

# Agenda Including Addeds

## Planning and Environment Committee

17th Meeting of the Planning and Environment Committee

November 22, 2021, 4:00 PM

2021 Meeting - Virtual Meeting during the COVID-19 Emergency

Please check the City website for current details of COVID-19 service impacts.

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

Members

A. Hopkins (Acting Chair), S. Lewis, M. Hamou, S. Lehman, S. Hillier, Mayor E. Holder

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# **Trees and Forests Advisory Committee**

## **Report**

The 8th Meeting of the Trees and Forests Advisory Committee

October 27, 2021

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance                   PRESENT: M. Demand (Acting Chair), A. Cantell, A. Hames, J. Kogelheide, A. Morrison, P. Nicholson and A. Valastro; H. Lysynski (Acting Clerk)

ABSENT: S. Thapa

ALSO PRESENT: A. Beaton, B. Page, S. Rowland, S. Stafford and J. Stanford

The meeting was called to order at 12:19 PM; it being noted that all Members were in remote attendance.

### **1. Call to Order**

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### **2. Consent**

#### 2.1 7th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 7th Report of the Trees and Forests Advisory Committee, from its meeting held on September 22, 2021, was received.

#### 2.2 2020 Community Energy Use and Greenhouse Gas Emissions Inventory

That it BE NOTED that the Trees and Forests held a general discussion with respect to the 2020 Community Energy Use and Greenhouse Gas Emissions Inventory.

### **3. Items for Discussion**

#### 3.1 Tree Planting Strategy - 2022-2026

That the Tree Planting Strategy for 2022 to 2026 BE POSTPONED to the next meeting of the Trees and Forests Advisory Committee.

### **4. (ADDED) Deferred Matters/Additional Business**

#### 4.1 (ADDED) Arborist Report - Westdel Bourne - Wagner Property London, Ontario

That it BE NOTED that the Arborist report dated August 17, 2020 relating to the property located at 1478 Westdel Bourne was received.

#### 4.2 (ADDED) Tree Planting Recommendations - A. Valastro

That the City BE REQUESTED to use the new Municipal Climate Lens tool to explore the implications of varying hydro lines in new developments or redevelopments particularly as it relates to reducing the impact of

severe storms on the electrical systems as well as on improving the ability to plant much larger trees along sidewalks in order to make walking a more attractive form of transportation.

**5. Adjournment**

The meeting adjourned at 2:02 PM.

# Advisory Committee on the Environment

## Report

9th Meeting of the Advisory Committee on the Environment  
November 3, 2021

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance                      PRESENT: M.T. Ross (Chair), N. Beauregard, M. Bloxam, J. Howell, K. May, M.D. Ross, J. Santarelli, D. Szoller and B. Vogel and J. Bunn (Committee Clerk)

ABSENT: A. Tipping

ALSO PRESENT: T. Arnos, A. DiCicco, M. Fabro, J. Stanford and B. Westlake-Power

The meeting was called to order at 12:17 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 Net-Zero Ready Building Codes

That it BE NOTED that the communication, as appended to the Agenda, from the Centre for Zero Energy Building Studies, with respect to Net-Zero Ready Building Codes, and a verbal delegation from A. Pape-Salmon, Commissioner, BC Utilities Commission, were received

### 3. Consent

#### 3.1 7th and 8th Reports of the Advisory Committee on the Environment

That it BE NOTED that the 7th and 8th Reports of the Advisory Committee on the Environment, from the meetings held on September 1, 2021 and October 6, 2021, were received.

#### 3.2 2020 Community Energy Use and Greenhouse Gas Emissions Inventory

That it BE NOTED that the staff report, dated August 31, 2021, from K. Scherr, Deputy City Manager, Environment and Infrastructure, with respect to the 2020 Community Energy Use and Greenhouse Gas Emissions Inventory, was received.

#### 3.3 2020 Corporate Energy Consumption and Activities Report

That it BE NOTED that the staff report, dated August 31, 2021, from K. Scherr, Deputy City Manager, Environment and Infrastructure, with respect to the 2020 Corporate Energy Consumption and Activities Report, was received.

3.4 Notice of Study Initiation - Dingman Creek Subwatershed Stage 2 Lands - Municipal Class Environmental Assessment

That it BE NOTED that the Notice of Study Initiation, dated September 2, 2021, from A. Sones, City of London and F. Curi, KGS Group Inc., with respect to the Dingman Creek Subwatershed Stage 2 Lands Municipal Class Environmental Assessment, was received.

**4. Items for Discussion**

4.1 About London Hydro

That it BE NOTED that the presentation, dated October 6, 2021, from T. Arnos, London Hydro, with respect to information related to London Hydro and sustainability, was received; it being noted that it was requested that the above-noted presentation be resubmitted to the December Advisory Committee on the Environment (ACE) Agenda in order for the ACE to make formal comments.

**5. Additional Business**

5.1 (ADDED) Windermere Road Improvements - Municipal Class Environmental Assessment Study - Notice of Public Information Centre #2

That it BE NOTED that the Notice of Public Information Centre #2 document, dated October 28, 2021, from P. Yanchuk, City of London and K. Welker, Stantec Consulting Ltd., with respect to the Windermere Road Improvements Municipal Class Environmental Assessment Study, was received.

**6. Adjournment**

The meeting adjourned at 1:53 PM.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee  
**From:** George Kotsifas P. Eng.,  
Deputy City Manager, Planning and Economic Development  
**Subject:** Parking Standards Review Background Report  
**Date:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, the attached Parking Standards Review Information Report, which is the process to review and update the current City of London Parking requirements in Zoning By-law No. Z.-1 **BE RECEIVED** and **BE CIRCULATED** for public review and feedback.

## Executive Summary

### Summary of Report

The Parking Standards Background Study appended to this report provides information regarding the Parking Standards Review that is being initiated as part of the ReThink Zoning process. It includes guiding principles, goals, and objectives for this review, including a preliminary overview of different approaches to off-street parking regulations that will be considered. It also considers how the different options align with support London's goals around sustainability, climate action, housing affordability, placemaking, active transportation, and transit.

### Purpose and the Effect of Recommended Action

The purpose and effect of the Parking Standards Background Study in Appendix A is to provide a framework for public consultation regarding parking regulation options.

## Linkage to the Corporate Strategic Plan

The review of parking standards contributes to implementing the Strategic Plan through the Building a Sustainable City areas of focus.

## Report

### 1.0 Background Information

This report provides context to inform the process of reviewing the Zoning Regulations that establish off-street parking requirements based on land use and location within the City. The Background Study that is attached to this report will provide important context and other information that will be used to guide public engagement on this topic. This review is part of the larger ReThink Zoning review but given that parking regulation is a distinct issue from other Zoning regulations, a separate report is presented for discussion. This review will consider changes to the regulations of the current Zoning By-law No. Z.-1 in addition to the approach to be implemented through a new Zoning By-law.

### Previous Reports Related to this Matter

December, 2017 – City of London – [Downtown Parking Strategy](#)

## 2.0 Discussion and Considerations

The *Planning Act* is the applicable legislation for planning matters in Ontario. It requires the City of London to have an Official Plan and permits the City to regulate development through zoning in order to implement the Plan. The Act also requires that when an Official Plan is updated after a comprehensive review, a municipality shall update the zoning by-law within three years of coming into effect (Section 26(9)).

The *Provincial Policy Statement 2020* (PPS) provides policy direction related to land use planning and development. Planning authorities shall keep their zoning and development permit by-laws up-to-date with the PPS. The PPS sets out that infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs, and planning authorities should promote green infrastructure to complement infrastructure. The PPS requires that a land use pattern, density, and mix of uses should be promoted that minimizes the length and number of vehicle trips and support current and future use of transit and active transportation.

The London Plan was approved by Municipal Council in June of 2016 as the City's new official plan and provides a vision for how London will evolve over the next twenty years. The Official Plan directs growth to strategic locations with an emphasis on growing 'inwards and upwards' to achieve a compact form of development (policy 79). As part of the City Building Section, *the London Plan* provides for different parking policies that regulate the location, configuration and size of parking areas to support the planned vision of the place type and enhance experience of pedestrians, transit-users, cyclists, and drivers. Most importantly, *the London Plan* states that *the Zoning By-law* will establish automobile parking standards, ensuring that excessive amounts of parking are not required. Requirements may be lower within those place types and parts of the city that have high accessibility to transit or that are close to employment areas, office areas, institutions and other uses that generate high levels of attraction (policy 271).

The current *Zoning By-Law Z.-1*, in force since 1993, was prepared to implement the policies of the 1989 Official Plan. Zoning is a regulatory tool that establishes the rules for development on individual properties. Zoning directs what types of buildings and activities are permitted (use), how much of a building or activity is permitted (intensity), and where and how those buildings should be situated or designed (form). All City by-laws, including zoning by-laws, must conform with the policies of the Official Plan. Zoning by-laws are the primary method regulating the provision of automobile and bicycle parking in new or expanded development. Section 4.19 of the *Zoning By-law Z.-1* regulates the off-street parking supply for London. Similar to most municipalities in Ontario, the *Zoning By-law* is used as method to mandate a certain supply of off-street parking at a particular site.

The 1989 Official Plan and *Zoning By-law no. Z.-1* both place an emphasis on land use, breaking the city up in zones that are based on land use classifications such as residential, commercial and industrial uses. The London Plan is considerably different from its predecessor in terms of planning approach, putting a greater emphasis on built form. Instead of land use designations, the London Plan establishes a sense of place through different Place Types (based on use, intensity and form of development) that apply to parts of the City.

**ReThink Zoning** is the process of delivering a new Comprehensive Zoning By-Law that will implement The London Plan and contribute to achieving its vision for London to develop as an exciting, exceptional and connected City. Because *The London Plan* completely replaces the *1989 Official Plan*, it is necessary that a new by-law be prepared that conforms to and implements its policies. The London Plan provides direction on many zoning matters, and ReThink Zoning will be the exercise to prepare the new zoning by-law that will fully implement that vision and direction. ReThink Zoning is a major project that will have a lasting impact on how London will be shaped to meet the vision established in the London Plan.

Some of the key objectives of the London Plan that relate to zoning regulations include:

1. **A mosaic of great places:** where each place type has its own character, vision and function in our city.
2. **Link development to mobility:** where the street classification establishes use, intensity, and forms of development, and is part of creating distinct place types. This is evident in various place types, such as Rapid Transit Corridors, Urban Corridors and Main Streets. The Neighbourhoods Place Type allows different use, intensity, and form based on the street classification.
3. **Flexibility and certainty:** The Plan is designed with the intent of requiring fewer amendments, It allows for interpretation while ensuring reasonable expectations of what can be build.
4. **Context-sensitive approach:** The Plan requires the application of evaluation criteria and other policies to ensure that development is compatible and fits within its context.
5. **Plan for sustainability:** A considerable portion of our greenhouse gas emissions come from transportation and housing. The London Plan draws the link between how we build our city and how we move. Responding to the climate emergency is embedded throughout the Plan, especially in the Key Directions, City Structure, and Environmental Policies.

Zoning is a crucial tool to implement the new Official Plan, and therefore these key elements of the London Plan provide a framework to implement the new Zoning By-law and associated parking regulations.

### 3.0 Background Paper

A Background Study has been developed to provide a framework for public consultation about the different options and other considerations for parking requirements to support London's goals around sustainability, climate action, housing affordability, active transportation and transit.

#### Engagement Opportunities

Public and stakeholder engagement is a key component for creating a new zoning by-law and associated parking standards. Consultation will include the public, focused stakeholders, community organizations, industry professional, development industry, and all other interested parties.

Initial engagement will focus on providing the framework for the project and information about the necessity to update the existing parking standards. Later engagement will focus on the different options to regulate parking standards, in particular minimum, maximum and open parking standards.

The ongoing COVID-19 Pandemic has necessitated changes to the types of engagement, so as a result of the social distancing measures, this project will focus engagement options to mainly online methods. These sources include:

- **Get Involved Website.** This online engagement platform ([getinvolved.london.ca](http://getinvolved.london.ca)) will provide information about the project and will be updated regularly.
- **Social Media.** Engaging content can be posted using the City's existing handles on Twitter, Facebook, and Instagram to draw the general public to the Get Involved Website.
- **Webinars.** This engagement method allows Staff to host a virtual 'town hall' or virtual community information meeting.
- **Virtual and in-person meetings.** Videoconferencing and stakeholder meetings (if appropriate based on the health-regulations) allow us to hold meetings with stakeholders to discuss the project. Meetings can be recorded and shared online for those unable to attend.

Planning & Development staff want to ensure that Londoners have opportunities to provide input on the regulation of off-street parking in our city. The results of this public engagement process will inform the final Parking Standards Review expected to be completed in 2022.

## Conclusion

The Parking Standards Background Study appended to this report provides information regarding the Parking Standards Review that is being initiated as part of the ReThink Zoning process. Because *The London Plan* has replaced the *1989 Official Plan*, it is necessary that a new Zoning by-law be prepared that conforms to and implements its policies. As outlined in the Background Study, while parking regulations are a distinct planning issue, they connect in many ways to other city-building considerations. The options explored in the Background Study, including minimum parking requirements, open option standards and maximum parking requirements, provide a framework for better off-street parking standards that achieve the London Plan vision to achieve a compact form of development and build a sustainable city. It is recommended that this report and the Background Study be circulated to stakeholders and the public for comments and feedback.

**Prepared by:** Isaac de Ceuster,  
Planner I, Long Range Planning & Research

**Reviewed by:** Justin Adema, MCIP, RPP  
Manager Long Range Planning & Research

**Recommended by:** Gregg Barrett, AICP  
Director, Planning & Development

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



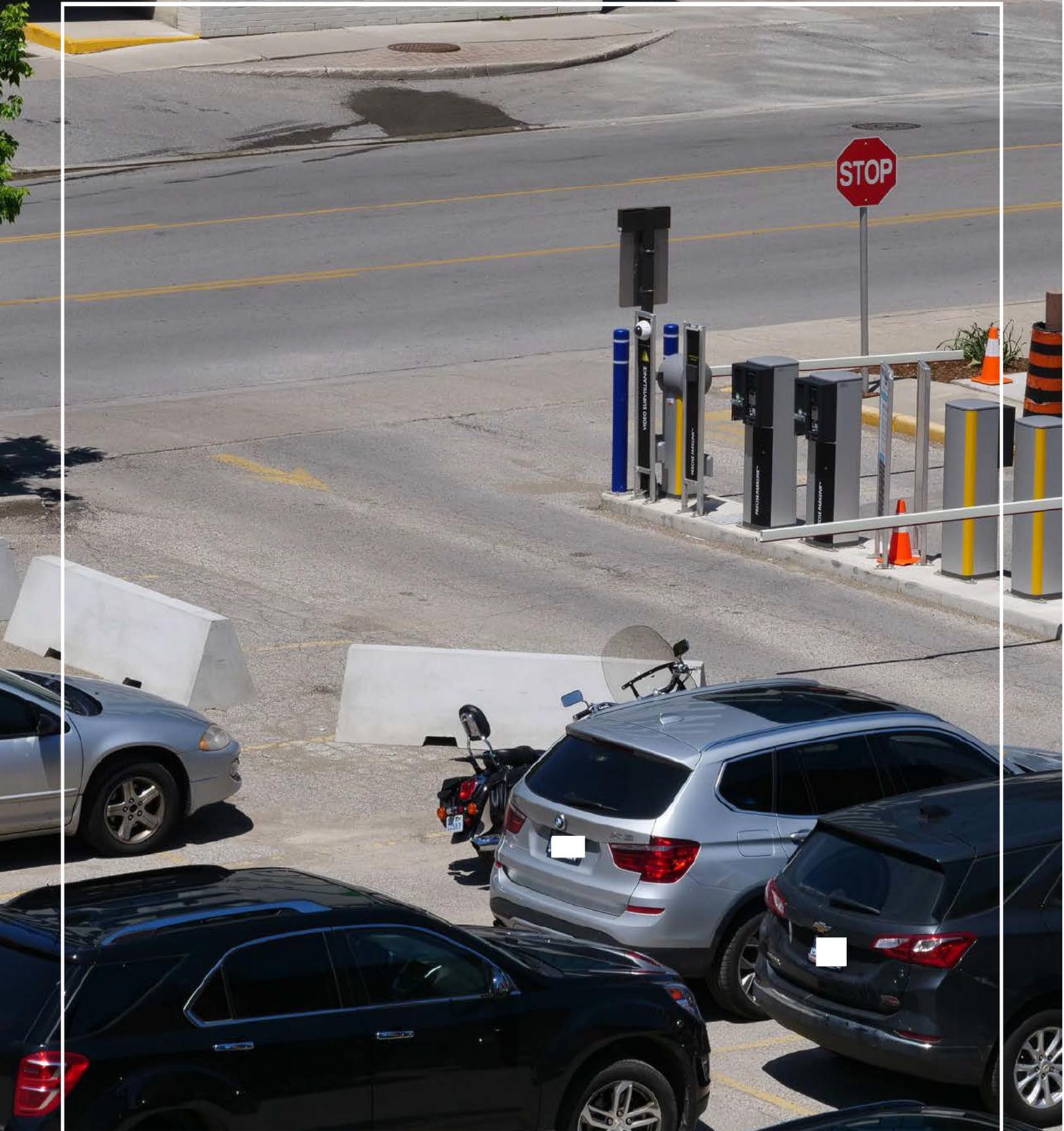


# Parking Standards Background Study

November, 2021



**London**  
CANADA



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## 1.0 Introduction

Parking is a key element to achieving the London Plan's objectives for city building. The way parking is regulated will in part determine the land uses that are built, the level of intensity that can be achieved, and the character or form of new development.

The London Plan was adopted as a new Official Plan for London in 2016, and it brought forward a new approach to how we manage growth and shape the city to address the new challenges that we face. The London Plan includes a new emphasis on how development is designed to create great and exciting places. It also prioritizes new mobility options and considers how to grow more sustainably and resiliently in response to the current climate emergency. The way we regulate and manage parking supply is central to each of these aspects of city building described in the London Plan. The primary tool that the City uses to regulate parking is the Zoning By-law.

The City's current zoning by-law includes a section that lists the defined uses and provides a minimum parking requirement for each one. The current zoning by-law was written to implement the previous 1989 Official Plan, so we have begun the process of preparing a new zoning by-law to implement the London Plan called ReThink Zoning. While ReThink Zoning will establish parking requirements for the new by-law, this review of parking regulations will inform the ReThink Zoning process and will also include recommended amendments to the current zoning by-law.

# 2.0 Background to Parking Regulation

## 2.1 Current Parking Issues

Urban areas have historically been shaped by transportation patterns. Over the last century city planning and transportation engineering standards have reoriented North American cities to prioritize the automobile at the expense of other transportation modes, and the consequences of those earlier actions define our current development patterns.

In the same way cities were shaped by railways and trams in the 19th century, and by private cars in the mid-20th century, the rise of new technology has the potential to shape our urban form in the 21st century. Advancements in technology and changes in priorities are leading to emerging trends in human travel. At the same time Planners have learned that some of the fundamental principles of city building that were true a century ago remain true today, and we should focus our efforts on achieving great places and neighbourhoods throughout the city in order to realize the vision established in the London Plan. Some current trends related to parking requirements include:

### **New private sector transportation services are emerging.**

'New mobility' technologies like connected and automated vehicles (CAV), and ride hailing services (like Uber) form a shift in transportation services.

### **Younger generations are becoming more multi-modal and less car dependent.**

Several emerging services provide an alternative to car ownership. Car-share and bike-share are becoming more popular and accessible through online booking and payment applications. Especially millennials indicate that they are more reliant on their smart phones than other technology including a car.

### **Driverless Cars are on the horizon.**

The emergence of CAVs providing door-to-door, on-demand ride hailing is predicted to become an everyday travel option in the near future. Although much is uncertain, CAVs would likely no longer require an on-site parking spot as they would continue to the location to pick up somebody else.

### **As mobility options increase, the need for parking will decrease**

As it's challenging to forecast the exact implications of the trends above, the parking standards should be flexible enough to react to changes in the transportation system while maintaining a development approval process that allows sufficient parking and is supportive of sustainable development.

All transportation systems are made up of three components: vehicles, right-of-way, and storage space. Parking relates to the 'storage space' that vehicles occupy when they are not in use and can be either on-street or off-street. On average, cars are parked 95% of their lives and driven only 5% (Shoup, 2005). As a result, our transportation systems require large amounts of land for parking, as also seen by the significant amount of parking inventory in Downtown London (Figure 1). The green areas indicate publicly accessible off-street parking. On-street parking and privately owned off-street parking (available for employees) are not included in the image.

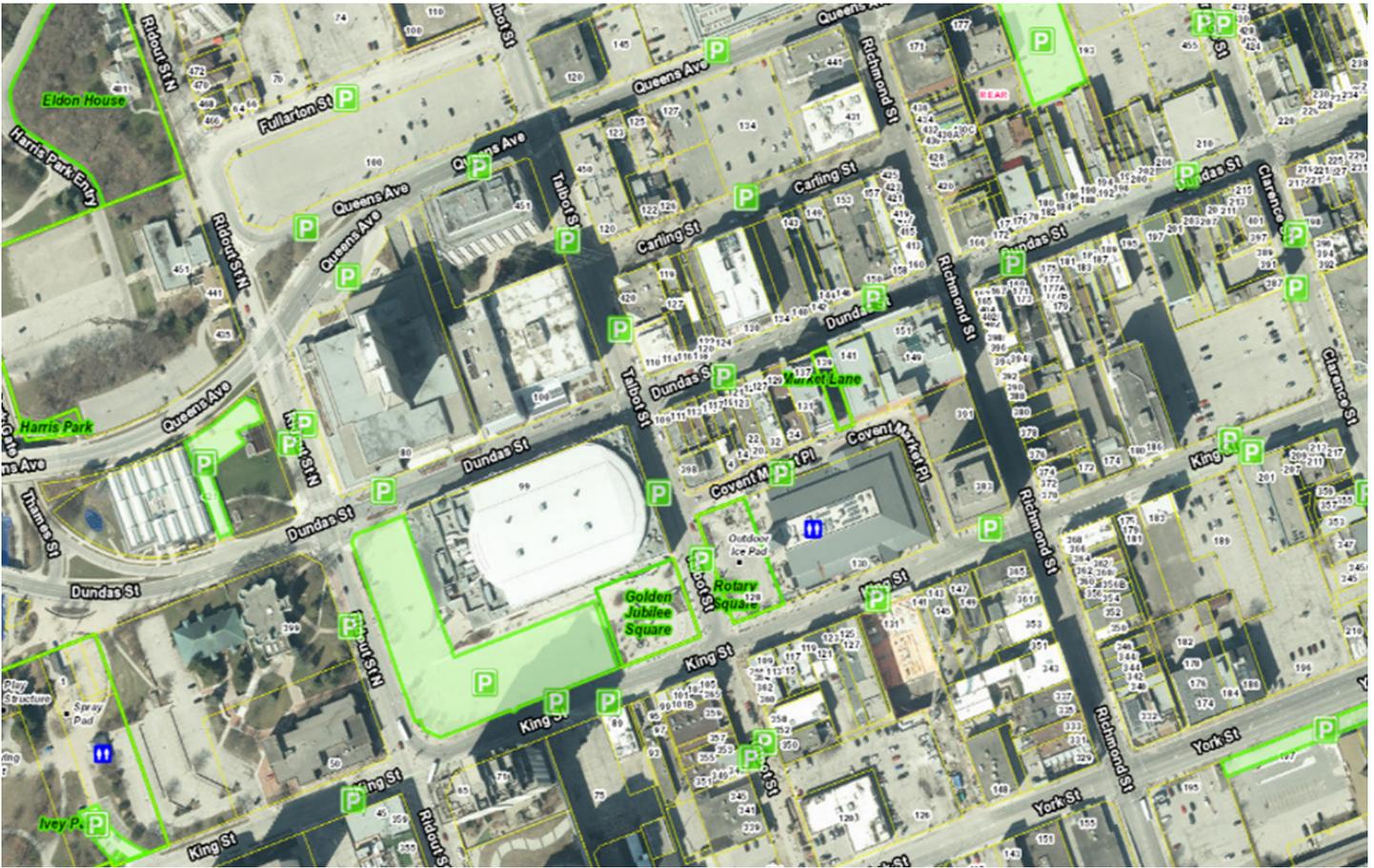


Figure 1: Aerial Image of Downtown London, CityMap 2021.

The London Plan states that the City of London will set automobile parking standards, ensuring that excessive amounts of parking are not required. It also states that the City will plan improvements to the mobility network with an emphasis on active mobility, improved transit services, and Transportation Demand Management Targets. While auto-dependence is discouraged, The London Plan also recognises that automobiles will continue to be used and require an adequate supply of off-street parking to be maintained to support short-term parking demands. The London Plan directs that adequate parking standards be established that ensure excessive amounts of parking are not required.

## 2.2 Parking in relation to land use

Parking is one of the most significant factors that influences the form, design, and function of our cities and neighbourhoods. While often seen as a limited technical part of a larger development process, parking has a powerful effect on the environment, economic success, affordability, and resiliency of our city. The current approach to municipal zoning and parking regulations requires a certain number of parking spaces to be provided for different land uses. These requirements set out the amount of space that must be dedicated solely to the storage of cars, either in surface parking areas or in parking structures. Parking regulations also provide for the appropriate size of parking spaces, driveways and drive-aisles to access parking spaces.



When designing a development, the location of the driveways and number and size of parking spaces can easily take over the design process because the form and function of parking spaces is relatively constant and can't be shaped like the architecture of a building. Experiences in London show that these parking regulations often result in a constrained envelope for the architecture of the building, with increased costs to build extensive parking lots or structures.

A better approach to parking regulations can be a driver for positive and equitable growth and induce healthy development for residents, businesses, and the environment. The right parking regulations can work together with municipal investment in transit and active transportation infrastructure to promote mixed-use and compact development and built form.

However, car-friendly policies such as separated land uses, low density and great availability of free parking create drivable cities but prevent walkable communities (Shoup, 2018). That type of parking regulations can impede this equitable growth, standing in the way of the key objectives for the future of our city as outlined in The London Plan. Parking regulations are rooted in past practices and experiences to ensure every building has sufficient parking to meet peak demand. As the Zoning By-law Z.-1 was implemented in 1993, the regulations are based on outdated market factors that potentially differ from the actual parking demand. As an important junction between land use planning, transportation and mobility, and the economic resiliency and success of our cities, parking standards can provide great public value or harm, depending on how they are regulated and implemented.

## 2.3 Negative effects of excessive parking

The site-based approach mandated in the zoning by-law has some clear benefits, but also makes parking a planning consideration that doesn't necessarily take the surrounding context into account. In other words, a certain supply of parking is guaranteed on a particular site without taking the broader effects of parking onto land use and transportation into account. A summary of arguments that support and oppose minimum parking requirements is provided in Figure 2 (Willson, 2013).

Arguments in favor of minimum parking requirements	Arguments against minimum parking requirements
Reduce congestion around a site caused by vehicles looking for parking.	Encourages private vehicle use.
Avoid parking spillover.	Adversely impacts transit ridership and alternative modes of transit (disadvantages non-drivers).
Creates 'orderly' development patterns.	Ignores additional costs of parking compared with potentially lower costs associated with alternative modes of transit.
Creates an 'even' playing field among developers.	Reduces development densities/intensity and hampers infill development and adaptive reuse.
Reducing the need for parking management by making adjudication of conflicts between property owners unnecessary.	Directly and indirectly harms the environment. Lower physical activity also has negative consequences for public health.
Reduces demands for public provision of parking.	Often based on imprecise representation of actual parking utilization levels.

Figure 2: Summary of arguments for and against minimum parking requirements, Willson 2013.

An increasing volume of scientific studies have explored the negative impacts of parking regulations in different North American cities. Higher parking requirements lead to increased land costs per area of developed floor space, making development at the urban periphery (also known as urban sprawl) relatively more attractive due to lower land costs (Willson, 1995). Other studies suggest that minimum parking requirements discourage urban infill development (Burby, 2000). Lower density land use patterns are not conducive to walking, cycling and transit and increase auto-dependence. In 2005, renowned parking expert Donald Shoup released a book called 'The High Cost of Free Parking'. In this book, Shoup recommended that cities should charge fair market prices for on-street parking and use the revenue to benefit the metered areas and remove off-street parking.



In his more recent book 'Parking and the City' (2018), Shoup linked minimum parking regulations to several harmful effects such as increasing traffic, congestion and carbon emissions, pollution of water and air, encouraging urban sprawl, raising housing cost, degrading urban design, reducing walkability and subsidizing cars. What is meant with the latter is that the costs associated with the construction of parking are spread out through all sectors of the population, instead of being borne solely by the users of parking spaces due to costs being passed from developer to purchaser to tenant to consumer (Lehe, 2018). Shoup provides an example where parking requirements raise the price of food at grocery stores for everyone, regardless of how they travel. People who cannot afford to own a car pay more for their groceries to ensure that more affluent people can park free when they drive to the store (Shoup, 2018).

The biggest element of this equity issue is the impact on housing affordability, as outlined by Canadian transportation expert Todd Litman:

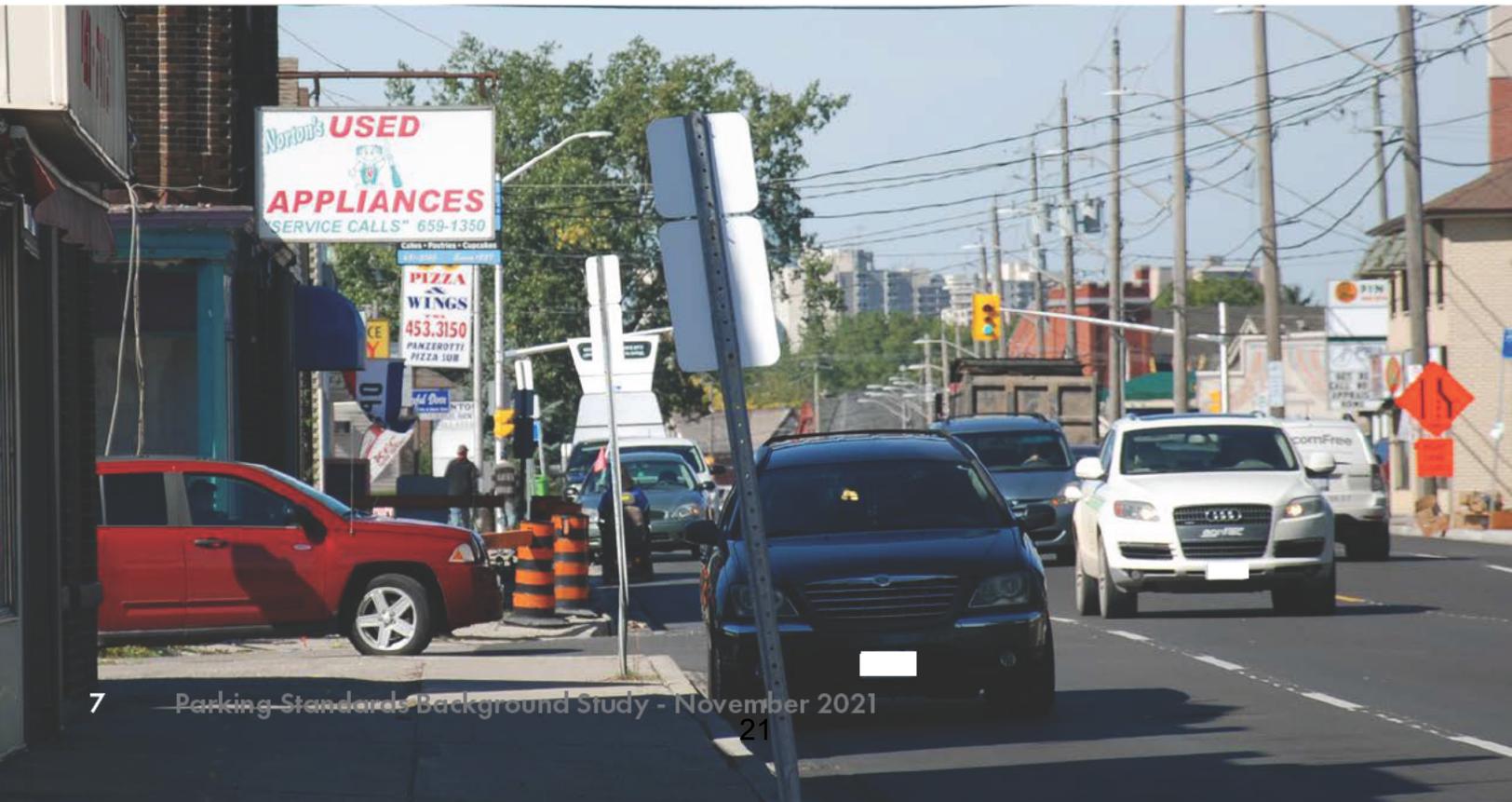
***Conventional parking minimums significantly increase housing costs, especially when land prices are high and housing construction costs are relatively low, such as affordable, urban infill housing. Based on typical affordable urban housing developments costs, one parking space per unit increased total development costs by about 12.5%, and two parking spaces increase costs by about 25%" (Litman, 2013 & 2021).***

Litman explains that lower income households, who tend to live in more affordable forms of housing and have on average the lowest levels of vehicle ownership, pay a higher percentage of housing costs on the provision of parking than higher income households, whose costs typically include greater construction costs and greater land values, making the proportion spent on parking less, since parking is a relatively fixed cost across local geographies.

A recent study by Hess & Rehler (2021) explored the impacts of a new zoning code that repealed minimum parking requirements city-wide in Buffalo (NY). This shift has eliminated inflexible parking minimums in favor of market-based demand (developers can choose how much parking to supply), and also encouraged parking management strategies and shared parking through TDM strategies. Hess & Rehler found that the effect on parking supply following elimination of minimum parking requirements in Buffalo varied considerably by land use. Developers of mixed-use sites took advantage of the reform, but single-use residential, commercial, and civic projects specified a parking supply in excess of that required by earlier minimum requirements. Among these mixed-use developments, the reform produced 21% fewer parking spaces per development than required by minimums in the preceding zoning code. In particular, mixed-use developments in proximity to transit along primary commercial corridors tended to provide fewer off-street parking compared to before the repeal of the parking minimums.

Appropriate parking standards that don't require excessive parking not only reduce the construction costs associated with development by allowing developers to build less parking spaces, but also potentially reduces other costs of a development approval in terms of time and consultant fees. Excessive parking standards affect the viability of infill development, a form of development that takes advantage of existing infrastructure and services without needing to expand outward. As residential intensification plays a large role in achieving our goals for growing 'inward and upward', appropriate parking policies will support the realization of these goals by making infill development more feasible from a financial perspective.

Finally, unnecessary planning applications and minor variances relating to parking reductions also cost Staff time and resources reviewing and processing applications.



## 2.4 Parking and alternative modes of transportation

A clear relationship exists between the provision of parking spaces and alternative modes of transportation including public transit, walking and cycling. Fundamentally, when someone chooses an alternative mode of transportation to get around, they are not travelling in an automobile and thus do not require the use of a parking space at their destination. This obvious connection between alternative modes of transportation and parking can be used to decrease the use of personal automobiles by incentivizing the use of alternative modes. This can include defining appropriate parking standards, parking management strategies, public transit improvements and appropriately priced public parking supplies.

While studying the impact of parking policies on the transportation choices of residents in San Francisco, research found that land use policies and transportation choices are linked. Greater transit accessibility reduces car ownership and use. Greater walkability and active transportation infrastructure increase the use of alternative transportation modes and reduces car use. Most importantly, the parking supply a building provides has a stronger effect on transportation choices than transit accessibility (Millard-Ball, 2021). In other words, buildings with one parking space per residential unit have more than twice the car ownership rates than buildings with zero parking spaces.

This finding confirms that the availability of parking (parking supply) has a greater effect on car use than the availability of alternative transportation modes. As The London Plan places a new emphasis on creating attractive mobility choices as alternative to the automobile, significant efforts and investments are made for public transit and active transportation infrastructure projects in the city. Examples include the new BRT links East London Link, Wellington Gateway and Downtown Loop currently in design and construction stage and Cycling Master Plan projects like the Dundas Cycling Track and Colborne Cycle Track. Based on the London Transit Annual Report 2019, conventional transit ridership grew by 5.8% between 2015-2018, while service hours over the same period increased by 9.2%. Ridership per capita has shown slight improvements beginning in 2017, demonstrating that transit ridership is growing at a faster rate than the population of London. By making investments in transit and active transportation infrastructure, the City is at an opportune moment to implement improvements in the parking policies to further shift the transportation focus from private car-use to alternative modes of transportation. Without a full review and rethink of parking regulations, the transit and active transportation improvements will fail to achieve their full potential.

## 2.5 Climate Emergency

On April 23, 2019, the City of London declared a Climate Emergency “for the purpose of naming, framing and deepening our commitment to protecting our economy, our eco systems and our community from climate change”. Essential in this declaration is the recognition by council that the existing City initiatives are insufficient to decrease greenhouse gas (GHG) to meet current targets. Climate change may affect London in a number of ways:

- *Severe weather damages including flooding, high winds, freezing rain and extreme temperatures.*
- *Increase in warmer-climate diseases like Lyme disease and West Nile virus.*
- *Increase in cost and decreased availability of food.*
- *Increase in health care costs from heat waves.*
- *Increase in property insurance costs.*
- *Loss of biodiversity.*

These impacts will only get worse if strong collective actions to curb greenhouse gas emissions and adopt to the changes already occurring are not taken immediately. There are two primary types of responses to these impacts:

### Mitigation

Mitigating future impacts through reductions in greenhouse gas (GHG) emissions such as carbon dioxide, methane, and nitrous oxides, primarily as a result of the use of fossil fuels (e.g., gasoline for personal vehicles, natural gas to heat buildings).

### Adaptation

Adapting infrastructure, homes, buildings, landscapes to better withstand current and future impacts of more frequent severe weather events that are created from a climate that is wetter, warmer and wilder.

The City of London has proposed a more aggressive long-range greenhouse gas reduction goal for both municipal operations and the community as whole to mitigate and adapt to climate change:

*Our new target will strive towards net-zero greenhouse gas emissions in London by the year 2050.*



## Transportation emissions

The 2017 Community Energy and Greenhouse Gas Report from the City of London identified that transportation is by far the sector with the largest emissions of GHG. Our 2017 transport emissions are 1390 kt CO<sub>2</sub> (of which 70% of emissions are from personal vehicles), representing 49% of total emissions today, and has been relatively unchanged since 2007.

In Canada as a whole, the transportation sector is responsible for approximately 25% of total GHG emissions, and of the 15.4 million people who regularly commute (before the Covid-19 Pandemic), only 12% use public transit as their primary transportation mode.

The Reducing GHG Emissions in Canada's Transportation Sector report recommends three main objectives in the transportation sector to reduce GHG emissions:

1. Encourage mode shifting away from solo car rides towards transit, auto-share, and active transportation.
2. Significantly increase the market share of zero-emission vehicles sold in Canada.
3. Reduce the emissions intensity of the fleet of vehicles in Canada, including light and heavy freight.

## Mode Share Targets

The City of London Transportation Master Plan (2013) assessed three primary growth & transportation scenarios to determine the most effective integrated land use and transportation strategy to achieve the transit focused vision in the TMP. Scenario 1 representing a continuation of the status quo, was compared to Scenario 2 and 3; each of which featured alternative growth allocation patterns and growth rates, along with higher transit mode share targets. In order to meet the 2030 and 2050 emissions targets, a significant shift in mobility trends will be required to reduce our GHG emissions, and parking policies will be playing a key role in driving that change in behaviour.

Even when fully implemented, the existing Transportation Master Plan does not achieve the required emissions reductions targets even with (nearly impossible) 100% vehicle electrification. Only aggressive changes in mode split from automobile to zero carbon transportation such as walking, cycling or electric transit, can achieve the climate emergency goals.

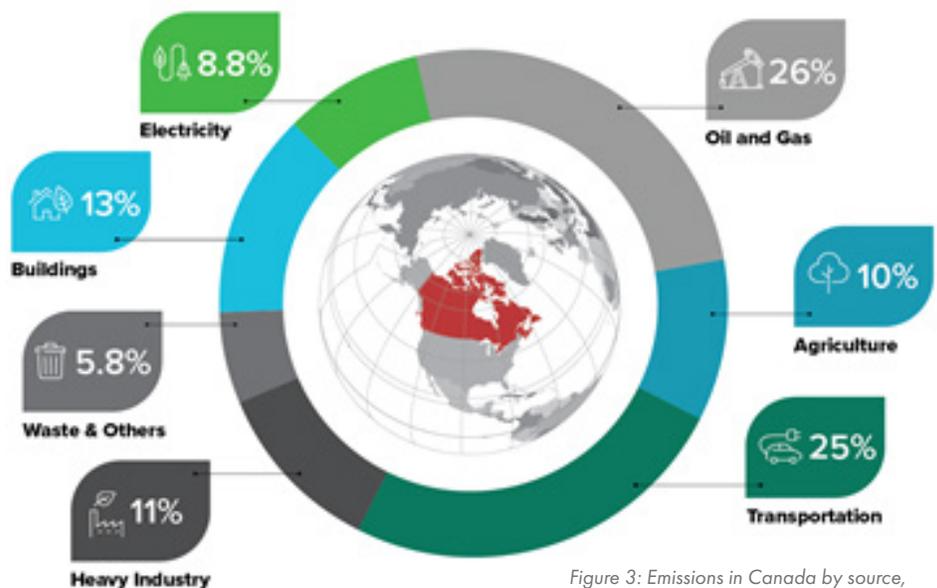


Figure 3: Emissions in Canada by source, Government of Canada 2019.

In addition to the GHG emissions resulting from the movement of vehicles, the construction of parking spaces also results in GHG emissions. When considering the environmental impacts of the construction of parking spaces, combined with the environmental impacts of owning a vehicle, the City of London has an opportunity to show leadership on climate action and mitigation by realizing more sustainable development and a reduction in GHG emissions with the creation of new parking policies. Implementing parking management strategies to support active transportation and transit, a more efficient use of available parking spaces and an overall reduction of the number of parking spaces are all necessary to reduce the GHG emissions in the City of London and achieve a fundamental shift in transportation behavior.



## 2.6 Parking and the public realm

The appearance and condition of the public realm, the publicly accessible places and spaces in a city, plays an important role in London's identity and economic vibrancy (London Plan Policy 799). As part of the Place Type policies of the London Plan, a range of uses, intensity of development and form of development are provided. Form measures such as parking, landscaping, orientation, setbacks, building location, building massing, step-backs, materials and architecture are an important design consideration for all planning and development applications to represent our city as a mosaic of outstanding places. The London Plan provides that surface parking areas should be located in the rear and interior sideyard, and underground parking and structured parking integrated within the building design is encouraged. For shopping areas or large blocks of future redevelopment, sites should be designed to attract pedestrian activity to the front of these buildings, while amenities such as landscaping or patios serve to screen any large fields of parking on the remainder of the site from the street (Policy 859).

As explored in Section 2.2, the relatively fixed requirements for a functional layout of parking and drive-aisles often are a primary consideration for an architect or designer. The fixed and inflexible elements of parking shape every element of our buildings and the public realm. When large parking areas are required to be included in the design exercise, parking lots must take up space that could be better served by other building elements providing a connection between the private development and public realm.

Especially surface parking lots consume a large amount of land area that interrupts the pattern of building frontage with an underused, open space that is not attractive or welcoming to pedestrians. When provided in parking structures, parking spaces can lead to architecture that lacks a relationship with the street level, unless significant design interventions are used to hide the parking structure.

Requiring large amounts of land for parking to support a building inherently reduces the overall intensity of development and increases the distances between uses. This can further lessen the walkability of our neighbourhoods, resulting in a vicious cycle where more cars are used to move between less dense urban areas, requiring even more parking spaces. Litman calls this process 'parking squeezing out housing: by increasing land needed per residential unit, increased surface parking reduces the maximum potential development density (Litman, 2021).

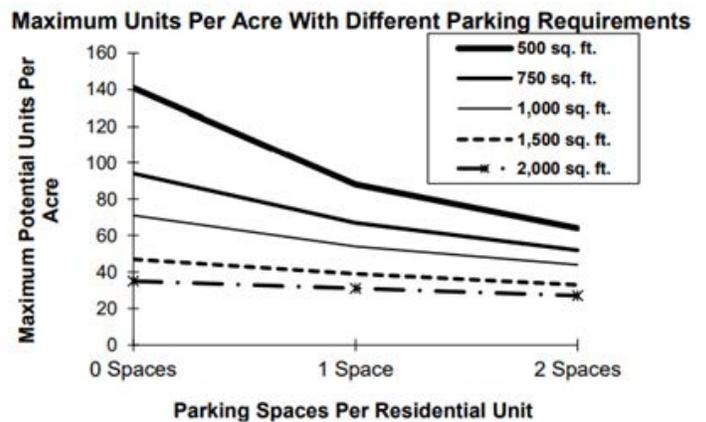


Figure 4: Maximum potential density declines as number of surface parking spaces increases (Victoria Transport Policy Institute, Litman, 2021).

This effect is proportionally larger for smaller units, as the maximum potential density declines as the number of surface parking spaces increase (Gabbe & Pierce, 2017). Increasing parking standards from 1 to 2 spaces per unit reduces the maximum potential density for 500 sq. ft. apartments (black line) from 88 to 64 units per acre (37% decline), but only causes a 13% reduction in maximum density for 2,000 sq. ft. dwellings (striped dotted line) (Litman, 2021).

Each off-street parking space typically occupies 30m<sup>2</sup> (330 sq. ft), half for the parked car, and half for the access aisles (Shoup, 2018 & Litman, 2021). Visualizing this typical parking space shows that the requirements for a two-bedroom apartment in many jurisdictions is more than half the size of the apartment itself (Spivak, 2018).

Therefore, increased parking creates lower density land use patterns that are less suitable for transit, cycling and walking. Generally, it's assumed that development densities under 30 units per hectare (12 units per acre) does not support public transit service and neighbourhood amenities within walking distance that form a substitute for driving (Litman, 2021). Finally, off-street parking requires curb cuts to access the surface parking area from the street. These curb-cuts degrade the pedestrian environment by causing vehicles to cross sidewalks, and also reduces capacity for on-street parking (Litman, 2021).

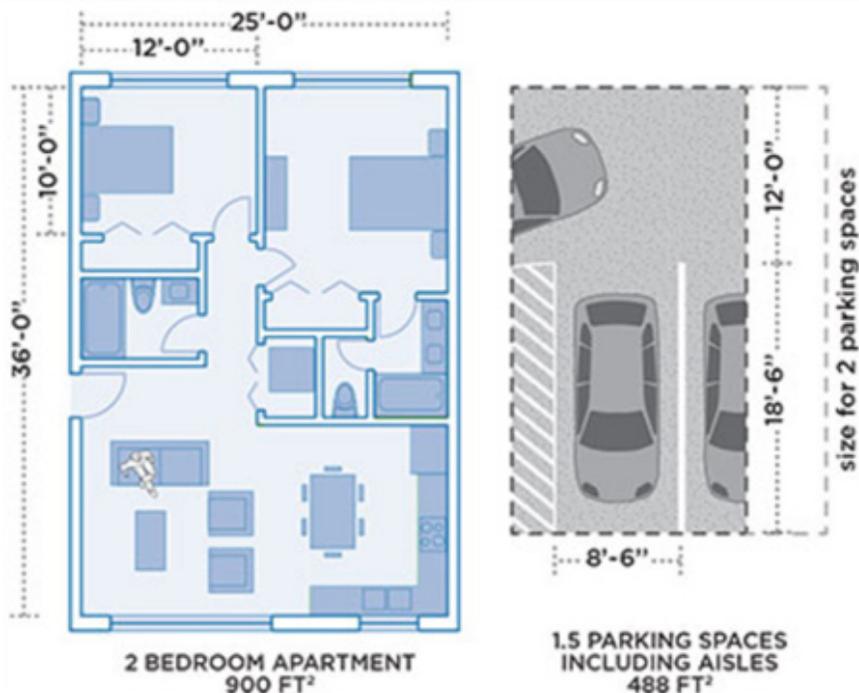


Figure 5: Living space versus Parking Space. Spivak 2018.

In 2019, the City of Edmonton explored the relationship between parking utilization and various geographical variables to identify potential trends in utilization across the City.

Six predictive variables were chosen to test their relationship with parking demand and for grouping neighbourhoods, visualized in figure 6.

Variable	Source	Rationale
Population Density (people per km <sup>2</sup> )	Neighbourhood Level Census Statistics	Population density is an indicator for urbanity. Denser places are typically better served by alternative modes of transit.
Employment Density (employees per km <sup>2</sup> )		Employee density is an indicator for urbanity. Neighbourhoods with higher job densities are typically better served by alternative modes of transit.
Drive Alone Rate (%)		This rate describes the proportion of residents who primarily drive alone via car. This measure can represent the auto-dependency in an area.
Walk Score	Sourced from walkscore.com	Measure of walkability and quality of pedestrian environment.
Transit Score		Measure of transit accessibility (aggregates transit frequency, density of stops and routes, and mode).
Assessment Value Density (\$/m <sup>2</sup> )	City of Edmonton assessment data	Assessment value density measures how valuable the land is on average.

Figure 6: Predictive Variable Definitions, Comprehensive Parking Study City of Edmonton, 2019.

The six predictive variables were tested for their relationship with the maximum observed parking utilization in each neighbourhood with a correlation test. The strongest relationship exists between maximum observed parking utilization and walk score. The Walkscore Index assesses the 'walking potential' of a place through combination of the shortest distance to a preselected destination, the block length and the intersection density (Hall, 2018). This means that destination density and land use mix (proxy for walk score) may be the strongest predictor of the maximum observed parking utilization among those variables tested. However, this correlation is relatively weak ( $r$  is 0.21 and  $R^2$  is 0.045). This means that only 4.5% of the variation in parking utilization is explained by the variation in neighbourhood walk score. Overall, the City of Edmonton found that, on their own, none of the variables have strong predictive relationships with parking utilization (City of Edmonton, 2019). Combining all variable in a multiple linear regression model found that none of the other five variables add any unique explanatory power beyond the walking score.

The London Plan has shifted the conversation away from the quantity of parking towards a focus on the design and quality of these spaces. The London Plan recognizes the relationship between automobile parking and good urban design by minimizing the impact of parking facilities on the public realm by strategically locating and screening these parking areas and directing surface parking towards the rear yard or interior side yard of development (Policy 272). This Parking Review Background Report continues this shift to focus more on parking from an overall urban design perspective.



## 2.7 Parking Reform in North America

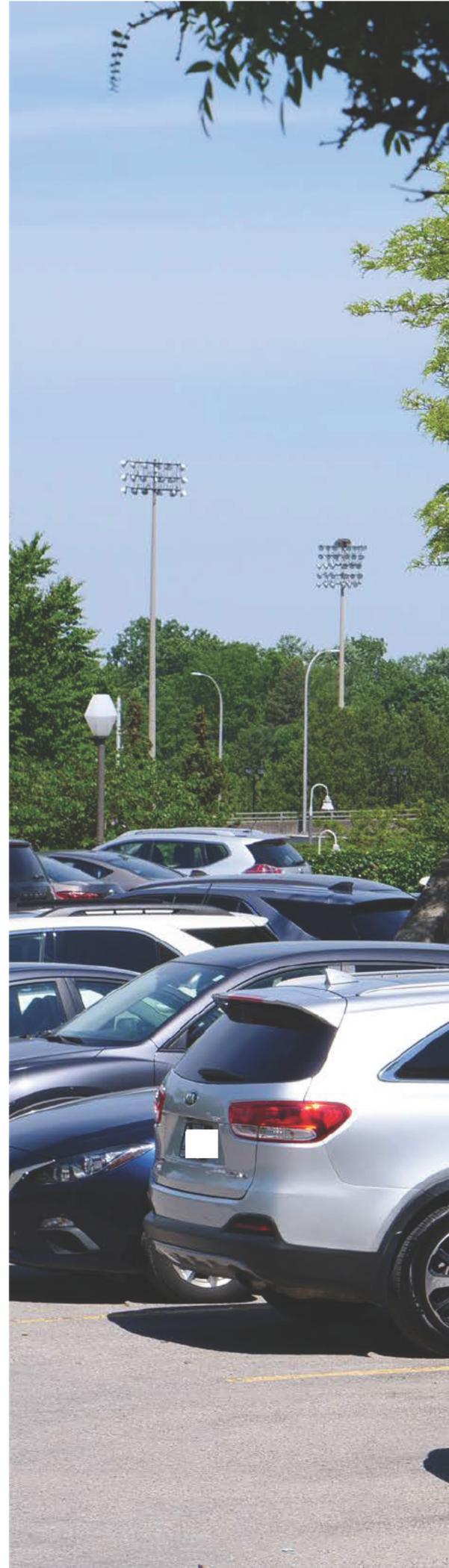
There is an increasing recognition by local governments in North America that parking standards have contributed to the existing oversupply of off-street parking, and that minimum parking standards often represent barriers to intensification and redevelopment. A shift from the status quo towards a new way of supplying parking has been used in other cities, including zoning changes to lower minimum parking requirements, or even the complete removal of such minimum requirements.

Within Canada, the City of Edmonton was the first major city to remove minimum parking ratios city-wide. Although there are some significant differences between Edmonton and London, important lessons arose from the approach Edmonton took that must be considered when looking for the best option in London. Edmonton used an 'Open Option Parking' approach to gradually reduce parking minimums starting in 2010, which eventually led to the complete removal of parking minimums in 2020, except for accessible parking spaces. Together with the removal of minimum parking standards, Edmonton increased the number of bike parking spaces required and established maximum parking space ratios for residential, commercial and mixed-use development in the downtown core, which was later extended to transit-oriented development and main street areas.

The City of Ottawa began updating their parking requirements in 2015 with the introduction of three new parking areas representing the inner urban area (area X), inner urban main streets (area Y) and areas near major light rail transit (LRT) stations (area Z). Through the introduction of these new areas, new minimum parking ratios were developed to support the desired development pattern in these areas. For area Z, Ottawa chose to remove all minimum parking requirements, except for visitor parking spaces. This change was intended to encourage higher density around LRT stations and attempted to balance the need for parking against associated costs such as inefficient land use.

The City of Calgary voted to remove parking minimums for non-residential uses in November 2020, eliminating minimum parking regulations from their zoning by-law. The project was called Parking Choices for Businesses and attempted to align parking supply with demand. The underlying principle was that businesses and developers know their parking needs best and should have the flexibility to make choices to support their business needs. The amendment also removed parking requirements for childcare centers and schools, while maintaining minimum pick-up and drop-off requirements for these uses. The amendments also allowed shared parking for any use that doesn't have minimum parking requirements. Future work identified a review of residential parking standards, bike parking, implementing maximum parking requirements, the design of parking, evaluation of cash-in-lieu programs and parking regulations near transit-oriented developments.

Other examples of cities that recently passed parking reform amendments from the United States include Berkeley, California; Seattle, Washington; and South Bend, Indiana (Gabbe, 2020). Mexico City eliminated parking requirements for new developments citywide in 2017 making it the largest city in North America to overhaul their parking requirements. Some cities that are currently working on parking reforms include Toronto, Kingston, Kitchener, Brampton, and Winnipeg as well as Los Angeles, Pittsburgh, and Atlanta.



## 2.8 How London Compares to Ontario Municipalities

The following figures provides a comparison between London’s existing minimum parking requirements with other Ontario Municipalities:

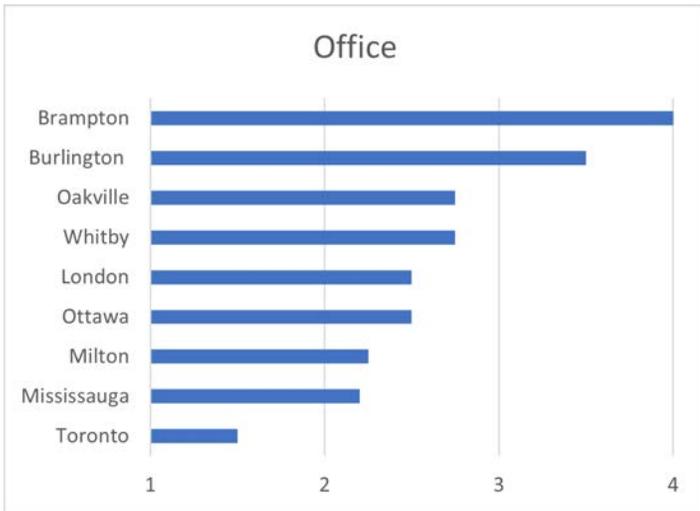


Figure 7: Existing minimum parking requirements per 100 sq. meters for Office use, 2020

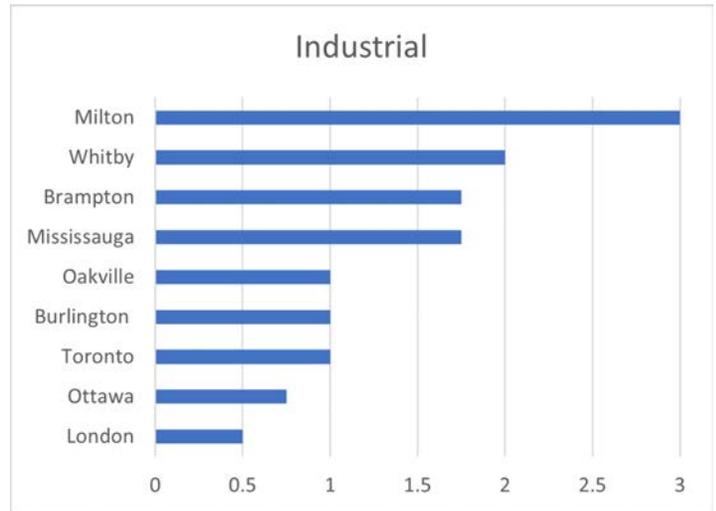


Figure 8: Existing minimum parking requirements per 100 sq. meters for Retail use, 2020.

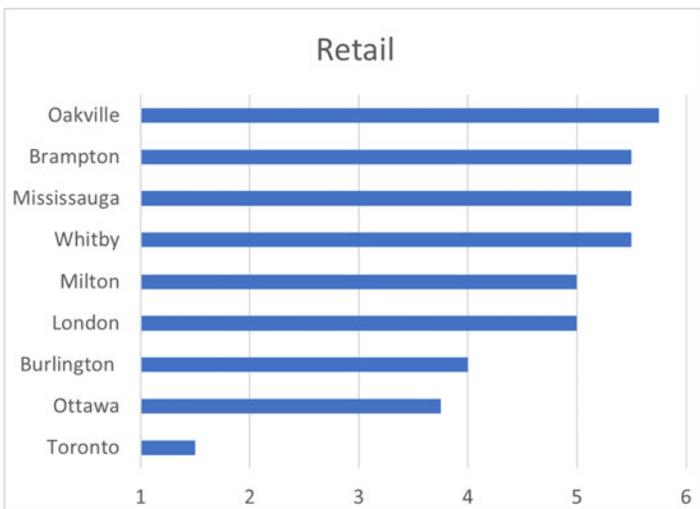


Figure 9: Existing minimum parking requirements per 100 sq. meters for Industrial use, 2020.



Figure 10: Existing minimum parking requirements per 1 bed-room apartment (1 residential unit), 2020.

The minimum parking requirements for Office and Retail uses indicate that London's existing requirements are 'in the middle of the pack' compared to other municipalities. For industrial and residential (1-bed room apartments) uses, the existing requirements are low compared to other municipalities in Ontario. It should be noted that parking requirements and land use definitions vary across different jurisdictions, which makes an accurate comparison more difficult. The same land use can be subject to different parking standard areas or use a different requirement (e.g., number of users, percentage of gross floor area). It is increasingly recognized that the inconsistency in the requirements and failure to take a broader context into consideration are key shortcomings of the minimum parking requirements

## 2.9 Parking during Covid-19

This background paper was written during the Covid-19 Pandemic. The pandemic has had significant impact on many aspects of our lives including health (both physical and mental), economy, safety, social relationships, education, recreation and entertainment. Our transportation and public transit networks have been significantly affected, with different employment sectors shifting towards a work from home model and many entertainment opportunities closing down or shifting their operations to comply with public health measures. At this time, it is still unknown what the lasting impacts of Covid-19 will be on our post-pandemic world.

Many of the challenges around parking discussed in this chapter existed before the pandemic and will still exist afterwards as well. The City of London has shown resiliency during the Covid-19 Pandemic and will continue to monitor and adjust the implementation of a new parking approach as we recover from the pandemic

# 3.0 Assessment Off-Street Parking Approaches

## 3.1 Indicators of success

There are three main options for how parking can be regulated that are described in this Report. These options are presented here to provide a framework for a new public conversation about possible off-street parking policies in London. Key indicators of success should be considered for each option to define a successful approach include the following:

1. Do the parking standards support the City's objectives and policies of The London Plan including City Design, Mobility (including the intended mode shift towards Active Transportation) and overall livability and quality of life?
2. Do the parking standards support the City's goals relating to the declaration of a Climate Emergency and necessary decrease of GHG in our City.
3. Do the parking standards support the City's objectives to manage outward growth by supporting infill and intensification, making it easier and more attractive for developers to provide strategic infill development.
4. Are the parking standards easy to understand and implement over time as land uses might change?
5. Will the Parking Standards lead to a reduction in rezoning and minor variance applications?
6. What other impacts of parking standards might exist and can they be mitigated?

## 3.2 Three Parking Approaches

Demand for parking can be explained based on two factors. One is derived demand, meaning that the demand for parking results from the demand for a related purpose. People don't use parking to sit in their car, but as a convenient means by which to get access to a particular location for an activity or purpose. This demand for parking comes with an opportunity cost, which is that on-site parking reduces development opportunities and additional density in favor of dedicated parking areas.

Demand for parking is also *spatiotemporal*, meaning that the demand varies by time of day and location. Parking Standards in zoning by-laws traditionally aim to provide sufficient parking during peak-times, leading to a situation where outside of that peak parking is oversupplied. Examples of this can be found all around us, like a large surface parking lot at a shopping mall that caters to a peak-demand for Holiday-shopping but is mostly empty for the rest of the year.

There are three main approaches that municipalities in Canada use to regulate the amount of parking required for homes and businesses. They include:

- **Minimum Parking Requirements** – where a minimum number of parking spaces is required for different land uses
- **Maximum Parking Requirements** – where a maximum number of parking spaces is required for different land uses
- **Open Parking Requirements** – where regulations do not dictate minimum or maximum requirements, and the market determines how much parking will be provided.

The figure below summarizes these approaches and the influence the parking requirements have on the urban built form:

<b>Minimum Parking Requirements</b>	Plenty of parking spaces are provided Supports driving but can limit walking Homeowners and businesses have less choice
<b>Open Option Requirements</b>	A range of parking spaces can be provided Supports driving and walking Homeowners and businesses have more choice
<b>Maximum Parking Requirements</b>	A restricted number of parking spaces can be provided Supports walking but can limit driving Homeowners and businesses have less choice

Figure 11: Approaches to parking and implications for built form.

### 3.2.1 Approach 1: Minimum Parking Requirements

This is the most common approach to regulate parking in North America, and it is how London's zoning by-law is currently set up. A municipality determines a set number of parking spaces for specific land uses that must be provided on site. This approach often leads to large numbers of parking spaces that must be provided and results in lower density neighbourhoods designed for driving that are less walkable. Due to the set number of parking spaces required, homeowners and businesses have limited choice in determining the amount of parking they provide.

Minimum parking standards are generally intended to prevent 'spillover parking', which means the parking of vehicles off-site or outside of a defined area intended for this purpose. When parking demand exceeds the supply, cars will spillover to other nearby parking lots or onto municipally owned on-street parking. The thinking behind high minimum parking standards is that an undersupply of parking can impact on-street parking and disrupt the local transportation network. To avoid this possible outcome, generalized ratios are established that require parking spaces to be provided for the use of a particular building, even if those spaces are typically not utilized.

The most common problem with minimum parking standards is that the generalized ratios are set based on the peak demand periods and often result in an oversupply of parking, leading to car-dominated landscapes that perpetuate the auto dependence that is common across North America.

An oversupply of residential parking can induce higher car ownership rates, which in turn leads to more driving, congestion, pollution and GHG-emissions (Millard-Ball, 2021). Removing or lowering parking minimums doesn't necessarily lead to less parking spaces, since developers will still provide the amount parking they believe is appropriate for the development. What removing minimums does accomplish is additional flexibility for builders, and prevention of a municipally mandated over-supply of parking.

### 3.2.2 Approach 2: Maximum Parking Requirements

With this approach, the city sets an upper limit (ceiling) on the number of parking spaces that can be provided in conjunction with a specific use (similar to minimum parking requirements). Compared to parking minimums, this approach results in more walkable and less drivable neighbourhoods. Businesses and homeowners have less choice as only a certain amount of parking spaces can be provided.

The main concern with maximum parking requirements is that it limits the choice of property owners to provide as much parking as they feel is necessary to meet their perceived market demand. Even when maximum parking standards are used, the requirements are often set so high that an oversupply of parking still occurs. However, when used efficiently in strategic locations, maximum parking requirements in conjunction with lowered or removed minimum parking ratios can create a more suitable range of parking spaces that can be provided on a site. If parking minimums are completely removed, the Zoning By-law would only provide a maximum ceiling to the range of parking that can be provided.

Parking maximums are easiest to establish in high-density, mixed-use areas that support alternative transportation modes that are served by transit with high service-levels. In less urban places, parking maximums are easier to establish around higher density nodes and large single use sites such as shopping centres.



### 3.2.3 Approach 3: Open Option Parking

With this approach, Businesses and homeowners choose the amount of parking they provide in response to market demand. There will be a range of parking provided, as some will provide more parking than others. This open approach could result in a range of neighbourhoods that support both driving and walking.

Open option parking also supports the provision of more housing options as residents can match their needs to the amount of parking provided. Similarly, businesses are able to choose locations or type of developments based on what suits the needs of their customers while not facing regulatory barriers. Of course, with this market-based approach, the City will lose its ability to set specific parking standards.

Open option parking can be considered in relation to the minimum or maximum standard. Currently in London there is an open approach to parking maximums, meaning that there are no general requirements limiting the amount of parking that can be provided.

With the three main approaches to parking standards identified, it should be noted that many jurisdictions choose for a combination of approaches. This combination could take the approach of significantly reduced or removed parking minimums and parking maximums at strategically selected locations.



### 3.3 Existing Parking Standards

Section 4.19 of the Zoning By-law Z.-1 includes off-street parking standards for London. It includes parking requirements for a total of 196 different uses, prescribing a specific parking ratio based for each.

The Zoning By-law also includes Parking Standard Areas (PSAs) which may require different ratios in different parts of the city. The PSAs can be summarized as follows:

- **PSA 1:** *Downtown, Dundas Street through the Old East Village, and Hamilton Road.*
- **PSA 2:** *Area surrounding downtown including areas such as Blackfriars, Soho, Wortley Village, Old North, and Woodfield.*
- **PSA 3:** *Rest of London.*

In Parking Standard Area 1, parking for non-residential uses is required at a rate of 1 space per 45m<sup>2</sup> of floor area. Parking for residential uses includes 1 or 2 spaces per dwelling unit, depending on the unit type. No parking is required for residential uses within the Downtown Area.

Parking Areas 2 and 3 provide specific rates for various non-residential uses at a variety of ratios, as an example a small Retail Store requires 1 space per 25m<sup>2</sup> in Parking Area 2 and 15m<sup>2</sup> in Parking Area 3.

Using these rates, a retail store of 500m<sup>2</sup> (5,382 sq. ft.) would require 12 spaces in Parking Area 1, 20 spaces in Parking Area 2, and 34 spaces in Parking Area 3.

### 3.4 Parking as consideration for Urban Design

As shown in section 3.3, the existing parking standards revolve around (perceived) parking demand on a site that dictate the parking ratio and the resulting parking area size. However, in some of the newer parking standards approaches explored in this paper it's the other way around; the parking area size (which is based on the ratios) is an important consideration for supporting the planned vision for a specific place type. This aligns with policy 270 of the London Plan that sets out that "the location, configuration, and size of parking areas will be designed to support the planned vision of the place type and enhance the experience of pedestrians, transit-users, cyclists and drivers". In other words, the London Plan provides for a new approach where parking ratios and the resulting parking area size are no longer just about accommodating cars, but just as importantly also about meeting Place Type and urban design objectives.

As part of the Place Type policies, a range of uses, intensity of development and form of development is provided. Parking should be regarded as one of the form measures influencing urban design but no longer the primary dictator of built form. The City Design Policies of the London Plan set out that buildings should be sited so that they maintain and reinforce the prevailing street line of existing buildings and sited to minimize the visual exposure of parking areas to the street (Policy 269).

Surface parking located in highly visible areas should be screened by low walls and landscape treatments. Structured parking will also be screened, and parking structures should be integrated into the design of buildings to ensure the public realm is not negatively affected. Additionally, site layout will promote connectivity and safe movement for pedestrians, cyclists and motorists between, and within, sites. Large surface parking lots shall be designed with areas dedicated for pedestrian priority to ensure safe pedestrian connectivity throughout the site. This includes direction that surface parking lots should be designed to include a sustainable tree canopy at 20 years of anticipated tree growth, incorporate landscape areas for visual amenity, to assist with stormwater management, and reduce the heat island effect.

The London Plan sets out that parking standards in the Zoning By-law will ensure that excessive amounts of parking are not required. To achieve this, opportunities for sharing and consolidating parking to meet parking requirements will be encouraged in the Downtown, Transit Village and Shopping Area Place Types, and in transit station areas and commercial areas along Urban Corridors. Where sharing of parking occurs through a development agreement, a reduction in on-site parking requirements may be accommodated (Policy 274).



## Alternatives to Parking Standard Areas

The existing Parking Standard Areas provide different parking ratios for different geographical areas of London. However, there is no differentiation within these areas based on the local context of a site. What could be an appropriate standard in one geographical area/context, may lead to an oversupply of parking in another context, based on factors such as transit-frequency and quality of transit, walkability and level of car dependency.

The closer people live to their place of employment, schools, commercial areas and public transit, and the more convenient travel between these land uses with any mode of transport other than a car, the less likely that people will feel the need to own (and park) a private vehicle. As a result, places in the city that are in proximity to activity nodes and allow for easy non-car travel will likely reduce car ownership and car dependency. This aligns with parking policy 271 that states that parking requirements may be lower within those place types and parts of the city that have high accessibility to transit or that are close to employment areas, office areas, institutions and other uses that generate high levels of attraction.

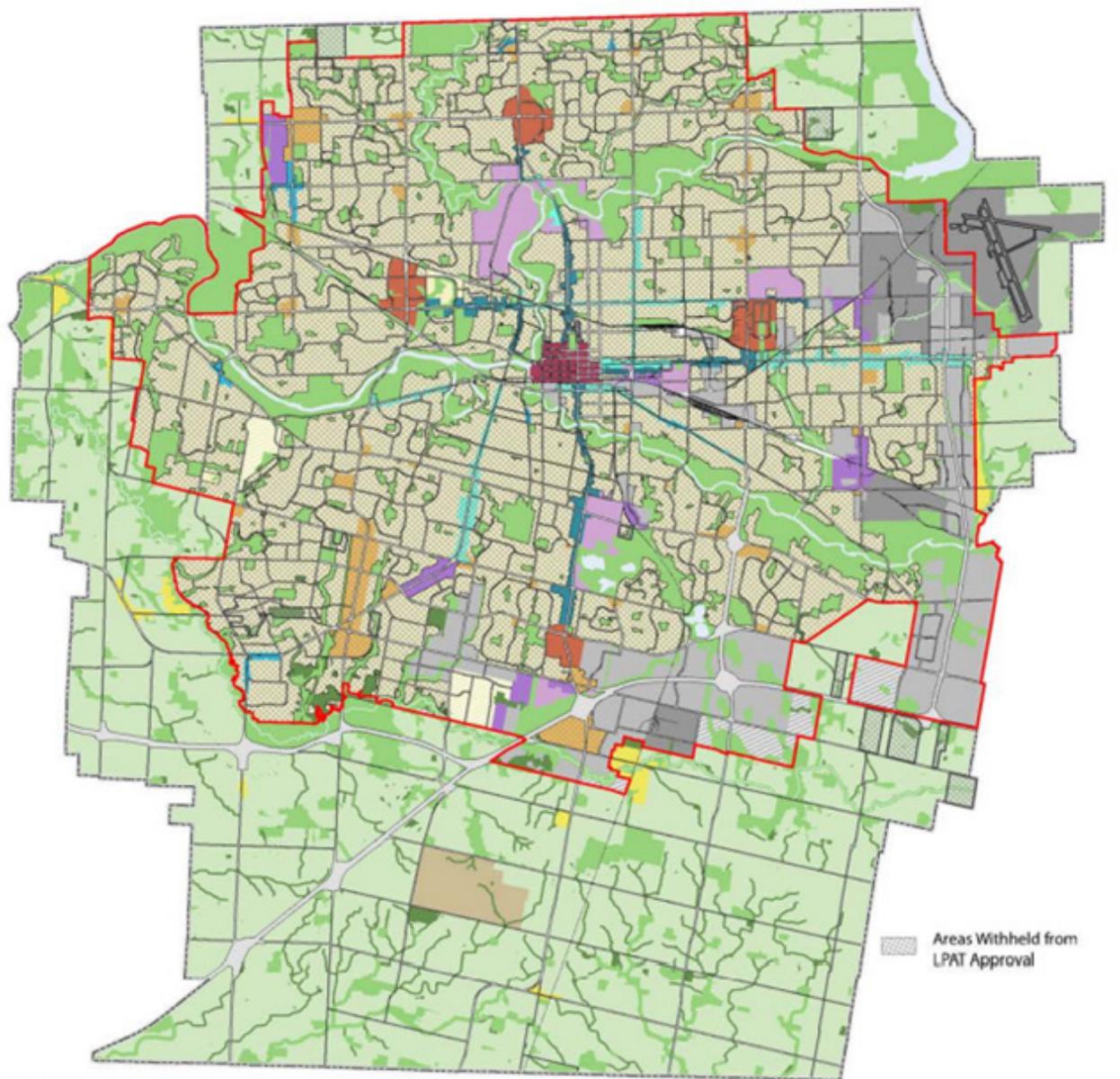


Figure 12: Rapid Transit, the London Plan.

This review as part of ReThink Zoning is an opportunity to purposely differentiate the parking approach for different areas in the city and to go beyond the existing PSAs. Instead of relying on the PSAs which predate the new official plan, the preferred option to develop new parking standards will be based on the Place Types (figure 13, next page), proximity to rapid transit and protected major transit station areas or a combination of the above.

Protected Major Transit Station Areas (PMTSAs) are defined as the areas “surrounding and including an existing or planned higher order transit station or stops” in the Planning Act (S. 16(15)). This aligns with the new direction on transit-supportive development in the Provincial Policy Statement, 2020. The PPS promotes a clear relationship between land use and transit, with policies that emphasize land use patterns, density and a mix of uses to support current and future use of transit and active transportation (1.6.7.4). In 2020, the London Plan was amended to reflect that the PMTSAs align with the approved higher order transit routes and the Downtown, Transit Village and Rapid Transit Corridor Place Type boundaries, shown on figure 14.

The growth framework of the City Structure Plan in the London Plan establishes a plan for shaping growth over the next 20 years. The most intense forms of development will be directed to the Downtown, Transit Villages, and at station locations along the Rapid Transit Corridors. Figure 12 shows these Rapid Transit Corridors in alignment with the higher order transit routes approved in the 2019 Rapid Transit Environmental Project Report.



**LEGEND**

- Green Space
- Environmental Review
- Downtown
- Transit Village
- Rapid Transit Corridor
- Urban Corridor
- Shopping Area
- Main Street
- Neighbourhoods
- Institutional

- Heavy Industrial
- Light Industrial
- Commercial Industrial
- Future Community Growth
- Future Industrial Growth
- Farmland
- Rural Neighbourhoods
- Waste Management Resource Recovery Area
- Urban Growth Boundary

**BASE MAP FEATURES**

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

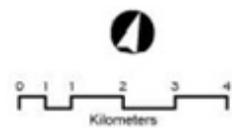
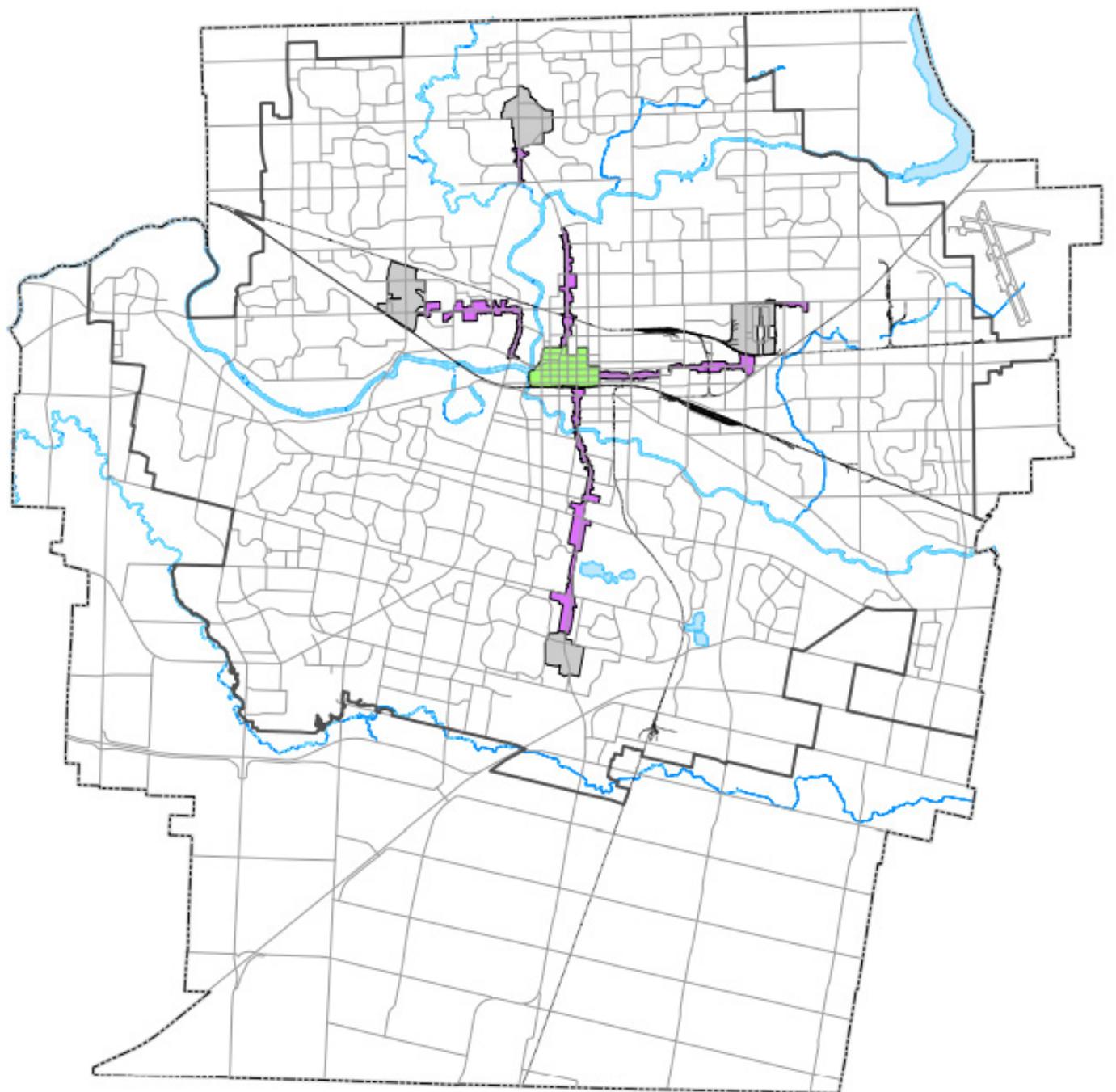


Figure 13: Place Types, the London Plan (map 1).



**LEGEND**

- Downtown Protected Major Transit Station Area
- Rapid Transit Protected Major Transit Station Area
- Transit Village Protected Major Transit Station Area

**BASE MAP FEATURES**

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

Figure 14: Protected Major Transit Station Areas, the London Plan (map 10)

## 4.0 Conclusion

This Background Paper includes considerations that represent a growing understanding that excessive minimum parking standards contribute to urban sprawl, discourage urban infill and intensification, degrade urban design, encourage private vehicle use, reduce walkability, harms the environment and effectively spreads the costs associated with the construction of parking through all sectors of the population, instead of being borne solely by the users of parking spaces. Our preliminary findings show that the current parking ratios found in the Zoning By-law are too high, and that amendments should be considered to reduce parking standards in London. Options to consider include reducing the minimum standards, introducing maximum standards, or implementing an open parking option. The recommended process to develop new parking standards will be based on the Place Types in the London Plan, proximity to rapid transit and protected major transit station areas (PMTSAs) or a combination of the above.

The ReThink Zoning process, leading to a new Zoning By-law, is an opportunity to shift away from the outdated parking policy approach towards a different way of supplying parking. The options explored in this Background Paper can provide a framework for better parking standards.

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## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Application By: Sifton Properties Ltd.  
915 Upperpoint Avenue  
Removal of Holding Provision h, h-54 and h-209

**Meeting on:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application of Sifton Properties Ltd. relating to the property located at 915 Upperpoint Avenue, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 915 Upperpoint Avenue **FROM** a Holding Residential Special Provision R4 (h\*h-54\*h-209\*R4-6(11)), a Holding Residential Special Provision R5 (h\*h-54\*h-209\*R5-7(9)), a Holding Residential Special Provision R6 (h\*h-54\*h-209\*R6-5(61)), and a Holding Residential Special Provision R8 (h\*h-54\*h-209\*R8-3(5)) Zone **TO** a Residential Special Provision R4 (R4-6(11)), a Residential Special Provision R5 (R5-7(9)), a Residential Special Provision R6 (R6-5(61)), and a Residential Special Provision R8 (R8-3(5)) Zone.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h, h-54 and h-209 holding provision so that the development of 63 townhouse dwelling units can proceed in accordance with the approved zoning.

### Rationale of Recommended Action

The conditions for removing the h, h-54 and h-209 holding provisions have been met, as the required security has been submitted, the development agreement has been signed and adequate water servicing and appropriate access has been provided.

1. The removal of the h, h-54 and h-209 holding provisions is in conformity with The London Plan and (1989) Official Plan and in compliance with the Zoning By-law.
2. Through the site plan approval process, the required security has been submitted to the City of London and a development agreement has been executed. The “h” holding provision is no longer required.
3. Through the site plan approval process, the owner has undertaken a noise assessment acceptable to the City of London and the owner has agreed to implement all recommended noise attenuation measures to ensure no land use conflicts between arterial roads and the proposed residential uses. The “h-54” holding provision is no longer required.
4. The proposed apartment buildings provide a street-oriented development which has been reviewed by urban design staff through the site plan approval process. The “h-209” is no longer required on this portion of the property.

## Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and

sustainable over the long term.

## Analysis

### 1.0 Background Information

The subject lands are located near the western edge of the City and are included in the Riverbend South Secondary Plan. The lands are on the east side of Westdel Bourne, to the south of Upperpoint Gate, west of Upperpoint Avenue and to the north of the future extension of Fountain Grass Drive. The lands are located within Phase 2 the Warbler Woods Subdivision which was registered in June 2020 (33M-754 Block 135). An adjacent multi-family medium density residential block is located to the north of the subject lands which is subject to an application for Draft Plan of Condominium to create 66 townhouse dwellings.

#### 1.1 Previous Reports Related to this Matter

**March 23, 2015** - Report to Planning Committee to recommend approval of the Riverbend South Secondary Plan and amendment to the Official Plan.

**November 14, 2016** - Report to Planning and Environment Committee to recommend approval of the draft plan of subdivision and associated zoning by-law amendments (39T-16502/Z-8621).

**September 9, 2019** - Report to Planning and Environment Committee to recommend approval a zoning by-law amendment to add street townhouses to the range of permitted residential uses (Z-9057).

**July 26, 2021** - Report to Planning and Environment Committee for the Public Participation Meeting regarding the Draft Plan of Vacant Land Condominium (39CD-21508) and Site Plan Approval (SPA-21026).

#### 1.2 Planning History

On October 24, 2018, the City of London Approval Authority granted final approval and the subdivision was registered as Plan 33M-754 on November 2, 2018. The final plan consisted of 128 single detached residential lots, four (4) medium density residential blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, two (2) secondary collector roads, and seven (7) local streets.

On September 17, 2019 Municipal Council passed a Zoning By-law amendment to add a Residential R4 Special Provision (R4-6(11)) Zone to permit street townhouse dwellings along with special provisions for lot frontage, front yard setbacks for the main dwellings and garages, and building height.

Applications for site plan approval (SPA21-026) along with the removal of holding provision were submitted in June of 2021 to accommodate the proposed cluster townhouse development. Vacant Land Condominium application (39CD-21508) for the subject lands was accepted on June 23, 2021, a Public Participation Meeting was held on July 26<sup>th</sup>, 2021, and was draft approved by the Approval Authority on October 21<sup>st</sup>, 2021.

#### 1.3 Property Description

The subject lands are located near the western edge of the City and are included in the Riverbend South Secondary Plan. The lands are on the east side of Westdel Bourne, to the south of Upperpoint Gate, west of Upperpoint Avenue and to the north of the future extension of Fountain Grass Drive. The lands are located within Phase 2 the Warbler Woods Subdivision which was registered in June 2020 (33M-754 Block 135).

The subject lands are proposed to be developed as two (2) and three (3) storey

townhouses with a total of 63 dwellings. Along the northern and central portions of the site two (2) storey townhouse buildings with 4-7 units are proposed with a total of 46 dwelling units. Along the Fountain Glass Drive frontage at the southern limit of the subject lands, four (4) three (3) storey townhouse buildings with 4 or 5 units are proposed with a total of 17 dwelling units. Within the block a grid of private streets are proposed which will also provide access to the adjacent condominium block to the north. A wrought iron fence with stone pillars and two walkway entrances is planned along the western property line fronting Westdel Bourne and a multiuse pathway within the public right of way.

#### **1.4 Current Planning Information (see more detail in Appendix C)**

- The London Plan Place Type – Neighbourhoods Place Type
- Riverbend South Secondary Plan – Medium Density Residential
- 1989 Official Plan Designation – Multi-Family Medium Density Residential
- Existing Zoning – h\*h-54\*h-209\*R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)

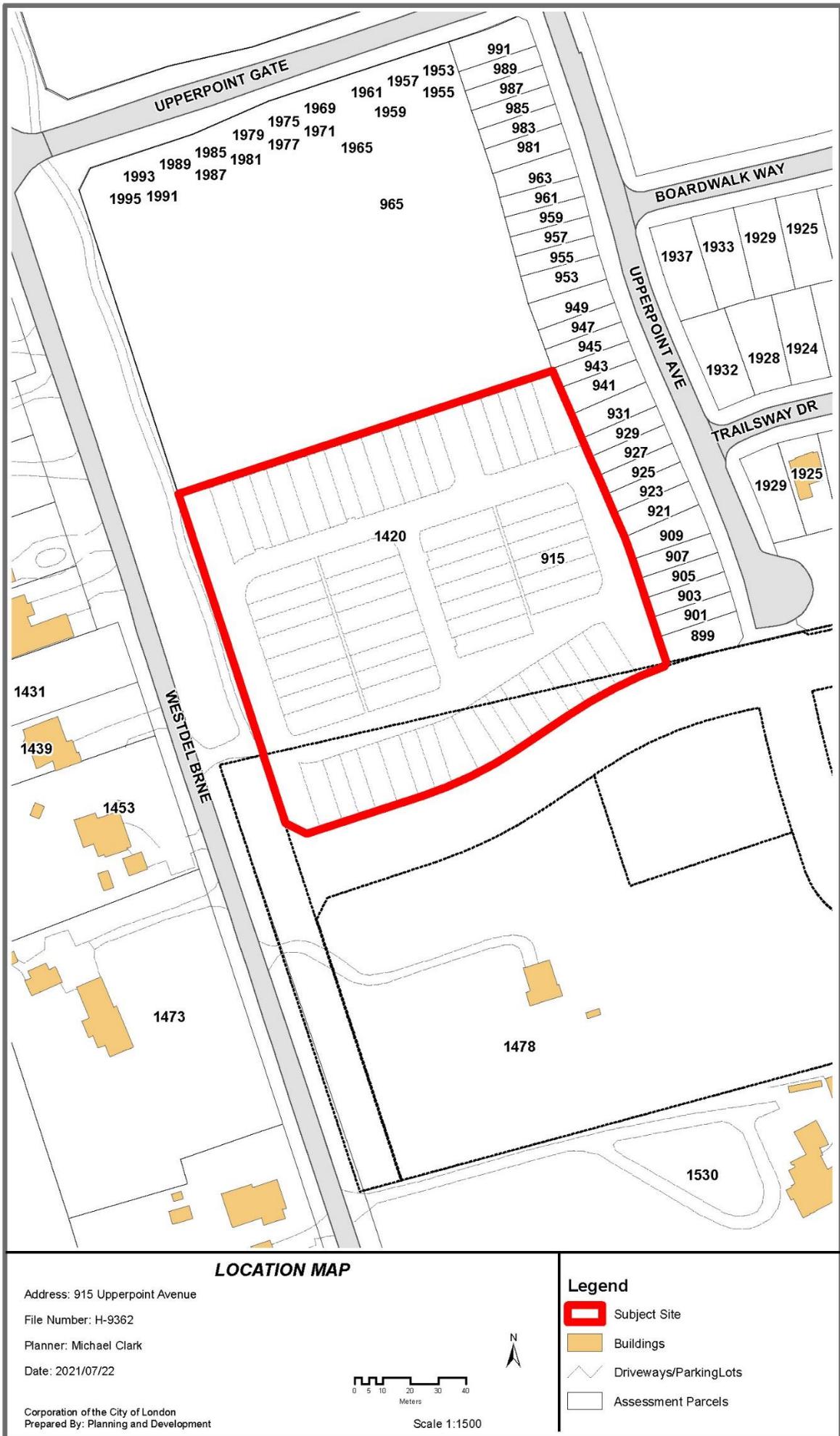
#### **1.5 Site Characteristics**

- Current Land Use – Vacant
- Frontage – approx. 170m on Exeter Rd. S. (Civic Boulevard), and 130m on Middleton Ave. (Neighbourhood Collector)
- Area – approx. 10,000 m<sup>2</sup>
- Shape – Irregular

#### **1.6 Surrounding Land Uses**

- North – townhouse dwellings
- East – townhouse dwellings, single detached dwellings
- South – future medium density residential, and municipal parkette, and agricultural uses
- West – Westdel Bourne, single detached dwellings, and agricultural uses

### 1.7 Location Map



## 2.0 Discussion and Considerations

The applicant is requesting to remove the h, h-54 and h-209 holding provision from the subject lands. This h holding provision requires orderly development of lands and the adequate provision of municipal services. The h-54 holding provision requires that the owner agree to implement all recommended noise attenuation measures to ensure no land use conflicts between arterial roads and the proposed residential uses. The h-209 holding provision requires that the proposed development complies with the urban design policies identified in the Riverbend South Secondary Plan including orienting buildings towards the public street.

### 2.1 Community Engagement (see more detail in Appendix B)

On June 17, 2021 a notice of the application was published in the Public Notices and Bidding Opportunities section of The Londoner. No comments were received in response to the Notice of Application.

### 2.2 Policy Context (see more detail in Appendix C)

*The Planning Act* permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 90 days to remove the holding provision(s).

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

## 3.0 Financial Impact/Considerations

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

## 4.0 Key Issues and Considerations

### Why is it Appropriate to Remove the Holding Provisions?

#### **h Holding Provision**

The h holding provision states that:

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

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

The Applicant has provided the necessary securities to the City of London and the development agreement has been executed by both the applicant and the City of London. This satisfies the requirement for removal of the “h” holding provision.

### **h-54 Holding Provision**

The “h-54” holding provision states that:

*“Purpose: To ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.”*

Site Plan, and Planning and Development Staff have confirmed that the recommended noise attenuation measures have been implemented, to the satisfaction of City staff. This includes a noise attenuation wall along Units 1-3 as well as warning clauses, and requirements for force air heating with central air conditioning for some units.

This satisfies the requirement for removal of the “h-54” holding provision.

### **h-209 Holding Provision**

The (h-209) holding provision states that:

*“Purpose: To encourage building orientation towards public streets and public spaces, a site plan shall be approved and a development agreement shall be entered into which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan, to the satisfaction of the City of London prior to the removal of the h-209 symbol.*

*Permitted Interim Uses: Existing Uses.”*

The proposed townhouse buildings provide a street-oriented development which has been reviewed by Urban Design Staff through the site plan approval process. A development agreement has been entered into to ensure that the new development is designed and approved consistent with the Riverbend South Secondary Plan.

This satisfies the requirement for removal of the “h-209” holding provision.

## Conclusion

It is appropriate to remove the “h” and “h-198” holding provisions from the subject lands at this time as full municipal services are available, the required security has been submitted, and the subdivision agreement has been executed by both the applicant and the City of London. The recommended noise attenuation measures have been implemented to the satisfaction of the City, and the street oriented design has been provided consistent with the urban design policies of the Riverbend South Secondary Plan.

**Prepared by:** Michael Clark, MA  
Planner, Subdivision Planning

**Reviewed by:** Bruce Page, MCIP, RPP  
Manager, Subdivision Planning

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections  
cc: Michael Pease, Manager, Site Plans

BP/mc

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\H-9362 - 915 Upperpoint Avenue (M. Clark)\05 - PEC\Draft PEC - H-9362- 915 Upperpoint Ave (M Clark).docx

## Appendix A

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

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 915 Upperpoint Avenue.

WHEREAS Sifton Properties Ltd. have applied to remove the holding provision from the zoning for the lands located at 915 Upperpoint Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision 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 915 Upperpoint Avenue, as shown on the attached map, to remove the h, h-54, and h-209 holding provisions so that the zoning of the lands as Residential Special Provision R4 (R4-6(11)), Residential Special Provision R5 (R5-7(9)), a Residential Special Provision R6 (R6-5(61)), and Residential Special Provision R8 (R8-3(5)) Zones comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on December 7, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 7, 2021  
Second Reading - December 7, 2021  
Third Reading - December 7, 2021

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



Geodatabase

## Appendix B – Public Engagement

### Community Engagement

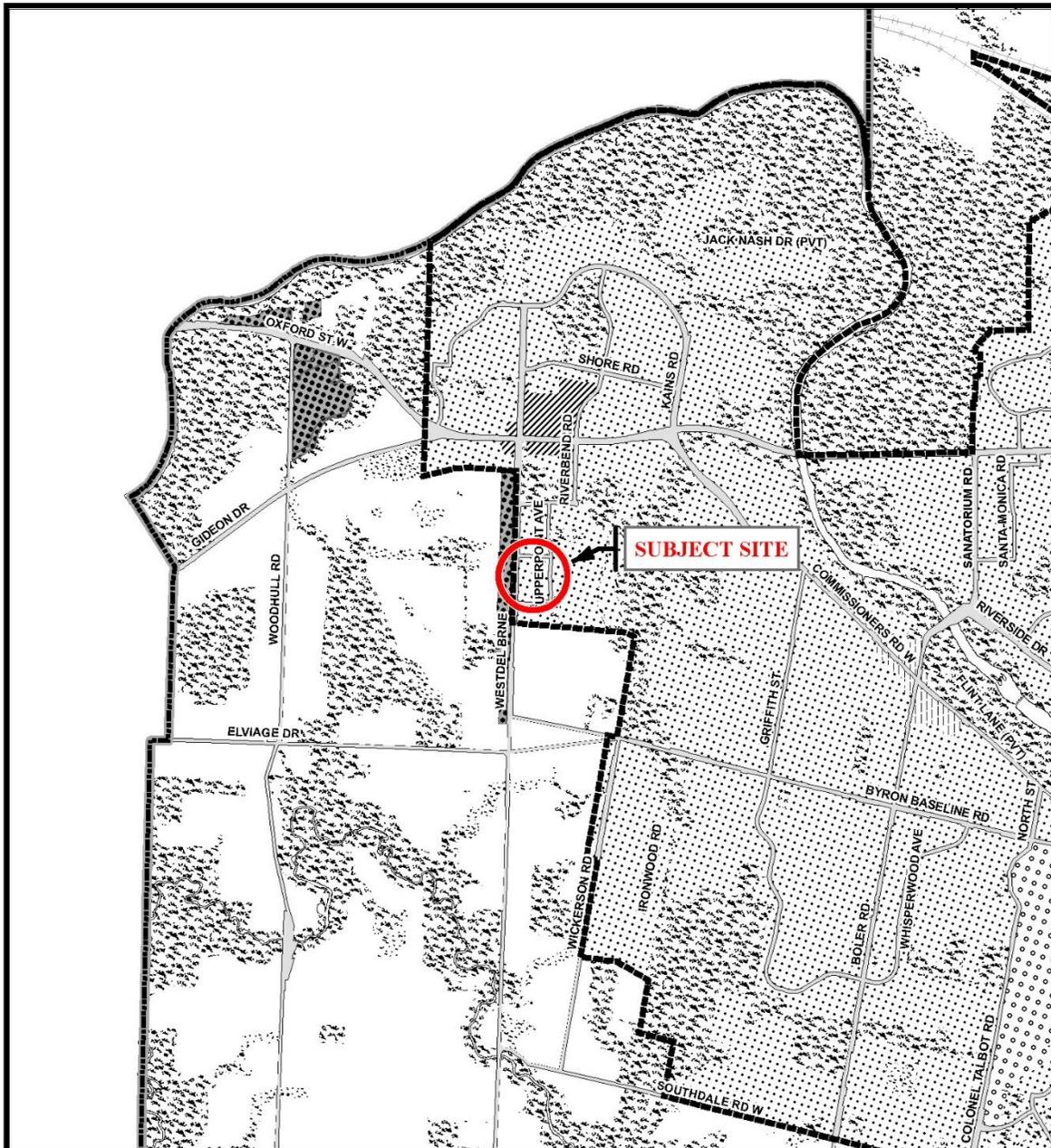
**Public liaison:** Notice of the application was published in the Londoner on June 17, 2021

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the h, h-54, and h-209 holding provisions from the lands which requires that the site is developed in an orderly manner, that there is adequate provision of noise attenuation measures, and that the design is consistent with the Riverbend South Secondary Plan. Council will consider removing the holding provisions as it applies to these lands no earlier than July 26, 2021. File: H-9362 Planner: M. Clark (City Hall).

**Appendix C – Relevant Background**

**London Plan Excerpt**



**Legend**

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

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

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

**CITY OF LONDON**

Planning Services /  
Development Services

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

PREPARED BY: Planning Services



Scale 1:30,000



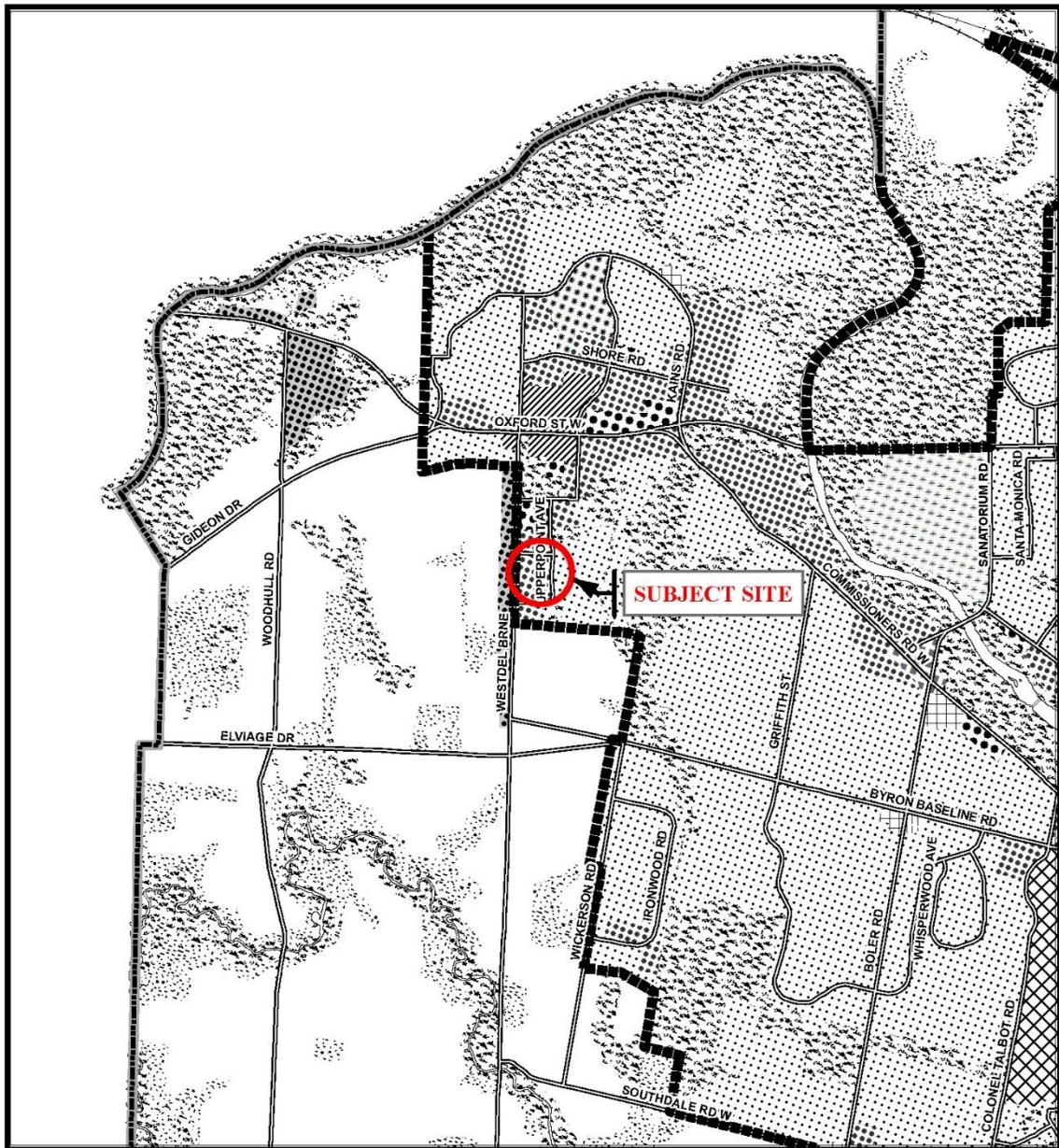
File Number: H-9362

Planner: MC

Technician: RC

Date: July 22, 2021

1989 Official Plan Excerpt



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><b>CITY OF LONDON</b> Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	 <p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: H-9362</p> <p>PLANNER: MC</p> <p>TECHNICIAN: RC</p> <p>DATE: 2021/07/22</p>
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PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol\00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

Existing Zoning Map



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSA2(2)**

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

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

**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-9362 MC

MAP PREPARED:  
2021/07/22 RC

1:2,500  
0 12.5 25 50 75 100 Meters

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

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

**Subject:** Application by Sifton Properties Limited  
235 Kennington Way  
Removal of Holding Provisions

**Date:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Economic Development, the following actions be taken with respect to the application of Sifton Properties Limited relating to the northern portion of the property located at 235 Kennington Way:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 7, 2021, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (1989), to change the zoning of the subject property **FROM** a Holding Residential R5 Special Provisions and R6 Special Provision (h\*h-100\*h-198\*R5-4(23)/R6-5(51)) Zone, **TO** a Residential R5 Special Provisions and R6 Special Provision (R5-4(23)/R6-5(51)) Zone;

## Executive Summary

### Purpose and Effect of Recommended Action

The purpose and effect of this zoning is to remove the “h”, “h-100”, and “h-198” holding provisions from the northern portion of the lands so the development of a Vacant Land Condominium, comprised of 41 townhouse units, can proceed in accordance with the approved zoning.

### Rationale of Recommended Action

1. The conditions for removing the “h”, “h-100”, and “h-198” have been met and the recommended amendment will allow development of multiple-attached townhouse dwellings in compliance with the Zoning By-law.
2. A Development Agreement has been entered into and securities have been posted as required by City Policy and the Development Agreement.

## Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London’s growth and development are well planning and sustainable over the long term.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

**May 12, 2003** – Report and Public Participation Meeting to Planning Committee recommending adoption of North Longwoods Area Plan (O-6424).

**February 19, 2012** – Report to Planning and Environment Committee on Stormwater Management (SWM) Facility Land Acquisition Agreement (39T-15501).

**December 12, 2016** – Report and Public Participation Meeting to Planning and Environment Committee regarding Draft Plan of Subdivision and associated Zoning By-law Amendments (39T-15501/Z-8470).

**May 31, 2018** – Report to Approval Authority recommending approval of Consent Application (B.009/18).

**December 13, 2019** – Report to Approval Authority recommending approval of Consent Application (B.045/19).

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

**November 1, 2021** – Report to Planning and Environment Committee regarding Draft Plan of Vacant Land Condominium (39CD-21514).

## **1.2 Planning History**

This application is for Block 46 of Phase 1A of the Richardson (Middleton) Subdivision. On January 27<sup>th</sup>, 2017, the City of London Approval Authority granted final approval and the subdivision was registered as Plan 33M-769 on October 9<sup>th</sup>, 2019. The final plan consisted of 42 single detached residential lots, two (2) medium density residential blocks, two (2) open space blocks, and two (2) neighbourhood streets.

On December 19<sup>th</sup>, 2016, Municipal Council passed a Zoning By-law amendment to change the zoning from Urban Reserve (UR6) Zone, a Holding Light Industrial (h-17\*LI3) Zone, and an Environmental Review (ER) Zone to a Holding Residential R5 Special Provision (h\*h-100\*h-198\*R5-4(23)) Zone and a Holding Residential R6 Special Provision (h\*h-100\*h-198\*R6-5(51)) Zone for Block 46 of Registered Plan of Subdivision 33M-769. This amendment was brought forward to facilitate the development of a residential subdivision consisting of low and medium density forms of housing.

Applications for Site Plan Approval, Draft Plan of Vacant Land Condominium and Minor Variances have been received and accepted (SPA21-047, 39CD-21514, A.136/21). These applications are being processed concurrently with the Removal of Holding Provisions application, which was accepted on June 16, 2021. The Minor Variance Application was heard by the Committee of Adjustment on October 14, 2021

## **1.3 Property Description**

The subject property is located west of Stewart Avenue and south of Kennington Way, which is generally north of Exeter Road and east of Wonderland Road South. The site has a mix of light industrial and low density residential to the north, medium density residential to the east, and light industrial to the south and west. The proposal consists of the northern portion of one medium density residential block within a Registered Plan of Subdivision (Block 46 of Plan 33M-769). The site is currently vacant and approximately 0.89 hectares (2.2 acres) in size. The site has full access to municipal services and is in an area which is planned for future growth.

## **1.4 Current Planning Information**

- The *London Plan* Place Type – Neighbourhoods
- (1989) *Official Plan* Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Holding Residential R5/R6 Special Provision (h\*h-100\*h-198\*R5-4(23)/R6-5(51))

### **1.5 Site Characteristics**

- Current Land Use – Vacant
- Frontage – 119.47 meters along Kennington Way and 72 meters along Stewart Avenue
- Depth – Various
- Area – 0.89 hectares
- Shape – Irregular

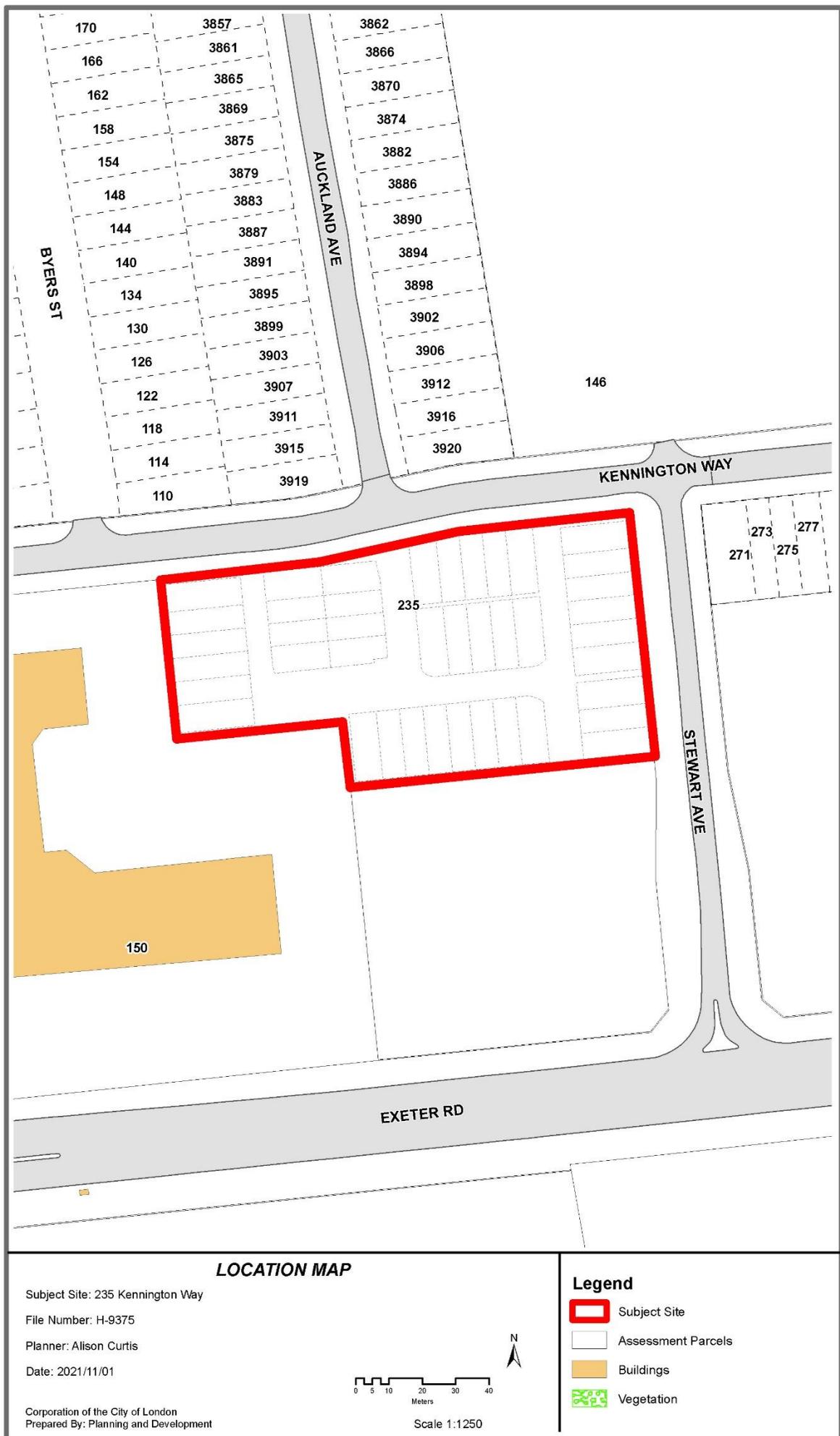
### **1.6 Surrounding Land Uses**

- North – Light Industrial and Low-Density Residential
- East – Medium-Density Residential
- South – Light Industrial
- West – Light Industrial

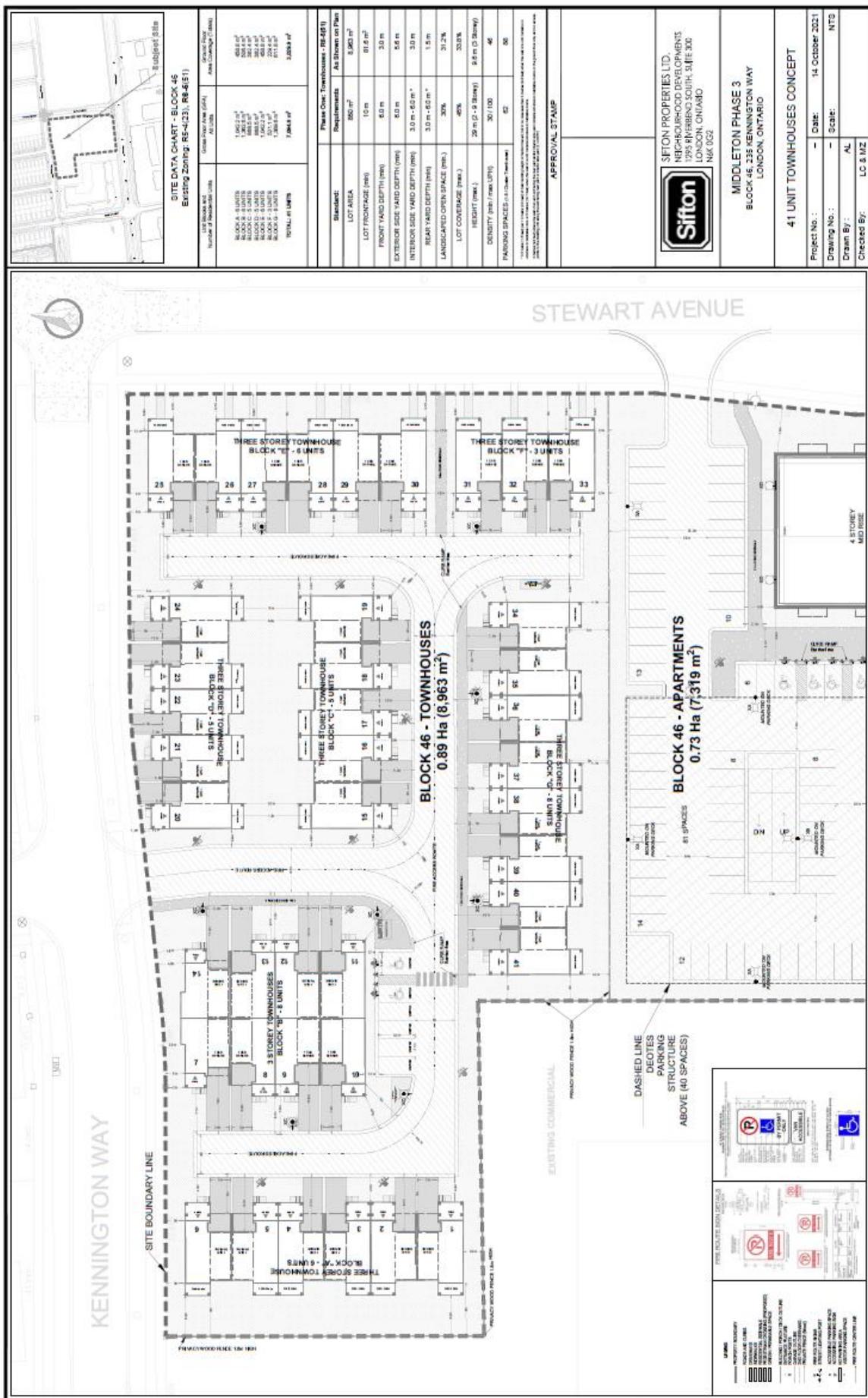
### **1.7 Intensification (41 Units)**

- The 41-unit, multiple-attached townhouse development is located outside the Primary Transit Area and inside the Urban Growth Boundary.

## 1.8 Location Map



1.9 Draft Plan of Vacant Land Condominium



## 2.0 Discussion and Considerations

The purpose of this amendment application is to remove the h, h-100, and h-198 holding provisions for the northern portion of the subject lands. An application for a nine (9) storey apartment with four (4) storey mid rise on either side has been submitted, and the removal of holding provisions will be reviewed at a later date. The h holding provision requires the orderly development of lands and the adequate provision of municipal services, while the h-100 holding provision requires adequate water service and appropriate access to be provided. Holding provision h-198 encourages street-oriented development and discourages the use of noise attenuation walls so that new development is consistent with the Southwest Area Secondary Plan (SWAP). The removal of the holding provisions will allow for the future development of 41 multiple attached townhouse condominium units.

### 2.1 Consultation (see more detail in Appendix B)

Information regarding the application to remove Holding Provisions was provided to the public as follows:

- Notice of Intent to Remove Holding Provisions was published in the Public Notices and Bidding Opportunities section of the *Londoner* on November 4, 2021.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on October 28, 2021.

There was no response from the public.

### 2.2 Policy Context (see more detail in Appendix C)

Section 36 of the *Planning Act* permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use (Section 36(2) of the *Planning Act*), a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s).

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

## 3.0 Financial Impact/Considerations

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

## 4.0 Key Issues and Considerations

### 4.1 Why is it appropriate to remove this Holding Provisions?

#### h Holding Provision

The h Holding Provision states that:

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

The Applicant has provided the necessary securities to the City of London and the development agreement has been executed. This satisfies the requirements for the removal of the “h” holding provision.

### **h-100 Holding Provision**

The “h-100” holding provision states that:

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

The Draft Plan of Vacant Land Condominium proposes fewer than 80 units, and as such the looped water main and second public access are not required. This satisfies the requirements for removal of the “h-100” holding provisions.

### **h-198 Holding Provision**

The “h-198” holding provision states that:

*h-198 Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan. (Z.-1-152390).*

The accepted site plan includes street-oriented development along Kennington Way and Stewart Avenue and does not include noise attenuation walls. This is consistent with SWAP and a Development Agreement has been executed. This satisfies the requirements for the removal of the “h-198” holding provision.

## **Conclusion**

It is appropriate to remove the “h”, “h-100” and “h-198” holding provisions from the northern portion of the subject lands at this time as there is full access to municipal services, the required security has been submitted and a development agreement has been executed. The proposed development is street-oriented and consistent with the Southwest Area Secondary Plan.

**Prepared by:** Alison Curtis, MA  
Planner 1, Planning and Development

**Reviewed by:** Bruce Page, MCIP, RPP  
Manager, Planning and Development

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections  
cc: Michael Pease, Manager, Development Planning (Site Plan)

BP/ac

## Appendix A

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

2021

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 235 Kennington way.

WHEREAS Sifton Properties Limited have applied to remove the holding provision from the zoning for the northern portion of the lands located at 235 Kennington Way, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said 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 235 Kennington Way, as shown on the attached map, to remove the h, h-100 and h-198 holding provision so that the zoning of the lands as a Residential Special Provision R5 and R6 (R5-4(23)/R6-5(51)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

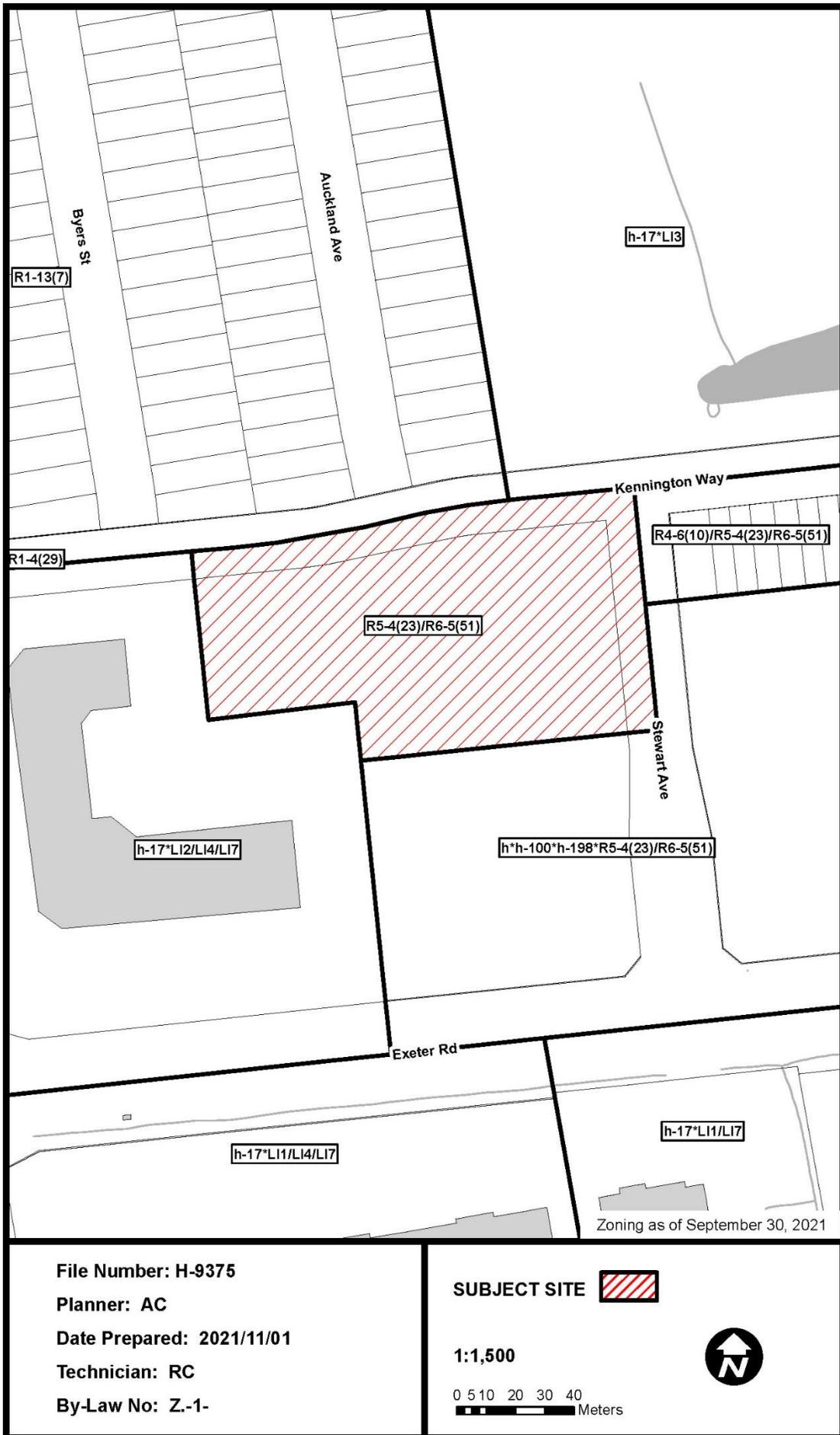
PASSED in Open Council on December 7, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 7, 2021  
Second Reading – December 7, 2021  
Third Reading - December 7, 2021

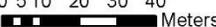
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: H-9375  
 Planner: AC  
 Date Prepared: 2021/11/01  
 Technician: RC  
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40  
 Meters



Geodatabase

## Appendix B – Consultation

### Community Engagement

**Public Liaison:** Notice of the application was published in the Londoner on November 4, 2021, and notice of the application were circulated to the relevant internal and external agencies.

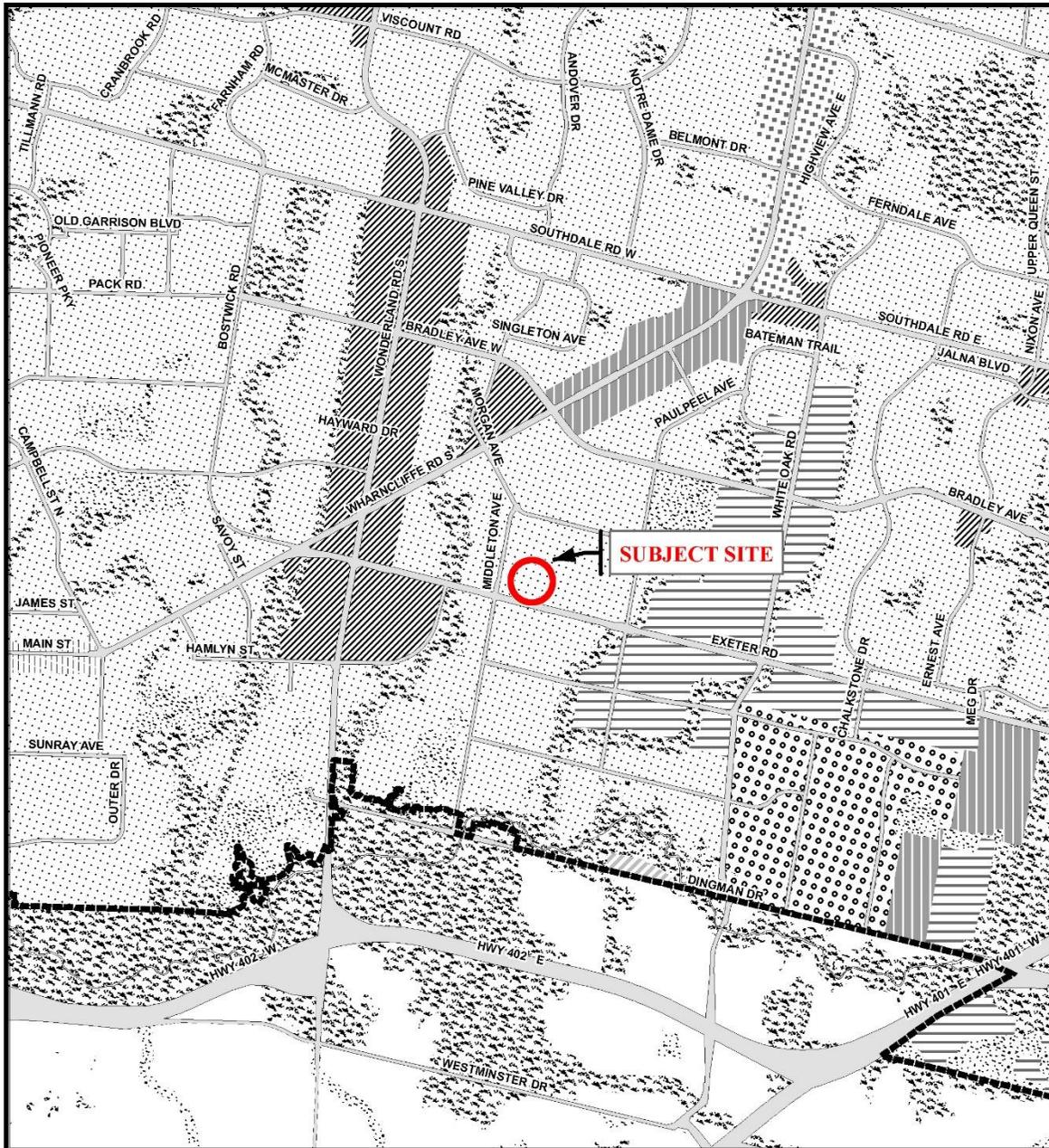
No replies were received.

**Londoner Notice:** City Council intends to consider removing the h, h-100 and h-198 holding provisions from the subject lands to allow for the development of 3-story townhouses (41 units). The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a development agreement has been entered into for the subject lands. Holding Provision “h-100” requires the construction of a looped watermain system and a second public access to be available to the satisfaction of the City Engineer. This will ensure there is adequate water service and access. The “h-198” provision encourages street-oriented development and discourages noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan. Council will consider removed the holding provision as it applied to these lands no earlier than November 22, 2021.

File: H-9375 Planner A. Curtis x.4497

# Appendix C: Policy Context

## London Plan Excerpt



### Legend

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

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

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

### CITY OF LONDON

Planning Services /  
Development Services

### LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000



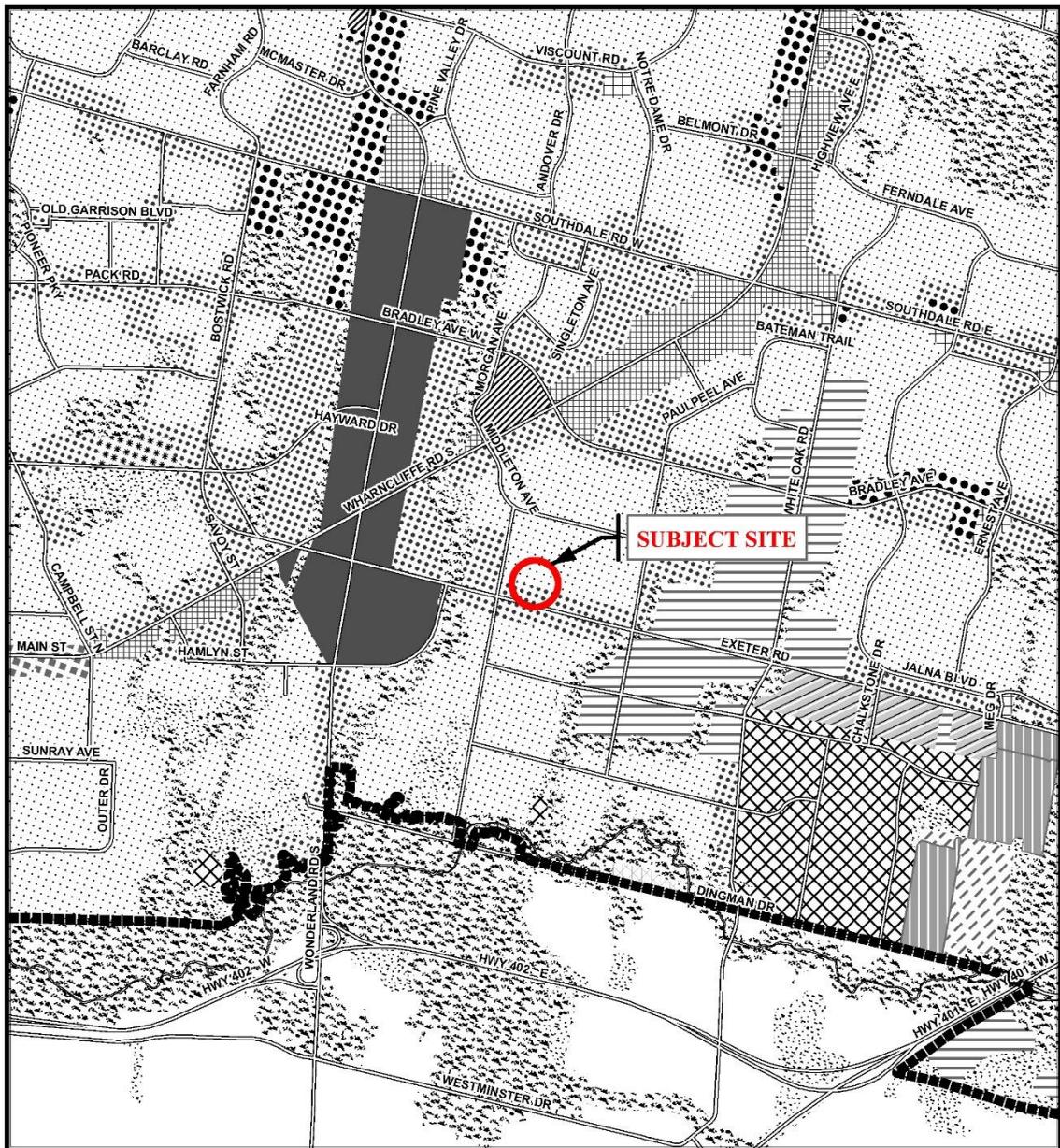
File Number: H-9375

Planner: AC

Technician: RC

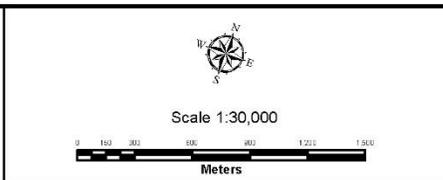
Date: November 1, 2021

# 1989 Official Plan Excerpt



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

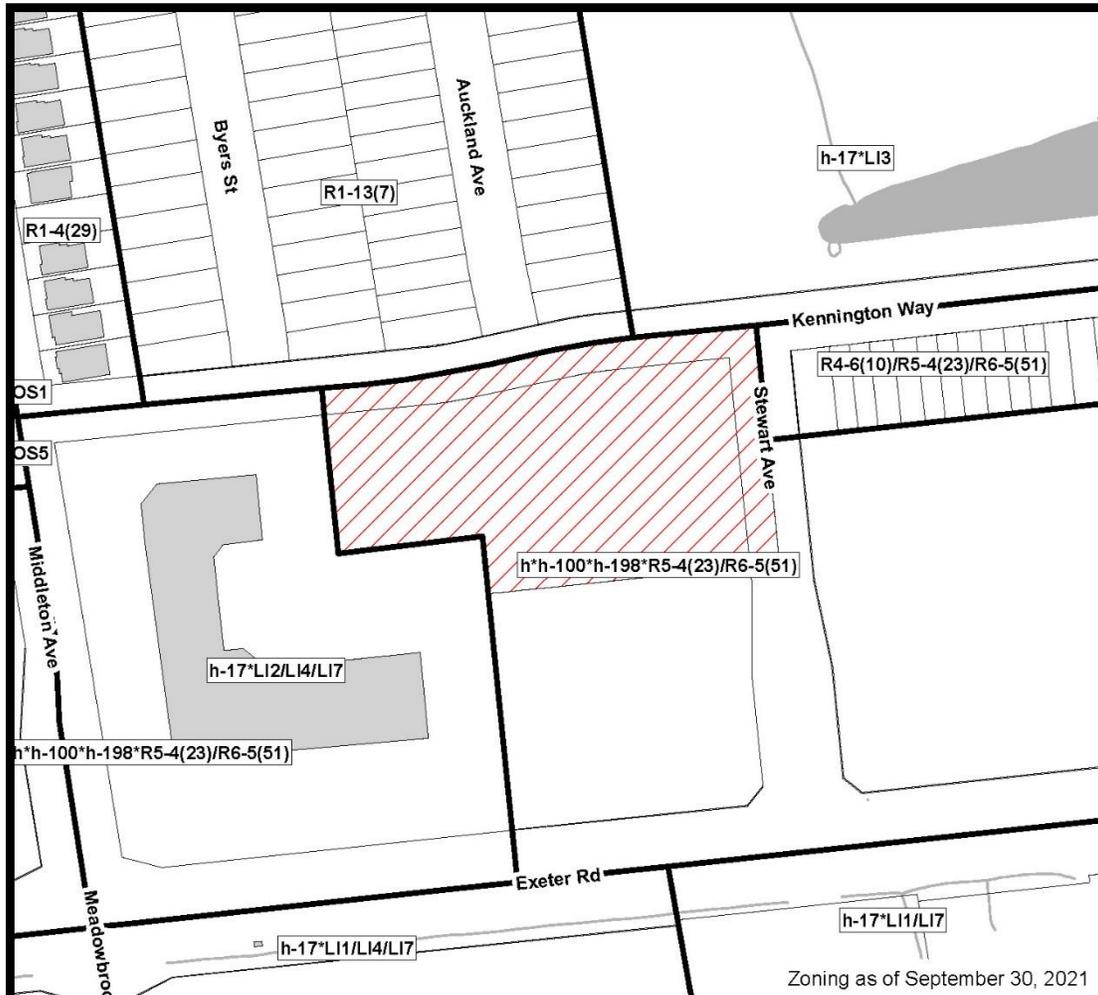
**CITY OF LONDON**  
 Planning Services /  
 Development Services  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9375  
 PLANNER: AC  
 TECHNICIAN: RC  
 DATE: 2021/11/01

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consolid00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

# Zoning By-law Excerpt



Zoning as of September 30, 2021



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

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

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            |                                   |
| R7 - SENIOR'S HOUSING                     | OS - OPEN SPACE                   |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | CR - COMMERCIAL RECREATION        |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | ER - ENVIRONMENTAL REVIEW         |
| R10 - HIGH DENSITY APARTMENTS             |                                   |
| R11 - LODGING HOUSE                       | OB - OFFICE BUSINESS PARK         |
|   | LI - LIGHT INDUSTRIAL             |
| DA - DOWNTOWN AREA                        | GI - GENERAL INDUSTRIAL           |
| RSA - REGIONAL SHOPPING AREA              | HI - HEAVY INDUSTRIAL             |
| CSA - COMMUNITY SHOPPING AREA             | EX - RESOURCE EXTRACTIVE          |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | UR - URBAN RESERVE                |
| BDC - BUSINESS DISTRICT COMMERCIAL        |                                   |
| AC - ARTERIAL COMMERCIAL                  | AG - AGRICULTURAL                 |
| HS - HIGHWAY SERVICE COMMERCIAL           | AGC - AGRICULTURAL COMMERCIAL     |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL               | TGS - TEMPORARY GARDEN SUITE      |
| SS - AUTOMOBILE SERVICE STATION           | RT - RAIL TRANSPORTATION          |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL |                                   |
| OR - OFFICE/RESIDENTIAL                   | "h" - HOLDING SYMBOL              |
| OC - OFFICE CONVERSION                    | "D" - DENSITY SYMBOL              |
| RO - RESTRICTED OFFICE                    | "H" - HEIGHT SYMBOL               |
| OF - OFFICE                               | "B" - BONUS SYMBOL                |
|   | "T" - TEMPORARY USE SYMBOL        |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

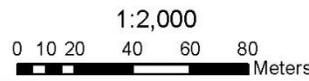
**ZONING BY-LAW NO. Z-1 SCHEDULE A**



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

FILE NO:  
H-9375 AC

MAP PREPARED:  
2021/11/01 RC



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Exemption from Part-Lot Control  
Application By: Kenmore Homes (London) Inc. c/o Ric Knutson  
Address: 1790 Finley Crescent

**Meeting on:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application by Kenmore Homes (London) Inc., the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to exempt Block 100, Plan 33M-733 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

## Executive Summary

### Summary of Request

Request for approval to exempt Block 100, Plan 33M-733 from the Part Lot Control provisions of the *Planning Act*.

### Purpose and Effect of Recommended Action

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

### Rationale for Recommended Action

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

## Linkage to the Corporate Strategic Plan

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

## Analysis

### 1.0 Background Information

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

### 1.1 Previous Reports Related to this Matter

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

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

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

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

**March 2016** - Report on Special Provisions for Phase I.

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

## 1.2 Previous Meeting

At its meeting held on July 26, 2021 Municipal Council resolved:

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Kenmore Homes (London) Inc., to exempt Block 100, Plan 33M-733 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 100, Plan 33M-733 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-4(4)) which permits street townhouse dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 100, Plan 33M-733 as noted in clause (a) above:
  - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
  - ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
  - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
  - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
  - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
  - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;

- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title;
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question; and
- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1790 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.

### **1.3 Property Description**

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

### **1.4 Current Planning Information**

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

### **1.5 Site Characteristics**

- Current Land Use – vacant
- Frontage – ~41.255 metres
- Area – 0.13 hectares
- Shape – rectangular

### **1.6 Surrounding Land Uses**

- North – future residential
- East – residential
- South – future residential
- West – commercial

1.7 Location Map



**Location Map**

Subject Property: 1790 Finley Crescent  
 Applicant: KENMORE HOMES INC.  
 File Number: P-9371  
 Created By: Sean Meksula  
 Date: 6/9/2021  
 Scale: 1:2000

**Legend**

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

Corporation of the City of London







## 2.0 Discussion and Considerations

The Applicant, Kenmore Homes (London) Inc., has requested exemption from part-lot control to create a total of six (6) street townhouse units. The plan of subdivision was registered in February 2018 as a multi-family medium density residential block. The dwellings will be street townhouse units, one or two storeys in height, and accessed off Finley Crescent.

### 2.1 Community Engagement

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

### 2.2 Policy Context

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

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

## 3.0 Financial Impact/Considerations

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

## 4.0 Exemption from Part-Lot Control

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

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

*Acknowledged by the applicant on November 2, 2021.*

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

*Satisfied by registration of reference plan 33R-21127 as the draft reference plan complies with the Zoning on the lands.*

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

*Satisfied by submission on November 2, 2021 and confirmed by the GIS Data Technician on November 4, 2021.*

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

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

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

*Satisfied by the acceptance of Lot Grading and Servicing Plans submitted as per Site Plan Application SPA18-049.*

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

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

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

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

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

*Satisfied by municipal numbering assigned on August 12, 2019.*

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

*Satisfied by reference plan 33R-21127.*

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

*Satisfied by reference plan 33R-21127.*

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

developed in any future reference plan;

*Building permits have been issued for this block as permit number 21002615.*

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

*Satisfied by the applicant's Solicitor.*

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

*Acknowledged by applicant on November 2, 2021.*

- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1790 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.

*Engineering has confirmed October 22, 2021 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.*

## **Conclusion**

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

**Prepared by:** Sean Meksula, MCIP, RPP  
Senior Planner, Subdivision Planning

**Reviewed by:** Bruce Page, MCIP, RPP  
Manager, Planning & Development

**Recommended by:** Gregg Barrett, RPP, PLE  
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections  
cc: Michael Pease, Manager, Site Plan

SM/  
Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\P-9371 - 1790 Finley Crescent Block 100 (SM)\PEC 2 November 22\_2021\P-9371 - 1790 Finley Crescent Block 100 \_Report to pass by-law\_PEC.docx

## Appendix A

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

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

A by-law to exempt from Part-Lot Control, lands located at 1790 Finley Crescent, legally described as Block 100 in Registered Plan 33M-733.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Kenmore Homes (London) Inc., it is expedient to exempt lands located at, legally described as Block 100 in Registered Plan 33M-733, from Part Lot Control;

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

1. Block 100 in Registered Plan 33M-733, located at 1790 Finley Crescent, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-4(4)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on December 7, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** George Kotsifas, P. Eng  
Deputy City Manager  
Planning and Economic Development  
**Subject:** Application By: Drewlo Holdings Inc.  
Summerside Subdivision Phase 18 - Special Provisions  
**Meeting on:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the subdivision of land over Concession 1, Part of Lots 15 and 16, situated east of Highbury Avenue North, southwest of Meadowgate Boulevard and north of Bradley Avenue;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the Summerside Subdivision, Phase 18 (39T-92020\_18) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”;
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix “C”;
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

## Executive Summary

This report is seeking approval of Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the Summerside Subdivision Phase 18 (39T-92020\_18).

## Linkage to the Corporate Strategic Plan

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

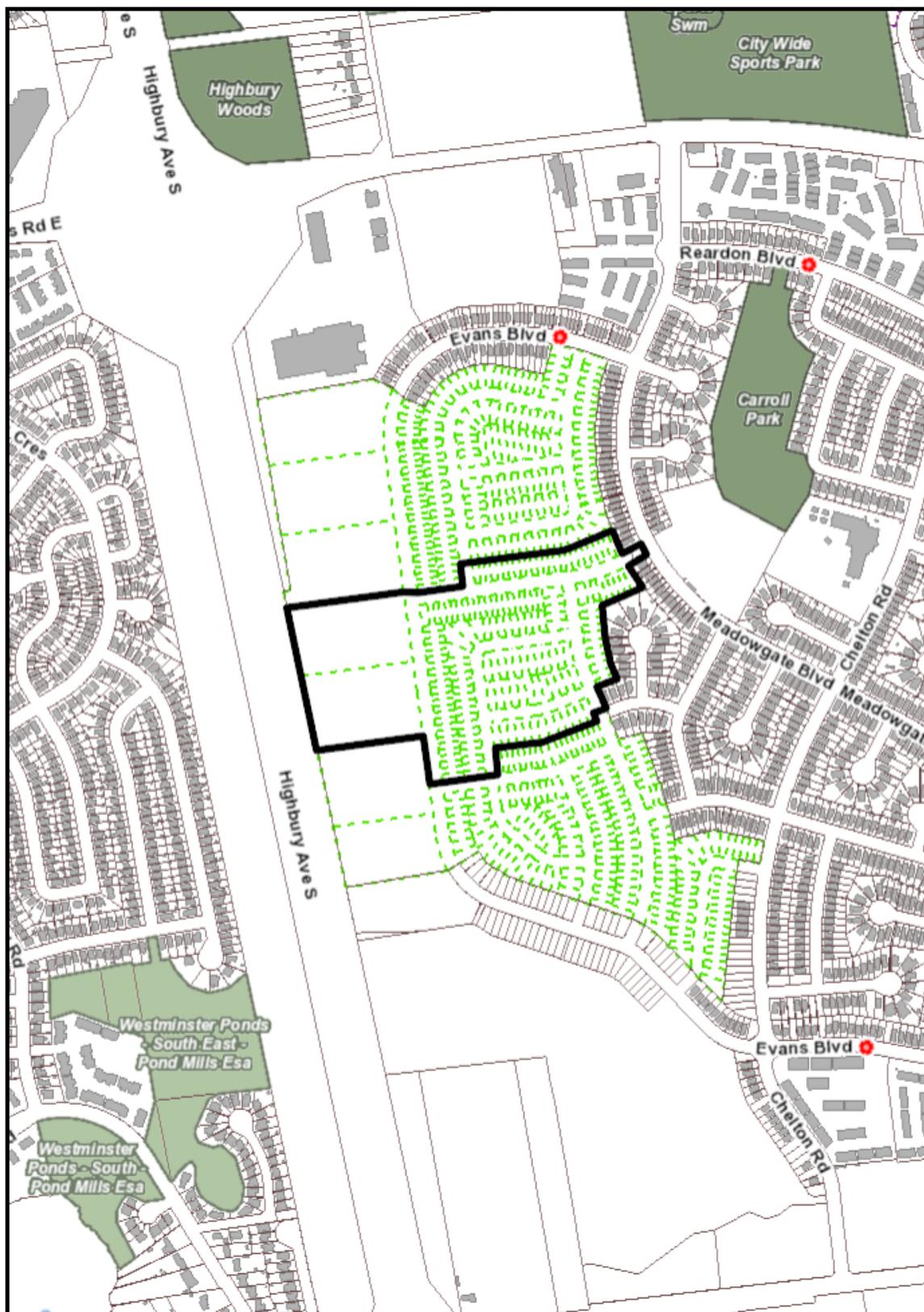
## Analysis

### 1.0 Background Information

#### 1.1 Property Description

The subject site representing Phase 18 consists of flat, vacant lands that were previously cultivated farm fields having an area of approximately 13.5 hectares. These lands were acquired by Drewlo Holdings Inc. together with the remaining undeveloped and draft-approved phases within the Summerside Subdivision. Drewlo subsequently applied for approval of red-line revisions consisting of minor adjustments to lot frontages for single detached dwelling lots, replacing cul-de-sac streets with ‘through street’ connections, and removing 15 single detached lots fronting the west side of the future extension of Evans Boulevard. The requested red-line revisions and accompanying zoning amendments were presented at a public participation meeting of the Planning and Environment Committee on March 1, 2021. The City of London Approval Authority granted draft plan approval of the red-line revisions on April 23, 2021.

## 1.2 Location Map



Location Map		Legend	
Project Title:	39T-92020_18		Subject Site
Description:	Summerside Subdivision - Phase 18		Parks
Created By:	Larry Mottram		Assessment Parcels
Date:	11/3/2021		Buildings
Scale:	1:8000		Address Numbers
Corporation of the City of London			



## **2.0 Discussion and Considerations**

### **2.1 Development Proposal**

Phase 18 of the Plan of Subdivision will consist of 163 single detached lots (Lots 1 to 163) and two (2) multi-family, medium density residential blocks (Blocks 164 and 165), all served by the extension of Evans Boulevard and Fairfield Road and four (4) new local streets Wiltshire Street, Winslow Way, Maguire Drive and Avonlea Trail.

The recommended special provisions for the proposed Summerside Phase 18 Subdivision Agreement are found at Appendix A of this report. Staff have reviewed these special provisions with the Owner who is in agreement with them.

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

## **3.0 Financial Impact/Considerations**

### **3.1 Financial Securities**

Through the completion of the works associated with this application fees, development charges and taxes will be collected. Outside of the DC eligible items outlined in the attached Source of Financing (Appendix C), there are no direct financial expenditures associated with this application.

## **4.0 Key Issues and Considerations**

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

## **Conclusion**

Planning and Development staff are satisfied with the proposed special provisions for the Summerside Subdivision – Phase 18, and recommend that they be approved; and, that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfil its conditions.

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

**Reviewed by:** Bruce Page, MCIP, RPP  
Manager, Subdivision Planning

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

November 15, 2021  
GK/GB/BP/LM/jar

## Appendix A – Special Provisions

### 5. STANDARD OF WORK

Add the following new Special Provision:

1. The Owner shall register against the title of Lots which incorporate the third pipe storm system, as per the accepted engineering drawings, in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the third pipe storm system lead located in the setback areas. This protects these third pipe storm system from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule “I”** and on the servicing drawings accepted by the Deputy City Manager, Environment and Infrastructure.

### 15. PROPOSED SCHOOL SITES

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

### 24.1 STANDARD REQUIREMENTS

Add the following Special Provisions:

3. The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the

City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

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

4. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements with the owner of Plan 33M-471, Plan 33M-584 and Plan 33M-\_\_\_\_ (Ph 17) to construct new services and make adjustments to the existing works and services on all existing adjacent streets in Plan 33M-471, Plan 33M-584 and Plan 33M-\_\_\_\_ adjacent to this plan to accommodate the proposed works and services on these streets to accommodate this Plan (eg. private services, street light poles, etc.) in accordance with the approved design criteria and accepted engineering drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure and at no cost to the City. Such arrangements shall include, but not be limited to, providing sufficient notice, co-ordination and clarification with adjacent land owners as to what each parties consulting engineer will be required to be certified for the City for the purposes of assumption, all to the satisfaction of the City.
5. It is hereby agreed by all parties that the terms and conditions outlined in the agreement dated December 5, 1994 between The Corporation of the City of London and Jackson Land Corp. and Jackson Summerside Land Corp., registered on January 27, 1995 as Instrument No. 374208 covering the servicing and cost sharing of the entire Summerside Subdivision draft plan are hereby transferred to this Agreement and will apply mutatis mutandis to all the lands within this Plan. The parties hereto agree that this Agreement and the agreement will be read as one, and in the event of any conflicts between the provisions of this Agreement and the provisions of the agreement dated December 5, 1994 between The Corporation of the City of London and Jackson Land Corp. and Jackson Summerside Land Corp., registered on January 27, 1995 as Instrument No. 374208 then the provisions of the agreement dated December 5, 1994 between The Corporation of the City of London and Jackson Land Corp. and Jackson Summerside Land Corp., registered on January 27, 1995 as Instrument No. 374208 will prevail, except for the Insurance and Indemnity requirements as provided herein.

## **24.2 CLAIMS**

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

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

The anticipated reimbursements from the Development Charge Reserve Funds are:

- (i) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$120,913.

## **24.5 HYDROGEOLOGICAL WORKS**

**Add** the following new Special Provisions:

7. The Owner shall maintain the water balance in the Summerside wetland by constructing a third pipe storm system to direct water flows to the wetland, as per the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure and the Ministry of Natural Resources.

## **24.6 EROSION AND SEDIMENT CONTROL**

**Add** the following new Special Provisions:

8. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct and have operational temporary sediment and erosion control works as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
9. The Owner shall maintain the erosion and sediment control measures on Blocks 164 and 165 until these Blocks develop in future, to the satisfaction of the City.
10. The Owner shall maintain the erosion and sediment control measures, installed in conjunction with this Plan, to ensure no sediment affects the wetland, as per the accepted engineering drawings, to the specifications and satisfaction of the City. Should any sediment affect the wetland, the Owner shall be responsible for any clean-up and restoration of the wetland, to the satisfaction of the City, at no cost to the City.
11. All temporary erosion and sediment control measures, installed in conjunction with this Plan, shall be decommissioned and/or removed when warranted as per accepted engineering drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure and at no cost to the City. The Owner is responsible for all costs related to the decommissioning and redirection of sewers and overland flow routes.
12. The Owner shall develop an erosion and sediment control plan(s) (E&SC) for the subject lands in accordance with City of London and MECP standards and requirements, and the most recent available industry standards and guidelines, all to the specification and satisfaction of the Deputy City Manager, Environment and Infrastructure. These plan(s) shall clearly identify the following at a minimum:
  - i) All erosion and sediment control measures, and potential adaptive controls; and,
  - ii) An erosion and sediment control inspection, monitoring, response, and maintenance program.
13. The Owner shall hold Lots 56 to 67, Lots 75 to 91 and Lot 94 out of development until the temporary sediment basin, temporary hickenbottoms and any other associated works are decommissioned, to the satisfaction of the City.

## **24.7 GRADING REQUIREMENTS**

**Add** the following new Special Provisions:

14. The Owner shall have the common property line of Highbury Avenue South graded as per the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City.
15. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a top soil berm abutting Highbury Avenue on Blocks 164 and 165 as per the accepted engineering drawings, to the satisfaction of the City.
16. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct temporary rock flow check dams, temporary berms, twin inlet catchbasins and any other necessary works on Blocks 164 and 165 as per the accepted engineering drawings, to the satisfaction of the City.
17. The Owner shall register against the title of Lots in this Plan, as per the accepted engineering drawings, and shall include in the Agreement of Purchase and Sale for the transfer of each of the said Lots, as an overland flow route is located on the said Lots identified on the accepted engineering drawings, a covenant by the purchaser or transferee to observe and comply with the following:
  - i) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lots as shown on the accepted lot grading and servicing drawings for this subdivision.

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

- 18 The Owner shall maintain the existing overland flow routes as identified on the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 19 Prior to the issuance of a Certificate of Conditional Approval for Block 164 and Block 165, the Owner shall remove and relocate any existing earth stockpile generally located in this Plan, all to the satisfaction of the City and at no cost to the City.
- 20 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owners to regrade external lands, and provide permission for the adjacent property owners, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

#### **24.8 STORM WATER MANAGEMENT**

**Add** the following new Special Provisions:

- 21 The Owner shall ensure that the quality and quantity of stormwater flow from lands within the subdivision to the Class 1 wetland in the north-east corner of Highbury Avenue South/Bradley Avenue intersection be controlled to protect wetland resources and functions. The Owner shall have his professional Engineer prepare a stormwater management plan to determine the limits of the post-development wetland drainage area, the facilities for directing storm flows to the wetland, the quantity of stormwater to be directed to the wetland and the facilities for controlling the quality and quantity of stormwater entering the wetland to the satisfaction of the City of London Environmental and Engineering Services Department, the City of London Environmental and Parks Planning Division, and the Upper Thames River Conservation Authority. The stormwater management plan for the wetland drainage area shall be approved by these agencies prior to the final approval of any portion of the subdivision that is located within the pre-development drainage area of the wetland.
- 22 The Owner shall convey minor storm runoff from Summerside Subdivision Phase 18 to the storm outlet which is the existing Summerside SWM Facility via the existing 1200 mm diameter storm sewer on Meadowgate Boulevard/Maguire Drive intersection and storm stubs provided by Summerside Subdivision Phase 17, namely the 1350mm storm stub at Evans Boulevard/Karenana Road intersection, the 525mm sewer downstream of Hesselman Place/Karenana Road intersection and the 375mm storm sewer downstream of Wiltshire Place/Fairfield Road intersection. Furthermore, the Owner shall convey drainage from the rear yards within and exterior to these lands through a "third pipe" system to the wetland area in the north-east corner of Highbury Avenue South/Bradley Avenue intersection and to maintain any external clean flows to the wetland during all phases of construction. The outlet is located within the Dingman Creek Subwatershed and these lands are tributary to both the South Thames and to Dingman Creek via proposed servicing and/or Stormwater Management (SWM) Facilities.
- 23 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the storm/drainage servicing works for the relevant portions of the approved third pipe storm system to maintain the water balance in the existing wetland area located at the southwest corner of the Summerside lands, to the satisfaction of the City. The Owner shall immediately accommodate upstream flows from portions of the third pipe storm system already constructed and currently using temporary outlets to existing minor flow systems, all to the specifications and satisfaction of the City.
- 24 The Owner shall implement SWM Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City.

25 All temporary storm works and servicing installed within the proposed Plan of Subdivision shall be decommissioned and/or removed when warranted, all to the satisfaction of the City, at no cost to the City.

#### **24.9 SANITARY AND STORM SEWERS**

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

(b) The Owner shall construct storm sewers to serve this plan, located within the Dingman Creek Subwatershed, and outlet this plan to the existing and assumed Regional Summerside SWM facility via internal storm sewer servicing through this plan of subdivision that shall be connected to the existing 1200 mm diameter storm sewer on Meadowgate Boulevard, 1350 mm diameter storm sewer on Evans Boulevard, 525 mm diameter storm sewer on Karenana Road and the 375 mm diameter storm sewer on Fairfield Road as per the accepted engineering drawings.

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

(j) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 250 mm diameter sanitary sewer on Meadowgate Boulevard, the 300 mm diameter sanitary sewer on Evans Boulevard, the 200 mm diameter sanitary sewer on Karenana Road and the 200 mm diameter sanitary sewer on Fairfield Road as per the accepted engineering drawings.

#### **24.10 WATER SERVICING**

**Add** the following new Special Provisions:

28 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the Deputy City Manager, Environment and Infrastructure, 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 high-level municipal system, namely the existing 200 mm diameter watermain on Meadowgate Boulevard, 200 mm diameter watermain on Fairfield Road, the 200 mm diameter watermain on Karenana Road and the 250 mm diameter watermain on Evans Boulevard;
- ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the Deputy City Manager, Environment and Infrastructure when development is proposed to proceed beyond 80 units; and,
- iii) Have their consulting engineer prepare a Certificate of Completion of Works to confirm to the City that the watermain connection(s) to the 200 mm diameter watermain on Meadowgate Boulevard, 200 mm diameter watermain on Fairfield Road, the 200 mm diameter watermain on Karenana Road and the 250 mm diameter watermain on Evans Boulevard has been constructed, is operational, and is complete.

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

- Block 164 @ 105 l/sec
- Block 165 @ 105 l/sec

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

30 The Owner shall include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on Lots 38 to 45 and Lots 84 to 118 in this Plan are to have pressure reducing valves installed and included in the building permit applications for the Blocks.

## 24.11 ROADWORKS

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

- (p) Where traffic calming measures are required within this Plan:
- (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
  - (ii) The Owner shall register against the title of all Lots and Blocks in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including speeds cushions, to be installed as traffic control devices, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.

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

- (q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Evans Boulevard (south leg) via Chelton Road and Bradley Avenue or other routes as designated by the City. All trades and construction vehicles shall park within this Plan of Subdivision.

**Add** the following new Special Provisions:

- 33 Barricades are to be maintained at north limits of Avonlea Trail and Evans Boulevard until lands to the north of this Plan of Subdivision develop or as otherwise directed by the City. When lands to the north develop or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

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

- 34 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Evans Boulevard adjacent to the speed cushion locations that indicate Future Speed Cushion Location, as identified on the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 35 Prior to assumption or when required by the Deputy City Manager, Environment and Infrastructure, the Owner shall install speed cushions on Evans Boulevard, including permanent signage and pavement markings as per the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 36 The Owner shall remove existing infrastructure, including but not limited to, CICBs, DICBs, curbs, etc. in this Plan and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

## 24.xx Planning

Add the following new Special Provisions

37. The Owner shall provide the purchasers of all lots in the subdivision with a zoning information package pertaining to residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each lot in this plan that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.

38. An approved parking plan is required for each registered phase of development and will form part of the subdivision agreement for the registered plan.
39. The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Evans Boulevard via Chelton Road and Bradley Avenue, or other routes as designated by the City. All trades and construction vehicles shall park within this Plan of Subdivision.
40. No construction traffic contracted by the Owner for the construction of services for this subdivision which are to be assumed by the City, shall utilize existing streets adjacent to this Plan, except as approved otherwise by the City. The Owner shall restrict the construction traffic to and from this subdivision to the accepted construction access route.

## **SCHEDULE "C"**

This is Schedule "C" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

### **SPECIAL WORKS AND SERVICES**

#### **Roadways**

- Evans Boulevard and Fairfield Road shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
- Maguire Drive shall have a minimum road pavement width (excluding gutters) of 7.5 metres with a minimum road allowance of 21.5 metres.
- Avonlea Trail shall have a minimum road pavement width (excluding gutters) of 7.5 metres with a minimum road allowance of 20.0 metres.
- Wiltshire Street shall have a minimum road pavement width (excluding gutters) of 6.5 metres with a minimum road allowance of 19 metres.
- Wiltshire Place shall have a minimum road pavement width (excluding gutters) of 6.5 metres with a minimum road allowance of 18 metres.

#### **Sidewalks**

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

- i) Evans Boulevard
- ii) Maguire Drive
- iii) Fairfield Road
- iv) Wiltshire Street
- v) Avonlea Trail

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

- (i) Wiltshire Place – south boulevard

#### **Pedestrian Walkways**

There are no walkways in this Plan of Subdivision.

**SCHEDULE "D"**

This is Schedule "D" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

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

**LANDS TO BE CONVEYED TO THE CITY OF LONDON:**

0.3 metre (one foot) reserves:	Blocks 166, 167 and 168
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	NIL or Cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law C.P.-9.
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

**LANDS TO BE SET ASIDE FOR SCHOOL SITE:**

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

Temporary access:	NIL
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**SCHEDULE "E"**

This is Schedule "E" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

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

CASH PORTION:	\$ 727,113
BALANCE PORTION:	<u>\$4,120,308</u>
TOTAL SECURITY REQUIRED	\$4,847,421

The Cash Portion shall be deposited with the Deputy City Manager, Finance Supports prior to the execution of this agreement.

The Balance Portion shall be deposited with the Deputy City Manager, Finance Supports prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the lots and blocks in this plan of subdivision.

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

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

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

## **SCHEDULE "F"**

This is Schedule "F" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

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

### **Multi-Purpose Easements:**

There are no multi-purpose easements required in this Plan.

## Appendix B – Claims and Revenues

### Estimated Costs and Revenues

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRF	
- Construction - Storm sewer oversizing subsidy (DC19MS1001)	\$120,913
<b>Total</b>	<b>\$120,913</b>
Estimated DC Revenues (January 1, 2021 to December 31, 2021 Rates)	Estimated Revenue
CSRF TOTAL	\$7,438,854

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

Approved by:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul Yeoman  
Director, Capital Assets and Projects

## Appendix C – Source of Finance

#21189

November 22, 2021  
(39T-92020\_18)

Chair and Members  
Planning and Environment Committee

RE: Subdivision Special Provisions - Summerside Phase 18 Subdivision  
Drewlo Holdings Inc.  
Capital Project ES542919-Storm Sewer Internal Oversizing (2523936)

### Finance Supports Report on the Sources of Financing:

Finance Supports confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Budget, and that, subject to the approval of the Deputy City Manager, Planning and Economic Development and Chief Building Official, the detailed source of financing is:

Estimated Expenditures	Approved Budget	Committed To Date	This Submission	Balance for Future Work
Engineering	200,000	0	0	200,000
Construction	7,577,079	2,983,466	123,041	4,470,572
<b>Total Expenditures</b>	<b>\$7,777,079</b>	<b>\$2,983,466</b>	<b>\$123,041</b>	<b>\$4,670,572</b>

### Sources of Financing

Drawdown from City Services - Stormwater Reserve Fund (Development Charges) (Note 1)	7,777,079	2,983,466	123,041	4,670,572
<b>Total Financing</b>	<b>\$7,777,079</b>	<b>\$2,983,466</b>	<b>\$123,041</b>	<b>\$4,670,572</b>

### Financial Note

Contract Price	\$120,913
Add: HST @13%	15,719
Total Contract Price Including Taxes	136,632
Less: HST Rebate	-13,591
Net Contract Price	\$123,041

**Note 1:** Development Charges have been utilized in accordance with the underlying legislation and the approved 2019 Development Charges Background Study and the 2021 Development Charges Background Study Update.

Jason Davies

Manager of Financial Planning & Policy

lp

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Application by Townline Orchard Property Limited  
1478 Westdel Bourne  
Removal of Holding Provision

**Date:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application by Townline Orchard Property Limited relating to lands located at 1478 Westdel Bourne, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on December 7, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R1 (h•R1-4) Zone, a Holding Residential R1 (h•R1-5) Zone, a Holding Residential R6/R8 Special Provision (h•h-54•h-209•R6-5(77)/R8-4(64)) Zone, and a Holding Residential R4/R5/R6/R8 Special Provision (h•h-54•h-209•R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)) Zone **TO** a Residential R1 (R1-4) Zone, a Residential R1 (R1-5) Zone, a Holding Residential R6/R8 Special Provision (h-54•h-209•R6-5(77)/R8-4(64)) Zone, and a Holding Residential R4/R5/R6/R8 Special Provision (h-54•h-209•R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)) Zone to remove the holding (h) provision.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the standard "h" holding provision to allow development of the single detached lots within the applicant's subdivision to proceed. Holding (h-54 and h-209) provisions applying to the medium density residential blocks will remain in place until such time as conditions specified in the Zoning By-law have been met to remove those holding symbols from the zone map.

### Rationale of Recommended Action

1. The conditions for removing the holding (h) provision have been met and the recommended amendment will allow development of single detached residential dwellings in compliance with the Zoning By-law.
2. A Subdivision Agreement has been entered into and securities have been posted as required by City policy and the Subdivision Agreement.

## Linkage to the Corporate Strategic Plan

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

## Analysis

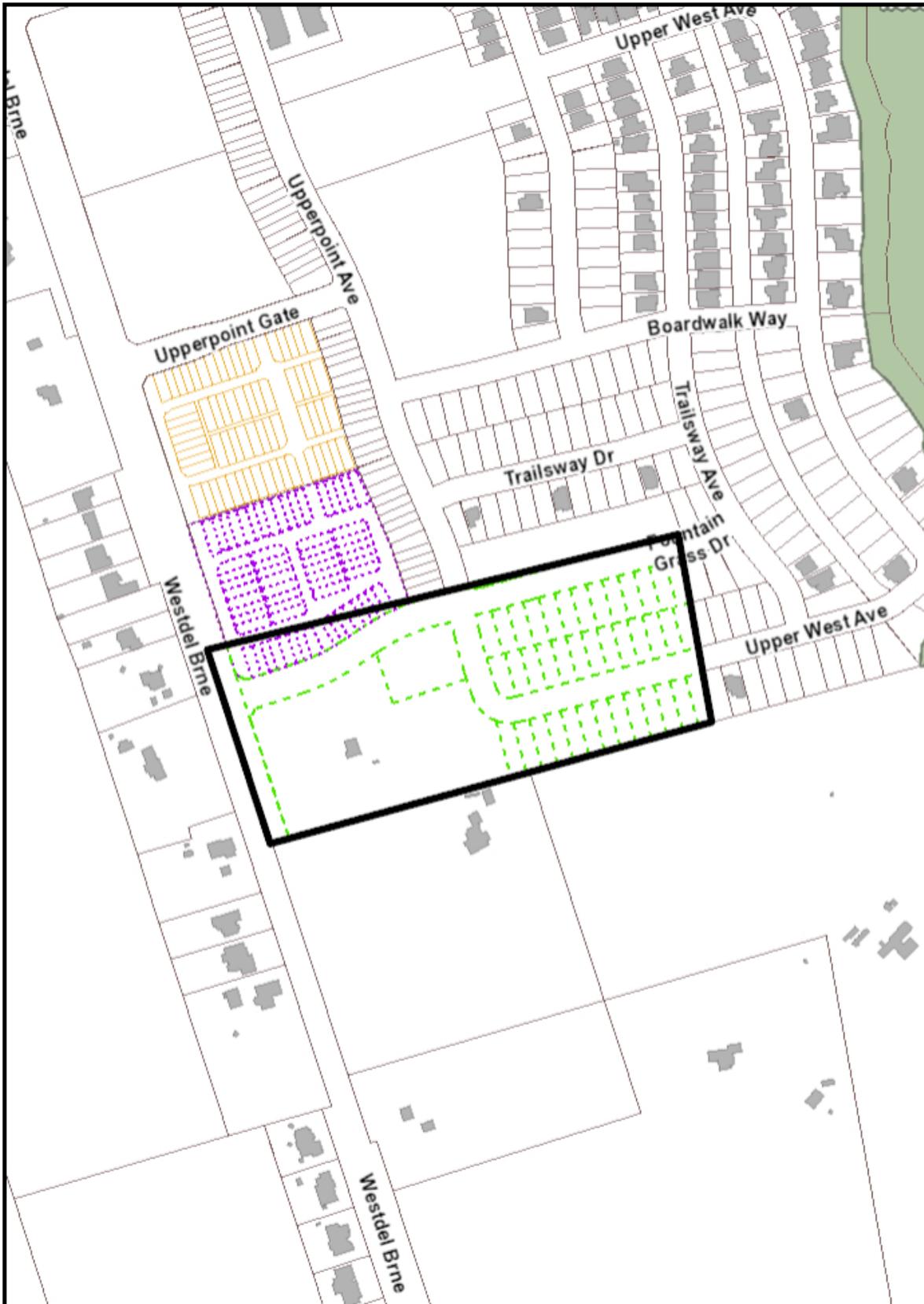
### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

October 18, 2021 – Report to Planning and Environment Committee – 1478 Westdel Bourne – Townline Orchard Property Limited - Special Provisions for Subdivision Agreement (File No. 39T-20503).

## 2.0 Discussion and Considerations

### 2.1 Location Map



#### Location Map

Project Title: H-9412  
Description: 1478 Westdel Bourne  
Created By: Larry Mottram  
Date: 9/21/2021  
Scale: 1:4000

#### Legend

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

Corporation of the City of London



## **2.2 Description of Proposal**

This proposal is for consideration of a request to remove the holding (h) symbol to permit 39 residential lots within the subdivision zoned to permit single detached dwellings to proceed. Other holding (h-54 & h-209) provisions dealing with noise mitigation measures and urban design considerations will continue to be applied to the two (2) medium density residential blocks until such time as the City has approved Site Plans and Development Agreements. Separate applications for removal of holding provisions have been submitted related to specific development proposals for these blocks (File H-9362 – Sifton Properties Limited and File H-9411 – Stantec Consulting c/o Amelia Sloan).

## **2.3 Planning History**

On April 28, 2021, the Approval Authority for the City of London issued draft-approval for the plan of subdivision submitted by Townline Orchard Property Ltd. representing the third and final phase of development within the Riverbend South Secondary Planning Area. The draft-approved plan consists of 39 low density residential single detached lots, 2 medium density residential blocks, 1 future development block, 1 park block, 1 road widening block, and 2 reserve blocks, served by 2 new streets being the extensions of Fountain Grass Drive and Upper West Avenue. On April 13, 2021, Municipal Council passed an amendment to the Zoning By-law to apply zoning to the various lots and blocks within the subdivision plan.

## **2.4 Community Engagement (see more detail in Appendix B)**

There were no responses received to the Notice of Application.

## **3.0 Financial Impact/Considerations**

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

## **4.0 Key Issues and Conclusions**

### **4.1 Have the conditions for removal of the holding (h) provision been met?**

Section 36(1) of the Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. The purpose of the holding (“h”) provision in the zoning by-law is as follows:

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

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

A Subdivision Agreement has been executed between Townline Orchard Property Limited (Craig Linton, President) and the City of London. Subdivision securities were also posted as required by City policy and the Subdivision Agreement. Engineering drawings have been completed and accepted by the City for the installation of all services to lots and blocks within this subdivision plan. Therefore, the condition has been met for removal of the h provision.

The purpose and effect of the recommended action is to remove the general ‘h’ holding provision to allow development of 39 single detached dwellings as permitted under the Residential R1 (R1-4 and R1-5) Zones. With respect to the multi-family, medium density blocks within the subdivision, the zoning on these blocks includes more than one holding provision in addition to the standard “h”. These holding provisions will continue to remain in place for now until such time as the conditions specified in the Zoning By-law have been met to remove the holding symbols from the zone map.

## **Conclusion**

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

**Prepared by:** Larry Mottram, MCIP, RPP  
Senior Planner, Subdivisions and Condominiums

**Reviewed by:** Bruce Page, MCIP, RPP  
Manager, Subdivision Planning

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

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

CC: Matt Feldberg, Manager, Subdivisions and Development Inspections

November 11, 2021  
GK/GB/BP/LM/lm

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## Appendix A

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

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
remove the holding provision from the  
zoning for lands located at 1478  
Westdel Bourne.

WHEREAS Townline Orchard Property Limited has applied to remove the holding provision from the zoning on lands located at 1478 Westdel Bourne, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1478 Westdel Bourne, as shown on the attached map, to remove the holding (h) provision so that the zoning of the lands as a Residential R1 (R1-4) Zone, a Residential R1 (R1-5) Zone, a Holding Residential R6/R8 Special Provision (h-54•h-209•R6-5(77)/R8-4(64)) Zone, and a Holding Residential R4/R5/R6/R8 Special Provision (h-54•h-209•R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

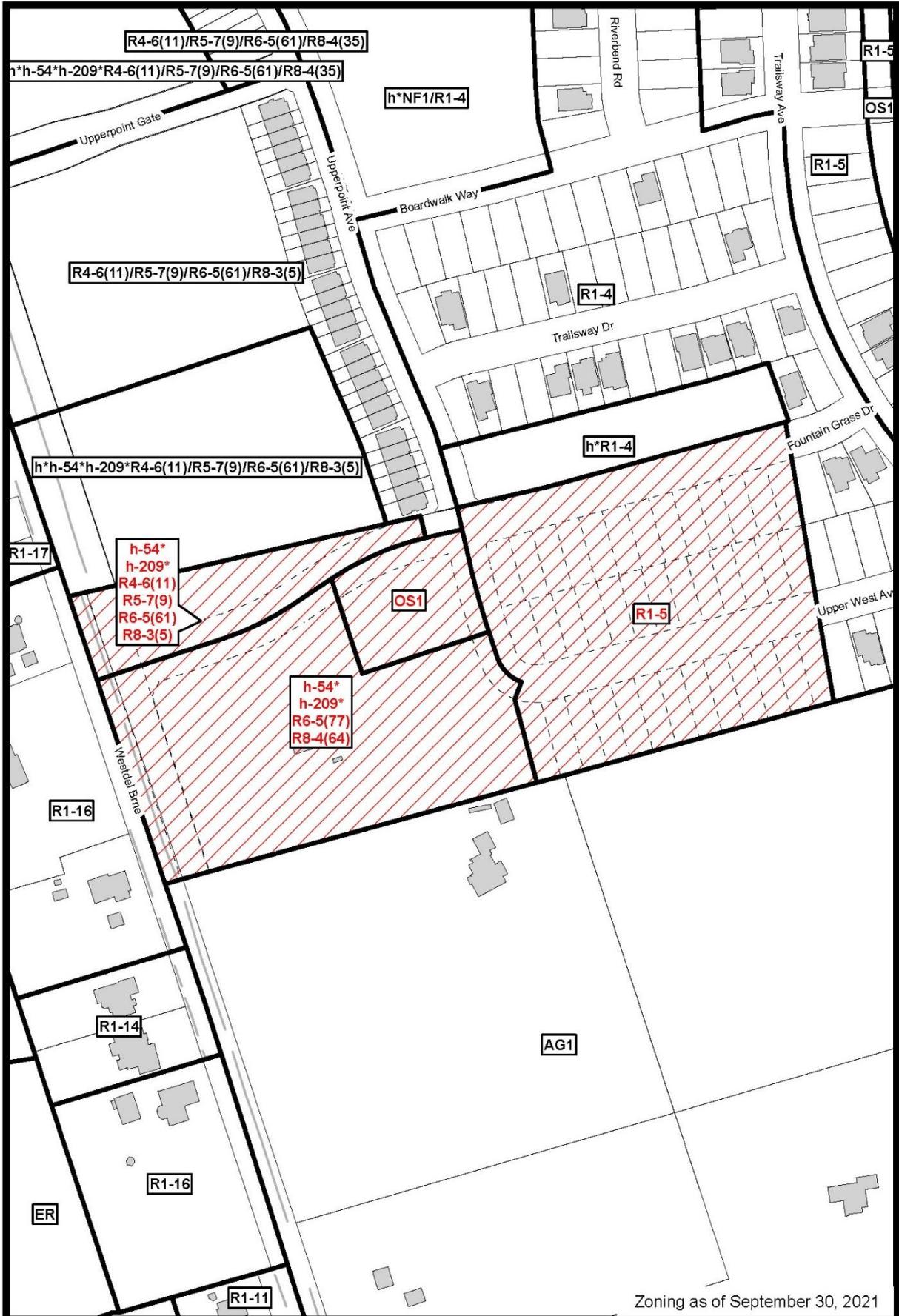
PASSED in Open Council on December 7, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

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



Zoning as of September 30, 2021

File Number: H-9412  
 Planner: LM  
 Date Prepared: 2021/11/02  
 Technician: RC  
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of the application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 30, 2021.

**Responses:** None

**Nature of Liaison:** 1478 Westdel Bourne; located on the east side of Westdel Bourne, south of Oxford Street West (identified as Lots 1-39 and Blocks 40, 41 and 42 on a draft-approved plan of subdivision File No. 39T-20503) – City Council intends to consider removing the Holding (“h”) Provision from the zoning of the subject lands to allow development of a residential plan of subdivision. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. Council will consider removing the holding provision as it applies to these lands no earlier than November 16, 2021.

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

**Telephone:**  
None

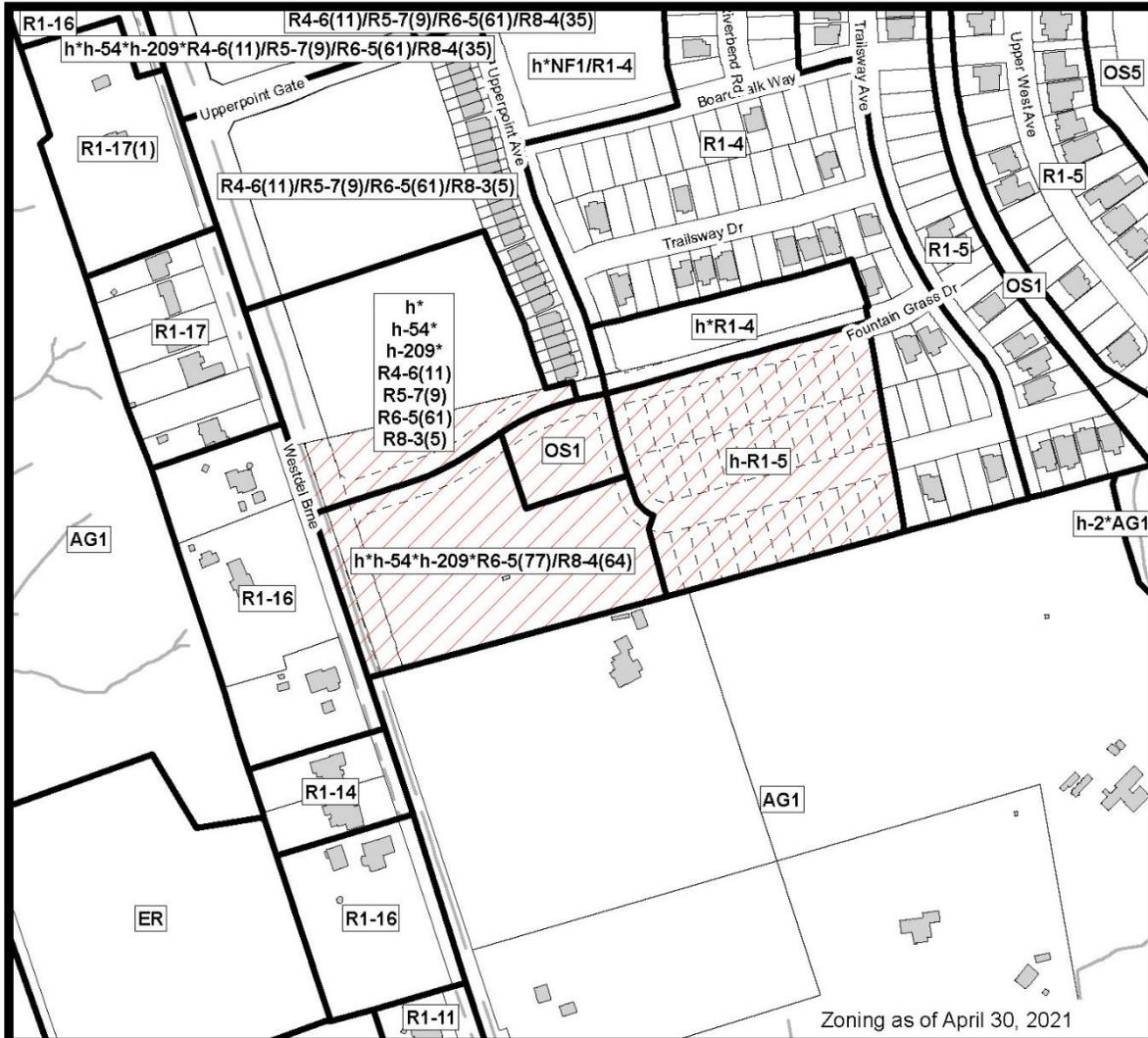
**Written:**  
None

### Significant Agency/Departmental Comments:

None

# Appendix C – Relevant Background

## Existing Zoning Map



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

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

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

**CITY OF LONDON**  
PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:  
H-9412 LM

MAP PREPARED:  
2021/10/26 rc

1:4,000  
0 20 40 80 120 160 Meters

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

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** George Kotsifas, Deputy City Manager, Planning and Economic Development

**Subject:** Designation, Health Services Building and War Memorial Children's Hospital, 370 South Street, under Section 29 of the *Ontario Heritage Act*

**Date:** Monday November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, with respect to the designation of the property at 370 South Street, that the following actions **BE TAKEN**:

- a) Notice **BE GIVEN** under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O 1990, c.O. 18, of Municipal Council's intention to designate the property to be of cultural heritage value or interest for the reasons outlined in Appendix D and Appendix E of this report; and,
- b) Should no objection to Municipal Council's notice of intention to designate be received, a by-law to designate the property at 370 South Street to be of cultural heritage value or interest for the reasons outlined in Appendix D and Appendix E of this report **BE INTRODUCED** at a future meeting of Municipal Council within 90 days of the end of the objection period.

**IT BEING NOTED** that should an objection to Municipal Council's notice of intention to designate be received, a subsequent staff report will be prepared.

**IT BEING FURTHER NOTED** that should an appeal to the passage of the by-law be received, the City Clerk will refer the appeal to the Ontario Land Tribunal.

## Executive Summary

In 2013, the London Health Sciences Centre (LHSC) moved the last of its medical programs out of the hospital facilities located on South Street, also known as the Old Victoria Hospital Lands (OVHL). The *Old Victoria Hospital Lands Secondary Plan* was approved by City Council on June 24, 2014 providing a policy framework to guide the evolution of the former Old Victoria Hospital property, and adjacent lands, into a vibrant residential community which incorporates elements of sustainability, cultural and natural heritage, mixed used development, walkability and high-quality urban design. The retention of as much of the identified cultural heritage resources as possible is one of the principles of the Secondary Plan.

In 2015, Municipal Council resolved that the Colborne Building, the 1922 portion of the War Memorial Children's Hospital and the Health Services Building be retained, and that Civic Administration be directed to work with proponents regarding the designation of the Colborne Building, the 1922 portion of the War Memorial Children's Hospital, and the Health Services Building so that they can be repurposed.

As a part of the proposed redevelopment of the Old Victoria Hospital Lands at 370 South Street, the applicant is proposing to adaptively re-use the existing Health Services Building and War Memorial Children's Hospital for residential uses. As a commitment to the conservation of these significant buildings, the applicant has agreed to designate the property pursuant to Part IV of the *Ontario Heritage Act*.

The evaluation of the property at 370 South Street determined that the property meets the criteria for designation under Section 29 of the Ontario Heritage Act. The Health Services Building and the War Memorial Children's Hospital are significant cultural

heritage resources valued for their physical/design values, historical/associative values, and contextual values. The property at 370 South Street should be designated pursuant to Section 29 of the *Ontario Heritage Act* to protect and conserve its cultural heritage value.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan area of focus:

- Strengthening Our Community:
  - Continuing to conserve London's heritage properties and archaeological resources.

## Analysis

### 1.0 Background Information

#### 1.1 Property Location

The property at 370 South Street is bound by Hill Street to the north, Colborne Street to the east, South Street to the south, and Waterloo Street to the west (Appendix A). The property forms a portion of the Old Victoria Hospital Lands and includes the two extant buildings including the War Memorial Children's Hospital and the Health Services Building.

#### 1.2 Cultural Heritage Status

The property at 370 South Street is a heritage listed property, included on the Register of Cultural Heritage Resources. The property is considered to be of potential cultural heritage value. The listing of the property on the Register of Cultural Heritage Resources came into force and effect on March 26, 2007.

#### 1.3 Description

Built in 1921, the Health Services Building is located on the north side of South Street east of the intersection of Waterloo Street. The Health Services Building is a two-storey hospital building of red tapestry brick designed in the collegiate architecture style. Designed by the London firm of Watt & Blackwell, the building's form is characteristic of early-20<sup>th</sup> century collegiate architecture to serve its original function as the former University of Western Ontario's Medical School. The building was designed in an E-shape with wings extending towards the rear. The main (south) façade includes rows of large windows clustered into groups on the first and second storeys that extend the length of the elevation. The first-storeys windows also include a soldier course of tapestry brick that act as lintels for the window groupings. In between the window groupings are tapestry brick pilasters that are set on stone bases of Indiana limestone. The pilasters also include stone capitals with geometric designs. A stone cornice extends along the south, east, and west facades, and the tapestry brick parapet includes a series of deco-inspired stone blocks and diamonds that form a pattern around each elevation. The frontispiece on the main façade is constructed of stone and rises through the cornice to the parapet, where a cartouche is centered.

The War Memorial Children's Hospital opened in 1922 and is a three storey hospital building, also constructed of red tapestry brick and is inspired by the Neo-Classical designs. Also designed by Watt & Blackwell, the building was designed specifically to express a commemorative function to memorialize those who lost their lives during the First World War, while also serving as a hospital for the living. The main (south) façade includes a wide main façade, with an exterior of red tapestry brick set on an ashlar stone foundation. The frontispiece includes an all stone facing entranceway at the first floor entrance which includes stone pilasters and a broken pediment that acts as a base for a flagpole over the central door. Above the entranceway, a set of four stone pilasters frame the frontispiece, as they rise above the entrance. Triumphant wreaths are carved into the stone that forms blind transoms over the second floor windows. The commemorative naming of the building can be observed in the carved stone frieze, with

the lettering “WAR MEMORIAL CHILDRENS HOSPITAL” flanked by a poppy on either side of the lettering. Four commemorative urns rise above the building’s parapet. The six windows that are included within the central bay consist of double-hung wood sash, eight-over-eight windows with a divided light transom located above the window units. The windows on rest of this elevation are double hung wood sash one-over-one windows.

## **1.4 Property History**

### **1.4.1 Old Victoria Hospital Lands**

The Old Victoria Hospital Lands, which are more broadly defined as the lands located along the north side of the Thames Valley Corridor, between Waterloo and Colborne Streets and south of Hill Street, has long been associated with medical practices and uses within London. The facilities first originated in 1866 when the City of London purchased the lands for the purposes of building a hospital for the City. Throughout the 20<sup>th</sup> century, the Old Victoria Hospital Lands continued to be the site of various medical buildings associated with Western University, and the London Health Sciences Centre, which continued to operate programs and facilities on the lands until 2013 when the last of their programs were relocated.

A comprehensive history of the Old Victoria Hospital Lands and the respective buildings that were located on the lands was previously documented in the Cultural Heritage Assessment (Tausky, 2011) prepared for the lands. Published secondary sources also address the history of the South Street complex as a whole, including *Growing to Serve: A History of Victoria Hospital, London, Ontario* (Sullivan and Ball, 1985), and *So Long South Street* (Craven, 2017).

### **1.4.2 Health Services Building**

The Health Services Building first opened in 1921 to house the Medical School for the University of Western Ontario. The Faculty of Medicine became associated with the University in 1882, and prior to its location on the South Street campus, was housed in a building located on St. James Street, originally constructed in the 1860s to house the Hellmuth Boy’s College. Although associated with the University of Western Ontario, the medical school was owned at the time by its professors. By 1888, the professors erected a new building at the northeast corner of York Street and Waterloo Street. The new building housed the medical school for the next three decades. During this time, under pressure from the Province of Ontario, the medical school became publicly owned and officially became a part of the University in 1913. Dr. H.A. McCallum accepted his appointment as the new Dean of Medicine under the condition that a new building be constructed to house the medical school.

The search for a new location and a new building for the medical school began in 1917. The location of a new building on the hospital grounds was considered by the medical school faculty to be of importance to eliminate student travel time between the hospital and the medical school, to accommodate growing class size and technology, to attract more students and funding from the provincial government, and lastly to improve the medical school’s rating among others in North America and Britain. A better-equipped and more aesthetically impressive building was considered of importance for the medical school’s new facilities.

Designed by the London architectural firm of Watt & Blackwell, the building was designed in a form that is characteristic of collegiate architecture in the early-20<sup>th</sup> century. The large groupings of windows were designed to reduce the amount of artificial light required and was commonly used in contemporary school buildings. The medical school occupied the building for 44 years, between 1921 and 1965. During the medical school’s occupancy of the building, research and medical improvements became a major function of the medical faculty. The discovery of insulin by Sir Frederick Banting in 1921 resulted in increased government funding, research, and clinical trials. In addition, the medical school became known during this time for its associations with the artificial kidney machine, the Cobalt Bomb, research projects concerning

carbohydrate metabolism, and important technological advancements such as the development of an electrocardiograph, a heart amplifier, and a heart-lung machine.

By 1965, the medical school was moved to a new building on the main campus of the University, where the program would continue to expand. The medical school building was sold to Victoria Hospital, who operated it as a “health services building” providing research space for the hospital and housed the Middlesex-London District Health Unit.

### **1.4.3 War Memorial Children’s Hospital**

The War Memorial Children’s Hospital first opened in 1922. Prior to that, a Children’s Pavilion was included in the 1899 Victoria Hospital (see Tausky, 2011). The Children’s Pavilion became increasingly overcrowded and by 1919 the London Municipal Chapter of the Imperial Order of the Daughters of the Empire (I.O.D.E.) spearheaded efforts to building a new children’s hospital as a memorial to those who lost their lives during the First World War. The Victoria Hospital Trust accepted the I.O.D.E. proposal, and plans for the new children’s hospital began. A design was prepared, again by Watt & Blackwell, however, the bids for the construction of the building were estimated at two-and-a-half times the estimated price. An aggressive fund-raising campaign took place, led by the local branch of the National Council of Women (NCW), who approached nineteenth other branches of the NCW in southwestern Ontario, aiming to raise the \$250,000. Inflation raised the costs again to another \$50,000 which was raised by 54 charitable associations in the area including many Mother’s Club’s, Women’s Institutes, Shriners, Masons, and Rotarians.

The funds were successfully raised, and in October, 1922 the War Memorial Children’s Hospital opened. In Dr. H.A. McCallum’s address to the Rotary Club on the symbolic importance of the building, he noted that the hospital was “Not only a memorial to the brave dead, but a life-saving measure for sick children” (Tausky, 2011). In 1945, an addition was constructed on the north side of the building, and was dedicated to those who served during the Second World War.

In addition to its commemorative importance, the War Memorial Children’s Hospital also played an important role in the advancement of cancer treatment in Canada in the mid-20<sup>th</sup> century. The facility became the first place in the world to use the Cobalt-60 Beam Therapy Unit (the Cobalt Bomb) to treat a cancer patient, in October 1951. The Cobalt Bomb allowed gamma rays to be focussed directly on cancer cells during treatment commencing the use of radiation therapy in the treatment of cancer. The London Cancer Clinic was located in the Main Hospital, however, a special installation was required to hold the Cobalt Bomb equipment, and a room in the basement of the War Memorial Children’s Hospital was made available for the installation of the unit. In 2001, the 50<sup>th</sup> anniversary of the unit’s first medical use, the development of the Cobalt-60 Beam Therapy Unit was designated as a National Historic Event by the National Historic Sites and Monuments Boards of Canada.

## **2.0 Discussion and Considerations**

### **2.1 Legislative and Policy Framework**

Cultural heritage resources are recognized for the value and contributions that they make to our quality of life, sense of place, and tangible link to our shared past. Cultural heritage resources are to be conserved as per the fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, *The London Plan*. It is important to recognize, protect, and celebrate our cultural heritage resources for future generations.

#### **2.1.1 Provincial Policy Statement**

Section 2.6.1 of the *Provincial Policy Statement (2020)* 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.”

### **2.1.2 Ontario Heritage Act**

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 object to a Notice of Intention to Designate (NOID) and to appeal the passing of a by-law to designate a property pursuant to Section 29 of the *Ontario Heritage Act*. Objections to a Notice of Intention to Designate are referred back to Municipal Council. Appeals to the passing of a by-law to designate a property pursuant to the *Ontario Heritage Act* are referred to the Ontario Land Tribunal (OLT).

To determine eligibility for designation under Section 29 of the *Ontario Heritage Act*, properties are evaluated using the mandated criteria of Ontario Regulation 9/06.

#### **2.1.2.1 Ontario Regulation 9/06**

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 reinforced by Policy 573\_ of *The London Plan*. 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*.

#### **2.1.2.2 Ontario Regulation 385/21**

Ontario Regulation 385/21 was proclaimed on July 1, 2021. This regulation prescribes certain requirements for a heritage designating by-law. The following information is a prescribed requirement of a heritage designating by-law, per Section 3(1), O. Reg. 385/21:

1. The by-law must identify the property by,
  - i. The municipal address of the property, if it exists;
  - ii. The legal description of the property, including the property identifier number that relates to the property; and,
  - iii. A general description of where the property is located within the municipality, for example, the name of the neighbourhood in which the property is located and the nearest major intersection to the property.
2. The by-law must contain one or more of the following that identifies each area of the property that has cultural heritage value or interest:
  - i. A site plan.
  - ii. A scale drawing.
  - iii. A description in writing.
3. The statement explaining the cultural heritage value or interest of the property must identify which of the criteria set out in subsection 1(2) of Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the Act are met and must explain how each criterion is met.

4. The description of the heritage attributes of the property must explain how each heritage attribute contributes to the cultural heritage value or interest of the property.

## 2.2 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our City’s unique identity and contribute to its continuing prosperity. It notes, “The quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in.” Policies 572\_ and 573\_ of *The London Plan* enable the designation of individual properties under Section 29 of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

## 3.0 Financial Impact/Considerations

None

## 4.0 Key Issues and Considerations

### 4.1. Designation

In 2011, Nancy Tausky, Heritage Consultant, was retained by the City of London to complete a Cultural Heritage Assessment of the buildings on the Old Victoria Hospital Lands. The report was prepared to evaluate the cultural heritage value of the property, including a prioritization of buildings to be preserved.

In 2013, the London Health Sciences Centre (LHSC) moved the last of its medical programs out of the hospital facilities located on South Street, also known as the Old Victoria Hospital Lands (OVHL). The *Old Victoria Hospital Lands Secondary Plan* was approved by City Council on June 24, 2014. The purpose of the Secondary Plan is to establish a more specific land use policy framework to guide the evolution of the former Old Victoria Hospital property, and adjacent lands, into a vibrant residential community which incorporates elements of sustainability, cultural and natural heritage, mixed used development, walkability and high-quality urban design. The retention of as much of the identified cultural heritage resources as possible is a one of the principles of the Secondary Plan.

In 2015, Municipal Council resolved that the Colborne Building, the 1922 portion of the War Memorial Children’s Hospital and the Health Services Building be retained, and that Civic Administration be directed to work with proponents regarding the designation of the Colborne Building, the 1922 portion of the War Memorial Children’s Hospital, and the Health Services Building so that they can be repurposed. Municipal Council also consented to the demolition of the 1945 and later additions to the War Memorial Children’s Hospital, the Gartshore Nurses Residence as well as the building located at 385, 373, and 351 Hill Street and the buildings located at the southeast corner of Hill Street and Waterloo Street.

As a part of the proposed redevelopment of the Old Victoria Hospital Lands at 370 South Street, the applicant is proposing to adaptively re-use the existing Health Services Building and War Memorial Children’s Hospital for residential uses. As a commitment to the conservation of these significant buildings, the applicant has agreed to designate the property pursuant to Part IV of the *Ontario Heritage Act*.

### 4.2 Cultural Heritage Evaluation – Health Services Building

The Health Services Building was evaluated using the criteria of O.Reg. 9/06 (see Section 2.1.2.1 above). The evaluation is included below.

Table 1: Evaluation of the Health Services Building using the criteria of O.Reg. 9/06.

Cultural Heritage Value	Criteria	Evaluation
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The property has design value or physical value because it,	Is a rare, unique, representative or early type, expression, material, or construction method	The Health Services Building located on the Old Victoria Hospital Lands property is a representative example of the collegiate architectural style that typifies institutional buildings in the early-20 <sup>th</sup> century. The building's "E" shape with three wings extending to the rear, as well as its rows of large windows clustered into groups and its pavilion massing of its broad south façade contributes to its representative qualities of the collegiate architectural style. Although conventional in form, its proportions and refinements elevate it as a representative example of its style. The building's design details are also influenced by various styles including the Neoclassical style.
	Displays a high degree of craftsmanship or artistic merit	Although the property is a representative example of collegiate architecture and the Health Services Building is consistent with the anticipated degree of craftsmanship and artistic merit for its style, the property does not demonstrate a high degree of craftsmanship or artistic merit beyond conventional construction details of the period.
	Demonstrates a high degree of technical or scientific achievement	The Health Services Building was originally designed as the new home of the University of Western Ontario's Medical School. Built in 1921 as a purpose-built facility, the building was designed to be a start-of-the-art facility as a school and a centre for medical research. The building included an auditorium, a library, facilities dedicated to the study of embryology and pathology, physiology, anatomy, and pharmacology. The Health Services Building was considered to be a state-of-the-art facility and a new centre of medical research for the University of Western Ontario's Medical School, demonstrating a high degree of technical and scientific achievement.
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	The property is directly associated with the University of Western Ontario's Medical School, which has been a part of the University of Western Ontario and London since 1882. The University of Western Ontario, and the University's Medical School has been a significant organization to the City of London since the late-19 <sup>th</sup> century. The Health Services Building is associated with the growth and increasing enrollment of the University's medical school in the early-20 <sup>th</sup> century. The building was designed specifically to house the university's medical program and continued to be associated with the university for 44 years, between 1921 and 1965, when the program was moved to the main campus. During this period, the medical school became a leader in its field, and its students and professors consistently participated in important medical research including furthering important research developments in the use of insulin, the artificial kidney machine, and the "Cobalt bomb", much of which was conducted in the Health Services Building, former Western Medical School.

	Yields, or has the potential to yield information that contributes to an understanding of a community or culture	The property does not appear 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 Health Services Building demonstrates the work of the architectural firm of Watt & Blackwell, a prolific architectural partnership between John M. Watt and Victor J. Blackwell. Under this partnership, the firm designed several local institutional buildings including the Aberdeen Public School, Tecumseh Public School, and H.B. Beal Technical School (now H.B. Beal Secondary School). The Health Services Building demonstrates the work of the firm using a collegiate architectural style. The firm is considered significant for their contributions within the City of London.
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	The property played a key role on this portion of South Street and was one of three structures located on the north side of South Street, between Waterloo Street and Colborne Street, all constructed in the early-20 <sup>th</sup> century. Although only two of the three structures now remain, the Health Services Building located at the corner of South Street and Waterloo Street is important in maintaining the character of this portion of South Street as the location of the former Victoria Hospital in London. The Health Services Building plays an important role in defining the heritage character of the Old Victoria Hospital. Located at the northeast corner of South Street and Waterloo Street, the Health Services Building acts as an anchor to the area.
	Is physically, functionally, visually, or historically linked to its surroundings	The Health Services Building on the Old Victoria Hospital Lands property is visually and historically linked to its surroundings in that it is one of three remaining buildings on the Old Victoria Hospital Lands that convey its historic connection to the former medical uses of the property. As the historic home of University of Western Ontario's Medical School, the Health Services Building is historically connected to the Old Victoria Hospital, and it is visually connected with the other two remaining structures within the area, including the War Memorial Children's Hospital and the Colborne Building. Formerly, the Health Services Building also had functional connections to the War Memorial Children's Hospital and the Colborne Building through their shared functioning in the overall operation of the Old Victoria Hospital.
	Is a landmark	The Health Services Building is one of three remaining hospital building associated with the Old Victoria Hospital, and is locally recognized as landmark in London.

#### 4.3 Cultural Heritage Evaluation – War Memorial Children's Hospital

The War Memorial Children's Hospital was evaluated using the criteria of O.Reg. 9/06 (see Section 2.1.2.1 above). The evaluation is included below.

Table 2: Evaluation of the War Memorial Children's Hospital using the criteria of O.Reg. 9/06.

<b>Cultural Heritage Value</b>	<b>Criteria</b>	<b>Evaluation</b>
The property has design value or physical value because it,	Is a rare, unique, representative or early type, expression, material, or construction method	The War Memorial Children's Hospital on the Old Victoria Hospital Lands property is a representative example of the Neoclassical Revival style, used in the design of a hospital building. The design expresses its commemorative function, including its wide main façade, as well as its main frontispiece inclusive of its framed entranceway, flagpole rising from the broken pediment, four tall pilasters, decorative urns, and triumphal wreaths. Additional design details including its rounded arch brick lintels, carved inscription reading "WAR MEMORIAL CHILDRENS HOSPITAL", and entryways flanking the stone frontispiece with stone surround and Classical entablature with brackets and dentils all contribute to its architectural style and its representation of the Neoclassical architectural style in an institutional building.
	Displays a high degree of craftsmanship or artistic merit	The concentration of decorative stone design details included on the frontispiece of the War Memorial Children's Hospital contribute to the expression and function of the building as commemorative building in its Neoclassical architectural style. As a result, the property displays a high degree of craftsmanship and artistic merit.
	Demonstrates a high degree of technical or scientific achievement	Although the War Memorial Children's Hospital was the site of various medical advances, the property's design does not demonstrate a high degree of technical or scientific achievement.
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 War Memorial Children's Hospital is historically associated with the commemorative measures and activities that were undertaken within London shortly after the end of the First World War. As a memorial hospital, extensive fund-raising efforts were undertaken and specific design elements were incorporated into the building to memorialize those who lost their lives during the First World War.</p> <p>In addition, the London Municipal Chapter of the IODE was heavily involved in raising funds for the hospital as well as championing the pursuit of a memorial hospital for children.</p> <p>Further, in 1951, the War Memorial Children's Hospital was the first facility in the world to use the Cobalt-60 Beam Therapy Unit in the treatment of a cancer patient. As a result, the successful use of the Cobalt-60 Beam Therapy Unit allowed gamma rays to be focussed directly on cancer cells and initiated the use of radiation therapy that transformed cancer treatment.</p>

	Yields, or has the potential to yield information that contributes to an understanding of a community or culture	The property does not appear 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 War Memorial Children’s Hospital demonstrates the work of the architectural firm of Watt & Blackwell, a prolific architectural partnership between John M. Watt and Victor J. Blackwell. Under this partnership, the firm designed several institutional and industrial buildings in the Neoclassical style, including the Ruggles Truck Company building, and the now-demolished Gartshore Nurses Residence. The War Memorial Children’s Hospital demonstrated one of the few remaining Neoclassical Revival institutional buildings designed by Watt & Blackwell in London.
The property has contextual value because it,	Is important in defining, maintaining, or supporting the character of an area	The property played a key role on this portion of South Street as one of three structures in a “remarkably well integrated, unique, and handsome streetscape.” Although only two of the three structures now remain, the War Memorial Children’s Hospital located at the corner of South Street and Colborne Street is important in maintaining the character of this portion of South Street as the location of the Old Victoria Hospital in London.
	Is physically, functionally, visually, or historically linked to its surroundings	The War Memorial Children’s Hospital is visually and historically linked to its surroundings in that it is one of three remaining buildings on the Old Victoria Hospital Lands that convey its historic connection to the former medical uses of the property. As a children’s hospital, the property is historically connected to the Old Victoria Hospital, and it is visually connected with the two other remaining structures within the area, the Health Services Building and the Colborne Building. Formerly, the War Memorial Children’s Hospital also had functional connections to the Health Services Building and the Colborne Building through their shared functioning in the overall operation of the Old Victoria Hospital.
	Is a landmark	The War Memorial Children’s Hospital is one of three remaining hospital buildings associated with the Old Victoria Hospital, and is locally recognized as a landmark in London.

#### 4.4 Statement of Cultural Heritage Value or Interest

As both the Health Services Building and the War Memorial Children’s Hospital met the criteria for O.Reg. 9/06, the property has met the criteria for designation. A Statement of Cultural Heritage Value or Interest and list of heritage attributes has been prepared and identified for each building on the property, included in Appendix D.

#### 4.4 Integrity

Integrity is not a measure of originality, but a measure of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property. Likewise, the physical condition of a cultural heritage resource is not a measure of its cultural heritage value. Cultural heritage resources can be found in a deteriorated state but may still maintain all or part of their cultural heritage value or interest (Ministry of Culture, 2006).

The Health Services Building and the War Memorial Children’s Hospital located at 370 South Street demonstrate a high degree of integrity. While the interior conditions of the existing buildings on the property are in various states of deterioration, the buildings continue to represent the cultural heritage value or interest of the property.

#### **4.5 Consultation**

At its meeting held on August 24, 2011, the Stewardship Sub-Committee of the LACH was consulted and provided comments regarding the Cultural Heritage Assessment Report (Tausky, 2011). In addition, at its meeting held on September 14, 2011, the LACH provided recommendations and provided further information for Municipal Council related to the retention and preservation of various buildings related to the Old Victoria Hospital Lands.

In 2015, Municipal Council resolved that the Colborne Building, the 1922 portion of the War Memorial Children’s Hospital and the Health Services Building be retained, and that Civic Administration be directed to work with proponents regarding the designation of the Colborne Building, the 1922 portion of the War Memorial Children’s Hospital, and the Health Services Building so that they can be repurposed.

As the applicant has agreed to the designation of the property pursuant to the *Ontario Heritage Act*, the applicant has reviewed and concurred with the Statement of Cultural Heritage Value or Interest and Heritage Attributes.

As a requirement of Section 29(2) of the Ontario Heritage Act, consultation with the LACH is required before Municipal Council may issue its notice of intention to designate the property at 370 South Street pursuant to Part IV of the *Ontario Heritage Act*.

## **Conclusion**

The evaluation of the property at 370 South Street determined that the property meets the criteria for designation under Section 29 of the Ontario Heritage Act. The Health Services Building and the War Memorial Children’s Hospital are significant cultural heritage resources valued for their physical/design values, historical/associative values, and contextual values. The property at 370 South Street should be designated pursuant to Section 29 of the Ontario Heritage Act to protect and conserve its cultural heritage value.

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#### **Appendices**

Appendix A Property Location  
Appendix B Images  
Appendix C Historical Documentation  
Appendix D Statement of Cultural Heritage Value or Interest – Health Services Building

**Sources**

Corporation of the City of London. *Old Victoria Hospital Lands Secondary Plan*. 2014.

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# Appendix A – Property Location

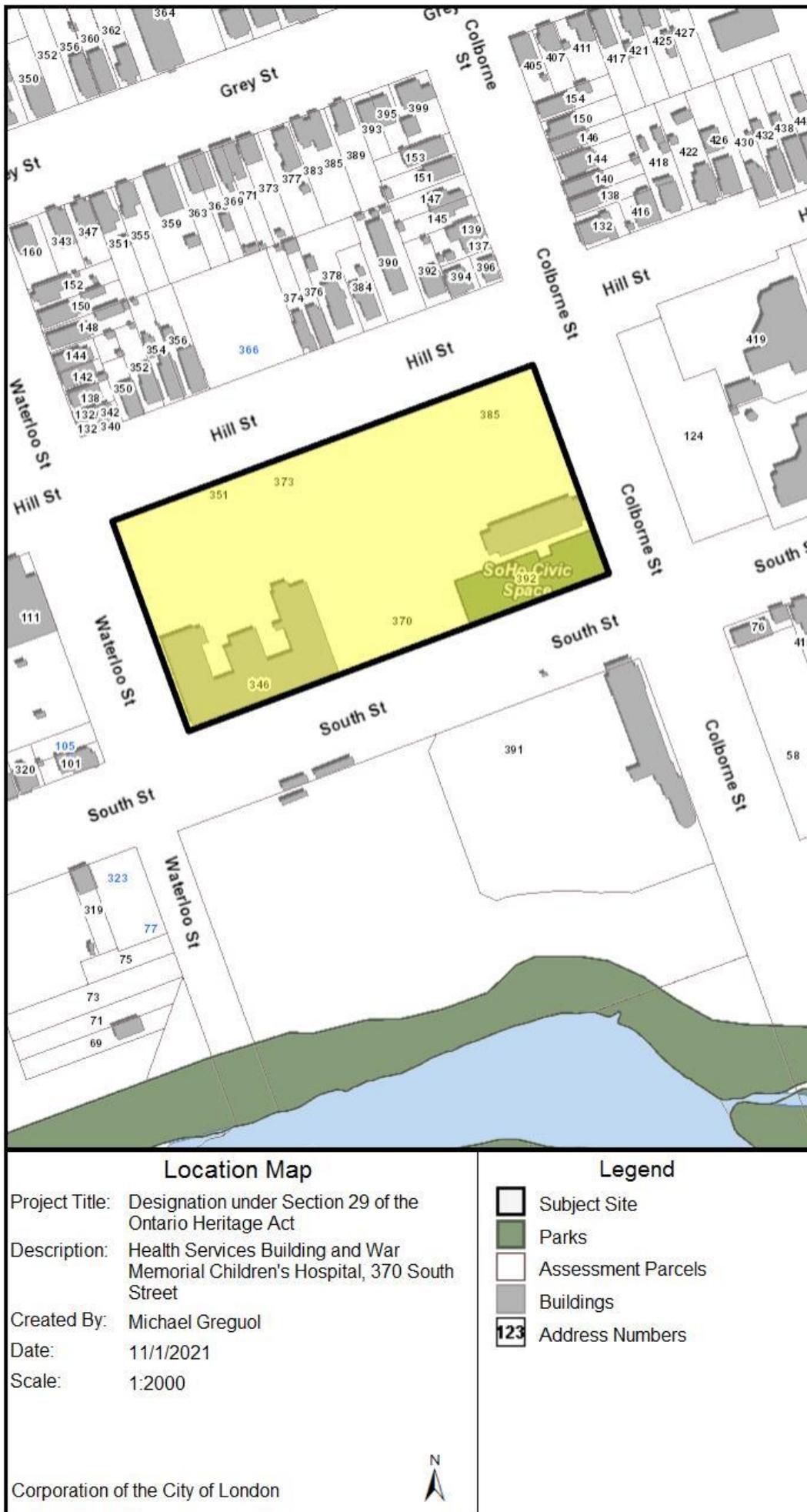


Figure 1: Location Map showing the location of the subject property at 370 South Street.

**Appendix B – Images**



*Image 1: Photograph showing the south façade of the Health Services Building located on the Old Victoria Hospital Lands.*



*Image 2: Photograph showing the south façade of the Health Services Building located on the Old Victoria Hospital Lands.*



*Image 3: Photograph showing the west facade of the Health Services Building on the Old Victoria Hospital Lands.*



*Image 4: Photograph showing the east facade of the Health Services Building on the Old Victoria Hospital Lands.*



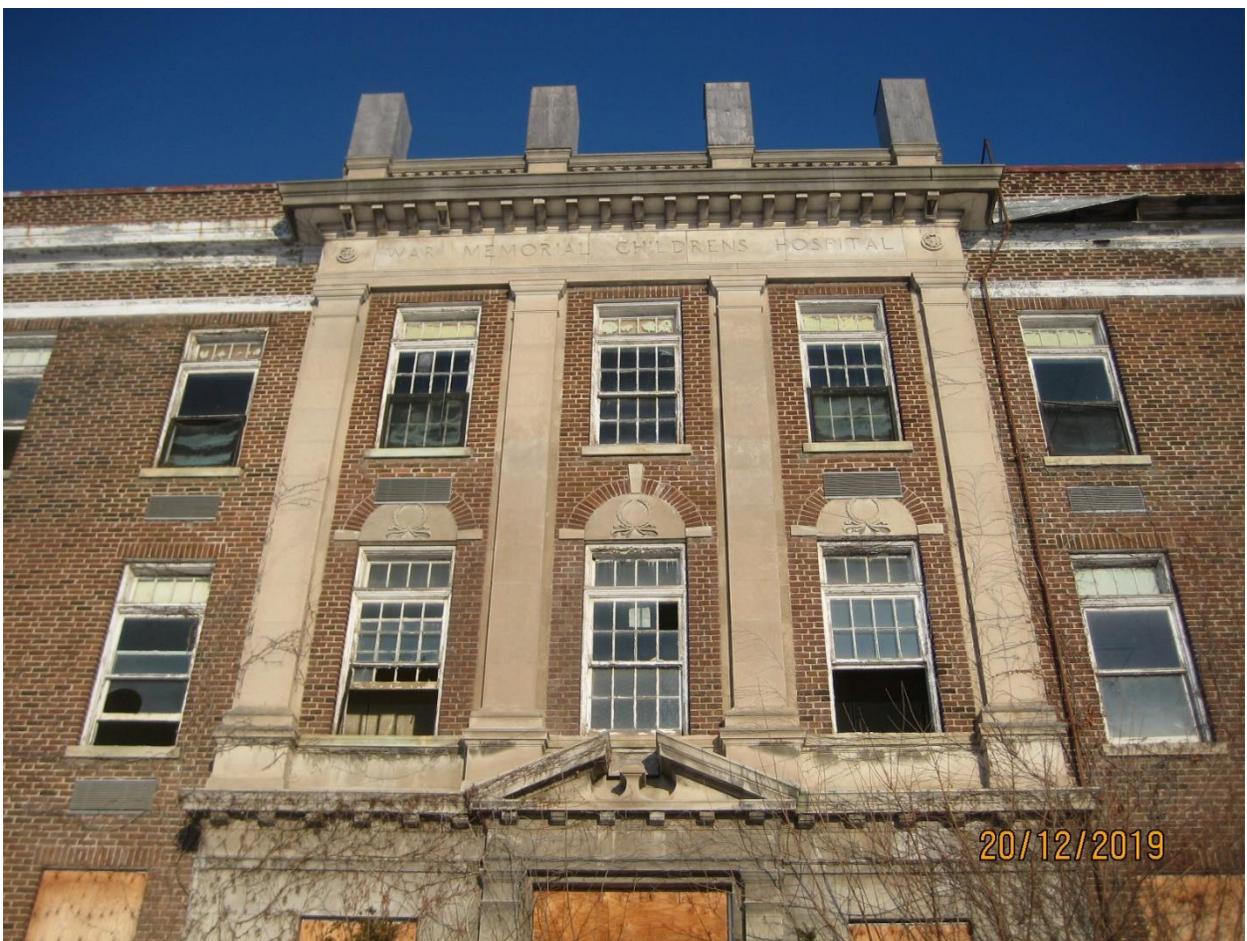
*Image 5 Photograph showing pilasters, cornice, and tapestry brick detailing on the Health Services Building.*



*Image 6: Detail showing pilasters and cornice on the Health Services Building.*



*Image 7: Photograph showing the south facade of the War Memorial Children's Hospital.*



*Image 8: Photograph showing the frontispiece and detailing on the War Memorial Children's Hospital.*



*Image 9: Photograph showing the north (rear) facade of the War Memorial Children's Hospital.*



*Image 10: Photograph showing the west facade of the War Memorial Children's Hospital.*



Image 11: Detail showing the four commemorative urns situated on top of the War Memorial Children's Hospital.

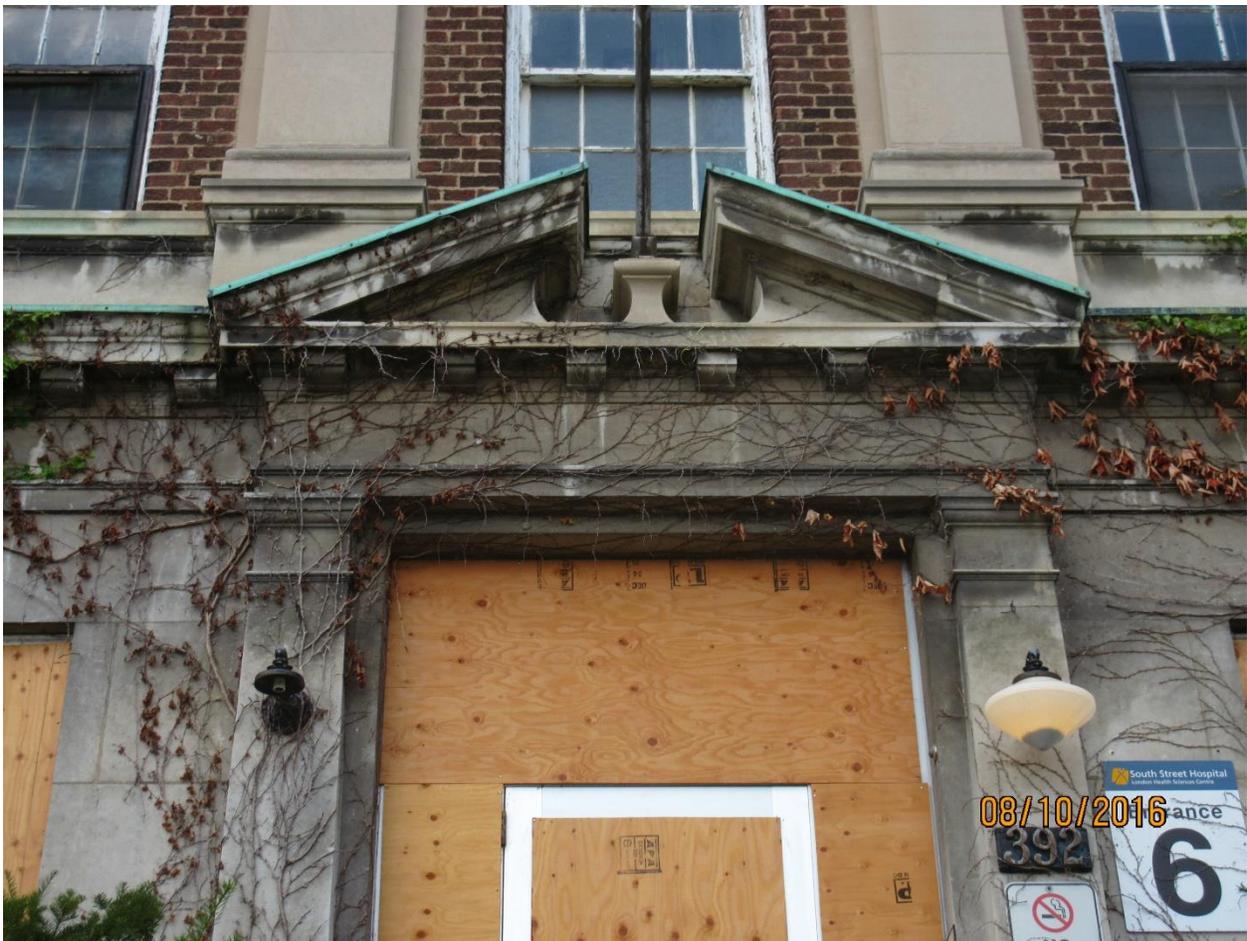


Image 12: Detail showing pediment and stone frontispiece detailing on the War Memorial Children's Hospital.



*Image 13: Detail showing commemorative wreaths located in the blind transoms above the windows on the War Memorial Children's Hospital.*



*Image 14: Detail showing cornice and bracket detailing on the War Memorial Children's Hospital.*

## Appendix C – Historical Documentation



Image 15: Health Services Building, c. 1921, known then as The Medical School (Tausky, 2011).

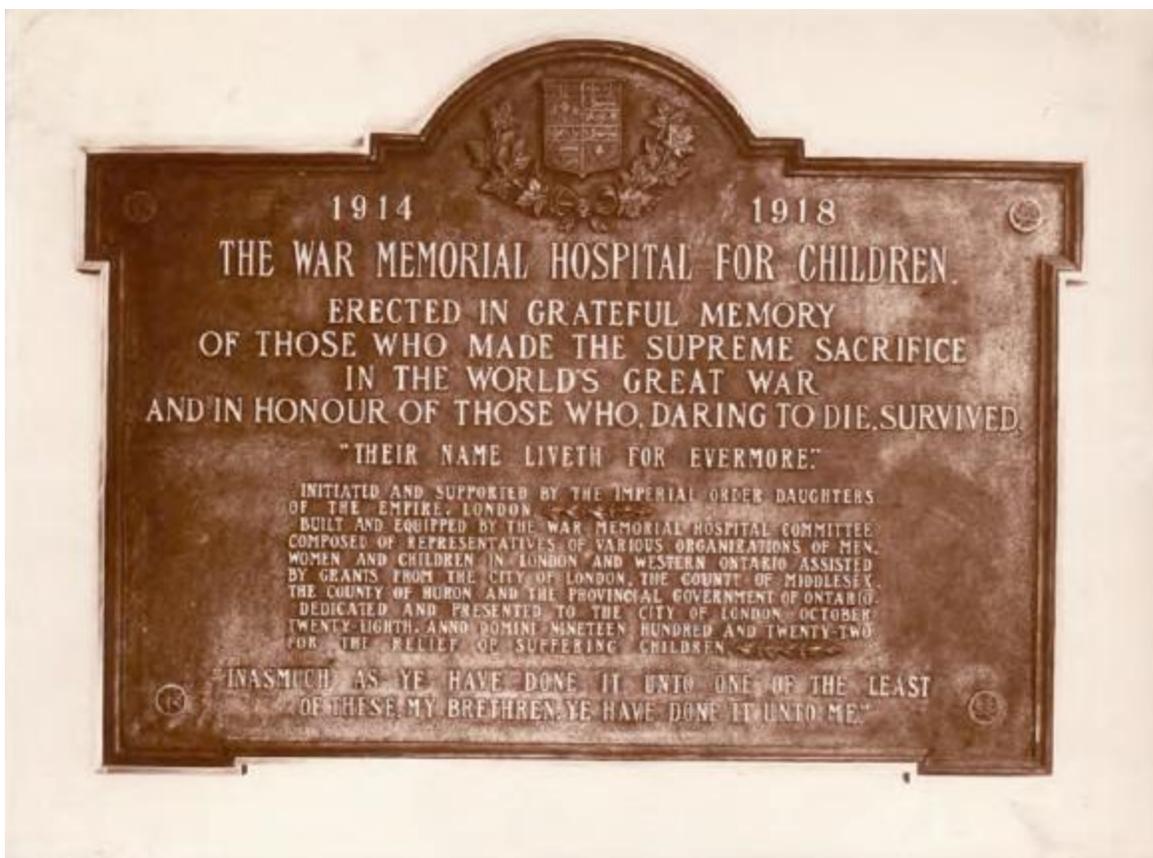


Image 16: Plaque formerly installed in the War Memorial Children's Hospital, now in the Archives (Tausky 2011).



*Image 17: Perspective drawing of the proposed War Memorial Children's Hospital, by Watt & Blackwell (Tausky, 2011).*



*Image 18: Photograph of the War Memorial Children's Hospital, circa 1930 (Tausky, 2011)*

## **Appendix D – Statement of Cultural Heritage Value or Interest – Health Services Building**

### **Legal Description**

Lots 6, 7 and 8 South of Hill Street East and Lots 6, 7 and 8 North of South Street East on Crown Plan 30, Lots 21, 22, 23, 24, 25, 37, 40 and Part of Lots 36, 38 and 39 on Registered Plan 172(E), designated as Parts 1 and 2 on Plan 33R-17942 Save and Except Parts 1, 2, 3 and 4 on Plan 33R-20703, BEING ALL OF PIN 08329-0197 and PART OF PIN 08329-0198, in the City of London and County of Middlesex.

### **Description of Property**

The Health Services Building located on the property at 370 South Street is located on the north side of South Street, east of the intersection of Waterloo Street.

### **Statement of Cultural Heritage Value or Interest**

The Health Services Building at 370 South Street is of significant cultural heritage value or interest because of its physical/design value, its historical/associative value, and its contextual value.

Built in 1921, The Health Services Building located on the Old Victoria Hospital Lands property is a representative example of the Collegiate Neoclassical architectural style that typifies institutional buildings in the early-20<sup>th</sup> century. The building's "E" shape with three wings extending to the rear, as well as its rows of large windows clustered into groups and the pavilion massing of its broad south façade contributes to its representative qualities of the collegiate architectural style. Although conventional in form, its proportions and refinements elevate it as a representative example of its style. The building's design details are also influenced by various styles including the Neoclassical style.

The Health Services Building was originally designed as the new home of the University of Western Ontario's Medical School. Built in 1921 as a purpose-built facility, the building was designed to be a state-of-the-art facility as a school and a centre for medical research. The building included an auditorium, a library, facilities dedicated to the study of embryology and pathology, physiology, anatomy, and pharmacology. The Health Services Building was considered to be a state-of-the-art facility and a new centre of medical research for the University of Western Ontario's Medical School, demonstrating a high degree of technical and scientific achievement.

The property is directly associated with the University of Western Ontario's Medical School, which has been a part of the University of Western and London since 1882. The University of Western Ontario, and the University's Medical School has been a significant organization to the City of London since the late-19<sup>th</sup> century. The Health Services Building is associated with the growth and increasing enrollment of the University's medical school in the early-20<sup>th</sup> century. The building was designed specifically to house the university's medical program and continued to be associated with the university for 44 years, between 1921 and 1965, when the program was moved to the main Western University campus. During this period, the medical school became a leader in its field, and its students and professors consistently participated in important medical research including furthering important research developments in the use of insulin, the artificial kidney machine, and the "Cobalt bomb", much of which was conducted in the Health Services Building, former Western Medical School.

The Health Services Building demonstrates the work of the architectural firm of Watt & Blackwell, a prolific architectural partnership between John M. Watt and Victor J. Blackwell. Under this partnership, the firm designed several local institutional buildings including the Aberdeen Public School, Tecumseh Public School, and H.B. Beal Technical School (now H.B. Beal Secondary School). The Health Services Building demonstrates the work of the firm using a collegiate architectural style. The firm is considered significant for their contributions within the City of London. The property played a key role on this portion of South Street as one of three structures in a "remarkably well integrated, unique, and handsome streetscape." Although only two of

the three structures now remain, the Health Services Building located at the corner of South Street and Waterloo Street is important in maintaining the character of this portion of South Street as the location of the former Victoria Hospital in London.

The property played a key role on this portion of South Street and was one of three structures located on the north side of South Street, between Waterloo Street and Colborne Street, all constructed in the early-20<sup>th</sup> century. Although only two of the three structures now remain, the Health Services Building located at the corner of South Street and Waterloo Street is important in maintaining the character of this portion of South Street as the location of the former Victoria Hospital in London. The Health Services Building plays an important role in defining the heritage character of the Old Victoria Hospital. Located at the northeast corner of South Street and Waterloo Street, the Health Services Building acts as an anchor to the area.

The Health Services Building on the Old Victoria Hospital Lands property is visually and historically linked to its surroundings in that it is one of three remaining buildings on the Old Victoria Hospital Lands that convey its historic connection to the former medical uses of the property. As the historic home of University of Western Ontario's Medical School, the Health Services Building is historically connected to the Old Victoria Hospital, and it is visually connected with the other two remaining structures within the area, including the War Memorial Children's Hospital and the Colborne Building. Formerly, the Health Services Building also had functional connections to the War Memorial Children's Hospital and the Colborne Building through their shared functioning in the overall operation of the Old Victoria Hospital.

The Health Services Building is one of three remaining hospital buildings associated with the Old Victoria Hospital, and is locally recognized as a landmark in London.

### **Heritage Attributes**

The heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- Form, scale, and massing of the Health Services Building and its details including:
  - "E" shape form of the building with three wings extending towards the rear;
  - Flat roof;
  - Rows of large windows clustered into groups of two, three, and four along the south, east, and west façades in a symmetrical, balanced manner;
  - Red tapestry brick;
  - Ashlar-cut Indiana limestone foundation cladding;
  - Pattern of brick pilasters on the south, east, and west facades, with stone bases and capitals, and geometric designs included within the capitals;
  - Monumental limestone-clad frontispiece on the south façade rising through the cornice including:
    - Raised entry with landing, steps, and large stone wingwalls flanking the steps;
    - Tall portico with three recessed windows separated by limestone mullions and detailing;
    - Two-storey pilasters, with geometric design at the capitals and bases;
    - Limestone cartouche detailing in parapet;
    - "VICTORIA HEALTH SERVICES BUILDING" metal lettering applied above the main entry doors;
  - Continuous stone moulding spanning the façade above the second storey windows;
  - Stone cornice of the building detailed with stone blocks and diamonds;
  - Brick parapet;
  - Brick soldier course that defines the upper limits of the stone foundation and first floor windows;

- Windows, including fenestration pattern, window proportions, window surrounds and wooden frame, and elaborate mouldings;
- Set back of the building from South Street and Waterloo Street;
- Spatial relationship with the War Memorial Children's Hospital and the Colborne Building; and,
- Interior heritage attributes including:
  - Main entry foyer including:
    - Terrazzo flooring;
    - Interior entry doorway including set of three glazed interior wood doors with interior transom windows;
    - Two large decorative wood panelled posts flanking the steps leading to the auditorium;
  - Decorative details included within the auditorium, specifically:
    - Panelled wood veneer interior entry doors to the auditorium;
    - Elaborate proscenium arch;
    - Ornamental pilasters; and,
    - Deep cornice with decorative dentil details.

## **Appendix E – Statement of Cultural Heritage Value or Interest – War Memorial Children’s Hospital**

### **Legal Description**

Lots 6, 7 and 8 South of Hill Street East and Lots 6, 7 and 8 North of South Street East on Crown Plan 30, Lots 21, 22, 23, 24, 25, 37, 40 and Part of Lots 36, 38 and 39 on Registered Plan 172(E), designated as Parts 1 and 2 on Plan 33R-17942 Save and Except Parts 1, 2, 3 and 4 on Plan 33R-20703, BEING ALL OF PIN 08329-0197 and PART OF PIN 08329-0198, in the City of London and County of Middlesex.

### **Description of Property**

The War Memorial Children’s Hospital located at 370 South Street, is located on the north side of South Street, west of the intersection of Colborne Street. The property includes the War Memorial Children’s Hospital, a building associated with the former Victoria Hospital.

### **Statement of Cultural Heritage Value or Interest**

Built between 1921-1922, the War Memorial Children’s Hospital on the Old Victoria Hospital Lands property is a representative example of the Neoclassical style, used in the design of a hospital building. The design expresses its commemorative function, including its wide main façade, as well as its main frontispiece inclusive of its framed entranceway, flagpole rising from the broken pediment, four tall pilasters, decorative urns, and triumphal wreaths. Additional design details including its rounded arch brick lintels, carved inscription reading “WAR MEMORIAL CHILDRENS HOSPITAL”; and entryways flanking the stone frontispiece with stone surround and Classical entablature with brackets and dentils all contribute to its architectural style and its representation of the Neoclassical architectural style in an institutional building.

The concentration of decorative stone design details included on the frontispiece of the War Memorial Children’s Hospital contribute to the expression and function of the building as commemorative building in its Neoclassical architectural style. As a result, the property displays a high degree of craftsmanship and artistic merit.

The War Memorial Children’s Hospital is historically associated with the commemorative measures and activities that were undertaken in London shortly after the end of the First World War. As a memorial hospital, extensive fund-raising efforts were undertaken and specific design elements were incorporated into the building to memorialize those who lost their lives during the First World War.

In addition, the London Municipal Chapter of the IODE was heavily involved in raising funds for the hospital as well as championing the pursuit of a memorial hospital for children.

Further, in 1951, the War Memorial Children’s Hospital was the first facility in the world to use the Cobalt-60 Beam Therapy Unit in the treatment of a cancer patient. The successful use of the Cobalt-60 Beam Therapy Unit allowed gamma rays to be focussed directly on cancer cells and initiated the use of more powerful radiation therapy that transformed cancer treatment.

The War Memorial Children’s Hospital demonstrates the work of the architectural firm of Watt & Blackwell, a prolific architectural partnership between John M. Watt and Victor J. Blackwell. Under this partnership, the firm designed several institutional and industrial buildings in the Neoclassical style, including the Ruggles Truck Company building, and the now-demolished Gartshore Nurses Residence. The War Memorial Children’s Hospital is one of the few remaining Neoclassical Revival institutional buildings designed by Watt & Blackwell in London.

The property played a key role on this portion of South Street as one of three structures in a “remarkably well integrated, unique, and handsome streetscape.” Although only two of the three structures now remain, the War Memorial Children’s Hospital located at the

corner of South Street and Colborne Street is important in maintaining the character of this portion of South Street as the location of the Old Victoria Hospital in London. The War Memorial Children's Hospital is visually and historically linked to its surroundings in that it is one of three remaining buildings on the Old Victoria Hospital Lands that convey the historic connection to the former medical uses of the property. As a children's hospital, the property is historically connected to the Old Victoria Hospital, and it is visually connected with the two other remaining structures within the area, the Health Services Building and the Colborne Building. Formerly, the War Memorial Children's Hospital also had functional connections to the Health Services Building and the Colborne Building through their shared functioning in the overall operation of the Old Victoria Hospital.

The War Memorial Children's Hospital is one of three remaining hospital buildings associated with the Old Victoria Hospital, and is locally recognized as a landmark in London.

### **Heritage Attributes**

The heritage attributes which support and contribute to the cultural heritage value or interest of this property include:

- The form, scale, and massing of the three-storey War Memorial Children's Hospital and its details including:
  - High, ashlar stone foundation, consisting of five courses of ashlar-cut stone, with the top two courses slightly projecting;
  - Flat roof;
  - Red tapestry brick exterior cladding;
  - Elaborate frontispiece on the South Street facade including;
    - Elevated main entry set in ashlar stone, framed by pilasters with Classical entablature;
    - Stone facing of the first storey;
    - Broken pediment constructed of stone over the main doorway;
    - Entablature detailing;
    - Four tall pilasters rising above the first storey entranceway;
    - Four three-foot tall garlanded urns;
    - Triumphal wreaths carved into the stone blind transoms of second floor windows;
    - Blind stone balustrade of the parapet;
    - Rounded arch brick lintels above second storey windows with stone keystones;
    - Carved inscription reading , "WAR MEMORIAL CHILDRENS HOSPITAL" in the stone entablature, flanked by decorative stone poppies;
  - Metal cornice and stringcourse;
  - Sash-style wood windows with four-light transoms throughout the building; the sash windows in the frontispiece are eight-over-eight divided light windows and the remainder of the windows in the War Memorial Children's Hospital are undivided sash windows;
  - Secondary entryways, flanking the frontispiece, with stone surround and Classical entablature with brackets and dentils;
  - Pavilion-style wings at the east and west ends of the War Memorial Children's Hospital building with broad window openings set between pilaster-like brick-clad structural members and a strong metal cornice at its cap;
  - Soldier course brick lintels above first, second, and third storey windows
  - Setback of the building on the property;
- Spatial relationship with the Health Services Building and the Colborne Building
- Interior heritage attributes including:
  - Terrazzo flooring in the mail hall corridors.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** George Kotsifas, Deputy City Manager, Planning and Economic Development

**Subject:** Heritage Alteration Permit application by T. and B. Byrne at 466-468 Queens Avenue, West Woodfield Heritage Conservation District

**Date:** Monday November 22, 2021

## Recommendation

That, the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval for alterations to the heritage designated properties at 466-468 Queens Avenue, in the West Woodfield Heritage Conservation District, **BE APPROVED** with the following terms and conditions:

- a) The existing wood windows on the 466 Queens Avenue portion of the property be retained; and,
- b) The London Doorway on the 466 Queens Avenue portion of the property be retained.

## Executive Summary

The properties at 466-468 Queens Avenue are significant cultural heritage resources, designated pursuant to Part V of the *Ontario Heritage Act*, included within the West Woodfield Heritage Conservation District. Alterations were undertaken to the property at 468 Queens Avenue including the removal and replacement of the wood windows with vinyl replacement windows. As the alterations commenced prior to obtaining Heritage Alteration Permit approval, this Heritage Alteration Permit application has met the terms and conditions for referral to the London Advisory Committee on Heritage (LACH). This Heritage Alteration Permit application seeks retroactive approval for the replacement of six windows on the south and east facades of the dwelling. The recommended action is to permit the alterations with terms and conditions.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan areas of focus:

- Strengthening Our Community:
  - Continuing to conserve London's heritage properties and archaeological resources.

## Analysis

### 1.0 Background Information

#### 1.1 Location

The properties at 466-468 Queens Avenue are located on the north side of Queens Avenue, between Colborne Street and Maitland Street (Appendix A). The properties are currently under single ownership, and thus have been identified together as a part of this Heritage Alteration Permit application.

#### 1.2 Cultural Heritage Status

The properties at 466-468 Queens Avenue are located within the West Woodfield Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage*

Act by By-law No. L.S.P.-3400-254. The West Woodfield Heritage Conservation District came into force and effect on March 9, 2009.

### **1.3 Description**

The properties at 466-468 Queens Avenue include a two-storey buff brick double house, originally constructed circa 1877. Though it would require further comprehensive historical research, the two portions of the double house may have been constructed at different times based on observations of the styles and architectural details of the buildings.

The 466 Queens Avenue portion of the property includes a two-storey buff brick dwelling with a side gable roof. The first and second storey includes double-hung windows with brick voussoirs and a textured mason keystone. This portion of the property also includes one of the distinctive London Doorways, a rare triple arched wood doorway only found in the London area.

The 468 Queens Avenue portion of the property includes a two-storey buff brick dwelling with a side gable roof, separated from the adjacent 466 Queens Avenue portion of the property by a separation wall, visible on the exterior by the raised parapet on the roof. The first storey includes a wood panelled door flanked by a panelled and glazed sidelights with a continuous rectangular transom above the doorway. Unlike the adjacent 466 Queens Avenue portion of the property, this dwelling includes a fixed first storey window with an arched stained-glass window. The second storey includes three asymmetrical double-hung windows with brick voussoirs.

## **2.0 Discussion and Considerations**

### **2.1 Legislative and Policy Framework**

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan* and the *Official Plan (1989, as amended)*.

#### **2.1.1 Provincial Policy Statement**

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2014)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Conserved” is defined in the *Provincial Policy Statement (2020)*, “means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

#### **2.1.2 Ontario Heritage Act**

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or,
- c) The permit applied for, with terms and conditions attached (Section 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

### **2.1.2.1 Contraventions of the *Ontario Heritage Act***

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

### **2.1.3 *The London Plan***

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London's cultural heritage resources. Policy 554\_ of *The London Plan* articulates one of the primary initiatives as a municipality to "ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources." To help ensure that new development is compatible, Policy 594\_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

### **2.1.4 *West Woodfield Heritage Conservation District Plan***

The intent of the *West Woodfield Heritage Conservation District Plan* is to "assist in the protection and conservation of the unique heritage attributes and character of the area" (*West Woodfield Heritage Conservation District Plan*, 2008).

To support the intent of the *West Woodfield Heritage Conservation District Plan*, Design Guidelines related to Alterations (Section 8.2.1) are included in order to provide direction towards the conservation of heritage attributes and character in the West Woodfield Heritage Conservation District.

#### *Section 8.2.1 (Alterations):*

- *Research the original style and appearance of the building to determine "authentic limits" of restoration or alteration so that the appropriate style is maintained;*
- *In the absence of historical data, use forensic evidence available from the building itself to suggest appropriate restoration or alteration;*
- *Seek similar properties (same age, same design, same builder) for evidence of details that may still exist as samples for reconstruction;*
- *Avoid "new" materials and methods of construction if the original is still available;*
- *Restore wherever possible rather than "replace", particularly for features such as windows, doors, porches and decorative trim.*
- *Where replacement of features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same general style, size, proportions.*
- *Incorporate similar building forms, materials, scale and design elements in the alteration that exist on the original building.*
- *Avoid concealing original parts of buildings, entrances and decorative details when undertaking alterations.*
- *If in doubt, use discretion and avoid irreversible changes to the basic structure and architectural style.*
- *Keep accurate photographs and other records, and sample of original elements that have been replaced.*

Section 10.6 (Doors and Windows) also provide direction related to the conservation and replacement of windows in the West Woodfield Heritage Conservation District. The relevant direction notes:

- “The preservation of original doors and windows is strongly encouraged wherever possible as the frames, glass and decorative details have unique qualities and characteristics that are very difficult to replicate;
- The traditional use of wood sash storm windows well fitted to the window opening, provides better thermal and sound insulation properties than modern sealed insulating units (Thermopane windows), and provides a protective barrier to the elements that can be replaced when deteriorated beyond repair.
- The original windows can be made more energy efficient by reducing air leakage. Keep the glass well sealed to the sash by keeping the putty in good condition and keeping the paint just touching the glass to seal the joints. Repair damaged sashes and maintain good weatherstripping for operating windows. Windows that are not used for ventilation can be sealed with a fine bead of butyl caulking and painted shut.
- The replacement of original wood framed windows by vinyl or aluminum clad windows is discouraged. If this is the only reasonable option, the replacement windows should mimic the original windows with respect to the style, size and proportion, with a frame that is similar in colour, or can be painted, to match other windows.”

## 2.2 London Doorways

London Doorways are a rare and unique architectural expression found only in the London region. A London Doorway can be identified by its triple arches: it has arched sidelights that extend above the head of the door jam, with a rounded arch transom that is set in a segmented arch opening. The arches of the sidelights must break the head of the door jam. London Doorways are always single-leaf doorways and always symmetrical. The sidelights may be divided and the transom may feature an oculus or etched glass. London Doorways vary slightly in proportion (height and width but scaled) and often exhibit slightly different carved and applied detailing.

London Doorways are typically found on residential structures built between 1868 and about 1890. This may represent the work or career of one artisan or craftsman, perhaps a wagon maker, cabinet maker, or furniture building. However, further research is required particularly into the method of construction of a London Doorway.

Forty-seven London Doorways were initially identified and included in the 2014 publication *London Doorways: A Study of Triple Arched Doorways* by Julia Beck. Each doorway was identified, documented with photographs, and presented as part of this important collection.

Since *London Doorways* was published, about twenty additional confirmed and suspected London Doorways have been identified.

## 2.2 Heritage Alteration Permit (HAP21-076-L)

A complaint regarding window replacement at 466-468 Queens Avenue was brought to the attention of the City in July 2021. Heritage Planning staff investigated the complaint and confirmed that the windows on the property at 468 Queens Avenue were being replaced. No Heritage Alteration Permit application had been received.

Heritage Planning staff sent a registered letter to the property owners advising of the violation of Section 42(1) of the *Ontario Heritage Act* and the requirements to obtain Heritage Alteration Permit approval prior to undertaking alterations to the heritage designated properties. The property owner contacted the Heritage Planner in order to better understand the non-compliance and requirements of the Heritage Alteration Permit process.

On October 25, 2021, a Heritage Alteration Permit application was received by the City seeking retroactive approval for the following alterations to the property at 468 Queens Avenue:

- Installation of three (3) new second storey double-hung vinyl windows with simulated divided lights on the front façade;
- Installation of a new fixed window on the first storey of the front façade;

- Installation of one (1) first storey double-hung vinyl window on the east façade;
- Installation of one (1) second storey fixed window on the east façade.

As a part of the Heritage Alteration Permit application, the property owners submitted a letter noting that the previous windows were damaged, cracked, and rotting. The letter also notes that a new exterior storm window has been installed over the arched stained-glass window to better protect it from the exterior elements, and that the previously-installed shutters on the front façade are being painted and re-installed.

The 90-day time limit for Municipal Council to consider this Heritage Alteration Permit application expires on January 23, 2021.

### **3.0 Financial Impact/Considerations**

None

### **4.0 Key Issues and Considerations**

Window removal, replacement and additions on street-facing facades is a class of alterations that requires Heritage Alteration Permit approval, identified within the *West Woodfield Heritage Conservation District Plan*.

The review of the proposed replacement windows included within this Heritage Alteration Permit application considers the direction outlined in Section 8.2.1 (Alterations) and Section 10.6 (Doors and Windows) of the *West Woodfield Heritage Conservation District Plan*. The retention and repair of the previous wood windows would have been preferable as the conservation of original windows and doors is strongly encouraged within the West Woodfield Heritage Conservation District. However, the replacement windows are generally consistent in size and style with the previous windows.

The property owners are encouraged to seek conservation strategies for the existing wood windows at 466 Queens Avenue that retain the existing windows. The property owners have also been advised on the importance of conserving the important London Doorway on the 466 Queens Avenue portion of the property.

## **Conclusion**

The alterations to the windows at 468 Queens Avenue in the West Woodfield Heritage Conservation District were undertaken prior to obtaining Heritage Alteration Permit approval. The applicant is seeking retroactive approval for the replacement windows. The replacement windows are generally consistent with the guidelines of the West Woodfield Heritage Conservation District. The Heritage Alteration Permit application should be permitted with terms and conditions.

**Prepared by:** Michael Greguol, CAHP  
Heritage Planner

**Reviewed by:** Britt O'Hagan, RPP, MCIP  
Manager, Community Planning, Urban Design and Heritage

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

## **Appendices**

Appendix A Property Location

Appendix B Images

## **Sources**

Beck, Julia et al. *London Doorways: A Study of Triple Arched Doorways*. 2014.

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2019.

Corporation of the City of London. *2019-2023 Strategic Plan*.

Corporation of the City of London. *The London Plan*. 2019 (consolidated).

*Ontario Heritage Act*. 2021. Retrieved from <https://www.ontario.ca/laws/statute/90o18>.

Gonyou, Kyle. "London Doorways – Celebrating a Unique Feature of London's Heritage." *Ontario Heritage Act + More*. Posted November 28, 2020.

# Appendix A – Property Location

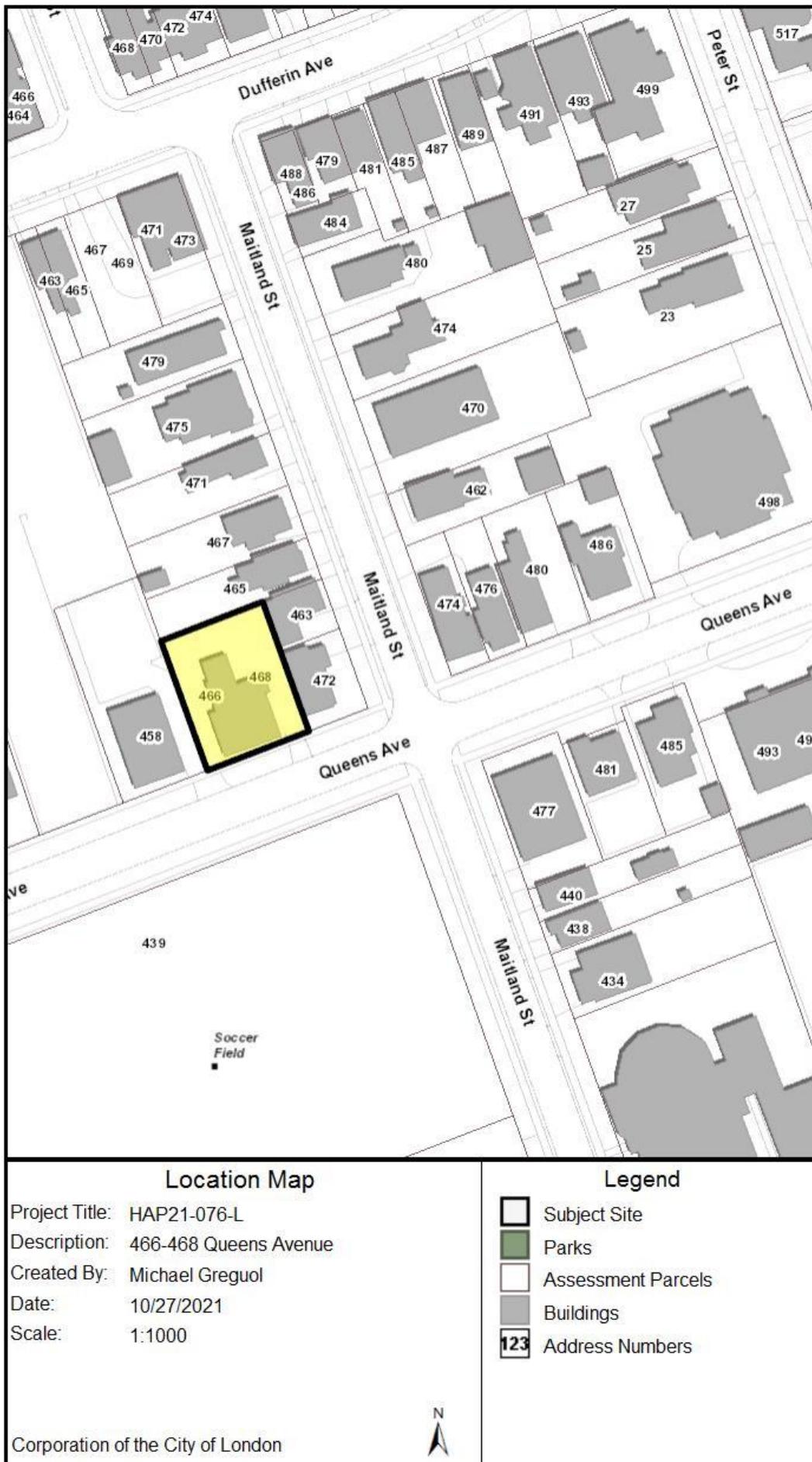


Figure 1: Location Map showing the subject property at 466-468 Queens Avenue.

**Appendix B – Images**



*Image 1: Photograph showing the subject properties at 466-468 Queens Avenue, 2016.*



*Image 2: Photograph showing the subject properties at 466-468 Queens Avenue, 2020.*



Image 3: Photograph showing the subject properties at 466-468 Queens Avenue, March 2021.



Image 4: Photograph showing the unapproved alterations to the windows at 468 Queens Avenue underway, July 2021.



*Image 5: Photograph showing the unapproved alterations to the windows at 468 Queens Avenue underway, July 2021.*



*Image 6: Photograph showing the unapproved alterations to the windows at 468 Queens Avenue underway, July 2021.*

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

**From:** George Kotsifas, Deputy City Manager, Planning and Economic Development

**Subject:** Heritage Alteration Permit application by S. Doherty at 10 Bruce Street, Wortley Village-Old South Heritage Conservation District

**Date:** Monday November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for alterations to the porch of the heritage designated property at 10 Bruce Street, located within the Wortley Village-Old South Heritage Conservation District **BE PERMITTED** as submitted with the following terms and conditions,

- a) The porch be reconstructed using the salvaged brick and concrete block materials;
- b) The porch and railing system be reconstructed as previously constructed according to photographic documentation;
- c) The new columns consist of concrete with fluting and ornamental capitals to be replicated in kind based on the porch's previous construction;
- d) The Heritage Planner be circulated on the Building Permit to ensure the railing and columns are consistent with design of the previous porch;
- e) The proposed alterations to the porch be completed within six (6) months of Municipal Council's decision on this Heritage Alteration Permit; and,
- f) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

## Executive Summary

The property at 10 Bruce Street is a significant cultural heritage resource, designated pursuant to Part V of the *Ontario Heritage Act* as it is included within the Wortley Village-Old South Heritage Conservation District. The property owners undertook alterations including the removal of the existing porch without obtaining Heritage Alteration Permit approval. After consulting with the Heritage Planner, the property owner has submitted a Heritage Alteration Permit application to restore the porch to its previous appearance using existing materials salvages from the porch, and to replace the adorned front columns to provide for a stronger structural element to the covered front porch. The alterations proposed in this Heritage Alteration Permit application should be approved with terms and conditions.

## Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan area of focus:

- Strengthening Our Community:
  - Continuing to conserve London's heritage properties and archaeological resources

## Analysis

### 1.0 Background Information

#### 1.1 Location

The property at 10 Bruce Street is located on the north side of Bruce Street between Wharncliffe Road South and Cynthia Street (Appendix A).

#### 1.2 Cultural Heritage Status

The property at 10 Bruce Street is located within the Wortley Village-Old South Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3439-321 on June 1, 2015. The property is C-rated in the *Wortley Village-Old South Heritage Conservation District Plan* which notes that the form and massing of the building belonged to a historical family of buildings, and that the building on the property is a good example of a modest design representing the area or repeated in many locations.

#### 1.3 Description

The dwelling located at 10 Bruce Street was constructed circa 1912. The City Directory notes the first occupant of the dwelling to be J Herbert Childs, identified as a pattern maker. The construction of the dwelling, along with its neighbours at 8 Bruce Street and 12 Bruce Street represents one of the last few houses constructed on the north side of Bruce Street within the Wortley Village-Old South Heritage Conservation District. Much of this area was first established as Crown reserve for colonial administrators and was later surveyed into park lots and smaller buildings.

The dwelling at 10 Bruce Street is a two-storey vernacular dwelling constructed of concrete block, with a hipped roof and projecting central gable dormer. Contextually, the dwelling is one of three dwellings constructed in a row that share nearly identical characteristics in terms of form, scale, and mass. The exterior of 10 Bruce Street possesses relative uniqueness in that it is constructed of three types of concrete blocks including smooth concrete block, rusticated concrete blocks used for quoins, and smaller rusticated blocks (nearing the size of bricks) that are used for banding across the elevations of the dwelling. The various sizes and finishes of the concrete blocks are also used in the design and construction of the covered front porch.

The front porch spans the entirety of the front façade of the dwelling and includes a set of five concrete block plinths that provide a base for the five fluted concrete columns that support the flat porch roof. The railing system also consists of the various concrete block materials.

Though the exact builder of 10 Bruce Street has not been confirmed, the three dwellings at 8, 10, and 12 Bruce Street bear a resemblance to dwellings constructed by Thomas and John Wilkey, otherwise known as the Wilkey Brothers. The Wilkey Brothers were known for the construction of several homes on Lorne Avenue in what is now the Old East Heritage Conservation District. The 2 and 2 ½ storey houses they constructed beginning around 1910 often included concrete block foundation, as well as porches with concrete piers and columns.<sup>1</sup>

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<sup>1</sup> The Wilkey Brothers houses were primarily constructed along Lorne Avenue in two phases. The first were constructed between 1900-1910 and were generally 1 ½ storeys with decorative gables, small porches, large curved stained-glass windows, and stained glass transoms. These include 885 to 911 Lorne Avenue and 864 to 858 Lorne Avenue. The second phase of Wilkey houses were constructed after 1910 and included larger 2 and 2 ½ storey red brick dwellings on concrete block foundations, often including porches with concrete piers and columns. These dwellings can be found at 815 to 825 Lorne Avenue as well as 514 and 520 Ontario Street. The second phase of Wilkey houses share similarities with 8, 10, and 12 Bruce Street. For further information, see *Old East Heritage Conservation District Study*, 2004.

## 2.0 Discussion and Considerations

### 2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies of the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, and *The London Plan* and the *Official Plan* (1989, as amended).

#### 2.1.1 *Provincial Policy Statement*

Heritage conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement* (2014) promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Conserved” is defined in the *Provincial Policy Statement* (2020), “means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

#### 2.1.2 *Ontario Heritage Act*

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or,
- c) The permit applied for, with terms and conditions attached (Section 42(4), *Ontario Heritage Act*)

Municipal Council must make a decision on the Heritage Alteration Permit application within 90 days or the request is deemed permitted (Section 42(4), *Ontario Heritage Act*).

##### 2.1.2.1 *Contraventions of the Ontario Heritage Act*

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000.

#### 2.1.3 *The London Plan*

The policies of *The London Plan* found in the Cultural Heritage chapter support the conservation of London’s cultural heritage resources. Policy 554\_ of *The London Plan* articulates one of the primary initiatives as a municipality to “ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.” To help ensure that new development is compatible, Policy 594\_ (under appeal) of *The London Plan* provides the following direction:

1. *The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district.*
2. *The design of new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area.*
3. *Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.*

#### 2.1.4 *Wortley Village-Old South Heritage Conservation District Plan*

Porches within the Wortley Village-Old South Heritage Conservation District are recognized for their social, architectural, and historic importance. The *Wortley Village-Old South Heritage Conservation District Plan* notes that all porches “deserve to be

carefully conserved using adequate research to determine the original character and identify appropriate conservation and restoration techniques” (Section 8.2.5).

The guidelines included in Section 8.3.1.1 (Recommended Practices and Design Guidelines) for alterations provide a useful direction for considering porch restoration projects:

#### 8.3.1.1 Recommended Practices and Design Guidelines

- a) *Research the original style and appearance of the building to determine “authentic limits” of restoration or alteration so that the appropriate style is maintained;*
- b) *In the absence of historical data, use forensic evidence available from the building itself to suggest appropriate restoration or alteration;*
- c) *Seek similar properties (same age, same design, same builder, same architect) for evidence of details that may still exist as samples for reconstruction;*
- d) *Avoid “new” materials and methods of construction if the original is still available. In some cases, after careful research, substitute materials may perform better than original materials, but beware of using materials that have not been tested for years in a similar application;*
- e) *Conserve; retain and restore heritage attributes wherever possible rather than replacing them, particularly for features such as windows, doors, porches and decorative trim;*
- f) *Where replacement of features (e.g. doors, windows, trim) is unavoidable, the replacement components should be of the same style, size, proportions and material whenever possible.*
- g) *Incorporate similar building forms, materials, scale and design elements in the alteration that exist on the original building.*
- h) *Avoid concealing or irreversibly altering heritage attributes of property, such as entrances, windows, doors and decorative details when undertaking alterations;*
- i) *If in doubt, use discretion and avoid irreversible changes to the basic structure and architectural style.*
- j) *Keep accurate photographs and other records, and sample of original elements that have been replaced.*

## 2.2 Heritage Alteration Permit (HAP21-073-L)

The front porch of the dwelling at 10 Bruce Street sustained damage as a result of snow loading in the winter of 2021. In March 2021, an engineering consultant for the property owner contacted the City inquiring about potential requirements for Heritage Alteration Permit approval. The Heritage Planner consulted with the engineer confirming that a Heritage Alteration Permit would be required as a part of the reconstruction of the front porch in order to ensure that elements that were required to be replaced were compliant with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan*. No Heritage Alteration Permit application had been submitted following initial consultation.

In September 2021, a complaint from a community member regarding work taking place without approval at 10 Bruce Street was received by the City. A Building Inspector for the City confirmed that the existing porch had been removed in its entirety in anticipation of reconstruction. The property owner was advised that a Heritage Alteration Permit was required prior to work taking place.

On October 18, 2021, a Heritage Alteration Permit application was received by the City seeking approval for the following alterations to the heritage designated property at 10 Bruce Street:

- Reconstruction of a new porch on a new poured concrete foundation with the following details:
  - Reconstruction to previous conditions based on existing photographs prior to the removal including the salvage and re-use of existing concrete blocks;
  - Installation of new concrete columns to be replicated based on identical design to previous columns (and neighbouring columns).

The 90-day timeline for Municipal Council to consider this Heritage Alteration Permit application expires on January 16, 2022.

### **3.0 Financial Impact/Considerations**

None.

### **4.0 Key Issues and Considerations**

Porch/verandah removal or replacement visible from the street is a class of alteration that requires Heritage Alteration Permit approval, identified within the *Wortley Village-Old South Heritage Conservation District Plan*.

The review of the proposed porch alterations included within this Heritage Alteration Permit application considers the direction outlined in Section 8.3.1.1 (Recommended Practices and Design Guidelines) and Section 9.5 (Porches and Verandahs). The proposed porch reconstruction complies in general with the guidelines included within the relevant sections of the *Wortley Village-Old South Heritage Conservation District Plan*. In particular, the salvage and re-use of the existing concrete block materials and reconstruction based on available photographic documentation complies with the guidelines for Alterations. The new concrete columns will be based on a replication of the previous concrete columns including decorative detailing that is consistent with the neighbouring properties at 8 and 12 Bruce Street.

The property owner's Building Permit drawings should reflect the unique characteristics of the previous porch including the pattern of the concrete block railing system, as well as the decorative concrete columns.

## **Conclusion**

The proposed alterations to the porch at 10 Bruce Street, a heritage designated property included within the Wortley Village-Old South Heritage Conservation District seek to restore the porch to its previous appearance based on existing photographic documentation. The proposed alterations are consistent with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan* and should be permitted with terms and conditions.

**Prepared by:** Michael Greguol, CAHP  
Heritage Planner

**Reviewed by:** Britt O'Hagan, MCIP RPP  
Manager, Community Planning, Urban Design, and  
Heritage

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

### **Appendices**

Appendix A Property Location  
Appendix B Images

### **Sources**

Corporation of the City of London. *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. September 2014.  
Corporation of the City of London. *Register of Cultural Heritage Resources*. 2019.

Corporation of the City of London. *2019-2023 Strategic Plan*.  
Corporation of the City of London. *The London Plan*. 2019 (consolidated).  
*Ontario Heritage Act*. 2021. Retrieved from <https://www.ontario.ca/laws/statute/90o18>.

# Appendix A – Property Location



Figure 1: Location Map showing the subject property at 10 Bruce Street.

## Appendix B – Images

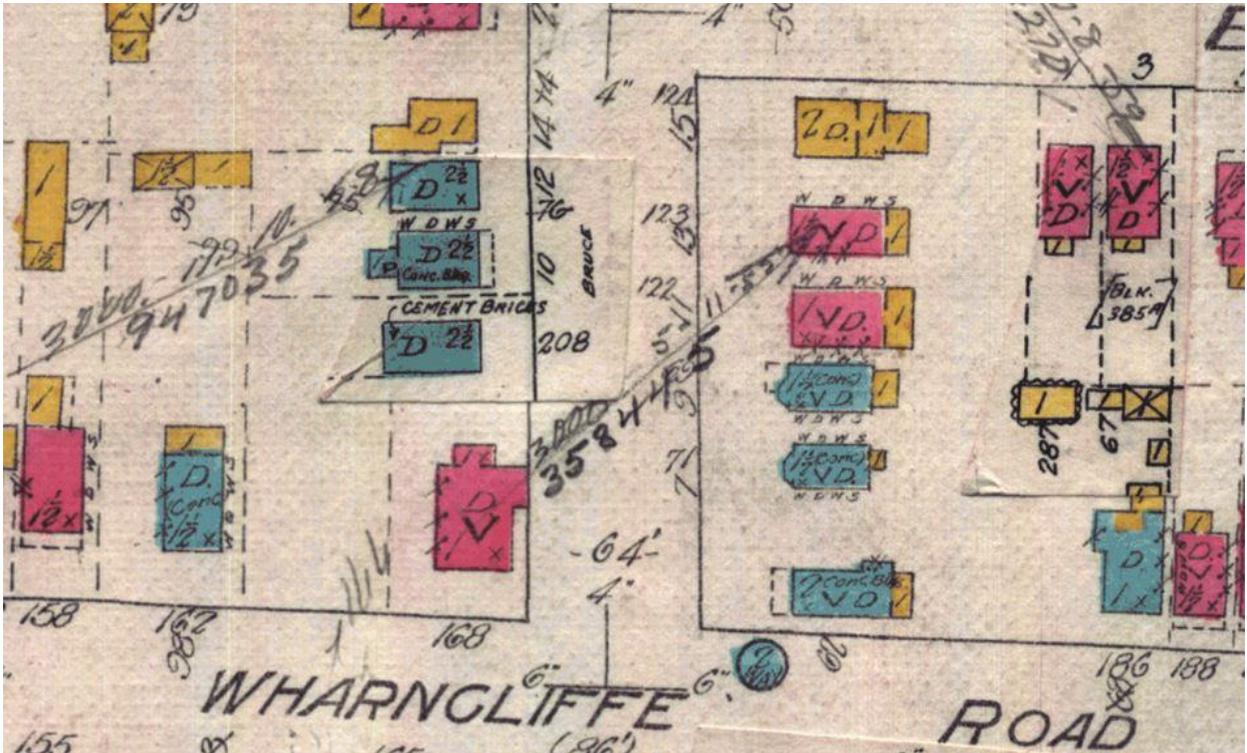


Figure 2: Excerpt of 1912 Revised 1915 Fire Insurance Plan, showing the set of three similar dwelling constructed on the north side of Bruce Street. A porch is depicted by the dotted line on the front of the dwelling at 10 Bruce Street.

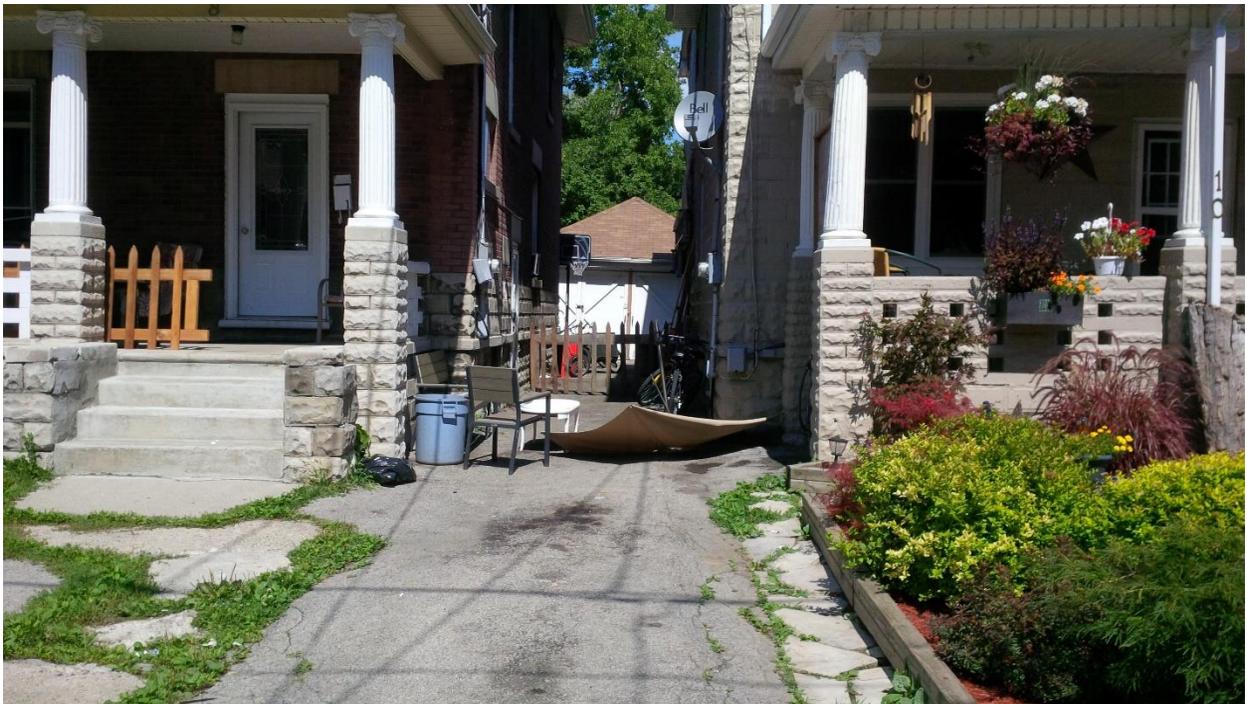


Image 1: Photograph of the dwelling at 10 Bruce Street (right) and the adjacent 8 Bruce Street (left) submitted as a part of the Heritage Alteration Permit application. Note, the concrete plinths and columns on each property are similar, but the railing systems are different.



*Image 2: Photograph submitted with the Heritage Alteration Permit application showing the previous appearance of the porch. The proposed alterations are to reconstruct the porch to replicate its previous design.*



*Image 3: Detail showing the previous decorative columns on the porch at 10 Bruce Street. The details of the columns are to be replicated for the new porch.*



*Image 4: Photograph showing the dwelling located at 10 Bruce Street following the removal of the previous porch, October 2021.*



Image 5: Photograph showing the dwelling located at 10 Bruce Street following the removal of the previous porch, October 2021.



Image 6: Photograph showing the dwelling located at 10 Bruce Street following the removal of the previous porch, October 2021.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Application by Foxwood Developments. c/o MBPC  
1595 Capri Crescent (1600 Twilite Boulevard)  
Removal of Holding Provisions

**Date:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Foxwood Developments. relating to the property located at 1595 Capri Crescent (1600 Twilite Boulevard):

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 7, 2021, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London, to change the zoning of the subject property **FROM** a Holding Residential R5 and R6 (h\*h-54\*h-71\*h-100\*R5-6/R6-5) Zone, **TO** a Residential R5 and R6 (R5-6/R6-5) Zone to remove the "h", "h-54", "h-71" and "h-100" holding provisions.

## Executive Summary

### Purpose and Effect of the Recommended Action

The purpose and effect of this zoning change is to remove the "h", "h-54", "h-71" and "h-100" holding provisions so that the development of Phased Condominium, comprised of 63 multiple-attached townhouse dwellings, can proceed in accordance with the approved zoning.

### Rationale of Recommended Action

1. The conditions for removing the "h", "h-54", "h-71" and "h-100" have been met and the recommended amendment will allow development of multiple-attached townhouse dwellings in compliance with the Zoning By-law.
2. A Development Agreement has been entered into and securities have been provided.

## Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London's growth and development are well planning and sustainable over the long term.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

**February 1999** - Report to Planning Committee to recommend approval of Foxhollow Community Plan (O-5604)

**May 20, 2004** – Report to Planning Committee regarding Official Plan Amendments and revisions to the Foxhollow Community Plan (O-6661)

**March 26, 2012** – Public Participation Meeting relating to Draft Plan of Subdivision and related Official Plan and Zoning By-law Amendments (39T-11503/OZ-7985).

**September 8, 2015** – Report to Planning and Environment Committee to remove “h” and “h-100” holding provisions from Phase 1 of Registered Phase of Subdivision 33M-685).

**May 9, 2016** – Report to Planning and Environment Committee recommended a Zoning By-law Amendment to amend the zoning to Holding Residential R1 Special Provision (h\*h-100\*R1-4(\*)) (Z-8587).

**May 30, 2016** – Report to Planning and Environment Committee on Request for Extension of Draft Approval (39T-11503).

**May 13, 2019** – Report to Planning and Environment Committee on Request for Extension of Draft Approval (39T-11503).

**April 27, 2021** – Report to Planning and Environment Committed on Special Provisions for Phase 3 of the Foxwood Subdivision (39T-11503).

**September 16, 2021** – Report to the Committee of Adjustment on Minor Variances for rear yard and side yard setbacks (A-115/21).

## **1.2 Planning History**

The proposed Draft Plan of Subdivision and associated Official Plan and Zoning By-law Amendments (39T-11503/OZ-7985) were accepted as complete applications on November 11, 2011. These applications were supported by Municipal Council on April 10, 2012, and were later appealed on May 16, 2012. The appeals were withdrawn, and the applications were deemed to be in full force and effect in January of 2013. Draft Plan of Subdivision 39T-11503 was granted approval on January 23, 2013, which was also appealed, and the appeals were later withdrawn.

Requests for Extension of Draft Approval were requested and granted in 2016 and in 2019. A minor variance application was submitted requesting relief to permit an exterior side yard setback of 4.5m (14.7ft), where as 6.0m (19.7ft) is the minimum required, and a rear yard setback of 4.3m (14.1ft), where as 6.0m (19.7ft) is the required minimum. The requested minor variances were granted by the Committee of Adjustment on September 16, 2021.

This application is to remove the holding provisions from Block 176 of Registered Plan of Subdivision 33M-799, which is part of Phase 3 of the Foxwood Subdivision. The application was accepted as complete on July 30, 2021. Applications for Site Plan Approval (SPA21-044) and Draft Plan of (Phased) Standard Condominium (39CD-21512) have also been submitted and are under review.

## **1.3 Property Description**

The subject lands are located in the northwest quadrant of the City and are situated south of Sunningdale Road and west of Hyde Park Road. The site is Block 176 of Draft Plan of Subdivision 33M-799 and is approximately 1.277 hectares (3.155 acres). There are proposed and recently constructed residential dwellings surrounding the site, as well as agricultural uses to the west.

## **1.4 Current Planning Information**

- The *London Plan* Place Type – Neighbourhoods
- Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Holding Residential R5 & R6 (h\*h-54\*h-71\*h-100\*R5-6/R6-5)

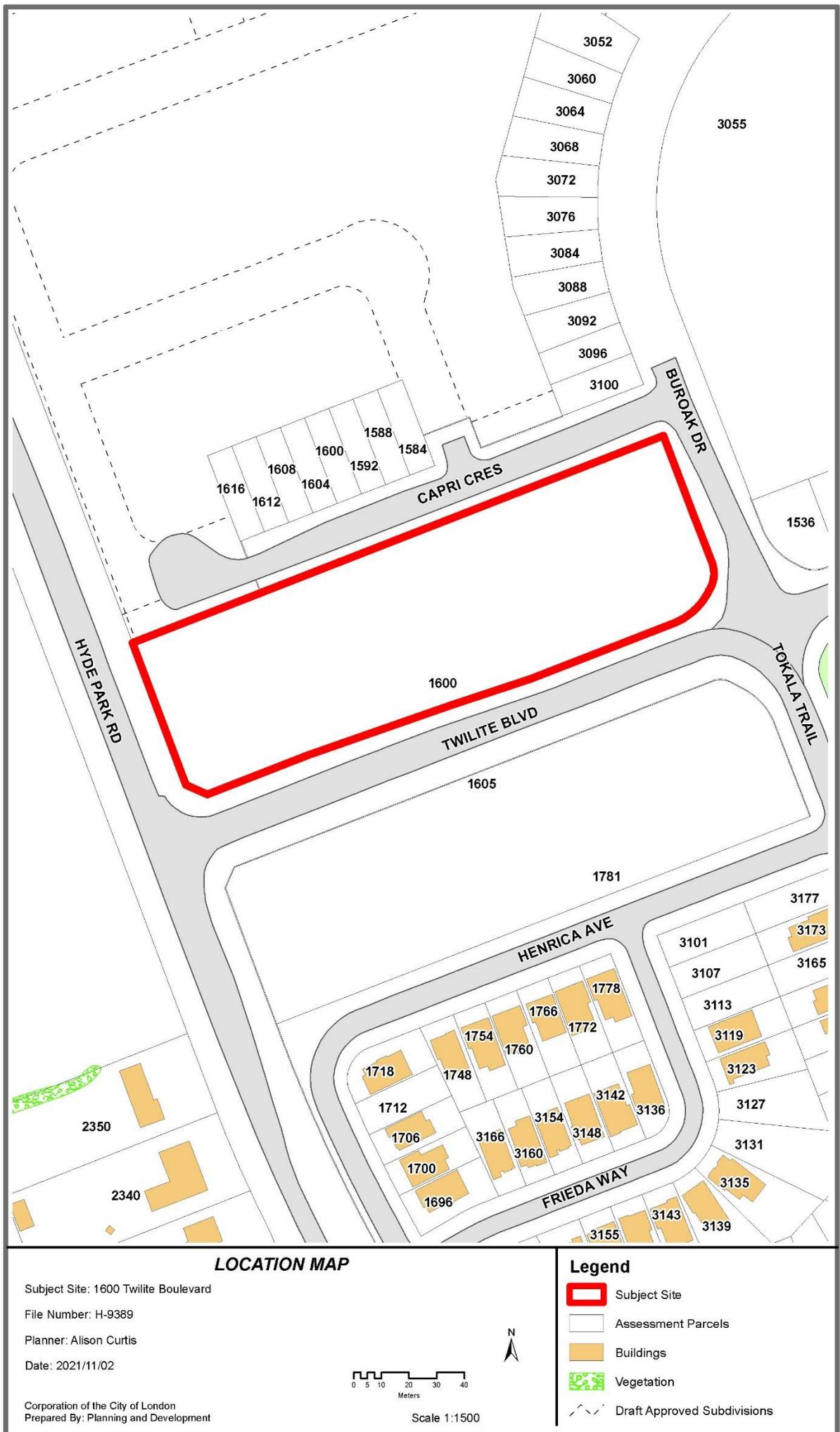
### **1.5 Site Characteristics**

- Current Land Use – Vacant
- Area – 1.277 hectares (3.155 acres)
- Shape – Rectangular

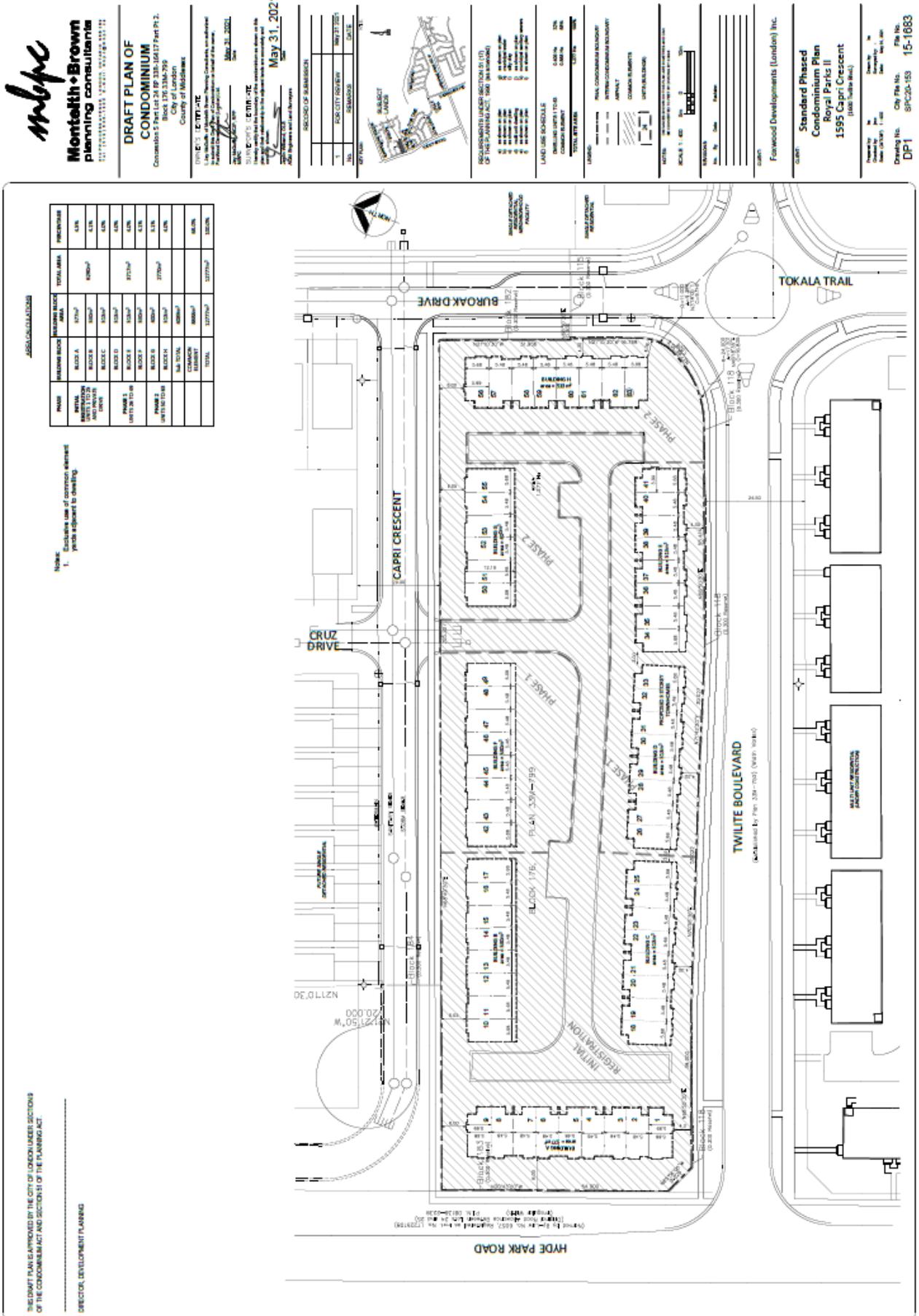
### **1.6 Surrounding Land Uses**

- North – Vacant, proposed single detached dwellings
- East – Vacant, residential under construction
- South – Single detached dwellings
- West – Agriculture

# 1.7 Location Map



1.8 Draft Plan of Phased Condominium



## 2.0 Discussion and Considerations

The purpose of this amendment application is to remove the h, h-54, h-71, and h-100 holding provisions from the subject lands. The h holding provision requires the orderly development of the lands and the adequate provision of municipal services through the execution of a subdivision or development agreement. Holding provision h-54 seeks to prevent land use conflicts between arterial roads and proposed residential uses, and as such, requires the implementation of noise attenuation measures identified through a noise assessment. The h-71 holding provision requires the preparation of a building orientated plan demonstrating street-oriented development, which will be incorporated into the site plan and executed development agreements. Holding provision h-100 seeks to ensure there is adequate access and water service and requires two public accesses and a lopped watermain for developments with 80 or more units.

### 2.1 Consultation (see more detail in Appendix B)

Information regarding the application to remove Holding Provisions was provided to the public as follows:

- Notice of Intent to Remove Holding Provisions was published in the Public Notices and Bidding Opportunities section of the *Londoner* on November 4, 2021.
- Notice of Intent to Remove Holding Provisions was circulated to the relevant internal and external agencies on October 26, 2021.

There was no response from the public.

### 2.2 Policy Context (see more detail in Appendix C)

Section 36 of the *Planning Act* permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use (Section 36(2) of the *Planning Act*), a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 90 days to remove the holding provision(s).

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

## 3.0 Financial Impact/Considerations

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

## 4.0 Key Issues and Considerations

### 4.1. Why is it appropriate to remove this Holding Provision?

#### h Holding Provision

The h Holding Provision states that:

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

The Applicant has provided the necessary securities to the City of London and the development agreement has been executed. This satisfies the requirements for the removal of the “h” holding provision.

#### **h-54 Holding Provision**

The h-54 holding provision states that:

*h-54 Purpose: To ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London. (Z.-1-041290)*

A noise assessment has been completed and submitted to the City as part of the Site Plan Approval process. The recommendations identified in this study have been included in the Site Plan Development Agreement and have been included as conditions of Draft Approval for the Draft Plan of Phased Condominium. This satisfies the requirements for the removal of the “h-54” holding provision.

#### **h-71 Holding Provision**

The h-71 holding provision states that:

*h-71 Purpose: To encourage street orientation development, the Owner shall prepare a building orientation plan which demonstrates how the front façade of the dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the “h-71” symbol. (Z.-1-061521)*

Site Plan Approval submissions demonstrate building façades oriented to the street along all the abutting streets (i.e., Capri Crescent, Buroak Drive and Twilite Boulevard). This requirement is incorporated in the site plan and a development agreement has been executed. This satisfies the requirements for the removal of the “h-71” holding provision.

#### **h-100 Holding Provision**

The “h-100” holding provision states that:

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

The looped watermain and second public access requirements for the “h-100” holding provision are set out for proposed developments comprised of 80 or more dwelling units. The proposed phased condominium includes 63 dwelling units, and as such the requirements do not apply. This satisfies the requirements for the “h-100” holding provision.

## **Conclusion**

It is appropriate to remove the “h”, “h-54”, “h-71”, and “h-100” holding provisions from the subject lands at this time as: full municipal services are available; a development agreement has been executed; the noise assessment recommendations have been incorporated into the development agreements; and, the proposed development is street-oriented.

**Prepared by:** Alison Curtis, MA  
Planner 1, Planning and Development

**Reviewed by:** Bruce Page, MCIP, RPP  
Manager, Planning and Development

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

cc: Bruce Page, Manager, Development Planning (Subdivisions)

cc: Michael Pease, Manager, Development Planning (Site Plan)

## Appendix A

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

2021

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 1595 Capri Crescent (1600 Twilite Boulevard).

WHEREAS Foxwood Developments have applied to remove the holding provision from the zoning for the lands located at 1595 Capri Crescent (1600 Twilite Boulevard), as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said 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 1595 Capri Crescent (1600 Twilite Boulevard), as shown on the attached map, to remove the h, h-54, h-71 and h-100 holding provision so that the zoning of the lands as a Residential R5 (R5-6) Zone and Residential R6 (R6-5) comes into effect.
2. This By-law shall come into force and effect on the date of passage.

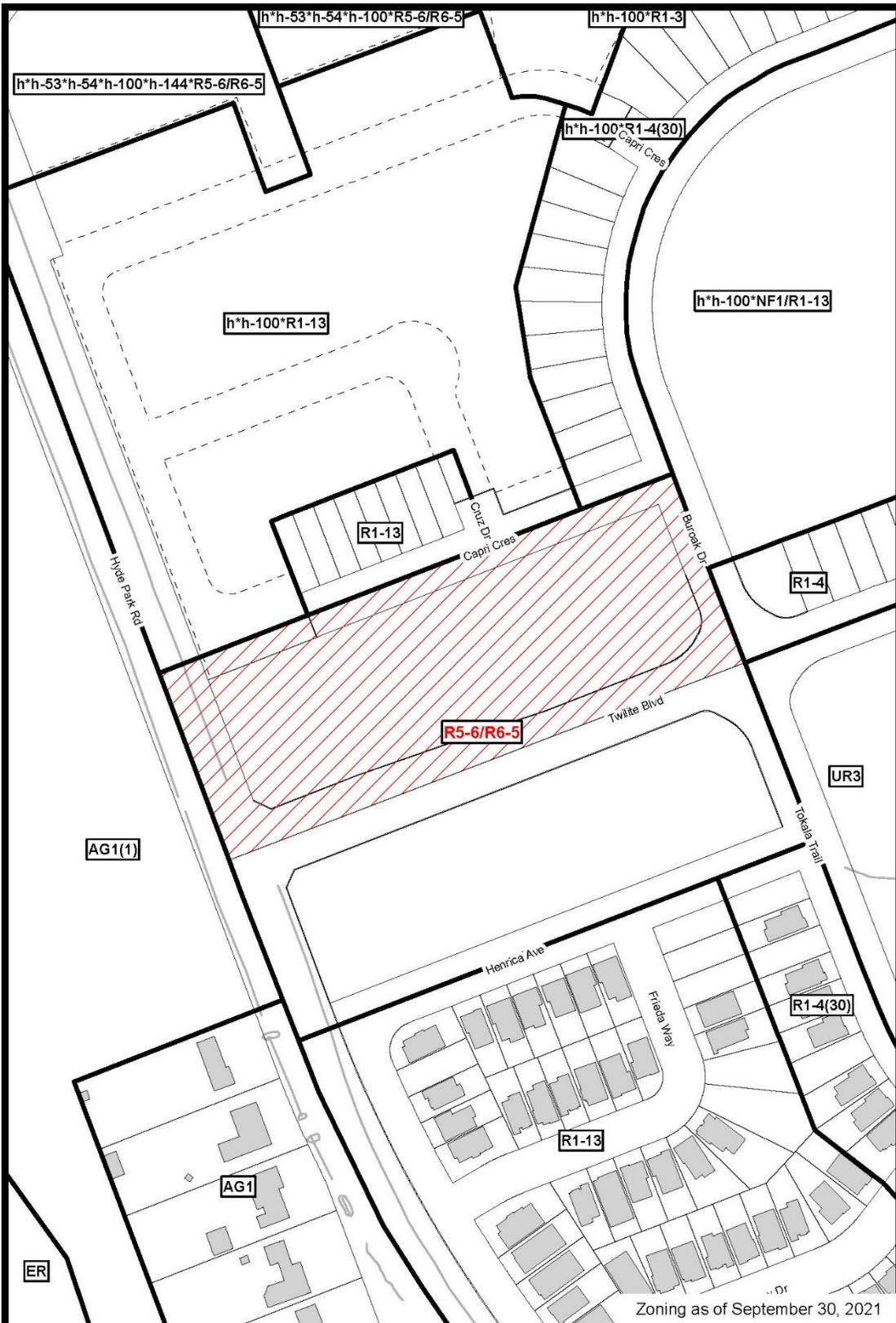
PASSED in Open Council on December 7, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 7, 2021  
Second Reading – December 7, 2021  
Third Reading - December 7, 2021

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



**File Number:** H-9389  
**Planner:** AC  
**Date Prepared:** 2021/11/02  
**Technician:** RC  
**By-Law No:** Z.-1-

**SUBJECT SITE** 

**1:2,000**





Geodatabase

## Appendix B – Consultation

### Community Engagement

**Public Liaison:** Notice of the Intent to Remove Holding Provisions was published in the Londoner on November 4, 2021, and notice of the application were circulated to the relevant internal and external agencies.

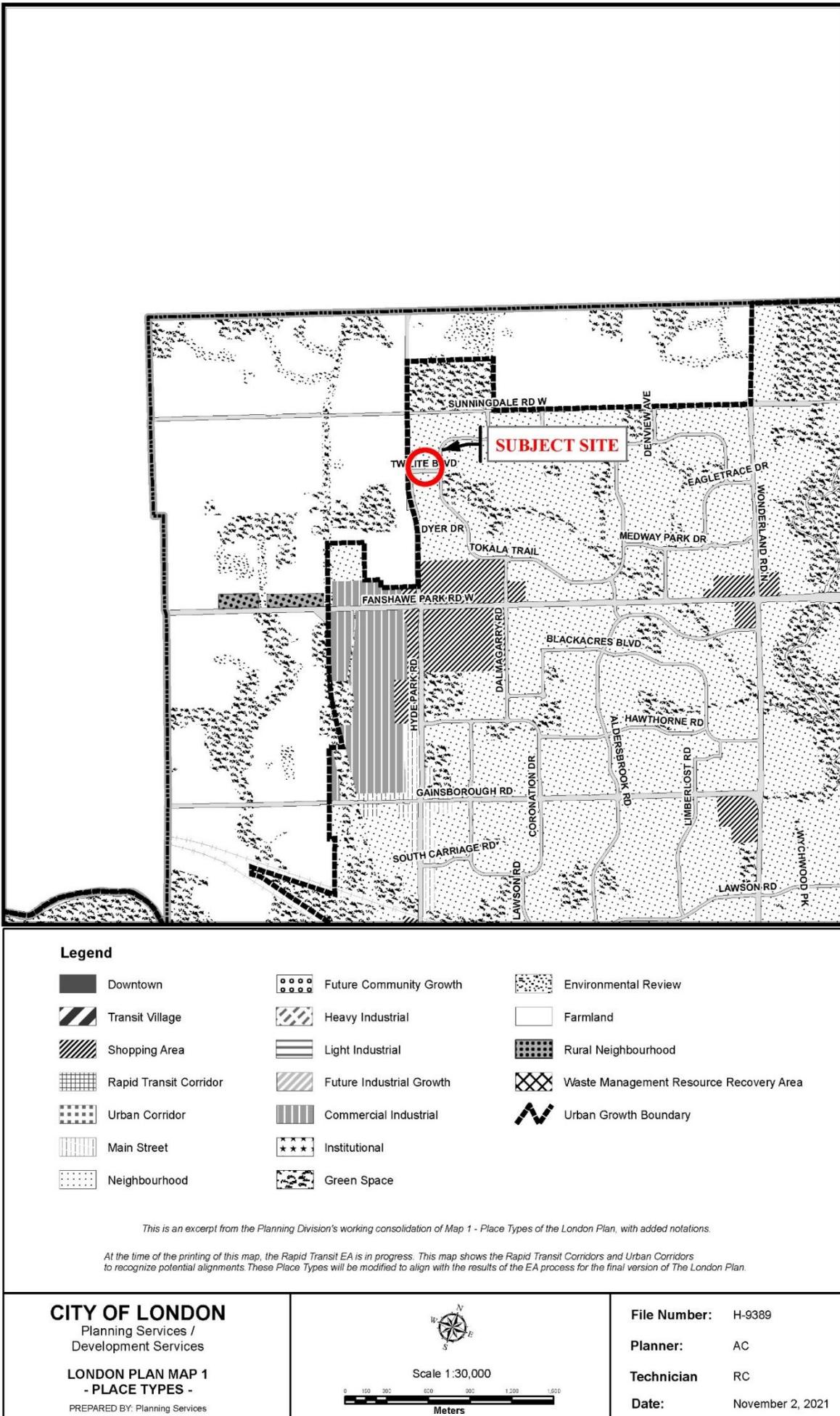
No replies were received.

**Londoner Notice:** City Council intends to consider removing the h, h-54, h-71, and h-100 holding provisions from the subject lands to allow for the development of a 63-unit Phased Condominium. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided and/or a subdivision agreement has been entered into for the subject lands. Holding Provision “h”-54” ensures that there are no land use conflicts between arterial roads and the proposed residential uses. This symbol shall not be deleted until the owner agrees to implement all noise attenuation measures recommended in noise assessment reports acceptable to the City of London. Holding Provision “h-71” encourages street-oriented development and requires the owner to prepare a building orientation plan demonstrating how the front façades of dwelling units can be oriented to all abutting streets (except where a noise barrier has been approved), acceptable to the General Manager of Planning and Development. The recommended building orientation will be incorporated into the approved site plan and executed development agreement prior to the removal of the “h-71” symbol. Holding Provision “h-100” requires the construction of a looped watermain system and a second public access to be available to the satisfaction of the City Engineer to ensure there is adequate water service and access. Council will consider removing the holding provisions as they apply to these lands no earlier than November 22, 2021.

File: H-9389 Planner: A. Curtis x.4497

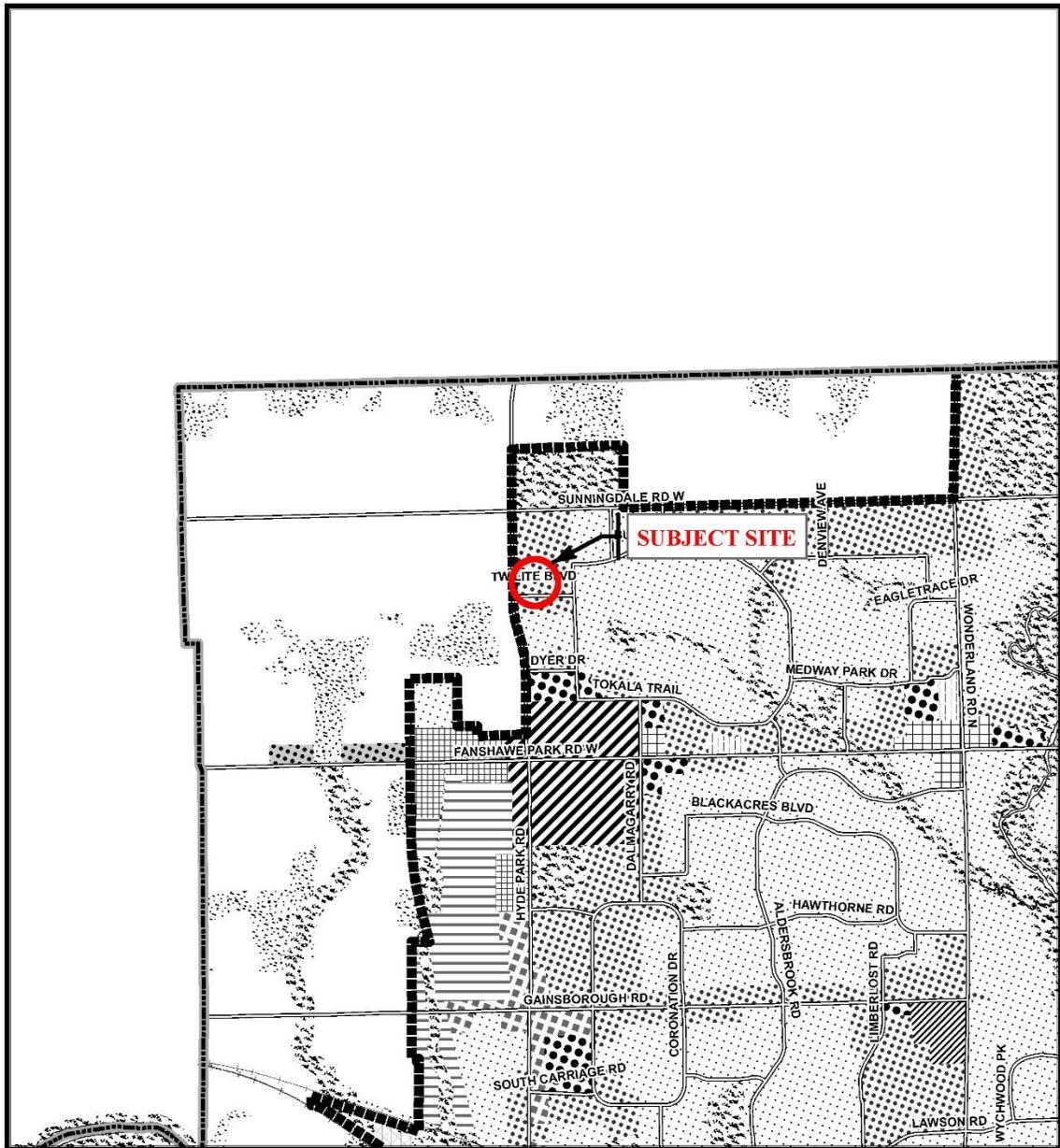
# Appendix C: Policy Context

## London Plan Excerpt



Project Location: E:\Planning\Projects\p\_officialplan\workconsolid\00\excerpts\_LondonPlan\mxd\H-9389-Map1-PlaceTypes.mxd

1989 Official Plan Excerpt



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><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LAND USE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 Meters	<p>FILE NUMBER: H-9389                  PLANNER: AC                  TECHNICIAN: RC                  DATE: 2021/11/02</p>
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PROJECT LOCATION: e:\planning\projects\p\_officialplanwork\consolid00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

# Zoning By-law Excerpt



## COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            | OS - OPEN SPACE                   |
| R7 - SENIOR'S HOUSING                     | CR - COMMERCIAL RECREATION        |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | ER - ENVIRONMENTAL REVIEW         |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | OB - OFFICE BUSINESS PARK         |
| R10 - HIGH DENSITY APARTMENTS             | LI - LIGHT INDUSTRIAL             |
| R11 - LODGING HOUSE                       | GI - GENERAL INDUSTRIAL           |
| DA - DOWNTOWN AREA                        | HI - HEAVY INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | EX - RESOURCE EXTRACTIVE          |
| CSA - COMMUNITY SHOPPING AREA             | UR - URBAN RESERVE                |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | AG - AGRICULTURAL                 |
| BDC - BUSINESS DISTRICT COMMERCIAL        | AGC - AGRICULTURAL COMMERCIAL     |
| AC - ARTERIAL COMMERCIAL                  | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL           | TGS - TEMPORARY GARDEN SUITE      |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RT - RAIL TRANSPORTATION          |
| CC - CONVENIENCE COMMERCIAL               | "h" - HOLDING SYMBOL              |
| SS - AUTOMOBILE SERVICE STATION           | "D" - DENSITY SYMBOL              |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL               |
| OR - OFFICE/RESIDENTIAL                   | "B" - BONUS SYMBOL                |
| OC - OFFICE CONVERSION                    | "T" - TEMPORARY USE SYMBOL        |
| RO - RESTRICTED OFFICE                    |                                   |
| OF - OFFICE                               |                                   |

## 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-9389

AC

MAP PREPARED:

2021/11/02

RC

1:2,000

0 10 20 40 60 80 Meters

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** George Kotsifas, P. Eng.  
Deputy City Manager, Planning and Economic Development  
**Subject:** Exemption from Part-Lot Control  
Application By: Town and Country Developments (2005) Inc  
2313 and 2373 Callingham Drive

**Meeting on:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application by Town and Country Developments (2005) Inc., the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to exempt Blocks 2 and 3 of Registered Plan 33M-664 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding six (6) months.

## Executive Summary

### Summary of Request

Request for approval to exempt Blocks 2 and 3 of Registered Plan 33M-664 from the Part Lot Control provisions of the *Planning Act*.

### Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of twenty-seven (27) freehold street townhouse lots with individual accesses to Callingham Drive.

### Rationale for Recommended Action

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

## Linkage to the Corporate Strategic Plan

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

## Analysis

### 1.0 Background Information

On December 12, 2017, Municipal Council approved an application by Town and Country Developments (2005) Inc. to Exempt from Part Lot Control a number of townhouse dwellings fronting on Callingham Drive, located south of Sunningdale Road. Council directed that a by-law be introduced at a future meeting to exempt Blocks 2 and 3, in Registered Plan 33M-664, from the Part Lot Control provisions of subsection 50(5) of the Planning Act for a period not to exceed three (3) years; it being pointed out that these lands are subject to a registered subdivision agreement and are zoned as Residential R4 (R4-6) in Zoning By-law No. Z.-1.

The applicant was required to satisfy a number of conditions prior to the passage of the Part Lot Control by-law including the submission of a draft reference plan for review and approval to ensure the proposed part lots and development plans comply with the zoning bylaw; and that the applicant enter into an amended subdivision agreement for the installation of all works and services, for lot grading in accordance with the accepted final design of the lots, and for provision of adequate security. The subdivision agreement was

amended, and all conditions were cleared. The reference plan showing the final lot development was deposited in the Land Registry as Reference Plan No. 33R-20244, and a Certificate of Conditional Approval for the proposed lots was subsequently issued.

The applicant recently met with City staff and advised that the purpose of the request for extension of Exception from Part Lot Control is to complete pending sales in mid December 2021. The by-law is set to expire on December 13, 2021. Several of the lots have sold/closed with new home purchasers, however, there are ten (10) outstanding lots that require additional time to close. An extension of the by-law for an additional six (6) months will facilitate the sale/closing of these lots.

### **1.1 Previous Reports Related to this Matter**

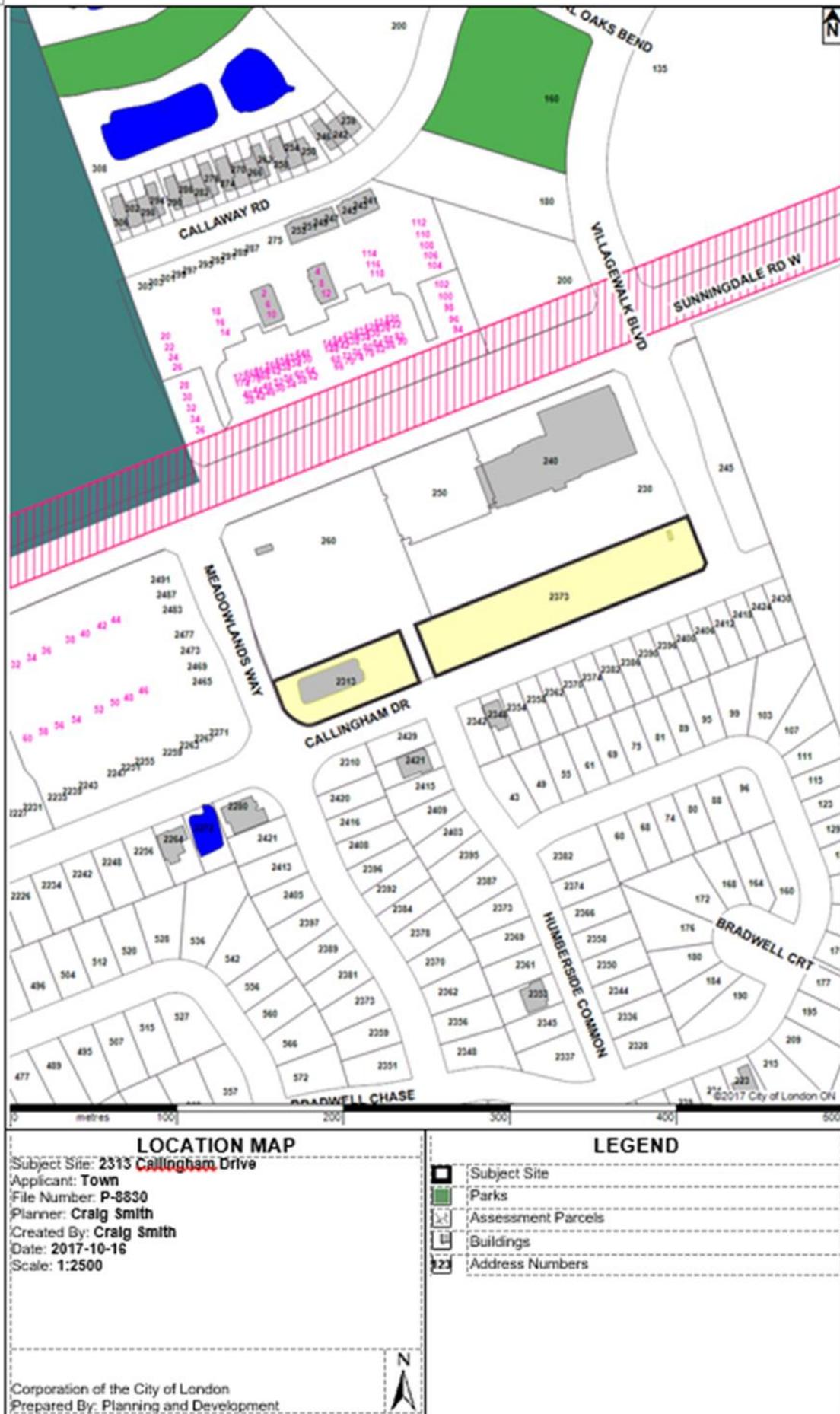
**November 12, 2018** – Report to Built and Natural Environment Committee seeking approval for exception to part lot control for Blocks 2 and 3 of Registered Plan 33M-664.

### **1.2 Property Description**

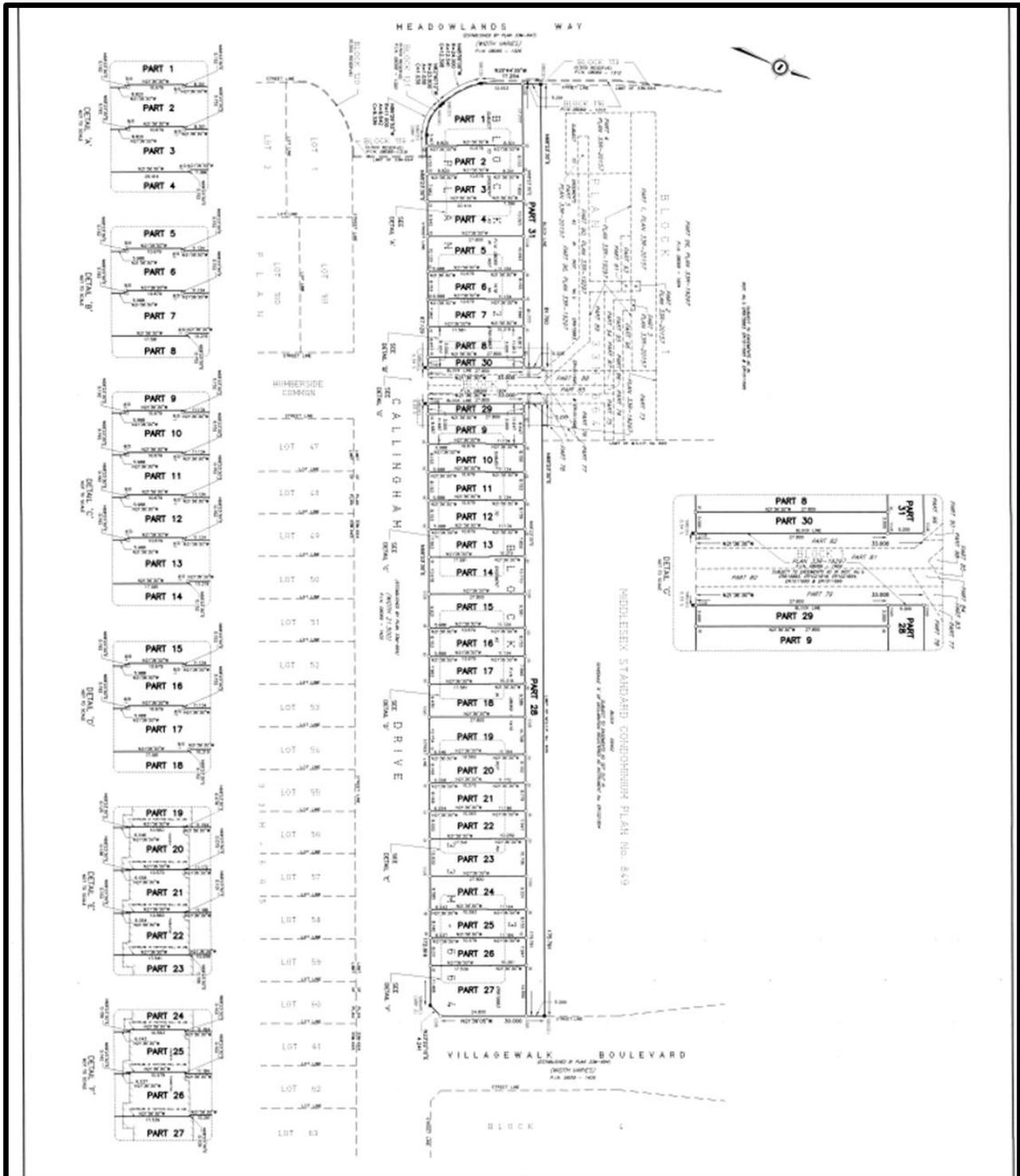
The subject site is located on Callingham Drive, which is generally located south of Sunningdale Road and west of Richmond Street.

- East – residential
- South – future residential
- West – commercial

## 1.2 Location Map



## 1.8 Reference Plan 33R-20244



## 2.0 Discussion and Considerations

The Applicant, Town and Country Developments (2005) Inc., has requested an extension to the exemption from part-lot control to create a total of six twenty-seven (27) freehold street townhouse lots. Council approved exception of part lot control for these lands in December 2018. The applicant has sold/closed seventeen (17) of the lots. The remaining ten (10) lots are to close by the end of the 2021. By-law C.P.-1530-512, the implementing part lot control by-law for these lands, is to expire on December 13, 2021. A six (6) month extension would facilitate the closing of these remain lots.

## 2.1 Community Engagement

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

## 2.2 Policy Context

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

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

## 3.0 Financial Impact/Considerations

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

## Conclusion

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

**Prepared by:** Michael Clark  
Planner 1, Subdivision Planning

**Reviewed by:** Bruce Page,  
Manager, Planning & Development

**Recommended by:** Gregg Barrett, RPP, PLE  
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

MC/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\P8830 - 2313 Callingham-PEC 2.docx

## Appendix A

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

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

A by-law to exempt from Part-Lot Control, lands located at 2313 and 2373 Callingham Drive, legally described as Blocks 2 and 3 of Registered Plan 33M-664.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Town and Country Developments (2005) Inc., it is expedient to exempt lands located at, legally described as Blocks 2 and 3 in Registered Plan 33M-644, from Part Lot Control;

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

1. as Blocks 2 and 3 in Registered Plan 33M-644, located at 2313 and 2373 Callingham Drive, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed six (6) months; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 (R4-6) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on December 7, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** George Kotsifas, P. Eng  
Deputy City Manager, Planning and Economic Development  
**Subject:** 2831570 Ontario Inc. c/o Scott Allen, MHBC  
3103 Petty Road and 3047 White Oak Road  
**Meeting on:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development with respect to the application of 2831570 Ontario Inc. relating to the property located at 3047 White Oak Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-10) Zone, **TO** a Holding Residential R1/Residential R6 Special Provision Residential R8 Bonus (h\*h-100\*h-161\*h-227\*R1-10/R6-5(59)/R8-4(46)\*B60) Zone.

## Executive Summary

### Summary of Request

The requested amendment will permit three (3) buildings containing 33 dwelling units, within multiple townhouses with a new private road providing access from Petty Road.

### Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to zone the lands at 3047 White Oak Road to permit townhouse dwellings. It is the intention of the applicant to consolidate these lands with the adjacent lands, Block 74 of Registered Plan 33M-795, to allow for the development of three multi-unit buildings to create 33 townhouse dwelling units in the Whiterock Village subdivision.

### Rationale of Recommended Action

1. The recommended amendment is consistent with and will serve to implement the policies of the Provincial Policy Statement, 2020 which encourage infill and intensification and the provision of a range of housing types, and efficient use of existing infrastructure.
2. The proposed residential uses and scale of development are consistent with the policies of the London Plan, the 1989 Official Plan, the Southwest Area Secondary Plan and the North Longwoods Area Plan policies.
3. The subject lands are of a suitable size and shape to accommodate the development proposed.

## Linkage to the Corporate Strategic Plan

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

## Analysis

### Background Information

#### 1.1 Previous Reports Related to this Matter

**May 12, 2003** – Planning Committee – Application by City of London – North Longwoods Area Plan – relating to lands bounded by Southdale Road E, Wharncliffe Road S, White Oak Road and Bradley Avenue extension (O-6424).

**April 26, 2010** - Planning and Environment Committee –The Southwest London Area Plan (SWAP) - to provide a comprehensive land use plan, servicing requirements and a phasing strategy for future development within the Urban Growth Area south of Southdale Road (O-7609).

**June 4, 2019** - Planning and Environment Committee – Whiterock Village Inc. regarding the property located at 3087 White Oak Road – Application for Approval of Draft Plan of Subdivision, Zoning By-law Amendments (39T-18505/Z-8980).

#### 1.2 Planning History

In June of 2003, the North Longwoods Area Plan (NLAP) was prepared for 106 hectares (262 acres) of land bounded by Wharncliffe Road South, Southdale Road East, White Oaks Road, and the future Bradley Avenue extension. The NLAP was created to respond to development demands in the area and re-designated the lands from “Urban Reserve – Community Growth”. At the time, the subject site was designated as “Restricted Service Commercial”.

The Southwest London Area Plan (SWAP) was initiated in 2009 and presented to Planning Committee on April 26, 2010. The Area Plan was intended to provide a comprehensive land use plan, servicing requirements and a phasing strategy for future development within the Urban Growth Area south of Southdale Road, east of Dingman Creek and north of the Highway 401/402 corridor. On November 20, 2012, Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541 (relating to the Secondary Plan). The plan (with amendments) was approved by the Ontario Municipal Board on April 29, 2014. The subject site appears to have been redesignated through the SWAP. The lands are currently designated Low Density Residential.

A draft plan of subdivision (file 39T-18505/1/Z-8980) was submitted for the lands located at 3087 White Oak Road (to the north of the subject site) on December 10, 2018. Municipal Council approved the plan and the associated zoning by-law amendment, and the Approval Authority granted draft approval on July 22, 2019. The approved draft plan consists of 72 single detached lots, 2 medium density blocks, 2 future development blocks, 3 road widening blocks, and 2 x 0.3m reserves, all serviced by the extension of four existing public streets (Petty Road, Bateman Trail, Lemieux Walk, and Biddulph Street).

The subject site encompasses 3047 White Oak Road and Block 74 in registered plan 33M-795.

#### 1.3 Property Description

The property at 3047 White Oak Road is situated on the west side of White Oak Road south of Southdale Road. This vacant rectangular property has approximately 35 meters of street frontage onto White Oak Road and a lot depth of approximately 58 meters. The White Oak Road frontage of the property is divided into two by a London Hydro substation and associated hydro poles.

The subject site also includes a portion of the draft approved plan of subdivision 39T-18505 (Block 74), which is currently vacant. The total area of the two properties is

approximately 6,932.5 m<sup>2</sup> (74,620.81 ft<sup>2</sup>). Access to these lands is also available from Petty Road.

**1.3 Current Planning Information (see more detail in Appendix D)**

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R1 (R1-10) Zone

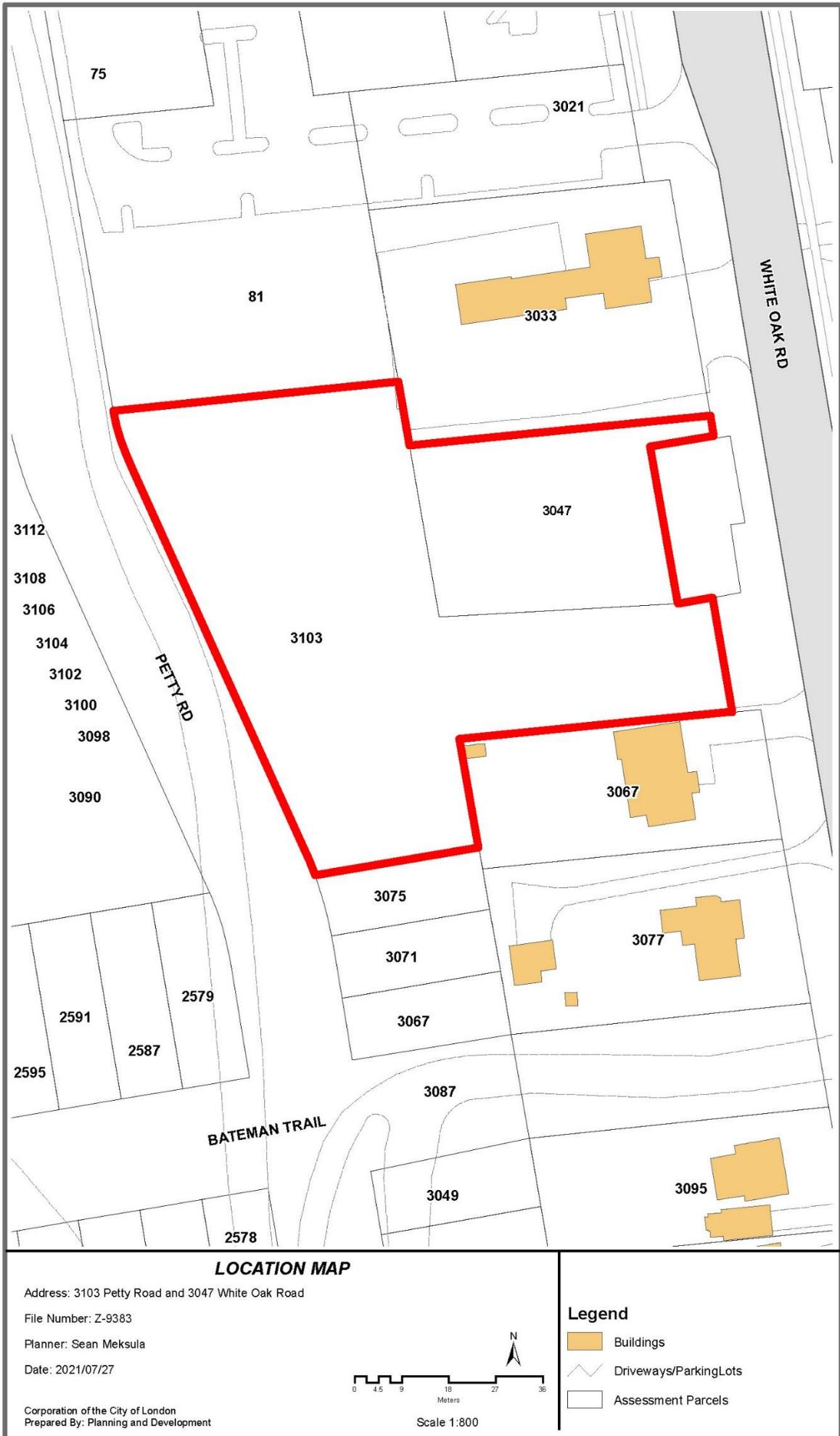
**1.4 Site Characteristics**

- Current Land Use – single detached dwelling
- Frontage – approx. 35 m (114.8 ft) along White Oak Road
- Depth – approx. 58 m (190.28 ft)
- Area – 1,622.4 m<sup>2</sup> (17,355.73 ft<sup>2</sup>)
- Shape – rectangular

**1.5 Surrounding Land Uses**

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

## 1.6 LOCATION MAP







The Applicant has requested a zoning amendment for the consolidated subject site to permit single detached dwelling, semi-detached dwelling, duplex dwelling, Triplex dwelling, townhouse dwelling, stacked townhouse dwelling, apartment buildings, and fourplex dwellings. The requested zones are consistent with the zone applied to Block 74 in the Whiterock Village to permit the proposed townhouse development. These zones include special provisions to ensure the front lot line shall be interpreted as Petty Road with a minimum front yard depth 3m (9.8ft) and a maximum density of 75 units per hectare.

The Bonus Zone B60, is intended to facilitate a high-quality development which substantively implements through the required development agreement(s), the Site Plan, Elevations and Concept Landscape Plan. Enhanced landscaping along White Oak Road with wrought iron (or similar) fencing and provision of a pedestrian pathway from Petty Road to White Oak Road.

### **3.0 Financial Impact/Consideration**

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

### **4.0 Key Issues and Considerations**

The proposed Zoning By-law Amendment was evaluated to determine whether it was compatible with the surrounding neighbourhood.

#### **4.1 Requested Amendment**

The Applicant has requested a zoning by-law amendment to zone the lands to a Holding Residential R1/Residential R6 Special Provision Residential R8 Bonus (h\*h-100\*h-161\*h-227\*R1-10/R6-5(59)/R8-4(46)\*B60) Zone to the subject site. The Zone is consistent with that applied to Block 74 for the proposed townhouse dwellings within the Whiterock Village subdivision. The zone will permit the development of townhouse dwellings, with a special provision to ensure the frontage of the site is defined as Petty Road and will have a minimum front yard depth 3 meters (9.8ft) and a maximum density of 75 units per hectare.

#### **4.2 Community Engagement (see more detail in Appendix B)**

The requested amendment was circulated to the public on August 4, 2021 and advertised in the Londoner on August 5, 2021. At the time of preparation of this report, one (1) response was received from the public in response to the Notice of Application and The Londoner Notice. Comments/concerns received from the community are generally summarized as follows:

- It was agreed not to rezone around our existing property and only single-family homes comparable to our home and other homes on White Oak Road would be built.
- We were concerned at that time and apparently still need to be concerned about our property values when we receive mail such as this from you.
- I will not agree with this amendment and there is no reason at all to grant this amendment.
- Why not place these townhomes in an area where there are more amenities such as grocery and/or convenience stores?
- This is not keeping with your promise.
- The residents of White Oak Road agree that the same type of single-family homes need surround our existing homes.

There were no significant comments in response to the Departmental/Agency circulation of the Notice of Application.

### 4.3 Policy Context (see more detail in Appendix C)

#### Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. The proposed development meets objectives of creating healthy, liveable, safe, and sustainable communities by promoting efficient and resilient development patterns and accommodating an appropriate range and mix of low and medium density residential uses to meet long-term needs. These lands are adjacent to existing built-up areas to the north and west and located within the City's Urban Growth Boundary. Development will efficiently utilize full municipal services which are currently available, under construction, or will be available through future extension.

#### The London Plan

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

The London Plan also provides direction to build strong, healthy, and attractive neighbourhoods for everyone by designing complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services. (61\_2)

The subject lands are located within the \*'Neighbourhoods' Place Type in the London Plan and are located on a future Neighbourhood Street. The subject site's location on a \*Neighbourhood Street permits a range of housing types, in a form that can townhouse dwellings up to \*2.5 storeys.

#### *\*Use*

The recommended amendment to permit the development of single detached dwellings is consistent with the vision of the Neighbourhoods Place Type (\*Table 10). Townhouse dwellings are a permitted use along neighbourhood streets.

#### *\*Intensity*

\*Policy 935\_ 1. and \*Table 11 provides the range of permitted heights in the Neighbourhoods Place Type based on street classification. A maximum height of 2.5 storeys is supported. The Applicant has indicated these townhomes will generally be two storeys in height. Overall, the proposed two storey height of this development meets the intensity requirements for the subject site.

#### *\*Form*

\*Policy 936\_ discourages rear lotting and noise walls to protect amenity areas. The proposed uses will not rear lot or side lot onto White Oak Road. The design of the lots will be in keeping with similar proposed single detached dwellings. A special provision to discourage garage dominated streetscapes will be implemented.

The London Plan policies are in addition to the Southwest Area Secondary Plan ("SWAP") policies that also provide guidance on form issues, such as building form, parking locations, landscaping, etc. When considering the two policy documents, the more detailed or alternative policy direction in SWAP would supersede the policies in the London Plan.

#### 1989 Official Plan

The subject site is located within the Multi-family, Medium Density Residential (MFMDR) designation in the 1989 Official Plan. The MFMDR permits a range of low to mid-rise

residential uses. The site is also within the North Longwoods Community Specific Policy Area which addresses compatibility between sensitive and industrial uses. The subject site is outside of the 300m range affected by existing industrial uses.

The requested Zoning By-law Amendment is subject to the requirements of a Planning Impact Analysis ("PIA"). The proposed townhouse dwellings provide a housing form that is compatible with the planned surrounding residential land uses. The subject site is of a sufficient size and configuration to accommodate the proposed development when combined with Block 74. The proposed development meets or exceeds the minimum requirements in the R1-10/R6-5/R8-4 Zones. The proposed low-rise form is consistent with the height requirements of the Official Plan. The subject site is removed from any natural heritage features. The development proposal will serve to strengthen the future transit and transportation system for the area.

### Southwest Area Secondary Plan

Both The London Plan and the 1989 Official Plan recognize the need and role of a Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Southwest Area Secondary Plan (SWAP) forms part of The London Plan and the 1989 Official Plan, and its policies prevail over the more general Official Plan policies if there is a conflict (1556 & 1558\*). The subject site is within the North Longwoods Residential Neighbourhood, and within the Multi-family Medium Density Residential (MFMDR) designation. The Secondary Plan serves as a basis for the review of planning applications, which will be used in conjunction with the other policies of the Official Plan. Residential areas are to accommodate a diversity of dwelling types, building forms and heights, and densities in order to use land efficiently, provide for a variety of housing prices, and to allow for members of the community to "age-in-place".

The SWAP Medium Density Residential designation is intended to provide for a higher intensity of residential development than typically occurs in traditional medium density areas. This is achieved by requiring a minimum density of development and encouraging the integration of the permitted range of housing types within individual developments and with the adjacent developments within the Neighbourhood Area. The applicant is proposing a density of 47.5 uph.

SWAP further encourages enhanced pedestrian design and building heights to be less than six storeys. From an urban design perspective, the applicant will be required to provide enhanced side elevations for units 1, 9, 10, 25 and additional projections, wraparound elements, etc. The inclusion of safe sidewalk connections for all units, including walkway access to White Oak Road, will be provided during the Site Plan process. The applicant is proposing townhouse units less than 3 storeys in height.

### Zoning By-law No.Z.-1

The subject site is currently zoned Residential R1 (R1-10), which permits single detached dwellings on lots with a minimum frontage of 22 metres and a minimum lot area of 925 square metres.

Block 74 of the White Rock Subdivision is currently zoned with Residential R6 Special Provision/ R8 Special Provision R6-5(59)/R8-4(46) Zone. The Residential Special Provision R6/R8 R6-5(59)/R8-4(46) Zone provides for and regulates medium density residential development on the lands. The Applicant has requested a zoning amendment for the consolidated subject site to permit single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, townhouse dwelling, stacked townhouse dwelling, apartment buildings, and fourplex dwellings. The requested zone is consistent with the zone applied to Block 74 in the Whiterock Village to permit townhouse dwellings. The zone includes special provisions to ensure the front lot line shall be interpreted as Petty Road with a minimum front yard depth of 3m (9.8ft) and a maximum density of 75 units per hectare.

The Bonus Zone B60, is intended to facilitate a high-quality development which is

substantively implemented through the required development agreement(s), the Site Plan, Elevations and Concept Landscape Plan. These will include enhanced landscaping along White Oak Road accompanied with a wrought iron or similar fencing, provision for a pedestrian pathway from Petty Road to White Oak Road, the lot frontage to be interpreted as Petty Road, a minimum front yard depth 3 meters (9.8ft), a maximum density of 75 units per hectare and a maximum height of four storeys 16 meters (52.5 ft) for apartment buildings.

The Applicant requested the Residential R1-10 Zone be retained on 3047 White Oak Road to ensure a single detached dwelling could be constructed on the lands if the townhouse development does not proceed. Staff feel the retention of the R1-10 zone for the existing lands is appropriate and would not require a zoning by-law amendment in the future if circumstance were to change. The existing holding provisions and bonus zone that were added to the Zone through the subdivision application process will be retained for the subject site.

#### **4.4 Planning Impact Analysis**

As per Section 3.7 in the Official Plan, where a zone change application is being considered, a variety of criteria may be considered when evaluating the proposal with respect to the appropriateness of a change in land use, and in minimizing potential adverse impacts on abutting uses. The proposed Zoning By-law Amendment is consistent with Section 3.7 as:

- the proposed use of the lands, being townhouse dwellings, was contemplated through the subdivision process, and is compatible with surrounding uses.
- the lots created through the Plan of Subdivision are of sufficient size and shape to accommodate the proposed use.
- the intensity of the use is not being increased as part of this application. The form as proposed will not create impacts on surrounding land uses.
- the proposed multi-family medium density residential development is located in close proximity to a future park and public open space opportunities, as well as the Primary Transit Area, and two transit stops.
- no potential impact is anticipated on surrounding natural features and heritage resources.

## **Conclusion**

The recommended zoning by-law amendment is consistent with the Provincial Policy Statement, 2020, the Official Plan, and is in keeping with the London Plan. The proposed addition of the Residential R6 Special Provision/ Residential R8 (R6-5/R8-4) Zones will implement an appropriate housing form that is consistent with the 1989 Official Plan, The London Plan and SWAP policies. The subject lands are of a suitable size and shape to accommodate the development proposed through a future assembly of these lands.

**Prepared by:** Sean Meksula, MCIP, RPP  
Senior Planner, Subdivision Planning

**Reviewed by:** Bruce Page, MCIP, RPP  
Manager, Subdivision Planning

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

cc

cc: Michael Pease, Manager, Site Plan

SM/sm

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## Appendix A

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

By-law No. Z.-1-21\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3047 White Oak Road.

WHEREAS 2831570 Ontario Inc. has applied to rezone an area of land located at 3047 White Oak 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 3047 White Oak Road, as shown on the attached map comprising part of Key Map No. A-111, from a Residential R1 (R1-10) Zone, to a Holding Residential R1/Residential R6 Special Provision/ Residential R8 Bonus (h\*h-100\*h-161\*h-227\*R1-10/R6-5(59)/R8-4(46)\*B60) Zone.
- 2) 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.
- 3) 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. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on December 7, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

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



<p>File Number: Z-9383                  Planner: SM                  Date Prepared: 2021/07/22                  Technician: RC                  By-Law No: Z.-1-</p>	<p><b>SUBJECT SITE</b> </p> <p>1:1,000</p> <p>0 5 10 20 30 40 Meters</p> 
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Geodatabase

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On August 4, 2021, Notice of Application was sent to (80) property owners in the surrounding area. On August 5, 2021, Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner*. A “Planning Application” sign was also posted on the site.

One (1) response was received.

### Nature of Liaison:

Consideration of a possible amendment to the Zoning By-law to change the zoning from a Residential R1 (R1-110) Zone to a Holding Residential R1, Residential R6 Special Provision, Residential R8 Bonus (h\*h-100\*h-161\*h-227\* R1-10/R6-5(59)/R8-4(46)\*B60) Zone would permit a front yard depth of 3m (9.8ft) (Minimum) from Petty Road.

### Responses to Notice of Application and Publication in “The Londoner”

Telephone or In Person	Written
	Frank & Julie Minifie 3077 White Oak Road London, ON N6E 1L7

Attn: Sean Meksula

Re Notice of Planning Application  
Zone By-Law Amendment  
3103 Petty Road and 3407 White Oak Road  
File: Z-9383  
Applicant: 2831570 Ontario Inc.

We remember when we originally had a city hall meeting before construction started behind our property when it was agreed not to rezone around our existing property and only single family homes comparable to our home and other homes on White Oak Road would be built. We were concerned at that time and apparently still need to be concerned about our property values when we receive mail such as this from you. We have owned our home for over 20 years and are not willing to compromise the worth of our home.

So now an amendment is being requested to change the zoning to allow three buildings containing 33 cluster townhouse units beside us. I will not agree with this amendment and there is no reason at all to grant this amendment. I will seek legal counsel if necessary.

Why not place these townhomes in an area where there are more amenities such as grocery and/or convenience stores.

This is not keeping with your promise. The residents of White Oak Road agree that the same type of single family homes need surround our existing homes. I'm not willing to jeopardize the value of my home. Put yourself in our position. That is completely not fair.

Please reach out with any further questions.

Frank & Julie Minifie  
3077 White Oak Road  
London, ON N6E 1L7

## **Agency/Departmental Comments**

### ***Development Services – Engineering***

The applicant will need to ensure proper separation from our storm sewers/easement in a future site plan application.

### ***Urban Design***

- Provide enhanced side elevations for unit 1, 9, 10, 25 and ensure that zoning permits additional projections, wraparound elements, etc.
- Include safe sidewalk connections for all units, including walkway access to White Oak Rd.
- More detailed comments will be provided at Site Plan.

### ***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, maintaining safe clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.

## Appendix C – Policy Context

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

### Provincial Policy Statement, 2020

1.1.1 c – avoid land use conflicts

1.1.3.1 – settlement areas

1.1.3.2 – efficient use of land

### 1989 Official Plan

Chapter 3: Multi-Family Medium Density Residential

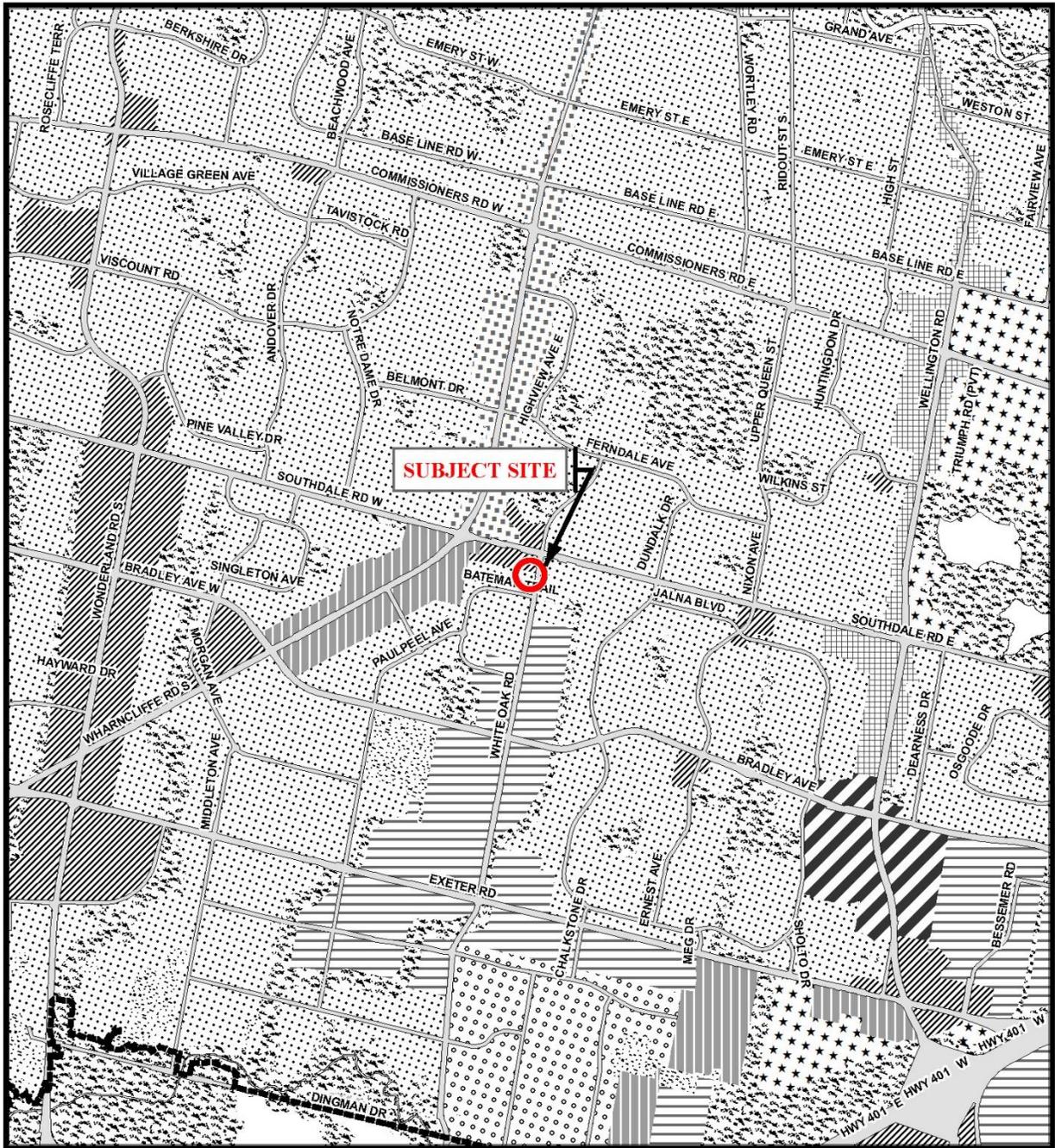
### The London Plan

916 – Neighbourhood Place Type

921 – Permitted Uses

# Appendix D – Relevant Background

## The London Plan



**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.*

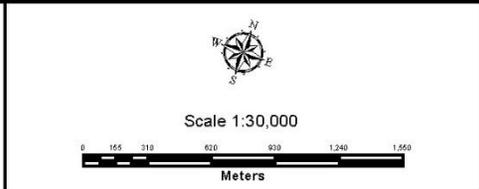
<p><b>CITY OF LONDON</b>          Planning Services /          Development Services</p> <p><b>LONDON PLAN MAP 1</b>  <b>- PLACE TYPES -</b></p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 600 900 1,200 1,500</p> <p>Meters</p>	<p><b>File Number:</b> Z-9383</p> <p><b>Planner:</b> SM</p> <p><b>Technician:</b> RC</p> <p><b>Date:</b> July 22, 2021</p>
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Project Location: E:\Planning\Projects\p\_officialplan\workconsol00\excerpts\_LondonPlan\mxd\Z-9383-Map1-PlaceTypes.mxd



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

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



**FILE NUMBER:** Z-9383  
**PLANNER:** SM  
**TECHNICIAN:** RC  
**DATE:** 2021/07/22

Existing Zoning



Zoning as of June 30, 2021



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSA2(2)**

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
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**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-9383 SM

MAP PREPARED:  
2021/07/22 RC

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Meters

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee

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

**Subject:** OZ-9332/City of London – Encouraging the Growing of  
Food in the Urban Areas  
London Plan and Zoning By-law Amendment

**Date:** November 22, 2021  
Public Participation Meeting

## Recommendation

That, on the recommendation of the Director, Planning & Development, the following actions be taken with respect to the Official Plan and Zoning By-law relating to policies and regulations for the growing of food in urban areas **BE TAKEN:**

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend The London Plan by **ADDING** a new subsection in the Food Systems Chapter to allow for the growing of food in urban areas on lands, in greenhouses and shipping containers; and **ADDING** a new policy in the Our Tools part of the Plan to allow for a scoped site plan approval process for greenhouses; and
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend Zoning By-law No. Z.-1, in conformity with the London Plan by **REVISING** Section 4.26 (Uses Permitted in All Zones) to include Urban Agriculture and **ADDING** a new Section 4.38 (Urban Agriculture) to provide regulations for greenhouses and shipping containers used for growing of food.

## Executive Summary

This report includes recommended amendments to the London Plan and Zoning By-law will help to achieve the objectives outlined in the Urban Agriculture Strategy, approved by Council in 2017. Specifically, the recommended amendments align with the guiding principle to create an enabling policy environment and remove policy or regulatory barriers to urban agriculture. Key issues are addressed in this this review that include identifying where urban agriculture is a permitted use, providing for the use of greenhouses in association with urban agriculture, and providing for the use of shipping containers converted for the growing of food in association with urban agriculture.

### Purpose and Effect of Recommended Action

The recommended London Plan and Zoning By-law amendments would allow more flexibility for the growing of food on lands located within the Urban Growth Boundary in the City of London, consistent with actions identified in the Urban Agriculture Strategy.

### Rationale of Recommended Action

1. The recommended amendments to the London Plan and Zoning By-law Z.-1 are consistent with the Provincial Policy Statement (2020).
2. The recommended amendments are consistent with three of Councils goals in the 2019-2023 Strategic Plan.
3. The recommended amendments to the London Plan and Zoning By-law provides

more opportunities to allow for the growing of food within the City's Urban Growth boundary (UGB).

## **Linkage to the Corporate Strategic Plan**

The proposed amendments implement three strategic areas of focus;

1. Strengthening Our Community;
2. Building a Sustainable City; and,
3. Growing Our Economy.

## **Analysis**

### **1.0 Background Information**

#### **1.1 The Importance of Urban Agriculture**

The Growing of food in urban areas, or urban agriculture, is a strategic objective identified in the London Plan and in Council's Strategic Plan because of the many benefits that it offers. The City of London Urban Agriculture Strategy describes Urban Agriculture as having value in terms of its impacts on "physical and mental health, quality of life, environmental resilience, and community building" (p. 4).

In addition, the growing of food within the urban areas of London is important because it

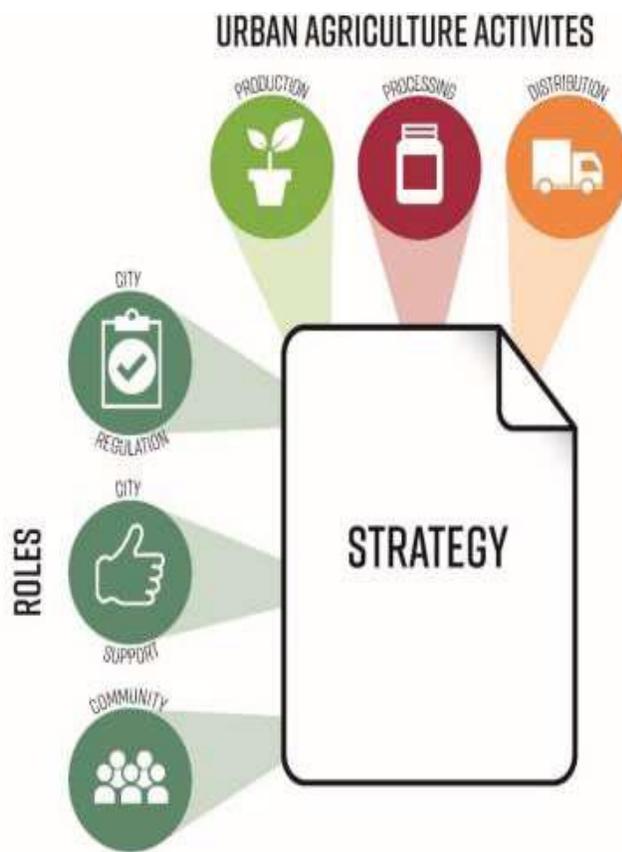
- supports Covid recovery by providing more people experiencing economic hardship with food and addressing food chain supply interruptions;
- provides the opportunity to grow in industrial, commercial, and institutional areas, inside and outside buildings, and make better use of existing land;
- provides the opportunity to grow in existing residential neighbourhoods close to the people who need it;
- provides the opportunity to grow on vacant public and private lands temporarily which makes better use of existing lands; and,
- provides the opportunity to grow in vacant buildings, rooftops, greenhouses, converted shipping containers and floodplain lands to increase the amount of food grown.

#### **1.2 The Urban Agriculture Strategy**

The Urban Agriculture Strategy was adopted by Council in November 2017 and identifies five broad categories for actions that support urban agriculture: growing, processing, distribution, food loss and recovery, and education and connection. Under each category, community-identified priorities were described, and a series of actions were identified to achieve these priorities. For each action, roles were identified for each of the partners (Urban Agriculture community, Agencies, and City). This Strategy was intended to be driven by the urban agriculture community with City and agency support.

The Goals of the Strategy are to:

1. Develop a strategy to direct urban agriculture efforts in the City of London;
2. Address all aspects of urban agriculture within the city and present policy and regulation amendments where necessary;
3. Determine the roles and responsibilities of the City and community in the
4. implementation of the strategy;
5. Address gaps that may exist in providing for urban agriculture; and,
6. Outline criteria for pilot site selection and/or urban agriculture projects.



This review will address the second and fourth goals of the strategy, focusing on City policies and regulations that support urban agriculture.

After the Strategy was approved by Council and an Urban Agriculture Steering Committee was established to direct the implementation of the Strategy, various projects were begun to implement directions of the Strategy. In 2019/2020 the City processed three zoning by-law amendments that focused on the distribution component of the Strategy: Farm Gate Sales (PEC - November 18, 2019), an urban farm at 21 Norlan Avenue (PEC- December 2, 2019) and Household Sales (PEC- July 15, 2020). These amendments all provided improved access to fresh produce for City residents.

This review will focus on how City policies and regulations support or create barriers to urban agriculture, in accordance with the Guiding Principle to create “an enabling policy environment for urban agriculture by encouraging the development of supportive municipal policies, regulations, and bylaws, and removing policy barriers” (p. 8).

### 1.3 Process for this Review

In 2020 the London Food Bank proposed to construct a greenhouse as part of their facility in south London to grow fresh food for their clients. In pursuing this initiative, they experienced some difficulties with zoning by-laws and building permits for that structure because “growing food” and greenhouses were not identified as permitted uses in the Zoning By-law. The Food Bank sent a letter to Council requesting assistance and on August 10, 2020, and representatives of the London Food Bank appeared before the Planning and Environment Committee. The initial request from the Food Bank was to waive application fees to amend the Zoning By-law to allow for a greenhouse to be built on the Food Bank property; however, it was determined that broader policy and regulation changes were required. So instead, it was recommended that the City initiate a review of the policies and regulations causing the issue.

On August 25, 2020 Municipal Council resolved that:

*The Civic Administration BE DIRECTED to initiate the requested City-wide application on behalf of the London Food Bank, with respect to the removal of barriers to growing food; it being noted that the Planning and Environment Committee reviewed and received a communication dated July 30, 2020, with respect to this matter. (2020-D09) (4.2/12/PEC)*

In addition, two urban agriculture projects had been included on the 2021 Planning Policy Work Program that could also be addressed through this broader review. These other projects were 1) considering amendments to allow more outdoor growing of food, including inside greenhouses, and 2) considering amendments to allow the growing of food in industrial areas both inside and outside of buildings. Because they also involved growing, these projects have been combined with the review of greenhouses launched in response to the Food Bank's application.

The Food Bank was issued a temporary building permit for their green house, which expires at the end of December 2021, in order to allow this study to be completed. A full building permit will be required at a later date for the greenhouse.

This project was initiated in early March 2021, to consider policy and regulatory changes under the "growing" component of the Urban Agriculture Strategy. In the initial stages of the project all City policies, regulations and processes were reviewed to determine which had an impact on the "growing of food". The London Plan, 1989 Official Plan, Zoning By-law Z-1, Site Plan approval process, Building Permit processes, Streets By-law, Parks and Recreation By-law and Special Events Manual were all reviewed and possible changes discussed.

The Public Notice on the review was provided on March 31, 2021 to all internal City Departments, agencies and urban agricultural groups requesting initial comments. Londoner Notice was provided April 1, 2021. Information on the project was also provided on the City's website.

During March and April meetings with the Urban Agriculture Steering Committee (UASC), Friends of Urban Agriculture (FUAL), Agriculture Advisory Committee (AAC), Advisory Committee on the Environment (ACE) and Middlesex London Food Policy Council (MLFPC) took place. An overview of the project, discussion with the members of the committees, and a request for initial comments on issues they had faced in the past doing urban agriculture projects were included.

A series of meetings were also held with staff from Zoning, Site Plan, Building, Parks and Recreation, Neighbourhood, Fire and Children's Services, and Engineering to describe the project and get initial feedback on the proposed amendments and other ideas to reduce barriers to urban agriculture.

John Fleming, working on behalf of the Food Bank and in collaboration with City Planning staff, prepared a Background Study based on the comments from those meetings and his review of the City's various policies, regulations and processes. On June 21, 2021 a Planning staff Information Report, with Mr. Fleming's Background Study attached, was presented to Planning and Environment Committee (PEC) for direction to circulate. On July 6, 2021 Council resolved;

*That, on the recommendation of the Director, Planning and Development, with respect to the Encouraging the Growing of Food in Urban Areas, the background report, including draft proposed London Plan and Zoning By-law amendments to implement directions contained in the Council-approved Urban Agriculture Strategy appended to the staff report dated June 21, 2021, BE CIRCULATED for public review and comment in advance of a public participation meeting to be scheduled at a later date. (2021-D09) (2.5/10/PEC)*

The Information Report, Background Study and Proposed Amendments were sent to those we had previously met with as well as posted on the City website.

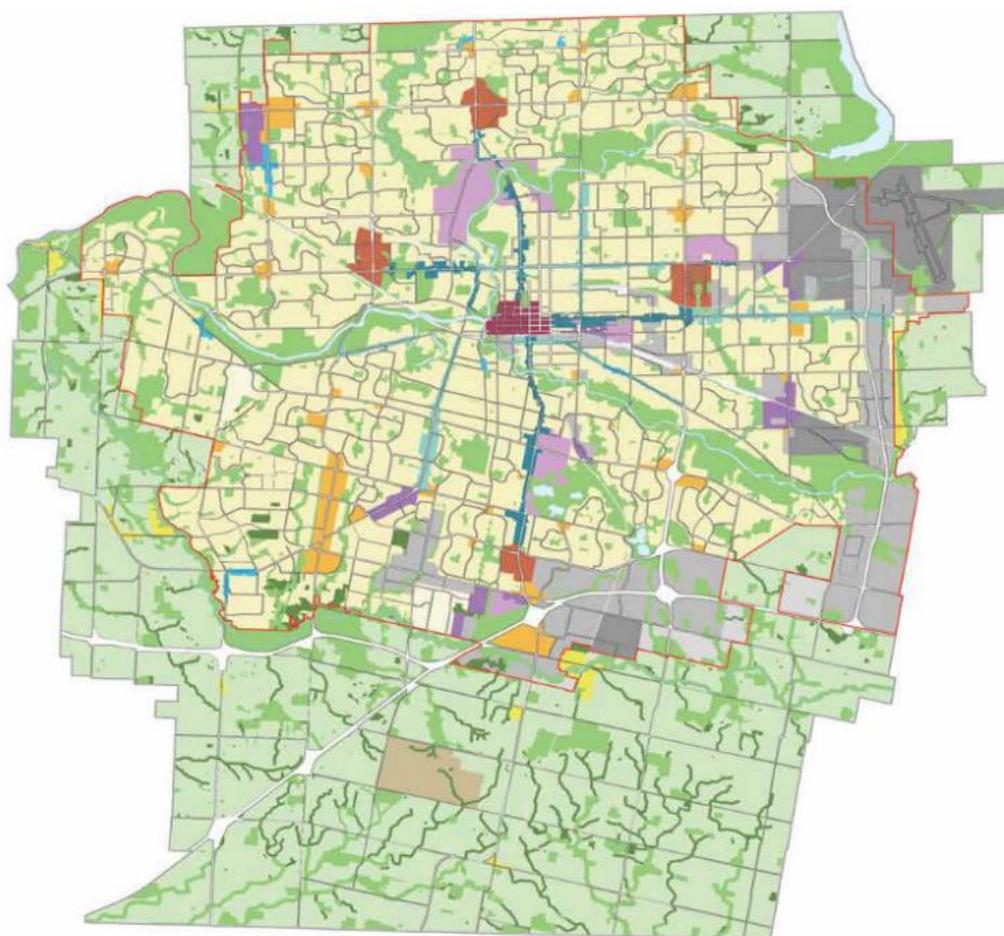
It was decided at that time by City Planning Staff to narrow the focus of the review in the second phase of the project to include only needed changes to the London Plan, Zoning By-law Z-1 and the Site Plan Control By-law, all under the work program of Planning and Development. Other urban agriculture projects, which needed further discussion with other City Divisions who manage these processes in their work programs, to

encourage the growing of food, would occur through a separate process and reports at a later date.

In July and August 2021 additional meetings were held with Zoning, Site Plan, Building, Engineering and Parks and Recreation/Neighbourhood, Fire and Children Services to discuss the draft amendments included in the Information Report submitted to Planning and Environment Committee and hear other related comments which may require amendments. A public forum was also held on August 4, 2012 by Middlesex-London Food Policy Council to discuss the proposed amendments and hear additional comments.

#### **1.4 The Focus of this Study**

This study has focused on existing City policies and regulations that support or create barriers to urban agriculture, which includes the growing of food on lands within the urban growth boundary as opposed to rural agriculture which occurs on lands outside the urban growth boundary.



**Note** – Urban Growth Boundary is red line

Both urban and rural agriculture involve the growing of food, but the scale of the activity is typically different and the use of mechanical equipment for rural agriculture is needed because of the scale of operation. Urban agriculture tends to be more labour-intensive on smaller parcels of land.

The study is also only focused on the “Growing” component of the Urban Agriculture Strategy, specifically focusing on urban farms and urban foodscaping, not livestock such as backyard chickens. The intent of the resultant amendments is to encourage growing on vacant lands, underutilized lands, vacant buildings, rooftops, greenhouses and converted shipping containers. Growing of food in parks and City rights of way is not part of this study, but may be reviewed the future.

The scope of this review is limited planning policies and zoning by-law regulations which impact the growing of food. Other non-planning policies, regulations and processes can also impact urban agriculture but these will not be part of this study. They will be briefly

discussed because a number of them are interconnected with planning policies but further discussions are required with others before changes are made.

Although the intent of this study is to make changes to encourage the growing of food there are other considerations we must address in recommending any amendments. These include potential land use impacts, health and safety concerns, the undermining of other planned uses, and impacts on natural heritage and hazards. All have been considered through the study.

The results of this review are recommended changes to the London Plan and Zoning By-law Z-1 to allow urban agriculture activities inside and outside of buildings, without the need for planning amendments. Where impacts may occur policies and regulations are put in place to avoid or mitigate those possible impacts.

### **1.5 Possible Impacts of Urban Agriculture to Address**

Possible impacts on adjacent properties can result from urban agriculture uses may include:

- Lighting impacts;
- Stockpiling of organic and non-organic fertilizers and organic waste and the odours they create;
- Attracting pests;
- Visual impacts of greenhouses in commercial and residential areas;
- Visual impact of shipping containers;
- Increased activity on a site from planting and harvesting;
- Additional traffic from automobiles (customers) and trucks (delivery and pick-up);
- Mould and building deterioration for growing in buildings;
- Rooftop gardens – overlook and privacy;
- Potential for undermining other intended longer term land uses such as industrial, commercial and residential through long term use for urban agriculture; and,
- Impacts on natural heritage and natural hazards due to the possible removal of natural features through planting on flood plains and near important natural features.

All of these possible impacts were considered through the review.

### **1.6 Other Urban Agriculture Raised Through Public Consultation**

There were a number of other ideas raised through the public consultation process and in meetings with urban agriculture groups before this review started which went beyond the scope of this project. Possible other urban agricultural initiatives were raised in the Background Study are also included. These include:

1. Growing in City Boulevards;
2. Growing and Selling in City Parks;
3. Increasing the Number of Community Gardens;
4. Increasing the Number of Food Forests and Orchards;
5. Creation of Pollinators Plans;
6. Creation of Food Hubs;
7. Developing a Green Roof By-law;
8. Reduction in Application Fees/Development Charges for Urban Agriculture Projects; and,
9. City Financial Support for Soil Tests.

All of these ideas advance the implementation of the Urban Agriculture Strategy; however, they involve multiple municipal departments and are beyond the scope of this review. Future actions to implement the Urban Agriculture Strategy may include addressing these issues.

## 2.0 Current Policy and Regulatory Context

Policies that have been included in this review include those that provide overall policy direction for urban agriculture from the provincial or municipal levels of government, as well as by-laws that direct the implementation of these policies. In this review the following policy documents or by-laws have been reviewed, greater detail on these documents is provided in Appendix D:

- Provincial Policy Statement (PPS)
- The London Plan
- Zoning By-law No. Z.-1
- The Site Plan Control By-law
- Ontario Building Code

### 2.1.1 Provincial Policy Statement (2020)

The 2020 PPS includes policies related to sustainability and resiliency and the improvement of public health (Part IV). The policies speak specifically to “*use of land and resources wisely*” (Policy 1.3), “*providing opportunities to support local food*” (Policy 1.7), increasing the use of vegetation to mitigate climate impacts (Policy 1.8) and adding to the existing agri-food network (2.3).

Amendments to the London Plan and Zoning By-law Z-1 that create more opportunities to grow food is consistent with the 2020 Provincial Policy Statement

### 2.1.2 The London Plan

The London Plan includes a number of policies which provide general support for urban agriculture. However, the Plan does not provide any clear or explicit direction with regards to where urban agriculture should be permitted or how it fits within the urban place types.

Policies that support urban agriculture include an entire section containing Food System policies (648-686). There are existing policies supporting community food systems (408, 918\_9), growing food in City parks (250, 410\_14), providing access to local and healthy food (701) and permitting urban gardens in the City (762\_5). There are also policies which permit the conversion of existing buildings to agriculture (59, 154, 543, 705, 733) and those that address urban agriculture providing employment and learning opportunities (525\_2).

Given this level of general support, the recommended amendments will clarify how this broad goal should be achieved. Below are some specific issues with regards to the implementation of urban agriculture that have been identified in the London Plan policies:

- The Food Systems chapter relatively general and don't provide guidance on where, and under what conditions, food growing is permitted within the City.
- There is no explicit recognition that gardens, greenhouses, indoor areas and converted shipping containers may be acceptable forms of growing food in a variety of Urban Place Types.
- Individual Place Types don't explicitly indicate that growing food is a permitted use, leaving questions whether growing of food is in keeping with the existing policies. Furthermore, because the Green Space Place Type identifies agriculture in it's permitted uses it may be understood that agriculture needs to be explicitly identified in order to be permitted. In the Neighbourhood Place Type includes a reference to urban agriculture in the vision section of the chapter, but it is not identified in permitted uses.
- The London Plan does not identify when site plan approval is required for greenhouses and shipping containers being used for growing food. The default is therefore that site plan approval will be required in all instances.

### 2.1.3 Zoning By-law Z-1

Zoning By-law Z-1 includes regulations that accommodate rural agriculture, but are largely silent regarding urban agriculture. “Urban Agriculture” was added to the definitions section of the by-law recently, but it has not been applied in any of the general zones. Since there are currently no general provisions for urban agriculture, this has been interpreted to mean that the use is only permitted where explicitly identified in the zone.

The Zoning By-law does include regulations for shipping containers but those regulations do not take into account the possibility of a shipping container being used for growing food as part of an urban agriculture use.

Current Zoning regulations for Greenhouses likewise do not consider their use in association with urban agriculture. The existing definition identifies greenhouse as accessory when they are under 10m<sup>2</sup>, thereby eliminating them from use within most urban environments given that that size does not offer enough opportunity for an urban agriculture use to be feasible, while at the same time many urban agriculture operations are not the primary or only use of the site and so should be permitted as accessory uses.

Other findings related to the regulation of urban agriculture uses and activities are described below:

- Agriculture is permitted in some zones applied in the urban area. The “cultivation of land for agricultural/horticultural purposes” is a permitted use in the Open Space (variations OS1, OS2 and OS4) Zone, “agricultural uses” in the Environmental Review (ER) Zone and “agricultural uses except for mushroom farms, commercial greenhouses, livestock facilities and manure storage facilities” in the Urban Reserve (all variations) Zone in the urban area.
- The language of the Zoning By-law is prohibitive when it comes to permitted uses and structures within all zones: “*No person shall erect or use any building or structure, or use any land or cause or permit any building or structure to be erected or used, or cause or permit any land to be used, in any \*\*\* Zone variation for any use other than the following use*” (Section 1.2).
- The Zoning By-law is not explicit on whether growing food is permitted in existing structures, such as vacant warehouses.
- The Zoning By-law is entirely silent on green roofs.
- The Zoning By-law contains a definition of “shipping container”. Existing shipping container regulations are silent on whether a converted shipping container used for growing food is covered by this definition.
- The Zoning By-law includes an “Urban Agriculture Use” that consists of a relatively broad range of activities that would likely make it inappropriate to be permitted in all zones.
- The Urban Agriculture use established in the Definitions Section of the Zoning By-law is only applied to one site in the entire City (the Western Fair site at s/w corner of Dundas and Egerton Streets).
- The Zoning By-law includes an “Agricultural Use, Non-Intensive Use” that includes the growing of food and greenhouses, but this use is not included in zones that are applied to urban areas.
- The definition of “greenhouse” includes a regulation which precludes greenhouses from being considered accessory structures if they are larger than 10 sq.m. (108 sq.ft). This is an exceptionally small floor area for a greenhouse.
- The Zoning By-law includes a definition of “Greenhouse Commercial”, but this definition requires that the plants are sold on the lot. Therefore, even if this use is permitted on a site within the urban area, it would not allow for a greenhouse that is used for growing food.
- The Zoning By-law includes a definition of “Greenhouse Farm” which describes a greenhouse which is used for growing food. Since this use is specifically

defined, it can only be permitted where it is identified as a permitted use. This use has been exclusively applied to rural areas.

- If permitted, greenhouses and shipping containers used to grow food would be significantly constrained by lot coverage regulations for accessory structures.
- If permitted, greenhouses would be significantly constrained by overall lot coverage regulations.
- It is not clear whether converted shipping containers would be considered open storage and thus not permitted in many urban zones.
- Section 4.1(2) of the General Provisions Chapter of the Z.-1 Zoning By-law limits the total lot coverage of all accessory structures to 10% of the lot area, while agricultural zones allow for 25% lot coverage for accessory structures such as greenhouses, stables and drivesheds. If greenhouses in residential areas are considered accessory structures, size would be limited if they had a garage and/or shed.

#### **2.1.4 Site Plan Control Process**

One of the issues addressed in the June 2021 background report was the need to clarify when site plan control is required for urban agriculture uses. The City of London Site Plan Control By-law applies to any form of development, unless specifically exempt, as is the case with single-detached or semi-detached dwellings. Garages and accessory buildings associated with these uses are not subject to site plan control. However, if larger accessory buildings are contemplated, like larger greenhouses or shipping containers, some changes to the Site Plan Control By-law may be required.

The Official Plan includes policies that direct the application of the site plan control process, and it includes a scoped site plan control process that is currently permitted for residential intensification proposals that include less than three units. The recommended amendments would allow for site plan control to be waived for greenhouse development where there will be no impacts on adjacent properties or enables the scoped process to be applied.

Requiring site plan for relatively small greenhouses that do not use concrete foundations can be costly, time exhaustive, and may deter greenhouse construction. There are currently no exemptions for greenhouses of certain sizes and types, so this change would allow for the site plan control process to be waived or reduced where it is not necessary to ensure impacts on adjacent sites are mitigated.

#### **2.1.5 Building Codes**

The Ontario Building Code provides technical standards that all buildings are required to meet to ensure public health and safety. In Ontario most development is subject to the Ontario Building Code, but in some cases farm buildings are instead subject to the National Farm Building Code of Canada. The requirement for a building to be considered under the Farm Building Code is that it apply to farm buildings, which is defined as “a building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feeds” (Section 1.2.1.2).

These amendments will allow for lands to be used as agriculture within the urban area, and therefore buildings related to an urban agriculture operation could be considered as farm buildings, subject to a case-by-case review of the proposed use and building.

### **3.0 Three Issues to be Addressed**

Through the background study presented to PEC on June 21, 2021, and in subsequent discussions with various stakeholders, three main issues have arisen. The recommended amendments to the Official Plan and Zoning By-law include changes that address each of these issues. This section provides background information and context on each of these issues.

The key issues that have been identified include:

1. The policies and regulations are not clear about whether growing of food is permitted within the urban growth boundary, or where it is permitted.
2. The policies and regulations do not allow for the use of greenhouses in urban agriculture uses
3. The policies and regulations do not permit shipping containers to be used for the growing of food in an urban agriculture use.

### **3.1 Regulations to Permit Growing of Food Within the Urban Growth Boundary**

The first and most prominent issue is that the London Plan and Zoning By-law are not explicit regarding where urban agriculture, or the growing of food within the urban growth boundary may be permitted. Currently the zoning by-law defines Agriculture Uses and permits them only in rural settings where rural agriculture is the predominant land use. This may be interpreted to mean that other agricultural uses, including urban agriculture, are not permitted since they are not listed in the applicable zone. The London Plan's policies do not provide specific direction to guide this interpretation. The objective of this amendment is to clarify in the London Plan and Zoning By-law that urban agriculture may be permitted throughout the Urban Growth Boundary.

### **3.2 Regulations for Greenhouses in Association with Urban Agriculture**

The second issue addressed in the recommended amendments relates to the use of greenhouses. Greenhouses provide opportunities for urban agriculture at a variety of scales, and permitting them would be consistent with the goals of the Urban Agriculture Strategy. The Food Bank example, which is part prompted this review to begin, is an example of an underutilized site being used for urban agriculture with the use of a greenhouse.

Current zoning does not allow for greenhouses in urban areas, or the process requirements to build one are cumbersome and could deter potential applicants from considering an urban agriculture use. One of the objectives of the Urban Agriculture Strategy, and in fact the direction from Council in this review is to explore the removal of barriers to urban agriculture. Therefore, the recommended amendments include zoning and London Plan amendments to ensure that planning applications are required only when necessary.

### **3.3 Regulations for Shipping Containers Used for the Growing of Food in Association with Urban Agriculture**

A growing trend in urban agriculture is the use of shipping containers that are converted for the growing of food. This form of agriculture presents an opportunity to utilize urban spaces for the production of food consistent with the Urban Agriculture Strategy.

The Zoning By-law currently includes some direction for the use of shipping containers as building additions or temporary structures, but does not include consideration of when these containers are used for urban agriculture. The recommended amendments would permit shipping containers to be utilized in this way, subject to site plan control and subject to a zoning by-law amendment within residential zones. These process requirements will ensure that the potential impacts of these shipping containers are mitigated and they are placed in a manner that respects the context and character of the site.

## **4.0 Public and Internal Agency Engagement – What We Heard**

The primary comment coming from the urban agriculture community was to remove as many restrictions or rules to growing as possible. They wanted the opportunity to grow anywhere, including public parks and City boulevards. However, the recommended amendments do not go that far at this time; further review, discussion and reporting is required to change other City by-laws and practices to extend growing to those locations. Additional comments include the need for more public education on urban

agriculture, City needs to deal with growing financial (eg. Soil tests) and legal issues, the need for year-round growing, need for more community gardens, accept gardens and/or greenhouses as landscaped open space in new developments and subdivisions and create a community garden in every neighbourhood.

Internal meetings were also held to consider the draft amendments that were proposed in the June 21, 2021 Background Study. Changes were made to maintain the overall intent of the draft amendments but with a greater attention to implementation of the regulations and any potential unintended consequences. Some key changes that were made include:

- No recommended changes to the Site Plan Control By-law, as there is sufficient flexibility in the policy to allow for the requirement to be waived when appropriate.
- No new definitions are recommended for the Zoning By-law, as it more efficient to implement the by-law based on regulations instead of variations on related definitions
- Removal of references to “permanent foundations” in regards to greenhouses, as there is no such definition in the Building Code and it may be difficult to determine when the building is permanent or temporary.

## **5.0 Recommended Amendments and Rationale**

The recommended amendments build upon the Background Study presented to the Planning and Environment Committee on June 21, 2021, and includes changes to the London Plan policies and Zoning By-law Z-1. These recommended amendments will provide more clarity on where urban agriculture is permitted and include the conditions which need to be applied to address potential impacts.

### **5.1 Overall Objectives**

The key objectives that support the recommended amendments are summarized below:

#### **1. Make agriculture a permitted use within all Urban Place Types**

- Allow the growing of food in all place types while indicating raising livestock is not permitted.
- Amend definitions in Zoning By-law to permit urban agriculture uses.
- Amend some zones where there is a lack of clarity on whether growing is permitted.

#### **2. Ensure Health and Safety**

- Ensure soil is suitable for growing food.
- Ensure adherence to Ontario Building Code.
- Ensure adherence to flood plain and other natural hazard requirements.
- Ensure adherence to MLHU requirements re: growing, washing and distributing.

#### **3. Protect planned function of Urban Place Types**

- Ensure adherence to all other policies of the London Plan.
- Prioritize urban development within the urban growth boundary and avoid large scale agriculture where services are available, so as to avoid unnecessary expansion of the urban growth boundary.

#### **4. Protect natural environment**

- Ensure adherence to Tree Conservation By-law.
- Ensure adherence to Provincial legislation and London Plan policies regarding the natural heritage system.

#### **5. Respect neighbourhood character and fit**

- Limit coverage of accessory buildings to ensure entire lots are not covered in buildings and some personal open space is maintained.
- Require site plan for greenhouses over 200m<sup>2</sup>.
- Address lighting issues for greenhouses through the site plan process.
- Only allow shipping containers for growing food in Neighbourhood Place Type through a Zoning By-law amendment process.
- No stockpiling of nutrients in residential areas.
- Limit height and include setbacks for greenhouses in residential areas.

#### 6. Recognize unique aspects of greenhouses within urban contexts

- Allow for greenhouses to be considered as farm buildings.
- Scope the site plan processes for greenhouses used for urban agriculture.
- Exempt greenhouses from site plan in other areas if under 200m<sup>2</sup> and there are no expected impacts on adjacent properties.
- Allow for larger floor area as compared to other types of accessory buildings.

For ease of analysis and understanding the recommended amendments are described in relation to the three key issues: those that provide for the growing of food, those that relate to greenhouses, and those that relate to shipping containers.

## 5.2 Recommended London Plan Amendments

The recommended London Plan amendments include primarily the addition of a new section within the Food Systems chapter, which is within the City Building Policies part of the Plan. This chapter was included in the London Plan to recognize the important role food systems play in our quality of life, economic prosperity, and sustainable growth. Policy 653 describes what we are trying to achieve through the Food Systems chapter and includes “opportunities for urban food production on private and public lands” (policy 653). Because urban agriculture makes up a part of London’s food system it is a natural fit to add specific policies that direct this use of land.

Other recommended amendments are of a housekeeping nature and include moving the requirements for a scoped site plan approval process from Policy 951, in the residential intensification section, to follow Policy 1683, which is in the policy section that directs the site plan approval process. This allows for both the residential intensification Policy and these new Urban Agriculture policies to reference the same scoped site plan approval process.

### 5.2.1 London Plan amendments to permit growing of food in urban areas

London Plan Amendments to the Food Systems chapter include the addition of a new section consisting of seven policies. The first two policies are related to the growing of food and include:

*674A We will promote opportunities for growing of food in urban areas recognizing urban agriculture’s role in building a more sustainable and resilient city, increasing food security, providing access to local and nutritious food options, fostering community connections and health benefits and creating economic growth opportunities.*

*674B Growing of food on lands, in greenhouses and shipping containers, within buildings and on rooftops may be permitted in all Urban Place Types recognizing that the long-term vision of this Plan is for urban development consistent with the applicable Place Type. Permitted uses, and associated structures and infrastructure, will be limited to those which will not preclude future development options.*

Policy 647A is intended to introduce the concept of urban agriculture and establish it clearly as a value that is encouraged throughout the urban area. The policy identifies certain benefits of urban agriculture, which are a summarized form of the benefits of

urban agriculture described in the Urban Agriculture Strategy. The full description from the Urban Agriculture Strategy includes:

*Cities around the world are recognizing the value of urban agriculture in terms of physical and mental health; quality of life; environmental resilience; and community-building. Some of the benefits of urban agriculture include:*

- *Provides access to nutritious, affordable food*
- *Builds food-preparation skills and encourages healthier food choices*
- *Provides economic development, small business and job training*
- *Promotes physical activity and time spent outdoors*
- *Can support urban regeneration, community improvement and the development of food districts*
- *Provides therapeutic benefits related to mental, physical, and emotional health*
- *Encourages interaction with neighbours and community-building*
- *Reduces greenhouse gas emissions when food is produced locally*
- *Creates habitat for pollinators*
- *Encourages stewardship and beautification of land*
- *Engages diverse communities (Page 4)*

Policy 674B identifies urban agriculture as a use that may be permitted throughout the urban part of London. It is important to note that while Urban Agriculture may be permitted, it will not necessarily be encouraged or allowed in all cases. In some instances the longer term vision of the Place Type, which generally includes urban development, may be prioritized so as to ensure an efficient built form that avoids the need for Urban Growth Boundary expansion to accommodate demand for urban growth.

### **5.2.2 London Plan amendments to permit greenhouses in association with Urban Agriculture**

The third and fourth policies in the recommended new section will address greenhouse development. Those policies include:

*674C Greenhouses that are used exclusively for growing of food may be considered as farm buildings and permitted in all Urban Place Types. The Zoning By-law may establish specific regulations for such greenhouses within the Urban Growth Boundary.*

*674D Greenhouses used for the growing of food within an Urban Place Type that are less than 200m<sup>2</sup> may be exempt from site plan approval. However, site plan approval will be required if potential impacts on adjacent lands have been identified or to ensure the proposed greenhouse fits within its context, in accordance with Evaluation criteria for Planning and Development applications. The scoped site plan approval process may be applied for Greenhouses used for urban agriculture as described in the Our Tools part of this Plan.*

Policy 674C provides clarity that greenhouses used in association with urban agriculture may be considered as farm buildings where it is used for the production of agricultural or horticultural produce. Applicants will be advised of the limitations associated with farm buildings defined by the National Farm Building Code of Canada, notably that they will have much lower occupancy limits than buildings considered under the Ontario Building Code.

Policy 647D relates to the Site Plan Approval process, and provides an opportunity to exempt greenhouses under 200m<sup>2</sup> where there are no anticipated impacts on adjacent lands. This policy would also allow for a scoped site plan process to be applied for the development of greenhouses in association with an urban agriculture use.

The standard site plan process is described in policies 1674-1682, including the types of issues typically considered and the submission requirements. The scoped site plan process is already described in relation to small-scale residential intensification, and would reduce the submission requirements to avoid unnecessary studies being prepared. Submission requirements for a scoped site plan application could include a planning and design report, site plan and building elevation drawings, and grading/servicing plans.

### **5.2.3 London Plan amendments to permit shipping containers in association with Urban Agriculture**

Shipping Containers converted for the growing of food is a new trend in North America that has already been seen in London, through the recent consideration of a planning application to permit Urban Agriculture in this form at 512 McCormick Blvd.

The fifth policy in the in the recommended new section will address shipping containers. The policy includes:

*674E Growing food in converted shipping containers may be permitted in all Urban Place Types and will require site plan approval. Within the Neighbourhoods Place Type the use of shipping containers for the growing of food shall be subject to a zoning by-law amendment where the Evaluation Criteria for Planning and Development Applications can be met.*

This policy recognizes the urban agriculture benefits of converted shipping containers, but balances that with potential fit or context issues that shipping containers may pose, specifically in residential neighbourhoods. These shipping containers may be permitted in all Place Types, but the requirement for site plan approval in all place types and a Zoning By-law Amendment process in residential zones will ensure there is adequate opportunity to avoid or mitigate negative impacts.

### **5.2.4 London Plan amendments of a housekeeping nature**

The final changes to the London Plan are of a housekeeping nature and are required due to the introduction of a scoped site plan process for urban agriculture uses. Currently the scoped site plan process only applies to small-scale residential intensification, and as such the policies are located within the Neighbourhoods Place Type chapter. The recommended amendment would relocate the description of this process to the Our Tools part of the Plan, where other aspects of site plan approval are described. Policy 951, which applies for residential intensification, will be updated to include a reference to the new policy instead of including the detailed policy. There will be no impact on how the scoped site plan process may be applied for residential intensification.

## **5.3 Recommended Zoning By-law Amendments**

The recommended amendments to the Zoning By-law are intended to implement the London Plan amendments described above, the changes can be similarly categorized into the same three issues as the London Plan amendments.

### **5.3.1 Zoning By-law amendments to permit growing of food in urban areas**

The key change to ensure that urban agriculture is permitted across the urban area are the addition of Urban Agriculture to the list of uses permitted in all zones (Section 4.26), and the addition of a new section that includes regulations for urban agriculture and associated greenhouses and shipping containers (proposed Section 4.38).

Section 4.26 includes that urban agriculture is a permitted use in all zones except for the Agricultural (AG) Zones, Open Space (OS4 & OS5) Zones, or the Environmental Review (ER) Zone. In order for urban agriculture to be considered in any of these zones a zoning by-law amendment would be required. The Agricultural zones are excluded

since agricultural uses are already permitted, and the intent of urban agriculture is that it is applied within the urban growth boundary. The Open Space zones listed apply to natural heritage areas and hazard areas, respectively. To permit urban agriculture in these areas would not be consistent with London Plan policies that direct development away from the natural heritage system or hazard lands such as floodplains. The Environmental Review zone applies to potential natural heritage features, which must be evaluated before zoning is applied that could permit development or site alteration.

Section 4.38 is a new section that is proposed to be added, and clause 1) provides some limitations on urban agriculture uses. It is written to use the existing definition of urban agriculture but limit what may be permitted city-wide, requiring the use to be listed in the applicable zone in order for the full scope to be realized. The current zoning definition for Urban Agriculture includes:

*“URBAN AGRICULTURE” means the use of lands, buildings or structures for the purposes of growing, sharing, and distributing food or beverage and may include the processing of food or beverage by the use of hand tools or small-scale, light mechanical equipment. It can involve a range of different activities operating either together or individually, including the cultivation of plants, together with accessory uses including retail sales, composting plants grown onsite, outdoor storage, and buildings and structures ancillary to the operation of the site and for the extension of the growing season, but does not include the growing, processing, distribution or retail sales of cannabis*

The proposed restriction in Section 4.38 (Urban Agriculture) on what may be permitted through Section 4.26 (uses permitted in all zones) includes:

- 1) *An Urban Agriculture use permitted in accordance with Section 4.26 will be limited to growing, harvesting, cleaning, packaging, and storing of the food that is grown on-site. Other activities such as processing, distribution, outdoor storage, or retail sales may only be permitted where Urban Agriculture is identified as a permitted use in the applicable Zone.*

The effect of this provision will be that activities related to the growing of food will be permitted in all zones, however activities such as the distribution, retail sales, outdoor storage, or processing of produce grown on site will require urban agriculture to be permitted in the applicable zone.

### **5.3.2 Zoning By-law amendments to permit greenhouses in association with Urban Agriculture**

There are several changes in the recommended amendment to permit greenhouses in association with urban agriculture. These include a new definition for greenhouse, clarification that they may be permitted in association with urban agriculture, and relief of the maximum coverage requirement for accessory buildings.

The proposed definition for greenhouse includes:

*“GREENHOUSE” means a building or structure used for the growing of plants, shrubs, trees and similar vegetation constructed primarily from a translucent or semitranslucent building material.*

This definition will allow for greater flexibility regarding what constitutes a greenhouse and will include small or temporary structures such as hoop-houses. To ensure this broadened definition is permitted, the following provisions is recommended in the new Section 4.38 (Urban Agriculture):

- 2) *A Greenhouse may be permitted for the growing of food in association with an Urban Agricultural use.*

Greenhouses may be considered as accessory structures, as urban agriculture is sometimes a secondary use and not the primary or sole use of a property. Where a

greenhouse is proposed as an accessory structure provisions in the new Section 4.38 (Urban Agriculture) will apply. These recommended provisions include:

- 3) *A Greenhouse used for the growing of food in association with an Urban Agriculture use may be treated as a primary or an accessory building. Where treated as an accessory building a Greenhouse shall comply with the regulations in Section 4.1 (Accessory Uses) of this By-law except for the following:*
  - a) *Greenhouses shall not be located in the front or exterior side yard.*
  - b) *Notwithstanding Section 4.1.2), only 50% of the greenhouse area shall be counted towards the calculation of lot coverage.*

The additional regulations will ensure that accessory greenhouses are located in the rear or interior side yard, but allow for greater floor area than other accessory structures. Section 4.1 permits a maximum coverage of 10% for accessory buildings. By only counting 50% of a greenhouse floor area towards this maximum the effect is that an accessory greenhouse may occupy 20% of the site area if there are no other accessory buildings.

The intent of these regulations is that they remove barriers to greenhouses used as part of an urban agriculture use, while still ensuring possible impacts will be mitigated.

### **5.3.3 Zoning By-law amendments to permit shipping containers in association with Urban Agriculture**

The Zoning By-law includes regulations for shipping containers in Section 4.4 (Building Additions) and Section 4.5 (Temporary Structures). The recommended amendments would add additional regulations for shipping containers used for urban agriculture. The recommended provisions, to be included in the new section 4.38 (Urban Agriculture) include:

- 4) *A Shipping Container may be used in association with an Urban Agriculture use exclusively for the growing of food, and shall be subject to the provisions of Section 4.4 (Building Additions), except that they shall not be permitted in any exclusively residential zone.*
- 5) *A Shipping Container used in association with an Urban Agricultural use shall be subject to all regulations of the applicable zone and the provisions of Section 4.4 (Building Additions) and the following additional regulation:*
  - a) *Shipping Containers used in association with an Urban Agriculture use shall not be located in the front or exterior side yard.*

The effect of these amendments is to permit shipping containers used exclusively for the growing of food wherever urban agriculture is permitted, except for residential zones that would require a Zoning By-law amendments in accordance with the London Plan policy described above.

Similar to the Greenhouse regulations, shipping containers are not permitted in the front or exterior side yards.

## **5.4 Summary of Rationale for Recommended Amendments**

In summary, the purpose and intent of the recommended London Plan and Zoning By-law amendments is to:

- Reduce regulatory barriers to urban agriculture (growing food within urban areas of London) and allow for the growing of food extensively through the City. .
- Ensure that urban agriculture is undertaken with adherence to sound planning principles and health and safety requirements

- Address regulatory barriers to greenhouses and converted shipping containers as two emerging forms of urban agriculture.
- Create a new section within the Food Systems Chapter of the London Plan that consolidates policies to promote urban agriculture

The recommended amendments are to the London Plan, Zoning By-law Z-1 and the Site Plan Control By-law. The Background Study also notes that other City processes may require future changes to be supportive of urban agriculture, however these require further discussion with those responsible for their implementation. Separate reviews and reports may be undertaken to address other related processes which impact the growing of food in urban areas.

## Conclusion

The proposed amendments to the London Plan and Zoning By-law are intended to eliminate many of the current barriers to growing food in London in accordance with Council's direction. They do this by creating additional clarity through specific and directive policies and regulations, allowing urban agriculture in multiple forms broadly throughout the London community, and ensuring that health, safety and good planning principles are always maintained. The Key issues that these amendments will address include clarifying where growing of food is permitted within the urban place types and providing appropriate regulations to guide development of greenhouses and shipping containers uses in association with urban agriculture uses.

**Prepared by:** W.J. Charles Parker, MA  
Senior Planner, Long Range Planning & Research

**Reviewed by:** Justin Adema, MCIP, RPP  
Manager, Long Range Planning & Research

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

## Appendix A – London Plan Amendments

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

2021

By-law No. C.P.-XXXX-\_\_\_\_

A by-law to amend The London Plan for the City of London, 2016.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on December 7, 2021.

Ed Holder

Mayor

Catharine Saunders

City Clerk

First Reading – December 7, 2021

Second Reading – December 7, 2021

Third Reading – December 7, 2021

**AMENDMENT NO.**  
**to the**  
**THE LONDON PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

1. The purpose of this Amendment is to update “The London Plan” policies to allow more opportunities for the growing of food within the City’s urban growth boundary consistent with Council’s Urban Agriculture Strategy approved in November 2017.
2. To reduce regulatory barriers to urban agriculture (growing food within urban areas of London).
3. To ensure that urban agriculture is undertaken with adherence to sound planning principles and health and safety requirements.
4. To address regulatory barriers to greenhouses and converted shipping containers as two emerging forms of urban agriculture.
5. Create a new section within the Food Systems Chapter of the London Plan that consolidates policies to promote urban agriculture

**B. LOCATION OF THIS AMENDMENT**

This Amendment is a text amendment, which applies to all lands within the City of London.

**C. BASIS OF THE AMENDMENT**

1. The amendments are consistent with the policies of the *Provincial Policy Statement, 2020*, and are consistent with the Food System policies of the London Plan.

**D. THE AMENDMENT**

The London Plan for the City of London is hereby amended as follows:

Create a new Section heading entitled “Growing Food in Urban Areas” after policy 674 and add the following policies:

**GROWING OF FOOD IN URBAN AREAS**

- 674A We will promote opportunities for growing of food in urban areas recognizing urban agriculture’s role in building a more sustainable and resilient city, increasing food security, providing access to local and nutritious food options, fostering community connections and health benefits and creating economic growth opportunities.
- 674B Growing of food on lands, in greenhouses and shipping containers, within buildings and on rooftops may be permitted in all Urban Place Types recognizing that the long-term vision of this Plan is for urban development consistent with the applicable Place Type. Permitted uses, and associated structures and infrastructure, will be limited to those which will not preclude future development options.

- 674C Greenhouses that are used exclusively for growing of food may be considered as farm buildings and permitted in all Urban Place Types. The Zoning By-law may establish specific regulations for such greenhouses within the Urban Growth Boundary.
- 674D Greenhouses used for the growing of food within an Urban Place Type that are less than 200m<sup>2</sup> may be exempt from site plan approval. However, site plan approval will be required if potential impacts on adjacent lands have been identified or to ensure the proposed greenhouse fits within its context, in accordance with Evaluation criteria for Planning and Development applications. The scoped site plan approval process may be applied for Greenhouses used for urban agriculture as described in the Our Tools part of this Plan.
- 674E Growing food in converted shipping containers may be permitted in all Urban Place Types and will require site plan approval. Within the Neighbourhoods Place Type the use of shipping containers for the growing of food shall be subject to a zoning by-law amendment where the Evaluation Criteria for Planning and Development Applications can be met.
- 674F Any proposed building or structure intended for the growing of food in the Urban Growth Boundary will be subject to all of the policies of this Plan, the regulations of the Zoning By-law and all other applicable legislation and regulations.

Amend Policy 951 by deleting and replacing it with the following policy:

- 951 The standard site plan approval process shall apply to intensification projects that will result in three or more residential units. However, for intensification proposals that will result in less than three residential units, and for additional residential units in accessory structures that are subject to site plan approval, a scoped site plan approval process may apply as described in the Our Tools part of this Plan.

1. Create a new subsection following policy 1683 entitled “Scoped Site Plan Process” and add the following policies:

#### SCOPED SITE PLAN PROCESS

- 1683A Where permitted by the policies of this Plan, a scoped site plan process may be applied as follows:
  1. The full range of submissions required for the standard site plan approval process will not be required. Rather, the following submissions will be required:
    - a. A Planning and Design Report, scoped to address relevant design issues.
    - b. Site plan and building elevation drawings.
    - c. Where appropriate, a grading certificate and a water service and sewer/drainage connections plan.
  2. Upon review and approval, the site plan and building elevation drawings will be stamped as approved and constitute applicable law. No development agreement or security will be required unless there is a specific reason for such requirement.

1682B Applications for building permits will be reviewed for compliance based on the stamped site plan and building elevation drawings, prior to issuance of any building permit. Any future variation from the approved site plan and building elevations shall require a site plan approval amendment application.

## Appendix B- Zoning By-law Z-1 Amendments

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

2021

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to make changes to allow the growing of food within the City's urban growth boundary.

WHEREAS the City of London has initiated a review of London Plan and Zoning By-law Z-1 policies and regulations within the urban growth boundary;

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) Amend Section 2 (Definitions) by deleting the existing definition of a "Greenhouse" and replacing it with the following definition:

"GREENHOUSE" means a building or structure used for the growing of plants, shrubs, trees and similar vegetation constructed primarily from a translucent or semitranslucent building material."

- 2) Amend Section 4.1 4) (Accessory Uses/Lot Requirements or Location) by adding the following additional clause;
  - j) Greenhouses shall comply with the provisions of Section 4.38 (Urban Agriculture) of this By-law.
- 3) Amend Section 4.4 (Building Additions) by adding a new sub-section at the end of the section as follows:

*Shipping Containers* used in association with *Urban Agriculture* shall also comply with the provisions of Subsection 4.38 (Urban Agriculture) of this By-law.

- 4) Amend Section 4.26 (Uses Permitted in All Zones) to add:

Use	Zones Permitted	Governing General Provisions Section
<i>Urban Agriculture</i>	All Zones with the exception of the Agricultural (AG) Zones, the Open Space (OS4) Zone, the Open Space (OS5) Zone and the Environmental Review (ER) Zone.	4.38

- 5) Add a new "Section 4.38 AGRICULTURE USES, URBAN" as follows:

**URBAN AGRICULTURE**

- 6) An *Urban Agriculture* use permitted in accordance with Section 4.26 will be limited to growing, harvesting, cleaning, packaging, and storing of the food that is grown

on-site. Other activities such as processing, distribution, outdoor storage, or retail sales may only be permitted where *Urban Agriculture* is identified as a permitted use in the applicable Zone.

- 7) A *Greenhouse* may be permitted for the growing of food in association with an *Urban Agricultural* use.
- 8) A *Greenhouse* used for the growing of food in association with an *Urban Agriculture* use may be treated as a primary or an accessory building. Where treated as an accessory building a *Greenhouse* shall comply with the regulations in Section 4.1 (Accessory Uses) of this By-law except for the following:
  - a) Greenhouses shall not be located in the front or exterior side yard.
  - b) Notwithstanding Section 4.1.2), only 50% of the greenhouse area shall be counted towards the calculation of lot coverage.
- 9) A *Shipping Container* may be used in association with an *Urban Agriculture* use exclusively for the growing of food, and shall be subject to the provisions of Section 4.4 (Building Additions), except that they shall not be permitted in any exclusively residential zone.
- 10) A *Shipping Container* used in association with an *Urban Agricultural* use shall be subject to all regulations of the applicable zone and the provisions of Section 4.4 (Building Additions) and the following additional regulation:
  - a) Shipping Containers used in association with an *Urban Agriculture* use shall not be located in the front or exterior side yard.

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

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

PASSED in Open Council on December 7, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021

Second Reading – December 7, 2021

Third Reading – December 7, 2021

## Appendix C – Public Engagement

### Community Engagement

**Public liaison:** On March 31, 2021, Notice of Application was sent to various Urban Agriculture Groups, Other City Departments and agencies involved in Urban Agriculture. Notice of Application, for the general public, was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 1, 2021. The notice was also posted on the City website ([www.london.ca](http://www.london.ca)) on a newly created webpage for the project.

Following the circulation of the liaison, presentations were given to Urban Agriculture Steering Committee (UASC) on April 12<sup>th</sup> and June 14<sup>th</sup>, Agriculture Advisory Committee (AAC) on March 17<sup>th</sup>, Friends of Urban Agriculture (FUAL) on April 22<sup>nd</sup>, Middlesex-London Food Policy Council (MLFPC) on April 22<sup>nd</sup> and Advisory Committee on the Environment (ACE) on May 5<sup>th</sup> on the project. Preliminary comments were received. Staff asked specifically for them to identify any issue they had experienced in the past trying to do urban agriculture in the City. Reminder e-mails were also sent requesting comments.

Following submission of an Information Report, including proposed draft amendments and the consultants Background Study, to Planning and Environment Committee (PEC) on June 21, 2021, e-mail notice requesting further comments was again provided to the same groups. Following that meeting it was decided that Planning would narrow the focus of the study to include only London Plan, Zoning By-law Z-1 and Site Plan approval amendments needed to address the “Growing” component of the Urban Agriculture Strategy. In response, the Middlesex London Food Policy Council (MLFPC) set up a seminar/workshop on August 4<sup>th</sup> whereby staff gave a presentation and then documented any further comments.

Outside of these targeted meetings with urban agriculture groups no further individual comments were received in response to the individual or Londoner notice.

**Nature of Liaison: Amendments to the London Plan and Zoning By-law to make it easier to grow food in the urban area in accordance with the Urban Agriculture Strategy, which was adopted by Council in November 2017. This project focuses on the “Growing” component of the Strategy and is being considered under the Strategy’s guiding principle to develop supportive municipal policies, regulations, and bylaws, and remove policy barriers to urban agriculture. The intent of the changes is to expand the permissions for urban greenhouses, consider policies and regulations to permit growing of food in most place types and zones, and review application process requirements for urban agriculture. Other City Departments, interested agencies, urban agriculture interest groups and the general public will be consulted before changes are made.**

Following the PEC meeting on June 21, 2021 the following was added to the liaison; **this Planning Review is focused on needed changes to the London Plan policies and Zoning By-law Z-1 regulations to encourage the growing of food within the UGB and issues such as boulevard fruit tree planting (Streets By-law), planting in City parks (Parks and Recreation By-law), building permit issues, food distribution etc. can be discussed but changes may occur later through separate reviews and reports.**

**Responses:** A summary of the various comments from these groups has been divided into general issues/growing, greenhouse and shipping container categories.

#### General Issues/Growing

- Need more awareness around foodscaping and the options available;

- Too many rules, growing should be easy;
- City needs to address financial and legal issues around “growing”;
- Need year-round food forests;
- View urban agriculture as more than just a hobby;
- The cost of soil tests;
- Make more use of City lands for growing either permanently or temporarily;
- Need for more community gardens, every neighbourhood should have a community garden;
- Allow urban agriculture everywhere;
- City should buy properties for urban agriculture similar to Woodland fund or give a break on taxes?;
- Potential of former London Psychiatric Hospital and River Road Golf Course for urban agriculture/food hubs;
- Instead of landscaped open space allow gardens to be included in medium density residential (non-profit) or single- family subdivisions instead;
- Work with Middlesex-London Heath Unit to make sure food is grown in a practical/sustainable way. Too many rules, growing food should be easy
- More foodscaping on City lands-boulevards and parks
- Need policy for planting edible trees
- Temporary use of vacant land for growing
- The “how to grow” is more important than the “where-to-grow”
- City should buy properties for urban agriculture or allow developers to donate land as part of development, break on taxes, paying for soil costs etc; and,
- Every neighbourhood in the City should have places to grow communal food.

### **Greenhouses**

- Most greenhouse sizes are known, what they are made of and where they can be built is important;
- Integrate designs of community gardens, greenhouses etc. into new developments.

### **Shipping Containers**

There were no specific public comments on shipping containers.

**From:** [REDACTED]  
**To:** [Parker, Charles](#)  
**Subject:** [EXTERNAL] Encouraging the Growing of Food in Urban Areas  
**Date:** Wednesday, October 20, 2021 12:20:18 PM

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Hi Chuck:

As a member of the Agricultural Advisory Committee, I am making this submission in support of the proposed London Plan and Zoning By-law Amendments to Encourage the Growing of Food in Urban areas. The City has made good progress towards the goals set out in its Urban Agriculture Strategy. These amendments continue this forward momentum and will provide more flexibility for food to be grown within London's Urban Boundaries.

These comments also reflect my experience as a resident within the urban area and as a backyard gardener. During the past two years, a portion of my backyard has been converted into raised beds for the purpose of growing fruits and vegetables for my family - with mixed success. Having spent many hours of my youth in the gardens which largely fed our farm family, I am continually surprised by how much time, effort and skill it takes to grow food from seed to end product. My appreciation of those who devote their lives to feed our cities - both inside and out of the urban boundary - has grown not diminished.

Allowing Londoners to learn, hone and adapt food producing skills using both traditional and new methods, can only improve the food security of our city. Those who are able to generate a surplus of food to feed their neighbours and/or are able to implement a growing scheme that will support local organizations and/or business, should be encouraged through flexible and forward thinking policies.

The London Plan and Zoning By-law Amendments amendments being proposed are a good next step. I also hope that the City will continue to consider other future opportunities. For example, many London front yards between the sidewalk and the house - like mine here in the Old North - are primarily part of the municipal boulevard. Being able to *legally* incorporate fruit and/or vegetable growing in amongst our front flower gardens would be a welcome change and consistent with the Pollinator Pathways initiative.

Thank you for the opportunity to review and make comments on the latest amendments to encourage the growing of food here in the Forest City.

--

Eleanor J. Rath, CMO  
Member of Agriculture Advisory Committee  
383 Saint James Street

## **Agency/Departmental Comments**

In addition to the above public process, the City held meetings with specific City Departments including Zoning (April 30<sup>th</sup> and July 26<sup>th</sup>), Site Plan (April 13<sup>th</sup> and July 20<sup>th</sup>), Building (April 16<sup>th</sup> and July 23<sup>rd</sup>), Engineering (April 23<sup>rd</sup> and August 16<sup>th</sup>) and Parks and Recreation/Neighbourhood Children and Fire Services (April 22<sup>nd</sup> and August 27<sup>th</sup>) as well as individual discussions on specific issues. These comments have been divided in growing, greenhouse and shipping container categories.

### **Growing**

Comments received on growing include;

- No site plan approval required if growing on rooftops and inside buildings;
- Green roofs allowed on existing building subject to Engineers report;
- Typical issues with City boulevard plantings; snowplow damage, on-going maintenance, digging-up, hydro or gas corridors, theft, interference with street lights, height and sight lines of plantings and harvesting.
- Prefer to have some form of permit to allow plantings.
- Need Information page on City website about what to do;
- Psychiatric Hospital (Highbury Avenue) and former River Road Golf Course provide opportunities for growing and food hubs;
- Make sure urban agriculture not interfering with neighbours.

### **Greenhouses**

Comments received on greenhouses include;

- One of the biggest issues for greenhouses in residential areas is light pollution, second biggest issue is smell;
- Also concerned about stormwater run-off and visual impact;
- Proposed size of 56m<sup>2</sup> (600 sq.ft) is too large for a residential area;
- If additional coverage is allowed for a greenhouse in residential zones, that additional coverage should only be applied to the greenhouse;
- Approach greenhouses in residential and industrial/commercial/institutional areas differently;
- Treat as an accessory building;
- Make sure that enough landscaped open space is provided so entire lot is not covered by building;
- If lots are too small greenhouses should not be permitted;
- Need a distinction between farm building and accessory building;
- Setbacks needed for greenhouses in residential areas;
- If on a permanent foundation currently need a site plan if over 200m<sup>2</sup>, under 200m<sup>2</sup> may need administrative site plan, not for small ones;
- Anything with plumbing or over 10m<sup>2</sup> requires a Building Permit;
- Farm Building Code has much higher standards and restricts the number of people allowed inside the greenhouse;
- Current fees for a greenhouse are \$1078 plus road widening, archaeology and/or engineering drawings.
- The minor variance process should be used for minor changes;
- Should differentiate between personal residential greenhouses, commercial greenhouses and industrial greenhouses.
- Servicing for greenhouses- can have individual water (eg. Trucked water) and sanitary services (eg. Port-A-Potty); and,  
Make sure sizes are known, material, how to build and where they can be built.

### **Shipping Containers**

Comments received on shipping containers include;

- Should use entire container for food, no other use should be permitted;
- If permitted in residential zones, should only be by zoning by-law amendment;
- Shipping container is always a shipping container, regardless of use or conversion;
- Not considered as open storage because it is enclosed within a building or structure;
- Shipping containers are not permitted as accessory structures now unless located on a commercial property;
- Shipping containers require site plan approval;
- Limit the number permitted on a property; and,
- Are considered outdoor storage in industrial areas.

The comments were considered in the preparation of the recommended amendments.

## Appendix D – Policy Context

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

### 1) PROVINCIAL POLICY STATEMENT (2020)

Part IV – Vision for Ontario's Land Use Planning System

Part V – Policies

- 1.0 Building Strong Healthy Communities
- 1.3 Settlement Areas
- 1.7 Long-Term Economic Prosperity
- 1.8 Energy Conservation, Air Quality and Climate Change
- 2.3 Agriculture
- 6.0 Definitions

### 2) THE LONDON PLAN

17 – Our Challenge

55, 56, 58, 59 61 – Our Strategy

154 – Our City

239, 250, 258, 382, 408, 410, 525, 543, 648-686, 701, 705, 733 – City Building Policies

762, 784, 918, 1102 – Place Type Policies

1785 – Our Tools

### 3) ZONING BY-LAW Z-1

2 – Definitions

4 – General Provisions

4.1 – Accessory Uses

4.4 – Building Additions

4.5 – Temporary Structures

36 – Open Space (OS) Zone

37 – Environmental Review (ER) Zone

49 – Urban Reserve (UR) Zone

50 – Temporary (T) Zone

## Appendix E – Relevant Background

### Additional Reports/Letters

#### Letter from the London Food Bank dated July 30, 2020



July 30, 2020

Councillor Maureen Cassidy  
 Chair – Planning and Environment Committee  
 City of London

**Re: Request to Waive Fees for City-wide Planning Application (London Food Bank)**

This letter is to request that Municipal Council waive the planning application fees associated with the London Food Bank's upcoming application for amendment to the Z.-1 Zoning By-law (and potentially the Official Plan) that would apply City-wide. The amendment is aimed at eliminating a current barrier in the Zoning By-law that effectively prevents the construction of greenhouses as accessory uses on industrial and institutional lands throughout the City of London.

We recognize and respect that it is not appropriate for City Council to evaluate the application at this time – as it will undergo a full planning process, including due notification, public participation and full deliberation by Council in the near future. However, we do believe this is the correct time to request that the fees associated with this application be waived, as we are prepared to submit our planning application in the very near future.

We believe that the application has unique qualities and is clearly aimed at specific public interests that warrant Council directing staff to waive the standard planning application fees. These are as follows:

1. The application is to apply city-wide – with the goal of removing an existing regulation in the Zoning By-law that serves as a barrier to growing food in greenhouses in industrial and institutional area across the entire city.
2. The application is not related to a profit motive on an individual property or any other private interest. Rather, it is clearly a public interest initiative aimed at growing food in London to supply to vulnerable Londoners.
3. The application is intended to assist with recovery from the current and upcoming economic hardships of the COVID-19 pandemic.
4. By the London Food Bank launching this application, a current "flaw" in the zoning by-law can be addressed and Council's Urban Agriculture Strategy can be implemented, while relieving

Council and Staff from launching its own policy review and City-initiated Zoning amendment – saving City staff time, cost, and potential delay due to lengthy work programs.

We believe that these factors make our application clearly distinct from others and clearly in the general public interest for the City of London – as it applies to the city as a whole, is unrelated to profit motive, is directed at COVID recovery for the City of London and relates to feeding vulnerable Londoners.

We hope that Council will consider these factors and formally direct Staff to waive the fees for this planning application. We are planning to submit our application in August and a Council direction prior to that date would be extremely helpful.

Thank you for your consideration of this important request.

Sincerely,



Glen Pearson  
Co-executive Director, London Food Bank



Jane Roy  
Co-executive Director, London Food Bank

cc: Mayor Ed Holder  
Deputy Mayor – Jesse Helmer  
Cathy Saunders – City Clerks Office  
Barb Westlake-Power – City Clerks Office  
Michael Shulthess – City Clerks Office  
George Kotsifas – Development and Compliance Services  
Michael Tomazincic – Development and Compliance Services  
Gregg Barrett – Planning Services



London  
CANADA

# Encouraging the Growing of Food in Urban Areas

OZ-9332/City of London

Planning and Environment Committee – November 22, 2021



## What is Urban Agriculture and why is it important?

- Urban agriculture is the practice of growing, processing, sharing and distributing food in the city
- It is an important component of London's social, cultural, educational, economic and ecological systems.
- Supports Council's Strategic Plan goals of Strengthening Our Community, Building a Sustainable City and Growing Our Economy

# The Urban Agriculture Strategy



# Review Process

- Letter from London Food Bank in August, 2020 regarding greenhouse – prompted Council’s direction to review Urban Agriculture policies and regulations
- The City initiated the London Plan and Zoning By-law Amendments and reviewed the Site Plan process.
- John Fleming, acting on behalf of the London Food Bank, prepared a Background Study with draft London Plan and Zoning By-law amendments for consideration.
- PEC reviewed the Planning cover report and Mr. Flemings recommendations in June 2021 and directed that they be circulated for comments

# Review Process

The Urban Agriculture community, the public, other City Departments and Agencies were all consulted which included;

- Presentations to Urban Agriculture Steering Committee, Friends of Urban Agriculture, Middlesex-London Food Policy Council, and Agriculture Advisory Committee.
- Notices Sent to City Departments and Agencies and Londoner Notice provided
- Individual meetings with Site Plan, Building, Parks and Recreation, Neighbourhood Fire and Children Services; Engineering, and Zoning.
- Middlesex London Food Policy Council Public Forum



# Recommended Amendments

Three Key Issues Identified that are addressed in London Plan and Zoning By-law Amendments:

1. Amendments to permit growing of food
2. Amendments to permit greenhouses in association with urban agriculture
3. Amendments to permit shipping containers used for growing of food in association with urban agriculture

# Nature of Amendments

## London Plan Amendment:

- Add a New Section in the London Plan Food Systems Chapter for Growing Food in Urban Areas which allows the growing of food everywhere and in greenhouses and shipping containers specifically.
- Allow for greenhouses in urban areas to be exempt from Site Plan Approval where there are not anticipated impacts, and allow a Scoped Site Plan Approval Process to be applied for Urban Agriculture
- Allow for shipping containers to be used for urban agriculture, subject to site plan approval and a zoning by-law amendment in residential areas



# Nature of Amendments (cont.)

## Zoning By-law Amendment:

- Add Urban Agriculture as a permitted use in most zones inside the urban growth boundary
  - Limited to growing, harvesting, cleaning, packaging, and storing of the food that is grown on site.
- Add new definition and regulations for greenhouses.
  - May be permitted in association with urban agriculture
  - Not permitted in front or exterior side yard.
  - Only 50% of the floor area counts towards maximum lot coverage.
- Add new regulations for shipping containers used for growing of food
  - May be permitted in association with urban agriculture, except for Residential Zones
  - No permitted in the front or exterior side yard

# Recommendation and Rationale

The London Plan and Zoning By-law Amendments be approved as they:

1. Are consistent with the Provincial Policy Statement (2020).
2. Are consistent with three of Council's goals in the 2019-2023 Strategic Plan.
3. Will work to achieve the goals and objectives of the Urban Agriculture Strategy
4. Provide more opportunities to allow for the growing of food within the City's Urban Growth boundary (UGB).



November 18, 2021

To: City of London Planning & Environment Committee  
City Council

**Re: Encouraging the Growing of Food in Urban Areas (File OZ-9332)**

Dear City Council and Planning & Environment Committee,

The Middlesex London Food Policy Council (MLFPC) is very pleased to see this report and its recommendations being presented to the Planning and Environment Committee.

Along with the communities and agri-food sectors represented on MLFPC, we have shared the report through our networks and we hosted a public feedback session in August to gather input and insight from the many groups and individuals involved in urban agriculture in London. Based on this input, we support the recommendations presented in the report and encourage the PEC to recommend the amendments be approved by Council.

We believe the changes proposed in the report will eliminate some of the barriers currently posing obstacles to growing food in London's urban areas, and will provide helpful clarification. Identifying urban agriculture as a defined land use is an important recognition that it is an essential component of city life and the health and well-being of citizens. With increasing awareness of the impact of climate change on food production and food systems, it is becoming even more crucial for urban dwellers to be able to access local and appropriate food sources.

We also appreciate that the report clearly indicates that the recommended changes do not comprehensively address issues related to growing food within London. The "Additional Issues Identified Through Engagement" listed at the end of the report are extremely important to address if the city's urban agriculture vision is to be realized. With that in mind, MLFPC respectfully requests that these issues be studied as expeditiously as possible.

We look forward to working with you, community members, and the many advocates of urban agriculture throughout London in continuing to improve food security in the city.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Cordes'.

Jessica Cordes  
Chair, Middlesex London Food Policy Council  
London, ON  
[info@mlfpc.ca](mailto:info@mlfpc.ca)  
<https://mlfpc.ca/>

City of London  
300 Dufferin Ave London, Ontario, N6B 1Z2

Nov 17th 2021

**RE: OZ-9332 / City of London / Encouraging the Growing of Food in Urban Areas**

Dear PEC Committee members,

The Urban Agriculture Steering Committee is composed of members of the community, and meets quarterly to review updates, provide feedback and amalgamate efforts related to the Urban Agriculture Strategy. **We have been encouraged by the hard work by city staff on updating and amending bylaws to remove barriers for urban agriculture activities and we appreciate and support this new bylaw amendment.**

Specifically, we are happy to support the following outcomes of this proposed bylaw change:

- The intent of the resultant amendments is to **encourage growing** on vacant lands, underutilized lands, vacant buildings, rooftops, greenhouses and converted shipping containers.
- **It is in line with the London Plan** (Food System policies (648-686). There are existing policies supporting community food systems (408, 918\_9), growing food in City parks (250, 410\_14), providing access to local and healthy food (701) and permitting urban gardens in the City (762\_5). There are also policies which permit the conversion of existing buildings to agriculture (59, 154, 543, 705, 733) and those that address urban agriculture providing employment and learning opportunities (525\_2). )

We are excited to continue working with the City and the community to address food insecurity and food sovereignty issues in our community. The Members of the Urban Agriculture Steering Committee are supportive of this bylaw amendment and hope to continue seeing bylaws changed to make the growing, processing and selling of food inside the UGB.

Sincerely,

Members of the Urban Agriculture Steering Committee - 2021

**Current Members of the Urban agriculture Steering Committee:**

Jana Keller (co-chair)

Skylar Franke (co-chair)

Stephen Harrott

Jeremy Horrell

Mike Fish

Patricia de Wit

Jeff Lucas

Becky Ellis

Ellen Lakusiak

Steve Twynstra

Lella Blumer

Benjamin Hill

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Southdale West Holdings Inc.  
99 Southdale Road West  
Public Participation Meeting

**Date:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning & Development, the following actions be taken with respect to the application of Southdale West Holdings Inc. relating to the property located at 99 Southdale Road West:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021, 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) and Environmental Review (ER) Zone **TO** a Residential R9 Special Provision Zone (R9-5(\_)) Zone and Open Space (OS4) Zone;
- (b) **IT BEING NOTED** that the following Site Plan matters have been raised through the application review process to be addressed through the Site Plan Approval process:
  - i) Ensure that the development provides adequately sized and located enhanced outdoor amenity and recreation area(s) to support healthy and livable environment for the number of residents. This can be configured by providing a central amenity space and smaller compatible amenity areas serving individual buildings.
  - ii) Provide for a safe network of internal streets with convenient and direct pedestrian connections throughout the site (North- South and East- West) connecting building entrances, amenity areas, parking spaces, open spaces and the city sidewalk along Southdale Road E.
  - iii) Ensure an active building façade along Southdale Road by including principal building entrance(s), lobbies, common amenity areas and street-oriented residential units with front porches/courtyards and individual unit entrances connected to the public sidewalk along that frontage. Provide direct walkway connections from ground floor units to the sidewalk to create a pedestrian scale rhythm and activation.
  - iv) Explore opportunities to minimize the visual impact of surface parking by reducing the expanse of surface parking and drive aisles to the required minimum and accommodate majority of the parking underground to provide adequate amenity and recreational areas and in turn reduce the heat island effect.
  - v) Ensure the design of the proposed building(s) offer variation in appearance and massing to add character throughout the development and promote wayfinding.
  - vi) Ensure an EMP (Environmental Management Plan) is completed through the site approval process.

## Executive Summary

### Summary of Request

The requested amendment is to change the zoning from an Urban Reserve (UR4) and Environmental Review (ER) Zone to a Residential R9 Special Provision Zone (R9-5(\_))

Zone. The amendment would permit the use of the subject lands for the development of 6 apartment buildings comprised of two new, 4-storey, two new, 8-storey and two new, 9-storey residential apartment buildings with a total of 724 units (96 units per hectare).

Relief from certain zoning requirements were also requested, including a minimum front yard setback of 6.0m along an Southdale Road West, a minimum rear yard setback of 6.0m, a minimum east interior side yard setback of 12.0m, a minimum west interior side yard setback of 6.5m and a maximum height of 29.5m and a parking rate of 1.25 spaces per unit. The open space lands that will be dedicated to the City are above and beyond the required parkland dedication.

### **Purpose and the Effect of Recommended Action**

The purpose and effect of the recommended Zoning By-law amendment is to permit the development of the subject lands for two, 4-storey apartment buildings, two 8-storey apartment buildings and two 9-storey apartment buildings with 724 residential units. The special provisions listed above would facilitate the proposed development.

### **Rationale of Recommended Action**

1. The recommended amendment to Zoning By-law Z.-1 is consistent with the 2020 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.
2. The recommended amendment conforms to the in-force policies of The London Plan, which contemplates a range of residential uses including stacked townhouses, fourplexes, and low-rise apartments within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard.
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Multi-Family Medium Density Residential and Open Space designations. The recommended amendment would permit development at an intensity that is at the upper range of the maximum density for residential intensification within the Multi-family, Medium Density Residential designation but still ensures the nature of development is suitable for the site and the immediate neighbourhood. The recommended amendment would help to reach the objective of supplying housing choices and options for all residents.
4. The recommended Zoning By-law amendment is consistent with the Southwest Area Secondary Plan. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the fringe of a developing neighbourhood, and the recommended amendment would permit development at a magnitude that is suitable for the site and the adjacent neighbourhood.
5. The recommended amendment facilitates the development of a site within the Built-Area Boundary and the Primary Transit Area with an appropriate form of infill development.

## **Linkage to the Corporate Strategic Plan**

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

## **Climate Emergency**

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes efficient use of existing urban lands and infrastructure. It also includes aligning land use planning with

transportation planning to facilitate transit-supportive developments and encourage active transportation

## Analysis

### 1.0 Background Information

#### 1.1 Planning History

In 2005, Municipal Council considered the city-initiated Official Plan amendment application (O-6872) for the Bostwick East Area Plan. There were many statutory public meetings of Planning Committee held on April 25, 2005, May 30, 2005, September 12, 2005, and November 28, 2005. Notice of passing of Official Plan Amendment No. 380 was sent on February 7, 2006. An appeal was received by the Ontario Municipal Board (OMB) for OPA 380. The reasons submitted by 1060024 Ontario Limited in support of the appeal to the Official Plan Amendment No. 380 primarily relate to the stand of trees adjacent to Southdale Road W. It is noted, the woodlot is not environmentally significant.

The Ontario Municipal Board issued its Decision/Ordered on December 11, 2007. The Order allowed the appeal in part, and modified OPA 380 as set out in the Board Order. The first purpose of the modification was to confirm that the 0.72 hectares (1.78 acres) of open space land was to be dedicated to the City by the Owner of 99 Southdale Road West. This dedication represents the parkland dedication in connection with any development on 99 Southdale Road W. In addition to the open space lands, OPA 380 was modified to reflect that if parkland over and above the open space lands was required by the City, then the parties would act in accordance with Section 16.3.1 of the Official Plan. The modification to the OPA does not bind Municipal Council to purchase any lands and the modification and is in accordance with the intent of Council's resolution, dated December 19, 2005. The woodlot is not environmentally significant, but it is considered culturally significant.

The subject lands are located in the Southwest Area Secondary Plan which applies to lands in the southwest part of the City of London, generally bounded by Southdale Road West, White Oak Road, Exeter Road, Wellington Road South, Green Valley Road and the Urban Growth Boundary identified on Schedule "A" of the Official Plan. Comprising approximately 2,700 hectares of land and provides for new development opportunities in the southwest quadrant of the City. This Secondary Plan provides a greater level of detail than the general policies in the City Official Plan. The Southwest Area Secondary Plan is organized around identified Neighbourhoods. In addition to general and implementation policies related to future development, specific Southwest Planning Area-based land use designations and policies are defined for each Neighbourhood. These lands are located in the North Longwoods Residential Neighbourhood which is intended to provide for opportunities to strengthen public transit and increase housing choices, all while maintaining the existing neighbourhood character.

Policy 20.5.1.5 - Existing Approved Area Plans of the Southwest Area Secondary Plan also identifies the property at 99 Southdale Road West as being within the Bostwick East Area Plan. The study area of the Area Plan comprises a total area of approximately 168 hectares (416 acres). The Bostwick East Area Plan was initiated by the City of London and undertaken by Sifton Properties Limited in 2003 as a developer-led community plan for the area bounded by Southdale Rd. West, Wharncliffe Road South and Wonderland Road South. These lands were designated as part of Official Plan Amendment No. 380, adopted by Council on February 27, 2006, and subsequently approved by the Ontario Municipal Board, with modifications, on December 11, 2007. The Bostwick East Area Plan provides for a range of housing types and densities to provide variety and choice and to take advantage of the area's accessibility from four arterial roads and its proximity to existing and proposed commercial and light industrial uses.

## 1.2 Property Description

The subject site is located on the south side of Southdale Road West, west of Notre Dame Drive and east of Wharncliffe Road South. Southdale Road West is an arterial road and is classified as a Civic Boulevard in *The London Plan*. The site is approximately 7.59 hectares (18.75 acres) in size with an approximate frontage of 314.86 metres (1,033 feet) along Southdale Road West and is currently undeveloped. An existing wooded area covers a portion of the subject lands with the remainder being an open field. The lands directly west are used for a community centre (Hellenic Centre) and further to the west lands are designated as Multi-Family, Medium Density Residential through the 1989 Official Plan and have been developed as townhomes. To the north is a mix of Multi-Family, Medium Density Residential and Low Density Residential that have been developed as townhomes and single detached dwellings. To the east and south of the site are lands that are designated Auto Oriented Commercial Corridor and have been developed as automobile sales and service establishments and home furnishing stores.

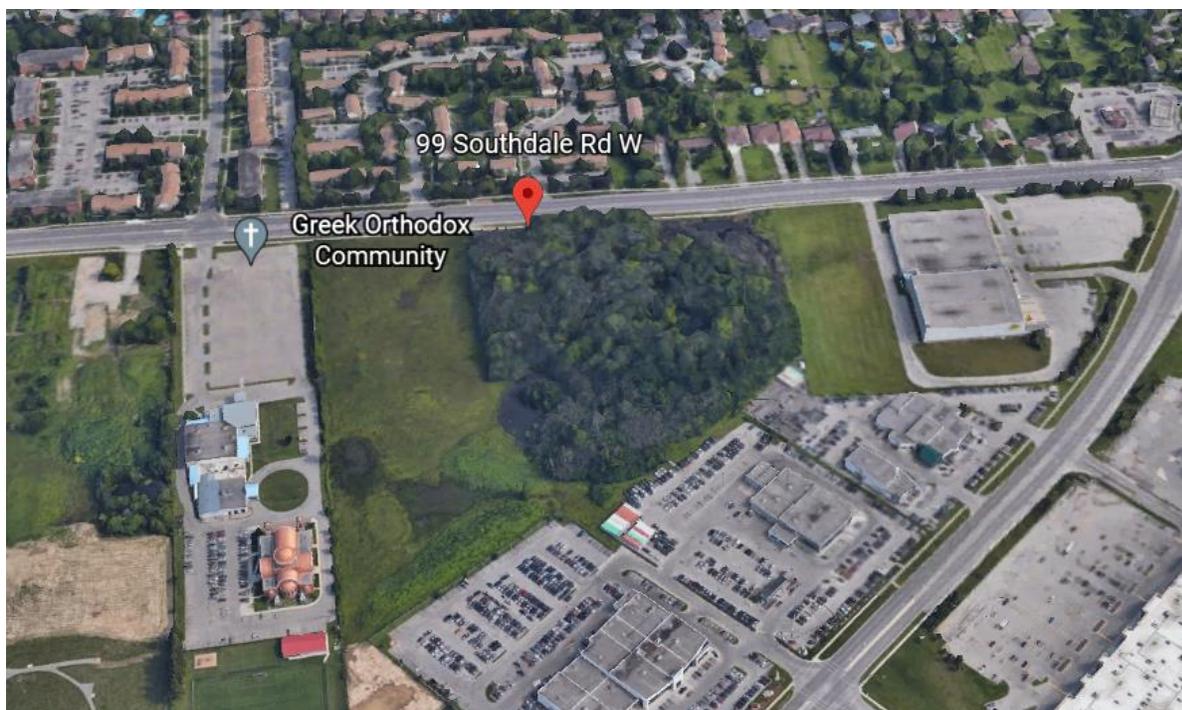


Figure 1 – Subject Site and Surrounding properties

### 1.3 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 – Urban Reserve (UR4) and Environmental Review (ER) Zone

### 1.4 Site Characteristics

- Current Land Use – Vacant
- Frontage – 314.86 metres (1,033 feet)
- Depth – variable
- Area – 7.59 hectares (18.75 acres)
- Shape – irregular

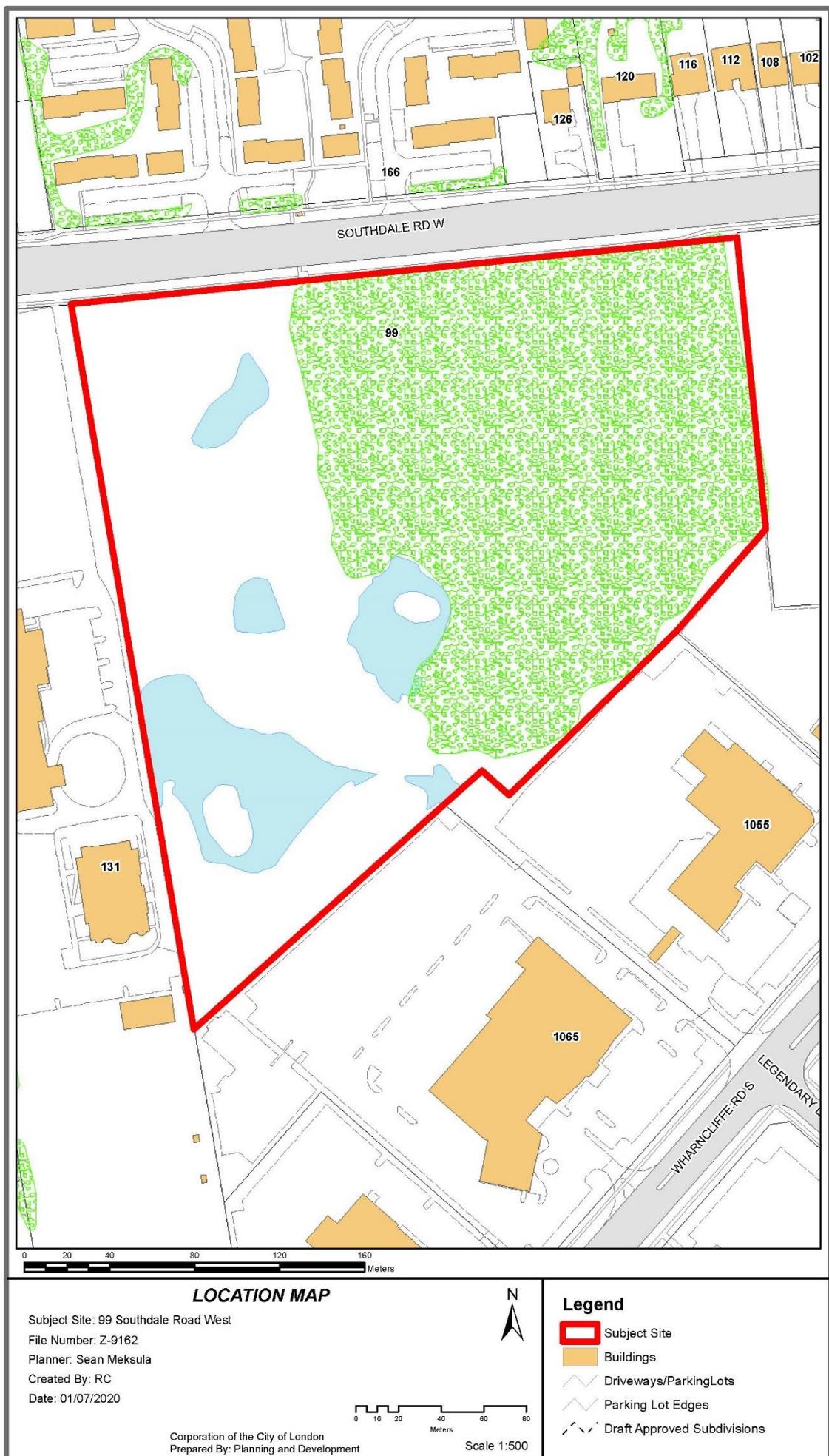
### 1.5 Surrounding Land Uses

- North – medium and low density residential
- East – commercial
- South – commercial
- West – community centre, medium and low density residential

### 1.5 Intensification (724 units)

- This development represents intensification inside the Built-Area Boundary and inside of the Primary Transit Area.

## 1.6 Location Map

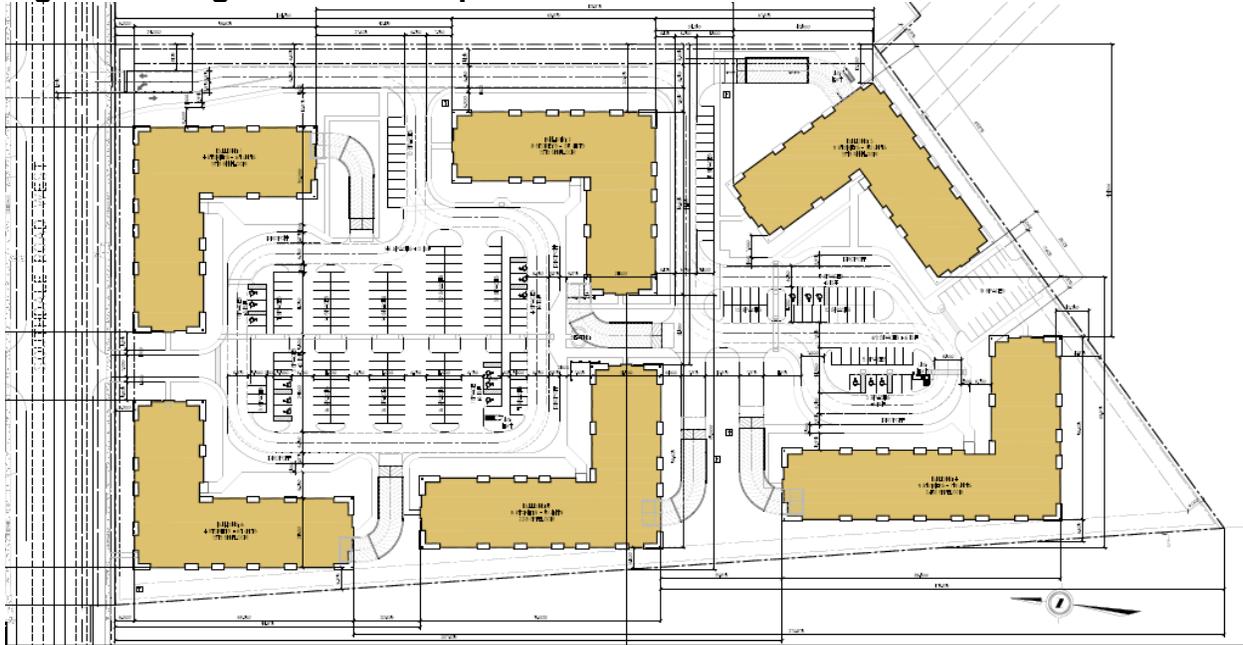


## 2.0 Discussion and Considerations

### 2.1 Original Development Proposal (December 2020)

In November 2019, the City accepted a complete application that proposed a for the development of two 4-storey, residential apartment buildings (Buildings '1' and '6') at the front of the property consisting of 134 units; two 8-storey, residential apartment buildings (Buildings '2' and '5') at the middle of the property consisting of 286 units; and, two 9-storey, residential apartment buildings (Buildings '3' and '4') located on the rear portion of the site consisting of 331 units at a density of 110 units per hectare.

**Figure 2 – Original Site Concept Plan**



**Figure 2 – Original Site Concept Plan**

### 2.2 Revised Development Proposal

Through the initial review it was determined that the 10-storeys couldn't be achieved through bonusing because the SWAP policies (20.5.4.1 iv) e)) restrict height to a maximum of 9-storeys. Subsequently, the plan and application were revised to provide for a height of 9-storeys and the density was reduced to 96 uph, both of which comply with SWAP policies and, therefore, removed the need for bonusing.

The applicant also subsequently revised the development proposal in response to Urban Design comments. The revised proposal is for the development of two 4-storey, residential apartment buildings (Buildings '1' and '6') at the front of the property consisting of 134 units; two 8-storey, residential apartment buildings (Buildings '2' and '5') at the middle of the property consisting of 286 units; and, two 9-storey, residential apartment buildings (Buildings '3' and '4') located on the rear portion of the site consisting of 304 units. The proposed development will contain a total of 724 units for a density of 96 units per hectare. A total of 1,179 parking spaces will be provided with 221 parking spaces at grade and 958 parking spaces underground.

The majority of the parking for the proposed apartment buildings will be provided within underground parking structures with visitor parking and overflow parking being provided in surface parking areas. The 4-storey buildings have one level of underground parking, while the 8 and 9 storey buildings each have two levels of underground parking. Ingress and egress to the site is provided from two new access points at Southdale Road West. The proposed easterly access will be a full-turns access and located opposite the access for the townhouse development on the north side of Southdale Road West. The westerly access will be a restricted right-in/ right-out access, also located opposite another existing access for the townhouse development. The right-in and right-out restriction is based on the proposed access's proximity to the existing controlled intersection of Southdale Road West.

The rhythm of at-grade openings is consistent across all storeys and elevations. Private outdoor amenity spaces for each unit are typically recessed into the building, separated by multiple columns of contrasting materials and/or colours. Through the use of a mix and range of materials, colours, and textures, a variety of vertical and horizontal articulation has been achieved, as illustrated in the conceptual renderings. Balconies are provided for all the residential units and landscaping will be used to enhance the appearance of the building setbacks in the front, side, rear yards and landscape strips/islands will buffer the automotive dealerships and community centre from the proposed buildings.

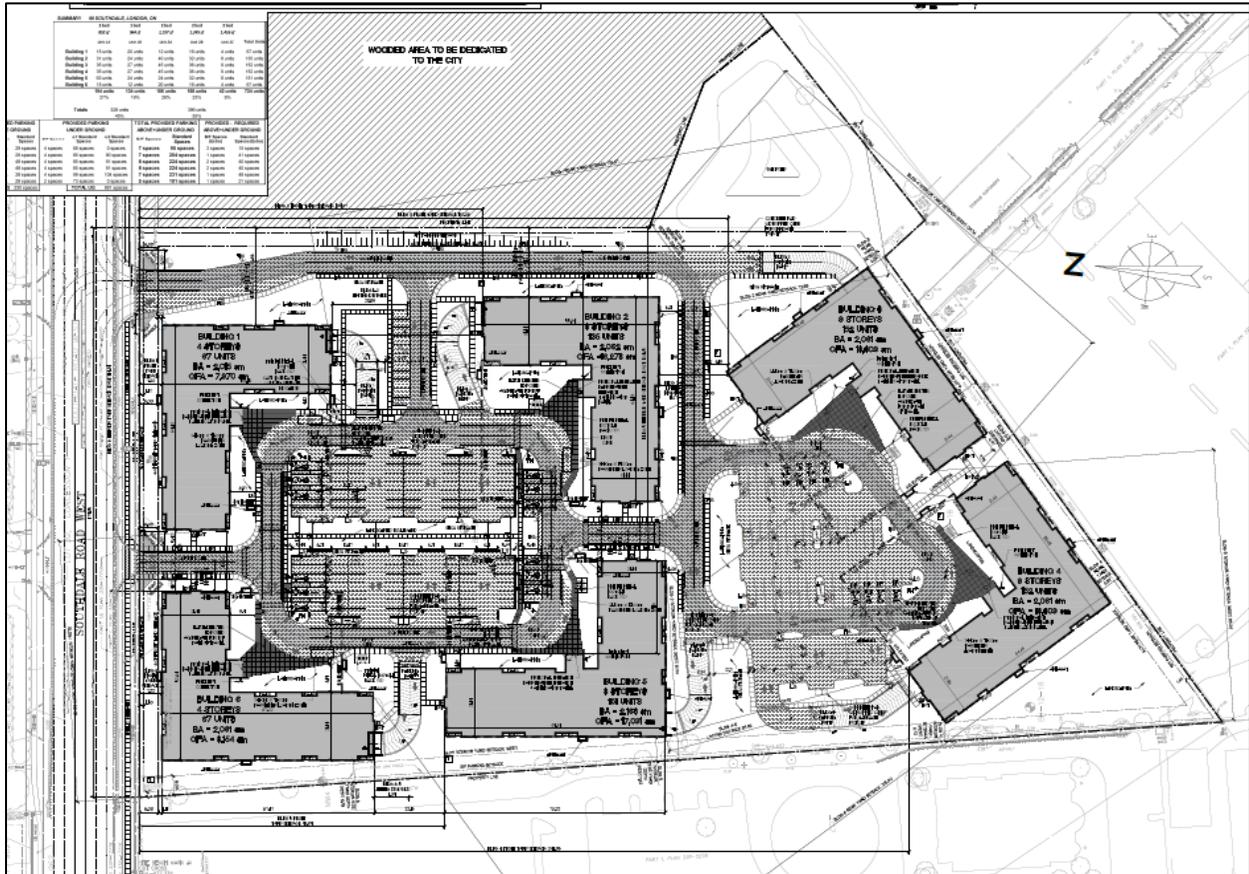


Figure 3 – Revised Site Concept Plan

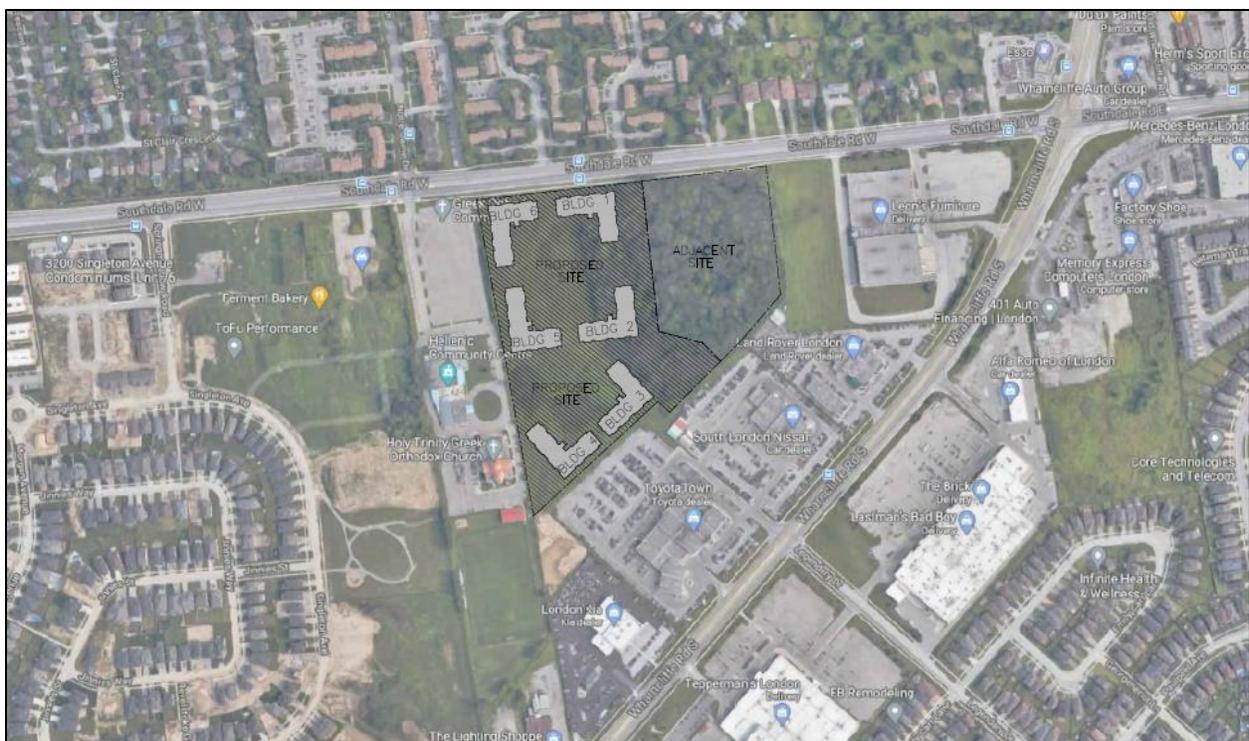


Figure 4 – Aerial view of subject lands and surrounding area



**Figure 5 – Northwest view from Southdale Road**

### **2.3 Proposed Amendments**

An amendment to Zoning By-law Z.-1 has been requested to change the zoning from an Urban Reserve (UR4) Zone and Environmental Review (ER) Zone to a Residential R9 Special Provision (R9-5(\_\_\_\_)) Zone and Open Space (OS4) Zone to permit apartment buildings with a maximum density of 96 units per hectare. Special provisions are requested to establish a minimum front yard setback of 6.0m along an Southdale Road West, a minimum rear yard setback of 6.0m, a minimum east interior side yard setback of 12.0m, a minimum west interior side yard setback of 6.5m and a maximum height of 29.5m.

### **2.4 Community Engagement (see more detail in Appendix B)**

A Notice of Application was sent to property owners within a 120-metre radius of the subject site on January 22, 2020, and was published in *The Londoner* on January 23, 2020. One “Possible Land Use Change” sign was placed on the subject site, fronting onto Southdale Road West. Written and verbal replies were received from five individuals requesting information on the status of the application. A revised notice was published in *The Londoner* on October 8, 2021 and sent to property owners.

The public’s comments generally included:

- Scale, intensity and height
- Too many units
- Parking reduction
- Traffic volume and safety
- Access
- Privacy/Overlook
- Light/Noise
- Crime
- Lack of green space
- Affect on the wetlands
- Buffering
- Sufficiency of Servicing Infrastructure
- Obstruction of view
- Type of tenancy
- Loss of property value

### **2.5 Policy Context (see more detail in Appendix C)**

The subject site is located in the Multi-Family Medium Density Residential designation in the 1989 Official Plan and in the Neighbourhood Place Type in The London Plan. Note that certain London Plan maps and policies are under appeal before the Local Planning Appeal Tribunal (LPAT).

## **Provincial Policy Statement, 2020**

### *Provincial Policy Statement, 2020*

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs. It also promotes cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

The PPS encourages settlement areas (1.1.3.1 Settlement Areas) to be the main focus of growth and development. Appropriate land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, along with the surrounding infrastructure, public service facilities are planned or available, and avoid the need for their unjustified and/or uneconomical expansion and are also transit-supportive (1.1.3.2).

The policies of the PPS states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected need (1.1.3.3) while promoting appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form (1.1.3.4) and support active transportation, that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (1.1.3.2, 1.6.7.4).

The PPS also provides for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents (1.4 Housing). Planning authorities shall provide all housing options required to meet the social, health, economic and well-being requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It promotes densities for new housing which efficiently use land, resources, and the infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. In accordance with section 3 of the Planning Act, all planning decisions 'shall be consistent with' the PPS.

Also, the PPS 2020 requires Planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns. This directs municipalities to promote compact form and a structure of nodes and corridors, to promote the use of active transportation and transit in and between residential. (s.1.8.1)

The PPS protects natural features and areas for the long term. Development and site alteration shall not be permitted in significant wetlands or significant woodlands. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Development and site alteration shall not be permitted on adjacent lands to these natural heritage features and areas 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. (2.1 Natural Heritage – 2.1.1, 2.1.4, 2.1.5, 2.1.7 and 2.1.8).

## *The London Plan*

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

The London Plan provides direction to plan strategically for a prosperous city:

- Revitalize our urban neighbourhoods and business areas (s. 55\_, Direction 1.4);
- Invest in, and promote, affordable housing to revitalize neighbourhoods and Ensure housing for all Londoners (s. 55\_, Direction 1.13);

The London Plan provides direction to build a mixed-use compact city by:

- Plan to achieve a compact, contiguous pattern of growth – looking “inward and upward” (s. 59, Key Direction 5.2);
- Sustain, enhance, and revitalize our downtown, main streets, and urban neighbourhoods (s. 59\_, Key Direction 5.3);
- Plan for infill and intensification of various types and forms to take advantage of existing services and facilitate and to reduce our need to grow outward (s. 59\_, Key Direction 5.4);
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place (s. 59\_, Key Direction 5.5); and
- Manage outward growth through the use of an Urban Growth Boundary and by supporting infill and intensification in meaningful ways (Key Direction 5.8).

The London Plan provides direction to place a new emphasis on creating attractive mobility choices by:

- Link land use and transportation plans to ensure they are integrated and mutually supportive (s. 60\_, Key Direction 6.4); and
- Dependent on context, require, promote, and encourage transit-oriented development forms (s. 60\_, Key Direction 6.6).

The London Plan provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services (s. 61\_ Key Direction 7.2).

The London Plan provides direction to make wise planning decisions by:

- Ensure that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement (s. 62\_, Key Direction 8.1); and
- Ensure new development is a good fit within the context of an existing neighbourhood (s. 62\_, Key Direction 8.9).

The London Plan also includes a City Structure Plan that identifies the framework for growth and change over the planning horizon which establishes a clear hierarchy for development intensity inside the Urban Growth Boundary. It places a high level of importance on growing “inward and upward” (Policy 79\_), while directing the most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86\_\*). Intensification is to occur in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83\_).

On housing, the Plan provides policy in terms of what elements should be included in development intended to meet affordable goals. It speaks to encouraging developments similar to the one under consideration through this application, specifically residential developments that offer innovative design features, construction techniques or tenure

arrangements that will also broaden the range of available housing alternatives. (Policy 513\_) This policy indicates that when considering affordable housing arrangements context should not be interpreted simply as a matching of existing neighbourhood and that new arrangements should be expected.

The policy context also includes those policies which speak more specifically to the siting of development and relationships of scale and form within a neighbourhood context. The range of uses and intensities for residential development within the Neighbourhoods Place Type are guided by Tables 10 and 11\*, with the interpretation thereof guided by Policy 919.

The subject site is located in a “Neighbourhood Place Type” along a “Civic Boulevard” which permits a variety of residential uses including townhouse, stacked townhouses, and low-rise apartments. The maximum height along the Civic Boulevard is 4 storeys or 6 storeys with bonusing. The London Plan encourages development of higher intensity along higher order roads as set out in Tables 10-12.

The Environmental Policies of this Plan require the submission of environmental impact studies to determine whether, or the extent to which, development may be permitted in areas within, or adjacent to, specific components of the Natural Heritage System. They will confirm or refine the boundaries of components of the Natural Heritage System and will include conditions to ensure that development does not negatively impact the natural features and ecological functions for which the area is identified. (Policy 1431). The City will require that an environmental impact study be completed to its satisfaction, and in accordance with provincial policy, in consultation with the relevant public agencies prior to the approval of a planning and development application, where development or site alteration is proposed entirely or partially within the distances adjacent to Natural Heritage System components set out in \*Table 13 – Areas Requiring Environmental Study (Policy 1432\_). Development or site alteration on lands adjacent to features of the Natural Heritage System shall not be permitted 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 (Policy 1433\_).

#### *(1989) Official Plan*

The City's *Official Plan (1989)* contains Council's objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the *Official Plan* primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

These lands are designated as Multi-family, Medium Density Residential and Open Space on Schedule 'A' of the (1989) *Official Plan*. The Multi-Family, Medium Density Residential designation permits multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged may be permitted (Section 3.3.1.). Section 3.3.3 i) states: normally height limitations will not exceed four storeys. In some instances, height may be permitted to exceed this limit, if determined through a compatibility report as described in Section 3.7.3. to be appropriate subject to a site-specific zoning by-law amendment and/or bonus zoning provisions. Section 3.3.3 ii) states: Exceptions to the density limit may be made without amendment to the *Official Plan* for developments which qualify for density bonusing under the provisions of Section 19.4.4. of this Plan. Developments which are permitted to exceed the density limit of 75 units per hectare (30 units per acre) shall be limited to a maximum density of 100 units per hectare (40 units per acre).

Multi-Family, Medium Density Residential (MFMDR) areas are intended to permit multiple-unit residential developments that have a low-rise profile, and densities ranging between those found in Low Density Residential and Multi-Family, High Density Residential areas. Lands designated as MFMDR serve as a transition between Low

Density Residential areas and more intense forms of land use. The preferred location of Multi-Family, Medium Density Residential uses include lands in close proximity to Shopping Areas, Commercial Districts, Open Space, Regional Facilities and lands abutting arterial roads, primary collector, or secondary collector roads with a transition from low density residential to medium density uses. Additionally, the subject lands are within the East Bostwick Area Plan, and the Southwest Area Secondary Plan boundaries. Where there is conflict between these sets of policies, direction is provided on which set of policies prevail.

Only a small strip of land along the Southdale Road South is designated as Open Space for the required parkland dedication for the entire block. The dedication of the majority of the woodlot supports the preservation and protection of natural cultural heritage features and woodlands for these lands.

### **East Bostwick Area Plan**

The East Bostwick Area Plan states that intent is to achieve a mix of residential uses along the streetscape, provide authentic neighbourhoods with mixed use opportunities, preserve and incorporate heritage features, and provide for passive and active recreational needs. Alternative development standards, and the application of cluster housing, only, for lands designated Multi-family, Medium Density Residential through zoning regulations must be addressed with the design guidelines to ensure that desired development standards are implemented in a way which promotes livable communities and to achieve a range of housing types and ensure that a critical mass will be created and approved consistent with the design guidelines in the East Bostwick Area Plan (Section 7.3). Existing open spaces should be retained and enhanced to contribute to the Overall parks and open space system in the Bostwick East community. Parks for both passive and active recreation opportunities benefit various levels of activity by local residents and provides views into the natural features of the community (Section 7.3.4)

The preparation of site plans will be required for multi-unit residential developments greater than three units, commercial developments and public buildings. These plans will be reviewed and approved by the City to ensure that buildings, parking areas and access locations are in accordance with proper functioning and integration with adjacent land uses, streets/driveway locations and facilities, and consistency with this Area Plan. The site plan approval process will also address issues related to landscaping, grading and drainage, parking and urban design principles, where, appropriate (Section 9.4)

### **Southwest Area Secondary Plan**

The purpose of the Southwest Area Secondary Plan (SWAP) is to establish a vision, principles and policies for the development of the Southwest Planning Area as a vibrant community in the city which incorporates a significant gateway into the city, elements of mixed-use development, an increased range and density of residential built form, sustainability, preservation of significant cultural heritage resources, walkability and high-quality urban design (Policy 20.5.1.2).

The subject lands are located within the North Longwoods Residential Neighbourhood in the Southwest Area Plan (SWAP). The Southwest Area Secondary Plan is organized around identified Neighbourhoods. In addition to general and implementation policies related to future development, specific Southwest Planning Area-based land use designations and policies are defined for each Neighbourhood in Parts 20.5.6 through 20.5.15. The Secondary Plan serves as a basis for the review of planning applications which will be used in conjunction with the other policies of the Official Plan and provides a greater level of detail than the general policies in the 1989 Official Plan. The Southwest Area Plan promotes sustainable growth patterns, strong neighbourhoods and natural heritage features that are unique to the southwest area. The North Longwoods Neighbourhoods are areas which have already experienced a significant number of planning approvals and are currently under development (Part 20.5.11). Higher intensity mid-rise, transit-oriented development is encouraged along portions of the arterial road network to support the provision of transit services as detailed in Section 20.5.4.1 iv) of the General Residential policies.

The permitted uses are determined by the North Longwoods Residential Neighbourhood policies, and Policy 20.5.4.1 iv) e) of the General Residential policies allow the built form and intensity of development to occur at a minimum density of 30 units per hectare and a maximum density of 100 units per hectare. Building heights shall be a minimum of two storeys and a maximum of nine storeys. A residential density exceeding 100 units per hectare (up to 120 units per hectare) may be permitted through a site-specific zoning by-law amendment, site plan application, and associated urban design review subject to the conformity with the policies of Section 11.1 of the Official Plan and the SWAP Secondary Plan. The primary permitted uses in the Multi-family, Medium Density Residential designation of the Official Plan shall be permitted.

An excerpt from Land Use Schedule 'A' is found at Appendix E

### **3.0 Financial Impact/Considerations**

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

### **4.0 Key Issues and Considerations**

#### **4.1 Use, Intensity and Form**

*Provincial Policy Statement, 2020 (PPS)*

The PPS seeks to create healthy, liveable, and safe communities sustained by promoting efficient development patterns, and compact and cost-effective development (1.1.1). The proposed development is in keeping with these objectives as it provides a compact and cost-effective development within a settlement area helping establish an appropriate land use pattern and contributing to the range and mix of land uses in the area. The development will both benefit and support the existing resources, surrounding infrastructure and public service facilities in the area (1.1.3 Settlement Areas).

The subject site is located in close proximity to two community commercial nodes which provide convenient amenities, employment and shopping destinations to the area. The site is also considered to be transit supportive as it is along an arterial road (Southdale Road W) with transit service. The proposed development is in keeping with the PPS as it provides an opportunity for higher intensity development while taking into account the existing building stock in the area. The proposed development has considered the surrounding building stock by positioning its tallest portions at appropriate locations on the site where impacts on the surrounding buildings will be reduced. The proposal has been reviewed by the Urban Design Peer Review Panel and City Staff to ensure that an appropriate development standard is established for this site. The subject site is also in close proximity to Wharncliffe Road South and Wonderland Road South, which are two other arterial roads, providing additional bus routes (1.1.3.2) contributing to a healthy, livable and safe community. The building's design and location help promote active transportation as they provide the ability for pedestrian and bicycles to access the nearby facilities helping limit the need for a vehicle to carry out daily activities in conformity with the goals of the PPS.

Residential areas are to accommodate a diversity of dwelling types, building forms and heights, and densities in order to use land efficiently, provide for a variety of housing prices, and to allow for members of the community to "age-in-place". The development of apartment buildings at higher than current densities, will provide a population base to help to support neighbourhood community facilities and commercial uses at the corners of Southdale Road West and Wonderland Road, and Southdale Road West and Wharncliffe Road South with the provision of transit routes serving the area.

*The London Plan*

This application is being reviewed under all applicable policies and where there is more specific guidance or a conflict between the general policies and the Secondary Plan, the Southwest Area Secondary Plan policies prevail.

The subject site is within the “Neighbourhoods Place Type” in the London Plan along a “Civil Boulevard” which permits residential uses such as townhouses, stacked townhouses and low-rise apartment buildings up to 4-storeys (6-storeys with Type II Bonusing) storeys in height.

The London Plan encourages “inward and upward” growth to achieve compact built form within existing built-up areas of the City. The proposed development is a form of residential intensification that is of a compact built form, located in an existing built-up area in the City of London. Residential intensification may be permitted in all Place Types that allow for residential uses.

Compatibility and fit of residential intensification proposals are evaluated from a form perspective in The London Plan. The subject lands are located on an under-utilized portion of the lands along Southdale Road West that is well-separated from sensitive land uses. Although the proposed 4-storey buildings are located close to the front and side lot lines, there are sufficient separations and buffers between the proposed buildings and the surrounding land uses. Drive aisles, parking, and landscaping separates the proposed development to the south and west, the wooded area will buffer and screen from the east; Southdale Road West and mature trees separate and buffer from the residential uses to the north.

Furthermore, policies within the London Plan, place a strong emphasis on higher intensity development to be located along higher order roads as outlined in the residential Tables pertaining to height. Although the development exceeds the height permissions in the London Plan the proposed development conforms to the purpose and intent of The London Plan by providing a more intense form of development along a higher order road (Southdale Road West). However, as noted above, the proposed height and density are reflective of the prevailing Southwest Area Secondary Plan height and density policies (20.5.4.1 iv) e)). In this case, the proposed 9-storey height and 96 UPH density are permitted on the subject lands.

#### *(1989) Official Plan*

The subject lands are designated “Multi-Family, Medium Density Residential” in the (1989) Official Plan. This designation contemplates multiple-attached dwellings, such as row houses or cluster houses, low-rise apartments buildings; rooming and boarding houses, emergency care facilities, converted dwellings, and small-scale nursing homes, rest homes and homes for the aged.

The subject lands are located along a major arterial roadway (Southdale Road West) and are proximate to the commercial corridor along Wharcliffe Road South, the commercial node at Southdale Road West and Wonderland Road South, and the commercial corridor along Wonderland Road South. The subject lands are also proximate to other MFMDR designated lands along the Southdale Road West corridor. The development will be adjacent to dedicated public open space. Other public parkland, and open space areas are interspersed throughout the adjacent neighbourhoods.

Within this designation medium density development will not exceed an approximate net density of 75 units per hectare. Additional density up to a maximum of 100 units per hectare may be made without amendment to the Official Plan for developments which qualify for density bonus (3.3).

In addition to the MFMDR designation on the lands there is also a portion designation Open Space. As indicated above in the Section 1.1 Planning History and Section 2.5 Policy Context, the Open Space designation relates to a previous Ontario Municipal Board hearing decision, that concluded that the wooded area is not significant, but that the landowner would provide 0.72 ha of parkland dedication along the Southdale Road West frontage. An excerpt from that OMB decision is as follows:

“To delete the Vegetation Patch outside ESA's and Wetlands for the south side of

Southdale Road West, west of Wharnccliffe Road South on Schedule "B" - Flood Plain and Environmental Features;"

A site-specific policy was added to Chapter 10 of the '89 OP addressing the parkland dedication amount:

"For the approximately 7.7 ha (19 acres) of land located on the south side of Southdale Road West and west of Wharnccliffe Road South, municipally known as 99 Southdale Road West, which is designated Open Space and Multi-Family Medium Density Residential, the owner shall dedicate to the City and the City shall acquire from the owner as public parkland dedication .72 ha (1.8 acres) of land designated as Open Space." The owner has also agreed to dedicate 2.83 hectares of the woodlot to the city as discussed below in the Natural Heritage section of this report.

In Section 20.2 of the (1989) Official Plan the Southwest Area Secondary Plan (SWAP) is identified as an adopted Secondary Plan. As noted, Section 19.2.1 states that where there is a conflict between the general policies of the 1989 Official Plan and a Secondary Plan, the policies and schedules of the Secondary Plan prevail.

#### *Southwest Area Secondary Plan (SWAP)*

The following is an analysis of the relevant policies in the SWAP that were reviewed for this application.

The subject lands are designated "Multi-Family, Medium Density Residential" and "Open Space" on Schedule 4 and Schedule 12 in SWAP. These designations reflect the designation established in the 1989 Official Plan. The subject lands are also within the North Longwoods Neighbourhood in SWAP. The North Longwoods Neighbourhood policies provide additional details on permitted uses for the subject lands further to the general land use policies. The permitted uses for the subject lands shall be consistent with the MFMDR designation policies of the 1989 Official Plan. These uses, and the permitted density and height have been previously provided in this report (75 UPH and 4-storées, including the opportunity to exceed these limits subject to additional criteria). The general built form is also meant to be consistent with the policies of the 1989 Official Plan.

The proposed development ensures a compact residential development, is an effective use of land and ensures that the community caters to the needs of all ages, stages of life and income groups. (20.5.1.4.ii) This has been achieved in this development by the apartments providing an alternative form in the area and increasing the range and mix in the area. Location and form are good for all ages in walking distance etc.

A majority of the parking for the proposed apartment buildings will be provided within underground parking structures with visitor parking and overflow parking being provided in surface parking areas. All surface parking areas are provided internal the subject lands, screened from view from the street and abutting properties by the proposed buildings. The provision of underground parking allows for a suitable building orientation with appropriate setbacks that provide opportunities for open space, including the retained wooded area, for residents to enjoy.

There is a community structure policy (20.5.2) which guides higher density development along arterial roads rather than interior portions of a residential area. The requested amendments to the Zoning By-law implement this policy by protecting the internal portions of the adjacent residential neighbourhood.

Looking at the Built Form and Intensity policies (20.5.2) the proposed development's use of articulation and appropriate massing strategically sited throughout the property provide an appropriate transition for adjacent land uses. This can be seen through the proposed building height and intensity between the commercial uses to the east and the institutional and residential to the west. Also, the proposed apartment buildings are largely distanced from the lower density to the north, southwest, and southeast providing for a compatible height transition.



**Figure 6 – Overall Conceptual Rendering (original concept)**

As noted, the general policies of SWAP note that the intent of the “Medium Density Residential” land use designation is to provide for transit-oriented low-rise to mid-rise residential development at a slightly higher intensity than is typical for medium density development, providing for development at suitable densities to support transit along the arterial road network. It is important to note that the subject site is within the very specific policy area for residential intensity adjacent to arterial roads and section 20.5.4.1.iv, e) applies. This identifies that development shall be a minimum of 2-storeys in height, and a maximum of 9-storeys in height, with a maximum density of 100 UPH.

Below are the criteria for evaluating Residential Development Intensity Adjacent to Arterial Roads through policy (20.5.4.1.iv) that requires consideration of:

a) *Function and Purpose*

*It is intended that arterial roads can serve as significant routes for public transit services. Specific policies apply along portions of the arterial network that are intended to focus on intense, medium density housing forms...*

b) *Character*

*Development along the arterial road corridors will include street-oriented and higher intensity housing forms such as stacked townhouses and low-rise apartment buildings...*

c) *Intent*

*This policy is intended to provide for transit-oriented, low-rise to mid-rise residential development at a slightly higher intensity than is typical for medium density residential...*

d) *Built Form and Intensity*

*Development shall occur at a minimum density of 30 units per hectare and a maximum density of 100 units per hectare. Building heights shall be a minimum of two storeys and a maximum of nine storeys.*

The proposed development seeks to permit a higher level of residential intensity on the subject site because it is along Southdale Road West, an arterial road. SWAP identifies that arterial roads are the preferred location for this form of development as they can accommodate higher levels of traffic and tend to provide high levels of public transit service. The proposed development provides a 6.0m setback from Southdale Road West helping create a street-oriented built form and provides surface parking behind the buildings ensuring it is screened from the street. As mentioned, underground parking is also provided along with pedestrian connections throughout the site. The policy also suggests that residential development may develop at a slightly higher density than the typical medium density developments due to the proximity along these arterial roads.

The proposed level of intensity is consistent with these policies as they are proposing densities at 96 uph with a height reaching nine storeys. The remainder of the criteria has been reviewed under Urban Design below.

#### *SWAP and Official Plan – Urban Design*

SWAP outlines urban design policies (20.5.3.9) as they relate to the public realm and the building and site design. Southdale Road West is an arterial road, which is intended to have the highest form of design treatment and act as a socially vibrant public space. A range of design features, including sidewalks, tree plantings, landscaping, paving treatments, and/or lighting, is possible for the proposed development.

The proposed development consists of six apartment buildings. There are two, 4-storey mid-rise, buildings oriented along the Southdale Road frontage with a strong street edge. There is an increase in height transition of 4-storeys to 9-storeys from Southdale Road to the rear of the property to provide a transition from the adjacent residential to the commercial. Across Southdale Road there are townhouses. There were public concerns with regards to obstruction of view from the public living in the townhouse. Through the process staff suggested that the 4-storey buildings be positioned along the frontage of Southdale Road E to provide a transition from the townhouses to the proposed 8 and 9-storey buildings. Along with this, the buildings provide flat roofs with mechanical penthouses and parapets. The parapets correspond with non-balcony locations, breaking up the façade of the buildings.



**Figure 7 – North- west from Southdale Road**

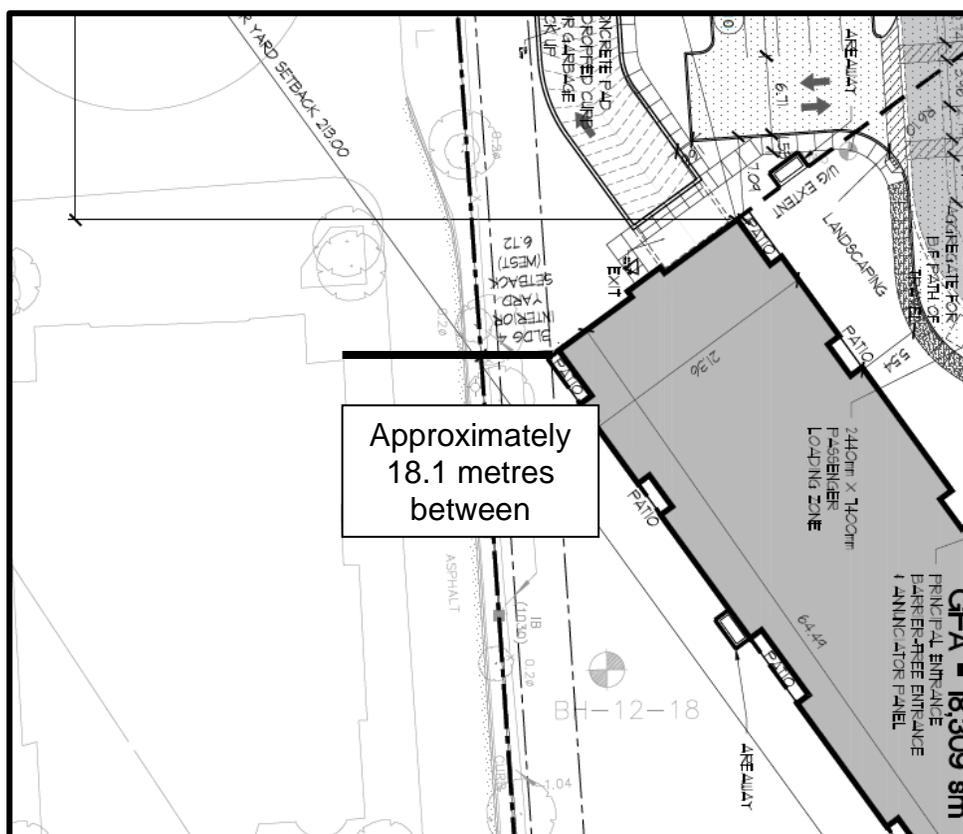
Also, a significant road widening is required along Southdale Road. Staff encouraged the 4-storey buildings be located close to the Southdale Road to provide a strong street wall. A special provision is being recommended to ensure buildings are set back to accommodate trees, door swings, balconies, and awnings.

The intensity of development within the developable area is suitable for the site. In addition, the proposed form of development has made a strong effort to maintain a scale and form that responds to the surrounding land uses. The proposed development supports Development Design Policy (20.5.3.9.i) as the subject site is located along a major transit route with a proposed density that will support this transit. As indicated, the development provides an appropriate height and massing along Southdale Road West, across from the existing residential uses to the north. The location and orientation of these buildings fronting Southdale Rd enforces prominent site lines along the street with visual interest all while creating a comfortable pedestrian environment.

The development also provides increased building heights and massing on the south portion of the property adjacent to existing commercial uses. A 6.0 metre setback is

proposed for the 9-storey apartment buildings to the rear lot line adjacent to the commercial uses. This will provide sufficient space for landscaping and contribute to the overall functionality of this area. The recommended setback will result in minimal impacts to the abutting commercial uses as the existing commercial buildings are located approximately 85 to 100 metres away from the proposed buildings ensuring future compatibility between the land uses.

To the west of the subject site is the Hellenic Centre. A corner of one of the proposed 9-storey buildings is proposed to be setback 6.1m from the lot line adjacent to the Hellenic Centre which is setback approximately 12.0m, for a total of approximately 18.1 metres between the two buildings (See Figure 11 Below). The proposed apartment is angled in a manner which results in the built form moving away from the property line limiting the impacts of the proposed height on the Hellenic Centre and ensuring compatibility between the two land uses. Through the review process staff and the applicant have worked together to come up with the current site layout. The proposed development is considered entirely appropriate in its context from both a compatibility and intensity perspective, however it is worth noting that further modifications can be made through the site plan approvals process.



**Figure 11 – Approximate distance between existing building to the west and proposed building to the east**

Overall, the development’s ability to provide for an increased height with a continuous active street wall along the Southdale Road frontage, provides a positive interface for pedestrians. The buildings provide a unique design variation through an appropriate scale, form, and use of materials which in turn provides for an appropriate human scale along Southdale Road. The development has positioned the height and massing at appropriate locations with a transition in uses where the impacts of the height will be limited on the abutting properties.



**Figure 9 – Closer views of the internal design**

As mentioned, SWAP outlines that building heights of up to 9 storeys is contemplated for properties fronting arterial roads. The proposed 9 storeys in height is in keeping with the purpose and intent of the SWAP for developments along arterial roads.

The Official Plan also ensures that all developments conform to the Urban Design principles in Section 11.1. As part of a complete application the applicant provided an Urban Design Brief and attended the Urban Design Peer Review Panel to identify how the above-mentioned policies have been achieved through the building design and form. The proposed development was well received by Staff and the Urban Design Peer Review Panel. There were concerns with regards to the proposed building locations and internal connections in response to the initial submission. Through the planning process, these concerns have been dealt with and will continue to be dealt with through the site plan process. Also, staff are satisfied with the recommended yard setbacks as shown on the site concept plan and identified in the regulations of the amendments to the Zoning By-law. Other design concerns included, but not limited to, amenity area, parking, and pedestrian walkways. The applicant was successful in working towards meeting these requests to improve the overall development. Further refinements regarding these matters will continue to be dealt with during the Site Plan Approval process.

The London Plan requires that all planning and development applications conform to the City Design policies related to form of development. The proposed development is in keeping with these policies as the building is sited near the front lot line along Southdale Road West and provides a strong street wall along this portion of the property.



**Figure 10 – Looking south onto the rear of the subject site**

The different heights contribute to the pedestrian environment and aids in the transition between the apartments adjacent to the existing commercial and residential properties. The overall development uses setbacks and a variety of different materials and articulation to help reduce the overall massing of the buildings and create a pleasant and interesting pedestrian environment throughout the development while reducing large expanses of blank wall along the street and internal to the site.

The proposed site design and building layout provide a compatible form of development. As mentioned, further refinements to the development concept through the Site Plan Approval process will consider additional mitigating measures. This is a positive development that provides a strong, positive streetscape and allows residents of the community an option for this type of housing.

#### **4.2 Zoning By-law**

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal.

As per the SWAP (20.5.16.5), any applications for amendment to the City of London Zoning By-law shall be subject to the policies of the Secondary Plan and applicable policies of the City of London Official Plan. Consideration of other land uses through a Zoning By-law amendment shall be subject to a Planning Impact Analysis as described in the applicable designation of the Official Plan.

The subject lands are currently zoned “Urban Reserve (UR4)” with a small portion of the lands zoned Open Space, and a larger area Environmental Review in the City of London Z.-1 Zoning By-Law.

The recommendation proposes to amend the Zoning By-law to a Residential R9 Special Provision Zone (R9-5(\_)) Zone and Open Space (OS4) Zone:

- to permit apartment buildings with special provisions for a minimum front yard setback of 6.0m along an Southdale Road West, a minimum rear yard setback of 6.0m, a minimum east interior side yard setback of 12.0m, a minimum west interior side yard setback of 6.5m, a maximum height of 29.5m and the density, lot area, lot coverage and landscaped open space calculation shall be based on a lot area which includes the lands in the abutting Open Space (OS4) Zone

The proposed building height for the apartment buildings to permit a maximum 29.5m is proposed in order to afford flexibility in the final building design. Although there are reduced side yards proposed, all the functional requirements of the side yards, such as access between buildings, landscaping, and services, are adequately provided for within the setback to ensure mitigation measures have been addressed for compatibility between land uses.

Looking at the policies in SWAP and the intent to provide a strong and continuous street edge along major arterial roads, the recommended minimum front yard setback of 6.0m is appropriate and will provide flexibility in building placement. Locating buildings close to the street line promotes a strong street edge which in turn creates a positive pedestrian experience.

The maximum building heights are proposed to be 4, 8 and 9-storeys which are contemplated in SWAP for medium density residential uses along arterial roads. Given the analysis in this report staff have determined that the proposed height variations are appropriate for the subject lands within the surrounding context. The proposed setbacks establish appropriate distances between buildings and lot lines to ensure a compatible development plan. Furthermore, the applicant has advised that landscaping along the lot lines of the subject lands, including such elements as evergreen trees and fencing, may be used to further enhance the transition between uses.

The proposed Zoning By-Law Amendments seek to permit enhanced residential density and building height on the subject lands, in keeping with the general intent and objectives of the (1989) Official Plan, SWAP and The London Plan. The subject lands are well located to support additional height and density, and the proposed site design is responsive to the existing land uses surrounding the subject lands. The built form of the proposed development is appropriate for the location of the subject lands and is compatible with existing and planned uses abutting the lands. These amendments are appropriate and desirable for the development of the subject lands and represents good land use planning.

#### **4.3 Natural Heritage**

The west portion of the subject lands contains a pond, and the east portion of the subject lands contains a woodlot. The proposed development is directed towards the western half of the subject lands adjacent existing development to the west and south. A portion of the wooded area is proposed to be removed to allow for additional development area, and preferred vehicular access point. However, the balance of the wooded area is to be conveyed to the City of London for conservation purposes. This portion is proposed to be amended to an Open Space (OS4) Zone. While this wooded area has been studied and permitted to be removed by the Ontario Municipal Board, through discussions with staff, the proposed development arrangement has been prepared, as mentioned, to focus the density to the western half and allow the dedication of the wooded area. As discussed previously in this report, the wooded area was deemed non-significant, and through the OMB hearing the vegetation patch was deleted from Schedule "B" of the Official Plan and a specific area policy was added to Chapter Ten of the Official Plan addressing parkland dedication and the wooded area.

Through the review of the proposed application and the 2.33 hectare existing woodlot to be dedicated to the City, staff have no additional concerns with the proposal.

Through the process the Upper Thames River Conservation Authority (UTRCA) remained concerned about potential wetland features on the subject property and as a result hydrogeological and environmental work was undertaken confirming that no wetlands features existed on the lands, only a pond. The UTRCA removed the requirement for an Environmental Impact Study as a result of this work, however an EMP (Environmental Management Plan) is required through the site approval process. Also, UTRCA staff have confirmed the development concept is generally consistent with the concept and that approval of a Section 28 permit from the UTRCA is required for the proposed development to ensure the terms and conditions identified they have identified are addressed.

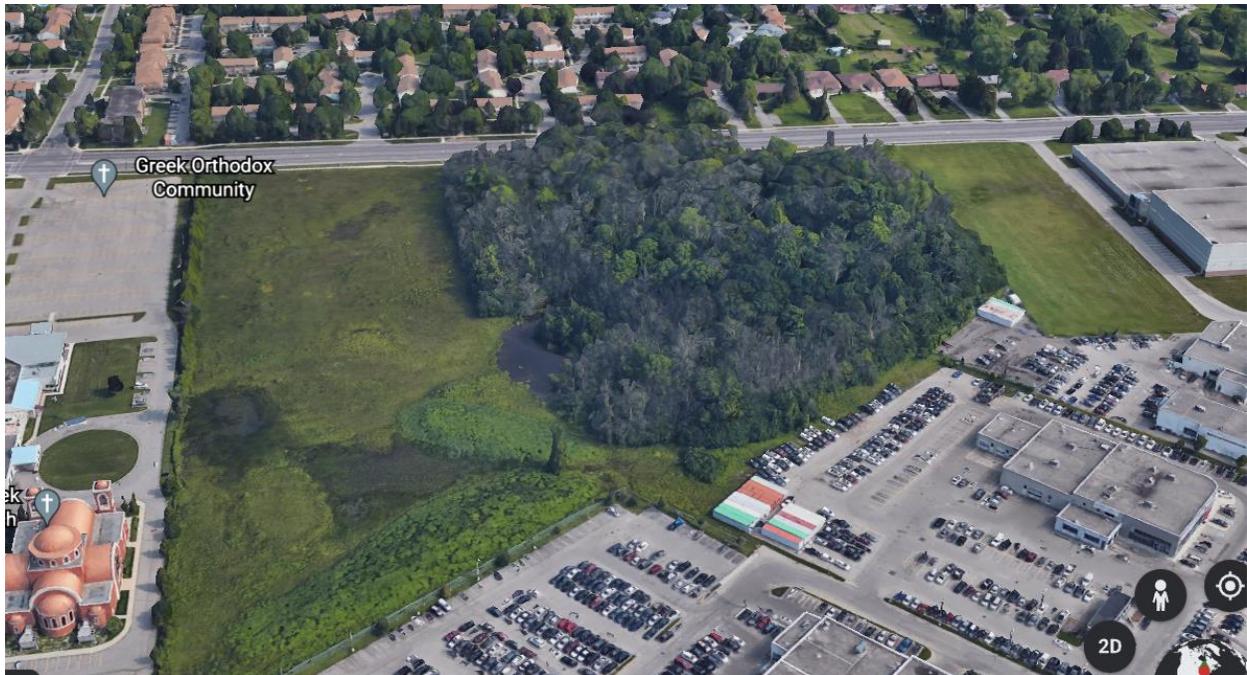


Figure 11 – area of the Woodlot and pond

#### 4.4 Transportation Impact Assessment

The Transportation Division had requested a Traffic Impact Assessment to determine the impact this development will have on transportation infrastructure and improvements that may be required.

Transportation has reviewed the study and does not require any holding provisions for this application as any outstanding issues will be addressed through Site Plan Approval.

### Conclusion

The recommended amendments are consistent with the Provincial Policy Statement, 2020 and conform to the Southwest Area Secondary Plan, and 1989 Official Plan policies. The recommended amendment will facilitate the development of an underutilized site within the Built-Area Boundary and the Primary Transit Area with a land use, intensity, and form that is appropriate for the site.

The development ensures the building form and design will fit within the surrounding area while providing a high quality design standard. The subject lands are situated in a location where a higher density can be accommodated given the existing municipal infrastructure, frontage on an arterial road, existing public transit, and close proximity to a major commercial node.

**Prepared by:** Alanna Riley, MCIP, RPP  
Senior Planner, Planning & Development

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

Copy: Heather McNeely, Manager, Current Development

## Appendix A Zoning By-law Amendment

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

By-law No. C.P.-1284-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 99 Southdale Road West.

WHEREAS Southdale West Holdings Inc. has applied to rezone an area of land located at 99 Southdale Road West, as shown on the map attached to this by-law, as set out below;

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 99 Southdale Road West, as shown on the attached map comprising part of Key Map No. A110 from an Urban Reserve (UR4) Zone and an Environmental Review (ER) Zone to a Residential R9 Special Provision Zone (R9-5(\_)) Zone and Open Space (OS4) Zone.
- 2) Section Number 13.4 of the Residential R9 (R9-5) Zone is amended by adding the following Special Provisions:

R9-5( ) 99 Southdale Road West

a) Regulations:

- |      |  |             |
|------|--|-------------|
| i)   | Height<br>(maximum)  | 29.5 metres |
| ii)  | Front yard<br>(minimum)  | 6.0 metres  |
| iii) | West Side Yard<br>(minimum)  | 6.5 metres  |
| iv)  | East Side Yard<br>(minimum)  | 12.0 metres |
| v)   | Rear Yard  | 6.0 metres  |
| vi)  | The density, lot area, lot coverage and landscaped open space calculation shall be based on a lot area which includes the lands in the abutting Open Space (OS4) 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.

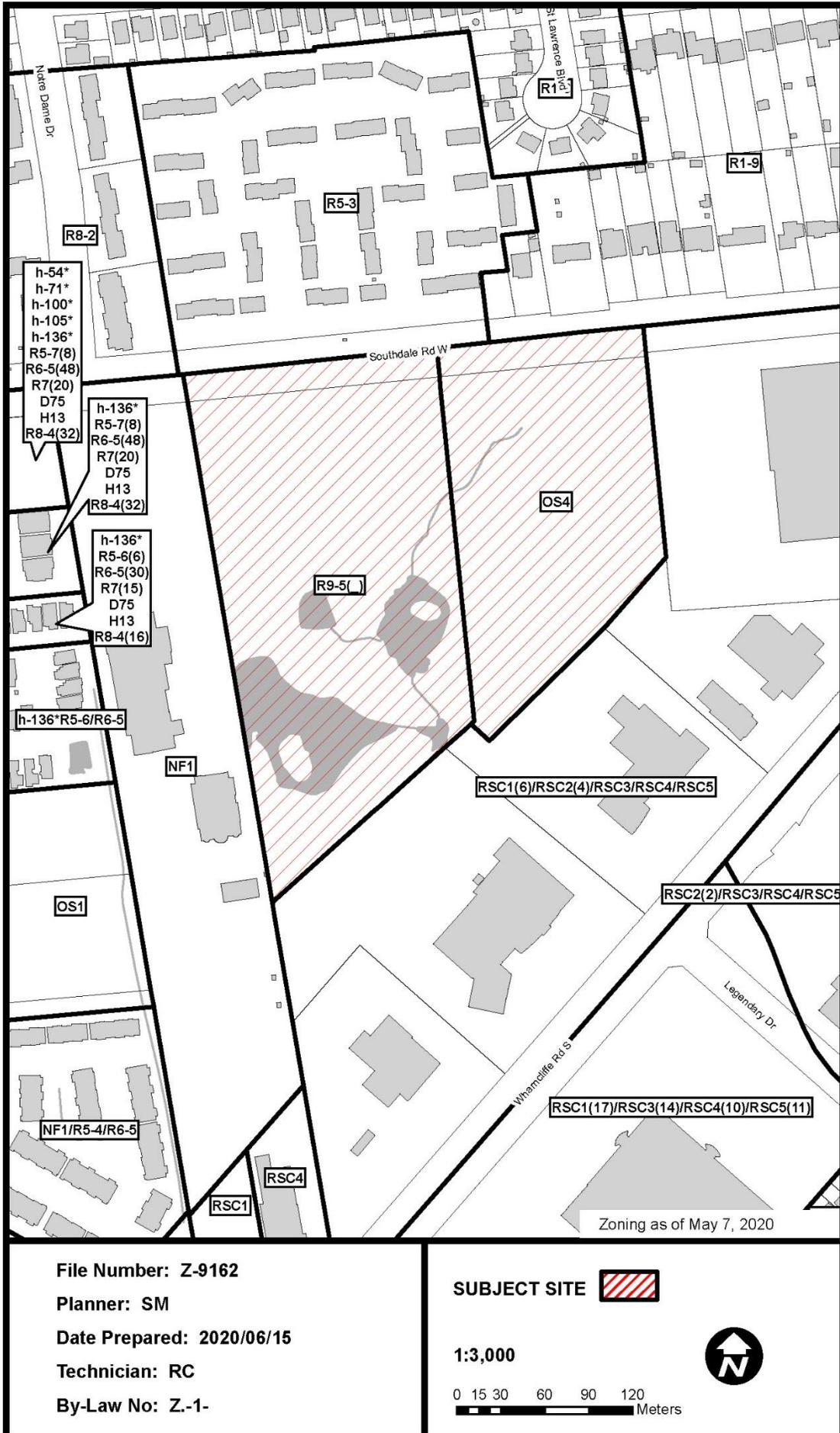
PASSED in Open Council on December 7, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

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



## Appendix B – Public Engagement

### Community Engagement

A Notice of Application was sent to property owners within a 120-metre radius of the subject site on January 22, 2020, and was published in *The Londoner* on January 23, 2020. One “Possible Land Use Change” sign was placed on the subject site, fronting onto Southdale Road West. Written and verbal replies were received from five individuals requested information on the status of the application. A revised notice was published in *The Londoner* on October 8, 2021, and sent to property owners

The public’s comments generally included:

- Scale, intensity and height
- Too many units
- Parking reduction
- Traffic volume and safety
- Access
- Privacy/Overlook
- Light/Noise
- Crime
- Lack of green space
- Affect on the wetlands
- Buffering
- Sufficiency of Servicing Infrastructure
- Obstruction of view
- Type of tenancy
- Loss of property value

Good evening,

I'm writing to voice my concern over the planning application revisions at 99 Southdale Rd West. Putting this many units will destroy the protected green space on Southdale.

Traffic will be impossible if 751 units are added. It's too high density.

What are the plans for schools in the area as the closest one is already over capacity with too many students in portables.

I'm also concerned about a higher crime rate.

Thanks,  
Kristina Hanke

In response to recently receiving the Revised Notice of Application for 99 Southdale Road West, my position on this matter has not changed. I am strongly opposing any planning application for future development.

I oppose this application due to many facts / concerns:

1. FACT - Buildings of this magnitude will destroy the **Protected Wetland** to the east of this property. Geese, ducks, reptiles, bull frogs, and other living creatures, including our provincial flower – trilliums - will be not protected at all.

- The land was not designed for this magnitude of structural development. Development will increase noise and air pollution and be a hindrance to our community in so many ways. It would be a disgrace to allow this application to be approved. I noticed that a paragraph has been removed from the original Application – *“open space lands that will be dedicated to the City beyond the prescribed parkland dedication amount to the benefit of the surrounding neighbourhoods”*. What is the intent here by removing this paragraph? Is the City not involved with the building design and protecting open lands for the benefit of the surrounding neighbourhoods? That is clearly sending a wrong message; i.e. City has no responsibility or concern about this neighbourhood nor its eco-systems – only looking to seek profit and changing the landscape to be a city with concrete, not trees. What benefit is it to the residents of London to change the current landscape at 99 Southdale Road W.? Does the city not care about protecting its eco-systems and maintaining a healthier living environment for its residents?
2. FACT - High Density will increase the issue with traffic even more so. I recall citing my concerns when widening of Southdale was in the planning stages. I stated that with the higher volume of traffic and increase in speed limit, this will attract car racers / speeders and it would make it very dangerous and difficult with getting in / out of our complex. Years later, my concerns were proven to be correct. This is a fact. Speeders continue and the traffic is so dense that we have difficulty entering / exiting our complex directly across the street at 166 Southdale Road West which houses 161 units. One resident was hit by a car and still walks with a cane (others, including myself have had near misses with cars).
    - Having only one entry and one exit point of the proposed development on Southdale Road W. facing north will create even more havoc with entering / exiting our complex, especially when the centre lane is used not only for entering the complex (from the west), but for exiting (to the east) as the centre lane is used in order to cross over to the eastbound lanes. Proposed development will house at least 2,000 residents (751 units) and if each unit has two cars, that is a total of 4,000 cars going in and out of the proposed development. Currently, our complex has 161 units with a maximum of 372 vehicles. The Greek Hellenic Centre hosts several events and traffic going west uses the centre lane for turning left (south) into that complex. So... you have traffic coming from all directions in the centre lane - traffic from the east turning into the proposed complex (south), traffic from the west turning into our complex (north) that has two entry points, plus traffic from our complex (two entrances) turning east in the center lane to cross over into east-bound traffic. This will be even more of a traffic nightmare, not to mention the hindrance of the flow of traffic and impending safety concerns. I will reiterate that one neighbor who was hit by a car at Southdale and Notre Dame and now walks with a cane. The City has done very little to stop the continuous speeding, racing, noise violations (enhanced mufflers on vehicles) and pollution, so.... how is the City going to manage even more traffic, congestion, speeders, noise and safety within our neighbourhood?
  3. Higher crime rate will likely ensue with higher population density. Currently, there is crime to the west of the proposed planning property in high density areas (Singleton Ave. area) and when you build multiple high density buildings (rentals), the crime rate will increase.
  4. FACT - any development will impede the frontage view of residents within our complex. According to the City's Original Plan, there cannot be any obstruction in the frontage of our property (facing south).
  5. FACT – NOISE and AIR Pollution (with the high density of population and traffic) will significantly increase, which will affect residents' (including wildlife) health and well-being.

6. FACT – any kind of future construction will have a negative impact on the surrounding wildlife and residents – too many negative items to list, let alone the logistics involved with any future development of this magnitude.

The City of London needs to protect its (our) precious land at every cost. It is not always about making money / profit and appeasing developers in order to gain money / profit. Taxpayers of London have a voice and we need to be heard, not ignored. Many of us have lived in this neighbourhood for over twenty (20) years. I have seen the development over the years and the landscape has changed dramatically (not in a favourable way). I walk twice daily and I cannot even walk down Southdale Road West (between Wharncliffe and Wonderland), fearing that I will be hit by a car (as one of my neighbours was). I am frustrated with how the current traffic density, racing of motorists, noise, pollution, and higher crime rate is affecting our neighbourhood and causing havoc and anxiety for many of us. The City has a responsibility to continue in **protecting Designated Protected Wetlands** and to protect / safeguard the EXISTING residents of this area, and it can do so by vetoing this planning application.

**Pamela McInnes**

Please advise where the driveways will be located. Also, what will happen to the wetlands?

Regards,

Yvette Daigle

As a resident of Notre Dame Drive for the past 12 years I am again very disappointed with this next proposed planning for extremely high-density residential units that could hold the total population of a small town .

This would be in addition to a large, ugly and high-density multi-unit structure on the south west side of the Greek Orthodox Community Centre that is nearing completion. When the City was looking for input for that development, I had been assured that there would be a significant green-space created in conjunction with that development. **THIS DID NOT HAPPEN!**

Now another huge development with no provision for any public green-space or park is being proposed on what appears to be wetlands at 99 Southdale Rd West.

Traffic on Southdale Road in this area is already very heavy with speeders/racers frequenting the strip.

This development is further evidence of the thoughtless and non-visionary planning that the City of London continues to inflict upon its tax payers.

Why is the entire length of Southdale Rd from Wonderland Rd to Wharncliffe Rd on both sides of the road being devoted solely to high density multi- unit residential units?

I foresee even more road accidents, injuries and deaths on this road than what we already currently experience.

Regards,

**Tony Parker**

Good day Mr. Meksula and Mr. Van Meerbergen,

I would like to officially submit my opposition to the above-noted planning application, **#Z-9162**.

I was born and raised in London. My husband and I are retired and own a condo in the complex located at 166 Southdale Road West, which is directly across the street from your proposed development.

Can the city not leave **one single wooded area** alone in southwest London?? Is it necessary to fill every empty piece of land with high-rises??

Southdale Road West has already become unbelievably busy ... as it is, we generally experience quite a wait to exit our condo complex onto Southdale Road.

Although I am not certain, I have to wonder if this development would lower the value of our condos - and be an eyesore compared to the beautiful wooded area we currently enjoy, which we have always appreciated.

This particular part of the city is getting built-up very quickly but surely there is land to build such a development on Wonderland South or further up on Southdale?? Vacant/cleared land where you wouldn't have to destroy wooded acreage in order to build?? Remember ... the "Forest City"?????

Please consider our complex when making this decision - and the **already** WAY TOO busy traffic on Southdale Road West.

Thank you for your consideration.

Wendy Preib

I am in receipt of the recent planning application for this property and whilst I am not an individual to stand in the way of progress I am somewhat disappointed and concerned that this new development of high density housing does not appear to provide any "green-space" or community park, space of any kind. Regrettably other recent high density residential projects on the south side of Southdale Rd have also excluded any green space or community enhancement areas. Green space is disappearing as are trees and animal habitats. This whole area is now turning into high density residential housing with no consideration for green-space or community meeting places. Very sad.  
regards

Anthony Parker

To: Sean Meksula,

I wish to object to the re zoning of the concerned area on 99 Southdale Rd. West. I live right across the street from the area in question (at 166 Southdale Rd. West), and I feel that the area will be too congested with traffic in and out. It looks like the 2 entrances/exits are directly across from ours.

I've lived here over 20 years and have watched the development taking place all along Southdale Rd, and would hate to see the last piece of natural area disappear. There is wildlife in that field, including geese, that will be displaced. Just because there are no trees right in the field, doesn't mean that it isn't providing shelter and food for animals and birds, etc. It is an ecosystem that should be left alone.

Altogether, an undesirable plan.

Thankyou.

Mrs. Allyson Burdett

Hello,

In regards to this Notice Of Planning Application, I strongly oppose to the development of new apartment buildings (cluster of them – high density) in this area.

This area is considered a registered Protected Wetland by the City of London and should NOT be disturbed and/or developed, as it will affect the environment, wildlife and nature in this area. Canadian Geese, frogs and other wildlife live in this area. It would be a violation to develop in this area. There are trilliums in this area, as well, and any development would be in violation of the Ontario Trillium Protection Act, 2009.

When the development of Southdale Road W. was widened, it was recorded that this area is protected Wetlands and no development will ever take place.

Pamela McInnes

Good Afternoon Sean,

Please see the comments below submitted to Councillor Van Meerbergen from Carol Thorley concerning the 99 Southdale Rd West application:

I am concerned you are taking away more greenspace in this area by adding dense housing.

When does this stop.

Southdale Rd is already a busy corridor for traffic this would add more and require more roadwork increasing lanes can causing issues with existing homes.

There is a sense green area for wild life that has already been displaced by other intense construction. It is time to leave greenspace not build more dense buildings.

It probably would be a great idea to fix or rebuild existing homes not new leaving dilapidated buildings.

Carol Thorley



*Holy Trinity Greek Orthodox Community  
Of London & Vicinity*  
ΕΛΛΗΝΙΚΗ ΟΡΘΟΔΟΞΟΣ ΚΟΙΝΟΤΗΣ  
ΑΓΙΑΣ ΤΡΙΑΔΟΣ ΛΟΝΔΙΝΟΥ ΚΑΙ ΠΕΡΙΧΩΡΩΝ



October 26, 2021

**Alanna Riley, MCIP, RPP, Senior Planner**  
**Development Services**  
City of London  
300 Dufferin Avenue, 6<sup>th</sup> Floor  
London ON, PO BOX 5035  
N6A 4L9

Dear Ms. Riley,

**Re: Z-9162 Public Meeting for 99 Southdale Road West, Zoning By-Law Amendment**

We have respectfully reviewed the amended development proposal for 99 Southdale Road West and have the following comments and concerns to address with the Planning and Environment Committee.

To begin with, The Holy Trinity Greek Community of London and Vicinity is not opposed to the development of the subject lands, but we strongly object to the magnitude of the development as proposed. The current proposal does not reflect the conclusion of our previous discussions. We understand that our Church would be the focal point of the surrounding area and not distracted by larger more prevalent buildings.

Please reference, "Notice of The Adoption of An Official Plan Amendment by the Council of The Corporation of The City of London dated 7<sup>th</sup> day of February 2006". Under amendment 3.5.18 of Bostwick East Area Plan Amendment, it says, "... residential designated lands along the south side of Southdale Road West to address building form and massing, suitable scale and stepping of height from adjacent existing single detached dwellings and encourage reasonable visible sight lines to the Holy Trinity Greek Orthodox Church, prior to draft plan of subdivision approval and site plan approval."

We have developed our Hellenic Community Centre and especially our church to provide an architectural and activity focal point for the heart of this area.

The current proposal is requesting 8 and 9-storey high rise residential apartment dwellings adjacent to our property at 133 Southdale Road West and alongside our church is not within the "spirit and understanding" from the FINAL Official Plan Amendment made by the City of London in 2006. Our church will be dwarfed by these adjacent high rise apartment buildings. The light will be blocked out, visibility from Southdale Road will be obstructed and the openness and privacy we are accustomed to will be forever lost. The proposed look of this eastern development certainly is not compatible with the current look of the landscape west of our property.

In addition, we have the following questions/concerns related with the proposed development plan:

1. From our understanding, the proponent must have regard for the London Plan. Currently, the subject lands are in the Neighborhoods and Green Space Place Types in the London Plan. The Neighborhoods

131 Southdale Rd. W., London, ON N6J 2J2 • Tel: (519) 438-7951 • Fax (519) 438-6834  
Email: [londongreekcom@bellnet.ca](mailto:londongreekcom@bellnet.ca) • Website: [www.londongreekcommunity.org](http://www.londongreekcommunity.org)

Place Type permits "low-rise" apartments with a maximum height of 4 stories with the potential of up to 6 stories with Type 2 bonusing. Therefore, this allows for medium density up to a maximum height of 6 stories. However, the plan proposed is of multi-family, high density development which clearly exceeds the allowable heights and density by 2 and 3 stories. If permitted, this sets a dangerous precedent within the City's Urban Growth boundary for other future developments. We strongly object to these heights and density proposed.

2. Access to the subject lands via Southdale Road West has been an ongoing issue with past development proposals. This development proposes two (2) full access points for egress and ingress to the site. Has this access to the proposed development been resolved? Was there a requirement for a "Traffic Impact Analysis" to be undertaken in order to support the Zoning By-law Amendment and if so, what were the results / recommendations of this report? We have concerns with the increase in traffic along with the associated congestion that will be produced from this high-density addition to the area.
3. The proposed buildings overshadow our church from the east. Have "Shadow Studies" been conducted on the proposed development plan and its effects on our church/property?
4. Has a "Bird Study" been conducted due to the proximity of the woodlot to the east with respect to the heights of the buildings?
5. The proposed plan shows a requested density of 96 units/hectare. Is this density calculated on the total area (i.e., developable area and protected forested/open space area) or only on the proposed developable area? The density should be calculated for what is developable.

With all the above based concerns, we would like to state that we are strongly opposed to the current proposed Zoning By-law Amendment and Plan for 99 Southdale Road West. The proposed plan should respect and reflect those past decisions made for the area. Most importantly, the proposed plan for the east should show compatibility and be complementary towards the current look of the west development. We would prefer to see the Zoning By-law Amendment move the plan towards a multi-family, medium density of no more than the permitted 4 storeys without the Type 2 bonus allowed.

Yours truly,

John P. Tryphonopoulos, Vice President  
HOLY TRINITY GRAEK ORTHODOX COMMUNITY OF LONDON AND VICINITY  
133 Southdale Road W  
London, Ontario N6J 2J2  
519-857-8371  
[jtgramma@gmail.com](mailto:jtgramma@gmail.com)

cc: Paul Van Meerbergen, Ward Councillor

Hi Paul and Alana,

Please note that when I canvassed the neighbourhood there was a large percentage of residents that **did not receive** any notification from the City. Owners who have lived here for a few years did not receive a notice, nor did other residents.

I believe it is the City's responsibility to not only issue Notices of this nature to all residents (that are affected by a Notice), and to update its directory (in a timely fashion), as it is outdated. Perhaps the City can mail out notices to residents / occupants.

In addition, pursuant to my concerns stated in previous emails, the City has to recognize that no other housing of this magnitude (751 apartments, six buildings) has been developed/erected on the entire Southdale Road - from east to west - Pond Mills to

Westdel Bourne. In particular, there are no housing frontages facing south (such as ours - having only access points being on Southdale Road) that directly face any housing frontages facing north (with only access points being on Southdale Road).

According to London's Environmental Policies (excerpt below), London is to protect and conserve our natural resources.

Protection, management and enhancement of the environment is central to all of the planning that we do. Our Environmental Policies provide direction for: 1. The identification, protection, conservation, enhancement, and management of our Natural Heritage System. 2. The minimization of risks associated with Natural and Human-made Hazards. 3. The identification, protection, and conservation of our Natural Resources

WHAT ARE WE TRYING TO ACHIEVE? 1295\_ Our Environmental Policies will provide clear direction for the long-term protection and conservation of our Natural Heritage System and our Natural Resources and ensure that development is directed away from Natural and Human-made Hazards

Any development will impede our natural resources. The City will not be protecting its natural resources if it proceeds with the proposed development. It is far too large of a project.

**Pamela McInnes**

Thanks Alanna for taking the time to speak with me.

One question – does the City of London currently own all of the land between Leons and the Greek Hellenic Community Centre on Southdale Road W.?

**Pamela McInnes**

Thanks for your response.

I'm not a subject-matter expert with understanding zoning, therefore, I took the liberty of "googling" and found some information. My understanding is that no development / buildings can be erected in protected / designated Wetlands. The neighbourhood is strongly opposing ANY development at 99 Southdale Road W. This is a high density populated proposition in a very small area that has wildlife in the area that is full of water and vegetation, and will affect the landscape and be detrimental for all living creatures nearby, as well as having a tremendous negative impact to those who live directly across from 99 Southdale Road W and the surrounding area – which I have stated.

As well, I am questioning the validity of the holding company. I have reached out to professionals and did my own research and there is no registered Southdale West Holdings Inc. company that can be found. This is raising a red flag – many Asian companies are trying to gain land in southwestern Ontario for development. Is this a hidden corporation under a larger corporation or a "corrupt" company?

In speaking with a member of the Hellenic Community Centre, this "so-called" company is trying everything to gain access to this open space.

Another note – the pictorial shows that a significant portion of the protected Wetland will be removed to accommodate 751 units (six apartment complexes).

I am hoping that we can connect by phone to discuss further my concerns or is it best that I speak with Paul Van Meerbergen on this matter?

**Pamela McInnes**

## Appendix C – Policy Context

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

### ***Provincial Policy Statement, 2020 (PPS)***

Policy 1.1.3.1 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.2 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.3 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.4 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.4.3 Building Strong Health Communities, Housing

Policy 1.7.1 Building Strong Health Communities, Long Term Economic Prosperity

Policy 2.6.1 Wise Use and Management of Resources, Cultural Heritage and Archaeology

Policy 2.6.2 Wise Use and Management of Resources, Cultural Heritage and Archaeology

### ***1989 Official Plan***

3. Residential Land Use Designation

3.1.1 v) - General Objectives for All Residential Designations

3.1.3 – Multi-family, Medium Density Residential Objectives

3.3 Multi-family, Medium Density Residential

3.3.1 Permitted Uses

3.3.3 Scale of Development

3.7 Planning Impact Analysis

11. Urban Design Principles

11.1.1 i), ii), xi), xv), xviii)

13. Heritage Resource Policies

13.4 Archaeological Resources

15. Environmental Policies

15.1.1 Natural Heritage Objectives

15.3.6 Ecological Buffers

15.3.7 Management and Rehabilitation Priorities

15.4.2 Wetlands

15.4.5 Significant Woodlands and Woodlands

15.4.7 Wildlife Habitat

15.4.14 Other Woodland Patches larger than 0.5 ha.

15.5.1 Purpose of Environmental Studies

15.7 Erosion and Wetland Hazards

19 Implementation

#### 19.9.5 Noise, Vibration and Safety

i) Noise Attenuation

iv) Setback from High Pressure Pipelines

#### 19.9.6 Additional Noise Attenuation Policies for Residential Land Uses Adjacent to Arterial Roads

#### **Southwest Area Secondary Plan:**

20.5.1.2;

20.5.1.4;

20.5.2;

20.5.3;

20.5.4;

20.5.16;

Schedule 1, 2, 4, 12

#### ***The London Plan***

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7\_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 59\_2., 4., and 8. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 66\_ Our City, Planning for Growth and Change

Policy 79\_ Our City, City Structure Plan, The Growth Framework, Intensification

\*Policy 83\_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 84\_ Our City, City Structure Plan, The Growth Framework, Intensification

\*Policy 90\_ Our City, City Structure Plan, The Growth Framework, Primary Transit Area

Policy 154\_8. Our City, Urban Regeneration

Policy 256\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 259\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 389\_ City Building Policies, Forest City, What Are We Trying to Achieve

Policy 393\_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 394\_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 398\_ City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach

\*Policy 399\_3. and 4. b. City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach, Protect More

Policy 497\_ City Building Policies, Homelessness Prevention and Housing, What Are We Trying to Achieve

Policy 554\_2. and 3. City Building Policies, Cultural Heritage, What Are We Trying To Achieve

Policy 557\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, The Register of Cultural heritage Resources

Policy 565\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 566\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 567\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 568\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 574\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Individual Heritage Properties

Policy 579\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 581\_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 586\_ City Building Policies, Cultural Heritage, Specific Policies for the Protection, Conservation, and Stewardship of Cultural Heritage Resources, Individual Heritage Properties

Policy 608\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 609\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 616\_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 617\_ City Building Policies, Cultural Heritage, Archaeological Resources

\*Table 10 Range of Permitted Uses in Neighbourhoods Place Type

\*Table 11 Range of Permitted Heights in Neighbourhood Place Type

\*Policy 919\_ Place Type Policies, Urban Place Types, Neighbourhoods, Approach for Planning Neighbourhoods – Use, Intensity and Form

\*Policy 937\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods

\*Policy 939\_6. Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

\*Policy 952\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Site Plan Approval for Intensification Proposals, Public Site Plan Approval Process

\*Policy 953\_2 a.-f. and 3. Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

\*Policy 1578\_ Our Tools Planning and Development Applications, Evaluation Criteria for Planning and Development Applications

Policy 1682\_ Our Tools, Planning and Development Controls, Site Plan Control, Public Site Plan Process

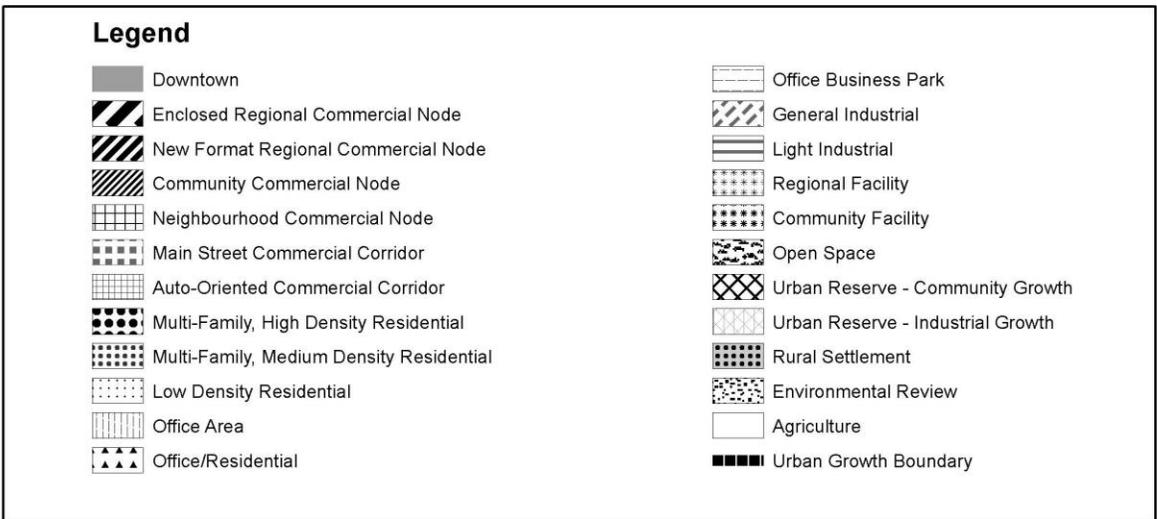
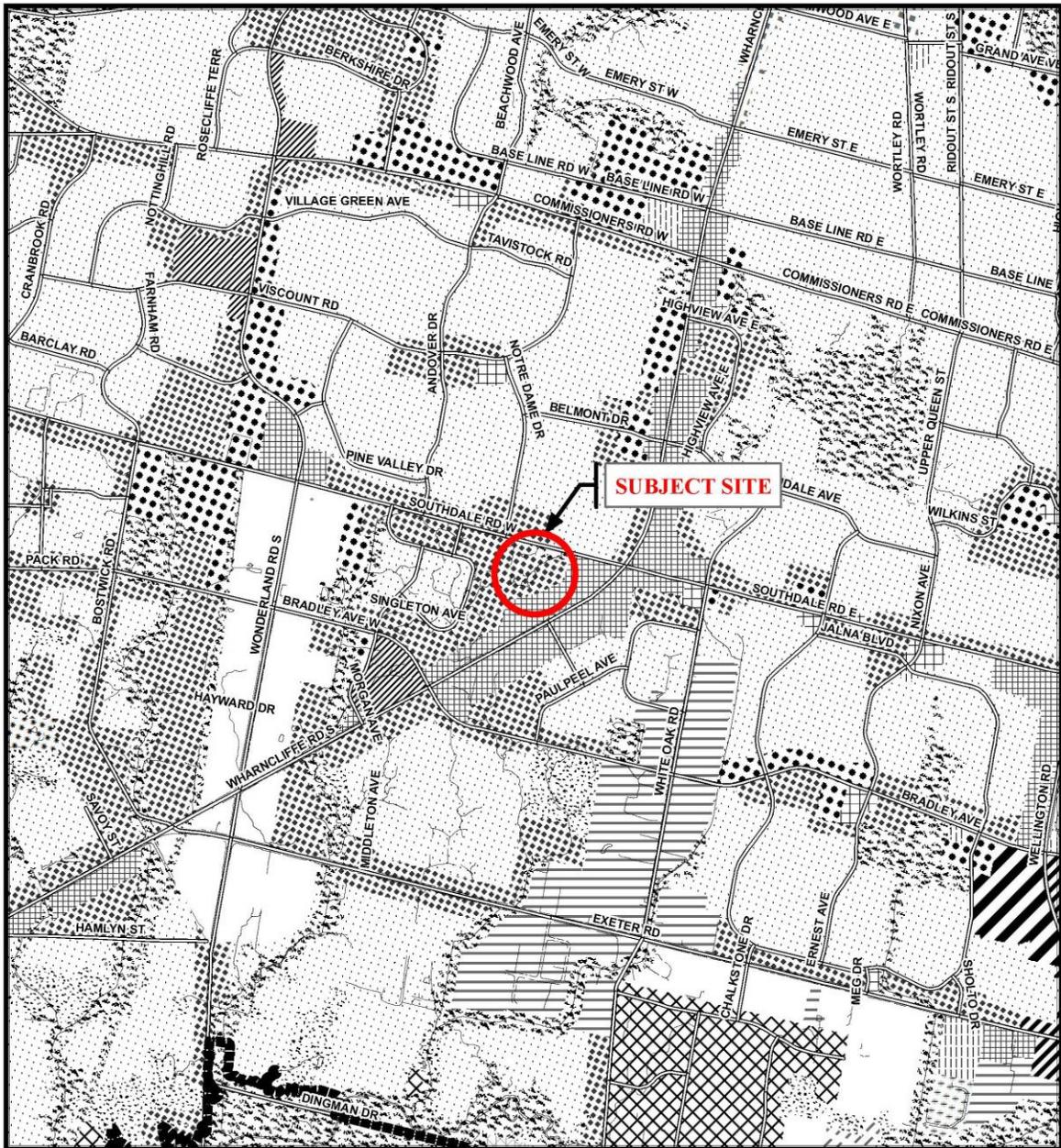
\*Policy 1683\_ Our Tools, Planning and Development Controls, Site Plan Control, Public Site Plan Process

3.7 Planning Impact Analysis	
Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The proposed land use is a contemplated use in the Southwest Area Secondary Plan, similar to other uses in the area, and contributes to a variety of housing forms within the neighbourhood.
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;	The site is able to accommodate the intensity of the proposed use. Detailed site design at the site plan approval stage will help refine site elements.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use; and	There is no vacant land in the area which is already designated and/or zoned for the proposed use.
The proximity of any proposal for medium or high-density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	The site is located close to office and commercial uses, elementary schools, numerous parks, and bus service on Southdale Road W
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	The proposal is not eligible to be considered for affordable housing as a bonus provision is not requested. Apartment units may be more intrinsically affordable than single detached dwellings.
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The scale/height of the proposed development is mitigated to the east by the side-to-rear yard relationship between the development and commercial to the south, institutional to the west, and woodlot to the east. Suitable on-site setbacks provided from the rear of the building to the property to the south, impacts on adjacent properties, such as overlook and light penetration, would be mitigated through a combination of yard depth, appropriate space for landscape screening, and photometric analysis/mitigation at the site plan approval stage.
The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;	Landscaping and screening opportunities through vegetation will be considered at a future Site Plan Approval stage.
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	Transportation has accepted the Transportation Impact Study and any additional concerns will be dealt with through the Site Plan Approval process.

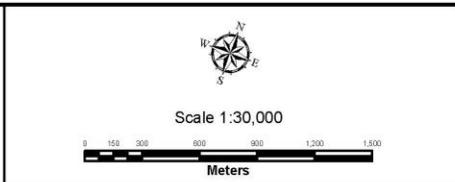
<p>The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;</p>	<p>The applicant is commended for incorporating the following into the design of the site and buildings: locating the buildings close Southdale Road W with the parking lot at the rear. At the site plan stage, additional attention should be paid to detailed design criteria to further urban design goals.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources;</p>	<p>Not applicable.</p>
<p>Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;</p>	<p>Not applicable.</p>
<p>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;</p>	<p>The requested amendment is consistent with the in-force policies of the Official Plan and Southwest Area Plan. The requirements of the Site Plan Control By-law will be considered through the design of the site to ensure functionality, including provision of amenity space, drive aisle widths, sidewalk widths, garbage storage, and long-term bicycle storage through the site plan approval process.</p>
<p>Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;</p>	<p>Enhanced, robust tree planting and landscaping in combination with privacy fencing, and building massing treatments are expected to mitigate minor adverse impacts on the surrounding land uses.</p>
<p>Impacts of the proposed change on the transportation system, including transit</p>	<p>The residential intensification of the subject lands will have a negligible impact on the transportation system and provide a more transit-supportive form of development.</p>

# Appendix D – Relevant Background

## Additional Maps

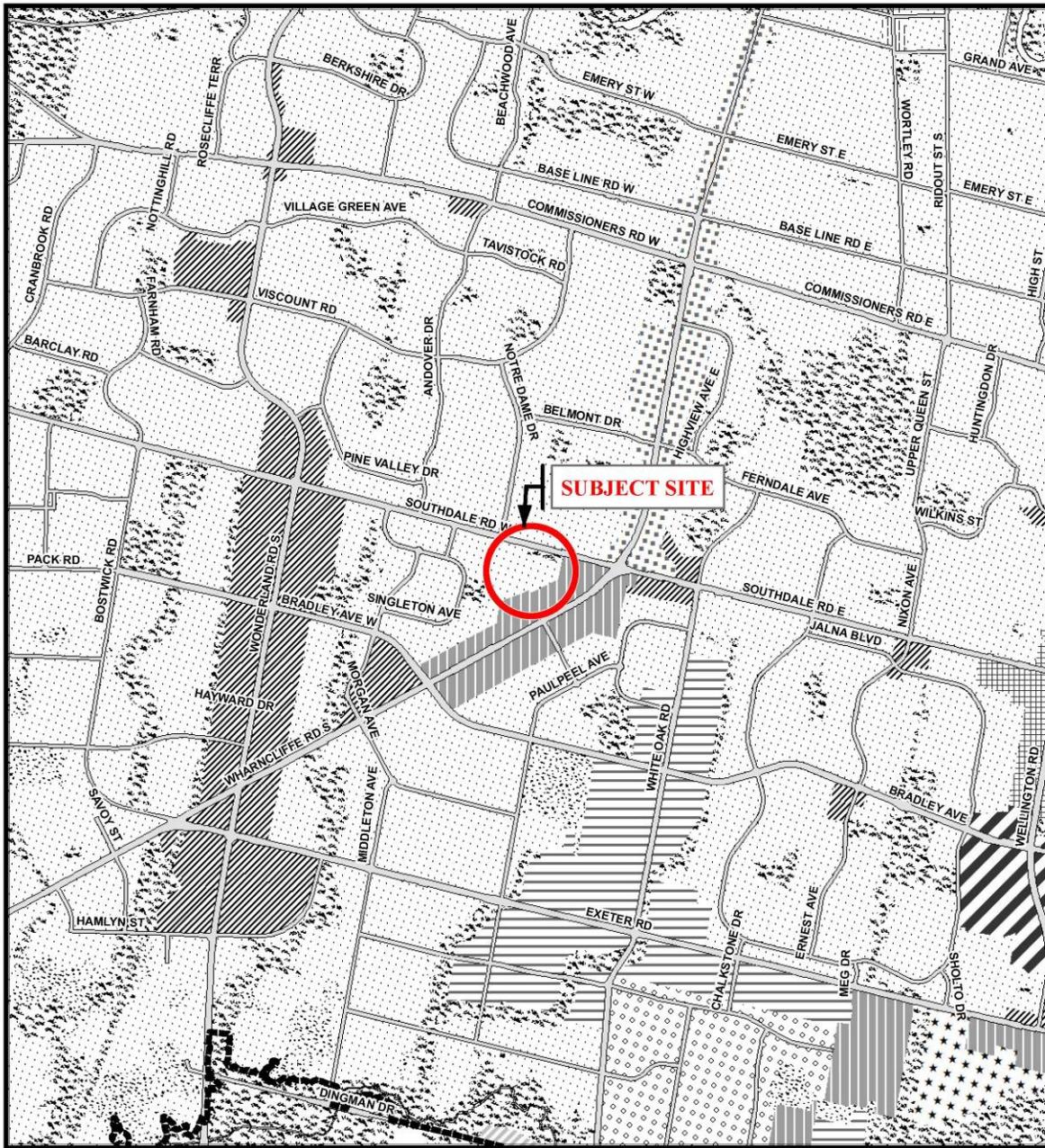


**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9162  
 PLANNER: SM  
 TECHNICIAN: RC  
 DATE: 2020/06/09

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol00\excerpts\mxd\_templates\scheduleA\_NEW\_b&w\_8x14.mxd



**Legend**

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

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

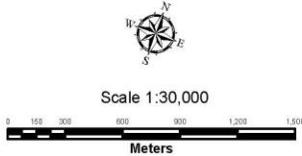
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

Planning Services /  
Development Services

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

PREPARED BY: Planning Services



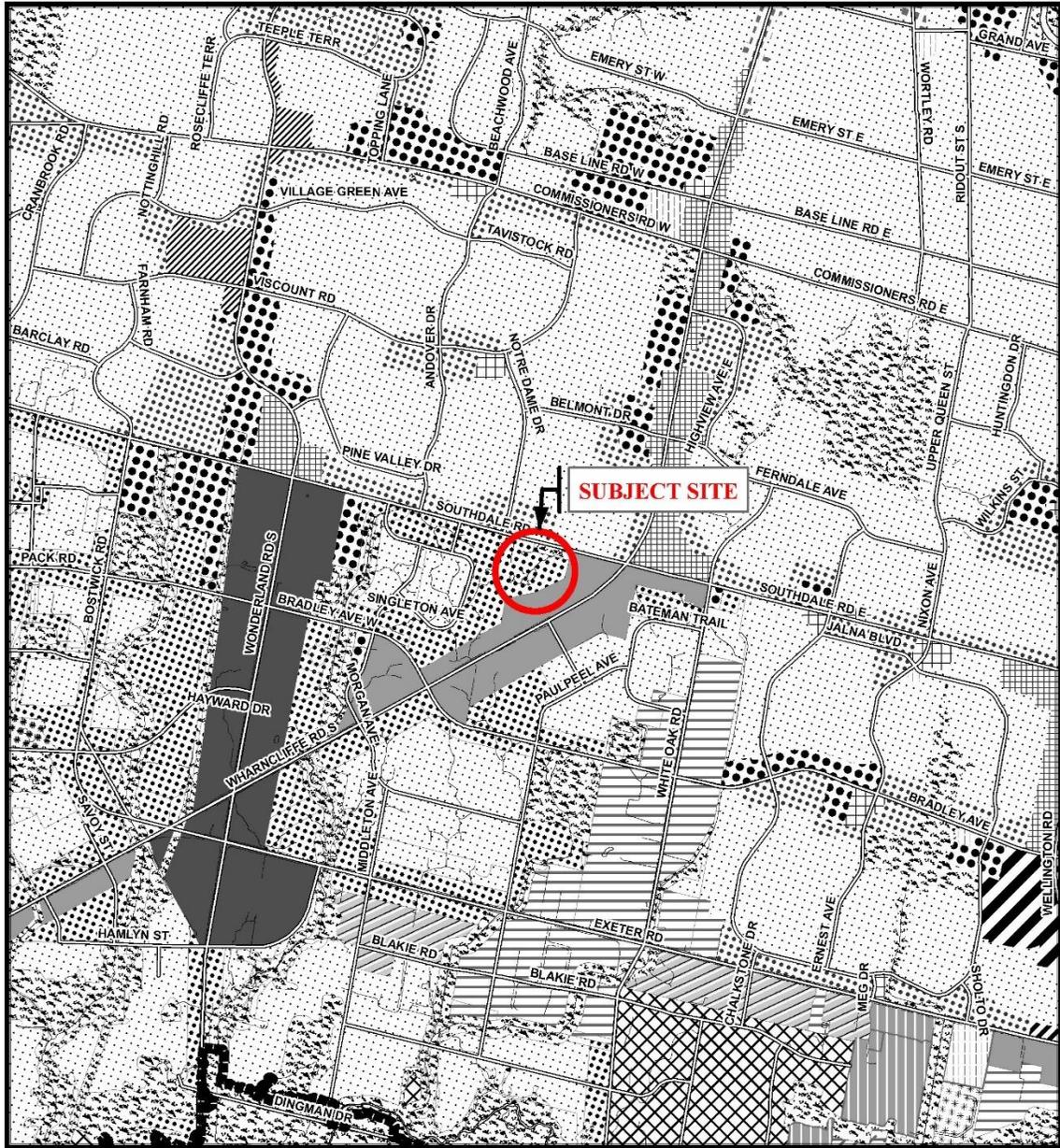
**File Number:** Z-9162

**Planner:** SM

**Technician:** RC

**Date:** June 9, 2020

Project Location: E:\Planning\Projects\p\_officialplan\workconsol\00\excerpts\_LondonPlan\mxds\Z-9162-Map1-PlaceTypes.mxd



Legend	
	High Density Residential
	Medium Density Residential
	Low Density Residential
	Commercial
	Office
	Wonderland Road Community Enterprise Corridor
	Main Street Lambeth North
	Main Street Lambeth South
	Open Space
	Institutional
	Industrial
	Commercial Industrial
	Transitional Industrial
	Urban Reserve Community Growth
	Urban Reserve Industrial Growth
	Rural Settlement
	Urban Growth Boundary

<p><b>CITY OF LONDON</b></p> <p>Planning Services / Development Services</p> <p>SOUTHWEST AREA STUDY SECONDARY PLAN - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: 99 Southdale Rd West</p>
		<p>PLANNER: AR</p> <p>TECHNICIAN: RC</p> <p>DATE: November 12, 2021</p>

PROJECT LOCATION: e:\planning\projects\p\_official\planwork\consol\00\excerpts\vmxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI1**

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

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            |                                   |
| R7 - SENIOR'S HOUSING                     | OS - OPEN SPACE                   |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | CR - COMMERCIAL RECREATION        |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | ER - ENVIRONMENTAL REVIEW         |
| R10 - HIGH DENSITY APARTMENTS             |                                   |
| R11 - LODGING HOUSE                       | OB - OFFICE BUSINESS PARK         |
|   | LI - LIGHT INDUSTRIAL             |
| DA - DOWNTOWN AREA                        | GI - GENERAL INDUSTRIAL           |
| RSA - REGIONAL SHOPPING AREA              | HI - HEAVY INDUSTRIAL             |
| CSA - COMMUNITY SHOPPING AREA             | EX - RESOURCE EXTRACTIVE          |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | UR - URBAN RESERVE                |
| BDC - BUSINESS DISTRICT COMMERCIAL        |                                   |
| AC - ARTERIAL COMMERCIAL                  | AG - AGRICULTURAL                 |
| HS - HIGHWAY SERVICE COMMERCIAL           | AGC - AGRICULTURAL COMMERCIAL     |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL               | TGS - TEMPORARY GARDEN SUITE      |
| SS - AUTOMOBILE SERVICE STATION           | RT - RAIL TRANSPORTATION          |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL |                                   |
| OR - OFFICE/RESIDENTIAL                   | "h" - HOLDING SYMBOL              |
| OC - OFFICE CONVERSION                    | "D" - DENSITY SYMBOL              |
| RO - RESTRICTED OFFICE                    | "H" - HEIGHT SYMBOL               |
| OF - OFFICE                               | "B" - BONUS SYMBOL                |
|   | "T" - TEMPORARY USE SYMBOL        |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:  
Z-9162 SM

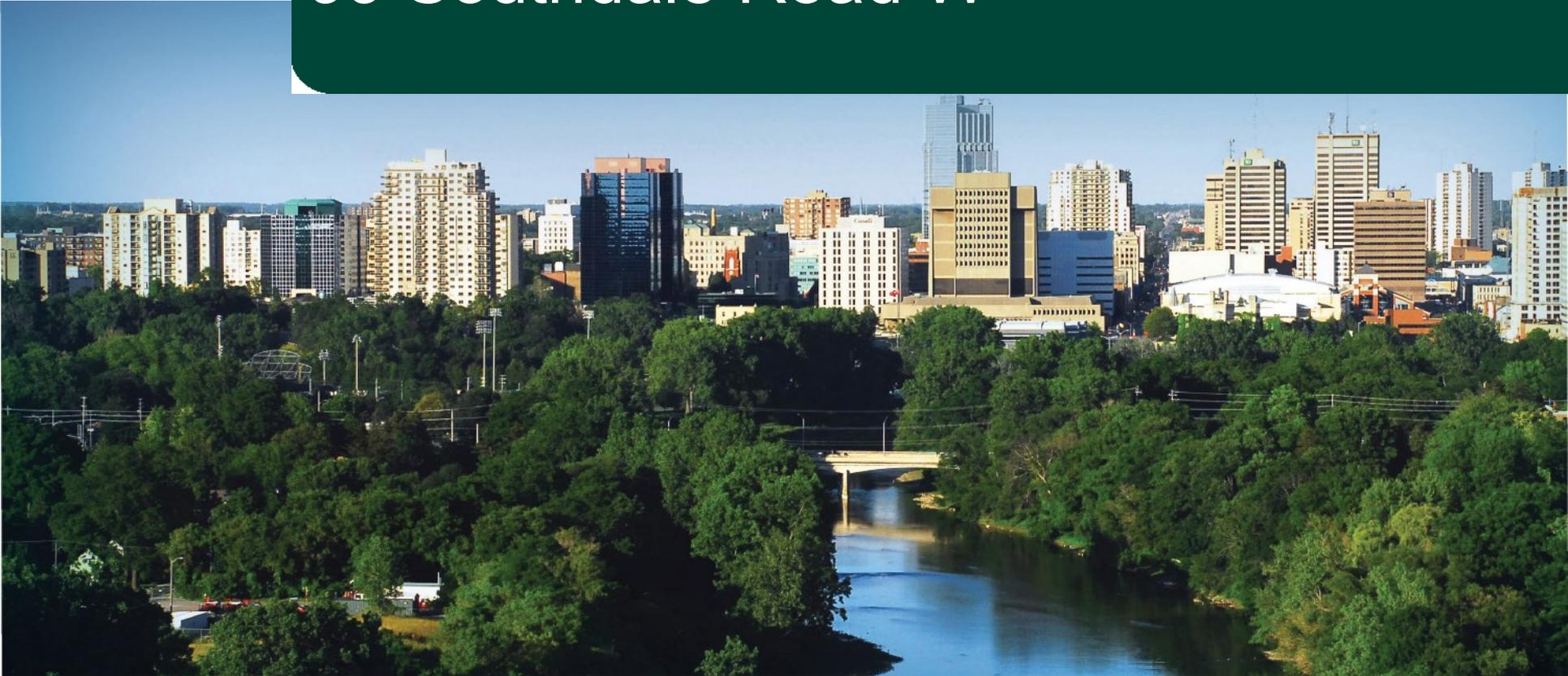
MAP PREPARED:  
2020/06/09 RC

1:4,000  
0 20 40 80 120 160  
Meters



London  
CANADA

# 99 Southdale Road W

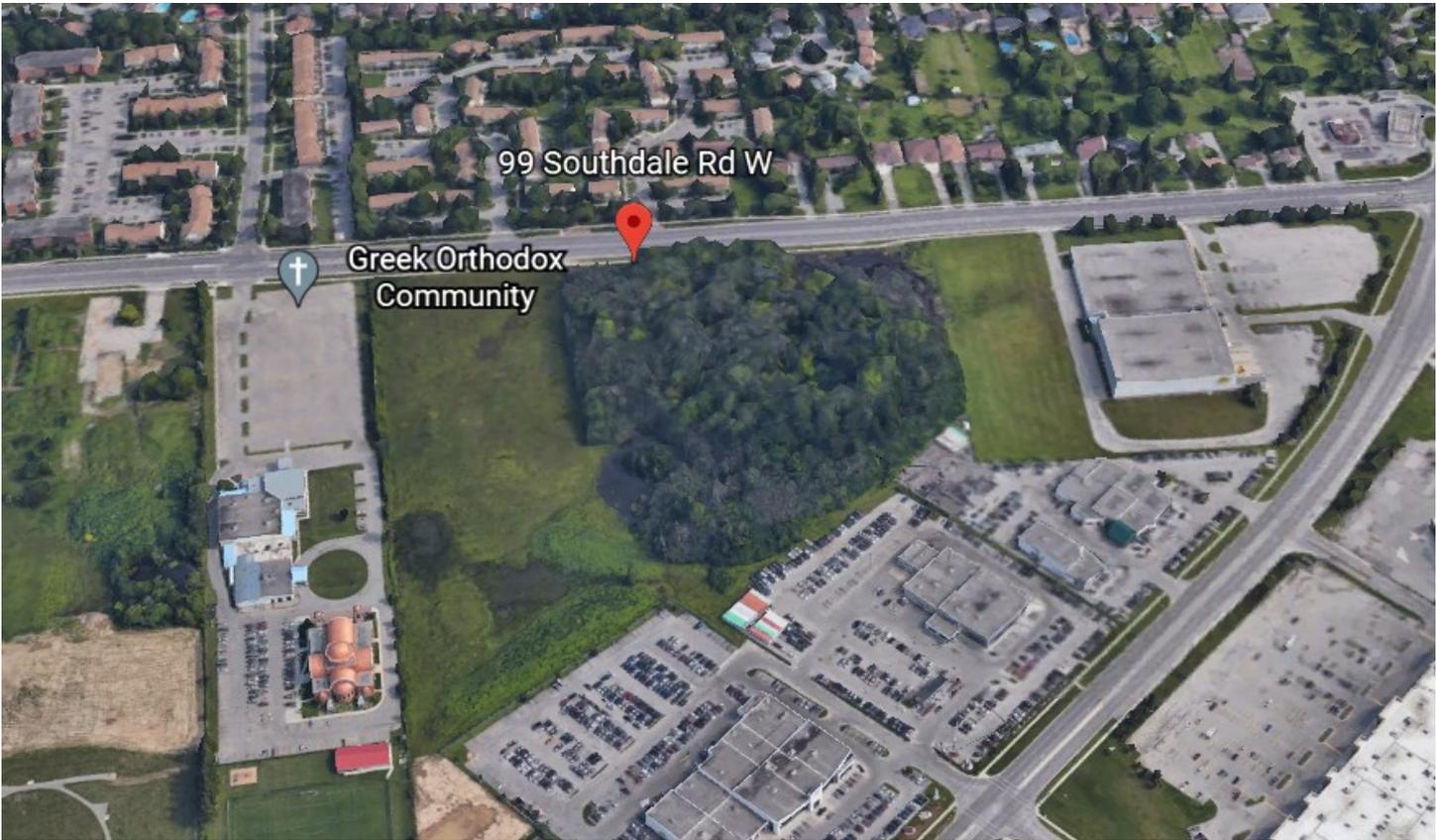


City of London  
November 22, 2021

# Subject Site



# Subject Site





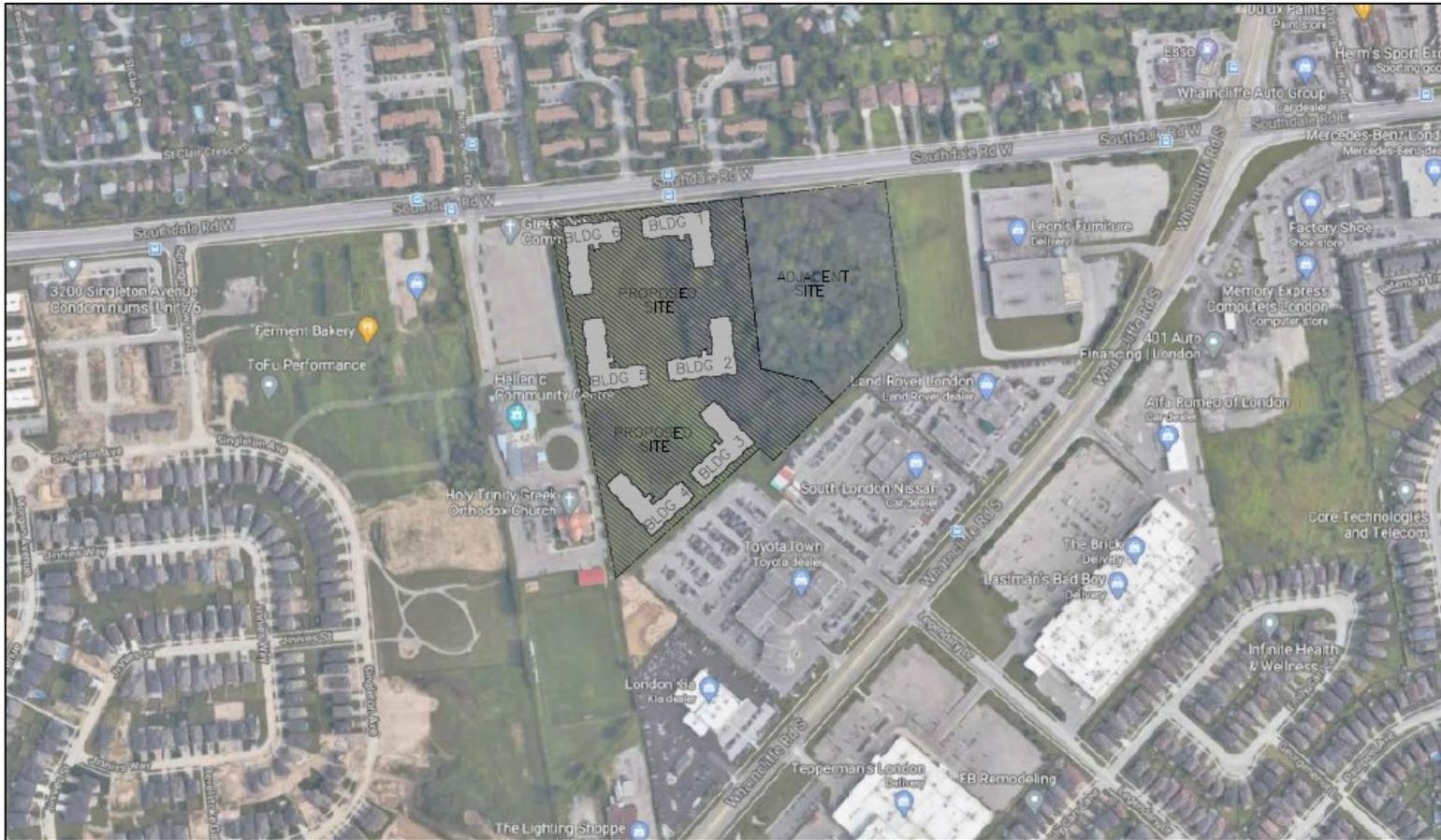
London  
CANADA

# Surrounding Area





# Proposal



# Proposal



# Proposal





# The London Plan/1989 Official Plan

1. The recommended amendment to Zoning By-law Z.-1 is consistent with the 2020 Provincial Policy Statement (PPS) which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.
2. The recommended amendment conforms to the in-force policies of The London Plan, which contemplates a range of residential uses including stacked townhouses, fourplexes, and low-rise apartments within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard.

# The London Plan/1989 Official Plan

3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Policies for the Multi-Family Medium Density Residential and Open Space designations. The recommended amendment would permit development at an intensity that is at the upper range of the maximum density for residential intensification within the Multi-family, Medium Density Residential designation but still ensures the nature of development is suitable for the site and the immediate neighbourhood. The recommended amendment would help to reach the objective of supplying housing choices and options for all residents.

# The London Plan/1989 Official Plan

4. The recommended Zoning By-law amendment is consistent with the Southwest Area Secondary Plan. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the fringe of a developing neighbourhood, and the recommended amendment would permit development at a magnitude that is suitable for the site and the adjacent neighbourhood.
  
5. The recommended amendment facilitates the development of a site within the Built-Area Boundary and the Primary Transit Area with an appropriate form of infill development.

# Recommendation

The purpose and effect of the recommended Zoning By-law amendment is to permit the development of the subject lands for two, 4-storey apartment buildings, two 8-storey apartment buildings and two 9-storey apartment buildings with 724 residential units.

## Recommendation - Approval

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Vision SoHo Alliance c/o Indwell (Attn: Sylvia Harris)  
370 South Street & 124 Colborne Street (Old Victoria Hospital  
Lands)

**Public Participation Meeting on: November 22, 2021**

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Vision SoHo Alliance relating to the properties located at 370 South Street and 124 Colborne Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend the Official Plan, 1989 to add policies to Section 19.15.4 Vacant Land Condominiums;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend The London Plan, 2016 to add policies to Policy 1709 Vacant Land Condominiums;
- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 to amend the Old Victoria Hospital Lands Secondary Plan to change the designation of a portion of the subject the subject lands **FROM** a Low-Rise Residential designation, **TO** a Mid-Rise Residential designation and amend policies pertaining to the Mid-Rise Residential designation and The Four Corners designation;
- (d) the proposed by-law attached hereto as Appendix "D" **BE INTRODUCED** at the Municipal Council meeting on December 7, 2021 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 a portion of the subject lands **FROM** R8 Special Provision (h\*h-5\* R8-4(56) Zone; Holding Residential R8 Special Provision (h\*h-5\* R8-4(57)); and, a Holding Residential R8 Special Provision (h\*h-5\*R8-4(58)) Zone to a Holding Residential R4 Special Provision/Residential R8 Special Provision (h\*h-5\*R4-6(13)/R8-4(59)) Zone, with amendments to the associated special provisions of the Residential R8-4 zones applicable to the subject lands.
- (e) that the requested amendment to the Old Victoria Hospital Lands Secondary Plan to remove policy from 20.6.4.1(iii) regarding commercial at the ground floor **BE REFUSED** given the goals and objectives for the designation within the secondary plan.

## Executive Summary

### Summary of Request

The application requests amendment to address three elements in support of the proposal.

1. Amendments to The London Plan and Official Plan, 1989 to allow for an Application of Draft Plan of Vacant Land Condominium to proceed as proposed with multiple apartment buildings above a shared underground parking garage.

2. Amendments to the Old Victoria Hospital Lands Secondary Plan to allow for apartment buildings no-taller than 5-storeys along Hill Street through policy amendments and a re-designation of lands to Mid-Rise Residential and policy amendments to The Four Corners designation.
3. Zoning amendments to allow for the technical details of the proposed design to proceed, including the addition of permission for apartment buildings on the lands fronting Hill Street.

### **Purpose and the Effect of Recommended Action**

1. The purpose and effect of the recommended action is to make the necessary Official Plan, Secondary Plan and Zoning By-law amendments to allow for the development as proposed.

### **Rationale of Recommended Action**

1. The proposed amendments are consistent with the Provincial Policy Statement (PPS), 2020 by providing a mix of residential uses including affordable housing in an appropriate location and at a time of defined need;
2. The proposed amendments conform to the in-force policies of the 1989 Official Plan, including but not limited to the Multi Family High Density Residential designation which applies to the subject lands;
3. The proposed amendments conform to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place type which applies to the subject lands; and,
4. The proposed amendments conform to the policies of the Old Victoria Hospital Lands Secondary Plan.
5. The amendment to the Old Victoria Hospital Lands Secondary Plan recommended for refusal is recommended as such because it is not consistent with the vision for the area set out within the objectives of the plan.

## **Analysis**

### **1.0 Site at a Glance**

#### **1.1 Property Description**

The site is made up of two distinct parcels 124 Colborne Street and the block surrounded by Hill, Waterloo, South and Colborne streets referred to hereafter as the 370 South Street block (noting that the addresses 346-392 South Street and 351-385 Hill Street are historically associated with the block).

124 Colborne Street is entirely hardscape with mature trees in various conditions along the southern half of the eastern property limit. 124 Colborne is a stubbed L-shape with the property deeper from Colborne in the southern two-thirds of the site.

The 370 South Street Block has been cleared of all but two historic structures which made up the former Victoria Hospital Site. The War Memorial Children's Hospital and the Health Services Building. The southeast corner of the block contains the SoHo Civic Space, a park currently in process of development and excepted from the application.

#### **1.2 Current Planning Information (see more detail in Appendix G)**

- Official Plan Designation – Multi-Family High-Density Residential
- The London Plan Place Type - Neighbourhoods

- Secondary Plan Character Area Land Use Designation: Low-Rise Residential, Mid-Rise Residential and The Four Corners (refer to Secondary Plan excerpt)
- Existing Zoning – Holding Residential R8 Special Provision (h\*h-5\* R8-4(56) Zone, Holding Residential R8 Special Provision (h\*h-5\*R8-4(57)) Zone, Holding Residential R8 Special Provision (h\*h-5\*R8-4(58)) Zone, and a Holding Residential R4 Special Provision/Residential R8 Special Provision (h\*h-5\*R4-6(13)/R8-4(59)) Zone. (refer to Zoning excerpt)

**1.3 Site Characteristics**

- Current Land Use – Vacant (124 Colborne) & Vacant with vacant heritage buildings (2) (370 South Street Block).
- Frontage – 101m along Colborne Street (124 Colborne) & 203m along South Street (370 South Street Block)
- Depth – 37m (124 Colborne Street) & 101m (370 South Street Block)
- Area – 0.32 ha (124 Colborne) & 1.89 ha (370 South Street Block)
- Shape – Stubbed L (124 Colborne) & Rectangular Block (370 South Street Block)

**1.4 Surrounding Land Uses**

- North – Low-rise residential
- East – Mid-rise residential and place of worship
- South – High-rise residential (under development)
- West – Office

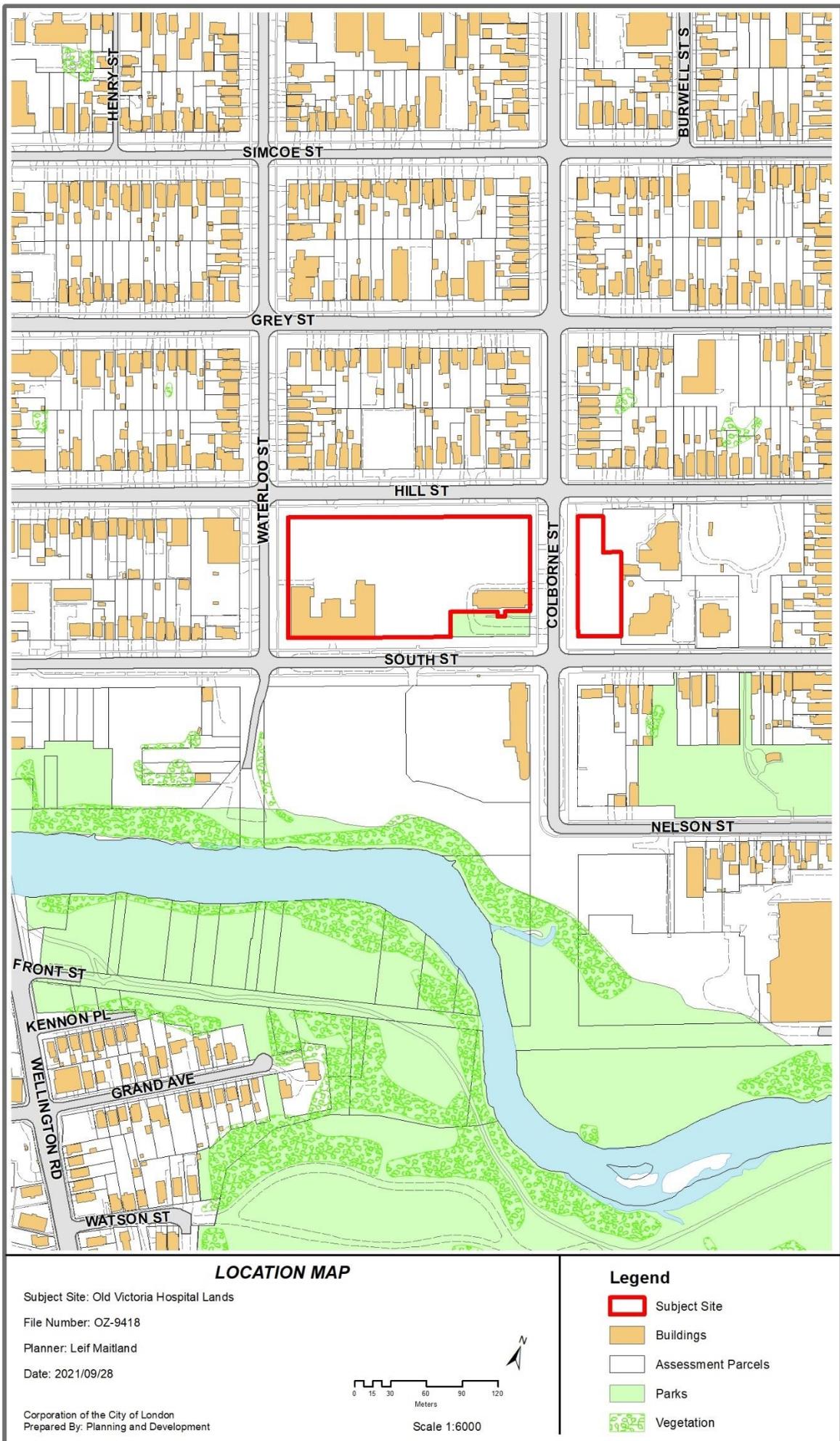
**1.5 Intensification**

- The proposed 674 apartments represent intensification within the Built-area Boundary. The proposed residential units are inside the Primary Transit Area.

**1.6 Heritage**

- Heritage Planning staff reviewed the Heritage Impact Assessment provided as part of OZ-9418. Staff will continue to work with the applicant on designation of the War Memorial Children's Hospital and Health Services Building pursuant to the Part IV of the Ontario Heritage Act. Staff will also anticipate the recommended Conservation Plan to be submitted as a part of a Heritage Alteration Permit (HAP) application to address the conservation and adaptive re-use of the existing buildings.

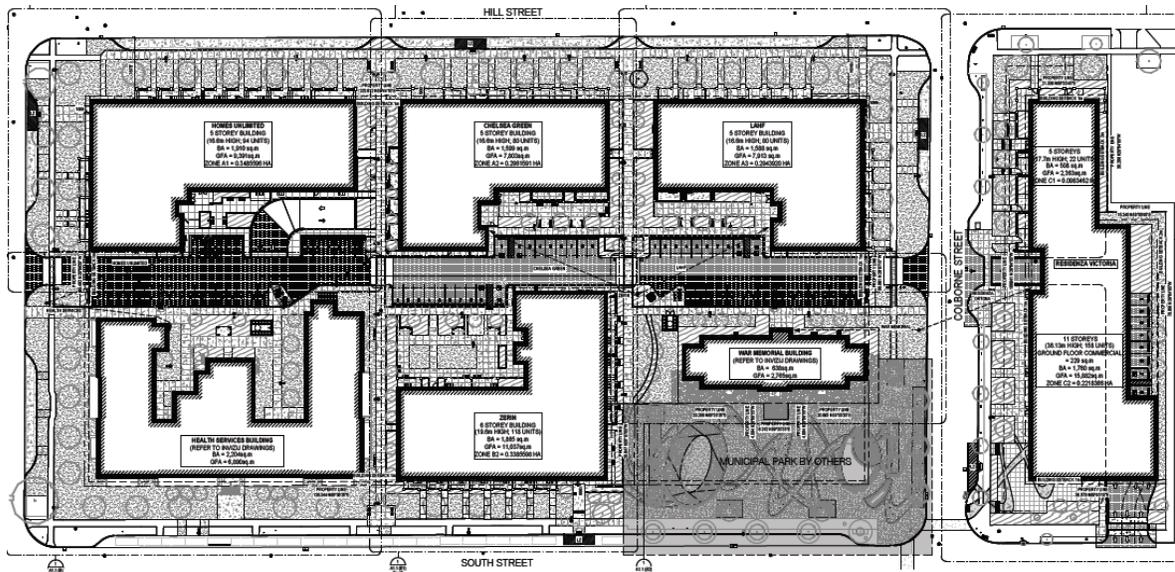
1.7 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal

The subject lands are proposed to be redeveloped to accommodate both mixed-use and stand-alone apartment buildings ranging between 5- and 11-storeys. The subject lands are proposed to be developed comprehensively and function as a single entity to the greatest extent possible in terms of shared access, parking, and amenity areas. However, given that Colborne Street physically separates the subject lands 124 Colborne Street is proposed to be developed independently from the 370 South Street Block. There are a total of seven (7) buildings on the subject lands that are proposed for development and are to be configured as shown in figure 2 below.



**Figure 2: Site Concept Plan**

A Site Plan approval application has also been received for the subject lands. Site Plan application SPA21-081 (assigned to the subject lands) is subject to a public site plan meeting. The report related to the Site Plan application, which accompanies this report as a separately scheduled item, contains more detailed graphics showing the following.

A total of 674 dwelling units are provided on the subject lands in all seven (7) buildings. In addition to surface parking spaces, underground parking is provided below the subject lands, save and except below the two heritage buildings (Victoria Health Sciences Building and the War Memorial Building). A total of 480 parking spaces are provided, including 28 barrier-free spaces. The project is an applicant driven affordable housing project with units to be provide at both CMHC defined affordable housing and deep-affordable rents.

The development is intended to proceed through a Plan of Condominium approval process with the apartment buildings forming the units of the condominium. The individual buildings proposed are as follows:

#### 2.2 Homes Unlimited

- Fronting onto Hill Street to the north and Waterloo Street to the west;
- Apartment building with a height of 5-storeys, or 16.0m; and,
- A unit count of 94 units.

#### 2.3 Chelsea Green

- Fronting onto Hill Street to the north;
- Apartment building with a height of 5-storeys, or 16.0m; and,
- A unit count of 80 units.

**2.4 London Affordable Housing Foundation (LAHF)**

- Fronting onto Hill Street to the north and Colborne Street to the east;
- Apartment building with a height of 5-storeys, or 16.0m; and,
- A unit count of 80 units.

**2.5 Indwell - Victoria Health Sciences Building (Existing)**

- Fronting onto South Street to the south and Waterloo Street to the west;
- A height of 2-storeys (as existing); and,
- A unit count of 80 units.

**2.6 Zerin**

- Fronting onto South Street;
- Apartment building with a height of 6-storeys, or 19.0m; and,
- A unit count of 118 units.

**2.7 Indwell - War Memorial Building (Existing)**

- Fronting onto South Street to the south, Colborne to the east;
- A height of 3-storeys, or 15.6m (as existing); and,
- A unit count of 42 units.

**2.8 Residenza Victoria (Italian Senior's Project)**

- Fronting onto Hill Street to the north, South Street to the south, and Colborne Street to the west;
- Comprised of two attached apartment buildings:
  - A southern building with a height of 11-storeys, or 36.0m, and;
  - A northern building with a height of 5-storeys, or 17.0m;
- A total unit count of 180 units and 229 m<sup>2</sup> of non-residential GFA at-grade:
  - A southern building with 158 units and 229 m<sup>2</sup> of non-residential GFA at-grade; and,
  - A northern building with 22 units.

## **3.0 Relevant Background**

### **3.1 Planning History**

In 2011, the Roadmap SoHo Community Improvement Plan was created for the broader South of Horton area of the city. Specifically related to the application was the identification of a riverfront promenade that extended from the west along south to terminate at Colborne Street.

In 2013, the South Street (Old Victoria Hospital) complex was closed entirely. The buildings were owned by London Health Sciences Centre (LHSC), but the majority of the lands on which they were situated were owned by the City. Arrangements were made between the City and for the demolition and the remediation of the site.

The Old Victoria Hospital Lands Secondary Plan was adopted in June 2014 to guide the redevelopment of all the lands previously part of the hospital complex.

The Old Victoria Hospital Lands have been divided and sold in phases. The first phase included the lands south of South Street. The sale of these lands, including the Colborne Building, to the Medallion Corporation and has resulted in the, currently ongoing, development of a tower at that site. The second phase includes the lands subject to this application.

As the owner of the subject site at the time, the City of London applied for an Official Plan Amendment and Zoning By-law amendment for the subject lands in June of 2020. The Official Plan amendment (O-9223) was specifically to the Old Victoria Hospital Lands Secondary Plan to address bonusing provisions which Provincial changes to the *Planning Act* made un-implementable. The zoning by-law amendment (Z-9224) established zoning for the subject lands which now forms the base zoning which the

application seeks to amend. Both amendments were passed by council September 29, 2020.

### 3.2 Requested Amendment

The application relies on amendments for three elements.

1. Amendments to The London Plan and Official Plan, 1989 to allow for the Vacant Land Condominium to proceed as proposed with multiple apartment buildings above a shared underground parking garage.
2. Amendments to the Old Victoria Hospital Lands Secondary Plan to allow for apartment buildings no-taller than 5-storeys along Hill Street through policy amendments and a re-designation of lands to Mid-Rise Residential and policy amendments to The Four Corners designation.
3. Zoning amendments to allow for the technical details of the proposed design to proceed, including the addition of permission for apartment buildings on the lands fronting Hill Street.

The particulars of the request are addressed below in section 4.

### 3.3 Community Engagement (see more detail in Appendix E)

On October 7, 2021 Notice of Application was provided in the Londoner. Written notice was also provided to both landowners and residents within the prescribed circulation area – a total of 432 notices were sent out.

Comments received requested the following changes were made to the proposal.

1. An increase in open space within the development specifically highlighting the possibility of a dog park.
2. The inclusion of a grocery store within the development.
3. An increase in the provided parking to avoid over-subscription of street parking.
4. Changes to the massing of the building at 124 Colborne Street to move the 11-storey portion to the north of the property.

The comments provided are discussed in the context of the application through the analysis provided in Section 4.

### 3.4 Policy Context (see more detail in Appendix F)

#### *Provincial Policy Statement, 2020*

The Provincial Policy Statement, 2020 provide policy to guide planning within the province of Ontario. Policy 1.1.3.4 directs that: “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area”. Given the well-documented need for affordable housing in London and provincially any mix of housing options located in an area planned for their use should be seen as addressing this defined need.

#### *The London Plan*

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

The London Plan designates the subject lands as Neighbourhoods Place Type. This place type provides for a broad range of residential uses and intensity from single-detached homes to apartment buildings with a commercial mixed-use portion up to a height of 6-storeys dependent location\*. The London Plan also adopts The Old Victoria Hospital Lands Secondary Plan as a secondary plan under policy 1565 which allows the policies of the secondary plan to guide the development.

#### *1989 Official Plan*

The Official Plan, 1989 designates the subject lands Multi-Family High Density Residential. Under policy 3.1.4 Multi-Family High Density Residential designated lands should:

*Support the development of multi-family, high density residential uses at locations which enhance the character and amenity of a residential area and where arterial streets, public transit, shopping facilities, public open space, and recreational facilities are easily accessible; and where there are adequate municipal services to accommodate the development.*

Chapter 20 of the Official Plan, 1989 adopts the Old Victoria Hospital Lands Secondary Plan which allows the policies of the secondary plan to direct development on the subject lands.

The Old Victoria Hospital Lands Secondary Plan provide policy which guides the development of the subject lands. The subject lands are within the Low-Rise Residential, Mid-Rise Residential and The Four Corners Designations. The Low-Rise residential permissions range from single-detached up to stacked townhouses 5-storeys in height. This designation applies to the Hill Street fronting portion of the subject lands. The Mid-Rise Residential permissions range from converted dwellings to apartments up to 8-storeys in height. This designation applies to the southern and western portion of the 370 South Street Block. The Four Corners Designation is intended to provide a neighbourhood core for the area situated around the South and Colborne intersection. The policies provide for apartment buildings up to 11-storeys in height and encourage mixed-use buildings with small scale commercial at the ground floor. The War Memorial Childrens Hospital, SoHo Civic Space park and the southern portion of 124 Colborne are subject to the policies of this designation.

## **4.0 Key Issues and Considerations**

The application relies on amendments for three elements to support the development as proposed.

1. Amendments to The London Plan and Official Plan, 1989 to allow for an application for a Draft Plan of Vacant Land Condominium to proceed as proposed with multiple apartment buildings above a shared underground parking garage.
2. Amendments to the Old Victoria Hospital Lands Secondary Plan to allow for apartment buildings no-taller than 5-storeys along Hill Street through policy amendments and a re-designation of lands to Mid-Rise Residential and policy amendments to The Four Corners designation.
3. Zoning amendments to allow for the technical details of the proposed design to proceed, including the addition of permission for apartment buildings on the lands fronting Hill Street.

### **4.1 Draft Plan of Vacant Land Condominium Related Official Plan Amendments**

In order to facilitate the development of the 370 South Street block as one development the concept relies on the entirety of the site proceeding as a vacant land condominium.

Of note at this point is the entirety of the 370 South Street block is reliant on a single underground parking structure with a single entrance.

To support this proposal the applicant has requested the following amendments:

1. *Notwithstanding Section 19.15.4(iii) in the 1989 City of London Official Plan and Policy 1709(3) in The London Plan, permit a vacant land condominium that results in units above or below any other unit.*
2. *Notwithstanding Section 19.15.4(iv) in the 1989 City of London Official Plan and Policy 1709(4) in The London Plan, permit multiple units within one dwelling/building.*
3. *Notwithstanding Section 19.15.4(v) in the 1989 City of London Official Plan and Policy 1709(5) in The London Plan, permit structures to cross unit boundaries at or after registration of the vacant land condominium.*

The Condominium Act, 1998 creates a statutory framework that sets out the rights and obligations of the unit owners and the condominium corporation, including the obligation to repair and maintain the common elements. A condominium corporation is required to be audited and maintain reserve funds to address shared concerns as they arise. The development is proposed to be developed comprehensively in a manner that reduces the vehicular impacts on the abutting streets through shared access and parking and with a collective approach to landscape open space, all of which are supported by policies within The London Plan (222A, 266, 269), which encourages a comprehensive and sensitive approach in redevelopment on such site. As such, the use of a condominium is an appropriate approach to establishing the proposed development on the subject lands.

The use of a condominium for affordable housing projects which require public funding is functionally limited to two types of condominiums vacant land and common element. Whereas a standard condominium requires the building(s) be completed prior to establishing the condominium, a vacant land and common element condominium can be formed prior to construction allowing for the applicant, in this case the various housing corporations that form the Vision SoHo Alliance, to seek funding to support construction. A vacant land condominium establishes units (for future development) and common elements (shared ownership through the condominium corporation). A common element condominium contains only common elements, often a private street. As the development relies on a significant underground parking structure as a common element which overlaps all potential units (physically the units are located above the parking structure) a vacant land condominium allows for a more accurate reflection of the unit boundaries in three-dimensions. The statutory responsibilities for the maintenance of the parking structure are greater under a vacant land condominium providing further support for that approach.

The requested amendments relate to policies within the Official Plan, 1989 and The London Plan which limit the form vacant land condominiums take.

The second requested amendment seeks to permit the housing providers to act as the units within the condominium corporation rather than individual dwelling units. Permitting this approach would create a situation which reflects the functional operation of the buildings and complete development through the condominium corporation formed. This policy is intended to prevent unfair arrangements amongst condominium unit owners, which can still be accomplished by the city through its evaluation of the condominium application. As proposed, the creation of a condominium corporation with four members each serving similar sized buildings and with similar responsibilities does not create a situation where one party can dominate the remainder of the condominium corporation.

The first and third requested amendments relate to the parking structure which is proposed as a common element. The policies are intended to address smaller vacant land condominiums where potential conflicts could arise over who possessed a specific

structure or where the units to be created were parcels within a subdivision on a shared laneway and could not physically overlap. Neither of these situations apply here. In this instance, the proposed common element is a necessary element for the proposal and creates a desirable and efficient form of development. Without exemption from these policies the parking would take up much greater space at ground level, and create a much less pleasant impact on the neighbours without achieving any discernable benefit relative to the design as proposed.

The request for exemption from the specific Official Plan, 1989 and The London Plan policies related to vacant land condominiums is recommended.

#### 4.2 Amendments to the Old Victoria Hospital Lands Secondary Plan.

The amendments requested by the applicant to the Old Victoria Hospital Lands Secondary Plan are as follows:

1. *Notwithstanding "Schedule 2: Character Area Land Use Designation Plan" in the Old Victoria Hospital Lands Secondary Plan, re-designate all subject lands currently identified as "Low Rise Residential" to "Mid-Rise Residential" with a special policy to permit a maximum height of 5-storeys for all apartment buildings fronting onto Hill Street and a special policy to permit a minimum height of 2-storeys all existing buildings fronting onto South Street.*
2. *Notwithstanding Section 20.6.4.1(iii) in the Old Victoria Hospital Lands Secondary Plan, residential uses are permitted on the ground floor in the "Four Corners" land use designation, and relatedly, non-residential uses are not required on the ground floor.*
3. *Notwithstanding Section 20.6.4.1(iv) in the Old Victoria Hospital Lands Secondary Plan, building floorplates are not required to be designed to accommodate non-residential uses at-grade, nor is the height of the ground floor required to be greater than the height of any upper storey in the "Four Corners" land use designation.*
4. *Notwithstanding Section 20.6.4.1(iv) in the Old Victoria Hospital Lands Secondary Plan, direct vehicle access from South Street is permitted for Parcel '1' in the "Four Corners" land use designation.*

The first request is to redesignate the northern portion of the subject lands from Low-Rise Residential to Mid-Rise Residential whilst applying a policy to ensure the height remains similar to what was permitted under the existing Low-Rise Residential policies. This has the effect of adding apartment buildings as a use while maintaining the scale previously only permitted to develop as stacked townhouses so as to maintain a similar street feel and impact on adjacent lands. The additional permission for apartment buildings increases the potential use value for the subject lands by allowing for a broader range of forms. In allowing apartment buildings a developer not only has more freedom to design space efficiently but also increased accessibility requirements should they choose to (as the site plan application indicates the applicant intends to) develop the site as an apartment building. In planning for affordable housing the need to ensure designs are accessible for everyone is an important part of the comprehensive planning behind the provision of affordable housing more generally. This request (moving from low-rise to mid-rise) has the effect of removing the density maximum applicable to the lands, and as such the proposed height limitation policy would take over as the 'cap' on development for this portion of the lands. Together the re-designation and height limit policy are appropriate and recommended for approval.

The second and third requested amendments to the Old Victoria Hospital Lands Secondary Plan seeks to provide additional policy to support the development of residential uses without a commercial component at ground floor within The Four Corners. Policy 20.6.4.1 iii) which specifies the permitted uses within The Four Corners notes that the uses permitted within the Mid-Rise Policy Area are also to be permitted

within The Four Corners. This provides permission for apartment buildings (without a commercial component). The Four Corners area is proposed to provide the commercial to serve the neighbourhood. The need for local commercial has been highlighted in comments received from the public on this application.

Given the use proposed (apartment building without commercial component) is permitted under the current policy (and zoning) the requested policy amendment to reduce support for commercial within The Four Corners is recommended for refusal.

The third requested amendment to the Old Victoria Hospital Lands Secondary Plan seeks to allow the development of residential uses at the ground floor without the floorplate being designed to accommodate secondary permitted uses. The applicable policy currently reads:

*j) Building floorplates shall be designed to accommodate for permitted secondary uses at grade with residential uses located above.*

This policy requires that building floorplates be “designed to accommodate” permitted uses which are not intended to fill the space. Given the inappropriateness of requiring a space be designed to accommodate a use other than what will fill it, it is recommended that this policy be deleted from the Secondary Plan.

The third requested amendment would allow the ground floor to be the same as any storey above. This policy currently reads:

*u) The ground floor height of all buildings shall be greater than the height of any upper storey.*

This policy is intended to provide a commercial appearance to any ground floor within The Four Corners designation, as commercial uses generally request additional ceiling space. For the mixed-use building proposed for 124 Colborne Street following this policy would require a different height for the south and north portions of the building or constructing the northern portion of the building with a “commercial-scale” without any policy or regulatory support for commercial at that location. Given the arduous nature of this policy in terms of its architectural requirements it is recommended for removal.

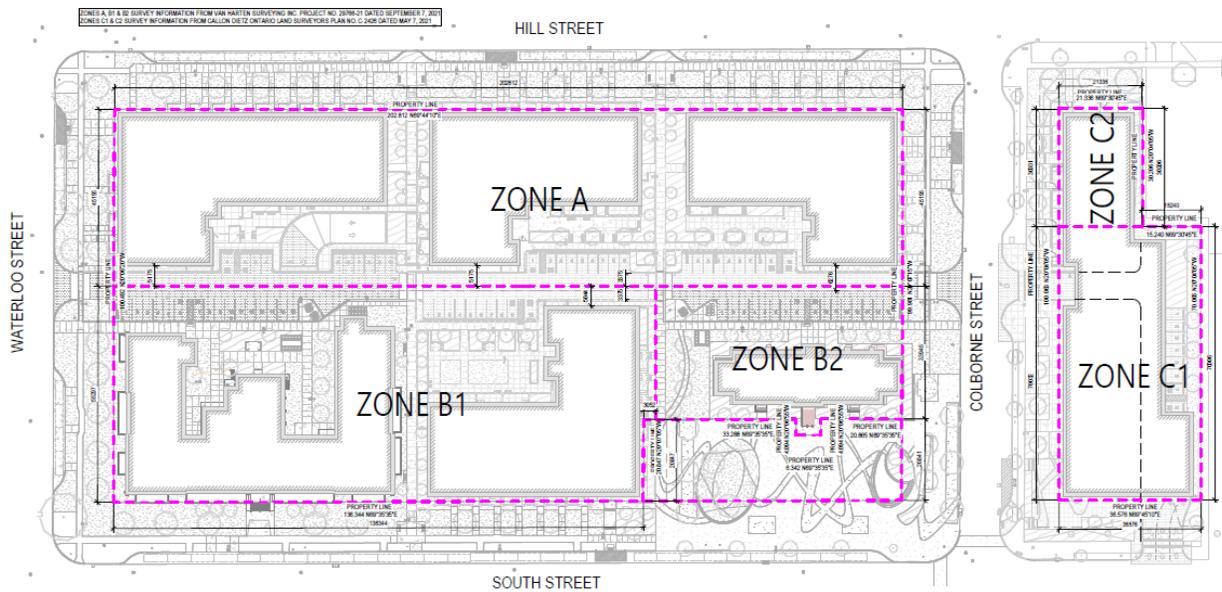
The fourth requested amendment to the Old Victoria Hospital Lands Secondary Plan is to allow for vehicular access from South Street to support the proposed concept for 124 Colborne Street. The current policy reads:

*r) No individual direct vehicle access shall be permitted for any development lot along South Street.*

This policy is intended to reduce the vehicular interruptions to the streetscape within The Four Corners. Based on the current proposed concept for 124 Colborne Street the access along South Street requiring this amendment is at the eastern extreme of The Four Corners adjacent the eastern property limit. This location allows for an efficient parking garage design and reduces conflicts with the bike lane on Colborne Street. Permitting the parking garage would not interfere with the riverfront promenade originally outlined in the Roadmap SoHo CIP which showed the promenade extending to Colborne but not west of South Street. As such a site-specific policy to allow for the vehicular access from South Street is proposed.

#### **4.3 Zoning By-law Amendments**

The Zoning By-law amendments maintain the existing Zones for the site and relate specifically to sub-regulations under the existing zones. The proposal relies on relocating a zone boundary and the addition of one permitted use, apartment buildings along Hill Street.



The diagram above shows the requested final zone boundary. The proposed relocates the zone boundary so that the zone applicable along Hill Street is now applicable to a larger portion of the 370 South Street block. For 370 South Street the relocation of the zone line (14 meters to the south) has the effect of increasing the portion of the block which is limited to 5-storeys in height. In so doing it does not preclude the protection of the heritage features on site or the development of commercial uses along South Street or at The Four Corners. In relocating the zone line, as proposed, a functional multifamily space which includes communal amenity can be developed. As such the relocation of the zone boundary does not detract from the goals and policies set out within the Old Victoria Hospital Lands Secondary Plan. The relocation of the zone line between the zones label B1 and B2 is negligible (3.0m internally within the block) and provides more functional access to the Zerine building (Zone B1 in the diagram or R8-4(58)) while maintaining space for amenity at the War Memorial Hospital building. This minor amendment can be considered technical in nature. The Zone boundary between B2 on the diagram above and the park in the southeast corner of the block is also a technical amendment. The zone line proposed aligns with the boundary of the lands to be dedicated for a park and those to be severed for development. Subject to 3.10 of the Zoning by-law which guides the establishment of zone boundaries should fall along property boundaries, which the requested zone boundary does.

Given the above factors the relocation of the zone boundaries as requested by the applicant is recommended for approval.

#### 4.4 Comprehensive Regulation Changes:

There are two requested regulation changes which relate to the encroachment of architectural elements into the yards surrounding the development. The requested amendments are as follows:

1. *Notwithstanding Section 4.27 of the City of London Z.-1 Zoning By-Law, unlimited encroachment of at-grade terraces/patios/porches is permitted, with up to an additional 2.0m encroachment into the City of London right-of-way with the appropriate encroachment agreements in place; and,*
2. *Notwithstanding Section 4.27 of the City of London Z.-1 Zoning By-Law, unlimited encroachment of canopies is permitted.*

In evaluating encroachment neither The London Plan nor the Old Victoria Hospital Lands Secondary Plan provide direct policy guidance. Encroachment is governed by the Zoning by-law only up to the property line with an encroachment agreement required for any actual encroachment in the City right-of-way. Encroachment agreements are a common tool for signage and elements that remain in the city right-of-way following the acquisition or dedication of lands for road widening. Encroachment

agreements are reviewed by Risk Management and subject to insurance and clauses to protect the City.

In evaluating the appropriateness of encroachment under the Zoning by-law the relationship between the right-of-way, streetscape and proposed encroachment is the subject of review. The subject lands in this instance are on a particularly large right-of-way with a comparatively thin roadway. The distance between the front of building and the curb-edge is some of the largest in the City. In this instance, the large area to be landscaped between the front of the buildings and the sidewalk will not unlikely be perceived as front yard of the development even when the only the first meter is actually within the same property limit as the development. This distance also allows any projection from the building to remain distant from the sidewalk and street leaving them clear and open with reduced risk of interference from any projections. As such, the requested encroachment for elements that improve the design of the building and quality of life for residents are appropriate.

Permitted encroachments for balconies, architectural features, terraces, patios, porches and canopies up to 0.0m from the lot line is recommended.

#### **4.5 Site Specific- Regulation Changes:**

In order to facilitate the development of the subject lands, as proposed, site specific regulation changes are requested to three of the four Residential R8-4 Zones applicable to the subject lands.

The Requested amendments specifically to the R8-4(57) Zone (southern portion of 124 Colborne Street) are as follows:

1. Recognize Colborne Street as the front lot line;
2. Interior Side Yard Depth (min.) of 0.0m;
3. Rear Yard Depth (min.) of 2.0m;
4. Landscaped Open Space (min.) of 16.4%; and,
5. Parking rate (min.) of 0.0 spaces per sq.m. for non-residential uses at-grade

The first request, to recognize Colborne Street as the front lot line is a technical change for a corner lot, which under the Zoning by-law provisions existing would treat South Street as the front lot line. The front change has the effect of switching what is considered the interior and rear yards. Prior to the requested change the eastern yard is considered the interior yard and subject to a 2.0m minimum setback requirement. Following the requested change, the eastern yard would be considered the rear yard and subject to a 2.0m minimum setback requirement. The northern yard is considered the rear yard and subject to a 3.0m minimum setback requirement prior to the requested change. After the requested change it would be considered the interior side yard and have 0.0m minimum setback. The 0.0m setback facilitates the development of 124 Colborne as one building under the proposal. Given the minor technical nature of the changes proposed the front lot line, interior side yard and rear yard requested changes are recommended for approval.

It should be noted that none of the above changes affect the location of the 11-storey tower portion of the proposed development at 124 Colborne Street. The location of the 11-storey portion being established through previous applications is not under review at this time and the change requested through public comment cannot be accommodated given the policy and site constraints in place.

The fourth requested amendment is for a reduced landscaped open space. As noted in the previous review in encroachments, the amount of space available for landscaped amenity within the city right-of-way is very significant adjacent to the subject lands. In the R8-4(57) zone the design currently provided through the site plan review process for this area shows the development of a plaza which takes up the design elements from the SoHo Civic Space park located across Colborne Street. The building design also allows for a significant terrace to provide the amenity area expected with apartment development of this type. Given the above and the reduced landscaped open space is

not inappropriate and the request for a reduced landscaped open space is recommended for approval.

It should be noted here that public comment has requested an increase in the park space available within the development. Park space is distinct from landscaped open space and a park is in development for the southeast corner of the 370 South Street Block named the SoHo Civic Space.

The fifth requested amendment is for a parking rate of 0 spaces for non-residential (commercial) uses at grade. Within The Four Corners area the intention is that new developments “integrate a modest amount of mixed-use/commercial, and other employment generating uses, within existing and new buildings, to serve the local neighbourhood.” Given the on-street parking already provided along South and Colborne streets providing additional parking would change the character from neighbourhood serving to something intended to draw from a larger area. A zero (0)space parking requirement at this location for commercial is appropriate and recommended for approval.

The Requested amendments specifically to the R8-4(58) Zone (southwest portion of 370 South Street block) are as follows:

1. Recognize South Street as the front lot line.

The single proposed new building for this zone is the Zerín building which has frontage only on South Street. Recognizing South Street as the front lot line is therefore appropriate and recommended.

The Requested amendments specifically to the R8-4(59) Zone (Hill Street frontage) are as follows:

1. Add apartment buildings to the list of permitted uses;
2. Recognize Hill Street as the front lot line (for the block bounded by Waterloo, Hill, Colborne and South Streets);
3. A parking rate of 0.5 spaces (minimum) per unit for new buildings;
4. Recognize Colborne Street as the front lot line (for the block bounded by Colborne, Hill, Maitland and South Street);
5. Interior Side Yard Depth (min.) of 0.0m (for the block bounded by Colborne, Hill, Maitland and South Street);
6. Rear Yard Depth (min.) of 2.0m (for the block bounded by Colborne, Hill, Maitland and South Street); and
7. Landscaped Open Space (min.) of 17.3%; (for the block bounded by Colborne, Hill, Maitland and South Street).

The first requested amendment is for adding apartment buildings to the list of permitted uses in the Zone. This request follows the requested amendment to the Old Victoria Hospital Lands Secondary Plan, detailed above, that seeks to redesignate the area for mid-rise residential while providing the same 5-storey height limit currently in place under the existing zoning which permits solely stacked townhouses. As outlined above, apartment buildings at this location provide not only flexibility for a developer to create varied internal options for future residents but also increased accessibility requirements should they chose to do so. Adding apartment buildings to the list of permitted uses is appropriate at this location and recommended in keeping with the Secondary Plan amendments recommended earlier.

The second requested amendment is a technical amendment to recognize Hill Street as the front lot line within the 370 South Street Block. The proposed development contains three units (apartment buildings and) which only share frontage on South Street and which the middle one – The Chelsea Green building has only frontage on South Street. As such the use of South Street as the front lot line is appropriate as a standard for the block and recommended.

The third requested amendment is to reduce the parking requirement from 1 space per dwelling unit to 0.5 space per dwelling unit for new buildings to apply the same standard

as the remainder of the subject lands. The previous zoning by-law amendment (Z-9223) established 0.5 spaces per dwelling unit as an appropriate rate given the local context (near transit and downtown, well served by cycling infrastructure). Contemporary planning across North America is increasingly moving toward the removal of parking requirement entirely to assist in reaching climate change targets. A parking rate for all new residential buildings of 0.5 space per unit is appropriate for the development proposed and recommended for approval.

The fourth, fifth and sixth requested amendments are for the northern portion of the 124 Colborne Street property. In recognizing Colborne (rather than Hill) the property is able to technically meet the lot frontage requirement (30m under the R8-4 Zone). The interior side yard depth requirement of 0.0m requested allows this portion of the site to be developed together with the remainder of 124 Colborne (discussed above under changes to the R8-4(57) zone). The rear yard depth requested requirement of 2.0m is identical to the interior side yard requirement that would be applied were Hill to be considered the front lot line. These technical amendments are appropriate as requested and recommended for approval.

The final requested amendment is for a reduction in landscaped open space. As this portion of 124 Colborne Street is to be developed as one building with the remainder of 124 Colborne. The landscaped open space reduction recommended for the southern portion of the property is appropriate and recommended for this northern portion within the R8-4(59) zone.

One additional amendment which was not requested by the applicant is proposed - to remove the density maximum under the current special provision. This change implements the Old Victoria Hospital Lands Secondary Plan redesignation recommended above and allows height rather than density to act as the 'cap' on the development in accordance with secondary plan policy and the intentions outlined through The London Plan.

More information and detail is available in Appendix F and G of this report.

## **5.0 Conclusion**

The subject lands are proposed to be redeveloped to accommodate both mixed-use and stand-alone apartment buildings ranging between 5- and 11-storeys. The subject lands are proposed to be developed comprehensively and function as a single entity to the greatest extent possible in terms of shared access, parking, and amenity areas. However, given that Colborne Street physically separates the subject lands 124 Colborne Street is proposed to be developed independently from the 370 South Street Block. There are a total of seven (7) buildings on the subject lands that are proposed for development.

The application relies on amendments for three elements to support the development as proposed.

1. Amendments to The London Plan and Official Plan, 1989 to allow for the Vacant Land Condominium to proceed as proposed with multiple apartment buildings above a shared underground parking garage.
2. Amendments to the Old Victoria Hospital Lands Secondary Plan to allow for apartment buildings no-taller than 5-storeys along Hill Street through policy amendments and a re-designation of lands to Mid-Rise Residential and policy amendments to The Four Corners designation.
3. Zoning amendments to allow for the technical details of the proposed design to proceed, including the addition of permission for apartment buildings on the lands fronting Hill Street.

The vacant land condominium amendments requested are recommended as they are required to facilitate a desired form of development and support its maintenance in the long-term.

Amendments to the Old Victoria Hospital Lands Secondary Plan are recommended to allow for a more flexible range of development in the area. The request to remove policy supportive of commercial at The Four Corners is not recommended for approval given it weakens the ability of the Secondary Plan to achieve its objectives. The proposed and recommended amendments do not conflict with the purpose of the secondary plan and maintain the heights, intensities and use permitted under the existing policy framework.

The Zoning by-law amendments are primarily technical in nature. The addition of a permission for apartment buildings along Hill Street is in keeping with the amendments to the Old Victoria Hospital Lands Secondary Plan recommended above. A zone boundary adjustment is also recommended to align the zone boundary with the future park and facilitate the development of the site in a comprehensive manner.

**Prepared by:** Leif Maitland  
Site Development Planner

**Reviewed by:** Michael Pease, MCIP, RPP  
Manager, Site Plans

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

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

November 12, 2021

cc: Heather McNeely, Manager, Current Development

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## Appendix A

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

By-law No. C.P.-1284-  
A by-law to amend the Official Plan for  
the City of London, 1989 relating to 370  
South Street and 124 Colborne Street.

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

1. Amendment No. # to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c. P.13*.

PASSED in Open Council on December 7, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add a policy in Section 19.15.4 of the Official Plan for the City of London to permit the development of multiple apartment buildings with a shared underground parking garage through a vacant land condominium on the subject lands.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 370 South Street and 124 Colborne Street in the City of London.

C. BASIS OF THE AMENDMENT

1. The proposed amendments are consistent with the PPS, 2020 by providing a mix of residential uses including affordable housing in an appropriate location and at a time of defined need;
2. The proposed amendments conform to the in-force policies of the 1989 Official Plan, including but not limited to the Multi Family High Density Residential designation which applies to the subject lands;
3. The proposed amendments conform to the policies of the Old Victoria Hospital Lands Secondary Plan.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Section 19.15.4 Vacant Land Condominium Policies of the Official Plan for the City of London is amended by adding the following to the list of policies:
  - vii) For the lands located at 370 South Street and 124 Colborne Street policies iii, iv and v above shall not apply to vacant land condominiums on those lands.

## Appendix B

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

By-law No. C.P.-XXXX-\_\_\_\_

A by-law to amend The London Plan for  
the City of London, 2016 relating to 370  
South Street and 124 Colborne 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 Amendment shall come into effect in accordance with subsection  
17(27) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on December 7, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add to Policy 1709 Vacant Land Condominiums of The London Plan for the City of London to permit the development of multiple apartment buildings with a shared underground parking garage through a vacant land condominium on the subject lands.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to lands located at 370 South Street and 124 Colborne Street in the City of London.

C. BASIS OF THE AMENDMENT

1. The proposed amendments are consistent with the PPS, 2020 by providing a mix of residential uses including affordable housing in an appropriate location and at a time of defined need;
2. The proposed amendments conform to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place type which applies to the subject lands; and,
3. The proposed amendments conform to the policies of the Old Victoria Hospital Lands Secondary Plan.

D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Policy 1709 Vacant Land Condominium Policies of The London Plan for the City of London is amended by adding the following new policy underneath the list of policies:

1709A\_ Old Victoria Hospital Lands

For the lands located at 370 South Street and 124 Colborne Street policies 3, 4 and 5 above shall not apply to vacant land condominiums on those lands.

## Appendix C

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

By-law No. C.P.-1284-  
A by-law to amend the Official Plan for  
the City of London, 1989 relating to 370  
South Street and 124 Colborne Street.

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

1. Amendment No. # to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c. P.13*.

PASSED in Open Council on December 7, 2021.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

**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 the Old Victoria Hospital Lands Secondary Plan by redesignating the portion of the subject lands on the south side of Hill Street to Mid-Rise Residential which is currently designated Low-Rise Residential.
2. To add a policy to the Old Victoria Hospital Lands Secondary Plan limiting the height of apartment buildings fronting on Hill Street within the Mid-Rise Residential Designation to 5-storeys.
3. To amend the Old Victoria Hospital Lands Secondary Plan policies related to The Four Corners.

**B. LOCATION OF THIS AMENDMENT**

1. This Amendment applies to lands located at 370 South Street and 124 Colborne Street in the City of London.

**C. BASIS OF THE AMENDMENT**

1. The proposed amendments are consistent with the PPS, 2020 by providing a mix of residential uses including affordable housing in an appropriate location and at a time of defined need;
2. The proposed amendments conform to the in-force policies of the 1989 Official Plan, including but not limited to the Multi Family High Density Residential designation which applies to the subject lands;
3. The proposed amendments conform to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place type which applies to the subject lands; and,
4. The proposed amendments conform to the policies of the Old Victoria Hospital Lands Secondary Plan.

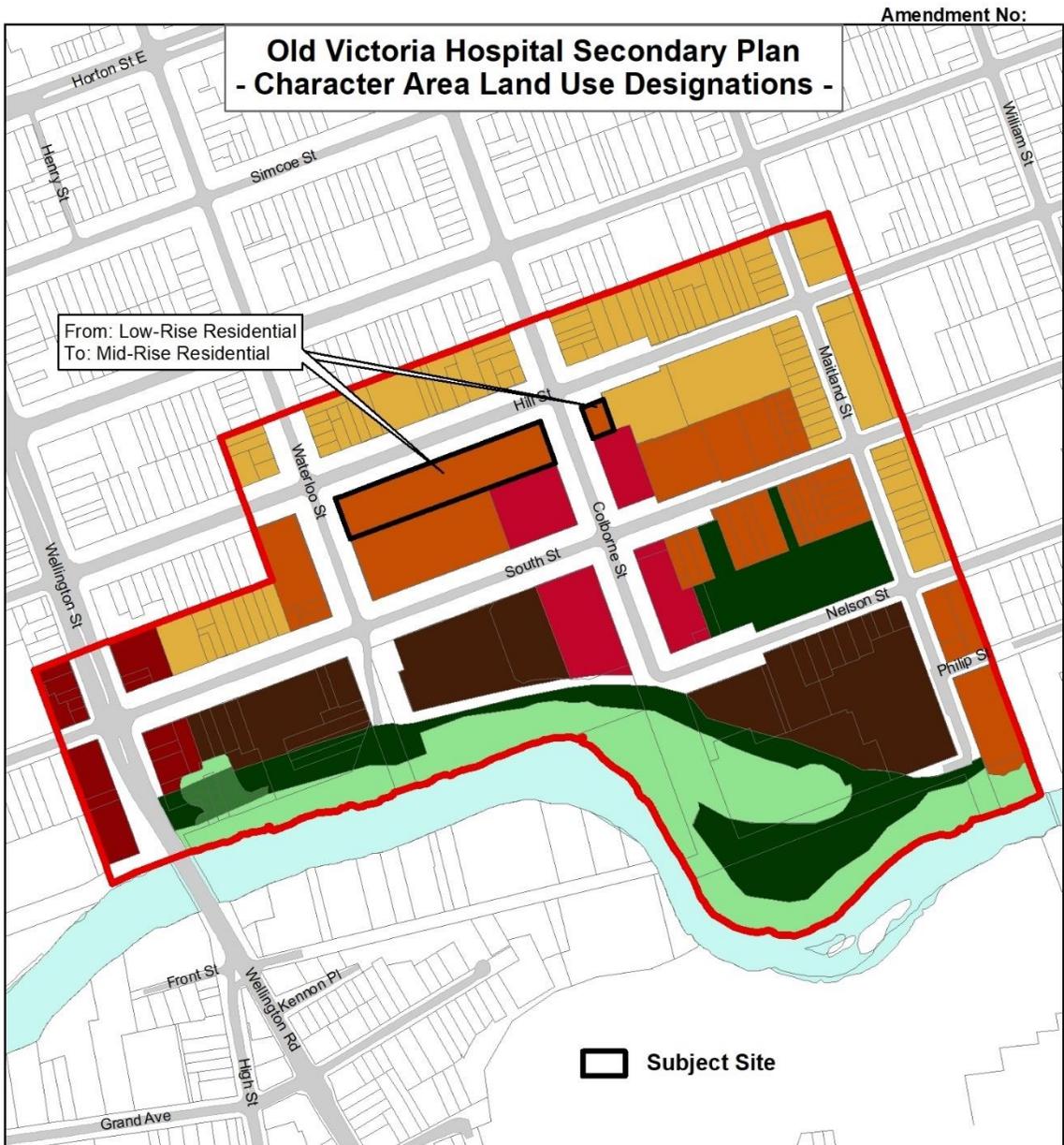
**D. THE AMENDMENT**

The Official Plan for the City of London is hereby amended as follows:

1. Section 20.6.4.1 iv – Built Form and Intensity of the Old Victoria Hospital Lands Secondary Plan is amended by replacing policy (r) with the following within the list of polices:
  - s) No individual direct vehicle access shall be permitted for any development lot along South Street west of Colborne Street.
2. Section 20.6.4.1 iv – Built Form and Intensity of the Old Victoria Hospital Lands Secondary Plan is amended by deleting the following from the list of polices:
  - k) Building floorplates shall be designed to accommodate for permitted secondary uses at grade with residential uses located above.

- v) The ground floor height of all buildings shall be greater than the height of any upper storey.
3. Section 20.6.4.3.2 iii – Built Form and Intensity of the Old Victoria Hospital Lands Secondary Plan is amended by adding the following to the list of polices:
- s) For the lands fronting on the south side of Hill Street a maximum height of 5-storeys is permitted.
4. Schedule 2 – Character Area Land Use Designations of the Old Victoria Hospital Lands Secondary Plan is amended by redesignating the subject lands fronting Hill Street from Low-Rise Residential to Mid-Rise Residential as shown on the attached Schedule 1 below.

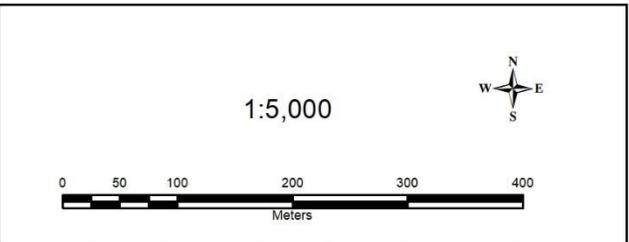
SCHEDULE 1



**LEGEND**

 The Four Corners	 High-Rise Residential
 Transit-Oriented Mainstreet Corridor	 Parklands
 Low-Rise Residential	 Parklands Constrained by Significant Wildlife
 Mid-Rise Residential	 Natural Heritage Lands

File Number: OZ-9418  
 Planner: Leif Maitland  
 Date: October 29, 2021



Location: E:\Planning\Projects\p\_areaplans\Old\_Victoria\_Hospital\_Secondary\_Plan\Projects\OZ-9418\_OVH\_Secondary Plan Amendment.mxd

**Appendix D**

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

By-law No. Z.-1-19\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 370  
South Street and 124 Colborne Street.

WHEREAS Vision SoHo Alliance have applied to rezone an area of land located at 370 South Street and 124 Colborne Street, as shown on the map attached to this by-law, as set out below;

*Select one of the following statements*

AND WHEREAS this rezoning conforms to the Official Plan;

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 a portion of the lands located at 370 South Street, from a Holding Residential R8 Special Provision (h\*h-5\* R8-4(56) Zone and Holding Residential R8 Special Provision (h\*h-5\*R8-4(58)) Zone to a Holding Residential R4 Special Provision/Residential R8 Special Provision (h\*h-5\*R4-6(13)/R8-4(59)) Zone.
- 2) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of the lands located at 370 South Street, from a Holding Residential R8 Special Provision (h\*h-5\* R8-4(56) Zone to a Holding Residential R8 Special Provision (h\*h-5\*/R8-4(58)) Zone.
- 3) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of the lands located at 370 South Street, from a Open Space Special Provision (OS1(8)) Zone to a Holding Residential R8 Special Provision (h\*h-5\* R8-4(56) Zone.
- 4) Section Number 12.4 of the Residential R8 Zone – R8-4(56) Old Victoria Hospital Lands Phase II - is amended by replacing the following within b) Regulations under the existing special provision, with the new regulations below:

xi) Density (minimum) (no maximum)	50 UPH
---------------------------------------	--------
- 5) Section Number 12.4 of the Residential R8 Zone – R8-4(57) Old Victoria Hospital Lands Phase II - is amended by adding the following to b) Regulations under the existing special provision:

_) Front Lot Line	Notwithstanding Section 2 of this by-law, for 124 Colborne Street - Colborne Street is recognized as the front lot line.
_) Parking for commercial uses (minimum)	0

- \_) Yard Encroachments                      Notwithstanding Section 4.27 of this by-law yard encroachments up to 0.0m from the lot line are permitted for balconies, architectural features, terraces , patios, porches and canopies.
- 6) Section Number 12.4 of the Residential R8 Zone – R8-4(57) Old Victoria Hospital Lands Phase II - is amended by replacing the following within b) Regulations under the existing special provision, with the new regulations below:
- |   |        |
|---|--------|
| iv) Rear Yard Depth<br>(minimum)          | 2.0 m  |
| iv) Interior Side Yard Depth<br>(minimum) | 0.0 m  |
| iv) Landscaped Open Space<br>(minimum)    | 16.4 % |
| ix) Density (minimum)<br>(no maximum)     | 50 UPH |
- 7) Section Number 12.4 of the Residential R8 Zone – R8-4(58) Old Victoria Hospital Lands Phase II - is amended by adding the following to b) Regulations under the existing special provision:
- |                       |  |
|-----------------------|--|
| _) Front Lot Line     | Notwithstanding Section 2 of this by-law, for 370 South Street – South Street is recognized as the front lot line.   |
| _) Yard Encroachments | Notwithstanding Section 4.27 of this by-law yard encroachments up to 0.0m from the lot line are permitted for balconies, architectural features, terraces, patios, porches and canopies. |
- 8) Section Number 12.4 of the Residential R8 Zone – R8-4(58) Old Victoria Hospital Lands Phase II - is amended by replacing the following within b) Regulations under the existing special provision, with the new regulations below:
- |                                      |        |
|--------------------------------------|--------|
| x) Density (minimum)<br>(no maximum) | 30 UPH |
|--------------------------------------|--------|
- 9) Section Number 12.4 of the Residential R8 Zone – R8-4(59) Old Victoria Hospital Lands Phase II - is amended by adding the following to a) Permitted Uses under the existing special provision:
- ii) Apartment buildings
- 10) Section Number 12.4 of the Residential R8 Zone – R8-4(59) Old Victoria Hospital Lands Phase II - is amended by adding the following to b) Regulations under the existing special provision:
- |                   |  |
|-------------------|--|
| _) Front Lot Line | Notwithstanding Section 2 of this by-law, for 124 Colborne Street - Colborne Street is recognized as the front lot line. |
|                   | Notwithstanding Section 2 of this by-law, for 370 South Street - Hill Street is recognized as the front lot line.        |

- |   |  |
|---|--|
| _) Rear Yard Depth<br>- 124 Colborne Street<br>(minimum)          | 2.0 m  |
| _) Interior Side Yard Depth<br>- 124 Colborne Street<br>(minimum) | 0.0 m  |
| _) Landscaped Open Space<br>- 124 Colborne Street<br>(minimum)    | 17.3 %   |
| _) Yard Encroachments   | Notwithstanding Section 4.27 of this by-law yard encroachments up to 0.0m from the lot line are permitted for balconies, architectural features, terraces, patios, porches and canopies. |
- 11) Section Number 12.4 of the Residential R8 Zone – R8-4(59) Old Victoria Hospital Lands Phase II - is amended by replacing the following within b) Regulations under the existing special provision, with the new regulations below:
- |   |                              |
|---|------------------------------|
| xi) Parking for Residential Uses<br>(minimum) | 0.5 spaces per dwelling unit |
| ix) Density (minimum)<br>(no maximum)         | 15 UPH                       |
- 12) Section Number 12.4 of the Residential R8 Zone – R8-4(59) Old Victoria Hospital Lands Phase II - is amended by removing the following within b) Regulations under the existing special provision:
- |                      |        |
|----------------------|--------|
| x) Density (maximum) | 75 UPH |
|----------------------|--------|

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

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

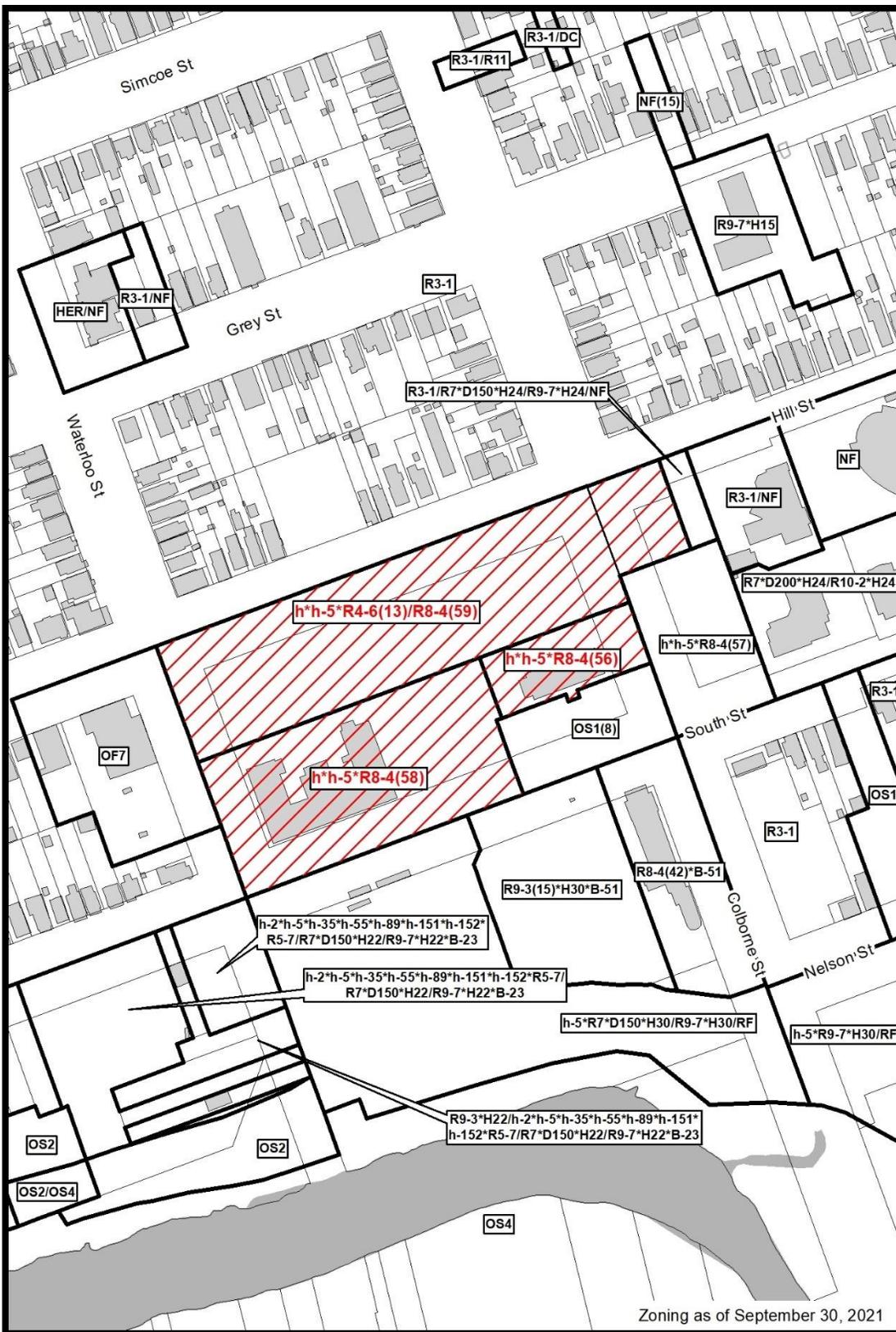
PASSED in Open Council on December 7, 2021.

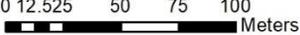
Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – December 7, 2021  
Second Reading – December 7, 2021  
Third Reading – December 7, 2021

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



<p>File Number: OZ-9418                  Planner: LM                  Date Prepared: 2021/10/29                  Technician: MB                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters </p> <p></p>
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Geodatabase

## Appendix E – Public Engagement

### Community Engagement

**Public liaison:** On October 6, 2021 Notice of Application was sent to 432 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 7, 2021. A “Planning Application” sign was also posted on the site.

3 replies were received

#### **Nature of Liaison:**

**370 South Street & 124 Colborne Street (Old Victoria Hospital Lands)** – The purpose and effect of this Official Plan and zoning change is to permit the development of five apartment buildings (three 5 storeys, one 6 storeys and one 11 storeys in height) and the conversion of the 2 existing buildings to apartments.

#### **Requested Official Plan Amendment**

Possible amendments to the City of London Official Plan (1989) and The London Plan to permit a vacant land condominium on the subject lands to permit: a vacant land condominium that results in units above or below any other unit; multiple units within one dwelling/building; and, structures to cross unit boundaries at or after registration of the vacant land condominium.

Possible amendments to the Old Victoria Hospital Lands Secondary Plan to redesignate the north portion of the subject lands currently designated Low Rise Residential and amendments to the Four Corners Designation, specifically: To re-designate all subject lands currently identified as “Low Rise Residential” to “Mid-Rise Residential”; add a special policy to permit a maximum height of 5-storeys for all apartment buildings fronting onto Hill Street; add a special policy to permit a minimum height of 2-storeys all existing buildings fronting onto South Street; permit residential uses on the ground floor in the “Four Corners” land use designation; not require non-residential uses on the ground floor in the “Four Corners” land use designation; not require building floorplates are be designed to accommodate non-residential uses at-grade in the “Four Corners” land use designation; not require the height of the ground floor required to be greater than the height of any upper storey in the “Four Corners” land use designation; and, allow direct vehicle access from South Street in the “Four Corners” land use designation.

#### **Requested Zoning By-law Amendment**

The lands are zoned Holding Residential R8 Special Provision (h\*h-5\* R8-4(56) Zone, Holding Residential R8 Special Provision (h\*h-5\*R8-4(57)) Zone, Holding Residential R8 Special Provision (h\*h-5\*R8-4(58)) Zone, and a Holding Residential R4 Special Provision/Residential R8 Special Provision (h\*h-5\*R4-6(13)/R8-4(59)) Zone. The requested amendment seeks the relocation of the zone boundary between the R8-4(59) and the R8-4(56) and R8-4(57) zones south within the block bounded by Waterloo, Hill, Colborne and South streets.

#### **Requested amendment to the R8-4(57) Zone:**

The creation of regulations which: specify a parking rate of 0.5 spaces (minimum) per unit for new buildings; recognize Colborne Street as the front lot line; permit a minimum Interior Side Yard Depth of 0.0m; permit a minimum Rear Yard Depth of 2.0m; permit a minimum Landscaped Open Space area of 16.4%; and, specify a parking rate of 0.0 spaces per sq.m. (minimum) for non-residential uses at-grade; permit unlimited encroachment of at-grade terraces/patios/porches, with up to an additional 2.0m encroachment into the City of London right-of-way; and, permit unlimited encroachment of canopies.

#### **Requested amendment to the R8-4(58) Zone:**

The creation of regulations which: specify a parking rate of 0.5 spaces (minimum) per unit for new buildings; recognize South Street as the front lot line; permit unlimited encroachment of at-grade terraces/patios/porches, with up to an additional 2.0m

encroachment into the City of London right-of-way; and, permit unlimited encroachment of canopies.

**Requested amendment to the R8-4(59) Zone:**

The creation of regulations which: add apartment building to the list of permitted uses; specify a parking rate of 0.5 spaces (minimum) per unit for new buildings; recognize South Street as the front lot line; recognize Hill Street as the front lot line (for the block bounded by Waterloo, Hill, Colborne and South Streets); recognize Colborne Street as the front lot line (for the block bounded by Colborne, Hill, Maitland and South Street); permit a minimum Interior Side Yard Depth of 0.0m (for the block bounded by Colborne, Hill, Maitland and South Street); permit a minimum Rear Yard Depth of 2.0m (for the block bounded by Colborne, Hill, Maitland and South Street); permit a minimum Landscaped Open Space area of 17.3%; and (for the block bounded by Colborne, Hill, Maitland and South Street; permit unlimited encroachment of at-grade terraces/patios/porches, with up to an additional 2.0m encroachment into the City of London right-of-way; and, permit unlimited encroachment of canopies.

The City may also consider additional or amended special provisions as required to support the application.

File: OZ-9418 Planner: L. Maitland.

**Responses:** Comments received requested the following changes were made to the proposal.

1. An increase in open space within the development specifically highlighting the possibility of a dog park.
2. The inclusion of a grocery store within the development
3. An increase in the provided parking to avoid over-subscription of street parking.
4. Changes to the massing of the building at 124 Colborne Street to move the 11-storey portion to the north of the property.

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

*Phone:*

- A request that a supermarket or other food store is included within the development

Bonnie Smith

430 South Street

---

*Written:*

Dear sir,

430 & 440 South Street just recently received notice of the project development for South and Colborne Streets. In brief discussions with tenants of both buildings, and take into consideration that approximately 35-40 of the units are occupied by non-English speaking Polish-Canadian citizens who don't read or seem to understand English and notices well and will probably throw your notice in the garbage as many did with the Census, there are a few concerns:

1. Initially from looking at the plans, there seems to be a lack of good open spaces such as a mini park setting. Some tenants suggested a dog park as well.
2. There are so many units and along with the current construction of housing at the old St. Joe's Hptl., where are the new tenants going to grocery shop? The nearest grocery stores are one mile away at Commissioners - Wellington and also at Oxford and Richmond. Can your Planning & Development not discuss with the builders to include a

modest size grocery store or pharmacy? Shoppers Drug Mart carries groceries. Are there commercial units along the first floors such as at City Hall apartments?

3. Residenza Victoria is out of size and place for our building. It is next to and within 100 feet of the seven story 430 South Street and will overpower and block the western sunlight. We feel it will be too closed in and one suggestion is to reverse the two buildings so that the 5 story is near 430 South and the 11 story overlooks the Polish Catholic church? Even if you reduce it to match our 7 floors it still blocks too much light. In that regard, what is the new barrier consisting of? A fence? Tall trees and landscaping? Be a good neighbor and don't close us in.

Sincerely,

Wayne Ray

430 South Street

---

I reviewed your notice that was sent to my husband and me we did not see in the plans any parking on the property I hope that you are not expecting street parking to satisfy the need for something like almost 1000 units in a small space . We will be calling the authorities often if we cannot access our property. I live across the street at 354 Hill Street. This is going to over wealm the utilities etc. in this small area . I am glad to see development but I am concerned that this is too much in a small area I can see problems arising as a result. Nancy Hamm p.s. I know that you will not take our comment very seriously but I can see a lot of very serious problems coming. I cannot not contact a councillor who is not active in our area so I do not have anyone to contact.

Nancy Hamm

354 Hill Street

---

## Agency/Departmental Comments

### *Heritage*

This memo is to confirm that I have reviewed the following and find the report's analysis, conclusions, and recommendations to be sufficient to fulfill the Heritage Impact Assessment requirements for OZ-9418:

- Megan Hobson, Built Heritage Consultant, Heritage Impact Assessment, Health Services Building and War Memorial Children's Hospital, Old Victoria Hospital Lands, London, Ontario, October 8, 2021.

Key approaches to the proposed development that support the conservation of the cultural heritage resources on the property including the War Memorial Children's Hospital and the Health Services Building include the adaptive re-use of the two extant buildings for residential use, as well as a "sensitive" approach to the arrangement, scale, setbacks, and material finishes of the new development proposed on the property. The Heritage Impact Assessment notes that the new buildings on the north side of property will maintain a lot pattern that are aligned with the existing heritage buildings, and the setback of the new building located in between the War Memorial Children's Hospital and the Health Services Building is intended to be consistent with the existing buildings. To address potential direct or indirect impacts to the existing buildings, the Heritage Impact Assessment identifies that a Conservation Plan be prepared to identify specific conservation strategies for the exterior and interior heritage attributes of the existing buildings.

The following conclusions and recommendations are included within the report:

- “that the owner agrees to Designation of the Health Services Building and the War Memorial Children’s Hospital
- that further details be provided to heritage staff regarding the proposed conservation work and replacement windows
- that more detailed drawings be provided to heritage staff for the new building to be constructed between the Health Services Building and the War Memorial Children’s Hospital, to ensure that the height and setback are sensitive to adjacent heritage buildings.”

Please be advised that Heritage Planning staff recognize and support the conclusions and recommendation of the Heritage Impact Assessment. Staff will continue to work with the applicant on designation of the War Memorial Children’s Hospital and Health Services Building pursuant to the Part IV of the Ontario Heritage Act. Staff will also anticipate the recommended Conservation Plan to be submitted as a part of a Heritage Alteration Permit (HAP) application to address the conservation and adaptive re-use of the existing buildings.

It has been sufficiently demonstrated that the cultural heritage value or interest of the property will be conserved, and the Heritage Impact Assessment has fulfilled the heritage requirements for OZ-9418.

Sincerely,

Michael Greguol, CAHP

*Parks Planning and Design*

Parks Planning and Design staff have reviewed the submitted notice of application and offer the following comments:

- - Parkland dedication will be calculated at 5% of the total site area or 1 ha per 300 residential units, whichever is greater, cash in lieu as per By-law CP-9 will be required for the proposed development.
  - The proposed development abuts the City’s proposed Civic Square on the north west corner of Colborne Street and South Street as required in the Old Victoria Hospital Lands Secondary Plan.
  - Parks Planning and Design Staff wish to coordinate closely with the applicant regarding the development of the City’s Civic Square and the existing heritage building and proposed residential development including any works on perimeter development of the Civic Square and the proposed abutting development.
  - Parks Planning and Design would be willing to work with the applicant if the applicant is proposing any shared spaces between the Civic Square and the proposed development.
  - Staff are willing to meet with the applicant to discuss any of the above.

*Water Engineering*

Water Engineering has no comments for the OP and ZBL amendments for 370 South Street and 124 Colborne Street (OVHL). Water servicing will be as per the approved site plan drawings.

## **Appendix F – Policy Context**

Provincial Policy Statement (2020)

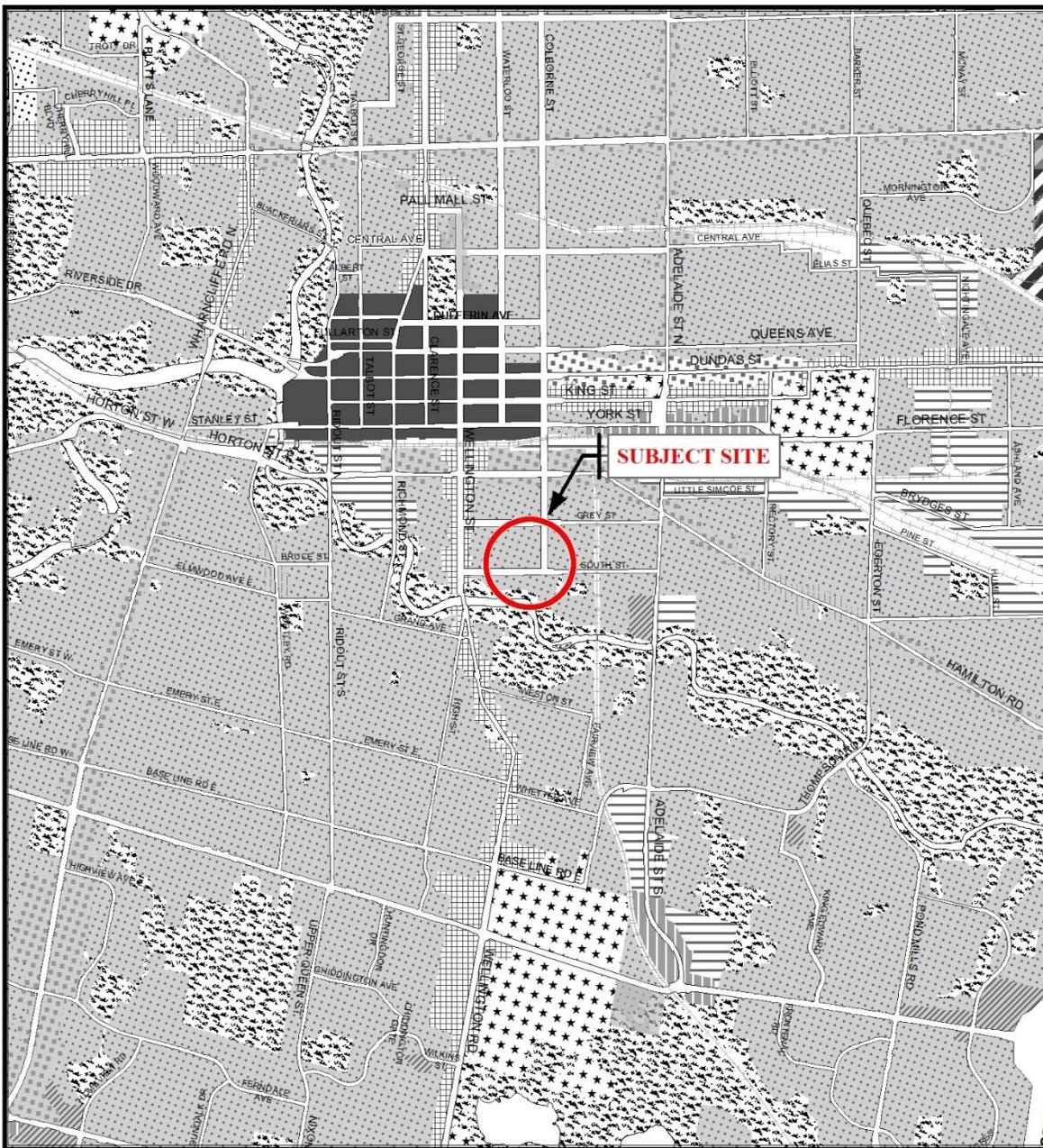
The London Plan (2016)

The Official Plan (1989)

The Old Victoria Hospital Lands Secondary Plan (2014)

**Appendix G – Relevant Background**

**Additional Maps**



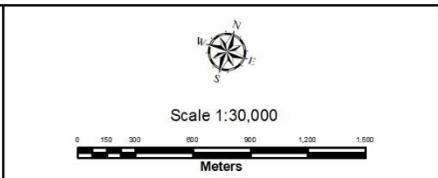
**Legend**

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	Areas Withheld from LPAT Approval
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.*

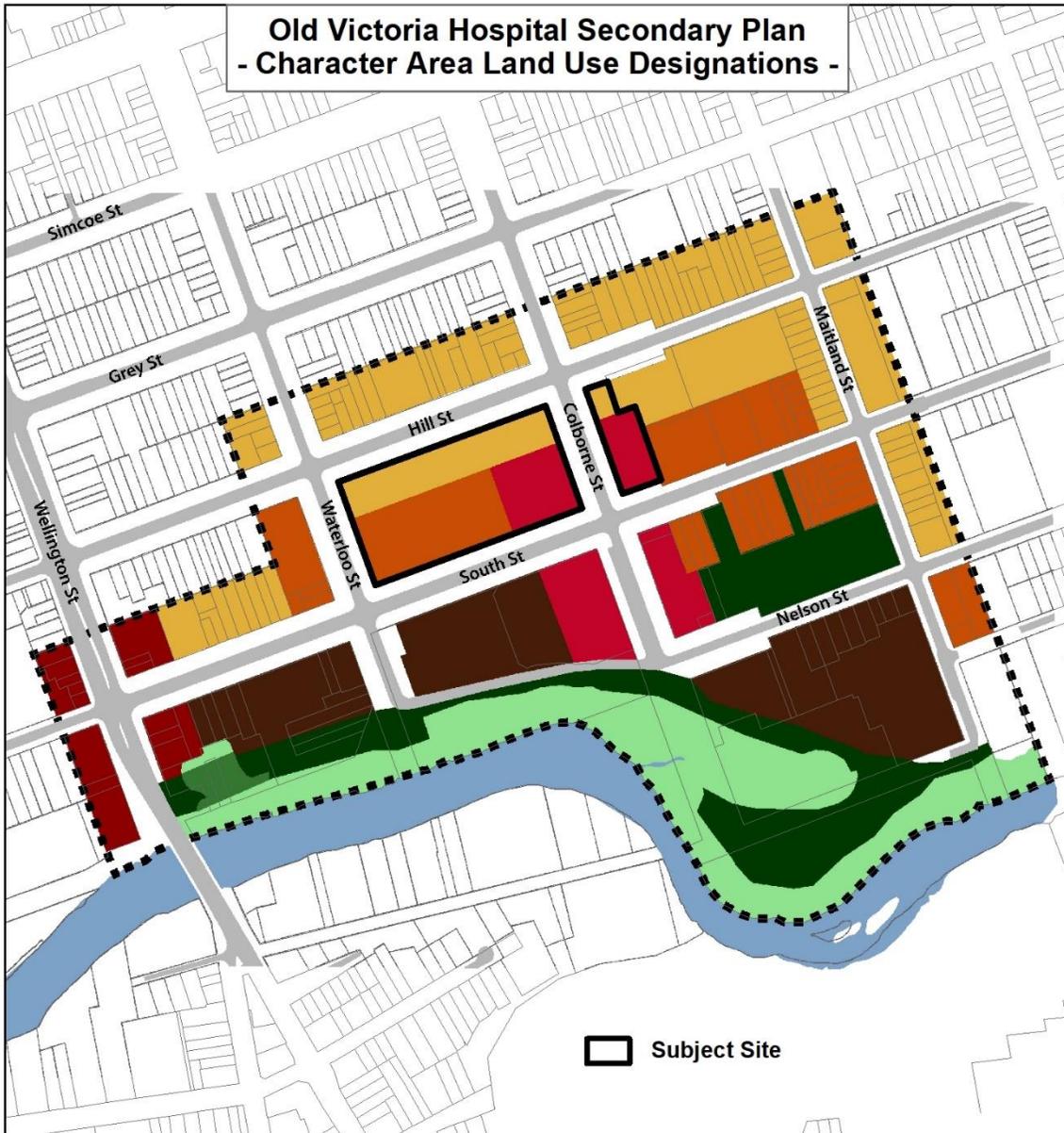
**CITY OF LONDON**  
 Planning & Development  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning & Development



**File Number:** OZ-9418  
**Planner:** LM  
**Technician:** MB  
**Date:** 2021/09/28

Project Location: E:\Planning\Projects\lp\_officialplan\work\consol\00\excerpts\_LondonPlan\EXCERPT\_Map1\_PlaceTypes\_b&w\_8x14.mxd

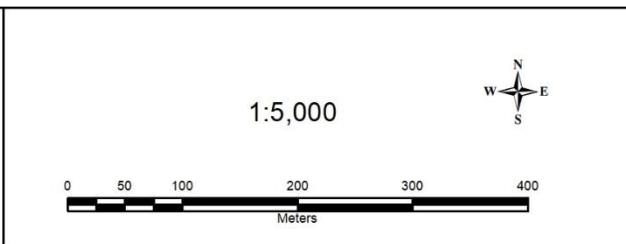


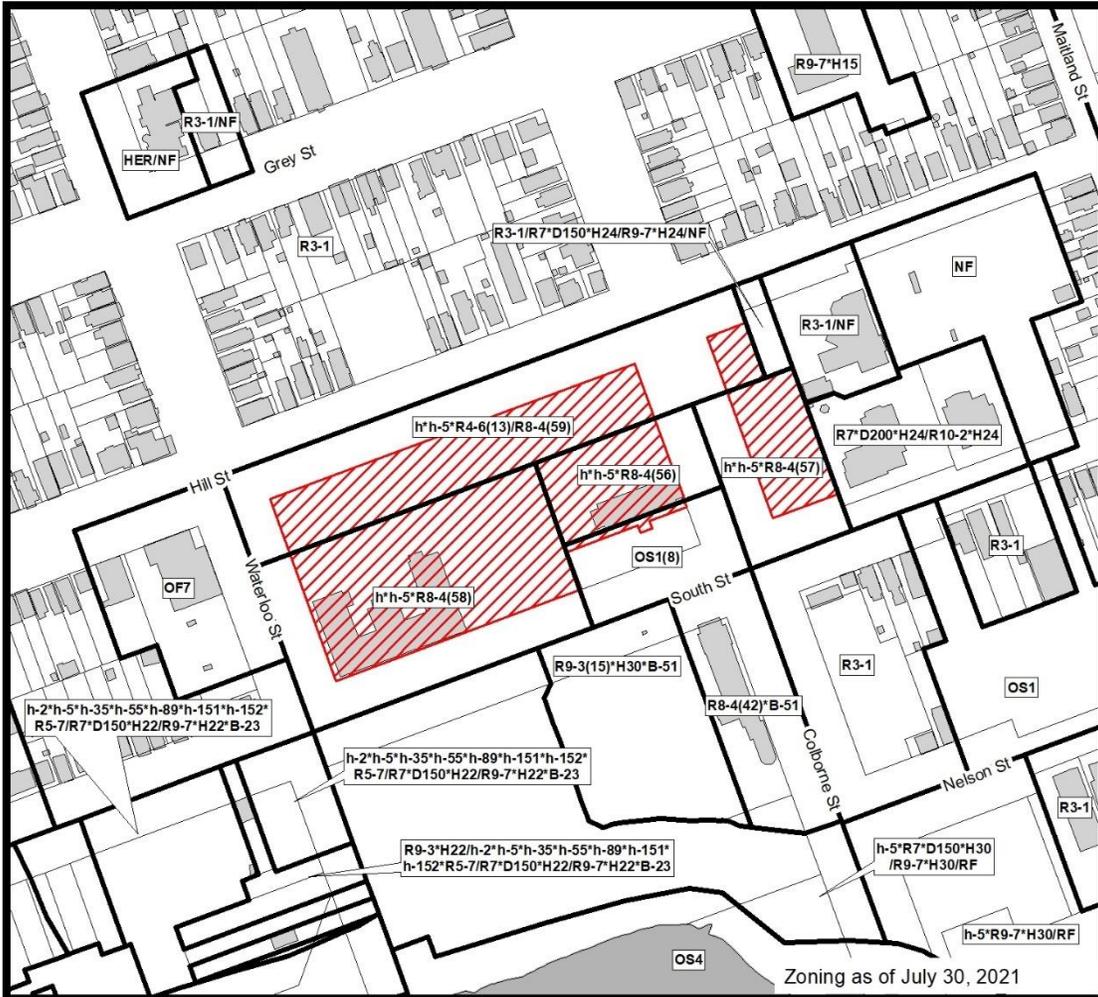


**LEGEND**

 The Four Corners	 High-Rise Residential
 Transit-Oriented Mainstreet Corridor	 Parklands
 Low-Rise Residential	 Parklands Constrained by Significant Wildlife
 Mid-Rise Residential	 Natural Heritage Lands

File Number: OZ-9418  
 Planner: Leif Maitland  
 Date: October 28, 2021





 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:** h-5-R8-4(58) and h-5-R4-6(13)/R8-4(59) and h-5-R8-4(56) and h-5-R8-4(57)

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

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

**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-9418 LM

MAP PREPARED:  
 2021/09/28 MB

1:3,000  
 0 15 30 60 90 120  
 Meters

**Additional Reports**

September 21, 2020: Report to Planning and Environment Committee – The Old Victoria Hospital Lands Secondary Plan Area and 124 Colborne Street and the Block Bounded by Hill Street, Colborne Street, South Street, and Waterloo Street (Known as the Old Victoria Hospital Phase II Lands) (O-9223/Z-9224)

June 17, 2014: Report to Planning and Environment Committee – Old Victoria Hospital Lands Secondary Plan and Associated Official Plan Amendments and Old Victoria Hospital Lands Zoning Study (O-8158/Z-8344)

October 7, 2014: Report to Planning and Environment Committee – City of London Old Victoria Hospital Lands Zoning Study (Z-8344)



# Old Victoria Hospital – Phase II 370 South & 124 Colborne OZ-9418

Application by Vision SoHo Alliance  
PEC November 22, 2021

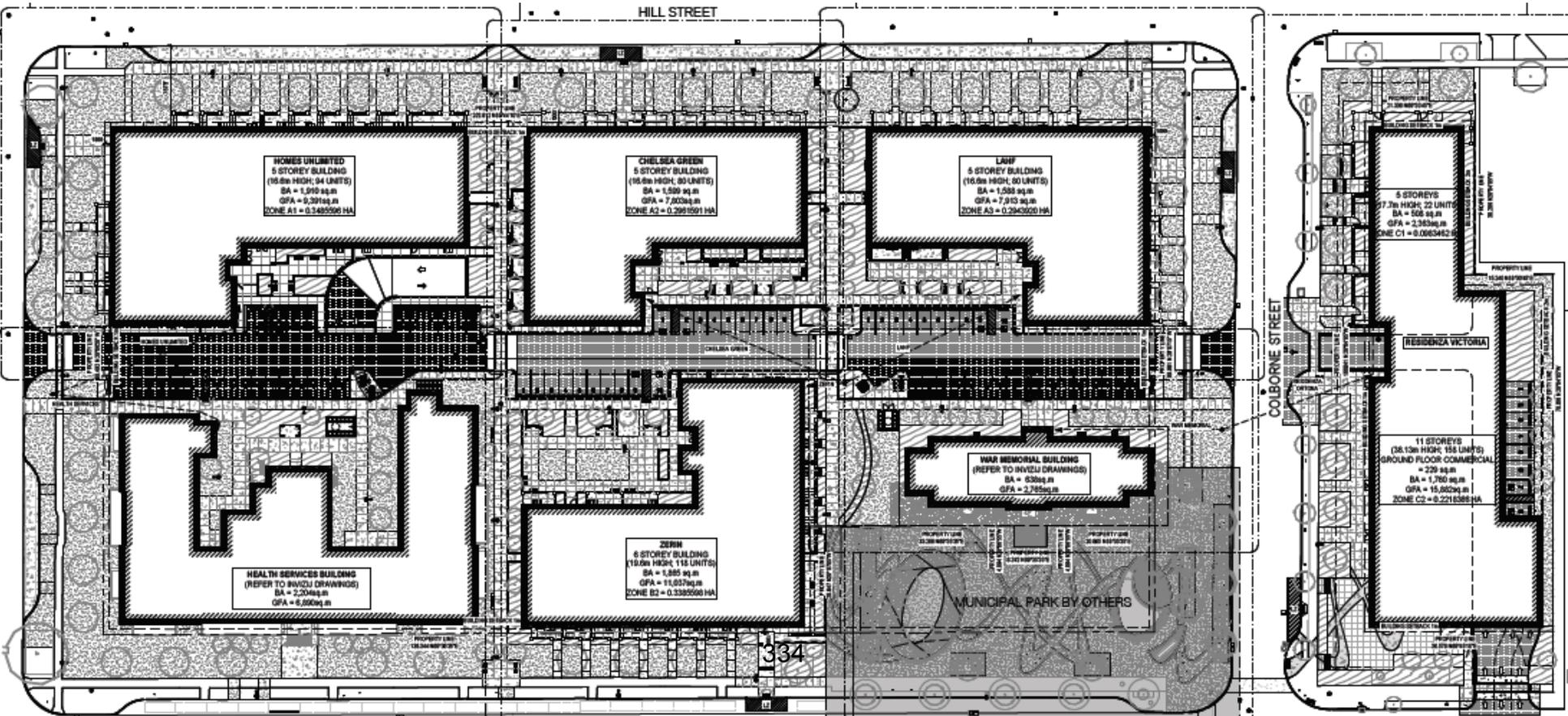


# Proposed Development

- A total of 674 dwelling units
- 5 new buildings
- 2 converted buildings (former hospital buildings)
- 480 parking spaces (primarily underground)
- The project is an applicant driven affordable housing project with units to be provide at both CMHC defined affordable housing and deep-affordable rents
- Developed through a condominium



# Complete Site Plan





# Requested Amendments

1. Amendments to The London Plan and Official Plan, 1989 to allow for an Application of Draft Plan of Vacant Land Condominium to proceed as proposed with multiple apartment buildings above a shared underground parking garage.
2. Amendments to the Old Victoria Hospital Lands Secondary Plan to allow for apartment buildings no-taller than 5-storeys along Hill Street through policy amendments and a re-designation of lands to Mid-Rise Residential and policy amendments to The Four Corners designation.
3. Zoning amendments to allow for the technical details of the proposed design to proceed, including the addition of permission for apartment buildings on the lands fronting Hill Street.



# Requested Official Plan Amendments

1. *Notwithstanding Section 19.15.4(iii) in the 1989 City of London Official Plan and Policy 1709(3) in The London Plan, permit a vacant land condominium that results in units above or below any other unit.*
2. *Notwithstanding Section 19.15.4(iv) in the 1989 City of London Official Plan and Policy 1709(4) in The London Plan, permit multiple units within one dwelling/building.*
3. *Notwithstanding Section 19.15.4(v) in the 1989 City of London Official Plan and Policy 1709(5) in The London Plan, permit structures to cross unit boundaries at or after registration of the vacant land condominium.*
4. Recommendation is for policy to except the subject lands from the specified policies



# Requested OVHL Secondary Plan Amendments

- *Notwithstanding Section 20.6.4.1(iv) in the Old Victoria Hospital Lands Secondary Plan, building floorplates are not required to be designed to accommodate non-residential uses at-grade, nor is the height of the ground floor required to be greater than the height of any upper storey in the “Four Corners” land use designation.*
- Recommendation is for removal of these policies
- *Notwithstanding Section 20.6.4.1(iv) in the Old Victoria Hospital Lands Secondary Plan, direct vehicle access from South Street is permitted for Parcel ‘1’ in the “Four Corners” land use designation.*
- Recommendation is to limit the existing policy to west of Colborne Street.



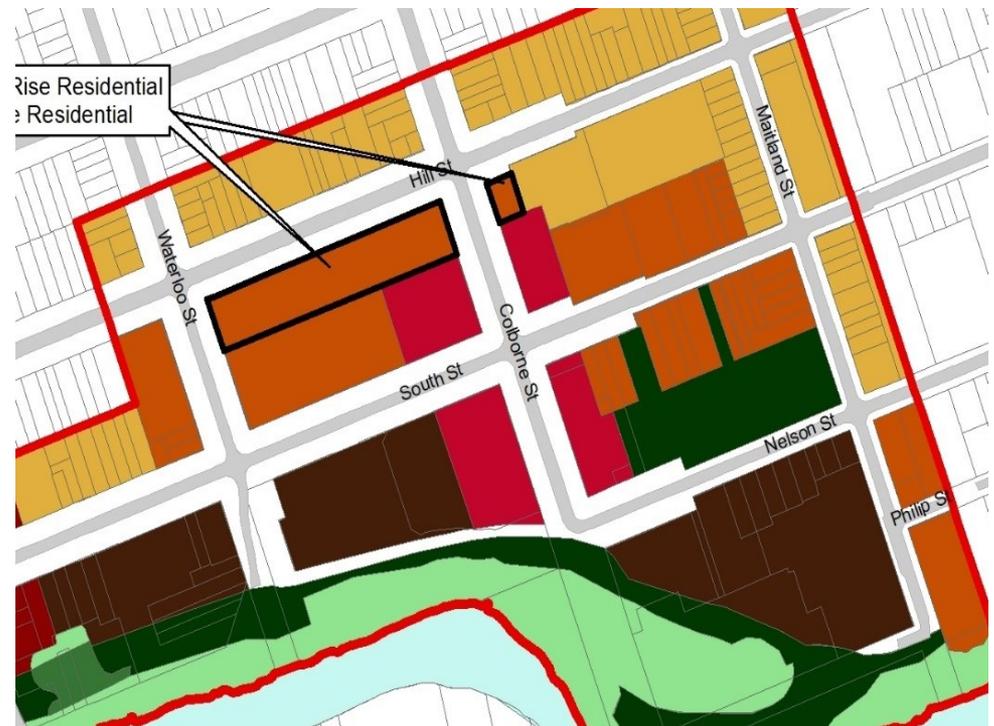
# Requested OVHL Secondary Plan Amendments

- *Notwithstanding Section 20.6.4.1(iii) in the Old Victoria Hospital Lands Secondary Plan, residential uses are permitted on the ground floor in the “Four Corners” land use designation, and relatedly, non-residential uses are not required on the ground floor.*
- Recommendation is for refusal of the requested amendment. (Note: this amendment is not required to allow for the development as proposed).



# Requested Secondary Plan Re-designation

- Proposal if for low-rise to mid-rise designation.
- Accompanied by policy to limit the height of buildings fronting Hill Street to 5-storeys
- Recommendation is for approval



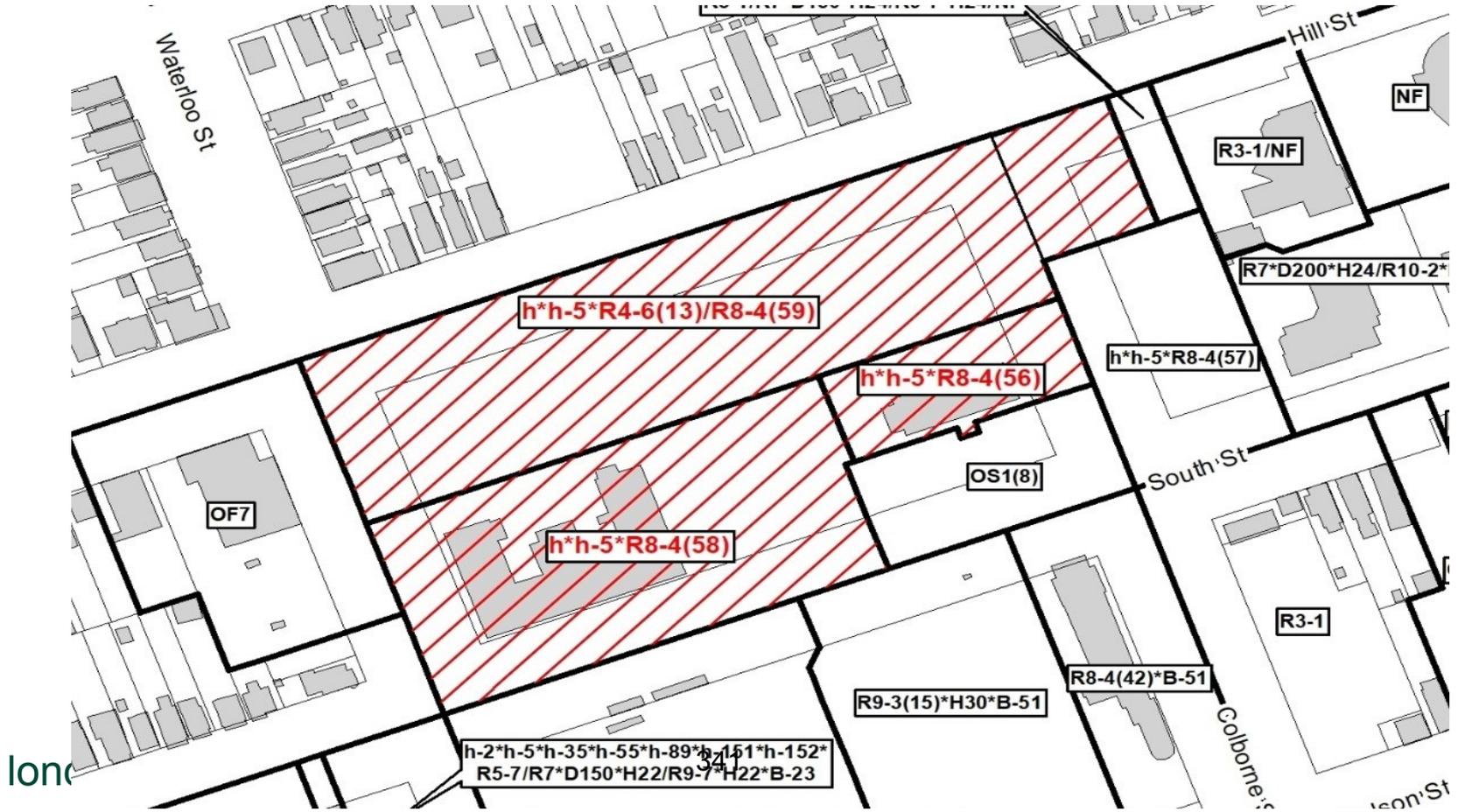


# Zoning Amendments

- 1. Notwithstanding Section 4.27 of the City of London Z.-1 Zoning By-Law, unlimited encroachment of at-grade terraces/patios/porches is permitted, with up to an additional 2.0m encroachment into the City of London right-of-way with the appropriate encroachment agreements in place; and,*
  - 2. Notwithstanding Section 4.27 of the City of London Z.-1 Zoning By-Law, unlimited encroachment of canopies is permitted.*
- Recommendation is for approval of by-law yard encroachments up to 0.0m from the lot line are permitted for balconies, architectural features, terraces , patios, porches and canopies .



# Zoning Boundary Adjustments





# Further Zoning Amendments

- Apartment buildings as a permitted use (along Hill Street)
- Removal of 75uph density cap along Hill
- 0.5 parking spaces per unit - R8-4(56)
- 0 parking spaces required for commercial uses - R8-4(57)
- Landscaped open space for 124 Colborne Street (16.4% and 17.3%)



# Recommended Amendments

1. Amendments to The London Plan and Official Plan, 1989 to allow for an Application of Draft Plan of Vacant Land Condominium to proceed as proposed with multiple apartment buildings above a shared underground parking garage.
2. Amendments to the Old Victoria Hospital Lands Secondary Plan to allow for apartment buildings no-taller than 5-storeys along Hill Street through policy amendments and a re-designation of lands to Mid-Rise Residential and policy amendments to The Four Corners designation.
3. Zoning amendments to allow for the technical details of the proposed design to proceed, including the addition of permission for apartment buildings on the lands fronting Hill Street.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Vision SoHo Alliance c/o Indwell (Attn: Sylvia Harris)  
370 South Street & 124 Colborne Street (Old Victoria Hospital  
Lands)

**Public Participation Meeting on: November 22, 2021**

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions **BE TAKEN** with respect to the application of Vision SoHo Alliance relating to the property located at 370 South Street and 124 Colborne Street:

- (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 five new apartment buildings and the redevelopment of two existing buildings on the subject lands; and
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

## Executive Summary

### Summary of Request

The development for consideration consists of 5 new apartment buildings and the redevelopment of 2 existing buildings, for a total of 674 units on the 370 South Street and 124 Colborne Street properties. The units are provided in 6 buildings (4 new, 2 existing) on the 370 South Street Block with the new buildings sharing a single underground parking structure. 124 Colborne Street is to be distinct from the remainder of the development but with both of the proposed buildings physically connected. The site is to be developed with municipal services and vehicular access from Waterloo, Colborne and South streets. The development proposal is subject to a public site plan meeting in accordance with the holding (h-5) zone regulations set out in the Zoning By-law.

### Purpose and the Effect of Recommended Action

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

### It being noted

1. The proposed Site Plan is consistent with the Provincial Policy Statement, 2020, which directs development to designated growth areas and that development be adjacent to existing development.
2. The proposed Site Plan conforms to the applicable policies of The London Plan with the exception of the Vacant Land Condominium policies subject of the application OZ-9418.

3. The proposed Site Plan is in conformity with the applicable policies of the Official Plan (1989) with the exception of the Vacant Land Condominium policies subject of the application OZ-9418.

3. The proposed Site Plan is in conformity with the policies of the Old Victoria Hospital Lands Secondary Plan (2014) with the exception of the designation and design policies subject of the application OZ-9418.

4. The proposed Site Plan will conform to the regulations of the Z.-1 Zoning By-law subject to the approval of the requested Zoning By-law amendment under consideration as OZ-9418..

5. With the exception of minor drawing amendments required, the proposed Site Plan conforms to the regulations of the Site Plan Control By-law.

On October 20, 2021 conditional Site Plan Control Approval was granted, subject to the applicant satisfying their conditions of approval. Prior to Site Plan approval, minor revisions are required to the proposed plans as well as approval of the application for Official Plan and Zoning By-law amendment (OZ9418). This will result in development that is in compliance with the Site Plan Control By-law, applicable policy and Zoning By-law. The successful receipt of a Heritage Alteration Permit will be required.

## **Analysis**

### **1.0 Site at a Glance**

#### **1.1 Property Description**

The site is made up of two distinct parcels 124 Colborne Street and the block Surrounded by Hill, Waterloo, South and Colborne streets referred to hereafter as the 370 South Street block (noting that the addresses 346-392 South Street and 351-385 Hill Street are historically associated with the block).

124 Colborne Street is entirely hardscape with mature trees in various conditions along the southern half of the eastern property limit. 124 Colborne is a stubbed L-shape with the property deeper from Colborne in the southern two-thirds of the site.

The 370 South Street Block has been cleared of all but two historic structures which made up the former Victoria Hospital Site. The War Memorial Children's Hospital and the Health Services Building. The southeast corner of the block contains the SoHo Civic Space, a park currently in process of development and excepted from the application.

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

- Official Plan Designation – Neighbourhoods
- The London Plan Place Type – Multi-Family High-Density Residential
- Secondary Plan Character Area Land Use Designation: Low-Rise Residential, Mid-Rise Residential and The Four Corners (refer to Secondary Plan excerpt)
- Existing Zoning – Holding Residential R8 Special Provision (h\*h-5\* R8-4(56) Zone, Holding Residential R8 Special Provision (h\*h-5\*R8-4(57)) Zone, Holding Residential R8 Special Provision (h\*h-5\*R8-4(58)) Zone, and a Holding Residential R4 Special Provision/Residential R8 Special Provision (h\*h-5\*R4-6(13)/R8-4(59)) Zone. (refer to Zoning excerpt)

#### **1.3 Site Characteristics**

- Current Land Use – Vacant (124 Colborne) & Vacant with vacant heritage buildings (2) (370 South Street Block).
- Frontage – 101m along Colborne Street (124 Colborne) & 203m along South Street (370 South Street Block)
- Depth – 37m (124 Colborne Street) & 101m (370 South Street Block)
- Area – 0.32 ha (124 Colborne) & 1.89 ha (370 South Street Block)

- Shape – Stubbed L (124 Colborne) & Rectangular Block (370 South Street Block)

#### **1.4 Surrounding Land Uses**

- North – Low-rise residential
- East – Mid-rise residential and place of worship
- South – High-rise residential (under development)
- West – Office

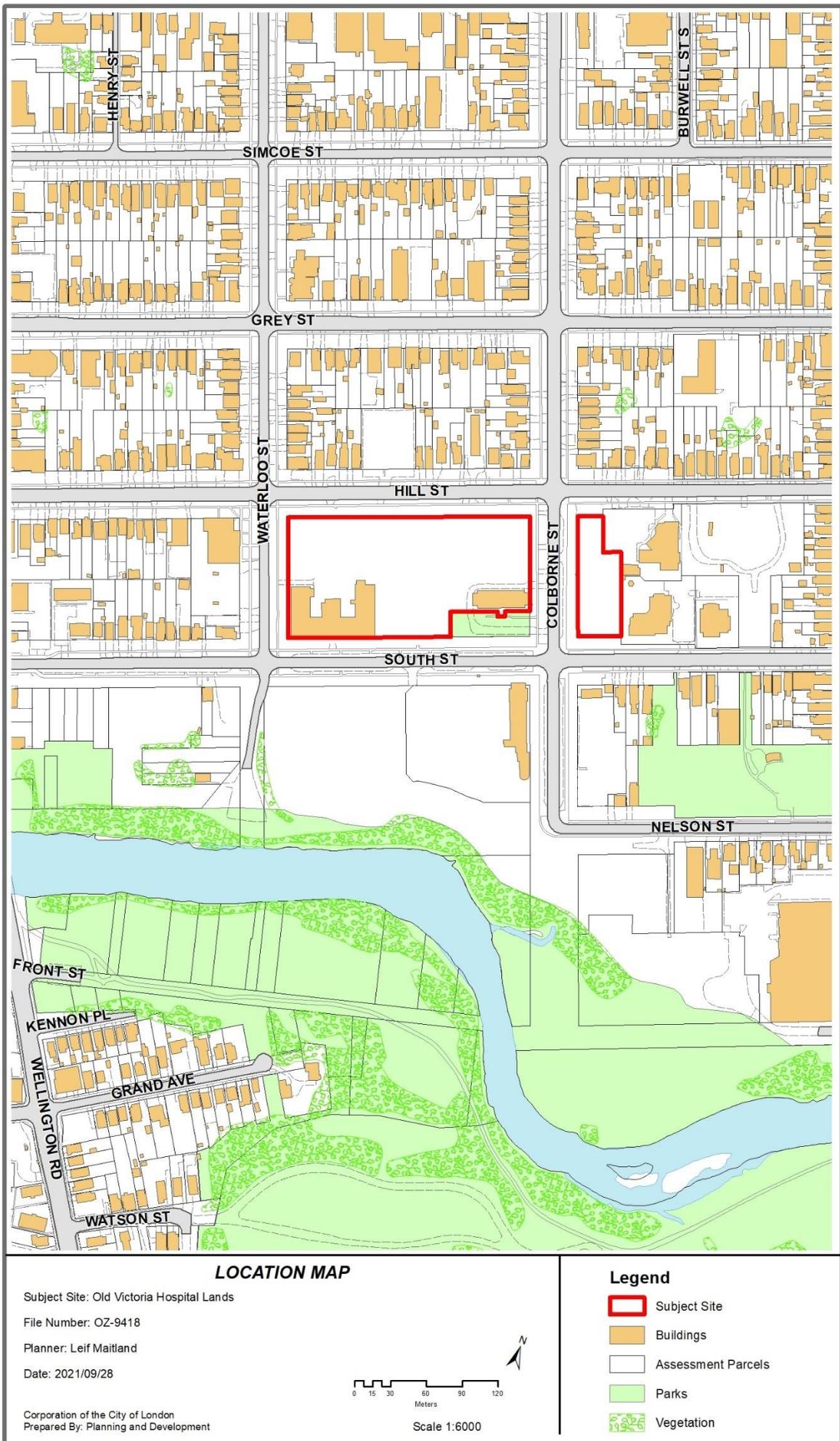
#### **1.5 Intensification**

- The proposed 674 apartments represent intensification within the Built-area Boundary.
- The proposed residential units are inside the Primary Transit Area.

#### **1.6 Heritage**

- Heritage Planning staff reviewed the Heritage Impact Assessment provided as part of OZ-9418. Staff will continue to work with the applicant on designation of the War Memorial Children's Hospital and Health Services Building pursuant to the Part IV of the Ontario Heritage Act. Staff will also anticipate the recommended Conservation Plan to be submitted as a part of a Heritage Alteration Permit (HAP) application to address the conservation and adaptive re-use of the existing buildings.

1.7 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal

The subject lands are proposed to be redeveloped to accommodate both mixed-use and stand-alone apartment buildings ranging between 5- and 11-storeys. The subject lands are proposed to be developed comprehensively and function as a single entity to the greatest extent possible in terms of shared access, parking, and amenity areas. However, given that Colborne Street physically separates the subject lands 124 Colborne Street is proposed to be developed independently from the 370 South Street Block. There are a total of seven (7) buildings on the subject lands that are proposed for development and are to be configured as shown in figure 2 below.

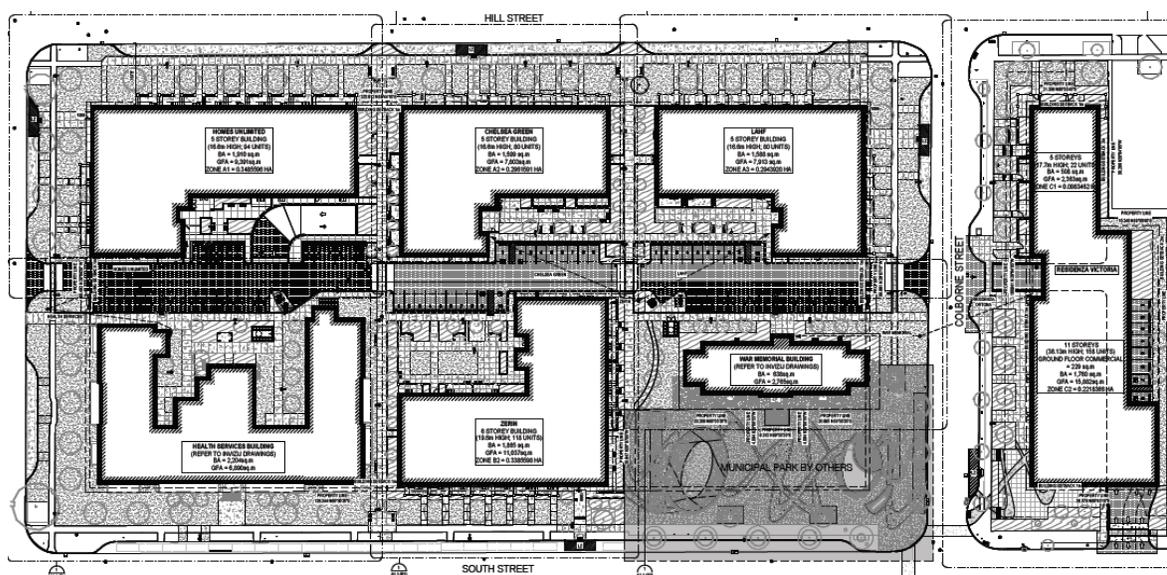


Figure 2 – Site Plan – Entire Site

A Site Plan approval application has been received for the subject lands. Site Plan application SPA21-081 (assigned to the subject lands) is subject to a public site plan meeting and contains more details graphics in the report showing the following.

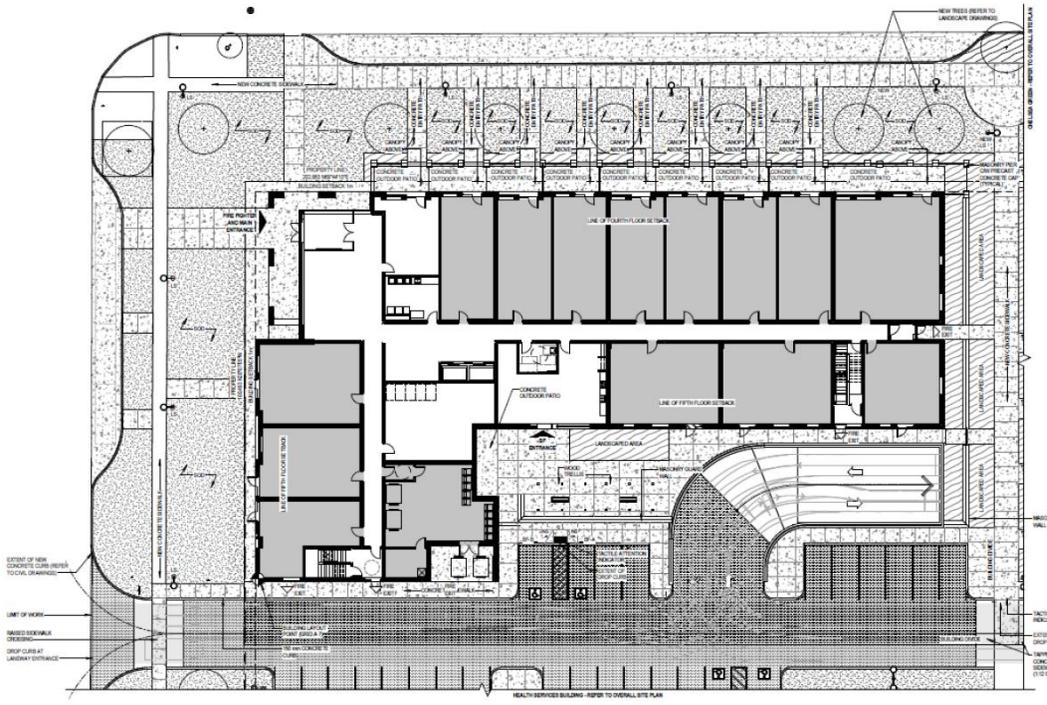
A total of 674 dwelling units are provided on the subject lands in all seven (7) buildings. In addition to surface parking spaces, underground parking is provided below the subject lands, save and except below the two heritage buildings (Victoria Health Sciences Building and the War Memorial Building). A total of 480 parking spaces are provided, including 28 barrier-free spaces.

The development is intended to proceed through condominiumization with the apartment buildings forming the units of the condominium. Additional plans and elevations are provided in Appendix A.

The individual buildings proposed are as follows:

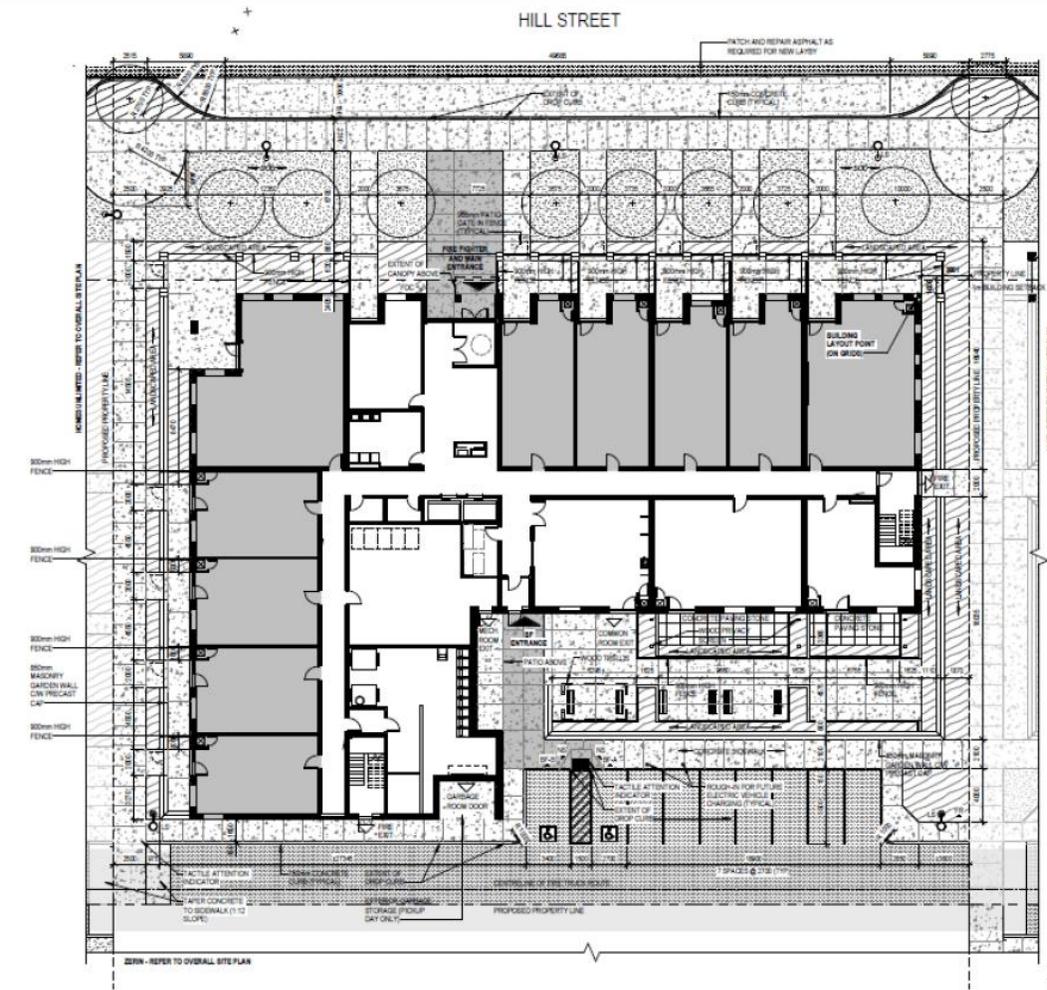
## 2.2 Homes Unlimited

- Fronting onto Hill Street to the north and Waterloo Street to the west;
- Apartment building with a height of 5-storeys, or 16.0m; and,
- A unit count of 94 units.



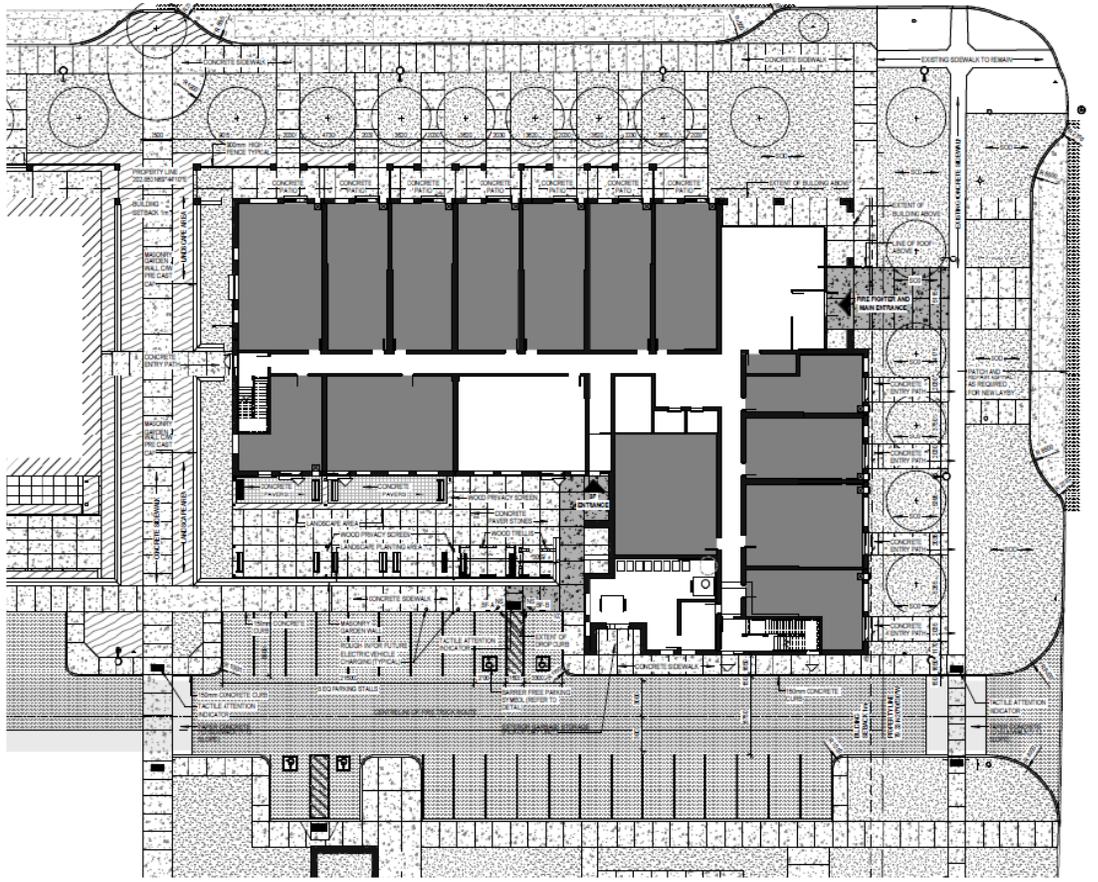
## 2.3 Chelsea Green

- Fronting onto Hill Street to the north;
- Apartment building with a height of 5-storeys, or 16.0m; and,
- A unit count of 80 units.



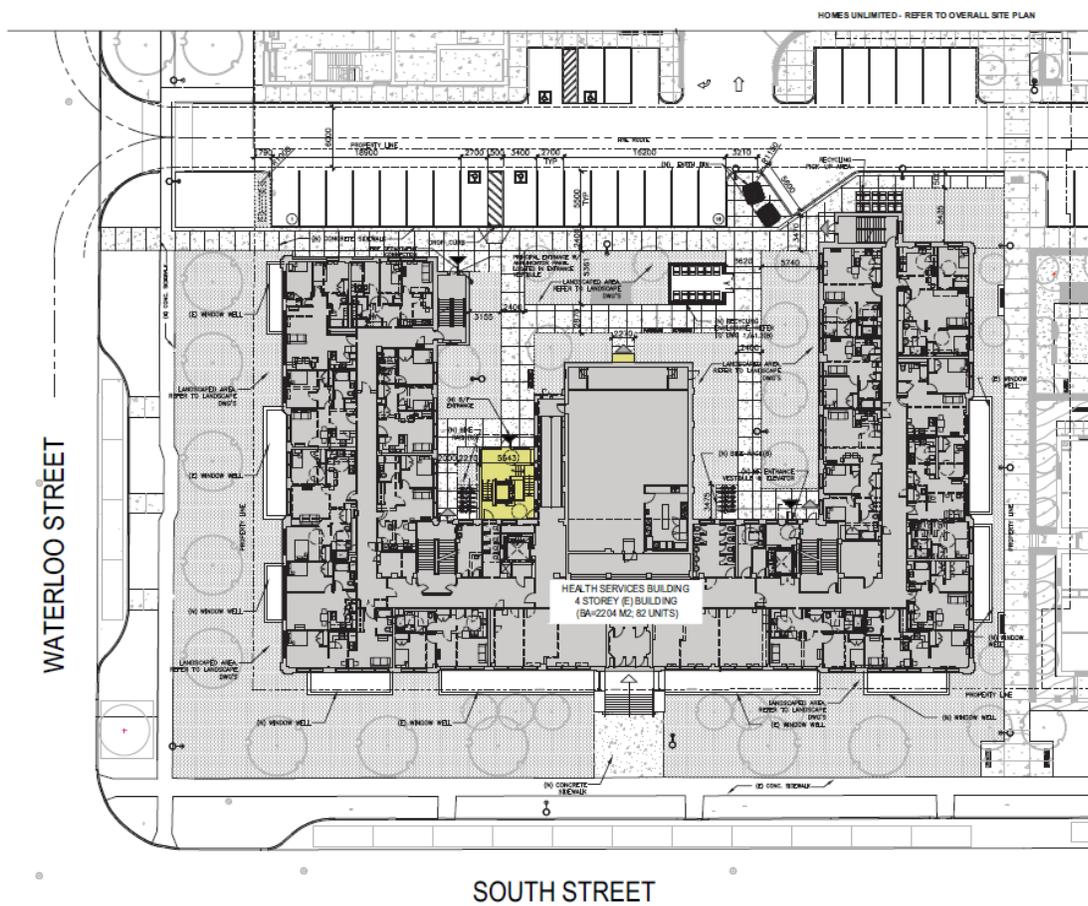
**2.4 London Affordable Housing Foundation (LAHF)**

- Fronting onto Hill Street to the north and Colborne Street to the east;
- Apartment building with a height of 5-storeys, or 16.0m; and,
- A unit count of 80 units.



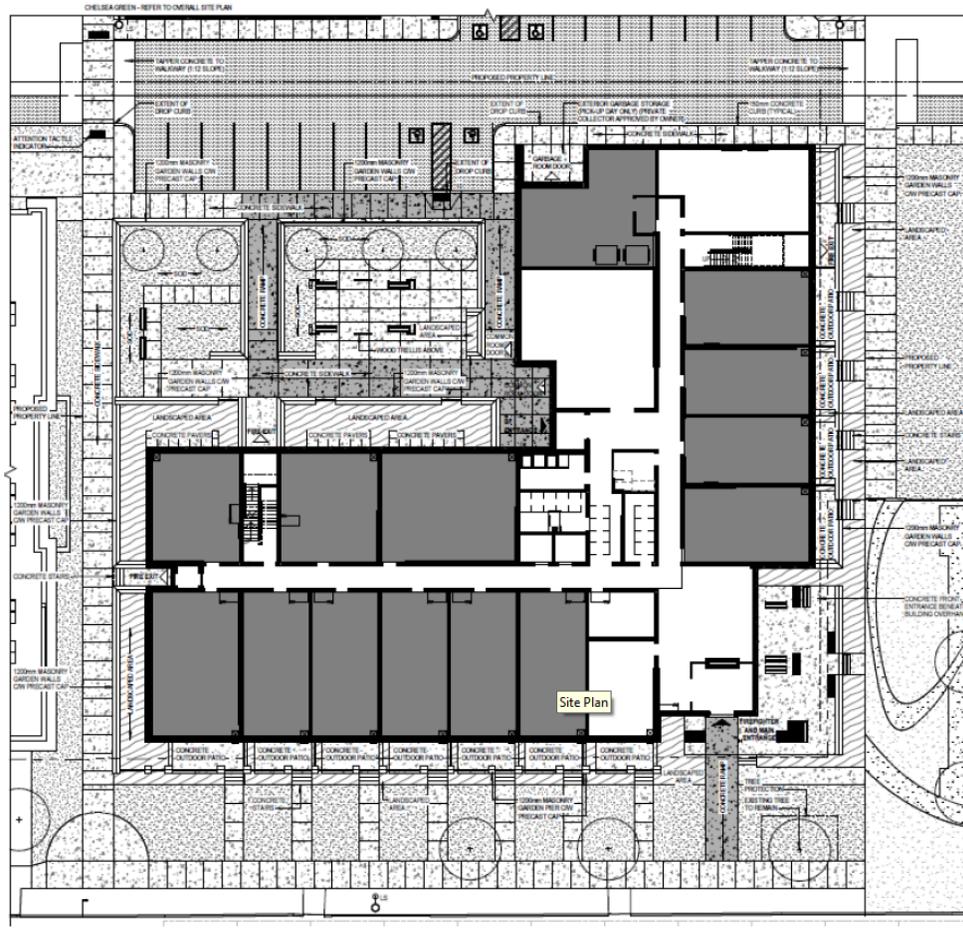
**2.5 Indwell - Victoria Health Sciences Building (Existing)**

- Fronting onto South Street to the south and Waterloo Street to the west;
- A height of 2-storeys (as existing); and,
- A unit count of 80 units.



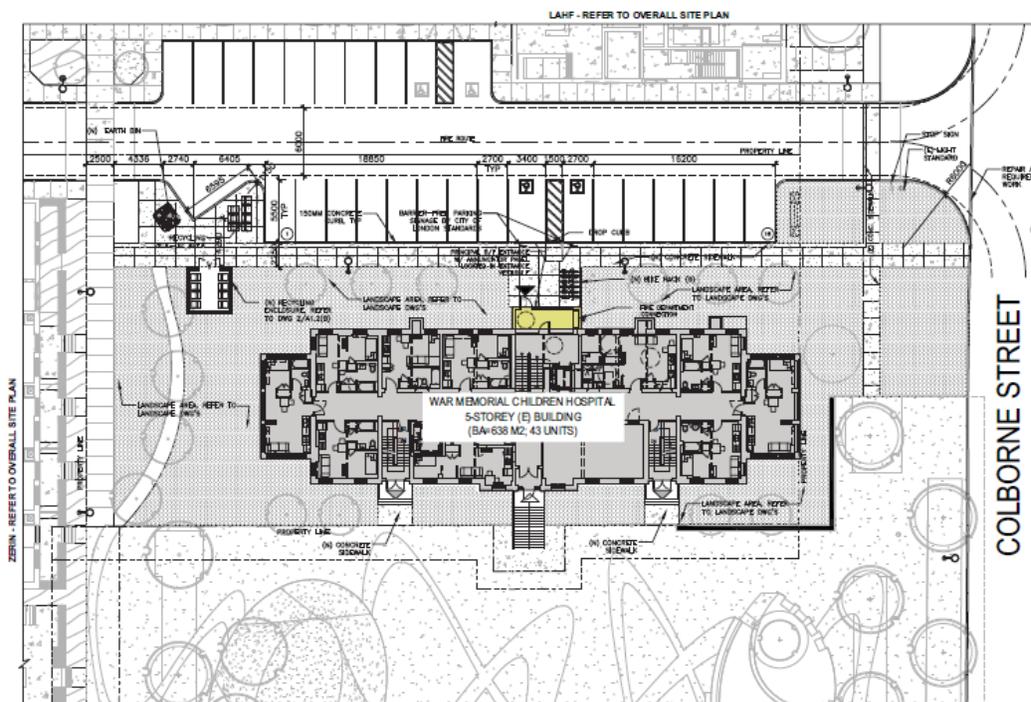
**2.6 ZerIn**

- Fronting onto South Street;
- Apartment building with a height of 6-storeys, or 19.0m; and,
- A unit count of 118 units.



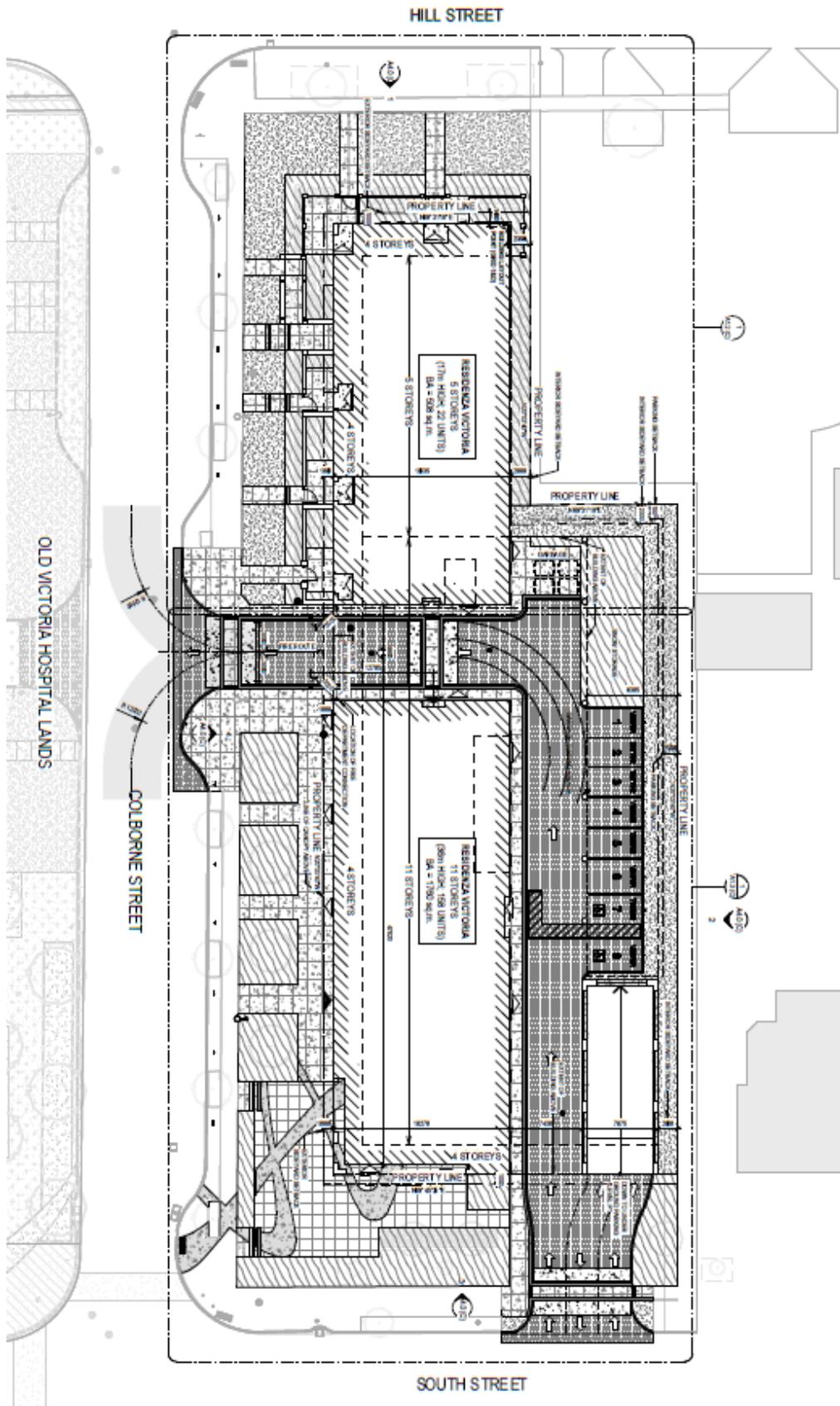
**2.7 Indwell - War Memorial Building (Existing)**

- Fronting onto South Street to the south, Colborne to the east;
- A height of 3-storeys, or 15.6m (as existing); and,
- A unit count of 42 units.



**2.8 Residenza Victoria (Italian Senior's Project)**

- Fronting onto Hill Street to the north, South Street to the south, and Colborne Street to the west;
- Comprised of two attached apartment buildings:
  - A southern building with a height of 11-storeys, or 36.0m, and;
  - A northern building with a height of 5-storeys, or 17.0m;
- A total unit count of 180 units and 229 m<sup>2</sup> of non-residential GFA at-grade:
  - A southern building with 158 units and 229 m<sup>2</sup> of non-residential GFA at-grade; and,
  - A northern building with 22 units.



### 3.0 Relevant Background

#### 3.1 Planning History

The subject lands are subject to a current Official Plan Amendment and Zoning By-law amendment (file OZ-9418) to facilitate the development as proposed. This application will be required to meet the policies and regulations established through that application. The 2011 Roadmap SoHo Community Improvement Plan and the 2014 Old Victoria Hospital Lands Secondary Plan also provide policy which guides the review of this application.

The current regulations in effect for the subject lands are the results of a City of London application for an Official Plan Amendment and Zoning By-law amendment for the subject lands from 2020 (files O-9223 and Z-9224). Both amendments were passed by council September 29, 2020.

The Official Plan and Zoning By-law amendment request three changes to the policy and regulatory framework for the site.

1. Amendments to The London Plan and Official Plan, 1989 to allow for the Vacant Land Condominium to proceed as proposed with multiple apartment buildings above a shared underground parking garage.
2. Amendments to the Old Victoria Hospital Lands Secondary Plan to allow for apartment buildings no-taller than 5-storeys along Hill Street through policy amendments and a re-designation of lands to Mid-Rise Residential and policy amendments to The Four Corners designation.
3. Zoning amendments to allow for the technical details of the proposed design to proceed, including the addition of permission for apartment buildings on the lands fronting Hill Street.

The particulars of the request are addressed in the planning report for OZ-9418.

#### 3.3 Community Engagement (see more detail in Appendix B)

On October 21, 2021 Notice of Application was provided in the Londoner. Written notice was also provided to both landowners and residents of the area – 432 notices were sent out.

Comments received requested the following changes were made to the proposal.

1. An increase in open space within the development specifically highlighting the possibility of a dog park.
2. The inclusion of a grocery store within the development
3. An increase in the provided parking to avoid over-subscription of street parking.
4. Changes to the massing of the building at 124 Colborne Street to move the 11-storey portion to the north of the property.

The comments provided were provided in conjunction with associated Official Plan and Zoning By-law amendments and are discussed further in the context of that application through the analysis provided in the report on File OZ-9418.

#### 3.4 Policy Context

The subject lands are subject to the policies of the Official Plan, 1989, The London Plan, 2016 and the Old Victoria Hospital Land Secondary Plan, 2014. Collectively the policies provide for the uses and form requested on the subject lands with minor amendments currently sought through the Official Plan and Zoning By-law amendments under consideration (File OZ-9418).

## **4.0 Key Issues and Considerations**

Issues of use, intensity and form are currently under review through the concurrent Official Plan and Zoning By-law amendments (OZ-9418) and were previously examined through a similar process in 2020 (File O-9223 and Z-9224). This report defers the analysis provided in that report on these issues.

### **4.1 Site Plan Concerns**

The Site Plan comments relate primarily to minor elements requiring additional detail or consideration. Bicycle parking, though provided, is not adequately protected (or shown as,) on two of the buildings. Snow storage details are required for the 370 South Street Block. Additional consideration is needed for the required communal amenity at 124 Colborne Street and the Homes Unlimited building.

### **4.2 Landscape Plan Concerns**

Tree removal permissions need to be in place prior to approval of the landscape drawings. Additional comments call for increased planter size and the addition of screening in one location adjacent parking. Pollinator-friendly species are also encouraged.

### **4.3 Elevation Concerns**

The primary concerns with the elevation relate to the relationship between the Residenza Victoria building at 124 Colborne Street and its immediate eastern neighbour. Comments seek to provide massing changes or other design elements which reduce the impacts from the proposed building on 430 South Street.

### **4.4 Engineering Plan Concerns**

The overall engineering and transportation approach is acceptable. Technical changes are requested to the internal servicing to ensure all services and accesses meet the latest City of London and Ontario Building Code standards.

### **4.5 Response to the UDPRP (See more detail in Appendix D)**

The comments from the UDPRP provide guidance on the urban design features of the site. The applicant has either responded to the comments through additions and alterations to the design presented to the panel or through applications to amend the applicable policies via the concurrent OPA/ZBA. Staff have maintained the UDPRP comments regarding adjustments to the 124 Colborne Street building in their comments to the applicant at first submission.

### **4.6 Response to Public Comments**

Public comments have been received both through the notice associated with this site plan public meeting and the concurrent OPA/ZBA. Comments seek a grocery store within the development, something that is not possible under the existing regulations or possible amendments given the scale and other elements proposed. One commenter sought a reduction in the impacts of the 124 Colborne Street building on its immediate neighbour which was reflected both in the UDPRP comments and the staff comments at first submission. One commenter requested an increased parking requirement through the OPA/ZBA application, the site plan application provides more parking spaces than the minimum that would be required should the requested zoning by-law be approved to provide for overflow as required. Finally, one comment requested a park which will be developed by the City within the 370 South Street Block and its design is well underway.

#### 4.7 Outstanding Site Plan Comments

First submission site plan control comments were provided to the applicant October 20, 2021. The comments to the applicant generally included comments pertaining to the following matters:

1. Site Plan and Landscape matters including providing the appropriate barrier free parking requirements, making snow storage improvements, providing accessible amenity space in certain locations, clarity on accessibility matters, confirmation of bicycle parking requirements, confirmation of permissions for tree boundary removals from neighbouring properties, providing pollinator friendly plantings, and screening of parking areas.
2. City Building and Design Matters including publicly accessible mid-block connections, integration of features into the public realm which also appear within and on the built form, and assessing how to improve on the relationship of the setback of the “Residenza Victoria” building on to the neighbouring property.
3. Engineering matters pertaining to ownership of servicing as a common element, confirmation of hydrant distances, minor revisions to meet City of London standards, removal of proposed lay-bys, and ensuring continuous paths of travel within the public right-of-way.

#### 5.0 Conclusion

The proposed Site Plan is consistent with the Provincial Policy Statement, 2020 has regard for the applicable policies of The London Plan. The proposal will be in conformity with the City of London Official Plan, 1989 including the Old Victoria Hospital Secondary Plan should the application for amendment (OZ-9418) be approved. The application has been reviewed in accordance with the Z.-1 Zoning By-law, and, as proposed, will comply with the regulations of the Zoning By-law should the application for amendment (OZ-9418) be approved. The proposed Site Plan and elevations will result in development that will not conflict with the character of the area, and following minor revisions in response to the comments provided will be in compliance with the Site Plan Control By-law.

**Prepared by:** Leif Maitland  
Site Development Planner

**Reviewed by:** Michael Pease, MCIP, RPP  
Manager, Site Plans

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

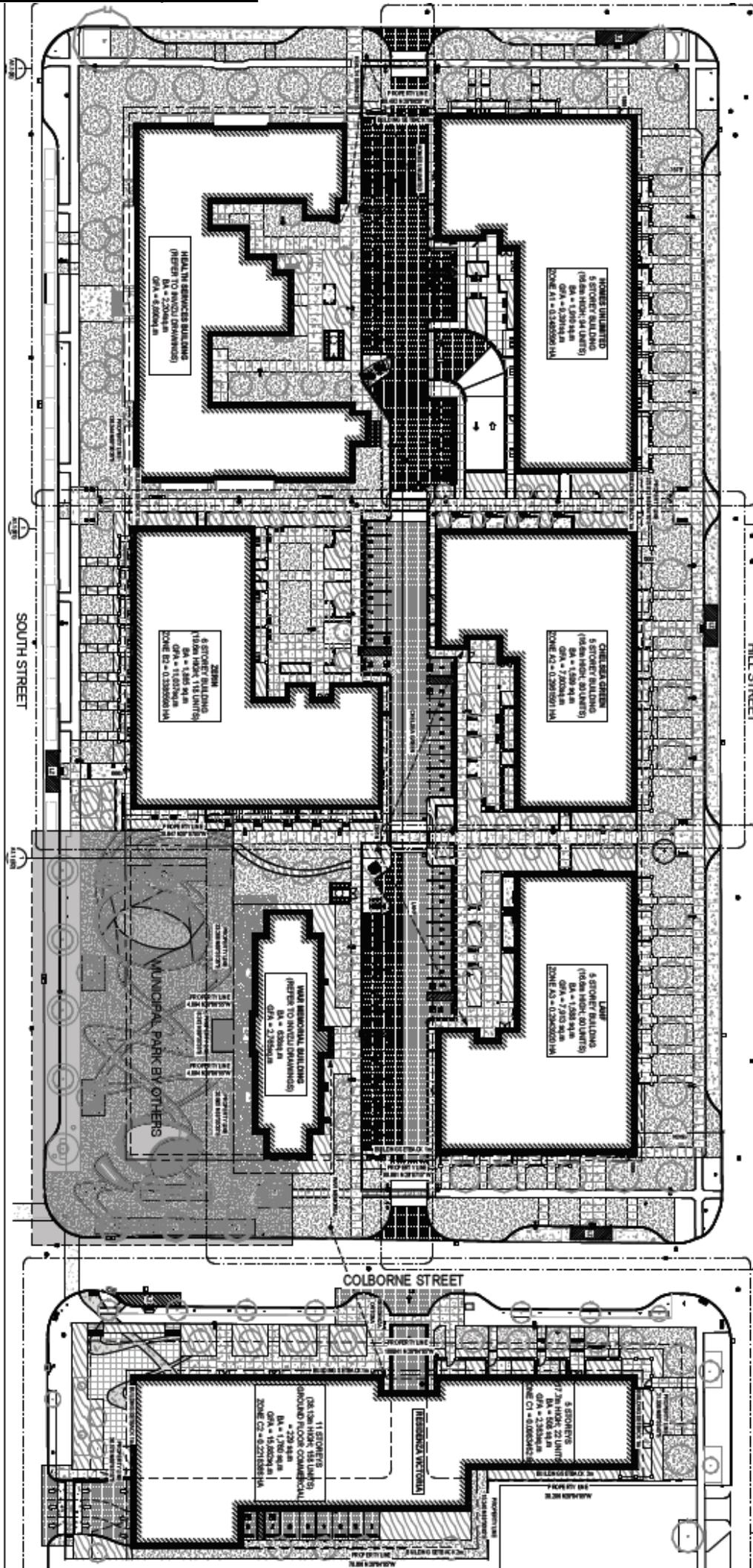
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.

November 12, 2021

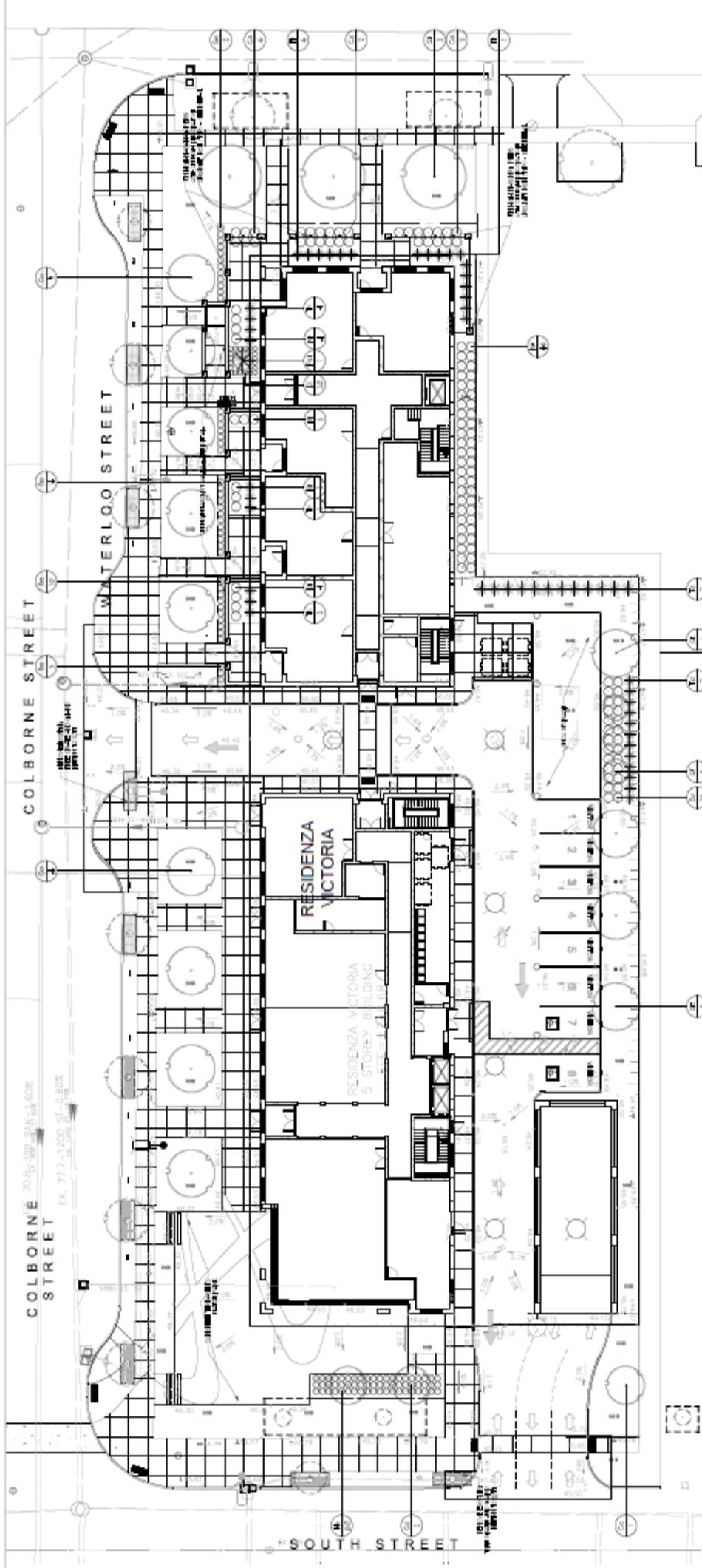
cc: Heather McNeely, Manager, Current Development

Appendix A - Plans

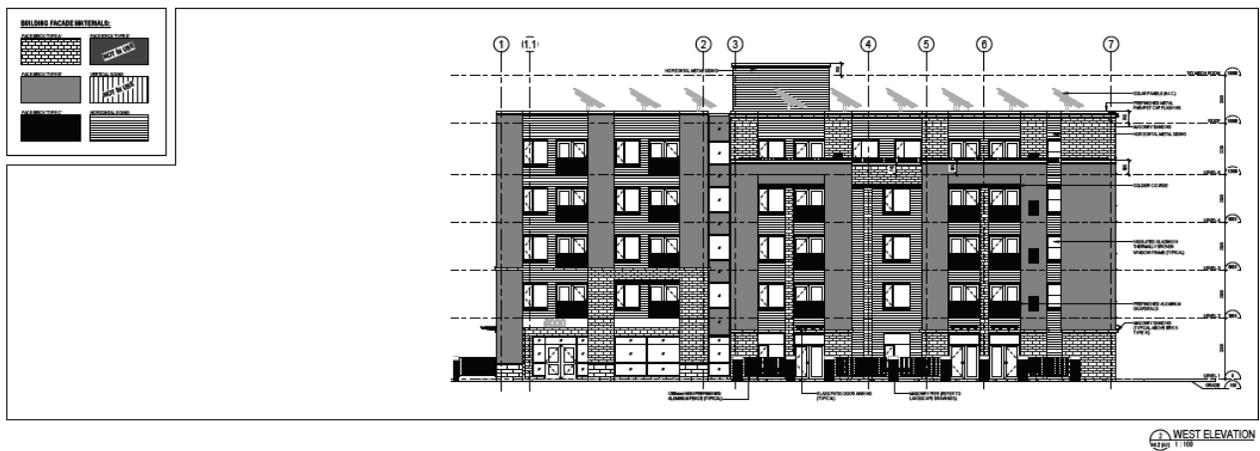
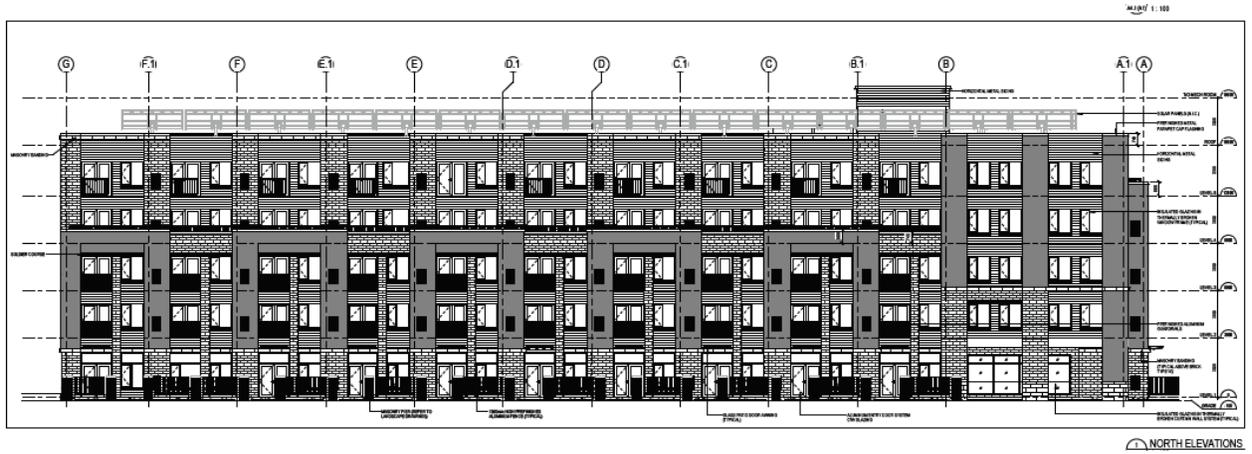
Site Plan – Complete Site



Landscape Plan – 124 Colborne Street



Elevations – Homes Unlimited



Chelsea Green



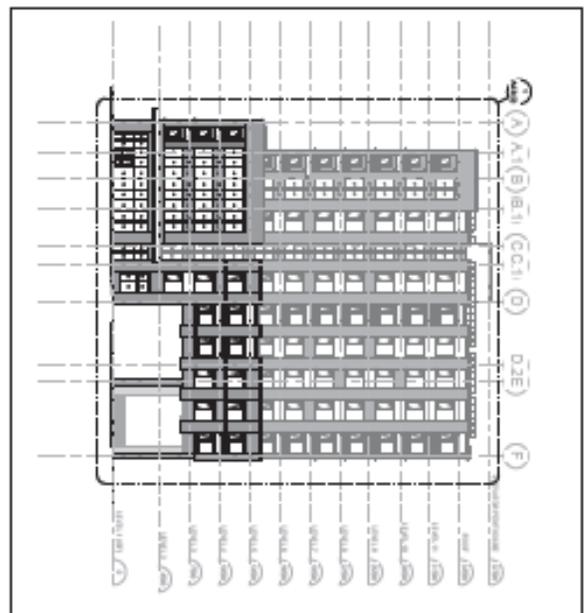
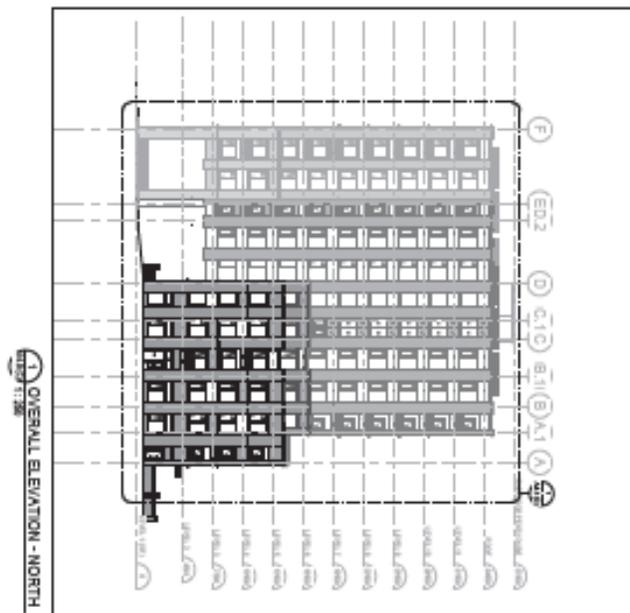
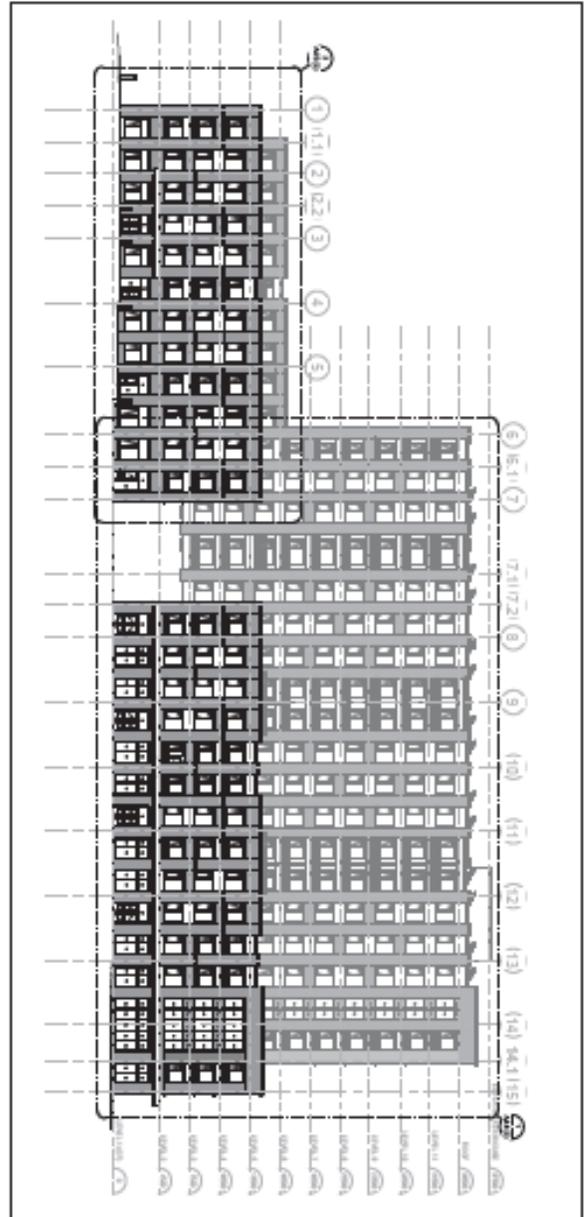
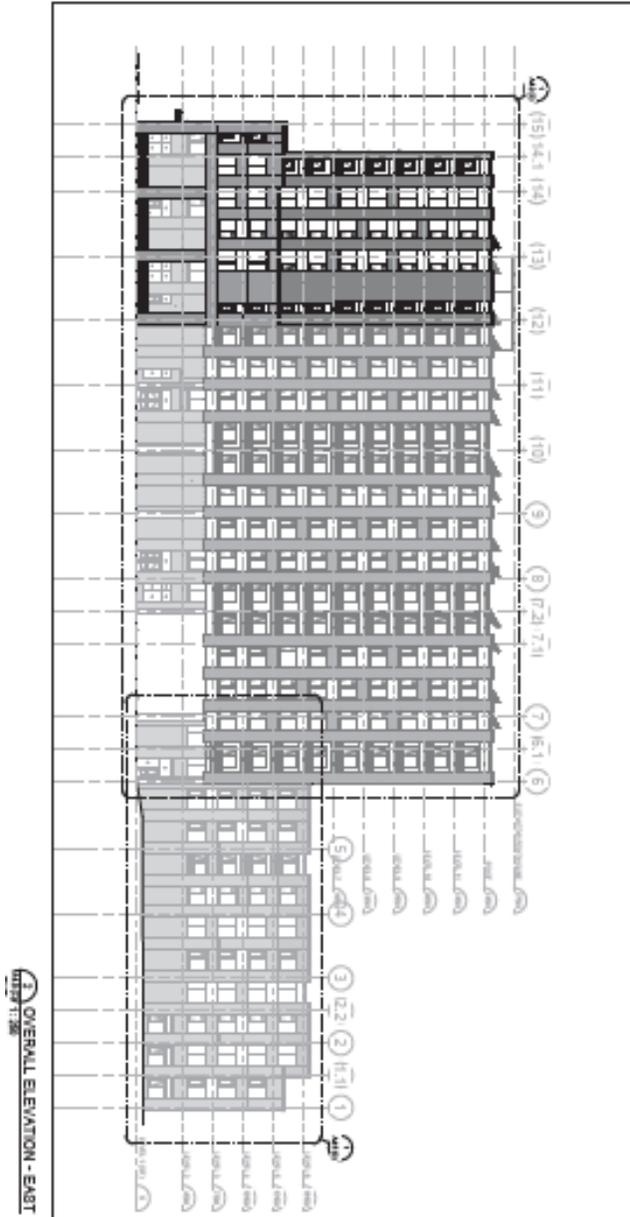
London Affordable Housing Foundation (LAHF)



Zerin



Residenza Victoria (Italian Senior's Project)



## Appendix B – Public Engagement

**Public liaison:** On October 20, 2021 Notice of Application was sent to 432 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 21, 2021. A “Planning Application” sign was also posted on the site in response to the concurrent application for Official Plan and Zoning By-law amendments (OZ-9418).

3 replies were received

**Nature of Liaison:**

**370 South Street & 124 Colborne Street (Old Victoria Hospital Lands) –** Consideration of a site plan to permit the development of five (5) apartment buildings (three 5 storeys, one 6 storeys and one 11 storeys in height) and the conversion of the two (2) existing buildings to apartments. The zoning on this site includes a holding provision to require a public site plan meeting before the Planning and Environment Committee. The proposed site plan will be presented at a future meeting of the Planning and Environment Committee for the purpose of receiving comments for the Site Plan Approval Authority. You will receive another notice inviting you to attend this meeting. This site is also subject to an application for an Official Plan Amendment and Zoning By-law amendment (OZ-9418).

File: SPA21-081 Site Development Planner: Leif Maitland [lmaitan@london.ca](mailto:lmaitan@london.ca) (ext. 1517)(City hall)

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

*Phone:*

- A request that a supermarket or other food store is included within the development

Bonnie Smith

430 South Street

---

*Written:*

Dear sir,

430 & 440 South Street just recently received notice of the project development for South and Colborne Streets. In brief discussions with tenants of both buildings, and take into consideration that approximately 35-40 of the units are occupied by non-English speaking Polish-Canadian citizens who don't read or seem to understand English and notices well and will probably throw your notice in the garbage as many did with the Census, there are a few concerns:

1. Initially from looking at the plans, there seems to be a lack of good open spaces such as a mini park setting. Some tenants suggested a dog park as well.
2. There are so many units and along with the current construction of housing at the old St. Joe's Hptl., where are the new tenants going to grocery shop? The nearest grocery stores are one mile away at Commissioners - Wellington and also at Oxford and Richmond. Can your Planning & Development not discuss with the builders to include a modest size grocery store or pharmacy? Shoppers Drug Mart carries groceries. Are there commercial units along the first floors such as at City Hall apartments?
3. Residenza Victoria is out of size and place for our building. It is next to and within 100 feet of the seven story 430 South Street and will overpower and block the western

sunlight. We feel it will be too closed in and one suggestion is to reverse the two buildings so that the 5 story is near 430 South and the 11 story overlooks the Polish Catholic church? Even if you reduce it to match our 7 floors it still blocks too much light. In that regard, what is the new barrier consisting of? A fence? Tall trees and landscaping? Be a good neighbor and don't close us in.

Sincerely,

Wayne Ray

430 South Street

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I reviewed your notice that was sent to my husband and me we did not see in the plans any parking on the property I hope that you are not expecting street parking to satisfy the need for something like almost 1000 units in a small space . We will be calling the authorities often if we cannot access our property. I live across the street at 354 Hill Street. This is going to over wealm the utilities etc. in this small area . I am glad to see development but I am concerned that this is too much in a small area I can see problems arising as a result. Nancy Hamm p.s. I know that you will not take our comment very seriously but I can see a lot of very serious problems coming. I cannot not contact a councillor who is not active in our area so I do not have anyone to contact.

Nancy Hamm

354 Hill Street

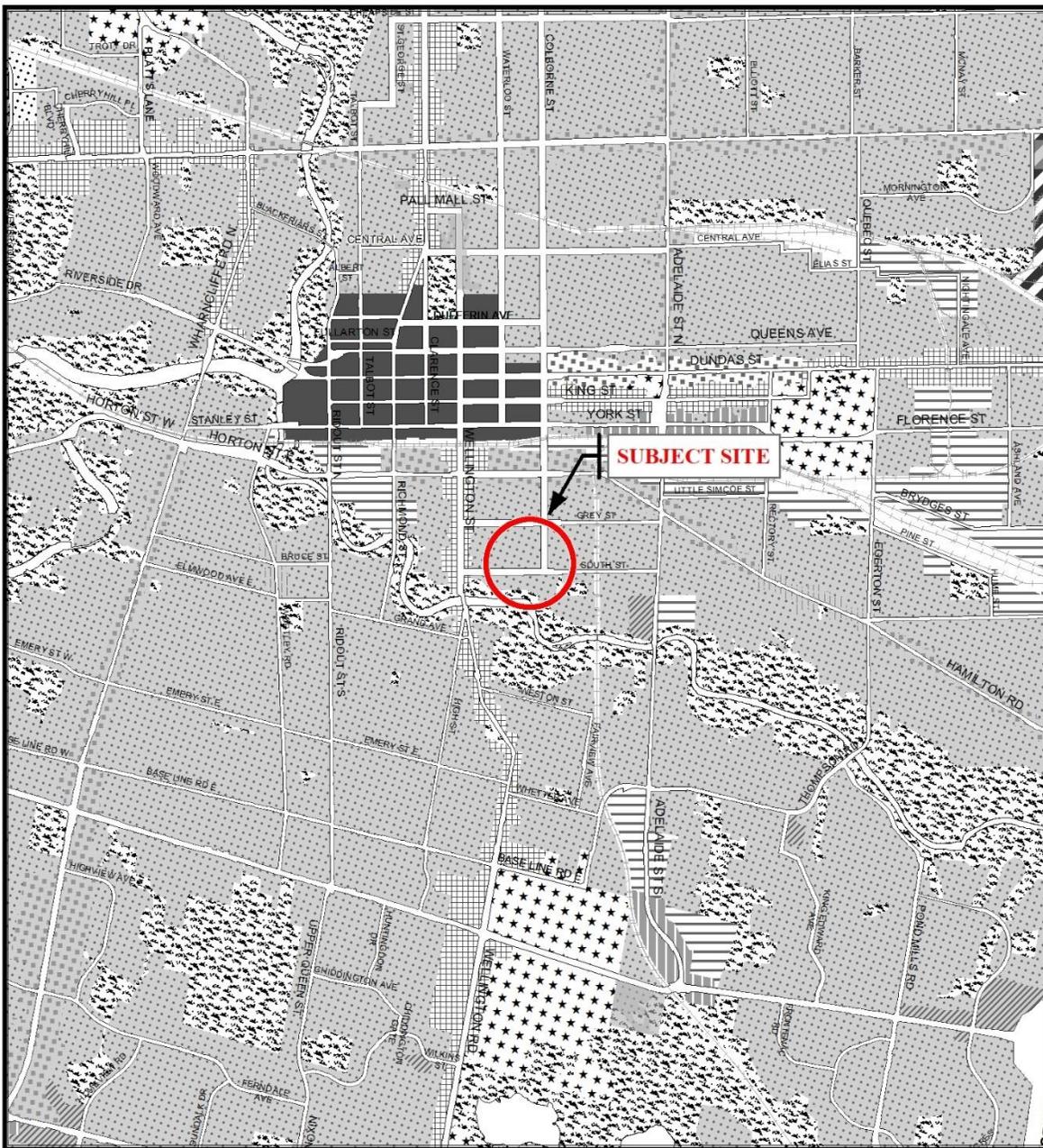
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### **Agency/Departmental Comments**

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, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

**Appendix C – The London Plan, Official Plan, Secondary Plan and Zoning excerpts**



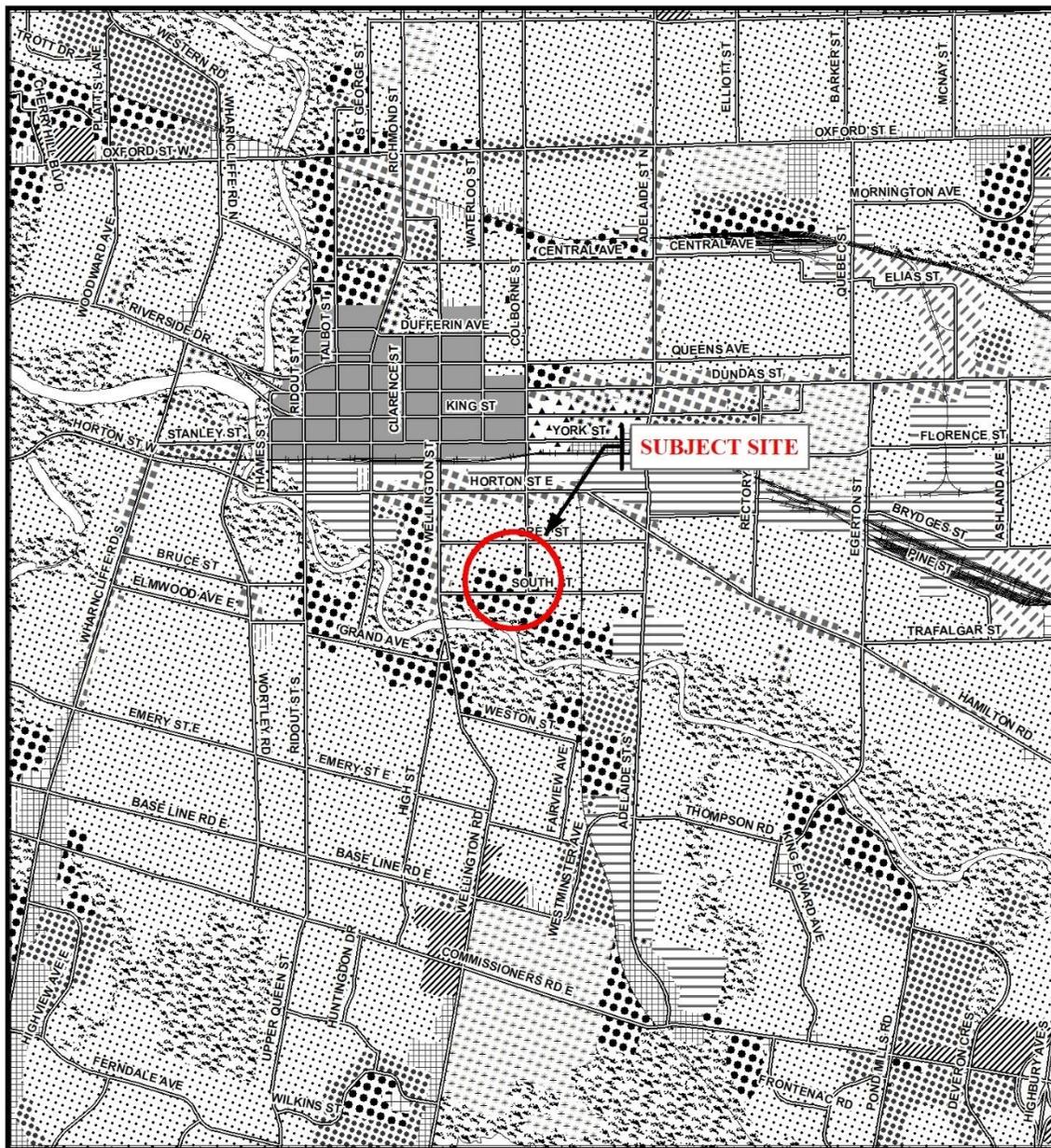
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| 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            | Areas Withheld from LPAT Approval       |
| 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><b>CITY OF LONDON</b>                  Planning &amp; Development  <b>LONDON PLAN MAP 1                  - PLACE TYPES -</b>                  PREPARED BY: Planning &amp; Development</p>	 Scale 1:30,000 0 150 300 600 900 1,200 1,500 Meters	<p><b>File Number:</b> OZ-9418  <b>Planner:</b> LM  <b>Technician:</b> MB  <b>Date:</b> 2021/09/28</p>
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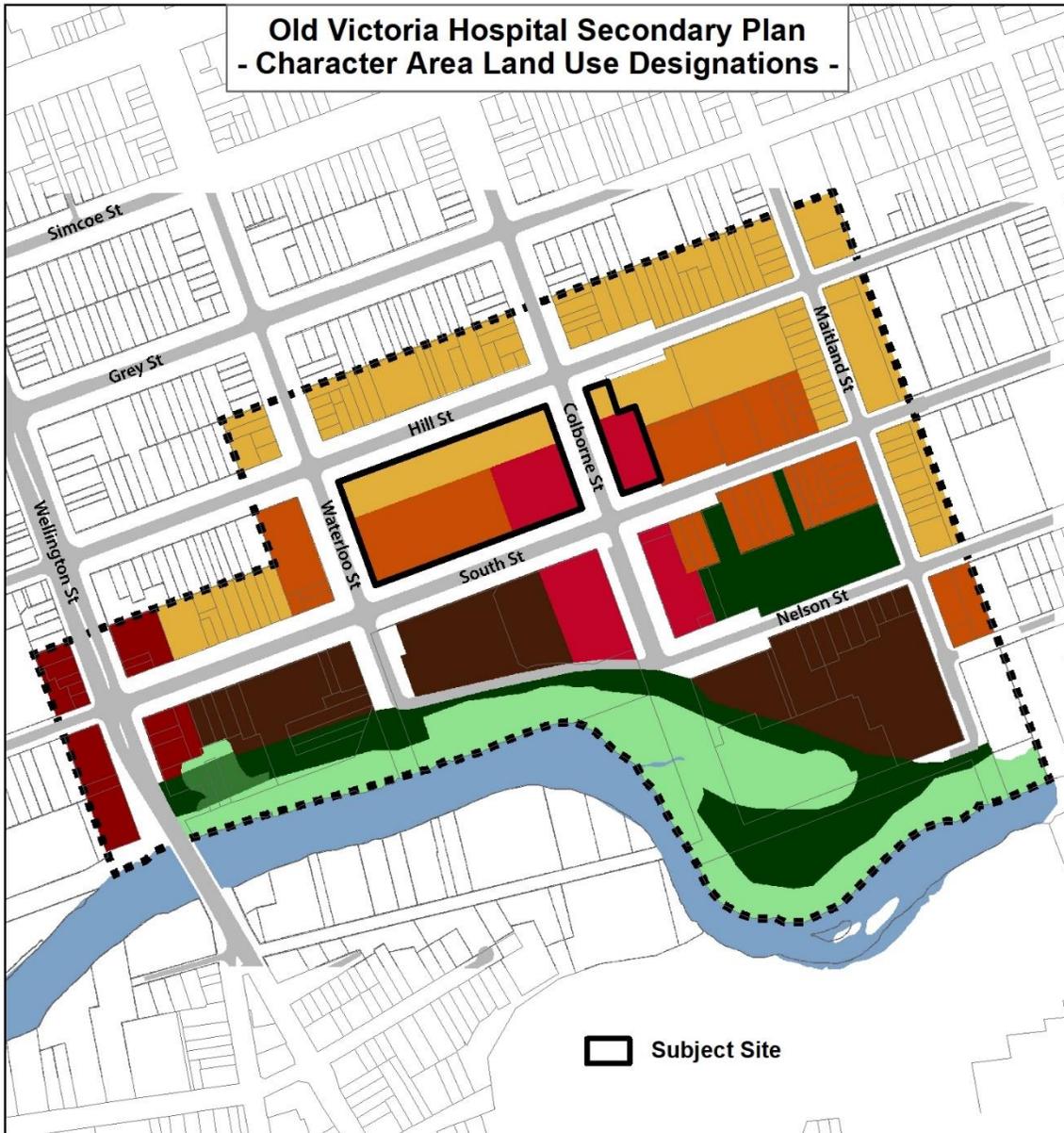


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
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><b>CITY OF LONDON</b></p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9418</p>
		<p>PLANNER: LM</p>
		<p>TECHNICIAN: MB</p>
		<p>DATE: 2021/09/28</p>

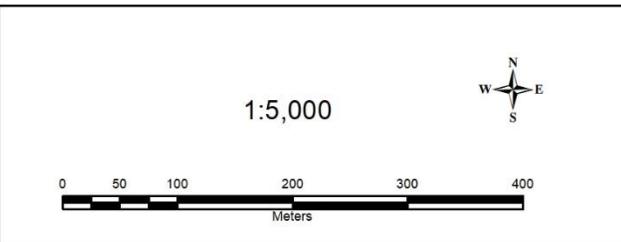
PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consolidated\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

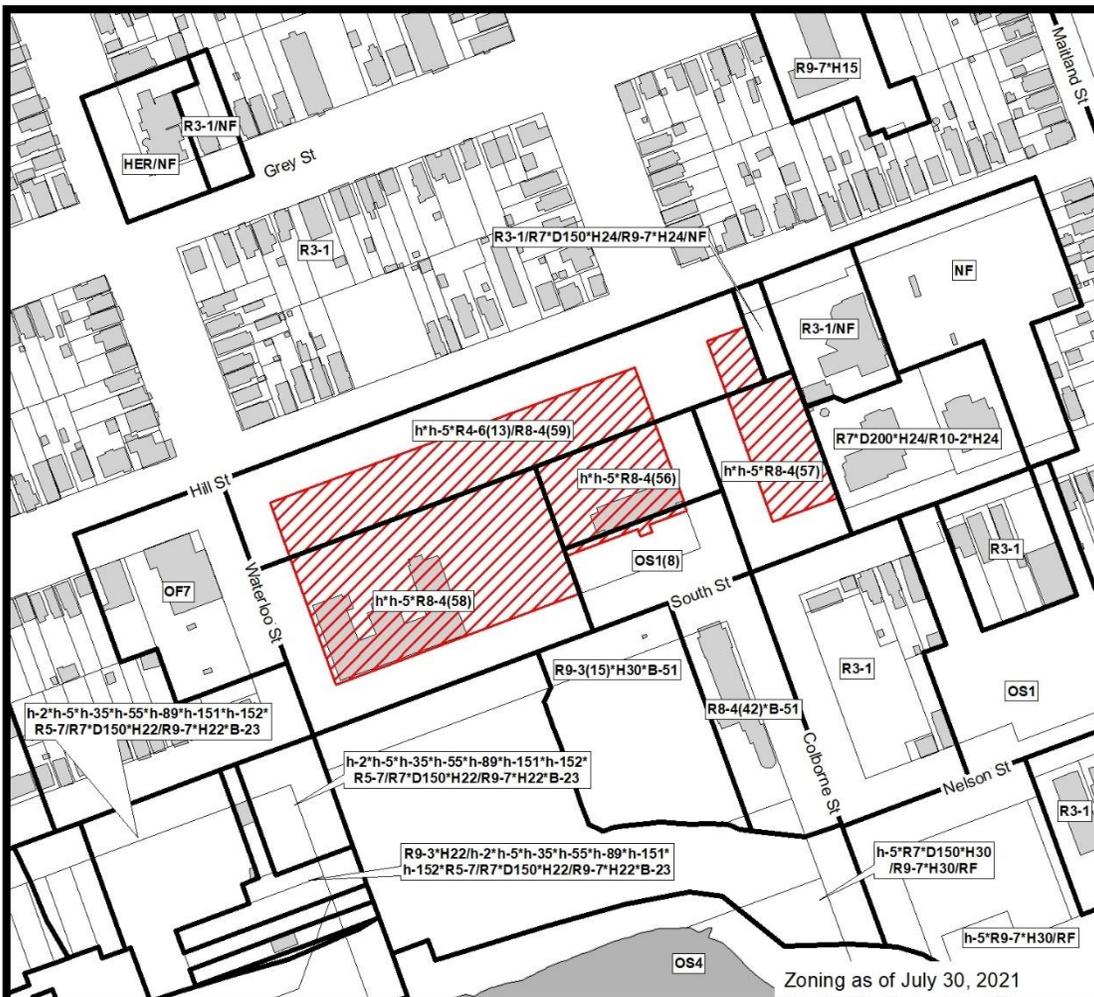


**LEGEND**

 The Four Corners	 High-Rise Residential
 Transit-Oriented Mainstreet Corridor	 Parklands
 Low-Rise Residential	 Parklands Constrained by Significant Wildlife
 Mid-Rise Residential	 Natural Heritage Lands

File Number: OZ-9418  
 Planner: Leif Maitland  
 Date: October 28, 2021

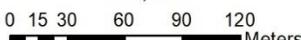




 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:** h'h-5'R8-4(58) and h'h-5'R4-6(13)/R8-4(59) and h'h-5'R8-4(56) and h'h-5'R8-4(57)

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

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

<p><b>CITY OF LONDON</b></p> <p>PLANNING SERVICES / DEVELOPMENT SERVICES</p> <p><b>ZONING BY-LAW NO. Z-1 SCHEDULE A</b></p>  <p>THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>	<p>FILE NO: OZ-9418 LM</p>
	<p>MAP PREPARED: 2021/09/28 MB</p>
	<p>1:3,000</p>  <p>0 15 30 60 90 120 Meters</p>

## Appendix D – Urban Design Peer Review Panel Memo and Response

### UDPRP Memo Comments with Response

**Comment:**

Consider further refinements to the overall massing and material treatment on the west facade of the Colborne Street building to break up the length of the building.

**Applicant Response:**

The design of this building is in progress with the client group. The comment is well received, and we are currently pursuing further development of this building in that direction.

**Comment:**

The Panel recommended further exploration of additional grade-oriented housing typologies such as townhouses or “hybrid buildings” to be deployed in strategic areas of the site to better address neighbourhood fit and integration, particularly along Hill Street where apartments aren’t contemplated by the Secondary Plan.

**Applicant Response:**

The applicable regulations allow for a height of up to 5-storeys, though the type is identified as ‘townhouse’. As you may be aware, our client has submitted an Official Plan and Zoning By-law Amendment application to add “apartments” as a permitted use along Hill Street, which is the desired form of housing, while maintaining the 5-storey maximum height restriction. We feel the primary urban design intent is fulfilled by the design proposal. The buildings on Hill Street are articulated to create a residential scale rhythm, active entry points to units marked by individual pathways, garden walls and gates, terraces, and entry canopies over doors. As well, we’ve stepped the building back at the 4th floor, registering the legible townhouse datum of a 3-storey height, as dominant except where building entries and prominent corners are marked with taller volumes. With respect to unit size variety, all buildings will have 2-bedroom suites, and most will include 3-bedroom suites.

**Comment:**

The Panel recommended that the project team explore opportunities for modifications to the architectural design and programming of the “Zerin” Building at-grade, with the goal of better leveraging the adjacent civic space. A more active ground floor use such as commercial or day care space with enhanced ground floor transparency would further enliven the adjacent civic space, thereby promoting its use and success.

**Applicant Response:**

We appreciate the comment and recognize the apparent opportunity both for the development and the public at large; however, current regulation does not allow for non-residential uses on this lot. With that in mind, early in the process, the client for this building selected this site with no intention to include commercial uses. Additionally, this building will be funded through a CMHC program in which the application process is complicated by any non-residential uses included in the building. Because of these reasons, this building will not be submitted for further approvals with any non-residential uses.

**Comment:**

The Panel commended the Applicant for the “courtyard” strategy as a means of orienting the building forms and creating resident amenity but suggested the following improvements:

- Consider pedestrian cut-throughs through the larger buildings to provide direct connectivity from the courtyard out to the public street(s);
- Consider further “greening” (e.g., trees, soft landscaping, etc.) of the interior laneway and reduction to surface parking to provide a better environment for the outdoor courtyard amenity spaces;
- Consider incorporating the textures, finishes and materials of the buildings into the detailing and layout of the courtyard areas.

**Applicant Response:**

-The project is already quite porous and interconnected with the City grid and public space of streets and sidewalks. While we appreciate the comment, we feel cutting through the building to courtyards would unnecessarily complicate the ground floor circulation of these fairly modest and simple buildings.

-We will continue to develop the landscape with the intent of maximizing soft/green spaces wherever possible. The site already has a lower parking count requirement than is typically permissible in London, and these surface parking spaces are the only parking available to two of the buildings and will primarily serve as short term and visitor parking for the rest of the buildings.

-Thank you for this comment. That is our intent, and we will continue to develop those details.

**Comment:**

It was suggested that through the site plan process, the provision of design elements such as masonry columns, decorative metal fencing, gates, terraces, hedging and/or landscaping be included to buffer and/or delineate the public-private boundaries between spaces.

**Applicant Response:**

We have included those details in our Site Plan Application and will continue to refine them through the approvals process. The intent is to create a gradation of the public private boundary using masonry piers, decorative metal fencing, gates, hedging and terraces on the street frontages, and large raised planters for trees and soft landscape, gates, terraces and hedging on the mid-block pedestrian ways where we need planting depth above the parking garage and don't have easement issues.

**Comment:**

Lastly, since the primary uses of the buildings will be residential, please consider incorporating family-friendly open space uses, such as playgrounds for children and offleash dog parks.

**Applicant Response:**

It has not been determined with any finality, but each of the courtyards will be designed for the building in which it is contained. We have not reached that level of design yet, but it is clear each building will have a slightly different focus and landscape and outdoor amenity requirements. For example, one building is focusing on housing seniors, while another is very focused on housing young families. Those two courtyards will be quite different. Whether the use of the courtyards will be shared will be determined by the group and defined as a legal matter, not design.



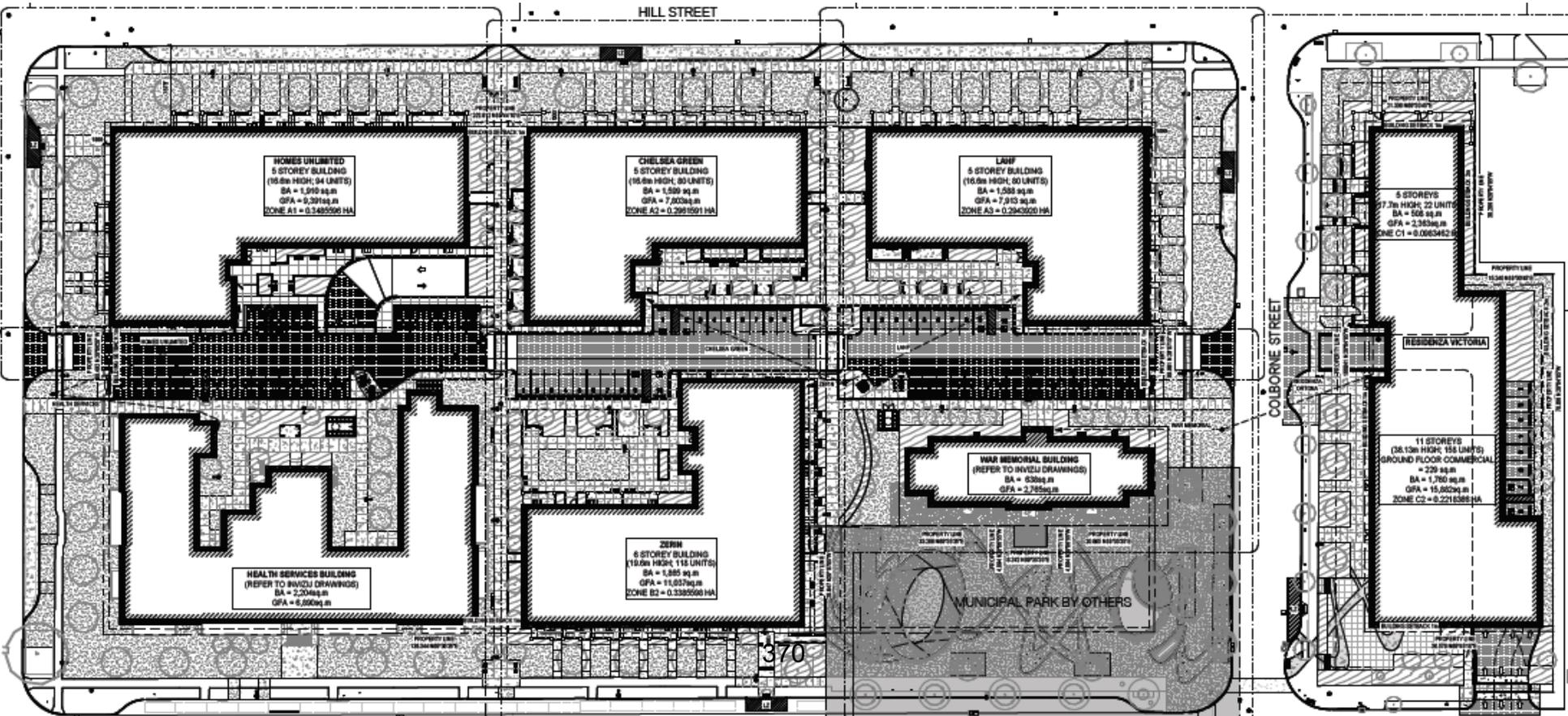
# Old Victoria Hospital – Phase II 370 South & 124 Colborne **SPA21-081**

Application by Vision SoHo Alliance

PEC November 22, 2021



# Complete Site Plan





# Homes Unlimited

- Fronting onto Hill Street to the north and Waterloo Street to the west;
- Apartment building with a height of 5-storeys, or 16.0m; and,
- A unit count of 94 units.





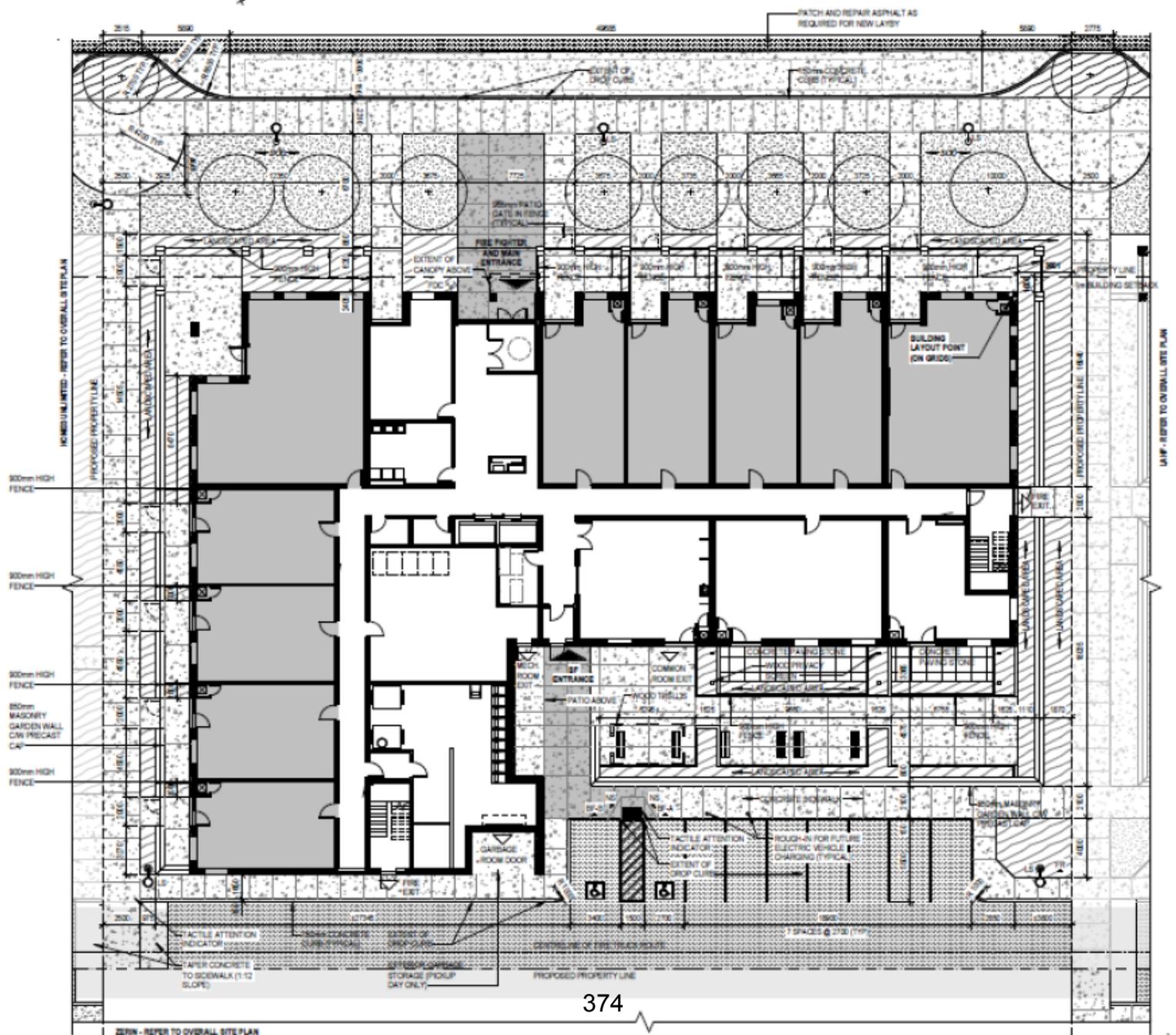


# Chelsea Green

- Fronting onto Hill Street to the north;
- Apartment building with a height of 5-storeys, or 16.0m; and,
- A unit count of 80 units.



# HILL STREET



H/WING UNLIMITED - REFER TO OVERALL SITE PLAN

L/W.P. - REFER TO OVERALL SITE PLAN

REFER - REFER TO OVERALL SITE PLAN

REFER - REFER TO OVERALL SITE PLAN



# London Affordable Housing Foundation (LAHF)

- Fronting onto Hill Street to the north and Colborne Street to the east;
- Apartment building with a height of 5-storeys, or 16.0m; and,
- A unit count of 80 units.







# Indwell - Victoria Health Sciences Building (Existing)

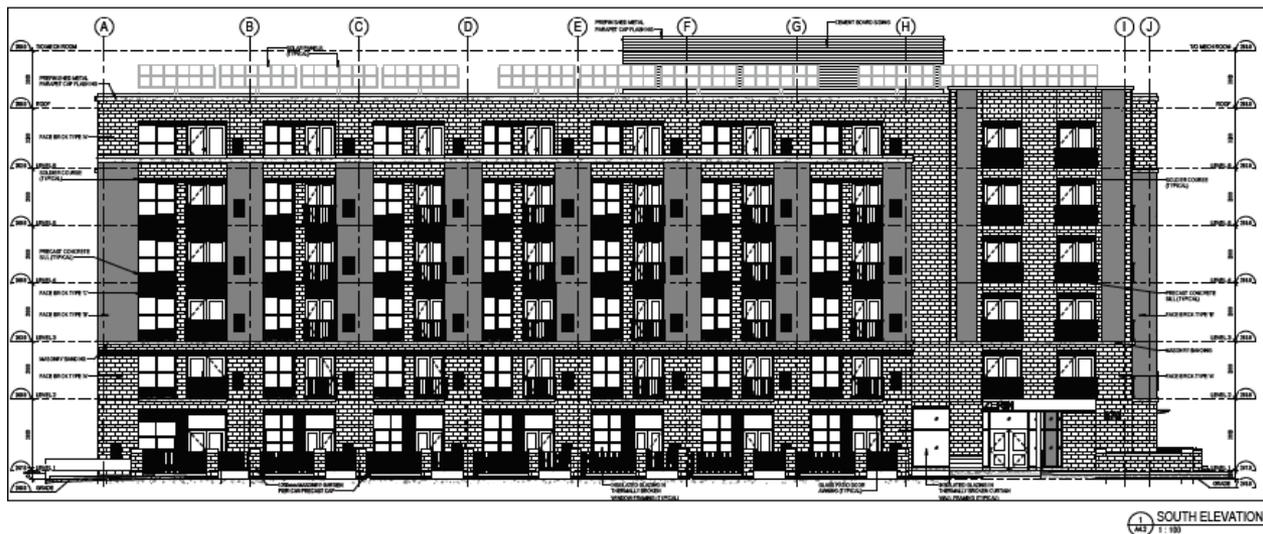
- Fronting onto South Street to the south and Waterloo Street to the west;
- A height of 2-storeys (as existing); and,
- A unit count of 80 units.





# Zerin

- Fronting onto South Street;
- Apartment building with a height of 6-storeys, or 19.0m; and,
- A unit count of 118 units.







# Indwell - War Memorial Building (Existing)

- Fronting onto South Street to the south, Colborne to the east;
- A height of 3-storeys, or 15.6m (as existing); and,
- A unit count of 42 units.





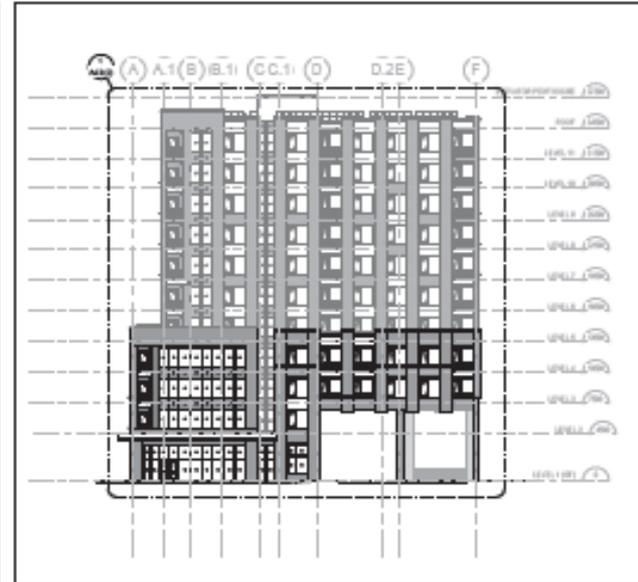
# Residenza Victoria (Italian Senior's Project)

- Fronting onto Hill Street to the north, South Street to the south, and Colborne Street to the west;
- Comprised of two attached apartment buildings:
  - A southern building with a height of 11-storeys, or 36.0m, and;
  - A northern building with a height of 5-storeys, or 17.0m;
- A total unit count of 180 units and 229 m<sup>2</sup> of non-residential GFA at-grade:
  - A southern building with 158 units and 229 m<sup>2</sup> of non-residential GFA at-grade; and,
  - A northern building with 22 units.

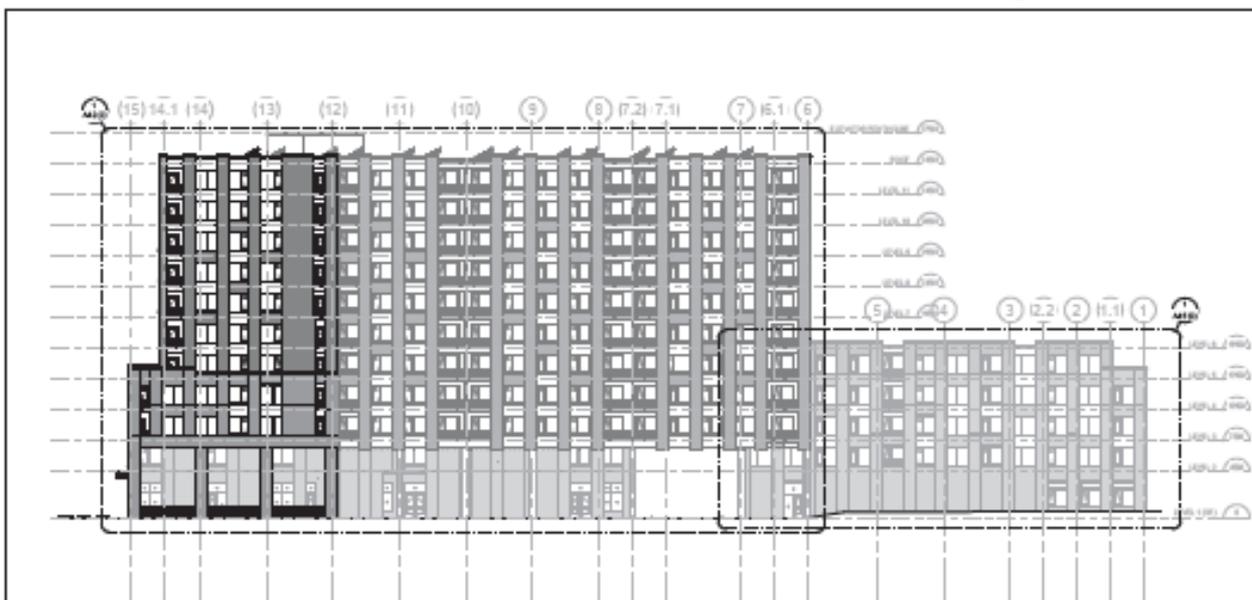




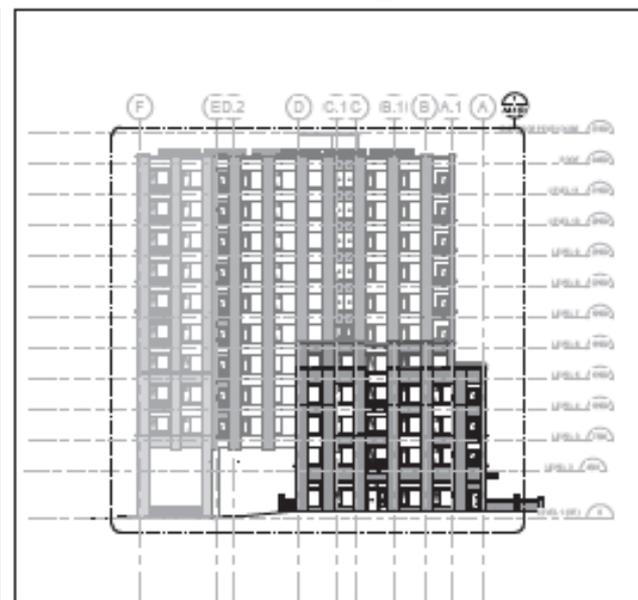
4 OVERALL ELEVATION - WEST  
SCALE: 1:250



5 OVERALL ELEVATION - SOUTH  
SCALE: 1:250



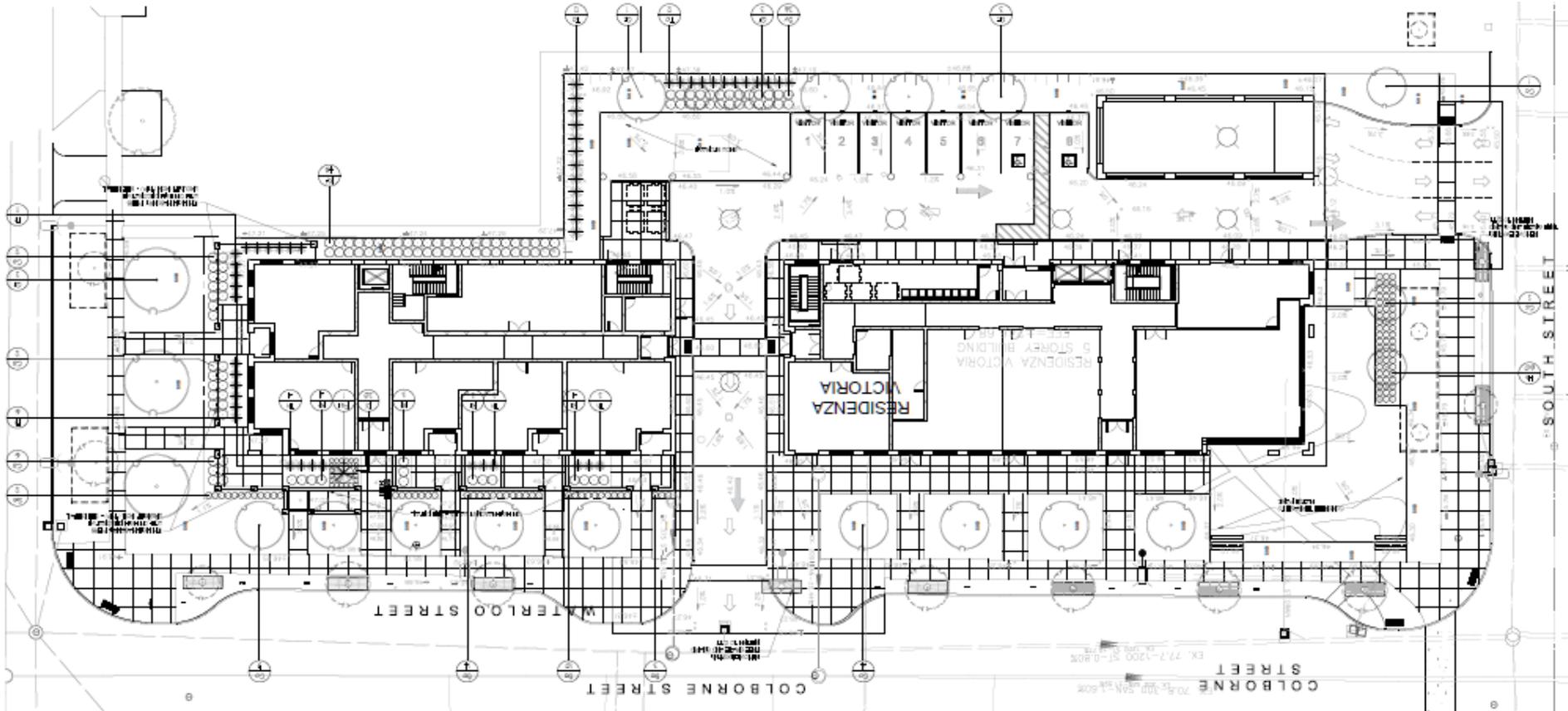
3 OVERALL ELEVATION - EAST  
SCALE: 1:250



1 OVERALL ELEVATION - NORTH  
SCALE: 1:250

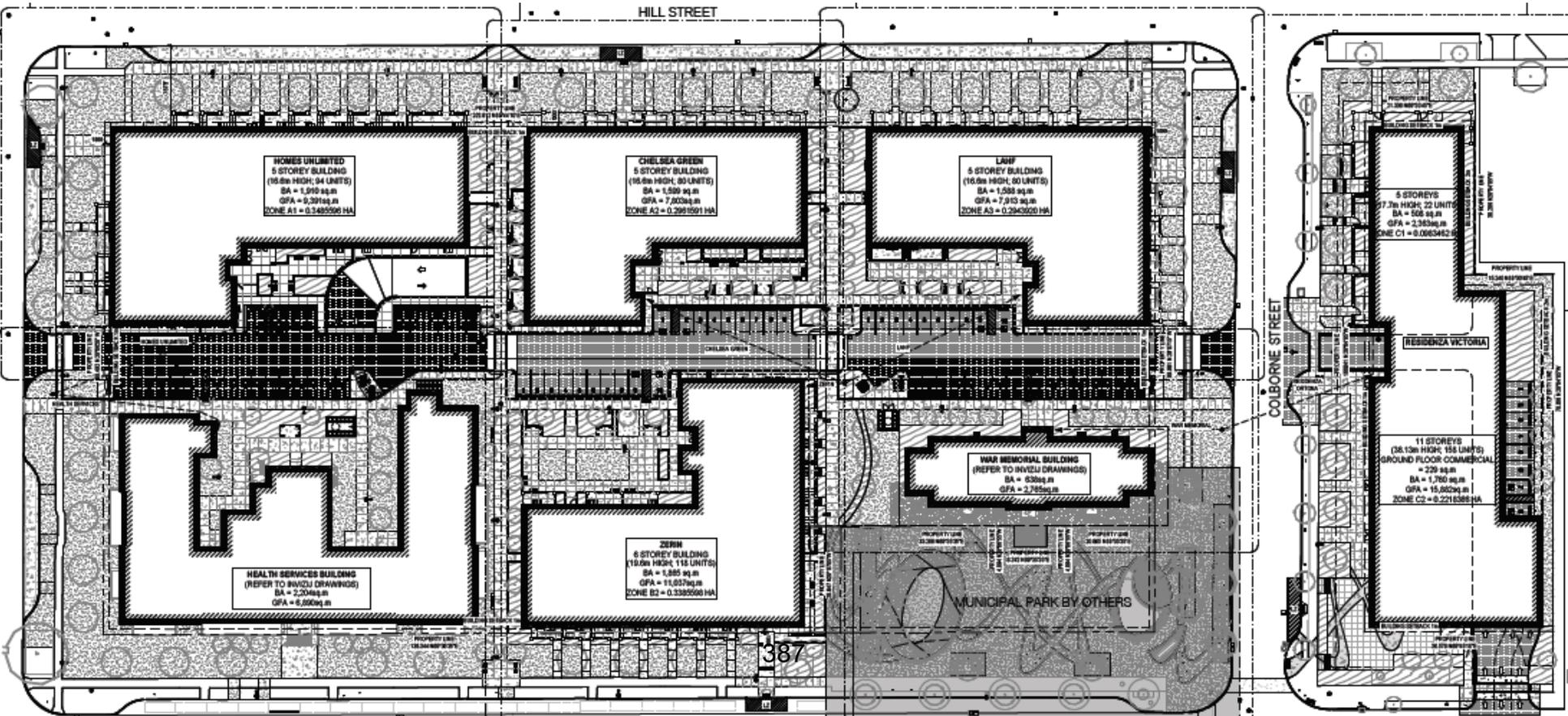


London  
CANADA





# Full Site - Site Plan



## 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: Southside Construction Management Ltd.  
3095 & 3105 Bostwick Road  
Public Participation Meeting  
Talbot Village Phase 7

**Meeting on:** November 22, 2021

## Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, based on the application of Southside Construction Management Ltd. relating to the property located at 3095 and 3105 Bostwick Road:

- (a) the proposed by-law attached hereto as Appendix 'A' **BE INTRODUCED** at the Municipal Council meeting to be held on December 7, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** an Urban Reserve UR3 Zone **TO** a Holding Residential R2 Special Provision (h\*R2-3( )) Zone; a Holding Residential R2 Special Provision (h\*h-\_\_\*R2-3( )) Zone; a Holding Residential R4 Special Provision (h\*h-198\*h-\_\_\*R4-4(2)) Zone; an Open Space OS1 Zone, and an Urban Reserve UR3 Zone.
- (b) the Approval Authority **BE ADVISED** of the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Subdivision submitted by Southside Construction Management Ltd. relating to the property located at 3095 and 3105 Bostwick Road; and,
- (c) the Approval Authority **BE ADVISED** that Municipal Council supports issuing draft approval of the proposed plan of subdivision as submitted by Southside Construction Management Ltd., prepared by Zelinka Priamo (Project No. SPE/LON/12-02), certified by Jason Wilband O.L.S., dated November 11, 2021, as red-line revised, which shows a total of 168 single detached residential lots, three (3) street townhouse residential blocks, three (3) park blocks, two (2) urban reserve blocks, three (3) future road block served by the extensions of Frontier Avenue, Regiment Road, Raleigh Boulevard and four (4) new local streets, **SUBJECT TO** the conditions contained in the attached Appendix "B".

## Executive Summary

### Summary of Request

The request is for approval of a draft plan of subdivision consisting of 168 single detached residential lots, three (3) street townhouse residential blocks, three (3) park blocks, two (2) urban reserve blocks, three (3) future road blocks served by the extensions of Frontier Avenue, Regiment Road, Raleigh Boulevard and four (4) new local streets; and for approval of zoning by-law amendments associated with the lots and blocks within the proposed plan of subdivision.

### Purpose and the Effect of Recommended Action

The purpose and effect is to recommend that the Approval Authority for the City of London issue draft approval of the proposed draft plan of subdivision, subject to conditions attached to this report; and that Municipal Council approve the recommended zoning by-law amendment.

## Rationale of Recommended Action

1. The proposed draft plan of subdivision and zoning amendment is consistent with the Provincial Policy Statement (PPS), 2020, which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs, provide for and accommodate an appropriate affordable and market-based range and mix of housing type and densities to meet the projected requirements of current and future residents.
2. The proposed draft plan of subdivision and zoning conforms to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place Type, Our Strategy, City Building and Design, Our Tools, and all other applicable London Plan policies.
3. The proposed draft plan of subdivision and zoning conforms to the policies of the (1989) Official Plan, including but not limited to the Low Density Residential; Multi-Family, Medium Density Residential; and Open Space designations.
4. The proposed draft plan of subdivision and zoning conforms to the Southwest Area Secondary Plan, including but not limited to the Low Density Residential; Medium Density Residential; and the Open Space and Environmental Review designations. The proposed draft plan of subdivision and zoning conforms to the vision for the North Talbot Neighbourhood that new development will reflect the existing character of the neighbourhood, provide a walkable environment with a pedestrian scale, and incorporate street-oriented development on public right-of-ways.

## Linkage to the Corporate Strategic Plan

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

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

**December 13, 1999** – Report to the Planning Committee recommending adoption of the North Talbot Community Plan.

**February 11, 2000** – Report to the Planning Committee recommended adoption of Official Plan Amendment No. 180 for the lands in the North Talbot Community Plan area.

**April 26, 2010** - Report to Planning Committee to present the draft Southwest Area Plan and associated background studies.

**November 20, 2012** - Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541 (Southwest Area Secondary Plan).

**May 19, 2015** – Report to the Planning Committee recommended adoption of Zoning By-Law Amendment (File No. Z-8436) and draft approval of the proposed plan of residential subdivision (File No. 39T-14506) for the lands within Talbot Village Phases 5 & 6.

#### 1.2 Planning History

The subject lands were annexed into the City of London January 1, 1993 and were part of the Vision '96 Official Plan review process and subsequently, the North Talbot Community Plan review process. The final Ontario Municipal Board Order for Official Plan Amendment No. 88 was issued on December 23, 1999 and Municipal Council approved the North Talbot Community Plan (see attached community plan) on December 20, 1999.

On February 18, 2000, Official Plan Amendment No. 180 for the lands within the North Talbot Community Plan area, including the subject lands, was approved without modifications.

The subject lands are located within the Southwest Area Secondary Plan (SWAP). The Southwest London Area Planning Study was a City-initiated and funded project that provided a comprehensive assessment of the opportunities and constraints for the planning and development of the study area. City Council approved the SWAP and associated Official Plan amendments in November 2012, which were subsequently appealed to the Ontario Municipal Board (OMB). A decision from the OMB, making some changes to the SWAP was issued on April 29, 2014.

The subject lands are located within the study area of the Dingman Creek Master Plan Environmental Assessment (EA). The lands to the south and east of the subject lands were included within Stage 1 of the EA, for which a Subwatershed Stormwater Servicing Study was completed in October 2020. The subject lands are included within the Stage 2 lands of the EA which is currently underway.

### **1.3 Property Description**

The subject lands are located at 3095 & 3105 Bostwick Road. The overall subdivision (39T-21502) is comprised of 23.44 ha (20.05 acres) of land located to the south Southdale Road West, west of Bostwick Road, north of Talbot Village Phases 5 & 6, and east of Talbot Park and the École Élémentaire La Pommeraie. Access to the subject lands is provided via Regiment Road, Old Garrison Boulevard and Frontier Avenue to the south. Later phases of this subdivision are planned to provide access to Southdale Road West to the north, and Bostwick Road to the east. Surrounding lands include existing low density residential uses to the west and south, parks and open space to the west, an elementary school to the west, vacant land used for cash crops to the east.

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

- The London Plan Place Type – Neighbourhoods and Green Space
- (1989) Official Plan Designation – Low Density Residential; Multi-Family Medium Density Residential; and Open Space
- Southwest Area Secondary Plan – Low Density Residential; Medium Density Residential; and Open Space and Environmental Review
- Existing Zoning – Urban Reserve (UR3) Zone

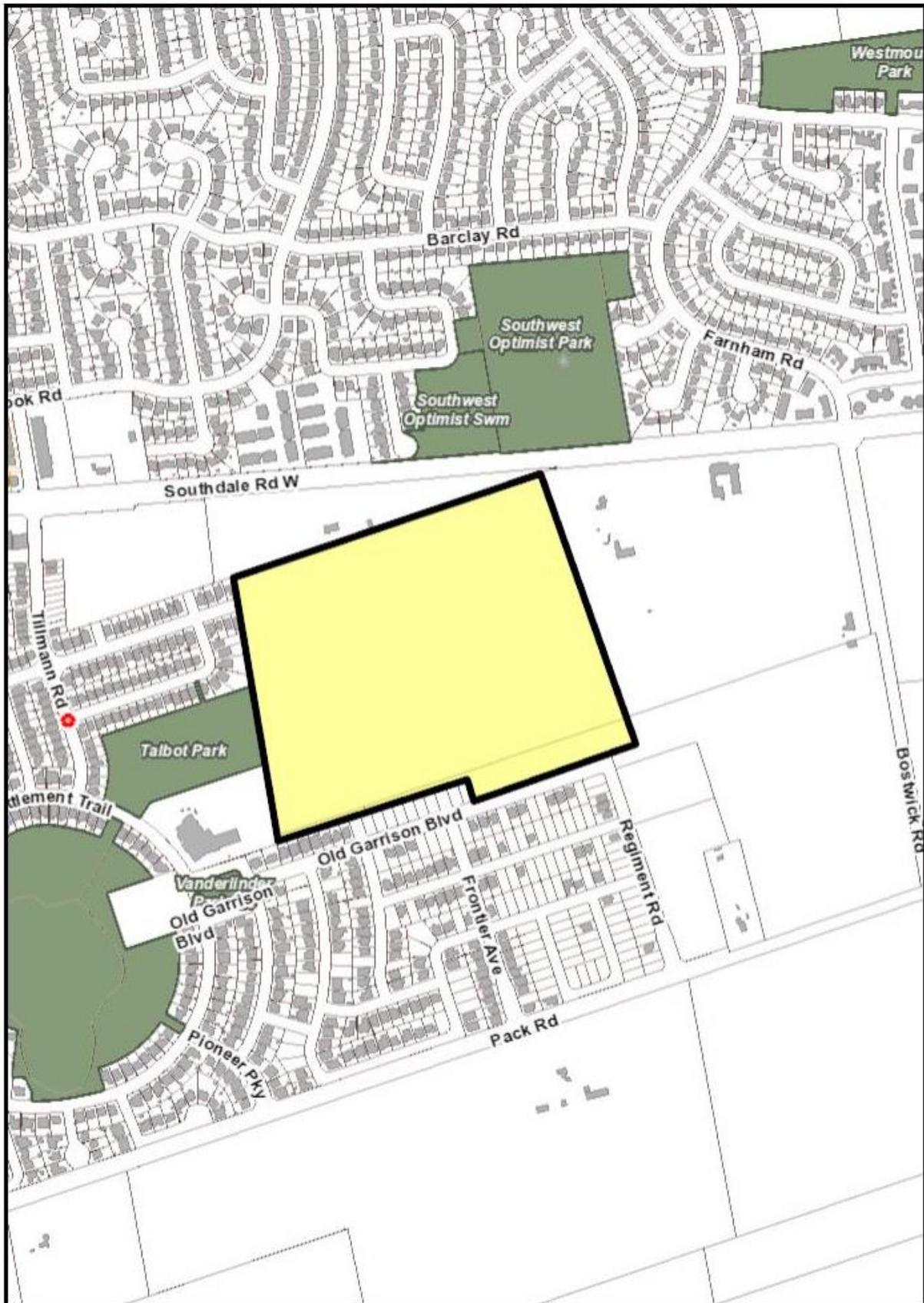
### **1.5 Site Characteristics**

- Current Land Use – vacant, agricultural, wooded area
- Frontage – approx. 230m on Old Garrison Boulevard and Regiment Road (Neighbourhood Connectors), 20m on Frontier Avenue (Neighbourhood Connector), 20m on Mersea Street (Neighbourhood Street), and 20m on Raleigh Boulevard (Neighbourhood Street)
- Area – approx. 23.44 ha (57.9) acres)
- Shape – Irregular

### **1.6 Surrounding Land Uses**

- East – agricultural, and future low density residential, community centre
- South – existing low density residential
- West – municipal park, low density residential, elementary school
- North – municipal park and sports fields, low density residential, green space

1.7 Location Map



Location Map		Legend	
Subject Property:	Plan of Subdivision		Subject Property
Applicant:	SOUTHSIDE CONSTRUCTION LTD.		Parks
File Number:	39T-21502		Assessment Parcels
Created By:	Michael Clark		Buildings
Date:	9/16/2021		Address Numbers
Scale:	1:8000		

Corporation of the City of London



## **2.0 Discussion and Considerations**

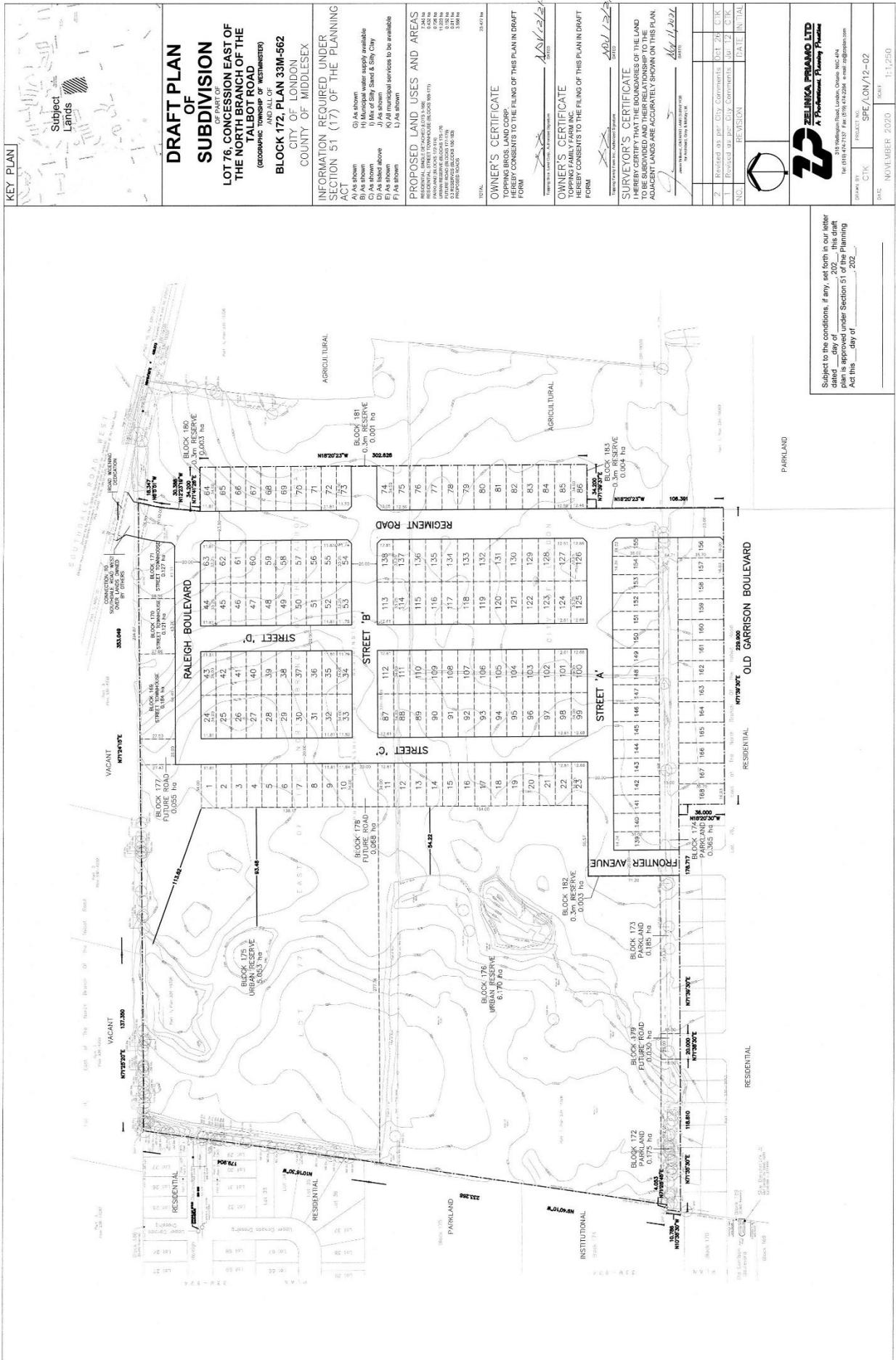
### **2.1 Development Proposal**

The proposed Draft Plan of Subdivision consists of 168 single detached residential lots, three (3) street townhouse residential blocks, three (3) park block, two (2) urban reserve blocks, three (3) future road blocks, all served by the extensions of Frontier Avenue, Regiment Road, Raleigh Boulevard and four (4) new local streets; and for approval of zoning by-law amendments associated with the lots and blocks within the proposed plan of subdivision.

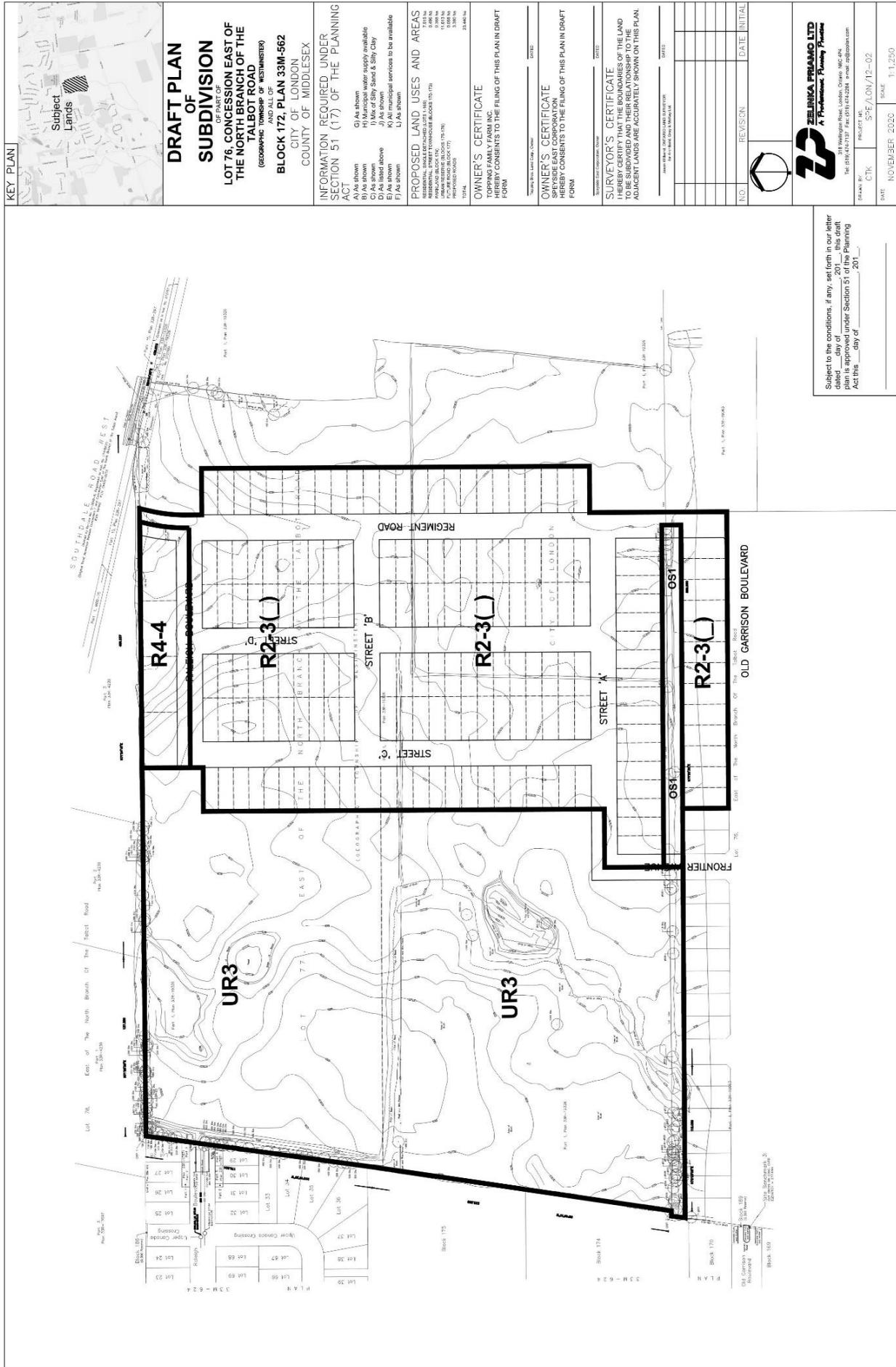
The Draft Plan incorporates the following key features:

- Providing a grid pattern of local streets with low density residential dwellings and medium density street townhouse dwellings located at the northern extent of the site;
- Regiment Road, and neighbourhood connector, shall be extended northwards through the subdivision to eventually connect with Southdale Road West through adjacent lands to the north;
- The protection of existing natural heritage features and on the agricultural lands to the west of the lands proposed for development until such time as they are assessed through a Subject Land Status Report and associated Environmental Impact Study; and
- A pathway corridor that will form part of a larger east-west pedestrian connection between the Talbot Village community to the west and the Bostwick Community Centre to the east;

2.2 Proposed Plan of Subdivision



2.3 Proposed Zoning By-Law Amendment Sketch



## 2.4 Applicant's Requested Amendment

The Applicant has submitted a Draft Plan of Subdivision, and Zoning By-Law amendments to permit the creation of a residential subdivision consisting of low density single detached dwellings/lots, medium density blocks, parks, future development / urban reserve blocks, and public road access via street connections to Frontier Avenue and Regiment Road.

The applicant has requested an amendment to Zoning By-law Z.-1 to change the zoning from an Urban Reserve UR3 Zone to:

Residential R2 (R2-3( )) Zone (Lots 1-168) - to permit single detached dwellings on lots with a minimum lot area of 370 square metres with the following special provisions: Lot Frontage 11.0 metre (36 feet) (Minimum); Front Yard Setback, 3.0 metre (9.8 feet) Main Dwelling (Minimum); Front Yard Depth 5.5 metre (18.0 feet) for Garages (Minimum.); Interior Side Yard Depth (Minimum): 1.2 metre (3.9 feet), except where there is no attached garage, then 3.0 metre (9.8 feet) is required on one side; and Lot Coverage (%) (Maximum): 45 percent, except that any unenclosed porch shall not be included in the calculation of lot coverage.

Residential R4 (R4-4) Zone (Blocks 169-171) - to permit street townhouse dwellings on lots where each unit has a minimum lot area of 180 square metres and a minimum frontage of 5.5 metres;

Open Space OS1 Zone (Blocks 172-174) - to permit such uses as conservation lands, conservation works, golf courses, public and private parks, recreational buildings associated with conservation lands and public parks, campgrounds, and managed forests; and

Urban Reserve UR3 Zone (Blocks 175-176) - to continue to permit existing uses, limited agricultural uses, conservation lands, managed woodlots, wayside pits, passive recreation use, farm gate sales, kennels, private outdoor recreation clubs, and riding stables.

The City may also consider the use of holding provisions in the zoning to ensure: adequate provision of municipal services, that a subdivision agreement or development agreement is entered into, that the subdivision has adequate connectivity to Southdale Road west, completion of noise assessment reports and implementation of mitigation measures for development in proximity to arterial roads, and that the development is consistent with the design policies of the Southwest Area Secondary Plan.

The applicant submitted the following reports in support of the above requested amendments:

1. Final Proposal Report;
2. Environmental Impact Study;
3. Hydrogeological Assessment;
4. Geotechnical Report;
5. Noise Study;
6. Preliminary Storm Drainage and Stormwater Management Report; and
7. Review and Entry into the Ontario Public Register of Archaeological Reports.

The submitted report were reviewed by City Staff, the UTRCA, and EEPAC and other commenting agencies. Several issues with the road network, Environmental Impact Study and Hydrogeological Assessment and their recommendations. The applicant submitted revised versions of the Environmental Impact Study, Hydrogeological Assessment, and Draft Plan of Subdivision in September and October 2021.

## 2.5 Community Engagement (see more detail in Appendix C)

### *Public Circulation*

The original application was circulated on March 10, 2021. Through the public circulation process one (1) letter was received about the proposed Plan of Subdivision and Zoning By-law amendment. The comments received by Staff are attached to Appendix "C". Comments/concerns received from the community are summarized as follows:

- A request that the sanitary sewers planned within the subdivision be sized to accommodate the maximum densities permitted under the policies of the Southwest Area Secondary Plan on the adjacent lands to the north (735 Southdale Road West).

*Staff Response: In accordance with City standards the provision of sanitary services for draft plan of subdivision including phases 5 & 6 and the initial proposals for phase 7 and 8 Talbot Village (TV), the internal sanitary sewers were sized and constructed to accommodate flows from the upstream lands to accommodate external flows in keeping with accepted area plans. The downstream sewers were sized and are already constructed with earlier phases of 5 and 6 TV to accept the flows from this external parcel of land and also future phases of TV in accordance with the accepted sanitary area plans and densities. The existing sewers and connection locations have been commented on by Sewer Engineering and we have expressed concern due to the increased densities proposed by the owner of 735 Southdale Road West.*

## 2.6 Policy Context (see more detail in Appendix D)

### **Provincial Policy Statement, 2020**

#### 1. Building Strong Healthy Communities

The PPS provides direction for land use planning that focuses growth within settlement areas, and encourages an efficient use of land, resources, and public investment in infrastructure. To support this, the PPS defines a number of policies to promote strong, liveable, healthy and resilient communities which are sustained by accommodating an appropriate affordable and market-based range and mix of residential types, employment and institutional uses to meet long-term needs. These policies are set out in Section 1.0, and seek to promote cost-effective development patterns and standards to minimize land consumption and servicing costs.

The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development and appropriate land use patterns within settlement areas shall be established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and is transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6).

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

The PPS requires that planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they

are financially viable over their life cycle and will be available to meet the current and projected needs of the community (1.6 Infrastructure and Public Service Facilities).

## 2. Wise Use and Management of Resources

The vision defined in the PPS acknowledges that the long-term prosperity, environmental health and social well-being of Ontario depends upon the conservation and protection of our natural heritage and agricultural resources. Section 2.0 of the PPS establishes a number of policies that serve to protect sensitive natural features and water resources.

Section 2.1 Natural Heritage 2.1.1. “Natural features and areas shall be protected for the long term”; Section 2.1.8: “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”.

Section 2.2 Water, 2.2.1 “Planning authorities shall protect, improve or restore the quality and quantity of water by [...] identifying water resource systems [and] maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features.

## 3. Protecting Public Health and Safety

The vision defined in the PPS acknowledges that the long-term prosperity, environmental health and social well-being of Ontario depends, in part, on reducing the potential public cost and risk associated with natural or human-made hazards. Accordingly, Section 3.0 of the PPS states a number of policies designed to direct development away from natural and human-made hazards where there is an unacceptable risk (1) to public health or safety or (2) of property damage.

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

### **The London Plan**

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

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

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

### **Neighbourhood Place Type**

The subject site is located in the Neighbourhood Place Type which permits a range of primary and secondary uses that may be allowed based on the street classification the

property fronts (921\_ Permitted Uses). The subject lands will have frontage on Neighbourhood Connectors (Old Garrison Boulevard and Regiment Road) and Neighbourhood Streets. The range of permitted uses include single detached, semi-detached dwellings up to triplexes and small-scale community facilities (Table 10). Permitted secondary uses at the intersection of two neighbourhood connectors include mixed use buildings, fourplexes, stacked townhouses and low-rise apartments.

Height permissions range from 1 to 2.5-storeys and up to 4-storeys through bonus zoning for properties at the intersection of two neighbourhood connectors (\*Table 11). Appropriate zoning will be applied to ensure an intensity of development that is compatible within to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space (Intensity, \*935\_). All planning and development applications will conform to the City Design policies of this Plan (Form, 936\_).

### North Talbot Community

The subject lands are within the North Talbot Community Specific Policy Area identified on \*Map 7. The site specific policies in the neighbourhoods place type (994\_ to 999\_) state that an east focal point is envisioned near the intersection of Old Garrison Boulevard and Regiment Road, the southeast corner of this plan of subdivision. In this location a mixed-use area is envisioned which could include residential/commercial development in the form of small-scale, pedestrian-oriented neighbourhood-serving commercial uses and small-scale office buildings located as a community focal point. Low rise apartment buildings may also be permitted surrounding the mixed-use areas.

### 1989 Official Plan

#### Low Density Residential

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

#### Multi-Family, Medium Density Residential

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

#### Open Space

Lands within the Open Space designation consist of public open space; private open space, including such uses as cemeteries and private golf courses; flood plain lands and

lands that are subject to natural hazards; components of the Natural Heritage System, which have been evaluated and which are recognized by Council as being of city-wide, regional or provincial significance; and, lands that contribute to important ecological functions. Public open space uses including district, city-wide, and regional parks; and private open space uses are permitted in the Open Space designation.

### **Southwest Area Secondary Plan**

The subject lands are located within the North Talbot Residential Neighbourhood shown on Schedule 12 of the Southwest Area Secondary Plan (SWAP) and are designated as Low Density Residential, Medium Density Residential and Open Space and Environmental Review.

It is expected that redevelopment and new development in these neighbourhoods will reflect the existing character of the neighbourhood and will provide a walkable environment with a pedestrian scale (Section 20.5.11). The primary permitted uses in the Low Density and Multi-family, Medium Density Residential designations of the Official Plan, respectively, shall be permitted. The policies of SWAP recognise that the lands are located within the North Talbot Community Plan which was adopted by Council in 1999, and its policies shall still apply to these lands.

### **North Talbot Community Plan**

The subject lands are also within the North Talbot Community Plan which was adopted by Council in December 1999. For the lands south of Southdale, the Area Plan envisioned two focal points centred on a 'village green'. The westerly community focus also included a large natural open space (the Talbot Wetland). The two focus points were to be connected by a community avenue which would be enhanced to provide a strong visual, physical and functional link between them. The low-density residential designation is intended to include a compatible mix of single detached, semi-detached and street townhouse dwellings. The two mixed use community focal points are intended to provide single and multiple dwelling buildings, as well as a range of local-serving, small-scale commercial and office uses.

### **Z.-1 Zoning By-Law**

The lands are currently zoned Urban Reserve Zone (UR3). This Zone provides for and regulates existing uses on lands which are primarily undeveloped for urban uses. Generally, these uses have limited structures. The Urban Reserve Zone is intended to protect large tracts of land from premature subdivision and development to provide for future comprehensive development on those lands.

## **2.7 Subdivision Analysis**

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

### **City Design and Placemaking**

The London Plan includes policies on City Design (189\_ to 306\_). The design of our city is shaped by both its natural setting and its built form. The built form includes elements such as streets, streetscapes, public spaces, landscapes and buildings. The focus of the City Design policies of The London Plan are to encourage: a well-designed built form throughout the city; development that is designed to be a good fit and compatible within its context; development that supports a positive pedestrian environment; a built form that is supportive of all types of active mobility and universal accessibility; a mix of housing types to support ageing in place and affordability; and healthy, diverse and vibrant neighbourhoods that promote a sense of place and character (193\_).

The proposed subdivision and zoning change propose land uses that are complementary to and fit in with the surrounding community. The proposal will be integrated within the existing grid street pattern of previous phases of the Talbot Village community and

provide an integrated network of sidewalks and pathways to support active mobility within community. Measures to support traffic calming are included in the proposed conditions of draft plan approval to support a positive pedestrian environment. The subject lands are planned to be part of the larger North Talbot Community Plan which will incorporate a range of residential dwelling types and complementary uses.

### **Subdivision Design and Connectivity**

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

The design of the subdivision will be based on a grid pattern of streets to ensure a high level of pedestrian connectivity within the subdivision and adjacent areas. A proposed east-west active mobility corridor is proposed through the subdivision. Future development applications on the lands to both the east and west of the corridor will be extended to provide connectivity to the commercial uses at Southdale Road West and Colonel Talbot, as well as to the Bostwick Community Centre to the east.

Connection to Southdale Road West is planned to be provided by a future extension of Regiment Road. This neighbourhood connector will serve as a main north-south connection between Southdale Road to the north and Pack Road to the south. The location of the planned Regiment Road and Southdale Road West intersection is on an adjacent property, under different ownership, and development on the northern portions of the subdivision will be prohibited through the application of a holding provision and conditions of draft plan approval until such time as an access to Southdale can be provided.

Urban design have requested a holding provision over the lands zoned R4-4 for street townhouses (Blocks 169 to 171) to ensure that the design of these blocks is consistent with the urban design policies of the Southwest Area Secondary Plan to encourage street oriented development and minimize the use of noise attenuation walls along arterial roads:

‘h-198’ Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan.

### **Trees and Natural Heritage**

The Forest City section of the London Plan (382\_ to 401\_) outline the goals, strategies and policies to help London live up to its name as the ‘Forest City’. Three main strategies include policies to protect more trees; maintain and monitor the health of the urban forest; and plant more trees to enhance the function and value of the urban forest. To encourage the protection of existing trees and ensure that tree cover is maintained where they must be removed, it is a requirement of the London Plan that trees shall be generally replaced at a rate of 1 new tree for every 10 centimetres of tree diameter that is removed.

The proposed subdivision has been designed to limit impacts on woodlands and trees in the area. Only a limited number of trees will require removed due to the proposed development. Further study will be required for the woodland and wetland features located on the lands to the west to ensure that development does not negatively impact significant natural features and wildlife habitat.

The Environmental Policies of the London Plan are foundational for a green and healthy city (695\_). The Environmental Policies (1293\_ to 1555\_) must be read and considered in the review and evaluation of all planning and development applications, public projects, public works, or any other activity within or adjacent to any component of the Natural Heritage System, or on or within any lands identified as Natural and Human-made Hazards or Natural Resources. All applications, works and activities are required to conform with these policies (1296\_).

A wetland is located within the northeast corner of the subject lands which has been evaluated and was deemed not to be provincially significant. An Environmental Assessment was completed by the City for the expansion of Southdale Road which identified that the wetland would be impacted by the widening and compensation by the affected property owners would be required. The proposed development will require the removal and replacement of the wetland to accommodate lots for development and the required connection of Regiment Road to Southdale Road West. The London Plan requires that there will be no net loss of wetland features or functions, and replacement of the wetland may be provided elsewhere where it would help restore or enhance the Natural Heritage System (1334\_).

A Provincially significant wetland is located to the west of the lands proposed for development. Further environmental studies will be required to ensure that any development proposal does not negatively impact the significant natural features or their ecological functions. It is recommended the applicant provide replacement compensation for the removed wetland at a rate of 2 to 1 for their portion of the wetland. The applicant is also to provide a 10 meter buffer to the relocated wetland. A work plan is to be established between all parties that will address all aspects of the relocation including approvals from the UTRCA.

### **Parks and Recreation**

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

The proposed plan of subdivision includes a portion of a planned east-west active mobility corridor that in the future will connect the centre of the North Talbot community with the Bostwick Community Centre. This will provide a connection from the elementary school and municipal park to the west of the subject lands across Bostwick Road to the community centre. A linear corridor of parkland blocks are planned along the southern portion of the subdivision to serve this community as well as existing residential areas to the south. In addition, the subdivision will incorporate sidewalks, cycling infrastructure, and traffic calming to provide a positive pedestrian experience throughout the subdivision. The Regiment Road connection to Southdale Road West will also enable direct pedestrian and cycling connection to the Southwest Optimist Park on the north side of Southdale. The areas surrounding the planned subdivision have many parks and recreation amenities, and the planned active mobility network will ensure that residents have safe, direct and convenient access to these facilities.

### **Civic Infrastructure**

The London Plan recognises that the provision of reliable, coordinated, and cost-effective civic infrastructure is a primary function of a municipality (450\_). The City shall manage the timing and budgeting for the extension of infrastructure in conformity with the growth management policies in the Our City part of this Plan and according to the *Growth Management Implementation Strategy*. Infrastructure shall be planned to budget for the short and long-term sustainable maintenance of civic infrastructure and address the

infrastructure funding gap. Infrastructure is made up of above and below ground systems including: sanitary sewers; stormwater management; drinking water distribution; electrical services; streets and pathways; and other infrastructure such as solid waste treatment.

### Sanitary

The remaining undeveloped lands south of Southdale Road West and west of Bostwick Road, including the subject lands, are tributary to the trunk sewer on Pack Road through the previously constructed and funded through previous Development Charges Background Studies for Phases 5 & 6 of the Talbot Village Community. Sanitary servicing will be available through an existing 200mm sewer stub located at the north end of Frontier Avenue and an existing 250mm at the north end of Regiment Avenue. The proposed development has a projected population density that is less than the design allowances that was used during the sizing of sewers downstream of the subject lands. Further servicing studies will be required during the detailed design phase of the development to determine the routing and design of sanitary services system to the satisfaction of the City.

### Stormwater Management

The site drainage for the majority of the subject lands flows to the south into Phase 5 and 6 of the Talbot Village community. These lands drain further to the south to Pack Road and an existing storm sewer. Flows from minor storms will flow to the south through Phases 5 and 6 via two 1050mm storm sewers currently capped at the northern limits of Frontier Avenue and Regiment Road. For major storms, all of the overland flows will be conveyed through Phase 5 and 6 to Pack Road via Regiment Road and Frontier Avenue. Based on the ultimate build out of the Talbot Village development, controls for the quantity of water from major storms is not anticipated to be required, interim controls may be required. The parkland blocks along the southern limit of the proposed phase of the subdivision could be used to control storm flows on an interim basis. Further servicing studies will be required during the detailed design phase of the development to demonstrate how minor and major storm flows will be managed to the satisfaction of the City.

### Water

The subject lands, Phase 7 of the Talbot Village community, are proposed to be serviced by existing watermains on Frontier Avenue, Regiment Road and Southdale Road West. Based on water modelling completed by the applicant, it has been demonstrated that there is sufficient water supply and pressure provided by the watermains on Frontier Avenue and Regiment Road to service the 108 lots to the south of Street 'B'. A connection to the existing watermain on Southdale Road West will be required to provide adequate water services and looping to the lots north of Street 'B'. To ensure that the connection to the Southdale Road West watermain is made, a holding provision is proposed for the lands to the north of Street 'B'. Further servicing studies will be required during the detailed design phase of the development to include water distribution system analysis, modelling and phasing, to the satisfaction of the City.

### Transportation

Regiment Road is the primary north-south neighbourhood connector within the plan of subdivision. A grid pattern of local streets is proposed across the subdivision. In order to provide sufficient connectivity to the surrounding community, it will be required that Regiment Road is extended north to connect to Southdale Road prior to the development of any lots and/or blocks north of Street B. This will provide direct access to the arterial road network and facilitate access to amenities in the area including the Southwest Optimist Park and the Bostwick Community Centre. Coordination with the adjacent property owner shall be required to complete the Regiment Road and Southdale Road West intersection.

Subdivision engineering have requested the following holding provision over the entire site to ensure that appropriate services will be provided on a site-specific basis as development proposals are submitted for the proposed blocks:

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

Subdivision engineering have requested a new holding provision over the lands to the north of Street 'B' to ensure that appropriate access and services will be provided:

'h-\_\_' Purpose: To ensure there is adequate water service and appropriate access, the Regiment Road public access to Southdale Road West must be available to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, prior to the removal of the "h-\_\_" symbol.

Subdivision engineering have requested zoning provisions and draft plan conditions be applied to the lands to be zoned R4-4 for street townhouses (Blocks 169 to 171) to ensure that appropriate access and services will be provided.

To ensure that each unit has enough frontage to allow for adequate separation between services, and to avoid conflicts with City services, the requested Residential R4 (R4-4) Zone is recommended to be modified to a Holding Residential R4 Special Provision (R4-4(2)) Zone which increases the minimum lot frontage per unit from 5.5 metres to 6.7 metres. This will ensure that there is sufficient frontage for each unit to provide adequate separation and avoid conflicts with City services. The street townhouse blocks will also have the 'h' holding provision which requires that a development agreement is executed between the developer and the City prior to development.

### **Homelessness Prevention and Housing**

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

The proposed plan of subdivision and zoning change will include single detached dwellings and street townhouse dwellings. This subdivision will be integrated within the larger North Talbot Community Plan which permits a larger variety of housing choices in the areas surrounding this subdivision. The majority of the remaining undeveloped lands within the North Talbot Community Plan envisioned to be in forms other than single detached dwellings.

### **Culture and Cultural Heritage**

The subject lands, including the lands to the west, have undergone a Stage 1 and 2 Archaeological Assessment during which two sites were identified as having further cultural heritage value and interest and qualified for further assessment. A Stage 3 Archaeological Assessment was completed and resulted in the delineation of two pre-contact archaeological sites. Following the assessment of both sites, it was determined that neither site retain further cultural heritage value of interest and no further work is recommended.

The Ministry of Heritage, Sport, Tourism, Culture Industries has reviewed the assessments, and is satisfied that the fieldwork and reporting for the archaeological assessments are consistent with the ministry's standards.

It is noted that a Stage 2 Archaeological Assessment has not been undertaken for the lands to the east of the proposed development which will require further assessment prior to development.

### **3.0 Financial Impact/Considerations**

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There will be an increase in the operating and maintenance costs once the City assumes the planned public roads and other infrastructure and public facilities in the planned subdivision. The City will also be responsible for the long-term capital renewal costs associated with these works.

### **4.0 Key Issues and Considerations**

#### **1. Northeast Wetland – Inclusion ‘d’ (SAS1 Submerged Shallow Aquatic Type)**

A wetland with an area of approximately 0.25 ha is located in the northeast corner of the subdivision which is regulated by the Upper Thames River Conservation Authority (UTRCA). The wetland is split into three sections which are owned by two different property owners, as well as a portion that is within the public right of way for Southdale Road West. The southern portion of the wetland, approximately 0.13 ha, is located on lands owned by the registered property owner (including within the subject lands and the adjacent lands to east under the same ownership). The northern portion of the wetland is currently within Southdale Road West right of way and is owned by the City. The middle portion of the wetland is located on a triangular shaped parcel between the subject lands and Southdale Road West which is under separate ownership.

It is recommended the applicant provide replacement compensation for the removed wetland at a rate of 2 to 1 for their portion of the wetland. The applicant is also to provide a 10 meter buffer to the relocated wetland. A work plan is to be established between all parties that will address all aspects of the relocation including approvals from the UTRCA.

An environmental assessment (EA) was completed for the widening of Southdale Road West by the City's Transportation Planning and Design Division identified that the wetland would be impacted by the proposed widening. The Environmental Impact Study (EIS) prepared by MTE Consultants in support of the proposed development, recommends the removal and relocation of the wetland. The London Plan requires that there will be no net loss of wetland features or functions, and replacement of the wetland may be provided elsewhere where it would help restore or enhance the Natural Heritage System (1334\_).

The final location for the relocated wetland shall be determined through future studies, however, it is preferred that it be located adjacent to other natural heritage features to the west of the subject lands. Through the EA the City is committed to providing compensation for the portion of the wetland that is located within the public right of way.

#### **2. Natural Environment Features to the West**

Several environmental features are located on lands to the west of the proposed development including a Provincially Significant Wetland (PSW) in the northwest corner of the subject lands and a large woodland with an adjacent meadow marsh wetland on the southern half of the lands.

Through discussions with the proponent, the area proposed for development was limited to the eastern half of the subject lands to limit the impacts on the natural features to the west and allow time to complete the required environmental studies. The proposed development is more than 90 meters east of the PSWs in the northwest corner of the subject lands, and is more than 40 meters east of the meadow marsh and adjacent woodland on the southern half of the lands to the west. Based on these setbacks from the features, the Environmental Impact Study (EIS) for this development was scoped to only assess the impacts to natural features within the eastern half of the subject lands. As a condition of draft plan approval, it is required that further assessment will be undertaken to ensure no negative impacts of the significant natural heritage features or

their ecological functions through future development applications. It is anticipated that the applicant will be providing this study prior to the submission of engineering drawings for the second phase of development.

### **3. Connectivity with Surrounding Road Network**

The proposed subdivision will have access to the existing road network through Frontier Avenue and Regiment Road to the south, and to the north to Southdale Road West through an extension to Regiment Road. Based on traffic and water servicing submitted by the applicant, a portion of the development, including the 108 residential lots to the south of Street 'B', shall be permitted to develop using the two connections to Frontier Ave. and Regiment Rd. to the south.

Engineering staff have requested that a holding provision and conditions of draft plan approval be applied to the lands to the north of Street 'B' to ensure that a public connection to Southdale Road West is made before development proceeds on the remainder of the subject lands. The Regiment Road is the main north-south community connector in this portion of the Talbot Village community and its connection to Southdale Road West is critical for provide adequate connectivity to the surrounding area. This connection is planned to be aligned with the access to the parking lot for the Southwest Optimist Park located on and will provide convenient access for residents to the park. The Regiment Road connection to Southdale Road West is also required to provide adequate water services to the northern portions of the proposed development.

Connecting Regiment Road to Southdale Road West will require the removal, replacement, and infill of the wetland located in the northeast corner of the subject lands. Conditions of draft plan approval have been applied to the lands to the north of Street 'B' that will require the completion of environmental studies to determine the preferred location of where the compensation for the removal of the wetland will be located.

### **4. Enhanced Pedestrian Corridor**

The original concept plan for the Talbot Village Community included an enhanced pedestrian corridor along Old Garrison Boulevard to the south of the subject lands. This corridor would provide a high-quality pedestrian linkage between two community focal points within the community: the park, school and wetlands to the west, and a mixed use node to the east. During previous phases of development it was determined that it would be challenging to provide a high quality pedestrian corridor on a street with so many residential dwellings and driveways. It was agreed that a linear parkland corridor would be provided on the lands to the north to provide this east-west pedestrian and active mobility connection. Blocks 172-174 have been included in the proposed subdivision to provide a portion of this corridor. It is anticipated that through future development applications the corridor will be connected to Talbot Park to the west of the subject lands, and towards the Bostwick Community Centre to the east.

Further parkland dedication will be required if and when development is proposed on the two Urban Reserve Blocks to the west of the proposed subdivision which can be used to connect the planned parkland corridor with nearby neighbourhood destinations.

### **5. Design and Servicing of the Street Townhouse Medium Density Blocks**

The applicant is proposing to develop three (3) street townhouse blocks along the northern limit of the subject lands, in close proximity to Southdale Road West. These blocks are proposed to have up to 24 townhouse dwelling units in total. A narrow triangular shaped parcel of land under separate ownership is located to the north between the street townhouse blocks and Southdale Road West.

The Southwest Area Secondary Plan permits development of additional residential intensity along arterial roads to help support their use as significant public transit routes. Section 20.5.4.1 Residential General land Use Policies subsection iv) e) permits residential development with a minimum density of 30 units per hectare and a maximum

density of 100 units per hectare, and building heights shall be a minimum of two storeys and a maximum of nine storeys.

Urban design staff have requested that the property owner explore options to consolidate the blocks with the adjacent parcel to make efficient use of land and allow for improved design of the area. To avoid the need for acoustical barriers along arterial roads, rear lot developments along arterial roads, such as Southdale Road West, are prohibited under the Southwest Area Secondary Plan to (Section 20.5.3.9 ii e)).

To provide public road access to the adjacent lands to the north, the plan of subdivision has been revised through discussions with the applicant to include a future road block at the northern end of Street 'C'. If this block is not required for a public road in the future then it will be returned at a nominal fee to the property owner as part of the adjacent street townhouse block.

Engineering have requested that a special provision of the R4-4 zoning be applied to the street townhouse blocks to ensure that the minimum lot frontage for each unit is 6.7m to allow for adequate separation between services and avoid conflicts with City services.

## **6. Zoning for Low Density Residential Uses**

Consistent with the zoning on the existing residential lands in previous phases of the Talbot Village Community site specific zoning provisions have been added to permit reduced lot frontage of 11m, reduced front yard setbacks of 3.0m for the main dwelling, and 5.5m for garages; reduced side yards, and a provision to not include unenclosed porches in the calculation of lot coverage. These provisions are consistent with the regulations on previously approved phases of the Talbot Village Community to the south. The reduced lot frontage and setbacks will enable a slight increase in density and number of dwelling units to be provided within the proposed subdivision and make more efficient use of serviced land within the City.

## **Conclusion**

The proposed amendments are consistent with the Provincial Policy Statement, 2020 which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs. The proposed changes to the Zoning By-law No. Z.-1 are consistent with the (1989) Official Plan and the London Plan and will implement the recommended draft plan, which will ultimately support the proposed low density and medium density residential development opportunities within the site. The Draft Plan has been designed to support these uses and to achieve a community that is accessible to the surrounding areas, and will support the efficient use of land in future phases of the Talbot Village Community. Therefore, staff are satisfied the proposal represents good planning and recommend approval.

**Prepared by:** Michael Clark, MA  
Planner, Subdivision Planning

**Reviewed by:** Bruce Page, MCIP, RPP  
Manager, Subdivision Planning

**Recommended by:** Gregg Barrett, RPP, PLE  
Director, Planning and Development

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections  
cc: Michael Pease, Manager, Site Plans

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## Appendix A

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

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3095 & 3105 Bostwick Road.

WHEREAS Topping Bros Corp. and Topping Family Farm Inc. have applied to rezone an area of land located at 3095 & 3105 Bostwick Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 3095 & 3105 Bostwick Road, as shown on the attached map, FROM an Urban Reserve UR3 Zone, TO a Holding Residential R2 Special Provision (h\*R2-3( )) Zone, Holding Residential Special Provision (h\*h-\_\_\*R2-3( )) Zone, Holding Residential R4 Special Provision (h\*h-198\*h-\_\_\*R4-4(2)) Zone, Open Space (OS1) Zone and an Urban Reserve (UR3) Zone.
- 2) Section Number 3.8 of the Zones and Zone Symbols Section is amended by adding the following holding provisions:
  - h-\_\_ Purpose: To ensure there is adequate water service and appropriate access, the Regiment Road public access to Southdale Road West must be available to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, prior to the removal of the "h-\_\_" symbol.
- 3) Section Number 6.4 of the Residential R2 Zone is amended by adding the following special provision:

R2-3( )

a) Regulations:

- |   |  |
|---|--|
| i) Lot Frontage (Minimum):              | 11.0 metre (36 feet)   |
| ii) Front Yard Depth (Minimum):         | 3.0 metre (9.8 feet)<br>for Main Dwelling  |
| iii) Front Yard Depth (Minimum):        | 5.5 metre (18.0 feet)<br>for Garage  |
| iv) Interior Side Yard Depth (Minimum): | 1.2 metre (3.9 feet),<br>except where there<br>is no attached<br>garage, then 3.0<br>metre (9.8 feet) is<br>required on one side |
| v) Lot Coverage (%) (Maximum):          | 45 percent, except   |

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that any unenclosed  
porch shall not be  
included in the  
calculation of lot  
coverage.

4) This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on December 7, 2021

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading - December 7, 2021  
Second Reading - December 7, 2021  
Third Reading - December 7, 2021



## Appendix B – Draft Approved Plan and Conditions

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-21502 ARE AS FOLLOWS:

No.	Conditions
1)	This draft approval applies to the draft plan submitted by Topping Bros. Land Corp. and Topping Family Farm Inc., prepared by Zelinka Priamo Ltd., certified by Jason Wilband, File No. SPE/LON/12-02, <b>as red-line amended</b> , which shows a total of 168 single detached dwellings; three (3) medium density blocks street townhouse blocks; three (3) park blocks; two (2) urban reserve blocks; and three (3) future road blocks; serviced by the extension of Frontier Avenue, Regiment Road, Raleigh Boulevard and four (4) new local streets.
2)	This approval of the draft plan applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3)	The Owner shall enter into a subdivision agreement with the City, in the City's current approved form (a copy of which can be obtained from Planning and Development), which includes all works and services required for this plan, and this agreement shall be registered against the lands to which it applies.
4)	The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.
5)	In conjunction with the first submission of engineering drawings, street(s) shall be named and the municipal addressing shall be assigned to the satisfaction of the City.
6)	Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7)	The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
8)	Prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
9)	Prior to final approval, the Owner shall provide copies of all transfer documentation for all land transfers/dedications and easements being conveyed to the City, for the City's review and approval.
10)	Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, final plans, and any required studies, reports, data, information or detailed engineering drawings, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

### PLANNING

- 11) Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
- 12) In conjunction with the first submission engineering drawings, the Owner shall submit a lotting plan which complies with all City standards and zoning regulations all to the satisfaction of the City.

- 13) All building permit applications must include clearance from an urban designer or architect, pre-approved by the City, that the building plans are designed in accordance with the approved Talbot Community Urban Design Guidelines.
- 14) The Owner shall be limited to the development of lots 11 to 23, and 74 to 168, inclusive, until such time as Regiment Road is connected to Southdale Road West, to the satisfaction of the City.

## **PARKS PLANNING**

- 15) The required parkland dedication for this draft plan of subdivision shall be calculated pursuant to section 51 of the Planning Act at 5% of the lands within the application or 1 hectare per 300 units, whichever is greater.
- 16) The Owner shall dedicate Blocks 172, 173 and 174 to the City as partial fulfilment of the required parkland dedication associated with this draft plan. The Owner acknowledges that there is a deficiency of parkland dedication for the Urban Reserve Blocks 175 and 176. Parkland dedication for Blocks 175 and 176 shall be calculated at a later date upon the completion of future studies and development applications within the plan of subdivision.
- 17) The Owner shall grade, service and seed all areas dedicated for parkland to City Standards, at no cost to the City. There shall be no stockpiling of any materials on open space or parkland blocks.
- 18) In conjunction with the first submission of engineering drawings, the Owner shall provide initial pathway concepts to be designed through this corridor in conjunction with the tree study and grading plans for Blocks 172, 173 and 174, to the satisfaction of the City.
- 19) 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.
- 20) In conjunction with the first submission of engineering drawings, the Owner shall design and incorporate appropriate pedestrian road crossings of Frontier Avenue and Regiment Road where those roads intersect with City parkland and future recreational pathways, at no cost to the City.
- 21) Prior to construction, site alteration or installation of services, tree protection fencing, robust silt fencing/erosion control measures, consistent with approved engineering plans, must be installed, certified and maintained inside and surrounding Park Blocks 172, 173 and 174, certified and maintained to the satisfaction of the City.
- 22) The Owner shall not grade into any parkland or open space areas. Where lots or blocks abut parkland or an open space area, all grading of the developing lots or blocks at the interface with the parkland or 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 City.

## **NATURAL HERITAGE**

- 23) As part of the submission of any Focused Design Studies, the Owner shall provide, to the City and UTRCA for review and acceptance, a Final Environmental Impact Study that compiles all of the addendums and also addresses all environmental issues identified by the City and UTRCA with respect to the development of this plan.
- 24) As part of the Focused Design Studies submission, the Owner shall have their ecological consultant detail the implementation of the Environmental Impact Study and any updates and/or addendums and for each of the recommendations listed in the Environmental Impact Study (September 9, 2021, prepared by MTE Consultants) all to the satisfaction of the City.

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- 25) The Owner shall implement the recommendations contained in the Environmental Impact Study (EIS) prepared by MTE Consultants dated September 9, 2021, and any approved EIS Addendums prepared by MTE Consultants, all to the satisfaction of the City, including, but not limited to: provision for feature identification and protection, relocation and compensation measures, buffer zones; re-vegetation/restoration; construction mitigation; timing of work; environmental monitoring.
- 26) The Owner shall provide compensation for the removal of the portion of the wetland at the future intersection of Southdale Road West and Regiment Road, identified as Inclusion 'd' (Submerged Shallow Marsh, SAS1) in the Environmental Impact Study prepared by MTE Consultants dated September 9, 2021 and its associated buffer.
- As compensation for this removal, the Owner shall provide lands for their portion of the wetland (approximately 0.13 ha) to be relocated at a size twice the area of their portion of the wetland (approximately 0.26 ha) surrounded by a 10 meter buffer to the wetland.
- 27) As part of the Focused Design Studies submission, the Owner's Landscape Architect or Ecologist shall prepare and provide a concept plan for all ecological buffers, compensation areas and/or restoration areas (or other areas), all to the satisfaction of the City. The accepted plan recommendations shall form part of the subdivision agreement with the City.
- 28) The Owner shall have their ecological consultant prepare a new Subject Lands Status Report and associated Environmental Impact Study for the natural heritage features located within Blocks 175 and 176 to the satisfaction of the City and the UTRCA, as part of any future development applications on Blocks 175 and 176 within the plan of subdivision.
- 29) As part of the Focused Design Studies for the lands north of Street 'B' (lots 1 to 10, 24 to 73, inclusive, and Block 169 to 171, inclusive), the Owner shall have their ecological consultant prepare a new Subject Lands Status Report and associated Environmental Impact Study for the natural heritage features located within Blocks 175 and 176 to the satisfaction of the City and the UTRCA, including, but not limited to the provisions for the relocation and compensation measures for the removal of the wetland in the north east corner of the draft plan, identified as Inclusion 'd' (SAS1) in the EIS prepared by MTE Consultants dated September 9, 2021.

#### Monitoring of Ecological Works

- 30) In conjunction with the first submission engineering drawings, the Owner's ecological consultant shall prepare and submit a minimum 3 to 5 year detailed monitoring program for the natural heritage features and functions, and for all ecological works including but not limited to any buffer plantings, restoration areas and compensation areas all to the satisfaction of the City. The Owner's consultant shall provide an annual monitoring report for each year of the program to the Deputy City Manager, Environment and Infrastructure or Deputy City Manager, Planning and Economic Development or designates, unless otherwise directed in writing by the Deputy City Manager, Environment and Infrastructure or Deputy City Manager, Planning and Economic Development or designates.

#### Erosion and Sediment Control

- 31) The Owner shall implement the requirements of the City concerning sedimentation and erosion control measures during all phases of construction. The Owner shall provide bi-monthly status reports to the City Planner and the City Engineer ensuring the appropriate measures are in place and functioning, prior to and during work on the site, unless otherwise directed in writing by the Deputy City Manager, Environment and Infrastructure or Deputy City Manager, Planning and Economic Development or designates.
- 32) Prior to construction, site alteration or installation of services, robust silt fencing and any other erosion control measures must be installed and certified with a site inspection report. The Owner's engineer shall provide bi-monthly status reports to the Deputy City Manager, Environment and Infrastructure and Deputy

City Manager, Planning and Economic Development or designates during development activity along the edge of any Natural Heritage Feature.

### Tree Preservation

- 33) As part of the Focused Design Studies, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision as required by the Tree Inventory. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the City. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.
- 34) In conjunction with the first submission of engineering drawings, the Owner shall have a Tree Preservation Report and Plan and a Tree Hazard Inventory prepared for lands within the proposed Park Blocks 172, 173 and 174. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation considering the temporary use of Block 174 for stormwater storage and ultimate use as a pathway. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within the Block and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports, Tree Hazard Reports and Tree Preservation Plans to the satisfaction of the Director, Planning and Development or designate. The Owner shall incorporate the approved Tree Preservation Plan and a Tree Hazard Inventory on the accepted grading plans.

### Homeowners Guide

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

### **UPPER THAMES RIVER CONSERVATION AUTHORITY (UTRCA)**

- 36) In conjunction with the Focused Design Studies submission, a scoped Hydrogeological Study and Water Balance Analysis shall be prepared to the satisfaction of the City and the UTRCA to address the concerns identified through the review of the EIS and the SWM report.
- 37) In conjunction with the Focused Design Studies submission, a detailed Stormwater Management Report shall be prepared to the satisfaction of the City and the UTRCA.
- 38) In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the Owner shall obtain the necessary permits/approvals from the UTRCA prior to undertaking any site alteration or development within the UTRCA Regulated Area including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.

### **SEWERS AND WATERMANS**

#### Sanitary

- 39) In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit a Sanitary Servicing Study to include the following design information:
- i) Propose a suitable routing for the trunk 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;

- ii) Provide a hydrogeological report that includes an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407; and
  - iii) Demonstrate that the servicing to the proposed street townhouses can be constructed with adequate separation distances and avoid conflicts with City services, which meet City of London standards and requirements.
- 40) In accordance with City standards or as otherwise required by the Deputy City Manager, Environment and Infrastructure or designate, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
- i) Oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, if necessary, all to the satisfaction of the City; and,
  - ii) Where trunk sewers are greater than eight (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 Deputy City Manager, Environment and Infrastructure or designate. The local sanitary sewer will be at the sole cost of the Owner.
- 41) In accordance with City standards or as otherwise required by the Deputy City Manager, Environment and Infrastructure or designate, 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 proposed sanitary servicing to serve this Plan to the existing municipal sewer system, namely, the 250 mm diameter sanitary sewer located on Regiment Road and the 200 mm diameter sanitary sewer on Frontier Avenue;
  - ii) Provide sanitary private drain connection (Lots 156 to 168 to connect to sewer on lot frontages) to the existing sanitary sewer on Old Garrison Boulevard in Plan 33M-755 to serve the lots in this Plan fronting that street, in accordance with approved engineering drawings;
  - iii) 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; and
  - iv) Implementing all inflow and infiltration mitigation measures to meet allowable inflow and infiltration level as identified by OPSS 407 and OPSS 410 as well as any additional measures recommended in the hydrogeological report.

#### Storm and Stormwater Management (SWM)

- 42) In conjunction with the Focused Design Studies submission, the Owner shall have their consulting engineer prepare and submit a Storm/Drainage and a SWM Servicing Report of Confirmation to address the following:
- i) Identify the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be managed, all to the satisfaction of the City;
  - ii) identify major and minor storm flow routes for the subject land and those flow routes shall be designed, constructed and be operational all to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate. The Owner acknowledges that the minor and major storm outlets for this plan are provided by the City Owned Talbot Village SWM facility E2/E3 forebay F2 via internal road network for major flows and storm stubs constructed by Plans 33M-755 and 33M-726 for minor flows, namely 1500mm storm sewer on Regiment Road and 900mm storm sewer on Frontier Avenue (both in 33M-755) and 900mm storm sewer on Mersea Street in Plan 33M-726;

- iii) Make provisions to oversize and deepen the internal storm sewers in this plan, if necessary, to accommodate flows from upstream lands external to this plan;
  - iv) 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 specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure or designate;
  - v) develop sediment and erosion control plan(s) that will identify all sediment and erosion control measures, responsibilities and inspecting/reporting requirements for the subject lands in accordance with City of London, the Ministry of the Environment, Conservation and Parks (MECP) standards and requirements, and current industry standards all to the specification and satisfaction of the Deputy City Manager, Environment and Infrastructure or designate. The sediment and erosion control plan(s) shall confirm and identify all interim and long-term drainage measures as well as a monitoring program that would be required for both registration and construction phasing/staging of the development and any major revisions to these plans after the initial acceptance shall be reviewed/accepted by the City of London for conformance to our standards and the Erosion and Sediment Control Guideline for Urban Construction (TRCA, December 2019). The erosion and sediment control plan and monitoring program shall be developed with consideration for the sensitive downstream habitat and any recommendations associated to the habitat features. Prior to any work on the site, the Owner's professional engineer shall submit these measures and is to have these measures established and approved all to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate and UTRCA where applicable. Further, the Owner's Professional Engineer must inspect and confirm that the required erosion and sediment control measures are maintained and operated as intended during all phases of construction;
  - vi) implement 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 Deputy City Manager, Environment and Infrastructure or designate;
  - vii) demonstrate that post-development major stormwater discharge flows from this plan and any identified external area can be contained within the proposed right-of-way throughout this plan and be safely conveyed to the intended outlet, including the evaluation of any required traffic calming measures and the profile of Pack Road. If major flows cannot be contained within ROWs, additional quantity storage shall be provided within the limits of this Plan all in accordance with the City's updated Stormwater Management Design Specifications and Requirements Manual (section 6.2.3); and
  - viii) provide an erosion/sediment control plan associated with any proposed LID features that will identify all erosion and sediment control measures to be used prior during and after the LID features are implemented. These measures shall be a component of the Functional Storm/Drainage Servicing Report along with any other identified erosion and sediment control measures for the site, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate.
- 43) The subdivision to which this draft approval relate shall be 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.
- 44) In conjunction with Focused Design Studies submission, the Owner shall identify, design and construct any require interim major conveyance systems to be in place until the ultimate Pack Road profile is implemented. This interim conveyance condition, if any, shall include the assessment of the existing

800mm culvert under Pack Road 40 meters west of Frontier Avenue, including its hydraulic adequacy to temporarily convey major flows to the south as accepted in Plan 33M-726. In an event, where the existing 800mm culvert has limited capacity to accommodate the 250-year post development discharge in interim conditions, the Owner agrees to design and replace this 800mm culvert by an adequately sized new culvert.

The Owner's professional engineer shall include rational and calculations of representative lot level runoff coefficient values based on all anticipated impervious surfaces such as buildings and hardscaping to verify the proposed development meets approved "C" runoff coefficients.

- 45) In conjunction with the Focused Design Studies submission, the Owner shall have his professional engineer design the proposed storm/drainage to service the total catchment area, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, and according to the requirements of the following:
- i) The City's SWM criteria and the environmental targets for The Dingman Creek Subwatershed Study;
  - ii) The Approved Functional Design of Talbot Village SWM facility E2/E3 forebay F2;
  - iii) The Approved Functional Design Report "Talbot Village Subdivision – Phase 2" Stormwater Management – January 2010 – IBI Group;
  - iv) The Approved Functional Design Report "Talbot Village Subdivision – Phases 5 and 6" - Stormwater Management – November 2016 – IBI Group;
  - v) Stormwater Management Report for the subject development prepared and accepted in accordance with the file manager process;
  - vi) The City Design Requirements for Permanent Private Stormwater Systems were approved by City Council and is effective as of January 01, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.
  - vii) The City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;
  - viii) The Ministry of the Environment, Conservation and Parks (MECP) Low Impact Development (LID) Stormwater Management Guidance Manual; and
  - ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies, including but not limited to the Erosion and Sediment Control Guideline for Urban Construction (TRCA, December 2019).
- 46) In accordance with City standards or as otherwise required by the Deputy City Manager, Environment and Infrastructure or designate, 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 Dingman Creek Subwatershed, and connect storm servicing to serve this Plan to the existing municipal storm sewer system, namely, the 900 mm diameter storm sewer located on Frontier Avenue and 1500 mm diameter storm sewer located on Regiment Road in Plan 33M-755 and the 900 mm diameter storm sewer on Mersea Street in Plan 33M-726 when Urban Reserve Blocks 175 and 176 develop in the future.
  - ii) Provide storm private drain connection (Lots 156 to 168 to connect to sewer on lot frontages) to the existing sanitary sewer on Old Garrison Boulevard in Plan 33M-755 to serve the lots in this Plan fronting that street, in accordance with approved engineering drawings.

- 47) In conjunction with the Focused Design Studies, the Owner shall have a professional engineer prepare a hydrogeological investigation and/or addendum/update to any existing hydrogeological investigation(s) based on the final subdivision design, to determine the potential short-term and long-term effects of the construction associated with the development on existing groundwater elevations and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures, including Low Impact Development (LIDs) solutions to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate. Elements of the hydrogeological investigation should include, but are not to be limited to, the following:
- i) Evaluation of the hydrogeological regime, including specific aquifer properties, static groundwater levels, and groundwater flow direction;
  - ii) Evaluation of water quality characteristics and the potential interaction between shallow groundwater, surface water features, and nearby natural heritage features;
  - iii) Completion of a water balance and/or addendum/update to any existing water balance for the proposed development, revised to include the use of LIDs as appropriate;
  - iv) Completion of a water balance for any nearby natural heritage feature (i.e., all open space Blocks) to include the use of LIDs as appropriate;
  - v) Details related to proposed LID solutions, if applicable, including details related to the long-term operations of the LID systems as it relates to seasonal fluctuations of the groundwater table;
  - vi) Evaluation of construction related impacts and their potential effects on the shallow groundwater system;
  - vii) Confirmation that allowable inflow and infiltration levels have been met 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 Deputy City Manager, Environment and Infrastructure or designate;
  - viii) Evaluation of construction related impacts and their potential effects on local significant features;
  - ix) Development of appropriate short-term and long-term monitoring plans (if applicable);
  - x) Development of appropriate contingency plans (if applicable) in the event of groundwater interference related to construction;
  - xi) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area;
  - xii) identify any abandoned wells in this plan;
  - xiii) any fill required in the plan;
  - xiv) provide recommendations for foundation design should high groundwater be encountered;
  - xv) address any contamination impacts that may be anticipated or experienced as a result of the said construction; and
  - xvi) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

Note that future phases of the development will require a revised hydrogeological assessment, including updated wetland water balance risk assessment and feature-based water balance calculations. Future hydrogeological assessment reports should be supported by the appropriate Environmental Impact Study (EIS), and include all woodlot and wetland mitigation and compensation plans, as required.

- 48) In conjunction with the first submission of engineering drawings, 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.
- 49) In conjunction with the second submission of engineering drawings, the Owner's consulting Professional Engineer shall submit a Monitoring and Operational Procedure Manual for the maintenance and monitoring program for each of the SWM features within this plan (i.e., LIDs, OGSs, etc.) or within each of the identified phases/stages of development, in accordance with the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" and other available guidance document requirements to the Deputy City Manager, Environment and Infrastructure or designate, for review and approval. The program shall include but not be limited to the following:
- i) A work program manual for the phasing, maintenance and monitoring of these facilities during all phases of buildout as well as following assumption; and
  - ii) A verification and compliance monitoring program the developer will need to complete to verify the SWM features meet the intended design prior to assumption.
- 50) Following construction and prior to the assumption of the stormwater management features, the Owner agrees to complete the following at no cost to the city, and all to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate:
- i) Operate, maintain and monitor of any SWM Features in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities"; and
  - ii) Have its consulting Professional Engineer submit semi-annual monitoring reports in accordance with the approved maintenance and monitoring program and the City's "monitoring and Operational Procedure for Stormwater Management Facilities" to the City.

### Watermains

- 51) In conjunction with the Focused Design Studies submission, the Owner shall have their consulting engineer prepare and submit a water servicing report which addresses the following, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate:
- i) Water distribution system analysis & modelling and hydraulic calculations for the Draft Plan of Subdivision confirming system design requirements are being met (residential A.D.D. shall be 255 litres per capita per day; maximum residual pressure 80 psi);
  - ii) Identify domestic and fire flows for the residential Lots and development Blocks from the high-level water distribution system;
  - iii) Address water quality and identify measures to maintain water quality within all watermains throughout the entire subdivision from zero build-out through full build-out of the subdivision;
  - iv) Include a staging and phasing report as applicable which addresses the requirement to maintain interim water quality;
  - v) Include modelling for two fire flow scenarios as follows:
    - a. Max Day + Fire confirming velocities and pressures within the system at the design fire flows, and
    - b. Max Day + Fire confirming the available fire flows at fire hydrants at 20PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);

- vi) Develop a looping strategy to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, for when development is proposed to proceed beyond 80 units;
  - vii) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
  - viii) Identify any need for the Construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
  - ix) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;
  - x) Identify the effect of development on existing water infrastructure – address potential conflicts and identify solutions;
  - xi) Include full-sized water distribution and area plan(s); and
  - xii) Include full-sized water distribution and area plan(s) which identifies the location of valves & hydrants, the type and location of water quality measures to be implemented (including automatic flushing device settings), fire hydrant rated capacity & marker colour, and the design domestic and fire flow demands applied to development Blocks.
- 52) In accordance with City standards, or as otherwise required by the Deputy City Manager, Environment and Infrastructure or designate, 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 high-level municipal system, namely the existing 400mm diameter watermain on Southdale Road West, the 200mm diameter watermain on Frontier Avenue, and the 150mm diameter watermain on Old Garrison Boulevard, serviced by the Springbank / Westmount / Pondmills / Wickerson Pumping Station System;
  - ii) Provide a looped watermain connection to the existing 400mm diameter high-level watermain on Southdale Road West once any lots and/or blocks develop north of Street 'B';
  - iii) Provide water services to the watermain on Old Garrison Boulevard in Plan 33M-755 to serve the lots (Lots 156 to 168) in this Plan which front onto that street;
  - iv) Deliver confirmation that the watermain system has been looped to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, when development is proposed to proceed beyond 80 units;
  - v) 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; and
  - vi) Have their consulting engineer confirm to the City that the watermain system has been constructed and is operational.
- 53) The Owner shall obtain all necessary approvals from the Deputy City Manager, Environment and Infrastructure or designate, for the servicing of Blocks in this Plan of Subdivision prior to the installation of any water services to or within these Blocks.

## **STREETS, TRANSPORTATION & SURVEYS**

### Roadworks

- 54) 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 perpendicular through their intersections and opposite each other

thereby having these streets centred with each other, unless otherwise approved by the Deputy City Manager, Environment and Infrastructure or designate.

- 55) In conjunction with the first submission of engineering drawings, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure or designate:
- i) provide a proposed layout plan of the internal road network including taper details for streets in this plan that change right-of-way widths with minimum 30 metre tapers for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, 6m straight tangents, etc., and include any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections.
  - ii) confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions."
  - iii) At 'tee' intersection, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metre tangent being required along the street lines of the intersecting road, to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate.
  - iv) shall provide a minimum of 5.5 metres 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 in this plan of subdivision.
  - v) shall ensure street light poles and luminaires, along the street being extended, match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the City of London.
  - vi) shall ensure any emergency access required is satisfactory to the Deputy City Manager, Environment and Infrastructure or designate, with respect to all technical aspects, including adequacy of sight lines, provisions of channelization, adequacy of road geometries and structural design, etc.
  - vii) shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, for any construction activity that will occur on an assumed street.
- 56) The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:
- i) Regiment Road has a minimum road pavement width (vehicle travelled portion, excluding gutters) of 6.5 metres with a minimum road allowance of 23.0 metres as identified as a Neighbourhood Connector in the City of London Compete Streets Design Guidelines.
  - ii) Frontier Avenue, Raleigh Boulevard, Street 'A', Street 'B', Street 'C' and Street 'D' have a minimum road pavement width (excluding gutters) of 7.5 metres with a minimum road allowance of 20 metres.
- 57) In conjunction with the first submission of engineering drawings, the Owner shall implement barrier curb through this plan of subdivision as per the Design Specifications and requirements Manual (DSRM), to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate.
- 58) In conjunction with the first submission of engineering drawings, the Owner shall comply with all City standards as found in the Design Specifications and Requirements Manual (eg. reverse curves, 6 metre straight tangents, etc.), to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate.

- 59) In conjunction with the first submission of engineering drawings, the Owner shall comply with the Complete Streets Manual to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate.
- 60) The Owner shall convey Future Road Block 177, to the City for future use as needed, at no cost to the City. If this Block is not needed upon development or redevelopment of the lands to the north of this block, the City agrees that the Block will be returned to the Owner for a nominal fee, plus the cost of any associated legal fees for document preparation, for use as a building lot.
- 61) The Owner shall convey Future Road Block 178, to the City for future use as needed, at no cost to the City. If this Block is not needed upon development or redevelopment of the lands to the west of this block, the City agrees that the Block will be returned to the Owner for a nominal fee, plus the cost of any associated legal fees for document preparation, for use as a building lot.
- 62) The Owner shall convey Future Road Block 179, to the City for future use as needed, at no cost to the City. If this Block is not needed upon development or redevelopment of the lands to the north of this block, the City agrees that the Block will be used as partial fulfilment of the parkland dedication for Blocks 176 and 177.

#### Sidewalk & Bike Lanes

- 63) In conjunction with the first submission of engineering drawings, the Owner shall provide details of a 1.5 metre sidewalk on both sides of all streets in this Plan in accordance with the Southwest Area Secondary Plan.
- 64) In conjunction with the first submission of engineering drawings, the Owner shall provide details of any bike lanes on Regiment Road in accordance with the Complete Street Manual, all to the specifications and satisfaction of the City.

#### Streetlights

- 65) In conjunction with the first submission of engineering drawings, the Owner shall provide details of street lighting on all streets and walkways in this plan to the satisfaction of the City, at no cost to the City.

#### Boundary Road Works

- 66) The Owner shall reconstruct Old Garrison Boulevard between Frontier Avenue and the east limit of this Plan, including all existing traffic calming measures, sidewalks, etc., to accommodate servicing of this Plan to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, at no cost to the City, in accordance with approved design criteria and accepted engineering drawings.
- 67) In conjunction with the Focused Design Studies submission for any lots and/or blocks north of Street 'B', the Owner shall submit a Transportation Impact Study in accordance with the Transportation Impact Study Guideline to determine the impact of this development on the abutting arterial roads to the satisfaction of the City. Prior to undertaking this study, the Owner shall contact the Transportation Planning and Design Division regarding the scope and requirements of this study. The Owner shall undertake any recommendations of the study, to the satisfaction of the City and at no cost to the City.
- 68) In conjunction with the first submission of engineering drawings, the Owner shall implement all recommendations outlined in the approved Transportation Impact Study to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate.
- 69) In conjunction with the first submission of engineering drawings for any lots and/or blocks north of Street 'B', the Owner shall provide a conceptual design of the Regiment Road extension access to Southdale Road as a fully serviced road connection required for watermain looping, all to the specifications and satisfaction of the City, at no cost to the City.
- 70) The Owner shall design and construct the portion of Regiment Road within this Draft Plan of Subdivision and pay for the relocation of the proportion of the

wetland located on the legal parcel (including within the Regiment Road ROW, Blocks 171 and 180, and the adjacent lands to the east – Municipal # 3095 Bostwick Road) to the developer who proceeds first with the connection of Regiment Road to Southdale Road, all to the specifications and satisfaction of the City.

### Wetland Relocation

- 71) In conjunction with the first submission of engineering drawings for any lots and/or blocks north of Street 'B', the Owner shall, in coordination with the City and Owner of the lands to the north (735 Southdale Road West), provide a detailed workplan related to the wetland relocation required due to the future ROW of Regiment Road and Block 171. This workplan will outline, amongst other issues:
- i) Cost-sharing arrangements between the Owner, the City and the Owner of 735 Southdale Road West;
  - ii) Prepare a submission to the UTRCA Board for approval to relocate the wetland;
  - iii) Contractor requirements and responsibilities. The pond is to be designed and supervised by a company with expertise in wetland re-creation techniques, in consultation with the City;
  - iv) Efforts being made during the dewatering process to capture and transfer reptile, amphibian and terrestrial wildlife during the dewatering process;
  - v) Water transfer through to the new pond;
  - vi) City to monitor and be on site for the capture and relocation of wildlife to the new pond; and
  - vii) Monitor the new pond to determine if adequate water quantity and quality is present and implement adaptive management if necessary.

There should also be consideration and identification of the amount of excavation and rehabilitation that is required within the wetland to provide an adequate base for the future ROW and basement foundations that will be located within and adjacent to the area.

### Road Widening

- 72) The Owner shall be required to dedicate 3.0 m x 3.0 m "daylighting triangles" at the intersection of Regiment Road and Old Garrison Boulevard in the Plan to satisfy requirements necessary for servicing bus transit routes, as specified by the Deputy City Manager, Environment and Infrastructure or designate.

### Traffic Calming

- 73) In conjunction with the first submission of engineering drawings, the Owner shall identify speed cushions as per City standards on Raleigh Boulevard mid-block and Regiment Road mid-block between Raleigh Boulevard and Street 'B', to the satisfaction of the City.
- 74) In conjunction with the first submission of engineering drawings, the Owner shall provide a raised intersection on Regiment Road and Street 'A', to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, at no cost to the City. Should it be determined, the raised intersection will affect the major overland flow route, the Owner shall construct alternative traffic calming measures on Regiment Road, to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate.
- 75) In conjunction with the first submission of engineering drawings, the Owner shall identify parking lay-bys on the east side of Regiment Road as per City standards, all to the satisfaction of the City.

Construction Access

- 76) The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize other routes as designated by the City.

General

- 77) 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.
- 78) Once construction of any private services, i.e.: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed re-lotting 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 Deputy City Manager, Environment and Infrastructure or designate, at no cost to the City.
- 79) The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision as per the accepted engineering drawings, at no cost to the City, all to the specifications and satisfaction of the Deputy City Manager, Environment and Infrastructure or designate.
- 80) The Owner's professional engineer shall provide full time 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 Deputy City Manager, Environment and Infrastructure or designate.
- 81) Prior to the construction of works on existing City streets and/or unassumed subdivisions, the Owner shall have its professional engineer notify new and 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 along with any remedial works prior to assumption, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
- 82) 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. Ministry of the Environment, Conservation and Parks Certificates, City/Ministry/Government permits: Permit of Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, Conservation and Parks, City, etc.)
- 83) In conjunction with the first submission of engineering drawings, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
- 84) 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 Deputy City Manager, Environment and Infrastructure or designate, at no cost to the City.
- 85) 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.

- 86) 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.
- 87) All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
- 88) 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 and these services are operational, at no cost to the City.

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary 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.

- 89) In conjunction with 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 Deputy City Manager, Environment and Infrastructure or designate, 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.
- 90) In conjunction with the Focused Design Studies submission, the Owner shall have their geotechnical engineer identify if there is any evidence of methane gas within or in the vicinity of this draft plan of subdivision, to the satisfaction of the City. Should it be determined there is any methane gas within or in the vicinity of this draft plan of subdivision, the Owner's geotechnical engineer shall provide any necessary recommendations. The Owner shall implement any recommendations of the geotechnical engineer, under the supervision of the geotechnical engineer, to the satisfaction of the City, at no cost to the City.
- 91) In conjunction with the Focused Design Studies submission, the Owner shall have their geotechnical engineer identify if there is any evidence of contamination within or in the vicinity of this draft plan of subdivision, to the satisfaction of the City. Should it be determined there is any contamination within or in the vicinity of this draft plan of subdivision, the Owner's geotechnical engineer shall provide any necessary recommendations. The Owner shall implement any recommendations of the geotechnical engineer to remediate, remove and/or dispose of any contaminants under the supervision of the geotechnical engineer to the satisfaction of the City, at no cost to the City.
- 92) 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 for lands within this plan, if necessary, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback.
  - x) and any other requirements as needed by the City, all to the satisfaction of the City.
- 93) In conjunction with the first submission of engineering drawings, the Owner shall implement all geotechnical recommendations to the satisfaction of the City.
  - 94) In conjunction with the submission of engineering drawings, the Owner shall provide a minimum lot frontage of 6.7 metres as per City standards to accommodate street townhouses within this draft plan of subdivision, all the specifications and satisfaction of the City.
  - 95) The Owner shall have the common property line of Southdale Road graded in accordance with the accepted engineering drawings, to the satisfaction of the City and at no cost to the City.
  - 96) In conjunction with the Focused Design Studies submission, the Owner shall have it's 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.
  - 97) In conjunction with the first submission of engineering drawings, the Owner shall identify locations of all existing infrastructure, ie. Water, septic, storm, hydro, driveways, etc. and their decommissioning or relocation, to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate.
  - 98) Prior to the acceptance of engineering drawings, when lands to the north of Street 'B' in this Plan develop, the Owner shall submit confirmation that they have complied with any requirements of Sun Canadian Oil Pipeline with regards to the buffer and all other requirements at the northern limit of this plan of subdivision.
  - 99) The Owner shall remove the temporary DICBS, etc. and the existing easements at the north limit of Frontier Avenue and north limit of Regiment Road in Plan 33M-755 and the easements may be quit claimed, all to the satisfaction and specifications of the Deputy City Manager, Environment and Infrastructure or designate, at no cost to the City.
  - 100) The Owner shall remove the existing 10 metre drainage easement located within this Plan registered as part of Talbot Village Phase 6, Plan 33M-755, all to the satisfaction of the City.
  - 101) In conjunction with the first submission of engineering drawings, the Owner shall identify all adjustments to the existing works and services on streets, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan fronting Old Garrison Boulevard (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure or designate, at no cost to the City.
  - 102) The Owner shall resubmit Plan and Profile drawings for Talbot Village Phase 6, Plan 33M-755 to update servicing on Old Garrison Boulevard to provide servicing for Lots in this Plan for review and acceptance by the City, all to the specifications and satisfaction of the City.
  - 103) In conjunction with the second submission of engineering drawings, the Owner may submit the request for Special Provisions, the estimated claims for the Plan of Subdivision and Subdivision Security calculations, to the satisfaction of the City.

## Appendix C – Public Engagement

### Community Engagement

**Public liaison:** On March 10, 2021, Notice of Application was sent to 32 property owners in the surrounding area. Notice of Application was also published in the Public Notices and Bidding Opportunities section of The Londoner on March 11, 2021. A “Planning Application” sign was also posted on the site.

1 reply were received

**Nature of Liaison:** The purpose and effect of these two (2) applications would be the creation of a residential plan of subdivision.

1. Consideration of a Draft Plan of Subdivision consisting of 169 single detached dwellings, four (4) medium density blocks for street townhouses, one (1) park block, two (2) Urban Reserve blocks for future review and residential development, and one (1) future road block all served by the extension of Frontier Avenue, Regiment Road and Raleigh Boulevard and three (3) new local streets.
2. Possible Amendment to Zoning By-law Z.-1 to change the zoning from an Urban Reserve (UR3) Zone to:
  - a Residential R2 Special Provision (R2-3(\_)) Zone (Lots 1-169) to permit single detached dwellings, semi-detached dwellings and duplex dwellings with a minimum lot area of 370m<sup>2</sup> for single detached dwellings. Special provisions to permit a minimum lot frontage of 11 metres, minimum front yard setback for main dwelling of 3.0 metres, minimum front yard depth for garages of 5.5 metres, minimum interior side yard depth of 1.2 metres except where there is no attached garage, then 3.0 metre is required on one side and a lot coverage of 45% except that any unenclosed porch shall not be included in the calculation of lot coverage;
  - a Residential R4 (R4-4) Zone to permit street townhouse dwellings with a minimum lot frontage of 5.5m and minimum lot area of 180m<sup>2</sup>; and
  - maintain the Urban Reserve (UR3) zone on the westerly half of the draft plan.

The City is also considering the following amendments:

- Special Provisions in zoning to implement the urban design requirements and considerations of the Southwest Area Secondary Plan; and
- Adding holding provisions for the following: urban design, water looping, municipal services, and phasing.

File: 39T-21502/Z-9322 Planner: M. Corby (City Hall)

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

- A request that the sanitary sewers planned within the subdivision be sized to accommodate the maximum densities permitted under the policies of the Southwest Area Secondary Plan on the adjacent lands to the north (735 Southdale Road West).

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

Telephone	Written
n/a	<b>Farhad Noory</b> CEO, Royal Premier Homes 425-509 Commissioner Rd W. London, ON N6K-1J5

Royal Premier Homes  
425-509 commissioners Rd East , London, On, N6J,1Y5

October 20, 2021

Re: 735 Southdale Road. We understand

To CITY OF LONDON – PLANNING DEPARTMENT

October 19, 2021

Re: 735 Southdale Road.

To CITY OF LONDON – PLANNING DEPARTMENT

As you may be aware, we are working on development plans for our site at 735 Southdale Road. We understand that Talbot Village Phase 7 has been submitted to the City of London for draft plan approval (City File: 39T-21502). We support the Phase 7 development and look forward to the future development of these lands.

We request the City of London review the following two items and consider adding these items to the requirements of the Talbot Village Phase 7 development:

- The sanitary sewers for Talbot Village Phase 7 should make allowance for the future development at 735 Southdale Road to the maximum residential densities currently contemplated for our lands in the Southwest Area Plan (SWAP).
- The location, size, and depth of the sanitary outlet sewers should be coordinated with Royal Premier Homes and the developer of 735 Southdale Road.

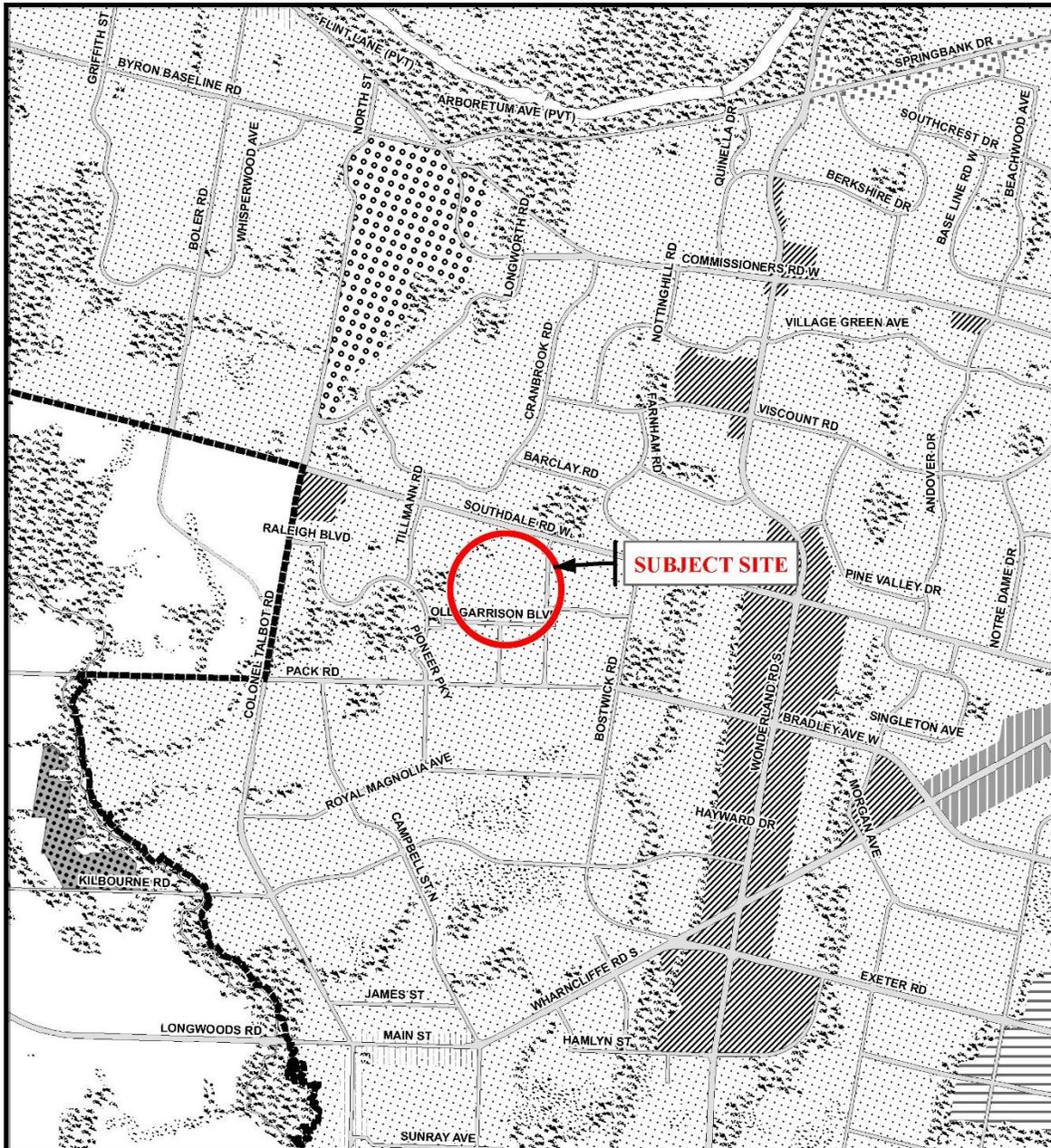
If you have any questions, or require additional information, regarding the above , please contact me at your convenience.

Sincerely,

Farhad Noory, P.Eng, CET  
CEO | Royal Premier Homes  
[www.royalpremierhomes.ca](http://www.royalpremierhomes.ca)

**Appendix D – Relevant Background**

**London Plan Excerpt**



**Legend**

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

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

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

**CITY OF LONDON**

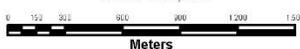
Planning Services /  
Development Services

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

PREPARED BY: Planning Services



Scale 1:30,000



**File Number:** Z-9322

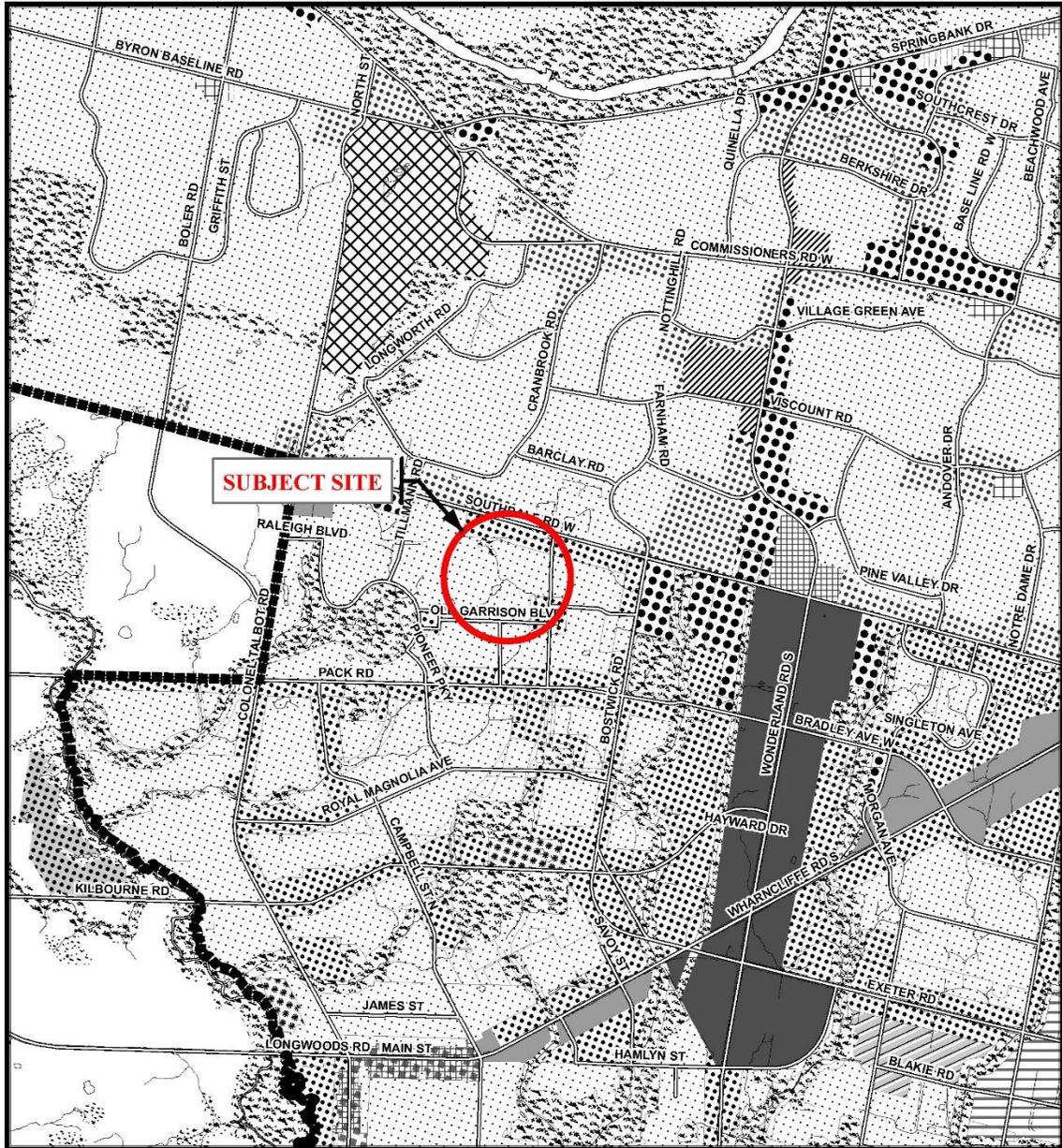
**Planner:** MC

**Technician:** RC

**Date:** November 4, 2021



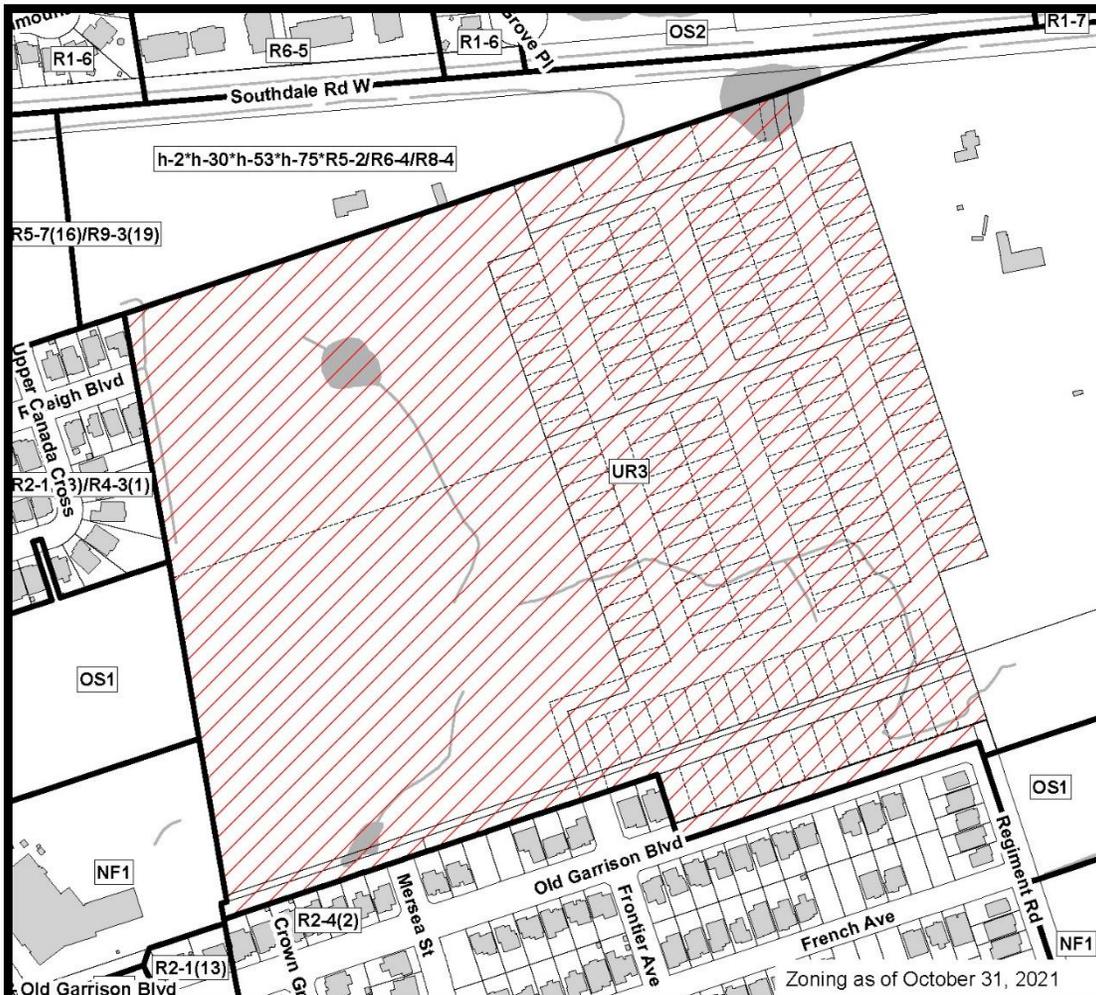
Southwest Area Secondary Plan Excerpt



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> High Density Residential</li> <li> Medium Density Residential</li> <li> Low Density Residential</li> <li> Commercial</li> <li> Office</li> <li> Wonderland Road Community Enterprise Corridor</li> <li> Main Street Lambeth North</li> <li> Main Street Lambeth South</li> <li> Open Space</li> <li> Institutional</li> <li> Industrial</li> <li> Commercial Industrial</li> <li> Transitional Industrial</li> <li> Urban Reserve Community Growth</li> <li> Urban Reserve Industrial Growth</li> <li> Rural Settlement</li> <li> Urban Growth Boundary</li> </ul>		
<p><b>CITY OF LONDON</b> Planning Services / Development Services SOUTHWEST AREA STUDY SECONDARY PLAN - LANDUSE -  PREPARED BY: Graphics and Information Services</p>	 Scale 1:30,000 Meters	<p>FILE NUMBER: Z-9322 PLANNER: MC TECHNICIAN: RC DATE: November 4, 2021</p>

PROJECT LOCATION: e:\planning\projects\p\_officialplanwork\consolid00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

Existing Zoning Map



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

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

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>R1 - SINGLE DETACHED DWELLINGS</li> <li>R2 - SINGLE AND TWO UNIT DWELLINGS</li> <li>R3 - SINGLE TO FOUR UNIT DWELLINGS</li> <li>R4 - STREET TOWNHOUSE</li> <li>R5 - CLUSTER TOWNHOUSE</li> <li>R6 - CLUSTER HOUSING ALL FORMS</li> <li>R7 - SENIOR'S HOUSING</li> <li>R8 - MEDIUM DENSITY/LOW RISE APTS.</li> <li>R9 - MEDIUM TO HIGH DENSITY APTS.</li> <li>R10 - HIGH DENSITY APARTMENTS</li> <li>R11 - LODGING HOUSE</li> <br/> <li>DA - DOWNTOWN AREA</li> <li>RSA - REGIONAL SHOPPING AREA</li> <li>CSA - COMMUNITY SHOPPING AREA</li> <li>NSA - NEIGHBOURHOOD SHOPPING AREA</li> <li>BDC - BUSINESS DISTRICT COMMERCIAL</li> <li>AC - ARTERIAL COMMERCIAL</li> <li>HS - HIGHWAY SERVICE COMMERCIAL</li> <li>RSC - RESTRICTED SERVICE COMMERCIAL</li> <li>CC - CONVENIENCE COMMERCIAL</li> <li>SS - AUTOMOBILE SERVICE STATION</li> <li>ASA - ASSOCIATED SHOPPING AREA COMMERCIAL</li> <br/> <li>OR - OFFICE/RESIDENTIAL</li> <li>OC - OFFICE CONVERSION</li> <li>RO - RESTRICTED OFFICE</li> <li>OF - OFFICE</li> </ul> | <ul style="list-style-type: none"> <li>RF - REGIONAL FACILITY</li> <li>CF - COMMUNITY FACILITY</li> <li>NF - NEIGHBOURHOOD FACILITY</li> <li>HER - HERITAGE</li> <li>DC - DAY CARE</li> <br/> <li>OS - OPEN SPACE</li> <li>CR - COMMERCIAL RECREATION</li> <li>ER - ENVIRONMENTAL REVIEW</li> <br/> <li>OB - OFFICE BUSINESS PARK</li> <li>LI - LIGHT INDUSTRIAL</li> <li>GI - GENERAL INDUSTRIAL</li> <li>HI - HEAVY INDUSTRIAL</li> <li>EX - RESOURCE EXTRACTIVE</li> <li>UR - URBAN RESERVE</li> <br/> <li>AG - AGRICULTURAL</li> <li>AGC - AGRICULTURAL COMMERCIAL</li> <li>RRC - RURAL SETTLEMENT COMMERCIAL</li> <li>TGS - TEMPORARY GARDEN SUITE</li> <li>RT - RAIL TRANSPORTATION</li> <br/> <li>"h" - HOLDING SYMBOL</li> <li>"D" - DENSITY SYMBOL</li> <li>"H" - HEIGHT SYMBOL</li> <li>"B" - BONUS SYMBOL</li> <li>"T" - TEMPORARY USE SYMBOL</li> </ul> |
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**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-9322

MC

MAP PREPARED:

2021/11/04

RC

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Meters

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** 1453-1459 Oxford Street East & 648-656 Ayreswood Avenue  
Public Participation Meeting

**Date:** November 22, 2021

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Red Maple Properties relating to the property located at 1453-1459 Oxford Street East and 648-656 Ayreswood Avenue:

- (a) the request to amend The London Plan by **ADDING** a new policy the Specific Policies for the Rapid Transit Corridor Place Type and by **ADDING** the subject lands to Map 7 – Specific Policies Areas – of The London Plan, **BE REFUSED** for the following reasons:
- i) The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available.
  - ii) The proposed development does not conform to *The London Plan (2016)*, including, but not limited to, the Key Directions, City Design, Intensity and Form policies of the Rapid Transit Corridor Place Type, Protected Major Transit Station Areas (PMTSA) policies, and Near Campus Neighbourhoods policies.
  - iii) The existing sanitary sewer servicing the site does not have sufficient capacity to support the proposed density.
- (b) the request to amend the Official Plan for the City of London (1989) to change the designation of the subject lands **FROM** a Low Density Residential designation, **TO** a Multi-Family, High Density Residential designation, **BE REFUSED** for the following reasons:
- i) The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available.
  - ii) The proposed development does not conform to the *Official Plan (1989)*, including, but not limited to, the Permitted Uses, Density and Scale, Bonusing, Residential Intensification, Urban Design, and Policies for Near Campus Neighbourhoods.
  - iii) The proposed development represents an over-intensification of the site and does not satisfy the criteria of the Planning Impact Analysis.
  - iv) The existing sanitary sewer servicing the site does not have sufficient capacity to support the proposed density.
- (c) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone and Residential R1/Office Conversion (R1-6/OC4) Zone, **TO** a Residential R9 Bonus/Neighbourhood Shopping Area (R9-7\*B-\*H77/NSA3) Zone, **BE REFUSED** for the following reasons:
- i) The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available.
  - ii) The proposed development does not conform to *The London Plan (2016)*

- as the requested Specific Policy is not recommended for approval.
- iii) The proposed development does not conform to the *Official Plan (1989)* as the requested Multi-Family, High Density Residential designation is not recommended for approval.
- iv) The proposed development and requested zoning represent an over-intensification of the site and do not satisfy the criteria of the Planning Impact Analysis.
- v) The existing sanitary sewer servicing the site does not have sufficient capacity to support the proposed density.
- vi) The facilities, services, and matters identified through the proposed bonus zone are not commensurate for the requested height and density.

## Executive Summary

### Summary of Request

The applicant has requested to amend the 1989 Official Plan, The London Plan, and Zoning By-law Z.-1. The requested amendment to the 1989 Official Plan would redesignate the lands from Low Density Residential to Multi-Family, High Density Residential. The requested amendment to The London Plan would add a Specific Policy to the Rapid Transit Corridor Place Type to permit a mixed-use building with a maximum intensity of 24 storeys with Type 2 Bonus Zoning.

The requested Zoning By-law Amendment would change the zoning of the subject lands from a Residential R1 (R1-6) Zone and Residential R1/Office Conversion (R1-6/OC4) Zone to a Residential R9 Bonus/Neighbourhood Shopping Area (R9-7\*B-\*H77/NSA3) Zone to facilitate the development of a 24-storey, mixed-use building containing 259 residential units and 500 square metres of commercial gross floor area. A total of 283 parking spaces are proposed, of which 50 spaces are in a surface parking lot and 233 spaces are within two levels of underground parking. A site-specific bonus zone would permit the proposed development in return for: provision of affordable housing; provision of public parking to support bus rapid transit (BRT), and exceptional site and building design.

### Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to refuse the requested amendments for the redesignation of the subject lands in the 1989 Official Plan, to add a Specific Policy Area to The London Plan, and rezone the subject lands to facilitate the development of a 24-storey, mixed-use building containing 259 residential units, 500 square metres of commercial gross floor area, and 283 parking spaces.

### Rationale of Recommended Action

1. The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available.
2. The proposed development does not conform to *The London Plan (2016)*, including, but not limited to, the Key Directions, City Design, Intensity and Form policies of the Rapid Transit Corridor Place Type, Protected Major Transit Station Areas (PMTSA) policies, and Near Campus Neighbourhoods policies.
3. The proposed development does not conform to the *Official Plan (1989)*, including, but not limited to, the Permitted Uses, Density and Scale, Bonusing, Residential Intensification, Urban Design, and Policies for Near Campus Neighbourhoods.
4. The proposed development represents an over-intensification of the site and does not satisfy the criteria of the Planning Impact Analysis.
5. The facilities, services, and matters proposed through the bonus zone are not commensurate for the requested height and density.
6. The existing sanitary sewer that services the site does not have sufficient capacity to support the proposed density.

## Linkage to the Corporate Strategic Plan

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

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

None.

#### 1.2 Planning History

One of the subject properties, 1455 Oxford Street East, was previously Listed on the City’s Heritage Register. The applicant prepared a Cultural Heritage Evaluation Report (CHER) and submitted a request to de-list the property from the City’s Register. The request was recommended for approval by Heritage Planning staff, as well as the London Advisory Committee on Heritage (LACH) and the Planning and Environment (PEC) in September 2020. Council approved the request to de-list the property on September 29, 2020.

#### 1.3 Property Description

The subject lands are located in the Argyle Planning District on the southeast corner of Oxford Street East and Ayreswood Avenue. The lands consist of eight separate parcels municipally addressed as 1453, 1455, 1457, and 1459 Oxford Street East and 648, 650, 654, 656 Ayreswood Avenue. Four of the parcels front onto Oxford Street East, an arterial road, and four front onto Ayreswood Avenue, a local street with a cul-de-sac. The properties are each developed with existing single detached dwellings. Collectively, the subject lands have a frontage along Oxford Street East of approximately 70 metres, a depth along Ayreswood Avenue of approximately 98 metres, and an area of approximately 0.68 hectares.



Figure 1: Oxford Street East properties (easterly view from intersection of Oxford Street East and Ayreswood Avenue)



Figure 2: Ayreswood Avenue properties (southerly view from Ayreswood Avenue)

#### 1.4 Current Planning Information (see more detail in Appendix E)

- The London Plan Place Type – Rapid Transit Corridor Place Type and Neighbourhoods Place Type
- Official Plan Designation – Low Density Residential
- Existing Zoning – Residential R1 (R1-6) Zone and Residential R1/Office Conversion (R1-6/OC4) Zone

#### 1.5 Site Characteristics

- Current Land Use – Eight single detached dwellings
- Frontage – 70 metres (229.7 feet)
- Depth – 98 metres (329.5 feet)
- Area – 0.68 hectares (1.68 acres)
- Shape – Rectangular

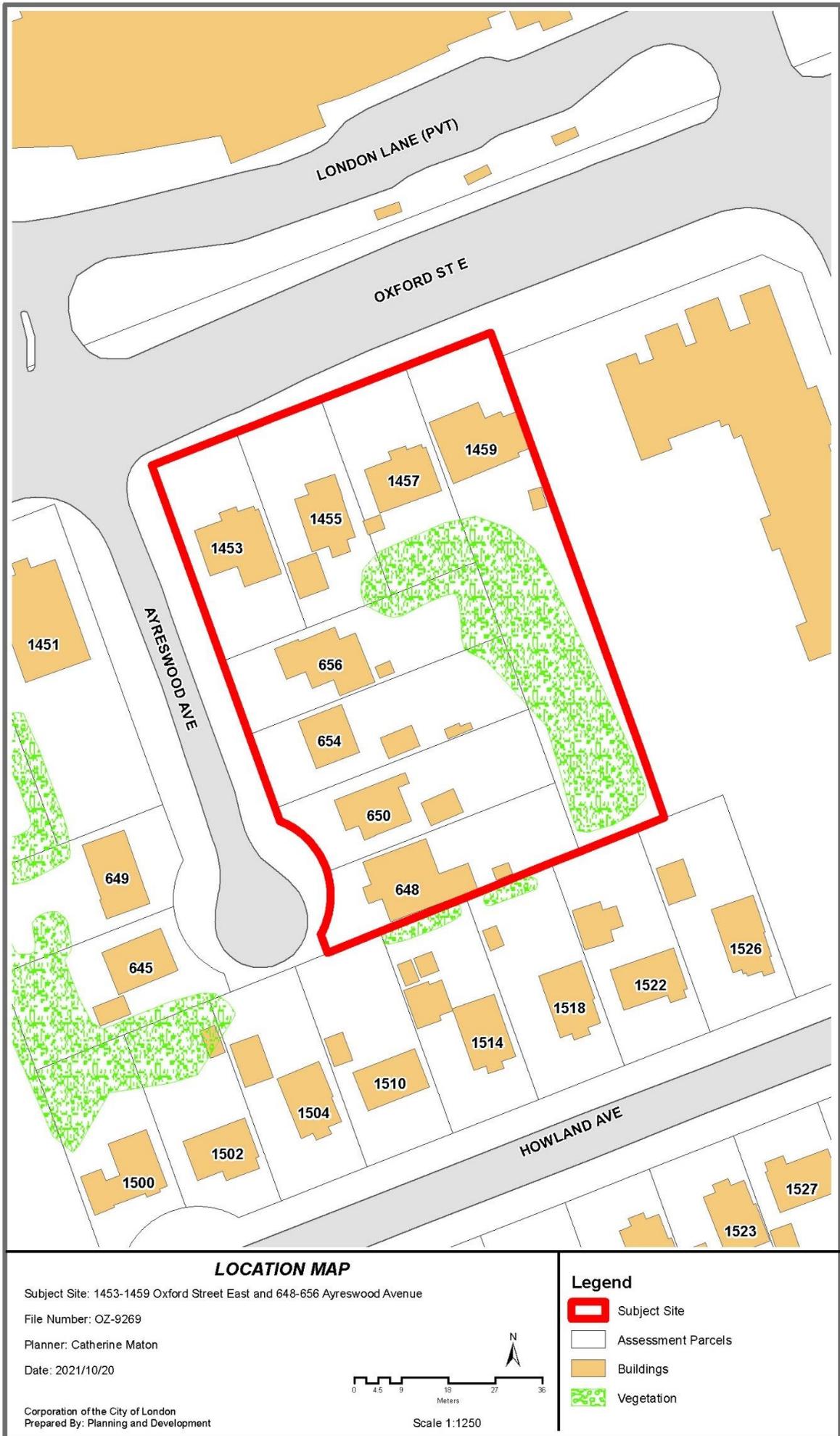
#### 1.6 Surrounding Land Uses

- North – Institutional (Fanshawe College)
- East – High density residential
- South – Low density residential
- West – Low and medium density residential

#### 1.7 Intensification

- The proposed 259 residential units represents intensification within the Built-Area Boundary and Primary Transit Area.

## 1.8 Location Map



## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The application was initially submitted in September 2020, at which time the applicant proposed to develop the site with an 18-storey mixed-use apartment building, containing 259 residential units, 491 square metres of commercial gross floor area, and 283 parking spaces. A mixed-use density of 390 units per hectare and building height of 60 metres was proposed. The site concept plan and renderings of the building, as initially proposed, are contained in Figures 3 and 4.

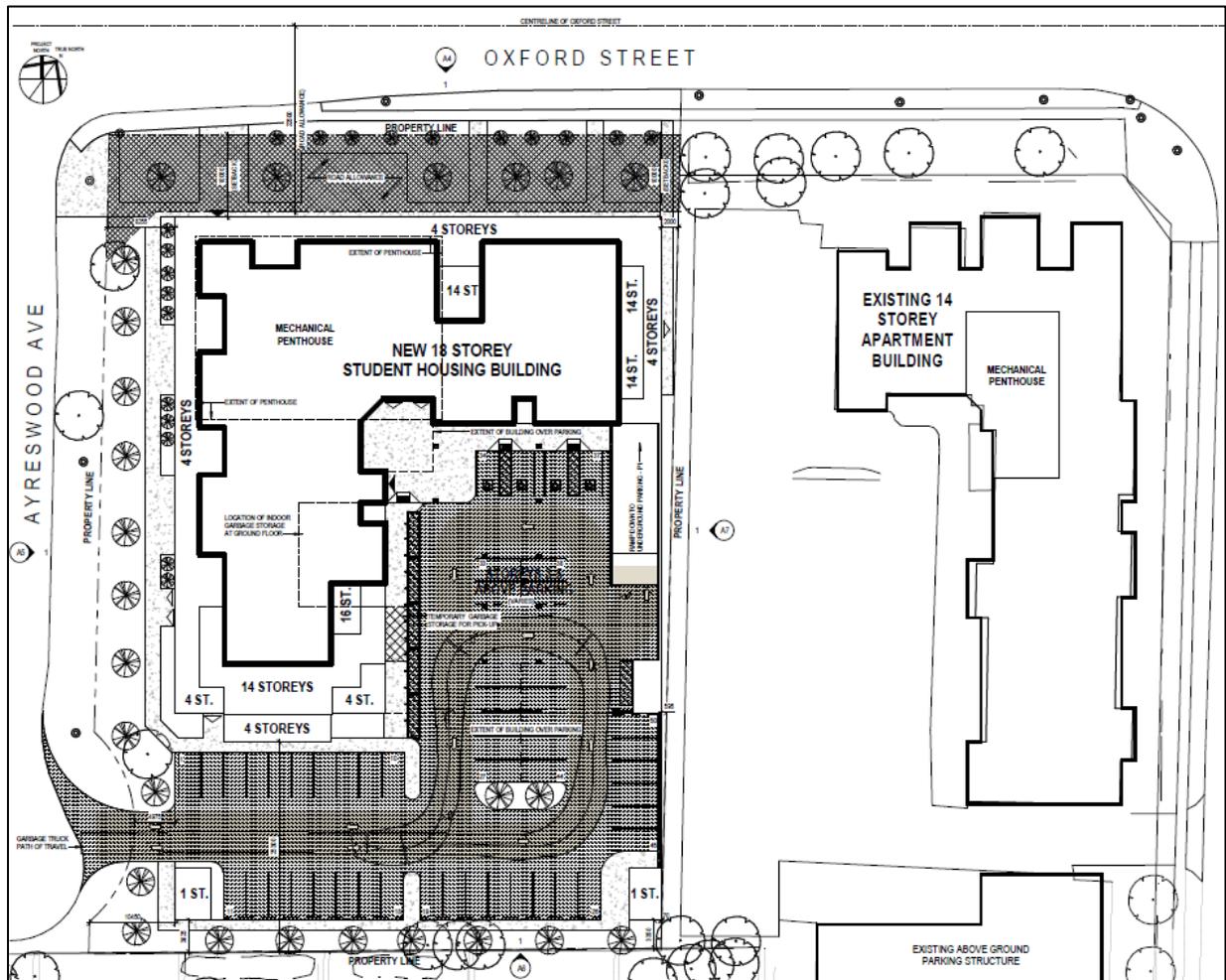


Figure 3: Site concept plan (initial proposal)



Figure 4: Rendering – view from Oxford Street East (initial proposal)

Notwithstanding the concerns raised by staff and the public in regard to the height and massing through the initial review and circulation, the applicant amended the application in May 2021 to propose a 24-storey, mixed-use apartment building containing 259 residential units, 500 square metres of commercial gross floor area, and 283 parking spaces. No changes to the unit count or parking configuration were made. While the proposed mixed-use density remained the same, the proposed building height increased to 77 metres with varying heights and setbacks provided to the tower. The current development concept is depicted in Figures 5 and 6.

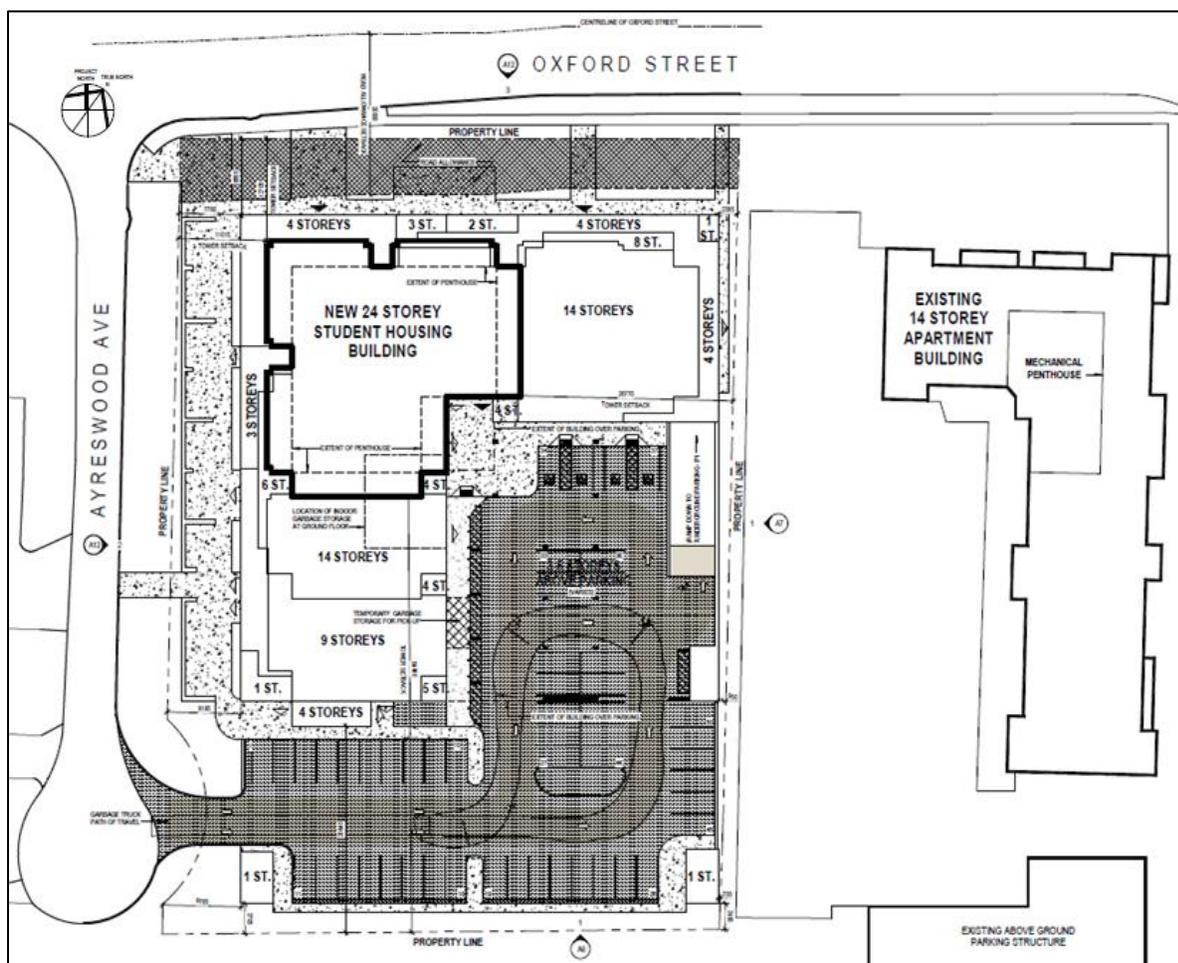


Figure 5: Site concept plan (amended proposal)



Figure 6: Rendering – aerial view of corner of Oxford Street East and Ayreswood Avenue (amended proposal)

## 2.2 Requested Amendment

The applicant has requested to amend the 1989 Official Plan to redesignate the subject lands from Low Density Residential to Multi-Family, High Density Residential and amend The London Plan by adding a Specific Policy to the Rapid Transit Corridor Place Type to permit a mixed-use building with a maximum intensity of 24-storeys with Type 2 Bonus Zoning. The applicant has further requested to change the zoning from a Residential R1 (R1-6) Zone and Residential R1/Office Conversion (R1-6/OC4) Zone, to a Residential R9 Bonus/Neighbourhood Shopping Area (R9-7\*B-\_\*H77/NSA3) Zone.

The proposed bonus zone would permit a maximum building height of 77 metres and an increased maximum density of 390 units per hectare, whereas 150 units per hectare is the maximum. Special provisions through the proposed bonus zone would also permit: reduced front, exterior side, interior side, and rear yard depths; reduced landscape open space; increased maximum lot coverage; reduced parking; and reduced accessible parking. Additional details are contained in Section 4.5 of this report.

## 2.3 Community Engagement (see more detail in Appendix A)

Nine (9) written responses and one (1) phone call were received from nine (9) members of the public, which will be addressed later in this report. The primary concerns were related to the proposed height and density, shadow and privacy impacts, traffic and parking issues, and construction impacts.

## 2.4 Policy Context (see more detail in Appendix D)

### *Provincial Policy Statement, 2020*

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

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

### *The London Plan*

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

The London Plan provides Key Directions that must be considered to help the City effectively achieve its vision (54\_). These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to plan strategically for a prosperous city by:

- Planning for and promoting strong and consistent growth and a vibrant business environment that offers a wide range of economic opportunities.
- Creating a strong civic image by improving the downtown, creating and sustaining great neighbourhoods, and offering quality recreational opportunities.
- Revitalizing our urban neighbourhoods and business areas.

- Planning for cost-efficient growth patterns that use our financial resources wisely.
- Investing in, and promoting, affordable housing to revitalize neighbourhoods and ensure housing for all Londoners. (Key Direction #1, Directions 1, 2, 4, 11, and 13).

The London Plan provides direction to celebrate and support London as a culturally rich, creative, and diverse city by:

- Revitalizing London's downtown, urban main streets, and their surrounding urban neighbourhoods to serve as the hubs of London's cultural community.
- Developing affordable housing that attracts a diverse population to the city. (Key Direction #3, Directions 9 and 11).

The London Plan provides direction to build a mixed-use compact city by:

- Implementing a city structure plan that focuses high-intensity, mixed-use development to strategic locations - along rapid transit corridors and within the Primary Transit Area.
- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Sustaining, enhancing, and revitalizing our downtown, main streets, and urban neighbourhoods.
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward.
- Ensuring a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 3, 4, and 5).

The London Plan provides direction for a new emphasis on creating attractive mobility choices by:

- Establishing a high-quality rapid transit system in London and strategically use it to create an incentive for development along rapid transit corridors and at transit villages and stations.
- Linking land use and transportation plans to ensure they are integrated and mutually supportive.
- Focusing intense, mixed-use development to centres that will support and be served by rapid transit integrated with walking and cycling.
- Dependent upon context, requiring, promoting, and encouraging transit-oriented development forms. (Key Direction #6, Directions 3, 4, 5, and 6).

The London Plan provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character. (Key Direction #7, Direction 3).

Lastly, The London Plan provides direction to make wise planning decisions by:

- Ensuring that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement.
- Avoiding current and future land use conflicts – mitigate conflicts where they cannot be avoided.
- Ensuring new development is a good fit within the context of an existing neighbourhood.
- Ensuring health and safety is achieved in all planning processes. (Key Direction #8, Directions 1, 8, 9, and 10).

The site is in the Rapid Transit Corridor and Neighbourhoods Place Types, as identified on \*Map 1 – Place Types. Specifically, the four properties fronting on Oxford Street East are in the Rapid Transit Corridor Place Type while the four properties fronting on Ayreswood Avenue are in the Neighbourhoods Place Type on a Neighbourhood Street, as shown on Map 3 – Street Classifications. Rapid Transit Corridors are identified as Protected Major Transit Station Areas, as shown on Map 10 – Protected Major Transit

Station Areas (860A\_). The subject lands are also located in the Near-Campus Neighbourhoods, as identified on \*Map 7 – Specific Policy Areas.

### *1989 Official Plan*

The site is designated Low Density Residential in accordance with Schedule 'A' of the 1989 Official Plan and is located in the Near-Campus Neighbourhoods. The applicant has requested to redesignate the subject lands to Multi-Family, High Density Residential (MFHDR) to facilitate the proposed development. The Low Density Residential designation is applied to lands that are primarily developed or planned for low-rise, low density housing forms including detached, semi-detached, and duplex dwellings. Where appropriate, some multiple-attached dwellings at densities similar to neighbouring detached units may be permitted (3.2). Development shall result in net densities that range to an approximate upper limit of 30 units per hectare (3.2.2). Residential intensification may be considered up to a maximum density of 75 units per hectare (3.2.3.2).

The MFHDR designation is intended to accommodate large-scale, multiple-unit forms of residential development. The preferred locations for this designation are lands adjacent to major employment centres, shopping areas, major public open space, transportation routes, and where high density development will not adversely affect surrounding land uses (3.4). Excluding provisions for bonusing, net residential densities will normally be less than 350 units per hectare in the Downtown Area, 250 units per hectare in Central London, and 150 units per hectare outside of Central London (3.4.3).

## **3.0 Financial Impact/Considerations**

None.

## **4.0 Key Issues and Considerations**

### **4.1 Issue and Consideration #1: Rapid Transit Corridor Boundary Interpretation**

The applicant has requested all eight properties be interpreted to be within the Rapid Transit Corridor Place Type, pursuant to policies 833\_ to 835\_ of The London Plan. The depth of the Corridor Place Types shown on \*Map 1 is generally aligned with the lot fabric that is adjacent to the major street. In some instances, it may be desirable to allow for the assembly of additional lots outside of the Corridor, together with a lot that is clearly located within the Corridor identified on \*Map 1, through an interpretation of the Corridor Place Type boundary (833\_). Such an interpretation may allow for the consolidation of lots to create a viable development parcel, such that a property may be developed in accordance with the vision for the Corridor while managing and mitigating potential impacts on the adjacent neighbourhood (834\_). In accordance with policy 835\_, the following criteria will be used to guide the interpretation of the Corridor Place Type boundary:

- 1. A boundary interpretation shall only be made concurrent with the review of a zoning by-law amendment application. This will allow for considerations of planning impact and compatibility to be addressed when such interpretations are made.*
- 2. The zoning by-law amendment application will be reviewed in conformity with the Planning and Development Applications section in the Our Tools part of this Plan.*
- 3. The by-law amendment application shall demonstrate the need for lot assembly to achieve a development form that is in keeping with the vision for the Corridor Place Type and will provide justification for the boundary interpretation.*
- 4. If the site is located on a corner, the proposed front face of the building shall be oriented to the Civic Boulevard or Urban Thoroughfare, and shall not be oriented to the more minor "side-street".*
- 5. The evaluation of a development proposal will have consideration for how automobile access and circulation will be managed to mitigate potential impacts on the interior portions of the neighbourhood.*

6. *The interpretation of the Place Type boundary should not result in the creation of one or more isolated remnant lots that cannot be reasonably developed or assembled with other parcels in the Place Type to be developed in accordance with the long-term vision for the Corridor. Design concepts may be required to demonstrate how remnant lots can ultimately be developed*

The applicant is commended for assembling all eight properties, with no remnant parcels left orphaned, to facilitate a comprehensive redevelopment. However, in accordance with Policies 834\_ and 835\_3, boundary interpretations are only to be made where there is a demonstrated need for lot assembly to achieve a development form in keeping with the vision for the Corridor Place Type. While staff agree the assembly of these properties would facilitate a more comprehensive redevelopment, the proposed development is inconsistent with the vision of the Rapid Transit Corridor Place Type. As such, staff do not recommend the four properties in the Neighbourhoods Place Type be interpreted to be within the Rapid Transit Corridor Place Type at this time.

#### **4.2 Issue and Consideration #2: Use**

*Provincial Policy Statement, 2020*

The PPS promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodate an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs; and the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1).

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

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment; promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations (1.4.3).

Policy 1.6.7.4 of the PPS further encourages land use patterns, densities and a mix of uses that reduce the length and number of vehicle trips and support current and future use of transit and active transportation. Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1 a)).

The subject site is located in an area well serviced by existing and planned transit and is immediately south of Fanshawe College, a major institution. As such, staff agree the site would be suitable for residential intensification; however, staff are also of the opinion that residential intensification in this location needs to be of an appropriate scale and density to meet the Province's goals for a range and mix of housing options,

efficient use of land, and transit-supportive development. The application, as proposed, is not consistent with the PPS.

#### *The London Plan*

The vision for the Corridors is to be realized through a number of implementation measures, including planning for a mix of residential and a range of other uses along corridors to establish demand for rapid transit services and allowing for a wide range of permitted uses and greater intensities of development along Corridors close to rapid transit stations (830\_4 and 5). However, the interface between corridors and the adjacent lands within less intense neighbourhoods must also be carefully managed (830\_6).

A range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted within the Corridor Place Type (\*837\_1). Mixed-use buildings are encouraged, and where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade (\*837\_2 and 4). Consistent with the general Use policies of the Rapid Transit Corridor Place Type, a range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted in the Rapid Transit Corridor Protected Major Transit Station Areas. Mixed-use buildings are encouraged (860E\_).

The proposed development provides for a mixed-use building with commercial uses (retail and café) at grade and residential above. Other active uses, including a lobby and study spaces, are provided at grade to activate the street frontages. As such, staff are agreeable that the proposed uses are in conformity with the policies of The London Plan.

#### *1989 Official Plan*

The applicant has requested to redesignate the subject lands from Low Density Residential to Multi-Family, High Density Residential (MFHDR). In addition to areas predominantly composed of existing or planned high density residential development, the preferred locations for the MFHDR designation shall include areas near the periphery of the Downtown that are appropriate for redevelopment; lands in close proximity to Enclosed Regional Commercial Nodes or New Format Regional Commercial Nodes or Community Commercial Nodes, Regional Facilities or designated Open Space areas; and, lands abutting or having easy access to an arterial or primary collector road (3.4.2).

While not located on the periphery of the Downtown, the subject lands are located immediately to the south of Fanshawe College, a Regional Facility. A Community Commercial Node is located west of the site at the southwest quadrant of the intersection of Oxford Street East and Highbury Avenue North. The subject lands directly front onto Oxford Street East, an arterial road, and are located immediately adjacent to lands designated and developed for high density residential uses.

Although the site is in keeping with the locational criteria consideration must also be given to the following criteria in designating lands MFHDR:

- i) Compatibility: Development of the site or area for high density residential uses shall take into account surrounding land uses in terms of height, scale and setback and shall not adversely impact the amenities and character of the surrounding area.*

The subject lands are surrounded by: Fanshawe College (a major institution) to the north; a 14-storey high density residential apartment building to the east; low density residential to the south; and low and medium density residential to the west. Further west, at the southeast corner of Oxford Street East and Highbury Avenue North, is the former London Psychiatric Hospital which is proposed for redevelopment and is subject to the specific policies of the London Psychiatric Hospital Lands Secondary Plan.

- ii) *Municipal services: Adequate municipal services can be provided to meet the needs of potential development.*

While City Engineering staff have identified sanitary capacity issues, they have also advised that higher density mixed-use development at a maximum intensity of 12 storeys, in accordance with the Intensity policies of The London Plan, could be supported.

- iii) *Traffic: Traffic to and from the location should not have a significant impact on stable low density residential areas.*

The applicant prepared a Traffic Impact Assessment (Salvini Consulting, May 2020). The findings of this report were accepted by Transportation Planning and Design staff. The subject site is located at the intersection of an arterial road and a local street with a cul-de-sac. Access to the site is proposed from the local street rather than the arterial road, which provides access to three other properties. As the street ends in a cul-de-sac, traffic from the subject lands would not be routed through the low density residential neighbourhood to the south.

- iv) *Buffering: The site or area is of suitable shape and size to accommodate high density housing and provide for adequate buffering measures to protect any adjacent low density residential uses.*

Collectively, the subject lands have a frontage along Oxford Street East of approximately 70 metres, a depth along Ayreswood Avenue of approximately 98 metres, and an area of approximately 0.68 hectares. While staff has concerns with the magnitude of the proposed development, it is acknowledged that the site is of a suitable shape and size to accommodate higher density development than what currently exists.

- v) *Proximity to Transit and Service Facilities: Public transit service, convenience shopping facilities and public open space should be available within a convenient walking distance.*

Oxford Street East is a planned route for the Bus Rapid Transit (BRT) system. Bus stops for existing transit services are also available along Oxford Street East and on Fanshawe College's campus.

Staff are agreeable that the site satisfies the locational criteria of the MFHDR designation and is of a sufficient size and shape to accommodate high density residential development. However, redesignation of the site is not recommended until such time as a development concept in conformity with the policies of the 1989 Official Plan and The London Plan is received.

The primary permitted uses in the MFHDR designation include low-rise and high-rise apartment buildings; apartment hotels; multiple-attached dwellings; emergency care facilities; nursing home; rest homes; homes for the aged; and rooming and boarding houses (3.4.1).

The proposed development includes 500 square metres of ground floor commercial space, including retail and café uses. The 1989 Official Plan generally encourages new convenience commercial uses to locate in the Commercial designations, but they may be permitted in the MFHDR by Official Plan amendment and zoning change subject to locational and scale criteria (3.4.1 ii). The requested Official Plan amendment did not include a Specific Area Policy to permit these commercial uses. In order to permit such uses, a revised application would be required along with a revised Notice of Application circulated to the public. Regardless, staff is not supportive of the high-rise apartment building as proposed and as a result, the proposed secondary commercial uses are also not supported. However, consideration could be made for a limited range of secondary commercial uses should a mixed-use building at an appropriate scale and density be proposed in the future.

### 4.3 Issue and Consideration #3: Intensity

#### *Provincial Policy Statement, 2020*

The policies of the PPS direct planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3).

Planning authorities are further directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional residential units and redevelopment (1.4.3b)). Densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and supports the use of active transportation and transit in areas where it exists or is to be developed, is promoted by the PPS (1.4.3d)).

Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs (1.1.3.3).

Planning authorities shall ensure to identify areas where growth or development will be directed, including the identification of nodes and the corridors linking these nodes (1.2.4, 1.2.5).

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are available to meet current and projected needs (1.6.1 b)).

While staff agree the site is in an appropriate location to support higher intensities that would benefit from proximity to existing services, transit, and a major institution, the proposed development represents a high-rise and intense built form that is inconsistent with the established land use pattern and surrounding neighbourhood. The proposed intensity of 24 storeys is much greater than the surrounding low-rise residential development and is 10 storeys greater than the adjacent 14 storey residential apartment building, increasing risk of issues of compatibility with the surrounding context.

The applicant prepared a Servicing Feasibility Study (Strick, Baldinelli, Moniz Limited, April 2020) and a Sanitary Servicing Memo (Strick, Baldinelli, Moniz Limited, May 2021) in support of the proposed development. However, City Engineering staff have identified capacity issues in the downstream sanitary with the proposed development, as the capacity analysis has not met the City's requirements. As such, the density of the proposed development is not appropriate for the infrastructure currently available to service the site.

#### *The London Plan*

Located in the Primary Transit Area and along rapid transit routes, the Rapid Transit Corridors will be some of the most highly-connected neighbourhoods in our city and are linked to the Downtown and to the Transit Villages. Most of these corridors will be fundamentally walkable streetscapes, with abundant trees, widened sidewalks, and development that is pedestrian- and transit-oriented. Those parts of the Rapid Transit Corridors that are in close proximity to transit stations may allow for a greater intensity and height of development to support transit usage and provide convenient transportation for larger numbers of residents (827\_).

Development within Corridors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility (\*840\_1). Lot assembly is encouraged within the Corridor Place Types to create comprehensive developments that reduce vehicular accesses to the street and to allow for coordinated parking facilities (\*840\_3).

For properties located on a Rapid Transit Corridor, the standard maximum height is 8 storeys or 12 storeys with a Type 2 Bonus Zone (\*Table 9). Properties located on a Rapid Transit Corridor within 100 metres of rapid transit stations, or properties at the intersection of a Rapid Transit Corridor and a Civic Boulevard or Urban Thoroughfare, are permitted a standard maximum height of 12 storeys or 16 storeys with Type 2 Bonus (\*840\_6 and \*Table 9). However, the subject lands are not located within 100 metres of a rapid transit station, nor are they located at the intersection of a Rapid Transit Corridor and a Civic Boulevard or Urban Thoroughfare. The closest rapid transit station is at Oxford Street East and London Lane as identified on Map 3, approximately 291 metres from the closest point of the site. In addition, the lands are located on a Rapid Transit Corridor intersecting a Neighbourhood Street, the lowest order street.

Each Rapid Transit Corridor Protected Major Transit Station Area will be planned to achieve a minimum number of 120 residents and jobs combined per hectare (860B\_). Consistent with the general Intensity policies, the minimum building height is two storeys or eight metres and the maximum building height is 12 storeys, or 16 storeys for areas within 100 metres of a rapid transit station (860C\_). The minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses (860D\_).

The maximum intensity permitted on the subject site is 12 storeys, in conformity with the Rapid Transit Corridor Place Type policies and the Rapid Transit Corridor Protected Major Transit Station Area policies. The proposed building height of 24 storeys is twice the maximum permitted intensity for the site. It should also be noted that the proposed intensity is also beyond the maximum 22 storey intensity permitted (through Type 2 Bonusing) in the Transit Village Place Type, which is second only to the Downtown in terms of the mix of uses and intensity of development that is permitted (807\_, \*813\_, 815C\_).

The applicant has requested to amend The London Plan to add a Specific Area Policy to permit a 24 storey, mixed-use building with a Type 2 Bonus Zone. Staff is of the opinion that the facilities, services, and matters proposed in return for the requested increased intensity are not commensurate for the requested increase in intensity. Further, staff have significant concerns with the proposed building form and risk of over intensification of the site, given the level of departure from the maximum intensity permitted by policy. These issues are addressed in greater detail in Sections 4.4 and 4.6 of this report. The proposed intensity conflicts with the overall vision of the Rapid Transit Corridor Place Type, therefore it is recommended the requested amendment be refused.

#### *1989 Official Plan*

Net residential densities in the MFHDR designation vary by location and will normally be less than 350 units per hectare in the Downtown Area, 250 units per hectare in Central London, and 150 units per hectare outside of Central London, excluding provisions for bonusing (3.4.3). The subject lands are located outside of Central London and if redesignated to MFHDR, would normally be considered for development with a density up to 150 units per hectare. The proposed 259 residential units and 500 square metres of commercial gross floor area equate to a mixed-use density of 390 units per hectare.

In accordance with policy 3.4.3ii), Council may consider proposals to allow higher densities than would normally be permitted. Zoning to permit higher densities will only be approved where a development satisfies all of the following criteria:

- a) *the site or area shall be located at the intersection of two arterial roads or an arterial and primary collector road, and well-served by public transit;*

The subject site is located at the intersection of an arterial road and a local street, as identified on Schedule 'C'.

- b) *the development shall include provision for unique attributes and/or amenities that may not be normally provided in lower density projects for public benefit such as, but not limited to, enhanced open space and recreational facilities, innovative forms of housing and architectural design features;*

The proposed development does not include provision for unique attributes or amenities, such as enhanced open space and recreational facilities, innovative forms of housing, or architectural design features.

- c) *parking facilities shall be designed to minimize the visual impact off-site, and provide for enhanced amenity and recreation areas for the residents of the development;*

The majority of the parking is located in an underground parking garage, with some surface parking provided at the rear of the site. However, there is limited landscaped open space available at grade. Rooftop amenity space is provided above the fourth storey, as well as patio areas at grade along the Oxford Street East and Ayreswood Avenue street frontages.

- d) *conformity with this policy and urban design principles in Section 11.1 shall be demonstrated through the preparation of a secondary plan or a concept plan of the site which exceed the prevailing standards; and*

A full analysis of the urban design principles in Section 11.1 of the 1989 Official Plan is provided in Section 4.4 of this report. However, staff is not of the opinion that the site has been designed in a manner which exceeds prevailing standards.

- e) *the final approval of zoning shall be withheld pending a public participation meeting on the site plan and the enactment of a satisfactory agreement with the City.*

The subject site and proposed development satisfy some, but not all, of the above criteria. Council, under the provisions of policy 19.4.4. and the Zoning By-law, may allow an increase in the density above the limit otherwise permitted by the Zoning By-law in return for the provision of certain public facilities, amenities, or design features (3.4.3iv)). As such, the applicant has requested a bonus zone to permit a maximum density of 390 units per hectare and a maximum building height of 77 metres. The public facilities, amenities, and design features proposed in return for the requested height and density are addressed in greater detail in Section 4.6 of this report. Staff is of the opinion that these features are not commensurate for the proposed increase in height and density.

#### **4.4 Issue and Consideration #4: Form**

##### *Provincial Policy Statement, 2020*

The PPS is supportive of appropriate development standards which facilitate intensification, redevelopment, and compact form (1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

While redevelopment and intensification of the subject lands would contribute to achieving a more compact form of growth, it is important that intensification is done in manner which is appropriate and is sensitive to the context of existing neighbourhoods. In staff's opinion the proposed high density apartment building is seeking an intensity and built form which is inconsistent with the established land use pattern and surrounding neighbourhood and is therefore not in keeping with the PPS.

## *The London Plan*

The Form policies of the Rapid Transit Corridor Place Type establish a number of directions for planning and development applications. These policies direct buildings to be sited close to the front lot line to create a pedestrian-oriented street wall while providing appropriate setbacks from properties adjacent to the rear lot line, break up and articulate the mass of large buildings fronting the street to support a pleasant and interesting pedestrian environment, and encourage windows, entrances and other features that add interest and animation to the street (841\_2 and 841\_3). Surface parking areas should be located in the rear and interior side yards; underground parking and structured parking integrated within the building design is encouraged (841\_12). In general, buildings are to be designed to mitigate the impact of new development on adjacent neighbourhood areas (841\_13).

In addition to the Form policies of the Rapid Transit Corridor Place Type, all planning and development applications will conform with the City Design policies of The London Plan (841\_1). These policies direct all planning and development to foster a well-designed building form, and ensure development is designed to be a good fit and compatible within its context (193\_1 and 193\_2). The site layout of new development should be designed to respond to its context, the existing and planned character of the surrounding area, and to minimize and mitigate impacts on adjacent properties (252\_ and 253\_).

High and mid-rise buildings should be designed to express three defined components: a base, middle, and top (289\_). High-rise buildings should be designed to minimize massing, shadowing, visual impact, and the obstruction of views from the street, public spaces, and neighbouring properties. To achieve these objectives, high-rise buildings should take the form of slender towers and should not be designed with long axis where they create an overwhelming building mass (293\_).

### *Base*

High-rise buildings will incorporate a podium at the building base, or other design solutions to reduce the apparent height and mass of the building on the pedestrian environment, allow sunlight to penetrate the right-of-way, and reduce wind impacts (929\_). The base should establish a human-scale façade with active frontages including, where appropriate, windows with transparent glass, forecourts, patios, awnings, lighting, and the use of materials that reinforce a human scale (289\_1).

The base of the building has been designed with many positive features, which were commended by Urban Design staff. These include: an active built form along both the Oxford and Ayerswood street edges; creation of a distinct base with an animated multi-storey podium wrapped by active uses and creative high quality material usage; locating primary patio areas along Ayerswood Avenue; and outdoor amenity areas at podium level adjacent to amenity rooms. A rendering depicting the base of the building is contained in Appendix B.

### *Middle and Top*

The middle should be visually cohesive with, but distinct from, the base and top (289\_2). The middle of the building is the portion of the building above the podium-base and consists of the residential tower. The top should provide a finishing treatment, such as roof or a cornice treatment, to hide and integrate mechanical penthouses into the overall building design (289\_3).

The middle of the proposed building consists of varying heights from 9 to 14 storeys at the rear, 14 storeys on the east side and along the Oxford Street East frontage, and a 24 storey tower positioned at the corner. While the varying heights provide some transition from adjacent properties, it also results in a heavy slab-like building mass that imposes on both street frontages and the surrounding neighbourhood. Building elevations are provided in Appendix B.

Staff have identified the following design refinements required to the tower portion of the building:

- Design the tower floorplate (above 8 storeys) as a slender point tower (maximum floor plate size of up to 1000 square meters) with the mass focused along Oxford Street East to reduce the "slab-like" appearance of the towers, wind tunnel effects, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces.
- Reduce the mid-rise portion to be a maximum of up to 8 storeys with terracing and step-backs to reduce shadow impacts and visual mass and to allow sunlight penetration to the streetscape.
- Provide a step-back above the lower levels (floors 3-4) at a minimum of 3 meters to create a human-scale street wall along the public streets.
- Provide a more sympathetic transition to low-density forms by lowering the rear portion of the building to be 8 storeys or less, in keeping with a mid-rise form to reduce the visual mass and privacy impacts to the single family homes to the south.
- Design the tower to include a high degree of glazing and fenestration in order to add interest and break-up the massing of the buildings.
- Design and distinguish the top of the building through an articulated roof form, step-backs, cornices, material change and/or other architectural details and screen/integrate the mechanical and elevator penthouses into an architecture of the building.

The initial application was reviewed by the Urban Design Peer Review Panel (The Panel) on November 18, 2020. The Panel commended the applicant for providing a design solution which addresses Oxford Street East and Ayerswood Avenue through an overall site organization with building frontage located along Oxford Street and Ayreswood Avenue with café, retail, and study space activating the ground floor; vehicular access off of the Ayerswood cul-de-sac with waste management, surface parking, and underground parking ramp located internal to the site and screened from view; and a clearly articulated building entrance. The Panel expressed concern with certain elements of the tower and recommended avoiding the slab typology of the neighbouring building, reducing the tower floor plate, and considering alternative approaches for distributing or reducing the density to develop a more appropriate building mass or tower form.

The amended application was reviewed by the Panel on June 16, 2021. The Panel commended the applicant for thoughtful modifications to the building design, including changes to the material palette and proportions of the building base to create a more pronounced active built edge condition along Oxford Street East. However, the Panel did question the proposed building cap and suggested it be reconsidered to present a more subtle building top that is more seamlessly integrated into the building form. In addition, the Panel commended the applicant for architectural changes that have helped to break down and redistribute the building massing in a manner that attempts to integrate with the adjacent neighbourhood areas, the existing building to the east, and the future context of the Rapid Transit Corridor. However, some panelists remained concerned about the overall volume and mass of the building relative to the planned context of the area and City policies regarding building height and massing along the Rapid Transit Corridor.

While the proposed built form offers some positive features and has addressed some of the City Design and Form policies of the Rapid Transit Corridor Place Type, there are substantial revisions required to the tower design which to date have not been addressed. Failure to incorporate these revisions into the tower design results in a very heavy building mass that is inconsistent within the context of the site and imposes on the surrounding low density residential neighbourhood.

#### *1989 Official Plan*

One of the overall objectives for the Multi-Family, High Density Residential designation is to promote the design of high density residential developments that are sensitive to

the scale and character of adjacent land uses (3.1.4.iii). The subject site abuts a low-rise residential neighbourhood to the south and west, representing a high-rise development form with significant intensity in proximity to sensitive uses. Development proposals are further guided by the urban design principles in Chapter 11 for evaluation and review, including:

- v) *Architectural Continuity: The massing and conceptual design of new development should provide for continuity and harmony in architectural style with adjacent uses which have a distinctive and attractive visual identity or which are recognized as being of cultural heritage value or interest.*

Although the site is not located in an area with architectural significance, the proposed development represents a departure from the architectural style of adjacent uses. The area is largely characterized by existing low density residential uses, save and except the existing high density apartment building to the east of the site. The proposed development however fails to provide continuity and harmony with this adjacent high density apartment given the 10 storey difference in intensity.

- viii) *Pedestrian Traffic Areas: In pedestrian traffic areas, new development should include street-oriented features that provide for the enhancement of the pedestrian environment, such as canopies, awnings, landscaped setbacks and sitting areas.*

The site is located across from a major pedestrian destination point (Fanshawe College). The base of the building has made an effort to provide a pedestrian-scale environment, however Urban Design staff recommend greater tower setbacks from the edge of the podium be provided to assist in minimizing the building mass from the street level. Enhanced sidewalks and patio areas are provided along both street frontages to provide ground-level amenity areas. However, the proposed building coverage and amount of hardscaping results in limited opportunity for landscaping at grade.

- ix) *Access to Sunlight: The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets. In reviewing proposed developments, access to sunlight for adjacent properties should be maximized to enhance the potential for energy conservation and the amenity of residential areas and open space areas, such as parkettes and outdoor plazas.*

A Shadow Study was submitted as part of the complete application, demonstrating little shadowing impact on the low rise residential neighbourhood to the south throughout the year. However, shadows are cast on Fanshawe College, the adjacent high density residential property to the east, and on the pedestrian environment along Oxford Street East. Images from the Shadow Study are contained in Appendix C.

- x) *Landscaping: Landscaping should be used to conserve energy and water, enhance the appearance of building setback and yard areas, contribute to the blending of new and existing development and screen parking, loading, garbage and service facilities from adjacent properties and streets.*

Limited landscaping is provided at grade to buffer the proposed development from adjacent sites. Special provisions for reduced interior side yard depths further restrict the viability for landscaping.

- xiv) *Privacy: To the extent feasible, the design and positioning of new buildings should minimize the loss of privacy for adjacent residential properties.*

Privacy concerns were raised by the public through the circulation of the application. While the tallest point of the tower is oriented towards the corner

of the site, the proposed building presents concerns for overlook into private amenity spaces of adjacent properties. The 9 and 14 storey mid-portions of the building at the rear of the site constitute a tall building, and results in a significant height difference from the adjacent low rise residential properties. The building does not offer a low or mid-rise transition from these adjacent properties, resulting in an imposing mass and privacy concerns.

While efforts have been made on the site and building design, the proposed intensity and built form is not appropriate nor compatible within the context of the existing neighbourhood. Urban Design staff have provided several recommendations for design refinements to address the form-based concerns, which have not been incorporated into the design to date. In accordance with Policy 3.7, a Planning Impact Analysis is to be used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses. The Planning Impact Analysis is contained in Appendix D and addresses matters of both intensity and form.

#### **4.5 Issue and Consideration #5: Near-Campus Neighbourhoods**

Near-Campus Neighbourhoods are identified as extremely valuable city neighbourhoods that will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all (963\_ and 964\_; 3.5.19.3). The policies of The London Plan and 1989 Official Plan establish a number of planning goals in an effort to support this vision for these neighbourhoods (965\_; 3.5.19.4.). These goals are intended to serve as an additional evaluative framework for all planning applications within Near-Campus Neighbourhoods, and include:

- Planning for residential intensification in a proactive, coordinated, and comprehensive fashion;
- Identifying strategic locations where residential intensification is appropriate within Near-Campus Neighbourhoods and which use strong transit connections to link these opportunities to campuses;
- Avoiding incremental changes in use, density, and intensity that cumulatively lead to undesirable changes in the character and amenity of streetscapes and neighbourhoods;
- Encouraging a balanced mix of residential structure types at appropriate locations while preserving stable residential areas and recognizing areas that have already absorbed significant amounts of intensification;
- Encourage appropriate forms of intensification that support the vision for Near-Campus Neighbourhoods and encouraging residential intensification in mid-rise and high-rise forms of development;
- Directing residential intensification to significant transportation nodes and corridors and away from interior of neighbourhoods;
- Utilizing zoning to allow for residential intensification which is appropriate in form, size, scale, mass, density, and intensity;
- Ensuring that residential intensification projects incorporate urban design qualities that enhance streetscapes and contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties.
- Encourage affordable housing opportunities; and,
- Ensure intensification is located and designed to respect the residential amenity of nearby properties.

In Near-Campus Neighbourhoods, residential intensification or an increase in residential intensity may be permitted in the Neighbourhoods Place Type and MFMDR and MFHDR designations where the following criteria is met (968\_; 3.5.19.9):

- The proposed development is consistent with Tables 10 to 12 in the Neighbourhoods Place Type;
- The development provides for adequate amenity area;
- Mitigation measures are incorporated which ensure surrounding residential land uses are not negatively impacted;
- The proposal does not represent a site-specific amendment for a lot that is not unique within its context and does not have any special attributes;

- The proposal is appropriate in size and scale and does not represent over-intensification of the site; and
- The proposal establishes a positive and appropriate example for similar locations in the Near-Campus Neighbourhoods areas.

Policy 969\_ of The London Plan and Policy 3.5.19.5 of the 1989 Official Plan further discourage forms of intensification within Near-Campus Neighbourhoods that:

- Are inconsistent with uses and intensity shown in Tables 10 to 12 of The London Plan;
- Are within neighbourhoods that have already absorbed significant amounts of residential intensification and/or residential intensity;
- Require multiple variances that, cumulatively, are not in keeping with the spirit and intent of the zoning that has been applied;
- Are located on inadequately sized lots that do not reasonably accommodate the use, intensity or form of the proposed use;
- Contain built forms that are not consistent in scale and character with the neighbourhood;
- Continue an ad-hoc and incremental trend towards residential intensification within a given street, block or neighbourhood.

Residential Intensification in the form of medium and large-scale apartment buildings situated at appropriate locations in the MFMDR and MFHDR designations are preferred in Near-Campus Neighbourhoods (3.5.19.6). In areas designated MFMDR and MFHDR, planning applications to allow for Residential Intensification or Residential Intensity are directed to those areas located along arterial roads and designated accordingly (3.5.19.9).

Urban design qualities are to be incorporated into the design to ensure intensification projects contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties. Zoning is to be utilized to ensure residential intensification occurs in a manner which is appropriate in form, size, scale, mass, density, and intensity. The proposed development does not satisfy these policies, as the intensity and density far exceed the maximum contemplated by the Rapid Transit Corridor Place Type, the Rapid Transit Corridor Protected Major Transit Station Area, and the proposed MFHDR designation.

Staff is generally agreeable that redevelopment of the subject lands with higher intensity residential development aligns with the intent of the Near-Campus Neighbourhoods policies. The subject lands are located on an arterial road in a strategic location where residential intensification would be appropriate. High-rise forms of redevelopment are preferred in Near-Campus Neighbourhoods and are directed to significant transportation nodes and corridors, away from the interior of neighbourhoods. In addition, the consolidation of eight properties, currently comprised of single detached dwellings, would result in a more coordinated and comprehensive approach to redevelopment. However, the proposed form, scale, mass, density, and intensity are not appropriate for the site, as detailed in the Planning Impact Analysis contained in Appendix D of this report.

While the site is of a suitable size and shape to accommodate residential intensification, the intensity of the proposed development is too great and would result in over-intensification of the site and impacts on the residential amenity of nearby properties. As such, the proposed development does not satisfy the criteria for residential intensification in the Near-Campus Neighbourhoods.

#### **4.6 Issue and Consideration #6: Proposed Bonus Zone**

In accordance with the Our Tools policies of The London Plan, Type 2 Bonus Zoning may be applied to permit greater height or density in favour of a range of facilities, services, or matters that provide significant public benefit in pursuit of the City Building goals (\*1650\_). Specific facilities, services, or matters contemplated under Type 2 Bonus Zoning are contained in policy \*1652\_. Under the provisions of Policy 19.4.4, Council may allow an increase in the density above the limit otherwise permitted by the

Zoning By-law in return for the provision of certain public facilities, amenities, or design features (3.4.3.iv)). Chapter 19.4.4ii) of the 1989 Official Plan establishes a number of objectives which may be achieved through Bonus Zoning. The applicant is proposing a maximum building height of 77 metres and increased maximum density of 390 units per hectare, whereas 150 units per hectare is permitted in the proposed Residential R9 (R9-7) Zone.

The applicant proposes the following facilities, services, and matters in return for additional height and density:

- i) Affordable Housing Units – 20 units at 85% market rate, for a period of 50 years.
- ii) Public Parking for BRT – 80 parking spaces for public use in the underground garage.
- iii) Exceptional building and site design, including improved streetscapes along Oxford Street East and Ayreswood Avenue.

Notwithstanding the applicant's offer of affordable housing, a recommendation letter from the Housing Development Corporation (HDC) has not been received to confirm the status of negotiations or the adequacy of the applicant's affordable housing proposal. The applicant has requested a reduction in the number of required parking spaces, as the proposed development is deficient by 82 spaces. While requesting the parking reduction, the applicant has also proposed 80 spaces dedicated for public use as a bonusable feature. Staff is of the opinion that since the proposed development is already deficient in parking, dedication of spaces for public use should not be used to support additional height and density through the bonus zone. Lastly, as detailed in Section 4.4 of this report, staff is not satisfied with the site or building design, therefore the development should not be granted additional height and density on the basis of exceptional design. Although the need for affordable housing is recognized, staff is of the opinion that the limited range of proposed bonusable features is not commensurate for an intensity twice the maximum permitted by policy.

In addition to the proposed increased height and density, the applicant has also requested a number of special provisions through the bonus zone to facilitate the proposed development:

- A reduced minimum front yard depth of 1.9m to the podium (Floors 1-4), whereas 10m is required;
- A reduced minimum front yard depth of 5.2m to the tower (Floors 5-24), whereas 16m is required;
- A reduced minimum exterior side yard depth of 7.7m (Floors 1-4), whereas 8m is required;
- A reduced minimum exterior side yard depth of 11m (Floors 18-24), whereas 13.4m is required;
- A reduced minimum exterior side yard depth to stairs leading to underground parking of 5m, whereas a minimum of 6m is required;
- A reduced minimum interior side yard depth of 1.7m (Floors 1-4), whereas 6m is required;
- A reduced minimum interior side yard depth of 4.3m (Floors 5-14), whereas 18m is required;
- A reduced minimum interior side yard depth of 26.7m (Floors 15-24), whereas 31m is required;
- A reduced minimum interior side yard depth to stairs leading to underground parking of 0.2m, whereas a minimum of 4.5m is required;
- A reduced minimum rear yard depth of 41.4m (Floor 14), whereas 43.5m is required;
- A reduced minimum rear yard depth of 54.1m (Floors 18-24), whereas 77m is required;
- A reduced minimum rear yard depth to stairs leading to underground parking of 3.1m, whereas a minimum of 6m is required;
- A reduced landscape open space of 27.9%, whereas a minimum of 30% is required;

- An increased maximum lot coverage of 33.8%, whereas a maximum of 30% is permitted;
- Reduced minimum parking of 283 spaces for all uses, whereas 365 spaces are required; and,
- Reduced minimum accessible parking of 4 spaces, whereas 10 spaces are required.

Staff have concerns with the extent of relief and number of special provisions needed to facilitate the proposed development, as this is a frequent indicator of over-development. The proposed Residential R9 (R9-7) Zone regulates setbacks based on building height, requiring increased minimum setbacks for taller buildings. Staff support the general request for reduced front and exterior side yard depths, as this enables the building to be brought closer to the public streets to achieve an activated streetscape. However, as noted previously in 4.4 of this report, staff's comments on design have identified greater setbacks should be provided above the building base to facilitate a more human-scale, pedestrian oriented streetscape.

Of greatest concern are the reduced interior side yard depths, as the proposed 1.7 metre setback leaves little opportunity for plantings and vegetative buffers, and continues to reduce as the side lot line tapers towards the rear of the site. The building is set back 0.9 metres at its closest point to the side lot line, which lends no opportunity for plantings and provides very little separation from the adjacent property. It should be noted that this reduced setback has not been captured in the revised application and would need to be addressed should Council approve the requested amendments. These narrow side yards also lead to Stormwater issues as it limits the available space for landscaping to help deal with stormwater runoff.

The Traffic Impact Assessment (Salvini Consulting, May 2020) submitted as part of the complete application includes a justification for the proposed parking reduction, which was accepted by City Transportation and Design staff with no further comments. In general, Planning and Development staff have no concerns with a parking reduction at this location, given the site's proximity to Fanshawe College and its location along a Rapid Transit Corridor. However, staff does have concerns with the requested reduction in accessible parking spaces.

Lastly, the applicant has requested an increase in building coverage and a decrease in landscaped open space. The site is largely occupied by the proposed building and hardscaping, and notwithstanding the identified rooftop amenity area, the proposed development offers no outdoor amenity area at grade on the property.

#### **4.7 Issue and Consideration #7: Proposed Commercial Zone**

To facilitate the mixed-use component of the proposed development, the applicant has requested to compound a Neighbourhood Shopping Area (NSA3) Zone with the proposed Residential R9 (R9-7) Zone. The NSA3 Zone would permit a range of commercial uses, including: bake shops; catalogue stores; clinics; convenience service establishments; day care centres; duplicating shops; financial institutions; food stores; libraries; medical/dental offices; offices; personal service establishments; restaurants; retail stores; service and repair establishments; studios; video rental establishments; brewing on premises establishment; and an apartment building with any or all of the other permitted uses on the first and/or second floor.

While staff would generally support a mixed-use development in conformity with the Use, Intensity, and Form policies of the Rapid Transit Corridor Place Type, staff have concerns with the appropriateness of the full range of uses permitted by the proposed NSA3 Zone. Further, the NSA3 Zone would not be tied to the proposed bonus zone and would not necessarily require the commercial uses to be located within a mixed-use apartment building. As such, the inclusion of an NSA3 Zone could result in a standalone commercial development on this site.

As identified in Section 4.2 of this report, the applicant has not requested a Specific Area Policy under the 1989 Official Plan to permit convenience commercial uses, and

the range of uses permitted in the proposed NSA3 Zone are not contemplated in the proposed MFHDR designation. As such, the requested NSA3 Zone is not in conformity with the policies of the 1989 Official Plan.

#### **4.8 Issue and Consideration #8: Sanitary Servicing Constraints**

As part of the complete application, the applicant submitted a Servicing Feasibility Study (Strik, Baldinelli, Moniz Ltd., April 2020) for the proposed 18 storey development. Sewer Engineering reviewed the report and expressed concern that the peak sanitary flow based on the increase in population proposed by the development would exceed the capacity of the existing sanitary sewer. Sewer Engineering further advised that exceeding the conveyance capacity of the existing sewer pipe is not supported, and there is no available capacity for the density being requested. Sewer Engineering staff advised that the owner would need to address the inadequate capacity within the downstream system on Second Street, either by way of a lower proposed density/population or by upgrading the sanitary sewers.

Following the initial circulation, the applicant subsequently amended their application to increase the proposed intensity from 18 to 24 storeys with no change to the proposed unit count. A Sanitary Servicing Memo (Strik, Baldinelli, Moniz Ltd., May 2021) was submitted in support of the amended application. Upon review of the memo, Sewer Engineering staff once again advised that the proposed development would result in an increase in population from eight people to 483 people, which would put the existing sanitary sewer downstream on Second Street over 100% capacity. Under current conditions, the existing sanitary sewer along Second Street flows at 98% of full design capacity. This requested intensification would result in a peak flow from the proposed apartment of 5.7L/s, which exceeds the available capacity of the existing sanitary sewer. Sewer Engineering staff advised that the owner must demonstrate an outlet with adequate available capacity, either by way of a lower proposed density/population or upgrades to the sanitary sewers (conveyance capacity) on Second Street and downstream system (treatment capacity).

As such, the proposed density and intensity exceeds the existing capacity of the sanitary sewer system in this area and is not supported.

## **Conclusion**

The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations where appropriate levels of infrastructure and public service facilities are or will be available. The proposed development does not conform to *The London Plan (2016)*, including, but not limited to, the Key Directions, City Design, Intensity and Form policies of the Rapid Transit Corridor Place Type, Protected Major Transit Station Areas (PMTSA) policies, and Near Campus Neighbourhoods policies. The proposed development does not conform to the *Official Plan (1989)*, including, but not limited to, the Permitted Uses, Density and Scale, Bonusing, Residential Intensification, Urban Design, and Policies for Near Campus Neighbourhoods. The proposed development and requested zoning represent an over-intensification of the site, do not satisfy the criteria of the Planning Impact Analysis, and the facilities, services, and matters proposed through the bonus zone are not commensurate for the requested height and density. Lastly, the existing sanitary sewer that services the site does not have sufficient capacity to support the proposed density. As such, it is recommended the requested amendments be refused.

**Prepared by:** Catherine Maton, MCIP, RPP  
Senior Planner

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Implementation

**Recommended by:** Gregg Barrett, AICP  
Director, Planning and Development

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

cc: Heather McNeely, Manager Current Development

## Appendix A – Public Engagement

### Community Engagement

**Public liaison:** On October 21, 2020, Notice of Application was sent to 218 property owners and renters in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 22, 2020. A “Planning Application” sign was also posted on the site.

On May 26, 2021, Notice of Revised Application was sent to 218 property owners and renters in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 27, 2021. A “Application Amended” applique was also applied to the on-site “Planning Application” sign.

On October 20, 2021, Notice of Revised Application was sent to 218 property owners and renters in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 21, 2021.

Nine (9) written responses and one (1) phone call were received from nine (9) members of the public. Of the written responses, five (5) expressed concern while four (4) requested clarification and/or additional information.

**Nature of Liaison:** The purpose and effect of this Official Plan and zoning change is to permit the development of a 24-storey mixed-use building containing 259 residential units and 500 square metres of commercial gross floor area. Possible amendment to the 1989 Official Plan to re-designate the subject lands **FROM** Low Density Residential **TO** Multi-Family, High Density Residential. Possible amendment to The London Plan to add a specific policy to the Rapid Transit Corridor Place Type to permit a maximum intensity of 24-storeys with Type 2 Bonus Zoning. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-6) Zone and Residential R1/Office Conversion (R1-6/OC4) Zone **TO** a Residential R9 Bonus/Neighbourhood Shopping Area (R9-7\*B-\_\*H77/NSA3) Zone to permit apartment buildings and a range of commercial uses. The proposed bonus zone would permit: a reduced minimum front yard depth of 1.9m to the podium (Floors 1-4), whereas 10m is required; a reduced minimum front yard depth of 5.2m to the tower (Floors 5-24), whereas 16m is required; a reduced minimum exterior side yard depth of 7.7m (Floors 1-4), whereas 8m is required; a reduced minimum exterior side yard depth of 11m (Floors 18-24), whereas 13.4m is required; a reduced minimum exterior side yard depth to stairs leading to underground parking of 5m, whereas a minimum of 6m is required; a reduced minimum interior side yard depth of 1.7m (Floors 1-4), whereas 6m is required; a reduced minimum interior side yard depth of 4.3m (Floors 5-14), whereas 18m is required; a reduced minimum interior side yard depth of 26.7m (Floors 15-24), whereas 31m is required; a reduced minimum interior side yard depth to stairs leading to underground parking of 0.2m, whereas a minimum of 4.5m is required; a reduced minimum rear yard depth of 41.4m (Floor 14), whereas 43.5m is required; a reduced minimum rear yard depth of 54.1m (Floors 18-24), whereas 77m is required; a reduced minimum rear yard depth to stairs leading to underground parking of 3.1m, whereas a minimum of 6m is required; a reduced landscape open space of 27.9%, whereas a minimum of 30% is required; an increased maximum lot coverage of 33.8%, whereas a maximum of 30% is permitted; reduced minimum parking of 283 spaces for all uses, whereas 365 spaces are required; reduced minimum accessible parking of 4 spaces, whereas 10 are required; a maximum building height of 77 metres; and an increased maximum density of 390 units per hectare, whereas 150 units per hectare is the maximum, in return for eligible facilities, services, and matters outlined in Section 19.4.4 of the 1989 Official Plan and policies 1638\_ to 1655\_ of The London Plan. The City may also consider additional special provisions and/or the use of holding provisions.

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

**Concern for:**

*Parking:*

Concern that the requested reduction in parking would exacerbate the existing parking shortage in the area.

*Traffic:*

Concern that the intensification will increase traffic in the area.

*Loss of privacy:*

Concern that the proposed development would result in overlook and loss of privacy for adjacent property owners.

*Construction impacts:*

Increased heavy vehicle traffic, noise, dust and pollution, and risk to foundations due to excavation.

*Building height and shadow impacts:*

Concern that the building is too tall and that shadows will affect access to sunlight for adjacent property owners.

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

Telephone	Written
Agnes Murray 603 First Street London, ON N5V 2A3	Ken Easton 622 First Street London, ON N5V 2A2
Shawn Harrington c/o Fanshawe College 1001 Fanshawe College Boulevard London, ON N5Y 5R6	Max Sim
	Kenny Lamizana
	Sara
	Gordon Dirk 645 Ayreswood Avenue London, ON N5V 2A7
	Shawn Harrington c/o Fanshawe College 1001 Fanshawe College Boulevard London, ON N5Y 5R6
	Anthony DiCenzo
	Ashim Nanda 1502 Howland Avenue London, ON N5V 1W7

From: Ken Easton  
 Sent: Friday, October 23, 2020 12:53 PM  
 To: Maton, Catherine <cmaton@london.ca>  
 Subject: [EXTERNAL] 1453-1459 Oxford Street

Development Services of London  
 300 Dufferin Ave.

London, ON

File: OZ9269  
Hi Catherine,

Being a business and home owner in the area I would like to express my concerns about the amendment that would reduced the required parking from 365 spaces to 82 spaces.

There is already a severe parking shortage in this area and this would just exacerbate the situation. An 83% reduction in parking is unacceptable and will severely stress the area.

I will appeal any decision not to hold up the required parking allotment.

--

Ken Easton  
Beaumart Aluminum Limited  
622 First Street  
London, ON. N5V2A2

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**From:** Max Sim  
**Sent:** Friday, October 23, 2020 9:17 AM  
**To:** Maton, Catherine <cmaton@london.ca>  
**Subject:** [EXTERNAL] 1453-1459 Oxford Street East & 648-656 Ayreswood Avenue

Hey Catherine, can you please send me the file for this project? design brief etc.?

Thanks.

**Max Sim,**

Dipl. Arch. Tech. B.C.I.N.

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**From:** Lamizana, Kenny Olyvia G.Y  
**Sent:** Monday, October 26, 2020 3:48 PM  
**To:** Maton, Catherine <cmaton@london.ca>  
**Subject:** [EXTERNAL] 1453-1459 Oxford Street West & 648-656 Ayreswood Avenue

Good Afternoon,

From my understanding, the Official Plan and Zoning amendments is to allow an 18-storey mixed-use development on lands located at 1453-1459 Oxford Street West & 648-656 Ayreswood Avenue. Would it be possible to get a sun/shadow study to see and determine the impact of shadows cast by the proposed development on the surrounding properties?

Best regards,

**Kenny Lamizana**

Agent de Planification, Secteur de l'immobilisation, de l'entretien et de la planification  
Planning Officer, Building, Maintenance and Planning Department  
Conseil Scolaire Viamonde | 116 Cornelius Parkway, Toronto, ON M6L 2K5

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**From:** Sara  
**Sent:** Wednesday, October 28, 2020 2:02 PM  
**To:** Maton, Catherine <cmaton@london.ca>  
**Subject:** [EXTERNAL] OZ-9269

Good afternoon, I recently received the planning application for 1453-1459 Oxford St. I wondered if there was somewhere to look online for details on the planning application and what is going to be built?

Thank you!

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DEVELOPMENT SERVICES  
CITY OF LONDON  
PO BOX 5035  
LONDON ON N6A4L9

ATTN: CATHERINE MATON

REF FILE OZ-9269 DATED 21 OCT 2020.

DEAR CATHERINE:

1. I HAVE REVIEWED THE REF FILE AND AM PRESENTING THE FOLLOWING QUESTIONS AND CONCERNS I HAVE. A REPLY TO THESE QUESTIONS AND CONCERNS IS RESPECTFULLY REQUESTED.
  1. WHAT IS THE EXPECTED START AND FINISH DATE OF THE PROJECT?
  2. WHERE WILL THE EXIT AND ENTRANCE BE TO AND FROM THE SITE DURING AND AFTER CONSTRUCTION?
  3. WILL THERE BE A WIDENING OF AYRESWOOD AVE TO ALLOW FOR LEFT AND RIGHT TURN AND AN ACCESS LANE. WILL THERE BE TRAFFIC LIGHTS TO OXFORD ST SHOULD THE ENTRANCE AND EXIT BE OFF AYRESWOOD AVE
  4. WILL THERE BE A PROJECT TO PROVIDE MORE WATER PRESSURE IN THE AREA?
  5. I HAVE SOME CONCERN ON THE HEIGHT OF THE STRUCTURE ESPECIALLY SINCE THE HEIGHT OF BUILDINGS PROPOSED ON THE SOCCER FIELD MAY BE OF GREATER HEIGHTS ALSO

2. AN EARLY REPLY WOULD BE APPRECIATED

SINCERELY,

GORDON A DIRK  
645 AYRESWOOD AVE

26 OCT 2020

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**From:** Harrington, Shawn  
**Sent:** Friday, January 22, 2021 9:23 AM  
**To:** Maton, Catherine <cmaton@london.ca>  
**Subject:** [EXTERNAL] Zoning Application OZ-9269

Good morning Ms. Maton

I am inquiring about the status of the zoning application noted above. Can you give me a call at your convenience.

Regards,

**M. Shawn Harrington**, MAATO, CCCA, CFP  
Director, Campus Planning and Capital Development

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**From:** Anthony DiCenzo  
**Sent:** Tuesday, March 30, 2021 2:58 PM  
**To:** Maton, Catherine <cmaton@london.ca>  
**Subject:** [EXTERNAL] File Status - OZ-9269 -1453-1459 Oxford Street East & 648-656 Ayreswood Avenue

Good afternoon Catherine,  
I am emailing to confirm the file status for OZ-9269. I see there is a Notice of Application filed back in October 22<sup>nd</sup>, 2020. Could you confirm whether a Public Hearing date has been scheduled for this site and if any Staff Report is available at this time?

Thank you for your help.

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**From:** ashim nanda  
**Sent:** Monday, June 14, 2021 3:05 PM  
**To:** Maton, Catherine <cmaton@london.ca>  
**Subject:** [EXTERNAL] Revised planning application file OZ-9269 (Applicant: Red Maple Properties) | Objection Request | Feedback

Dear Catherine Maton,

This is regarding the notice request for feedback on the revised planning application file OZ-9269 (Applicant: Red Maple Properties).

Madam, I am a resident of 1502, Howland Avenue, London N5V 1W7 which is next to the new proposed building site. I am writing this email to express my objection to the zoning law amendment that will allow the construction of 24 stories high-rise building right next to my backyard.

The primary reason for my objection is that the proposed building is next to my backyard and everything in my house will be visible from the windows of the apartments/unit facing in direction of my property. I will lose all my privacy and will feel like being watched all the time by someone. We will never be able to open our windows/blinds.

We are a newly married couple and we bought this property to stay here all the way from Toronto. The thought of being watched all the time and not having a private space in our own backyard & house makes us feel sick.

I hereby, request you to kindly consider my request and defend our right to privacy which is being taken away from us. I have also shared this request with my ward councillor Mohamed Salih.

I hope you will consider our request and help us. If needed kindly feel free to reach me at my phone or respond to this email. I would also like to participate in any future Public Participation Meeting on this amendment. So, please kindly share the invite.

Regards  
Ashim Nanda

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**From:** ashim nanda  
**Sent:** Wednesday, June 16, 2021 10:24 AM  
**To:** Maton, Catherine <cmaton@london.ca>  
**Subject:** Re: [EXTERNAL] Revised planning application file OZ-9269 (Applicant: Red Maple Properties) | Objection Request | Feedback

Hi Catherine,

I have been pondering about the other implications which will affect our life by of the construction of 24 story building with reference to file OZ-9269 (Applicant: Red Maple Properties):

Some of the other issues apart from the loss of privacy are listed below:

1. Construction Annoyances such as significantly increased heavy vehicle traffic, all day long loud noises, dust & pollution. All of these combined will degrade the quality of life to a great extent.
2. Because there will be a deep foundation dugout, what will be the impact on the foundation of adjacent houses like mine. Who will be responsible & cover for damages in case of such an event and what will be the compensation plan?
3. Shadows cast by the highrise and intense reflections will be troublesome.
4. Increased traffic in the area, there are many families with small kids in the area adjacent to the proposed construction site.

I request you to kindly add these comments to the file for consideration.

Thank you.

Regards

Ashim Nanda

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**Delivered by Email cmaton@london.ca**

June 16, 2021

Catherine Maton  
Development Service  
City of London  
300 Dufferin Avenue, 6th Floor  
London, ON N6A 4L9

Attention: Catherine Maton

**Re: Official Plan and Zoning By-law Amendments (the “Amendments”)  
1453-1459 Oxford Street East & 648-656 Ayreswood Avenue (the “Subject  
Property”)  
City File – OZ-9269  
Applicant – Red Maple Properties**

Fanshawe College (“**Fanshawe**”) is a comprehensive college serving the greater London region by providing flexible learning arrangements and experiential education opportunities developed in response to labour market needs. Fanshawe is one of Ontario’s largest colleges - with four campuses in London, Simcoe, St. Thomas and Woodstock - Fanshawe serves close to half a million people with a promise to educate, engage, empower and excite.

Fanshawe has a significant presence in the City of London with campuses situated throughout the City including the London Campus located at 1001 Fanshawe College Boulevard situated along Oxford Street East, the Fanshawe Aviation Centre located at the London International Airport, and the Centre of Applied Transportation Technologies located at 1764 Oxford Street East. Our downtown campus includes the Centre for Digital and Performing Arts, School of Information Technology and School of Tourism, Hospitality and Culinary Arts at our two Dundas Street locations. Academic Upgrading and Community Employment Services are provided at our downtown location on Richmond Street at Carling Street as well as our Nelson Plaza location at Clarke Road and Trafalgar in the Argyle region of the City. Situated in south London is Fanshawe’s London South Campus located on Wellington Road.

The proposed Amendments have considerable impacts on Fanshawe's main campus situated at 1001 Fanshawe College Boulevard. The Subject Property is situated immediately south of Fanshawe's Campus across from what is known as Fanshawe's Buildings A, B, D and T.

## **THE SUBJECT PROPERTY AND AMENDMENTS**

The Subject Property currently consists of what appear to be detached residential dwellings which is consistent with the general character of the area. The Amendments seek to provide for the development of a 24-storey mixed use building containing 259 residential units and 500 m<sup>2</sup> of commercial gross floor area on the Subject Property. To accommodate the proposed development on the Subject Property reductions are required to the front yard depth, exterior side yard depth, side yard depth, rear yard depth, reduced landscaped open space, increased lot coverage, reduced parking, increased building height and increased maximum density of 390 units per acre. The Amendments are significant resulting in considerable impacts to the existing neighbourhood.

## **TRANSIT CORRIDOR AREA**

The London bus rapid transit (the "BRT") system is a proposed transportation network running throughout the City's busiest corridors. The east-west corridor of the BRT runs west from the downtown area past Wonderland Road and east to Fanshawe's campus situated along Oxford Road East.

A proposed Transit Corridor station will be situated at Building A on Fanshawe's campus on Oxford Street. The Subject Property is situated approximately 300 metres to the west of the proposed Transit Corridor station.

## **PROPOSED AMENDMENTS**

The proposed Amendments result in an increased density and height that is not consistent with the general nature and character of the area. The proposed 24 storey tower is not in-keeping nor does it reflect any other buildings situated in the general neighbourhood which is primarily low density.

Fanshawe's campus is intentionally developed in such a manner to ensure that its new five storey building (being one of the highest buildings located on the campus) is situated in the middle of the campus away from and off of Oxford Street East. Fanshawe's buildings situated along Oxford Street East are generally low-rise in character with Buildings D and T being the highest building at 3 storeys.

The proposed 259 residential units have a significant impact on Fanshawe's residences that are constructed with the specific intention of being integrated into the college and part of the college experience. The proposed development its size, massing, density and taking into account the location is tantamount to student housing.

Fanshawe's main London Campus has been situated at the Oxford Street East property for a significant period of time being approximately **54** years. The impact of the proposed development on Fanshawe needs to be taken into consideration and mitigation measures implemented to ensure no negative impacts.

Such an intense development is not in-keeping with the character and nature of the surrounding area specifically the Fanshawe College Campus.

## **FAILURE TO MEET APPROPRIATE POLICY FRAMEWORK**

The increased density of the proposed Amendment and its failure to respect the existing character of the area appears to be inconsistent with the Provincial Policy Statement 2020 including but not limited to:

- A. Under section 2 of the *Planning Act* regard must be given to matters of provincial interest including:

- h. the orderly development of safe and healthy communities;
- p. the appropriate location of growth and development; and,

B. Policy 1.0, Building Strong Healthy Communities, the proposed Zoning By-law Amendment fails to take into consideration the impact of the proposed development on the surrounding land use patterns in the area;

C. Policy 1.1.1 of the PPS provides that healthy, liveable and safe communities are sustained by:

- c. avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;

The proposed Zoning By-law Amendment also fails to conform to The London Plan Buildings policies as it relates to the proposed development's scale, massing, materials, relationship to adjacent buildings, and other such form-related consideration, among others.

## **SUMMARY**

The proposed development as set out in the Amendments does not represent an efficient and appropriate use of the Subject Property that is: consistent with the PPS policies supporting intensification and infill development; is not in conformity with the Official Plan; fails to comply with the City's Zoning By-law; does not represent sound land use planning; is not compatible with the surrounding land uses; fails to provide an efficient development in a compact form; and results in adverse impacts to the surrounding area.

Fanshawe, is always, and remains willing to work cooperatively with the applicant, Red Maple Properties, towards a development on the Subject Property in a manner that is consistent with the nature and character of the surrounding area.

Do not hesitate to contact us if you have any questions or wish to discuss this letter in more detail.

Regards,

Shawn Harrington, MAATO, CCCA, CEFPP  
Director, Campus Planning and Capital Development  
Fanshawe College

## **Agency/Departmental Comments (Initial Application)**

### November 11, 2020: Sewer Engineering

SED has reviewed the submitted Servicing Feasibility Study by SBM dated on April 16th, 2020 regarding the servicing proposal of the above-noted lands. Please note:

Based on the report submitted, servicing report indicates that the peak sanitary flow (5.7L/s) based on the increase in population proposed by this development will exceed the capacity of the existing sanitary sewer. SED do not support flows that exceed the conveyance capacity of existing sewer pipe and its constraint. As per City record (18841), It is noted there are constraints downstream in the sanitary system specifically within the 250mm diameter sanitary sewer on Second St. front of area A11 between SA6 , SA5 and SA4 (IBI Design sheet) As such, There is no available capacity for the density is being requested.

The owner will need to address inadequate capacity within the downstream system on Second St, this could be by way of a lower proposed density/population or may require the Applicant upgrade the sanitary sewers. The owner's engineer is to confirm that capacity is available in the sewer on Second St downstream that can accommodate the flows being sought all to the satisfaction of the City Engineer and at no cost to the City.

SED supports a holding provision being applied until the applicant can demonstrate adequate capacity is available all to the satisfaction of Sewer Engineering Division and the City Engineer.

November 17, 2020: Upper Thames River Conservation Authority

Dear Ms. Maton:

**Re: Application to Amend the Official Plan and Zoning By-law - File No. OZ-9269**

**Applicant: Red Maple Properties  
1453 to 1459 Oxford Street East and 648 to 656 Ayreswood Avenue,  
London, ON**

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2020)*. 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*.

#### **CONSERVATION AUTHORITIES ACT**

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

#### **DRINKING WATER SOURCE PROTECTION: Clean Water Act**

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

#### **RECOMMENDATION**

As indicated, the subject lands are not regulated by the UTRCA and a Section 28 permit application will not be required. The UTRCA has no objections to this application.

Thank you for the opportunity to comment.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY

Stefanie Pratt  
Land Use Planner

December 3, 2020: Urban Design Peer Review Panel

The Panel provides the following comments on the submission:

- The Panel commends the applicant for providing a design solution which addresses Oxford Street East and Ayreswood Avenue through the following design features:
  - Overall site organization with building frontage located along Oxford Street and Ayreswood Avenue with café, retail, and study space activating the ground floor;
  - Vehicular access off of the Ayreswood cul-de-sac with waste management, surface parking, and underground parking ramp located internal to the site and screened from view;

- Clearly articulated building entrance;
- The Panel recommends further considerations as follows:
  - Tower*
    - The Panel is supportive of City policy directing that high-rise buildings be designed with slender towers to reduce shadow impacts, minimize obstruction of sky views, and be less imposing on neighbouring properties and public spaces. The Panel notes that the density being sought, in combination with the height and size of the proposed floor-plates creates an imposing mass. The Panel recommends the following:
      - Avoid slab typology of neighbouring building and reduce tower component to align with City Policy (i.e. tower floor less than 1000m<sup>2</sup>) and consider best practice in neighbouring mid-size cities in Southern Ontario (e.g. maximum floor plate area of 750-850m<sup>2</sup> in Kitchener, Burlington, and Hamilton);
      - Consider alternate approaches for distributing or reducing the density to develop a more appropriate building mass and tower form.

*Podium*

- The panel appreciates the attempt to breakdown the massing of the podium, however, is of the opinion that the masonry surrounds of the balcony insets are too heavy and detract from the desired appearance of an urban storefront condition. The Panel recommends considering a lighter appearance by using more glass and/or increasing the height at the storefront conditions to two-storveys.

*Landscape*

- The Panel noted discrepancies between the Landscape Plan and renderings and questioned the intent of the landscape approach, including the intensity of planting along Oxford Street where a more urban approach may be desired;
- The Panel recommended developing the Oxford Street landscaping further to take advantage of the wide setback created by the road widening allowance to create a more urban condition along Oxford with a more private Boulevard condition along Ayerswood Ave.

**Concluding comments:**

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. In accordance with the comments and recommendations above, while the general planning of the site is well-considered, further consideration of the appropriate density and massing is strongly recommended prior to moving forward in the approvals process. The panel looks forward to the proponent's response.

**Agency/Departmental Comments (Amended Application)**

May 27, 2021: Enbridge Gas Inc.

It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

June 3, 2021: London Hydro

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

June 18, 2021: Sewer Engineering

- The proposed will result in an additional increase in population going from 8 people to 483 people which will put the existing sanitary sewer downstream on Second Street over 100 % capacity. The servicing report as submitted doesn't

confirm adequate capacity. Under current conditions without this intensification the 250mm diameter sanitary sewer along Second Street is already at 98% flowing full design capacity. This requested intensification will result in a peak flow from the proposed apartment of 5.7L/s which will exceed the available capacity of the existing sanitary sewer. The City is not supportive of using 100% or greater of available pipe capacity. The applicant's engineer should refer to previous SED's comments provided and discussed at consultation stages as those previous comments do not appear to be reflected.

- The owner will need to demonstrate an outlet with adequate available capacity. This could be by way of a lower proposed density/population or may require the Applicant upgrade the sanitary sewers on Second St and downstream system that can accommodate the increases being sought all to the satisfaction of the City Engineer and at no cost to the City.

#### June 18, 2021: Transportation

- TIA is currently under review by City Staff.
- Right of way dedication of 24.0m from centre line required along Oxford Street
- 6.0m x 6.0m daylight triangle required at Oxford Street East and Ayreswood Avenue intersection corner.
- Detailed comments regarding access design and location will be made through the site plan process.

#### June 18, 2021: Rapid Transit

- Oxford Street East is a Rapid Transit (RT) Corridor. Construction of this corridor is tentatively scheduled for 2022-2024.
- With the implementation of RT on Oxford Street East, a raised concrete median will be constructed along the centre of the roadway. This median will restrict turning movements at driveways and unsignalized intersections to right-in/right-out only. For this property, that will mean the access restrictions will be right-in/right-out only, and as such should be analyzed further as part of the proposed TIA.
- The preliminary engineering design of the RT system within the immediate area of this property is outlined in the attached EA drawings.
- The preliminary engineering design of the RT system within the immediate area of this property is outlined in the attached EA drawing.

#### July 2, 2021: Urban Design Peer Review Panel

The Panel noted that this application was previously reviewed by UDPRP in November 2020 and appreciated the Applicant returning to UDPRP for a follow-up review of the revised plan.

- The Panel commended the Applicant for thoughtful modifications to the building design including the changes to the material palette and proportions of the building base to create a more pronounced, active built edge condition along Oxford Street East, across from the Fanshawe Campus and the future BRT Corridor.
- The Panel commended the Applicant for the provision of the significant outdoor amenity area located at Level 4 with strong relation and programming to the adjacent common room and fitness room as indicated on the interior floor plan of the building.
- The Panel also commended the Applicant for reversing the locations of the primary patio areas to be located along Ayerswood Avenue as opposed to Oxford Street East, resulting in a more private street frontage while still activating the ground floor uses of the building. In doing so, softening of the podium base and transition to human scale are achieved through the provision of knee walls with enhanced landscaping serving to activate the streetscape and reinforce programming of the patio areas.

- The Panel did question the design of the proposed building cap and suggested it be reconsidered to present a more subtle building top that is more seamlessly integrated into the overall building form.
- Moving forward, as the design is further refined to a site plan stage, consideration should be given to provision of appropriate soil volumes for trees as a large portion of the outdoor street frontages are proposed to be hard surfaced. As such, structural soil cells maybe a commendable design consideration to ensure long term longevity and tree health.
- It was further recommended that the Applicant and City work together to fully understand and reconcile any conflicts between the proposed ROW improvement for the BRT project and the front yard/boulevard landscape strategy for this project, noting that the future implications/interface was somewhat unclear.

#### **Density/Massing:**

- The Panel commended the Applicant for architectural changes that have helped to further break down and redistribute the building massing in a manner that attempts to integrate with the adjacent neighbourhood areas, the existing building to the east and the future context of the rapid transit corridor.
- Some panelists remained concerned about the overall volume and mass of the building relative to the planned context of the area and City policies regarding building height and massing along the rapid transit corridor. The Panel recommended the City and Applicant continue to work to reduce the overall volume of the building in line with the policies for the Rapid Transit Corridor outlined in the London Plan to ensure the building remains appropriate relative to the future context and the massing is not imposing or out of place.

#### **Concluding comments:**

This UDPRP review is based on City planning and urban design policy, the submitted brief and the Applicant presentation. It is intended to inform the ongoing planning and design process and the City review of the application. The Panel reinforced that the over site design is well-considered, and the revised architectural design has resulted in a more fitting. Previously noted concerns about the density and massing remain, though have been somewhat mitigated by the revised architectural design. The Panel looks forward to the proponent's response.

#### July 23, 2021: Urban Design

- Urban Design staff have reviewed the submitted site development concept and elevations for the zoning by-law amendment application at the above noted address and provide the following urban design comments consistent with the Official Plan, applicable by-laws, guidelines, and guidance provided by the Urban Design Peer Review Panel (UDPRP):
- The applicant is commended for providing a site and building design that incorporates the following design features; an active built form along both the Oxford and Ayerswood street edges, creation of a distinct base with an animated multi-storey podium wrapped by active uses and creative high quality material usage; locating primary patio areas along Ayerswood Avenue; outdoor amenity areas at podium level adjacent to amenity rooms; locating the majority of parking underground and structured within the building.
- This site is located partially within the Rapid Corridor Place Type in The London Plan [**TLP**] along a Rapid Transit Corridor which contemplates a high-rise built form of maximum building height-12 storeys with bonus. As this proposal contemplates a bonus zone, please provide elevations for all four sides of the building and include proposed materials, details and dimensions for articulation (recesses, projections, stepbacks, etc). Further comments regarding the design of the building may follow upon receipt of the drawings. Ensure the refined design incorporates the following:
- **Building Design:**
  - The overall volume, massing and height of the proposed building is beyond the policy framework of **TLP** and shall be reduced from 24 storeys to a maximum of 12 storeys in line with the form and intensity policies of

Rapid Transit Corridor Place Type. This height should only be achieved in exchange for the commensurate provision of public benefit.

- Identify and include the bonusable features for public benefits in the proposal.
- Ensure a 1-2m setback from the Oxford Street frontage in order to avoid encroachment of building elements such as canopies, opening of doors, etc...
- Consider designing the units and internal program to be flexible to convert from student residences to non-student apartments in order to be resilient to market changes.
- **Tower Design**
  - Design the tower floorplate (above 8 stories) as a slender point tower (maximum floor plate size of up to 1000 square meters with the mass focussed along Oxford Street to reduce the "slab-like" appearance of the towers, wind tunnel effects, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces.
  - Reduce the mid-rise portion to be a maximum of up to 8 stories with terracing and step-backs to reduce the shadow impacts and visual mass and to allow sunlight penetration to the streetscape.
  - Provide a step back above the lower levels (floor 3-4) on a minimum of 3 meters to create a human-scale streetwall along the public streets.
  - Provide a more sympathetic transition to low-density forms by lowering the rear portion of the building to be 8 stories or less, in keeping with a mid-rise form to reduce the visual mass and privacy impacts to the single family homes to the south.
  - Design the tower to include a high degree of glazing and fenestration in order to add interest and break-up the massing of the buildings.
  - Design and distinguish the top of the building through an articulated roof form, step-backs, cornices, material change and/or other architectural details and screen/integrate the mechanical and elevator penthouses into an architecture of the building.
- **Site Design:**
  - Provide for an urban (hardscaped) streetscape treatment with large trees in planters in the ROW between the building and Oxford Street East. Ensure provision of appropriate soil volumes(e.g. structural soil cells) within this outdoor hardscaped street frontages for long term longevity and tree health.
  - Provide an adequately sized outdoor amenity space in addition to the proposed amenity areas(fourth level) for the number of units particularly as there is no private amenity spaces (e.g. Balcony) in the building.
  - Ensure any parking areas exposed to the street are screened with a combination of landscaping and low landscape walls coordinated with the materials of the building.

#### August 5, 2021: Heritage and Archaeology

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment requirements for (OZ-9269).

- Lincoln Environmental Consulting Corp. *Stage 1-2 Archaeological Assessment of 1453-1459 Oxford Street East and 648-656 Ayreswood Avenue [...]* Middlesex County, Ontario (PIF P344-0348-2019), January 2020

Please be advised that heritage planning staff recognizes the conclusion of the report that states that: "[n]o archaeological resources were identified during the Stage 2 archaeological assessment of the study area, and as such **no further archaeological assessment of the property is recommended.**" (p 2)

An Ontario Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTCI) archaeological assessment compliance letter has also been received (*without technical*

review), dated Jan 10, 2020 (MHSTCI Project Information Form Number P344-0348-2019, MHSTCI File Number 0011464).

Archaeological conditions can be considered satisfied for this application.

#### September 1, 2021: Transportation (Updated)

The TIA was reviewed and there were no further comments.

#### September 1, 2021: Landscape Architecture

LPAT Order April 2021, approved LP Policy 399 that addresses replacement trees on development sites. CoL does not have a bylaw yet established to calculate the cash-in-lieu.

1. Development and Planning has reviewed the Tree Protection Plan and Report prepared by RKLA for 1453-1459 Oxford Street East and 648-656 Ayreswood Avenue. We have no concerns with regard to the completeness and accuracy of the tree inventory and assessment.
2. As noted in the report, the applicant will need to contact Forestry Operations, [trees@london.ca](mailto:trees@london.ca), to remove tree #1317 that is growing in the Ayreswood Ave road allowance. All trees located on City of London Boulevards are protected from any activities which may cause damage to them or cause them to be removed by the Boulevard Tree Protection By-law
3. A large number of trees are being removed from the site, a total of 1321cm dbh. London Plan Policy 399 4b requires 1 replacement tree to be planted for every 10cm dbh removed for development. Based on this number 132 trees need to be planted on the site. If the site can not accommodate this number of trees cash-in-lieu can be applied

#### October 15, 2021: Site Plan

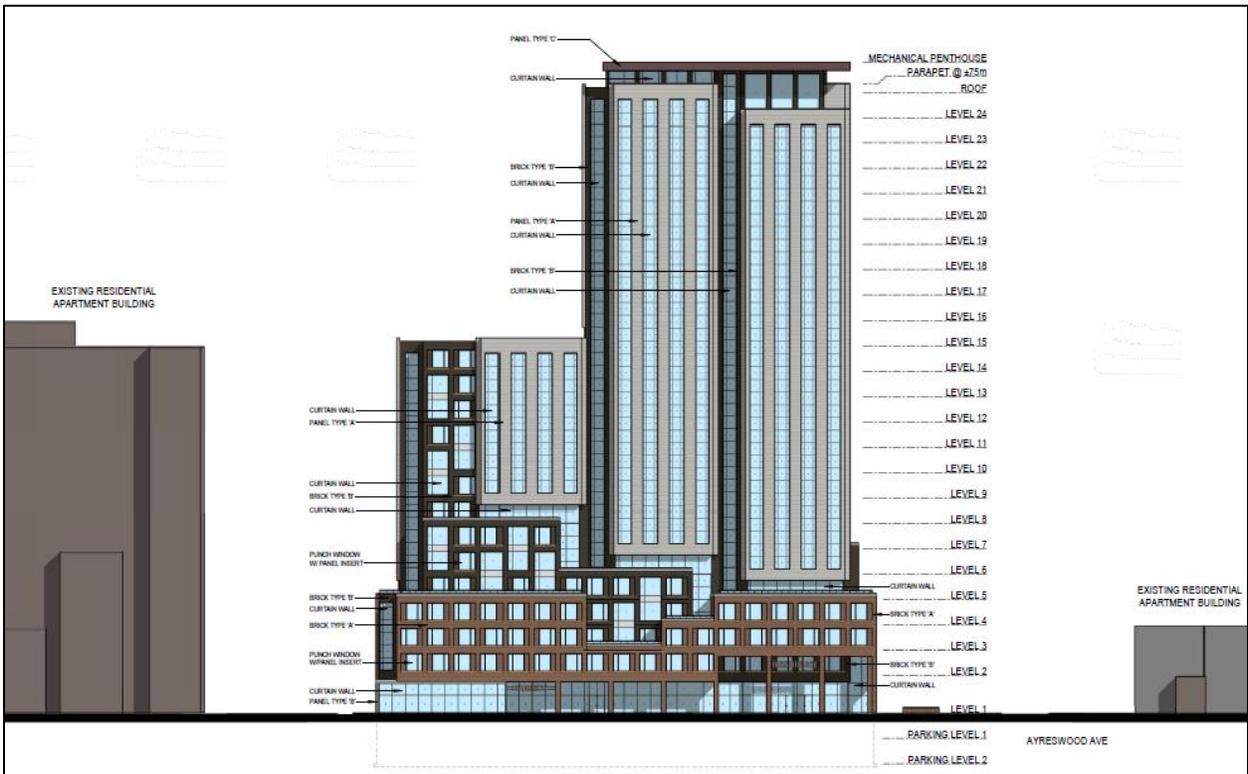
Based on the latest submission for special provisions and the provide SP I can offer the following comment:

- The reduced setbacks requested for interior and rear yard, in addition the reduce landscaped open space do not allow for the required perimeter plantings under the Site Plan Control By-law. This is a concern both from a policy perspective (stated goals of tree canopy) and function (quality living environment for future residents).

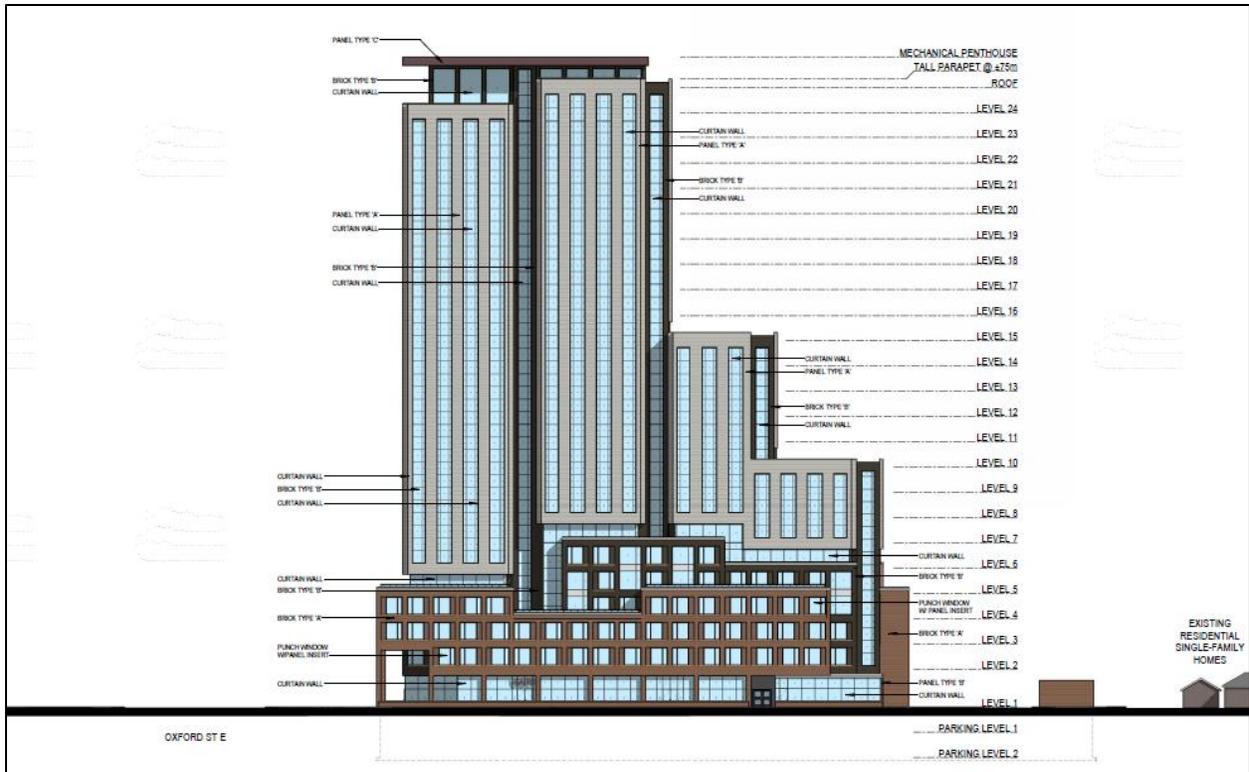
# Appendix B – Rendering and Elevations



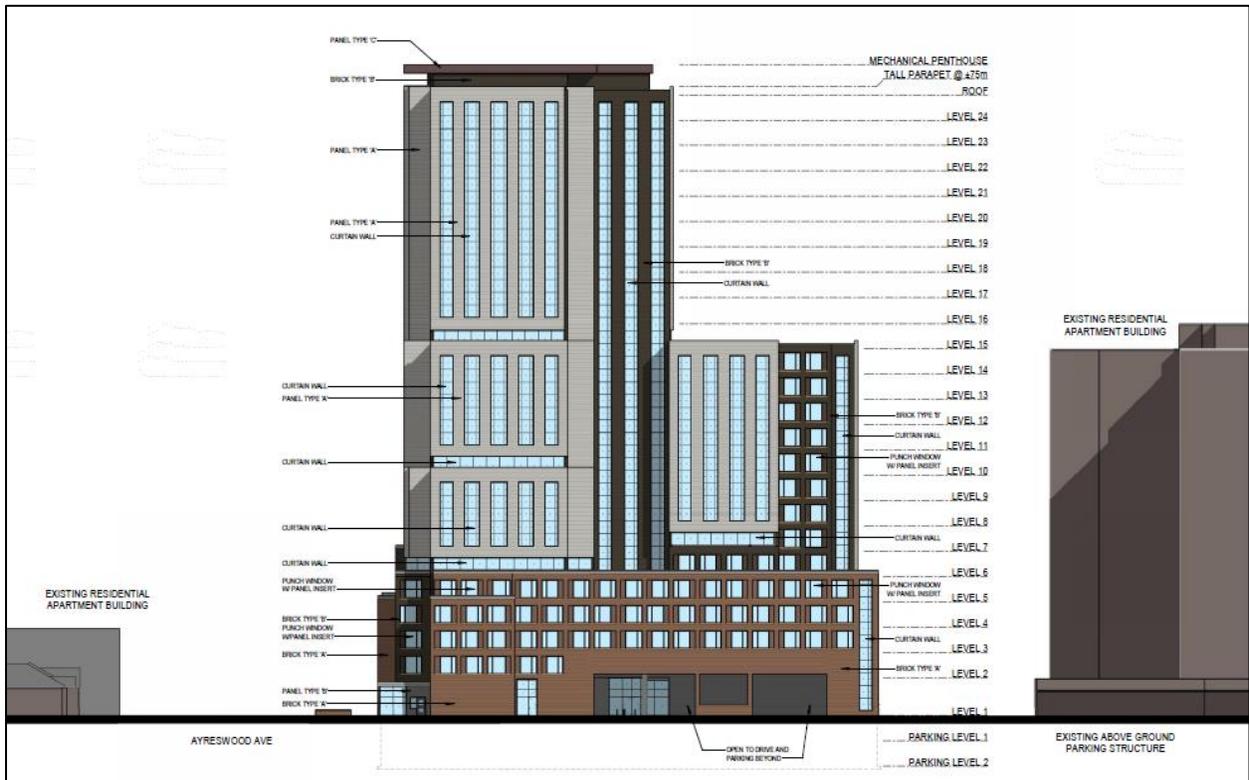
Building Base



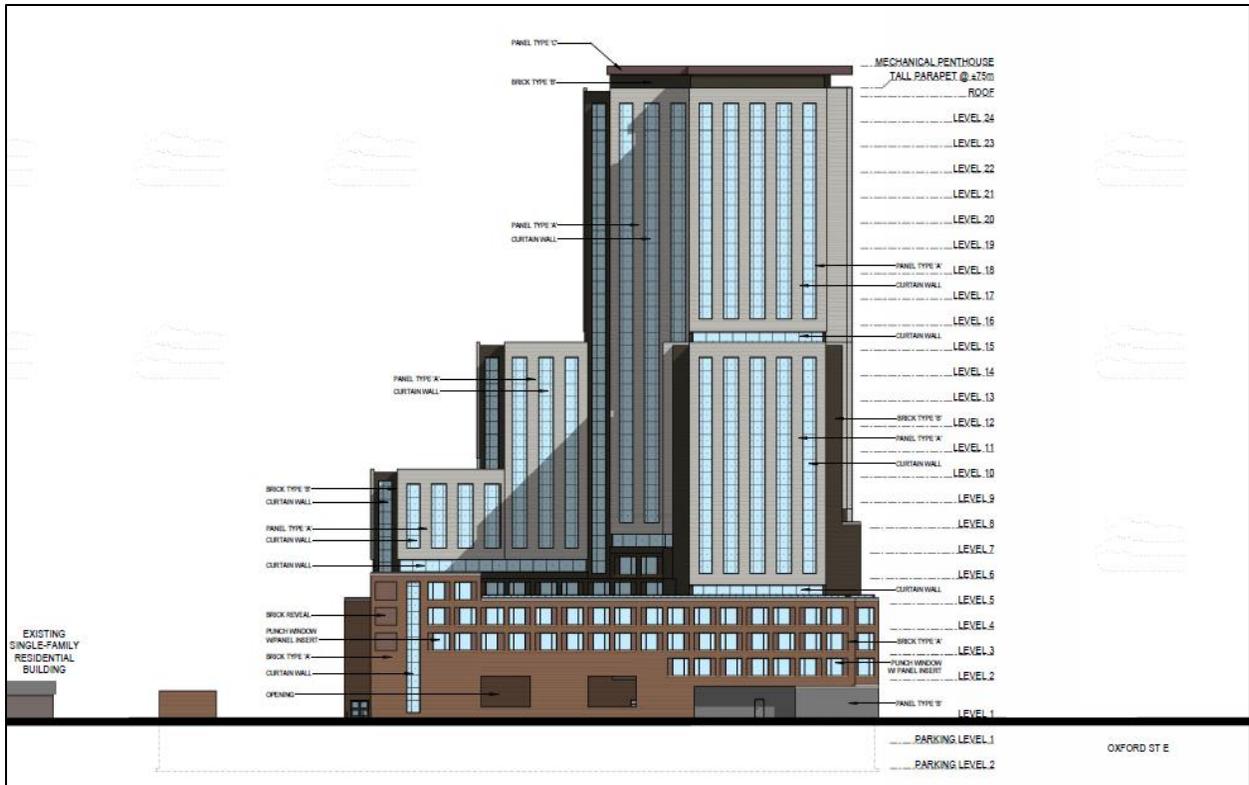
Oxford Street East (north) elevation



Ayreswood Street (west) elevation

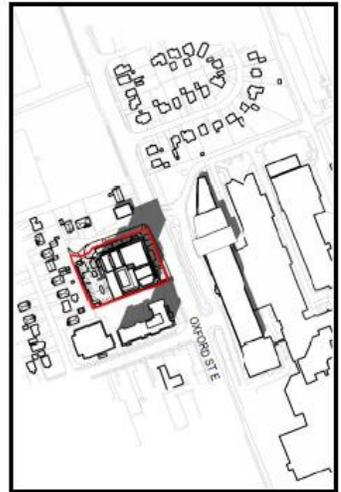


Rear (south) elevation

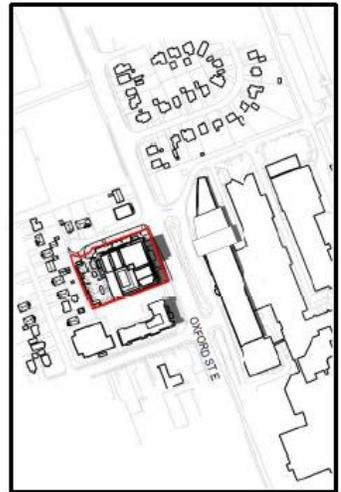


Side (east) elevation

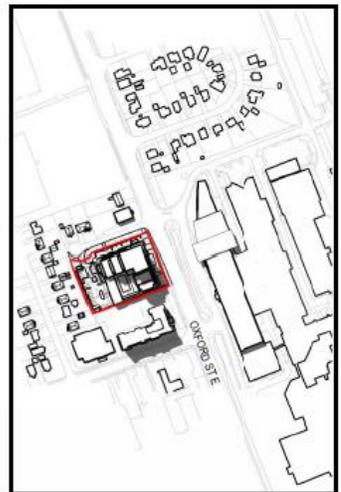
# Appendix C – Shadow Study Images



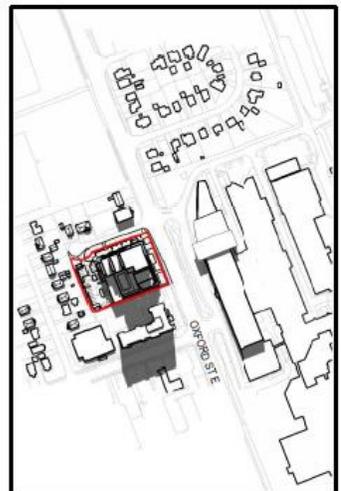
June 21 - 10am



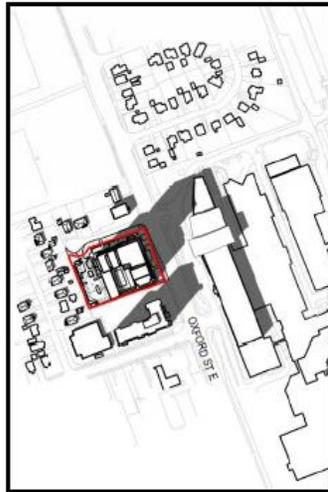
June 21 - 12pm



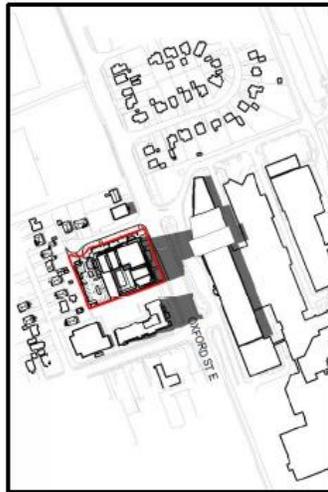
June 21 - 2pm



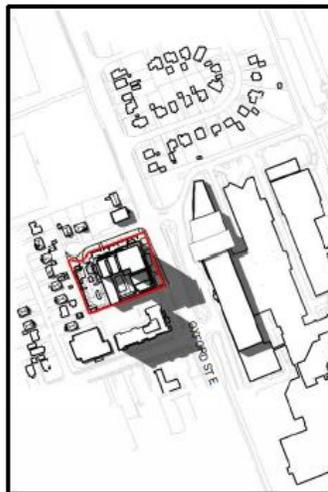
June 21 - 4pm



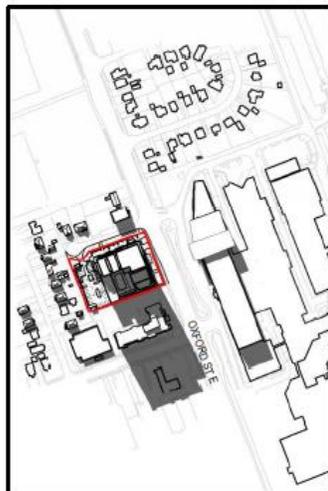
Mar/Sept. 21 - 10am



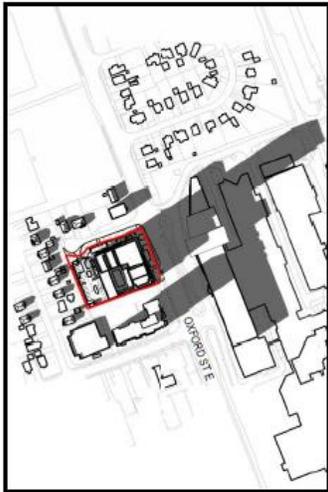
Mar/Sept. 21 - 12pm



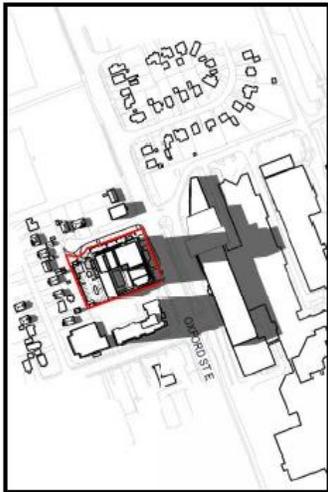
Mar/Sept. 21 - 2pm



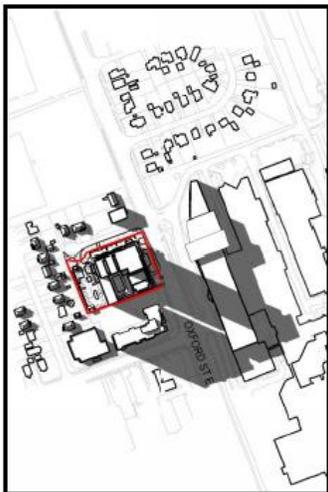
Mar/Sept. 21 - 4pm



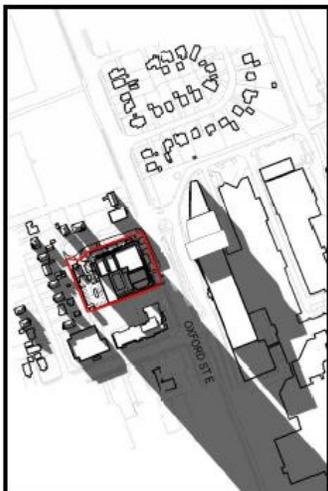
Dec. 21 - 10am



Dec. 21 - 12pm



Dec. 21 - 2pm



Dec. 21 - 4pm

## Appendix D – Policy Context

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

### Provincial Policy Statement, 2020

#### Section 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 a)

1.1.1 b)

1.1.1 e)

#### 1.1.3 – Settlement Areas

1.1.3.1

1.1.3.2

1.1.3.3

1.1.3.4

#### Section 1.2 – Coordination

1.2.4

1.2.5

#### Section 1.4 – Housing

1.4.3

#### 1.6 – Infrastructure and Public Service Facilities

1.6.1 b)

1.6.7.4

#### Section 1.7 – Long Term Economic Prosperity

1.7.1 a)

1.7.1 b)

1.7.1d)

1.7.1 e)

### The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7\_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 54\_ Our Strategy, Key Directions

Policy 55\_ Our Strategy, Key Directions, Direction #1 Plan Strategically for a Prosperous City

Policy 57\_ Our Strategy, Key Directions, Direction #3 Celebrate and Support London as a Culturally Rich, Creative, and Diverse City

Policy 59\_ Our Strategy, Key Directions, Direction #5 Build a Mixed-Use Compact City

Policy 60\_ Our Strategy, Key Directions, Direction #6 Place a New Emphasis on Creating Attractive Mobility Choices

Policy 61\_ Our Strategy, Key Directions, Direction #7 Build Strong, Healthy and Attractive Neighbourhoods for Everyone

Policy 62\_ Our Strategy, Key Directions, Direction #8 Make Wise Planning Decisions

193\_ City Building Policies, City Design, What Are We Trying to Achieve?

252\_ City Building Policies, City Design, Site Layout

253\_ City Building Policies, City Design, Site Layout

289\_ City Building Policies, City Design, Buildings

293\_ City Building Policies, City Design, Buildings

807\_ Place Type Policies, Transit Village, Role Within the City Structure  
\*813\_ Place Type Policies, Transit Village, Intensity  
815C\_ Place Type Policies, Transit Village, Transit Village Protected Major Transit Station Areas  
827\_ Place Type Policies, Rapid Transit and Urban Corridors, Our Vision for the Rapid Transit and Urban Corridor Place Types  
830\_ Place Type Policies, Rapid Transit and Urban Corridors, How Will We Achieve Our Vision?  
833\_ Place Type Policies, Rapid Transit and Urban Corridors, Interpretation of Corridor Place Type Boundaries  
834\_ Place Type Policies, Rapid Transit and Urban Corridors, Interpretation of Corridor Place Type Boundaries  
835\_ Place Type Policies, Rapid Transit and Urban Corridors, Interpretation of Corridor Place Type Boundaries  
\*837\_ Place Type Policies, Rapid Transit and Urban Corridors, Permitted Uses  
\*840\_ Place Type Policies, Rapid Transit and Urban Corridors, Intensity  
841\_ Place Type Policies, Rapid Transit and Urban Corridors, Form  
860A\_ Place Type Policies, Rapid Transit and Urban Corridors, Rapid Transit Corridor Protected Major Transit Station Areas  
860B\_ Place Type Policies, Rapid Transit and Urban Corridors, Rapid Transit Corridor Protected Major Transit Station Areas  
860C\_ Place Type Policies, Rapid Transit and Urban Corridors, Rapid Transit Corridor Protected Major Transit Station Areas  
860D\_ Place Type Policies, Rapid Transit and Urban Corridors, Rapid Transit Corridor Protected Major Transit Station Areas  
860E\_ Place Type Policies, Rapid Transit and Urban Corridors, Rapid Transit Corridor Protected Major Transit Station Areas  
860F\_ Place Type Policies, Rapid Transit and Urban Corridors, Rapid Transit Corridor Protected Major Transit Station Areas  
963\_ Place Type Policies, Neighbourhoods Place Type, Specific Policies for the Neighbourhoods Place Type, Near-Campus Neighbourhood  
964\_ Place Type Policies, Neighbourhoods Place Type, Specific Policies for the Neighbourhoods Place Type, Near-Campus Neighbourhood, Vision for Near-Campus Neighbourhoods  
965\_ Place Type Policies, Neighbourhoods Place Type, Specific Policies for the Neighbourhoods Place Type, Near-Campus Neighbourhood, Vision for Near-Campus Neighbourhoods  
969\_ Place Type Policies, Urban Place Types, Specific Policies for the Neighbourhoods Place Type, Near-Campus Neighbourhood, Intensification and Increases in Residential Intensity in the Neighbourhoods Place Type Within Near-Campus Neighbourhoods  
\*1649\_ Our Tools, Planning and Development Controls, Bonus Zoning, Type 2 Bonus Zoning  
\*1650\_ Our Tools, Planning and Development Controls, Bonus Zoning, Type 2 Bonus Zoning  
\*1652\_ Our Tools, Planning and Development Controls, Bonus Zoning, Type 2 Bonus Zoning  
\*Table 9  
\*Map 1 – Place Types  
Map 3 – Street Classifications  
\*Map – Specific Area Policies  
Map 10 – Protected Major Transit Station Areas

Official Plan (1989)

Chapter 3 – Residential Land Use Designations

3.1 – Objectives for Residential Land Use Designations

3.1.1 General Objectives for All Residential Designations

3.1.2 – Low Density Residential Objectives

3.1.4 – Multi-Family, High Density Residential Objectives

3.2 – Low Density Residential

3.2.1 – Permitted Uses

3.2.2 – Scale of Development

3.2.3 – Residential Intensification

3.2.3.2 – Definition

3.2.3.2 – Density and Form

3.4 – Multi-Family, High Density Residential

3.4.1 – Permitted Uses

3.4.2 – Locations

3.4.3 – Scale of Development

3.5.19 – Policies for Near-Campus Neighbourhoods

3.5.19.3 – Vision for Near-Campus Neighbourhoods

3.5.19.4 – Land-Use Planning Goals for Near-Campus Neighbourhoods

3.5.19.5 – Encourage Appropriate Intensification

3.5.19.6 – Directing Preferred Forms of Intensification to Appropriate Locations

3.5.19.9 – Multi-Family, Medium Density Residential and Multi-Family, High Density Residential Designations

3.7 – Planning Impact Analysis

Chapter – Urban Design Principles

Schedule ‘A’ – Land Use

Schedule ‘C’ – Transportation

Figure 3-1 – Near-Campus Neighbourhoods Area

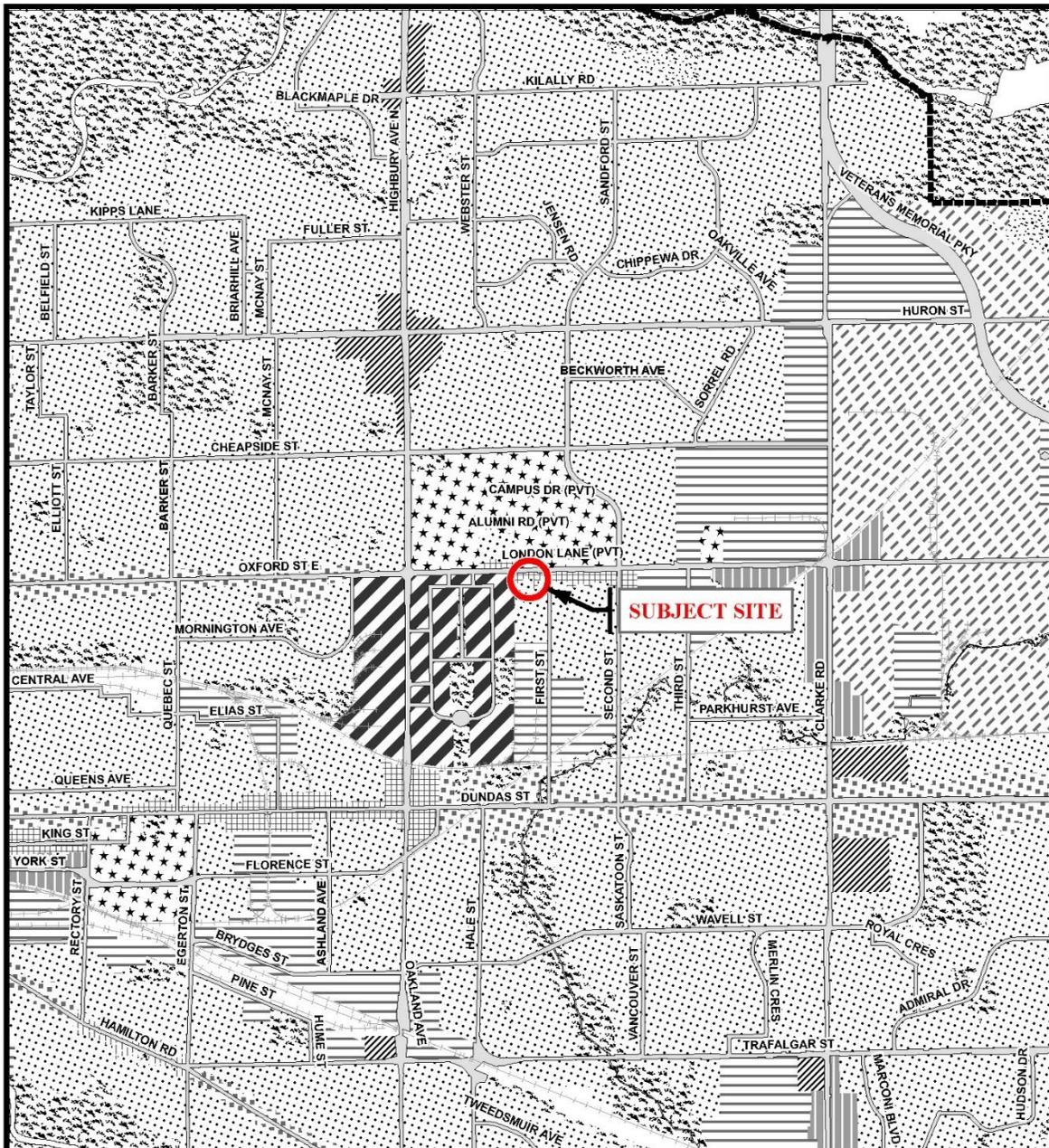
<b>3.7 Planning Impact Analysis</b>	
<b>Criteria</b>	<b>Response</b>
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The proposed land use is not contemplated in the current Low Density Residential designation. The use is contemplated in the proposed MFHDR designation, however it exceeds the contemplated scale and density which is likely to present impacts on present and future land uses in the area, including the existing low density residential neighbourhood.
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;	The site is of an adequate size and shape to accommodate higher densities. However, the proposed intensity results in a number of special provisions, an indicator of over-intensification. Of the special provisions needed to accommodate the proposed development is a reduced side yard setback of 0.9 metres, which offers little opportunity for planting and buffers.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	Vacant land exists to the west of the site, at the southeast intersection of Oxford Street East and Highbury Avenue North, on the former London Psychiatric Hospital lands.

<p>The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services;</p>	<p>The site is not in immediate proximity to public open space and recreational facilities or community facilities. The Stronach Recreation Centre is located further north of the site at Cheapside Street and Sandford Street. Transit services are both existing and planned along Oxford Street East, by way of existing bus stops at Fanshawe College and the planned BRT system.</p>
<p>The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 – Housing;</p>	<p>The proposed development is in an area in need of affordable housing units and would provide for a mix of housing types. Affordable housing is proposed as part of the bonus zone, however an agreement has not been made with HDC.</p>
<p>The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</p>	<p>Staff have major concerns with the height of the proposed building. While a varying heights are provided to offer a transition from adjacent properties, the proposed 9, 14, and 24 storey components are all considered tall buildings. There is no mid-rise form provided at the rear to offer a more sympathetic transition for the existing low rise residential neighbourhood.</p>
<p>The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;</p>	<p>The proposed development provides very little space on site for landscaping and screening. There is no outdoor amenity space provided at grade, aside from hardscape patios. The requested side yard setback is insufficient to accommodate plantings and meaningful buffers. Some tree planting may be achievable along the south property between the proposed surface parking and existing low density residential.</p>
<p>The location of vehicular access points and their compliance with the City’s road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;</p>	<p>Vehicular access is proposed from Ayreswood Avenue, a local street with a cul-de-sac. A Transportation Impact Assessment (TIA) was provided as part of the application submission. Transportation Planning and Design was circulated on the planning application and development proposal and is satisfied that driveway location and design can be addressed at the site plan approval stage. The TIA was accepted and no further comments provided.</p>

<p>The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;</p>	<p>Urban Design staff commend the applicant for incorporating an active built form along both the Oxford and Ayerswood street edges, creation of a distinct base with an animated multi-storey podium wrapped by active uses and creative high quality material usage; locating primary patio areas along Ayerswood Avenue; outdoor amenity areas at podium level adjacent to amenity rooms; locating the majority of parking underground and structured within the building. However, a number of revisions to the building, tower, and site design were recommended, which have not been addressed to date. Staff have concerns that the bulk and scale of the building would result in over-development and impacts on present and future land uses in the area.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources;</p>	<p>No natural heritage features are present that will be affected by the proposed development.</p>
<p>Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;</p>	<p>Noise from the arterial road would be required to be addressed through a future Site Plan Approval process.</p>
<p>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;</p>	<p>The requested amendment does not conform to the policies of the 1989 Official Plan or The London Plan. A number of special provisions to the proposed R9-7 Zone are required to facilitate the proposed development, with respect to setbacks, parking, building coverage, landscaped open space, height, and density. The proposed setback reductions lend little opportunity for permitter plantings, in conformity with the Site Plan Control By-law.</p>
<p>Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;</p>	<p>Limited tree planting and landscaping is proposed to mitigate adverse impacts on surrounding land uses. While the tallest portion of the tower has been oriented towards the corner, staff remain concerned that the volume and bulk of the proposed building will have negative impacts on the surrounding neighbourhood and have not been sufficiently addressed.</p>
<p>Impacts of the proposed change on the transportation system, including transit</p>	<p>The residential intensification of the subject lands facilitates a transit-oriented development. Notwithstanding the requested parking reduction, no major impacts on the transportation system or transit are anticipated.</p>

# Appendix E – Relevant Background

## Additional Maps



### Legend

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

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

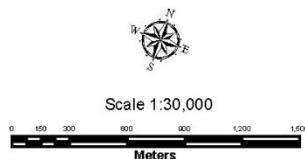
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

### CITY OF LONDON

Planning Services /  
Development Services

### LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



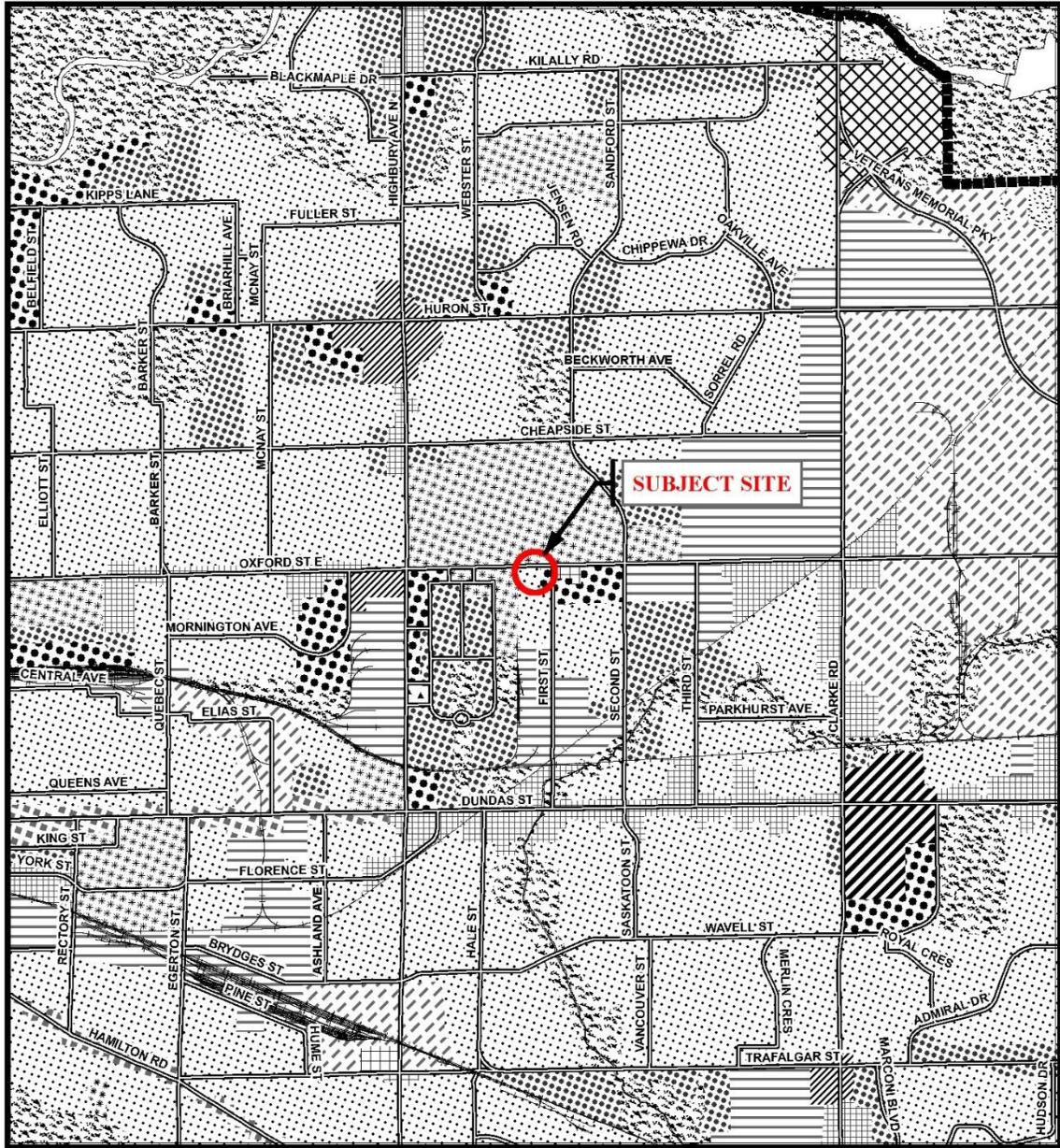
File Number: OZ-9269

Planner: CM

Technician: RC

Date: October 20, 2021

Project Location: E:\Planning\Projects\p\_officialplan\workconsol\00\excerpts\_LondonPlan\mxd\OZ-9269-Map1-PlaceTypes.mxd



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><b>CITY OF LONDON</b></p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9269</p>
		<p>PLANNER: CM</p>
		<p>TECHNICIAN: RC</p>
		<p>DATE: 2021/10/20</p>

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consolid00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd



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

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

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

**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-9269

CM

MAP PREPARED:

2021/10/20

rc

1:1,250

0 5 10 20 30 40

Meters



# Slide 1: OZ-9269 – 1453-1459 Oxford St E & 648-656 Ayreswood Ave

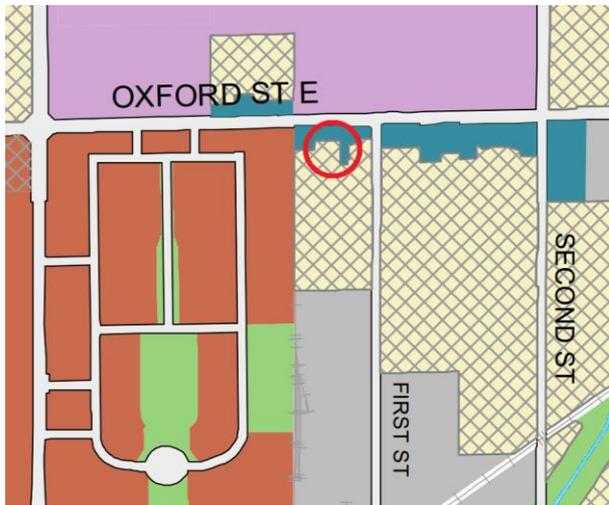


Red Maple Properties  
November 22, 2021

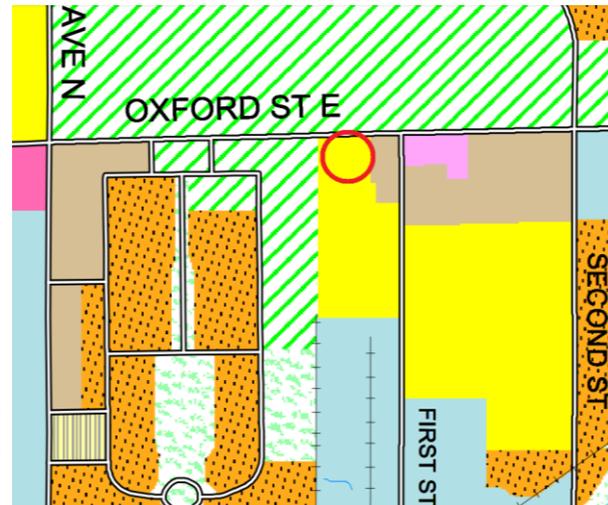
# Slide 2: Subject Site



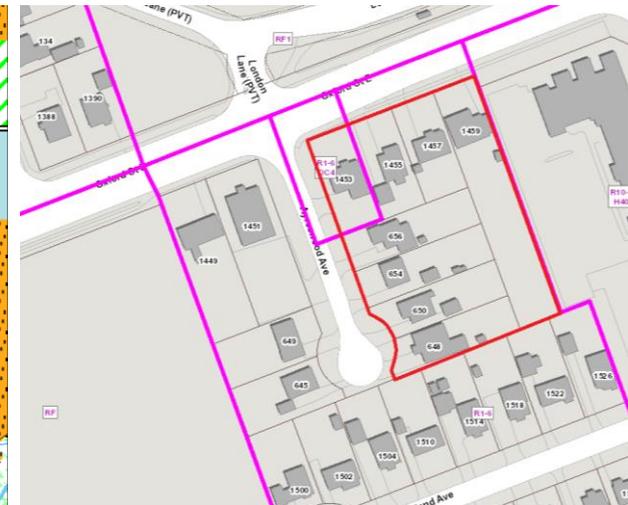
# Slide 3: Policy Overview



*Rapid Transit Corridor and Neighbourhoods Place Types – The London Plan*

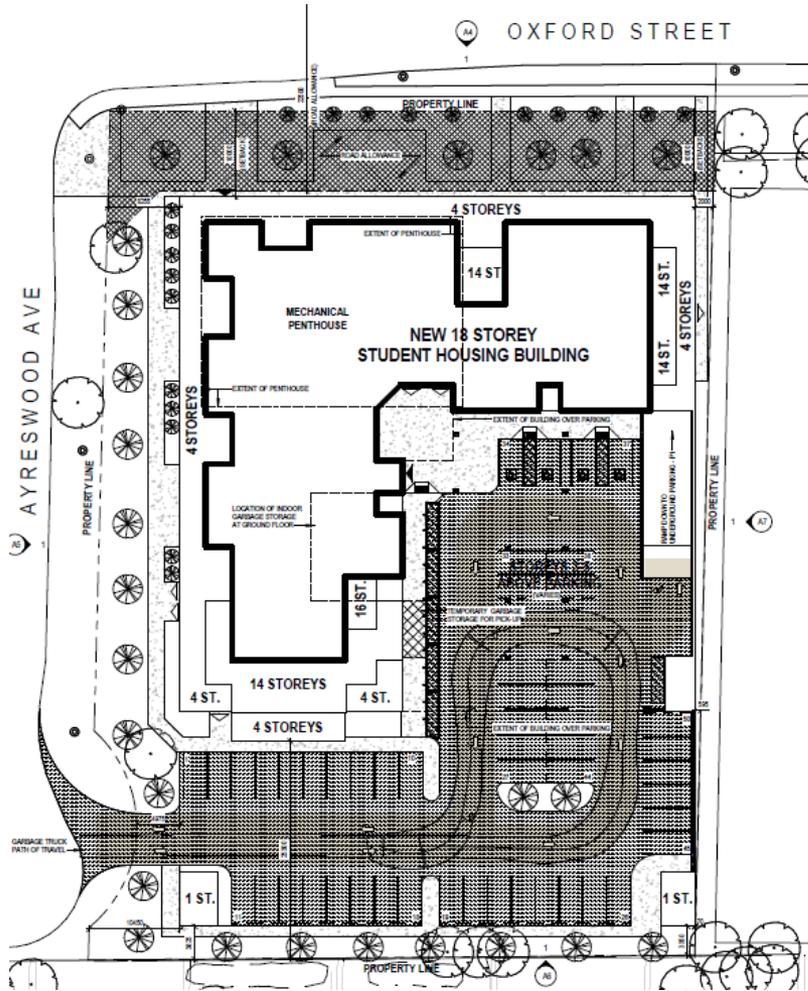


*Low Density Residential – 1989 Official Plan*

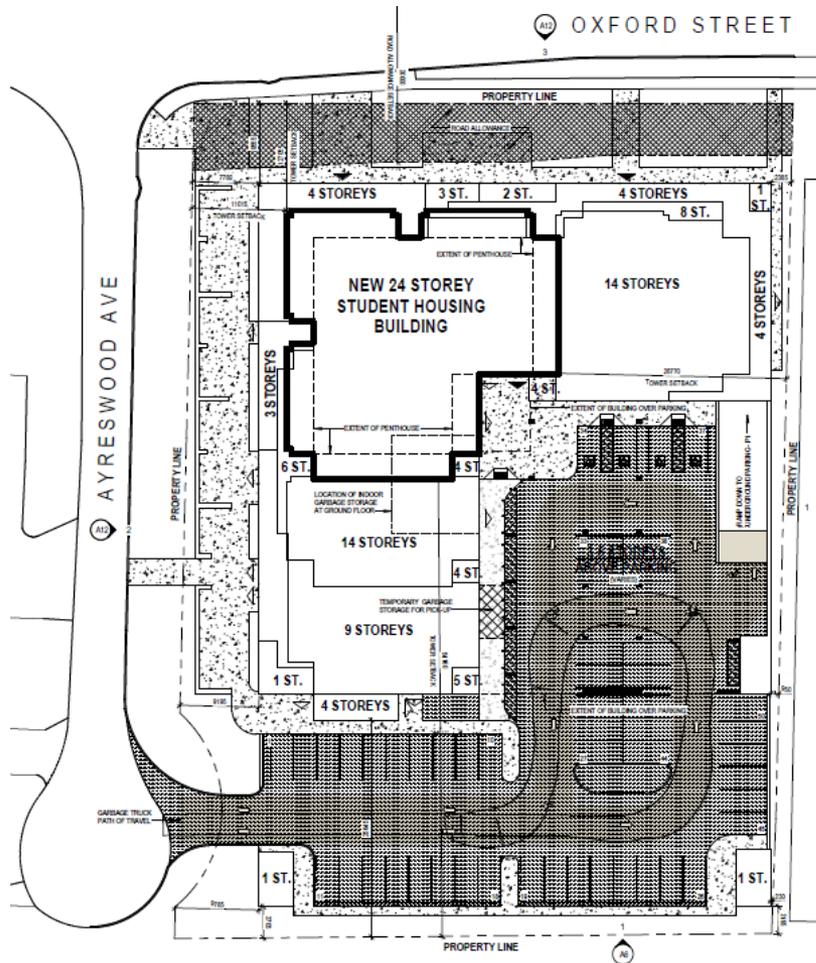


*Residential R1 (R1-6) Zone and Residential R1/Office Conversion (R1-6/OC4) Zone – Zoning By-law Z.-1*

# Slide 4: Proposed Development – Original Application



# Slide 5: Proposed Development – Revised Application



# Slide 6: Use, Intensity, & Form

- The site is located further than 100m from a rapid transit station, therefore a maximum height of 12 storeys with a Type 2 Bonus is contemplated in the Rapid Transit Corridor Place Type.
- If redesignated to MFHDR, a maximum density of 150 units per hectare would be contemplated (excluding provisions for bonusing) in the 1989 Official Plan.
- The middle of the proposed building consists of varying heights from 9 to 14 storeys at the rear, 14 storeys on the east side and along the Oxford Street East frontage, and a 24 storey tower positioned at the corner.
- Although this provides some transition in height, it also results in a heavy building mass that imposes on both street frontages and the surrounding neighbourhood.
- While the tallest portion of the building (24 storeys) is oriented to the corner, there is no low or mid-rise transition in height at the rear of the site adjacent to the low-rise residential properties.
- Staff have recommended several design refinements to address the form-based concerns, which have not been incorporated into the design to date.

# Slide 7: Proposed Bonus Zone

- A maximum building height of 77m and increased maximum density of 390 units per hectare is proposed, whereas 150 units per hectare is permitted in the proposed Residential R9 (R9-7) Zone.
- The proposed building height was requested as an H77, which would not tie the building height to the bonus zone.
- The following facilities, services, and matters are proposed in return for the additional height and density:
  - Affordable housing units – 20 units at 85% market rate, for a period of 50 years.
  - Public parking for BRT – 80 parking spaces for public use in the underground garage.
  - Exceptional building and site design, including improved streetscapes along Oxford Street East and Ayreswood Avenue.
- A number of special provisions for setbacks, lot coverage, landscaped open space, and parking were requested through the bonus zone to facilitate the proposed development.



# Slide 8: Proposed Commercial Zone

- The applicant has requested to compound a Neighbourhood Shopping Area Commercial (NSA3) Zone with the proposed Residential R9 (R9-7) Zone, which would permit a broad range of commercial uses.
- Staff have concerns regarding the appropriateness of the full range of uses permitted by the proposed NSA3 Zone.
- The NSA3 Zone would not necessarily require the commercial uses to be located within a mixed-use apartment building and could result in a standalone commercial development on the site.
- A Specific Area Policy to permit commercial uses was not requested, therefore the proposed commercial uses and NSA3 Zone are not in conformity with the policies of the 1989 Official Plan.



# Slide 9: Sanitary Servicing Constraints

- Sewer Engineering has expressed concern that the peak sanitary flow based on the increase in population proposed by the development would exceed the capacity of the existing sanitary sewer.
- The proposed development would result in an increase in population from eight people to 483 people, which would put the existing sanitary sewer downstream on Second Street over 100% capacity.
- Sewer Engineering staff advised that the owner must demonstrate an outlet with adequate available capacity, either by way of a lower proposed density/population or upgrades to the sanitary sewers on Second Street and downstream system.

# Slide 10: Recommendation

- The proposed development is not consistent with the Provincial Policy Statement, 2020;
- The proposed development does not conform to The London Plan;
- The proposed development does not conform to the 1989 Official Plan;
- The proposed development and requested zoning represent an over-intensification of the site, do not satisfy the criteria of the Planning Impact Analysis, and the facilities, services, and matters proposed through the bonus zone are not commensurate for the requested height and density;
- The existing sanitary sewer that services the site does not have sufficient capacity to support the proposed density;
- It is recommended the requested amendments be refused.

EMAIL paula.lombardi@siskinds.com

FILE NO. 873297

Delivered By Email: hlysynsk@London.ca

November 16, 2021

Heather Lysynski  
Committee Clerk  
City Clerk's Office  
City of London, City Hall  
300 Dufferin Avenue  
London, ON N6B 1Z2

**Attention: Planning and Environment Committee**

**Re: Official Plan and Zoning By-law Amendments  
1453-1459 Oxford Street East & 648-656 Ayreswood Avenue  
City File – OZ-9269; Applicant – Red Maple Properties**

We act on behalf of Fanshawe College (“**Fanshawe**” or “**Client**”) and have been retained to review and comment on the proposed official plan and zoning by-law amendments (the “**Amendments**”) as they relate to the property located at 1453 – 1459 Oxford Street East & 648 – 646 Ayreswood Avenue (the “**Subject Property**”) being proposed by Red Maple Properties.

#### **FANSHAWE COLLEGE**

Fanshawe College (“**Fanshawe**”) is a comprehensive college serving the greater London region by providing flexible learning arrangements and experiential education opportunities developed in response to labour market needs. Fanshawe is one of Ontario’s largest colleges - with four campuses in London, Simcoe, St. Thomas and Woodstock - Fanshawe serves close to half a million people with a promise to educate, engage, empower, and excite.

Fanshawe has a significant presence in the City of London with campuses situated throughout the City including its London Campus located at 1001 Fanshawe College Boulevard situated along Oxford Street East, the Fanshawe Aviation Centre located at the London International Airport, and its Centre of Applied Transportation Technologies located at 1764 Oxford Street East. Its downtown locations include the School of Digital and Performing Arts, School of

**DIRECT**  
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4863819

Information Technology and School of Tourism, Hospitality and Culinary Arts situated at its Dundas Street location. Also downtown is the Academic Upgrading and Community Employment Services located on Richmond Street. Situated in south London is Fanshawe's London South Campus located on Wellington Road.

Fanshawe's main campus is located at 1001 Fanshawe College Boulevard in the City of London, Province of Ontario (the "**Main Campus**"). The Main Campus provides services to approximately 21,000 full-time students. The Main Campus is a prominent landmark in the City and is situated 15 minutes from downtown and consists of 21 modern buildings set on 100 acres.

The Main Campus provides four on-campus residences that offer accommodations for approximately 1,200 students in traditional apartment-style residence rooms and 400 townhouse-style accommodations. There are significant benefits to Fanshawe and the City for ensuring the viability of its on-campus residences. Such benefits include but are not limited to:

- Clarity of accommodation fees including internet, optional meal plans, and other services required for a successful educational experience;
- Security and safety arrangements including swipe card access systems and campus security;
- An extensive range of facilities and amenities; and,
- College community, living on campus provides students with the opportunity to interact with other students from diverse social and cultural backgrounds.

The development of the Subject Site for 259 residential units in a 24-storey mixed use building within a four (4) minute walk from Fanshawe directly impacts the viability of Fanshawe's on-campus housing. It also creates an intensity of development in the area resulting in additional activity on Fanshawe's campus regardless of whether or not they are students. Due to the proximity of the proposed development to Fanshawe it is foreseeable that the residents of the new 24-storey mixed-use building will utilize Fanshawe's property for a wide variety of services and result in a number of residents crossing Oxford Street East to access public transit from the Main Campus. This also results in Fanshawe students having to wait long for public transit due to the increased number of people accessing public transit in the area.

## **COMMENTS**

We ask that the Planning and Environment Committee ("**PEC**") receive and review these written comments when considering the Proposed Official Plan and Zoning By-law Amendments (the "**Amendments**") for the Subject Property. Fanshawe is submitting these comments for consideration at the public participation meeting scheduled for Monday,

November 22, 2021. We reiterate and rely on our submissions to the City of London (the “City”) on the Proposed Zoning By-law Amendment dated June 14, 2021.

### **THE SUBJECT PROPERTY**

The Subject Property currently consists of detached residential dwellings consistent with the general character of the area. The Amendments seek to provide for the development of a 24-storey mixed use building containing 259 residential units and 500 m<sup>2</sup> of commercial gross floor area on the Subject Property. It appears that there has been no amendment / alteration to the Amendments following the submission of our Client’s comments to the City.

To accommodate Red Maple Properties’ proposed development on the Subject Property several reductions and modifications are required to the zoning by-law requirements including but not limited to: reductions to the front yard depth, exterior side yard depth, side yard depth, rear yard depth, reduced landscaped open space, increased lot coverage, reduced parking, increased building height and increased maximum density of 390 units per hectare. The Amendments are significant resulting in an increase in the intensity of development and causing considerable impacts to the existing neighbourhood and Fanshawe’s campus.

### **TRANSIT CORRIDOR AREA**

The London bus rapid transit (the “BRT”) system is a proposed transportation network running throughout the City’s busiest corridors. The east-west corridor of the BRT runs west from the downtown area past Wonderland Road and east to Fanshawe’s Main Campus.

The City of London designated Protected Major Transit Areas (“PMTSAs”) to incorporate policies into The London Plan, 2016 to designate PMTSAs and added policies pertaining to building heights and minimum densities for these areas.

PMTSAs are located in the areas surrounding and include the existing and planned higher order transit station or stop, generally within a 500 to 800 metre radius (a 10-minute walk) of the transit station and are generally located in the downtown core. The area along Oxford Street East across from the Main Campus is designated as part of the Transit Corridor Area.

We note that the proposed Transit Corridor station will be located immediately south of Building A of Fanshawe’s Main Campus. The Subject Property is located outside of this area by approximately 300 metres to the east of the proposed Transit Corridor station.

To treat this area similar to a PMTSA is inappropriate and directly contradicts The London Plan policies.

The purpose of the PMTSA, which is consistent with the Provincial Policy Statement, 2020, as encouraging transit supportive development and promoting a clear relationship between land use and transit.

### **PROPOSED AMENDMENTS**

The proposed Amendments result in an increased density and height that is not consistent with the general nature and character of the area. The proposed 24 storey tower is not in-keeping nor does it reflect any other buildings situated in the general neighbourhood in which is situated which is primarily a low-density area. The height and density associated with Red Maple Properties' proposed development results in significant impacts to the Main Campus including but not limited to the services it provides to its student population and is not in keeping with the character of the surrounding area.

### **MAIN CAMPUS**

Fanshawe's Main Campus is intentionally developed in such a manner to ensure that its new five storey building (being one of the highest buildings located on the campus) is situated in the middle of the campus away from and off of Oxford Street East. The buildings located on the Main Campus fronting along Oxford Street East are generally low-rise in character with Building D being the highest building at 3 storeys plus a penthouse level.

For the reasons set out above, the proposed 259 residential units have a significant impact on Fanshawe's residences that are constructed with the specific intention of being integrated into the college and part of the college experience. The size, massing, density, location, and nature of Red Maple Properties' proposed development is tantamount to a student housing proposal.

In addition, the height impacts on the Main Campus are significant resulting in the development of a tower that overpowers the area and the Main Campus entirely. The impact of Red Maple Properties' proposed development on Fanshawe's Main Campus needs to be taken into consideration. Such an intense development is not in-keeping with the character and nature of the surrounding area specifically the Fanshawe Main Campus.

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### FAILURE TO MEET APPROPRIATE POLICY FRAMEWORK

The proposed development of the Subject Site with the increased density, failure to respect the existing character of the area is inconsistent with the provisions of the *Planning Act* and the Provincial Policy Statement, 2020 including but not limited to:

- A. Under section 2 of the *Planning Act* regard must be given to matters of provincial interest including:
  - h. the orderly development of safe and healthy communities;
  - p. the appropriate location of growth and development; and,
- B. Policy 1.0, of the PPS, Building Strong Healthy Communities, the proposed Zoning By-law Amendment fails to take into consideration the impact of the proposed development on the surrounding land use patterns in the area;
- C. Policy 1.1.1 of the PPS provides that healthy, liveable and safe communities are sustained by:
  - c. avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;

The proposed development of the Subject Site with the increased density, failure to respect the existing character of the area does not conform to The London Plan policies including but not limited to Transit Villages and Rapid Transit Corridors.

Fanshawe has significant concerns that Red Maple Properties' proposed development is not in-keeping with the character and nature of the surrounding area specifically the Main Campus. The proposed development is inconsistent with the *Planning Act*, and the Provincial Policy Statement, 2020.

The Zoning By-law Amendment also fails to conform to The London Plan Buildings policies as it relates to the proposed development's scale, massing, materials, relationship to adjacent buildings, and other such form-related consideration, among others.

Our opinion is based on the information submitted to date and we preserve our Client's right to raise any additional issue that may arise upon further review and consideration.

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Should you have any questions or concerns, please do not hesitate to contact us.

Yours very truly,

Siskinds LLP

 e-signature

Per:

Paula Lombardi  
Partner

c: Client  
Catherine Maton, cmaton@london.ca  
Councillor Mohamed Salih, msalih@london.ca



**ADDED COMMUNICATION**

**TO: PLANNING AND ENVIRONMENT COMMITTEE**

**FROM: ZELINKA PRIAMO LTD.: Casey Kulchycki and Harry Froussios, Senior Planners  
RED MAPLE PROPERTIES: Paul Champagne, Owner/Applicant**

**RE: OZ-9269, RED MAPLE PROPERTIES  
1453 – 1459 Oxford Street East & 648 – 656 Ayreswood Avenue**

**PLANNING SUBMISSIONS**

Overall, the development will:

- support adjacent Regional Facilities,
- address ongoing housing needs in the community and the City as a whole,
- support existing and future transportation systems, utilize and improve existing services,
- achieve the goals and objective of the Near Campus Neighbourhood policies, and
- meet and exceed design requirements, improve streetscapes, and address compatibility with adjacent properties.

**Transit and BRT**

- The 1989 **Official Plan (“OP”)** encourages **High Density Residential (“HDR”)** developments along arterial roadways proximate to Regional Facilities, in this case, Fanshawe College.
- The proposed location is also proximate to the commercial node at Oxford & Highbury, the proposed East Terminal for the **Bus Rapid Transit (“BRT”)** system, and existing (adjacent east) and proposed development on the former London Psychiatric Hospital lands for High Density Residential Uses.
- Oxford Street is a proposed BRT route; HDR uses are encouraged to develop along the BRT routes to facilitate higher ridership and convenient access.
- The London Plan encourages parcel assembly and consolidation along the Rapid Transit Corridors to facilitate more comprehensive development proposals. The subject lands are comprised of 8 single detached parcels, each with its own single detached dwelling currently.

**Near Campus**

- Council adopted the **Near Campus Neighbourhood (“NCN”)** Policies to encourage well maintained HDR developments towards the perimeter of established low density residential areas to mitigate existing single detached dwellings from being used to house students and allow for a transition back to stable residential uses as student housing needs are met through the development of HDR buildings in proper locations, such as the proposed development.

- The NCN policies also echo the 89 OP and London Plan and encourage intensification projects along major arterial and transportation routes.

### **Site Features**

- The site and building design direct active uses on the ground floor to the street frontage facades (study rooms, retail space, café, etc.) and has outdoor patios, and seating areas along both Oxford and Ayerswood to animate those streetscapes. Additional landscaping will further improve on the pedestrian experience along these streetscapes.
- Building mass is directed to the two streetscapes, Oxford and Ayerswood, and tapers down from the highest 24-storeys at the corner, to 14-storeys, 9-storeys, and then to the podium, 3-5 storeys as it moves towards the low density uses to the south.
- Shadowing impacts are directed to the Oxford Street right-of-way, with Fanshawe College T Building being most impacted. Windows along this facade are into common hallway spaces, with some limited windows into a large woodworking classroom and small classrooms. Most of the shadow impacts only occur during the winter months when shadows move faster.
- The adjacent apartment building has a density of 159 units per hectare, and the proposed building is 390 uph. However, the adjacent building has 587 bedrooms, only 29 less than the proposed building. From a residential intensity standpoint, the two buildings are almost identical, and there are no known issues or concerns with the adjacent development.

### **Bonusing**

- As part of this application twenty (20) units at 85% Market Rate, for a period of 50 years are proposed to be dedicated for Affordable Housing to the Housing Development Corporation to continue to address the shortage of affordable units in the City. The proposed development addresses a housing need not only in the City, but also in the growing student population of Fanshawe College.
- The proposed Bonus Package also includes eighty (80) public parking spaces (underground) to encourage park-and-ride users for the future BRT system.
- Exceptional Building & Site Design, including streetscape improvements on Oxford and Ayreswood.

### **Issues with City Analysis**

- Not an over-intensification of the site.
- Provincial Policy Statement and Official Plan Policies are complied with, and consistency is proven; supports the strategic vision for London's future.
- Failure to recognize future needs and planned future development in the immediate area.
- Failure to recognize importance of Bonusing contributions that are in the public interest.
- Sanitary sewer capacity shall be addressed / improved and should not detract from planning merits.

## **APPLICANT SUBMISSIONS: Red Maple Properties**

### **What is driving College and University enrollment growth?**

- Post-secondary institutions receive government funding for classrooms and programing – not for building accommodation or residences
- Colleges do not receive any provincial government funding for international students. As a result, post-secondary institutions now charge international enrollment tuitions upwards of 3X the price of domestic tuitions
- Post-secondary institutions rely on international tuitions to off-set declines in government funding, so much so, that international enrollments have now become the largest profit centre for post-secondary institutions
- Unless the existing government funding model for post-secondary institutions changes, colleges and universities will continue to grow international enrollments as means to off-set cuts in government funding. Until this changes, the demand for student housing can be expected to only increase

### **Exactly how big is Fanshawe College's increase in enrollment and what is being done about it?**

- Between 2017-2020, Fanshawe College achieved a 27.6 percent enrolment increase, far exceeding its strategic target of six percent, however, during this same time period, there has been virtually no increase to the NCN housing stock
- The 2020-2025 Strategic Mandate Agreement between Fanshawe College and the Ontario Ministry of Colleges and Universities is the mechanism which provides Fanshawe's performance-based funding allocations for the five-year period (2020 to 2025). Under this bi-lateral agreement, both the Province and Fanshawe have agreed to the goal of increasing international enrollments by a minimum of 2,668 students over the next five years, representing 53% growth to college's current level of international enrollments
- This is not a "forecast", it's an agreed upon goal to which college's provincial funding is tied
- What is Fanshawe College's housing / accommodation strategy to mitigate this impact of increased enrollments? Nothing - No residences will be built by the college, nor will any beds be added to their housing stock
- What is the City of London's strategy to mitigate this impact? None

### **How much housing stock is required to accommodate the increase of 2,688 in International Enrollments?**

- London's **Near Campus Neighbourhood ("NCN")** policy limits new rental units to a maximum of three bedrooms (previously limited to five)
- Under this policy, this growth translates into an equivalent requirement of 883 new houses to accommodate this increase in enrollment
- For context: Within the London census metropolitan area during 2020 (London, St. Thomas, Strathroy and parts of Middlesex and Elgin counties) 1,727 new single homes were built, implying that 51% of the entire 2020 construction boom realized would have been required to absorb Fanshawe's enrollment increase

### **What will the Red Maple Development offer to the NCN housing inventory?**

- The proposed Red Maple Properties development will offer ~ 616 new beds to the NCN housing inventory at the proposed 24 storeys
- This development will only meet 23% of the growth to be realized in the next 5 years
- Reality: the Fanshawe NCN requires a minimum of **four** of new developments of this residential intensity in order to meet the coming growth - this is without any consideration to current shortage of NCN housing stock

### **How is the Red Maple Development different from other forms of high-density housing?**

- The development will offer a new and innovative student housing opportunity in a city where housing is in short supply
- The vision for the development is based upon on a proven model for purpose-built student accommodation; a model which has been adopted around the world and now widely perceived as a preferred housing option
- London doesn't just need a greater housing supply, we also need the right type of supply
- The development will offer a professional and institutionalized living experience for students, as well offering an affordable, accessible, safe, and healthy housing.
- It will be a professionally managed operation, with 7/24 onsite security
- Students seek out places to live that offer increased safety and privacy, along with SMART connected & technology-enabled study and living spaces to enable successful studies
- Students seek 4- or 8-month tenancy agreements – not 1-year leases, or leases which are not aligned to their academic calendar
- When given the choice, it has shown that students opt for this form of housing over single family homes, town houses, condominiums, private apartments, or traditional dorms
- Access to public transportation, proximity to campus and affordability are paramount in the choice of where they choose to live
- This form of housing provides an affordable alternative housing option, with rents typically being 2/3 to ¾ of the cost of a 1 bedroom apartment in the same market and provides an affordable alternative to other forms of housing
- We encourage City Planning to think differently about how these areas (Fanshawe & UWO NCNs) are growing and changing. The role of student residential accommodation is a segment of London's housing requirement, and sufficiently distinct to warrant unique consideration. The shortage of housing in the city affects all parts of the city, but is even more disproportionate in the NCNs

### **What will happen if new housing stock is insufficient to meet demand?**

- Displacement: more single families will be displaced as SFHs turn into rentals
- Student sprawl: more students will be pushed further into adjacent, non-NCN neighbourhoods
- Unhealthy neighbourhoods: Landlords will continue to stuff students into homes to get around the 3-bedroom limit.
- London will realize increases in the number of unlicensed and illegal multi-tenant houses

- Non-Sustainable: Exponentially exacerbate many of the problems attributed to Fanshawe’s goal of increasing enrollments & programs in recent years with no regard or consideration to student accommodation (ie., more of the same negative impacts similar to those attributed with the transition of single-family neighbourhoods into “student ghettos”)

### **A New Development in a Changing Neighbourhood**

- The Fanshawe College NCN will undergo a revitalization with redevelopment of the London Psychiatric Hospital Lands
- The Draft Plan of subdivision for LPH lands calls for 7 high density residential/mixed use blocks, with anticipated heights of 26-30 storeys (Red Maple proposal seeking 24 storeys). This application should be considered compatible with the size, scale and intensity of the LPH revitalization.
- The proposed development is almost immediately adjacent to the London Psychiatric Hospital Lands (~100m)
- Oxford Street is a proposed **Bus Rapid Transit** route, and the development will be steps from the East Terminal for the BRT system
- The proposed development will be adjacent to a recently constructed high density building. The adjacent building has 587 bedrooms, only 29 less than the proposed building. From a residential intensity standpoint, the two building are almost identical
- The proposed development will promote the orderly development of a safe and healthy community
- The development will address the housing shortage and provide an alternative housing option for both current and future residents of this unique neighbourhood
- The development will offer 20 units to the HDC for Affordable Housing to address the shortage of affordable units in the City
- The development will achieve the goals and objective of the Near Campus Neighbourhood policies
- The development will achieve a maximum potential / land use efficiency

# London Advisory Committee on Heritage

## Report

11th Meeting of the London Advisory Committee on Heritage  
November 10, 2021  
Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance                   PRESENT: D. Dudek (Chair), M. Bloxam, J. Dent, S. Gibson, E. Rath, M. Rice, K. Waud and M. Whalley and J. Bunn (Committee Clerk)

ABSENT: S. Bergman, L. Fischer, T. Jenkins, S. Jory and J. Manness

ALSO PRESENT: K. Gonyou, M. Greguol, L. Jones and M. Schulthess

The meeting was called to order at 5:35 PM.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

#### 2.1 10th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 10th Report of the London Advisory Committee on Heritage, from its meeting held on October 20, 2021, was received.

#### 2.2 Windermere Road Improvements - Municipal Class Environmental Assessment Study - Notice of Public Information Centre #2

That it BE NOTED that the Notice of Public Information Centre #2, dated October 28, 2021, from P. Yanchuk, City of London and K. Welker, Stantec Consulting Ltd., with respect to Windermere Road Improvements Municipal Class Environmental Assessment Study, was received.

#### 2.3 Community Heritage Ontario News - 2022 Membership Renewal Form

That the London Advisory Committee on Heritage (LACH) 2022 membership with the Community Heritage Ontario BE APPROVED; it being noted that the LACH has sufficient funds in its 2021 Budget to cover the \$75.00 renewal fee.

#### 2.4 Public Meeting Notice - Official Plan and Zoning By-law Amendments and Site Plan Public Meeting - 370 South Street and 124 Colborne Street

That it BE NOTED that the Public Meeting Notice, dated November 4, 2021, from L. Maitland, Site Development Planner, with respect to Official Plan and Zoning By-law Amendments and Site Plan Public Meeting, related to the properties located at 370 South Street and 124 Colborne Street, was received.

### 3. Sub-Committees and Working Groups

#### 3.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee Report, from the meeting held on October 27, 2021, was received.

#### 4. Items for Discussion

##### 4.1 Heritage Alteration Permit Application by S. Doherty for the Property Located at 10 Bruce Street, Wortley Village-Old South Heritage Conservation District

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act, seeking approval for alterations to the porch of the heritage designated property located at 10 Bruce Street, located within the Wortley Village-Old South Heritage Conservation District BE PERMITTED, as submitted, with the following terms and conditions:

- the porch be reconstructed using the salvaged brick and concrete block materials;
- the porch and railing system be reconstructed as previously constructed according to photographic documentation;
- the new columns consist of concrete with fluting and ornamental capitals to be replicated in kind based on the porch's previous construction;
- the Heritage Planner be circulated on the Building Permit to ensure the railing and columns are consistent with design of the previous porch;
- the proposed alterations to the porch be completed within six (6) months of Municipal Council's decision on this Heritage Alteration Permit; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

##### 4.2 Heritage Alteration Permit Application by T. and B. Byrne for the Properties Located at 466-468 Queens Avenue, West Woodfield Heritage Conservation District

That, the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act, seeking retroactive approval for alterations to the heritage designated properties located at 466-468 Queens Avenue, in the West Woodfield Heritage Conservation District, BE APPROVED with the following terms and conditions:

- the existing wood windows on the 466 Queens Avenue portion of the property be retained; and,
- the London Doorway on the 466 Queens Avenue portion of the property be retained.

##### 4.3 Designation, Health Services Building and War Memorial Children's Hospital, 370 South Street, Under Section 29 of the Ontario Heritage Act

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the following actions be taken with respect to the staff report dated November 10, 2021, related to the Designation of the Health Services Building and War Memorial Children's Hospital, located at 370 South Street, under Section 29 of the Ontario Heritage Act:

a) notice BE GIVEN under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O 1990, c.O. 18, of Municipal Council's intention to designate the above-noted property to be of cultural heritage value or interest for the reasons outlined in Appendix D and Appendix E of the above-noted report; and,

b) should no objection to Municipal Council's notice of intention to designate be received, a by-law to designate the property located at 370 South Street to be of cultural heritage value or interest for the reasons outlined in Appendix D and Appendix E of the above-noted report BE INTRODUCED at a future meeting of Municipal Council within 90 days of the end of the objection period;

it being noted that should an objection to Municipal Council's notice of intention to designate be received, a subsequent staff report will be prepared;

it being further noted that should an appeal to the passage of the by-law be received, the City Clerk will refer the appeal to the Ontario Land Tribunal;

it being noted that the London Advisory Committee on Heritage encourages that effort be put into locating and using the original memorial plaque, as appended to the above-noted staff report in Appendix C, in the development of the property.

#### 4.4 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated November 10, 2021, from the Heritage Planners, was received.

### 5. **Adjournment**

The meeting adjourned at 6:16 PM.

# Environmental and Ecological Planning Advisory Committee

## Report

The 8th Meeting of the Environmental and Ecological Planning Advisory Committee  
November 18, 2021  
2021 Meeting - Virtual Meeting during the COVID-19 Emergency

Attendance                      PRESENT: S. Levin (Chair), I. Arturo, L. Banks, A. Boyer, P. Ferguson, L. Grieves, S. Hall, B. Krichker, I. Mohamed, B. Samuels, S. Sivakumar, R. Trudeau and I. Whiteside and H. Lysynski (Committee Clerk)

ABSENT: A. Bilson Darko, S. Esan, S. Heuchan, J. Khan, K. Moser and M. Wallace

ALSO PRESENT: C. Creighton, K. Edwards, J. MacKay and E. Williamson

The meeting was called to order at 5:03 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 2022 Budget Update

That it BE NOTED that the presentation by K. Murray, Environmental Services Engineer, with respect to the 2022 Budget update, was received

### 3. Consent

#### 3.1 7th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 7th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on October 21, 2021, was received.

#### 3.2 Notice of Planning Application - 3207 Woodhull Road

That it BE NOTED that a Notice of Planning Application for Official Plan and Zoning By-law Amendments dated November 10, 2021, relating to the property located at 3207 Woodhull Road, was received.

#### 3.3 Notice of Public Meeting - Encouraging the Growing of Food in Urban Areas

That it BE NOTED that a Notice of Public Meeting for London Plan and Zoning By-law Amendments dated November 4, 2021, relating to Encouraging the Growing of Food in Urban Areas, was received.

3.4 Notice of Public Meeting - 3095 and 3105 Bostwick Road

That it BE NOTED that a Notice of Public Meeting for the Draft Plan of Subdivision and Zoning By-law Amendment dated November 4, 2021, relating to the properties located at 3095 and 3105 Bostwick Road, was received.

**4. Sub-Committees and Working Groups**

4.1 Working Group Report - 179 Meadowlily Road South

That the Working Group report relating to the property located at 179 Meadowlily Road BE FORWARDED to the Civic Administration for consideration.

**5. Items for Discussion**

5.1 Notice of Planning Application - 323 Oxford Street West, 92 and 825 Proudfoot Lane

That it BE NOTED that the Notice of Planning Application dated October 27, 2021, for Draft Plan of Subdivision and Zoning By-law Amendment for the properties located at 323 Oxford Street West and 92 and 825 Proudfoot Lane, was received.

5.2 Notice of Planning Application - 952 Southdale Road West

That a Working Group BE ESTABLISHED consisting of S. Levin (lead), S. Hall, R. Trudeau and I. Whiteside, to review and report back at the next meeting with respect to the Notice of Planning Application for Official Plan and Zoning By-law Amendments dated November 10, 2021, for the property located at 952 Southdale Road West.

5.3 Environmental Management Guidelines

That S. Levin, Chair, Environmental and Ecological Planning Advisory Committee (EEPAC) BE DIRECTED to speak on behalf of the EEPAC at the Planning and Environment Committee public participation meeting relating to Environmental Management Guidelines.

5.4 Follow up to meeting re lessons learned from 905 Sarnia wetland relocation

That the request for a follow-up meeting relating to lessons learned from the 905 Sarnia Road wetland relocation BE PLACED on the January, 2022 or February, 2022 meeting of the Environmental and Ecological Planning Advisory Committee meeting for further discussion.

**6. Adjournment**

The meeting adjourned at 6:14 PM.