Agenda Including Addeds
Planning and Environment Committee

14th Meeting of the Planning and Environment Committee

August 22, 2022

4:00 PM

Council Chambers - Please check the City website for additional meeting detail information. Meetings can be viewed via live-streaming on YouTube and the City Website.

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Metis and Inuit people today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

Members

Councillors A. Hopkins (Chair), S. Lewis, S. Lehman, S. Turner, S. Hillier, Mayor E. Holder

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact PEC@london.ca or 519-661-2489 ext. 2425.

Pages

1. **Disclosures of Pecuniary Interest**

2. **Consent**

2.1. 4th Report of the Community Advisory Committee on Planning 4

2.2. 3493 Colonel Talbot Road - Request for Extension of Draft Plan Approval (39T-14504) 7

2.3. Byron Gravel Pits Secondary Plan - Update 32

2.4. Building Division Monthly Report - June 2022 41

3. **Scheduled Items**

3.1. Public Participation Meeting - Not to be Heard before 4:00 PM - Zoning By-law: Patio Restrictions 49

a. R. Webb 56

b. (ADDED) S. Olivastri *57*

c. (ADDED) E. Mitchell *59*

d. (ADDED) AM. Valastro *60*

e. (ADDED) Staff Presentation *64*

3.2. Public Participation Meeting - Not to be Heard before 4:30 PM - 3700 Colonel Talbot Road and 3645 Bostwick Road (Z-9521) 70

3.3. Public Participation Meeting - Not to be Heard before 4:30 PM - 140-142 96

Wellington Street - Request to Remove Properties from the Register of Cultural Heritage Resources

3.4. Public Participation Meeting - Not to be Heard before 4:30 PM - Demolition Request for Heritage Designated Property at 520 Ontario Street, Old East Heritage Conservation District 129

a. (ADDED) K. Madlener *139*

3.5. Public Participation Meeting - Not to be Heard before 4:30 PM - 767 Fanshawe Park Road East (Z-9499) 140

a. (ADDED) D. and S. Berberich *189*

b. (ADDED) Staff Presentation *198*

c. (ADDED) R. and M. Wilson *206*

d. (ADDED) S. and C. Cunningham *209*

3.6. Public Participation Meeting - Not to be Heard before 5:00 PM - A Portion of 4519, 4535 & 4557 Colonel Talbot Road (Z-9433) 210

a. (ADDED) Staff Presentation *254*

3.7. Public Participation Meeting - Not to be Heard before 5:30 PM - 604 Beaverbrook Avenue (OZ-9483) 263

a. (ADDED) Staff Presentation *308*

3.8. Public Participation Meeting - Not to be Heard before 6:00 PM - 712 Base Line Road East (Z-9474) 316

a. (ADDED) Staff Presentation *362*

b. (ADDED) M. Poddar, Planner II, Strik Baldinelli Moniz Ltd. and D. Traher, VP, Westdell Development Corp. *370*

3.9. Public Participation Meeting - Not to be Heard before 6:00 PM - 1737 Richmond Street (Z-9470) 374

a. (ADDED) Staff Presentation *449*

b. (ADDED) S. Rasanu, Strik Baldinelli Moniz and D. Traher, Westdell Development Corp. *457*

3.10. Public Participation Meeting - Not to be Heard before 7:00 PM - 21-41 Meadowlily Road North and 20 Norlan Avenue (OZ-9500) 461

a. (ADDED) Staff Presentation *498*

4. Items for Direction

4.1. 183 and 197 Ann Street - Proposed Designation By-laws Under Part IV, Section 29 of the Ontario Heritage Act - Consideration of Objections 506

a. (ADDED) North Talbot Community / AM. Valastro *518*

a. (ADDED) S. Olivastri *519*

b. (ADDED) E. Mitchell *520*

c. (ADDED) N. Stevens *521*

d. (ADDED) J. and J. Sayles *522*

e. (ADDED) J. Fooks *523*

f. (ADDED) D. Fraser *524*

g. (ADDED) B. Benedict *525*

h. (ADDED) J. Jacobson *526*

i. (ADDED) D. Ferreira *527*

j. (ADDED) V. White *528*

k. (ADDED) R. McDowell *529*

l. (ADDED) J. McDowell *530*

b. (ADDED) A. Soufan, President, York Developments *531*

c. (ADDED) A. Soufan - REQUEST FOR DELEGATION STATUS *534*

4.2. 1067, 1069 and 1071 Wellington Road (OZ-9263 / Z-9264) 535

a. (ADDED) M. Campbell, Senior Planner, Zelinka Priamo *546*

5. Deferred Matters/Additional Business

6. Confidential (Enclosed for Members Only)

6.1. London Plan Site Specific Appeals - Instructions

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Ontario Land Tribunal (“OLT”), and for the purpose of providing instructions and directions to officers and employees of the Corporation.

7. Adjournment

Community Advisory Committee on Planning

Report

4th Meeting of the Community Advisory Committee on Planning
August 10, 2022

Attendance

PRESENT: S. Bergman (Chair), I. Connidis, G. de Souza Barbosa, J. Dent, A. Johnson, S. Jory, J.M. Metrailler, M. Rice, M. Wallace, K. Waud and M. Wojtak and J. Bunn (Committee Clerk)

ABSENT: S. Ashman, M. Bloxam, J. Wabegijig and M. Whalley

ALSO PRESENT: G. Barrett, L. Dent, K. Gonyou, J. Kelemen and A. Mustard-Thompson and B. Westlake-Power

The meeting was called to order at 5:01 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 Community Advisory Committee on Planning Orientation

That it BE NOTED that the presentation, dated August 10, 2022, from G. Barrett, Director, Planning and Development, with respect to an orientation for the Community Advisory Committee on Planning, was received.

3. Consent

3.1 3rd Report of the Community Advisory Committee on Planning

That it BE NOTED that the 3rd Report of the Community Advisory Committee on Planning, from the meeting held on July 13, 2022, was received.

3.2 Municipal Council Resolution - 2nd Report of the Community Advisory Committee on Planning

That it BE NOTED that the Municipal Council resolution, from the meeting held on July 5, 2022, with respect to the 2nd Report of the Community Advisory Committee on Planning, was received.

3.3 CHO Newsletter - Summer 2022

That it BE NOTED that the Community Heritage Ontario (CHO) Newsletter for Summer 2022, as appended to the Agenda, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee Report, from the meeting held on June 29, 2022, was received.

4.2 Education Sub-Committee Report

That it BE NOTED that the Education Sub-Committee, from the meeting held on August 2, 2022, was received.

4.3 Sub-Committee Discussion

That it BE NOTED that the Community Advisory Committee on Planning (CACP) held a general discussion with respect to the sub-committee of the CACP.

5. Items for Discussion

5.1 Request to Remove Properties from the Register of Cultural Heritage Resources by J. Fernandez for the Properties at 140 and 142 Wellington Street

That it BE NOTED that the London Community Advisory Committee on Planning (CACP) received a report, dated August 10, 2022, with respect to a request to remove properties from the Register of Cultural Heritage Resources by J. Fernandez for the properties located at 140 and 142 Wellington Street, and the CACP supports the staff recommendation.

5.2 Demolition Request for Heritage Designated Property at 520 Ontario Street, Old East Heritage Conservation District

That it BE NOTED that the London Community Advisory Committee on Planning (CACP) received a report, dated August 10, 2022, with respect to a demolition request for the heritage designated property located at 520 Ontario Street in the Old East Heritage Conservation District and the CACP supports the staff recommendation; it being noted that the CACP encourages the owner to salvage any historical elements and/or materials for use in future developments.

5.3 2023 Mayor's New Year's Honour List - Call for Nominations

That the communication, dated July 6, 2022, from M. Schulthess, City Clerk and B. Westlake-Power, Deputy City Clerk, with respect to the 2023 Mayor's New Year's Honour List Call for Nominations, was received.

5.4 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated August 10, 2022, was received.

6. Additional Business

6.1 (ADDED) Municipal Council resolution from the meeting held on August 2, 2022, with respect to the 3rd Report of the Community Advisory Committee on Planning

That it BE NOTED that the Municipal Council resolution, from the meeting held on August 2, 2022, with respect to the 3rd Report of the Community Advisory Committee on Planning, was received.

6.2 Public Meeting Notice - Zoning By-law Amendment - 4519, 4535, 4557 Colonel Talbot Road

That it BE NOTED that the Public Meeting Notice, dated August 4, 2022, from A. Riley, Senior Planner, with respect to a Zoning By-law Amendment for the properties located at 4519, 4535 and 4557 Colonel Talbot Road, was received.

7. Adjournment

The meeting adjourned at 6:27 PM.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **Scott Mathers, MPA, P. Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **Application by 2219008 Ontario Limited (York Developments)**
3493 Colonel Talbot Road
Extension of Draft Plan Approval
Date: **August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the application of 2219008 Ontario Limited (York Developments) relating to the lands located at 3493 Colonel Talbot Road, the Approval Authority **BE ADVISED** that Municipal Council supports issuing a three (3) year extension to Draft Plan Approval for the residential plan of subdivision **SUBJECT TO** the revised conditions contained in the attached Appendix "A" (File No. 39T-14504).

Executive Summary

Summary of Request

This request is for a three (3) year extension of draft plan approval for a proposed residential subdivision known as the Silverleaf Subdivision located on the west side of Colonel Talbot Road, south of Pack Road.

Purpose and the Effect of Recommended Action

The purpose and effect is to recommend the Approval Authority for the City of London approve the requested extension of draft plan approval which is currently set to lapse on September 19, 2022, subject to the conditions appended to this report.

Rationale of Recommended Action

1. The requested three (3) year extension is reasonable to allow sufficient time for the registration of the subdivision plan.

2. The land use pattern, lot/block configurations, and road alignments in this subdivision do not change. Therefore, an extension of the lapse date can be supported, subject to the recommended conditions which represent an update to the previous conditions of draft approval.

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

March 29, 2021 – Report to Planning and Environment Committee – 3493 Colonel Talbot Road – 2219008 Ontario Limited – Silverleaf Subdivision Phase 2 – Special Provisions (File No. 39T-14504).

September 9, 2019 – Report to Planning and Environment Committee – Silverleaf Subivision 3493 Colonel Talbot Road – 2219008 Ontario Ltd. (York Developments) – Request for Extension of Draft Plan Approval (File No. 39T-14504).

2.0 Discussion and Considerations

2.1 Property Description

The Silverlead Subdivision lands are situated in the southwest quadrant of the City of London, at the southwest corner of Colonel Talbot Road and Pack Road. The property is within the City of London's Southwest Area Secondary Plan and forms part of the North Lambeth Residential Neighbourhood. The subdivision plan has a total area of approximately 40.5 ha (100 ac.) and the site has been cleared and graded through previous planning approval processes. The remaining draft approved lands which are the subject of this extension request are situated between Pack Road to the north, existing and under-construction single detached homes (Silverleaf Phases 1 & 2) and the Mathers Stream corridor to the west, and Colonel Talbot Road to the east. Agricultural lands, rural residences and naturalized areas exist to the north of the site across Pack Road, and to the south is an existing low density residential subdivision.

2.2 Current Planning Information

- The London Plan Place Type – Neighbourhoods and Green Space
- Zoning – Lots and blocks within the draft plan comprise various Residential (R1, R6, and R8) Special Provision Zones, Convenience Commercial (CC), Automobile Service Station (SS), and Open Space (OS1 & OS5) Zones.

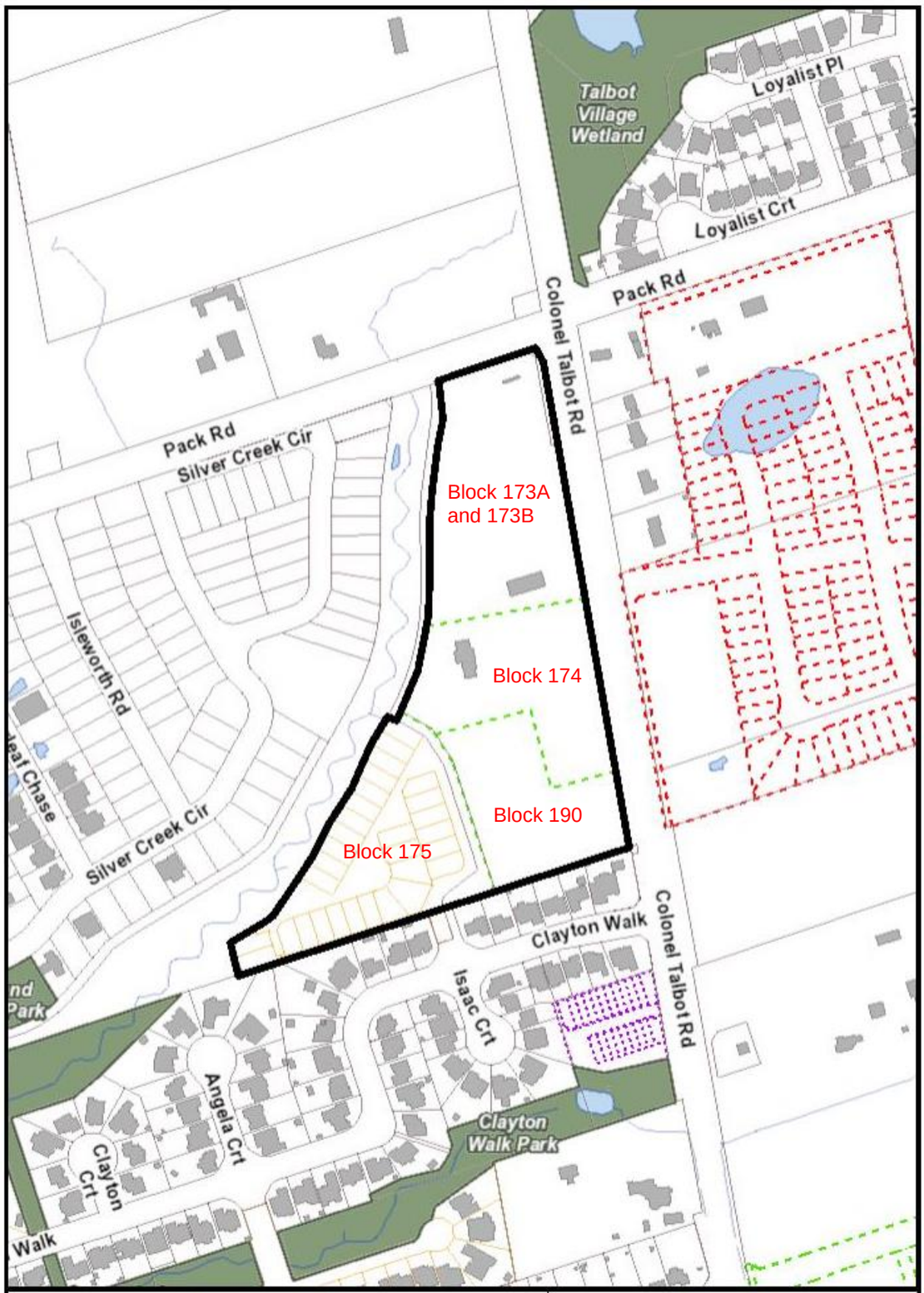
2.3 Site Characteristics

- Current Land Use – residential dwelling with accessory building, and vacant lands
- Frontage – approx. 400 metres along Colonel Talbot Road
- Depth – varies from approx. 82 metres to 325 metres
- Area – approx. 6.84 hectares (remaining draft-approved lands outside of registered Phases 1 & 2)
- Shape – Irregular

2.4 Surrounding Land Uses

- North – rural residential and agricultural
- East – rural residential and agricultural
- South – low density residential
- West – low density residential and open space

2.5 Location Map



2.6 Draft-Approved Plan of Subdivision

2.7 Planning History

The application for Draft Plan of Subdivision was received on September 15, 2014, and was granted draft approval on March 24, 2016. The draft approval included: 172 single detached dwellings lots, three (3) medium density residential blocks, one (1) mixed use block, five (5) walkway blocks, one (1) future development block, two (2) park blocks, two (2) open space blocks, and a stormwater management block; serviced by Pack Road, and six (6) local public streets (including the extension of Isaac Drive to the north). A three (3) year extension to draft approval was granted by the Approval Authority on September 19, 2019.

Phase 1 of the subdivision has been registered as Plan 33M-742 on April 16, 2018, consisting of 108 single family detached lots, the Stormwater Management Facility Dingman Tributary B4, six (6) park blocks, one (1) medium density block and several road widening's and 0.3 m (one foot) reserve blocks. Phase 2 was registered as Plan 33M-806 on November 4, 2021, consisting of 77 single detached lots (Lots 1 to 77) and a small block (Block 78) dedicated to the City as part of the Mathers Stream corridor, all served by the extension of Silver Creek Circle and one new local street (Isleworth Road).

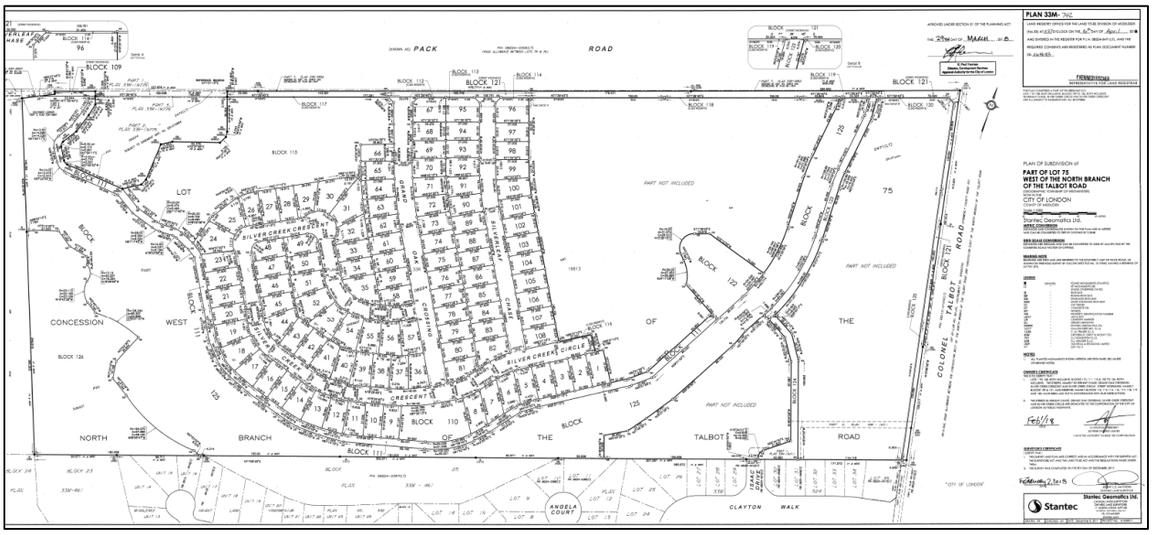


Figure 1: Registered Plan of Subdivision 33M-742

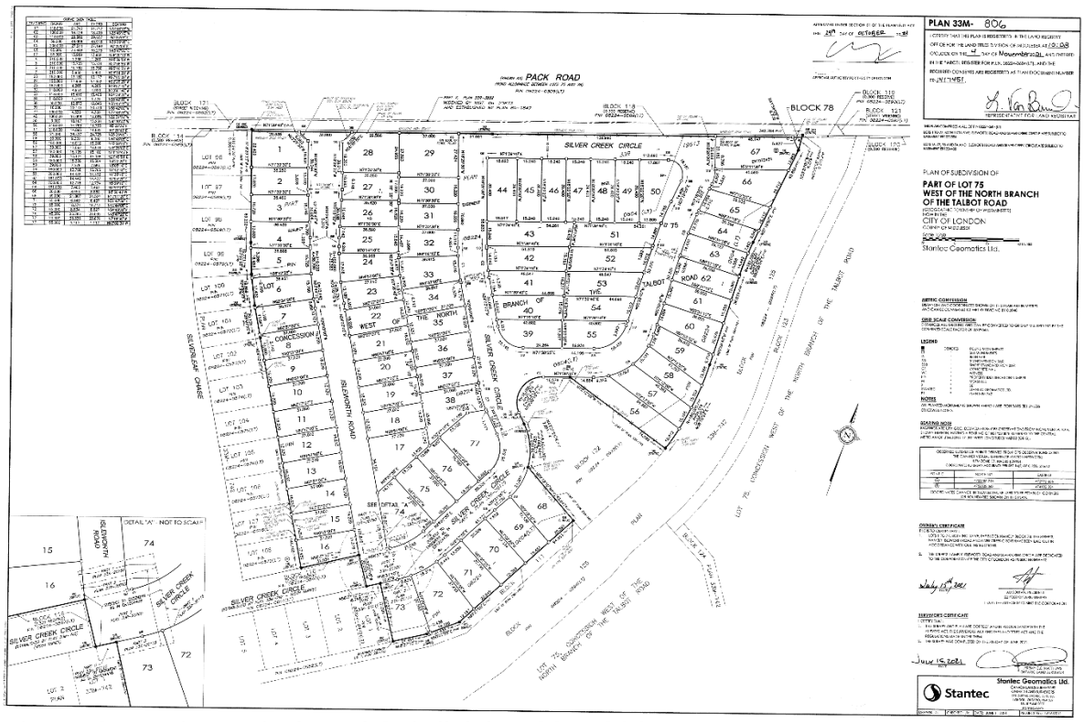


Figure 2: Registered Plan of Subdivision 33M-806

2.8 Requested Action

This request is for a three (3) year extension of the remaining lands within the draft plan which consists of a mixed-use commercial/multi-family residential block (Block 173) and three (3) multi-family residential development blocks (Blocks 174, 175 and 190).

The northerly portion of Block 173, at the southwest corner of Pack Road and Colonel Talbot Road, has received site plan approval and is being developed for a proposed convenience store, gas bar and car wash. A provisional consent for a lot severance was also issued for this portion of the property on December 23, 2021 which will effectively split Block 173 into two portions (173A and 173B). The applicant advises that Blocks 173B, 174 and 190 are currently advancing through the site plan approval process as one application. Block 175 consists of a proposed 30 unit vacant land condominium development serviced by a private road connecting to Isaac Court and Clayton Walk.

An extension of Draft Approval is required in order to have sufficient time to complete the final approval and registration process. The requested extension would afford York Developments sufficient time to coordinate the required approvals and registration of agreements to complete the development blocks and other related elements of the subdivision. The applicant has not proposed any changes to the lotting configuration, road pattern or zoning that applies to these lands.

A Draft Approval extension period of three (3) years is being recommended in accordance with standard City practice. If final approval has not been provided within the three year period and the applicant requests an extension, there will be another opportunity to formally review the conditions and ensure that they are relevant to current planning policies, municipal servicing requirements, and the projects listed in the updated Growth Management Implementation Strategy (GMIS).

2.9 Community Engagement

Notice was not circulated to the public regarding the request for extension of draft approval given that no significant changes are being proposed to the zoning, lotting pattern or roadway alignments in the draft approved plan (39T-14504). In accordance with Section 51(45) of the *Planning Act* notice will be provided to the applicant, as well as any persons or public bodies who are prescribed under the Act and anyone who previously requested notification.

2.10 Policy Context

The London Plan

These lands are located within the Neighbourhoods Place Type in The London Plan. Neighbourhoods allow for a range of low to mid-rise residential uses such uses as single detached, semi-detached, duplex, townhouses, secondary suites, home occupations, group homes, townhouses, stacked townhouses and low-rise apartment buildings (Table 10). Certain secondary uses including mixed-use buildings and stand-alone retail, service and office uses may also be permitted. The remaining undeveloped blocks within the draft plan and corresponding zoning are consistent with the Neighbourhood Place Type permitted uses and policies.

The Draft-Approved Plan also incorporates a high degree of neighbourhood connectivity and a multi-use walking/cycling pathway system identified on the Active Mobility Network mapping. The subject blocks within the draft plan are immediately adjacent and have access to an existing multi-use pathway which runs parallel to the re-aligned and renaturalized Mathers Stream open space corridor, including a pedestrian bridge connection to a neighbourhood park and previously registered phases of the Silverleaf Subdivision on the west side of the stream corridor.

Southwest Area Secondary Plan

The London Plan recognizes 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 its policies prevail over the more general planning policies if there is a conflict (Policies 1556 & 1558). The Silverleaf Subdivision lands are within the North Lambeth

Residential Neighbourhood, and within the Low Density Residential (LDR), Medium Density Residential (MDR), and Open Space and Environmental Review designations. A range of low and medium density residential uses are permitted, as well as a limited range of secondary permitted uses and passive open space uses. The draft plan of subdivision extension conforms to the The London Plan and the Secondary Plan (SWAP).

The Draft Approval conditions have been re-circulated and reviewed with municipal departments and agencies to determine their relevance within the context of current regulatory requirements. As a result, there are minor wording modifications and revisions, as well as a few new clauses added reflecting current municipal standards and requirements. Two phases of the subdivision have been registered which has resulted in a number of deleted conditions having been completed as part of the final approval. The amendments to the conditions of draft approval are shown as highlights for revisions, ~~strikeouts~~ for deletions and underlines for additions on the attached Appendix "A". The recommended three year extension would result in a new draft approval lapse date on or before September 19, 2025.

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

The key issues and considerations have been reviewed and addressed through the draft plan of subdivision approval process. The conditions have been re-circulated and reviewed with municipal departments and agencies as previously noted. The recommended conditions represent an update to the previous draft conditions with some minor revisions, deletions, and three new conditions added on the last page.

Conclusion

Staff recommend a three (3) year extension to Draft-Approval for this plan of subdivision, subject to the revised conditions included in Appendix A. The recommended extension is considered appropriate and reasonable to allow sufficient time for final approval and registration of this subdivision plan.

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:	**Scott Mathers, MPA, 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
August 15, 2022
SM/GB/BP/LM/lm
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Appendix A

APPENDIX 39T-14504
(Conditions to be included for draft plan approval)

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-14504 ARE AS FOLLOWS:

NO.	CONDITIONS

1. This approval applies to the draft plan, submitted by MHBC Planning prepared by Callon Dietz, File No. 39T-14504, drawing dated June 19, 2014, as revised October 28, 2015, as red-line amended, which shows 64 residential units in the form of single detached dwellings, one mixed use/medium density residential block (Block 173), three (3) medium density residential blocks (Blocks 174, 175 and 190), all serviced by Pack Road, Colonel Talbot Road, and 6 local public streets.

2. This draft approval and these conditions replaces the conditions of draft approval granted on ~~March 15, 2019~~ September 19, 2019 for plan 39T-14504 as it applies to lands located at 3493 Colonel Talbot Road on the west side of Colonel Talbot Road and south of Park Road; legally described as Part of Lot 75, West of the North Branch of the Talbot Road (Geographic Township of Westminster), City of London, County of Middlesex, situated on the south side of Pack Road, west of Colonel Talbot Road.

3. This approval of the draft plan applies for a period of three (3) years until Septebmer 19, 2025, and if final approval is not given within that time, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.

4. The road allowances included in this draft plan shall be shown and dedicated as public highways.

5. The Owner shall within 90 days of draft approval submit proposed street names for this subdivision to the City.

6. The Owner shall request that addresses be assigned to the satisfaction of the City in conjunction with the request for the preparation of the subdivision agreement.

7. The Owner, prior to final approval, 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.

8. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.

9. The Owner shall enter into a subdivision agreement and shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.

10. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies once the plan of subdivision has been registered.

11. 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.

12. No construction or installations of *any* kind (eg. clearing or servicing of land) involved with this plan shall be undertaken by the Owner 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 Manager of Development Planning in writing (eg. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.). No construction involving installation of services requiring an EA is to be undertaken prior to fulfilling the obligations and requirements of the Province of Ontario's Environmental Assessment Act and the City of London.

~~Development Services –~~ Planning and Development

13. The Owner shall carry out an archaeological survey and rescue excavation of any significant archaeological remains found on the site to the satisfaction of the Southwestern Regional Archaeologist of the Ministry of Culture; and no final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture.

14. In conjunction with the first submission of engineering drawings, the Owner shall submit a Noise Impact Study which recommends noise mitigation measures in accordance with the Ministry of the Environment Guidelines and the City of London policies and guidelines that excludes the requirement for a continuous berm/barrier along the Pack Road and/or Colonel Talbot Road frontage, all to the satisfaction of the City.

15. The Owner shall construct a 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. No fencing is to be provided between Multiple Residential Blocks 173, 174, 175 & 190 and adjacent Park Blocks. Fencing shall be completed to the satisfaction of the City, within one (1) year of the registration of the plan.

16. The Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural area, the value of existing tree cover and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of City and UTRCA.

17. The Owner shall not grade into any open space areas. Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain exiting 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.

18. Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Environmental and Parks Planning Division monthly during development activity along the edge of the ESA.

19. The Owner shall, as part of the first submission of engineering drawings prepare a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of quality specimen trees within lots and blocks. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the City as part of the design studies submission. Tree preservation shall be established first and

grading/servicing design shall be developed to accommodate maximum tree preservation.

20. All parkland blocks lands shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the park block limits to the satisfaction of ~~Development Services and~~ the City.

21. The Owner shall implement all recommendations from the October 27, 2015 approved Environmental Impact Study and addendum prepared by Stantec Consulting Inc. As part of the design studies, the owner shall indicate how each of the recommendations will be implemented (ie, design studies, engineering review, special provisions)

22. Within one (1) year of registration of the plan, the owner shall grade, service and seed all parkland to the satisfaction of the City.

23. The Owner agrees to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this plan (including lots with side frontages to parks and/or open spaces), are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior sideyard road/park/open space frontage. Further, the owner shall obtain approval of their proposed design to the satisfaction of the ~~Managing Director of Planning,~~ City ~~Planner or his/her designate~~ prior to any submission of an application for a building permit for corner lots with an exterior sideyard or an interior sideyard fronting a street, park or open space block in this Plan.

24. As part of the first submission of engineering drawings, the Owner will be required to provide a detailed urban design guidelines (for Architectural Control) for this subdivision, including all proposed building forms and implementation processes, to the satisfaction of the City.

25. As part of the first submission of engineering drawings, the Owner shall design the window street for Block 175 and be required to provide an updated block plans for Blocks 173, 174, 175 & 190 detailing locations of buildings, building orientation, pedestrian circulation, parking areas, and building orientation towards the public streets and open spaces, to the satisfaction of the City. Ensure block plans and the urban design guidelines are in conformance with the policies of the Southwest Area Secondary Plan and the City's Placemaking Guidelines.

26. Block 173 shall be divided into two separate and distinct blocks as per the red-line plan which includes Block 173 as the southern portion and a new Block as the northern portion with a total area of 0.650ha.

27. No opaque fencing or noise walls are to be provided along the property limit between the new block to the north of Block 173 and adjacent Park Blocks.

SEWERS & WATERMAINS

<u>Sanitary:</u>

28. In conjunction with the first submission of engineering drawings submission, the Owner shall have his consulting engineer prepare and submit and/or provide an update to the following sanitary servicing design information:
    i) Provide a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City;
    ii) Provide a sanitary drainage report including the sewer routing invert and profile information relating to any crossing(s) of storm drainage channels

and any external areas to be included in the design area, to the satisfaction of the City Engineer;

iii) Provide a report outlining the upgrades which will be required for the addition of sanitary flows to the Southwinds Pumping Station and a related work plan;

iv) Provide confirmation of the proposed ultimate service area by gravity to connect to the future planned Colonel Talbot sanitary trunk sewer and confirm a gravity connection can be made to the future planned Colonel Talbot sewer, all in accordance with the Southwest Area Sanitary Servicing Master Plan and to the satisfaction of the City Engineer;

v) Provide 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.

29. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:

i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 300 mm ~~250 mm (10")~~ diameter sanitary sewer located on Isaac Drive and the 600 mm diameter ~~future~~ sanitary trunk sewer on Colonel Talbot Road to the ~~proposed~~ Colonel Talbot Pumping Station, ~~in accordance with the Growth Management Implementation Strategy (GMIS) which is tendered and is being constructed~~;

ii) Undertake necessary upgrades to the Southwinds Pumping Station and forcemain, all in accordance with the approved work plan

iii) Make appropriate arrangements for the City to install the private drain connections for ~~Blocks 173, 174, 175, 190 and new Block~~ Blocks 173, 174, and 190 with the proposed Colonel Talbot Servicing trunk sewer at the Owner's expense;

iv) 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;

v) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and

vi) Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.

30. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:

i) Not allowing any weeping tile connections into the sanitary sewers within this Plan;

ii) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer;

iii) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407;

iv) Installing Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of

subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer; and

v) Implementing any additional measures recommended through the Design Studies stage.

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

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

Storm and Stormwater Management (SWM)

32. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation or provide an update to the existing Functional Report to address the following:

i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;

ii) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;

iii) Identifying how the existing drainage from external lands will be accommodated (eg. external flows conveyed into this plan via the existing culverts under Pack Road and Colonel Talbot Road)

iv) Providing details of a pipe design to convey flow from the intermittent tributary upstream of Pack Road West, from the existing culvert to an approved outlet along Mathers Stream;

v) identifying how/where the existing tributary (generally near east entrance road) is to be diverted to the main tributary watercourse (may need additional land or right-of-way to accommodate additional pipe), to the satisfaction of the City Engineer.

vi) Providing a fluvial geomorphological assessment prepared by a qualified engineer to support the proposed watercourse alterations, to the satisfaction of the City Engineer and at no cost to the City;

vii) Providing details of channel enhancements design to the Upper Reach of the Mathers Stream corridor, all in accordance with the Dingman Creek No. B-4 SWM Facility and Tributary Channel Improvement/Modification EA (April 2015), at the Owner's expense and all to the satisfaction of the UTRCA and the City.

viii) Having its consulting geotechnical engineer provide an update to the existing geotechnical report to address all geotechnical issues relating to slope stability associated with the open watercourses in this Plan, construction, grading and drainage of this subdivision and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability. The report shall address the following, to the specifications and satisfaction of the City Engineer and the Upper Thames River Conservation Authority:

- Accurately delineate the Riverine Erosion Hazard limit
- Identify existing erosion and/or slope hazards
- Assess the impact of the proposed development on existing hazards
- Assess the potential for the proposed development to create new

hazards

- Identify measures to safely avoid the potential hazards, including appropriate development setback from the River Erosion Hazard Limit
- Identifying and providing details where there may be two type of fill materials that meet granular fill. This must be benched into the other fill.
- Identifying the extent of fill needed to service the site which addresses benching as per the report and slope stability to establish property limits and building setbacks
- Identifying filling of the tributary and considerations with regards to impact on roads, buildings and services.

In addressing the above, the report shall take into consideration the required/proposed fill within the plan as well as the proposed channel improvements.

The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback;

ix) Developing a sediment and erosion control plan(s) that will identify all required sediment and erosion control measures for the subject lands in accordance with City of London and Ministry of the Environment, Conservation and Parks standards and requirements, all to the satisfaction of the City. The sediment and erosion control plan(s) shall identify all interim and long term measures that would be required for both registration and construction phasing/staging of the development and any major revisions to these plans after the initial acceptance shall be reviewed/accepted by the City of London for conformance to our standards and Ministry of the Environment, Conservation and Parks requirements ~~shall be~~ ; and

x) Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.

xi) Should the proposed Storm/Drainage and SWM servicing works vary from the approved Functional SWM Plan for North Lambeth (Cumming Cockburn 2005), an updated Functional SWM Plan may be required to address the above, in lieu of a SWM Servicing Letter/Report of Confirmation.

33. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:

i) The SWM criteria and environmental targets for the Dingman Creek Subwatershed Study and any addendums/amendments;

ii) The approved Storm/Drainage and SWM Servicing Function Report for the subject lands;

iii) The approved Functional Stormwater Management Plan/Report for Dingman Tributary Regional SWM Facility B-4 or any updated Functional Stormwater Management Plan;

iv) The accepted Municipal Class Environmental Assessment (EA) Study for Storm/Drainage and Stormwater Management (SWM) Servicing and Tributary ImprovementModification Works for the Dingman Creek No. B-4 SWM Facility and any addendums/amendments;

v) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the File Manager Process;

vi) The approved Functional Stormwater Management Plan for North Lambeth Subdivision, prepared by Cumming Cockburn Limited (2005) or any updated Functional SWM Plan;

vii) The approved Courtney Environmental Impact Study (EIS) for this site,

prepared by Stantec Consulting Ltd. (July 2014) and any addendums/amendments;

viii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;

ix) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;

x) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised; and

xi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

xii) 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.

34. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:

~~i) Construct storm sewers to serve the portion of this plan west of the watercourse, located within the Dingman Creek Subwatershed, and connect them to the existing Dingman Tributary SWMF B4 Facility ;~~

ii) Construct storm sewers to serve the portion of this plan east of the watercourse and connection them to the existing municipal storm sewer system, namely, the 1200 mm (48") diameter storm sewer located on Isaac Drive in Plan 33M-524;

iii) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan;

v) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and

vi) Address forthwith any deficiencies of the stormwater works and/or monitoring program.

35. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:

i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;

ii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;

iii) Implement all geotechnical/slope stability recommendations made by the geotechnical report, slope stability report and recommendations by the hydrogeological report on the engineering drawings, including but not limited to slope stability and engineered fill recommendations, accepted by the City;

36. Prior to the acceptance of engineering drawings, the Owner's professional engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

37. In conjunction with the first submission of engineering drawings, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, or provide an update to the existing hydro geological report, to determine, including but not limited to, the following:

i) Identify any abandoned wells in this plan.
ii) Assess the impact on water balance in the plan, as applicable.
iii) Assess any fill required in the plan.
iv) Provide recommendations for foundation design should high groundwater be encountered.
v) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, include an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken
vi) Determine the effects of the construction associated with this subdivision on the existing groundwater elevations and domestic or farm wells in the area and identify any abandoned wells in this plan, assess the impact on water balance and any fill required in the plan, as well provide recommendations for foundation design should high groundwater be encountered, to the satisfaction of the City. The hydrogeological investigation should identify all required mitigation measures including Low Impact Development (LIDs) solutions and associated details, as necessary, to the satisfaction of the City Engineer. Details related to proposed LID solutions, if applicable, should include information related to the long term operations of the LID systems as it relates to seasonal fluctuations of the groundwater table. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site. The hydrogeological investigation should also include the development of appropriate short-term and long-term monitoring plans (if applicable), and appropriate contingency plans (if applicable), in the event of groundwater interference related to construction.
vii) Determine water taking requirements to facilitate construction (i.e., PTTW or EASR be required to facilitate construction), including sediment and erosion control measures and dewatering discharge locations.
viii) address any contamination impacts that may be anticipated or experienced as a result of the said construction
ix) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

all to the satisfaction of the City.

Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.

38. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event, where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirement for Permanent Private Stormwater systems.

39. The Owner's professional engineer shall ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.

<u>Watermains</u>

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

i) Water distribution system analysis & modeling and hydraulic calculations for the Plan of Subdivision confirming system design requirements are being met;

ii) Identify domestic and fire flows for the potential ICI/medium/high density Blocks from the low-level (high-level) water distribution system;

iii) Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;

iv) ~~Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);~~

Include modeling for two fire flow scenarios as follows:

i) Max Day + Fire confirming velocities and pressures within the system at the design fire flows, and

ii) Max Day + Fire confirming the available fire flows at fire hydrants at 20 PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);

v) Include a staging/phasing report as applicable which addresses the requirement to maintain interim water quality;

vi) Develop a looping strategy when development is proposed to proceed beyond 80 units;

vii) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;

viii) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;

ix) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;

x) Identify the effect of development on existing water infrastructure – identify potential conflicts;

xi) Include full-sized water distribution and area plan(s);

xii) Identify on the water distribution plan the location of valves, hydrants, and the type and location of water quality measures to be implemented (including automatic flushing devices);

41. Prior to the issuance of any Certificates of Conditional Approval the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc shall be shown clearly on the engineering drawings.

42. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:

i) Construct watermains to serve new Block, Blocks 173, 174, and 190 ~~173, 174, 175 and 190~~ in this Plan and connect them to the existing municipal system, namely, the existing 600 mm (24") diameter watermain on Colonel Talbot Road and Block 175 ~~190~~ to the existing 200 mm diameter watermain on Isaac Drive. It is noted the 200 mm diameter watermain on Isaac Drive will have to be connected and put into service by the Owner since it is currently not in service;

ii) Deliver confirmation that the watermain system has been looped to the

satisfaction of the City Engineer when development is proposed to proceed beyond 80 units. It is noted all municipal watermains being proposed shall be located within the City right of way in standard location. Municipal watermains are not to be located in easements or walkways;

iii) Available fire flows and appropriate hydrant rated capacity colour code markers are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval;

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

44. Prior to the installation of any water services for the Block in this Plan, the Owner shall obtain all necessary approval from the City Engineer for individual servicing of the said blocks.

45. With respect to the proposed medium density condominium blocks, Blocks 173, 174, 175 and 190, the Owner shall include in all agreements of purchase and sale, and or lease of Blocks 173, 174, 175 and 190 in this plan a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.

If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.

46. The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible for the following:

i) to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal;
ii) any incidental and/or ongoing maintenance of the automatic flushing devices;
iii) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal;
iv) all works and the costs of removing the devices when no longer required; and
v) ensure the automatic flushing devices are connected to an approved outlet.

47. The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging and phasing plan as set out in the accepted water servicing report and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging and phasing as set out in the accepted water servicing report, the Owner would be required to submit revised plans and hydraulic modeling as necessary to address water quality.

STREETS, TRANSPORATION & SURVEYS

Roadworks

48. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City Engineer.

49. 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 City Engineer:
    i) provide a proposed layout plan of the internal road network including taper details for streets in this plan that change right-of-way widths with minimum 30 metre tapers for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, tangents, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections.
    ii) 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) prepare a conceptual design for the window street for Street F to consider such issues as grading the common boulevard between Pack Road and the window street, overland flow routes, sidewalk connections, servicing, to the satisfaction of the City Engineer.~~

50. ~~The Owner shall red-line the plan, as necessary, to provide 6.0 metre straight tangents between the reverse curves on Street 'F' (Silver Creek Circle extension) as required in the Design Specifications and Requirements Manual, to the satisfaction of the City Engineer.~~

51. ~~The Owner shall have its professional engineer design and construct the roadwork's in accordance with the following road widths:~~
    i) ~~Street 'C' and Street 'F' (with the exception of the window street portion) have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').~~
    ii) ~~Street 'F' (window street portion) have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 14.5 metres as per Window Street Guidelines.~~
    iii) ~~Street 'C' from Pack Road to 30 metres (100') south has a minimum road pavement width (excluding gutters) of 10.0 metres (32.8') with a minimum road allowance of 21.5 metres (70'). The widened road on Street 'C' shall be equally aligned from the centreline of the road and tapered back to the 6.0 metres of road pavement width (excluding gutters) and 18.0 metres of road allowance width for this street with 30 metre (100') long tapers on both street lines.~~

52. The Owner shall provide a temporary working easement along the Colonel Talbot Road frontage of Blocks 173, 174 and 190 ~~173, 174, 175, 190 and the new Block north of 173~~ in order to allow for the reconstruction of Colonel Talbot Road, which shall be released by the City when it is no longer needed, at no cost to the City.

53. ~~The Owner shall revise Lot 1 and Lot 2 property lines to connect perpendicular to Pack Road street line as per City standards.~~

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

Sidewalks/Bikeways

55. ~~In accordance with the approved Southwest Area Plan (SWAP), the Owner shall construct a 1.5 metre sidewalk on both sides of the following streets:~~
    i) ~~Street 'C'~~
    ii) ~~Street 'F'~~

56. ~~The Owner shall provide sidewalk links from Street 'F' to the future sidewalk on Pack Road in accordance with the City of London Window Street Standard Guidelines UCC-2M to the satisfaction of the City, at no cost to the City. Breaks in the 0.3 metre reserve are to be identified on the survey plan when submitted to the City.~~

57. Should the Owner direct any servicing within the walkway or the walkway is to be used as a maintenance access, the Owner shall provide a 4.6 metre wide walkway designed to the maintenance access standard, to the specifications of the City.

Street Lights

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

Boundary Road Works

59. The Owner shall be required to make minor boulevard improvements on Pack Road and Colonel Talbot Road adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

60. ~~In conjunction with the first submission of engineering drawings, the Owner shall verify the adequacy of the decision sight distance on Pack Road at Street 'C'. If the sight lines are not adequate, this street is to be relocated and/or road work undertaken to establish adequate decision sight distance at this intersection, to the specifications of the City Engineer, at no cost to the City.~~

~~Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct these works to the satisfaction of the City Engineer, at no cost to the City.~~

61. ~~Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install temporary street lighting at the intersection of Pack Road and Street 'C', to the specifications of the City, at no cost to the City.~~

62. ~~In conjunction with the first submission of engineering drawings, the Owner shall have its professional consulting engineer submit design criteria for the left turn and right turn lanes/tapers on Pack Road at Street 'C' for review and acceptance by the City.~~

63. ~~Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a left turn lane on Pack Road at Street 'C', to the satisfaction of the City Engineer.~~

64. ~~Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a right turn taper on Pack Road at Street 'C', to the satisfaction of the City Engineer.~~

Road Widening

65. The Owner shall be required to dedicate sufficient land to widen Pack Road to 18.0 metres (59.06') from the centreline of the original road allowance.

66. The Owner shall provide a road widening dedication on Colonel Talbot Road

measured 24.0 metres from the centreline of Pack Road to a point 150.0 metres south of Pack Road to the satisfaction of the City Engineer.

67. The Owner shall provide a road widening dedication on Colonel Talbot Road measured 18.0 metres from the centreline from a point 150.0 metres south of Pack Road to the southerly limit of this plan, to the satisfaction of the City Engineer.

68. The Owner shall be required to dedicate 6.0 m x 6.0 m "daylighting triangles" at the following intersections, in accordance with the Z-1 Zoning By-law, Section 4.24:
    i) Colonel Talbot Road and Pack Road
    ii) ~~Street 'C' and Pack Road~~

Vehicular Access

69. The Owner shall notify the future owners of Blocks 173, 174 and 190 that only one access will be permitted for all the blocks to Colonel Talbot Road. A joint access agreement must be established for the shared access and the access must comply with the requirements from the Transportation Impact Assessment for this site at the time of site plan approval. It is noted a left turn lane and right turn taper will be required at this joint access.

70. The Owner shall include in all agreements of purchase and sale and register on the title of Blocks 173, 174 and 190 in this Plan a warning clause advising the purchaser/transferee that these Blocks will only have one access permitted for all Blocks to Colonel Talbot Road in a location satisfactory to the City and a joint access agreement must be established for the shared access, to the satisfaction of the City.

Traffic Calming

71. ~~In conjunction with the first submission of engineering drawings the Owner shall have its professional engineer provide a conceptual design of the proposed raised intersections along Street 'D' at Street 'C', to the satisfaction of the City.~~

72. ~~Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a raised intersection at the intersections of Street 'C' and Street 'D', to the specifications of the City Engineer.~~

Construction Access/Temporary/Second Access Roads

73. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Pack Road via Colonel Talbot Road or other routes as designated by the City. Furthermore, there is a reduced load limit on Pack Road from Homewood Lane 1000 metre east and from Colonel Talbot Road to Bostwick Road in effect, so construction access shall be prohibited in the area.

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

75. In conjunction with 1st submission drawings', in addition, Pavement Markings Plans will be required for the lane markings at the intersections with the arterial road (Pack Road).

GENERAL CONDITIONS

76. 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.

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

78. 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.

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

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

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

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

80. Once construction of any private services, ie: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.

81. 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 City ~~City Engineer~~.

82. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the Plan.

83. The Owner shall have the common property line of Pack Road and Colonel Talbot

Road graded in accordance with the City of London Standard “Subdivision Grading Along Arterial Roads”, at no cost to the City.

Further, the grades to be taken as the centreline line grades on Pack Road and Colonel Talbot Road are the future ultimate centreline of road grades as determined by the Owner’s professional engineer in conjunction with the Design Studies, satisfactory to the City. From these, the Owner’s professional engineer is to determine the ultimate elevations along the common property line which will blend with the ultimate reconstructed road, all to the satisfaction of the City.

84. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

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

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

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

85. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner’s payments to third parties shall:

i) commence upon completion of the Owner’s service work, connections to the existing unassumed services; and
ii) continue until the time of assumption of the affected services by the City.

86. With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

The connection into and use of the subject services by an outside Owner will be conditional upon the outside Owner satisfying any requirements set out by the City, and agreement by the outside Owner to pay a proportional share of the operational maintenance and/or monitoring costs of any affected unassumed services and/or facilities.

87. In conjunction with the engineering drawings submission, the Owner shall have it 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 contaminates under the supervision of the geotechnical engineer to the satisfaction of the City, at no cost to the City.

~~Should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner~~

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

~~Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate, removal and/or disposals of any contaminates within the proposed Streets, Lot and Blocks in this Plan forthwith under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.~~

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

88. 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 City Engineer.

89. Prior to the construction of works on existing City streets and/or unassumed subdivisions, the Owner shall have its professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".

90. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.

91. In conjunction with the 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.

92. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.

93. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.

94. The Owner shall decommission any abandoned infrastructure (eg. septic tanks, overland wires, etc.), at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.

95. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

96. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.

97. In conjunction with the first submission of engineering drawings, the Owner shall submit confirmation that they have complied with any requirements of the Upper Thames River Conservation Authority.

98. The Owner shall co-ordinate the work associated with this Plan of Subdivision with the City's proposed construction of the sanitary trunk sewer and SWM Facility, to the satisfaction of the City, at no cost to the City.

99. The Owner shall obtain the necessary approvals pursuant to Section 28 of the Conservation Authorities Act from the UTRCA prior to undertaking any site alteration or development within the regulated area.

100. In conjunction with the first submission of engineering drawings the Owner shall submit a final consolidated geotechnical report /slope assessment to the satisfaction of the UTRCA.

101. In conjunction with the first submission of engineering drawings the Owner shall have a qualified fluvial geomorphologist submit a fluvial geomorphological assessment and meander belt analysis to the satisfaction of the UTRCA for the proposed channel.

102. In conjunction with the first submission of engineering drawings the Owner shall submit a final Floodplain Analysis report to the satisfaction of the UTRCA's which addresses the Conservation Authorities concerns and which implements the recommendations of the Courtney Subdivision Floodplain Analysis (Stantec November 6, 2015).

103. In conjunction with the first submission of engineering drawings the Owner shall submit a final consolidated EIS report to the satisfaction of the UTRCA and the City of London. The final EIS shall address issues such as wetland and ESA protection, compensation for the loss of the westerly tributary, and shall include recommendations for the plantings for the new channel to be incorporated into a Landscape Plan.

104. In conjunction with the engineering drawings submission, the Owner shall have its 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.

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

~~monitoring program, if required, subject to the approval of the City engineer and review for the duration of the approval program.~~

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

105. 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 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.

106. In conjunction with engineering drawings submission, the Owner shall submit a Development Charge work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.

107. The Owner shall remove any temporary DICBS, etc. and any existing easements may be quit claimed, all to the satisfaction and specifications of the City Engineer and at no cost to the City.

In conjunction with the first submission of engineering drawings, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EAs must be completed prior to the submission of engineering drawings.

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.

The Owner shall make adjustments to the existing works and services on Pack Road and Colonel Talbot Road, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan fronting this street (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, at no cost to the City.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning and Environment Committee
From: **Scott Mathers, MPA, P.Eng.**
Deputy City Manager, Planning and Economic Development
Subject: **The Corporation of the City of London**
Byron Gravel Pits Secondary Plan - Update
Date: **August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning and Development the following report **BE RECIEVED** for information.

Executive Summary

Staff are in the process of undertaking the Byron Gravel Pits Secondary Plan study, to develop a Secondary Plan for the lands near the Byron Gravel Pits in west London.

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 planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Study Area

The study area is located on the east side of Colonel Talbot Road, south of Baseline Road and Commissioners Road West. The site lies within the Westmount Neighbourhood, immediately adjacent to the Byron Neighbourhood, and is approximately 76 hectares in size. The site contains an unusually deep glacial deposit which has been used to produce sand and gravel products to supply the London construction market and surrounding region for over 75 years. The study area is comprised of 14 separate parcels, with some of the properties under similar ownership. There is one parcel, located in the northwest corner of the Study Area, that is owned by the City of London. The rest of the lands within the Secondary Plan area are privately owned. A map detailing the study area can be found in Figure 1 below.

The majority of the study area has been licensed under the Aggregate Resources Act for sand and gravel extraction. The aggregate licenses are under the jurisdiction of the Ministry of Natural Resources and Forestry, and the Ministry oversees compliance with operating conditions and rehabilitation of the site. It is noted that the pit extraction activities have been completed for the site and pit rehabilitation activities are underway.

Figure 1 - Map of Study Area

1.2 Purpose of the Byron Gravel Pits Secondary Plan

The London Plan identifies the lands as being located within the Future Community Growth Place Type. This place type establishes Municipal Council's intent for future urban development on the lands, and ensures that development does not occur until a secondary plan is prepared to determine the appropriate place type(s) to be applied to the lands, and to guide the long-term management and approval of growth for the area. The Future Community Growth Place Type also creates an expectation that non-industrial Place Types will be applied through the secondary planning process. The lands are also identified as a Specific Policy Area on Map 7 of The London Plan. The policy provides further direction for the land and indicates that the long-term use of this area will be a mix of mid-rise housing types and recreational uses, and rehabilitation of this area will be based on a comprehensive rehabilitation and development plan. To avoid premature development, zoning has been applied to the lands to limit the range of permitted uses, severances, and other forms of development that is allowed to occur.

The Byron Gravel Pits is a unique area within the city of London. Characterized by dramatic topography with a central pond, the area has been shaped by years of aggregate extraction. As the aggregate activities have been completed within the Byron Gravel Pits, and the rehabilitation activities are underway, there is a need to plan for the after use of the gravel pit lands. The secondary planning process will undertake a comprehensive review of the lands and establish a vision for this unique area that focuses on both open space and recreational opportunities that the site provides, and also for the integration of urban development that could occur along the perimeter of the former gravel pit operations.

The development of the Secondary Plan includes the following elements:

- Review of the current Area Study and approved land use plan to determine if this still meets the needs of the landowners, City and the community.
- Ensure land owners, licensed aggregate operators, agencies and the community are consulted and involved in the preparation of the Secondary Plan.
- Define a vision for the open space/park lands that will form the majority of the site.
- Apply appropriate place types, consistent with the recommended land use plan, delineate possible road alignments, identify, and protect natural heritage features and open space lands and delineate a trail/pathway network through the site.
- Co-ordinate with the Municipal Class Environmental Assessment during the Secondary Plan process to finalize the alignment of Commissioners Road.
- Provide urban design concepts and vision for the developable portion of the study area. These design concepts will be developed into design guidelines that will constitute park of the Secondary Plan.

1.3 Overview of the Study Process

At its meeting of October 26, 2016, Municipal Council approved the Terms of Reference for the Byron Gravel Pits Secondary Plan, thereby directing Staff to undertake the development of a secondary plan to guide future development in the study area. Following Municipal Council's adoption of the Terms of Reference, Staff began the work to develop the Byron Gravel Pits Secondary Plan.

The following section provides a summary of the process that was undertaken to develop the Secondary Plan:

- The Secondary Plan process started with developing an understand the unique physical characteristics of the site, and the surrounding landscape including environmental features and linkages, residential communities and recreational facilities.
- The initial evaluation of recreational and open space options looked at opportunities to compliment other existing and proposed facilities in the area, including the network of parks and open spaces, nearby Boler Mountain, local sports fields and facilities including the existing Byron Optimist Community Centre and the new Southwest Community Centre YMCA and Library.
- Landowner outreach was also carried out in the early stages of the project, to assess the expectations for future development of the lands within the Study Area. This portion of the project also provided a greater understanding of the ongoing gravel pit extraction and rehabilitation activities.
- Communication with staff from the Ministry of Natural Resources and Forestry, who are responsible for overseeing compliance and rehabilitation of the aggregate licenses, has also been an important element of this project.
- The Secondary Plan Study included a number of component reviews, similar to other Secondary Plan studies completed for the City but in less detail. These included a Natural Environment Report, a Transportation Assessment and a Servicing Study. A more detailed analysis of these elements will be undertaken as future development plans are brought forward.

- The engagement and consultation process included the general public, community leaders, local sports and recreation groups, as well as the landowners and pit operators within the study area. A focus group participated in a visioning session, to look specifically at the range of recreational ideas for the site.
- Using the input from the landowners, commenting partners, land owners and the visioning group, three concept plans were prepared and introduced at a community open house in December 2018. The concepts focused on ideas for the green space component of the Secondary Plan Area. Feedback from the open house together with potential residential development around the site was reflected in the Land Use Concept Plan that was shared with the community in April 2019.
- There has been a high level of community interest in this project, particularly in the recreational opportunities on the gravel pit lands. While there are different perspectives on what this area might look like in the future, there is positive support to see a former industrial area transformed into a new community.

A graphic highlighting the steps to develop the Secondary Plan can be found as Figure 2 below.

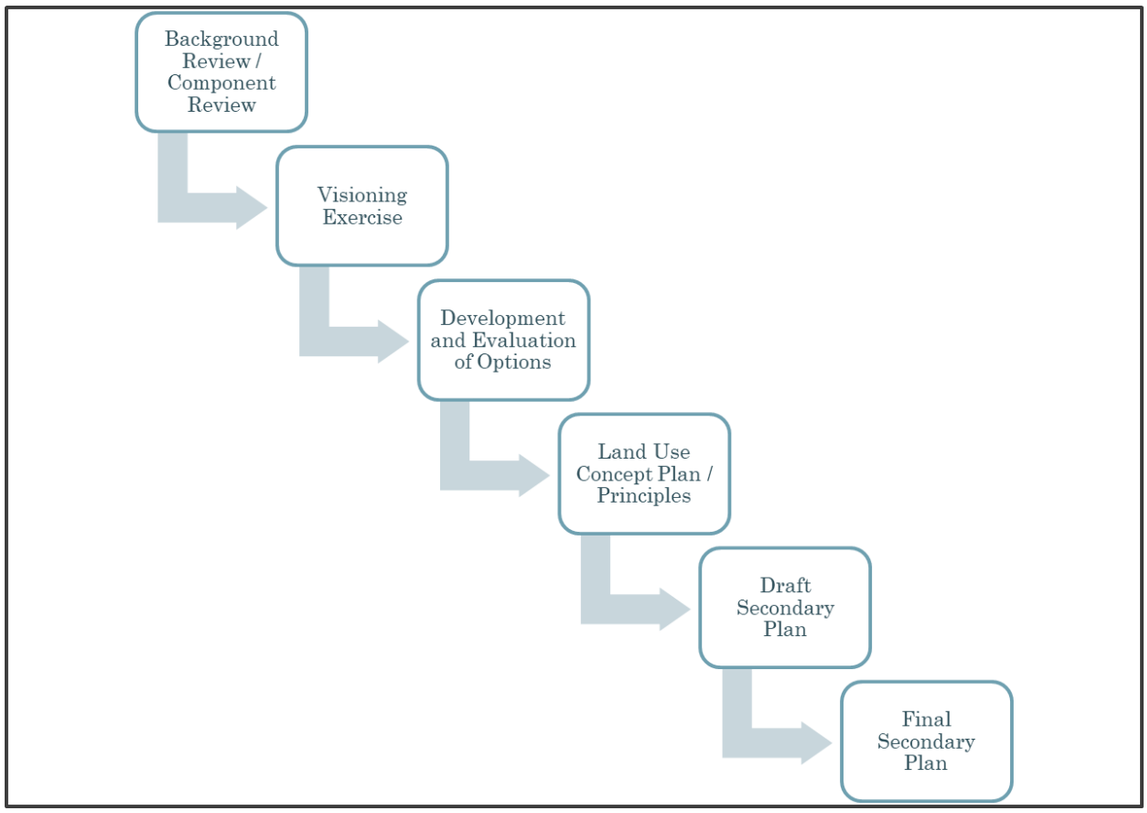

Figure 2 – Secondary Plan Process Map

1.4 Commissioners Road Municipal Class Environmental Assessment

During the secondary plan review process, the City of London undertook the Commissioners Road Municipal Class Environmental Assessment (Class EA) to determine the ultimate road alignment of Commissioners Road between Byron Baseline Road and Cranbrook Road. The Class EA included two public information meetings in 2017 and consultations with property owners, agencies, and the public. In 2018 Municipal Council approved the recommendations of the Class EA which re-aligned the road allowance through the Byron Gravel pit. During the appeal period of the Class EA, one of the landowners submitted a request to the Ministry of Environment, Conservation and Parks for a more detailed level of study (Part II Order request). In 2019, the

Ministry issued a decision on the request for a Part II order and upheld the findings of the Council recommended Environment Assessment.

2.0 Discussion and Considerations

2.1 Draft Land Use Concept Plans

Based on input from the above process, (3) three draft land use concept plans with different themes were prepared and shared at a community open house in December 2018. As indicated above, a community meeting was held prior to the pandemic where a preferred concept was presented to the public and landowners. It is noted that the Draft Land Use Concept Plans overemphasised the size of elements within recreation area and were not intended to be represent a realistic scale.

The following Draft Land Use Concept Plans are shared for consideration by Council:

1. Concept One provides Opportunities for Passive Recreation and Nature Appreciation

2. Concept Two provides Opportunities for Active Recreation.

3. Concept Three provides Opportunities for the site to be used as an event venue.

2.2 Draft Principles

The Draft Principles were in developed in consultation with the landowners and the community 2019. The principles will form the basis for the policies that are to be developed for the Secondary Plan.

The following Draft Principles are shared for consideration by Council:

1. **Promote Unique Opportunities for Recreation**

    - This is an area unlike any other in the City of London, shaped by years of aggregate extraction and characterized by dramatic side slopes, and a central pond.
    - Active and Passive recreation uses could include public and/or private facilities, or a combination of both.

- Enhance and compliment other recreational opportunities in the vicinity and in the broader region.
- Design parks and recreational facilities to promote a strong sense of identity and place and to serve as a meeting place with appropriate infrastructure to attract and support neighbourhood residents of all ages and demographics

2. Create a Green and Attractive Environment

- Integrate the natural and built setting to distinguish the Byron Gravel Pits Area as a high quality, master planned and protected environment.
- Achieve ecological sustainability in new development, with built forms having a minimal impact on the features and systems of the natural environment.

3. Provide a Range of Housing Choices

- Ensure that a range and mix of housing types is provided within developments to achieve a balanced and inclusive residential community.
- Ensure that the community caters to the needs of all ages, stages of life and income groups.
- Provide affordable housing opportunities.

4. Create a Diverse and Connected Community

- Connect the community to surrounding neighbourhoods through parks and natural areas, multi-use trails, pedestrian connections and street network.
- Enhance the public realm, including streetscapes, public spaces and infrastructure.
- Create and enhance views and vistas through building placement, street pattern, and location of trails

2.3 Next Steps

Over the next few months Staff will work in collaboration with our internal partners and engage with landowners within the study to develop a Draft Secondary Plan. As part of the project the Ministry of Natural Resources and Forestry will be consulted during the secondary planning process. Staff will also be refining the preferred concept and principles described above based on the policies of The London Plan to ensure that the Byron Gravel Pits Secondary Plan provides the direction for the future development of this unique area within the context of The London Plan. The following section provides an overview of the key milestones that will be undertaken to complete the project:

- Refine Draft Land Use Concepts, Draft Principles, reconfirm findings from Component Studies, and identify any additional information that is required to develop Secondary Plan

- Prepare Draft Secondary – including but not limited to formulation of a Preferred Land Use Plan and accompanying policies

- Hold a Community Meeting for public consultation and review

- Refine Draft Secondary Plan

- Hold a Public Meeting for public consultation and review

- Finalize Secondary Plan

- Council Approval in Q1 2023

Conclusion

Staff will work with internal partners, landowners within the study area, the Ministry of Natural Resources and Forestry, and engage the public to complete project milestones identified above. The feedback that has been received to date has helped to inform the Land Use Concept Plan and principles and will also help to inform the development of the Secondary Plan.

The Draft Secondary Plan will be brought forward to a Public Participation Meeting in front of Planning and Environment Committee in Q1 2023. City Staff will continue public consultation throughout the Secondary Plan study process to gather public feedback. The Final Secondary Plan is targeted to be brought back to Council later in Q1 2023.

Prepared by:	**Mark Johnson, MCIP, RPP** **Senior Planner, Planning and Development**
Reviewed by:	**Bruce Page** **Manager, Planning and Development**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers, MPA, 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.

August 15, 2022
GB/BP/MJ/mj

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Report to Planning & Environment Committee

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

From: **Peter Kokkoros, P.Eng., B.A. (Econ)**
Director Building & Chief Building Official

Subject: **Building Division Monthly Report**
June 2022

Date: **August 22, 2022**

Recommendation

That the report dated June 2022 entitled “Building Division Monthly Report June 2022”, **BE RECEIVED** for information.

Executive Summary

The Building Division is responsible for the administration and enforcement of the *Ontario Building Code Act* and the *Ontario Building Code*. Related activities undertaken by the Building Division include the processing of building permit applications and inspections of associated construction work. The Building Division also issues sign and pool fence permits. The purpose of this report is to provide Municipal Council with information related to permit issuance and inspection activities for the month of June 2022.

Linkage to the Corporate Strategic Plan

Growing our Economy

- London is a leader in Ontario for attracting new jobs and investments.

Leading in Public Service

- The City of London is trusted, open, and accountable in service of our community.
- Improve public accountability and transparency in decision making.

Analysis

1.0 Background Information

This report provides information on permit and associated inspection activities for the month of June 2022. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity for the Month of June 2022”, as well as respective “Principle Permits Reports”.

2.0 Discussion and Considerations

2.1 Building permit data and associated inspection activities – June 2022

Permits Issued to the end of the month

As of June 2022, a total of 2,148 permits were issued, with a construction value of $666.8 million, representing 1,008 new dwelling units. Compared to the same period in 2021, this represents a 11.82% crease in the number of building permits, with a 26.05% decrease in construction value and an 36.19% decrease in the number of dwelling units constructed.

Total permits to construct New Single and Semi-Dwelling Units

As of the end of June 2022, the number of building permits issued for the construction of single and semi-detached dwellings was 395, representing a 36.19% decrease over the same period in 2021.

Number of Applications in Process

As of the end of June 2022, 1,040 applications are in process, representing approximately $1.6 billion in construction value and an additional 3,288 dwelling units compared with 1,012 applications, with a construction value of $810 million and an additional 1,387 dwelling units in the same period in 2021.

Rate of Application Submission

Applications received in June 2022 averaged to 21 applications per business day, for a total of 462 applications. Of the applications submitted 77 were for the construction of single detached dwellings and 47 townhouse units.

Permits issued for the month

In June 2022, 462 permits were issued for 140 new dwelling units, totaling a construction value of $75.0 million.

Inspections – Building

A total of 3,666 inspection requests were received with 2,810 inspections being conducted.

In addition, 0 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 3,666 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

Inspections - Code Compliance

A total of 762 inspection requests were received, with 827 inspections being conducted.

An additional 69 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 762 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

Inspections - Plumbing

A total of 1,355 inspection requests were received with 1,454 inspections being conducted related to building permit activity.

An additional 8 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 1,355 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

2020 Permit Data

To the end of June, a total of 1,634 permits were issued, with a construction value of 386.9 Million, representing 695 new dwelling units. The number of single/semi detached dwelling units was 376.

Conclusion

The purpose of this report is to provide Municipal Council with information regarding the building permit issuance and building & plumbing inspection activities for the month of June 2022. Attached as Appendix "A" to this report is a "Summary Listing of Building Construction Activity" for the month of June 2022 as well as "Principle Permits Reports".

Prepared by:	**Peter Kokkoros, P.Eng.** **Director, Building and Chief Building Official** **Planning and Economic Development**
Submitted by:	**Scott Mathers, MPA, P.Eng.** **Deputy City Manager** **Planning and Economic Development**
Recommended by:	**Scott Mathers, MPA, P.Eng.** **Deputy City Manager** **Planning and Economic Development**

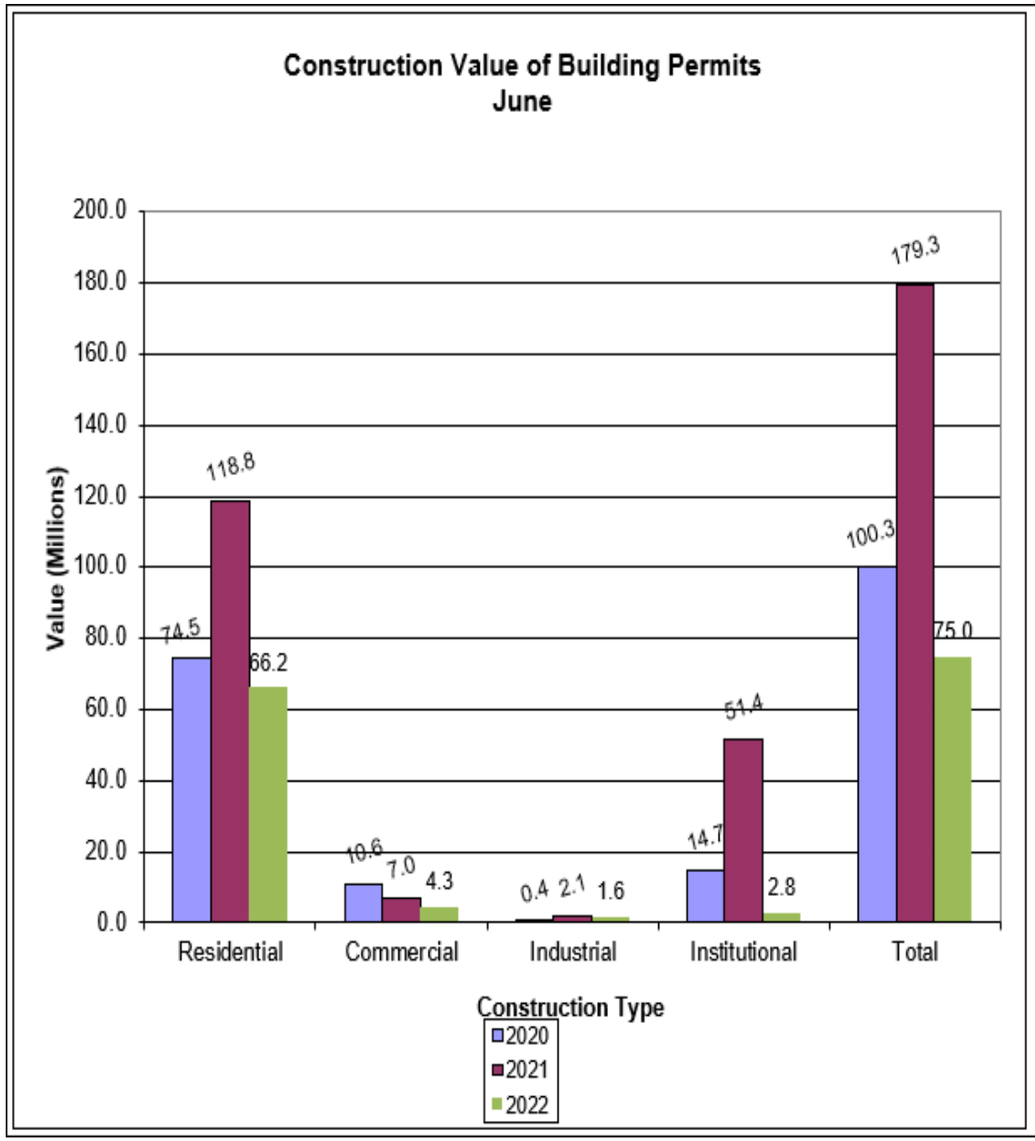
APPENDIX "A"

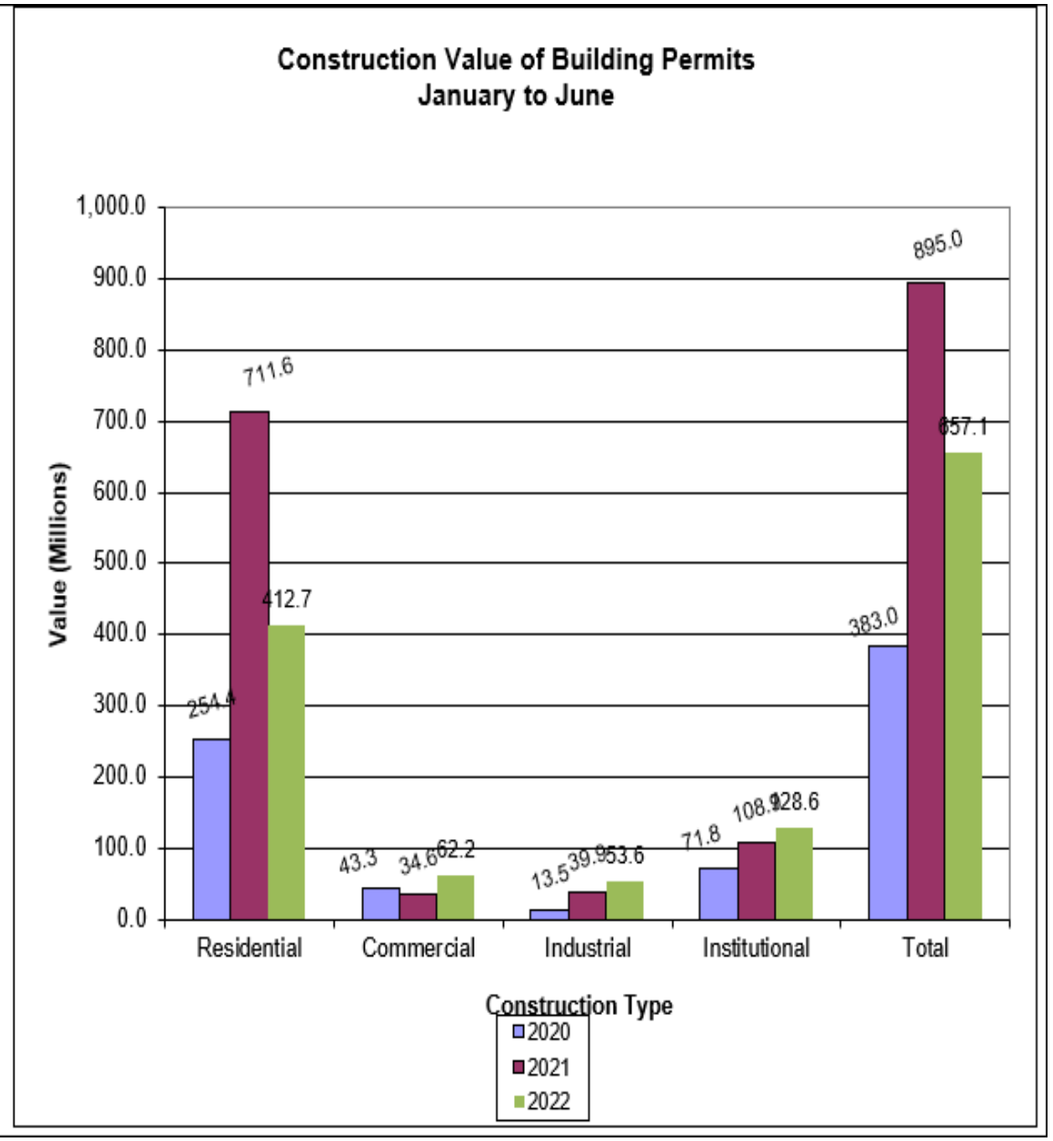
CITY OF LONDON

SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF June 2022

	June 2022			to the end of June 2022			June 2021			to the end of June 2021			June 2020			to the end of June 2020		
CLASSIFICATION	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	77	40,570,438	77	395	198,802,844	395	88	40,902,000	88	619	281,583,900	619	85	36,868,544	85	376	159,106,304	376
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	1	223,500	1	0	0	0	0	0	0
TOWNHOUSES	10	16,053,982	47	66	75,275,417	257	26	28,044,000	125	125	116,902,800	471	14	16,625,300	67	54	43,268,185	172
DUPLEX, TRIPLEX, QUAD, APT BLDG	0	0	0	6	85,195,538	264	1	42,000,000	266	8	267,260,000	1,320	2	16,504,800	60	4	26,878,800	127
RES-ALTER & ADDITIONS	215	9,621,571	16	961	53,407,203	92	188	7,874,125	12	917	45,656,631	65	123	4,518,050	2	557	25,158,423	20
COMMERCIAL -ERECT	2	1,416,470	0	7	36,066,470	0	0	0	0	17	5,668,500	0	3	1,349,800	0	7	4,160,300	0
COMMERCIAL - ADDITION	1	12,000	0	4	2,941,900	0	1	90,000	0	4	400,000	0	1	790,000	0	2	791,800	0
COMMERCIAL - OTHER	28	2,917,062	0	151	23,205,148	0	25	6,910,300	0	170	28,484,604	0	21	8,506,654	0	183	38,380,885	0
INDUSTRIAL - ERECT	0	0	0	0	0	0	1	2,000,000	0	5	20,792,500	0	0	0	0	2	3,436,700	0
INDUSTRIAL - ADDITION	1	1,566,925	0	7	52,657,871	0	0	0	0	4	3,346,560	0	0	0	0	4	7,918,800	0
INDUSTRIAL - OTHER	1	70,000	0	14	918,200	0	5	82,600	0	17	15,774,400	0	4	422,000	0	21	2,107,607	0
INSTITUTIONAL - ERECT	0	0	0	3	99,646,231	0	0	0	0	1	12,000,000	0	0	0	0	2	32,575,000	0
INSTITUTIONAL - ADDITION	1	189,000	0	1	189,000	0	2	44,650,000	0	5	46,613,386	0	4	3,160,000	0	6	6,560,000	0
INSTITUTIONAL - OTHER	14	2,567,000	0	45	28,796,605	0	19	6,791,700	0	61	50,292,150	0	20	11,528,000	0	59	32,664,201	0
AGRICULTURE	1	1,320,000	0	3	1,610,000	0	0	0	0	1	150,000	0	0	0	0	1	100,000	0
SWIMMING POOL FENCES	50	1,871,655	0	200	7,345,528	0	32	698,459	0	234	6,313,970	0	95	1,789,796	0	162	3,718,836	0
ADMINISTRATIVE	25	47,000	0	69	765,000	0	10	6,000	0	47	213,000	0	4	0	0	23	88,000	0
DEMOLITION	9	0	7	46	0	37	8	0	6	38	0	27	8	0	5	32	0	23
SIGNS/CANOPY - CITY PROPERTY	7	0	0	10	0	0	2	0	0	7	0	0	1	0	0	2	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	20	0	0	160	0	0	39	0	0	155	0	0	12	0	0	137	0	0
TOTALS	462	78,223,103	140	2,148	666,822,954	1,008	447	180,049,184	491	2,436	901,675,900	2,476	397	102,062,944	219	1,634	386,913,841	718

Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.
2) Mobile Signs are no longer reported.
3) Construction Values have been rounded up.


Construction Value of Building Permits
June
Value (Millions)
200.0
180.0
160.0
140.0
120.0
100.0
80.0
60.0
40.0
20.0
0.0
74.5
118.8
66.2
10.6
7.0
4.3
0.4
2.1
1.6
14.7
51.4
2.8
100.3
179.3
75.0
Residential
Commercial
Industrial
Institutional
Total
Construction Type
2020
2021
2022


Construction Value of Building Permits
January to June
Value (Millions)
1,000.0
900.0
800.0
700.0
600.0
500.0
400.0
300.0
200.0
100.0
0.0
254.4
711.6
412.7
43.3
34.6
62.2
13.5
39.9
53.6
71.8
108.9
128.6
383.0
895.0
657.1
Residential
Commercial
Industrial
Institutional
Total
Construction Type
2020
2021
2022

City of London - Building Division

Principal Permits Issued from June 1, 2022 to June 30, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Arthur Blumas Blucor Group Inc	1050 Kipps Lane	Alter Offices CHANGE OF USE PERMIT-UNIT#10- INTERIOR ALT. AND ADDING SKYLIGHTS.	0	134,700
REMBRANDT HOMES REMBRANDT HOMES	1061 Eagletrace Dr 7	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, 4 BEDROOM, FINISHED BASEMENT, COVERED DECK, NO A/C, ENERGY STAR, MVLCP 958 LEVEL 1 UNIT 26, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	546,450
	1063 Westminster Dr	Erect-Poultry Barn ERECT NEW CHICKEN BARN. Fire Separation Design for 30min FRR wall surrounding Generator Room to be provided to City for review/approval prior to any framing.		1,320,000
	1103 Jalna Blvd	Alter Apartment Building ALTERATION TO REPAIR CONCRETE BALCONY AND SHEAR WALLS (EAST SIDE ONLY)	0	415,000
1111 Oxford Street East Ltd	1111 Oxford St E	Alter Automobile Sales & Service ALTERATION TO EXTERIOR FINISHES	0	170,000
The Board of of Western Ontario The Board Of Governors The University Of Western Ontario	1151 Richmond St	Alter University IS - TO CONSTRUCT A NEW AIR WELL FOR THE REMOVAL OF AN EXISTING CHILLER AND THE INSTALLATION OF A NEW CHILLER	0	500,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1300 Riverbend Rd			300,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1550 Ed Ervasti Lane	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 1 STOREY, 2 CAR GARAGE + GOLF CART PARK, 2 BEDROOMS, UNFINISHED BASEMENT, A/C, NO DECK, HOT2000, 33R-20077 Part 32, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	388,790
HOMESTEAD LAND HOLDINGS LTD. HOMESTEAD LAND HOLDINGS LTD.	1670 Jalna Blvd	Alter Apartment Building ALTERATION TO REPLACE GUARDRAIL, CONCRETE REPAIR AND WATERPROOFING	0	250,000
The Ridge At Byron Inc	1710 Ironwood Rd 63	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 1 STOREY, 2 CAR GARAGE, 4 BEDROOMS, PARTIAL FINISHED BASEMENT, COVERED DECK, A/C, SB-12 A5, MVLCP 903 Level 1 Unit 43, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	468,553
2560533 ONTARIO INC. 2560533 ONTARIO INC.	1820 Adelaide St N 3	Erect-Retail Store ERECT TWO RETAIL UNITS AND A SMALL STORAGE-SEPARATE PERMIT REQUIRED FOR TENANT FIT UP. UNITS 3C AND D	0	931,470
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1854 Sandy Somerville Lane	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 1 STOREY, 2 CAR GARAGE + GOLF CART, 2 BEDROOM, UNFINISHED BASEMENT, NO DECK, A/C, HOT2000, 39T-18503 Part 8 33R-20595, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	425,382

City of London - Building Division

Principal Permits Issued from June 1, 2022 to June 30, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
190 Wortley Properties Inc C/O The Torgan Group	190 Wortley Rd	Alter Dental Offices ALTER - INTERIOR ALTERATION FOR DENTIST OFFICE	0	114,500
DREWLO HOLDINGS INC DREWLO HOLDINGS INC	1960 Evans Blvd	Install-Townhouse - Condo INSTALL SITE SERVICES		2,000,000
REDEMPTION CHAPEL Redemption Bible Chapel	250 Commissioners Rd E	Add Churches ADD - FOR NEW CHURCH VESTIBULE, WITH INT. ALT. FOR LOBBY RENOVATION	0	189,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	255 Queens Ave	Alter Offices Partial demolition and demise of existing vacant suite into two separate suites.	0	143,000
ST JOSEPH'S HEALTH CARE LONDON	268 Grosvenor St	Alter Hospitals Renovation into the existing exams rooms to create a new waiting area that are going to Be part of the SJHC Retina Pod Expansion.	0	200,000
CAROLYN BASTIEN CONSEIL SCOLAIRE CATHOLIQUE PROVIDENCE	270 Chelton Rd	Alter Schools Elementary, Kindergarten INTERIOR ALTERATIONS TO ADD NEW WASHROOM AND MILLWORK CUBBIES Shell Permit Only: Provide sprinkler shop drawings.	0	190,500
WESTHAVEN HOMES (2008) INC. WESTHAVEN HOMES (2008) INC.	2835 Sheffield Pl 5	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, PARTIALLY FINISHED BASEMENT, 5 BEDROOMS, NO DECK, NO A/C, SB012 A1, DPN 5, MVLCP LEVEL 1 UNIT 26, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	562,735
My Care Homes Inc	299 Tartan Dr A	Erect-Townhouse - Rental ERECT 8 UNIT TOWNHOUSE, BLDG A, 1 STOREY, DPN'S 1, 3, 5, 7, 9, 11, 15, 17 **INCLUDE khanif4825@rogers.com IN ALL CORRESPONDENCE**	8	1,626,647
My Care Homes Inc	299 Tartan Dr B	Erect-Townhouse - Rental ERECT 7 UNIT TOWNHOUSE, BLOCK, B, 1 STOREY, DPN'S 2, 4, 6, 8, 10, 12, 14 **INCLUDE khanif4825@rogers.com IN ALL CORRESPONDENCE**	7	1,431,529
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	300 Clarke Rd	Alter Schools Secondary, High, Jr. High ELEVATOR UPGRADES	0	122,000
SKYLINE REAL ESTATE HOLDINGS INC SKYLINE REAL ESTATE HOLDINGS INC	301 Base Line Rd W	Alter Apartment Building ALTER - TO REPAIR EXISTING CONCRETE BALCONIES	0	700,000
TRICAR LIMITED TRICAR PROPERTIES LIMITED	320 Thames St	Alter Offices INTERIOR FIT UP FOR OFFICE	0	645,000
MILLSTONE INC. MILLSTONE HOMES INC.	3374 David Milne Way A	Erect-Townhouse - Condo ERECT 3 UNIT TOWNHOUSE, BLOCK 5, 3 STOREY, (3358, 3360, 3362) **UTRCA APPROVAL LETTER REQUIRED PRIOR TO ISSUANCE**	3	1,099,032

City of London - Building Division

Principal Permits Issued from June 1, 2022 to June 30, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
MILLSTONE INC. MILLSTONE HOMES INC.	3374 David Milne Way C	Erect-Townhouse - Condo ERECT 3 UNIT TOWNHOUSE, BLOCK 5, BLDG C, 3 STOREY, (3376, 3378, 3380) **UTRCA APPROVAL LETTER REQUIRED PRIOR TO ISSUANCE**	3	1,103,014
1726201 Ontario Inc	456 Southdale Rd E	Alter Daycare Centres INTERIOR ALTERATION FOR DAYCARE	0	315,000
LONDON & MIDDLESEX COMMUNITY HOUSING LONDON & MIDDLESEX COMMUNITY HOUSING INC	580 Dundas St	Alter Apartment Building Unit and Balcony Repairs for Damage Caused by Fire	0	136,000
MARYVIN INVESTMENTS LIMITED C/O M & V LUCCISANO	647 Wellington Rd	Alter Restaurant <= 30 People INTERIOR ALTERATIONS - NEW PARTITION,PLUMBING, HVAC AND FIRE SEPARATION	0	163,602
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	941 Viscount Rd	Alter Schools Secondary, High, Jr. High ALTER TO CREATE ACCESSIBLE WASHROOM	0	153,000

Total Permits 30 Units 26 Value 16,744,904

** Includes all permits over $100,000, except for single and semi-detached dwellings.*

Commercial building permits issued - subject to Development Charges under By-law C.P. -1551-227

OWNER
ONTARIO INC. 2560533 2560533 ONTARIO INC.
HOLDINGS INC. MEGBROOK MEGBROOK HOLDINGS INC.
CAPTAIN GENERATION - MALL LIMITED

Commercial Permits regardless of construction value

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **Scott Mathers, MPA, P. Eng., Deputy City Manager,**
Planning and Economic Development
Subject: **Outdoor Patios Zoning By-law Amendment – Public Participation Meeting**
Date: **August 22, 2022**

Recommendation

That on the Recommendation of the Deputy City Manager, Planning and Economic Development, with respect to the application of the Corporation of the City of London relating to outdoor patios:

a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 6, 2022, to amend Section 4.18 of the Zoning By-law Z.-1 to add and delete regulations related outdoor patios;

Executive Summary

This report is in response to the **April 12, 2022,** and **June 14, 2022** Municipal Council resolutions, directing staff to report back with options to amend the regulations contained in Section 4.18 (Outdoor Patio Associated with a Restaurant or Tavern) of the Z.-1 Zoning By-law, to allow for greater operational flexibility for local businesses.

Summary of Request

The recommended amendment will remove the capacity limits for outdoor patios and amend the operational date range currently contained in Section 4.18 of the Z.-1 Zoning By-law.

Rationale of Recommended Action

The recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the vitality and regeneration of settlement areas as critical to the long-term economic prosperity of communities. The recommended amendment is consistent with The London Plan, which encourages economic revitalization and enhancing the business attraction potential of urban main streets.

Linkage to the Corporate Strategic Plan

The options contained in this report supports the Growing Our Economy area of focus of the Corporate Strategic Plan, by increasing the efficiency and consistency of administrative and regulatory processes. It also enhances London's competitiveness by creating an innovative and supportive environment for local businesses.

Linkage to the Climate Emergency Declaration

On April 23, 2019, Municipal Council declared a Climate Emergency. This Zoning-Bylaw amendment supports the City's commitment to reducing and mitigating climate change by encouraging the conversion of parking spaces into patio spaces thereby assisting intensification of existing urban areas, mitigating sprawl, and increasing the viability of existing economic activities and businesses. Finally, this amendment supports active transportation and place-making by establishing active, vibrant uses in the public realm which create a desirable walking environment.

Linkage to Provincial Policy and London Plan

The recommended action is consistent with the Provincial Policy Statement, 2020, which encourages the vitality and regeneration of settlement areas as critical to the long-term economic prosperity of communities. The recommended action is consistent with The London Plan, which encourages economic revitalization and enhancing the business attraction potential of urban main streets.

Background

On April 12, 2022, Municipal Council resolved that the following actions be taken:

> The Civic Administration **BE DIRECTED** to investigate options to amend the current capacity restrictions for outdoor patios associated with a restaurant or tavern to allow greater flexibility for restauranteurs in meeting their AGCO capacity limits and report back with options for Council's consideration.

On June 14, 2022, Municipal Council resolved that the following actions be taken:

> The Civic Administration **BE DIRECTED** to review the temporary pandemic-related flexibility in business by-law regulations and report back to the appropriate standing committee on which provisions Municipal Council could consider making permanent; it being noted that the Civic Administration already has direction from Council to review zoning regulations on outdoor patio capacity and that this could be achieved by a single comprehensive report back.

Previous Reports Related to this Matter

- London Community Recovery Network – Immediate Ideas for Action to Support London's COVID-19 Community Recovery – December 16th, 2020
- London Community Recovery Network – Ideas for Action by Municipal Council - February 8th, 2021
- City-Wide Seasonal Outdoor Patios Zoning By-law Amendment– Report to the Planning and Environment Committee – March 29th, 2021
- Community & Protective Services Committee: B2B By-Law Extension - November 2, 2021
- Community & Protective Services Committee - Zoning By-law Patio Review - June 21, 2022

Analysis

1.0 Key Considerations

The following outlines key considerations regarding this Zoning Bylaw amendment.

1.1 Date range of Patio operations

This amendment would allow for greater flexibility for patios. Civic Administration recommends that the Zoning By-law be amended to change the date range (adding 30 additional days) and remove the capacity limits of outdoor patios.

Although staff are recommending the amend of the operational date range, there might be some cases where patios will need to be removed due to winter operation matters (e.g., snow removal). Establishments with a patio located on private land that choose to remain open in the winter months should coordinate with the landowner regarding winter maintenance.

1.2 Capacity Limits

The Ontario Building Code (OBC) provides regulation for the indoor capacity of all buildings based on a complex formula including material properties, floor area, exiting options, and a minimum number of washrooms/people. However, the washroom regulations do not apply to outdoor settings, such as patios. Other municipalities do not restrict maximum patio capacity in their by-laws because they rely on the complex OBC formulas and the AGCO's requirement for stamped and signed floor plans to regulate capacity.

2.0 What are the existing <u>Permanent Outdoor Patio</u> Regulations requirements?

The existing zoning requirements for outdoor patios (permanent) include:

a) No outdoor patio can accommodate more than 50% of the licensed capacity of the restaurant, or 50 persons, whichever is greater;
b) Parking spaces are required for the gross floor area of the outdoor patio at the same ratio as the restaurant or tavern, except in the downtown where no parking spaces are required; and,

c) No outdoor patio is permitted adjacent to a residential zone class that is not in combination with another zone, unless it is separated from the residential properties by a lane or located in front of the building.

Approval of a new outdoor patio (permanent) typically requires an amendment to the Site Plan, and associated review for zoning, capacity limits, location, parking requirements, and fire safety, among other things. Further, restaurants and taverns are required to obtain business licences from the City and liquor licences from the Alcohol and Gaming Commission of Ontario (AGCO).

Occupancy is determined by the Ontario Building Code and not assigned by the AGCO. In London, neither the Building nor Fire department assign the licensed capacity. An applicant must submit floor plans that show occupancy and capacity that are stamped and signed by an architect or professional engineer. Building Division staff check these submissions against the Building Code.

2.1 What are the existing Seasonal Outdoor Patios Regulation requirements?

In March 2021, staff initiated a Citywide Zoning By-law Amendment, ensuring that the following regulations guiding the operations and allowance of seasonal outdoor patios be permanently added the Zoning By-law Section 4.18(6):

- Seasonal outdoor patios as a permitted use associated with a restaurant or tavern;
- Seasonal outdoor patios are only permitted between March 15 and November 15 each year;
- Seasonal outdoor patios are to be setback at least 6 metres from any residential zone;
- Seasonal outdoor patios will not require additional parking spaces and can be located within existing required commercial parking spaces, and;
- No seasonal outdoor patios will be permitted within required residential parking spaces.

There is no formal application requirement nor application fees associated with temporary/seasonal outdoor patios if businesses comply with the above regulations.

2.2 What are the existing City Boulevard Café requirements?

Owners of food establishments with a valid business licence can apply to the City of London Realty Services Department for a Boulevard Cafe Permit. Typically, applications are received from businesses that desire an outdoor cafe, but do not have sufficient room on their own property. Applications are reviewed by staff to ensure they are compatible with City requirements, such as not interfering with the public use of the road allowance, or not interfering with City operations. All future City Boulevard Café applications will be required to be reviewed on a case-by-case basis with regards to the proposed amendments contained in this report. For example, depending on the exact location, patios located on City property may only be permitted to operate between March and October.

3.0 Policy Context

The following policy documents were considered in their entirety during the review of this amendment. The most relevant policies are outlined below.

3.1 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. The PPS is intended to be read in its entirety and the relevant policies are to be applied to each situation. Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent” with policy statements issued under the Act.

The proposed zoning by-law amendment is consistent with policy 1.3.1(b) that states, “planning authorities should promote economic development by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.” Introducing seasonal outdoor patios is way to support the existing and future needs of businesses.

The zoning by-law amendment is also consistent with policy 1.7.1 of the PPS that states, “long term economic prosperity should be supported, among other things, by c) optimizing the long-term availability and use of land”. Allowing parking lots to be turned into street activating outdoor patio spaces is an example of optimizing availability and use of land.

3.2 The Official Plan, 1989

The zoning by-law amendment complies with the Vision Statement and the planning objectives of the Commercial Land Use Designation of the Official Plan, 1989. Section 2.2.1(i) states that the Vision Statement of the Plan is to, “manage growth and change so that efforts to foster economic development; protect and enhance nature within the City; provide for the efficient movement of people and goods; and promote attractive, cohesive neighbourhoods, are in balance and supportive of each other.” Section 4.2.1(iv) of the Plan states the planning objects for all Commercial Land Use Designations is to, “encourage intensification and redevelopment in existing commercial areas within the built-up area of the City to meet commercial needs, to make better use of existing City infrastructure and to strengthen the vitality of these areas”. Allowing business to temporarily expand their operation is a way to encourage a better use of land through adaptive re-use of underutilized parking areas while promoting active and attractive streets.

3.3 The London Plan

There are several policies in the London Plan that are supportive of the zoning by-law amendment. Key direction #8 policy 62(2) discusses making wise planning decisions to ensure the balance of the economy, environment, and social considerations. This zoning by-law amendment complies with the key direction as it will help support businesses while reducing the need for spaces to be dedicated to cars instead of people. Further, policy 154(8) states that urban regeneration efforts will, “encourage the economic revitalization and enhance the business attraction of urban main streets.” Allowing for seasonal outdoor patios increases the attractiveness of main streets and encourages economic activity with the increased operational space.

Finally, there are various policies in The London Plan that are supportive of reducing the minimum parking requirements. Policy 271 states that “[the] Zoning By-law will establish automobile parking standards, ensuring that excessive amounts of parking are not required”. In addition, policy 366(2) states that “parking strategies may be prepared to plan for initiatives to reduce parking demand.” The zoning by-law amendment complies with policy 271 and 366(2) for reducing parking requirements for seasonal outdoor patios. The Zoning By-law amendment is consistent with the Provincial Policy Statement 2020 and complies with the London Plan.

4.0 Community Engagement

Notification of the application to amend the Zoning By-law was provided in the Londoner, on the City of London website, and emailed to prescribed parties July 27th, 2022. The Notice of Application outlined a possible amendment to Section 4.18 of the Zoning By-Law # Z.1 to amend restrictions on the operational dates for seasonal patios and to remove the capacity limits for seasonal patios. One comment was received from Lower Thames Valley Conservation Authority, who had no objections and was in support of the zoning by-law amendment.

Recommended Zoning By-law Amendment

The recommended amendment is included in **Appendix A**, replacing and/or amending portions of Section 4.18 (Outdoor Patio Associated with a Restaurant or Tavern), contained in the Z.-1 Zoning By-law and in summary and includes:

1. **Removing:** *No outdoor patio shall accommodate more than 50 percent (50%) of the licenced capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater*

2. **Adding:** Notwithstanding Sections 4.18(6)(a) and 4.18(6)(b), Seasonal Outdoor Patios and associated structures and appurtenances are permitted between November 16 and March 14 for thirty (30) days, but not for more then three (3) consecutive days.

3. **Adding:** No seasonal outdoor patio shall be located within an accessible parking space. Each accessible parking space shall be always clear for parking or removal of a vehicle and vehicular access to any such parking space shall not be impeded by any obstruction.

Conclusion

The recommended amendment to the Zoning By-law Z.-1 ensures that Civic Administration is assisting local business owners to provide additional outdoor seating at their establishments. The easing of restrictions on months of operation and capacity limits for seasonal outdoor patio patios helps to create a supportive environment for local businesses.

Prepared by:	**Mark Hefferton, MURP, RPP, MCIP** **Development Policy Coordinator, Municipal Compliance**
Submitted by:	**Nicole Musicco** **Coordinator, Municipal Compliance**
Reviewed and Concurred by:	**Orest Katolyk, MLEO (C)** **Director, Municipal Compliance**
Recommended by:	**Scott Mathers, MPA, P. Eng., Deputy City Manager,** **Planning and Economic Development**

Appendix “A”

DRAFT BY-LAW

Outdoor Patio Associated with a Restaurant or Tavern

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-##___

A by-law to amend the General Provisions of By-law No. Z.-1 to regulate Outdoor Patio Associated with a Restaurant or Tavern

WHEREAS The Corporation of the City of London has applied to amend the General Provisions of the Zoning By-law Z-1, 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:

Section 4.18 (Outdoor Patio Associated with a Restaurant or Tavern) of the General Provisions is amended by adding and/or deleting the following:

[DELETE]
~~__1) CAPACITY~~

~~No outdoor patio shall accommodate more than 50 percent (50%) of the licenced capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater~~

__6) OUTDOOR PATIO, SEASONAL

a. No Seasonal Outdoor Patio shall be permitted between November 16 and March 14, inclusive

b. All structures and appurtenances associated with a seasonal outdoor patio must be removed between November 16 and March 14, inclusive

c. Notwithstanding Section 4.18(2), seasonal outdoor patios shall be setback a minimum of 6.0 metres from any residential zone which is not in combination with another zone;

d. Notwithstanding Section 4.18(5), there is no parking requirement for seasonal outdoor patios;

e. Notwithstanding Section 4.19, seasonal outdoor patios are permitted within required parking spaces for commercial uses;

f. No seasonal outdoor patio shall be located within required parking spaces for residential dwelling units;

[ADD]
g. Notwithstanding Sections 4.18(6)(a) and 4.18(6)(b), Seasonal Outdoor Patios and associated structures and appurtenances are permitted between November 16 and March 14 for thirty (30) days, but not for more then three (3) consecutive days.

[ADD]
h. No seasonal outdoor patio shall be located within an accessible parking space. Each accessible parking space shall be always clear for parking or removal of a vehicle and vehicular access to any such parking space shall not be impeded by any obstruction.

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.

3) This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on Month, Day, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

From: ROBERT WEBB
Sent: Sunday, August 7, 2022 5:26 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] File # Z- 9300

Seasonal outdoor patio Regulations

To who it might concern :

I hope the committee and resultant regs Include a revision thst states a Patio must be attached to the bar/ restaurant . Size is not esp important But A patio in the middle of a parking lot That requires staff / servers etc to cross the car traffic lane to reach the impromptu 'Patio' should Not Be Allowed

> unsafe for staff

> possibly not safe for people using that space as cars 🚘 trucks etc are all around the poorly fenced off corral .

Please consider

Thank you

Robert Webb

Ward 7

From: Steve.O
Sent: Wednesday, August 17, 2022 11:00 PM
To: PEC <pec@london.ca>
Cc: AnnaMaria Valastro; Louise White
Subject: [EXTERNAL] Fwd: patio capacity extensions

re: AnnaMaria Valastro's letter below

To whom it may concern,

I agree with Anna. This is unbelievable!! You want to turn all these locations into beer gardens like those at the Western Fair.

These establishments are not enclosed locations like the fairgrounds. This will lead to many vehicle-human interactions.

Don't the London Police have a say in this? They're the ones who will have to be brought in to restore sanity when things get out of control. That increase of their assistance would certainly put pressure on their budget. Is the city prepared to compensate them for that? Has the city even considered that, given a reputation of being short sighted most of the time?

I'm only scratching the surface here. This could turn into a real powder keg waiting to blow. This definitely needs to be revisited to determine the full slate of ramifications. Please stop ramming though changes to satisfy greedy business owners.

How about just once consider the lives and welfare of the citizens who live in these areas?

regards,
Steve Olivastri
141 Central Ave
London N6A 1M6

On 2022-08-17 20:16, North Talbot Community wrote:

Dear Neighbour,

A new zoning by-law amendment is being proposed to remove patio capacity limits across the city and extend patios into the winter months. The only limits on patio capacity will be determined by Section 3.7.4.3. of the Ontario Building Code https://www.buildingcode.online/477.html (Plumbing Fixtures for Assembly Occupancies) which lists the number of bathrooms required per groups of occupants. The number of bathrooms will determine the size of the patio - no joke. An establishment only needs to expand its toilet capacity to expand its patio capacity - no joke.

While some would reasonably assume that the physical attributes of the properties would determine the size of patios, owners can extend patios into private parking lots. BeerTown Public House at near Masonville Mall expanded its patio onto the private parking lot. Staff and patrons need to cross a vehicle right-of-way each time they move between the patio and the building. ***Please see attached photos***.

In real terms, The Ceeps, which currently can seat over 100 on its patio, could expand its patio across its parking lot to a capacity of easily a thousand people, as long as they had the required bathrooms for a 1000 people.

The only restrictions on patio extensions is if the patio occupies public space such as a sidewalk or street. Those permits will be decided case by case. For most people, this issue would be a sleeper but in some neighbourhoods, it is a serious issue, but it can occur anyway in the City.

Read the amendment here: https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=94237

It is poorly written and obscure. I needed clarification from staff to understand exactly what was being described.

Lastly, by-law enforcement states that patios into parking lots is a climate emergency mitigating action because it displaces cars, but it fails to access the increase of passenger vehicles. The Climate Emergency Action Plan is being used to greenwash unpopular policy, and dismissed when opportunities arise to make significant inroads on climate policy.

This zoning amendment was introduced by Ward 13 Councillor John Fyfe-Millar. If you have comments, please send to pec@london.ca

AnnaMaria Valastro

North Talbot Community

From: Ted Mitchell
Sent: Thursday, August 18, 2022 5:30 AM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Patio extension amendment

I am against this amendment.

Edward Mitchell

1704-695 Richmond St.,

London, ON N6A

From: [redacted]
Sent: Thursday, August 18, 2022 11:44 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Zoning By-law Patio Restrictions

I consent.

Dear Members of the Planning and Environment Committee,

Re: Zoning By-law Patio Restrictions

Please note, several questions are posed in the letter below which will be asked at the Public Participation Meeting. I am hoping for a rebuttal.

A new zoning by-law amendment is being proposed to remove patio capacity limits across the city and extend patios into the winter months. The only limits on patio capacity will be determined by Section 3.7.4.3. of the Ontario Building Code https://www.buildingcode.online/477.html (Plumbing Fixtures for Assembly Occupancies) which lists the number of bathrooms required per groups of occupants. It does not distinguish between indoor or outdoor occupancy loads because occupancy loads apply to the number of people using the bathrooms *inside the building*, regardless if they are seated indoor or outdoor.

While the staff report references 'a complex formula' of the Building Code for determining occupancy load, the staff report does not provide reference to these sections. The Building Code only applies to interiors of a building except Section 3.7.4.3. Unless. staff can provide how these 'complex formulas' limit occupancy load of a patio, the zoning by-law will be appealed because impacts on neighbouring communities is not being considered.

I would appreciate if staff could describe how the Building Code would limit the capacity load of a patio at the Public Participation Meeting.

In truth, the number of bathrooms will determine the size of the patio. An establishment only needs to expand its bathroom capacity to expand its patio capacity.

The staff report was so obscure (intentionally I suspect because they know Council will rubber stamp it)) that it took several phone calls to several staff to clarify the section describing 'Capacity' and its obscure reference to 'complex formulas'.

Equally obscure is the reference to "Seasonal Outdoor Patios and associated structures and appurtenances are permitted between November 16 and March 14 for thirty (30) days, but not for more then three (3) consecutive days." **What does this mean, that a patio can only operate for three days at a time between November 16 and March 14 such as the weekends? This is correct?**

While some would reasonably assume that the physical restraints of the properties would determine the size of patios, owners can extend patios into private parking lots. BeerTown Public House near Masonville Mall expanded its patio onto the private parking lot. Staff and patrons need to cross a vehicle right-of-way each time they move between the patio and the building. ***Please see attached photos***. **The Building Code would not apply in a situation such as this? Correct?**

In real terms, The Ceeps, which currently can seat over 100 on its patio, could expand its patio across its parking lot to a capacity of easily a thousand people, as long as they had the required bathrooms for a 1000 people.

Correct?

The only restrictions on patio extensions is if the patio occupies public space such as a sidewalk or street. Those permits will be decided case by case.

Lastly, by-law enforcement states that patios into parking lots is a climate emergency mitigating action because it displaces cars, but it fails to assess the increase of passenger vehicles used to travel to and from a patio. It also fails to assess the volume of fossil fuels needed to heat a patio in the winter. The Climate Emergency Action Plan is being used to greenwash unpopular policy, and dismissed when opportunities arise to make significant inroads on climate policy.

The irony of such blatant greenwashing is not lost on the public, and I suspect Councillors that persistently block climate action when it counts will hail this false premise as heroic .

Thank You

AnnaMaria Valastro

North Talbot Community

Scotiabank
BEER X-ING

BEER
X-ING

City of London
Outdoor Patios
Zoning By-law Amendment

Presentation for: Planning and Environment Committee

Staff Name: Mark Hefferton

Date: August 22, 2022

Email: mhefferton@london.ca

3 Types of Patios in London

- 1) Permanent Patios
- 2) Seasonal/Temporary Patios
- 3) City Boulevard Patios (City Boulevard Patios (patios built on public land, a public road or a City right of way)

- This proposed By-law impacts all three patio types in terms of capacity
- This proposed By-law makes changes to the dates of operation for Temporary/seasonal outdoor patios

Council Resolutions

- This report is in response to the April 12, 2022, and June 14, 2022, Municipal Council resolutions, directing staff to report back with options to amend the capacity restrictions for all forms of outdoor patios and to review the Temporary/seasonal outdoor patio regulations that were put in place during the pandemic.

Summary of Request for this ZBA

The recommended amendment will:

- Remove the capacity limits for all forms of outdoor patios. The reference to capacity is being removed from the Zoning By-law,
- Amend the operational date range currently contained in Section 4.18(6) of the Z.-1 Zoning By-law (adding 30 additional days);
- No seasonal outdoor patio shall be located within an accessible parking space.

Recommended Zoning By-law Amendment

The recommended ZBA is included in Appendix A, replacing and/or amending portions of Section 4.18:

1) Removing: No outdoor patio shall accommodate more than 50 percent (50%) of the licenced capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater

2) Adding: Notwithstanding Sections 4.18(6)(a) and 4.18(6)(b), Temporary/seasonal Outdoor Patios and associated structures and appurtenances are permitted between November 16 and March 14 for thirty (30) days, but not for more then three (3) consecutive days.

3) Adding: No Temporary/seasonal outdoor patio shall be located within an accessible parking space. Each accessible parking space shall be always clear for parking or removal of a vehicle and vehicular access to any such parking space shall not be impeded by any obstruction.

Questions

Municipal Compliance contact:

Mark Hefferton, MURP, MCIP, RPP
Development and Policy Coordinator
Municipal Compliance
519-661-2489 x7157
mheffert@london.ca

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **Scott Mathers, MPA, P. Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **Application by MHBC Planning (Scott Allen, Partner)**
3700 Colonel Talbot Road and 3645 Bostwick Road
Public Participation Meeting
Date: **August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by MHBC Planning (Scott Allen, Partner), relating to lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on September 6, 2022 to amend Zoning By-law No. Z.-1, in conformity with The London Plan, to amend the regulations of the Residential R1 Special Provision (R1-3(23)) Zone, Residential R1 Special Provision (R1-4(36)) Zone, Residential R2 Special Provision (R2-1(17)) Zone, Residential R2 Special Provision (R2-3(5)) Zone, Residential R4 Special Provision (R4-6(12)) Zone, Residential R6 Special Provision (R6-5(62)) Zone, Residential R6 Special Provision (R6-5(65)) Zone, and Residential R8 Special Provision (R8-4(50)) Zone by deleting Front Yard Setback, Main Dwelling 4.5 metres (Maximum) and adding Front Yard Setback, Main Dwelling for lots fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North) 3.0 metres (Minimum) and 6.0 metres (Maximum); and,

(b) the request to amend Zoning By-law No. Z.-1 to delete the Front Yard Setback, Main Dwelling 4.5 metres (Maximum) regulation from the Residential R1 Special Provision (R1-3(23)) Zone, Residential R1 Special Provision (R1-4(36)) Zone, Residential R2 Special Provision (R2-1(17)) Zone, Residential R2 Special Provision (R2-3(5)) Zone, Residential R4 Special Provision (R4-6(12)) Zone, Residential R6 Special Provision (R6-5(62)) Zone, Residential R6 Special Provision (R6-5(64)), Residential R6 Special Provision (R6-5(65)) Zone, and Residential R8 Special Provision (R8-4(50)) Zone, **BE REFUSED** for the following reasons:

i) The requested amendment does not meet the intent of The London Plan City Building and Design polices; and,
ii) The requested amendment does not meet the intent of the Southwest Area Secondary Plan (Section 20.5.4.1 iv)) with respect to residential development intensity adjacent to arterial roads that buildings shall be located close to the street and designed to be street-oriented.

Executive Summary

Summary of Request

Request for consideration of an amendment to the special provision zones that apply to a residential subdivision development located 3700 Colonel Talbot Road and 3645 Bostwick Road to remove the 4.5 metres maximum front yard setback to main dwelling regulation.

Purpose and the Effect of Recommended Action

The purpose and effect is to recommend partial approval of an amendment to delete the maximum front yard setback for lots fronting on Neighourhood Streets; change the maximum front yard setback for lots fronting on Neighourhood Connector streets from 4.5 metres to 6.0 metres; and no changes recommended to maximum front yard setback for multi-family development blocks adjacent Bostwick Road.

Rationale of Recommended Action

a) The recommended zoning by-law amendment is consistent with the Provincial Policy Statement.

b) The recommended zoning conforms to 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.

c) The recommended zoning conforms to the policies of the Southwest Area Secondary Plan, including but not limited to the North Lambeth and Bostwick Residential Neighbourhood policies.

d) The recommended zoning is appropriate and will permit dwellings on lots fronting neighbourhood streets more flexibility in design and efficiency while maintaining consistency with the planned vision of the Neighbourhood Place Type and built form that contributes to a sense of place and character.

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

April 26, 2021 – Report to Planning and Environment Committee – 3700 Colonel Talbot Road and 3645 Bostwick Road – W-3 Lambeth Farms Inc. - Phase 1 – Special Provisions for Subdivision Agreement (File No. 39T-17503_1).

September 23, 2019 – Report to Planning and Environment Committee – Public Participaton Meeting - 3700 Colonel Talbot Road and 3645 Bostwick Road – W-3 Lambeth Farms Inc. – Application for approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments (39T-17503/OZ-8838).

2.0 Discussion and Considerations

2.1 Property Description

The subject properties are located on lands bounded by Bostwick Road to the east and Colonel Talbot Road to the west, mid-block between Pack Road and the planned Kilbourne Road extension. These lands are generally described as Part of Lots 74 & 75, Concession East of the North Branch of Talbot Road (formerly in the Town of Westminster) now in the City of London, and comprising a total area of approximately 53 ha. (131 ac.). The westerly portion of these lands are currently being prepared for residential development, but have been used predominately for agricultural purposes. Additionally, the subject lands contain two natural heritage features: a 9.0 ha (22.2 ac) woodlot situated in the southeastern quadrant of the subject site (known as vegetation Patch 10069)); and a regulated area in the vicinity of Patch 10069 reflective of a former drain in the area which presently traverses a low point on the adjacent property.

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

- The London Plan Place Types – “Neighbourhoods” and “Green Space”
- Southwest Area Secondary Plan – North Lambeth Residential Neighbourhood – “Low Density Residential” and “Medium Density Residential”; Bostwick Residential Neighbourhood - “Low Density Residential”, “Medium Density Residential”, and “Open Space and Environmental Review”
- Zoning – Several Residential Zone variations (ie. R1-3(23), R1-4(36), R2-1(17), R2-3(5), R4-6(12), R6-5(62), R6-5(64), R6-5(65), and R8-4(50))

2.3 Site Characteristics

- Current Land Use – residential dwelling and accessory building, agriculture and open space
- Frontage – approx. 63 metres on Colonel Talbot Road and 425 metres on Bostwick Road
- Depth – approx. 1,997 metres
- Area – approx. 53 hectares
- Shape – Irregular

2.4 Surrounding Land Uses

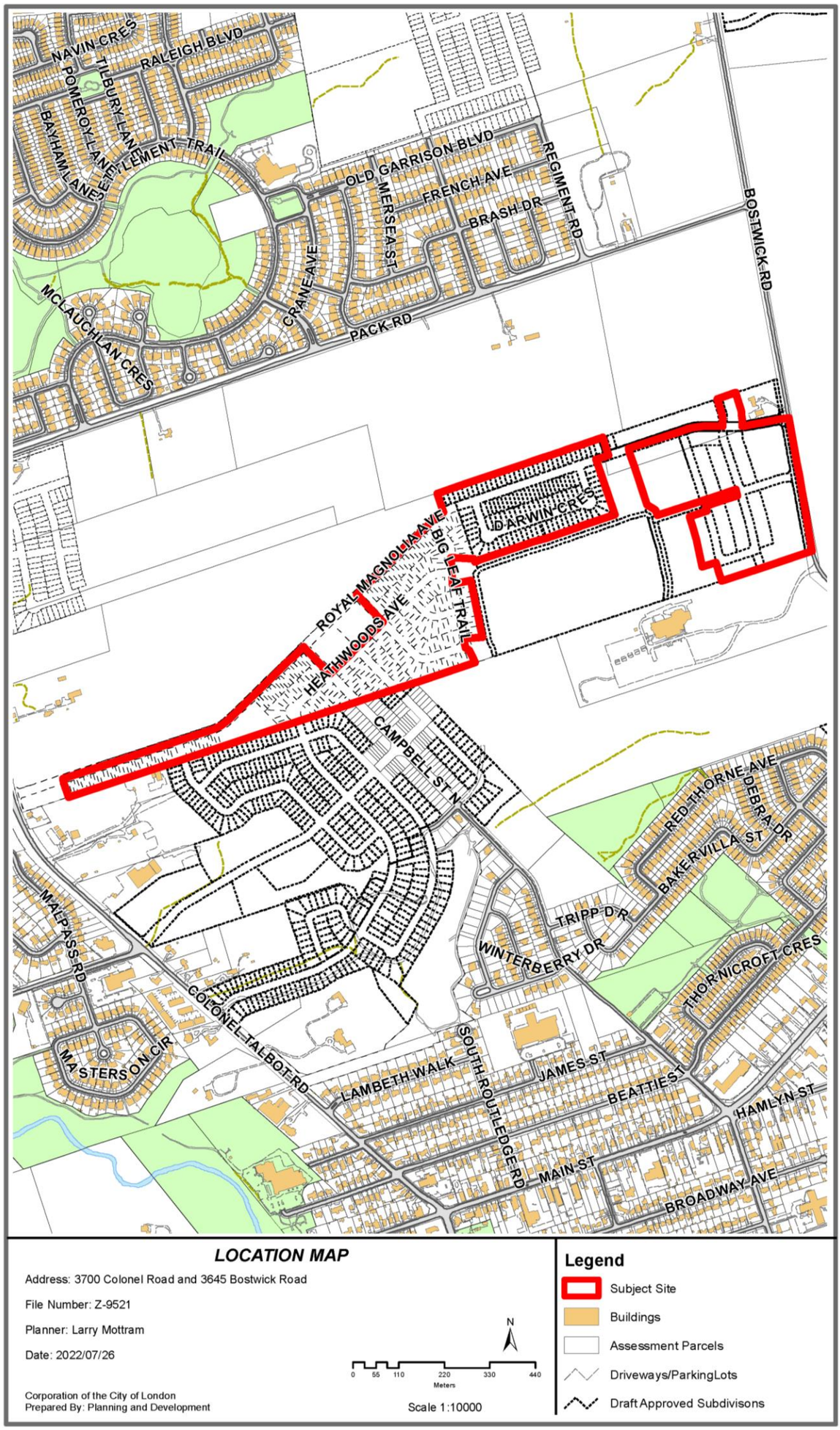
- North – agriculture, future residential development lands, and vacant/natural heritage
- East – agriculture
- South – church, future residential development lands, construction office and storage yard, soccer field (private), and agriculture
- West – residential single detached dwellings

2.5 Planning History

On October 18, 2019, the Approval Authority for the City of London granted draft plan approval with conditions to the draft plan submitted W-3 Lambeth Farms Inc. (File No. 39T-17503) consisting of twenty-one (21) single detached/low density blocks, thirteen (13) street townhouse blocks, two (2) apartment/medium density blocks, four (4) commercial/residential mixed use blocks, two (2) cluster/low rise blocks, one (1) school block, one (1) open space block, seven (7) pathway blocks, three (3) park blocks, one (1) urban reserve/environmental review block, one (1) future road block, two (2) road widening blocks, eleven (11) 0.3 m reserve blocks, all served by two (2) secondary collector/neighbourhood connector roads (Street A and Street D), and nine (9) new local/neighbourhood streets. Municipal Council approved Official Plan and Zoning By-law Amendments in conjunction with the draft plan of subdivision on October 1, 2019.

The westerly portion of the draft subdivision plan (Phase 1) was recently granted final approval and registered as Plan 33M-821 on July 13, 2022. This phase consists of 179 single detached dwelling lots, 63 street townhouse lots, three (3) commercial/residential mixed-use blocks, one (1) cluster housing/low-rise residential block, two (2) park blocks, and one (1) walkway block, served by seven (7) new streets including the extension of Campbell Street North and Royal Magnolia Avenue.

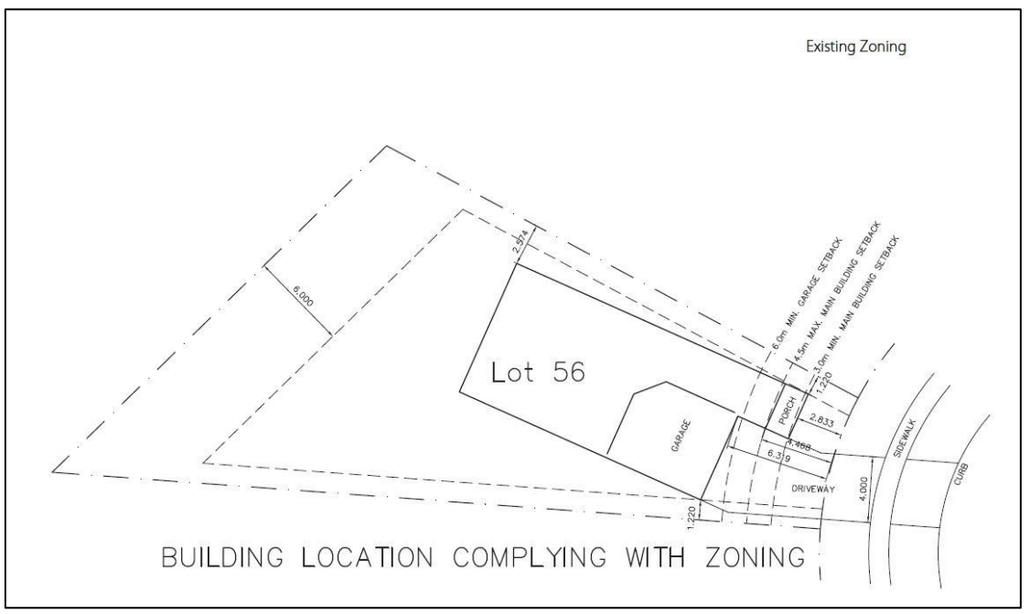
2.6 Location Map

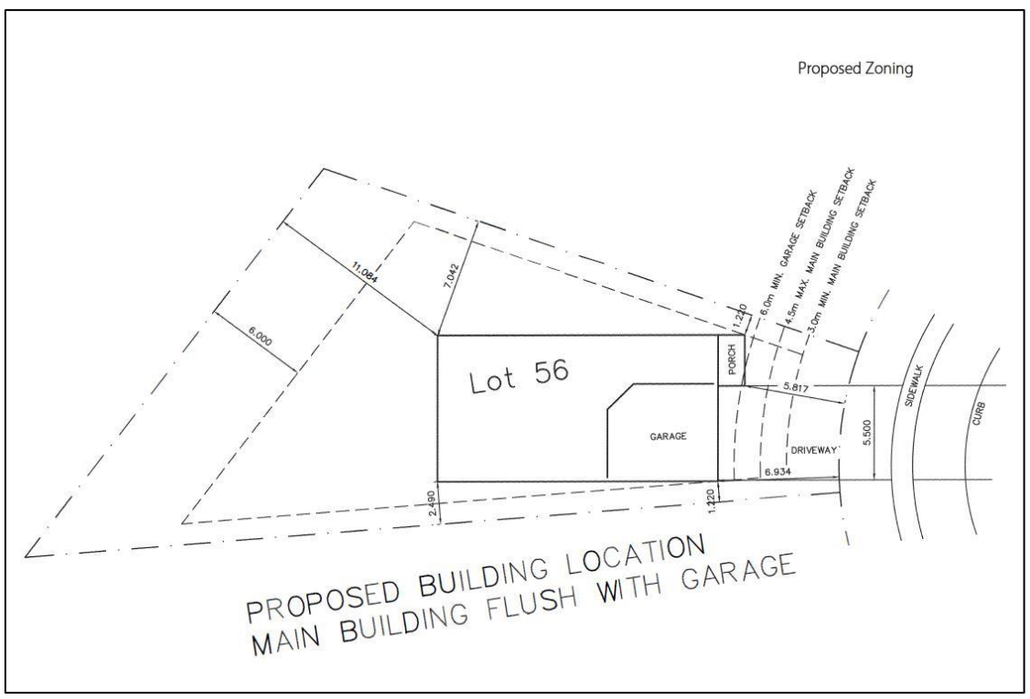


2.7 Requested Amendment

Request for consideration of an amendment to the zoning by-law to remove the 4.5 metres maximum front yard setback regulation from the following site-specific zone variations applicable to the subject lands: R1-3(23), R1-4(36), R2-1(17), R2-3(5), R4-6(12), R6-5(62), R6-5(64), R6-5(65), and R8-4(50). The requested amendment would allow for additional separation distance between front property lines and main dwellings to better accommodate porch elements and more efficient home designs.

The applicant indicated home builders are experiencing limitations with the site-specific zoning applying to this subdivision development. In particular, the maximum dwelling setback regulation applied to residential lots and blocks in this development cannot accommodate contemporary single and multiple-unit housing designs. These designs typically integrate a front porch feature that extends beyond the front face of both the main building and the garage. However, as porches are not considered to be part of the main dwelling for zoning purposes, main dwellings are required to be positioned within 3.0 and 4.5 m of the front property line under this site-specific zoning regime (with porches permitted to encroach considerably into this setback). Given that the attached garage is setback a minimum of 6.0 m from the front lot line, irregular building envelopes and unconventional, inefficient house designs are often the result creating additional challenges for home builders.





2.8 Community Engagement (see more detail in Appendix B)

There were no responses from the public received to the Notice of Application.

2.9 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020

The proposal must be consistent with the Provincial Policy Statement (PPS) policies and objectives aimed at:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and,
3. Protecting Public Health and Safety.

A few of the policy objectives to highlight here are the importance of promoting efficient development and land use patterns and providing for an appropriate range and mix of housing options and densities required to meet projected market-based and affordable housing needs of current and future residents (Sections 1.1 and 1.4). The policies promote 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 (Section 1.4.3(d)). Healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (Section 1.5.1.(a)). Also, long-term economic prosperity should be supported by encouraging a sense of place by promoting well-designed built form (Section 1.7.1.(e)). The development proposal has been reviewed for consistency with the Provincial Policy Statement.

The London Plan

With respect to The London Plan the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex dwellings, converted dwellings, townhouses, triplexes, fourplexes, stacked townhouses, low-rise apartment buildings and small-scale community facilities as the main uses. The “Green Space” Place Type applies to an existing woodlot located in the southeast portion of the subdivision draft plan to be retained as open space. The application has been reviewed with the applicable policies of the Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools sections. An excerpt from The London Plan Map 1 – Place Types is found at Appendix D.

Southwest Area Secondary Plan

The Southwest Area Secondary Plan (SWAP) forms part of The London Plan, and its policies prevail over the more general planning policies if there is a conflict (Policies 1556 & 1558). The W-3 Lambeth Farm Inc. subdivision lands are within both the North Lambeth and Bostwick Residential Neighbourhoods, and are designated as Low Density Residential (LDR), Medium Density Residential (MDR), and Open Space and Environmental Review. A range of low and medium density residential uses are permitted, as well as a limited range of secondary permitted uses and open space uses, including active recreational parks, smaller and more passive neighbourhood parks, natural heritage and environmental features, and stormwater management facilties. In addition to the general land use policies, the SWAP also includes policy direction for future development with respect to urban design and built form. As further described in Appendix C – Policy Context, Staff are of the opinion that the recommended zoning is generally consistent with the PPS, The London Plan, and Soutwest Area Secondary Plan.

Z.-1 Zoning By-law

The appropriateness of the proposed zone change, permitted uses and regulations have been reviewed against the regulatory requirements of Zoning By-law Z.-1. These lands are currently zoned Residential R1 Special Provision ((R1-3(23) and (R1-4(36)); Residential R2 Special Provision ((R2-1(17) and (R2-3(5)); Residential R4 Special

Provision (R4-6(12)); Residential R6 Special Provision ((R6-5(62), (R6-5(64)), and (R6-5(65)); and Residential R8 Special Provision (R8-4(50)). These zones permit a range of residential uses from single detached, semi-detached and duplex dwellings; various forms of cluster housing; townhouses and stacked townhouses; and low-rise apartments. Each of the special provision zones includes a front yard setback to main dwelling of 3.0 metres (minimum) and 4.5 metres (maximum), among various other site-specific regulations for garages, interior side yard setbacks, minimum/maximum density, and lot coverage. Holding (h and h-100) provisions were recently removed from the zoning on the westerly (Phase 1) portion of the subdivision; however, they continue to remain in place on the easterly (Phase 2) lands. A zoning map excerpt from the Z.-1 Zoning By-law Schedule A is found at Appendix D.

3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1 Use

Several zones have been applied to the subject subdivision. As noted above, a range of residential uses are permitted depending on the zone variation, including single detached, semi-detached and duplex dwellings; various forms of cluster housing; townhouses and stacked townhouses; and low-rise apartments.

4.2 Intensity

In the Bostwick Residential Neighbourhood, within the Low Density Residential designation, residential development shall have a minimum density of 25 units per hectare and a maximum density of 40 units per hectare. Building heights shall not exceed four storeys. Within the Medium Density Residential designation, development shall have a minimum density of 35 units per hectare and a maximum density of 75 units per hectare. Building heights shall not exceed six storeys and shall be sensitive to the scale of development in the surrounding neighbourhood.

In the North Lambeth Residential Neighbourhood, within the Low Density Residential Designation, residential development shall have a minimum density of 18 units per hectare and a maximum density of 35 units per hectare. Building heights shall not exceed four storeys and shall be sensitive to the scale of development in the surrounding neighbourhood. Within the Medium Density Residential Designation, residential development shall have a minimum density of 30 units per hectare and a maximum density of 75 units per hectare. Accordingly, the minimum and maximum density targets and maximum height limts as provided for in the SWAP have have been plemented through the zoning regulations and draft plan of subdivision.

4.3 Form

The special provision zones applying to this subdivision typically require a front yard setback to the main dwelling of 3.0 metres (minimum) and 4.5 metres (maximum). In conjunction with the minimum and maximum building setbacks and yard requirements, a front yard setback to garage of 6.0 metres (minimum) has been implemented in order to prevent projecting garages from dominating the streetscape.

The concern specifically is with the maximum front yard setback regulation which the applicant is requesting be deleted noting that builders designing units in this subdivision have requested this so that front entrance foyers are less long/narrow; especially as they are often two stories high and the exterior is unappealing with an entrance ‘snout’ protruding past the house (which is then accentuated with a front porch). Builders have also advised that pie-shaped lots are not viable under the current zoning structure, as the protruding maximum dwelling setback with a front porch results in an impractically narrow home.

Front Yard Setback to Main Dwelling 4.5 metres (Maximum)

Example of a Front Yard Setback to Main Dwelling 7.5 metres (Maximum)

In order to provide more flexibility for home builders in addressing their challenges, Planning and Urban Design staff have reviewed the setback requirements applying to the lots in this subdivision. Staff recommend that the maximum front yard setback be deleted, but that it be limited to the interior lots fronting on neighobourhood streets, and that a new regulation be added for lots fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North) for a front yard setback to main dwelling of 3.0 metres (minimum) and 6.0 metres (maximum).

The recommended amendments continue to maintain the intent of The London Plan and the Southwest Area Secondary Plan policies which encourages a street-oriented built form. This is particularly important in relation to higher order streets where buildings are to be designed to provide visual interest to pedestrians, as well as a sense of enclosure to the street. The following provides an example of how the recommended amendments would apply to the current regulations for the R1-3(23) zone, and similarly to each of the special provision zones indicated above. The only exception being the R1-4(36) Zone which does not contain any lots fronting on a Neighbourhood Connector.

R1-3(23) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Front Yard Setback, Main Dwelling
(Minimum): 3 metres (9.8 feet)
~~(Maximum): 4.5 metres (14.8 feet)~~ ←***Delete***

ii) Front Yard Setback, Main Dwelling for lots fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North)
Add→
(Minimum): 3 metres (9.8 feet)
(Maximum): 6 metres (19.7 feet)

iii) Front Yard Setback, Garages
(Minimum): 6 metres (19.7 feet)

iv) Interior Side Yard
(Minimum): 1.2 metres (3.9 feet)

v) Lot Coverage (Maximum): 45%

vi) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

There are no changes proposed to the front yard setback regulation for garages of 6.0 metres (minimum). It should be noted that the recommended front yard setback to main dwelling regulation of 3.0 metres (minimum) and 6.0 metres (maximum) for lots fronting on Neighbourhood Connectors will now equal the minimum garage setback regulation allowing garages to be flush with the main dwelling, but not project beyond the façade of the dwelling or façade (front face) of any porch.

With respect to development adjacent to portions of the arterial road network, the Southwest Area Secondary Plan states that buildings shall be located close to the street and designed to be street-oriented, as follows:

> ***Section 20.5.4.1. iv) Residential Development Intensity Adjacent to Arterial Roads***
>
> ***e) Built Form and Intensity***

- *buildings shall be located close to the street and designed to be street oriented such that the functional front and main entrances to the building face the street;*

The main entrances to this subdivision are from Bostwick Road on the east and Colonal Talbot Road on the west. However, the frontage on Colonel Talbot Road is quite narrow and consists of a small development block zoned for mixed medium density/commercial uses which is not part of the application. The Bostwick Road frontage is much more substantial and includes two large blocks zoned for medium density residential development immediately adjacent Bostwick Road which are part of the application. Based on this policy direction, staff do not support the requested amendments to the zoning regulations applying to the multi-family blocks adjacent Bostwick Road. Staff recommend the maximum 4.5 metres front yard setback to main dwellings and buildings be maintained along Arterial Roads (Urban Thoroughfares, Rapid Transit Boulevards, Civic Boulevards and Main Streets).

In summary, the recommended zoning amendment will permit residential dwellings located on the interior lots fronting neighbourhood streets more flexibility in design and efficiency while maintaining consistency with the planned vision of the Neighbourhood Place Type and a built form that contributes to a sense of place and character. A minor increase to the maximum building setback regulation from 4.5 to 6.0 metres affecting only the lots fronting on the Neighbourhood Connectors is recommended, and no changes are recommended to the zone setbacks at the key entry points to the neighbourhood from Bostwick Road and Colonel Talbot Road.

Conclusion

The zoning amendment as recommended by Staff is consistent with the Provincial Policy Statement, conforms to The London Plan and Southwest Area Secondary Plan polices, and achieves urban design objectives in implementing an attractive and continous neighbourhood streetscape and building orientation. Therefore, on that basis staff our of the opinion that the recommended zoning amendments represent good planning.

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:	**Scott Mathers, MPA, 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

August 15, 2022
SM/GB/BP/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2022 PEC Reports\1_Current Cycle (Aug 22)\FINAL - 3700 Colonel Talbot Road and 3645 Bostwick Road - Z-9521 (LM).docx

Appendix A

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
(2022)

By-law No. Z.-1-22_____

A bylaw to amend By-law No. Z.-1 to rezone lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road.

WHEREAS MHBC Planning (Scott Allen, Partner) has applied to rezone lands located at 3700 Colonel Talbot Road and 3645 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) Section Number 5.4 c) of the Residential R1 Zone is amended by amending the following Special Provision to read as follows:

R1-3(23) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Front Yard Setback, Main Dwelling (Minimum): 3 metres (9.8 feet)

ii) Front Yard Setback, Main Dwelling for lots fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North)
(Minimum): 3 metres (9.8 feet)
(Maximum): 6 metres (19.7 feet)

iii) Front Yard Setback, Garages (Minimum): 6 metres (19.7 feet)

iv) Interior Side Yard (Minimum): 1.2 metres (3.9 feet)

v) Lot Coverage (Maximum): 45%

vi) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

2) Section Number 5.4 d) of the Residential R1 Zone is amended by amending the following Special Provision to read as follows:

R1-4(36) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Front Yard Setback, Main Dwelling

(Minimum): 3 metres (9.8 feet)

ii) Front Yard Setback, Garages
(Minimum): 6 metres (19.7 feet)

iii) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

3) Section Number 6.4 a) of the Residential R2 Zone is amended by amending the following Special Provision to read as follows:

R2-1(17) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Front Yard Setback, Main Dwelling
(Minimum): 3 metres (9.8 feet)

ii) Front Yard Setback, Main Dwelling for lots fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North)
(Minimum): 3 metres (9.8 feet)
(Maximum): 6 metres (19.7 feet)

iii) Front Yard Setback, Garages
(Minimum): 6 metres (19.7 feet)

iv) Interior Side Yard
(Minimum): 1.2 metres (3.9 feet)

v) Lot Coverage 45%
(Maximum):

vi) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

4) Section Number 6.4 c) of the Residential R2 Zone is amended by amending the following Special Provision to read as follows:

R2-3(5) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Front Yard Setback, Main Dwelling
(Minimum): 3 metres (9.8 feet)

ii) Front Yard Setback, Main Dwelling for lots fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North)
(Minimum): 3 metres (9.8 feet)
(Maximum): 6 metres (19.7 feet)

iii) Front Yard Setback, Garages
(Minimum): 6 metres (19.7 feet)

iv) Interior Side Yard
(Minimum): 1.2 metres (3.9 feet)

v) Lot Coverage (Maximum): 45%

vi) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

5) Section Number 8.4 of the Residential R4 Zone is amended by amending the following Special Provision to read as follows:

R4-6(12) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Lot Frontage (Minimum): 7.0 metres (23.0 feet)

ii Front Yard Setback, Dwelling(s) (Minimum): 3 metres (9.8 feet)

iii) Front Yard Setback, Dwelling(s) for lots fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North)
(Minimum): 3 metres (9.8 feet)
(Maximum): 6 metres (19.7 feet)

iv) Front Yard Depth, Garages (Minimum): 6 metres (19.7 feet)

v) Interior Side Yard (Minimum): 1.2 metres (3.9 feet)

vi) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

vii) Driveway widths are limited to 3.5m (11.5 feet) per lot.

6) Section Number 10.4 e) of the Residential R6 Zone is amended by amending the following Special Provision to read as follows:

R6-5(62) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Front Yard Setback, Dwelling(s) (Minimum): 3 metres (9.8 feet)

ii) Front Yard Setback, Dwelling(s) fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North)
(Minimum): 3 metres (9.8 feet)
(Maximum): 6 metres (19.7 feet)

iii) Front Yard Depth, Garages (Minimum): 6 metres (19.7 feet)

vi) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

vi) Density
(Minimum): 30 units per hectare

7) Section Number 10.4 e) of the Residential R6 Zone is amended by amending the following Special Provision to read as follows:

R6-5(65) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Front Yard Setback, Dwelling(s)
(Minimum): 3 metres (9.8 feet)

ii) Front Yard Setback, Dwelling(s) fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North)
(Minimum): 3 metres (9.8 feet)
(Maximum): 6 metres (19.7 feet)

iii) Front Yard Depth, Garages
(Minimum): 6 metres (19.7 feet)

iv) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

v) Density
(Minimum): 30 units per hectare
(Maximum): 75 units per hectare

vi) Provide built form along the OS1 Zone and orient the buildings to the open space by including individual unit doors or a main building entrance facing the open space.

8) Section Number 12.4 of the Residential R8 Zone is amended by amending the following Special Provision to read as follows:

R8-4(50) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Front Yard Setback (Dwelling or Building)
(Minimum): 3 metres (9.8 feet)

ii) Front Yard Setback (Dwelling or Building) fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North)
(Minimum): 3 metres (9.8 feet)
(Maximum): 6 metres (19.7 feet)

iii) Front Yard Depth, Garages
(Minimum): 6 metres (19.7 feet)

iv) Interior Side Yard
(Minimum): 1.2 metres (3.9 feet)

v) Density
(Minimum): 30 units per hectare
(Maximum): 75 units per hectare

vi) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

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

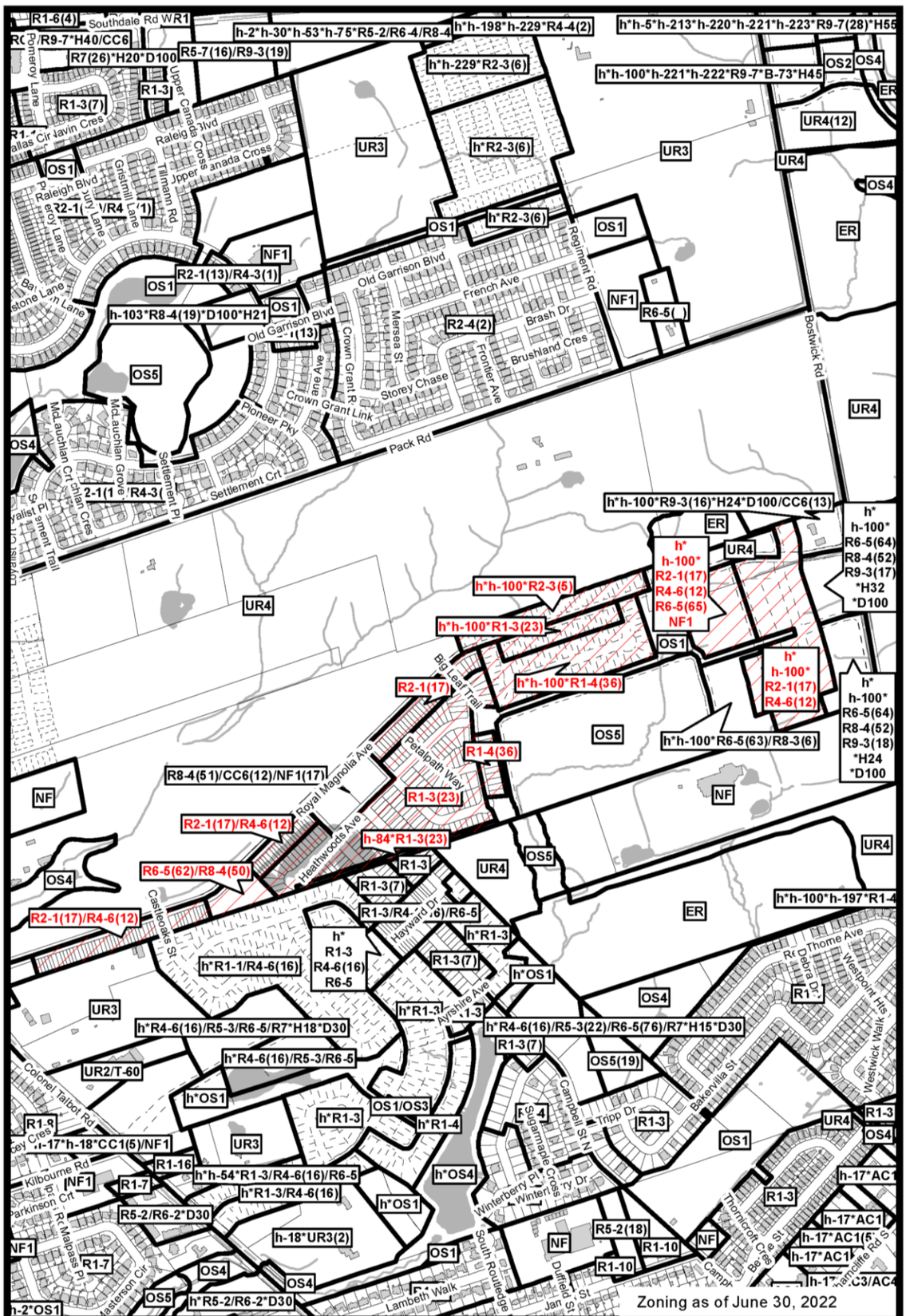
PASSED in Open Council on September 6, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On June 17, 2022, Notice of Application was sent to 47 property owners in the surrounding area. Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 23, 2022. A Notice of Public Meeting was published in *The Londoner* on August 4, 2022.

Responses: No replies received

Nature of Liaison: The purpose and effect of this application is to remove the 4.5 metres maximum front yard setback regulation from the following site-specific zone variations applicable to the subject lands: R1-3(23), R1-4(36), R2-1(17), R2-3(5), R4-6(12), R6-5(62), R6-5(64), R6-5(65), and R8-4(50). The requested amendment would allow for additional separation distance between front property lines and main dwellings to better accommodate porch elements.

Response to Notice of Application and Publication in "The Londoner"

Telephone	Written
None	None

Agency/Departmental Comments:

Upper Thames River Conservation Authority (UTRCA):

> The UTRCA has no objections to this application. We remind the applicant that the necessary Section 28 approvals should be secured before any site alteration or development is commenced within the regulated area.

Appendix C – Policy Context

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

Provincial Policy Statement, 2020

The land use planning proposal must be consistent with Provincial Policy Statement (PPS) policies and objectives aimed at:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and,
3. Protecting Public Health and Safety.

The PPS contains polices regarding the importance of promoting efficient development and land use patterns and providing for an appropriate range and mix of housing options and densities required to meet projected market-based and affordable housing needs of current and future residents (Sections 1.1 and 1.4). The policies promote 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 (Section 1.4.3(d)). Healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (Section 1.5.1.(a)). Long-term economic prosperity should be supported as well by encouraging a sense of place by promoting well-designed built form (Section 1.7.1.(e)).

The proposed zoning amendment achieves objectives for efficient and resilient development and land use patterns. It represents development of low and medium density forms of housing taking place within the City's urban growth area and within a previously draft-approved and partially registered plan of subdivision. It also achieves objectives for promoting compact form, contributes to the neighbourhood mix of housing and densities that allows for the efficient use of land, infrastructure and public service facilities. The road layout and lotting pattern provides a high degree of community connectivity, supports the use of public transit, promotes cycling and pedestrian movement, and provides opportunities for active transportation. Special front yard building setbacks have been implemented in the zoning in order to encourage the physical design and orientation of buildings to the street (with sidewalks on both sides of all streets) to create comfortable, enjoyable pedestrian movement and a vibrant public realm, while at the same time lessening the appearance of garages as the dominant feature along the streetscape.

Any concerns from the perspective of natural heritage resources, natural or human-made hazards, and archaeological or cultural heritage resources have been considered previously through the subdivision draft-plan approval process. Based on our review, the proposed zoning by-law amendments are found to be consistent with the Provincial Policy Statement.

The London Plan

With respect to The London Plan as a whole, the Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies have been reviewed and consideration given to how the proposed zoning amendment contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #4 – Become one of the greenest cities in Canada

4. Protect and enhance the health of our Natural Heritage System.

9. Strengthen our urban forest by monitoring its condition, planting more, protecting more, and better maintaining trees and woodlands.

Key Direction #5 – Build a mixed-use compact city

7. Build quality public spaces and pedestrian environments that support walking.

Key Direction #6 – Place a new emphasis on creating attractive mobility choices

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

7. Utilize a grid, or modified grid, system of streets in neighbourhoods to maximize connectivity and ease of mobility.

Key Direction #7 – Build strong, healthy and attractive neighbourhoods for everyone

1. Plan for healthy neighbourhoods that promote active living, provide healthy housing options, offer social connectedness, afford safe environments, and supply well distributed health services.

3. Implement "placemaking" by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.

These strategic directions are generally reflected in the zoning and overall design of the subdivision. As part of the subdivision approval process, an existing woodlot will be retained as open space (OS5) together with a 10 metre wide open space buffer strip, and public park connections creating views to the natural herigage feature. The subdivision design includes 15 metre wide open space/walkway blocks adjoining the buffer and intended to form part of a continuous multi-use pathway connection between the neighbourhood and the natural area. There are multiple planned street connections resulting in ease of mobility and a neighbourhood that is more walkable, healthy, and connected. Urban design and placemaking principles with respect to requirements for building elevations to provide for street-oriented design and discouraging garages that project beyond the building façade have been implemented through the recommended special provision zoning and conditions of draft plan approval.

City Building and Design Policies

197_ The built form will be designed to have a sense of place and character consistent with the planned vision of the place type, by using such things as topography, street patterns, lotting patterns, streetscapes, public spaces, landscapes, site layout, buildings, materials and cultural heritage.

202_ Buildings and public spaces at key entry points into neighbourhoods will be designed to help establish a neighbourhood's character and identity.

The recommended zoning amendment will permit residential dwellings located on the interior lots fronting neighbourhood streets more flexibility in design and efficiency while maintaining consistency with the planned vision of the Neighbourhood Place Type and a built form that contributes to a sense of place and character. A minor increase to the maximum building setback regulation from 4.5 to 6.0 metres affecting only the lots fronting on the Neighbourhood Connectors is recommended, and no changes are recommended to the zone setbacks at the key entry points to the neighbourhood at Bostwick Road and Colonel Talbot Road.

222A_ The proportion of building and street frontages used for garages and driveways should be minimized to allow for street trees, provide for on-street parking and support pedestrian and cycling-oriented streetscapes.

256_ Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings. Where a streetscape has not been built out, buildings should be sited with regard for the planned street wall or street line.

259_ Buildings should be sited with minimal setbacks from public streets and public spaces to create an inviting, active and comfortable pedestrian environment.

260_ Projecting garages will be discouraged.

The lot pattern along all streets in the subdivision maintains building alignment and continuity of the streetscape. The building setback requirements are governed by the zoning by-law. The various special provision zones applying to this subdivision typically require a front yard setback to the main dwelling of 3.0 metres (minimum) and 4.5 metres (maximum). In conjunction with the minimum and maximum building setbacks and yard requirements, a front yard setback to garage of 6.0 metres (minimum) has been implemented in order to prevent projecting garages from dominating the

streetscape. On-street parking is permitted and parking bays have been incorporated into the road allowance along portions of Royal Magnolia Avenue, and boulevard street tree planting is provided for under the current Subdivision Agreement.

> *288_ Buildings fronting onto public spaces should establish an edge to provide definition, and a sense of enclosure around, the public space.*
>
> *290_ Buildings located on corner sites should address the corner through building massing, location of entrances, and architectural elements.*
>
> *291_ Principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access.*

Through the subdivision approval process staff recommended a condition that homes to be designed and constructed on all corner lots (including lots with side frontages to parks and/or open spaces) are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior sideyard road/park/open space frontage. Owners and home builders are to provide concept plans and elevations for review by the City prior to the application for a building permit.

Neighbourhoods Place Type

The subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex dwellings, converted dwellings, townhouses, triplexes, fourplexes, stacked townhouses, low-rise apartment buildings and small-scale community facilities as the main uses. The subdivision is served by two Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North) which intersect with each other and as such the range of permitted uses may be broadened to include mixed-use buildings. Key elements of the Neighbourhood Place Type applicable here are as follows:

> *916_1. A strong neighbourhood character, sense of place and identity.*
>
> *916_2. Attractive streetscapes, buildings, and public spaces.*

As noted above, the recommended zoning amendments will continue to maintain consistency with the planned vision of the Neighbourhood Place Type in implementing an attractive and continous neighbourhood streetscape and building orientation in relation to the public realm.

> *935_3.* Zoning will be applied to ensure an intensity of development that is appropriate to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space.*

As discussed below under the Zoning By-law section, the recommended amendments to the special provision zoning continues to provide for an appropriate built form and intensity within the neighbourhood context, and is in keeping with the Place Types policies.

Our Tools

Evaluation Criteria for Planning and Development Applications

> *1578_6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon*

the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:
a. Traffic and access management.
b. Noise.
c. Parking on streets or adjacent properties.
d. Emissions generated by the use such as odour, dust, or other airborne emissions.
e. Lighting.
f. Garbage generated by the use.
g. Loss of privacy.
h. Shadowing.
i. Visual impact.
j. Loss of views.
k. Loss of trees and canopy cover.
l. Impact on cultural heritage resources.
m. Impact on natural heritage features and areas.
n. Impact on natural resources.
The above list is not exhaustive.

Matters regarding potential impacts of development on surrounding lands, including the specific types of issues listed above have been considered through the previous draft-plan approval process.

1578_7. The degree to which the proposal fits within its context. It must be clear that this not intended to mean that a proposed use must be the same as development in the surrounding context. Rather, it will need to be shown that the proposal is sensitive to, and compatible with, its context. It should be recognized that the context consists of existing development as well as the planning policy goals for the site and surrounding area. Depending upon the type of application under review, and its context, an analysis of fit may include such things as:

a. Policy goals and objectives for the place type.
b. Policy goals and objectives expressed in the City Design chapter of this Plan.
c. Neighbourhood character.
d. Streetscape character.
e. Street wall.
f. Height.
g. Density.
h. Massing.
i. Placement of building.
j. Setback and step-back.
k. Proposed architectural attributes such as windows, doors, and rooflines.
l. Relationship to cultural heritage resources on the site and adjacent to it.
m. Landscaping and trees.
n. Coordination of access points and connections.

The focus of this application is on fine-tuning the site-specific zoning regulations for front yard setbacks applying to lots and blocks within the subdivision draft plan. The amendments as recommended by staff are expected to maintain a reasonable fit within the context of the current subdivision, as well as future subdivision developments on adjacent lands to the north and south.

Therefore, based on Staff's review of The London Plan policies, this recommended amendment is found to be in keeping and in conformity with the Key Directions, City Building and Design, Place Type, and Our Tools policies.

Southwest Area Secondary Plan
The Southwest Area Secondary Plan (SWAP) forms part of The London Plan, and its policies prevail over the more general planning policies if there is a conflict (Policies 1556 & 1558). The W-3 Lambeth Farm Inc. subdivision lands are within both the

North Lambeth and Bostwick Residential Neighbourhoods, and are designated as Low Density Residential (LDR), Medium Density Residential (MDR), and Open Space and Environmental Review. A range of low and medium density residential uses are permitted, as well as a limited range of secondary permitted uses and open space uses, including active recreational parks, smaller and more passive neighbourhood parks, natural heritage and environmental features, and stormwater management facilties. In addition to the general land use policies, the SWAP also includes policy direction for future development with respect to urban design and built form.

The Urban Design polices under Section 20.5.3.9 of the SWAP address buildings and site design matters. Of particular interest is the following policy regarding the design of residential garages:

iii) Buildings and Site Design

e) In residential areas, garages shall be designed so that they are not the dominant feature in the streetscape. In particular, attached garages shall not:

- *project beyond the façade of the dwelling or the façade (front face) of any porch; or*

- *contain garage doors that occupy more than 50% of the frontage of a lot unless the City is satisfied through the submission of detailed plans by the applicant that the garage doors can be appropriately integrated with the streetscape.*

This policy has been implemented in each of the special provision zones being considered as part of this application. No changes are being recommended regarding the regulation which states: "*Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage."* Also, there are no changes proposed to the front yard setback regulation for garages of 6.0 metres (minimum). It should be noted that the recommended front yard setback to main dwelling regulation of 3.0 metres (minimum) and 6.0 metres (maximum) for lots fronting on Neighbourhood Connectors will now equal the minimum garage setback regulation allowing garages to be flush with the main dwelling, but not project beyond the façade of the dwelling or façade (front face) of any porch.

The built form and intensity policies within the Bostwick Residential Neighbourhood defer to the General Land Use policies under Section 20.5.4.1 iv) with respect to development adjacent to portions of the arterial road network. An excerpt from that policy states that buildings shall be located close to the street and designed to be street oriented, as follows:

> ***Section 20.5.4.1. iv) Residential Development Intensity Adjacent to Arterial Roads***
>
> ***e) Built Form and Intensity***
> - *buildings shall be located close to the street and designed to be street oriented such that the functional front and main entrances to the building face the street;*

Therefore, based on this policy direction staff do not support the requested amendments to the zoning regulations applying to the multi-family blocks fronting Bostwick Road. Staff recommend the maximum 4.5 metres front yard setback to main dwellings and buildings be maintained along Arterial Roads (Urban Thoroughfares, Rapid Transit Boulevards, Civic Boulevards and Main Streets).

Zoning By-law

These lands are currently zoned Residential R1 Special Provision ((R1-3(23) and (R1-4(36)); Residential R2 Special Provision ((R2-1(17) and (R2-3(5)); Residential R4

Special Provision (R4-6(12)); Residential R6 Special Provision ((R6-5(62), (R6-5(64)), and (R6-5(65)); and Residential R8 Special Provision (R8-4(50)). These zones permit a range of residential uses from single detached, semi-detached and duplex dwellings; various forms of cluster housing; townhouses and stacked townhouses; and low-rise apartments. Holding (h and h-100) provisions were recently removed from the zoning on the westerly (Phase 1) portion of the subdivision; however, they continue to remain in place on the easterly (Phase 2) lands.

Each of the special provision zones include a front yard setback to main dwelling of 3.0 metres (minimum) and 4.5 metres (maximum), as well as front yard setback to garage of 6.0 metres (minimum). The specific concern is with the maximum front yard setback regulation which the applicant has requested be deleted. It was indicated that builders designing units in this subdivision have requested this so that front entrances foyers are less long/narrow; especially as they are often two stories high and the exterior is unappealing with an entrance 'snout' protruding past the house (which is then accentuated with a front porch). Builders have also advised that pie-shaped lots are not viable under the current zoning structure, as the protruding maximum dwelling setback with a front porch results in an impractically narrow home.

In order to provide more flexibility for the home builders in addressing their challenges, Planning staff have reviewed the setback requirements applying to the lots in this subdivision. It is recommended that the maximum front yard setback be deleted only for lots fronting on neighobourhood streets, and that a new regulation be added for lots fronting on Neighbourhood Connectors, being Royal Magnolia Avenue and Campbell Street North, for a front yard setback to main dwelling of 3.0 metres (minimum) and 6.0 metres (maximum). The recommended amendments continue to maintain the intent of the SWAP policies which encourages a street-oriented built form. This is considered particularly important in relation to higher order streets where buildings are to be designed to provide visual interest to pedestrians, as well as a sense of enclosure to the street. The following provides an example of how the recommended amendments would apply to the current regulations for the R1-3(23) zone, and apply in a similar fashion to each of the special provision zones identified above. The only exception being the R1-4(36) Zone which does not include any lots fronting on a Neighbourhood Connector.

R1-3(23) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

i) Front Yard Setback, Main Dwelling
(Minimum): 3 metres (9.8 feet)
~~(Maximum): 4.5 metres (14.8 feet)~~ ←**D*elete***

ii) Front Yard Setback, Main Dwelling for lots fronting on Neighbourhood Connectors (Royal Magnolia Avenue and Campbell Street North)
Add→
(Minimum): 3 metres (9.8 feet)
(Maximum): 6 metres (19.7 feet)

iii) Front Yard Setback, Garages
(Minimum): 6 metres (19.7 feet)

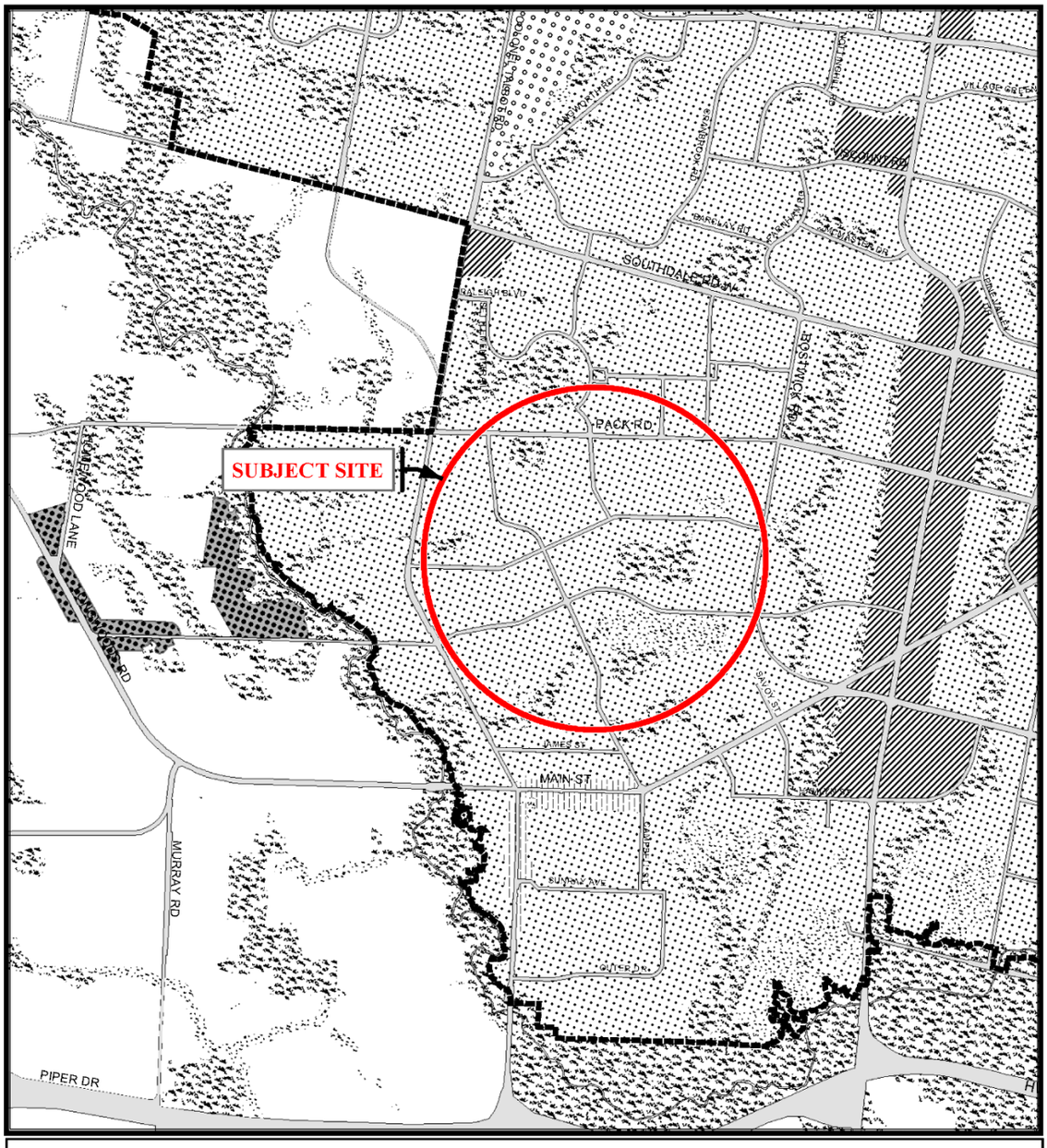
iv) Interior Side Yard
(Minimum): 1.2 metres (3.9 feet)

v) Lot Coverage (Maximum): 45%

vi) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

Appendix D – Relevant Background

The London Plan Map Excerpt



Legend

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

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

CITY OF LONDON
Official Plan

LONDON PLAN MAP 1
- PLACE TYPES -

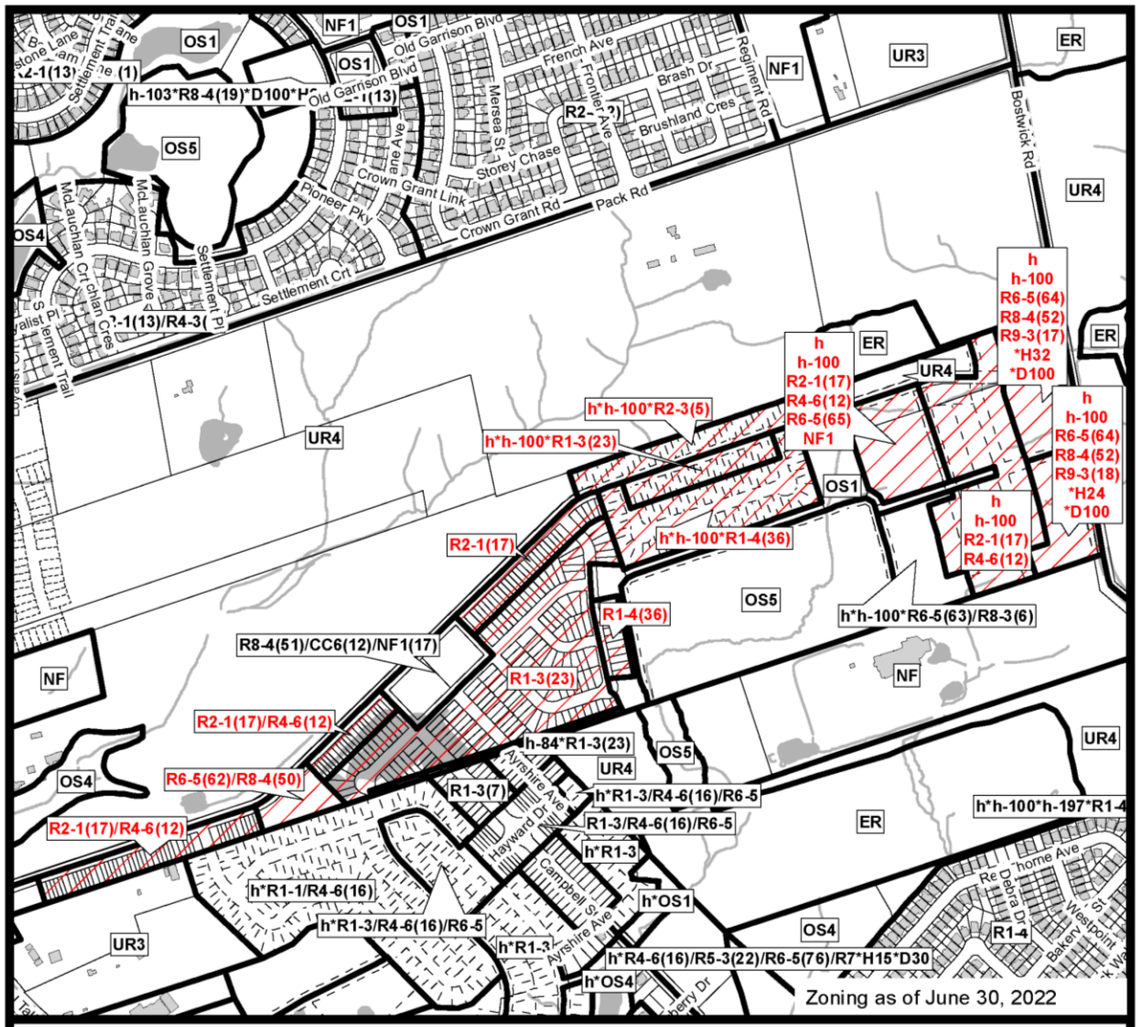
PREPARED BY: Planning & Development

Scale 1:30,000

0 150 300 600 900 1,200 1,500
Meters

File Number:	Z-9521
Planner:	LM
Technician	RC
Date:	2022/7/26

Zoning By-law Map Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: Z-9521 LM

MAP PREPARED: 2022/07/26 RC

1:10,000

0 50 100 200 300 400 Meters

Report to Planning and Environment Committee

To: **Chair and Members**
Planning and Environment Committee
From: **Scott Mathers, MPA, P. Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **Request to Remove Properties from the Register of Cultural Heritage Resources by J. Fernandez for the Properties at 140 & 142 Wellington Street**
Public Participation Meeting
Date: **Monday August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the properties located at 140 and 142 Wellington Street **BE REMOVED** from the Register of Cultural Heritage Resources.

Executive Summary

A written request to remove the properties at 140 and 142 Wellington Street from the Register of Cultural Heritage Resources was received by the City. Pursuant to the requirements of the *Ontario Heritage Act*, when considering a request to remove a property from the Register of Cultural Heritage Resources, Municipal Council must make a decision as to whether the property should continue to be included on the register or whether it should be removed and provide notice of decision to the owner of the property within 90 days after the decision. A Cultural Heritage Evaluation Report (CHER) submitted with this request for the subject properties determined that the properties do not meet the criteria of *Ontario Regulation 9/06* and do not merit designation pursuant to the *Ontario Heritage Act*. Staff agree with the findings and conclusions of the Cultural Heritage Evaluation Report.

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 Property Location

The properties located at 140 and 142 Wellington Street are located on the east side of Wellington Street, between Grey Street and Hill Street (Appendix A).

1.2 Cultural Heritage Status

The properties at 140 and 142 Wellington Street are heritage listed properties. The properties were added to the Register of Cultural Heritage Resources by resolution of Municipal Council on March 28, 2018.

1.3 Description

1.3.1 140 Wellington Street

The dwelling on the property at 140 Wellington Street consists of a 1 ½ storey vernacular frame dwelling, clad with vinyl siding. The front elevation of the dwelling previously included a simple wood porch that appears to have been a more recent

alteration based on the pressure treated posts, porch skirt, and decking. However, the porch appears to have been more recently removed and currently consists of a simple set of wood steps and small stoop leading to the front door. Much of the dwelling has been altered or replaced including the exterior cladding, front porch, doors, and windows. A single pendant remains in the gable peak.

1.3.2 142 Wellington Street

The dwelling on the property at 142 Wellington Street also consists of a 1 ½ storey vernacular frame dwelling, clad with beige vinyl siding. A single concrete step leads to the front door of the side hall plan dwelling. The first floor windows are covered with plywood, however, they appear to have been replaced with a large set of vinyl windows. A pair of windows in the gable peak appear to consist of wood sash windows, though several panes appear to be missing form the sashes.

1.4 History

The Euro-Canadian history of the properties at 140 and 142 Wellington Street begins with the original survey of the town plot of London, completed by Colonel Mahlon Burwell in 1826 under the direction of Surveyor-General Thomas Ridout. The original town site was bounded by North Street (later Queens Avenue), Wellington Street, and the Thames River.

No structure is shown on the property in the *Map of the City of London, Canada West* (1855) by Samuel Peters. The *Bird's Eye View of London, Ontario, Canada* (1872) and the *Bird's Eye View of London, Ontario Canada* (1890) show the development of the block between Grey Street and Hill Street. The former Wellington Street Methodist Church (156 Wellington Street) and the former Christ Anglican Church (138 Wellington Street) are prominently featured, with smaller residential buildings in between suggesting that the two subject buildings were constructed by this time (Appendix B).

A review of Land Registry Records and City Directories suggests that the subject dwellings were constructed in the early 1870s. Lot 1 North of Hill Street was first granted by the Crown in 1844, and was sold in its entirety numerous times until 1853, when Lewis Day began selling portions of the lot, likely for new building lots. Consistent with the *1872 Bird's Eye View of London, Ontario*, the 1873 City Directory reveals that the block had been partially developed as it includes an entry within the street directory for the Christ Church as well as an entry for Henry Stedmon, a labourer who lived adjacent to the church. By 1875, seven homes are noted on the east side of Wellington Street between Grey Street and Hill Street. In the absence of municipal street numbers, the street directory entries suggest that Andew Yerex, a mason lived at 140 Wellington Street and James McCracken, a fruit dealer lived at 142 Wellington Street. Municipal addresses are present by the 1881 City Directory, which notes that Edward Grenfell, a travelling sales agent lived at 140 Wellington Street and Frank Chalcraft, a butcher lived at 142 Wellington Street. Both occupants are noted as tenants.

The subject dwellings are depicted on the 1881, revised 1888 *Fire Insurance Plan* and the depictions and details remain consistent through to the 1912, revised 1922 *Fire Insurance Plan*. The two churches that bookend the block are also clearly visible at this time. The two subject dwellings located at 140 and 142 Wellington Street are demonstrated as 1 ½ storey wood frame dwellings with single storey additions at the rear.

The property is located within the SoHo neighbourhood, which has been identified as an area for future study as a potential Heritage Conservation District. It is part of a historically commercial streetscape, including purpose-built commercial buildings, institutional buildings, and residential-form buildings including some that have been adapted to commercial uses. Nearby heritage landmarks include the former Wellington Street Methodist Church (156 Wellington Street, heritage listed property), former Christ Anglican Church (138 Wellington Street, heritage designated property), and the Red Antiquities Building (129-131 Wellington Street). There are numerous adjacent and nearby heritage listed properties.

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*.

2.1.1 *Provincial Policy Statement*

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement* (2020) 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" (Policy 2.6.1, *Provincial Policy Statement* 2020).

"Significant" is defined in the *Provincial Policy Statement* (2020) as, "resources that have been determined to have cultural heritage value or interest." Further, "processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*."

Additionally, "conserved" 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."

2.1.2 *Ontario Heritage Act*

Section 27, *Ontario Heritage Act* requires that a register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2), *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council "believes to be of cultural heritage value or interest" on the Register.

The only cultural heritage protection afforded to heritage listed properties is a 60-day delay in the issuance of a demolition permit. During this time, Council Policy directs that the Community Advisory Committee on Planning (CACP) is consulted, and a public participation meeting is held at the Planning & Environment Committee.

Section 27(8), *Ontario Heritage Act*, requires that when an objection to a property's inclusion on the Register is received, Municipal Council must make a decision as to whether the property should continue to be included on the Register or whether it should be removed, and provide notice of Municipal Council's decision to owner of the property within 90 day after decision.

Section 29, *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29, *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. 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).

2.1.2.1 Criteria for Determining Cultural Heritage Value or Interest

Ontario Heritage Act Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

1. Physical or design value:
    i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
    ii. Displays a high degree of craftsmanship or artistic merit; or,
    iii. Demonstrates a high degree of technical or scientific achievement.
2. Historical or associative value:
    i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
    ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,

iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. Contextual value:
   i. Is important in defining, maintaining or supporting the character of an area;
   ii. Is physically, functionally, visually or historically linked to its surroundings; or,
   iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet the criteria for designation, the demolition request should be granted. These same criteria are in Policy 573_ of *The London Plan*.

2.1.3 *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 Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

Policies 575_ and 576_ of *The London Plan* also enable City Council to designate areas of the City under Part V of the *Ontario Heritage Act* as Heritage Conservation Districts. These policies include a set of criteria in the evaluation of an area. *Heritage Places 2.0* is a guideline document as a part of the Cultural Heritage Guidelines. The document describes potential heritage conservation districts and assigns a priority to these districts for consideration as heritage conservation districts.

2.1.4 Register of Cultural Heritage Resources

Municipal Council may include properties on the Register of Cultural Heritage Resources that it "believes to be of cultural heritage value or interest." These properties are not designated but are considered to have potential cultural heritage value or interest.

The Register of Cultural Heritage Resources states that further research is required to determine the cultural heritage value or interest of heritage listed properties. If a property is evaluated and found to not meet the criteria for designation, it should be removed from the Register of Cultural Heritage Resources.

The properties at 140 and 142 Wellington Street are included on the Register of Cultural Heritage Resources as a heritage listed properties.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

4.1. Request to Remove Properties from the Register of Cultural Heritage Resources

A complete written request to remove the properties at 140 and 142 Wellington Street from the Register of Cultural Heritage resources was received by the City on July 15, 2022.

Pursuant to Section 27(8) of the *Ontario Heritage Act*, when considering a request to remove a property from the Register of Cultural Heritage Resources, Municipal Council must make a decision as to whether the property should continue to be included on the register or whether it should be removed and provide notice of decision to the owner of the property within 90 days after the decision.

4.2 Cultural Heritage Evaluation Report (CHER)

A Cultural Heritage Evaluation Report (Zelinka Priamo Ltd., dated June 20, 2022) was submitted as a part of the request to remove the properties from the Register of Cultural Heritage Resources. As required, the CHER included an evaluation of the properties according to the criteria of *Ontario Regulation 9/0, Criteria for Determining Cultural Heritage Value or Interest*. Through the evaluation, the applicant's heritage consultant determined that the properties do not meet the criteria of *Ontario Regulation 9/06* and therefore do not merit designation pursuant to the *Ontario Heritage Act*. Staff agree with the conclusions of the Cultural Heritage Evaluation Report.

4.3 Consultation

Pursuant to the Council Policy Manual, notification of the request to remove the subject properties from the Register of Cultural Heritage Resources has been sent to property owners within 120m of the subject property on August 4, 2022, as well as community groups including the Architectural Conservancy Ontario – London Region Branch, the London & Middlesex Historical Society, and the Urban League of London. Notice was published in the London on August 4, 2022.

The City municipal heritage committee – the Community Advisory Committee on Planning (CACP) – was consulted on this request at its meeting held on August 10, 2022.

Conclusion

A complete request to remove the properties at 140 and 142 Wellington Street was received by the City. A Cultural Heritage Evaluation Report was submitted with the written request, and included an evaluation of the properties according to the criteria of *Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest*. The evaluation determined that the properties did not meet the criteria, and therefore do not warrant designation pursuant to the *Ontario Heritage Act*. Staff agree with the findings and conclusions of the Cultural Heritage Evaluation Report. The properties should be removed from the Register of Cultural Heritage Resources.

Prepared by:	**Michael Greguol, CAHP** **Heritage Planner**
Reviewed by:	**Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP** **Manager, Urban Design and Heritage**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers, MPA, P. Eng.** **Deputy City Manager, Planning and Economic Development**

Appendices

Appendix A	Property Location
Appendix B	Images
Appendix C	Historical Documentation and Research Materials
Appendix D	Cultural Heritage Evaluation Report

Sources

Corporation of the City of London. *2019-2023 Strategic Plan*.
Corporation of the City of London. *Heritage Places 2.0*. 2019.
Corporation of the City of London. Property file.

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2020.
Corporation of the City of London. *The London Plan*. 2021 (consolidated).
Land Registry Records.
Ministry of Culture. *Ontario Heritage Toolkit: Heritage Property Evaluation*. 2006.
Ontario Heritage Act. 2019, c. 9. Sched. 11.
Zelinka Priamo Ltd. Heritage Impact Assessment, 140-142 Wellington Street, June 20, 2022.

Appendix A – Property Location

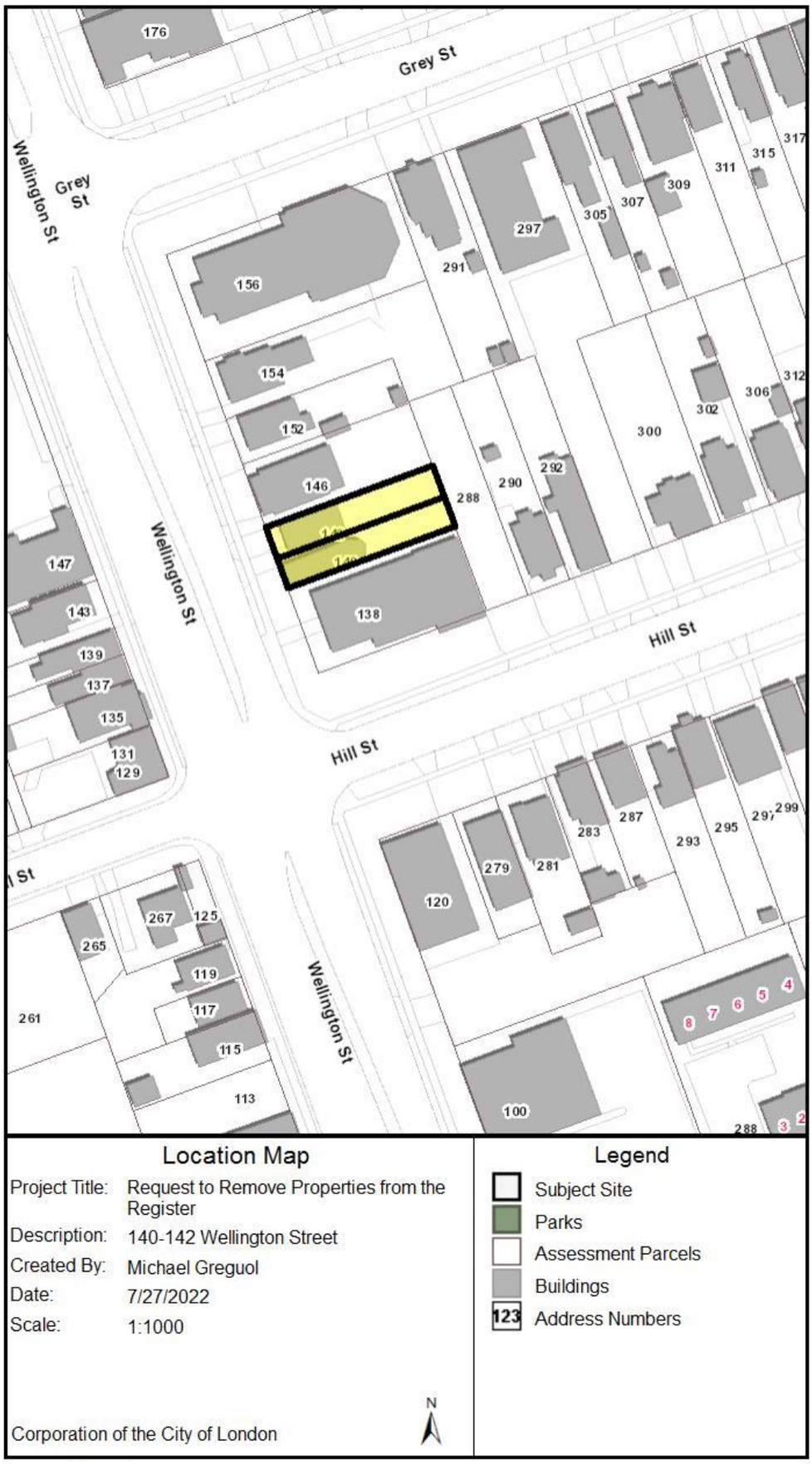


Figure 1: Location of the subject properties at 140 and 142 Wellington Street.

Appendix B – Images

Image 1: Photograph of the dwellings located on the subject properties at 140 and 142 Wellington Street, January 2022.

Image 2: Photograph of the dwellings located on the subject properties at 140 and 142 Wellington Street, March 2022.

Appendix C – Historical Documentation and Research Materials

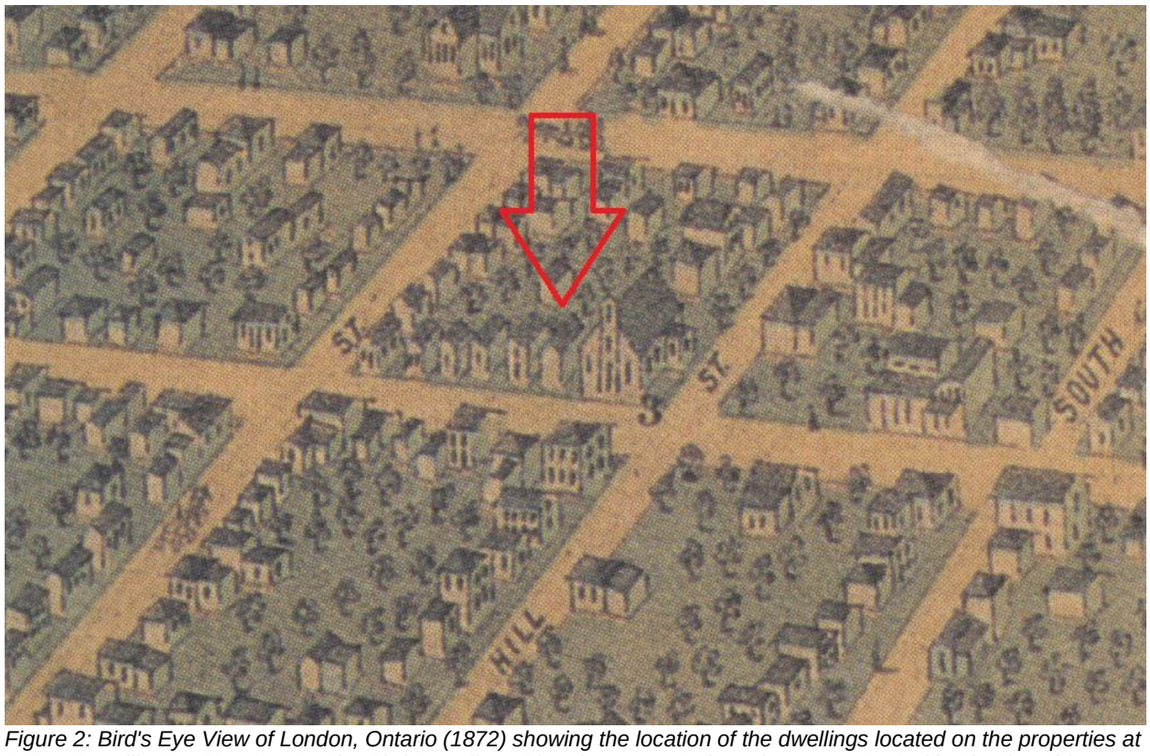


Figure 2: Bird's Eye View of London, Ontario (1872) showing the location of the dwellings located on the properties at 140-142 Wellington Street. Note, the Christ Anglican Church appears to have been constructed by the time this graphic was prepared, but the rest of the block appears to be residential in form.

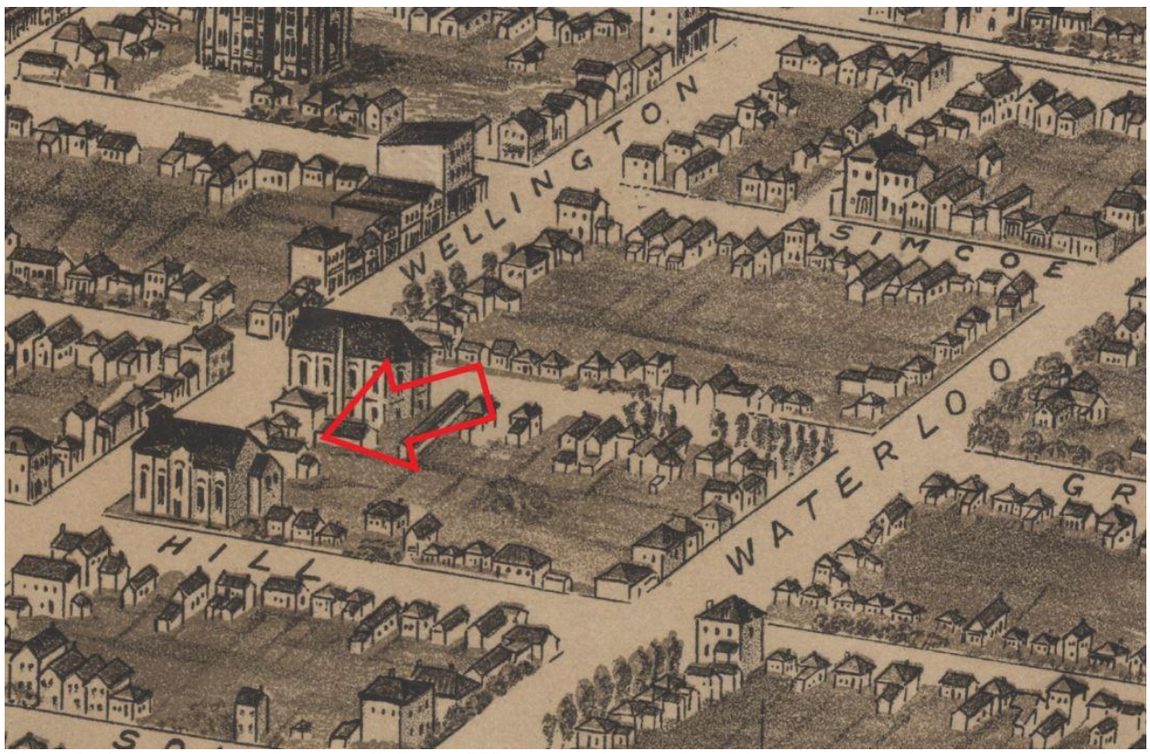


Figure 3: Bird's Eye View of London, Ontario (1890) showing the location of the dwellings on the properties at 140-142 Wellington Street. Note, the angle of this view obscures the subject properties as a result of the artistic portrayal of the churches. Nonetheless, the buildings in between the two churches appear to be drawn as residential in form.

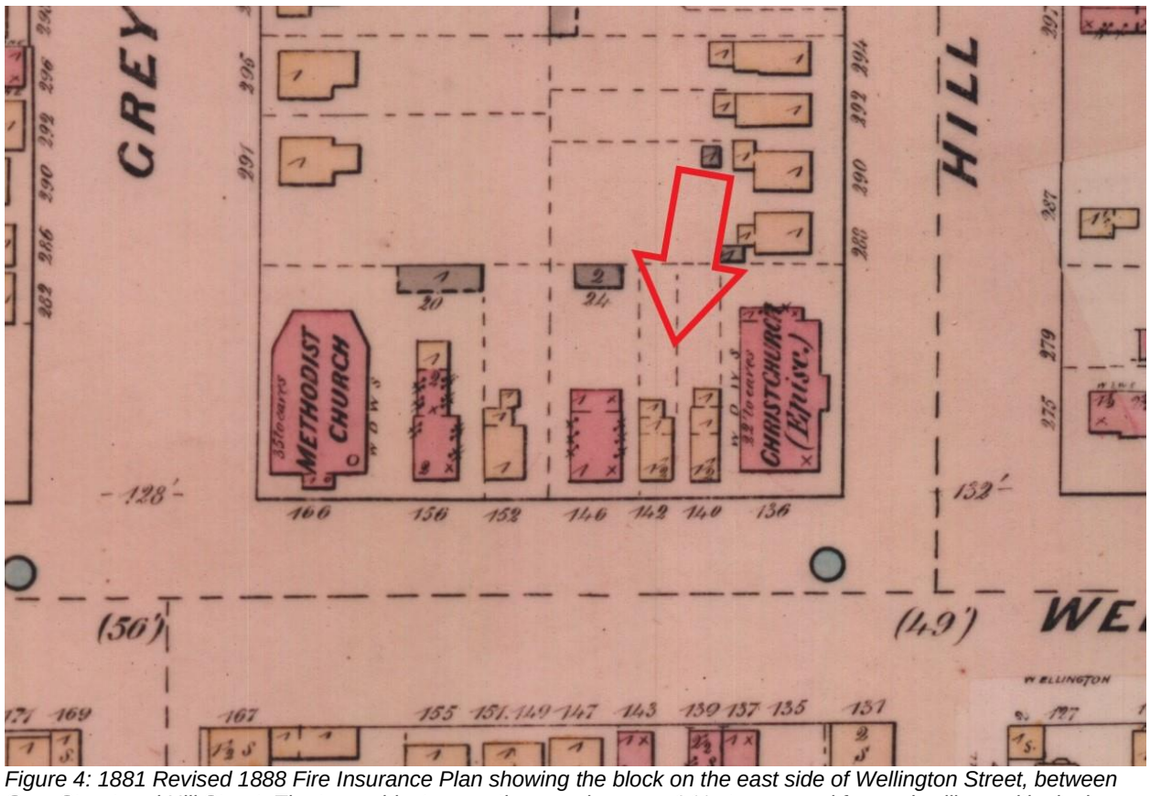


Figure 4: 1881 Revised 1888 Fire Insurance Plan showing the block on the east side of Wellington Street, between Grey Street and Hill Street. The two subject properties are shown as 1 ½ storey wood frame dwellings with single storey additions.

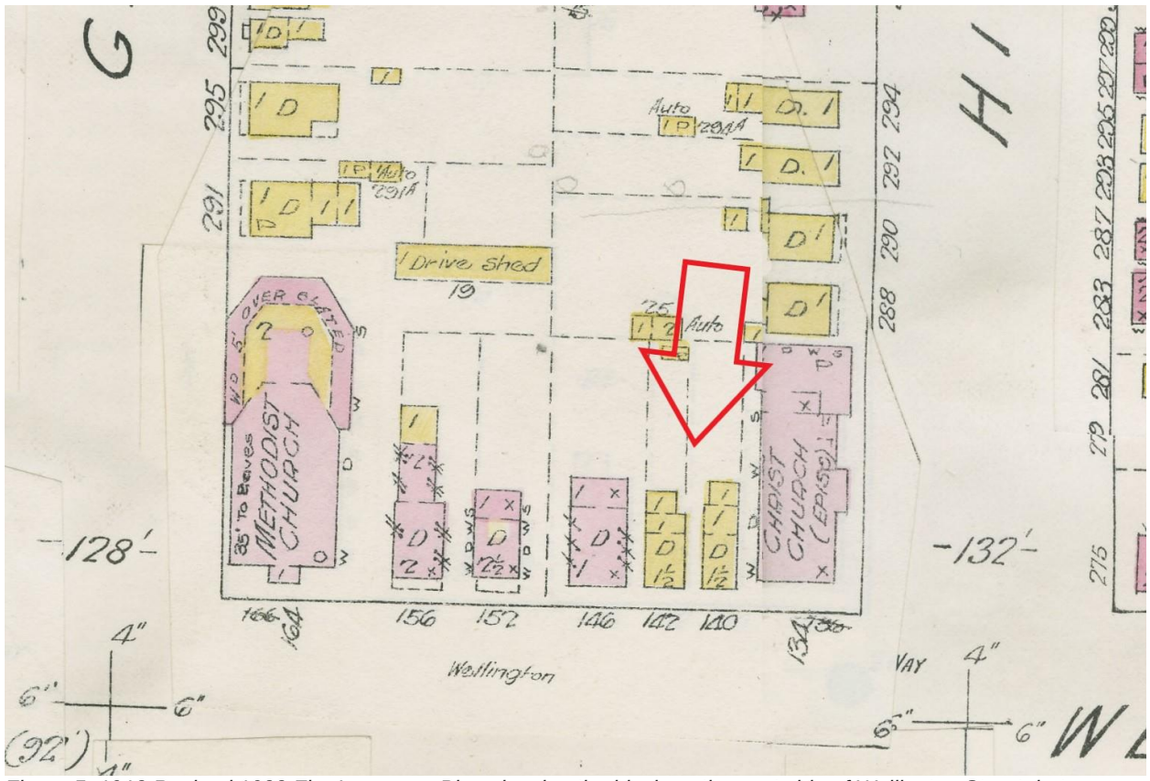


Figure 5: 1912 Revised 1922 Fire Insurance Plan showing the block on the east side of Wellington Street, between Grey Street and Hill Street. The two subject properties are shown as 1 ½ storey wood frame dwellings with single storey additions, and appear to be unchanged from earlier iterations of the Fire Insurance Plans.

Appendix D – Cultural Heritage Evaluation Report

Cultural Heritage Evaluation Report (Zelinka Priamo Ltd., dated June 20, 2022) – *attached separately*

Cultural Heritage Evaluation Report

James Fernandez

140-142 Wellington Street
City of London

June 20, 2022

ZELINKA PRIAMO LTD
A Professional Planning Practice

EXECUTIVE SUMMARY

Zelinka Priamo Ltd. was retained by the client, James Fernandez, to prepare a Cultural Heritage Evaluation Report (CHER) as a background document for the request of the removal of the lands known municipally as 140 Wellington Street and 142 Wellington Street (hereinafter referred to as the "study area") from the *City of London Register of Cultural Heritage Resources*. This CHER involves a built heritage assessment to assist the City of London (the City) with its decision-making process regarding approval of the request to remove from the register.

The purpose of this CHER is to determine if the identified built heritage resources hold significant cultural value within the City by responding to provincial and municipal policy requirements and evaluation criteria regarding the conservation of built heritage resources in the land use planning process.

A Cultural Heritage Evaluation Report examines a property as a whole, its relationship to its surroundings, as well as its individual elements – engineering works, landscape etc. The recommendations of the CHER are based on an understanding of the physical values of the property, a documentation of its history through research, an analysis of its social context, and mapping.

The buildings occupying the lands at 140-142 Wellington Street are 1.5-storey homes circa pre-1881. Based on the background historical research, field review, description of integrity, and application of Ontario Regulation 9/06 criteria, the properties were not determined to have significant cultural heritage value or interest.

The completion of the CHER has resulted in the following recommendation:

- The properties at 140-142 Wellington Street were not determined to have significant cultural heritage value or interest. Subsequently, no additional cultural heritage work is recommended for the properties at this time.

318 Wellington Road, London, ON, N6C 4P4
TEL (519) 474-7137 Email: zp@zpplan.com

TABLE OF CONTENTS

Page No.

EXECUTIVE SUMMARY 1
1.0 INTRODUCTION 3
1.1 Purpose 3
1.2 Study Area 3
2.0 BUILT HERITAGE RESOURCE EVALUATION CONTEXT 4
2.1 Policy Framework 4
2.1.1 The Planning Act 4
2.1.2 The Provincial Policy Statement, 2020 4
2.1.3 The London Plan 5
2.1.4 Ontario Regulation 9/06 6
3.0 HISTORICAL CONTEXT 7
3.1 Local Context and Settlement History 7
3.1.1 City of London 7
3.1.2 Soho Neighbourhood 7
3.1.3 Wellington Street 8
3.2 Land Use History 8
3.2.1 1881-1981 8
3.2.2 1981-2011 8
4.0 EXISTING CONDITIONS 11
4.1 Landscape Context 11
4.2 Architectural Description 11
5.0 CULTURAL HERITAGE EVALUATION 16
5.1 Ontario Regulation 9/06 Evaluation 16
5.2 Discussion of Integrity 19
6.0 CONCLUSION 20
REFERENCES 21

318 Wellington Road, London, ON, N6C 4P4
TEL (519) 474-7137 Email: zp@zpplan.com

1.0 INTRODUCTION

Zelinka Priamo Ltd. was retained by the client, James Fernandez, to prepare a Cultural Heritage Evaluation Report (CHER) as a background document for the request of the removal of the lands known municipally as 140 Wellington Street and 142 Wellington Street (hereinafter referred to as the "study area") from the *City of London Register of Cultural Heritage Resources*. This CHER involves a built heritage assessment to assist the City of London (the City) with its decision-making process regarding approval of the request to remove from the register.

The properties located at 140-142 Wellington Street were identified in the *City of London Cultural Heritage Screening Report* (CHSR) (October 2018) as being a directly impacted, listed cultural heritage property. The CHSR was completed as part of the *Transit Project Assessment Process* (TPAP) for the London Bus Rapid Transit project.

1.1 Purpose

The purpose of this CHER is to determine if the identified built heritage resources hold significant cultural value within the City by responding to provincial and municipal policy requirements and evaluation criteria regarding the conservation of built heritage resources in the land use planning process. Consideration must be given to the conservation of heritage resources where a development or site alteration is proposed within or adjacent to a protected heritage property.

A Cultural Heritage Evaluation Report examines a property as a whole, its relationship to its surroundings, as well as its individual elements – engineering works, landscape etc. The recommendations of the CHER are based on an understanding of the physical values of the property, a documentation of its history through research, an analysis of its social context, and mapping.

1.2 Study Area

The study area includes the lands known municipally as 140 Wellington Street and 142 Wellington Street. These lands are listed on the *City of London Register of Cultural Heritage Resources* as of March 27, 2018.

Figure 1: Study Area

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TEL (519) 474-7137 Email: zp@zpplan.com

2.0 BUILT HERITAGE RESOURCE EVALUATION CONTEXT

2.1 Policy Framework

2.1.1 The Planning Act

The *Planning Act* is provincial legislation that provides a framework for land use planning in Ontario. One of the general purposes of the *Planning Act* is to integrate matters of provincial interest in provincial and municipal planning decisions. Part I of the *Planning Act* identifies that the Minister, municipal councils, local boards, planning boards, and the Ontario Land Tribunal shall have regard to matters of provincial interest, such as:

> *(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest*

2.1.2 The Provincial Policy Statement, 2020

The *Provincial Policy Statement* (PPS), issued under the authority of Section 3 of the *Planning Act* and updated in 2020, provides policy direction on matters of provincial interest related to land use planning in order to ensure efficient development and protection of natural resources. All planning applications required to be consistent with these policies. The PPS has several provisions relating to heritage conservation.

The relevant policies for the conservation of cultural heritage features are contained in Section 2 – Wise Use and Management of Resources, wherein Subsection 2.6 – Cultural Heritage and Archaeological Resources, states the following provisions:

> 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
>
> 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Under the PPS definition, ‘built heritage resource’ means:

> *A building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.*

Under the PPS definition, ‘conserved’ means:

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TEL (519) 474-7137 Email: zp@zpplan.com

> *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.*

Under the PPS definition, 'significant' in regards to cultural heritage and archaeology means:

> *Resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.*

2.1.3 The London Plan

The properties at 140 Wellington Street and 142 Wellington Street are heritage listed properties on the *City of London Register of Cultural Heritage Resources*. The City's Official Plan, *The London Plan*, sets out the following policy with regard to development within or adjacent to designated and listed heritage properties:

> 586_The City shall not permit development and site alteration on adjacent lands to heritage designated properties or properties listed on the Register except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved.

The following general objectives from *The London Plan* regarding cultural heritage resources also apply:

> 554_In all of the planning and development we do, and the initiatives we take as a municipality we will:
>
> 1. Promote, celebrate, and raise awareness and appreciation of London's cultural heritage resources.
> 2. Conserve London's cultural heritage resources so they can be passed on to our future generations.
> 3. Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.

Under *The London Plan* definition, 'cultural heritage resource' means:

> *A human work or a place that gives evidence of human activity or has spiritual or cultural meaning or value, and which has been determined to have historic value. Cultural heritage resources include both the physical and intangible resources, properties protected under the Ontario Heritage Act, built heritage resources, cultural heritage landscapes,*

> *archaeological resources, paleontological resources and both documentary and material heritage.*

The following design objective from *The London Plan* is applicable:

> 565_ New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A heritage impact assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.

2.1.4 Ontario Regulation 9/06

Ontario Regulation 9/06 provides the Criteria for Determining Cultural Heritage Value or Interest under the Ontario Heritage Act. This regulation was created to ensure a consistent approach to the designation of heritage properties within Ontario under the act. All designations under the Ontario Heritage Act after 2006 must meet the minimum criteria outlined in the regulation.

Criteria

A property may be designated under section 29 of the Ontario Heritage Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,

    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. The property has historical value or associative value because it,

    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. The property has contextual value because it,

    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. O. Reg. 9/06, s. 1 (2).

318 Wellington Road, London, ON, N6C 4P4
TEL (519) 474-7137 Email: zp@zpplan.com

3.0 HISTORICAL CONTEXT

3.1 Local Context and Settlement History

3.1.1 City of London

Prior to European settlement, the present site of London was occupied by several Neutral, Odawa, and Ojibwe villages, which were driven out by the Iroquois by circa 1654 in the Beaver Wars. Archaeological investigations in the region show that indigenous people have resided in the area for at least 10,000 years (City of London, n.d.).

The current location of London was selected as the site of the future capital of Upper Canada in 1793 by Lieutenant Governor John Graves Simcoe, who also named the village which was founded in 1796. The original town plot for London was laid out in 1826, and over time, the town plot and the surrounding downtown core have become a densely built-up area containing structures and streetscapes that date to the 1840s (Tourism London, 2021). The continuous redevelopment of the downtown core has resulted in a variety of building types and uses from every period of the core's development. Many of the surviving buildings and properties within the downtown core represent industrial, wholesaling, retailing, and financial firms that have been important in the development of the City of London, and the broader region. Specific to Wellington Street, the east and west sides are historically lined with private residences.

London has a diverse and extensive inventory of heritage structures. The cultural value of London's extensive built heritage is one of Canada's most significant, with over 6,000 buildings (about 3% of buildings in London) listed on the *City of London Register of Cultural Heritage Resources* (City of London, n.d.).

3.1.2 Soho Neighbourhood

The study area is located within the Soho neighbourhood of the City of London; the neighbourhood derives its present name from "South of Horton Street". SoHo has a long history as a community in the City of London from its early days as a place of refuge on the Underground Railroad, to housing one of the City's major medical facilities, to being located along the edges of the Downtown and the Thames River. These factors have given this neighbourhood a prominent role in the development of the City (City of London, 2019).

Originally named St. David's Ward, it was originally one of four wards within the boundaries of the Village of London in 1844. In the 1840s, a bridge was constructed on Wellington Road across the Thames River to connect the Village of London to Westminster Township on the south side of Thames. Construction of this bridge was petitioned by Reverend William Clarke, who resided on the south bank of the Thames, opposite his church, which was located on the north bank along Wellington Street (WSP, 2019). In the 1870s, the General Hospital was established on South Street, between Waterloo Street and Colborne Street (City of London, 2019). At this time, most of the surrounding streets were lined with modest homes, occupied by a working-class

community. Today, the Soho neighbourhood is bound by the CN rail tracks to the north; Adelaide Street to the East; and, the Thames River to the south and west.

3.1.3 Wellington Street

Running north to south from Huron Street to the City of St. Thomas with brief interruptions by the Grand Trunk Railway (now Canadian Pacific Railway) line, Wellington Road was named for Arthur Wellesley, 1st Duke of Wellington, and personal friend of Colonel Talbot (Priddis, 1909). A major figure in British military history, Wellington was famous for his victory over Napoleon at the Battle of Waterloo in 1815. From 1818 to 1827, he served Master General of the Ordnance, commanding military officers and artillery in Upper Canada (London Street Names, 2003). Within London, Wellington Road is identified by various official names, at varying points within the City. Between Huron Street and the Thames River, the road runs relatively parallel with Richmond Street and is identified in this section as Wellington Street. South of the Thames River, the road changes names to Wellington Road, and is identified as such between the River and the road's intersection with Exeter Road, just north of Highway 401. Lastly, the road is identified as Wellington Road South southwards from Exeter Road to south of the municipal city limits.

3.2 Land Use History

3.2.1 1881-1981

The study area properties are located on part of Lot 1, north of Hill Street in the City of London. A review of City Directories and Land Registry records suggests that although the properties at 140 Wellington Street and 142 Wellington Street are noted in the *City of London Register of Cultural Heritage Resources* without a construction date, ownership of the properties date as far back as 1881. The 1881, revised 1888 Fire Insurance Plan; the 1892, revised 1907 Fire Insurance Plan; and, the 1912, revised 1922 Fire Insurance Plan identify a 1.5-storey frame construction and composite siding house on each property which appear to be the present houses. Aerial imagery from 1922 confirms that the present wood-frame houses had been constructed by that time.

City Directories and Land Registry records indicate that both 140 Wellington Street and 142 Wellington Street changed occupancy numerous times during this time period and appear to have been rented due to the rapid turnover of occupants.

3.2.2 1981-2011

From approximately 1966-2010, 142 Wellington Street was owned by the Weedmark family. No notable significance was found regarding this family name in the London area. The house changed ownership once more prior to 2021 when the client purchased the lands. City Directories indicate that 140 Wellington Street had a number of different tenants, suggesting it continued to be rented at this time. Around 1980, the house at 140 Wellington Street was converted to apartment dwellings, with an average of three tenants concurrently occupying the building. It appears to had been converted back to a single-family home around 2007, when only one name appears on the directory records at this address from 2007 onwards; however, Land Registry searches indicate the property changed hands several times more prior to 2020 when the client purchased the lands.

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Figure 2: Fire Insurance Plan (1881, revised 1888)

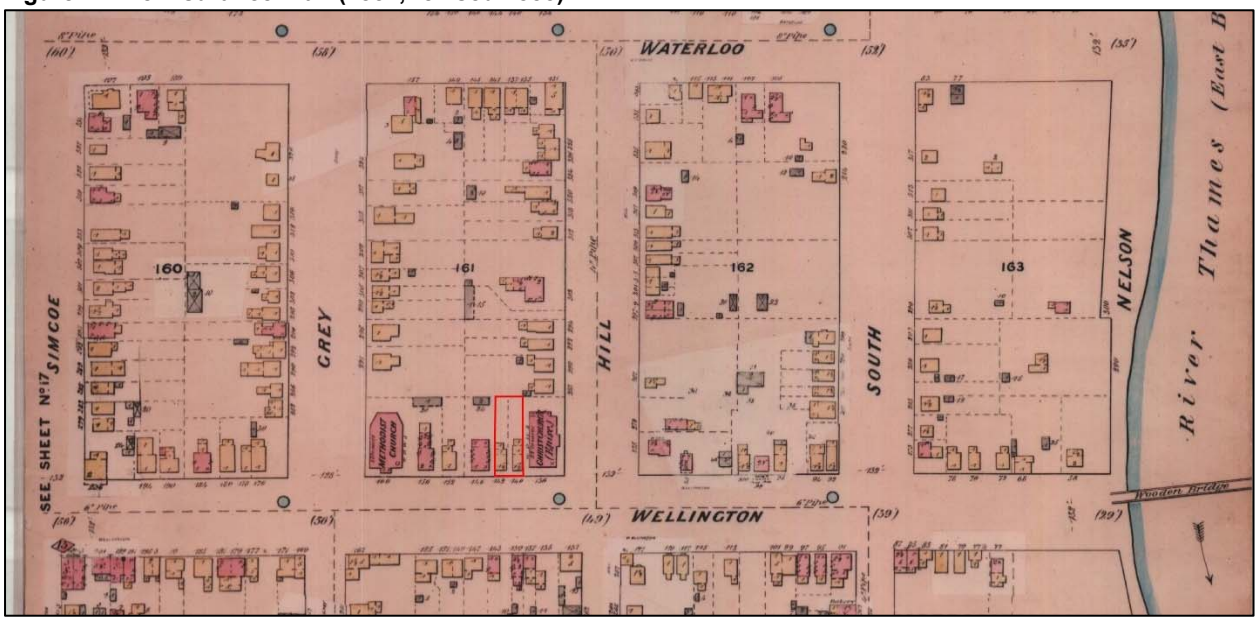

Figure 3: Fire Insurance Plan (1892, revised 1907)

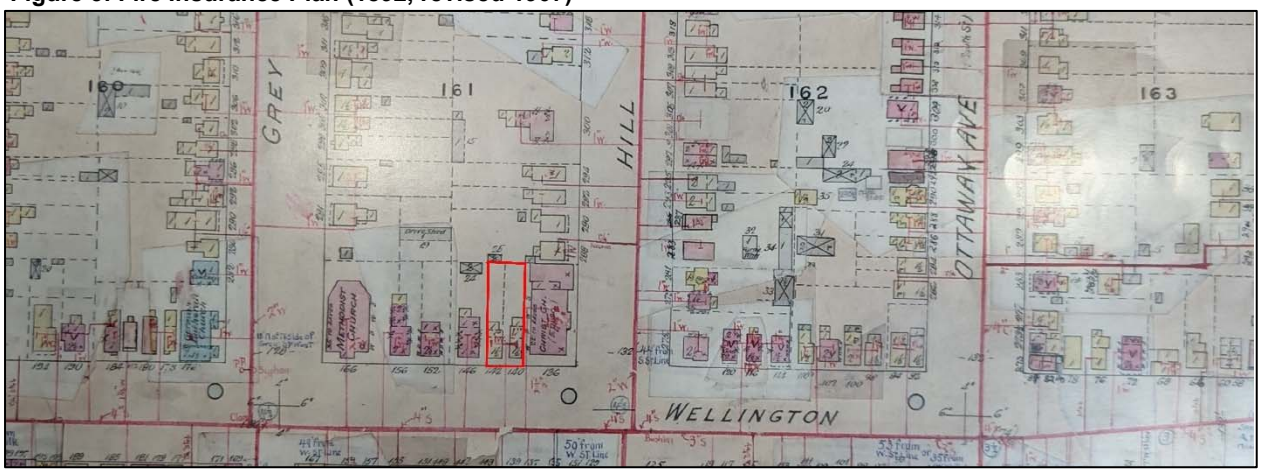

Figure 4: Fire Insurance Plan (1912, revised 1922)

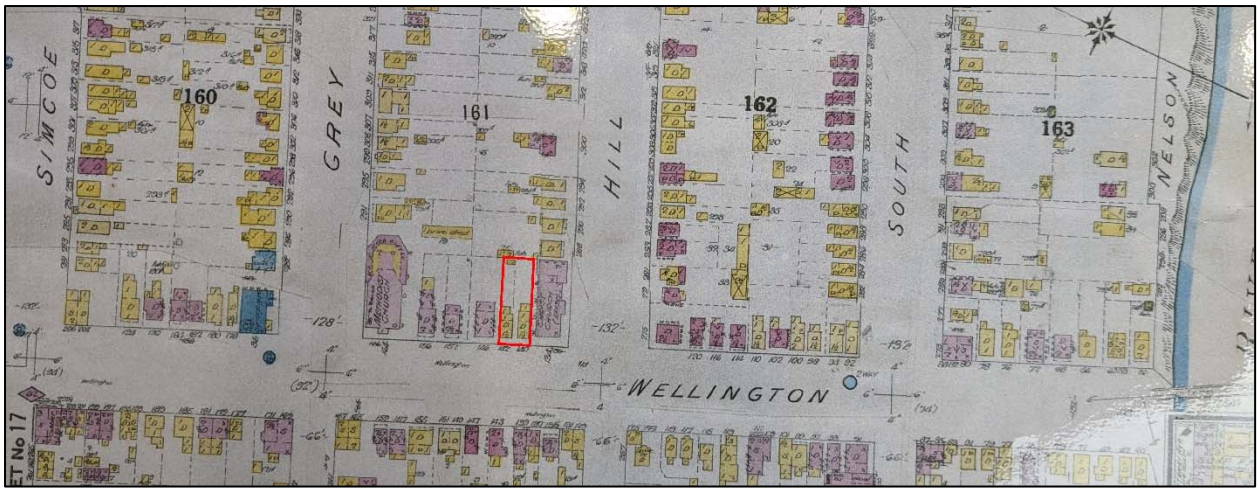

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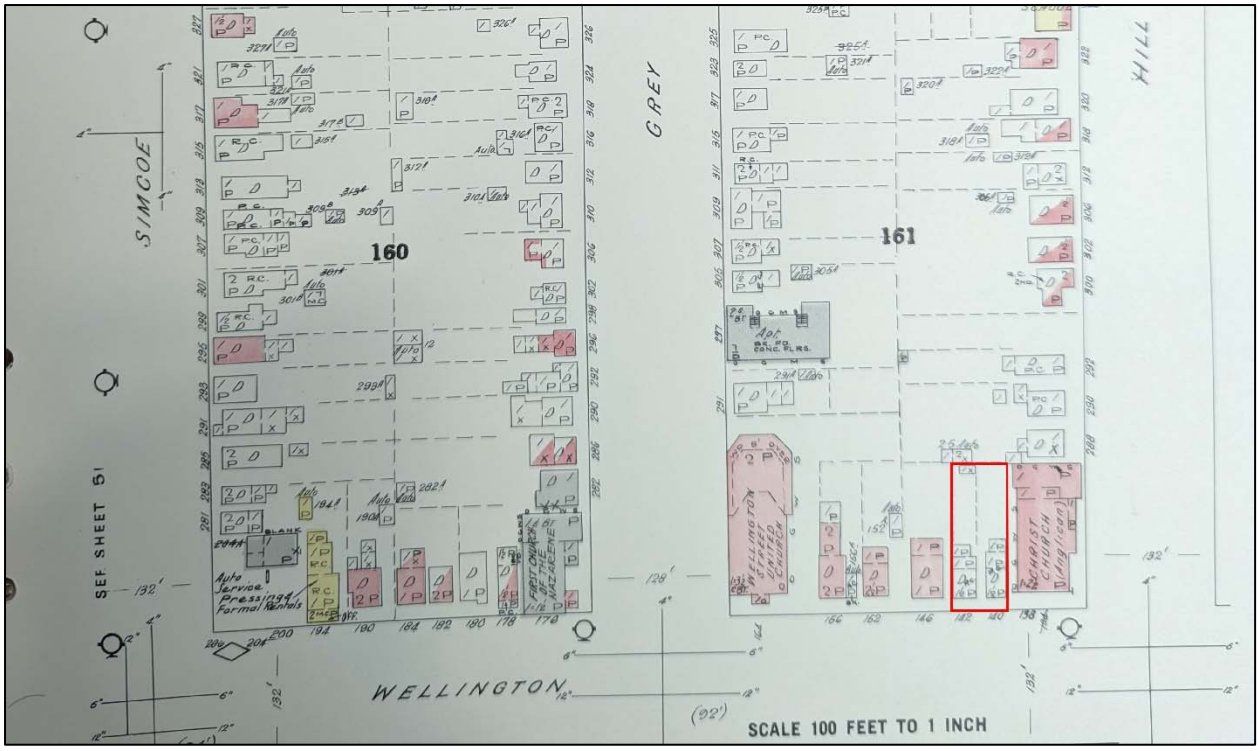
Figure 5: Aerial Photography (1922)

Figure 6: Fire Insurance Plan (1968)



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4.0 EXISTING CONDITIONS

4.1 Landscape Context

The study area is located on the east side of Wellington Street between Grey Street and Hill Street. The subject properties are two of seven buildings on this segment of Wellington Street; two of the remaining buildings are churches, one of the remaining buildings is a commercial use, and the other two buildings are residential dwellings. In this area, Wellington Street is a four-lane arterial road which provides a connection between London's downtown area and Highway 401. Nearby land uses are primarily commercial and residential, with buildings generally one- to two-storeys in height. Most of the commercial properties have been converted from former residential dwellings. The study area abuts residential uses to the north and east; a church to the south; and, Wellington Street to the west.

4.2 Architectural Description

The study area contains two, 1.5-storey detached houses. Although the exact construction date is unknown, evidence suggests it was pre-1881. Historically, the buildings have been used as private residences. Both houses are simple wood-framed with rectangular massing, vinyl siding, steeply pitched front gabled roofs, and off-to-side entrances. The front (west) façades of the houses face Wellington Street.

The building at 140 Wellington Street has a blue face and beige sides with a concrete stone foundation and a covered wooden porch leading to the first-storey entrance; however, a majority of the porch was recently removed according to discrepancies in Google Earth imagery and the field visit conducted. The aluminum door and window frames at the building's entrance and the upper and side windows and frames appear to be modern replacements. There is an original wooden architectural feature at the point of the gable; however, it is damaged and all other woodworking that would generally be found associated with this type of feature (i.e., finial and bargeboard/vergeboard) was either removed or not initially constructed. As such, the feature is stand-alone and does not contribute to the architectural value of the property. The rear of the property was not accessible during the field visit.

The building at 142 Wellington Street is beige all-around with a concrete stone foundation and concrete steps leading to the front entrance. The aluminum door and window frames on the building's façade, and the side windows and frames are modern replacements. The ground floor windows at the building's entrance have been covered with plywood. There are no distinctive architectural features. The rear of the property was not accessible during the field visit.

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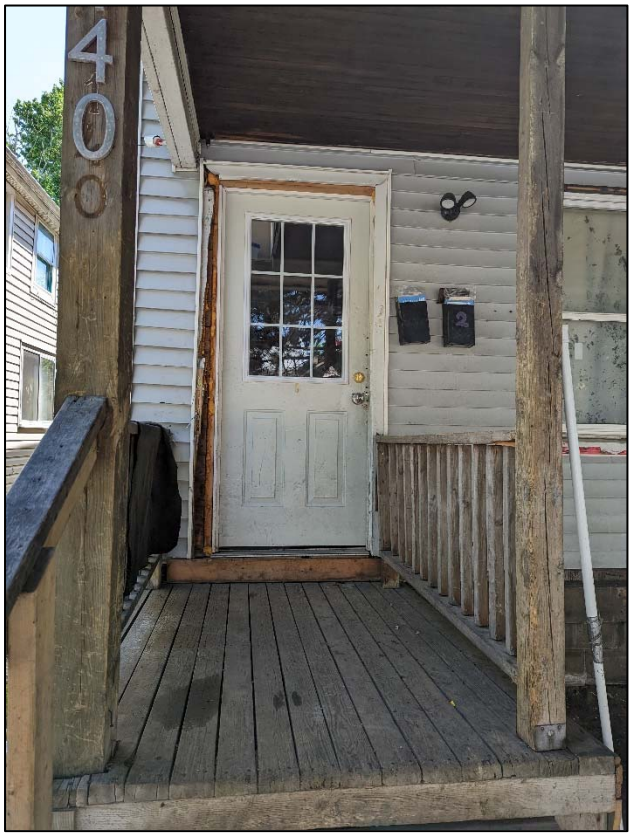
Figures 7-10: 140 Wellington Street

Figures 11-14: 140 Wellington Street



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Figures 15-18: 142 Wellington Street

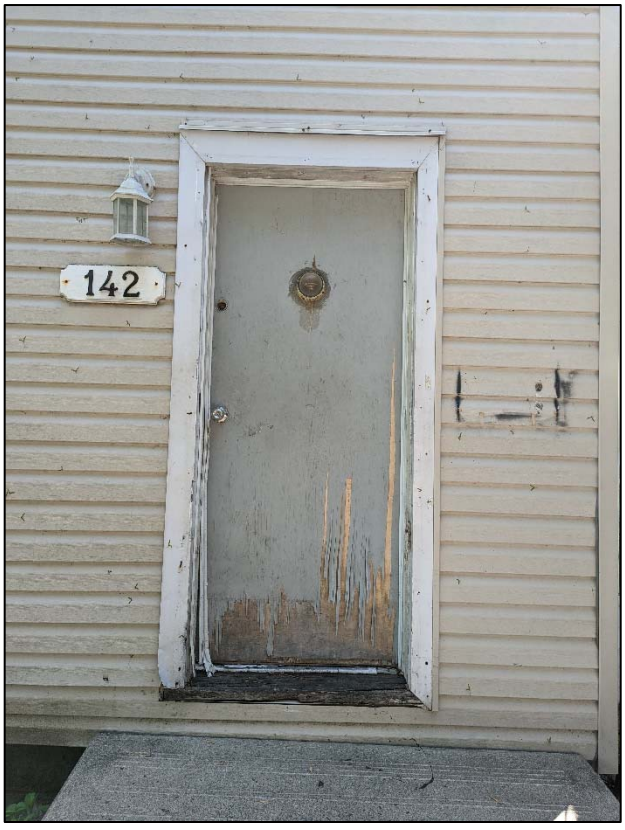

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Figure 19: 142 Wellington Street (left), 140 Wellington Street (right)

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5.0 CULTURAL HERITAGE EVALUATION

5.1 Ontario Regulation 9/06 Evaluation

Table 1: Ontario Regulation 9/06 Evaluation – 140 Wellington

CRITERIA		Y/N	EVALUATION
Design/ Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material, or construction method	N	The property does not hold any design or architectural value as it is simple with no distinctive features and was constructed out of normal materials for that time period. Therefore, it does not meet this criterion.
	Displays a high degree of craftsmanship or artistic merit	N	The property does not have any distinctive design elements and does not display a high degree of craftsmanship or artistic merit. Therefore, it does not meet this criterion.
	Demonstrates a high degree of technical or scientific achievement	N	No evidence was found to suggest that the property demonstrates a high degree of technical merit or scientific achievement. Therefore, it does not meet this criterion.
Historical/ Associate Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	N	No notable individuals, associations, institutions, or themes were discovered associated with this property. Therefore, it does not meet this criterion.
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	N	The property has not been associated with any notable communities or cultures, and is not known to potentially yield information regarding their neighbourhood community context. Therefore, it does not meet this criterion.
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	N	The property is not associated with a known architect, artist, builder, designer, or theorist, and therefore does not meet this criterion.

Contextual Value	Is important in defining, maintaining or supporting the character of an area	N	While the property reflects the residential characteristic of the Soho neighbourhood, it does not play an important role in defining, maintaining or supporting the character of the area.
	Is physically, functionally, visually or historically linked to its surroundings	N	The property has been used continuously as a residential dwelling since its construction, but this connection is not of importance to its surroundings; and, the property does not reflect the architectural detail of those surrounding it. Therefore, it does not meet this criterion.
	Is a landmark	N	The property is not considered to be a landmark in this area. Therefore, it does not meet this criterion.

Table 2: Ontario Regulation 9/06 Evaluation – 142 Wellington

CRITERIA		Y/N	EVALUATION
Design/ Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material, or construction method	N	The property displays an original architectural feature; however, it is damaged and unassociated with any other distinctive features. As such, the feature is not rare nor unique and does not hold any architectural or design value. The property was constructed out of normal materials for that time period. Therefore, it does not meet this criterion.
	Displays a high degree of craftsmanship or artistic merit	N	While the property has an original architectural feature, it does not display a high degree of craftsmanship or artistic merit. Therefore, it does not meet this criterion.

	Demonstrates a high degree of technical or scientific achievement	N	No evidence was found to suggest that the property demonstrates a high degree of technical merit or scientific achievement. Therefore, it does not meet this criterion.
Historical/ Associate Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	N	No notable individuals, associations, institutions, or themes were discovered associated with this property. Therefore, it does not meet this criterion.
	Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	N	The property has not been associated with any notable communities or cultures, and is not known to potentially yield information regarding their neighbourhood community context. Therefore, it does not meet this criterion.
	Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	N	The property is not associated with a known architect, artist, builder, designer, or theorist, and therefore does not meet this criterion.
Contextual Value	Is important in defining, maintaining or supporting the character of an area	N	While the property reflects the residential characteristic of the Soho neighbourhood, it does not play an important role in defining, maintaining or supporting the character of the area.
	Is physically, functionally, visually or historically linked to its surroundings	N	The property has been used continuously as a residential dwelling since its construction, but this connection is not of importance to its surroundings; and, the property does not reflect the architectural detail of those surrounding it. Therefore, it does not meet this criterion.
	Is a landmark	N	The property is not considered to be a landmark in this area.

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5.2 Discussion of Integrity

According to the Ontario Heritage Toolkit, Heritage Property Evaluation (MTCS 2006), *"Integrity is a question of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property."* The following discussion of integrity was prepared to consider the ability of the property to represent and retain its cultural heritage value over time. It does not consider the structural integrity of the building, or the overall condition of the building. Access to the interior of the building was not available, and observations have been made from the public right-of-way. Structural integrity, should it be identified as a concern, should be determined by a qualified heritage engineer, building scientist, or architect.

The study area contains two, 1.5-storey detached residential dwellings. The buildings appear to have originally been constructed prior to 1881. Although no historic drawings or photographs were located, the buildings do not appear to have undergone any significant modifications since their construction. The visible windows appear to be modern replacements, while the remaining features are either in disarray or have their view obstructed. The houses do not appear to be in good condition and show signs of wear and/or damage. Overall, the houses have few noteworthy design elements that would contribute to their identification of a significant architectural style.

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6.0 CONCLUSION

Based on the results of background historical research, field review, and application of the criteria from Ontario Regulation 9/06, the subject properties at 140 and 142 Wellington Street were not determined to be of significant cultural heritage value or interest and should be removed from the City of London Register of Cultural Heritage Resources.

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REFERENCES

(2003). In M. B. Neary, *London Street Names* (p. 10). Toronto: James Lormier & Company Ltd.

City of London. (2019). *Heritage Places 2.0: Potential Heritage Conservation Districts in the City of London.* London: City of London.

City of London. (2019). *Register of Cultural Heritage Resources.* Retrieved from https://london.ca/sites/default/files/2020-10/Register-2019-AODA.pdf

City of London. (2021, May). The London Plan. London, Ontario.

City of London. (n.d.). *Heritage*. Retrieved from london.ca: https://london.ca/heritage

Government of Ontario. (1990). *Planning Act, R.S.O. 1990, c. P.13*. Retrieved from ontario.ca: https://www.ontario.ca/laws/statute/90p13

Government of Ontario. (2006). *O. Reg. 9/06: CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST.* Retrieved from Laws: https://www.ontario.ca/laws/regulation/060009

Government of Ontario. (n.d.). *Provincial Policy Statement, 2020.* Retrieved from ontario.ca/PPS: https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf

Ministry of Heritage, Sport, Tourism and Culture Industries. (2005). *Heritage Resources in the Land Use Planning Process: Cultural Heritage and Archeological Policies of the Ontario Provincial Policy Statement, 2005.*

Priddis, H. (1909). The Naming of London Streets. London.

Tourism London. (2021, March 26). *A Brief History of London, Ontario*. Retrieved from Best of London: https://www.londontourism.ca/best-of-london/a-brief-history-of-london-ontario

WSP. (2019). *Clark's Bridge: Cultural Heritage Evaluation Report.* London.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning and Environment Committee
From: **Scott Mathers, MPA, P.Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **Demolition Request for Heritage Designated Property at 520 Ontario Street, Old East Heritage Conservation District**
Public Participation Meeting
Date: **Monday August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, the request to demolish the building on the heritage designated property at 520 Ontario Street, within the Old East Heritage Conservation District, **BE PERMITTED** pursuant to Section 42(1) of the *Ontario Heritage Act* subject to the following terms and conditions:

a) Interim protection measures, including fencing, be implemented by the applicant to ensure that the property remains in a clean and protected state following the demolition and prior to construction of a new building;

b) A Heritage Alteration Permit be required following the demolition of the existing dwelling to ensure that the replacement dwelling is consistent with the policies and guidelines of the Old East Heritage Conservation District.

Executive Summary

A request to demolish the dwelling on the property at 520 Ontario Street, designated pursuant to Part V of the Ontario Heritage Act as a part of the Old East Heritage Conservation District was received by the City. Pursuant to the requirements of the Ontario Heritage Act, Municipal Council must respond to the request within 90 days. The property is D-ranked by the Old East Heritage Conservation District Conservation Plan, and the subject dwelling on the property was extensively damaged as a result a windstorm in May 2022. A structural assessment of the dwelling recommends demolition of the dwelling's roof and wall structures and a reconstruction of a new dwelling on the property. Heritage Alteration Permit approval will be required for a new dwelling on the property. The demolition of the existing dwelling on the heritage designated property at 520 Ontario Street should be permitted.

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 property located at 520 Ontario Street is located on the east side of Ontario Street, between Princess Avenue and Lorne Avenue (Appendix A).

1.2 Cultural Heritage Status

The property at 520 Ontario Street is designated pursuant to Part V of the Ontario Heritage Act, by By-law No. L.S.P.-3383-111, as part of the Old East Heritage

Conservation District. The Old East Heritage Conservation District came into force and effect on September 10, 2006.

The property at 520 Ontario Street is identified as a D-ranked property by the *Old East Heritage Conservation District Conservation Plan*. The D-ranking identified within the *Old East Heritage Conservation District Study* notes that properties were ranked as D if any one or combination of the following were true:

- Original heritage qualities had been irreversibly lost or covered; and/or,
- The original design, new or old, was lacking architectural character to contribute to the area.

D-ranked properties are not representative of the collective heritage of the area.

1.3 Description

The dwelling on the property at 520 Ontario Street consists of a single storey cottage with a low-pitch hipped roof. The dwelling's front façade is clad with angel-stone, a faux stone cladding and includes a projecting bay, front door, and pair of windows. A small front porch extends across a portion of the front façade. The side elevations of the dwelling include a few windows but are primarily characterized by the horizontal vinyl siding cladding that wraps the remainder of the elevations.

The Register of Cultural Heritage Resources includes a construction date of 1883 for the dwelling. A review of the 1915 Revised 1922 *Fire Insurance Plan* for the property suggests that the existing dwelling had been constructed by then. The dwelling noted on the property consisted of a single storey wood frame dwelling with single storey rear additions, including a projecting bay on the front of the dwelling and a small porch, matching the footprint of the existing dwelling.

Aside from its scale and type, the dwelling has been extensively altered since its construction.

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 in the *Provincial Policy Statement* (2020), the *Ontario Heritage Act*, *The London Plan*.

2.1.1 *Provincial Policy Statement*

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement* (2020) 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" (Policy 2.6.1, *Provincial Policy Statement* 2020).

"Significant" is defined in the *Provincial Policy Statement* (2020) as, "resources that have been determined to have cultural heritage value or interest." Further, "processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*."

Additionally, "conserved" 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."

2.1.2 *Ontario Heritage Act*

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value. This includes the designation of individual properties to be of cultural heritage value or interest pursuant to Section 29 (Part IV), *Ontario Heritage Act*, and groups of properties that together have cultural heritage value or interest pursuant to Section 42 (Part V), *Ontario Heritage Act,* as a Heritage Conservation District.

While the criteria for the designation of a Heritage Conservation District are found in Policy 576_ of *The London Plan*, the *Ontario Heritage Act* establishes process requirements for decision making.

Section 42(1), *Ontario Heritage Act*, states,

> *No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:*
>
> 1. *Alter, or permit the alteration, of any part of the property owner than the interior of any structure of building on the property.*
> 2. *Erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal of such a building or structure. 2005, c.6 s.32(1).*

2.1.3 *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 Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

Policies 575_ and 576_ of *The London Plan* also enable City Council to designate areas of the City under Part V of the *Ontario Heritage Act* as Heritage Conservation Districts. These policies include a set of criteria in the evaluation of an area. *Heritage Places 2.0* is a guideline document as a part of the Cultural Heritage Guidelines. The document describes potential heritage conservation districts and assigns a priority to these districts for consideration as heritage conservation districts.

2.1.4 *Old East Heritage Conservation District Conservation Plan and Old East Heritage Conservation District Conservation Guidelines*

The *Old East Heritage Conservation District Plan* establishes principles, goals and objectives for the heritage conservation district; recommends policies and guidelines pertaining to major architectural, streetscape and land use changes, and outlines the approvals process for heritage work long with other implementation recommendations.

The *Old East Heritage Conservation District Conservation Guidelines* provides residents and property owners with additional guidance regarding appropriate conservation, restoration, alteration and maintenance activities and assist municipal staff and Council in reviewing and making decisions on permit and development applications within the district.

The *Old East Heritage Conservation District Conservation Plan* contains policies relating specifically to demolition.

Section 6.5 (Demolition) notes:

> *The goal of a heritage conservation district is to preserve and protect the heritage assets within the short term and over the long term. Demolition of buildings within a heritage district is strongly discouraged.*

However, the plan also notes:

> *…it is recognized that there are situations where demolition may be necessary such as partial destruction due to fire or other catastrophic events, severe structural instability, and occasionally redevelopment that is in keeping with appropriate City policies.*

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Demolition Request

During a severe windstorm on May 21, 2022 a large mature tree fell onto the dwelling located at on the property at 520 Ontario Street, causing extensive damage to the dwelling. The tree caused damage to the entirety of the roof, as well as extensive damage to the structural components of the dwelling.

A Structural Assessment prepared for the dwelling (Pow Peterman Consulting Engineers, dated May 27, 2022) noted that the tree which was blown over during the storm was approximately 24” to 36” in diameter. It crushed the roof of the house, as well as the sitting room and front entryway. In addition, a large beam supporting the roof structure, as well as interior load bearing walls were cracked. The assessment recommends that the entire roof and wall structure be demolished.

A demolition request for the dwelling was received on July 26, 2022. Consistent with the requirements of the Ontario Heritage Act and the Council Policy Manual, Municipal Council must respond to the demolition request within 90-days. During the 90-day period, the Community Advisory Committee on Planning (CACP) is consulted, and a public participation meeting is held at the Planning and Environment Committee (PEC).

It is understood through the communication with the applicant that a replacement dwelling will be constructed on the property. Typically for demolition requests within a Heritage Conservation District, a Heritage Alteration Permit application is also processed at the time of the demolition process to ensure compatibility with the appropriate Heritage Conservation District policies and guidelines. This application seeks to separate the processes to ensure that the demolition can proceed prior to designing a replacement dwelling. The design of a replacement dwelling will be processed at a future time, ensuring that it is consistent with the policies and guidelines of the *Old East Heritage Conservation District Conservation Guidelines.*

4.2 Consultation

Pursuant to the Council Policy Manual, notification of the demolition request has been sent to property owners within 120m of the subject property on August 4, 2022, as well as community groups including the Architectural Conservancy Ontario – London Region Branch, the London & Middlesex Historical Society, and the Urban League of London. Notice was published in the *Londoner* on August 4, 2022.

The City’s municipal heritage committee – the Community Advisory Committee on Planning (CACP) – was consulted on this request at its meeting held on August 10, 2022.

Conclusion

A request to demolish the heritage designated property at 520 Ontario Street was received by the City. The dwelling on the subject property sustained extensive damage as a result of a windstorm in May 2022. The property is D-ranked by the *Old East Heritage Conservation District Conservation Plan*. The demolition of dwelling on the property at 520 Ontario Street should be permitted. Heritage Alteration Permit approval will be required for a new building on the subject property and will be processed at a later date.

Prepared by:	**Michael Greguol, CAHP** **Heritage Planner**
Reviewed by:	**Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP** **Manager, Urban Design and Heritage**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers, MPA, P.Eng.,** **Deputy City Manager, Planning and Economic Development**

Appendices

Appendix A	Property Location
Appendix B	Images
Appendix C	Images from Inspection Report

Sources

Corporation of the City of London. *Old East Heritage Conservation District Conservation Plan*. 2005.

Corporation of the City of London. *Old East Heritage Conservation District Conservation Design Guidelines*. 2005.

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

Corporation of the City of London. Property file.

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2020.

Corporation of the City of London. *The London Plan*. 2021 (consolidated).

Land Registry Records.

Ontario Heritage Act. 2019, c. 9. Sched. 11.

Pow Peterman Consulting Engineers. 520 Ontario Street Storm Damage Structural Assessment. May 27, 2022.

Winmar. Inspection Report. May 23, 2022.

Appendix A – Property Location

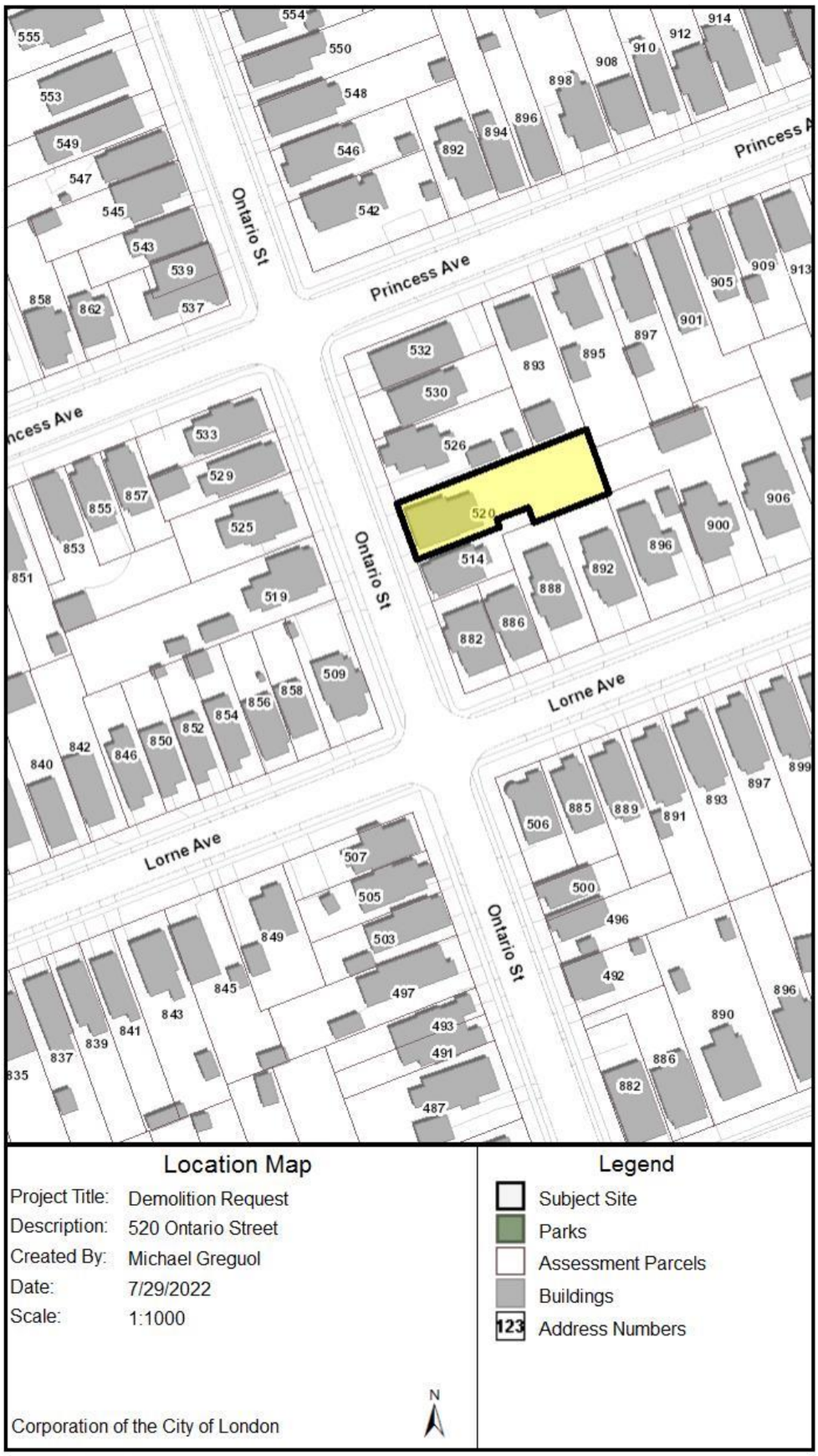


Figure 1: Location of the subject property at 520 Ontario Street, within the Old East Heritage Conservation District.

Appendix B – Images

Image 1: Google Street Image of the dwelling on the subject property at 520 Ontario Street, shown in August 2019, prior to experiencing damage.

Image 2: Photograph of the subject property at 520 Ontario Street in its current condition following the tree damage caused in May 2022.

Appendix C – Images from Inspection Report

Image 3: Photographs included within an inspection report demonstrating extent of the damage to the dwelling at 520 Ontario Street.

Image 4: Photographs included within an inspection report demonstrating extent of the damage to the dwelling at 520 Ontario Street.

Image 5: Photographs included within an inspection report demonstrating extent of the damage to the dwelling at 520 Ontario Street.

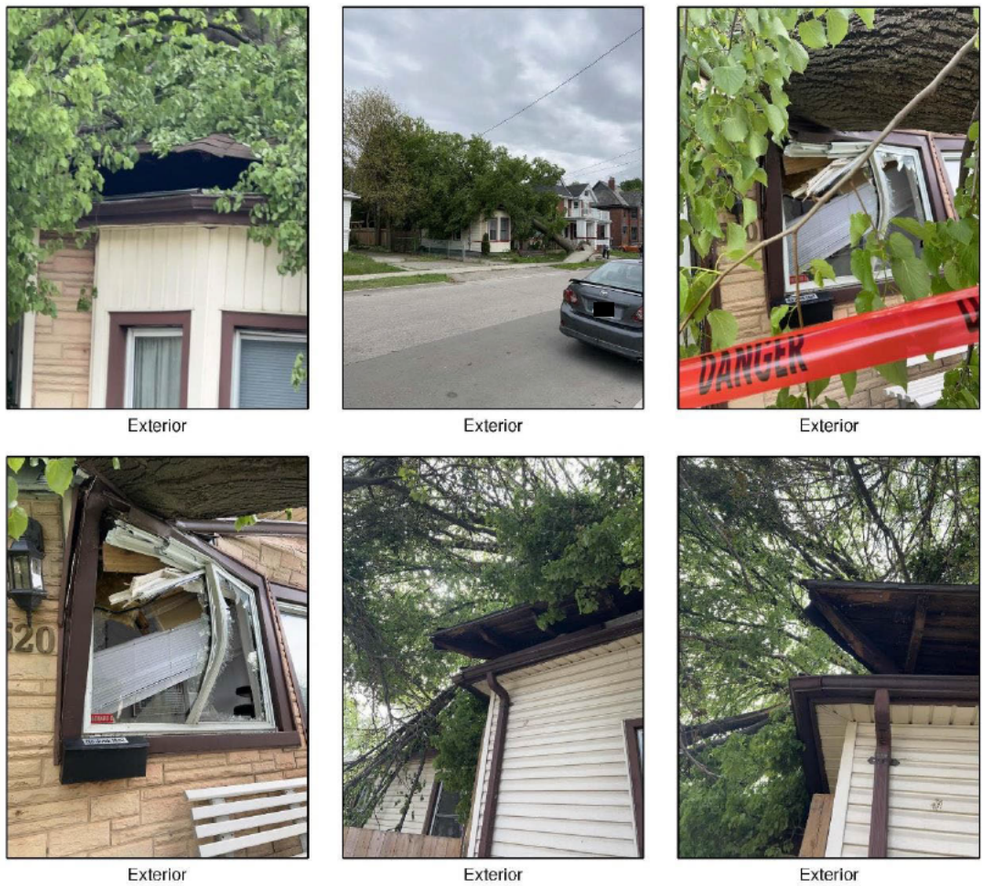


Image 6: Photographs included within an inspection report demonstrating extent of the damage to the dwelling at 520 Ontario Street.

Image 7: Photographs included within an inspection report demonstrating extent of the damage to the dwelling at 520 Ontario Street.

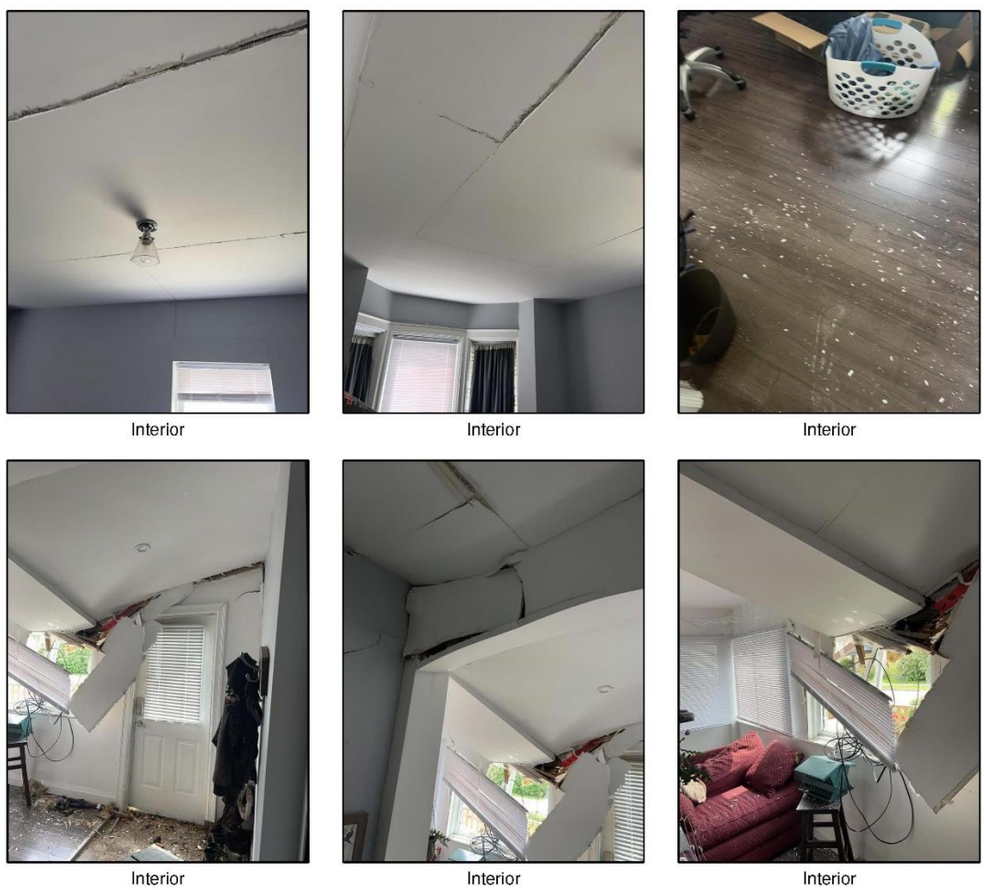


Image 8: Photographs included within an inspection report demonstrating extent of the damage to the dwelling at 520 Ontario Street.

From: Ken Madlener
Sent: Tuesday, August 2, 2022 9:14 PM
To: ppmclerks <ppmclerks@london.ca>
Subject: [EXTERNAL] 520 Ontario St

Dear clerks,

As the owner of 457 and 459 Ontario St, I would like to express my support for the demolition of 520 Ontario St.

Ken Madlener

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **Scott Mathers, MPA, P.Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **767 Fanshawe Park Road East**
Public Participation Meeting
Date: **August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Phuc Minh Tran relating to the property located at 767 Fanshawe Park Road East:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting September 6, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London as amended, to change the zoning of the subject property **FROM** a Residential (R1-7) Zone **TO** a Residential R5 Special Provision (R5-7(_));

(b) **IT BEING NOTED** that the following urban design and site plan matters were raised during the application review process for consideration by the Site Plan Approval Authority:

i) Provide an alternative building typology/form such as 3-storey townhouse or 3 storey stacked townhouse with grade level units or access to alleviate the following concerns:

i. Break down the proposed large building massing and architecture to more identifiable individual units (e.g., townhouses) as opposed to a large single massing.
ii. Consider a flat-roofed typology to accommodate a three-storey form with grade level accessible units.
iii. Provide enhanced East and West side elevations (more windows, massing and articulation) reducing the blank facades proposed.
iv. Provide weather protection (e.g., canopies/shade) above balconies and the entrance steps.
v. Increase the accessibility to the ground floor units by reducing the excessive number of steps to ground floor. If stacked units are proposed, further steps can be incorporated within the unit and ground floor units can be accessed from the street with minimum number of steps.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site to permit the development of a single 2.5 storey stacked townhouse building, containing 12 dwelling units, which is equivalent to a density of 64 units per hectare.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to a Residential R5 Special Provision (R5-7(_)) Zone providing for townhouses and stacked townhouses that will permit the proposed development. The following special provisions would facilitate the proposed development: a minimum front yard setback of 3.8 metres, a minimum interior side yard setback of 3.3 metres, balcony encroachment of 3.25m

into the required front yard and a maximum density of 64 units per hectare.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Neighbourhoods Place Type;
3. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood.
4. The recommended amendment facilitates the development of a site within the Built-Area Boundary 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 Previous Reports Related to this Matter

None.

1.2 Planning History

None.

1.3 Property Description

The subject site is located on the south side of Fanshawe Park Road just east of Trossacks Ave in the northeast quadrant of the city in the Stoneybrook Planning District. Currently situated on the property is a single-storey brick dwelling, detached garage, and a wood shed. The site consists of a grassed area with relatively flat topography with trees in varying locations.

Fanshawe Park Road East is an arterial road/Urban Thoroughfare with an average daily traffic volume of 22,500 vehicles per day.

Figure 1: 767 Fanshawe Park Road East, facing south (Google image, June 2021)

1.4 Current Planning Information

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type fronting an Urban Thoroughfare (Fanshawe Park Road East)
- Existing Zoning – Residential R1 (R1-7) Zone

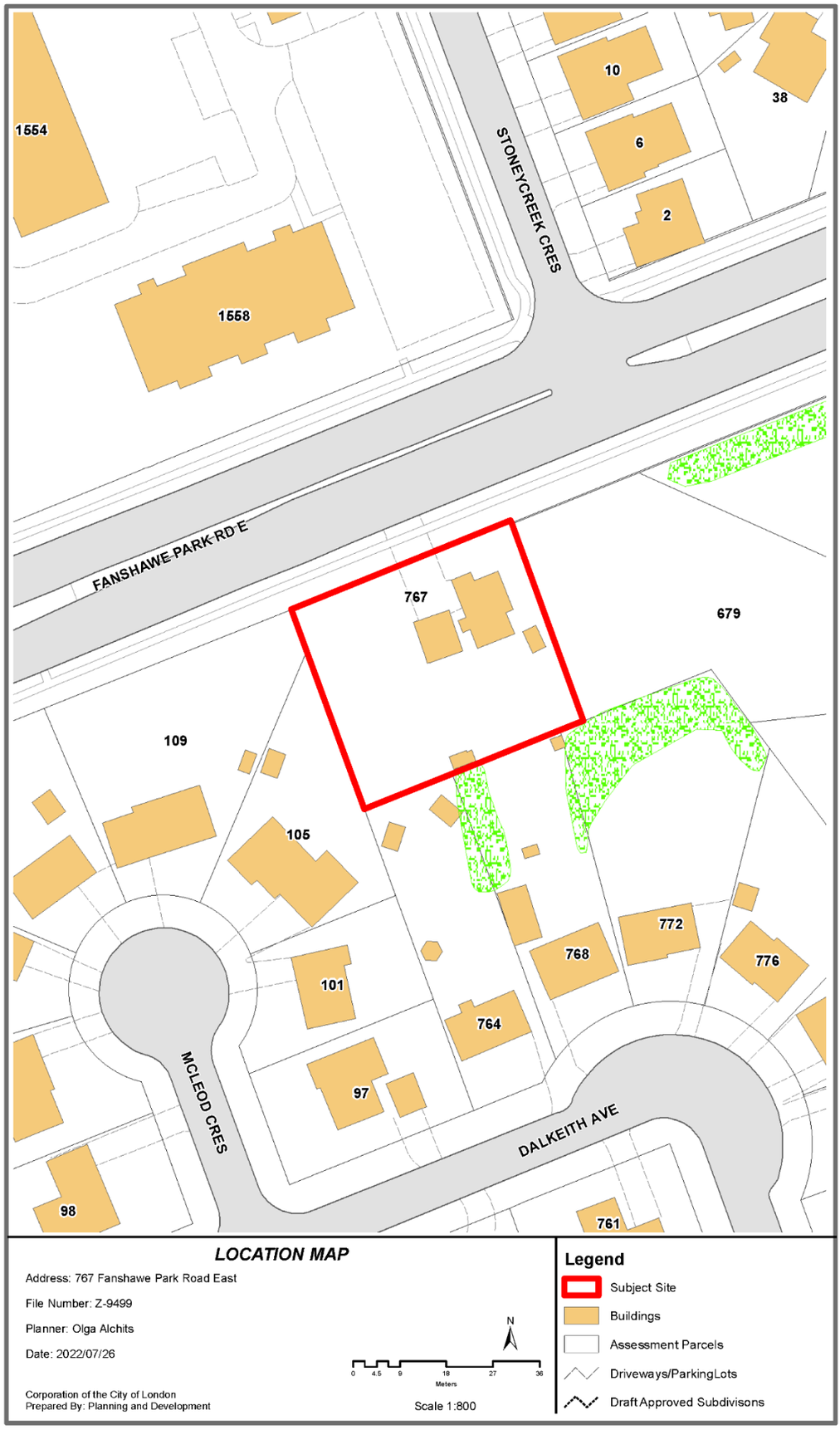
1.5 Site Characteristics

- Current Land Use – Single detached dwelling
- Frontage – 45.7 metres (149.9 feet)
- Depth – 41.1 metres (134.8 feet)
- Area – 1,888.1 square metres (2,0323.3 square feet)
- Shape – Rectangular

1.6 Surrounding Land Uses

- North – medium/high-density residential, townhouses and apartment buildings
- East – Low Density Residential, single detached dwellings
- South – Low Density Residential, single detached dwellings
- West – Low Density Residential, single detached dwellings

1.7 Location Map (Insert Here)



1.8 Intensification

The proposed 12 residential units represent intensification within the Primary Transit Area and the Built-Area Boundary.

2.0 Discussion and Considerations

2.1 Development Proposal

In April 2022, the City accepted a complete application that proposed a 2.5-storey stacked townhouse building, containing 12 dwelling units, equating to 64 units per hectare, fronting Fanshawe Park Road East. Vehicular access to the site is proposed to be provided by a single right-in, right-out driveway from Fanshawe Park Road East and will be located near the western property line. Pedestrian connections to the street are provided through direct connections from units facing the street, and a sidewalk providing pedestrian access to rear and internally facing units. Recently the applicant has made some changes to the design of the proposal as part of a response to Urban Design Peer Review Panel Comments, to add balconies to the upper units to provide private amenity space in addition to the common amenity area. The renderings submitted with the application have been updated to reflect the addition of balconies and were circulated to the public as part of the Notice of Public Hearing. 18 vehicular parking spaces are located in the western side yard and rear yard. Common outdoor amenity area and landscaped open space is proposed along the eastern property line and southeast corner of the subject site. The site concept plan is shown in Figure 2, and a series of building renderings are shown in Figures 3 through 6.

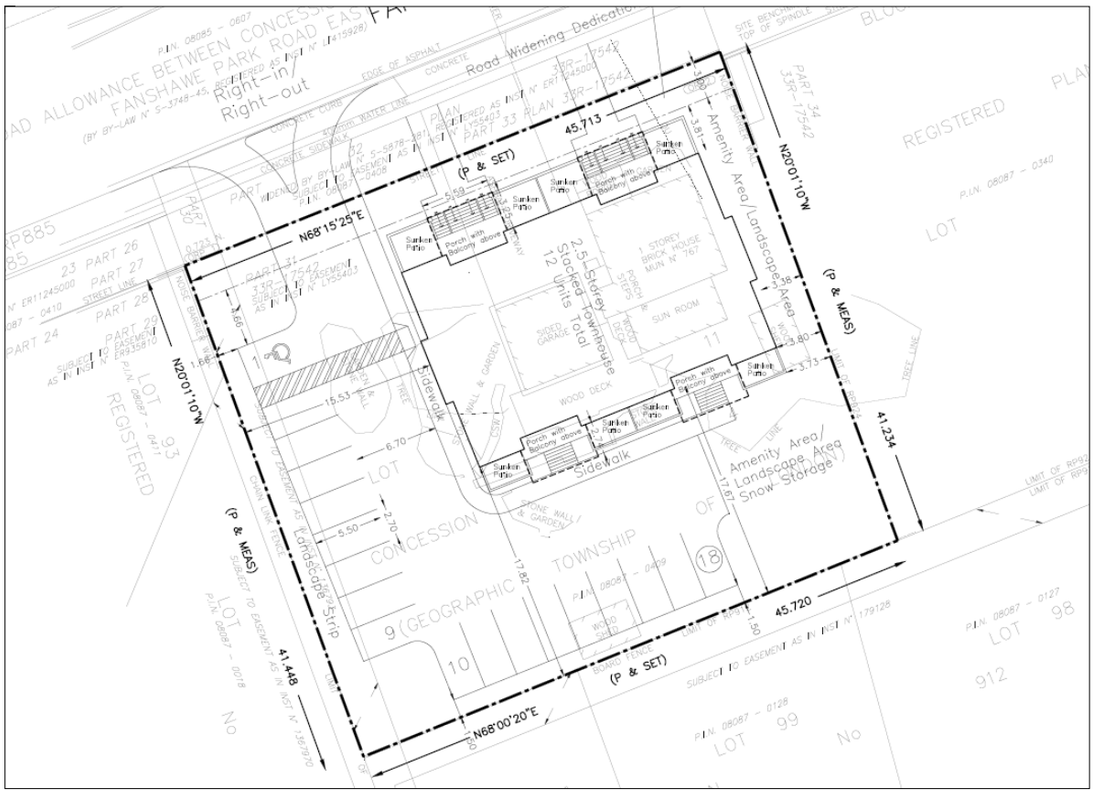


Figure 2: Site Concept Plan

Figure 3: View looking south from Fanshawe Park Road East

Figure 4: View looking north towards Fanshawe Park Road East

Figure 5: Image of North Elevation

Figure 6: Image of South Elevation

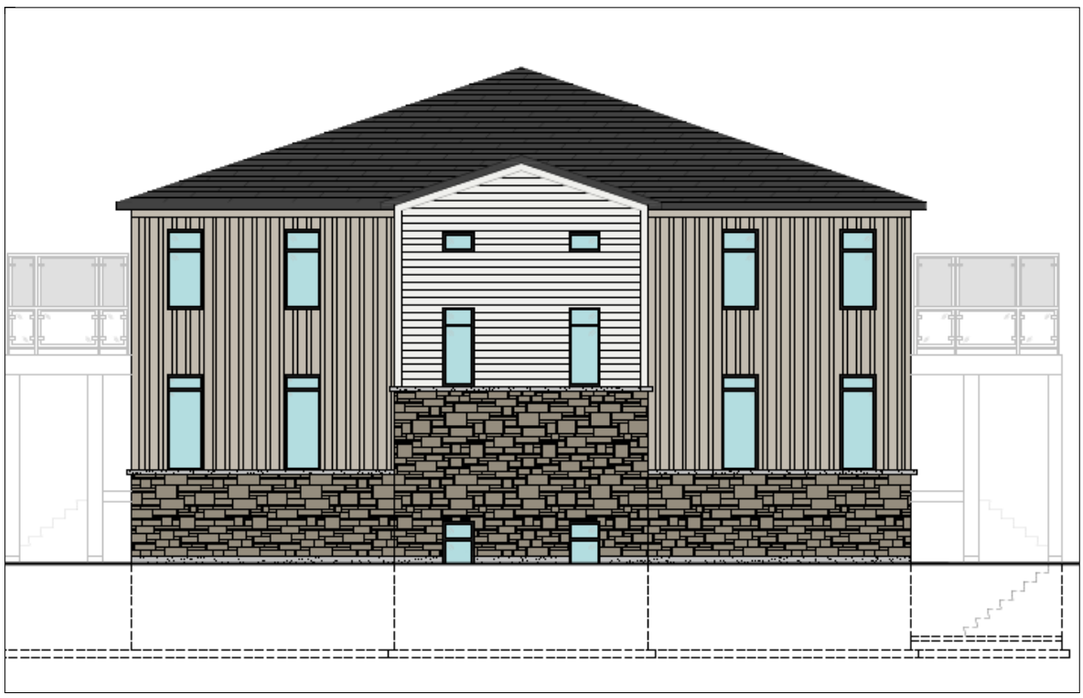


Figure 7: Image of East Elevation

2.2 Requested Amendment

The applicant is requesting a Residential R5 Special Provision (R5-7(_)) Zone, which permits cluster townhouses and cluster stacked townhouses. Special Provisions are being requested for:

- a reduced minimum front yard setback of 3.8 metres in place of 8.0 metres;
- an increased balcony encroachment of 3.25 metres into the required front yard in place of 1.5 metres;
- a reduced interior side yard setback of 3.3 metres in place of 4.5 metres; and
- a maximum density of 64 units per hectare in place of 60 units per hectare

2.3 Community Engagement (see more detail in Appendix B)

Through the community engagement process, six written responses were received from members of the public.

The public's concerns were related to the following matters:

- Privacy, noise
- Traffic impacts
- Over intensification
- Drainage

2.4 Policy Context

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). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

The London Plan

The London Plan is the new Official Plan for the City of London. On May 25th, 2022, an Ontario Land Tribunal decision resolved all remaining policy appeals within The London Plan, effectively bringing The London Plan into full force and effect. Any applications in process prior to the May 25th date should continue uninterrupted as per the "clergy principle" (the policies that were in force at the time the application was received will continue to direct that application). Both the 1989 Official Plan and The London Plan policies will be considered as part of this analysis.

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. 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 build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking "inward and upward";

- 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; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 2, 4 and 5).

The London Plan also provides direction to make wise planning decisions by:

- Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The site is in the Neighbourhoods Place Type fronting on an Urban Thoroughfare (Fanshawe Park Road East) as identified on Map 1 – Place Types and Map 3 – Street Classifications. The permitted uses within the Neighbourhoods Place Type at this location include a range of residential uses such as stacked townhouses, fourplexes and low-rise apartments apartments (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The minimum permitted height is 2 storeys, and the maximum permitted height is 4 storeys, with the potential to achieve an upper limit of up to 6 storeys. (Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

The London Plan height framework promotes intensification along higher order streets. Specifically, Policy 919_ 2 and 3 speaks to the range of uses and intensity permitted will be related to the classification of the street. Properties fronting onto major streets may allow for a broader range of uses and more intense forms of development than those fronting onto minor streets.

The site is also in a special planning area known as the Primary Transit Area which is where infill and intensification is directed and is a major part of the Plan's strategy to manage growth as a whole targeting 45% of all future residential growth in the Built-Area Boundary (The London Plan, Policy 91_).

1989 Official Plan

The subject site is designated Low Density Residential in accordance with Schedule 'A' of the 1989 Official Plan. The Low Density Residential designation permits primarily single detached, semi-detached and duplex dwellings. Residential intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments, subject to specific criteria (3.2)

3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: 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 communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

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 stocks 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). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (1.1.3.4) 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 units and development (1.4.3b)).

Consistent with the PPS, the recommended townhouse development will contribute to the existing range and mix of housing types in the area, which consists primarily of one and two-storey single detached dwellings to the south, west and east and townhouses and apartment buildings located on the north side of Fanshawe Park Road East. The proposed development has a similar intensity and built form of the existing surrounding neighbourhood context and is appropriate for the site and adjacent neighbourhood. Further, the proposed 2.5 storey, 12 unit stacked townhouse will provide choice and diversity in housing options for both current and future residents. No new roads or infrastructure are required to service the site, making efficient use of land and existing services.

4.2 Issue and Consideration #2: Use

The London Plan

Policy 916_3 of the Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so. Furthermore, policy 918_2 states that neighbourhoods will be planned for diversity and mix of unit types and should avoid the broad segregation of different housing types, intensities and forms. The development of the proposed 2.5 storey, 12 unit stacked townhouse development would contribute to a mix of housing types available in the area.

The subject site is in the Neighbourhoods Place Type of the London Plan fronting an Urban Thoroughfare. Table 10 - Range of Permitted uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed based on the fronting street classification (921). At this location, Table 10 would permit a range of residential uses including single detached, semi-detached, duplex, stacked townhouses, fourplexes and low-rise apartments (Table 10-Range of Permitted Uses in Neighbourhoods Place Type).

1989 Official Plan

The 1989 Official Plan supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied and provide a supply for residential land that is sufficient to accommodate the anticipated demand for a broad range of new dwelling types over the planning period (3.1.1 ii). The subject property is designated Low Density Residential in the 1989 Official Plan. This designation contemplates primarily single detached, semi-detached and duplex dwellings. Residential Intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments. Zoning provisions for residential intensification projects will ensure that infill housing projects recognize the scale and character of adjacent land uses and reflect the character of the area and address the Planning Impact Analysis policies in Section 3.7 of the Plan (3.2.1. and 3.2.3.2.).

Analysis:

Conforming to the 1989 Official Plan and The London Plan, the recommended

townhouse development will contribute to the existing range and mix of housing types for current and future residents. The 2.5 storey, 12 unit stacked townhouse building is a contemplated use under Table 10 in the London Plan and Residential Intensification policies in the Official Plan. The proposed development can be appropriately accommodated on the subject site, allows for efficient intensification on the land and increases the diversity of housing types. Furthermore, the analysis of intensity and form below will demonstrate that the proposed townhouse development can be developed on the subject lands in a way that is appropriate for the site and adjacent neighbourhood.

4.3 Issue and Consideration #2: Intensity

The London Plan

The London Plan contemplates residential intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (83_, 937_, 939_ 5. and 6., and 953_ 1. and 2.). The London Plan directs that intensification may occur in all place types that allow for residential uses (84_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2 storeys and a maximum height of 4 storeys, with an upper limit of up to 6 storeys, is contemplated within the Neighbourhoods Place Type where a property has frontage on an Urban Thoroughfare (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The intensity of development must be appropriate for the size of the lot (953_3.).

1989 Official Plan

The subject site is designated Low Density Residential in the 1989 Official Plan. Development within this designation shall have a low-rise, low coverage format that minimizes problems of shadowing, view obstruction and loss of privacy. While residential densities are generally limited to 30 units per hectare, the Plan also provides for residential intensification through the development of vacant and/or underutilized lots within previously developed areas. (3.2.1. and 3.2.3). Such residential intensification permitted in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments in a range up to 75 units per hectare (3.2.3.3.). Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area.

Analysis

The subject site has frontage on an Urban Thoroughfare, which is a higher-order street, to which higher-intensity uses are directed. The site is located within walking distance of a broad of range of uses such as convenience commercial, neighbourhood facility and community facility within 800 metres. There are several open space areas within approximately 115 metres such as Dalkeith Park and Constitution Park as well as Kilally Meadows Environmentally Significant Area approximately 750m to the south of the subject site. A commercial plaza with grocery stores, retail, and restaurants is located approximately 1 kilometre west of the subject site at the intersection of Fanshawe Park Road East and Adelaide Street North. In addition, there are three schools within an 800-metre radius. As this site is currently developed with one single detached dwelling, the proposed development represents an appropriate form of intensification through infill development. The current single detached dwelling represents and underutilization of the lot within a developed area and the increased intensity of development on the site will make use of existing transit and public services in the area. The subject site is in an area where both the 1989 Official Plan and The London Plan direct and support residential intensification and redevelopment.

The proposed 2.5-storey, 12-unit townhouse development yields a density of 64 units per hectare, remaining within the maximum density of 75 units per hectare considered under the 1989 Official Plan Policies. In addition, 2.5 storey height is less than the maximum, where the policy indicates the maximum height of 4 storeys and with bonusing up to 6 storeys. The proposal is considered in keeping with the intensity policies set out by the London Plan. As such, staff is satisfied the proposed intensity

and scale of development is in conformity with the City's Official Plans.

4.4 Issue and Consideration #3: Form

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing "inward and upward" to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_8).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, building location and parking; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_ 2.a. to f.). Specific City Design policies indicate that principal building entrances and transparent windows should be located to face the public right-of-way, to reinforce the public realm, establish an active frontage and provide convenient pedestrian access (291_). They also indicate that residential buildings should include outdoor amenity spaces (295_), and support reduced parking rates in place types and parts of the city that have high accessibility to transit (271_). Similar to the Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_)

1989 Official Plan

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. Infill projects are subject to the preparation of a Neighbourhood Character Statement assessing the physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment (3.2.3.3.). They are also subject to a Statement of Compatibility to demonstrate that the proposed project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood (3.2.3.4.). Applications for residential intensification are also to be evaluated on the basis of Section 3.7 – Planning Impact Analysis (3.3.3ii)).

Analysis

Consistent with the 1989 Official Plan and the London Plan, the recommended intensification of the subject properly would optimize the use of land and public investement in infrastructure in the area. Located within a developmed area of the City, the redevelopment and intensification of the subject lands for stacked townhouses would contribute to achieving a more compact form of growth.

The location and massing of the proposed building is consistent with urban design goals with The London Plan. The building is propsed to be situated close to Fanshawe Park Road East, creating a street presence that is appropriate with the surrounding context. The building location will create an animated and vibrant street frontage that interacts well with the public sidewalks, creates a strong street presence and provides an interactive realm along Fanshaw Park Road East.. The 2.5-storey height of the proposed building is similar to the single detached dwellings to the south, east and west of the subject site and maintains the low-rise character of the area.

Adequate parking is provided for the proposed development, as required by the Zoning By-law and Site Plan Control By-Law. The surface parking lot is accessible through the

driveway from Fanshawe Park Road East in the interior and rear yard. The parking will be screened from the street and adjacent lands by landscaping and fencing.

Comments from Urban Design staff and the Urban Design Peer Review Panel highlighted various considerations regarding the design of the stacked townhouse building proposal. The applicant was commended for providing a site and building design that incorporates an active-low rise built form along Fanshawe Park Road East with walkway connections from from City sidewalk, providing an appropriately sized outdoor amneity space; and locating majority of the parking behnd the building and screened from the road frontage.

Urban Design staff and the UDPRP also identified additional site plan matters that are included and requiring additional consideration at the site plan approval stage.

Based on the comments provided by staff the applicant submitted a revised design concept plan shown in figures 5-7. The revision made was to add balconies to the upper units to provide for private amenity space in addition to the common amenity area.

The proposed development is of a suitable form to meet urban design goals. Staff are satisfied that any remaining design related issues will be addressed at the site plan stage.

4.5 Issue and Consideration #4: Zoning

The proposed stacked townhouse building requires special provisions to facilitate the development. Special Provisions are being requested for a reduced minimum front yard setback of 3.8 metres in place of 8.0 metres, an increased balcony encroachment of 3.25 metres into the required front yard in place of 1.5 metres, a reduced interior side yard setback of 3.3 metres in place of 4.5 metres and a maximum density of 64 units per hectare in place of 60 units per hectare The reduced front yard depth reflects current urban design standards in The London Plan, which encourages buildings to be positioned with minimal setbacks to public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (259_). Staff has no concerns with the proposed setbacks. The built form meets the intent of the urban design policies in The London Plan and provides a street-oriented residential development.

The balcony encroachment of 3.25 metres into the front yard whereas 1.5 metres is the maximum permitted is being requested to permit balconies on the upper levels to add private amenity space to the townhouse development. The encroachment is appropriate for the site as it helps to activate the streetscape and provides additional amenity space for the tenants. The balconies to the rear of the development comply to the Zoning By-law as they are adequately set back from the rear property line and do not infringe on the required setback.

The required interior side yard depth is intended to provide adequate separation between the proposed development and adjacent properties, while also providing access to the rear yard. The eastern interior side yard abuts a rear yard of a detached dwelling lot. Staff are satisfied that the proposed 3.3 metre setback provides adequate separation between the future stacked townhouse building and the abutting lot. Privacy issues will be mitigated through spatial separation, landscaping, tree retention and fencing.

The recommended special regulation to permit a higher density of 64uph is consistent with the goals of residential intensification as laid out in the 1989 Official Plan and The London Plan. The proposed development is intended to make efficient use of the property and existing services. The associated density is appropriate given that the site can accommodate the building, adequate parking, landscaped space, outdoor amenity space, private amenity space and provide spatial separation with abutting uses.

4.6 Issue and Consideration #5: Public Concerns

Through the community engagement process, six written responses were received from members of the public. The public's concerns were related to the following matters:

Privacy/ Noise/Lighting

The proposed building is being positioned away from the abutting rear yards to the greatest ability. The proposed building provides setbacks of 17.6 metres to the rear lot line, 15.53 metres to the western lot line, and 3.3 metres to the eastern lot line. Vehicular parking is located in the western side yard and rear yard with fencing and landscaping proposed to provide a buffer between the abutting properties helping to maximize privacy. Landscape Architect staff are satisfied that a 3.3 metre setback will be sufficient to protect offsite trees. It will provide sufficient soil volume for require Site Plan tree planting to provide for privacy. Street trees and detailed landscape plans will be further considered through the Site Plan Approval process. 'Dark sky' compliant lighting is proposed to illuminate the parking and pedestrian pathways on the subject lands with limited light cast onto adjacent lands. Additional landscaping along Fanshawe Park Road East frontage will be used to lessen the view of the parking area from the street.

Traffic impacts

No significant traffic or transportation impacts are anticipated, as such no Transportation Impact Assessment was required as part of a complete application. Fanshawe Park Road East is classified as an Urban Thoroughfare and an arterial road with an average daily traffic volume of 34,000 vehicles per day. Residents of the proposed development will have access to transit (Route #34) and have access to active transportation infrastructure such as cycling lanes and pedestrian sidewalks.

Over intensification

The proposed development adds a greater number of units to the subject site than what currently exists and is considered intensification. The London Plan policies state that Residential Intensification will only be permitted where adequate infrastructure exists to support proposals including, off-street parking supply and buffering, community facilities, with an emphasis on outdoor recreational spaces and traffic impacts and transportation infrastructure, including transit service (3.2.3.7). The London Plan height framework promotes intensification along higher order streets. Specifically, Policy 919_ 2 and 3 speaks to the range of uses and intensity permitted will be related to the classification of the street. Properties fronting onto major streets may allow for a broader range of uses and more intense forms of development than those fronting onto minor streets. Staff are satisfied that the proposed density is appropriate for the site and is able to accommodate sufficient parking, ammenity space and adequate infrastrtuctrue, community facilities, transportation and services exists to support the proposal.

Storm Water Management

As part of the site plan application process, the applicant's Engineer is required to provide a stormwater management design that complies with the City's Site Plan Control by-law and Design Specifications Manual. All sites that come through the site plan process, are required to control, contain, and outlet their stormwater to a safe outlet (i.e., right of way). If the site is experiencing drainage issues in its current state, this will be resolved as part of the site plan application through the Engineer's design which may include a combination of catch basins, swales, parking lot surface storage, infiltration galleries etc. A controlled engineered site will function much better than an uncontrolled non-engineered site. Engineering staff are satisfied that the setbacks proposed as part of this application provide for sufficient space to provide for stormwater management.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan and the 1989 Official Plan. The recommended amendment would facilitate the development of an underutilized site with a land use, intensity and form that is appropriate for the site.

Prepared by:	**Olga Alchits** **Planner I, Planning Implementation**
Reviewed by:	**Mike Corby, MCIP, RPP** **Manager, Planning Implementation**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers, MPA, P.Eng.** **Deputy City Manager, Planning and Economic Development**

Appendix A

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 767 Fanshawe Park Road East.

WHEREAS Phuc Minh Tran has applied to rezone an area of land located at 767 Fanshawe Park Road East, 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 the lands located at 767 Fanshawe Park Road East, as shown on the attached map comprising part of Key Map No.(A103), from a Residential R1 (R1-7) Zone **TO** a Residential R5 Special Provision (R5-7(_)) Zone.

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

) R5-7(_) 767 Fanshawe Park Road East

a) Regulations

i)	Front Yard Setback (Minimum)	3.8 metres (12.46 feet)
ii)	Setback of Balcony Projection to Lot Line (Minimum)	3.25 metres (10.66 feet)
iii)	East Interior Yard Setback (Minimum)	3.3 metres (10.82 feet)
iv)	Maximum density of 64 units per hectare (Maximum)	64 Units per hectare (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.

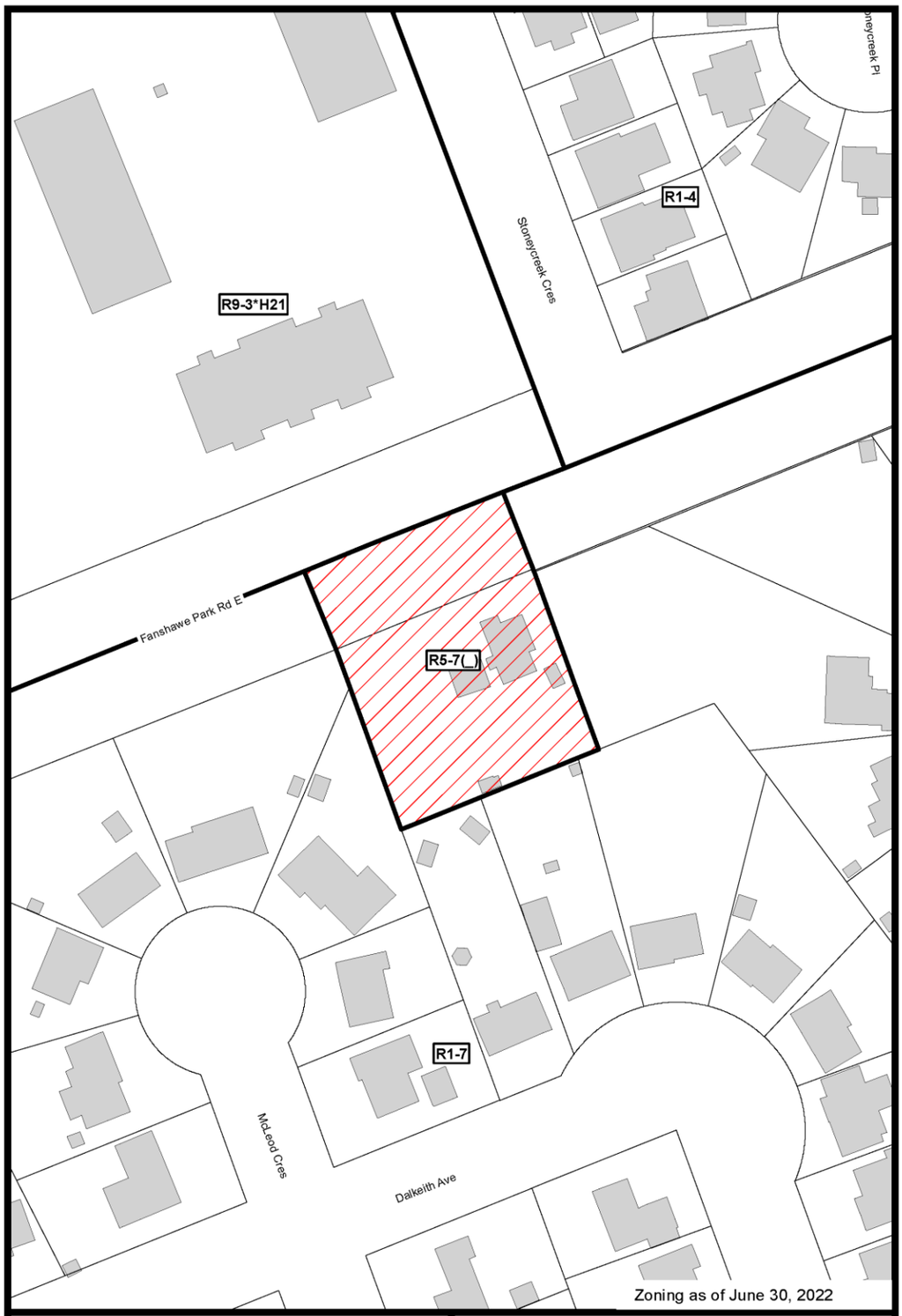
PASSED in Open Council on September 6, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

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



File Number: Z-9499
Planner: OA
Date Prepared: 2022/07/26
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE

1:1,000

0 5 10 20 30 40 Meters

Geodatabase

Appendix B – Public Engagement

Community Engagement

Notice of Application:

On April 27, 2022, Notice of Application was sent to 256 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 28,2022. A "Planning Application" sign was posted on the site.

Responses:

6 replies were received.

Nature of Liaison:

The purpose and effect of this zoning change is to permit the redevelopment of the site for a single 2.5-storey stacked townhouse, containing 12 dwelling units. Possible change to Zoning By-law Z.-1 **FROM** a Residential (R1-7) Zone **TO** a Residential R5 Special Provision (R5-7(_)) Zone, to permit cluster townhouse dwellings, cluster stacked townhouse dwellings with a minimum front yard setback of 3.8m where 8.0m is required, minimum interior side yard setback of 3.3m where 4.5m is required, and a maximum density of 64 units per hectare. The city may consider other special provisions.

Responses to Public Liaison Letter and Publication in "The Londoner"

Written	Telephone
Margaret & Tim Wilson 764 Dalkeith Avenue London, ON N5X 1R8	
Randy & Maureen Wilson 105 McLeod Crescent London, ON N5X 1S9	
Jeff & Lindsay Meldrum 102 McLeod Crescent London, ON N5X 1T1	
Sharon Contant & Michael Raskas 106 McLeod Crescent London, ON N5X 1T1	
Stuart & Cathy Cunningham 89 McLeod Crescent London, ON N5X 1S7	
Doug & Sue Berberich 768 Dalkeith Avenue London, ON N5X 1R8	

From: Margaret Wilson
Sent: Friday, May 6, 2022 10:35 AM
To: Alchits, Olga <oalchits@london.ca>
Subject: [EXTERNAL] File Z-9499

Hi Olga I am contacting you in regards to a zoning change going to take place behind our property file Z-9499, I have many concerns about this,

Increased noise in a quiet neighborhood that 12 units will bring.
Increased garbage disposal that will increase pest control
Privacy matter, ground is higher, definitely need a very high stone wall, I'm not having tenants looking down into my backyard.
Dogs constantly barking at all hours with tenants coming and going.
Devalue of my property who wants to live behind a complex.
Lighting shining into my backyard.
This will totally disrupt our privacy as this is taking place directly behind my house
We reside at 764 Dalkeith Ave
We would like a city meeting in regards to this matter
Thank you
Margaret and Tim Wilson

From:
Sent: Tuesday, May 10, 2022 9:13 PM
To: Alchits, Olga <oalchits@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Doc Services <DocServices@london.ca>
Subject: [EXTERNAL] 767 Fanshawe Park Road Planning Application Z-9499

Olga Alchits, Maureen Cassidy, and city clerk

We appreciate the opportunity to express our concerns regarding the Notice of Planning Application Z-9499 received in the mail for proposed development for 767 Fanshawe Park Road.....

- please see attached document outlining our concerns with the proposed development
- also, please consider this our written notification that we would like to receive updates and notification of Council Decision.

Thank you for your time and consideration.

Randy & Maureen Wilson

105 McLeod Crescent

(abuts subject property)

Olga Alchits, Maureen Cassidy, and city clerk
We appreciate the opportunity to express our concerns regarding the Notice of Planning Application Z-9499 received in the mail for proposed development for 767 Fanshawe Park Road.....
- please see attached document outlining our concerns with the proposed development
- also, please consider this our written notification that we would like to receive updates and notification of Council Decision.
Thank you for your time and consideration.

Randy & Maureen Wilson
105 McLeod Crescent

(abuts subject property)

767 Fanshawe Park Road East \ File: Z-9499

In response to the Notice of Planning Application for 767 Fanshawe Park Road East received by mail Apr 28, 2022……

We appreciate the opportunity to express our concerns regarding the proposed development as well as provide some history and “missing” detail that is NOT presented in the report.

We purchased our home that backs onto the subject property and have lived here for more than 20 years.

We are familiar with the subject property as it was owned by family members for many years. The single-family residential property is on the South side of the Fanshawe and is located at the west side of what was a dairy farm owned by the Wilson family. From the home to approx. Glenora Drive all the way South to the river was part of the farm. We tell you this to establish that family have been part of this “neighbourhood” before it was even a neighbourhood – 3 generations! A lifetime of neighbourhood knowledge.

We feel there are parts of the Planning and Design Report that are not accurately presenting the proposed development and its impact on abutting properties.

We ask that decision makers read the Planning and Design Report with careful scrutiny starting with the cover page that prominently displays a photo that is VERY DATED. We believe the picture on the front of the report is around 25 years old.

With today’s technology, WHY use such an old photo?

- Perhaps make the property appear larger?
- Present a perception that the property and abutting properties have a level of privacy that does not exist?
- Trying to support the claim of “generally flat topography”?

In the VERY DATED cover page picture……

- Fanshawe Park Road is still 2 lanes
- The sidewalk does not align east and west of the property as it does today
- **The red line outlining the subject property makes it appear as though it includes land that was expropriated for the road** – that stretch of Fanshawe Park Road is now 4 lanes and the subject property is much smaller than the red line presents. That road widening occurred BEFORE the land applicant owned the subject property.
- The noise attenuation walls that were built east and west of the property when Fanshawe Park Road was widened are not represented in the photo
- Trees on property West of subject property that were removed for the noise attenuation wall are in the picture
- From what is in the driveway, we believe the photo is around **25 years old**.

Concerns:

Drainage – page 2 of the Planning and Design Report describes the subject property as “generally flat topography”

- The existing residential home sits at a higher elevation than the abutting properties and the land slopes away from the existing home and towards the abutting properties on Dalkeith and McLeod Crescent.
- **Water flows in the path of least resistance**
- Curbs and gutters did not exist on that stretch of Fanshawe Park Road until the widening of the road. Prior to the curb and gutter installation, during heavy downpours and fast snowmelts we would get water running onto our property and pooling on our side – water takes the path of least resistance
- The Planning and Design Report has a paved laneway and 18 parking spaces --- existing green space that absorbs downpours and snowmelt would be almost nonexistent
  - We have helped clear snow on the subject property when it was still owned by family members. We do not believe the small area in the Southeast corner of the property that is identified as being Amenity Area / Landscape Area Snow-Storage is anywhere near large

enough to support snow storage for a laneway and 18 parking spaces
- AND water flows in path of least resistance

Given the slope of the residential property this represents a serious risk of flooding onto our property.

- There is a green hydro box located on our property just south of the subject property which could end up in a pool of water
- Our foundation is approx. 50' from the subject property's lot line
- We have a basement entrance. With the lack of natural absorption, any blockage or failure of manmade drainage, could cause FLOODING and not just of our yard but our HOME.

Current photos to illustrate topography is **NOT** "generally flat"

IMAGE 1 – visible difference along back deck demonstrates grade falls away from the residential home (slopes down from the road towards the rear of the property)

IMAGE 2 – grade falls away towards the West and South of the residential home

Infrastructure

o

page 17 A bullet from the Provincial Policy Statement (2020) "will utilize existing municipal services within an existing built-up area of London"

- “on an underutilized parcel that is connected to existing and appropriate infrastructure levels to accommodate the development”
    - above comments are interesting given that at point of sale, the subject property was still on septic system.
    - During Fanshawe Park Road widening ONE sewer connection was brought across the street to the lot line but not connected.
    - We have not noticed any activity that would indicate that any connection to the sewer has been made – we believe the property is still on septic system.
    - Question whether “existing” infrastructure can support the proposed development.

Undue compatibility and adverse impacts to adjacent lands:

- The Planning and Design Report indicates compatibility and “no undue adverse impacts or privacy issues with adjacent lands”
- Page 22 presents a storyline that the “presence of Fanshawe Park Road East, a four-lane major arterial road, generates greater impacts on lands proximate the road than the proposed development due to the noise lighting and vibration associated with this road type” We strongly disagree….
    - **Noise**
        - Above comment appears to be an effort to disregard **adverse impacts to adjacent lands:**
        - No consideration regarding property grade
        - Parking lot
        - Engines
        - Key fobs and their locking feature that beeps
        - People
    - **Environmental**
        - Parking lot --- gas and oil leaks – we are downhill
        - Lights from cars entering/exiting the parking area
        - Lights from the subject property and parking shining onto our property
    - **Health**
        - Noise – it only takes 10 decibels to double sound
        - Exhaust – we have an asthmatic in our household and this proposal has 9 parking spaces stretching across the back our yard PLUS another 9 east of our lot line – 18 in total.
        - Garbage – we do not see any sort of indoor garbage storage in the stacked townhouses which leads us to believe that the garbage for the 12 units will be stored outside
            - will draw critters to the area – raccoons, mice, rats, etc.

o Safety

- Enter / Exit Fanshawe with only right turns
    - vehicles wanting to go West can exit with a right turn to the east, immediately move into the left lane and make a U turn at the entrance to Stoneycreek Crescent – we see this happen as things are today
    - Increased risk of motor vehicle collisions / injuries in this stretch
    - Increased accidents in a geographic area = increased car insurance premiums for those living in geographic area
    - If a vehicle is put into gear in the wrong direction they could lot line and end up in our backyard

- **Privacy**
    - Page 23 “The dwellings on the adjacent lands have frontages onto internal drives opposite to Fanshawe Park Road East, thus minimizing view obstruction from the proposed building”
    - The statement above, is TOTAL DISREGARD for the exiting homes and use of their yards.
    - We have large windows at the back of our home
    - We spend a greater amount of time in our back yard than our front yard.

- Page 12 “with fencing and several meters of landscaping proposed to provide a buffer that will maximize privacy and minimize disruption to adjacent lands”
- “fencing” is not described
- “several meters of landscaping”
- 31 of 32 existing trees are being removed
- our interpretation of the site plan is that “several meters of landscaping” is describing several liner meters of landscaping to describe what looks like a **sliver of landscaping** – how does this maximize our privacy????
- Page 30 “given that the 2.5 storey townhouse building is of similar height as the adjacent buildings, an appropriate privacy level is maintained for both residents in the surrounding neighbourhood and future residents of the proposed development.”
- Reality: abutting properties are 1 or 1.5 storeys and sit at a lower elevation than the proposed 2.5 storey development. Taking into account the higher elevation at the front of 767 Fanshawe – the proposed development is a significant deviation from the single-family residential character of the neighbourhood on the South side of Fanshawe.

The Planning and Design Report presents a narrow and selective scope that conveniently uses the North Side of Fanshawe Park Road throughout the report

- Page 2 selectively and narrowly describes the subject lands as “the only lands on this portion of Fanshawe Park Road East (between Trossacks Ave and Glenora Dr) with direct street access”
  - True, HOWEVER, interesting that Trossacks was chosen as the cutoff AND is located on the North side of Fanshawe Park Road
    - On the SOUTH side, just a few feet west of the Fanshawe / Trossacks T- intersection are TWO single-family residential homes facing Fanshawe Park Road, both with direct access to Fanshawe Park Road
    - AND staying on the SOUTH side and continuing further West to Adelaide Street there are SIXTEEN more single-family residential homes facing Fanshawe Park Road with direct access onto Fanshawe Park Road
  - AND staying on the SOUTH side and continuing further West to Adelaide Street there are SIXTEEN more single-family residential homes facing Fanshawe Park Road with direct access onto Fanshawe Park Road.
- **Page 6 reads: “primarily single detached dwellings to the east, west, and south. Thus consideration of the character of the abutting lands is warranted Agree**
- Page 6 refers to a map (page 7) with circles that are suppose to represent 400m and 800 m / 5 min and 10 min walking distances – the circle is a radius and we believe it does not take into account that a person walking must get to their destination by streets. To test how realistic the circles are, walking tests were done from 767 Fanshawe to each of the following locations
  - Dalkeith Park
    - 767 Fanshawe to Dalkeith Ave entrance – 11 mins
    - 767 Fanshawe to Glengyle Cres entrance – 8 mins
    - 767 Fanshawe to Dunboyne Ave entrance – 7 mins
  - Constitution Park
    - 767 Fanshawe to Trossacks Ave entrance – 3.5 mins
    - Note: timer was stopped while waiting for the light to cross Fanshawe at Trossacks.
  - Report indicates Dalkeith Park is approx. 250m (820ft) to the south and Constitution Park approximately 400m (1,310ft) to the north
    - Test shows that Constitution Park is the shortest time even though the report indicates it is a furthest distance.

- Test indicates 5 min walk is realistic if heading to the North side of Fanshawe – must cross 4 lane road – there is a traffic light
- Test for the 3 entrances to Dalkeith Park indicate a best case scenario is heading to the Dunboyne Ave entrance which is 28% greater than 5 min walk
- **Test supports our belief that the circle does NOT represent walking on streets. The circles represent getting to a destination the way the crow flies.**

- Page 8 has a picture of "low-density residential built form on McLeod Crescent "
  - We agree the picture is of houses on McLeod Crescent
  - None of the houses in the picture abut the subject property.
    - The picture selected is several houses South of Dalkeith Ave
    - The focal point in the picture is a 2 storey home
    - Our home, which abuts the subject property, is a side split, 1.5 storey home and sits at a lower elevation than the house currently on the subject property.

- Page 9 describes the street character immediately North of the subject lands
  - A lot of emphasis is placed on the density on the North side of Fanshawe – what is presented is somewhat accurate BUT lacking balance. We will supply the missing balance……
    - The Medium to high-density residential builds on Trossacks are separated on the East side of Trossacks by a bike path and creek. (see Image 4 below)
    - The Medium to high-density residential builds on Trossacks are separated on the West side of Trossacks by Constitution Park, a bike path and creek (see Image 5 below).
    - The proposed build on the South side does NOT offer a large buffer like that of the North side of Fanshawe Park Road – it offers a parking lot as a buffer
    - Page 9 mentions some 1 to 2 storey low-density residential uses ("Stoneybrook Cres") that sit adjacent to the high density lands
      - While the report mentions "Stoneybrook Cres" pretty confident that they really they mean "Stoneycreek Cres". Stoneybrook Cres is much further West. Stoneycreek Cres is across the road.
      - NOT mentioned are the "abutting" single-family residences to the North (Trossacks Ave, McTaggart Cr; McTaggart Ct) which are buffered by Constitution Park, a bike path and a creek.

    - Page 9 describes 1150 Fanshawe Park Road East which is further east
      - again on NORTH side of Fanshawe as a "site plan application proposes the construction of a 3 storey stacked townhouse block and a 6-storey apartment building, with a total of 87 residential dwelling units. This site plan application is of note as the proposed townhouse block serves an almost identical service and built form."
        - "nearly identical"? The picture of that development appears as though the 6-storey apartment building is stacked on top of the townhouse block and is a much larger site.
        - This area on the North side of Fanshawe is decades younger in it's development stage and neighborhood character than the South side of Fanshawe Park Road.
        - Per information from the city website, 1150 Fanshawe Park Road East is currently zoned Restricted Office / Convenience Commercial Special Provision

- By comparison, the subject property is currently zoned for Single detached dwelling.

IMAGE 4: bike path and creek buffer between medium to high-residential builds and single-family homes North side of Fanshawe Park Road on Trossacks Ave – buffers single-family homes on Trossacks and McTaggart Cr.

IMAGE 5: Constitution Park , a bike path and creek buffer between medium to high-residential builds and single-family homes North side of Fanshawe Park Road on Trossacks Ave – buffers single-family homes on Trossacks and McTaggart Ct.

Design Objectives

- Pg. 11 “Ensure compatibility and fit” – we do not see this proposal as meeting this goal
- “Ensure the maintenance and enhancement where possible, of privacy between the subject lands and abutting properties”
    - we lack confidence in this goal being achieved
        - “where possible” sounds like an exit door
        - the applicant is an off premise landlord. Currently, tenants of the applicant for the subject property are expected to do the outside landscape maintenance. The first tenant that rented the property from the applicant mowed the lawn the first year. The 2nd year it was mowed twice in April and that was it – they moved out around the 1st of October. The lawn was very overgrown and there were

weeds 6 feet tall. The owner spent Thanksgiving weekend cleaning up what had not been mowed for 5 months.
- Happily the current tenants put more effort into the outside maintenance than the previous tenant.

- Pg. 16 “As the proposed building elevation are conceptual at this time, they will be further refined through the Site Plan Approval process”
  - We question what the above means – particularly when reference has also been made to 1150 Fanshawe

- Improve and enhance the Fanshawe Park Road East streetscape
  - This did not seem to be a goal while the 1st tenant lived there
  - Pg. 20 “The proposed development has landscaping, tree plantings, retention of existing trees and fencing to act as a buffer between the subject lands and abutting lands, reducing the risk of compatibility issues”
    - Our fence is chain link, retention of that fence and proposed landscaping does NOT act as a buffer
    - There are compatibility issues
  - Pg. 23 “screening from adjacent low-density residential dwellings the use of new and existing trees, fencing, and landscape”
    - “existing trees”
      - tree inventory and notes document shows 31 of 32 trees would be removed!
      - existing chain link fence!
      - While the report indicates only a 22% lot coverage that would appear to only account for the townhouse structure and disregards the parking lot – there is next to nothing left to landscape or absorb water – “landscaping” is a small token in the proposed development – water flows in the path of least resistance!

In conclusion, we feel the proposed development is too much too large for the size of the subject property and does NOT fit the character of the single-family residential neighbourhood on the SOUTH side of Fanshawe Park Road. The proposal adversely affects the homes/people abutting the subject property.

We ask the decision makers to take into consideration:

- The elevation and grade of the subject property
- Drainage, potential for flooding of abutting properties
- Adverse affects to abutting properties

We thank you for your time and consideration.

Randy and Maureen Wilson 105
McLeod Crescent London, ON
N5X 1S9

From: Jeff Meldrum **Sent:** Friday, May 13, 2022 8:43 AM
To: Cassidy, Maureen <mcassidy@london.ca>; Alchits, Olga <oalchits@london.ca>; Doc Services <DocServices@london.ca>
Subject: [EXTERNAL] 767 FANSHAWE PARK ROAD PLANNING APPLICATION Z-9499

I am writing this email to express my concerns regarding the notice of planning application Z-9499 received in the mail for 767 Fanshawe Park Road.

We would appreciate any updates regarding decisions made regarding this application. Names of those making the decisions and detailed reasoning. I will also include that we strongly oppose this zoning request.

We have lived at 102 McLeod Cres for 10 years now and purchased this home to raise our family. We have two small children and there are other small children in our quiet court. Northridge is a peaceful neighbourhood and we would like to keep it as such. We have privacy and noise concerns with a building of that nature 300 feet from our front door. This building would have a clear view to my front yard and children playing which makes us uncomfortable and raises safety concerns. The widening of Fanshawe Park Road a few years ago has increased noise at least two fold and has been a nuisance on many occasions. The increase of cars and population into such a small dense area will only magnify noise and disrupt our peaceful court/neighbourhood. We are also concerned about the increase in pollution, exhaust from the extra traffic, garbage that would most certainly cause odour in the warm months and bring more raccoon, mice and skunk to the area. We also have concerns that constructing a building of this nature again in such close proximity to my home could and will only decrease the current value of my property if and when a future sale were to occur. Who is responsible for compensation for the negative monetary impact on my property? When we purchased our home we did so in an older established neighbourhood for a reason. Again in closing we strongly oppose this zoning request.

My ask is that careful consideration be given to the decision regarding Z-9499 and the decision makers take into account what if it were their neighbourhood or home.

Thank you for your time.

Jeff & Lindsay Meldrum
102 Mcleod Cres, London

From: M Raskas
Sent: Monday, May 16, 2022 12:41 PM
To: Alchits, Olga <oalchits@london.ca>; Cassidy, Maureen <mcassidy@london.ca>
Subject: [EXTERNAL] 767 Fanshawe Park Road Planning Application Z-9499

Att: Olga Alchits and Maureen Cassidy

Please see the attached document which contains our concerns and comments.

Thanks for your consideration in this matter
Sharon Contant and Michael Raskas

May 16, 2022 Sharon Contant and Michael Raskas

Olga Alchits
Oalchits@london.ca

Councillor Maureen Cassidy
Mcassidy@london.ca

767 Fanshawe Park Road East \ File: Z-9499

We are residents of 106 McLeod Crescent. McLeod Crescent lies on the South side of Fanshawe Park Road. Our residence is in the cul de sac section of McLeod Crescent. Part of our cul de sac backs onto Fanshawe Park Road. Our cul de sac lies on the west side next to the property at 767 Fanshawe Park Road
In the request for rezoning the applicant states in Spacial Analysis and Neighbourhood Context that “The subject lands are the only property along this portion of Fanshawe Park Road East with street frontage”. This is false. There are several properties. Our own property backs onto a property which faces Fanshawe Park Road.

This application seems to disregard other residences facing Fanshawe Park Road E. which lie further west of the property for which this rezoning is being requested. As we know the decision as to whether to allow this rezoning will set a precedent. If this development is allowed to proceed it signals to other owners of single family residences with properties facing Fanshawe Park Road that they too may be able to rezone.
According to an older city plan, multifamily and higher density development was supposed to be restricted to major intersections in order to facilitate access to and from properties via existing roadways and minimize impacts on single family residential neighbourhoods.
Higher density dwellings require increased access to and from the property. Major intersections help facilitate this while minimizing the impact on traffic on the existing roadway or increasing the likelihood of accident from traffic trying to enter or exit them. Access to and from properties is important to both vehicle and pedestrian traffic. There are no major intersections in the vicinity of this proposed development that would help to effect safe traffic flow.
The proposed development does not provide a means for those exiting the development to travel west on Fanshawe Park Road. What will happen? Will those residents who wish to travel west turn around in surrounding neighbourhoods on the North side of Fanshawe Park Road further intruding on the surrounding neighbourhoods?
The proposed development would impact back yards and side yards on McLeod Crescent, Dalkeith Avenue and Dunboyne Crescent. The developer of the property does not sufficiently address the impact of this development on these residences in regard to increased water runoff, noise levels, light intrusion or privacy intrusion or the change in the residential character of this well established neighbourhood. The fencing which they say would help to reduce intrusion is not addressed properly.
The city needs to protect the rights of those living in existing low density property while still increasing housing by carefully choosing where to increase density.
Increased density should not come at the cost of stripping residents who live in existing low density housing of their right to privacy, or subject them to increased light, sound and air pollution. This proposed development will not attenuate current light, sound and air pollution but add to it.
Some of the maps and photos presented in this proposal for rezoning are dated and therefore present an inaccurate and misleading picture of the situation and the neighbourhood.
Thank you for hearing our concerns in regard to the Notice of Planning Application Z-9499 received in the mail for proposed development at 767 Fanshawe Park Road East. Please keep us informed about updates and notified of Council decision. Thank you for your consideration.
Sincerely,
Sharon Contant and Michael Raskas

From: stucunningham
Sent: Monday, May 16, 2022 3:02 PM
To: Alchits, Olga <oalchits@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Doc Services <DocServices@london.ca>
Subject: [EXTERNAL] 767 Fanshawe Park Road Planning Application Z-9499

May 16, 2022

Good Afternoon,

My husband and I have read the detailed response to the request to the proposed amendment to allow the planning application Z-9499 as prepared by Maureen and Randy Wilson who reside at 105 McLeod Crescent. Their property abuts the subject property.

We agree with and support their response against this proposal.
Regards, Stuart and Cathy Cunningham

89 McLeod Crescent, London, On.N5X 1S7

From: Berberich, Doug **Sent:** Monday, May 16, 2022 5:03 PM
To: Alchits, Olga <oalchits@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>
Subject: [EXTERNAL] Submission regarding rezoning application for 767 Fanshawe Park Road East File: Z-9499

Dear Olga Alchits,
Please find attached our response to the rezoning application to permit the replacement of a 1 storey single family residence located at 767 Fanshawe Park Road East with a stacked townhouse development consisting of a two and a half storey building containing 12 dwelling units (File Z-9499).
We are the owners of 768 Dalkeith Avenue, the abutting property immediately to the south of the property for which this rezoning request has been made.
For the reasons set out in more detail in the attached document, we strongly object to the proposed redevelopment plan and would like our comments to be taken into consideration in assessing the re-zoning application.
We also wish to receive notice of and an invitation to attend any meeting at which the public may attend to speak to this matter.
We would be grateful if you would be so kind as to acknowledge receipt of this e-mail and attached submission, so that we know it has been received prior to the filing deadline of May 18, 2022.
Thank you,
Doug and Sue Berberich
768 Dalkeith Ave.

Submission in opposition to speculative overdevelopment proposal by Phuc Minh Tran on property located at 767 Fanshawe Park Road East – File Z-9499

May 10, 2022
To: Olga Alchits
oalchits@london.ca
Planning & Development
City of London
300 Dufferin Avenue, 6th Floor
London, ON PO Box 5035
N6A 4L9
cc: Maureen Cassidy
mcassidy@london.ca
From: Doug & Sue Berberich
768 Dalkeith Ave.
London, ON
N5X 1R8
[rear-yard directly abuts the subject property]

Subject: Notice of Opposition to Speculative Overdevelopment Proposal for rezoning to permit the
replacement of a 1 story single family residence located at 767 Fanshawe Park Road East with a stacked townhouse development consisting of a 2 ½ storey building containing 12 dwelling units.
File Z-9499

Our home is located at 768 Dalkeith Avenue and our property is situated directly behind the subject property. We have lived in this neighborhood for 39 years and are very familiar with the area on which the subject lands are located.

In reviewing the Planning and Design Report (“the report”) submitted on behalf of Minh Tran, we noted that it contained a number of omissions and/or inaccuracies, which we believe are relevant to the consideration of this application. We will attempt to provide

accurate information so that the city can properly discharge its obligations to make an informed decision.

We strongly object to the proposed rezoning and over-development plan as set out in the report. The proposed redevelopment is entirely out of keeping with the character of the neighborhood. The report notes that the subject lands currently have a single storey brick dwelling on the property. All homes on the south side of Fanshawe Park Road in the Northridge area (i.e. to the east and west of the subject property) are also detached single family residences. The homes that abut the subject property on McLeod Crescent and Dalkeith Avenue (west and south of the subject property) also consist of a range of detached single family residential dwellings 1 to 1.5 stories in height. Mr. Tran proposes to replace the existing 1 storey single family dwelling on the subject property with a much taller (1 to 1.5 stories taller than all surrounding homes) 2.5 storey structure (which the report inaccurately describes as Submission in opposition to speculative overdevelopment proposal by Phuc Minh Tran on property located at 767 Fanshawe Park Road East – File Z-9499

“slightly taller than, but similar to the single detached dwellings to the south, east and west of the subject lands and maintains the low-rise character of the area” [page 15]). The report also fails to mention that at the front (street level) of the subject property is at a significantly higher elevation than the surrounding properties to the south (Dalkeith Avenue) and west (McLeod Crescent), which will exacerbate the significant height difference compared to the existing structures.

Not only is the height of the proposed structure much higher than the existing structure, but the proposed rear yard setbacks are much less than the existing set-backs, meaning that this much taller building will be much closer to our back yard, creating a “wall-like” effect impairing our sight-lines.

The subject property simply does not have sufficient depth to accommodate such a large structure and allow for unimpaired sightlines and a reasonable buffer between the two properties. In this regard, it should be noted that the higher density structures on the North side of Fanshawe Park Road have significantly deeper lots with much larger buffer areas between those structures and abutting properties.

Another significant concern we have relates to potential drainage issues, including potential for flooding onto my property and seepage of gas, oil, salt and other contaminants from the cars/trucks in the parking lot proposed to be created on the subject property. The planning and design report [page 2] says that the site consists of a grassed area with generally flat topography. In fact, the property slopes downward from the road level to the rear of the property (we estimate a 6-8 foot difference in elevation). The existing large grassy back yard on the subject property absorbs most run off from rain and snow, however, the proposal calls for substantially the entire lot to be paved for parking spaces, with only a thin strip of grass around the edges of the property. As a result, we are extremely concerned that this proposed development will change the existing drainage patterns to the detriment of our property.

The proposed plan also calls for the destruction of 31 of 32 mature trees on the property, entirely out of keeping with the character of the neighbourhood. It is also noteworthy that because Mr. Tran is seeking to put as large a structure as possible on the subject property, the replacement trees purportedly designed to offer a buffer between the subject property and abutting properties are so close to the property lines that the site diagram shows that the canopies of these trees will all need to encroach onto the abutting properties to offer any buffer at all. Planning to encroach on the neighbors to maximize a development on a lot that is not large enough to properly accommodate such a large development, does not seem reasonable.

The planning and design report also makes reference [page 9] to a vacant property at 1515 Trossacks Avenue and Fanshawe Park Road East (on the north side of Fanshawe Park Rd). While the report seems to dismiss this property, it should be noted that this property (being on the north side of Fanshawe adjacent to another townhouse complex and having street access on a quieter street, would be a significantly better suited location to this sort of development.

Other concerns include odor and rodents from outdoor garbage storage, noise, light from cars entering and exiting parking lot and parking right at my fence line, loss of privacy.

The subject property would reasonably be suited to a 1 to 1.5 storey duplex (with entrances at ground level rather than elevated as shown on the drawing) that maintains a large grassed back yard and as many mature trees as possible. The current proposal, appears to seek to overdevelop the property beyond what it can reasonably accommodate to the detriment of the abutting properties.

Comments on Specific Elements of the Planning and Design Report Design Goals and

Objectives:

- Ensure compatibility and fit with surrounding neighborhood context – building a 2.5 storey – 12 unit structure, removing substantially all of the mature trees and greenspace to be replaced with a parking lot does not reasonably achieve this objective
- Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties. A 12 unit structure that is significantly higher than all surrounding houses and positioned closer to all abutting houses, 14 plus parking spaces all facing into the abutting properties, with a tiny green-space for 12 families to share, also does not seem likely to achieve this objective.
- In summary, the proposed development does not achieve either of these design goals, because the building is too high, has too many units, is too close to abutting properties, calls for too many cars/trucks to park directly against abutting properties back yard lot lines, destroys substantially all of the mature trees on the lot and leaves not nearly enough green space remaining to allow for water absorption or provide an effective buffer between abutting properties.

Vehicular Access:

- The proposal seems to recognize that increasing traffic exiting and entering a busy road like Fanshawe Park Rd is not ideal, but responds by saying that vehicular access will be right turn in and out. However, this is not a change as this is the situation now. What is proposed to change is that 12 times the volume of traffic would be entering and exiting from the subject property. When traffic is multiplied by 12 times, this represents 12 times the traffic risk.

Built Form and Site Compatibility

- References to “North Side of Fanshawe” – references in the plan to the higher density structures on the north side of Fanshawe do not support the proposed 12 unit 2.5 storey structure on the south side of Fanshawe. The properties on the South side are characterized by detached single family residential dwellings that are 1 or 1.5 storeys in height. Moreover, the higher density structures on the north side have deeper lots and much larger buffer zones.

- References to the proposed 2.5 storey height of the proposed building being “slightly taller” than the 1 and 1.5 story structures to the south, east and west of the subject lands and that this “maintains” the low rise character of the area appear to be paying mere lip service to the objectives of compatibility and “remaining respectful to the older sophisticated character of the low-density residential component of the surrounding neighborhood”. With respect, remaining respectful of the surrounding neighborhood would imply a much smaller 1 or 1.5 storey structure that allows for the retention of a significant number of mature trees and a large grassed rear yard.

Utilization of existing municipal resources

- It is our understanding that the subject property is not hooked into the city sewage lines, but rather remains on a septic system. The accuracy of the claim about the existing infrastructure being able to accommodate the proposed development should be validated. Furthermore, given the drainage issues presented by the property sloping down to the abutting lands to the south and west, we believe that a proper drainage plan to ensure that abutting properties are not exposed to flooding or run-off should be a pre-requisite to any development that would change the drainage or exacerbate the risk of causing flooding onto neighboring properties.

Intensification where appropriate:

- While the policy of intensification is reasonable, any proposal must be assessed based on the characteristics of the property and its ability to accommodate the development. The subject property is not of sufficient size or depth to accommodate such a large structure. This is why the proposal calls for the elimination of virtually every mature tree (31 of 32), shrinking of set-backs and the elimination of most green space in favour of a paved parking lot that covers most of the rest of the property that is not taken up by the building itself and with insufficient room for any kind of effective buffer between the subject property and the abutting properties.

No Risks to Public Health or Safety

- If the development and paving of substantial portions of the lot gives rise to risks of flooding and/or seepage of gasoline, oil, salt or other contaminants onto the abutting properties this most definitely could create health and safety risks.
- Similarly multiplying by 12 the number of vehicles accessing and leaving the property onto a heavily trafficked road does pose risks that are not acknowledged in the report
- Also, if the plan calls for external storage of garbage, there is an additional concern that having large refuse containers servicing 12 families will attract rodents to the neighborhood.

Official Plan Designation remains appropriate – it does not need to be changed

- It is noted on page 20 of the report that the subject lands are designated “Low Density

  Residential”, which permits single detached, semi-detached and duplex dwellings, the latter two of which would permit reasonable intensification that could be appropriately accommodated without erecting a structure that is too high and too big for the lot and that requires the destruction of substantially all of the mature trees and green space on the property.
- Although higher density structures may be permitted under the official plan designation, this is only under special conditions when compatible with a neighborhood.
- The subject lands are not well suited to accommodate the proposed development, which is not in keeping with the character of the neighborhood due to the “over-reaching” nature of this proposal.
- The proposed development has minimal landscaping, retains only 1 of 32 existing mature trees, proposes parking right up to the edge of the back yards of at least 3 of the abutting properties,

with a sliver thin grass buffer and new trees to be planted so close to the property lines that the
canopies (according to the developers own drawings) substantially encroach onto the neighbouring properties. It also calls for 12 families to share what appears to be a tiny green space (described in the proposal as “a large outdoor amenity space”).

Scale of Development

- 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 proposed structure which will be located at the front of the property (which is already significantly higher than the neighboring properties due to the downward slope from the road to the rear of the property) is proposed to be 2.5 stories in a neighborhood where the abutting homes are 1 and 1.5 stories and positioned closer to all property lines, will mean that the residents in the building will look directly down into the backyards of the abutting properties (loss of privacy) and that owners of the abutting properties will have their sightlines obstructed by a much higher building that sits closer to their properties.
- As a result, the above problems are not “minimized” with the current proposal.

Supporting Infrastructure

- Residential intensification will only be permitted where adequate infrastructure exists to support the proposed development:
- As noted previously due to the size of the proposed structure and plan to pave most of the remaining property to allow for off street parking there is no room left to provide adequate buffering
- Also as noted previously the traffic impacts have been minimized in the report notwithstanding that 12 times the number of vehicles will be exiting and entering onto a very heavily traveled road.
- Further, other than the natural absorption of water into the existing large grassed rear and side yards (on the south and the west sides of the property), which the proposed development will replace with pavement, the subject property also has no drainage system other than onto the abutting properties to the south and west of the subject property.

Compatibility

- The report indicates that the proposed development is compatible with the surrounding neighborhood because the existing structures are of “slightly” lower height than the 2.5 story height of the proposed structure, But in reality the proposed structure is almost twice the height of the surrounding residential dwellings.
- The report also indicates that the proposed 2.5 story structure is in proximity to buildings of equal or greater heights. The buildings being referred to in this statement are on the north side of Fanshawe Park Rd, which is zoned for higher density residential dwellings, whereas all of the residential dwellings on the South side of Fanshawe are low density residential dwellings.

  Accordingly, this proximity argument is something of a “red herring”.
- The report further indicates that the building setbacks will ensure no undue adverse impacts or privacy issues with adjacent lands. However, the proposed setbacks are all closer to the abuttin gproperties then the existing structure and the building is significantly higher, which will impact

on privacy and sightlines.

Location

- the subject lands are not of a sufficient size or configuration to accommodate the proposed residential intensification. The property is not deep enough to allow for a structure of this size with the number of parking spaces required and still allow for adequate buffering with abutting properties

Land supply

- there is reference in the proposal to an undeveloped parcel of land at 1515 Trossacks Avenue, which is larger then the subject property and is located on the north side of Fanshawe Park Rd which already has the zoning that would permit a higher density residential development the report states. The report, however, suggests that the proposed development on the subject property would nevertheless be preferable because it is uncertain whether the undeveloped parcel is municipally serviced and does not have an existing vehicular entryway. However, neither is the subject property currently serviced by municipal sewers. Furthermore, the other property offers the capability of entering and exiting onto Trossacks Avenue, which is a quieter street and which has a light at the intersection of Trossacks and Fanshawe to facilitate safe turns and pedestrian crossings (which would be far more desirable then exiting and entering onto a busy arterial road like Fanshawe as is necessary on the subject property).

Mitigation of adverse impacts

- the report acknowledges that adverse impacts are typically considered to be loss of privacy noise and the visual impacts of site development view obstruction shadowing and goes on to say that for the proposed development privacy will be maintained through the use of landscaping tree retention fencing and appropriate building setbacks. However, as can be seen by the drawings in the proposal, these adverse impacts are not accounted for or adequately mitigated by the proposed development due to the significantly greater height of the proposed structure relative to the surrounding structures, the destruction of substantially all of the mature trees on the subject property, the elimination of substantially all of the green space on the existing property, and the creation of parking directly along the property lines of at least three of the abutting properties

Housing objectives

- the proposal states that the proposed development broadens the range and mix of housing types in the area however there is already a broad mix of housing types in the area. The area on the north side of Fanshawe Park Rd has a significant number of multi family residential dwellings. The fact that the South side of Fanshawe Park Road in the Northridge area is low density residential, actually helps to preserve a balanced mix of housing types in the area (low density on the south side and higher density on the north side).

The London Plan

- the London plan includes the following statement: as directed by the policies of this plan, intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighborhoods and represents a good fit.
- Respectfully, the current proposal most definitely does not do this.

Conclusion:
We have carefully reviewed the planning and design report and believe that the proposed development is simply too ambitious for the size of the lot. The proposed building is too high and contains more dwelling units than can appropriately be accommodated. We are very concerned about the various issues that we have raised in this document (including concerns about drainage and runoff, loss of privacy, noise, view obstruction and shadowing) and respectfully ask the City to act to protect our interests and the interests of the other property owners in the neighborhood of the subject property.

To be clear, we are not opposed to any development on the subject property. Some development could be appropriate, provided it truly is sensitive to existing neighborhood and represents a good fit. This would permit a single detached, semi-detached or duplex dwelling (as provided for in the official plan) of a height of 1 to 1.5 stories (in keeping with the height of the neighboring structures) that retained adequate green space, including a large grassed back yard and the retention of as many mature trees as possible.

However, the proposed development in our view seems aimed at maximizing the development opportunity for one property owner (who has never resided in the neighborhood) and does not adequately consider the adverse impacts to the neighboring property owners (many of whom have lived on the abutting properties for many years).

We would ask to receive notice of any public hearing related to this matter, so that we can arrange to attend and speak to this application.
Thank you,
Doug and Sue Berberich

Agency/Departmental Comments

Parks Planning and Design, May 18, 2022:

Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

Engineering, May 24, 2022:

Engineering has no concerns related to the re-zoning application.

The following items are to be considered during a future development application stage:

Transportation:

- Provide TMP for servicing and any additional works in the City ROW.
- Road Widening dedication of 24.0m from centre line required on Fanshawe Park Road East (6.33m on West Limit, and 6.13m on East Limit).
- Provide dimensions for driveway, clearance of minimum 1.5m's from all utilities.

Water:

- Water is available from the existing 400mm dia PVC watermain along Fanshawe Park Road.
- There is an existing municipal fire hydrant located at the eastern limit of the site.

Wastewater:

- As part of a 2016 Fanshawe Pk Road widening project there is a 600mm trunk sanitary sewer on Fanshawe Park Road East. At that time this was an existing single family lot that is not identified or included in any sanitary drainage areas. It appears that the SF lot was stubbed with a 150mm san. p.d.c. as shown on City Plan #27111.
- At site plan, The Applicant's Engineer is to field verify this p.d.c. for location, condition and size and certify whether it is adequate for the intensified proposed use.

Stormwater:

- As per City as-constructed 27101, the site at C=0.75 is tributary to the existing 450mm storm sewer on Fanshawe Park Road East. Changes in the "C" value required to accommodate the proposed expansion will trigger the need for on-site SWM controls designed to the satisfaction of the City Engineer. The design of any required on-site SWM controls shall include but not be limited to, required storage volume calculations, flow restrictor sizing, LID solutions, etc.
- As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:
    - the flow from the site must be discharged at a rate equal to or less than the existing condition flow;
    - the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
    - the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
    - "normal" level water quality is required as per the MECP guidelines and/or as per the EIS field information; and
    - shall comply with riparian right (common) law.

  The consultant shall update the servicing report and drawings to provide calculations, recommendations and details to address these requirements.
- A portion of the site is within the setback for an Imperial Oil Pipeline Easement and therefore the applicant shall contact Imperial Oil for any required permits/approvals.
- Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high groundwater elevation. Please note that the installation of monitoring wells and data loggers may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- The subject lands are located within a subwatershed without established targets. City of London Standards require the Owner to provide a Storm/Drainage Servicing Report demonstrating compliance with SWM criteria and environmental targets identified in the Design Specifications & Requirements Manual. This may include but not be limited to, quantity control, quality control (70% TSS), erosion, stream morphology, etc.
- Additional SWM related comments will be provided upon future review of this site.

Heritage Planning, April 26,2022:

Re: Archaeological Assessment Requirements- Heritage Comments
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 (Z-9499)

- Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 767 Fanshawe Park Road East November 2021/

Please be advised that heritage planning staff recognizes the conclusion of the report that states that: "no 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."

An Ontario Ministry of Heritage, Sport Tourism, Culture Industries (MHSTCI) archaeological assessment compliance letter has been received (without technical review), dated Nov 30, 2021.

Archaeological conditions can be considered satisfied for this application.

Ecology, May 17, 2022

Notice of Application (Z-9499) – 767 Fanshawe Park Road East
Zoning amendment to allow stacked townhouses, consisting of a single 2.5-storey

building containing 12 dwelling units
This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.
Major issues identified
No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.
Ecology – complete application requirements
None.
Notes
None.

Landscape Architect, August 12, 2022

The Tree Preservation Plan [TPP] provided by the applicant identifies 2 large trees/shrubs along the east property line as boundary. The protective fencing as proposed and setback along interior side yard is sufficient to protect them. Trees 8-11 are proposed for removal and are growing within the easement. The applicant shall contact the easement holder to determine if there are any special protocols to follow during removal.

Reminder to the applicant, that all trees over 50 cm dbh cannot be removed until Site Plan Agreement has been issued. If the applicant wants to remove before this, they are required to get a removal permit from Forestry Operations.

City of London Design
Specifications and Requirements Manual, Chapter 12 Tree Planting and Protection Guidelines Section 12.2.2 https://www.roadauthority.com/Standards.

Site Plan Planning, June 1, 2022

The plans are similar to the SPC submission. The layout was reconfigured to emphasize rear articulation and amenity space at the cost of a bit of shared amenity space and two parking spaces (18 are required and provided). Overall, this proposal is a standout for the quality of documentation and integration of staff feedback. I commend the applicant for going beyond our standards to deliver a tasteful example of infill intensification.

Site Plan Planning, July 26, 2022

Visitor parking is required at a rate of one (1) space for every ten (10) dwelling units (C.P.-1455-541 6.2.a.ii). Visitor parking can be included within the overall parking requirements for the residential use. Ensure visitor parking spaces are a minimum of 3 metres from dwellings containing windows to habitable rooms.

Another item of consideration is accessibility. The current site plan has accessible parking but all of the entrances involve ~8 steps. Understandably, people use accessible parking spaces for reasons other than mobility. The policies do not specifically call for wheelchair accessible entrances, and the outside amenity space lets guests socialize without needing to enter, at least for some months. That said, if there is a way to fit a temporary ramp for wheelchair users, the doorway could benefit from being more in line with the staircase instead of being offset to the side. Alternatively, the applicant could modify the current design to include asymmetric French doors or even double doors, which would also help with carrying in large accessories. However, there may not be enough clearance in the interior entryway for a wheelchair unless the applicant removed the half wall.

Urban Design. June 14, 2022

- The applicant is commended for providing a site and building design that incorporates the following design features: An active low-rise built form along Fanshawe Park Road East with walkway connections from City Sidewalk;

provides an appropriately sized outdoor amenity space; and locating majority of the parking behind the building and screened from the road frontage.

- Consistent with the staff and panel comments, please incorporate the following comments:
    - Please provide a detailed response to the Urban Design Peer Review Panel that explains how the Panel comments have been addressed.
    - Provide for an alternative building typology/form such as 3- storey townhouse or 3 storey stacked townhouses with grade level units or access to alleviate the following concerns:
        - To break down the proposed large building massing and architecture to more identifiable individual units(e.g., townhouses) as opposed to a large single massing.
        - Consider a flat-roof typology to accommodate a three-storey form with grade level accessible units.
        - Provide enhanced East and West side elevations(more number of windows, massing and articulation) reducing the blank facades proposed.
        - Provide weather protection (e.g. canopies/shade) above balconies and the entrance steps.
        - Increase the accessibility to the ground floor units by reducing the excessive amount of steps to ground floor. If stacked units are proposed, further steps can be incorporated within the unit and ground floor units can be accessed from the street with minimum number of streps.

Urban Design, July 22, 2022

Comments that will be addressed at the Site Plan Application Stage

- The incorporation of balconies, material changes and enhanced side elevations by providing material adjustments and windows are acknowledged and appreciated.
- To accommodate the concerns of accessibility and livability, explore ways to increase the height to 3 storeys above grade to increase ground floor accessibility and provide greater daylight to basement units.
    - Explore ways through the rearrangement of units better accommodate accessibility and daylight access for livability.

Urban Design Peer Review Panel Comments and Applicants Responses, July 14, 2022

Comment No.	Comment	Response By	Response
1	While the Panel generally supports the increased density and proposed land use for the site, the Panel strongly recommends the applicant revisit the Panel at the Site Plan stage for further design review and comments. Given the building could serve as a model for future development, the Panel recommends careful consideration of the architectural facade treatment.	Zelinka Priamo Ltd.	Acknowledged. The owner does not wish to make substantial changes to the design at this time. A revisit to the UDPRP at the SPA stage would most likely just result in repetitive comments.

2	The Panel recommends the applicant consider alternative building typologies such as three-storey or stacked townhomes to break down the current large architectural building mass and blend with the surrounding neighborhood character.	Zelinka Priamo Ltd.	At this time the owner wishes to proceed with the current 2.5-storey proposal. Given the surrounding private amenity areas for the single detached dwellings, and the existing drop in grades towards the rear of the property, increasing the building height could generate overlook concerns to adjacent properties. Additionally, the proposed 2.5-storey design is more in keeping with the surrounding 1-2 storey single detached dwellings, and blends better with the exiting dwelling than a taller 3-storey building.
3	The Panel notes that the proportion and character of the elevations read more like a large house rather than a series of townhouses. Moreover, the East and West elevations are largely blank and lack architectural interest. The Panel suggests revising the massing to the aforementioned three- storey, flat-roofed building with rigor placed on defining the main facade to read more like a series of townhouses, and additional attention placed on the East and West facades.	Zelinka Priamo Ltd.	The intent was to have the design of the stacked townhouses read as a large house to blend it in with the adjacent built forms to the west, east, and south. The proposed roof-line is in keeping with the existing rooflines of the community. That being said the east and west elevations have been re-evaluated by our design team, and adjustments to materials, and number of windows have been made. Those revisions can be found in the provided design package. None of the revisions impact the ZBA, and final elevations will be determined at the SPA stage.
4	The Panel suggests the applicant explore opportunities to redesign and/or relocate the outdoor amenity area such that it possesses a stronger relation to the built form. Examples of such relation could include integrated balconies, patio areas or rooftop amenity areas.	Zelinka Priamo Ltd.	Balconies have been added to the upper units to provide private amenity space in addition to the common amenity area. The common amenity area will remain in its current location as it is buffered by the traffic noise along Fanshawe Park Road East. The proposed balconies will require a special provision as part of the ZBA. Discussions with staff are required to ensure support for the additional provision.
5	The Panel commends the applicant for preserving the large existing tree on Fanshawe Road. However, the proposed outdoor amenity space is small and disconnected from pedestrian circulation routes. Consider reorganizing the site to take advantage of the existing tree and adjacent areas for the outdoor amenity space. A physical	Zelinka Priamo Ltd.	Acknowledged. The amenity area is blocked from view from Fanshawe Park Road because it's in part private space for the residents. It area should not be treated differently than private rear yards for single detached dwellings. Additionally opening up a visual connection will also result in traffic noise spilling into the amenity area from Fanshawe Park Road East.

	and visual connection with the road will also serve as a reminder of this amenity space as well as the importance of preserving large canopy trees.		
6	The Panel notes that the vehicular entrance should be simplified to minimize the width of the curb cut. Consider removing the channelization.	Zelinka Priamo Ltd.	Through the SPA process, the driveway access will be designed to the City standard for width, and radii.
7	The Panel notes that the basement level and raised ground floor are problematic from an accessibility standpoint. Uncovered exterior stairs could create accessibility issues and pose maintenance concerns during the winter months. The Panel suggests that if the development be reconfigured to a three-storey building with ground floor units closer to the at-grade elevation, some accessibility concerns would be alleviated.	Zelinka Priamo Ltd.	As noted above the owner wishes to proceed with the 2.5-storey design. While accessibility is problematic, at this time, there is no requirement for stacked townhouses to meet AODA requirements on accessibility. Balconies have been added to the upper units, which in turn also act as covered porches for the entranceways protecting residents from the elements and addressing maintenance concerns during the winter months.

Urban Design Comments and Applicants Responses, July 14, 2022

Comment No.	Comment	Response By	Response
1	The applicant is commended for providing a site and building design that incorporates the following design features: An active low-rise built form along Fanshawe Park Road East with walkway connections from City Sidewalk; provides an appropriately sized outdoor amenity space; and locating majority of the parking behind the building and screened from the road frontage.	Zelinka Priamo Ltd.	Acknowledged.
2	Please provide a detailed response to the Urban Design Peer Review Panel that explains how the Panel comments havebeen addressed	Zelinka Priamo Ltd.	See responses provided above.

3	Provide for an alternative building typology/form such as 3-storey townhouse or 3 storey stacked townhouses with gradelevel units or access to alleviate the following concerns:	Zelinka Priamo Ltd.	See response to UDPRP Comments #2 and #7 above.
4	To break down the proposed large building massing and architecture to more identifiable individual units (e.g., townhouses) as opposed to a large single massing.	Zelinka Priamo Ltd.	Balconies have been added to the upper units, which also serve as weather protection for the entranceway stairs/porches. Additional revisions to the materials also breaks up the massing. Final elevations will be determined at the SPA stage.
5	Consider a flat-roof typology to accommodate a three-storey form with grade level accessible units.	Zelinka Priamo Ltd.	The proposed roof is consistent with the adjacent single detached dwellings surrounding the property on the south side of Fanshawe Park Road East.
6	Provide enhanced East and West side elevations (increase number of windows, massing and articulation) reducing the blank facades proposed.	Zelinka Priamo Ltd.	See response to UDPRP Comment #3 above.
7	Provide weather protection (e.g. Canopies/shade) above balconies and the entrance steps	Zelinka Priamo Ltd.	See response to UDPRP Comment #7, and UD Comment #4 above.
8	Increase the accessibility to the ground floor units by reducing the excessive amount of steps to ground floor. If stacked units are proposed, further steps can be incorporated within the unit and ground floor units can be accessed from the street with minimum number of steps.	Zelinka Priamo Ltd.	The owner wishes to proceed with the 2-5-storey design at this time. Additional building height to reduce the number of stairs for the ground floor unit would have greater impact on the side yard setback requirements, and potentially create overlook concerns into adjacent rear yards.

<u>Upper Thames River Conservation Authority, April 27, 2022:</u>

Please be advised that the subject lands ***are not*** affected by any regulations (Ontario Regulation 157/06) made pursuant to
Section 28 of the *Conservation Authorities Act*.

Accordingly, the UTRCA has no objections to this application and a Section 28 permit application is not required.

Appendix C – Planning Impact Analysis

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 London Plan and contributes to a variety of housing forms within the neighbourhood. The proposed townhouse development is compatible with the surrounding neighbourhood as the 2.5 storey is similar in height to abutting 1-2 storey residential dwellings to the south, east, west and apartment buildings to the north. Factors such as site layout, building line and setback from the street, and height and massing transitions with adjacent properties enhance the compatibility with the surrounding 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 sufficiently sized and configured to accommodate the proposed residential intensification. The proposed development is located along an arterial road that is supported by public transit, cycling lanes, pedestrian sidewalks and full services are available to the site.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	Outside of the undeveloped parcel (1515 Trossacks Ave) there are no additional lands available which would support this development.
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 proposed development is within proximity to neighbourhood and community facilities as well as open space, recreational opportunities and all transit services.
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 required. That said, dwelling units in a townhouse complex are typically more affordable than the neighbourhood's prevailing single detached dwelling units. The addition of the proposed units to the housing supply may also free-up other more affordable units elsewhere in support of Municipal Council's commitment to the Housing Stability Action Plan, Strategic Area of Focus 2: Create More Housing Stock.
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 townhouse development is appropriate at this location. Privacy impacts will be mitigated through the use of landscaping, tree retention, fencing and appropriate building setbacks. The visual impacts of the development will be minimal given the height of the proposal, spatial separation from the abutting yards, and future landscaping and fencing.

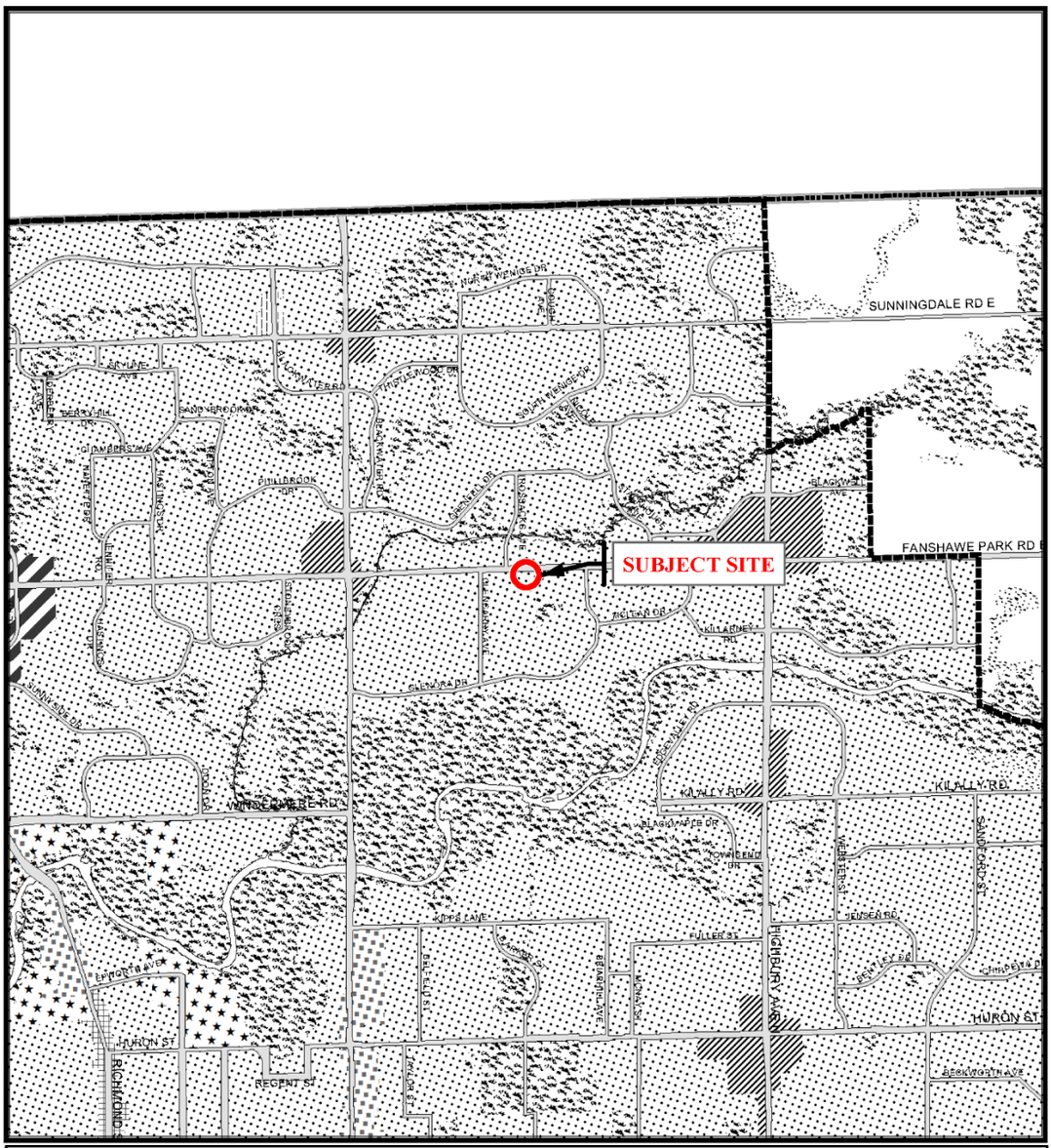
The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area	Landscaping and screening opportunities through vegetation will be considered at a future Site Plan Approval stage, that maintains, to the best extent possible, existing vegetation and introduces additional shrubs as needed to screen the overall development from adjacent properties and the streetscape, such as enhanced landscaping along the frontage.
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 Planning and Design was circulated on the planning application and development proposal and is satisfied. Further refinements will be addressed at the Site Plan stage.
The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area	The exterior design will be compatible with the existing and future lands uses in the area.
The potential impact of the development on surrounding natural features and heritage resources	The subject lands are identified as having archaeological potential on the City's Archaeological Mapping. Based on the findings from the Stage 1-2 Archaeological Assessment, no archaeological resources were identified on the lands and all archaeological conditions can be considered satisfied for this application.
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	Not applicable.
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	The requested amendment is consistent with the in-force policies of the Official Plan. The majority of requirements of the Site Plan Control By-law have been considered through the design of the site, including provision of amenity space, landscaping, parking and setbacks
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	Privacy impacts will be mitigated through the use of landscaping, tree retention, fencing and appropriate building setbacks. The visual impacts of the development will be minimal given the height of the proposal, spatial separation from the abutting yards, and future landscaping and fencing. Additional mitigation measures will be considered at the time of Site Plan Approval, lot grading plan for stormwater flows and major overland flows on site demonstrating that all stormwater flows will be self-contained on site, in accordance with City standards.
Impacts of the proposed change on the transportation system, including transit	The residential intensification of the subject lands will have no impact on the transportation system, rather contributing to the potential of future transit ridership,

1577_Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	**Response**
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation	The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patterns and for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. There are no significant natural, cultural heritage, or archaeological resources requiring protection and no natural or man-made hazards to be considered.
Conformity with the Our City, Our Strategy, City Building, and Environmental Policies of this Plan	The proposal provides for residential intensification within the Urban Growth Boundary and supports Key Directions related to the creation of a mixed-use compact City and strong, healthy and attractive neighbourhoods. The massing and scale of the proposed buildings can be appropriately integrated into the community through the application of the relevant City Design policies at the Site Plan Approval stage.
Conformity with the policies of the place type in which they are located	The townhouse proposal provides for a use and intensity of development contemplated within the Neighbourhoods Place Type on an Urban Thoroughfare Street Type.
Consideration of applicable guideline documents that apply to the subject lands	No additional guideline documents apply to the subject site.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan	The site will be fully serviced by municipal water, sanitary and storm.
Criteria on Adjacent Lands	**Response**
Traffic and access management	The proposed development will incorporate a right-in/right-out driveway to access the site. A Traffic Impact Assessment was not required as part of this application. Transportation Staff have no concerns.
Noise	The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties. A noise study was not required for the Zoning By-law amendment application.
Parking on streets or adjacent properties	Adequate parking is provided for the proposed development, as required by the Zoning By-law and Site Plan Control By-law. Parking on streets or adjacent properties is not anticipated.
Emissions generated by the use such as odour, dust or other airborne emissions	The proposed development will not generate noxious emissions.
Lighting	‘Dark Sky’ compliant lighting is proposed for the surface parking lot, walkways, and building exterior lights. This form of lighting reduces the amount of upward projected lighting and instead projects all light towards the ground. Further lighting details will be addressed at the Site Plan Approval stage. It is a Site Plan standard that any lighting fixture is to minimize light spill onto abutting properties.

Garbage generated by the use	Site Plan Control covers waste collection along with mail pick (door-to-door or shared location), snow storage and other site functionalities. Waste collection is tied to the approved site plan for the Site Plan Approval Development Agreement.
Privacy	A variety of screening and buffering mechanisms are proposed to maintain or enhance privacy between the proposed development and adjacent lands. The use of trees and vegetation (where possible), fencing, and landscaping are proposed. Given that the 2.5-storey townhouse building is of similar height as the adjacent dwellings, an appropriate privacy level is maintained for both residents in the surrounding neighbourhood and future residents of the proposed development. Additional mitigation measures will be considered at the time of Site Plan Approval, such as additional plantings.
Shadowing	Shadowing is not expected beyond which would otherwise be present with a single detached dwelling. Existing off-site mature trees to the south, east, and west of the subject lands currently provide shadowing on abutting lands
Visual Impact	The proposed buildings are to be of high architectural quality and finish and will create a compatible development with attractive visual impacts. Landscaping will be implemented through the Site Plan Approval process to further screen buildings from the south, east, and west. It should be noted the dwellings to the south, east, and west front internal roads and face away from the subject lands, thus the proposed building will not be obscuring any existing sight lines. The building will provide an attractive street presence on the south side of Fanshawe Park Road East.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed development.
Trees and canopy cover	A conceptual landscape plan (Image 16) and Tree Preservation Plan were submitted by the applicant, which provide details of specific tree removals and tress to be retained. All trees that can be reasonably retained are shown as such. Trees that conflict with building construction, or trees that pose a hazard are to be removed. At the Site Plan stage, a complete landscape plan will be developed to provide for new tree planting and screening from adjacent land uses.
Cultural heritage resources	The subject lands are identified as having archaeological potential on the City's 2018 Archaeological Mapping. Based on the findings from the Stage 1-2 Archaeological Assessment prepared by Lincoln Environmental Consulting Corp and the letter received by The Ontario Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTCI) no archaeological resources were identified on the lands and all archaeological conditions can be considered satisfied for this application.
Natural heritage resources and features	Not applicable.
Natural resources	Not applicable.

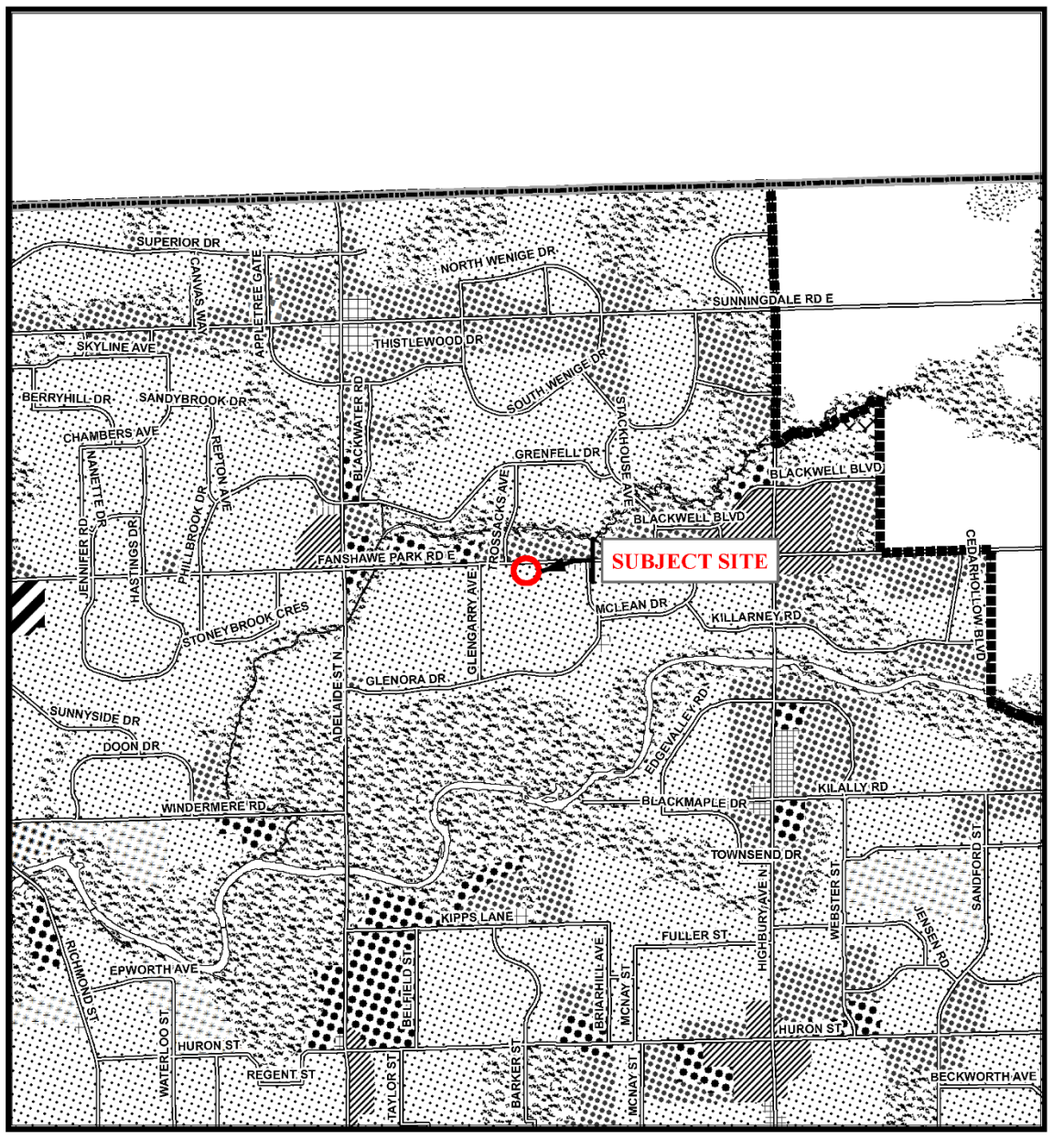
Appendix D – Relevant Background

The London Plan



Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\OZ-9499-Map1-PlaceTypes.mxd

1989 Official Plan- Schedule A- Land Use



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

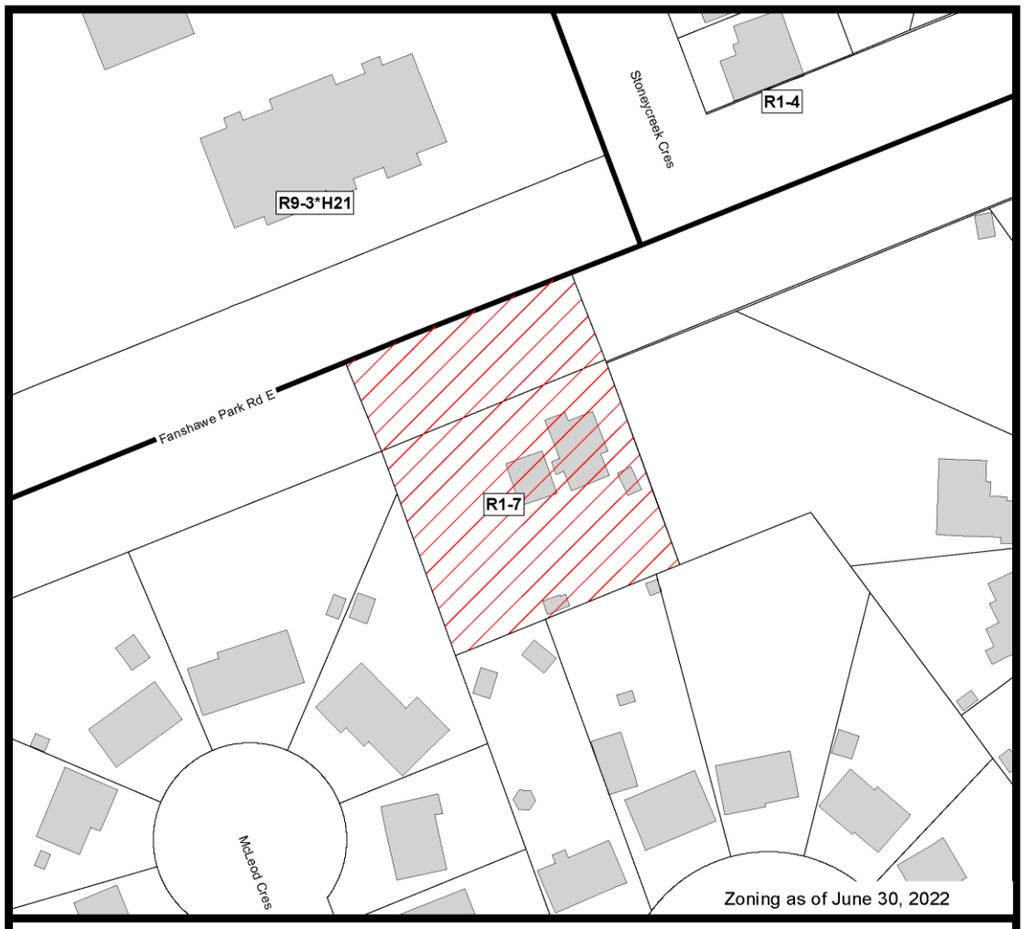
Scale 1:30,000

Meters

FILE NUMBER:	Z-9499
PLANNER:	OA
TECHNICIAN:	RC
DATE:	2022/07/26

PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

Zoning By-law Z.1- Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: Z-9499 OA

MAP PREPARED: 2022/07/26 RC

1:1,000

0 5 10 20 30 40 Meters

From: Berberich, Doug
Sent: May 16, 2022 5:03 PM
To: oalchits@london.ca
Cc: mcassidy@london.ca
Subject: Submission regarding rezoning application for 767 Fanshawe Park Road East File: Z-9499

Dear Olga Alchits,

Please find attached our response to the rezoning application to permit the replacement of a 1 storey single family residence located at 767 Fanshawe Park Road East with a stacked townhouse development consisting of a two and a half storey building containing 12 dwelling units (File Z-9499).

We are the owners of 768 Dalkeith Avenue, the abutting property immediately to the south of the property for which this rezoning request has been made.

For the reasons set out in more detail in the attached document, we strongly object to the proposed redevelopment plan and would like our comments to be taken into consideration in assessing the re-zoning application.

We also wish to receive notice of and an invitation to attend any meeting at which the public may attend to speak to this matter.

We would be grateful if you would be so kind as to acknowledge receipt of this e-mail and attached submission, so that we know it has been received prior to the filing deadline of May 18, 2022.

Thank you,

Doug and Sue Berberich

768 Dalkeith Ave.

From: Berberich, Doug
Sent: Tuesday, May 17, 2022 11:30 AM
To: Doc Services <DocServices@london.ca>
Subject: [EXTERNAL] FW: Submission regarding rezoning application for 767 Fanshawe Park Road East File: Z-9499

To: City Clerk

City of London

Please find enclosed our comments regarding a rezoning application for 767 Fanshawe Park Road East (File Z-9499), which have been submitted to Olga Alchits, Planning & Development, City of London.

In accordance with the instructions on the Notice of Planning Application form that was sent to us, this is to request that we be notified of any decision of the City of London on the proposed zoning by-law amendment.

We would also ask that you kindly acknowledge receipt of this e-mail.

Thank you.

Doug & Sue Berberich

768 Dalkeith Ave.

London, Ontario

N5X 1R8

Submission in opposition to speculative overdevelopment proposal by Phuc Minh Tran on property located at 767 Fanshawe Park Road East – File Z-9499

May 10, 2022

To: Olga Alchits
oalchits@london.ca
Planning & Development
City of London
300 Dufferin Avenue, 6th Floor
London, ON PO Box 5035
N6A 4L9

cc: Maureen Cassidy
mcassidy@london.ca

From: Doug & Sue Berberich

768 Dalkeith Ave.
London, ON
N5X 1R8

[rear-yard directly abuts the subject property]

Subject: Notice of Opposition to Speculative Overdevelopment Proposal for rezoning to permit the replacement of a 1 story single family residence located at 767 Fanshawe Park Road East with a stacked townhouse development consisting of a 2 ½ storey building containing 12 dwelling units.
File Z-9499

Our home is located at 768 Dalkeith Avenue and our property is situated directly behind the subject property. We have lived in this neighborhood for 39 years and are very familiar with the area on which the subject lands are located.

In reviewing the Planning and Design Report ("the report") submitted on behalf of Minh Tran, we noted that it contained a number of omissions and/or inaccuracies, which we believe are relevant to the consideration of this application. We will attempt to provide accurate information so that the city can properly discharge its obligations to make an informed decision.

We strongly object to the proposed rezoning and over-development plan as set out in the report. The proposed redevelopment is entirely out of keeping with the character of the neighborhood. The report notes that the subject lands currently have a single storey brick dwelling on the property. All homes on the south side of Fanshawe Park Road in the Northridge area (i.e. to the east and west of the subject property) are also detached single family residences. The homes that abut the subject property on McLeod Crescent and Dalkeith Avenue (west and south of the subject property) also consist of a range of detached single family residential dwellings 1 to 1.5 stories in height. Mr. Tran proposes to replace the existing 1 storey single family dwelling on the subject property with a much taller (1 to 1.5 stories taller than all surrounding homes) 2.5 storey structure (which the report inaccurately describes as

"slightly taller than, but similar to the single detached dwellings to the south, east and west of the subject lands and maintains the low-rise character of the area" [page 15]).

The report also fails to mention that at the front (street level) of the subject property is at a significantly higher elevation than the surrounding properties to the south (Dalkeith Avenue) and west (McLeod Crescent), which will exacerbate the significant height difference compared to the existing structures. Not only is the height of the proposed structure much higher than the existing structure, but the proposed rear yard setbacks are much less than the existing set-backs, meaning that this much taller building will be much closer to our back yard, creating a "wall-like" effect impairing our sight-lines.

The subject property simply does not have sufficient depth to accommodate such a large structure and allow for unimpaired sightlines and a reasonable buffer between the two properties. In this regard, it should be noted that the higher density structures on the North side of Fanshawe Park Road have significantly deeper lots with much larger buffer areas between those structures and abutting properties.

Another significant concern we have relates to potential drainage issues, including potential for flooding onto my property and seepage of gas, oil, salt and other contaminants from the cars/trucks in the parking lot proposed to be created on the subject property. The planning and design report [page 2] says that the site consists of a grassed area with generally flat topography. In fact, the property slopes downward from the road level to the rear of the property (we estimate a 6-8 foot difference in elevation). The existing large grassy back yard on the subject property absorbs most run off from rain and snow, however, the proposal calls for substantially the entire lot to be paved for parking spaces, with only a thin strip of grass around the edges of the property. As a result, we are extremely concerned that this proposed development will change the existing drainage patterns to the detriment of our property.

The proposed plan also calls for the destruction of 31 of 32 mature trees on the property, entirely out of keeping with the character of the neighbourhood. It is also noteworthy that because Mr. Tran is seeking to put as large a structure as possible on the subject property, the replacement trees purportedly designed to offer a buffer between the subject property and abutting properties are so close to the property lines that the site diagram shows that the canopies of these trees will all need to encroach onto the abutting properties to offer any buffer at all. Planning to encroach on the neighbors to maximize a development on a lot that is not large enough to properly accommodate such a large development, does not seem reasonable.

The planning and design report also makes reference [page 9] to a vacant property at 1515 Trossacks Avenue and Fanshawe Park Road East (on the north side of Fanshawe Park Rd). While the report seems to dismiss this property, it should be noted that this property (being on the north side of Fanshawe adjacent to another townhouse complex and having street access on a quieter street, would be a significantly better suited location to this sort of development.

Other concerns include odor and rodents from outdoor garbage storage, noise, light from cars entering and exiting parking lot and parking right at my fence line, loss of privacy.

The subject property would reasonably be suited to a 1 to 1.5 storey duplex (with entrances at ground level rather than elevated as shown on the drawing) that maintains a large grassed back yard and as many mature trees as possible. The current proposal, appears to seek to overdevelop the property beyond what it can reasonably accommodate to the detriment of the abutting properties.

Comments on Specific Elements of the Planning and Design Report

Design Goals and Objectives:

- Ensure compatibility and fit with surrounding neighborhood context – building a 2.5 storey – 12 unit structure, removing substantially all of the mature trees and greenspace to be replaced with a parking lot does not reasonably achieve this objective
- Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties. A 12 unit structure that is significantly higher than all surrounding houses and positioned closer to all abutting houses, 14 plus parking spaces all facing into the abutting properties, with a tiny green-space for 12 families to share, also does not seem likely to achieve this objective.
- In summary, the proposed development does not achieve either of these design goals, because the building is too high, has too many units, is too close to abutting properties, calls for too many cars/trucks to park directly against abutting properties back yard lot lines, destroys substantially all of the mature trees on the lot and leaves not nearly enough green space remaining to allow for water absorption or provide an effective buffer between abutting properties.

Vehicular Access:

- The proposal seems to recognize that increasing traffic exiting and entering a busy road like Fanshawe Park Rd is not ideal, but responds by saying that vehicular access will be right turn in and out. However, this is not a change as this is the situation now. What is proposed to change is that 12 times the volume of traffic would be entering and exiting from the subject property. When traffic is multiplied by 12 times, this represents 12 times the traffic risk.

Built Form and Site Compatibility

- References to “North Side of Fanshawe” – references in the plan to the higher density structures on the north side of Fanshawe do not support the proposed 12 unit 2.5 storey structure on the south side of Fanshawe. The properties on the South side are characterized by detached single family residential dwellings that are 1 or 1.5 storeys in height. Moreover, the higher density structures on the north side have deeper lots and much larger buffer zones.

- References to the proposed 2.5 storey height of the proposed building being “slightly taller” than the 1 and 1.5 story structures to the south, east and west of the subject lands and that this “maintains” the low rise character of the area appear to be paying mere lip service to the objectives of compatibility and “remaining respectful to the older sophisticated character of the low-density residential component of the surrounding neighborhood”. With respect, remaining

respectful of the surrounding neighborhood would imply a much smaller 1 or 1.5 storey structure that allows for the retention of a significant number of mature trees and a large grassed rear yard.

Utilization of existing municipal resources

- It is our understanding that the subject property is not hooked into the city sewage lines, but rather remains on a septic system. The accuracy of the claim about the existing infrastructure being able to accommodate the proposed development should be validated. Furthermore, given the drainage issues presented by the property sloping down to the abutting lands to the south and west, we believe that a proper drainage plan to ensure that abutting properties are not exposed to flooding or run-off should be a pre-requisite to any development that would change the drainage or exacerbate the risk of causing flooding onto neighboring properties.

Intensification where appropriate:

- While the policy of intensification is reasonable, any proposal must be assessed based on the characteristics of the property and its ability to accommodate the development. The subject property is not of sufficient size or depth to accommodate such a large structure. This is why the proposal calls for the elimination of virtually every mature tree (31 of 32), shrinking of set-backs and the elimination of most green space in favour of a paved parking lot that covers most of the rest of the property that is not taken up by the building itself and with insufficient room for any kind of effective buffer between the subject property and the abutting properties.

No Risks to Public Health or Safety

- If the development and paving of substantial portions of the lot gives rise to risks of flooding and/or seepage of gasoline, oil, salt or other contaminants onto the abutting properties this most definitely could create health and safety risks.
- Similarly multiplying by 12 the number of vehicles accessing and leaving the property onto a heavily trafficked road does pose risks that are not acknowledged in the report
- Also, if the plan calls for external storage of garbage, there is an additional concern that having large refuse containers servicing 12 families will attract rodents to the neighborhood.

Official Plan Designation remains appropriate – it does not need to be changed

- It is noted on page 20 of the report that the subject lands are designated “Low Density Residential”, which permits single detached, semi-detached and duplex dwellings, the latter two of which would permit reasonable intensification that could be appropriately accommodated without erecting a structure that is too high and too big for the lot and that requires the destruction of substantially all of the mature trees and green space on the property.
- Although higher density structures may be permitted under the official plan designation, this is only under special conditions when compatible with a neighborhood.
- The subject lands are not well suited to accommodate the proposed development, which is not in keeping with the character of the neighborhood due to the “over-reaching” nature of this proposal.
- The proposed development has minimal landscaping, retains only 1 of 32 existing mature trees, proposes parking right up to the edge of the back yards of at least 3 of the abutting properties,

with a sliver thin grass buffer and new trees to be planted so close to the property lines that the canopies (according to the developers own drawings) substantially encroach onto the neighbouring properties. It also calls for 12 families to share what appears to be a tiny green space (described in the proposal as "a large outdoor amenity space").

Scale of Development

- 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 proposed structure which will be located at the front of the property (which is already significantly higher than the neighboring properties due to the downward slope from the road to the rear of the property) is proposed to be 2.5 stories in a neighborhood where the abutting homes are 1 and 1.5 stories and positioned closer to all property lines, will mean that the residents in the building will look directly down into the backyards of the abutting properties (loss of privacy) and that owners of the abutting properties will have their sightlines obstructed by a much higher building that sits closer to their properties.

- As a result, the above problems are not "minimized" with the current proposal.

Supporting Infrastructure

- Residential intensification will only be permitted where adequate infrastructure exists to support the proposed development:
- As noted previously due to the size of the proposed structure and plan to pave most of the remaining property to allow for off street parking there is no room left to provide adequate buffering
- Also as noted previously the traffic impacts have been minimized in the report notwithstanding that 12 times the number of vehicles will be exiting and entering onto a very heavily traveled road.
- Further, other than the natural absorption of water into the existing large grassed rear and side yards (on the south and the west sides of the property), which the proposed development will replace with pavement, the subject property also has no drainage system other than onto the abutting properties to the south and west of the subject property.

Compatibility

- The report indicates that the proposed development is compatible with the surrounding neighborhood because the existing structures are of "slightly" lower height than the 2.5 story height of the proposed structure, But in reality the proposed structure is almost twice the height of the surrounding residential dwellings.
- The report also indicates that the proposed 2.5 story structure is in proximity to buildings of equal or greater heights. The buildings being referred to in this statement are on the north side of Fanshawe Park Rd, which is zoned for higher density residential dwellings, whereas all of the residential dwellings on the South side of Fanshawe are low density residential dwellings. Accordingly, this proximity argument is something of a "red herring".
- The report further indicates that the building setbacks will ensure no undue adverse impacts or privacy issues with adjacent lands. However, the proposed setbacks are all closer to the abutting

properties then the existing structure and the building is significantly higher, which will impact on privacy and sightlines.

Location

- the subject lands are not of a sufficient size or configuration to accommodate the proposed residential intensification. The property is not deep enough to allow for a structure of this size with the number of parking spaces required and still allow for adequate buffering with abutting properties

Land supply

- there is reference in the proposal to an undeveloped parcel of land at 1515 Trossacks Avenue, which is larger then the subject property and is located on the north side of Fanshawe Park Rd which already has the zoning that would permit a higher density residential development the report states. The report, however, suggests that the proposed development on the subject property would nevertheless be preferable because it is uncertain whether the undeveloped parcel is municipally serviced and does not have an existing vehicular entryway. However, neither is the subject property currently serviced by municipal sewers. Furthermore, the other property offers the capability of entering and exiting onto Trossacks Avenue, which is a quieter street and which has a light at the intersection of Trossacks and Fanshawe to facilitate safe turns and pedestrian crossings (which would be far more desirable then exiting and entering onto a busy arterial road like Fanshawe as is necessary on the subject property).

Mitigation of adverse impacts

- the report acknowledges that adverse impacts are typically considered to be loss of privacy noise and the visual impacts of site development view obstruction shadowing and goes on to say that for the proposed development privacy will be maintained through the use of landscaping tree retention fencing and appropriate building setbacks. However, as can be seen by the drawings in the proposal, these adverse impacts are not accounted for or adequately mitigated by the proposed development due to the significantly greater height of the proposed structure relative to the surrounding structures, the destruction of substantially all of the mature trees on the subject property, the elimination of substantially all of the green space on the existing property, and the creation of parking directly along the property lines of at least three of the abutting properties

Housing objectives

- the proposal states that the proposed development broadens the range and mix of housing types in the area however there is already a broad mix of housing types in the area. The area on the north side of Fanshawe Park Rd has a significant number of multi family residential dwellings. The fact that the South side of Fanshawe Park Road in the Northridge area is low density residential, actually helps to preserve a balanced mix of housing types in the area (low density on the south side and higher density on the north side).

Submission in opposition to speculative overdevelopment proposal by Phuc Minh Tran on property located at 767 Fanshawe Park Road East – File Z-9499

The London Plan

- the London plan includes the following statement: as directed by the policies of this plan, intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighborhoods and represents a good fit.
- Respectfully, the current proposal most definitely does not do this.

Conclusion:

We have carefully reviewed the planning and design report and believe that the proposed development is simply too ambitious for the size of the lot. The proposed building is too high and contains more dwelling units than can appropriately be accommodated. We are very concerned about the various issues that we have raised in this document (including concerns about drainage and runoff, loss of privacy, noise, view obstruction and shadowing) and respectfully ask the City to act to protect our interests and the interests of the other property owners in the neighborhood of the subject property.

To be clear, we are not opposed to any development on the subject property. Some development could be appropriate, provided it truly is sensitive to existing neighborhood and represents a good fit. This would permit a single detached, semi-detached or duplex dwelling (as provided for in the official plan) of a height of 1 to 1.5 stories (in keeping with the height of the neighboring structures) that retained adequate green space, including a large grassed back yard and the retention of as many mature trees as possible.

However, the proposed development in our view seems aimed at maximizing the development opportunity for one property owner (who has never resided in the neighborhood) and does not adequately consider the adverse impacts to the neighboring property owners (many of whom have lived on the abutting properties for many years).

We would ask to receive notice of any public hearing related to this matter, so that we can arrange to attend and speak to this application.

Thank you,

Doug and Sue Berberich

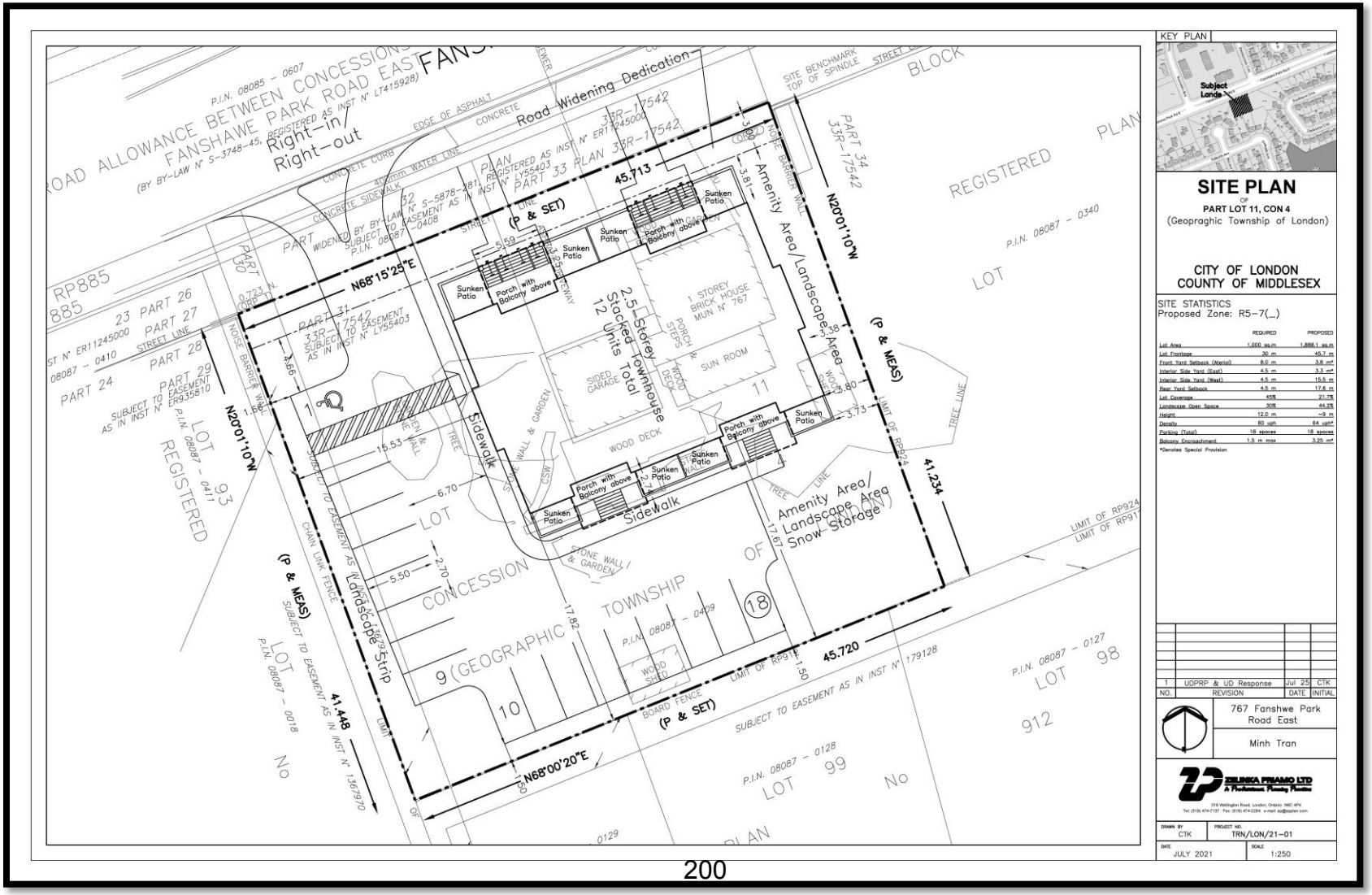
Slide 1 – Z-9499: 767 Fanshawe Park Road East

City of London

August 22, 2022

Slide 2 - Subject Site

Slide 3 - Proposed Development



Slide 4 – Proposed Development

Slide 5 – Policy Context

Provincial Policy Statement, 2020

- 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.
- 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.
- Directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area

The London Plan

- Neighbourhoods Place Type fronting an Urban Thoroughfare (Fanshawe Park Road East).
- Permitted uses include townhouses, stacked townhouses, low rise apartments.
- Permitted heights within this place type are 2 to 4 storeys.
- The London Plan provides direction to build a mixed-use compact city by 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.

1989 Official Plan

- Current designation – Low Density Residential (LDR)
- Residential intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments.

Slide 6 – Request

Summary of Request:

- Rezone the subject site from a Residential R1-7 Zone to a Residential R5 Special Provision (R5-7(_)) Zone providing for townhouses and stacked townhouses that will permit the proposed development. The following special provisions would facilitate the proposed development: a minimum front yard setback of 3.8 metres, a minimum interior side yard setback of 3.3 metres and a balcony encroachment of 3.25m into the required front yard and a maximum density of 64 units per hectare.

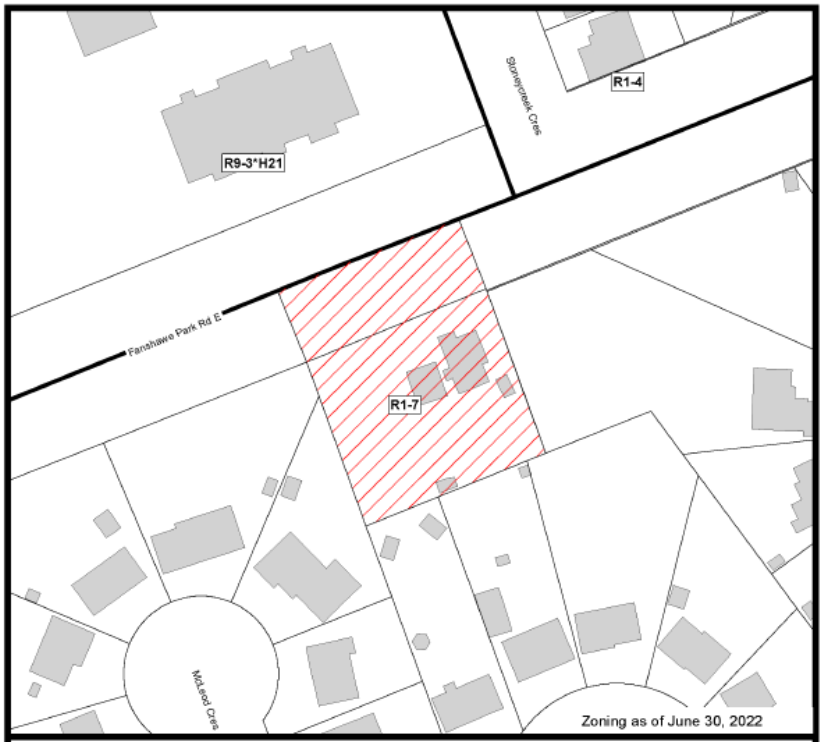
Slide 6 – Neighbourhood Concerns

- Privacy/Noise/ Lighting
- Traffic Impacts
- Over Intensification
- Storm Water Management

Slide 8 - Recommendation

Recommendation:

Staff is recommending approval as the amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan and the 1989 Official Plan. The recommended amendment would facilitate the development of an underutilized site with a land use, intensity and form that is appropriate for the site.



From: Notice Of Planning Response
Sent: Thursday, August 18, 2022 9:40 PM
To: PEC <pec@london.ca>; Alchits, Olga <oalchits@london.ca>; Doc Services <DocServices@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>
Subject: [EXTERNAL] Registration for Public Meeting regarding 767 Fanshawe Park Road East

Good evening,

We would like to pre-register to speak in person at Monday's public meeting for 767 Fanshawe Park Road.

Attached are 3 photos that we would like to reference during Monday's meeting. Would appreciate these being shared with the planning committee.

In addition we would also like to be notified of council decision.

Best Regards

Randy and Maureen Wilson

From: stucunningham
Sent: Monday, May 16, 2022 3:02 PM
To: Alchits, Olga <oalchits@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Doc Services <DocServices@london.ca>
Subject: [EXTERNAL] 767 Fanshawe Park Road Planning Application Z-9499

May 16, 2022

Good Afternoon,

My husband and I have read the detailed response to the request to the proposed amendment to allow the planning application Z-9499 as prepared by Maureen and Randy Wilson who reside at 105 McLeod Crescent. Their property abuts the subject property.

We agree with and support their response against this proposal.

Regards,

Stuart and Cathy Cunningham

89 McLeod Crescent,

London, On.

N5X 1S7

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **Scott Mathers, MPA, P.Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **Farhi Holdings Corp.**
A Portion of 4519, 4535, & 4557 Colonel Talbot Road
File No. Z-9433
Public Participation Meeting
Date: **August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning & Development, the following actions be taken with respect to the application of Farhi Holdings Corp. relating to a portion of the property located at 4519, 4535 & 4557 Colonel Talbot Road:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 6, 2022 to amend Zoning By-law No. Z.-1, to change the zoning on a portion of the subject property **FROM** an Arterial Commercial (AC) Zone, a Residential R1 (R1-11) Zone and a holding Residential R1 (h-4.R1-11) Zone, **TO** a Residential R6-5 Special Provision (R6-5(*)) Zone, Residential R8-4 Special Provision (R8-4(*)) Zone, a holding Residential R6-5 Special Provision (h-(*).R6-5(*)) Zone, a holding Residential R8-4 Special Provision (h-(*).R8-4(*)) Zone and an Open Space (OS5) Zone;

IT BEING NOTED that the following site plan and urban design matters were raised during the application review process:

i) Provide the communal amenity space for the stacked townhomes, with a direct pedestrian connection from the stacked townhomes, to be maintained under the same ownership as the stacked townhomes;

ii) Proposed 2.5 metre setbacks to only apply to the northwest corner of the development. Proposed 0.5 m landscape strip to only apply to the southwest portion of the internal drive;

iii) Provide enhanced architectural details on the end units that are highly visible from Colonel Talbot Road including wrapping materials, windows, and porches. Break up the width of the end unit facades through vertical articulation and material changes that create a more human scale rhythm (i.e. every 5-7m). The composition of the front façade is very successful at achieving this - consider replicating this rhythm on the side facades);

iv) Incorporate architectural elements and massing on the buildings located adjacent to Dingman Creek so that is compatible with the feature. Consider orienting the buildings to take advantage of their location adjacent to the creek;

v) Provide enhanced architectural details for portions of the end units that are highly visible from the main gateways into the development (i.e. 53, 80) and from the Dingman Creek corridor (i.e., 1, 54, 59, 60, 66, 67). (Note: unit numbers may change as a result of pathways and units being shifted or reconfigured);

vi) Consider more variation in the colours and materials across townhouse blocks and between individual units to create unique identities for blocks and units, add character and assist with wayfinding;

vii) Connect the proposed city sidewalk (in its ultimate location) to the existing sidewalk to the north as an interim condition prior to any future redevelopment of the neighbourhood sites or reconstruction of the road;

viii) Shift the parking to ensure it is in line with or behind the proposed building. Use landscaping or low landscape walls to screen any parking that is visible from Colonel Talbot Road;

ix) Provide details and expected use of the proposed concrete pad located behind the stacked townhouses. All outdoor garbage storage should be fully enclosed;

x) The applicant needs to be aware that The London Plan Policy 399 will be applied to the development. The London Plan Policy 399 requires 1 replacement tree to be planted for every 10cm dbh [diameter at breast height] removed for development. A tree preservation report will be required at Site Plan to determine the number of replacement trees; and

xi) Convey of all or part of the zoned Open Space lands to the City.

(b) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the recommended zoning generally implements the site concept submitted with the application. As part of the application review process a revised site plan concept was submitted with minor revisions including a new interior side yard setback and rear yard setback of 2.5 metres whereas 5.0m was proposed, a new density of 83 units per hectare whereas 81 was proposed, and a landscaped area of 0.5m whereas 1.5m was proposed in the notice of application and public meeting.

Executive Summary

Summary of Request

The owner has requested an amendment to Zoning By-law Z.-1 to change the zoning of a portion of the subject lands to permit the development consisting of 80 townhouses and 62 back-to-back stacked townhouses.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to permit the development consisting of 80 townhouses and 62 back-to-back stacked townhouses. Special provisions establishing increased density to 83 units per hectare for the stacked townhouse zones and a reduced interior side yard setbacks of 2.5 metres, a reduced rear yard setback of 2.5 metres and a reduced landscaped area to the townhouse zones from 1.5m to 0.5m for a specified location of the site to accommodate the functionality of an internal driveway.

The recommendation also includes urban design and site design matters that were raised during the application review process. Also, the recommendation will provide additional protection to the ecological features and functions associated with the Dingman Creek Corridor, and ensure development remains outside of hazard lands associated with slope stability.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future.

2. The recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions, and Neighbourhoods Place Type.
3. The recommended amendment conforms to the 1989 Official Plan.
4. The recommended amendment facilitates the development of a site within the Built-Area Boundary and supports the City's commitment to reducing and mitigating climate change by supporting efficient use of existing urban lands and infrastructure and regeneration of existing neighbourhoods to limit outward growth.
5. The recommended amendment facilitates the development of a site within the Southwest Area Secondary Plan, Schedule 6, Lambeth Residential Neighbourhood
6. The recommended holding provision will ensure that all issues regarding hydrogeology, erosion setback maintenance, erosion structural, geotechinical setbacks and all matters relating to slope stability will be dealt with through the site plan approval process to the satisfaction of the City of London and the Upper Thames Conservation Authority (UTRCA).

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 Previous Reports Related to this Matter

None.

1.2 Property Description

The subject site is located on the west side of Colonel Talbot Road, south of Longwoods Road. The whole site has a frontage of approximately 156 metres along Colonel Talbot Road, and a total lot area of 61 hectares. The property is divided by the Dingman Creek with the front portion, along Colonel Talbot Road, as being within the Urban Growth Boundary (UGB). Approximately 6 hectares is within the boundary, including some developable lands and a portion identified as having significant features and functions and/or associated with steep slopes and erosion allowance adjacent to the Dingman Creek. The balance of the lands located outside of the UGB will remain as agricultural lands and natural heritage lands.

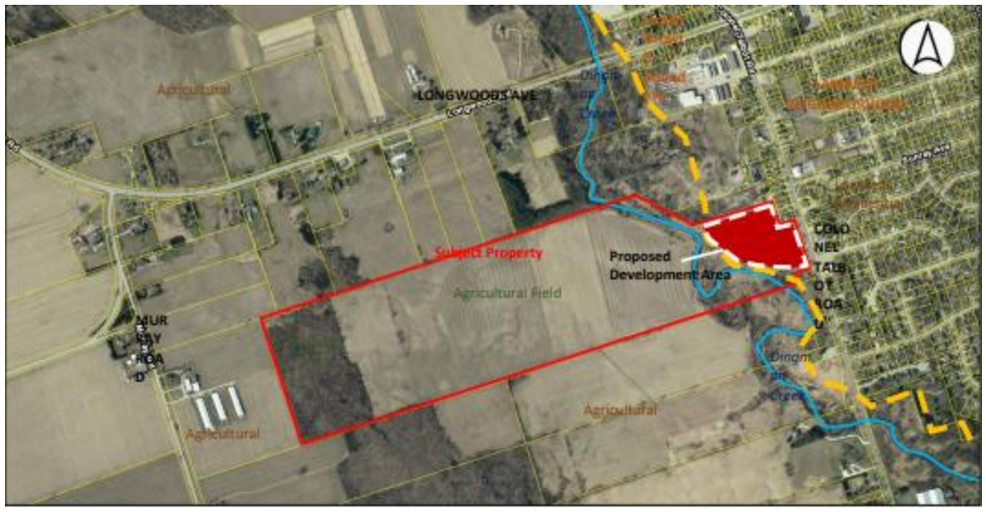


Figure 1: Arial Photo of Lands

Colonel Talbot Road is an arterial road with an average annual daily traffic volume of 15,500 vehicles per day. In this area, Colonel Talbot Road has four traffic lanes, two north bound traffic lanes and two south bound lanes with public sidewalks along the east side, north of the site, and on the west side of the development frontage along Colonel Talbot Road. Access to transit is within walking distance at the Colonel Talbot Road and Broadway Ave intersection. The pedestrian and bicycle connectivity in the neighbourhood provides for convenient access to active mobility in the area. A multi-use trail is located along the south and western edge of the Dingman Creek ravine.

Generally, the surrounding uses consists of predominantly agricultural lands to the west and south of the subject lands. The Lambeth community is located to the east of the site of Colonel Talbot Road, and predominantly composed of single detached dwellings. Along Colonel Talbot Road to the north and south, and along the east side, there are a mix of low density residential and commercial uses. Immediately to the north, the property located at 4509 Colonel Talbot Road contains an existing dwelling that is identified as being of heritage interest under the City's Register of Cultural Heritage Resources.

Figure 2: 4509 Colonel Talbot Road - Heritage Interest.

1.3 Current Planning Information (see more detail in Appendix E)

- The London Plan Place Type – Neighbourhoods Place Type fronting an Urban Thoroughfare
- Official Plan Designation – Low Density Residential/Multi-Family, Medium Density Residential
- Southwest Area Secondary Plan (Lambeth Residential Neighbourhood) – Low Density Residential/Medium Density Residential
- Existing Zoning – Arterial Commercial (AC), Residential R1 (R1-11) Zone and a holding Residential R1 (h-4.R1-11) Zone

1.4 Site Characteristics

- Current Land Use – Agriculture/Vacant
- Frontage – 156 metres
- Area – 61 hectares(approx. 6 hectares of developable land)
- Shape – irregular

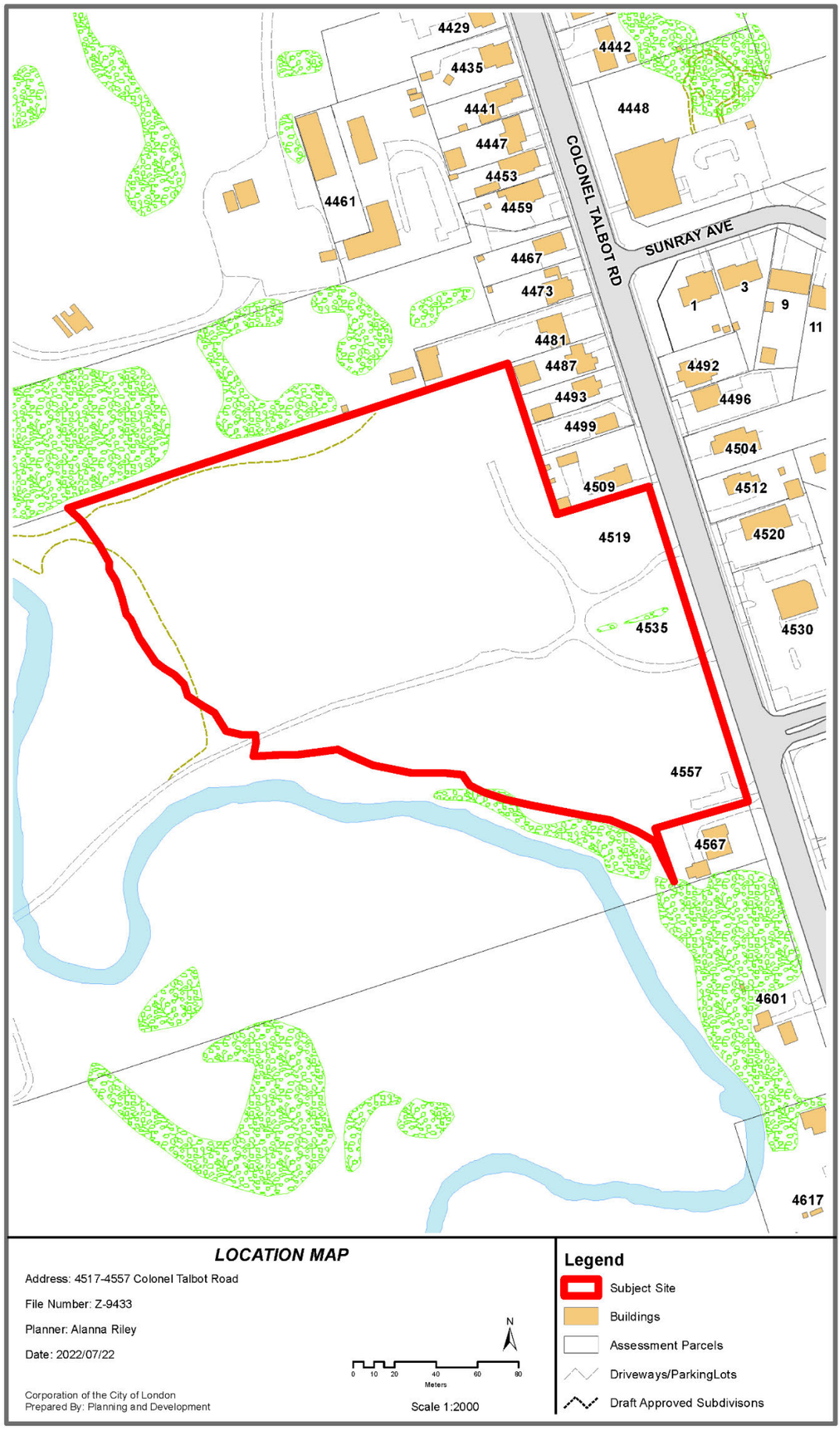
1.6 Surrounding Land Uses

- North – agricultural/residential
- East – residential
- South – agricultural/residential
- West – remainder of the identified lands comprised of agricultural and natural heritage portion of the lands (not subject to the proposed zoning amendment)

1.7 Intensification

The proposed 142 residential units contribute to residential intensification within and the Built-Area Boundary.

1.8 Location Map of Proposed Development Area



2.0 Discussion and Considerations

2.1 Development Proposal

In November 2021, the City accepted a complete application that proposed the development consisting of 80 townhouses towards the rear of the site and 62 back-to-back stacked townhouses along the Colonel Talbot Road frontage. Access to residential dwellings is proposed via a looped private road network with two entrances to Colonel Talbot Road, and the south access is aligned with Southland Drive. Resident and visitor parking is proposed to be located to the rear of the stacked townhouse units, centrally located within the site, and screened from the public realm and surrounding properties. Two amenity spaces are proposed with the larger space located next to the private stormwater management pond. Pedestrian walkways are provided throughout the site with a connection to Colonel Talbot Road and to the multi-use pathways adjacent to the Dingman Creek natural heritage area.

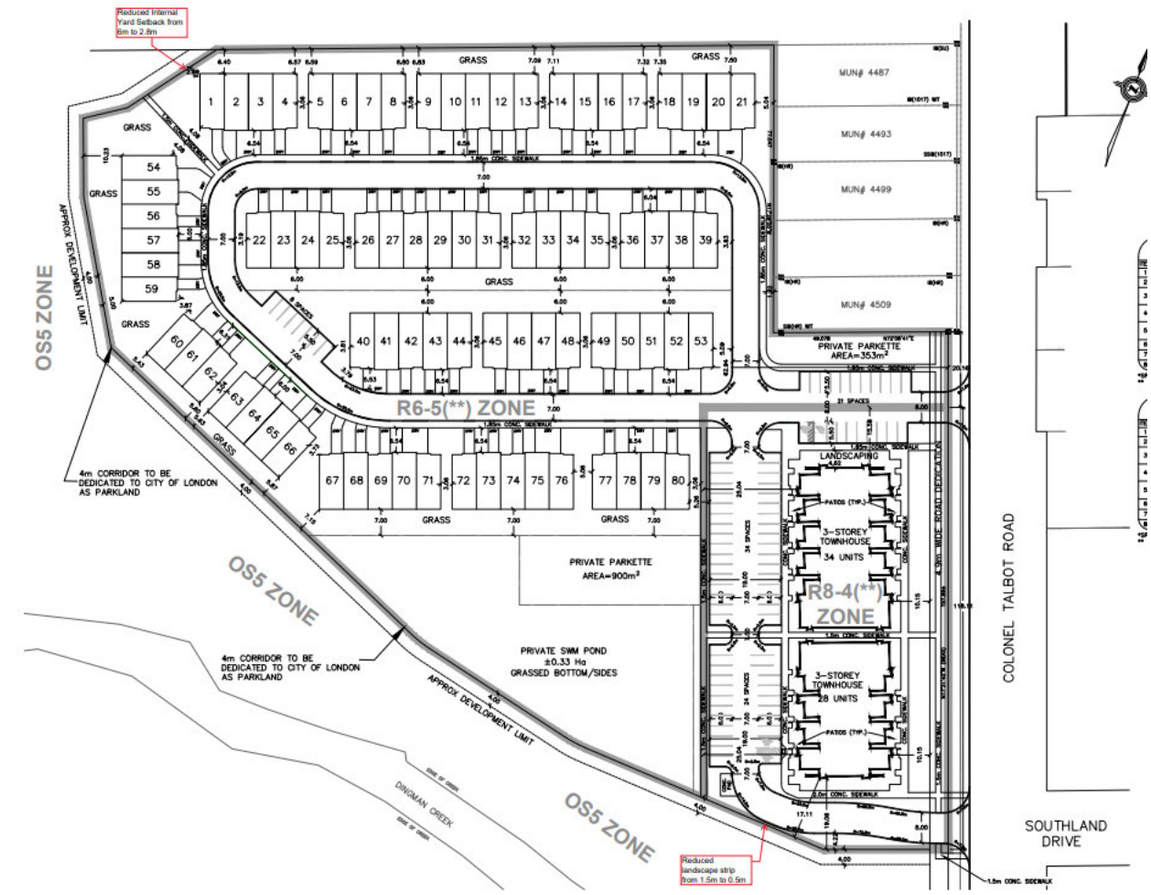


Figure 3 - Proposed Revised Site Concept Plan

Figure 4 - Front view of townhouses

Figure 5 - Front view of stacked townhouses

2.4 Requested Amendment

The applicant originally requested a change in zoning from an Arterial Commercial (AC) Zone, a Residential R1 (R1-11) Zone and a holding Residential R1 (h-4.R1-11) Zone, to a holding Residential R6-5 Special Provision (h-151.R6-5(*)) Zone, a holding Residential R8-4 Special Provision (h-151.R8-4(*)) Zone, a Residential R6-5 Special Provision (R6-5(*)) Zone, and a Residential R8-4 Special Provision (R8-4(*)) Zone.

Special zoning provisions were requested for:

Townhouses

- An interior and rear yard setback of 5.0m whereas 6.0m is required.

Stacked Townhouses

- A density of 81 units per hectare whereas 75 maximum is required.

An update to the requested zoning amendment included an Open Space (OS5) Zone and special provisions were also requested as a result of some revisions made to the proposal, in response to urban design, site plan, parks and ecology concerns, as follows:

Townhouses

- An interior and rear yard setback of 2.5m whereas 6.0m is required.

Stacked Townhouses

- A density of 83 units per hectare whereas 75 maximum is required; and
- A landscaped strip of 0.5m whereas 1.5m is required to accommodate an internal driveway access

2.6 Community Engagement (see more detail in Appendix C)

Written responses were received from, or on behalf of, 4 households in the area. The expressed concerns from the public generally dealt with the following matters:

- Intensity
- Traffic
- Sanitary
- Environmental

The applicant also held a community meeting to respond to the public's concerns.

2.4 Policy Context

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). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

The PPS protects natural features and areas for the long term. Development and site alteration shall not be permitted in significant valleylands. 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, 2.1.5, and 2.1.8).

The London Plan

The London Plan is the new official plan for the city of London. It contains objectives and policies to direct land use, growth, and development in the municipality, consistent with the PPS.

The London Plan provides Key Directions (54_) that must be considered to help the city effectively achieve its vision. 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 become one of the greenest cities in Canada by:

- Protecting and enhancing our Thames Valley corridor and other major tributaries of the Thames River, and its ecosystem
- Strengthen our urban forest by monitoring its condition, planting more, protecting more, and better maintaining trees and woodlands.
- Continually expand, improve, and connect our parks resources. (Key Direction #4, Directions 3, 9 and 10)

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”.
- 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; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 2, 4 and 5).

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Protecting what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features.
- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Directions 5 and 10).

Lastly, The London Plan provides direction to make wise planning decisions by:

- Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The portion of the site proposed to be developed is within the Neighbourhoods Place Type on an Urban Thoroughfare, as identified on *Map 1 – Place Types and Map 3 –

Street Classifications. Permitted uses within this Place Type include a range of low rise residential uses, such as townhouses, stacked townhouses, triplexes, fourplexes, and low-rise apartments (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The minimum permitted height is 2 storeys, and the maximum permitted height is 4 storeys, with the potential to bonus up to the upper maximum height of six storeys. (*Table 11 – Range of Permitted Heights in Neighbourhoods Place Type) Note that through the May 25, 2022, OLT decision the term “Bonus Zoning” has been replaced with “Upper Maximum Height” in recognition of changes to section 37 of the Planning Act that will take effect in September 2022.

The Green Framework policies of the City Structure Plan within The London Plan highlights the Thames Valley Corridor and its tributaries as a feature that has played a major role in the human settlement and development of London and Southwestern Ontario. It is considered London’s most important natural, cultural, recreational and aesthetic resource. The Dingman Creek corridor is a tributary. Recognizing the importance of the Thames Valley Corridor and other major tributaries of the Thames River, a number of actions are identified, including:

- Protect, enhance, and restore the natural and cultural heritage of the Thames Valley Corridor and other major tributaries of the Thames River in all the planning we do.
- Develop a continuous multi-use pathway network connecting parks and natural areas along the Thames Valley Corridor and other major tributaries of the Thames River as the outdoor recreational spine of the City.
- As appropriate, acquire lands along the Thames Valley Corridor and other major tributaries of the Thames River to support ecological, cultural, and/or recreational objectives of the Plan. (121 – 123)

The site is identified as being within a Significant Valleylands on Map 5 – Natural Heritage, and within the Riverine Erosion Hazard Line for Confined Systems, the Regulatory Floodline, Highly Vulnerable Aquifers and the UTRCA Regulation limit on Map 6 – Hazards and Natural Resources of The London Plan.

1989 Official Plan

The portion of the subject site proposed to be developed is designated Low Density Residential and Multi-Family, Medium Density Residential in accordance with Schedule ‘A’ of the 1989 Official Plan. The Low Density Residential designation permits primarily single detached, semi-detached and duplex dwellings. Residential Intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments, subject to specific criteria (3.2).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. Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four (4) storeys. In some instances, height may be permitted to exceed this limit, if determined through a compatibility report, or subject to a site-specific zoning by-law amendment and/or bonus zoning provisions. Medium density development will not exceed an approximate net density of 75 units per hectare (30 units per acre).

The site is identified as being within the Big-picture Meta-cores/Meta-corridors policy area of the 1989 Official Plan and is affected by the Significant Corridor, and Maximum Hazard Line on Schedule B-1, and the Riverine Erosion Hazard Line for Confined Systems, Regulatory Floodline, and the Upper Thames River Conservation Authority regulated area on Schedule B-2 of the 1989 Official Plan. 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. 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 an Official Plan amendment, Zoning By-Law amendment, subdivision application,

consent application or site plan application, where development is proposed entirely or partially within the distances adjacent to Natural Heritage System components set out in Table 15-1. (15.5.1)

Southwest Area Secondary Plan (SWAP)

The subject site is located within the Southwest Area Secondary Plan Lambeth Residential Neighbourhood. The primary permitted uses in the Low Density Residential and Multi-Family Medium Density Residential designations of the Official Plan shall apply. (20.5.7.1, 20.5.7.2). The Low Density Residential (LDR) policies require residential development to be at a minimum density of 18 units/ha and a maximum density of 35 units/ha. The Medium Density Residential (MDR) policies require residential development to be at a minimum density of 30 units/ha and a maximum density of 75 units/ha.

Housekeeping amendments were recently completed to align the 1989 Official Plan with The London Plan to remove bonusing and permit a density of up to 100 uph through a site-specific zoning by-law amendment.

Where development occurs within distances adjacent to natural heritage features that trigger the need for an Environmental Impact Study (EIS) as set out in Table 15-1 of the Official Plan, an EIS will be scoped to confirm and delineate the natural feature, to determine the appropriate ecological buffer and to provide details on the Open Space system and naturalization opportunities to integrate the system with the adjacent features to be protected. Where different natural heritage system components overlap, the limit of development will be established as the maximum corridor or ecological buffer width as determined by application of these policies. Where the limits of Natural Hazards shown on Schedule B-2 exceed the identified corridor or buffer widths for natural heritage features, the development limit shall be established at the hazard limit (20.5.3.6)

3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Use

Provincial Policy Statement, 2020

The PPS encourages an appropriate affordable and market-based range and mix of residential types, including single-detached dwellings, additional residential units, multi-unit housing, affordable housing and housing for older persons to meet long-term needs (1.1.1b)). The PPS also promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

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

The London Plan

Policy 916_3 of the Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they

age if they choose to do so. Furthermore, policy 918_2 states that neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms. The proposed development would contribute to the existing mix of housing types currently available in the area.

The subject site is in the Neighbourhoods Place Type of The London Plan fronting on an Urban Thoroughfare. Table 10 – Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification (921_). At this location, Table 10 would permit a range of a range of low rise residential uses including single, semi-detached, duplex, triplex, and fourplex dwellings, townhouses, stacked townhouses, and low-rise apartments (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type).

Southwest Area Secondary Plan (SWAP)

The principles of the SWAP include providing for a range of land uses including residential, open space, public, commercial, office and mixed-uses and community facilities (20.5.1.4 a)). SWAP is based on a design in which one of the key goals is to maximize the potential for sustainable development, which can be achieved through such features as enhanced connectivity to transit, mixed-use development, a modified grid road system, and a connected open space system (20.5.3.2 i)).

New development within the Lambeth Neighbourhood will focus on a mix of low to mid-rise housing forms, ranging from single detached dwellings to low rise apartment buildings. In addition to residential development, a limited range of convenience and personal service commercial uses, small-scale eat-in restaurants, civic and institutional uses such as parks, schools and churches, and live-work uses may also be permitted.

1989 Official Plan

The 1989 Official Plan supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (3.1.1 ii). The subject property is designated Low Density Residential in the 1989 Official Plan. This designation contemplates primarily single detached, semi-detached and duplex dwellings. Residential Intensification may be permitted up to 75 units per hectare in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments. The subject property is also designated Multi-family, Medium Density Residential in the 1989 Official Plan. The MDR 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.

Analysis:

Consistent with the PPS, and in conformity to The London Plan, Southwest Area Plan and 1989 Official Plan, the recommended development will contribute to the existing range and mix of housing types in the area. The recommended amendment facilitates the development of an underutilized site within a settlement area. The proposed 142 townhouse and stacked townhouse dwellings will provide choice and diversity in housing options for both current and future residents within an area that is comprised of predominantly single detached, semi-detached and duplexes in the immediate vicinity. The mixing of residential forms of housing is generally encouraged in the Southwest Area Plan.

No new roads are required to service the site and transit is close by, which makes efficient use of land and some existing services. The property has suitable access to open space, transit, community facilities and shopping areas, as further detailed in the Planning Impact Analysis in Appendix C of this report.

Overall, the proposed development would contribute to a mix of housing choices in a compact form and is street oriented, which also contributes to an active street edge along Colonel Talbot Road. Furthermore, while the recommended townhouse development has a different intensity and built form than existing surrounding

development, the analysis of intensity and form below demonstrates that townhouses can be developed on the subject lands in a way that is appropriate for the site and adjacent neighbourhood.

4.2 Issue and Consideration #2: 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). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (1.1.3.4). 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 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, are promoted by the PPS (1.4.3d)).

The London Plan

The London Plan contemplates residential intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (83_, 937_, 939_ 2. and 5., and 953_ 1.). The London Plan directs that intensification may occur in all place types that allow for residential uses (84_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2 storeys and a maximum height 4 storeys, with bonusing up to 6 storeys, is contemplated within the Neighbourhoods Place Type where a property has frontage on an Urban Thoroughfare. (*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The intensity of development must be appropriate for the size of the lot (953_3.). Note that through the May 25, 2022, OLT decision the term “Bonus Zoning” has been replaced with “Upper Maximum Height” in recognition of changes to section 37 of the Planning Act that will take effect in September 2022.

1989 Official Plan

The subject site is designated Low Density Residential and Multi-Family, Medium Density Residential in the 1989 Official Plan.

Development within the Low Density Residential designation shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy. While residential densities are generally limited to 30 units per hectare, the Plan also provides for residential intensification through the development of vacant and/or underutilized lots within previously developed areas. (3.2.1. and 3.2.3.). Such residential intensification is permitted in the form of single detached and semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments in a range up to 75 units per hectare (3.2.3.2.). Zoning By-law provisions, as recommended, will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area.

Development in the Multi-family, Medium Density Residential 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. Normally height limitations will not exceed four storeys. Medium density development will not exceed an approximate net density of 75 units per hectare.

Southwest Area Plan (SWAP)

As mentioned, the subject site is located within the Southwest Area Secondary Plan Lambeth Residential Neighbourhood. The Low Density Residential (LDR) policies require residential development to be at a minimum density of 18 units/ha and a maximum density of 35 units/ha. The Medium Density Residential (MDR) policies require residential development to be at a minimum density of 30 units/ha and a maximum density of 75 units/ha.

Housekeeping amendments were recently done to align this plan with The London Plan to remove bonusing and permit a density of up to 100 uph through a site-specific zoning by-law amendment.

Analysis:

The subject lands have frontage on an Urban Thoroughfare which is a higher-order street, to which higher-intensity uses are directed. The portion of the subject property to be developed is of a size and configuration capable of accommodating a more intensive redevelopment of an underutilized site within a settlement area. As part of the site is currently vacant with the remainder as agricultural, the proposed development represents a form of intensification with development proposed only on the vacant portion. Consistent with the PPS, the recommended amendment facilitates the redevelopment of an underutilized site within a settlement area. The increased intensity of development on the site will make use of existing transit services, nearby passive recreation opportunities, and public service opportunities. This would also support alternative modes of transportation, such as walking and bicycling. The subject lands are sited in an area where The London Plan,1989 Official Plan, and Southwest Area Plan direct and support residential intensification and redevelopment.

Based on the designations under SWAP the development potential for low and medium density residential on the developable portion of the site is a total of 102 units minimum and 225 units maximum. The proposed townhouse development has 142 units and yields an overall density of 40 units per hectare which meets the intent of SWAP. In addition, the proposed 2 – 3 storey height is less than the maximum supported by The London Plan, 1989 Official Plan and SWAP policies. The intensity achieves the overall objectives of development potential for these lands as identified in SWAP. As such, staff is satisfied the proposed intensity and scale of development is in conformity with the City's Official Plans.

The available developable area on the site is constrained by the stable slope setback associated with the Dingman Creek. The intensity of development within the remaining developable area is suitable for the site. It is noted that the only special provisions related to the relationship of the proposed development to neighbouring developed properties is a reduction from a 6.0 metre rear yard depth and interior yard depth to 2.5 metres, along with a reduced landscaped area from 1.5m to 0.5m on a defined location as shown on the site plan concept to accommodate a small portion of an internal driveway these reduced yard depths are sufficiently compensated by the intervening pathway lands and proposed Open Space (OS5) Zone.

The impact of addition of traffic volume from a 142 unit development on a higher-order road that currently experiences high traffic volumes is negligible and is not an impediment to the proposed development. Furthermore, in consultation with the City's Transportation Division there are no identified concerns with the proposed development from a transportation perspective and any outstanding issues can be addressed through the site plan approval process.

The proposed development is of a suitable intensity for the site and is consistent with the PPS, the City's Official Plans and SWAP.

4.3 Issue and Consideration #3: 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)).

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_8).

The Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_). In addition, within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_ 2.a. to f.).

1989 Official Plan and SWAP

Development within areas designated Low Density Residential of the 1989 Official Plan and SWAP shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy. Infill projects are subject to the preparation of a Neighbourhood Character Statement assessing the physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment (3.2.3.3.). They are also subject to a Statement of Compatibility to demonstrate that the proposed project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood (3.2.3.4.).

Development within the recommended Multi-family, Medium Density Residential designation of the 1989 Official Plan and SWAP 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. Normally height limitations will not exceed four storeys. Applications for residential intensification are also to be evaluated on the basis of Section 3.7 – Planning Impact Analysis (3.3.3ii)). Appendix D of this report includes a complete Planning Impact Analysis addressing matters of both intensity and form.

Analysis:

The proposed development is proposed to be located close to the road, contributing to an active street front and pedestrian scale. The design contributes to a development form that will create an active street front and appropriate pedestrian scale. The recommended Zoning and Special Provisions would facilitate an alternative and appropriate form of development that will add new housing to the area.

Consistent with the PPS, and in conformity to SWAP, 1989 Official Plan and The London Plan, the recommended intensification of the subject property would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth. The proposed townhouses represent a more compact form of development than the vacant area on this site.

The massing of the proposed buildings is consistent with urban design goals, locating the taller building close to Colonel Talbot Road and the shorter buildings to the rear of the property. The three (3) storey stacked townhouses are proposed to be located along Colonel Talbot Road with the two (2) storey townhouses on the remaining developable area facilitates a development designed in a manner to promote compatibility with existing and future land uses and the surrounding natural setting.

The placement of the building close to the street encourages a street-oriented design with ground floor entrances facing Colonel Talbot Road. Detailed building design including rhythm, materials, fenestration, and balconies, that help to create a comfortable, human-scaled streetscape, will be elements for consideration at the site plan stage. . Planning and Development staff have specifically identified that visual access for the southerly end units, adjacent to the open space area and the Dingman Creek interface, be enhanced by providing increased number of windows and/or balconies. The parking areas are located and provide for appropriate screening of the parking from the street.

The proposed development is providing for a height compatible to the existing surrounding residential neighbourhood. The massing and placement of buildings also mitigate compatibility concerns. A driveway and parkette feature are proposed at the north property line in an effort to create a separation from the adjacent property located at 4509 Colonel Talbot Road. Also, sufficient space within the identified parkette is available to provide for appropriate screening along the north property boundary adjacent to existing development. In addition to a reduced 2.5 metre interior yard and rear yard, as recommended, an intervening pathway provides additional separation from the property to the north. Furthermore, the proposal places the two (2) storey townhouses lower intensity form of development to the rear of the property and the higher intensity along the higher order street, which conforms with the policy framework.

The City has an interest in acquiring the hazard lands on this property, which would facilitate the eventual completion of the formal Dingman Creek Corridor connection decreasing demand for access to the Corridor across private lands from the broader community.

4.4 Issue and Consideration #4: Ecological Systems, Slope Protection, and Tree Preservation

Provincial Policy Statement, 2020 (PPS)

The PPS protects natural features and areas for the long term. Development and site alteration shall not be permitted in significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1 Natural Heritage – 2.1.5). The PPS also directs development away from areas of natural hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. Development shall generally be directed … to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards (3.1 – Natural Hazards – 3.1.1).

The London Plan

The property is affected by the Environmentally Significant Area and Significant Valleylands on Map 5 – Natural Heritage, the Riverine Erosion Hazard Line for Confined Systems, the Regulatory Floodline, Highly Vulnerable Aquifers and the UTRCA Regulation limit on Map 6 – Hazards and Natural Resources of The London Plan.

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. 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 (1433_).

The corridor width of Significant Valleylands is to be determined and delineated on the basis of the following criteria:

- The valleyland width shall be sufficient to accommodate the natural features and ecological functions that contribute to its significance including water resource functions such as flood plain and erosion hazards, riparian buffers for natural features, ecological functions and water quality and quantity.

- The minimum width of significant valleylands will be generally comprised of 30 metres on each side of the watercourse measured from the high-water mark, consistent with the Natural Heritage Reference Manual. The ultimate width of a corridor will be established on a case-by-case basis to address the impacts of the adjacent development and the sensitivity of the features and functions through the application of the Guidelines for Determining Setbacks and Ecological Buffers, as part of an environmental impact study and/or subject lands status report approved by the City.
- The valleyland width will be sufficient to support and provide corridor functions (1350_).

The London Plan directs development away from lands that are subject to riverine erosion hazards. In areas of new development, the use of hazard avoidance, vegetative plantings and other non-structural solutions are the preferred method of addressing riverine erosion hazards (1488). Ultimately, all natural hazard lands are regulated by and within the jurisdiction of the respective conservation authority, requiring permits pursuant to Section 28 of the Conservation Authorities Act.

1989 Official Plan

The property is immediately adjacent to the Dingman Creek and is affected by the Significant Corridor, and the Maximum Hazard Line, and the Riverine Erosion Hazard Line for Confined Systems, the Regulatory Floodline, and the Upper Thames River Conservation Authority regulated area on Schedule B-2 of the 1989 Official Plan.

The 1989 Official Plan contains similar policies to The London Plan with respect to the protection of Significant Valleylands and their related features and functions, as well as controlling development within hazard lands.

<u>Analysis:</u>

The applicant completed an environmental Impact Study (EIS) to assess the property and 50m study area to identify potential impacts to significant natural features and included species at risk screening, bat habitat, and goals and objectives for the naturalization of the west part of the site.

Figure 6 – EIS study area

A Tree Preservation Report was required as part of this application and the recommendations of the report will be implemented through the site plan approval process. In addition, landscaped buffers within the development lands will be incorporated through a landscape plan at the site plan stage of review. City staff are

satisfied that the setback and recommendations of the EIS appropriately address the impacts of the proposed development and protect and enhance the features and functions associated with the Dingman Creek Corridor.

The west part of the developable area on the site is characterized by steep slopes associated with the Dingman Creek. The applicant submitted technical studies including a geotechnical Investigation, a slope stability assessment, and a hydrogeology study to determine and map the limit of the stable top of slope and the setback allowance from the top of slope within which development will not be permitted. These studies are still under review by city staff and the Upper Thames River Conservation Authority. Therefore, a holding provision is being recommended as follows:

h-( )

Purpose: To ensure that all issues regarding hydrogeology, erosion setback maintenance, erosion structural, geotechinical setbacks and all matters relating to slope stability will be dealt with through the site plan approval process to the satisfaction of the City of London and the Upper Thames Comservation Authority (UTRCA) prior to the removal of the "h-( ) symbol.

Also, in keeping with Official Plan policies, the City should pursue the acquisition of the open space lands with a view to protecting, enhancing and restoring the natural and cultural heritage of the Dingman Creek Corridor, including for the completion of a component of the multi-use pathway network along the Corridor. Acquisition may be considered in accordance with the City's Parkland Conveyance and Levy By-law – CP-9.

The lands identified for protection are consistent with the PPS, conform to SWAP, the 1989 Official Plan, The London Plan in the context of this site.

4.5 Issue and Consideration #5: Zoning

The hazard lands identified earlier in this report are to be zoned Open Space (OS5), necessitating a shift in the existing zone line between open space and development lands further west on the property. This shift is reflected in the revised site concept shown in Figure 2. Since the zone line is treated as a property line for zoning interpretation purposes, the site statistics were updated, resulting in an increased proposed density of 83 units per hectare although no additional units are proposed. An additional impact of the zone line shift is a request for rear and interior side yard depths of 2.5 metres. Additionally, a special provision is required for a minimum landscaped setback of 0.5m for a small section of the plan to accommodate the southerly internal driveway access.

Staff are not concerned with these requested special provisions as there is adequate separation between development on the subject property and the area and the higher order uses are along Colonel Talbot Road.

Staff is satisfied that the townhouse form for this development is appropriate, and that three storeys in height at the front of the property at Colonel Talbot Road is compatible with surrounding development and furthers the design goals adjacent to an Urban Thoroughfare. It should be noted that within the proposed R8-4 zoning permitted uses will only allow for stacked townhouses.

4.6 Issue and Consideration #6: Neighbourhood & Agency Concerns

Comments provided on the application focused on impacts to adjacent properties, including:

- Intensity
- Traffic
- Sanitary
- Environmental

Intensity, traffic and environmental have been addressed in the analysis above.

Sanitary
Members of the public expressed concerns about sanitary capacity. Engineering has indicated that the Sanitary Division has no concern and further details on site servicing will occur at the site plan approval stage.

4.7 Issue and Consideration #7: Heritage

The adjacent property 4509 Colonel Talbot is a listed property on the City's Register of Cultural Heritage Resources. A Heritage Impact Study was submitted as part of this application. Heritage staff have accepted the Heritage Impact Study as they are satisfied that the impacts to the heritage resources will be conserved and sufficiently mitigated. For a full review of the response please see Agency Comments in Appendix D.

4.8 Issue and Consideration #8: Archaeological

An Archeological Assessment was completed for the subject lands. The report does not recommend any further study (Stage 3 and 4), and the Ministry has provided sign off of the assessment. Staff are satisfied that all archaeological issues have been addressed.

4.9 Issue and Consideration #9: Site Contamination

The proposed development area does fall within the limits of what is believed to be the methane gas impact zone from an identified former landfill, based on limited historic information from the annexation process. A study was conducted which indicated that no methane gas abatement measures are required at this site The Solid Waste Management Division has reviewed the findings and is satisfied with the findings of the study, and they have no objection to the proposed development.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Neighbourhoods Place Type. Further, the recommended amendment is in conformity with SWAP, and the 1989 Official Plan. The recommended amendment will facilitate the development of an underutilized site within the Built-Area Boundary with a land use, intensity, and form that is appropriate for the site.

Prepared by:	**Alanna Riley** **Senior Planner, Development Services**
Reviewed by:	**Mike Corby, MCIP, RPP** **Manager, Planning Implementation**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers MPA, P. Eng.** **Deputy City Manager, Planning and Economic Development**

cc:
Heather McNeely, Manager, Current Development
Michael Pease, Manager, Site Plans
Ismail Abushehada, Manager, Development Engineering

Appendix A

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located 4519, 4535 & 4557 Colonel Talbot Road.

WHEREAS Farhi Holdings Corporation has applied to rezone an area of land located on a portion of 4519, 4535 & 4557 Colonel Talbot Road, 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 on a portion of 4519, 4535 & 4557 Colonel Talbot Road, as shown on the attached map comprising part of Key Map No. A105, from an Arterial Commercial (AC) Zone, a Residential R1 (R1-11) Zone and a holding Residential R1 (h-4.R1-11) Zone, a Residential R6-5 Special Provision (R6-5(*)) Zone, Residential R8-4 Special Provision (R8-4(*)) Zone, a holding Residential R6-5 Special Provision (h-(*).R6-5(*)) Zone, a holding Residential R8-4 Special Provision (h-(*).R8-4(*)) Zone and an Open Space (OS5) Zone;

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

R6-5(_) 4519, 4535 and 45557 Colonel Talbot Road

a) Regulations

i)	Rear Yard Depth (Minimum)	2.5 metres
ii)	Interior Side Yard Depth (Minimum)	2.5 metres

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

R8-4(_) 4519, 4535 and 45557 Colonel Talbot Road

b) Permitted Uses:

Stacked Townhouses

c) Regulations

i)	Density (Maximum)	83 units per hectare,
ii)	Landscaped Strip (Minimum)	0.5 metres

3) Section Number 3.8 of the Holding “h” Zones is amended by adding the following Holding Provision:

h-( )

Purpose: To ensure that all issues regarding hydrogeology, erosion setback maintenance, erosion structural, geotechinical setbacks and all matters relating to slope stability will be dealt with through the site plan approval process to the satisfaction of the City of London and the Upper Thames Comservation Authority (UTRCA) prior to the removal of the "h-( )" symbol.

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

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

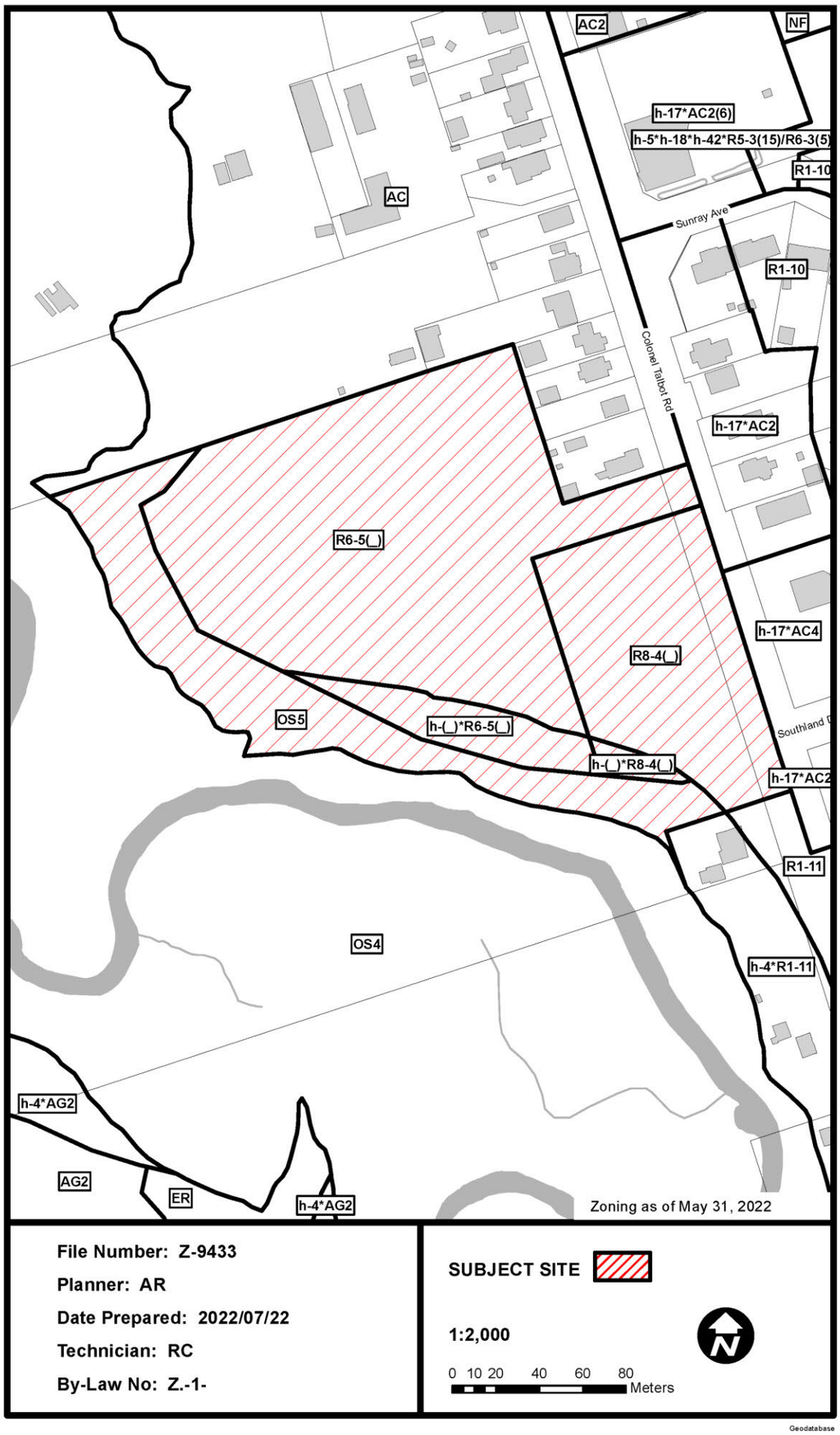
PASSED in Open Council on September 6, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

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



Appendix C – Public Engagement

Community Engagement

Notice of Application (November 15, 2021):

On November 15, 2021, Notice of Application was sent to surrounding property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 15, 2021. “Planning Application” signs were also posted on the site.

Replies were received from, or on behalf of 6 households.

Nature of Liaison: The purpose and effect of this zoning change is to permit 80 townhouses and 62 back-to-back stacked townhouse dwelling units. Possible change to Zoning By-law Z.-1 FROM an Arterial Commercial (AC) Zone, a Residential R1 (R1-11), and a Holding Residential R1 (h-4*R1-11) TO a Residential R6 Special Provision (R6-5( )) Zone with minimum reduced interior and rear yard setbacks of 5 metres, and a Residential R8 Special Provision (R8-4( )) Zone with a density of 81 units per hectare.

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

Hello,

My husband and I received the Notice of Planning Application regarding the above addresses and would like to continue to be included in further conversations/updates about this project. How will we be notified of meeting dates?
We have questions about proposed start dates? Is the project likely to be approved? Waste management plans for this project? Traffic safety plans? Road improvement plans for Colonel Talbot Road? Has the Conservation Authority reviewed and approved these plans? If we would like to fight the proposed amendments and development plans, what are our options?
As you can imagine, there are a number of concerns a homeowner has when a development project of 142 townhouses will be erected beside their property.

Thank you kindly,

Scott Simpson & Sarah Kilbourne

Good morning,

My name is Richard Carroll. I reside at 4512 Colonel Talbot Road with my wife Jill and our two young children. Jill and I are both current members of the Ontario Provincial Police.

We have a couple of concerns regarding traffic measures for the land development across from our residence.

Currently there are no traffic lights in place around the proposed development. We have already witnessed numerous collisions in front of the Tim Hortons due to the high volume of traffic and the speeds of vehicles northbound from the 401/402 corridor. This will only increase with the addition of another approximately 142 plus residences accessing Colonel Talbot Rd.

Our second concern is in relation to our own quality of life. The proposed development diagram indicates a second laneway to Colonel Talbot Rd right across the road from our residence. My wife has a photography studio at the front of our house which will be greatly impacted by the constant vehicle headlights coming through the windows not to mention affecting our own enjoyment of our living space.

This laneway also presents a greater potential for collisions especially for vehicles attempting to exit northbound onto Colonel Talbot Rd. This in turn creates more of a safety concern for our children playing in our front yard.

We would like to inquire given the above mentioned concerns, the viability of removing the laneway across from our residence and rerouting all traffic within the development to a set of traffic lights at Southland Drive. This would certainly help slow traffic from the corridor as well as control traffic in and out of the development.

We appreciate your consideration on this matter. If you would like to discuss this further, please don't hesitate to contact me.

Sincerely,

Richard Carroll
4512 Colonel Talbot Rd,

I am looking for information regarding the planned sewer system for this development and the stretch of Colonel Talbot Road from the Tim Hortons to Main Street.

Thank you
Jody Di Trolio

JOAN BOYCE,

6197 Decker Dr.,

LONDON, Ont N6P 1J6

DEC.08, 2021

ALANNA RILEY

Planning&Development City of London,

300 DUFFERIN ST.,

LONDON, ONT. N6A 4L9

RECEIVED BY

DEC 13 2021

CITY OF LONDON
DEVELOPMENT SERVICES

Dear Ms. Riley,

Further to our recent conversation, I am now conveying our concerns regarding the proposal by FARHI HOLDINGS File Z-9433 for a townhouse development in Lambeth--4519,4535&4557 Col.Talbot Rd., in writing.

Regarding the report by MTE Consultants:

1.) "There is currently no sanitary service." and it goes on to say that the city has "agreed in concept" to a plan to hook up to the current Southland pipe BUT the last two runs to the Southland Pumping Station are close to capacity. Because the entire Southland Street pipe has not been examined, as indicated in the report, there is no guarantee that this proposal is viable.

2.) The whole report appears to be based on many ifs and maybes.

Regarding the report by exp Services

1.) This work was completed over 4 years ago and we would submit that there is a very good chance that any values for ground water levels may not be accurate.

2.) We are most concerned with the effect the large number of buildings and the pavement would have on Dingman Creek. It is an important tributary of the Thames and is under stress at many points already.

3.) The report also states "the development plans consisted of 100 townhouse" NOT the 148

as stated in the notice of planning application.. We would submit that this is too high density

for such a fragile area.

4.)The area is prone to flooding

5.) The report state that the predominant soil encountered was sand 3 to 24% moisture,

clayey silt 18 to 21% moisture and silty sand 8 to23% moisture

6.) In section4.3.3. we read " groundwater may be encountered 5.3 to 9.6 m bgs.....

if groundwater infiltration persists, more extensive dewatering measures may be required"

Again we question the amount of ground water pollution which will occur and the damage it my cause to the creek. As well, we question the long-term stability of buildings as regards to water

7.) The initial proposal for the site some time ago was for seniors accomodation and was deemed then to not have proper servicing then with a proposal for far less density.

8.) The report states as well, soil types between test holes "are assumed and my be subject to considerable error"

We would submit that inn light of storm water emergencies experienced here and in other areas of Canada this year that the proposal for this particular property is not acceptable.

Finally concerns have been expressed regarding traffic congestion caused by adding this housing density to the established TIM HORTONs and the volume on COL.TALBOT.

Speaking for the Lambeth Community Assoc., I wish to state that we are not against building on this property, but we are against a proposal which far too dense and too close to an already stressed natural waterway. We question soil stability and groundwater infiltration.

Anything further to this proposal should be directed tome at:

6197 Decker Drive,London, Ont. N6P 1J6 or

[redacted]

Joan Boyce

2

Departmental and Agency Comments

Urban Design (December 1, 2021)

- Provide direct pedestrian connections to the city sidewalk from each residential unit facing Colonel Talbot Road (either individual or shared). Ensure front doors to the stacked townhouses are lockable and operable as front doors and differentiated from any patio doors to amenity spaces on this façade.
- Provide enhanced architectural details on the end units that are highly visible from Colonel Talbot Road including wrapping materials, windows, and porches. Break up the width of the end unit facades through vertical articulation and material changes that create a more human scale rhythm (ie. every 5-7m). The composition of the front façade is very successful at achieving this - consider replicating this rhythm on the side facades).
- Buildings located adjacent to Dingman Creek should incorporate architectural elements and massing that is compatible with the feature. Consider orienting the buildings to take advantage of their location adjacent to the creek (SWAP 20.5.3.3. iv).
    - Incorporate architectural elements into the rear facades along the public space and pathway that are the same quality and level of detail as the

front facades. This should include materials and articulation changes between units, and gable roof and dormer details to break up the width of the long back façade.
    - Back yard amenity spaces, decks and terraces should be designed with a positive interface to the public space including open views and potential gate access for residents.
    - No privacy fencing should be used between buildings and the public pathway to maintain views and sightlines for safety and passive surveillance.
    - Use landscaping and low-rise and/or decorative fencing to differentiate public from private space.
- Provide enhanced architectural details for portions of the end units that are highly visible from the main gateways into the development (ie. 53, 80) and from the Dingman Creek corridor (ie. 1, 54, 59, 60, 66, 67). (Note: unit numbers may change as a result of pathways and units being shifted or reconfigured.)
- Consider more variation in the colours and materials across townhouse blocks and between individual units to create unique identities for blocks and units, add character and assist with wayfinding.
- Improve the visual and physical access to the multi-use pathway and Dingman Creek corridor throughout the development to better incorporate it as a character feature of the property and community.
    - Remove the 3 parking spaces and/or redistribute the green space at the south portion of the property to provide for a more enhanced and welcoming gateway to the multi-use pathway including trees and other landscape treatment.
    - Redistribute the width of townhouse blocks and the space between them to create wider enhanced walkways at strategic locations (eg. View termini at street curves, adjacent to the amenity space).
    - Consider shifting or reallocating unit 77-80 to other locations on the site to allow for a more prominent amenity space at this corner as a focal point with strong views from the development entrance.
- Connect the proposed city sidewalk (in its ultimate location) to the existing sidewalk to the north as an interim condition prior to any future redevelopment of the neighbourhood sites or reconstruction of the road.
- Provide details on the private parkettes to ensure they are a useable communal amenity space for the site.
- Shift the parking to ensure it is in line with or behind the proposed building. Use landscaping or low landscape walls to screen any parking that is visible from Colonel Talbot Road.
- Provide details and expected use of the proposed concrete pad located behind the stacked townhouses. All outdoor garbage storage should be fully enclosed.

<u>Urban Design (June 26, 2022)</u>

Several previous comments have been addressed. Regarding the remaining comments, the applicant states that they will be dealt with at the Site Plan Approval Stage. Therefore, the following comments should be incorporated in the Report as requirements for the Site Plan Approval.

The following UD comments shall be provided and demonstrated in building elevations, site plan and landscape plan at the Site Plan Approval Stage

- Provide enhanced architectural details on the end units that are highly visible from Colonel Talbot Road including wrapping materials, windows, and porches. Break up the width of the end unit facades through vertical articulation and material changes that create a more human scale rhythm (i.e. every 5-7m). The composition of the front façade is very successful at achieving this - consider replicating this rhythm on the side facades).

- Buildings located adjacent to Dingman Creek should incorporate architectural elements and massing that is compatible with the feature. Consider orienting the buildings to take advantage of their location adjacent to the creek (SWAP 20.5.3.3. iv).

- Provide enhanced architectural details for portions of the end units that are highly visible from the main gateways into the development (i.e. 53, 80) and from the Dingman Creek corridor (i.e., 1, 54, 59, 60, 66, 67). (Note: unit numbers may change as a result of pathways and units being shifted or reconfigured.)

- Consider more variation in the colours and materials across townhouse blocks and between individual units to create unique identities for blocks and units, add character and assist with wayfinding.

- Connect the proposed city sidewalk (in its ultimate location) to the existing sidewalk to the north as an interim condition prior to any future redevelopment of the neighbourhood sites or reconstruction of the road.

- Shift the parking to ensure it is in line with or behind the proposed building. Use landscaping or low landscape walls to screen any parking that is visible from Colonel Talbot Road.

- Provide details and expected use of the proposed concrete pad located behind the stacked townhouses. All outdoor garbage storage should be fully enclosed.

Urban Design Peer Review Panel (see Appendix F)

Parks Planning (November 30, 2021)

- Parkland dedication will be calculated as 5% of the property. The required dedication is calculated to be 3.04 ha (based on a total of 60.9ha) of tableland parkland any remaining required parkland will be taken as Cash in lieu.

- Subject to the City Ecologist and the completion of an EIS for the Dingman Creek corridor, compensation for parkland dedication for the natural heritage lands of 1:16 and hazard lands of 1:27 will be finalized.

- A pathway connection is required along the west side of the proposed residential development with an access from Colonel Talbot Road (as per the City of London Design Specifications and Requirements Manuel) to the northerly limit to be incorporated into the open space blocks/buffers, consistent with the recommendations of the EIS. These lands would be accepted as parkland dedication using an open space rate of 1:16 and as per CP-9 Bylaw

- The proposed pathway corridor is to be a minimum of 15m wide, as per City of London Design Specifications and Requirements Manual, the Contract Documents Manuals and Section 1750 of the London Plan.

- Staff are willing to meet with the applicant to discuss any of the above.

Ecologist Planning (May 2, 2022)

- Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation, including, but not limited to, Unevaluated Wetlands.

Heritage Planning

MEMO

To: Alanna Riley, Senior Planner

From: Laura E. Dent, Heritage Planner

Date: April 30, 2022

Re: **Heritage Impact Assessment Requirements Heritage Comments**
4519, 4535 and 4557 Colonel Talbot Road (Z-9433)

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 (Z-9433):

- a+LiNK Architecture Inc. (2021, September 30). *Heritage Impact Assessment – Ontario Farmhouse, 4509 Colonel Talbot Road, London, Ontario.*

4519, 4535 and 4557 Colonel Talbot Road (subject property) is adjacent to 4509 Colonel Talbot Road – an Ontario farmhouse (c1870) that is a LISTED property on the City's *Register of Cultural Heritage Resources*. A development consisting of 80 townhouses and 62 back-to-back stacked townhouses is being proposed on the subject property. Per *The London Plan* (policy 565_), potential impacts to adjacent properties LISTED on the *Register* must be evaluated and mitigation measures outlined to address any impacts to the cultural heritage resource and its heritage attributes.

Key approaches to the proposed development that support the cultural heritage value (CHV) of 4509 Colonel Talbot Road and mitigate potential impacts include:

- The proposed development retains the existing LISTED property in its context.
- The proposed development is set back from the existing farmhouse, and buffering is provided around the existing farmhouse.
    - Buffering takes the form of a parkette adjacent to a proposed parking area to the south of the farmhouse, along with a sidewalk with small landscape strip and an adjacent private road to the west. The road creates further separation between the standard townhouses to the west/southwest. (HIA, pp1-2)

Presently no details are provided in the development proposal regarding how the landscaping in the parkette and buffering will be treated. More detailed mitigation approaches to "natural" screening outlined in the heritage impact assessment (HIA) should be considered during site plan approval (HIA, p24).

> *Importantly, the use of screening through bushes and trees should be considered in the private parkette and buffer zones to the south and west/southwest respectively. While the use of this natural screening can help significantly with further buffering between the proposed development and the existing heritage home, it is important that the amount of shadows potentially cast by very large trees be considered and reduced. Vertical shrubs*

300 Dufferin Avenue | P.O. Box 5035 | London, ON N6A 4L9 | (519) 661-2489 | www.london.ca

and medium sized-trees (especially coniferous) are appropriate at these locations to provide the visual screening, along with gardens and other natural landscaping elements.

Based on the review of the HIA, heritage staff is satisfied that there will be no adverse impacts to the adjacent LISTED property at 4509 Colonel Talbot Road as a result of the proposed development at 4519, 4535 and 4557 Colonel Talbot Road. It has been sufficiently demonstrated that the cultural heritage value of 4509 Colonel Talbot Road will be conserved, and the HIA can be accepted to meet heritage requirements for (Z-9433).

Sincerely,

Laura E. Dent, M.Arch, PhD, MCIP, RPP

Heritage Planner
Community Planning, Urban Design and Heritage
Planning & Development

London
CANADA

MEMO

To: Alanna Riley, Senior Planner

From: Laura E. Dent, Heritage Planner

Date: April 29, 2022

Re: **Archaeological Assessment Requirements Heritage Comments**

4519, 4535, 4557 Colonel Talbot Road (Z-9433)

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 (Z-9433):

- Lincoln Environmental Consulting Corp. *Stage 1-2 Archaeological Assessment 4519, 4535, and 4557 Colonel Talbot Road* […] Middlesex County, Ontario (PIF P344-0451-2020), January 2021.

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 20, 2021 (MHSTCI Project Information Form Number P344-0451-2020, MHSTCI File Number 0013110).

Archaeological conditions can be considered satisfied for this application, noting that archaeological potential remains on the remaining portion of the property outside the area assessed and proposed area of construction.

Sincerely,

Laura E. Dent, M.Arch, PhD, MCIP, RPP

Heritage Planner
Community Planning, Urban Design and Heritage
Planning & Development

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Upper Thames River Conservation Authority (July 4, 2022)

SUMMARY & COMMENTS

As indicated, the subject lands are regulated by the UTRCA due to the presence of riverine flooding and erosion hazards associated with Dingman Creek, and a regulated wetland (as per the EIS). The UTRCA has undertaken a review of the technical studies submitted alongside this application, and we offer the following comments: 1. The UTRCA participated in a formal pre-consultation process with the applicant in the summer of 2020. The UTRCA's pre-consultation comments were submitted to the City of London and the applicant on August 18, 2020 with the requirements for a complete application. As per comment 1, the following information was to be included in the Slope Stability Analysis: a) A minimum of three (3) cross sections identifying the height of slope ratio (i.e. 2:1); b) Delineation of the slope features: existing toe of slope, stable toe of slope, existing top of slope, stable top of slope, and 6 metre erosion access allowance; and, c) Factor of Safety Analysis. The Geotechnical Report submitted alongside this application, dated December 11, 2017, has not been updated to reflect these requirements, nor has a Slope Stability Analysis been prepared separately. The EIS has made reference to an MTE report, dated 2020. Is this the slope stability reports? Please provide this information to aid in establishing an appropriate development limit 2. The UTRCA has deferred the formal review of the EIS to the City of London ecologist, however staff have undertaken a high-level review to ensure that the interests of the authority are met, and to ensure the requirements under the Conservation Authorities Act can be satisfied. a) Figure 7 identifies areas where buffer encroachment is proposed as a result of the development limits. The EIS further states that no negative impacts are expected to the features or of their function as a result of this encroachment. Please confirm if any additional compensation will occur to aid in offsetting this encroachment. b) Please provide additional details on how the extent of the significant valleylands was delineated – should the Slope Stability Assessment include this information, please confirm and provide this report. c) A 3 metre wide multi-use pathway is proposed along the southern extent of the development limit. Typically, the City requests that a large block be provided to accommodate installation and maintenance of the 3 metre pathway. Please confirm the exact extent of land that is required to accommodate this pathway, and further confirm that there will be no negative impacts. i. The EIS, in the absence of receiving a Slope Stability Assessment, references a 1metre encroachment into the 6 metre erosion access allowance to accommodate the pathway. Similar to above, please confirm the actual extent of encroachment. The UTRCA does not permit pathways (identified as a form of development) within the erosion access allowance. Further modifications may be required upon review of the Slope Stability Assessment. 3. The UTRCA has deferred the formal review of the Hydrogeological Assessment to the City of London. 4. The UTRCA has undertaken a review of the Stormwater Management Report and offer the following comments: a) Please ensure that the proposed development does not negatively impact the groundwater recharge or its quality. UTRCA Comments File No. Z-9433 Page 5 of 6 b) The regulatory storm within the Upper Thames River watershed is the 250-year event. Please revise to ensure pre to post development conditions can be met under this storm event. c) The Slope Stability Assessment and Geotechnical Assessment shall confirm the appropriate placement of the SWM pond at the top of the slope, appropriately setback. d) The SWM proposal includes an OGS system prior to runoff entering the dry pond. The UTRCA strongly recommends avoiding infiltration of polluted runoff into the dry pond. There are concerns related to the efficiency of the OGS in terms of operation and maintenance issues. Please consider adding in natural approaches in addition to the OGS to aid in improving water quality prior to entering the pond. e) Please provide details on how the proposed dry pond and infiltration will match predevelopment conditions. f) Please provide cross sections of the proposed pond identifying inlet, outlet and water surface elevations for the 100-year and 250-year storm events. g) Please provide hydrographs under the proposed conditions at the outlet for the 25mm, 100-year and 250-year storm. h) Please provide justification for the post-development curve number (CN) of 39. Will this be impacted by grading and the proposed urban landscape? i) Please confirm if the pre-development conditions include external drainage areas. j) Please ensure all flows are noted in m3 /sec and not L/sec.

k) Please provide erosion and sediment control plans. Overall, the UTRCA has no concerns over the proposed stormwater management infrastructure being located within the lands zoned for development. The above comments shall be addressed through either the Site Plan or Vacant Land of Condominium application that will follow. 5. The UTRCA has undertaken a review of the Water Balance and offer the following comments: a) The pre to post runoff conditions for the site note that there is a decrease from pre to post. Runoff generally increases as a result of increased impervious surface. Please confirm the water balance calculations provided are accurate. b) Please ensure all proposed LID features are designed based on the local soil properties, site characteristics and base flow requirements. c) Please provide the pre to post development catchment areas supported by contour and grading information. Overall, the UTRCA has no concerns with the preliminary water balance. The above comments shall be addressed through either the Site Plan or Vacant Land of Condominium application that will follow. 6. The Planning Justification Report identifies that the holding provision h-4 will be removed “at the appropriate time” based on the findings of the MTE report dated June 2020. As the current rezoning application is to establish development limits based on the findings of required technical reports, it is appropriate the ensure that the zone lines are based on the findings of these reports. As stated above, please provide the Slope Stability Assessment to confirm these limits. Upon review and sign-off from the City and UTRCA, the holding provision can likely be removed in the near future through the required municipal process. UTRCA Comments File No. Z-9433 Page 6 of 6 7. The UTRCA is lacking critical information to inform the extent of the development limit and appropriately zoned lands. Please provide the requested technical information noted above to ensure that the Open Space zone (OS4 and OS5) capture all natural hazard and natural heritage features.

RECOMMENDATION
Consistent with the UTRCA’s comments provided on the Proposal Summary Report and pre-consultation meeting from August 18, 2020, there are a series of deficiencies noted in the current state of the application. The applicant is required to provide a comment response letter and the requested studies in response to the comments identified above. As such, the UTRCA recommends that this application be deferred.

Landscape Architect (Tree Preservation) (December 1, 2021)

The applicant needs to be aware that London Plan Policy 399 will be applied to the development. London Plan Policy 399 requires 1 replacement tree to be planted for every 10cm dbh [diameter at breast height] removed for development. So say, a tree that is 50 cm diameter at chest height is removed, 5 trees will need to be planted on the site. A tree preservation report will be required at Site Plan to determine the number of replacement trees.

Engineering (December 14, 2021)

The following items are to be considered during a future development application stage:

Transportation:

- Right-of-way dedication of 18.0 m from the centre line be required along Colonel Talbot Road. Presently the width from centerline of Colonel Talbot Road at this location is 13.106m as shown on MTO Plan P-1421-22.

  Therefore an additional widening of 4.894m is required to attain 18.0m from c/l.
- Detailed comments regarding access design and location will be made through the site plan process

Sewers:

- The proposed zoning amendment is to allow 80 townhouses and 62 back-to-back stacked townhouses for a total of 142 medium density units. Sewer Engineering and WWT op’s are agreeable to the proposed servicing

strategy which utilizes a private pumping station to the municipal gravity system as demonstrated within the applicant's Sanitary Report Letter, namely the 200mm sanitary sewer top end manhole on Southland Drive.

- SED has reviewed the capacity report submitted and agrees that there is capacity in the downstream sewers which outlet to the Southland PS, however, as MTE has noted, there is only 2l/s to spare in the 200mm sanitary sewers which inlet to the PS. MTE is recommending upgrading these pipe lengths to better allow for the 4.4l/s peak flow that this development will produce. However, the applicant should be made aware that at the Southland PS itself there is currently insufficient capacity for the additional 4.4l/s, and that an engineering and capital upgrade will be required at the station either in substitution or addition to the proposed upsizing of the sanitary sewer(s). The City can coordinate the work, but the costs incurred will be the sole responsibility of the developer. The City has no capital improvement projects planned for the Southland PS in the next 20 years.

- Further discussion regarding the upgrades and extent of the upgrades required to permit this development are required as part of or prior to the applicants SPA.

Stormwater:

- SWED is in general agreeance with strategy proposed and methodology used and would anticipate further detailing to support a future Site Plan Application.

- As part of a future Site Plan Application, please provide the updated hydrogeological investigation report provided by EXP in July 2021.

London Hydro (November 19, 2021)

Reply Sheet for City of London Applications to be Reviewed by London Hydro Engineering

Date: November 19, 2021

To: City of London Planning Division – Room 609

Attn: Alanna Riley

RE: **Address:** 4519, 4535, 4557 Colonel Talbot Road

Applicant: Farhi Holdings Corp

File/Ref #: Z-9433

London Hydro Response:

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.	☐
This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.	☐
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. Any new or relocation of the existing service will be at the expense of the owner.	☐
London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.	☑

Signed: _____

Hans Schreff
Manager - Developer & Operations Support,
Engineering & Operations Administration Dept.
519-661-5800 ext. 5014

Committee of Adjustment ○ Notice of Application ◉ Site Plan Consultation ○ Site Plan Application ○

Appendix D

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 Official 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 concept achieves an intensity that allows for other on-site functions such as visitor and accessible parking, emergency services and landscaped open space, including an enhanced width buffer strip along the north property line.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	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 a to office, commercial and service uses, elementary schools, numerous parks, and transit services.
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 development is mitigated by the placement of the buildings toward the front of the property. 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;	The slope of this property will remain vegetated. Within the development 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;	As noted in the Intensity analysis in this report, traffic impacts of this development will be negligible in relation to the anticipated function of the collector and arterial streets.

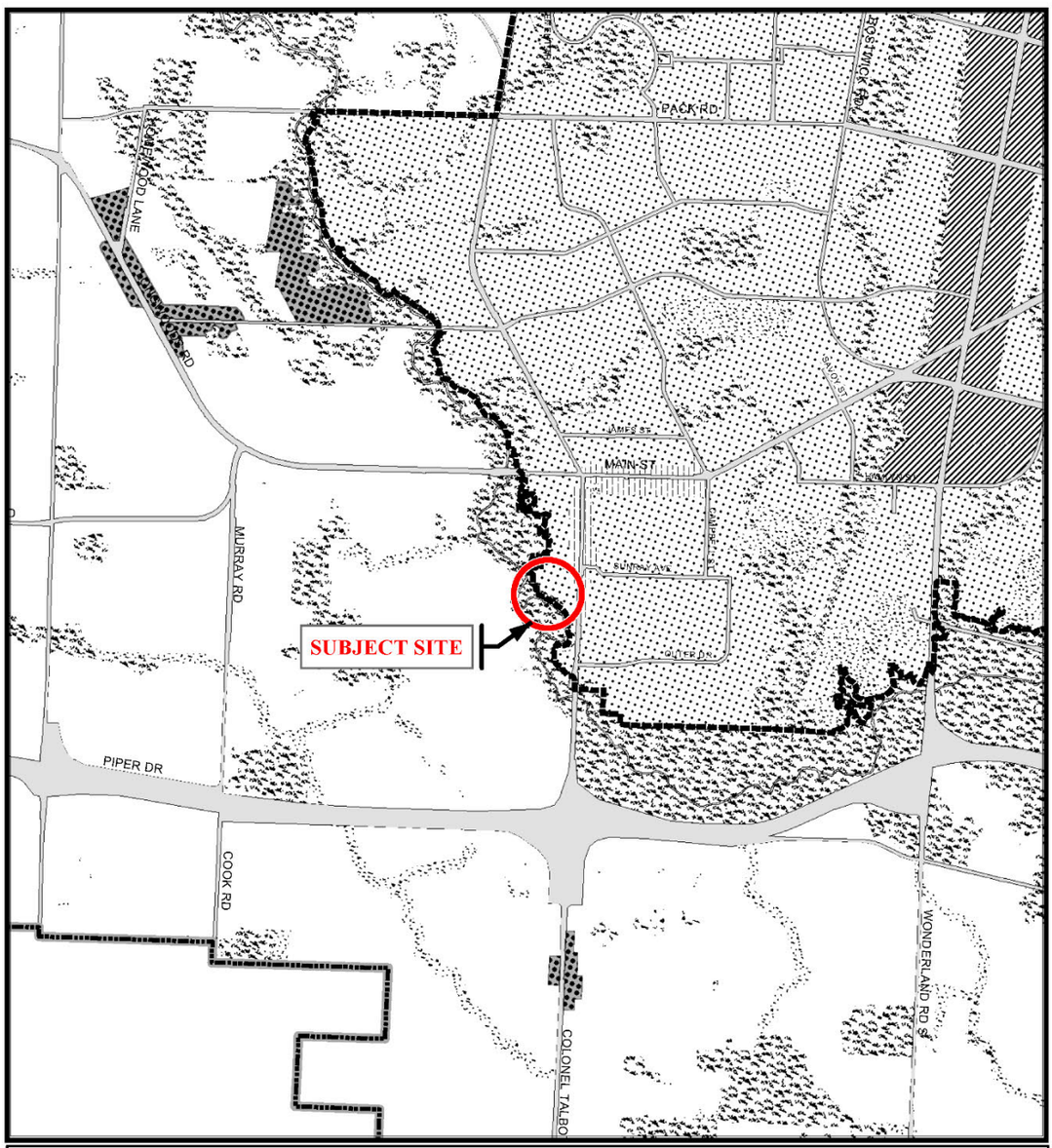
The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;	The applicant is commended for providing a built form that establishes a built edge along Colonel Talbot Road; provides for an active edge along the frontage by including ground floor residential units with principal building entrances; provides for a setback from the property to the north, includes common outdoor amenity spaces and includes limited surface parking.
The potential impact of the development on surrounding natural features and heritage resources;	Approximately 1/8 of the site will be located in the Open Space (OS5) Zone to protect the ecological features and functions within the Significant Area. Within this area, dead and some non-native species will be removed, and a naturalization plan including replanting with native tree species will be implemented through site plan requirements.
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;	Lands that encompass the Riverine Erosion Hazard Line for Confined Systems and the Regulatory Flood line will be located within the Open Space (OS5) Zone and protected from development.
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;	The requested amendment is consistent with the Official 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.
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;	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.
Impacts of the proposed change on the transportation system, including transit	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.

1577_ Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	**Response**
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patters and for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. There are no significant natural or cultural heritage resources requiring protection and no natural or man-made hazards to be considered.
Conformity with the Our City, Our Strategy, City Building, and Environmental Policies of this Plan.	The proposal provides for residential intensification within the Urban Growth Boundary and supports Key Directions related to the creation of a mixed-use compact City and strong, healthy and attractive neighbourhoods. The massing and scale of the proposed building can be appropriately integrated into the community through the application of the relevant City Design policies at the site plan approval stage.
Conformity with the policies of the place type in which they are located.	The proposed development provides for the use and intensity of development contemplated within the Neighbourhoods Place Type along an Urban Thoroughfare. Compatible intensification is encouraged in existing neighbourhoods. (937_).
Consideration of applicable guideline documents that apply to the subject lands.	No additional guideline documents apply to the subject lands.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.	The site will be fully serviced by municipal water, sanitary and storm sewers.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	Further consideration of traffic controls related to the driveways will occur at the site plan approval stage.
Noise	The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties. A noise study was not required for the Zoning By-law amendment application but will be required at the site plan stage to address the mitigation of impacts of road noise on the new development.

Emissions generated by the use such as odour, dust or other airborne emissions.	The proposed development will not generate noxious emissions.
Lighting	Lighting details will be addressed at this site plan approval stage. It is a site plan standard that any lighting fixture is to minimize light spill onto abutting properties.
Garbage generated by the use.	Garbage facilities should be screened, storage inside the building is a standard requirement for apartment forms, with garbage to be placed outside on collection day.
Privacy	The proposed development situates the proposed development as far from abutting properties as possible. In addition to the spatial separation between the buildings and the lot lines, the provision of a combination of privacy fencing and enhanced landscaping, along with a pathway to soften the property boundaries and provide screening to the neighbouring single detached lot will help screen views from the proposed building to neighbouring properties.
Visual Impact	Enhanced landscaping, articulated building design, and architectural details and materials to be implemented through site plan and are expected to have a positive visual impact on the area.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the development.
Trees and canopy cover.	The development will result in the loss of some trees and canopy cover in order to achieve more compact forms of development within the built-up part of the city. At the site plan stage, a tree preservation plan and complete landscape plan will be developed to provide for new tree planting and screening from adjacent land uses.
Cultural heritage resources.	A Heritage Impact study and archeological study were submitted and accepted by the City of London’s Heritage Planner.
Natural heritage resources and features.	Lands that encompass the Riverine Erosion Hazard Line for Confined Systems and the Regulatory Flood line will be located within the Open Space (OS5) Zone and protected from development
Natural resources.	Not applicable.
Other relevant matters related to use and built form.	Not applicable.

Appendix E – Relevant Background

The London Plan



Legend

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

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

CITY OF LONDON
Official Plan

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development

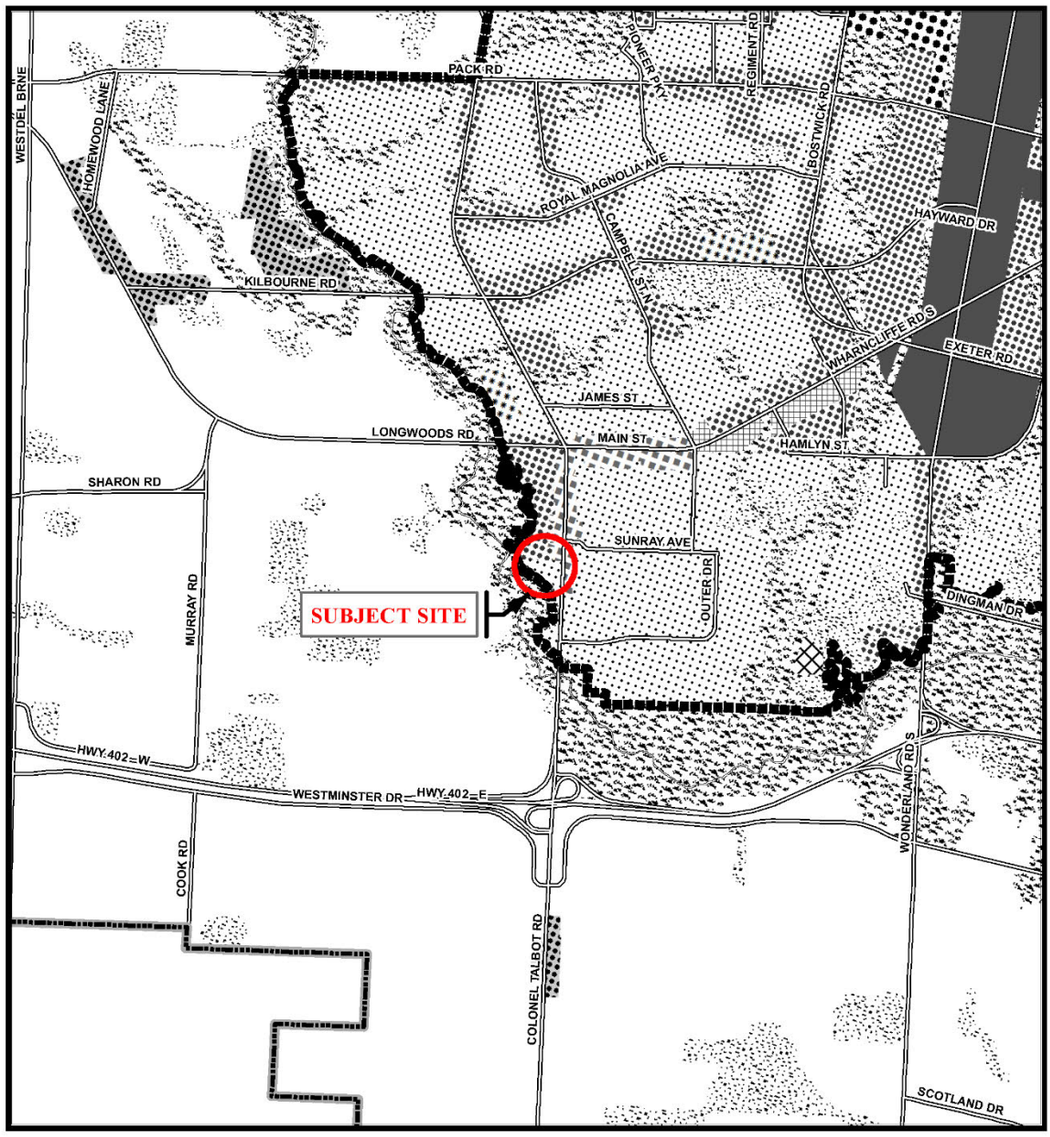
Scale 1:30,000

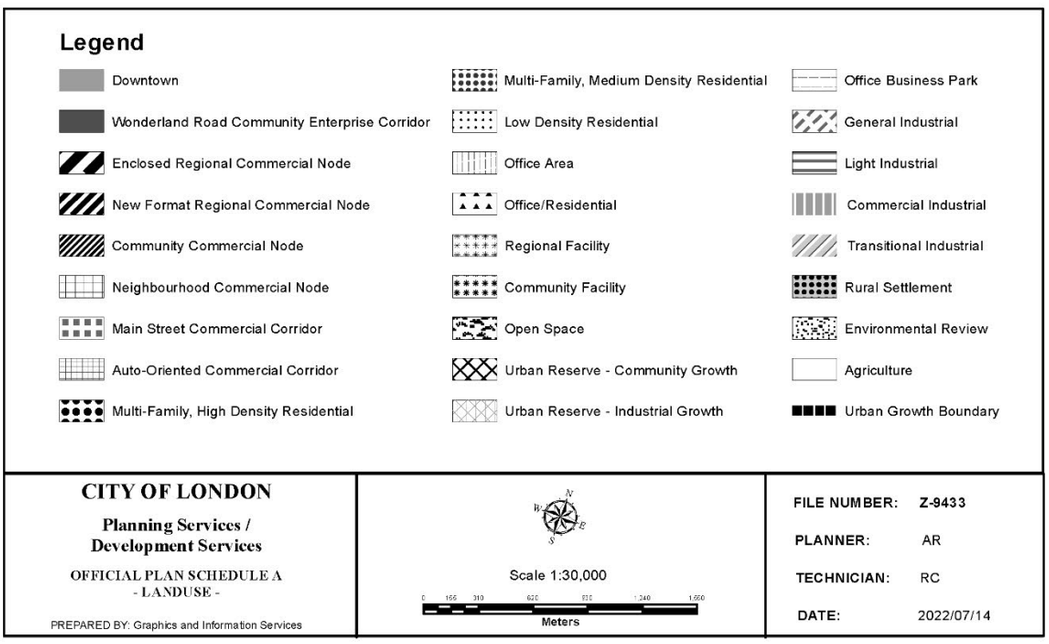
0 150 300 600 900 1,200 1,500
Meters

File Number:	Z-9433
Planner:	AR
Technician	RC
Date:	2022/7/14

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\OZ-9433-Map1-PlaceTypes.mxd

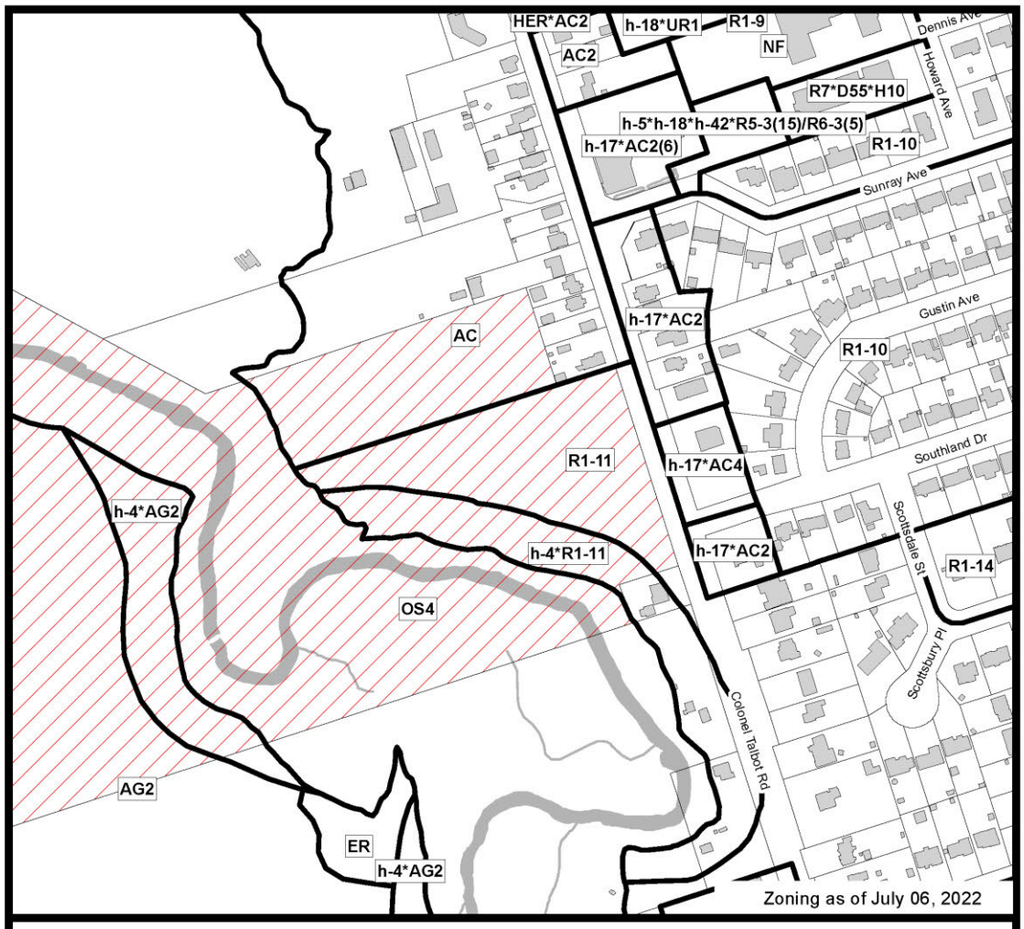
1989 Official Plan – Schedule A – Land Use





PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: Z-9433 AR

MAP PREPARED: 2022/07/14 RC

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

Appendix F – Applicant's Reply to UDPRP Comments

Comment:
The panel commends the applicant for a clear and complete application.
Applicant Response:
Acknowledged by Owner.

Comment:
The panel commends the applicant for a clear site strategy that appears to minimize the visual impact of surface parking and reinforces the street edge defining the west side of Colonel Talbot Road.
Applicant Response:
Acknowledged by Owner.

Comment:
The panel commends the applicant for the contemporary architectural expression and an animated and articulated building façade, separated into two distinct masses along Colonel Talbot Road.
Applicant Response:
Acknowledged by Owner.

Comment:
The panel expressed concern that the at grade entries to the stacked townhouses along Colonel Talbot Road are overexposed to a busy, high speed regional road and would benefit from further exploration of landscape design, changes in grade and architectural features to mitigate this condition.
Applicant Response:
The stacked townhouse block is presently setback +10m from the property line along Colonel Talbot Road. This is generally an acceptable front yard setback with substantial landscape strip; additional landscaping may be detailed through the site plan approval phase to buffer the front entrances and reduce exposure to the arterial road.

Comment:
The panel recommends proposing to the City a formalized pedestrian crosswalk connecting the proposed development to Southland Drive across the street, to better integrate the development with the existing community, provide enhanced traffic calming and pedestrian safety.
Applicant Response:
Acknowledged.

Comment:
The panel noted that until the walking trail is extended to a natural outlet in a public space, it should be circuited back into the pedestrian circulation of the development to avoid awkward and potentially unsafe dead ends.
Applicant Response:
The westerly walkway connection has been relocated further north to provide a continuous connection at the current terminus of the walkway to remove the dead-end.

Comment:
The panel recommended end units and units facing the ravine, outdoor amenity space and walking trail be designed to take advantage of enhanced view opportunities and natural light, as well as provide visual interest to the proposed pedestrian realm.
Applicant Response:
Acknowledged and will be addressed through site plan approval and building permit stages.

Comment:
The panel noted that the space between townhouse masses appears to be too small to provide for a reasonable transition between public and private space. Explore increasing this dimension and utilizing landscape and architectural features to improve the threshold condition.
Applicant Response:
Landscape features would be used to delineate the public/private space at the site plan approval stage. Blocks have been moved 0.5m closer to private road along the perimeter (Units 60-66) to increase the setback from buildings to public pathway along the perimiter.

Comment:
The panel noted that although there was not enough detail to evaluate it effectively, the internal roadways and pedestrian ways should be designed to function like City spaces and infrastructure to provide a safe and clearly legible pedestrian environment.
Applicant Response:
Acknowledged by Owner. The roadway and walkways will be designed in more detail through the site plan approval stage.

Comment:
More detail is required to evaluate the effectiveness of the Private Parkette. It appears too small to include adequate buffer space and planting to manage the relationship with the rear yards of the townhouse units.
Applicant Response:
The sidewalk has been relocated to east side of the parkette, to create a more intact usable space. The parkette has been reshaped from an elongated greenspace to a more squared amenity to improve its potential utilization. More detailed design for parkette will be provided through the site plan approval process. A separate smaller parkette is also located along the north property limit to aid in buffering the existing uses to the north from the parking area.

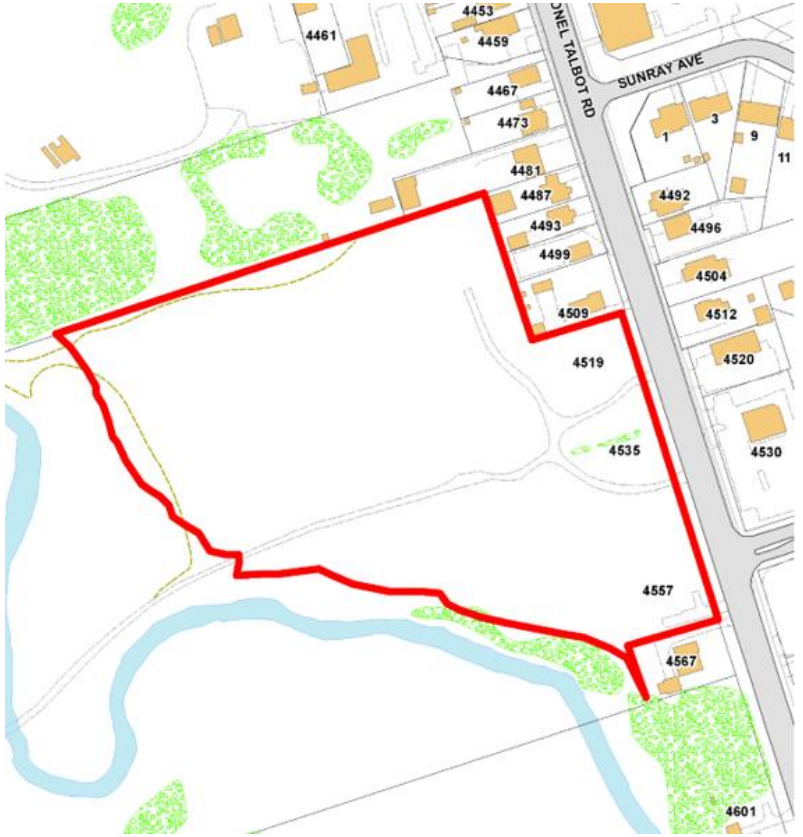
Form Completed By: Laverne Kirkness

Slide 1 – Z-9433: 4519-4557 Colonel Talbot Road

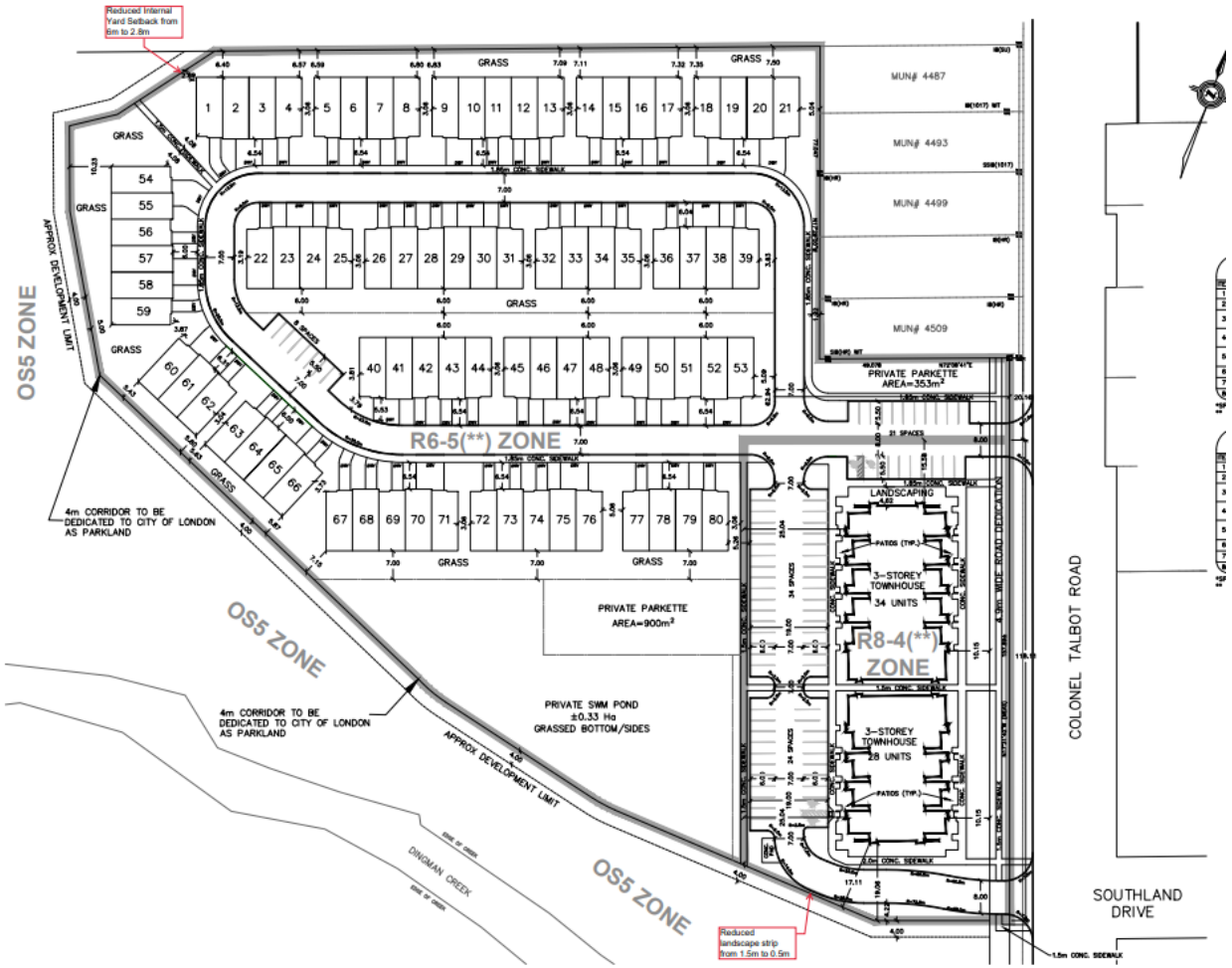
City of London

August 22, 2022

Slide 2 - Subject Site



Slide 3 - Proposed Development



Slide 4 – Proposed Development

Slide 5 – Policy Context

The London Plan

- Neighbourhood Place Type on an Urban Thoroughfare
- Permits a range of low rise residential uses, such as townhouses, stacked townhouses, triplexes, fourplexes, and low-rise apartments
- Standard heights range from a minimum of 2 storeys, a maximum of 4 storeys, or consideration of 6 storeys

- The site is identified as being within a Significant Valleylands on Map 5 – Natural Heritage, and within the Riverine Erosion Hazard Line for Confined Systems, the Regulatory Floodline, Highly Vulnerable Aquifers and the UTRCA Regulation limit on Map 6 – Hazards and Natural Resources of The London Plan.

Slide 5 – Policy Context(2)

1989 Official Plan

- Low Density Residential and Multi-Family Medium Density Residential
- Low Density Residential designation permits primarily single detached, semi-detached and duplex dwellings
- 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
- Normally height limitations will not exceed four (4) storeys
- Medium density development will not exceed an approximate net density of 75 units per hectare (30 units per acre). 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 bonusing (3.3).

- The site is identified as being within the Big-picture Meta-cores/Meta-corridors policy area of the 1989 Official Plan and is affected by the Significant Corridor, and Maximum Hazard Line on Schedule B-1, and the Riverine Erosion Hazard Line for Confined Systems, Regulatory Floodline, and the Upper Thames River Conservation Authority regulated area on Schedule B-2 of the 1989 Official Plan

Slide 5 – Policy Context(3)

Southwest Area Plan

The primary permitted uses in the Low Density Residential and Multi-Family Medium Density Residential designations of the Official Plan shall apply. (20.5.7.1, 20.5.7.2). The Low Density Residential (LDR) policies require residential development to be at a minimum density of 18 units/ha and a maximum density of 35 units/ha. The Medium Density Residential (MDR) policies require residential development to be at a minimum density of 30 units/ha and a maximum density of 75 units/ha.

Housekeeping amendments were recently completed to align the 1989 Official Plan with The London Plan to remove bonusing and permit a density of up to 100 uph through a site-specific zoning by-law amendment

Where development occurs within distances adjacent to natural heritage features that trigger the need for an Environmental Impact Study (EIS)

Slide 7 – Zoning

- Residential R6-5 Special Provision (R6-5(*)) Zone, Residential R8-4 Special Provision (R8-4(*)) Zone, a holding Residential R6-5 Special Provision (h-(*).R6-5(*)) Zone, a holding Residential R8-4 Special Provision (h-(*).R8-4(*)) Zone and an Open Space (OS5) Zone
- Holding (h-( )) provision – holding provision will ensure that all issues regarding hydrogeology, erosion setback maintenance, erosion structural, geotechnical setbacks and all matters relating to slope stability will be dealt with through the site plan approval process to the satisfaction of the City of London and the Upper Thames Conservation Authority (UTRCA).

Special Provisions

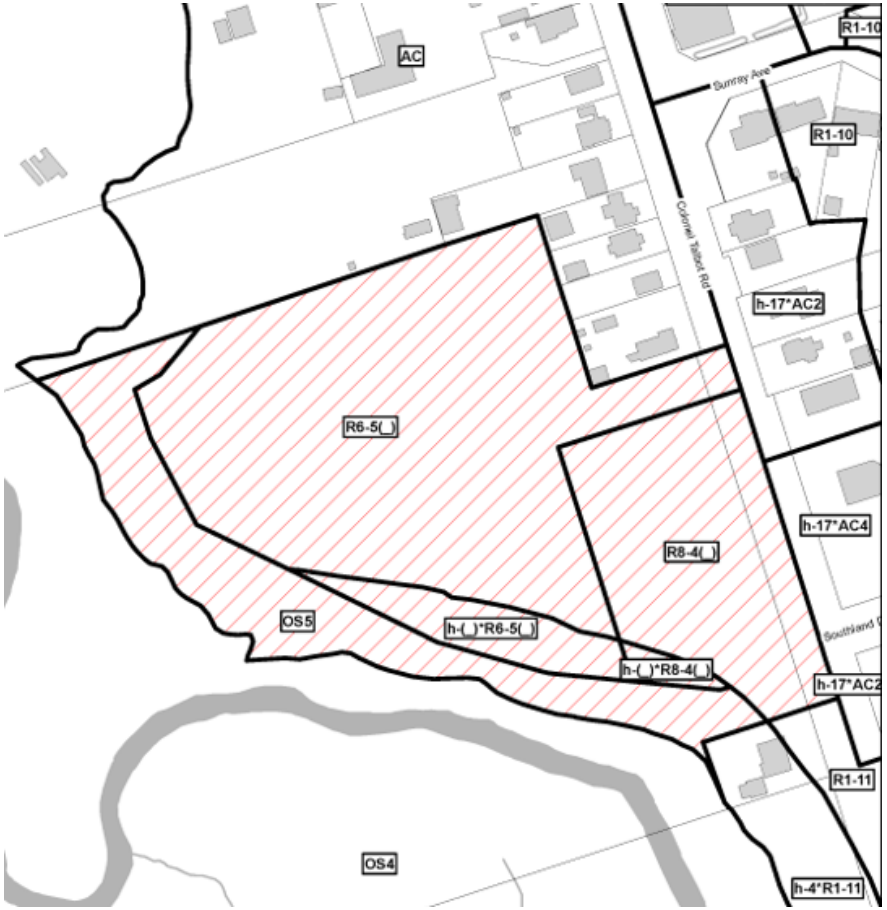
Townhouses

- An interior and rear yard setback of 2.5m whereas 6.0m is required.

Stacked Townhouses

- A density of 83 units per hectare whereas 75 maximum is required; and
- A landscaped strip of 0.5m whereas 1.5m is required to accommodate an internal driveway access

Slide 8 - Recommendation



Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **Scott Mathers MPA, P. Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **604 Beaverbrook Developments Inc.**
604 Beaverbrook Avenue
File No. OZ-9483
Public Participation Meeting
Date: **August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 604 Beaverbrook Developments Inc. relating to the property located at 604 Beaverbrook Avenue:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 6, 2022to amend The London Plan to create a specific area policy in the Neighbourhoods Place Type at 604 Beaverbrook Avenue to permit a four (4) storey stacked townhouse development and by **ADDING** the subject lands to Map 7 – Specific Policy Areas – of The London Plan;

(b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on September 6, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the 1989 Official Plan, and The London Plan for the City of London as amended in part (a) above), to change the zoning of the subject property **FROM** an Urban Reserve (UR1)) Zone **TO** a Holding Residential R6 Special Provision Bonus (h-18.R6-5*B-_) Zone;

(c) **IT BEING NOTED** that the following site plan and urban design matters were raised during the application review process:

i) Provide sufficient setbacks for site plan planting requirements, and sufficient setbacks to retain existing trees and protect offsite tree roots, and/or provide adequate soil volumes for required perimeter plantings;

ii) Include enough space for collection access to recycling and waste;

iii) Provide glass railings that are bird friendly safe, or similar material to reduce the visual impact;

iv) Ensure there is a minimum setback of 2.5m from parking to habitable space;

v) Ensure that for the area between the proposed structure and the roadway, there is a design that balances privacy and light (e.g. lattice fence, brise-soleil structure, perennial plants, hardscaping etc.); and

vi) Ensure pedestrian circulation and access refinements are constructed in accordance with the Accessibility Review Checklist.

d) The Bonus Zone shall be enabled through one or more agreements to facilitate the development of a high-quality residential stacked townhouse development, with a maximum height of four (4) storeys, 32 dwelling units and a maximum density of 92 units per hectare, which substantively implements the Site Plan and Elevations attached as Schedule “1” to the amending by-law in return for the following facilities, services, and matters:

i. Exceptional Building Design

- A contemporary modern design with architectural details including high-quality materials, horizontal and vertical elements, and large windows, which create a design complementary to adjacent development; and
- A front facing façade that establishes a built edge with primary building entrance and a pedestrian friendly public realm.

ii. Provision of Affordable Housing

- A total of two(2) 3-bedroom residential units will be provided for affordable housing; one unit within each block;
- Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
- The duration of affordability is set at 50 years from the point of initial occupancy;
- The proponent enters into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations;
- These conditions to be secured through an agreement registered on title with associated compliance requirements and remedies.

e) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the recommended zoning generally implements the site concept submitted with the application. As part of the application review process a revised site plan concept was submitted with minor revisions including a new interior side yard setback of 3.0m whereas 3.2m was proposed and a parking rate of 1.0 spaces per unit whereas 1.1 spaces was proposed in the notice of application and public meeting.

Executive Summary

Summary of Request

The owner has requested an amendment to The London Plan to add a Specific Area Policy to the existing Neighbourhoods Place Type along a Neighbourhood Connector Classification to permit stacked townhouses as a permitted use and a height of four (4) storeys. Also, the owner has requested a Zoning By-law Z.-1 to change the zoning of the subject lands to a Residential R6 Special Provision Bonus (R6-5(_)*B-_) Zone to permit a four (4) storey stacked townhouse development with at total of a total of 32 residential units with a density of 92 units per hectare.

Special provisions would permit a minimum front yard setback of 5.3 metres along a local road, whereas 6.0 metres is required; a minimum interior side yard setback of 3.0 metres whereas 6.0 metres is required; a minimum rear yard setback of 4.15 metres whereas 6.0 metres is required; a maximum building height of 13.0 metres whereas 12.0 metres is required; a minimum parking rate of 1.0 spaces per residential unit, whereas 1.5 spaces per unit is required; and a maximum density of 92 units per hectare(uph) whereas 35 uph is permitted. The proposed bonus zone would permit a maximum density of 92 units per hectare in return for enhanced urban design and, affordable housing in conformity with Section 19.4.4 of the 1989 Official Plan.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to permit the development of a four (4) storey stacked townhouse development with 32 units through a bonus zone and area specific policy to The London Plan. Special provisions are incorporated through the bonus zone establishing a minimum front yard setback of 5.3 metres along a local road, whereas 6.0 metres is required; a minimum interior side yard setback of 3.0 metres

whereas 6.0 metres is required; a minimum rear yard setback of 4.15 metres whereas 6.0 metres is required; a maximum building height of 13.0 metres whereas 12.0 metres is required; a minimum parking rate of 1.0 spaces per residential unit, whereas 1.5 spaces per unit is required; and a maximum density of 92 units per hectare(uph) whereas 35 uph is permitted. These are recommended to facilitate a development that is appropriate for the site. The recommendation also includes site design and urban design matters that were raised during the application review process to ensure the identified design elements are implemented through the Site Plan Control approval process.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future.

2. The recommended amendment conforms to the in-force policies of The London Plan including but not limited to Our City, Key Directions, City Design and City Building, and will facilitate a built form that contributes to achieving a compact, mixed-use City.

3. The recommended amendment facilitates the development of an underutilized property and encourages an appropriate form of development.

4. The recommended amendment facilitates the development of affordable housing units that will help in addressing the growing need for affordable housing in London. The recommended amendment is in alignment with the Housing Stability Action Plan 2019-2024 and Strategic Area of Focus 2: Create More Housing Stock.

5. The recommended bonus zone for the subject site will provide a public benefit of affordable housing units, and a quality design standard to be implemented through a subsequent Site Plan application.

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 Previous Reports Related to this Matter

None.

1.2 Property Description

The subject site is comprised of one rectangular shaped lot located on the west side of Beaverbrook Avenue. The site currently contains a single detached dwelling and has a frontage of 30.5 metres along Beaverbrook Avenue and an area of 0.35 hectares.

Figure 1 – Existing Single Detached Dwelling

In this area, Beaverbrook Avenue has two traffic lanes, one north bound traffic lane and one south bound with public sidewalks along the west side of Beaverbrook Avenue. Access to transit is nearby at the intersection of Beaverbrook Avenue and Proudfoot Lane. Pedestrian and bicycle connectivity in the neighbourhood provides for convenient access to active mobility in the area.

1.3 Current Planning Information (see more detail in Appendix E)

- The London Plan – Neighbourhoods Place Type on a Neighbourhood Connector
- Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Urban Reserve (UR1) Zone

1.4 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 30.5 metres
- Area – 0.35 hectares
- Shape – Rectangular

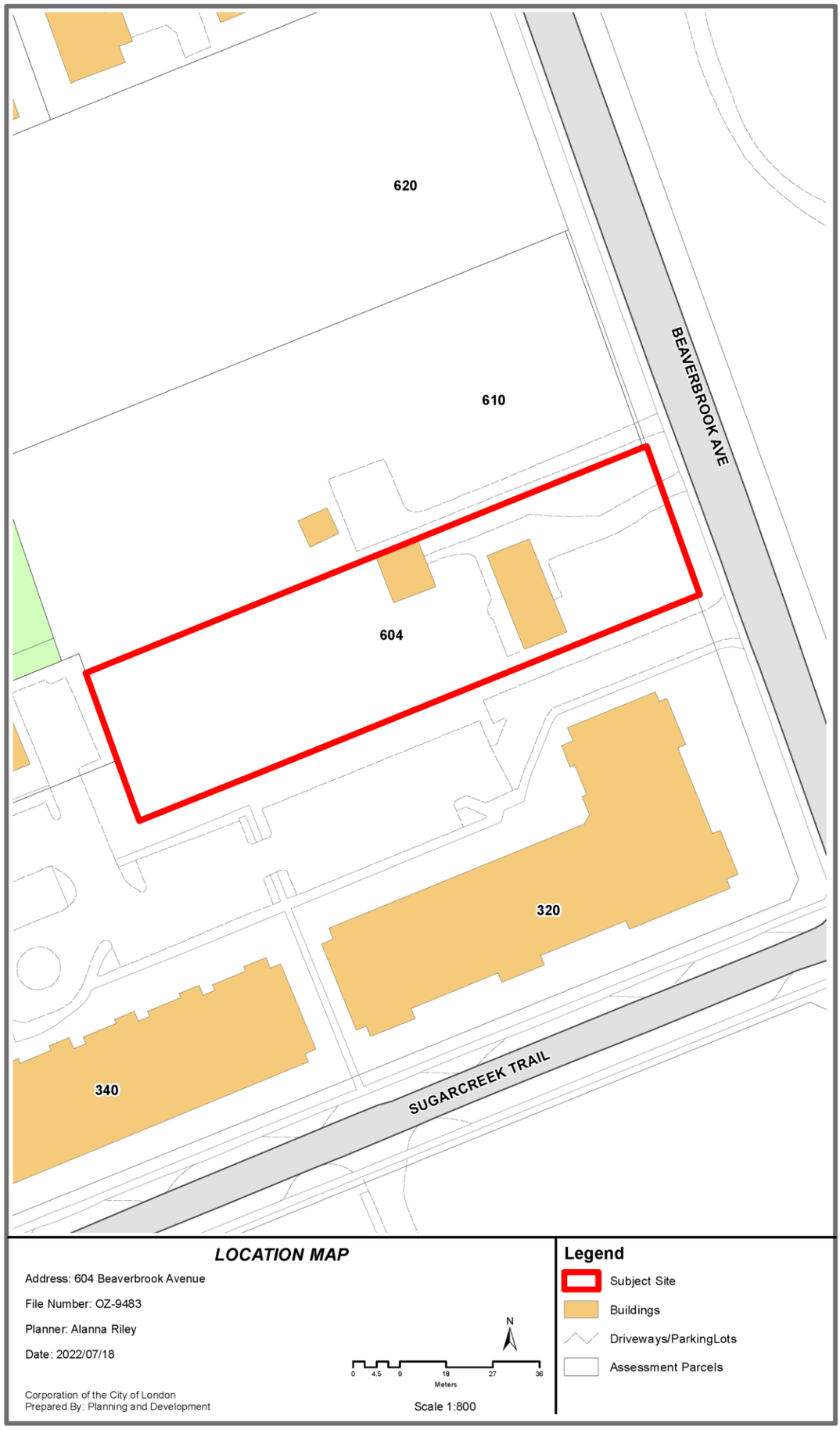
1.5 Surrounding Land Uses

- North –Vacant, townhouses
- East – Cemetery
- South – Apartment buildings
- West – Commercial

1.6 Intensification

The proposed 32 residential units contribute to residential intensification within the Primary Transit Area and the Built-Area Boundary. Two of the units are proposed as affordable housing units

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

On March 8, 2022, the City accepted a complete application that proposed a four (4) storey, 32 unit stacked townhouse development with 34 surface parking spaces. The unit located closest to Beaverbrook Avenue is proposed to be oriented to and situated close to Beaverbrook Avenue.

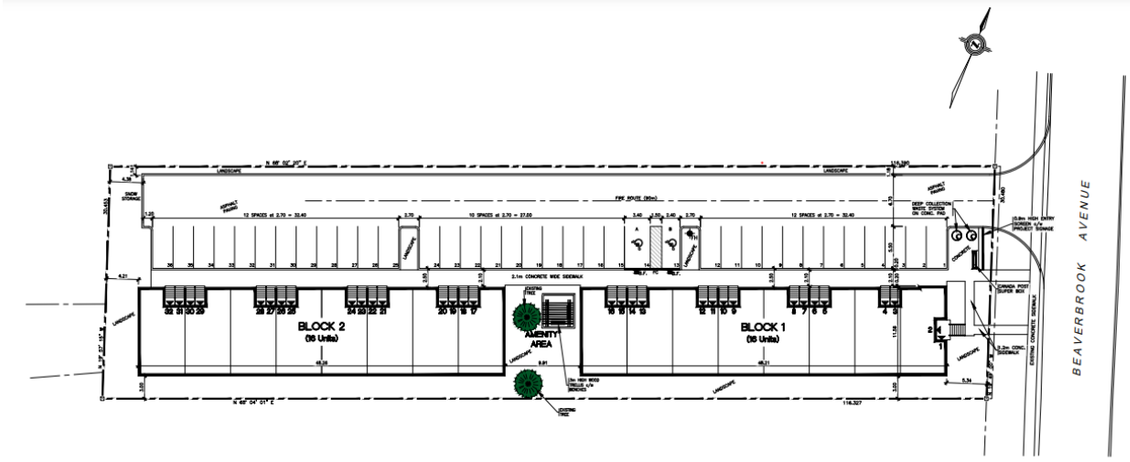


Figure 2: Site Concept Plan

Figure 3: Rendering - view looking southbound

2.3 Requested Amendments

The owner has requested an amendment to The London Plan. A Specific Policy Area is proposed to the existing Neighbourhoods Place Type along a Neighbourhood Connector Street Classification to permit a four(4) storey stacked townhouse development with a total of 32 residential units at a density of 92 units per hectare. In addition, the owner has requested an amendment to Zoning By-law Z.-1 to change the zoning of the subject lands from an Urban Reserve (UR1) Zone to a Residential R6 Special Provision (R6-5(_)*B-( )) Zone to permit a four (4) storey stacked townhouse development with a total of 32 residential units at a density of 92 units per hectare.

Special zoning provisions are requested for a minimum front yard setback of 5.3 metres along a local road, whereas 6.0 metres is required; a minimum interior side yard setback of 3.2 metres whereas 6.0 metres is required; a minimum rear yard setback of 4.15 metres whereas 6.0 metres is required; a maximum building height of 13.0 metres whereas 12.0 metres is required; a minimum parking rate of 1.0 spaces per residential

unit, whereas 1.5 spaces per unit is required; and a maximum density of 92 units per hectare(uph) whereas 35 uph is permitted.

A bonus zone is requested for a maximum density of 92 units per hectare in return enhanced urban design and affordable housing in conformity with Section 19.4.4 of the 1989 Official Plan and policies 1638_ to 1655_ of The London Plan.

2.5 Community Engagement (see more detail in Appendix C)

Written responses were received from, or on behalf of, 4 households in the area. The expressed concerns from the public generally dealt with the following matters:

- Density
- Parking
- Trees
- Greenspace

2.6 Policy Context (see more detail in Appendix D)

Provincial Policy Statement, 2020

The Provincial Policy Statement 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 over the long-term. These communities must be sustained through a number of measures, including: accommodating an appropriate range and mix of affordable and market-based types of residential land uses, as well as employment, institutional, recreation and open space land uses (s. 1.1.1.b); promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (s. 1.1.1.e).

The PPS encourages areas inside the urban growth boundary (i.e. “settlement areas” per s. 1.1.3 Settlement Areas) to be the main focus of growth and development, including opportunities for intensification and redevelopment. Appropriate land use patterns within urban growth boundaries are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public services facilities and are also transit-supportive (s.1.1.3.2).

Municipalities are required to identify and promote opportunities for intensification and redevelopment, taking into consideration an area’s existing building stock (s. 1.1.3.3), accommodating a significant supply and range of housing options, including various housing types, densities, and a variety of affordable and market-based housing arrangements (s. 1.1.3.3), promoting development standards which facilitate intensification, redevelopment, and compact form (s. 1.1.3.4).

The PPS 2020 also requires that municipalities provide an appropriate range and mix of affordable and market-based housing options and densities to meet projected requirements of current and future residents (s. 1.4.1). It directs planning authorities to permit and facilitate growth through lands available for residential intensification and redevelopment within the existing built-up areas.

The PPS also encourages the range and mix of affordable and market-based housing to be built at densities that meet projected needs, by establishing targets for affordable housing (s. 1.4.3.a). Planning authorities are also required to permit and facilitate all housing options and all types of residential intensification.

The London Plan

The London Plan is the new official plan for the city of London. It contains objectives and policies to direct land use, growth, and development in the municipality, consistent

with the PPS.

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. 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 build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking "inward and upward";
- 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; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Integrating affordable forms of housing in all neighbourhoods (61_Key Direction #7).

- 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 (61_ Key Direction #7).

The London Plan uses the term "Place Type" to identify the vision for the planned uses, intensities, and forms of development that will be permitted. Place type is used instead of the traditional planning term "land use designation". Place Types include policies that regulate permitted uses, and the intensity and form of development (policy 748_). The intensity of a land use includes factors such as building height and density.

The site is in the Neighbourhoods Place Type on a Neighbourhood Connector, as identified on Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within this Place Type include Neighbourhoods Place Type on a Neighbourhood Connector in The London Plan, permitting single and semi-detached dwellings, duplexes, triplexes, and townhouses (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The minimum permitted height is 1 storey, and the maximum permitted height is 2.5 storeys, with the potential to bonus up to 4 storeys. (Table 11 – Range of Permitted Heights in Neighbourhoods Place Type). Note that through the May 25, 2022, OLT decision the term "Bonus Zoning" has been replaced with "Upper Maximum Height" in recognition of changes to section 37 of the Planning Act that will take effect in September 2022.

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.

The proposed application has also been evaluated under the policy framework of the 1989 Official Plan given the 1989 OP was in effect at the time of the application submission.

The subject site is designated Multi-Family, Medium Density Residential in accordance with 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. Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four (4) storeys. In some instances, height may be permitted to exceed this limit, if determined through a compatibility report, or subject to a site-specific zoning by-law amendment and/or bonus zoning provisions. Medium density development will not exceed an approximate net density of 75 units per hectare (30 units per acre). 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 bonusing (3.3).

3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1 Provincial Policy Statement

The PPS encourages 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 to meet long-term needs (1.1.1b)). The PPS also promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

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

The policies of the PPS direct planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, 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). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (1.1.3.4). 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 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, are promoted by the PPS (1.4.3d)).

Analysis

Consistent with the PPS, the recommended stacked townhouse development will contribute to the existing range and mix of housing types and commercial in the area, which consists of vacant development land, townhouses and apartments to the north, apartments to the south, a commercial plaza and apartments to the west, and a cemetery to the east across Beaverbrook Avenue.

Figure 4: Surrounding land uses

The subject lands are of a size and configuration capable of accommodating a more intensive redevelopment of an underutilized site, currently developed with a single detached dwelling within a settlement area. The increased intensity of development on the site will make use of existing transit services, nearby active and passive recreation opportunities, and commercial uses.

The recommended intensification of the subject property would optimize the use of land and public investment in infrastructure in the area. Surrounded by a developed area of the City, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth.

4.2 Issue and Consideration #1: Use

The London Plan

Policy 916_3 of the Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so. Furthermore, policy 918_2 states that neighbourhoods will be planned for a diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms, and that affordable housing will be planned for, and integrated.

The subject site is in the Neighbourhoods Place Type along a Neighbourhood Connector. Table 10 – Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification (921_). At this location, Table 10 would permit a range of low-rise residential uses including single, semi-detached, duplex, triplex, and fourplex dwellings, and townhouses. (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). A site-specific amendment is required to permit a 4-storey stacked townhouse residential development given the proposed use is not identified as a permitted use in Table 10 of The London Plan

1989 Official Plan

The 1989 Official Plan supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (3.1.1 ii). The subject property is designated Multi-family, Medium Density Residential (MDR) in accordance with Schedule ‘A’ of the 1989 Official Plan. The MDR 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. Development 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. Normally height limitations will not

exceed four storeys. 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 bonusing (3.3).

Analysis:

Under the Neighbourhood Place Type policies (916_3) of The London Plan, the expectation is that stacked townhouses are anticipated to be developed within neighbourhoods, and which may also include affordable dwellings. These policies provide guidance to the situating of various residential types relative to the street classification. As noted, the subject site fronts onto a Neighbourhood Connector which does not permit stacked townhouses ;therefore, an amendment to The London Plan is required to add a specific area policy.

The development of the proposed four (4) storey, 32-unit stacked townhouses would contribute to a mix of housing types, providing more intrinsically affordable housing options within the existing neighbourhood. Adjacent surrounding uses include apartments, townhouses, commercial uses, a park, and a cemetery. In this context, stacked townhouses are not out of place in the neighbourhood and its impact would be mitigable. Consistent with this surrounding context as well as the list of uses permitted in the policies, the recommended four (4) storey stacked townhouse development is in keeping with the policies as amended at this location.

This proposal also includes two affordable housing units. The property has suitable access to open space, transit, community facilities and shopping areas. Therefore, the request to permit a specific policy area is appropriate as the intent of Specific Area Policies have been met. The recommended amendment to facilitate the development provides for the “integration” of residential uses in the neighbourhood and is consistent with the planned function of the area. Also, the proposed amendment to identify the lands under a Specific Areas policy that includes the requested height and density along with the proposed bonus zoning request, which is discussed below in the analysis of intensity and form section of this report. The above analysis demonstrates that stacked townhouses can be developed on the subject lands in a way that is appropriate for the site and adjacent neighbourhood.

4.3 Issue and Consideration #2: Intensity

The London Plan

The London Plan contemplates residential intensification where appropriately located and provided in a way that is sensitive to and a good fit within existing neighbourhoods (*83_, *937_, *939_ 2. and 5., and *953_ 1.). The London Plan directs that intensification may occur in all place types that allow for residential uses (84_).

As mentioned, the applicant proposes four (4) storeys with bonusing and has applied for a site-specific amendment to The London Plan. Mitigation of potential site impacts associated with increased density is addressed through the bonus zone’s recommended zoning regulations and substantive implementation of the conceptual site plan.

1989 Official Plan

The Multi-family, Medium Density Residential designation states normally height limitations will not exceed four (4) storeys and an approximate net density of 75 units per hectare. Additionally, density up to a maximum of 100 units per hectare may be applied without an amendment to the Official Plan for development that qualify for bonusing (3.3) As previously indicated, the applicant has applied to increase the density above the permitted 75uph to 92uph through bonusing provisions. Density bonusing can be approved by Council, under the provisions of policy 19.4.4. and is a tool used to achieve enhanced development features, which result in a public benefit that cannot be obtained through the normal development process, in return for permitting increased heights and densities.

Further to this, the *Planning Act* provides legislation which allows municipalities to use bonusing provisions in their Official Plan in return for facilities, services, or matters, as are set out in the By-law. The proposed building form and design (discussed in Section 4.4- Form), and the provision of two (2) affordable housing units, all of which may not otherwise be implemented through the normal development approvals process, allow the proposed development to qualify for Bonus Zoning in conformity to the policies of the Official Plan. These bonusable features are outlined in the Staff recommendation and discussed in the Bonusing Section below.

Analysis:

Although The London Plan does not identify density limits within the policy framework, it does control how intense lands can develop through specific criteria. The proposed development is generally in keeping with the intensity policies of the Plan. The proposed building is for four (4) storeys whereas The London Plan contemplates a maximum height of 2.5 storeys along Neighbourhood Connectors.

As mentioned in section 4.2 above, a Specific Area policy to the Neighbourhoods Place Type to permit stacked townhouses with a maximum intensity of four (4) storeys is recommended. The increased intensity of development on the site will make use of existing transit services, nearby active and passive recreation opportunities, and commercial uses. It has convenient access to a range of services, stores and facilities located to the north along Oxford Street and in the commercial centre at Wonderland Road and Oxford Street to the northwest.

The intensity is also in keeping with key directions of The London Plan for inward and upward growth, intensification, and complete neighbourhoods with a mix of housing forms. The proposed maximum four (4) storey stacked townhouse development contributes to the overall form of the development in the area which is considered appropriate. The property lies within an area characterized by the mix of various housing forms ranging from single detached dwellings to townhouses and high-rise apartment buildings. The subject lands are of a size and configuration capable of accommodating a more intensive redevelopment of an underutilized site, previously developed as a single detached dwelling within a settlement area.

Additionally, the proposed development is in keeping with the remainder of the Neighbourhoods Place Type polices as it is sensitive to the adjacent land uses through the building orientation, landscaping, and parking area.

Furthermore, the 1989 Official Plan directs and supports residential intensification in this area. However, the requested density exceeds the general policy permission of the Multi-Family, Medium Density Residential designation. Bonus applications may exceed the 75 units per hectare limit, considering height, scale, and surroundings. (3.4.2)

The subject site is an appropriate location for medium density development based on the planned uses, location criteria, and the form, design and mitigation measures identified below. The requested intensity of development is recommended, subject to agreements for Bonusing and certain considerations at the site plan approval stage.

Density bonusing can be approved by Council, under the provisions of policy 19.4.4. and is a tool used to achieve enhanced development features, which result in a public benefit that cannot be obtained through the normal development process, in return for permitting increased heights and densities. The *Planning Act* provides legislation which allows municipalities to use bonusing provisions in their Official Plan in return for facilities, services, or matters, as are set out in the By-law. The proposed building form and design (discussed in Section 4.3 - Form), the provision of two (2) affordable housing units, and exceptional design all of which may not otherwise be implemented through the normal development approvals process, allow the proposed development to qualify for Bonus Zoning in conformity to the policies of the Official Plan. These bonusable features are outlined in the Staff recommendation and discussed in Section 4.4 below.

The development proposal provides 32 units with two units dedicated to affordable housing. The applicant has presented a number of facilities, services, and matters for the recommended bonus zone, commensurate for the requested increased intensity in conformity with Bonus Zoning. These facilities, services, and matters are addressed below in this report. Staff is satisfied that the proposed facilities, services, and matters are commensurate for the proposed increased intensity. Also, the recommended zoning provisions provide assurances that the appropriate level of intensity will be permitted on the site.

Yard Reductions

The requested front yard setback is for the purposes of allowing building placement closer to the property line in support of contemporary urban design principles, as well as design flexibility. It is appropriate as it provides for an active streetscape and defined public realm with an entrance fronting onto Beaverbrook Avenue and a pedestrian connection to the sidewalk along Beaverbrook Avenue.

The requested rear yard setback provides for additional opportunity for an additional unit. The rear yard provides sufficient space along the westerly property line for landscape buffering with minimal impacts. Also, the property backs onto a parking and landscaping area of an apartment development which provides adequate mitigation measures.

The requested interior side yard setback is for the purposes of allowing the side lotted buildings as this site is very narrow. This side yard abuts the driveway and parking of an existing apartment development which provides sufficient measures. It also accommodates for a landscaped buffer. However, the recommendation proposes 4 metres to ensure there is sufficient amenity area for each unit and sufficient area to plant trees.

Although there are reduced side yards proposed, all the functional requirements of the side yards, such as access between buildings, landscaping, and services, are all adequately provided for within the setback to ensure mitigation measures have been addressed for compatibility between land uses.

Height

The proposed building height for the stacked townhouses to permit a maximum 13m is proposed in order to afford flexibility in the final building design. This height is appropriate within the diverse height variations within the surrounding context.

Parking Reduction

The application includes a parking reduction request from 1.50 spaces per unit to 1.0 spaces per unit, with an effective reduction in the required number of parking spaces to 34 spaces. Planning and Development staff are of the opinion that the reduced parking rate is a common and acceptable modern standard for sites located on streets that support public transportation, such as Beaverbrook Avenue. The development is located close to a higher-order intersection with many transit stops in the area. Also,

Planning and Development conducted a review of parking rates and incorporated changes to reduce these rates for residential uses.

4.3 Issue and Consideration #3: Form

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing "inward and upward" to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_8).

The London Plan also provides guidance on compatibility and fit with regards to form (Policy 953_). The applicant has provided a concept for review (site concept plan provided above) that provides for the context of the anticipated form and its relationship to the neighbourhood.

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_ 2.a. to f.). Similar to the Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools part of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_).

1989 Official Plan

Development within the recommended Multi-family, Medium Density Residential 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. Normally height limitations will not exceed four (4) storeys. Applications for residential intensification are also to be evaluated on the basis of Section 3.7 – Planning Impact Analysis (3.3.3ii)). Appendix D of this report includes a complete Planning Impact Analysis addressing matters of both intensity and form.

Analysis:

The recommended intensification of the subject property would optimize the use of land and public investment in infrastructure in the area. Located adjacent to a developed area of the City, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth. The proposed stacked townhouses represent a more compact form of development than the single detached dwelling that currently occupies the site.

The proposed form of development has made a strong effort to maintain a scale and rhythm that responds to the surrounding land uses, and that the location and massing of the proposed building is consistent with urban design goals. The development is proposed to be situated close to Beaverbrook Avenue defining the street edge and encouraging a street-oriented design with a ground floor entrance facing the street. The overall development uses building articulation, rhythm, materials, fenestration, and balconies which reduce the overall massing of the buildings and create a pleasant and interesting pedestrian environment while reducing large expanses of blank internal to the site.

Landscaping will be provided to include trees and fencing that would screen the proposed building providing privacy for both residents and neighbours. The

recommended zoning provides for the required design flexibility while ensuring the building continues to be located close to the street.

The parking area is located to the north and extends minimally into the interior side yard beyond the building façade. Adequate space is provided around the edges of the parking lot to provide for appropriate screening.

The proposed building is taller than the surrounding townhouse dwellings in the area; however, the proposed buildings are not as tall as the existing apartment buildings to the south and west of the site, which are five (5) and twelve (12) storeys in height, respectively. To ensure there are minimal impacts on the adjacent uses, the proposed placement of the buildings provides for a suitable separation between the proposed development and existing development. Sufficient space is available to provide for appropriate fencing and/or vegetative screening along the north, west and south property boundaries adjacent to existing and possible future development.

City staff have evaluated the detailed Planning Impact Analysis criteria in the 1989 Official Plan and the Evaluation Criteria for Planning and Development Applications in the Our Tools part of The London Plan. Staff are satisfied that the evaluation criteria are met through the recommended Zoning By-law amendment and can be further addressed through the site plan approval process.

The review by City staff relating to urban design and site plan matters highlighted various considerations for more detailed design to be completed. The design refinements illustrated on the elevations in Schedule “1”, provide certainty with respect to appropriate building location and massing, centralized amenity space, and buffering and parking lot design standards in order to establish suitable zoning regulations through bonusing with exceptional design.

At the site plan approval stage, City staff will continue to refine these building and site design features with the applicant for implementation in the final approved drawings and development agreement, including:

i) Provide sufficient setbacks for site plan planting requirements, and sufficient setbacks to retain existing trees and protect offsite tree roots, and/or provide adequate soil volumes for required perimeter plantings;

ii) Include enough space for collection access to recycling and waste;

iii. Provide glass railings that are bird friendly or similar material to reduce the visual impact;

iv. Ensure there is a minimum setback of 2.5m from parking to habitable space;

v. Ensure that for the area between the proposed structure and the roadway, there is a design that balances privacy and light (e.g. lattice fence, brise-soleil structure, perennial plants, hardscaping etc.); and

vi. Ensure pedestrian circulation and access refinements are constructed in accordance with the Accessibility Review Checklist.

These are the detailed matters summarized under clause d) of the staff recommendation for the Site Plan Approval Authority to consider through the site plan approval process.

The proposed development is of a suitable form to meet appropriate urban design goals. Implementation of the required Bonus Zone elements and targeted refinements of the site and building design will result in a development that is compatible with, and a good fit with the existing and planned context of the area.

4.4 Issue and Consideration #4: Bonusing

Under the provisions in the 1989 Official Plan 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 19.4.4. ii) of the 1989 Official Plan establishes a number of objectives which may be achieved through Bonus Zoning.

A summary of the facilities, services, and matters proposed by the applicant in return for additional height and density is provided below:

1652_1: Exceptional site and building design:

- Building design and site layout incorporate architectural themes and design elements that creates a strong street wall and sets the context for a comfortable pedestrian environment.

1652_12: Affordable housing:

- The applicant worked with the Housing Development Corporation (HDC) London through the application process for the provision of affordable housing. The HDC has recommended the following:
    - A total of two(2) 3-bedroom residential units will be provided for affordable housing; one unit within each block;
    - Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
    - The duration of affordability is set at 50 years from the point of initial occupancy;
    - The proponent enters into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations;
    - These conditions to be secured through an agreement registered on title with associated compliance requirements and remedies.
    -

The applicant's bonus proposal meets the objective of providing affordable housing as identified above.

Staff is satisfied the proposed public facilities, amenities, and design features is commensurate for the requested increase in height and density.

4.5 Issue and Consideration #5: Neighbourhood Concerns

Concerns regarding tree removal and green space are discussed below.

Comments related to height, form, density, and incompatibility have been addressed in sections 4.1 through 4.4. of this report. Additional Planning Impact Analysis has been provided under Appendix D of this report.

Tree Removal and Green Space

A Tree Inventory report was prepared to identify the general type, health and/or significance of trees on site. Site Plan Approval review process will provide for further opportunity for discussion and refinement of the fencing treatment, and retention or enhanced plantings.

The London Plan place type is identified as Neighbourhoods Place Type which directs these lands to be developed as such. They are not identified as Open Space or Parkland.

4.6 Issue and Consideration #6: Archaeological

An Archeological Assessment was done for the subject lands. Although the report does not recommend any further study (Stage 3 and 4), heritage planning requires both the archaeological assessment and ministry compliance letter to be provided prior to sign off. The Ministry letter has not yet been received. In order to advance the application, a

holding provision (h-18) is being added to ensure no site disturbance until all documents (including the Ministry sign off letter) have been provided, to the satisfaction of the City.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Neighbourhoods Place Type. Further, the recommended amendment is in conformity with the Multi-family, Medium Density Residential designation of the 1989 Official Plan. The recommended amendments 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 through the use of Bonus Zoning.

Prepared by:	**Alanna Riley** **Senior Planner, Development Services**
Reviewed by:	**Mike Corby, MCIP, RPP** **Manager, Planning Implementation**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers MPA, P. Eng.** **Deputy City Manager, Planning and Economic Development**

cc:
Heather McNeely, Manager, Current Development
Michael Pease, Manager, Site Plans
Ismail Abushehada, Manager, Development Engineering

Attach/

Appendix A London Plan Amendment – Policies for Specific Areas

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. C.P.-1284-

A by-law to amend The London Plan for the City of London, 2016 relating to 604 Beaverbrook Avenue.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990*, c. P.13.

PASSED in Open Council on September 6, 2022

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

AMENDMENT NO.
to the

THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to the Specific Policies for the Neighbourhoods Place Type and add the subject lands to Map 7 – Specific Policy Areas – of The London Plan to permit a four (4) storey stacked townhouse development.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 604 Beaverbrook Avenue in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement 2020, and conforms to The London Plan, including affordable housing, city design and specific area policies. The recommendation provides for the comprehensive development of the subject site resulting in an appropriate and compatible use and form of development.

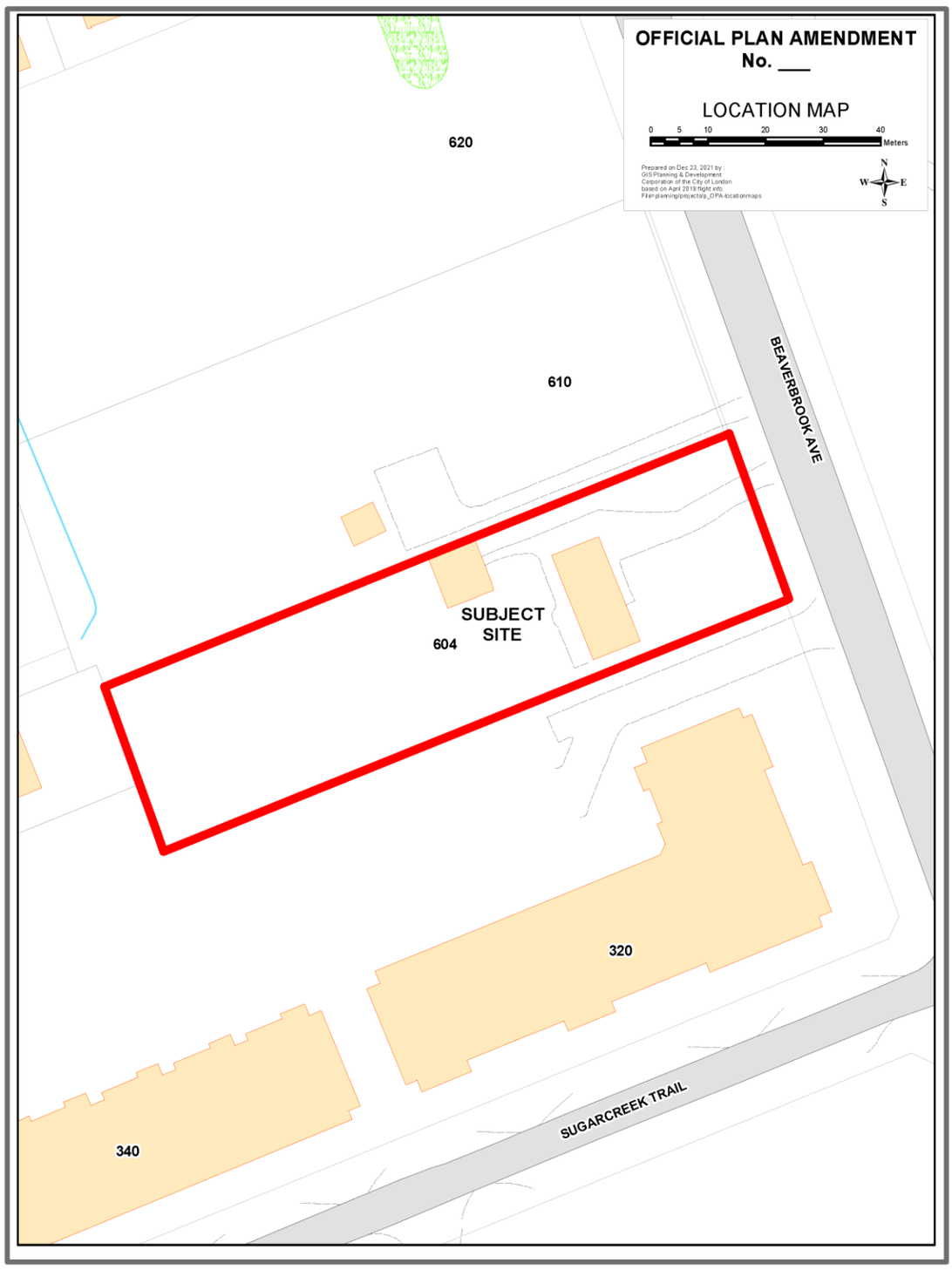
D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

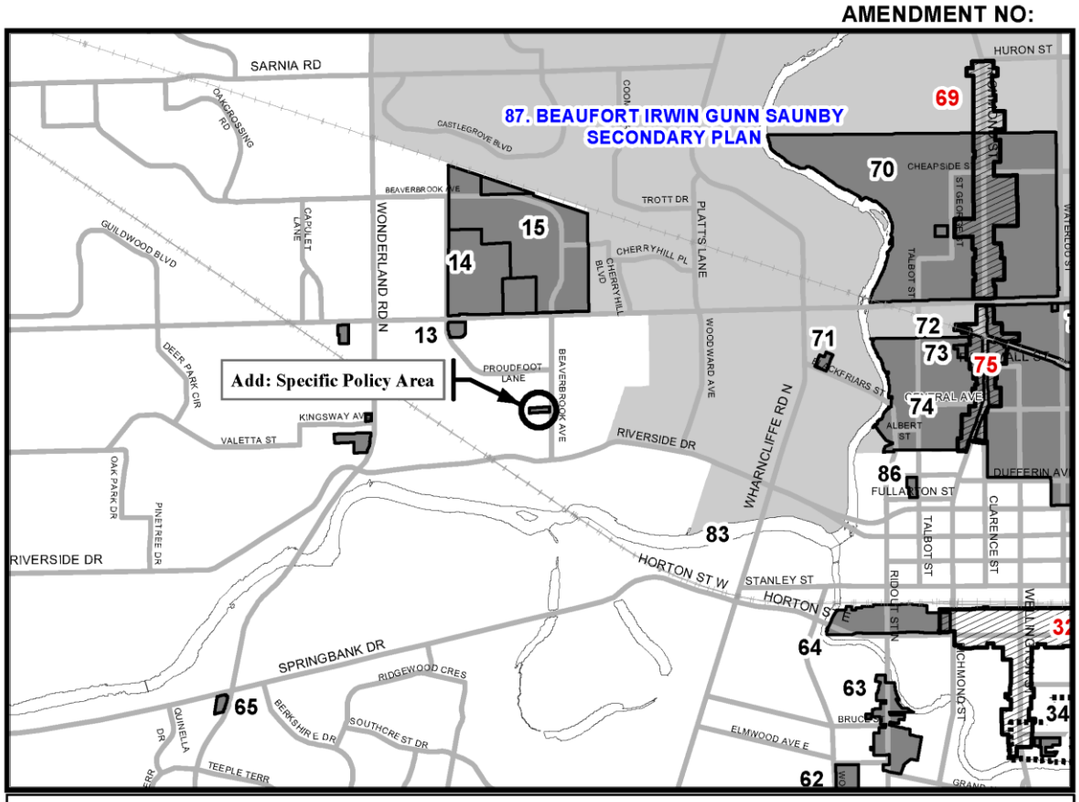
1. Policy (1077_) - Specific Policies for the Neighbourhoods Place Type - of The London Plan for the City of London is amended by adding the following:

   ( ) In the Neighbourhoods Place Type at 604 Beaverbrook Avenue four (4) storey stacked townhouses may be permitted.

1. Map 7 – Specific Policy Areas, to The London Plan for the City of London Planning Area is amended by adding a specific policy area for those lands located at 604 Beaverbrook Avenue in the City of London, as indicated on “Schedule 1” attached hereto.


OFFICIAL PLAN AMENDMENT
No. ___
LOCATION MAP
0 5 10 20 30 40
Meters
Prepared on Dec 23, 2021 by :
GIS Planning & Development
Corporation of the City of London
based on April 2019 flight info
File=planning\projects\p_OPA-locationmaps
N
W E
S
620
610
BEAVERBROOK AVE
SUBJECT
SITE
604
320
340
SUGARCREEK TRAIL

AMENDMENT NO:



LEGEND

- Specific Policies
- Rapid Transit and Urban Corridor Specific-Segment Policies
- Near Campus Neighbourhood
- Secondary Plans

BASE MAP FEATURES

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

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

SCHEDULE #
TO

OFFICIAL AMENDMENT NO. _____

PREPARED BY: Planning & Development

Scale 1:30,000

0 150 300 600 900 1,200 1,500
Meters

FILE NUMBER: OZ-9483
PLANNER: AR
TECHNICIAN: RC
DATE: 7/13/2022

Document Path: E:\Planning\Projects\p_officialplan\workconsol00\amendments_LondonPlan\OZ-9483\OZ-9483_AMENDMENT_Map7_SpecialPolicyAreas_b&w_8x11.mxd

Appendix B

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at Beaverbrook Avenue.

WHEREAS 604 Beaverbrook Developments Inc. has applied to rezone an area of land located at 604 Beaverbrook Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to The London 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 604 Beaverbrook Avenue, as shown on the attached map comprising part of Key Map No. A101, from an Urban Reserve (UR1) Zone to a Holding Residential R6 Bonus (h-18.R6-5*B-(_) Zone

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

4.3) B-(_) 604 Beaverbrook Avenue

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a stacked townhouse development, with a maximum height of four (4) storeys measuring up to 13 metres, and a maximum density of 92 units per hectare, a minimum interior side yard depth of 4.0m, a minimum front yard setback of 5.3m, a minimum rear yard setback of 4.15m, and a reduced minimum parking requirement of 1.0 spaces per unit, which substantively implements the Site Plan, Renderings, Elevations and Views, attached as Schedule "1" to the amending by-law and provides for the following:

vii. Exceptional Building Design

- A contemporary modern design with architectural details including high-quality materials, horizontal and vertical elements, and large windows, which create a design complementary to adjacent development; and
- A front facing façade that establishes a built edge with primary building entrance and a pedestrian friendly public realm.

viii. Provision of Affordable Housing

- A total of two(2) 3-bedroom residential units will be provided for affordable housing; one unit within each block;
- Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
- The duration of affordability is set at 50 years from the point of initial occupancy;
- The proponent enters into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations;
- These conditions to be secured through an agreement registered

on title with associated compliance requirements and remedies.

The following special regulations apply within the bonus zone upon the execution and registration of the required development agreement(s):

a) Regulations

i)	Density (Maximum)	92 units per hectare,
ii)	Building Height (Maximum)	4 storeys up to 13 metres (42.6 feet)
iii)	Front Yard Depth (Minimum)	5.3 metres(17.3 feet)
i)	Rear Side Yard Depth (Minimum)	4.15 metres (13.6 feet)
ii)	Interior Side Yard Depth (Minimum)	4.0 metres (13.1 feet)
iii)	Parking Rate (Minimum)	1.0 space per unit

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

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

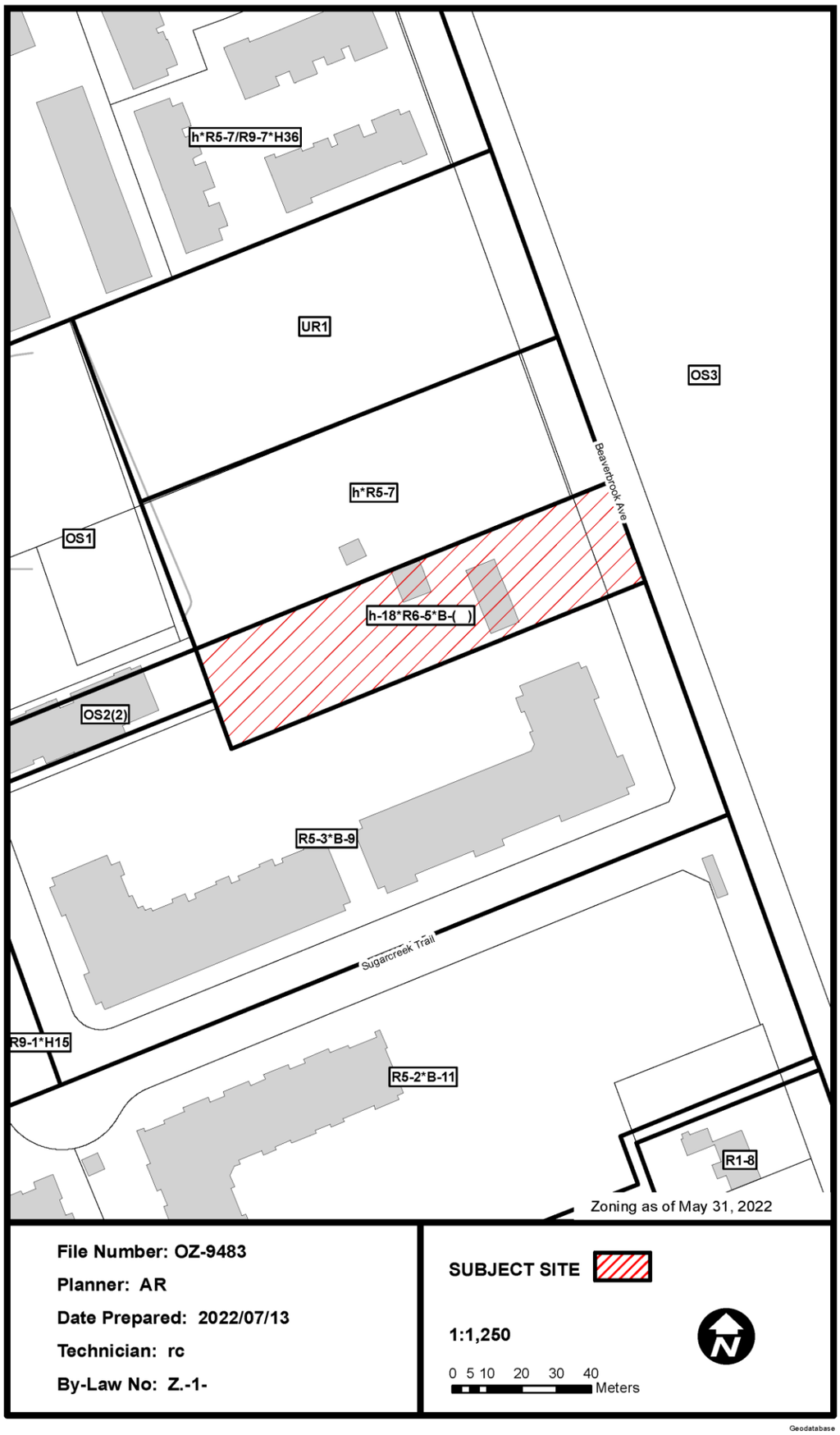
PASSED in Open Council on September 6, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

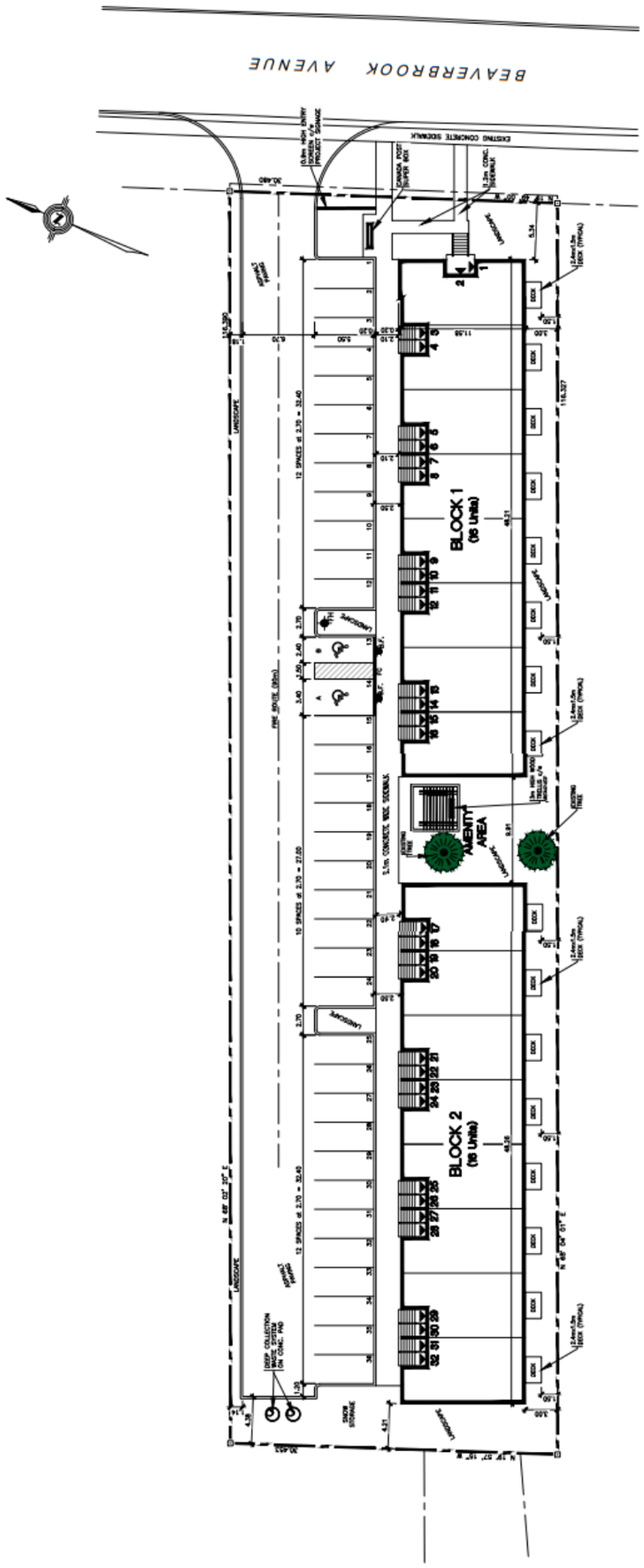
First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

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



Schedule “1”

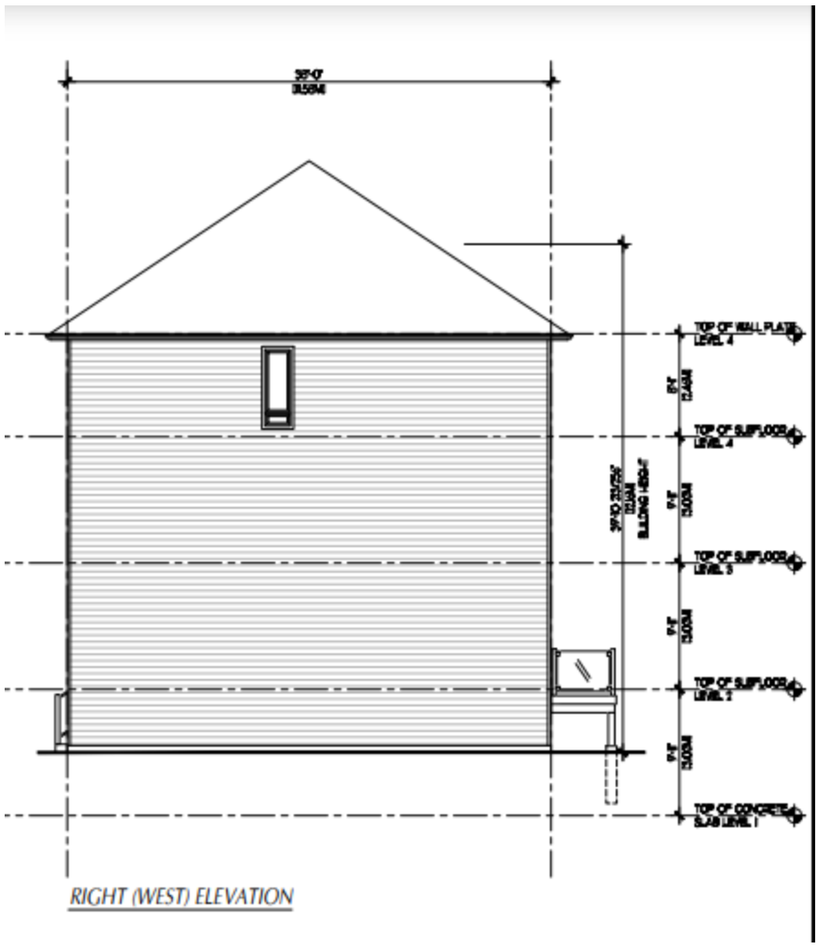
Note: Interior side yard to be changed to 4 metres.



FRONT (NORTH) ELEVATION

REAR (SOUTH) ELEVATION

STREET FACING (EAST) ELEVATION



RIGHT (WEST) ELEVATION

Appendix C – Public Engagement

Community Engagement

Notice of Application:

On March 17, 2022, Notice of Application was sent to 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 17, 2022. A "Planning Application" sign was also posted on the site.

Replies were received from, or on behalf of, 4 households.

Nature of Liaison: The purpose and effect of this Official Plan and zoning change is to permit a 4-storey stacked townhouse development with at total of a total of 32 residential units with a density of 92 units per hectare. Possible amendment to The London Plan to **ADD** a Specific Area Policy to permit stacked townhouses as a permitted use and a height of 4-storeys within the Neighbourhood Place Type. Possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR1)) Zone **TO** a Residential R6 Special Provision Bonus (R6-5(_)*B-_) Zone. Special provisions would permit a minimum front yard setback of 5.3 metres along a local road, whereas 6.0 metres is required; a minimum interior side yard setback of 3.2 metres whereas 6.0 metres is required; a minimum rear yard setback of 4.15 metres whereas 6.0 metres is required; a maximum building height of 13.0 metres whereas 12.0 metres is required; a minimum parking rate of 1.0 spaces per residential unit, whereas 1.5 spaces per unit is required; and a maximum density of 92 units per hectare(uph) whereas 35 uph is permitted. The proposed bonus zone would permit a maximum density of 92 units per hectare in return enhanced urban design and, specifically affordable housing outlined in Section 19.4.4 of the 1989 Official Plan and policies 1638_ to 1655_ of The London Plan.

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

Concern for:

- Density
- Parking
- Trees
- Greenspace

Responses to Public Liaison Letter and Publication in "The Londoner"

Hello Alanna, I am a resident and owner at 340 Sugarcreek Trail and just received the notice about the 604 Beaverbrook Avenue Application yesterday. As you may know, my building is about 11 years old, and when I moved in there were lots of trees and green space in this area. Since that, four apartment buildings have gone up on the south side of this property, and now this development is proposed for the north side of the property. As an owner, it obviously isn't ideal to be in the centre of a concrete jungle, and lose much of that previous green space. Also, as a city, it doesn't seem desirable to re-zone areas that provided a bit of space and green. I am curious if the existing trees will remain between the Sugarcreek condos and the new development, or if those will be removed. If the trees remained, it would at least provide a bit of separation and a bit of green. I am not in favour of more development in this area that has already seen a lot of development in a short period of time.
Diane Young

Hello Ms. Riley,

I received the 'Notice of Planning Application' for 604 Beaverbrook Avenue earlier this week. I have a question regarding the number of separate living units, with 32 residential units, and an increased density of 92 units per hectare, does this mean that within each four-floor townhouse there will be more than one separate living unit? If that is the case, how many separate living units would there be?

Thank you,
Linda Gregson

Dear Ms. Alanna
Riley,

March 28/2022

My name is Patricia Galizia and I am writing to express my opposition to the proposed building of the 4 story stacked townhouses at 604 Beaverbrook Ave. I live at 340 Sugarcreek Trail.

I believe the area is already (highly) densely populated with many apartment style living spaces. Adding more housing will add to this already congested neighbourhood. More housing is not what is needed here. I live in the area, and I see what is needed for those that live here. . . more parks and greenspace, to get out to enjoy. The area is mostly apartments, and a balcony, if the apartment has one, is not the optimal outdoor space to take in the outdoors. A balcony is very limiting. There is a small park and with good weather it is full with people from the area apartments getting out to enjoy. It really is not big enough to accommodate the population of the area. I would love to see that land be preserved as best as possible and expand the park area where it can be. There are so many beautiful park possibilities instead of more housing. Green and park space is what is crucial here. In these covid times apartment living has been rather stifling, so to be able to have a large park nearby to consider one's backyard is essential.

With so much building being done in London, I think it is so important to preserve what greenspace we have. Also, on Sugarcreek Trail 4 brand new apartment buildings have just been finished being built. These too, have added to the already densely populated area. It would be great for those of us that live in the area to not have to drive to get to greenspace and a great park. I often think of the families with children in these apartments and those with pets. Apartment living may be what is necessary for many, so to have a large park as one's backyard is truly an extension of one's living space.

Ms. Riley, I have also left you a voicemail. I thought it important to follow up with an email. I would love to connect with you by phone to share my ideas of what could be done to save the greenspace and enhance the park area, for 604 Beaverbrook. I deeply hope that no more buildings of any kind are constructed in this area. I hope that an outdoor haven is what is proposed, instead of buildings.

Thank you kindly for your time and consideration.

Patricia Galizia

Hi Alanna,

I am a unit owner in the complex of 320/340 Sugarcreek Trail facing the area being planned for the Beaverbrook development.
I had some questions, but am not sure who I would go to, so please direct me if it’s not part of your role.

I don’t fully understand the detail of the notice. In particular my question is about the reduction in parking (states 1.1 spaces per unit) - is the proposed plan mean that our back parking lot would be covered by the new construction and no longer available to us?
In addition I am wondering if the current row of beautiful trees lining our parking lot would remain between our buildings and the new construction?

Thanks for your time,
Nevena

Departmental and Agency Comments

Urban Design – April 21, 2022

Please find below UD comments for OP/ZBA related to 604 Beaverbrook Avenue.

- Provide full set of dimensioned elevations for all sides of the proposed building(s). Further Urban Design comments may follow upon receipt of elevations.
    - Provide the rear and side elevations of the proposed building(s).
- Enhance the design of 'Unit 1/2' so that it is oriented toward Beaverbrook Avenue, including the principal entrance, a wrap-around porch, and the same number of windows, articulation, materials, etc. that would typically be found on a front elevation. Include direct access from the unit entrance to the public sidewalk on Beaverbrook Avenue.
    - The principal entrances to the units along Beaverbrook Avenue are acknowledged. Provide increased number of windows and openings facing Beaverbrook Avenue similar to what is shown on the elevation facing the interior parking lot.
    - Reduce the amount and number of excessive risers proposed to the entrance of each units. Incorporate a major portion(more than half) of the risers internal to the unit so that it contributes to a more comfortable, walkable street-oriented development.
        - Explore opportunities to consolidate the stair entrances and entrance porches for internal units as opposed to providing a separate stair for each units.
- Locate any surface parking area and the garbage collection area away from Beaverbrook Avenue and behind the building frontage.
- Include enhanced landscape buffer to screen parking where it is visible from the street. Parking should not extend beyond the building façade.
    - Include enhanced landscape buffer to screen parking where it is visible from the street.
    - Locate the garbage collection area to a more inconspicuous location(possibly to the rear of the site) as opposed to closer and facing the street.
- Provide further details of outdoor amenity space proposed.
- Provide adequate setbacks between the building, parking/driveways and the adjacent properties to take into consideration any existing significant mature trees on the site and along property boundaries and to provide landscaped open spaces.
    - Setback the parking areas and drive aisles a minimum of 1.5m from the property lines.
    - Provide adequate setback along the southern and Northern boundary to protect the significant mature trees existing on site.

Urban Design – July 7, 2022

The following are outstanding UD comments to be addressed by applicant:

1. Show rear deck platform detail in the rear and side elevation to demonstrate width and depth in the 3 metre landscape area and how it much it will encroach on the southern boundary.
3. Shared stairs for multiple entrances have been demonstrated in the City of London and elsewhere in Ontario (See below: Yorkdale Village). Please provide a code reference in Part 9 of the Ontario Building Code that pertains to the response.

4. Locate the garbage/deep waste collection system away from the street so that they will not have a negative visual impact or detract from pedestrian connections [TLP 266_].

Urban Design – July 13, 2022

The materials for the railings are not clearly detailed in the elevations provided. Since it is bonusing, a condition can be put on it for the applicant to use glass railings or a similar material to reduce the visual impact.

They could either put a note on the elevation and resend it to confirm this or it can be added in the language of the report/bonus zone.

Typically for bonus zones, we have used language like “generally” in regards to the elevations.

Site Plan – July 13, 2022

Below are my previous comments, which I highlighted for further consideration and discussion below.
1. Ensure enough space for collection access to recycling and waste.
2. Provide elevations from all sides and building designs in metric. Illustrate if the end wall of a unit contains windows to habitable rooms – without knowing the design of the proposed residential building, the required setback cannot be known. Illustrate the hardscape design and materials on plans. Avoid side-lotting.
3. For the area between the proposed structure and the roadway, consider a design that balances privacy and light (e.g., lattice fence, brise-soleil structure, perennial plants, hardscaping, etc.).
4. Visitor parking is required at a rate of one (1) space for every ten (10) dwelling units (C.P.-1455-541 6.2.a.ii). Visitor parking can be included within the overall parking requirements for the residential use. Ensure visitor parking spaces are a minimum of 3 metres from dwellings containing windows to habitable rooms.
5. Ensure pedestrian circulation and access refinements are done with the Accessibility Review Checklist.

Biggest thing that I notice is the lack of street trees. They say they’re screening the parking lot with a sign (which I haven’t seen the detail for), but they still should put a tree behind that sign.

Tree screening/buffering is not just to conceal parking but also looks nicer.

I could go on, but street trees can be as visually impactful as the architecture. They could currently fit two trees, but I would want at least three street trees as per the Site Plan Control Bylaw – accommodating a third tree may involve repositioning the entrance or tweaking the walkway between the entrance and main pathway, but they could figure that out.

Another item of consideration is accessibility. They have accessible parking but all of the entrances involve steps. Would we be accepting of an at-grade or near-grade entrance? Understandably, people use accessible parking spaces for reasons other than mobility, but at this site, the International Symbol of Access being someone using a wheelchair feels particularly ironic when people still have to go up 7 steps.

You can choose to add any commentary from above. Additionally, here are some comments:
• For landscape strips along a public street, add at least one tree per every 12 metres, or every 15 metres otherwise (C.P.-1455-541 Table 9.4). For instance, consider adding a tree behind the street sign and in the front area labelled Landscape.
• Provide a detail of the street signage.
• Regarding the placement of visitor parking, with the current layout, spaces 19 and 18 visitor could potentially maintain 3 metres from habitable windows, but two more spaces are needed.
• Consider distributing accessible parking space throughout the site to minimize distance to doorways.

Parks

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

Landscape Architect – June 7, 2022

1.Insufficient protection has been provided to boundary trees #9, 11, 22 and 72. Boundary trees are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21, and cannot be removed or injured without written consent from co-owner. Every tree whose trunk is growing on the boundary between adjoining lands is the common property of the owners of the adjoining lands. Legal definition of a tree trunk: everything from the root-collar (at the base) to where the first branch appears. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes.

2.Off-site trees #10, 19 and 20 will suffer injury and loss to their critical root zones as defined by the City's Tree Protection Bylaw. The critical root zone of a tree is the portion of the root system that is the minimum necessary to maintain tree vitality and stability. A setback from the west property line of 2.5m would be required to avoid damaging the trees.

3.The site contains a large number of distinctive trees, >50cm dbh. All distinctive trees are protected by the City's Tree Protection Bylaw and cannot be removed without a permit issued by Urban Forestry. However, the By-law does not apply to the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections.

4. Tree #50 appears to be a boundary tree co-owned with the City of London. To request the removal of a city tree or to cause injury to a City tree's roots, contact Forestry Dispatcher at trees@london.ca with details of your request. Proof of payment and City consent to be included in SP documentation.

5.The consulting arborist/Landscape Architect will need to verify to the city that no portion of trunks of trees #27-50 cross the north property line. The ownership of these trees needs to be determined to identify processes required for their removal.
The best way to address off-site trees, boundary trees and their critical root zones is at zoning. The zoning box can be set to respect Provincial Legislation and to avoid litigation and ownership disputes.

Landscape Architect – July 15, 2022

Of issue with the proposal are impacts to boundary and off-site trees.

Setbacks need to be sufficient to avoid injuring or destroying boundary trees that are protected by the Province's Forestry Act. No development permitted within the critical root mass of boundary trees without consent of co-owner/neighbour. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes. Construction in these zones can be litigious. Current setback is insufficient to protect *boundary trees #9, 11, 22 and 72. Setback will need to be increased or consent given from neighbour for design to proceed through development. Also, the consulting arborist/Landscape Architect will need to verify to the city that no portion of trunks of trees #27-50 cross the north property line [making the legally boundary trees.*

To balance the rights of neighbours, the impact of development on trees growing on adjacent properties is considered. The plan as proposed will injure offsite trees #10, 19 and 20. To avoid this, setbacks need to be set at 2.5m from west property line.

Ecology

- There are currently no ecological planning issues related to this property or associated study requirements.

Major issues identified

- No Natural Heritage Features on the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.
- Adjacent lands include naturalized vegetation and indications of previous disturbance.

Upper Thames River Conservation Authority

- These lands are not regulated by the UTRCA; no comments

Archaeological

- Archaeological conditions can be considered satisfied for this application.

Engineering

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned re-zoning application:

The following items are to be considered during a future site plan application stage:

Wastewater

- According to the accepted area plan 22786, the proposed lands are tributary to the 200mm diameter sanitary sewer on Sugarcreek Trail. A PDC stub for this land potentially exists on 320-340 Sugarcreek trail but will need to be confirmed.

Water

-
  - Water servicing is/will be available from the 250mm municipal watermain on Beaverbrook Ave.

  - Detailed water servicing comments will be offered at the time of SPA and will be based on City of London Standards.

- ***Stormwater***

  Specific comment for this site

  - As per attached as constructed 22785, the site at C=0.50 and a maximum 100-year release rate of 39 L/s is tributary to the existing 300mm storm sewer and maintenance hole R5 at the west end of the site. The applicant should be aware that any future changes to the C-value will require the applicant to demonstrate sufficient capacity in this pipe and downstream systems to service the proposed development as well as provide on-site SWM controls. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, bioswales, etc.

  - However, the City cannot confirm this storm connection/pdc exists to service the property. In order to service the proposed site(s) the applicant will be required to construct these sewers; these works shall be in accordance with City Standards.

  - The Developer shall be required to provide a Storm/Drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure on-site controls are designed to reduce/match existing peak flows from the 2 through 100-year return period storms.

  - The proposed land use of a medium density residential triggers the application of design requirements of Permanent Private Storm System (PPS) as approved

by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.

- Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high groundwater elevation. Please note that the installation of monitoring wells and data loggers may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.

- An Operations and Maintenance manual should be provided as a separate report/manual identifying any implemented/constructed LIDs. For examples of such report contents please refer to the following website https://cvc.ca/low-impact-development/lid-maintenance-monitoring/

- As per 9.4.1 of The Design Specifications & Requirements Manual (DSRM), all multi-family, commercial and institutional block drainage is to be self-contained. The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100-year event and safely convey the 250-year storm event.

- Additional SWM related comments will be provided upon future review of this site.

General comments for sites within Mud Creek Subwatersheds

- The subject lands are located in the Mud Creek Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Mud Creek Subwatershed Study that may include but not be limited to, quantity/quality control (80% TSS), erosion, stream morphology, etc.

- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.

- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100-year event and safely conveys up to the 250-year storm event, all to be designed by a Professional Engineer for review.

- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.

- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.

- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP standards and requirements. This plan is to include measures to be used during all phases of construction and clearly communicated on engineering drawings. Any supportive design information may be included in the Storm/Drainage Servicing Report.

- ***Transportation***

    - Right of way dedication of 10.75m from centerline required along Beaverbrook Avenue;

    - A Traffic Management Plan will be required for work in the City ROW to be reviewed with Site Plan submission;

    - Detailed comments regarding access design and location will be discussed through the site plan process;

Housing Development Corporation

July 15, 2022 ***sent electronically***

TO: **City of London Development Services (via e-mail only)**
Attention: Mike Corby, Manager, Planning Implementation, Planning and Development
Alanna Riley, Senior Planner, Planning Implementation, Planning and Development

REGARDING: **Bonusing for Affordable Housing**
604 Beaverbrook Avenue ("Subject Lands")

Background:
Housing Development Corporation, London (HDC) was engaged to work with 604 Beaverbrook Developments Inc. (the "Proponent") and their consultant (Zelinka Priamo Ltd.) to provide a fair recommendation to the Director, City of London Development Services in response to an Official Plan and Zoning By-law Amendment application (OZ-9483) for height and density "bonusing" in exchange for the provision of affordable housing. The Official Plan and Zoning By-law Amendment application serves to provide for the development of a 4-storey, 32 unit stacked townhouse development. The 32 units are divided equally between two 16-unit blocks.

RECOMMENDATION:
The following recommendation is made with the concurrence of the proponent. It is the recommendation of the HDC that the following elements constitute the affordable housing bonus zone:

1. **A total of two 3-bedroom units be dedicated to affordable rental housing in exchange for the granting of increased height and density. Each 16-unit stacked townhouse block should contain one 3-bedroom affordable rental housing unit;**

2. **"Affordability" for the purpose of an agreement be defined as rent not exceeding 80%** of the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR) for units where:
   i. AMR is defined at the three-bedroom rate for the London Census Metropolitan Area by CMHC at the time of building occupancy;
   ii. the identified units will be mixed throughout and not otherwise identifiable within the building blocks; and
   iii. Rents for the affordable rental housing units shall only be increased to the allowable maximum, once per 12-month period in accordance with the *Residential Tenancy Act* or any successor legislation but not to exceed 80% of the CMHC AMR.

3. **The duration of the affordability period be set at 50 years** calculated from initial occupancy of each unit and for each month thereafter that the unit is occupied. At the conclusion of the agreement period, any sitting tenants within associated affordable units shall retain security of tenure and rental rates until the end of their tenancy. The rights of tenancy and affordability in the dedicated units shall not be allowed to be assigned or sublet during or after the agreement.

4. **The Proponent be required to enter a Tenant Placement Agreement (TPA) with the City of London.** This action aligns the affordable rental housing units with priority populations vetted and referred to the Proponent or their agent by the City. The owner retains final tenant selection in accordance with the *Residential Tenancy Act*, subject to the established eligibility and compliance requirements.

HDC
Housing Development Corporation, London

520 Wellington St., Unit 7, London, ON N6A 3R2
P: 519-930-3512 www.hdclondon.ca

5. **These conditions be secured through an agreement registered on title with associated compliance requirements and remedies.** This recommendation ensures the retained value of each affordable rental housing unit within the Bonus Zone for the 50-year affordability period. Compliance will be monitored in a similar fashion as is conducted with other agreements and shall include conditions related to default and remedy.

Rationale for Affordable Housing Bonus:

Guiding Policy: Housing affordability is recognized as one of the City's principle planning challenges. The City's new London Plan states that planning activities will provide for a mixture of dwelling types and integrated mixtures of housing affordability.

Location and Application Considerations: The subject lands are on located on the west side of Beaverbrook Avenue, south of Proudfoot Lane. The subject lands are proximate to a broad range of residential, commercial, office, retail and institutional uses. The lands are further served by public transit and transit supportive infrastructure (transit stops, sidewalks and street lighting).

Alignment to Need: The locational attributes of the site align with factors used by HDC to advance affordable rental housing. The recommendations align with housing needs and priorities defined within the *Housing Stability for All Plan* and CMHC analytics related to vacancy rates and rental rates.

Conclusion:

The *Planning Act* provides municipalities the ability to advance public facilities, services or matters in exchange for additional height and density above existing zoning permissions. The ability to utilize this important tool as a mechanism to advance affordable rental housing aligns with a critical need in London.

This recommendation recognizes Council's expressed interest to seek *"…options for implementing and coordinating [planning] tools to be most effective…"* to *"…promote the development of affordable housing in London"* (4.4/12/PEC, July 25, 2018).

Sincerely,

Melissa Espinoza, CEO, Housing Development Corporation, London (HDC)

HDC
Housing Development Corporation, London

520 Wellington St., Unit 7, London, ON N6A 3R2
P: 519-930-3512 www.hdclondon.ca

London Hydro

Reply Sheet for City of London Applications to be Reviewed by London Hydro Engineering

Date: March 17, 2022

To: City of London Planning Division – Room 609

Attn: Alanna Riley

RE: **Address:** 604 Beaverbrook Avenue

Applicant: 604 Beaverbrook Developments Inc.

File/Ref #: OZ-9483

London Hydro Response:

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.	☐
This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.	☐
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. Any new or relocation of the existing service will be at the expense of the owner.	☐
London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.	☑

Signed: _____

Hans Schreff
Manager - Developer & Operations Support,
Engineering & Operations Administration Dept.
519-661-5800 ext. 5014

Committee of Adjustment ○ Notice of Application ◉ Site Plan Consultation ○ Site Plan Application ○

HS v1.1 5/2020

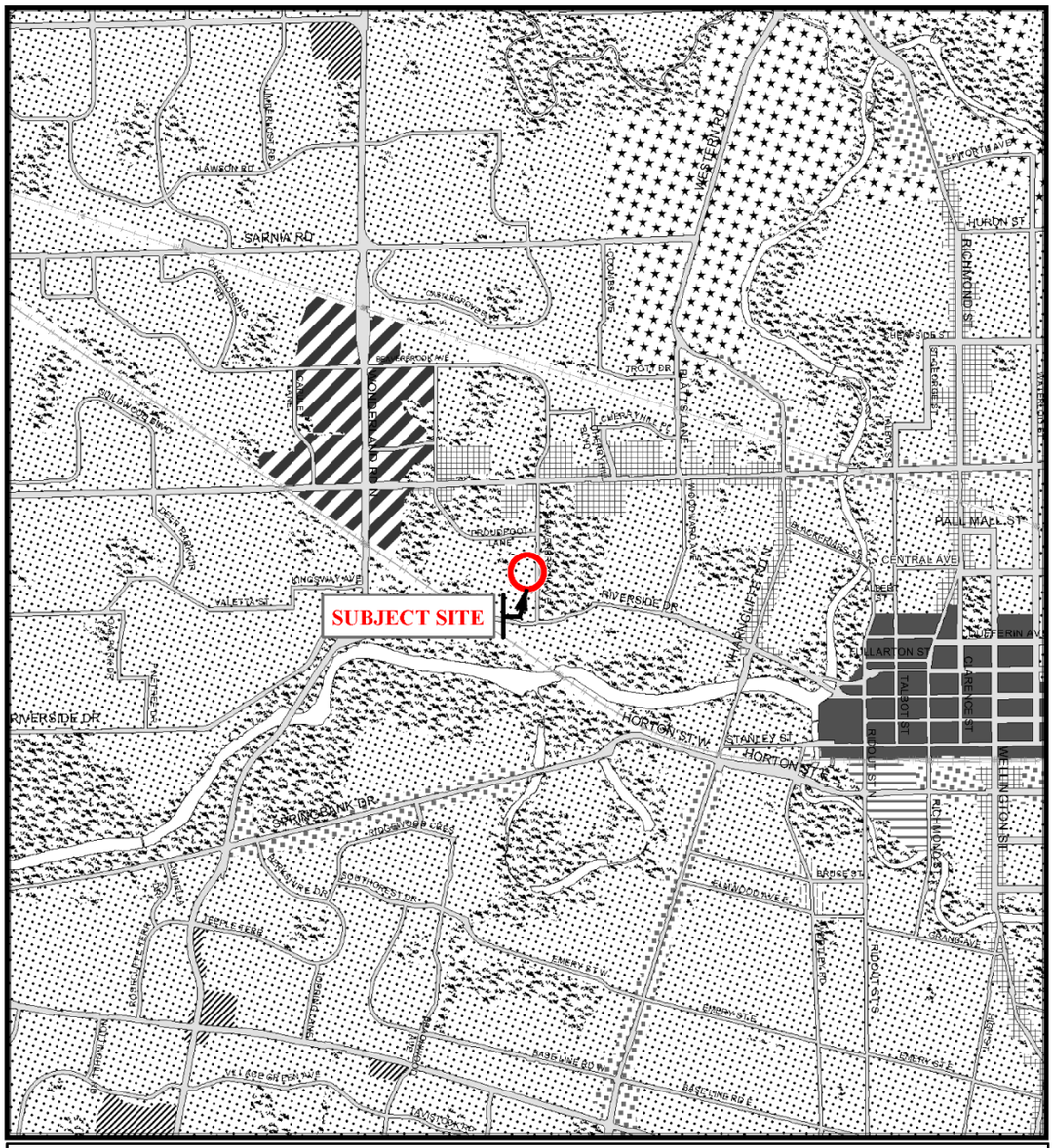
Appendix D – Policy Context

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 Official 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 concept achieves an intensity that allows for other on-site functions such as guest parking, emergency services and open space.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There is no vacant land in the area already designated and/or zoned for the proposed use.
The proximity of any proposal for medium 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 along the bus route which has stops directly to the north and south along Beaverbrook Ave.
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 proposed development is in an area in need of affordable housing units and provides for a mix of housing types. two (2) affordable units are proposed as a bonusable feature in return for the increased height and density.
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 4-storey stacked townhouse development is mitigated by the proposed interior side yard to the south and parking area to the north, the rear yard setback to the west and front yard setback to the east. The buildings have been sited with adequate separation between the proposed buildings and neighbouring residential to the west and 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;	The proposed development provides for adequate space on site for landscaping and screening. 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	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.

on surrounding properties;	
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;	Urban Design staff commend the applicant for incorporating the following into the design of the site and buildings: orienting the building to including a principle building entrance as well as ground floor unit entrances; providing for appropriate scale/ rhythm/ materials/ fenestration on that helps create a comfortable, human scaled streetscape; and, locating all of the parking at the rear of the site or within away from the street edge.
The potential impact of the development on surrounding natural features and heritage resources;	No natural heritage features are present that will be affected by the proposed development.
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;	The requested amendment is consistent with the 1989 Official Plan. The requirements of the Site Plan Control By-law have been 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.
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;	Tree planting, fencing, and building massing treatments are expected to mitigate minor adverse impacts on the surrounding land uses.
Impacts of the proposed change on the transportation system, including transit	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.

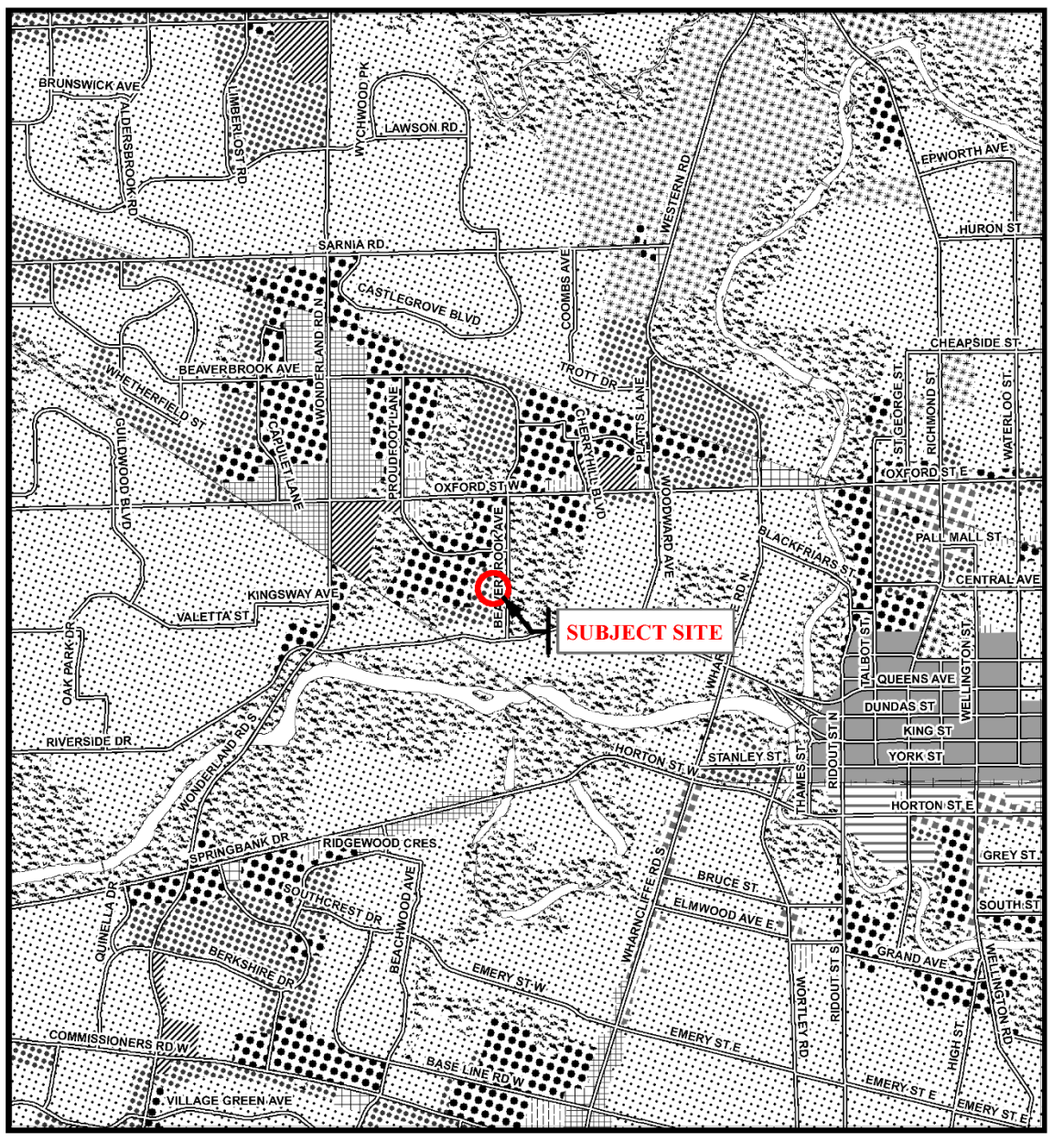
Appendix E – Relevant Background

The London Plan – Map 1 – Place Types



Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\OZ-9483-Map1-PlaceTypes (New copy).mxd

1989 Official Plan – Schedule A – Land Use



Legend

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

CITY OF LONDON

Planning Services / Development Services

OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services

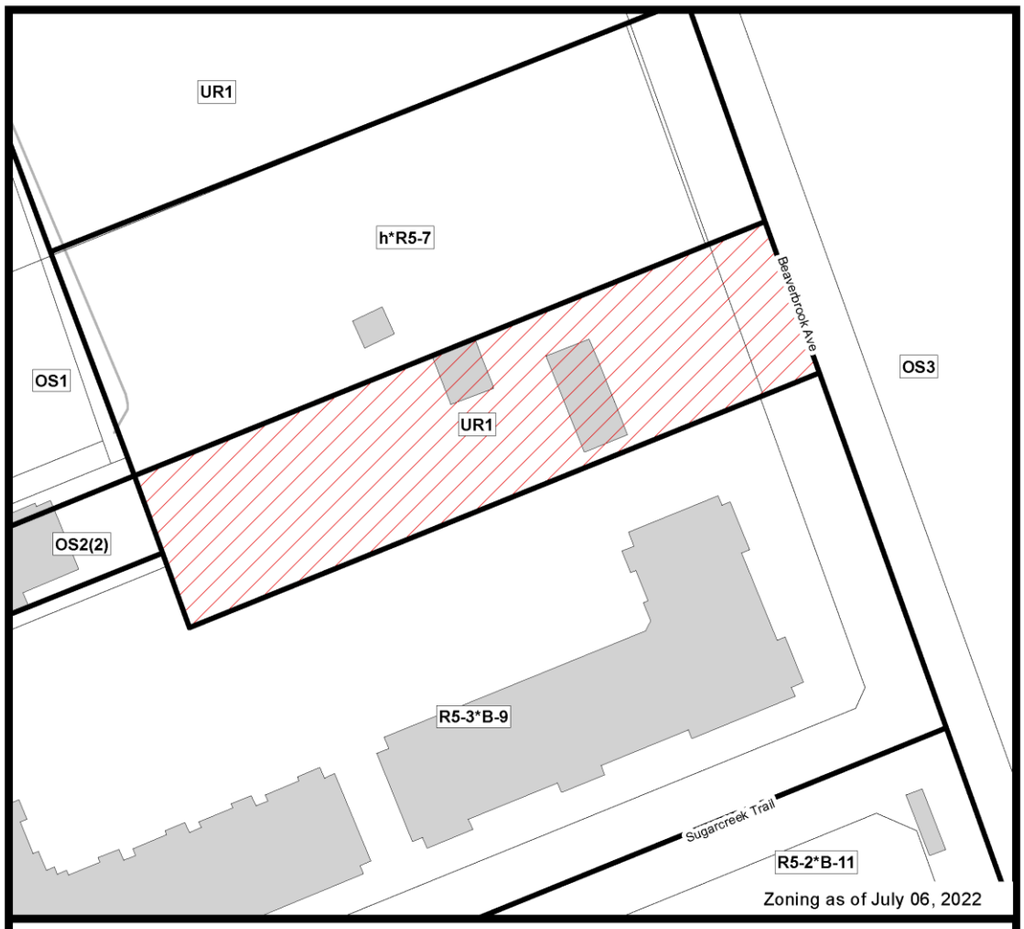
Scale 1:30,000

Meters

FILE NUMBER:	OZ-9483
PLANNER:	AR
TECHNICIAN:	RC
DATE:	2022/07/05

PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: OZ-9483 AR

MAP PREPARED: 2022/07/06 RC

1:1,000

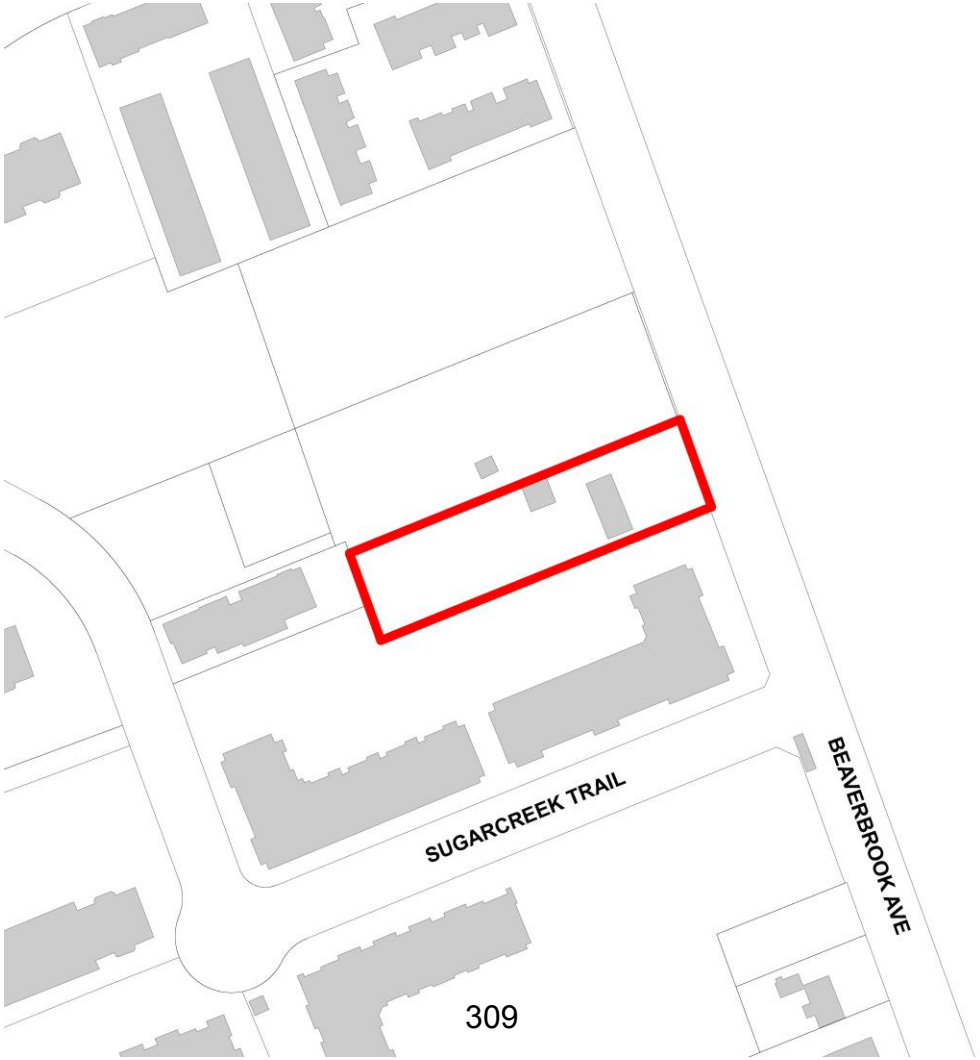
0 5 10 20 30 40 Meters

Slide 1 – OZ-9483: 604 Beaverbrook Ave

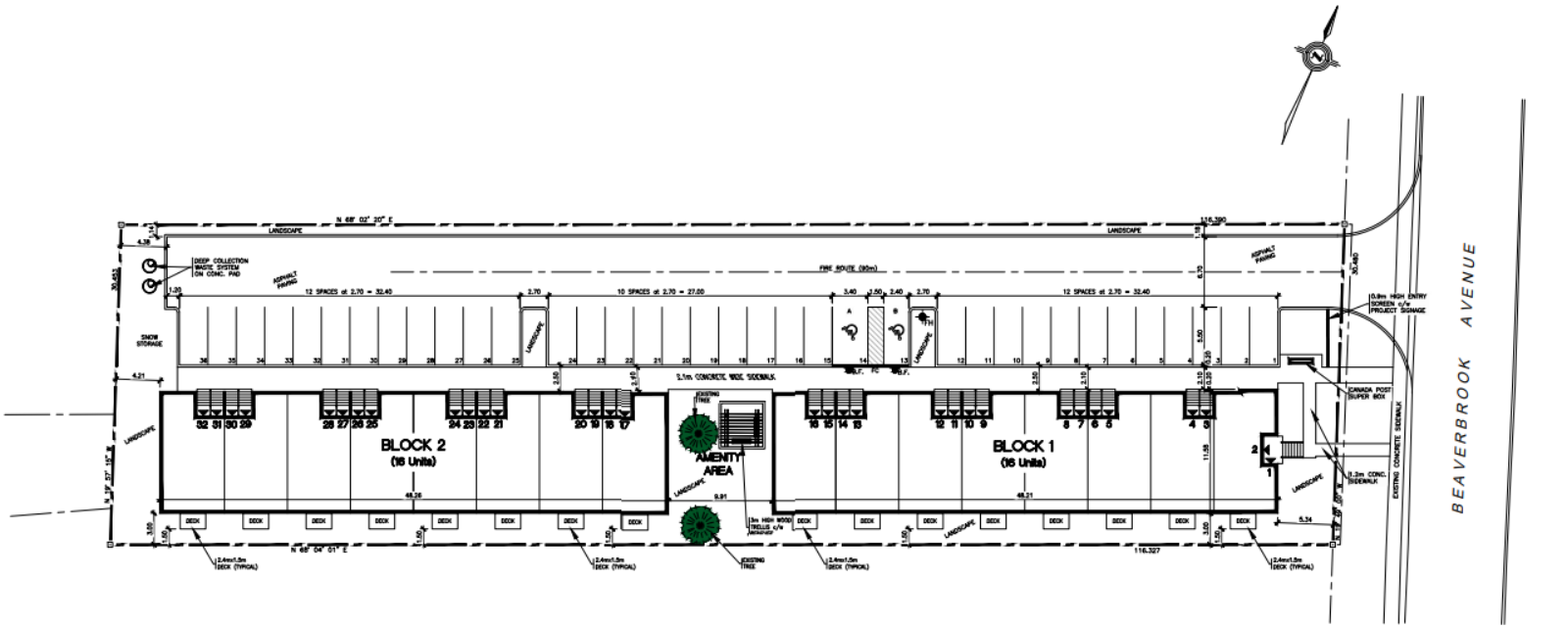
City of London

August 22, 2022

Slide 2 - Subject Site



Slide 3 - Proposed Development



Slide 4 – Proposed Development

Slide 5 – Policy Context

The London Plan

- Neighbourhood Place Type on a Neighbourhood Connector
- Permits single and semi-detached dwellings, duplexes, triplexes and townhouses
- Standard heights range from a minimum of 1 storeys, a maximum of 2.5 storeys, or consideration of 4 storeys

1989 Official Plan

- Multi-Family Medium Density Residential
- Permits 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
- Normally height limitations will not exceed four (4) storeys
- Medium density development will not exceed an approximate net density of 75 units per hectare (30 units per acre). 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 bonusing (3.3).

Slide 6 - Bonusing

Affordable Housing

- Calculation of lift
  - 75 uph as per 1989 Official Plan = 27 units for a 0.35 ha site
  - Consistent approach
- 2 units distributed evenly throughout the development
- Based on 80% of the Average Market Rent for a duration of 50 years

Design

- Drawings, site concepts and renderings are attached to the Zoning By-law amendment
- Additional considerations at site plan

Slide 7 – Site Specific Policy and Zoning

Site Specific Policy – London Plan

- 4-storey stacked townhouses

H-18*R6-5 (_) Zone with Bonus Zone

- Height of 12 metres, maximum density of 35 units per hectare
- Holding (h-18) provision – archaeological

Bonus Zone Special Provisions

- 4 storeys/13 metres,, with 32 residential units, and a maximum density of 92 units per hectare
- Reductions for front yard, rear yard, side yards, and parking

Slide 8 - Recommendation

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **Scott Mathers, MPA, P.Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **Wellington Gate Inc. c/o Westdell Development Corporation**
712 Base Line Road East
Public Participation Meeting on: August 22, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Wellington Gate Inc. c/o Westdell Development Corporation relating to the property located at 712 Base Line Road East:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 6, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Community Shopping Area (CSA3) Zone **TO** a Holding Residential R9 Special Provision Bonus (h*R9-7(_)*B-(_)) Zone;

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a mixed-use commercial/office and residential apartment building, with a maximum height of 16 storeys or 52.6 metres, 150 residential units, 547 square metres of commercial and office uses at grade, and a maximum mixed-density of 654 units per hectare. The development will generally implement the following design criteria:

1) Design Standards

The building design and site plan will be bonused for features which serve to support the City's objectives of promoting a high standard of design, to be implemented through a development agreement:

i. Site Layout
a) Provide for additional outdoor amenity areas within the west interior side yard and front yard, which includes transit-oriented amenities such as benches and bike racks close to the principal entrance.
b) Provide direct and convenient access throughout the site for pedestrians from the public sidewalks on Baseline Road East to primary building entrances. Pedestrian circulation should consider desire lines to the intersection of Baseline Road and Wellington Road and to the main transit station.
c) Provide for a front yard setback of 2-4m for more urban streetscape treatment with landscaping and trees (large planter beds with edge curb) along Baseline Road East.
d) Provide a functional forecourt leading to the main entrance of the proposed building.
e) Provide a functional drop off area.

ii. Ground Floor Design and Uses
a) Active building façade should be directed to public streets as a priority. Additional active uses may line the internal streets / drive aisles and priority should be given to highly visible areas from key entry points.

b) Locate the principal residential building entrance (lobby) on the Baseline Road East-facing elevation.
c) Differentiate the residential lobby entrance from the commercial unit entrances with architectural features such as canopies, signage, lighting, increase in glazing, double doors, framing, materials, etc.
d) Back of house, service, garage and loading areas are to be accessed from internal streets / drive aisles, incorporated internal to the building as much as possible and screened from view.

iii. Podium Design

a) Parking for high-rise development should be provided mainly underground, or where that is not possible, located in the podium and wrapped with active uses along street frontages. Minimize the exposure of the above ground structured parking along Baseline Road by providing residential units, amenity spaces, and/or providing a treatment which allows for windows and views into the building's interior areas disguising the parking garage.
b) Include a minimum 5 metre step-back at the 4th floor along Base Line Road to enhance the pedestrian-oriented street wall.

iv. Tower Design

a) Design high-rise building (above 8 stories) as slender towers (seek to achieve a maximum floor plate size of up to 1000 square meters within a 1.5:1 length: width ratio) in order to reduce "slab-like" appearance of the tower, reduce shadow impacts, reduce obstruction of sky views and to be less imposing on neighbouring properties and public spaces.
b) Design the tower to include a high degree of fenestration in order to add interest and break-up the massing of the building.
c) Increase the size & scale of proposed windows and use material change, balconies and articulation to break up the facades.
d) Include a high proportion of glazing and modulation such as projections/recesses which use material differentiation in order to break up the consistent vertical plane and massing of the tower.
e) Design and distinguish the top of the buildings (i.e. top 4-5 floors) 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.

2) Provision of Affordable Housing

i. A total of 10% of the lift (12 affordable housing units based on 156 total units) will be provided in the development, representative of the bedroom and unit mix of the overall building;
ii. Rents not exceeding 80% of the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR) for the London Census Metropolitan Area (CMA) at the time of building occupancy; where AMR is defined at the one-bedroom, two-bedroom and three-bedroom rate for the London CMA at the time of building occupancy;
iii. The duration of affordability set at 50 years from the point of initial occupancy of the respective building;

iv. The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations;
v. These conditions to be secured through an agreement entered on title with associated compliance requirements and remedies.

(b) **IT BEING NOTED** that the following site and building design criteria, not shown on the proposed renderings, will also be addressed as part of the site plan submission:
i) Consider the incorporation of patio or forecourt space that spills out into the front yard setback(s) to further activate the space and provide an amenity for tenant businesses;
ii) Explore additional roof top amenity areas at various levels in addition to the private rooftop amenity areas proposed;
iii) Provide grading plans and particularly explain/articulate the building interfaces at the West and North edges;
iv) Explore opportunities to increase the ground floor presence on the site to accommodate active uses along the North Façade of the building and explore opportunities to direct the principal residential building entrance (lobby) closer to Wellington Road for convenient access to the transit corridor;
v) Consider relocating the Central Alarm and Control Facilities (CACF) room to the adjacent internal service block on the ground floor such that the residential lobby appears open from the street;
vi) Consider locating all podium level parking behind active uses (such as residential units fronting Base Line Road), underground or elsewhere on the site;
vii) Consider an addition of a podium floor (4 storey podium) with enlarged podium area along the North edge to integrate parking and provide active facades (residential units) along Baseline Road East;
viii) Consider moving some parking to another basement level or explore opportunities for access and parking agreements with the neighbouring property to reduce the number of parking spaces required onsite; and

(c) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as the recommended zoning implements the site concept submitted with the application.

Executive Summary

Summary of Request

The owner has requested an amendment to Zoning By-law Z.-1 to change the zoning of the subject lands from a Community Shopping Area (CSA3) Zone to a Residential R9 Special Provision Bonus (R9-7(_)*B-(_)) Zone with the intent of constructing a sixteen (16) storey mixed-use apartment building with 150 residential units and 547 square metres of commercial/office uses. Additional permitted uses, limited to the first floor, would include: animal hospitals; apartment buildings, with any or all of the other permitted uses on the first floor; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; existing dwellings; financial institutions; grocery stores; laboratories; laundromats; libraries; medical/dental offices; offices; personal service establishments; private clubs; restaurants; retail stores; service and repair establishments; studios; video rental establishments; cinemas; brewing on premises establishment; food store; animal clinic; convenience store; post office; convenience service establishments; dwelling units restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion of the ground floor; bed and breakfast establishments; antique store; police stations; artisan workshop; craft brewery; a reduced minimum front yard depth of 0.5m, whereas 11m is required; a reduced minimum rear yard depth of 0.5m , whereas 19.2m is required; a reduced

minimum interior side yard depth of 5.5m, whereas 19.2m is required; a maximum lot coverage of 53%, whereas 30% maximum is required; a reduced landscape open space of 23.5%, whereas 30% minimum is required; a reduced minimum parking requirement of 135 spaces, whereas 225 spaces are required; and a reduced minimum parking setback of 0m, whereas 1.5m is required.

Purpose and Effect of Recommended Action

The recommended zoning is a Residential R9 Special Provision Bonus (R9-7(_)*B-(_)) Zone, providing for:

- a base zone that would apply in the event development occurs without the use of bonusing, to allow a 12 storeys or 36m mixed-use apartment building at a maximum density of 150 units per hectare, with a reduced minimum front yard depth of 2.0 m, whereas 8m is required and a maximum front yard depth of 4.0m. These special provisions are recommended to ensure that any development will provide a suitable alignment towards Base Line Road East.

- a Bonus Zone to facilitate the development of the subject lands with a 16 storey/52.6 metres, mixed use commercial/office and residential apartment building, with 150 residential units, 547 square metres of commercial/office uses on the first floor, and a maximum mixed-use density of 654 units per hectare, a reduced minimum front yard depth of 1.5m whereas 8m is required, and a maximum front yard depth of 4.0m, a reduced minimum rear yard depth of 0.5m , whereas 19.2m is required; a reduced minimum interior (east) side yard depth of 4.0m, whereas 19.2m is required; a maximum lot coverage of 53% , whereas 30% maximum is required; a reduced landscape open space of 23%, whereas 30% minimum is required; a reduced minimum parking requirement of 134 spaces, whereas 232 spaces are required; a reduced parking area setback of 0m, whereas 1.5m is required; a drive-through with a 0m setback along the west property boundary (to facilitate the drive-through on the lands); a west interior side yard setback of no closer than 6.8m from the edge of the drive-through to the building; and a landscape buffer of no less than 3.0 metres from the edge of the drive-through within the 6.8m setback between the edge of the drive-through and the building.

- A Holding (h) provisions is also recommended. The City is accommodating the sanitary servicing for the subject site within it's Rapid Transit Project along Wellington Road and this site will utilize the upgraded sewers along Wellington. However, the expected/tentative timing for these upgrades is 2026. Therefore, a holding provision is necessary to ensure adequate sanitary servicing is available within a reasonable time frame for development.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020 which promotes intensification, redevelopment and a compact form in strategic locations to minimize land consumption and servicing costs. The amendment will provide for a range of housing types and densities to meet projected requirements of current and future residents, by promoting a land use pattern, density and a mix of uses that serve to minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes;
2. The recommended amendment conforms to the policies of The London Plan including but not limited to, Our City, Key Directions, and City Building, and will facilitate a built form that contributes to achieving a compact, mixed-use City;
3. The recommended amendment is appropriate for the site and surrounding context and will contribute to housing options within a Rapid Transit Corridor;
4. The recommended amendment secures units for affordable housing through the bonus zone; and

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. The proposed development contributes to implementing the Strategic Plan through Building a Sustainable City and Strengthening Our Community. The development is well-located within a strategic location for growth and intensification, with good access to local services, amenities, public transit and future rapid transit. The affordable housing units provided as part of the bonus zone increase the provision of local housing options and add to the affordable housing stock.

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 Previous Reports Related to this Matter

None.

1.2 Property Description

The subject site is located on the north side of Base Line Road East, east of Wellington Road. The subject lands are comprised of one single parcel of land that is approximately 0.24 ha in area and has approximately 67m of frontage along Base line Road East. The site previously contained a Beer Store, which closed in 2021.

The subject site is surrounded on three sides by a larger commercial development, known as Wellington Gate, which is in the process of redevelopment (Site Plan application). Currently, this adjacent commercial site includes a Staples office supplies store, a convenience store, a bakery/restaurant, and a nail salon, as well as a Tim Hortons restaurant. To the south of the subject site is the London Health Sciences Centre.

Although it is a separate parcel, it appears the subject site relies on the adjacent commercial lands at 332 Wellington Road to provide access and parking.

Figure 1 - Photo of existing building and site at 712 Base Line Road East

Figure 2 - Subject Site

Base Line Road East is a primary collector/neighbourhood connector with an average annual daily traffic volume of 17,000 vehicles per day, and Wellington Road is an arterial road/rapid transit boulevard with an average annual daily traffic volume of 40,500 vehicles per day.

The traffic volume on Baseline Road East is 20,500 vehicles per day, and on Wellington Road is 32,000 vehicles per day (City of London). Public sidewalks are available along both sides of Base Line Road East and Wellington Road.

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

- Official Plan Designation – Community Commercial Node (CCN)
- The London Plan Place Type – Rapid Transit Corridor on a Rapid Transit Boulevard (Wellington Road) and a Neighbourhood Connector (Base Line Road)
- Existing Zoning – Community Shopping Area (CSA3) Zone

1.4 Site Characteristics

- Current Land Use – vacant/commercial
- Frontage – 67.02m (219.88 ft)
- Depth – 37m (121.39 ft)
- Area – 0.24 ha (0.59 ac)
- Shape – rectangular

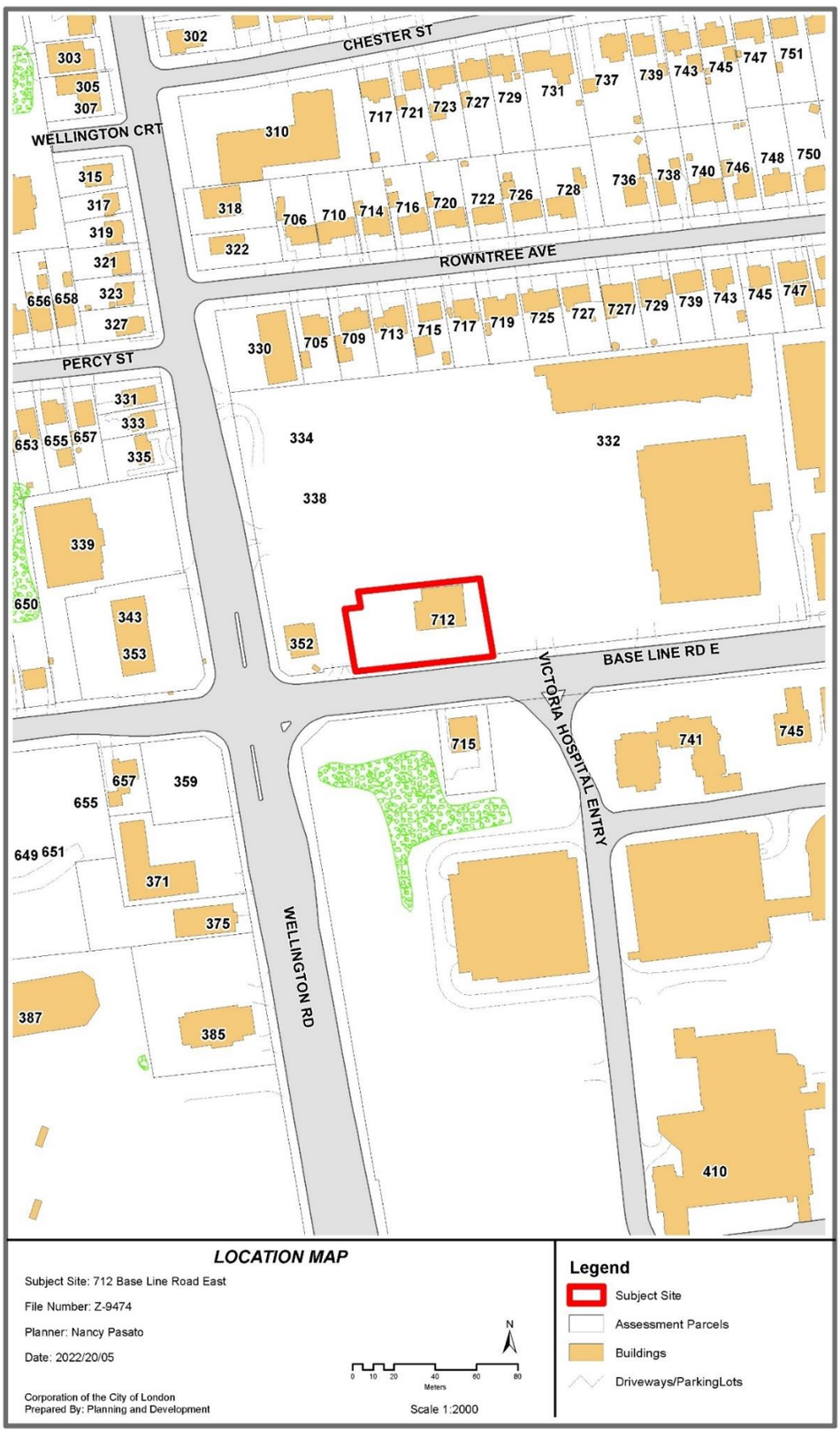
1.5 Surrounding Land Uses

- North – commercial
- East – commercial
- South – regional facility (hospital)
- West – commercial

1.6 Intensification

The proposed 150 residential units represent intensification within the Primary Transit Area and the Built-Area Boundary.

1.7 Location Map



2.0 Discussion and Considerations

2.1 Original Development Proposal and Requested Amendments (February 2022)

In February, 2022, the City accepted a complete application that proposed a 16 storey, mixed commercial/office and residential apartment building with 150 residential units and 650 square metres of commercial/office on the ground floor. The building is orientated to address Base Line Road East. The proposed development will be accessed from a driveway off of the adjacent commercial lands. The proposed development will provide a total of 149 parking spaces. Additional details on the development include:

- 150 residential units, consisting of 74 one-bedroom suites, and 73 two-bedroom suites, and 3 three bedroom suites;
- 650m^2 commercial/office floor space on the first floor within four units;
- Parking will be provided in a parking structure, with two underground levels (63 spaces), 2 above ground levels (72 spaces), and 14 surface parking spaces for a total of 149 spaces;
- Amenity areas – located on top of the 4th floor podium, 9th floor roof top of 8 storey building – 35.7 m x 23.8 m = 849.7square metres being the outdoor area, and 184 square metres the interior (gym), for a total being 1033.7 square metres
- Density – 150 residential units and 6.5 equivalent commercial units = 660 units per hectare

The site concept is shown in Figure 3. The building renderings are shown in Figures 4-11.

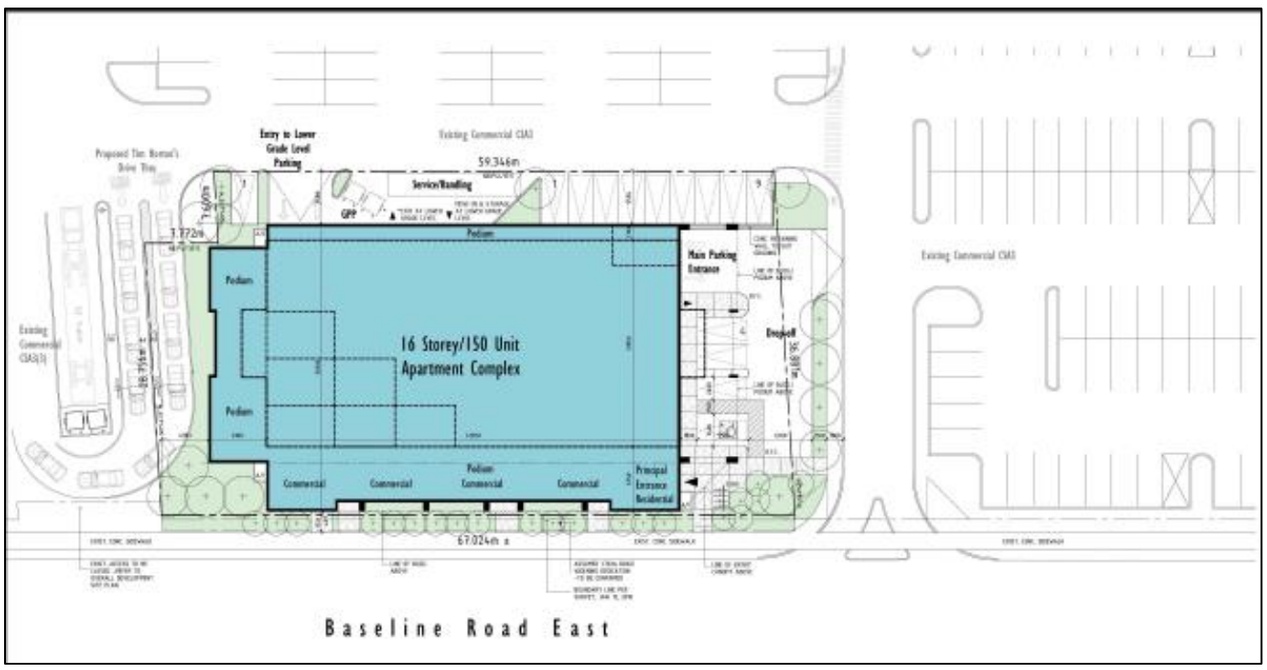


Figure 3 - Site concept plan for 712 Base Line Road East (February 2022)

Figure 4 - Rendering looking north from Base Line Road East

Figure 5 – Rendering looking southwest towards Base Line Road East

Figure 6 - Conceptual Rendering looking northwest from Base Line Road East

Figure 7 - Rendering east side

Figure 8 - Rendering northeast

Figure 9 - Rendering east side of building

Figure 10 - Rendering of ground floor east side of building

Figure 11 - Rendering of entrance along Base Line Road East

The applicant submitted a request to amend the zoning by-law on the subject site To change the zoning from a Community Shopping Area (CSA3) Zone to a Residential R9 Special Provision/Bonus (R9-7(_)*B-(_)) Zone. Special provisions were requested for:

- Additional permitted uses: animal hospitals; apartment buildings, with any or all of the other permitted uses on the first floor; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; existing dwellings; financial institutions; grocery stores; laboratories; laundromats; libraries; medical/dental offices; offices; personal service establishments; private clubs; restaurants; retail stores; service and repair establishments; studios; video rental establishments; cinemas; brewing on premises establishment; food store; animal clinic; convenience store; post office; convenience service establishments; dwelling units restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion of the ground floor; bed and breakfast establishments; antique store; police stations; artisan workshop; craft brewery; all limited to the first floor
- a reduced minimum front yard depth of 0.5m, whereas 11m is required;
- a reduced minimum rear yard depth of 0.5m, whereas 19.2m is required;

- a reduced minimum interior (west and east) side yard depth of 5.5m, whereas 19.2m is required;
- a maximum lot coverage of 60.5%, whereas 30% maximum is required;
- a reduced landscape open space of 19.5%, whereas 30% minimum is required;
- a reduced minimum parking requirement of 149 spaces, whereas 232 spaces are required;
- and a reduced minimum parking setback of 1.4m, whereas 1.5m is required.

A Bonus Zone was requested to permit a maximum mixed-use density of 660 units per hectare and a maximum height of 16 storeys (47m). The Applicant's submission indicated that the facilities, services and matters proposed to support Bonus Zoning included exceptional site and building design, sustainable forms of development, contribution to the development of transit amenities, features and facilities, affordable housing, and extraordinary tree planting, which may include large calliper tree stock, a greater number of trees planted than required, or the planting of rare tree species as appropriate.

2.2 Revised Development Proposal and Revised Amendments (July 2022)

In July, 2022, the applicant submitted a revised site plan concept and building renderings.

Details on the revised development include:

- 150 residential units, consisting of 73 one-bedroom suites, and 77 two-bedroom suites;
- 547m^2 of commercial/office floor space on the first storey/ground floor;
- Parking will be provided in a parking structure, with two underground levels (64 spaces), 2 above ground levels (2nd and 3rd floor) (66 spaces), and 4 surface parking spaces for a total of 134 spaces;
- Amenity areas include a roof top area (109.32m²) and a roof top terrace (587.36m²) area.
- Density – 150 residential units and 5.5 equivalent commercial units = 654 units per hectare

Key changes to the proposal include:

- A decrease in the amount of commercial/office space;
- A decrease in the mixed-use density from 660 units per hectare, to 654 units per hectare;
- A reduction in parking spaces, from 149 to 134 spaces;
- An overall change in building design - the tower has been refined as more of a point tower design, the overall floorplate was reduced, more landscaping was incorporated across the base, more amenity area has been created, particularly with the podium rooftop;
- The commercial uses at the base are street oriented with the entrances facing Baseline Road with direct pedestrian connections from the sidewalk;
- All units are now either one or two-bedroom apartment units.

The applicant also requires some minor changes to the requested zoning by-law amendment. Revised special provisions include:

- an increase in the requested minimum interior (west and east) side yard depth of 4.0m, whereas 19.2m is required;
- a decrease in maximum lot coverage to 53% (30% maximum is required);
- an increase in landscape open space 23.46% (30% minimum is required);
- a reduced minimum parking requirement of 134 spaces (232 spaces are required);
- a reduced minimum parking area setback of 0m, whereas 1.5m is required.

- a drive-through with a 0m setback along the west property boundary (to facilitate a portion of the drive-through on the lands);
- a west interior side yard setback of no closer than 6.8m from the edge of the drive-through to the building;
- and a landscape buffer of no less than 3.0 metres from the edge of the drive-through within the 6.8m setback between the edge of the drive-through and the building.

The revised site concept is shown in Figure 12. The revised building renderings are shown in Figures 13-17.

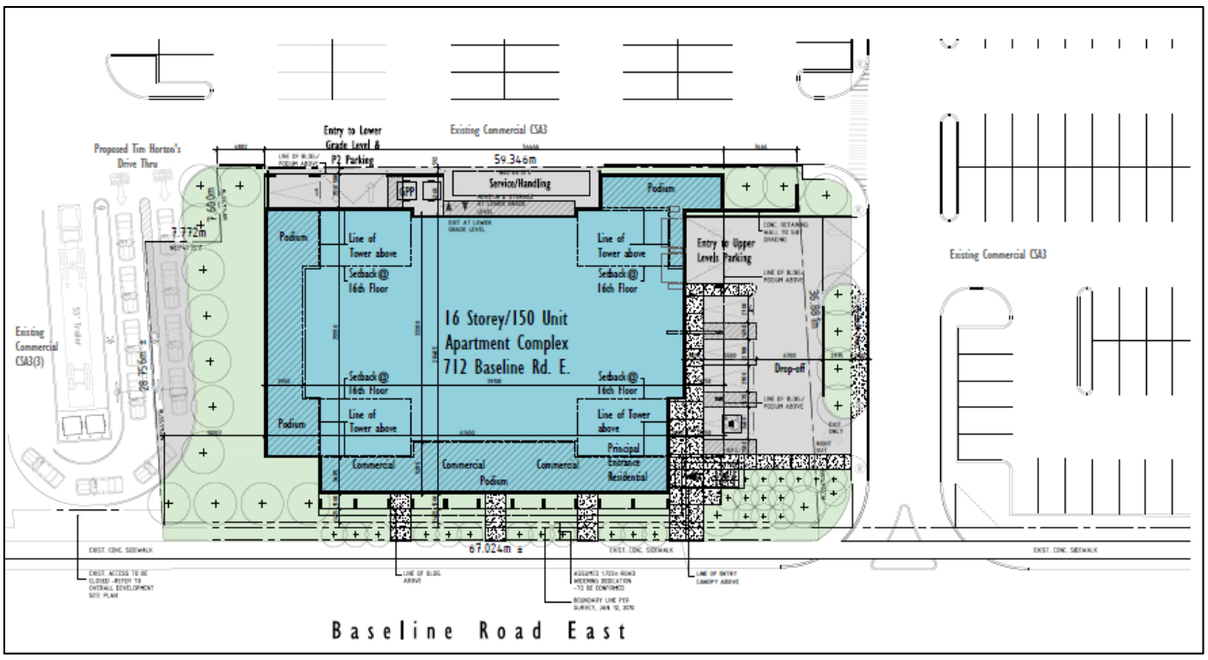


Figure 12 - Revised site concept (July 2022)

Figure 13 - Revised rendering of Base Line Road East frontage

Figure 14 - Revised rendering of east side of building

Figure 15 - Revised rendering of north side of building

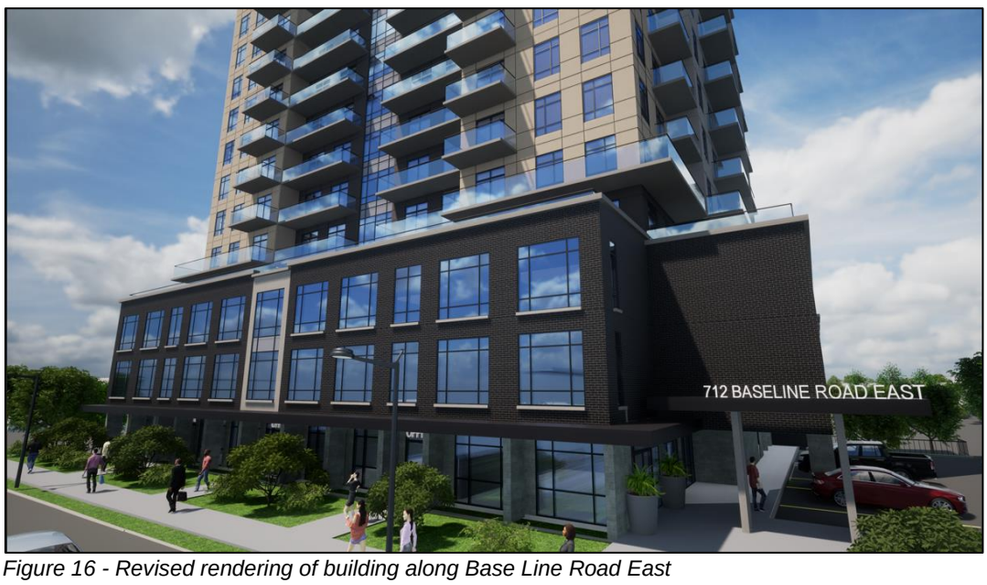


Figure 16 - Revised rendering of building along Base Line Road East

Figure 17 - Revised rendering east elevation

2.3 Community Engagement (see more detail in Appendix B)

No written or verbal responses were received on this application.

2.4 Policy Context

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. Healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential, and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimize transit investments, and standards to minimize land consumption and servicing costs (1.1.1. b) and e)).

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). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

The London Plan

At the time this Application was submitted, *The London Plan* was subject to an appeal to the *Local Planning Appeals Tribunal* (LPAT) (PL170700). The *Plan* was Council adopted and approved by the Ministry with modifications, and the majority was in force and effect. Policies that were under appeal were indicated with an asterisk (*) throughout reports. Since that time, *The London Plan* has come into full force and effect as of May 25, 2022, following a written decision from the *Ontario Land Tribunal* (OLT).

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. 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 build a mixed-use compact city by:

- Implementing a city structure plan that focuses high-intensity, mixed-use development at strategic locations – along rapid transit corridors and within Primary Transit Area;
- Planning to achieve a compact, contiguous pattern of growth – looking "inward and upward";
- 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; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).

Lastly, The London Plan provides direction to make wise planning decisions by:

- Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The site is in the Rapid Transit Corridor Place Type in The London Plan on a Neighbourhood Connector, as identified on Map 1 – Place Types and Map 3 – Street Classifications. Our rapid transit corridors will be vibrant, mixed-use, mid-rise communities that border the length of our rapid transit services. Not all the segments of our corridors will be the same in character, use and intensity. Some segments will be primarily residential in nature, allowing only for small-scale commercial uses. In other segments, where large amounts of commercial floor space already exist, opportunities will be made for new stand-alone commercial uses while opening new opportunities for mixed-use development (826_).

The vision for the Rapid Transit Corridor Place Type is for a mix of residential and other uses to establish demand for rapid transit services, and to allow for a wide range of permitted uses and greater intensities close to rapid transit stations (830_4.and 5.). This Place Type should support the development of a variety of residential types, with varying locations, size, affordability, tenure, design, and accessibility so that a broad range of housing requirements are satisfied (830_11.).

Standard heights range from a minimum of 2 storeys, a maximum of 8 storeys, or consideration of 12 storeys, with bonusing (Table 9). Properties located on a Rapid Transit Corridor within 100m of rapid transit stations can also consider heights of up to 16 storeys, with bonusing (Table 9). The direction of the London Plan is to promote intensification along corridors.

1989 Official Plan

The subject site is designated Community Commercial Node (CCN) on Schedule 'A' of the 1989 Official Plan. The CCN designation is intended to provide for a wide range of goods and services which are needed on a regular basis. Community Commercial Nodes are smaller in size and there is less emphasis on comparison shopping needs and more emphasis on community specialized services. Their trade areas are subsidiary to the trade areas of Enclosed and New Format Regional Commercial Nodes and primarily consist of the surrounding community which includes a number of neighbourhoods within convenient driving or walking distance. Community Commercial Nodes can have either an enclosed shopping centre or a strip plaza focus with either a supermarket or food store as an integral part of the centre.

3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Provincial Policy Statement, 2020 (PPS)

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. Healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential, and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimize transit investments, and standards to minimize land consumption and servicing costs (1.1.1. b) and e)). 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). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1). The proposed development will be located within a transitioning area, will avail of existing infrastructure, and will provide intensification and transit-oriented development to meet future lands needs. The proposed development will provide a mix and range of uses (commercial, office, residential) and will promote the provision of an appropriate mix of affordable and market-based residential types, which is achieved by the provision of affordable housing units that form part of the bonus zone.

4.2 Issue and Consideration # 2 – Use

The London Plan
The Rapid Transit and Urban Corridors contemplate a range of residential, retail, service, office, cultural, recreational and institutional uses (837.1). Mixed-use buildings such as the proposed development are encouraged, as well as the provision of active (commercial, retail and service) uses on the ground floor (837. 2.). Large floor plate, single use buildings will be discouraged in Corridors (837. 3.).

The proposed mixed-use building with main floor commercial/office uses area generally permitted in the London Plan. The application proposes 547 square metres of commercial/office gross floor area, to be located on the first floor of the development. These uses will help to activate the site and provide for local employment and shopping options. Residential units in the apartment buildings will have convenient access to nearby goods and services in a walkable environment, and convenient access to higher order transit.

The London Plan supports the provision of a variety of residential types with varying size, tenure and affordability so that a broad range of housing requirements are satisfied (830.11). The recommended amendment will result in the provision of 12 affordable housing units as part of the bonusable provisions which will be implemented through an agreement with the City of London.

1989 Official Plan
The subject site is designated Community Commercial Node (CCN) on Schedule ‘A’ of the 1989 Official Plan. Permitted uses within the CCN designation include all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies, convenience commercial uses, personal

services, restaurants; commercial recreation establishments, financial institutions and services, a limited range of automotive services, service-oriented office uses such as real estate, insurance and travel agencies, community facilities, such as libraries or day care centres, professional and medical/dental offices, and commercial and private schools. Multi-family, high density residential uses and community facilities may also be permitted in the designation through a zoning by-law amendment application, site plan application and consideration of design features which provide for the proper integration of the two uses (4.3.7.3.). Mixed use developments which permit a substantial residential component shall be implemented through specific zoning by-law amendments and concurrent site plan applications (4.3.3.).

As noted above the proposed mixed-use apartment and main floor commercial/office uses are permitted within the existing CCN designation. The application proposes 547 square metres of commercial/office gross floor area, to be located on the first floor of the development. The proposed uses have been shown to be integrated into one development. This development will ensure residents can access nearby goods and services in a walkable environment with convenient access to higher order transit now and in the future.

The 1989 Official Plan limits density to a maximum of 150 units per hectare. However, given the recent approval of The London Plan and rescinding of the 1989 Official Plan, no official plan amendment is required.

4.3 Issue and Consideration # 3 – Intensity

The London Plan
The London Plan places an emphasis on growing 'inward and upward' to achieve a compact form of development. There is a greater focus on encouraging and supporting growth within the existing built-up areas of the city. The London Plan provides direction to sustain, enhance and revitalize our downtown, main streets, and urban neighbourhoods to build a mixed-use, compact City (59_3).

The Rapid Transit Corridor policies encourage intensification along these corridors, while managing and mitigating impacts on adjacent, lower-intensity residential areas (832_). Buildings will be between 2-12 storeys, with bonusing contemplated up to 16 storeys (*Table 9). Greater residential intensity may be permitted on sites located within 100 metres of a rapid transit station (840.6.). The development is within 100m of a proposed transit station, located just north and south of Base Line Road East at Wellington Road. The proposed development, at 16 storeys, meets the maximum height with type 2 bonusing. The subject site is within a commercial corridor and is not directly adjacent to low rise residential uses, which helps to ensure compatibility with the surrounding area.

Within the Rapid Transit Corridor individual buildings will not contain more than 2,000 square metres of office space, except within 100 metres of rapid transit stations where buildings may contain up to 5,000 square metres of office space. The proposed first floor office/commercial gross floor area is well below the maximum permitted and will engage the street with active uses.

1989 Official Plan
There is additional intensity contemplated through the permissions in the Community Commercial Node, and subsequently the Multi-Family, High Density Residential designations. Within the Community Commercial Node, commercial development normally ranges in size from 13000 to 50000 square metres of gross floor area (4.3.7.5). There is a total of 547 square metres of office and commercial space proposed for this development which is appropriate in a mixed-use format and under the total amount contemplated for the Community Commercial Node designation. Residential densities within the Community Commercial Node (CCN) Designation should be consistent with the densities allowed in the Multi-Family, High Density Residential designation, which allows for a scale of development up to 150 units per hectare outside of central London (3.4.3. OP). Proposals to allow for higher densities than would normally be permitted may be considered through a site-specific bonus

zone, such as the requested amendment for the subject site. As the proposed density is for 654uph where 150uph is permitted, a bonus zone is being recommended to support this increase in density. Further analysis on the proposed bonusing can be found in section 4.5 of this report.

4.4 Issue and Consideration # 4 – Form

The London Plan
High rise buildings should be designed to express three defined components including a base, middle and top (289). The Base should establish a human-scale façade with active frontages, the middle should be visually cohesive but distinct from the base and top, and the top should provide a finishing treatment (289).

Base
The base should establish a human-scale façade with active frontages including windows with transparent glass, forecourts, patios, awnings and lighting (289_1). Through this current proposal, a podium of 3 storeys is shown. The use of podiums at the building base reduces the apparent height and mass of the building on the pedestrian environment, allows sunlight to penetrate into the right-of-way and reduces wind impacts (292). Building entrances and transparent windows should be located to face the public right-of-way to reinforce the public realm establish an active frontage and provide convenient pedestrian access (291).

Middle
The middle should be visually cohesive with, but distinct from, the base and top (289_2). The London Plan identifies that high-rise buildings should be designed to minimize massing, shadowing, visual impact and the obstructions of view from the street and neighbouring properties by providing slender towers without long axes that create an overwhelming building mass (293). A slender tower is characterized as one that has a smaller tower floor plate, typically between 750 – 1,000 sqm of GFA, and a length to width ratio of generally not more than 1:1.5, as per industry standards and best practices.

Top
The top should provide a finishing treatment, such as a roof or cornice treatment, and will serve to hide and integrate mechanical penthouses (289_3).

In order to implement the policies for design within the London Plan, the Bonus Zone will contain design criteria to assist in the ultimate design of this development. Criteria for site layout, ground floor design and uses, podium design and tower design have been added to the Bonus Zone to ensure the ultimate development will meet the minimum requirements of the London Plan and the associated Place Type.

1989 Official Plan
The 1989 Official Plan policies identify principles for Urban Design within Chapter 11 which provides guidance and direction for the design of buildings and sites. Most of these principles are incorporated into the policies of The London Plan, which provides greater direction and design specifications for mixed-use and commercial development. However, some of the same principles from the City's Design Guidelines for pedestrian connections through sites to sidewalks, reducing the overall visual impact of paved parking, and having principal entrances oriented to the street is echoed in more recent direction and achieved by the site layout and built form.

<u>Parking</u>
Rapid Transit corridors are intended to be vibrant, mixed-use, mid-rise communities that will be fundamentally walkable, with development that is pedestrian and transit-oriented (826_, 827_).

The proposal has two underground levels (64 spaces), 2 above ground levels (2nd and 3rd floor) (66 spaces), located in the podium/internal of the building. Buildings should be sited to minimize the visual exposure of parking areas to the street (269). Minimal

surface parking is provided for this site (4 spaces), but the site is surrounded by surface parking for the existing commercial development. 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 uses that generate high levels of attraction (271).

The proposal is for 134 parking spaces overall, which amounts to 0.85 spaces per unit for the residential and commercial/office uses. The requested reduction in parking is appropriate, as the site is well-located with direct access along the Rapid Transit Corridor with existing and future transit services. Further, the area has a high proportion of existing retail, shopping, commercial, service and employment uses within convenient walking distance to reduce single vehicle trips and encourage more pedestrian trips. The site also has access to adjacent commercial surface parking. A reduction in the number of vehicle parking spaces is reasonable given the active and public transit options.

R9-7 Zone Considerations for Intensity
Bonus zones are usually paired with a base zone that establishes the maximum regulations within which development must occur if the requirements of the more permissive Bonus (B-_) Zone are not met. As per the Rapid Transit Corridor policies, a maximum height of 12 storeys may be permitted, and as per the zoning by-law, a maximum density of 150 units per hectare is standard for high rise buildings. These will be recommended in the base zone.

Staff are also recommending the following special provisions within the base h*R9-7(_) Zone:

- A reduced front yard setback of 1.5m from Base Line Road East, and a maximum setback of 4m – this will ensure canopies and doors, robust landscaping, and a possible building forecourt etc. can be accommodated, while maintaining urban design objectives;
- A height of 12 storeys (36m) as per the London Plan for a Rapid Transit Corridor;
- 150 units per hectare, which closely aligns with 1989 OP designation and permissions for HDR;

A Holding (h) provisions is also recommended. The City is accommodating the sanitary servicing for the subject site within it's Rapid Transit Project along Wellington Road and this site will utilize the upgraded sewers along Wellington. However, the expected/tentative timing for these upgrades is 2026. Therefore, a holding provision is necessary to ensure adequate sanitary servicing is available within a reasonable time frame for development.

4.4 Issue and Consideration # 5 - Bonusing

The London Plan
Through the previous versions of the London Plan, Type 2 Bonus Zoning was proposed 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_). These policies were previously under appeal and not in full force and affect. However, as of May 25,2022, these policies no longer exist in the London Plan and were not to be the basis for calculating the lift for bonus applications.

1989 Official Plan
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 19.4.4. ii) of the 1989 Official Plan establishes a number of objectives which may be achieved through Bonus Zoning. The applicant's bonus proposal meets the objective of providing affordable housing and exceptional urban design, as detailed below.

<u>Affordable Housing</u>
The provision of affordable housing units through bonusing is a preferred feature and a recent priority identified by Municipal Council to address the housing crisis. As part of

the Roadmap to 3,000 Report, an immediate next step was identified to *"double the current rate at which affordable units are obtained through bonusing" (p.11).* This direction establishes the provision of affordable housing units above other potentially eligible bonusable features and should be the main component of the requested bonus zone. The Housing Development Corporation (HDC) staff have advised there is a need for affordable housing units and that the locational factors align with housing needs and priorities defined in the Housing Stability For All Plan and CMHC analytics related to vacancy rates and rental rates. The HDC has recommended the bonus zone provide 10% of the lift as affordable residential units.

The calculation of the lift to determine the total number of affordable housing units was based on the base density of 150 units per hectare (uph) permitted in the 1989 Official Plan which would equate to 36 units for a site with 0.24ha. The increase above the base permission (mixed-use density) is an additional 121 units, based on the current proposal of 150 residential units, plus 5.5 "commercial" units. A rate of 10% of the total increase in units (10% of 121) equates to 12.1 units which is the "lift" and the consistent approach to calculating the total number of affordable housing units through a bonus zone. The 12 units are to be representative of the mix overall and distributed evenly throughout the development to the greatest extent possible. The units will be based on 80% of the Average Market Rent for a duration of 50 years.

Urban Design

Normally, as part of the Bonus zone, drawings, site concepts and renderings would be attached to the Zoning By-law amendment to facilitate the exact development as proposed. However, in order to advance this application and ensure Bonusing can be implemented prior to the September deadline, staff are recommending design criteria to be implemented in the Bonus zone, to assist with the site plan submission, and ensure any development meets the design policies of The London Plan.

Urban Design provided the following comments with respect to the original application's (February 20220) design:

- The applicant is commended for providing a site and building design that incorporates the following design features: provides a continuous built frontage that establishes an urban street-wall and strong built edge condition along Baseline Road East; appropriate step backs (a minimum of 5m) above 3rd or 4th storey, active uses at grade with direct walkway connections to city sidewalk and locating majority of parking underground/structured parking internal to the site.
- As this application contemplates a bonus zone, please include the following revisions and improvements consistent with the previous staff and panel comments:
    - Please provide a detailed response to the Urban Design Peer Review Panel that explains how the Panel comments have been addressed.

    Site Layout
        - Provide for a legible and usable public realm to support the proposed intensity and density of the development in terms of outdoor amenity spaces, privately owned public spaces (POPS), transit-oriented amenities, pedestrian connectivity and safety *[TLP 255]*.
        - Provide direct and convenient access throughout the site for pedestrians from the public sidewalks on Baseline Road East to primary building entrances. Pedestrian circulation should consider desire lines to the intersection of Baseline Road and Wellington Road and to the main transit station.
        - Provide for a front yard setback of 3-4m for more urban streetscape treatment with landscaping and trees (large planter beds with edge curb) along Baseline Road East *[TLP 211, 222].*
        - Consider the incorporation of patio or forecourt space that spills out into the setback to further activate the space and provide an amenity for tenant businesses.
        - Provide a functional forecourt leading to the main entrance of the proposed building.

- Provide for pedestrian, cycling and transit-oriented amenities including benches and bike racks close to the principal entrance.
- Provide for appropriately sized and located outdoor amenity spaces (including private amenity spaces) and/or privately-owned public spaces (POPS) throughout the site for the number of residents anticipated [TLP 295].
- Amenity spaces should also be provided as roof top amenity areas at various levels in addition to the private rooftop amenity areas proposed.
- Provide a functional drop off area.
- Provide grading plans and particularly explain the building interfaces at West and North edges.

Ground Floor Design and Uses

- Active building façade should be directed to public streets as a priority. Additional active uses may line the internal streets / drive aisles and priority should be given to highly visible areas from key entry points [TLP 285, 291]. Explore opportunities to increase the ground floor presence on the site to accommodate active uses along North Façade of the building.
- Locate the principal residential building entrance (lobby) on the Baseline Road East -facing elevation and explore opportunities to direct it closer to Wellington Road for convenient access to the transit corridor. Differentiate the residential lobby entrance from the commercial unit entrances with architectural features such as canopies, signage, lighting, increase in glazing, double doors, framing, materials, etc.
- Consider relocating the Central Alarm and Control Facilities (CACF) room to the adjacent internal service block on the ground floor such that the residential lobby appears open from the street.
- Back of house, service, garage and loading areas are to be accessed from internal streets / drive aisles, incorporated internal to the building as much as possible and screened from view.

Podium Design

- Parking for high-rise development should be provided mainly underground, or where that is not possible, located in the podium and wrapped with active uses along street frontages. Minimize the exposure of the above ground structured parking along Baseline Road by providing residential units, amenity spaces, and/or providing a treatment which allows for windows and views into the building's interior areas disguising the parking garage [TLP 285].
- Parking shall not be located on the podium floors of the building along the street frontage. Locate all parking behind active uses, underground or elsewhere on the site.
- Parking shall not be provided in podium floors along Baseline Road East which should consist of residential units facing the street to provide an active pedestrian environment along the street.
- Consider an addition of a podium floor (4 storey podium) with enlarged podium area along the North edge to integrate parking and provide active facades (residential units) along Baseline Road East.
- Consider moving some parking to another basement level or explore opportunities for access and parking agreements with the neighbouring property to reduce the number of parking spaces required onsite.
- Step-back along Base Line Road to enhance the pedestrian oriented street wall.

Tower Design

- Design high-rise building (above 8 stories) as slender towers (maximum floor plate size of up to 1000 square meters within a 1.5:1

length: width ratio) in order to reduce "slab-like" appearance of the towers, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces [TLP 293].
- Reduce the slab like appearance of the tower portion by optimizing the length and width within a 1.5:1 ratio.
- Design the tower to include a high degree of fenestration in order to add interest and break-up the massing of the building.
- Increase the size & scale of proposed windows and use material change, balconies and articulation to break up the facades.
- Include a high proportion of glazing and modulation such as projections/recesses which use material differentiation in order to break up the consistent vertical plane and massing of the tower.
- Provide for an appropriate tower separation distances (25m between high-rise portions and a minimum of 12.5m between the high-rise portions of the building and the shared property line) in order to maintain development potential of adjacent properties and to reduce the overall impact of the building mass, improve sunlight penetration and increase access to sky views.
- Design and distinguish the top of the buildings (i.e. top 4-5 floors) 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 [TLP 289_3, 296].

These comments have been revised to form the Bonus Zone urban design criteria which will be used to evaluate the subsequent site plan submission for this site. Additional site and building design criteria, not shown on the proposed renderings, will also be addressed as part of the site plan submission have been added to the recommendation clause as a note for the Site Plan Approval Authority.

The recommended bonus zone is based on the provision of enhanced design and affordable housing which are appropriate for the area and commensurate with the requested increase in building height.

More information and detail is available in the Appendices of this report.

Conclusion

The site is within the Rapid Transit Corridor Place Type, which is anticipated to develop as vibrant, mixed-use, mid-rise communities that border the length of our rapid transit services. The vision for this place type is to allow for a wide range of permitted uses and greater intensities of development along Corridors close to rapid transit stations, and to permit a mix of residential and commercial/office uses along corridors to establish demand for rapid transit services.

The proposed development and recommended amendments are consistent with the Provincial Policy Statement, 2020 and conform to *The London Plan* policies including but not limited to Key Directions, the City Structure Plan, growth frameworks, City Design policies, and the Rapid Transit Corridor Place Type. The recommended amendment is also in conformity with in-force policies of the 1989 Official Plan, including the Bonus Zoning policies. The recommended amendment will facilitate an infill and intensification development with an appropriate range of uses, intensity and built form for the site and surrounding area.

Prepared by:	**Nancy Pasato, MCIP, RPP** **Senior Planner, Planning Implementation**
Reviewed by:	**Mike Corby, MCIP, RPP** **Manager, Planning Implementation**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**

Submitted by: **Scott Mathers MPA, P. Eng.,**
Deputy City Manager, Planning and Economic Development

Appendix A

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 712 Base Line Road East.

WHEREAS Wellington Gate Inc. (c/o Westdell Development Corp.) has applied to rezone an area of land located at 712 Base Line Road East, 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 712 Base Line Road East, as shown on the attached map comprising part of Key Map No. A107, from a Community Shopping Area (CSA3) Zone to a Holding Residential R9 Special Provision Bonus (h*R9-7(_)*B-(_)) Zone.

2) Section Number 4.3 of the General Provisions is amended by adding the following Special Provision:

4.3.4) B-(_) 712 Base Line Road East

The Bonus Zone shall be implemented through one or more agreements to facilitate a development comprised of a mixed-use apartment building with a maximum height of 16 storeys (52.6 metres), and a maximum mixed-use density of 654 units per hectare.

1) Design Standards

The building design and site plan will be bonused for features which serve to support the City's objectives of promoting a high standard of design, to be implemented through a development agreement:

i. Site Layout

a) Provide for additional outdoor amenity areas within the west interior side yard and front yard, which includes transit-oriented amenities such as benches and bike racks close to the principal entrance.
b) Provide direct and convenient access throughout the site for pedestrians from the public sidewalks on Baseline Road East to primary building entrances. Pedestrian circulation should consider desire lines to the intersection of Baseline Road and Wellington Road and to the main transit station.
c) Provide for a front yard setback of 2-4m for more urban streetscape treatment with landscaping and trees (large planter beds with edge curb) along Baseline Road East.
d) Provide a functional forecourt leading to the main entrance of the proposed building.
e) Provide a functional drop off area.

ii. Ground Floor Design and Uses

a) Active building façade should be directed to public streets as a priority. Additional active uses may line the internal streets / drive aisles and priority should be given to highly visible areas from key entry points.
b) Locate the principal residential building entrance (lobby) on the Baseline Road East-facing elevation.
c) Differentiate the residential lobby entrance from the commercial unit entrances with architectural features such as canopies, signage, lighting, increase in glazing, double doors, framing, materials, etc.
d) Back of house, service, garage and loading areas are to be accessed from internal streets / drive aisles, incorporated internal to the building as much as possible and screened from view.

iii. Podium Design

a) Parking for high-rise development should be provided mainly underground, or where that is not possible, located in the podium and wrapped with active uses along street frontages. Minimize the exposure of the above ground structured parking along Baseline Road by providing residential units, amenity spaces, and/or providing a treatment which allows for windows and views into the building's interior areas disguising the parking garage.
b) Include a minimum 5 metre step-back at the 4th floor along Base Line Road to enhance the pedestrian-oriented street wall.

iv. Tower Design

a) Design high-rise building (above 8 stories) as slender towers (seek to achieve a maximum floor plate size of up to 1000 square meters within a 1.5:1 length: width ratio) in order to reduce "slab-like" appearance of the tower, reduce shadow impacts, reduce obstruction of sky views and to be less imposing on neighbouring properties and public spaces.
b) Design the tower to include a high degree of fenestration in order to add interest and break-up the massing of the building.
c) Increase the size & scale of proposed windows and use material change, balconies and articulation to break up the facades.
d) Include a high proportion of glazing and modulation such as projections/recesses which use material differentiation in order to break up the consistent vertical plane and massing of the tower.
e) Design and distinguish the top of the buildings (i.e. top 4-5 floors) 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.

2) Provision of Affordable Housing

i. A total of 10% of the lift (12 affordable housing units based on 156 total units) will be provided in the development, representative of the bedroom and unit mix of the overall building;
ii. Rents not exceeding 80% of the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR) for the London Census Metropolitan Area (CMA) at the time of building occupancy; where AMR is defined at the one-bedroom, two-

bedroom and three-bedroom rate for the London CMA at the time of building occupancy;

iii. The duration of affordability set at 50 years from the point of initial occupancy of the respective building;

iv. The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations;

v. These conditions to be secured through an agreement entered on title with associated compliance requirements and remedies.

The following special regulations apply within the bonus zone:

a) Additional permitted uses, limited to the first floor

i) Animal hospitals
ii) Bake shops
iii) Clinics
iv) Commercial recreation establishments
v) Day care centres
vi) Dry cleaning and laundry depots
vii) Duplicating shops
viii) Financial institutions
ix) Grocery stores
x) Laboratories
xi) Laundromats
xii) Libraries
xiii) Medical/dental offices
xiv) Offices
xv) Personal service establishments
xvi) Private clubs
xvii) Restaurants
xviii) Retail stores
xix) Service and repair establishments
xx) Studios
xxi) Video rental establishments
xxii) Cinemas
xxiii) Brewing on premises establishment
xxiv) Food store
xxv) Convenience store
xxvi) Post office
xxvii) Convenience service establishments
xxviii) Bed and breakfast establishments
xxix) Antique store
xxx) Artisan workshop
xxxi) Craft brewery

b) Regulations

i)	Gross Floor Area of Commercial And Office Uses (Maximum)	547 square metres (5887.9 square feet)
ii)	Height (Maximum)	16 storeys or 52.6 metres (175.6 feet), whichever is less
iii)	Density (Maximum)	654 units per hectare
iv)	Front Yard Depth (Minimum)	1.5 metres (4.9 feet)

v)	Front Yard Depth (Maximum)	4.0 metres (13.1 feet)
vi)	Rear Yard Setback (Minimum)	0.5m (1.6 feet)
vii)	East Interior Side Yard Setback (Minimum)	4.0m (13.1 feet)
viii)	West Interior Side Yard Setback (Minimum)	4.8 m (15.7 feet)
ix)	Parking (Minimum)	134 spaces
x)	Lot Coverage (Maximum)	53%
xi)	Landscaped Open Space (Minimum)	23%
xii)	Parking Area Setback	0.0m (0 feet)

xiii) A drive-through with a 0m setback along the west property boundary

xiv) Notwithstanding clause viii) above, a west interior side yard setback of no closer than 6.8m (22.3 feet) from the edge of the drive-through to the building is required

xv) A landscape buffer of no less than 3.0 metres from the edge of the drive-through within the 6.8m setback between the edge of the drive-through and the building

3) Section Number 13.4 of the Residential R9 (R9-7) Zone is amended by adding the following Special Provision:

) R9-7(_) 712 Base Line Road East

a) Additional permitted uses, limited to the first floor of an apartment building

i) Animal hospitals
ii) Bake shops
iii) Clinics
iv) Commercial recreation establishments
v) Day care centres
vi) Dry cleaning and laundry depots
vii) Duplicating shops
viii) Financial institutions
ix) Grocery stores
x) Laboratories
xi) Laundromats
xii) Libraries
xiii) Medical/dental offices
xiv) Offices
xv) Personal service establishments
xvi) Private clubs
xvii) Restaurants
xviii) Retail stores
xix) Service and repair establishments

xx) Studios
xxi) Video rental establishments
xxii) Cinemas
xxiii) Brewing on premises establishment
xxiv) Food store
xxv) Convenience store
xxvi) Post office
xxvii) Convenience service establishments
xxviii) Bed and breakfast establishments
xxix) Antique store
xxx) Artisan workshop
xxxi) Craft brewery

b) Regulations

i)	Front Yard Depth (Minimum)	1.5 metres (4.9 feet)
ii)	Front Yard Depth (Maximum)	4.0 metres (13.1 feet)
iii)	Height (Maximum)	the lesser of 36.0 metres, or 12 storeys
iv)	Density (Maximum)	150 units per hectare

v) A drive-through with a 0m setback along the west property boundary

vi) A west interior side yard setback of no closer than 6.8m from the edge of the drive-through to the building is required

vii) A landscape buffer of no less than 3.0 metres from the edge of the drive-through within the 6.8m setback between the edge of the drive-through and the building.

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

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

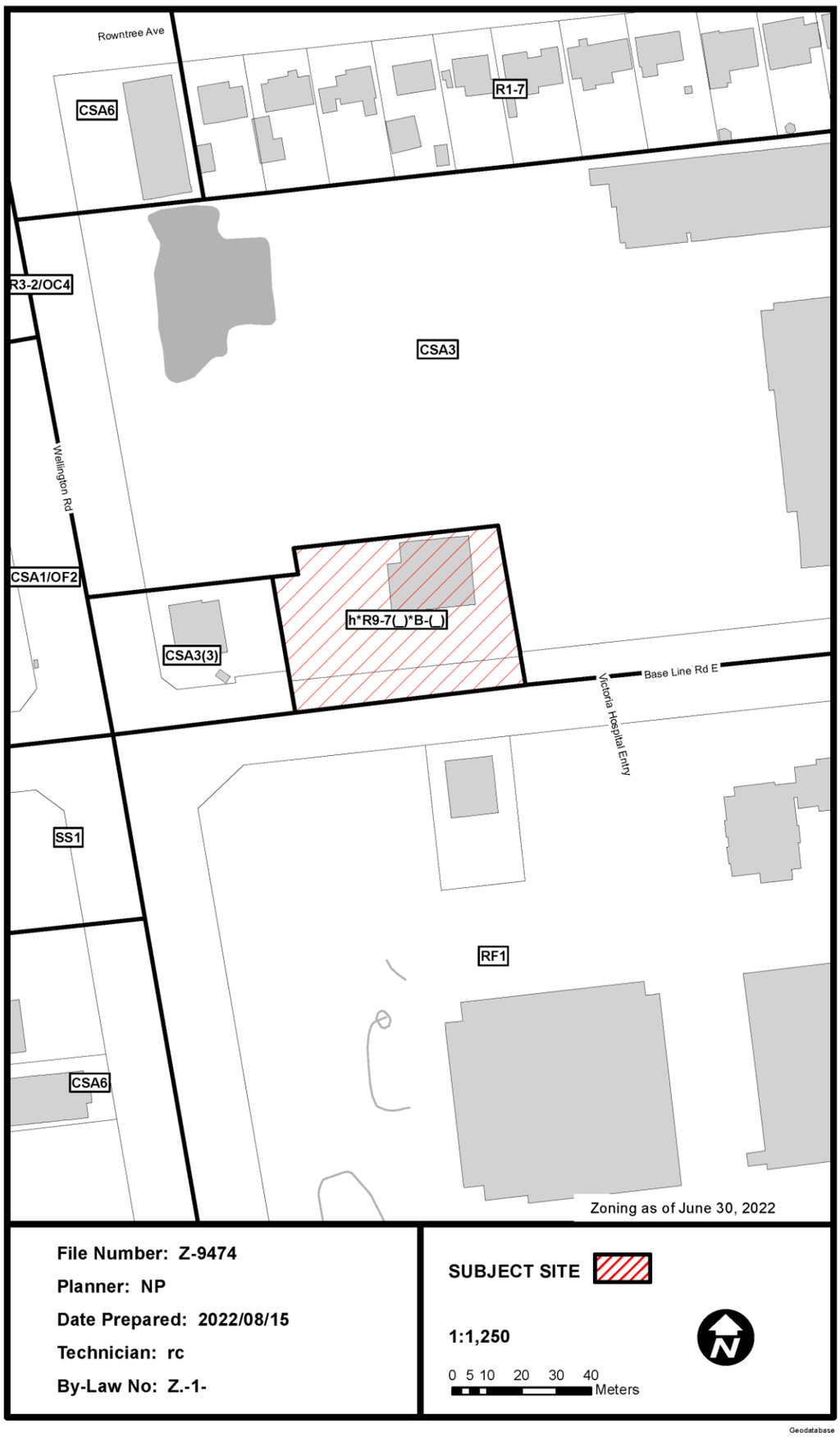
PASSED in Open Council on September 6, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On March 9, 2022, Notice of Application was sent to 24 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 10, 2022. A "Planning Application" sign was also posted on the site.

No replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit a mixed-use (commercial/office and residential) apartment building with a height of 16 storeys, 150 residential units, and 650 square metres of commercial.

Possible change to Zoning By-law Z.-1 **FROM** a Community Shopping Area (CSA3) Zone **TO** a Residential R9 Special Provision/Bonus (R9-7(_)*B-(_) Zone, which would permit apartment buildings; lodging house class 2; senior citizens apartment buildings; handicapped persons apartment buildings; continuum-of-care facilities. The proposed special provisions would also permit additional permitted uses, such as: animal hospitals; apartment buildings, with any or all of the other permitted uses on the first floor; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; converted dwellings; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; existing dwellings; financial institutions; grocery stores; laboratories; laundromats; libraries; medical/dental offices; offices; personal service establishments; private clubs; restaurants; retail stores; service and repair establishments; studios; video rental establishments; cinemas; brewing on premises establishment; food store; animal clinic; convenience store; post office; convenience service establishments; dwelling units restricted to the rear portion of the ground floor or on the second floor or above with any or all of the other permitted uses in the front portion of the ground floor; bed and breakfast establishments; antique store; police stations; artisan workshop; craft brewery; a reduced minimum front yard depth of 0.5m, whereas 11m is required; a reduced minimum rear yard depth of 0.5m , whereas 19.2m is required; a reduced minimum interior (west and east) side yard depth of 5.5m, whereas 19.2m is required; a maximum lot coverage of 60.5% , whereas 30% maximum is required; a reduced landscape open space of 19.5%, whereas 30% minimum is required; a reduced minimum parking requirement of 149 spaces, whereas 232 spaces are required; and a reduced minimum parking setback of 1.4m, whereas 1.5m is required. The Bonus Zone would permit a maximum building height of 16 storeys (47m) and a maximum density of 660 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 proposed facilities, services, and matters to support Bonus Zoning include: exceptional site and building design, sustainable forms of development, contribution to the development of transit amenities, features and facilities, affordable housing, and extraordinary tree planting, which may include large calliper tree stock, a greater number of trees planted than required, or the planting of rare tree species as appropriate. The City may also consider additional considerations such as a different base zone (such as a Business District Commercial Special Provision (BDC1(_)) Zone, the use of holding provisions, and/or additional special provisions.

Agency/Departmental Comments
Engineering – April 6, 2022

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Zoning By-Law Amendment:

Comments for a future development application:

Transportation

1. Road widening dedication 13.0m from centerline along Base Line Road East, 1.722m required, to be confirmed via survey;
2. Detailed comments regarding access design and location will be made through the site plan process
3. We reviewed the parking and TDM measurement, and we would like to see the additional secure bike facilities, and to consider on site ride share. Note that this will be finalized at site plan.

Rapid Transit Comments:
1. RT does not have any impacts on 712 Baseline Rd E, however there is potential for cycling infrastructure to be implemented during the Wellington Gateway construction;

This is dependent on Transportation's needs, which could affect the dedication required. Otherwise, no comments from RT.

2. Wellington Road is a Bus Rapid Transit (BRT) Corridor. Construction of South Corridor of the BRT system is tentatively planned for 2023-2026.

Sanitary
1. The City is accommodating the subject site within it's Rapid Transit Project along Wellington Road and will be tributary to the upgraded sewers along Wellington. Expected/tentative timing for these upgrades is 2026.
2. A holding provision is recommended until these works are completed.

Water
Water Engineering has no comment on the zoning by-law amendment (Z-9474) for 712 Base Line Road East. Comments regarding the site's water servicing requirements

<u>Urban Design – April 14, 2022</u>

Please find below revised UD Comments for OP/ZBA application related to **712 Baseline Road East**.

- The applicant is commended for providing a site and building design that incorporates the following design features: provides a continuous built frontage that establishes an urban street-wall and strong built edge condition along Baseline Road East; appropriate step backs(a minimum of 5m) above 3rd or 4th storey, active uses at grade with direct walkway connections to city sidewalk and locating majority of parking underground/structured parking internal to the site.
- As this application contemplates a bonus zone, please include the following revisions and improvements consistent with the previous staff and panel comments:
    - Please provide a detailed response to the Urban Design Peer Review Panel that explains how the Panel comments have been addressed.
    - **Site Layout**
        - Provide for a more legible and usable public realm to support the proposed intensity and density of the development in terms of outdoor amenity spaces, privately owned public spaces (POPS),transit oriented amenities, pedestrian connectivity and safety***[TLP 255].***
            - Provide direct and convenient access throughout the site for pedestrians from the public sidewalks on Baseline Road East to primary building entrances. Pedestrian circulation should consider desire lines to the intersection of Baseline Road and Wellington Road and to the main transit station.
            - Provide for a wider front yard setback of 3- 4m for more urban streetscape treatment with landscaping and trees (large planter beds with edge curb) along Baseline Road East ***[TLP 211, 222].*** Consider the incorporation of patio or forecourt space that spills out into the setback to further activate the space and provide an amenity for tenant businesses.
            - Provide a functional forecourt leading to the main entrance of the proposed building.

        - Provide for pedestrian, cycling and transit-oriented amenities including benches and bike racks close to the principal entrance.
    - Provide for appropriately sized and located outdoor amenity spaces(including private amenity spaces) and/or privately-owned public spaces (POPS) throughout the site for the number of residents anticipated ***[TLP 295].***
        - Amenity spaces should also be provided as roof top amenity areas at various levels in addition to the private rooftop amenity areas proposed.
    - Provide a functional drop off area as the proposed location is inadequate and does not allow for exclusively forward movement of the vehicle.
    - Provide grading plans and particularly explain the building interfaces at West and North edges.
    - Include all requirements of the Site Plan Control By-Law in the site design, in particular as it relates to parking (landscape islands, parking setbacks) and garbage collection/loading areas (location).
- **Ground Floor Design and Uses**
    - Active building façade should be directed to public streets as a priority. Additional active uses may line the internal streets / drive aisles and priority should be given to highly visible areas from key entry points. Explore opportunities to increase the ground floor presence on the site to accommodate active uses along North Façade of the building. ***[TLP 285, 291].***
        - The Baseline Road East façade with active commercial uses at grade with direct access from the public street is acknowledged. The active uses along east and west facades are also acknowledged. The north façade is blank and lacks animation due to the location of parking ramp.
        - Locate the principal residential building entrance (lobby) on the Baseline Road E-facing elevation and explore opportunities to direct it closer to Wellington Road for convenient access to the transit corridor. Differentiate the residential lobby entrance from the commercial unit entrances with architectural features such as canopies, signage, lighting, increase in glazing, double doors, framing, materials, etc.
            - Consider relocating the CACF room to the adjacent internal service block on the ground floor such that the residential lobby appears open from the street
    - Back of house, service, garage and loading areas are to be accessed from internal streets / drive aisles, incorporated internal to the building as much as possible and screened from view.
- **Podium Design**
    - Parking for high-rise developed should be provided mainly underground, or where that is not possible, located in the podium and wrapped with active uses along street frontages. Minimize the exposure of the above ground structured parking along Baseline Road by providing residential units, amenity spaces, and/or providing a treatment which allows for windows and views into the building's interior areas disguising the parking garage. ***[TLP 285].***
        - Remove the parking located on the podium floors of the building along the street frontage. Locate all parking behind active uses, underground or elsewhere on the site.
        - Remove the parking provided in podium floors along Baseline Road East and consider residential units facing the street to provide an active pedestrian environment along the street.
        - Consider an addition of a podium floor(4 storey podium) with enlarged podium area along the North edge to integrate parking and provide active facades(residential units) along Baseline Road East.

        - Consider moving some parking to another basement level or explore opportunities for access and parking agreements with the neighbouring property to reduce the number of parking spaces required onsite.
    - **Tower Design**
        - Design high-rise buildings (above 8 stories) as slender towers (maximum floor plate size of up to 1000 square meters within a 1.5:1 length: width ratio) in order to reduce "slab-like" appearance of the towers, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces***[TLP 293].***
            - The proposed floor plate of approximately 1000 sqm is acknowledged. Reduce the slab like appearance of the tower portion by optimizing the length and width within a 1.5:1 ratio.
        - Design the tower to include a high degree of fenestration in order to add interest and break-up the massing of the buildings.
            - Increase the size & scale of proposed windows and use material change, balconies and articulation to break up the facades.
            - Include a high proportion of glazing and modulation such as projections/recesses which use material differentiation in order to break up the consistent vertical plane and massing of the tower.
        - Provide for an appropriate tower separation distances(25m between high-rise portions and a minimum of 12. 5m between the high-rise portions of the building and the shared property line) in order to maintain development potential of adjacent properties and to reduce the overall impact of the building mass, improve sunlight penetration and increase access to sky views.
        - Design and distinguish the top of the buildings (i.e.. top 4-5 floors) 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. ***[TLP 289_3, 296].***

<u>Site Plan – April 11, 2022</u>

- The following zoning deficiencies have been identified based on the regulations of the R9-7 Zone:
    - Density - 633 UPH
    - Parking Area Setback - 0.0m
    - Parking - 149 spaces (188 required for residential portion, commercial use not to defined to determine parking rate)
    - Landscape Open Space - 19.5%
    - Lot Coverage - 60.5%
    - Interior Side Yard Setback - 5.5m
    - Rear Yard Setback - 0.5m
    - Front Yard Setback - 0.5m
    - Commercial GFA - 650.6m2 (not permitted in R9-7 Zone)

- Revise at-grade parking area, the 4 spaces on the east side of the building are difficult to maneuver - consider keeping the barrier-free space and creating additional landscaped open space. Ensure the other at-grade spaces have a safe and convenient pedestrian connection to the main building entrance.
- Screen loading and parking areas exposed to Baseline Road E with enhanced landscaping and/or low landscape walls (max. 1m high).
- Ensure clearly defined and separated pedestrian connections are included throughout the site in order to provide for safe, direct and convenient pedestrian connectivity between sidewalks, building entrances and parking and amenity areas.
- Provide for pedestrian, cycling and transit-oriented amenities including benches and bike racks close to the principal entrance.

- Based on the number of units, approximately 15-20 recycling carts will need to be managed at the waste collection pick up point. All garbage and recycling facilities are to be stored internal to the building. Consider locating the internal garbage room closer to the pickup point for ease of access.
- Provide an appropriately sized and centrally located amenity space for the number of units proposed.
- Locate barrier-free parking close to the elevators in the underground parking levels.
- Ensure visitor parking is provided at a rate of 1 space per 10 units, consistent with the Site Plan Control By-law.

Ecology – March 29, 2022

This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major issues identified
- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

Ecology – complete application requirements
- None.

Notes
- None.

Parks Planning – March 15, 2022

Parks Planning and Design staff have reviewed the submitted notice of application and offer the following comments:
- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

London Hydro – March 10, 2022

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant’s expense, maintaining safe clearances from L.H. infrastructure is mandatory. Note: Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.

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

Upper Thames River Conservation Authority (UTRCA) – March 10, 2022

Please be advised that the subject lands are not regulated by the UTRCA, therefore we have no objections to this application.

Appendix C – Planning Impact Analysis and Evaluation of Our Tools

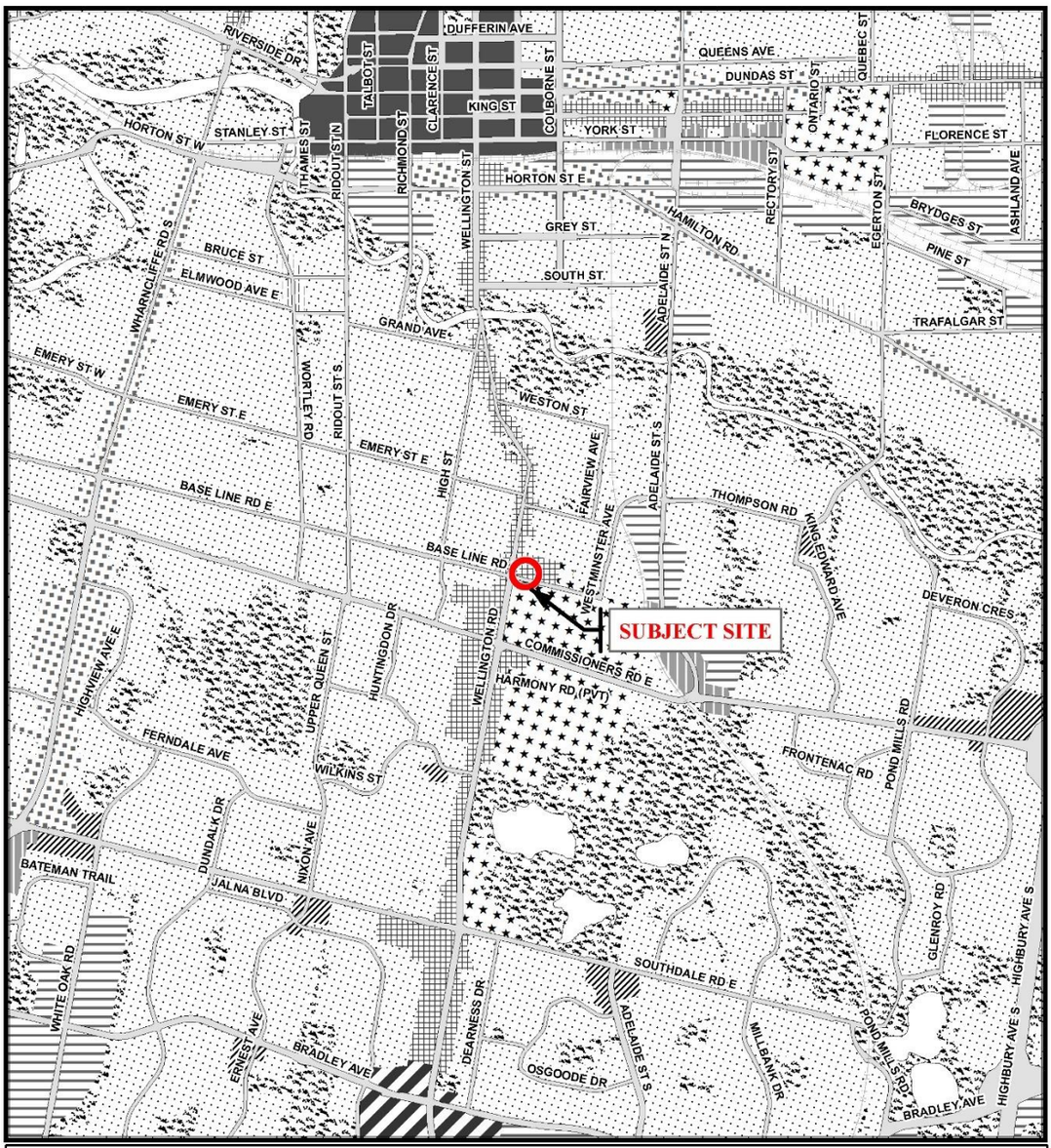
Planning Impact Analysis (3.7) and Evaluation of Our Tools Planning and Development Applications (1578)

Criteria	Response
3.7.a) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The proposed land use is contemplated in the current designation and place type. The site is in a location with convenient access to services, shopping and public transit. The proposed development and recommended regulations result in a compatible form to existing and future land uses. The site is not directly adjacent to any low-rise residential uses.
b) The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	The site is of an adequate size and shape to accommodate higher densities and the mix of uses proposed. Special provisions are recommended to ensure any future development and design (such as landscape open space and coverage) can be accommodated fully on site.
c) The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	The rapid transit corridor along Wellington Road is characterized by a variety of existing commercial, large scale institutional uses (hospital), and smaller commercial plazas with a broad range of uses. There are some under-utilized lands along the Wellington Road corridor with larger surface parking lots that could facilitate redevelopment and intensification, however much of this area is occupied by existing developments. The subject site is a good opportunity to accommodate additional population in a location directly along the transit corridor.
d) 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 in fairly close proximity to several parks (Rowntree Park) and parkettes (Gartshore Park) to the north and is within 1.5km of the Westminster Ponds Environmental Area to the south, and the Thames Valley Parkway system to the north. There are existing transit services along Wellington Road and future rapid transit services proposed.
e) The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 – Housing;	Affordable housing is a need identified City-wide, and any bonusing of development on the site should provide for affordable housing units within the parameters provided by the HDC.
f) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses; 1578_6) g) privacy	The height is located along the frontage of Base Line Road East. There are no low-rise residential uses directly adjacent to this development. Low rise residential is located approximately 100m away from the site. Impacts such as shadowing,

1578_6) h) shadowing 1578_6) i) visual impact 1578_7) f) height 1578_7) g) density 1578_7) h) massing 1578_7) i) scale 1578_7) j) placement of buildings 1578_7) k) setback and step-back 1578_7) l) relationship to adjacent buildings	visual impact and privacy therefore will be minimized. The greatest building height of 16 storeys is concentrated along the Base Line Road East frontage. The ultimate use of building podiums and stepbacks will provide for a compatible transition to the existing neighbourhood, and minimizes the visual impact, shadow impacts and overall massing and scale. The added regulations will mitigate further impacts and facilitate a more sensitive interface.
g) 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; 1578_6) m) natural heritage features and areas 1578_6) k) trees and canopy cover 1578_6) n) natural resources 1578_7) p) landscaping and trees	The existing site is a developed commercial plaza with no natural heritage features or substantial tree canopy. A landscape plan will be required through site plan to provide screening, buffering, green space and plantings.
h) The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties; 1578_6) a) traffic and access management 1578_7) q) coordination of access points and connections	Vehicular access is proposed from an internal driveway from the existing commercial development along the east side of the building. A Transportation Impact Assessment (TIA) was provided as part of the application submission. Transportation Planning and Design staff are satisfied with the access arrangement and the conclusions of the TIA. Easements and access will further be refined at the site plan approval stage. It should be noted that a portion of the adjacent Tim Hortons development/drive thru is proposed on a portion of this site. Additional special provisions will be necessary to recognize this use on site and provide adequate setbacks from the facility.
i) The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area; 1578_7) c) neighbourhood character 1578_7) d) streetscape character 1578_7) e) street wall 1578_7) m) proposed architectural attributes such as windows, doors and rooflines	The proposed development provides a large setback (over 100m) from existing low-rise residential uses to the north. The height and scale of the development is focused along the Base Line Road East frontage which will help to minimize impacts. The existing neighbourhood character is comprised of low-rise commercial developments, and an intensive institutional use (hospital). The proposed first floor commercial units accessed from Base Line Road East, will provide for active uses along the street and add to the streetscape character and provide a street wall to assist with the

	pedestrian environment. Additional architectural considerations will be added to the Bonsu Zone for exceptional urban design, and will be further refined through site plan.
j) The potential impact of the development on surrounding natural features and heritage resources; 1578_6) l) cultural heritage resources 1578_7) o) relationship to cultural heritage resources on the site and adjacent to it	The site does not contain any heritage significance and is not abutting or adjacent to any properties with heritage significance.
k) 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; 1578_6) b) Noise 1578_6) d) emissions generated by the use such as odour, dust or other airborne emissions	The site is located on two major roads which has potential noise impacts for future residents. A noise study was required as part of the complete application, and mitigation measures will be implemented into the ultimate development agreement. No other environmental constraints have been identified.
l) Compliance of the proposed development with the provisions of the City's *Official Plan (1989)*, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; 1578_6) e) lighting 1578_6) f) garbage generated by the use	The proposed development is generally in compliance with the 1989 Official Plan and the policies within the London Plan. An amendment to the Zoning by-law is required to facilitate the use and intensity. The development will also be required to comply with the requirements of the City's Site Plan Control By-law. There are garbage storage facilities within the ground floor of the building. Detailed functional aspects of lighting and garbage would be addressed as part of standard site plan review.
m) 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;	Additional regulations proposed by staff will improve and enhance the design and mitigate certain visual impacts and shadowing.
3.7) n) Impacts of the proposed change on the transportation system, including transit 1578_6) c) Parking on streets or adjacent properties	The intensification of the site is within an identified location for growth along a future rapid transit corridor. The proposed intensification on this site will support and benefit from the transit system. Parking is proposed on site within 2 levels of underground, 2 levels above ground, and surface parking spaces that will provide adequate parking spaces to cater to personal vehicle trips and storage.

Appendix D – 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 -

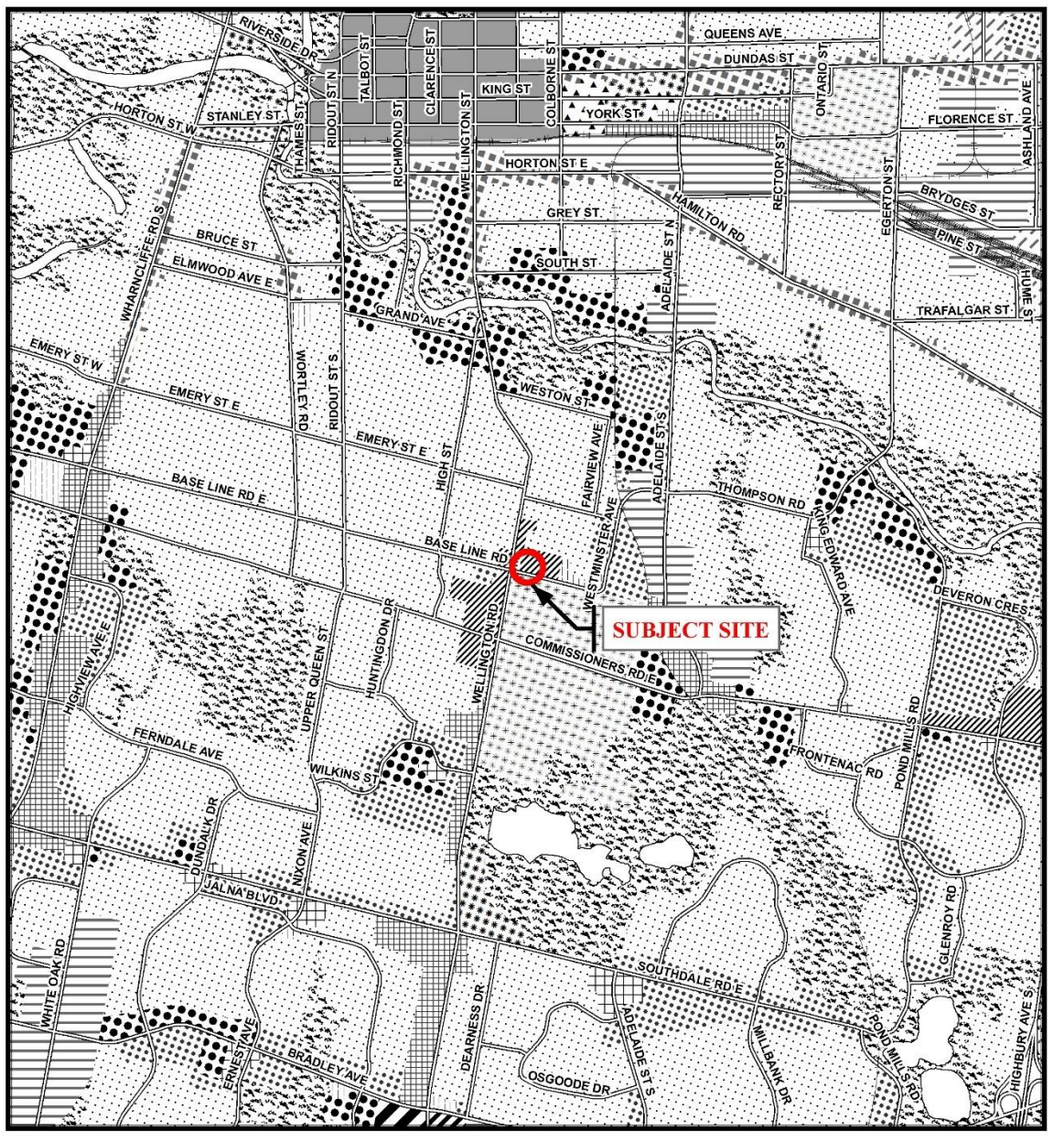
PREPARED BY: Planning Services

Scale 1:30,000

0 150 300 600 900 1,200 1,500
Meters

File Number:	Z-9474
Planner:	NP
Technician:	RC
Date:	May 20, 2022

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\Z-9474-Map1-PlaceTypes.mxd



Legend

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

CITY OF LONDON

Planning Services / Development Services

OFFICIAL PLAN SCHEDULE A - LANDUSE -

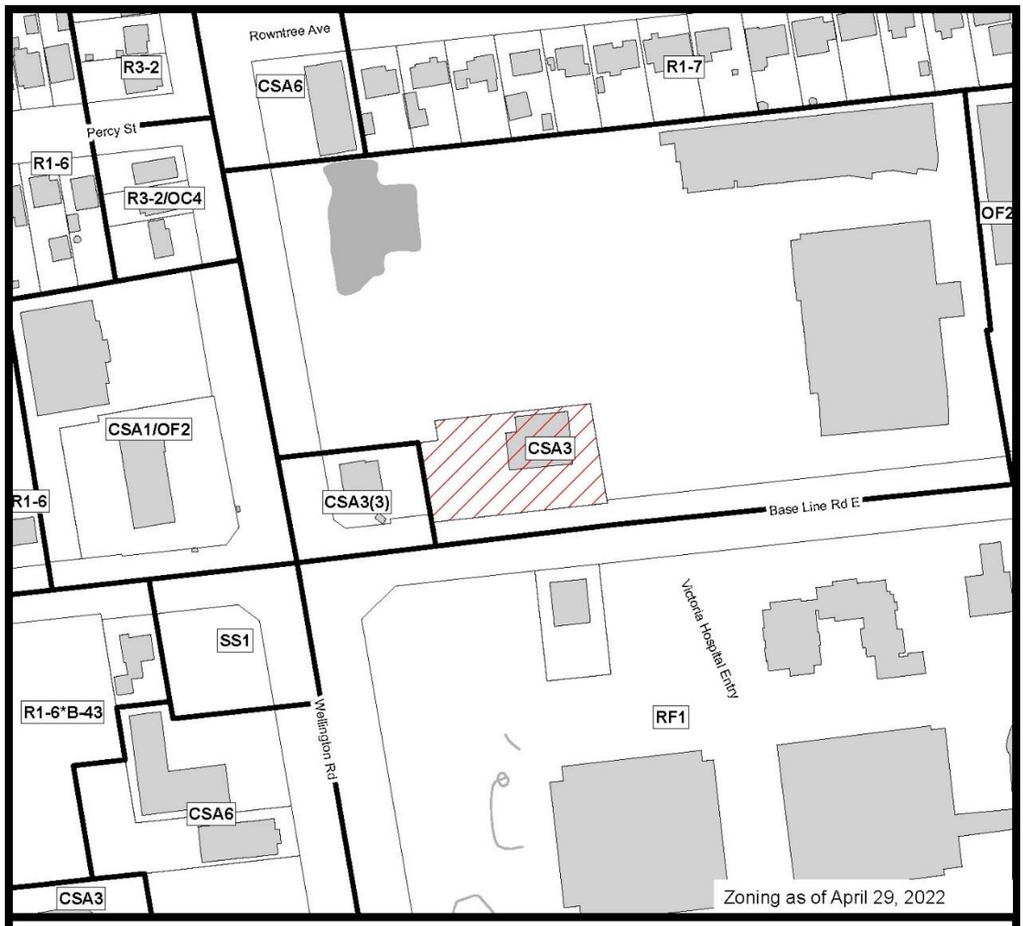
PREPARED BY: Graphics and Information Services

Scale 1:30,000

Meters

FILE NUMBER:	Z-9474
PLANNER:	NP
TECHNICIAN:	RC
DATE:	2022/05/20

PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\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*

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO:
Z-9474 NP

MAP PREPARED:
2022/05/20 RC

1:2,000
0 10 20 40 60 80
Meters

Appendix E – Applicant's Reply to UDPRP Comments

Comment:
The UDPRP notes the proposed building appears without context and a master plan is needed to guide the long-term transformation of the existing mall into a mixed-use hub. The master plan should identify proposed land uses, building massing, scale and layout the overall structure of the mixed-use hub. The proposed locations of critical neighborhood infrastructure such as streets, service lanes, pedestrian circulation networks, parks and open spaces should be conceptually delineating in order to provide direction and context for individual lot design. This is vital for the City of London to consider the proposed project and comprehend how it will function in relation to the future surroundings.
Applicant Response:
A master plan site concept has been developed for the subject lands (please see attached). The site will be developed in a comprehensive manner that is harmonious and responsive to the future bus rapid transit. As noted by City engineer staff the South Corridor of the BRT system will not start development till 2023, and is not scheduled to be completed till 2026

Comment:
In absence of a master plan for the site, the current proposal is thought to appear isolated with the site being too small for the density proposed. To support the proposed density a more generous public realm in and around the site is required, including a wider pedestrian streetscape along Baseline Road, continuation of sidewalks around the site connecting to the larger pedestrian network, and a functional forecourt leading to the main entrance of the proposed building.
Applicant Response:
As noted above, a master plan site concept has been developed for the subject lands (please see attached). A more generous public realm has been created around the planned high-rise building. The building is street oriented and will allow direct connection from the public sidewalk into the building entrance.

Comment:
The limited size of the site does not adequately allow for a public realm commensurate with the scale and density of the development. The applicant should investigate creating a larger site boundary that includes public spaces and green space. These spaces should be planned within the context of a larger comprehensive master plan of the entire site.
Applicant Response:
The proposed 16 storey building initially appears in isolation but is one of multiple components of the redevelopment of the existing commercial plaza outlined in the master plan. As the BRT system becomes better established, there is planned to be continued residential intensification of the site with greater conversion of surface parking area to more pedestrian and greener/amenity space.

Comment:
The applicant is encouraged to consider shifting or extending the building to the corner of Wellington Road and Baseline Road East, which would demonstrate a more appropriate location for a high rise building.
Applicant Response:
The significance of being located at the corner is appreciated by the proponent, however, pragmatically, the location of the proposed building is logical taking into account the existing derelict commercial space and present access and paths of travel into the site. Further, there is a proposed multi-use pathway proposed by the City that would terminate at the western edge of the commercial plaza. Details for the said multi-use pathway are not yet available.

Comment:
The applicant is encouraged to consider shifting or extending the building to the corner of Wellington Road and Baseline Road East, which would demonstrate a more appropriate location for a high rise building.
Applicant Response:

The significance of being located at the corner is appreciated by the proponent, however, pragmatically, the location of the proposed building is logical taking into account the existing derelict commercial space and present access and paths of travel into the site. Further, there is a proposed multi-use pathway proposed by the City that would terminate at the western edge of the commercial plaza. Details for the said multi-use pathway are not yet available.

Comment:
The applicant is encouraged to consider the following strategies to break up the slab like appearance of the tower:
a) remove the beige horizontal band of colour shown on the 4th- 6th floors
b) provide material differentiation with materials such as brick or metal panel to break up the consistent vertical plane, while providing a stronger contrast of material on the tower
Applicant Response:
The proponent is exploring options with respect to colour, materials and architectural details to reduce the 'slab-like' appearance of the tower. Please refer to attached elevations/renderings showing improvements in the visual appearance of the proposed building.

Comment:
The floor plans indicate stepping (terracing) of the upper floors of the building however the architectural elevations and renderings do not reflect this. The applicant is encouraged to continue to develop the terracing at the top of the building in order to enliven the expression of the development and create a distinct base, mid and top motif.
Applicant Response:
The building has a defined base, middle and top in keeping with urban design guidelines. The building has been designed as a point tower. Accordingly, further terracing would result in a substantial loss of units. Please see attached updated floor plans.

Comment:
The applicant is encouraged to consider relocating the CACF room to the adjacent internal service block on the ground floor such that the residential lobby appears open from the street.
Applicant Response:
The design and location of the CACF room was done in keeping with OBC requirements. However, the proponent will explore options to potentially relocate the CACF room.

Comment:
The UDPRP noted that the second and third floor of the building are entirely concealed above grade parking. The applicant should consider the following strategies to reduce the quantity of parking required within the building, such that more apartments can be provided, particularly along the street frontage:
a) reduce the overall parking ratio to accommodate tenants who either walk or use public transit
b) reconfigure the parking of the overall site to possibly provide more surface parking
c) utilize existing parking from the larger adjacent parking lots within the site plan area
d) relocate more parking into an underground parking garage
Applicant Response:
The proponent is using a combination of surface, underground and upper-level parkade parking within the building to meet minimal parking rates that are accepted by the City. As rapid transit progresses, it is anticipated that fewer individual parking spaces will need to be allocated to residents as there is increasing reliance on bus rapid transit and active transportation

Comment:
The parkade podium expression belies its internal function. The applicant is encouraged to develop an expression that creatively interprets its internal function.
Applicant Response:

The internal function of the podium will not be emphasized along Base Line Road East. However, the roof of the podium will serve as an amenity area and highlight the transition from the base to the middle of the building where the residential units will begin.

Comment:
The drop off area is inadequate and does not allow for exclusively forward movement of the vehicle, while detracting from much needed outdoor amenity space. This appears to be due in large to the small size of the site upon which the building sits.
Applicant Response:
The drop off area for the building has been expanded but is still segregated from the general vehicular flow in and out of the site from Base Line Road to reduce potential for vehicular conflict. Concurrently the general amenity space around the base of the building has also been expanded.

Comment:
The UDPRP noted the two vehicular access points into the internal parkade are confusing and place the priority on vehicles over pedestrians. The Panel also noted that the site is entirely surrounded by vehicular activity leading to safety concerns for pedestrians and site users. The applicant is encouraged to provide a single point of vehicular access to the development that is coordinated with a larger comprehensive master plan for the entire site.
Applicant Response:
At this time, there is dual access to the commercial plaza from both Base Line Road East as well as Wellington Road. The commercial plaza was developed historically as part of Community Commercial Node that was designed to be vehicular oriented. As BRT service increasingly supplants the use of the individual automobile, it may be possible to close one of the two internal parkade access points. However, given existing access locations into the subject lands, the two access points will be kept in the short-term.

Comment:
The uses proposed for the ground floor appear appropriate and allow for activation of three of the buildings facades. However, the North facade remains blank and unanimated due to the proposed vehicular ramp. The applicant is encouraged to enlarge the ground floor – and associated site – to allow for active ground level uses along the North facade. These spaces should be planned within the context of a larger comprehensive master plan of the entire site.
Applicant Response:
The north building façade serves an important functional purpose with the vehicular access/ramp into the building. It is important to note that average annual daily traffic flows along Wellington Road are substantially greater than Base Line Road East historically and at present. As mentioned previously, the transition to more residents utilizing the BRT service in the future will allow this façade's function to evolve over time, allowing it to become more active, and the creation of a more pedestrian oriented environment along the ground floor.

Comment:
The applicant is encouraged to revisit the proposed grading of the site in relation to the surroundings. For the grade differential on the West side of the proposed building, there is a proposed retaining wall shown within the applicants West elevation drawing, however it is not shown on the architectural plans or other elevation drawings. It is also unclear and not identified within the plans as to how this grade differential will transition to the existing Tim Hortons drive-thru to the neighboring West.
Applicant Response:
It is anticipated that a retaining wall will be needed along the west elevation of the building. The current preliminary grading plan will be revisited, and s detailed grading plan will be prepared for the site plan approval.

Comment:
The UDPRP acknowledged the presence of existing hydro poles along Baseline Road East directly in front of the proposed building. It is unclear to the Panel how the building

design has mitigated the close proximity to these hydro poles. It should also be noted the locations of these hydro poles are not shown on the applicants drawings.
Applicant Response:

The existing hydro-poles may have to be relocated. As noted by City Engineering staff. A road widening dedication will be required along Base Line Road East. If the hydro-poles have to be relocated they will be done so in coordination with the City and London Hydro. The detailed engineered site plan that will be submitted for site plan approval will reflect the location of these utilities in the future.

Comment:
Although residential in nature, the expression of the building above the parkade podium seems appropriate, albeit conventional and reflects the internal function of the building.
Applicant Response:
Acknowledged

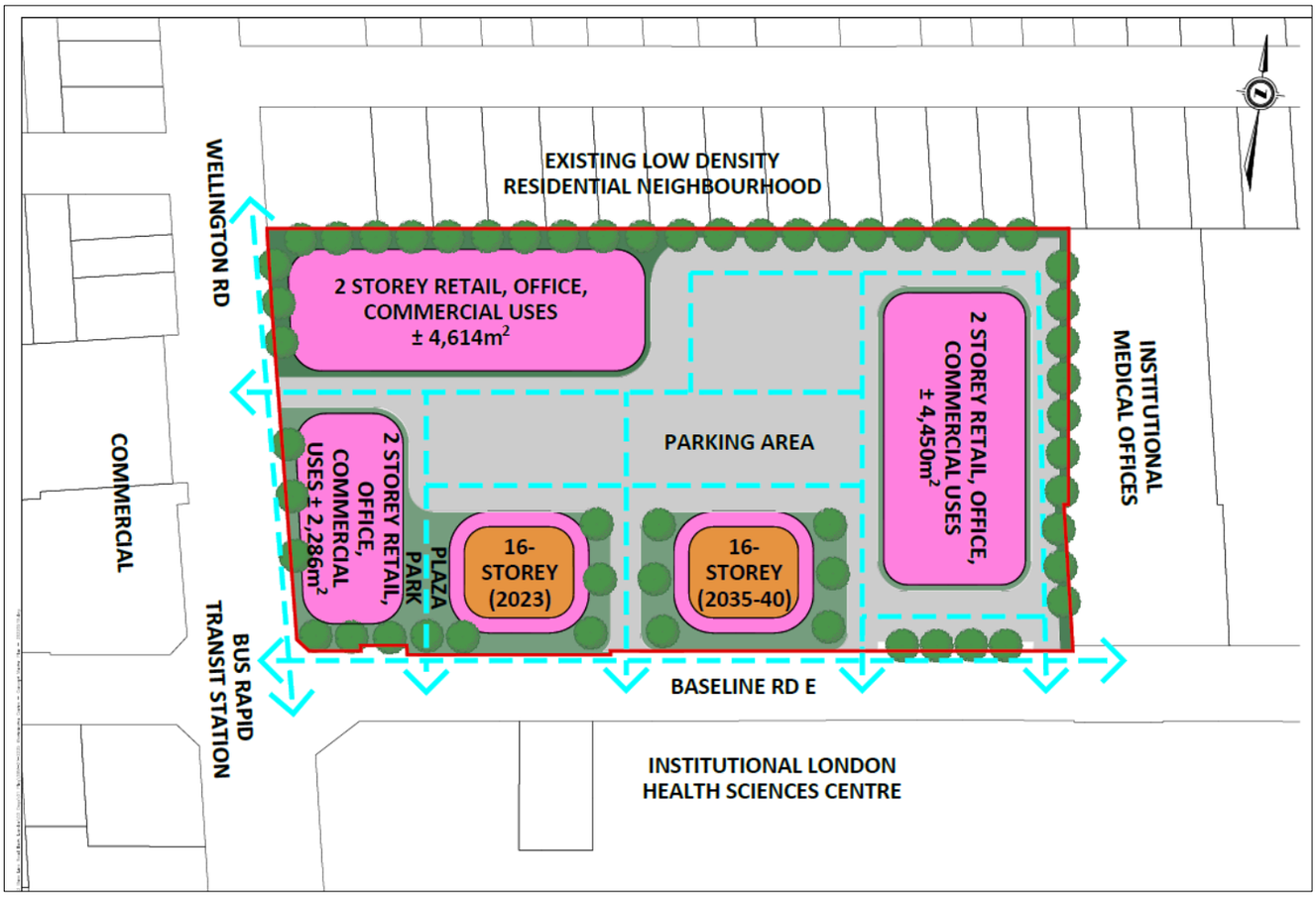


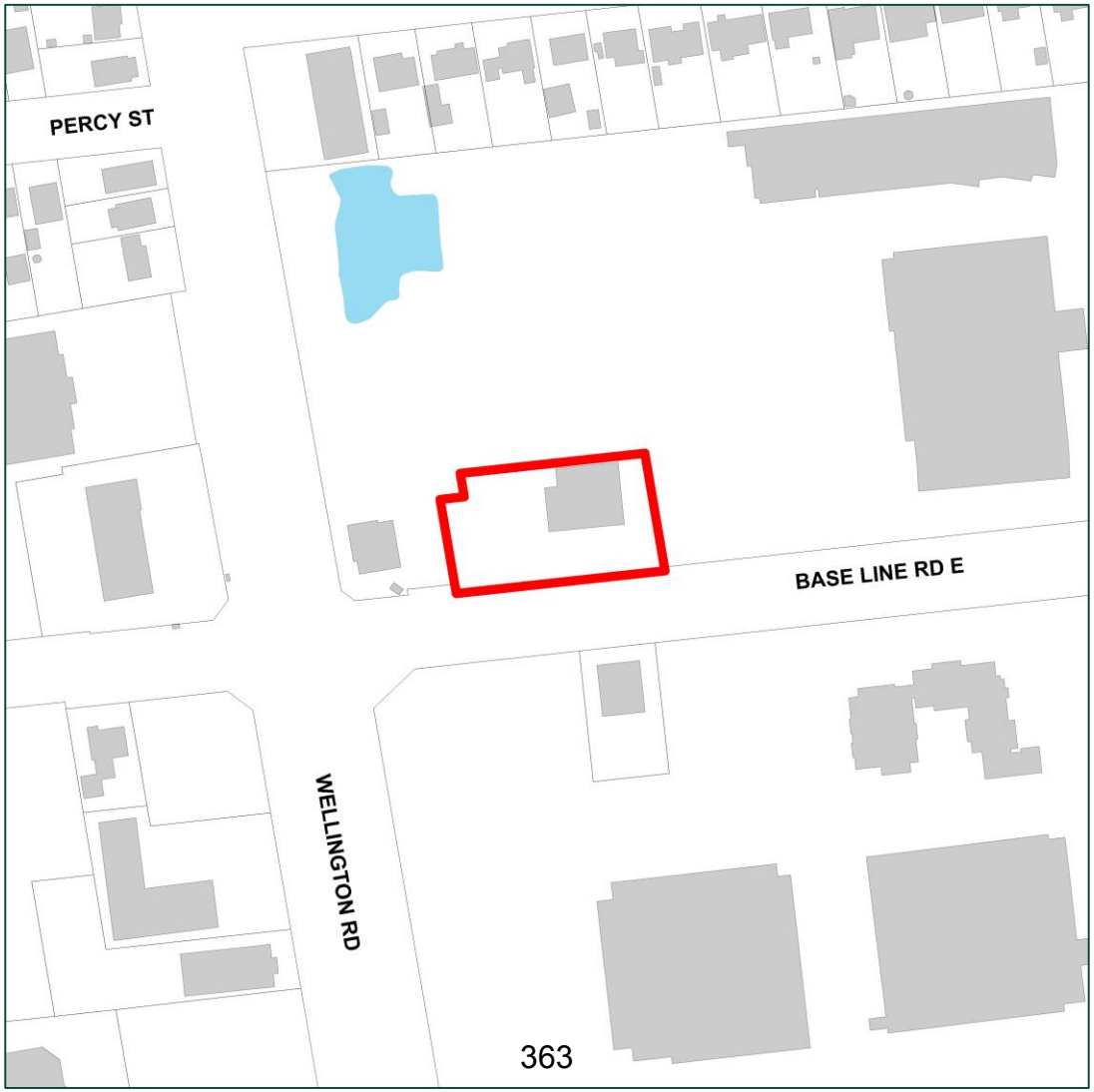
Figure 18 - Proposed Site Master Plan submitted by Applicant July 2022

Slide 1 – Z-9474: 712 Base Line Road East

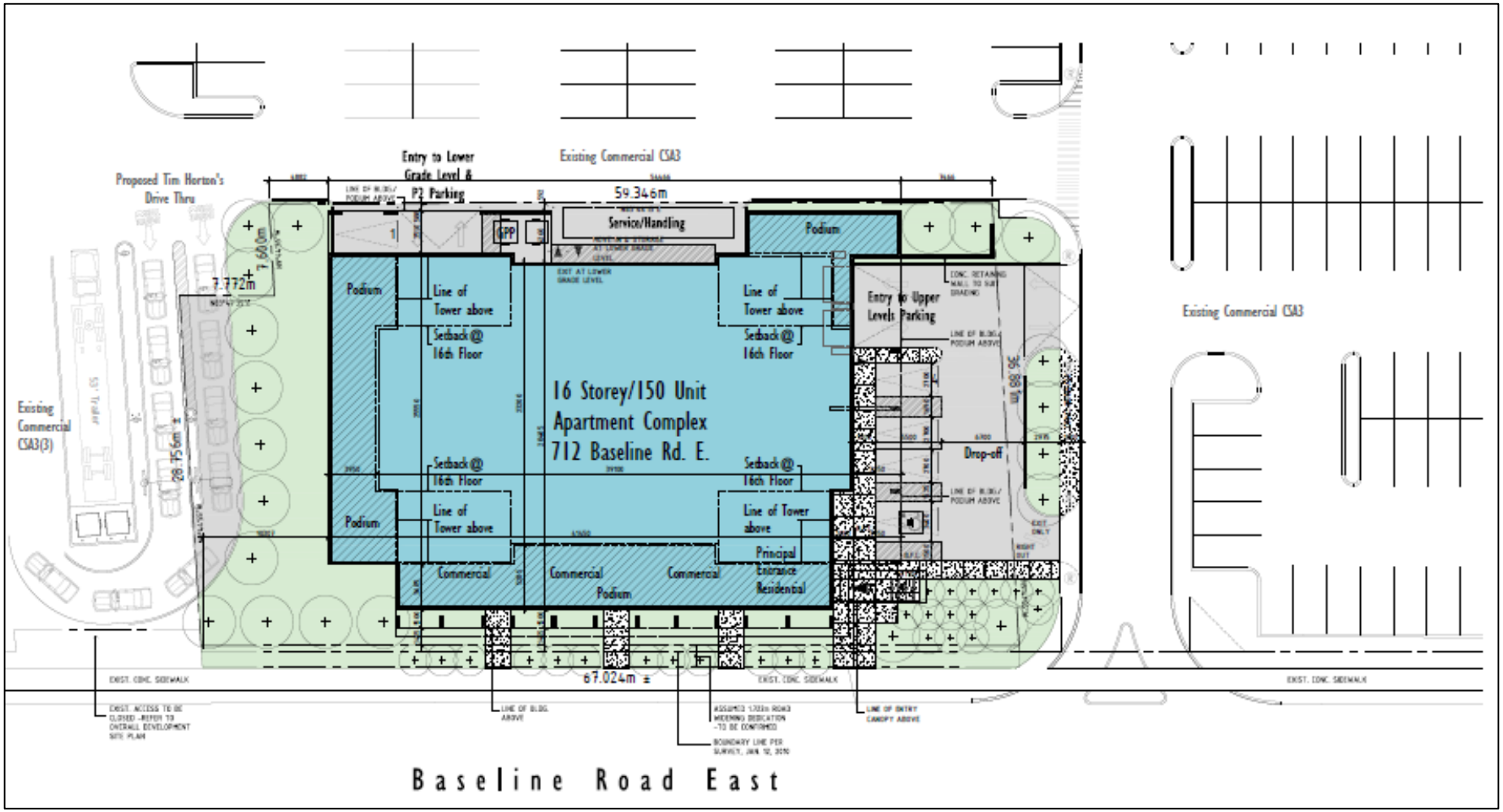
City of London

August 22, 2022

Slide 2 - Subject Site



Slide 3 - Proposed Development



Slide 4 – Proposed Development

Slide 5 – Policy Context

The London Plan

- Rapid Transit Corridor Place Type on a Neighbourhood Connector
- Vibrant, mixed-use, mid-rise communities
- A mix of residential and other uses to establish demand for rapid transit services
- Standard heights range from a minimum of 2 storeys, a maximum of 8 storeys, or consideration of 12 storeys

1989 Official Plan

- Community Commercial Node (CCN)
- Mixed use developments which permit a substantial residential component at 150 upha

Slide 6 - Bonusing

Affordable Housing

- Calculation of lift
  - 150 uph as per 1989 Official Plan = 36 units for a 0.24 ha site
  - Additional 121 units above = 156 units (mixed-use density) = 654 upha
  - 10% of 121 = 12 units
  - Consistent approach
- 12 units representative of the mix overall and distributed evenly throughout the development
- Based on 80% of the Average Market Rent for a duration of 50 years

Urban Design

- Normally, drawings, site concepts and renderings would be attached to the Zoning By-law amendment
- Instead, design criteria to be implemented in the Bonus zone based on London Plan design policies
- Additional considerations at site plan

Slide 7 – Zoning

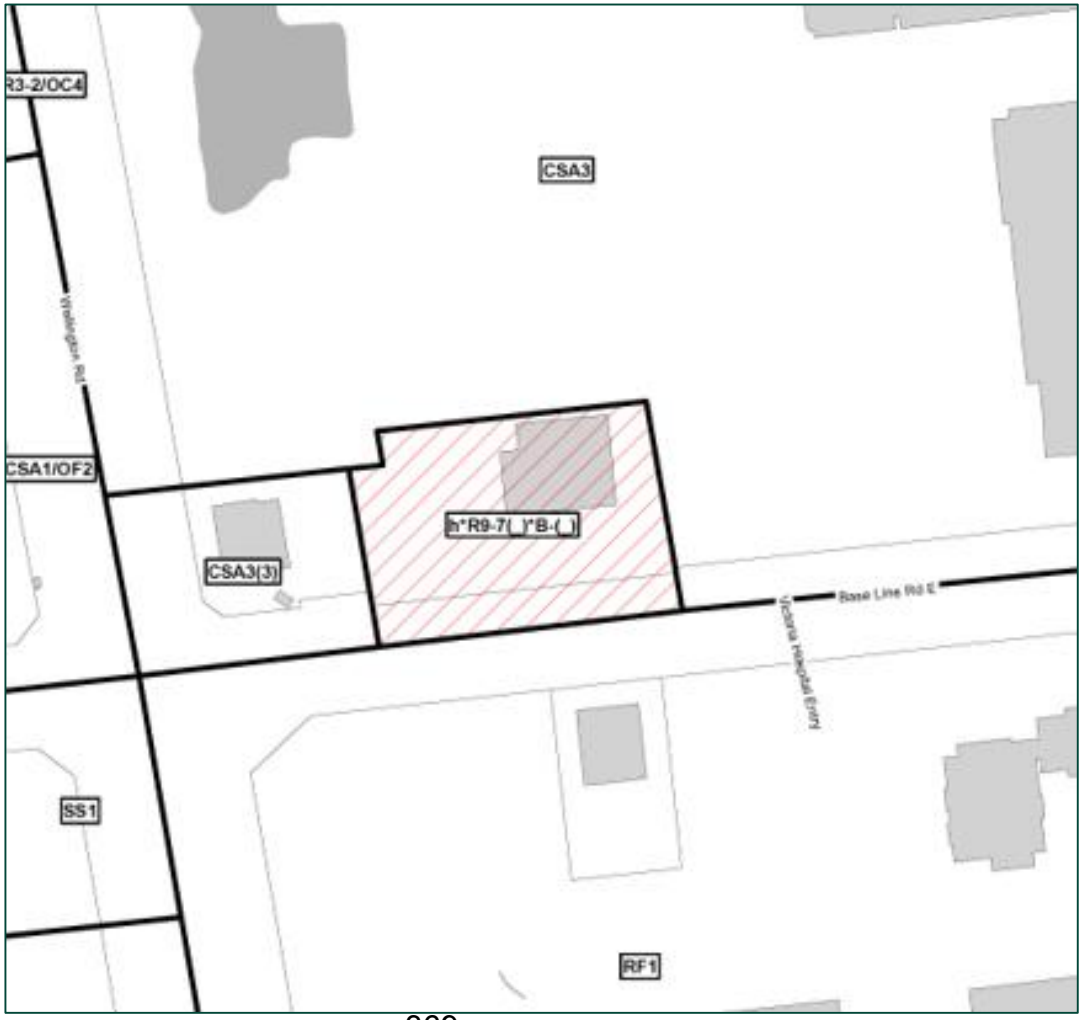
h*R9-7 (_) Zone with Bonus Zone

- Additional commercial/office uses, restricted to first floor
- Minimum and maximum front yard setback
- Height of 12 storeys, maximum density of 150 units per hectare
- Holding (h) provision – lack of sanitary servicing solution until City's BRT project 2026

Bonus Zone Special Provisions

- 16 storey/52.6 metres, mixed use commercial/office and residential apartment building, with 150 residential units, 547 square metres of commercial/office uses on the first floor, and a maximum mixed-use density of 654 units per hectare
- Reductions for front yard, rear yard, side yards, parking, increased coverage, landscape open space, and to recognize a portion of a drive thru on site/setbacks

Slide 8 - Recommendation



STRIK BALDINELLI MONIZ

MEMORANDUM

To: Planning and Environment Committee
City of London

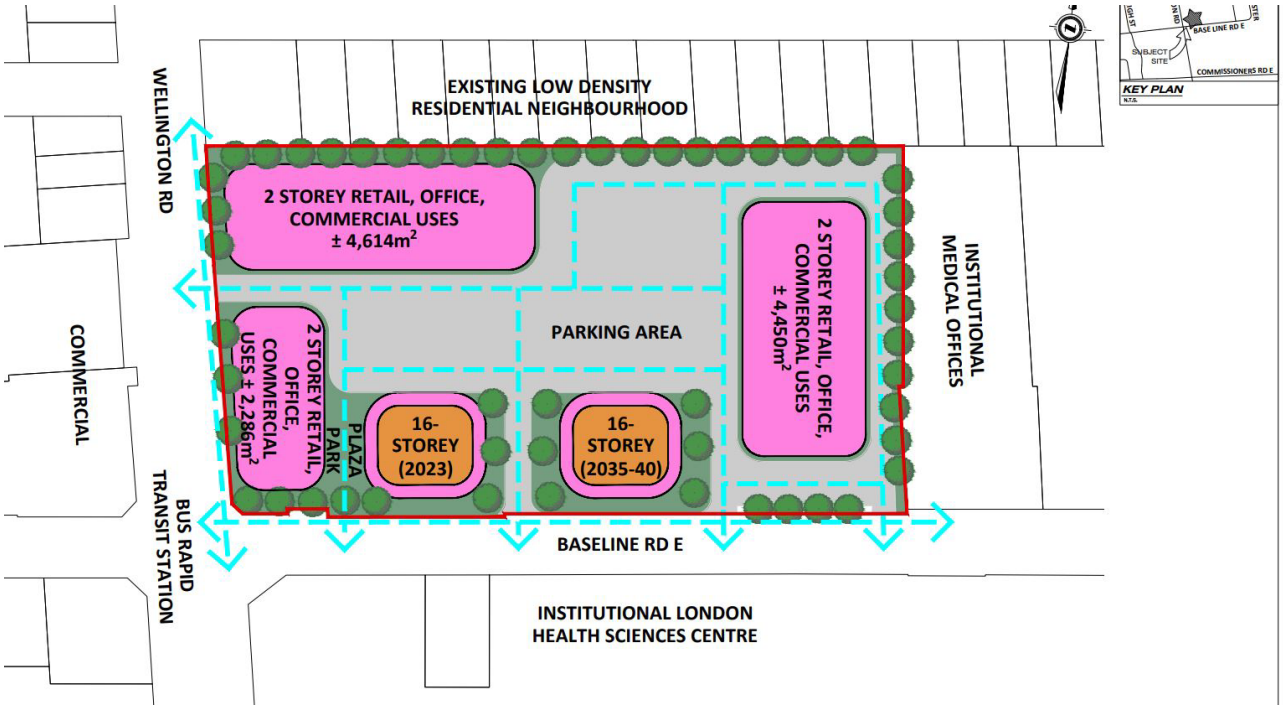
Date: August 18, 2022

RE: 712 Base Line Road East – Proposed Mixed-Use 16 Storey Tower – Bonus Zone Review (City File # Z-9474)

The following memorandum pertains to specific matters of the draft bonus zone for the proposed 16- storey, 150-unit residential and commercial tower at 712 Base Line Road East. It is requested that the Bonus Zone be amended to remove the selected urban design provisions, and amend the requested minimum number of affordable units.

The said bonus zone allows the proposed development to attain 16 storeys in height. Such a building would normally be permitted a maximum height of 12 storeys at the 712 Base Line Road East location in accordance with London Plan policies. The proposed development would replace an existing retail building that was until recently a Beer Store. More importantly, the proposed development is part of a larger Master Plan for the entire redevelopment of the Westminster Shopping Mall which encompasses 712 Base Line Road East.

Master Plan



As was stated to City staff, the proposed 16 storey building initially appears in isolation, but it will be one of multiple components of the redevelopment of the existing commercial plaza as outlined in the submitted Master Plan. As the BRT system becomes better established, there is planned to be continued residential intensification of the site with greater conversion of surface parking area to more pedestrian and greener/amenity space. It

should be noted that the South Corridor of the BRT system will not start development till 2023, and is not scheduled to be completed till 2026

The redevelopment of the commercial plaza is planned in three phases over approximately twenty-five years, in anticipation of the continued increase of BRT infrastructure and ridership. The overall vision for the redevelopment of the plaza encompasses:

- two high-rise apartment towers of 16 storeys;
- medium density, medium rise multi-family buildings, of approximately 4 storeys maximum;
- commercial ground levels with small to medium sized stores from 50m^2 to 1000 m^2, cafes, boutiques, restaurants;
- surface and underground parking, as well as upper-level structure parking in the apartment towers.
- an active transportation system that reinforces the Transit Village place type and focus on the Bus Rapid Transit System; and
- an appropriate mix of amenity areas including open space, parks, and parkettes.

Bonusing Zone Concerns

Westdell Development Corp. is appreciative of City of London Planning Staff's general support of the application, recognizing that it is a transit-oriented development that will strengthen public transit use, particularly in the initial phases of the south leg of London's planned Bus Rapid Transit (BRT). Further it will provide much needed housing, and affordable housing in a strategic area of the City, across from the London Health Sciences Centre and Victoria Hospital, northeast of Wellington Road and Base Line Road.

As alluded to above, the matters of concern related to the bonus zone fall in two categories:

1) The desired number of affordable housing units

2) Requested urban design elements that are physically impracticable for the proposed development

Affordable Housing Units

With regards to affordable housing units, Westdell Development Corp. supports the provision of affordable units as per the London Plan policies which are now fully in force and effect. In keeping with the London Plan policies, 5 affordable housing units are required as per London Plan policies.

This is consistent with the feedback provided during Pre-Consultation which is captured in the Record of Consultation. City Planning and Urban Design staff both make references specifically to the London Plan for bonusing and amendments to the Zoning By-law. The Record of Consultation states:

"The London Plan contemplates a maximum height of 16 storeys with Bonus in the Rapid Transit Corridor Place Type. As this proposal will require a Bonus Zone, the proposed building and site design should incorporate the following as part of the future Zoning By-law Application…"

That said, City Planning Staff are now utilizing the policies of the 1989 Official Plan to determine the appropriate number of affordable housing units. Under the 1989 Official Plan policies, which view 'housing lift' based on density rather than building height (as is the case in the London Plan) 12 affordable units would be required.

In good faith, Westdell Development Corp. is willing to go beyond the 5-unit affordable housing requirement of the London Plan and provide 8 affordable housing units. As would be expected in the case of 12 affordable housing units, Westdell Development Corp. would provide the 8 units in keeping with Planning staff and Housing Development Corporation staff's general expectations of:

i. A minimum of 10% of the 'building lift' will be provided in the development, representative of the bedroom and unit mix of the overall building;

ii. Rents not exceeding 80% of the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR) for the London Census Metropolitan Area (CMA) at the time of building occupancy; where AMR is defined at the one-bedroom, two-bedroom and three-bedroom rate for the London CMA at the time of building occupancy;

iii. The duration of affordability set at 50 years from the point of initial occupancy of the respective building;

iv. The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations;

v. These conditions to be secured through an agreement entered on title with associated compliance requirements and remedies.

The select adherence to only the 1989 Official Plan in this context is not in keeping with consistent and equitable planning policy implementation and administration. This investment contributes well over two million dollars in increasing the supply of affordable housing in a key area of the City, and will generates substantial funds to the City in on-going property taxes. Westdell Development Corp. has contributed immensely to the revitalization of numerous previously derelict commercial plazas throughout the City and their surrounding neighbourhoods.

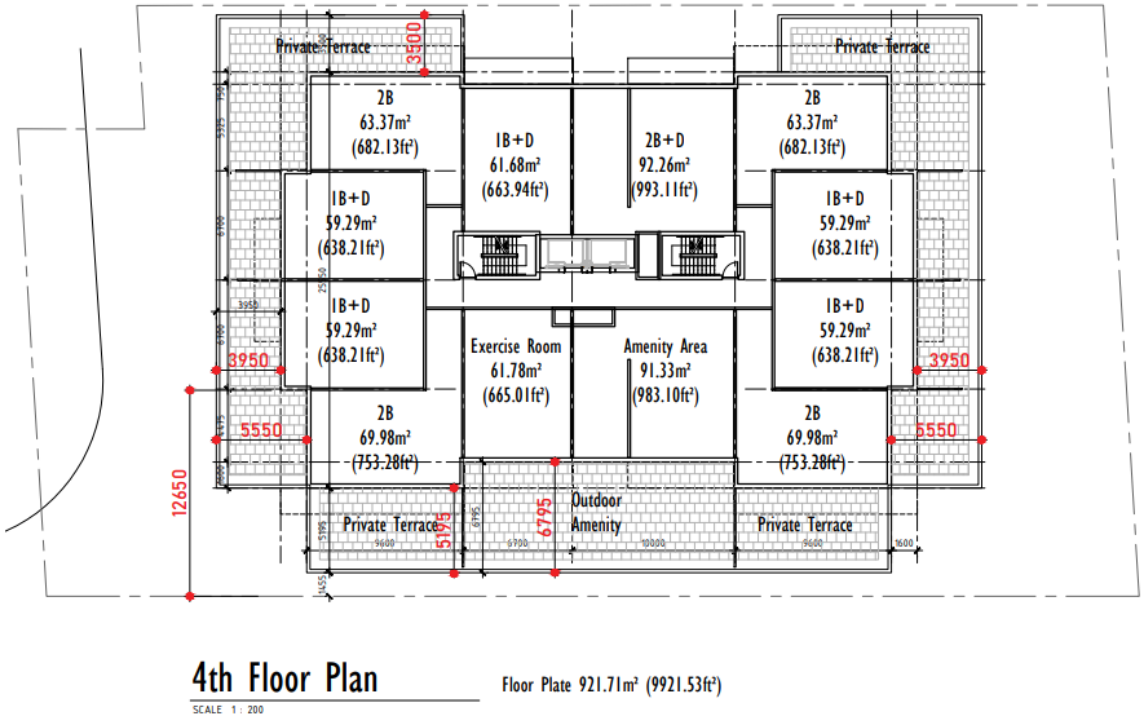
Urban Design and Building Design

With regards to urban design, the design of the building has followed London Plan urban design policies and guidelines. The building is of a high-quality design and meets the desired point-tower form with a podium base and clearly defined 'base, middle, and top' configuration espoused by City Urban Design staff. However, there are particular urban design elements requested by City staff, that are impracticable given the site context at present. Further the goals of the said urban design elements are addressed by other architectural and design means. The urban design elements which are not reasonably achievable include:

- The provision of a 'full forecourt'
- Providing for a front yard setback of 2-4m for more urban streetscape treatment
- Creating a minimum 5 metre step-back at the 4th floor

The provision of a full forecourt and creating a greater front yard setback are not possible given the need to maintain a certain level of parking for existing commercial tenants of the plaza and ensure the existing parking layout is functional. Nonetheless, the base of the proposed building is street-oriented and would create an attractive and animated street edge with the inclusion of commercial units on the ground floor.

A well-designed step-back at the 4th floor along Base Line Road is already planned to be provided. The planned step-back would achieve the same objective of creating desirable amenity space and enhancing the pedestrian realm. An image of the 4th floor plan showing the currently planned step-back is provided below



Closing

Westdell Development Corp. is committed to the revitalization and redevelopment of 712 Base Line Road. We humbly ask that PEC members support the rezoning and associated bonusing for this site based on the multiple contributions noted above and ask that the highlighted urban design and affordable housing provisions of the bonus zone be amended accordingly. The site will be developed in a comprehensive manner that is harmonious and responsive to the future bus rapid transit. Please fee free to contact the undersigned should you have any questions or wish to discuss the proposed transit-oriented development. We thank you for your consideration.

Respectfully Submitted,

Strik, Baldinelli, Moniz Ltd.
Planning • Civil • Structural • Mechanical • Electrical

MPoddar

Maneesh Poddar, Hons BA, MAES
Planner II

T:(519) 471-6667 x 148
E: mpoddar@sbmltd.ca
www.sbmltd.ca

Westdell Development Corp.

Dave Z

David Traher
Vice President Planning/Development

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **Scott Mathers, MPA, P.Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **Richmond Hyland Inc. c/o Westdell Development Corporation**
1737 Richmond Street
Public Participation Meeting on: August 22, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Richmond Hyland Inc. c/o Westdell Development Corporation relating to the property located at 1737 Richmond Street:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 6, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Associated Shopping Area Commercial Special Provision (ASA1(5)/ASA2(3)/ASA3(1)) Zone, **TO** a Business District Commercial Special Provision Bonus (BDC1(_)*B-(_)) Zone;

The Bonus Zone shall be implemented through one or more agreements to facilitate a high-quality development comprised of a mixed-use apartment building with a maximum height of 22 storeys (80m), and a maximum density of 571 units per hectare, which generally implements the Site Plan, Renderings, Elevations and Views attached as Schedule “1” to the amending by-law, and will also implement the following outstanding design criteria:

1) Additional Building and Site Design Requirements

i) Reduce the high-rise portion (above 8 stories) as a slender tower (maximum floor plate size of up to 1000 square meters within a 1.5:1 length: width ratio) in order to reduce any possible "slab-like" appearance, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces.
ii) Articulate the podium facades particularly on the east and west facades with recesses, projections, balconies and terraces, alternating brick tones, fenestration to provide depth and variation in the built form and to enhance the pedestrian environment and break up the massing.
iii) Reduce the blank wall facades on the west elevation ground level facing North Centre Road. Increase visual interest through the use of increased glazing, public wall art, or additional door access. Provide windows for clear sight lines facing North Centre Road from the section of abutting parking garage where the accessibility parking space is located.
iv) Provide a separate key access door to the bike storage room facing North Centre Rd for improved bicycle accessibility in and out of the building and improved streetscape activity.
v) Connect this separate bike storage entrance to the public sidewalk.
vi) Utilize a decorative or public art wall feature and treatment to address the southwest corner and provide visual interest while breaking up the podium massing and establishing a sense of place through this unique feature.

2) Provision of Affordable Housing

i) A total of 22 units based on 10% of the “lift” of the number of units

beyond 150 units per hectare (based on 297 total units) be dedicated to affordable rental housing in exchange for the granting of increased height and density. The mix of the dedicated affordable rental units should be reflective of the unit mix for the 22-storey apartment building.

ii) The affordable housing units should be evenly distributed throughout the individual buildings to the greatest extent possible.

iii) Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy.

iv) The duration of affordability set at 50 years from the point of initial occupancy.

v) The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations.

(b) **IT BEING NOTED** that the following site and building design criteria, will also be addressed as part of the site plan submission:

i) Explore ways to reduce the tower floor plate size that can further minimize the shadow impact on the 5th floor amenity space;

ii) Include active ground-floor uses such as the principal building entrance, lobbies, common amenity areas, and street oriented commercial/residential units, oriented towards the public streets with direct access to the sidewalk along Fanshawe Park Road and North Centre Road in order to activate the street edge;

iii) The ground floor commercial units shall provide for a store-front design with primary entrances facing Fanshawe Park Road and the internal shopping centre. This should include a higher proportion of vision glass, signage, double doors, an increase in ground floor height, and the potential for canopies and lighting to frame the entrance include direct access from the commercial unit(s) fronting the street to the City sidewalk;

iv) Provide functional primary entrances (double doors) for the commercial units along both Fanshawe Park Road and North Centre Road with walkways connecting the entrances to the City Sidewalk;

v) Ensure common outdoor amenity space and landscaping at ground level will include additional elements such as benches and landscaping;

vi) Lay-by to be removed and the area restored with enhanced landscaping and pedestrian connections to North Centre Road provided.

Executive Summary

Summary of Request

The owner has requested an amendment to Zoning By-law Z.-1 to change the zoning of the subject lands from an Associated Shopping Area Commercial Special Provision (ASA1(5)/ASA2(3)/ASA3(1)) Zone to a Business District Commercial Special Provision Bonus (BDC1(_)*B-(_)) Zone, with the intent of constructing a twenty-two (22) storey, mixed commercial/residential apartment building with 276 residential units and 2107 square metres of commercial, with Bonus Zoning. Zoning special provisions were requested to permit all of the commercial and office uses on the first and second floor; a maximum height of 80m (22 storeys) whereas 12m is the maximum; a maximum density of 571 units per hectare; and a reduced minimum parking of 326 spaces, whereas 353 parking spaces are required.

The applicant requested the use of Bonus provisions to allow the increase in density and height. The facilities, services and matters proposed by the applicant to support Bonus Zoning include affordable housing and building design.

The City also initiated an amendment to the 1989 Official Plan to add a special policy to add a Chapter 10 Specific Area Policy to permit a twenty-two (22) storey, mixed

commercial/residential apartment building with 276 residential units and 2107 square metres of commercial, with Bonus Zoning. The intent was to align the 1989 Official Plan policies with The London Plan policies that apply to the site. However, as of May 25th, 2022, an Ontario Land Tribunal decision resolved all remaining policy appeals within The London Plan, effectively bring The London Plan into full force and effect and rescinding the 1989 Official Plan. Therefore, the amendment to the 1989 Official Plan is no longer necessary.

Purpose and Effect of Recommended Action

Staff are recommending a Business District Commercial Special Provision Bonus (BDC1(_)*B-(_)) Zone, providing for:

- a base zone that would apply in the event development occurs without the use of bonusing, to allow a 15 storey (36 metre) mixed-use apartment building at a maximum density of 150 units per hectare with a minimum front yard depth of 1.0 m. Commercial parking lots, accessory parking and drive throughs are prohibited. These special provisions are recommended to ensure that any development will provide a suitable alignment towards Fanshawe Park Road East;

- a Bonus Zone to facilitate the development of the subject lands with a twenty-two (22) storey, mixed use commercial/office and residential apartment building with 2107 square metres of commercial/office uses limited to the first and second floor, 276 residential units, and up to 320 parking spaces. The Bonus Zone will establish a maximum density of 571 units per hectare. Additional special provisions added to the bonus zone include: commercial parking structures and accessory lots, and drive thrus are prohibited, additional commercial and office uses, limited to the first and second floor of the development, a front yard setback of 1.8 metres for floors 1-2, a 0 metre setback for floors 3-6, and a 4.5 metre setback for floors 7-22, an exterior side yard depth of 4.0 metres, a maximum lot coverage of 69%, a minimum landscape open space of 16%, a maximum gross floor area for commercial and office uses of 2110 square metres, and a minimum parking requirement of 320 spaces. These items reflect the current development concept as submitted by the applicant.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;

2. The recommended amendment conforms to the in-force policies of The London Plan including but not limited to, Our City, Key Directions, and City Building, and will facilitate a built form that contributes to achieving a compact, mixed-use City;

3. The recommended amendment secures units for affordable housing through the bonus zone;
4. 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; and
5. The recommended amendment is consistent with the Council adopted Masonville Secondary Plan.

Linkage to the Corporate Strategic Plan

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

and intensification, with good access to local services, amenities, and public transit. The proposed development and recommended refinements fit within, and enhance, the surrounding community, provide a mix of housing units, and the additional affordable housing units provided as part of the bonus zone add to the affordable housing stock.

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 intensification and efficient use of existing urban lands and infrastructure within strategic locations such as the downtown, transit villages and corridors. The site is within a prominent location within the Masonville transit village and has convenient access to existing and future transit services. The proposed mixed-use development on this site will benefit from transit and walkable services and will support the response to the Climate Emergency.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

The site has been subject to previous planning approvals through Minor Variance and Site Plan applications. In 2002, a Minor Variance application (A.127/02) was submitted to permit: two outdoor storage containers in connection with the user at 1737 Richmond Street - Michaels Arts and Crafts; and a total of 700 parking spaces, whereas 707 parking spaces were required. This Minor Variance was refused by the Committee of Adjustment on September 16, 2002.

In 2019, a Site Plan application was submitted (SPA19-017) to amend the existing Development Agreement to facilitate the development of three new office/commercial buildings on site. Construction of one of these buildings is complete, while the other two are currently under construction.

A Minor Variance application was also submitted in 2019 (A.042/19) to permit: a lot coverage of 35.2%, whereas a maximum of 30% is permitted; a gross floor area of 17,056 square metres, whereas 15,704 square metres (existing) is the maximum permitted; 641 parking spaces, whereas 700 parking spaces are required; 45 bicycle parking spaces, whereas 57 bicycle parking spaces are required; a drive-through facility for a coffee shop with 8 stacking spaces, whereas 15 stacking spaces are required; and a drive-through facility for a fast-food restaurant with 11 stacking spaces, whereas 12 stacking spaces are required. This Minor Variance was approved by the Committee of Adjustment on May 13, 2019.

A Minor Variance application was submitted in 2020 (A.034/20) to permit: a lot coverage of 36%, whereas a maximum lot coverage of 35.2% is permitted, a height of 15.0 metres, whereas a maximum height of 12.0 metres is permitted; a gross floor area of 17,337 square metres, whereas a maximum gross floor area of 17,056 square metres is permitted; and 630 parking spaces, whereas 641 parking spaces are the minimum number of parking spaces required. This Minor Variance was approved by the Committee of Adjustment on July 16, 2020.

Most recently, a zoning by-law amendment application (Z-9291) was submitted in 2021 to add Food Store to the list of permitted uses, with special provisions to recognize the existing gross floor area of 17,950 square metres, inclusive of patios, and permit a minimum parking supply of 550 spaces for all permitted uses. The zoning by-law amendment was approved by Council on May 4, 2021

1.2 Property Description

The subject site is located in the Sunningdale Planning District at the northwest corner of Richmond Street and Fanshawe Park Road West. The subject lands are a portion of a larger parcel of land occupied by the Richmond Hyland commercial centre, originally built in the early 1990's, on a total land holding of 4.84 ha. The existing commercial/office plaza consists of 16,227m^2 gross ground floor area within a large commercial plaza, and several standalone commercial/office buildings along the Richmond/Fanshawe frontage, all ranging in heights from 1 storey to 3 storeys.

The application site (1737 Richmond) currently contains a portion of the existing commercial plaza and is approximately 0.52 ha, with a frontage of 57.5m along Fanshawe Park Road West. Current uses include a restaurant and a furniture store.

Figure 1 - Photo of existing building and uses at 1737 Richmond Street

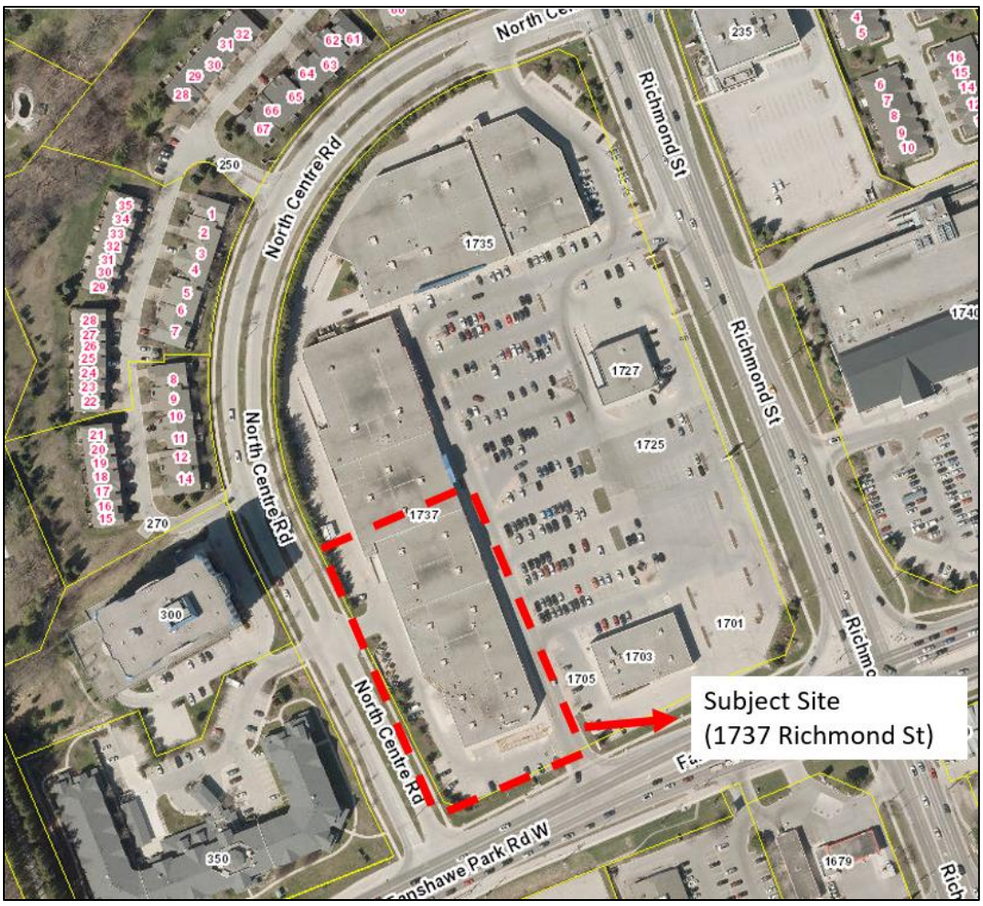


Figure 2 - Subject Site

Fanshawe Park Road West is an arterial road/Main Street with an average annual daily traffic volume of 32,000 vehicles per day, and Richmond Street is an arterial road/Main Street with an average annual daily traffic volume of 19,500 vehicles per day. Public sidewalks are available along both sides of Fanshawe Park Road West and Richmond Street.

1.3 Current Planning Information

- Official Plan Designation – Enclosed Regional Commercial Node
- The London Plan Place Type – Transit Village
- Existing Zoning – Associated Shopping Area Commercial Special Provision (ASA1(5)/ASA2(3)/ASA3(1)) Zone

1.4 Site Characteristics

- Current Land Use – commercial
- Frontage – 57.5m (188.6 ft)
- Depth – 81.2m (266.5 ft)
- Area – 0.52 ha (1.28 ac)
- Shape – rectangular

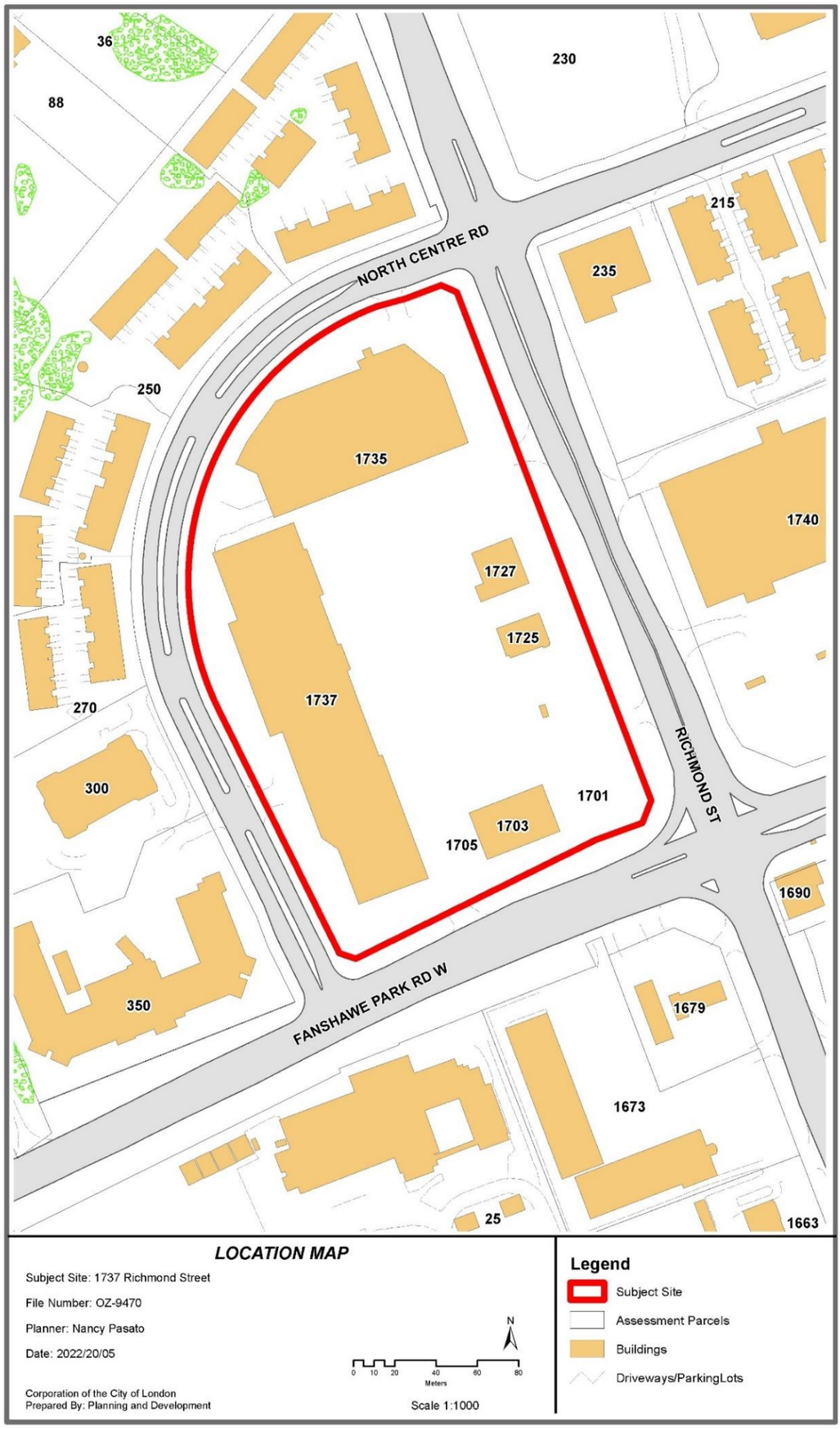
1.5 Surrounding Land Uses

- North – commercial
- East – commercial
- South – commercial
- West – seniors home, apartment

1.6 Intensification

The proposed 276 residential units represent intensification within the Primary Transit Area and the Built-Area Boundary.

1.7 Location Map



2.0 Discussion and Considerations

2.1 Original Development Proposal and Requested Amendments (February 2022)

In February, 2022, the City accepted a complete application that proposed a 22 storey, mixed commercial/residential apartment building with 226 residential units and 2527 square metres of commercial/office. The building is orientated to address Fanshawe Park Road West. The proposed development will be accessed from a driveway off of Fanshawe Park Road West and North Centre Road and will provide a total of 234 parking spaces through a 5-storey parking structure within the building. Additional details on the development include:

- 226 dwelling units including: 6 bachelor units, 80 x 1-bedroom units, 60 x 1-bedroom units + den, 76 x 2-bedroom units, and 4 x 3-bedroom units;
- 2527 square metres of commercial/office floor space on the first and second storeys;
- Parking within the building on the first 5 storeys with a total of 234 spaces, equivalent to 1.03 spaces per unit;
- A 22 storey tower (80 m) with a footprint of 32.3m x 32.6m = 1053m^2
- Front yard setback from Richmond Street – 0m
- Rear yard setback from existing commercial – 4.43m
- Interior side yard setback to centreline fronting private road – 7.06m
- Exterior side yard to North Centre Road – 4.29m
- Amenity areas – located on the 9th floor roof top of the 8 storey building – 35.7m x 23.8 m = 849.7m^2 being the outdoor area; and 184m^2 within the interior of the building (gym); for a total amenity area of 1033.7m^2
- Density – 226 units and 26 equivalent commercial units = 252 units; a total mixed-use density of 485 units per hectare

The site plan concept is shown in Figure 3. A perspective of the building is shown in Figure 4. The building renderings are shown in Figures 5-7.

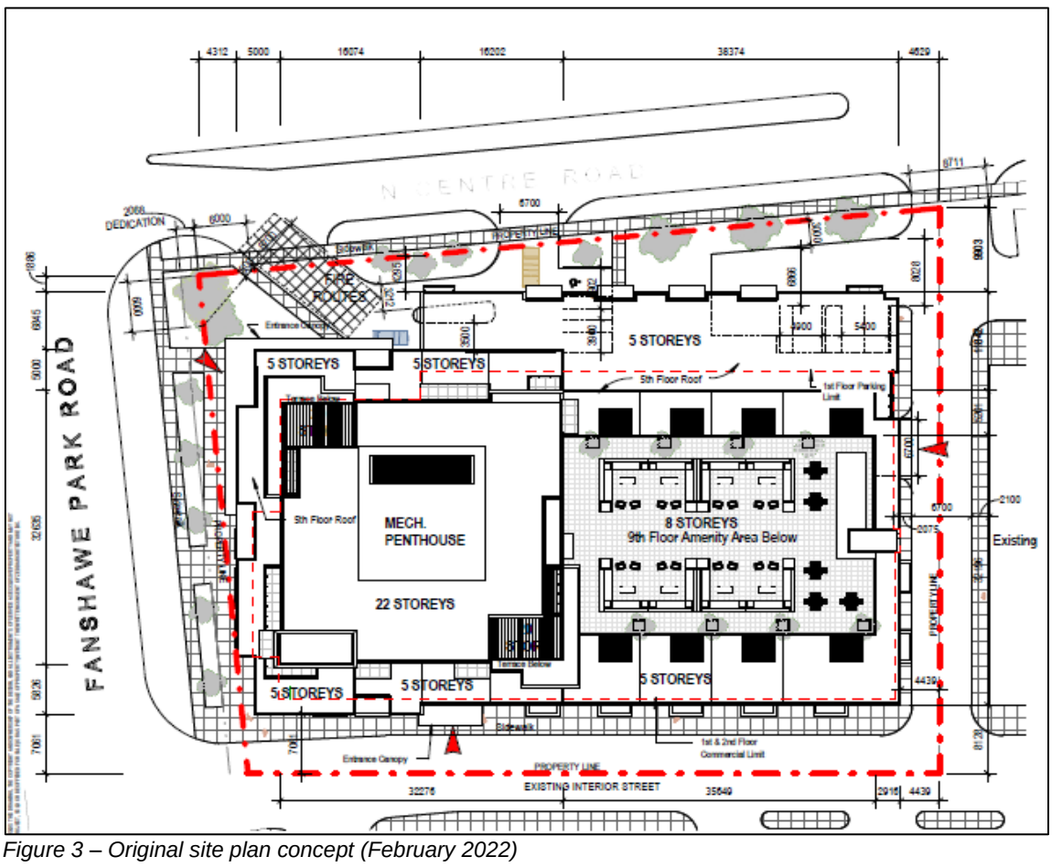


Figure 3 – Original site plan concept (February 2022)

Figure 4 - Showing perspective of proposed building and major physical elements (February 2022)

Figure 5 - Rendering Southwest corner of Fanshawe and North Centre Road (February 2022)

Figure 6 - Rendering looking north from Fanshawe Park Rd (February 2022)

Figure 7 - Rendering looking southwest from Richmond Street (February 2022)

The applicant originally requested to amend the 1989 Official Plan, to add a Chapter 10 Specific Area Policy to permit a 22 storey, mixed commercial/residential apartment building with 226 residential units and 2527 square metres of commercial, with Bonus Zoning. The intent was to align the 1989 Official Plan policies with The London Plan policies and the Council-approved Masonville Secondary Plan. The applicant also submitted a request to amend the zoning by-law on the subject site from an Associated Shopping Area Commercial Special Provision (ASA1(5)/ASA2(3)/ASA3(1)) Zone, to a Business District Commercial Special Provision Bonus (BDC1(_)*B-_) Zone. The BDC Zone is typically applied to corridors with a main street character. The following special provisions were requested:

- to permit all of the commercial and office uses on the first and second floor;
- a maximum height of 80m whereas 12m is the maximum;
- a maximum density of 485 units per hectare; and
- a reduced minimum parking of 234 spaces, whereas 353 parking spaces are required.

A Bonus Zone was requested to permit a maximum mixed-use density of 485 units per hectare and a maximum height of 22 storeys (80 metres). The facilities, services and matters proposed by the applicant to support Bonus Zoning included building design, and affordable housing.

2.2 Revised Development Proposal and Revised Amendments (July 2022)

In July, 2022, the applicant requested a revision to the application. The revised proposal is for a 22 storey, mixed commercial/residential apartment building with 276 residential units and 2107 square metres of commercial/office.

Additional details on the revised development include:

- 276 residential dwelling units including: 8 bachelor units, 20 “townhouse” units, 172 x 1-bedroom units, 72 x 2-bedroom units, and 4 x 3-bedroom units;
- 2107 square metres of commercial/office floor space on the first and second storeys;
- Parking within the building within two (2) underground levels and four above ground levels, for a total of 326 parking spaces;
- A 22 storey tower (80 m) with a footprint of approximately 1089m^2
- Front yard setback from Richmond Street – 0m
- Rear yard setback from existing commercial – 4.43m
- Interior side yard setback to centreline fronting private road – 7.06m
- Exterior side yard to North Centre Road – 4.29m
- Amenity areas – Indoor and outdoor amenity areas are both on the 5th floor. Indoor area is 213 square metres and the outdoor area is 680 square metres.
- Density – 276 units and 21 equivalent commercial units = 297 units; a total mixed-use density of 571 units per hectare

Key changes to the proposal include:

- An increase in the number of residential dwelling units, from 226 to 276;
- A decrease in the amount of commercial/office space, from 2527 square metres to 2107 square metres
- An increase in the mixed-use density, from 485 units per hectare to 571 units per hectare;
- The addition of two parking levels underground, and 4 parking levels above ground, for a total of 326 parking spaces;
- An overall change in the design of the building. As per the elevation drawings indicate, podium parking levels are wrapped with residential units from three sides; the overall base/podium level is 6 storeys, with townhouse 2-storey units above the 6th storey along the west and east elevation, and 2 additional storeys step back 4.5 metres from Fanshawe Park Road, and tapering up after the 8th

storey to a 22 storey tower, located to the front of the site adjacent to Fanshawe Park Road.

The applicant also requires some minor changes to the requested zoning by-law amendment. Revised special provisions include:

- a maximum density of 571 units per hectare;
- and a reduced minimum parking of 326 spaces, whereas 353 parking spaces are required.

The revised site concept is shown in Figure 8. The revised building renderings are shown in Figures 9-15.

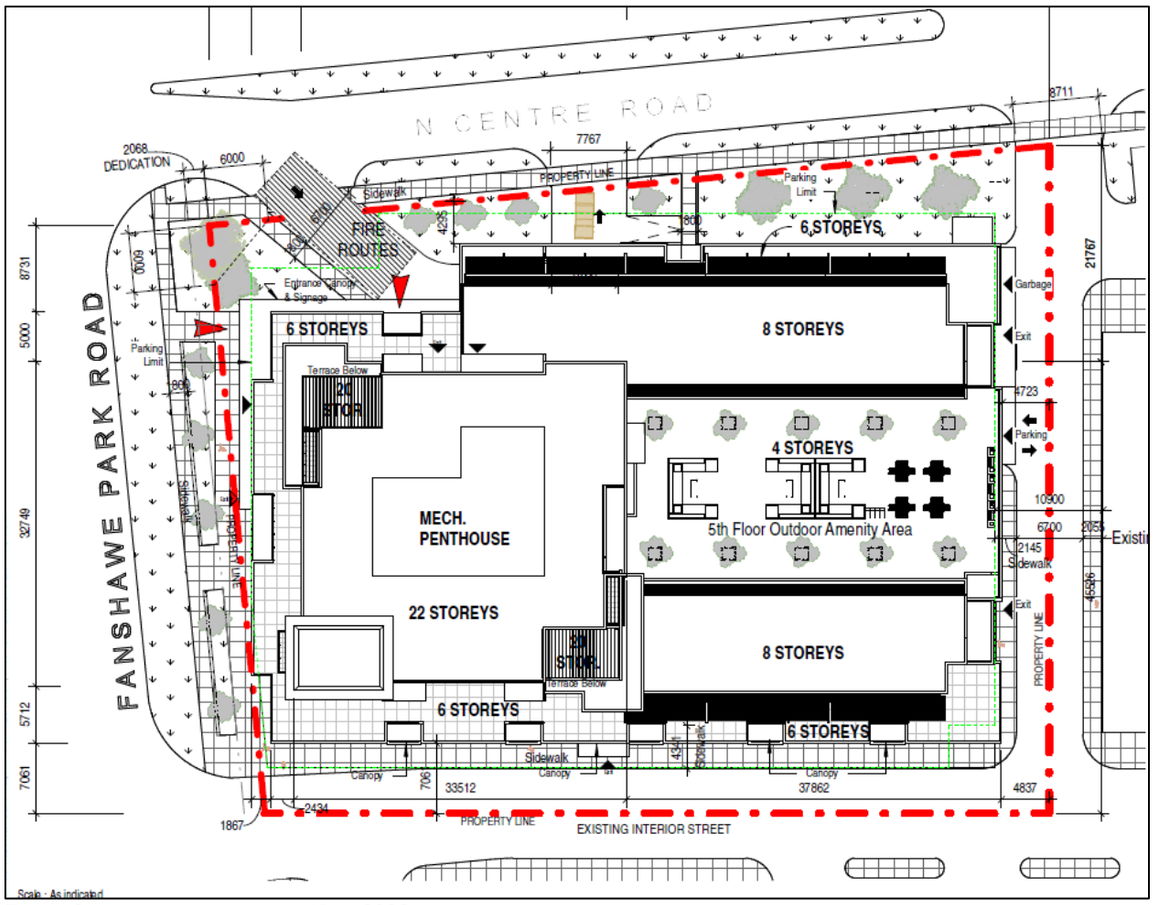


Figure 8 – revised site concept (July 2022)

Figure 9 - Rendering of building from southwest corner of Fanshawe and North Centre Road

Figure 10 - Rendering of building looking north from Fanshawe Park Rd

Figure 11 - Rendering of building looking at east side of site from Richmond Street

Figure 12 - Rendering of building looking at east side of site from Richmond and Fanshawe

Figure 13 - Rendering of building looking at west side of site from North Centre Road

Figure 14 - rendering of building detail on Fanshawe Park Road frontage

Figure 15 - rendering of building detail along east side of building

2.3 Community Engagement (see more detail in Appendix B)

Written responses were received from, or on behalf of, 17 households.

The public's concerns generally dealt with the following matters:

- Traffic volume and safety
- Noise
- Air pollution
- Construction impacts
- Wind impacts
- Lack of privacy
- Blocked views
- Shadow impacts/loss of sunlight
- Intensity
- Lack of parking
- Precedent

A Virtual Open House/Community Information Meeting was held by the Applicant on July 6, 2022. In attendance at the virtual meeting were 7 members of the public, 3 members of the consulting team, 1 member of the ownership group, as well as City staff and both Ward Councillors. The following questions were raised at the meeting:

- What will happen to the current businesses in that portion of the plaza?
- Will there be electric vehicle charging stations and bicycle parking available?
- What is the timing of the development?
- What are the expected rents?
- Does the development have to be 22 storeys?
- What is planned for affordable housing?
- Will there be an additional traffic light at North Centre Road and Fanshawe?
- Will the noise assessment review other noise concerns (i.e. snow plow noise, lawn mowers, etc.)?

2.4 Policy Context

The London Plan is the new Official Plan for the City of London. On May 25th, 2022, an Ontario Land Tribunal decision resolved all remaining policy appeals within The London Plan, effectively bring The London Plan into full force and effect. Any applications in process prior to the May 25th date should continue uninterrupted as per the “clergy principle” (the policies that were in force at the time the application was received will continue to direct that application). Both the 1989 Official Plan and The London Plan policies will be considered as part of this analysis.

Municipal Council approved the Masonville Secondary Plan in October of 2021. Following Council approval, the Secondary Plan was appealed to the Ontario Land Tribunal. Although the policies of the Masonville Secondary Plan are not yet in force and effect, the 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. Policies of the Masonville Secondary Plan under appeal are denoted with an asterix (*).

The London Plan
The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. 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 build a mixed-use compact city by:

- Implementing a city structure plan that focuses high-intensity, mixed-use development at strategic locations – along rapid transit corridors and within Primary Transit Area;
- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- 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; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).

Lastly, The London Plan provides direction to make wise planning decisions by:

- Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The site is in the Transit Village Place Type on a Main Street (Fanshawe Park Road West), as identified on Map 1 – Place Types and Map 3 – Street Classifications. Our Transit Villages will be exceptionally designed, high-density mixed-use urban neighbourhoods connected by rapid transit to the Downtown and each other. They will be occupied by extensive retail and commercial services and will allow for substantial office spaces, resulting in complete communities. Adding to their interest and vitality, Transit Villages will offer entertainment and recreational services as well as public parkettes, plazas and sitting areas. All of this will be tied together with an exceptionally designed, pedestrian-oriented form of development that connects to the centrally located transit station (806_). Second only to the Downtown in terms of the mix of uses and intensity of development that is permitted, Transit Villages are major mixed-use destinations with centrally located rapid transit stations (807_). They are intended to support the rapid transit system, by providing a higher density of people living, working, and shopping in close proximity to high-quality transit service. Through pedestrian oriented and cycling-supported development and design, Transit Villages support a healthy lifestyle and encourage the use of the City's transit system to reduce overall traffic congestion within the city (808_). We will realize our vision for Transit Villages by planning for intense, mixed-use development around transit stations, which may involve significant restructuring and redevelopment of existing, often single-use commercial complexes at these locations (810_2.). The permitted uses within the Transit Village Place Type inlcude a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses (811_1.). Mixed-use buildings will be 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 (811_2. & 3.). Buildings will be a minimum of either two storeys or eight metres in height and will not exceed 15 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 22 storeys, may be permitted in conformity with the Our Tools policies of this Plan (*813_1.).

1989 Official Plan
The subject site is designated Enclosed Regional Commercial Node (ERCN) on Schedule 'A' of the 1989 Official Plan. The ERCN designation is intended to provide for a wide range of commercial uses which meet specialized service and comparison shopping needs, and are regarded as major activity centres, based on their size and range of uses and may have trade areas that extend beyond the municipal boundary. Permitted uses include all types of large and small-scale retail and service commercial uses, community facilities, and office uses. Transit facilities and commuter parking lots are also encouraged in this designation.

**Masonville Secondary Plan*
The Masonville Secondary Plan area includes lands around the intersection of Richmond Street and Fanshawe Park Road, which is currently occupied by primarily low-rise commercial buildings, multi-unit residential uses, and large expanses of surface parking. The Masonville Transit Village Place Type is identified as an area for growth in The London Plan and is beginning to see redevelopment interest with the addition of new apartment buildings and infill commercial development. The area is designated as a Protected Major Transit Station Area which will accommodate additional population and jobs in a transit-oriented format.

The two main transportation corridors of Richmond Street and Fanshawe Park Road Form a focal point of intensity (*2.1 Areas of Intensity). Lands surrounding this intersection have excellent access to current and future the transit and are well separated from existing lower density neighbourhoods. The most intensive land uses, and forms are directed to these areas to transform the intersection into a vibrant, transit-oriented, mixed-use focal point. New development along these frontages will have active commercial ground floors to create interest and animation along the street and support a walkable main street environment.

3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Provincial Policy Statement, 2020 (PPS)

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. Healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential, and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimize transit investments, and standards to minimize land consumption and servicing costs (1.1.1. b) and e)). 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). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1). The proposed development will be located within a transitioning area, will avail of existing infrastructure, and will provide intensification and transit-oriented development to meet future lands needs. The proposed development will provide a mix and range of uses (commercial, office, residential). This development also promotes the provision of an appropriate mix of affordable and market-based residential types, which is achieved by the provision of affordable housing units that form part of the bonus zone.

4.2 Issue and Consideration # 2 – Use

The London Plan
The Transit Village Place Type contemplates a broad range of residential, retail, service, office, cultural, recreational, institutional, hospitality and entertainment, uses (811_1, TLP). Mixed-use buildings are encouraged, as well as the provision of active (commercial, retail and service) uses on the ground floor at grade (811_2&3). The application proposes 2527 square metres of commercial/office gross floor area, to be located on the first and second floor of the development. These uses will help to activate the site and provide for local employment and shopping options. Residential units in the apartment buildings will have convenient access to nearby goods and services in a walkable environment, and convenient access to higher order transit.

The London Plan supports the provision of a variety of residential types with varying size, tenure and affordability so that a broad range of housing requirements are satisfied (830.11). The recommended amendment will result in the provision of 22 affordable housing units as part of the bonusable provisions which will be implemented through an agreement with the City of London.

**Masonville Secondary Plan*
The Mixed-Use Area encompasses most of the area plan and includes a wide variety of uses to support the development of a vibrant, mixed-use transit supportive village (*4.2 Mixed-Use Area). Permitted uses include a broad range of retail, commercial, service, cultural, entertainment, recreational and residential uses are permitted, and mixed-use buildings are the preferred form of development with active ground floor commercial uses and residential uses above (*4.2.1 Permitted Uses). New single-storey, stand-alone commercial, retail and other non-residential buildings are not permitted (*4.2.1. iii).

Where a ground floor commercial use is provided, a minimum of 50% of the building frontage should include active, pedestrian-generating uses. Non-active uses, such as lobbies to upper levels and professional offices may be permitted for the remaining building frontage. Where possible, non-active uses should be provided along lower order street frontages. Large expanses of blank walls should be avoided along street frontages and located on the back of the building where required.

1989 Official Plan
The subject site is designated Enclosed Regional Commercial Node (ERCN) on Schedule 'A' of the 1989 Official Plan. The ERCN designation is intended to provide for a wide range of commercial uses which meet specialized service and comparison shopping needs, and are regarded as major activity centres, based on their size and range of uses and may have trade areas that extend beyond the municipal boundary. Permitted uses include all types of large and small-scale retail and service commercial uses, community facilities, and office uses. Transit facilities and commuter parking lots are also encouraged in this designation. Several of the existing commercial nodes have sufficient vacant land areas and/or older, existing developments which are conducive to redevelopment and intensification and redevelopment within these areas should be considered where the integration of additional uses, such as residential and community facilities, with retail functions could achieve a more mixed-use commercial environment. Mixed use developments which permit a substantial residential component shall be implemented through specific zoning by-law amendments and concurrent site plan applications (4.3.3.).

4.3 Issue and Consideration # 3 – Intensity

The London Plan
The London Plan places an emphasis on growing 'inward and upward' to achieve a compact form of development. There is a greater focus on encouraging and supporting growth within the existing built-up areas of the city. The subject site is an under-utilized parcel within a prominent location in a transit village. Transit villages are "second only to the Downtown" in terms of the mix of uses and intensity permitted (807). The role of Transit Villages it to support the rapid transit system by providing a higher number of people living, working and shopping in close proximity to high-quality transit services (808).

Intensity of use is generally defined by such features as height, gross floor area, coverage, floor plate area, density in units/ha, number of bedrooms, parking, and floor area ratio (*Table 7).

The Transit Village policies recognize that there is a limited amount of land within the place type and that land should be optimized and fully utilized to support rapid transit and existing infrastructure and services (813_2). Buildings will be between 2-15 storeys with an upper maximum contemplated up to 22 storeys (813_1). The proposed development efficiently utilizes the site and provides a height of 22 storeys. Within the Transit Village, office space will be limited to no more than 20,000 square metres, with no individual building containing more than 5,000 square metres (813_5). There is a total of 2107 square metres of commercial and office space proposed, which provides a diversity of uses at an appropriate intensity without competing with the downtown as the primary office space destination.

The site is within a Protected Major Transit Station Area (PMTSA) which includes all Transit Village Place Types. These PMTSAs are planned to achieve a minimum number of 150 residents and jobs per hectare (815B), with a minimum density of 45 units per hectare for residential uses or a minimum floor area ratio of 0.5 for non-residential uses (815D). Establishing minimum intensity targets in the PMTSAs ensures that lands are efficiently utilized and provide compact development forms that support higher-order transit and stations. The site represents a total of 1056 people and jobs per hectare which contributes to achieving the intent of the PMTSA policies.

**Masonville Secondary Plan*
The minimum permitted height for all lands within the Masonville Secondary Plan area shall be no less than two storeys to facilitate an efficient use of land and encourage mixed-use development forms. The High-Rise Area allows the greatest building height in the plan and is concentrated along Richmond Street and Fanshawe Park Road, which is the main intersection and focal point for development. There is significant opportunity for intensification due to the high availability of surface parking lots, and the separation distance to the Low-Rise Areas and existing neighbourhoods. There is strategic proximity to the Transit Station, and this area will feature the tallest building heights and greatest intensity in the plan area to support public transit. Up to high-rise building forms are permitted in the High-Rise Area and the maximum permitted heights shall be up to 22 storeys, in accordance with the Transit Village intensity policies of The London Plan (*5.2 High-Rise Area). The proposed 22 storey building will offer the greatest intensity in an area separated from low density development and will help to support current and future transit.

1989 Official Plan
In addition to the ERCN designation, there is additional intensity contemplated within all Commercial Nodes related to mixed-use developments (4.3.3.). Several of the existing commercial nodes have sufficient vacant land areas and/or older, existing developments which are conducive to redevelopment and intensification and redevelopment within these areas should be considered where the integration of additional uses, such as residential and community facilities, with retail functions could achieve a more mixed-use commercial environment. Mixed use developments which permit a substantial residential component shall be implemented through specific zoning by-law amendments and concurrent site plan applications.

Commercial development within an Enclosed Regional Commercial Node designation shall normally range in size from 50,000 square metres to 120,000 square metres gross floor area (4.3.5.5.). There is a total of 2107 square metres of office and commercial space proposed which is appropriate in a mixed-use format, and under the total amount contemplated. Residential densities within the ERCN refer to the policies of the Community Commercial Node (CCN) designation and should be consistent with the densities allowed in the Multi-Family, High Density Residential designation, which allows for a scale of development up to 150 units per hectare outside of Central London (3.4.3. OP). Proposals to allow for higher densities than would normally be permitted may be considered through a site-specific bonus zone, such as the requested amendment for the subject site. A Chapter 10 Specific Area Policy was originally contemplated for this application, to permit a 22 storey, mixed commercial/residential apartment building with 226 residential units and 2527 square metres of commercial, with Bonus Zoning. The intent was to align the 1989 Official Plan policies with The London Plan policies. However, as of May 25, 2022, the need for an amendment to the 1989 Official Plan is no longer necessary.

4.4 Issue and Consideration # 4 – Form

The London Plan
High rise buildings should be designed to express three defined components including a base, middle and top (289). The Base should establish a human-scale façade with active frontages, the middle should be visually cohesive but distinct from the base and top, and the top should provide a finishing treatment (289).

**Masonville Secondary Plan*
The Secondary Plan also contains design criteria similar to the London Plan for high rise development (*6.1 General, *6.2. High-Rise Buildings). Criteria for development included:

- All buildings shall be designed to express three defined components: a base, middle and top.
    - the base shall establish a human-scale façade with active frontages including, where appropriate, windows with transparent glass, awnings,

porches, canopies, lighting, and the use of materials that reinforce a human scale.
- the middle shall be visually cohesive with, but distinct from, the base and top.
- the top shall provide a finishing treatment, such as a roof or a cornice treatment, and will serve to hide and integrate mechanical penthouses.

Base

The base should establish a human-scale façade with active frontages including windows with transparent glass, forecourts, patios, awnings and lighting (289_1). Policies within the *Masonville Secondary Plan specific to ground floor design (*6.5) require buildings with frontages along Fanshawe Park Road to have their massing, siting and principal entrances oriented to those existing street(s) to establish an animated pedestrian-scale environment (*vi). Where a ground floor commercial use is provided, a minimum of 50% of the building frontage should include active, pedestrian-generating uses (*6.5.1). The current drawings show a 6 storey “base” with the first two storeys recessed within the building design, and encompasses the lobby, entrances and first and second floor commercial/office uses along the Fanshawe Park Road and internal east drive frontage. The building then projects forward and contains a 4 storey podium, which then steps back approximately 3.9m to a “townhouse” unit component of 2 storeys (floors 7-8) along the west and east elevations, and steps back approximately 5m from the 6th storey and provides 2 more storeys of units adjacent to Fanshawe Park Road. The podium design wraps around the Fanshawe and North Centre Road frontages, and the internal private street. The podium design along the north elevation is limited to 5 storeys, where a significant amenity area is proposed (indoor and outdoor amenity areas are both on the 5th floor; indoor area is 213 square metres and outdoor area is 680 square metres). Residential and mixed-use buildings should include outdoor amenity spaces (295). The north frontage along the private drive is used for parking access to the site and access to garbage and other building amenities. The use of a podium helps reduces the apparent height and massing of the building on the pedestrian environment, allows sunlight to penetrate into the right-of-way and reduces wind impacts (292).

Figure 16 - Rendering of base/podium along Fanshawe Park Road

Building entrances and transparent windows should be located to face the public right-of-way to reinforce the public realm establish an active frontage and provide convenient pedestrian access (291). Along the Fanshawe and east internal drive there are ground floor commercial uses proposed, which activate these frontages with pedestrian movements at the principal entrances. Along North Centre Road a proposed drop off/pick up area, landscaping and access to bicycle storage are also proposed. The

significant road width of North Centre Road, and the proposed 8 storey podium width along that frontage creates an approximate 1:1 ratio of street to building, which makes for a comfortable streetscape enclosure.

As part of site plan, the applicant will be required to explore additional improvements for the building base, ground floor, and podium:

- Articulate the podium facades further, particularly on the east and west facades, with recesses, projections, balconies and terraces, alternating brick tones, and fenestration to provide depth and variation in the built form, and to enhance the pedestrian environment and break up the massing.
- Reduce the blank wall facades on the west elevation ground level facing North Centre Road. Increase visual interest through the use of increase glazing, public wall art, additional door access, etc. Provide windows for clear sight lines facing North Centre Ave from the section of abutting parking garage where the accessibility parking space is located.
- Provide a separate key access door to the bike storage room facing North Centre Road for improved bicycle accessibility in and out of the building and improved streetscape activity.
- Connect this separate bike storage entrance to the public sidewalk.
- Utilize a decorative or public art wall feature and treatment to address the southwest corner and provide visual interest while breaking up the podium massing and establishing a sense of place through this unique feature.

Middle
The middle should be visually cohesive with, but distinct from, the base and top (289_2). The middle of the building consists of the tower portions which are set back from the podium and provide a change in materials from the base to create interest and distinction. The ‘middle’ of the development is comprised of the majority of the tower components above the base, which provides a change in materiality from the overall base.

The London Plan identifies that high-rise buildings should be designed to minimize massing, shadowing, visual impact and the obstructions of view from the street and neighbouring properties by providing slender towers without long axes that create an overwhelming building mass (293). A slender tower is characterized as one that has a smaller tower floor plate, typically between 750 – 1,000 sqm of GFA. The proposed 22 storey tower component of the design is approximately 1089 square metres in size. As part of the Bonus Zone, the applicant shall reduce the high-rise portion (above 8 stories) as slender towers (maximum floor plate size of up to 1000 square meters within a 1.5:1 length to width ratio) in order to reduce any possible "slab-like" appearance, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces, as per The London Plan and the policies of the Masonville Secondary Plan (*6.2, v)). It is recognized that by reducing the floor plate, it may result in a significant reduction in units, or result in a significant reduction in unit sizes and outdoor private amenity (i.e., balconies).

Top
The top should provide a finishing treatment, such as a roof or cornice treatment, and will serve to hide and integrate mechanical penthouses (289_3). The mechanical penthouse for the towers have been clad in a “louvre aluminum closing material”, which is used for screening. The top portion of the tower has been differentiated from the middle portion through the use of stepbacks and through the use of varying building materials, articulation and balconies.

1989 Official Plan
The 1989 Official Plan policies identify principles for Urban Design within Chapter 11 which provides guidance and direction for the design of buildings and sites. Most of these principles are incorporated into the policies of The London Plan, which provides greater direction and design specifications for mixed-use and commercial development. However, some of the same principles from the City’s Design Guidelines for pedestrian

connections through sites to sidewalks, reducing the overall visual impact of paved parking, and having principal entrances oriented to the street is echoed in more recent direction and achieved by the site layout and built form.

A shadow analysis was submitted with the application which modelled the anticipated shadow impacts throughout the year. Shadow impacts are minimized through the proposed regulations including a maximum tower floorplate, maximum tower ratio, and building step backs that result in slender towers with shadows that move more quickly and have less of a lasting effect. Further shadow impacts and mitigation will be included in the site considerations through the bonus zone.

Other Form Considerations

Transition to Surrounding Neighbourhoods

Within Transit Villages, The London Plan requires a transition in height and intensity between transit stations and surrounding neighbourhoods (810). Permitted building heights will step down from the core of the Transit Village to any adjacent Neighbourhoods Place Type (813_3). Within the *Masonville Secondary Plan, lands on the west side of the development west of North Centre Road are also within the Transit Village Place Type but are limited in heights to a maximum of 8 storeys. This area of sensitivity is an area of transition where mid-rise developments are to be located between the higher heights and intensities of this site to the more sensitive land uses like low-rise residential development further to the west.

Connectivity

The building will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure, and general site layout that reinforces pedestrian safety and easy navigation (814_3). The development is oriented towards Fanshawe Park Road East which will provide convenient access for residents.

Consideration should be given to providing publicly-accessible pedestrian connections through a proposed development site connecting with the pedestrian network on existing and future sites (814_5). The site facilitates pedestrian movements through the internal driveway at grade and the connections provided to the existing sidewalks surrounding the development.

As part of the overall design and intent for this site, the applicant has provided a conceptual master development plan showing possible development and future phases over the long term (28-year period) for the larger commercial site. This conceptual plan shows the ultimate location of any private roads, pedestrian connections and/or future park spaces, and aligns with the general intent of the Masonville Secondary Plan. The master concept plan is not “approved” but is used as a guideline to ensure the overall future developments have/will incorporate appropriate access and connectivity at each stage of development. As is shown on the master conceptual plan, a series of private streets will be incorporated into the overall development, including the proposed private laneway/street located to the north of this development. These future streets will be used for vehicle and pedestrian movement throughout the site and to provide connectivity to the City’s road and transit network.

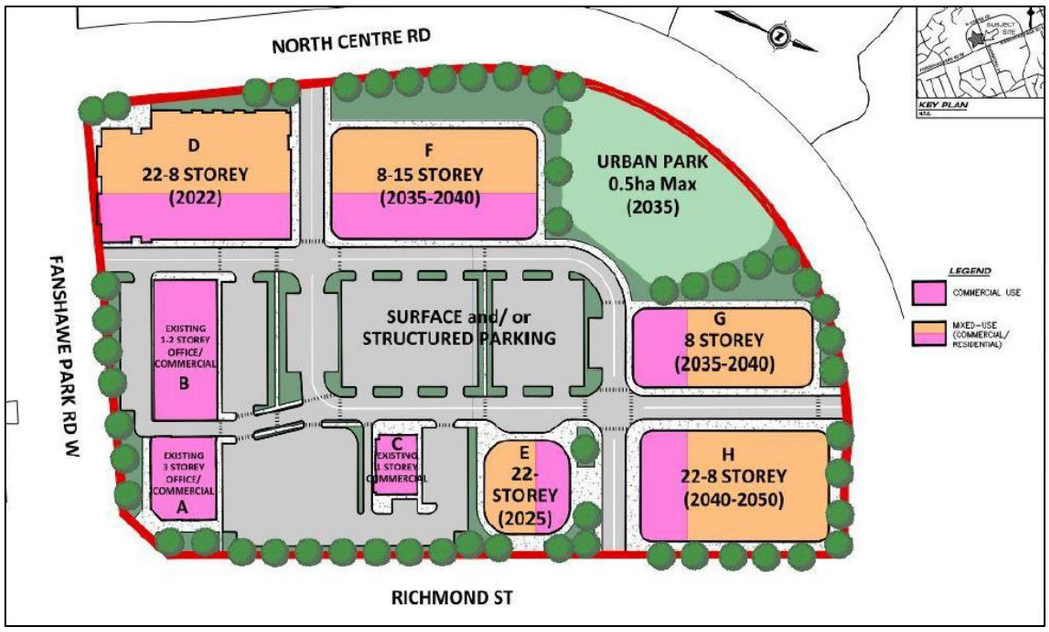


Figure 17 - Conceptual master development plan showing possible development and future phases over the long term (28-year period)

Parking

Transit villages are intended to be intensive and walkable environments with a focus on providing residents with employment, services, shopping and transit within convenient walking distances. The proposal has two levels of underground parking and four levels of structured parking located in the podium/internal of the building. Buildings should be sited to minimize the visual exposure of parking areas to the street (269). All parking associated with the development has been internalized on the site. A total of 326 parking spaces is proposed to accommodate the residential and commercial/office uses. The site is well-located to adjacent transit at Masonville Mall, where there are current and future transit services. Further, the area has a high proportion of existing retail, shopping, commercial, service and employment uses within convenient walking distance to reduce single vehicle trips and encourage more pedestrian trips. A reduction in the number of vehicle parking spaces is reasonable given the active and public transit options and will contribute to achieving the overall intent of the transit village.

Staff are recommending a slight reduction in the proposed parking (from 326 to 320). Some of the proposed parking spaces as shown on the plans may not be useable parking spaces as defined by the by-law, based on location, or based on adequate turning movements. The recommended 320 spaces still equates to 1 parking space per residential unit, plus an additional 44 units for the 2107 gross floor area of commercial and office uses.

BDC1 Zone Considerations for Intensity

Bonus zones are usually paired with a base zone that establishes the maximum regulations within which development must occur if the requirements of the more permissive Bonus (B-_) Zone are not met. The BDC Zone is typically applied to corridors with a main street character. This Zone provides for and regulates a mix of retail, restaurant, neighbourhood facility, office and residential uses located along pedestrian-oriented business districts. In the BDC Zone variations, the height and density of each apartment building over the standard zone height and/or containing units outside existing structures, will be established through a zoning by-law amendment application and be indicated on Schedule A of the Zoning Bylaw. As per the Transit Village policies, a maximum height of 15 storeys may permitted, and as per the zoning by-law, a maximum density of 150 units per hectare is standard for high rise buildings. These will be recommended in the base zone.

Staff are recommending the following special provisions within the base BDC1(_) Zone:

- A prohibition on commercial parking structures and accessory parking structures within the by-law. Any parking necessary parking will be addressed through the apartment building use.
- A front yard setback from Fanshawe Park Road East of 1.0m to ensure a built form close to the street, while allowing for any patios/overhang/doors etc.

Any other special provisions will be incorporated into the ultimate Bonus Zone.

4.4 Issue and Consideration # 5 - Bonusing

The London Plan
Through the previous versions of the London Plan, Type 2 Bonus Zoning could 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_). However, the Bonusing provisions within the London Plan were appealed and were never in force and effect. The City has relied upon Section 19.4.4. of the 1989 Official Plan to implement bonusing. As of the May 22 OLT decision, the Bonusing provisions have been removed for the London Plan, and replaced with “maximum upper limits” for certain Place Types.

**Masonville Secondary Plan*
The Masonville Secondary Plan represents an opportunity to provide a wide range of housing options, including affordable housing for the plan area and the City as a whole (*3.8 Housing Mix and Affordability). Development within the plan area will contribute to providing accessible, affordable, and quality housing options that people will want to live in. It is the objective of the Plan that a minimum 25% of all new residential development within the entire plan area meet the Provincial definition of affordable housing. The Plan also speaks to providing a range and mix of housing types, and a mixture of unit sizes and configurations, including a mix of bachelor, 1, 2, and 3-bedroom units. Available tools and provisions under the Planning Act, such as bonusing or inclusionary zoning, will be used to secure affordable housing units at the time of development applications.

1989 Official Plan
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 19.4.4. ii) of the 1989 Official Plan establishes a number of objectives which may be achieved through Bonus Zoning. The applicant’s bonus proposal meets the objective of providing affordable housing and exceptional urban design, as detailed below.

<u>Affordable Housing</u>
The HDC has recommended the following:

- 10% of the “lifted” units (as defined by the City of London) be dedicated to affordable rental housing in exchange for the granting of increased height and density. To the greatest extent possible, the mix of the dedicated affordable rental units should be reflective of the unit mix for the 22-storey apartment building;
- Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
- The duration of affordability set at 50 years from the point of initial occupancy;
- The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations;
- These conditions to be secured through an agreement registered on title with associated compliance requirements and remedies.

The calculation of the lift to determine the total number of affordable housing units was based on the base density of 150 units per hectare (uph) permitted in the 1989 Official Plan which would equate to 78 units for a 0.52 ha site. The increase in density above

the base permission is an additional 219 units for a total of 297 units. A rate of 10% of the total increase in units (10% of 219) equates to 22 units which is the “lift” and consistent approach to calculating the total number of affordable housing units through a bonus zone. The 22 units are to be representative of the mix overall and distributed evenly throughout the development to the greatest extent possible. The units will be based on 80% of the Average Market Rent for a duration of 50 years.

Bonus zoning may allow increases in the height and density beyond what is otherwise permitted in return for the provision of such facilities, services or matters set out in the bonus zone (3.4.3.iv) 89 OP). The provision of affordable housing units through bonusing is a preferred feature and a recent priority identified by Municipal Council to address the housing crisis. As part of the Roadmap to 3,000 Report, an immediate next step was identified to *“double the current rate at which affordable units are obtained through bonusing” (p.11).* This direction establishes the provision of affordable housing units above other potentially eligible bonusable features and should be the main component of the requested bonus zone. The Housing Development Corporation (HDC) staff have advised there is a need for affordable housing units and that the locational factors align with housing needs and priorities defined in the Housing Stability For All Plan and CMHC analytics related to vacancy rates and rental rates. The HDC has recommended the bonus zone provide 10% of the lift as affordable residential units.

Urban Design

As part of the Bonus zone, the revised submitted drawings, site concepts and renderings will be attached as Schedule 1 to the Zoning By-law amendment in order to facilitate the exact development as proposed. Staff are also recommending additional design considerations within the Bonus zone, to further refine the design and ensure any development meets the design policies of The London Plan and the council-approved *Masonville Secondary Plan.

Urban Design provided the following additional considerations as part of the Bonus Zone:

- Reduce the high-rise portion (above 8 stories) as a slender tower (maximum floor plate size of up to 1000 square meters within a 1.5:1 length: width ratio) in order to reduce any possible "slab-like" appearance, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces.
- Articulate the podium facades particularly on the east and west facades with recesses, projections, balconies and terraces, alternating brick tones, fenestration to provide depth and variation in the built form and to enhance the pedestrian environment and break up the massing.
- Reduce the blank wall facades on the west elevation ground level facing North Centre Road. Increase visual interest through the use of increased glazing, public wall art, or additional door access. Provide windows for clear sight lines facing North Centre Road from the section of abutting parking garage where the accessibility parking space is located.
- Provide a separate key access door to the bike storage room facing North Centre Rd for improved bicycle accessibility in and out of the building and improved streetscape activity.
- Connect this separate bike storage entrance to the public sidewalk.
- Utilize a decorative or public art wall feature and treatment to address the southwest corner and provide visual interest while breaking up the podium massing and establishing a sense of place through this unique feature.

The following site and building design criteria are to be addressed as part of the site plan submission:

- Explore ways to reduce the tower floor plate size that can further minimize the shadow impact on the 5th floor amenity space;
- Include active ground-floor uses such as the principal building entrance, lobbies, common amenity areas, and street oriented commercial/residential units,

oriented towards the public streets with direct access to the sidewalk along Fanshawe Park Road and North Centre Road in order to activate the street edge;
- The ground floor commercial units shall provide for a store-front design with primary entrances facing Fanshawe Park Road and the internal shopping centre. This should include a higher proportion of vision glass, signage, double doors, an increase in ground floor height, and the potential for canopies and lighting to frame the entrance include direct access from the commercial unit(s) fronting the street to the City sidewalk;
- Provide functional primary entrances (double doors) for the commercial units along both Fanshawe Park Road and North Centre Road with walkways connecting the entrances to the City Sidewalk;
- Ensure common outdoor amenity space and landscaping at ground level will include additional elements such as benches and landscaping;

Site Plan has also indicated that the lay-by shown on the proposed concept should be removed, and the area restored with enhanced landscaping and pedestrian connections to North Centre Road.

Special Provisions
To ensure the development concept as shown in the renderings and drawings is "locked-in", additional regulations have been added to the Bonus Zone:

- prohibition of commercial parking and accessory parking structures. This stand-alone use would not be permitted or encouraged within this area and based on the policies of the London Plan and the *Masonville Secondary Plan. Parking associated with the apartment buildings/commercial uses is still permitted;
- BDC commercial and office uses, limited to the first and second floor of the development;
- a front yard setback of 1.8 metres for floors 1-2, a 0 metre setback for floors 3-6, and a 4.5 metre setback for floors 7-22;
- an exterior side yard depth of 4.0 metres;
- a maximum lot coverage of 69%;
- a minimum landscape open space of 16%;
- a maximum gross floor area for commercial and office uses of 2110 square metres;
- and a minimum parking requirement of 320 spaces.

Overall, staff is satisfied the proposed public facilities, amenities, and design features is commensurate for the requested increase in height and density.

4.6 Issue and Consideration # 6 - Neighbourhood Concerns

The public's concerns generally dealt with the following matters:

- Traffic volume and safety
- Noise
- Air pollution
- Construction impacts
- Wind impacts
- Lack of privacy
- Blocked views
- Shadow impacts/loss of sunlight
- Intensity
- Lack of parking
- Precedent

A Virtual Open House/Community Information Meeting was held by the Applicant on July 6, 2022. In attendance at the virtual meeting were 7 members of the public, 3 members of the consulting team, 1 member of the ownership group, as well as City staff and the Ward Councillor. The following questions were raised at the meeting:

- What will happen to the current businesses in that portion of the plaza?
- Will there be electric vehicle charging stations and bicycle parking available?
- What is the timing of the development?
- What are the expected rents?
- Does the development have to be 22 storeys?
- What is planned for affordable housing?
- Will there be an additional traffic light at North Centre Road and Fanshawe?
- Will the noise assessment review other noise concerns (i.e. snow plow noise, lawn mowers, etc.)?

Although many issues have been raised by the residents, many of the concerns can be generally grouped under several key headings - Traffic Impacts and Parking, Privacy/Blocked Views, Shadow/Wind and Noise Impacts, and Precedent.

Comments related to height, form, density, intensity and incompatibility have been addressed in section 4.1-4.4. of this report. Additional Planning Impact Analysis has been provided under Appendix C of this report.

Traffic Impacts and Parking
Concerns were raised about the amount of traffic that would be generated by this development. Residents in the area are concerned about negative impacts on the neighbourhood in terms of increased traffic and safety.

As part of the complete application, a traffic impact study (TIA) was required by Transportation.

In consideration of the proposed parking the readily available public transit / accessibility to essential services, the proposed residential parking spaces should adequately accommodate the proposed residential units; parking supply will not change for the proposed commercial components of the development, as the difference in additional commercial square footage is nominal.

Residents were also concerned about the reduction in parking, and possible overflow parking on local streets as a result. The proposed parking reduction is minor (6 spaces overall as per the requirements of the zoning by-law). All parking is located within the building which will help to minimize surface parking issues and impacts on adjacent properties.

Privacy/Blocked Views
Members of the public expressed concerns about the height of the building leading to loss of privacy from people looking out their windows or using their terraces or balconies. Neighbours also expressed concerns with the new development blocking views for the existing apartments.

The proposed development situates the highest portion (22 storeys) as far from abutting properties as possible. In addition to the spatial separation, the overall floor plate of the 22-storey component is limited to approximately 1,000 square metre floor plate, which minimizes the overall impact of the tower on adjacent uses.

Shadow/Wind and Noise Impacts
A shadow study was submitted as part of the submitted application. The design of the building allows the shadows to move relatively quickly, traversing across existing development within approximately 1-3 hours. Below is an excerpt from the shadow study which shows the most significant shadow impact on adjacent developments to the west occurring in December at 9am. Otherwise shadow impacts will predominately affect the existing site.

Wind studies are typically only required in more intensive situations where wind effects will be felt due to the number of highrises within an area, such as in the downtown. In this instance no wind study was completed nor identified as necessary. It is important to note that the design of the building will also assist in minimizing wind issues. The use

of podiums at the building base reduces the apparent height and mass of the building on the pedestrian environment, allows sunlight to penetrate into the right-of-way and reduces wind impacts (292).

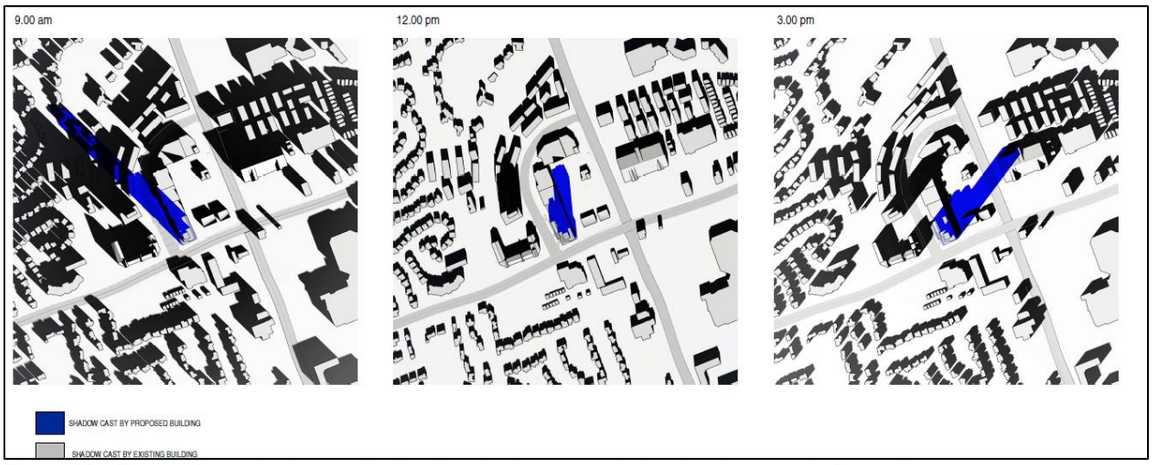


Figure 18 - Excerpt from shadow study showing shadows on existing development in December

The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties. Construction noise though is likely to impact the site during the time that the development is under construction, this will be a short-term inconvenience. A noise study was submitted as part of the complete application, to address the mitigation of impacts of road noise on the new development. Recommendations from this study will be implemented into the ultimate site plan.

Precedent
This application is located within the Transit Village Place Type, and the *Masonville Secondary Plan. Higher intensity of uses and mixed-use forms are anticipated and encouraged within these areas to support the City's goals of pedestrian oriented, walkable neighbourhoods, and transit-supportive developments. It is important to note though that each application will be reviewed on its own merits as individual applications are made.

4.7 Issue and Consideration # 7 – Parkland Dedication

Through the *Masonville Secondary Plan, the intent is to establish parkland within the plan area to support existing and future residents and complement the parks in the nearby area. As development occurs, the provision of new public parks and privately owned, public spaces (POPS) is identified as a priority. The provision of land for future public parks is prioritized over the collection of cash-in-lieu to establish locations for new open spaces within the Secondary Plan area (*3.7 Parks). A new park is required in the northwest quadrant of the plan area at the classification level of 'urban park' with a minimum size of 0.5ha.

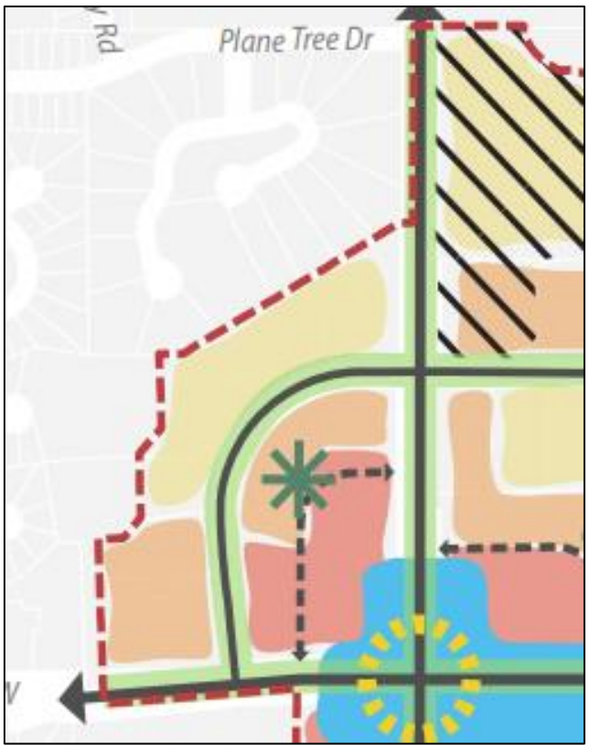


*Figure 19 - Excerpt from *Masonville Secondary Plan, showing location for urban park in northwest (green asterisk)*

The location for the proposed park is within an existing commercial development and would be difficult to obtain at this time. The City will be requesting that Cash in Lieu be provided through the Site Plan Approval process at this time. The future park as identified in the *Masonville Secondary Plan will be taken at the time of future phases of the redevelopment of the commercial lands.

Conclusion

The site is within a Transit Village, which is a place type that contemplates a well designed, high-density, mixed-use urban neighbourhood. The vision for this place type is for a complete community that allows for substantial commercial, office and residential uses which will support the current and future rapid transit system.

The proposed development and recommended amendments are consistent with the Provincial Policy Statement, 2020 and conform to *The London Plan* policies including but not limited to Key Directions, the City Structure Plan, growth frameworks, City Design policies, and the Transit Village Place Type. The proposal also meets the intent of the Council-approved *Masonville Secondary Plan. The recommended amendment is also in conformity with the 1989 Official Plan, including the policies related to Bonus Zoning. The recommended amendment will facilitate a form of development and intensification that is appropriate for the site and surrounding area.

Prepared by:	**Nancy Pasato, MCIP, RPP** **Senior Planner, Planning Implementation**
Reviewed by:	**Mike Corby, MCIP, RPP** **Manager, Planning Implementation**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers MPA, P. Eng.,** **Deputy City Manager, Planning and Economic Development**

Appendix A

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1737 Richmond Street.

WHEREAS Richmond Hyland Inc. c/o Westdell Development Corporation has applied to rezone an area of land located at 1737 Richmond Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1) Schedule “A” to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1737 Richmond Street, as shown on the attached map comprising part of Key Map No. A102, from an Associated Shopping Area Commercial Special Provision (ASA1(5)/ASA2(3)/ASA3(1)) Zone to a Business District Commercial Special Provision Bonus (BDC1(_)*B-(_)) Zone.

2) Section Number 4.3 of the General Provisions is amended by adding the following Special Provision:

4.3.4) B-(_) 1737 Richmond Street

The Bonus Zone shall be implemented through one or more agreements to facilitate a high-quality development comprised of a mixed-use apartment building with a maximum height of 22 storeys (80m), and a maximum density of 571 units per hectare, which generally implements the Site Plan, Renderings, Elevations and Views attached as Schedule “1” to the amending by-law, and will also implement the following outstanding design criteria:

1) Additional Building and Site Design Requirements

i) Reduce the high-rise portion (above 8 stories) as a slender tower (maximum floor plate size of up to 1000 square meters within a 1.5:1 length: width ratio) in order to reduce any possible "slab-like" appearance, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces.
ii) Articulate the podium facades particularly on the east and west facades with recesses, projections, balconies and terraces, alternating brick tones, fenestration to provide depth and variation in the built form and to enhance the pedestrian environment and break up the massing.
iii) Reduce the blank wall facades on the west elevation ground level facing North Centre Road. Increase visual interest through the use of increased glazing, public wall art, or additional door access. Provide windows for clear sight lines facing North Centre Road from the section of abutting parking garage where the accessibility parking space is located.
iv) Provide a separate key access door to the bike storage room facing North Centre Rd for improved bicycle accessibility in and out of the building and improved streetscape activity.
v) Connect this separate bike storage entrance to the public sidewalk.

vi) Utilize a decorative or public art wall feature and treatment to address the southwest corner and provide visual interest while breaking up the podium massing and establishing a sense of place through this unique feature.

2) Provision of Affordable Housing

i) A total of 22 units based on 10% of the “lift” of the number of units beyond 150 units per hectare (based on 297 total units) be dedicated to affordable rental housing in exchange for the granting of increased height and density. The mix of the dedicated affordable rental units should be reflective of the unit mix for the 22-storey apartment building.
ii) The affordable housing units should be evenly distributed throughout the individual buildings to the greatest extent possible.
iii) Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy.
iv) The duration of affordability set at 50 years from the point of initial occupancy.
v) The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations.

These conditions to be secured through an agreement registered on title with associated compliance requirements and remedies.

The following special regulations apply within the bonus zone:

a) Prohibited Uses:

i) Commercial parking lots and structures and accessory parking lots;

ii) Uses with drive-through facilities.

b) Regulations:

i)	All permitted commercial/office or community facility uses within the BDC 1 Zone, limited to the first and second floor of an apartment building.	
ii)	Height (Maximum)	22 storeys or 80m (315 ft) whichever is less
iii)	Density (Maximum)	571 units per hectare
iv)	Front Yard Depth (Minimum)	1.8 metres (3.3 feet) (floors 1-2) 0 metre setback (floors 3-6) 4.5 metre setback (14.8 feet) (floors 7-22)
v)	Exterior Side Yard Depth (Minimum)	4.0 metres (13.1 feet)
vi)	Lot Coverage (Maximum)	69%
vii)	Landscape Open Space (Minimum)	16%

viii)	Gross floor area for commercial/office (Minimum)	2110 square metres (9816.7 square feet)
ix)	Parking (Minimum)	320 spaces
x)	Balconies on Apartment Building Setback (Minimum)	0 metres

3) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provision:

BDC1( ) 1737 Richmond Street

a) Prohibited Uses:

i) Commercial parking lots and structures and accessory parking lots;

ii) Uses with drive-through facilities.

b) Regulations:

i) All permitted commercial/office or community facility uses within the BDC 1 Zone, limited to the first and second floor of an apartment building.

ii)	Front Yard Depth (Minimum)	1.0 metres (3.3 feet)
iii)	Height (Maximum)	the lesser of 45.0 metres, or 15 storeys
iv)	Density (Maximum)	150 units per hectare

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

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

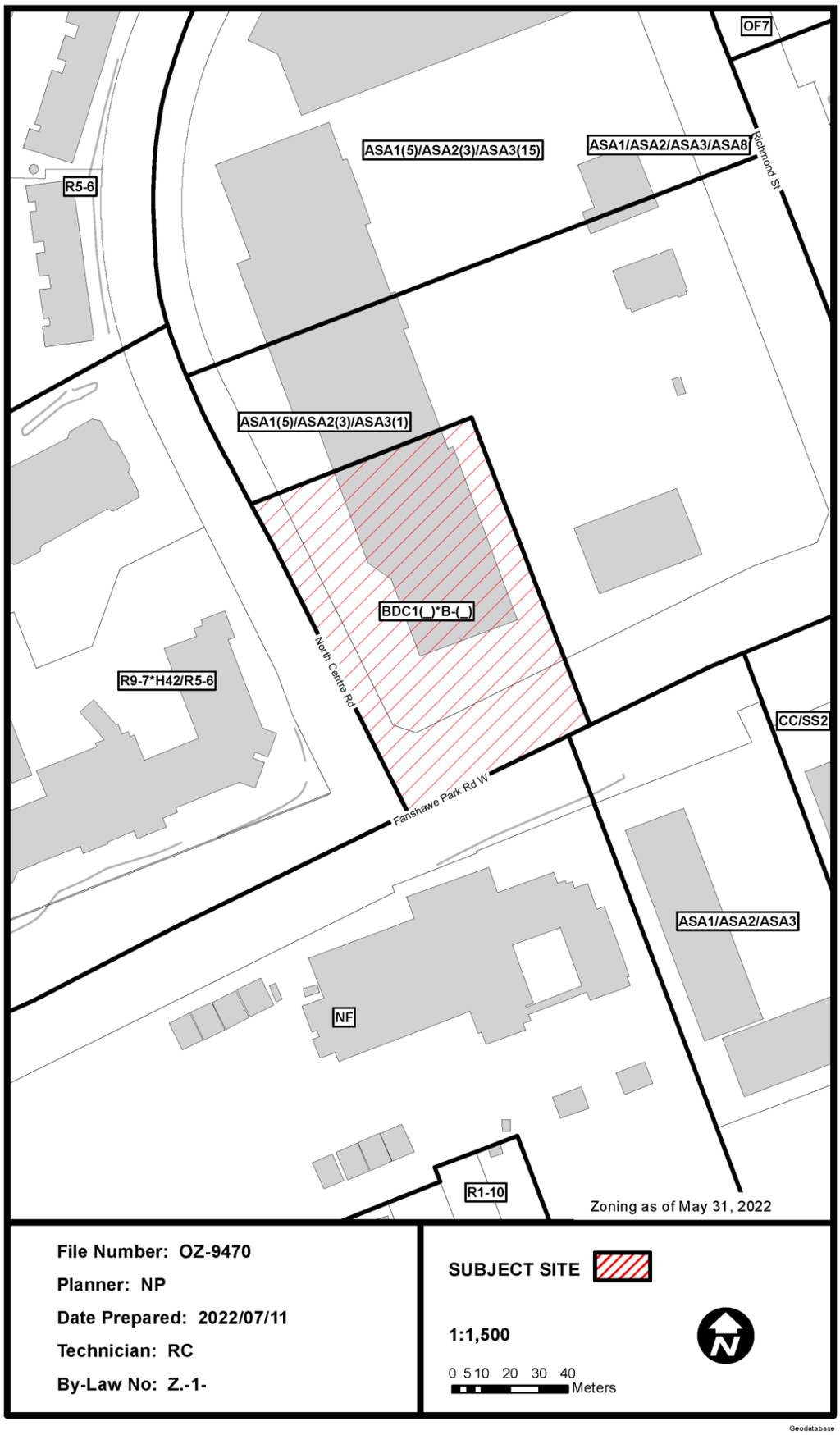
PASSED in Open Council on September 6, 2022.

Ed Holder
Mayor

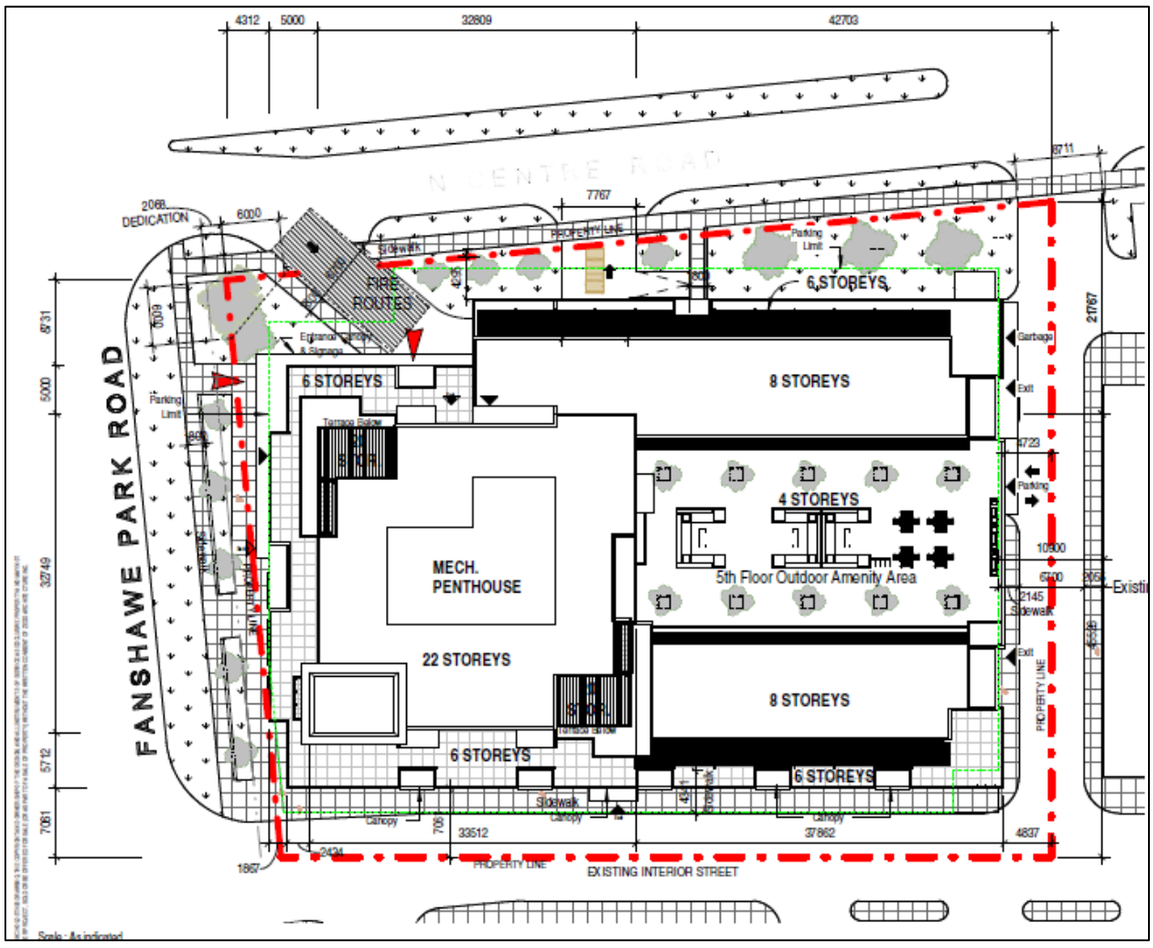
Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

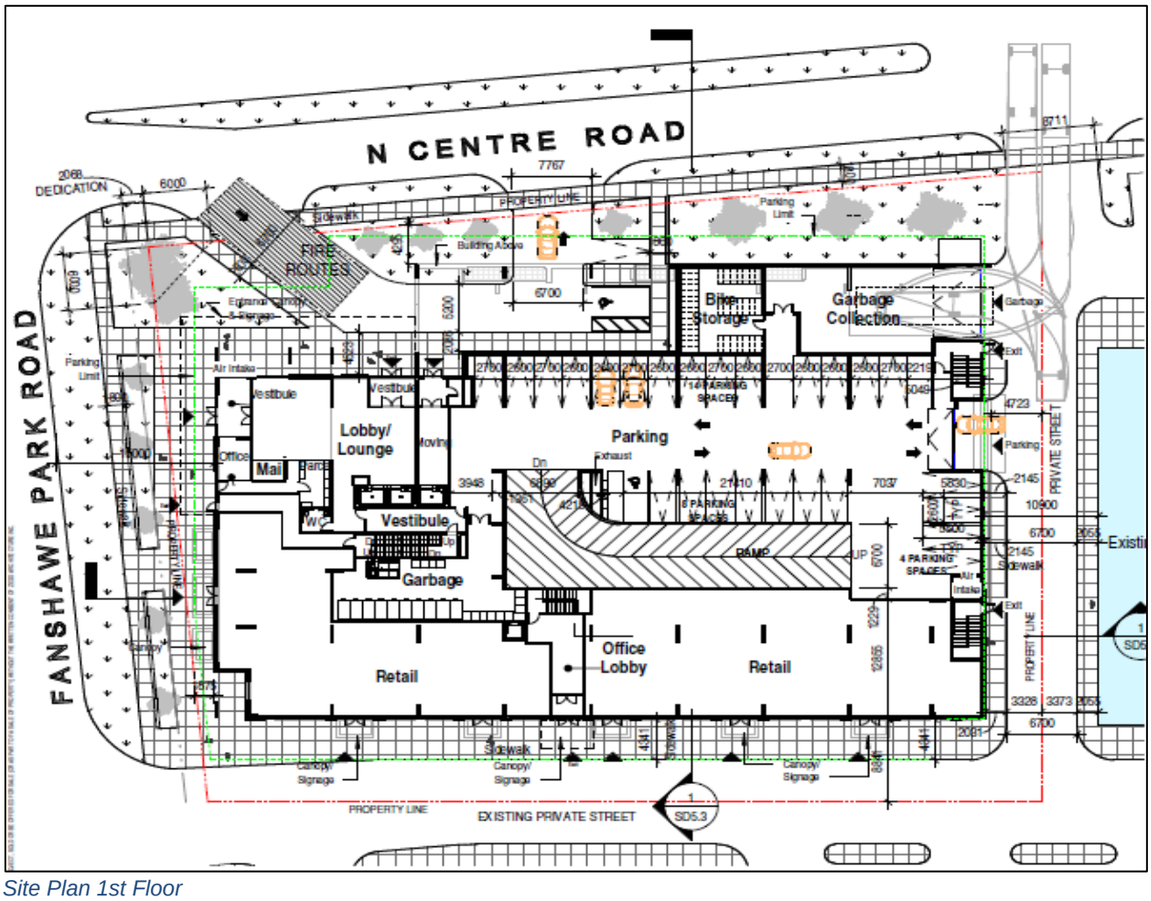
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



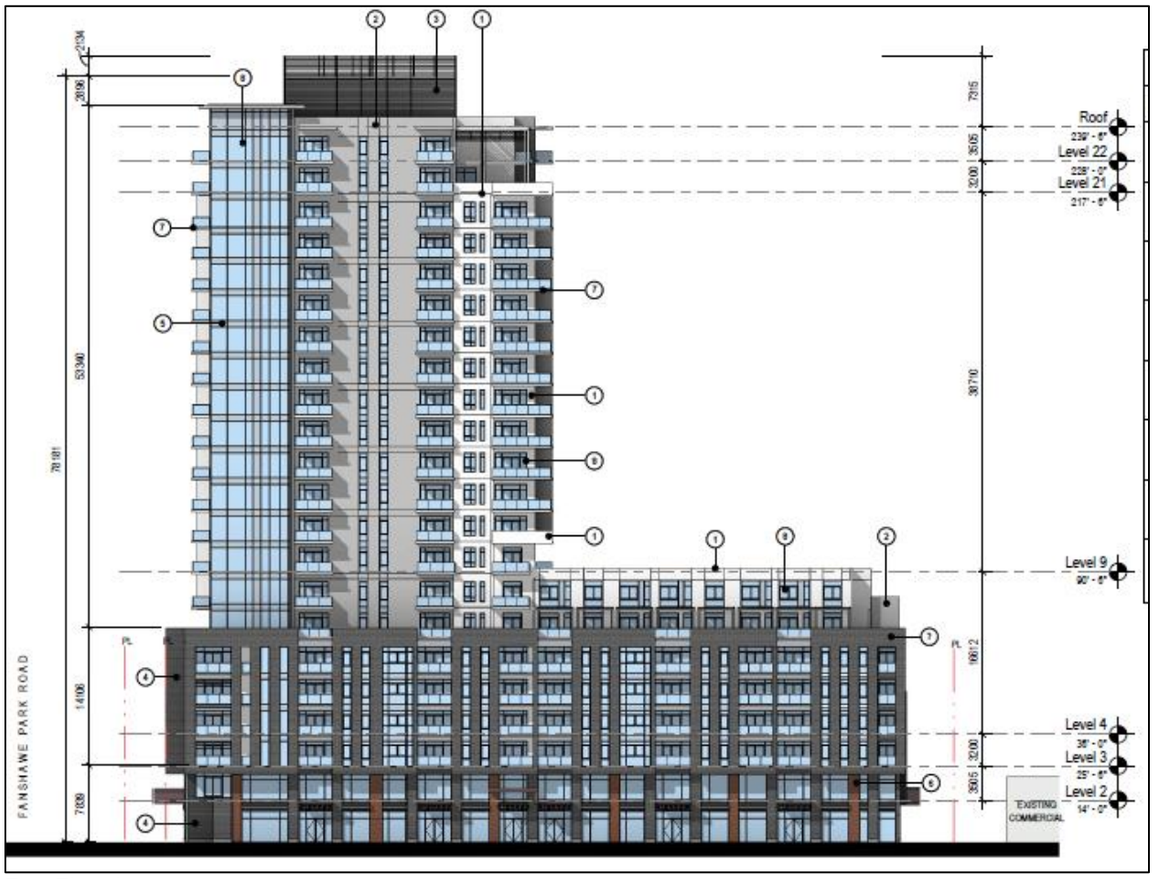
Schedule “1”



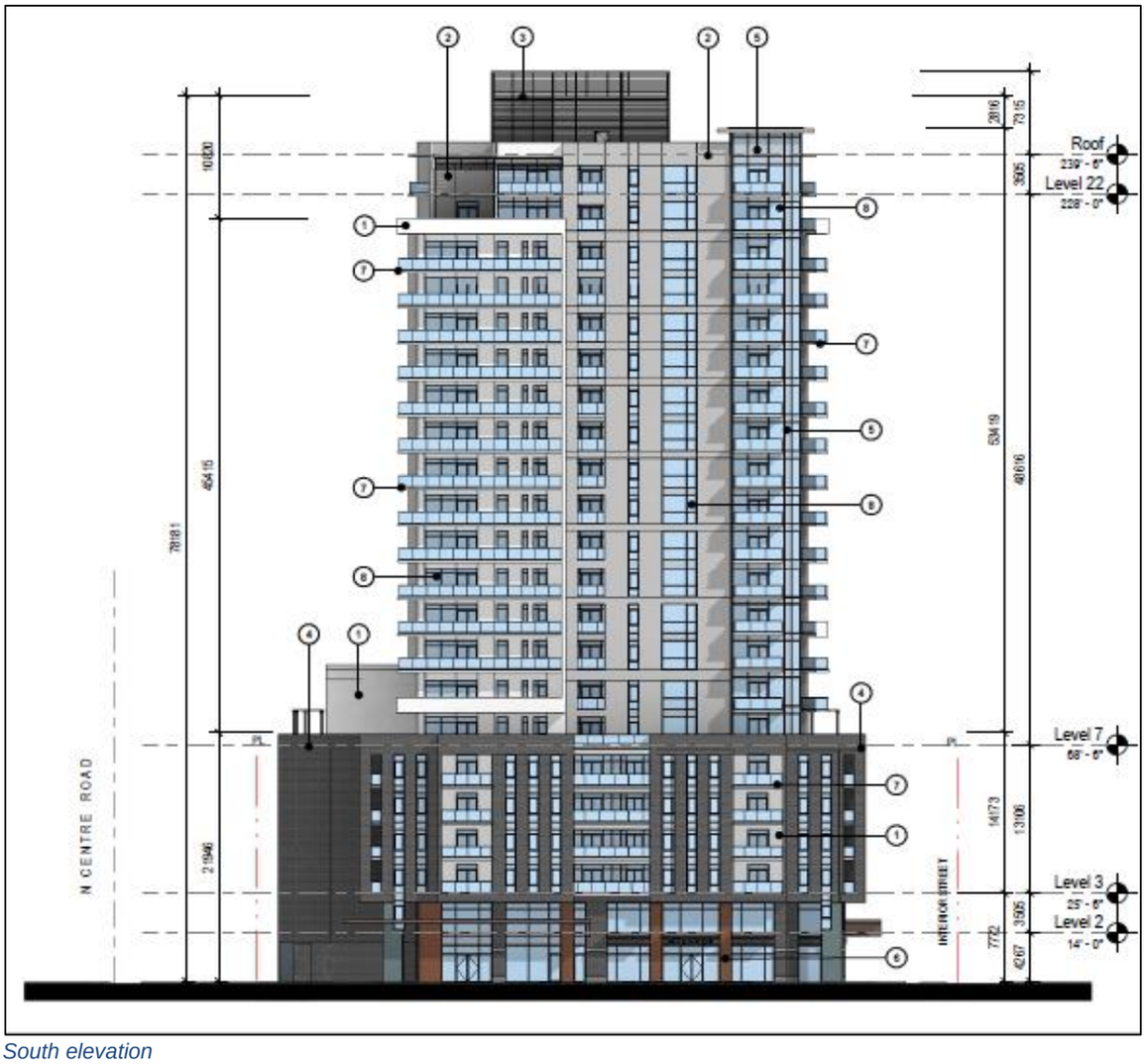
Site Plan



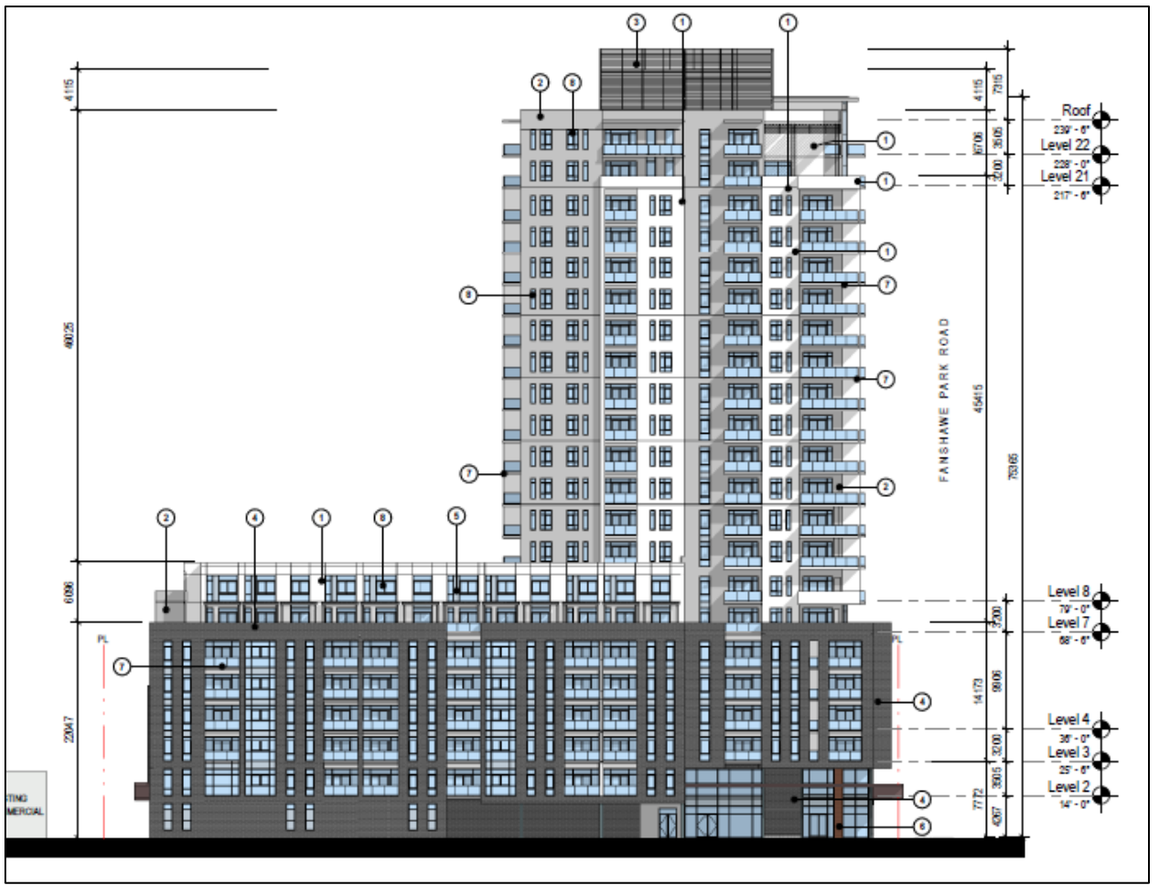
Site Plan 1st Floor



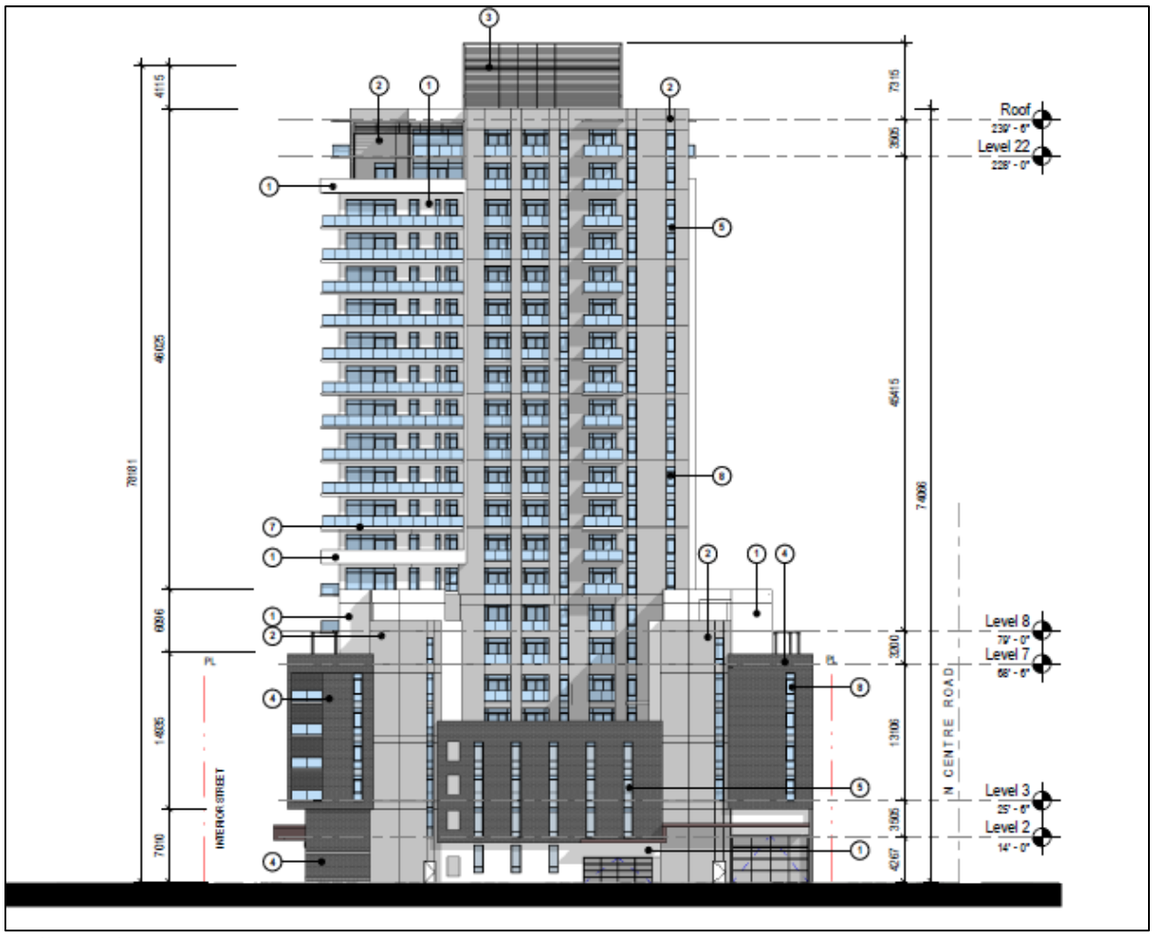
East Elevation



South elevation



West elevation



North elevation

Rendering - Southwest corner

Rendering - South view along Fanshawe Park Road

Rendering - Northeast Corner

Rendering - Southeast corner

Rendering - Northwest corner

Rendering - Fanshawe Park Road detail

Rendering – private drive east side view

Rendering - Southwest corner entrance view

Rendering - Northeast view

Rendering - Interior courtyard

Rendering - Interior courtyard looking north

Appendix B – Public Engagement

Community Engagement

Public liaison: On March 2, 2022, Notice of Application was sent to 125 property owners in the surrounding area. On April 1, 2022, Notice of Application was also sent to an expanded circulation area which included 156 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 3, 2022. A "Planning Application" sign was also posted on the site.

16 replies were received.

Nature of Liaison: 1737 Richmond Street – The purpose and effect of this Official Plan and zoning change is to permit a mixed-use (commercial/office and residential) apartment building with a height of 22 storeys and 226 residential units. Possible amendment to the 1989 Official Plan to **ADD** a Chapter 10 Specific Area Policy to permit a mixed-use (commercial/office and residential) apartment building with a height of 22 storeys and 226 residential units with Bonus Zoning. The intent is to align the 1989 Official Plan policies with The London Plan policies that will apply to the site. Possible change to Zoning By-law Z.-1 **FROM** an Associated Shopping Area Commercial Special Provision (ASA1(5)/ASA2(3)/ASA3(1) Zone **TO** a Business District Commercial Special Provision Bonus (BDC1( )*B-_) Zone. Permitted uses would include: animal hospitals; apartment buildings, with any or all of the other permitted uses on the first floor; bake shops; clinics; commercial recreation establishments; commercial parking structures and/or lots; day care centres; dry cleaning and laundry depots; duplicating shops; emergency care establishments; financial institutions; grocery stores; laboratories; laundromats; libraries; medical/dental offices; offices; personal service establishments; private clubs; restaurants; retail stores; service and repair establishments; studios; video rental establishments; lodging house class 2; cinemas; brewing on premises establishment; food store; animal clinic; convenience store; post office; convenience service establishments; bed and breakfast establishments; antique store; police stations; artisan workshop; craft brewery; hotels; taverns. The proposed special provisions would permit: all of the commercial and office uses on the first and second floor; a maximum height of 80m whereas 12m is the maximum; a maximum density of 485 units per hectare; and a reduced minimum parking of 234 spaces, whereas 353 parking spaces are required. The Bonus Zone would permit a maximum building height of 22 storeys (80m) and a maximum density of 485 units per hectare, 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 proposed facilities, services, and matters to support Bonus Zoning include enhanced urban design, roof-top amenity, and affordable housing. The City may also consider additional considerations such as a different base zone, the use of holding provisions, and/or additional special provisions.

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

Concern for:

- Traffic volume and safety
- Noise
- Air pollution
- Construction impacts
- Wind impacts
- Lack of privacy
- Blocked views
- Shadow impacts/loss of sunlight
- Intensity
- Lack of parking
- Precedent

A Virtual Open House/Community Information Meeting was held by the Applicant on July 6, 2022. In attendance at the virtual meeting were 7 members of the public, 3 members of the consulting team, 1 member of the ownership group, as well as City staff and the Ward Councillor. The following questions were raised at the meeting:

- What will happen to the current businesses in that portion of the plaza?
- Will there be electric vehicle charging stations and bicycle parking available?
- What is the timing of the development?
- What are the expected rents?
- Does the development have to be 22 storeys?
- What is planned for affordable housing?
- Will there be an additional traffic light at North Centre Road and Fanshawe?
- Will the noise assessment review other noise concerns (i.e. snow plow noise, lawn mowers, etc.)?

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
	Arthur Mustard-Thompson 27 Northcrest Drive
	Ray and Ann Dayes 707-300 North Center Road
	Agnes Mickelson 1101-300 North Centre Road
	Bill Phillips 802- 300 North Centre Road
	Rev. Carol A. Goodine and Gerald C Goodine 1102-300 North Centre Road
	Mary-Fay Green 1103-300 North Centre Road
	Caroline Nicolle 270 North Centre Rd, Unit 20
	John Noel Yeoman 1204-300 North Centre Road
	Ted & Lois Wilbee 608-300 North Centre Rd.
	Ross and Cathy Burgar 205-300 North Centre Road
	Sharron Durst 910-300 North Centre Rd
	Will Evanson 32-270 North Centre Road
	Michelle Stanescu
	Marilyn Regan
	Rob Croft
	Paula Wild

	Madonna McAdam 8-140 McGarrell Dr
	Janice Craik
	Piper Kearney

Arthur Mustard-Thompson
27 Northcrest Drive

I am contacting you regarding the proposed tower at 1737 Richmond Street. My main concern with this development is that the overall design does not fit with the surrounding neighbourhoods. I would like to see a more pedestrian-oriented development, with a series of street-facing, 3-5 storey townhouses along North Centre Road and Fanshawe that use warm-coloured brick and stone to create a more welcoming environment. What I have in mind is similar to what Drewlo is building at 667 Talbot Street, also known as Talbot Terrace. I have included a photo of this development below. I appreciate how the architects of this tower used warm-coloured brick townhouses/apartments positioned close to the sidewalk to create a building and streetscape that is more walkable and to 'human-scale.'

Ray and Ann Dayes
707-300 North Center Road

My husband and I live in the Tricar building at 300 North Center Road. We are all very upset here to think of a 22 storey building being planned so near to our building.

We trust that saner folks will prevail and get these plans changed. What is so wrong with what is there now?

Agnes Mickelson
1101-300 North Centre Road

I have resided in the Chantry Building at 300 North Centre Road for the past 18 years and it was with interest that I read the recent information that residents here received in their mail boxes on March 4th about the above proposed planning application. I didn't receive a copy of the details and the proposed images in my mailbox, and it was through borrowing a neighbour's copy that I was able to read its contents. My understanding is that a number of residents in this building did not receive a copy last Friday so there are others who probably still don't know about it.

My apartment building is across the street from the proposed site, and my unit is on the 11th floor at the front of the building facing directly east and is directly above the front entrance door so my large windows overlook North Centre Road and face Richmond, offering a good clear view of the area under consideration. Also clearly observed every day, particularly in afternoons and evenings, is the heavy traffic approaching Fanshawe and Richmond, from north, south, east and west, and I can see the number of vehicles that often are coming from Richmond north, turn right to use this section of North Centre Road in front of my building for a shortcut access to Fanshawe west, thereby avoiding the congestion at the Richmond and Fanshawe intersection.

The majority of residents in my building are retired seniors. Everyone living in the ten apartments here on the 11th floor are in their 70's or 80's and I am in my 84th year. A lot of us still drive, and we have been aware of the increased heavy traffic in this area, the extra precautions required as we exit onto North Centre Road, as cars are often coming around the corner on our street, racing toward Fanshawe Park Road. Many seniors here like to go out for walks for their daily exercise, and need to cross the street - something that is often risky with the busy traffic here.

It is therefore disturbing to know that an application is underway which if approved will add more density and traffic congestion in our area. By building a 22 storey tower with 226 residential units in a commercial/office and residential complex across the street from Masonville Manor and the Chantry building, it will bring added frustrations and problems for those retired and senior people living here.

Even though the illustrations of the proposal show that lower sections of 5 and 8 storeys will be included in the complex, it still has that towering giant coming up from it. And with that comes the increased density and congestion, and much heavier traffic, plus noise at night. The construction period would have its own frustrations and interruptions, heavy construction machinery noise, increased air pollution, all contributing to a negative effect on our quality of life here. Those of us who react with allergies to air pollution are not looking forward to problems with breathing. Increased air pollution due to changing wind and its direction is also an issue with towering buildings.

Although I have enjoyed living in this Chantry building for these 18 years and still do, If I was searching for a new apartment at this time, and was made aware of the proposal being considered across the street, I would not consider moving to 300 North Centre Road.

Surely there are better areas with less congestion in north London that could be more suitable for this type of building complex.

Bill Phillips
802- 300 North Centre Road

I feel that this application is not good, the corner of Fanshawe and Richmond street is one of the busiest in the city. The plan for a 22 storey building is going to be a problem for the tenants in the Tricar building I live in it will block our view which is not much but better than looking a a concrete wall. It will also block the sun and sunrises. A year or so

the city refused Tricar a permit to build at the North east corner of Richmond street and North centre road because it blocked the sun getting to Richmond woods building. Where the building getting the 234 parking spots I hope it's under ground the parking lot at Hyland plaza is busy since Westdell built the4 or 5 extra buildings that have just been put up in the last year or so. Also what does the 234 cars do to the traffic grind lock at our corner, big problems.

Rev. Carol A. Goodine BA, MA, MDiv (retired)
Gerald C Goodine BSc, BEd, Dip.Th & Min, MA(Ed) MA(Counselling) (retired)
1102-300 North Centre Road

It was a shock to receive the Notice of Planning Application in our mailbox earlier this month and realize the scope and magnitude of the development planned. It has taken the past few weeks for us to reflect on this proposal in order to craft a response that was not grounded in the initial feelings of grief and sadness and anger that the liveable neighborhood we have come to call home for the majority of the last 18 years could be coming to an end.

We understand there is a demand for housing as the City of London continues to grow but we question why the character of an existing neighborhood that people have chosen to live in should be disrupted to this degree. Why would such a change in an existing neighbourhood be necessary when other new areas of high density are being constructed in the City already?

Lack of Privacy and other negative impacts
When we looked online at the proposed development of a building with 22 stories, the first impact we identified was the decrease in privacy as the building is so much higher and closer than one would expect.

As well, due to the close proximity of the building to The Chantry and the fact that our apartment faces directly on that area of the proposed development it would be greatly impacted by shade of the new building. This would directly result not just in less sunlight but also less warmth in the winter from ambient sunlight. It would also result in higher heating costs.

There would, of course, be the impact of additional noise and pollution in the construction phase and beyond. For those with asthma and other respiratory conditions this would certainly be a detriment. We should note that when the two smaller buildings were being constructed over the last while the amount of dirt that was blown on to our balcony was such that we had to keep our door shut and had to wash the heavy dirt and mud off frequently. I have no idea how much this would increase with a much larger construction project but it would be substantial.

Traffic Congestion and Safety
We read a significant part of the traffic report in the development plan. We particularly noted that the parking garage would be exiting on to North Centre Road at the same juncture as the exit from not only The Chantry building but also Masonville Manor. Although the report seems to suggest that the traffic increase would be negligible I would beg to differ. This would definitely decrease the walkability of those who on a regular basis cross the road at this point with their walkers and canes and sometimes wheelchairs.

The traffic on North Centre Road West is at times very heavy with cars passing through on a regular basis from Richmond to Fanshawe Park Road West. The pass throughs travel at an increased speed already and with the addition of the other proposed building on the corner of Richmond and North Centre Road East this is sure to increase the level of traffic. I do not see any mention of this increase of traffic in addition to the proposed development traffic. However, planning is definitely needed.

The increase in traffic leaves us with questions. Will there be a new traffic light on to Fanshawe Park Road West from North Centre Road West? Will there be a left turn light from North Centre Road West to Richmond Street? Will there be speed bumps?? Will there be a cross walk on North Centre so seniors from The Chantry and Masonville Manor can cross in safety. Will North Centre Road West snow clearing be upgraded to what it was prior to five years ago or will it remain an ongoing issue.

Liveability and Neighborhood Change
When I returned to university after raising my family in the late 1980s I was privileged to attend a political science course given by urban planner Dr. Donald Higgins who wrote a seminal book on urban planning. I wonder what he would think of this move to intensification with the creation of concrete jungles. There are so many assumptions being made that people will take the bus, will no longer drive, do not want homes for their children, will be content to live in high rises. That a few trees constitute enough green space. The amenities which are proposed in this plan may be fine for those living in that building, although we are not convinced of this. However, how this building impacts the built architecture already in place and the liveability of those who have chosen this area of London to live, remains to be seen.

With this proposed development plan, I would challenge the premise that London is a senior friendly city. For the seniors who live in The Chantry, and there are such a number that I understand it has been designated a congregate living place for the purpose of the Health Unit, this development in its current formulation will not make London more liveable or walkable or accessible. In fact, accessibility for the most vulnerable of the seniors who live at The Chantry or Masonville Manor will be diminished if not taken away altogether. Other areas of the city have three or four storied buildings such as those on Adelaide Street North. Why has the developer proposed 22 stories for this building? And, just as importantly, is this the first of three or four more buildings on this Hyland lot?

Conclusion
We have lived in rural towns and large cities in several provinces in central and eastern Canada. We are used to change and development. Change and development needs to be predicated not just on the wishes and plans of the developer, nor the plans of city planners, nor on those who will live here in the future, but also on those who already live in this time and place. I presume that is why there is public input. We would ask that modifications be made to the current plan so that the privacy, traffic and liveability concerns are addressed. That the accessibility of seniors living in this area be addressed.

Caroline Nicolle
270 North Centre Rd, Unit 20

Would you be able to provide more information on who the target age demographic would be for the 226 residential units within the new development at 1737 Richmond St? Would it be for anyone or specifically for students or old-age residents?

If it is for anyone, including young families, I do have a concern. Masonville elementary public school which is the school for that zone is already at capacity and would not be able to accommodate a huge influx of new students. I do believe elementary schools in the surrounding area are also at capacity so there would not be the option of bussing students elsewhere.

I would also have concerns if the plan was for these new units to target student accommodation. If this is the case many of these units would likely become rental units. Local residents do not want an influx of students here and most of us are home owners which could mean our properties lose value if there is a large proportion of student rentals in the area.

This is a very busy area as it is and my opinion would be that it should remain as a commercial zone without the additional residential zoning.

John Noel Yeoman
1204-300 North Centre Road

I have perused all 10 PDF documents supporting this application and the long term development of the Hyland Plaza which has to be understood in conjunction with the application.

I would like to see the following considered for inclusion in the planning stages

1. Very liberal allocation of "assigned parking spaces with electric vehicle charging circuitry" . Possibly with a premium parking space rental fee.

2. NO LEFT TURN at North Centre Road and Fanshawe Park West. With signage at Richmond Street and North Centre Road warning of the restriction.

3. Decreasing the building height to 18 stories??

It is inevitable that this application will be granted possibly with some minor alterations and I support the application in principal.

Ted & Lois Wilbee
608-300 North Centre Rd.

Concerning the 22 storey apartment building being considered on the corner of North Centre Rd & Richmond Street, we are totally in disagreement with this plan.

We are entirely against this project because of the increased traffic and decreased visibility from our apartment in the Chantry apartment building.

Please quash this plan.

Mary-Fay Green
1103-300 North Centre Road

I live at 300 North Centre Road and am extremely upset to think you would allow a 22 storey building containing 226 residential units and only have 234 parking spaces for those occupying the units.

The traffic on North Centre Road is busy, and from Richmond St. North onto North Centre Road a lot of vehicles coming south on Richmond take a trip down North Centre Road and then go onto Fanshawe Park Road West. Masonville Manor is right there on the corner of North Centre and Fanshawe, our building, The Chantry is considered a seniors residence...we all like to get out and walk, with heavy traffic and how slow the walkers move and with wheelchairs and walkers and canes....we do not need any more traffic.

Our view of the city will certainly be curbed and our sunshine from the east as well, this is not good at all.

We are a part of Tornado Alley...and a 22 storey building would be a prime target, regardless of how well it is built. The dirt from the building on the north-west corner of Richmond and Fanshawe caused us to have a whole summer of nothing but dirt and dust and made it very uncomfortable to sit out on our balconies.

Where do you think the people coming from Sunningdale Road to supposedly catch a bus downtown are going to park? Masonville Mall is private and for customers and Hyland has very few open parking spots now...with a huge building full of tenants that want guests to visit....this simply and completely does not work.

A four storey ...total four not four above parking...would be much superior and fitting for the neighbourhood.

Please listen to the people that live in this area and call it their home, we simply do not want a huge apartment building.

You want a rapid transit ....Richmond is 4 lanes wide...not wide enough...so simply forget the idea.

This email is concerning the proposed 22 story apartment bldg at the corner of North Centre Rd and Fanshawe Park RD, which is a totally ridiculous height for that already extremely busy corner. Along with a proposed five story parking, bldg there is no place for traffic to emerge onto Fanshawe, unless you allow right turns only.

North Centre RD is already busy with the 12 story apartment bldg, Masonville Retirement Home and the crescent of condominiums adjacent to the proposed building and leading on to this road up to Fanshawe Park.

The proposed high rise apartment building at the corner of Richmond and North Centre Rd was turned down by city council for the same reasons and there is much more space there for such a large scale residential apartment and the lot still sits empty.

Please request that council turn down this proposal or at least have the plans modified considerably.

Michelle Stanescu

A neighbour just informed me of the 1737 Richmond Street ‘Notice of Planning Application’.

From the document, I see that the application information was distributed to my Ward 7 neighbours. Online, there looks to be only ONE notice submitted to the community (only Ward 7) on March 2, 2022.

I have not personally received any notice of this application in my mailbox OR via email. I am signed up for Councillor Maureen Cassidy newsletter. I live in Ward 5. With the development approx. 650 meters from my home, I believe a notice should also be distributed to all Ward 5 recipients -- as we will be directly impacted by this development.

I would like to know if a notice will be distributed to my Ward 5 neighbours. And if so, when. Additionally, will there be a second deadline for Ward 5 community members to submit comments, concerns, and/or feedback on the development proposal. I am sure several of my neighbours would like to be part of this development conversation.

Paula Wild

We are a retired couple living at 300 North Centre Road which is across North Centre Road from the proposed property named in the Zoning By- law Amendments.

The existing area of Richmond Street and Fanshawe Road is extremely busy and congested with traffic now and adding the proposed tall apartment building in this area will only add to the congestion.

A lot of elderly people live in our building who enjoy walking daily on our street, as well as the elderly people living in the Assisted Living Home on the corner. They are very cautious when walking because of the amount of traffic up and down our street to avoid Calmity Corners. Adding another high rise building in this area will only add to an already existing safety issue.

There is so much undeveloped land up Richmond Street North that would be much better suited for highrise buildings and new shopping areas.

We strongly disagree to these Amendments as I am sure most residents of the entire North Centre Road community will agree.

Ross and Cathy Burgar
205-300 North Centre Road

We OBJECT to this proposed plan for the following reasons:

- Adverse effect on the residential amenity of neighbours.
- Unreasonable high density / over-development of the property.
- Too much traffic already in this neighbourhood. This apartment tower would create even more congestion.
- Noise and disturbance from increased traffic.
- Safety concerns due to increased traffic. There are two retirement homes situated on North Centre Road. One is right across the street from this proposed tower. A number of elderly people, many using walkers, are pedestrians here.
- The Hyland Plaza just completed an expansion resulting in increased traffic and a reduction to parking. This tower would greatly increase the problem.

We are seniors who walk to and from local retail. We also walk for fresh air and exercise. We invite you both to come walk with us to see how busy the traffic is already in this neighbourhood.

Rob Croft
With regards to Planning Application OZ-9470:
I am not a resident that will be directly impacted by this application, but I am opposed to a super tall building on this site and believe it should be no more than 10 storeys. Here is a chance to implement sound planning practices for the good of Masonville's long term future.

1) Page 38 of The Masonville Secondary Plan (5.3) talks about "new development will be designed to provide transitions in building height and massing". The proposed 22 storey building together with the 8 storey block is hardly a step-down in height from the existing buildings, especially the 3 storey seniors' apartments at Masonville Manor and the newly constructed 2 storey commercial building right across from the proposed building. The footprint also appears to leave very little room for vehicular traffic between the existing commercial buildings and the entrance/exit of the parking lot. The 15 storey building at 300 North Centre Road is a good example of poor planning decisions, being right next to 2 storey condos. The same mistake must not be made.

2) The application is not considering the many seniors living right across the road who will have views cut off and will be overshadowed by an 80 meter behemoth.

3) The artist's rendering showing the building height is very deceiving, making it appear to fit in with the surrounding area. It appears to be drawn out of scale with the 3 storey seniors residence shown in the southwest corner view. On the south view looking

north, the people and cars are completely out of scale with the building. Using the car as scale, the building height in the rendering is about half of the proposed 80 meters! This deception could make city staff and the public more accepting of the size of the project.

4) Buildings of this height should be saved for the downtown core where human scale, mass and height transitioning is not as critical. If this application is approved as is, the concern is a precedent will be set for more non-compatible developments in the Masonville area.

Sharron Durst
910-300 North Centre Rd

As a resident of 300 North Centre Rd I am registering my objection to Westdell's proposed building at 1737 Richmond St. Such a building would negatively impact my quality of life. It would impair my view of the neighbourhood & create more traffic in the area, & create disruption with noise & dust & debris of construction.

Will Evanson
32-270 North Centre Road

My apologies for not submitting these comments earlier. I thought I'd share my 2-cents anyways. I hope you will consider my input below.
Progress and improvements are important to the city and our economy, but not at the expense of quality-of-life for nearby residents. In particular the dear seniors living directly across the street from the proposed monstrosity. We are the ones that have to live through the disturbance, dust, and noise of construction, and the loss of view and sunshine in our immediate area.
Developers will always propose the absolute maximum they can get away with, just to see if there's push-back. Over 20 storeys seems like overkill to me (and other residents I've spoken to as well). That size of building will obliterate the view of many residents in the area and blot-out their morning sun entirely. I assume there will be an impact study done for the loss of view and sunshine for residents?

Wind dynamics will change drastically in the immediate area. The condo that's already there (Chantry Place) causes intensified ground-level winds down the street already. It actually can cause loss of breath on very windy days as the wind speed increases by several km/hour due to the building's effect on air flow physics. This effect will be significantly increased if the proposed building is constructed.

Improvements to the area (e.g. pedestrian crossings are dangerous right now) are more than welcome, but within reason. Honestly when I first looked at the building renderings in the mailed document, my first thought was, "Wow, that's obscene!" If it gets built, it'll set a precedent for size, and eventually everyone along North Centre Rd. will have an obscured, sun-blocked view with intensified traffic and poor pedestrian safety at all crossings.

Madonna McAdam
8-140 McGarrell Dr

I was away on vacation and just read this Notice. I am very concerned as I purchased my home on McGarrell Dr in 2009 for the view I overlook the city as my condo is on the ridge at approximately 4 -5 stories above North Centre Rd. If this apartment is built it will block my view substantially. I will be facing a wall of apartments. My property value will greatly decrease with this new complex. I am sure we won't have control to stop the building of the apartment but hopefully we can control the height of the building.

This area is already so busy with traffic. It will be an intersection that I will avoid due to congestion.
I would like to know how many feet from Fanshawe Park Rd will the apartment building end? Will it be before Best Buy?
Are there already plans to complete a 2nd apartment building where Best Buy is now located?
I wish to be notified of any updates concerning this Notice.

Ross and Cathy Burgar
205-300 North Centre Road,

We received your invitation to attend the Virtual Open House regarding development of 1737 Richmond Street. We certainly are interested and would attend, but we will be away on vacation at that time, and even though the meeting will be virtual, the timing just will not work.
We do wish to make comments though.
In March when we first received notification of this application we did send emails to Nancy Pasato at the City of London, and also London Councillor Josh Morgan stating our objections.
I will repeat them here:

We OBJECT to this proposed plan for the following reasons:
- Adverse effect on the residential amenity of neighbours.
- Unreasonable high density / over-development of the property.
- Too much traffic already in this neighbourhood. This apartment tower would create even more congestion.
- Noise and disturbance from increased traffic.
- Safety concerns due to increased traffic. There are two retirement homes situated on North Centre Road. One (Masonville Manor) is directly across the street from this proposed tower. A number of elderly people, many using walkers, are pedestrians here.
- The Hyland Plaza just completed an expansion that has created more traffic and a reduction to parking space. This tower would only increase these problems.

We are seniors who walk to and from local retail. We also walk for fresh air and exercise. Simona, we invite you to come and join us on a walk soon so that you can see for yourself the concerns that we have.

Thanks for the opportunity to comment.

Janice Craik

Thank you for providing the link to the detailed planning application for 1737 Richmond Street during the online meeting July 4, 2022. The following are my comments and questions.

Personal Perspective
I am in favour of the City of London’s general plan for urban infill development. I am considering the specific proposal by Westdell at the Hyland Centre as a neighbour, and as a potential home for myself, family or friends. Currently, I live at 300 North Centre Road in Tricar’s The Chantry apartment building.

Height
The shadow study diagrams of the proposed building do not clearly convey the impact on The Chantry. Residents’ concerns are that the Westdell building will block the sun/sunrise and the horizon view.

Can Westdell/Zedd Architecture create clearer images or a simple animation showing views of the sun/horizon at 6:00 am to noon in March, June and December, from the

perspective of an apartment at The Chantry, perhaps from the 6th floor? The impact might not be as negative as it currently seems.

The current view from The Chantry of the rooftops at Hyland Centre is not attractive. A comparison of the current view and a potential view with the buildings and an urban park, perhaps from the 3rd and 9th floors of The Chantry, might alleviate some concerns.

Will Westdell present renderings of a 15-storey building for comparison to the 22-storey building if the bonus zoning is not granted? A narrower, taller 'tower' might be preferred if the two options can be visualized.
Contextual Note: Tricar's renderings of a proposed 18-storey residential building at 230 North Centre Road was not as appealing as their proposed 22-storey building. The 18-storey building had a larger footprint, less landscaping, and greater visual blockage.

Traffic
Increased traffic from the proposed development at Westdell's Hyland Centre raises concerns about safety and noise.

The site plan indicates a new internal east-west road, which will also provide access to the parking entrance for the proposed apartment building. As well, there is a driveway near the main entrance of the apartment building. Thus, there will be 3 road openings at the southwesterly corner on North Centre Road (NCR) near Fanshawe Park Road (FPR).

It seems obvious that the driveway will be one-way, with only right turns entering from FPR to NCR to the apartment's main entrance, and exiting onto NCR.
Will egress from the east-west internal road permit both left and right turns?
Where is the internal road opening in relation to the median and to the shared driveway to Masonville Manor and The Chantry?
Since an additional traffic light is not feasible, is a crosswalk on NCR at the internal east-west road a possibility?
What strategies will be used to make the east-west internal road between buildings a safe, pleasant route for pedestrians, cyclists? (e.g., lighting, landscaping, cameras, bollards, curb cuts, prioritized snow removal, etc.)

The Master Plan Development Concept includes a Green Development Statement with "Aims to reduce auto dependence", and under Parking Facilities notes that "if the public Transit Service becomes more robust…some phases would have no or very minimal parking for autos".
What are Westdell's strategies to contribute to this vision?
Will pedestrian/cycling routes have easy access to public transit?
Will the pedestrian/cycling routes be the first priority for snow removal?
How will scooters be accommodated?
Will sufficient rapid charging stations be available for all types of electric vehicles (scooters, bikes, vehicles) for both residents and customers?
Will Westdell consider partnering with a vehicle share program to provide convenient access to an auto or bike which will reduce the number of parking spaces?

Noise
The noise assessment by Acoustics Ltd. seemed to measure only vehicular noise.
Will further studies be done and will they include anticipated development on North Centre Road and Masonville Place?
Will the assessment include other foreseeable noise sources impacting Westdell's residents and neighbours (e.g., generators, air conditioning units, garbage collection, service vehicles, landscaping and snow removal - especially from gas-powered two-stroke equipment with high decibel and pollution, etc.)

Urban Park
It is not clear if there will be an urban park or if there will be cash in lieu.
When and how will this be decided?

If there is an urban park, will it be owned/maintained by the City of London or by Westdell?
Will a community garden be an option?
Residents at The Chantry, and likely other neighbouring residents, will very much appreciate a nearby park. It could compensate for the proposed 'towers'.

Affordable Housing
Westdell must meet significant criteria to be granted bonus zoning to allow 22 stories instead of 15 stories. The additional height accommodates 66 bonus units. However, only 7 units will be designated for affordable housing.
Eighty-five percent of the average market rent may not be affordable for those most in need. This could be a situation where cash in lieu is more applicable than allocating a few units. London's Housing Development Corporation might more effectively provide affordable housing if Westdell and other developers contribute the 15% subsidy each year for 50 years. (~$10,000/year/apartment building?)

Next Steps
It is understood that as the planning process progresses, there will be ongoing consultations, especially regarding affordable housing, an urban park, transportation, and sanitary sewer and storm water capacity, in conjunction with simultaneous development at Masonville Place. Will this information be public, and if so, where will it be posted?

Will Westdell provide more opportunities for public consultations as they further refine the building plans?

Is August 22, 2022 confirmed as the date for the public meeting regarding this proposal?

Please let me know if any of my comments or questions should be redirected.

Thank you for your consideration.

Community Information Meeting – July 4, 2022 – attended by 12 residents, Consultants (3), Applicant (1), City staff (1) and Ward Councillor (1)
***see Section 4.6 of report for overview of comments**

Additional comments:

Ross and Cathy Burgar
205-300 North Centre Road,
London, ON N6G 5H2

We received your invitation to attend the Virtual Open House regarding development of 1737 Richmond Street. We certainly are interested and would attend, but we will be away on vacation at that time, and even though the meeting will be virtual, the timing just will not work.
We do wish to make comments though.
In March when we first received notification of this application we did send emails to Nancy Pasato at the City of London, and also London Councillor Josh Morgan stating our objections.
I will repeat them here:

We OBJECT to this proposed plan for the following reasons:
- Adverse effect on the residential amenity of neighbours.
- Unreasonable high density / over-development of the property.
- Too much traffic already in this neighbourhood. This apartment tower would create even more congestion.
- Noise and disturbance from increased traffic.

- Safety concerns due to increased traffic. There are two retirement homes situated on North Centre Road. One (Masonville Manor) is directly across the street from this proposed tower. A number of elderly people, many using walkers, are pedestrians here.
- The Hyland Plaza just completed an expansion that has created more traffic and a reduction to parking space. This tower would only increase these problems.

We are seniors who walk to and from local retail. We also walk for fresh air and exercise. Simona, we invite you to come and join us on a walk soon so that you can see for yourself the concerns that we have.

Thanks for the opportunity to comment.

Agency/Departmental Comments

Housing Development Corporation (August 3, 2022)
Background:
Housing Development Corporation, London (HDC) was engaged to work with Richmond Hyland Inc. c/o Westdell Development Corporation (the "Proponent") and their consultant (STRIK BALDINELLI MONIZ or "sbm") to provide a fair recommendation to the Director, City of London Development Services in response to an Official Plan and Zoning By-law Amendment application (OZ-9470) for height and density "bonusing" in exchange for the provision of affordable housing. The Official Plan and Zoning By-law Amendment application (revised July 27th, 2022) would provide for the development of a 22-storey mixed-use building containing 276 residential units and 2107 square metres of commercial floor space.

RECOMMENDATION:
It is the recommendation of the HDC that the following elements constitute the affordable housing bonus zone:
1. 10% of the "lifted" units (as defined by the City of London) be dedicated to affordable rental housing in exchange for the granting of increased height and density. To the greatest extent possible, the mix of the dedicated affordable rental units should be reflective of the unit mix for the 22-storey apartment building;

2. "Affordability" for the purpose of an agreement be defined as rent not exceeding 80% of the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR) for units where:
i. AMR is defined at the applicable (one-bedroom, two-bedroom, three-bedroom, etc.) rate for the London Census Metropolitan Area by CMHC at the time of building occupancy;
ii. the identified units will be mixed throughout and not otherwise identifiable within the building; and
iii. Rents for the affordable rental housing units shall only be increased to the allowable maximum, once per 12-month period in accordance with the *Residential Tenancy Act* or any successor legislation but not to exceed 80% of the CMHC AMR.

3. The duration of the affordability period be set at 50 years calculated from initial occupancy of each unit and for each month thereafter that the unit is occupied. At the conclusion of the agreement period, any sitting tenants within associated affordable units shall retain security of tenure and rental rates until the end of their tenancy. The rights of tenancy and affordability in the dedicated units shall not be allowed to be assigned or sublet during or after the agreement.

4. The Proponent be required to enter a Tenant Placement Agreement (TPA) with the City of London. This action aligns the affordable rental housing units with priority populations vetted and referred to the Proponent or their agent by the City. The owner retains final tenant selection in accordance with the *Residential Tenancy Act,* subject to the established eligibility and compliance requirements.

5. These conditions be secured through an agreement registered on title with associated compliance requirements and remedies. This recommendation ensures the retained value of each affordable rental housing unit within the Bonus Zone for the 50-year affordability period. Compliance will be monitored in a similar fashion as is conducted with other agreements and shall include conditions related to default and remedy.

Rationale for Affordable Housing Bonus:
Guiding Policy: Housing affordability is recognized as one of the City's principle planning challenges. The City's new London Plan states that planning activities will provide for a mixture of dwelling types and integrated mixtures of housing affordability.
Location and Application Considerations: The subject lands are on located on the west side of Richmond Street, north of Fanshawe Park Road West. The subject lands are proximate to a broad range of residential, commercial, office, retail and institutional uses. The Richmond Street corridor includes the Masonville transit hub and transit supportive infrastructure (transit stops bus shelters, sidewalks and pedestrian crosswalks, streetlights).
Alignment to Need: The locational attributes of the site align with factors used by HDC to advance affordable
rental housing. The recommendations align with housing needs and priorities defined within the *Housing Stability for All Plan* and CMHC analytics related to vacancy rates and rental rates.

Conclusion:
The *Planning Act* provides municipalities the ability to advance public facilities, services or matters in exchange for additional height and density above existing zoning permissions. The ability to utilize this important tool as a mechanism to advance affordable rental housing aligns with a critical need in London.
This recommendation recognizes Council's expressed interest to seek *"…options for implementing and coordinating [planning] tools to be most effective…"* to *"…promote the development of affordable housing in London"* (4.4/12/PEC, July 25, 2018).

Ecology (March 17, 2022)
This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major issues identified
- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

Ecology – complete application requirements
- None.

Notes
- None.

Parks Panning – March 30, 2022

Parks Planning and Design staff have reviewed the submitted notice of application and offer the following comments:
- The proposed development is within the Council approved Masonville Secondary Plan.
- The Secondary Plan identifies a need for parkland within this development parcel.
- PP&D Section would be interested in discussing opportunities, with the landowner, to incorporate parkland into this property that supports the intent of the Secondary Plan and Transit Village policies of the London Plan (and as required by Planning Act and City of London By-law CP-9).

- The balance of required Parkland Dedication will be taken in the form of Cash in Lieu as per Bylaw CP-9

Parks Planning – additional comments (June 1, 2022)
The City will be requesting that Cash in Lieu be provided. Cash in lieu will be finalized through the site plan approval process. The future park as identified in the Masonville Secondary Plan will be taken at the time of the future phases of the redevelopment of the commercial lands.

London Hydro (March 7, 2022)

This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. Note: Transformation lead times are minimum 16weeks. Contact the Engineering Dept. to confirm requirements & availability.

Urban Design (March 28, 2022)
The design of the site should implement the following features as part of the bonus zone as demonstrated in the submitted plans, elevations and renderings.

- A built form located along the Fanshawe Park Road and internal private street that establishes a built edge with primary building entrance, street oriented commercial units and active ground floor uses along those frontages.
- An active above-ground podium floors with street oriented residential units along Fanshawe Park Road, North Centre Road and partially along internal private street.
- An appropriately massed building with a 5 storey podium and built form above that transition from high-rise(22-storeys) to 8-storey mid-rise and also locating higher built form at the intersection of Fanshawe Park Road and North Centre Road.
- A step-back and terracing of minimum 5m above the 5th storey for the building along all street frontages and at the intersections providing a human-scale along the street(s).
- A building with high-rise (above 8 stories) as slender towers (maximum floor plate size of up to 1000 square meters within a 1.5:1 length: width ratio) in order to reduce "slab-like" appearance of the towers, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces. Consider 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.
- A building with a mid-rise portion(8 stories or less) to the rear portion away from the Fanshawe Park Road to reduce the visual mass along North Centre Road as well as internal streets.
- Articulated facades including recesses, projections, balconies and terraces to provide depth and variation in the built form to enhance the pedestrian environment.
- A variety of materials, textures and articulation along building façade(s) to highlight different architectural elements and provide interest and human-scale rhythm along the street frontages.
- Common outdoor amenity space using rooftop terraces(Level 6)adjacent to internal amenity spaces.
- Locates majority of the parking integrated in the building and away from the street.

As this application contemplates a bonus zone, please include the following revisions and improvements consistent with the previous staff and panel comments:

- Please provide a detailed response to the Urban Design Peer Review Panel that explains how the Panel comments have been addressed.
- Include a minimum 1-2m setback from the Fanshawe Park Road frontage in order to avoid the requirement for encroachment agreements for building elements such as canopies, balconies, opening of doors, etc. Consider the incorporation of patio or forecourt space that spills out into the setback to further activate the space and provide an amenity for tenant businesses.
- Active building façade should be directed to public streets as a priority.
- Active uses with principal entrances and commercial units along Fanshawe Park Road are acknowledged.
- Design the North Centre Road façade/interface should with active uses such as amenity areas, residential units etc. at grade with direct access from the public street as opposed to the grade level parking proposed along that frontage to animate the street and support pedestrian and residential character along North Centre Road.
- Internalize the drop-off areas with additional residential units in order to activate that street edge and create a more enclosing streetwall.
- Relocate the mail room and administrative offices proposed along North Centre Road to be internal and extend lobby or amenity spaces along that street frontage for activation of the pedestrian realm.
- Back of house, service, garage and loading areas are to be accessed from internal streets / drive aisles, incorporated internal to the building as much as possible and screened from view.
- Relocate the location of service road to better manage vehicular circulations and avoid additional curb cuts off North Centre Road.
- Integrate and locate the garbage collection internal to the building as opposed to along North Centre Road.
- Provide for a more urban streetscape treatment with landscaping and trees (large planter beds with edge curb) along FPR.
- Amenity spaces provided as roof top amenity areas are acknowledged. Utilize fifth storey rooftop areas along North Centre Road to provide additional greenspace and/or amenity space on site.
- Parking for the high-rise development should be provided mainly underground, or where that is not possible, located in the podium and wrapped with active uses along street frontages. Also provide a treatment which allows for windows and views into the building’s interior areas disguising the parking garage where active uses are not envisaged especially along internal streets. Please note that exceptional urban design must be provided for the bonus zone development.
- The active uses such as residential units wrapping the above ground structured parking along FPR and North Center Road are acknowledged. Similar treatment should be proposed on all walls of the above ground parking structure which are visible from public realm.
- The attempt to provide an interesting architectural treatment for podium parking screen is acknowledged; however, more information regarding this treatment is required. Incorporate opportunities to further investigate and integrate the above ground/mezzanine parking screen to blend with the proposed design than stand out.
- Include the following additional design guidelines/criteria as an appendix to bonus zone to be met in addition to the bonus zone features as demonstrated in the submitted plans, elevations and renderings.
    - Include a minimum 1-2m setback from the Fanshawe Park Road frontage in order to avoid the requirement for encroachment agreements for building elements such as canopies, balconies, opening of doors, etc. Consider the incorporation of patio or forecourt space that spills out into the setback to further activate the space and provide an amenity for tenant businesses.
    - Active building façade should be directed to public streets as a priority.

        - Design the North Centre Road façade/interface should with active uses such as amenity areas, residential units etc. at grade with direct access from the public street as opposed to the grade level parking proposed along that frontage to animate the street and support pedestrian and residential character along North Centre Road.
    - Back of house, service, garage and loading areas are to be accessed from internal streets / drive aisles, incorporated internal to the building as much as possible and screened from view.
    - Provide for a more urban streetscape treatment with landscaping and trees (large planter beds with edge curb) along Fanshawe Park Road.
    - Parking for the high-rise development should be provided mainly underground, or where that is not possible, located in the podium and wrapped with active uses along street frontages. Also provide a treatment which allows for windows and views into the building's interior areas disguising the parking garage where active uses are not envisaged especially along internal streets and visible from the public realm.

Urban Design – additional comments (July 28, 2022)
Outstanding urban design comments for bonus zoning:

- Reduce the high-rise portion (above 8 stories) as slender towers (maximum floor plate size of up to 1000 square meters within a 1.5:1 length: width ratio) in order to reduce any possible "slab-like" appearance, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces [MSP 6.2, v]. Explore ways to reduce the tower floor plate size that can further minimize the shadow impact on the 5th floor amenity space.
- Explore ways to articulate the podium facades particularly on the east and west facades with recesses, projections, balconies and terraces, alternating brick tones, fenestration to provide depth and variation in the built form to enhance the pedestrian environment and break up the massing.
- Explore ways to reduce the blank wall facades on the west elevation ground level facing North Centre Rd. Increase visual interest through the use of increase glazing, public wall art, additional door access, etc. Provide windows for clear sight lines facing North Centre Ave from the section of abutting parking garage where the accessibility parking space is located.
- Provide a separate key access door to the bike storage room facing North Centre Rd for improved bicycle accessibility in and out of the building and improved streetscape activity.
- Connect this separate bike storage entrance to the public sidewalk;
- Utilize a decorative or public art wall feature and treatment to address the southwest corner and provide visual interest while breaking up the podium massing and establishing a sense of place through this unique feature.

Additional site and building design criteria, not shown on the proposed renderings, will also be addressed as part of the site plan submission:

    - Include active ground-floor uses such as the principal building entrance, lobbies, common amenity areas, and street oriented commercial/residential units, oriented towards the public streets with direct access to the sidewalk along Fanshawe Park Road and North Centre Road in order to activate the street edge.
    - For the ground floor commercial units, provide for a store-front design with primary entrances facing Fanshawe Park Road and the internal shopping centre. This should include a higher proportion of vision glass, signage, double doors, an increase in ground floor height, and the potential for canopies and lighting to frame the entrance include

direct access from the commercial unit(s) fronting the street to the City sidewalk.
    - Provide functional primary entrances (double doors) for the commercial units along both Fanshawe Park Road and North Centre Road with walkways connecting the entrances to the City Sidewalk.
    - Ensure common outdoor amenity space and landscaping at ground level will include additional elements such as benches and potted plants.

Engineering (April 5, 2022)
The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned Zoning By-Law Amendment:

Sanitary
- When SBM substituted the population of 369 into the design sheet to replace the 603, it appears that they didn't put the north half of block 1 back into their design sheet.
  SBM also did not consider the newer area plan and design sheet dated 2008 from Whitney Engineering (attached pdf) which includes the 29.6l/s we are now taking from Arva.
  Sewer Engineering has considered both these things and while the 450mm sanitary on Richmond gets a bit more full and closer to its capacity, this development can still be accommodated.
  Sewer Engineering asks SBM add the north half of block 1 back into their analysis, and that the flow shown from the attached 2008 pdf and revised populations within each block in this pdf be substituted as the flows that are contributing from Richmond St. into manhole 100 at the intersection of Richmond and Fanshawe.
- SBM should revise their sanitary servicing report to reflect and include the overall build out plan as submitted by SBM for the entire Hyland Plaza, noting that there is limited capacity in the 200mm sanitary sewer on Richmond St. at this time. Servicing assumptions and outlets for the future buildings on this site should be addressed as part of this sanitary servicing report so that SED has one comprehensive report to review.

Transportation (April 1, 2022)
I have completed the review and it is recommended to follow the recommendations outlined in the study. There are no further comments at this time.

Water (March 10, 2022)
The applicant has to confirm if the municipal water main on the North Center Rd is adequate for the new development or not as a part of the site plan application.

Engineering – additional comments (July 11, 2022)
I've reviewed the revised submission. I see that the 5 storey podiums around the main 22 storey building have increased to 8 storeys, adding about 1l/s of peak flow from the site. However, I have no concerns with the revised report.

As this block develops SED asks that SBM revises this report for each additional proposed future buildings.

Site Plan (April 5, 2022)
- Dimension the sidewalk widths around the proposed building
- Provide a site plan, similar to SD1.1, clearly showing what is parking (dimensioned), fire routes and signage, all access points
- The sidewalk coming off of North Centre is to be minimum 1.8 metres

- Remove the proposed parallel-parking within the parking structure. These do not function well.

Additional comments will be provided under separate cover.

Site Plan (August 10, 2022)
As per Transportation preliminary comments, the lay-by is to be removed and that area restored with enhanced landscaping and pedestrian connections to North Centre Road.

Landscape Architecture (April 5, 2022)

The City's Landscape Architect has reviewed the Tree Preservation Plan and the Tree Assessment Report for 1737 Richmond St and has no concerns with regards to the completeness and accuracy of the assessment. The following comments are consistent with the Official Plan, applicable by-laws and specifications.

- As identified in the Tree Assessment Report, the applicant must contact Forestry Operations regarding the removal of 6 City of London Boulevard trees. Forestry Operations is the City Department that oversees and enforces the City's Boulevard Tree Protection Bylaw. All trees located on City of London Boulevards (including their root zones) are protected from any activities which may cause damage to them or cause them to be removed. To request the removal of a city tree or to obtain consent to cause injury to a a boulevard tree, contact Forestry Dispatcher at trees@london.ca .
- Thirteen on-site trees are proposed for removal. No endangered species were identified. All are below 50cm dbh and do not require a Tree Removal Permit.
- No boundary trees were identified

Appendix C – Planning Impact Analysis and Evaluation of Our Tools

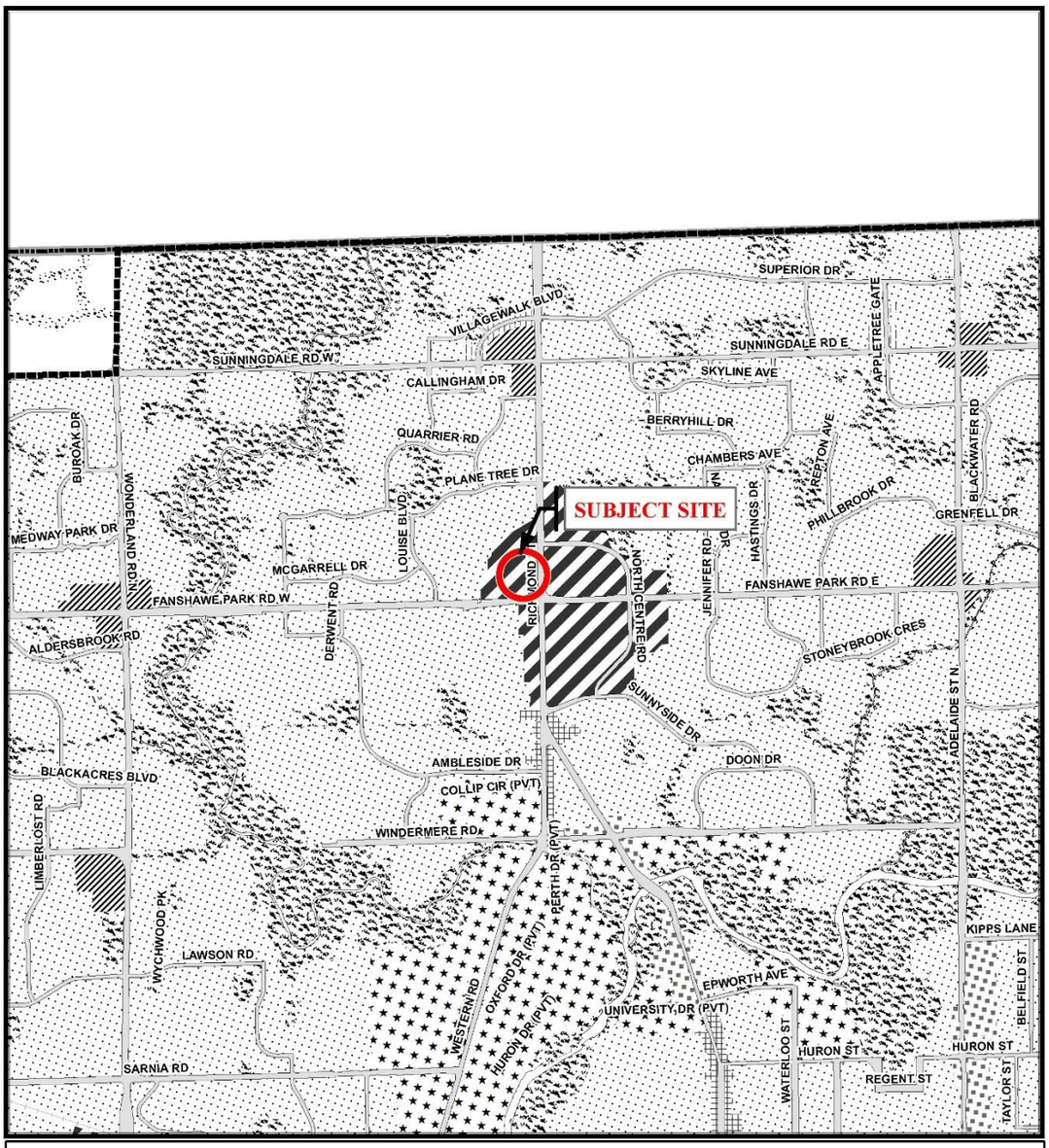
Planning Impact Analysis (3.7) and Evaluation of Our Tools Planning and Development Applications (1578)

Criteria	Response
3.7.a) Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The proposed land use is contemplated in the current designation and place type. The site is in a location with convenient access to services, shopping and public transit. The proposed development and recommended regulations result in a compatible form to existing and future land uses. The site is not directly adjacent to any low-rise residential uses.
b) The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	The site is of an adequate size and shape to accommodate higher densities and the mix of uses proposed. Special provisions are recommended to ensure any future development and design (such as landscape open space and coverage) can be accommodated fully on site.
c) The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	The Transit Village Place Type in this location is characterized by a variety of existing large scale commercial uses. The intent of the Transit Village Place Type is to intensify areas, such as large parking areas associated with the commercial developments, and provide alternative forms of development, such as mixed-use apartment buildings. These surface parking lots can facilitate redevelopment and intensification. The subject site is a good opportunity to accommodate additional population in a location within close proximity to existing and future transit.
d) 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 in fairly close proximity to open space (Uplands Trail) opportunities and parks (Virginia Park, Plane Tree Park). There are existing transit services available close by at Masonville Mall. Community facilities such as libraries (Masonville Branch) are also available in fairly close proximity (along North Centre Road).
e) The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 – Housing;	Affordable housing is a need identified City-wide, and any bonusing of development on the site should provide for affordable housing units within the parameters provided by the HDC.
f) The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses; 1578_6) g) privacy 1578_6) h) shadowing	The greatest height is located along the frontage of Fanshawe Park Road. There are no low-rise residential uses directly adjacent to this development. Low rise residential is located approximately 100m away from the site. Impacts such as shadowing, visual impact and privacy

1578_6) i) visual impact 1578_7) f) height 1578_7) g) density 1578_7) h) massing 1578_7) i) scale 1578_7) j) placement of buildings 1578_7) k) setback and step-back 1578_7) l) relationship to adjacent buildings	therefore will be minimized. The ultimate use of building podiums and stepbacks will provide for a compatible transition to the existing neighbourhood, and minimizes the visual impact, shadow impacts and overall massing and scale.
g) 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; 1578_6) m) natural heritage features and areas 1578_6) k) trees and canopy cover 1578_6) n) natural resources 1578_7) p) landscaping and trees	The existing site is a developed commercial plaza with no natural heritage features or substantial tree canopy. A landscape plan will be required through site plan to provide screening, buffering, green space and plantings.
h) The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties; 1578_6) a) traffic and access management 1578_7) q) coordination of access points and connections	Vehicular access is proposed from an existing internal driveway accessed from Fanshawe Park Road which also services the existing commercial development. A new private laneway/access is proposed from North Centre Road and will provide the main access point for vehicles into the proposed development. A Transportation Impact Assessment (TIA) was provided as part of the application submission. Transportation Planning and Design staff are satisfied with the access arrangement and the conclusions of the TIA. Easements and access will further be refined at the site plan approval stage.
i) The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area; 1578_7) c) neighbourhood character 1578_7) d) streetscape character 1578_7) e) street wall 1578_7) m) proposed architectural attributes such as windows, doors and rooflines	The proposed development provides a large setback (over 100m) from existing low-rise residential uses to the west. The height and scale of the development is focused along the Fanshawe and east interior frontage which will help to minimize impacts. The existing neighbourhood character is comprised of low rise commercial developments, a mid-rise seniors home to the west, and a high-rise apartment building to the west. The proposed first floor commercial units accessed from Fanshawe and the interior private drive, will provide for active uses along the street, add to the streetscape character and provide a street wall to assist with the pedestrian environment. Additional architectural considerations will be added to the Bonus Zone for urban

	design and will be further refined through site plan.
j) The potential impact of the development on surrounding natural features and heritage resources; 1578_6) l) cultural heritage resources 1578_7) o) relationship to cultural heritage resources on the site and adjacent to it	The site does not contain any heritage significance and is not abutting or adjacent to any properties with heritage significance.
k) 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; 1578_6) b) Noise 1578_6) d) emissions generated by the use such as odour, dust or other airborne emissions	The site is located on a major road which has potential noise impacts for future residents. A noise study was required as part of the complete application, and mitigation measures will be implemented into the ultimate development agreement. No other environmental constraints have been identified.
l) Compliance of the proposed development with the provisions of the City's *Official Plan (1989)*, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; 1578_6) e) lighting 1578_6) f) garbage generated by the use	The proposed development is generally in compliance with the 1989 Official Plan and the policies within the London Plan. An amendment to the Zoning by-law is required to facilitate the use and intensity. The development will also be required to comply with the requirements of the City's Site Plan Control By-law. There are garbage storage facilities within the ground floor of the building. Detailed functional aspects of lighting and garbage would be addressed as part of standard site plan review.
m) 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;	Additional regulations proposed by staff will improve and enhance the design and mitigate certain visual impacts and shadowing.
3.7) n) Impacts of the proposed change on the transportation system, including transit 1578_6) c) Parking on streets or adjacent properties	The intensification of the site is within an identified location for growth within an identified Transit Village. The proposed intensification on this site will support and benefit from the transit system. Parking is proposed on site within 2 levels of underground, and 4 levels above ground, that will provide adequate parking spaces to cater to personal vehicle trips and storage.

Appendix D – Relevant Background



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 -

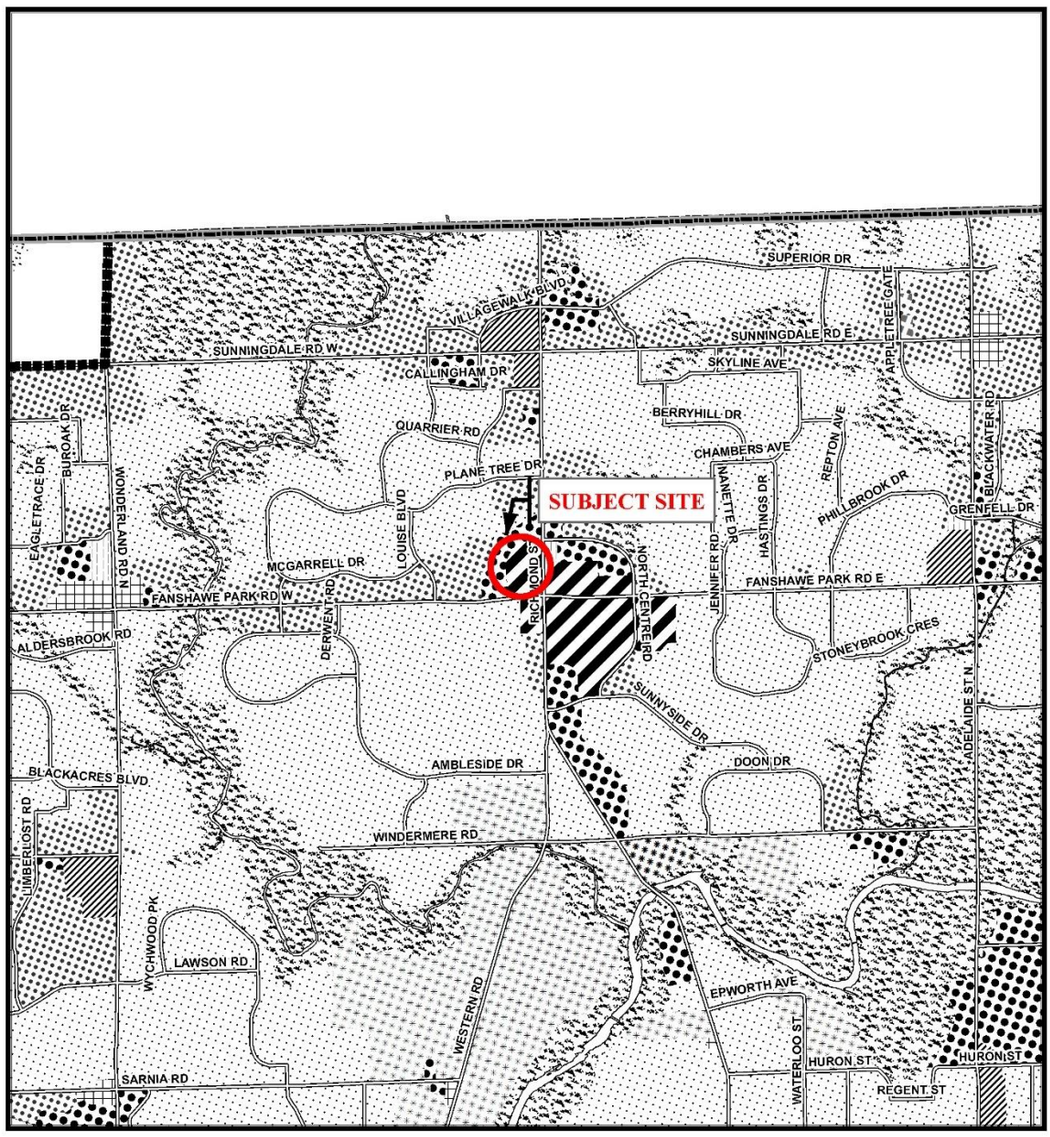
PREPARED BY: Planning Services

Scale 1:30,000

0 150 300 600 900 1,200 1,500
Meters

File Number:	OZ-9470
Planner:	NP
Technician:	RC
Date:	May 20, 2022

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\OZ-9470-Map1-PlaceTypes.mxd



Legend

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

CITY OF LONDON

Planning Services / Development Services

OFFICIAL PLAN SCHEDULE A - LANDUSE -

PREPARED BY: Graphics and Information Services

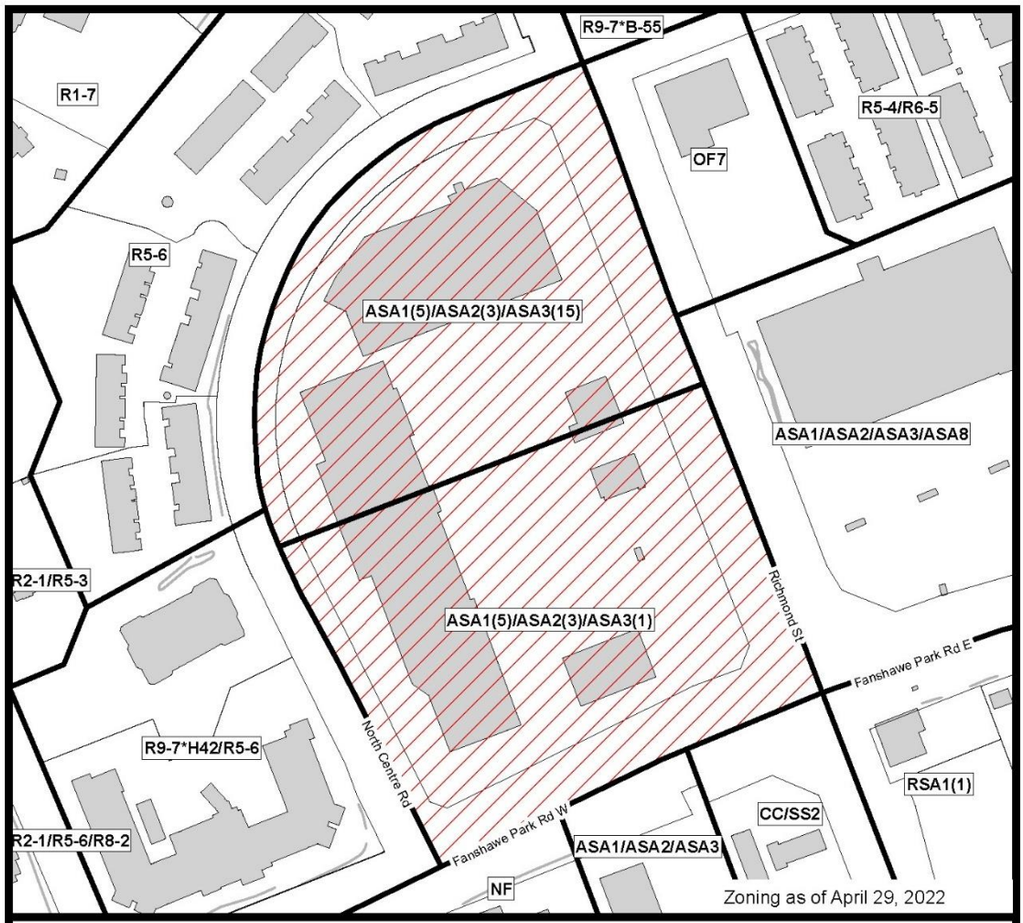
Scale 1:30,000

0 165 315 630 930 1,260 1,560

Meters

FILE NUMBER:	OZ-9470
PLANNER:	NP
TECHNICIAN:	RC
DATE:	2022/05/20

PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\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*

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO:
OZ-9470 NP

MAP PREPARED:
2022/05/20 RC

1:2,500
0 12.525 50 75 100
Meters

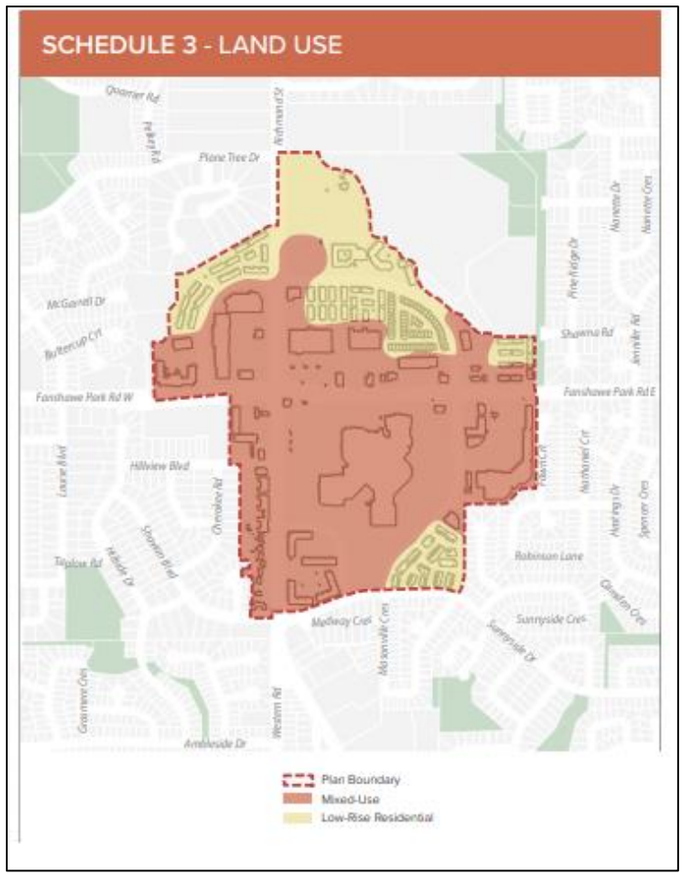


Figure 8 - Masonville Secondary Plan - Schedule 3 Land Use (under appeal)

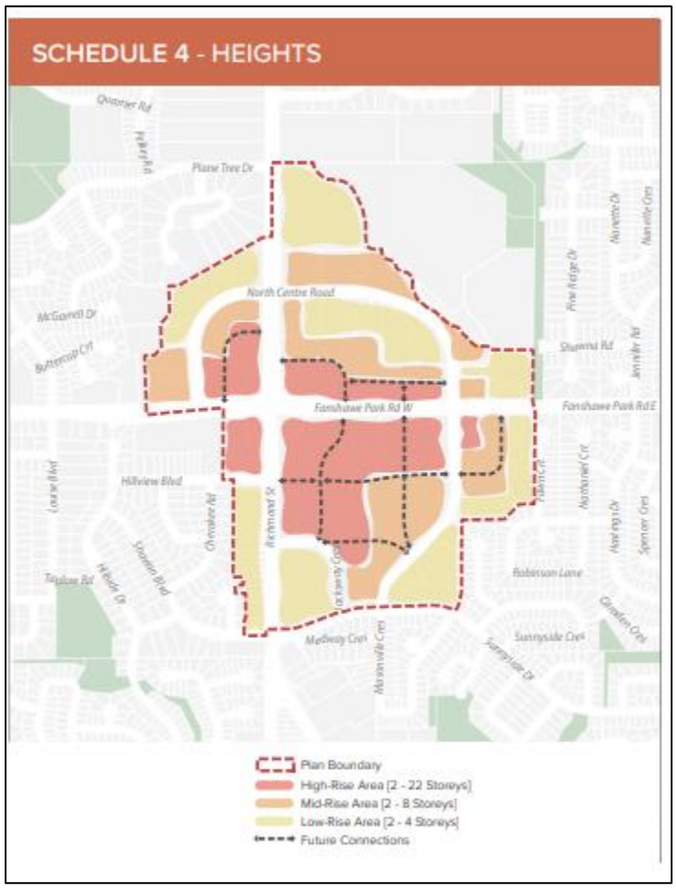


Figure 9 - Masonville Secondary Plan - Schedule 4 Heights (under appeal)

Appendix E – Applicant's Reply to UDPRP Comments

Comment:
The panel commends the applicant for providing an infill intensification development adjacent to a main transit corridor.
Applicant Response:
Acknowledged, thank you!

Comment:
The panel commends the applicant for providing an appropriate massing strategy with the appropriate transition from the tower to an 8-storey mid-rise.
Applicant Response:
Acknowledged, thank you!

Comment:
The panel recommends that the applicant consider incorporating underground parking into the proposed development as identified in the Masonville Secondary Plan. Further discussions with City Staff on opportunities for bonus density might be beneficial to provide additional design opportunities and solutions.
Applicant Response:
We incorporated two (2) underground parking levels as recommended in addition to four (4) podium parking levels wrapped with residential units along the street frontages from three (3) sides.

Comment:
While the panel appreciates that the applicant undertook several design studies to articulate the parking garage screen, the panel notes that the screen may have a greater opportunity to succeed if the intent is to blend rather than stand out.
Applicant Response:
We redesigned the building to screen the podium parking levels with residential units from three (3) sides. The podium parking levels are partially exposed on the north side, however similar materials and opaque windows are applied to ensure the continuity of the podium façade treatments.

Comment:
The panel notes that North Centre Road should be a well-landscaped, animated street that supports pedestrian and residential character as prescribed in the Masonville Secondary Plan. This includes but is not limited to large canopy trees, generous plantings, and street furniture.
Applicant Response:
The at-grade parking spaces and garbage collection area along North Centre Road were removed and replaced with landscaped area.

Comment:
The panel notes an arborist report and tree preservation plan were not included with the submitted urban design brief. The panel recommends a detailed arborist report and tree preservation plan should be conducted for the site, with precedence given to the preservation of existing trees where possible, particularly along North Centre Road. In areas where tree removals are necessary due to conflicts with proposed development, the panel recommends a phased removals approach be undertaken.
Applicant Response:
Tree Preservation Plan & Tree Assessment Report were submitted under separate cover and reviewed by City Landscape Architecture staff – no concerns were identified.

Comment:
The panel notes that Building D will be the first component of a larger, phased development build-out and recommends the applicant provide technical details of how the Masonville Secondary Plan policies are intended to be implemented at the master-plan scale. A detailed site master plan, landscape plan, parks facility fit plan and typical road cross-section(s) are recommended prior to approvals to demonstrate that the development will produce a high quality, holistic, master-planned community promoting the cohesive principles of design excellence.
Applicant Response:
Based on the submission record provided to me by Laverne Kirkness, a drawing entitled "Master Plan Development Concept" was submitted showing the proposed redevelopment of the Highland Centre site over several years (i.e., different phases) up to the year 2050 The Master Plan Development Concept is meant to show intended approximate building locations, uses and heights, and provides a conceptual picture of the future build-out. The applicant is currently not able to provide additional details beyond this conceptual plan.

Comment:
The panel acknowledges the long-term lease obligations posed by existing buildings and their tenants but recommends that refinements be made to the development timelines construction phasing schedule to provide the future ½ ha urban park earlier than Phase 3 (2035-2040). The panel notes significant densification proposed for the site, with Building D anticipated to be constructed in 2022 (Phase 1) and Building E in 2025 (Phase 2). Buildings F, G and the future urban park (Phase 3) were anticipated from 2035-2040 creating additional pressures on a neighbourhood which is currently identified as being parkland deficient.
Applicant Response:
Acknowledged and has been discussed with the applicant. It should be noted that the applicant is not looking for approval of the master plan and no comments were provided by City Planning/Urban Design staff in response to its submission.

Comment:
The panel commends the applicant for the provision of a 9th floor communal rooftop amenity terrace and its adjacency to the indoor gym. The panel recommends the applicant explore design opportunities to utilize the 5th storey rooftop areas along North Centre Road to provide additional greenspace and/or amenity space on site.
Applicant Response:
We provided amenity spaces at the 5th level which spills out to an outdoor terrace court where people can socialize. This cozy outdoor space features plenty of potted plants and contemporary furnishings.

Comment:
The panel commends the materiality and design of the podium but recommends a simplification of the tower articulation and fenestration.
Applicant Response:
Your comment was considered, and the tower façade design was simplified. The southeast corner projection was eliminated, the tower corner glazing feature was extended to the podium level.

Comment:
The panel suggests a revision of the ground floor to explore a connection between the residential and commercial lobbies to allow for more direct and pedestrian oriented access for residents wishing to access the commercial space. Consider relocating the mail room and administration offices to initiate more activity and animation along the North Centre Road façade.
Applicant Response:
The lobby area was redesigned. Mail room and administration office were relocated providing more exposure to the outside.

Comment:
The panel recommends that the garbage collection point be internalized and located within the envelope of the building.
Applicant Response:
Garbage collection area was relocated and integrated internally to the building.

Comment:
The center median will limit vehicular maneuvers to a “right in right out” condition off North Centre Road which may result in traffic backing up onto Fanshawe Road. The panel recommends locating the drop-off area off an interior road to avoid congestion.
Applicant Response:
The drop off area provided is for quick delivery and moving. Additional drop off area is available through the first floor parking level.

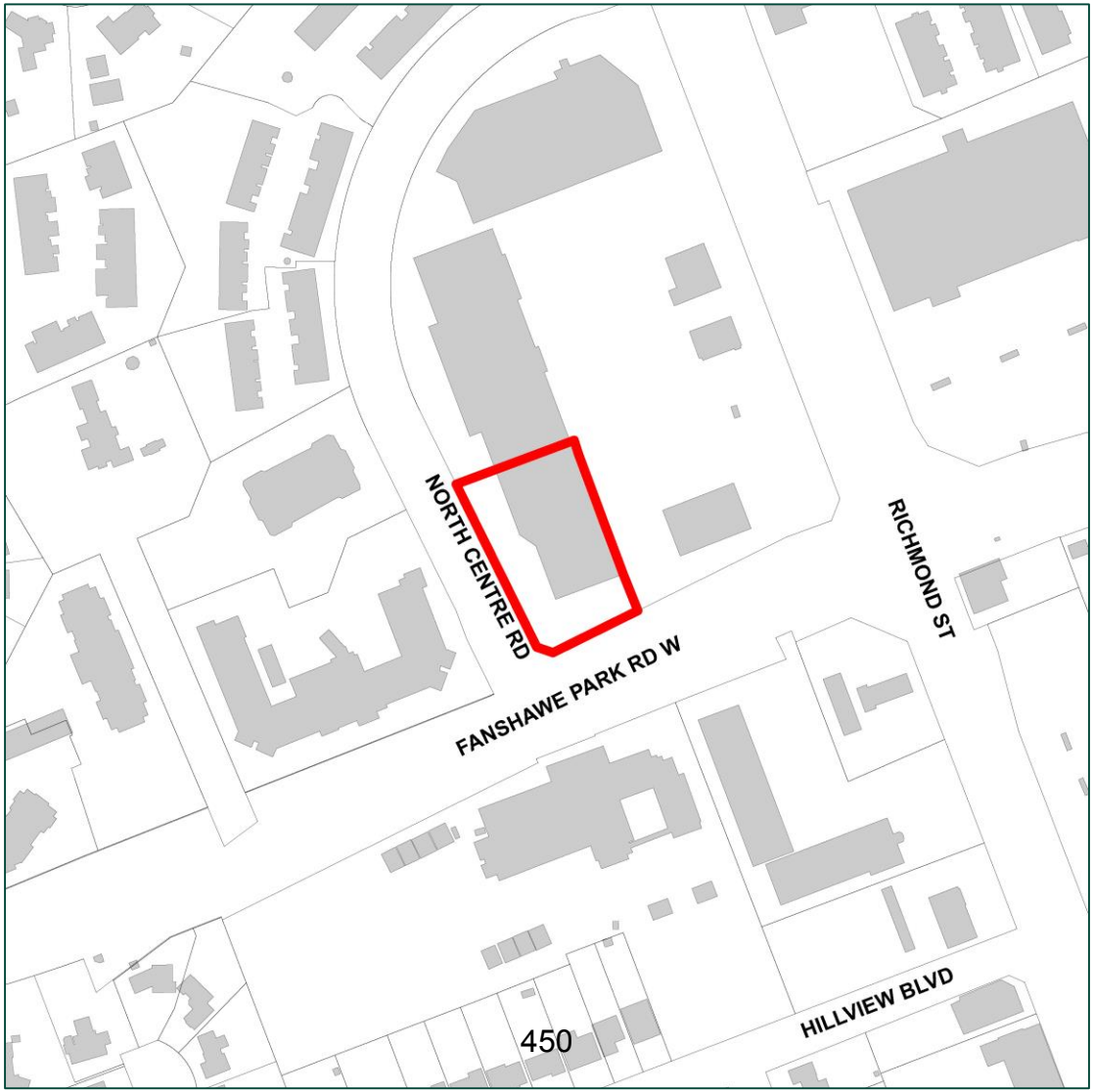
Comment:
The panel suggests exploring other locations for the service road to better manage vehicular circulations and avoid additional curb cuts off North Centre Road.
Applicant Response:
Appreciated! We explored other options and we believe that the location of internal private service road is best suitable for this project.

Slide 1 – OZ-9470: 1737 Richmond Street

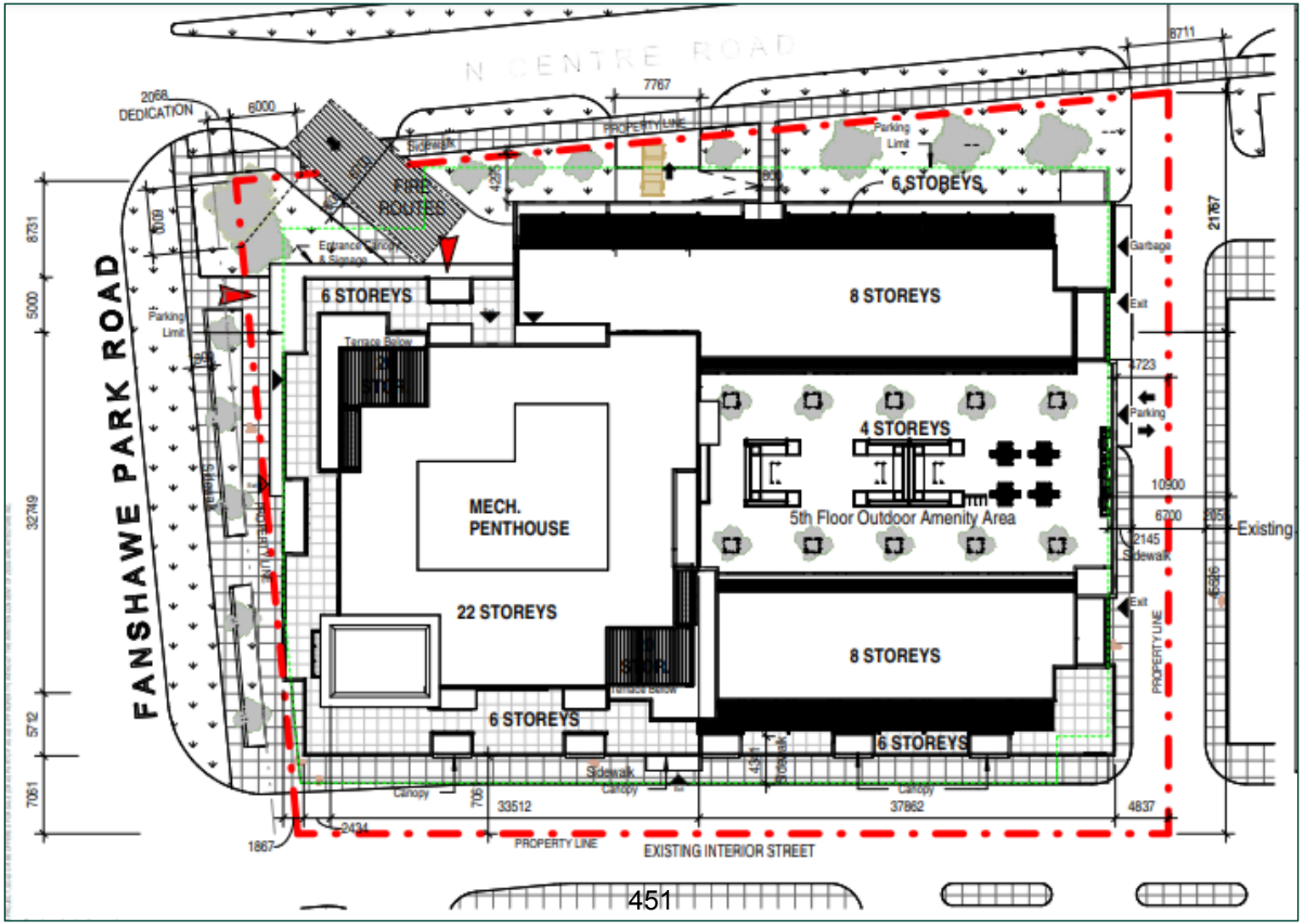
City of London

August 22, 2022

Slide 2 - Subject Site



Slide 3 - Proposed Development



Slide 4 – Proposed Development

Slide 5 – Policy Context

The London Plan

- Transit Village Place Type on a Main Street
- Mixed-use buildings are encouraged
- Range of heights up to 22 storeys

1989 Official Plan

- Current designation - Enclosed Regional Commercial Node (ERCN)
- Mixed use developments which permit a substantial residential component at 150 upha

Masonville Secondary Plan

- Under appeal
- Permitted uses include a broad range of retail, commercial, service, residential uses
- Mixed-use buildings are the preferred form of development with active ground floor commercial uses and residential uses above

Slide 6 - Bonusing

Affordable Housing

- Calculation of lift
  - 150 uph as per 1989 Official Plan = 78 units for a 0.52 ha site
  - Additional 219 units above = 297 units (mixed-use density) = 571 upha
  - 10% of 219 = 22 units
  - Consistent approach
- 22 units representative of the mix overall and distributed evenly throughout the development
- Based on 80% of the Average Market Rent for a duration of 50 years

Urban Design

- Additional elements required for final design:
  - Reduce floor plate of tower up to 1000 square meters within a 1.5:1 length: width ratio as per Masonville Secondary Plan
  - Articulate the podium facades, reduce the blank wall facades
  - Separate bike storage and connections to sidewalk for improved accessibility
- Additional considerations at site plan

Slide 7 – Neighbourhood Concerns

- Traffic volume and safety
- Noise
- Air pollution
- Construction impacts
- Wind impacts
- Lack of privacy
- Blocked views
- Shadow impacts/loss of sunlight
- Intensity
- Lack of parking
- Precedent

Slide 8 - Recommendation

August 18, 2022

Planning and Environment Committee
City of London
300 Dufferin Ave.
PO Box 5035
London, ON
N6A 4L9

Re: 1737 Richmond Street (OZ-9470)

The following memorandum pertains to specific matters of the draft bonus zone for our proposed residential and commercial tower at 1737 Richmond Street, owned by Richmond Hyland Centre Inc., wholly owned by Westdell Development Corp.

Background

We are proposing a 22-storey mixed-use building at 1737 Richmond Street with 276 residential units, 2,107 m^2 of commercial/office space and 326 vehicle parking spaces (the "Proposal"). The purpose of this memo is to specifically address the draft amending Zoning By-law being recommended and attached to the staff report from the Director, Planning and Development. Although City of London Planning and Development Services staff advise they generally support the Proposal and are recommending approval, we (i.e., the Applicant and Agent) have concerns about some aspects of the City's proposed Amending Zoning By-law (the "City ZBA"). These concerns will be addressed below in order of appearance.

City ZBA Preamble

The City ZBA preamble correctly asserts that a bonus zone is being requested to implement the Proposal. Under the *Planning Act*, a municipality may pass a by-law, known as a bonus zone, to authorize increases in the height and density of development beyond what is otherwise permitted by the Zoning By-Law, in return for the provision of such facilities, services, or matters as outlined in the bonus zone. In accordance with provincial legislation, bonus zoning will be phased out as of September 18, 2022.

Additional Building and Site Design Requirements

This section of the City ZBA lists "outstanding" building and design requirements, as follows:

1) Additional Building and Site Design Requirements

   i) Reduce the high-rise portion (above 8 stories) as a slender tower (maximum floor plate size of up to 1000 square meters within a 1.5:1 length: width ratio) in order to reduce any possible "slab-like" appearance, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces.
   ii) Articulate the podium facades particularly on the east and west facades with recesses, projections, balconies and terraces, alternating brick tones, fenestration to provide depth and variation in the built form and to enhance the pedestrian environment and break up the massing.
   iii) Reduce the blank wall facades on the west elevation ground level facing North Centre Road. Increase visual interest through the use of increased glazing, public wall art, or additional door access. Provide windows for clear sight lines facing North Centre Road from the section of abutting parking garage where the accessibility parking space is located.
   iv) Provide a separate key access door to the bike storage room facing North Centre Rd for improved bicycle accessibility in and out of the building and improved streetscape activity.
   v) Connect this separate bike storage entrance to the public sidewalk.
   vi) Utilize a decorative or public art wall feature and treatment to address the southwest corner and provide visual interest while breaking up the podium massing and establishing a sense of place through this unique feature.

The Proposal is a revision representing the architectural drawings submitted to the City as part of the second submission. In response to first submission comments received from Development Services staff, as well as from Urban Design Peer Review Panel members, we have made substantial changes and believe that we have proposed a project that is in alignment with the applicable policy framework, particularly *The London Plan* and the Transit Village Place Type policies.

The general purpose of an amending zoning-by-law is to clearly outline specific requirements for a development site that are legally enforceable. This is usually accomplished through numerical requirements that outline general and major aspects of a development such as building height and setbacks, not details such as the bike storage room entrance, as required by 1) iv) and v).

We believe that some of the comments, particularly 1), ii) and iii), are general design comments that have no objective or quantitative way of being satisfied or demonstrating compliance. In other words, under what circumstances would these comments be satisfied and who decides that? As such, they are not appropriate to be included in the City ZBA.

Although requirement 1) i) is quantitative, it is also problematic as it refers to policy 6.2 v) from the Masonville Secondary Plan, which is still under appeal and cannot be determinative and act as the authority for the City ZBA. Regardless, we acknowledge this policy is informative since it is included in a Council-approved document and believe the proposed building conforms to this policy even if it doesn't exactly comply. For example, the floor plates above the 8th storey between the 9th and 20th storey are approximately 1,044 m^2. Policy conformance does not require compliance.

Provision of Affordable Housing

The City ZBA requires 22 affordable housing units, as outlined in the following extract:

2) Provision of Affordable Housing

i) A total of 22 units based on 10% of the "lift" of the number of units beyond 150 units per hectare (based on 297 total units) be dedicated to affordable rental housing in exchange for the granting of increased height and density. The mix of the dedicated affordable rental units should be reflective of the unit mix for the 22-storey apartment building.
ii) The affordable housing units should be evenly distributed throughout the individual buildings to the greatest extent possible.
iii) Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy.
iv) The duration of affordability set at 50 years from the point of initial occupancy.
v) The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations.

City staff used the 1989 Official Plan as the policy framework and completed the bonusing calculation as follows. The 0.52 hectares (i.e., development area) X 150 units per hectare (i.e., standard density for high rise as per Section 3.4.3. of the 1989 Official Plan) = 78 units permitted. Since we're proposing 297 total units (i.e., 276 residential units and 21 commercial/office units), the difference between the permitted and the proposed is 219 (i.e., 297-78=219). So the "lift" or the difference between the permitted and the proposed density is 219 units. Staff then apply 10% to the 219 units to arrive at 22 units.

Our initial submission was for a mixed-use 22-storey building with 226 residential units and 26 commercial units for a total of 252 units. Our submission was based on preliminary communication with City staff as part of the pre-application consultation process, where the requirement for bonus zoning was discussed. The proposed 22-storey height selected for the building is the maximum height permitted under *The London Plan* Transit Village Place Type 2 Bonus Zone.

As outlined in the Planning Justification Report submitted in support of the Zoning By-law Amendment application, our initial submission proposed 7 affordable rental units using *The London Plan* as the policy framework and was calculated as follows. The "lift" or bonusable intensity is based on the number of storeys between the proposed height of 22 storeys and the standard height of 15 storeys, which is 7 storeys. This works out to 66 units – these are the "bonus units". We also applied the 10% applied by staff to arrive at a rounded number of 7 affordable units, which was the basis of our first submission. Since we increased the total number of units as part of our second submission, we also decided to increase the total number of proposed affordable housing units to 10 units – these are proposed to be rental units.

Therefore, the difference in the number of affordable housing units proposed by us and recommended by staff results from the "lift" being calculated using two different policy frameworks. It is important to note that neither the 1989 Official Plan nor *The London Plan* clearly identify how to calculate the provision of affordable housing units. As a result, the affordable housing calculations described above are the result of a combination of policy interpretation, negotiation, and past practices.

Although *The London Plan* is now in full force and effect, City staff have justified their use of the 1989 Official Plan as the policy framework for the affordable housing calculation by saying that our planning application was submitted when the general policies of *The London Plan*, including the bonusing provisions, were still under appeal at the Ontario Land Tribunal. If this is a legally correct argument, City staff should have clearly advised all stakeholders, including the London Housing Development Corporation, at the beginning of the process (i.e., during the pre-application consultation meeting). They did not do this and only informed us about the policy framework they would be applying on July 6, 2022. Furthermore, the pre-application consultation comments provided by City staff outlined in a document dated July 13, 2021 refer to the bonusing provisions of *The London Plan* (e.g., Type 2 Bonus Zone).

To summarize, although we believe *The London Plan* should be the applicable policy framework for calculating the number of appropriate affordable housing units, we also believe that the proposed 10 affordable housing units would conform to the bonus zoning provisions of the 1989 Official Plan (policy 19.4.4.), which state that "[t]he *facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for both the City and the developer and must result in a benefit to the general public.."*

Prohibited Uses

The City ZBA also lists certain prohibited uses, as follows:

a) Prohibited Uses:

   i) Commercial parking lots and structures and accessory parking lots;

   ii) Uses with drive-through facilities.

The parking associated with the Proposal is intended to be accessory and to support the principal commercial/office and residential uses. We are not proposing stand-alone parking lots or structures. Our concern with the proposed outright prohibition of "commercial parking structures" and "accessory parking lots" is that, based on the definition of these terms in the existing City of London Zoning By-law, it may prohibit any future monetization of vehicle parking spaces, such as charging customers and residents modest parking fees to offset operating costs.

In conclusion, we respectfully request that PEC members approve a revised version of the zoning by-law amendment that considers the above-noted concerns of the Applicant and Agent.

Respectfully submitted,

Simona Rasanu, RPP, MCIP
Planner
Agent

David Traher
Westdell Development Corp.
Applicant

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **Scott Mathers MPA, P. Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **Royal Premier Homes (2812347 Ontario Inc.)**
21-41 Meadowlily Road North and 20 Norlan Avenue
Public Participation Meeting on: August 22, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Royal Premier Homes relating to properties located at 21-41 Meadowlily Road North and 20 Norlan Avenue:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 6, 2022 to amend The London Plan to add a site specific policy for 21-41 Meadowlily Road North and 20 Norlan Avenue in Policy 1077 _) to allow stacked townhouses on a Neighbourhood Street in a Neighbourhoods Place Type and amend Map 7- Specific Policy Areas to add the subject site;

(b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on September 6, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan (as amended above), to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone **TO** a Holding Residential R5 Special Provision Bonus (h-17. h-100. R5-7(_)*B- _) Zone with holding provisions to address sanitary, storm and water servicing and access; a special provision to permit a balcony encroachment minimum of 4.26 metres instead of the required 6.0 metres in the exterior side yard and a Bonus Zone to allow an increase in the maximum density permitted and a reduction in parking required in return for affordable dwelling units and a larger common amenity space area; and,

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of stacked townhouse buildings at a maximum density of 91 units per hectare (80 units, 4 units which are affordable) instead of 60 units per hectare, a reduced parking requirement from 120 parking spaces to 91 parking spaces and provision of additional landscaped open space area/larger common amenity area, which substantively implements the Site Plan, Renderings, and Views, attached as Schedule “1” to the amending by-law and provides for the following:

1) Provision of Affordable Housing

i) A total of four (4) residential units will be provided for affordable housing; three, one bedroom units and one, two bedroom unit within two of the four proposed townhouse blocks with a maximum of two units in each building;
ii) Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;
iii) The duration of affordability set at 50 years from the point of initial occupancy;
iv) The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations; and,

v) These conditions to be secured through an agreement registered on title with associated compliance requirements and remedies.

2) Common Amenity Space

i) Provide for an appropriately sized and located ground level outdoor amenity space for the number of residents anticipated.
ii) Provide 8.2 m² per unit of landscaped open space in place of the City standard of 5.0 m², which represents an 11.3% increase.

(c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:

i) Rearrange the parking aisles and buildings to provide one adequately sized common amenity area;
ii) Ensure Stacked Townhouse Block D has regard for the corner location at Meadowlily Road North and Norlan Avenue;
iii) Screen surface parking exposed to Meadowlily Road;
iv) Increase the sidewalk width abutting parking areas to 2.1 metres;
v) Provide a minimum of 1.5 metres from property boundaries to parking areas;
vi) Provide 3 metre landscaped islands every 15 parking stalls;
vii) Relocate Canada Post mailbox to more centralized location;
viii) Reduce amount of site asphalt and hardscape; and,
ix) Improve pedestrian connections to rear parking area, common amenity area and both abutting roads.

Executive Summary

Summary of Request

The applicant requested;

1) an amendment to The London Plan to permit back-to-back 3 storey stacked townhouses at a height higher than 2.5 storeys on a Neighbourhood Street. The London Plan has since been amended to allow 3 storeys but not stacked townhouses on a Neighbourhood Street;

2) an amendment to the 1989 Official Plan to permit back-to-back townhouses at a height of 3 storeys subject to density bonusing to increase the permitted density from 60 units per hectare to 91 units per hectare. This amendment for height is no longer required because the 1989 Official Plan is no longer in force ; however, the density bonusing policies are being applied;

3) a zoning by-law amendment to permit four, 3 storey (12 metre) stacked townhouse blocks containing 84 dwelling units, four units of which would be affordable units at a density of 95 units per hectare; with a special provision to permit a minimum exterior side yard balcony encroachment of 4.26 metres instead of 6.0 metres. The number of units has since been reduced to 80 units, still with four affordable units, at a density of 91 units per hectare; and,

4) A Bonus Zone which would allow an increase in density from 60 units per hectare to 91 units per hectare and a decrease in the required parking from 120 spaces to 91 spaces in return for four affordable housing units, additional outdoor common amenity space, exceptional site and building design and enhanced landscaped open space design. The applicant subsequently dropped the request for the enhanced landscaped open space design as a requested bonusable feature.

Purpose and the Effect of Recommended Action

The purpose of this application is to provide for a form of residential intensification in an existing built-up area on a Neighbourhood Street, close to a Civic Boulevard, once servicing issues have been addressed. The recommendation is for a Holding Residential R5 Special Provision Bonus (h-_. R5-7 (_)*B-(_)) Zone which would include bonusing for affordable housing and a larger common amenity area. The applicant withdrew the request to be bonused for enhanced landscaped open space design. The City is not recommending that the proposal be bonused for exceptional site and building design.

Rationale of Recommended Action

1. The recommended amendments are consistent with the Provincial Policy Statement (PPS), 2020 which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future, including affordable housing;
2. The recommended amendments generally conform to the in-force Neighbourhoods policies of The London Plan, including but not limited to the use, intensity and form of future development anticipated along a Neighbourhood Street. A special policy has been recommended to allow stacked townhouses on a Neighbourhood Street in a Neighbourhoods Place Type;
3. Adding a special policy to allow a stacked townhouse development at a higher density is appropriate because the property has a number of favourable locational attributes for residential uses; it is large enough to accommodate the proposal, is at the intersection of two neighbourhood streets, is separated from the single family neighbourhood by an intervening hydro corridor, is across the street from open space, , and its access point is approximately 240 metres from Hamilton Road, a Civic Boulevard, and close to Highbury Avenue, an Expressway, for easy vehicle access.
4. The recommended amendments generally conform to the Low Density Residential policies of the 1989 Official Plan, including but not limited to the permitted height and density of future development as a result of density bonusing under Section19.4.4;
5. The recommended amendments facilitate the development of sites within the Built Area Boundary in The London Plan with an appropriate form of infill development; and,
6. The recommended holding provisions ensure adequate services are provided before development occurs and recommendations to the site plan approval authority ensure the development will include all the elements which comprise a good 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

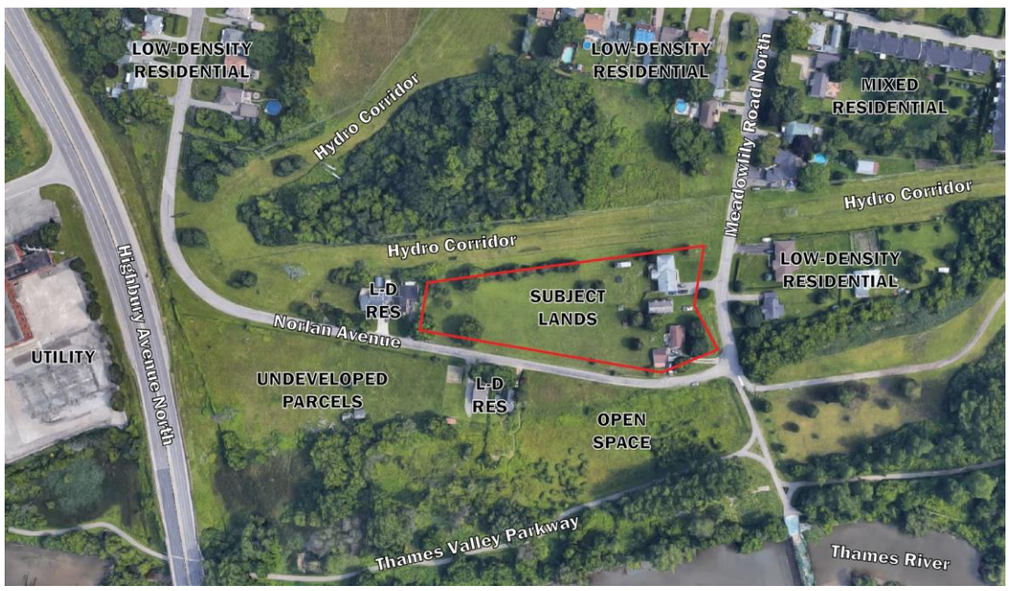
On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations within the Urban Growth boundary and avoiding the development of rural lands. This includes efficient use of existing urban lands and infrastructure. It also includes aligning land use planning to facilitate transit-supportive developments and encourage active transportation.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site is located at the eastern end of the Hamilton Road Planning District, east of Highbury Avenue, approximately 240 metres south of Hamilton Road. The site is relatively flat but there is a significant grade change from lands to the north which are at a higher elevation. The subject site is surrounded by a hydro corridor to the north, Highbury Avenue to the west, the Thames River Valley (south branch) to the south and Meadowlily Road North to the east. There are some older single family detached homes along the latter as well as a single family residential neighbourhood further north. There is an existing cluster townhouse development west of Meadowlily Road North which has an access to Meadowlily Road.



Aerial Photo of Subject Site and Surrounding Area

21-41 Meadowlily Road North– Existing Single Detached Dwellings (looking west)

Undeveloped Portions of 20 Norlan Avenue (facing east)

Norlan Avenue and South property line

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

- 1989 Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods (on a Neighbourhood Street)
- Existing Zoning – Residential R1 (R1-6) Zone

1.3 Site Characteristics

- Current Land Use – Two single detached dwellings and undeveloped land to the rear
- Frontage – 62.8 metres (206 feet) (Meadowlily Road North)
- Depth – 166 metres (545 feet) (Norlan Avenue)
- Area – 0.88 hectares (2.19 acres)
- Shape – Semi-rectangular

1.4 Surrounding Land Uses

- North – Hydroelectric corridor, single family neighbourhood, some commercial uses (gas bar, offices, Fairmont Plaza etc.)
- East – Thames River Valley, single family homes, newer townhouse development
- South – Thames River Valley, Urban Roots urban farm

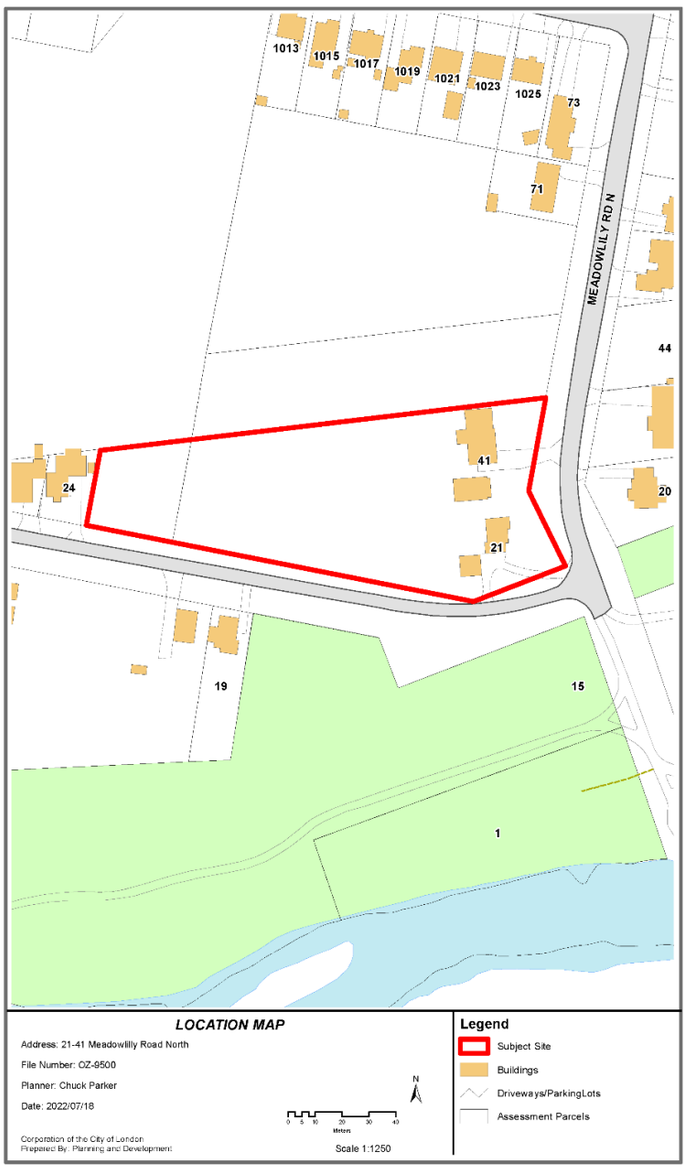
Urban Roots urban farm – 21 Norlan Avenue

- West – Highbury Avenue, Hydroelectric station

1.5 Intensification (identify proposed number of units)

- This proposal represents intensification replacing two single detached dwellings with 80 stacked townhouse dwellings within the City's Built-area Boundary

1.6 LOCATION MAP

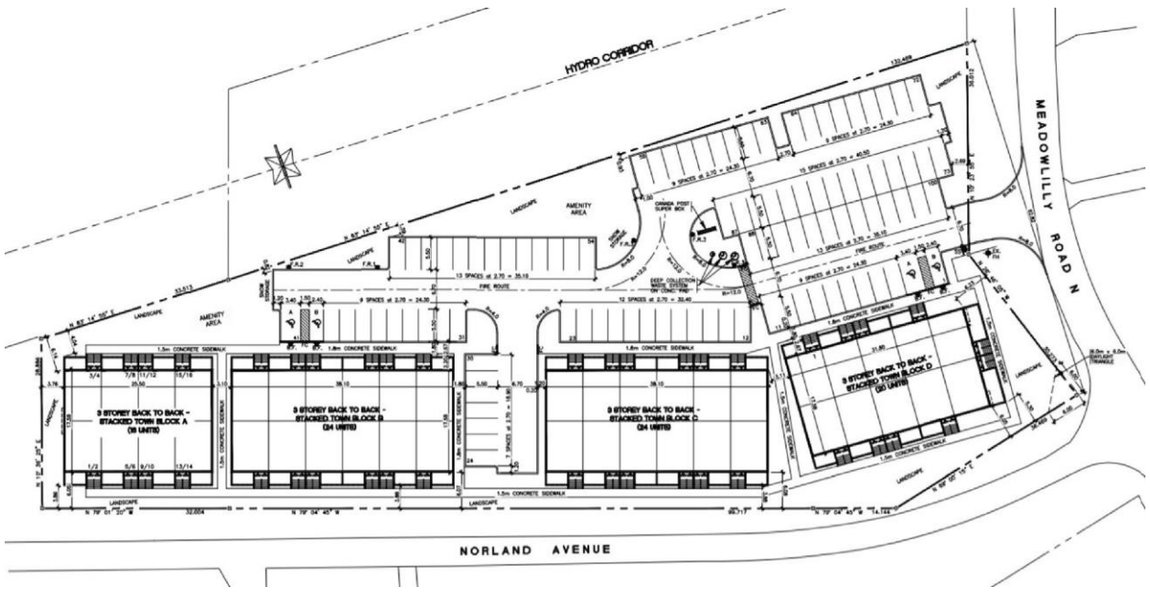


2.0 Description of Proposal

2.1 Development Proposal

The subject lands are proposed to be developed for four, 3-storey stacked, back-to-back townhouse blocks containing 80 dwelling units at a density of 91 units per hectare with 91 parking spaces. The initial request was for 84 dwelling units at a density of 95 units per hectare and 120 parking spaces. In both cases, the applicant indicated four units would be affordable dwelling units.

Proposed Concept from Norlan Avenue – one of four buildings



Proposed Site Plan

Proposed South Elevation

3.0 Relevant Background

3.1 Planning History

Over the years there have been a number of inquiries on these properties for residential development but the ability to service these properties has been the primary constraint. There have been inquiries for single family lots by severance (B.001/19), townhouses and an apartment building but the inquirer decided not to proceed to the official/zoning amendment stage. Sufficient development density is needed to justify provision of upgraded services (sanitary sewer, storm sewer and water) and needed infrastructure such as roads and sidewalks.

3.2 Requested Amendments

The applicant requested the following amendments;

1) A London Plan amendment to permit 3 storey stacked back-to-back townhouses in a Neighbourhoods Place Type on a Neighbourhood Street. Table 10 (Range of Permitted Uses in Neighbourhood Place Type) only permits townhouses. Stacked townhouses are only permitted on a Civic Boulevard or Urban Thoroughfare.
2) A 1989 Official Plan amendment to permit stacked townhouses up to 91 units per hectare and a height of 3 storeys in the Low Density Residential designation. The maximum density permitted in Low Density Residential is 75 units per hectare but the policies allow density bonusing in return for certain features or amenities. NOTE: The London Plan was approved on May 20, 2022 and the 1989 Official Plan is no longer in force therefore no amendments can occur to the plan; however, this application was received while that Plan was in force and the policies of that Plan are still used to evaluate the requested amendments, including the density bonusing policies in Section 19.4.4.
3) A zoning by-law amendment from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision Bonus (R5-7(_).B- (_) Zone to permit stacked townhouses with a special provision to reduce the exterior side yard balcony encroachment minimum from 6.0 metres to 4.26 metres and include bonusing to provide for four affordable dwelling units and increased common outdoor amenity space.
4) A Bonus Zone which would allow an increase in density from 60 units per hectare to 91 units per hectare and a decrease in the required parking from 120 spaces to 91 spaces in return for affordable housing units, additional outdoor common amenity space, exceptional site and building design and enhanced landscaped open space design. The applicant subsequently dropped the request for the enhanced landscaped open space design as a requested bonusable feature.

3.3 Community Engagement (see more detail in Appendix C)

In summary, these are the public comments received 1) at the virtual open house arranged by the applicant on June 7th, 2) through the notice of planning application circulation to all property owners within 120 metres of the subject property and 3) through the Londoner newspaper notice. The public comments included;

1. *Need for another access to the development given there will be 84 units on the property;*
2. *With this number of units it will be difficult to access Hamilton Road;*
3. *Given that Fairmont P.S. will close soon the kids will walk to Tweedsmuir or be bused-need for sidewalks;*
4. *All infrastructure needs to be upgraded;*
5. *Right now there is a lot of on-street parking-people visiting the natural areas-need for street parking;*
6. *Development will interfere with the recreational nature and tranquility of area because of huge parking lots, noise, traffic etc; and,*
7. *Development will remove green space from the area.*

It is important to note that no concerns were raised about the height, density or aesthetics of the proposed development. As indicated above all the concerns relate to needed infrastructure and site plan issues.

3.4 Policy Context

The following is a summary of policies relevant to his proposal;

Provincial Policy Statement, 2020

General Policies

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. Healthy, liveable and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential, and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimize transit investments, and standards to minimize land consumption and servicing costs (1.1.1. b) and e)).

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). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

Use Policies

The PPS encourages an appropriate affordable and market-based range and mix of residential types, including single-detached dwellings, additional residential units, multi-unit housing, affordable housing and housing for older persons to meet long-term needs (1.1.1b) and 1.4.1).

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).

Intensity Policies

The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (1.1.3.4). 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 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, are promoted by the PPS (1.4.3d)).

Form Policies

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)).

Summary

The proposal meets the intent of the PPS policies by introducing a more intense form of residential intensification within the City built-up area in close proximity to transit, provides for affordable housing and introduces new infrastructure to an existing Settlement Area.

The London Plan

General Policies

The London Plan is the new Official Plan for the City of London (Council adopted June 23, 2016, approved by the Ministry with modifications on December 28, 2016, and in force and effect on May 20, 2022.)

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. Relevant Key Directions are outlined below.

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- 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; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).

Lastly, The London Plan provides direction to make wise planning decisions by:

- Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

Use Policies

The subject site is in the Neighbourhoods Place Type at the intersection of two Neighbourhood Streets, Meadowlily Road North and Norlan Avenue, as identified on *Map 1 – Place Types and Map 3 – Street Classifications. The permitted uses within the Neighbourhoods Place Type at this location include a range of low-rise residential uses, such as single detached, semi-detached, duplexes and townhouses, (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). Stacked townhouses are not generally a permitted use on Neighbourhood Streets, only on Civic Boulevards and Urban Thoroughfares. A special policy is required to allow the proposal.

Policy 916_3 of the Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so. Furthermore, policy 918_2 states that neighbourhoods will be planned for diversity and mix of unit types and should avoid the broad segregation of different housing types, intensities, and forms. The development of the stacked townhouse buildings would contribute to the long-term mix of housing types available in the area.

Intensity Policies

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. The maximum permitted height is 3 storeys in a Neighbourhood Place Type on a Neighbourhood Street (*Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

The London Plan contemplates residential intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (*83_, *937_, *939_ 2. and 5., and *953_ 1.). The London Plan directs that intensification may occur in all place types that allow for residential uses (84_). Subject to the City Structure Plan and Residential Intensification policies in the Neighbourhoods Place Type, infill and intensification in a variety of forms will be supported to increase the supply of housing in areas where infrastructure, transit, and other public services are available and accessible (506_). The Plan identifies appropriate locations and promotes opportunities for intensification and redevelopment, to specific areas such as higher order streets.

The intensity of development must also be appropriate for the size of the lot (*953_3.).

Form Policies

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_8).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_ 2.a. to f.). The Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_).

Summary

The proposal generally meets the intent of the London Plan policies by introducing a new, more intense housing form, on a largely undeveloped property in an existing built-up area. The property has not been identified as having any natural features.

Adding a special policy to allow a stacked townhouse development is appropriate because the property is large enough to accommodate the proposal, is at the intersection of two streets, is separated from the single family neighbourhood by an intervening hydro corridor, is across the street from open space, is across the street from a source of fresh produce for residents, in conformity with the Food System policies (648-686) of the London Plan and Council’s Urban Agriculture Strategy goal of creating better access to fresh food to City residents and its access point is approximately 240 metres from Hamilton Road, a Civic Boulevard. Through the site plan approval process building and site design issues can be addressed. Servicing upgrades will improve existing infrastructure in the area.

The 1989 Official Plan

Use Policies

The subject site is designated Low Density Residential in accordance with Schedule 'A' of the 1989 Official Plan. The designation permits primarily low rise, low density housing forms including detached, semi-detached, and duplex dwellings; however, multiple - attached dwellings, such as row houses or cluster houses may be permitted subject to the policies of the Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2, which is 30 units per hectare.

The 1989 Official Plan also supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (3.1.1 ii).

Intensity/Form Policies

Development within areas designated Low Density Residential shall have a low-rise form as described above. Residential intensification, above 30 units per hectare, may be permitted subject to the provisions of policy 3.2.3.and may be permitted up to 75 units per hectare (3.2.3.2) according to Planning Impact Analysis criteria in Section 3.7. Residential intensification, in addition to permitted uses in the Low Density Residential designation, can include attached dwellings, cluster housing and low rise apartments. Stacked townhouses can fit into that range in terms of form and density.

Section 3.2.3.7 (Supporting Infrastructure) indicates that residential intensification will only be considered where there is sufficient municipal services, transportation infrastructure, off-street parking and buffering and outdoor recreational space. Through the amendment process (removal of holding provisions) and the site plan approval process these conditions will be addressed before development occurs.

Section 3.7 (Planning Impact Analysis) includes the criteria for assessing whether any proposal is appropriate and identifies ways of reducing any adverse impacts on surrounding uses. The applicant has submitted the required studies to evaluate the proposal and planning staff have reviewed that material and the criteria and have recommended the proposal is appropriate on this site once a number of servicing, infrastructure and site plan matters have been addressed.

However, the requested density (91 units per hectare) exceeds the maximum density permitted for residential intensification. Section 19.4.4 of the 1989 Official Plan; however, does allow for density bonusing above this maximum.

Section 19.4.4. Bonus Zoning

Objective- Under the provisions of the *Planning Act*, a municipality may include in its Zoning By-law, regulations that permit increases to the height and density limits applicable to a proposed development in return for the provision of such facilities, services, or matters, as are set out in the By-law. This practice, commonly referred to as bonus zoning, is considered to be an appropriate means of assisting in the implementation of this Plan. (NOTE- the Province of Ontario is planning to end the practise of bonus zoning in September 2022).

Principle- The facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for both the City and the developer and must result in a benefit to the general public and/or an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted. Also, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.

Bonus Zoning is provided to encourage development features which result in a public benefit which cannot be obtained through the normal development process. Bonus zoning will be used to support the City's urban design principles, as contained in

Chapter 11 and other policies of the Plan, and may include one or more of the following objectives:

(a) to support the provision of the development of affordable housing as provided for by 12.2.2.
(b) to support the provision of common open space that is functional for active or passive recreational use; ….

These provisions are being included in the proposal to justify the proposed bonus zone recommended in the zoning by-law amendment to increase the permitted density from 60 units per hectare to 91 units per hectare and reduce the parking requirement from 120 spaces to 91 spaces. Section 19.4.4 of the 1989 Official Plan is being used to provide the policy support for bonusing because that Plan was still in force on the date this application was received. However, at this time, no amendments to provide for this density bonusing can be made because the 1989 Plan is no longer in force. The recommended zoning by-law amendment to provide for bonusing is based on the 1989 Official Plan policies.

Section 37 (Bonusing) is a planning tool that allows for additional height, density and other features that would otherwise be permitted in zoning. In return for additional, height, density and other features, benefits (including affordable housing) of a commensurate public value may be secured. In the present consideration, a site-specific bonus has been requested for an additional density of 31 units per hectare and a reduction in parking of 29 parking spaces. In return, the applicant has proposed to provide a total of four (4) residential units for affordable housing; three, one bedroom units and one, two bedroom unit within two of the four proposed townhouse blocks with a maximum of two units in each building.

Summary

In many respects the Low Density designation in the 1989 Official Plan and the Neighbourhoods Place Type in The London Plan permit a similar form of development. Under the 1989 Official Plan, this site is a vacant and/or underutilized lot within a previously developed area (3.2.3.1 ii), is proposed to be attached dwellings (3.2.3.2) and will be subject to site plan review and urban design (3.2.3.5).

All of the Planning Impact Analysis criteria in Section 3.7 are addressed in the Planning and Design Report and other submissions for this application. Planning staff and other department staff have reviewed these submissions and are satisfied the proposed development will fit in with the neighbourhood once upgraded infrastructure has been introduced and site plan review has been completed.

4.0 Key Issues and Considerations

Following are the major issues raised through the public consultation process and through the City Department and Agency Review. No issues were raised with regard to the height and design of the proposed development. Below are the major issues raised.

4.1 Issue and Consideration # 1 – Servicing and Infrastructure Improvements

The need for services and infrastructure improvements in this area to accommodate new development is the main issue and has been for yearsIn order to accommodate intensification within this area, upgrades to services will be required to accommodate this 80-unit residential development ..

Water is currently available along Norlan Avenue and Meadowlily Road. There is a stormwater pipe which runs down Meadowlily Road to the River and there is a forcemain sanitary sewer which runs east-west across Norlan Avenue over to the Pottersburg Pollution Control Plant.

Through the application liaison process the Engineering Department indicated the following is required;

1. Need h-17 and h-100 holding provisions until sanitary, storm and water services are provided to accommodate the development;

2. An upsized watermain and water looping is required once 80 residential units are added;

3. There is no municipal sanitary outlet available or in close proximity to the subject lands. However, City of London has initiated a Class EA and Servicing Study for the Meadowlily Road area, which is anticipated to be completed in February 2023. Construction timing of municipal services in the area will be determined after the competition of this EA and through the 2025 Development Charges Study.

4. Studies need to be submitted to ensure the 1200mm storm sewer on Meadowlily Road can accommodate additional flows from this site.

5. Public comments regarding the lack of sidewalks and road improvements to accommodate an additional 80 units needed to be reviewed and addressed if needed.

All of these will need to be addressed as development proceeds. In most cases these improvements will be done at the owner's expense.

4.2 Issue and Consideration # 2 – Urban Design/Site Plan Improvements

Through the department consultation process the following site plan matters were raised by Site Plan;

i) Rearrange the parking aisles and buildings to provide one adequately sized common amenity area;
ii) Ensure Stacked Townhouse Block D has regard for the corner location at Meadowlily Road North and Norlan Avenue;
iii) Screen surface parking exposed to Meadowlily Road;
iv) Increase the sidewalk width abutting parking areas to 2.1 metres;
v) Provide a minimum of 1.5 metres from property boundaries to parking areas;
vi) Provide 3 metre landscaped islands every 15 parking stalls;
vii) Relocate Canada Post mailbox to more centralized location;
viii) Reduce amount of site asphalt and hardscape; and,
ix) Improve pedestrian connections to rear parking area, common amenity area and both abutting roads.

There have been changes made to the proposal since submission; eg. Reducing the number of units from 88 to 80, increasing the rear yard setback etc. As the applicant proceeds to the site plan approval phase of the development process these issues will be discussed further to ensure the development meets the City's requirements and ensures this infill development is a positive addition to the area.

4.3 Issue and Consideration # 3 – Development will Destroy Tranquility of Area

Some residents raised this as an issue. Currently, the area serves as one of the entrances to Meadowlily Woods Natural Area across Meadowlily Bridge to the south. Visitors park along the roadways and walk into the area. Currently the area is underdeveloped, compared to other built-up areas in the City, taking on a "rural" character below the hill. There are some older single family dwellings and a urban farm besides the natural area component adjacent to the river.

The subject site is also considered underdeveloped, with two single family dwellings at the front and large rear yards behind. There are no natural features on these rear lands. As discussed in previous sections of the report, it is the City's intent to intensify "inward and upward" making better use of City infrastructure (eg. Sanitary, water, roads) and

services (eg. Commercial, transit) as outlined in The London Plan.

Increasing the population density in the area also allows more people to enjoy the nearby natural area. The proximity of the urban farm across the street also provides easy access to fresh produce for the future building's residents.

4.4 Appropriateness of Official Plan Special Policy and Zoning By-law Amendment Special Provision and Bonusing Requests

A special policy in the London Plan and special provisions in the Zoning By-law are required to permit the proposed development. The rationale to support the recommended changes is provided below;

4.4.1. London Plan Special Policy

A special policy is required to allow stacked townhouses on a Neighbourhood Street in a Neighbourhoods Place Type in the London Plan. Table 10 (Range of Permitted Uses in Neighbourhood Place Type) only permits townhouses. Stacked townhouses are only permitted on a Civic Boulevard or Urban Thoroughfare street classification in a Neighbourhoods Place Type.

Specific Area Policies (Policy 1729-1734) in the London Plan are used to evaluate proposals the require specific area policies. These policies "*may be applied where the applicable place type policies would not accurately reflect the intent of City Council with regard to a specific site or area.*"

Specific criteria in Policy 1730 are provided to evaluate these proposals and following are comments on those criteria;

1. The proposal meets all of the policies of the London Plan except the provision that stacked townhouses are not allowed on a Neighbourhood Street in a Neighbourhoods Place Type;
2. Given the surrounding land uses and locational attributes of the site, the proposal should not have an adverse impact on the surrounding land uses;
3. There are no other vacant/developable sites in this area which could accommodate a development this size;
4. Sufficient density is required on this site to justify the investment in enhanced infrastructure within a built-up area of the City; and,
5. The proposed policy is in the public interest and represents good planning.

Although the intent is to minimize the number of special policies to The London Plan, adding a special policy to allow a 3 storey stacked townhouse development on this property is appropriate because the property is large enough to accommodate the proposal, is at the intersection of two neighbourhood streets, is separated from the single family neighbourhood to the north by an intervening hydro corridor, and its access point is approximately 240 metres from Hamilton Road, a Civic Boulevard (Policy 1731). Through the site plan approval process, building and site design issues can be addressed. Servicing upgrades will improve existing infrastructure in the area.

Policy 1734 requires that Map 7 -Specific Area Policies be amended to include the recommended specific area policy. The recommended amendment is attached to this report.

4.4.2 Zoning By-law Special Provision

4.4.2.1 Reduction in Balcony Encroachment from 6.0 metres to 4.26 metres

This is a relatively minor request which allows balconies on units to encroach into the exterior side yard closer (1.74 m) than they would normally be able to. The encroachment would not extend to the right-of-way of the adjacent street and would still leave room for street trees and/or a landscaped boulevard. This requested change has been included in the recommended zoning by-law special provisions.

4.4.3 Zoning By-law Bonusing Clauses

4.4.3.1 Increase in Permitted Density from 60 to 91 units per hectare

The standard Residential R5 (R5-7) Zone has a density of 60 units per hectare. As indicated under Section 3.4 (Policy Context) of this report, only the 1989 Official Plan has policies which provide for bonusing. The London Plan does not have bonusing policies and the Province is intending to end the practise of bonus zoning in September 2022. However, this application was submitted while the 1989 Official Plan was in force and effect and applicants requested density bonusing in return for the provision of four affordable housing units, more common outdoor amenity space, enhanced landscaped open space and “exceptional site and building design”. The City has reviewed the request and are recommending density increases based on provision of affordable housing and a common open space area/landscaped open space. The City is not recommending a bonus for “exceptional site and building design”.

The applicant is also providing additional amenity space through the removal of parking spaces. They are providing 8.2m² per unit of at grade amenity space which exceeds the City’s standard of 5m² per unit. They are providing 11.29% more landscaped open space than required density increase, 30% is required and they are providing 41.39%.

These additions provide justification for the 31 units per hectare density increase.

4.4.3.2 Decrease in Required Parking from 120 spaces to 91 spaces

The applicants have revised their initial concept to remove 29 parking spaces and provide more amenity space. With 80 proposed units that works out to 1.13 spaces per unit or 1 space per unit plus 11 additional spaces. The City normally requires 1.5 spaces per unit. The City; however, is currently undertaking a City-wide parking study which may reduce or eliminate parking requirements and allow the development industry to determine how much parking they need. A number of other cities (such as Edmonton) have implemented this practise. On August 2, 2022 passed amendments to reduce parking requirements City-wide. Those amendments are currently in the appeal period and are currently not in force and effect.

The London Plan, which is now in force and effect, is transit -orientated and is intended to create more walkable neighbourhoods and rely less on private automobiles. To this end less parking is desirable. Until a new Zoning By-law is developed to implement the London Plan each site will need to be assessed individually.

This site is relatively close to transit stops on Hamilton Road which warrants a reduction in required parking. The demand for parking will be based on the eventual tenant/owner mix in the buildings.

5.0 Conclusion

The purpose of this application is to provide for a form of residential intensification in an existing built-up area on a Neighbourhood Street, close to a Civic Boulevard, once servicing issues have been addressed. The recommendation is for a Holding Residential R5 Special Provision Bonus (h-17. h-100. R5-7(_) B-(_)) Zone which include holding provisions for sanitary/storm and water services and would include bonusing for affordable housing and a common amenity area.

The recommended amendments are consistent with the Provincial Policy Statement (PPS), 2020 , generally conform to the in-force Neighbourhoods policies of The London Plan, including but not limited to the use, intensity and form of future development anticipated along a Neighbourhood Street; and adding a special policy to allow a 3 storey stacked townhouse development is appropriate because the property is large enough to accommodate the proposal, is at the intersection of two streets, is separated from the single family neighbourhood by an intervening hydro corridor, and its access

point is approximately 240 metres from Hamilton Road, a Civic Boulevard, for easy vehicle access.

Prepared by:	**W.J. Charles Parker, MA** **Senior Planner, Long Range Planning and Research**
Reviewed by:	**Mike Corby, MCIP, RPP** **Manager, Planning Implementation**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers MPA, 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.

August 15, 2022

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Appendix A

Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2022

By-law No. C.P.-XXXX-___

A by-law to amend The London Plan for the City of London, 2016 relating to 21-41 Meadowlily Road North and 20 Norlan Avenue.

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 September 6, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

AMENDMENT NO.
to the

THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add a special policy in Policy 1077 of The London Plan for the City of London to permit stacked townhouses as a permitted use in the Neighbourhoods Place Type on a Neighbourhood Street.

2. To amend Map 7 (Specific Policy Areas) of the London Plan to include the subject site.

B. LOCATION OF THIS AMENDMENT

3. This Amendment applies to lands located at 21-41 Meadowlily Road North and 20 Norlan Avenue in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement, 2020. The recommendation provides for intensification in the form of a 3 storey stacked townhouse development which is appropriate because the property is large enough to accommodate the proposal, is at the intersection of two streets, is separated from the single family neighbourhood by an intervening hydro corridor, is across the street from open space and its access point is approximately 240 metres from Hamilton Road, a Civic Boulevard, for easy access. .

D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

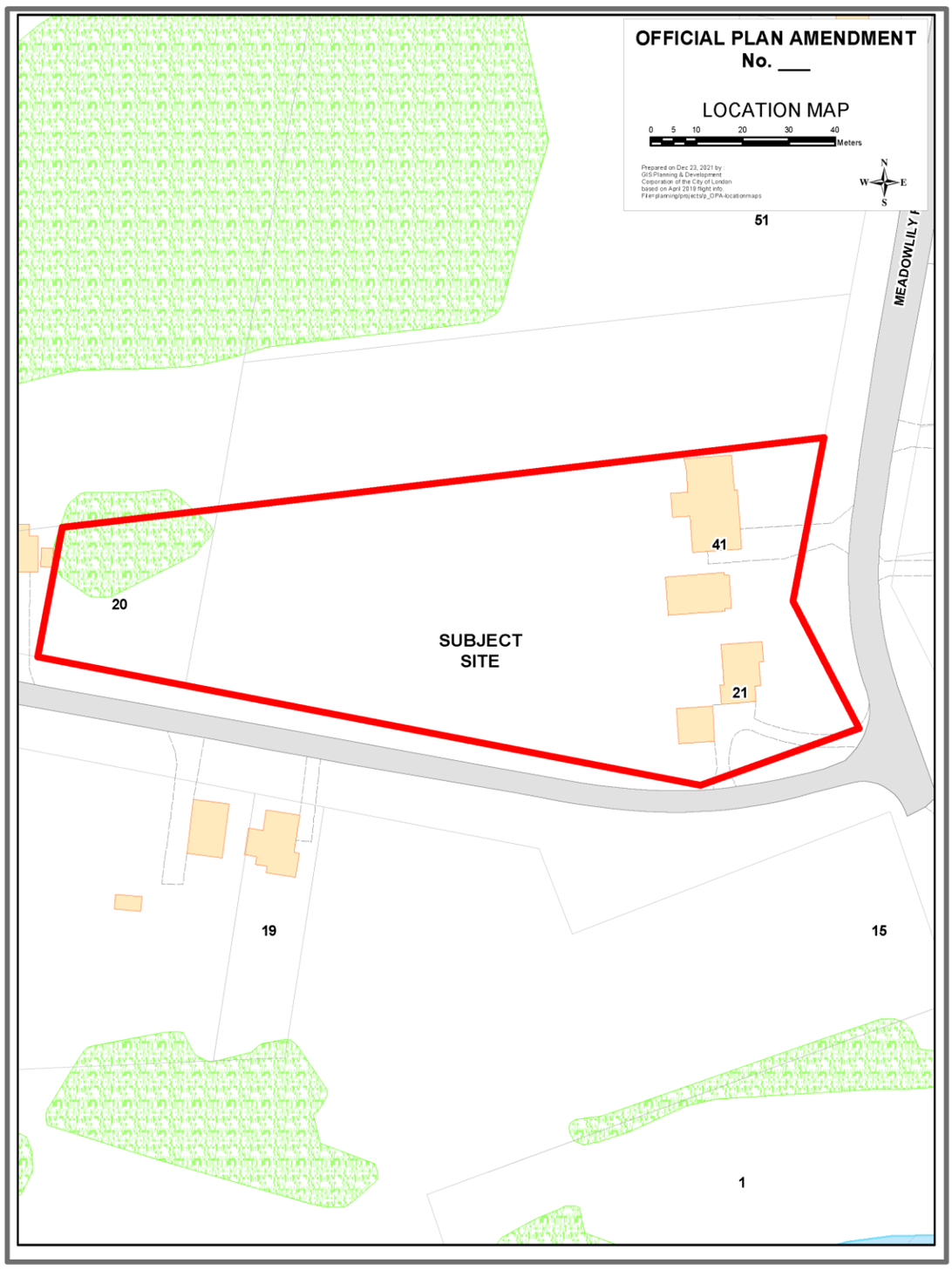
The London Plan is hereby amended as follows:

Policy 1077 of The London Plan for the City of London is amended by adding the following:

1. 21-41 Meadowlily Road North and 20 Norlan Avenue

1077(_) In the Neighbourhoods Place Type at 21-41 Meadowlily Road North and 20 Norlan Avenue, stacked townhouses may be permitted on a Neighbourhood Street..

2. Map 7 – Specific Policy Areas is amended by adding the subject site to the map.


OFFICIAL PLAN AMENDMENT
No. ___
LOCATION MAP
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Prepared on Dec 23, 2021 by :
GIS Planning & Development
Corporation of the City of London
based on April 2019 flight info
File=planning\projects\p_OPA-locationmaps
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Appendix B

Appendix "B"

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 21-41 Meadowlily Road North and 20 Norlan Avenue.

WHEREAS Royal Premier Homes (2812347 Ontario Inc.) has applied to rezone an area of land located at 21-41 Meadowlily Road North and 20 Norlan Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 21-41 Meadowlily Road North and 20 Norlan Avenue, as shown on the attached map comprising part of Key Map No. A108, from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision Bonus (h-17. h-100. R5-7(_) B-(_)) Zone.

2) Section 9.4 of the Residential R5 (R5-7) Zone of Zoning By-law Z-1 is amended by adding the following Special Provision:

) R5-7 (_)

a) Regulation

i) Balcony Encroachment (Exterior Side Yard) (Minimum) 4.26 metres

3) Section 4.3 of the General Provisions of Zoning By-law Z-1 is amended by adding the following new Bonus Zone:

4.3 _ B-(_) 21-41 Meadowlily Road North and 20 Norlan Avenue

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high quality stacked townhouse development at a maximum density of 91 units per hectare and a reduced parking requirement of 91 parking spaces which implements the Site Plan, Renderings and Views attached as Schedule "1" to the amending by-law and provides for the following:

1) Provision of Affordable Housing

i) A total of four (4) residential units will be provided for affordable housing; three, one bedroom units and one, two bedroom unit within two of the four proposed townhouse blocks with a maximum of two units in each building

ii) Rents not exceeding 80% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy;

iii) The duration of affordability set at 50 years from the point of initial occupancy;
iv) The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations; and,
v) These conditions to be secured through an agreement registered on title with associated compliance requirements and remedies.

2) Common Amenity Space

i) Provide for an appropriately sized and located ground level outdoor amenity space for the number of residents anticipated.

The following special regulations apply within the bonus zone upon the execution and registration of the required development agreement;

1) Additional Permitted Use

i) Stacked townhouses.

2) Regulations

i) Density (Maximum) 91 units per hectare

ii) Parking (Minimum) 91 parking spaces (1.13 spaces per unit)

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

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

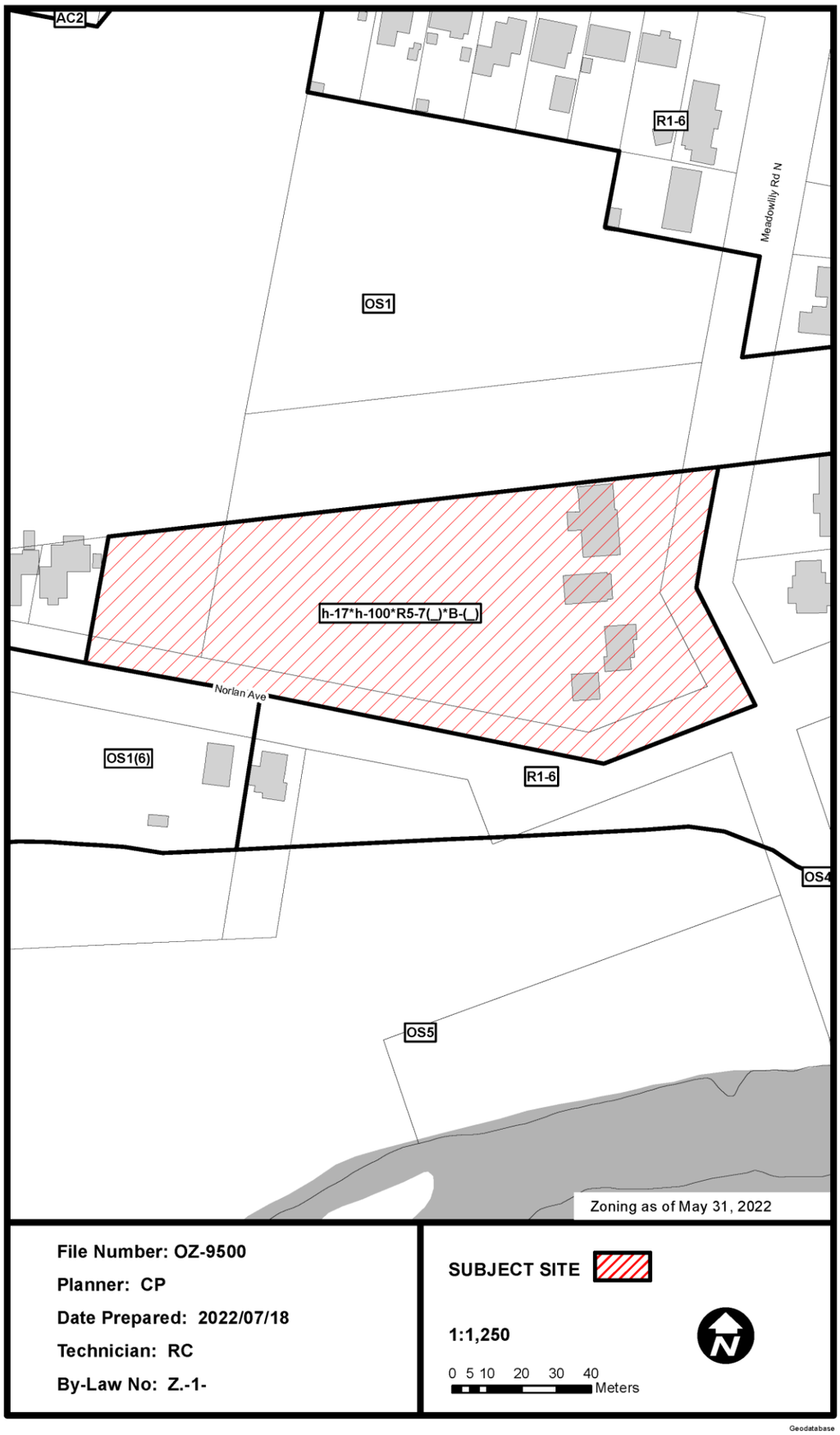
PASSED in Open Council on September 6, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

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



File Number: OZ-9500
Planner: CP
Date Prepared: 2022/07/18
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE

1:1,250

0 5 10 20 30 40
Meters

Geodatabase

Schedule “1”

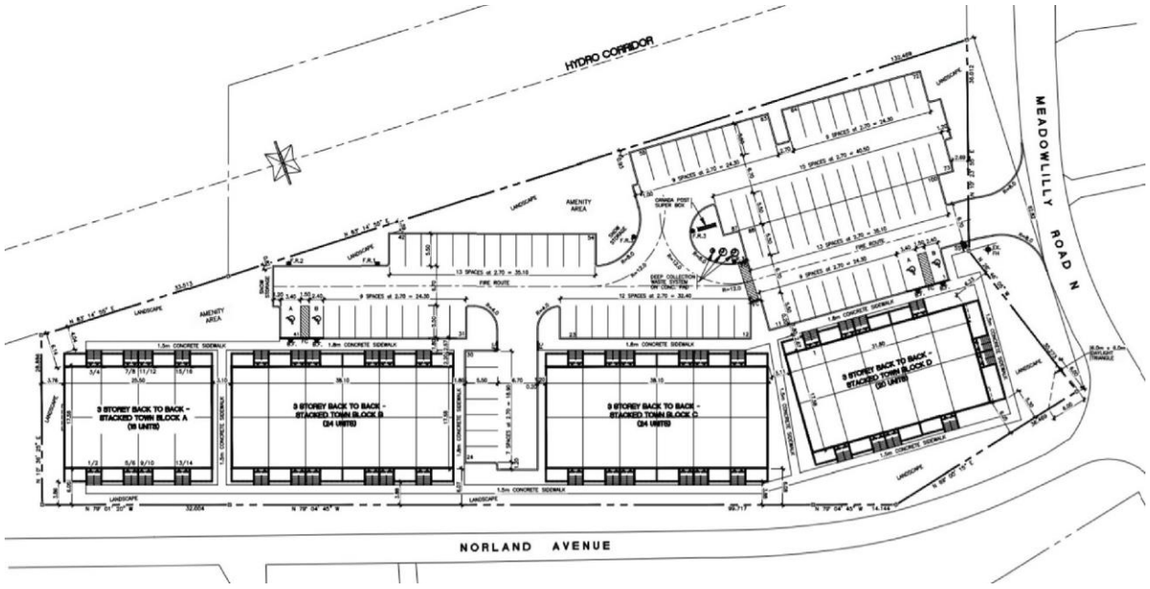


Figure 1 - Site Plan

Figure 2 - Proposed Building Concept (One Building) at intersection of Norlan Avenue and Meadowlily Road North

Appendix C – Public Engagement

Community Engagement

Public liaison: On May 4, 2022, Notice of Application was sent to 36 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 5th, 2022. A "Planning Application" sign was also posted on the site. The agent/applicant also held a virtual open house on June 7, 2022 at which five people provided comments.

Eight (8) replies were received

Nature of Liaison: The London Plan, 1989 Official Plan and Zoning amendments to allow a 3-storey, 80-unit cluster townhouse development at a maximum density of 91 units per hectare and a reduced parking supply of 91 parking spaces.

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

Concern for:

1) *Need for another access to the development given there will be 84 units on the property;*
2) *With this number of units it will be difficult to access Hamilton Road;*
3) *Given that Fairmont P.S. will close soon the kids will walk to Tweedsmuir or be bused-need for sidewalks;*
4) *All infrastructure needs to be upgraded;*
5) *Right now there is a lot of on-street parking-people visiting the natural areas-need for street parking;*
6) *Development will interfere with the recreational nature and tranquility of area because of huge parking lots, noise, traffic etc; and,*
7) *Development will remove green space from the area.*

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone/Open House	Written/E-mail
Lynda/Ted Schauten/66 Meadowlily Road	Heather Struckett/68 Meadowlily Road
Michael Grayson/1025 Feren Street	Mindy Richardson
Cathy	
John	
Richard Cornell	

Departmental/Agency Comments

Engineering Comments

- need h-17 and h-100 holding provisions for sanitary and water

Water:

- *The watermain on Meadowlily Road has a single connection to Hamilton Road and will require water looping once 80 units (including existing connections) are connected to the municipal watermain. There are currently 31 properties that are connected to the dead end watermain.*
    - *The site servicing brief (September 2021) indicates that looping of the watermain will be required as the number of units serviced will exceed 80 due to the proposed development.*
    - *The site servicing brief (September 2021) included with the application proposes to extend the existing 50mm PEX watermain on Norlan Avenue to provide the necessary municipal watermain looping. The existing 50mm PEX watermain on Norlan Avenue is not adequately sized to handle the additional demands required for the proposed development (for both domestic and fire demands). The watermain shall be upsized to ensure water servicing for both the current area and the proposed development will meet City Standard if utilized for the municipal watermain looping.*
    - *The looped municipal watermain will be at the Owner's expense.*
    - *The municipal watermain providing connection for the proposed development is required to be looped prior to the site connecting to the municipal distribution system.*
- *As part of the site plan application, for the proposed municipal watermain looping, the following will be required:*
    - *A water servicing design report sizing the municipal watermain necessary for looping to ensure it meets and conforms to all City of London Standards (including but not limited to domestic demands, fire demands, water quality) will be required.*
    - *The municipal watermain shall be located in standard location within the right-of-way.*
    - *A water distribution plan along with plan and profile drawings of the municipal watermain.*
    - *A Form 1 for the municipal watermain.*
    - *Any required changes to the municipal watermain will be at the Owner's risk and cost.*
    - *Further comments regarding looping and upsizing requirements will be provided once Water Engineering reviews the drawings and servicing brief.*
- *As part of the site plan application, for the proposed development, a water servicing design report addressing domestic demands, fire flows and water quality will be required.*
- *The hydraulic model provided with the site plan application shall include an assessment of the capacity of the existing 150mm municipal CI watermain on Meadowlily Road North. This is necessary to ensure that the proposed development does not have a negative impact on the current services within the area. The hydraulic model is to include the existing homes along the watermain and ensure the friction factors ("C" values) utilized within the Hazen-Williams calculations are representative of cast iron, and not PVC.*
- *Provide electronic modelling files (in EPANET format) as part of the site plan application for review by Water Engineering staff.*
- *Water servicing to the proposed development shall be to City Standard 7.9.4(h.5) - Water Meters in Stacked Townhomes.*
- *Should the maximum residual pressure within the site's water service exceed 80psi, a pressure reducing valve (PRV) shall be required (on private property) as per the Ontario Building Code.*

- *Water servicing shall be configured in a way to avoid the creation of a regulated drinking water system.*
- *Further comments to be provided during site plan application.*

Wastewater:

- *The applicant is proposing a 3-storey, 80-unit cluster townhouse development with a density of 91 units per hectare, which exceeds our 75unit/ha design standard for MD.*
- *There is no municipal sanitary outlet available or in close proximity to the subject lands. However, SED has initiated a Class EA and Servicing study for the Meadowlily Road area, which is anticipated to be completed in about one year from now. Construction timing of municipal services in the area will be determined after the competition of this EA and through the 2025 Development Charges Study.*

Stormwater:

1. *The site is located within the UTRCA regulated area and therefore UTRCA approval/permits may be required, including confirmation as to required setbacks.*
2. *The site is tributary to the existing 1200mm sewer on Meadowlily Road North. Due to the intensification of the existing site the consultant is required to submit a report which is to include a sewer capacity analysis (design sheet) to demonstrate available capacity. This analysis shall include the delineation of upstream catchments areas and associated runoff coefficients, etc.*
3. *The Developer shall be required to provide a Storm/Drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure on-site controls are designed to reduce/match existing peak flows from the 2 through 100 year return period storms.*
4. *The SWM functional report should also include, analysis of any increased or accelerated flows and its impact at the outlet to the Thames River. Including any recommend measures to prevent erosion at the outlet. (e.g. rip-rap, etc.)*
5. *The applicants consultant shall be required to provide analysis of the major over land flows of the site, including hydraulic analysis of Meadowlily Rd. N. south of the site to confirm capacity and appropriate conveyance.*
6. *Any proposed LID solutions should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, it's infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual; and may be reviewed for eligibility for reduction in stormwater charges as outlined in section 6.5.2.1.*
7. *As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:*
   - *the flow from the site must be discharged at a rate equal to or less than the existing condition flow;*
   - *the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;*
   - *the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);*
   - *"normal" level water quality is required as per the MOE guidelines and/or as per the EIS field information; and*
   - *shall comply with riparian right (common) law.*

   The consultant shall update the servicing report and drawings to provide calculations, recommendations and details to address these requirements.

Additional SWM related comments will be provided upon future review of this site during the site plan application stage.

Transportation:

- *6.0m x 6.0m daylight triangle required at Norlan Ave and Meadowlilly Road North*
- *Close and restore existing accesses not required for proposed development.*

  Access is to connect to Meadowlily at a 90 degree angle.

General comments for sites within Central Thames Subwatershed

1. *The subject lands are located within a subwatershed without established targets. City of London Standards require the Owner to provide a Storm/Drainage Servicing Report demonstrating compliance with SWM criteria and environmental targets identified in the Design Specifications & Requirements Manual. This may include but not be limited to, quantity control, quality control (70% TSS), erosion, stream morphology, etc.*

2. *The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions up to and including 100-year storm events.*

3. *The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer. It shall include water balance.*

4. *The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.*

5. *The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.*

6. *Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.*

7. *An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.*

Urban Design Comments-

There are no UD Comments regarding the OPA and ZBA for 21-41 Meadowlily Road North &20 Norlan Avenue.

Urban Design comments with regard to the Site Plan process:

- *Provide a full-set of dimensioned elevations for all four sides of all proposed buildings with materials and colours labelled. Further urban design comments may follow upon receipt of the elevations;*

- *Explore opportunities to rearrange the parking aisles and buildings to provide a common amenity space that is centrally located and that is not isolated through parking aisles.*
    - *Provide a site plan that displays common amenity space details such as features and landscaping.*
- *Ensure Block D has regard for its corner location. Building mass and articulation should address the intersection of Norlan Avenue and Meadowlily Road.*

<u>Site Design</u>

1. *Screen the surface parking exposed to Meadowlily Road with enhanced landscaping [TLP 278_]. Increase the sidewalk width abutting parking areas to a minimum of 2.1 metres to accommodate for any vehicle overhang. The curb ramp from the barrier-free access aisle is to include adequate space for maneuvering on the sidewalk*
2. *In accordance with the Site Plan Control By-law, a minimum of 1.5 metres is required from property boundaries to parking areas to provide for adequate landscape buffering. Additionally, a 3 metre landscape island is required every 15 parking stalls (only 2.7m is proposed)*
3. *The Canada Post mailbox is to be relocated to a more centralized, accessible location.*
4. *Provide an adequate sized common amenity space to accommodate all units on site (approximately 5m2 for every unit)*
5. *Visitor parking is required at a rate of 1 space for every 10 units.*

Parks Planning and Design comments

-Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

Zoning comments

-The second storey balconies are required to meet the main building setbacks of 6.0 metres otherwise, a special provision is required to allow the balconies to project slightly (applicant to verify the required setback).
Special provisions required for density (from 60u/ha to 91 u/ha and reduction of parking (from 120 to 91)

Ecological comments

- This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.

<u>Major issues identified</u>

- *Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation, including, but not limited to, Significant Valleylands and Vegetation Patches Greater Than 0.5 Ha.*

<u>Ecology – complete application requirements</u>

- *None associated with this application.*

<u>Notes</u>

Natural heritage features are sufficiently buffered from impacts associated with proposed development.

Archaeological comments

“I (Laura Dent) have reviewed the following and find the report’s (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment requirements for (OZ-9500):

- *Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 21-41 Meadowlily Road ( ), Middlesex County, Ontario (PIF P1289-0023-2020), January 2021*

Please be advised that heritage planning staff recognizes the conclusion of the report that states that "no 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.

An Ontario Ministry of Heritage, Sport, Tourism Cultural Industries (MHSTCI) archaeological assessment compliance letter has also been received dated February 22, 2021….

Archaeological conditions can be considered satisfied for this application."

Agency Comments
UTRCA – no objections but may require permits/clearances
Hydro- no issues

Housing Development Corporation

Background:
Housing Development Corporation, London (HDC) was engaged to work with 2812347 Ontario Inc. (the "Proponent") and their consultant (Zelinka Priamo Ltd.) to provide a fair recommendation to the Director, City of London Development Services in response to an Official Plan and Zoning By-law Amendment application (OZ-9500) for "bonusing" in exchange for the provision of affordable housing. The Official Plan and Zoning By-law Amendment application would provide for the development of four, 3-storey back-to-back stacked townhouse blocks each containing 20 units.

RECOMMENDATION:
It is the recommendation of the HDC that the following elements constitute the affordable housing bonus zone:
1. **4 stacked townhouse units (to be comprised of three, one-bedroom units and one, two-bedroom unit) be dedicated to affordable rental housing in exchange for the granting of increased height and density. The affordable units will be contained within 2 of the 4 proposed townhouse blocks (maximum two units in each building).** It is noted that all 4 buildings are to be constructed at the same time. The intent is that the units should be provided as soon as possible during the build;

2. **"Affordability" for the purpose of an agreement be defined as rent not exceeding 80%** of the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR) for units where:
i. AMR is defined at the applicable one-bedroom and two-bedroom rate for the London Census Metropolitan Area by CMHC at the time of building occupancy;
ii. the identified units will be mixed throughout and not otherwise identifiable within the building; and
iii. Rents for the affordable rental housing units shall only be increased to the allowable maximum, once per 12-month period in accordance with the *Residential Tenancy Act* or any successor legislation but not to exceed 80% of the CMHC AMR.

3. **The duration of the affordability period be set at 50 years** calculated from initial occupancy of each unit and for each month thereafter that the unit is occupied. At the conclusion of the agreement period, any sitting tenants within associated affordable units shall retain security of tenure and rental rates until the end of their tenancy. The rights of tenancy and affordability in the dedicated units shall not be allowed to be assigned or sublet during or after the agreement.

4. **The Proponent be required to enter a Tenant Placement Agreement (TPA) with the City of London.** This action aligns the affordable rental housing units with priority populations vetted and referred to the Proponent or their agent by the City. The owner retains final tenant selection in accordance with the *Residential Tenancy Act,* subject to the established eligibility and compliance requirements.

5. **These conditions be secured through an agreement registered on title with associated compliance requirements and remedies.** This recommendation ensures the retained value of each affordable rental housing unit within the Bonus Zone for the 50-year affordability period. Compliance will be monitored in a similar fashion as is conducted with other agreements and shall include conditions related to default and remedy.

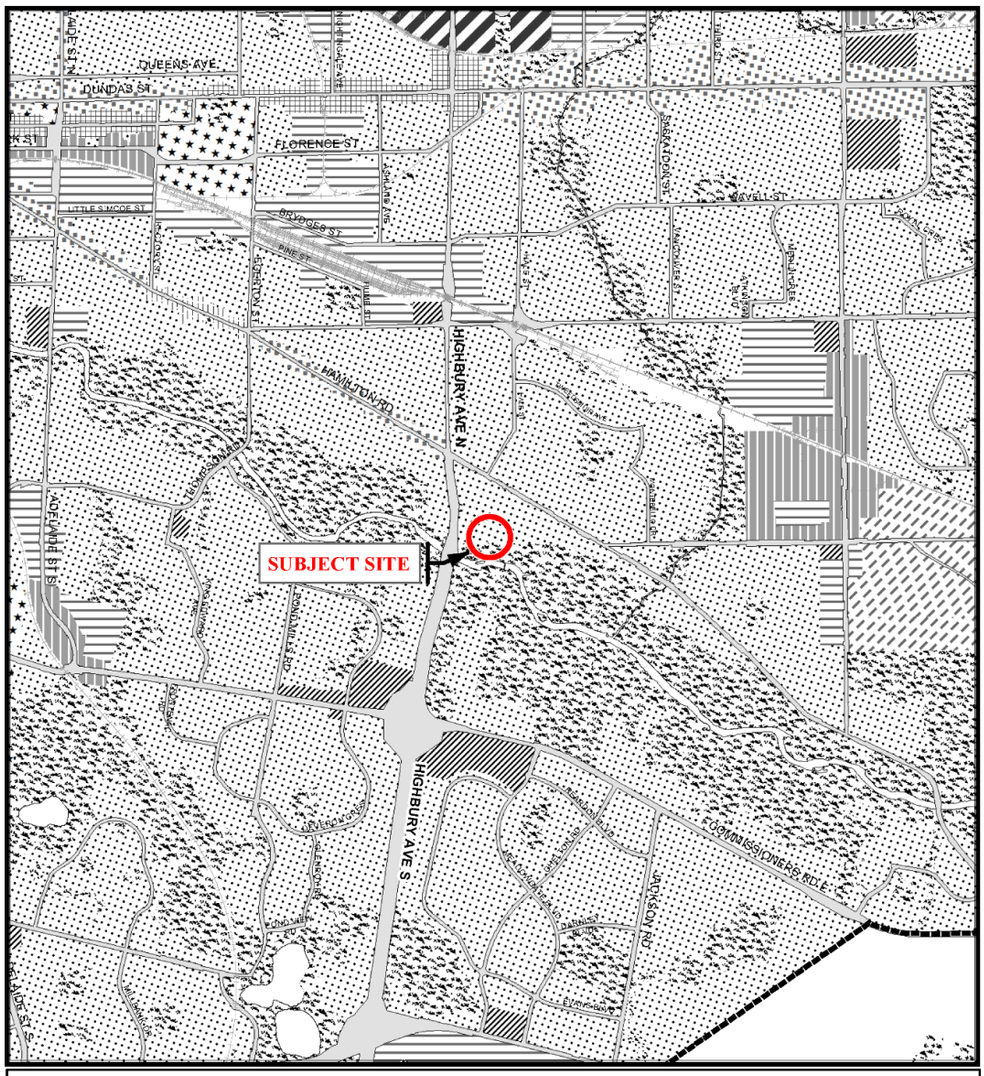
Rationale for Affordable Housing Bonus:
Guiding Policy: Housing affordability is recognized as one of the City's principle planning challenges. The City's new London Plan states that planning activities will provide for a mixture of dwelling types and integrated mixtures of housing affordability.
Location and Application Considerations: The subject lands are on located on the west side of Meadowlily Road North, north of Norlan Avenue. The subject lands are proximate to a broad range of residential, community shopping area, arterial commercial, neighbourhood facility and open space uses. The subject lands are proximate to LTC Route 3(Downtown-Argyle Mall) and 5(Byron-Argyle Mall), and the City of London on-road bicycle network. The Hamilton Road corridor includes transit supportive infrastructure (transit stops, bus shelters, streetlights and sidewalks).
Alignment to Need: The locational attributes of the site align with factors used by HDC to advance affordable rental housing. The recommendations align with housing needs and priorities defined within the *Housing Stability for All Plan* and CMHC analytics related to vacancy rates and rental rates.

Conclusion:
The *Planning Act* provides municipalities the ability to advance public facilities, services or matters in exchange for additional height and density above existing zoning permissions. The ability to utilize this important tool as a mechanism to advance affordable rental housing aligns with a critical need in London.
This recommendation recognizes Council's expressed interest to seek *"…options for implementing and coordinating [planning] tools to be most effective…"* to *"…promote the development of affordable housing in London"* (4.4/12/PEC, July 25, 2018).

Appendix D – Relevant Background

Additional Maps

LONDON PLAN – MAP 1 - PLACE TYPES



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 Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

CITY OF LONDON
Official Plan

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development

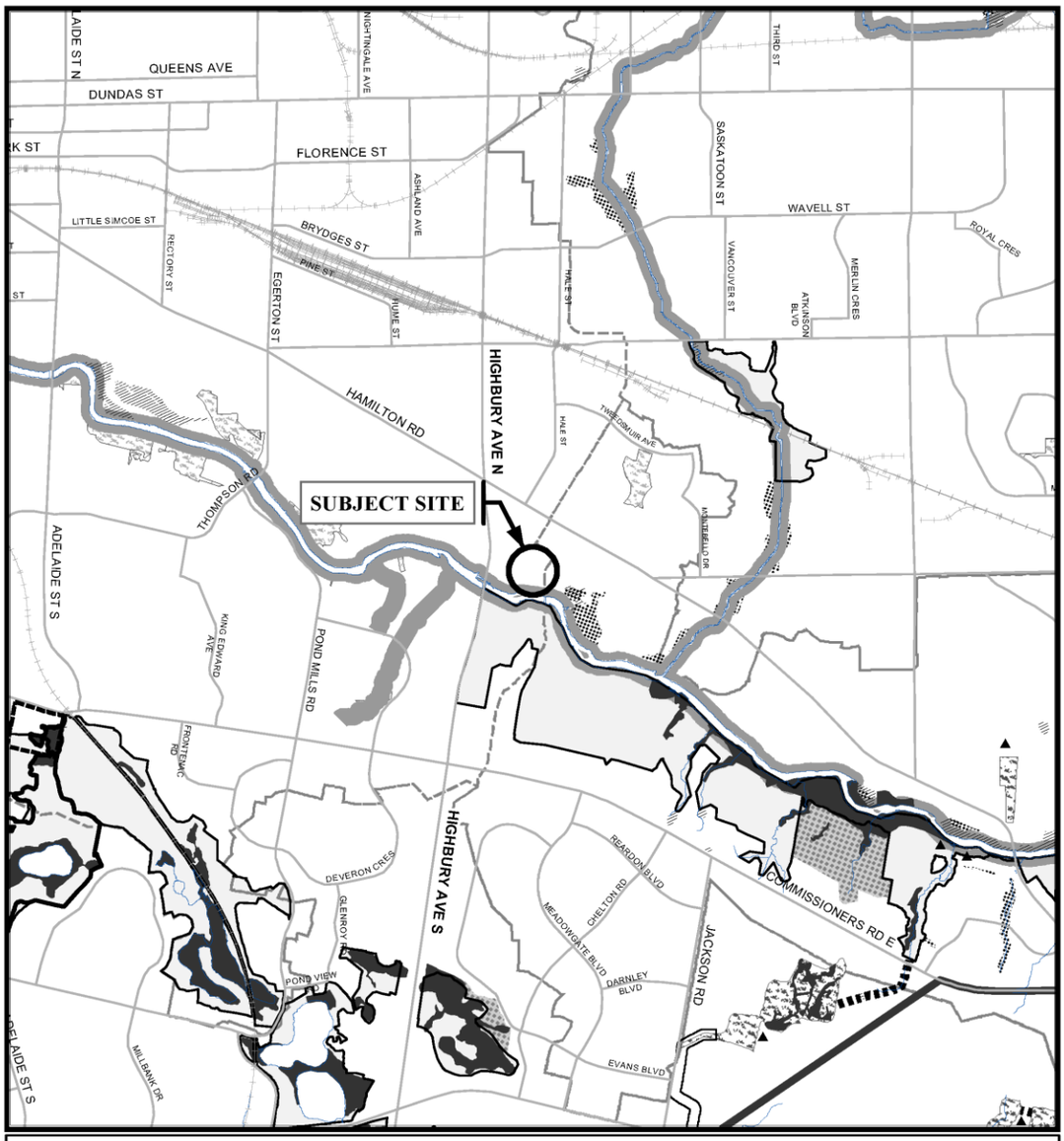
Scale 1:30,000

0 150 300 600 900 1,200 1,500
Meters

File Number:	OZ-9500
Planner:	CP
Technician	RC
Date:	2022/7/14

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\OZ-9500-Map1-PlaceTypes.mxd

LONDON PLAN – MAP5 - NATURAL HERITAGE



NATURAL HERITAGE SYSTEM

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

Base Map Features

- Railways
- Water Courses/Ponds
- Streets (see Map 3)
- Conservation Authority Boundary
- Subwatershed Boundary
- Subject to Site Specific Appeals (LPAT Appeal PL170100)

This is an excerpt from Planning & Development's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.

CITY OF LONDON
Official Plan

LONDON PLAN MAP 5
- NATURAL HERITAGE -

PREPARED BY: Planning & Development

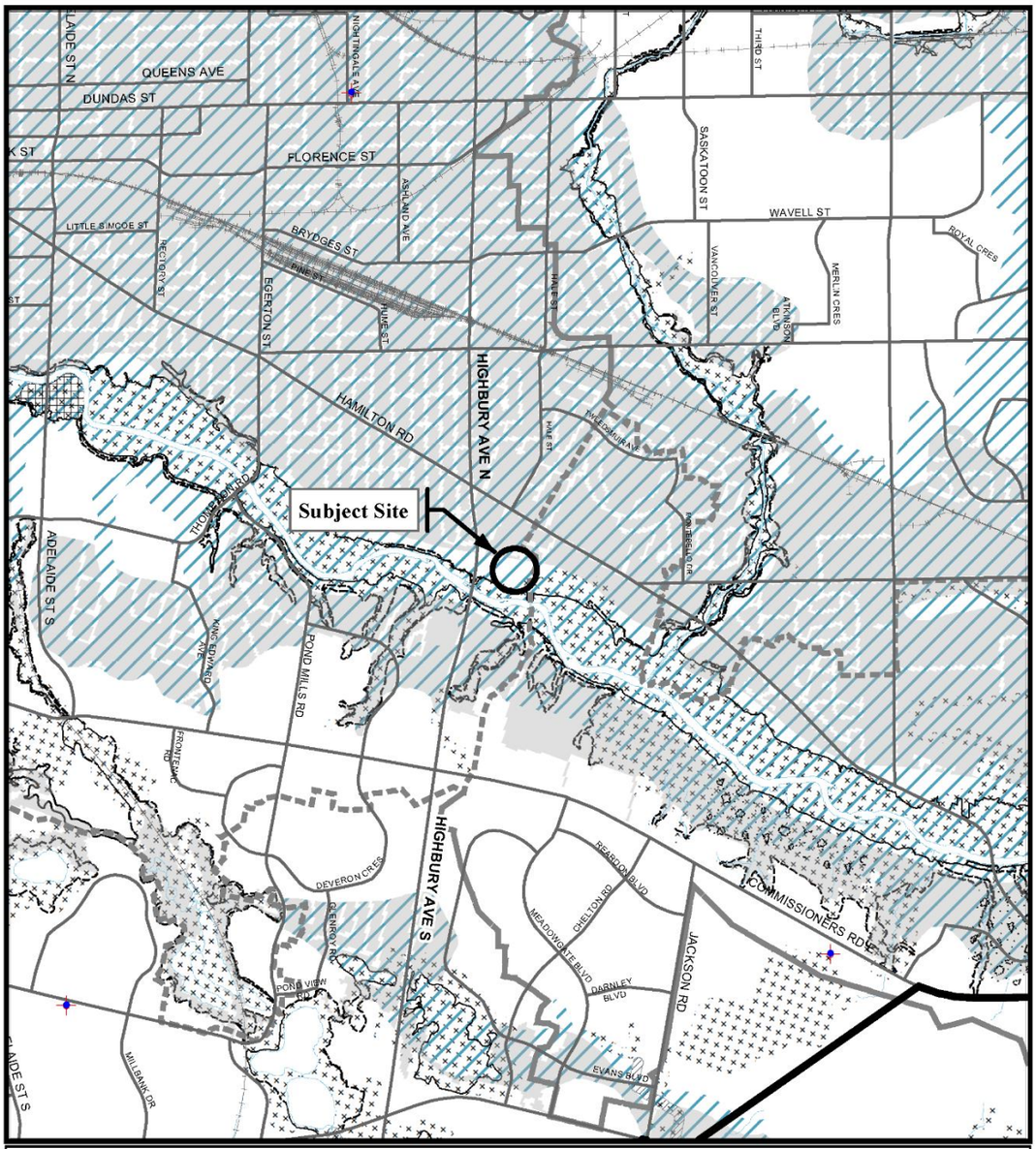
Scale 1:30,000

0 145 290 580 870 1,160 1,450
Meters

File Number:	OZ-9500
Planner:	CP
Technician	RC
Date:	7/18/2022

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\OZ-9500-Map5-NaturalHeritage.mxd

LONDON PLAN – MAP 6 – NATURAL HAZARDS AND NATURAL RESOURCES



HAZARDS

- Regulatory Flood Line
  - *NOTE 1: Flood Lines shown on this map are approximate.The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.*
  - *NOTE 2: Flood Fringe mapping for certain areas of the City is available from the Upper Thames Conservation Authority.*
- Special Policy Areas
- Potential Special Policy Areas
- Riverine Erosion Hazard Limit for Confined Systems
  - *NOTE: Steep Slopes Outside the Riverine Erosion Hazard Limit on the map are approximate. Precise delineation is available from the Conservation Authority having jurisdiction.*
- Riverine Erosion Hazard Limit for Unconfined Systems
- Maximum Hazard Line
- Conservation Authority Regulation Limit
- Abandoned Oil/Gas Wells

NATURAL RESOURCES

- Aggregate Resource Areas
- Extractive Industrial Areas
- Wellhead Protection Area
- Emergency Municipal Water Wells
- Significant Groundwater Recharge Areas
- Highly Vulnerable Aquifers

BASE MAP FEATURES

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

This is an excerpt from Planning & Development's working consolidation of Map 6 - Hazards and Natural Resources of the London Plan, with added notations.

CITY OF LONDON
Official Plan

LONDON PLAN MAP 6
- NATURAL HAZARDS AND NATURAL RESOURCES -

PREPARED BY: Planning & Development

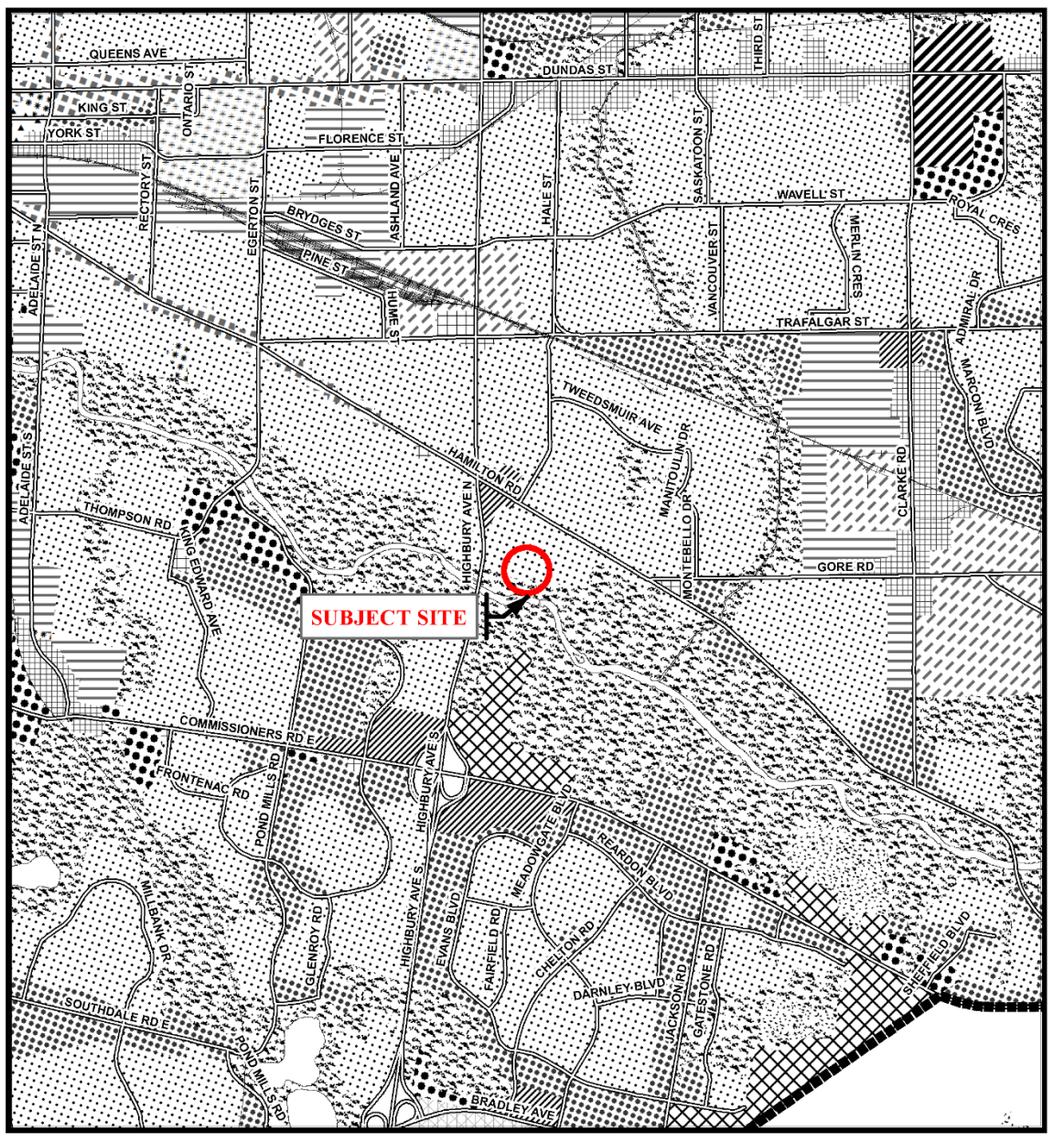
Scale 1:30,000

0 150 300 600 900 1,200 1,500
Meters

FILE NUMBER:	OZ-9500
PLANNER:	CP
TECHNICIAN:	RC
DATE:	7/18/2022

Document Path: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\OZ-9500-Map6_NaturalHazardsAndNaturalResources.mxd

1989 OFFICIAL PLAN – SCHEDULE A – LAND USE



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

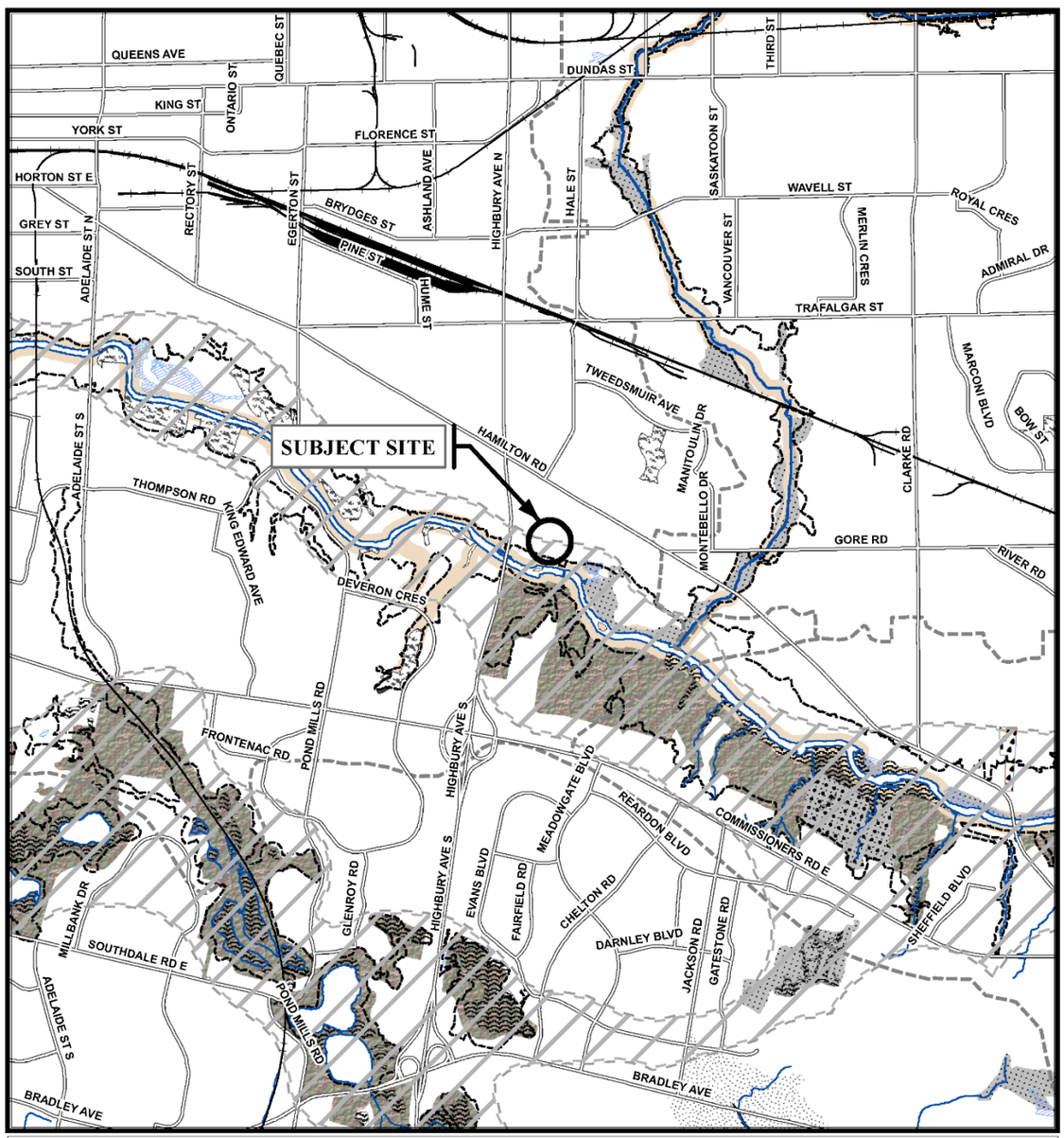
Scale 1:30,000

0 155 310 620 930 1,240 1,550
Meters

FILE NUMBER:	OZ-9500
PLANNER:	CP
TECHNICIAN:	RC
DATE:	2022/07/18

PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

1989 OFFICIAL PLAN – SCHEDULE B1 – NATURAL HERITAGE FEATURES



NATURAL HERITAGE SYSTEM

- ESAs
- Potential ESAs
- Significant Woodlands
- Woodlands
- Unevaluated Vegetation Patches
- Significant River, Stream, and Ravine Corridors
- Unevaluated Stream and Ravine Corridors
- Provincially Significant Wetlands
- Locally Significant Wetlands
- Unevaluated Wetlands
- Potential Naturalization Areas
- Potential Upland Corridors
- Ground Water Recharge Areas

NATURAL HAZARDS

- Maximum Hazard Line

NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.

NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.

Base Map Features

- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Big Picture Meta-Cores and Meta-Corridors

CITY OF LONDON
Planning Services / Development Services

OFFICIAL PLAN SCHEDULE B1
- NATURAL HERITAGE FEATURES -

PREPARED BY: Graphics and Information Services

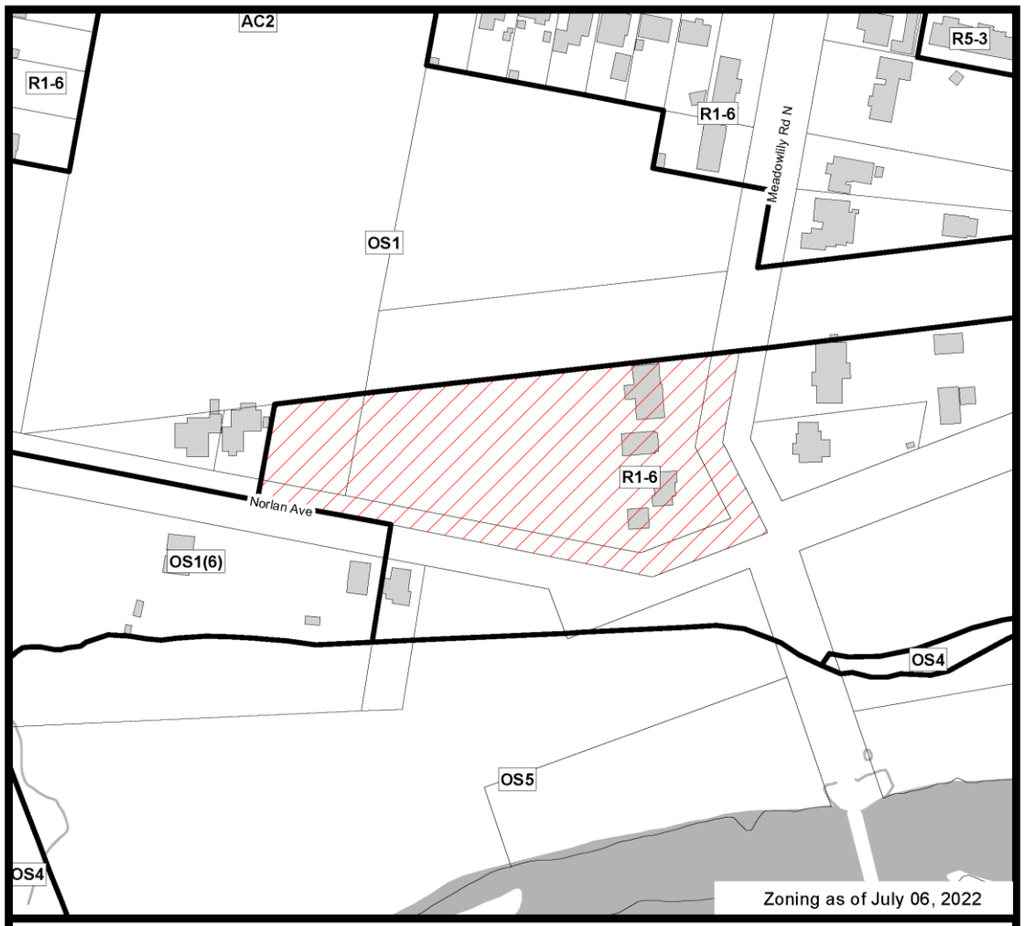
Scale 1:30,000

Meters

FILE NUMBER:	OZ-9500
PLANNER:	CP
TECHNICIAN:	RC
DATE:	2022/07/18

PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\excerpts\mxds_templates\schedule_b\scheduleB1_b&w_8x14_with_SWAP.mxd

ZONING BY-LAW Z-1 – SCHEDULE A



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

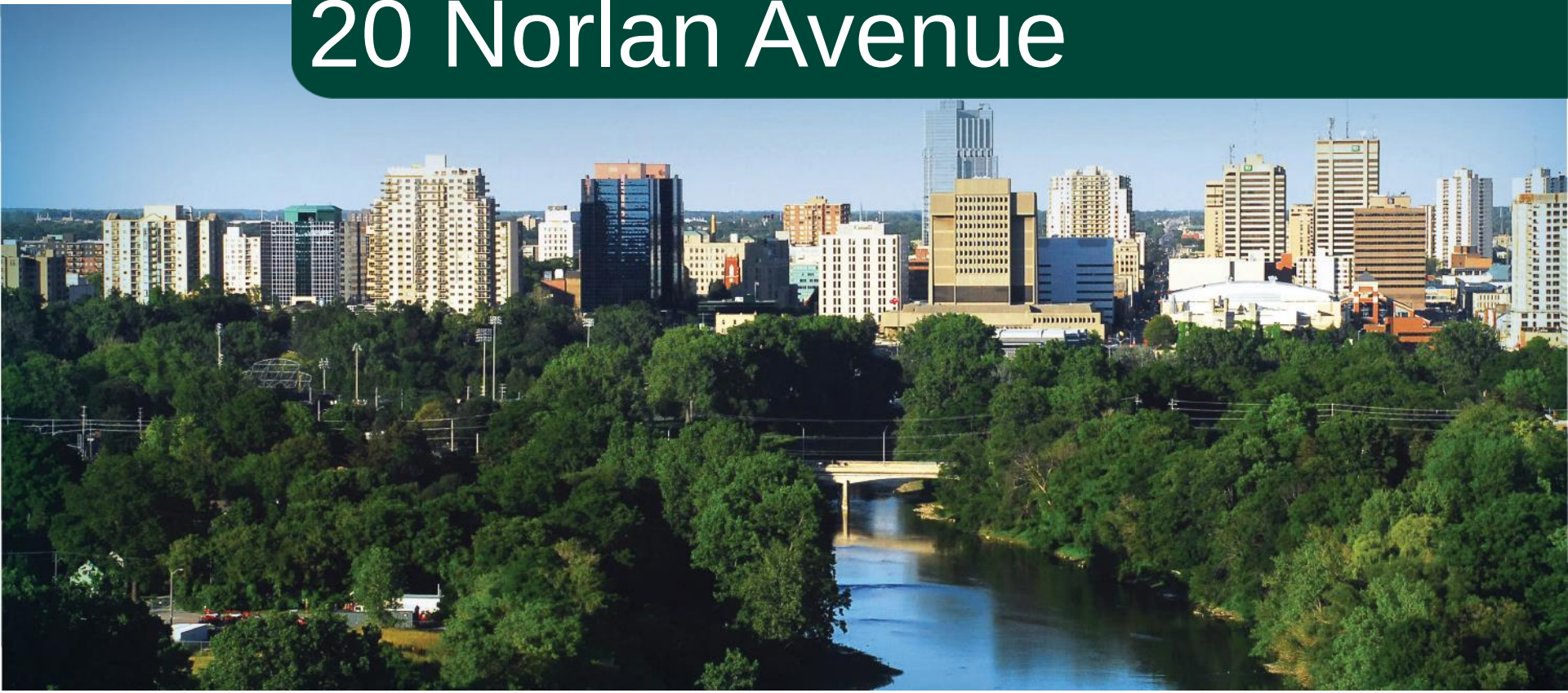
FILE NO: OZ-9500 CP

MAP PREPARED: 2022/07/18 RC

1:2,000

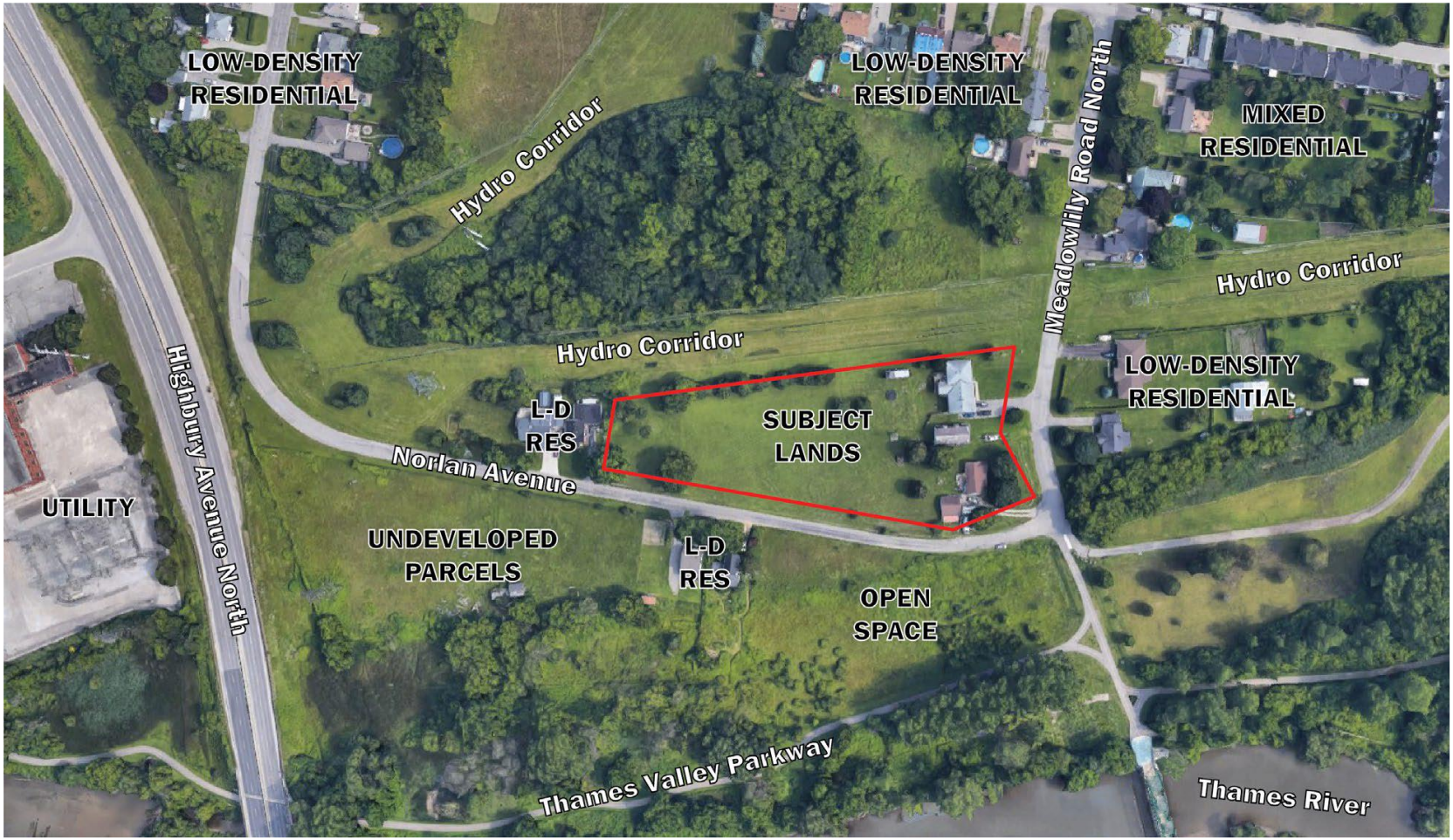
0 10 20 40 60 80 Meters

21-41 Meadowlily Road and 20 Norlan Avenue



OZ-9500/Royal Premier Homes
Planning and Environment Committee – Monday, August 22, 2022

Location


LOW-DENSITY RESIDENTIAL
Hydro Corridor
LOW-DENSITY RESIDENTIAL
Meadowlily Road North
MIXED RESIDENTIAL
Hydro Corridor
Hydro Corridor
LOW-DENSITY RESIDENTIAL
Highbury Avenue North
L-D RES
SUBJECT LANDS
Norlan Avenue
UTILITY
UNDEVELOPED PARCELS
L-D RES
OPEN SPACE
Thames Valley Parkway
Thames River

OPA and ZBA Request

Existing

- 1989 Official Plan – Low Density Residential – still in force at time of application submission
- The London Plan – Neighbourhoods
- Zoning By-law Z-1 – R1-6

Applicant requested

1. special policy in both Official Plans to permit back-to-back townhouses at a height of 3 stys and density of 91 u/ha through bonusing

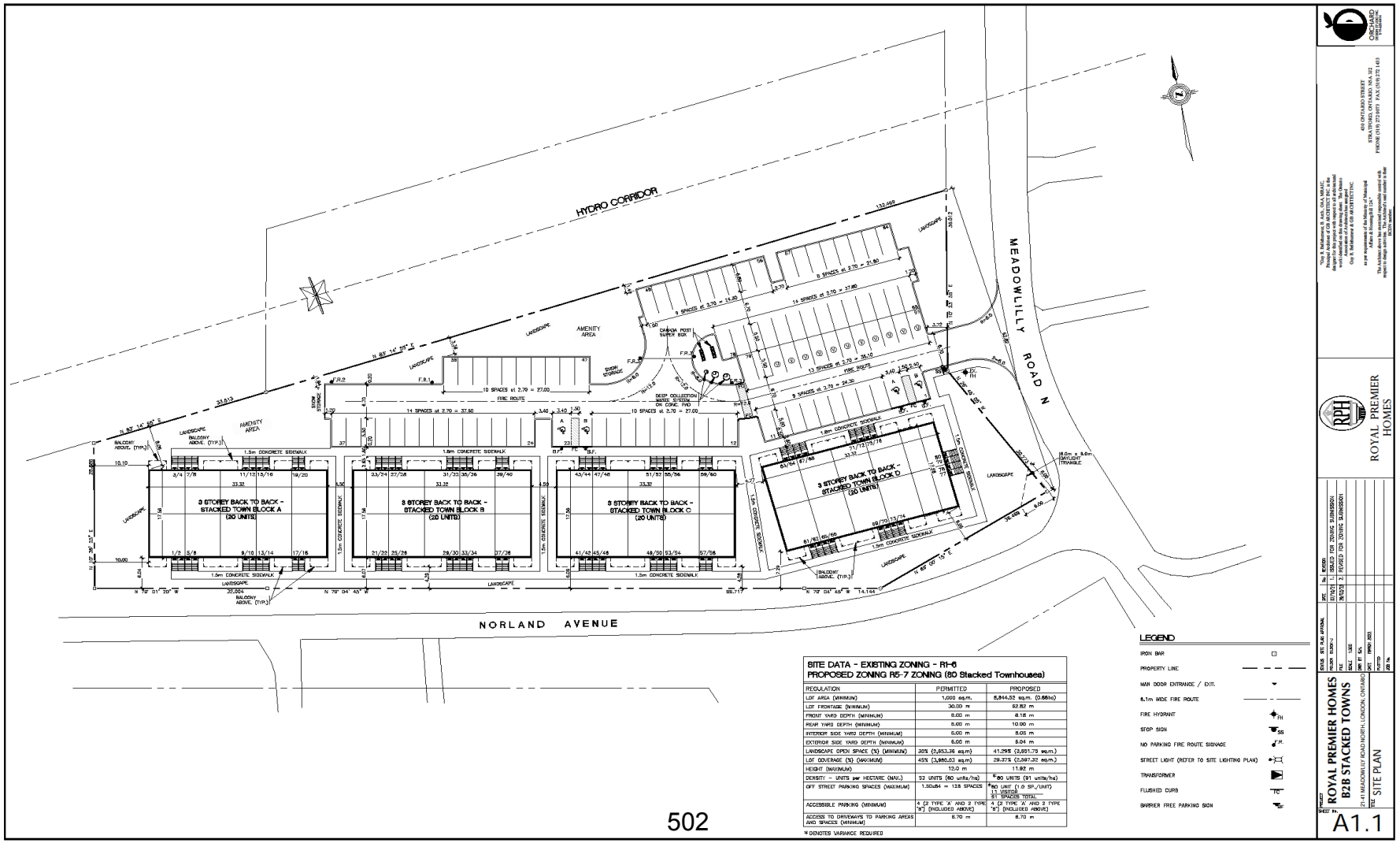
The London Plan was changed to allow a 3 storey height and 1989 Official Plan no longer in force.

2 R5-7 (_) B- - density of 91 u/ha and 91 parking

-bonus for affordable housing (4 units), common outdoor amenity space, enhanced building design and enhanced landscaping.

Concept

Site Plan



SITE DATA - EXISTING ZONING - R1-6
PROPOSED ZONING R5-7 ZONING (80 Stacked Townhouses)

REGULATION	PERMITTED	PROPOSED
LOT AREA (MINIMUM)	1,000 sq.m.	8,844.52 sq.m. (0.884a)
LOT FRONTAGE (MINIMUM)	30.00 m	62.82 m
FRONT YARD DEPTH (MINIMUM)	6.00 m	6.18 m
REAR YARD DEPTH (MINIMUM)	6.00 m	10.00 m
INTERIOR SIDE YARD DEPTH (MINIMUM)	6.00 m	6.05 m
EXTERIOR SIDE YARD DEPTH (MINIMUM)	6.00 m	6.04 m
LANDSCAPE OPEN SPACE (%) (MINIMUM)	30% (2,653.36 sq.m)	41.29% (3,651.75 sq.m.)
LOT COVERAGE (%) (MAXIMUM)	45% (3,980.03 sq.m)	29.37% (2,597.32 sq.m.)
HEIGHT (MAXIMUM)	12.0 m	11.92 m
DENSITY - UNITS per HECTARE (MAX.)	53 UNITS (60 units/ha)	*80 UNITS (91 units/ha)
OFF STREET PARKING SPACES (MAXIMUM)	1.5x84 = 126 SPACES	*80 UNIT (1.0 SP./UNIT) 11 VISITOR 91 SPACES TOTAL
ACCESSIBLE PARKING (MINIMUM)	4 (2 TYPE 'A' AND 2 TYPE 'B') (INCLUDED ABOVE)	4 (2 TYPE 'A' AND 2 TYPE 'B') (INCLUDED ABOVE)
ACCESS TO DRIVEWAYS TO PARKING AREAS AND SPACES (MINIMUM)	6.70 m	6.70 m

* DENOTES VARIANCE REQUIRED

LEGEND

- IRON BAR
- PROPERTY LINE
- MAN DOOR ENTRANCE / EXIT.
- 6.1m WIDE FIRE ROUTE
- FIRE HYDRANT (FH)
- STOP SIGN (SS)
- NO PARKING FIRE ROUTE SIGNAGE (F.R.)
- STREET LIGHT (REFER TO SITE LIGHTING PLAN)
- TRANSFORMER
- FLUSHED CURB (FC)
- BARRIER FREE PARKING SIGN

ORCHARD DESIGN GROUP INC.
459 ONTARIO STREET
STRATFORD, ONTARIO N5A 3J2
PHONE (519) 272-0073 FAX (519) 272-1483

ROYAL PREMIER HOMES

ISSUE	No.	REVISION	DATE
	1.	ISSUED FOR ZBLWS SUBMISSION	2021/12/15
	2.	REVISED FOR ZBLWS SUBMISSION	2022/12/12

ISSUE FOR PLAN APPROVAL
REVISION NOTES:
FILE:
SCALE:
DRAWN BY:
CHKD:
DATE: MARCH 2023
JOB No.

PROJECT: ROYAL PREMIER HOMES
B2B STACKED TOWNS
21-41 MEADOWLILLY ROAD NORTH, LONDON, ONTARIO
TITLE: SITE PLAN
SHEET No. A1.1

Public Comments

1. need for improvements to infrastructure
2. quiet area-disturbance-recreation
3. need for second access to development
4. access to Hamilton Road more difficult
5. Need for sidewalks for school kids
6. On-street parking needed

No concerns about height , form or “look” of development from the public.

Department/Agency Comments

1. need for h-17 and h-100 holding provisions until services installed (EA currently in progress for Meadowlily Area).
2. Need for sanitary, storm, water and road improvements.
3. sidewalks needed.
4. rearrange parking aisles to provide larger common amenity area.

Recommendation and Rationale

1. add a special policy to The London Plan to allow stacked townhouses on a Neighbourhood Street in a Neighbourhoods Place Type.

   - site is unique- large enough with many locational advantages

2. Holding Residential R5 Special Provision Bonus Zone

   - holding zone until water, sanitary and other services are available

   Bonus Zone – in return for allowing an increase in density from 60 to 91 units per hectare and a reduction in parking from 120 to 91 spaces the applicant is provided 4 affordable housing units and increasing the amount of common open space by 11 %.

Good example of residential intensification in an existing Built-up Area and Primary Transit Area (Provincial Policy Statement and the London Plan**)**

Report to Planning and Environment Committee

To: **Chair and Members**
Planning and Environment Committee
From: **Scott Mathers, MPA, P. Eng.,**
Deputy City Manager, Planning and Economic Development
Subject: **183 and 197 Ann Street – Proposed Designation By-laws under Part IV, Section 29 of the Ontario Heritage Act – Consideration of Objections**
Date: **August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning and Development, with the advice of the Heritage Planner, with respect to the designation of built resources at municipal addresses 183 Ann Street and 197 Ann Street, located on the consolidated parcel legally described as – LOTS 4, 5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN 183(W)DESIGNATED AS PART 1, PLAN 33R-20622 – that the following **ACTIONS BE TAKEN**:

a) The Notice of Objection, dated June 15, 2022, from York Developments attached hereto as Appendix "A" be **RECEIVED** for consideration;
b) Municipal Council **AFFIRMS** its intention to designate the built resources at municipal addresses 183 Ann Street and 197 Ann Street under Part IV, Section 29 of the Ontario Heritage Act as set out in Resolution (2022-D09/R01) (4.2/9/PEC) on May 4, 2022;
c) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting to be held on September 6, 2022, to designate the built resource at 197 Ann Street under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18. for the reasons outlined in Appendix B of this report; and,
d) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting to be held on September 6, 2022, to designate the built resource at 183 Ann Street under the provisions of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18. for the reasons outlined in Appendix C of this report.

It being noted that this matter has been considered by the London Advisory Committee on Heritage (now the Community Advisory Committee on Planning) and public notice has been completed with respect to designation in compliance with the requirements of the Ontario Heritage Act.

Executive Summary

This report recommends that Municipal Council affirm its decision of May 4, 2022 (2022-D09/R01) (4.2/9/PEC) stating its intention to designate the built resources at municipal addresses 183 and 197 Ann Street under Part IV, Section 29 of the Ontario Heritage Act. The City Clerk's has received an objection to the Notice of Intention to Designate on behalf of the property owner within the statutory timeline.

The municipal addresses at 183 and 197 Ann Street are part of a consolidated parcel located at the southeast corner of Ann and St. George Streets, just south of the Canadian Pacific Railway, and near to high-rise residential buildings to the southeast.

Staff have reviewed the objections raised by the owner and are of the opinion that despite these objections, the properties meet Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act under all three categories of design and physical, historical and associative and contextual values.

As the properties have cultural heritage value or interest and meet the prescribed criteria pursuant to Part IV, Section 29 of the Ontario Heritage Act, staff are of the opinion that these properties should be designated. Designation enables Municipal Council to review proposed alterations for the property, enforce heritage property standards and maintenance, and refuse or add conditions to a request for demolition.

In June 2019, the More Homes, More Choice Act, 2019 (Bill 108) received Royal Assent. Schedule 11 of this Act included amendments to the Ontario Heritage Act (OHA), which included amendments to the listing and designation processes. The Bill 108 Amendments to the OHA came into force on July 1, 2021.

Municipal Council has until September 16, 2022, 90 days from the end of the objection period, to make a decision on this objection.

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 Previous Reports Related to this Matter

2022, June 20 – Report to Planning and Environment Committee. St. George and Ann Block Limited 84-86 St. George Street and 175-197 Ann Street - Public Participation Meeting. Agenda Item 3.5, pp826-976.

2022, April 25 – Report to Planning and Environment Committee. Designation, 183 Ann Street, and 197 Ann Street under Part IV of the Ontario Heritage Act. Agenda Item 4.2, pp340-392.

2022, April 25 – Report to Planning and Environment Committee. St. George and Ann Block Limited 84-86 St. George Street and 175-197 Ann Street - Public Participation Meeting (OZ-9127). Agenda Item 3.3, pp127-252.

1.2 Brief Property Description and Heritage Status

183 and 197 Ann Street are located on a consolidated parcel at the southeast corner of Ann and St. George Streets, just south of the Canadian Pacific Railway in the area known as 'North Talbot'. In 2020, a Cultural Heritage Inventory for the North Talbot Study Area was prepared to identify heritage listed and heritage designated properties within the North Talbot Study Area in advance of initiating an HCD Study for the district. Both 183 and 197 Ann Street were included in that inventory, and are currently heritage listed properties, included on the City's Register of Cultural Heritage Resources.

Both built resources at 183 and 197 Ann Street have direct associations with the former Kent Brewery – one of the first breweries in London – and the Hamilton brewing family, notably John Hamilton (who ran the brewery from 1861– 1887), and his son, Joseph Hamilton (who ran the brewery from 1887–1917). The former Kent Brewery is one of the oldest existing brewery buildings in Canada and a rare example of an early brewery site where the brewery building remains (197 Ann Street), and the brewer's house (183 Ann Street) is also intact.

1.3 Heritage Planning File Background and Decision History

On Sept 20, 2019, an Official Plan and Zoning By-law amendment application (OZ-9127) was received for a 28-storey apartment building complex at 84 – 86 St. George Street and 175 – 197 Ann Street.

A Notice of Application and HIA was circulated to the London Advisory Committee on Heritage (LACH) on October 10, 2019.

At its meetings on November 13 and December 11, 2019, the LACH reported that it was not satisfied with the research, assessment, and conclusions of the heritage impact

assessment (HIA) and referred the file for 197 Ann Street and other dwellings on the subject property of the application to the Stewardship Sub-Committee for further research.

At the March 9, 2020, Planning and Environment Committee (PEC) meeting, an information report on the application (OZ-9127) was considered. Heritage staff prepared a 9/06 evaluation and found that the property at 197 Ann Street retains historical associations and contextual value that are sufficiently significant to warrant support for Part IV heritage designation. PEC referred the application and heritage matters back to the Civic Administration for a future report and recommendation.

On October 7, 2020, a revised Notice of Planning Application (OZ-9127) was circulated for a modified design with 22-stories; the LACH reviewed the revised application at its October 14, 2020, meeting. Based on this review, the LACH Report to PEC, included on the October 19, 2020, Planning & Environment (PEC) agenda, recommended the designation of 183 Ann Street and 197 Ann Street under the Ontario Heritage Act (OHA).

At the October 19, 2020, PEC meeting, the Applicant requested that consideration of the LACH's request for designation be deferred to the November 30, 2020, PEC meeting.

At its meeting held on November 24, 2020, Municipal Council then resolved that Civic Administration report back on this matter – deferred to November 30th – to a future meeting of PEC because of alterations being proposing to the building design (Resolution 4.1/8/PEC). This resolution also noted that the properties located at 175, 179, 183, and 197 Ann Street and 84 and 86 St. George Street had merged. As well at the same Municipal Council meeting per resolution (5.1/18/PEC), 175, 179, 183 Ann Street and 84 and 86 St. George Street properties were added to the Register of Cultural Heritage Resources based on the cultural heritage information presented in the North Talbot Cultural Heritage Inventory (TMHC, 2020)

On November 9, 2021, a revised HIA was received by the file planner, which responded to previous comments from the LACH and Civic Administration (Nov 13, Dec 11, 2019; Feb 26, 2020) that identified errors and omissions in the original HIA submitted (2019). The revised HIA also depicted the inclusion of a public brewery on the first floor on the east side of the proposed building.

At its meeting on March 9, 2022, the LACH was circulated on the revised HIA and reported that it was not satisfied with conclusions of revised HIA (Nov 4, 2021) and reiterated its previous comments (Oct 14, 2020 – LACH report) to retain and designate the properties located at 197 and 183 Ann Street.

On April 1, 2022, a newly revised application and a Notice of Application was circulated. The application again depicted a 22-storey apartment building including a range of convenience commercial uses including a 'craft brewery'; the proposal shows all existing buildings and structures are to be removed on the subject property.

At a public meeting on April 25, 2022, the Planning and Environment Committee considered civic administration's recommendation to designate the built resources on the municipal addresses at 183 and 197 Ann Street under Part IV, Section 29 of the Ontario Heritage Act.

On May 4, 2022, Municipal Council stated its intention to designate the built resources on the municipal addresses at 183 and 197 Ann Street under Part IV, Section 29 of the Ontario Heritage Act.

On May 19, 2022, Notices of Intention to Designate Properties at 183 and 197 Ann Street the Ontario Heritage Act, R.S.0.1990, c. 0.18 was sent to the property owner and the Ontario Trust and was published in The Londoner.

On June 15, 2022, a Notice of Objection to Municipal Council's Intent to Designate the 183 and 197 Ann Street under Part IV of the Ontario Heritage Act was received by the City Clerk's.

At a public meeting on June 20, 2022, the Planning and Environment Committee considered revisions to OZ-9127 application.

On July 5, 2022 Municipal Council approved an (h-41) holding provision as a condition of (OZ-9127) related to 183 and 197 Ann Street stating that the a) site and/or building and/or portions thereof must be designated under the Ontario Heritage Act by the City of London; and b) affected lands will be subject to Site Plan Control under Section 41 of the Planning Act, R.S.O. 1990 c. P.13, and a development agreement must be entered into by the owner of the subject lands and the City of London. (2022-D04) (AS AMENDED) (3.5/12/PEC)

2.0 Discussion and Considerations

Municipal Council has stated its intention to designate the built resources on the municipal addresses 183 and 197 Ann Street under Part IV, Section 29 of the Ontario Heritage Act (the Act). Notice of Council's intention to designate was served on the property owners and the Ontario Heritage Trust and was published in accordance with the Act. The objection period ended on June 18, 2022.

A notice of objection was received by the City Clerk on behalf of the owners of the property within the required timeframe set out in the Act. The Act requires that Municipal Council consider and make a decision on an objection within 90 days from the end of the objection period. Council may decide to withdraw, amend, or affirm its intention to designate. Council has until September 16, 2022, to make a decision on the objection.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

Staff have reviewed the Notice of Objection dated June 15, 2022, prepared by York Developments. The notice of objection is included as Appendix A to this report. Through this letter a number of reasons are outlined for the objection. These reasons include:

a) The built heritage resources at municipal addresses 183 and 97 are not under threat of demolition.
b) The heritage value and attributes of both properties have been established.
c) Heritage designation can be considered as part of the approval and implementation of the ongoing planning approvals.
d) The built resource at 183 Ann Street is not a good candidate for designation.

These reasons offered by the property owner are not in line with the proposal being sought, conclusions of the heritage impact assessment submitted with the proposal, as well as subsequent memos prepared on behalf of the property owner in support of the development proposal.

Ultimately demolition or significant alteration will be required, as the development being proposed is predicated on the removal of the built resources at the municipal addresses 183 and 197 Ann Street. Removal is stated as such in a memo submitted by MHBC (dated May 24, 2022), from Scott Allen) on behalf of York Developments. York Developments' intention is to:

> *establish a detailed process to guide the removal of the building complex associated with the former Kent Brewery and the removal of 175, 179 and 183 Ann Street and 84 and 86 St. George Street. In particular, the Interpretation Plan will explore the incorporation of tangible cultural heritage elements (i.e. salvaged material) and intangible elements (i.e. stories, practices, rituals such as the tradition of brewing and industrial, working-class lifestyle) into the proposed tower.*

Further, conclusions of the applicant's heritage impact assessment (MacNaughton Hermsen Britton Clarkson, 2021), determined that retention of building(s) on-site was not feasible due to the size and density required for the proposed development to be economically viable. Note, however that cost considerations are not determinative of heritage conservation outcomes, nor are they sufficient reasons to support the demolition of built resources that have been determined to have cultural heritage value.

Finally, one of the primary mitigative measures being suggested to compensate for the potential loss of the cultural heritage resource at 197 Ann Street is to salvage existing buff brick and repurpose for a brewery function being proposed in the development. However, the use of a property can not be designated or protected as a heritage attribute under the Ontario Heritage Act, and stipulating the reuse of a salvaged resource under these circumstances is not assured.

Staff have re-examined the Statements of Cultural Heritage Value or Interest for the heritage resources at 183 and 197 Ann Street and remain of the opinion that the extent of the Statements and the Heritage Attributes appropriately describe the cultural heritage value or interest of this property as it relates to the criteria prescribed by Ontario Regulation 9/06 of the Act. Staff do not recommend revisions to the extent of this statement.

In addition to the position and opinion provided by the City's heritage staff, this same position is supported by evaluation by the applicant's heritage consultant (MacNaughton Hermsen Britton Clarkson, 2021) and the by heritage consultant that prepared the North Talbot Cultural Heritage Inventory (Timmins Martelle, 2020). All three of these evaluations found that 183 and 197 Ann Street are significant cultural heritage resources that meet the criteria for designation under Section 29 the Ontario Heritage Act.

It is important to also note that should Municipal Council be asked to consider the demolition of this property, in whole or in part, at some time in the future, Council may refuse the request, approve the request, or approve the request with conditions. Unless the property is designated, Municipal Council would have no authority to require any of the mitigative measures currently proposed by the Applicant to in fact be implemented.

Should Council affirm its intention to designate, the City Clerk's will introduce the designating by-laws to Municipal Council under Section 29 of the Ontario Heritage Act. Once Council has passed the designating by-laws, notice has been provided, and the by-laws have been published in accordance with the Act, an appeal may be made to the Ontario Land Tribunal in accordance with the Act. The Ontario Land Tribunal Decision is binding.

Statements of Cultural Heritage Value or Interest adopted by Municipal Council are appended to this report as Appendix B and Appendix C.

Conclusion

The built resources at 183 and 197 Ann Street meet Ontario Regulation 9/06, the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act under all three categories of design and physical, historical and associative, and contextual values. As such, despite the notice of objection, the built resources at 183 and 197 Ann Street should be designated.

Prepared by:	**Laura E. Dent, M.Arch, PhD, MCIP, RPP** **Heritage Planner**
Submitted by:	**Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP** **Manager, Urban Design and Heritage**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers, MPA, P. Eng.** **Deputy City Manager, Planning and Economic Development**

Appendices

Appendix A	Notice of Objection - 183 Ann Street and 197 Ann Street
Appendix B	Statement of Cultural Heritage Value or Interest – Municipal Address, 197 Ann Street
Appendix C	Statement of Cultural Heritage Value or Interest – Municipal Address, 183 Ann Street

Appendix A – Notice of Objection

303 Richmond St., Suite 201
London, ON N6B 2H8

June 15, 2022

City of London
Attn: Michael Schulthess, City Clerk
300 Dufferin Avenue
London, ON N6B 1Z2

Dear Mr. Schulthess:

RE: Notice of Objection
Notice of Intention to Designate Under Part IV of the Ontario Heritage Act for 183 Ann Street and 197 Ann Street
St. George and Ann Block Limited (c/o York Developments)

We received Notices of Intention to Designate each of 183 and 197 Ann Street from the City of London. This letter is intended to serve as our objection to the City's Notices of Intention to Designate the properties under Section 29 (3) of the *Ontario Heritage Act*.

The lands at 183 and 197 Ann Street are currently part of active Official Plan Amendment and Zoning By-law Amendment (OPA/ZBA) applications (City of London File: OZ-9127). These applications are in process and are expected to come forward to City Council for consideration in the near future. If these applications are approved, Site Plan Approval would also be required before any development on the site could occur.

York Developments does not object to the principle of the heritage designation or recognition of heritage resources. However, we do object to the timing of the designation given that the lands are in the midst of a planning process. Our reasons for objection are described more fully below.

1. **The buildings are not under threat of demolition**. York Developments has not submitted a demolition application nor do we intend to at this point in time. As noted, the lands are part of a development planning application and we have no intention of submitting a demolition application or any other type of alteration to the buildings until those planning applications have run their course. Therefore there is no need to designate the buildings now in order to protect them from any imminent changes.

2. **The heritage value and attributes of both properties have been established.** It is not necessary for Council to designate the buildings in order to understand the heritage value and heritage attributes of the properties. A heritage impact assessment including a cultural heritage evaluation has been completed for both properties that clearly identifies the heritage value and attributes for both buildings. In addition the City's Notice of Intention to Designate summarizes the heritage value of both properties. Therefore, the heritage attributes and heritage value of these properties has already been determined and is known. Preparation and application of a designation bylaw is not necessary in order to understand the heritage value of each property.

3. **A heritage designation can be considered as part of the approval and implementation of the ongoing planning approvals.** Designating the buildings in advance of the consideration of the planning applications unnecessarily complicates the planning process. It is better to bring a designation bylaw forward after the OPA and ZBA applications has been approved. That way the designation bylaw can be tailored to the general form of development that has been considered and approved by Council. Typically, this would occur at the time of Site Plan Approval once the detailed design and site planning for the project have been completed and are known. This avoids the necessity of having to redraft and have Council amend the designating bylaw should the approved development result in an alteration or modification to one or both of the buildings (as a result of the approval of the planning applications).

4. **The building at 183 Ann Street is not a good candidate for designation.** The building has been altered and lost much of its original components from the time when it was a brewery. We believe there are better ways to conserve and celebrate the history of the site than simply keeping the building. We have included these ideas in our planning application and development proposal. We ask that Council not designate the property now but instead wait until the development application is considered. Then, should the designation still be appropriate, Council could proceed.

For these reasons we are requesting Council withdraw its notice of intention to designate the properties at 183 and 197 Ann Street.

Yours truly,

Ali Soufan
President
York Developments

cc. Heritage Planners, City of London; heritage@london.ca

Appendix B – Statement of Cultural Heritage Value or Interest Municipal Address, 197 Ann Street

Legal Description
LOTS 4, 5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN 183(W)DESIGNATED AS PART 1, PLAN 33R-20622

PIN
08262-0220

Description of Property
The municipal address at 197 Ann Street is located in the North Talbot area of the City of London, on a consolidated parcel comprising multiple municipal addresses located, at the southeast intersection of Ann and St. George Streets.

197 Ann Street (known as the former Kent Brewery c. 1859-1881) is located on Lot 4 and Part Lot 3 of the consolidated parcel. The brewery complex consists of 4 building parts, built at different periods and continuously adapted over time.

- 2-storey brick building (primary building) – comprising some form of the original brewery with early modifications; 9m x 13m approx. with the short end fronting Ann Street.
- 1-storey brick building (old wash house) – located to the west of the primary building, c.1890s; 9.88m x 20.45m approx. with short end fronting Ann Street
- 1-storey brick and clad building (south extension) – located to the rear of the primary building exhibiting considerable external and internal modifications made during expansion years of the brewery; 9.49m x 21.65m approx. extending south from the primary building to the contemporary addition
- cinder block building with vinyl siding (contemporary garage) – added in the late 20th century for automotive services; 10m x 11m approx. at the south end of the south extension

Statement of Cultural Heritage Value or Interest
The former Kent Brewery, at 197 Ann Street, is of cultural heritage value or interest because of its physical or design values, historical or associative values, and contextual values.

Physical or Design Value
The former Kent Brewery at 197 Ann Street is one of the oldest existing brewery buildings in Canada. It is an early example in the City of London (and province) of an industrial building typology and a rare example of a physically intact brewery from the mid-late-19th century. It is also a rare example of an early brewery site where the brewery building remains, and the brewer's house is also intact.

The brewery complex is representative of a mid-late 19th century vernacular, industrial commercial ‘typology’. Parts of the building complex are visually discernable from the exterior, and include a primary building, old wash house, south extension, and a contemporary garage. The 2-storey ‘primary building’ is a simple, rectangular brick veneer building, of local buff brick, with a flat roof. The façade is relatively unadorned except for corbelled brick detailing expressed in the parapet. Many window and door openings are topped with brick voussoirs. There are several brick rounded ‘Florentine’ arches in the basement. The 1-storey ‘old wash house’ is a simple, rectangular building with a buff brick exterior. It has a similarly unadorned façade, with a flat roof sloping from the front to the rear.

Much of what is currently recognized as the former Kent Brewery is exhibited in the original primary building as well as the old wash house. Their overall profile, massing, and scale, and modest detailing appears as they did in the at the peak of the brewery's business c1905. Collectively, both buildings retain an authentic utilitarian expression of a functioning mid-late-19th- century brewery.

Historical or Associative Values
The Kent Brewery is one of the first breweries in London, and the third most significant historic brewery in the city after Carling's and Labatt's. The brewery is associated with the Hamilton brewing family, notably John Hamilton (who ran the brewery from 1861–1887), and his son, Joseph Hamilton (who ran the brewery from 1887–1917). There are also direct associations of the brewery with the adjacent Brewer's House at 183 Ann Street that was built by Joseph Hamilton around 1893 and occupied by him and his family until 1911. More broadly, the former Kent Brewery is closely tied to the culture and history of the North Talbot area and the Carling's Creek and CPR corridor. It's retention enhances our understanding and yields information on the development of industries and the people who lived and worked in the area during the mid-late-19th-century and early-20th-century.

Contextual Values
Physically and functionally the Kent Brewery is strongly linked to its context specifically to the lots immediately to the west that brewer John Hamilton owned, and brewer Joseph Hamilton built for his family residence at 183 Ann Street. Through the use of local buff brick, the brewery along with the brewer's house at 183 Ann Street and cottage at 179 Ann Street, collectively support the visual character of the area.

The Kent Brewery at 197 Ann Street is tied to the physical development of the surrounding area as a late-19th- and early-20th-century industrial and working-class neighbourhood. Its longevity within the neighbourhood, and the fact that it is the last remaining industrial building in Talbot North that sited to take advantage of Carling's Creek, makes it is one of the defining buildings of the Talbot North neighbourhood.

Finally, the Kent Brewery is significant to the historical context of the area because of its direct associations with the Hamilton Family that owned the brewery, and its links to the culture, history, industries and people of the North Talbot area and the Carling's Creek and CPR corridor and its development during the mid-late-19th-century and early-20th-century.

Heritage Attributes
Heritage attributes which support and contribute to the cultural heritage value or interest of the former Kent Brewery at 197 Ann Street include:

- Form, scale, massing and footprint collectively of the primary building and the old wash house
- Exterior buff brick throughout
- Brick voussoirs above principle windows
- Existing window and door openings on the façade and east elevation of the primary building and façade of the old wash house;
- Corbelled parapet detail on the primary building facade
- Interior rounded 'Florentine' arches in the basement

The south extension and contemporary garage are not considered to be heritage attributes.

Appendix C – Statement of Cultural Heritage Value or Interest Municipal Address, 183 Ann Street

Legal Description
LOTS 4, 5, 6 & 7 AND PART LOT 3, SOUTH SIDE ANN STREET PLAN 183(W)DESIGNATED AS PART 1, PLAN 33R-20622

PIN
08262-0220

Description of Property
The municipal address at 183 Ann Street is located in the North Talbot area of the City of London, on a consolidated parcel comprising multiple municipal addresses located, at the southeast intersection of Ann and St. George Streets. The two-and-a-half-storey brick residence is located on Lot 5 of the consolidated parcel.

Statement of Cultural Heritage Value or Interest
The Brewer's House at 183 Ann Street, is of cultural heritage value or interest because of its physical or design values, historical or associative values, and contextual values.

Physical or Design Value
The Brewer's House at 183 Ann Street (c.1893) was built by Joseph Hamilton the brewmaster at the adjacent Kent Brewery from 1887-1916. It is a rare example of a house linked to an extant brewery where the adjacent brewer's house is also intact.

The house is a representative example of a late-19th-century residence with Queen Anne style influences. The form of the house comprises an intersecting hipped roof, and a front gable end which has horizontal siding and dentilled millwork detailing. The gable ends exhibit original bargeboard wood shingling outlined with moulded vergeboards, supported by wooden end brackets and a modillion course beneath. There is a small square gable window under the eaves with a pilaster. The double front doors have a carved wood inset with two arched windows, a stained-glass transom, and are covered by a shallow overhang. Windows openings on all visible elevations have brick voussoirs. On the west elevation is a bay window with stone lug sills. The bay is topped by a flat roof and the fascia board decoratively supported by small brackets/modillions.

Historical or Associative Values
The Brewer's House at 183 Ann Street has direct associations with the adjacent former Kent Brewery at 197 Ann Street and both John and Joseph Hamilton who operated the brewery from 1861-1916. John Hamilton occupied a frame structure on the property from 1862 until his death in 1887. The present brick residence on the property was built by Joseph Hamilton around 1893. Joseph Hamilton and his family continued to occupy the house until 1911. The residence functioned as the brewer's house for the brewery. The size and scale of the house shows the increased prosperity the Kent Brewery attained under Joseph Hamilton's leadership after John Hamilton's death in 1887. Between c1886 and 1916, the Kent Brewery was one of only three breweries in London, third to Labatt and Carling. Today, the former Kent Brewery (c. 1859-1881) may be one of the oldest existing brewery buildings (c.1859-1881), second only to Alexander Keith's Brewery in Halifax whose current ironstone brewery building was built in 1837.

Through its direct associations with the Kent Brewery at 197 Ann Street, the Brewer's House at 183 Ann Street contributes to an understanding of the significant brewing history in London-Middlesex. It is also linked to the culture and history of the North Talbot area and the Carling's Creek and CPR corridor standing as visible remains of the development of industries and the people who lived and worked in the area during the mid-late-19th-century and early-20th-century.

Contextual Values
The Brewer's House at 183 Ann Street is linked to the physical development of the surrounding area as a late-19th- and early-20th-century industrial and working-class neighbourhood. 183 Ann Street is characteristic of the variations in housing along Ann Street and in the near vicinity, reflecting the diversity of people who lived in the area and

worked in the major industries around Carling's Creek. Through its materiality (i.e. buff brick exterior) and early Hamilton Family ownership, the built resource at 183 Ann Street, along with the former Kent Brewery at 197 Ann Street and house at 179 Ann Street, all support the visual character of the area.

The Brewer's House at 183 Ann Street demonstrates: a) a visual link to its surroundings (specifically 197 and 179 Ann Street) through its common use of buff brick on the exteriors; b) a strong physical and functional relationship to its surroundings as the brewer's house located adjacent for the former Kent Brewery; and, c) a significant historical link to its surroundings through its direct associations with the former Kent Brewery and the Hamilton Family that owned the brewery, as well as its links to the culture, history, industries and people of the North Talbot area and the Carling's Creek and CPR corridor and to development during the mid-late-19th-century and early-20th-century.

Heritage Attributes
Heritage attributes which support and contribute to the cultural heritage value or interest of the Brewer's House at 183 Ann Street include:

- Form, scale, and massing of the two-and-a-half storey Queen Anne Revival styled house
- Exterior buff brick throughout
- Two chimneys constructed of buff brick
- Shallow gabled roof profile with cross gable and two gable ends
- Brackets below roof at the principal corners
- Original bargeboard wood shingling on front and east facing gable, outlined with moulded vergeboards
- Front and east facing gables supported by wooden end brackets and a modillion course beneath
- Brick voussoirs above principle windows
- Small square window under the eaves of east facing gable including pilasters on each side of the frame detail border of small square panes
- Bay window on the west elevation topped by a flat roof and fascia board decoratively supported by small brackets/modillions
- Carved details of the original double-leafed door the principal doorway on the front façade including arched glass windows in the doors and dentil-moulded architrave above
- Rectangular stained-glass transom with coloured glass in two rectangular patterns and a diamond pattern in the centre

The detached wooden shed structure at the rear of the lot is not considered to be a heritage attribute

From: NorthTalbot
Sent: Wednesday, August 17, 2022 9:44 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] 183 and 197 Ann Street 4.1 Items for Direction

I consent.

****

Dear Planning and Environment Committee Members;

Re: 4.1 Items for Direction

183 and 197 Ann Street - Proposed Designation By-laws Under Part IV, Section 29 of the Ontario Heritage Act - Consideration of Objections

It would be much appreciated if you could please support the heritage planning staff on this issue, without political interference and without personal bias. That is the intent of the Ontario Heritage Act and the London Plan.

It is important to understand that all of us are insignificant and one day we will all be gone. The only witness to our existence are the structures we leave behind. So please, do not take our collective heritage down with you.

As directed in the London Plan, development should work within these histories, and we would appreciate if you would respect and uphold your own policies. You don't need to leave a scorched earth just to build more luxury housing.

Sincerely,

AnnaMaria Valastro

North Talbot Community

From: Steve.O
Sent: Wednesday, August 17, 2022 10:40 PM
To: PEC <pec@london.ca>
Cc: AnnaMaria Valastro; Louise White
Subject: [EXTERNAL] heritage designation Kent Brewery

Save these buildings, they are our history!

Please add my name to:

North Talbot letter re: 197 and 183 Ann St. heritage designation - Item for Direction 4.1.

Steve Olivastri
141 Central Ave
London N6A 1M6

From: Ted Mitchell
Sent: Thursday, August 18, 2022 5:17 AM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Heritage Designation re: 197 and 183 Ann St. - Item for Direction 4.1

Please add my name to the North Talbot letter re: 197 and 183 Ann St. heritage designation - Item for Direction 4.1.

Edward Mitchell,

1704-695 Richmond St.,

London, ON N6A 5M8.

Thank you.

From: Noll Stevens
Sent: Thursday, August 18, 2022 6:46 AM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] North Talbot

Please include my name to the **North Talbot letter re: 197 and 183 Ann St. heritage designation - Item for Direction 4.1.**

Thank you

Noll Stevens

From: Jan SAYLES
Sent: Thursday, August 18, 2022 7:59 AM
To: PEC <pec@london.ca>;
Subject: [EXTERNAL] Please add my name

To the Kent street objection re: the demolition to the Kent Street Breweries..

Jan and Jim Sayles

500Talbot Street, 1106

London, Ont

N6A2S3

From: J F
Sent: Thursday, August 18, 2022 8:00 AM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Signature

I wish to add my name to the North Talbot letter re: 197 and 183 Ann St. heritage designation - Item for Direction 4.1.

John Fooks
706-520 Talbot Street
LONDON ON N6A6K4

From: D Fraser
Sent: Thursday, August 18, 2022 10:10 AM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] heritage designation Kent Brwery

Please add my name (Deborah Fraser) to the North Talbot letter re: supporting heritage designation for 197 & 183 Ann Street; Item for direction 4.1

Thank you,

Deborah Fraser

From: T. C. Ben Benedict
Sent: Thursday, August 18, 2022 11:57 AM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] North Talbot letter re: 197 and 183 Ann St. heritage designation - Item for Direction 4.1.
Importance: High

Dear Planning and Environment Committee Members;

Re: 4.1 Items for Direction

183 and 197 Ann Street - Proposed Designation By-laws Under Part IV, Section 29 of the Ontario Heritage Act - Consideration of Objections

It would be much appreciated if you could please support the heritage planning staff on this issue, without political interference and without personal bias. That is the intent of the Ontario Heritage Act and the London Plan. It is important to understand that all of us are insignificant and one day we will all be gone. The only witness to our existence are the structures we leave behind. So please, do not take our collective heritage down with you.

Having lived in the area for over 22 years, these policies that destroy our heritage for one individual's personal profit has only contributed to the social decline in our community and this proposal will only further erode the quality of life experienced in the North Talbot Neighbourhood. As directed in the London Plan, development should work within these histories, and we would appreciate if you would respect and uphold your own policies. You don't need to leave a scorched earth just to build more luxury housing.

Sincerely,

Ben Benedict, MA Comm.

North Talbot Community

188 John Street, London, ON, N6A 1P1

From: Jill Jacobson
Sent: Thursday, August 18, 2022 2:23 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Item for Direction 4.1 - 197 and 183 Ann St. heritage designation

Hello,

I wish to add my name to the **North Talbot letter re: 197 and 183 Ann St. heritage designation - Item for Direction 4.1.**

Thank you,

Jill Jacobson
189 John St.
London N6A 1N9

From: David Ferreira
Sent: Thursday, August 18, 2022 3:10 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Add name to letter please

Please **add David Ferreira to the North Talbot letter re: 197 and 183 Ann St. heritage designation - Item for Direction 4.1.**

My Address 202 Barry pl, London, ON N6H 1K1

--

David Ferreira BSc, BA, MA

London, ON, Canada

From: Victoria White
Sent: Thursday, August 18, 2022 4:37 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Please add my name to the North Talbot letter re: 197 and 183 Ann St. heritage designation - Item for Direction 4.1.

Hello and yes, please add my name. I fully support heritage designation for the Kent Brewery at 197 Ann Street.

Victoria White
3739 Harry White Drive
London, Ontario
N6L 1P4

Thank you!

Victoria

From: Rod McDowell
Sent: Thursday, August 18, 2022 4:39 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] 197 & 183 Ann St. Heritage Designation, Item for Direction 4.1

Please add my name to the North Talbot letter addressing subject line.

Thank you,

Rod McDowell

569 Princess Ave.

London, ON N6B 2C1

From: Joey McDowell
Sent: Thursday, August 18, 2022 4:54 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] Ann Street

To Whom it May Concern:

I wish to add my name to the North Talbot letter re: 197 and 183 Ann St. heritage designation - Item for Direction 4.1.

These properties should hold onto their heritage designation status.

Joey McDowell

569 Princess Ave

London ON

N6B 2C1

303 Richmond St., Suite 201
London, ON N6B 2H8

August 18, 2022

By email:

City of London
Attn: Michael Schulthess, City Clerk
300 Dufferin Avenue
London, ON N6B 1Z2

Dear Mr. Schulthess:

RE: Notice of Objection
Notice of Intention to Designate Under Part IV of the Ontario Heritage Act
183 Ann Street and 197 Ann Street

We received the City staff report regarding the above noted matter. This letter is intended to clarify York's objection to the proposed designation of the properties at 183 and 197 Ann Street and respond to some of the points in the staff report.

York Developments does not object to the principle of the heritage designation or recognition of heritage resources. However, we do object to the timing of the designation given that the lands are in the midst of a planning process.

On July 5, 2022 Council approved an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications for the subject lands, including the properties at 183 and 197 Ann Street. The concept of development that is permitted by the OPA and ZBA approved by Council will result in removal the buildings. The heritage value of the properties will be conserved through salvage and reuse of portions of the buildings, commemoration of the historic use of 183 Ann Street as the former Kent Brewery and other measures. Therefore, the heritage designation bylaw proposed by staff is not necessary and in conflict with Council's earlier decision on the OPA and ZBA and the resulting proposed form of development.

We are requesting that Council not designate the properties under Part IV of the Ontario Heritage Act at this time. Our reasons for objection are described more fully below.

1. **The buildings are not under threat of demolition**. York Developments have not submitted a demolition application nor do we intend to at this point in time. As noted, the lands are part of a development planning application and we have no intention of submitting a demolition application or any other type of alteration to the buildings until those planning applications have run their course. While the OPA and ZBA applications have been approved, the project still requires site plan approval from the City. Therefore, there is no need to designate the buildings now in order to protect them from any imminent changes.

2. **Council is not required to designate the properties because they meet the criteria for designation in the Ontario Heritage Act**. The staff report leaves the impression that Council must designate the properties because the heritage evaluations have concluded that the properties meet the criteria for designation. This is not the case. Section 29 of the Ontario Heritage Act states that "The council of a municipality may, by bylaw designate a property within the municipality ...". There are many, many properties within the City that would meet the tests for designation that Council has not designated.

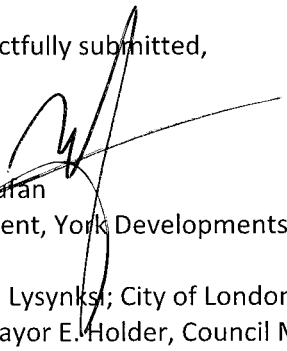
3. **It is not necessary for Council to designate the buildings in order to ensure that the heritage value of the two buildings is appropriately considered**. As noted above, there are still further approvals that are required before development of the site can occur. This includes site plan approval, which will consider the detailed design and development of the site. Through the site plan approval process, the salvage and integration of the Kent Brewery will be detailed and subject to approval. As will any commemoration and interpretation of the heritage value of the site.

   Furthermore, as part of the approval of the zoning bylaw amendment a holding provision was placed on the lands. The holding provision requires that the heritage buildings be dealt with appropriately including that all or portions of the property may be designated. The lifting of the holding provision requires approval by Council. Therefore, Council will have consideration of how the heritage value of the site is to be conserved.

4. **A heritage designation can be considered as part of the approval and implementation of the ongoing planning approvals.** As noted in our previous submissions, York Developments is not opposed to designation but request that any designation occur at the end of the process once the detailed design considerations subject to Site Plan approval are completed. Contrary to the staff report, the property does not need to be designated now to ensure that heritage matters are appropriately dealt with.

For these reasons we are requesting Council withdraw its notice of intention to designate the properties at 183 and 197 Ann Street.

Respectfully submitted,



Ali Soufan
President, York Developments

Cc: H. Lysynksi; City of London (Item 4.1; August 22, 2022 Planning and Environment Committee Meeting)
Mayor E. Holder, Council Members; City of London

From: Voula Zervakos
Sent: Thursday, August 18, 2022 5:44 PM
To: Scott Allen; Lysynski, Heather <hlysynsk@London.ca>
Subject: [EXTERNAL] Re: FW: York Developments Ann and St. George Streets Heritage Act Designation Proposal_183 and 197 Ann Street Submission to PEC August 18, 2022

Hello Scott and Heather

Just confirming Ali intends to speak to the Ann Street item as a delegation

Thank you!!

Best Regards,

Voula Zervakos

Broker

Tri Capital Realty Inc., Real Estate Brokerage
Director, Leasing, YORK Developments

Report to Planning and Environment Committee

To: **Chair and Members**
Planning and Environment Committee
From: **Scott Mathers, MPA, P.Eng.**
Deputy City Manager, Planning and Economic Development
Subject: **Century Centre Developments Inc.**
1067, 1069 and 1071 Wellington Road
Date: **August 22, 2022**

Recommendation

That, on the recommendation of the Director, Planning and Development, the attached report with respect to the application of Century Centre Developments Inc. relating to the property located at 1067, 1069 and1071 Wellington Road, **BE RECEIVED** for information purposes.

Relevant Background

Proposed Development

The requested amendment for Official Plan Application O-9263 and Z-9264 is to allow three, mixed-use buildings with five high-rise apartment towers ranging from 10-27 storeys in height; with a total of 1,272 residential units; 1,800m^2 of office gross floor area; 810m^2 of retail gross floor area; a total of 1,375 parking spaces provided in underground and above-ground facilities; and a maximum density of 566uph. Special provisions are requested to: establish Wellington Road as the frontage, permit dwelling units on the ground floor, a reduced rear yard depth, a minimum parking rate of 1 space per residential unit, a minimum parking rate of 1 space per 20 square metres of retail gross floor area.

Consideration and Direction

The application for an Official Plan and Zoning By-law amendment was deliberated by the Planning and Environment Committee on July 25, 2022, and Municipal Council on August 2, 2022. Municipal Council resolved:

That the motion of Councillors E. Peloza and S. Lewis, and the associated by-laws related to the applications for the properties located at 1067, 1069 and 1071 Wellington Road (O-9263/Z-9264), BE REFERRED back to the Civic Administration in order to review and that this matter may be brought forward to the August 22, 2022 Planning and Environment Committee meeting.

Evaluation and Recommendations

Staff have reviewed the proposed by-laws for consistency with the structure and layout of the Official Plan – *The London Plan*, and the Z.-1 Zoning By-law. Consideration was also given to the regulations as submitted and whether there would be any issues related to implementation.

The Official Plan amendment (Appendix A) to allow for greater height in the Transit Village is consistent with The London Plan and requires no changes.

The proposed Zoning Amendment (Appendix B) is generally consistent with the format and structure of the Z.-1 Zoning By-law. Minor changes to the regulations are suggested to provide for greater clarity and certainty during implementation as follows:

1) The minimum rear yard depth provision of 0.75m was initially captured as part of the “Minimum Design Standards” in the bonus zone regulations. The rear yard

depth minimum has been relocated from the preamble of the bonus zone to the Business District Commercial Special Provision BDC(_) zone instead, where the corresponding regulation to interpret Wellington Road as the front lot line is located.

2) The regulation in Podium Features within the Minimum Design Standards in 1) ii) c) has been revised to provide more clarity regarding the intent of the provision to vertically break up the horizontal building expanse along Wellington Road, as the upper level stepback along Wellington Road is captured as regulation 1) ii) a).

   A significant vertical break in the podium along Wellington Road ~~at the 8th storey of the building~~ between Towers A and B, to break up the long façade and promote a human scale, pedestrian oriented environment

3) The affordable housing clause in 2) i) has been revised to remove the reference to the mix being 'representative' of the total mix in the overall building, as the affordable unit provision is now specifically stated and skewed towards larger units.

   2) Provision of Affordable Housing

   i) 65 affordable housing units will be provided in the development, ~~representative of the bedroom and unit mix of the overall building~~ comprised of:
   28 one-bedroom units; and
   27 two-bedroom units; and
   10 three-bedroom units.

4) The parking minimum amount in 4.3.4 a) iii) specified at 608 spaces for residential uses has been rewritten as a reduced minimum parking ratio of 0.4 spaces per unit to allow for a phased approach to construction and development, and to eliminate a conflict with an associated reduced minimum parking rate shown of 1 space per unit.

   iii) Residential Parking Rate ~~1~~ 0.4 space per unit (Minimum) ~~608~~

Conclusion

Staff have reviewed the proposed by-laws as directed and suggested minor revisions for improved clarification and implementation.

Prepared by:	**Sonia Wise, MCIP, RPP** **Senior Planner, Site Plans**
Reviewed by:	**Michael Corby, MCIP, RPP** **Manager, Planning Implementation**
Recommended by:	**Gregg Barrett, AICP** **Director, Planning and Development**
Submitted by:	**Scott Mathers, MPA, P.Eng.** **Deputy City Manager, Planning and Economic Development**

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2022

By-law No. C.P.-XXXX-___

A by-law to amend The London Plan for the City of London, 2016 relating to 1067, 1069, 1071 Wellington Road.

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

1. Amendment No. (to be inserted by Clerk's Office) to The 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 September 6, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

AMENDMENT NO.
to the

THE LONDON PLAN, THE OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

To add a policy to the Specific Policies for the Transit Village Place Type and add the subject lands to Map 7 – Specific Policy Areas – of the City of London to permit a mixed-use development with a maximum building height of 27 storeys.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1067, 1069, 1071 Wellington Road in the City of London.

C. BASIS OF THE AMENDMENT

The amendment to the Official Plan will allow for the mixed-use development of an underutilized site within a Transit Village that will integrate convenient transit options with residential, commercial and office uses. The proposed development and recommended amendments are consistent with the Provincial Policy Statement, 2020 and conform to *The London Plan* policies including but not limited to Key Directions, the City Structure Plan, growth frameworks, City Design policies, and the Transit Village Place Type. The recommended amendment is also in conformity with in-force policies of the 1989 Official Plan, including the Bonus Zoning policies. The recommended amendment will facilitate an infill and intensification development with an appropriate range of uses, intensity and built form for the site and surrounding area.

D. THE AMENDMENT

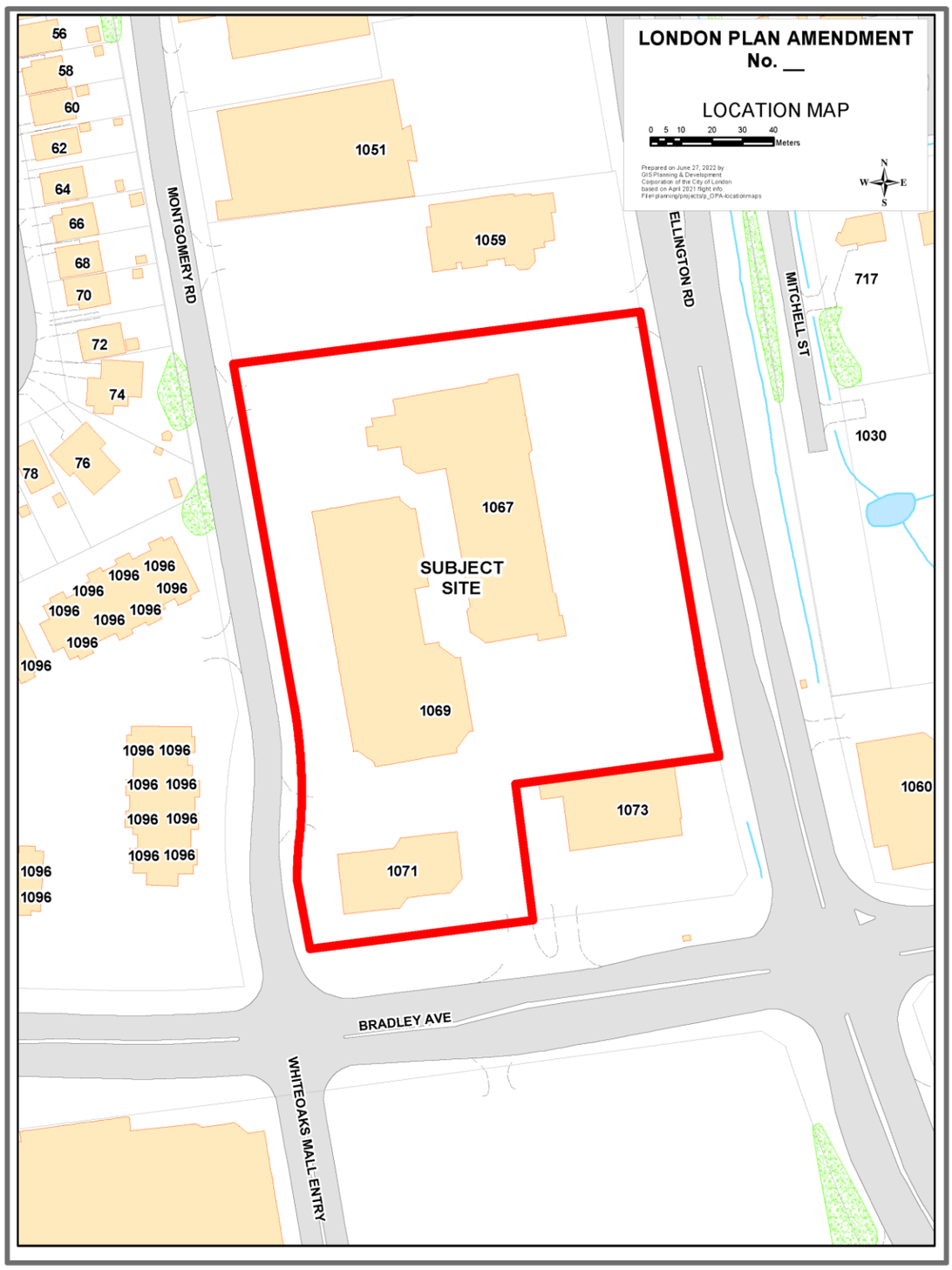
The London Plan for the City of London is hereby amended as follows:

1. Specific Policies for the Transit Village Place Type of *The London Plan* for the City of London is amended by adding the following:

   1067, 1069, 1071 Wellington Road in the City of London

   A mixed-use development with a maximum height of 27 storeys may be permitted, to be implemented by a bonus zone that provides for affordable housing.

2. Map 7 – Specific Policy Areas, to *The London Plan* for the City of London Planning Area is amended by adding a Specific Policy Area for the lands located at 1067, 1069, 1071 Wellington Road in the City of London.


LONDON PLAN AMENDMENT
No. __
LOCATION MAP
0 5 10 20 30 40
Meters
Prepared on June 27, 2022 by :
GIS Planning & Development
Corporation of the City of London
based on April 2021 flight info
File=planning/projects/p_OPA-locationmaps
N
W E
S
MONTGOMERY RD
ELLINGTON RD
MITCHELL ST
BRADLEY AVE
WHITEOAKS MALL ENTRY
SUBJECT SITE
56
58
60
62
64
66
68
70
72
74
76
78
1051
1059
1067
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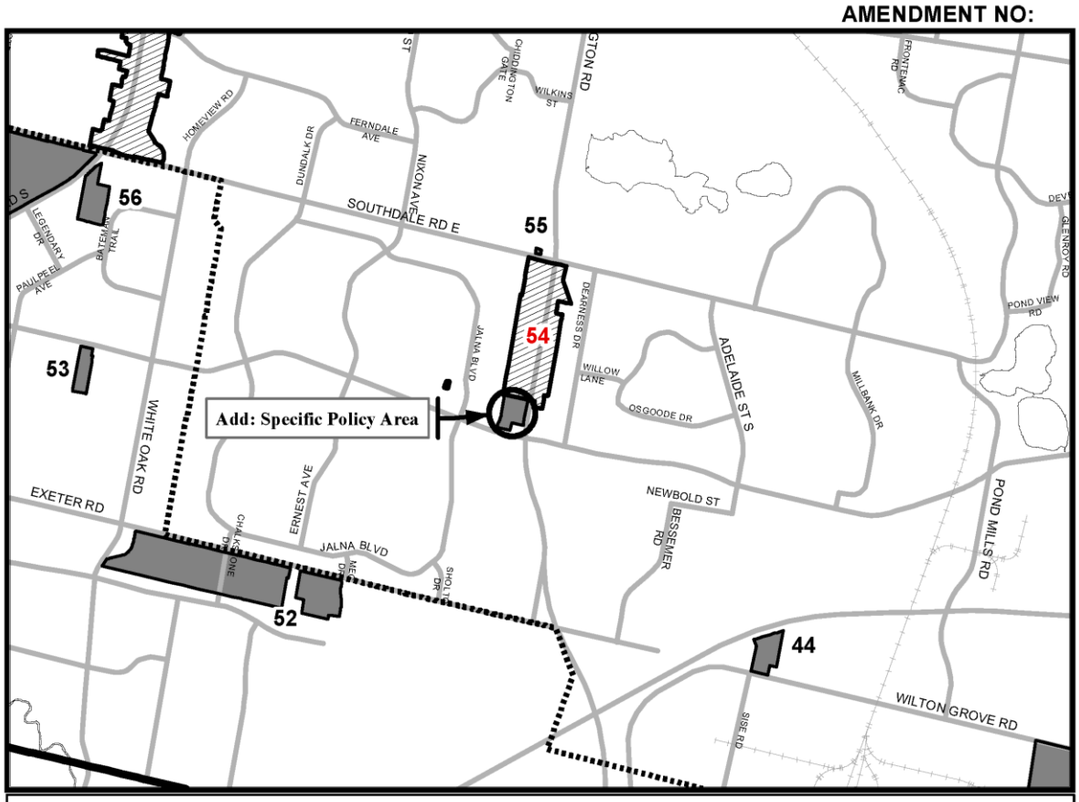
1071
1073
717
1030
1060
1096

AMENDMENT NO:



LEGEND

- Specific Policies
- Rapid Transit and Urban Corridor Specific-Segment Policies
- Near Campus Neighbourhood
- Secondary Plans

BASE MAP FEATURES

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

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

SCHEDULE 1
TO
THE LONDON PLAN

AMENDMENT NO. _____

PREPARED BY: Planning Services

Scale 1:30,000

0 150 300 600 900 1,200 1,500
Meters

FILE NUMBER:	O-9263 & Z-9264
PLANNER:	SW
TECHNICIAN:	RC
DATE:	6/27/2022

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Appendix B

Bill No.(number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1067, 1069, 1071 Wellington Road.

WHEREAS Century Centre Developments Inc. has applied to rezone an area of land located at 1067, 1069, 1071 Wellington Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1067, 1069, 1071 Wellington Road, as shown on the attached map comprising part of Key Map No. A111, from an Associated Shopping Area (ASA1/ASA3) Zone to a Business District Commercial Special Provision Bonus (BDC(_)*B-(_)) Zone.

2) Section Number 4.3 of the General Provisions is amended by adding the following Special Provision:

4.3.4) B-(_) 1067, 1069, 1071 Wellington Road

The Bonus Zone shall be implemented through one or more agreements to facilitate a high-quality, mixed-use development of three buildings with 5 towers as follows: a building along Wellington Road with two 27 storey towers; a building along Montgomery Road with a 10 storey tower and a 20 storey tower, a building along Bradley Avenue with a 27 storey tower; and a maximum density of 566 units per hectare (1,272 units). The development will generally implement the Site Plan attached as Schedule "1" to the amending by-law, except where the regulation is more specific, and provide for the following:

1) High Level of Design Standards

The building design and site plan contained in Schedule "1" of the amending by-law is being bonused for features which serve to support the City's objectives of promoting a high standard of design to be implemented through a development agreement:

i) Building Height

Montgomery Road

a. A building height not exceeding 10-storeys in height for Tower C (currently facing Montgomery Road and the adjacent residential zone).

ii) Minimum Design Standards

Podium Features

a. Step-back along Wellington Road to enhance a pedestrian oriented street wall;
b. Use of clear glass material and clear glazing with interior spaces visible from the outdoors, with overhead projecting canopies for all entrances and lining the pedestrian-oriented street wall frontages.

c. A significant vertical break in the podium along Wellington Road of the building between Towers A and B, to break up the long façade and promote a human scale, pedestrian oriented environment.

Tower Features

a. Step-back of the towers, from the podium to the greatest extent possible on all street facing facades;
b. Use of transparent balcony barriers;
c. Further mitigation of building mass by varying and articulating the plane of all facades.

Building Cap Features

a. Through Site Plan Review ensure the use of building step-back at the top storey, with mechanical penthouse adequately concealed in the building's top storey.

iii) Site Landscaping

Through Site Plan Review ensure all-season landscaping and foundation planting along any large expanses of walls facing public streets, internal drive aisles, and mid-block connections.

2) Provision of Affordable Housing

i) 65 affordable housing units will be provided in the development, comprised of:
28 one-bedroom units; and
27 two-bedroom units; and
10 three-bedroom units.

ii) The affordable housing units to be proportionately distributed among the first three towers constructed and/or occupied, whichever occurs first.

iii) Rents not exceeding 80% of the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR) for the London Census Metropolitan Area (CMA) at the time of building occupancy; where AMR is defined at the one-bedroom, two-bedroom and three-bedroom rate for the London CMA at the time of building occupancy.

iv) The duration of affordability set at 35 years from the point of initial occupancy of the respective building.

v) The proponent enter into a Tenant Placement Agreement (TPA) with the City of London to align the affordable units with priority populations.

vi) These conditions to be secured through an agreement entered on title with associated compliance requirements and remedies.

The following special regulations apply within the bonus zone:

a) Regulations

i)	Height (Maximum)	27 storeys or 96m (315 ft) whichever is less
ii)	Density (Maximum)	566 Units Per Hectare
iii)	Residential Parking Rate (Minimum)	0.4 space per unit
iv)	Commercial and Retail Parking Rate	1 space per 20sqm of gross floor area

(Minimum)

3) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provision:

BDC( ) 1067, 1069, 1071 Wellington Road

a) Additional Permitted Uses
   i) Apartment Buildings, including residential units on the first (ground) floor

b) Regulations:
   i) The front lot line shall be interpreted to be Wellington Road
   ii) Rear Yard Depth (Minimum) 0.75m (2.5ft)

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

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

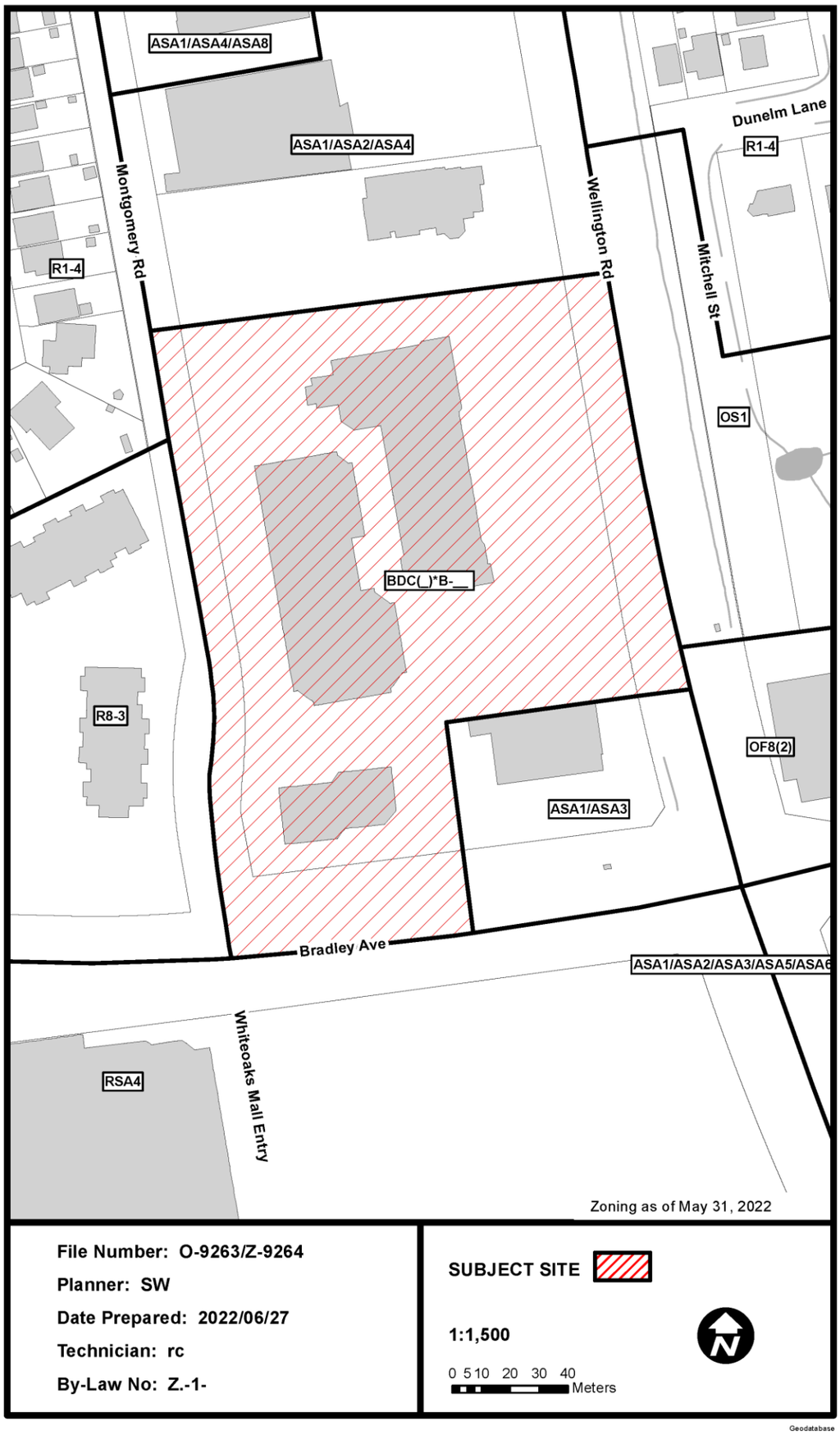
PASSED in Open Council on September 6, 2022.

Ed Holder
Mayor

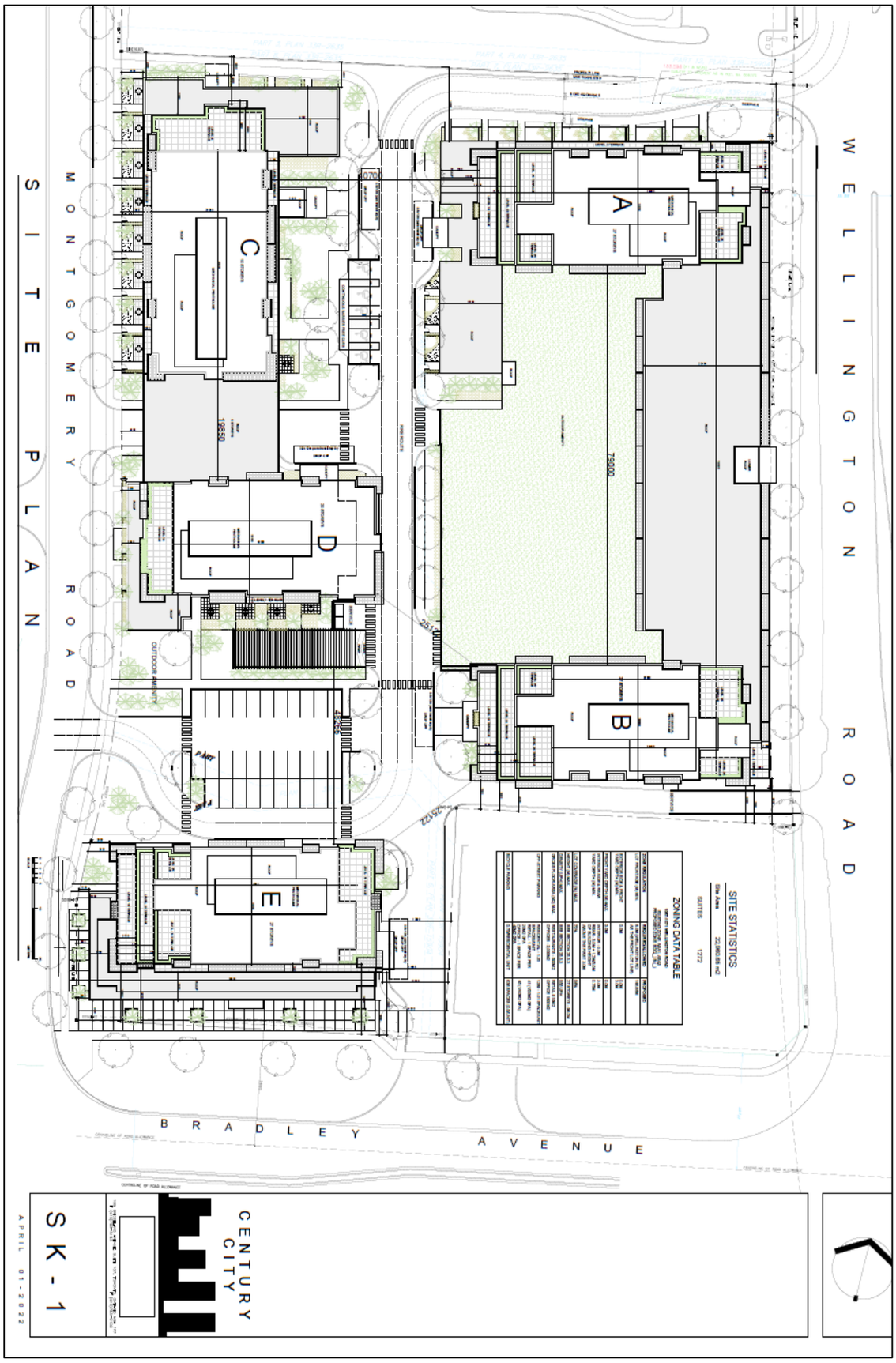
Michael Schulthess
City Clerk

First Reading – September 6, 2022
Second Reading – September 6, 2022
Third Reading – September 6, 2022

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



Schedule 1


SITE PLAN
MONTGOMERY ROAD
WELLINGTON ROAD
BRADLEY AVENUE
A
B
C
D
E
OUTDOOR AMENITY
SITE STATISTICS
ZONING DATA TABLE
CENTURY CITY
SK - 1
APRIL 01-2022

Zelinka Priamo Ltd.

LAND USE PLANNERS

August 19, 2022 *sent via email*

Chair Hopkins and Members of the Planning and Environment Committee
City of London
300 Dufferin Avenue
London, Ontario
N6A 4L9
pec@london.ca

RE: Official Plan and Zoning By-Law Amendment – Revised By-Law
1067-1071 Wellington Road South – White Oaks Transit Village
London, ON
Century Centre Developments Inc.
City File: O-9263 / Z-9264
Our File: AUB/LON/19-01

We are the planning consultants for the applicant regarding their transformative development project on the above noted lands, otherwise known as the Century Centre. We thank Planning Staff and Committee Members for their continued work on this project and their efforts to arrive at a revised by-law to permit the proposed development.

This letter is to confirm that we have review the revised draft zoning by-law presented by staff and are agreeable to its wording and regulations.

We look forward to this by-law being discussed at the Planning and Environment Committee and encourage the Committee to recommend approval of the by-law to Council.

Yours very truly,

ZELINKA PRIAMO LTD.

Matt Campbell, BA, CPT
Senior Planner

cc. Carrie O'Brien, Auburn Developments
Rick Smyth