By-law shall be performed by the City Planner who shall generally perform all of the administrative functions conferred upon them by this By-law.

Part 5 EXEMPTIONS FROM BY-LAW

Exemptions from By-law

- 5.1 This By-law does not apply to:
- (a) activities or matters undertaken by a municipality or a local board of a municipality;
 - (b) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*;
 - (c) the Injuring or Destruction of Trees by a person licensed under the *Surveyors Act*, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
 - (d) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

- (e) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to a development permit or community planning permit authorized by regulation made under the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (f) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (g) the Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (h) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a By-law passed under section 34 of the *Planning Act*;
- (i) the Injuring or Destruction of Trees that are a noxious weed as defined in the *Weed Control Act, R.S.O. 1990, c. W.5* if the Injury or Destruction is being controlled by an appropriate method under the oversight or direction of a Qualified Person and no Trees other than a noxious weed are being Injured or Destroyed;
- (j) the Injuring or Destruction of Trees undertaken by a Conservation Authority on its own lands or in response to a Declared Emergency;
- (k) the Injuring or Destruction of Trees at the direction of Emergency Services;
- (l) Pruning that is necessary to maintain the health and condition of the Tree and is carried out in accordance with Good Arboricultural Practices;
- (m) Injury or Destruction of a Tree that is not a Distinctive Tree and is not located within a Tree Protection Area;
- (n) Injury or Destruction of a Tree that is located within a building, a solarium, a rooftop garden or an interior courtyard;
- (o) Injury or Destruction of a Tree located within an actively managed cultivated orchard, tree farm or plant nursery;
- (p) Injury or Destruction of a Tree that is an immediate threat to health or safety;
- (q) Injury or Destruction of the Tree that is required by a Property Standards Order issued under the *Building Code Act*; or
- (r) Injury or Destruction that is a Normal Farm Practice as defined in the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1..*

Part 6 PROHIBITIONS

Injure or Destroy Tree – Tree Protection Area

- 6.1 Subject to section 5.1 and Part 8, no person shall Injure or Destroy a Tree or cause or permit the Injury or Destruction of a Tree in a Tree Protection Area.

Injure or Destroy Tree – Distinctive Tree

- 6.2 Subject to section 5.1 and Part 8, no person shall Injure or Destroy a Distinctive Tree or cause or permit the Injury or Destruction of a Distinctive Tree. This section 6.2 shall not apply to a Tree located in a Tree Protection Area and section 6.1 shall apply instead.

Injure or Destroy Tree – Not in Accordance with Permit Conditions

- 6.3 No Permit Holder or person acting under authority of a Permit shall Injure or Destroy a Tree or cause or permit the Injury or Destruction of a Tree unless the Injury or Destruction is carried out in accordance with all conditions of the Permit.

Fail to Protect Tree in Accordance with Permit Conditions

- 6.4 No Permit Holder or person acting under authority of a Permit shall fail to protect a Tree in accordance with all conditions of a Permit.

Fail to Comply with Conditions of Permit

- 6.5 No Permit Holder or person acting under authority of a Permit shall fail to comply with all conditions of a Permit.

Fail to Comply with Order to Discontinue Activity or Work Order

- 6.6 No person who has been issued an Order to Discontinue Activity or a Work Order shall fail to comply with the Order.

Part 7 APPLICATION FOR PERMITS – Exceptional Circumstances

- 7.1 Only under the following exceptional circumstances (and subject to all applicable requirements in this By-law including sufficient evidence of the exceptional circumstances) a Permit may be issued for the Injury or Destruction of a Tree:
- (a) the Tree is a dead or dying Distinctive Tree (Dead Distinctive Tree Permit);
 - (b) the Tree is unsafe (Tree Protection Area Permit);
 - (c) the Tree is causing or is likely to cause structural damage to load-bearing structures or roof structures (Tree Protection Area Permit or Distinctive Tree Permit);
 - (d) Tree removal is required to remediate contaminated soil (Tree Protection Area Permit or Distinctive Tree Permit);
 - (e) the Tree Injury or Destruction is required to install, provide or maintain utilities, water or sanitary wastewater infrastructure required for the construction or use of a building or structure for which a building permit has been issued (Tree Protection Area Permit or Distinctive Tree Permit);
 - (f) the Injury or Destruction of a Distinctive Tree represents Good Arboricultural Practices, or, for Trees within a Tree Protection Area it represents Good Forestry Practices (Tree Protection Area Permit or Distinctive Tree Permit);
 - (g) the Tree Injury or Destruction is required for purposes of a Building Permit (Tree Protection Area Permit or Distinctive Tree Permit);
 - (h) the Tree Injury or Destruction is required for purposes of locating a swimming pool (Tree Protection Area Permit or Distinctive Tree Permit).

Application to City Planner

- 7.2 (1) Every application for a Permit shall be made to the City Planner in a format provided by the City Planner.

Application – Requirements

- (2) Every application for a Permit shall include the following:
- (a) payment of the Application Fee as set out in Schedule A of this By-law;
 - (b) the name, municipal address, email address (if available) and telephone number (if available) of the Landowner, and if not the same, the Applicant;
 - (c) if the Applicant is not the Landowner, written confirmation that the Applicant is making the application as the Landowner's authorized agent;
 - (d) if the Applicant or the Landowner is a corporation, the address of its head office;
 - (e) the municipal address and legal description of the land, upon which the Tree or Trees are to be Injured or Destroyed;
 - (f) if known, the name, municipal address, email address, and phone number of any contractor anticipated to Injure or Destroy the Tree or Trees;
 - (g) for a Dead Distinctive Tree Permit, an Arborist Opinion (Dead Distinctive Tree);
 - (h) for a Distinctive Tree Permit or a Tree Protection Area Permit, an Arborist Report;
 - (i) for a Distinctive Tree Permit or a Tree Protection Area Permit, where any of the following grounds for the proposed Tree Injury or Destruction apply:
 - (i) an Arborist's written opinion that the Tree is unsafe;

- (ii) an Arborist's, Professional Engineer's or Insurance Loss Adjuster's written opinion that the Tree is causing or is likely to cause structural damage to load-bearing structures or roof structures;
- (iii) a "qualified person's" (as defined in the *Environmental Protection Act*, R.S.O. 1990, c. E.19) written opinion that Tree removal is required to remediate contaminated soil;
- (iv) a Quantity Surveyor's written opinion that the Tree Injury or Destruction is required to install, provide or maintain utilities, water or sanitary wastewater infrastructure required for the construction or use of a building or structure for which a building permit has been issued with no reasonable alternative to locating those utilities or infrastructure;
- (v) an Arborist's written opinion that the Distinctive Tree Injury or Destruction represents Good Arboricultural Practices, or a Registered Professional Forester's written opinion that the Injury or Destruction of a Tree within a Tree Protection Area represents Good Forestry Practices;
- (vi) a copy of the Building Permit if the Tree Injury or Destruction is required for purposes of a Building Permit;
- (vii) a copy of the Swimming Pool Fence Permit if the Tree Injury or Destruction is required for purposes of locating a swimming pool.

Application – Additional Information May be Required

(3) In addition to the requirements in subsections (2), the City Planner may require the Applicant to provide one or more of the following:

- (a) for a Tree Protection Area Permit, an inventory, tally or estimates from sample plots of the species and size classes of all Trees to be Injured or Destroyed, including a map of the location of sample plots, to the satisfaction of the City Planner;
- (b) for a Tree Protection Area Permit, a Silvicultural Prescription that complies with Good Forestry Practices and is prepared by a Registered Professional Forester;
- (c) a drawing of the Site showing any proposed development, construction, works, excavation or site alteration that may require the Tree Injury or Destruction, and a schedule for this proposed activity, including start and end dates;
- (d) confirmation of any other matters (past or present Planning applications or otherwise) affecting the land upon which the Tree or Trees are to be Injured or Destroyed;
- (e) a Tree Management Plan, which may be for one or more Trees, prepared by a Qualified Person;
- (f) affidavits in support of an application.

Application – Further Information – Supplied within 60 days

(4) The Applicant must provide any further information requested by the City Planner under subsection (3) to the City Planner within 60 days of such request.

Application – Deemed Incomplete

7.3 An application that does not contain everything required in subsection 7.2(2) within 60 days of the receipt of the application by the City, or does not contain the information as further required under subsection 7.2 (3) within 60 days of the request, shall be deemed to be incomplete and will not be processed. The City Planner shall notify the Applicant that the file has been closed for incompleteness. The Schedule A fees paid shall not be returned to the Applicant.

Application – Permission for City to Inspect

7.4 By submitting an application, the Landowner shall be deemed to have granted permission for the City to enter on the Landowner's land for purposes of this By-law.

Boundary Tree

- 7.5 If the Tree to be Destroyed or Injured is a Boundary Tree, all owners of the Boundary Tree or their authorized agents must apply for a Permit. If one of the adjoining lands upon which the Boundary Tree is located is City-owned boulevard, then the City's Boulevard Tree By-law will apply and this By-law will not apply.

Part 8 POWERS OF THE CITY PLANNER

- 8.1 The power and authority to issue a Permit, refuse to issue a Permit, to cancel, revoke or suspend a Permit, to impose terms and conditions on a Permit, including special conditions, are delegated to the City Planner.

City Planner – When Permit Shall Issue

- 8.2 The City Planner shall issue a Permit where all of the following are satisfied:
- (1) the application is complete and all fees paid; and
 - (2) the City Planner is satisfied that there are no reasonable alternatives to the proposed Tree Injury or Destruction; and
 - (3) the City Planner is not aware of any grounds for refusing to issue a Permit under section 8.3; and
 - (4) the City Planner is satisfied that one or more of the following grounds for issuing a Permit apply:
 - (a) the Tree is a Dead Distinctive Tree;
 - (b) based on the opinion of an Arborist, it is necessary to remove unsafe Trees;
 - (c) based on the opinion of a Professional Engineer, the Tree or Trees are causing or are likely to cause structural damage to load-bearing structures or roof structures;
 - (d) based on the opinion of a 'qualified person' (as defined in the *Environmental Protection Act*), the Tree Injury or Destruction is required to remediate contaminated soil;
 - (e) based on the opinion of a Quantity Surveyor, the Tree Injury or Destruction is required to install, provide or maintain utilities, water or sanitary wastewater infrastructure required for the construction or use of a building or structure for which a building permit has been issued with no reasonable alternative to locating those utilities or infrastructure;
 - (f) the Tree Injury or Destruction is required for purposes of a Building Permit;
 - (g) the Tree Injury or Destruction is required for purposes of locating a swimming pool;
 - (h) based on the opinion of an Arborist, the Distinctive Tree Injury or Destruction represents Good Arboricultural Practices, or based on the opinion of a Registered Professional Forester, the Injury or Destruction of a Tree within a Tree Protection Area represents Good Forestry Practices.
- (5) The City Planner shall refuse to issue a Permit if (1), (2), (3) and (4) are not satisfied.

City Planner – May Refuse to Issue Permit, Revoke Permit, Suspend Permit, Impose Conditions on Permit

- 8.3 The City Planner may refuse to issue, may revoke, or may suspend a Permit or impose a term or condition on a Permit on any one or more of the following grounds:
- (a) the species of Tree is an endangered species or threatened species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, or the *Species at Risk Act*, S.C. 2002, c. 29;
 - (b) the Tree is designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18;

- (c) the presence, within the Tree, of breeding birds as contemplated in the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22;
- (d) the protection and preservation of ecological systems and their functions, including the protection and preservation of native flora and fauna;
- (e) erosion, flood control and sedimentation of watercourses;
- (f) any information contained in the original application form or any other information provided to the City Planner has ceased to be accurate and the Applicant, Landowner or Permit Holder has not provided up-to-date accurate information to allow the City Planner to conclude that the Permit should continue;
- (g) an Applicant or Permit Holder does not meet one or more of the requirements of this By-law or a condition imposed on a Permit;
- (h) the Applicant or Landowner is carrying on activities that are in contravention of this By-law;
- (i) there are reasonable grounds to believe that an application or other documents provided to the City Planner by or on behalf of the Applicant or Landowner contains a false statement.

City Planner – Additional Reasons to Revoke

8.4 In addition to section 8.3 above, the City Planner may revoke a Permit if:

- (a) the Permit was issued in error;
- (b) the Landowner or Permit Holder requests, in writing, that it be revoked;
- (c) the Landowner or Permit Holder fails to comply with any condition of the Permit or this By-law;
- (d) the Permit Holder is no longer the owner of the land while the Permit is still valid or the owner on title to the lands has changed;
- (e) the City Planner is satisfied that there is a material change in circumstances in connection with or on the Site and the City Planner is satisfied that the Permit needs to be revoked to avoid further Injury or Destruction of a Tree or Trees.

City Planner – May Impose Conditions, Special Conditions

8.5 Notwithstanding any other provision of this By-law, the City Planner may impose terms and conditions on any Permit at issuance or at any time during the term of the Permit, including special conditions, as are necessary in the opinion of the City Planner to give effect to this By-law.

City Planner – Permit Decisions – Refuse, Revoke, Suspend, Conditions

8.6 (1) Where the City Planner is of the opinion that:

- (a) an application for a Permit should be refused;
- (b) a Permit should be revoked;
- (c) a Permit should be suspended for no more than 14 days; or
- (d) a term or condition of a Permit should be imposed;

the City Planner shall make that decision.

City Planner – Written notice of Decision under ss. 8.6(1)

(2) Where the City Planner has made a decision under subsection 8.6(1) of this By-law, the City Planner shall give written notice of that decision to the Applicant or Permit Holder by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Written notice to a corporation may be given by registered mail to the address of the corporation's registered head office.

Contents of Written Decision – Can Appeal

(3) The written notice to be given under subsection 8.6(1) shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the City Planner; and
- (d) state that the Applicant or Permit Holder is entitled to a hearing by the Hearings Officer if the Applicant or Permit Holder delivers a notice of appeal to the City Clerk, within thirty (30) days after the notice in

subsection 8.6(1) is given, and the appeal fee as set out in Schedule A attached to this By-law.

No Appeal – Decision Deemed Final

(4) Where no appeal is registered within the required time period, the decision of the City Planner is deemed to be final.

Permit Voluntarily Surrendered – Revoke – No Notice Required

(5) Despite subsection 8.6(2), where a Permit is voluntarily surrendered by the Permit Holder for revocation, the City Planner may revoke the Permit without notice to the Permit Holder.

City Planner – May Make Regulations – Forms, Documents

8.7 In addition to any other power, duty or function prescribed in this By-law, the City Planner may make regulations under this By-law including prescribing the format and content of any forms or other documents required under this By-law.

Copy of Regulations to City Clerk – Available for Public Inspection

8.8 The City Planner shall provide the City Clerk with copies of any regulations made under this by-law. The City Clerk shall maintain a record of all such regulations. The record of all regulations shall be available for public inspection at the office of the City Planner and the office of the City Clerk during normal business hours.

Part 9 ISSUANCE OF PERMITS

Information on Permits

9.1 Every Permit issued under this by-law shall be in the form and manner as provided by the City Planner and shall include on its face the following information:

- (a) the Permit number;
- (b) the name of the Permit Holder;
- (c) the date the Permit was issued and the date it expires;
- (d) the municipal address of the premises on which the Tree or Trees to be Injured or Destroyed is located;
- (e) the Tree or Trees that are permitted to be Injured or Destroyed;
- (f) the nature of the Injury or Destruction.

Permit – Automatic Conditions

9.2 Every Permit that is issued is subject to the following conditions of obtaining and continuing to hold a Permit, all of which shall be performed and observed by the Permit Holder and Landowner:

- (a) the Permit Holder shall ensure that the number of living Replacement Trees as determined by the City Planner, and the species, range, size and location of Replacement Trees as determined by the City Planner, are planted on the same Site by the date specified on the Permit;
- (b) where there is insufficient space on the same Site to plant all Replacement Trees, the Permit Holder shall ensure that they forthwith pay the fee as determined by the City Planner;
- (c) the Permit Holder or Landowner shall pay all fees related to this By-law;
- (d) the Permit Holder or Landowner shall pay all fees and fines owed by the Permit Holder or Landowner to the City;
- (e) the Permit Holder or Landowner shall allow, at any reasonable time, the City to inspect the Site;
- (f) the use of the Site is permitted or conforms with the uses permitted under the applicable zoning by-law or is a legal non-conforming use;
- (g) the Permit Holder or Landowner shall meet all of the requirements of this By-law.

Permit – Additional Conditions That May be Imposed

- 9.3 The City Planner may impose other conditions on a Permit, including but not limited to:
- (a) the Permit Holder shall ensure that the Injury or Destruction of the Tree is carried out in accordance with Good Arboricultural Practices or Good Forestry Practices;
 - (b) the Permit Holder shall ensure that the Injury or Destruction of the Tree is carried out in a particular manner or at or during a particular time;
 - (c) the Permit Holder shall ensure that Permit is posted in a public location for a time period before, during and after the Injury or Destruction of the Tree or Trees;
 - (d) the Permit Holder shall ensure that the Injury or Destruction is to be carried out by or under the supervision of a Qualified Person;
 - (e) the Permit Holder shall ensure that measures are to be implemented to protect any retained Trees for the period the Permit remains valid;
 - (f) the Permit Holder shall ensure that the City Planner is informed within 48 hours of a change of Landowner;
 - (g) the Permit Holder shall ensure that a Tree Management Plan satisfactory to the City Planner is implemented by a required date;
 - (h) the Permit Holder shall ensure posting of Security that the City may draw upon in full if the By-law is contravened or if there is a failure in the proper and complete execution of a Permit and its conditions, such that restoration of all or part of the Site has to be done by the City;
 - (i) the Permit Holder shall ensure it complies with any requirements to protect or relocate wildlife (including bees) as determined by the City Planner;
 - (j) the Permit Holder shall ensure it implements the Silvicultural Plan or Tree Management Plan submitted with the application to the satisfaction of the City Planner within a period of time specified by the City Planner;
 - (k) a condition recommended by a Qualified Person that the City Planner determines is appropriate.

Permit – Valid For Time Issued – 6 Month Maximum

- 9.4 A Permit issued under this By-law shall be valid only for the period of time for which it is issued. Unless expressly stated on the face of the Permit, all Permits issued under this By-law shall expire 6 months after issuance.

Permit Issuance – Not permission to Contravene Laws

- 9.5 The issuance of a Permit under this By-law is not intended and shall not be construed as permission or consent by the City for the Permit Holder or Landowner to contravene or fail to observe or comply with any law of Canada, Ontario or any By-law of the City.

Permit – Owned by City – Valid only to Person and Site Named On It

- 9.6 Every Permit, at all times, is owned by and is the property of the City and is valid only in respect of the person and the Site named on it.

Permit – Cannot be Sold, Transferred, etc.

- 9.7 No Permit issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

Permit – Notify City Planner if Change of Information

- 9.8 The Permit Holder shall notify the City Planner of any change in their name, business, home address, Site ownership, or any other information relating to the Permit within fifteen (15) days after such change and, if the City Planner determines it necessary, shall immediately return their Permit to the City Planner for amendment.

Requirement to obtain all other approvals required by any level of government

- 9.9 A Permit issued pursuant to this By-law does not preclude the responsibility of the Applicant or Landowner or Permit Holder to obtain all other approvals which may be required by any level of government and agencies.

Part 10 APPEALS – HEARINGS BEFORE THE HEARINGS OFFICER

- 10.1 The power and authority to conduct hearings of appeals under this By-law are delegated to the Hearings Officer.
- 10.2 The provisions of the City's Hearings Officer By-law A.-6653-121, as amended, and any successor by-law, apply to all hearings conducted by the Hearings Officer.
- 10.3 The Hearings Officer may uphold or vary the decision of the City Planner or make any decision that the City Planner was entitled to make in the first instance.
- 10.4 The decision of the Hearings Officer is final.

Part 11 ENFORCEMENT

Enforced By

- 11.1 This By-law may be enforced by a By-law Enforcement Officer.

Powers of Entry

- 11.2 The provisions of the City's Inspections By-law A-30, or any successor by-law, apply to Powers of Entry for the purpose of carrying out inspections.

Prohibition - Hinder or Obstruct By-law Enforcement Officer

- 11.3 No person shall hinder or obstruct or attempt to hinder or obstruct the By-law Enforcement Officer in the discharge of duties under this By-law.

Part 12 POWER TO MAKE ORDERS – REMEDIAL ACTION

Order to Discontinue Activity

- 12.1 (1) Where a By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the By-law Enforcement Officer may make an Order to Discontinue Activity requiring the person who contravened the By-law or a person that caused or permitted a contravention of the By-law or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.
- (2) The Order to Discontinue Activity shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date and time by which there must be compliance with the Order to Discontinue Activity.
- Work Order**
- 12.2 (1) Where a By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the By-law Enforcement Officer may make a Work Order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.
- (2) A Work Order shall set out reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred, and the work to be done and the date by which the work must be done.

Service of Order to Discontinue Activity or Work Order

- 12.3 (1) An Order to Discontinue Activity or Work Order may be served personally by the By-law Enforcement Officer, may be sent by registered mail to the person contravening the By-law, or may be posted in a conspicuous place on the property where the contravention occurred.
- (2) Where an Order to Discontinue Activity or Work Order under this By-law is served personally by the By-law Enforcement Officer, it shall be deemed to have been served on the date of delivery to the person or persons named.
- (3) The posting of the Order to Discontinue Activity or Work Order at Site shall be deemed to be sufficient service of the Order to Discontinue Activity on the person or corporation to whom the Order to Discontinue Activity is directed on the date it is posted.
- (4) Where an Order to Discontinue Activity or Work Order issued under the By-law is sent by registered mail, it shall be sent to the last known address of:
- (a) the Applicant;
 - (b) the Permit Holder;
 - (c) the Landowner;
 - (d) the person contravening the by-law;
 - (e) the person or company undertaking the Injury or Destruction,
- and shall be deemed to have been served on the fifth day after the Order to Discontinue Activity or Order is mailed.

12.4 Remedial Action

If a person is required, under a Work Order under this By-law, to do a matter or thing, then in default of it being done by the person so required to do it, the matter or thing may be done at the person's expense under the direction of a By-law Enforcement Officer.

- 12.6 The City may recover the costs of doing a matter or thing under section 12.4 from the person required to do it, by adding the costs to the tax roll for the subject land and collecting them in the same manner as property taxes.
- 12.7 The amount of the costs under section 12.4, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien.

Part 13 PESTS - INSPECTION – REMOVAL OF INFESTED TREES

Inspection for Presence of Asian Long-Horned Beetles and Other Serious Pests; Removal of Infested Trees

- 13.1 The City Planner is authorized to inspect for the presence of Asian Long-Horned Beetles and other Pests that may create serious widespread economic or ecological harm, and to remove such infested trees, on all public and private property, with the consent of the property owner.

13.2 Inspection for Pests; Right to Enter Private Property – Consent Not Required

Where the City Planner has been designated as an "inspector" by the President of the Canadian Food Inspection Agency under section 13 of the Canadian Food Inspection Agency Act, S.C. 1997, c.6 for the purposes of enforcing the Plant Protection Act, S.C. 1990, c.22, the City Planner has the authority to inspect for the presence of Pests and to take action including the removal of trees on all public and private property, with or without the consent of the property owner, in accordance with the Plant Protection Act.

Part 14 OFFENCES AND PENALTIES

Offences

- 14.1 Any person who contravenes any provision of this By-law, or an Order to Discontinue Activity, or a Work Order, is guilty of an offence.
- 14.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

Penalties – Minimum and Maximum

- 14.3 A person convicted under this By-law is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.

Penalties – Continuing Offence

- 14.4 Contravention of an Order to Discontinue Activity or a Work Order is a continuing offence, and a person who is convicted of an offence under this By-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000 and the total of all daily fines for the offence is not limited to \$100,000.

Penalties – Special Fines

- 14.5 A person convicted under this By-law is liable to a special fine of maximum \$200,000.00 which may be imposed in addition to the regular fine, to eliminate or reduce any economic advantage or gain from contravening the By-law.

Court Order - Additional Order to Discontinue or Remedy – s. 431 *Municipal Act, 2001*

- 14.6 Under section 431 of the *Municipal Act, 2001*, when this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,:
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
 - (b) in the case of a by-law described in section 135 of *Municipal Act, 2001*, requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Part 15 MISCELLANEOUS

Transition

- 15.1 Any Permit issued under the provisions of By-law C.P.-1515-228 that has not expired or been revoked as of the date of the coming into force of this By-law shall be deemed to have been issued under this By-law and will be valid until such Permit is revoked, surrendered or expires.

Repeal

15.2 The Tree Protection By-law C.P.-1515-228 passed on August 30, 2016 is repealed.

Coming into force

15.3 This By-law shall come into force and effect on _____.

Passed in Open Council on _____, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

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

Schedule A - Fees

1. The following fees apply to this By-law:

DESCRIPTION OF FEE	FEE AMOUNT
Fee for Dead Distinctive Tree Permit	\$0
Fee for Application for Distinctive Tree Permit	\$100
Fee for Application for Tree Protection Area Permit	\$100
Fee for Appeal Hearing Request	\$100

Schedule B

Calculation of Number of Distinctive Tree Replacement Trees & Calculation of Fees for Off-Site Tree Planting (insufficient space on Site to plant Replacement Trees)

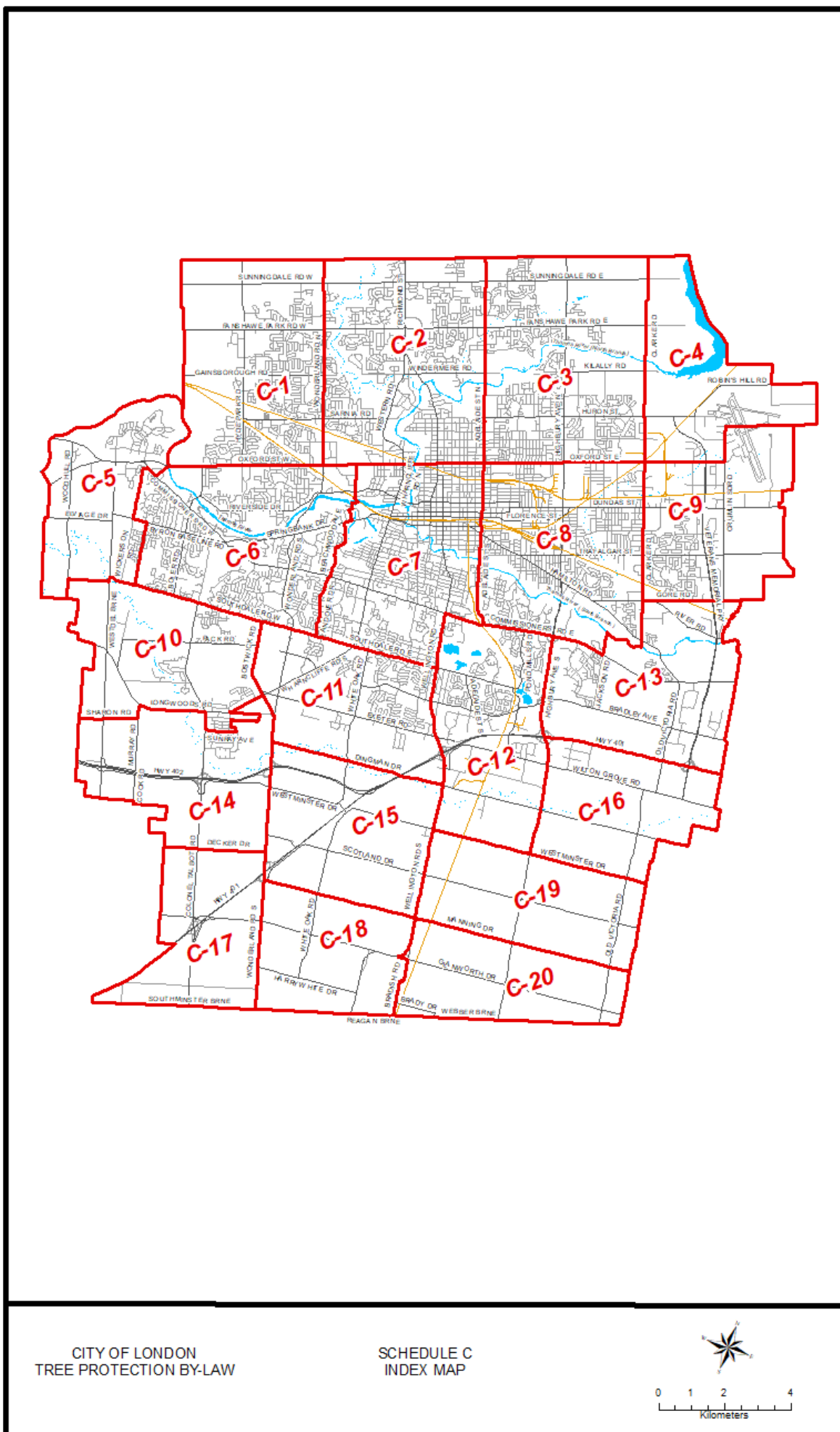
1. For the purposes of subsection 9.2(a) of this By-law with respect to a Distinctive Tree Permit, the City Planner shall determine the number of living Replacement Trees that will be required based on the chart below. The diameter of the Tree to be Destroyed under a Distinctive Tree Permit, as set out in Column 1, shall correspond to the number of replacement trees required, as set out in Column 2.

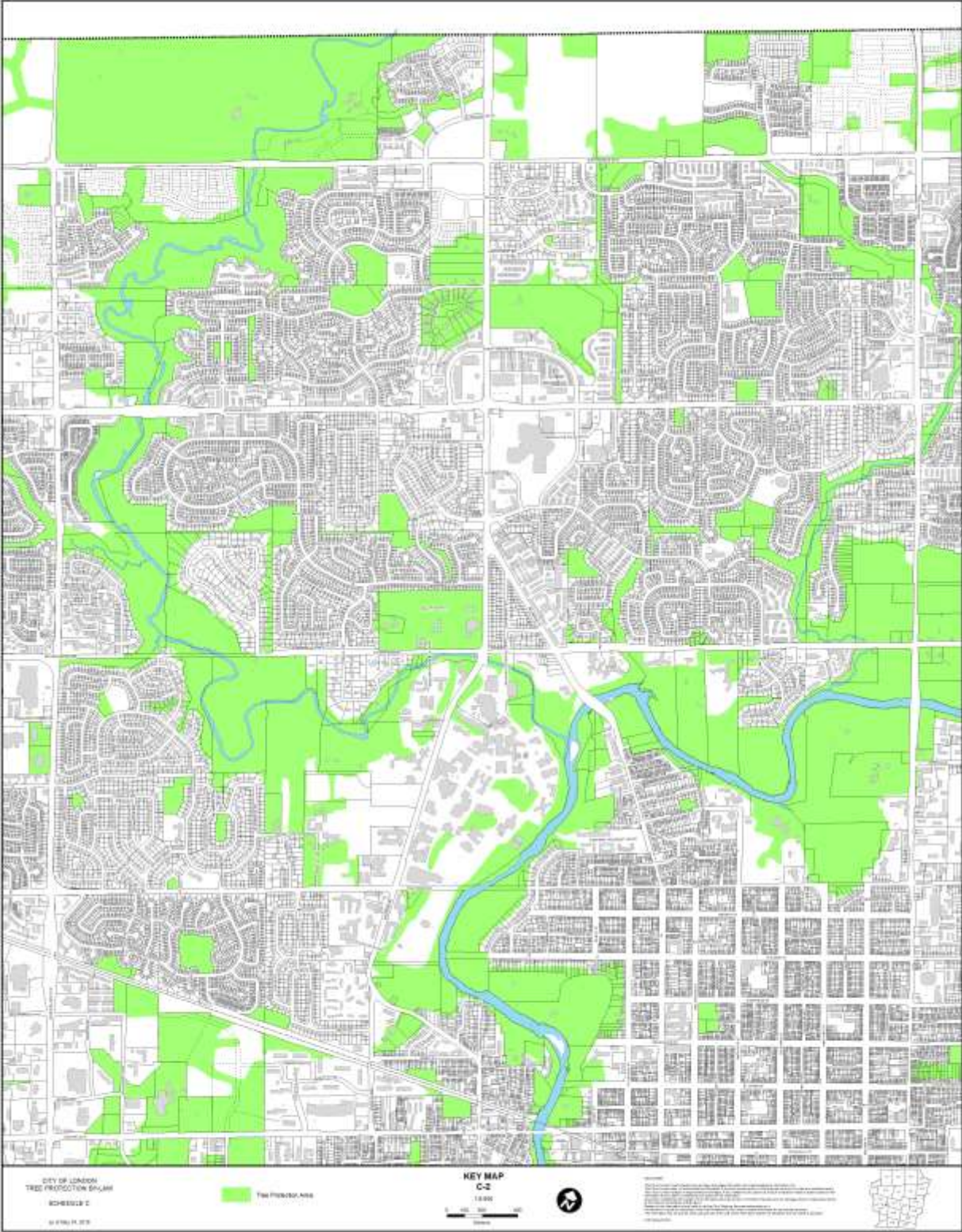
2. For the purposes of subsection 9.2(b) of this By-law with respect to a Distinctive Tree Permit, where there is insufficient space on the same Site to plant all of the number of Replacement Trees as calculated for 9.2(a) of this By-law, the City Planner shall determine the amount of the fee based on the chart below. The diameter of the Tree to be Destroyed under a Distinctive Tree Permit, as set out in Column 1, shall correspond to the Fee required, as set out in Column 3.

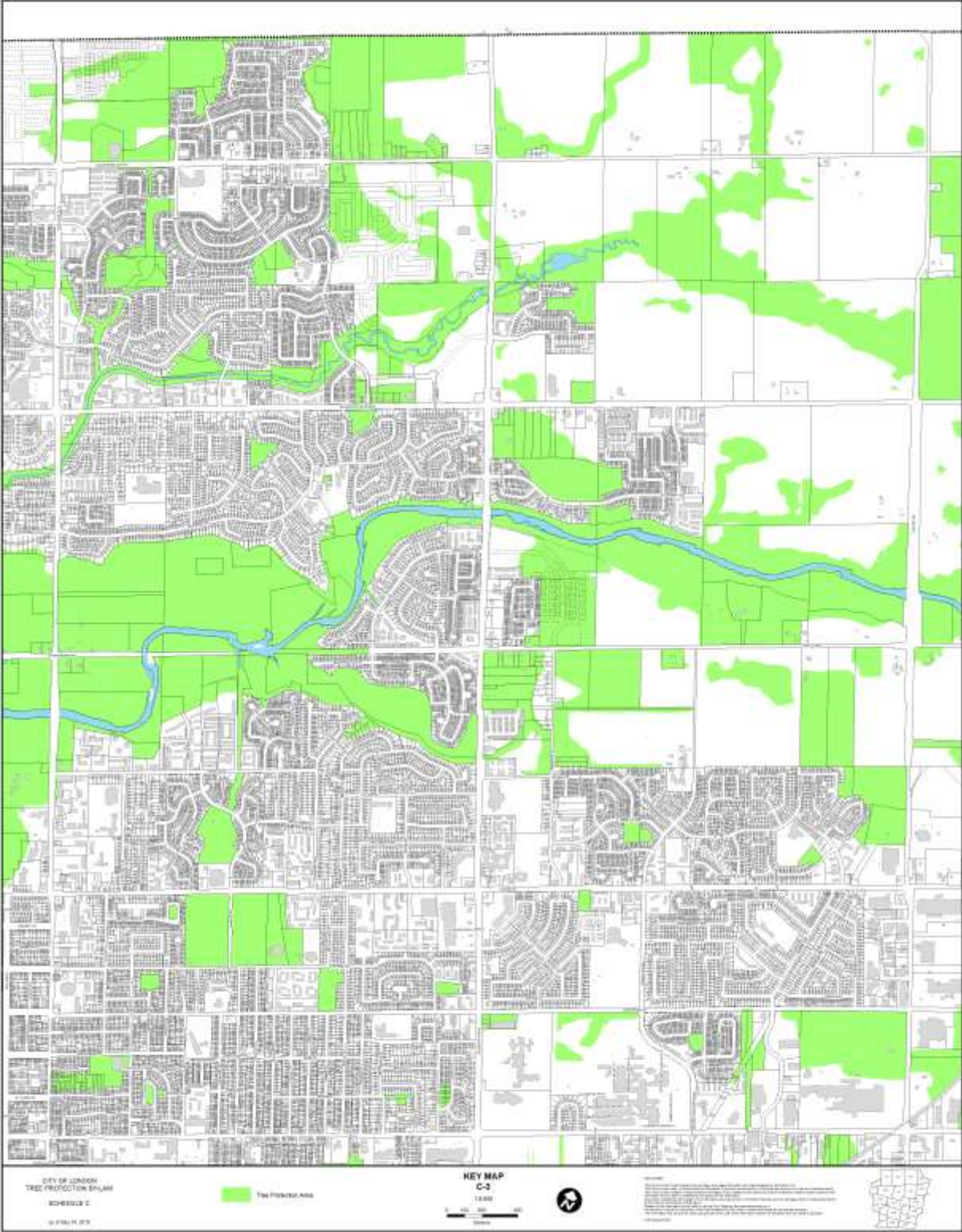
Column 1: Trunk Diameter of Distinctive Tree Destroyed	Column 2: Number of Replacement Trees Required – planted on-site	Column 3: Fee for Off-Site Tree Planting
50 cm	1	\$350
51-60 cm	2	\$700
61-70 cm	3	\$1 050
71-80 cm	4	\$1 400
81-90 cm	5	\$1 750
91-100 cm	6	\$2 100
101–110 cm	7	\$2 450
111-120 cm	8	\$2 800
121-130 cm	9	\$3 159
131-140 cm	10	\$3 500
>141cm	11	\$3 850

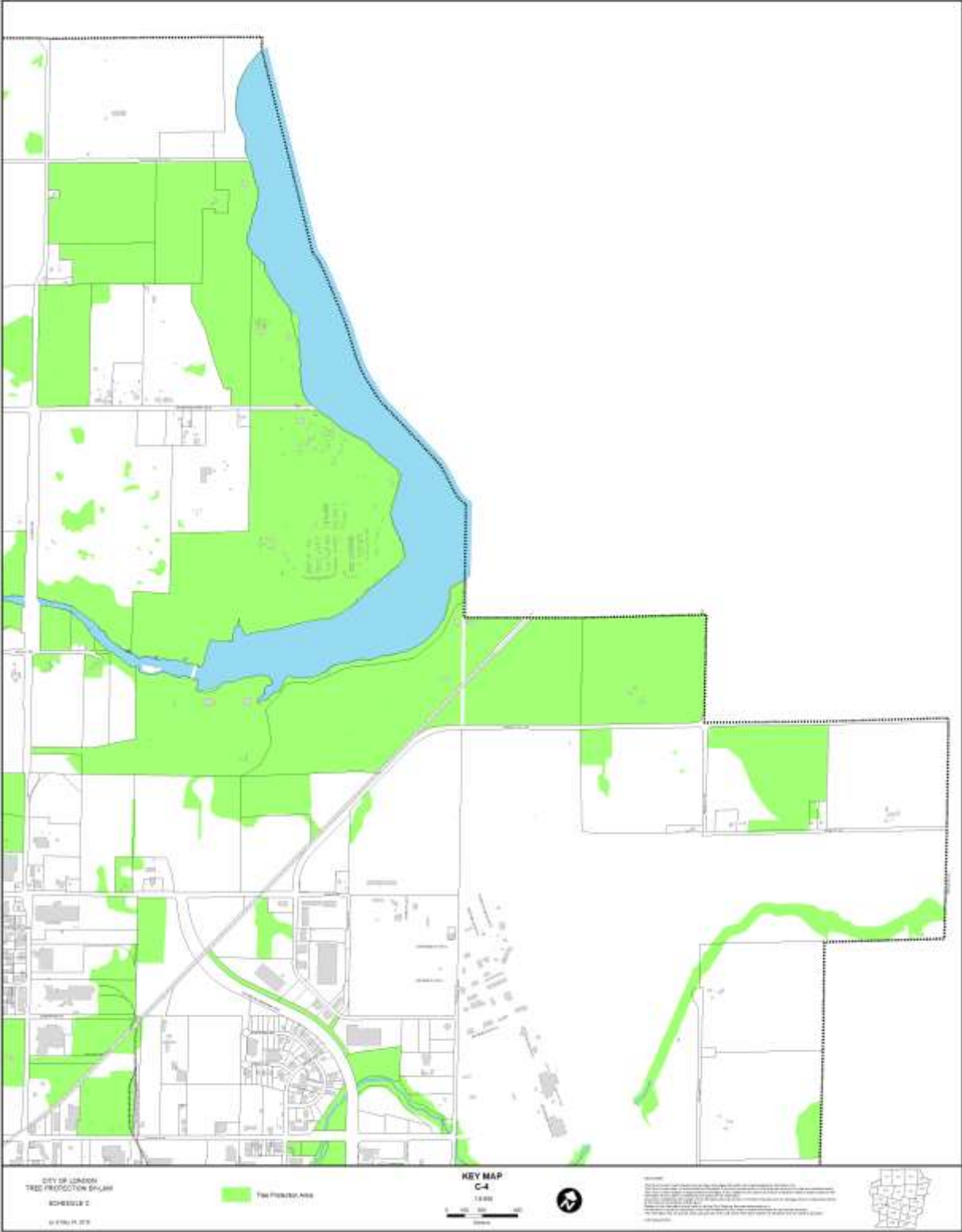
*NOTE: does not apply to Dead Distinctive Tree Permit

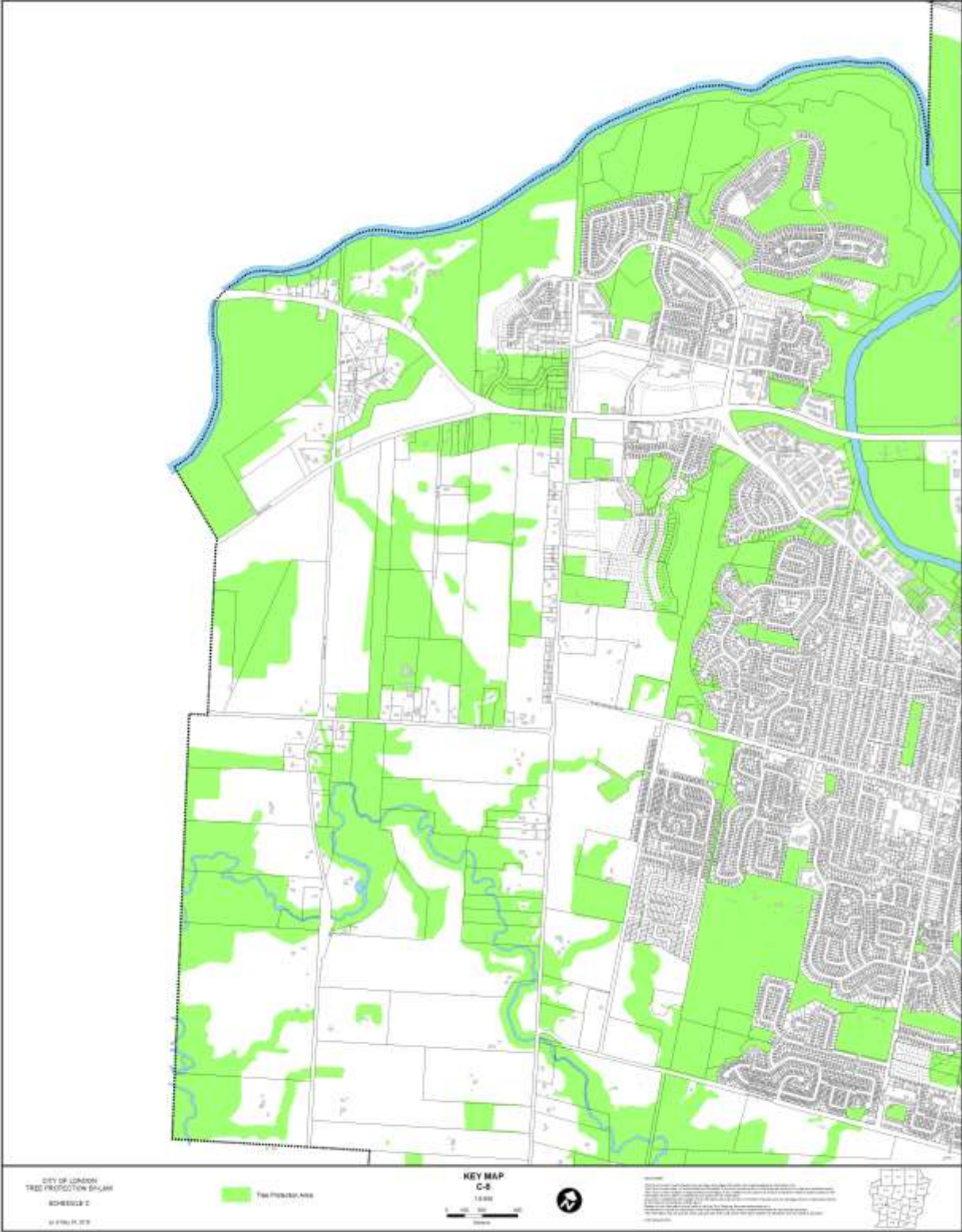
Schedule C - Tree Protection Area Maps

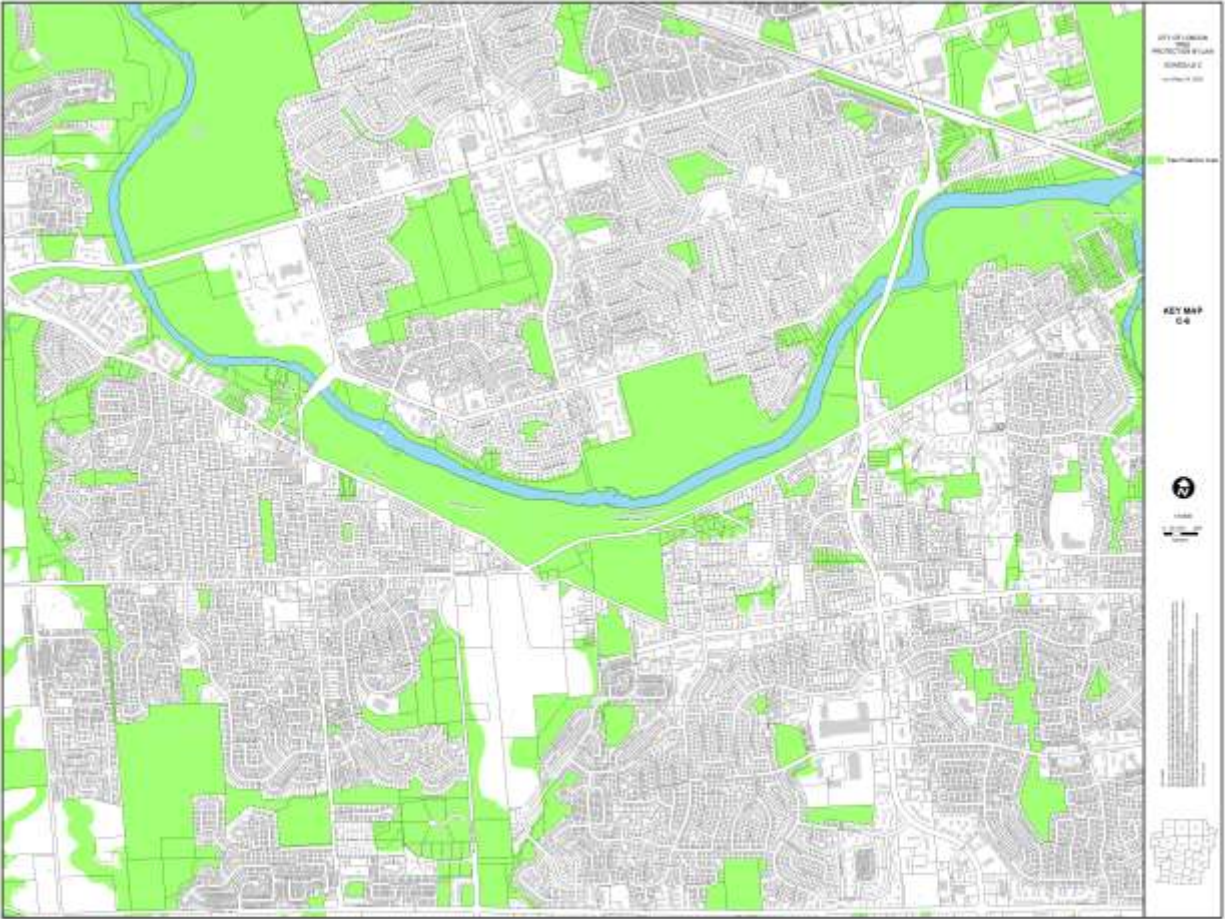


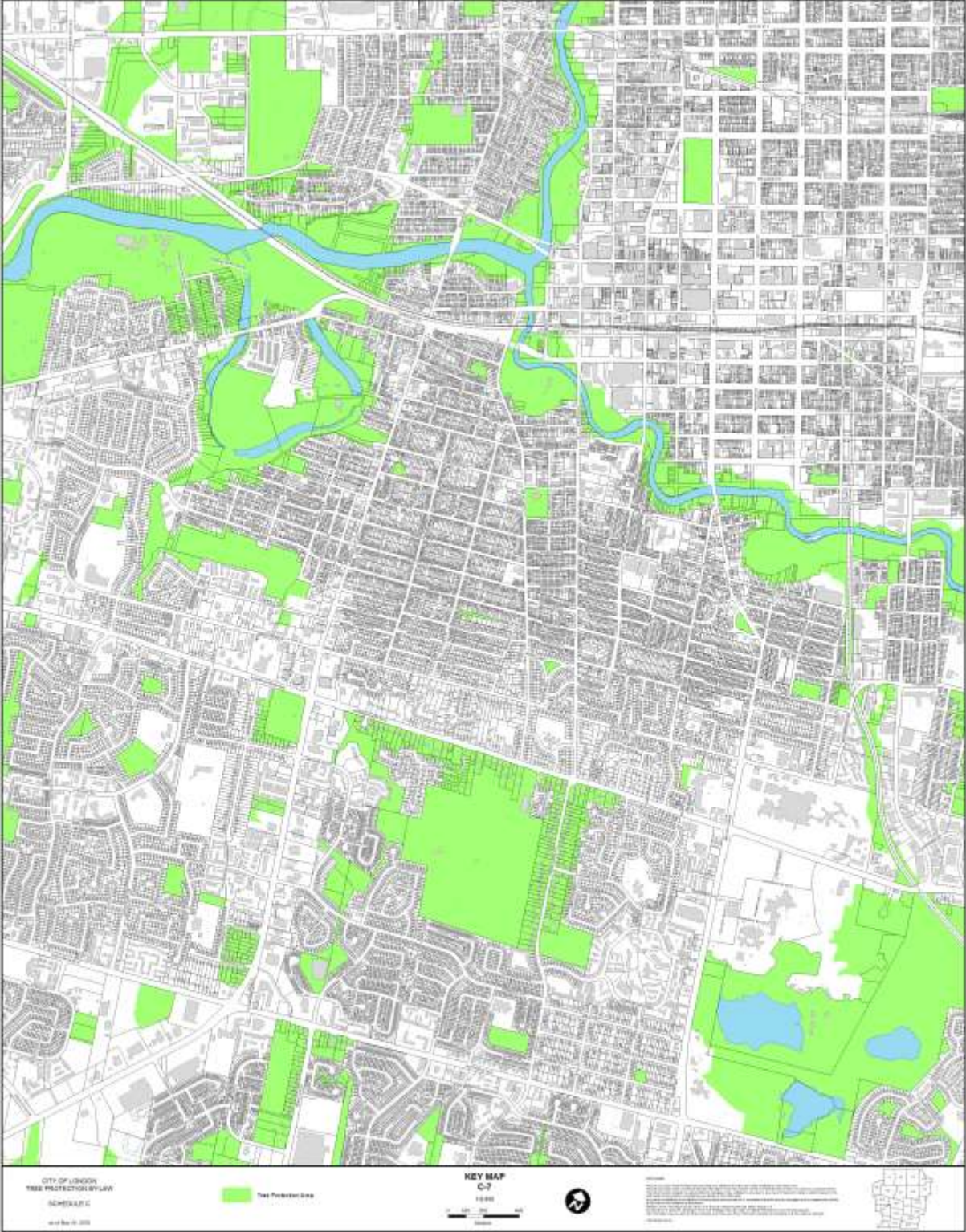


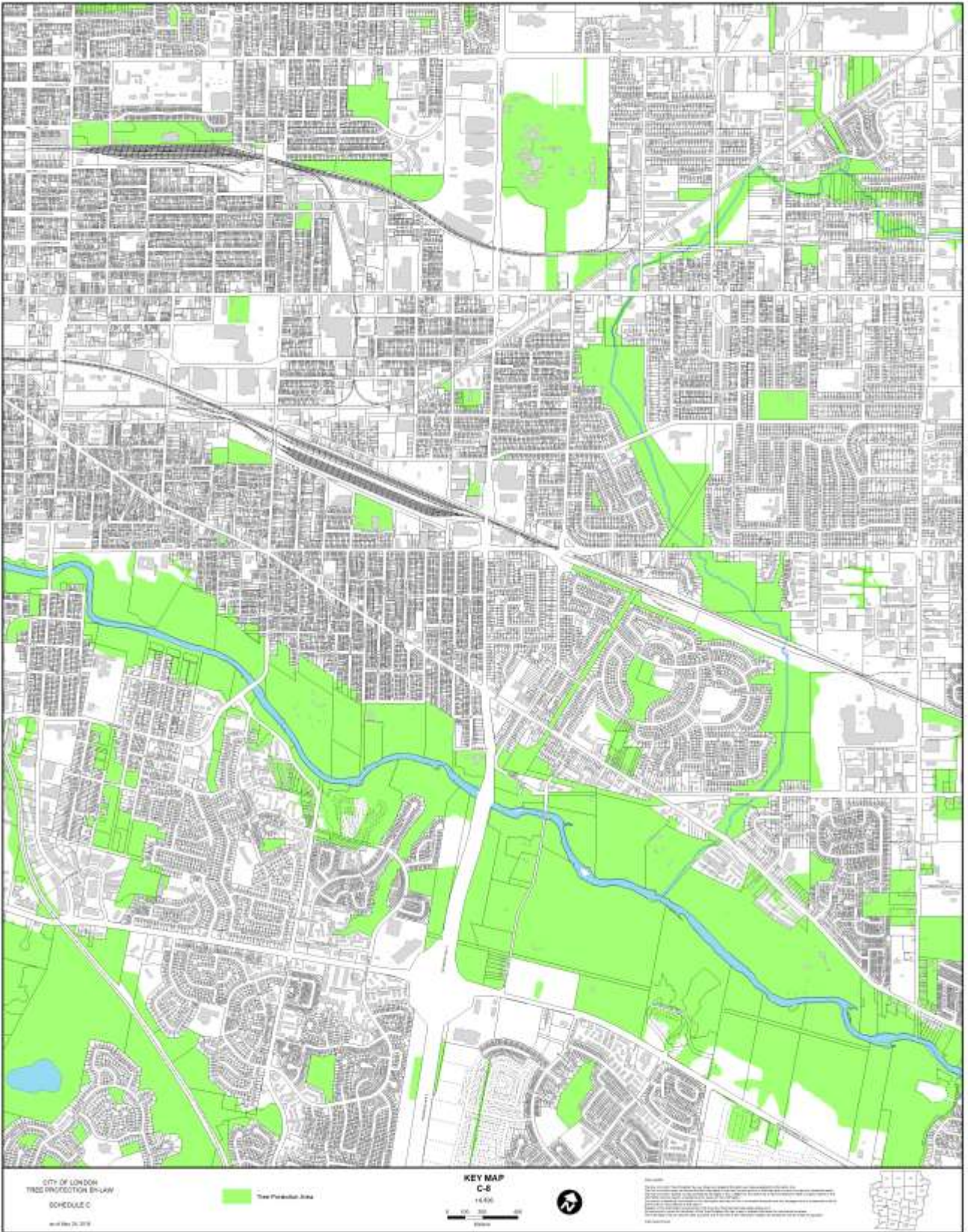


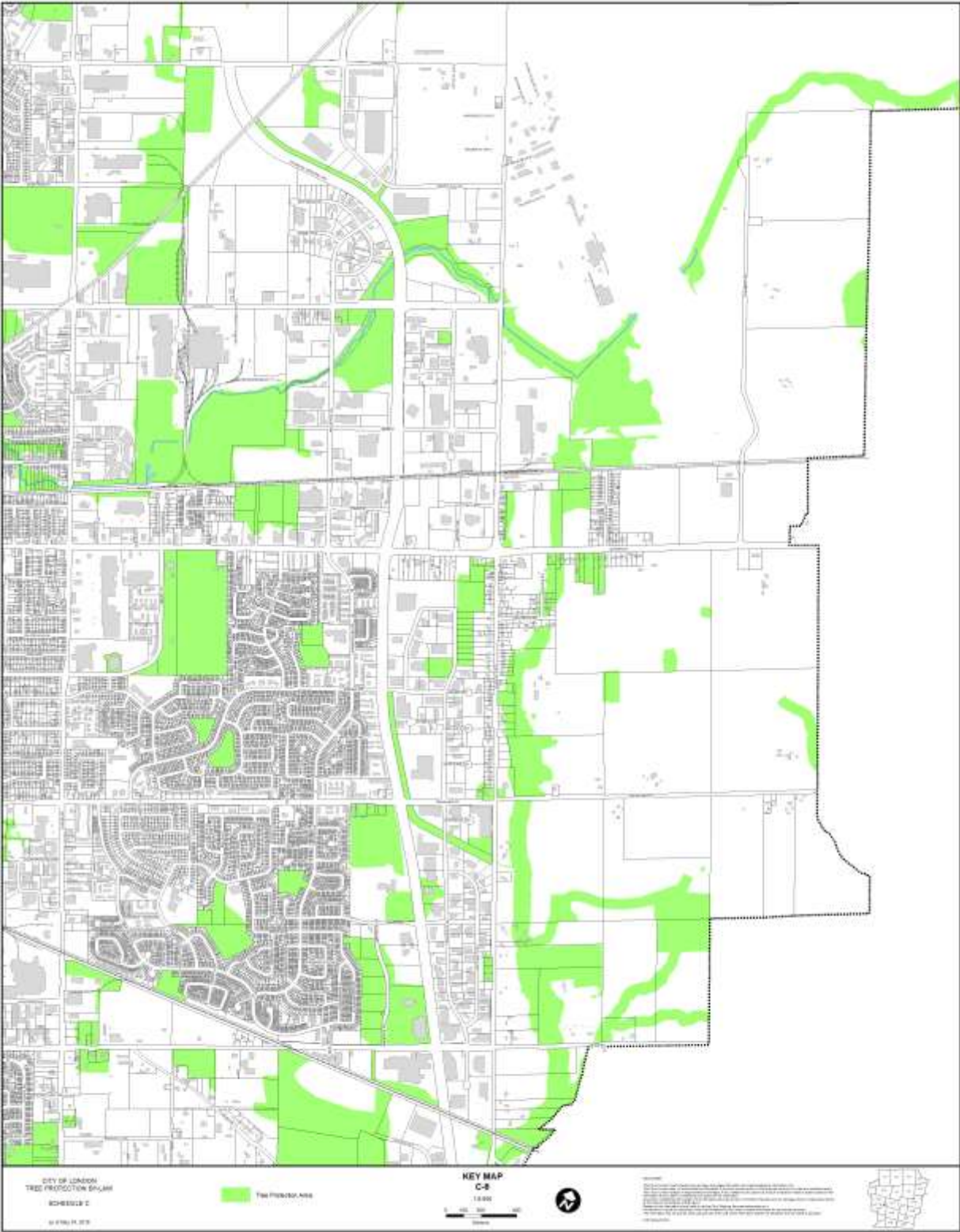


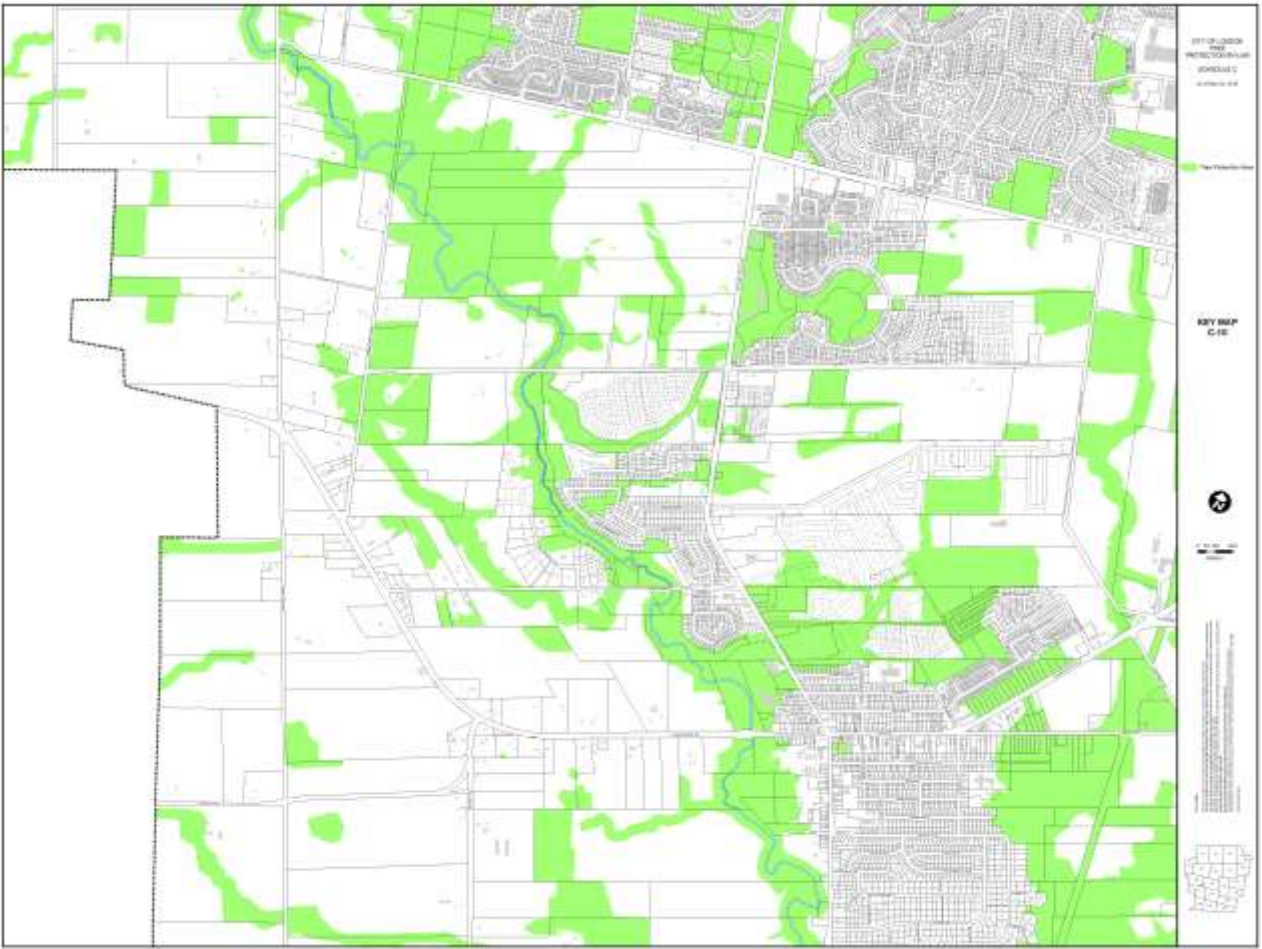


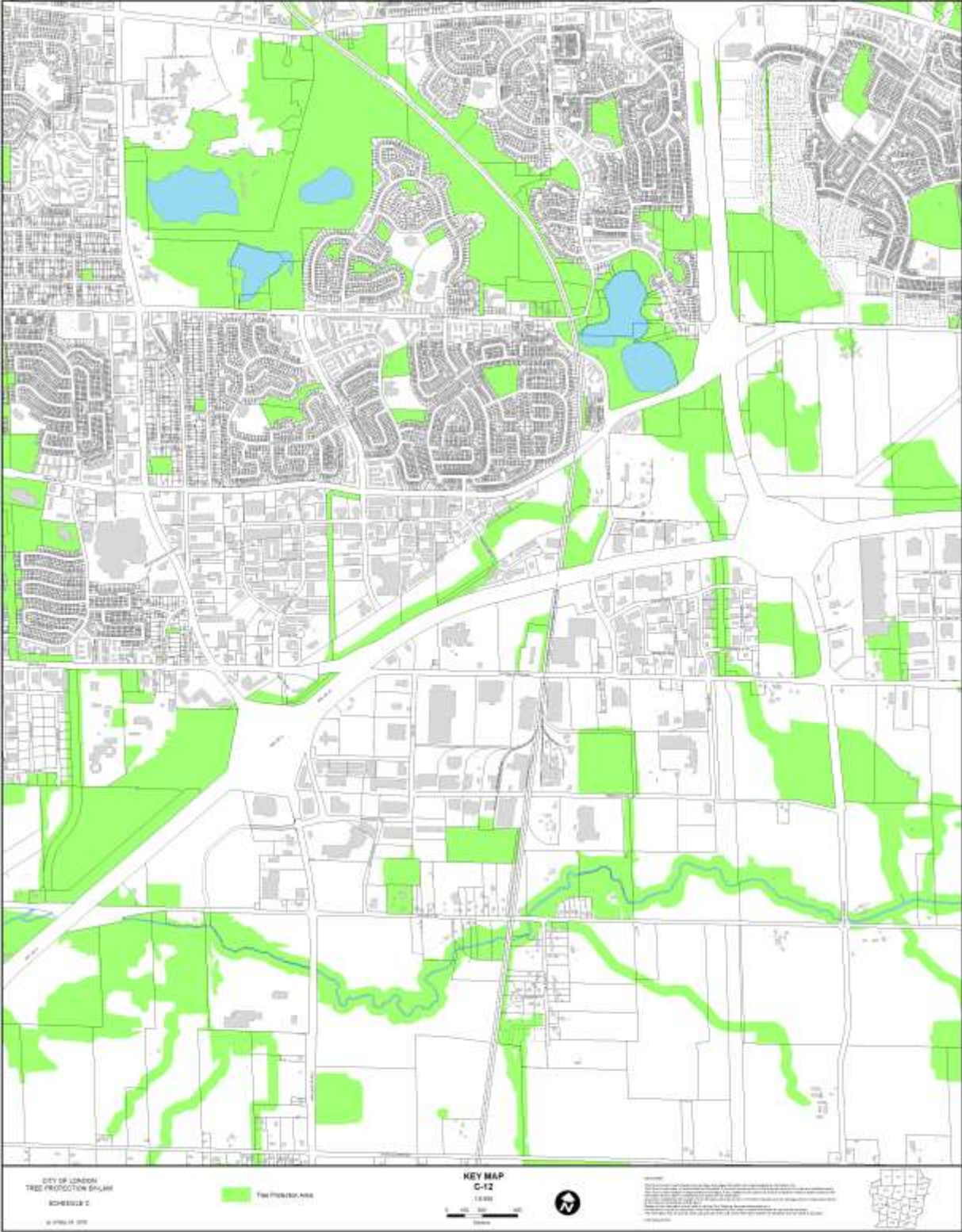


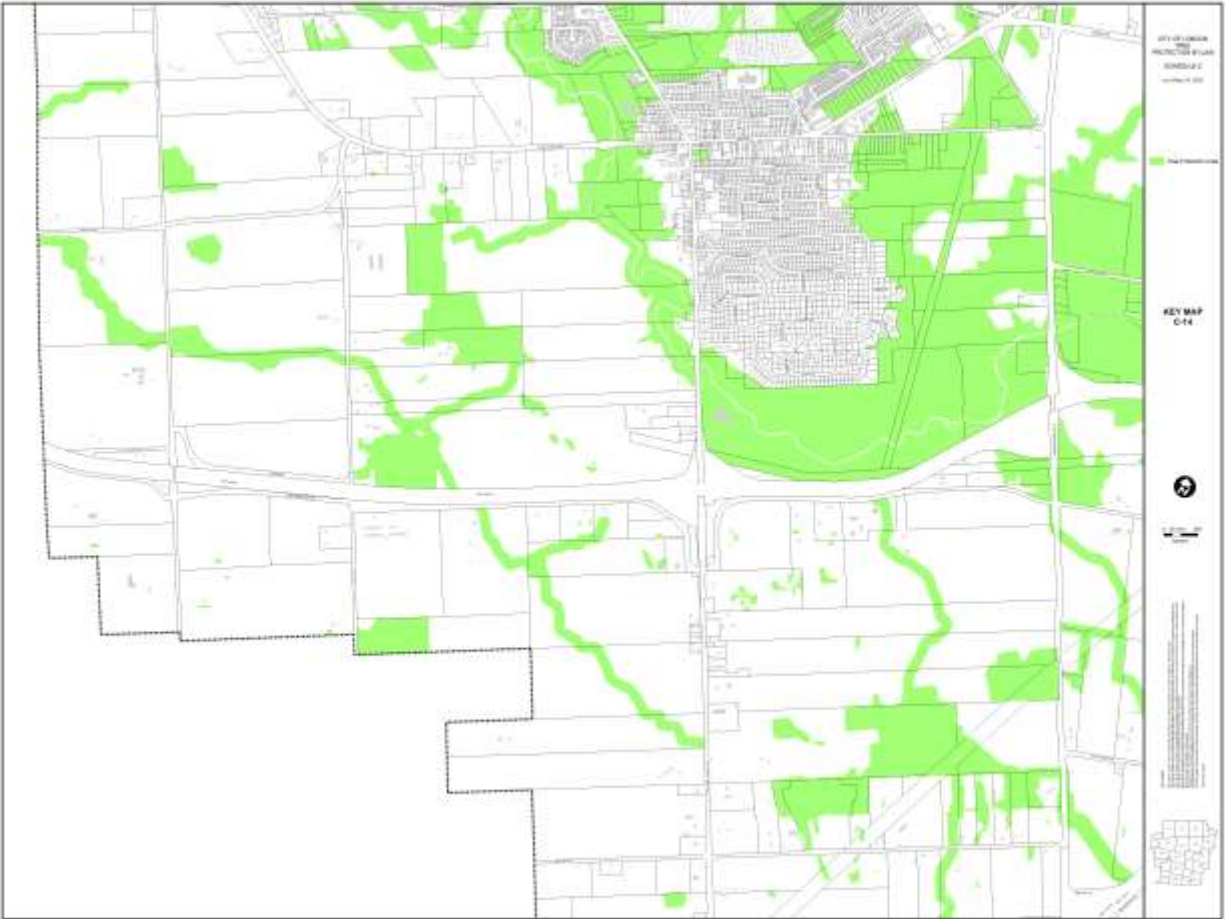




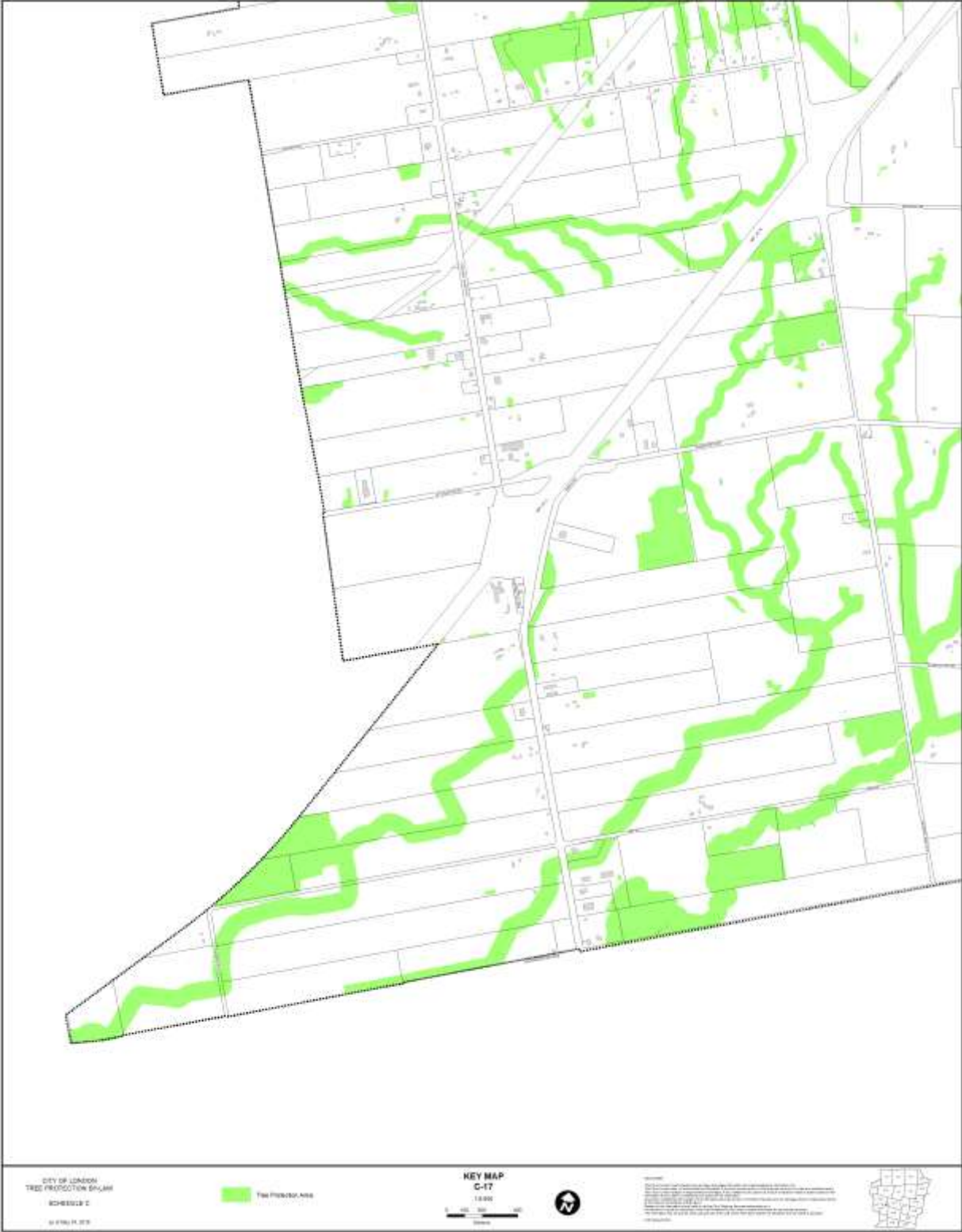


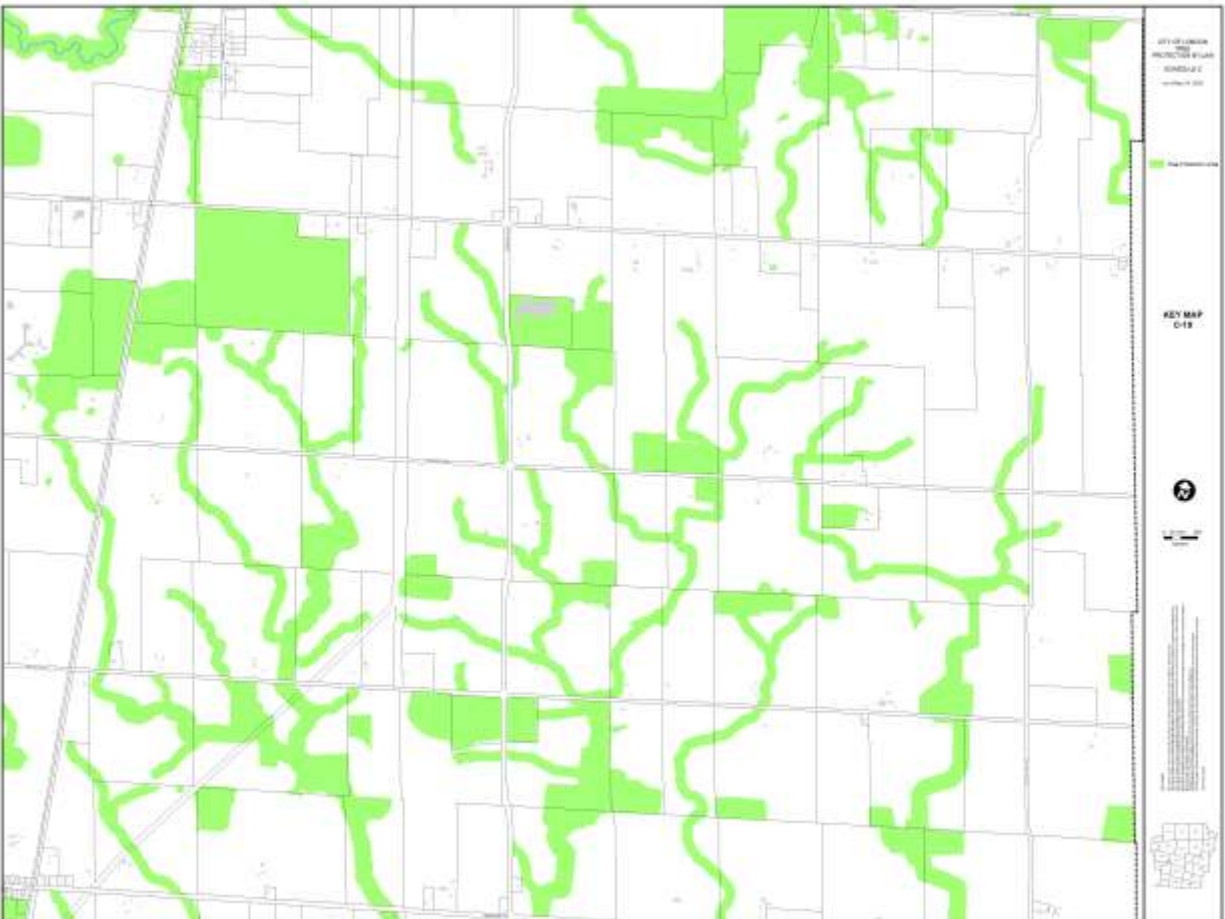














Appendix B – Public Engagement

Engagement Process Summary

Meetings were also held with London Development Institute and staff attended the London's Planner Lunch to discuss the By-Law.

Staff also reached out emailed 26 developers to provide the opportunity to have a one-on-one meeting to discuss their experience with the By-law and/or to submit their written comments.

Residents/Landowners

City Staff sent letters and emailed 341 residents/landowners to complete an on-line survey. We received 152 responses. Included in Appendix B are the results of the survey which also include input from tree care professionals and developers.

Tree Care Professional & Industry Consultants

On February 27, 2018 a meeting with tree care professionals and industry consultants was held. 29 companies were invited and 20 people attended representing 16 different companies. When the initial invite was sent out 4 tree care companies noted that they would not attend as they felt that the process was going very well with the By-law. The majority of permit applications that are submitted are done so by 3-4 of the larger tree care companies.

The following topics were discussed with participants in round table discussions:

1. From your experience when you went through the application process; what worked, what did not?
2. Is the language in the By-law easy to understand?
3. What do you think is a fair application fee? Distinctive Tree? Tree Protection Area?
4. What do you think would improve the By-law?
5. Other comments concerns?

Some main discussion themes included the following:

- Applicants need to be able to submit applications and payment on-line in addition to having other payment options at the front desk.
- The City needs to do a better job educating the public about the by-law as homeowners are not aware of the bylaw. Tree care companies are routinely their first point of contact.
- City should offer a workshop to help educate the tree care industry on the process as it is difficult to understand (what is required in an application) and currently takes too long.
- Fees are too high for Tree Protection Area (TPA) permits and the \$1,000 fee deters good forestry management. The Distinctive Tree fee is also too high as it is based on per tree removed.
- 7 day posting requirement creates an impacts on tree care companies scheduling of work.
- There are inconsistencies by staff in the issuing permits and when tree replanting is required.
- Raise the size threshold to 75cm DBH; threshold should be lowered to less than 50cm DBH
- Unintended consequence of the By-law that was noted by the tree care industry is the creation of "underground" companies that will perform work without appropriate permits, they are being penalized for following the law while others are not



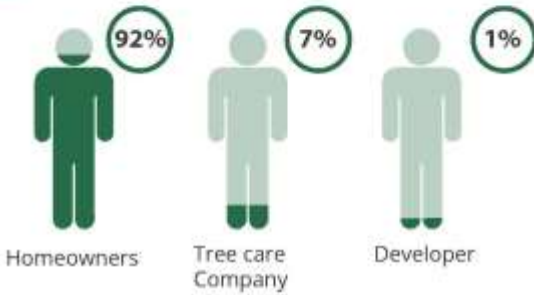
Tree Protection By-Law Survey Summary

Survey Overview

An online survey was distributed to the applicants who had gone through the Tree Protection By-Law application process

Survey Results: (152 respondents)

1 Who are the respondents?

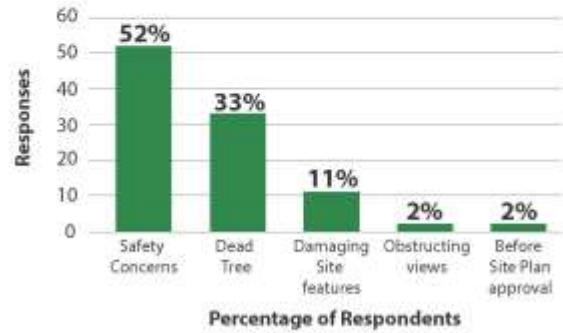


2 If you found the process difficult, which part of the Tree Removal Permit application was challenging?

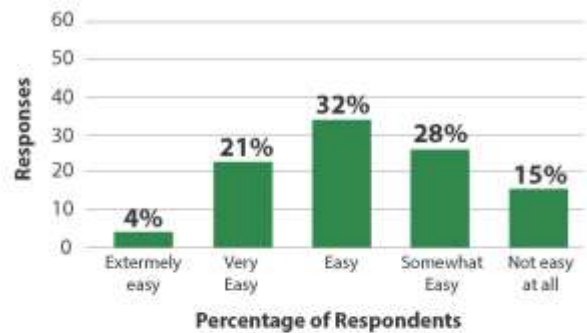


Survey Results: (Continued)

3 What prompted you to apply for a permit to remove a private tree?



4 How easy was it to find the information you were looking for to help you through the Tree Protection By-Law process?



5 Describe your level of satisfaction with the turnaround time (2-3 weeks)?





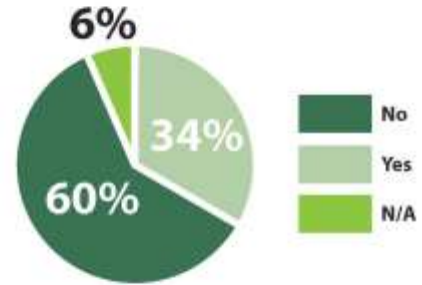
Tree Protection By-Law Survey Summary

Survey Results: *(continued)*

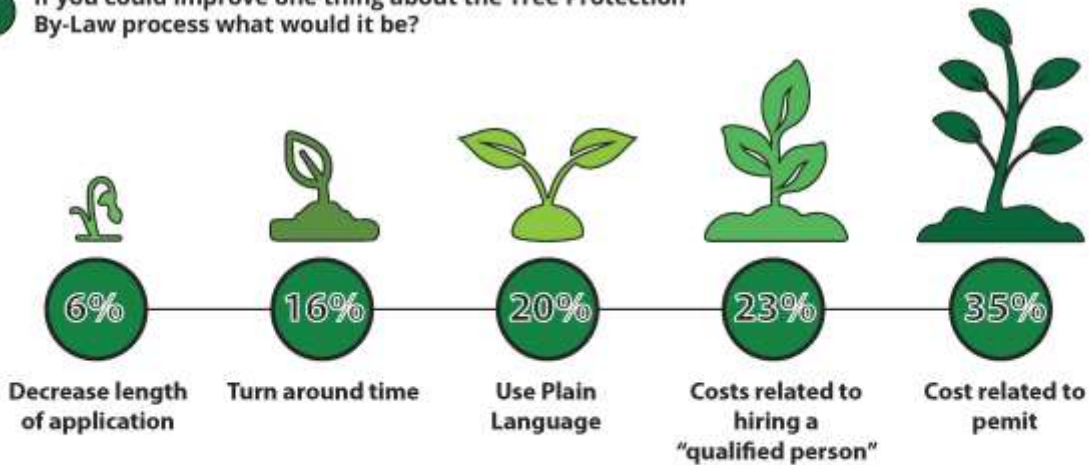
6 How did you learn/hear about the Tree protection By-Law:



7 Did you find the tree removal application process challenging?



8 If you could improve one thing about the Tree Protection By-Law process what would it be?

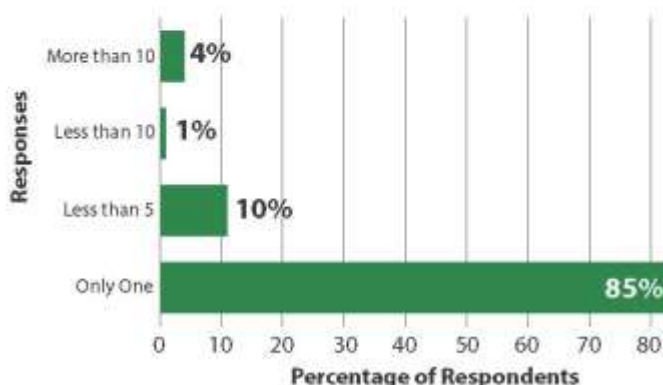




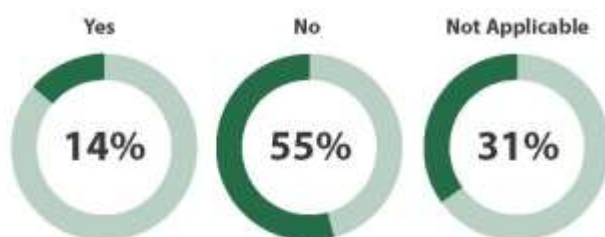
Tree Protection By-Law Survey Summary

Survey Results: *(continued)*

9 How many applications have you submitted?



10 Did the application fee discourage you from submitting your application?



11 If you've submitted more than 1 tree application, how has your experience been?



Summarized Notes from Engagement Meeting:

Positives:

- ▶ It's good that there is no fee for dead and/or dangerous trees
- ▶ Appreciate the value of this program. The City is losing too much of its forest cover and we must act to protect the little that remains.
- ▶ Very helpful, knowledgeable and friendly staff. Thank you guys!
- ▶ Several companies mentioned that they thought that the process was going well overall
- ▶ Found the whole process front to back very straight forward

Needs Work:

- ▶ Application is too long and complex - need online payment and fillable forms ASAP
- ▶ Create a template for an arborist report
- ▶ Process can be slow with too many return visits
- ▶ Criteria to approve a permit are clear enough - Language in 6.12(f) is unclear
- ▶ More education about the By-Law required for the public
- ▶ Develop fact sheets or newsletters outlining pertinent information
- ▶ Provide incentives
- ▶ Simplify the process for golf courses and cemeteries
- ▶ Simplify the language of the By-Law
- ▶ Don't really think it really required as you just add another level of bureaucracy to an already overburdened system at city hall.

Appendix C

REVISED URBAN FORESTRY WORK PROGRAM

PROJECTS TO IMPLEMENT

STATUS CHANGE

Nov 2017 June 2018

Implementation & Enforcement of Tree Protection By-law	On-going	On-going
Enforcement of Property Standards – tree hazards	On-going	On-going
Boulevard Tree Protection By-law Revisions*	Q2	Q4
Tree Protection By-law Update	Q2	Q3
Internal Service Review on Efficiencies and Process Improvement	Q3	Q4
Street Tree Inventory/ iTree Eco Analysis*	Q4 into 2019	

ADDED PROJECTS 2018

Design Guidelines Updates – Chapter 12	NEW
Oak Wilt Communication & Management Strategy	NEW

PROJECTS AS RESOURCES PERMIT

Report Writing & Analysis	On-going	
Plan reviews (subdivision, site)	Time Delay	
Invasive Species Reduction Programs		
• Buckthorn Management Program	On-going	Delayed
• Asian Long horned Beetle (ALB) Program (monitoring)	Delayed	Delayed
Woodland Management Capital Program	On-going	Delayed

PROJECTS WITH MODIFIED TIMEFRAME

Supporting Documents for By-laws & Strategies	
• UF Communications & Education Strategy	Defer
• Watering Strategy	Defer
• Tree Compensation Guidelines	Defer
• Downtown Capital Tree Planting Projects	Defer
Take on additional Property Standards role	Defer
Take on responsibility for the Boulevard Tree By-law	Defer

*Note: * indicates that the item is within the 2015-2019 Council Strategic Plan*

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Dundas Place Manager Purchase of Service Agreement

Meeting on: June 18, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Dundas Place Manager Purchase of Service Agreement:

- a) the proposed by-law attached hereto as Appendix “A” BE INTRODUCED at the Municipal Council meeting on June 26, 2018 to authorize a Purchase of Service Agreement between MainStreet London Revitalization Organization and The Corporation of the City of London for the provision of certain services related to the management of Dundas Place, and to authorize the Mayor and the City Clerk to execute the Agreement;
- b) the Agreement noted in a) BE APPROVED; and,
- c) the Mayor and City Clerk BE AUTHORIZED to execute the Agreement noted in a) above;

Executive Summary

Funding for a temporary Dundas Place Manager position was approved by Municipal Council in November 2017. As the Purchase of Service Agreement to facilitate the hiring of an individual for this position identifies funding over \$50,000, Municipal Council approval of the Purchase of Service Agreement is required.

Analysis

1.0 Previous Reports Pertinent to this Matter

- May 14, 2012: Civic Works Committee – Dundas Street Improvements Formulating an Implementation Plan
- August 25, 2014: Civic Works Committee – Dundas Flexible Street Scoping Study, Consulting Engineer Assignment Increase
- February 3, 2015: Civic Works Committee – Dundas Flexible Street Scoping Study
- February 26, 2015: Council – Dundas Flexible Street Project Source of Financing
- April 7, 2015: Planning and Environment Committee – Our Move Forward: London’s Downtown Plan
- June 2, 2015: Civic Works Committee – Appointment of Consulting Engineer for the Dundas Place Environmental Assessment
- January 28, 2016: Strategic Priorities and Policy Committee – Downtown Infrastructure Planning and Coordination
- October 4, 2016: Civic Works Committee – Infrastructure Canada Phase Once Investments Public Transit Infrastructure Fund
- December 12, 2016: Civic Works Committee – Dundas Place Environmental Study Report
- February 7, 2017: Civic Works Committee – Dundas Place Detailed Design & Tendering Appointment of Consulting Engineer

- November 20, 2017: Planning and Environment Committee – Dundas Place Management and Dundas Place Field House

2.0 Background

On November 28, 2017, Municipal Council resolved:

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to Dundas Place Management and Dundas Place Field House:

- a) the Dundas Place, Place Management Model appended to the staff report dated November 20, 2017 as Appendix “B” BE ADOPTED;
- b) the Dundas Place Governance Model and the Dundas Place Operational Model appended to the staff report dated November 20, 2017 as Appendix “C” BE ADOPTED;
- c) subject to the approval of the 2018 Budget Amendment through the 2018 Budget Update process, appended to the staff report dated November 20, 2017 as Appendix “A”, the Civic Administration BE DIRECTED to:
 - i) provide funding through MainStreet London for the hiring of one full-time employee as the Dundas Place Manager for up to a two-year temporary term commencing in 2018;
 - ii) provide operational funding to achieve increased standards of maintenance, security and activation on Dundas Place; and,
 - iii) establish one Dundas Place Field House;
- d) the Core Area Steering Committee BE DIRECTED to set the mandate, goals, objectives, and performance measures of the Dundas Place Management entity and that the MainStreet London Board BE REQUESTED to execute management oversight of this entity; and,
- e) the Civic Administration BE DIRECTED to report back at a future Planning and Environment Committee meeting to report on results of monitoring all aspects of Dundas Place Management by mid-2019 in order to inform the development of the 2020-2023 Multi Year Budget.

3.0 Discussion

This Purchase of Service Agreement attached as Appendix “A” to this report, provides for dedicated management of Dundas Place through a three-pronged “place management” approach, coordinating and integrating maintenance, security, and activation of the space. It is critical to have a dedicated individual in place prior to the completion of phase one of Dundas Place to ensure that the Dundas Place Manager has time to become familiar with the processes and procedures that will be essential for the first day of operations. It also provides the opportunity to build relationships with City staff, business owners, and others as coordination with these parties is a key aspect of this position.

The Purchase of Service Agreement has been reviewed by City of London Human Resources and Legal Services staff and their comments have been incorporated and addressed in the attached agreement. As the Core Area Steering Committee (CASC) is the Executive Approval entity for progress on the Dundas Place capital project, the agreement has been reviewed and endorsed by the members of the CASC. In addition, the MainStreet London Board reviewed and endorsed the Purchase of Service Agreement during their board meeting on May 17, 2018.

4.0 Financial Impact

Funding for the Dundas Place Manager was approved by Council in November 2017 through the Budget Amendment process to provide for the hiring of one temporary full-time employee. The approved Budget Amendment identified \$175,000 for the temporary contract of up to two-years. As this funding exceeds \$50,000, the Purchase of Service Agreement must be approved by Council.

5.0 Conclusion

In summary, the attached Purchase of Service Agreement to facilitate the hiring of an individual to manage Dundas Place through MainStreet London implements the approved Budget Amendment for Dundas Place Management.

Prepared by:	Kerri Killen, MCIP, RPP Senior Planner, Urban Regeneration
Submitted by:	Jim Yanchula, MCIP, RPP Manager, Downtown Projects & Business Relations
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner

June 4, 2018
KK/kk

Y:\Shared\policy\URBAN REGENERATION\Projects\Dundas Place Management\June 18 2018 PEC Report\2018-06-18 - PEC Report - PSA Dundas Place Manager.docx

Appendix A

Bill No.
2018

By-law No.

A by-law to authorize a Purchase of Service Agreement between MainStreet London Revitalization Organization and The Corporation of the City of London for the provision of certain services related to management of Dundas Place; and to authorize the Mayor and the City Clerk to execute the Agreement.

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS sections 9 and 10 and 23.1 through 23.5 of the *Municipal Act, 2001* authorize a municipality to delegate its powers and duties under this or any other Act to a person or body;

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

1. The Purchase of Service Agreement for Dundas Place Management attached as Schedule "A" to this by-law between MainStreet London Revitalization Organization and The Corporation of the City of London to provide certain management services of Dundas Place, is hereby authorized and approved.
2. The Mayor and the City Clerk are authorized to execute the Agreement approved under section 1 above.
3. The Managing Director, Parks and Recreation, or their written designate, is hereby delegated the authority to act as the City Representative pursuant to the terms of the Agreement authorized in section 1 above.
4. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on June 26, 2018.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – June 26, 2018
Second Reading – June 26, 2018
Third Reading – June 26, 2018

SCHEDULE "A"

PURCHASE OF SERVICE AGREEMENT FOR DUNDAS PLACE MANAGEMENT

THIS AGREEMENT with effect as of the [day] day of [month], 2018,

BETWEEN MainStreet London Revitalization Organization
a corporation without share capital incorporated under the laws
of the Province of Ontario
("MainStreet")

AND

The Corporation of the City of London
a municipality incorporated under the laws
of the Province of Ontario
("the City")

WHEREAS Dundas Place will be a well-maintained, active, and secure downtown destination and public space;

WHEREAS the Municipal Council approved the source of financing for the Dundas Flexible Street ("Dundas Place") project on Feb 26, 2015;

AND WHEREAS the Municipal Council adopted *Our Move Forward: London's Downtown Plan* on April 14, 2015;

AND WHEREAS the Municipal Council adopted the *Dundas Place Governance Model* on November 28, 2017;

AND WHEREAS the Municipal Council has requested that MainStreet provide management services for the operation of Dundas Place;

AND WHEREAS the City and MainStreet have agreed that MainStreet will provide the management services set out in Schedule "1" to this Agreement;

NOW THEREFORE IN CONSIDERATION OF the mutual covenants contained herein, the parties agree as follows:

1. Supply of Services

- 1.1 MainStreet will provide the services listed in Schedule "1" (the "Services") under the general direction of the City's Managing Director, Parks and Recreation or written designate (the "Managing Director").
- 1.2 When requested by the Managing Director, MainStreet will prepare a schedule showing the Services to be provided in a particular month or time period. The schedule may be revised by the Managing Director, in collaboration with MainStreet.

2. Fees

- 2.1 The City shall, when invoiced, pay fees to MainStreet in accordance with Schedule "2", provided that such fees cannot exceed the budget limits contained in Schedule "2" without the express written approval of the Managing Director.
- 2.2 The City may reimburse MainStreet for the out of pocket expenses that MainStreet incurs in carrying out its responsibilities under this agreement including, but not limited to, vehicle use charges, travel expenses, internet access charges, printing and reproduction costs, and special delivery charges.
- 2.3 MainStreet will keep records showing the time worked by individual staff members in each month, along with receipts, vouchers and other records to the satisfaction of the Managing Director.

3. Term

3.1 This Agreement shall take effect on [insert date] and continue for 18 months.

4. The Relationship

4.1 MainStreet represents that it will at all times function as an independent contractor, in compliance with its obligations under this Agreement, and is solely responsible for all statutory obligations related to the payment of wages, EI, CPP, WSIB, taxes and the like to its employees and contractors.

4.2 The Parties represent and agree that this Agreement does not operate to create a partnership, joint venture, employment arrangement, master servant relationship or any other relationship between the City and MainStreet or between the City and any employees, agent or contractor of MainStreet.

5. Termination

5.1 The City may at any time, by 30 days' written notice to MainStreet, suspend or terminate the Services or any portion thereof.

6. Indemnification

6.1 MainStreet shall indemnify and save harmless the City from and against all claims, actions, losses, expenses, costs or damages of every nature and kind whatsoever which the City, its employees, officers, or agents may suffer as a result of the failure of MainStreet, its employees, officers, or agents to exercise reasonable care, skill or diligence in the performance of any work or Services.

6.2 MainStreet, further covenants and agrees to save harmless and indemnify the City from and against any and all claims, assessments, charges, taxes, or other penalties or demands which may be made by the Canada Revenue Agency, the Minister of National Revenue or other official of the Government of Canada.

7. Liability Insurance

7.1 MainStreet shall, at its own expense, obtain and maintain until the termination of this Agreement, and provide the City with satisfactory evidence of:

- (a) commercial general liability insurance;
- (b) automobile liability insurance; and,
- (c) errors and omissions liability insurance such policy to provide coverage for an amount not less than Two Million (\$2,000,000.) dollars **and shall continue for no less than twelve (12) months following completion of work.**

7.2 MainStreet shall ensure that the policies shown in (a), (b) and (c) above will not be cancelled or permitted to lapse unless the City is notified in writing at least thirty (30) days prior to the effective date of cancellation or expiry.

7.3 MainStreet shall submit to the City evidence of insurance prior to the effective date of this Agreement and at each policy renewal date for the duration of the Agreement.

7.4 Failure to procure and maintain any insurance under this Agreement shall constitute a default under this Agreement.

8. Assignment

8.1 Neither Party may assign this Agreement without the prior consent in writing of the other.

9. Previous Agreements

- 9.1 This Agreement supersedes all previous agreements, arrangements or understandings between the Parties whether written or oral in connection with or incidental to this Agreement.

10. Publication, Confidentiality, Employees and Agents

- 10.1 MainStreet agrees to obtain the consent in writing of the City before publishing or issuing any information regarding the Services. MainStreet shall treat all confidential and proprietary information communicated to or acquired by it, or disclosed by the City in the course of carrying out the Services provided for herein in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. No such information shall be used by the Service Provider on any other project without the prior written approval of the City.
- 10.2 MainStreet shall provide a draft copy of any report to the Managing Director for approval and shall not distribute the report to any other person without first obtaining the prior written approval of the Managing Director.
- 10.3 MainStreet shall require each of its employees and agents, who work under this Agreement or who have access to confidential information of the City, to comply with the requirements of this Agreement with respect to confidentiality.
- 10.4 MainStreet shall require each of its employees and agents who work under this Agreement to follow City's work rules and policies while on City premises.

11. Accessibility for Ontarians with Disabilities Act (AODA) Training

- 11.1 MainStreet shall ensure that it and all of its volunteers, employees or agents, if they deal with members of the public under this Agreement, receive training about the provision of services to persons with disabilities in compliance with the *Accessibility for Ontarians with Disabilities Act, 2005* and its Regulations.

12. Code of Conduct and Health and Safety

- 12.1 MainStreet represents that it has reviewed and will at all times comply with the City's Code of Conduct and Health and Safety policies, as may be amended from time to time. These documents are available at www.london.ca/business/tenders-rfps/bidding-opportunities/Pages/Documents.aspx

13. Intellectual Property

- 13.1 If MainStreet develops a work or a product under this Agreement, MainStreet, hereby assigns to the City, and confirms that MainStreet, has assigned all, and not less than all, of its right, title and interest throughout the world, including reversionary interests and rights of renewal and other rights, in and to the copyright and all other rights in the work and in the product including the right to create derivative works which modify or alter the work and the product in any manner whatsoever.
- 13.2 Where MainStreet develops a work or a product under this Agreement, MainStreet hereby waives the whole of its moral rights in the work and in the product.

14. Time

14.1 MainStreet shall perform the Services expeditiously to meet the requirements of the City and shall complete any portion or portions of the Services in such order as the City may require.

15. Waiver

15.1 The failure of either Party at any time to require performance by the other Party of any provision shall in no way affect the full right to require such performance at any time thereafter, nor shall waiver by either party of any breach of the provisions be taken or held to be a waiver of any succeeding breach of such provisions or as a waiver of the provision itself.

16. Notice

16.1 Any notice, report, direction, request or other documentation required or permitted to be given to either party hereto shall be in writing and shall be given by personal service or by mailing by registered mail, with postage thereon fully prepaid, in a sealed envelope, to be addressed as follows:

If for MainStreet:		If for the City:	
To:	MainStreet London	To:	The Corporation of the City of London
Address:	123 King Street London ON N6A 1C3	Address:	Citi Plaza 355 Wellington Street, Suite 248 London ON N6A 3N7
Attention:	CEO and General Manager, Downtown London	Attention:	Managing Director, Parks and Recreation

Either party may by notice in writing advise of a new address for notice, which shall then be used by the party to whom it is addressed.

Any notice, report, direction, request or other document delivered personally in accordance herewith shall be deemed to have been received when given to the addressee on the day of delivery. Any notice, report, direction, request or other document mailed as aforesaid shall be deemed to have been received by and given to the addressee on the second (2nd) business day following the date of mailing, provided that for such purposes no day during which there shall be a strike or other occurrence which shall interfere with normal mail service shall be considered a business day.

17. Conflict of Interest

17.1 MainStreet shall disclose in writing to the Managing Director any outside interest and commitments that may generate a conflict of interest before commencing work under this Agreement and thereafter upon any such outside interest or commitment coming to MainStreet's attention. "Conflict of Interest" means a situation in which the interests of the MainStreet or MainStreet's staff or any outside interest or commitment of MainStreet comes into conflict, or appears to come into conflict, with the interests of the City. The Managing Director shall review the conflict promptly after disclosure by MainStreet and shall give MainStreet notice of his or her determination in writing as to whether any outside interest or commitment raises a potential conflict of interest with respect to the Services, and the decision of the Managing Director shall be final. Disclosures of conflicts by MainStreet to the Managing Director shall be kept confidential except to the extent necessary to review, consider and resolve any conflict and as permitted by the *Municipal Freedom of Information and Protection of Privacy Act*. A conflict of interest may be resolved by MainStreet ceasing to carry out a portion of the Service upon the written direction of the Managing Director or by the termination of the Agreement.

IN WITNESS WHEREOF, the parties hereto have entered into the Agreement as of the date first signed or the first day of the Term, whichever is sooner.

THE CORPORATION OF THE CITY OF LONDON

By: _____
Matt Brown, Mayor

By: _____
Catharine Saunders, City Clerk

MAINSTREET LONDON

By: _____
I/We have the authority to bind this Corporation

By: _____
I/We have the authority to bind this Corporation

SCHEDULE 1 DUNDAS PLACE MANAGEMENT SERVICES OUTLINE

MainStreet will ensure that Dundas Place, which includes Dundas Street from Wellington Street to the Thames River and Market Lane Park, is active, maintained and secure through the coordination of City of London staff, Downtown London, property and business owners, and input from downtown stakeholders.

MainStreet will provide the following primary services with respect to Dundas Place:

1. Schedule and Coordinate Activities

Maintain a schedule to coordinate activities and work with all parties to resolve conflicts. Events may include, but are not limited to: festivals, special events, sidewalk sales, road closures, bollard removal/relocation, infrastructure repairs, garbage collection, street sweeping, power washing, maintenance activities, and garbage collection.

2. Conduct Daily Inspections and Report Incidents

Conduct no less than one visual inspection each working day and record the physical condition of Dundas Place. Notify appropriate City staff of any issues identified.

3. Investigate Revenue-Generating and Sponsorship Opportunities

Investigate and lead the development of revenue-generating opportunities and sponsorships to help fund the maintenance of Dundas Place and the field house operations.

4. Review Policies and Procedures

Working closely with City staff, review policies and procedures and provide recommendations to changes specific Dundas Place to ensure efficient and effective operations.

5. Recruit Events

Encourage the use of Dundas Place for appropriate events and recruit third-party organizations to host events on Dundas Place. Guide third-party organizations through the policies and procedures to help facilitate successful events.

6. Report Out

Attend meetings as a member of relevant committees or groups, such as but not limited to the Core Area Coordinating Team and the Special Events Coordinating Committee, and report out to these committees on planned activities for Dundas Place.

7. Liaise with Downtown Property and Business Owners

Work closely with the Downtown Business Improvement Association and downtown property and business owners to keep them informed of events and street closures, to help work through any issues that may arise, and to identify opportunities for businesses and events to coordinate activities.

8. Coordinate the use of the Dundas Place “Field House”

Coordinate the use of the Dundas Place “field house” with City staff and event organizers.

9. Monitor Performance Measures

Monitor the established performance measures for monitoring the success of Dundas Place. The Dundas Place Manager will be responsible for collecting the data necessary to monitor the established performance measures.

DUNDAS PLACE PERFORMANCE MEASURES

Mandate

To make Dundas Street the most exciting street in London by managing and coordinating the activation, security and maintenance of Dundas Place.

Goals	Objectives	Performance Measures	Who / How	
Activation	Active and frequently programmed	To create an active space throughout the year	<ul style="list-style-type: none"> • Number of planned events and festivals held per year* 	DPM / calendar
		To draw people to the downtown	<ul style="list-style-type: none"> • Number of programmed days per year 	DPM / calendar
			<ul style="list-style-type: none"> • Average number of pedestrians, cyclist, and vehicles per day on weekdays and weekends during events and non-events 	Pedestrian-, cyclist- and vehicle-counting technology
	To create a flexible and adaptable space for a variety of events	<ul style="list-style-type: none"> • Number of unique visitors to the downtown per month* 	Downtown London / Wi-Fi enabled device data collection	
		<ul style="list-style-type: none"> • Number of days per year that the street is closed to vehicle traffic 	Transportation / road closure permits	
		<ul style="list-style-type: none"> • Number of days per year on-street parking is available 	DPM & Transportation ¹ / bollard relocation schedule	
		<ul style="list-style-type: none"> • Number of days per year there is sidewalk activation 	DPM / daily walk-through	
		<ul style="list-style-type: none"> • Number of seasonal sidewalk patios per year* 	Realty / patio permits	
		<ul style="list-style-type: none"> • Type of event/activation, categorized (such as "food", "music", "holiday", etc.) and tracked yearly 	DPM / calendar	
		To create activity that benefits Dundas Street businesses and property owners	<ul style="list-style-type: none"> • Street-level storefront vacancy rate per year* 	Planning / visual survey
<ul style="list-style-type: none"> • Number of new targeted² businesses per year 	Downtown London / business record			
Maintenance	Maintained to the prescribed standards	To maintain a space that is clean	<ul style="list-style-type: none"> • User perception of cleanliness³ 	Planning & Downtown London / user survey
		To maintain an attractive streetscape	<ul style="list-style-type: none"> • Number of business frontages upgraded per year* 	Downtown London / visual survey & incentives
	<ul style="list-style-type: none"> • User perception of maintenance³ 		Planning & Downtown London / user survey	
Security	Safe and positively perceived	To create a space that people feel safe in	<ul style="list-style-type: none"> • Number of responses to incidents by London Police Service (LPS) to Dundas Place per month 	LPS / LPS data
		<ul style="list-style-type: none"> • User perception of safety³ 	Planning & Downtown London / user survey	

DPM - Dundas Place Manager

* Performance measure identified in the Business Case

¹ Subject to change after the process for bollard relocation is established

² Targeted business as defined by the *Downtown Community Improvement Plan*

³ Measured in the summer months during the pilot, expanding to winter months thereafter

**SCHEDULE 2
SERVICE PROVIDER'S FEES**

MainStreet shall submit to the City monthly an invoice for services completed in the immediately preceding month. This invoice shall outline the time spent performing services in each month, the services performed under this Agreement, and the out of pocket expenses incurred, for which billings have been submitted.

Upon the request of the Managing Director, MainStreet shall furnish such documentation to the satisfaction of the Managing Director to verify the time spent performing services, the services performed, and the out of pocket expenses incurred.

The amount invoiced in any month shall not exceed \$12,000, without the written approval of the Managing Director.

The upset limit for services rendered during the term of this agreement is \$175,000.



**303 Richmond St., Suite 201
London, ON N6B 2H8**

June 7, 2018

By email: csaunder@london.ca

Mayor and Members of Council
City of London
300 Dufferin Avenue
PO Box 5035
London, ON N6A 4L9

Attention: C. Saunders, City Clerk

Dear Mayor and City Councillors:

Re: Subdivision Application Procedure

3080 Bostwick Road; 3700 Colonel Talbot Road and 3645 Bostwick Road

In early May this year we submitted two applications for plan of subdivision relating to the above-referenced properties; both of which are located in the City's Southwest Planning Area. These applications fall within the guidance of the Southwest Area Plan (SWAP), a Secondary Plan approved in April 2014 to provide direction for growth within this Planning Area. Both applications are entirely within the Urban Growth Boundary and both applications require some amendment to the SWAP.

We have recently been informed by City staff that they cannot accept applications that require amendment to the SWAP without Council approval within two years of the date of which portions of the City's new Official Plan came into effect (January 27, 2017). This was unanticipated and although the SWAP has been in place for four years, we were advised that Council permission will be required to process any application to amend the new Official Plan or any Secondary Plan before January 27, 2019. We have legal advice that disagrees with the staff position in that the interpretation of the moratorium should not extend to any amendments to secondary plans in force before January 2017.

Despite the difference in legal opinion, our primary objective is not to endure further delays and so we respectfully are requesting Council at its next meeting provide direction to accept the applications for circulation and review.

As such, attached is a sample recommendation to express our understanding of how straight forward this process is.

Please note that Council's approval of this request is not an approval of the applications, it simply allows the applications to proceed through the normal channels of review. These applications would in due course return to both the Planning and Environment Committee and Council for full consideration of the merits of the application.

Our team is available to assist in any way on immediate notice. I may be contacted at 519- 433-7587.

Yours Truly,



Ali Soufan
President, York Developments

/attach.

Cc: J. Fleming, G. Kotsifas

That the Managing Director Development Services and Compliance and Chief Building Official **BE AUTHORIZED** to accept applications by York Developments at 3080 Bostwick Rd and 3700 Colonel Talbot Road/3645 Bostwick Road.

It **BEING NOTED** these applications may require amendments to the Southwest Area Plan and that these applications are to be processed through the normal channels and in due course will return to Planning and Environment Committee and Council for consideration.

London Advisory Committee on Heritage

Report

The 7th Meeting of the London Advisory Committee on Heritage
June 13, 2018
Committee Rooms #1 and #2

Attendance PRESENT: D. Dudek (Chair), S. Adamsson, J. Cushing, H. Elmslie, S. Gibson, T. Jenkins, J. Manness, B. Vazquez and M. Whalley and J. Bunn (Secretary)

ABSENT: D. Brock, H. Garrett and K. Waud

ALSO PRESENT: R. Armistead, J. Dent, L. Dent, K. Gonyou

The meeting was called to order at 5:30 PM.

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 Demolition Request for Heritage Listed Property at 2154 Richmond Street by Drewlo Holdings Ltd.

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the request for demolition of the heritage listed property located at 2154 Richmond Street:

a) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of this property;

b) 2154 Richmond Street BE REMOVED from the Register (Inventory of Heritage Resources);

c) the property owner BE REQUESTED to commemorate the historic contributions of the McCormick-Brickenden-Greenway family in the future development of this property; and,

d) the property owner BE REQUESTED to salvage any materials that have architectural value during the demolition process;

it being noted that the attached presentation from K. Gonyou, Heritage Planner, as well as the verbal delegation from P. Hinde, Tridon Group, with respect to this matter, were received.

2.2 Heritage Coffee Sleeves Project

That it BE NOTED that the presentation appended to the agenda, from G. Rodman, London Heritage Council, with respect to the Heritage Coffee Sleeves Project, was received; it being noted that the London Advisory Committee on Heritage suggested that the London Heritage Council seek financial assistance for the project through the Culture Office at the City of London.

2.3 Hellmuth Boys College Interpretive Sign

That it BE NOTED that the attached presentation from M. Tovey with respect to the Hellmuth Boys College Interpretive Sign, was received.

2.4 Heritage Places 2.0 – Status Update

That it BE NOTED that the attached presentation and hand outs from A. Barnes, Letourneau Heritage Consulting, with respect to a status update on the Heritage Places 2.0 project, were received.

3. Consent

3.1 6th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 6th Report of the London Advisory Committee on Heritage, from its meeting held on May 9, 2018, was received.

3.2 Notice of Planning Application - Zoning By-law Amendment - 147-149 Wellington Street and 253-257 Grey Street

That M. Corby, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage does not support the conclusions of the Heritage Impact Statement, dated April 2018, with respect to the property located at 147 Wellington Street, for the following reasons:

- the lack of compatibility and sympathy with the adjacent heritage listed and designated properties with respect to setback, material and design, particularly as it relates to the property located at 143 Wellington Street;
- it does not encourage active commercial uses at grade in order to continue to support the historically commercial streetscape; and,
- it does not properly consider the potential cultural heritage value of the on-site building at 147-149 Wellington Street.

3.3 Notice of Planning Application - Zoning By-Law Amendment - 391 South Street

That it BE NOTED that the Notice of Planning Application, dated April 18, 2018, from S. Wise, Planner II, with respect to the property located at 391 South Street, was received.

3.4 City of London Long Term Water Storage - Municipal Class Environmental Assessment - Notice of Project Commencement and Public Information Centre # 1

That P. Lupton, Environmental Service Engineer, City of London and N. Martin, AECOM Canada, BE ADVISED that the London Advisory Committee on Heritage requests the assurance that Cultural Heritage Resources are considered as part of the Environmental Assessment process as it relates to the City of London Long Term Water Storage Municipal Class Environmental Assessment, which should include Stage 1 Archaeological Assessment and a Cultural Heritage Screening Report.

3.5 Notice of Public Meeting - Paramount Development (London) Inc. - 809 Dundas Street

That it BE NOTED that the Notice of Public Meeting dated May 30, 2018, from S. Wise, Planner II, with respect to the property located at 809 Dundas Street, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Cultural Heritage Evaluation Report - The Queen's Bridge (1-BR-05) Queens Avenue over Thames River

That it BE NOTED that the London Advisory Committee on Heritage supports the findings of the Cultural Heritage Evaluation Report, dated March 2018, submitted by AECOM, with respect to The Queens Bridge (1-BR-05), Queens Avenue over the Thames River.

5.2 Heritage Planners' Report

That it BE NOTED that the attached submission from K. Gonyou and L. Dent, Heritage Planners, with respect to various updates and events, was received.

6. Deferred Matters/Additional Business

None.

7. Adjournment

The meeting adjourned at 7:52 PM.



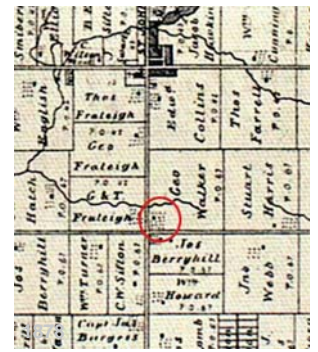
Demolition Request Heritage Listed Property 2154 Richmond Street

London Advisory Committee on Heritage
June 13, 2018

london.ca



2154 Richmond Street



2154 Richmond Street



- Priority 2
- Built prior to 1878, heavily altered
- Two and a half storey house
- Barns burnt February 2018



- “Spring Meadow”
- “Dorindale”



2154 Richmond Street



London Township LACAC files, Middlesex Centre Archives. (1990).



2154 Richmond Street



2154 Richmond Street



Archaeologix (2002)



Archaeologix (2002)



2154 Richmond Street



McCormick-Brickenden

Catherine "Kizzie" (McCormick) & Arthur Brickenden



Dorinda "Dinnie" (Brickenden) (Hall-Holland) (Fuller) Greenway



Physical or Design Value

Is a rare, unique, representative or early example of a style, type, expression, material, or construction method	House has been substantially altered; rare, unique, representative or early example of a style, type, expression, material, or construction method Integrity of barns destroyed by fire; no longer retains physical features to represent cultural heritage value or interest
Displays a high degree of craftsmanship or artistic merit	Not considered to demonstrate a high degree of craftsmanship or artistic merit. Little detailing or ornamentation of the house or barns to demonstrate a high degree of craftsmanship or artistic merit.
Demonstrates a high degree of technical or scientific achievement	Not considered to demonstrate a high degree of technical or scientific achievement.



Historical or Associative Value

Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	While the McCormick-Brickenden-Greenway family may be influential in London, this is better represented by the exemplary properties where their contributions have been demonstrated.
Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	Not believed to yield, or have the potential to yield, information that contributes to an understanding of a community or culture.
Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	Not known to demonstrate or reflect the work of an architect, artist, builder, designer, or theorist who is significant to a community.



Contextual Value

Is important in defining, maintaining, or supporting the character of an area	Not considered to define, maintain, or support the varied character of the area in a significant manner. Area is transitioning from an agricultural area to an area that is residential in character. Alterations to the house does not lend itself to define, maintain, or support the character of the past, current, or anticipated future character of the area. The loss of the barns has diminished the potential for this property to be recognized as a tangible link to the agricultural past of this area.
Is physically, functionally, visually, or historically linked to its surroundings	Not linked to its surroundings in a significant manner.
Is a landmark	Not believed to be a landmark.



Staff Recommendation

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, the following actions **BE TAKEN** with respect to the request for the demolition of the heritage listed property located at 2154 Richmond Street:

- The Chief Building Official **BE ADVISED** that Municipal Council consents to the demolition of this property;
- 2154 Richmond Street **BE REMOVED** from the Register (Inventory of Heritage Resources); and,
- The property owner **BE REQUESTED** to commemorate the historic contributions of the McCormick-Brickenden-Greenway family in the future development of this property.

Hellmuth Boys' College Heritage Interpretive Sign

Mark Tovey, PhD
Postdoctoral Fellow, Department of History, Western University

London Advisory Committee on Heritage
June 13th, 2018

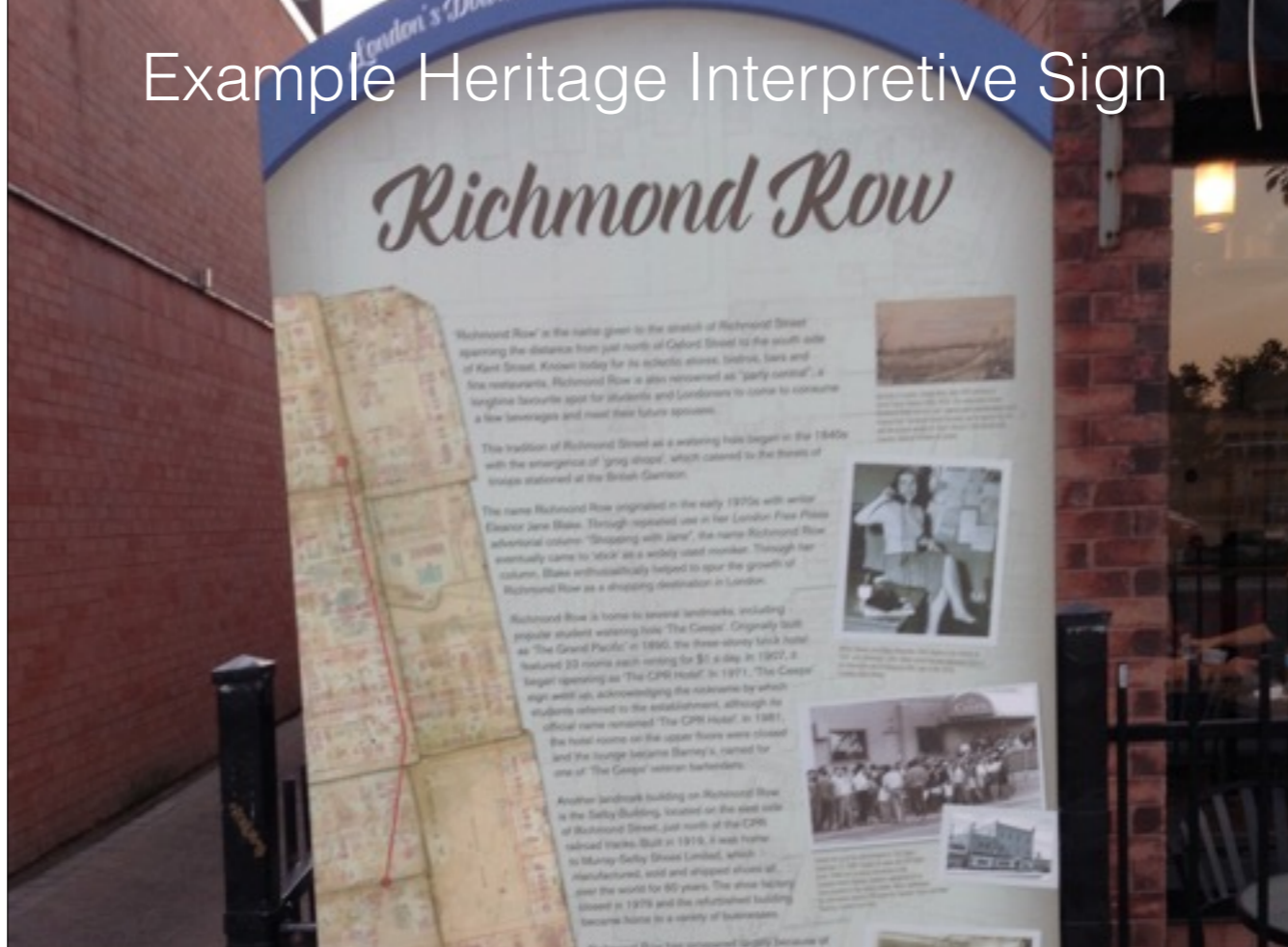
Good evening. I'm here tonight to tell you about a prospective Heritage Interpretive Sign about Hellmuth Boys' College being developed by the Culture Office at the City of London. Our hope in bringing this project to your attention is that the Education sub-committee of LACH would be willing to look at the draft text for the sign when it is ready. My name is Mark Tovey. I am a postdoctoral fellow in the Department of History at Western University, working in partnership with the Culture Office. My postdoctoral study area includes the Bishop Hellmuth Heritage Conservation District.



This is the Bishop Hellmuth Heritage Conservation District.

It was so named because it sits on the grounds of the former Hellmuth Boys College, which was for a time, the first home of Western University.

Example Heritage Interpretive Sign



The Bishop Hellmuth Neighborhood Association has requested a Heritage Interpretive Sign, similar to this interpretive sign for Richmond Row, for which I did the research. As you can see, interpretive signs include both images and text. I have been asked to do the research for the Hellmuth Boys' College Interpretive sign, which I am undertaking under the umbrella of my postdoctoral research.

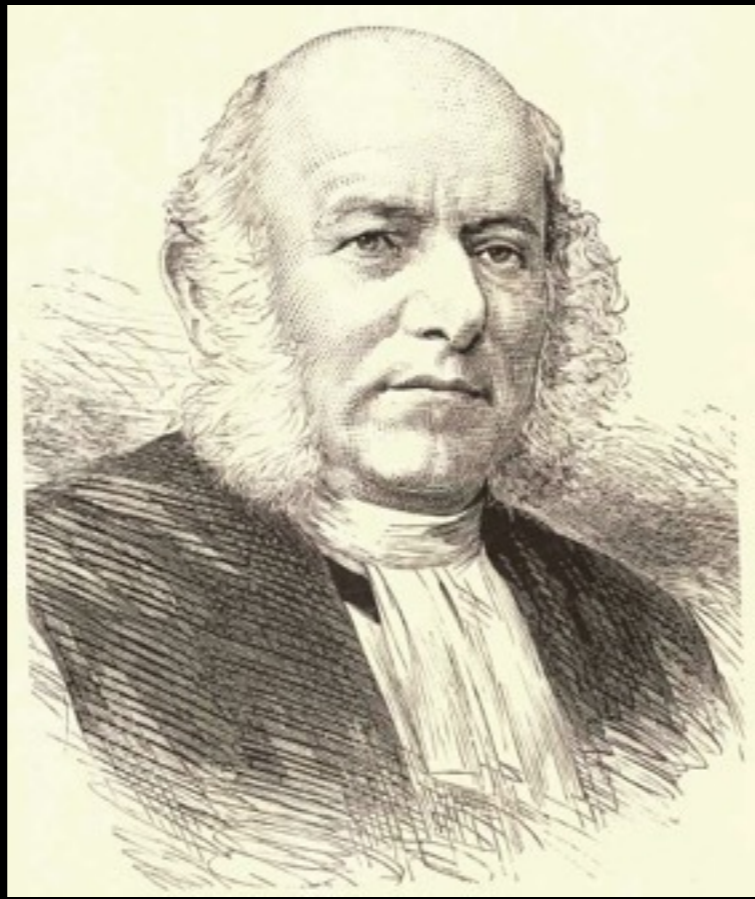


Detail from Lithographic Plan and Bird's Eye View of the City of London, Ontario. William Greenwood and Edward Robert Richards, London, Ont., 24th January, 1890. Courtesy: Map Library, Western University.

To further help situate the Boys College building, for a time, St. John the Evangelist Church (built in 1888) and the College (demolished in 1894) were both situated on the block bounded by Wellington, Waterloo, Grosvenor, and St. James. Detail from Lithographic Plan and Bird's Eye View of the City of London, Ontario. William Greenwood and Edward Robert Richards, London, Ont., 24th January, 1890. Courtesy: Map Library, Western University.



Again, to situate the Boys College, this is the view looking south from Hellmuth Boys College shortly before the College became the first campus of Western University. In the foreground on the left is the College's circular drive, exiting onto St. James Street. The muddy street that emerges from the bottom right corner is Wellington Street. In the distance on the left is the Crystal Palace Barracks. In the centre distance is the Infantry Barracks of the British Garrison. On the right in the distance can be seen St. Paul's Cathedral. Image: View of Central London including Crystal Palace, Military Barracks (now Victoria Park) from Hellmuth Boys College. Courtesy: Western Archives, Western University, RC60179.



"Principal Hellmuth was a remarkable man, his personal magnetism was immense. He had a wonderful pair of dark brown eyes – large, mobile, luminous, penetrating, yet kindly." – Dr G. J. Low, an early student at Huron (Gwynne-Timothy, 64).

Isaac Hellmuth was the Principal of Huron College before founding the Hellmuth Boys and Girls Colleges and Western University.



Situated on 10 acres (Gwynne-Timothy, 67), the College was a “four-storey white brick building and could accommodate 150 students and staff in more than 70 rooms.” (Turner).
c. 1875.



Pictured is a young Arthur Sweatman, around the time he was Principal of what became Hellmuth Boys College. Rev. Sweatman (1834 –1909) later served as Archbishop of Toronto, and Primate of the Anglican Church of Canada.



Detail. Courtesy: Western Archives, Western University, RC40847.

Here we can see cricket being played on the lawn of Hellmuth Boys College. Apart from a cricket field, the school's amenities included a gymnasium, a racket court, and a pond for swimming. (Joyce, *At the Close of Play: The Evolution of Cricket in London Ontario, 1836-1902*, 77).



Courtesy: Western Archives, Western University

In 1894, the College was demolished, and its property was subdivided. This area now forms the core of the Bishop Hellmuth Heritage Conservation District.

Hellmuth Boys' College Heritage Interpretive Sign

Mark Tovey, PhD
Postdoctoral Fellow, Department of History, Western University

London Advisory Committee on Heritage
June 13th, 2018

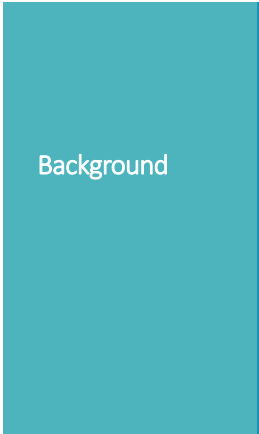
When the draft interpretive sign is ready, we would like to request feedback on it from the LACH subcommittee. Thank you for your attention. I'd be happy to answer any questions.



Heritage Places 2.0

LACH- June 13th, 2018

AMY BARNES, MA CAHP
LETOURNEAU HERITAGE CONSULTING
ABARNES@LHCHERITAGE.COM

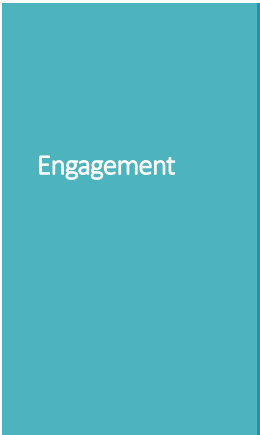


Background

Main deliverables for Heritage Places 2.0

- Carry out a best practice review;
- Develop a methodology for identifying and prioritizing HCD's;
- Carry out heritage-based research focused on culture, history, architecture and context of broader community pertinent to evaluation of cultural heritage resource;
- Carry city-wide review of potential HCD's;
- Engage and consult with key stakeholders; and
- Carry our site visit;

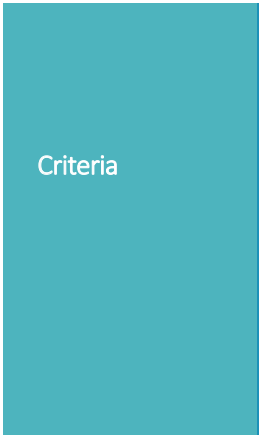
Result: An update document entitled Heritage Place 2.0 Identifying Heritage Conservation Districts in the City of London, which includes a Strategic Prioritization Plan for the nomination of potential HCDs.



Engagement

APPROACH

- Created an engagement plan;
- Master list of local key stakeholders was created;
- Pre-interviews and supplementary information forms;
- Round Table #1 – May 1st, 2018.
 - Helped understand the areas people agreed on having value and helped understand what properties people were unsure about or felt could be removed.
 - Many places were added to list.
 - Discussion about prioritization.
- One-on-ones
 - Two one-on-one interviews were carried out. This helped understand certain potential HCD's and their potential values.
- Round Table #2- June 20th, from 6:30-8:30.
 - Goal is to refine the final list and extract more detailed information about each area.

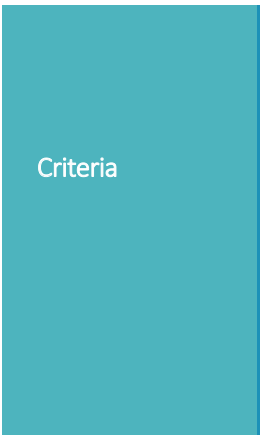


Criteria

Since the development of the original Historic Places document in 1994, there have been significant shifts in heritage conservation planning theory and practice.

- Nara Document on Authenticity (1994),
- The 1999 Burra Charter (updated 2013),
- The Getty Conservation Institute research into values (1998-2005)

This understanding is also reflected within Ontario heritage planning practice through the revisions to the *Ontario Heritage Act* in 2005, and the development of local and provincial designation criteria (O.Reg 9/06 and O.Reg 10/6.)

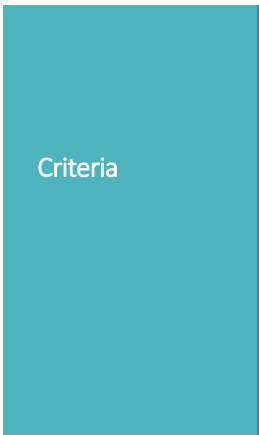


Criteria

The Ontario Heritage Toolkit identifies that values are important to the identification of heritage conservation districts.

The cultural heritage value of individual sites can be expressed in terms of their design or physical, historical or associative or contextual values. The values that contribute to the character of heritage conservation districts may be expressed more broadly as natural, historic, aesthetic, architectural, scenic, scientific, cultural, social or spiritual value.

How the varying and changing combinations of values come together and the contexts they create give heritage districts their depth, richness and sense of time and or place. In the identification of these values and attributes that contribute to the district's overall character, it is important to understand that the value of the district as a whole is always greater than the sum of its parts.



Criteria

The Ontario Toolkit specifically references the Historic Places Initiative as a potential model to assist with the identification of heritage values and attributes.

The HPI *Statement of Significance Training Workbook and Resource Guide* identifies a number of potential heritage values that can be applied to cultural heritage resources (including heritage conservation districts.)

- Historical
- Scientific
- Cultural
- Spiritual
- Aesthetic
- Educational
- Social
- Natural
- Contextual



Criteria

Drawing upon this information, and best practices from England, Toronto, Waterloo, and Oakville, we developed a chart outlining heritage values that can be used to evaluate potential HCDs.

The criteria as identified by the City of London in its Official Plan are also reflected in this approach, notably as types of illustrative attributes of these values. The proposed approach builds on these criteria.

In terms of an approach, each potential HCD would be evaluated using these criteria, and ranked High, Medium, Low, or No value. Although a subjective, qualitative approach, the intent is to show a level of magnitude (and comparative analysis) within the London context rather than a precise (numeric) ranking



London OP

576. City Council will consider the following criteria in the evaluation of an area for designation as a heritage conservation district:

1. The association of the area with a particular historical event or era that is unique to the community.
2. The presence of properties which are considered significant to the community as a result of their location or setting.
3. The presence of properties representing a design or method of construction which is considered to be of cultural heritage value or interest to the community, region, province, or nation.
4. The presence of properties which collectively represent a certain aspect of the development of the city that is worthy of maintaining.
5. The presence of physical, environmental, or aesthetic elements which, individually, may not constitute sufficient grounds for designation as a heritage conservation district, but which collectively are significant to the community.

Draft Criteria

Value	Illustrative Attributes
Historical/Associative Values	<ul style="list-style-type: none"> - Direct association with a key individual - Association with a key period, events, or themes in London's history - The association of the area with a particular historical event or era that is unique to the community. - The presence of properties which collectively represent a certain aspect of the development of the city that is worthy of maintaining.
Physical/Design Values	<ul style="list-style-type: none"> - Cluster of heritage properties - Architectural or design distinctiveness - The presence of properties representing a design or method of construction which is considered to be of cultural heritage value or interest to the community, region, province, or nation.
Contextual Value	<ul style="list-style-type: none"> - Streetscape - Distinctive sense of place - The presence of properties which are considered significant to the community as a result of their location or setting. - The presence of physical, environmental, or aesthetic elements which, individually, may not constitute sufficient grounds for designation as a heritage conservation district, but which collectively are significant to the community.

Draft Criteria

Value	Illustrative Attributes
Spiritual Value	<ul style="list-style-type: none"> - Association with a particular religious community - Clusters of religious buildings/cemeteries, ceremonial or cosmological features etc. - Oral tradition identifying significance
Educational and Scientific Value	<ul style="list-style-type: none"> - Teaching landscapes - Significant presence of educational/ training facilities
Natural Values	<ul style="list-style-type: none"> - Natural features, EPAs - The presence of environmental elements which, individually, may not constitute sufficient grounds for designation as a heritage conservation district, but which collectively are significant to the community.
Archaeological Value	<ul style="list-style-type: none"> - Known archaeological site - Potential archaeological sites - Known burials
Social Values	<ul style="list-style-type: none"> - Contributes to a broader understanding of a way of life - Contributes to the understanding of an underrepresented aspect or group in London's history - Presence of memorial or symbolic elements within the landscape - Area depicts a particular way of life

Prioritization

In terms of developing a prioritization matrix, we modelled our approach on a matrix we employed within the Town of Oakville for CHL identification. Based upon our experience, we are recommending keeping the prioritization criteria simple, and again, following in the evaluation criteria, should be an order of magnitude.

Consideration	Analysis (High, Medium, Low, Not recommended)
Result of the evaluation of criteria	
Potential for Change	
Community Feedback	
Applicability of Part V (HCD) OHA Designation vs. other tools	

Work done to date

Deliverables	Progress
-Carry out a best practice review;	Completed. Will be include into the final report.
-Develop a methodology for identifying and prioritizing HCD's;	In progress. Currently being refined based upon additional best practice research
-Carry out heritage-based research focused on culture, history, architecture and context of broader community pertinent to evaluation of cultural heritage resource;	In progress. When the top candidates are finalized, historic materials will be explored in more detail.
-Carry city-wide review of potential HCD's;	In progress. The city wide review has been completed and the list is currently being refined.
-Engage and consult with key stakeholders; and	In progress.
-Carry our site visit;	Completed.

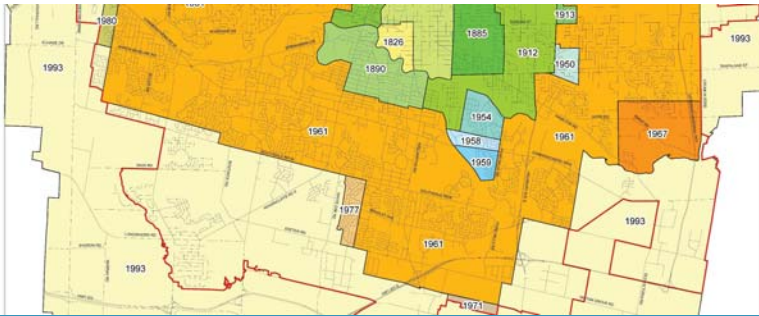
Next Steps

Key Dates:

- June 13 [LACH \(LHC\) progress update](#)
- June 20 [Roundtable discussion #2 \(LHC\)](#)
- June 25-July 13 Heritage Places 2.0 draft (LHC) reviewed
- July 20 -24 Final report (LHC) to heritage staff for internal City of London Review
- August 8 [LACH – LHC presentation](#);
- August 13 [PEC – LHC presentation](#)
- August 28 Council Adopt

Questions?

Thank you



Discussion on Candidate List.

Westminster



Littlewood



Sweeney's
Corner /
Glanworth



Glendale



Hubrey



Ponds Mills



Heritage Places 2.0

Working Criteria for Selection of Candidate Areas

Value	Illustrative Attributes	High/Medium/Low/None
Historical/Associative Values	<ul style="list-style-type: none"> - Direct association with a key individual - Association with a key period or themes in London's history 	
Physical/Design Values	<ul style="list-style-type: none"> - Cluster of heritage properties - CHL; Cultural Heritage Landscape - Architectural or design distinctiveness 	
Contextual Value	<ul style="list-style-type: none"> - Streetscape - Distinctive sense of place 	
Spiritual Value	<ul style="list-style-type: none"> - Association with a particular religious community - Clusters of religious buildings/cemeteries, etc 	
Educational Value	<ul style="list-style-type: none"> - Teaching landscapes - Significant presence of educational/training facilities 	
Natural Values	<ul style="list-style-type: none"> - Natural features, EPAs 	
Archaeological Value	<ul style="list-style-type: none"> - Known archaeological site - Potential archaeological sites - Known burials 	
Social Values	<ul style="list-style-type: none"> - Contributes to a broader understanding of a way of life - Contributes to the understanding or an underrepresented aspect or group in London's history 	

Heritage Places 2.0

Draft List of Candidate Areas

The following is a preliminary list of areas identified as having heritage significance for the purposes of potential heritage conservation district designation in the future. The list is generally ranked from highest priority (1) to lowest priority (34), but will continue to be refined. As part of this refinement process, please identify areas you feel can be removed from the list. Please reference *Working Criteria* and *Maps* (separate sheets) for location of areas and definition of the values indicated.

	Candidate Area	Value							Notes:	
		Historical/ Associative Values	Physical/ Design Values	Contextual Value	Spiritual Value	Educational Value	Natural Values	Archaeological Value		Social Values
1	North Talbot	High	High	High	Med.	Low	Low	Low	Low	
2	Smokestack District	High	High	High	Low	Low	Low	Low	High	
3	Medway Valley Heritage Forest	High	High	High	Med.	Low	Med.	High	Med.	
4	Western University Campus	High	High	High	Low	Low	Low	Low	Med.	
5	South of Horton (SoHo)	High	High	High	Low	Low	Low	Low	Med.	

	Candidate Area	Value							Notes:	
		Historical/ Associative Values	Physical/ Design Values	Contextual Value	Spiritual Value	Educational Value	Natural Values	Archaeological Value		Social Values
6	Old North	High	High	High	Low	Low	Low	Low	Low	
	Broughdale (group with Old North)	/	/	/	/	/	/	/	/	
7	Old South II	High	High	High	Low	Low	Low	Low	Low	
8	Lambeth	High	High	High	Low	Low	Low	Low	Med.	
9	Hamilton Road	High	High	High	Low	Low	Low	Low	Med.	Expand study boundary to include Ealing, Pine Lawn, and Hyatt Ave.
	Ealing									
	Pine Lawn									

10

Candidate Area	Value								Notes:
	Historical/ Associative Values	Physical/ Design Values	Contextual Value	Spiritual Value	Educational Value	Natural Values	Archaeological Value	Social Values	
Hyatt Ave.									
Stanley- Becher- Riverforks	High	High	High	Med.	Low	Med.	Med.	Low	Expand boundary along the river (both sides) to include other candidate areas such as Kensington Village, Oxford Park, Springbank Woodland, Oakridge, Thames Valley GC, the Hunt Club, th Coves, Hall's Mills the parks connecting them.
Kensington Village									
Oxford Park									
Springbank									
Braemar Crescent	Med.	Med.	Med.	Med.	Med.	Med.	Med.	Med.	
Oakridge									
The Hunt Club									

	Candidate Area	Value							Notes:	
		Historical/ Associative Values	Physical/ Design Values	Contextual Value	Spiritual Value	Educational Value	Natural Values	Archaeological Value		Social Values
	Thames Valley GC									
	Hall's Mills									
11	Picadilly	High	High	High	Low	Low	Low	Low	Med.	
12	Carling Heights	Med.	Med.	Med.	Low	Low	Low	Low	High	
	Bellwood Park	High	High	High	Low	Low	Low	Low	High	
13	Sweeney's Corners /Glanworth	Med.	Med.	Med.	?	?	?	?	Med.	
14	Pottersburg	Med.	Med.	Med.	Low	Low	Low	Low	Med.	

	Candidate Area	Value							Notes:	
		Historical/ Associative Values	Physical/ Design Values	Contextual Value	Spiritual Value	Educational Value	Natural Values	Archaeological Value		Social Values
15	Glendale	Med.	Med.	Med.	Low	Low	Low	Low	Med.	
16	Kilworth and Woodhall	Med.	Low	Med.	Low	Low	Low	Low	Med.	May be better suited to other tools (select part lvs)
17	Manor Park	Med.	Med.	Med.	Low	Low	Low	Low	Med.	
18	Hale Street	Med.	Med.	Med.	Low	Low	Low	Low	Med.	
19	Bellwood Park									
20	Rowntree	Med.	Low	Low	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)

	Candidate Area	Value							Notes:	
		Historical/ Associative Values	Physical/ Design Values	Contextual Value	Spiritual Value	Educational Value	Natural Values	Archaeological Value		Social Values
21	West of Wharnccliffe	Med.	Low	Low	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)
22	Willow Drive	Med.	Low	Low	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)
23	Wilton Grove	Med.	Low	Med.	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)
24	Tambling's Corners	Med.	Low	Med.	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)
25	White Oak	Low	Low	Low	Low	Low	Low	?	Low	May be better suited to other tools (select part lvs)
26	Hubrey	Med.	Low	Med.	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)

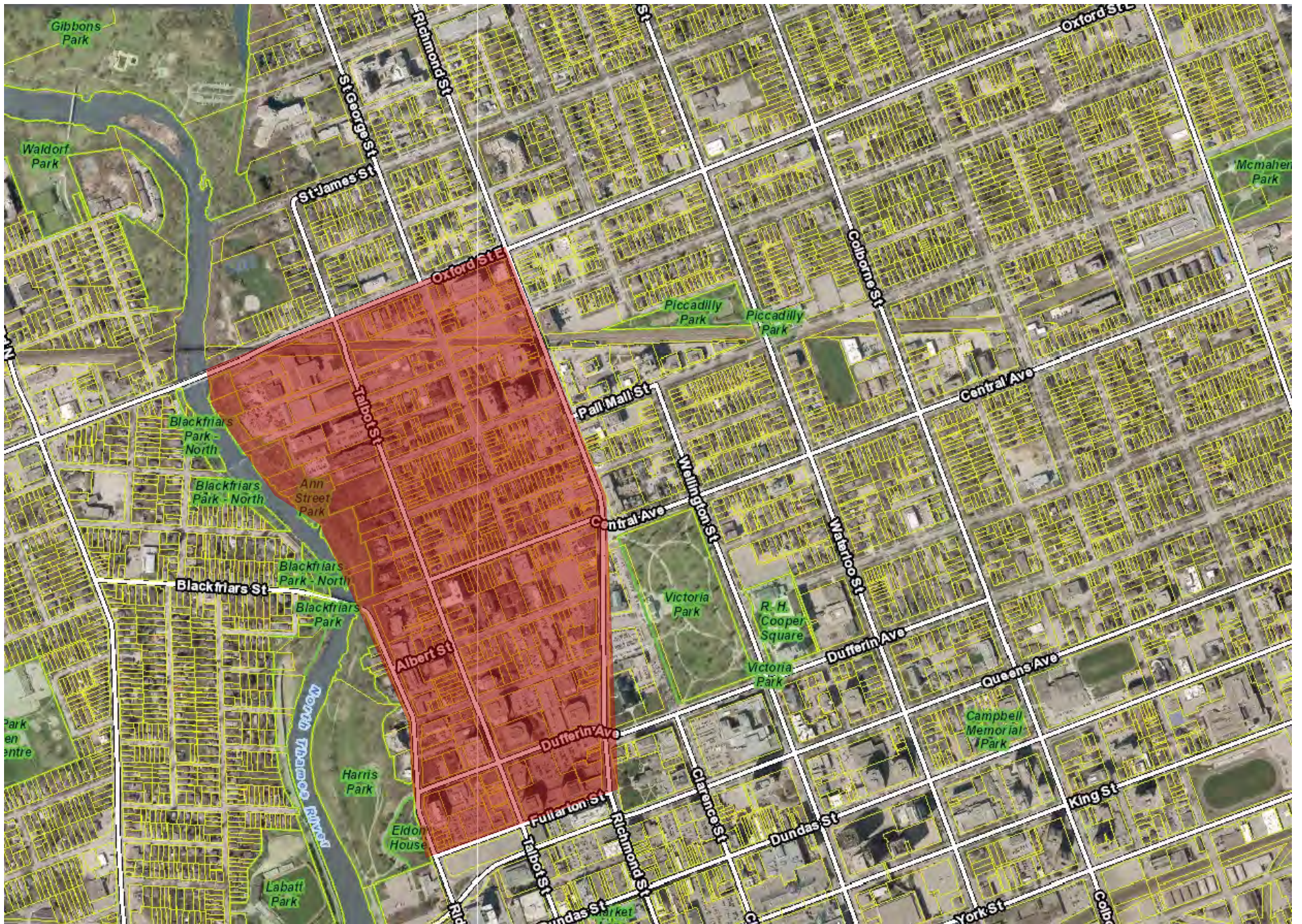
	Candidate Area	Value							Notes:	
		Historical/ Associative Values	Physical/ Design Values	Contextual Value	Spiritual Value	Educational Value	Natural Values	Archaeological Value		Social Values
27	Littlewood	Med.	Low	Med.	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)
28	Grand Junction	Med.	Low	Med.	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)
29	Derwent	Med.	Med.	Med.	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)
30	Hyde Park	Med.	Med.	Med.	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)
31	Byron	Med.	Low	Low	Low	Low	Low	?	Med.	May be better suited to other tools (select part lvs)
32	Westminster	Low	Low	Low	Low	Low	Low	Low	Low	
33	Orchard Park-Sherwood Forest	Med.	Med.	Low	Low	Low	Med.	?	Low	

34

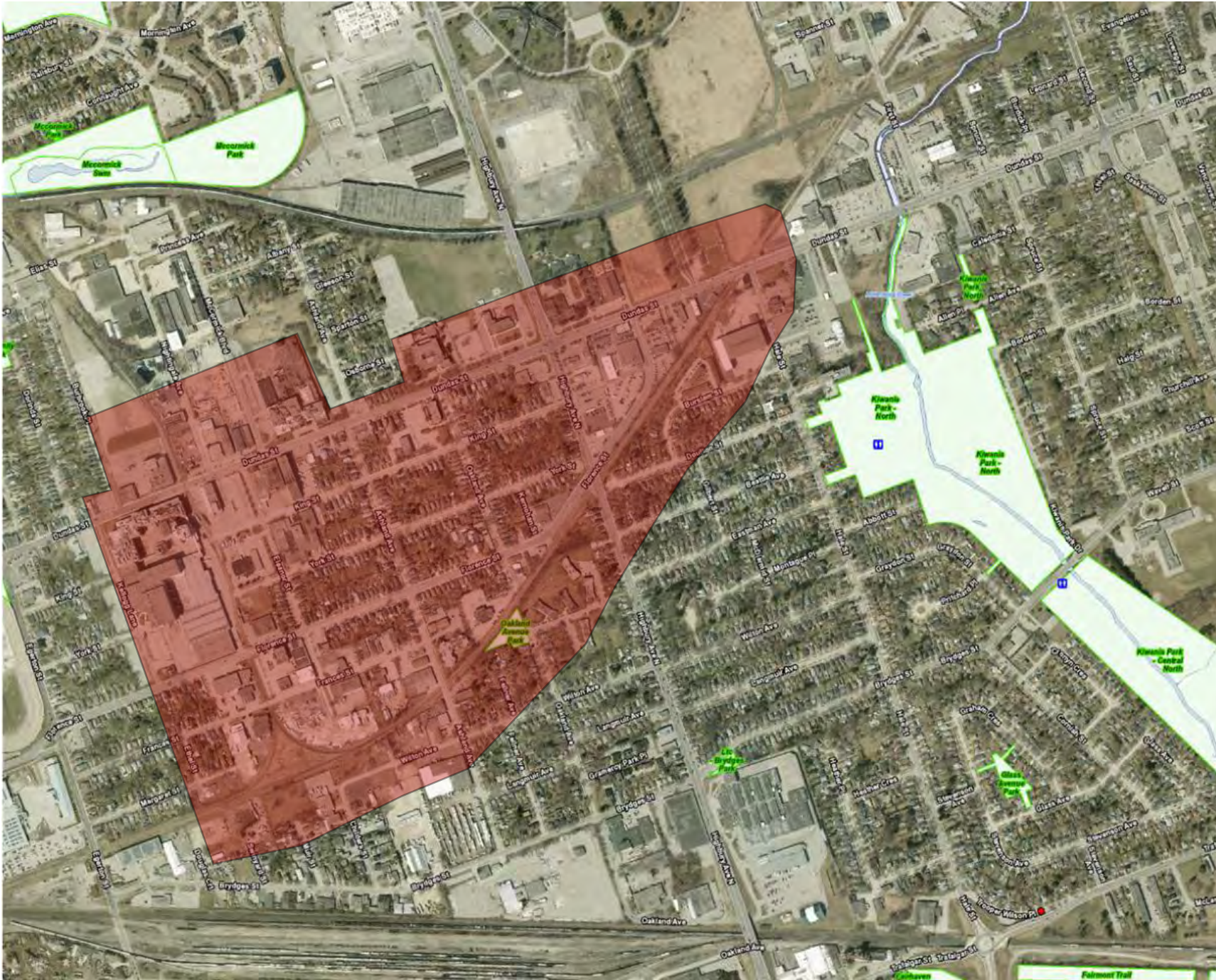
Candidate Area	Value								Notes:
	Historical/ Associative Values	Physical/ Design Values	Contextual Value	Spiritual Value	Educational Value	Natural Values	Archaeological Value	Social Values	
Pond Mills	Med.	Low	Low	Low	Low	Med.	Med.	Med.	May be better suited to other tools (part IVs and possible CHL)

DRAFT

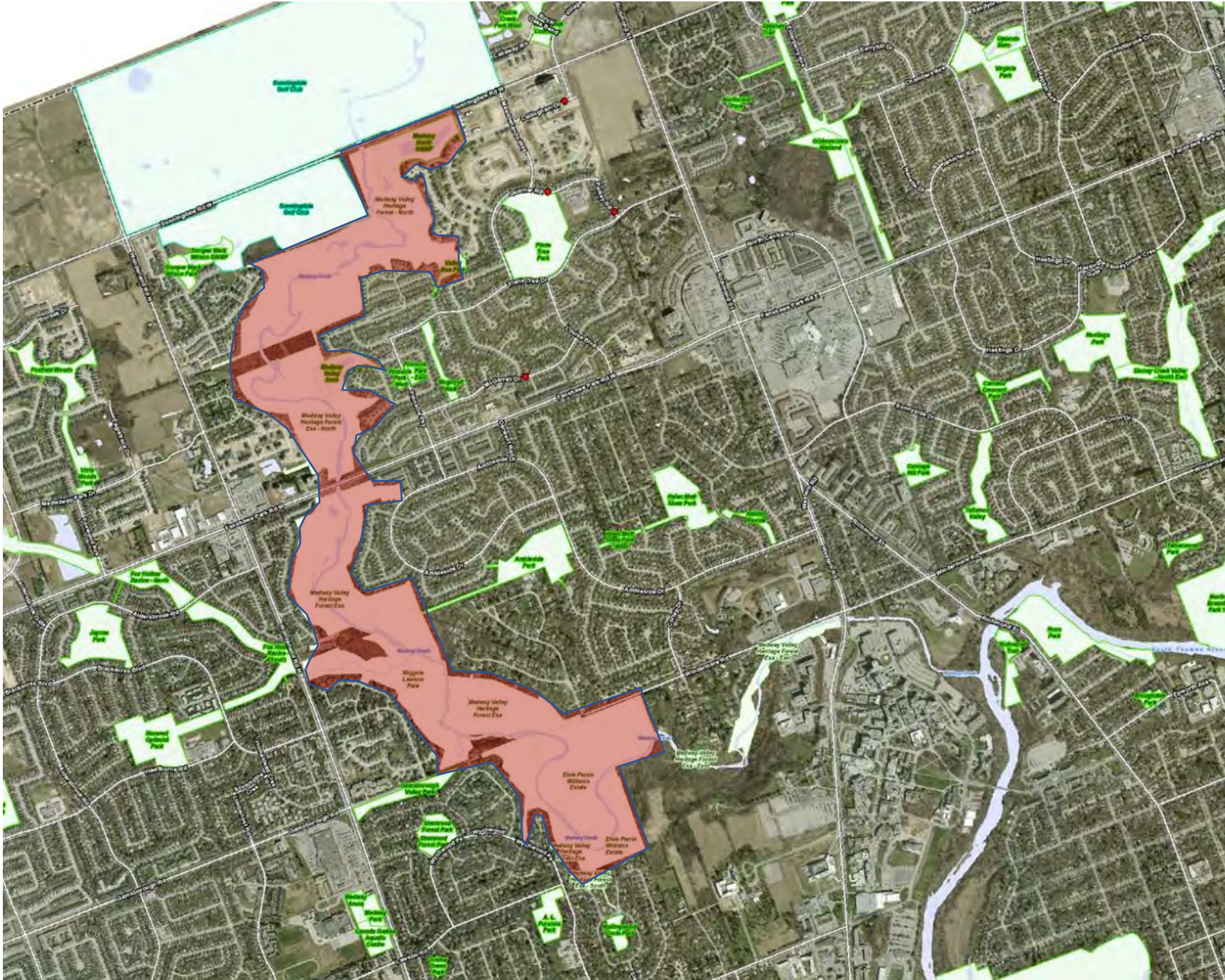
1. Talbot North



2. Smokestack District



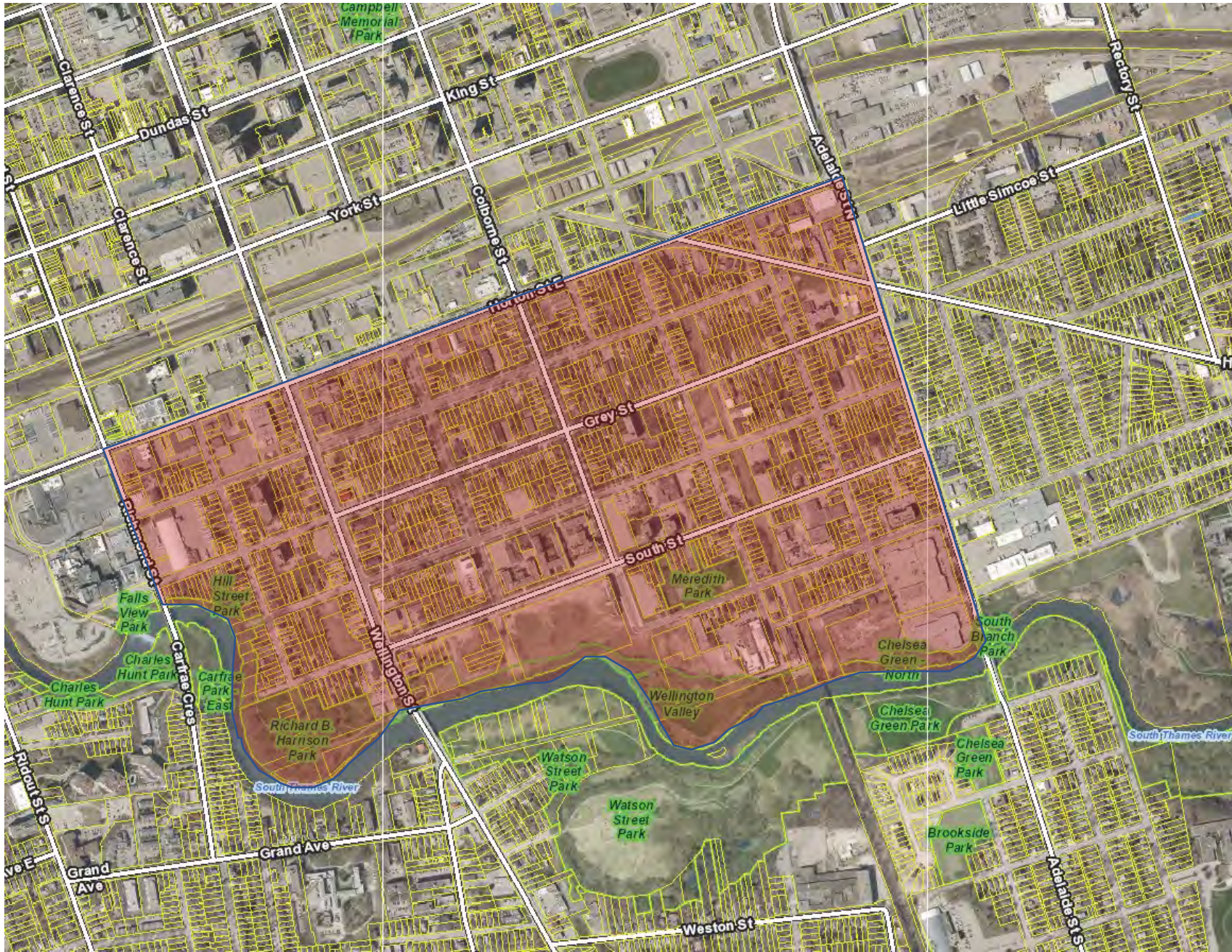
3. Medway Valley Forest



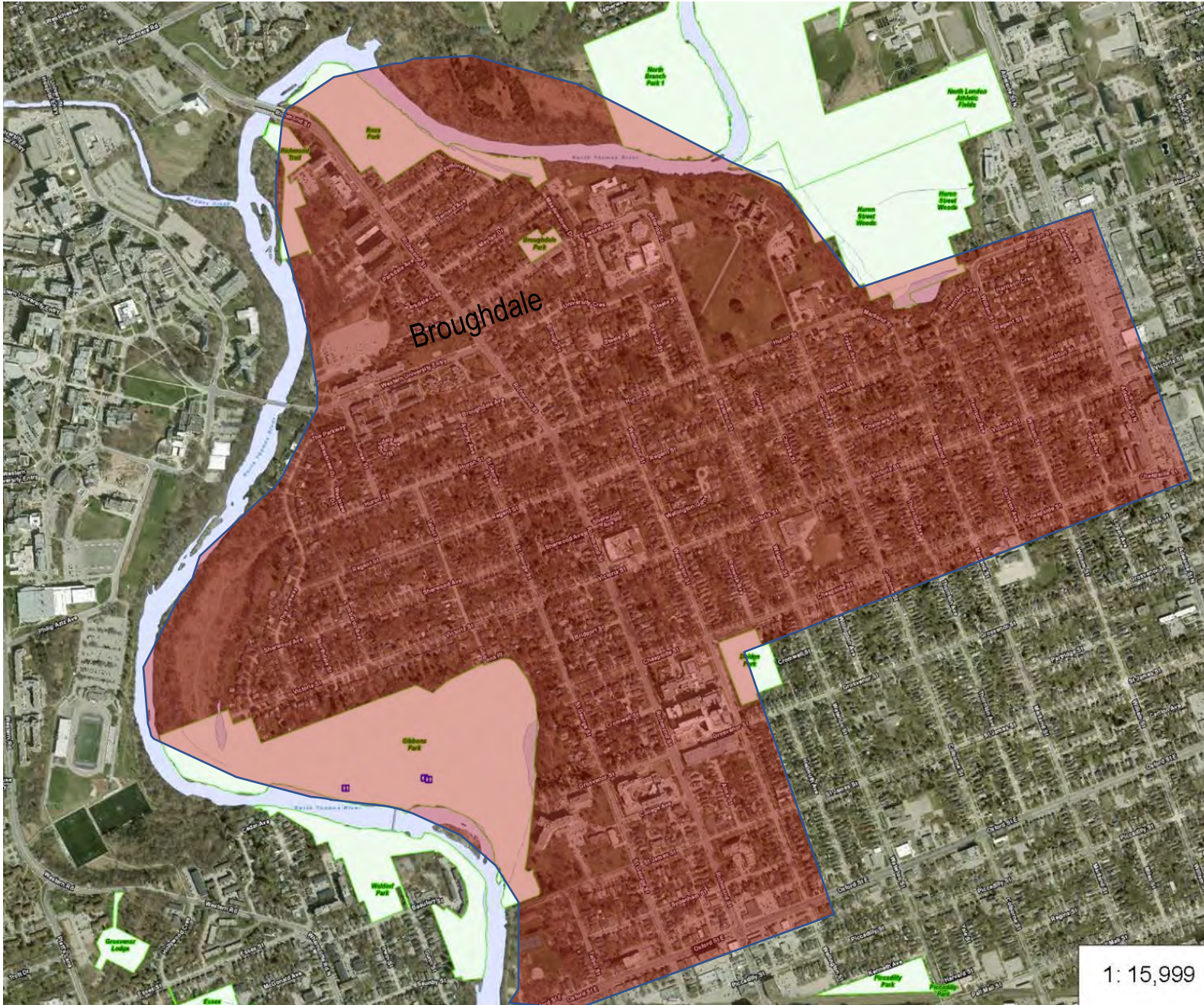
4. Western University Campus



5. South of Horton (SoHo)



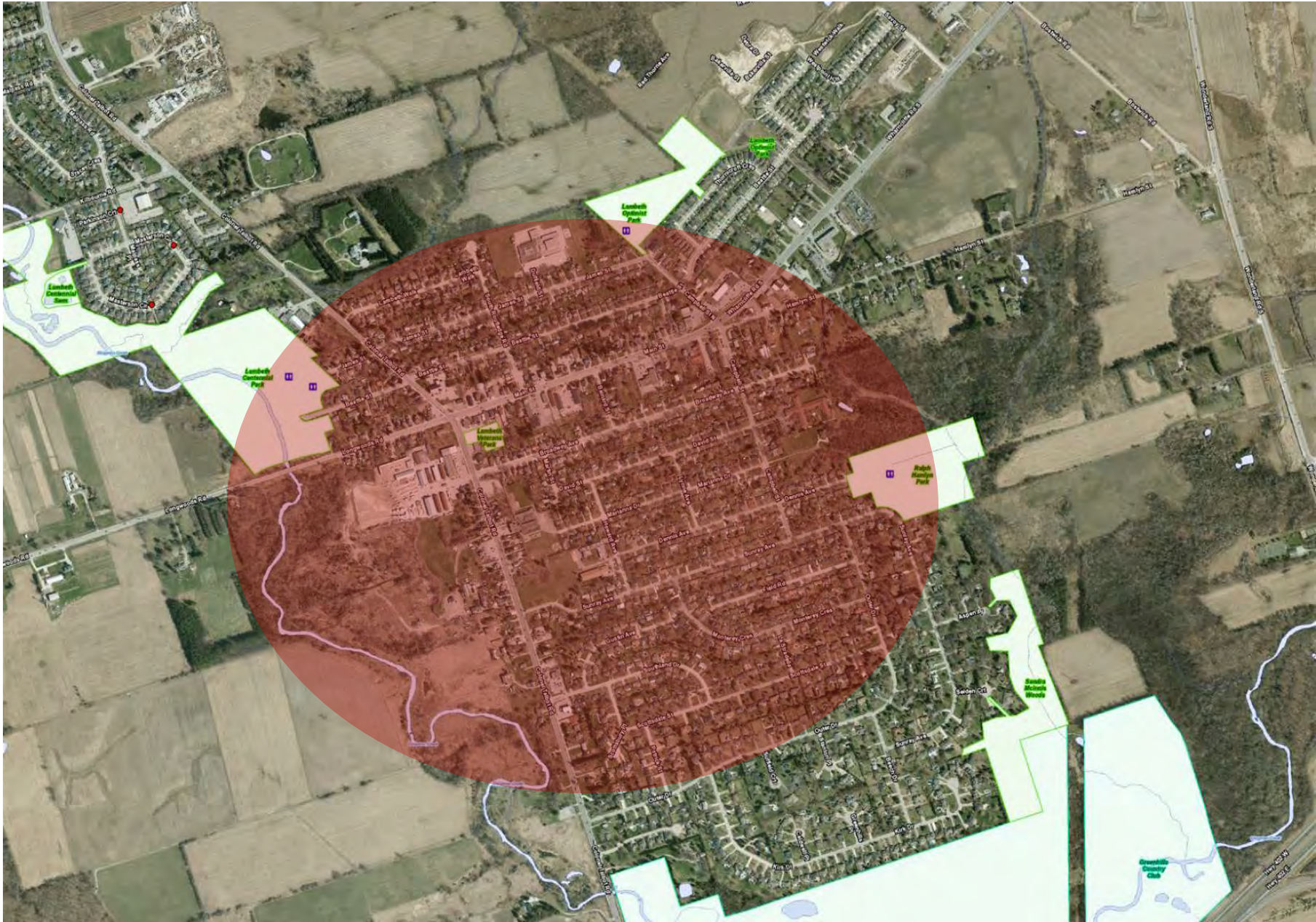
6. Old North (and Broughdale)



7. Old South II



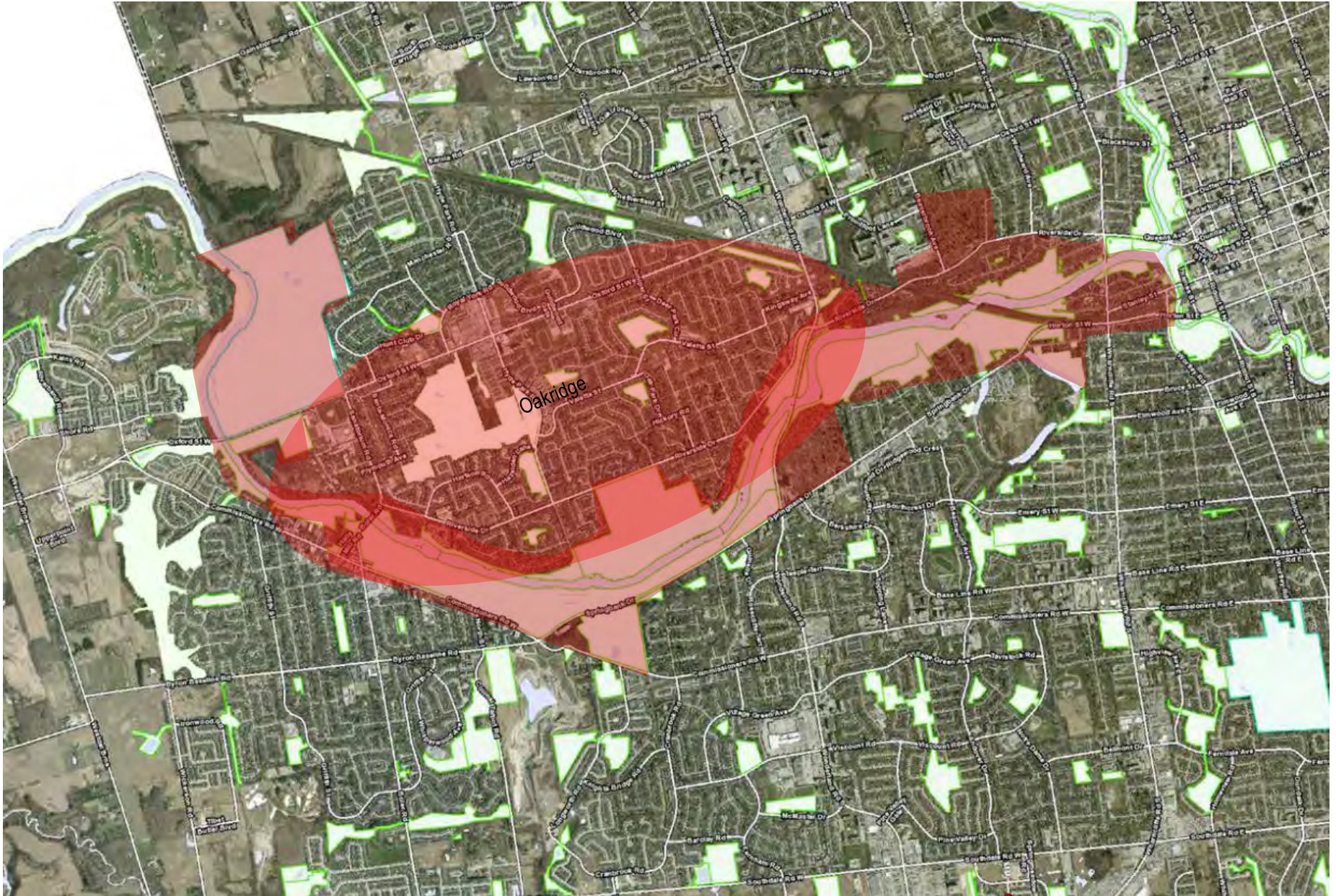
8. Lambeth



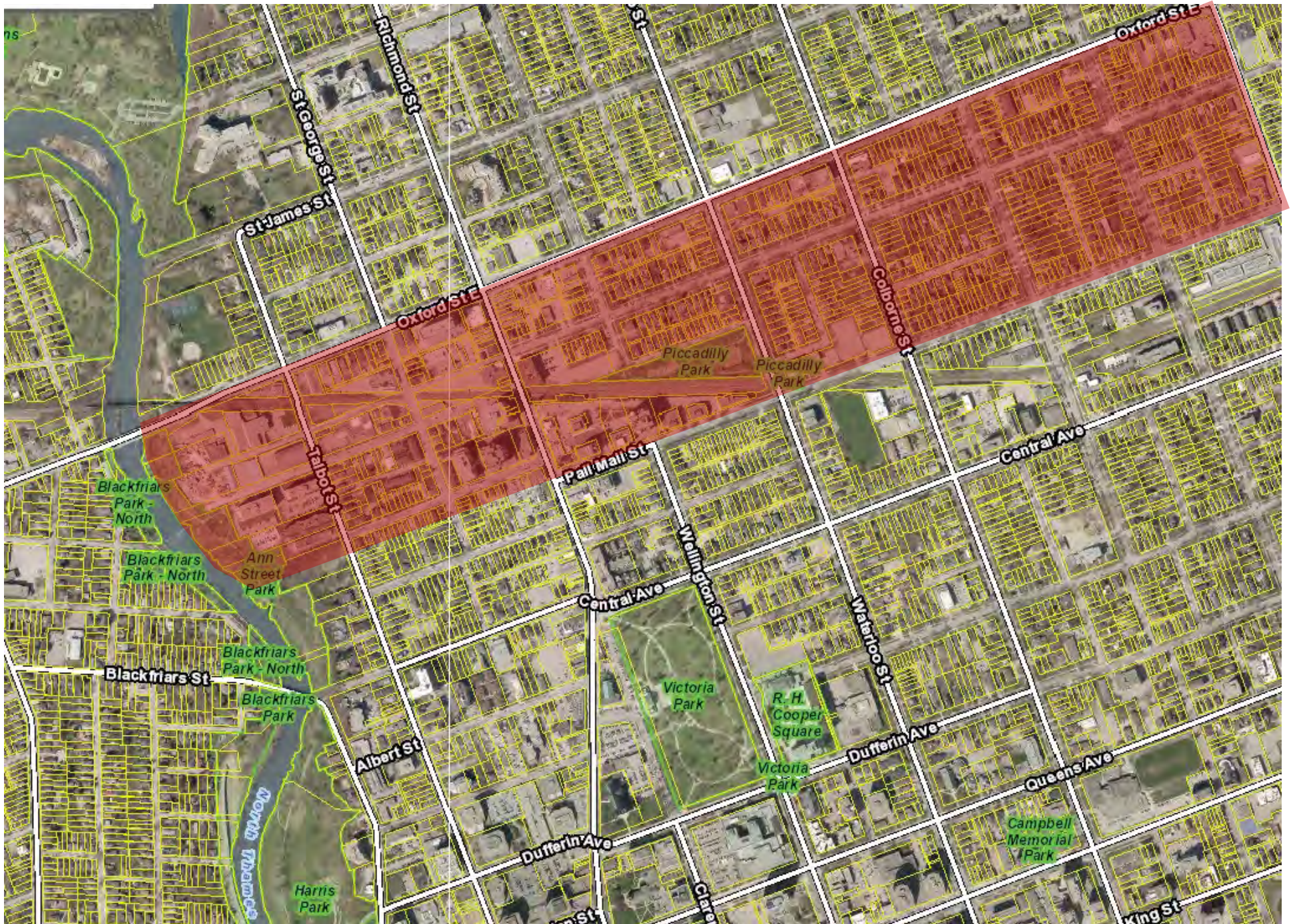
9. Hamilton Road (with Ealing, Pine Lawn, and Hyatt Ave.)



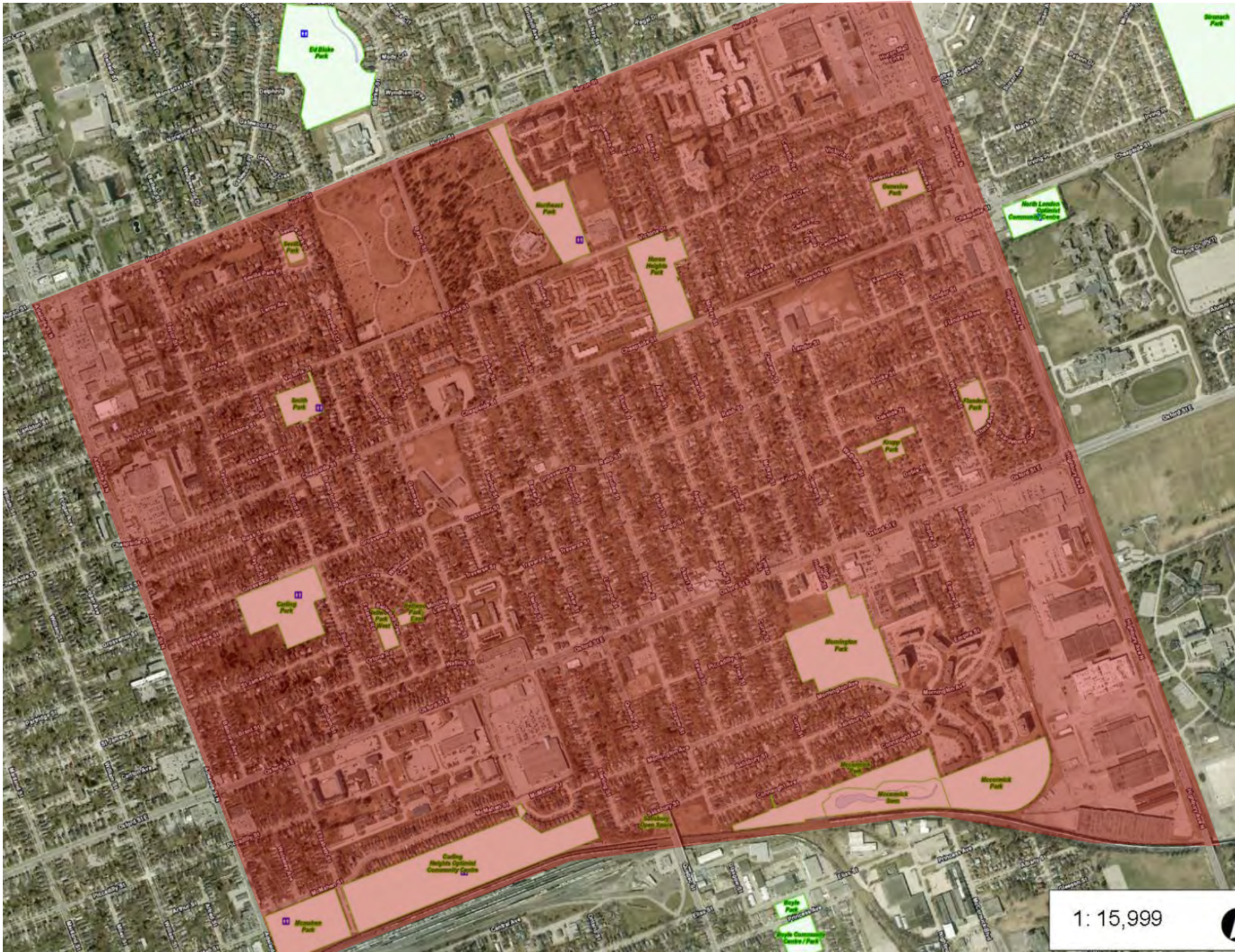
10. Stanley-Becher-Riverforks (with Kensington Village, Oxford Park, Springbank, Braemar Crescent, Oakridge, The Hunt Club, Thames Valley Golf Course, and Hall's Mills)



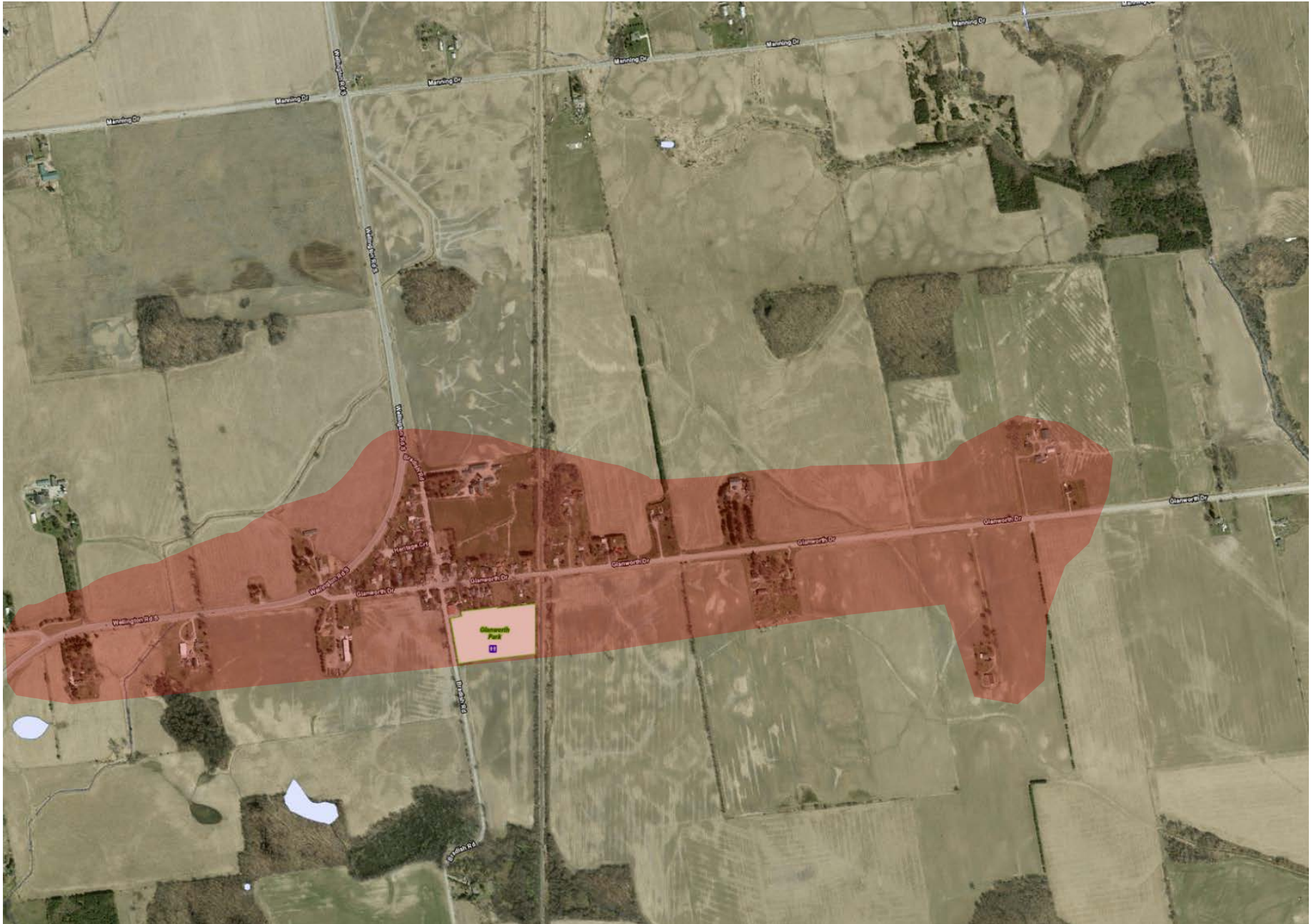
11. Picadilly



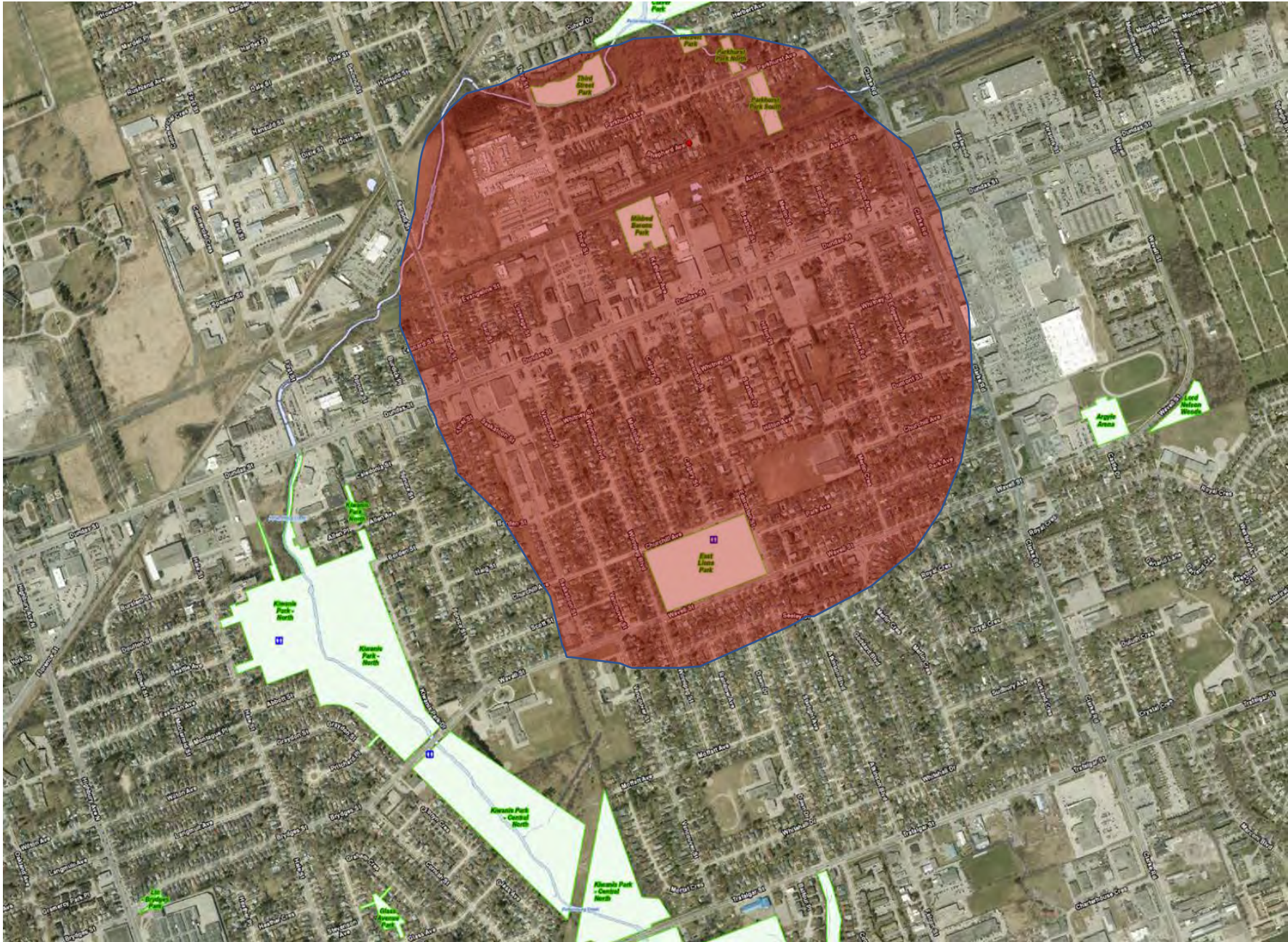
12. Carling Heights (with Bellwood Park)



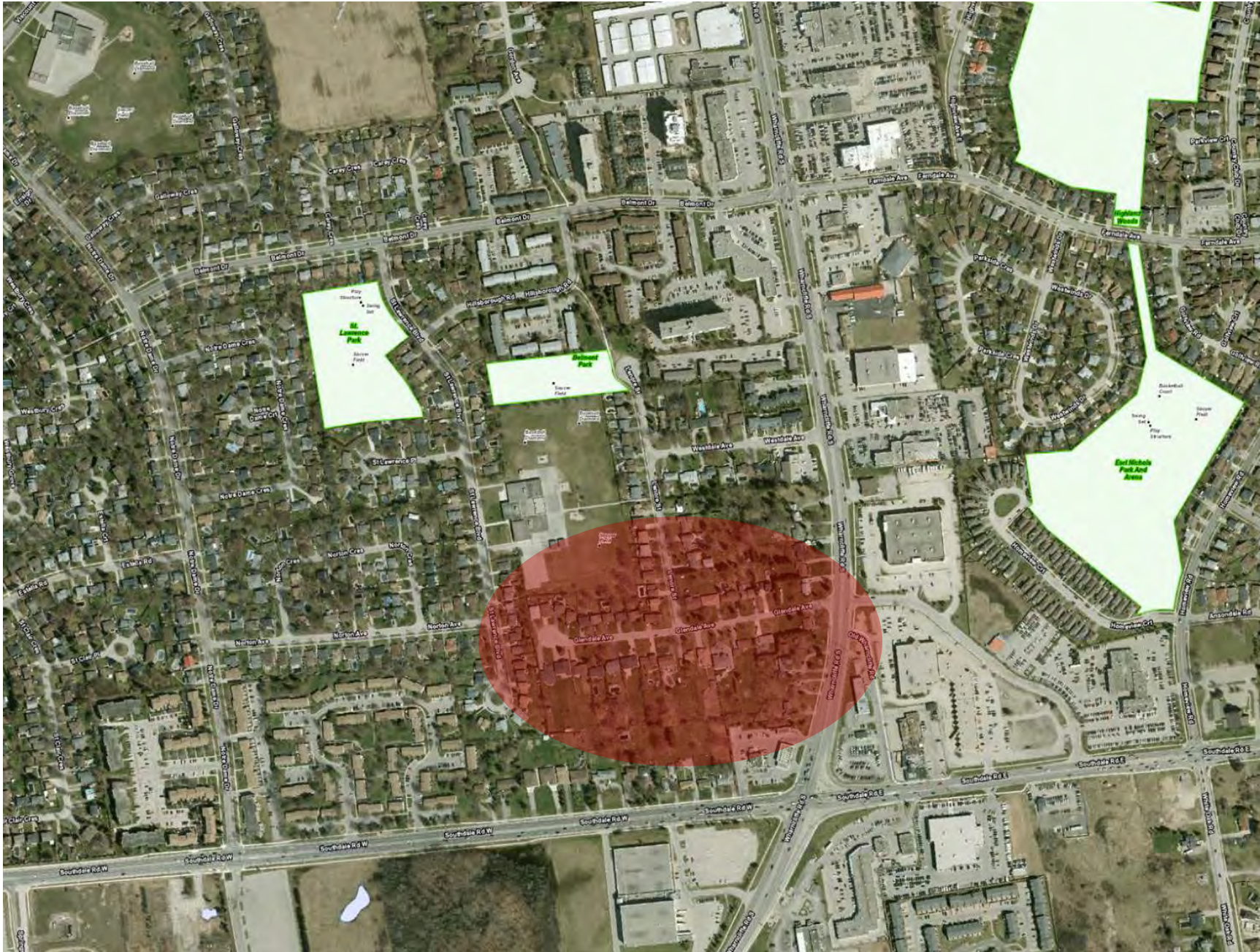
13. Glanworth



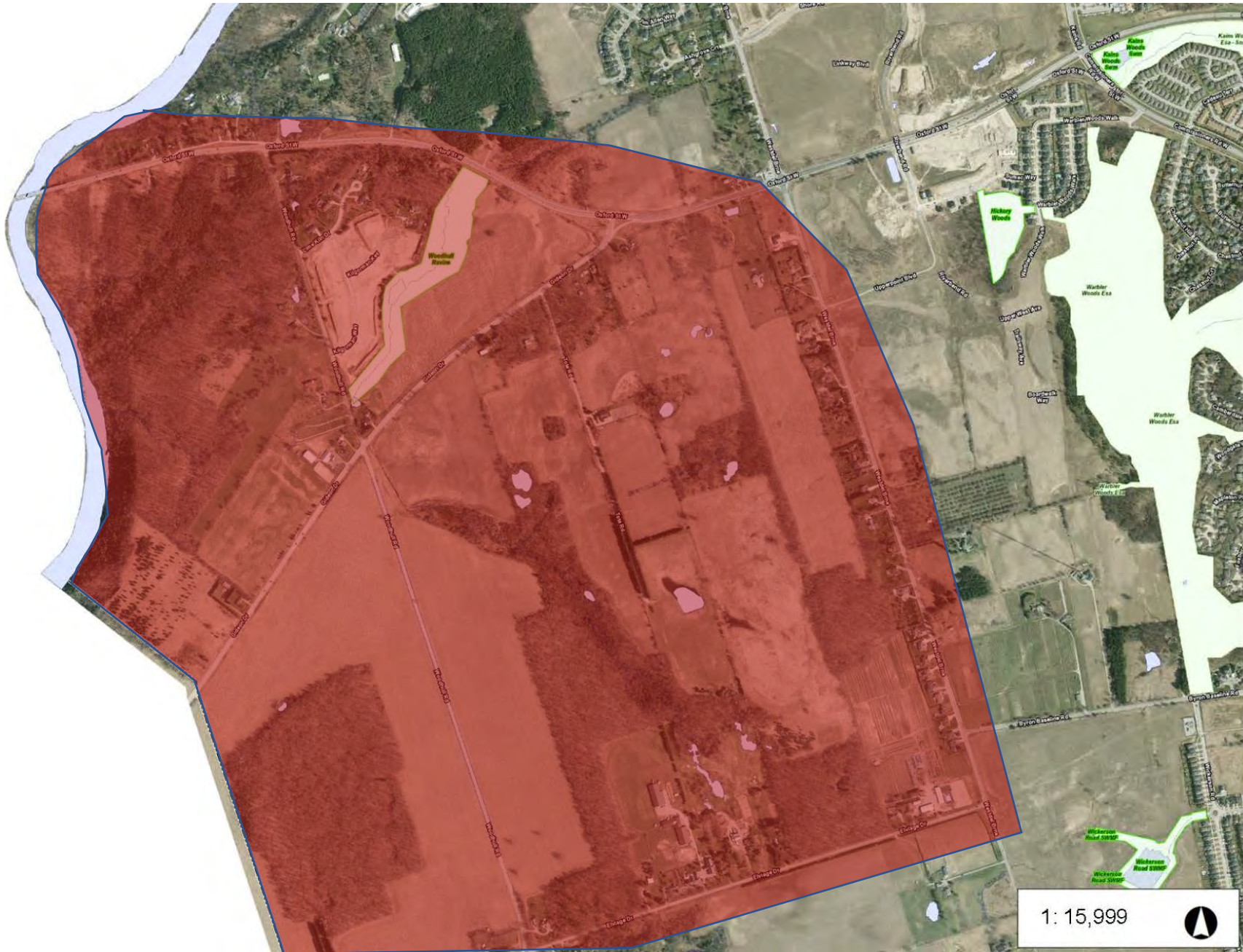
14. Pottersburg



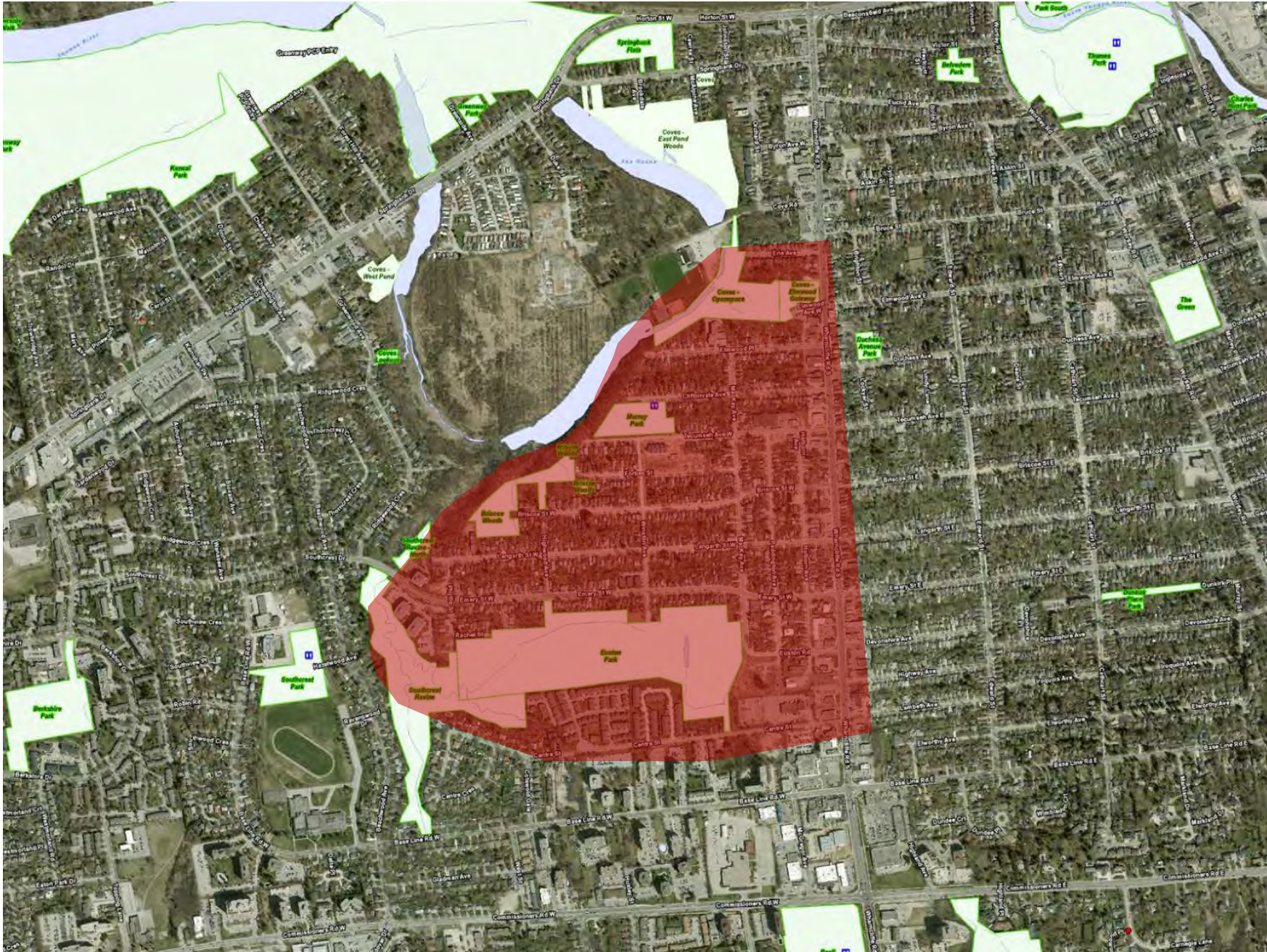
15. Glendale



16. Kilworth and Woodhall



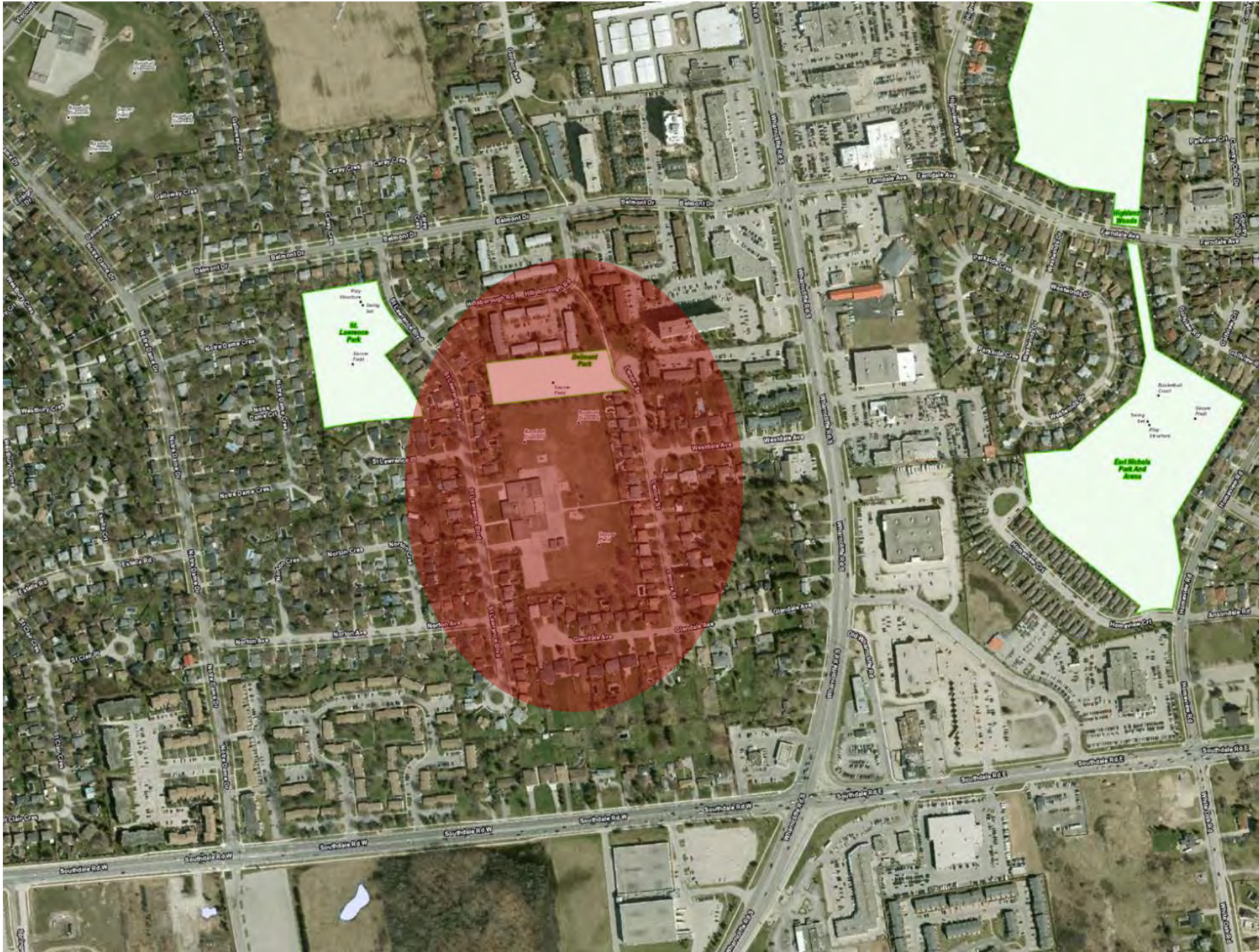
17. Manor Park



18. Hale Street District



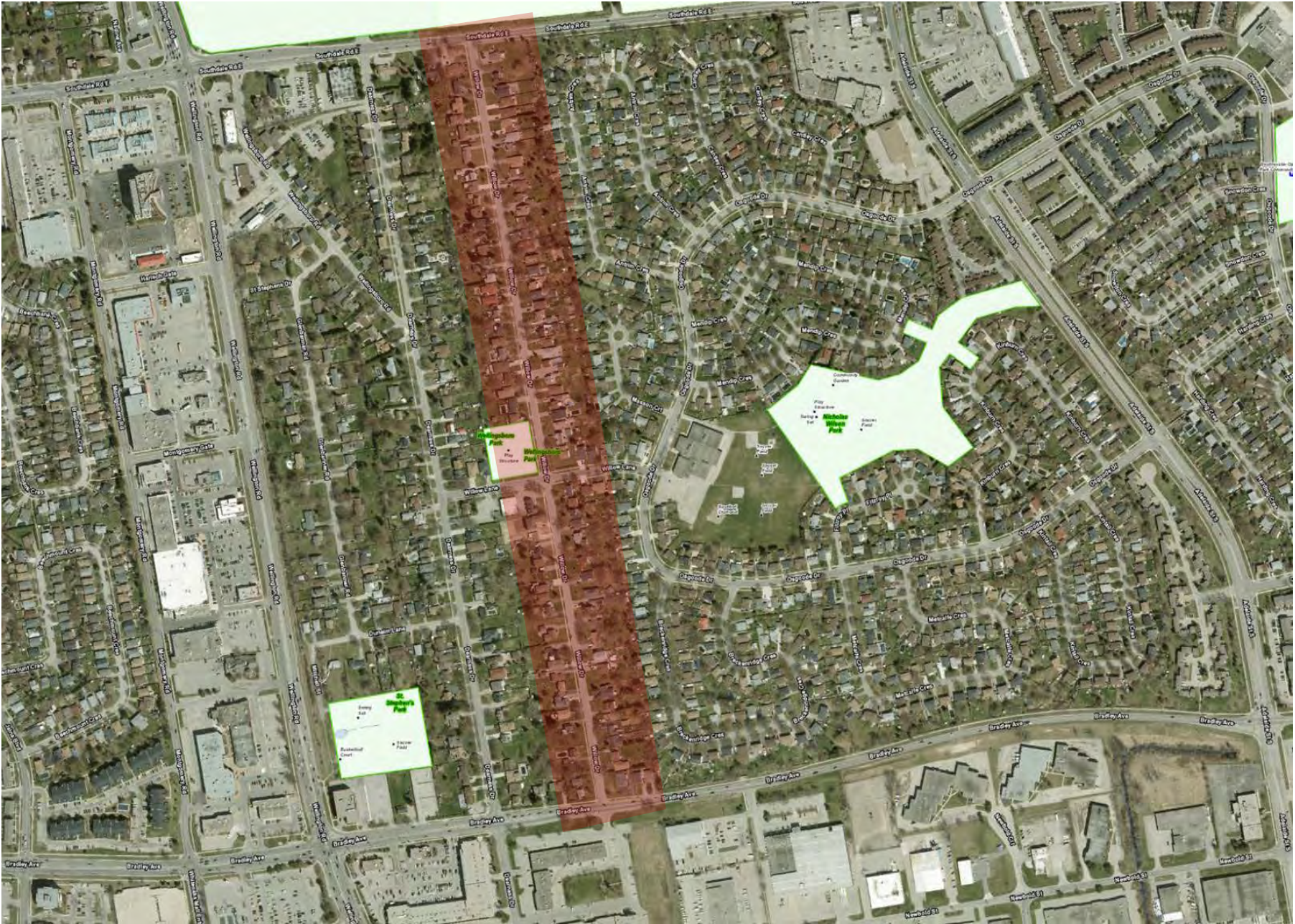
19. Bellwood Park



20. Rowntree



22. Willow Drive



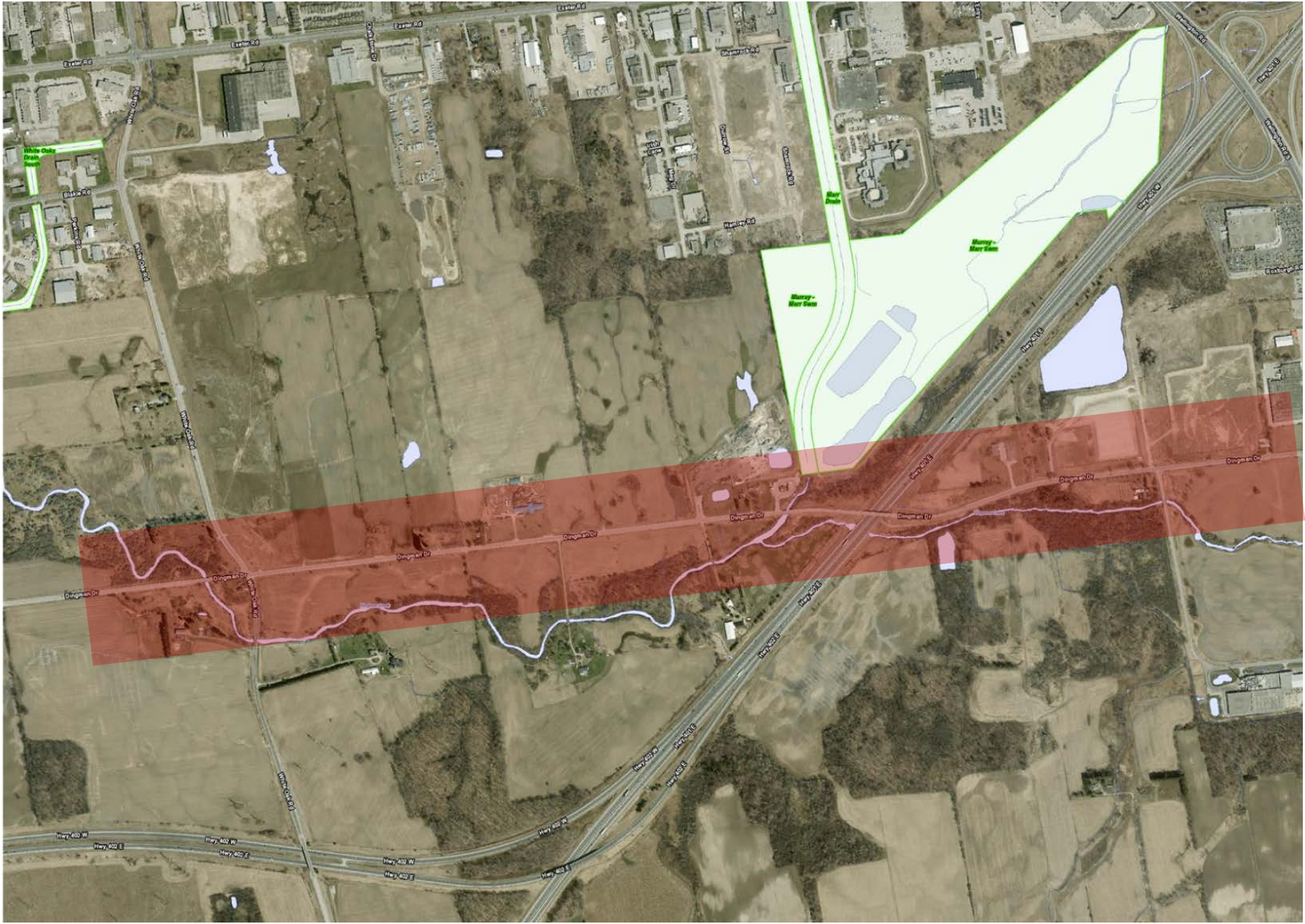
23. Wilton Grove Road



24. Tambling's Corners

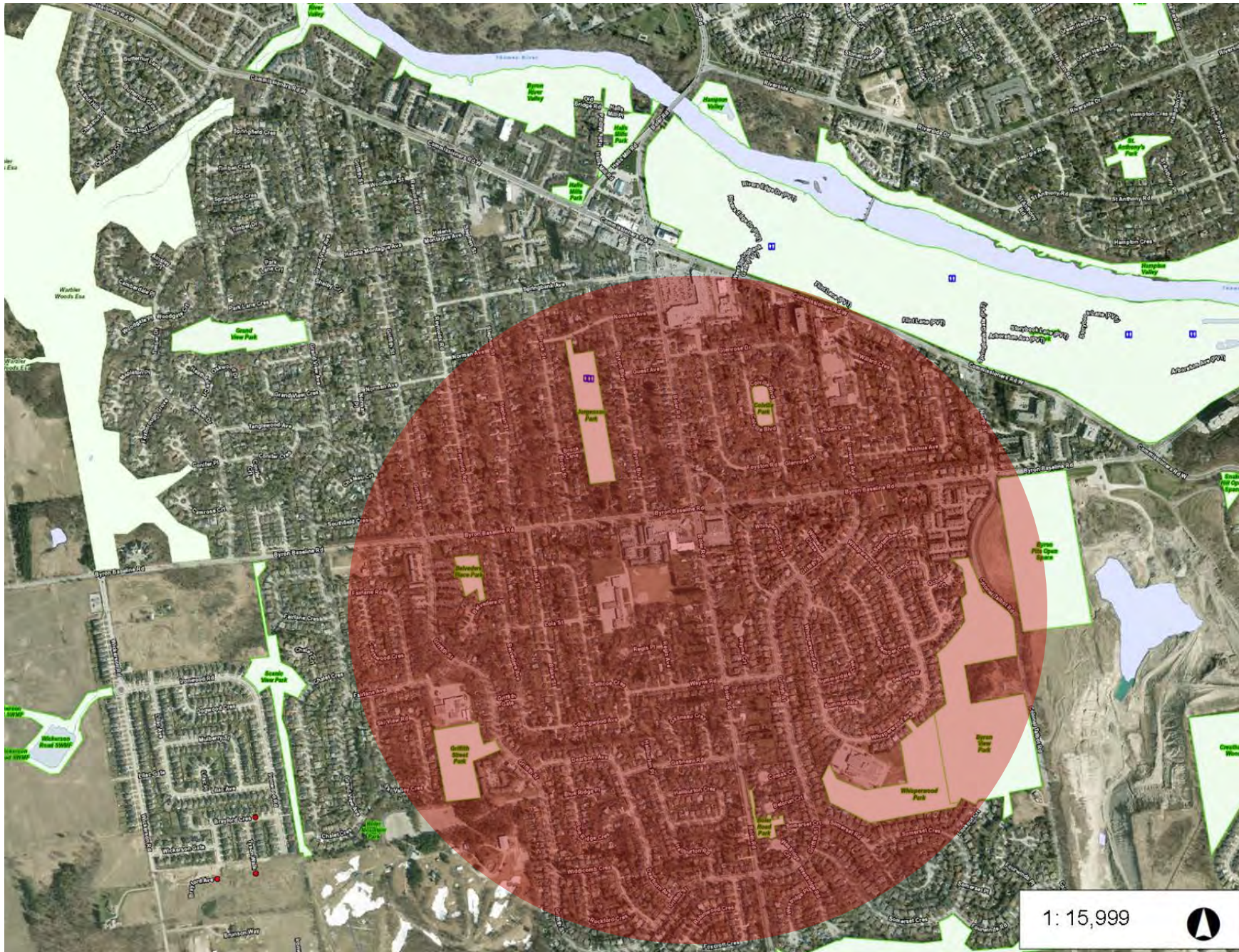


25. White Oak

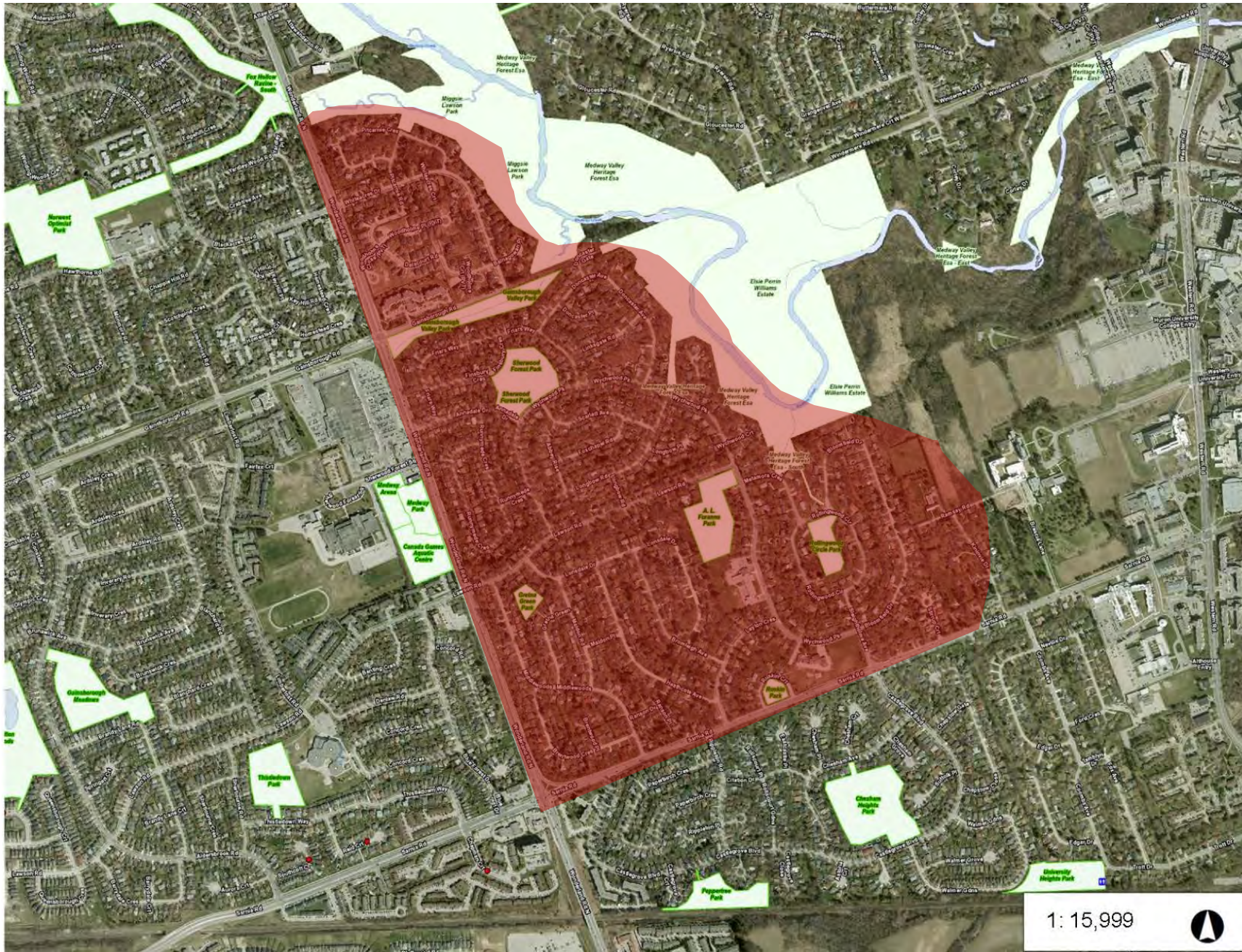




31. Byron



33. Orchard Park-Sherwood Forest



Heritage Planners' Report to LACH: June 13, 2018

1. Heritage Alteration Permits processed under Delegated Authority By-law:
 - a. 124 Dundas Street (Downtown HCD): façade alteration
 - b. 72 Byron Avenue East (Wortley Village-Old South HCD): rear addition and alterations
 - c. 35 St. Andrew Street (Blackfriars-Petersville HCD): new windows
 - d. 126-132 Dundas Street (Downtown HCD): amendment to proposed signage
 - e. 81 Albion Street (Blackfriars-Petersville HCD): widen driveway and new garage door
 - f. 440 Princess Avenue (West Woodfield HCD): accessibility alterations (ramp, entrance)
 - g. 215 Wharncliffe Road North (Blackfriars-Petersville HCD): accessibility alterations (elevator addition)

2. Parks and Recreation Master Plan – survey:
<https://www.london.ca/residents/Recreation/announcements/Pages/Parks-and-Recreation-Master-Plan.aspx>

Upcoming Heritage Events

- Eldon House – <http://www.eldonhouse.ca/events/>
 - June 16th & 17th (1:00-3:00pm seating) – Strawberry Tea
 - June 23rd (7:00-10:00pm) – Lemon-Yellow Party
This Harris family theme party tradition is being brought back from the 1920's for the first time where everything is lemon-yellow including drinks, food and costume!
 - June 26th - August 26th (1:00 - 3:30pm, Tuesday through Sunday) – Summer Tea Program
 - July 1st (drop in between 12:00-4:00pm) – Canada Day Carnival
- Elsie Perrin Williams Estate – <http://elsieperrinwilliamsestate.ca/events/>
 - July 12th (6:00-10:00pm) – Mystery Night Dinner & Silent Auction
- Banting House NHSC
 - June 21st (5:30-8:30pm) – Banting & Friends X
...evening featuring local artists, sculptors, photographers and painters in celebration of Sir Frederick Banting's passion for art.