

# Agenda Including Addeds

## Planning and Environment Committee

1st Meeting of the Planning and Environment Committee

November 28, 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 S. Lehman (Chair), S. Lewis, A. Hopkins, S. Franke, S. Hillier, Mayor J. Morgan

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](mailto:PEC@london.ca) or 519-661-2489 ext. 2425.

Pages

### 1. Call to Order

1.1. Disclosures of Pecuniary Interest

1.2. Election of Vice-Chair

### 2. Consent

2.1. Building Division Monthly Report - August 2022 4

2.2. Building Division Monthly Report - September 2022 15

2.3. 6th Report of the Community Advisory Committee on Planning 24

2.4. 1865 Finley Crescent (P-9546) 27

2.5. Southwest Sunningdale Road West, Wonderland Road North and 2170 Buroak Drive (Formerly 751 Fanshawe Park Road) (39T-03505) 37

2.6. Heritage Alteration Permit Application - 10 Moir Street - Blackfriars / Petersville Heritage Conservation District (HAP22-073-L) 66

2.7. Heritage Alteration Permit Application - 123 Wilson Avenue - Blackfriars/Petersville Heritage Conservation District (HAP22-067-L) 74

2.8. Heritage Alteration Permit Application - 645 Lorne Avenue - Old East Heritage Conservation District (HAP22-075-L) 87

### 3. Scheduled Items

3.1. Public Participation Meeting - Not to be Heard before 4:00 PM - 3195, 3207 White Oak Road and 2927 Petty Road (Z-9350 / 39CD-21505) 100

a.	<i>(ADDED) Revised By-law</i>	132
3.2.	Public Participation Meeting - Not to be Heard before 4:00 PM - 2846-2870 Tokala Trail (Z-9523)	134
3.3.	Public Participation Meeting - Not to be Heard before 4:00 PM - 870-922 Medway Park Drive (Z-9533)	160
3.4.	Public Participation Meeting - Not to be Heard before 4:30 PM - 338 Boler Road (Z-9510)	182
3.5.	Public Participation Meeting - Not to be Heard before 4:30 PM - 6092 Pack Road (Z-9493)	206
a.	<i>(ADDED) Revised Staff Report</i>	241
b.	<i>(ADDED) Project Fact Sheet</i>	276
3.6.	Public Participation Meeting - Not to be Heard before 5:00 PM - 931-1225 Southdale Road East (Z-9544)	278
a.	<i>(ADDED) Staff Presentation</i>	297
b.	<i>(ADDED) Community Consultation Presentation - M. Fadaei, MHBC</i>	306
3.7.	Public Participation Meeting - Not to be Heard before 5:30 PM - 608 Commissioners Road West (Z-9516)	319
a.	<i>(ADDED) Staff Presentation</i>	378
3.8.	Public Participation Meeting - Not to be Heard before 6:00 PM - 307 Sunningdale Road East (Z-9498)	388
a.	Memo from the Ecological Community Advisory Committee	436
b.	A. Thompson	439
c.	J. A. Medeiros	440
d.	<i>(ADDED) Staff Presentation</i>	441
3.9.	Public Participation Meeting - Not to be Heard before 7:00 PM - 4452 Wellington Road South (OZ-9497)	447
3.10.	Public Participation Meeting - Not to be Heard before 7:00 PM - 952 Southdale Road West (OZ-9431)	489
a.	<i>(ADDED) Staff Presentation</i>	593
<b>4.</b>	<b>Items for Direction</b>	
4.1.	Planning Application Process Changes Due to Bill 109, the More Homes For Everyone Act, 2022	603
a.	<i>(ADDED) Staff Presentation</i>	610
<b>5.</b>	<b>Deferred Matters/Additional Business</b>	
5.1.	<i>(ADDED) Bill 23, More Homes Built Faster Act, 2022 - Mayors and Regional Chairs of Ontario</i>	618

## 6. Adjournment

## 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  
August 2022

**Date:** October 31, 2022

## Recommendation

That the report dated August 2022 entitled “Building Division Monthly Report August 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 August 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 August 2022. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity for the Month of August 2022”, as well as respective “Principle Permits Reports”.

### 2.0 Discussion and Considerations

#### 2.1 Building permit data and associated inspection activities – August 2022

##### Permits Issued to the end of the month

As of August 2022, a total of 3,026 permits were issued, with a construction value of \$1.1 billion, representing 1,746 new dwelling units. Compared to the same period in 2021, this represents a 7.5% decrease in the number of building permits, with a 7.8% decrease in construction value and an 41.01% decrease in the number of dwelling units constructed.

### Total permits to construct New Single and Semi-Dwelling Units

As of the end of August 2022, the number of building permits issued for the construction of single and semi-detached dwellings was 480, representing a 38.5% decrease over the same period in 2021.

### Number of Applications in Process

As of the end of August 2022, 836 applications are in process, representing approximately \$820.2 million in construction value and an additional 1,119 dwelling units compared with 1,121 applications, with a construction value of \$770 million and an additional 1,314 dwelling units in the same period in 2021.

### Rate of Application Submission

Applications received in August 2022 averaged to 24.75 applications per business day, for a total of 495 applications. Of the applications submitted 58 were for the construction of single detached dwellings and 109 townhouse units.

### Permits issued for the month

In August 2022, 495 permits were issued for 350 new dwelling units, totaling a construction value of \$221.9 million.

### Inspections – Building

A total of 3,178 inspection requests were received with 2,721 inspections being conducted.

In addition, 4 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 3,178 inspections requested, 95% were conducted within the provincially mandated 48 hour period.

### Inspections - Code Compliance

A total of 737 inspection requests were received, with 891 inspections being conducted.

An additional 70 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 737 inspections requested, 97% were conducted within the provincially mandated 48 hour period.

### Inspections - Plumbing

A total of 1,127 inspection requests were received with 1,611 inspections being conducted related to building permit activity.

An additional 6 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 1,127 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

## **2020 Permit Data**

To the end of August , a total of 3,271 permits were issued, with a construction value of \$1.2 Million, representing 2,960 new dwelling units. The number of single/semi detached dwelling units was 780.

## **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 August 2022. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity” for the month of August 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**

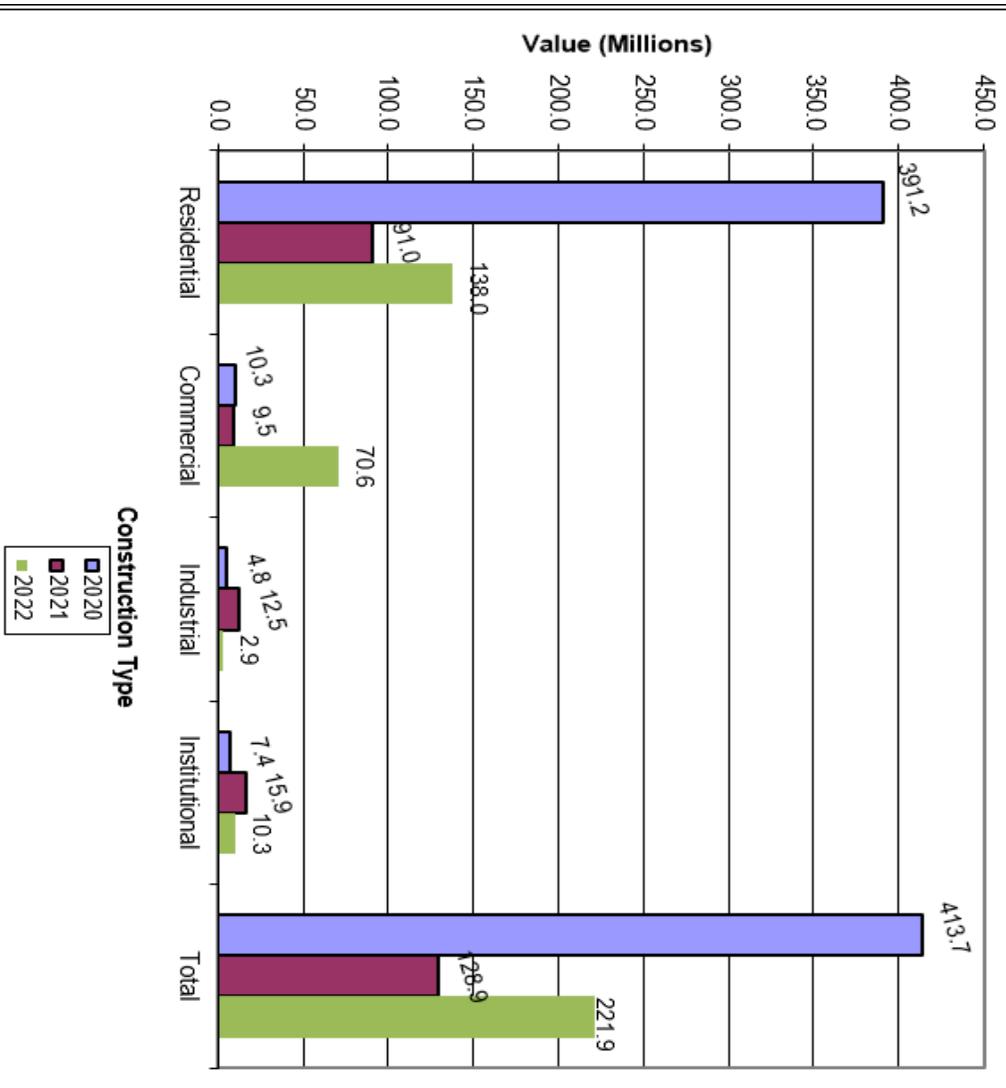
**APPENDIX "A"**

**CITY OF LONDON  
SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF August 2022**

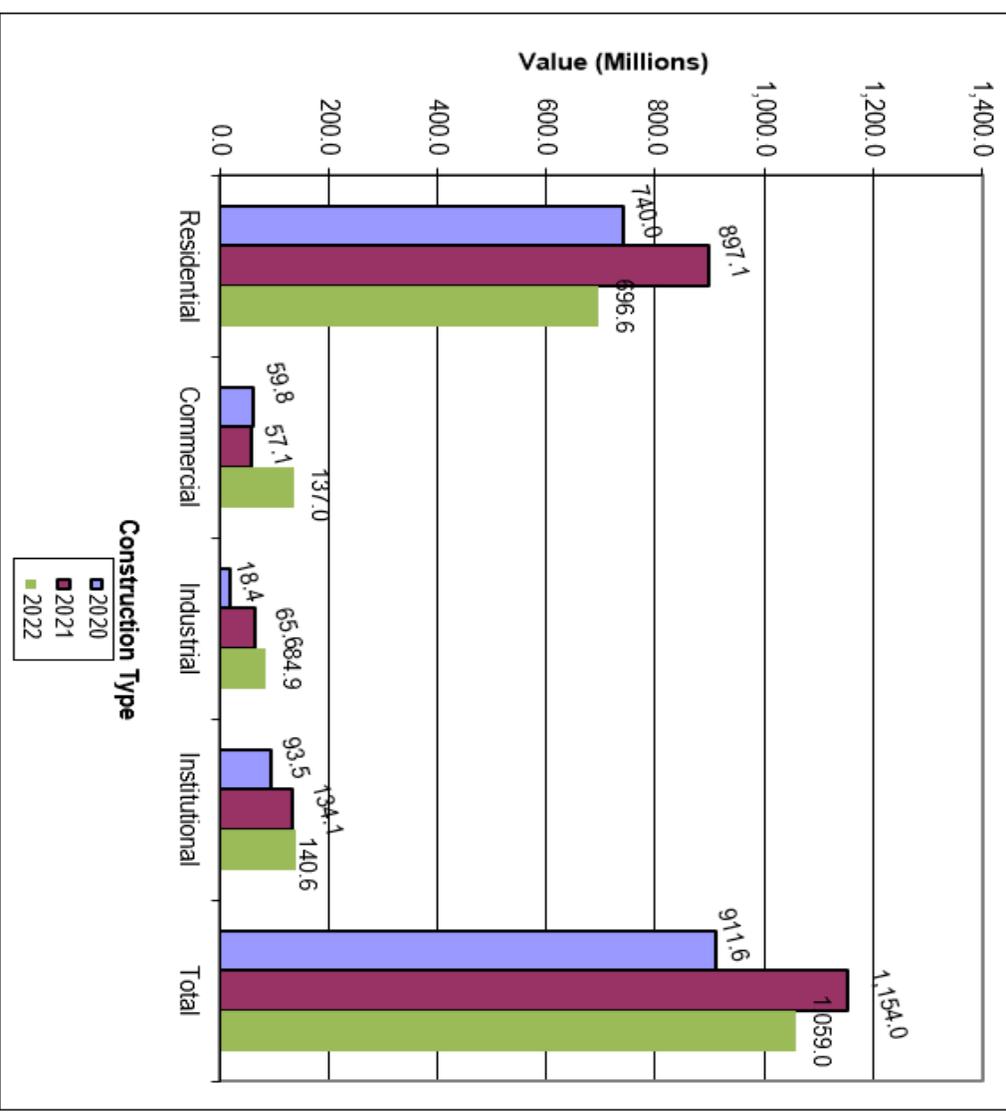
CLASSIFICATION	August 2022		to the end of August 2022		August 2021		to the end of August 2021		August 2020		to the end of August 2020							
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE						
SINGLE DETACHED DWELLINGS	58	30,238,847	58	480	243,461,189	480	70	34,137,150	70	780	356,736,550	780	64	28,730,500	64	545	232,191,004	545
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	1	223,500	1	0	0	0	1	354,000	2
TOWNHOUSES	21	36,089,701	91	98	140,405,624	457	14	15,291,300	56	162	149,539,000	606	7	7,150,200	24	80	72,293,685	266
DUPLEX, TROPLEY, QUAD, APT BLDG	4	59,165,143	175	12	244,442,763	675	1	36,000,000	124	11	333,596,000	1,485	4	351,000,000	1,086	10	400,878,800	1,310
RESALTER & ADDITIONS	228	12,535,924	26	1,351	68,291,507	134	165	5,596,716	14	1,249	57,017,596	88	155	4,302,493	8	896	34,296,009	31
COMMERCIAL -ERECT	2	1,600,000	0	11	39,508,279	0	0	0	0	21	11,424,400	0	1	2,500,000	0	9	7,160,300	0
COMMERCIAL - ADDITION	3	22,510,000	0	9	26,151,900	0	1	55,000	0	5	455,000	0	0	0	0	2	791,800	0
COMMERCIAL - OTHER	30	46,521,210	0	192	71,311,824	0	34	9,423,200	0	234	45,261,304	0	29	7,806,692	0	235	51,812,827	0
INDUSTRIAL -ERECT	1	1,199,606	0	2	29,580,184	0	5	12,349,909	0	12	45,227,409	0	2	4,750,000	0	4	8,186,700	0
INDUSTRIAL - ADDITION	0	0	0	7	52,657,871	0	0	0	0	5	3,386,560	0	0	0	0	4	7,918,800	0
INDUSTRIAL - OTHER	6	1,700,460	0	21	2,619,160	0	3	142,000	0	24	16,961,980	0	2	5,300	0	25	2,277,907	0
INSTITUTIONAL -ERECT	0	0	0	3	99,646,230	0	0	0	0	1	12,000,000	0	0	0	0	3	32,825,000	0
INSTITUTIONAL - ADDITION	0	0	0	2	2,379,000	0	1	660,000	0	6	47,273,386	0	0	0	0	8	15,178,000	0
INSTITUTIONAL - OTHER	40	10,311,000	0	108	38,547,536	0	15	15,227,800	0	99	74,854,950	0	20	7,408,000	0	118	45,456,001	0
AGRICULTURE	0	0	0	3	1,610,000	0	1	200,000	0	2	350,000	0	0	0	0	1	100,000	0
SWIMMING POOL FENCES	38	2,213,518	0	272	10,884,409	0	44	1,416,400	0	307	8,679,140	0	58	1,637,071	0	278	6,724,570	0
ADMINISTRATIVE	19	45,000	0	112	852,000	0	5	12,000	0	64	256,000	0	8	5,000	0	34	100,000	0
DEMOLITION	3	0	1	71	0	45	11	0	6	57	0	41	12	0	11	52	0	39
SIGNS/CANOPY - CITY PROPERTY	2	0	0	13	0	0	1	0	0	8	0	0	0	0	0	2	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	40	0	0	259	0	0	38	0	0	223	0	0	18	0	0	191	0	0
<b>TOTALS</b>	<b>495</b>	<b>224,130,409</b>	<b>350</b>	<b>3,026</b>	<b>1,072,349,476</b>	<b>1,746</b>	<b>409</b>	<b>130,511,475</b>	<b>284</b>	<b>3,271</b>	<b>1,163,242,774</b>	<b>2,960</b>	<b>380</b>	<b>415,295,256</b>	<b>1,182</b>	<b>2,498</b>	<b>918,545,403</b>	<b>2,154</b>

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 August



### Construction Value of Building Permits January to August



**City of London - Building Division**  
**Principal Permits Issued from August 1, 2022 to August 31, 2022**

Owner	Project Location	Proposed Work	No. of		Construction Value
			Units	Value	
Derek Hill Cargill Value Added Meats- Canada Attn: Tax & Customs	10 Cuddy Blvd 10 September	Alter Food Processing Plant ADDITION OF A WORKINGPLATFORM COMPLETE WITH HELICAL PIERS	0		1,500,000
1803299 ONTARIO INC	P100 Kellogg Lane	Alter Hotel INTERIOR ALTER and ADDITION FOR HARD ROCK HOTEL	0		40,000,000
1803299 ONTARIO INC	1027 William St	Add Duplex ADDITION TO ADD 2 STOREY GARAGE WITH SECONDARY DWELLING UNIT ON SECOND STOREY.	1		123,498
REMBRANDT HOMES REMBRANDT HOMES	1061 Eagletrace Dr 186	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD. 1 STOREY, 2 CAR GARAGE, 3 BEDROOM, PARTIALLY FINISHED BASEMENT, COVERED DECK, NO A/C, ENERGY STAR, MWLCP No 958 LEVEL 1 UNIT 12, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED. MODEL: THE ALLURE	1		400,350
KINGS UNIVERSITY COLLEGE	1071 Colborne St	Alter Offices INTERIOR ALTERATIONS FROM SFD TO OFFICE SPACE.	0		150,000
Roman Catholic Episcopal Corporation Diocese of London	1071 Colborne St	Alter Offices INTERIOR ALTERATIONS FROM SFD TO OFFICE SPACE.	0		150,000
Stackhouse Developments (London) Inc	1150 Fanshawe Park Rd E	Erect-Apartment Building ERECT 6 STOREY, 81 UNIT APARTMENT BUILDING WITH ONE UNDERGROUND PARKING LEVEL NOTE: THIS PERMIT WAS APPLIED FOR UNDER THE 2021 BUILDING CODE	72		29,412,177
*** DO NOT ISSUE. WAITING ON SITE PLAN CONFIRMATION ***					
The Board of of Western Ontario The Board Of Governors The University Of Western Ontario	1151 Richmond St	Alter University NEW EXTERIOR STAIRS, SUITE 2	0		140,000
The Board of of Western Ontario The Board Of Governors The University Of Western Ontario	1151 Richmond St	Alter University INTERIOR RENOVATION TO EXISTING HYDRONIC SYSTEM.	0		150,000
The Board of of Western Ontario The Board Of Governors The University Of Western Ontario	1151 Richmond St	Alter University 1S - INTERIOR ALTERATIONS TO DENTAL SCIENCE BUILDING.	0		285,000
The Board of of Western Ontario The Board Of Governors The University Of Western Ontario	1151 Richmond St	Alter University Interior Alterations to Level 01 of Weldon Library	0		722,500

**City of London - Building Division**  
**Principal Permits Issued from August 1, 2022 to August 31, 2022**

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Rembrandt Developments (Woodstock) Inc	1224 Blackwell Blvd A	Erect-Townhouse - Condo ERECT 5 UNIT TOWNHOUSE BLOCK. BLDG A, 2 STOREY, DPN'S 2, 4, 6, 8, & 10, SOILS REPORT REQUIRED.	5	1,541,772
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1325 Riverbend Rd	Alter Retail Store ALTER INTERIOR FOR TENANT FINISH OF NEW RETAIL STORE, UNIT 170	0	125,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1325 Riverbend Rd	Alter Retail Store Alter interior for retail store Unit 150	0	140,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1325 Riverbend Rd	Install-Retail Store Install 4 new demising wall to create 4 additional units on the main floor for retail. Separate Tenant finish permits required.	0	150,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1325 Riverbend Rd	Shell Permit Only -Provide sealed shop drawings for handrail, guardrails, canopy and access ladder to the Building Division for review prior to work in these areas	0	150,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1325 Riverbend Rd	Install-Retail Store Install 4 new demising wall to create 4 additional units on the main floor for retail. Separate Tenant finish permits required.	0	150,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1325 Riverbend Rd	Shell Permit Only -Provide sealed shop drawings for handrail, guardrails, canopy and access ladder to the Building Division for review prior to work in these areas	0	150,000
2155110 ONTARIO INC. OLD OAK PROPERTIES INC	142 Fullarton St	Alter Offices INTERIOR FIT-UP FOR OFFICE EDUCATIONAL TEACHING FACILITIES	0	1,200,000
DREWLO HOLDINGS INC DREWLO HOLDINGS INC	1575 Agathos St	Erect-Apartment Building ERECT 5 STOREY APARTMENT BUILDING WITH 49 UNITS **FOUNDATION PERMIT **	49	14,639,715
Twinprop Restaurants Inc C/O Sundance Of Canada Ulc	1584 Dundas St	Alter Restaurant Interior and exterior alteration to Taco Bell Shell Permit Only - Provide sealed access ladder and canopy shop drawings to the Building Division for review prior to work in these areas	0	875,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1647 Ed Evasth Lane	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 1 STOREY, 2 CAR GARAGE + GOLF CART BAY, PARTIALLY FINISHED BASEMENT, 3 BEDROOMS, REAR COVERED PORCH, A/C INCLUDED, PART OF BLOCK 1 33M-721 PART 14, HOT2000, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	718,750

### City of London - Building Division

#### Principal Permits Issued from August 1, 2022 to August 31, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1651 Ed Ervasti Lane	Erect-Townhouse - Cluster SDD ERRECT CLUSTER SDD, 1 STOREY, 2 CAR GARAGE + GOLF CART BAY, PARTIALLY FINISHED BASEMENT, 3 BEDROOMS, REAR COVERED PORCH, A/C INCLUDED, PART OF BLOCK 1 33M-721 PART 15, HOT2000, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	869,000
CF REALTY HLDG INC., FAIRVIEW CORP CF REALTY HLDG INC., C/O CADILLAC FAIRVIEW CORP	1680 Richmond St	Alter Shopping Centre CM - INTERIOR FIT-UP FOR NEW RETAIL STORE. UNIT L073	0	280,000
RICHMOND HYLAND CENTRE INC RICHMOND HYLAND CENTRE INC	1703 Richmond St	Alter Retail Store CM - INTERIOR FIT-UP FOR RETAIL STORE.	0	134,500
THE RIDGE AT BYRON INC. THE RIDGE AT BYRON INC.	1710 Ironwood Rd 11	Erect-Townhouse - Cluster SDD ERRECT CLUSTER SDD. 1 STOREY, 2 CAR GARAGE, 4 BEDROOMS, PARTIALLY FINISHED BASEMENT, DECK, NO A/C, SB-12 A1, MWLCP No. 903 LEVEL 1 UNIT 6, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED.	1	559,763
THE RIDGE AT BYRON INC. THE RIDGE AT BYRON INC.	1710 Ironwood Rd 13	Erect-Townhouse - Cluster SDD ERRECT NEW CLUSTER SDD, 1 STOREY, 2 CAR GARAGE, 1 BEDROOM, UNFINISHED BASEMENT, COVERED DECK, NO A/C, SB-12 A5, MWLCP 903 Level 1 Unit 7, HRV & DWHR REQUIRED SOILS REPORT REQUIRED	1	560,315
	18 Trellis Cres			118,000
STONEBROOK LONDON LIMITED STONEBROOK LONDON LIMITED	181 Skyline Ave 34 1818 Upper West Ave	Alter Townhouse - Cluster SDD ALTER TO ADD ELEVATOR	0	120,000 146,000
KENMORE HOMES INC. KENMORE HOMES INC.	1865 Finley Cres	Install-Townhouse - Condo Install site services.		200,000
LONDON DISTRICT CATHOLIC SCHOOL BOARD	1956 Shore Rd	Alter Schools Elementary, Kindergarten Interior alter to add new kindergarten washrooms	0	150,000
LEGACY HOMES OF LONDON 2021 LEGACY HOMES OF LONDON 2021	1965 Upperpoint Gate AA	Erect-Townhouse - Condo ERECT TOWNHOUSE BLOCK, BLDG AA, 3 STOREYS, DPNs 138, 140, 142, 144, 146 SOILS REPORT REQUIRED	5	2,296,624
8432201 CANADA INC	2060 Oxford St E	Erect-Factories Construct a new 891,9 sqm industrial pre-engineered building for Tremcar Industries including office space and an new septic system. Shell Permit Only – Provide sealed mezzanine walls (steel studs) shop drawings to the Building Division for review prior to work in these areas	0	1,199,606

**City of London - Building Division  
Principal Permits Issued from August 1, 2022 to August 31, 2022**

Owner	Project Location	Proposed Work	Construction	
			No. of Units	Value
2455869 Ontario Inc	2085 Jetstream Rd S/S	Erect-Automobile Repair Garage ERECT PRE-ENG STEEL BUILDING	0	900,000
PERPETUALLY HOMES PERPETUALLY INNOVATIVE HOMES	263 Sanders St	Erect-Duplex ERECT NEW SDD W/ SECONDARY UNIT ON 2ND FLOOR, 2 STOREY, NO GARAGE, 5 BEDROOM, FINISHED BASEMENT, DECK, A/C, SB-12 A1, PLAN 517 LOT 49 35.00FFR 106.50D, HRV & DWHR REQUIRED	2	473,536
CAROLYN BASTIEN CONSEIL SCOLAIRE CATHOLIQUE PROVIDENCE	270 Chelton Rd	Alter Schools Elementary, Kindergarten INTERIOR ALTERATIONS TO ADD NEW WASHROOM AND MILLWORK CUBBIES	0	190,500
WESTHAVEN HOMES (2008) INC. WESTHAVEN HOMES (2008) INC.	2835 Sheffield Pl 3	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD. 2 STOREY, 2 CAR GARAGE, 4 BEDROOM, PARTIALLY FINISHED BASEMENT, A/C, SB-12 A1, MWLCP No. 949 LEVEL 1 UNIT 25, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED.	1	517,668
WONDERLAND POWER CENTRE INC. WONDERLAND POWER CENTRE INC.	3059 Wonderland Rd S	Alter Restaurant <= 30 People ALTER - FOR INTERIOR RENOVATION OF EXISTING STARBUCKS	0	200,000
WASTELL DEVELOPMENTS INC. WASTELL DEVELOPMENTS INC.	310 Callaway Rd	Install-Townhouse - Condo Install site services.	0	500,000
YOUTH UNLIMITED YOUTH OPPORTUNITIES UNLIMITED	329 Richmond St	Add Office Complex-Apartments/office Partial demolition, rebuild and addition to existing building Shell Permit Only -Provide sealed Misc. Metals for the stair guards and handrails shop drawings to the Building Division for review prior to work in these areas	0	10,500,000
Wellington Gate Inc	338 Wellington Rd	Erect-Restaurant CM - NEW RESTAURANT C/W INTERIOR FINISH. FOUNDATION PERMIT ONLY	0	700,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	355 Middleton Ave	Install-Townhouse - Cluster SDD Install site services.	0	2,000,000
SCENIC PLACE INC	3643 Settlement Trail		0	200,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	474 Springbank Dr	Alter Apartment Building GUARD REPLACEMENT (IN TOTAL 1920 LF), MINOR LOCALIZED BALCONY CONCRETE SLAB REPAIRS	0	190,000
The Ontario Heritage C/O Greenhills Valley Holdings Ltd	4838 Colonel Talbot Rd	Alter Schools Elementary, Kindergarten ALTER - FOR MECHANICAL AND ELECTRICAL UPGRADES TO ELEMENTARY SCHOOL. W/ STRUCTURAL	0	3,819,000
DREWLO HOLDINGS INC DREWLO HOLDINGS INC	50 Capulet Lane	Alter Clubs, Non Residential INTERIOR RENOVATION INCLUDING NEW WASHROOMS Alter Apartment Building RA - REPAIR TO PARKING GARAGE DUE TO FIRE DAMAGE.	0	350,000
			0	250,000

### City of London - Building Division

#### Principal Permits Issued from August 1, 2022 to August 31, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
CAPTAIN GENERATION - MALL LIMITED	530 Oxford St W	Alter Offices Alter interior for Orthodontic Office. SHELL PERMIT ONLY: PERMIT 21-027906 IS STILL OPEN FOR BASE BUILDING	0	113,710
Home Depot Holdings Inc C/O Property Tax Dept 7009	600 Fanshawe Park Rd E	Alter Retail Store REPLACEMENT OF ALL EXISTING HVAC EQUIPMENT	0	1,000,000
	640 Victoria St	Install-Four-Plex Install site services.		400,000
642 Hamilton Road Inc	642 Hamilton Rd	Alter Apartment Building INTERIOR ALTERATIONS TO CREATE ADDITIONAL DWELLING UNIT IN BASEMENT + INTERIOR ALTERATIONS TO EXISTING UNITS SHELL PERMIT ONLY: FIRE ALARM REVIEW TO BE COMPLETED	1	275,300
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	656 Tenment Ave	Alter Schools Elementary, Kindergarten INTERIOR RENOVATION ON THE SECOND FLOOR OF THE EXISTING BUILDING	0	1,000,000
CORPORATION OF THE CITY OF LONDON	663 Bathurst St	Alter Non-Residential Accessory Building RENOVATIONS TO ADD FOUR (4) OVERHEAD DOORS AND TWO (2) MAN DOORS	0	120,000
1960976 Ontario Limited	679 York St	Install-site Services Install storm sewer system in existing parking lot.		350,000
Diane Slaats 446803 ONTARIO LIMITED	7091 Clayton Walk 24	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 2 STOREY, 3 CAR GARAGE, 4 BEDROOM, FINISHED BASEMENT, NO DECK, NO A/C, SB-12 A1, MWLCP 895 LEVEL 1 UNIT 5, HRV & DWHR REQUIRED SOILS REPORT REQUIRED	1	784,441
10nt Properties Inc	727 Exeter Rd	Alter Offices INTERIOR OFFICE RENOVATION SHELL PERMIT - no work to proceed for fire alarm and sprinklers. Submit sealed sprinkler drawings for review.	0	621,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	8 Mountsfield Dr	Install-Schools Elementary, Kindergarten Install upgrades to HVAC system.		2,870,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	80 St Lawrence Blvd	Install-Schools Elementary, Kindergarten Renovation of storm system in Kindergarten area		154,000
TALU PROPERTIES INC. TALU PROPERTIES INC.	805 Chelton Rd E	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG E, 3 STOREYS, DPWS 2, 4, 6, 775, 777, 779	6	2,282,000
TALU PROPERTIES INC. TALU PROPERTIES INC.	805 Chelton Rd F	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG F, 3 STOREYS, DPWS 8, 10, 12, 14, 755, 757, 759, 761	8	3,034,000
TALU PROPERTIES INC. TALU PROPERTIES INC.	805 Chelton Rd G	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG G, 3 STOREYS, DPWS 1, 3, 5, 16, 18, 20	6	2,282,000

### City of London - Building Division

#### Principal Permits Issued from August 1, 2022 to August 31, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
TALU PROPERTIES INC.	805 Chelton Rd H	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG H, 3 STOREYS, DPNS 7, 9, 11, 22, 24, 26	6	2,282,000
TALU PROPERTIES INC.	805 Chelton Rd I	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG I, 3 STOREYS, DPNS 15, 17, 19, 28, 30, 32	6	2,282,000
TALU PROPERTIES INC.	805 Chelton Rd J	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG J, 3 STOREYS, DPNS 21, 23, 25, 34, 36, 38	6	2,282,000
TALU PROPERTIES INC.	805 Chelton Rd K	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG K, 3 STOREYS, DPNS 27, 29, 31, 40, 42, 44	6	2,282,000
TALU PROPERTIES INC.	805 Chelton Rd L	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG L, 3 STOREYS, DPNS 33, 35, 37, 46, 48, 50	6	1,987,018
TALU PROPERTIES INC.	805 Chelton Rd M	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG M, 3 STOREYS, DPNS 39, 41, 43, 52, 54, 56	6	2,282,000
TALU PROPERTIES INC.	805 Chelton Rd N	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG N, 3 STOREYS, DPNS 45, 47, 49, 58, 60, 62	6	2,282,000
TALU PROPERTIES INC.	805 Chelton Rd O	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG O, 3 STOREY, DPNS 51, 53, 55, 64, 66, 68	6	2,282,000
TALU PROPERTIES INC.	805 Chelton Rd P	Erect-Townhouse - Rental ERECT TOWNHOUSE BLOCK, BLDG P, 3 STOREYS, DPNS 57, 59, 61, 70, 72, 74	6	2,282,000
2722260 Ontario Inc 825 Bradley Building Lp	825 Bradley Ave	Add Retail store and warehouse NEW WAREHOUSE AND SHOWROOM ADDITION, FRR/FPO	0	12,000,000
TALU PROPERTIES INC.	845 Chelton Rd D	Erect-Apartment Building Erect 5 storey apartment building ** FOUNDATION PERMIT **	52	14,639,715
Canadian Imperial Bank Of Commerce Ralty Taxation	97 Fanshawe Park Rd E	Alter Financial Institution CM - INTERIOR ALTERATIONS	0	234,000

Total Permits 73      Units 268      Value 182,505,476

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

## 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  
September 2022

**Date:** November 28, 2022

## Recommendation

That the report dated September 2022 entitled “Building Division Monthly Report September 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 September 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 September 2022. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity for the Month of September 2022”, as well as respective “Principle Permits Reports”.

### 2.0 Discussion and Considerations

2.1 Building permit data and associated inspection activities – **September 2022**

#### Permits Issued to the end of the month

As of September 2022, a total of 3,391 permits were issued, with a construction value of \$1.15 billion, representing 1,883 new dwelling units. Compared to the same period in 2021, this represents a 7.55% decrease in the number of building permits, with a 13.25% decrease in construction value and an 44.1% decrease in the number of dwelling units constructed.

### **Total permits to construct New Single and Semi-Dwelling Units**

As of the end of September 2022, the number of building permits issued for the construction of single and semi-detached dwellings was 519, representing a 38.5% decrease over the same period in 2021.

### **Number of Applications in Process**

As of the end of September 2022, 970 applications are in process, representing approximately \$855.8 million in construction value and an additional 1,175 dwelling units compared with 1,224 applications, with a construction value of \$771 million and an additional 1,314 dwelling units in the same period in 2021.

### **Rate of Application Submission**

Applications received in September 2022 averaged to 18.25 applications per business day, for a total of 365 applications. Of the applications submitted 39 were for the construction of single detached dwellings and 7 townhouse units.

### **Permits issued for the month**

In September 2022, 365 permits were issued for 137 new dwelling units, totaling a construction value of \$79.8 million.

### **Inspections – Building**

A total of 3,814 inspection requests were received with 2,675 inspections being conducted.

In addition, 18 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 3,814 inspections requested, 93% were conducted within the provincially mandated 48 hour period.

### **Inspections - Code Compliance**

A total of 1,049 inspection requests were received, with 1,194 inspections being conducted.

An additional 133 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 676 inspections requested, 95% were conducted within the provincially mandated 48 hour period.

### **Inspections - Plumbing**

A total of 1,152 inspection requests were received with 1,465 inspections being conducted related to building permit activity.

An additional 14 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 586 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

## **2020 Permit Data**

To the end of September, a total of 2,977 permits were issued, with a construction value of \$1.1 Million, representing 2,457 new dwelling units. The number of single/semi detached dwelling units was 658.

## **Update**

It should be noted that a request was made by council to depict any Commercial permits/developments that were receiving the Development Charge rate phase-in post 2014. This phase-in has since expired, and the tracking is no longer required. As such, as of the next report (October 2022), this portion will no longer appear at the end of the Principle Permits section.

## **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 September 2022. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity” for the month of September 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

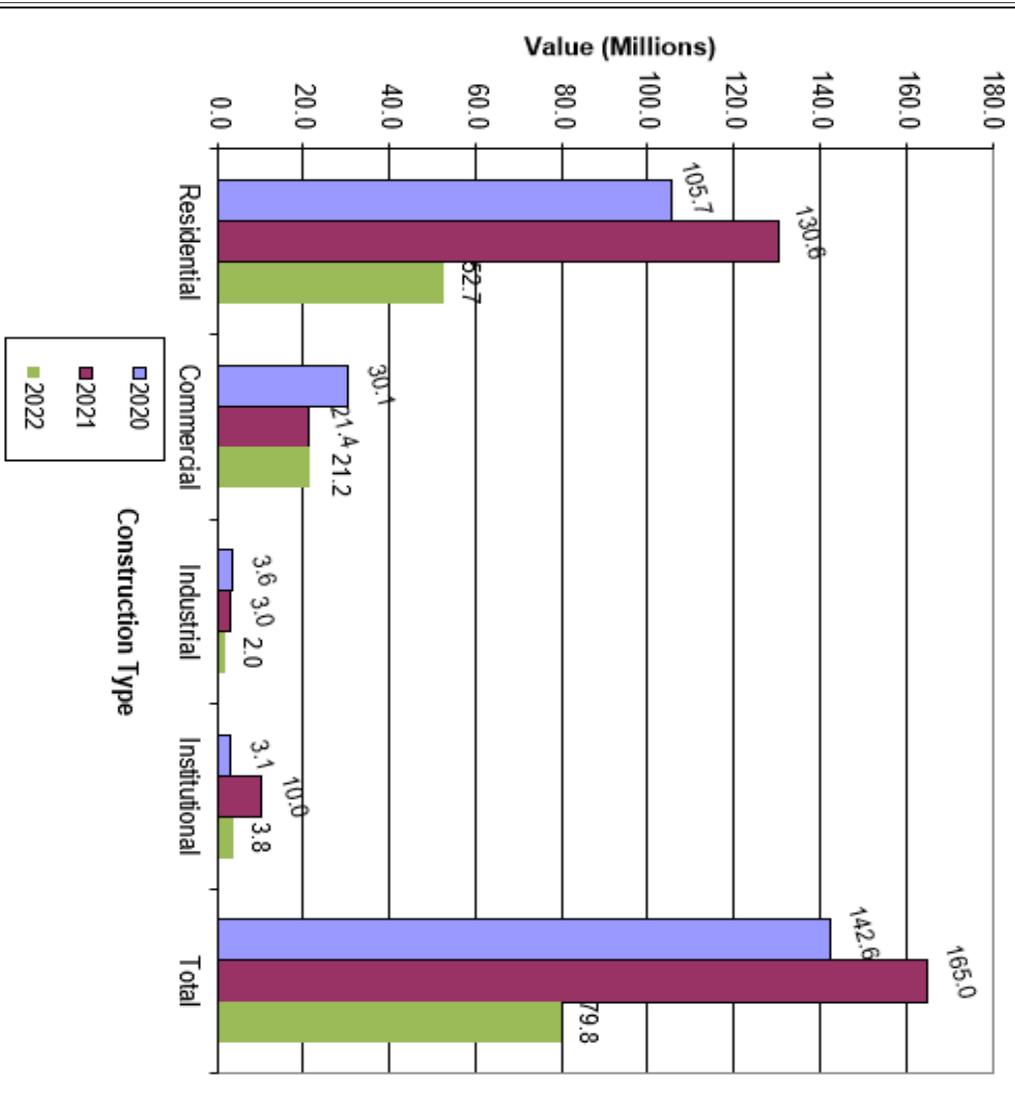
## CITY OF LONDON

### SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF September 2022

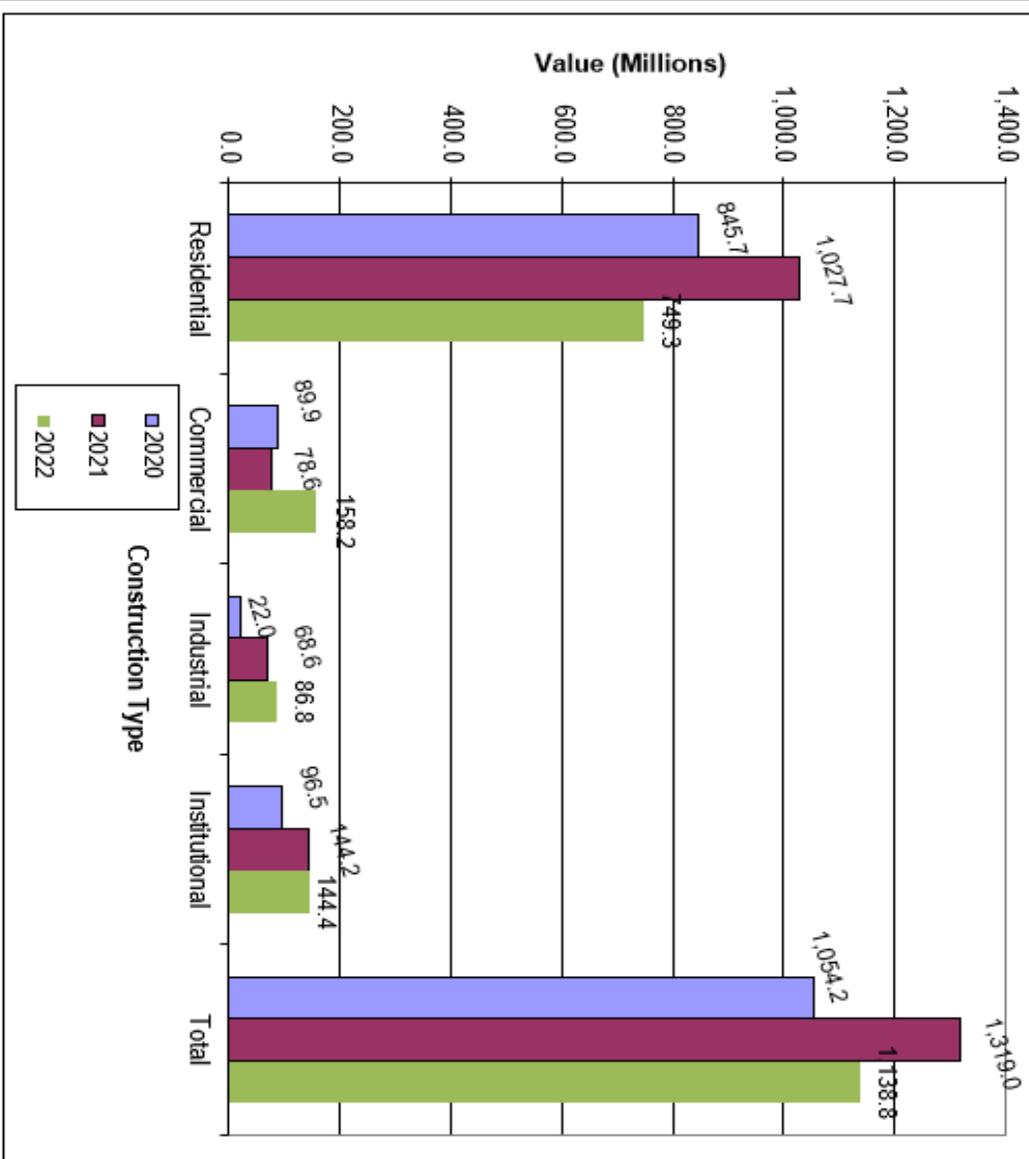
CLASSIFICATION	September 2022			to the end of September 2022			September 2021			to the end of September 2021			September 2020			to the end of September 2020		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	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	39	19,655,657	39	519	263,116,846	519	63	26,251,000	63	843	382,987,550	843	112	46,697,350	112	658	278,888,354	658
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	1	223,500	1	1	669,000	2	2	1,023,000	4
TOWNHOUSES	4	2,634,380	7	102	143,040,004	464	17	20,110,900	69	179	169,649,900	675	17	21,226,500	75	97	93,520,185	341
DUPLEX, TROPEX, QUAD, APT BLDG	1	16,317,000	70	13	260,759,763	745	3	77,775,500	266	14	411,371,500	1,751	2	30,000,000	104	12	430,878,800	1,414
RESALTER & ADDITIONS	183	14,113,495	20	1,534	82,405,002	154	174	6,437,830	13	1,423	63,455,427	101	191	7,118,000	9	1,087	41,414,009	40
COMMERCIAL -ERECT	2	15,601,140	1	13	55,109,419	1	1	95,000	0	22	11,519,400	0	0	0	0	9	7,160,300	0
COMMERCIAL -ADDITION	1	860,000	0	10	27,001,900	0	1	3,171,500	0	6	3,626,500	0	1	5,000	0	3	796,800	0
COMMERCIAL - OTHER	27	4,788,370	0	219	76,100,194	0	33	18,158,011	0	267	63,419,315	0	44	30,126,500	0	279	81,939,327	0
INDUSTRIAL -ERECT	0	0	0	2	29,580,184	0	0	0	0	12	45,227,409	0	1	100,000	0	5	8,286,700	0
INDUSTRIAL -ADDITION	0	0	0	7	52,657,871	0	1	3,000,000	0	6	6,386,560	0	0	0	0	4	7,918,800	0
INDUSTRIAL - OTHER	5	1,959,000	0	26	4,578,160	0	0	0	0	24	16,961,980	0	7	3,536,500	0	32	5,814,407	0
INSTITUTIONAL -ERECT	0	0	0	3	99,646,231	0	0	0	0	1	12,000,000	0	0	0	0	3	32,825,000	0
INSTITUTIONAL -ADDITION	0	0	0	2	2,397,000	0	0	0	0	6	47,273,386	0	0	0	0	8	15,178,000	0
INSTITUTIONAL - OTHER	29	3,841,300	0	137	42,388,836	0	9	10,042,500	0	108	84,897,450	0	14	3,083,000	0	132	48,539,001	0
AGRICULTURE	0	0	0	3	1,610,000	0	0	0	0	2	350,000	0	0	0	0	1	100,000	0
SWIMMING POOL FENCES	25	1,022,500	0	297	11,906,909	0	30	1,037,018	0	337	9,716,158	0	39	1,042,321	0	317	7,766,891	0
ADMINISTRATIVE	9	23,000	0	121	875,000	0	18	34,000	0	82	290,000	0	7	6,000	0	41	106,000	0
DEMOLITION	11	0	10	82	0	55	3	0	0	60	0	41	5	0	4	57	0	43
SIGN/CANOOPY - CITY PROPERTY	2	0	0	15	0	0	0	0	0	8	0	0	0	0	0	2	0	0
SIGN/CANOOPY - PRIVATE PROPERTY	27	0	0	286	0	0	44	0	0	267	0	0	37	0	0	228	0	0
<b>TOTALS</b>	<b>365</b>	<b>80,805,842</b>	<b>137</b>	<b>3,391</b>	<b>1,153,173,319</b>	<b>1,883</b>	<b>397</b>	<b>168,113,259</b>	<b>411</b>	<b>3,668</b>	<b>1,329,356,034</b>	<b>3,371</b>	<b>478</b>	<b>143,610,171</b>	<b>302</b>	<b>2,977</b>	<b>1,062,155,574</b>	<b>2,457</b>

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  
September**



**Construction Value of Building Permits  
January to September**



### City of London - Building Division

#### Principal Permits Issued from September 1, 2022 to September 30, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
LANKO TOOL & MOLD INCORPORATED	105 Towerline Pl	Install-Plant for Manufacturing Install a free standing overhead crane		300,000
BLUESTONE PROPERTIES INC. BLUESTONE PROPERTIES INC.	107 Base Line Rd W	Add Garage for Apartment Building ERECT PARKING GARAGE		3,842,750
The Board of of Western Ontario The Board of Governors The University of Western Ontario	1151 Richmond St	Alter University Interior alterations to cafe and Print & Reserves area. Weldon Library Expanded Scope	0	198,500
The Board of of Western Ontario The Board Of Governors The University of Western Ontario	1151 Richmond St	Install-University INSTALL SITE SERVICES		900,000
AUBURN DEVELOPMENTS INC AUBURN DEVELOPMENTS INC	1257 Huron St	Alter Apartment Building FULL BACONY REPLACEMENT	0	1,000,000
1587490 Ontario Limited Attn: Sean McNally	127 Toulon Cres	Alter Townhouse - Rental ALTER TO REPAIR FOR FIRE DAMAGE	0	480,000
Calloway Reit ( London N) Inc Canadian Property Holdings	1280 Fanshawe Park Rd W	Alter Retail Store CM - INTERIOR FTT UP FOR EXISTING TILE FOR NEW OMNI SPACE	0	218,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1395 Riverbend Rd	Alter-Apartment Building Erect 6 storey apartment with 2 levels of underground parking.	70	16,317,000
WESTERN UNIVERSITY WESTERN UNIVERSITY	1400 Western Rd	Alter University RENOVATION EXISTING LABORATORY SPACE INTO OFFICE SPACE Units 201A - 206	0	200,000
London City	1484 Wilton Grove Rd	Alter Municipal Buildings ALTERATIONS TO REPAIR EXISTING SALT DOME STRUCTURE	0	120,000
Gobystone Corporation	149 Oxford St E	Alter Office Complex-Apartments/office CM - INTERIOR ALTERATIONS TO MAIN FLOOR FOR MEDICAL OFFICES.	0	112,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1566 Ed Ervasti Lane	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 1 STOREY, 2 CAR GARAGE W/ GOLF CART BAY, UNFINISHED BASEMENT, 2 BEDROOMS, REAR COVERED PORCH, A/C INCLUDED, SB-12 HOT2000, PART OF BLOCK 1, 33M721 (33R-20077) PART 30 ED ERVASTI LANE, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	479,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1586 Ed Ervasti Lane	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 1 STOREY, 2 CAR GARAGE W/ GOLF CART BAY, UNFINISHED BASEMENT, 2 BEDROOMS, REAR COVERED PORCH, A/C INCLUDED, SB-12 HOT2000, PART OF BLOCK 1, 33M721 (33R-20077) PART 27 ED ERVASTI LANE, HRV & DWHR REQUIRED, SOILS REPORT REQUIRED	1	459,687
PATRICK HAZZARD CUSTOM HOMES PATRICK HAZZARD CUSTOM HOMES	1820 Canvas Way 64	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOM, UNFINISHED BASEMENT, NO DECK, NO A/C, SB-12 A1, M/LCP 927 LEVEL 1 UNIT 18, HRV & DW HR REQUIRED	1	379,642

### City of London - Building Division

#### Principal Permits Issued from September 1, 2022 to September 30, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Calloway Reit (London N) Inc Canadian Property Holdings	1965 Hyde Park Rd	Alter Retail Store CM - TENANT FITUP FOR RETAIL STORE UNIT D-04A	0	115,600
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1965 Upperpoint Gate P	Erect-Townhouse - Condo ERECT 4 UNIT TOWNHOUSE BLOCK. BLDG P, 2 STOREY, DPN's 75, 77, 79, & 81 , SOILS REPORT REQUIRED.	4	1,316,051
American Iron & Metal Company Inc Americaine De Fer & Metaux Inc	2009 Gore Rd	Install-Site Services Install storm sewer.	0	787,000
American Iron & Metal Company Inc La Compagnie Americaine De Fer & Metaux Inc	2037 Gore Rd	Install-Site Services Install storm sewer.	0	787,000
2455869 Ontario Inc	2085 Jetstream Rd S/S	Erect-Office and storage ERECT PRE-ENG STEEL BUILDING	0	900,000
Unifirst Canada Ltd	2365 Innovation Dr	Erect-Dry Cleaning and Laundry Depot CM - ERECT NEW LAUNDRY FACILITY	1	14,701,140
THE CANADA LIFE ASSURANCE COMPANY	242 St George St	Alter Duplex ALTER TO INCREASE DEPTH OF BASEMENT W/ NEW ICE FOUNDATION, ALTER MAIN FLOOR W/ NEW OFFICE	0	108,000
Sifton Properties Limited The Canada Life Assurance Company	255 Dufferin Ave	Alter offices CM - EXTERIOR AND INTERIOR ALTERATIONS TO CREATE A B.F. ENTRANCE RAMP. Shell Permit Only - Provide sealed guards shop drawings to the Building Division for review prior to work in these areas	0	350,000
Sifton Properties Limited The Canada Life Assurance Company	255 Queens Ave	Alter offices CM - INTERIOR ALTERATIONS - 18TH FLOOR	0	338,000
THAMES VALLEY DISTRICT SCHOOL BOARD VALLEY DISTRICT SCHOOL BOARD	301 Wortley Rd	Alter Schools Elementary, Kindergarten ALTER - TO REPLACE, FIRE ALARM, EXIT SIGNAGE AND EMERGENCY LIGHTING	0	227,800
TRICAR LIMITED TRICAR PROPERTIES LIMITED	320 Thames St	Alter Apartment Building TENANT FIT UP FOR RESTAURANT.	0	214,000
CREATIVE PROPERTY DEVELOPMENTS INC	345 Horton St E	Alter Wholesale Outlets Interior alterations to existing tenant space within light industrial multi-tenant building.	0	250,000
WALNUT VISTA LTD	349 Southdale Rd E	Install-Townhouse - Condo Install site services.	0	900,000
2795861 Ontario Limited	373 Commissioners Rd W 100	Add Offices Alter Interior for Physician Clinic and Add for Boiler/Gas room. SHELL PERMIT: ADDITION FOR THE BOILER/GAS ROOM NOT TO BE CONSTRUCTED UNTIL FIRE PROTECTION REVIEW HAS BEEN COMPLETED. CRYOGENIC NOT TO BE CONSTRUCTED UNTIL FIRE PROTECTION REVIEW HAS BEEN COMPLETED.	0	850,000

**City of London - Building Division**  
**Principal Permits Issued from September 1, 2022 to September 30, 2022**

Owner	Project Location	Proposed Work	No. of Units	Construction Value
SKYLINE RETAIL REAL ESTATE HOLDINGS INC. SKYLINE RETAIL REAL ESTATE HOLDINGS INC.	395 Wellington Rd	Alter Retail Store ALTER - FOR METRO GROCERY STORE, W/ MECH, STRUCT, FPO  SHELL PERMIT ONLY - PROVIDE SHOP DRAWINGS AND GRCC FOR: GUARD AT EXTERIOR RAMP, SPRINKLERS AND COMMERCIAL COOKING HOOD. PROVIDE INTEGRATED TESTING REPORT FOR: NEW FIRE ALARM PANEL, MAGLOCKS AND KITCHEN HOOD SUPPRESSION.	0	500,000
600 Oxford Group Inc C/O Craig Hansford	600 Oxford St W	Alter Offices CM - CREATING 4 SEPARATE SUITES AND TENANT FIT UP FOR ONE SUITE. Shell Permit Only – Provide sealed stairs guards and support for the stairs as per 9.8;9.2. shop drawings to the Building Division for review prior to work in these areas Shell Permit Only - Provide stairs and guard rail for architectural review, please provide fire damper spec sheet, please provide fire stopping spec sheet	0	337,000
649 Dental Inc. THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	649 Oxford St E 656 Tennent Ave	Alter Offices CHANGE OF USE - INTERIOR ALTERATION Alter Schools Secondary, High, Jr. High FIRE ALARM ALTERATIONS	0	114,000 800,000
Luanne Soares London Condominium Corporation no 33 PROVINCE OF ONTARIO MINISTER OF INFRASTRUCTURE	700 Osgoode Dr 711 Exeter Rd	Install-Townhouse - Condo INSTALL NEW DRAINAGE SYSTEM (APPROX 160") AND RE-GRADE Alter Jails ALTERATION TO EXISTING WORK ROOM LM4	0	150,000 200,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	79 Dartmouth Dr 795 Trafalgar St	Alter Schools Elementary, Kindergarten Upgrading electrical and security system	0	105,000 350,000
LHSC LHSC - LONDON HEALTH SCIENCES CENTRE MEGBROOK HOLDINGS INC. MEGBROOK HOLDINGS INC.	800 Commissioners Rd E 841 Wellington Rd	Alter Hospitals Interior alterations of existing areas within the hospital located on the basement level of westminster tower building Alter Restaurant ALTERATION TO FINISH FOR RESTAURANT MORE THAN 30 SEATS (UNIT 102)	0	119,000 117,000

### City of London - Building Division

#### Principal Permits Issued from September 1, 2022 to September 30, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
CITY LONDON WESTERN FAIR ASSOCIATION	900 King St	Alter Convention Centre/Exhibition Hall Removal of deteriorating concrete at roof and top section of outside wall for service tunnel. Rework of structural steel to allow for increased headroom in tunnel. Re-installation of top section of concrete wall and deck above. Removal and re-installation of mechanical and electrical services to allow for concrete removal.	0	1,500,000
	920 Dufferin Ave	Alter Duplex ALTER MAIN FLOOR TO REHABILITATE RESIDENTIAL UNITS	0	195,000
SOUTHSIDE CONSTRUCTION MANAGEMENT LTD	939 Southdale Rd W	Alter Restaurant ALTER - FOR RENOVATION TO EXISTING TIM	0	210,000
SOUTHSIDE CONSTRUCTION MANAGEMENT LTD		HORTONS. W/ FACADE AND MECHANICAL WORK		

Total Permits 41    Units 78    Value 51,548,170

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

# Community Advisory Committee on Planning Report

6th Meeting of the Community Advisory Committee on Planning  
November 9, 2022

Attendance                      PRESENT: S. Bergman (Chair), M. Bloxam, I. Connidis, J. Dent, A. Johnson, J.M. Metrailler, M. Rice, M. Wallace, K. Waud and M. Wojtak and J. Bunn (Committee Clerk)

ABSENT: S. Ashman, G. de Souza Barbosa, S. Jory, J. Wabegijig and M. Whalley

ALSO PRESENT: L. Dent, K. Gonyou, M. Greguol, J. Kelemen and B. Westlake-Power

The meeting was called to order at 5:03 PM.

## 1. Call to Order

### 1.1 Disclosures of Pecuniary Interest

J. Dent discloses a pecuniary interest in clause 3.6 of the 6th Report of the Community Advisory Committee on Planning, having to do with the Notice of Public Information Centre No. 1 - University Drive Bridge, Western University - Municipal Class Environmental Assessment, by indicating that his employer is involved in the file.

### 1.2 (ADDED) Election of Chair and Vice-Chair

That S. Bergman and K. Waud BE ELECTED Chair and Vice Chair, respectively, for the term ending May 31, 2023.

## 2. Scheduled Items

None.

## 3. Consent

### 3.1 5th Report of the Community Advisory Committee on Planning

That it BE NOTED that the 5th Report of the Community Advisory Committee on Planning, from its meeting held on September 14, 2022, was received.

### 3.2 Notice of Planning Application - Zoning By-law Amendment - 88 Chesterfield Avenue

That it BE NOTED that the Notice of Planning Application, dated October 12, 2022, from O. Alchits, Planner I, with respect to a Zoning By-law Amendment related to the property located at 88 Chesterfield Avenue, was received.

### 3.3 Notice of Planning Application - Intent to Remove Holding Provision - 345 Sylvan Street

That it BE NOTED that the Notice of Planning Application, dated October 27, 2022, from A. Patel, Planner I, with respect to the Intent to Remove a Holding Provision related to the property located at 345 Sylvan Street, was received.

3.4 Notice of Planning Application - Zoning By-law Amendment - 761 Fanshawe Park Road West

That it BE NOTED that the Notice of Planning Application, dated October 26, 2022, from O. Alchits, Planner I, with respect to a Zoning By-law Amendment related to the property located at 761 Fanshawe Park Road West, was received.

3.5 Revised Notice of Planning Application - Official Plan and Zoning By-law Amendments - 952 Southdale Road West

That it BE NOTED that the Revised Notice of Planning Application, dated October 26, 2022, from N. Pasato, Senior Planner, with respect to Official Plan and Zoning By-law Amendments related to the property located at 952 Southdale Road West, and the Heritage Impact Assessment, dated May 2019, from AECOM, were received.

3.6 (ADDED) Notice of Public Information Centre No. 1 - University Drive Bridge, Western University - Municipal Class Environmental Assessment

That it BE NOTED that the Notice of Public Information Centre (PIC) No. 1, as appended to the Agenda, from T. Morton, Western University and S. Taylor, BT Engineering Inc., with respect to the University Drive Bridge, Western University Municipal Class Environmental Assessment, 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 October 26, 2022, was received.

**5. Items for Discussion**

5.1 Heritage Alteration Permit Application by J. Barker for the property located at 123 Wilson Avenue, Blackfriars/Petersville Heritage Conservation District

That it BE NOTED that the Community Advisory Committee on Planning (CACP) received a report, dated November 9, 2022, with respect to a Heritage Alteration Permit Application by J. Barker for the property located at 123 Wilson Avenue, Blackfriars/Petersville Heritage Conservation District and the CACP supports the staff recommendation

5.2 Heritage Alteration Permit Application by J. Wong for the property located at 10 Moir Street, Blackfriars/Petersville Heritage Conservation District

That it BE NOTED that the Community Advisory Committee on Planning (CACP) received a report, dated November 9, 2022, with respect to a Heritage Alteration Permit Application by J. Wong for the property located at 10 Moir Street, Blackfriars/Petersville Heritage Conservation District and the CACP supports the staff recommendation.

- 5.3 Heritage Alteration Permit Application by M. Wales for the property located at 645 Lorne Avenue, Old East Heritage Conservation District

That it BE NOTED that the Community Advisory Committee on Planning (CACP) received a report, dated November 9, 2022, with respect to a Heritage Alteration Permit Application by M. Wales for the property located at 645 Lorne Avenue, Old East Heritage Conservation District and the CACP supports the staff recommendation.

- 5.4 Proposed Changes to Ontario Heritage Act – Bill 23 (Schedule 6), the proposed More Homes Built Faster Act, 2022

That it BE NOTED that the presentation, dated November 9, 2022, from M. Greguol, Heritage Planner, with respect to Proposed Changes to the Ontario Heritage Act - Bill 23 - More Homes Built Faster Act, 2022, was received.

- 5.5 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated November 9, 2022, was received.

## **6. Adjournment**

The meeting adjourned at 6:29 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:** Exemption from Part-Lot Control  
Application By: Kenmore Homes (London) Inc.  
Address: 1865 Finley Crescent

**Meeting on:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application by Kenmore Homes (London) Inc. to exempt Block 96, Plan 33M-733 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 96, Plan 33M-733 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-4(1)) which permits street townhouse dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 96, Plan 33M-733 as noted in clause (a) above:
  - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
  - ii. The applicant submit a draft reference plan to the Planning and Development for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
  - iii. The applicant submits to the Planning and Development a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
  - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations **prior to the reference plan being deposited in the land registry office**;
  - v. The applicant submit to the Deputy City Manager, Planning and Development for review and approval **prior to the reference plan being deposited in the land registry office**; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
  - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
  - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
  - viii. The applicant shall obtain confirmation from the Planning and Development that the

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

- ix. The applicant shall obtain approval from the Planning and Development of each reference plan to be registered **prior to the reference plan being registered in the land registry office;**
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the Deputy City Manager, Planning and Development that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title;
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question; and
- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1865 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.
- xv. As per condition (xii) of the subdivision agreement, a reference plan (33R) is to be provided for the 5m storm servicing easement located at the rear of the property;
- xvi. The existing subdivision agreement is to be amended as per condition (vi) of the subdivision agreement. The agreement is to include provisions for the 5m storm servicing easement located at the rear of the property;
- xvii. A complete ECA application package is to be submitted to Planning & Development for the proposed storm sewers at the rear of the property.

## **Executive Summary**

### **Summary of Request**

This report is for review and endorsement by Municipal Council to exempt Block 96 in Registered Plan 33M-733 from the Part-Lot Control provisions of the *Planning Act*.

### **Purpose and Effect of Recommended Action**

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

### **Rationale for Recommended Action**

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

## **Linkage to the Corporate Strategic Plan**

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**

On December 20, 2017, the City of London Approval Authority granted final approval to the phase 2 of draft plan 39T-08502. This phase contained ninety-seven (97) single

detached residential lots, eight (8) multi-family residential blocks, served by four (4) new local streets. The subject lands were part of this phase being one of the multi-family residential blocks. The draft plan of subdivision 39T-08502 was registered in February 2018 as plan 33M-733.

### **1.1 Previous Reports Related to this Matter**

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

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

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

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

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

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

### **1.2 Property Description**

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

### **1.3 Current Planning Information**

- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R4 Special Provision (R4-4(1))

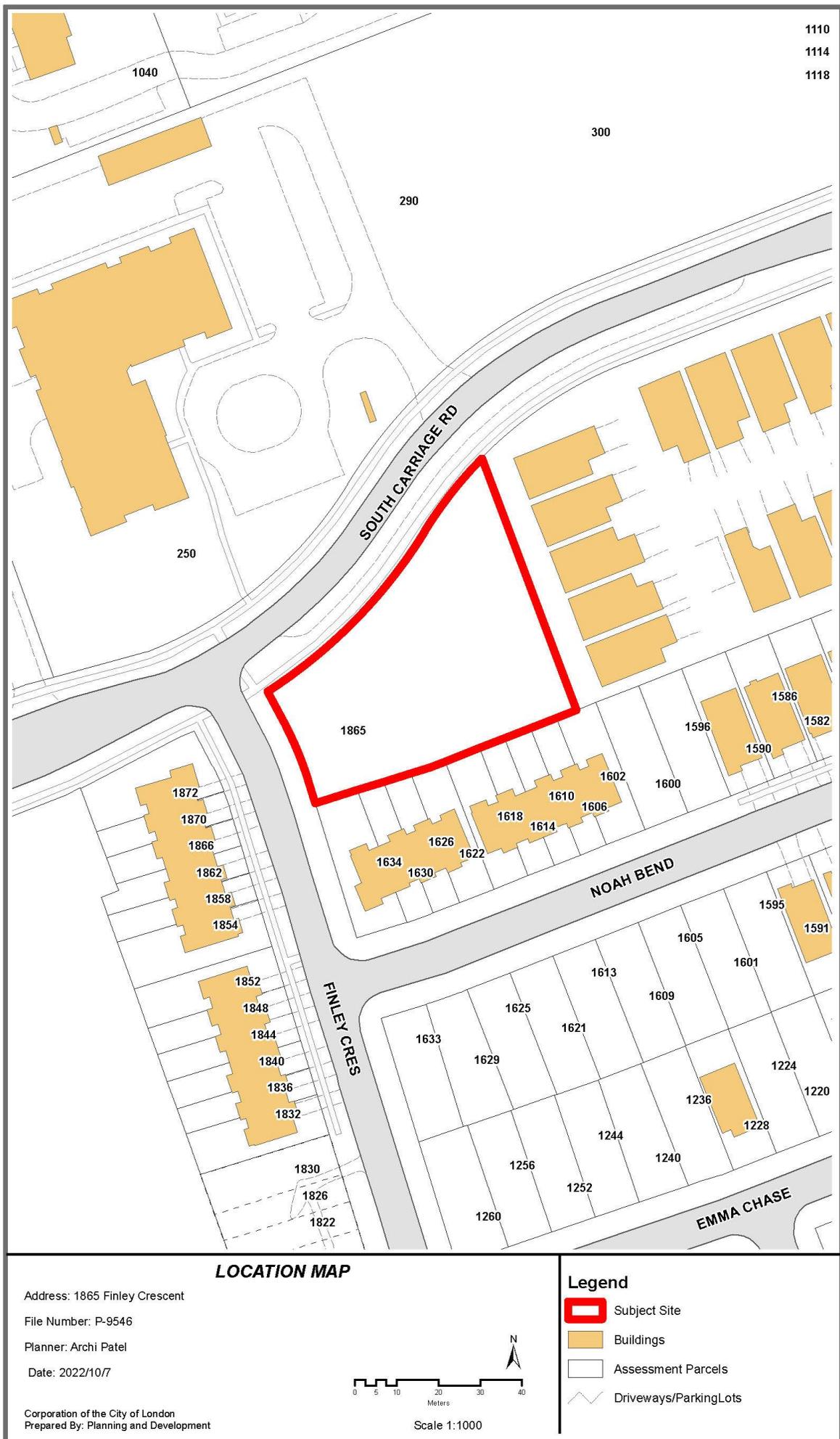
### **1.4 Site Characteristics**

- Current Land Use – vacant
- Frontage – ~28.9 metres (Finley Cres.)
- Area – 0.29 hectares
- Shape – rectangular

### **1.5 Surrounding Land Uses**

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

# 1.6 Location Map







## 2.0 Discussion and Considerations

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

## 3.0 Financial Impact/Considerations

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

## 3.2 Community Engagement

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

## 3.3 Policy Context

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

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

## 4.0 Key Issues and Considerations

Council policy has established the criteria by which applications for exemption from part-lot control shall be reviewed. The analysis below outlines each criterion and how it relates to this application.

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

The lands are zoned Residential R4 Special Provision (R4-4(1)) in Zoning By-law No. Z.-1, which permits 1 storey street townhouse dwellings with a maximum height of 5 metres, minimum lot frontage of 5.5 metres, a minimum side yard depth of 1.2 metres, and maximum lot coverage of 35 percent. The applicant will be required to submit a draft reference plan to Planning and Development for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

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

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

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

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

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

The exemption of part lot control creates six (6) street townhouse units requiring separate and individual land divisions to create the interests in land.

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

The subject lands are within the Neighbourhoods Place Type in The London Plan which permits street townhouse dwellings. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided off South Carriage Road.

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

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

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of six (6) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law. Although originally intended to have storm water servicing provided via Finley Cres, SWED is partial to allowing these proposed lots to alternatively be serviced via the frontages at South Carriage Road.

#### **4.1 Conditions**

It is recommended that number of conditions be applied and that the By-law for Block 96 in Plan 33M-733 be passed at a future meeting of Municipal Council only when the recommended conditions identified on page 1 through 2 of this report have been complied with.

## Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of six (6) street townhouse units, with access off South Carriage Road, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the subdivision, subject to the completion of the proposed conditions.

**Prepared by:** Archi Patel  
**Planner 1, Subdivision Planning**

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

**Recommended by:** Heather McNeely, MCIP, RPP  
**Acting Director, Planning and Development**

**Submitted by:** Scott Mathers, MPA, P.Eng.  
**Deputy City Manager, Planning and Economic Development**

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

cc: Bruce Page, Manager, Subdivisions

cc: Michael Pease, Manager, Site Plan

cc: Matt Davenport, Manager, Subdivisions

AP/sm

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## Appendix A

Bill No.  
2022

By-law No. C.P.-

A by-law to exempt from Part-Lot Control, lands located at 1865 Finley Crescent, legally described as Block 96 in Registered Plan 33M-733.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Kenmore Homes (London) Inc., it is expedient to exempt lands located at, legally described as Block 96 in Registered Plan 33M-733, from Part Lot Control;

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

1. Block 96 in Registered Plan 33M-733, located at 1865 Finley Crescent, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-4(1)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading –  
Second Reading –  
Third Reading –

## 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:** Application by Vista Wood Estates Ltd.  
S/W Sunningdale Road West and Wonderland Road North  
2170 Buroak Drive (formerly 751 Fanshawe Park Road)  
Extension of Draft Plan Approval

**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, with respect to the application of Vista Woods Estates Ltd. relating to the lands located at 2170 Buroak Drive (formerly 751 Fanshawe Park 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-03505).

## 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 Vista Wood Estates Subdivision located on the southwest of corner of Sunningdale Road West and Wonderland Road North 2170 Buroak Drive (formerly known as 751 Fanshawe Park Road West).

### Purpose and Effect of the 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 December 23, 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

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 Previous Reports Related to this Matter

November 26, 2015 – Report to Planning and Environment Committee – Draft

McCormick Area Secondary Plan (File No. OZ-7601).

**November 26, 2015** – Report to Planning and Environment Committee – 1156 Dundas Street Application for Approval Official Plan Amendment and Zoning By-law Amendment – City of London (File No. OZ-8489).

**November 2004** – Report to Planning and Environment Committee – 751 Fanshawe Park Road West – Vista Wood Estates Ltd – Draft Approval and Zoning By-law Amendment (File: 39T-03505/Z-6463)

**January 2005** – Report to Planning and Environment Committee – 751 Fanshawe Park Road West – Vista Wood Estates Ltd. – Amendment to Zoning (File 39T-03505/Z-6463)

**June 2009** – Report to Planning and Environment Committee – 751 Fanshawe Park Road West – Vista Wood Estates Ltd. – Extension of Draft Plan Approval (File: 39T-03505)

**March 2014** – Report to Planning and Environment Committee – 751 Fanshawe Park Road West – Vista Wood Estates Ltd. – Extension of Draft Plan Approval (File: 39T-03505)

**December 2016** – Report to Planning and Environment Committee – 751 Fanshawe Park Road West – Vista Wood Estates Ltd. – Extension of Draft Plan Approval (File: 39T-03505)

**August 2019** – Report to Planning and Environment Committee – 751 Fanshawe Park Road West – Vista Wood Estates Ltd. – Draft Plan Approval for Redline Revisions (File:39T-03505)

**December 2019** – Report to Planning Committee – 751 Fanshawe Park Road West – Vista Wood Estates Ltd. – Extension of Draft Plan Approval (File:39T-03505)

## 1.2 Property Description

The Vista Wood Estates Subdivision is situated in the northwest quadrant of the City and is located north of Fanshawe Park Road West, south of Sunningdale Road West, and west of Wonderland Road North. The property is within the City of London's Fox Hollow Community Planning Area. The subdivision plan has a total area of approximately 36.5 ha and was previously used for agricultural purposes. The remaining draft approved lands which are the subject of this extension request are situated between Eagletrace Drive to the south, existing single detached homes to the west, Sunningdale Road West to the north, and Fanshawe Park Road West to the east.

## 1.3 Current Planning Information

- The London Plan Place Type – Neighbourhoods and Green Space
- Zoning – Holding Residential R1 (h•R1-4) Zone, Holding Residential R1 (h•\*R1-6) Zone, Open Space (OS1) Zone, Holding Residential (h•R1-4) Zone, Holding Residential R1 (h•R1-6) Zone, Holding Residential R5/Residential R6 (h•R5-4•R6-5) Zone

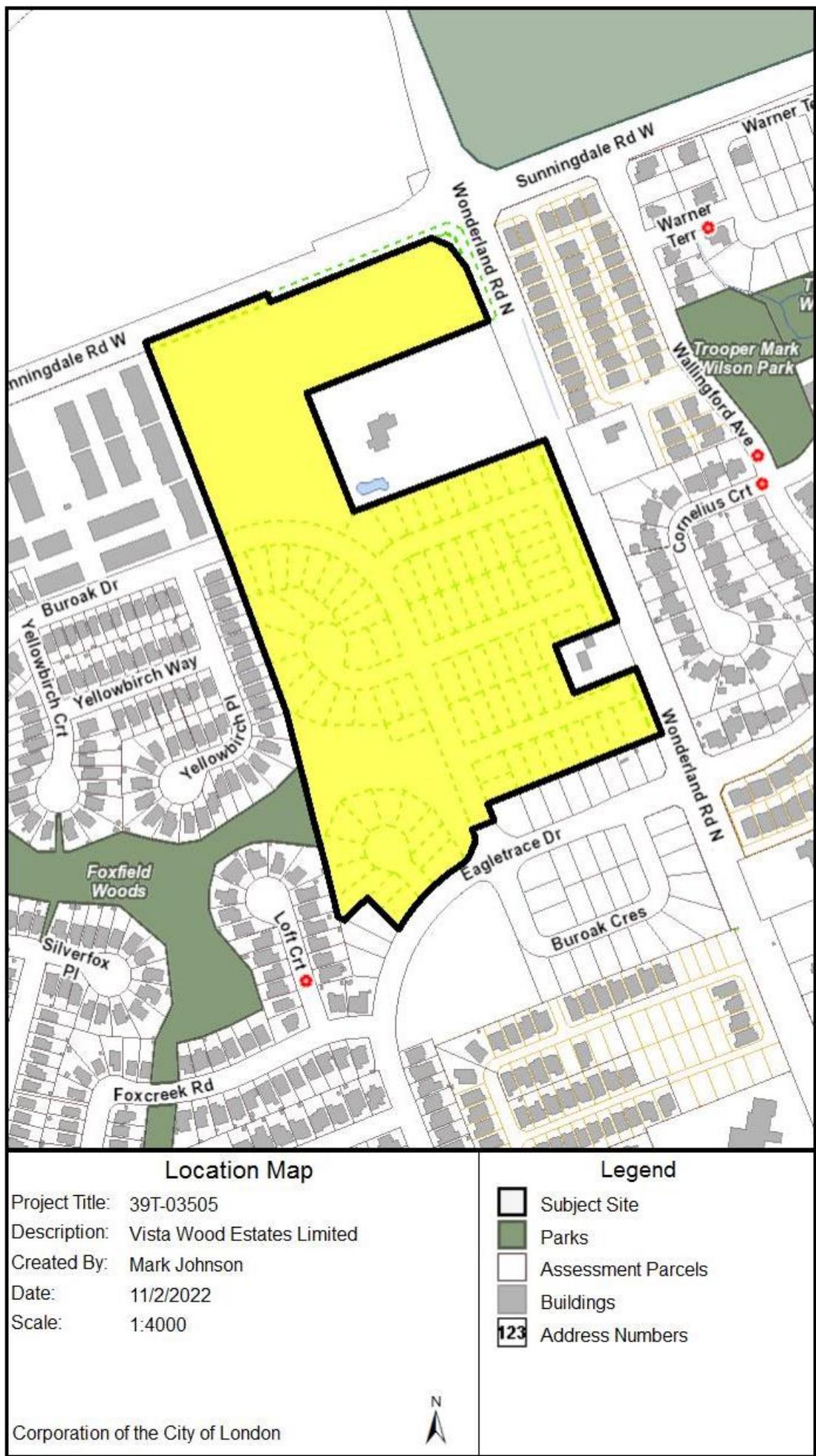
## 1.4 Site Characteristics

- Current Land Use – vacant lands
- Frontage – approx. 485 metres on Wonderland Road North
- Depth – varies from approx. 293 metres to 348 metres
- Area – 13.5 hectares (remaining draft-approved lands outside of registered Phases 1, 2 and 3)
- Shape – irregular

## 1.5 Surrounding Land Uses

- North – rural residential and agricultural
- East – existing residential
- South – future and existing residential
- West – existing residential

1.6 Location Map



## 1.7 Planning History

This application for Draft Plan of Subdivision Approval was accepted on April 2, 2003 and revised on May 19, 2004. It was circulated to the required agencies and municipal departments on April 17, 2003 and the revised application was circulated on June 11, 2004. The application was advertised in the London Free Press Civic Corner on April 26, 2003 and the revised application was advertised on June 12, 2004 and June 26, 2004. A notice of Public Meeting was advertised in the London Free Press on November 13, 2004 and November 27, 2004, and a notice of Public Meeting was sent out on November 12, 2004. The Public Meeting was held on November 29, 2004. Draft Approval was issued on December 23, 2004.

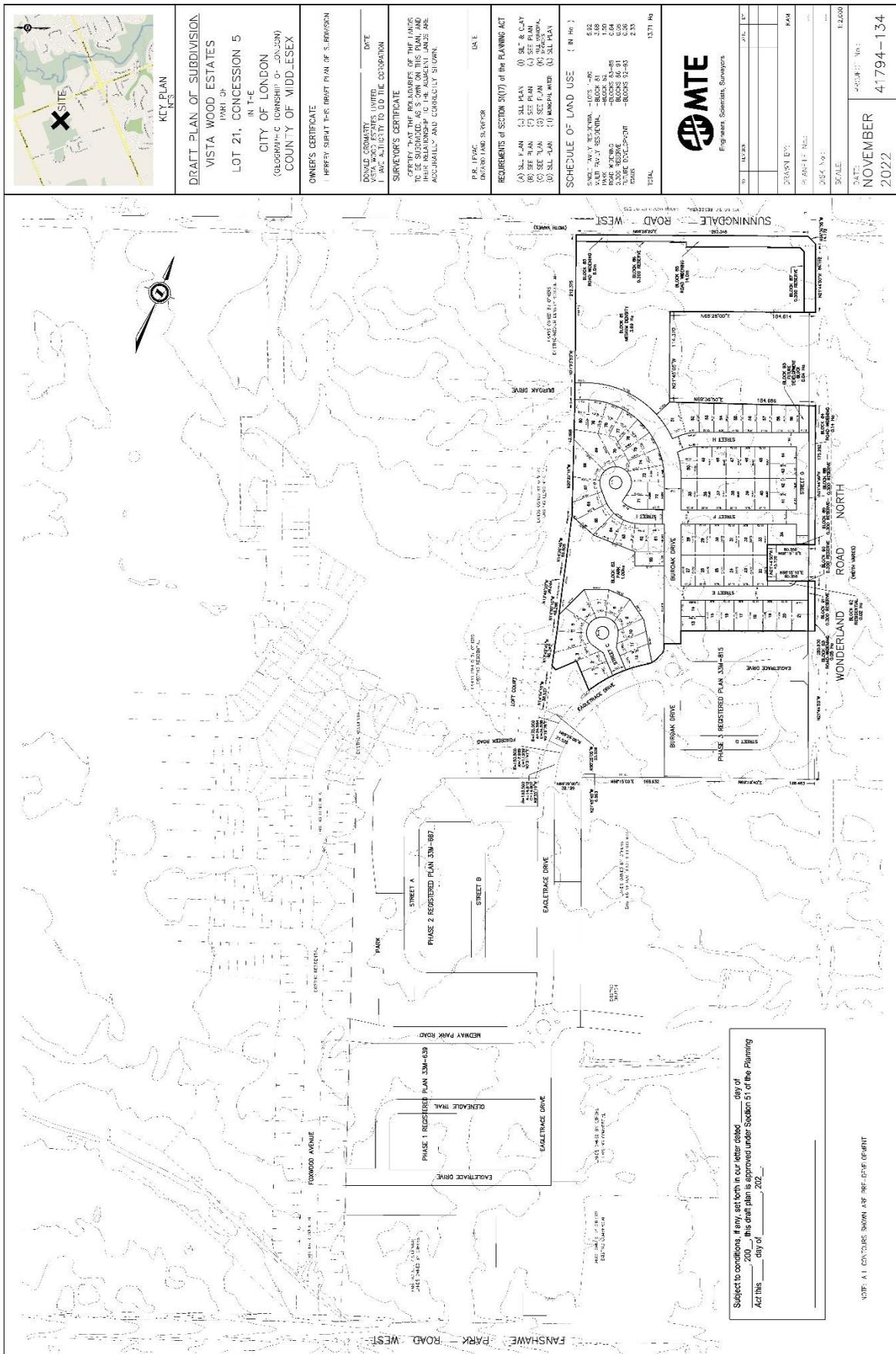
At its meeting on June 9th, 2008, City Council requested that the Approval Authority approve the request for a three year extension of the draft plan of subdivision approval for this subdivision subject to the revised street pattern and conditions of draft approval. Draft approval was extended to December 23, 2010.

Subsequently, the Owner requested 3 requests for extension of draft approval in 2010, 2013 and 2016, respectively. Council requested the Approval Authority to approve each of the extension requests, subject to revised conditions of draft approval. Approval of the 2013 extension request was also subject to a revised street pattern.

The draft approved plan received redline revisions and approvals on August 26, 2019 that increased some of the lot sizes, which reduced the total number of lots from 127 to 113 single detached residential lots while the balance of the site remained the same with two medium density residential blocks, one (1) park block, and road widening and reserve blocks, served by five new streets and the extension of Eagletrace Drive and Buroak Drive.

## 2.0 Discussion and Considerations

### 2.1 Draft Approved Plan of Subdivision



## 2.2 Requested Action

This request is for a three (3) year extension of the remaining lands within the draft plan consisting of eighty (80) single detached lots, one (1) medium density residential block (Block 81), and one (1) park block (Block 82).

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 Vista Wood Estates Ltd. sufficient time to coordinate the registration of agreements for the balance 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).

## 2.3 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-03505). 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.

## 2.4 Policy Context

### The London Plan

The majority of the lands are located within the Neighbourhoods Place Type and a portion of the lands are in Green Space Place Type. The Neighbourhoods Place Type at this location allows a range of low to mid-rise residential uses such 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. A minimum height of two (2) storeys, a standard maximum height of four (4) storeys, and upper maximum of six (6) storeys may be permitted along properties with frontage on a Civic Boulevard and on a Urban Thoroughfare (Table 11). The Green Space Place Type applies to an existing woodlot located in the southwest portion of the subdivision draft plan that is identified to be retained as an open space area for parkland. The remaining undeveloped blocks within the draft plan and corresponding zoning are generally consistent with the Neighbourhoods Place Type and Green Space Place Type permitted uses and policies.

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 a number of modifications and revisions, as well as new clauses added reflecting current municipal standards and requirements. The amendments to the conditions of draft approval are shown **highlighted**, including ~~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 December 23, 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 a number of revisions, deletions, and new conditions added.

### Conclusion

Staff recommend a three (3) year extension to Draft Plan 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:** Mark Johnson, MCIP, RPP  
Senior Planner, Planning and Development

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

**Recommended by:** Heather McNeely, MCIP, RPP  
Acting 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.

CC: Matt Davenport, Manager, Development Engineering

November 21, 2022  
HM/BP/MJ/

Z:\DEVELOPMENT SERVICES\4 - Subdivisions\2003\39T-03505 - Vista Woods - Fanshawe Pk Rd W, Wonderland Rd\Draft Approval Extension 2022\PECDRAFT 751 Fanshawe Park Road West - 39T-03505 - Nov 8 2022.docx

## Appendix A – Draft Approved Conditions

### THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-03505 ARE AS FOLLOWS:

#### NO. CONDITIONS

##### General

1. That this approval applies to the draft plan Vista Woods Estates Limited. (File No. 39T-03505), prepared by MTE (Drawing No.41794-134, dated ~~June 2019~~ November 2022) as **redline amended**, which shows ~~11380~~ single detached residential lots, ~~two~~ **(1)** medium density residential blocks, one (1) park block, and road widening and reserve blocks, served by five new streets and the extension of ~~Eagletrace Drive and~~ Buroak Drive.
2. This approval of the draft plan applies until ~~December 23, 2022~~ **December 23, 2025**, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority. ~~(Planning)~~
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. The Owner shall request that the streets be named to the satisfaction of the City.
5. The Owner shall request that the municipal address shall be assigned to the satisfaction of the City.
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8. The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (eg. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the ~~City Engineer~~ **City**, at no cost to the City.
10. Phasing of this subdivision (if any) shall be to the satisfaction of the City.
11. The Owner Phasing of this subdivision (if any) shall be to the satisfaction of the City. Prior to any work on the site, the Owner shall enter into an agreement with the City and shall construct temporary measures to control silt fencing entering the storm drainage system to the specifications outlined in the Guidelines on Erosion and Sediment Control for Urban Construction Sites (~~May 1987~~ **TRCA 2019**) prepared by the Ministry of Natural Resources. These measures are to be approved by the ~~City Engineer~~ **City** and installed prior to commencing any construction on this subdivision, and are to remain in place until construction as required under this agreement has been completed to the specifications of the ~~City Engineer~~ **City**. The Owner shall have its professional engineer monitor the erosion

and sediment control measures in accordance with the above-noted Guidelines and submit to the ~~City Engineer~~City monitoring reports with a log of dates when the facilities were inspected, the condition of the facilities at that time, and what remedial action, if any, was needed and taken. The monitoring reports are to be submitted to the ~~City Engineer~~City by April 1, July 1, and November 1 of each year until all works and services in this Plan are assumed by the City.

12. In conjunction with the Focused Design Studies, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine, including but not limited to, the following:

- i. Assess the impact on water balance in the plan, as applicable.
- ii. Assess any fill required in the plan.
- iii. Provide recommendations for foundation design should high groundwater be encountered.
- iv. 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
- v. 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~~City. 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.
- vi. 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.
- vii. address any contamination impacts that may be anticipated or experienced as a result of the said construction
- viii. 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,~~In conjunction with the first submission of engineering drawings, the Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.

13. 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.

14. 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~~City.
15. 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.
16. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.
17. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the ~~General Manager of Planning and Development~~City. The Owner acknowledges that, in the event that a submission does not include the complete information required by the ~~General Manager of Planning and Development~~City, such submission will be returned to the Owner without detailed review by the City.
18. The subdivision agreement between the Owner and the City shall be registered against the lands to which it applies. Prior to final approval the Owner shall pay in full all municipal financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.
19. ~~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. 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. The Owner shall retain a consultant archaeologist, licensed by the Ministry of Tourism, Culture, and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a minimum of a Stage 1-2 archaeological assessment and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport. No soil disturbance arising from demolition, construction, grading or any other activity shall take place on the property prior to the City receiving the Ministry of Tourism, Culture, and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.~~
20. No construction or installations of any kind (eg. Clearing or servicing of land) involved with this plan shall be undertaken prior to the Owner entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (eg. MOE Certificates, City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways, approvals, UTRCA, MNR, MOE, City, etc.)

21. The Owner shall oversize the internal sewers and water mains in the subdivision (or any resulting phase) to accommodate flows from the upstream lands and water servicing external to the subdivision, all in accordance with requirements and details as outlined in the Fox Hollow Community Plan, and to the specifications of the ~~City Engineer~~City.
22. 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.
23. In conjunction with the Focused Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this plan. All class EA's must be completed prior to the submission of engineering drawings.
24. The Owner shall submit a copy of the final plan for this subdivision to the ~~Development Services Division (Development Engineering)~~City showing any amendments or revisions made to this plan as a result of any requirements and/or conditions covering the plan, or otherwise (ie. Owner initiated) to the satisfaction of the ~~City Engineer~~City, prior to final approval being issued.
25. Should this plan be developed in stages, 0.3 m reserves will be required at the end of all dead-end road allowances, across future road connections and along any open sides of road allowances.
26. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.

### Sanitary

27. In accordance with City standards or as otherwise required by the ~~City Engineer~~City, 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 southerly portion of this Plan and connect them to the existing municipal sewer system, namely, ~~the 250 mm diameter sewer located on Eagletrace Drive~~the 200 mm diameter sewer located on Buroak Drive and to serve the northerly portion of this Plan and connect them to the existing municipal sewer system, namely, the 200 mm sanitary stub on Sunningdale Road West;
  - ii. Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the ~~City Engineer~~City;
  - iii. Make provisions for the extension of sanitary servicing for MN 2039 and MN 2121 Wonderland Road N. which are contiguous to this Plan excluding pdc's;
  - iv. 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 specifications of the ~~City Engineer~~City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
  - v. 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 Engineer~~City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the ~~City Engineer~~City.

28. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:
- i. a sanitary drainage area plan, including the sanitary sewer routing and the external areas to be serviced to the satisfaction of the ~~City Engineer~~City;
  - ii. a suitable routing for the trunk sanitary sewer to be constructed through this plan. Further to this, the consulting engineer shall be required to provide an opinion for the need for an Environmental Assessment under the Class EA requirement for this sanitary trunk sewer; and
  - iii. a hydrogeological report which includes an analysis of the water table level of the lands within the subdivision with respect to the depth of the local sanitary sewers and an evaluation of additional measures, if any, which need to be undertaken in order to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407.
29. ~~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) 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.~~
  - ~~iv) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and~~
  - ~~v) Implementing any additional measures recommended through the Design Studies stage.~~
30. ~~Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Adelaide/Greenway 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.~~
31. ~~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.~~

- ~~32. 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 subdivider is connecting. The above-noted proportional share of the cost shall be based on contributing flows for sewers or on storage volume in the case of a SWM facility. The subdivider's payments to third parties, shall:~~

- ~~i. commence upon completion of the subdivider's service work connections to the existing unassumed services; and~~
- ~~ii. continue until the time of assumption of the affected services by the City.~~

- ~~33. With respect to any services and/or facilities constructed in conjunction with this Plan, the Owner shall permit the connection into and use of 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.~~

- ~~34. 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 immediately, and if required by the City, 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. 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 shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City 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 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.~~

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.

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

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

### Stormwater Management

36. Prior to final approval, the Owner shall enter into an agreement with benefiting land owners for the costs associated with the monitoring and operation of the Permanent Regional SWM Facilities. Cost sharing will be in accordance with flow contribution from all relevant landowners to the proposed SWM Facilities.
37. The Owner shall have its consulting professional engineer design and construct the proposed storm/drainage and SWM servicing works for the subject lands, all to the satisfaction of the ~~City Engineer~~City, and according to the requirements of the following:
- iii. The SWM criteria and environmental targets for the Medway Creek Subwatershed Study.
  - iv. The accepted Municipal Class Environmental Assessment (EA) Addendum Study for Storm Drainage and Stormwater Management Servicing Works for the Fox Hollow development area.
  - v. The accepted Municipal Class EA Study for Storm Drainage and Stormwater Management Servicing Works for the Sunningdale Undeveloped land.
  - vi. The approved Functional Stormwater Management Plan for Regional Fox Hollow SWM Facility 4 and Sunningdale SWM Facility 6B.
  - vii. The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 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.;
  - viii. The accepted storm/drainage Servicing Letting/Report of Confirmation prepared in accordance with the File Manager Process and requirements for the subject development.
  - 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 (2003), and
- xi. Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

Prior to the acceptance of engineering drawings, the Owner's consulting 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 approvals given by the ~~City Engineer~~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.

## Water

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

- 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 20PSI 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 and phasing report as applicable which addresses the requirement to maintain interim water quality;
- vi) Develop a looping strategy when development is proposed to proceed beyond 80 units;
- vii) Provide a servicing concept for the proposed street townhouse (or narrow frontage) lots which demonstrates separation requirements for all services in being achieved;
- viii) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
- ix) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
- x) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;

- xi) Identify the effect of development on existing water infrastructure – identify potential conflicts;
- xii) Include full-sized water distribution and area plan(s);
- xiii) Identify on the water distribution plan the location of valves, hydrants, and the type and location of water quality measures to be implemented (including automatic flushing devices);
- xiv) An engineering analysis to determine the extent of external watermains are required to serve Blocks within this plan, at no cost to the City;
- xv) Adherence to the North London Water Servicing Strategy.

~~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.~~

39. ~~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. In accordance with City standards, or as otherwise required by the City, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:~~

- i. Construct, extend and connect the watermains on Buroak Drive from the existing 200mm watermain on Buroak Drive to the northern limits of the subdivision and connect to the existing Buroak Drive Watermain (200mm) west of this subdivision on the adjacent subdivision, at no cost to the City;
- ii. Construct watermains on Street 'C', Street 'E', Street 'F', Street 'H', Street 'G' & Street 'I'
- iii. Deliver confirmation that the watermain system has been looped to the satisfaction of the Deputy City Manager, Environment and Infrastructure when development is proposed to proceed beyond 80 units;
- iv. 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.

#### Streets, Transportation & Surveys

40. The Owner shall construct Buroak Drive at the western boundary of the subject property such that it's centreline aligns with the existing secondary collector road to the west in Plan 33M-635, to the satisfaction of the City.

41. ~~The Owner shall construct the street stub on Buroak Drive as fully serviced road at no cost to the City.~~

42. ~~The Owner shall construct a gateway island on Eagletrace Drive from Wonderland Road North westerly with a right of way width of 28.0 metres for a minimum length of 45.0 metres (150') tapered back over a distance of 30 metres to the standard secondary collector road right of way width of 21.5 metres, to the satisfaction of the City. The widened road on Eagletrace Drive is to be equally aligned from the centerline of the road and tapered back to the 9.5 metres (31.2') of road pavement~~

~~width (excluding gutters) and 21.5 metres (70') of road allowance for this street with 30 metre (100') tapers on both street lines.~~

43. ~~The Owner shall advise lot purchasers that access to lots opposite gateway treatments will be restricted to right-in and right-out only.~~
44. The Owner shall construct a 1.5 metre (5') sidewalk on both sides of the following streets:
  - i. ~~Eagletrace Drive – from Wonderland Road North to the north limit of plan 33M-687~~
  - ii. Buroak Drive – from Eagletrace Drive to the west limit of this draft plan of subdivision
  - iii. Street 'E';
  - iv. Street 'F';
  - v. Street 'H';
45. The Owner shall construct a 1.5 metre (5') sidewalk on one side of the following streets:
  - i. ~~Street 'E' – south boulevard~~
  - ii. ~~Street 'H' – north boulevard~~
  - iii. ~~Buroak Drive – south of Eagletrace Drive – east boulevard~~
  - iv. Along the Wonderland Road North frontage, including lands external to this draft plan of subdivision, from Sunningdale Road West southward to the southerly limit of Lot 26 of this Plan (across frontage of lands external to the plan, the sidewalk will be built to temporary/interim standards as feasible to the satisfaction of the City).
  - v. Street G – west boulevard fronting Lots 74 to 77. Sidewalks shall be provided within the local boulevard (west side) of Street 'G' and shall conform to the City of London's standards per UCC-2M.
  - vi. Street 'C' – fronting Lots 44 and 45 terminating with a curb cut at the bulb.
  - vii. Street 'I' – fronting Lots 104 and 105 terminating at the bulb.
46. The Owner shall provide sidewalk links from Street 'E' and Street 'H' to the proposed sidewalk on Wonderland Road North 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.
47. In conjunction with the first submission of engineering drawings, the following traffic calming measures are to be approved and constructed, to the satisfaction of the City:
  - i. ~~Roundabout at the intersection of Eagletrace Drive and Buroak Drive;~~
  - ii. Curb extensions along the ~~west and south~~north and east side of Buroak Drive from Eagletrace Drive to the western boundary of the plan of subdivision with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission.
  - iii. ~~Curb extensions along the east and south side of Eagletrace Drive between Wonderland Road North and Medway Park Road with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission.~~
  - iv. Reduced curb radii (6.0 metre) on the inbound approach to all local roads intersecting the secondary collector road network.

48. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Eagletrace Drive via Wonderland Road North or other routes designated by the City.
49. The Owner shall make the necessary arrangements with adjacent property owners, or make modifications to the draft plan of subdivision, to provide an emergency access to this subdivision should the plan be registered in phases all to the satisfaction of the ~~City Planner~~City.
50. The Owner shall provide a 0.3 m (1') reserve Block along the window street termination abutting the north and south limits of 2039 Wonderland Rd N.
51. The Owner shall construct a temporary turning facility for vehicles at the following locations:

- i. east limit of Street 'E'

all to the specifications of the City.

Temporary turning circles shall be provided to the City as required by the City, complete with any associated easements. When the temporary turning circle is no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.

52. The Owner shall have the common property line of the north and the east limit of this draft plan of subdivision with Sunningdale Road West and with Wonderland Road North 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 grades on Sunningdale Road West and Wonderland Road North are the future ultimate centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City, should an ultimate centreline profile not be available to the satisfaction of the ~~City Engineer~~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.

53. The Owner shall revise the north limit of Street 'G' to be a Future Development Block on the north side of Street 'H' (at the location of the proposed window street extension) abutting 2121 Wonderland Road North and make any necessary lot reconfigurations and the Owner shall transfer the Future Development Block, Block ~~42893~~, at no cost to the City. Should the adjacent lands develop for residential use and Future Development Block is required for access purposes, the Future Development Block shall be sold at market value, as determined by the City acting reasonably to the owners of the adjacent lands for access purposes, and the City shall pay the net proceeds of that sale (minus any City costs) to the Owner of this plan (39T-03505) within 30 days of such sale. Should the City determine that the Future Development Block is not needed for access purposes, then the City would transfer the lot back to the Owner of this plan for a nominal fee.
54. The Owner shall be required to construct the following works on Wonderland Road North:
  - i. sidewalk along the west boulevard across the frontage of the plan
  - ii. ~~channelization on Wonderland Road at the intersection of Eagletrace Drive (which may include left and right turn lanes and tapers)~~

55. Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the City of London. ~~(EESD)~~
56. The Owner shall make minor boulevard improvements on Wonderland Road North and Sunningdale Road West adjacent to this plan to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
57. The Owner shall establish and maintain a Traffic Management Plan (TMP), when directed by the City, in conformance with City guidelines and to the satisfaction of the ~~City Engineer~~City for any construction activity that will occur on existing public roadways needed to provide services for this plan of subdivision. The TMP is a construction scheduling tool intended to harmonize a construction project's physical requirements with the operational requirements of the City of London, the transportation needs of road users and access concerns of area property owners. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted and become a requirement of the subdivision servicing drawings for this plan of subdivision.
58. The Owner shall ensure that no vehicular access will be permitted to Lots and/or Blocks from Wonderland Road or Sunningdale Road West. All vehicular access is to be via the internal subdivision streets.
59. The Owner shall provide a road widening dedication on Wonderland Road North measured 24.0 metres from the centerline from Sunningdale Road West to a point 150.0 metres south of Sunningdale Road West, to the satisfaction of the ~~City Engineer~~City.
60. The Owner shall provide a road widening dedication on Sunningdale Road West measured 24.0 metres from the centerline from Wonderland Road North to a point 150.0 metres west of Wonderland Road North, to the satisfaction of the ~~City Engineer~~City.
61. The Owner shall provide a road widening dedication on Wonderland Road North measured 18.0 metres from the centerline from a point 150.0 metres south of Sunningdale Road West to the southerly limits of this plan, to the satisfaction of the ~~City Engineer~~City.
62. The Owner shall provide a road widening dedication on Sunningdale Road West measured 18.0 metres from the centerline from a point 150.0 metres west of Wonderland Road North to the westerly limits of this plan, to the satisfaction of the ~~City Engineer~~City.
63. The Owner shall provide a revised 6.0 m x 6.0 m daylight triangle at the corner of Sunningdale Road West and Wonderland Road North, to the satisfaction of the ~~City Engineer~~City.

## Planning

64. ~~Prior to Design Studies for the applicable phase, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise from Wonderland Road North on this development. The Noise Study is to be reviewed and accepted by the City Planner. The final accepted recommendations shall be constructed or provisions made for installation by the Owner in the subdivision agreement with the City of London. (Planning)~~In conjunction with the Focused Design Studies submission, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise on future residential uses adjacent to arterial roads. The noise study shall be prepared in accordance with the Ministry of the Environment Guidelines and the City of London

policies and guidelines. Any recommended noise attenuation measures are to be reviewed and accepted by the City. The final accepted recommendations shall be constructed or installed by the Owner or may be incorporated into the subdivision agreement.

65. Should the accepted Noise Study recommend a noise attenuation barrier, the Owner shall, concurrently with the registration of this plan, register a common element condominium over the befitting lots to address the long term maintenance of the noise wall or provide some other means of addressing the ownership and long term maintenance of the barrier as per ~~Official Plan Policy 19.9.6.5 b) ii)~~, all to the satisfaction of the City.
66. The Owner shall design the window street abutting Wonderland Road N. to the satisfaction of the ~~City Planner and the City Engineer~~City.
67. As part of the submission for Site Plan Approval, the Owner shall have a qualified acoustical consultant prepare a noise study(ies) concerning the impact of traffic noise from Wonderland Road North and Sunningdale Road West, on future residential uses on ~~Blocks 218~~Block 115, which includes site design and/or alternative noise abatement measures, which preclude the need for noise attenuation walls, that are to be applied in accordance with the requirements of the M.O.E.P. and to be reviewed and accepted by the ~~City Planner~~City. The final accepted recommendations shall be incorporated into the development agreement with the City of London. (Planning)
68. The Owner shall dedicate Block ~~220~~116 to the City of London at no cost, for park purposes to satisfy the 5 percent parkland dedication requirements. (Planning)
69. The Owner shall ~~prepare, and~~prepare and deliver to ~~the~~ all homeowners adjacent to Block ~~220~~116, an education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the City ~~Planner~~. (Planning)
70. Within one year of registration, 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 private lots and blocks adjacent to existing and/or future Park and Open Space Blocks including but not limited to Lots ~~93 to 100~~38 to 45 and Lots ~~191 to 197~~93 to 99, to the satisfaction of the City ~~Planner~~ at no cost to the City. (Planning)
71. ~~As part of the Design Studies submission, the Owner shall prepare a tree assessment plan and tree retention plan for Lots 191-200, 86-100, 11-25, and 1-10 shall be prepared by a Registered Professional Forester and accepted by the City Planner. (Planning)~~In conjunction with Focused Design Studies, the Owner shall have a qualified arborist 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.
72. ~~Prior to the submission of engineering drawings, the Owner's professional engineer shall consult with the City Planner to determine the extent of tree preservation. (Planning)~~

~~As part of the Design submission, the Owner shall prepare a tree hazard plan with specific attention to hazard trees and hazard tree removals within 15 meters of all property lines prepared by a Registered Professional Forester to the satisfaction of the City Planner. (Planning). In conjunction with Focused Design Studies, the Owner shall undertake a Hazard Tree Assessment Study for all blocks/lands that abut the park and open space lands. The study will undertake a tree risk assessment to identify hazard trees or hazardous parts of any trees within falling distance of the park lot lines (this being the hazard tree management zone) and pathways (as approved by the City), this is also taking into account wind-firmness of adjacent trees affected by any recommended hazard tree removals, and ensure that those hazard trees, or parts thereof, are abated or removed in a timely manner by competent, certified arborists prior to any other persons (workers) entering the hazard tree management zone, or within one year of registration, whichever is the sooner.~~

- ~~73. Within one year of registration of this plan, the owner shall remove any tree hazards within 15 meters of the drip line of the park block boundary along the rear and side yard of the rear yards of lots 93 to 100 and the rear yards of Lots 191 to 197 to the satisfaction of the City Planner, at no cost to the City.~~
74. Within one year of registration for the applicable phase, the Owner shall prepare a conceptual pathway alignment to City standards through park Block ~~220116~~ connecting with the pathway system in the adjacent plan of subdivision to the west, at the owner's expense, to the satisfaction of the City ~~Planner. (Planning)~~
75. The Owner shall not grade into any public Park or Open Space lands ~~and shall not be used for stockpiling of any kind~~. In instances where this is not practical or desirable, any grading into the public Park or Open Space lands shall be to the satisfaction of the City ~~Planner. (Planning)~~
76. Prior to final approval of this plan and subject to the satisfaction of the London District Catholic School Board, the Owner shall include in the subdivision agreement to include a suitable warning clause advising future purchasers of residential units that students may be accommodated in temporary facilities and/or bused outside the neighbourhood for their education. ~~(Planning)~~
77. The Owner ~~to register on title and includes~~ shall include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this Plan, 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 side yard road frontage. Further, the owner shall obtain approval of their proposed design from the ~~Manager of Urban Design~~ City prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan.
78. 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~~ City, 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 recommendations made by the geotechnical report accepted by the City;

79. ~~Prior to the issuance of any Certificate of Conditional Approval and in accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:~~
- ~~i) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the 200 mm diameter watermain on Buroak Drive and the existing 200 mm diameter watermain on Eagletrace Drive. The Owner shall service Block 115 from the proposed watermain on Buroak Drive;~~
  - ~~ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and~~
  - ~~iii) The available fireflow and appropriate hydrant colour code (in accordance with the City of London Design Criteria) are to be shown on engineering drawings;~~
- ~~The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval~~
80. The Owner shall extend the watermain on Buroak Drive to the west limit of the subdivision to provide looping for the northerly part of the subdivision.
81. The Owner shall construct and connect the watermains in this plan of subdivision to be served by the Hyde Park High Pressure Zone.
82. The Owner shall ensure a minimum of 5.5 metres (18') will be required along the curb line between the projected property lines of irregular shaped lots around the bends on streets in this plan of subdivision.
83. The Owner shall ensure any emergency access required is satisfactory to the ~~City Engineer~~City with respect to all technical aspects, including adequacy of site lines, provision of channelization, adequacy of road geometries and structural design etc.
84. 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.
85. 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~~City and at no cost to the City.
86. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the ~~City Engineer~~City.
87. The Owner shall construct all municipal services, including boulevard tree planting, for the subject lands at the sole expense of the Owner. The details of the services required will be established by the ~~City Engineer~~City after particulars of engineering design are provided by the Owner, in accordance with the policies and standards of the City prevailing at the time the Subdivision Agreement is approved

by City Council. The provision of all general by-laws, policies and guidelines, as amended from time to time, including those pertaining to development charges and other levies shall continue to apply to the subject lands and shall not be affected by an subdivision requirements respecting services.

88. The Owner shall remove any temporary works when no longer required and restore the area, at no cost to the City, to the specifications and satisfaction of the ~~City Engineer~~City.
89. 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 with a blanket easement for the purpose of servicing prior to the registration of any phase, all to the specifications and satisfaction of the ~~City Engineer~~City.
90. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications of the ~~City Engineer~~City.
91. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the ~~City Engineer~~City, at no cost to the City.
92. In conjunction with the first submission of engineering drawings, the Owner shall have ~~his~~its consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following, and to the satisfaction of the City:
  - 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. 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 requirement.
  - iv. 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~~City.
93. In accordance with City standards or as otherwise required by the ~~City Engineer~~City, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
  - i. Construct storm sewers to serve this plan, located within the Medway Creek Subwatershed, and connect them to the existing municipal storm sewer system, namely, the 975 mm diameter storm sewer located on Buroak Drive and the 600 mm diameter storm sewer located on Sunningdale Road ~~and~~

- ~~the existing 1200 mm diameter storm sewer located on Eagletrace Boulevard~~
- ii. Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan;
  - iii. 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
  - iv. Address forthwith any deficiencies of the stormwater works and/or monitoring program.
94. The cul-de-sacs on Street 'C' and Street 'I' shall be constructed in accordance with the City of London Standard DWG. SR-5.0. The Owner shall provide a raised circular centre island within the cul-de-sac or as otherwise directed by the ~~City Engineer~~City.
95. ~~The Owner shall dedicate a 6m x 6m sight triangle on the north side of the intersection of Wonderland Road North and Eagletrace Drive.~~
96. In conjunction with the first submission of engineering drawings, the Owner shall have its professional consulting engineer 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", to the satisfaction of the City. Streets that do not meet the City standards may need to be revised.
97. In conjunction with the first submission of engineering drawings, the Owner shall provide a detailed layout of the roads and rights-of-way of the plan to the City for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots.
98. ~~In conjunction with the first submission of engineering drawings, the Owner shall have its professional engineer provide a detailed layout of the intersection of Street 'D' and Eagletrace Drive, including the gateway island, for review and acceptance by the City.~~
99. All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the ~~City Engineer~~City.
100. The Owner shall have its professional engineer design the roadworks in accordance with the following road widths:
- i. ~~Eagletrace Drive and Buroak Drive (north of Eagletrace Drive) have a minimum road pavement with (excluding gutters) of 9.5 metres (31.2')~~6.0 metres with a minimum road allowance of 21.5 metres (70').
  - ii. ~~Buroak Drive (south of Eagletrace Drive) has a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').~~
  - iii. ~~Street 'C', Street 'D', Street 'E', Street 'F' and Street 'H' and Street 'I' have a minimum road pavement width (excluding gutters) of 6.07.5 metres (19.7')~~ with a minimum road allowance of ~~18~~20 metres (60').
  - iv. Street 'G' has a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of ~~14.5~~15.5 metres.

v. Street 'C' and Street 'I' have a road pavement width (excluding gutters) of 6.5 metres with a road allowance of 20 metres.

101. 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.
102. In conjunction with the first submission of engineering drawings, the Owner shall have ~~it's~~ its professional engineer provide a detailed design of the proposed traffic calming measures, including parking bays, curb extensions and other measures, to the satisfaction of the City.
103. Blocks 129 in this plan shall be combined with 2039 Wonderland Road North when it develops, external to this plan, to create developable blocks, to the satisfaction of the City.
104. 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~~ City, at no cost to the City.
105. ~~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. 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.~~

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

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.

107. The Owner shall ensure the post-development discharge flow from the subject site must not exceed capacity of the stormwater conveyance system. In an event where the condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirements for permanent Private Stormwater Systems.
108. The Owner 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~~City.
109. ~~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.~~
110. ~~With respect to the proposed blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks 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~~

111. The Owner shall obtain all necessary approvals from the ~~City Engineer~~City for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.
112. ~~The Owner shall construct Eagletrace Drive at the east boundary of the subject property such that it's centreline aligns with the existing road to the east in Plan 33M-593, to the satisfaction of the City.~~
113. In conjunction with the submission of detailed design drawings, the Owner shall have ~~his~~its consulting engineer provide a proposed layout of the tapers for streets in this plan that change right-of-way widths with minimum 30 metre tapers (~~eg. from 20.0 metre to 19.0 metre road width~~), all to the satisfaction of the ~~City Engineer~~City. The roads shall be tapered equally aligned based on the alignment of the road centrelines. It should be noted tapers are not to be within an intersection.
114. At 'tee' intersection, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum ~~6~~10 metre tangent being required along the street lines of the intersecting road to the satisfaction of the City.
115. In conjunction with the first submission of engineering drawings, the Owner shall have its professional engineer prepare a detailed design for the window street for Street 'E'; and Street 'G' to consider such issues as grading the common boulevard between Wonderland Road North and the window street, overland flow routes, sidewalk connections, servicing, etc. to the satisfaction of the ~~City Engineer~~City.
116. The Owner shall construct the window street portion of Street 'E' and Street 'G' abutting Wonderland Road North in accordance with the City's window street standard or as otherwise specified by the ~~City Engineer~~City, to the satisfaction of the ~~City Engineer~~City and at no cost to the City.
117. ~~Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install temporary street lighting at the intersection of Eagletrace Drive and Wonderland Road North, to the specifications of the City, at no cost to the City.~~
118. ~~In conjunction with the first submission of engineering drawings, the Owner shall have it's professional consulting engineer submit design criteria for the left turn and right turn lanes, including pavement marking plan, on Wonderland Road North at Eagletrace Drive for review and acceptance by the City.~~
119. ~~Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct left and right turn lanes on Wonderland Road North, to the satisfaction of the City Engineer, at no cost to the City.~~
120. 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~~City (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.

- # In conjunction with the second submission of engineering drawings, the Owner shall submit a Monitoring and Operational Procedure Manual for the maintenance and monitoring program for each of the SWM Facilities within this plan, in accordance with the City's "Monitoring and Operational Procedures for Stormwater Management Facilities" requirements to the City for review and acceptance. The program will include, but not be limited to, the following:
  - a. A work program manual for the maintenance and monitoring of these facilities;
  - b. Protocol of sediment sampling and recording of sediment accumulation volumes; and
  - c. Storage and discharge monitoring.

- # Following construction and prior to the assumption of the SWM Facility(s), the Owner shall complete the following, at no cost to the City, all to the satisfaction of the City:
  - i) Operate, maintain and monitor the SWM Facility(s) in accordance with the accepted maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities";
  - ii) Have it's consulting professional engineer submit semi-annual monitoring reports in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" to the City for review and acceptance;

- # In conjunction with the first submission of engineering drawings, the Owner shall implement barrier curb through this plan of subdivision as per the Design Specifications and requirements Manual (DSRM), to the satisfaction of the City.

- # In conjunction with the first submission of engineering drawings, the Owner shall comply with all City standards as found in the Design Specifications and Requirements Manual (eg. reverse curves, 10 metre straight tangents, etc.), to the satisfaction of the City.

- # In conjunction with the first submission of engineering drawings, the Owner shall comply with the Complete Streets Manual to the satisfaction of the City.

- # In conjunction with the first submission of engineering drawings, the Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

<u>Road Allowance</u>	<u>S/L Radius</u>
<u>20.0 m</u>	<u>9.0 m</u>

- # In conjunction with the submission of engineering drawings, the Owner shall have a qualified professional engineer provide to the City for review and acceptance appropriate drawings and calculations (eg photometric) for street lights that exceeds the street lighting standards in new subdivisions as required by the City at no cost to the City.

- # In conjunction with the first submission of engineering drawings, the Owner shall provide details and identify street lights along the Wonderland Road frontage, to the specifications and satisfaction of the City.

- # In conjunction with the first submission of engineering drawings, the Owner shall provide details and identify temporary street lights along the Sunningdale Road frontage, to the specifications and satisfaction of the City.

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

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

## 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:** Heritage Alteration Permit application by J. Wong at 10 Moir Street, Blackfriars/Petersville Heritage Conservation District

**Date:** Monday November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval to pave a portion of the front yard for parking on the heritage designated property at 10 Moir Street, within the Blackfriars/Petersville Heritage Conservation District, **BE REFUSED**.

## Executive Summary

The property at 10 Moir Street is a significant cultural heritage resource, designated as a part of the Blackfriars/Petersville Heritage Conservation District. As a “Contributing Resource”, the property, structure, and landscape support the identified cultural heritage values, character, and/or integrity of the Blackfriars/Petersville Heritage Conservation District. The applicant has submitted a Heritage Alteration Permit application seeking approval for the construction of a new front yard parking space. New or increased parking areas, especially within front yards, require Heritage Alteration Permit approval within the Blackfriars/Petersville Heritage Conservation District. The policies and guidelines of the Blackfriars/Petersville Heritage Conservation District Plan and Guidelines discourages front yard parking and encourages the use of side or rear yard parking. The recommended action is to refuse the application.

## 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 at 10 Moir Street is located on the north side of Moir Street between Wharncliffe Road North and Albion Street (Appendix A).

#### 1.2 Cultural Heritage Status

The property at 10 Moir Street is located within the Blackfriars/Petersville Heritage Conservation District, which is designated pursuant to Part V of the Ontario Heritage Act by By-law No. L.S.P.-3437-179 in 2015. The property is identified as a “Contributing Resource” within the *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines*. Contributing resources are described as “a property, structure, landscape element, or other attribute of a Heritage Conservation District (HCD) that supports the identified cultural heritage values, character, and/or integrity of the HCD. Contributing resources are subject to the policies and guidelines for conservation, alteration, and demolition.”

### **1.3 Description**

The dwelling on the property at 10 Moir Street was constructed around 1922. The residential form building is one-and-a-half storeys in height and includes a pitched front roof extending over the verandah – a style or form often referred to as a “Craftsman” or “Bungalow” style. A large second storey roof dormer projects out of the roof to accommodate the second storey living spaces. The exterior of the dwelling is clad primarily with painted stucco. The dormer is clad with aluminum siding.

A shared driveway leading to rear parking spaces is located between the west side of the subject property and the adjacent property at 12 Moir Street. The driveway consists of two single track driveways with turf/grass between the gaps. Parking is located at the rear of the property.

## **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*, and *The London Plan*.

### **2.2 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.”

### **2.3 Ontario Heritage Act**

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value can be protected individually, pursuant to Section 29 of the *Ontario Heritage Act*, or where groups of properties have cultural heritage value together, pursuant to Section 41 of the *Ontario Heritage Act* as a Heritage Conservation District (HCD). Designations pursuant to the *Ontario Heritage Act* are based on real property, not just buildings.

#### **2.3.1 Contravention of the Ontario Heritage Act**

Pursuant to Section 69(1) of the *Ontario Heritage Act*, failure to comply with any order, direction, or other requirement made under the *Ontario Heritage Act* or contravention of the *Ontario Heritage Act* or its regulations, can result in the laying of charges and fines up to \$50,000 for an individual and \$250,000 for a corporation.

#### **2.3.2. Heritage Alteration Permit**

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

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

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

## **2.4 The London Plan**

The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London's cultural heritage resources for future generations. To ensure the conservation of significant cultural heritage resources, including properties located within a Heritage Conservation District, the policies of *The London Plan* provide the following direction:

*Policy 594\_ Within heritage conservation districts established in conformity with this chapter, the following policies shall apply:*

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

*Policy 596\_ A property owner may apply to alter a property within a heritage conservation district. The City may, pursuant to the Ontario Heritage Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the City may delegate approvals for such permits to an authority.*

## **2.5 Blackfriars/Petersville Heritage Conservation District Plan and Guidelines**

The *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines* includes policies and guidelines related to alterations to properties located within the Blackfriars/Petersville Heritage Conservation District. The policies of Section 7.7.1 (Residential Area Policies) and 12.3 (Parking) are relevant to applications for driveways and parking within the HCD.

Section 7.7.1 (Residential Area Policies) states:

*k) Parking should be located in the driveways at the side of the garages at the rear of the main building, wherever possible. New garages shall not be permitted at the front of the building. Front yard parking shall be discouraged.*

The *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines* recognizes that "Front, side, and rear yards can be affected when private green space is transitioned into hardscape surfaces." Further, "this affects the relationship between built features and their surroundings, as well as the overall rhythm and pattern of the streetscape." Careful consideration and planning are emphasized when planning parking within the HCD to ensure the integrity of the built form and the streetscape are maintained.

Section 12.3 (Parking) includes recommendations and direction to evaluate parking applications within the Blackfriars/Petersville Heritage Conservation District:

- *Encourage parking to the sides of buildings or within rear lot areas. Locate parking away from the street frontage;*
- *Views of vehicles and/or parking areas should be screened through the use of fencing or hedging.*
- *In residential applications, it is recommended that two single track driveways or parking areas be used, with turf installed between the gaps in order to minimize the impact of hard surfacing on the landscape;*
- *The use of large, monotonous expanses of one hardscape material is discouraged. Where feasible, permeable paving should be utilized and*

*appropriate patterning should be employed to reflect the heritage character of the area; and,*

- *Avoid the siting of parking lots at corner properties.*

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

None.

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

#### **4.1. Heritage Alteration Permit application (HAP22-073-L)**

Various complaints from community members were received by the City in early September 2022 regarding the property owner's plan to establish increased parking space at the front of the dwelling at 10 Moir Street. Site visits undertaken on September 2, 2022 indicated that at that time, construction on increased parking spaces had not begun. "New or increased parking areas (especially front yard)" are a class of alteration that requires Heritage Alteration Permit approval within the Blackfriars/Petersville Heritage Conservation District.

Following initial email consultation, the owners submitted a Heritage Alteration Permit application seeking approval to remove a portion of the manicured front lawn of the property in order to construct a new driveway at the front of the property. Based on the application submission, the proposed driveway is anticipated to be 15 feet in length and 6 feet in width.

Recent aerial photography indicates that the rear yard is currently being used for vehicle parking for the subject property. As a part of the Heritage Alteration Permit application, staff completed a site visit to the subject property to review the front and rear yard parking. At the time of the site visit, two vehicles were observed within the rear yard parking area.

The policies and guidelines of the *Blackfriars/Petersville Heritage Conservation District* emphasize that additional parking space must be carefully considered. Further, the policies and guidelines encourage parking at the sides of buildings or within rear lots and discourage parking at the fronts of buildings.

Staff encourage the continued use of rear yard parking, and an expansion to the rear yard parking to accommodate additional parking space, if desired. This approach would be compliant with the policies and guidelines included within the *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines*.

## **Conclusion**

The proposed paved front yard parking space at the heritage-designated property at 10 Moir Street is not consistent with the policies and guidelines of the *Blackfriars/Petersville Heritage Conservation District Plan and Guidelines*. An application that seeks to increase the rear yard parking on the subject property to address additional parking requirements rather than introducing a new front yard parking space would be more appropriate to conserve the cultural heritage value or interest of the Blackfriars/Petersville Heritage Conservation District. The application seeking approval for front yard parking should not be approved.

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

**Reviewed by:** Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP  
Manager, Urban Design and Heritage

**Submitted by:** Heather McNeely, RPP, MCIP  
Acting Director, Planning and Development

**Recommended by:**        **Scott Mathers, MPA, P. Eng.**  
                                     **Deputy City Manager, Planning and Economic**  
                                     **Development**

**Appendices**

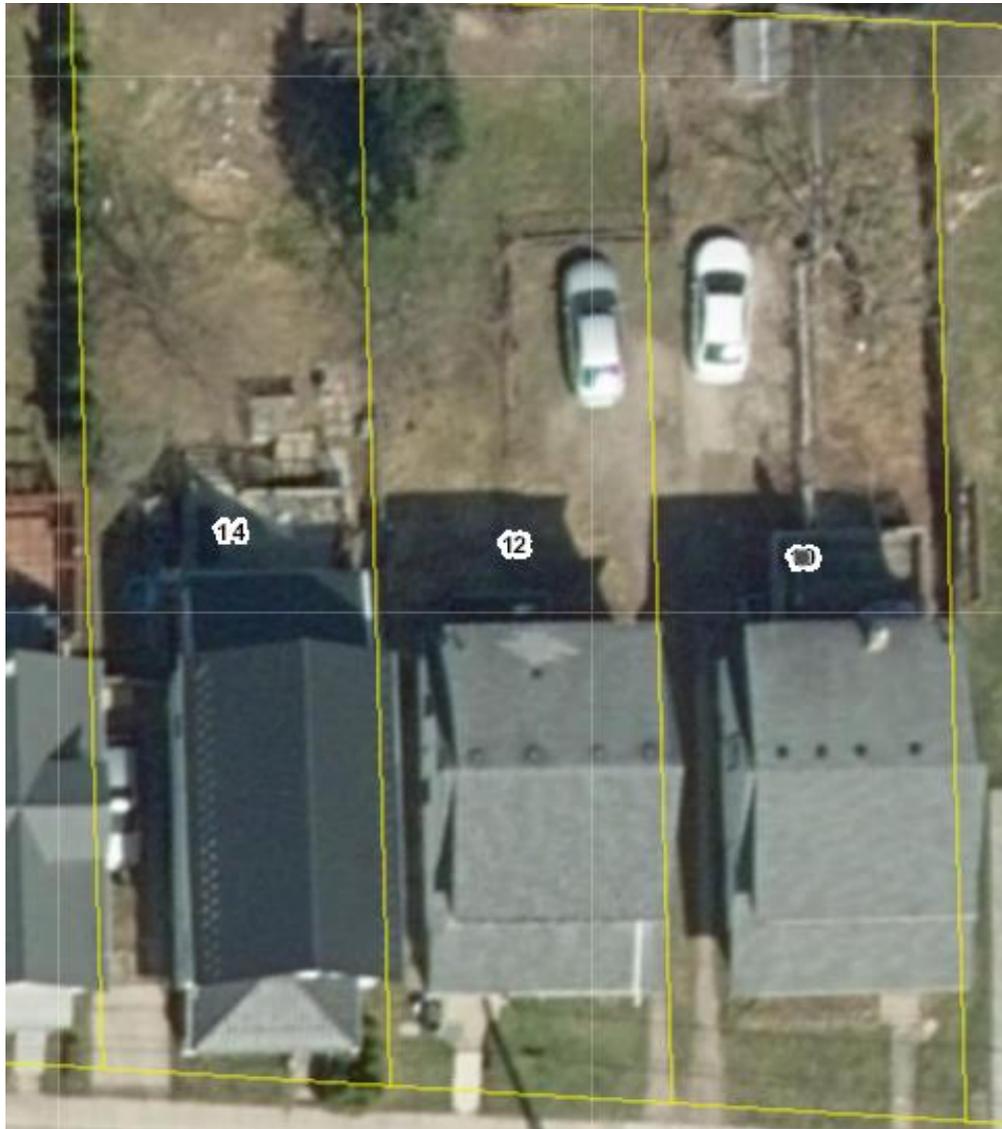
Appendix A        Property Location  
Appendix B        Images

# Appendix A – Property Location



Figure 1: Location of the subject property at 10 Moir Street, located within the Blackfriars/Petersville Heritage Conservation District.

**Appendix B – Images**



*Image 1: Aerial photograph (2021) showing existing rear yard parking spaces located at 10 and 12 Moir Street, within the Blackfriars/Petersville Heritage Conservation District.*



*Image 2: Photograph showing the property located at 10 Moir Street, located within the Blackfriars/Petersville Heritage Conservation District. Note, the existing front yard consists of manicured grass.*



*Image 3: Photograph showing the shared driveway located between the dwellings at 10 and 12 Moir Street. The driveway leads to existing rear yard parking for both properties. Note, two vehicles are shown parked within the rear yard at 10 Moir Street (right).*



*Image 4: Photograph showing the rear yard parking located at 10 Moir Street (right) and 12 Moir Street (left). Note, there are two cars parked within the space currently available for 10 Moir Street and additional space could be accommodate at right.*

## 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:** Heritage Alteration Permit application by J. Barker for 123  
Wilson Avenue, Blackfriars/Petersville Heritage Conservation  
District

**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for alterations to the heritage designated property at 123 Wilson Avenue **BE PERMITTED** as submitted with the following terms and conditions:

- a) The proposed four replacement windows have a simulated divided light to replicate the two-over-two fenestration of the former windows;
- b) The proposed replacement windows be painted wood or clad-wood windows;
- c) Existing trim be used to replicate the painted wood 5” trim, including eared hood as well as windowsills;
- d) All exposed wood be painted;
- e) The Heritage Planner be circulated on the Building Permit drawings to verify compliance;
- f) The proposed alterations be completed within twelve (12) months of Municipal Council's decision on this Heritage Alteration Permit; and,
- g) The Heritage Alteration Permit be displayed in a location visible from the street until the work is underway.

## Executive Summary

Alterations were completed to the Contributing Resource at 123 Wilson Avenue, Blackfriars/Petersville Heritage Conservation District, without Heritage Alteration Permit approval. Those alterations removed the rare five-bay design of the front façade and installed windows that are not compatible with the cultural heritage value of the property. The proposed alterations seek to reinstate the five-bay design. However, the proposed design and details will be altered to fit within the structural alterations completed by the property owner. The proposed alterations are sufficiently compliant with the design guidelines of the *Blackfriars/Petersville Heritage Conservation District Plan* and should be permitted with terms and conditions.

## Linkage to the Corporate Strategic Plan

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

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

## Analysis

### 1.0 Background Information

#### 1.1 Property Location

The property at 123 Wilson Avenue is located on the southeast corner of Wilson Avenue and Carrothers Avenue (Appendix A).

## 1.2 Cultural Heritage Status

The property at 123 Wilson Avenue is located within the Blackfriars/Petersville Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3437-179, which came into force and effect on May 15, 2015.

The property at 123 Wilson Avenue is identified as a Contributing Resource by the *Blackfriars/Petersville Heritage Conservation District Plan*. This means that the property supports and maintains the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District.

## 1.3 Description

The house at 123 Wilson Avenue was built circa 1876, which is part of the earliest extant development in the Blackfriars/Petersville Heritage Conservation District area. The house is a rare example of a five-bay Ontario Cottage (Appendix B). The five-bays are expressed in the two windows to each side of the central front door, with a central peak over the doorway. An Ontario Cottage is typically three-bays, with one window to each side of a central front door. Five-bay examples of an Ontario Cottage are rare.

The building had been previously altered, including the installation of vinyl siding and conversion to two dwelling units. These alterations, however, did not alter the legibility of the important five-bay Ontario Cottage type and form.

## 1.5 Heritage Alteration Permit Application (HAP22-067-L)

In September 2021, the City began to receive complaints from community members that the windows of the building on the heritage designated property at 123 Wilson Avenue were being removed and the window openings altered. The original five bay design was altered, removing the four windows, and installing large tripartite picture windows in altered openings. Site visits were undertaken by staff from the Building Division and Heritage.

In addition to the requirement for a Heritage Alteration Permit, a Building Permit is also required because of the structural alterations to the window openings.

Following protocol, a letter regarding the non-compliance was sent to the property owners on October 22, 2021. The letter instructed the property owner to cease alteration of the windows. This direction was repeated in email starting on November 2, 2021.

Following compliance action by the City and lengthy correspondence, the property owner submitted a Heritage Alteration Permit application for alterations to the heritage designated property at 123 Wilson Avenue. The Heritage Alteration Permit application seeks approval to:

- Alter the proportions of the former five-bay Ontario Cottage by removing the two non-compliant large modern windows from the west façade and reinstating four windows:
  - Clad-wood windows (wood windows with exterior cladding),
  - Single or double hung,
  - 28" by 60" in size,
  - Wood trim replicating the original painted wood trim (approximately 5" in width, plus eared hood moulding),
  - Wood sills,
  - Simulated divided lights (interior and exterior grilles) to replicate the two-over-two fenestration pattern of the former windows.
- Retroactive approval for the installation of a large window on the south façade and to install painted wood trim around the window opening.
- Finish the exterior cladding with 4" white vinyl siding to match the existing.

The complete Heritage Alteration Permit application was received on September 15, 2022. Per Section 42(4), *Ontario Heritage Act*, a decision to approve, approve with

terms and conditions, or refuse this Heritage Alteration Permit application is required before December 14, 2022.

## **2.0 Discussion and Considerations**

Cultural heritage resources are to be conserved and impacts evaluated as per fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, *The London Plan*. More specific, area-based policies and guidelines – part of the *Blackfriars/Petersville Heritage Conservation District Plan* – contain policies establishing intention and specific guidelines that provide direction on how to achieve the conservation of cultural heritage resources, heritage attributes, and character.

### **2.1 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.”

### **2.2 Ontario Heritage Act**

Section 42(1) of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

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

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

### **2.3 The London Plan**

*The London Plan* is the City of London’s Official Plan. The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London’s cultural heritage resources.

Policy 61\_5 of *The London Plan* states, “Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features.”

Policy 594\_, *The London Plan*, includes policies relevant to change management within London’s Heritage Conservation Districts:

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

## **2.4 Blackfriars/Petersville Heritage Conservation District Conservation Plan**

The Blackfriars/Petersville Heritage Conservation District is recognized for its significant cultural heritage value, not just for its individual cultural heritage resources (Contributing Resources) but for the value that they have together, collectively. The goals of the designation of Blackfriars/Petersville as a Heritage Conservation District pursuant to Part V of the *Ontario Heritage Act* support the conservation of its resources.

As a goal for the Heritage Conservation District:

*Goal: To acknowledge, protect, and enhance Blackfriars/Petersville's cultural heritage value and interest including contributing heritage resources such as structure, streetscapes, landmarks and landscape features and understand the valuable contribution they make to the area collectively by:*

- *Encouraging the conservation of the area's cultural heritage value and interest through the appropriate practice of restoration, preservation, and rehabilitation processes that will maintain and enhance the value of the area.*
- *Providing guidance on best practice procedures related to the stewardship of heritage conservation.*
- *Understanding that the cultural heritage value of the district is expressed most effectively as a collection of resources that together possess unique qualities and characteristics.*
- *Providing a clear set of guidelines for alterations requiring and not requiring a Heritage Alteration Permit and providing property owners with the necessary information (terminology, checklists, and graphics) to guide them through the application process by which individual property owners will obtain these permits if necessary.*

Specifically, for its cultural heritage resources:

*Goal: To encourage the conservation of contributing heritage resources including buildings, landmarks, and other structures that contribute to the cultural heritage value of the district by:*

- *Encouraging that alterations, additions, and renovations to heritage resources be consistent with the identified cultural heritage value of the area.*
- *Encouraging the maintenance and retention of significant heritage landmarks identified in the district.*
- *Avoiding unnecessary demolition and inappropriate alterations of identified heritage resources that contribute to the heritage value of the district.*
- *Encouraging sympathetic design and appropriate alterations when new development is proposed to ensure that there is no negative impact on the heritage value of the area, with particular attention to form, scale, massing, and setback.*

To implement this goal and these objectives, the policies of Section 7.4 (Contributing Resources) and the design guidelines of Section 10.2.7 (Design Guidelines – Windows, Doors and Accessories) and Section 10.3.1 (Design Guidelines – Alterations) and Architectural Conservation Guidelines of Section 11 are considered in the evaluation of a Heritage Alteration Permit application.

The policies of Section 7.4.1 of the *Blackfriars/Petersville Heritage Conservation District Plan* require the conservation of a Contributing Resource and the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District. In particular,

- Policy 7.4.1.a *The cultural heritage value of the Blackfriars/Petersville Heritage Conservation District shall be conserved;*
- Policy 7.4.1.b *Contributing resources shall be conserved;*
- Policy 7.4.1.c *Classes of alterations for contributing resources requiring or not requiring a Heritage Alteration Permit shall be identified.*

- Policy 7.4.1.e *Alterations that have the potential to impact heritage attributes of a protected heritage resource shall not be permitted.*
- Policy 7.4.1.i *Major alterations to the exterior façade of a contributing resource shall not be permitted. Such alteration should only be considered where the intent is to conserve the contributing resource.*
- Policy 7.4.1.j *Additions or alterations to contributing resources should be sympathetic, subordinate, distinguishable, and contextual in relation to the existing resource and its context, as well as the heritage attributes and cultural heritage value of the Blackfriars/Petersville Heritage Conservation District.*
- Policy 7.4.1.k *Interventions or alterations for energy efficiency (e.g. solar panels, windows) should be encouraged but shall not compromise, diminish, or negatively impact the heritage attributes of the contributing resource.*

Section 10.2.7, *Blackfriars/Petersville Heritage Conservation District Plan*, highlights the importance of windows and doors, noting, "... much of the character of the 'modest' cottages consists of the additional functional and decorative building features that add to the unique qualities and character of each building."

The direction of Section 10.3.1, Design Guidelines – Alterations, *Blackfriars Petersville Heritage Conservation District Plan*, highlights that alterations to the street-facing façade have "the potential to significantly alter the appearance of the building itself, but the entire streetscape." It further states, "new doors and windows should be of similar, style, orientation and proportion as on the existing building. The use of appropriate reclaimed materials should be considered. New construction should avoid irreversible changes to original construction."

Guidelines regarding doors and windows can be found in Section 11.2.10, *Blackfriars/Petersville Heritage Conservation District Plan*. In its introduction, it states, "retaining the shape, size and proportion of the original doors and windows is an important aspect of preserve the heritage character of the district."

Conservation and maintenance guidelines for windows and doors include,

- *The preservation of original doors and windows is strongly encouraged wherever possible as the frames, glass and decorative details have unique qualities and characteristics that are very difficult to replicate.*
- *Regularly clean and inspect doors, windows and frames for cracks, loose putty or weather stripping, or other signs of damage or deterioration.*
- *Original wood framed doors and windows in most cases can be restored or replaced with new wooden products to match if the original cannot be salvaged but may require a custom-made product. Take particular care that exist visible details are replicated in such elements as the panel moulding and width and layout of the muntin bars between the panes of glass.*
- *If possible, retain parts of the original doors and windows, particularly the original glass. Small differences in the interpretation of these details make a huge difference in the overall appearance of the building.*
- *The replacement of original wood framed windows by vinyl or aluminum clad windows is discouraged. If this is the only reasonable option, the replacement windows should mimic the original windows with respect to style, size and proportion, with a frame that is similar in colour, or can be painted, to match other windows.*
- *If a door or window has a decorative transom must be replaced with new, make every effort to preserve at least the transom on top of the door or window opening.*
- *Original door and window openings on street facing façades should not be blocked up or covered as this can greatly alter the visual character of the dwelling.*

Trim is the important detail that finishes window and door openings, accenting the heritage attributes of Contributing Resources. Conservation and maintenance guidelines for decorative trim and detail, from Section 11.2.14, *Blackfriars/Petersville Heritage Conservation District Plan*, include,

- *Inspect decorative trim and details regularly to identify areas which require repair, repainting, or other maintenance. Keep the paint film on decorative wood components intact. Use a wood preservative, such as copper naphthanate, or zinc naphthanate, brushed liberally onto bare wood and wood joints prior to painting to reduce deterioration from rot.*
- *Avoid covering or otherwise obscuring decorative trim and details with other materials, particularly vinyl and aluminum siding.*
- *Where decorative elements have deteriorated or disappeared, their reconstruction or replacement to complete the original appearance is strongly encouraged.*
- *Preserve and restore as much of the original trim and detailing as possible and use the original as templates for new replacements.*
- *For trim and casings, research the profiles that were available and popular in the location and the period and notice the methods for joining the edges and corners that are different from current construction. Some larger replacement profiles may have to be fabricated from more segments than the original to build up the overall size and projections from the walls.*
- *Avoid the use of mouldings that are standard profiles called 'Victorian' or 'Colonial' available at building supply stores – they are poor substitutes for the delicate profiles of the original. There are speciality moulding suppliers who carry a wider range of stock material and some millwork shops that can cut profiles to order. Consider using contrasting paint to highlight decorative details.*

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

None.

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

The Contributing Resource at 123 Wilson Avenue is valued for defining and maintaining the cultural heritage value of the Blackfriars/Petersville Heritage Conservation District. The Contributing Resource is also valued as a rare example of a five-bay Ontario Cottage that is worthy of conservation.

Alterations that were completed to the Contributing Resource at 123 Wilson Avenue were not respectful of its heritage attributes and contrary to the goals of the designation of the Blackfriars/Petersville area as a Heritage Conservation District. The alterations eliminated the important five-bay design of the main (west) façade and introduced a large tripartite picture window that is not appropriate for this Contributing Resource.

Unfortunately, none of the original material was retained by the property owner. Structural alterations completed to the window openings, to accommodate the large tripartite windows, have complicated the ability to restore the former windows.

When alterations, including window replacement, the design guidelines of Section 10.3.1 and Section 11.2.10, *Blackfriars/Petersville Heritage Conservation District* are used in the evaluation of Heritage Alteration Permit applications. The applicable design guidelines emphasize three important criteria:

- Style,
- Size, and
- Proportion.

While the proposed alterations will return the important five-bay design, the design will be somewhat altered to fit within the structural alterations completed by the property owner without Heritage Alteration Permit approval. It would be preferable to restore the windows to the original details and proportions, however a compromise has been proposed by the property owner.

The four windows on the west façade would be installed within the structural opening of the large picture windows. This will result in smaller, narrower windows (28” by 60” in size) than original (estimated closer to 32” or 34” in width) but designed to accommodate the replicated wood trim (approximately 5” in width plus the hooded ears) in accordance with the design guidelines of Section 11.2.14, *Blackfriars/Petersville Heritage Conservation District Plan*. The proposed replacement windows are the correct style: single or double hung. The proposed replacement windows are generally appropriate proportion in replicating the original two-over-two windows using simulated divided lights (with grilles between the glass panes as well as on the exterior of the glass). Wood is the preferred window material within a Heritage Conservation District, but clad-wood windows may be sufficient.

Four-inch vinyl siding has been proposed to clad the exterior, where exposed, to match the existing siding. Restoring the wood siding that underlies the existing vinyl siding would be preferable.

Provided that trim, matching/replicating the remaining trim of the house, is installed around the new window on the south façade, no significant adverse impacts are anticipated.

## Conclusion

The alterations to the important five-bay design of the Ontario Cottage at 123 Wilson Avenue had a negative impact on the cultural heritage value of the property and diminished its contributions to the Blackfriars/Petersville Heritage Conservation District.

Through this Heritage Alteration Permit application, the property owner has proposed alterations to reinstate the five-bay design of this Contributing Resource. This has been presented as a compromise, as the original materials have been discarded and the size of the replacement windows is altered to fit within the new structural opening.

Preservation of the original five-bay design, including its windows, trim, and details, would have been preferable. The proposed alterations are sufficiently compliant with the design guidelines of the *Blackfriars/Petersville Heritage Conservation District Plan* and should be permitted with terms and conditions.

**Prepared by:** Kyle Gonyou, RPP, MCIP, CAHP  
Heritage Planner

**Reviewed by:** Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP  
Manager, Urban Design, and Heritage

**Recommended by:** Heather McNeely, RPP, MCIP  
Acting Director, Planning and Development

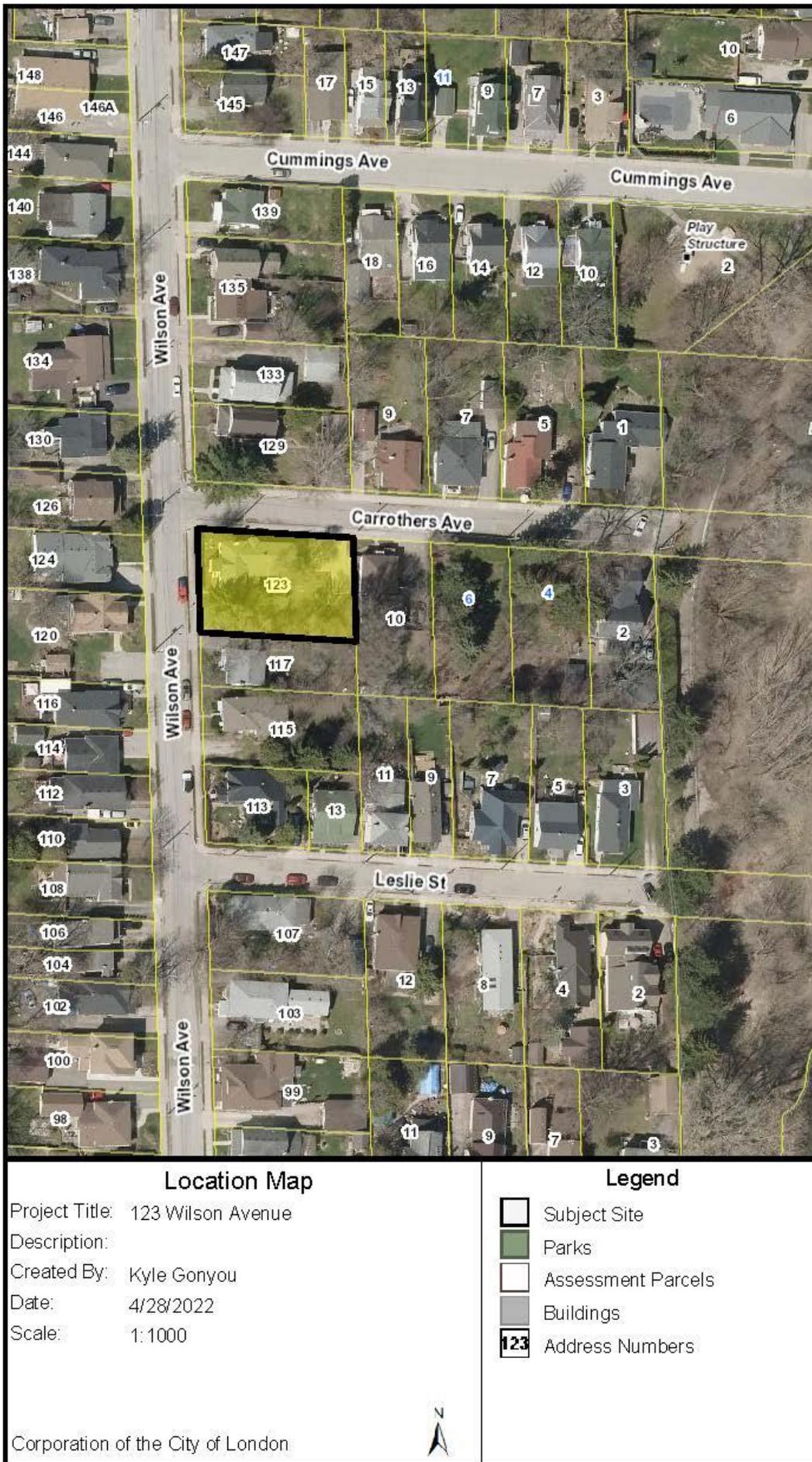
**Submitted by:** Scott Mathers, MPA, P. Eng.  
Deputy City Manager, Planning and Economic  
Development

Appendix A Location  
Appendix B Images  
Appendix C Drawings

### Selected Sources

City of London. Property File.  
City of London. *Blackfriars/Petersville Heritage Conservation District Plan*. 2014.  
City of London. *Register of Cultural Heritage Resources*. 2019.  
City of London. *The London Plan*. 2022, consolidated.  
Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*. 2020.  
*Ontario Heritage Act*. 2019, c. 9. Sched. 11.

# Appendix A – Property Location



### Location Map

Project Title: 123 Wilson Avenue  
 Description:  
 Created By: Kyle Gonyou  
 Date: 4/28/2022  
 Scale: 1:1000

### Legend

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



Corporation of the City of London

**Appendix B – Images**



*Image 1: View of the front (west) façade of the Contributing Resource at 123 Wilson Avenue on February 26, 2018.*



*Image 2: View through the overgrown hedge at 123 Wilson Avenue, showing the alterations to the window openings on west façade.*



*Image 3: View of the main (west) and south façades of the Contributing Resource at 123 Wilson Avenue on May 5, 2020.*



*Image 4: View showing the south half of the main façade and south façade of the Contributing Resource on October 21, 2021.*

# Appendix C – Drawings

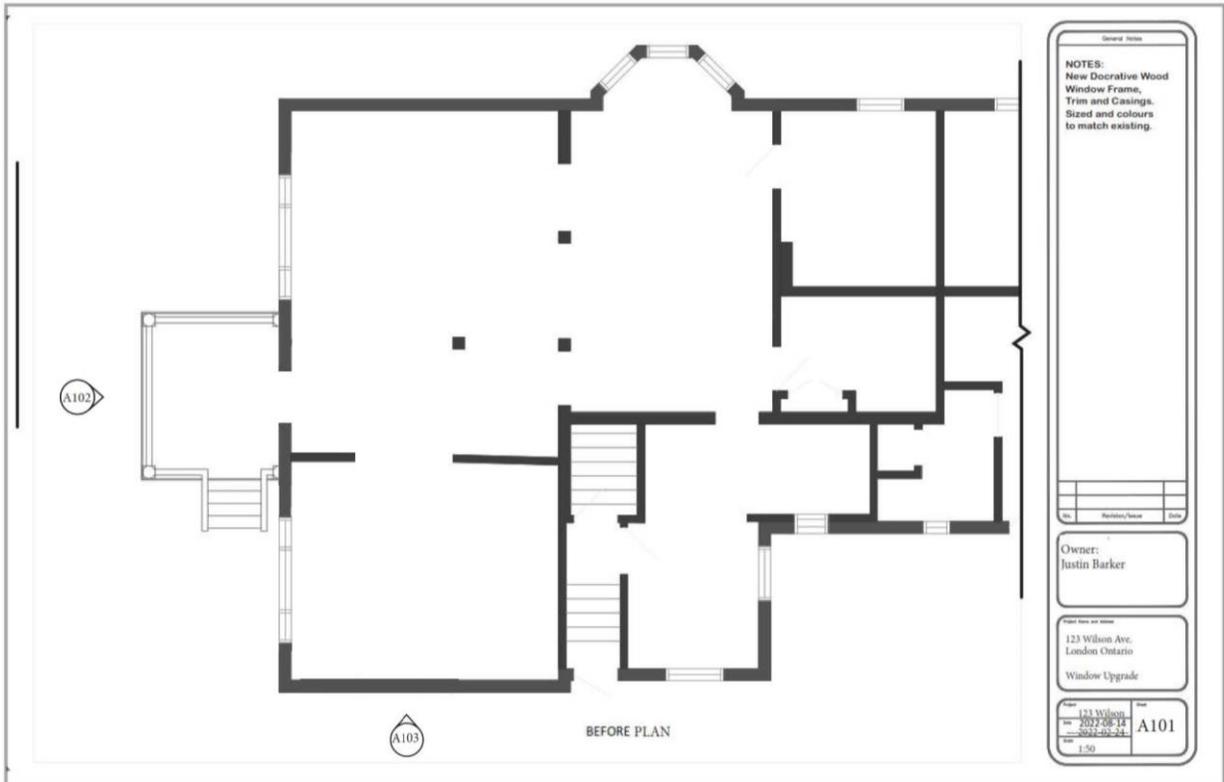


Figure 1: Floor plan drawing, submitted as part of the Heritage Alteration Permit application, showing the existing floorplan with the existing windows. Note: existing large window on the south façade not shown.



Figure 2: West elevation drawing, submitted as part of the Heritage Alteration Permit application, showing the existing condition.

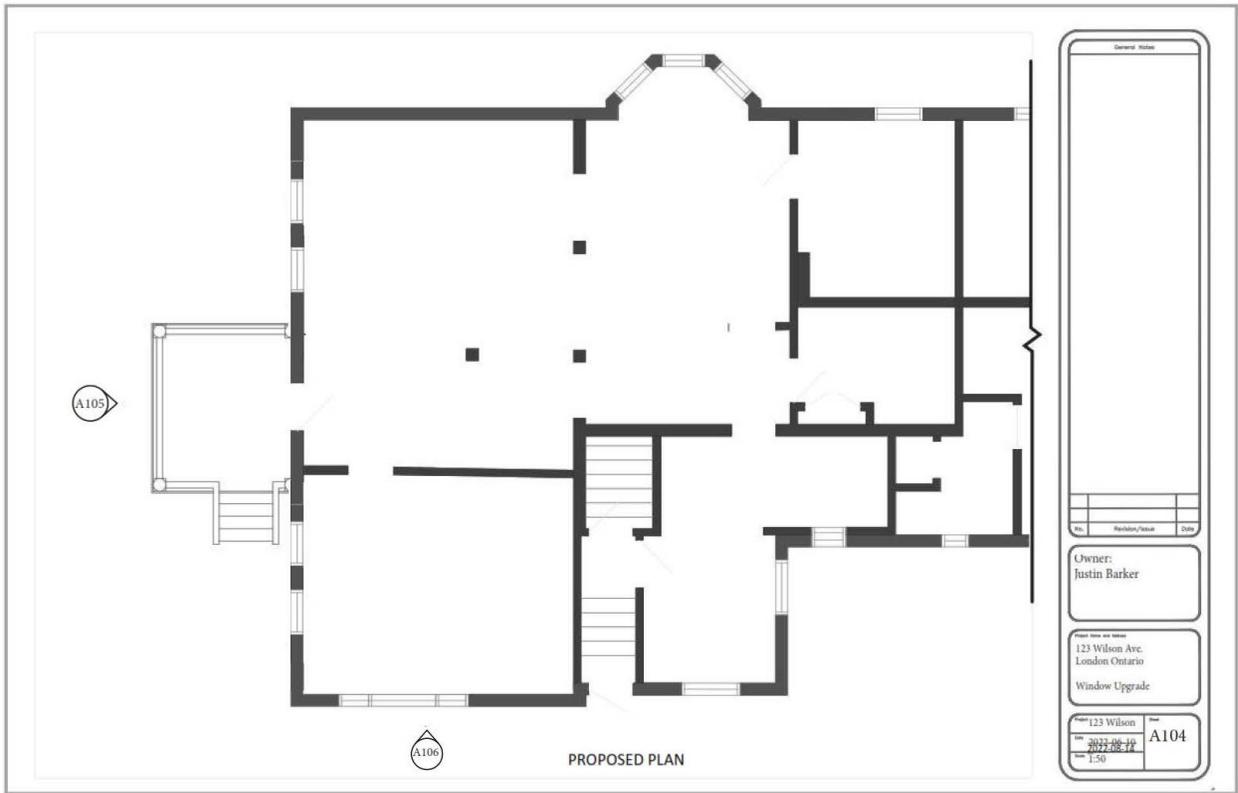


Figure 3: Proposed floor plan, submitted as part of the Heritage Alteration Permit application. Showing the proposed reinstatement of the four windows on the west façade as well as the existing window on the south façade.



Figure 4: Proposed west elevation drawing, submitted as part of the Heritage Alteration Permit application. Showing the reinstated five-bay design with replicated window trim. Note: the proposed replacement windows must include the two-over-two fenestration pattern of the former windows (not shown on the above drawing).

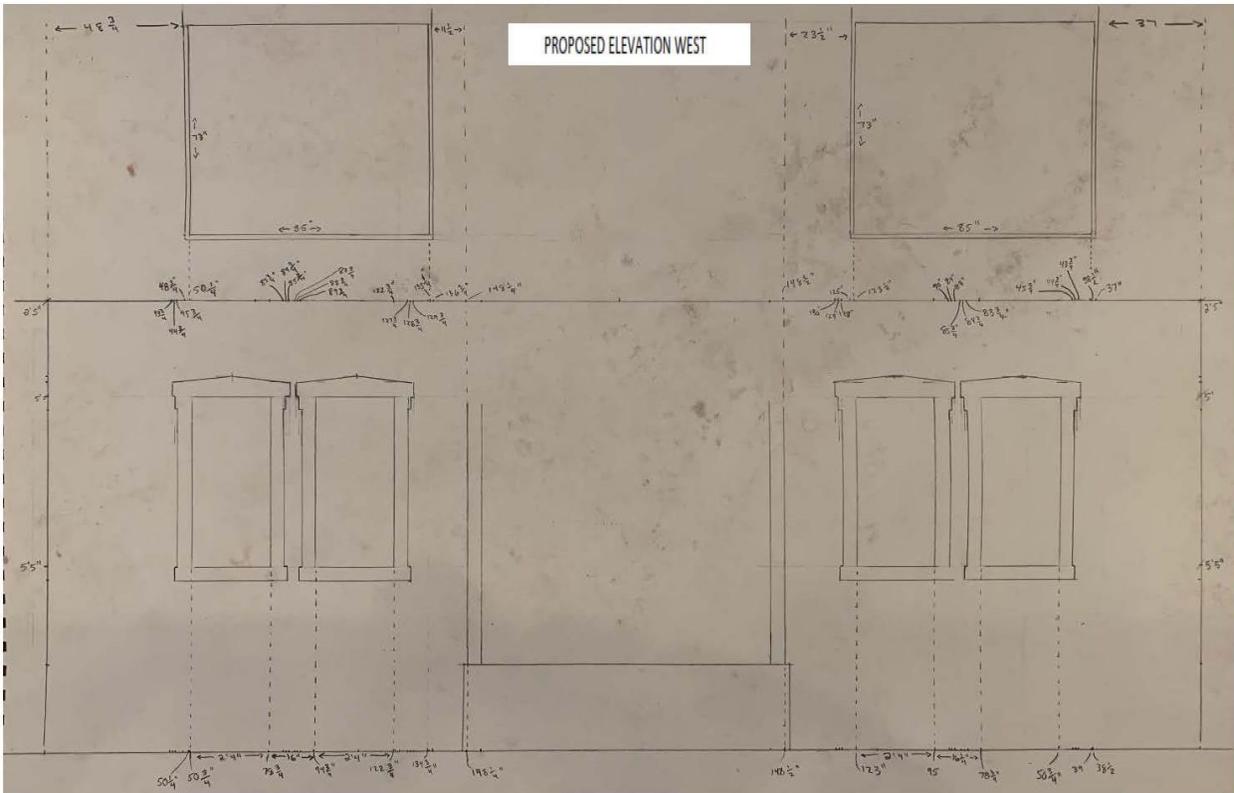


Figure 5: Sketch, submitted as part of the Heritage Alteration Permit application. Showing how the proposed four windows would fit within the structural alterations completed by the property owner. The rough opening of the windows is 28" by 60", with approximately 16" between to accommodate the 5" trim around each window opening. Note: the proposed replacement windows must include the two-over-two fenestration pattern of the former windows (not shown on the above drawing).



Figure 6: Proposed south façade drawing, submitted as part of the Heritage Alteration Permit application. Showing the proposed trim around the existing window.

## 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:** Heritage Alteration Permit application by M. Wales for 645  
Lorne Avenue, Old East Heritage Conservation District  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for alterations to the heritage designated property at 645 Lorne Avenue **BE PERMITTED** with the following terms and conditions:

- a) Turned wooden spindles be used for the railing/guard of the porch, including the steps;
- b) Wood lattice, in a square or diamond shape, be used for the porch skirt;
- c) All exposed wood be painted;
- d) Use of paint colours from the Old East Heritage Conservation District palette be considered;
- e) The Heritage Planner be circulated on the Building Permit drawings to verify compliance;
- f) The proposed alterations be completed within twelve (12) months of Municipal Council's decision on this Heritage Alteration Permit; and,
- g) The Heritage Alteration Permit be displayed in a location visible from the street while the work is underway.

## Executive Summary

The property at 645 Lorne Avenue is a C-ranked property in the Old East Heritage Conservation District, making contributions to its heritage character. The property owner previously removed the verandah and balcony, citing its poor condition. This Heritage Alteration Permit application seeks retroactive approval for the removal of the verandah and balcony, as well as approval of a new proposed uncovered porch and alteration of an upper doorway into a window. While conserving the former porch would be preferred, the proposed alterations are sufficiently consistent with the guidelines of the *Old East Heritage Conservation District Conservation & Design Guidelines* and should be approved with terms and conditions.

## Linkage to the Corporate Strategic Plan

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

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

## Analysis

### 1.0 Background Information

#### 1.1 Property Location

The property at 645 Lorne Avenue is located on the south side of Lorne Avenue between Adelaide Street North and Elizabeth Street (Appendix A).

## 1.2 Cultural Heritage Status

The property at 645 Lorne Avenue is located within the Old East Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.-3383-111, passed on September 10, 2006.

The property at 645 Lorne Avenue is C-rated by the *Old East Heritage Conservation District Plan*. A C-ranking is assigned to a property that are “of value as part of the environment” (Section 4.2, *Old East Heritage Conservation District Study*), meaning that they contribute to the heritage character of the area.

## 1.3 Description

The building at 645 Lorne Avenue was built in about 1885 (Appendix B). It is a two-storey, frame, residential form building. The building is clad in horizontal vinyl siding. The primary (north) façade of the building faces Lorne Avenue and featured a verandah and balcony across the entire primary façade. The porch had a rug brick base, including plinths and solid balustrade, with square colonettes supporting the upper balcony which had metal railings. Overall, the composition of the primary façade was asymmetrical owing to the access to the verandah and balcony and three-quarters height of the upper storey. Nevertheless, the vernacular building contributes to the heritage character of the Old East Heritage Conservation District.

Between March and November 2020, the verandah and balcony were removed (see Appendix B).

## 1.5 Heritage Alteration Permit Application (HAP22-075-L)

In November 2020, the City received complaints from community members that the porch of the heritage designated property at 645 Lorne Avenue had been removed. A site visit was completed by staff on November 12, 2020.

In addition to the requirement for a Heritage Alteration Permit, a Building Permit is also required.

Following compliance action by the City, a Heritage Alteration Permit application has been submitted by an agent for the property owner of the heritage designated property at 645 Lorne Avenue. The Heritage Alteration Permit application seeks approval for:

- Removal of the verandah and balcony;
- Alteration of the upper doorway into a window; and,
- Construction of a new entry porch.

The property owner cited the poor condition of the verandah and balcony as the reasons for its removal.

The complete Heritage Alteration Permit application was received on September 28, 2022. Per Section 42(4), *Ontario Heritage Act*, a decision to approve, approve with terms and conditions, or refuse this Heritage Alteration Permit application is required before December 27, 2022.

## 2.0 Discussion and Considerations

Cultural heritage resources are to be conserved and impacts evaluated as per fundamental policies in the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, *The London Plan*. More specific, area-based policies and guidelines – part of the *Old East Heritage Conservation District Conservation Plan* and *Old East Village Heritage Conservation District Conservation & Design Guidelines* – contain policies establishing intention and specific guidelines that provide direction on how to achieve the conservation of cultural heritage resources, heritage attributes, and character.

### 2.1 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.”

## **2.2 Ontario Heritage Act**

Section 42(1) of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration Permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

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

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

## **2.3 The London Plan**

*The London Plan* is the City of London’s Official Plan. The policies of *The London Plan* found in the Key Directions and Cultural Heritage chapter support the conservation of London’s cultural heritage resources.

Policy 61\_5 of *The London Plan* states, “Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features.”

Policy 594\_, *The London Plan*, includes policies relevant to change management within London’s Heritage Conservation Districts:

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

## **2.4 Old East Heritage Conservation District Conservation Plan**

The Old East Heritage Conservation District was designated pursuant to Part V of the *Ontario Heritage Act* by By-law No. L.S.P.3383-111 and came into force and effect on September 10, 2006. The *Old East Heritage Conservation District Conservation Plan* articulate a policy framework to help manage change for the nearly 1,000 properties located within its boundaries.

The goals and objections of the designation of the Old East as a Heritage Conservation District are found within Section 3.2 of the *Old East Heritage Conservation District Conservation Plan*. Two goals are particularly relevant:

- *Recognize, protect, enhance and appreciate the integrity of heritage buildings and streets in Old East and value their contributions to the interest and diversity of the community by:*
  - *Encouraging individual building owners to recognize the unique*

- character of each building and to become more interested in the conservation and celebration of that unique character*
    - *Encouraging individual building owners to understand the broader context of heritage restoration in history, and recognize that buildings should outlive their individual owners and each owner or tenant should consider themselves stewards of the building for future owners and users*
  - *Avoid the destruction and/or inappropriate alteration of the existing building stock, materials and details by:*
    - *Encouraging sensitive restoration practices that make gentle, reversible changes, when necessary, to significant heritage buildings*
    - *Providing homeowners with conservation and maintenance guidelines and best practices so that appropriate building and repair activities are undertaken,*
    - *Establishing design guidelines to ensure new development or alterations are sensitive to the heritage characteristics and details of the Old East Heritage Conservation District*

Section 4.1, *Old East Heritage Conservation District Conservation Plan* (Dealing with Growth and Change – Architecture), includes important references to understand the individual contributions of properties to the heritage character of the Old East Heritage Conservation District:

- “...the intent of the designation of the heritage conservation district is to preserve an adequate stock of the heritage features that define the character of the area to preserve the cohesive nature of the district”
- “The contribution of each individual property to the overall character of the district is primarily the front façade of the building except at corners where the side façade also contributes to the street appearances.”
- “Any of the original components that face the public street(s) should be preserved as much as possible to conserve the heritage character of the street”

Policies regarding alterations, in Section 4.2, *Old East Heritage Conservation District Conservation Plan*, highlight the importance of conserving the street-facing facades, stating,

*Alterations to the street-facing façade of the buildings (typically the front of the house or the front and side of the house on corner lots) have the potential to dramatically affect the appearance of not only the building itself, but the entire streetscape.*

Table 7.1, in Section 7.1, *Old East Heritage Conservation District Conservation Plan*, describes the classes of alterations that do or do not require Heritage Alteration Permit approval. Heritage Alteration Permit approval is required for “door removal, replacement or addition” and “window removal, replacement or addition” as well as “porch/verandah replacement, removal or addition” for A, B, and C-ranked properties in the Old East Heritage Conservation District.

## **2.5 Old East Heritage Conservation District Conservation & Design Guidelines**

To support the conservation of the cultural heritage resources within its boundaries, the *Old East Heritage Conservation District Conservation & Design Guidelines* provides guidelines to help manage change.

Specifically, Section 3.4 (Exterior Walls), Section 3.6 (Doors and Windows), Section 3.7 (Porches and Verandahs), Section 3.9 (Paint and Colour), and Section 4.3 (Alterations).

Vinyl siding is not recommended to cover or replace original exterior cladding materials, like wood siding (Section 3.4). When considering replacement windows, the guidelines of Section 3.6 direct that,

- *The replacement windows should mimic the original windows with respect to style, size and proportion with a frame that is similar in colour, or can be painted, to match other windows.*

- *Original door and window openings on the street facing façade should not be blocked up or covered as this can greatly alter the visual character of the dwelling.*

Guidelines of Section 3.7, *Old East Heritage Conservation District Conservation & Design Guidelines*, recommends,

- *Removal or substantial alteration to the size, shape and design of existing porches is strongly discouraged.*
- *Do not remove or cover original porches or porch details, except for the purpose of quality restoration.*
- *When restoring a porch that is either intact or completely demolished, some research should be undertaken to determine the original design which may have been much different from its current condition and decide whether to restore the original.*
- *For the structural elements of the porch, use the best of current technology including secure footings extending below frost and pressure treated wood for wood framing.*
- *For decorative elements such as gingerbread fretwork and other trim, wood is still the best choice to recreate the original appearance, but using improved technology such as waterproof glues and biscuit joiners and liquid preservatives and best quality paints to protect the finished product.*
- *Fibreglass and plastic versions of decorative trims should be avoided. Poor interpretation of the scale and design of applied decoration detract from the visual appearance and architectural coherence of porches and verandahs.*
- *Where there are no other reasonable options, fibreglass and plastic versions of these decorative trims may be considered if the appropriate shape and size is available and they are kept in good condition with adequate maintenance of the paint.*
- *Install and maintain a porch apron on all exterior sides below the porch floor level that permit good ventilation and prevent animals and debris from entering. Research some of the attractive and functional trellis designs that are used in the neighbourhood to fulfil this purpose.*

Painting exterior wood is supported by the guidelines of Section 3.9, *Old East Heritage Conservation District Conservation & Design Guidelines*. It notes that painting presents “a finished appearance to the neighbourhood, and to protect the investment in the house.”

Section 4.3, *Old East Heritage Conservation District Conservation & Design Guidelines*, provides general guidance on alterations, including:

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

### 3.0 Financial Impact/Considerations

None.

### 4.0 Key Issues and Considerations

#### 4.1 Verandah and Balcony

A verandah is shown on the 1892, revised 1907 Fire Insurance Plan for the property at 645 Lorne Avenue (see Figure 2, Appendix A). A similar verandah is shown on the 1912, revised 1915 Fire Insurance Plan and 1912, revised 1922 Fire Insurance Plan. However, the former verandah and balcony appear to date from the mid-twentieth century (see Appendix B). This dating is attributed to the use of rug brick balustrade and plinths which became more common into the 1930s, accompanied by metal railings that appeared more typical of an early post-WWII period, and could be accounted by several or successive alterations. It is unlikely that the verandah and balcony were an original conception, but of comparable size to what was shown in the Fire Insurance Plan.

The verandah and balcony were removed by the property owner citing poor condition.

Presently, only a basic wooden step to the front door has been provided. This is not in keeping with the heritage character of the property or the Old East Heritage Conservation District.

Recognizing that porches are an important part of the heritage character of the Old East Heritage Conservation District, a smaller uncovered porch at the front doorway of the house at 645 Lorne Avenue has been proposed (see Appendix C). The proposed porch is approximately 108" in width by 60" in depth, approximately 20" in height to meet the front doorway. Pressure treated wood has been proposed as the primary material for the porch, including steps, deck, and wood spindles.

While not of the same size or scale as the former verandah and balcony, the proposed porch will maintain this important feature and make contributions supporting the heritage character of the Old East Heritage Conservation District. To ensure that the porch is appropriate for the property and Old East Heritage Conservation District, turned wood spindles should be used, a square or diamond pattern lattice-style wood porch skirt installed, all exposed wood be painted, and consideration be given to using the colour palette of the Old East Heritage Conservation District (see Figure 3, Appendix A).

#### 4.2 Doorway to Window Alteration

As the verandah and balcony have been removed, the upper doorway serves no function. Retaining an unarticulated doorway on the second storey of the house could present potential safety risks to inhabitants as well as an unbalanced façade composition.

The applicant has proposed to insert a window into the doorway opening. This would retain the opening on the façade and its associated trim detailing. As the proposed window (34" wide by 53" in height) does not fill the entire doorway opening (generally about 80" in height), the lower portion of the opening would be clad in vinyl siding to match the front façade of the house. The applicant advised that siding can be salvaged from a location on the house not visible from the street to ensure the siding matches. A sill and other finishing details would be installed to match the adjacent window opening.

This proposed alteration seeks to match the finishes of the house and presents a reasonable solution provided there is support for the removal of the verandah and balcony. Removing the doorway from the second storey diminishes the likelihood that the upper balcony will be restored.

### Conclusion

Conservation, rather than removal, of the former verandah and balcony would have been preferable from a cultural heritage perspective and better aligned with the policies and guidelines of the *Old East Heritage Conservation District*. However, the verandah

and balcony were removed by the property owner citing poor condition.

The proposed alterations seek to reinstate the important contributions of a porch to the heritage character of the C-ranked property at 645 Lorne Avenue and support its contributions to the Old East Heritage Conservation District. The proposed uncovered porch and doorway/window alteration are sufficiently consistent with the guidelines for the *Old East Heritage Conservation District Conservation & Design Guidelines* and should be approved with terms and conditions.

**Prepared by:** Kyle Gonyou, RPP, MCIP, CAHP  
Heritage Planner

**Reviewed by:** Jana Kelemen, M.Sc.Arch., MUDS, RPP, MCIP  
Manager, Urban Design, and Heritage

**Recommended by:** Heather McNeely, RPP, MCIP  
Acting Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P. Eng.  
Deputy City Manager, Planning and Economic  
Development

Appendix A Location  
Appendix B Images  
Appendix C Drawings

#### **Selected Sources**

City of London. Property File.  
City of London. *Old East Heritage Conservation District Conservation Plan and Old East Heritage Conservation District Conservation & Design Guidelines*. 2006.  
City of London. *Register of Cultural Heritage Resources*. 2019.  
City of London. *The London Plan*. 2022, consolidated.  
Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*. 2020.  
*Ontario Heritage Act*. 2019, c. 9. Sched. 11.

# Appendix A – Location Map



Figure 1: Location map of the heritage designated property at 645 Lorne Avenue.

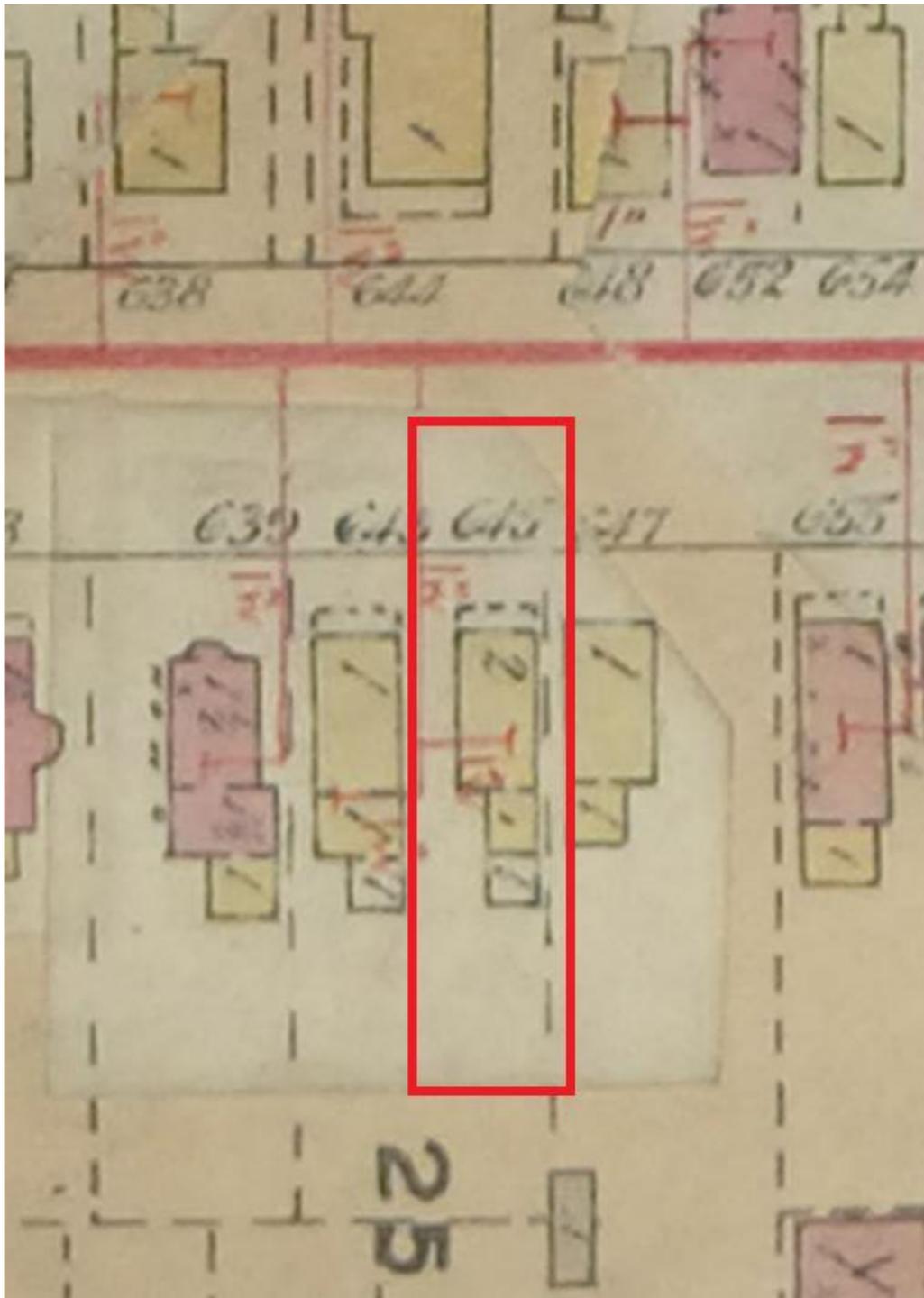


Figure 2: Detail of Sheet 21, 1892, revised 1907 Fire Insurance Plan (courtesy Maps and Data Centre, Western University). The dashed line in front of the building indicates a verandah.

Townsend Harbor Brown HC-64	Holdley Red HC-65	Branchport Brown HC-72	Shore Line CC-364	Bryant Gold HC-7	Livingston Gold HC-16	Forest Floor CC-570	Hale Navy HC-154	Knoxville Gray HC-154	Onyx 2133-10
Laurentian Red CC-152	Somerville Red HC-62	Fairview Taupe HC-85	Revere Pewter HC-172	Dijon CC-210	Lenox Tan HC-44	Tate Olive HC-112	Brewster Gray HC-162	Duxbury Gray HC-163	Kendall Charcoal HC-166
Georgian Brick HC-30	Bradstreet Beige HC-48	Creamy White OC-7	White Chocolate OC-127	Hepplewhite Ivory HC-36	Putnam Ivory HC-39	Louisburg Green HC-113	Wickham Gray HC-171	Palladian Blue HC-144	Chelsea Gray HC-168

Figure 3: Colour palette for the Old East Heritage Conservation District.

**Appendix B – Images**



*Image 1: Photograph of the heritage designated property at 645 Lorne Avenue on March 12, 2020.*



*Image 2: Photograph of the heritage designated property at 645 Lorne Avenue (left) on November 12, 2020.*



*Image 3: Photograph, submitted as part of the Heritage Alteration Permit application, showing the current condition of the property at 645 Lorne Avenue.*

Appendix C – Drawings

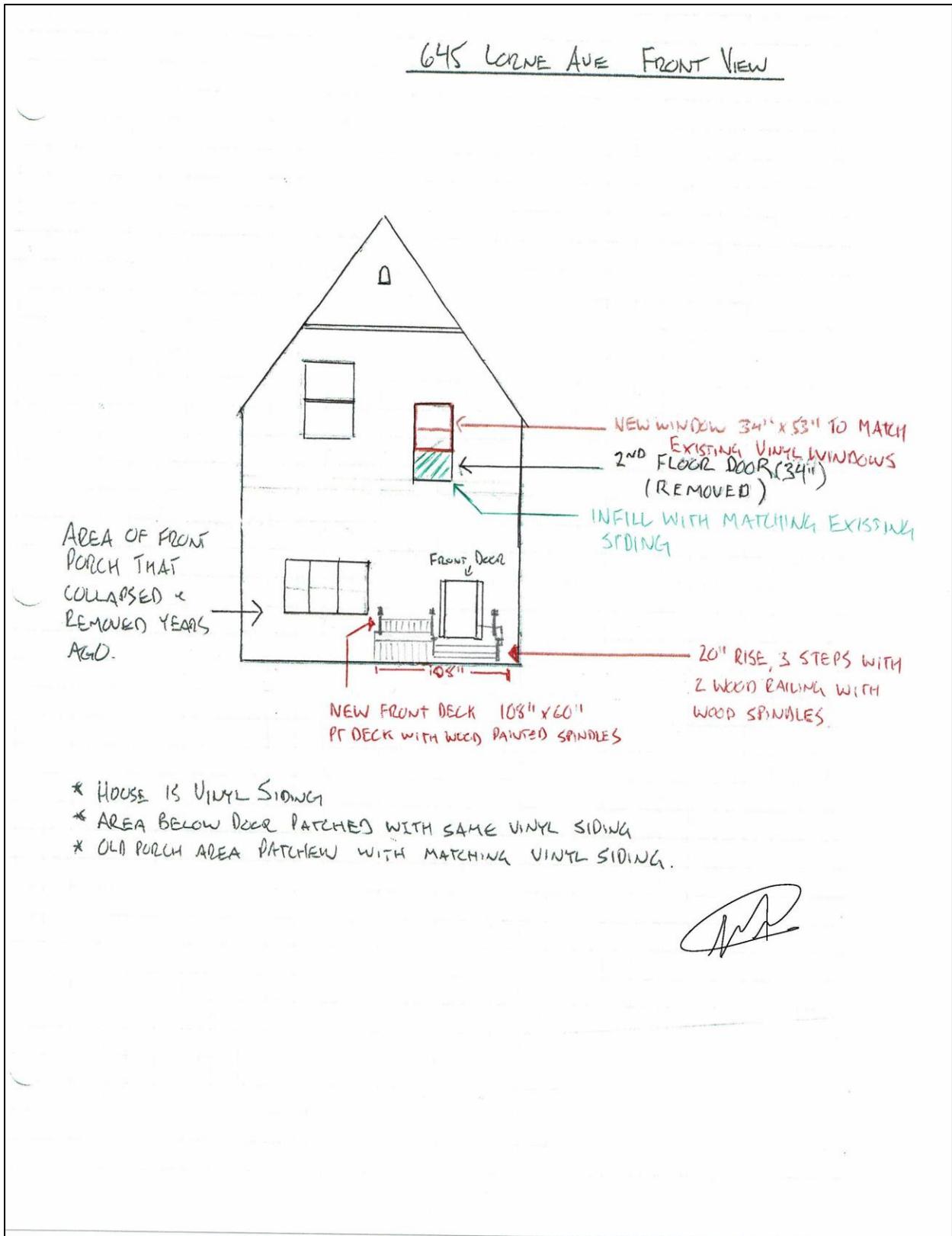


Figure 4: Elevation drawing submitted as part of the Heritage Alteration Permit application showing the proposed changes to the heritage designated property at 645 Lorne Avenue. Note: not to scale.

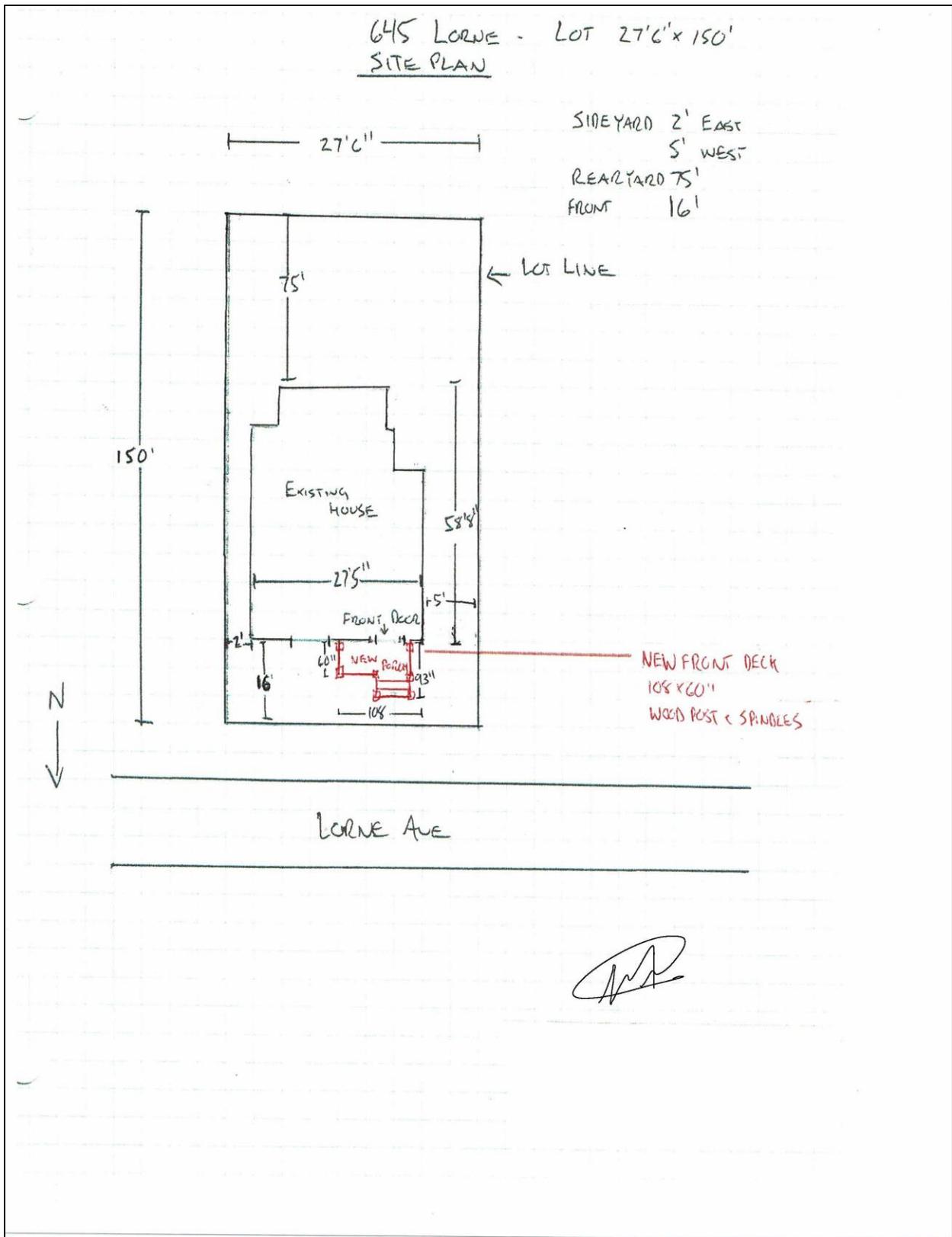


Figure 5: Plan drawing submitted as part of the Heritage Alteration Permit application showing the proposed changes to the heritage designated property at 645 Lorne Avenue.

## 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: Whiterock Village Inc.  
3195, 3207 White Oak Road and 2927 Petty Road  
Zoning By-law Amendment (Z-9350)  
Draft Plan of Vacant Land Condominium (39CD-21505)  
Public Participation

**Meeting on:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Whiterock Village Inc. relating to the lands located at 3195, 3207 White Oak Road and 2927 Petty Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on December 13, 2022 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands **FROM** a Urban Reserve UR4 and Holding Urban Reserve UR4 Special Provision h-94\*UR4(11)) Zone **TO** a Residential R5 Special Provision (R5-7(\*\*)) Zone to permit cluster housing in the form of townhouse dwellings. Special provisions to the Residential R5 (R5-7) Zone would permit cluster townhouse dwellings, and cluster stacked townhouse dwellings and would permit a reduced exterior side yard setback of 1.2 metres and a rear yard second story deck setback of 4.1 metres and a rear yard depth of 6.0 metres north interior side yard; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 3195 and 3207 White Oak Road.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended actions is to amend the Zoning By-law to permit cluster housing in the form of townhouse dwelling units with a reduced exterior side yard setback of 4 metres in place of 8 metres, reduced exterior side yard setback of 1.2 metres, a rear yard second story deck setback of 4.1 metres and a rear yard depth of 6.0 metres north interior side yard, and to report to the Approval Authority any issues or concerns raised at the public meeting with respect to an application for Draft Plan of Vacant Land Condominium consisting of eighty-seven (87) cluster townhouse dwelling units, one new private road providing a servicing connection from Petty Road, shared common elements, visitor parking and landscaped areas.

### Rationale of Recommended Action

1. The recommended Zoning By-law Amendment and Draft Plan of Vacant Land Condominium are consistent with the Provincial Policy Statement (PPS), 2020, as it promotes efficient development and land use patterns; accommodates an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents; and minimizes land consumption and servicing costs.
2. The recommended zoning amendment conforms to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place Type, Our Strategy, City Building and Design, Our Tools, and all other applicable London Plan policies.

3. The recommended zoning amendment provides appropriate regulations to control the use and intensity of the building and ensure a well-designed development with appropriate mitigation measures.
4. The subject development block is of a size and shape suitable to accommodate the Draft Plan of Vacant Land Condominium.
5. The proposed use, form, and intensity are considered appropriate and compatible with existing residential development in the surrounding neighbourhood.

## Linkage to the Corporate Strategic Plan

The proposed development contributes to the Strategic Plan by helping to implement the Building a Sustainable City and Strengthening Our Community area of focus. The development is well-located in a strategic location for growth and intensification with good access to local services, amenities, public transit, and active transit. The proposed development and recommended refinements fit within, and enhance, the surrounding community.

## 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 infill and efficient use of existing urban lands and infrastructure within strategic locations such as the Downtown, Transit Villages and Corridors.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

**May 12, 2003** – Planning Committee – Application by City of London – North Longwoods Area Plan – relating to lands bounded by Southdale Road E, Wharncliffe Road S, White Oak Road and Bradley Avenue extension (O-6424).

**April 26, 2010** - Planning and Environment Committee –The Southwest London Area Plan (SWAP) - provided a comprehensive land use plan, servicing requirements and a phasing strategy for future development within the Urban Growth Area south of Southdale Road (O-7609).

**June 4, 2019** - Planning and Environment Committee – Whiterock Village Inc. regarding the property located at 3087 White Oak Road – Application for Approval of Draft Plan of Subdivision, Zoning By-law Amendments (39T-18505/Z-8980).

**July 22, 2020** - London Consent Authority - 2748714 Ontario Inc. (c/o Mohamed Abuhajar) Application for consent regarding the property located at 3195 White Oak Road. Notice of Provisional Consent Decision was granted on November 30, 2020 (B.021/20).

**February 8, 2021** - Planning and Environment Committee – 2748714 Ontario Inc. regarding the property located at 3195 White Oak Road, to permit four (4) single detached residential lots, to be serviced from the extension of Petty Road (Z-9204).

#### 1.2 Planning History

In June of 2003, the North Longwoods Area Plan (NLAP) was prepared for 106 hectares (262 acres) of land bounded by Wharncliffe Road South, Southdale Road East, White Oaks Road, and the future Bradley Avenue extension. The NLAP was created to respond to development demands in the area and re-designated the lands from “Urban Reserve – Community Growth”. At the time, the subject site was designated as “Restricted Service Commercial”.

The Southwest London Area Plan (SWAP) was initiated in 2009 and presented to Planning Committee on April 26, 2010. The Area Plan was intended to provide a comprehensive land use plan, servicing requirements and a phasing strategy for future

development within the Urban Growth Area south of Southdale Road, east of Dingman Creek and north of the Highway 401/402 corridor. On November 20, 2012, Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541 (relating to the Secondary Plan). The plan (with amendments) was approved by the Ontario Municipal Board on April 29, 2014 which designated the subject lands as Low Density Residential.

A draft plan of subdivision (file 39T-18505/1/Z-8980) was submitted for the lands located at 3087 White Oak Road (to the north of the subject site) on December 10, 2018. Municipal Council approved the plan and the associated zoning by-law amendment, and the Approval Authority granted draft approval on July 22, 2019. The approved draft plan consists of 72 single detached lots, 2 medium density blocks, and 2 future development blocks. The subject site encompasses a portion of Block 103 in the adjacent draft approved plan.

Site plan approval will be required for the proposed cluster townhouse development, which will run parallel with the Vacant Land Condominium application (39CD-21505), accepted on May 6, 2021 and resubmitted on September 14, 2021.

### **1.3 Property Description**

The property at 3195 and 3207 White Oak Road is situated on the west side of White Oak Road on lands generally described as Block 76, Plan 33M-795 and Part of Lot 31, Concession 2, Geographic Township of Westminster. This property measures approximately 1.07 ha in area, and has approximately 54.9 m of street frontage and a maximum depth of approximately 195.9 m. There is currently an outbuilding located on the eastern portion of these lands. The subject property is rectangular in shape. A 9 metre wide storm sewer easement bisects the property in a diagonal orientation. No buildings or structures will be permitted within the identified servicing corridor.

The subject site also includes a portion of the draft approved plan 39T-18505 (Block 103), which is currently vacant. In total, the consolidated site would measure approximately 1.8 hectares in area and would have approximately 102 metres of frontage on White Oak Road and approximately 39.9 metres of frontage on Petty Road.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Zoning – Urban Reserve UR4/Holding Urban Reserve UR4 Special Provision UR4 and h-94\*UR4(11))

### **1.5 Site Characteristics**

- Current Land Use – residential single detached dwellings
- Frontage – 39.93metres
- Depth – approx. ~102 metres
- Area – 1.8 hectares total area
- Shape – rectangular

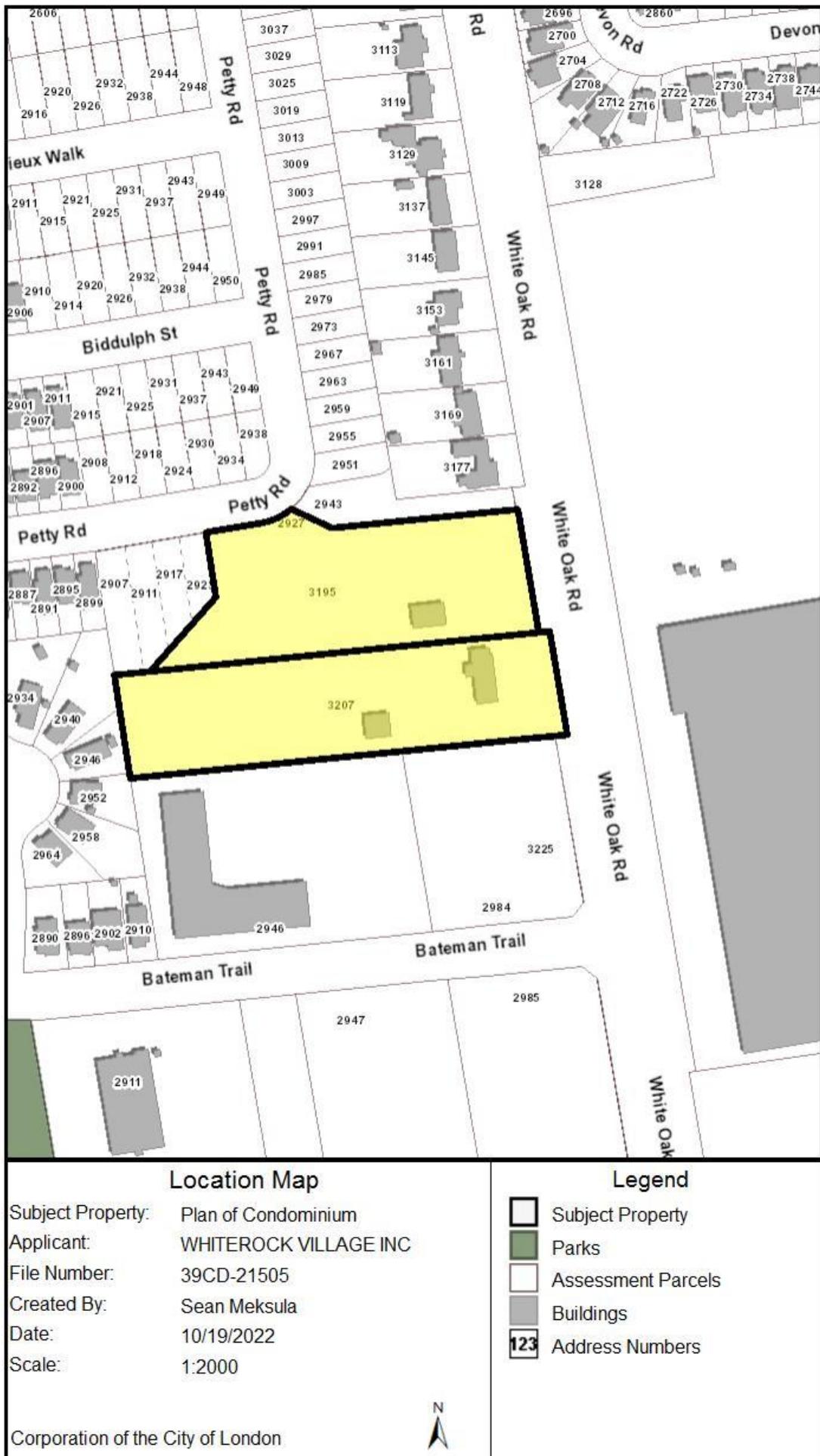
### **1.6 Surrounding Land Uses**

- North – residential single detached dwellings
- East – light industrial
- South – restricted service commercial
- West – residential single detached dwellings

### **1.7 Intensification (87units)**

- The proposed residential units represent intensification inside of the Built-area Boundary
- The proposed residential units are partly outside of the Primary Transit Area.

# 1.8 Location Map



# 2.0 Description of Proposal

## 2.1 Development Proposal

The intent of the application request is to create eighty-seven (87) Vacant Land Condominium units to be developed in the form of cluster townhouse dwellings on the property along a private road with access to White Oak Road and Petty Road. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by one Condominium Corporation. The existing dwellings and detached garage are proposed to be demolished prior to development.

## 2.2 Proposed Draft Plan of Vacant Land Condominium





**2.4 Images from the Applicant's Planning Justification Report For Lands at: 3195 and 3207 White Oak Road by Whiterock Village Inc.**



Viewing from the northwest of the site looking east toward White Oak Road.  
 \*Note, the extension of Petty Road currently under construction in the foreground.



Subject lands facing south from Petty Road.  
 \*Note, the London Gymnastics Academy located in the background



Conceptual Rendering of 4 Unit Townhomes Built Form



FRONT ELEVATION  
(UNIT 41 TO 37 TOWNHOMES)



STREET SIDE ELEVATION  
(UNIT 41 TOWNHOME)



STREET SIDE ELEVATION  
(UNIT 37 TOWNHOME)



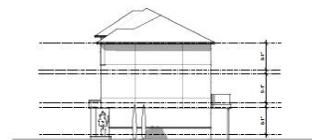
REAR ELEVATION  
(UNIT 37 TO 41 TOWNHOMES)



Conceptual Rendering of 5 Unit Townhomes Built Form



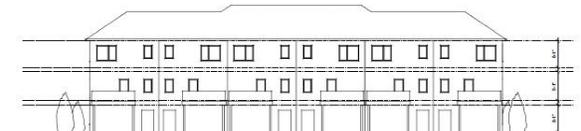
FRONT ELEVATION  
(UNIT 36 TO 31 TOWNHOMES)



NON-STREET SIDE ELEVATION  
(UNIT 31 TOWNHOME)



NON-STREET SIDE ELEVATION  
(UNIT 36 TOWNHOME)



REAR ELEVATION  
(UNIT 31 TO 36 TOWNHOMES)

Conceptual Rendering of 6 Unit Townhomes Built Form



FRONT ELEVATION  
(UNIT 11 TO 5 TOWNHOMES)



STREET SIDE ELEVATION  
(UNIT 5 TOWNHOME)



STREET SIDE ELEVATION  
(UNIT 11 TOWNHOME)



REAR ELEVATION  
(UNIT 5 TO 11 TOWNHOMES)

Conceptual Rendering of 7 Unit Townhomes Built Form



Conceptual Rendering of 10 Unit Back To Back Townhomes Built Form

## 2.5 Requested Amendment

The applicant has requested a zoning by-law amendment to change the zoning on a portion of the subject lands from an Urban Reserve UR4 and Holding Urban Reserve UR4 Special Provision h-94\*UR4(11) Zone to a Residential R5 Special Provision (R5-7(\*\*)) Zone to permit cluster housing in the form of townhouse dwelling units with a reduced exterior side yard setback of 1.2 metres whereas, a rear yard second story deck setback of 4.1 metres and a rear yard depth of 6.0 metres north interior side yard, with a density of 48.4 units per hectare.

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

Information regarding the requested Zoning By-law Amendment Application and opportunities to provide comments were provided to the public as follows:

- Notice of Application was sent to property owners within 120 meters of the subject property on September 22<sup>nd</sup>, 2021 and advertised in the Londoner on September 23<sup>rd</sup>, 2021.
- Notice of Revised Application was sent to property owners within 120 meters of the subject property on August 24<sup>th</sup>, 2022 and advertised in the Londoner on August 25<sup>th</sup>, 2022
- Notice of Public Participation Meeting was sent to property owners within 120 meters of the subject property on November 9<sup>th</sup>, 2022 published in Public Notices and Bidding Opportunities section of The Londoner on November 10<sup>th</sup>, 2022.

One (1) response to the original Notice of Application circulation process was received, and no responses were received following the Notice of Revised Application. The comment received is identified below.

In general, our concerns are for the increased population and public safety of the new development on the abutting subdivision to the west as follows:

- The neighbourhood has “Yield” signs at all intersections, rather than “Stop” signs, we ask that Stop signs be installed to replace yield signs throughout the neighbourhood.
- The main entrance to Paul Haggis Park, along Bateman Trail, does not have any traffic calming, would like traffic calming to be installed.
- The city infrastructure has not grown to meet neighbourhood demand, would like other services such as a library and/or community centre for the neighbourhood.
- Lack of garbage cans for Paul Haggis Park.
- Intermittent sidewalks along Whiteoak Road does not promote walkability and is unsafe for neighbourhood residents and lack of cross walks/traffic lights.

The comments received through the original and revised notice of applications received to date are in Appendix “B”.

### **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 Policy Context** (Additional policy analysis is provided in Appendix C)

##### **Provincial Policy Statement (PPS), 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. As this development proposal represents a form of residential infill of vacant or underutilized lands, the PPS contains strong policies to direct growth to settlement areas, encourage a diversity of densities and land uses within settlement areas, and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock, and availability and suitability of infrastructure and public service facilities required to accommodate projected needs (Section 1.1.3).

##### **Building Strong Healthy Communities**

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

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

The recommended amendments are consistent with the PPS as it is proposed within the settlement area while helping establish an appropriate land use pattern that contributes to a mix of densities and land uses in the area. An appropriate range and mix of residential uses are provided, and the alternative cluster-form of development is also cost-effective, helping reduce servicing cost and land consumption [1.1.1]. The Vacant Land Condominium will both benefit and support the existing resources, surrounding infrastructure and public service facilities in the area (1.1.3 Settlement Areas).

The subject site is located in proximity to The Wonderland Road Community Enterprise Corridor and the Transit Village at Bradley Avenue and Wellington Road, which can provide convenient amenities, employment and shopping destinations. In addition, the development would be considered transit supportive as it is in close proximity to an arterial road and highway; a passive recreation trail in Paul Haggis Park for cyclists and pedestrians; and, three (3) bus routes located along Southdale Road South, White Oak

Road, Exeter Road and Bradley Avenue (1.1.3.2). This contributes to a healthy, livable, and safe community. The proposed development has a compact form that allows for the efficient use of land, infrastructure, and public service facilities (1.1.3.6).

The proposed development is also in keeping with the PPS as it contributes to an improved mix of housing types in the area that is currently comprised of single detached dwellings on relatively large lots.

### **The London Plan**

The subject site is located within the Neighbourhoods Place Type in The London Plan. The London Plan, through the vision articulated in the Our City policies, places an emphasis on growing “inward and upward” to achieve a compact form of development, as well as encouraging and supporting growth within the existing built-up area of the city. The Neighbourhoods Place Type policies, with respect to Residential Intensification in Neighbourhoods, expands on that vision and specifically states that:

*937\_ Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods. However, such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality, and sustainability.*

The City Structure Plan also recognizes that residential intensification will play a large role in achieving our goals for growing “inward and upward”, and supports various forms of intensification, including infill development of vacant and underutilized lots, subject to the policies of the Plan. This includes consideration of the policies of the Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools sections. The London Plan policies are intended to support infill and intensification, while ensuring that proposals are appropriate and a good fit within their receiving neighbourhoods.

### **Southwest Area Secondary Plan**

The Southwest Area Secondary Plan designates the site as Low Density Residential within the North Longwoods Residential Neighbourhood.

As further described in Appendix B – Policy Context, Staff are of the opinion that the condominium draft plan is generally consistent with the PPS, The London Plan, and the Southwest Area Secondary Plan

### **North Longwoods Area Plan**

The lands are within the North Longwoods Area Plan (NLAP) which designated the majority of the lands Low Density Residential and Medium Density Residential, with the northern extent of the lands where Petty Road will connect to Southdale Road designated for commercial uses. The NLAP envisioned that a mix of housing types and densities would meet community demand and needs in housing type, tenure and affordability.

### **Z.-1 Zoning By-law**

The zoning of this property is an Urban Reserve UR4 and a Holding Urban Reserve Special Provision UR4 variation. The Special Provision h-94\*UR4(11) Zone has no minimum lot frontage and no minimum lot area. The h-94 holding provision is applied to site to ensure any future development maintains a lotting pattern consistent with the area. The “h-94” symbol shall not be deleted until the block has been consolidated with adjacent lands.

The proposed Residential R5 Special Provision (R5-7(\_)) Zone is commonly used within Medium Density Residential neighbourhoods throughout the City to implement cluster townhouses condominiums. The proposed cluster townhouse dwellings are an appropriate form of development and is compatible with existing uses in the area. The recommended zoning will ensure that the intensity of development is appropriate within the surrounding context as it provides appropriate height and density regulations which will reduce impacts on the surrounding lands and provide a compatible form of development.

## Vacant Land Condominium Application

The City of London Condominium Guidelines have been considered for the proposed Vacant Land Condominium which is comprised of various units and common elements. The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the *Planning Act*. In order to ensure that this Vacant Land Condominium development functions properly, the following may be required as conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Confirmation of addressing information and door point numbers;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- The maintenance of any stormwater servicing works including on-site works;
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities; and,
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other structures in the common elements.

More information and detail is available in Appendix D and E of this report.

### 4.2 Additional Background

As part of the application submission process the applicant completed a **Ministry of the Environment and Energy D6 Analysis** which concluded;

#### ***Class II Industrial Facility***

A place or business for medium scale processing and manufacturing with outdoor storage of wastes or materials and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.

The existing surrounding properties meets these criteria.

AECOM conducted an air quality assessment for the proposed Townhouse Development located at 3195 and 3207 White Oak Road. The purpose of this assessment was to review the surrounding industrial land uses and determine the potential air quality impacts related to dust and odour emissions. The only Class III Industrial land use was identified as the Kelcoatings/Oakside Chemicals Facility which is located approximately 270 metres southeast from the proposed Townhouse Development.

A site visit was conducted on May 11, 2018 where local businesses were interviewed. No odour complaints were noted in any of the interviews during the site visit. The MECP provided a list of Occurrence and Incident reports relating to the operation of Kelcoatings/Oakside Chemicals Facility. There were no registered complaints with the MECP within the last ten-year period.

Meteorological data was reviewed for London, ON. It was determined that the predominant wind direction for the area is from the west (approximately 260 degrees). The winds from Kelcoatings/Oakside Chemicals Facility are expected to blow towards the northwest approximately 12% of the time.

Based on emission rates taken from the most recent ESDM report for Kelcoatings Limited, no contaminants were shown to have exceeded their respective MECP POI criteria limits for the 10-minute, 1 hour, or 24-hour averaging periods. It is therefore concluded based on the results of this modelling assessment that the operations of Kelcoatings Limited

and Oakside Chemicals Limited, as described in the current Emission Summary and Dispersion Modelling Report are not expected to adversely impact the Townhouse Development located within the Proposed Properties' boundaries. Furthermore, maximum modelled concentrations were modelled to fall within 25 meters of the Kelcoatings/Oakside Chemicals Facility property line with none of the maximum modelled concentrations exceeding the Schedule 3 limits. Thus, this report supports the reduction of the setback distance of 300 metres recommended in the D6-Guidelines to the distance of 270 meters, which exists between the Kelcoatings/Oakside Chemicals Facility and the proposed Townhouse Development.

The additional review of the waste management requirements at the Kelcoatings Inc. and Oakside Chemicals Ltd, industrial facility and building code requirements and the actual separation distance between the proposed development and the aforementioned industrial facility also further supports the development of the proposed Townhouse Development.

In conclusion, Kelcoatings Limited and Oakside Chemicals Ltd. are not expected to cause an adverse impact to the proposed Townhouse Development located at 3195 and 3207 White Oak Road. Based on the current ESDM report, air quality related compliance issues with the identified Schedule 3 limits are not anticipated within the 300 metre minimum separation distance of the Kelcoatings/Oakside Chemicals Facility.

### **4.3 Public Comments**

Through the proposal circulation several concerns were raised. The main concerns related to increased/speed of traffic, traffic, park pathway, safety, lack of garbage cans in park in winter, scattered garbage in park, private entrance on Petty Road, interment sidewalks on Exeter Road. These concerns have remained constant through the recirculation of the revised condominium applications.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in The London Plan, as well as the residential infill and intensification policies of the current Official Plan, have been reviewed and consideration given to how the proposal contributes to achieving those policy objectives. This proposal represents a good fit within the neighbourhood in terms of the type and form of housing, tenure (owner-occupied), similar lot/unit frontages, and spatial separation between buildings. It is recognized that there are differences from existing development, such as the proposed 3-storey townhouse units, shallower rear yards, narrower street (a private road), and while there are some 3-storey townhouse dwellings to the north, 2-storey dwellings are more predominant in the neighbourhood. At the same time, the proposal represents a cluster of new built homes that contributes to diversity and the rich mix of housing in the neighbourhood.

#### **Traffic/Parking/Safety**

Through the development review process Transportation Engineering reviews all development proposals with respect to potential impacts on traffic volumes and pedestrian safety. Through the review of the proposed application the impacts of 87 additional units are considered minimal and Petty Road is able to accommodate the proposed increase in traffic. Due to the small increase in traffic generated from the proposed development no additional studies or reports are required. The development will provide sufficient parking to service its needs. Each unit will be developed with a garage along with a driveway to support a second vehicle. An additional 9 visitor parking spaces will be provided on site.

It should be noted that many of the concerns related to traffic, parking and safety are a result of current conditions and not directly tied to the proposal. To address these concerns, City Council has approved an initiative to reduce speeds on local roads throughout London. Community zones are currently in the test phase, and Bateman Trail is already been reduced in speed to 40km/hr.

As a result of historical development, intermittent sidewalks exist along White Oak Road. Over time White Oak Road will be converted to an urban profile. The proposed development will have sidewalks installed along White Oak Road connecting to the existing sidewalk south to Bateman Trail. Units fronting White Oak Road will have walkways leading to the sidewalk for pedestrian access only, all vehicle access will be provided off Petty Road.

Low volumes of traffic are expected to be generated from this 87-unit infill development.

White Oak Road is classified as a Civic Boulevard in The London Plan carrying on average 18,500 vehicle trips a day. The City's Transportation Planning and Design Division have reviewed the proposed site concept plans and did not report any concerns. The access location and design will be reviewed again in more detail at the Site Plan Approval stage.

### **Community Facilities**

Community Facilities, such as schools and churches will be encouraged to be located in Neighbourhood Central Activity Nodes, and to serve as a focal point of the neighbourhood. The City of London, and the applicable School Board will facilitate the allocation, and possible integration, of lands proposed for school, park and community facility uses as the neighbourhood grows. In conjunction with the subdivision and/or site plan approval application review process, school boards will be contacted concerning the proposed application, and provide to the City a communication confirming either that the Board does not have a need for a school site within the development plan or indicating a specific need for a possible school site within the development area with as much information supporting that need as reasonably possible. Churches and other institutional are a permitted use within the residential land use designations

### **Garbage in City Parks**

Garbage cans within City parks are easily accessible most of the year and extra garbage cans are added at the start of May to mid-October as there is an increased use of City parks during this time. Cans are emptied twice a week in the summer and once a week in the winter as there is a decrease in park use during the winter months and pathways are not maintained to access additions cans.

## **Conclusion**

The recommended amendments are consistent with the Provincial Policy Statement 2020 and conform to the relevant policies of The London Plan. The proposal facilitates the development of underutilized lands and encourages an appropriate form of development. The subject lands are also located in close proximity to arterial roads ensuring easy access to Southdale Road West, White Oak Road, Exeter Road and other areas and services within the City. The proposal will permit a modest residential infill development that is appropriate for the subject lands, and compatible with the surrounding land use pattern.

The application for Approval of a Vacant Land Condominium is considered appropriate, consistent with the Provincial Policy Statement, and conforms to The London Plan. The proposed vacant land condominium in the form of cluster townhouse dwelling units also complies with the recommended Zoning By-law.

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

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

**Recommended by:** Heather McNeely, MCIP, RPP  
Acting Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic  
Development

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

cc: Bruce Page, Manager, Subdivisions

cc: Michael Pease, Manager, Site Plans

cc: Matt Davenport, Manager, Subdivisions

Y:\Shared\DEVELOPMENT SERVICES\3 - Condominiums\2021\39CD-21505 - 3195 and 3207 White Oak Road (SM)\Draft Approval\39CD-21505\_Z-9350\_3195 and 3207 White Oak Road\_PEC Report\_DRAFT.docx

## 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 3195  
and 3207 White Oak Road.

WHEREAS Whiterock Village Inc. has applied to rezone an area of land located at 3195 and 3207 White Oak Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3195, 3207 White Oak Road and 2927 Petty Road, as shown on the attached map, comprising part of Key Map No. 111, from a Urban Reserve UR4 and Holding Urban Reserve UR4 Special Provision h-94\*UR4(11) Zone to a Residential Special Provision R5 (R5-7(\*) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-7) Zone is amended by adding the following Special Provision:

R5-7(\*)      3195 and 3207 White Oak Road

a) Regulation[s]

i)	Height	12.0m (maximum)
ii)	Exterior Side Yard	1.2m (minimum)
		3.0m (maximum)
iii)	Rear Yard Second Storey Decks	4.1m (minimum)
iv)	Rear Yard Depth	6.0m North Interior Side Yard (minimum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



File Number: Z-9350  
 Planner: SM  
 Date Prepared: 2022/01/05  
 Technician: RC  
 By-Law No: Z.-1-

SUBJECT SITE 

1:1,250

0 5 10 20 30 40 Meters



Geodatabase

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of Application was sent to property owners within 120 meters of the subject property on September 22<sup>nd</sup>, 2021 and advertised in the Londoner on September 23<sup>rd</sup>, 2021. Notice of Revised Application was sent to property owners within 120 meters of the subject property on August 24<sup>th</sup>, 2022 and advertised in the Londoner on August 25<sup>th</sup>, 2022. Notice of Public Participation Meeting was sent to property owners within 120 meters of the subject property on November 9<sup>th</sup>, 2022 published in Public Notices and Bidding Opportunities section of The Londoner on November 10<sup>th</sup>, 2022. A “Planning Application” sign was also posted on the site.

**Responses:** one response was received

**Nature of Liaison:** 3195 and 3207 White Oak Road; located on the west side of White Oak Road; approximately 1.64 hectares – The purpose and effect of this revised application is to approve a Draft Plan of Vacant Land Condominium consisting of 87 residential units with a private access driveway, private internal services and a common element to be registered as one Condominium Corporation. Consideration of a possible amendment to the Zoning By-law to change the zoning from a Holding Urban Reserve UR4 Special Provision (UR4\*UR4(10)\*h-94\*UR4(11)) Zone to a Residential R5 (R5-7) Zone to permit cluster townhouse dwellings, and cluster stacked townhouse dwellings. Special provisions to the Residential R5 (R5-7) Zone would permit a reduced lot frontage of 24.8m whereas 30m is the minimum and a reduced exterior side yard setback of 3m whereas 8m is the minimum. File: 39CD-21505 /Z-9350 Planner: S. Meksula (City Hall)

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

One response was received.

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

**From:** Jessie Ford

**Sent:** Thursday, October 7, 2021 8:16 PM

**To:** Meksula, Sean <[smeksula@London.ca](mailto:smeksula@London.ca)>; Pelozo, Elizabeth <[epeloz@london.ca](mailto:epeloz@london.ca)>

**Subject:** [EXTERNAL] Planning Application 3195 & 3207 White Oak Road

File: 39CD-21505 /Z-9350

Applicant: Whiterock Village Inc.

3195 and 3207 White Oak Road  
86 Cluster townhouse dwelling units  
1 new private road providing access from Petty Road  
Shared common elements, visitor parking and landscaped area

Dear City Planner and Councillor Elizabeth Pelozo,

As a resident of the neighbourhood where planning file # 39CD-21505 /Z-9350 is planned, I am writing to oppose the development proposal based on its current plan, for the following reasons:

#### 1. Public Safety

The neighbourhood where this development is planned is a fast growing neighbourhood, which has been growing steadily and consistently over the past ten years. With the growth of the neighbourhood, public safety has not been addressed as it relates to traffic calming, pedestrian safety, and traffic volume.

- a. The neighbourhood has “Yield” signs at all intersections, rather than “Stop” signs. The result is increased traffic from increased residential properties, as well as vehicles belonging to construction workers from the new developments, which do not stop, and sometimes don’t even slow as they approach intersections. On

several occasions we have witnessed near-misses between pedestrians and vehicles. We have genuine and legitimate concerns that it is only a matter of time before someone is seriously injured.

We ask that Stop signs be installed to replace yield signs throughout the neighbourhood.

- b. The main entrance to Paul Haggis Park, along Bateman Trail, does not have any traffic calming. There is a sign posted just after White Oak Road on Bateman Trail which says "40 Km" however, on several occasions we have witnessed cars speeding into our neighbourhood from White Oak Road at speeds which exceed the posted limited. The curve on Bateman Trail when cars are travelling East along that road, makes it very difficult for pedestrians to see oncoming traffic. There is a playground at this entrance to the park, and we believe that it is only a matter of time before a pedestrian is struck.

We ask that before an additional projected 100 plus vehicles move in to the neighbourhood as a result to the proposed 86 unit building, that traffic calming (eg. speed bumps, cross walk) be evaluated and implemented.

- c. The development proposal speaks to a "new private road providing access from Petty Road", however, it is unclear if the townhouse residents would have access to White Oak Road.

We propose that some of the above noted safety concerns could be reduced if the proposed complex had direct access to White Oak Road, rather than routing the 86+ vehicles through the single family home neighbourhood.

## 2) Neighbourhood Development

a) It appears that as this neighbourhood has grown considerably, city infrastructure has not grown to meet neighbourhood demand. The neighbourhood is filled each morning and each afternoon with school buses. Our hope is that as plans for more young families develop, the City of London will ensure that schools, and other services such as a library and/or community centre, are planned to meet demand. In addition to this point, it should be noted that the large number of school buses entering the neighbourhood, and lack of traffic calming and reducing measures noted above in section 1, increase safety risks for children and families.

b) Paul Haggis Park which has access on Bateman Trail, as well as Georgehariot Lane, has only one garbage can. The can is removed in the winter, despite the park having street access at two points. This results in overflowing garbage in the summer (directly next to the play area), and in the winter with garbage scattered on the ground. The park has a water feature which hosts ducks, geese and other wildlife, but which fills with garbage due to poor sanitation measures.

c) Despite the high volume of residents, the neighbourhood remains quite cut off for pedestrian traffic, especially along White Oak Road, where the sidewalk is intermittent, and does not promote walkability. It is extremely difficult and unsafe for neighbourhood residents to cross White Oak Road, as the nearest cross walks/traffic lights, are some distance to the North and South.

Before adding more residents to our neighbourhood, we kindly request that you assess the above noted concerns, including vehicle and pedestrian safety, traffic volume, environmental impact (including garbage cans and increased walkability).

Please feel free to contact us with any questions.

Sincerely,

Jessie Ford & Wilson Midiang'a

## **Appendix C – Agency/Departmental Comments**

### **September 22<sup>nd</sup>, 2021 Notice of Application - Responses**

#### **London Hydro – September 23, 2021**

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

#### **Hydro One – October 5, 2021**

- We are in receipt of Application 39CD-21505 dated September 22, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time.

#### **Stormwater Engineering Division (SWED) October 8, 2021**

The Stormwater Engineering Division staff have reviewed the above noted Zoning Application and have additional comments beyond those previously provided as part of the Pre-application Consultation for this site (see attached email from March 22, 2021).

1. The site falls within the Dingman Subwatershed. The Dingman EA requires design for the stormwater control hierarchy for the 25 mm event in new development design. This approach and LID design is included in the Section 6 Stormwater Management of the Design Specifications & Requirements manual.

Please include the following condition from SWED for the above noted Condominium Application.

“The Owner acknowledges that if the subject lands are part of a future Site Plan application which will be reviewed under the Site Plan Approvals Process then Owner agrees that the development of this site under Approval of Draft Plan of Vacant Land Condominium shall comply with all the future final approved Site Plan conditions and approved engineering drawings. Therefore, any conditions identified in the future Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.”

#### **Additional Comments**

The Stormwater Engineering Division (SWED) staff have no objection to this pre-application. All necessary SWM servicing and drainage requirements/controls for this site have been (or will be) provided as part of White Rock Subdivision (39T-18505).

For the benefit of the project, please ensure the applicant is informed about the following SWM issues/requirements to be considered by the applicant's consultant engineer when preparing the storm water servicing strategy for this land during the development application stage:

#### **Specific comment for this site**

1. As per attached as-constructed T18505-02, the site at C=0.55 is tributary to the 900mm storm sewer located within an easement of the proposed sites. 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.

2. 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
3. The site is within the UTRCA's Dingman Creek Screening Area and therefore the applicant is to engage as early as possible with UTRCA to confirm any requirements/approvals for this site.
4. 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 ground water elevation. Please note that the installation of monitoring wells 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.
5. The proposed land use of a medium density residential will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010.
6. Additional SWM related comments will be provided upon future review of this site.

#### **General comments for sites within Dingman Creek Subwatershed**

7. The subject lands are located in the Dingman Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Dingman Subwatershed Study that may include but not be limited to, quantity/quality control (80% TSS), erosion, stream morphology, etc.
8. 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.
9. 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.
10. The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
11. Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
12. 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 (formerly MOECC) standards and requirements. 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

#### **Bell – October 20, 2021**

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell’s development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell’s behalf. WSP is not responsible for Bell’s responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell’s protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville  
Manager - Planning and Development  
Network Provisioning  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)

### **Urban Design – February 14, 2022**

- Provide enhanced side elevations with details similar to front elevations(primary entrances, porches, level of fenestration, additional materials and articulation, etc.) for street-flanking end units ‘1’, ‘18’, ‘19’, ‘42’, ‘43’ and ensure that zoning permits additional projections, wraparound elements, etc.
- Include safe sidewalk connections for all units, including walkway access to White Oak Rd and Petty Road.
  - The proposed walkway connections from units to White Oak Road and Petty Road is acknowledged.
- Provide an adequately sized outdoor amenity area for the number of units proposed.
- More detailed comments will be provided at Site Plan.

## August 24<sup>th</sup>, 2022, Revised Notice of Application – Responses

### **Bell – August 25, 2022**

Thank you for your circulation on 39CD-21505/Z-9350 Notice of Application - 3195 and 3207 White Oak Road - Whiterock Village Inc. - Planner: Sean Meksula. Your email has been received and relayed to Bell staff for review. The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure. Bell Canada also appreciates the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives.

Bell Canada will provide a response should any comments/input be required on the information included in the circulation. Bell Canada kindly requests to always be circulated at [CA.Circulations@wsp.com](mailto:CA.Circulations@wsp.com) on any future materials related to this development project or infrastructure/policy initiative.

#### **Development Application Circulations**

Please note that Bell Canada does not generally comment on the following development applications - official plan and zoning by-law amendments, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

#### **Infrastructure and Policy Initiative Circulations**

If required, a follow-up email will be provided by Bell Canada to outline any input to be considered on the infrastructure/policy initiative circulation received at this time.

If you have any other specific questions, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) directly.

*Please note that this circulations email account is managed by WSP on behalf of Bell Canada. All reviews and responses are always undertaken by Bell Canada*

### **Enbridge Gas Inc – August 26, 2022**

Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is Enbridge Gas Inc.'s request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Should you require any further information, please contact the undersigned.

Barbara M.J. Baranow  
Analyst Land Support

Enbridge Gas Inc.  
50 Keil Drive North, Chatham, ON N7M 5M1

### **Hydro One – October 26, 2021**

Hello,

We are in receipt of your Draft Plan of Condominium Application, 39CD-21505 dated August 25, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier. To confirm if Hydro One is your local distributor please follow the following link:

If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Thank you,

**Kitty Luk**

Real Estate Assistant | Land Use Planning

**Hydro One Networks Inc.**

185 Clegg Road

Markham, ON | L6G 1B7

## Appendix D – 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:

### **The London Plan**

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, and townhouse dwellings, and small-scale community facilities. The proposed infill development in the form of cluster townhouse dwellings falls within this Place Type. White Oak Road is identified on Map 3 – Street Classifications as a Civic Boulevard.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment contributes to achieving those policy objectives, including the following specific policies:

### **Our Strategy**

#### *Key Direction #5 - Build a Mixed-Use Compact City*

- 6. Plan 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.*

#### *Key Direction #8 Making Wise Planning Decisions*

- 9. Ensure new development is a good fit within the context of an existing neighbourhood.*

This proposal represents a medium-scale infill development which contributes to broader strategic objectives of building a mixed-use compact City of London. The proposed development is not identical; however, it is compatible with the scale and the form of housing in the surrounding area, and a good fit within the context of the existing neighbourhood.

### **City Building and Design Policies**

*199\_ All planning and development proposals within existing and new neighbourhoods will be required to articulate the neighbourhood’s character and demonstrate how the proposal has been designed to fit within that context. The Our Tools chapter and the Residential Intensification policies in the Neighbourhoods Place Type chapter of this Plan provide further guidance for such proposals.*

Based on our review of the applicant’s Planning Justification Report, and supporting documents, this proposal represents a small-scale infill development which satisfies the City Building and Design, Our Tools and Residential Intensification policies of the London Plan.

### **Neighbourhood Place Type**

#### *Vision for the Neighbourhoods Place Type*

*916\_ In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:*

- 1. A strong neighbourhood character, sense of place and identity.*
- 2. Attractive streetscapes, buildings, and public spaces.*
- 3. 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.*

4. *Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.*
5. *Lots of safe, comfortable, convenient, and attractive alternatives for mobility.*
6. *Easy access to daily goods and services within walking distance.*
7. *Employment opportunities close to where we live.*
8. *Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.*

This proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identity, diversity of housing choices and affordability, safe and convenient alternatives for mobility, and close proximity to employment and recreational opportunities.

*948\_ The creation of rear-lot development (flag-shaped lots) will be discouraged in the Neighbourhoods Place Type unless the intensification policies in this Plan are met and the following urban design considerations are addressed:*

1. *Access to the new property will be wide enough to provide:*
  - a. *Separate pedestrian/vehicular access.*
  - b. *Sufficient space beside the driveways for landscaping and fencing to buffer the adjacent properties.*
  - c. *Adequate space at the street curb for garbage and blue box pickup.*
  - d. *Snow storage for the clearing of these driveways.*
2. *In laying out a rear-lot development project, care should be taken to avoid creating front to back relationships between existing and proposed dwelling units. To support a reasonable level of privacy and compatibility, the front doors of the new units should avoid facing onto the rear yards of existing homes.*
3. *Where existing dwellings fronting onto the street are not incorporated into the infill project, adequate land should be retained in the rear yard of these dwellings to provide:*
  - a. *Appropriate outdoor amenity space.*
  - b. *Adequate separation distance between the existing dwellings and the habitable areas of the infill project.*
  - c. *Sufficient space for landscaping in the rear yards for visual separation if required.*
  - d. *Parking and vehicular access for the existing dwellings, so as not to introduce parking into the front yards of the existing dwellings.*

The rear-lot development policies are essentially the same in the current Official Plan, and are covered off in the next section of this report.

*953-2. Compatibility and fit, from a form perspective, will be evaluated based on such matters as:*

- a. *Site layout within the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, building location, and parking.*
- b. *Building and main entrance orientation.*
- c. *Building line and setback from the street.*
- d. *Character and features of the neighbourhood.*
- e. *Height transitions with adjacent development.*
- f. *Massing appropriate to the scale of the surrounding neighbourhood.*

*953-3 The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and garbage storage areas.*

The applicant has provided a Planning Justification Report which describes the site layout and design in the context of the surrounding neighbourhood, including building orientation, setbacks from the street, and transition of building height. The proposed development conforms to the residential intensification and urban design policies of the

1989 Official Plan. The proposed development appropriately increases residential density that is compatible with the adjacent residential single detached neighbourhood, as well as provides an appropriate transition between the low intensity, single detached neighbourhood and the more intensive White Oaks Road and adjacent commercial/industrial development to the east. Massing models were provided to demonstrate how the proposal fits with the scale of the surrounding neighbourhood. The intensity of the proposed development is considered appropriate for the site in order to accommodate driveways, adequate parking, landscaped open space, outdoor amenity areas, buffering and setbacks.

## **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.*

- White Oak Road is classified as a Civic Boulevard carrying on average 19,500 vehicle trips per day. The proposed development is not expected to contribute significantly to traffic volumes, and the site plan approval process will ensure safe vehicular access is achieved.
- All required parking will be provided on-site.
- The proposed development is not expected to generate excessive noise and emissions.
- On-site exterior lighting can be managed and mitigated so as not to overcast on adjacent properties.
- Individual units will have single garages which should be large enough for storage of domestic garbage.
- Perimeter fencing and landscape planting buffers will be incorporated for screening and privacy.
- The proposed 3-storey dwellings with flat roof design are expected to result in minimal loss of sunlight or shadowing on adjacent properties.
- Architectural treatment is of a more contemporary style than existing homes in the neighbourhood but is not expected to be visually impacting.
- The topography is relatively flat so there will be no loss of natural view corridors or vistas.
- There are no natural heritage features, and no concerns for cultural heritage or natural resources.

*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 next section of this report draws from the applicant's Planning Justification Report and discusses the various components listed above, including neighbourhood and streetscape character, massing, building placement, setbacks, and architectural attributes. Based on our review of The London Plan policies, Staff would agree that this proposal represents a good fit within the neighbourhood because of the type and form of housing, tenure (owner-occupied), similar lot/unit frontages, and spatial separation between buildings, 3-storey townhouse units, shallower rear yards, narrower street (private road), and while there are some 3-storey townhouse dwellings proposed in the new subdivision to the north, 2-storey dwellings are more predominant in the neighbourhood to the west.

At the same time, this infill development represents a cluster of new built homes that contributes to diversity and the rich mix of housing in the neighbourhood.

### **Vacant Land Condominium Application**

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan and the Official Plan.
- Sewer and water services will be provided in accordance with an approved Site Plan and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster single detached housing. Building elevation plans will be reviewed as part of site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties. All grading and drainage issues will be addressed by the applicant's consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings to be included in an approved Site Plan and Development Agreement.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;

- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

### **Z.-1 Zoning By-law**

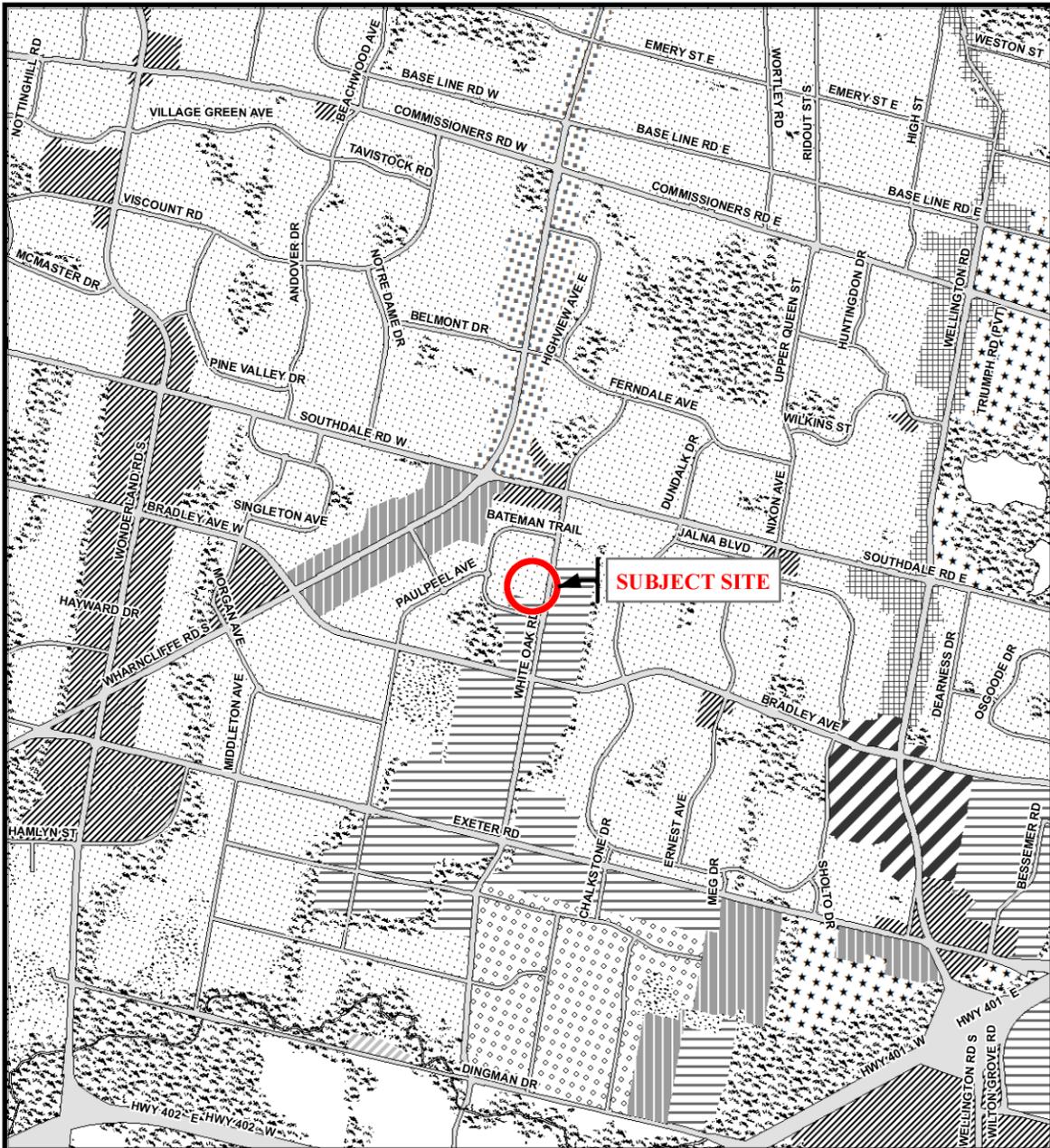
The zoning of this property is Urban Reserve UR4 and Holding Urban Reserve UR4 variation is applied to areas which have not completed the Community Plan process which are intended for residential development over the long term. The Special Provision h-94\*UR4(11)) has no minimum lot frontage and no minimum lot area, the h-94 is to ensure that there is a consistent lotting pattern in this area, the “h-94” symbol shall not be deleted until the block has been consolidated with adjacent lands. The Residential R5 Special Provision (R5-7(\_)) Zone is commonly used within Medium Density Residential neighbourhoods throughout the City to implement cluster townhouses condominiums. The proposed form of cluster townhouse dwellings is an appropriate form of development and is compatible with existing uses in the area. The recommended zoning will ensure that the intensity of development is appropriate within the surrounding context as it provides appropriate height and density regulations which will reduce impacts on the surrounding lands and provide a compatible form of development.

### **Provincial Policy Statement, 2020**

As this proposal represents a form of residential infill of vacant or underutilized lands, it is supported by the PPS which contains strong policies to direct growth to settlement areas, encourage a diversity of densities and land uses within settlement areas, and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and availability and suitability of infrastructure and public service facilities required to accommodate projected needs (Section 1.1.3). It also achieves objectives for compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, and maintains appropriate levels of public health and safety. There are no natural heritage features present and there are no concerns with respect to cultural heritage or archaeological resources (Section 2.1 and Section 2.6). As well, there are no natural hazards or known human-made hazards present on the subject site (Section 3.1 and Section 3.2). Therefore, the proposed Zoning By-law Amendment and Draft Plan of Vacant Land Condominium are found to be consistent with the Provincial Policy Statement.

# Appendix E – Relevant Background

## London Plan Map Excerpt



### Legend

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

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

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

### CITY OF LONDON

Planning Services /  
Development Services

### LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000



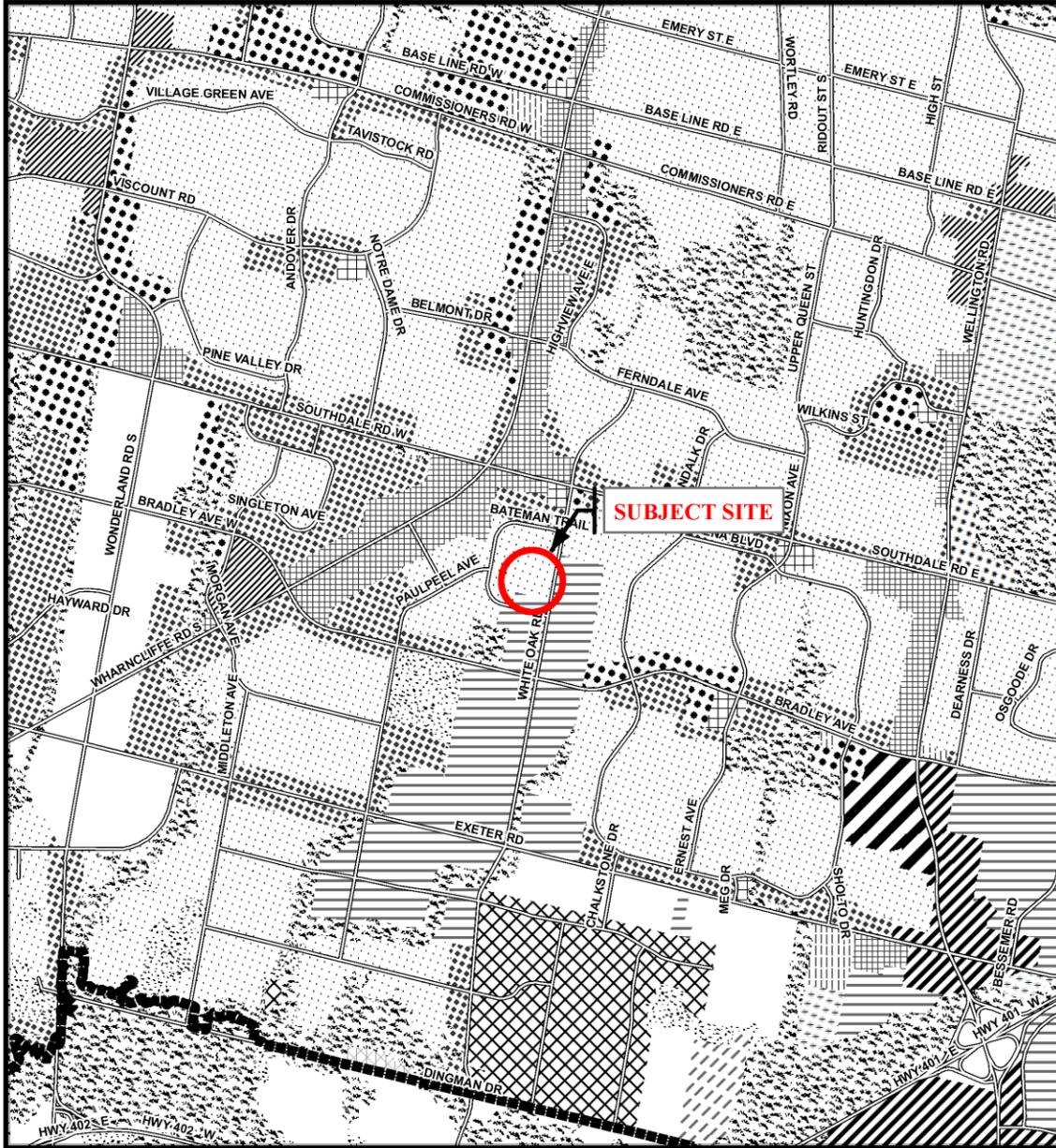
File Number: Z-9350

Planner: SM

Technician: RC

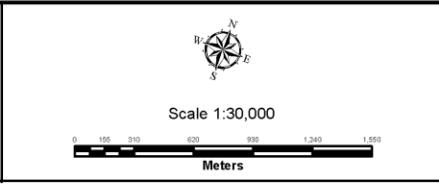
Date: October 25, 2022

# Official Plan Map Excerpt



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

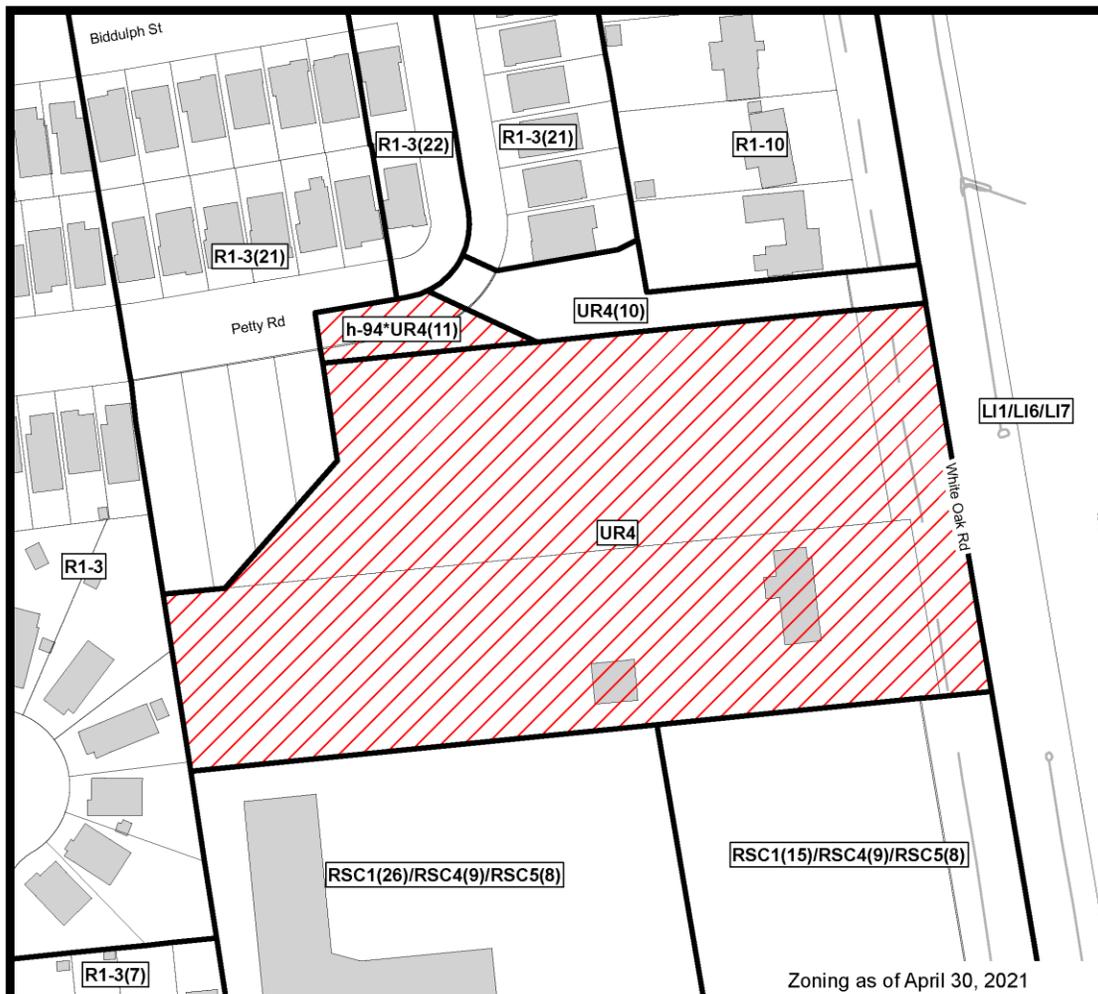
**CITY OF LONDON**  
 Planning Services /  
 Development Services  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -  
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9350  
 PLANNER: SM  
 TECHNICIAN: RC  
 DATE: 2021/10/25

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol\00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

# Zoning By-law Map Excerpt



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:  
Z-9350 SM

MAP PREPARED:  
2022/10/25 RC

1:1,500  
0 5 10 20 30 40  
Meters

Bill No.  
2023

By-law No. Z.-1-23\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3195, 3207 White Oak Road and 2927 Petty Road

WHEREAS Whiterock Village Inc. has applied to rezone an area of land located at 3195, 3207 White Oak Road and 2927 Petty Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3195, 3207 White Oak Road and 2927 Petty Road, as shown on the attached map, comprising part of Key Map No. 111, from a Urban Reserve UR4 and Holding Urban Reserve UR4 Special Provision h-94\*UR4(11) Zone to a Residential Special Provision R5 (R5-7(\_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-7) Zone is amended by adding the following Special Provision:

R5-7(\_)            3195, 3207 White Oak Road and 2927 Petty Road

a) Regulation[s]

- |      |                               |  |
|------|-------------------------------|--|
| i)   | Height                        | 12.0m (maximum)                            |
| ii)  | Exterior Side Yard            | 1.2m (minimum)<br>3.0m (maximum)           |
| iii) | Rear Yard Second Storey Decks | 4.1m (minimum)                             |
| iv)  | Rear Yard Depth               | 6.0m North Interior<br>Side Yard (minimum) |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



Geodatabase

## 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:** 2846-2870 Tokala Trail  
Public Participation Meeting  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Foxwood Developments Inc. relating to the property located at 2846-2870 Tokala Trail.

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 13, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016), to change the zoning of the subject property **FROM** a Holding Residential R5 / Neighbourhood Facility (h\*h-71\*h-100\*h-108\*R5-7 / NF1) Zone and Urban Reserve (UR3) Zone **TO** a Residential R5 Special Provision (R5-7(\_)) Zone and a Holding Residential R5 Special Provision (h-18\*R5-7(\_)) Zone.
- (b) **IT BEING NOTED** that the following site plan matters were raised during the application review process for consideration by the Site Plan Approval Authority:
- i) Easement for pedestrian traffic along the east or west property lines of the subject site to provide north-south connections.
  - ii) Consideration should be given to consolidate the amenity spaces to create one large outdoor common amenity space for all units on site.
  - iii) No gates shall be permitted to the pathway to the north abutting the stormwater management pond that restrict access to the multi-trail pathway.
  - iv) Provide pedestrian connections, as direct as possible, from Tokala Trail to the rear of the site to connect to the multi-trail pathway at the rear.

## Executive Summary

### Summary of Request

The owner has requested to rezone the subject site to permit the development of four (4) 3.5 storey stacked back-to-back townhouses with 80 dwelling units, which is equivalent to a density of 70 units per hectare. The requested special provision would permit a density of 70 units per hectare, whereas 60 units per hectare is the maximum permitted.

The concept plan provided with the application illustrates a 3.5-storey stacked townhouse building with 24 units situated close to the street, two 3.5-storey stacked townhouse building with 16 units each situated toward the north property line, and a 3.5-storey stacked townhouse building with 24 units centrally located.

### Purpose and Effect of Recommended Action

The recommended zoning is a Residential R5 Special Provision Zone for 2870 Tokala Trail and a Holding Residential R5 Special Provision (h-18\*R5-7(\_)) Zone for 2846

Tokala Trail providing for stacked townhouses with a maximum height of 12 metres, and a maximum density of 70 units per hectare.

### **Rationale of Recommended Action**

1. The recommended Zoning By-law 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 zoning conforms to the in-force policies of *The London Plan*, including but not limited to the Key Directions, the Neighbourhoods Place Type, City Building and Design, Our Tools, and all other applicable policies, to facilitate a built form that contributes to achieving a compact, mixed-use City.
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. Background Information**

##### **1.1 Previous Reports Related to this Matter**

None.

##### **1.2 Property Description**

The subject lands are located in the northwest quadrant of the City and are included in the Foxhollow Community Plan. The property is located on the north side of the Tokala Trail and Dalmagarry Road intersection and is currently vacant. The subject lands are comprised of two separate parcels with a total frontage of 75.0 metres and a total area of 1.18 hectares. The site is relatively flat, gradually sloping from west to east.



**Figure 1. View of the Subject Lands, Looking Northwest on Tokala Trail, July 2022**



**Figure 2. View of the Subject Lands, Looking East on Tokala Trail, July 2022**



**Figure 3. View on the Subject Site, Looking Northeast, July 2022**



**Figure 4. View on the Subject Site, Looking South, July 2022**

### **1.3 Current Planning Information (see more detail in Appendix D)**

- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Holding Residential R5 (h\*h-71\*h-100\*h-108\*R5-7)/ Neighbourhood Facility (NF1) and Urban Reserve (UR3)

- Planning District – Fox Hollow

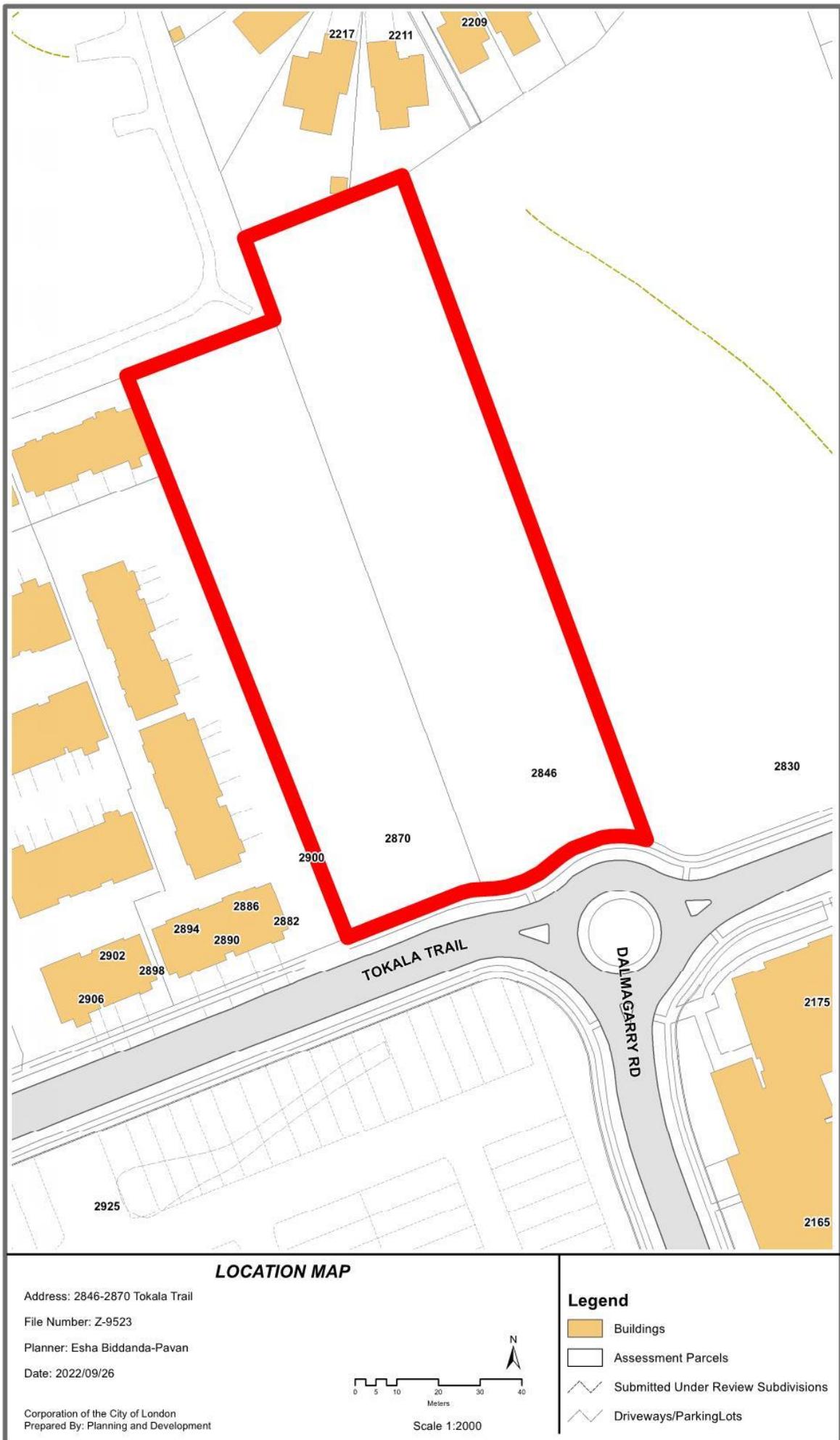
#### **1.4 Site Characteristics**

- Current Land Use – Undeveloped
- Frontage – 75 metres (Tokala Trail)
- Depth – 167 metres
- Area – 1.18 hectares
- Shape – Irregular

#### **1.5 Surrounding Land Uses**

- North – Single Detached Residential and Storm Water Management Facility
- East – Vacant Residential
- South – Vacant Residential and Retirement Home
- West – Low Density Residential

## 1.6 Location Map

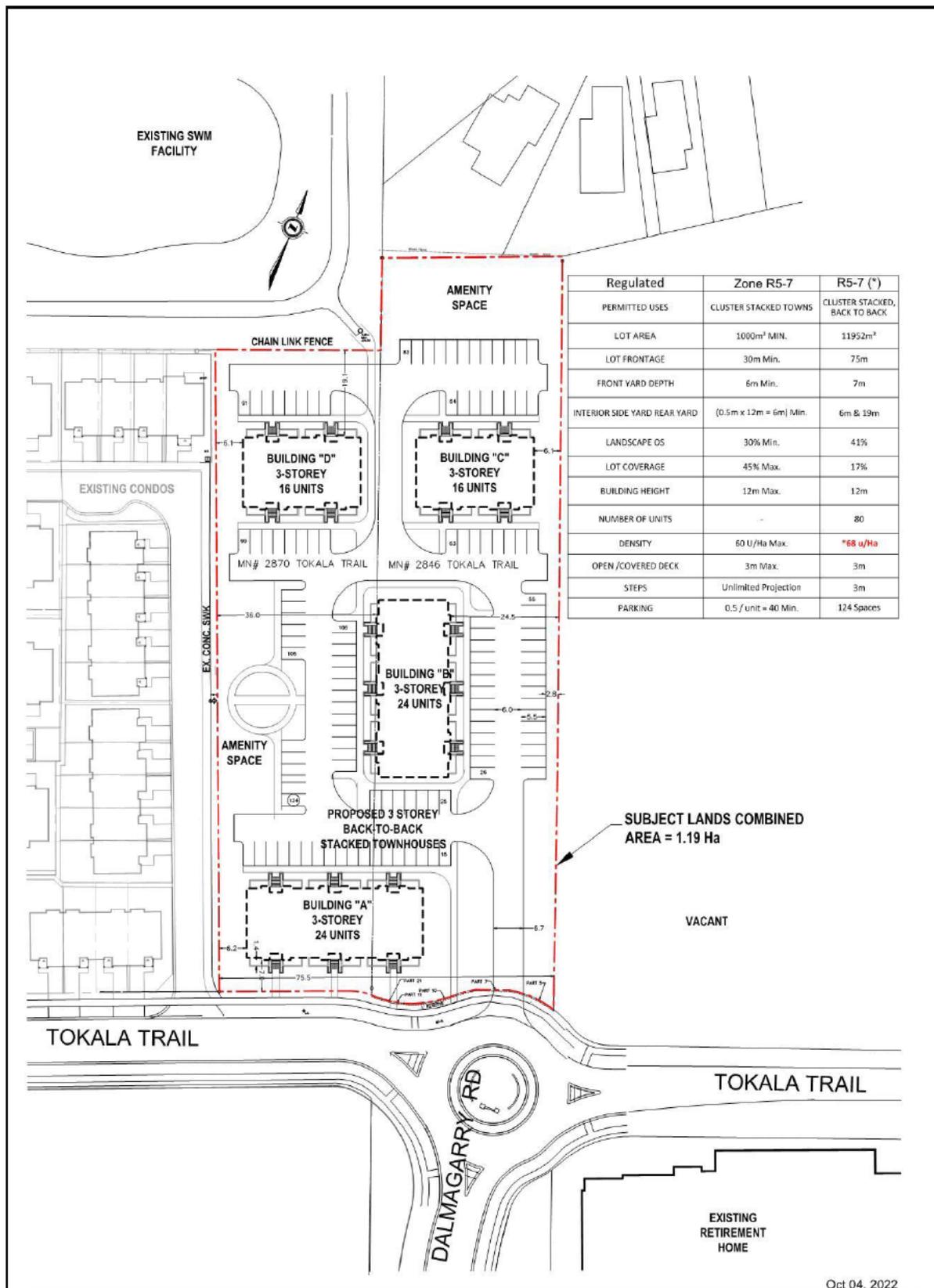


## 2. Discussion and Considerations

### 2.1 Development Proposal

The applicant is proposing an 80-unit stacked back-to-back townhouse development comprised of a three and a half-storey 24-unit building aligned with and fronting Tokala Trail, two three and a half-storey 16-unit buildings aligned with the north property boundary, and a three and a half-storey 24-unit building located centrally.

A surface parking lot with 124 parking spaces is located on-site, providing service to all four buildings. An amenity area is proposed adjacent to the west property line. The site concept is shown in Figure 6, and a series of building renderings are shown in Figures 7 and 8.





**Figure 6. Conceptual Rendering, Looking Northwest**



**Figure 7. Conceptual Rendering, Looking Northeast**

## **2.2 Requested Amendment**

The applicant is requesting a Holding Residential Special Provision (h-R5-7(\_)) Zone, which permits cluster townhouses and cluster stacked townhouses with a maximum density of 70 units per hectare and a maximum height of 12.0 metres. Special provisions will address:

- An increased density of 70 units per hectare, whereas 60 units per hectare is the maximum permitted

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

Written responses were received from, or on behalf of, 1 household. The public's concerns generally dealt with the following matters:

- Pedestrian and bike connections
- Neighbouring developments used as precedents

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

### Provincial Policy Statement, 2020

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

Section 1.1 of the PPS encourages healthy, livable, and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). Additionally, 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 (OLT) 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 25<sup>th</sup> 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). The London Plan policies solely 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 at the intersection of two Neighbourhood Connectors, as identified on Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within this Place Type include a range of 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 3 storeys, with the potential for an upper maximum of 4 storeys. (Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

### **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) 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 (1.1.1(b)). A mix of housing options and densities are required to meet projected requirements of current and future residents of the regional market area (1.4.1).

Section 1.1 of the PPS encourages healthy, livable, and safe communities which are sustained by promoting efficient development and land use patterns which stimulate 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).

The PPS is supportive of development standards which facilitate intensification, redevelopment, and compact forms (1.1.3.4). 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 policies also identify that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

Consistent with the PPS, the recommended 80-unit townhouse development will contribute to the existing range and mix of housing types in this area. Further, this development will provide choice and diversity in housing options for both current and future residents. The proposed development will be located within a developing area of the City and will avail of existing infrastructure, will provide an appropriate form of intensification and transit-oriented development to meet future land needs. The intensification of the subject lands would contribute to achieving more compact forms of growth within the City.

### **4.2 Issue and Consideration #2: Use**

#### *The London Plan*

The subject site is within the Neighbourhoods Place Type of The London Plan at the intersection of two Neighbourhood Connectors. At this location, Table 10 would permit 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).

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 development of the proposed 3.5 storey, 80 unit stacked townhouse development would contribute to a mix of housing types in the area. This form of development is intrinsically a more affordable housing option than the single detached dwellings in the surrounding community. Additionally, similar land uses and levels of intensity are

proposed south of Tokala Trail and are currently existing west of the subject site fronting Tokala Trail. In this context, stacked townhouses are not out of place in the neighbourhood and its impact would be mitigable.

The property has suitable access to transit, community facilities and shopping areas as further detailed in the Planning Impact Analysis in Appendix C of this report. The analysis of intensity and form below 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 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 3 storeys, with an upper maximum up to 4 storeys, is contemplated within the Neighbourhoods Place Type where a property lies at the intersection of two Neighbourhood Connectors (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). Lots will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (840\_4).

The subject lands have frontage on a Neighbourhood Connector (Tokala Trail), which is a higher-order street to which higher-intensity uses are directed. The requested height of 3.5-storeys and a density of 70 units per hectare is in keeping with the policies of The London Plan. The site concept achieves an intensity that allows for other on-site functions such as accessible parking, emergency services and landscaped open space. The height is considered appropriate for the location and Staff are satisfied that the subject lands are of a size that can accommodate the proposed development.

The proposed level of intensity can be supported within the community as the site is located within walking distance of a broad range of commercial uses at the intersection of Fanshawe Park Road W and Dalmagarry Road. Access to several bus routes is located within a 400-metre walking distance of the site, providing public transit access to CF Masonville Place Mall and other parts of the City including commercial uses, recreational facilities and services on Fanshawe Park Road W, Wonderland Road N, Oxford Street and in the Downtown.

Consistent with the PPS and The London Plan, the recommended zoning 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, and public service opportunities. The subject lands are sited in an area that The London Plan directs and supports residential intensification and redevelopment. Staff is satisfied the proposed intensity and scale of development is in conformity with the City's Official Plan.

### **4.4 Issue and Consideration #3: Form and Design**

#### *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\_). It also accommodates opportunities for infill and intensification of various types and forms (59\_ 4).

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\_).

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 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 dwellings to the east and northwest of the subject site.

The massing of the proposed buildings is consistent with urban design goals, providing for building heights that transition in an appropriate manner from primarily two-storey homes on nearby properties to a 3.5-storey built form. The placement of the building close to the street encourages a street-oriented design with direct pedestrian access from the units onto Tokala Trail. While the front doors along the Tokala Trail frontage are recessed, the building design and front entry steps clearly demarcate and establish an active frontage and provide convenient pedestrian access to the units from the street. The parking areas are located behind the front building and away from the street, providing for a pedestrian-oriented environment along the Tokala Trail frontage.

The proposed buildings provide a similar form of development to the senior living facility building on 2155 Dalmagarry Road and the future condo townhouse development on 2925 Tokala Trail. Additionally, the proposed building placement mitigates compatibility concerns including loss of privacy by providing sufficient setbacks from adjacent developments to the south and west and by incorporating appropriate fencing and/or vegetative screening along all property boundaries.

#### Holding Provision

Through the development review process, Staff have determined that the proposed residential development would be an appropriate land use on the subject site and have identified the holding provision to ensure that the applicant retains a consultant archaeologist to carry out a Stage 1 Archaeological Assessment of the entire property.

A Stage 1 and 2 Archaeological Assessment (Golder Associates, 2010) – which determined no archaeological potential on 2870 Tokala Trail – was submitted to the City. Although the report does not recommend any further study (Stage 3 and 4) for 2870 Tokala Trail, Heritage Planning requires that a Stage 1 Archaeological Assessment be conducted for 2846 Tokala Trail prior to sign off.

A holding provision (h-18) is being added to this parcel to avert any site disturbance until all documents (including the Archaeological Assessment and Ministry sign off letter) have been provided, to the satisfaction of the City.

The proposed holding provisions is as follows:

h-18            2846 Tokala Trail

Purpose:

The proponent shall retain a consultant archaeologist, licensed by the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire property. Development or property alteration shall only be permitted on the subject property containing archaeological resources or areas of archaeological potential if the archaeological resources have been conserved by removal and documentation, or by site preservation (Stages 3 and 4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists. Engagement with the appropriate First Nations shall be completed consistent with the policies of the London Plan.

All archaeological assessment reports, in both hard copy format and digitally in Portable Document Format (PDF), will be submitted to the City of London once MHSTCI has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted on site.

No demolition, new exterior construction, grading, or any other activity where soil disturbance will occur or might be reasonably anticipated shall take place on the subject property prior to the City of London receiving the MHSTCI compliance letter indicating that all archaeological licensing and reporting requirements have been satisfied.

## 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. The recommended amendment will facilitate the development of an underutilized site with a land use, intensity, and form that is appropriate for the site.

<b>Prepared by:</b>	<b>Esha Biddanda Pavan Planner I, Planning Implementation</b>
<b>Reviewed by:</b>	<b>Mike Corby, MCIP, RPP Manager, Planning Implementation</b>
<b>Recommended by:</b>	<b>Heather McNeely, MCIP, RPP Acting Director, Planning and Development</b>
<b>Submitted by:</b>	<b>Scott Mathers MPA, P. Eng. Deputy City Manager, Planning and Economic Development</b>

## 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 2846 and 2870 Tokala Trail.

WHEREAS Foxwood Developments (London) Inc. has applied to rezone an area of land located at 2846 and 2870 Tokala Trail, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2846 and 2870 Tokala Trail, as shown on the attached map comprising part of Key Map No. A101, from a Holding Residential R5 / Neighbourhood Facility (h\*h-71\*h-100\*h-108\*R5-7 / NF1) Zone and Urban Reserve (UR3) Zone to a Residential R5 Special Provision (R5-7(\_)) Zone and a Holding Residential R5 Special Provision (h(18)\*R5-7(\_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-7) Zone is amended by adding the following Special Provision:

R5-7(\_) 2846 and 2870 Tokala Trail

a) Regulations

- i. Density 70 units per hectare  
(Maximum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

PASSED in Open Council on December 13, 2022.

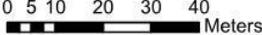
Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



<p>File Number: Z-9523                  Planner: EB                  Date Prepared: 2022/10/05                  Technician: JI                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,200</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Geodatabase

## Appendix B – Public Engagement

### Community Engagement

#### Notice of Application:

On June 22, 2022, Notice of Application was sent to 119 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 23, 2022. A “Planning Application” sign was also posted on the site.

1 reply was received.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit four new 3.5 storey stacked back-to-back townhouse buildings with a total of 80 units (70 units per hectare(ugh). Possible change to Zoning By-law Z.-1 **FROM** a Holding Residential / Neighbourhood Facility (h\*h-71\*h-100\*h-108\*R5-7 / NF1) Zone and Urban Reserve (UR3) Zone **TO** a Residential R5 Special Provision (R5-7(\_)) Zone. Special provision for the Residential R5 Special Provision (R5-7(\_)) Zone includes a maximum density of 70 units per hectare. The City may also consider the use of holding provisions and/or special provisions to ensure suitable development regulations for the site.

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

#### Concern for:

- Pedestrian and bike connections
- Neighbouring developments used as precedents

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

Telephone	Written
	Evan Wee 2258 Watroak Drive London ON N6G 0R1

From: Evan Wee

Sent: Tuesday, July 05, 2022 18:00 PM

To: Biddanda Pavan, Esha <ebiddanda-pavan@london.ca>

Cc: Morgan, Josh <[joshmorgan@london.ca](mailto:joshmorgan@london.ca)>; Doc Services <docservices@london.ca>

Subject: [EXTERNAL] Zoning By-Law Amendment File #Z-9523

Hi City Clerk of London,

I, Evan Wee, resident of London, would wish to be notified of the decision of the City of London on the proposal of File Z-9523.

Hi Esha,

I am a resident of Fox Hollow, London that has been notified of File Z-9523.

I note that the application includes a residential density increase to 70 units per hectare. All of my questions below pertain to the neighborhood of Fox Hollow, or the 1km radius of the site mentioned therein of File Z-9523, whichever is easier information for access.

Would you be able to release additional information and material for the following?

Q1) Are there any original Site Concept from Foxwood Developments for the Current Zoning? If so, what are they and what are the significant differences from the Site Concept as presented for the Requested Zoning?

Q2) Do you have the zoning plan for the Fox Hollow neighborhood and could you release that information? In particular, I am interested in the residential density of the area, and if any part of Fox Hollow is designated for above 60 units per hectare.

Q3) What are the nearest equivalents that are being used to assess the suitability of the Requested Zoning with the character of the neighborhood?

Q4) Was File Z-9108 used in this determination? What are the differences and similarities?

Q5) Could you release the info for the File relating to 2491 Tokala Trail? That does not seem to be available on the City of London's website.

Q6) Do we have any mentions or feedback from the Upper Thames River Conservation Authority given that that eastern portion of the subject lands are located in its regulation? Is this (and/or permission) required before the approval of the Requested Zoning? Why were there no studies required? (These are questions subject to page 23 of the Planning Justification Report)

Q7) Is flexible interpretation of the 'Multi-Family, Medium Density Residential' and the 'Low Density Residential' designations the norm for city planning? If it isn't, is this an exception? (These are questions subject to page 24 of the Planning Justification Report)

Q8) Could there be a consideration for a pedestrian and bike lane running the length of the western portion of the Site Plan? The Planning Justification Report cites in Figure 22 on page 29, the promotion of such connectivity but does not include such a feature in its Site Plan.

I understand that my questions may require some data collection on your part. These answers are very enlightening to the residents of this neighborhood, myself included. I appreciate your due diligence in advance and am looking forward to your own assessment and feedback.

Last but not least, I would also like to invite you to either a virtual video conference or to come by my residence for further discussion, at our mutual convenience. I can be contacted at [REDACTED].

Thank you for your service with the City of London.

Evan Wee

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## **Departmental and Agency Comments**

Urban Design (July 12, 2022)

### *Site Layout*

- The building locations, drive aisle and parking layout should be designed in conjunction with the adjacent properties as per h-108.
  - Re-design the site that reduces the number duplicated drive aisles and double loaded parking with the stacked back-to-back townhouses establishing a frontage on Tokala Trail and a pedestrian-oriented internal laneway that provides a stronger direct connection to the Dyer Crescent SWMF from Tokala Trail [TLP 255\_, 257\_]
  - Seek joint/shared laneway connection opportunities with abutting developments to create formal vehicular and pedestrian connections to reduce the amount of dead-end drive aisles and allow the opportunity to

establish building frontages along abutting/connected laneways.

- Explore opportunities to increase the amount of built form along the Tokala Trail frontage [TLP 256\_].
  - Explore alternative stacked townhouse typologies that include interior garage space to reduce the amount of surface parking stalls while allowing for a more suitable pedestrian environment throughout the site [TLP 273\_].
- Ensure any surface parking visible from the public street is screened and located behind buildings [TLP 269\_, 275\_, 272].
- Explore opportunities to reduce the amount of asphalt within the proposed drive aisles and parking areas in order to increase amount of landscaping opportunities, reduce the amount of impermeable surfaces and reduce potential heat island effects [TLP 277\_, 282\_].
  - Provide landscaped island

### *Building Design*

- Design the side elevations visible from the street by providing enhanced architectural details, such as; wrap-around porches, entrances and a similar number of windows, materials and articulation as is found on the front elevation.
- Provide a full set of dimensioned elevations for all four sides of all of the proposed buildings with materials and colours labelled. Further urban design comments may follow upon receipt of the elevations at the site plan application stage.

### Site Plan (July 12, 2022)

- Swap the locations of the amenity space and Building B. This will create a more centralized common amenity space while also providing a better north-south pedestrian connection.
- Drive-aisles are to be a minimum width of 6.7 metres
- Barrier-free parking is required. Based on the required parking, 5 barrier-free parking stalls are required.
- Sidewalk widths abutting parking stalls are to be a minimum of 2.1 metres to accommodate any vehicle overhang. Where curb ramps are proposed, ensure there is adequate maneuvering space
- Identify the proposed garbage location on the site plan. The applicant is encouraged to consider the use of deep waste collection for this use. If shared pads are proposed, the locations of these are to be shown on the site plan.

### Parks Planning & Design (July 12, 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.

### Heritage (October 04, 2022)

- Based on the City's archaeological mapping and submitted reports provided by the applicant, 2846 Tokala Trail has not been assessed. You will need a holding provision for the property at 2846 Tokala Trail only. The other portion of the subject site (2870 Tokala Trail) has been assessed and no potential remains.

- An Ontario Ministry of Tourism and Culture Archaeological Assessment Compliance letter has also been received dated August 09, 2011 (MCL Project Information Form Number P084-208-2010, MCL RIMS Number 39SB361).

Engineering (August 11, 2022)

- Water is available to the subject site via the high level municipal 300PVC on Tokala Trail and the 150mm PVC West of the subject site.
- Detailed comments regarding access design and location will be made through the site plan process.

Upper Thames River Conservation Authority (July 07, 2022)

- Since the UT-MC-46 Drain has been removed, this is no longer a UTRCA regulated property.

London Hydro (July 07, 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. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

## Appendix C – Policy Context

<b>3.7 Planning Impact Analysis</b>	
<b>Criteria</b>	<b>Response</b>
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The proposed land use is 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 accessible parking, emergency services and landscaped 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 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 within a 400 metres walking distance of commercial uses and services, and within an 800 metre walking distance of public parks, service uses and 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;	Although no affordable housing units are proposed through this development, the creation of alternative housing forms contributes to the overall mix of dwelling units and prices in the area.
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 3.5 storey townhouse development is mitigated to the north, west and south by the driveway, amenity area and appropriate setbacks are provided between the proposed buildings and the property lines which are discussed in the body of this report.
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 the site plan approval stage.
The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;	Transportation Planning and Design was circulated on the planning application and development proposal and are not satisfied with the driveway location. However, the access and design can be addressed at the site plan approval stage. Traffic impacts of this development will be minor in relation to the anticipated function of the Neighbourhood Connector.

<p>The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;</p>	<p>The applicant is commended for providing a built form that establishes a built edge along Tokala Trail with building entrances fronting the street. At the site plan stage, consideration should be given to the width of the driveway and the building placement.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources;</p>	<p>Not applicable</p>
<p>Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;</p>	<p>Not applicable.</p>
<p>Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;</p>	<p>The requested amendment is consistent with the in-force policies of the Official Plan. 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, sidewalk widths, garbage storage, and long-term bicycle storage can be achieved through the site plan approval process. Some refinements to the location and size of the outdoor amenity area and building layout, as discussed in this report, will result from the site plan approval process.</p>
<p>Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;</p>	<p>Tree planting and building massing treatments are expected to mitigate minor adverse impacts on the surrounding land uses.</p>
<p>Impacts of the proposed change on the transportation system, including transit</p>	<p>The residential intensification of the subject lands will have a negligible impact on the transportation system and provide a more transit-supportive form of development.</p>

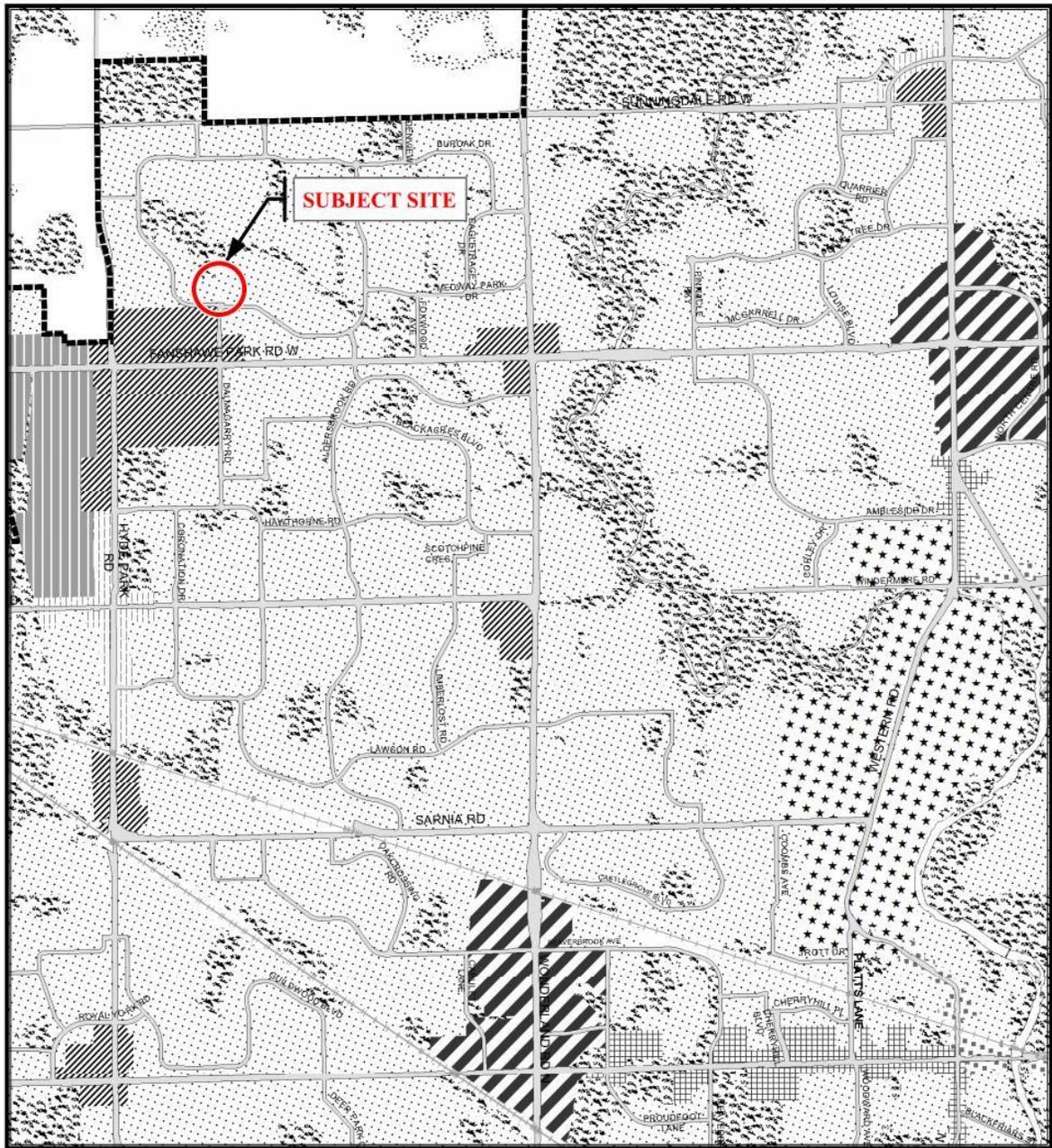
<b>1577_ Evaluation Criteria for Planning and Development Applications</b>	
<b>Criteria – General Policy Conformity</b>	<b>Response</b>
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as 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 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 3.5 storey townhouse proposal provides for the use and intensity of development contemplated within the Neighbourhoods Place Type at the intersection of two Neighbourhood Connector. 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.
<b>Criteria – Impacts on Adjacent Lands</b>	
Traffic and access management	Further consideration of traffic controls related to the driveway location 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.

Parking on streets or adjacent properties.	The proposal includes a slight excess of parking relative to the 0.5 spaces per unit normally required for townhouse development (Parking Standards Review, 2022). It is not anticipated that overflow parking will be required on local streets.
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 townhouse forms, with garbage to be placed outside on collection day.
Privacy	The proposed development situates the proposed townhouse development away from buildings on adjacent properties. A combination of privacy fencing and landscaping to soften the property boundaries and provide screening to the neighbouring dwellings will help screen views from the proposed building to neighbouring properties.
Shadowing	Minimal shadowing impacts, if any, are anticipated.
Visual Impact	Landscaping, articulated building design, and architectural details and materials to be implemented at the site plan stage 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 proposed building.
Trees and canopy cover.	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 Golder Associates and the letter received by The Ontario Ministry of Tourism and Culture, no archaeological resources were identified on 2870 Tokala Trail. A holding provision will address the need for a Stage 1 Archaeological Assessment for 2846 Tokala Trail.

Natural heritage resources and features.	Not applicable.
Natural resources.	Not applicable.
Other relevant matters related to use and built form.	Not applicable.

# Appendix D – Relevant Background

## The London Plan – Map 1 – Place Types



**Legend**

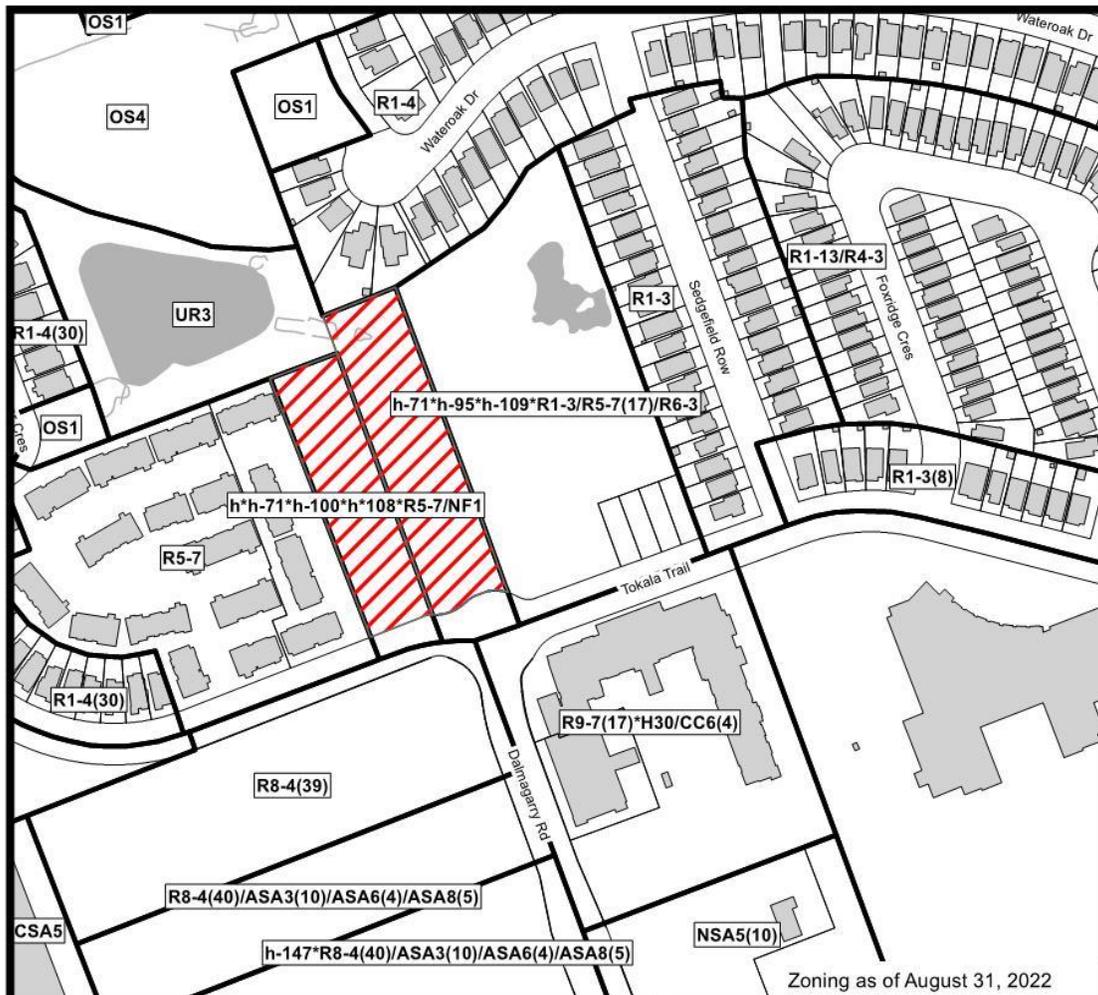
Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street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

<p><b>CITY OF LONDON</b>  <b>Official Plan</b>  <b>LONDON PLAN MAP 1</b>  <b>- PLACE TYPES -</b></p> <p>PREPARED BY: Planning &amp; Development</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>File Number:</b> Z-9523  <b>Planner:</b> EB  <b>Technician:</b> JI  <b>Date:</b> 2022/9/26</p>
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Project Location: E:\Planning\Projects\p\_officialplan\workconsol00\excerpts\_LondonPlan\mxds\Z-9523-Map1-PlaceTypes.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            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            | OS - OPEN SPACE                   |
| R7 - SENIOR'S HOUSING                     | CR - COMMERCIAL RECREATION        |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | ER - ENVIRONMENTAL REVIEW         |
| R9 - MEDIUM TO HIGH DENSITY APTS.         |                                   |
| R10 - HIGH DENSITY APARTMENTS             | OB - OFFICE BUSINESS PARK         |
| R11 - LODGING HOUSE                       | LI - LIGHT INDUSTRIAL             |
| DA - DOWNTOWN AREA                        | GI - GENERAL INDUSTRIAL           |
| RSA - REGIONAL SHOPPING AREA              | HI - HEAVY INDUSTRIAL             |
| CSA - COMMUNITY SHOPPING AREA             | EX - RESOURCE EXTRACTIVE          |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | UR - URBAN RESERVE                |
| BDC - BUSINESS DISTRICT COMMERCIAL        |                                   |
| AC - ARTERIAL COMMERCIAL                  | AG - AGRICULTURAL                 |
| HS - HIGHWAY SERVICE COMMERCIAL           | AGC - AGRICULTURAL COMMERCIAL     |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL               | TGS - TEMPORARY GARDEN SUITE      |
| SS - AUTOMOBILE SERVICE STATION           | RT - RAIL TRANSPORTATION          |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL |                                   |
| OR - OFFICE/RESIDENTIAL                   | "h" - HOLDING SYMBOL              |
| OC - OFFICE CONVERSION                    | "D" - DENSITY SYMBOL              |
| RO - RESTRICTED OFFICE                    | "H" - HEIGHT SYMBOL               |
| OF - OFFICE                               | "B" - BONUS SYMBOL                |
|   | "T" - TEMPORARY USE SYMBOL        |

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9523

EB

MAP PREPARED:

2022/09/26

JL

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Meters

## 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:** 870-922 Medway Park Drive  
Public Participation Meeting  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Dillon Consulting Limited., relating to the property located at 870-922 Medway Park Drive:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 13, 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 Holding Restricted Office (h-17\*RO2) Zone, **TO** a Holding Residential R5 Special Provision (h-17\*R5-7(\_)) Zone;
- (b) the Site Plan Approval Authority **BE REQUESTED** to consider the following through the site plan process:
  - i) Units fronting along Medway Park Drive are to have front doors facing the street with driveways and garages at the rear of the site;
  - ii) Board-on-board fencing that meets the requirements of the Site Plan Control By-law; and
  - iii) The site be developed in general conformity with the layout provided.
- (c) Pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect to the proposed by-law as the change in the maximum front yard setback is minor in nature and a technical change, the concept site plan circulated in the Notice of Application and Notice of Public Meeting accurately reflect the site layout, no site changes were proposed for the maximum front yard setback.

## Executive Summary

### Summary of Request

The owner has requested to rezone the subject lands to a Holding Residential R5 Special Provision (h-17\*R5-7(\_)) Zone to facilitate a 3-storey, 43-unit cluster townhouse development.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to facilitate a 3-storey, 43-unit cluster townhouse development. The existing Holding (h-17) Zone will remain on the lands until the time a signed Development Agreement is received.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type;

3. 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 lands are located on the south side of Medway Park Drive in the Fox Hollow Planning District, west of Wonderland Road North and comprised of four (4) parcels. The subject lands have a frontage of approximately 208 metres and an area of 10,100 square metres (1.01 hectares). The lands are currently vacant.

The site has frontage along Medway Park Drive which is classified as a Neighbourhood Connector as per Map 3 – Street Classifications of The London Plan.



Figure 1: 870-922 Medway Park Drive, facing north (Google Images)

#### **1.4 Current Planning Information**

- The London Plan Place Type – Neighbourhoods Place Type fronting a Neighbourhood Connector (Medway Park Drive)
- Existing Zoning – Holding Restricted Office (h-17\*RO2) Zone

#### **1.5 Site Characteristics**

- Current Land Use – Vacant
- Frontage – 208 metres (682 feet)
- Depth – 60 metres (196 feet)
- Area – 1.01 (2.49 acres)
- Shape – Irregular

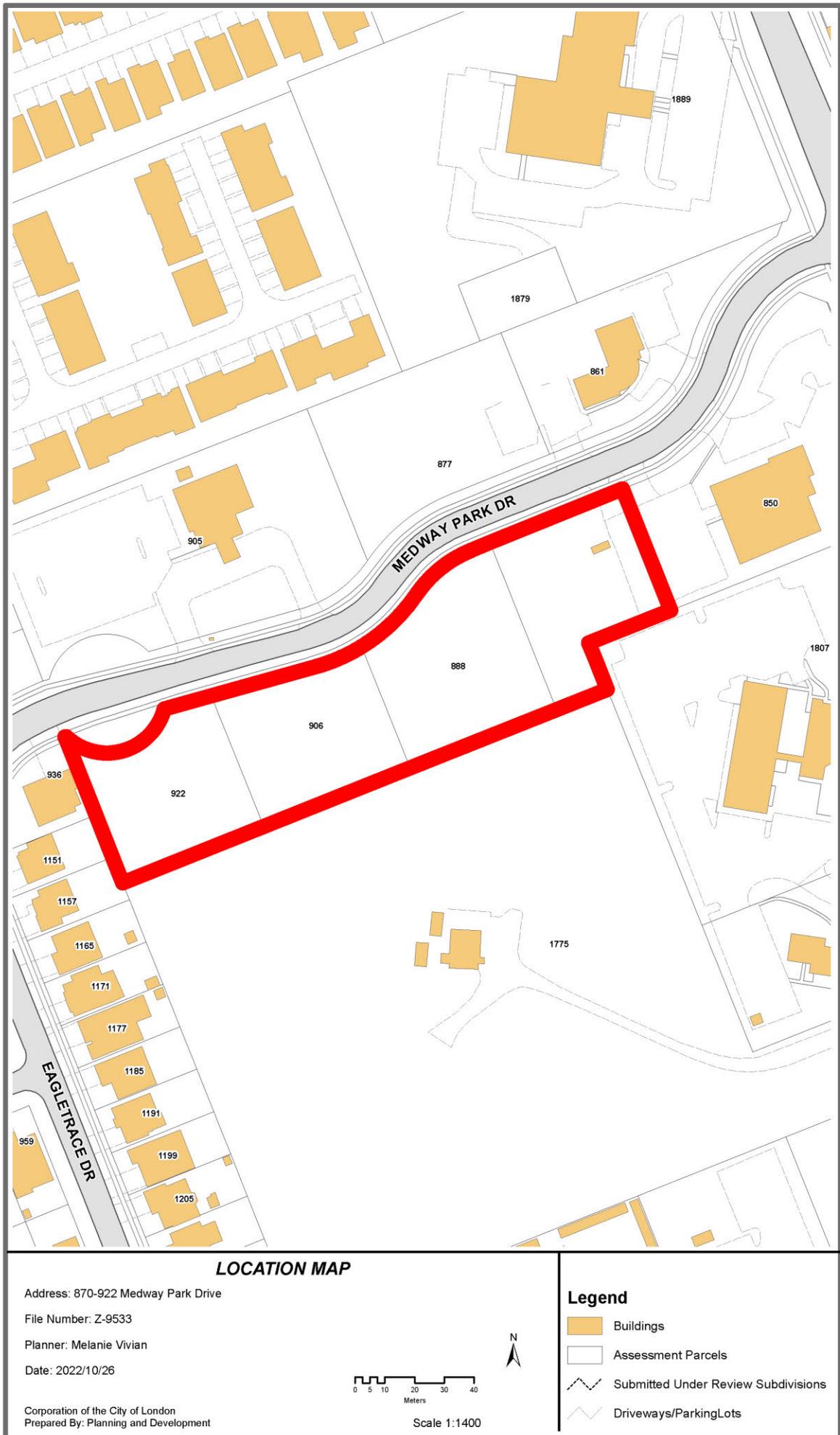
#### **1.6 Surrounding Land Uses**

- North – Neighbourhood Facility, Low Density Residential
- East – Office and Commercial Uses
- South – Communications Tower, Commercial
- West – Low Density Residential

#### **1.7 Intensification**

The proposed 43 residential units represent intensification within the Built-area Boundary. The site is located outside of the Primary Transit Area.

## 1.8 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal

The owner has requested to rezone the subject lands to facilitate the development of a 43-unit three-storey cluster townhouse development consisting of nine (9) blocks, three (3) of which having frontage along Medway Park Drive. Townhouse blocks fronting Medway Park Drive are proposed to have direct pedestrian connections from the front doors to the public sidewalk with garages and driveways at the rear, internal to the site. Further pedestrian connections are provided through the site connecting to the proposed amenity space and visitor parking. Vehicular access is provided from two (2) separate points along Medway Park Drive at both the west and east end of the site, providing for continuous movement through the development. Parking on site is provided through one (1) parking space in the attached garage and one (1) parking space in the driveway as well as seven (7) visitor parking stalls, providing for adequate on-site parking that exceeds the minimum requirements of the Zoning By-law Z.-1.

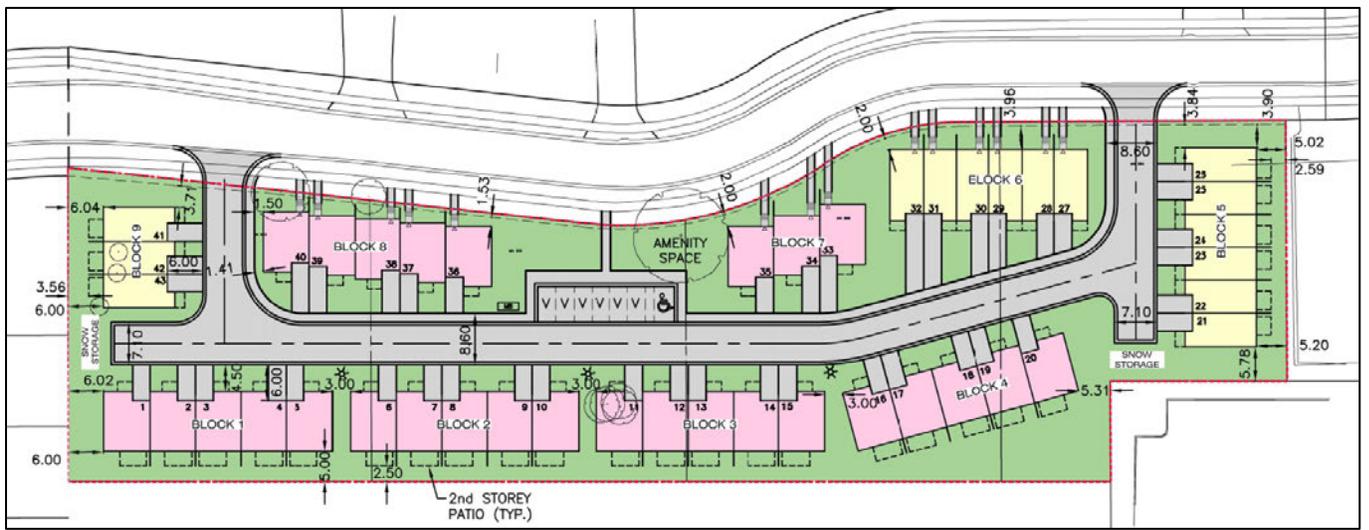


Figure 2: Concept site plan (October 2022).



Figure 3: Concept elevations – units fronting Medway Park Drive.



Figure 4: Concept elevations – units internal to the site with second storey decks.

## 2.2 Requested Amendment

The applicant is requesting to rezone the subject site to a Residential R5 Special Provision (R5-7(\_)) Zone, permitting cluster townhouse dwellings and cluster stacked townhouse dwellings with a maximum density of 60 units per hectare. Requested special provisions include:

- A minimum front yard depth of 1.5 metres;
- A maximum front yard depth of 10.0 metres;
- A minimum rear yard depth of 5.0 metres;
- A minimum east interior side yard depth of 5.0 metres;
- A minimum west interior side yard depth of 6.0 metres;
- A rear yard second storey deck with a minimum depth of 2.5 metres;
- An east interior side yard second storey deck with a minimum depth of 2.5 metres; and
- A west interior side yard second storey deck with a minimum depth of 3.5 metres.

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

Three (3) written responses and two (2) phone calls were received from the public, which are addressed in Appendix B of this report.

Concerns raised by the public are as follows:

- Lack of left-turn lane along Wonderland Road South
- Residents of the development parking along Medway Park Drive;
- Loss of open space in the area;
- Addition of the townhouses would destroy the harmony and unity of the community;

- Increase in traffic; and
- Loss of privacy.

## 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, liveable 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 further directs settlement areas to be the focus of growth and development. A detailed analysis of the PPS, 2020 in relation to the proposed application is found below in Section 4.1

### *The London Plan*

The London Plan is the new Official Plan for the City of London. On May 25<sup>th</sup>, 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.

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 of 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 by 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:

- Planning for sustainability by balancing economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The site is located in the Neighbourhoods Place Type fronting a Neighbourhood Connector (Medway Park Drive), as identified on Map 1 – Place Types and Map 3 – Street Classifications of The London Plan. Permitted uses in the Neighbourhoods Place Type along a Neighbourhood Connector include a range of low-rise residential uses such as single-detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations and group homes along with triplexes and small-scale community facilities (Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type). With frontage along a Neighbourhood Connector, the minimum permitted height is one (1) storey with a maximum permitted height up to three (3) storeys (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type).

## 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) 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, liveable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). The PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of both current and future residents (1.4.1) by encouraging an appropriate affordable and market-based range and mix of residential types to meet long-term needs (1.1.1b)). Further, the PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns and 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 the settlement areas shall be based on densities and a mix of land uses which provide for the following:

- 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
- Support active transportation and are transit-supportive, where transit is planned, exists or may be developed. (1.1.3.2).

Additionally, land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The PPS is supportive of appropriate development standards which facilitate intensification, redevelopment and have a compact form (1.1.3.4). To this effect, planning authorities are 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)). 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 recommended amendment is in keeping with the goals and directions of the PPS as it facilitates the development of a vacant, underutilized site within a settlement area and represents a form of intensification through infill development. The proposed 43-unit cluster townhouse development contributes to a mix of housing types in the area, providing for choice and diversity in housing options for both current and future residents. No new roads are required to facilitate the proposed development, making efficient use of land. The Holding (h-17) Zone will remain on site until a future application under the *Planning Act* is submitted confirming how services will be provided to the site. It is noted that servicing exists to both the east and west of the site which allows for the development to utilize those existing services through the extension along Medway Park Drive.

Consistent with the PPS, intensification of the subject lands 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 and development on the vacant parcel.

## 4.2 Issue and Consideration # 2: Use, Intensity & Form

The subject lands are located in the Neighbourhoods Place Type with frontage along a Neighbourhood Connector, being Medway Park Drive. The range of permitted uses within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The proposed cluster townhouse development is included in the range of primary permitted uses within the Neighbourhoods Place Type for sites fronting on a Neighbourhood Connector.

The London plan contemplates intensification where appropriately located and is provided in a way that is sensitive to, and a good fit, with the existing neighbourhood (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\_). To measure the intensity within the Neighbourhoods Place Type, The London Plan uses maximum and minimum heights. For sites fronting on a Neighbourhood Connector, a minimum height of one storey and a standard maximum height of three storeys is contemplated (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The proposed development of a 3-storey townhouse development is within the standard maximum height permitted along a Neighbourhood Connector and is consistent with heights of the surrounding low-density residential uses. It is noted that the maximum height under the current Restricted Office (RO2) Zone is to a maximum of 12.0 metres. The height of the proposed townhouses will not exceed the original maximum height permitted for the lands.

Neighbourhoods Place Type policies also identify that the intensity of the development must be appropriate for the size of the lot (953\_3). Through the application review process, the applicant worked closely with staff to resolve site design matters and ensure the site functions in a manner that is appropriate for the size of the lot while satisfying the requirements of the Site Plan Control By-law. The current site design accommodates all required parking (two (2) per unit proposed), including visitor parking and adequate outdoor amenity space. Generally, reductions in parking and landscape open space, and increases in height, density and lot coverage serve as indicators of possible over intensification. Although reductions to the east interior side yard and rear yard depths are requested, the reductions are considered minor and do not represent over intensification of the site. The site is sufficient size to support the proposed intensity and site design. It is noted that staff is recommending a special provision for a minimum and maximum front yard depths to provide for a consistent street wall and ensure units are fronting along and orientation of the units are facing Medway Park Drive.

With respect to the form of the development, The London Plan encourages compact forms of development as a means of planning and managing for growth (7\_, 66\_) and to achieve compact forms of development looking “inward and upward” (59\_2, 79\_). The London Plan accommodates opportunities for infill and intensification of various forms (59\_4) and encourages supporting infill and intensification in meaningful ways to manage outward growth (59\_8). In 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\_). Staff have reviewed the evaluation criteria through the completion of a planning impact analysis and is satisfied the criteria has been met.

As part of the requested amendment, as previously identified, a minimum and maximum front yard depth is recommended to establish a consistent street wall with a proposed minimum of 1.5 metres and a maximum of 10.0 metres, which considers the unique curves of the front lot line. It is noted that majority of the units along Medway Park Drive

are set back to approximately 4.0 metres however, because of the curved front lot line, one of the units is setback approximately 10.0 metres. The reduced front yard depth reflects current 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\_). The front yard depths, as requested, is appropriate for the site as it helps to activate the streetscape.

The requested reduced rear yard and east interior side yard depth of 5.0 metres and second storey deck depth of 2.5 metres is not anticipated to have any negative impacts on the abutting lands given that the lands immediately to the rear of the site contains a utilities tower while the lands to the east contain a commercial/office building. While a reduction to the west interior side yard depth was not required under the Zoning By-law Z.-1, the intent of maintaining the 6.0 metre west interior side yard depth was to ensure adequate spacing is provided between the proposed development and existing low-density residential uses along the west property boundary for privacy. Based on the above, staff are satisfied that the proposed development conforms to the use, intensity, and form policies of The London Plan.

#### **4.3 Issue and Consideration # 3: Traffic**

Through the circulation of this application, concerns were raised from the public with respect to an increase of traffic and street parking along Medway Park Drive due to the proposed development. One of the main traffic concerns was with respect to the intersection of Medway Park Drive and Wonderland Road North and the concern for making a left turn (onto Wonderland Road North from the subdivision). Transportation Planning and Design has indicated that the proposed development is not anticipated to have any impacts on the existing traffic in the area and the proposed development does not warrant a traffic impact assessment.

Regarding parking concerns, the site, as proposed, exceeds the minimum parking requirements of the Zoning By-law Z.-1 which requires 1 space per unit. The proposed development provides for one (1) space in the garage and one (1) in the driveway. Given the site's unique frontage, some driveways are long enough to accommodate more than one (1) vehicle in the driveway. Additionally, visitor parking on site is provided at a rate of 1 space for every 10 units, in accordance with the Site Plan Control By-law. Parking along Medway Park Drive is not anticipated to occur. Should vehicles be parked along Medway Park Drive, the road is at 8.5 metres wide which can accommodate parking on one side without interrupting two-way traffic.

#### **4.4 Issue and Consideration # 4: Holding Provision**

As existing, the site contains a Holding (h-17) Provision to ensure the orderly development of lands and the adequate provision of municipal services, the "h-17" symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site. The Holding (h-17) Provision will remain on the subject property as part of this application. A separate application under the *Planning Act* will be required to remove the holding provision to ensure services are available to service the site.

More information and detail are available in Appendix B and C of this report.

## **Conclusion**

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type. The recommended amendment would facilitate the development of a vacant, underutilized site with a land use and intensity that is appropriate for the lands and surrounding context.

**Prepared by:** Melanie Vivian  
Site Development Planner

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Acting 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 870-  
922 Medway Park Drive.

WHEREAS Dillon Consulting Limited has applied to rezone an area of land located at 870-922 Medway Park Drive, 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 870-922 Medway Park Drive, as shown on the attached map comprising part of Key Map No. A101, from a Holding Restricted Office (h-17\*RO2) Zone to a Holding Residential R5 Special Provision (h-17\*R5-7(\_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-7) Zone is amended by adding the following Special Provision:
  - ) R5-7(\_) 870-922 Medway Park Drive
    - a) Regulations
      - i) Front Yard Depth (Minimum) 1.5 metres
      - ii) Front Yard Depth (Maximum) 10.0 metres
      - iii) Rear Yard Depth (Minimum) 5.0 metres
      - iv) West Interior Side Yard Depth (Minimum) 6.0 metres
      - v) East Interior Side Yard Depth (Minimum) 5.0 metres
      - vi) Rear Yard Second Storey Deck (Minimum) 2.5 metres
      - vii) East Interior Side Yard Second Storey Deck (Minimum) 2.5 metres
      - viii) West Interior Side Yard Second Storey Deck (Minimum) 3.5 metres

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

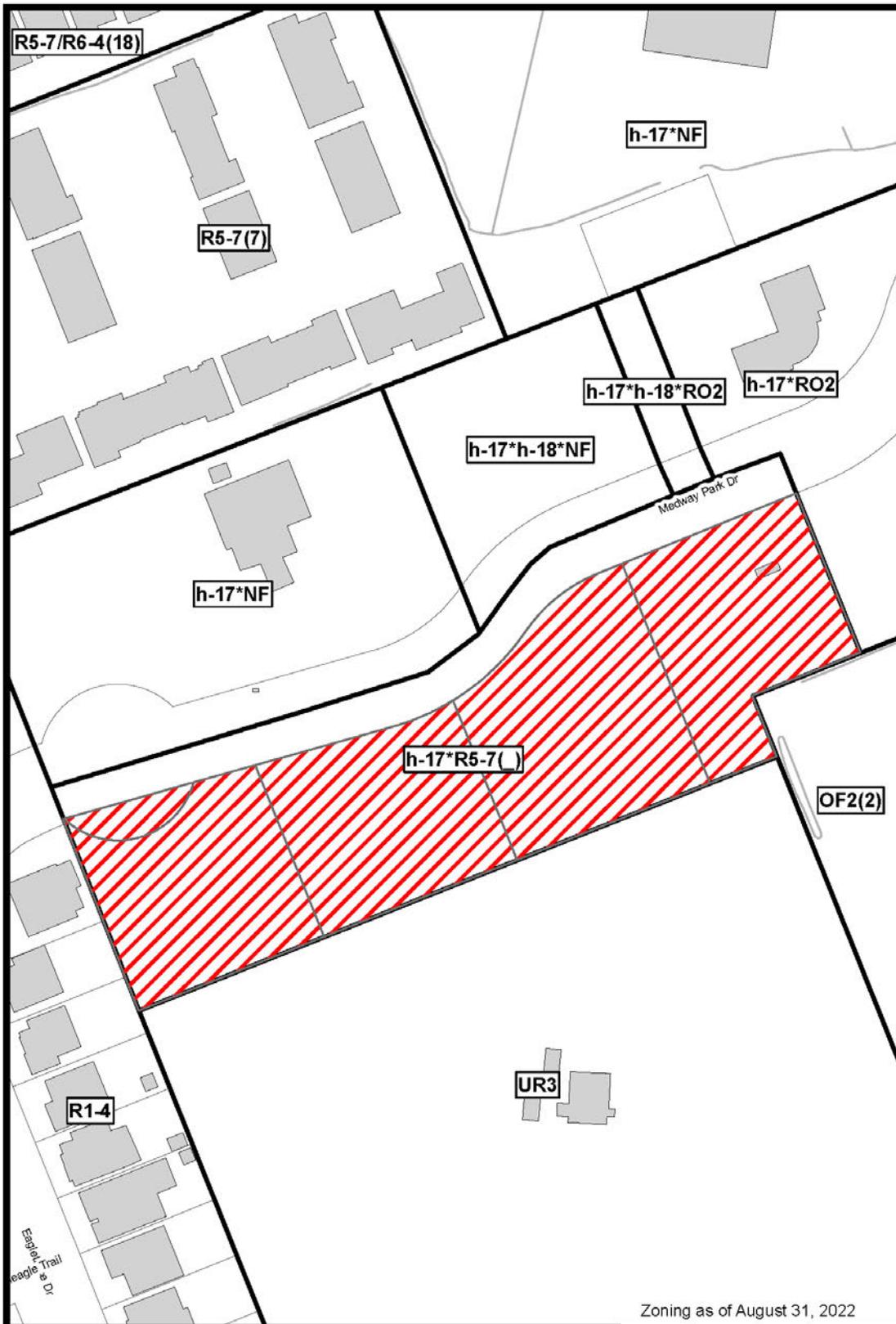
PASSED in Open Council on December 13, 2022

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



Zoning as of August 31, 2022

<p><b>File Number:</b> Z-9533  <b>Planner:</b> MV  <b>Date Prepared:</b> 2022/10/25  <b>Technician:</b> JI  <b>By-Law No:</b> Z.-1-</p>	<p><b>SUBJECT SITE</b> </p> <p><b>1:1,200</b></p> <p>0 5 10 20 30 40   Meters</p> <p></p>
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Geodatabase

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On August 10, 2022, Notice of Application was sent to 115 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 11, 2022. A “Planning Application” sign was also posted on the site.

Three (3) replies were received

**Nature of Liaison: 870-922 Medway Park Drive** – The purpose and effect of this zoning change is to permit a 43-unit cluster townhouse development. Possible change to Zoning By-law Z.-1 **FROM** a Holding Restricted Office (h-17\*RO2) Zone **TO** a Residential R5 Special Provision (R5-7(\_)) Zone to permit cluster townhouse dwellings and cluster stacked townhouse dwellings. Special provisions include a minimum front yard depth of 1.5 metres and a maximum front yard depth of 4.0 metres (whereas 6.0 metres is the minimum required); a minimum rear yard depth of 5.0 metres (whereas 6.0 metres is the minimum required when the wall of a unit contains windows to habitable rooms); a minimum interior side yard depth of 5.0 metres where the end wall of a unit contains windows to habitable rooms and has ground floor access (whereas 6.0 metres is required when the wall of a unit contains windows to habitable rooms); a minimum setback of 2.5 metres for second storey decks (whereas open or covered but unenclosed decks or porches not exceeding one storey in height can project 3.0 metres provided projection is no closer than 1.2 metres to lot line).

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

**Concern for:**

- Lack of left-turn lane along Wonderland Road South
- Residents of the development parking along Medway Park Drive;
- Loss of open space in the area;
- Addition of the townhouses would destroy the harmony and unity of the community;
- Increase in traffic; and
- Loss of privacy.

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

**From:** David Off

**Sent:** Monday, August 22, 2022 3:20 PM

**To:** Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Subject:** [EXTERNAL] File Z-9533 870- 920 Medway Park Dr.

Hi Melanie, I'm not sure if I'm missing a page showing the renderings for Bl 6,7 or 8? I was wondering if the elevation facing Medway Park Dr. is similar to the front elevation of Bl. 3 but without the garage. Could you confirm please.

Thanks,

Dave Off  


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**From:** David Off

**Sent:** Monday, August 22, 2022 4:00 PM

**To:** Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Subject:** Re: [EXTERNAL] File Z-9533 870- 920 Medway Park Dr.

Thanks for getting back to me quickly. Block 6 rendering shows the dormers part way up. Is it possible they can carry up to the upper roof to break up the wall and large upper roof since these blocks are only 1.5 meters set back ?

Thanks,

Dave Off

---

From: Gary Rohekar  
Sent: Tuesday, August 30, 2022 3:26 PM  
To: Vivian, Melanie <mvivian@london.ca>; Morgan, Josh <joshmorgan@london.ca>  
Cc: Ruth Rohekar  
Subject: [EXTERNAL] Zoning By-Law Amendment, 870-922 Medway Park Drive, File:Z-9533

Dear Madam / Sir,

With respect to the subject application, my wife Ruth and I have serious concerns.

We reside at 971 Gleneagle Trail. The proposed development is on our main access route to Wonderland Road N., to go either north, south or east. That section of the Medway Park Drive is already very narrow, barely wide enough to fit two cars going in opposite direction. Also, there is no left turn lane at its intersection with Wonderland Rd. N. This causes extended delays for motorists stuck behind someone trying to make a left turn at the busy intersection. Our main concern is that this situation will be made far worse during lengthy construction of the development due to construction trucks and equipment, which may be parked on the Medway Park Drive and trying to make left turn at Wonderland. This may even lead to increased traffic accidents, due to motorists getting frustrated because of long delays.

We also feel that such a development of three storey townhouses, so close to Medway Park Drive would be a terrible eyesore. We would also miss the loss of open space in the area. How would the EMF radiation from the two transmission towers just south of the development affect residents of the proposed development?

To conclude, Ruth and I are strongly opposed to the proposed development.

Acknowledgement of receipt of this email would be greatly appreciated.

Yours truly,

Gabriel (Gary) Rohekar

Sent from my iPad

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From: Gary Rohekar  
Sent: Wednesday, August 31, 2022 3:06 PM  
To: Vivian, Melanie <mvivian@london.ca>  
Cc: Morgan, Josh <joshmorgan@london.ca>; Ruth Rohekar  
Subject: Re: [EXTERNAL] Zoning By-Law Amendment, 870-922 Medway Park Drive, File:Z-9533

Hello Melanie,

Thank you for your prompt reply. Ruth and I appreciate the attention you have given to our concerns regarding the proposed development.

As you have mentioned, we had noticed that the driveways and garages for the townhouse units 27-40 were not towards the road. However, the Site Concept drawing indicates pathways/steps from the back of the units, connecting the townhouses to the sidewalk on Medway Park Drive. Our concern is that people living in these units will conveniently park their cars on the road to access their units. Even now, if there is a vehicle parked on the road, cars have to wait behind the parked vehicle, if another vehicle is approaching from the opposite direction. We also need to keep in mind that the road becomes lot narrower in the winter, when snow piles build up on both sides of the road.

With best regards,

Gary

Sent from my iPad

---

From: James Wu  
Sent: Thursday, September 1, 2022 9:06 AM  
To: Vivian, Melanie <mvivian@london.ca>  
Subject: [EXTERNAL] 870-922 Medway Park Dr (File: Z-9533)

Hi Melanie,

I am very concerned about the zoning amendment to allow the construction of townhouses at the above location, here are the reasons why I say NO to this plan:

1. The newer beautiful detached single homes are currently located in this area, adding so many townhouses will destroy the harmony and unity of the community, the house market price will be affected, and more and more house owners will sell their houses and move out of here, this will increase social instability. It's not fair to the current home owners.
2. The traffic, schools and other community features won't afford so many people.
3. To build a higher townhouses, it will invade the neighbor's privacy.

Hopefully the city will listen to the community's voice and feedback.

Best regards,  
James Wu

---

### **Agency/Departmental Comments**

#### London Hydro (August 15, 2022):

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

#### Ecology (August 17, 2022):

#### **Notice of Application – 870-922 Medway Park Drive**

Zoning amendment to allow cluster townhouse development consisting of 43 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.

#### Urban Design (August 18, 2022):

This email is just to reiterate UD comments that were previously provided:

- Provide front entrances for Block 9 and Block 5 on the end units facing Medway Park Drive, including enhanced elevations such as windows, glazing and wrap around porches, and direct pedestrian connections to the City sidewalk.
- Consider parallel parking for the visitor parking to allow for a larger and more functional amenity space. Show how the amenity space will be activated and consider moving the pathway to the sides to allow for more usable space and more direct connections to the site.

Upper Thames River Conservation Authority (August 22, 2022):

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the Conservation Authorities Act, the Planning Act, the Provincial Policy Statement (2020), and the Upper Thames River Source Protection Area Assessment Report.

**CONSERVATION AUTHORITIES ACT**

The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act.

**DRINKING WATER SOURCE PROTECTION: Clean Water Act**

For policies, mapping and further information pertaining to drinking water source protection please refer to the approved Source Protection Plan at:  
<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

**RECOMMENDATION**

The UTRCA has no objections or requirements for this application. Thank you for the opportunity to comment. If you have any questions, please contact the undersigned.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY

Parks Planning & Design (August 31, 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.

Engineering Comments (September 1, 2022):

Engineering has no further comments with respect to the above noted re-zoning application.

Site Plan (September 7, 2022):

- Reduce the number of visitor stalls to a minimum of 4 (leaving the barrier-free stall) to provide a larger amenity space
- Relocate the pathway to the sides to allow a more usable center space and more direct connections to the site
- Provide the following dimensions:
  - Driveway lengths & widths
  - Sidewalk widths
  - Drive-aisle width
- Ensure the sidewalk abutting parking stalls is a minimum of 2.1 metres to allow for any vehicle overhang
- Provide juliet style balconies rather than second-storey decks for Block 9 that abuts the existing single family dwelling(s) to reduce privacy impacts

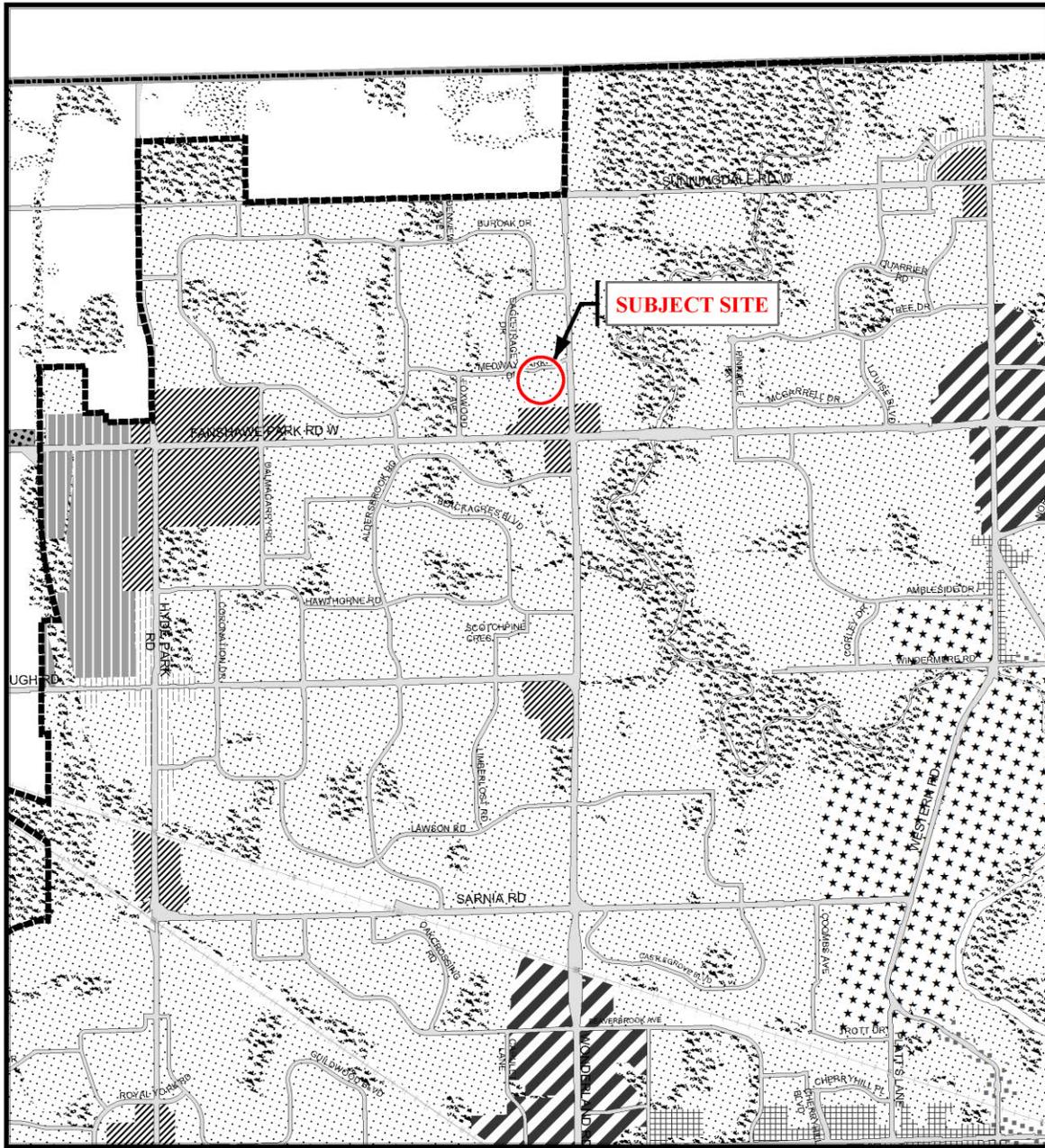
## Appendix C – Policy Context

1577_Evaluatoin 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 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 recommended development 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 of 3-storey townhouses provides for a use and intensity of development contemplated within the Neighbourhoods Place Type.
Consideration of applicable guideline documents that apply to the subject lands.	Not applicable.
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. The Holding Provision will remain on site to ensure sanitary sewer and water servicing is provided.
<b>Criteria – Impacts on Adjacent Lands</b>	
Traffic and access management	Access to the site is off of two (2) points along Medway Park Drive. The proposed development did not trigger the need for a Traffic Impact Assessment. Transportation staff have no concerns.
Noise	The development is not expected to generate unacceptable noise impacts on surrounding properties. A Noise Study was not required.
Parking on streets or adjacent properties	Members of the public had concerns with respect to parking along Medway Park Drive. It was confirmed by Transportation that Medway Park Drive is wide enough to allow for parking on the street and still have adequate space for traffic. It is noted that the proposed development provides for a minimum of two (2) parking spaces per unit (one in the garage, one in the driveway) and visitor parking in accordance with the Site Plan Control By-law.

Emissions, generated by the use such as odour, dust or other airborne emissions	The development will not generate noxious emissions.
Lighting	Lighting details, including light cast, will be addressed through the Site Plan Approval process.
Garbage generated by the use	Garbage collection will be confirmed through the Site Plan Approval process with Solid-Waste Management. Door to door collection (with storage in garages) is anticipated for this development.
Privacy	Through the Site Plan Approval process, staff will look for board-on-board fencing as well as landscaping. The second storey decks along the west property boundary are setback to limit privacy impacts on the abutting lands.
Shadowing	Given the recommended built form, orientation, height and location, shadowing impacts will be limited.
Visual Impact	A detailed review of the landscaping and elevations (including the building design, architectural details and materials) is completed at the Site Plan Approval process. The proposed development is anticipated to have a positive visual impact on the area as the current lands are vacant with overgrown vegetation.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the development.
Trees and canopy cover	Details regarding tree plantings will be confirmed through the Site Plan Approval process.
Cultural heritage resources	Not applicable.
Natural heritage resources and features	Not applicable.
Natural resources	Not applicable.
Other relevant matters related to use and built form.	Not applicable.

# Appendix D – Relevant Background

## Additional Maps



### Legend

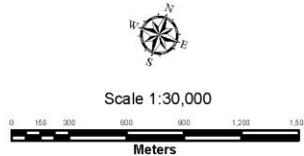
- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                        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

This is an excerpt from 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



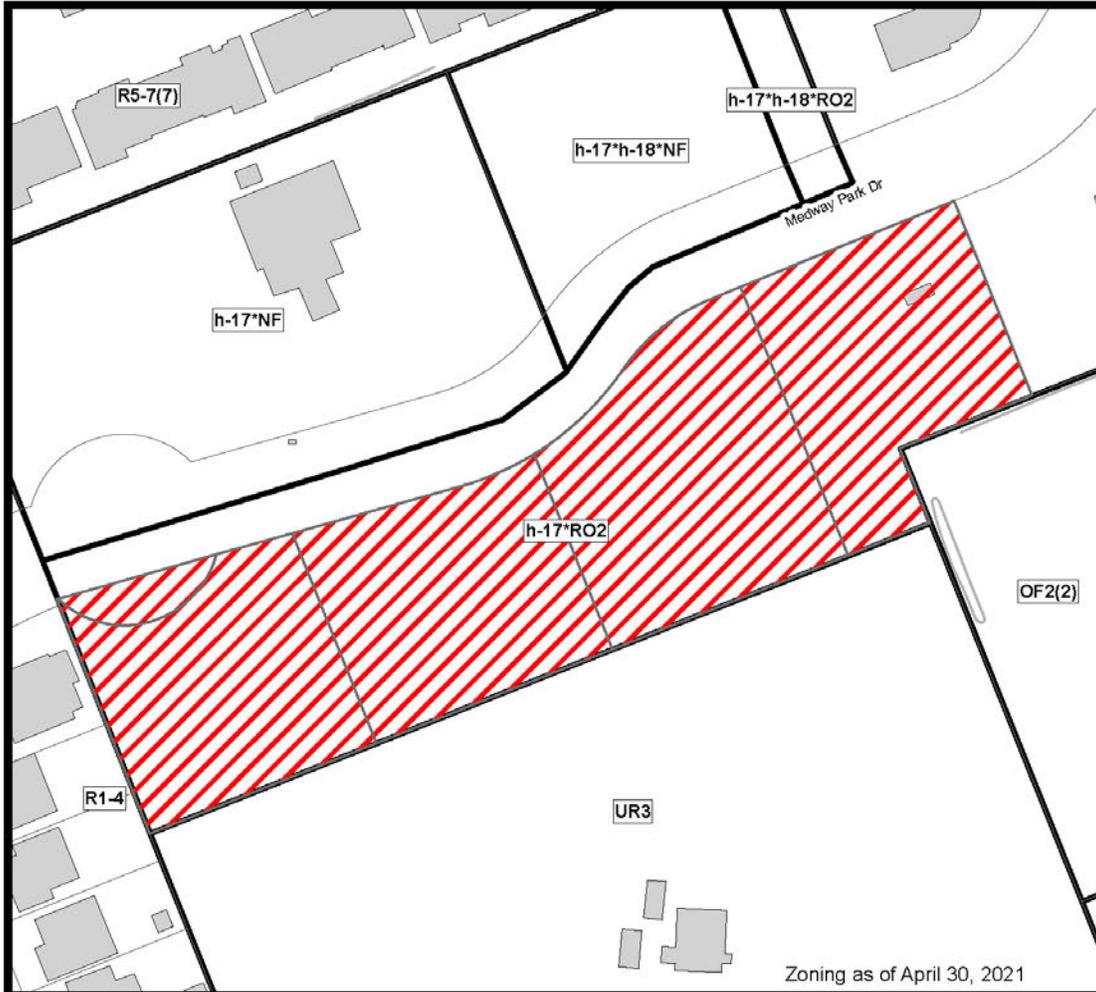
File Number: Z-9533

Planner: MV

Technician: JI

Date: 2022/10/25

Project Location: \\cfile1\giswork\Planning\Projects\p\_officialplan\workconsol00\excerpts\_LondonPlan\mxds\z-9533\_Map1\_PlaceTypes.mxd



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:  
Z-9533 MV

MAP PREPARED:  
2022/10/25 JI

1:1,200  
0 5 10 20 30 40 Meters

## 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:** Alma Village Inc.  
338 Boler Road  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Alma Village Inc. relating to the property located at 338 Boler Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 13, 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 Residential R2 (R2-1) Zone, **TO** a Residential R3 Special Provision (R3-1(\_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following through the stie plan process:
  - i) Board-on-board fencing along the east and south property boundaries that exceed the standards of the Site Plan Control By-law and do not negatively impact any grading, on-site stormwater management or any existing landscaping.

## Executive Summary

### Summary of Request

The owner has requested to rezone the subject site to a Residential R3 Special Provision (R3-1(\_)) Zone to facilitate a 2-storey fourplex.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommend action is to permit the development of a fourplex dwelling on site. Requested special provisions include a minimum front yard depth of 1.2 metres; and a minimum rear yard parking area setback of 1.5 metres; and a minimum interior yard parking setback of 1.5 metres.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the policies of the 1989 Official Plan, including but not limited to the Low-Density Residential Designation policies;
3. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions; and
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 lands are located on the east side of Boler Road, north of Glenrose Drive and south of Commissioner Road East. The site is currently vacant and based on City records, previously contained a single detached dwelling. The site has a frontage of approximately 20 metres and a lot area of approximately 887 square metres. Uses surrounding the lands include a large format retail/commercial plaza to the north, small scale commercial uses (within existing dwellings) to the south and low to medium density residential uses to the east and west.

The site has frontage along Boler Road which is classified as a Civic Boulevard as per Map 3 – Street Classifications of The London Plan.



Figure 1: 338 Boler Road, facing east (Google Images)

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type fronting a Civic Boulevard (Boler Road)
- Existing Zoning – Residential R2 (R2-1) Zone

### **1.5 Site Characteristics**

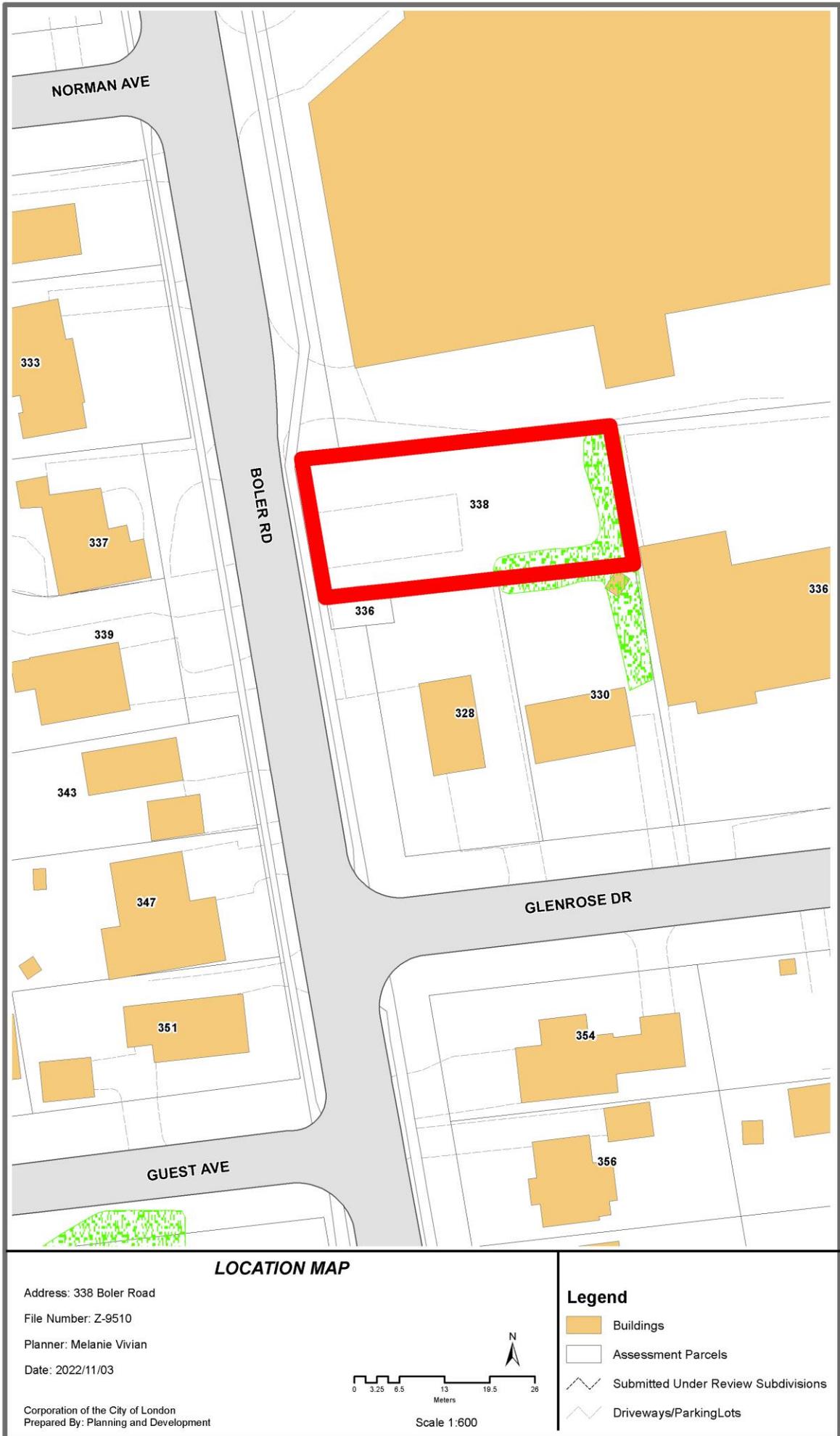
- Current Land Use – Vacant
- Frontage – 20.11 metres (66 feet)
- Depth – 44.2 metres (145 feet)
- Area – 887.2 square metres (2,260 square feet)
- Shape – Rectangular

### **1.6 Surrounding Land Uses**

- North – Retail/Commercial
- East – Neighbourhood Facility (Church) and Residential
- South – Commercial and Residential
- West – Residential

### **1.5 Intensification (identify proposed number of units)**

- The proposed fourplex represents residential intensification within the Built-Area boundary
- The proposed development is outside of the Primary Transit Area





## 2.2 Requested Amendment

The applicant is requesting to rezone the subject site to a Residential R3 Special Provision (R3-1(\_)) Zone, permitting single detached dwellings; semi-detached dwellings; duplex dwellings; triplex dwellings; converted dwellings; and fourplex dwellings. Requested special provisions include:

- A minimum front yard depth of 1.2 metres; and
- A minimum rear and interior side yard parking depth of 1.5 metres.

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

Four (4) written responses and one (1) phone call were received from the public which are addressed in Appendix B of this report.

Concerns raised by the public are as follows:

- Loss of trees;
- Reduced setbacks from property boundaries;
- Privacy (including fencing); and
- Overflow parking onto adjacent lands.

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

*Provincial Policy Statement, 2020*

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

Section 1.1 of the PPS encourages healthy, liveable 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 further directs settlement areas to be the focus of growth and development. A detailed analysis of the PPS, 2020 in relation to the proposed application is found below in Section 4.1

*The London Plan*

The London Plan is the new Official Plan for the City of London. On May 25, 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 25<sup>th</sup> 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 of 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 by 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:

- Planning for sustainability by balancing economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The site is located in the Neighbourhoods Place Type fronting a Civic Boulevard (Boler Road), as identified on Map 1 – Place Types and Map 3 – Street Classifications of The London Plan. Permitted uses in the Neighbourhoods Place Type along a Civic Boulevard include a range of residential uses such as stacked townhouses; fourplexes; low-rise apartments; emergency care establishments; rooming houses; and supervised correctional residences (Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type). With frontage along a Civic Boulevard, the minimum permitted height is two (2) storeys with a standard maximum height of up to four (4) storeys (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type).

#### *1989 Official Plan*

The subject lands are designated Low Density Residential in accordance with Schedule 'A' of the 1989 Official Plan. The Low Density Residential designation primarily permits single detached, semi-detached and duplex dwellings. Residential intensification in the Low Density Residential designation may be permitted up to 75 units per hectare in the form of single detached dwellings, 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 (PPS)**

The Provincial Policy Statement (PPS) 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, liveable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). The PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of both current and future residents (1.4.1) by encouraging an appropriate affordable and market-based range and mix of residential types to meet long-term needs (1.1.1b)). Further, the PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns and 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 the settlement areas shall be based on densities and a mix of land uses which provide for the following:

- 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
- Support active transportation and are transit-supportive, where transit is planned, exists or may be developed. (1.1.3.2).

Additionally, land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The PPS is supportive of appropriate development standards which facilitate intensification, redevelopment and have a compact form (1.1.3.4). To this effect, planning authorities are 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)). 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 recommended amendment is in keeping with the goals and directions of the PPS as it facilitates the development of a vacant, underutilized site within a settlement area and represents a form of intensification through infill development. The proposed fourplex development contributes to a mix of housing types in the area, providing for choice and diversity in housing options for both current and future residents. No new roads are required to facilitate the proposed development and existing services will be utilized, making for efficient use of the lands.

Consistent with the PPS, intensification of the subject lands 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 and development on the vacant parcel.

#### **4.2 Issue and Consideration # 2: Use & Intensity & Form**

##### *The London Plan*

The subject lands are located in the Neighbourhoods Place Type with frontage along a Civic Boulevard, being Boler Road. The range of permitted uses within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The proposed fourplex is included in the range of primary permitted uses within the Neighbourhoods Place Type for sites fronting on a Civic Boulevard.

The London plan contemplates intensification where appropriately located and is provided in a way that is sensitive to, and a good fit, with the existing neighbourhood (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\_). To measure the intensity within the Neighbourhoods Place Type, The London Plan uses maximum and minimum heights. For lands fronting onto a Civic Boulevard, a minimum height of two (2) storeys and a standard maximum height of four (4) storeys is contemplated (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The proposed 2-storey fourplex is within the standard maximum height permitted along a Civic Boulevard and is consistent with heights of the surrounding uses.

Policies in The London Plan for the Neighbourhoods Place Type identify that the intensity of the development must be appropriate for the size of the lot (953\_3). Through the application review process, the applicant worked closely with staff to resolve site design matters relating to the parking area at the rear to ensure the site functions in a manner that is appropriate for the size of the lot. The current site design accommodates all required parking on site (one (1) parking space per unit is proposed), including an additional parking space for barrier-free purposes. Generally, reductions in parking and landscaping open space, and increases in height, density and lot coverage serve as indicators of possible over intensification. As part of this application, no reductions were requested for parking stalls, landscape open space nor were increases to the height, density and lot coverage. Reduced setbacks included as part of the application were a reduced front yard setback and parking area setback is requested due to the required road widening dedication along Boler Road and to provide for a street-oriented development with parking at the rear. As such, the site is sufficient in size to support the proposed intensity and site design.

With respect to the form of the development, The London Plan encourages compact forms of development as a means of planning and managing for growth (7\_, 66\_) and encourages ground “inward and upward” to achieve compact forms of development (59\_2, 79\_). The London Plan accommodates opportunities for infill and intensification of various forms (59\_4) and encourages supporting infill and intensification in meaningful ways to manage outward growth (59\_8). In 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 requested amendment would facilitate the development of a fourplex at 2-storeys in height, providing for a compact form of development and intensification on a vacant parcel of land within the city boundary. At 2-storeys in height, the proposed development is in keeping with the scale of buildings in the surrounding area which is comprised of a mix of one to two storey buildings.

Additionally, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578\_). Staff have reviewed the evaluation criteria through the completion of the Planning Impact Analysis and is satisfied the criteria has been met. The analysis can be found in Appendix ‘C’ of this report.

#### *1989 Official Plan*

The subject property is designated Low Density Residential in the 1989 Official Plan which contemplates primarily single detached, semi-detached and duplex dwellings. Residential intensification may occur 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 on site will ensure that infill housing recognizes the scale and character of the adjacent land uses and reflects the character of the area. Forms of 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. Residential densities are generally limited to 30 units per hectare, the 1989 Official 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). The residential intensification of up to 75 units per hectare can be permitted if appropriate (3.2.3.3.). As noted in the above analysis the proposed form of development is considered appropriate within the surrounding context. Applications for residential intensification are also to be evaluated on the basis of Section 3.7 – Planning Impact Analysis (3.3.3ii)). Staff have reviewed the evaluation criteria through the completion of the Planning Impact Analysis and is satisfied the criteria has been met. The analysis can be found in Appendix ‘C’ of this report.

#### **4.3 Issue and Consideration # 3: Zoning**

The proposed fourplex dwelling requires special provisions to facilitate the proposed development in the form of reduced parking area setbacks and a reduced front yard setback. The original plan noted a reduction to the south interior side yard setback however, the minimum required 1.8 metre setback is being accommodated and a special provision is no longer required

The reduced front yard setback is considered appropriate for the site as it helps to activate the streetscape along Boler Road and is keeping with 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\_). The reduced parking area setbacks of 1.5 metres will allow for privacy fencing and landscaping to occur along the property boundaries to provide buffering between the abutting land uses. Staff have no concerns with the proposed setbacks.

#### 4.4 Issue and Consideration # 3: Landscaping

To accommodate parking at the rear of the site, in keeping with The London Plan policies for minimum setbacks to the street, tree removals were required along the rear property boundary. This included working with the abutting lands, owned by the Church, to obtain a Letter of Consent for tree removals. The applicant and staff worked closely with the Church to receive the Letter of Consent for tree removals noting that a board-on-board fence, exceeding the standards of the Site Plan Control By-law, was requested to ensure privacy was maintained. Through the Site Plan Approval process, staff will be looking for a 2.1 metre board-on-board fence along the rear of the site along with landscape planting, where possible, for privacy to the abutting lands.

More information and detail are available in Appendix B and C of this report.

## Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type. The recommended amendment is in conformity with the 1989 Official Plan, including but not limited to the Low Density Residential designation. The recommended amendment would facilitate the development of a vacant, underutilized site with a land use, intensity and form that is appropriate for the lands and surrounding context.

**Prepared by:** Melanie Vivian  
Site Development Planner

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely MCIP, RPP  
Acting 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 Economic Development.

November 7, 2022

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 at 338 Boler Road.

WHEREAS Alma Village Inc. has applied to rezone an area of land located at 338 Boler Road as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 338 Boler Road, as shown on the attached map comprising part of Key Map No. A106, from a Residential R2 (R2-1) Zone to a Residential R3 Special Provision (R3-1( )) Zone.
- 2) Section Number 7.4 of the Residential R3 (R3-1) Zone is amended by adding the following Special Provision:
  - ) R3-1( ) 338 Boler Road
    - a) Regulation[s]
      - i) Front Yard Depth (minimum) 1.2 metres
      - ii) Rear & Interior Parking Area Setback (minimum) 1.5 metres

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

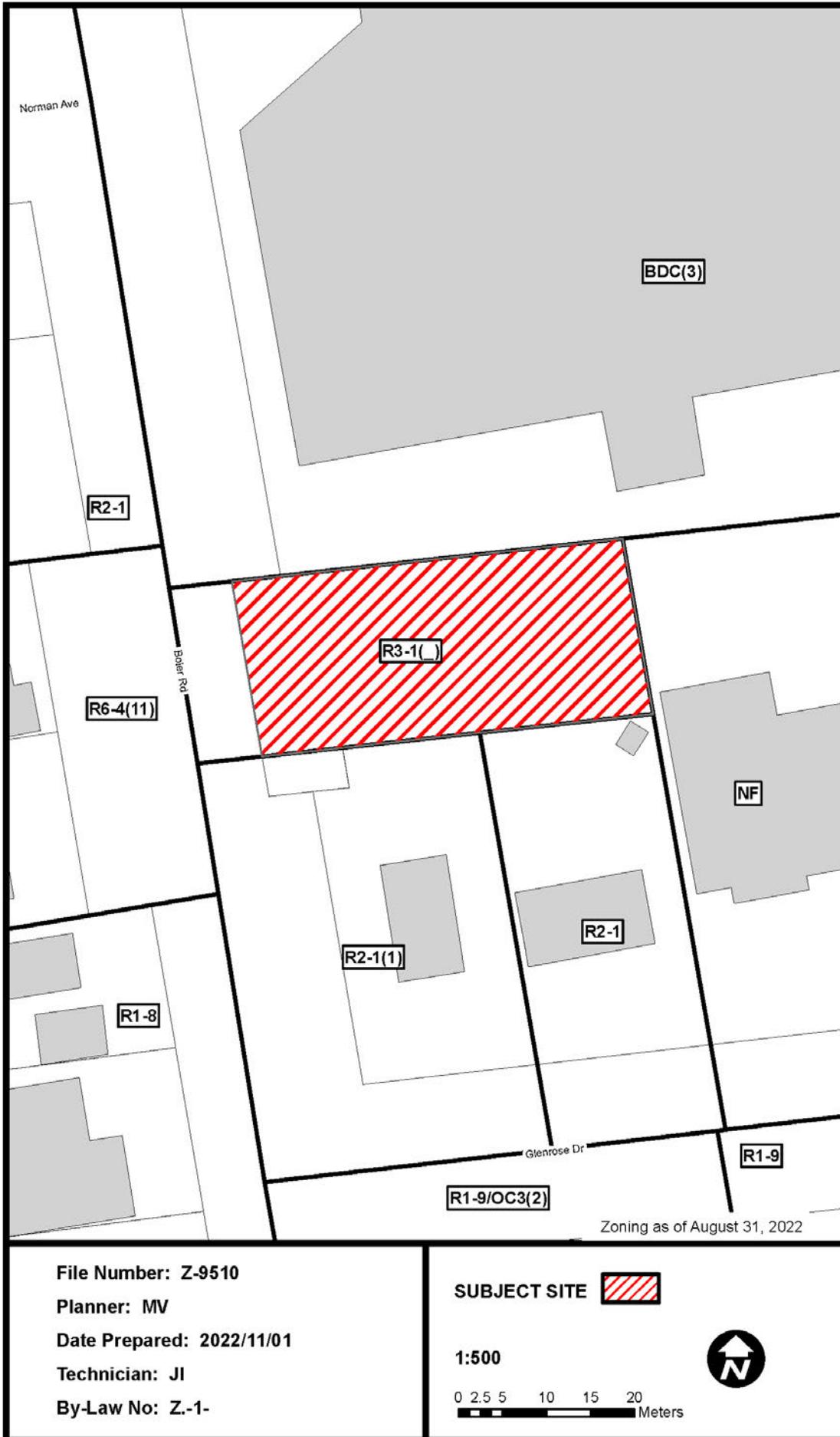
PASSED in Open Council on December 13, 2022

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On May 25, 2022, Notice of Application was sent to 63 property owners and 32 occupants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 26, 2022. A “Planning Application” sign was also posted on the site.

5 replies were received

**Nature of Liaison:** The purpose and effect of this zoning change is to permit the development of a fourplex dwelling. Possible change to Zoning By-law Z.-1 **FROM** a Residential R2 (R2-1) Zone **TO** a Special Provision Residential R3 (R3-1(\_)) Zone. Special provisions would permit: a minimum front yard setback of 1.2 metres (whereas 6.0 metres is the minimum required along an Arterial); a minimum south interior side yard depth of 1.5 metres (whereas 1.8 metres is the minimum required); a minimum rear yard parking setback of 1.5 metres (whereas 3.0 metres is required); and a minimum interior side yard parking setback of 1.5 metres (whereas 3.0 metres is required)

**Responses:** A summary of the various comments received include the following:  
**Concern for:**

- Loss of trees;
- Reduced setbacks from property boundaries;
- Privacy (including fencing); and
- Overflow parking onto adjacent lands.

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

Telephone
Tony Mandarelli – 328 Glenrose Drive
- Concerns for overflow parking occurring on lands
- Survey questions
- Fencing

**From:** (null) MANDARELLI < >  
**Sent:** Monday, May 30, 2022 7:19 PM  
**To:** Vivian, Melanie <mvivian@london.ca>  
**Subject:** [EXTERNAL] Re 338 Boler Road

Here ia our survey for 328 Glenrose Dr. We are located on the south side of 338 Boler Road property Thx Tony

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**From:** Joyce Horrace  
**Sent:** Wednesday, June 15, 2022 9:41 AM  
**To:** Vivian, Melanie <mvivian@london.ca>; Hopkins, Anna <ahopkins@london.ca>  
**Subject:** [EXTERNAL] Notice of planning Application 338 Boler Concerns

Good Morning Melanie and Councillor Anna Hopkins

My name is Joyce Horrace. I own the house on 330 Glenrose and my backyard is facing where the new building you are planning to put up and my biggest concern is that we have trees that give us privacy that we do not want removed. Has there been a survey done on the property lines? I do not wish to remove those trees. Also is there a

way to see more detailed plans on the landscaping to understand more about where the lighting will be etc?

Please let me know  
my number is [REDACTED]

Thank you  
Joyce Horrace

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**From:**  
**Sent:** Thursday, June 16, 2022 10:19 AM  
**To:** Vivian, Melanie <mvivian@london.ca>  
**Cc:** Hopkins, Anna <ahopkins@london.ca>  
**Subject:** [EXTERNAL] Letter Re file Z-9510

re: File Z-9510  
to: Melanie Vivian  
Planning & Development, City of London  
cc: Anna Hopkins

Dear Ms Vivian,  
I am writing on behalf of Byron Community Church located at 336 Glenrose Dr which is adjacent to the subject proposed building plan. We received a notice regarding Z-9510 (338 Boler road) and have the following comments:

1. We do not consent to the removal of trees from the Church's property. The plan proposes removing 8 trees in order to be able to build, a plan we do not support.
2. We believe that the proposed zoning amendments are far too aggressive with the setbacks from all property lines resulting in too close proximity to other properties as well as Boler road. We believe this would not be in accordance with other buildings and dwellings in the rest of the neighbourhood. From reviewing the plan it seems the sole reason is to maximize the number of units and we therefore do not think the amendments should be allowed as it would result in a building obviously too large for the property

Thank you for taking the time to hear our concerns. Please do not hesitate to reach out for any further clarification or discussion of the matter

Best Regards,

John Mackie  
Senior Pastor  
Byron Community Church

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**From:** Adam Family  
**Sent:** Friday, August 12, 2022 2:50 PM  
**To:** Vivian, Melanie <mvivian@london.ca>  
**Subject:** [EXTERNAL] Z-9510 - 338 Boler Road - Revised Tree Preservation Plan

Hi Ms. Vivian

I just left you a voicemail regarding the zoning exemption sought by the developer of 338 Boler Rd to remove or root prune the trees on or near the boundary of our properties. We have read the report you provided, surveyed the area in question ourselves and agree with the assessment of the arbourist.

Before we move forward and grant our consent to the developer's plan, we were wondering about asking for some sort of concession in return for our consent. What we would like in particular would be for the developer to totally remove all the trees and replace them with a fence of the exact same materials and construction as the fence that borders his and our properties with the Metro plaza to the north. My question to you is whether or not we are within our rights to make such a request in return for our consent

and if the type of fence would be acceptable to the city. I've attached a photo of the existing fence to this email.

Any guidance you can offer would be greatly appreciated. As I mentioned in my voicemail, most of the leadership at Byron Community Church is made up of volunteers who have little if no experience in such matters.

Thank you,

Rick Adam

Chair, BCC Board of Directions  
[REDACTED]

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**From:** Adam Family

**Sent:** Thursday, August 18, 2022 7:25 AM

**To:** Vivian, Melanie <mvivian@london.ca>

**Subject:** Re: [EXTERNAL] Z-9510 - 338 Boler Road - Revised Tree Preservation Plan

Hi Melanie,

Thank you for your quick and thorough response!

We had hoped that we could ask for the noise wall separation, not for noise reduction, but more for the visual deterrent provided by such a structure. One of our concerns is that the new residents of the proposed 338 Boler Rd buildings would use our parking lot as their own.

If the solid noise wall is not permissible and we agree to a board on board fence, can we at least stipulate that its height is the same as the existing northern wall? From reading, I understand that the maximum height allowed for a residential fence is 7' and this new fence would need to be between 8' and 10'.

Thanks you, again, for helping us through this process!

Respectfully yours,  
Rick

Rick Adam  
Chair,  
Byron Community Church Elders

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**From:** KERNAGHAN

**Sent:** Friday, October 7, 2022 10:23 AM

**To:** Vivian, Melanie <mvivian@london.ca>

**Subject:** [EXTERNAL] Z9510 338 Boler Road

Melanie,

I am contacting you on behalf of Byron Community Church. You have spoken to Rick Adam the Chair of our Board. He is tied up and asked if I would connect on his behalf. The developer's lawyer has asked for permission to cut down trees and we are looking for a commitment to build a fence between the properties to create a barrier for safety before they start to build. We use the parking lot for children's activities.

We also wanted a commitment to build a retaining wall to prevent erosion as there is a grade difference between the properties. The developer said their engineer has not decided the best action on the grade issue. We need to have assurance that the grade issue and the fence are installed and dealt with as part of the approval.

The lawyer has asked us to sign a letter that they will "Undertake whatever works are required by the city through the approval propose to insure that my clients development does not impact on any other surrounding properties"

This does not give us confidence that the fence will be erected and the grading dealt with unless we have assurance in writing from the city that this will be part of the approval process.

Can you advise how we address this issue?

Dr. Gillian Kernaghan  
Chair, Church Council Byron Community Church

Sent from my iPad

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From: KERNAGHAN  
Sent: Friday, October 7, 2022 12:26 PM  
To: Vivian, Melanie <mvivian@london.ca>  
Subject: Re: [EXTERNAL] Z9510 338 Boler Road

Melanie given the height of the building the higher fence would be preferred thank you for that consideration Gillian

Sent from my iPad

### **Agency/Departmental Comments**

#### Upper Thames River Conservation Authority Comments (June 1, 2022):

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 the application and a Section 28 Permit is not required.

#### Parks Planning & Design Comments (June 9, 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.

#### Urban Design Comments (June 14, 2022):

Please find below UD Comments for ZBA related to 338 Boler Road.

- Explore opportunities to consider a more compact form, such as a stacked townhouse or fourplex form (upper and lower units) of 3 to 4 storeys with a smaller building footprint, to allow for more space for landscaping, amenity areas and a more functional and consolidated parking area away from the street.
- Consolidate the front unit stoops and courtyard spaces into wider, raised front porches to create a more functional space, avoid excessive stairs and walkways to the rear doors and contribute to the residential street character.
- The elevations provided needs to be revised to be more of a residential character and can be reviewed at the site plan stage.

#### Landscape Architect Comments (July 4, 2022):

- I only see second submission TPP that proposes to remove 6 offsite trees, remove 1 boundary tree and injure 1 boundary tree. Based on the letter from the church, consent will not be forthcoming.
- I cannot accept the TPP. I cannot give permission for a developer to remove trees from a neighbours property or to contravene a provincial act.
- The limits of disturbance abuts the east property line. If the developer proceeded without removing off-site trees, approximate 45-50% roots of the 6 off-site trees will be removed. These roots are necessary to maintain the trees' vitality and stability. Where critical root zones cannot be adequately protected, I would recommended them for removal [Tree Assessment Plan concurs]



## Appendix C – Planning Impact Analysis

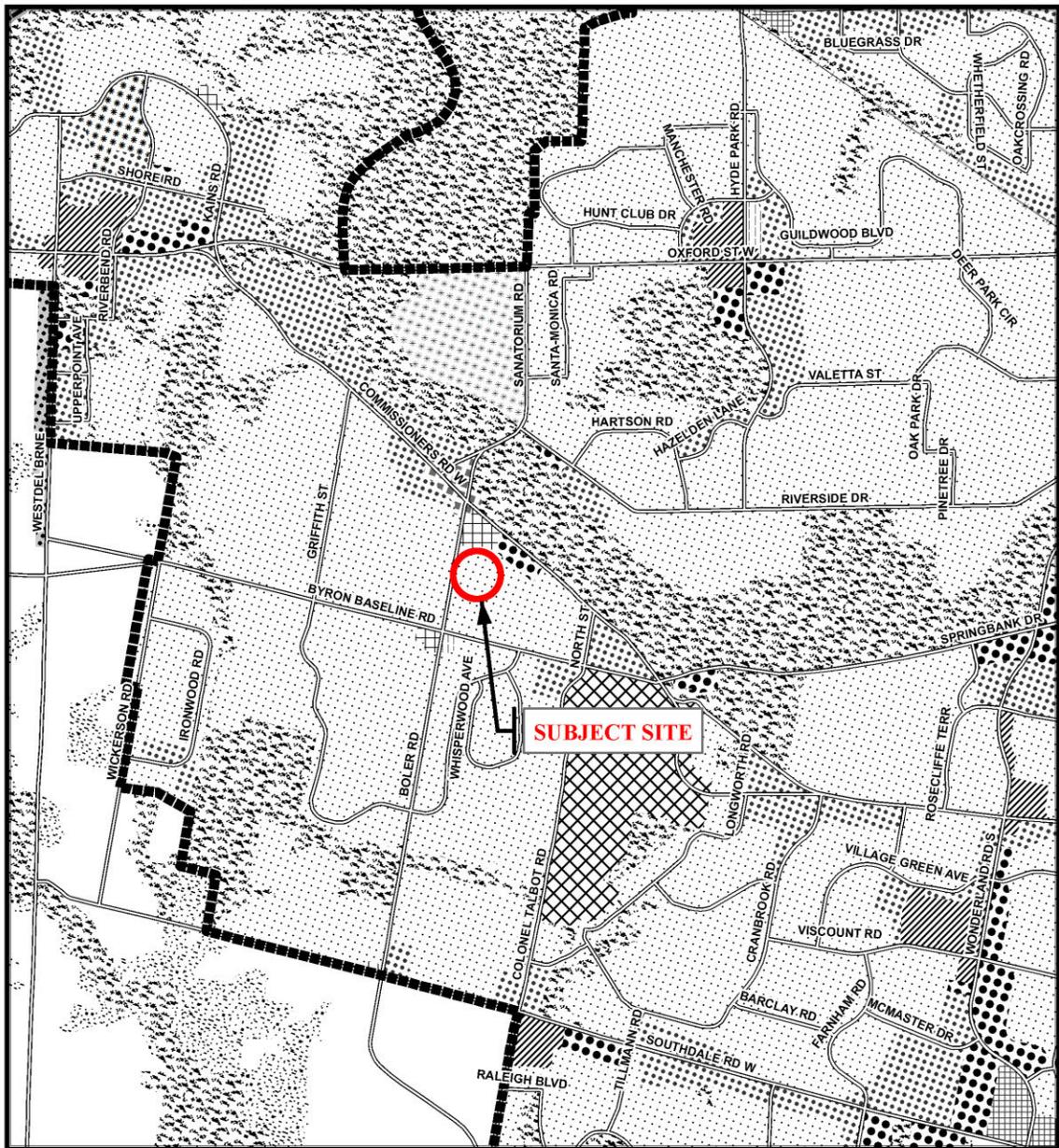
<b>3.7 Planning Impact Analysis</b>	
<b>Criteria</b>	<b>Response</b>
Compatibility of the proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The recommended land use is a contemplated use in the Official Plan and contributes 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 subject lands are of sufficient size to accommodate the proposed intensity. The proposed development is located along a Civic Boulevard that has pedestrian connections and access to transit uses.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There are no vacant parcels in the area which are 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 proposed development is within close proximity to open spaces, commercial uses, recreational uses and transit services.
The need for affordable housing in the area, and in the City has a whole as determined by the policies of Chapter 12 – Housing;	Dwelling units in a fourplex are typically more affordable than the surrounding areas single-detached dwelling units.
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 fourplex is appropriate for the lands. Privacy impacts are expected to be minimal and will be mitigated through the use of fencing and landscaping. The visual impacts of the development will be minimal given the height of the proposal, spatial separation from 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 will be considered at the 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 the surrounding properties;	Transportation Planning and Design was circulated on the application and there were no comments. Further refinements to the site will occur through the Site Plan Approval stage.
The exterior design in terms of bulk, scale and layout of buildings, and the integration of these uses with present and future land uses in the area;	The exterior design of the building will be compatible with the existing and future land uses in the area.
The potential impact of the development on surrounding natural features and heritage resources;	Not applicable.
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	Not applicable.

vibration and rail safety may limit 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 in-force policies of the 1989 Official Plan. The Site Plan Control By-law has been considered through the design of the site including amenity spaces, fencing, parking, landscaping 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; and	Tree planting and building massing treatments are expected to mitigate any minor adverse impacts on surrounding land uses.
Impacts of the proposed change on the transportation system, including transit.	The proposed fourplex will have negligible impact on the transportation system and provides for a more transit-supportive form of development.

<b>1577_Evaluatoin Criteria for Planning and Development Applications</b>	
<b>Criteria – General Policy Conformity</b>	<b>Response</b>
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 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 recommended development 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 of a fourplex provides for a use and intensity of development contemplated within the Neighbourhoods Place Type.
Consideration of applicable guideline documents that apply to the subject lands.	Not applicable.
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.
<b>Criteria – Impacts on Adjacent Lands</b>	
Traffic and access management	Access to the site is off of Boler Road. The proposed development did not trigger the need for a Traffic Impact Assessment.

	Transportation staff have no concerns.
Noise	The development is not expected to generate unacceptable noise impacts on surrounding properties. A Noise Study was not required.
Parking on streets or adjacent properties	Members of the public had concerns with respect to parking on adjacent lands. The proposed development provides for parking that exceeds the requirement of the Zoning By-law Z.-1. Should parking occur on abutting lands, this will be a By-law Enforcement matter.
Emissions, generated by the use such as odour, dust or other airborne emissions	The development will not generate noxious emissions.
Lighting	Lighting details, including light cast, will be addressed through the Site Plan Approval process.
Garbage generated by the use	Garbage collection will be confirmed through the Site Plan Approval process with Solid-Waste Management.
Privacy	Through the Site Plan Approval process, staff will look for board-on-board fencing as well as landscaping.
Shadowing	Given the recommended built form, orientation, height and location, shadowing impacts will be limited.
Visual Impact	A detailed review of the landscaping and elevations (including the building design, architectural details and materials) is completed at the Site Plan Approval process. The proposed development is anticipated to have a positive visual impact on the area as the current lands are vacant with overgrown vegetation.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the development.
Trees and canopy cover	Details regarding tree plantings will be confirmed through the Site Plan Approval process.
Cultural heritage resources	Not applicable.
Natural heritage resources and features	Not applicable.
Natural resources	Not applicable.
Other relevant matters related to use and built form.	Not applicable.

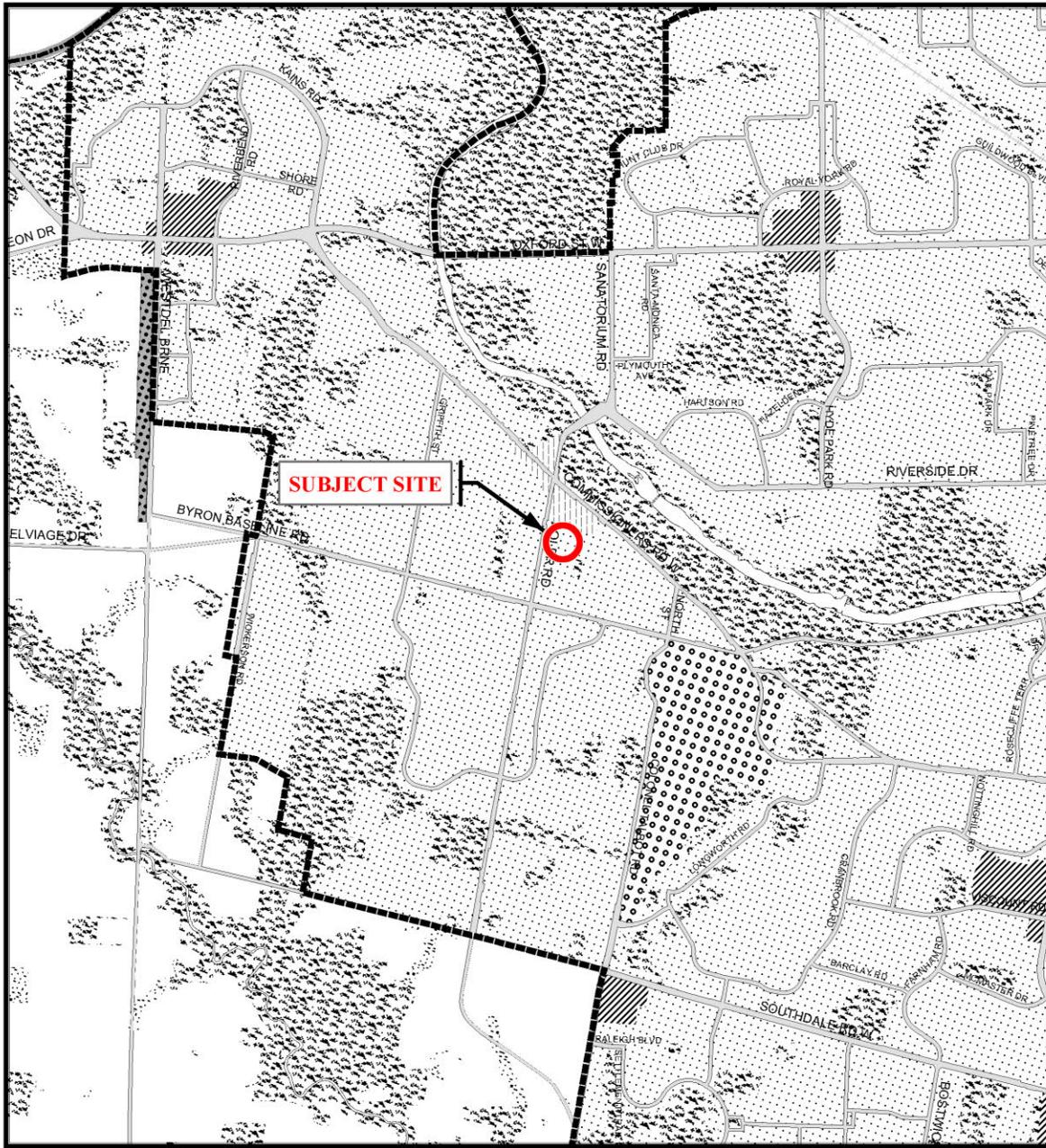
# Appendix D – Relevant Background



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

<p><b>CITY OF LONDON</b></p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-9510</p>
		<p>PLANNER: MV</p> <p>TECHNICIAN: JI</p> <p>DATE: 2022/11/01</p>

PROJECT LOCATION: e:\planning\projects\p\_officialplanwork\consol00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd



**Legend**

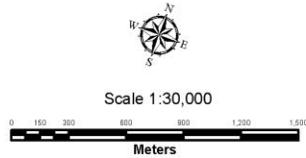
- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                        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

*This is an excerpt from 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



**File Number:** Z-9510  
**Planner:** MV  
**Technician:** JI  
**Date:** 2022/11/01

Project Location: \\cfile1\giswork\Planning\Projects\p\_officialplan\workconsol\00\excerpts\_LondonPlan\mxd\Z-9510\_Map1\_PlaceTypes.mxd



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-1**

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9510

MV

MAP PREPARED:

2022/11/01

Jl

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## 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:** 6092 Pack Road  
Public Participation Meeting  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Magnificent Homes and Royal Premier Homes relating to the property located at 6092 Pack Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on December 13, 2022 to amend *Zoning By-law No. Z.-1*, in conformity with The London Plan, to change the zoning of the subject property **FROM** an Urban Reserve (UR3) Zone, **TO** a Holding Residential R6 Special Provision (h\*R6-5(\_)) Zone;

**IT BEING NOTED** that the following site plan matters were raised during the application review process for consideration by the Site Plan Approval Authority:

- a. Provide additional details for shared outdoor amenity space.
- b. Provide high quality landscaping with consideration to any existing significant mature trees on the site and along property boundaries.
- c. Further emphasize the heritage character through the on-site amenity area and greenspace.
- d. Limit the construction of new residential dwelling(s) to only one of the interior side yards adjacent to the existing single detached dwelling to allow sufficient space to accommodate an access driveway on the opposite interior side yard.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to *Zoning By-law No. Z.-1* to change the zoning of the subject lands from an Urban Reserve (UR3) Zone to a Holding Residential R6 Special Provision (h\*R6-5(\_)) Zone. This change would facilitate the retention of a heritage designated single detached dwelling and the development of cluster townhouses and stacked townhouses on the site.

### Purpose and Effect of Recommended Action

The purpose and effect of this zoning change is to permit the retention of the heritage designated single detached dwelling, and to permit the development of five (5) 2.5-storey townhouse buildings and six (6) 3.5-storey back-to-back stacked townhouse buildings, for a total of 40 units. Special provisions for the zone would: exclude apartment buildings as a permitted use; permit an increased minimum front yard setback of 15.8 metres; permit a minimum rear yard setback of 6.0 metres; permit a minimum interior side yard setback of 1.8 m for buildings under two storeys in height where the end wall of a unit contains no windows to habitable rooms; permit a minimum interior side yard setback of 3.0 metres for buildings over two storeys where the end wall of a unit contains no windows to habitable rooms, or 6.0 metres where the wall of a unit contains windows to habitable rooms; permit a minimum separation distance from the single detached dwelling to new development of 5.0 metres; and permit a maximum density of 45 units per hectare. Staff are also recommending a holding provision (h) to

address stormwater management at site plan.

### **Rationale of Recommended Action**

1. The recommended amendment is consistent with the *Provincial Policy Statement, 2020* as it encourages efficient development and land use patterns.
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Neighbourhood Place Type, Our Strategy, our Tools, and other applicable London Plan policies.
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan and the Southwest Area Secondary Plan, including but not limited to the Low and Medium Density Residential policies within the North Talbot Residential Neighbourhood.
4. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood.
5. The recommended amendment facilitates the retention of a heritage designated single detached dwelling.

### **Linkage to the Corporate Strategic Plan**

Building a Sustainable City – The Strategic Plan provides direction for development through Building a Sustainable City and Strengthening Our Community. Building a Sustainable City includes growth and development that is well planned and directed to strategic locations. The subject site is within a location that contemplates growth and intensification but requires thoughtful design and a compatible built form. Strengthening our Community in the Strategic Plan includes achieving a strong character and sense of place by ensuring that new development fits within and enhances its surrounding community, and that London’s heritage properties continue to be conserved. By reducing the setbacks from the original request, the proposal can contribute to ensuring that London’s growth and development is well planned and sustainable over the long term.

### **Analysis**

#### **1.1 Property Description**

The subject lands are located within the Urban Growth Boundary, on the north side of Pack Road, west of Bostwick Road and east of Regiment Road. The lands include a 20<sup>th</sup> century single detached dwelling near the front of the site and accessory structures to the rear.

The parcel is rectangular in shape, with an approximate frontage of 60 metres and an area of one (1) hectare. The subject lands are generally flat in topography and contain mature coniferous trees primarily in a row running from front to rear and situated on the west side of the lot.



Figure 1. City aerial photograph of the subject lands with parcel lines outlining nearby residential development (2021).



Figure 2. Google Street View imagery of the subject lands, facing northwest from Pack Road (June 2014).



Figure 3. Google Earth orthographic 3D projection of the subject lands, facing northwest (July 3<sup>rd</sup>, 2018, and later).

## 1.2 Current Planning Information

- The London Plan Place Type – Neighbourhoods on a Civic Boulevard
- 1989 Official Plan Designation – Multi-Family, Medium Density Residential (MFMDR) & Low Density Residential (LDR)
- Existing Zoning – Urban Reserve (UR3)

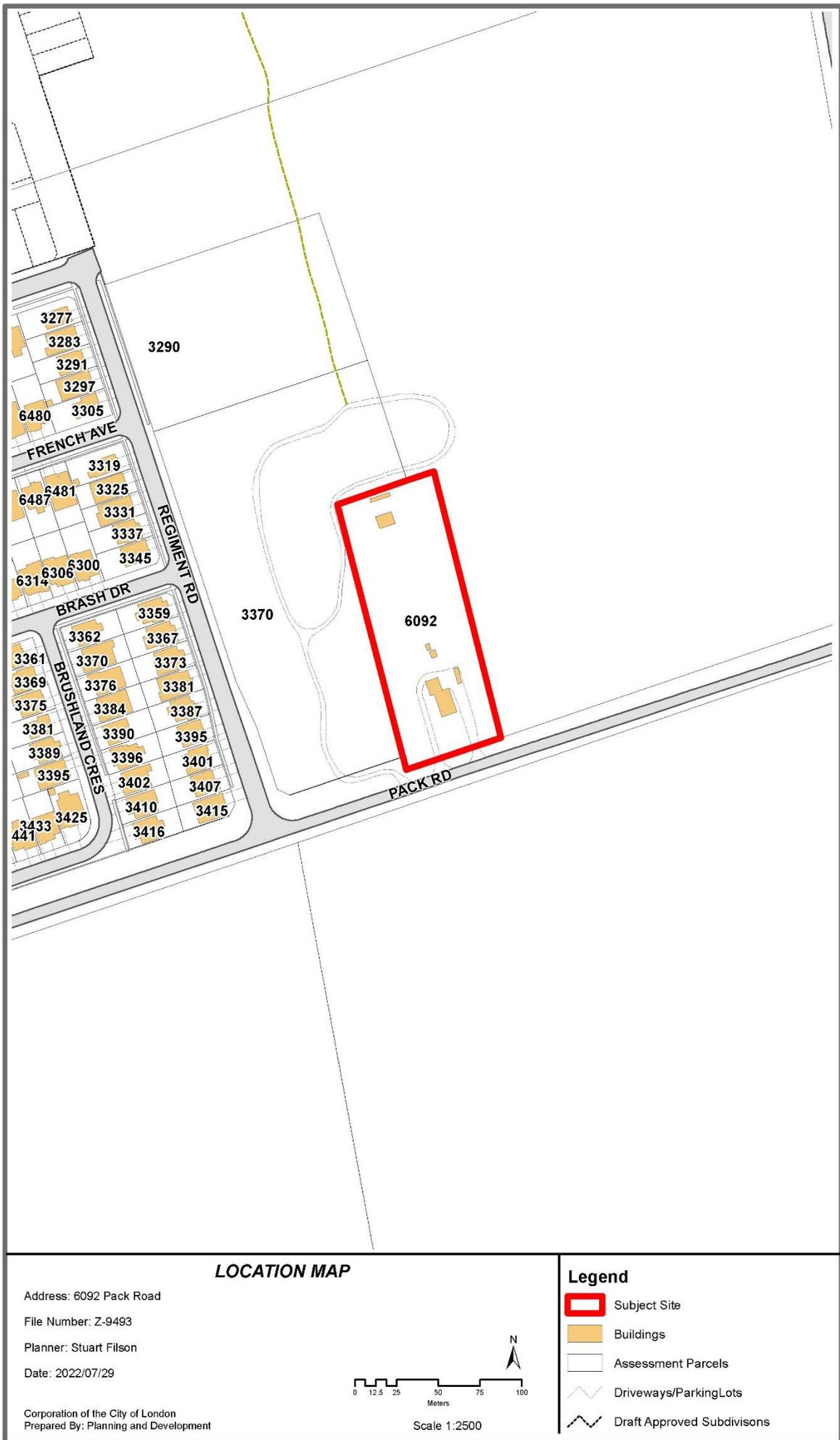
## 1.3 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 60 metres
- Depth – 154 metres after widening; 164 metres before widening
- Area – 1 hectare
- Shape – rectangle

## 1.4 Surrounding Land Uses

- North – Vacant
- East – Vacant
- South – Vacant
- West – Vacant

# 1.5 Location Map



## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The applicant has requested a zoning by-law amendment for the subject lands to facilitate the retention of a heritage designated single detached dwelling and the development of cluster townhouses and cluster stacked townhouses. The development would comprise of: the retention of the heritage designated single detached dwelling (one unit); five (5) 2.5-storey townhouse buildings, for a total of 40 dwelling units; and one (1) 3.5-storey back-to-back townhouse building, for a total of six (6) dwelling units, for a combined total of 40 units. Access to the site is proposed to be located from Pack Road, on the east side of the existing designated dwelling. The site concept is shown in Figure 4. Building rendering and elevations are shown in Figures 5, and 6.

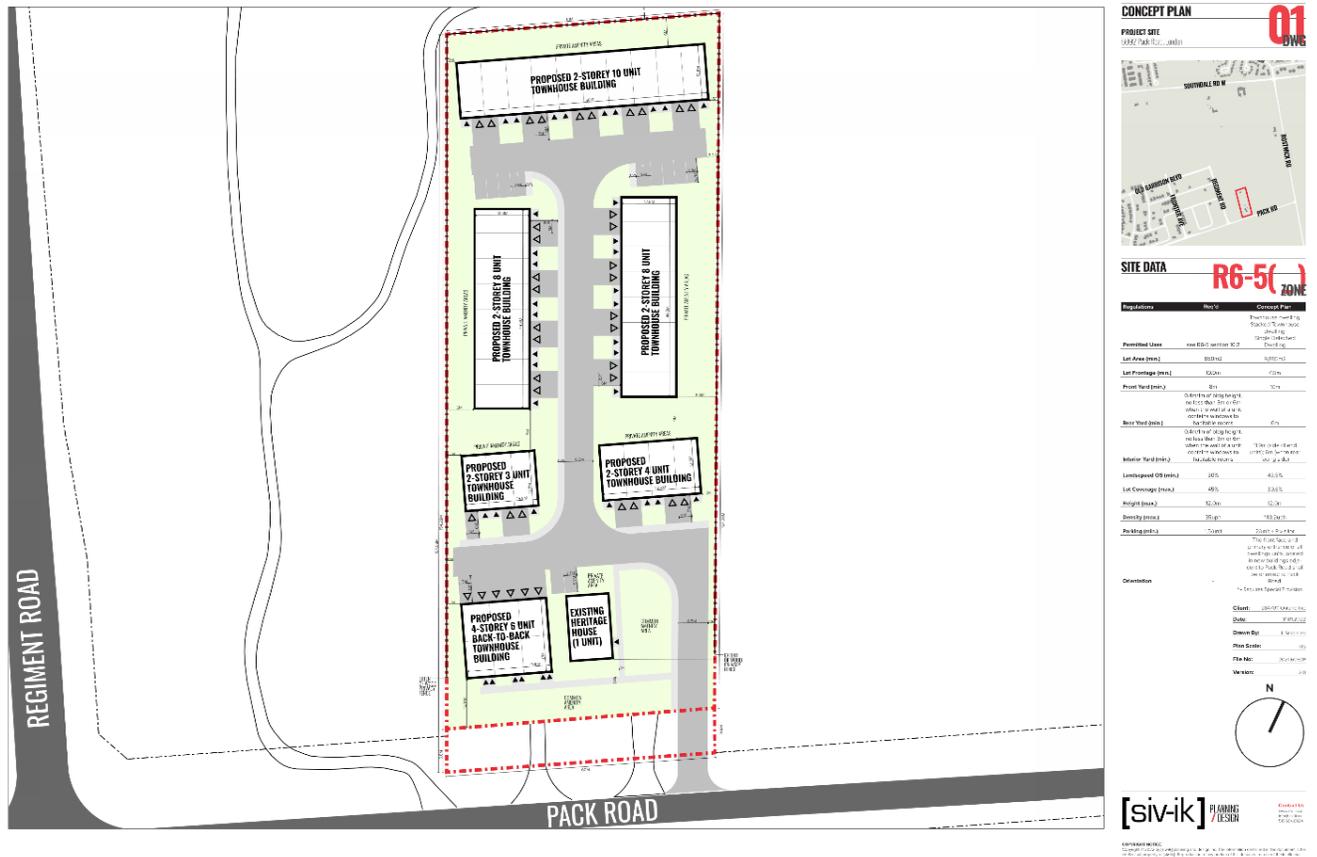


Figure 4. Site Concept Plan.



Figure 5. Concept Rendering 1.



Figure 6. Concept Rendering 2.

## 2.2 Proposed Amendment

The applicant is requesting a Residential R6 Special Provision (R6-5(\_)) Zone, to permit townhouses and stacked townhouses, with the following special provisions:

- prohibit apartment buildings as a permitted use;
- permit an increased minimum front yard setback of 15.8 metres, whereas 8.0 metres is required;
- permit a minimum rear yard setback of 6.0 metres;
- permit a minimum interior side yard of 3.0 metres for over two storeys where the end wall of a unit contains no windows to habitable rooms, or 6.0 metres where the wall of a unit contains windows to habitable rooms;
- permit a minimum interior side yard of 1.8 metres for buildings one to two storeys in height where the end wall of a unit contains no windows to habitable rooms;
- permit a minimum separation distance from the single detached dwelling to new development of 5.0 metres;
- permit a maximum density of 45 units per hectare whereas a maximum of 35 units per hectare is permitted;
- and permit no dwelling(s) within the interior side yard adjacent to the single detached dwelling that contains the access driveway

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

No responses were received from the public. The Urban Design Peer Review Panel reviewed the proposal and provided comments (Appendix B).

## 2.4 Policy Context

Through an analysis of use, intensity, and form, Planning and Development staff have considered the compatibility and appropriateness of the requested ZBA and development proposal taking into account the policies that guide the use and development of land in the city and having regard for the existing and planned character of the receiving neighbourhood.

*Provincial Policy Statement, 2020*

The *Provincial Policy Statement, 2020* (PPS) 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 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).

Section 1.1.4.1 of the PPS encourages healthy, integrated, and viable rural areas to be supported by promoting regeneration and encouraging the conservation and redevelopment of existing rural housing stock on rural lands. Rural areas may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas (1.1.4).

The PPS states that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes (1.7.1.e). Furthermore, the PPS identifies that significant built heritage resources “shall be conserved” (2.6.1).

### *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 contains policies that guide the use and development of land within the city and are consistent with the policy direction set out in the PPS. All lands in the city are assigned a place type and the policies associated with a place type provide for a general range of uses, form and intensity of development that may be contemplated.

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.

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. (Key Direction #5, Directions 2 and 4).

The London Plan provides direction to celebrate and support London as a culturally rich, creative, and diverse city by:

- Protecting our built and cultural heritage to promote our unique identity... (Direction #3, 57\_7);

The London Plan provides direction to build strong, healthy, and attractive neighbourhoods for everyone by:

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy and connected communities, creating a sense of place and character;
- Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, and neighbourhood character... (Direction #7, 61\_3, 5);

The London Plan provides direction to make wise planning decisions by:

- Ensuring new development is a good fit within the context of an existing neighbourhood (Key Direction #8, 62\_9).

The proposed use supports these Key Directions by providing a form of development that is compatible with existing and future development within the area.

To achieve the vision and key directions of The London Plan, residential intensification within existing neighbourhoods is encouraged to provide opportunities for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods (The London Plan Policy, 937\_). The London Plan supports all forms of intensification, with the understanding that intensification should be appropriately located, compatible, and fit well within receiving neighbourhood (The London Plan Policies 80\_4., 83\_, 939\_ 5., 940\_).

### *Southwest Area Secondary Plan*

The subject site is located within the Southwest Area Secondary Plan (SWAP), North Talbot Residential Neighbourhood. The purpose of the Secondary Plan is to establish a vision, principles and policies for the development of the Southwest Planning Area. SWAP provides a greater level of detail than the general policies in the City's 1989 Official Plan or The London Plan and serves as a basis for the review of planning applications which will be used in conjunction with other policies of the 1989 Official Plan and The London Plan.

Under the principles of SWAP, consideration is given to "the retention of existing identified heritage residential buildings as a contribution to the community identity" (20.5.1.4 ii) g)). As part of Urban Design, SWAP includes significant heritage properties as a priority for consideration (20.5.3.9 j)).

The Low and Medium Density Residential designations apply to most of the existing and planned neighbourhood of North Talbot, reflecting land uses established through previous Area Plans and site-specific applications. Where/if the subject lands are within the boundaries of a previously approved Area Plan, the policies of Section 20.5.1.5 of the Plan shall also apply (20.5.11 i)).

### *1989 Official Plan*

The subject site is designated Low Density Residential (LDR) (rear portion) and Multi-Family, Medium Density Residential (MFMDR) (front portion) on Schedule A of the 1989 Official Plan. Development within the LDR designation permits single detached and townhouse dwellings, and shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy. The MFMDR designation primarily permits multiple-attached dwellings, such as row houses or cluster houses, and low-rise apartments buildings. However, the applicant specifically requested that apartment buildings be prohibited in the zoning request to address concerns with respect to neighbourhood character identified under the Official Plan policies. These areas may also be developed for single detached, semi-detached, and duplex dwellings (3.3.1). 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, and will generally not exceed four-storeys in height (3.3.3 i)). Medium density development will not exceed an approximate net density of 75 units per hectare (3.3.3. ii)).

## **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 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 (1.1.1.b)). 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 (1.1.1.e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (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).

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 and planned services, nearby recreational opportunities, local and regional institutional uses, and shopping, entertainment and service uses.

### 4.2 Issue and consideration #2: Use

#### *The London Plan*

The subject lands are located in the Neighbourhoods Place Type along a Civic Boulevard (Pack Road) in The London Plan (\*Map 1 – Place Types and Map 3 – Street Classifications). At this location, a range of low-rise residential uses including single, semi-detached, duplex, triplex, and fourplex dwellings, townhouses, stacked townhouses, and low-rise apartments, as well as mixed-use buildings are contemplated. To mitigate concerns regarding the development of apartments, the applicant emphasized that apartment buildings would be withheld from the zoning request. The development of 39 additional dwellings, comprised of cluster townhouses and cluster stacked townhouses, would contribute to the existing mix of housing types currently available in the area.

#### *Southwest Area Secondary Plan*

In instances where the subject lands are within the boundaries of a previously approved Area Plan, the policies of Section 20.5.1.5 of the Plan shall apply (20.5.11.1.i). 20.5.1.5 of the Plan states that “If a conflict arises between the Secondary Plan policies and the existing Area Plan policies, the Area Plan policies of the Official Plan shall prevail.” The subject lands are within the North Talbot Neighbourhood, as indicated within the Southwest Area Secondary Plan (Schedule 12). The Low and Medium Density Residential designations apply to these lands. The primary permitted uses in the Low Density and Multi-Family, Medium Density Residential designations of the Official Plan, respectively, shall be permitted (20.5.11.1.ii). Regarding 20.5.11.1.ii of the Area Plan, the permitted uses under the Low and Medium Density Residential designation include the single-detached dwelling use, which already exists, and multiple-attached dwellings (1989 Official Plan, 3.2.1 & 3.3.1). The Low and Medium Density Residential designations reflect land uses established through previous Area Plans and site-specific applications.

### *1989 Official Plan*

Within the 1989 Official Plan, most of the southern portion of the subject lands are designated MFMDR which permits multiple-unit residential developments (3.3). Along the remaining portion of this site, the lands are designated as LDR. The primary permitted uses in areas designated LDR shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2 (3.2.1).

The primary permitted uses include multiple-attached dwellings, such as row houses, and low-rise apartments; however, these areas may also be developed for low-density forms of development, including single detached and semi-detached dwellings (3.3.1.).

The proposed development, being a single detached dwelling, townhouses, and stacked townhouses, as contemplated in the 1989 Official Plan, is in conformity with the intended use for the subject site.

#### Analysis:

Consistent with the PPS, The London Plan, the 1989 Official Plan and the Southwest Area Secondary Plan, the proposed townhouses and stacked townhouses will contribute to the existing range and mix of housing types in the area, which consists of mostly one and two-storey single detached dwellings. The proposed use will provide choice and diversity in housing options for both current and future residents. No new roads or public infrastructure are required to service the site, making efficient use of land and existing municipal services.

### **4.3 Issue and consideration #3: Intensity**

#### *The London Plan*

The London Plan encourages intensification where appropriately located and provided in a way that is sensitive to and a good fit within existing neighbourhoods (83; 937; 953\_1). The intensity of development must be appropriate to the neighbourhood context as it relates to height, massing, setbacks etc. (953\_2), as well as appropriate for the size of the lot, and accommodate such things as adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, etc. (953\_3).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. The intensity of development contemplated is related to the classification of the street onto which the property has frontage (The London Plan, Policies 789\_6. and 919\_2.). The subject lands have frontage on a Civic Boulevard, which permits a minimum building height of two (2) storeys, and a maximum building height of four (4) storeys (The London Plan, Policy \*935\_1. and \*Table 11- Range of Permitted Heights in Neighbourhoods Place Type).

#### *Southwest Area Secondary Plan*

The subject lands are located within the North Talbot Residential Neighbourhood of the Approved Plan (Schedule 12). In the North Talbot Residential Neighbourhood, new development shall be consistent with the density requirements of the Low Density (LDR) and Multi-Family, Medium Density Residential (MFMDR) designations, respectively, of the *Southwest Area Secondary Plan*, as set out in Sections 3.2.2, 3.2.3 and 3.3.3 of the 1989 Official Plan (20.5.11.1 iii) a)). Therefore, the North Talbot Residential Neighbourhood generally permits a minimum density of 30 units per hectare and a maximum density of 75 units per hectare, as per Sections 3.2.2, 3.2.3 and 3.3.3 of the 1989 Official Plan. To provide for a mix of housing types, densities and designs throughout each neighbourhood, SWAP emphasizes ensuring that housing developments and designs achieve compact residential development (20.5.1.4 ii) b)).

## *1989 Official Plan*

Within the *1989 Official Plan*, most of the southern portion of the subject lands are designated MFMDR which permits multiple-unit residential developments at a maximum density of 75 units per hectare and a maximum height of four (4) storeys (3.3.3. i) & ii)). The northerly portion of the subject site is designated LDR which permits low rise development at a maximum density of 30 units per hectare. Within the LDR designation, residential intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare.

### Analysis:

The proposed development will not adversely affect the function nor the amenity of the future adjacent developments which based on policy will likely develop with similar low-rise residential forms of development. The intensity of the proposed development conforms to the urban design considerations for residential intensification in Neighbourhoods in The London Plan and is generally compatible with surrounding land uses through the continuation of a low-rise form and moderate-site coverage. The recommended proposal provides a thoughtful intensity that complements the neighbourhood context. With respect to the appropriateness of the proposed intensity, the site design supports all required parking spaces and sufficient private outdoor amenity space and landscaped open space. Reductions in parking and landscaped open space, and lot coverage often serve as indicators of possible over-intensification; however, in this case the identified features can be achieved, indicating that the site is of sufficient size to support the proposed intensity and site design.

The site is located at the edge of a residential area characterized by single detached dwellings on large lots and vacant Urban Reserve lands. The proposed development will effectively and efficiently optimize the use of the subject lands. The proposed multi-unit residential development will expand the residential types and diverse housing options available within the neighbourhood to meet a variety of housing needs and contribute to a more dynamic and vibrant neighbourhood.

The proposed development is of a suitable intensity for the site and is consistent with the PPS and the in-force policies of the City's Official Plans.

#### **4.4 Issue and consideration #4: Form**

##### *The London Plan*

The Our Tools part of The London Plan outlines considerations for evaluating planning and development applications (1578\_).

The London Plan encourages compact urban forms of development as a means of planning and managing for growth (7\_, 66\_) and encourages growing "inward and upward" to achieve compact forms of development (59\_, 79\_). The London Plan specifically supports residential intensification in neighbourhoods (937\_ - 940\_) and provides direction for planning regarding intensification. Specifically, that planning will respect existing neighbourhood character and offer a level of certainty, while providing for strategic ways to accommodate development to improve our environment, support local businesses, enhance our physical and social health, and create dynamic, lively, and engaging places to live (918\_).

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 by considering 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 – f).

### *Southwest Area Secondary Plan*

Under the Southwest Area Secondary Plan (SWAP), new development should enhance the public realm, including streetscapes, public spaces, and infrastructure, with design of the community street pattern creating or enhancing view corridors (20.5.1.4 g) & j)). In residential areas, garages shall be designed so that they are not the dominant feature in the streetscape – garages shall not project beyond dwelling/porch façade, with garage doors not occupying more than 50% of the frontage unless the City is satisfied otherwise (20.5.3.9 iii e)). Off-street parking areas shall be designed to reduce their visual impact on both the adjoining streetscape and on people using the site and/or facility. Parking facilities shall be designed to minimize the visual impact from adjacent properties and the public realm and provide for enhanced amenity and recreation areas for the residents of the development. Although the concept proposal does not necessarily represent a final development, the applicant has already made the effort to adequately screen parking and instead emphasize architectural and landscape features of this site.

Along the streetscape, buildings shall be designed to be street oriented such that the functional front and main entrances to the building face the street (20.5.3.9 iii g)). A minimum separation distance from the existing single detached dwelling of 5.0 metres ensures emphasis on the heritage character of the existing building. If a modified development proposal is pursued, no dwelling(s) shall be constructed within the interior side yard adjacent to the single detached dwelling that has the driveway – the intent of this special provision to ensure amenity space and regard for heritage character is achieved. Moreover, the minimum interior side yard setback would vary depending on the number of storeys and windows to habitable rooms – this would ensure privacy and suitable character through form based setbacks. By reducing the available space for street front dwellings, this ensures available space for amenity area or landscaping, as requested by the Urban Design Peer Review Panel.

### *1989 Official Plan*

Typically, height limitations will not exceed four storeys for MFMDR, which the proposal would be keeping with. Development within areas designated MFMDR shall take into account surrounding land uses in terms of height, scale, and setbacks, and shall not adversely impact the amenities and character of the surrounding area (3.3.2.i)). Medium density development will not exceed a net density of 75 units per hectare and shall be no more than four-storeys in height (3.3.3.i); 3.3.3.ii)), neither of which the proposal exceeds. In the LDR designation, infill housing may be in the form of single detached dwellings, semi-detached, dwellings, attached dwellings, cluster housing and low rise apartments. Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area (3.2.3.2).

### Analysis:

Consistent with the PPS and conforming to the *1989 Official Plan* and The London Plan, the recommended residential development of the subject property would optimize the use of land and public investment in infrastructure in the area. Located within a developing area of London, the proposed townhouse development would contribute to achieving more compact forms of growth than the existing single detached dwellings throughout the broader neighbourhood.

The location and massing of the proposed buildings respects the heritage value of this site and is consistent with urban design goals. The parking area is located either in garages or behind the buildings as viewed from the streetscape, which helps to conceal

parking while emphasizing architectural value. Adequate space is provided along the perimeter for landscaping and added amenity space.

The proposed building placement provides for a suitable separation between the proposed development and existing single detached dwelling on-site, mitigating compatibility concerns including loss of privacy. In addition to the required 5.0 metre minimum separation distance from the existing heritage structure, Site Plan Control is also anticipated to ensure the context is sensitive to spacing of the heritage structure through review by Heritage and Urban Design Staff.

Comments from Urban Design staff and the Urban Design Peer Review Panel (UDPRP) highlighted various considerations that have been accounted for in the recommended setbacks. Additional design considerations will be addressed through the Site Plan Approval process. UDPRP comments and applicant responses can be found under Appendix E. Engineering staff have reviewed this proposal and have no concerns. Further engineering considerations will be addressed at site plan.

#### *Considerations for the R6-5 Zone*

Additional special provisions are required to permit interior side and rear yard setbacks to facilitate the development of townhouses and stacked townhouses. The applicant considered setbacks as low as 1.8 metres, which is less than the standard 3.0 metres of the R6-5 zone. For buildings one to two storeys in height where the end wall of a unit contains no windows to habitable rooms, Staff concluded that an appropriate form of development could be met with 1.8 metres instead of 3.0 metres. Landscape Staff concluded that 1.8 metres is sufficient for landscaping, if pursued. For buildings over two storeys where the end wall of a unit contains no windows to habitable rooms, Staff recommend 3.0 metres for interior side yards, which matches the base zone provision for interior side yard setbacks in all instances. The standard setback provides for adequate landscaping and stormwater management while offering better privacy for neighbouring dwellings to be built in the future. Where the wall of an end unit contains windows to habitable rooms, Staff recommend an increased setback of 6.0 metres for privacy. The base and increased setbacks ensure better compatibility with the built form and future developments surrounding the site.

Furthermore, for the rear yard, a 6.0 metre setback is the standard unless proper accommodations are taken into consideration, including avoiding windows to habitable spaces or limiting buildings to two storeys in height. Given the scale of this proposal, Staff are recommending 6.0 metres to permit more landscaping and amenity space. This will ensure future compatibility between land uses as well as provide adequate space for access to the rear of the site.

To ensure adequate amenity space, it is recommended that the Site Plan Approval Authority consider that no dwelling(s) shall be constructed within the interior side yard adjacent to the single detached dwelling that contains the internal driveway access. The location of the driveway is specified relative to the single detached dwelling to mitigate the presence of units on both sides of the heritage designated building.

The *Zoning By-law No. Z.-1* provides front yard requirements adjacent to the arterial roads measured from the limit of the required or the existing road allowance, whichever is the greater (4.21). The intent of the regulation ensures that adequate distance is provided in the event of future road widening. Pack Road is a Civic Boulevard/Arterial Road in The London Plan and 1989 Official Plan, respectively, and has an ultimate road allowance requirement of 18 metres from the centre line. In the UR3 Zone variation, a minimum front yard depth of 10 metres is required from the ultimate road allowance. The front yard of 15.8 metres matches the setback of the heritage designated building. Following review by Staff and the Urban Design Peer Review Panel, Staff recommend a minimum front yard setback of 15.8 metres, which helps preserve the heritage character of the site and ensures new development will not project beyond the heritage-designated dwelling. 15.8 metres serves to ensure new development does not project

closer to the street. The existing single detached dwelling will not encroach into the ultimate road allowance of Pack Road.

#### *Considerations for the General “h” Holding Provision*

Engineering Staff emphasized the need for orderly servicing of stormwater, sanitary, and water. This site falls within the Dingman Subwatershed. As per section 6.3.2 of the Design Specifications & Requirements manual, a water balance assessment is required to examine the site’s water balance conditions and propose opportunities to mitigate water balance deficits. As an objective of the Dingman EA, this new development is to achieve the water balance conditions identified from the predevelopment study. To ensure orderly servicing, a general “h” holding provision has been requested by Engineering Staff and recommended to be put in place. The development is expected to reserve land for LID implementation. The use of holding provisions will ensure that concerns are addressed by the owner prior to any new development occurring. Therefore, a general “h” holding provision is recommended to ensure orderly development for servicing the development.

#### **4.5 Issue and consideration #5: Heritage Designation**

The PPS states that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes (1.7.1.e). Furthermore, the PPS identifies that significant built heritage resources “shall be conserved” (2.6.1).

Under the principles of SWAP, contemplation is given to “the retention of existing identified heritage residential buildings as a contribution to the community identity” (20.5.1.4 ii) g)). SWAP includes significant heritage properties as a priority for consideration (20.5.3.9 j)).

#### Analysis:

The subject property is a heritage designated property, included on the City’s *Register of Cultural Heritage Resources*. As contemplated by the *Provincial Policy Statement, 2020*, the *Ontario Heritage Act*, and The London Plan, heritage resources are to be conserved and the impacts of development on these resources is to be evaluated. In Policy 565 of The London Plan, an evaluation is required to determine if the built resources retain cultural heritage value or interest (CHVI) and to assess potential impacts of development.

For CHVI evaluation purposes, a heritage impact assessment (HIA) was submitted by the applicant in 2022. City Heritage staff reviewed this assessment and were satisfied with its conclusions. Additional mitigation or considerations for the heritage designated dwelling will be addressed through the site plan approval process.

## Conclusion

The recommended zoning 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, the North Talbot Neighbourhoods policies within the Southwest Area Secondary Plan and the *1989 Official Plan*, including but not limited to the North Talbot Residential Neighbourhood, the Low Density Residential designation and the Multi-Family, Medium Density Residential designation. The recommended amendment will facilitate the development of alternative housing types with a land use, intensity, and form that is appropriate for the site. The recommended amendment would facilitate the retention of the heritage-designated single detached dwelling. The recommended amendment will provide for residential intensification in a form that can minimize and mitigate the impacts of the development on adjacent properties for when future development is pursued. Overall, the proposed development is sensitive to, compatible, and a good fit within the local neighbourhood context.

**Prepared by:** **Stuart Filson, RPP**  
**Site Development Planner, Site Plans**

**Reviewed by:** **Mike Corby, MCIP, RPP**  
**Manager, Planning Implementation**

**Recommended by:** **Heather McNeely, MCIP, RPP**  
**Acting Director, Planning and Development**

**Submitted By:** **Scott Mathers, MPA, P. Eng.**  
**Deputy City Manager, Planning and Economic  
Development**

November 21, 2022  
SF/sf

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## 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 6092  
Pack Road.

WHEREAS Magnificent Homes and Royal Premier Homes have applied to  
rezone an area of land located at 6092 Pack Road, as shown on the map attached to this  
by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to  
lands located at 6092 Pack Road, as shown on the attached map comprising part of  
Key Map No. A110, from an Urban Reserve (UR3) Zone to a Holding Residential R6  
Special Provision (h\*R6-5(□)) Zone.
- 2) Section 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following  
Special Provision:

R6-5(□)	6092 Pack Road	
a)	Prohibited Uses:	
	i) Apartment building	
b)	Regulations	
	i) Front Yard Depth (Minimum)	15.8 metres (51.8 feet)
	ii) Rear Yard Depth (Minimum)	6.0 metres (19.7 feet)
	iii) Interior Side Yard Depth for new development one to two storeys in height where the end wall of a unit contains no windows to habitable rooms (Minimum)	1.8 metres (5.9 feet)
	iv) Interior Side Yard Depth for new development over two storeys end wall of a unit contains no windows to habitable rooms (Minimum)	3.0 metres (9.8 feet)
	v) Interior Side Yard Depth for new development where the wall of a unit contains windows to habitable rooms (Minimum)	6.0 metres (19.7 feet)
	vi) Separation Distance for new development from Existing single detached dwelling, and where	5.0 metres (16.4 feet)

new development is restricted to  
only one side yard from Existing  
single detached dwelling  
(Minimum)

vii) Density 45 units per hectare  
(Maximum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



<p>File Number: Z-9493 Planner: SF Date Prepared: 2022/07/29 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,250</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Geodatabase

## Appendix B – Community Engagement

### Community Engagement

**Public Liaison:** On April 20<sup>th</sup>, 2022, Notice of Application was sent to 18 property owners in the surrounding area. A revised Notice of Application was sent on May 6<sup>th</sup>, 2022. A Planning application sign was also posted on site. Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 21<sup>st</sup>, 2022. A revised Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 12<sup>th</sup>, 2022. A “Planning Application” sign was also posted on the site.

**Responses:** No responses received.

**Nature of Liaison:** Application to change the zoning from an Urban Reserve (UR3) Zone to a Residential R6 Special Provision (R6-5(\*)) Zone to permit the retention of the existing 20th century single detached unit; five (5) 2.5-storey townhouses totaling 33 dwelling units; a 3.5-storey back-to-back townhouse building containing six (6) dwelling units; a maximum density of 45 units per hectare; and reduced yard setbacks. To preserve the heritage character of this site, the existing single detached dwelling would be retained with the new zoning ensuring that apartment buildings are not permitted. The proposed zoning would: permit an increased minimum front yard setback of 10 metres; permit a minimum rear yard of 6.0 metres; permit a minimum interior side yard of 1.8 m for buildings one to two stories in height; permit a minimum interior side yard of 3.0 metres for over two stories where the end wall of a unit contains no windows to habitable rooms, or permit 6.0 metres where the wall of a unit contains windows to habitable rooms; minimum separation distance from single detached dwelling of 5.0 metres; and permit a maximum density of 45 units per hectare whereas a maximum of 35 units per hectare is permitted.

### Agency or Departmental Comments

#### Stormwater Engineering (May 20, 2022)

The Stormwater Engineering Division staff have reviewed the above noted application and have additional comments beyond those previously provided as part of the Pre-application Consultation for this site (see attached email from Oct. 6, 2021):

1. Under S3.5 “Civic Infrastructure” in the Planning & Design Brief, the applicant speaks to the fact that the site does not have sanitary servicing. However, it should also be noted that this development has no supporting stormwater infrastructure either.
2. It is SWED’s expectation that the reduced setbacks will not impede self-containment and safe conveyance of this site’s storm water flows. As part of the storm servicing strategy for this land during the development application stage, the applicant must demonstrate how stormwater flows will be contained, and safely conveyed on this site without impacting adjacent properties.
3. (This comment supplants Comment #2 provided in the pre-application commentary) This site falls within the Dingman Subwatershed. As per section 6.3.2 of the Design Specifications & Requirements manual, a water balance assessment is required to examine the site’s water balance conditions and propose opportunities to mitigate water balance deficits. As an objective of the Dingman EA, this new development is to achieve the water balance conditions identified from the predevelopment study. The approach for stormwater control hierarchy, and LID design, is included in the Section 6 Stormwater Management of the Design Specifications & Requirements manual. The water balance analysis may be completed as part of a Hydrogeological Assessment, a stormwater management report, or as a standalone document
4. The consultant is expected to reserve space within the site plan for an LID strategy(ies) in efforts to achieve this requirement.

5. The Consultant may note that implementation of infiltration or filtration measures for a volume that meets or exceeds the 25mm event as part of the water balance target would be accepted to meet Total Suspended Solids (TSS) reduction target.

#### Stormwater Engineering (June 9, 2022 & November 3, 2022)

No comments from Water, Transportation or Sewer engineering. The following Storm Water Management comments will need to be satisfied before engineering can sign off on the rezoning:

6. The consultant is to provide a SWM functional brief indicating how the site is proposed to be serviced (e.g., on-site controls, LID, etc.).
7. This site falls within the Dingman Subwatershed. As per section 6.3.2 of the Design Specifications & Requirements manual, a water balance assessment is required to examine the site's water balance conditions and propose opportunities to mitigate water balance deficits. As an objective of the Dingman EA, this new development is to achieve the water balance conditions identified from the predevelopment study. The approach for stormwater control hierarchy, and LID design, is included in the Section 6 Stormwater Management of the Design Specifications & Requirements manual. The water balance analysis may be completed as part of a Hydrogeological Assessment, a stormwater management report, or as a standalone document.
8. The Applicant is expected reserve land for LID implementation.
9. November 3, 2022: A general holding provision, h, would be needed for the Zoning By-law Amendment.

#### Landscape (November 2, 2022)

The City's Landscape Architect has reviewed the Tree Protection Plan and report prepared by RKL A for the 6092 Pack Rd. They have no concerns with regard to the completeness and accuracy of the overall tree inventory and assessment.

The inventory captured 45 individual trees (all *Picea abies* (Norway Spruce) within the subject site as well as within 3m of the property boundary. Report recommends the removal of 40 trees and the preservation of 5 trees within the subject site. **Accepted.**

- No species classified as endangered, threatened, or at risk under the Ontario Endangered Species Act, 2007, S.O. 2007, c. 6 were observed during the tree inventory.
- The subject site is NOT within or adjacent to a City of London Tree Protection Area.
- There are no boundary trees associated with this site.
- No Col boulevard trees were inventoried.

No tree removals arising from demolition, construction, or any other activity shall take place on the subject property prior to Site Plan Approval.

#### Ecology (May 20, 2022)

There are currently no ecological planning issues related to this property and/or associated study requirements.

#### Major issues identified

- 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 Vegetation Patch and Unevaluated Wetlands.

#### Ecology – complete application requirements

- **Scoped EIS**– to address SAR concerns for:
  - SAR Birds – barns/farm buildings on north end of parcel potential Barn Swallow habitat

- Significant Wildlife Habitat - barns/farm buildings on north end of parcel potential snake hibernacula

#### Notes

- A scoping meeting shall be held between the proponent and a City Ecologist to review and confirm the study scope. A site visit may be requested in support of application review.
- The proponent and/or their consultant is required to complete the Environmental Impact Study Issues Scoping Checklist as a draft for submission to the City in advance of the scoping meeting. Once all comments regarding the draft Checklist have been received and finalized the City of London will send written approval (e-mail or letter).
- No disturbance arising from demolition, construction, or any other activity shall take place on the property prior to Development Services receiving and approving the EIS to ensure that all technical requirements have been satisfied.
- It is an offence under Section 10(1) of the *Endangered Species Act* to damage or destroy the habitat of a species that is listed on the Species at Risk in Ontario list as an Endangered or Threatened species.
- An Environmental Management Plan should be developed prior to issuance of contract drawings where the mitigation measures are tailored to site
- The Clean Equipment Protocol for Industry, a Spill Response Plan, an Invasive Species Management Plan and a Species at Risk and Wildlife Handling Protocol should be included as part of the Environmental Management Plan.
- Avoid tree removal within the active bat roosting period (April 30 – September 1) to reduce potential interactions with Endangered bat species, to avoid contravention of the *Endangered Species Act*.
- Avoid vegetation removal within the active breeding bird period (April 1 – August 30) to avoid disturbing nesting birds and contravening the *Migratory Bird Convention Act*.

#### Ecology (September 27, 2022)

- Staff reviewed the photos in support of ecology comments regarding concerns for Barn Swallow nesting habitat. Staff did not identify any active nests or evidence of previous nesting. Staff are satisfied that this fulfills the ecological concerns for this file.

#### London Hydro Engineering (April 25, 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. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

#### Parks Planning and Design (May 20, 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.

#### Urban Design (May 12, 2022)

##### General Comments:

- There are no UD comments for the proposed zoning amendment for the requested R6-5 zone for 6092 Pack Road.
- This application is to be reviewed by the Urban Design Peer Review Panel (UDPRP), and as such, an Urban Design Brief will be required. UDPRP meetings take place on the third Wednesday of every month, once an Urban Design Brief is submitted as part of a complete application the application will be scheduled

for an upcoming meeting and the assigned planner as well as the applicant's agent will be notified. If you have any questions relating to the UDPRP or the Urban Design Briefs please contact Ryan Nemis at 519.661.CITY (2489) x7901 or by email at [rnemis@london.ca](mailto:rnemis@london.ca).

- The applicant is to submit a completed "Urban Design Peer Review Panel Comments – Applicant Response" form that will be forwarded following the UDPRP meeting. This completed form will be required to be submitted as part of a complete application.

#### Site Plan Application Stage:

- Provide elevations for all four sides of the proposed buildings with materials, colours and dimensions labelled. Further urban design comments may follow upon receipt of the elevations.
- Provide a slightly larger front yard setback, or setback transition, from the proposed back-to-back townhouse along the street to provide better visual presence to the existing heritage house from both east and west.
  - Slightly move the proposed 2 storey townhouses parallel to the stacked townhouse 3 metres back to allow the stacked townhouse to be at a similar setback as the existing heritage house.
- Provide additional details for the shared outdoor amenity spaces proposed for the site adjacent to the retained heritage farmhouse.
- Provide high quality landscaping in combination with street-oriented built form to create a positive pedestrian and transit oriented corridor. [SASP, 20.5.4.1 iv), a)]
- The proposal should take into consideration any existing significant mature trees on the site and along property boundaries.
- 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).

#### *Building Design*

- Ensure the top of the building is designed and distinguished through an articulated roof form, step-backs, cornices, material change and/or other architectural details.
  - Consider increasing the pitch of the Pack Road facing gables on the back-to-back townhouses to create a sympathetic expression through form.

Consider and explore alternative brick colour of the back-to-back townhouses that can provide balance with the heritage farmhouse brick colour in order to provide visual distinction.

#### Urban Design (September 12, 2022)

Following the UDPRP, Urban Design Staff had nothing further to add.

#### Upper Thames River Conservation Authority (April 26, 2022)

- 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.

#### Heritage (July 29, 2022)

- Staff have reviewed and are accepting of the submitted Archaeological and Heritage Impact Assessments.

#### Heritage (September 29, 2022)

- Please be advised that heritage planning staff recognizes and supports the conclusion of the report that states that: “site construction activity could result in vibrations that have potential to affect historic foundations.” The following mitigation measures are recommended in the HIA and should be included in the development agreement (DA) as part of site plan approval:
  - Retain a qualified person(s) to complete a pre-construction vibration assessment to determine acceptable levels of vibration given the site-specific conditions (including soil conditions, equipment proposed to be used, and building characteristics)
  - Should the residence be determined to be within the zone of influence, additional steps should be taken to secure the building from experiencing negative vibration effects (i.e., adjustment of machinery or establishment of buffer zones).” (pp i-ii)
- Finally, please note that a component of the heritage impact assessment was a cultural heritage evaluation using the criteria of O. Reg 9/06. Based on the evaluation of the property in the HIA, heritage staff determined that the property merits designation pursuant to Section 29 of the Ontario Heritage Act. Staff report’s recommending designation was considered by the Planning and Environment Committee (June 20, 2022), following which Council issued its Notice of Intention to Designate (July 21, 2022).
- Mitigation measures outlined in the HIA, and retention of the built resource in-situ along with designation of the property, have sufficiently demonstrated that significant heritage attributes will be conserved. The HIA can be accepted to meet heritage requirements for (Z-9493).

## Appendix C – 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;	<p>The proposed land use is a contemplated use in the SWAP and The London Plan, similar to other uses in the area, and contributes to a variety of housing forms within the neighbourhood.</p> <p>The proposed townhouses to the rear of the existing single detached dwelling have been evaluated from a form-based perspective and found to be compatible and a good fit with the neighbourhood context based on the following considerations site layout, building and main entrance orientation, building line and setback from the street, and height and massing transitions with adjacent properties. The front building will require additional review as part of the Site Plan Approval process. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.</p>
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 private and common amenity space. The size and shape of the subject lands appears generally able to accommodate the intensity of the proposed development. The site concept achieves an intensity that allows for other on-site functions such as guest parking, emergency services and open space. Detailed design at a future Site Plan Approval stage will refine the site elements.
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 within 700 metres of the Bostwick Community Centre.
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 intrinsically more affordable than the neighbourhood's prevailing single detached dwelling units. Moreover, 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.
Compatibility of proposed uses with surrounding land uses, and	The proposed land use is a contemplated use in the SWAP and The London Plan, similar to other

the likely impact of the proposed development on present and future land uses in the area	uses in the area, and contributes to a variety of housing forms within the neighbourhood.
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. All yard depths will be sufficient to accommodate a landscape screen and support tree growth to minimize and mitigate loss of privacy for adjacent properties. 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 two-storey townhouses proposed at the rear of the site are designed at a building height consistent to that of the neighbouring single detached dwellings to the south.
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 provided no comments, which is taken to be that Staff are satisfied that driveway location and design can be addressed at the Site Plan Approval 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	Most of the units would be away from the street, buffered either by the retained heritage designated single detached dwelling or vegetation. At the Site Plan Approval stage, additional attention should be paid to the design of units closer to the street, in accordance with comments provided by Urban Design staff. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.
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 <i>1989 Official Plan</i> and <i>The London Plan</i> . 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, drive aisle and driveway widths, sidewalk widths, and parking. The applicant is to identify areas for garbage storage and show parking setbacks and landscape islands 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. Further mitigation measures will be considered at the time of Site Plan Approval, such as more plantings along property lines and architectural treatments. As well, the developer will be required to provide a 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 a negligible impact on the transportation system and provide a more transit-supportive form of development.

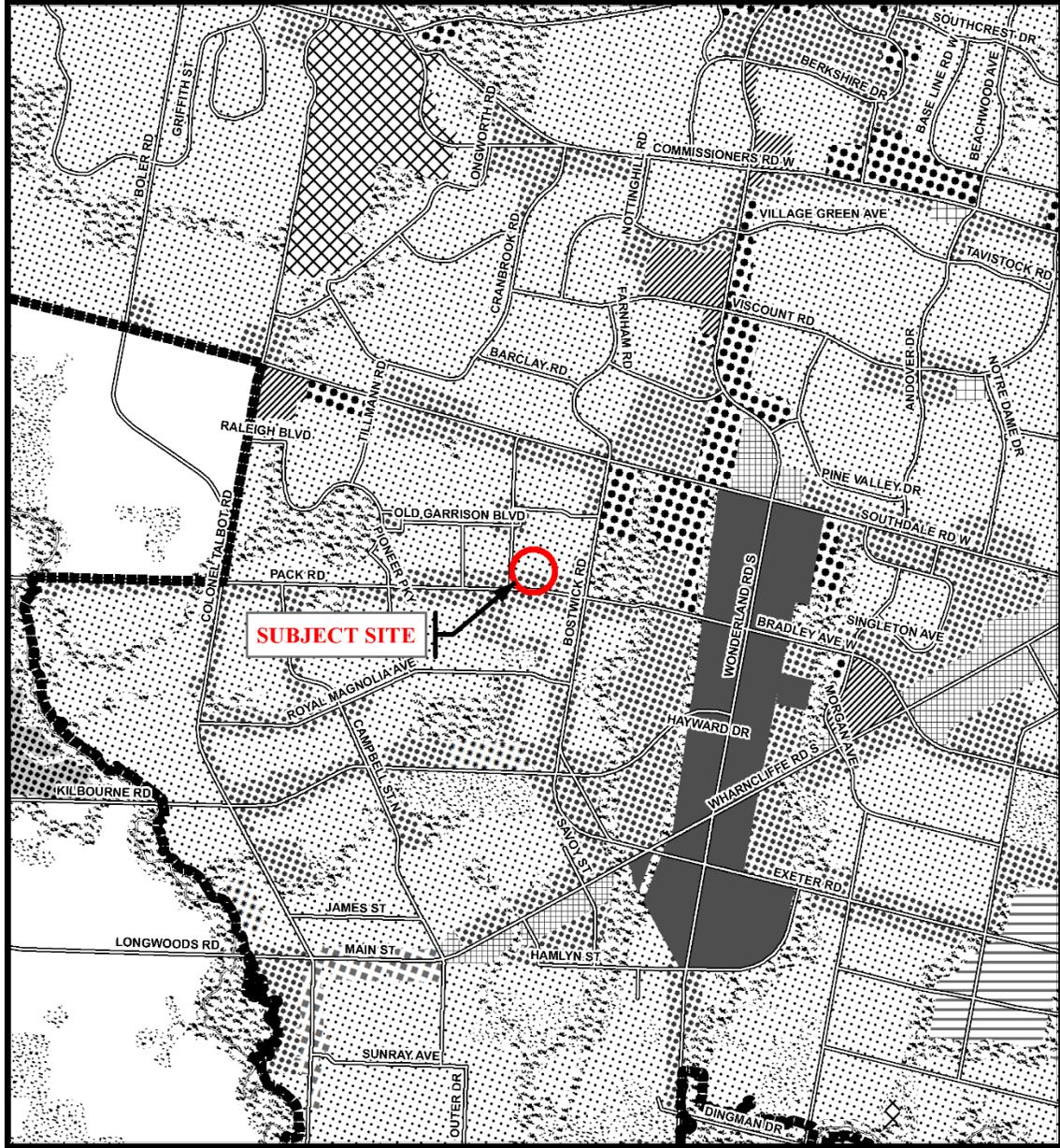
<b>1577_Evaluation Criteria for Planning and Development Applications</b>	
<b>Criteria – General Policy Conformity</b>	<b>Response</b>
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation	The proposal is consistent with the <i>Provincial Policy Statement, 2020</i> 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 additional consideration beyond what has been provided through the zoning recommendation and ensuing Site Plan Approval stage. There are no hazards to be considered, natural or otherwise.
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. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.
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 a Civic Boulevard.

	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.
<b>Criteria on Adjacent Lands</b>	<b>Response</b>
Traffic and access management	Further consideration of traffic controls related to the driveway 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.
Parking on streets or adjacent properties	The City's parking standards are unaffected. Any minor variance for parking would require review through the Committee of Adjustment. It is not anticipated that overflow parking will be required on local streets. Parking is screened by landscaping and buildings.
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 the Site Plan Approval stage. It is a Site Plan Control 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 townhouse forms, with garbage to be placed outside on collection day.
Privacy	There is a board-on-board fence that surrounds the site and several existing boundary trees located along the east property line are to be retained to screen the proposed townhouses from the east abutting townhouse development. Additional mitigation measures will be considered at the time of Site Plan Approval, such as additional plantings. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.
Shadowing	Minor shadowing may impact adjacent and nearby properties in the early morning or late afternoon, depending on the season.
Visual Impact	Landscaping, articulated building design, and architectural details and materials are to be implemented at the Site Plan Approval stage. In consideration of the Urban Design Peer Review Panel, the front building has been setback further than the initial request as to not overwhelm the heritage character of the existing single detached dwelling. The rear buildings would be largely screened by a combination of the front buildings and landscaping, with parking especially concealed behind structures.

Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed development.
Trees and canopy cover	The proposed 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 Approval 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., no archaeological resources were identified on the lands and all archaeological conditions can be considered satisfied for this application. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.
Natural heritage resources and features	Not applicable.
Natural resources	Not applicable.
Other relevant matters related to use and built for	Not applicable.



1989 Official Plan – Schedule A – Land Use



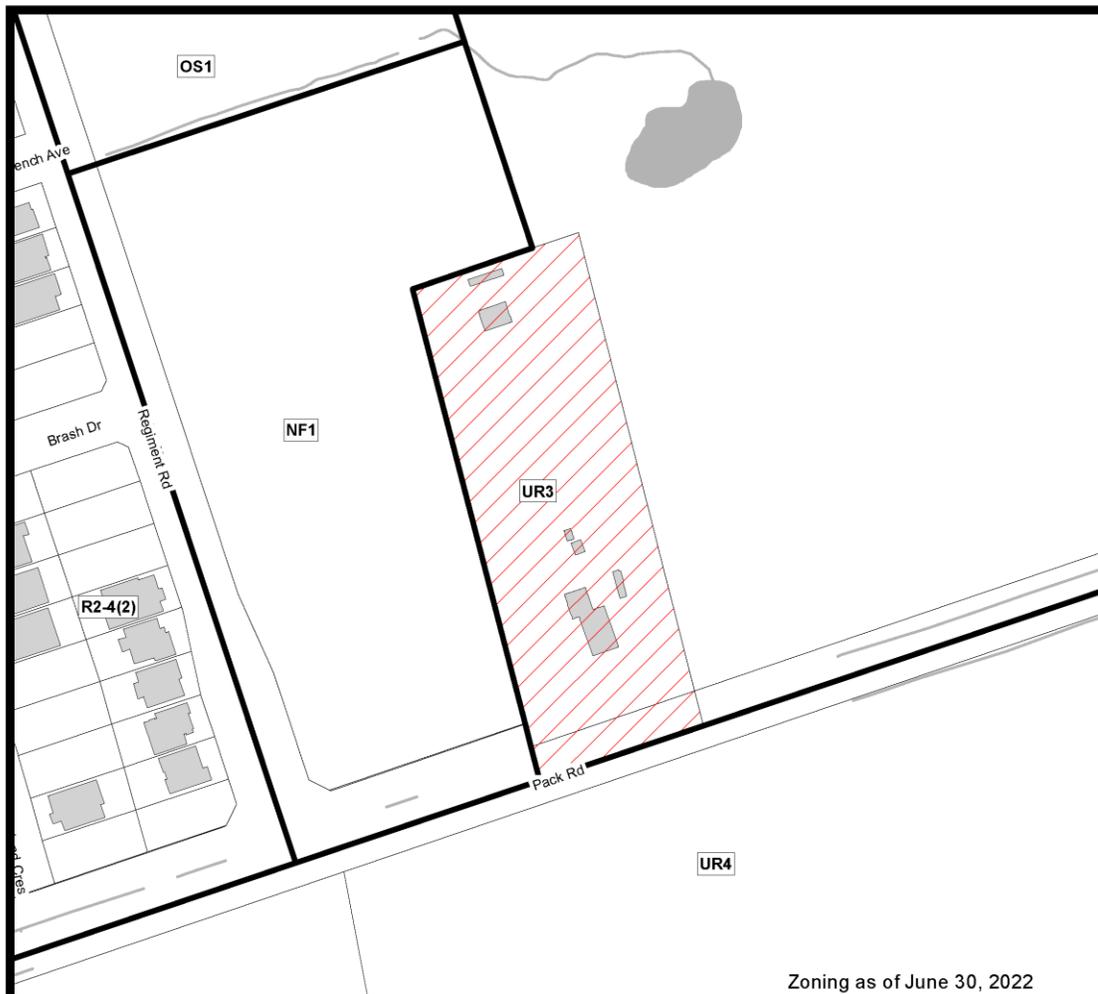
Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
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

<p><b>CITY OF LONDON</b></p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-9493</p>
		<p>PLANNER: SF</p> <p>TECHNICIAN: RC</p> <p>DATE: 2022/07/29</p>

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol\00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

Zoning By-law No. Z.-1 – Zoning excerpt



Zoning as of June 30, 2022



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9493

SF

MAP PREPARED:

2022/07/29

RC

1:2,000

0 10 20 40 60 80 Meters

## Appendix E – Applicant’s Reply to UDPRP Comments

As per the Memo provided in conjunction with this letter, the Urban Design Peer Review Panel has the following comments regarding the above-referenced application. In the Applicant Response section of the text boxes provided on the following page(s), please provide a detailed response that explains how the Panel comments have been addressed.

- **Comment:** 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.  
**Applicant Response:** The proposed land use, density and built form has been informed by our understanding of the applicable Southwest Area Secondary Plan policy framework and the context of the site and surrounding area. The project team appreciates the Panel’s perspective and concurrence that the application is meeting the planned intent for the area!
- **Comment:** The Panel commends the applicant for the retention and integration of the existing 20th Century farmhouse on the site, however, recommends that land immediately adjacent to the East and West of the heritage house be preserved and free of any new structures. The Panel can support additional density at the rear of the site to achieve this.  
**Applicant Response:** The team agrees that the retention of the existing 20th Century Farmhouse is a significant and noteworthy feature of the planned development. This was a fundamental principle in our overall design approach. Significant supplementary design features have been incorporated into the proposed ZBA and concept plan to further respect and provide prominence to the heritage feature. Such design measures include:
  - No built form has been provided to the east of the farmhouse to allow for continued visual prominence and sightlines to the wraparound porch which is an identified heritage attribute as per the Stantec HIA;
  - The back-to-back townhouse building has been setback substantially from the front property line, as close as possible to being in-line with the front face of the heritage dwelling;
  - The design of the proposed back-to-back townhouse building is unique to London – it represents a custom design solution which ensures no parking is proposed between the building face and Pack Road and principal unit entrances will face directly to Pack Road.It should be noted that multiple design options/configurations were explored for the site but the proposed design best balances the various opportunities and constraints of the site while respecting the goals of the Southwest Area Secondary Plan.
- **Comment:** The Panel recommends that the proposed outdoor amenity area have a stronger correlation to the heritage house with additional measures undertaken to preserve the heritage character of the structure and landscape. To accommodate this, the Panel recommends the current townhomes West of the heritage home be removed in exchange for greater density at the rear of the site. This will allow for the creation of more programmable greenspace on site while being respectful of the placement and context of the heritage structure on site. Moreover, it will allow for the preservation of the existing hedgerow of trees to the West of the heritage house.  
**Applicant Response:** Further details regarding the specific landscaping strategy will be provided through the Site Plan Control process (A Landscape Architect will be retained to prepare a formal Landscape Plan). The intent is that the forecourt would be design in a manner that enhances the heritage dwelling. The placement of the primary common amenity space is strategic, in the sense that it preserves open views to the farmhouse from Pack Road. Additional site layouts have been explored

but the removal of the back-to-back townhouse building results in a significant net loss in new housing opportunities on the site. Significant urban design measures have been incorporated into the conceptual site design to preserve the significance/prominence of the heritage dwelling and the proposed design represents an appropriate balance of key Official Plan objectives regarding the provision of new housing and the retention of key heritage attributes.

- **Comment:** The Panel recommends the applicant revise the programming and extents of the proposed amenity area to incorporate additional greenspace and programmed facilities such as a basketball court, playground, splash pad, skate park and/or other activated site features for future residents.  
**Applicant Response:** Comments from the Panel are noted and will be considered by the project team as we move forward in the design development phase of the project. A Landscape Plan will be prepared and submitted with the Future Site Plan Control application and the team will make best efforts, in conjunction with City Staff, to design the function of the amenity space to cater to the target market/demographic profile of future residents and activate the space.
- **Comment:** The Panel notes that there are setbacks that appear tight, or ‘pinch-points’ that restrict pedestrian circulation. The 2nd row of two-storey townhouses facing South appear to have tight setbacks at both side yards and adjacent to the internal driveway. Relocating density to the rear of the site will help reduce these setbacks and provide continuous sidewalks along all the edges of the internal driveways.  
**Applicant Response:** As a gesture to respect and complement the retained heritage farmhouse, the north-south facing townhouse buildings are oriented on a slight access to be parallel with the front face of the farmhouse and the alignment of Pack Road. This has resulted in some minor pinch-points however these pinch-points do not restrict pedestrian circulation. The extent and alignment of the internal pedestrian walk provides for continuous pedestrian circulation across the Site and meets the City of London’s Site Plan Control By-law and applicable policies of the SWAP and London Plan.
- **Comment:** The Panel recommends that the proposed development should, through consultation with the City of London and landowners of the abutting properties, explore opportunities for pedestrian and street connections between the parks, schools, and future residential neighbourhoods.  
**Applicant Response:** The development of this small site in isolation will not hinder or preclude broader neighborhood connectivity. The project team has analyzed existing plans for development of adjacent lands and made reasonable assumptions about the pattern of development on adjacent unplanned lands (in consultation with adjacent landowners) in terms of neighborhood connectivity. Based on this analysis there is no obvious desire lines for such connections to occur. Further exploration of such opportunities can occur in consultation with the City of London through the Site Plan Control and Draft Plan of Condominium application process.
- **Comment:** The Panel notes that the current design and material palette of the proposed building along Pack Road drowns out the heritage house rather than complements it. Consider using a contrasting masonry colour that emphasizes the heritage house, rather than blending in with it. The Panel also encourages the applicant to find ways to translate the unique architectural features of the heritage house in a contemporary manner rather than pastiche.  
**Applicant Response:** The Project Team is committed to working with the City of London through the Site Plan Control process to provide an appropriate architectural design solution for the front facing B2B Townhouse building. An architect or BCIN designer will be retained, and

the team will seek to further differentiate the material palette in a manner that enhances and complements the retained farmhouse. It should be noted that the Farmhouse has now been designated under Part 4 of the Ontario Heritage Act and that modifications to the structure which affect the heritage attributes will be subject to the Heritage Alteration Permit process.

## 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:** 6092 Pack Road  
Public Participation Meeting  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Magnificent Homes and Royal Premier Homes relating to the property located at 6092 Pack Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on December 13, 2022 to amend *Zoning By-law No. Z.-1*, in conformity with The London Plan, to change the zoning of the subject property **FROM** an Urban Reserve (UR3) Zone, **TO** a Holding Residential R6 Special Provision (h\*R6-5(\_)) Zone;

**IT BEING NOTED** that the following site plan matters were raised during the application review process for consideration by the Site Plan Approval Authority:

- a. Provide additional details for shared outdoor amenity space.
- b. Provide high quality landscaping with consideration to any existing significant mature trees on the site and along property boundaries.
- c. Further emphasize the heritage character through the on-site amenity area and greenspace.
- d. Limit the construction of new residential dwelling(s) to only one of the interior side yards adjacent to the existing single detached dwelling to allow sufficient space to accommodate an access driveway on the opposite interior side yard.
- e. The façade for new residential development abutting the existing single detached dwelling shall have a first floor grade no higher than the existing dwelling first floor grade.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to *Zoning By-law No. Z.-1* to change the zoning of the subject lands from an Urban Reserve (UR3) Zone to a Holding Residential R6 Special Provision (h\*R6-5(\_)) Zone. This change would facilitate the retention of a heritage designated single detached dwelling and the development of cluster townhouses and stacked townhouses on the site.

### Purpose and Effect of Recommended Action

The purpose and effect of this zoning change is to permit the retention of the heritage designated single detached dwelling, and to permit the development of five (5) 2.5-storey townhouse buildings and six (6) 3.5-storey back-to-back stacked townhouse buildings, for a total of 40 units. Special provisions for the zone would: exclude apartment buildings as a permitted use; permit an increased minimum front yard setback of 13.3 metres for residential uses 3-storeys or less and 15.8 metres for residential uses at 4-storeys in height; permit a minimum rear yard setback of 6.0 metres; permit a minimum interior side yard setback of 1.8 m for buildings under two storeys in height where the end wall of a unit contains no windows to habitable rooms;

permit a minimum interior side yard setback of 3.0 metres for buildings over two storeys where the end wall of a unit contains no windows to habitable rooms, or 6.0 metres where the wall of a unit contains windows to habitable rooms; permit a minimum separation distance from the existing single detached dwelling of 3.9 metres for new residential uses 3-storeys or less and 5.0 metres for residential uses at 4-storeys in height; and permit a maximum density of 45 units per hectare. Staff are also recommending a holding provision (h) to address stormwater management at site plan.

### **Rationale of Recommended Action**

1. The recommended amendment is consistent with the *Provincial Policy Statement, 2020* as it encourages efficient development and land use patterns.
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Neighbourhood Place Type, Our Strategy, our Tools, and other applicable London Plan policies.
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan and the Southwest Area Secondary Plan, including but not limited to the Low and Medium Density Residential policies within the North Talbot Residential Neighbourhood.
4. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood.
5. The recommended amendment facilitates the retention of a heritage designated single detached dwelling.

### **Linkage to the Corporate Strategic Plan**

Building a Sustainable City – The Strategic Plan provides direction for development through Building a Sustainable City and Strengthening Our Community. Building a Sustainable City includes growth and development that is well planned and directed to strategic locations. The subject site is within a location that contemplates growth and intensification but requires thoughtful design and a compatible built form. Strengthening our Community in the Strategic Plan includes achieving a strong character and sense of place by ensuring that new development fits within and enhances its surrounding community, and that London’s heritage properties continue to be conserved. By reducing the setbacks from the original request, the proposal can contribute to ensuring that London’s growth and development is well planned and sustainable over the long term.

### **Analysis**

#### **1.1 Property Description**

The subject lands are located within the Urban Growth Boundary, on the north side of Pack Road, west of Bostwick Road and east of Regiment Road. The lands include a 20<sup>th</sup> century single detached dwelling near the front of the site and accessory structures to the rear.

The parcel is rectangular in shape, with an approximate frontage of 60 metres and an area of one (1) hectare. The subject lands are generally flat in topography and contain mature coniferous trees primarily in a row running from front to rear and situated on the west side of the lot.



Figure 1. City aerial photograph of the subject lands with parcel lines outlining nearby residential development (2021).



Figure 2. Google Street View imagery of the subject lands, facing northwest from Pack Road (June 2014).



Figure 3. Google Earth orthographic 3D projection of the subject lands, facing northwest (July 3<sup>rd</sup>, 2018, and later).

## 1.2 Current Planning Information

- The London Plan Place Type – Neighbourhoods on a Civic Boulevard
- 1989 Official Plan Designation – Multi-Family, Medium Density Residential (MFMDR) & Low Density Residential (LDR)
- Existing Zoning – Urban Reserve (UR3)

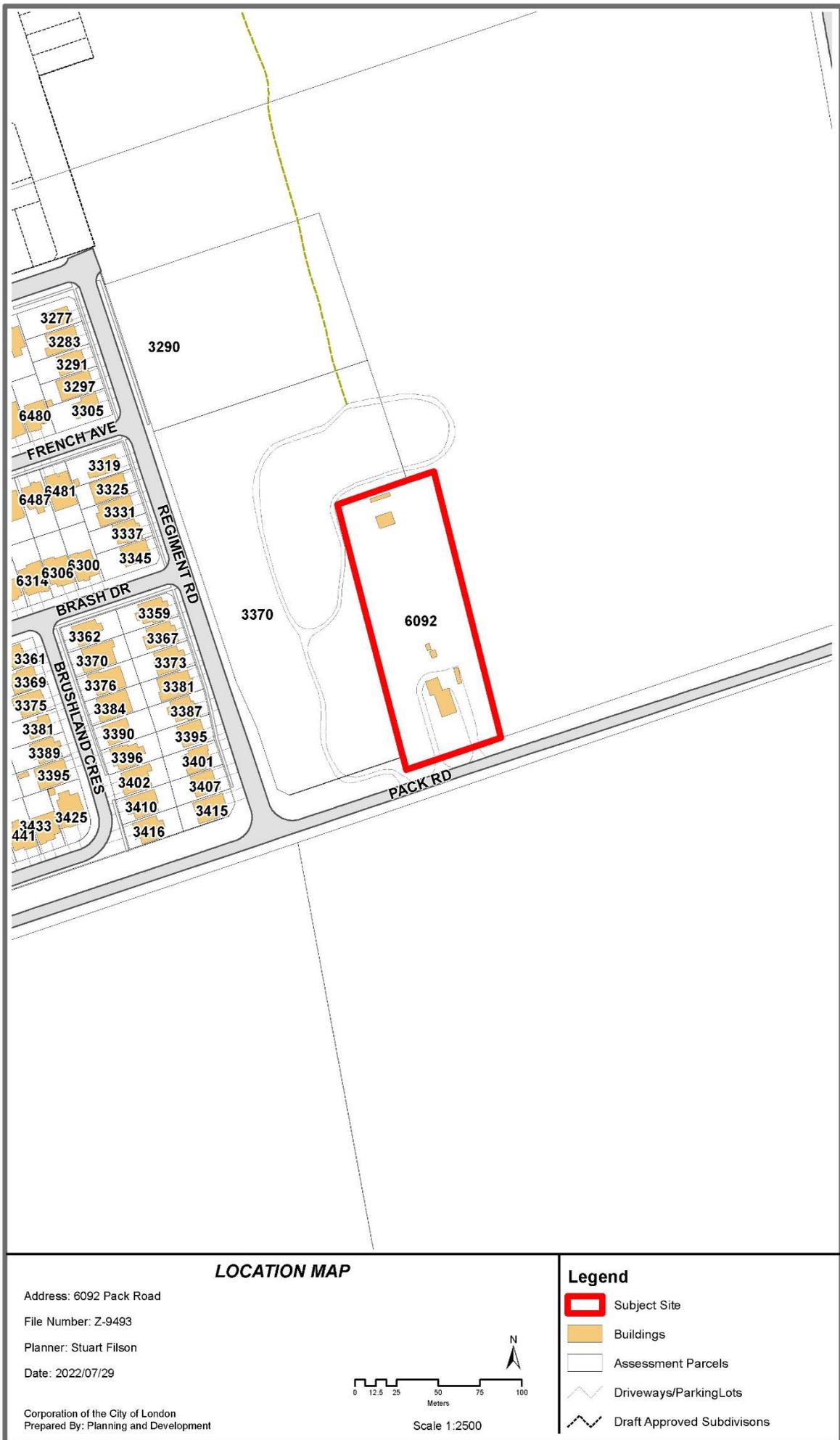
## 1.3 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 60 metres
- Depth – 154 metres after widening; 164 metres before widening
- Area – 1 hectare
- Shape – rectangle

## 1.4 Surrounding Land Uses

- North – Vacant
- East – Vacant
- South – Vacant
- West – Vacant

# 1.5 Location Map



## 2.0 Discussion and Considerations

### 2.1 Development Proposal

The applicant has requested a zoning by-law amendment for the subject lands to facilitate the retention of a heritage designated single detached dwelling and the development of cluster townhouses and cluster stacked townhouses. The development would comprise of: the retention of the heritage designated single detached dwelling (one unit); five (5) 2.5-storey townhouse buildings, for a total of 40 dwelling units; and one (1) 3.5-storey back-to-back townhouse building, for a total of six (6) dwelling units, for a combined total of 40 units. Access to the site is proposed to be located from Pack Road, on the east side of the existing designated dwelling. The site concept is shown in Figure 4. Building rendering and elevations are shown in Figures 5, and 6.

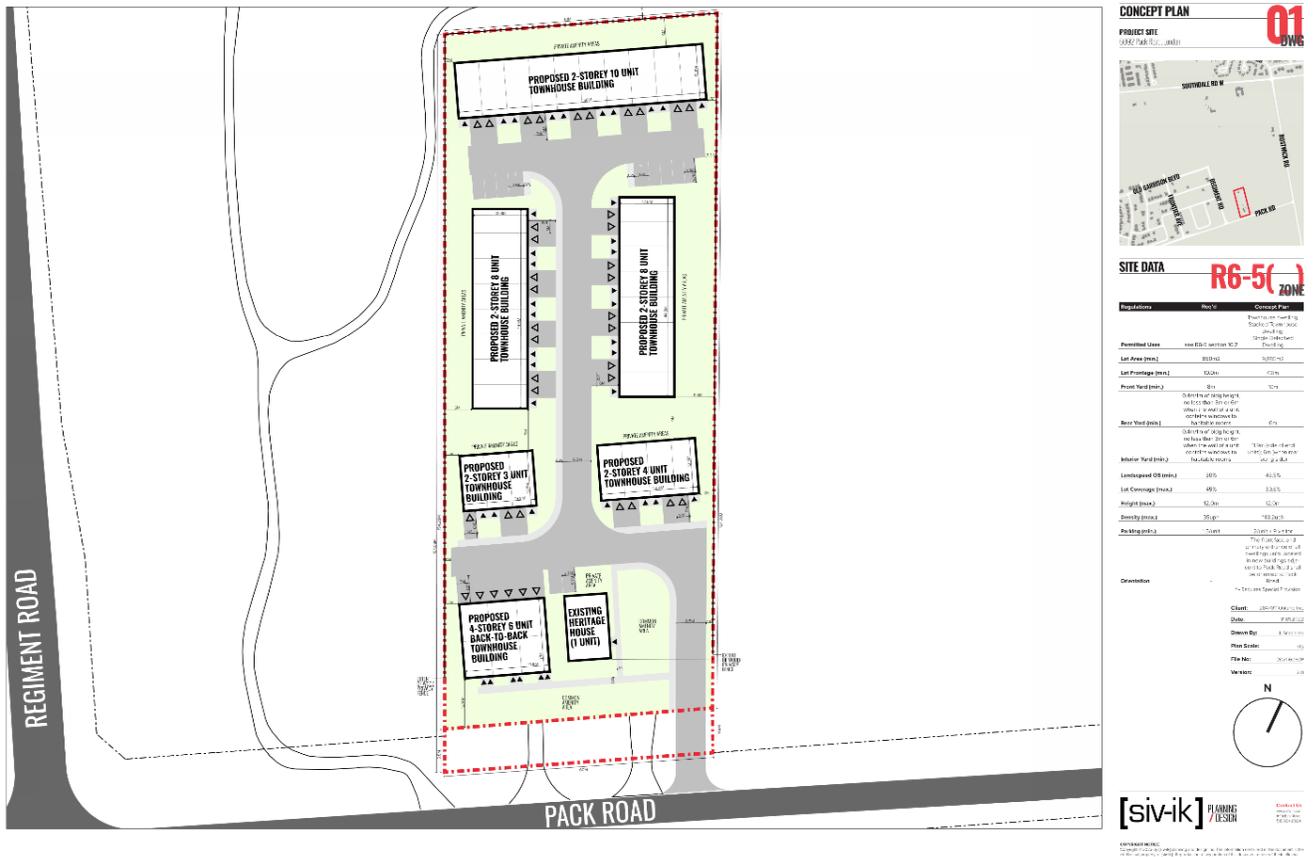


Figure 4. Site Concept Plan.



Figure 5. Concept Rendering 1.



Figure 6. Concept Rendering 2.

## 2.2 Proposed Amendment

The applicant is requesting a Residential R6 Special Provision (R6-5(\_)) Zone, to permit townhouses and stacked townhouses, with the following special provisions:

- prohibit apartment buildings as a permitted use;
- permit an increased minimum front yard setback of 13.3 metres and 15.8 metres (varies based on proposed building height), whereas 8.0 metres is required;
- permit a minimum rear yard setback of 6.0 metres;
- permit a minimum interior side yard of 3.0 metres for over two storeys where the end wall of a unit contains no windows to habitable rooms, or 6.0 metres where the wall of a unit contains windows to habitable rooms;
- permit a minimum interior side yard of 1.8 metres for buildings one to two storeys in height where the end wall of a unit contains no windows to habitable rooms;
- permit a minimum separation distance from the single detached dwelling to new development of 3.9 metres and 5.0 metres (varies based on proposed building height);
- permit a maximum density of 45 units per hectare whereas a maximum of 35 units per hectare is permitted;
- and permit no dwelling(s) within the interior side yard adjacent to the single detached dwelling that contains the access driveway

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

No responses were received from the public. The Urban Design Peer Review Panel reviewed the proposal and provided comments (Appendix B).

## 2.4 Policy Context

Through an analysis of use, intensity, and form, Planning and Development staff have considered the compatibility and appropriateness of the requested ZBA and development proposal taking into account the policies that guide the use and development of land in the city and having regard for the existing and planned character of the receiving neighbourhood.

*Provincial Policy Statement, 2020*

The *Provincial Policy Statement, 2020* (PPS) 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 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).

Section 1.1.4.1 of the PPS encourages healthy, integrated, and viable rural areas to be supported by promoting regeneration and encouraging the conservation and redevelopment of existing rural housing stock on rural lands. Rural areas may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas (1.1.4).

The PPS states that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes (1.7.1.e). Furthermore, the PPS identifies that significant built heritage resources “shall be conserved” (2.6.1).

### *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 contains policies that guide the use and development of land within the city and are consistent with the policy direction set out in the PPS. All lands in the city are assigned a place type and the policies associated with a place type provide for a general range of uses, form and intensity of development that may be contemplated.

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.

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. (Key Direction #5, Directions 2 and 4).

The London Plan provides direction to celebrate and support London as a culturally rich, creative, and diverse city by:

- Protecting our built and cultural heritage to promote our unique identity... (Direction #3, 57\_7);

The London Plan provides direction to build strong, healthy, and attractive neighbourhoods for everyone by:

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy and connected communities, creating a sense of place and character;

- Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, and neighbourhood character... (Direction #7, 61\_3, 5);

The London Plan provides direction to make wise planning decisions by:

- Ensuring new development is a good fit within the context of an existing neighbourhood (Key Direction #8, 62\_9).

The proposed use supports these Key Directions by providing a form of development that is compatible with existing and future development within the area.

To achieve the vision and key directions of The London Plan, residential intensification within existing neighbourhoods is encouraged to provide opportunities for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods (The London Plan Policy, 937\_). The London Plan supports all forms of intensification, with the understanding that intensification should be appropriately located, compatible, and fit well within receiving neighbourhood (The London Plan Policies 80\_4., 83\_, 939\_ 5., 940\_).

### *Southwest Area Secondary Plan*

The subject site is located within the Southwest Area Secondary Plan (SWAP), North Talbot Residential Neighbourhood. The purpose of the Secondary Plan is to establish a vision, principles and policies for the development of the Southwest Planning Area. SWAP provides a greater level of detail than the general policies in the City's 1989 Official Plan or The London Plan and serves as a basis for the review of planning applications which will be used in conjunction with other policies of the 1989 Official Plan and The London Plan.

Under the principles of SWAP, consideration is given to "the retention of existing identified heritage residential buildings as a contribution to the community identity" (20.5.1.4 ii g)). As part of Urban Design, SWAP includes significant heritage properties as a priority for consideration (20.5.3.9 j)).

The Low and Medium Density Residential designations apply to most of the existing and planned neighbourhood of North Talbot, reflecting land uses established through previous Area Plans and site-specific applications. Where/if the subject lands are within the boundaries of a previously approved Area Plan, the policies of Section 20.5.1.5 of the Plan shall also apply (20.5.11 i)).

### *1989 Official Plan*

The subject site is designated Low Density Residential (LDR) (rear portion) and Multi-Family, Medium Density Residential (MFMDR) (front portion) on Schedule A of the 1989 Official Plan. Development within the LDR designation permits single detached and townhouse dwellings, and shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy. The MFMDR designation primarily permits multiple-attached dwellings, such as row houses or cluster houses, and low-rise apartments buildings. However, the applicant specifically requested that apartment buildings be prohibited in the zoning request to address concerns with respect to neighbourhood character identified under the Official Plan policies. These areas may also be developed for single detached, semi-detached, and duplex dwellings (3.3.1). 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, and will generally not exceed four-storeys in height (3.3.3 i)). Medium density development will not exceed an approximate net density of 75 units per hectare (3.3.3. ii)).

### **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 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 (1.1.1.b)). 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 (1.1.1.e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (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).

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 and planned services, nearby recreational opportunities, local and regional institutional uses, and shopping, entertainment and service uses.

#### **4.2 Issue and consideration #2: Use**

##### *The London Plan*

The subject lands are located in the Neighbourhoods Place Type along a Civic Boulevard (Pack Road) in The London Plan (\*Map 1 – Place Types and Map 3 – Street Classifications). At this location, a range of low-rise residential uses including single, semi-detached, duplex, triplex, and fourplex dwellings, townhouses, stacked townhouses, and low-rise apartments, as well as mixed-use buildings are contemplated. To mitigate concerns regarding the development of apartments, the applicant emphasized that apartment buildings would be withheld from the zoning request. The development of 39 additional dwellings, comprised of cluster townhouses and cluster stacked townhouses, would contribute to the existing mix of housing types currently available in the area.

##### *Southwest Area Secondary Plan*

In instances where the subject lands are within the boundaries of a previously approved Area Plan, the policies of Section 20.5.1.5 of the Plan shall apply (20.5.11.1.i). 20.5.1.5 of the Plan states that “If a conflict arises between the Secondary Plan policies and the existing Area Plan policies, the Area Plan policies of the Official Plan shall prevail.” The subject lands are within the North Talbot Neighbourhood, as indicated within the Southwest Area Secondary Plan (Schedule 12). The Low and Medium Density Residential designations apply to these lands. The primary permitted uses in the Low Density and Multi-Family, Medium Density Residential designations of the Official Plan, respectively, shall be permitted (20.5.11.1.ii). Regarding 20.5.11.1.ii of the Area Plan, the permitted uses under the Low and Medium Density Residential designation include the single-detached dwelling use, which already exists, and multiple-attached dwellings (1989 Official Plan, 3.2.1 & 3.3.1). The Low and Medium Density Residential

designations reflect land uses established through previous Area Plans and site-specific applications.

#### *1989 Official Plan*

Within the 1989 Official Plan, most of the southern portion of the subject lands are designated MFMDR which permits multiple-unit residential developments (3.3). Along the remaining portion of this site, the lands are designated as LDR. The primary permitted uses in areas designated LDR shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2 (3.2.1).

The primary permitted uses include multiple-attached dwellings, such as row houses, and low-rise apartments; however, these areas may also be developed for low-density forms of development, including single detached and semi-detached dwellings (3.3.1.).

The proposed development, being a single detached dwelling, townhouses, and stacked townhouses, as contemplated in the 1989 Official Plan, is in conformity with the intended use for the subject site.

#### Analysis:

Consistent with the PPS, The London Plan, the 1989 Official Plan and the Southwest Area Secondary Plan, the proposed townhouses and stacked townhouses will contribute to the existing range and mix of housing types in the area, which consists of mostly one and two-storey single detached dwellings. The proposed use will provide choice and diversity in housing options for both current and future residents. No new roads or public infrastructure are required to service the site, making efficient use of land and existing municipal services.

### **4.3 Issue and consideration #3: Intensity**

#### *The London Plan*

The London Plan encourages intensification where appropriately located and provided in a way that is sensitive to and a good fit within existing neighbourhoods (83; 937; 953\_1). The intensity of development must be appropriate to the neighbourhood context as it relates to height, massing, setbacks etc. (953\_2), as well as appropriate for the size of the lot, and accommodate such things as adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, etc. (953\_3).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. The intensity of development contemplated is related to the classification of the street onto which the property has frontage (The London Plan, Policies 789\_6. and 919\_2.). The subject lands have frontage on a Civic Boulevard, which permits a minimum building height of two (2) storeys, and a maximum building height of four (4) storeys (The London Plan, Policy \*935\_1. and \*Table 11- Range of Permitted Heights in Neighbourhoods Place Type).

#### *Southwest Area Secondary Plan*

The subject lands are located within the North Talbot Residential Neighbourhood of the Approved Plan (Schedule 12). In the North Talbot Residential Neighbourhood, new development shall be consistent with the density requirements of the Low Density (LDR) and Multi-Family, Medium Density Residential (MFMDR) designations, respectively, of the *Southwest Area Secondary Plan*, as set out in Sections 3.2.2, 3.2.3 and 3.3.3 of the 1989 Official Plan (20.5.11.1 iii) a)). Therefore, the North Talbot Residential Neighbourhood generally permits a minimum density of 30 units per hectare and a maximum density of 75 units per hectare, as per Sections 3.2.2, 3.2.3 and 3.3.3 of the 1989 Official Plan. To provide for a mix of housing types, densities and designs

throughout each neighbourhood, SWAP emphasizes ensuring that housing developments and designs achieve compact residential development (20.5.1.4 ii b)).

#### *1989 Official Plan*

Within the *1989 Official Plan*, most of the southern portion of the subject lands are designated MFMDR which permits multiple-unit residential developments at a maximum density of 75 units per hectare and a maximum height of four (4) storeys (3.3.3. i) & ii)). The northerly portion of the subject site is designated LDR which permits low rise development at a maximum density of 30 units per hectare. Within the LDR designation, residential intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare.

#### Analysis:

The proposed development will not adversely affect the function nor the amenity of the future adjacent developments which based on policy will likely develop with similar low-rise residential forms of development. The intensity of the proposed development conforms to the urban design considerations for residential intensification in Neighbourhoods in The London Plan and is generally compatible with surrounding land uses through the continuation of a low-rise form and moderate-site coverage. The recommended proposal provides a thoughtful intensity that complements the neighbourhood context. With respect to the appropriateness of the proposed intensity, the site design supports all required parking spaces and sufficient private outdoor amenity space and landscaped open space. Reductions in parking and landscaped open space, and lot coverage often serve as indicators of possible over-intensification; however, in this case the identified features can be achieved, indicating that the site is of sufficient size to support the proposed intensity and site design.

The site is located at the edge of a residential area characterized by single detached dwellings on large lots and vacant Urban Reserve lands. The proposed development will effectively and efficiently optimize the use of the subject lands. The proposed multi-unit residential development will expand the residential types and diverse housing options available within the neighbourhood to meet a variety of housing needs and contribute to a more dynamic and vibrant neighbourhood.

The proposed development is of a suitable intensity for the site and is consistent with the PPS and the in-force policies of the City's Official Plans.

#### **4.4 Issue and consideration #4: Form**

##### *The London Plan*

The Our Tools part of The London Plan outlines considerations for evaluating planning and development applications (1578\_).

The London Plan encourages compact urban forms of development as a means of planning and managing for growth (7\_, 66\_) and encourages growing "inward and upward" to achieve compact forms of development (59\_, 79\_). The London Plan specifically supports residential intensification in neighbourhoods (937\_ - 940\_) and provides direction for planning regarding intensification. Specifically, that planning will respect existing neighbourhood character and offer a level of certainty, while providing for strategic ways to accommodate development to improve our environment, support local businesses, enhance our physical and social health, and create dynamic, lively, and engaging places to live (918\_).

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 by considering 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 surround the neighbourhood (953\_ 2. A – f).

### *Southwest Area Secondary Plan*

Under the Southwest Area Secondary Plan (SWAP), new development should enhance the public realm, including streetscapes, public spaces, and infrastructure, with design of the community street pattern creating or enhancing view corridors (20.5.1.4 g) & j)). In residential areas, garages shall be designed so that they are not the dominant feature in the streetscape – garages shall not project beyond dwelling/porch façade, with garage doors not occupying more than 50% of the frontage unless the City is satisfied otherwise (20.5.3.9 iii e)). Off-street parking areas shall be designed to reduce their visual impact on both the adjoining streetscape and on people using the site and/or facility. Parking facilities shall be designed to minimize the visual impact from adjacent properties and the public realm and provide for enhanced amenity and recreation areas for the residents of the development. Although the concept proposal does not necessarily represent a final development, the applicant has already made the effort to adequately screen parking and instead emphasize architectural and landscape features of this site.

Along the streetscape, buildings shall be designed to be street oriented such that the functional front and main entrances to the building face the street (20.5.3.9 iii g)). A minimum separation distance from the existing single detached dwelling of 3.9 metres for a built form 3-storeys or less or 5.0 metres for 4-storeys ensures emphasis on the heritage character of the existing building. If a modified development proposal is pursued, no dwelling(s) shall be constructed within the interior side yard adjacent to the single detached dwelling that has the driveway – the intent of this special provision to ensure amenity space and regard for heritage character is achieved. Moreover, the minimum interior side yard setback would vary depending on the number of storeys and windows to habitable rooms – this would ensure privacy and suitable character through form based setbacks. By reducing the available space for street front dwellings, this ensures available space for amenity area or landscaping, as requested by the Urban Design Peer Review Panel.

### *1989 Official Plan*

Typically, height limitations will not exceed four storeys for MFMDR, which the proposal would be keeping with. Development within areas designated MFMDR shall take into account surrounding land uses in terms of height, scale, and setbacks, and shall not adversely impact the amenities and character of the surrounding area (3.3.2.i)). Medium density development will not exceed a net density of 75 units per hectare and shall be no more than four-storeys in height (3.3.3.i); 3.3.3.ii)), neither of which the proposal exceeds. In the LDR designation, infill housing may be in the form of single detached dwellings, semi-detached, dwellings, attached dwellings, cluster housing and low rise apartments. Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area (3.2.3.2).

### Analysis:

Consistent with the PPS and conforming to the *1989 Official Plan* and The London Plan, the recommended residential development of the subject property would optimize the use of land and public investment in infrastructure in the area. Located within a developing area of London, the proposed townhouse development would contribute to achieving more compact forms of growth than the existing single detached dwellings throughout the broader neighbourhood.

The location and massing of the proposed buildings respects the heritage value of this site and is consistent with urban design goals. The parking area is located either in garages or behind the buildings as viewed from the streetscape, which helps to conceal parking while emphasizing architectural value. Adequate space is provided along the perimeter for landscaping and added amenity space.

The proposed building placement provides for a suitable separation between the proposed development and existing single detached dwelling on-site, mitigating compatibility concerns including loss of privacy. In addition to the required 3.9 metre and 5.0 metre minimum separation distance from the existing heritage structure, Site Plan Control is also anticipated to ensure the context is sensitive to spacing of the heritage structure through review by Heritage and Urban Design Staff.

Comments from Urban Design staff and the Urban Design Peer Review Panel (UDPRP) highlighted various considerations that have been accounted for in the recommended setbacks. Additional design considerations will be addressed through the Site Plan Approval process. UDPRP comments and applicant responses can be found under Appendix E. Engineering staff have reviewed this proposal and have no concerns. Further engineering considerations will be addressed at site plan.

#### *Considerations for the R6-5 Zone*

Additional special provisions are required to permit interior side and rear yard setbacks to facilitate the development of townhouses and stacked townhouses. The applicant considered setbacks as low as 1.8 metres, which is less than the standard 3.0 metres of the R6-5 zone. For buildings one to two storeys in height where the end wall of a unit contains no windows to habitable rooms, Staff concluded that an appropriate form of development could be met with 1.8 metres instead of 3.0 metres. Landscape Staff concluded that 1.8 metres is sufficient for landscaping, if pursued. For buildings over two storeys where the end wall of a unit contains no windows to habitable rooms, Staff recommend 3.0 metres for interior side yards, which matches the base zone provision for interior side yard setbacks in all instances. The standard setback provides for adequate landscaping and stormwater management while offering better privacy for neighbouring dwellings to be built in the future. Where the wall of an end unit contains windows to habitable rooms, Staff recommend an increased setback of 6.0 metres for privacy. The base and increased setbacks ensure better compatibility with the built form and future developments surrounding the site.

Furthermore, for the rear yard, a 6.0 metre setback is the standard unless proper accommodations are taken into consideration, including avoiding windows to habitable spaces or limiting buildings to two storeys in height. Given the scale of this proposal, Staff are recommending 6.0 metres to permit more landscaping and amenity space. This will ensure future compatibility between land uses as well as provide adequate space for access to the rear of the site.

To ensure adequate amenity space, it is recommended that the Site Plan Approval Authority consider that no dwelling(s) shall be constructed within the interior side yard adjacent to the single detached dwelling that contains the internal driveway access. The location of the driveway is specified relative to the single detached dwelling to mitigate the presence of units on both sides of the heritage designated building.

The *Zoning By-law No. Z.-1* provides front yard requirements adjacent to the arterial roads measured from the limit of the required or the existing road allowance, whichever is the greater (4.21). The intent of the regulation ensures that adequate distance is provided in the event of future road widening. Pack Road is a Civic Boulevard/Arterial Road in The London Plan and 1989 Official Plan, respectively, and has an ultimate road allowance requirement of 18 metres from the centre line. In the UR3 Zone variation, a minimum front yard depth of 10 metres is required from the ultimate road allowance. The front yard of 15.8 metres matches the setback of the heritage designated building. Following review by Staff and the Urban Design Peer Review Panel, Staff recommend a minimum front yard setback of 13.3 metres for new residential development 3-storeys in

height or less and 15.8 metres for development at 4-storeys in height helping preserve the heritage character of the site. The existing single detached dwelling will not encroach into the ultimate road allowance of Pack Road.

#### *Considerations for the General “h” Holding Provision*

Engineering Staff emphasized the need for orderly servicing of stormwater, sanitary, and water. This site falls within the Dingman Subwatershed. As per section 6.3.2 of the Design Specifications & Requirements manual, a water balance assessment is required to examine the site’s water balance conditions and propose opportunities to mitigate water balance deficits. As an objective of the Dingman EA, this new development is to achieve the water balance conditions identified from the predevelopment study. To ensure orderly servicing, a general “h” holding provision has been requested by Engineering Staff and recommended to be put in place. The development is expected to reserve land for LID implementation. The use of holding provisions will ensure that concerns are addressed by the owner prior to any new development occurring. Therefore, a general “h” holding provision is recommended to ensure orderly development for servicing the development.

#### **4.5 Issue and consideration #5: Heritage Designation**

The PPS states that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes (1.7.1.e). Furthermore, the PPS identifies that significant built heritage resources “shall be conserved” (2.6.1).

Under the principles of SWAP, contemplation is given to “the retention of existing identified heritage residential buildings as a contribution to the community identity” (20.5.1.4 ii g)). SWAP includes significant heritage properties as a priority for consideration (20.5.3.9 j)).

#### Analysis:

The subject property is a heritage designated property, included on the City’s *Register of Cultural Heritage Resources*. As contemplated by the *Provincial Policy Statement, 2020*, the *Ontario Heritage Act*, and The London Plan, heritage resources are to be conserved and the impacts of development on these resources is to be evaluated. In Policy 565 of The London Plan, an evaluation is required to determine if the built resources retain cultural heritage value or interest (CHVI) and to assess potential impacts of development.

For CHVI evaluation purposes, a heritage impact assessment (HIA) was submitted by the applicant in 2022. City Heritage staff reviewed this assessment and were satisfied with its conclusions. Additional mitigation or considerations for the heritage designated dwelling will be addressed through the site plan approval process.

## Conclusion

The recommended zoning 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, the North Talbot Neighbourhoods policies within the Southwest Area Secondary Plan and the *1989 Official Plan*, including but not limited to the North Talbot Residential Neighbourhood, the Low Density Residential designation and the Multi-Family, Medium Density Residential designation. The recommended amendment will facilitate the development of alternative housing types with a land use, intensity, and form that is appropriate for the site. The recommended amendment would facilitate the retention of the heritage-designated single detached dwelling. The recommended amendment will provide for residential intensification in a form that can minimize and mitigate the impacts of the development on adjacent properties for when future development is pursued. Overall, the proposed development is sensitive to, compatible, and a good fit within the local neighbourhood context.

**Prepared by:** **Stuart Filson, RPP**  
**Site Development Planner, Site Plans**

**Reviewed by:** **Mike Corby, MCIP, RPP**  
**Manager, Planning Implementation**

**Recommended by:** **Heather McNeely, MCIP, RPP**  
**Acting Director, Planning and Development**

**Submitted By:** **Scott Mathers, MPA, P. Eng.**  
**Deputy City Manager, Planning and Economic  
Development**

November 23, 2022  
SF/sf

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## 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 6092  
Pack Road.

WHEREAS Magnificent Homes and Royal Premier Homes have applied to  
rezone an area of land located at 6092 Pack Road, as shown on the map attached to this  
by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to  
lands located at 6092 Pack Road, as shown on the attached map comprising part of  
Key Map No. A110, from an Urban Reserve (UR3) Zone to a Holding Residential R6  
Special Provision (h\*R6-5(□)) Zone.
- 2) Section 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following  
Special Provision:

R6-5(□)	6092 Pack Road	
a)	Prohibited Uses:	
	i) Apartment building	
b)	Regulations	
	i) Front Yard Depth for development 3 storeys or less (Minimum)	13.3 metres (51.8 feet)
	ii) Front Yard Depth for development 4 storeys in height. (Minimum)	15.8 metres (51.8 feet)
	iii) Interior Side Yard Depth for new development one to two storeys in height where the end wall of a unit contains no windows to habitable rooms (Minimum)	1.8 metres (5.9 feet)
	iv) Interior Side Yard Depth for new development over two storeys end wall of a unit contains no windows to habitable rooms (Minimum)	3.0 metres (9.8 feet)
	v) Interior Side Yard Depth for new development where the wall of a unit contains windows to habitable rooms (Minimum)	6.0 metres (19.7 feet)

- |       |   |                           |
|-------|---|---------------------------|
| vi)   | Separation Distance for new development, 3 storeys or less, from an Existing single detached dwelling on the same lot.<br>(Minimum)     | 3.9 metres<br>(16.4 feet) |
| vii)  | Separation Distance for new development, 4 storeys in height, from Existing single detached dwelling on the same lot<br>(Minimum)       | 5.0 metres<br>(16.4 feet) |
| viii) | New residential uses are restricted to only one side yard from Existing single detached dwelling but in no case permitted on both sides |                           |
| ix)   | Density<br>(Maximum)  | 45 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 December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



<p>File Number: Z-9493 Planner: SF Date Prepared: 2022/07/29 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,250</p> <p>0 5 10 20 30 40 Meters</p> 
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Geodatabase

## Appendix B – Community Engagement

### Community Engagement

**Public Liaison:** On April 20<sup>th</sup>, 2022, Notice of Application was sent to 18 property owners in the surrounding area. A revised Notice of Application was sent on May 6<sup>th</sup>, 2022. A Planning application sign was also posted on site. Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 21<sup>st</sup>, 2022. A revised Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 12<sup>th</sup>, 2022. A “Planning Application” sign was also posted on the site.

**Responses:** No responses received.

**Nature of Liaison:** Application to change the zoning from an Urban Reserve (UR3) Zone to a Residential R6 Special Provision (R6-5(\*)) Zone to permit the retention of the existing 20th century single detached unit; five (5) 2.5-storey townhouses totaling 33 dwelling units; a 3.5-storey back-to-back townhouse building containing six (6) dwelling units; a maximum density of 45 units per hectare; and reduced yard setbacks. To preserve the heritage character of this site, the existing single detached dwelling would be retained with the new zoning ensuring that apartment buildings are not permitted. The proposed zoning would: permit an increased minimum front yard setback of 10 metres; permit a minimum rear yard of 6.0 metres; permit a minimum interior side yard of 1.8 m for buildings one to two stories in height; permit a minimum interior side yard of 3.0 metres for over two stories where the end wall of a unit contains no windows to habitable rooms, or permit 6.0 metres where the wall of a unit contains windows to habitable rooms; minimum separation distance from single detached dwelling of 5.0 metres; and permit a maximum density of 45 units per hectare whereas a maximum of 35 units per hectare is permitted.

### Agency or Departmental Comments

#### Stormwater Engineering (May 20, 2022)

The Stormwater Engineering Division staff have reviewed the above noted application and have additional comments beyond those previously provided as part of the Pre-application Consultation for this site (see attached email from Oct. 6, 2021):

1. Under S3.5 “Civic Infrastructure” in the Planning & Design Brief, the applicant speaks to the fact that the site does not have sanitary servicing. However, it should also be noted that this development has no supporting stormwater infrastructure either.
2. It is SWED’s expectation that the reduced setbacks will not impede self-containment and safe conveyance of this site’s storm water flows. As part of the storm servicing strategy for this land during the development application stage, the applicant must demonstrate how stormwater flows will be contained, and safely conveyed on this site without impacting adjacent properties.
3. (This comment supplants Comment #2 provided in the pre-application commentary) This site falls within the Dingman Subwatershed. As per section 6.3.2 of the Design Specifications & Requirements manual, a water balance assessment is required to examine the site’s water balance conditions and propose opportunities to mitigate water balance deficits. As an objective of the Dingman EA, this new development is to achieve the water balance conditions identified from the predevelopment study. The approach for stormwater control hierarchy, and LID design, is included in the Section 6 Stormwater Management of the Design Specifications & Requirements manual. The water balance analysis may be completed as part of a Hydrogeological Assessment, a stormwater management report, or as a standalone document
4. The consultant is expected to reserve space within the site plan for an LID strategy(ies) in efforts to achieve this requirement.

5. The Consultant may note that implementation of infiltration or filtration measures for a volume that meets or exceeds the 25mm event as part of the water balance target would be accepted to meet Total Suspended Solids (TSS) reduction target.

#### Stormwater Engineering (June 9, 2022 & November 3, 2022)

No comments from Water, Transportation or Sewer engineering. The following Storm Water Management comments will need to be satisfied before engineering can sign off on the rezoning:

6. The consultant is to provide a SWM functional brief indicating how the site is proposed to be serviced (e.g., on-site controls, LID, etc.).
7. This site falls within the Dingman Subwatershed. As per section 6.3.2 of the Design Specifications & Requirements manual, a water balance assessment is required to examine the site's water balance conditions and propose opportunities to mitigate water balance deficits. As an objective of the Dingman EA, this new development is to achieve the water balance conditions identified from the predevelopment study. The approach for stormwater control hierarchy, and LID design, is included in the Section 6 Stormwater Management of the Design Specifications & Requirements manual. The water balance analysis may be completed as part of a Hydrogeological Assessment, a stormwater management report, or as a standalone document.
8. The Applicant is expected reserve land for LID implementation.
9. November 3, 2022: A general holding provision, h, would be needed for the Zoning By-law Amendment.

#### Landscape (November 2, 2022)

The City's Landscape Architect has reviewed the Tree Protection Plan and report prepared by RKLA for the 6092 Pack Rd. They have no concerns with regard to the completeness and accuracy of the overall tree inventory and assessment.

The inventory captured 45 individual trees (all *Picea abies* (Norway Spruce) within the subject site as well as within 3m of the property boundary. Report recommends the removal of 40 trees and the preservation of 5 trees within the subject site. **Accepted.**

- No species classified as endangered, threatened, or at risk under the Ontario Endangered Species Act, 2007, S.O. 2007, c. 6 were observed during the tree inventory.
- The subject site is NOT within or adjacent to a City of London Tree Protection Area.
- There are no boundary trees associated with this site.
- No Col boulevard trees were inventoried.

No tree removals arising from demolition, construction, or any other activity shall take place on the subject property prior to Site Plan Approval.

#### Ecology (May 20, 2022)

There are currently no ecological planning issues related to this property and/or associated study requirements.

#### Major issues identified

- 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 Vegetation Patch and Unevaluated Wetlands.

#### Ecology – complete application requirements

- **Scoped EIS**– to address SAR concerns for:
  - SAR Birds – barns/farm buildings on north end of parcel potential Barn Swallow habitat

- Significant Wildlife Habitat - barns/farm buildings on north end of parcel potential snake hibernacula

#### Notes

- A scoping meeting shall be held between the proponent and a City Ecologist to review and confirm the study scope. A site visit may be requested in support of application review.
- The proponent and/or their consultant is required to complete the Environmental Impact Study Issues Scoping Checklist as a draft for submission to the City in advance of the scoping meeting. Once all comments regarding the draft Checklist have been received and finalized the City of London will send written approval (e-mail or letter).
- No disturbance arising from demolition, construction, or any other activity shall take place on the property prior to Development Services receiving and approving the EIS to ensure that all technical requirements have been satisfied.
- It is an offence under Section 10(1) of the *Endangered Species Act* to damage or destroy the habitat of a species that is listed on the Species at Risk in Ontario list as an Endangered or Threatened species.
- An Environmental Management Plan should be developed prior to issuance of contract drawings where the mitigation measures are tailored to site
- The Clean Equipment Protocol for Industry, a Spill Response Plan, an Invasive Species Management Plan and a Species at Risk and Wildlife Handling Protocol should be included as part of the Environmental Management Plan.
- Avoid tree removal within the active bat roosting period (April 30 – September 1) to reduce potential interactions with Endangered bat species, to avoid contravention of the *Endangered Species Act*.
- Avoid vegetation removal within the active breeding bird period (April 1 – August 30) to avoid disturbing nesting birds and contravening the *Migratory Bird Convention Act*.

#### Ecology (September 27, 2022)

- Staff reviewed the photos in support of ecology comments regarding concerns for Barn Swallow nesting habitat. Staff did not identify any active nests or evidence of previous nesting. Staff are satisfied that this fulfills the ecological concerns for this file.

#### London Hydro Engineering (April 25, 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. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

#### Parks Planning and Design (May 20, 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.

#### Urban Design (May 12, 2022)

##### General Comments:

- There are no UD comments for the proposed zoning amendment for the requested R6-5 zone for 6092 Pack Road.
- This application is to be reviewed by the Urban Design Peer Review Panel (UDPRP), and as such, an Urban Design Brief will be required. UDPRP meetings take place on the third Wednesday of every month, once an Urban Design Brief is submitted as part of a complete application the application will be scheduled

for an upcoming meeting and the assigned planner as well as the applicant's agent will be notified. If you have any questions relating to the UDPRP or the Urban Design Briefs please contact Ryan Nemis at 519.661.CITY (2489) x7901 or by email at [rnemis@london.ca](mailto:rnemis@london.ca).

- The applicant is to submit a completed "Urban Design Peer Review Panel Comments – Applicant Response" form that will be forwarded following the UDPRP meeting. This completed form will be required to be submitted as part of a complete application.

#### Site Plan Application Stage:

- Provide elevations for all four sides of the proposed buildings with materials, colours and dimensions labelled. Further urban design comments may follow upon receipt of the elevations.
- Provide a slightly larger front yard setback, or setback transition, from the proposed back-to-back townhouse along the street to provide better visual presence to the existing heritage house from both east and west.
  - Slightly move the proposed 2 storey townhouses parallel to the stacked townhouse 3 metres back to allow the stacked townhouse to be at a similar setback as the existing heritage house.
- Provide additional details for the shared outdoor amenity spaces proposed for the site adjacent to the retained heritage farmhouse.
- Provide high quality landscaping in combination with street-oriented built form to create a positive pedestrian and transit oriented corridor. [SASP, 20.5.4.1 iv), a)]
- The proposal should take into consideration any existing significant mature trees on the site and along property boundaries.
- 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).

#### *Building Design*

- Ensure the top of the building is designed and distinguished through an articulated roof form, step-backs, cornices, material change and/or other architectural details.
  - Consider increasing the pitch of the Pack Road facing gables on the back-to-back townhouses to create a sympathetic expression through form.

Consider and explore alternative brick colour of the back-to-back townhouses that can provide balance with the heritage farmhouse brick colour in order to provide visual distinction.

#### Urban Design (September 12, 2022)

Following the UDPRP, Urban Design Staff had nothing further to add.

#### Upper Thames River Conservation Authority (April 26, 2022)

- 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.

#### Heritage (July 29, 2022)

- Staff have reviewed and are accepting of the submitted Archaeological and Heritage Impact Assessments.

#### Heritage (September 29, 2022)

- Please be advised that heritage planning staff recognizes and supports the conclusion of the report that states that: “site construction activity could result in vibrations that have potential to affect historic foundations.” The following mitigation measures are recommended in the HIA and should be included in the development agreement (DA) as part of site plan approval:
  - Retain a qualified person(s) to complete a pre-construction vibration assessment to determine acceptable levels of vibration given the site-specific conditions (including soil conditions, equipment proposed to be used, and building characteristics)
  - Should the residence be determined to be within the zone of influence, additional steps should be taken to secure the building from experiencing negative vibration effects (i.e., adjustment of machinery or establishment of buffer zones).” (pp i-ii)
- Finally, please note that a component of the heritage impact assessment was a cultural heritage evaluation using the criteria of O. Reg 9/06. Based on the evaluation of the property in the HIA, heritage staff determined that the property merits designation pursuant to Section 29 of the Ontario Heritage Act. Staff report’s recommending designation was considered by the Planning and Environment Committee (June 20, 2022), following which Council issued its Notice of Intention to Designate (July 21,2022).
- Mitigation measures outlined in the HIA, and retention of the built resource in-situ along with designation of the property, have sufficiently demonstrated that significant heritage attributes will be conserved. The HIA can be accepted to meet heritage requirements for (Z-9493).

## Appendix C – 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;	<p>The proposed land use is a contemplated use in the SWAP and The London Plan, similar to other uses in the area, and contributes to a variety of housing forms within the neighbourhood.</p> <p>The proposed townhouses to the rear of the existing single detached dwelling have been evaluated from a form-based perspective and found to be compatible and a good fit with the neighbourhood context based on the following considerations site layout, building and main entrance orientation, building line and setback from the street, and height and massing transitions with adjacent properties. The front building will require additional review as part of the Site Plan Approval process. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.</p>
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 private and common amenity space. The size and shape of the subject lands appears generally able to accommodate the intensity of the proposed development. The site concept achieves an intensity that allows for other on-site functions such as guest parking, emergency services and open space. Detailed design at a future Site Plan Approval stage will refine the site elements.
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 within 700 metres of the Bostwick Community Centre.
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 intrinsically more affordable than the neighbourhood's prevailing single detached dwelling units. Moreover, 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.
Compatibility of proposed uses with surrounding land uses, and	The proposed land use is a contemplated use in the SWAP and The London Plan, similar to other

the likely impact of the proposed development on present and future land uses in the area	uses in the area, and contributes to a variety of housing forms within the neighbourhood.
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. All yard depths will be sufficient to accommodate a landscape screen and support tree growth to minimize and mitigate loss of privacy for adjacent properties. 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 two-storey townhouses proposed at the rear of the site are designed at a building height consistent to that of the neighbouring single detached dwellings to the south.
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 provided no comments, which is taken to be that Staff are satisfied that driveway location and design can be addressed at the Site Plan Approval 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	Most of the units would be away from the street, buffered either by the retained heritage designated single detached dwelling or vegetation. At the Site Plan Approval stage, additional attention should be paid to the design of units closer to the street, in accordance with comments provided by Urban Design staff. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.
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 <i>1989 Official Plan</i> and <i>The London Plan</i> . 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, drive aisle and driveway widths, sidewalk widths, and parking. The applicant is to identify areas for garbage storage and show parking setbacks and landscape islands 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. Further mitigation measures will be considered at the time of Site Plan Approval, such as more plantings along property lines and architectural treatments. As well, the developer will be required to provide a 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 a negligible impact on the transportation system and provide a more transit-supportive form of development.

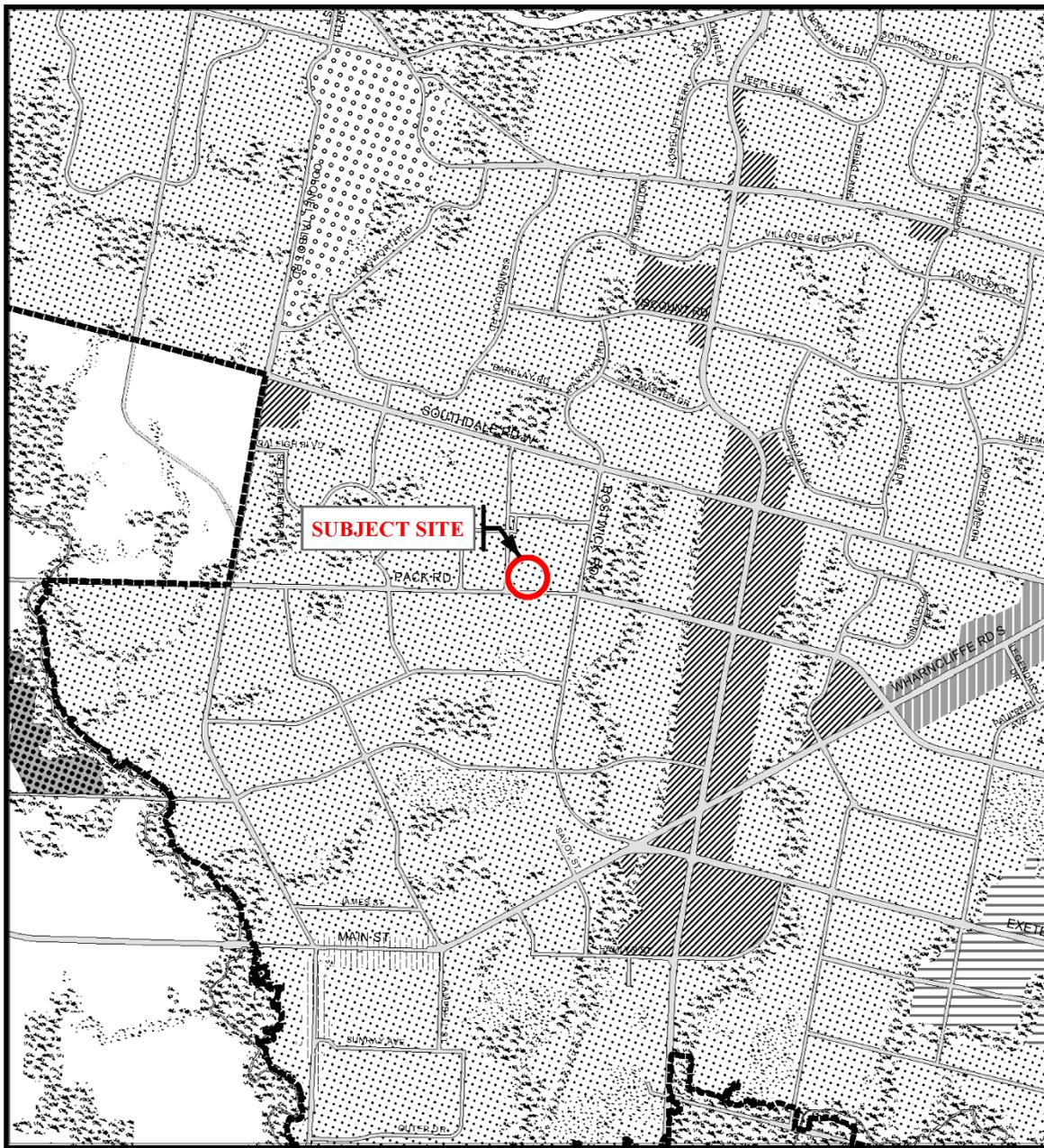
<b>1577_Evaluation Criteria for Planning and Development Applications</b>	
<b>Criteria – General Policy Conformity</b>	<b>Response</b>
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation	The proposal is consistent with the <i>Provincial Policy Statement, 2020</i> 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 additional consideration beyond what has been provided through the zoning recommendation and ensuing Site Plan Approval stage. There are no hazards to be considered, natural or otherwise.
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. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.
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 a Civic Boulevard.

	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.
<b>Criteria on Adjacent Lands</b>	<b>Response</b>
Traffic and access management	Further consideration of traffic controls related to the driveway 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.
Parking on streets or adjacent properties	The City's parking standards are unaffected. Any minor variance for parking would require review through the Committee of Adjustment. It is not anticipated that overflow parking will be required on local streets. Parking is screened by landscaping and buildings.
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 the Site Plan Approval stage. It is a Site Plan Control 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 townhouse forms, with garbage to be placed outside on collection day.
Privacy	There is a board-on-board fence that surrounds the site and several existing boundary trees located along the east property line are to be retained to screen the proposed townhouses from the east abutting townhouse development. Additional mitigation measures will be considered at the time of Site Plan Approval, such as additional plantings. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.
Shadowing	Minor shadowing may impact adjacent and nearby properties in the early morning or late afternoon, depending on the season.
Visual Impact	Landscaping, articulated building design, and architectural details and materials are to be implemented at the Site Plan Approval stage. In consideration of the Urban Design Peer Review Panel, the front building has been setback further than the initial request as to not overwhelm the heritage character of the existing single detached dwelling. The rear buildings would be largely screened by a combination of the front buildings and landscaping, with parking especially concealed behind structures.

Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed development.
Trees and canopy cover	The proposed 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 Approval 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., no archaeological resources were identified on the lands and all archaeological conditions can be considered satisfied for this application. A minimum separation distance from the single detached dwelling of 5.0 metres also ensures heritage sensitivity to the character.
Natural heritage resources and features	Not applicable.
Natural resources	Not applicable.
Other relevant matters related to use and built for	Not applicable.

# Appendix D – Relevant Background

## The London Plan – Map 1 – Place Types



**Legend**

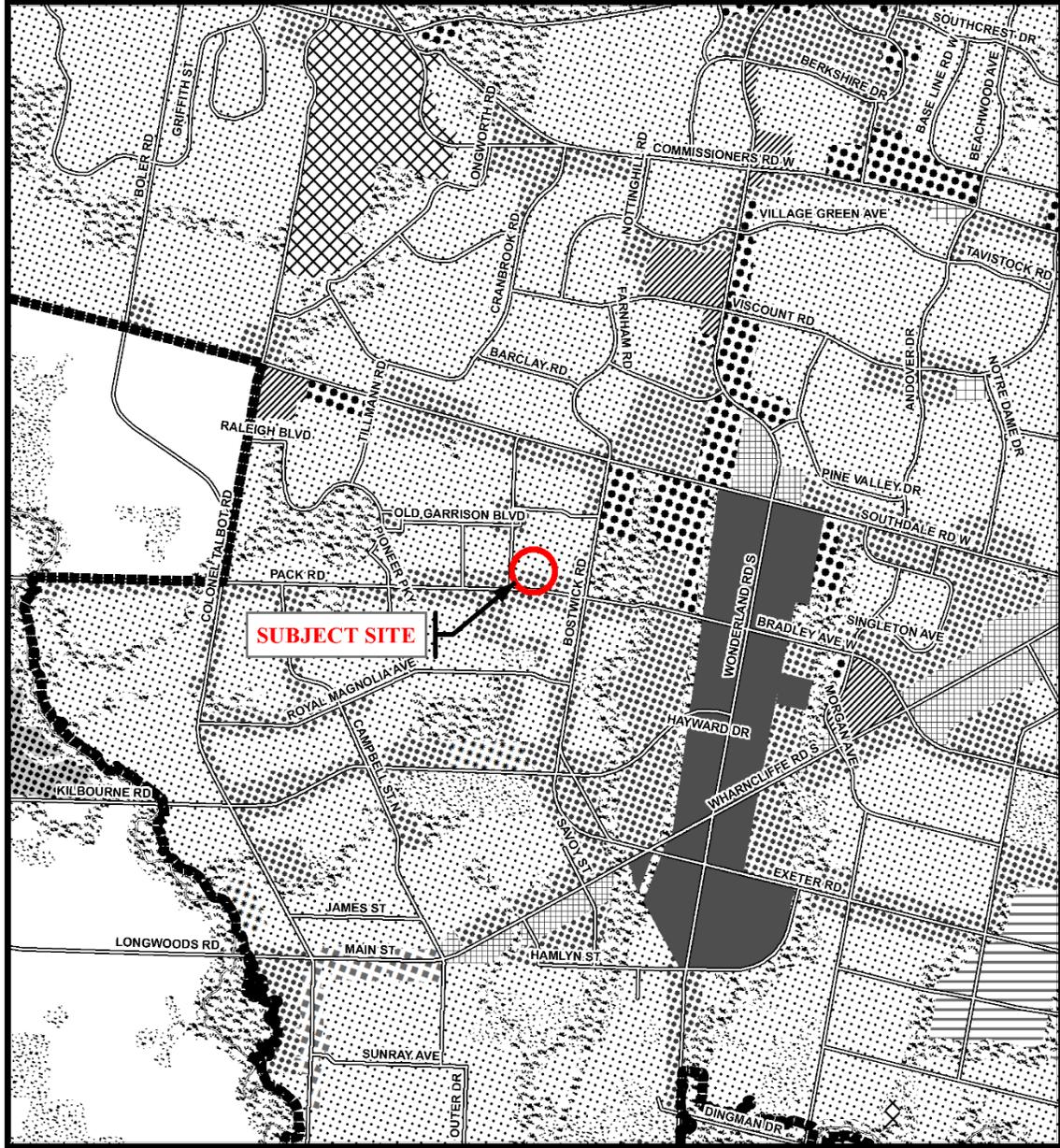
Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street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

<p><b>CITY OF LONDON</b>  <b>Official Plan</b>  <b>LONDON PLAN MAP 1</b>  <b>- PLACE TYPES -</b></p> <p>PREPARED BY: Planning &amp; Development</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>File Number:</b> Z-9493  <b>Planner:</b> SF  <b>Technician:</b> RC  <b>Date:</b> 2022/7/29</p>
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Project Location: E:\Planning\Projects\p\_officialplan\workconsol00\excerpts\_LondonPlan\mxds\OZ-9493-Map1-PlaceTypes.mxd

1989 Official Plan – Schedule A – Land Use

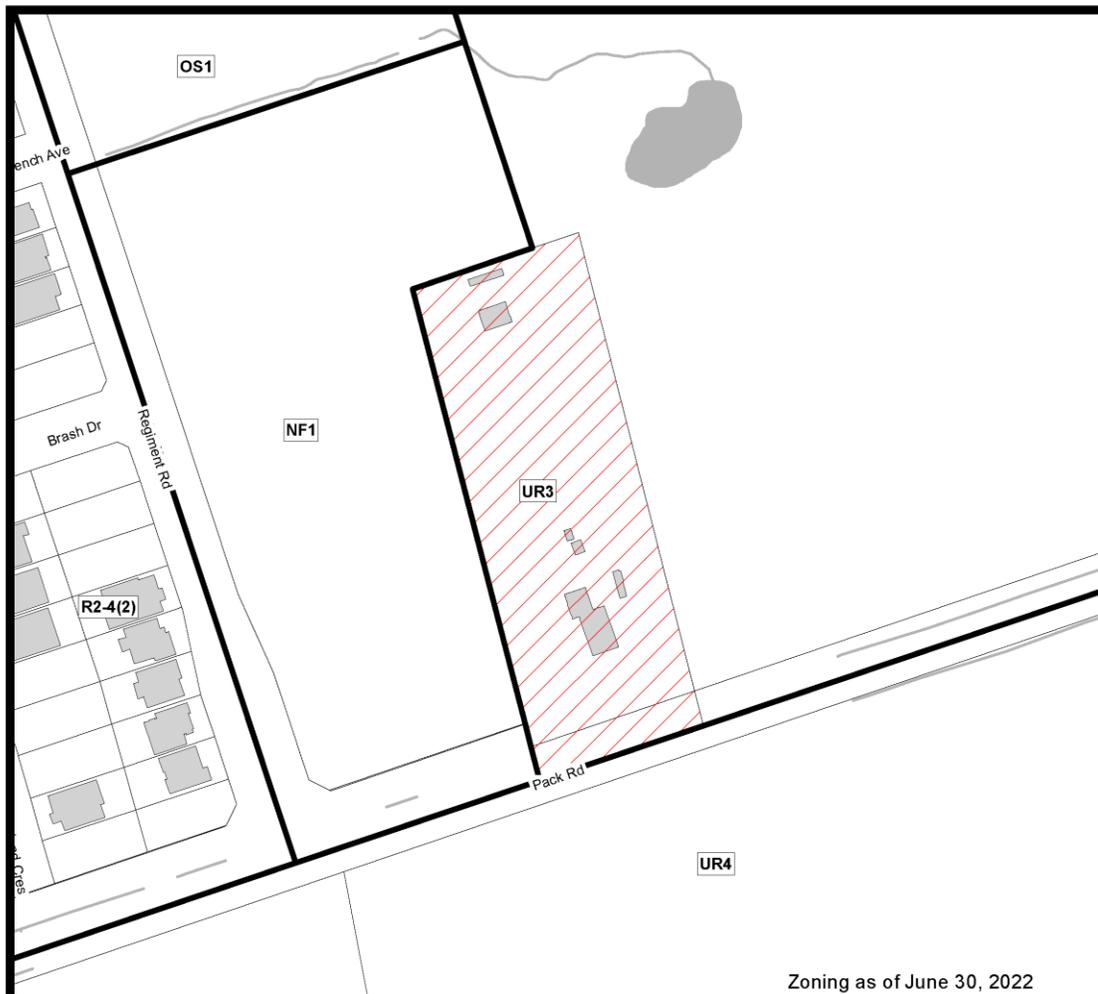


Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	New Format Regional Commercial Node		Office/Residential		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

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 155 310 620 930 1240 1550</p> <p>Meters</p>	<p>FILE NUMBER: Z-9493</p> <p>PLANNER: SF</p> <p>TECHNICIAN: RC</p> <p>DATE: 2022/07/29</p>
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PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol\00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

Zoning By-law No. Z.-1 – Zoning excerpt



Zoning as of June 30, 2022



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9493

SF

MAP PREPARED:

2022/07/29

RC

1:2,000

0 10 20 40 60 80 Meters

## Appendix E – Applicant’s Reply to UDPRP Comments

As per the Memo provided in conjunction with this letter, the Urban Design Peer Review Panel has the following comments regarding the above-referenced application. In the Applicant Response section of the text boxes provided on the following page(s), please provide a detailed response that explains how the Panel comments have been addressed.

- **Comment:** 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.  
**Applicant Response:** The proposed land use, density and built form has been informed by our understanding of the applicable Southwest Area Secondary Plan policy framework and the context of the site and surrounding area. The project team appreciates the Panel’s perspective and concurrence that the application is meeting the planned intent for the area!
- **Comment:** The Panel commends the applicant for the retention and integration of the existing 20th Century farmhouse on the site, however, recommends that land immediately adjacent to the East and West of the heritage house be preserved and free of any new structures. The Panel can support additional density at the rear of the site to achieve this.  
**Applicant Response:** The team agrees that the retention of the existing 20th Century Farmhouse is a significant and noteworthy feature of the planned development. This was a fundamental principle in our overall design approach. Significant supplementary design features have been incorporated into the proposed ZBA and concept plan to further respect and provide prominence to the heritage feature. Such design measures include:
  - No built form has been provided to the east of the farmhouse to allow for continued visual prominence and sightlines to the wraparound porch which is an identified heritage attribute as per the Stantec HIA;
  - The back-to-back townhouse building has been setback substantially from the front property line, as close as possible to being in-line with the front face of the heritage dwelling;
  - The design of the proposed back-to-back townhouse building is unique to London – it represents a custom design solution which ensures no parking is proposed between the building face and Pack Road and principal unit entrances will face directly to Pack Road.It should be noted that multiple design options/configurations were explored for the site but the proposed design best balances the various opportunities and constraints of the site while respecting the goals of the Southwest Area Secondary Plan.
- **Comment:** The Panel recommends that the proposed outdoor amenity area have a stronger correlation to the heritage house with additional measures undertaken to preserve the heritage character of the structure and landscape. To accommodate this, the Panel recommends the current townhomes West of the heritage home be removed in exchange for greater density at the rear of the site. This will allow for the creation of more programmable greenspace on site while being respectful of the placement and context of the heritage structure on site. Moreover, it will allow for the preservation of the existing hedgerow of trees to the West of the heritage house.  
**Applicant Response:** Further details regarding the specific landscaping strategy will be provided through the Site Plan Control process (A Landscape Architect will be retained to prepare a formal Landscape Plan). The intent is that the forecourt would be design in a manner that enhances the heritage dwelling. The placement of the primary common amenity space is strategic, in the sense that it preserves open views to the farmhouse from Pack Road. Additional site layouts have been explored

but the removal of the back-to-back townhouse building results in a significant net loss in new housing opportunities on the site. Significant urban design measures have been incorporated into the conceptual site design to preserve the significance/prominence of the heritage dwelling and the proposed design represents an appropriate balance of key Official Plan objectives regarding the provision of new housing and the retention of key heritage attributes.

- **Comment:** The Panel recommends the applicant revise the programming and extents of the proposed amenity area to incorporate additional greenspace and programmed facilities such as a basketball court, playground, splash pad, skate park and/or other activated site features for future residents.  
**Applicant Response:** Comments from the Panel are noted and will be considered by the project team as we move forward in the design development phase of the project. A Landscape Plan will be prepared and submitted with the Future Site Plan Control application and the team will make best efforts, in conjunction with City Staff, to design the function of the amenity space to cater to the target market/demographic profile of future residents and activate the space.
- **Comment:** The Panel notes that there are setbacks that appear tight, or ‘pinch-points’ that restrict pedestrian circulation. The 2nd row of two-storey townhouses facing South appear to have tight setbacks at both side yards and adjacent to the internal driveway. Relocating density to the rear of the site will help reduce these setbacks and provide continuous sidewalks along all the edges of the internal driveways.  
**Applicant Response:** As a gesture to respect and complement the retained heritage farmhouse, the north-south facing townhouse buildings are oriented on a slight access to be parallel with the front face of the farmhouse and the alignment of Pack Road. This has resulted in some minor pinch-points however these pinch-points do not restrict pedestrian circulation. The extent and alignment of the internal pedestrian walk provides for continuous pedestrian circulation across the Site and meets the City of London’s Site Plan Control By-law and applicable policies of the SWAP and London Plan.
- **Comment:** The Panel recommends that the proposed development should, through consultation with the City of London and landowners of the abutting properties, explore opportunities for pedestrian and street connections between the parks, schools, and future residential neighbourhoods.  
**Applicant Response:** The development of this small site in isolation will not hinder or preclude broader neighborhood connectivity. The project team has analyzed existing plans for development of adjacent lands and made reasonable assumptions about the pattern of development on adjacent unplanned lands (in consultation with adjacent landowners) in terms of neighborhood connectivity. Based on this analysis there is no obvious desire lines for such connections to occur. Further exploration of such opportunities can occur in consultation with the City of London through the Site Plan Control and Draft Plan of Condominium application process.
- **Comment:** The Panel notes that the current design and material palette of the proposed building along Pack Road drowns out the heritage house rather than complements it. Consider using a contrasting masonry colour that emphasizes the heritage house, rather than blending in with it. The Panel also encourages the applicant to find ways to translate the unique architectural features of the heritage house in a contemporary manner rather than pastiche.  
**Applicant Response:** The Project Team is committed to working with the City of London through the Site Plan Control process to provide an appropriate architectural design solution for the front facing B2B Townhouse building. An architect or BCIN designer will be retained, and

the team will seek to further differentiate the material palette in a manner that enhances and complements the retained farmhouse. It should be noted that the Farmhouse has now been designated under Part 4 of the Ontario Heritage Act and that modifications to the structure which affect the heritage attributes will be subject to the Heritage Alteration Permit process.

# 6092 PACK ROAD

## PROJECT SUMMARY

[www.siv-ik.ca/6092p](http://www.siv-ik.ca/6092p)

**Developer:** Magnificent Homes & Royal Premier Homes



## Concept At-A-Glance

### USE



#### RESIDENTIAL UNITS

**1** SINGLE-DETACHED HOUSE  
(RETENTION OF 20TH CENTURY  
FARMHOUSE)

**6** BACK-TO-BACK TOWNHOUSE UNITS

**33** TOWNHOUSE UNITS

### HEIGHT



#### STOREYS (UP TO 12.0m)

**2.5-STOREY** SINGLE-DETACHED HOUSE

**3-STOREY** BACK-TO-BACK TOWNHOUSE  
UNITS

**2-STOREY** TOWNHOUSE UNITS

### OVERALL

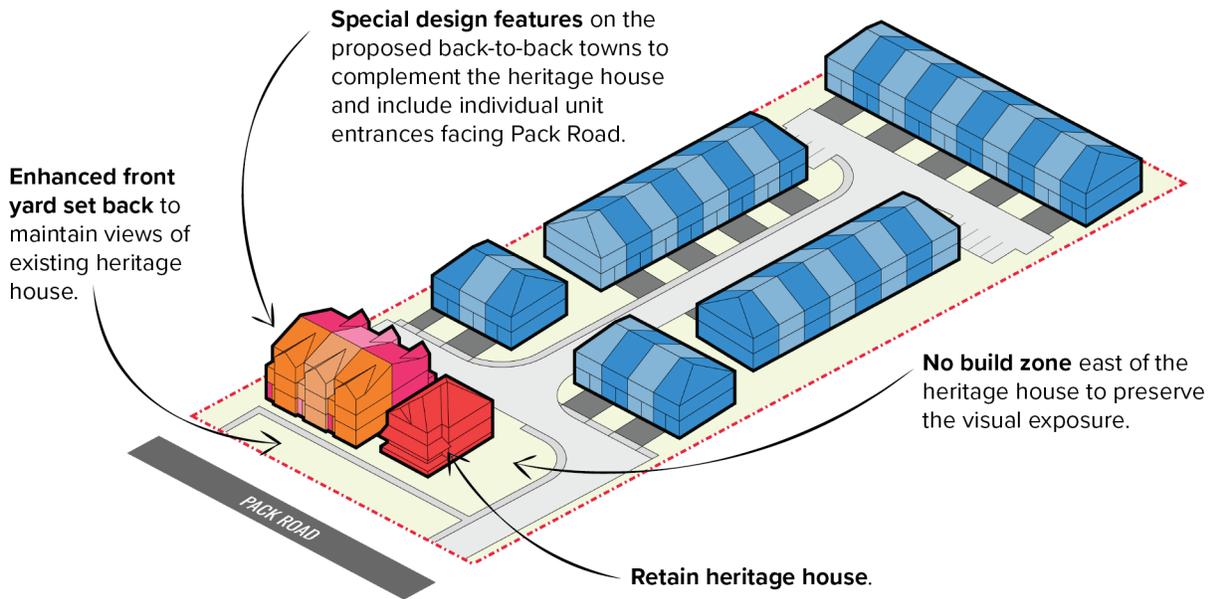


**VEHICLE SPACES**  
(**80** RESIDENT STALLS AND  
**9** VISITOR STALLS)

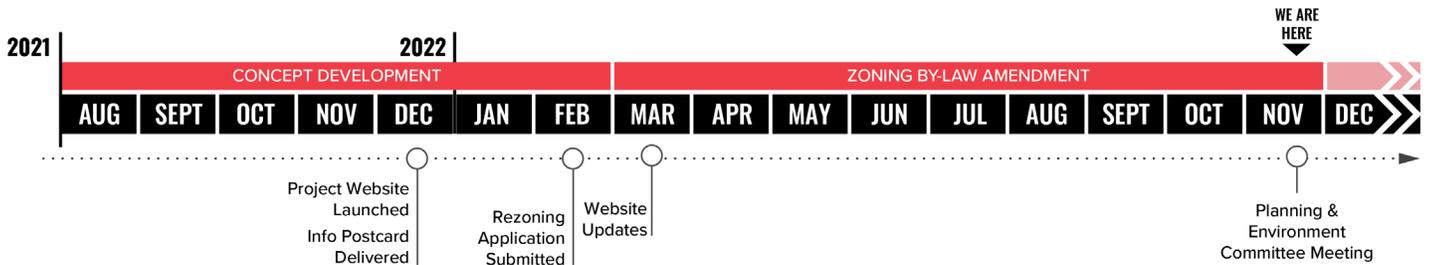


**40.2**  
**UNITS PER  
HECTARE**

# Key Features



# Timeline



# Community Engagement by the Numbers



**POSTCARDS SENT TO HOUSEHOLDS**



**UNIQUE WEBPAGE VIEWS**



\*Includes feedback from the Siv-ik project website feedback form. The count does not include any feedback sent directly to the City.

## 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:** London & Middlesex Community Housing  
931-1225 Southdale Road East  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of London & Middlesex Community Housing relating to the property located at 931-1225 Southdale Road East:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 13, 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 Residential R5 (R5-5) and Compound Residential R5 and Daycare (R5-5\*DC) Zone **TO** a Special Provision Residential R8 (R8-4(\_)) Zone.

## Executive Summary

### Summary of Request

The requested change is the establishment of a Residential R8 (R8-4) Zone with special provisions to provide for three 6-storey apartment buildings with community and service uses at grade.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommendations is to establish the requested Residential R8 (R8-4) Zone with special provisions to provide for three 6-storey apartment buildings with community and service uses at grade.

### Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS, 2020 by providing efficient and affordable residential infill;
2. The proposed amendment conforms to the policies of The London Plan including the applicable City Design, Housing and Homelessness Prevention, and Neighbourhood Place Type policies; and,
3. The proposed amendment assists London & Middlesex Community Housing in completing their part of the City's affordable housing development target.

## Linkage to the Corporate Strategic Plan

Strengthening our Community – Londoners have access to the services and supports that promote well-being, health, and safety in their neighbourhoods and across the city.

## 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 Site at a Glance

#### 1.1 Property Description

The property is four-sided with frontage on both Southdale Road East and Millbank Drive. The longer frontage is along Southdale with the property depth decreasing as one travels eastward. Southdale Road East is a civic boulevard and Millbank a neighbourhood connector, abutting the site.

The site has 166 townhouse uses in blocks of six to twelve. With the exception of one parking lot accessed from Millbank the existing parking on site is located along the Southdale Road East frontage.

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

- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Residential R5 (R5-5) and Compound Residential R5 and Daycare (R5-5\*DC) Zone

#### 1.3 Site Characteristics

- Current Land Use – Cluster Townhouses (166)
- Frontage – 152m
- Depth – 365m
- Area – 4.32ha
- Shape – Quadrilateral

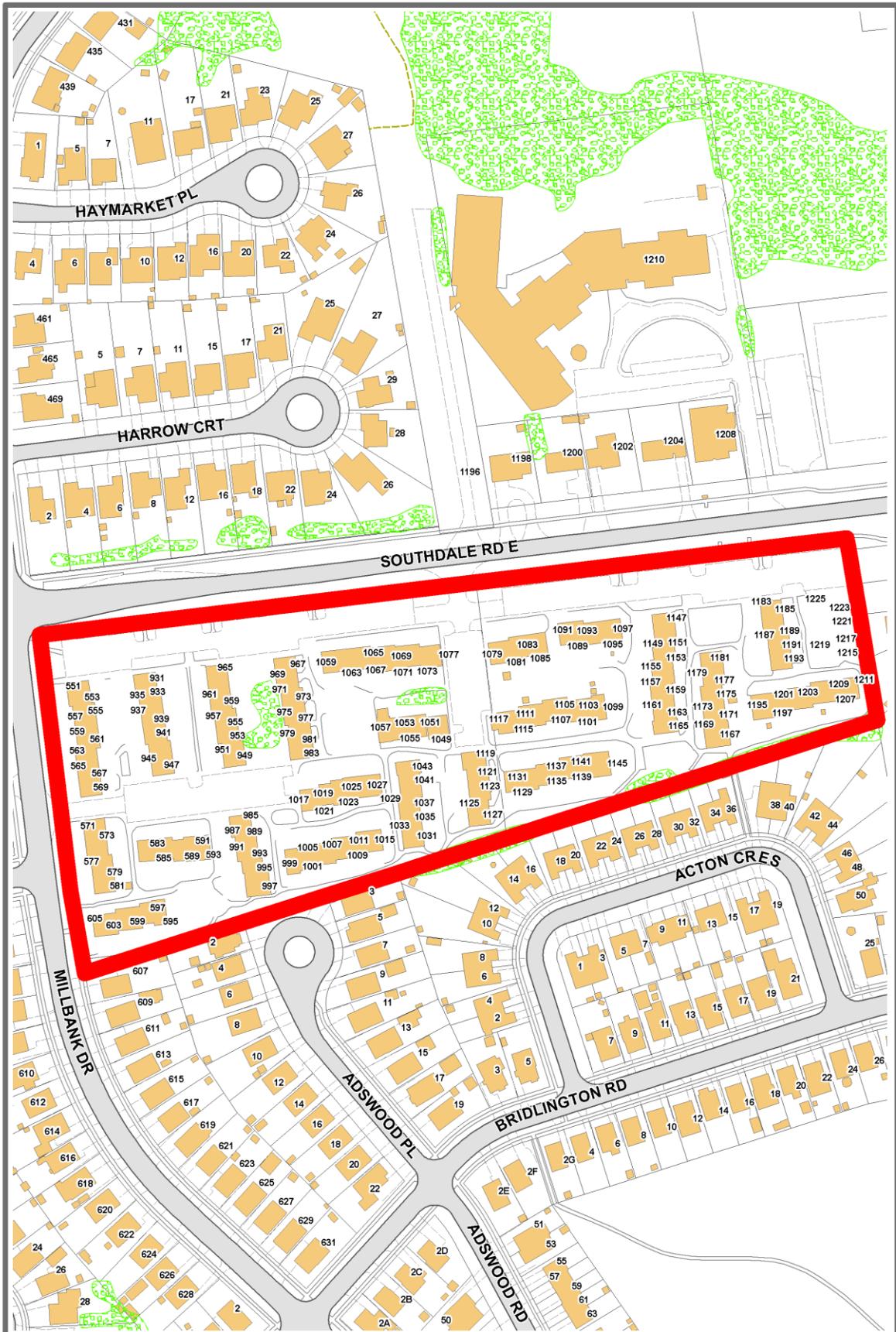
#### 1.4 Surrounding Land Uses

- North – Low Density Residential, Park and Community Facility
- East – Low Density Residential
- South – Low Density Residential
- West – Medium Density Residential

#### 1.5 Intensification

The proposed development would result in a net gain of 99 units (167 new units, 98 retained, 68 replaced) within both the built area boundary and the primary transit area.

# 1.6 Location Map



### LOCATION MAP

Address: 931-1225 Southdale Road East

File Number: Z-9544

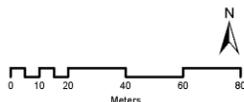
Planner: Leif Maitland

Date: 2022/10/25

Corporation of the City of London  
Prepared By: Planning and Development

### Legend

- Buildings
- Assessment Parcels
- Submitted Under Review Subdivisions
- Driveways/ParkingLots



Scale 1:2000

## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposal involves the replacement of 68 existing townhouse units on the site with three 6-storey, 18 metre apartment buildings. This would maintain 98 of the existing townhouses while creating 167 new apartment units for a total of 265 units on the site at full buildout. The proposed redevelopment contains a total Gross Floor Area (GFA) of 24,280 sq. m, including 4,648 sq. m of existing townhouses. The apartment units proposed range from 1 to 4-bedroom.

The proposal will have a total Building Floor Area of approximately 7,986.9 m<sup>2</sup> (a minor increase from the existing 7,810 m<sup>2</sup>). The full density at building will be 65 units per hectare and increase from the 39 units per hectare of the current exclusively townhouse arrangement.

The ground floor of the proposed development includes non-residential uses, including London & Middlesex Community Housing office and community partner space for social development uses. The ground floor also contains indoor amenity areas, residential lobbies, garbage and moving rooms, maintenance workspace, mechanical and electrical rooms, storage, and mailrooms.

The proposed redevelopment will provide a total of 167 new affordable units. The proposed breakdown includes 3 one-bedroom units (2%), 47 two-bedroom units (28%), 100 three-bedroom units (60%), and 17 four-bedroom units (10%). This unit breakdown includes a significant portion of multi-bedroom units needed for larger families. A total of 229 parking stalls, including 157 new and 72 existing parking spaces, are proposed.

### 2.2 Development Phasing

The application seeks permission for the development of 3 apartment buildings; however, the applicant has indicated the approach is to phase the development by building the apartment buildings individually starting from the corner of Millbank and proceeding eastward one building at a time.

Phase 1 requires demolishing 18 existing townhouse units and constructing the first apartment building (Building A) with 6,544 m<sup>2</sup> of GFA and 53 apartment units. Phase 2 will replace a further 30 existing townhouse units and constructing a second apartment building (Building B) with 6,544 m<sup>2</sup> of GFA and 57 apartment units. Phase 3 requires demolition of 20 townhouse units to construct the final apartment building (Building C) with 6,544 m<sup>2</sup> of GFA, and 57 apartment units.

This approach would result in multiple site plan approval applications while delaying the demolition of units. As such, a phased approach reduces the numbers of, and time for which, residents are relocated.

## 2.3 Development Concept



**LEGEND:**

- Proposed Building
- Existing Building
- Demolished Building
- New Tree
- Existing Tree
- New/Relocated Garbage
- Existing Garbage
- New Parking Space
- Existing Parking Space
- 5 Short Term Bicycle Parking Spaces
- Primary Entrance
- Secondary Entrance

**UNIT AND PARKING STATS:**

Existing: 192 existing spaces\* (1.16/unit) - 120 demolished = 72 spaces  
 Parking Required: 98 Townhouse Units x 1.0 space/unit = 98 spaces  
 167 Apartment Units x 0.75 spaces/unit = 125 spaces  
 Total Required = 223 spaces  
 Parking Provided: 157 new + 72 existing = 229 spaces

Note: The zoning bylaw requires 1.5 spaces/unit for townhouses

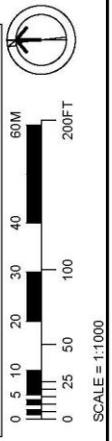
**SITE STATS:**

RESIDENTIAL R5-5 ZONE (CLUSTER TOWNHOMES)	
# of Units	PROPOSED
EXISTING	166 townhouse units
	2-Bed: 17
	3-Bed: 66
	4-Bed: 15
	167 apartment units
	1-Bed: 3
	2-Bed: 47
	3-Bed: 100
	4-Bed: 17
	Total Units: 265
Property Area	4.1 hectares
Density	38.4 units/hectare
Height	±7m
Building Floor Area	7,810 m <sup>2</sup>
Parking	192* spaces (1.2/unit) 229 spaces (0.86/unit)

\* Excludes 8 former parking spaces currently occupied by waste receptacles

**ABBREVIATIONS:**

- TH TOWNHOUSE
- EXIST EXISTING
- SB SETBACK



REIMAGINE Southdale  
 931-1225 Southdale Road East / 551-605 Millbank Drive  
 London, Ontario

LONDON & MIDDLESEX  
 COMMUNITY HOUSING

ZBA Master Plan  
 August 17, 2022



11 JAMES ST. NORTH, SUITE 301, HAMILTON, ONTARIO L8R 2K7  
 TEL: (905) 321-5800

## **3.0 Relevant Background**

### **3.1 Planning History**

This Zoning By-law Amendment application is the first application for this site under The London Plan.

In 2011 a temporary zone was established to allow a Family Health Nurse Practitioner-Led clinic operating from the residential unit at 1057 Southdale Road East with no additional parking required for temporary period not exceeding three years. In 2014 the temporary zone was extended for a further three years. In 2017 the temporary zone was not re-extended and, as a result, the permissions have lapsed. The applicant has indicated clinic uses are not included within the sought community uses in the new development.

### **3.2 Requested Amendment**

The requested amendment is a Zoning By-law amendment intended to conform to The London Plan. The requested amendment seeks:

- a new zone to allow apartment buildings and a greater development density given the location and context of the parcel;
- additional use permission to allow the retained townhouses to continue and include community uses within the ground level of the new apartment buildings
- special provisions to allow a decreased setback along Southdale Road East, increased height, and otherwise account for the aforementioned community uses.

A detailed review of each specific regulatory requested is detailed in section 4.0 below.

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

On September 22, 2022, Notice of Application was sent to 276 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 22, 2022. A “Planning Application” sign was also posted on the site.

The one reply received was in support of the application. The respondent noted that the need for affordable housing is dire in the City and that redevelopment like this increases the housing stock both in volume and quality.

### **3.4 Policy Context (see more detail in Appendix C)**

The Provincial Policy Statement (2020) provides overarching policy for planning within the province. A strong focus of those policies is efficient land use and healthy communities. Revitalization of affordable housing like that provided for through the requested re-zoning achieves both of these goals. Policy 1.1.1 outlines the broader goals of efficient development (e – most specifically). While Policy 1.4.3 speaks more directly to the need for affordable housing mix within a municipality’s housing offerings.

### **3.5 The London Plan**

The Neighbourhoods Place Type within which the site is located calls for a range of residential and small-scale community uses dependent on the street classification at a given location. The site is located at the intersection of a Civic Boulevard and Neighbourhood Connector which provides permissions for up to 6 storeys of residential and small-scale community facilities, office, retail and services uses outlined in tables 10-12. The policies of the Place Type also guide infill development to be sensitive to the neighbourhood by providing transition and directing intensity to higher-order streets.

Affordable housing policies are provided by The London Plan for consideration in applications such as this. Policy 520 notes the need for smaller scale developments that are inclusive of other supportive use. Policy 521 notes that bonusing (now removed formally) or other measures to increase the developability of land should be considered to achieve affordable housing.

### **3.6 City Affordable Housing Goals**

The City of London established a goal in 2021, of 3000 affordable units to be developed by 2026. This development would create a net increase of 99 affordable units (exceeding the proscribed goal of 50 for LMCH intensification) on this one site alone.

## **4.0 Key Issues and Considerations**

### **4.1 Establishing a New Zone**

The present Zoning applied to the site reflects the existing townhouses and permits cluster townhouse and cluster stacked townhouses through the Residential R5 (R5-5) Zone. A sliver of the property also has a compound Residential R5 and Day Care (DC) Zone.

The London Plan policy for this site allows for mid-rise development through the place type which permits up to 6-storeys (Table 11). Policies of the City Design chapter as well as 953 within the Neighbourhoods Place Type direct developments to demonstrate consideration for their surroundings. Section 2.3 shows the concept provided which locates the newer and greater intensity along the higher order street (Southdale Road East). This approach provides new development in a neighbourhood-sensitive and policy supported location while increasing the development from a low-density to medium-density site.

The applicant is seeking the Residential R8 (R8-4) zone variation which permits low-rise apartment buildings to a density of 75 units per hectare. The Residential R8 zones stated purpose is to accommodate medium density residential uses in a form respectful of other adjacent residential uses. The zone proposed permits apartment buildings and other specialized housing forms while in all variations permitting a density of less than 75 units per hectare. The proposal would provide a density of 65 units per hectare in an apartment building form with the adjacent townhouses (existing and to be maintained) on the same site.

There is no Zone available which combines the mix of uses requested and as such the Residential R8 Zone is the closest in terms of the residential uses and medium density proposed. To accommodate the additional non-residential uses special provisions have been requested and are discussed below.

The requested Residential R8-4 zone variation is an appropriate zone to accommodate the use proposed and implement the policies of the London Plan and is recommended.

### **4.2 Additional Permitted Use Permissions**

The application seeks additional permissions beyond those provided by the sought Residential R8 Zone. The base zone sought allows only for stacked townhouses and apartment buildings. As a contemporary housing provider London & Middlesex Community Housing is seeking a suite of uses that create a complete community on site and offer space for community gathering in the neighbourhood in keeping with policies 924 and 926 of The London Plan.

The requested additional permissions are for:

- Townhouses
- Day Care Centre
- Community Centre
- Institution
- Assembly Hall
- Conference Facilities
- Studio

The first two permissions, for townhouses and day care centre are intended to maintain the existing uses on site. In order to prevent complications maintaining the uses on site which have been operating without issue to this point, this permission is provided.

The balance of the uses is non-residential in nature and can be categorized as community facility or service uses. The community centre and institution uses in particular are broad so as to allow for the diversity of wraparound necessary to support affordable housing residents. These uses can also duplicate as community facilities for the neighbourhood as a whole.

The Neighbourhoods Place Type allows for retail, service and office uses at the intersection of civic boulevards and neighbourhood connectors in addition to small-scale community facilities on any neighbourhood connector. The studio use proposed would fall within this categorization and allow for a broader understanding of what community uses on the site are.

Given the City objectives for complete communities (London Plan policies 59 and 61) and the supportive nature of the uses requested the additional permissions sought by the applicant are recommended.

#### **4.3 Front and Exterior Side Yard Setbacks**

The applicant has requested three regulatory amendments to reduce the setback of the elements of the development from Southdale Road East. Specifically, the application requests:

- A minimum exterior side yard of 1.0m
- A minimum accessory structure setback of 0.0m
- A minimum balcony and architectural projection setback of 0.0m from the lot line

A broader discussion is needed as to why the buildings are located on the site as proposed. In short, the City Design policies of The London Plan direct development to this location.

*253\_ Site layout should be designed to minimize and mitigate impacts on adjacent properties.*

*256\_ Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings.*

*261\_ Buildings at corner sites should be oriented towards the higher-order street classification.*

*269\_ Buildings should be sited to minimize the visual exposure of parking areas to the street.*

*290\_ Buildings located on corner sites should address the corner through building massing, location of entrances and architectural elements.*

*295\_ Residential and mixed-use buildings should include outdoor amenity spaces.*

*298\_ Design measures relating to building height, scale and massing should be used to provide a transition between development of significantly different intensities, considering the existing and planned context.*

The development's approach by locating the buildings as proposed is able to create a streetwall along Southdale Road East while screening parking and providing amenity spaces on site. By seeking relief specific to Southdale Road East the development is addressing the higher order street as directed to do by policy. Locating the building's as close to Southdale as possible also provides a transition for existing development within the site and the neighbourhood more broadly. It is within this policy context that the more detailed regulatory amendments are considered.

The minimum exterior side yard regulation applicable to the site under the requested

zone would require a front and exterior side yard setback of 8.0m (based on a height of 18.0m and the base regulation of 6 metres plus 1 metre per 10 metres of main building height or fraction thereof above the first 3.0 metres). This large setback is to prevent overlook on other residential properties across smaller streets. The front yard created by such a set back does not provide a quality amenity space on larger streets (such as Southdale Road East) which also provide much of the setback to neighbouring uses otherwise achieved by the regulation.

The accessory structure regulations contained with 4.1 of the Zoning By-law limit the location of all accessory structures and only permit accessory structures in the front or exterior side yard if they are gatehouses or parking structures. The inferable presumption in the regulation is that accessory structures expected within residential areas are specific to low-density residential areas for the benefit of an individual homeowner and not, as in the case of the proposal shade structures for broader use. While it may be appropriate to prevent such structures from locating on the front lawn of a house with ample rear-yard space in the case of this development the shade structure proposed makes the front and exterior yard more usable. The minimum setback is reflective of the location in the proposal which abuts the daylight triangle provided.

The projection of balconies into yards is regulated under 4.27 of the Zoning By-law. Balconies on apartment buildings are generally required not to project within 3.0m of the lot line (less than the requested exterior side yard setback). There is no lot line requirement for balconies on other residential types. In order to allow the possibility of balconies which provide an outdoor amenity space among other benefits to the resident the applicant has requested that the balconies be treated as a balcony on any other housing for would be.

Given The London Plan policies directing development towards Southdale the amendments to exterior side yard, balcony projection and accessory structure location are recommended as requested.

#### **4.4 Height**

The base R8-4 zone has a standard permitted height of 13.0 metres. The proposed development is 6-storeys in height with a requested permitted height of 18.0 metres. 18.0 metres is required to ensure a mixed-use building with non-residential uses at grade can fit within the envelope. The development proposal locates the highest parts of the development adjacent Southdale Road East minimizing the impacts of any increase on the abutting properties.

A permitted height of 18.0 metres is recommended as requested.

#### **4.5 Non-Residential Use GFA**

Although permission for the community and service uses (characterized hereafter as non-residential uses) is recommended a regulatory limit on their scale is required. No numerical value is proposed as a limit for small-scale community uses within The London Plan. Some of the uses proposed can also be considered ancillary to the housing provided by the applicant London & Middlesex Community Housing.

The London Plan does provide two limits for retail, office and service uses, specifically a maximum of 200m<sup>2</sup> of these uses at the intersection of a civic boulevard and neighbourhood connector, a maximum of 2000m<sup>2</sup> of these uses at the intersection of a civic boulevard and other arterial road classification.

The applicant has requested a maximum of 500m<sup>2</sup> for all non-residential uses. Recalling that some of these proposed uses are explicitly community uses, the service uses would be capped at 200m<sup>2</sup> for the property under The London Plan given the intersection where the property is located. This is of a similar scale but less than that requested. Understanding the purposes of these measures is to ensure such uses are available to all neighbourhoods its important to consider the ability of other intersections in the neighbourhoods to provide these uses. The nearest intersection to the site of two civic boulevards is that of Southdale Road East and Pond Mills where nearly half of the

intersection is unable to provide service (and other uses) given the environmental protection afforded the land as an Environmentally Significant Area (ESA). This leaves approximately 1000m<sup>2</sup> of retail, office and service use to be found elsewhere in the neighbourhood. It is given this context that 500m<sup>2</sup> of non-residential uses can be deemed appropriate.

Given the community uses permissions requested and the neighbourhood's ability to accommodate retail, office and service uses elsewhere the requested maximum GFA of 500m<sup>2</sup> for non-residential uses is recommended.

More information and detail are available in Appendix B and C of this report.

## **5.0 Conclusion**

The requested amendment for 931 Southdale Road East would allow for a variety of community uses in addition to three 6-storey apartment buildings. With a proposed built-out density of 65 unit per hectare the Residential R8-4 Zone with special provisions to allow for the additional community uses and maintain the existing townhouse uses is an appropriate zone to implement the proposal. The requested amendment is recommended given its ability to implement London Plan and provincial policies seeking greater housing diversity and intensification, whilst providing benefits to the communities in which the development is proposed.

**Prepared by:** Leif Maitland  
Site Development Planner, Site Plans

**Reviewed by:** Michael Pease, MCIP, RPP  
Manager, Site Plans

**Recommended by:** Heather McNeely, MCIP, RPP  
Acting Director, Planning and Development

**Submitted by:** Scott Mathers MPA, P. Eng.  
Deputy City Manager, Planning and Economic Development

November 21, 2022

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931-1255 Southdale Rd E LM 1of1.docx

Copy: 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 at 931-1225 Southdale Road East.

WHEREAS London & Middlesex Community Housing has applied to rezone an area of land located at Southdale 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 931-1225 Southdale Road East, as shown on the attached map, from a Residential R5 (R5-5) and Compound Residential R5 and Daycare (R5-5\*DC) Zone to a Special Provision Residential R8 (R8-4(\_)) Zone.
- 2) Section Number 12.4 Special Provisions of the Residential R8 Zone is amended by adding the following Special Provisions:

) R8-4(\_) 931-1225 Southdale Road East

a) Additional Permitted Uses

- i) Townhouses
- ii) Day Care Centre
- iii) Community Centre
- iv) Institution
- v) Assembly Hall
- vi) Conference Facilities
- vii) Studio

b) Regulation[s]

- i) Exterior Side Yard (min) 1.0m
- ii) Height (max) 18.0m
- iii) Gross Floor Area for All Non-Residential Uses (max)  
500sq.m
- iv) Balconies and Architectural Projections  
0.0m from lot line
- v) Accessory Structures – Permitted in Front and Exterior Side Yards  
with a minimum setback of 0.0m from all lot lines

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

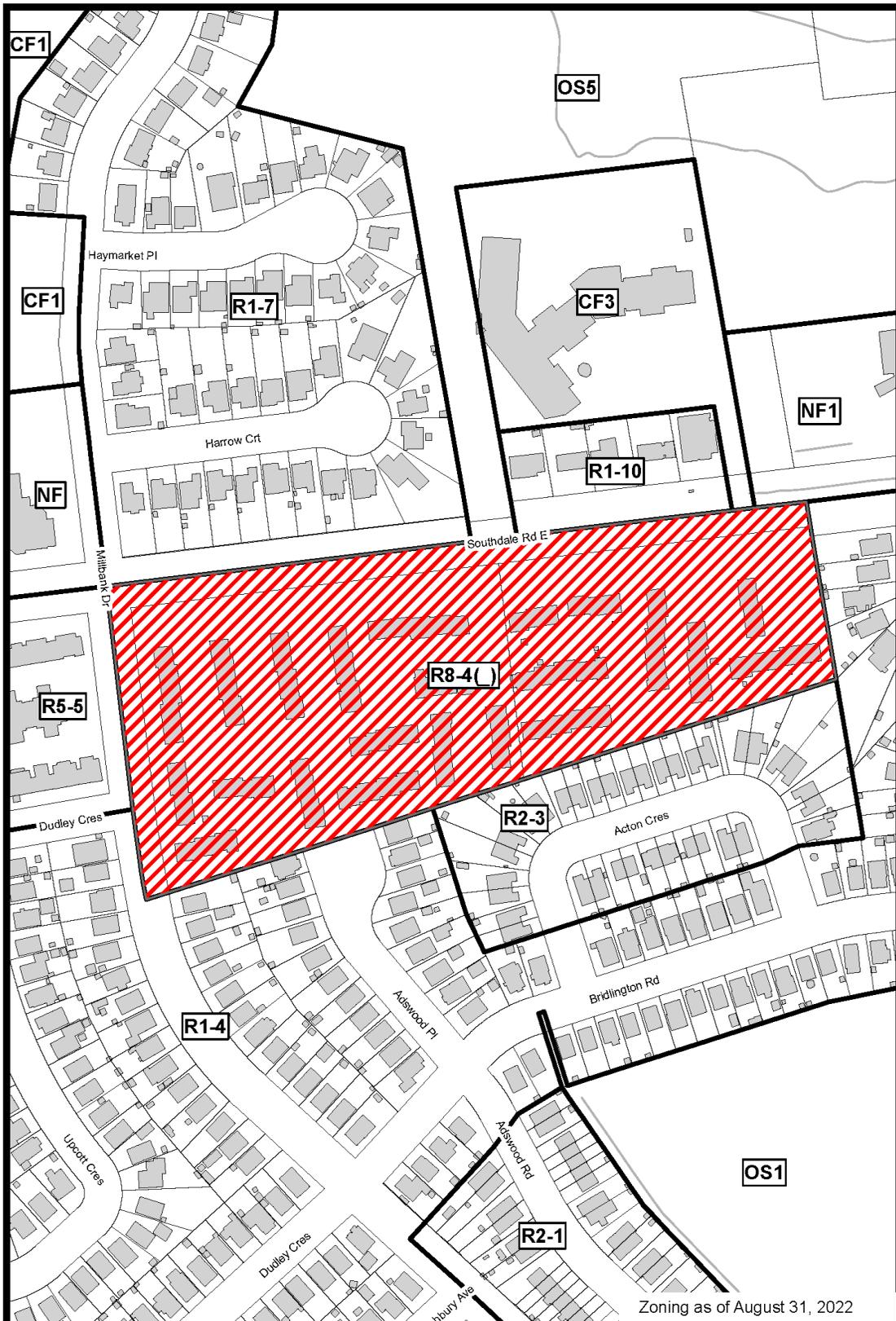
PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



Zoning as of August 31, 2022

<p><b>File Number: Z-9544</b>  <b>Planner: LM</b>  <b>Date Prepared: 2022/10/25</b>  <b>Technician: JI</b>  <b>By-Law No: Z.-1-</b></p>	<p><b>SUBJECT SITE</b> </p> <p><b>1:2,500</b></p> <p>0 12.525 50 75 100 Meters</p> 
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Geodatabase

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On September 22, 2022, Notice of Application was sent to 276 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 22, 2022. A “Planning Application” sign was also posted on the site.

1 reply was received.

#### **Nature of Liaison:**

931-1255 Southdale Road East – The purpose and effect of this zoning change is to permit 3 six-storey apartment buildings with 167 units in total and a community and office space in the ground-level of the new apartment buildings with 98 of the existing townhouses to be maintained. Possible change to Zoning By-law Z.-1 FROM a Residential R5Zone (R5-5 including a portion additionally zoned DC for Daycare) TO a Residential R8 Special Provision (R8-4(\_)) Zone to permit apartment buildings with institution, office and community centre uses. File: Z-9455 Planner: L. Maitland.

#### **Response received:**

Good afternoon Leif,

I am writing in response to the request for public feedback on the Reimagine Southdale project to redevelop the LMCH site with 3 small towers.

I have been engaged with housing advocacy in London, and now nationally and internationally, since 2004. First focused on homelessness, now looking at the housing system more broadly. During this time, I have been struck by the increasingly limited housing options for those who are exiting homelessness. Where public housing used to be one component along with affordable housing and low market private rentals, these second and third options have grown increasingly out of reach. Now public housing remains not just the primary exit from homelessness, but one of the only options outside of rent supplements (which are costly and often time-limited).

However, what is the one component of the housing system in Canada’s National Housing Strategy that is not being increased (only maintained)? Public housing. Therefore, if communities want to create more capacity to end homelessness they need to be innovative. The most promising innovation I have seen for increasing public housing stock is using necessary repair/redevelopment moments to increase stock. Toronto has done this significantly over the last 15 years...it’s time London do so as well.

The Southdale site provides the perfect opportunity for combined redevelopment and intensification. With the current site under-utilized, and the units in dire need of repair, the moment is right to do exactly what has been proposed on the site. Providing increased capacity and brand new, modern units provides benefit all around. My only hope is that the work doesn’t stop here, but is replicated at LMCH sites across the community (and quickly, as the urgency of homelessness only grows).

Thank you to your team, to the City of London, and to LMCH for taking this important step in improving and increasing public housing stock. This is what we can do to end homelessness.

Sincerely,

--

Abe Oudshoorn, RN, PhD  
Associate Professor & Associate Director (Graduate Programs)  
Arthur Labatt Family Chair in Nursing Leadership in Health Equity  
Arthur Labatt Family School of Nursing  
Room 2304, FIMS & Nursing Building  
Western University  
London, ON, N6A 5B9  
Managing Editor, [International Journal on Homelessness](#)

### **Agency/Departmental Comments**

**Ecology:** There are currently no ecological planning issues related to this property and/or associated study requirements.

**Parks Planning:** 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.

**UTRCA:** The UTRCA has no objections or requirements for this application.

**London Hydro:** London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

**Environmental and Engineering Services:** The following items are to be considered during a future development application stage:

#### *Transportation:*

- Right-of-way dedication of 10.75m from the centre line be required along Millbank Drive.
- Right of way widening dedication of 18.0m from centre line required on Southdale Road East.
- 6.0mx6.0m daylight triangle required at the intersection corner;
- Detailed comments regarding access design and location will be made through the site plan process

#### *Water:*

- Water is available to the site via the municipal 300mm CI watermain on Southdale Road East. This watermain is part of the Westmount/Pond Mills high-level system, which has a hydraulic grade line of 335.0m

#### *Wastewater:*

- There is a 300mm/375mm diameter municipal sanitary sewer on Southdale Rd.
- As proposed this request will result in demolishing 48 units worth of circa 1970 townhomes to replace and build 2 – 4 storey apartments.
- While this will yield a higher population SED has no concern.

#### *Stormwater:*

- As per the Westminster Park Subdivision Drawing No (4476S1), the site at C=0.65 is tributary to the existing 1350 mm diameter storm sewer on Millbank Drive. 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.

- Based on the Dingman Subwatershed study, the runoff control hierarchy for the 25 mm event is to be achieved for sites within the Subwatershed. The consulting engineer is to ensure that any proposed option of LID solutions are to be in compliance with the LID Screening Tools Section 6.5.2.2 Stormwater Management of the Design Specifications & Requirements Manual.
- Any proposed LID solutions should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its 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.
- The proposed land use of a medium density residential will trigger(s) 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.
- The number of proposed parking spaces exceeds 29, the owner shall be required to have a consulting Professional Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) with a minimum of 80% TSS removal to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators or any LID filtration/infiltration devices.
- 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.
- As per City Standards, the applicant's consulting engineer shall ensure the grading plan meets City Standards. The grading plan should properly identify existing elevations by contours, extended a minimum of 30 metres beyond the limit of the site plan (or as is reasonable.), shall include any existing and proposed major overland flow arrows and should indicate any/all external flows that may contribute to the site.
- All applicants and their consultants shall ensure compliance with the City of London, Design Specifications and Requirements Manual, Ministry of the Environment, Conservation & Parks (MECP) Guidelines and Recommendation, and the SWM criteria, as well as, targets for the Dingman Creek Subwatershed.
- Additional SWM related comments will be provided upon future review of this site.

General comments for sites within Dingman Creek Subwatershed:

- The subject lands are located in the Dingman Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Dingman 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 (formerly MOECC) standards and requirements. 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.

## **Appendix C – Policy Context**

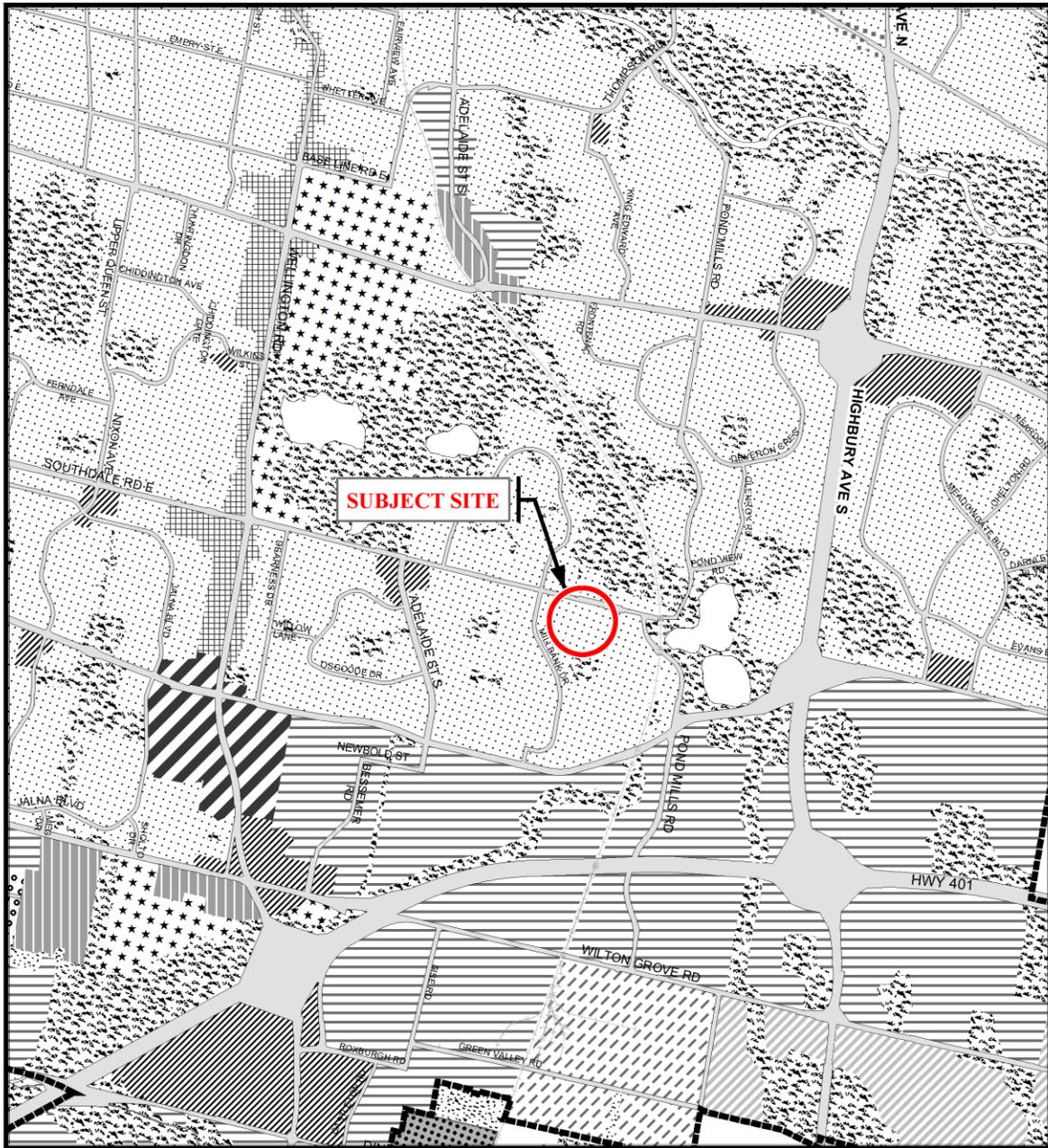
The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement Applicable Policies: 1.1.1, 1.1.2, 1.1.3, 1.4.3, 1.6.7

London Plan Applicable Policies: 197, 199, 252, 253, 256, 261, 269, 286-298, 516-523, 916-933, 937, 940, 953, Table 10-12

# Appendix D – Relevant Background

## Additional Maps



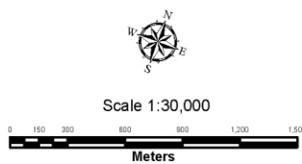
### Legend

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

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

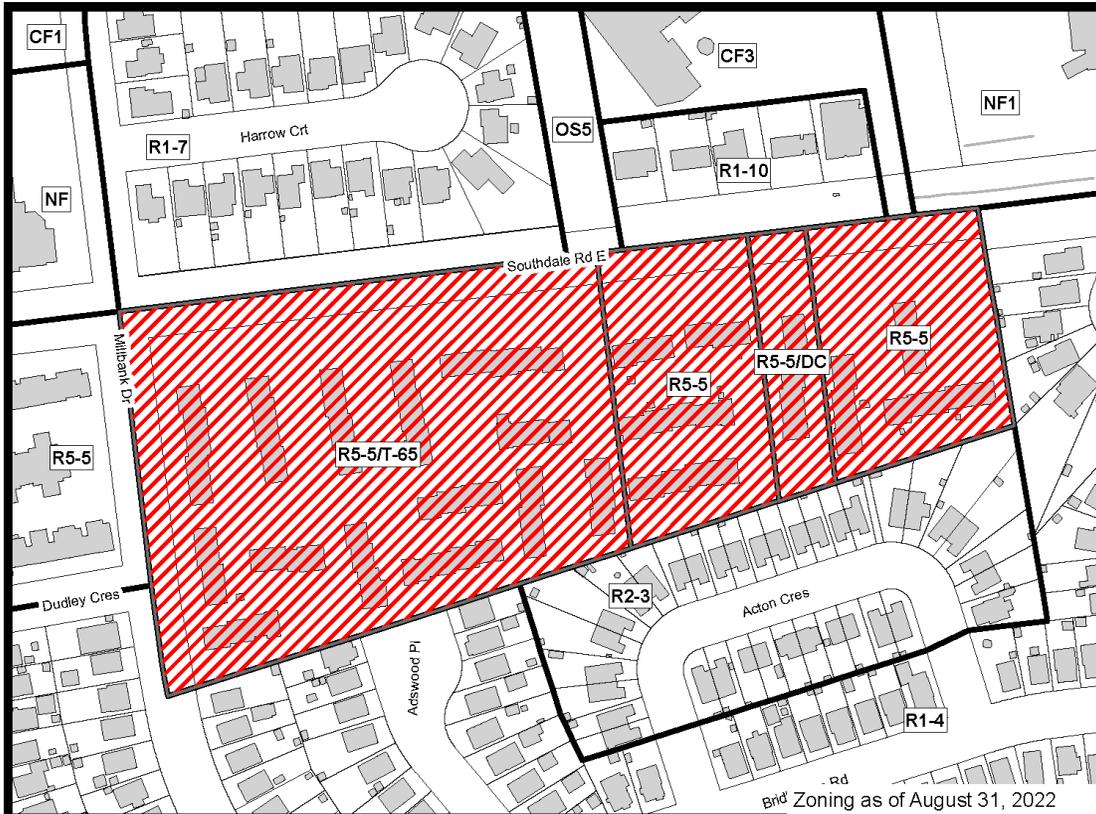
**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**

PREPARED BY: Planning & Development



**File Number:** Z-9544  
**Planner:** LM  
**Technician:** JI  
**Date:** 2022/10/24

Project Location: \\cfile1\giswork\Planning\Projects\p\_officialplan\workconsolid00\excerpts\_LondonPlan\mxds\Z-9544-Map1-PlaceTypes.mxd



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R5-5/T-65, R5-5, R5-5/DC**

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

- |   |                             |                                   |
|---|-----------------------------|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | OR - OFFICE/RESIDENTIAL     | AG - AGRICULTURAL                 |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | OC - OFFICE CONVERSION      | AGC - AGRICULTURAL COMMERCIAL     |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | RO - RESTRICTED OFFICE      | RRC - RURAL SETTLEMENT COMMERCIAL |
| R4 - STREET TOWNHOUSE                     | OF - OFFICE                 | TGS - TEMPORARY GARDEN SUITE      |
| R5 - CLUSTER TOWNHOUSE                    | RF - REGIONAL FACILITY      | RT - RAIL TRANSPORTATION          |
| R6 - CLUSTER HOUSING ALL FORMS            | CF - COMMUNITY FACILITY     | "h" - HOLDING SYMBOL              |
| R7 - SENIOR'S HOUSING                     | NF - NEIGHBOURHOOD FACILITY | "D" - DENSITY SYMBOL              |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | HER - HERITAGE              | "H" - HEIGHT SYMBOL               |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | DC - DAY CARE               | "B" - BONUS SYMBOL                |
| R10 - HIGH DENSITY APARTMENTS             | OS - OPEN SPACE             | "T" - TEMPORARY USE SYMBOL        |
| R11 - LODGING HOUSE                       | CR - COMMERCIAL RECREATION  |                                   |
| DA - DOWNTOWN AREA                        | ER - ENVIRONMENTAL REVIEW   |                                   |
| 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 |                             |                                   |

**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

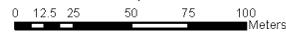
FILE NO:  
**Z-9544**

**LM**

MAP PREPARED:  
**2022/10/25**

**Jl**

1:2,500





# 931-1225 Southdale Rd E London & Middlesex Community Housing Z-9544

PEC November 28, 2022

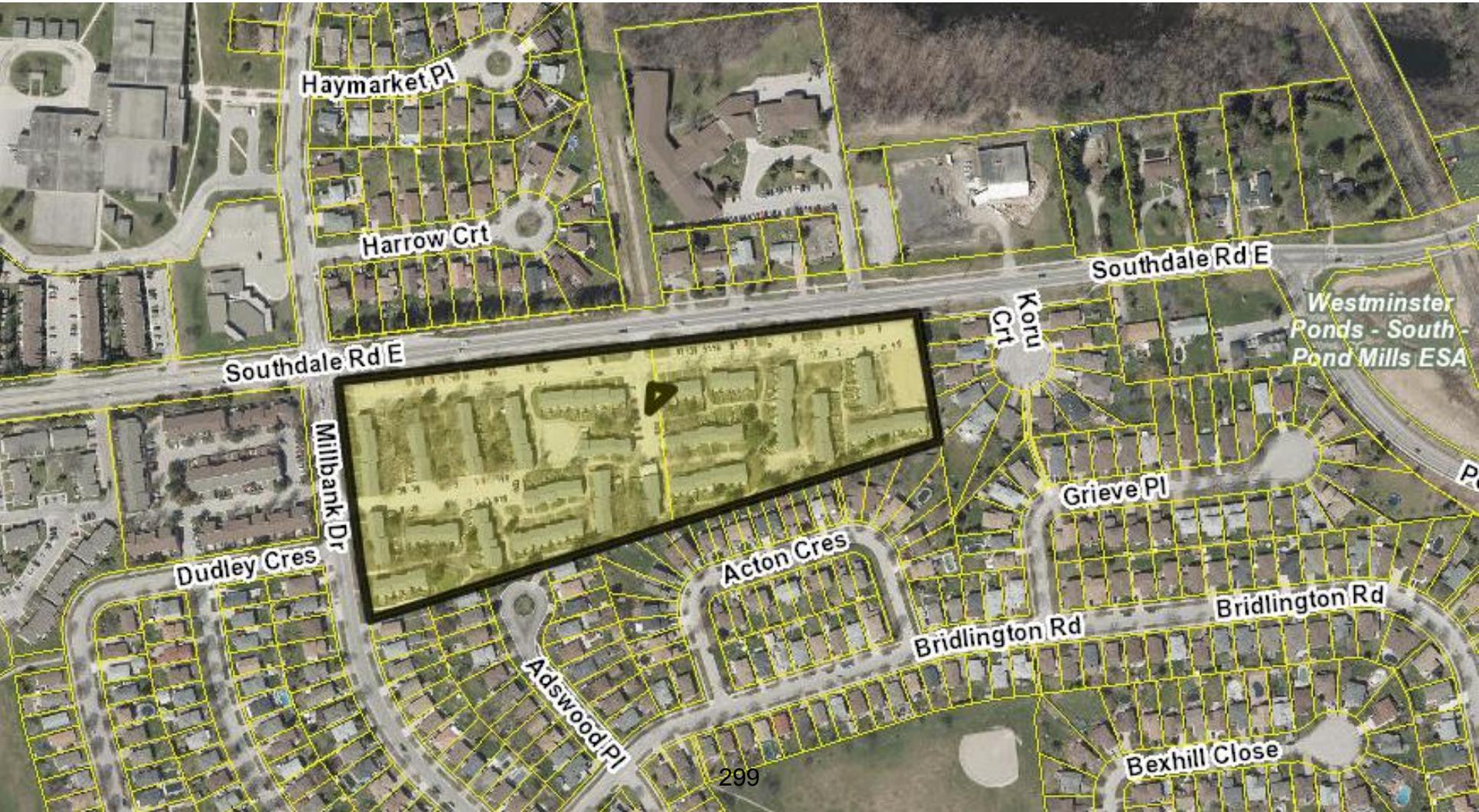


# Development Proposal

- 3 six-storey apartment buildings
- Ground floor community uses
- Net gain of 99 units (167 new units, 98 retained, 68 replaced) within both the built area boundary and the primary transit area



London  
CANADA





RESIDENTIAL R5-5 ZONE (CLUSTER TOWNHOMES)

SITE STATS:

	EXISTING	PROPOSED
# of Units	166 townhouse units	98 townhouse units 2-Bed: 17 3-Bed: 66 4-Bed: 15 167 apartment units 1-Bed: 3 2-Bed: 47 3-Bed: 100 4-Bed: 17 Total Units: 265
Property Area	4.32 hectares	4.1 hectares
Density	38.4 units/hectare	64.7 units/hectare
Height	±7m	16.4m
Building Floor Area	7,810 m <sup>2</sup>	7,986.97 m <sup>2</sup>
Parking	192* spaces (1.2/unit)	229 spaces (0.86/unit)

\* Excludes 8 former parking spaces currently occupied by waste receptacles

LEGEND:

- Proposed Building
- Existing Building
- Demolished Building
- Existing Tree
- New Tree
- Existing Garbage
- New/Relocated Garbage
- Existing Parking Space
- New Parking Space
- Existing Bicycle Parking Spaces
- Primary Entrance
- Secondary Entrance

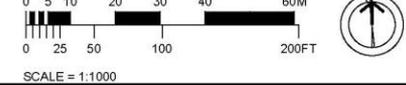
UNIT AND PARKING STATS:

Existing:  
192 existing spaces\* (1.16/unit) - 120 demolished = 72 spaces

Parking Required:  
98 Townhouse Units x 1.0 space/unit = 98 spaces  
167 Apartment Units x 0.75 spaces/unit = 125 spaces  
Total Required = 223 spaces  
Parking Provided: 157 new + 72 existing = 229 spaces

Note: The zoning bylaw requires 1.5 spaces/unit for townhouses

ABBREVIATIONS:  
 L CENTRE LINE  
 EXIST EXISTING  
 SB SETBACK  
 TH TOWNHOUSE  
 TYP. TYPICAL





# Existing Zoning Permissions

- Residential R5-5 Zone
  - Cluster townhomes
- Day Care



# New Zone

- Residential R8-4 Zone
  - Apartment buildings (and similar uses)
  - Max Density 75 units per hectare



# Additional Uses

- Townhouses
- Day Care Centre
- Community Centre
- Institution
- Assembly Hall
- Conference Facilities
- Studio



# Regulations

- Exterior Side Yard (min) -1.0m
- Height (max) - 18.0m
- Gross Floor Area for All Non-Residential Uses (max) - 500sq.m
- Balconies and Architectural Projections - 0.0m from lot line
- Accessory Structures – Permitted in Front and Exterior Side Yards with a minimum setback of 0.0m from all lot lines



# Recommendation

- Approve the new zone with additional permitted uses and special provisions.



**REIMAGINE SOUTHDALE**  
**931-1225 SOUTHDALE ROAD EAST/551-605 MILLBANK DRIVE**  
**LONDON, ON - COMMUNITY CONSULTATION MEETING**

Client: London & Middlesex Community Housing

File Number: 0903K

306



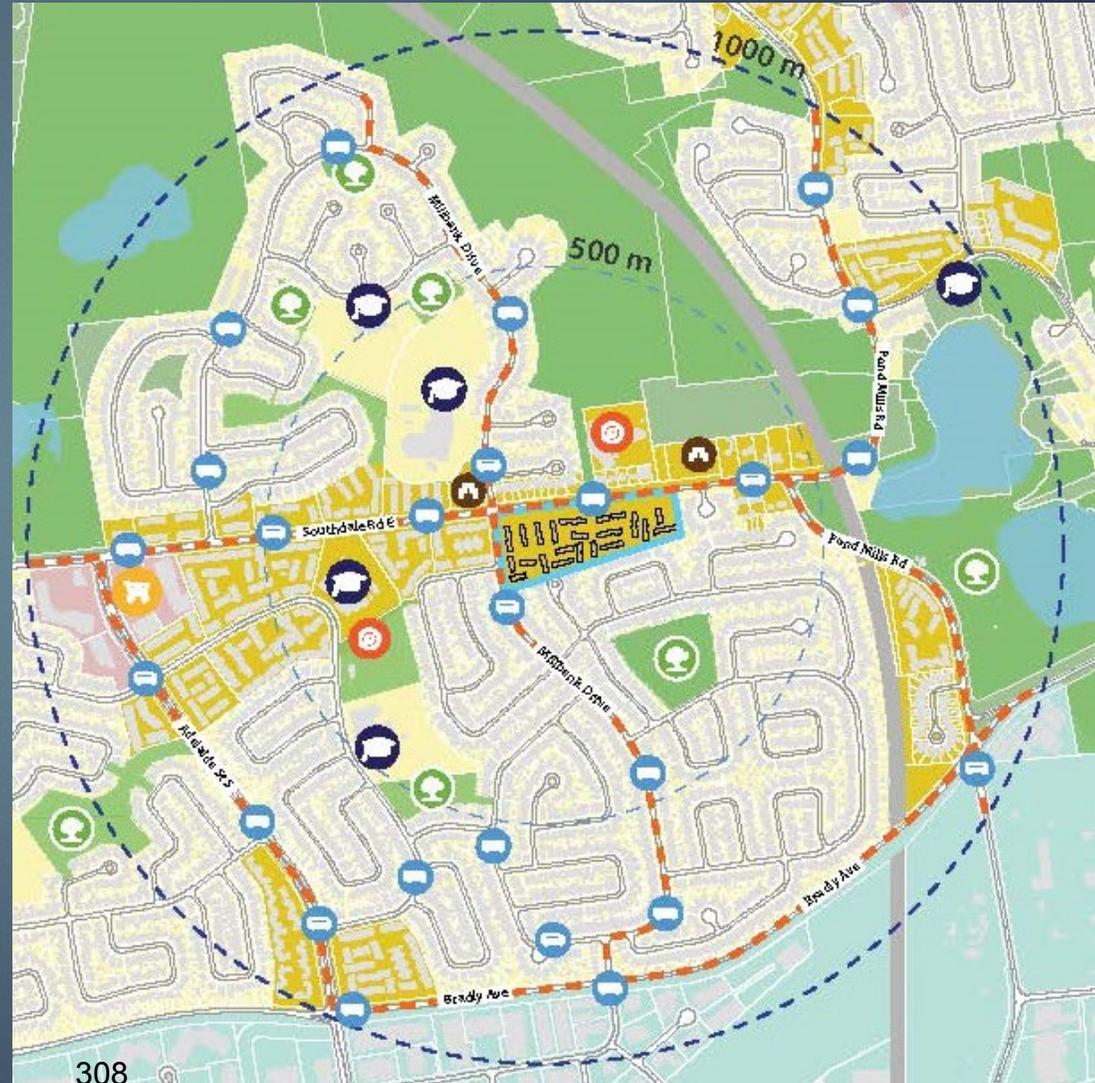
# Existing Site Conditions

- ▶ Located at the southeast corner of Southdale Road East and Millbank Drive.
- ▶ Lot Statistics
  - ▶ Area: 43,200 square meters
  - ▶ Frontage: 365 meters along Southdale Road East and 152 meters along Millbank Drive
- ▶ Two-storey cluster townhouses:
  - ▶ 166 units
  - ▶ 22 townhouse blocks
  - ▶ 192 Parking spaces
  - ▶ Outdoor amenity space and basketball courts



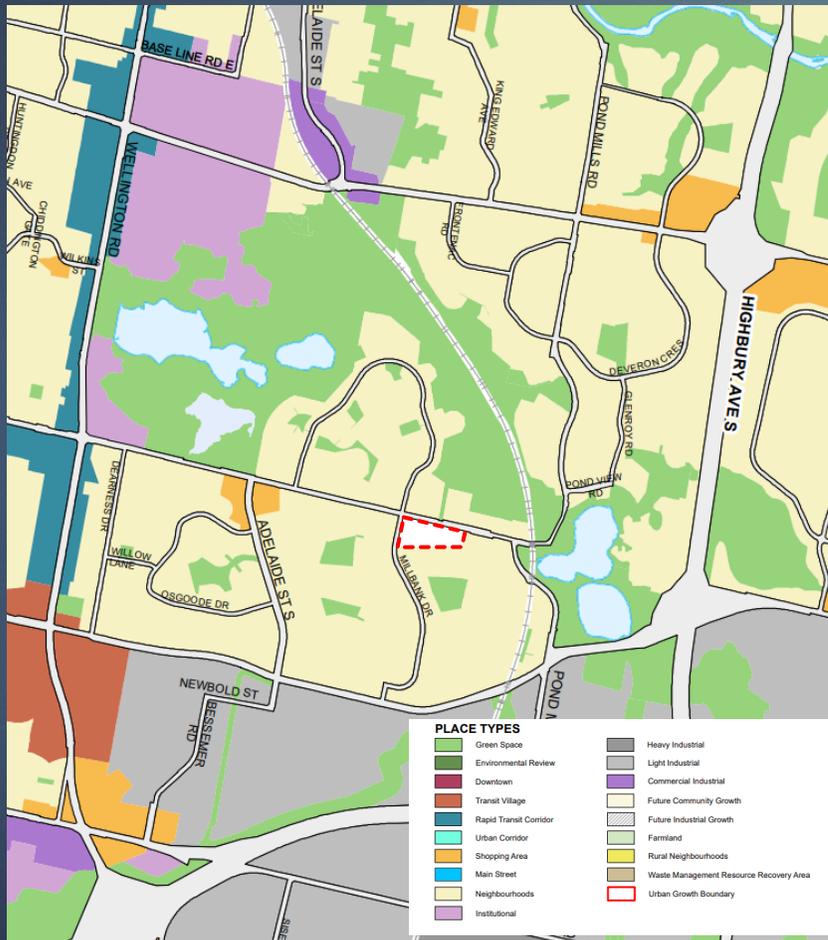
# SURROUNDING CONTEXT

- ▶ Surrounding Uses:
  - ▶ Walking distance of community services, parks, institutional, educational and recreational uses.
  - ▶ Westminster ponds/recreational areas within proximity.
  - ▶ Walking and cycling routes are available.

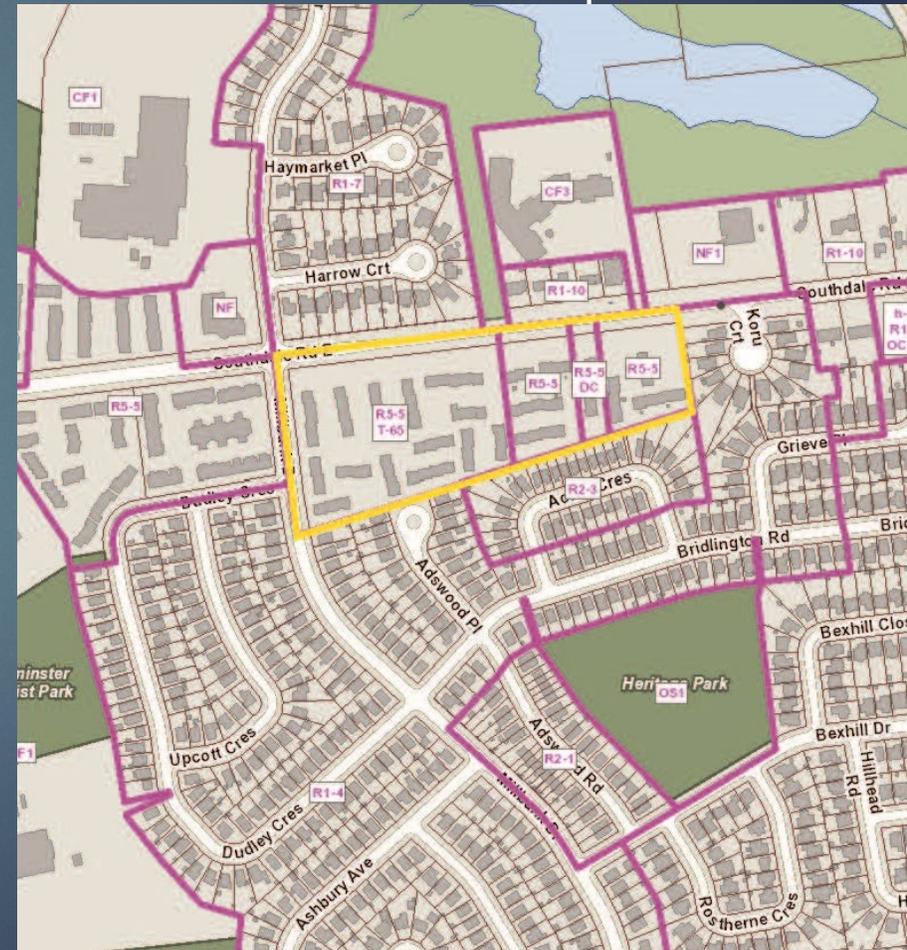


# Existing Site Policy Conditions

- ▶ The London Plan (2016)
  - ▶ Identified as Neighbourhoods Place Type on Map 1



- ▶ City of London Zoning By-law Z-1
  - ▶ Zoned R5-5 Zoning: Cluster/Cluster Stacked Townhouses permitted



# Proposed Development

- ▶ Construction of three 6-storey apartment buildings:
  - ▶ 167 Units
  - ▶ Three-phased process
  - ▶ Replaces 68 existing townhouses.
  - ▶ 98 existing townhouses are to remain with exterior renovations
- ▶ A Zoning By-law Amendment proposed to change the R5-5 zone to R8-4 zone.
  - ▶ To permit apartment development.
  - ▶ To accommodate special provisions for the proposed development.

**Statistics Chart**

Category	Proposed Total Values
Gross Floor Area	24,280 square metres
Density	64.7 units per hectare
Unit Count	265 units (98 townhouse and 167 apartment units)
Parking Spaces	229 parking spaces
Unit Sizes	Ranges between one to four bedroom units
Apartment Height	16.4 metres

# Site Master Plan



## RESIDENTIAL R5-5 ZONE (CLUSTER TOWNHOMES)

SITE STATS:		
	EXISTING	PROPOSED
# of Units	166 townhouse units	98 townhouse units 2-Bed: 17 3-Bed: 66 4-Bed: 15 167 apartment units 1-Bed: 3 2-Bed: 47 3-Bed: 100 4-Bed: 17 Total Units: 265
Property Area	4.32 hectares	4.1 hectares
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Parking	192* spaces (1.2/unit)	229 spaces (0.86/unit)

\* Excludes 8 former parking spaces currently occupied by waste receptacles

**LEGEND:**

- Proposed Building
- Demolished Building
- New Tree
- New/Relocated Garbage
- New Parking Space
- 5 Short Term Bicycle Parking Spaces
- Existing Building
- Existing Tree
- Existing Garbage
- Existing Parking Space
- Primary Entrance
- Secondary Entrance

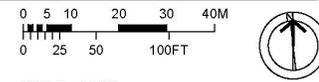
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Existing:  
192 existing spaces\* (1.16/unit) - 120 demolished = 72 spaces

Parking Required:  
98 Townhouse Units x 1.0 space/unit = 98 spaces  
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Note: The zoning bylaw requires 1.5 spaces/unit for townhouses

**ABBREVIATIONS:**  
 CL CENTRE LINE  
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 TH TOWNHOUSE  
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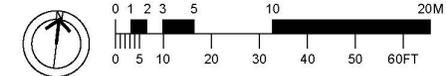
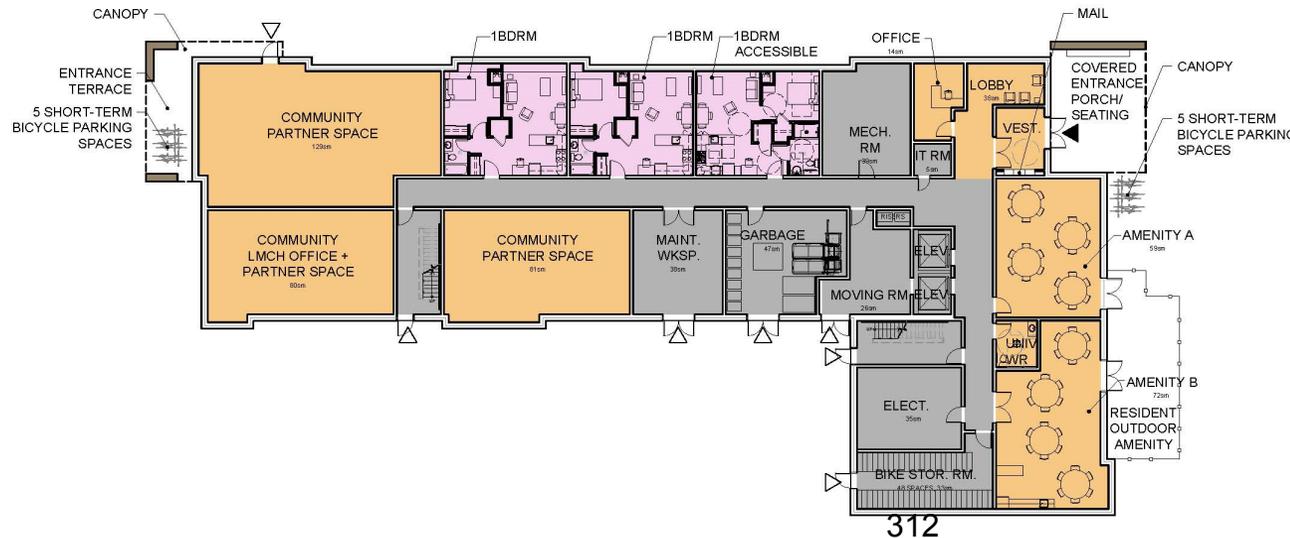
# Floor Plan and Statistics



TYPICAL FLOOR PLAN  
(FLOORS 2-6)

BUILDING A (PHASE 1) STATS:	
FLOOR AREA: 1119 SM (GROUND FLR)	
FLOOR AREA: 1085 SM ( FLOORS 2-6)	
GROSS FLOOR AREA: 6544 SM	
UNITS:	ACCESSIBLE UNITS:
1 BEDROOM: 3 UNITS: 6%	1 BEDROOM: 1 UNITS: 2%
2 BEDROOM: 15 UNITS: 28%	2 BEDROOM: 5 UNITS: 9%
3 BEDROOM: 30 UNITS: 57%	3 BEDROOM: 5 UNITS: 9%
4 BEDROOM: 5 UNITS: 9%	4 BEDROOM: 1 UNITS: 2%
TOTAL: 53 UNITS	TOTAL: 12 UNITS: 22.6%

LEGEND:	
<span style="display:inline-block; width:10px; height:10px; background-color:purple; border:1px solid black;"></span>	1 BEDROOM
<span style="display:inline-block; width:10px; height:10px; background-color:teal; border:1px solid black;"></span>	2 BEDROOM
<span style="display:inline-block; width:10px; height:10px; background-color:lightgreen; border:1px solid black;"></span>	3 BEDROOM
<span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span>	4 BEDROOM
<span style="display:inline-block; width:10px; height:10px; background-color:orange; border:1px solid black;"></span>	AMENITY AREA
<span style="display:inline-block; width:10px; height:10px; background-color:gray; border:1px solid black;"></span>	CIRCULATION & SERVICES



# North and West Elevations (Building A)

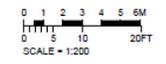
MATERIAL LEGEND	
	BUFF BRICK
	RED BRICK
	CHARCOAL BRICK
	WOOD SIDING
	METAL PANEL
	SPANDREL PANEL
	LOUVRE / SCREENING
	VINYL WINDOW FILM



West Elevation



North Elevation



# South and East Elevations (Building A)



East Elevation

South Elevation

# Aerial View at Corner of Southdale Road & Millbank Drive



# Overall View From Southdale Road



# SITE DESIGN CONSIDERATIONS

- ▶ Design elements integrated into the proposal promote an attractive site development plus quality architecture that would contribute positively to the local streetscape.
- ▶ The proposed development will provide accessible family units that are affordable and will contribute positively to the neighbourhood, improving diversity in housing stock availability.
- ▶ Exterior renovations to existing townhomes to complement the proposed apartments.
- ▶ New street-oriented low-rise apartment buildings along Southdale in place of existing surface parking.
- ▶ A renewed public façade and added benches/landscaping throughout the Site.
- ▶ Improved walkway and vehicular networks.
  - ▶ Publicly accessible amenity spaces across the Site (Parkettes/Amenity Gardens)
- ▶ Main and secondary entrances face Southdale with benches and landscape to encourage gathering and a sense of community.

# Conclusions

- ▶ Affordable housing being added adds to the housing options and diversity.
- ▶ Apartment buildings will frame a Civic Boulevard and complement the already established residential community while locating people in proximity to existing amenities.
- ▶ The development brings additional programmed amenity space opportunities to existing and future residents.
- ▶ The existing road network within the Site will maintain connectivity, especially from Millbank Drive and Southdale Road East.
- ▶ The proposed Zoning By-law Amendment appropriately implements the intended design and site layout.

## 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:** 608 Commissioners Rd W  
Public Participation Meeting  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Copia Developments relating to the property located at 608 Commissioners Road West:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting December 13, 2022 to amend Zoning By-law No. Z.-1, in conformity with The London Plan for the City of London, to change the zoning of the subject property **FROM** a Residential (R1-9) Zone **TO** a Residential R8 Special Provision (R8-4(\_)) Zone;
- (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. Verify the trees along the south property line position and the relation of their trunks to the property lines shared with 659 and 615 Westmount Crescent for possible consent by the neighbouring property owner to remove boundary tree(s) or cause injury to a boundary tree(s);
  - ii. Provide a building step back above the 5<sup>th</sup> storey along Commissioners Road West as per the drawings dated October 11, 2022;
  - iii. Provide a building step back above the 4<sup>th</sup> storey along Westmount Crescent to provide appropriate height transition from abutting low-density residential as per the drawings dated October 11, 2022;
  - iv. Provide detailed site plan and landscape plans to detail any proposed programming in the amenity space to demonstrate how it functions and relates to the building interface at the rear;
  - v. Provide interior floor plans to demonstrate how the interior spaces will relate to the exterior functions; and
  - vi. Explore ways to re-locate or screen the garbage moloks near the main entrance.
- (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 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 height of 22.0 metres; however, which is still within the 6 storeys as originally proposed.

## Executive Summary

### Summary of Request

The applicant has requested to rezone the subject site to permit the development of a 6-storey apartment building with step backs, containing 95 dwelling units, which is equivalent to a density of 215 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 R8 Special Provision (R8-4(□)) Zone providing apartment buildings that will permit the proposed development. The following special provisions would facilitate the proposed development: a maximum height of 22.0 metres and a maximum density of 215 units per hectare.

## **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, Neighbourhood Place Type and will facilitate a built form that contributes to achieving a compact, mixed-use City.
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 an underutilized property within the Built-Area Boundary through an appropriate form of infill development.
5. The recommended amendment facilitates a type of residential development that will help to address 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.

## **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 southwest intersection of Commissioners Road West and Westmount Crescent in the Westmount Planning District. Currently situated on the subject site are two single storey detached dwellings. The site consists of a grassed

area with relatively flat topography with several mature trees located on the periphery of the site.

Commissioners Road W is an arterial road with an average daily traffic volume of 13,000 vehicles per day.



Figure 1: 608 Commissioners Road W facing south (Google image, June 2021)

#### **1.4 Current Planning Information**

- The London Plan Place Type – Neighbourhoods fronting a Civic Boulevard (Commissioners Road West)
- Existing Zoning – Residential R1 (R1-9) Zone

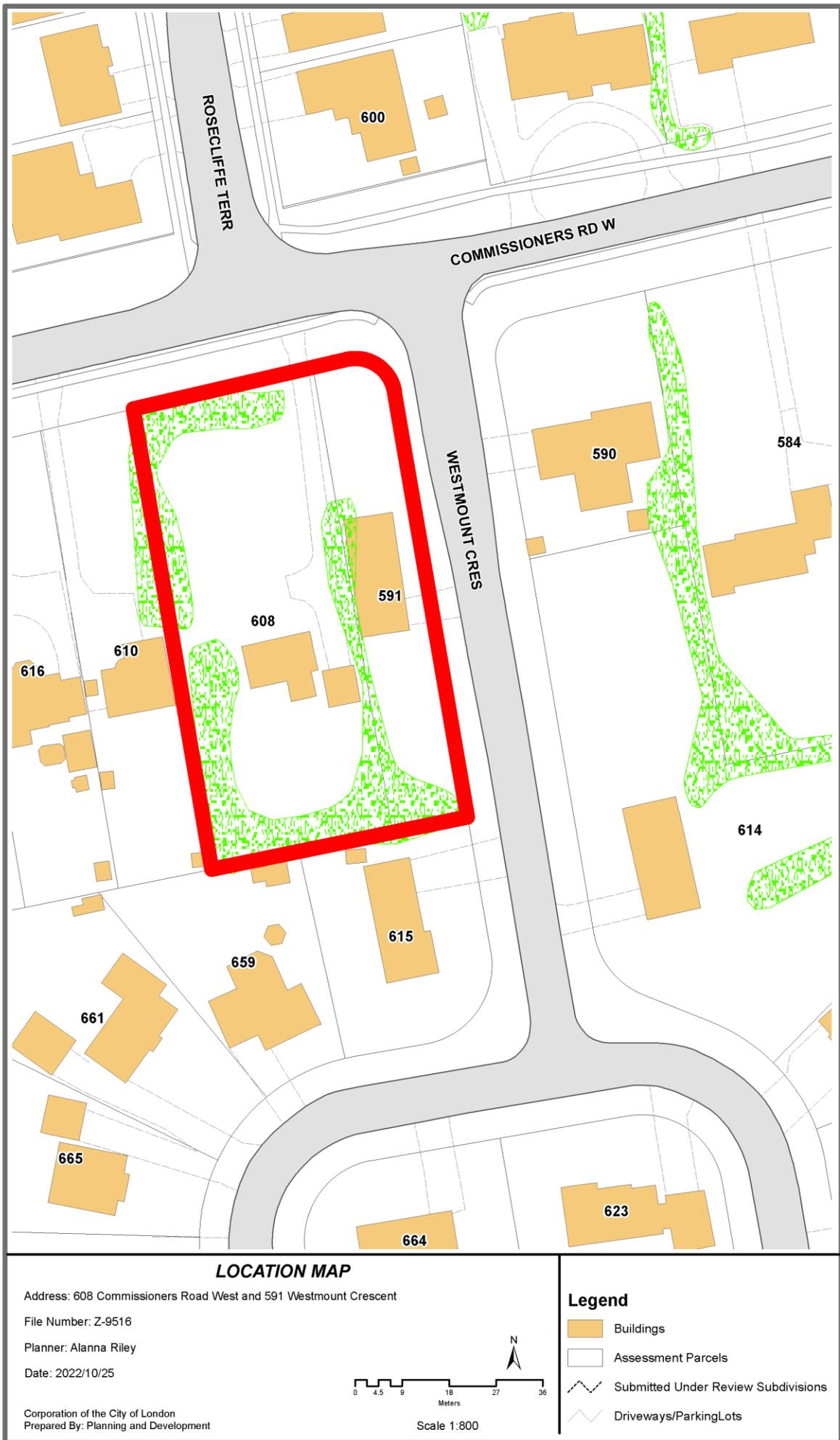
#### **1.5 Site Characteristics**

- Current Land Use – Two single detached dwellings
- Frontage – 42.91 metres
- Depth – 83.65 metres
- Area – 2.10 hectares
- Shape – Rectangular

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

- North – Commissioners Road West, Low Density Residential
- East – Low Density Residential
- South – Low Density Residential
- West – Low Density Residential

## 1.7 Location Map



## 1.8 Intensification

The proposed 95 residential units represent intensification just outside of the Primary Transit Area but within the Built-Area Boundary.

## 2.0 Discussion and Considerations

### 2.1 Development Proposal

On June 6, 2022, the City accepted a complete application that proposed a 6-storey, L-shaped apartment building, containing 95 dwelling units, equating to 212 units per hectare, fronting Commissioners Road W. Vehicular access to the site is proposed to be provided by a single right-in, right-out driveway from Westmount Crescent and will be located near the south property line. Common outdoor amenity area is proposed on the northwest corner of the property with landscaping along the front, west and south property lines. 98 parking spaces are proposed in a parking garage located to the south and surface parking to the west. At the time of the application the applicant requested a bonus zone in return for enhanced urban design and, specifically affordable housing. The original site concept plan and rendering are shown in Figure 2 and Figure 3 below.

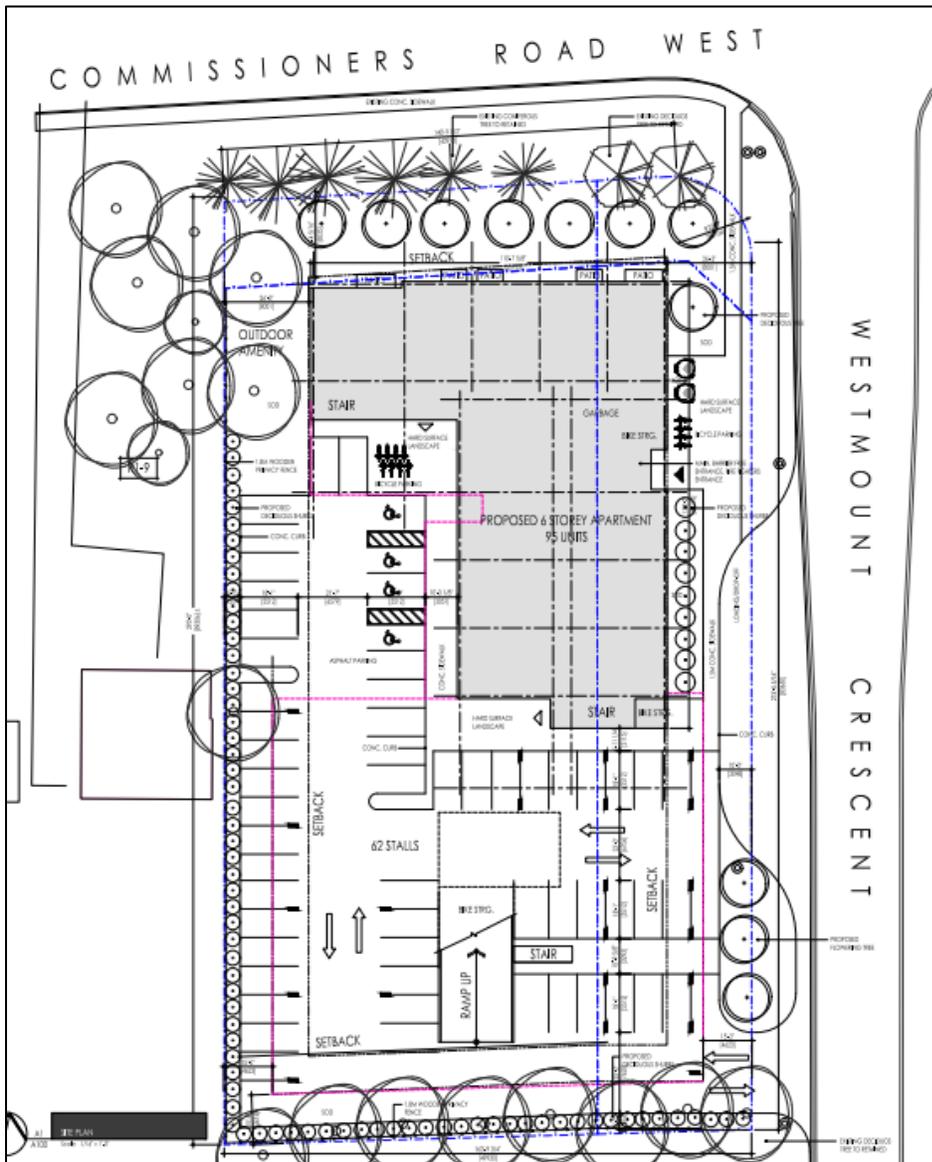


Figure 2: Original Site Concept Plan



Figure 3: Original Rendering



Figure 4: Proposed Development within the context of the surrounding area

## 2.2 Revised Development Proposal

Recently the applicant has made some changes to the design and layout of the proposal as part of a response to Urban Design Peer Review Panel and Urban Design comments, and public concerns. A revised application was submitted on October 6, 2022, which include the following changes:

- The parking garage has been removed and parking is now proposed to be underground together with surface parking at the rear;
- The proposed building now complies with all the required setbacks of the proposed zone;
- A larger outdoor amenity area has been provided;
- Pedestrian connections from ground level units to the sidewalks have been incorporated;
- There is a building step back down to 5 storeys on the west portion of the building along Commissioners Road W and a buildings step back down to 4 storeys at the rear along Westmount Crescent to provide for a transition to adjacent uses.

- The main building entrance is located proximate to Commissioners Road W; and
- A sufficient width for landscaping has been provided along the perimeter of the site.

It should be noted that the applicant still intends on providing five (5) affordable housing units. The revised site concept plan and rendering are shown in Figure 5, Figure 6 and Figure 7 below.

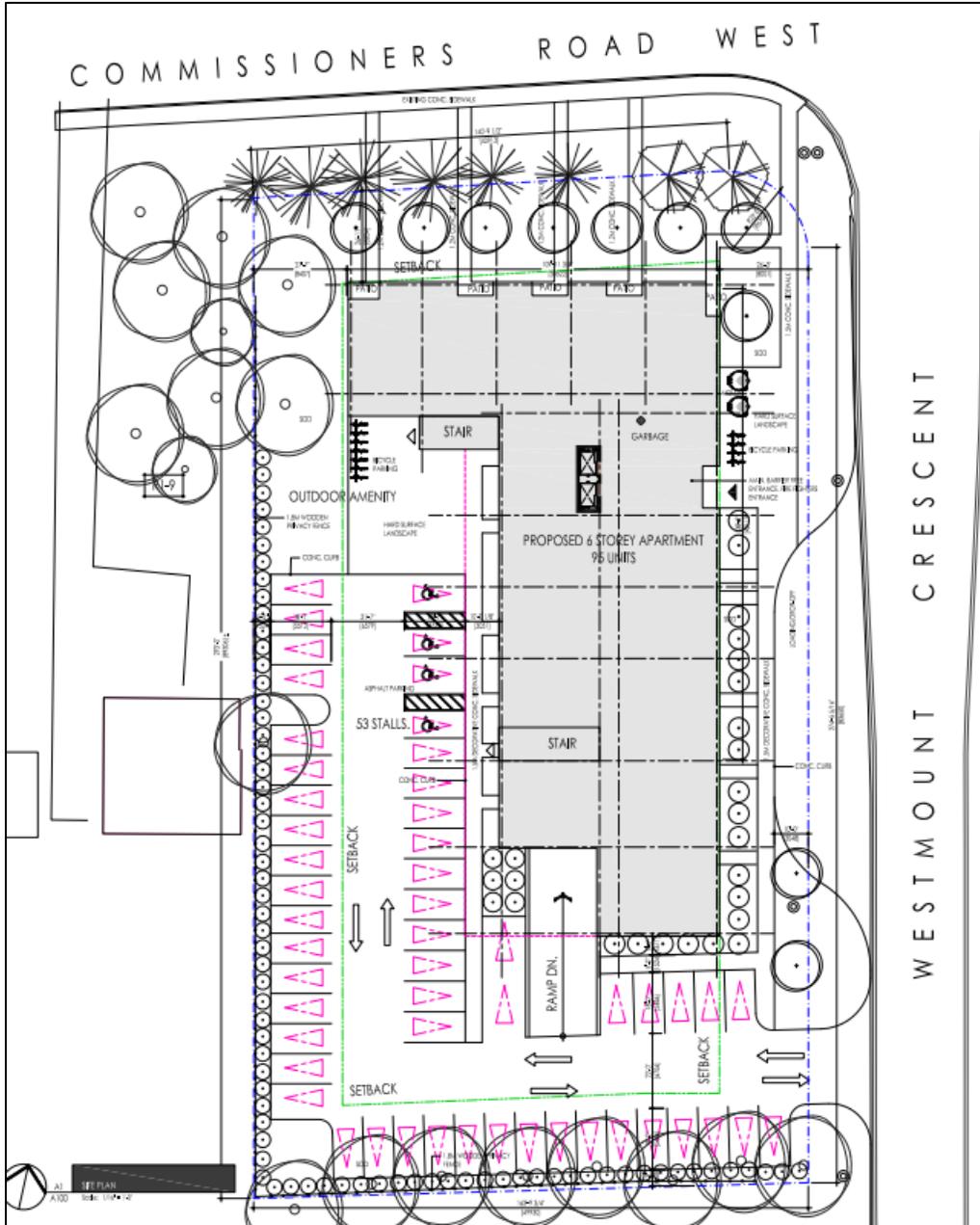


Figure 5: Revised Site Concept Plan



Figure 6: Revised Rendering



Figure 7: Revised Proposed Development within the context of the surrounding area

### 2.3 Original Requested Amendment

The applicant originally requested a Residential R8 Special Provision (R8-4( ) \*B( )) Bonus Zone, which permits apartment buildings, lodging house class 2, senior citizen's apartment buildings, handicapped persons apartment buildings, continuum-of-care facilities. Requested special provisions included a minimum exterior side yard setback 4.5 metre setback whereas 7.0m is required; permit a minimum interior side yard setback of 8.0 metres, whereas 8.4 metres is required; permit a height of 21.0 metres whereas 12.0 metres is required; minimum parking spaces of 98 whereas 129 spaces are required; and a maximum lot coverage of 50% whereas 40% is required. The proposed bonus zone would permit a maximum density of 215 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.

### 2.4 Revised Requested Amendment

The applicant's revised request includes a Residential R8 Special Provision (R8-4( )) Zone, which permits apartment buildings, lodging house class 2, senior citizen's

apartment buildings, handicapped persons apartment buildings, continuum-of-care facilities. Special provisions include a height of 22.0 metres whereas 12.0 metres is required; and density of 215 units per hectare whereas 75 units per hectare is permitted. Since the time of the original application Bonus zoning is no longer an available tool under the *Planning Act* and can no longer be considered as part of this application; therefore, the request for a Bonus Zone has been removed from the revised zoning amendment.

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

Through the community engagement process, seventeen written responses were received from members of the public and one petition with 122 names.

The public's concerns were related to the following matters:

- Height
- Density
- Lack of street lighting and sidewalk facilities
- Privacy/Overlook
- Light/Noise impacts
- Traffic
- Parking
- Loss of property value

It should be noted that the applicant held two community meetings with the public on July 6, 2022 and November 2, 2022.

## **2.6 Policy Context**

*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. 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 25<sup>th</sup> 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 would have been considered as part of this analysis; however, the application was revised October 6, 2022 and, therefore, will only be reviewed under The London Plan policies.

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 build strong, healthy and attractive neighbourhoods for everyone by:

- Integrating affordable forms of housing in all neighbourhoods (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 (Key Direction #7).

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 a Civic Boulevard (Commissioners Road West) and a Neighbourhood Connector (Westmount Crescent) 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 and mid density residential dwelling types, including low-rise apartment buildings, which are permitted to an upper maximum height of 6-storeys. (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type) (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.

### 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.

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)). 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)).

#### Analysis

Consistent with the PPS, the recommended apartment building will contribute to the existing range and mix of housing types in the area, which consists primarily of low density residential. Although the proposed development has a greater intensity and built form as compared to the existing surrounding neighbourhood context, it fronts along an arterial road, provides appropriate setbacks and incorporate transitioning design elements to adjacent uses.

The subject lands are of a size and configuration capable of accommodating a more intensive redevelopment on an underutilized site. No additional special provisions are required in terms of setbacks, open space, reduction in parking etc. which are all signs of potential over intensification of a property. 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 will provide choice and diversity in housing options for both current and future residents and will 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 #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 6-storey, apartment 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 a Civic Boulevard (Commissioners Road West) and a Neighborhood Connector (Westmount Crescent). 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 low- and mid-rise residential dwelling types, including low-rise apartment buildings (Table 10-Range of Permitted Uses in Neighbourhoods Place Type).

##### Analysis:

Under The London Plan Neighbourhood Place Type policies (916\_3), the expectation is that apartment buildings are anticipated to be developed within neighbourhoods at appropriate locations which may also include affordable dwellings. These policies provide guidance to the siting of various residential types relative to the street classification. As noted, the subject site fronts onto a Civic Boulevard which permits low-rise apartments. The development of the proposed 6-storey, 95-unit apartment building would contribute to a mix of housing types and provides a more intrinsically affordable housing option in the community. Adjacent surrounding uses include low density residential with higher density residential uses generally along Commissioners Road and Wonderland Road S. In this context, an apartment is not out of place along an arterial road 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 6-storey apartment building is in keeping with the policies at this location.

Furthermore, the analysis of intensity and form below will demonstrate that the proposed apartment building 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 a Civic Boulevard (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.).

### Analysis

The subject site has frontage on a Civic Boulevard, which is a higher-order street, to which higher-intensity uses are directed. The subject lands have access to four London Transit bus routes and is surrounded by a mix of low and medium residential uses. Also, the site is located within walking distance to some commercial and institutional uses with a significant commercial node including a grocery store, retailers, personal service establishments, restaurants/cafes, and a pharmacy to the east at the Commissioners Road West and Wonderland Road South intersection. Further to the south there are a broad range of uses including Westmount Mall, two places of worship, mid to high-rise apartment buildings, Saunders Secondary School, and more commercial development. There are several open space areas within approximately 5–10 minute walking distances such as Rosecliffe Park, Westmount Lions Park, Mitchell Park, Lyngate Grove Park and Viscount Woods. As this site is currently developed with two single detached dwellings, the proposed development represents an appropriate form of intensification through infill development. The current single detached dwellings represent an underutilization of the two lots 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 The London Plan directs and support residential intensification and redevelopment. 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 London Plan.

#### **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).

The London Plan also provides guidance on compatibility and fit with regards to form (Policy 953\_). The applicant has provided a development concept (Figure 4) as part of a complete application to support and justify the form of development 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, 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\_). The Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578\_)

### Analysis

Consistent with the London Plan, the recommended intensification of the subject properly 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 for an apartment building would contribute to achieving a more compact form of growth and development than then the two single detached dwellings that currently occupy 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 of The London Plan. The building is proposed to be situated close to the intersection of Commissioners Road W and Westmount Crescent in order to define the street edge and encouraging a street-oriented design which includes ground floor entrances facing the streets creating a street presence that is appropriate with the surrounding context. The main entrance and lobby for the proposed residential units will be located in close proximity to the Commissioners Road frontage This along with the building location will create an animated and vibrant street frontage that interacts well with the existing mature trees, the public sidewalks, creating a strong street presence and providing an interactive realm along both streets.

Adequate parking is provided for the proposed development, as required by the Zoning By-law and Site Plan Control By-Law. The underground and surface parking lot is accessible through the driveway from Westmount Crescent in the rear yard. Adequate space is provided around the edges of the parking lot to provide for appropriate screening of the parking from the street and adjacent to abutting properties. This will include trees and fencing that would screen the proposed building providing privacy for both residents and neighbours.

The overall development uses building articulation, rhythm, materials, fenestration, step backs and balconies along the public street frontage to help reduce the overall massing of the buildings and create a pleasant and interesting pedestrian environment while reducing large expanses of blank walls along the street and internal to the site. The 6-storey height of the proposed building is higher than the low density residential in the area; however, as noted, the highest heights of the devleopment are located at the intersection and along the Civic Boulevard with appropriate step backs transitioning down to 4 and 5-storeys as the development meets the surrounding low rise community as shown below in Figures 8 and 9.



Figure 8: West along Westmount Crescent - Rendering



Figure 9: South along Commissioners Road W - Rendering

Comments from Urban Design staff and the Urban Design Peer Review Panel highlighted various considerations regarding the design of the apartment building proposal. The applicant took these considerations into account along with other staff concerns and public concerns, and, as mentioned, revised the proposal as outlined in section 2.2 above in this report. The applicant is commended for revising the proposal and providing a site and building design that incorporates an active-low rise built form along Commissioners Road W with walkway connections from City sidewalk, providing an appropriately sized outdoor amenity space, providing step backs and large setbacks for a transition to the abutting low density residential, removing the parking garage and providing underground and surface parking located in the rear and screened from the road frontage, and exceptional design. Staff are satisfied that the Evaluation Criteria for Planning and Development Applications in the Our Tools part of The London Plan have been met through the recommended Zoning By-law amendment and can be further addressed through the site plan approval process.

The refinements illustrated on the revised site plan, rendering and elevations provide certainty with respect to appropriate building location and massing, centralized amenity space, buffering, parking lot design standards and exceptional design in order to establish suitable zoning regulations.

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. Verify the trees along the south property line position and the relation of their trunks to the property lines shared with 659 and 615 Westmount Crescent for possible consent by the neighbouring property owner to remove boundary tree(s) or cause injury to a boundary tree(s);
- ii. Provide a building step back above the 5<sup>th</sup> storey along Commissioners Road West as per the drawings dated October 11, 2022;
- iii. Provide a building step back above the 4<sup>th</sup> storey along Westmount Crescent to provide appropriate height transition from abutting low-density residential as per the drawings dated October 11, 2022;
- iv. Provide detailed site plan and landscape plans to detail any proposed programming in the amenity space to demonstrate how it functions and relates to the building interface at the rear;
- v. Provide interior floor plans to demonstrate how the interior spaces will relate to the exterior functions; and

- vi. Explore ways to re-locate or screen the garbage moloks near the main entrance.

These are the detailed matters summarized under clause c) of the staff recommendation for the Site Plan Approval Authority to consider through the site plan approval process.

#### **4.5 Issue and Consideration #4: Zoning**

The original proposed apartment building required many setbacks special provisions to facilitate the development. However, the revised development made sufficient changes to ensure no setback special provisions are required in an effort to respect the scale and privacy of the surrounding land uses. As a result, only two special provisions are required which include a height of 22.0 metres and density of 215 units per hectare. Staff have no concerns with these proposed special provisions as the proposed use, intensity and form is considered appropriate for the site and surrounding area and meets the intent of the urban design policies in The London Plan.

The proposed development is intended to make efficient use of the property and existing services while 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: Affordable Housing**

When the original application was submitted the applicant worked with the Housing Development Corporation (HDC) London through the application process for the provision of affordable housing through bonusing. The former Section 37 Density Bonusing permitted the City of London to authorize, under the *Planning Act*, increases in permitted height and/or density through the zoning bylaw in return for community benefits with the related bonusing policies in the 1989 Official Plan and The London Plan. In September 2022, provincial legislation ended the City's ability to collect those revenues. Instead, the City enacted a community benefits charge by-law to collect fees and fund a range of community services required as a result of new growth.

That being said, the applicant has indicated that they are willing to provide affordable housing units within the future development. Although Planning and Development Staff cannot ensure/require the applicant to enter into an agreement through a Zoning By-law amendment City Staff and the Housing Development Corporation have provided direction below as to what may be considered appropriate through a future agreement:

- A total of five (5) one-bedroom residential units will be provided for affordable housing;
- 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.

**NOTE: The provision of affordable housing was not considered as part of Staff's policy review and justification of the proposed land use as Staff cannot guarantee affordable housing units through this process.**

#### **4.7 Issue and Consideration #6: Public Concerns**

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

and Overlook, Sufficiency of Servicing Infrastructure, Buffering/Tree Removal, and Type of Tenancy.

Comments related to height, form, density and compatibility 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.

### ***Traffic***

Concerns were raised about the amount of traffic that would be generated by this development and that access is located off Westmount Crescent. Residents in the area are concerned about negative impacts on the neighbourhood in terms of increased traffic and safety.

As mentioned, Transportation did not have concerns with the proposed increase in traffic from the proposed development.

Additionally, Westmount Crescent is a neighbourhood street that serves a small number of dwelling units in the area, thus its traffic volumes are low. Neighbourhood streets are typically intended to accommodate traffic volumes up to approximately 1000 vehicles per day; however, this threshold varies by location, length of road, types of developments etc.

The City has developed a Traffic Calming and Procedures manual to assess when traffic calming measures are required. As per the point assessment table, volumes on local roads may become an issue when volumes reach 1500 vehicles a day. Based on the evaluation tools, the proposed development will not significantly affect the capacity of the local roads.

### ***Privacy and Overlook***

Members of the public expressed concerns about the height of the building leading to loss of privacy from people in the proposed building look out their windows, or when they use their terraces or balconies.

The development proposes the building to be placed closer to the Commissioners Road W frontage with the intent to reduce height impacts on the abutting lands, which also supports urban design principles, as well as design flexibility.

With respect to the privacy of yards to the south and west, the building is proposed to be set back approximately 37.85 metres from the south property line and 8.4 metres from the west. The placement of the proposed building allows for the surface parking infrastructure to be located in the rear yard which creates an appropriate separation between the proposed and existing buildings. In addition, the proposed plan provides for a buffer area that can accommodate enhanced, robust landscaping that will provide screening for the adjacent residential uses.

### ***Buffering/Tree Removal***

The use of landscaping, fencing and separation distances are helpful to screen development and soften the impacts of new construction. As identified above, the proposed building is meeting and exceeding the minimum required setbacks for the south and west property boundaries adjacent to existing residential uses, which in addition to providing physical distance separation, also provides space for buffering treatment. The east boundary is well vegetated and proposed to remain largely intact which allows the trees to provide a natural buffer. The east, west and south property boundaries are intended to have privacy fencing (ie- board on board) installed and plantings are also proposed along these property boundaries to provide for additional buffering above the fence height. Also, existing plantings along the perimeter are recommended to remain.

A Tree Inventory was prepared to identify the general type, health and/or significance of

trees on site. Site Plan Approval will allow for further discussion and refinement of the fencing treatment, and retention or enhanced plantings.

### ***Type of Tenancy/Tenure***

Several comments were made with respect to who will be living in the proposed development, and questions on whether or not this will be student housing. It's important to note that planning considerations cannot be made based on residential tenure. Type of tenancy and tenure (owner vs. rental) are not planning considerations when analyzing planning applications.

## **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. 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, MCIP, RPP  
Senior Planner, Development Services

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Acting Director, Planning and Development

**Submitted by:** Scott Mathers, MPA, P.Eng.  
Deputy City Manager, Planning and Economic  
Development

**Copy:**  
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 at 608 Commissioners Road West.

WHEREAS Copia Developments has applied to rezone an area of land located at 608 Commissioners Road West, 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 608 Commissioners Road West, as shown on the attached map comprising part of Key Map No.(A106), from a Residential R1 (R1-9) Zone **TO** a Residential R8 Special Provision (R8-4(\_)) Zone.
- 2) Section Number 12.4 of the Residential (R8-4) Zone is amended by adding the following Special Provision:
  - ) R8-4(\_) 608 Commissioners Road West
    - a) Regulations
      - i) Height 22.0 metres  
(Maximum)
      - ii) Density 215 Units per hectare (uph)  
(Maximum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

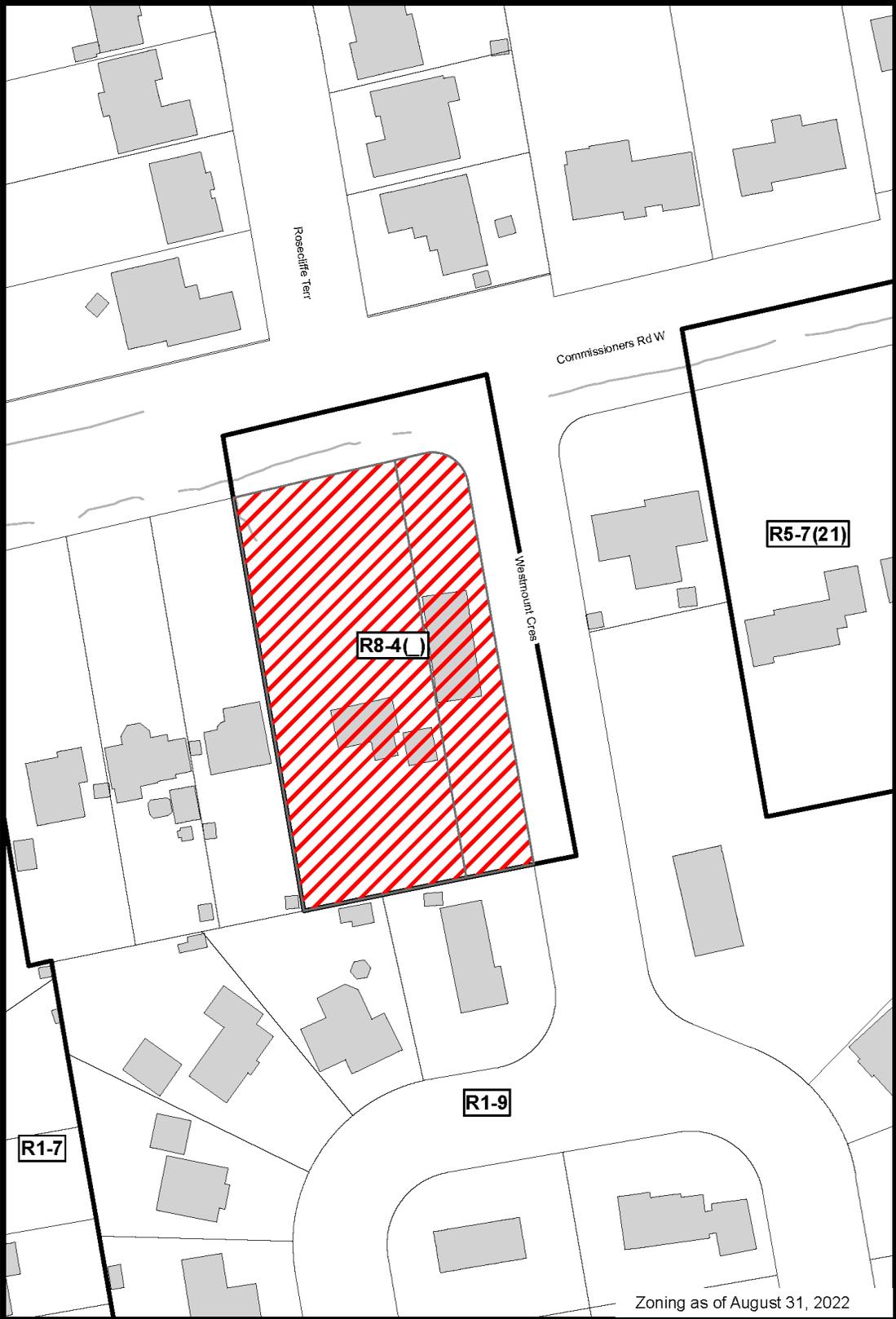
PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022.  
Second Reading – December 13, 2022.  
Third Reading – December 13, 2022.

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



<p>File Number: Z-9516                  Planner: AR                  Date Prepared: 2022/10/25                  Technician: JI                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,000</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Geodatabase

## Appendix B – Public Engagement

### Community Engagement

#### Notice of Application:

On July 16, 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 July 16, 2022. A “Planning Application” sign was posted on the site. On October 20, 2022, A Revised Notice of Application was sent to property owners in the surrounding area. A Revised Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 20, 2022.

#### **Responses:**

17 replies were received and a petition with 122 signatures

#### **Nature of Liaison:**

##### Original Notice

The purpose and effect of this zoning change is to permit a 6-storey apartment building consisting of 95 residential units at 212 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-9) Zone **TO** a Residential R8 Special Provision Bonus (R8-4( )B-( )) Zone. Special provisions would permit a minimum exterior side yard setback 4.5 metre setback whereas 7.0m is required; permit a minimum interior side yard setback of 8.0 metres, whereas 8.4 metres is required; permit a height of 21.0 metres whereas 12.0 metres is required; minimum parking spaces of 98 whereas 129 spaces are required; and a maximum lot coverage of 50% whereas 40% is required. The proposed bonus zone would permit a maximum density of 215 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.

##### Revised Notice

The purpose and effect of this zoning change is to permit a 6-storey apartment building with step backs consisting of 95 residential units at 215 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-9) Zone **TO** a Residential R8 Special Provision (R8-4(\_)). Special provisions would permit a height of 21.0 metres whereas 12.0 metres is required; and a maximum density of 215 units per hectare whereas a maximum of 75 units per hectare is permitted.

#### **Letter and Publication in “The Londoner”**

<b>Written</b>	<b>Telephone</b>
Nada Turudic	
Blair and Jana Poetschke 579 Jamaica St.	
Paul and Lisa Clarke	
Kim and Rob Styles 644 Cranbrook Road	
Rudy and Brenda de Papp 612 Jamaica St	
David and Karin Peak Westmount Cres	
June & Alan Burrell 659 Westmount Cres	
Darcy Mcleod & Catherine Timmers Mcleod	

661 Westmount Cres.	
Jamie Robertson	
James and Sally Lee	
Amanda, Rob, John and Baby Lyall 60 Nottinghill Cres	
Murray MacKey 625 Jamaica St	
Amanda Moehring	
Gus & Sandy Ayim 596 Rosecliffe Terrace	
Hedy Olowrski	
Robert A. Campbell	
Asha Ramji	
<b>Community Petition – 122 signatures</b>	

From: Nada Turudic  
 Sent: Friday, June 6, 2022 2:29 PM  
 To: Riley, Alanna <ariley@london.ca>  
 Subject: [EXTERNAL] File Z-9516

our neighbourhood met with Paul Van Meerbergen last year regarding 608 commissioners road west. at that time, Kim and her family resided at 591 westmount crescent, which is the property copia developers aggressively purchased from them and finalized the deal at the end of 2021 august.

so we know copia developers owns BOTH the above properties.

my husband and I also met with a representative from copia regarding the surveying stakes they had placed on our property. he mentioned the city has rejected their parking laneway to be positioned directly onto commissioners road west.

the laneway as proposed, would be adjacent to our property which means traffic from the proposed building will be entering and exiting westmount crescent.

so our quiet crescent would become quite cumbersome as well as congested, especially towards commissioners road.

I hope the city sincerely and seriously takes into consideration HOW the above proposal would chaotically alter our quiet neighbourhood, not to the mention the esthetics.

so PLEASE note SOME of the above concerns regarding the above.

From: Blair Poetschke  
 Sent: Friday, June 27, 2022 7:35 PM  
 To: Riley, Alanna <ariley@london.ca>  
 Subject: [EXTERNAL] File Z-9516

I understand there has been a zoning change request filed to change two single family homes into a giant 6-story apartment building and parking deck, emptying into the neighbourhood on Westmount Cres rather than onto Commissioners.

This will certainly be out of place in the neighborhood and will create serious traffic congestion in the neighborhood. Note that the city has put great effort into traffic

calming work in this neighborhood and areas that have been ignored so far will need to be addressed if the building does not exit into Commissioners rd.

The safety of children and adults in this area (where there are no sidewalks) will be at risk from the increased neighborhood traffic.

Please limit the height of this proposed development to ensure the appropriate population density and keep everyone safe from the increased traffic.

Thank you

Blair and Jana Poetschke  
576 Jamaica St.

From: Paul Clarke

Sent: Friday, June 27, 2022 8:22 PM

To: Riley, Alanna <ariley@london.ca>

Subject: [EXTERNAL] File Z-9516

Good Evening Alanna/Paul

>

> We are in receipt of the Notice of Planning Application for the above address. To say that we have concerns is an understatement. We recently moved to Westmount Crescent (Dec 2021). We moved here in large part for the beautiful mature and quiet neighbourhood. We feel very concerned that the above proposal will greatly increase traffic flow in our neighbourhood. 95 residential units with 129 parking spaces is far too much to be exiting and entering off Westmount Cr. It will come as no surprise that the majority of the vehicles will not continue to Commissioners rd. but rather will "cut" through Westmount Cres. to exit either to wonderland or Viscount rd. Previous developments along Commissioners Road, from the top of "snake hill" to the area in question have been townhouse type condominiums, much lower density and impact on the neighbourhoods effected. I would question why a development of this magnitude and density would even be considered given the fact that no others have been built on similar footprints.

> We have registered for the "virtual open house" that we have been invited to by the developer, I do question why virtual, they are playing the covid card which seems kind of ludicrous considering you can go to a sporting event with thousands of people. But maybe its by design as the majority of residents are quite elderly and probably never heard of zoom.

> Thank you for reaching out to us and giving us a platform to express our important concerns.

> Paul and Lisa Clarke

From: Kim Styles

Sent: Friday, June 27, 2022 9:12 PM

To: Riley, Alanna <ariley@london.ca>

Subject: [EXTERNAL] File Z-9516

I have been a resident of Westmount at 644 Cranbrook Rd for 20 + years.  
I am very concerned with the proposed property at 608 Commissioners rd .

Firstly, the property originally housed 2 homes. You have now proposed a 6-storey apt bldg in that footprint. I do not feel this is reasonable to our neighbourhood.

Firstly, I have been made aware that the parking lot will be entering and exiting into the neighbourhood. It is bad enough to have a traffic congestion on Commissioners Rd but it is totally unacceptable for developers to route this excessive amount of traffic throughout our established mostly single family residential area.

I do not feel a 6-storey apt bldg is fair to the established neighbourhood as well. Our properties were purchased years ago, and privacy was paid for at a premium. You are now disregarding our established neighbourhood for monetary gain. I do not support this bldg and especially at 6 stories high. If it is to be built it should be no higher than 4 stories and the parking should be accessed only by Commissioners Rd

How do we contest this lack of utter regard for our privacy, neighbourhood noise and traffic levels as well as our property values?

I am anxious to hear from you asap

Kim and Rob Styles

From: Rudy de Papp  
Sent: Friday, June 28, 2022 11:01 AM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Alanna:

My wife Brenda and I are residents in the neighbourhood where this apartment building is being 'Proposed'. Our home has been in the family since being built in 1956 and this has always been a very quiet neighbourhood of mostly elderly residents. This proposal frankly shocked me in that something of this magnitude this would even be considered at all in this area. It is reminiscent of the disaster at 555 Teeple Terrace of recent years.

All of the new 'infill' developments along Commissioners road have been low density townhouse style residences which are quite acceptable on Commissioners. I surely hope the city traffic planners and roads committee have approved this seen this problem.

I could envision a complex of 10 or so condominiums there and it would not be a catastrophe at all. This proposed building has 95 apartments all exiting on Westmount Crescent and not Commissioners Road where the units are located, so what's the deal with that? All of these residents will be using the streets in the subdivision and will avoid Commissioners road.

Westmount Crescent is already a short cut for residents in this area and this added traffic burden will most certainly be an issue. Where are the results of the traffic pattern study?

I have been in contact with other long term residents here and the consensus seems to be that a low rise exiting on commissioners road would be more appropriate.

I will be registering for the meeting on July 6th and am concerned that it can not be a meeting at the library or at a church in the area so that elderly residents will be able to attend. Those not either in school or working might know 'Zoom', but not beyond that. Public health allows meetings like this at this stage of what is now an 'Endemic' so please do not avoid an in person meeting, it raises a red flag.

Rudy and Brenda de Papp  
612 Jamaica Street,

From: Karin Peak  
Sent: Friday, June 28, 2022 12:01 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

My husband and I wish to lodge a complaint in the strongest of terms to the proposed development of a 6-storey apartment building at 608 Commissioners Road West.

The area where this building is intended is a quiet residential area. This development will bring unneeded and unwanted traffic and noise to an area that prides itself as a quiet haven for those of us who desire the solitude of a quiet lifestyle whilst being close

to the hustle and bustle of the city. We believe it will also have an adverse effect on home pricing and our ability to sell in the future.

This development will not be an improvement to the area or the lives of the current residents.

We implore you to cease any further planning on this project

Sincerely

David & Karin Peak  
Westmount Crescent

From: Rudy de Papp  
Sent: Friday, June 29, 2022 12:03 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Alanna:

There is a perfect compromise on the 'traffic problem' being proposed. If the city were to turn Westmount Crescent into a 'Dead End' street, then all traffic would have to exit onto Commissioners Road which abolishes the traffic issue in our quiet and calmed neighbourhood. Residents of Westmount Crescent and Jamaica Street would still be left with three ways to exit the subdivision. I have seen this done before in similar infill situations. This 'Barrier' would be placed between the proposed driveway for the new building and the adjacent residential property immediately to the south. Placing the barrier there would keep the residence south of the proposed complex within the existing residential area.

I find it difficult finding a negative impact of such a dead-end barrier. Also, this barrier should have sufficient opening to allow for pedestrian and bicycle traffic.

Rudy and Brenda de Papp  
612 Jamaica Street

From: Alan Burrell  
Sent: Friday, July 4, 2022 8:22 AM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Alanna:

Thank you for returning our call. As mentioned, we are following up on our conversation by putting our concerns in writing in case we missed anything. This is a pretty big deal for us!

We object in the strongest possible terms to the proposed development for the addresses listed above. This proposed development is too large, totally inappropriate for this neighbourhood and will destroy the character, peace and tranquility of this area that we have enjoyed for the past 26 years.

We have many concerns

- The first is the value of our property.

Over the past 26 years, we have spent a lot of time, money and effort to add to, maintain and beautify our property and we take great pride in our home and garden, as do all of our neighbours. All the properties on Westmount Crescent have been improved, and two smaller houses have even been demolished and replaced with newer homes. This area is often referred to as a "hidden gem" - no more if this development goes ahead. The entire neighbourhood is well maintained, and people take a lot of pride in their properties. This development will devalue our property.

The size of this project is totally inappropriate for this site. It will create a tremendous amount of traffic on our quiet street and since the number of intended parking spots is below what is normally required (with only 3 spots for visitors), there will inevitably be on-street parking. With the front of the building facing onto Westmount Crescent, and deliveries, garbage pick-up etc. to be done in a "lay-by" in front of the building on Westmount Crescent, there are going to be vehicles either swinging around to exit back onto Commissioners or alternatively driving through the neighbourhood. This action should all be taking place on the arterial road and not on a neighbourhood street. Many people walk, jog and cycle in our neighbourhood and with this development as proposed, this activity will become extremely dangerous with increased traffic and parked cars. There are no sidewalks on Westmount Crescent. With the present amount of traffic on Commissioners Road, it is already difficult to even turn right onto Commissioners not to mention turning left. The number of vehicles attached to the proposed apartment building will create great traffic problems in the neighbourhood, not to mention noise and pollution. Our neighbourhood is already "traffic-calmed" and we still have cars cutting through.

It seems to us that the fact that the developer is asking for so many special extensions of the conditions related to the zoning change is an indication that the development as proposed is a huge over-reach for the site. They are asking for:

- less parking spots than are normally required (and providing only 3 visitor spots for 95 units)
- increased height of the building (21 metres instead of 12 metres!)
- increased density
- increased lot coverage (50% instead of 40%)
- a reduction inside yard setback

The two-storey parking planned at the back of the development behind our back fence is a concern from the point of view of noise, pollution and loss of privacy. We spend a lot of time in our backyard. This is also another indication that the proposed development is too large for the site. There are many mature evergreen trees around the perimeter of the property, some estimated to be 40-60 feet tall. We would like to see as many as possible of these trees preserved, especially the ones on the south side.

The driveway on and off the property would enter and exit on to Westmount Crescent, directly beside our neighbour's driveway. The driveway should be off Commissioners Road and not impact the neighbourhood street. This area of Commissioners could benefit from an oval roundabout taking in Westmount Crescent, Rosecliffe Terrace and the driveway from 608 Commissioners. This would be safer since any traffic exiting any of those roadways would be going in the same direction around the roundabout and would keep traffic moving.

Other considerations would be the over-taxing of the local sewers and water supply for such a large development. Also, the fact that the site is going to be mostly hard surface has the possibility of flooding in the area.

We see mentioned in the planning material something about having "a choice of type of accommodation" in the neighbourhood. You only have to go one block to Wonderland Road to be provided with many choices of high-rise and low-rise apartments, along with townhouses that are just about to be built east of the subject property at 584 Commissioners Road, and these accommodations have even closer access to services such as transportation, retail etc. So, there is already ample choice in the area - no need for an apartment building at this particular site.

We realize with the bonusing condition, that the city would be provided with 3 or 4 affordable housing units if this building goes ahead as planned. We think the problems outweigh the benefits in this situation.

To sum up, in our opinion, the development as planned is excessive and will create many problems for our neighbourhood. If you look to the west along Commissioners Road, there are several developments of one or two storey condos which, while being multi-family, fit nicely into the character of the neighbourhood. The developers of these properties had a good read of the neighbourhood and these developments blend in nicely. We understand that there has to be "intensification" and that anything built on the site will be some type of multi-family development. However, in the London Plan it states, "as directed by the policies of this Plan, intensification will be promoted in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit". In our opinion, this development is not sensitive to our neighbourhood and does not represent a good fit - it is far too large and will create too many problems for many long-time residents in this neighbourhood. We would prefer to see something of not more than one, two or three storeys on the site.

Sincerely,

June & Alan Burrell  
659 Westmount Crescent

From: Darcy Mcleod  
Sent: Friday, July 5, 2022 12:32 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Re proposed Development of 608 Commissioners Road West.  
File : Z-9516

Alanna Riley and London planning & development committee:

As a resident of 661 Westmount Cres. We strongly oppose this development for a number of reasons.

1. The height of the proposed building at 6 Storeys does not fit with the size or scope of any of the buildings in the Neighborhood encompassed by south side Commissioners Road, west side of Wonderland Road, north side of Viscount Road, and east side of Cranbrook Road.
2. The amount of added traffic to Westmount Cres. As the proposed buildings parking lot empties out onto Westmount Cres. Rather than an arterial road like Commissioners Road.
3. The proposed building has an amendment for less parking spots than are needed for a building of this size. This will cause the amount of street parking to increase dramatically.
4. The proposed building only has 3 visitor parking spots for 95 units which will also increase parking on our traffic calm neighborhood.

Westmount Cres. Has been designated a traffic calm Neighborhood by the city of London and the London plan states that all new Construction has to fit in with existing Neighborhood which this proposed development does not.

Darcy Mcleod & Catherine Timmers Mcleod  
661 Westmount Cres.

From: Jamie Robertson  
Sent: Friday, July 10, 2022 8:24 AM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Dear Alanna,

In response to the recent notice received, for the above zoning by-law amendment. Both my wife and I have lived in this city for the last 60 years, and myself, having lived in Westmount for the last 50 years. Like most, worked hard to raise a family, and create a nice home with a certain amount of privacy. Our first reaction when receiving the

notice, was total rejection because it was new, and not understood. Being recently retired, allowed us to put a little more thought into the proposed amendment, because we believe in the process.

While reading the additional material online, we noticed that the two studies that are of concern, traffic volumes and noise study, were done in September and October of 2021. How can two studies that would negatively affect any sanctities in a residential area, be completed at the height of a pandemic, in which a great deal of Londoners worked from home. As a planner, your aware of the absolute nightmare we all face with the current traffic in London, especially with Wonderland Road. Being one block in, we can't thank the city enough for now allowing the construction of 6 lanes to be completed, and Wonderland turning into the 401B through the neighborhood. Quietly allowing it to be the new Hwy 4 is bad enough. However, we continue to allow additional projects that will impact an already congested area.

Building a left turn from Westmount Cres to East bound Commissioners. Has anybody in planning tried to make a left onto Commissioners? From experience, it's not easy, and most with cut through the neighbourhood and use the light at Cranbook, causing additional traffic volumes and noise. Traffic calming measure to seem to work. Southbound traffic will not exit Westmount Cres on to Commissioners to Wonderland, and then proceed South. They will proceed through to Jamaica Street to Village Green, and then South on Wonderland. It's done now from East bound traffic trying to avoid Wonderland intersection at Commissioners.

6 floors. This will allow residents to look into the back yards of single family homes on a 360 degree bases of the building. I'm sure that one may say that residents probably have better things to attend to, but the possibility is still there, and the privacy is lost for the homes around the building, not to mention the loss in value. The amended land use further West on Commissioners, were multi single story row homes were built, is a welcome site, and fits well with the surrounding homes. I thought the city should propose with 608 Commissioners.

Thank you.

Best Regards  
Jamie Robertson

From: James Lee  
Sent: Friday, July 11, 2022 3:13 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

In response to the application by 608 Commissioners Inc., this is to advise that we are strongly opposed.

- As we understand, this is an amalgamation of two properties in order to build an apartment of significant size. The applicant states it will retain trees; however many trees and shrubs were already removed along the eastern property line between these two lots, thereby strong-arming the previous owners of 591 Westmount Crescent into selling. Since acquiring ownership, the owner has done absolutely nothing at either property. Both are a disgrace. The applicant states that high-quality materials will be used in construction and seems more worried about placating the public speeding along Commissioners Road than getting into the good graces of the neighbourhood.
- 
- After the 'Virtual Open House' it is clear that even though the address and description might be 608 Commissioners (because Commissioners is considered a 'civic boulevard'), the main entrance and parking entrance will be on Westmount Crescent, a traffic calmed street without sidewalks. The Crescent and neighbourhood are not equipped to handle all the additional traffic and a traffic study of the entire area would back that up. Vehicles also use the Crescent

to short cut the congestion and wait at Commissioners turning south onto Wonderland.

- 
- There has just been a townhome complex approved on Commissioners to the east and between these two developments, traffic will become a problem. Drivers race west through Commissioners at Wonderland, a very busy intersection, to get into a single lane and if this current application is approved, multiple vehicles will be making two left turns, one right after the other.
- 
- The house across the street on Westmount is a group home. As the driveway is not big, staff park on the Crescent, on both sides, 24/7.
- 
- The Application Details state that this neighbourhood is in an area that permits “single and semi-detached dwellings, duplexes, triplexes and townhouses”. Why then is this application for a 95-unit apartment building even being considered?
- 
- The Crescent is used most weekdays by slower moving maintenance vehicles. Countless people enjoy a walk and bike ride through the neighbourhood.
- 
- The proposed building is too big and too tall. There is nothing west of Wonderland on Commissioners even approaching this height. Providing parking for three visitors means constant overflow parking on the Crescent. The building will look into the yards of private homes, including across Commissioners into Rosecliffe. The loss of mature trees and hedges, combined with all of the parking, will increase noise. The lighting from the parking lot will be a nuisance. Property values will decline significantly.
- 
- City records will show that an application brought a number of years ago by a former owner of the Westmount Crescent property to operate a pharmacy was denied. This development dwarfs that proposal - a pharmacy that was to be operated from a single storey building.
- 
- This is a quiet, traffic-calmed neighbourhood of single-family homes and to quote Councillor Van Meerbergen, this “is not a case of NIMBY”, this development does “not fit into this neighbourhood”, nor will it result in a “healthy, liveable and safe” neighbourhood.

Regardless of long-term plans, the owner should be showing more consideration for the neighbours by ensuring proper care and maintenance of both properties.

James & Sally Lee

From: Amanda Lyall  
Sent: Friday, July 13, 2022 2:20 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Hi Alanna  
Please find attached my letter of concern in regard to the Planning Application for 608 Commissioners Road West.  
I look forward to any feedback you can provide.  
Regards,  
Murray

Murray Mackey  
FORMET INDUSTRIES

**Alanna Riley**  
[ariley@london.ca](mailto:ariley@london.ca)  
Planning & Development, City of London  
300 Dufferin Avenue, 6<sup>th</sup> Floor  
PO Box 5035  
London ON N6A 4L9  
**File: Z-9516**

July 13/22

Alanna,

I wish to submit the following comments and concerns in regards to **File: Z-9516**  
(608 Commissioners Road West):

- The proposed structure is too big for a property on which it is to be built
- A 6-storey apartment is not suited for the neighbourhood
- The apartment is an extremely high density for the area
- There is not adequate setbacks to the adjacent properties
- There is inadequate parking, specifically 98 spots for 95 units
- Parking for both residents and guests will inevitably flow over to the nearby streets
- Traffic will increase significantly through Westmount Drive, Jamaica Street and Village Green

I am a resident in the area, living at 625 Jamaica Street and as such would be directly impacted by the points listed above. I am available at your convenience to discuss this matter, and can be reached at [REDACTED]

I await notification of the next steps in this application process.

Sincerely,



**Murray Mackey**  
625 Jamaica Street  
London, Ontario  
N6K 4L6

From: Amanda Lyall  
Sent: Friday, July 15, 2022 4:20 PM  
To: Riley, Alanna <[ariley@london.ca](mailto:ariley@london.ca)>  
Subject: [EXTERNAL] File Z-9516

Dear Ms. Riley;

Re: File Z-9516; Applicant - Copia Developments

I am writing as a concerned homeowner with regard to the proposed zoning amendment relating to 608 Commissioners Rd. W, London, ON.

I would like to firstly provide you with a bit of background on myself and my family and how we came to reside in our lovely neighbourhood. My husband and I purchased our home, located at 60 Nottinghill Cres., approximately 4 years ago. We searched for this home for over 6 months. It is our dream home, in our dream neighbourhood. When we were house shopping, we specifically were looking at older, established neighbourhood for the large trees, good sized yards and quiet streets. When we came to look at this house, the neighbours were playing a game of road hockey. I loved this and immediately could envision myself raising a family here. The plan was for this to be our forever home. This neighbourhood checked all the boxes, and we were ecstatic when we learned we had gotten it! Since then, we have had our son, John. We are expecting a baby girl set to arrive in August of this year. We are an active family who go for walks,

bike rides, “wagon walks”, etc. almost everyday. We love feeling safe on our street with minimal traffic. We love the large, mature trees and how quiet the neighbourhood is, not to mention the wonderful people who live here.

We were not initially made aware of the proposed zoning change as we live outside of the 120 m radius. However, it was brought to my attention, when on a walk, a neighbour mentioned it to me. I brought the paperwork home and was astounded to see the numerous, egregious Special Provisions being sought by Copia Developments. Firstly, I note that they are requesting zoning to go from strictly a single, residential dwelling to a large-scale apartment building, that in my view, is not conducive to our neighbourhood. Not only that, but they are requesting to go even bigger – asking for permission to nearly *double* the maximum height of the building, to nearly *triple* the maximum density of units, increase the number of permitted parking spaces, to reduce the setbacks in almost every aspect and to increase the maximum lot coverage. One major thing that jumped out at me was their omission on landscaping, where a 30% minimum is required. Based on their other requests, I would anticipate Copia Developments to be requesting to reduce the minimum landscaping requirements as well. If this is the case, this request would be in direct opposition to the *Provincial Policy Statement, 2020* which advises that new developments maximize vegetation – we live in the “Forest City” afterall. **All of the above lead me to believe that Copia Developments is looking to maximize their profit at the expense of my neighbourhood.**

I am concerned with the increase in vehicular traffic that this development will certainly create. Particularly with their proposal to have the entrance to this monstrosity off a residential street. I am also concerned with the noise pollution that will be created, not only during the construction phase, should this be approved, but also afterward with the increase of, presumably, hundreds of cars now entering our safe, quiet neighbourhood. Of note, the *Provincial Policy Statement, 2020*, states:

“Land use must be carefully managed to accommodate *appropriate* development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.”

It is my respectful submission, that this development does not align with this goal of the Statement, in spite of it addressing housing needs in the City. I submit that this location is simply not appropriate for an apartment building of this magnitude. With the numerous requests of variances and re-zoning, another location would be more suitable for this building, otherwise, such requests would not be required.

Please keep my family and our neighbourhood in mind and reject his proposal.

If you have any questions or concerns, please do not hesitate to contact me directly.

Thank you for your time.

Yours truly,

Amanda, Rob, John and Baby Lyall

From: Amanda Moehring  
Sent: Friday, July 15, 2022 5:45 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Dear Ms. Riley,

I am writing to express my concerns with the zoning amendment and development proposed for 608 Commissioners Rd W. While I am in favour of increased housing density, these shifts need to be done thoughtfully and with consideration for their impact on existing neighbourhoods.

My primary concerns are:

1. The development is too tall. Six stories will eliminate the privacy of all of the properties within a one-block radius. The development should not be taller than four stories. Further, the added traffic this size of building will create causes serious issues

(see below). Ideally, to fit the tone of the other developments in the vicinity and the capacity of the roadways, the development should be townhomes

2. The entrance/exit is in a highly detrimental location. The location of the entry/exit should \*not\* be into the neighbourhood, which is not set up to accommodate that level of increased traffic. This issue is compounded since our neighbourhood does not have sidewalks but has a thriving pedestrian environment, creating a serious safety issue. The entrance/exit should be onto Commissioners, which is a high traffic road capable of handling the added load.
3. There should not be a two-story parking deck backing onto existing properties. This will remove privacy, greatly damage their property value, and has a high potential to cause water runoff issues.
4. The parking is insufficient for the size of the building (another reason to make it fewer stories). This will generate a large number of parked cars on the street.
5. Developments should include green space. The existing properties are currently almost entirely green space. The proposed plan appears to replace those lots with solid concrete - the building and the parking deck. This creates problems for runoff, aesthetics, and biodiversity.

Thank you for considering my concerns.

Sincerely,  
Amanda

\*\*\*\*\*

Dr. Amanda J. Moehring

From: Sandy Ayim  
Sent: Friday, July 24, 2022 5:07 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Dear Alanna and dear Paul,

We received information about a zoning by-law amendment that we, along with numerous neighbours, are strongly **opposed to** at 608 Commissioners Rd W.

Our neighbourhood is a quiet residential one and this big 6 story building will add much unwanted noise and congestion in our area. Furthermore, the height of a 6-story building invades into the privacy of numerous homeowners in the area. Also, it would be a huge detriment to our Forest City to lose any of the healthy mature coniferous trees on those properties.

We look forward to further opportunities to express our utmost concern over this development at future meetings, which in the letter we received, we will be informed about once scheduled.

Sincerely,  
Gus & Sandy Ayim  
596 Rosecliffe Terrace

From: Simon Thuss  
Sent: Wednesday, October 26, 2022 10:26 AM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Good morning Alanna,  
I am writing this morning to express support for planning applications Z-9553 and Z-9516. I am a resident in the Westmount community and I support increased density

along the major corridors in our neighbourhood (e.g. Commissioners, Wonderland and Southdale).

Our city desperately needs more housing, and we can't simply continue building out. Some infill development must continue along our major transportation routes. I think increased density in this area will also help revive commercial properties in the area, such as Westmount mall, which will benefit the overall community.

I am aware that others in the community have concerns about traffic. However, these proposed developments are well placed with access to Commissioners Road. I am aware of other nearby neighbourhoods that have a much higher density and traffic doesn't seem to be an issue (e.g. I used to live on Baseline Road, west of Wharncliffe. Density in that neighbourhood is much greater than what is proposed here, without direct access to a major road).

I wish to be notified of any developments or public meetings associated with these applications.

Thank you.

From: Jamie Robertson  
Sent: Wednesday, October 26, 2022 11:51 AM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Alanna,

In my previous email, I listed several reasons this re-zoning of 608 Commissioners and the adjacent property on Westmount Cres should not be approved. As Paul mentioned in his re-election statements of accomplishments, you can't put a 6 story building as infill in a residential subdivision. A subdivision dominated by single story homes in which most are seniors. Now you have an additional application for re-zoning across the road at 614 Westmount Cres ( Z-9553 ) of 43 units. Not to mention 584 Commissioners road that backs on to 614 Westmount Cres application for townhomes.

With most of the properties owned by seniors in this area, with lots being twice the size of a standard lot, would it be safe to say, that if sold to the developers that the city of London cow tails to, this area could become the next Cherry hill? Yes, this is cynical of me, but I've lived in Westmount since 1971, and believe in the community, and how it was originally planned. West on Commissioners, the city approved two developments from properties that were re-zoned from single family. Both those properties are single story dwellings, that fit into the original plan of Westmount. The properties mentioned above, should be approved and built in a similar fashion as those. In my opinion.

Best Regards  
Jamie Robertson

From: Alan Burrell  
Sent: Monday, October 31, 2022 9:01 AM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

We are writing in response to a "revised" application on the above project.

First of all, it is our belief, and that of the 122 plus community members in this neighbourhood who have signed a petition against this project, that this apartment building is still a gross over-reach for this site and is not appropriate, nor does it fit with the neighbourhood, under the requirements of The London Plan.

It is difficult to see what the revisions to this application are - they're not outlined anywhere in the revised document but it looks as if there could be underground parking

(we see a "ramp down" label on the diagram). We're not informed of how many parking spots are now proposed for the site.

We still object to this building in the strongest possible terms. It is still six storeys, still twice the allowable height, and three times the allowable density - 215 units per hectare where 75 is permitted. The special provision related to lot coverage has been dropped from the special zoning provisions. Comparing the original and revised site concept diagrams (which by the way are very difficult to read), it would appear that the building extends much further south on the revised version so this would seem to cover even more than the 50% of the site on the original diagram, where 40% is the maximum allowable.

Apart from the size of this building, the other issue which is a detriment to our neighbourhood, is the fact that the driveway enters and exits onto Westmount Crescent, a neighbourhood street in a traffic-calmed neighbourhood. With 95 units, there is the potential for 130 vehicles entering and exiting, and related delivery and service vehicles driving through the neighbourhood. This will create enormous traffic problems and the nature of our street will change forever. (This is without considering the other proposed development at 614 Westmount Crescent, directly across from the proposed apartment building, with the potential for another 40 vehicles plus servicing vehicles, using Westmount Crescent.) Anything built on the 608 site should be exiting onto Commissioners Road and not the side street and there should be room on the site for deliveries etc. Because the building is so oversized for the site, there isn't room for this. Traffic studies have been done on Commissioners and state that Commissioners can support increased traffic, but no studies have been done on Westmount Crescent where most of the traffic will go. Westmount Crescent will become a major road.

In the traffic report online, it states that there should be a left turn lane from Westmount Crescent at least 25 metres long - about 6 cars. People are not going to wait in that turn lane, they will drive through the traffic-calmed neighbourhood - Westmount Crescent and Jamaica Street or Nottingham Crescent, onto Village Green and perhaps on to Woodcrest.

Deliveries etc. are proposed to be made in a lay-by at the front of the building (on Westmount Crescent). Once their business is done, they will also drive through the neighbourhood (or do a U-turn on Westmount Crescent which is dangerous in itself). All this activity should occur on the site, entering and exiting onto Commissioners Road.

In both the original application and the revision, it states "The subject lands are in the Neighbourhood Place Type on a Neighbourhood Connector in The London Plan, permitting single and semi-detached dwellings, duplexes, triplexes and townhouses." There's a reason that this is the designation for this site, because the townhouse form of housing is the only multi-unit form that would be acceptable in the middle of a single family residential neighbourhood. That is the form of housing selected by the developers of the other three projects planned within our area. A six-storey apartment building is not appropriate for this site and does not fit with the neighbourhood. This requirement for approving intensification projects is in The London Plan.

The Westmount Crescent neighbourhood has existed for about 75 years. Our house was built in the 40's. Residents have bought houses and spent money on renovating their properties in the neighbourhood in order to live in a quiet residential area. If this apartment building goes ahead, it will change our street from a quiet neighbourhood to busy, loud and dangerous, resulting in reduced home values. Is it fair that a developer can come into an existing neighbourhood and upend it? We've already had one family driven from their home of 20 years. Our neighbours have been dutifully abiding by the rules and paying their taxes all this time only to have this six-storey building foisted on us. These apartments will not be affordable, which is the kind of housing London so badly needs.

The province cancelled its bonusing policy in September but this building is still six storeys when four storeys is the maximum allowable. The "B" is gone from the new requested zoning, however the building is still six storeys and for that, the city will get "enhanced building design" and 10% of the units on the extra two floors (which we calculate to be 3 or 4 units) at 80% of market value, which we do not believe is affordable anyway. Going from 4 floors to 6 floors is **huge** whereas going from, say, 12 floors to 14 or 20 floors to 22 really doesn't make much difference. We don't see any important benefit to extending the height of this building by two extra storeys. If the townhouse form of housing or at worst a four-storey building is not financially feasible for this developer and/or their investors, then perhaps they should leave the site to be developed by someone else. There are several empty sites, like the large site of the former Brick Street School, that would be more appropriate for an apartment building in the area.

London may be in need of housing but it's not essential in this area as we have a very large choice of different types of housing just a block away on Wonderland Road or on Village Green Avenue. Also, there are many apartment towers of luxury apartments either newly constructed or under construction in this area. London is more in need of affordable housing and the city has to work to maximize the use of provincial and federal programs to create this. Alternatively, the city should partner with a developer who is willing to work with the city to create this type of housing. Whatever happened to "starter homes"? Today we either have luxury apartments or luxury townhouses or huge single family houses, out of the reach of many families.

We have spoken to our councillor, Paul Van Meerbergen, and his opinion is that this building is just too large for the site.

We collected signatures on a petition against this six-storey building and that still stands. Nobody in this neighbourhood is okay with this development. It's gross overdevelopment and should never have even been considered by the city.

Respectfully submitted,

Alan & June Burrell  
659 Westmount Crescent  
(directly behind 608 Commissioners)

From: Amanda Lyall  
Sent: Wednesday, November 2, 2022 9:06 AM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Good Morning Ms. Riley and Mr. Van Meerbergen,

I hope this email finds you well.

I am writing as a follow up to my previous letter wherein I expressed concerns with regard to the planning application for 608 Commissioners Rd.

I am again writing to address my concerns with regard to the amended application.

I am of the view that the crux of this issue is still the request to rezone from single family To multi residential. It appears to me as though Zelinka Priamo Ltd. c/o Copia Developments asked for numerous additional variation requests, all the while knowing that when they fixed those up, it would appear that many concessions were made. However, the crux of this issue is primarily the re-zoning and secondly the size of the building (density and height requests) and the entry into Westmount Cres. These requests are still being sought. I am wholeheartedly against these requests and this building for the reasons stated in my previous letter.

I am sure you both know that there are two other planning applications in the same vicinity of Commissioners Rd. as well as the recently announced plan to build up if Westmount Mall (Which I think is a great use of the area). Builders have been purchasing homes in my neighborhood and leaving them boarded up and unkempt, when families could have been moving in. When will they stop buying up these lovely homes and taking over?

The totality of all these projects (should they all be approved) makes me fear that there will be a concrete jungle where the beautiful tree lined streets of my lovely neighbourhood used to be.

This is my forever home. We just had our second baby in August. I want her and her brother to grow up in our quiet, safe neighbourhood. I urge you to deny this request to rezone and to deny the requests of Zelinka Priamo Ltd. and Copia Developments.

Please do not hesitate to contact me directly with any questions or concerns.

Thank you

Sincerely,

Amanda Lyall

From: Hedy Orlowski  
Sent: Wednesday, November 2, 2022 12:25 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

I am writing this email in regard to the above-noted Planning Application.

I am NOT in favour of this application being approved in any way, shape, or form. This apartment building will be a detriment to our neighbourhood, not an improvement. There will most definitely be an increase in traffic, causing concern for both our seniors and children, and our house values will decrease as a result of this going forward.

Again, I am not in favour of amending this zoning by-law.

Thank you

Hedy Orlowski  
669 Westmount Cres.

From: Amanda Moehring  
Sent: Wednesday, November 2, 2022 1:32 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Dear Ms. Riley,

I am writing to express my concerns with the zoning amendment and development proposed for 608 Commissioners Rd W. While I am in favour of increased housing density, these shifts need to be done thoughtfully and with consideration for their impact on existing neighbourhoods.

My primary concerns are:

1. The development is too tall. Six stories will eliminate the privacy of all of the properties within a one-block radius. The development should not be taller than four stories (maximum, ideally three stories). Further, the added traffic this size of building will create causes serious issues (see below). Ideally, to fit the tone of the other developments in the vicinity and the capacity of the roadways, the development should be townhomes

2. The entrance/exit is in an unacceptable location, exiting directly into our small, quiet neighbourhood. It will ruin the safety and family-friendly environment. The location of the entry/exit should \*not\* be into the neighbourhood, which is not set up to accommodate that level of increased traffic. This issue is compounded since our neighbourhood does not have sidewalks but has a thriving pedestrian environment, creating a serious safety issue. The entrance/exit should be onto Commissioners, which is a high traffic road capable of handling the added load.
3. The parking is insufficient for the size of the building (another reason to make it fewer stories). This will generate a large number of parked cars on the street. This will compound the negative effect on the safety of the neighbourhood as pedestrians will be forced to walk further into the road.
4. Developments should include green space. The existing properties are currently almost entirely green space. The proposed plan appears to replace those lots with solid concrete - the building and the parking lot. This creates problems for runoff, aesthetics, and biodiversity.

Thank you for taking the time to seriously consider my concerns.

Sincerely,  
Amanda

\*\*\*\*\*

Dr. Amanda J. Moehring  
Professor  
Department of Biology  
Western University

From: Murray MacKey  
Sent: Wednesday, November 2, 2022 2:44 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Hi Alanna

Further to the letter of concern sent on July 13, 2022, I understand there is a Revised Notice of Planning Application, File: Z-9516, which asks for comments by November 9, 2022.

I have reviewed this revised notice, and have concluded that the revisions are minor at best. Hence, in conclusion, my concerns stated on July 13 remain today despite the minor revisions.

I continue to be available to discuss at your convenience.

Sincerely,  
Murray

Murray Mackey  
FORMET INDUSTRIES

From: Robert Campbell  
Sent: Sunday, November 6, 2022 5:24 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

Ms. Riley,

Councillor Paul Van Meerbergen summed up concerns about this project when he said, "It is just too big." If you look at aerial views of the project and its surrounding, it does

not blend in but rather sticks out like a sore thumb, e.g., Fig 21, page 20 in Planning and Design Report.

The Planning and Design Report is glib. It is full of feel-good, in-vogue jargon which attempts to engender acceptability but has, in fact, no relevance to the proposal. Some examples. .

***“The proposed development (6 ST apartment building) is generally considered to be compatible with low-density residential uses”***. Generally considered by whom? One certainly would not get that impression based on resident feedback at the Nov 2 Zoom session.

***“The proposed apartment building has a mid-rise (6 ST) form and will not contribute to the “overwhelming effect of large high-rise developments”***. That might be true in an area of mixed height buildings but in an area currently composed solely of single family detached homes, a six story building is overwhelming.

***“The proposed parking provision (1 space per unit plus 3 visitor spaces) is sufficient to accommodate resident needs”***. The Canadian average is 1.5 vehicles per household. London has 163,000 households and 273,00 cars which works out to 1.7 cars per household. I expect that Zelinka Priamo will feign surprise when 50 vehicles owned by the apartment residents are parked on the street, But by then it will be too late to avoid a major problem. Let’s play “Fun with Numbers”. The northern section of Westmount Cres is 497 ft in length (measured on Google Maps). If you count both sides of the street, there is 994 feet of curb. You can’t park within 9 m (30 ft) of an intersection so that reduces the available curb space for parking by 120 feet to 874 feet. There will be an amount of curb unavailable because of driveways and entrances (amount unknown at this time). The average space required for a car parking space is 16 feet in length by 8 feet in width. 50 cars at 16 feet per car will require 800 feet of curb – the entire north section of Westmount Cres on both sides of the road. The road is only 26 feet in width so if cars park on both sides, the street will become single lane. If parking is only permitted on one side of the street, half of the cars will have to park on the southern arms of Westmount. This would mean cars parked on the west arm to about #669 and on the east arm to about #652. Will this be disruptive? Definitely..

***“The proposed development provides a high degree of design that will urbanize adjacent streetscapes and contribute positively to the existing neighbourhood;”*** The proposed project will not “urbanize adjacent streetscapes” except to the extent that having the street completely lined by parked cars will be reminiscent of downtown streets. How will the project “contribute positively to the existing neighborhood”? .

The shadow study is misleading. Why 10 AM and 3 PM? Simple – the shortest shadows are near midday. If one wants to have a garden, sit out in the morning for coffee, sit out for dinner, or just have natural light in the house, then times earlier and later are relevant. Figure 30 in the Planning & Design Report creates the impression that adjacent properties are not shadowed on June 21. However if you compute the shadow length & direction for times other than 10 AM and 3 PM, you find (Calculations derived from data generated by the U.S. Naval Observatory online app).

8 AM Shadow almost completely covers house and yard of first property west of project

9 AM Shadow covers yard to east of first property west of project

5 PM Shadow covers most of yard west of 590 Westmount( east of the project)

6 PM Shadow covers yard to west and south of 590 Westmount

7PM Shadow covers east yard of 590 Westmount, part of north yard and all of south yard of 584 Westmount

Shadow impacts also occur at the other times of the year.

Transportation Impact Assessment. I have lived on Westmount Cres for 16 years. My experience is that one almost always has to wait to make a left turn from

Commissioners onto Westmount Cres. During rush hour, the wait can be significant. I don't know how the consultant came up with the numbers 50 and 42 for peak hour trips. However, presumably his starting point was 95 units with one car per unit. In fact, one has to consider the proposed development on the east side of Westmount (20 units). Then if all 115 units have 1.5 vehicles, the calculations should be made with a starting point of 173 vehicles. As others have pointed out, if apartment dwellers are approaching home from the east, they won't stack up and wait to make a left turn onto Westmount. Instead, they will get on Wonderland, turn onto Village Green, then Jamaica and the south end of Westmount. Traffic lights at Wonderland & Commissioners and at Wonderland & Village Green will facilitate left turns at those intersections. The result will be heavy traffic on the southern section of Westmount.

As I understand it, the London Plan, if implemented, would restrict building height to 12 m in this area. Presumably that was a considered decision. It can't be argued that construction of buildings less than 21 m in height isn't economically feasible. There are two townhouse projects proposed for the immediate vicinity. Presumably, those developers consider them to be economically viable. There should be a better rationale for increasing the limit to 21 m for one developer other than that the project will be more profitable to the developer than a 12 m building. If the city does approve this variance, it will be hard put to deny any other developer any height restriction variance requested anywhere in the city. Zelinka Priamo is applying the thin edge of the wedge towards unrestricted construction height.

Robert A. Campbell  
675 Westmount Cres

From: James Lee  
Sent: Wednesday, November 7, 2022 11:02 AM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] File Z-9516

November 7, 2022  
Ms. Riley:  
RE: Application Z-9516 – 608 Commissioners Inc.

In response to the revised application by 608 Commissioners Inc., we continue to be strongly opposed to this project. We listened to the second Virtual Open House on November 2, 2022 and apparently, the developer and the planner did not hear the neighbourhood after the first go-round. Did the City?

The proposed building is still too big and too tall. Despite lowering the height of the two ends, this is still a monstrosity that will loom over the entire neighbourhood. The developer is taking advantage of the fact that the smallest portion of the building will run along Commissioners, thereby allowing it to propose a 6 story-95 unit building. It is deceptive and, we don't believe, what the City intended with its new plan. Neither pedestrian nor vehicular traffic will access the building off Commissioners. It will all be off Westmount Crescent. There is a sign along the boulevard of 591 Westmount Crescent that the City erected a long time ago advising that this is a traffic-calmed neighbourhood.

Parking continues to be a problem. Allowing 0.5 vehicles per unit is absolutely ridiculous. Moving the bulk of the parking underground is positive, however the majority of residents won't be taking public transit or riding bicycles, despite what the City might hope. And the change to provide more greenspace for the occupants does nothing for the rest of the neighbourhood. It still means more noise, more street parking, lack of privacy, loss of green cover and decline in property values.

Traffic will increase considerably and despite traffic studies, you would be surprised how many people avoid wait times onto Commissioners and at the Commissioners/Wonderland corner by cutting through via the Crescent.

We would like the City to ensure that the impact of all four developments proposed within two blocks of our quiet Crescent be considered as a whole and not individually. This is a horror show and has become very distressing for property owners.

James & Sally Lee

From: Asha Ramji  
Sent: Wednesday, November 9, 2022 5:07 PM  
To: Riley, Alanna <ariley@london.ca>  
Subject: [EXTERNAL] 608 Commissioners Rd. W. Feedback

Hello Ms. Riley,

I hope you're doing well!

I'm emailing you today because I have attached a PDF letter to this email sharing my feedback (and the feedback of others) regarding the proposed zoning change to allow for a new apartment building at 608 Commissioners Rd. W. I've also CC'd our Ward councillor Mr. Van Meerbergen so you are both aware of how the residents are currently feeling. I know the deadline for feedback is today so I apologize for sending this so last minute, but it took a great deal of time to read through the planning documents and properly draft my thoughts.

As noted in the letter, please let me know if there's any other information or feedback I can provide. I'd appreciate it if you could confirm that you received this email as well.

Thank you very much, and have a great day!  
Sincerely,

Asha Ramji

Dear Ms. Riley,

I am writing to you today to submit my feedback (and the feedback of many others in the area) regarding the proposed development at 608 Commissioners Road West. As a resident of the Westmount area, I strongly object to the proposed 6-storey building being built on the corner of Commissioners Rd. and Westmount Crescent, and hope I can adequately explain why this development is not in the best interests of the area. I have read through the planning documents posted on the London website, and have compiled a list of objections to this proposed development, quoting various lines from the Planning & Design Report:

1. Parking lot exiting onto Westmount Cres. Instead of Commissioners Rd. With potentially 98 cars (95 units + 3 visitors) exiting onto Westmount Crescent, there will undeniably be adverse effects on the existing residential area. So many extra cars will increase the traffic trying to turn onto Commissioners Rd., particularly at peak times during the day, which will result in most people opting to cut through the neighborhood instead. Despite the Report finding in its Transportation Impact Assessment that "intersections are operating adequately without problematic movements during the AM and PM peak hours", anyone who has driven through this neighborhood at peak hours knows that every entrance and exit to the neighborhood gets busy, particularly around Westmount Mall (i.e. where Westmount Crescent leads to). Given the neighborhood's location between 3 major roads (Wonderland, Commissioners and Southdale), it is already busier than the average family suburban area and constantly used as a cut through to these major roads - this becomes clear when you notice the number of traffic-calming measures in the neighborhood, such as speed bumps on Cranbrook, Viscount, Farnham and McMaster. With all this information combined, it is not reasonable to believe that the addition of 95 units will not impact traffic in the existing residential area. While the proposed addition of a left turning lane onto Commissioners

may help to an extent, most people will not have the patience to wait behind several cars when they could alternatively turn onto Westmount Crescent and cut through the neighborhood – an unfortunate reality that the planning document failed to mention even once. On the contrary, the document claims that this building can be added “without significantly disrupting pedestrian movement or traffic operations in the area”. This will absolutely increase the pedestrian and vehicle traffic in the area and convert the existing quiet streets such as Westmount Crescent into busy shortcuts for cars and people.

2. Only 3 visitor parking spots The proposed building will have 95 units yet only 3 visitor parking spots. Even if one assumes that each unit only contains one tenant (a gross underestimation), that means the odds of a tenant’s guest finding an available parking spot is 3%. This without a doubt means that most guests will be parking on Westmount Crescent and the surrounding residential streets, further affect the existing neighborhood, and the existing residents’ ability to find parking for their own guests (something that is already difficult to do).

3. Low-density area according to 1989 plan As the planning document noted, the 2016 London Plan is currently under appeal, meaning the 1989 Plan is still in effect. This 1989 Plan designates the area in question as a “low-density area”, meaning that a building of this size and stature does not enhance, nor fit with, the existing neighborhood at all (which is a requirement for this zoning change to pass). Despite the neighborhood’s proximity to the “hub” at Wonderland and Commissioners, the feeling within the neighborhood is very different. It is a peaceful, family-oriented neighborhood comprising of mainly detached single-family homes. It is a busy neighborhood compared to other suburban areas, but it is not busy enough for a 95 unit apartment building to fit in with the general vibe and sentiment of the neighborhood. As noted in the planning document, the houses on Westmount Crescent are single family homes with large lots and driveways – it’s an area that families have moved to so they can live a quiet, suburban lifestyle. The addition of this building will ruin that, not “enhance” it, as the planning document claims. Aesthetically, this building will tower over the existing dwellings, making it impossible to miss. The abnormal height of the building combined with the constant coming and going of its tenants will make the area feel more like downtown than the suburbs, which is not why the residents and families within this neighborhood moved here.

4. Only 5 units are affordable housing We all understand that there is a housing crisis within this city, an issue that desperately needs to be addressed – but building 95 units and only making 5 of them affordable housing does not help the problem. When you compare the number of affordable housing units being added (5) to the number of extra units the company is trying to gain by changing the zoning (93, vs. the existing 2 that can be built with the current zoning), it becomes very clear that this building benefits the pockets of the builders and no one else. This has very little to do with fixing the housing crisis and a lot to do with making business owners money. Along the same lines as the previous point, this building is grossly out of place from a density standpoint as well. The document even states itself that “the proposed development will result in a net residential density of 212 UPH”, while the “net residential densities will normally be less than 150 units per hectare (60 units per acre) outside of Central London”. The area’s existing UPH is 75, meaning the building company is seeking a 282% increase in what they are allowed to build, while only contributing 5% of the units back to the city in the form of low-income housing. Those number do not match up at all, showing that this will not help the housing crisis nor the existing neighborhood.

5. Residents clearly don’t want this The sign for this new building, currently posted at Commissioners Rd. and Westmount Crescent has had a big, black “no” symbol spray painted on it for several weeks. There have been various conversations on social media about how residents don’t feel this building belongs in this neighborhood (Figures 1, 2 and 3), and there is currently a petition on Change.org with nearly 30 signatures (and counting) objecting to this construction (Figure 4).



### General



Darcy Mcleod · Cranbrook



this building does not fit this neighborhood.

2w ❤️ 3

Like Reply Share



Darcy Mcleod · Cranbrook



as far as more apartments mean less rents i have never seen rents decrease in my 60 years of living in London.

2w ❤️ 4

Like Reply Share



Lynda Mackey · Cranbrook



A petition was circulated in the immediate area of the proposed building in the summer. We also just received a new notification that they want to build a townhouse complex right around the corner from the proposed apartment building. That's a lot of added traffic to a very quiet neighbourhood!

2w ❤️ 😬 2

Like Reply Share

Figure 1: Screenshot of the “Cranbrook” neighborhood chat on the Neighborhood App.



Figure 2: Screenshot of the Neighborhood App (continuing the thread from Figure 1).

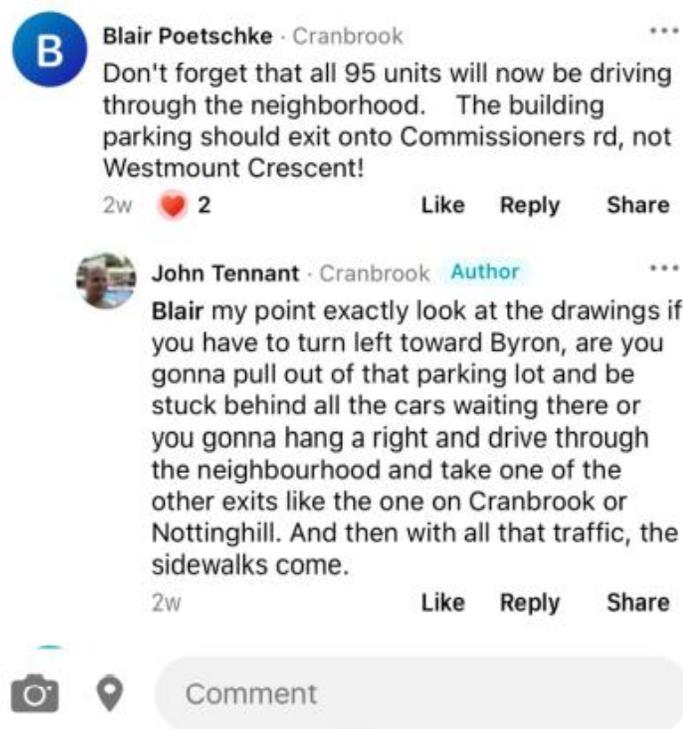


Figure 3: Screenshot of the Neighborhood App (continuing the thread from Figure 2).

## Don't build an apartment building at 608 Commissioners Rd., London, ON!



27 have signed. Let's get to 100!



At 100 signatures, this petition is more likely to be featured in recommendations!



Don't build an apartment building at 608 Commissioners Rd., London, ON!

Share on Facebook

Send an email to friends

Tweet to your followers

Figure 4: Change.org petition, which can be found here: <https://www.change.org/p/don-t-build-an-apartment-building-at-608-commissioners-rd-london-on>

I understand that a lot of time and money goes into planning a building such as this, but those of us who live in the area and will be directly impacted by this building do not want it. It will inevitably increase traffic and congestion in what is already a busy area, and that is not why any of us moved here. I urge the city to listen to its constituents and do not proceed with this construction – it does not belong here. At the very least, exit the building onto Commissioners instead of into the neighborhood and significantly lower the number of units so the impact on the existing residential area is less. Please let me know if there's any other feedback I can provide and thank you very much for your time.

Sincerely, Asha Ramji

## Community Petition – August 12, 2022

659 Westmount Crescent  
London, ON N6K 1P3

August 11, 2022

**Re: Application for rezoning of 608 Commissioners Road West, File Z-9516**

**To: Planning & Environment Committee**

Between August 4 and August 9, 2022, we have collected 122 signatures from our immediate neighbourhood on a petition against the building of an apartment building of any size on the above site.

Our city councillor, Mr. Paul Van Meerbergen, will pick up the original of the petition on August 11, 2022, and will take it to City Hall to be distributed to the members of the Planning & Environment Committee and to Ms Alanna Riley in the City Planning and Development Department. Please confirm to the above email address that the petition has been copied for the Planning Committee.

We look forward to receiving information about the date that this application for rezoning will be considered by the Planning Committee.

Alan & June Burrell

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### PETITION

We, the undersigned residents of Westmount Crescent and surrounding area, object in the strongest possible terms to the construction of a six-storey apartment building on the site at 608 Commissioners Road West and 591 Westmount Crescent, application number Z-9516. Our reasons are given below.

- This building does not fit the neighbourhood. It would be surrounded by one and two-storey single family homes. There is nothing even approaching a building of this size in the neighbourhood.
- Vehicle traffic from this site should be exiting onto the arterial road, Commissioners Road West, and not the side street, Westmount Crescent. This would create a tremendous amount of traffic into our already traffic-calmed neighbourhood, creating an unsafe situation for people walking in the neighbourhood and children walking to and from school.
- The amount of parking proposed for the building (1 parking spot per unit for 95 units and 3 additional for visitors) is totally inadequate and below the amount that is required under this zoning. This will cause a great deal of on-street parking on Westmount Crescent, Rosecliffe Terrace, Jamaica Street, Jamaica Court, and other surrounding streets, creating an unsafe situation for people of all ages walking in the neighbourhood.
- The developer is pushing the limits in five areas under this zoning: height of building, density, amount of parking, lot coverage and side yard size, showing that this building is not well suited to this site.
- Additionally, not to mention concerns about, noise, sewer capacity, pollution, heat and rodents from 95 residential units in such a small space.

This site should be zoned for one or two floor condominiums, or at the most, two or three storey townhomes to better fit into the neighbourhood.

Petition respectfully submitted, on behalf of all the people who have signed, by Alan and June Burrell, 659 Westmount Crescent.

### Agency/Departmental Comments

Parks Planning and Design, June 23, 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, October 24, 2022:

Engineering has no concerns related to the re-zoning application.

**The following items are to be considered during a future site plan application stage:**

## **Water**

- Water is available for the subject site via the municipal 300mm high-level watermain on Commissioners Road West.

## **Stormwater:**

Specific comment for this site

- - The site is tributary to the existing maintenance hole 7C129 on Commissioners Road West at a  $C=0.50$  (16954, attached). 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.
  - As per the Drainage By-law, the consultant would be required to provide for a storm pdc ensuring existing peak flows from the 2 through 100-year return period storms are maintained pre to post development with any increase in flow being managed onsite. The servicing report should also confirm capacity in the existing sewers.
  - 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.
  - 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.
  - If number of proposed parking spaces exceeds 29, the owner shall be required to have a consulting Professional Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) with a minimum of 70% TSS removal to the satisfaction of the City Engineer. Applicable options are outlined in the Stormwater Design Specifications & Requirements Manual.
  - 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/>
- General comments for sites within Central Thames Subwatershed
  - 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.
  - 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.
  - 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.
  - 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 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.

### ***Transportation***

- 608 Commissioners Rd W – width varies. In this instance the proper method to determine road widening required along Commissioners Road West adjacent to this property would be to establish the centerline of the road as shown on Plan E-083-Sheet 2 (attached) and then offset it by 21.0m.
- The transfer of Parts 1 & 3 on this plan comply with the requested widening. See attached 33R-21251.
- 6.0mx6.0m daylight triangle required at the intersection corner.
- Detailed comments regarding access design and location will be made through the site plan process.

Municipal Housing, Planning and Development, October, 28, 2022

1. The subject site is located in Southwest London. The Canada Mortgage and Housing Corporation (CMHC) has identified Southwest London as having primary rental market vacancy rates of 1.2% for one-bedroom units, 1.1% for two-bedroom units, and 0.7% for three-bedroom units. Housing affordability in Southwest London is challenged given the existing vacancy rates;
2. The locational attributes of the site are considered to be supportive of affordable housing development (proximity to regional and community shopping areas, transit);
3. Affordable rental units in market developments where additional height and/or density have been sought have been secured through regulations in a Bonus Zone. The regulations would typically include: unit set-aside; a percentage of Average Market Rent (by bedroom type) to be charged; and a period of affordability. These regulations would also require a Tenant Placement Agreement to align the affordable rental units to an identified municipal priority; and,
4. Bonus Zoning for the purpose of securing a commensurate public benefit is no longer a tool at the City's disposal. That being said, policy 502\_ of the London Plan states that "Innovative tools will be explored.... to deliver housing that is beneficial to Londoners".

Heritage Planning, October 24, 2022:



# MEMO

**To:** Alanna Riley, Senior Planner  
**From:** Laura E. Dent, Heritage Planner  
**Date:** October 24, 2022  
**Re:** **Archaeological Assessment Requirements  
Heritage Comments  
608 Commissioners Road West and  
591 Westmount Crescent (Z-9516)**

---

This memo is to confirm that I have reviewed the following and find both reports' (analysis, conclusions, and recommendations) to be sufficient to fulfill the archaeological assessment requirements for (Z-9516):

- Lincoln Environmental Consulting Corp. *Stage 1-2 Archaeological Assessment of 608 Commissioners Road West* [...] Middlesex County, Ontario (PIF P1289-0142-2021), January 2022.
- Lincoln Environmental Consulting Corp. *Stage 1-2 Archaeological Assessment of 591 Westmount Crescent* [...] Middlesex County, Ontario (PIF P1289-0224-2022), March 2022.

Please be advised that heritage planning staff recognizes the conclusion of both reports that state 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 and Culture Industries (MHSTCI) archaeological assessment compliance letters have also been received (*without technical review*):

- dated Jan 18, 2022 (MHSTCI Project Information Form Number P1289-0142-2021, MHSTCI File Number 0014979).
- dated Mar 31, 2022 (MHSTCI Project Information Form Number P1289-0224-2022, MHSTCI File Number 0016326).

Archaeological conditions can be considered satisfied for this application.

Sincerely,

**Laura E. Dent, M.Arch, PhD, MCIP, RPP**  
Heritage Planner  
Community Planning, Urban Design and Heritage  
Planning & Development

300 Dufferin Avenue | London, ON N6A 4L9 | (519) 661-2489 | [www.london.ca](http://www.london.ca)

## Landscape Architect, June 26, 2022

1. A significant number of trees are growing along property lines. Any trees whose trunks cross a property line are considered a boundary tree and co-owned with neighbour. Boundary trees are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21, and can't be removed without written consent from co-owner. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes.

2. Removal of trees over 50cm dbh will require a Distinctive Tree Removal Permit issued by Forestry Operations prior to Site Plan Approval.

3. No person shall cause the injury or destruction of a city owned tree growing in a road boulevard unless a permit has been issued by Forestry Operations in compliance with the City of London Boulevard Tree Protection By-law - CP-22 <https://london.ca/by-laws/boulevard-tree-protection-law-cp-22>. Any person who contravenes any provision of the By-law is guilty of an offence. Conviction is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00

4. In keeping with the London Plan, every effort should be made to preserve trees. Providing a minimum of 3m setbacks from property lines will protect the critical root zones [CRZ] of boundary and offsite trees. An inventory of trees, including those 3m offsite would need to be performed to determine specific CRZ. **Critical Root Zone**" means the area of land within a radius of ten (10) cm from the trunk of a tree for every one (1) cm of trunk diameter.

Urban Design. July 14, 2022

- Building Design:
  - Locate the principal building entrance on Commissioners Road W-facing elevation, and differentiate it from the individual residential unit entrances with architectural features such as canopies, signage, lighting, massing, increase in glazing, double doors, framing, materials, etc. **[TLP 261\_ & 290\_].**
  - Provide for a step-back above the 4<sup>th</sup> storey to provide for a more human-scale environment along the Commissioners Road W **[TLP 286\_].**
  - Include active ground-floor uses such as the principal building entrance, lobbies, common amenity areas, and residential units with direct access to the sidewalk along the Commissioners Road W facing elevations in order to activate the street edge **[TLP 291\_].**
  - For any ground-floor street-facing residential units, include individual ground floor entrances with courtyards or “front porches” with access directly to the City sidewalk along the street frontage in order to activate the street edge. Raise units slightly above grade to provide privacy and reduce impacts of vehicle headlights **[TLP 289\_].**
  - Incorporate a variety of materials and textures to highlight different architectural elements and provide interest and rhythm, along the building (i.e., trim, framing, decorative masonry details, fenestration rhythm) **[TLP 301\_].**
- Site Design:
  - Provide underground parking as opposed to a parking structure to reduce impacts on the adjacent properties and the public realm, allow for perimeter tree plantings and a sufficiently sized outdoor shared amenity space **[TLP 253\_].**
    - If the parking structure is to remain, the structure must be located behind or integrated within the building and wrapped with active uses for the majority of the street frontage. The garage structure should be enclosed to avoid light-spill and noise impacts on the adjacent neighbourhood and treated with the materials similar to the main building facades **[TLP 269\_, 273\_ & 276\_].**
  - Provide a larger and more centrally located amenity space that is a sufficient size to accommodate the number of residential units proposed.
  - Provide sufficient space between any parking/drive aisles and the property lines to accommodate soil volumes that support large tree growth along property boundaries **[TLP 258\_].**

Urban Design Peer Review Panel Comments and Applicants Responses, October 25, 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 recommends the applicant revisit	Zelinka Priamo Ltd.	Noted. We are happy to re-visit the panel as required to demonstrate our improvements to the design

	the Panel at the Site Plan stage for further design review and comments.		
2	The Panel notes that the overall massing could benefit from additional step backs to break up the 'bulkiness' of the building. Consider stepping back portions of the fifth and sixth-floor bay windows along Westmount Crescent and Commissioners Road W.	Zelinka Priamo Ltd.	We have reviewed this request and are happy to report that our team has devised an alternative parking layout that completely removes the parking structure component. A combination of surface parking islands, landscape features and an enlarged (and appropriately sized) outdoor amenity space have been provided.
3	The Panel recommends relocating parking stalls located on the second floor of the parking structure to one level of below-grade parking. This will allow for a greater landscape buffer between Westmount Crescent and the low-rise neighbours to the South and West as well as free up more space at grade for landscaping. If the parking structure must remain, consider aligning the face of the parking structure with the building and reduce the overall size to retain the existing trees along the South and West Property Lines. Introduce landscape islands and planters on the surface of the parking structure to soften the	Zelinka Priamo Ltd.	We have reviewed this request and are happy to report that our team has devised an alternative parking layout that completely removes the parking structure component. A combination of surface parking islands, landscape features and an enlarged (and appropriately sized) outdoor amenity space have been provided.

	views from the residents, Westmount Crescent, and neighbouring properties		
4	The Panel notes that the current location of the outdoor amenity appears as an afterthought and is not sufficiently connected with the building. Consider providing a more generous and centralized landscaped amenity space, located at the South-West interior corner of the building to take advantage of the courtyard condition that L-shaped buildings naturally provide.	Zelinka Priamo Ltd.	Our team appreciates this comment and we have worked to push this lane as far to the North as possible. However, the removal of the existing hydro pole is cost prohibitive. Having said this, we would be happy to re-examine removing this item during the SPA process.
5	The Panel recommends that the lay-by/drop-off zone be shifted further North to align with the main residential entrance, provided it meets traffic considerations.	Zelinka Priamo Ltd.	Our team appreciates this comment and we have worked to push this lane as far to the North as possible. However, the removal of the existing hydro pole is cost prohibitive. Having said this, we would be happy to re-examine removing this item during the SPA process.
6	The Panel recommends introducing private residential entrances at-grade with streetlevel connections to create more active street frontages.	Zelinka Priamo Ltd.	Agreed. We have incorporated this comment into our documents which include private ground level patio spaces complete with concrete walkways which tie direction into the existing adjacent sidewalks.
7	The Panel notes that the main residential entrance is a little lack-lustre and difficult to locate. Consider additional articulation to attract and	Zelinka Priamo Ltd.	We have provided an extended canopy with an alternative material / colour to that of the primary building materials. Having said this, we would be happy to re-examine this item in more detail during the SPA process and subsequent Urban Design Panel Meeting(s).

	welcome residents and create a more inviting street presence.		
8	The Panel has concerns with the use of EIFS as the primary building material, especially as the building ages. Consider a more durable cladding material such as masonry or stone, particularly at ground level. Introduce warmer, textured materials such as wood accents to break up the stucco on the upper levels. Consider subtle changes in plane where two materials intersect to avoid coplanar conditions.	Zelinka Priamo Ltd.	Noted. We will discuss material in further detail with our client. At the present time we have broken up the façade with a darker material which could be ACM or Commercial Siding. We have also introduced moments of wood siding to provide a more balanced blend of materials for the entire building.

Upper Thames River Conservation Authority, June 16, 2022:

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.

London Hydro, June 24, 2022



## Reply Sheet for City of London Applications to be Reviewed by London Hydro Engineering

Date: June 24, 2022  
 To: City of London Planning Division – Room 609  
 Attn: Alanna Riley

**RE: Address:** 608 Commissioners Road West  
**Applicant:** 608 Commissioners Inc. (c/o Copia Developments)  
**File/Ref #:** Z-9516

**London Hydro Response:**

<p>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. <b>Note:</b> Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements &amp; availability.</p>	<input checked="" type="checkbox"/>
<p>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. <b>Note:</b> Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements &amp; availability.</p>	<input type="checkbox"/>
<p>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. <b>Note:</b> Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements &amp; availability.</p>	<input type="checkbox"/>
<p>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.</p>	<input checked="" type="checkbox"/>
<p>London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.</p>	<input type="checkbox"/>

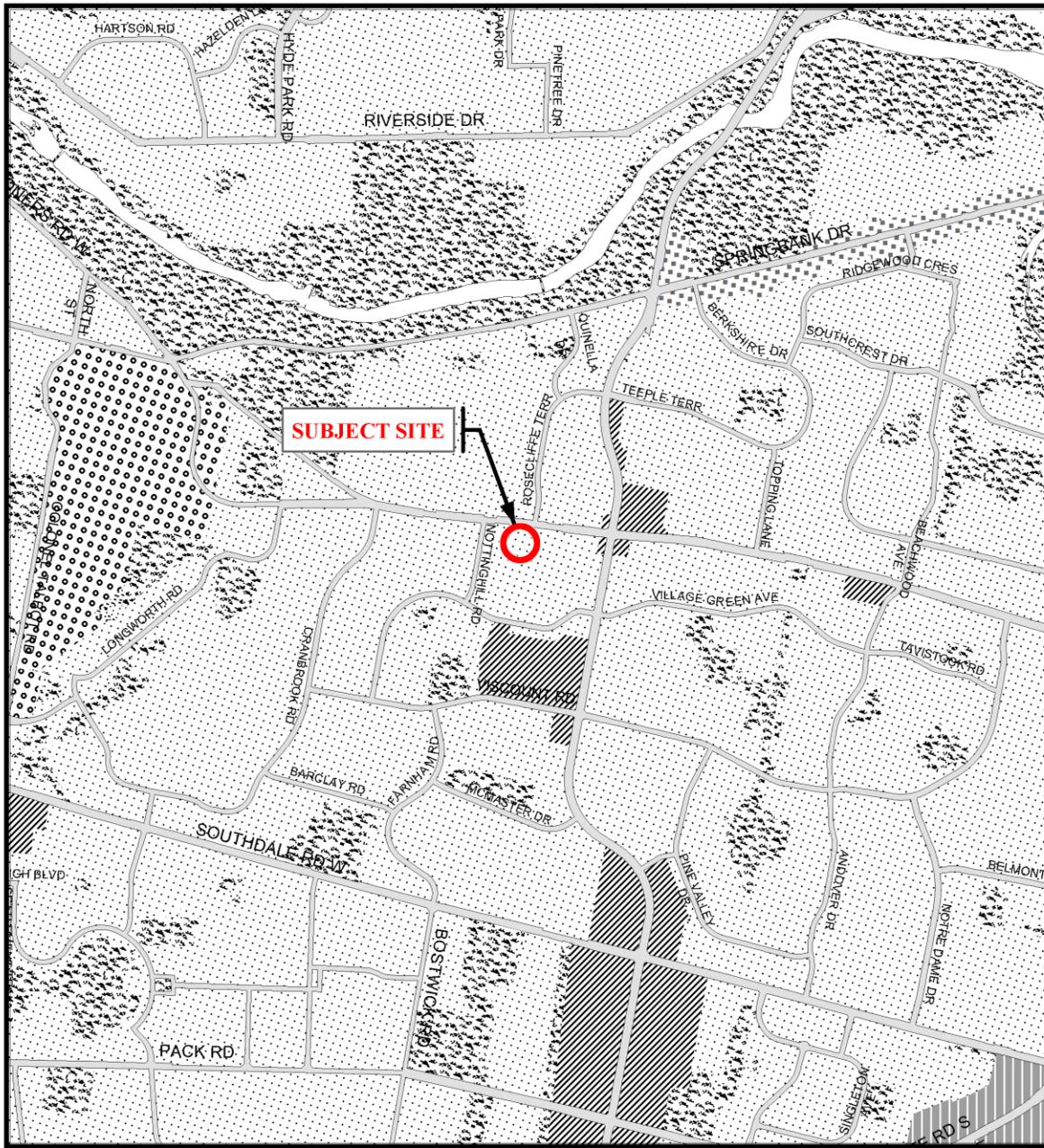
Signed:   
 Hans Schreff  
 Manager - Developer & Operations Support,  
 Engineering & Operations Administration Dept.  
 519-661-5800 ext. 5014

## Appendix C – Evaluation Criteria

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 proposal provides for a use and intensity of development contemplated within the Neighbourhoods Place Type on a Civic Boulevard 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	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, along with large setbacks are proposed. Given the variety of screening and buffering, along with the large setbacks and step backs on the buildings, an appropriate level of privacy 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	A shadow study was conducted, and minor shadowing may impact adjacent properties in the early morning or late afternoon, depending on the season. Existing off-site mature trees to the south, east, and west of the subject lands currently provide shadowing on abutting lands. New or additional shadow impacts would be considered minor in nature.
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 the building from the south and west. The building will provide an attractive street presence on the south side of Commissioners Road West and the west side of Westmount Crescent.
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 Tree Preservation Plan was submitted by the applicant, which provide details of specific tree removals and trees 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**



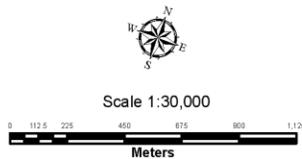
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| 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 -**

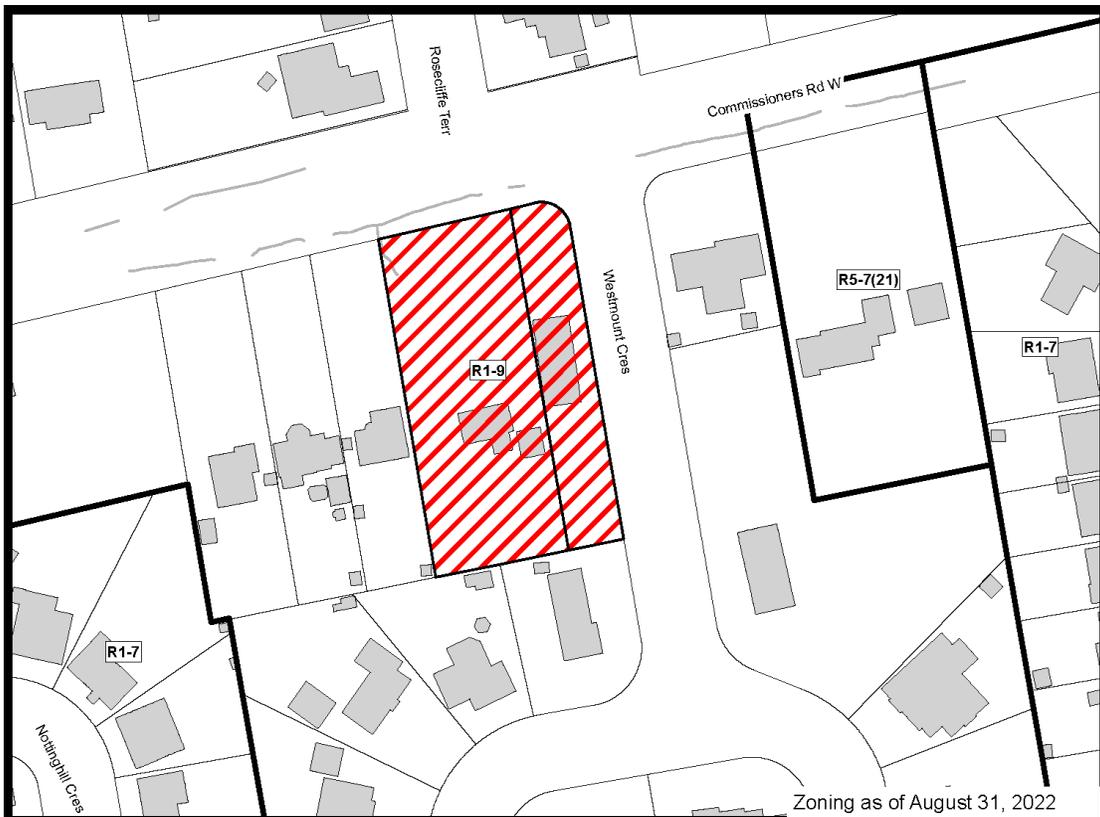
PREPARED BY: Planning & Development



**File Number:** Z-9516  
**Planner:** AR  
**Technician:** JI  
**Date:** 2022/10/25

Project Location: E:\Planning\Projects\p\_officialplan\workconsolid\00\excerpts\_LondonPlan\mxd\z-8516\_Map1\_PlaceTypes\_b&w\_8x14.mxd

# Zoning By-law Z.1- Zoning Excerpt



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-9**

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

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

**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-9516 AR

MAP PREPARED:  
2022/10/25 JI

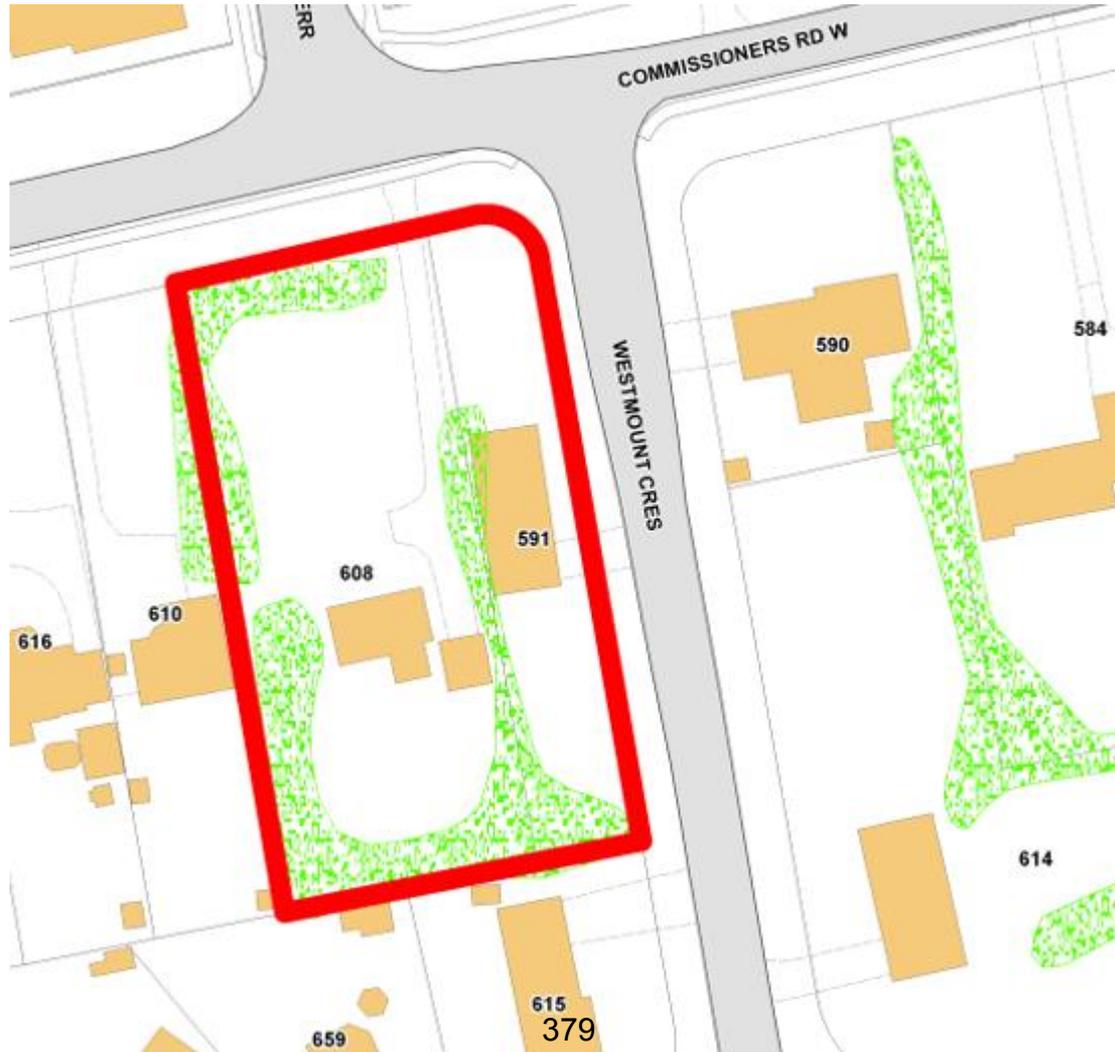
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# Z-9516: 608 Commissioners Road West

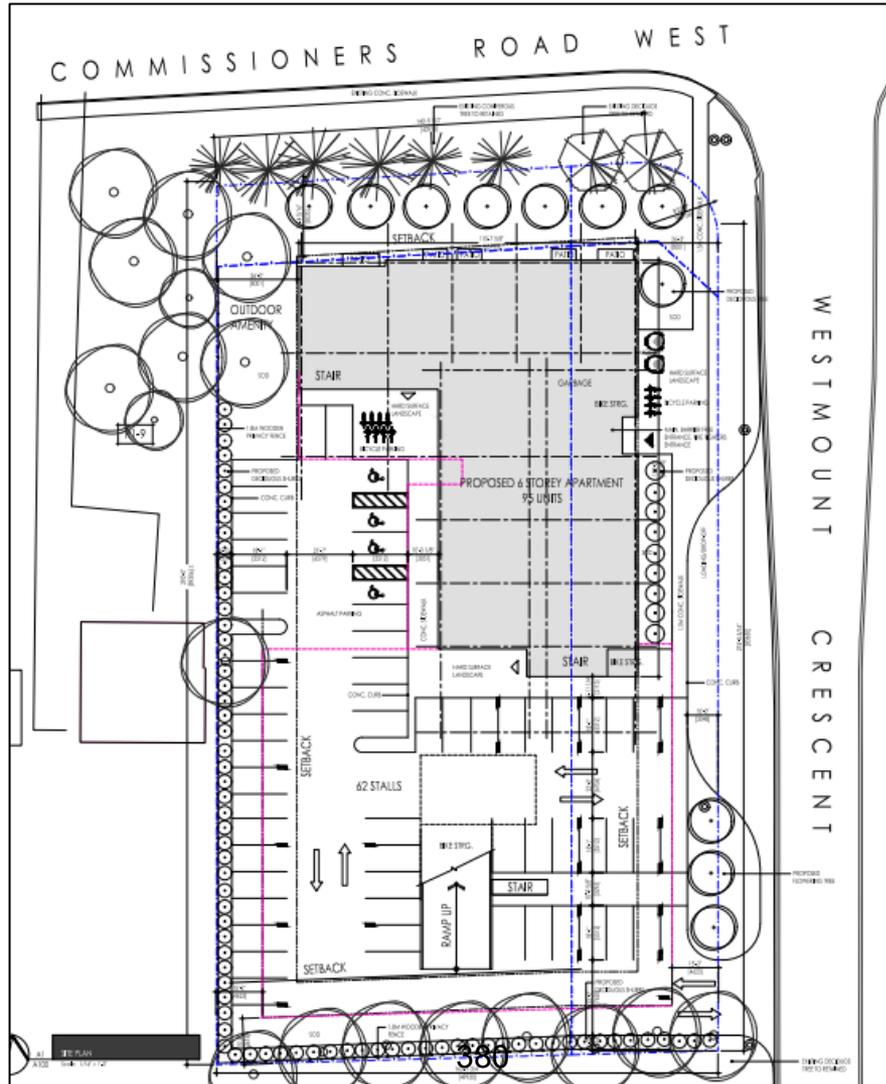


City of London  
November 28, 2022

# Slide 2 - Subject Site



# Slide 3 – Original Proposed Development





# Slide 4 – Original Proposed Development







# Slide 6 – Revised Proposed Development



# Slide 7 – Policy Context

## ***The London Plan***

- the Neighbourhoods Place Type fronting on a Civic Boulevard (Commissioners Road West) and a Neighbourhood Connector (Westmount Crescent)
- Permitted uses include location include a range of low and mid density residential dwelling types, including low-rise apartment buildings, which are permitted to an upper maximum height of 6-storeys
- 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.



# Slide 8 – Neighbourhood Concerns

The public's concerns generally dealt with the following matters:

- Height
- Density
- Lack of street lighting and sidewalk facilities
- Privacy/Overlook
- Light/Noise impacts
- Traffic
- Parking
- Loss of property value

# Slide 9 – Use, Intensity and Form

- An apartment is not out of place along an arterial road 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 6-storey apartment building is in keeping with the policies at this location.
- The recommended apartment building will contribute to the existing range and mix of housing types in the area, which consists primarily of low density residential. Although the proposed development has a greater intensity and built form as compared to the existing surrounding neighbourhood context, it fronts along an arterial road, provides appropriate setbacks and incorporate transitioning design elements to adjacent uses.
- The subject site is in an area where The London Plan directs and support residential intensification and redevelopment. The proposal is considered in keeping with the intensity policies set out by The London Plan.
- 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 of The London Plan.

# Slide 10 - Recommendation



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee  
**From:** Scott Mathers, Deputy City Manager, Planning and Economic Development  
**Subject:** Margrit Johnson  
307 Sunningdale Road East  
**Date:** Public Participation Meeting  
November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Margrit Johnson relating to the property located at 307 Sunningdale Road East:

- (a) the proposed by-law attached hereto as Appendix "A" for 307 Sunningdale Road East **BE INTRODUCED** at the Municipal Council meeting on December 13, 2022, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Residential R1 (R1-17) Zone, a Holding Residential R1 (h-2\*R1-17) Zone and an Open Space (OS5) Zone **TO** a Residential R6 Special Provision (R6-3(\_)) Zone and an Open Space (OS5) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues for 307 Sunningdale Road East through the site plan review process:
  - i) Ensure the appropriate setbacks from the east and west property line as outlined in Appendix A to provide full protection to the boundary trees and critical root zones;
  - ii) Ensure that the proposed building/built form is oriented to both Skyline Avenue and Sunningdale Road East and establishes a pedestrian-oriented built edge with street oriented units;
  - iii) Ensure the extension of sidewalks to Sunningdale Road East along the private driveway;
  - iv) Ensure that no part of any required interior side yard shall be used for any purpose other than landscaped open space excluding swimming pools, but decks or patios may be permitted.
  - v) Ensure a north exterior yard setback of minimum 8.0 metres and maximum of 11.0 metres, and a north parking area setback of 11.2 metres.

## Executive Summary

### Summary of Request

The applicant has requested amendments to Zoning By-law Z.-1 to rezone the subject site to facilitate a two storey, ten (10) unit cluster single detached dwelling development, with a proposed density of 19 units per hectare and an increase in the open space area.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended amendment is to permit the development of a two storey, ten (10) unit cluster single-detached dwelling development with a maximum density of 25 units per hectare on the property, where a single-detached dwelling is currently located on an oversized remnant residential lot. The following special provision would ensure the site is developed generally in accordance with the site concept plan contemplated through the Zoning By-law Amendment process and

identify existing conditions: ensure the appropriate setbacks from the east and west property line as outlined in Appendix A to provide full protection to the boundary trees and critical root zones

### **Rationale of Recommended Action**

- i. The recommended amendments are consistent with the *PPS 2020*.
- ii. The recommended amendment to Zoning By-law Z.-1 conforms to the Low Density Residential and Open Space policies of the 1989 *Official Plan*.
- iii. The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of *The London Plan*, including, but not limited to the Neighbourhoods Place Type, City Building and Design, Our Tools, and all other applicable policies in *The London Plan*.
- iv. The recommended amendment facilitates the development of a site within the Built-Area Boundary with an appropriate form of infill development on a large size lot located at the periphery of a residential neighbourhood.

## **Climate Emergency**

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City of London 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 and the regeneration of existing neighbourhoods. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encouragement of active transportation.

## **Linkage to the Corporate Strategic Plan**

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

## **Analysis**

### **1.0 Background Information**

#### **1.1 Previous Reports Related to this Matter**

None.

#### **1.2 Planning History**

None.

#### **1.3 Property Description**

The subject lands are located on the south side of Sunningdale Road East, to the west of the T-intersection with Lindisfarne Road, between Richmond Street and Adelaide Street North. The subject site is currently developed with a two-storey single detached residential dwelling, along with a detached garage and an in-ground pool on the east side of the subject property. There are two existing access points to Sunningdale Road East, a grass pathway at the west side of the site for pedestrians, and the driveway on the east side of the site for vehicles. At present, there is no driveway access to Skyline Road, as a wooden post and rail fence and a row of trees currently exist along the property line.

Sunningdale Road East is a two-lane Civic Boulevard with an average daily traffic volume of 16,000 vehicles per day. Improvements for the Sunningdale Road East between Richmond Street and Adelaide Street including widening and construction to a 4-lane urban cross section are anticipated to start construction in 2025, subject to

approvals. Skyline Avenue is a Neighbourhood Connector with an average daily traffic volume of 1,500 vehicles per day.

The entirety of the subject lands is located within an area regulated by the Upper Thames River Conservation Authority (UTRCA), and UTRCA mapping shows their regulated area includes lands to the west and north. Provincially Significant Wetlands (PSW) and Significant Valleylands are located within the adjacent Heron Haven Park to the west. Land uses to the north include the Sunningdale Road East right-of-way and Open Space. Land uses to the east and south include single-detached dwellings.

An Imperial Oil pipeline lies within the north part of the existing Sunningdale Road East road-allowance. Buildings are required to be set back 20 metres from the centreline of the pipeline.

Land Uses in the broader area include:

- Open Space and agricultural lands to the north;
- Single-detached dwellings to the east;
- Single-detached dwellings to the south; and,
- Open Space and single-detached dwellings to the west.



Figure 1: Street view of 307 Sunningdale Road East (view from Sunningdale Road East looking south)

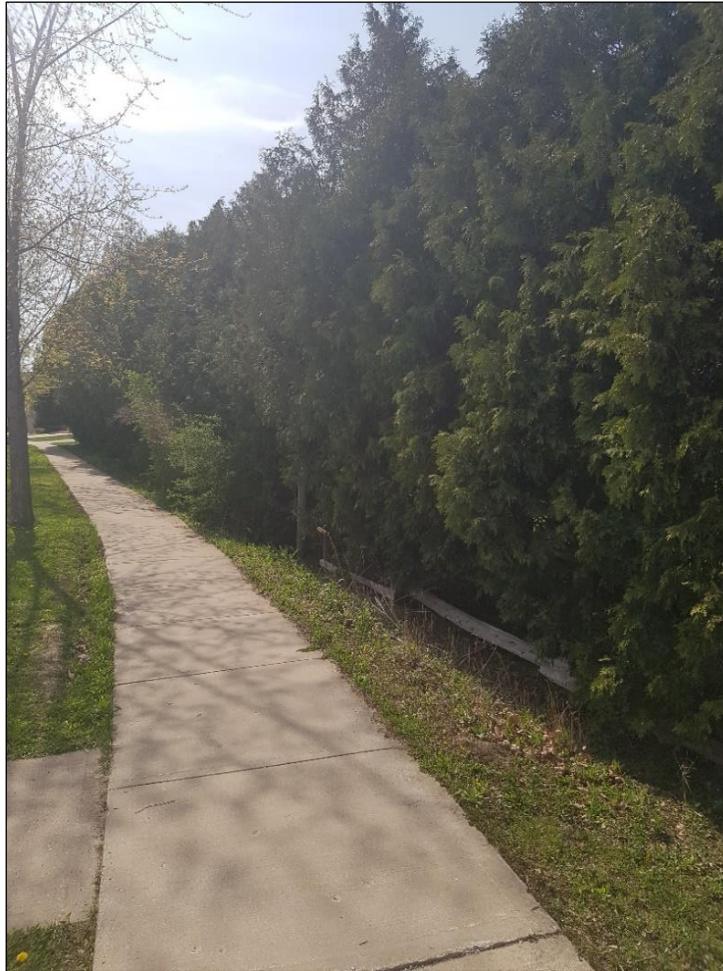


Figure 2: Figure 2: Street view of 307 Sunningdale Road East (view from Skyline Avenue looking west)

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

- 1989 *Official Plan* Designation – Low Density Residential and Open Space
- *The London Plan* Place Type – Neighbourhoods Place Type fronting a Civic Boulevard and Neighbourhood Connector
- Existing Zoning – Residential R1(R1-17) Zone, a Holding Residential R1 (h-2\*R1-17) Zone and an Open Space (OS5) Zone

#### **1.4 Site Characteristics**

- Current Land Use: Single-detached dwelling
- Frontage – 60 meters (196.9 ft)
- Depth: 105.7 meters (346.8 ft)
- Area: 0.6 hectares (6,394 m<sup>2</sup> or 1.58 acres)
- Shape: regular (rectangular)

#### **1.5 Surrounding Land Uses**

- North – Open Space
- East – Low Density Residential
- South – Low Density Residential
- West – Open Space and Low Density Residential

#### **1.6 Intensification**

- The proposed development will represent intensification within the Built-Area Boundary.
- The proposed development will represent intensification outside the Primary Transit Area.

## 1.7 Location Map

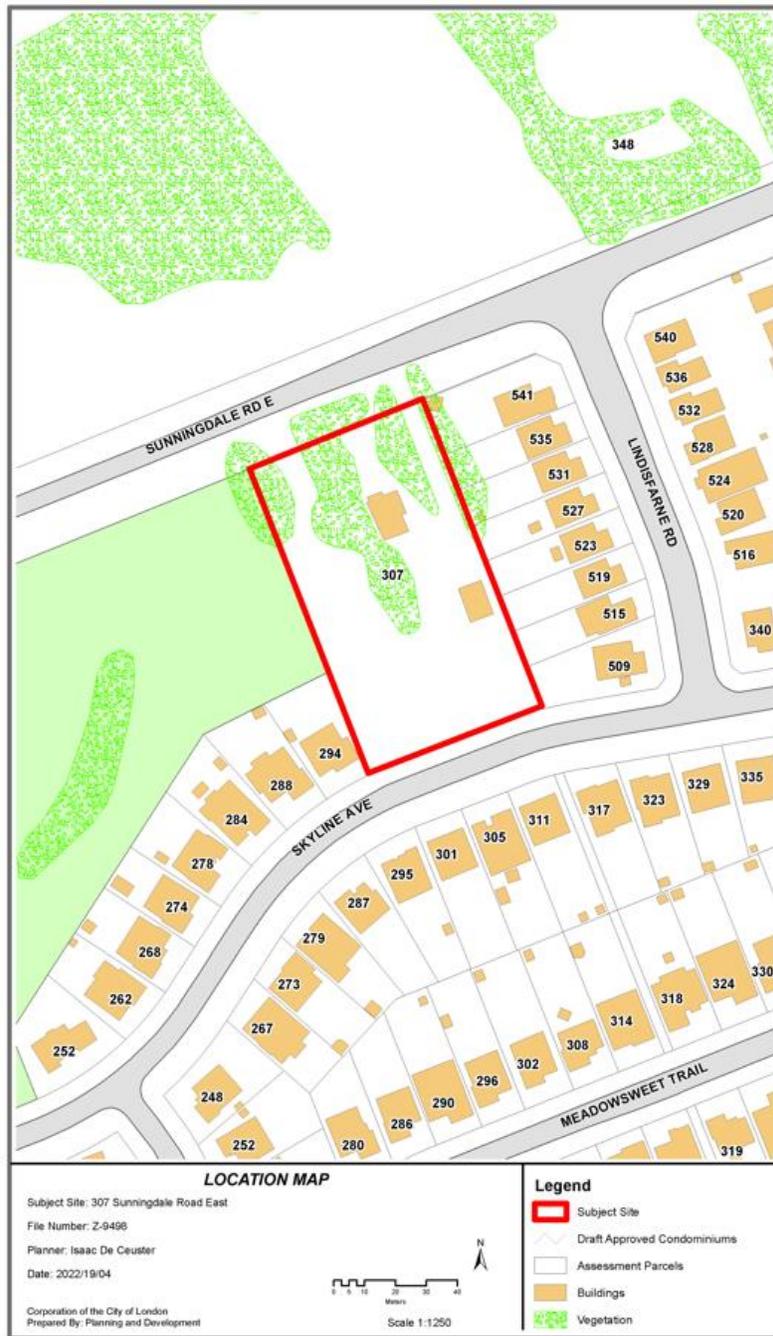


Figure 3: Location Map 307 Sunningdale Road East.

## 1.8 Aerial Perspective



Figure 4: Aerial Perspective 307 Sunningdale Road East.

## Description of Proposal

### 2.1 Development Proposal

In March 2022, the applicant submitted a zoning by-law amendment application for a two storey, twelve (12) unit cluster single detached dwelling development, a maximum density of 25 units per hectare and an increase in the open space area.

The proposed building floorplate ranges from approximately 127m<sup>2</sup> to 142m<sup>2</sup>, with the final size of the proposed dwellings ultimately determined through a future Site Plan application.

Due to the shape of the subject lands and the constraints on development caused by the Provincially Significant Wetland buffer at the northwest corner of the property, it was determined that the property would be most efficiently developed with dwelling units fronting onto a private road extending north from Skyline Avenue.

The proposal also includes enhanced landscaping along the front and rear lot lines to soften the appearance of single-detached dwellings side-lotting onto the public rights-of-way. The application includes a conceptual site plan, shown below as Figure 5.



Figure 5: Potential Development Plan for 307 Sunningdale Road East.

Based on comments from staff, the applicant submitted a revised conceptual site plan in October 2022, shown in Figure 6 below. This revised plan includes a reduction in the proposed units from 12 to a total of 10 units, and a re-orientation of dwelling unit numbers #1 and #7 to provide further separation from the boundary trees on the east side of the property.

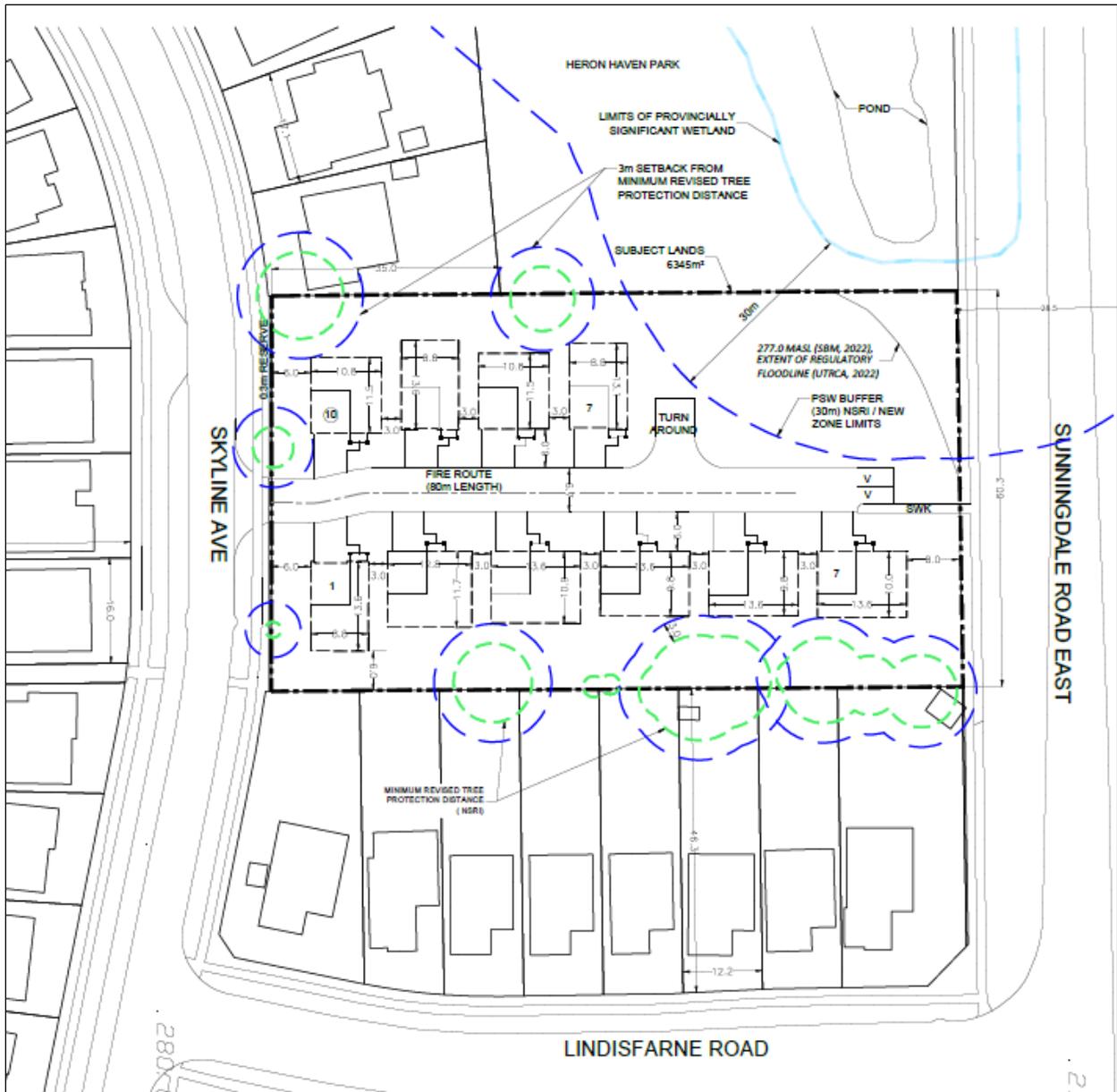


Figure 6: Revised Potential Development Plan for 307 Sunningdale Road East, October 4, 2022.

## 2.2 Requested Amendments

The applicant has requested to rezone the site from a Residential R1 (R1-17) Zone, a Holding Residential R1 (h-2\*R1-17) and an Open Space (OS5) Zone to a Residential R6 Special Provision (R6-3(\_)) Zone and an Open Space (OS5) Zone for the existing Natural Heritage feature, which includes a buffer to the Provincially Significant Wetland located to the west of the subject site.

## 2.3 Community Engagement

On April 27, 2022, Notice of Application was sent to 152 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday April 28, 2022. A “Planning Application” sign was also placed on the site.

The public was provided with opportunities to provide comments and input on the application. There were 8 public responses received during the community consultation period, and these comments have been included in Appendix B.

Concerns expressed by the public relate to:

- Loss of trees on the site
- Environmental impacts
- Vehicular access
- Increased traffic

- Construction Impacts (request for construction traffic to come off Sunningdale Road)
- Potential loss of on-street parking on Skyline Avenue
- Grading/stormwater
- Heritage value existing farmhouse
- Decrease in property value

## 2.4 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report. Detailed comments are included in Appendix B of this report.

## 2.5 Policy Context (see Appendix C for more detail)

### ***Provincial Policy Statement (PPS), 2020***

The *Provincial Policy Statement, 2020* (PPS) provides policy directions on matters of provincial interest related to land use planning and development in Ontario. The PPS supports a comprehensive, integrated, and long-term approach to planning, and in accordance with Section 3 of the *Planning Act*, all planning decisions shall be consistent with the PPS. The PPS is meant to be read in its entirety, with no implied priority in the order in which the policies appear. Part IV of the PPS sets out a vision that focuses growth and development within settlement areas and encourages efficient development patterns to optimize the use of land, resources and public investment in infrastructure and public service facilities. The proposed development is consistent with the PPS, the following paragraphs summarize the most relevant policies.

The PPS encourages healthy, liveable and safe communities, promoting efficient development and land use patterns; intensification, redevelopment and compact form; accommodating an appropriate range and mix of residential types and other uses to meet long-term social, health, economic and well-being requirements of current and future residents. (1.1.1 a, b, e, 1.1.3.1). Further, Section 1.4.3 of the PPS promotes efficient densities for an appropriate range and mix of housing options and densities (1.4.3 a).

Finally, the PPS also supports promoting development and land use patterns that conserve biodiversity. The proposed development concept and implementing Zoning By-law Amendment recognize and protect the natural heritage features adjacent to the subject lands, through the inclusion of a 30-metre buffer from the adjacent Provincially Significant Wetland (Policies 1.1.1 h), 2.1.1, 2.1.2, 2.1.8).

The intended use of the site aligns with the vision of the PPS to achieve healthy, liveable, and safe communities by promoting efficient development and land use patterns. The development supports a compact urban form, as it seeks to intensify lands within the Urban Growth Boundary (UGB).

### ***Official Plan, 1989***

Through the Ontario Land Tribunal (OLT) decision on May 25, 2022, the 1989 Official Plan for the City of London was repealed by City Council and replaced with *The London Plan*. However, since the Zoning By-law application for 307 Sunningdale Road East was submitted before The London Plan was in full force and effect, the application must conform to both the 1989 Official Plan and *The London Plan*.

The 1989 Official Plan contains the objectives and policies to guide the physical development of all lands within the boundary of the municipality and is consistent with the policy direction prescribed in the PPS. The subject site is designated as Low Density Residential (LDR), with a small portion of 'Open Space' in the northwest corner of the property.

The 1989 *Official Plan* identifies that 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. Section 3.2.2 i) outlines that development of low-density residential uses shall be subject to appropriate site area and frontage requirements in Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses and shall result in net densities that range to an approximate upper limit of 30 units per hectare (12 units per acre).

Section 3.2.3 defines residential intensification as a means of providing opportunities for the efficient use of land and encouraging compact urban form. Residential intensification may be permitted in the Low-Density Residential designation through an amendment to the Zoning By-law, subject to the following policies and the Planning Impact Analysis policies under Section 3.7.

A Planning Impact Analysis will be used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses.

Section 8A sets out that the Open Space designation is applied to lands which are to be maintained as park space or in a natural state. These lands include public and private open space, flood plain lands, lands susceptible to erosion and unstable slopes and natural heritage areas which have been recognized by Council as having city-wide, regional, or provincial significance (8A.2.1). A limited range of non-intensive uses are permitted within the 'Open Space' designation, including but not limited to parks, cemeteries, and private golf courses (8A.2).

Schedules B-1, B-2, and C of the 1989 *Official Plan* are no longer in force and effect, as they have been replaced by the in-force Schedules and Policies of The London Plan applicable to Natural Heritage features, which are discussed in Section 4.4 of this report.

The requested uses for the subject site are consistent with the low density residential policies regarding function, permitted uses and urban design in the 1989 *Official Plan*, and support the objectives for the Open Space designation.

### ***The London Plan, 2016***

The City of London Council adopted a new Official Plan in 2016, which is in full force since May 25, 2022, when the OLT issued a decision to resolve all remaining policy appeals.

The subject site is located in the Neighbourhoods Place Type, with frontage along a Civic Boulevard - Sunningdale Road East, and frontage along a Neighbourhood Connector - Skyline Avenue.

Policy 920\_6 of *The London Plan* sets out that where development is being considered on a lot that has frontage on two or more streets of different classifications but is not located at an intersection, such as in existing rear-lotted neighbourhoods, the lower-order street will generally be used to establish the permitted uses and intensity of development on Tables 10 to 12 (Policy 920\_6). Therefore, the Neighbourhood Connector, Skyline Avenue, would permit a range of residential uses including single detached, semi-detached, duplex, converted dwellings, townhouses, stacked townhouses, triplexes and small-scale community facilities (Policy 921\_).

The Neighbourhood Place Type situated along a Neighbourhood Connector requires a minimum height of 1-storey and permit a standard maximum height of 3-storeys. Zoning is applied to ensure the intensity of development 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 (Policy 935\_).

All planning and development applications will conform with the City Design policies of The London Plan. New developments should be designed to avoid rear lotting and to avoid noise walls that are required to protect amenity areas as defined by provincial guidelines (Policy 936\_). All planning applications are to be evaluated with consideration of the use, intensity and form that is being proposed, subject to specific criteria set out in The London Plan (Policy 1578\_).

Residential Intensification means the development of a property, site, or area at a higher residential density than currently exists (Policy 938\_). In addition to the City Design policies of The London Plan, residential intensification projects are subject to additional urban design considerations (Policy 953\_). New proposals must clearly demonstrate that the proposed intensification project is sensitive to, compatible with, and fit within the existing neighbourhood context. Additionally, the intensity of the proposed development shall be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and garbage storage areas (Policy 953\_).

The Environmental Policies of The London Plan require the submission of environmental impact studies to determine whether, or the extent to which, development may be permitted in areas, within, or adjacent to, specific components of the Natural Heritage System. They will confirm or refine the boundaries of components of the Natural Heritage system, and will include conditions to ensure that development does not negatively impact the natural features and ecological functions for which the area is identified (Policy 1431\_).

Environmental impact studies are required where development or site alteration is proposed within or adjacent to components of the Natural Heritage System. In accordance with the policy framework, the City requires an environmental impact study be completed to its satisfaction, and in accordance with provincial policy, in consultation with the relevant public agencies prior to the approval of a planning and development application, where development or site alteration is proposed entirely or partially within the distances adjacent to Natural Heritage System components set out in Table 13 – Areas Requiring Environmental Study (Policy 1432\_).

The London Plan sets out that development or site alteration on lands adjacent to features of the Natural Heritage System shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (Policy 1433\_).

### **3.0 Financial Impacts**

There are no financial impacts to the City of London associated with this application.

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

#### **4.1. Issue and Consideration #1 – Use**

*The Provincial Policy Statement, 2020*

The recommended amendment is in keeping with the goals of the PPS as it facilitates the development of an underutilized site within an established residential neighbourhood and represents a form of intensification through infill development. The proposed single-detached dwelling cluster development contributes to the mix of housing types in the area by providing choice and density in housing options for both current and future residents. Consistent with the PPS, intensification of the subject lands would optimize the use of land and public investment in infrastructure. Located within an established area of the city, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth and development than the existing single detached dwelling.

*The London Plan*

The subject lands are within the Neighbourhoods Place Type, with frontage on both the Civic Boulevard, Sunningdale Road East, and the Neighbourhood Connector, Skyline Avenue. The range of uses permitted within the Neighbourhoods Place Type is directly related to the street-classification onto which a property has frontage (Table 10- Range of Permitted Uses in Neighbourhoods Place Type). The proposed single detached dwellings are included in the range of permitted uses within the Neighbourhoods Place Type for sites fronting on both a Neighbourhood Connector and Civic Boulevard.

#### *1989 Official Plan*

The primary permitted uses in areas designated Low Density Residential shall be single detached, semi-detached, and duplex dwellings. Residential intensification proposals may also be permitted subject to the provisions of policy 3.2.3. The proposed single detached dwellings that are contemplated, are permitted and serve as a form of intensification through infill development.

Consistent with the PPS, The London Plan, and the 1989 Official Plan, the recommended ten single-detached dwellings will contribute to the existing range and mix of housing types in the area, which consists mainly of two-storey single detached dwellings to the north, east and west. The recommended zoning would also permit semi-detached and duplex dwellings, providing flexibility for the future development of the property, while limiting permitted development to a low-rise, low-density form.

#### **4.2. Issue and Consideration #2 – Intensity**

##### *The Provincial Policy Statement, 2020*

The PPS directs growth to settlement areas and encourages their regeneration (1.1.3.1). The PPS sets out that land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (1.1.3.2). Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated considering matters such as existing building stock, brownfield sites, and suitable existing or planned infrastructure and public service facilities to accommodate projected needs (1.1.3.3). Finally, the PPS promotes appropriate development standards which facilitate intensification, redevelopment, and compact form while avoiding or mitigating risks to public health and safety (1.1.3.4).

The proposed development is of a suitable intensity for the site, and consistent with the PPS given the identified site is located where the City's Official Plans direct and support residential intensification and redevelopment.

##### *The London Plan*

The London Plan contemplates intensification in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83\_). Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods (Policy 937\_). The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. As outlined in Policy 920.6, where development is being considered on a lot that has frontage on two or more streets of different classifications but is not located at an intersection, such as in existing rear-lotted neighbourhoods, the lower-order street will generally be used to establish the permitted uses and intensity of development on Tables 10 to 12. A minimum height of 1 storey and a maximum height of 3 storeys, is contemplated within the Neighbourhoods Place Type where a property has frontage on a Neighbourhood Connector (Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

The subject property is of a size and configuration capable of accommodating a more intensive redevelopment than the existing single detached dwelling. At 0.6 ha (6,394

m<sup>2</sup>), the property is larger than the surrounding single-detached residential lots that range from approximately 550 m<sup>2</sup> to 690 m<sup>2</sup>. The removal of an existing single detached building and the construction of ten new single-detached condominium dwellings are consistent with Neighbourhoods Place Type intensification policies of The London Plan. Finally, the proposed two-storey height is less than the maximum heights permitted by The London Plan and overall is consistent with the Plan.

#### *1989 Official Plan*

The scale of development in the Low Density Residential designation shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy (3.2.2). The development of low density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law, and shall result in net densities that range to an approximate upper limit of 30 units per hectare (12 units per acre). The scale of development in the Low Density Residential designation, Residential Intensification (with the exception of dwelling conversions) will be considered in a range up to 75 units per hectare (3.2.3.2). Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low rise apartments. For the purpose of the 1989 Official Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood (3.2.3.1)

The proposed development of ten single-detached dwellings equates to 19 units per hectare on the subject lands, less than the approximate maximum density of 30 units per hectare permitted in the Low Density Residential designation of the 1989 Official Plan. The recommended zoning would permit up to 25 units per hectare on the subject lands permitting a total of 13 units. The proposed development is of a suitable intensity for the site and is consistent with the 1989 Official Plan.

### **4.3. Issue and Consideration #3 – Form and Design**

#### *The Provincial Policy Statement, 2020*

The PPS is supportive of 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 growth. The London Plan encourages growing 'inward and upward' to achieve compact forms of development (Policy 59.2, Policy 79). The London Plan accommodates opportunities for infill and intensification of various types and forms (Policy 59.4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (Policy 59.8).

Within the Neighbourhoods Place Type, and according to the urban design consideration 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 (Policy 953.3 a. to f.). 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 (Policy 1578).

Development within the Low Density Residential designation of the 1989 Official Plan shall have low rise, low density housing form that minimizes problems of shadowing view obstruction and loss of privacy. Appendix D of this report includes a complete Planning Impact Analysis addressing matters of both intensity and form.

The proposed R6-3 Zone requires a minimum lot area of 5,000m<sup>2</sup> and a minimum lot frontage of 22 metres. These requirements are satisfied as the lands are approximately 5,345 m<sup>2</sup> and have a 60-metre frontage along both Sunningdale Road East to the north and Skyline Avenue to the south.

The proposed development would be fronting onto a private road extending north from Skyline Avenue. Two parking spaces for each unit are proposed to be provided in private driveway. A turn-around area is proposed to be provided north of Unit 10, with two visitor parking spaces at the northern terminus of the private road. The recommended Zoning would facilitate an appropriate form of development that will add new housing to the area.

Consistent with the PPS and conforming to the 1989 Official Plan and The London Plan, the recommended use for the subject site would optimize the development and the land and public investment in infrastructure in the area. Located on an oversized remnant residential lot in an established neighbourhood, the development contributes to achieving more compact form of growth in the area.

As mentioned, the applicant is anticipating that future planning applications to implement the proposed development vision will be filed by a future purchaser. Staff have highlighted various design and layout considerations for approval of a Site Plan application, including the need for a pedestrian walkway, tree preservation, unit to unit waste collection, ability of the turnaround to accommodate collection vehicles and emergency services, relocating visitor parking, orientation of units to face Sunningdale Road East, fencing, fire route signs and snow storage. Other considerations relate to building design including the need for a streetscape character analysis as part of a future Site Plan application, a full set of dimensioned elevations, and for buildings adjacent to a public street that building elevations be oriented toward the street; and the requirement for parkland dedication in the form of land (By-law CP-9), with balance of the dedication to be taken as Cash in Lieu. Additionally, fencing is required as per section 4.8 of SPO (Supplemental Standards for Parks and Open Spaces) for lands that abut open space lands. Lastly, there are transportation matters that will need to be addressed through the site plan review process, which includes the need for 1.5 metre clearance between proposed access and any hydro pole/signal poles/light standards and/or fire hydrant, a fully dimensioned access, provision of a vehicle turning diagram, to lift the existing 0.3 metre reserve along Skyline Avenue and to transfer a 0.3 metre reserve block along the Sunningdale Road frontage.

The full set of comments have been included in Appendix B.

#### **4.4. Issue and Consideration #4 – Neighbourhood & Agency Concerns**

Public comments received on the proposed application expressed concerns relating to the following:

- Loss of trees on the site
- Environmental impacts
- Vehicular access
- Heritage value existing farmhouse
- Impacts on adjacent properties including:
  - Construction impacts
  - Traffic & loss of street parking
  - Grading/stormwater
  - Privacy concerns due to loss of trees
  - Impact on property values

##### *Loss of trees on the site.*

Members of the public expressed concerns about the loss of trees on the site. The findings of the tree inventory completed by NRSI, overall protection measures and

recommended mitigation and compensation measures are outlined in Section 4.5 of this report.

#### *Environmental impacts*

Residents raised concerns about the environmental impacts on the flora and fauna on the subject site.

NRSI was retained by the applicant to complete an Environmental Impact Study (EIS) for the property located at 307 Sunningdale Road East. The EIS focused on ensuring that there will be no significant impacts to the adjacent Provincially Significant Wetland (PSW) and natural area with the development of the proposed subdivision. An Ecological Land Classification (ELC), tree inventory, a spring and fall vegetation survey, and wetland delineation were conducted to characterize the subject property.

No significant natural heritage features were found on the subject property nor within the proposed development limit. A 30-meter buffer was placed around the nearby PSW and will be reinforced by a retaining wall on the property. Candidate Significant Wildlife Habitat was assumed present within the PSW adjacent to the subject property and will continue to be considered throughout the planning stages of the proposed development. The potential impacts of the proposed development include; site grading, vegetation removal, hydrological changes, sedimentation and erosion, impacts from road salts, injury to trees and impacts to wildlife and vegetation communities. The recommended mitigation strategies to address these potential impacts will ensure that there are no significant negative impacts on the adjacent PSW feature or related wildlife and habitats. These strategies include the following proposed conditions of approval, to be considered during the Site Plan approval stage:

- Development of a Planting Plan to revegetate the 30m buffer surrounding the PSW;
- Development and implementation of a Salt Management Plan;
- Development and implementation of a Storm Water Management Plan;
- A Tree Preservation Report and an additional tree inventory if final design proposes encroachment into collected driplines in the east and west boundaries of the subject property;
- The installation and maintenance of heavy-duty combined sediment and erosion control fence and Tree Protection Fencing, supervised by a Certified Arborist, including immediate removal once construction activities have concluded;
- Restrict construction activities to 7:00am to 7:00pm, with artificial lighting turned away from natural features and dust suppression measures implemented;
- The design of directional lighting fixtures should be compliant with IDA Dark Sky standards;
- Development of an environmental guide to be handed out to all new homeowners to avoid/minimize residual impacts;
- Tree removal should occur with consideration to the protection and general timing windows for migratory birds and species at risk bats (April 1 – September 30);
- Ensure stabilization and re-vegetation of bare soils are completed as soon as possible after construction
- Preparation of a 2-year monitoring plan to observe survival of planted trees and vegetation on the subject property.

#### *Heritage Value existing farmhouse*

No heritage or archeological issues were identified during the pre-application process. A member of the public expressed a preference to consider a heritage designation for the farmhouse and to ensure their heritage-related comments were shared with a heritage planner from the City of London.

In response, staff can advise that the property is not designated pursuant the *Ontario Heritage Act* and is not listed on the Register of Cultural Heritage Resources.

#### *Construction Impacts*

Comments on construction impacts was made, mainly with a request for construction traffic to come off Sunningdale Road as opposed to Skyline Avenue. Construction

impacts will be temporary, and all traffic with construction will be coming off either a Neighbourhood Collector or Civic Boulevard.

*Vehicular Access, Traffic & loss of street parking*

Concerns on the impact of this development on traffic were also raised. Vehicular traffic to and from the proposed development will access Sunningdale Road via Skyline Avenue and Lindisfarne Road, following the established path of travel for other residents in this area.

Based on the minimum parking requirements in the City's Zoning By-law Z.-1 (Section 4.19), 2 parking spaces were required per single-detached dwelling. It should be noted that a Parking Standards Review with parking reductions was approved by Municipal Council on August 2<sup>nd</sup>, 2022. As such, the minimum parking requirements in the City's Zoning By-law Z.-1 (Section 4.19) is now 1 parking space per unit.

The conceptual site plan shows that two parking spaces per unit (for a total of 24), plus two visitor parking spaces will be provided. This is an adequate amount and will alleviate parking pressures on existing on-street parking on the south side of Skyline Avenue.

*Grading/stormwater concerns*

Members of the public have expressed concerns about how stormwater will be managed in relation to the adjacent provincially significant wetland. As part of the Site Plan process, grading will be addressed, and any surface or stormwater runoff will need to be contained on the subject lands. The City's storm servicing has capacity for the proposed development, and further review of the SWM calculations will occur at Site Plan.

*Privacy concerns due to loss of trees*

Members of the public expressed concerns about the loss of privacy due to the loss of trees. It is anticipated that enhanced side yards will be provided for the units adjacent to Skyline Avenue and Sunningdale Road East, and the cedar hedge along the periphery of the property will be maintained wherever possible to provide privacy.

#### **4.5. Issue and Consideration #5 – Zoning**

The recommended amendment would facilitate the rezoning of the subject lands to a Residential R6 (R6-3 ( )) Special Provision Zone and an Open Space (OS5) Zone to facilitate a two storey, ten (10) unit cluster single detached dwelling development. As part of the recommended amendment, increased setbacks from the eastern and western property line are proposed. The proposed interior yard setback exceeds the minimum required setback to provide full protection to boundary trees and critical root zones. The h-2 holding provision is proposed to be removed from the northern portion of the site through the completion of the required EIS.

The 'R6' Zone is intended to permit and regulate medium-density development in various forms of cluster housing. The 'R6-3' Zone permits single-detached dwellings, semi-detached dwellings, and duplex dwellings, which would provide a future developer of the subject lands with the flexibility to develop various forms of low-density, low-rise housing on the subject lands at a maximum density of 25 units per hectare.

The 'OS5' Zone will be applied to the portion of the subject lands located within the 30-metre buffer to the adjacent PSW, consistent with the zoning on the adjacent park parcel. The 'OS5' Zone is intended to be applied to important natural features and functions with permitted activities limited to conservation lands/works, passive recreation, and managed woodlots (section 36.1). The implementation of the proposed 'OS5' Zone will support the protection of the adjacent PSW from development impacts and establish a development limit for the proposed residential intensification on the subject lands.

Overall, the proposed Zoning By-law amendment maintains the general intent and purpose of the City of London Zoning By-law Z.-1.

#### 4.5. Issue and Consideration #6 – Natural Heritage & Tree Protection

##### *The Provincial Policy Statement, 2020*

The PPS protects natural features and areas for the long term (2.1.1). Development and site alteration shall not be permitted in significant wetlands or significant woodlands (2.1.4 & 2.1.5). Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with Provincial or Federal requirements (2.1.7). 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 (2.1.8).

##### *The London Plan*

The London Plan policy 391\_ provides direction to manage our Urban Forest and achieve the goals of the plan by:

- Protecting existing trees, woodland ecosystems, and other vegetation;
- Maintain the health, structure, functions, and value of the Urban Forest; monitor changes in health, structure, functions, benefits, and value of the Urban Forest; and,
- Enhance the structure, function, and value of our Urban Forest through planting and rehabilitation of sites.

*Map 5 – Natural Heritage of The London Plan* does identify an ‘Unevaluated Vegetation Patch’ cutting across the northwest corner of the subject lands. This classification is considered to be interim in nature, until the significance of the patch can be confirmed through the completion of an environmental study (Policy 1383 & 1384).

##### *Loss of trees on site*

Natural Resource Solutions Inc. (NRSI) was retained by the applicant to complete a Tree Protection Report (TPR) for the proposed residential development on the subject site. A comprehensive inventory and assessment of trees within the development limit of the subject property was completed on October 26<sup>th</sup> and December 14<sup>th</sup>, 2021, and June 7<sup>th</sup>, 2022. In total, 165 trees were inventoried, comprising 15 species. Of the 165 trees inventoried, 18 are considered boundary trees due to their proximity to a boundary between the subject property and an adjacent property. Removal or impact of boundary, off-site, or municipal trees will require the permission of all owners involved, as per the *City of London Tree Protection By-law*.

After review by the City of London Landscape Architect, the March 2022 Tree Protection Report was not accepted. This was because the Minimum Protection Distances (critical root zones) of 8 boundary trees would sustain damage from the proposed development. The Tree Protection Report by NRSI acknowledged these injuries, as outlined below:

*“Section 12.1.3 of the Design Specification (City of London 2018) stipulates the size of any Minimum Protection Distance (MPD) based on the size of DBH of the protected trees. MPD for trees designated for retention are shown on Map 2, applying the protection distances specified for trees within Open Spaces and Woodlands as per the Design Specifications (City of London 2018). For all the trees designated to be retained, the MPD will not be possible to be maintained to its full extent due to the proposed development plan”* (Tree Preservation Report, NRSI, March 2022).

Other issues were identified by staff, including the need for the cedar trees comprising the 2 hedges on the east and west property lines to be further assessed, requirement of consent from owner of off-site tree and consent of co-owner of boundary trees will need to be provided to Development and Planning prior to injury, and the request for removal of City trees (Skyline boulevard- #58, 59, 63, 65, 83 and 84 trees and from Sunningdale boulevard #40, 166-169, 171-174). Finally, the recommendation was made to increase

the setback from east property line to furthest limits of Minimum Protection Distances of all boundary trees.

NRSI submitted a revised Tree Preservation Report in June 2022. After review by staff, the June 2022 Tree Protection Report was also not accepted, see also Appendix B for more details. The June 2022 Tree Protection Plan made no changes to protect the boundary trees growing along the eastern property line, and made no amendments to the proposed design to reduce tree impacts.

Comments by staff outlined that the limits of the building envelope established through the zoning regulations needs to provide full protection to boundary trees. Further, the proposed setback from the east property line as shown in the Tree Protection Plan and potential Development Plan is insufficient. The proposed tree preservation plan dated June 2022 was not accepted.

As mentioned in section 2.1 Development Proposal, a revised conceptual plan was submitted by the applicant in October 2022. This conceptual plan reduces the number of proposed dwelling units to ten (10) units. Further, all dwelling footprints are set back 3 metres from the critical root zones for the boundary trees.

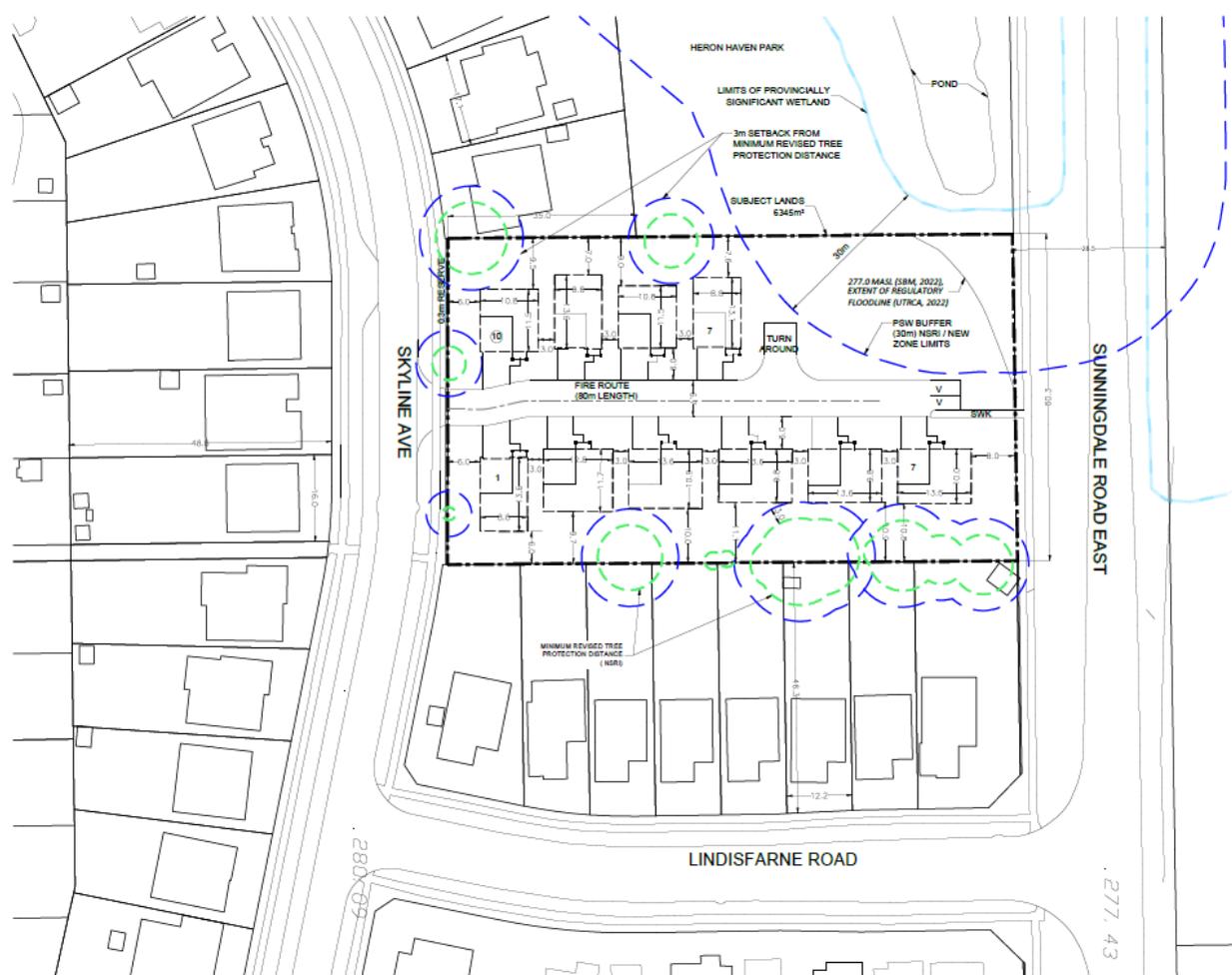


Figure 7: Revised Potential Development Plan for 307 Sunningdale Road East, October 4, 2022.

Staff reviewed the Revised Potential Development Plan and made the following comments:

*“Zoning must explicitly restrict excavation within the green dashed lines delineated on the provided concept plan this would including retaining walls. The applicant has included an additional 3 metre setback from the minimally required setback. This setback was used for the buildings footprints, so using it as the limits of disturbance would be difficult. There are ways to mitigate construction impacts, these can be addressed at site plan.”*

As such, Staff are satisfied that the revised concept meets the City’s Tree Protection Zone requirements.

Further, an updated Tree Protection Plan would be required with a future Site Plan Application. It is important to note that there is a timed restriction on tree reports, because as living entities, trees are susceptible to outside forces – wind, drought, diseases and would require a current inventory. The updated Tree Protection Plan shall clearly illustrate alignment of tree protection fencing and recommendations for construction mitigation. This is needed for compliance with inspections and would include matters such as how to work in proximity to roots and how to deal with exposed roots. In addition, there are city trees in the road allowances that will be impacted by the development. Forestry operations will require a detailed plan to assess impacts to roots of retained trees and which trees are proposed for removal. The evaluation of the city trees can also be addressed at Site Plan.

Although the revised concept plan is accepted, previous landscape architecture comments still apply:

- All tree removals must take place between September 1 and April 1<sup>st</sup> to avoid disturbing nesting migratory birds. Trees may be removed outside this window only if a qualified bird specialist has been determined there are not nesting birds in the trees. This requirement is in accordance with the Migratory Birds Convention Act, 1994.
- The Thuja occidentalis #90, 108, 153 and 154 appear to be boundary trees as captured on tree preservation plan and are therefore protected by the Forestry Act. Consent to injure or remove is required from co-owner/neighbour.

The entirety of the subject lands is located within an area regulated by the Upper Thames River Conservation Authority (UTRCA) under Section 28 of the *Conservation Authorities Act*. Development and site alteration within regulated areas are subject to the approval of the UTRCA. The UTRCA has indicated general satisfaction with the information contained with the zoning by-law amendment application, and has deferred the remainder of comments to the Site Plan Process and acknowledge that the development concept shown may change under new ownership. See Appendix B for more details.

## Conclusion

The recommended amendments are 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 1989 Official Plan, including but not limited to the Low-Density Residential designation. The recommended amendment will facilitate the development of new residential dwellings in an established neighbourhood, with a land use, intensity, and form that is appropriate for the site.

Through the EIS, no significant natural heritage features were found on the subject property or within the proposed development limits, and potential impacts to the adjacent PSW can be mitigated through recommended strategies resulting in no net effect to the PSW. Staff are satisfied that the revised concept submitted in October 2022 meets the City's Tree Protection Zone requirements. The recommended special provisions to regulate the interior east & west side yard setbacks will ensure protection of the existing boundary trees.

The requested amendments and special provision are recommended to facilitate the rezoning of the subject lands to facilitate a two storey, ten (10) unit cluster single detached dwelling development, a maximum density of 25 units per hectare and an increase in the identified open space area.

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

**Submitted by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Acting 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 Economic Development.

November 8, 2022

Cc: Heather McNeely, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Ismail Abushehada, Manager, Development Engineering

Z:\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2022 Applications 9472 to\Applications\Sunningdale Road East 307 (IDC) - Z-9498\02-Applicant Submission

### **Appendices**

Appendix A – Amendment to Schedule A (By-Law No. Z.-1)  
Appendix B – Public Engagement  
Appendix C – Policy Context  
Appendix D – Additional Maps

## Appendix A

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

By-law No. C.P.-XXXX-\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 307  
Sunningdale Road East.

WHEREAS Margrit Johnson has applied to rezone an area of land located at 307 Sunningdale 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 307 Sunningdale Road East, as shown on the attached map comprising part of Key Map No. A102, from a Residential R1 (R1-17) Zone, a Holding Residential R1 (h-2\*R1-17) Zone and an Open Space (OS5) Zone to a Residential R6 (R6-3 ( )) Special Provision Zone and an Open Space (OS5) Zone.
- 2) Section Number 10.4 of the Residential R6-3 Zone is amended by adding the following Special Provision:

- |   |   |                           |                          |
|---|---|---------------------------|--------------------------|
| ) | R6-3( )   | 307 Sunningdale Road East |                          |
|   | a) Regulations  |                           |                          |
|   | (i) Density   |                           | 25 units per hectare     |
|   | (Maximum)   |                           |                          |
|   | (ii) For the purpose of this by-law the front lot line shall be interpreted as Skyline Avenue |                           |                          |
|   | (iii) Main Building Setback   |                           | 20 metres (65 feet)      |
|   | From Existing Imperial  |                           |                          |
|   | Oil Pipeline  |                           |                          |
|   | (Minimum)   |                           |                          |
|   | (Z.-1-00836 - O.M.B. Decision # 2184 - December 1, 1999))                                     |                           |                          |
|   | (iv) East Interior Side Yard  |                           | 6 metres (19.66 feet)    |
|   | Setback within first 17.8m  |                           |                          |
|   | of lot depth (minimum)  |                           |                          |
|   | East Interior Side Yard   |                           | 9.7 metres (31.8 feet)   |
|   | Setback between 17.8m   |                           |                          |
|   | and 30.6m of lot depth  |                           |                          |
|   | (minimum)   |                           |                          |
|   | East Interior Side Yard   |                           | 10 metres (32.8 feet)    |
|   | Setback between 30.6m   |                           |                          |
|   | and 50.2m of lot depth  |                           |                          |
|   | (minimum)   |                           |                          |
|   | East Interior Side Yard   |                           | 11.1 metres (36.42 feet) |
|   | Setback beyond 50.2m  |                           |                          |
|   | of lot depth (minimum)  |                           |                          |

West Interior Side Yard  
Setback within first 16.8m  
of lot depth (minimum) 9.5 metres (31.17 feet)

West Interior Side Yard  
Setback between 16.8m  
and 28.6m of lot depth  
(minimum) 7.0 metres (22.97 feet)

West Interior Side Yard  
Setback between 28.6  
and 42.4m of lot depth  
(minimum) 9.0 metres (29.53 feet)

West Interior Side Yard  
Setback beyond 42.4m  
of lot depth (minimum) 7.6 metres (24.93 feet)

(v) No part of any required interior side yard shall be used for any purpose other than landscaped open space excluding swimming pools, but decks or patios may be permitted.

(vi) North Exterior  
Yard Setback, and 8.0 metres (min.);  
11.0 metres (max.)

Parking Area Setback (North) 11.2 metres (min.)

The inclusion in this By-law of imperial measure along with metric measure us for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

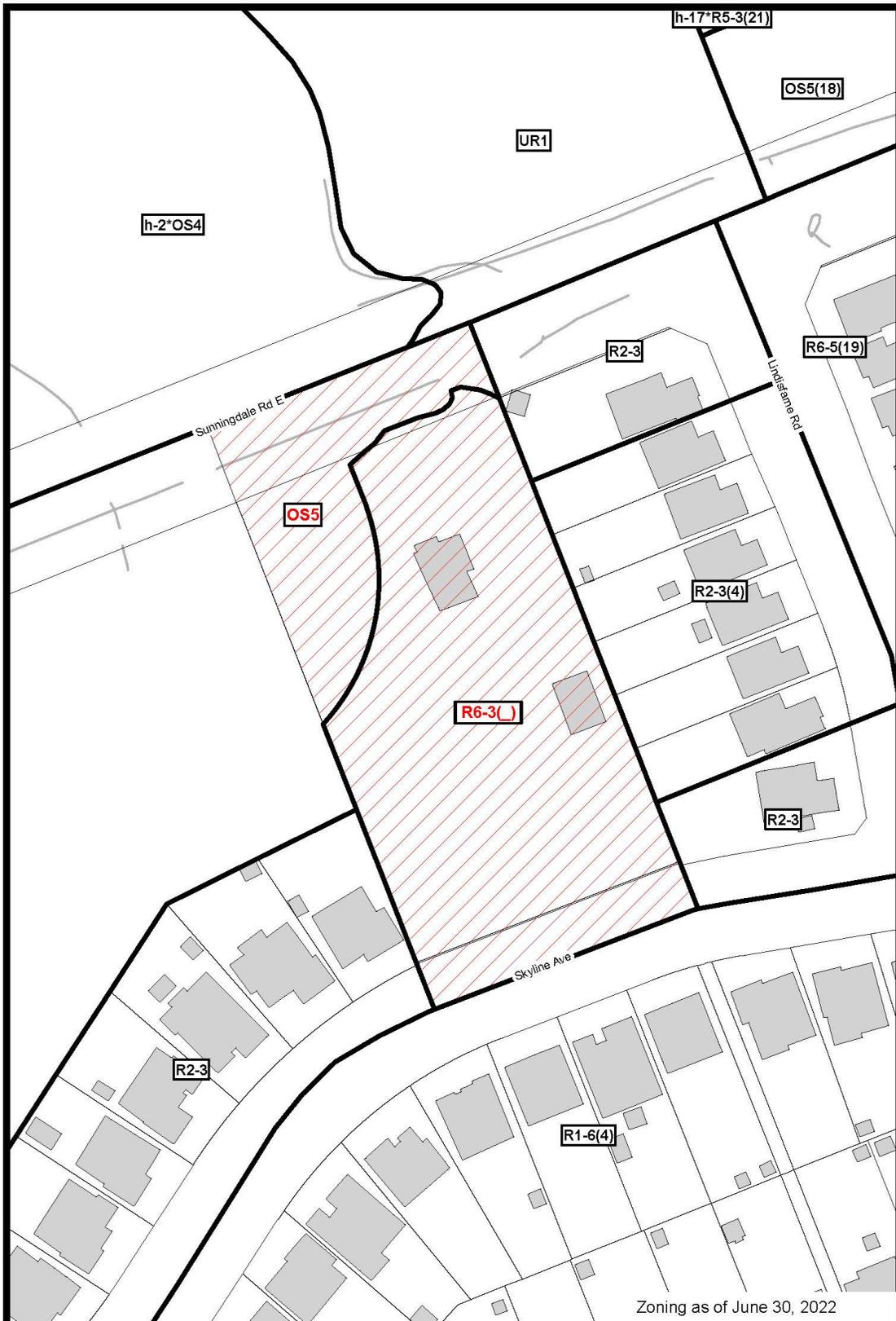
PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

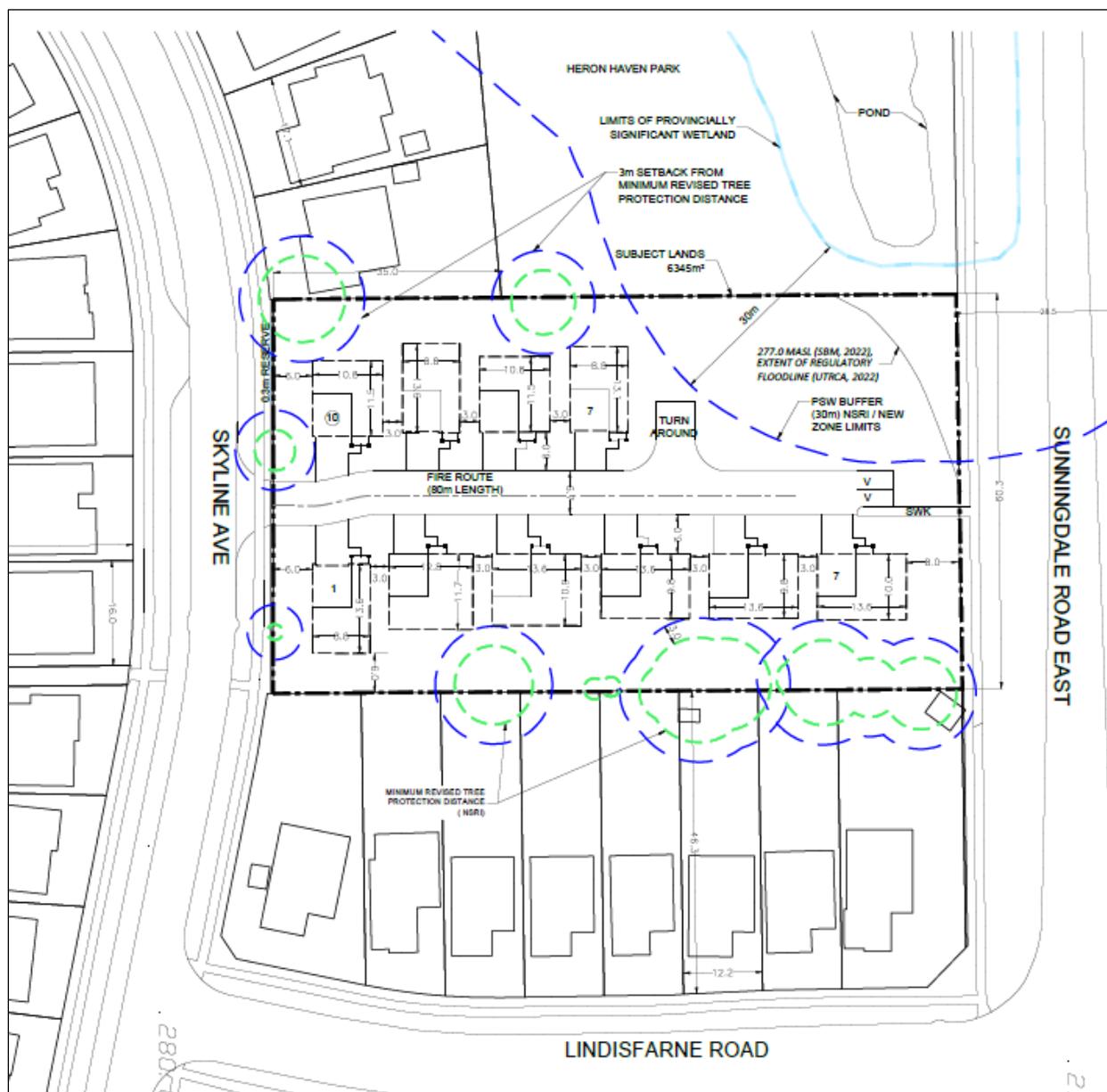
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



<p>File Number: Z-9498                  Planner: ID                  Date Prepared: 2022/07/27                  Technician: RC                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,000</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Geodatabase

## Special Provisions – setbacks proposed units from property line



## Appendix B – Public Engagement

### Community Engagement

#### Notice of Application (April 27, 2022):

On April 27, 2022, Notice of Application was sent to prescribed agencies and City departments.

**Public liaison:** On April 27, 2022, Notice of Application was sent to 152 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday April 28, 2022. A “Planning Application” sign was also posted on the site.

Replies were received from 7 households.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit a two storey, twelve (12) unit cluster single detached dwelling development, with a maximum density of 25 units per hectare, and an increase in the open space area. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-17) Zone, a Holding Residential R1 (h-2\*R1-17) Zone and an Open Space (OS5) Zone **TO** a Residential R6 (R6-3) Zone and an Open Space (OS5) Zone. Permitted Uses would include: R6-3 – cluster single detached, semi-detached or duplex dwellings; OS5 – conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways and managed woodlots.

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

**Concern for:**

- Loss of trees on the site
- Environmental impacts
- Vehicular access
- Increased traffic
- Construction Impacts (request for construction traffic to come off Sunningdale Road)
- Potential loss of on-street parking on Skyline Avenue
- Grading/stormwater
- Heritage value existing farmhouse
- Decrease in property value

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

Telephone	Written
	John Brennon 288 Skyline Avenue, London.
	Mary Ann Leget 519 Lindisfarne Road, London.
	Arthur Thompson 27 Northcrest Drive, London.
	Sara Harvey & Marc Bancroft 301 Skyline Avenue, London.
	Steve Pearson and Sherry Waghorn 279 Skyline Avenue, London.
	Adela Gorodzinsky 404 Whisker Court, London.
	Catherine Mallory 28 Cartwright Street, London.
	Julie Ann Medeiros 323 Skyline Avenue

From: John Brennan  
 Sent: Friday, May 6, 2022 5:48 PM  
 To: de Ceuster, Isaac  
 Subject: Zoning By-Law Amendment – Z-9498 – Margrit Johnson

Isaac and Maureen

I am writing to express my concern regarding the above mentioned zoning by-law amendment.

We purchased our property in 2006 and believe that his amendment will significantly increase the traffic in our area, could result in the loss of many mature trees and make it increasingly more dangerous for young children in our area.

We have a couple of questions regarding the amendment as follows:

- 1). The subject property is a very mature treed lot with various types of trees but most importantly a large, mature cedar hedge on the south and west boundaries of the property. What assurances can you provide that these mature trees and more importantly the mature cedar hedge will remain intact and unharmed by the construction of the 12 single two storey homes?
- 2). Can you please advise where the proposed residents of this property will enter/exit the property. The address is 307 Sunningdale Road East. Will they continue to enter/exit the property from Sunningdale Road only?

We feel that this will adversely impact our enjoyment of our property, increase traffic in our area, make it more dangerous for young children and seriously impact our property values.

I have always been amazed how much grief the Upper Thames River Conservation Authority gives to anyone trying to remove a tree let alone many trees. Yet when the City wants to do something and authorizes a development to go ahead, the entire property in the development is simply stripped of all trees, trees that took years and years to grow! Seems two sided to me.

Please provide you answers to the above at your very earliest.

Sincerely,

John Brennan,

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From: Mary Ann Leget  
Sent: Friday, May 13, 2022 5:06 PM  
To: de Ceuster, Isaac  
Subject: 307 Sunningdale Road East

Good Afternoon Mr. De Ceuster,

We have received and reviewed the Notice of Planning Application for 307 Sunningdale Road East. I have also reviewed the Tree Preservation report. It was not wholly clear to me from that report what the plan is with respect to the hedgerow trees on the east border. We live at 519 Lindisfarne and our yard borders the east side of the subject property. I am hoping that the hedgerow trees on the east boundary will not be removed. They provide a great deal of privacy for our properties on Lindisfarne Road and is one of the reasons we purchased our house. In addition, that hedgerow of trees provides a natural habitat for a number of bird species and its removal would disrupt those habitats.

I was highly disappointed to see that 54 trees are slated for removal. We do live in the Forest City and I would have thought that the importance of maintaining existing trees would be a paramount consideration.

I truly hope that the preservation of the hedgerow trees will be taken into account when undertaking your proposed development. If they are to be removed for some unfortunate reason, I would appreciate receiving ample notice.

Mary Ann Leget

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From: Arthur Thompson  
Sent: Saturday, May 14, 2022, 2:08 PM  
To: de Ceuster, Isaac  
Subject: 307 Sunningdale Road East

Hello Mr. de Ceuster,

Please include this letter in any further public meetings. I am writing today regarding my concerns with the proposed development at 307 Sunningdale Road East - specifically regarding tree loss and demolition of the old farmhouse.

I would like the applicants to consider repurposing the old house by splitting it into multiple apartments, perhaps with condos positioned around the old structure. There is

precedent for this - heritage farmhouses at 2096 Wonderland Road North, 1154 Sunningdale Road East, and 6092 Pack Road have all been retained in some manner - some have redeveloped the original structure by dividing it into apartments, while others have also placed other residences around the original building.

I am also concerned about the amount of trees due to be lost to this development - I would like to see a revised plan that reduces the number of required tree removals. I would also ask that any replacement plantings avoid the use of the usual hackberry and linden trees, which although tolerant to urban pollution, are very slow growing and never reach heights tall enough to provide any meaningful form of privacy.

Finally, would the City perhaps consider a heritage designation for the farmhouse?

Thanks so much,

Arthur Thompson

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From: Marc Bancroft  
Sent: Friday, May 20, 2022, 9:56 AM  
To: de Ceuster, Isaac  
Subject: File: Z-9498 – Margrit Johnson

Good morning Mr. de Ceuster,

We offer the following comments that should be considered in the evaluation of the subject proposal in response to the Notice of Planning Application received.

The subject property provides an important historical context in the area being the site of the original farmhouse for the Upland Hills Subdivision and known locally as Lindisfarne as confirmed by the small wooden sign found at the laneway at Sunningdale Road. The name Lindisfarne also applies to the street which provides a linkage from Sunningdale Road to Skyline Avenue. That original farmhouse still stands today being of century-old vintage yellow brick offering unique heritage qualities. It is strongly encouraged that the City require this dwelling to be retained as part of this redevelopment to preserve this local history. Please ensure these comments are shared with your heritage planner.

In terms of vehicular access, the City should consider the use of Sunningdale Road as opposed to Skyline Avenue. We should remind the City that there is local precedent in allowing access onto an arterial road where the subject property is a through-lot and backs onto a local street. The specific precedent would be lands located on the north side of Fanshawe Park Road which back onto Donnybrook Road being the local street. In that particular case, vehicular access is restricted to Fanshawe Park Road. The City could also consider limited access to the site via Sunningdale Road with precluding left turns entering and exiting the site through the use of a median applied elsewhere along Sunningdale Road.

At the very least, all construction traffic should come off Sunningdale Road as opposed to Skyline Avenue especially from a public safety standpoint. There is a curve in Skyline Avenue opposite the subject lands where we have witnessed too many close calls from speeding motorists. Considering the posted speed limit for Sunningdale is same as Skyline, this would also make sense.

According to the site concept, it shows *enhanced side yards* adjacent to Skyline Avenue, which warrants definition. Along that interface, we would ask that the City require the developer to retain the existing cedar hedge considering it is also to be retained along the west side of the property according to the concept.

Regarding the adjacent provincial significant wetland and the presence of numerous mature trees on the property, we would ask that the developer be required to retain as

much vegetation as possible considering there is no shortage of birds and small animals including rabbits that frequent the property.

How is stormwater management being addressed considering the concept shows no information in that regard. This is particularly concerning given the adjacent provincially significant wetland.

We trust that the City will obtain a widening dedication along Sunningdale Road to ensure that the sidewalk along the frontage of the subject property adjacent to the traveled portion of the road is realigned with existing stretches of sidewalk east and west of the property which are further setback from the road. The current sidewalk layout is unsafe and concerning with the speed of traffic despite the posted maximum speed limit of 50 km per hour.

In closing, we are requesting that we be notified of any decisions made by the City of London. Also, can you please advise when this matter will be considered by the Planning and Environmental Committee. Lastly, please confirm receipt.

thank you

Sara Harvey & Marc Bancroft

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From: Sherry Waghorn  
Sent: Friday, May 20, 2022, 12:07 PM  
To: de Ceuster, Isaac  
Subject: File: Z-9498

This Email is in response to the above mentioned file on Skyline Ave. Our concern with the proposed plan is the increased traffic on an already busy street if the access and egress to the development is being considered onto Skyline Ave. A further concern we have is that there will be an increase in use of the on street parking lane that is on the south side of Skyline Ave. by overflow traffic from the proposed development particularly if the entrance and exit to the development is not by way of Sunningdale Ave. The parking lane is already heavily used by current residents of Skyline Ave., their guests and service vehicles attending calls at their homes. A current similar development further up the street at 400 Skyline, Expressions in Uplands, provides ongoing evidence that a lack of sufficient parking in the complex proper, results in overflow using the on street parking. To mitigate a negative impact on the existing neighbourhood homes, traffic, and parking on Skyline Ave., the only access to the development should be by way of Sunningdale Ave.

Steve Pearson and Sherry Waghorn

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From: Adela Gorodzinsky  
Sent: Saturday, June 11, 2022, 11:06 PM  
To: de Ceuster, Isaac  
Subject: Sunningdale Ave

Dear Mr. De Ceuster,

I would like to bring to your attention a concern that I have had for the last 5 years. I reside in Upland Hills and I have witnessed the development of all the buildings rising on Sunningdale Ave. between Richmond Ave and Adelaide St.

I have witnessed and experienced how the traffic has increased. When I saw this beginning to happen, I sent a letter to the then counsellor of City development expressing my concerns. I explained to her that the City has allowed for construction of homes and buildings but you are not widening the roads and that was a recipe for heavy traffic and traffic jams to develop.

At that time she took about 6 months to respond to me saying that "They are looking into that". By now, the streets have NOT been widened and the buildings have gone up. I wonder why it is that you are not planning ahead and you are allowing for such inconveniences to happen in what used to be our "Forest City". Those traffic jams could have easily been avoided. You could have made our City beautiful and efficient. Instead, we have narrow roads with building coming up to almost the roads, no inlets for deliveries nor pick ups or drops offs, most dangerous as well. Do you yourselves not live in the City as well? Does the City Council not care about the aesthetics and flow of our City?

I would appreciate a response to this matter.

Sincerely,

Adela Gorodzinsky, M.Ed,R.P

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From: Catherine Mallory  
Sent: Thursday, September 15, 2022, 2:56 PM  
To: de Ceuster, Isaac  
Subject: File # Z-9498

I object to the proposal on Sunnydale Rd East which will destroy so many trees. In this time of Climate Crisis, such trees are more important than buildings on that site. Find an empty parking lot... some are blocked off and the space is not in use for anything...and build there. e.g one on Dundas East or use that area they built temporary shelters for the homeless on York street. Let's not destroy Nature's Way of helping to save all our lives.

Thanks for any consideration.  
Catherine Mallory

---

From: Julie Medeiros  
Sent: Tuesday November 15, 2022, 4:24PM  
To: de Ceuster, Isaac  
Subject: Zoning 307 sunningdale rd east

Hi

I am voicing my concerns with the proposed zoning for 307 sunningdale rd east (file: Z-9498).

I am a new home owner living on skyline Ave and would be very close to this proposed cluster housing. Please consider this to be a complaint. The proposed cluster housing would be a major disruption for myself and family (and neighbours) as i am located just between lindsfarne rd and the proposed new lane way. We have just moved into our house recently for the purpose of the neighbourhood being fully mature and developed with no disruption of new construction. This clearly will not be the case as we will see, hear and be in between a construction zone. Mature trees will also be put to rest which is not ideal in a well developed setting. Skyline is a fully developed neighbourhood that will not seem the same. Nobody wants new development in a mature neighbourhood. Skyline Ave is already quite busy and this will make the avenue much much busier for obvious reasons. Why can't access be off sunningdale?

My most major concern above mentioned is the fact that I personally have 3 little children and one that is disabled. We picked this home in regards to the private setting across the street and the privacy and maturity it brings us. It happens to be the lowest traffic spot on the street, no buses and only individuals who live near drive by our small part!

Please be considerate to those who live near, the disabled, and the maturity of this area. I am not for this development and I am sure I can't be the only one.

Thank you.

## Agency/Departmental Comments

### London Hydro

April 27, 2022

City of London Planning Division – Isaac de Ceuster  
307 Sunningdale Road East, Z-9498

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 location of the existing service will be at the expense of the owner.

Hans Schreff – Manager Developer & Operations Support.

### Imperial Oil

June 3, 2022

Planning & Development, City of London  
Attn: Issac de Ceuster  
6th floor – 300 Dufferin Avenue  
London, ON, PO Box 5035  
N6A 4L9

Dear Isaac de Ceuster,

We have received notice of the zoning by-law amendment with regards to the property located at 307 Sunningdale Road East in the City of London and confirm Imperial Oil does have a pipeline in this vicinity.

Imperial Oil is regulated under the Ontario Regulation 210/01 made under The Technical Standards and Safety Act 2000 for Oil and Gas Pipeline Systems. The Technical Safety and Standards Authority (TSSA) has a guideline which recommends a 20m setback from the pipeline to any building intended for human occupancy. The TSSA also has guidelines in place which require us to ensure that our easement remains clear of any structures or large trees.

Please find enclosed Guidelines for Development in the Vicinity of Imperial Oil's Sarnia Products Pipeline System.

### **Pipeline Easement**

1. There shall be no permanent structures erected within the limits of the easement
2. It shall be prohibited to install patios of concrete slabs on the pipeline right-of-way or fence across the pipeline right-of-way unless written permission is first obtained from the operating company.
3. It shall be prohibited to erect buildings including garden sheds or to install swimming pools on the pipeline right-of-way.

### **Pipeline Safety – It's a Shared Responsibility**

Pipeline safety is a responsibility that's shared among many people, including pipeline company personnel, the provincial agencies that oversee pipelines, public safety officials and -- equally as important -- our neighbors who live and work near our pipelines.

Safety is our main priority. We live and work in the communities where our pipelines are located. Moving product through pipelines is our business, and protecting the people, environment and communities along these pipelines is our commitment. Imperial Oil is guided by strict safety standards and operates under comprehensive provincial regulations that govern all aspects of our pipeline operation, including design, construction, materials, testing, operations and maintenance of all our pipelines.

The level of concern and the resultant precautions both increase greatly in areas of urban development.

### **Safety Precautions around High Pressure Pipelines**

Imperial Oil carries out regular aerial patrols, inspections and maintenance of its pipeline and easement to better meet our safety priority. This requires unimpeded access to the pipeline; therefore it is important to maintain an easement free from obstructions.

Homeowners with a high-pressure pipeline easement in their backyard are severely restricted in the use of their property. Any maintenance of the pipeline in a restricted area, such as a backyard, poses significant hardships and safety concerns both to the homeowner and the pipeline company. Overall, a pipeline easement incorporated into several individual suburban lots creates hazards and headaches for the homeowners, the pipeline company, other utilities, and the municipality.

Imperial Oil appreciates the opportunity to review and comment on plans for urban developments around the Imperial Oil easement. It is imperative that any developments affecting the easement incorporate measures to protect the pipeline, the public and the environment.

When Imperial Oil receives a site drawing from the Municipalities Planning & Development department, we will notify the department and request that the TSSA's 20-metre setback guideline is considered. At this point it will be up to the Municipality and/or the developer to implement the recommended setback guideline.

### **Use of Easement (TSSA Guideline)**

For pipelines located on easements, the entire width of the oil and gas pipeline easement shall be kept clear of all structures. The easements may be incorporated into subdivision plans as green space, walkways, or bicycle paths but shall not be incorporated into individual lots. With prior approval of the pipeline operator, certain other uses such as light weight vehicle parking lots or temporary storage areas may be acceptable, provided that the goods or materials can be removed quickly in case of an emergency. The piling up of garbage, dirt or industrial waste shall not be permitted at any time. Limits of the easement parallel to the pipeline shall be identified with fencing or equivalent markings to prevent gradual encroachment by adjacent landowners. Suitable barriers shall be installed at all road accesses to prevent unauthorized motor vehicles from entering.

Imperial Oil looks forward to co-operating with you as partners in public and environmental safety. Please help us ensure the utmost safety of those in the community and near the Sarnia Products Pipeline easement.

Thank you for your attention to this matter.

Regards

*Hallie MacCuaig*

Community Awareness/Right of Way Coordinator  
Imperial Oil

Upper Thames River Conservation Authority (UTRCA)

September 27, 2022.

Application to Amend the Zoning By-law: File No. Z-9428

Applicant: Margrit and Rob Johnson

Agent: Monteith Brown Planning Consultants c/o Jay McGuffin

307 Sunningdale Road East, London ON

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Policy Statement (PPS, 2020), and the Upper Thames River Source Protection Area Assessment Report.

## **BACKGROUND & PROPOSAL**

The subject lands are located at 307 Sunningdale Road East and are 0.64 hectares (1.57 acres) in size. The lands currently contain a single detached dwelling and associated accessory uses.

The subject lands are presently:

- Zoned Residential R1-17, Residential R1-17 h-2, and Open Space OS5; and
- Within the Neighbourhoods Place Type in the London Plan.

In addition, the subject lands and adjacent lands also contain areas of natural hazards and natural heritage as depicted as the subsequent schedules/maps of the above referenced plans.

The applicant is proposing to rezone the subject lands to Residential R6-3 and Open Space OS5 to accommodate the proposed development of condominium units while recognizing the limits of the on-site and adjacent natural features. The proposed development concept includes a condominium development containing twelve (12) single detached dwellings accessed via a private driveway from Skyline Avenue.

## **DELEGATED RESPONSIBILITY & STATUTORY ROLE**

### **Provincial Policy Statement 2020**

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS.

The UTRCA’s role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the Planning Act, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA’s Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the Conservation Authorities Act and the policies of the UTRCA’s Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the Planning Act approval process and that a permit application can be issued under Section 28 of the Conservation Authorities Act once all of the planning matters have been addressed.

### **Section 28 Regulations - Ontario Regulation 157/06**

The subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of:

- A riverine flooding hazard associated with the Powell Drain (regulatory flood elevation has been revised to 277.0 masl); and,
- The area of interference surrounding an adjacent Provincially Significant Wetland known as the Arva Moraine Wetland Complex.

Please refer to the attached mapping for the location of the regulated features. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA.

The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

### **UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)**

The UTRCA’s Environmental Planning Policy Manual is available online at:  
<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

## NATURAL HAZARDS

As indicated, the UTRCA represents the provincial interest in commenting on Planning Act applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority's regulations with respect to site alteration and development activities.

The UTRCA's natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

### **3.2.2 General Natural Hazard Policies**

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

### **3.2.3 Riverine Flooding Hazard Policies**

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach and uses that may be allowed in the flood plain subject to satisfying the UTRCA's Section 28 permit requirements. The UTRCA has undertaken updated modeling throughout the watershed which has resulted in revised floodline information for the subject lands and surrounding area. The elevation of the flood hazard on the subject lands is approximately 277.0 masl.

### **3.2.4 Riverine Erosion Hazard Policies**

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

### **3.2.6 & 3.3.2 Wetland Policies**

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference surrounding a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no impact on the hydrological function of the wetland feature and no potential hazard impact on the development.

## COMMENTS

The UTRCA has undertaken a review of the following documents submitted alongside this application:

- Planning Justification Report prepared by MBPC, dated March 2022;
- Zoning By-law Amendment Sketch prepared by MBPC, dated March 10, 2022;
- Conceptual Grading Plan prepared by Strik Baldinelli Moniz, dated February 4, 2022;
- Environmental Impact Study prepared by NRSI, dated March 2022;
- Hydrogeological Assessment and Water Balance Analysis prepared by EXP, dated December 1, 2021; and,
- Servicing Feasibility Study prepared by Strik Baldinelli Moniz, no date.

We offer the following comments, which identify the phase in the planning process that a response is required:

1. ZBA: Section 4.1 and 4.2 of the report, along with the ZBA sketch, speak to development being located outside of the regulatory floodline. Through the pre-consultation process, the UTRCA advised the applicant and their consulting team that the revised flooding hazard in this area was 277.0 masl. Please ensure all drawings submitted alongside this application are referencing the appropriate floodline.

a) The Open Space OS5 zone shall encompass this information to accurately reflect the hazards present on the landscape and ensure development occurs outside of these lands.

2. Site Plan: The proposed Conceptual Grading Plan includes a retaining wall along the PSW buffer and at the end of the private driveway. The grading plan does not accurately depict the extent of the revised flooding hazard that has been provided to the applicant consulting team throughout the pre-consultation process. Please ensure all future drawings include the revised flooding hazard limit (277.0 masl) to confirm if any works will be proposed within the hazard lands. Please be advised that the placement of fill, grading or the installation of a retaining wall within the flooding hazard will not be supported.

3. Site Plan: The EIS states that the proposed retaining wall will aid in ensuring the 30m buffer is maintained, and that construction and human influence on the PSW will be reduced to ensure no negative ecological effects.

a) As per comment 5 below, it is likely that surface flows are the main contributor of water to the PSW. Please provide additional rationale for the placement of a retaining wall in this location. Will the proposed grading and the placement of a retaining wall impede flows to the PSW? Please ensure that a water balance can be achieved given this change in surface flows.

b) Please ensure that the entirety of the retaining wall is located outside of the 30m buffer.

c) Please provide an additional recommendation for the location of sediment and erosion control measures at extent of buffer.

d) Will construction of the proposed retaining wall require encroachment into the 30m buffer? The UTRCA recommends that disturbance in this area be avoided. If needed, please provide an additional recommendation that speaks to additional compensation or recommendations to offset any impacts of this temporary encroachment.

An ecological opinion letter shall be provided through the site plan process to supplement the information contained with the EIS and speak specifically to the final development plan for these lands. While this is not the typical approach, it is recognized that the development concept may change as a result of a change in land ownership.

4. Site Plan: Please ensure the revised concept plan/detailed site plan that is submitted includes the delineation of both the edge of pond and the edge of the PSW to aid in the review of this information to confirm the 30m setback is indeed from the edge of the pond. It was noted through review of the ZBA application that Figure 5 of the Planning Justification did not delineate the PSW and only the edge of the pond.

5. Site Plan: The hydrogeological assessment completed identifies that the groundwater flows in a north/north-west to south/south-east direction, away from the PSW. As a result, it is likely that surface flows are the main contributor to this feature. Please include a revised Water Balance Analysis once a finalized development concept is determined. This revised analysis shall include specific details as to how the targeted water balance will be achieved and implemented through the finalized development concept. If a suitable water balance cannot be achieved, a reduction in the amount of development proposed may be required.

6. Site Plan: Please include a detailed stormwater management report which includes figures that delineate pre-development and post-development catchment boundaries supported by local contour information.

### **SUMMARY & RECOMMENDATION**

As indicated, the subject lands are regulated by the UTRCA due to the presence of a riverine flooding hazard, and the area of interference surrounding an adjacent Provincially Significant Wetland.

Overall, the UTRCA is generally satisfied with the information contained with the Zoning By-law Amendment application. While we have **no objections** to the proposed

rezoning, we recommend that the Open Space OS5 zone boundary be modified to reflect the revised flooding hazard limit that has been conveyed to the applicant through the pre-consultation process. This change will ensure that the entirety of the hazard lands are contained within one zone and are protected from future development.

We remind the applicant to contact UTRCA staff prior to initiating works within the regulated area.

Thank you for the opportunity to comment.

Yours truly,  
UPPER THAMES RIVER CONSERVATION AUTHORITY

Stefanie Pratt  
Planning Coordinator

### **Internal Comments (City of London)**

#### General Comments (December 6, 2021)

- There is an Imperial Oil high pressure pipeline along Sunningdale Rd E. Provide confirmation that the development is proposed outside of the 20m buffer from the pipeline.
- Development limits will be determined based on the outcome of the EIS and tree preservation plan – both of which are required as part of a complete OPA/ZBA application.

#### Parks Planning and Design (PP&D)

- The City requires parkland dedication in the form of land (calculated at 5% of the total site area or 1ha per 300 residential units, whichever is greater) and as defined in By-law CP-9.
- The proposed development area reflects a parkland dedication of 0.04 ha of table land (calculated at 1 ha per 300 units). PP&D Section may wish to acquire all natural heritage lands at hazard rate 1:27. Balance of the dedication to be taken as Cash in Lieu.
- Fencing is required as per SPO 4.8 abutting the open space lands.

#### Site Design

- Extend the pedestrian walkway along all of the internal laneway that connects to Skyline Ave from Sunningdale Road.
- The proposal should take into consideration any existing significant mature trees on the site and along property boundaries.
- Preserve the existing cedar trees where possible fronting Skyline Avenue and any mature trees throughout the site including along Sunningdale Road East.
- Unit to unit waste collection is recommended for this site, provided the turnaround is functional.
- Confirm the turnaround is of sufficient size and radius to accommodate collection vehicles and emergency services. This space may need to be relocated based on its proximity to the wetland.
- Relocating visitor parking due to limited functionality for vehicle turning and potential conflicts with site grading.
- Orient unit 8 to face Sunningdale Road East and eliminate or minimize the need for a noise wall as well as reducing the overhang appearance of the visitor parking.
- Any fencing provided along Sunningdale Rd should be decorative in nature and maintain a pedestrian access for connectivity.
- If a fire route is proposed, fire route signs must be provided on both sides of the drive aisle.
- Identify snow storage on the site plan.

### Ecology

- Include buffer plantings between the snow storage area and the feature.
- Avoid tree removal within the active bat roosting period (April 30 – September 1) to reduce potential interactions with Endangered bat species, to avoid contravention of the Endangered Species Act.
- Avoid tree/vegetation removal within the active breeding bird period (April 1 – August 1) to avoid disturbing nesting birds and contravening the Migratory Bird Convention Act.

### Building Design

- The proposed development meets the definition for residential intensification stated in Section 3.2.3.1 of the Official Plan. In accordance with the aforementioned policy, a streetscape character analysis is required as a part of a site plan application submission. The Streetscape Character Analysis should focus on the 2 units that are directly adjacent to the existing public street.
  - Design the buildings so they are generally in keeping with the immediate neighbourhood as set out by the criteria in the streetscape character analysis;
  - In order to ensure that the proposed houses are in keeping with the existing character of the neighbourhood, the proposed designs should be consistent with at least 4/6 categories AND of the one or two categories that it does not meet, the proposed design should be in line with the second or third most common characteristic in order to not be the house that introduces a new characteristic.
- Provide for a full set of dimensioned elevations for all sides of the proposed building(s) with materials and colours labelled. Further urban design comments may follow upon the receipt of the elevations;
- Design the building elevations adjacent to public streets to be oriented as front facades to the street; This includes units 1, 8, 9 (units 1, 7 and 9 in the revised concept).
  - Any attached garages and driveways can be provided off the internal street and should be away from the street-facing elevation (e.g., locate garages to the north side of the unit for the units 1 & 9, and to the south side for unit 8).

### Engineering

- A Servicing and Lot Grading Plan stamped by a professional engineer will be required for the subject property.

### General

- The site servicing and grading plan are to show current conditions on the adjacent streets and properties such as existing roads, accesses, sidewalks, sewers, watermains, utilities etc.
- Should a private drain connection(s), or other works be installed on a City street to service this site, then details of these works including restoration of the City street are to be shown on the site servicing plan or a separate drawing to City standards.
- The owner is required to obtain all other necessary and relevant permits and approvals such as MECP Approvals, Permits for Approved Works (PAWS) etc.
- Avoid the use of large retaining walls along the Sunningdale Road Frontage.
- Avoid disturbing the existing Natural Heritage features. If work is to occur in and around existing trees to be retained, please add special grading and service installation notes.

### Transportation

- Ensure 1.5m clearance between proposed access and any hydro pole/signal poles/light standards and/or fire hydrant. Ensure 2m clearance for communication pedestals;

- Submit photometric analysis if relocation of light standards greater than 2.0m. Dimension relocation and ensure 1.5m clearance from pole to back of access curb;
- Fully dimension access as per City Access management Guidelines including radii, width and clear throat from property line;
- Provide vehicle turning diagram demonstrating three-point turn for fire-truck at turnaround;
- There are no widening requirements at Sunningdale Rd or Skyline Ave. However, there is a 0.3m reserve abutting the south limit of the property. This reserve will have to be dedicated as public highway in order to allow legal access to and from the subject property. Register with City's Geomatic Department to lift the 0.3m reserve.
- The owner shall transfer to the City sufficient lands, free of encumbrances, for a 0.3m road reserve block along the Sunningdale Road frontage.

#### Wastewater

- The proposed development site was considered as part of upland Hills subdivision phase 5A, 5B which was identified that the south part of the land is to be tributary to the future sewer on Sunningdale Rd to Lindisfarne Rd.
- SED has no objection to the proposed lands being tributary to one outlet.
- As part of complete application, the application engineer is to construct a new PDC that has to be adequate in size and slope as per City of London standard for the type of building form. In addition, the engineer is to remove the existing PDC(s) during construction

#### Water

- Water for this development should be taken from the 300mm PVC high level watermain on Skyline Ave.
- A water servicing report will be required addressing industrial water demands, fire flows and water quality.
- Water servicing to the site will be to City Standard 7.9.4
- The water service pipe must be installed at right angles to the watermain and in a straight line from the watermain to the water meter.
- Water servicing shall be configured in a way to avoid the creation of a regulated drinking water system.

#### Stormwater Management

- As per the as-constructed drawing (18992), the site at C=0.50 is partially tributary to the existing 675mm storm sewer on Skyline Ave. which ultimately outlets to the Uplands stormwater facility located at 61 Repton Ave. 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.
- The site is located within the UTRCA regulated area and therefore UTRCA approval/permits may be required, including confirmation as to required setbacks.
- 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 in 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.
- 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 ground water elevation. Please note that the installation of monitoring wells 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 Specification & Requirements manual.

- Roof runoff from the proposed dwellings should be directed to controlled areas of the property, with no adverse impacts on neighbouring properties.
- Additional SWM related comments will be provided upon future review of this site.

#### General comments for sites within Stoney Creek Subwatershed

- The subject lands are located in the Stoney Creek Subwatershed. The owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Stoney 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 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 effect to adjacent or downstream lands.
- 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.

#### Landscape Architect Comments, May 11<sup>th</sup>, 2022.

- Although listed as information recorded for each tree in Section 2.0 Tree Inventory and Methods, page 3, the location of trees as on-site/off-site/boundary has not been provided. The Report states that 3 boundary trees are proposed for removal and another 11 will be impacted by the development. All boundary trees are protected by the Province's Forestry Act and cannot be removed or damaged without all co-owners' consents. The inventory will need to be updated to include location information and the address of the co-owners/neighbours who will need to provide consent.
- Urban Forestry will determine if a permit is required to damage the roots of 11 distinctive boundary trees.
- If an offsite distinctive tree is proposed for removal, a Tree Removal Permit is required from Urban Forestry. Off-site trees are protected by the City's Tree Protection Bylaw and a request for their removal would be under review and regulation outside of the development process. Violations of the City of London Tree Protection By-law (C.P.-1515-228) are subject to fines.
- Can the applicant confirm that trees 40, 166-169, 170-174 will be removed by City Forces? All trees growing in the City's Road Allowances are protected by the Boulevard Tree Protection Bylaw.
- Can the applicant confirm that tree 6 in Heron Haven Park is proposed for removal as per the TPP.
- The development poses some risk of injury to a small number of CoL boulevard trees along Skyline Avenue. 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. Can the applicant confirm that trees 58, 59, 63 and 65 are growing entirely on their site and that no portion of the trunks cross the property line shared with Skyline Ave. At time of Site Plan application, proof of the applicant's request to Forestry Operations to remove trees 34 and 35 and proof of payment will need to be forwarded to City DS staff.
- London Plan Policy 399 will not be applied to this site. The City is currently drafting the Tree Replacement Bylaw that would stipulate the tree replacement ratio and the cash-in-lieu schedule.

### Landscape Architect Comments May 26<sup>th</sup>, 2022

- The London Plan provides numerous strategies to establish London as the Greenest City in Canada. The plan includes policies targeting the protection of trees. The City canopy target is 28% within the Urban Growth Boundary by 2035.
- The Tree Preservation Report contained in the 307 Sunningdale ~Lindisfarne Development EIS can not be accepted because the Minimum Protection Distances [critical root zones] of 8 boundary trees will sustain damage from the proposed development. The Report acknowledges this injury, see excerpt below:

*“Section 12.1.3 of the Design Specification (City of London 2018) stipulates the size of any Minimum Protection Distance (MPD) based on the size of DBH of the protected trees. MPD for trees designated for retention are shown on Map 2, applying the protection distances specified for trees within Open Spaces and Woodlands as per the Design Specifications (City of London 2018). For all the trees designated to be retained, the MPD will not be possible to be maintained to its full extent due to the proposed development plan” (Tree Preservation Report, NRSI, March 2022).*

**I make the following recommendation to increase the setback from east property line to furthest limits of Minimum Protection Distances of all boundary trees ~ 9 meters.**

- The cedar trees comprising the 2 hedges on the east and west property lines will need to be further assessed. If any trunks are over 10cm their location will need to be added to the inventory. The address where the cedar trees are growing will also need to be identified.
- A distinctive tree removal permit is not required during a site plan application for trees within site, on boundary or within 3 m outside property line. However, consent from owner of off-site tree and consent of co-owner of boundary trees will need to be provided to Development and Planning prior to injury.
- The removal and injury of distinctive trees outside of a site plan application, would require a permit from Urban Forestry and consent from owner of off-site tree and consent of co-owner of boundary trees.
- Contact Forestry Operations to request the removal of city trees from Skyline boulevard- #58, 59, 63, 65, 83 and 84 trees and from Sunningdale boulevard #40, 166-169, 171-174. Only City forces can remove City trees from City Lands. To request the removal of a City Tree from a boulevard, contact Forestry Dispatcher at [trees@london.ca](mailto:trees@london.ca) with details of your request for removal. The fee schedule for tree removal can be found in the Boulevard Tree Protection Bylaw or in following extract.

### Landscape Architect Comments August 12<sup>th</sup>, 2022

Landscape architect's comments on responses submitted by Natural Resource Solutions Inc. ('NRSI') and the updated Tree Preservation Report.

- Applicant has prioritized protection of the 30m Provincially Significant Wetland buffer to the NW of site over the protection of boundary trees growing along the east property line and has chosen not to amend their design to reduce tree impacts.

It must be reiterated that the Province's Forestry Act protects boundary trees from injury and destruction, Forestry Act 1998, c. 18, Sched. I, s. 21. On conviction, an offender can receive a fine of up to \$20,000 and incarceration.

Both the Canadian Charter of Rights and Freedoms and Ontarian Property Rights and Responsibilities Act guarantee property rights to individuals with the assurance that there would be no deprivation of property except in accordance with proper legal procedures.

The zoning box needs to be established to provide full protection to boundary trees. If consent to injure or remove boundary trees is withheld by co-owner/neighbour, development could be impeded by civil litigation. The setback from the east property line is insufficient. **The proposed tree preservation plan is not accepted.**

- Tree Preservation Report needs to be updated in accordance with the Migratory Birds Convention Act, 1994:  
All **tree removals** must take place between September 1 and April 1<sup>st</sup> to avoid disturbing nesting migratory birds. Tree may be removed outside this window only if a qualified bird specialist has been determined there are not nesting birds in the trees. This requirement is in accordance with the Migratory Birds Convention Act, 1994.
- Thuja occidentalis #90, 108, 153 and 154 appear to be boundary trees as captured on tree preservation plan and are therefore protected by the Forestry Act. Consent to injure or remove required from co-owner/neighbour.
- 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. Critical root zone is prescribed in the CoL Tree Protection Bylaw as 10cm radius from trunk for every 1cm dbh and is typically expressed as a circular shape around the tree. Based on this ratio, setbacks from the boundary trees range from 5.5 to 6.5 meters from trunk not off centre. As the trees are growing on the property line, we can assume a setback of 6.5m. Of significant note, the consulting arborist who prepared the Tree Preservation Plan has referenced Section 12.1.3 of the City's Design Specifications Manual for Open Space and Woodlands to calculate Minimum Protection Distance. For our purposes, I think the CRZ is what matters, as that is where intolerable injury or destruction is going to be the consequence.
- Has the applicant considered a change in design so that the east units are oriented perpendicularly to that proposed (see image underneath)? Would decrease number of units by 2.

#### Landscape Architect Comments October 4<sup>th</sup>, 2022

Landscape architect's comments on the Revised Potential Development Plan submitted by MBPC:

Zoning must explicitly restrict excavation within the green dashed lines delineated on the provided concept plan this would including retaining walls. The applicant has included an additional 3 me setback from the minimally required setback. This setback was used for the buildings footprints, so using it as the limits of disturbance would be difficult. There are ways to mitigate construction impacts, these can be addressed at site plan.

I am happy with the cooperation of the applicant. While, I still think there is a lot of development within the site, it is a compromise.

I do find the revised concept plan acceptable as it meets the City's Tree Protection Zone requirements.

## **Appendix C – Policy Context**

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

### **Provincial Policy Statement, 2020**

- 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
  - 1.1.1 a, b, e; 1.1.2
- 1.1.3 Settlement Areas
  - 1.1.3.1, 1.1.3.2, 1.1.3.4
- 1.4 Housing
  - 1.4.3
- 1.5 Public Spaces, Recreation, Parks, Trails and Open Space
  - 1.5.1
- 1.6 Infrastructure and Public Service Facilities
  - 1.6.1
- 1.6.7 Transportation Systems
  - 1.6.7
- 1.7 Long-Term Economic Prosperity
  - 1.7.1 b, d
- 1.8 Energy Conservation, Air Quality and Climate Change
  - 1.8.1
- 2.6 Cultural Heritage and Archaeology
  - 2.6.1

### **1989 Official Plan**

- 2.4.1 City Structure Policies
- 3.1. General Objectives for all Residential Designations
- 3.2 Low Density Residential
  - 3.2.2 Scale of Development
  - 3.2.3. Residential Intensification
- 3.7 Planning Impact Analysis
- 8A.2 Open Space Designation
- 11.1.1 Urban Design Principles
- 12.1 Housing Objectives

### **The London Plan**

- Key Directions – 55 to 62
- City Structure Plan (Intensification) – 79 to 87, Figure 3
- City Building Policies – 189 to 306
- Forest City – 382 to 401
- Neighbourhoods – 916 to 966
- Our Tools – 1566 to 1683

### **Z.-1 Zoning By-law**

- Section 2: Definitions
- Section 3: Zones and Symbols
- Section 4: General Provisions
- Section 10: Residential R6 Zone
- Section 36: Open Space (OS) Zone

### **Submitted Studies**

NRSI – Environmental Impact Study – March 2022  
 MBPC – Planning Justification Report – March 2022  
 SBM – Conceptual Grading Plan – April 2022 (Revised Submission July 2022)  
 EXP Services Inc. - Hydrogeological Report – December 2021  
 SBM – Noise Study – February 2022  
 SBM – Servicing Feasibility Study – January 2022  
 NRSI – Tree Preservation Report – March 2022 (Revised Submission June 2022)

<b>3.7 Planning Impact Analysis</b>	
<b>Criteria</b>	<b>Response</b>
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;	The proposed land use is a contemplated use in the Official Plan, 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 parking, turn-around area, and landscaped 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 which is already designated and/or zoned for the proposed use.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services;	The site is located close to shopping areas, commercial and service uses, parks and 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 city is experiencing an affordable housing crisis. Although no affordable housing units are proposed through this development, the creation of alternative housing forms (ten cluster single-detached dwellings) contributes to the overall mix of dwelling units and prices in the area.
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 2 storey dwellings is mitigated by enhanced site yards towards Skyline Avenue and Sunningdale Road East, the cedar hedge around the property, and enhanced landscaping along the front and rear lot lines. Impacts on adjacent properties would be mitigated through a combination of yard depth, appropriate space for landscape screening, and a noise wall to be implemented through the Site Plan Control process.
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, including enhanced landscaping and maintaining the cedar hedge along the property edges. The recommended interior side yard setbacks to the east and west property line will ensure the critical root zones for the boundary trees are protected.
The location of vehicular access points and their compliance with the City's Road access policies and Site Plan Control By-	As noted in the Intensity analysis in this report, traffic impacts of this development will be negligible in relation to the

law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;	anticipated function of the Civic Boulevard and Neighbourhood Collector. The site has been designed to incorporate pedestrian connections to Sunningdale Road East and Skyline Avenue so residents can utilize existing pathways/sidewalks.
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 ultimate exterior building design will be reviewed and considered through the Site Plan process. The proposed building/ built form should however, be oriented to both Skyline Avenue and Sunningdale Road East as front facades, this includes units 1, 8, and 9 (units 1, 6 and 7 in the revised concept).
The potential impact of the development on surrounding natural features and heritage resources;	As identified in the Environmental Impact Study, no development or site-alteration is proposed within the 30-metre buffer from the Provincially Significant Wetland in Huron Haven Park.
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;	An Imperial Oil pipeline lies within the north part of the existing Sunningdale Road East road-allowance. Buildings are required to be set back 20 metres from the centreline of the pipeline.
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 amendments are consistent with the in-force policies of 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 vehicle turning area, drive aisle widths, sidewalk widths and garbage 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;	Potential impacts to the adjacent PSW can be adequately mitigated through the required 30m buffer in the northwest corner of the subject lands. The applicant anticipates that a retaining wall would act as a low-impact development feature that would support the ecological function of the wetland and assist in directing water flow.
Impacts of the proposed change on the transportation system, including transit.	The residential intensification of the subject lands would have a negligible impact on the transportation system.

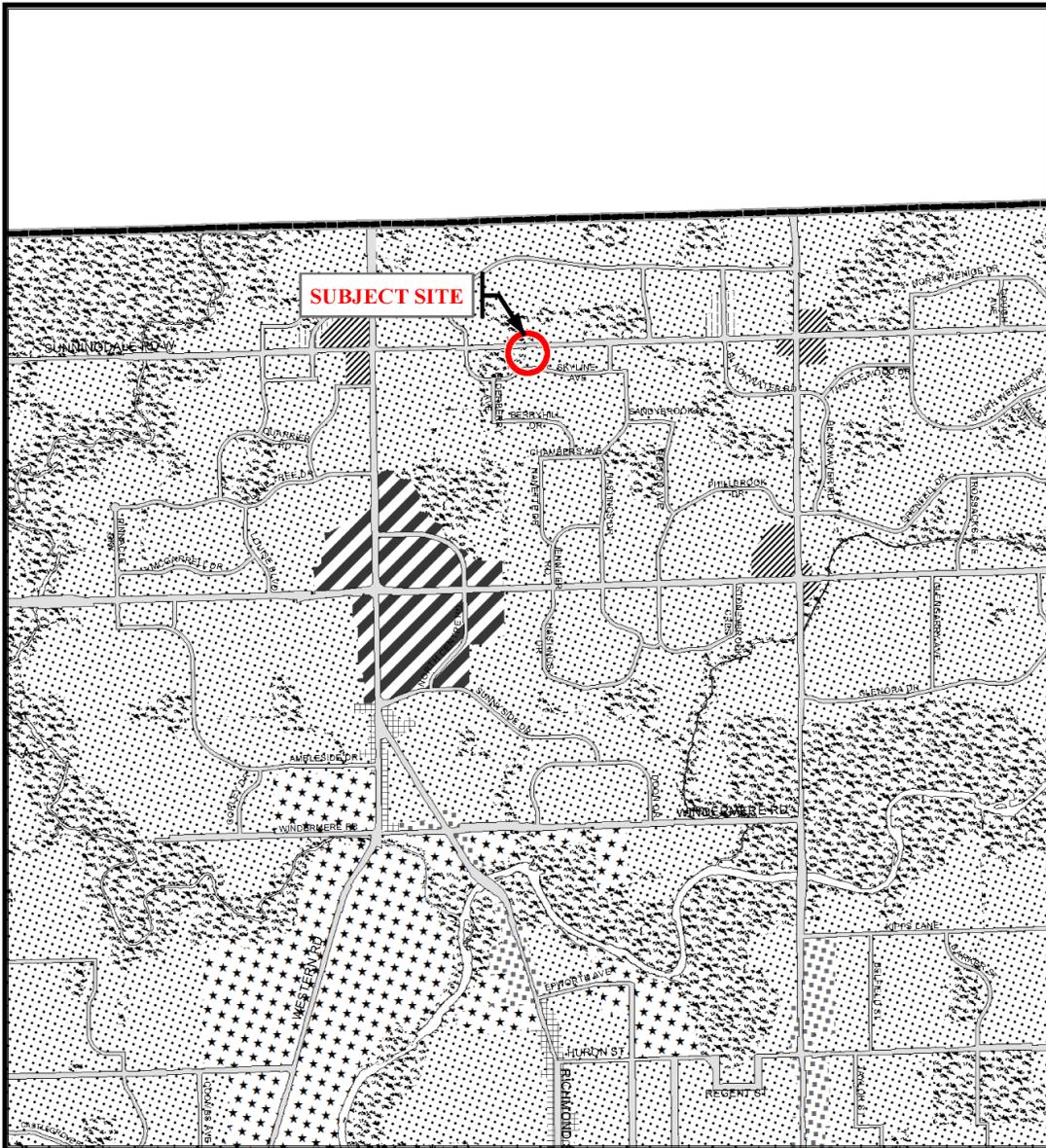
<b>1577_ Evaluation Criteria for Planning and Development Applications</b>	
<b>Criteria – General Policy Conformity</b>	<b>Response</b>
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as 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 significant natural resources requiring protection.
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 building strong, healthy and attractive neighbourhoods for everyone. The massing and scale of the 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 proposed two-storey, single-detached dwellings with attached garages provide for the use and intensity of development contemplated within the Neighbourhoods Place Type for sites fronting on both a Neighbourhood Connector and Civic Boulevard.
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.
<b>Criteria – Impacts on Adjacent Lands</b>	
Traffic and access management	Further consideration of traffic controls related to the proposed private driveway will occur at the Site Plan Approval Stage.
Noise	The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties. An Environmental Noise Impact Assessment Report identified a noise wall to be provided to the east of unit 8 (closest to Sunningdale Road East) to mitigate impacts of noise from the public road on outdoor living areas, as well as a warning clause to be provided to prospective purchasers or tenants. These development details will be implemented through the Site Plan Control process.
Parking on streets or adjacent properties	The proposal provides for two parking spaces for each unit, with two visitor parking spaces at the northern terminus of the private road. It is not anticipated that overflow parking will be required on local streets.
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 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.	Unit to unit waste collection is recommended for this site, provided the turnaround is functional.
Privacy	Enhanced side yards will be provided for the units adjacent to Skyline Avenue and Sunningdale Road East, and the cedar hedge around the property will be maintained where possible to soften the property boundaries and provide screening to the neighbouring single detached dwellings to screen views.
Shadowing	No significant shadow impacts are anticipated on adjacent properties given the low-rise nature of the development.
Visual Impact	Enhanced landscaping will have a positive visual impact on the area. Architectural design details and materials will be implemented through the Site Plan Control Process.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed dwellings.
Trees and canopy cover.	The development will result in the loss of some trees and canopy cover in order to achieve a more compact form of development. An updated Tree Protection Plan would be required with a future Site Plan Application.
Cultural heritage resources.	Not applicable.
Natural heritage resources and features.	The subject lands are located within a Conservation Authority-regulated area, and the regulatory flood line crosses the northwest corner of the property. Site alteration and development activity within this area is subject to approval from the UTRCA. No significant natural heritage features were found on the subject property or within the proposed development limits, and potential impacts to the adjacent PSW can be mitigated through the 30m buffer from the PSW which will provide adequate protection.
Natural resources.	Not applicable.
Other relevant matters related to use and built form	Not applicable.

## Appendix D – Relevant Background

### The London Plan



**Legend**

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

*This is an excerpt from 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



**File Number:** Z-9498

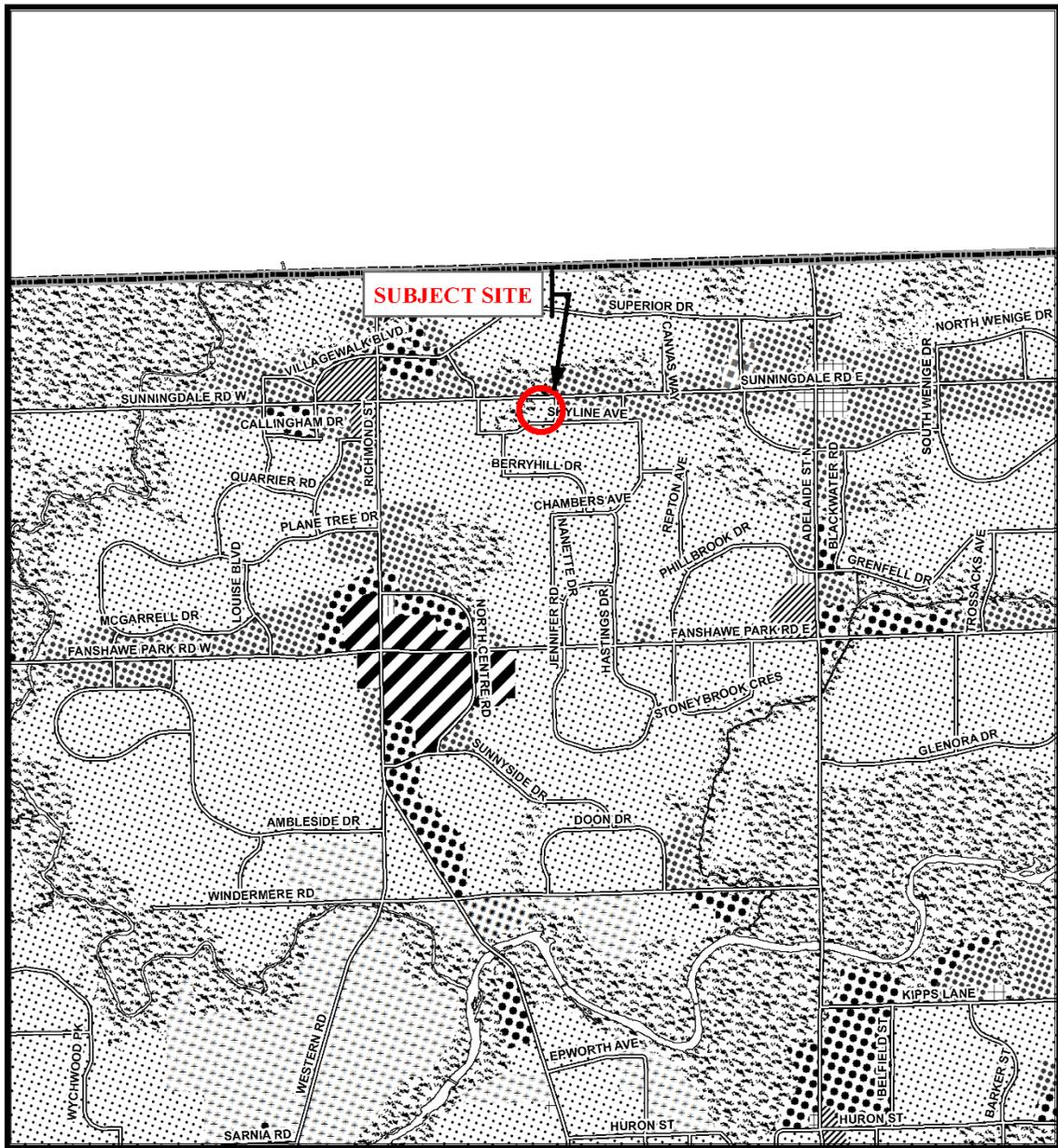
**Planner:** ID

**Technician:** RC

**Date:** 2022/7/26

Project Location: E:\Planning\Projects\p\_officialplan\workconsol00\excerpts\_LondonPlan\mxds\OZ-9498-Map1-PlaceTypes.mxd

**1989 Official Plan – Schedule 1 – 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

<b>CITY OF LONDON</b> Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE - PREPARED BY: Graphics and Information Services	 Scale 1:30,000 0 151 302 453 604 755 906 1057 Meters	FILE NUMBER: Z-9498 PLANNER: ID TECHNICIAN: RC DATE: 2022/07/27
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PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol\00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

**Zoning By-Law No. Z-1 – Zoning Excerpt**



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9498

ID

MAP PREPARED:

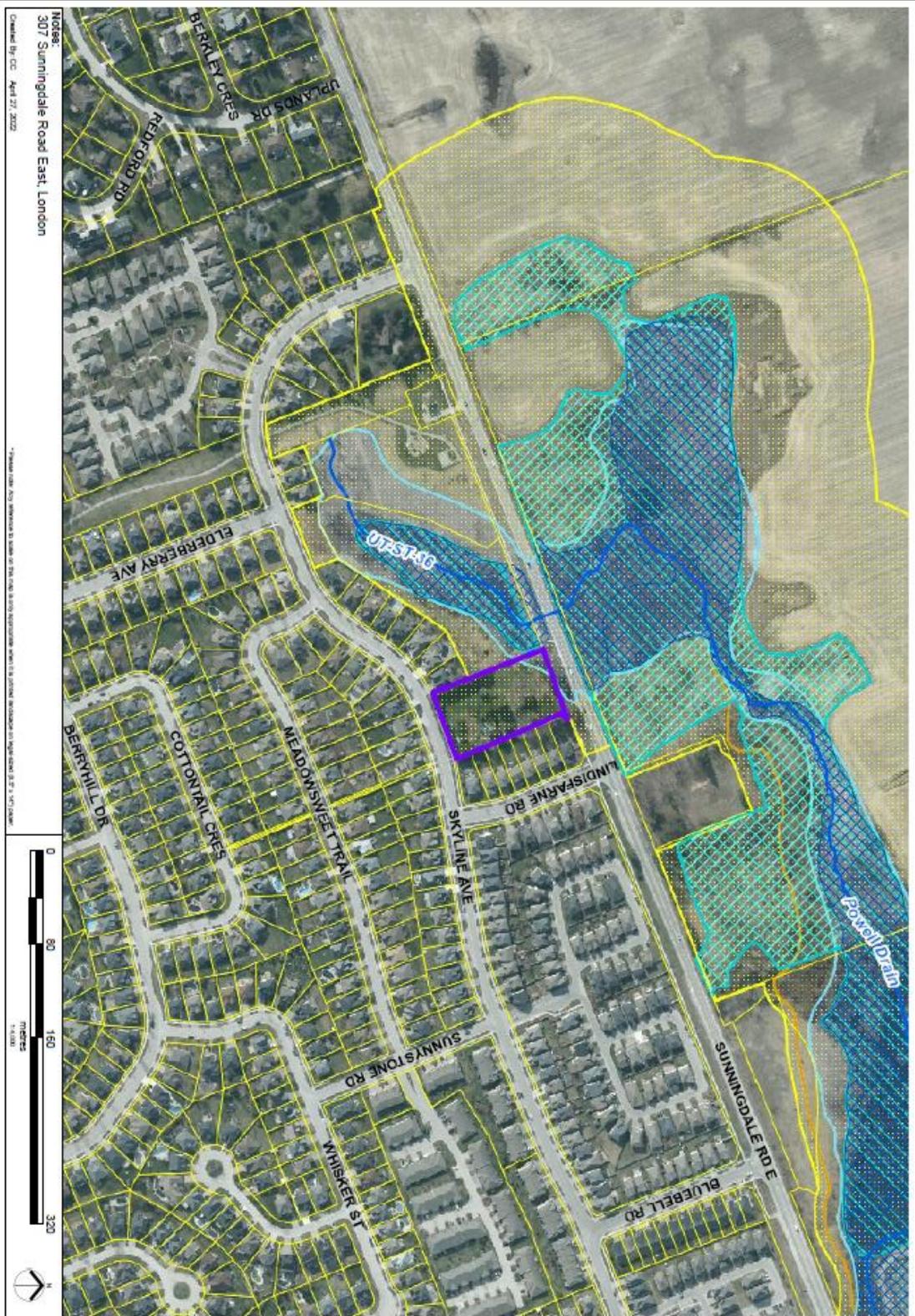
2022/07/27

RC

1:1,250

0 5 10 20 30 40

Meters



Title: 307 Sunningdale Road East, London  
 Created By: DC April 27, 2022

\*Map data, imagery, and other layers with the  
 copyright © 2022 UTRCA

### Regulated Areas

Regulation under s.28 of the Conservation Act  
 Development, interference with wetlands, and alterations  
 to structures and watercourses. OMBG 15706, 5704

**Legend**

- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
  - Open
  - Tied
- Wetlands (MNRP)
  - Evaluated-Principal
  - Evaluated-Other
  - Not Evaluated
- Regulated Wetland
- Flooding Hazard Limit
- Erosion Hazard Limit
- Regulation Limit 2021

The mapping is for information only. It is not intended to be used for legal purposes. The mapping is subject to change. A site specific determination may be made by the UTRCA.  
 This map is an approximation of the regulated areas. It is not intended to be used for legal purposes. A site specific determination may be made by the UTRCA.  
 The UTRCA assumes no liability for any errors, omissions or inaccuracies in the data depicted and provided herein. The UTRCA assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon the information and data furnished hereunder.  
 This document is not a Plan of Survey.  
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Director, Financial Planning & Business Support  
Proposed Residential Land Development/Subdivision  
307 Sunningdale Road E., London, ON

**Zoning (rezoning) Planning Act Applications' review comments for the submitted Environmental Impact Assessment (EIS), Hydrogeological Assessment Final Report and Conceptual Grading Plan that were received by EEPAC June 22, 2022.**

**Reviewers: Pat Almost, Susan Hall and Berta B. Krichker, Sandy Levin**

Submitted to July 21, 2022 ECAC meeting

*Overview - ECAC Review Comments for the proposed Rezoning Planning Act Applications to Minimize and Mitigate potential ecological/environmental adverse impacts and specifically related to the identified existing Arva Moraine Wetland Complex Provincially Significant Wetland (PSW), environmental areas that are located on the subject site or on adjacent areas and all within the Stoney Creek Sub-watershed; water resources management related to the protection of existing conditions that associated with proposed Residential Land Development/Subdivision at 307 Sunningdale London (this property is within the UTRCA regulated area) as follows:*

**ECAC's primary recommendation that a holding provision be applied to this site that can only be lifted when a Geotechnical Study has been approved by the City and the UTRCA.**

**Rationale: ECAC is skeptical that the post development conditions can meet the infiltration requirements over the long term due to the site conditions.**

- The final Hydrogeological Report identifies that further additional infiltration testing is recommended to be conducted to refine the soil conductivity and the estimate rate of infiltrations. Also this report stated that 'during construction activities the groundwater dewatering is likely to be required in the northern portion of the site where the groundwater elevations are found to be highest.' Therefore, at the detailed design stage, **the developer's consultant engineer must be required to demonstrate and to ensure that this dewatering will not adversely impact the water levels in PSW.** Although the preliminary water balance assessment are included in the Hydrogeological Report, based on the above presented information, the final water balance evaluation for the subject site becomes the most important and critical assessment and **the City must have confirmation on this water balance assessment upon the completion of the Storm/drainage and SWM servicing detailed report and a supported Geotechnical report.**

#### **Additional comments/recommendations**

##### **Rezoning Application Special provisions for the Subject Lands**

**ECAC recommends** that the proposed Rezoning Application for the subject properties should include the special provisions, which will request that the proposed detailed design for the proposed subject site will incorporate the specific provisions to: preserve and maintain the existing PSW wetland, identify the required natural buffers/set-backs for the wetland and all environmental areas, identify measures/protocols to protect Significant Wildlife Habitat, Fish Habitat, Habitat of Threatened and Endangered Species, Potential Naturalization Areas and Nests of NBCA-protective birds, erosion sediment control, as well as possible substantial dewatering process and MECP, MNRP, UTCA and potential DFO approvals requirements and water discharges that will be in compliance with the

*Stoney Creek Subwatershed system requirements, MECP, MNRP, DFO, UTRCA and City's standards and requirements for this system. **ECAC requests the opportunity to review of the requested detailed design documents, and specifically the Storm/Drainage and SWM Servicing detailed report and the recommended Geotechnical report.***

The proposed Rezoning Application for the subject properties should include, but should not be limited to, the special provisions, required to deliver the following: ensure the protection to maintain existing wetland ecological, water resources functions and features, existing SWH, Habitat of Threatened and Endangered Species, or other species that require protections identified in EIS; reaffirm sufficient buffers/setbacks to maintain and protect existing ecological/environmental functions, features of the existing wetland and identified environmental areas, as well as stipulated prohibitions of any potential encroachments into these significant ecological/environmental areas that are adjacent to this land development; develop and submit the Geotechnical Report and the detailed design Grading/Drainage and SWM Servicing Plan that will include, but not be limited to, the storm/drainage utilities and SWM services to deal with the water quality, quantity control, the water balance and the robust effective erosion sediment control protection control and be in compliance with the Stoney Creek Sub-watershed, MECP, MNRP, UTRCA and City's standards and requirements for this system.

**The existing environmental/ecological conditions, functions and features of the Existing Arva Moraine Complex PSW and adjacent environmental areas shall be maintained and protected and every necessary effort should be implemented to minimize any potential adverse impacts on PSW and natural area adjacent and at the subject site**

Ensure that the existing PSW ecological/environmental conditions will be preserved and the proposed rezoning and proposed land development will not adversely impact the existing environmental conditions of the PSW adjacent lands. Ensure that the existing wetland ecological/environmental, water resources functions and features will be preserved and maintained at the pre-development level (shall be no loss of wetland features and functions), as well as every effort will be employed to minimize potential adverse impacts that may occur as a result of the proposed land development and construction activities associated with this proposed development. EIS and all servicing reports shall include all required references and modifications/changes that will incorporate the recommended wetland preservations.

Taking in consideration all critical factors, the following factors such as:

- The provincial and City's policies and requirements stipulated there shall be no loss of wetland features and functions, the existing wetland must be maintained and preserve the existing environmental/ecological conditions, functions and features.
- and provide required protections of all Wildlife Habitat, including the Significant Wildlife Habitat (SWH), habitat of Threatened and Endangered Species, or other;
- This PSW is located immediately adjacent to the Stoney Creek system and needs to function in correlation with the Stoney Creek system;

***ECAC recommends that the existing wetland be preserved and ensure that the existing wetland ecological/environmental, water resources functions and features will be preserved and maintained, no loss of wetland features and functions would occur. EIS and all servicing reports shall include all required references for the proposed recommendations and justifications be incorporated. The proposed land development planning and servicing design components will incorporate all required works and measures to protect the existing ecological/environmental and water resource conditions for the subject and surrounded lands.***

### **Buffers Setbacks for Existing Wetland and Identified Environmental Areas**

Ensure that the sufficient natural buffer/setbacks will be identified and implemented in accordance with City's EMG, London Plan, the UTRCA and provincial guidelines regulations, requirements to protect and maintain the existing wetland functions and features, as well as maintain all identified environmental areas that need to be protected at the subject site and encroachments into PSW or other environmental area during and post construction periods shall be prohibited. EIS and other submitted applicable reports will need to reflect all support information associated with clarifications of required setback from the subject development to all identified environmental areas and wetland to ensure no adverse impacts on the existing wetland functions and features (shall be no loss of wetland features and functions) related to the ecological and water resources system, adjacent lands and surface/subsurface/groundwater functions, features, connections and correlation with the Stoney Creek system functions and performances.

***ECAC recommends the proposed natural buffers/setbacks for each required areas will be identified and be sufficient, based on the existing provincial, UTRCA and City's requirements and regulations. The technical justifications need to be provided to support the setback recommendations for this development and the proposed buffers/set backs need to be identified between the proposed development the existing wetland and all identified significant environmental areas. All encroachments on the Buffers Setback areas be prohibited.***

The recommended *buffers/setbacks requirements shall be consistent with the City's London Plan Policies and requirements, completed and accepted by the City Council Subwatershed and Municipal Class EA studies for the subject area, MECP, MNRP and UTRCA Acts, Regulations and requirements. In accordance with the OWRA definitions, storm drainage and SWM systems, including the SWM Facilities, are consider to be a sewer systems.*

### **SWH, Habitat of Threatened and Endangered Species, or other Required Protection**

Ensure that the existing species, specifically the Significant Wildlife Habitat (SWH), Habitat of Threatened and Endangered Species, or other species (that require protection) will be protected and all required measures, MNRP, DFO applicable ecological protocols will be implemented for handling these works for the subject lands. EIS needs to include all required references for the proposed changes and justifications (proposed approach and applicable protocols) that will be implemented.

Habitat for several species that are protected under the Endangered Species Act identified within Study area. Specifically protections of Fish Habitat and aquatic life are important within the Stoney Creek.

***ECAC recommends that all identified SWH, Habitat of Threatened and Endangered Species, or for other required protection species will be:***

- confirmed in the detailed field review prior to completing the final design report submission for the proposed development; and
- ***protected by identifying all required measures and required ecological MNRP, DFO and UTRCA protocols that will be implemented for handling these works for the subject lands, ensuring no adverse impacts on the species and the health of their habitat. EIS shall include all required references for the proposed changes and justifications (proposed approach and applicable protocols) that are recommended to be implemented.***

Arthur Thompson – 307 Sunningdale Road East – May 14, 2022

Hello Mr. de Ceuster,

Please include this letter in any further public meetings. I am writing today regarding my concerns with the proposed development at 307 Sunningdale Road East - specifically regarding tree loss and demolition of the old farmhouse.

I would like the applicants to consider repurposing the old house by splitting it into multiple apartments, perhaps with condos positioned around the old structure. There is precedent for this - heritage farmhouses at 2096 Wonderland Road North, 1154 Sunningdale Road East, and 6092 Pack Road have all been retained in some manner - some have redeveloped the original structure by dividing it into apartments, while others have also placed other residences around the original building.

I am also concerned about the amount of trees due to be lost to this development - I would like to see a revised plan that reduces the number of required tree removals. I would also ask that any replacement plantings avoid the use of the usual hackberry and linden trees, which although tolerant to urban pollution, are very slow growing and never reach heights tall enough to provide any meaningful form of privacy.

Finally, would the City perhaps consider a heritage designation for the farmhouse?

Thanks so much,

Arthur Thompson

Julie Ann Medeiros – 307 Sunningdale Road E – November 15, 2022.

Hi

I am voicing my concerns with the proposed zoning for 307 sunningdale rd east (file: Z-9498).

I am a new home owner living on skyline Ave and would be very close to this proposed cluster housing. Please consider this to be a complaint. The proposed cluster housing would be a major disruption for myself and family (and neighbours) as i am located just between lindsfarne rd and the proposed new lane way. We have just moved into our house recently for the purpose of the neighbourhood being fully mature and developed with no disruption of new construction. This clearly will not be the case as we will see, hear and be in between a construction zone. Mature trees will also be put to rest which is not ideal in a well developed setting. Skyline is a fully developed neighbourhood that will not seem the same. Nobody wants new development in a mature neighbourhood. Skyline Ave is already quite busy and this will make the avenue much much busier for obvious reasons. Why can't access be off sunningdale?

My most major concern above mentioned is the fact that I personally have 3 little children and one that is disabled. We picked this home in regards to the private setting across the street and the privacy and maturity it brings us. It happens to be the lowest traffic spot on the street, no buses and only individuals who live near drive by our small part!

Please be considerate to those who live near, the disabled, and the maturity of this area. I am not for this development and I am sure I can't be the only one.

Thank you.



# Slide 1 – 307 Sunningdale Road East

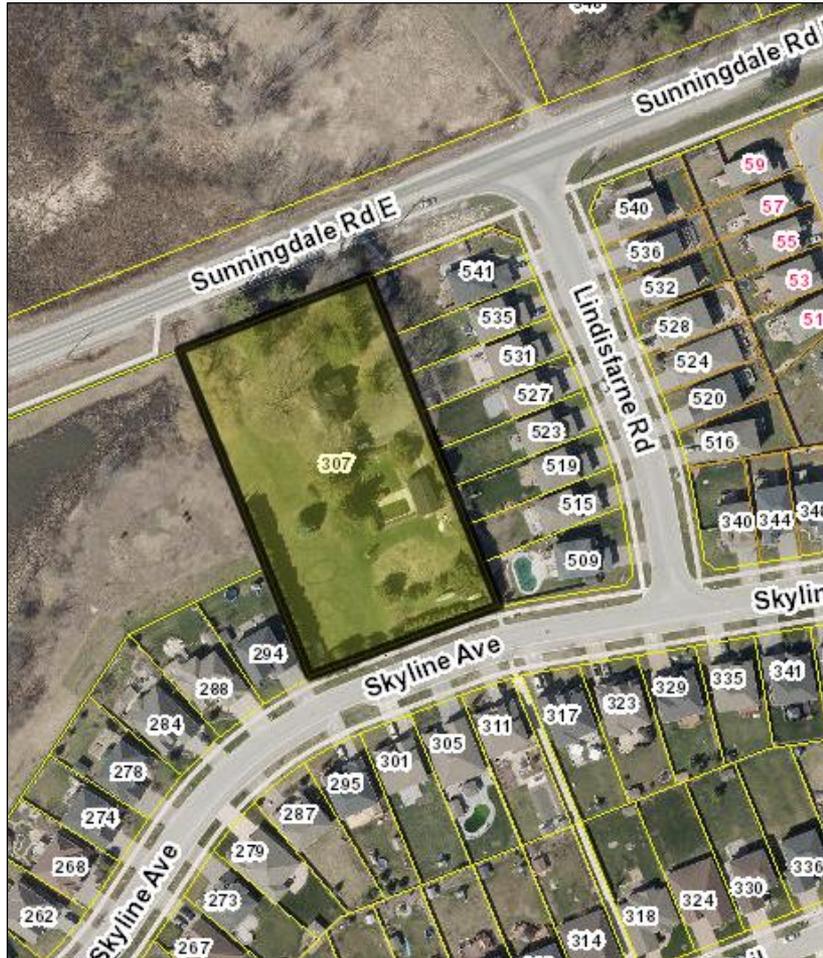


Zoning By-law Amendment: Z-9498

Applicant: Margrit Johnson

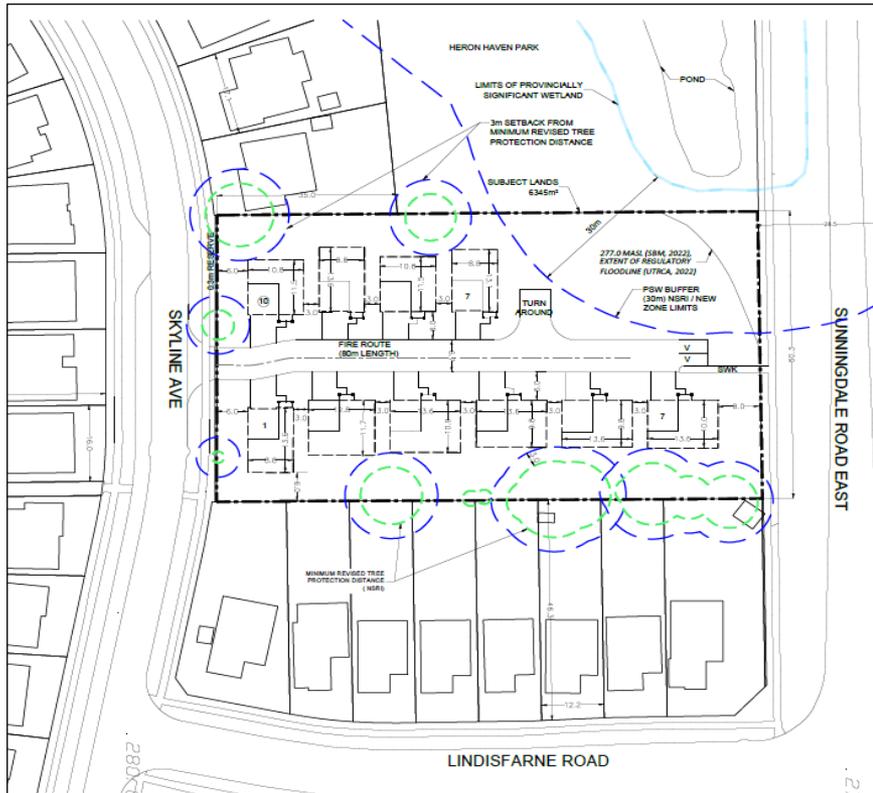
Planning and Environment Committee: Nov. 28, 2022

# Slide 2 – Property Description



- Located on south side of Sunningdale Road E., to the west of Lindisfarne Rd.
- 0.6 hectares in size
- Current Use: Single-detached dwelling
- Surrounding uses:
  - North: Open Space & agricultural lands
  - East: Low Density Residential
  - South: Low Density Residential
  - West: Open Space & Low Density Residential

# Slide 3 – Development Proposal



Zoning By-law Amendment to:

- Permit the development of a ten-unit cluster single-detached dwelling development,
- Permit a maximum density of 25 units per hectare.
- Facilitate a 30-meter buffer around the Provincially Significant Wetland (PSW)
- Increased interior yard setbacks from eastern & western property line to protect boundary trees and critical root zones.

# Slide 4 – Policy Context

## *The London Plan*

- Neighbourhoods Place Type fronting a Civic Boulevard (Sunningdale Road E) and Neighbourhood Connector (Skyline Avenue)
- Lower-order street classification is used to establish permitted use & intensity of development (920\_) → range of residential uses permitted
- Permitted heights are 1 to 3 storeys.
- The London Plan encourages intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outwards.

## *1989 Official Plan*

- Low Density Residential – approx. upper limit of 30 uph.



# Slide 5 – Public Comments

- Loss of trees on the site
- Heritage value existing farmhouse
- Privacy
- Traffic/ vehicular access
- Grading concerns/ stormwater

# Slide 6 – Recommendation

- Recommended Zoning By-law Amendments be introduced at the Municipal Council Meeting on December 13, 2022;
- Residential R6 (R6-3 ( )) Special Provision Zone and an Open Space (OS5) Zone
- Recommended special provisions to regulate east & west side yard setbacks will ensure protection of existing boundary trees.



## 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:** MHBC Planning on behalf of 2858637 Ontario Inc.  
4452 Wellington Road South  
Public Participation Meeting

**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of MHBC Planning on behalf of 2858637 Ontario Inc. relating to the property located at 4452 Wellington Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 13, 2022 to amend The London Plan to:
- i) Change the designation of a portion of the subject lands **FROM** a Shopping Area Place Type **TO** a Light Industrial Place Type on Map 1 – Place Types;
  - ii) Amend section 1565\_5 of The London Plan, List of Secondary Plans - Southwest Area Secondary Plan, by changing the designation of a portion of the subject lands **FROM** Commercial **TO** Industrial on Schedule 4 Southwest Area Land Use Plan, and Schedule 17 Wellington Rd/Hwy 401 Land Use Designations;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 13, 2022 to amend Zoning By-law No. Z.-1, in conformity with The London Plan as amended in part (a) above, to change the zoning **FROM** a Holding Associated Shopping Area Commercial (h-17\*ASA1/ASA2/ASA6) Zone **TO** a Holding Light Industrial (h-17\*LI6) Zone, and an Environmental Review (ER) Zone.

## Executive Summary

On October 17, 2022, Municipal Council deferred consideration of the proposed Official Plan and Zoning By-law amendment for 4452 Wellington Road South, and referred the item back to staff to facilitate an additional public participation meeting and circulate the notice of public meeting to a broader notification area:

I hereby certify that the Municipal Council, at its meeting held on October 17, 2022 resolved:

*That consideration of Item 3 (3.2) **BE REFERRED** back to the Planning and Environment Committee in order to facilitate an additional public participation meeting; it being noted that a broader circulation of notice for the PPM meeting is required.*

Typically, properties within 120m are advised of any Official Plan or Zoning By-law amendment application, as per the requirements of The London Plan and the Planning Act. A sign was also posted on the property advising of the proposed amendment application on May 12, 2022.

Staff have consulted with the Ward Councillor and this new notice of public meeting has been circulated to all properties within 300m of the site. A revised notification/radius map is attached as Appendix C.

Staff have reviewed the original recommendation and report and continue to support the original recommendation. The original report is attached as Appendix D.

**Prepared by:** Nancy Pasato, MCIP, RPP  
Senior Planner, Planning Implementation

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely MCIP, RPP  
Acting 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 Economic Development.

November 7, 2022

Cc: Heather McNeely, Manager, Current Development  
Michael Pease, Manager, Site Plans  
Ismail Abushehada, Manager, Development Engineering

## Appendix A – London Plan Amendment

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  
relating to 4452 Wellington Road South.

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, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to change the designation of a portion of the subject lands from a Shopping Area Place Type to a Light Industrial Place Type on Map 1 – Place Types, and to amend section 1565\_5 of The London Plan, List of Secondary Plans - Southwest Area Secondary Plan, by changing the designation of a portion of the subject lands from Commercial to Industrial on Schedule 4 Southwest Area Land Use Plan, and Schedule 17 Wellington Rd/Hwy 401 Land Use Designations.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands located at 4452 Wellington Road South in the City of London.

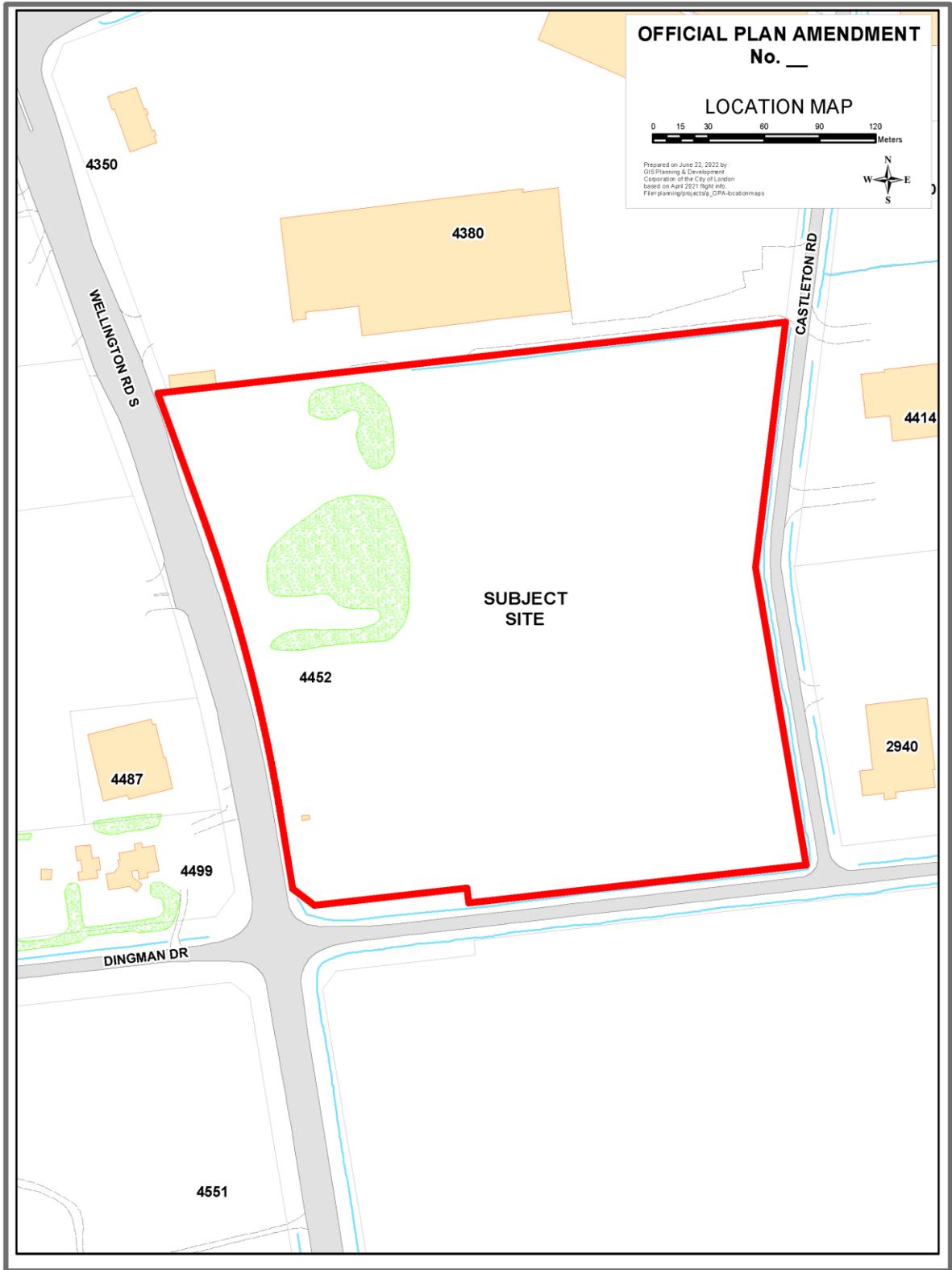
**C. BASIS OF THE AMENDMENT**

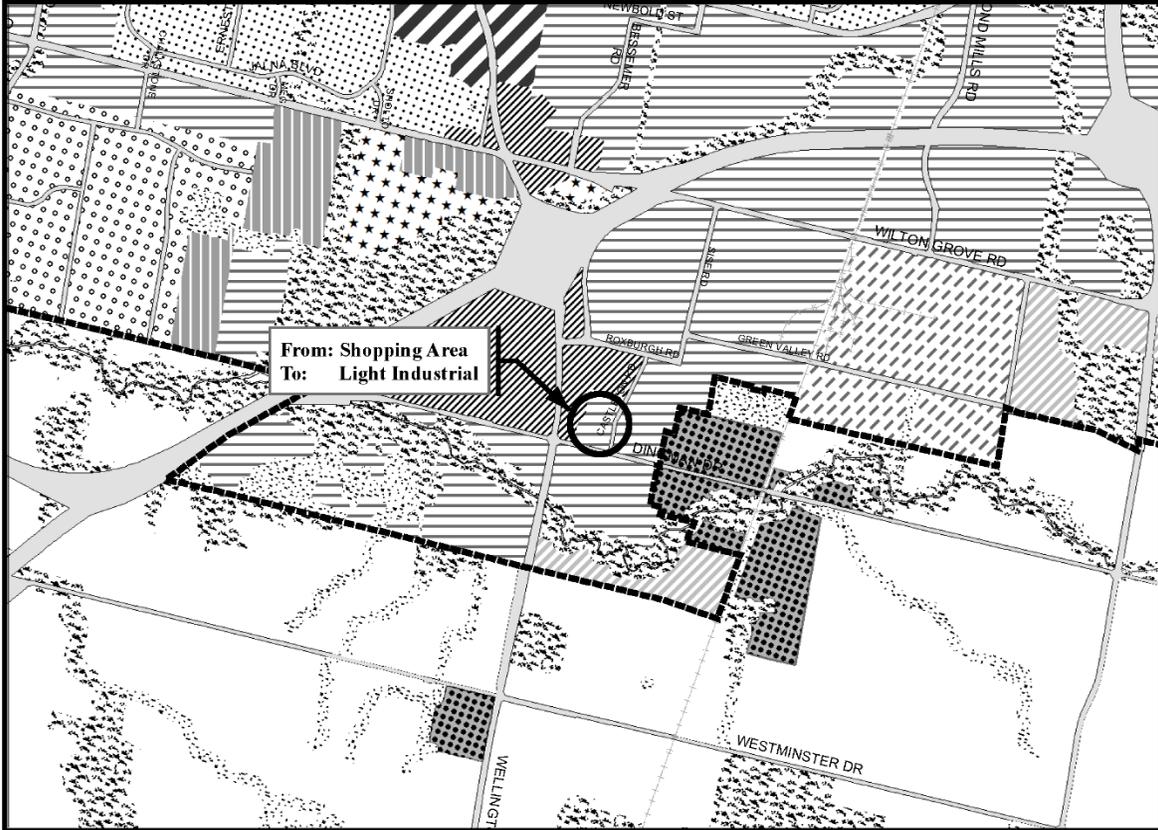
The recommended amendment is consistent with the PPS and the in-force policies of The London Plan and the Southwest Area Secondary Plan. The recommended amendment facilitates the development of a site within the Wellington Road/ Highway 401 Neighbourhood. while retaining a portion of the sight for future commercial uses. The recommended use will contribute to the supply of employment lands and industrial uses within the area and is intended to support the transport of goods while being in in close proximity (1 kilometre) to Highway 401, allowing easy access for the proposed transport terminal.

**D. THE AMENDMENT**

The London Plan is hereby amended as follows:

1. Map 1 – Place Types, of The London Plan is amended by redesignating a portion of the subject lands, as indicated on “Schedule 1” attached hereto from a Shopping Area Place Type to a Light Industrial Place Type.
2. Section 1565\_5 of The London Plan, List of Secondary Plans - Southwest Area Secondary Plan, Schedule 4 Southwest Area Land Use Plan, and Schedule 17 Wellington Rd/Hwy 401 Land Use Designations is amended by redesignating a portion of the subject lands, as indicated on “Schedule 2” attached hereto from Commercial to Industrial.





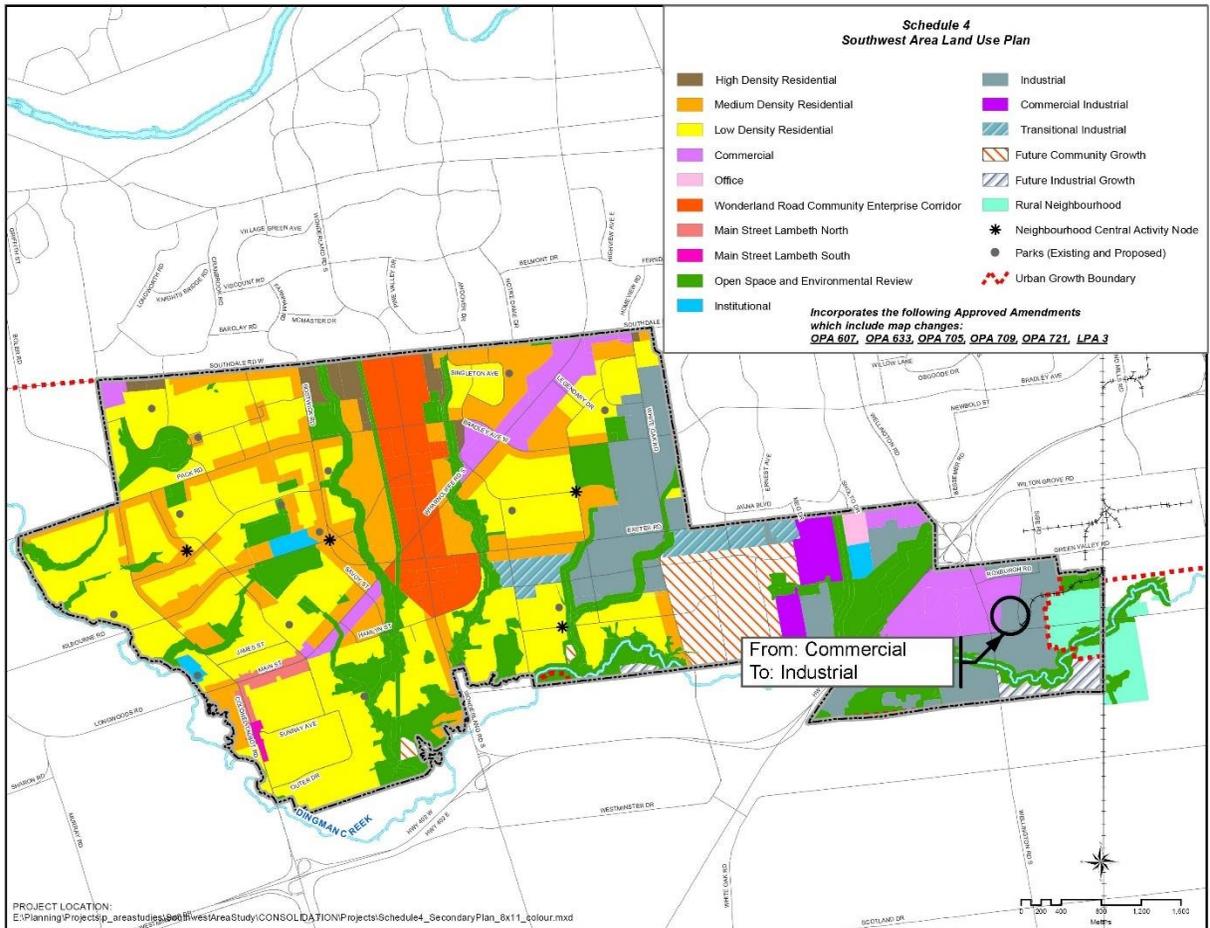
**Legend**

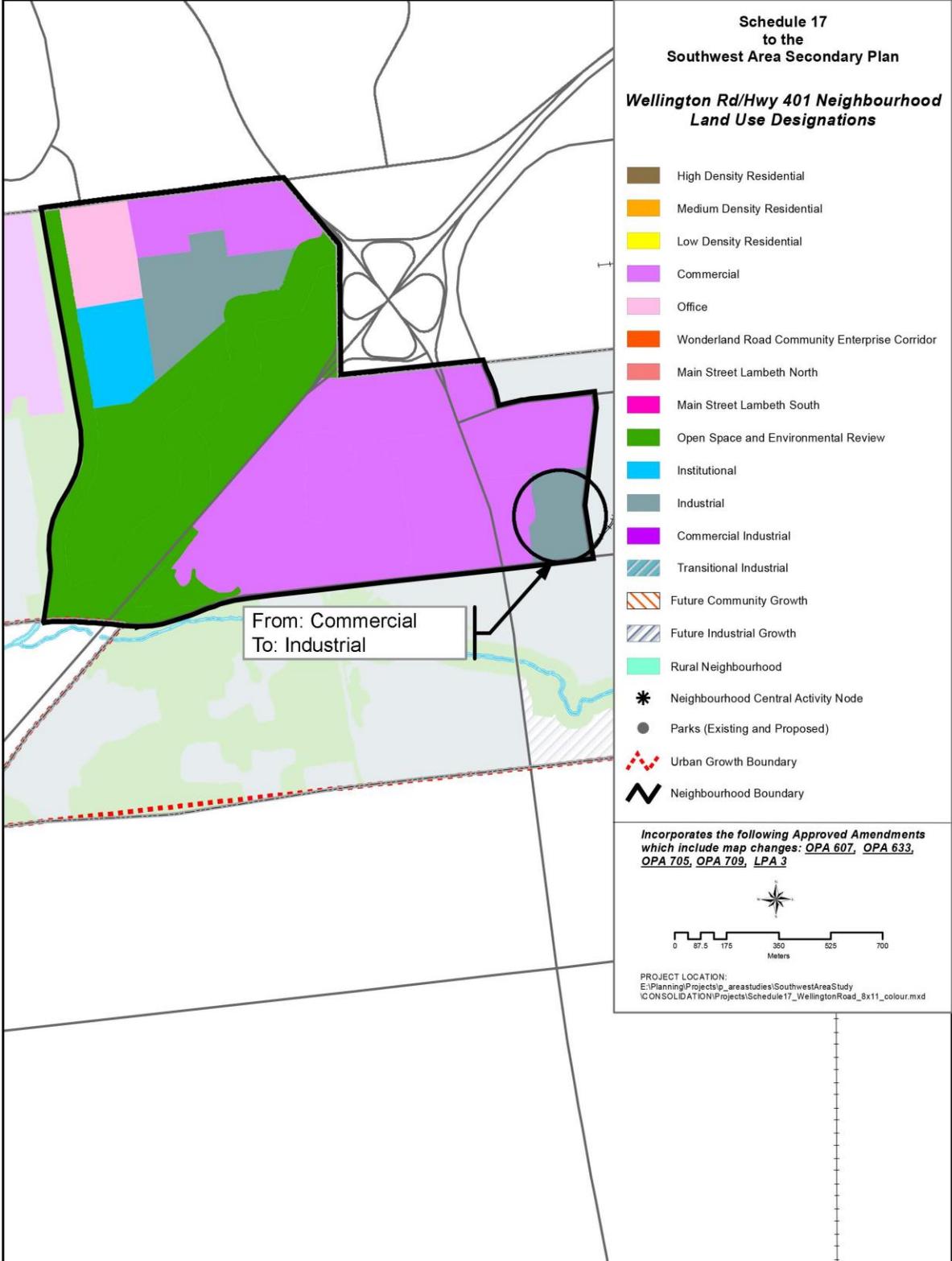
Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street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

<p><b>SCHEDULE 1 TO</b></p> <p>OFFICIAL AMENDMENT NO. _____</p> <p><small>PREPARED BY: Planning &amp; Development</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>FILE NUMBER:</b> OZ-9497</p> <p><b>PLANNER:</b> NP</p> <p><b>TECHNICIAN:</b> RC</p> <p><b>DATE:</b> 9/7/2022</p>
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Document Path: E:\Planning\Projects\p\_officialplan\work\consolidations\amendments\_LondonPlan\OZ-9497\OZ-9497\_AMENDMENT\_Map1\_PlaceTypes\_b&w\_8x11.mxd





## Appendix B – Zoning By-law Amendment

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 4452 Wellington Road South.

WHEREAS MHBC Planning on behalf of 2858637 Ontario Inc. have applied to rezone an area of land located at 4452 Wellington Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of London 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 4452 Wellington Road, as shown on the attached map comprising part of Key Map No. A112, from a Holding Associated Shopping Area Commercial (h-17\*ASA1/ASA2/ASA6) Zone to a Holding Light Industrial (h-17\*LI6) Zone, and an Environmental Review (ER) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

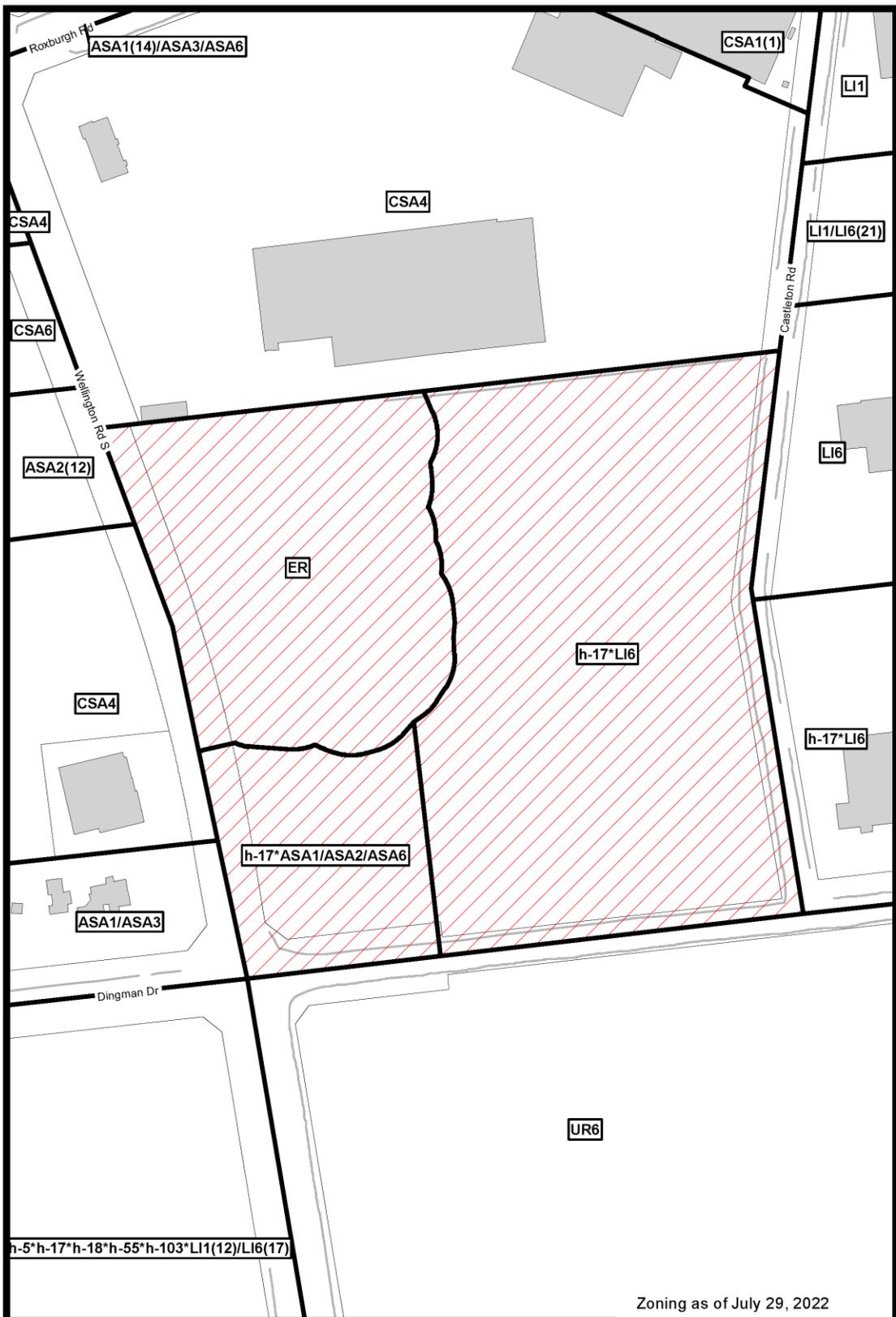
PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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

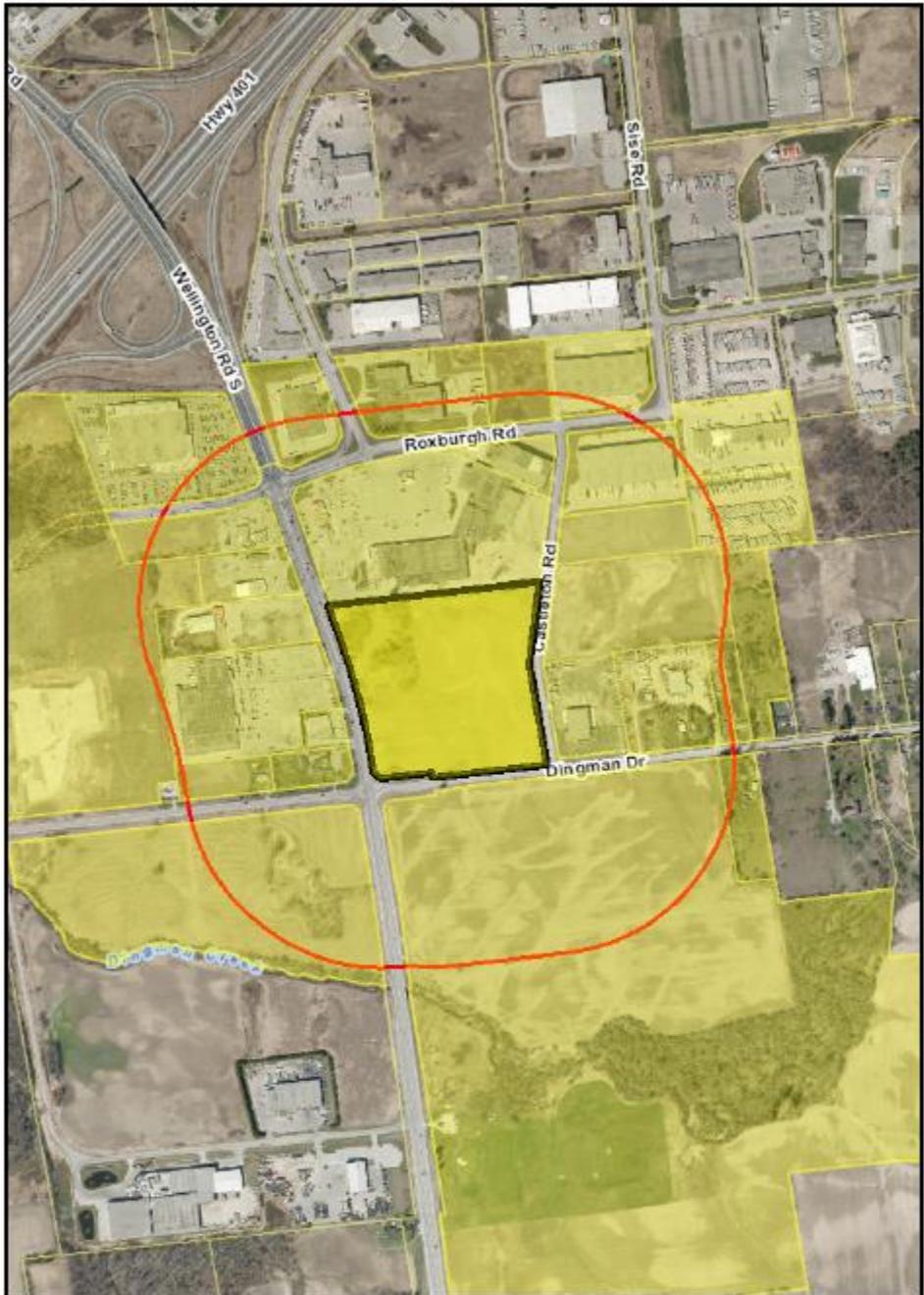


Zoning as of July 29, 2022

<p>File Number: OZ-9497                  Planner: NP                  Date Prepared: 2022/09/07                  Technician: RC                  By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters </p> <p></p>
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Geodatabase

**Appendix C – Revised Notification/Radius Map**



<b>Notification Map</b>		<b>Legend</b>	
300m Radius Buffer			Subject Property
Subject Property:	4452 Wellington Road South		Parks
Applicant:	MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE		Assessment Parcels
File Number:	OZ-9497		Buildings
Created By:	Nancy Pasato		Address Numbers
Date:	10/26/2022		
Scale:	1:8000		
Corporation of the City of London			



## 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:** MHBC Planning on behalf of 2858637 Ontario Inc.  
4452 Wellington Road South  
Public Participation Meeting  
**Date:** October 5, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of MHBC Planning on behalf of 2858637 Ontario Inc. relating to the property located at 4452 Wellington Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 17, 2022 to amend The London Plan to:
  - i) Change the designation of a portion of the subject lands **FROM** a Shopping Area Place Type **TO** a Light Industrial Place Type on Map 1 – Place Types;
  - ii) Amend section 1565\_5 of The London Plan, List of Secondary Plans - Southwest Area Secondary Plan, by changing the designation of a portion of the subject lands **FROM** Commercial **TO** Industrial on Schedule 4 Southwest Area Land Use Plan, and Schedule 17 Wellington Rd/Hwy 401 Land Use Designations;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 17, 2022 to amend Zoning By-law No. Z.-1, in conformity with The London Plan as amended in part (a) above, to change the zoning **FROM** a Holding Associated Shopping Area Commercial (h-17\*ASA1/ASA2/ASA6) Zone **TO** a Holding Light Industrial (h-17\*LI6) Zone, and an Environmental Review (ER) Zone.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to the London Plan to redesignate the eastern portion of the lands to Light Industrial on the Place Types Map of The London Plan, while maintaining the western portion of the subject lands as a Shopping Area for future commercial uses.

The applicant has also requested a zoning by-law amendment for a portion of the property to a Holding Light Industrial (h-17\*LI6) Zone and an Environmental Review (ER) Zone. This proposed zone change will permit the proposed light industrial use on the eastern portion of the site (LI6) and delineate a natural heritage feature and buffer (ER), while ensuring further environmental studies will be completed.

The zoning for the southwestern portion of the property will remain in commercial (Holding Associated Shopping Area Commercial (h-17\*ASA1/ASA2/ASA6) Zone) to allow for future commercial development.

The h-17 holding provision shall be applied to ensure development will be limited until full municipal sanitary sewer and water services are available to service the site.

The Applicant also submitted an amendment to the 1989 Official Plan to change the designation on a portion of the site from New Format Regional Commercial Node to Light Industrial to permit transport terminals. However, as of 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 and rescinding the 1989 Official Plan. Therefore, the amendment to the 1989 Official Plan is no longer necessary.

The City is also initiating an amendment to the Southwest Area Secondary Plan (SWAP) by changing the designation of a portion of the subject lands from the Commercial designation to the Industrial designation on Schedule 4 Southwest Area Land Use Plan, and Schedule 17 Wellington Rd/Hwy 401 Land Use Designations.

### **Purpose and Effect of Recommended Action**

The purpose and effect of the requested amendments are to facilitate the severance of the property and ultimately to construct two truck transport terminals on the eastern portion of the site, while retaining the westerly portion for future commercial uses. The rezoning would also delineate a natural heritage feature through zoning and provide a 30-metre buffer from that feature. The recommended zoning will ensure further environmental studies and review are completed if any development seeks to encroach into the buffer area.

### **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, Industrial Place Type, Shopping Area Place Types, and Natural Heritage Features and Hazards.
3. The recommended amendment conforms to the policies of the Southwest Area Secondary Plan and the 1989 Official Plan.
4. The recommended amendment facilitates the development of a site within the Wellington Road/ Highway 401 Neighbourhood.
5. The recommended amendment will delineate a natural heritage feature and ensure the appropriate environmental studies are completed.

## **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 property is located on the northeast corner of the intersection of Wellington Road South and Dingman Drive, with frontage also on Castleton Road. The property has a frontage of approximately 285 metres along Wellington Road South, 275 metres of frontage along Dingman Drive, and 300 metres of frontage along Castleton Road. The property has a total lot area of approximately 8.4 hectares.

Currently, the property is used primarily for agricultural purposes (cultivated fields), with a small, wooded area contained within the northwest portion of the property, and a small out-building to the south. The subject property is also within the Upper Thames River Conservation Authority's Dingman Screening Area due to its proximity to the Dingman Creek. The surrounding land uses consist primarily of light industrial and large commercial uses. There is also a rural neighbourhood to the east of the site as well as various light industrial uses, including a transport terminal located at 4414 Castleton Road.

Wellington Road South is an urban thoroughfare/arterial road with an average annual daily traffic volume north of Dingman Drive of 18,000 vehicles per day, and south of Dingman Drive of 16,000 vehicles per day. Dingman Drive is a civic boulevard/arterial road with an average daily traffic volume east of Wellington Road South of 2,000 vehicles per day, and west of Wellington Road South of 3,000 vehicles per day. Further, Castleton Road is a neighbourhood connector/secondary collector with an average annual daily traffic volume north of Dingman Drive of 500 vehicles per day. The subject site is also located south of the Highway 401 and Wellington Road South interchange.

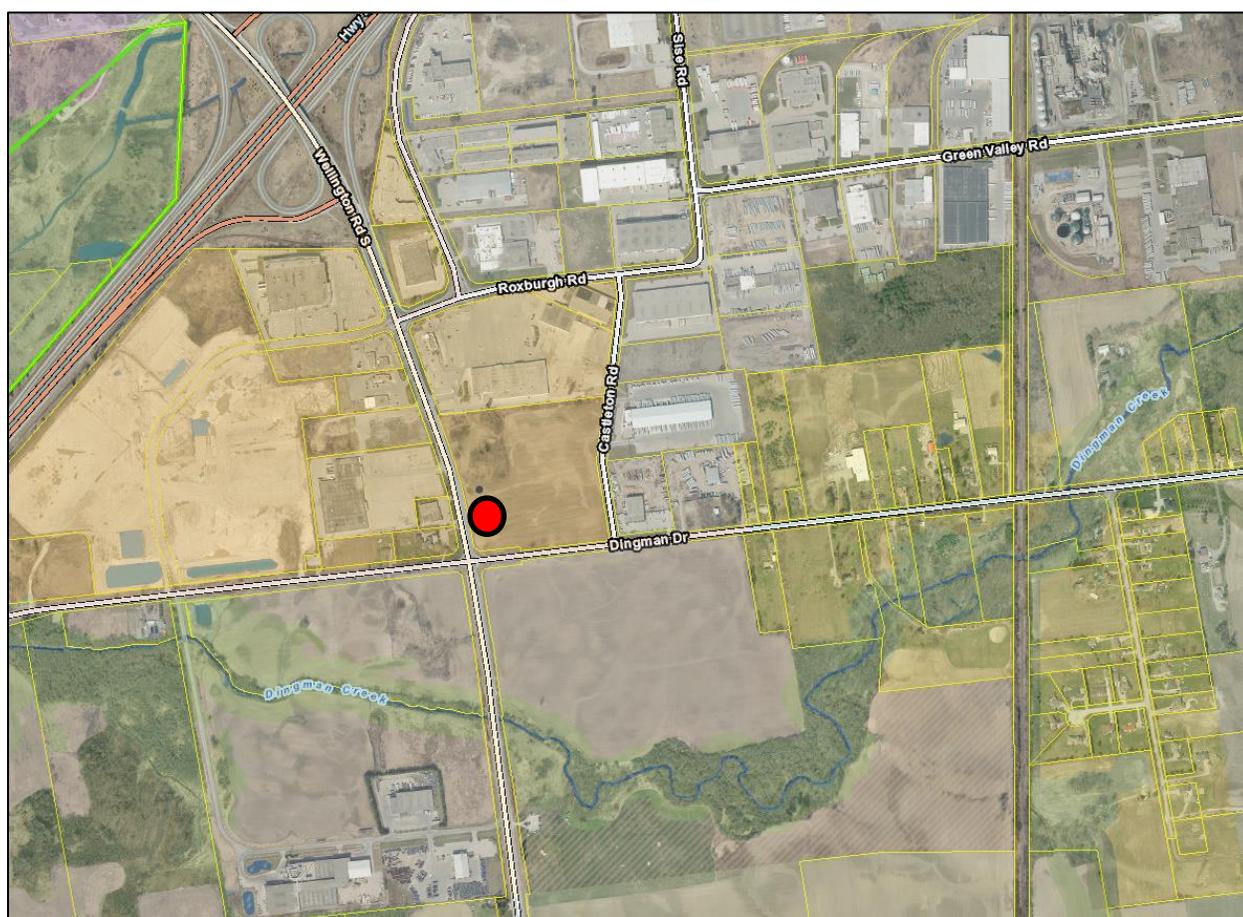


Figure 1. Aerial Photo of 4452 Wellington Road South and surrounding lands

## 1.3 Current Planning Information (see more detail in Appendix D)

- The London Plan Place Type – Shopping Area Place Type fronting an Urban Thoroughfare
- Southwest Area Secondary Plan - Wellington Road/Highway 401 Neighbourhood – Commercial
- Existing Zoning – Holding Associated Shopping Area Commercial (h-17\*ASA1/ASA2/ASA6) Zone

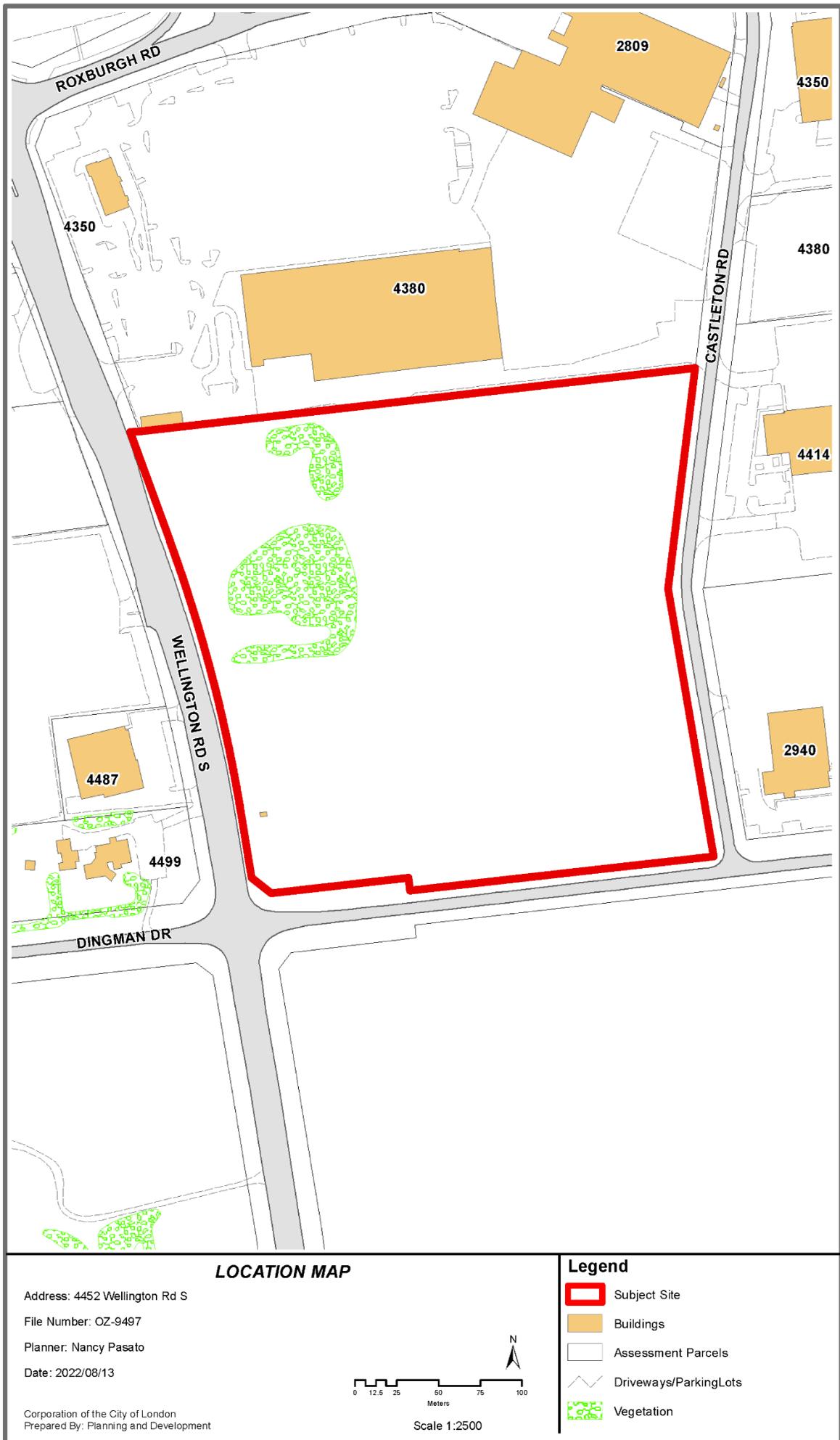
#### **1.4 Site Characteristics**

- Current Land Use – agriculture; woodlot
- Frontage – approximately 285 metres
- Area – 8.4 hectares
- Shape – rectangular/irregular

#### **1.5 Surrounding Land Uses**

- North – Commercial; Light Industrial
- East – Light Industrial; Rural Neighbourhood
- South – Light Industrial; Open Space (Dingman Creek)
- West – Commercial; Light Industrial; Open Space (Dingman Creek)

1.6 Location Map



## 2.0 Discussion and Considerations

### 2.1 Proposal

The applicant is proposing to rezone the land to facilitate the severance of the eastern portion of the property to be developed for a truck transport depot, while the western portion fronting Wellington Road South would remain future commercial lands. A potential lot layout comprising of three separate parcels containing retail units are considered for the future commercial lands. The eastern portion is seeking to be developed for transportation terminal facilities, would be severed into two conveyable parcels to accommodate separate truck transport facilities as well as potentially associated storage and office buildings. The total area for the proposed Light Industrial use is approx. 4.96 ha, and the area to remain commercial is approximately 3.41 ha (including 2.48 ha within the Environmental Review Zone). A concept plan for future



**Figure 2: Conceptual plan for future development**

development on the site is shown as Figure 2.

The subject site also contains a natural heritage feature not previously identified through the 1989 Official Plan nor the London Plan. As such, in order to advance the proposal, the applicant is requesting an environmental review zone for the north-easterly portion of the property to require further environmental studies on the natural heritage feature. The proposed Environmental Review (ER) Zone line includes a 30-metre-wide buffer from the edge of the delineated feature. The proposed Environmental Review area is approximately 2.5 ha in size, as shown in Figure 3. This interim measure is proposed until a full Environmental Impact Study can be completed to determine the significance of this feature.



**Figure 3 - Feature on site, with buffer, to be zoned ER**

## **2.2 Requested Amendment**

The applicant is requesting an amendment to the London Plan for a portion of the site to change the Place Type on the eastern portion of the lands to Light Industrial on the Place Types Map of The London Plan, while maintaining the western portion of the subject lands as a Shopping Area for future commercial uses.

The applicant has also applied for a zoning by-law amendment to a Holding Light Industrial (h-17\*LI6) Zone for the eastern parcel, to facilitate the severance of the lands, and to permit a range of uses including building or contracting establishments; storage depots; terminal centres; transport terminals, etc. The applicant is also requesting that a portion of the lands proposed to be retained to the northwest be zoned an Environmental Review (ER) Zone, which permits uses including conservation lands; conservation works; passive recreational uses; managed woodlot; and agricultural uses. The retained southwestern portion of the site will remain a Holding Associated Shopping Area Commercial (h-17\*ASA1/ASA2/ASA6) Zone for future anticipated commercial uses.

## **2.3 Community Engagement (see more detail in Appendix C)**

No comments were received from the public on this file.

## **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 25<sup>th</sup> 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.

*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. 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).

Section 1.3.1 encourages planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs, and 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.

Section 1.1 of the PPS encourages healthy, livable, and safe communities which are sustained by avoiding development and land use patterns which may cause environmental concerns and promote the conservation of biodiversity (1.1.1 c) and h)), The PPS supports long-term economic prosperity by minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature (1.7.1 k)). The PPS prohibits development and site alteration in significant wetlands, significant woodlands, significant valley lands and significant wildlife habitat and adjacent lands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.4 and 2.1.5 and 2.1.6).

### *The London Plan*

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). All The London Plan policies and mapping considered with respect to this application are in force and effect and are determinative for the purposes of this planning application.

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 Plan strategically for a prosperous city by:

- Plan for and promote strong and consistent growth and a vibrant business environment that offers a wide range of economic opportunities;
- Identify and strategically support existing and emerging industrial sectors;
- Ensure an adequate supply of employment lands.
- Plan to capitalize on London’s position along the NAFTA superhighway. (Key Direction #1, Directions 1, 9, 10, 12).

Policies of the London Plan ensure adequate land is included within the Urban Growth Boundary to ensure there is an ample supply of strategically sized and located sites for attracting industrial businesses of various kinds (137\_).

Lastly, The London Plan provides direction to make wise planning decisions by:

- Planning for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The subject site is located within the Shopping Area Place Type. Shopping Areas will constitute an important part of London’s complete communities, providing commercial centres with a wide range of retail, services, business, recreational, social, education, and government uses within easy walking distances for neighbourhoods (871\_). Permitted uses within the Shopping Area Place Type include a broad range of retail; service; office; entertainment; recreational; educational; institutional; and residential use. Mixed-use buildings will be encouraged, while uses with large amounts of outdoor

storage; large warehouse components; storage of heavy vehicles, and/or emitting noise, vibration, or dust will not be permitted (877\_).

The Natural Heritage policies of The London Plan provide for the identification and protection of natural heritage features and areas and the ecological functions, processes and linkages that they provide over the long term (1307\_). The Components of the Natural Heritage System are typically identified or delineated on Map 5 – Natural Heritage. These lands are also regulated by the Upper Thames River Conservation Authority.

In accordance with policy 1322\_, natural heritage features and areas may be identified and delineated on Map 5 and included in the Green Space Place Type on Map 1 by amendment to The London Plan. Usually such an amendment is based on an environmental study accepted by the City consistent with the relevant criteria of the Natural Heritage Policies of the Plan.

#### *Southwest Area Secondary Plan (SWAP)*

The site is within the boundary of the Southwest Area Secondary Plan (SWAP) which came into effect in 2014. The secondary plan provides vision, principles, and polices to develop the Southwest Planning Area as a vibrant community and recognize it as a significant gateway into the City. The subject site is located within the Wellington Road/ Highway 401 Neighbourhood. It is intended that the lands adjacent to Wellington Road South and Highway 401 interchange will continue to provide a range and mix of commercial and office uses and continue to support and promote employment lands (20.5.15 i).

#### *1989 Official Plan*

The subject lands were located within the New Format Regional Commercial Node (NFRCN) designation on Schedule A of the 1989 Official Plan. This Node is intended to provide for a wide range of commercial uses which meet specialized service and comparison shopping needs, with a higher concentration of retail uses. These areas are regarded as major activity centres by reason of their size and range of uses and may have trade areas that also extend beyond the municipal boundary. Locationally, a New Format Regional Commercial Node shall be located at the intersection of two arterial roads, on a site(s) large enough to accommodate all buildings plus parking, loading facilities and measures to provide adequate buffering, and on a site which should have good access to public transit service and/or have an on-site transit transfer station (4.3.6.1, 4.3.6.2).

### **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 PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (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).

Employment Areas are intended to be planned for, protected, and preserved for current and future uses. These areas shall ensure that the necessary infrastructure is provided to support current and projected needs. Specifically, planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (1.3.2.6).

Planning authorities shall also promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1). Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1 a)).

No development is permitted within a significant woodland, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.5. b). Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (2.1.8).

The recommended amendment is in keeping with the PPS 2020 as it facilitates the introduction of new industrial uses that are suitable within the existing site context. The recommended amendment will facilitate development on vacant lot within an established industrial area by making efficient use of the land while also contributing to the supply of employment lands within the city. The proposed use also intends to benefit and capitalize on the site's close proximity to the 401 Highway and is intended to support the movement of goods in a way that would minimize the length of vehicle trips. The proposed amendment will also recognize an environmental feature and ensure no development occurs within 30m of the feature unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

## **4.2 Issue and Consideration #2: Amendment to The London Plan**

### *The London Plan*

At the core of The London Plan is the goal of planning for a prosperous London. A big part of London's prosperity in 2035 will rely on the growth of our industrial sector. In 2014 almost one-third of all of London's employment occurred within our Industrial Place Types – what the Provincial Policy Statement would refer to as employment lands. These lands house many of our industries that create long-term jobs that have positive economic spin-off throughout our city (1104\_).

Industrial Place Types represent a critical part of our City Structure – where one-third of Londoners work and where many of the goods and services we produce as a city are designed, manufactured, processed, assembled and then transported to the world. These lands have been strategically located where there is a strong demand for them and where they are well connected to the region and the world – locations that have easy access to rail, the airport, major highways, and the existing industrial sectors that have evolved over time. Many of the industrial lands in the core of our city that formed 50 to 100 years ago are losing their attraction, and some are now transitioning to new uses that create both employment and opportunity for new urban neighbourhoods (1107\_).

The Light Industrial Place Type is where industries generating more minimal planning impacts will be permitted. It is appropriate to separate these uses from heavier industrial users, to avoid land use conflicts and to allow for positive industrial environments (1110\_). It may also be necessary to separate some uses within the Light Industrial Place Type from sensitive land uses on adjacent lands.

### *Southwest Area Secondary Plan*

The principles of the SWAP include providing for a range of land uses (20.5.1.4 a)). A key goal of the SWAP is to provide for a competitive place to work and invest through encouraging the growth of employment land opportunities, while protecting ample, highly accessible, land that will provide a long-term supply of strategically positioned employment lands. (20.5.1.4 iii).

The subject site is located within the Commercial designation. The primary permitted uses revert to the underlying London Plan Place Type (Shopping Area), which supports a wide range of retail, commercial and office uses.

### *1989 Official Plan*

Permitted uses within the NFRCN include all types of large and small-scale retail outlets, including supermarkets and food stores, building supply, home improvement and furnishings stores, convenience commercial uses, personal services, restaurants, offices, and a limited range of automotive services.

Applications to add or expand Light Industrial areas require compliance with the appropriate policies on permitted uses, location, design and operating criteria, the potential impact of industrial traffic on residential areas, the availability of utilities and sewer and water facilities to service the site, the compatibility of the proposed uses with existing and proposed uses in the surrounding area, and the availability of transit services to the site.

### Analysis:

The proposed Light Industrial Place Type will be located adjacent to an existing Light Industrial Place Type to the south and east. Light industrial uses at this location will avail of easy access to significant transportation corridors and will be located adjacent to existing similar uses. The proposed transport terminal uses are not considered noxious or requiring significant mitigation or setbacks and will not impact adjacent lands. Generally, the proposed use is compatible with existing industrial uses in the area. Although services are not available for the site, the proposed use is considered a dry use that will not require municipal services. Commercial will remain along the Wellington Road frontage. Site Plan will be required and will ensure any impacts on adjacent lands are mitigated.

### **4.3 Issue and Consideration #3: Use, Intensity, Form**

#### *The London Plan*

The City's vision for Industrial Place Types include siting industrial areas in strategically planned areas where they can capitalize upon the city's proximity to the 401 and 402 highway corridors (1113\_). A broad range of industrial uses that are unlikely to impose significant impacts on surrounding light industrial land uses due to their emissions such as noise, odour, particulates and vibration, may be permitted (1115\_1.). Industrial uses with large amounts of outdoor storage may not be permitted in the Light Industrial Place Type, dependent upon the character of the surrounding industrial area (1115\_2.). Policies 1125\_5 and 1125\_7 also regulate that large open storage areas will be screened with fencing and landscaping that is appropriate within the surrounding context and view corridors, and that loading facilities will be located in areas that minimize visual impact to other industrial uses and the street. Policy 1115\_2 reiterates that large amounts of outdoor storage may not be permitted in the Light Industrial Place Type, dependent upon the character of the surrounding industrial area, specific policies at the end of this chapter, or any applicable guideline documents.

### *Southwest Area Secondary Plan*

The primary permitted uses for the Commercial designation in the SWAP reverts to the underlying London Plan Place Type, which in this case is currently the Shopping Area Place Type. The proposed Place Type change to Light Industrial would permit a wide range of industrial uses that are unlikely to impose significant impacts on surrounding light industrial land uses. The proposed amendment to the SWAP would align the Industrial designation with the proposed Industrial Place Type.

### *1989 Official Plan*

The Light Industrial designation shall include those uses which are likely to have a minimal adverse effect on surrounding uses in terms of noise, smoke, odour or visual appearance, and which can be located in relatively close proximity to other land uses and entryways into the City. Where it is demonstrated that any nuisance factors related to a proposed industry not permitted by the Zoning By-law can be reduced to acceptable levels for the Light Industrial designation and the applicable zone, the industrial use may be permitted.

Permitted uses can include industrial uses that involve assembling, fabricating, manufacturing, processing and/or repair activities, are located within enclosed buildings, require only a limited amount of outdoor storage and are unlikely to cause adverse effects with respect to air, odour or water pollution, or excessive noise levels.

### Analysis:

The recommended use will contribute to the supply of existing industrial uses within the area and is intended to support the transport of goods. The location of the lands in close proximity (1 kilometre) to Highway 401, allows easy access for the proposed storage depot to efficiently function, minimize the number of trips needed for large, heavy, vehicles, and helps in reducing the need for industrial vehicles and freight to commute internally through the city to access highway corridors. Furthermore, the proposed use directly contributes to the city's supply of employment lands, contributes to the growth of London's industrial sector, maximizes the size of the land and location within an existing industrial area, and does not introduce an incompatible use to a neighbourhood which already consists of existing transport terminals. Any buildings or structures that may be needed for the proposed use will be addressed through site plan. Additionally, the property is not directly abutting sensitive or residential land uses, and the proposed use is anticipated to have minimal impact on surrounding properties in regard to intensity and form. This proposed use is appropriate for the location given the existing site context.

Policies within the SWAP seek to limit uses with outdoor storage, in order to prevent negative impacts on the nearby rural settlement area. However, since those policies came into effect, the area has been developed with a variety of industrial uses including, but not limited to, vehicle storage depots. As such, the proposed use is not out of character for the surrounding neighbourhood and instead aims to compliment and support the existing industrial uses that already exist. Enhanced landscaping elements and screening may also be required as part of the Site Plan Approval Process to ensure that the property is effectively screened from the street and any abutting lands.

The proposed use will have access to three roads, and issues such as access, vehicle turning movements and location of parking will be further addressed at site plan. The retention of the Shopping Area along Wellington Road will ensure the proposed use will be screened, and any future uses will be designed appropriately along this high visibility corridor.

### **4.4 Issue and Consideration #4: Environmental Review (ER) Zone**

As stated previously, the site contains an unevaluated vegetation patch located on the northwest corner of the site. In conjunction with the submission, a Natural Heritage

Features Preliminary Assessment – Opportunities and Constraints report was prepared and submitted by the applicant. Generally, it is summarized in this report that there are unevaluated wetland, woodlot and habitat features identified in the northwest quadrant of the site. As part of the report recommendation, a 30m setback should be applied to this feature until a full EIS can be completed. Ecology staff attended the site and staked the natural heritage feature, and confirmed the ultimate zone limit (with 30m buffer). It is anticipated that a full EIS will be provided in the future for these lands, and that a zoning by-law amendment will be required once the full EIS is reviewed and accepted by staff.

## **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 Southwest Area Secondary Plan, including but not limited to the Key Directions, Shopping Area Place Types, proposed Light Industrial Place Type, the proposed Industrial designation, and Natural Heritage Features and Hazards providing for the protection of both significant environmental features. The recommended amendment will facilitate the severance of the property while retaining a portion of the sight for future commercial uses. The recommended amendment will also facilitate the requirement for further environmental studies on a natural heritage feature and represents development with a land use, intensity, and form that is appropriate for the site.

**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. C.P.-1284-  
A by-law to amend The London Plan  
relating to 4452 Wellington Road South.

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, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on October 17, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – October 17, 2022  
Second Reading – October 17, 2022  
Third Reading – October 17, 2022

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to change the designation of a portion of the subject lands from a Shopping Area Place Type to a Light Industrial Place Type on Map 1 – Place Types, and to amend section 1565\_5 of The London Plan, List of Secondary Plans - Southwest Area Secondary Plan, by changing the designation of a portion of the subject lands from Commercial to Industrial on Schedule 4 Southwest Area Land Use Plan, and Schedule 17 Wellington Rd/Hwy 401 Land Use Designations.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands located at 4452 Wellington Road South in the City of London.

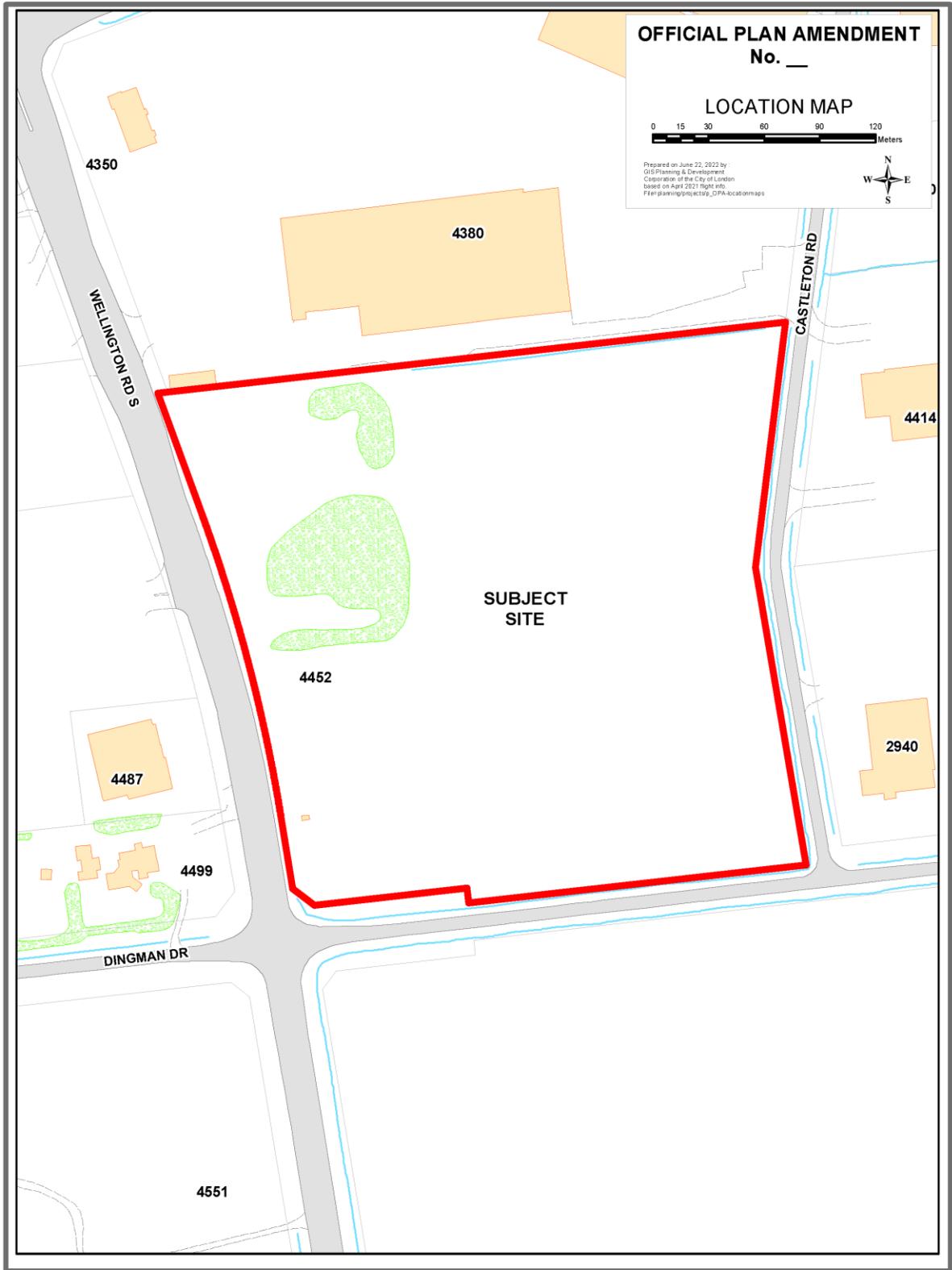
**C. BASIS OF THE AMENDMENT**

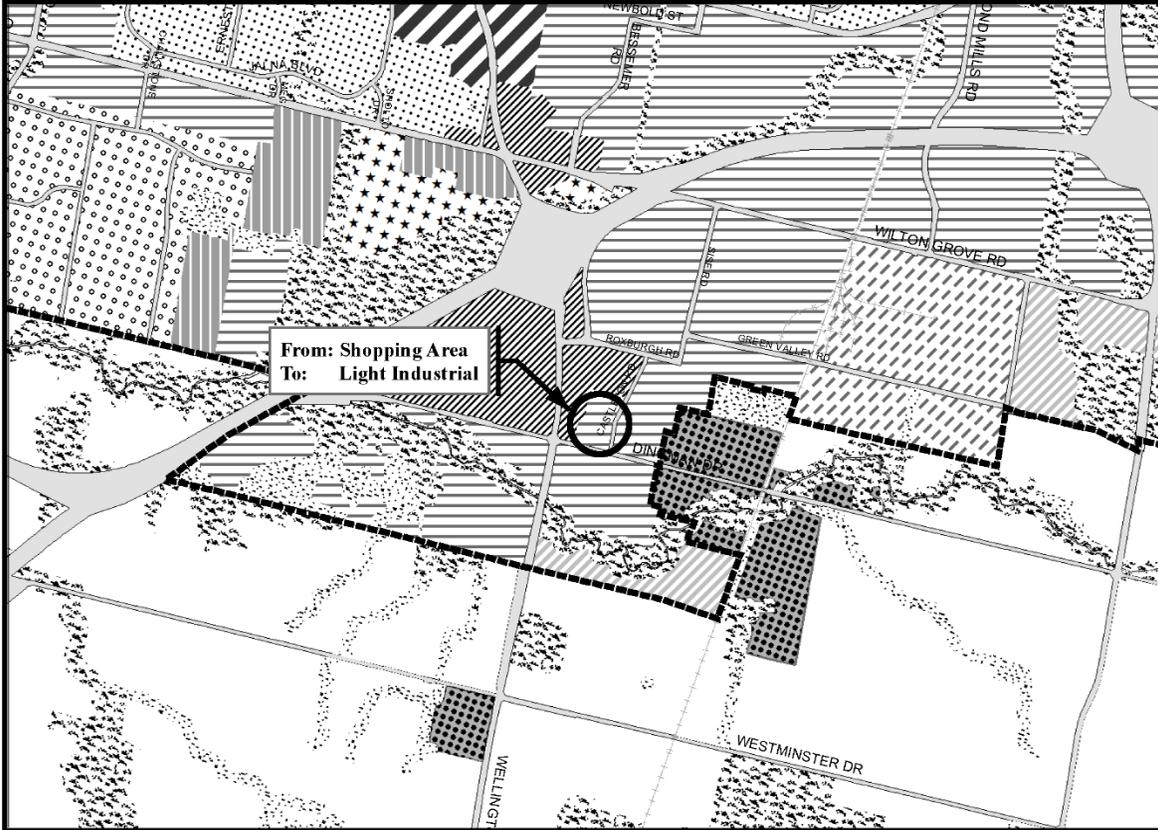
The recommended amendment is consistent with the PPS and the in-force policies of The London Plan and the Southwest Area Secondary Plan. The recommended amendment facilitates the development of a site within the Wellington Road/ Highway 401 Neighbourhood. while retaining a portion of the sight for future commercial uses. The recommended use will contribute to the supply of employment lands and industrial uses within the area and is intended to support the transport of goods while being in in close proximity (1 kilometre) to Highway 401, allowing easy access for the proposed transport terminal.

**D. THE AMENDMENT**

The London Plan is hereby amended as follows:

1. Map 1 – Place Types, of The London Plan is amended by redesignating a portion of the subject lands, as indicated on “Schedule 1” attached hereto from a Shopping Area Place Type to a Light Industrial Place Type.
2. Section 1565\_5 of The London Plan, List of Secondary Plans - Southwest Area Secondary Plan, Schedule 4 Southwest Area Land Use Plan, and Schedule 17 Wellington Rd/Hwy 401 Land Use Designations is amended by redesignating a portion of the subject lands, as indicated on “Schedule 2” attached hereto from Commercial to Industrial.



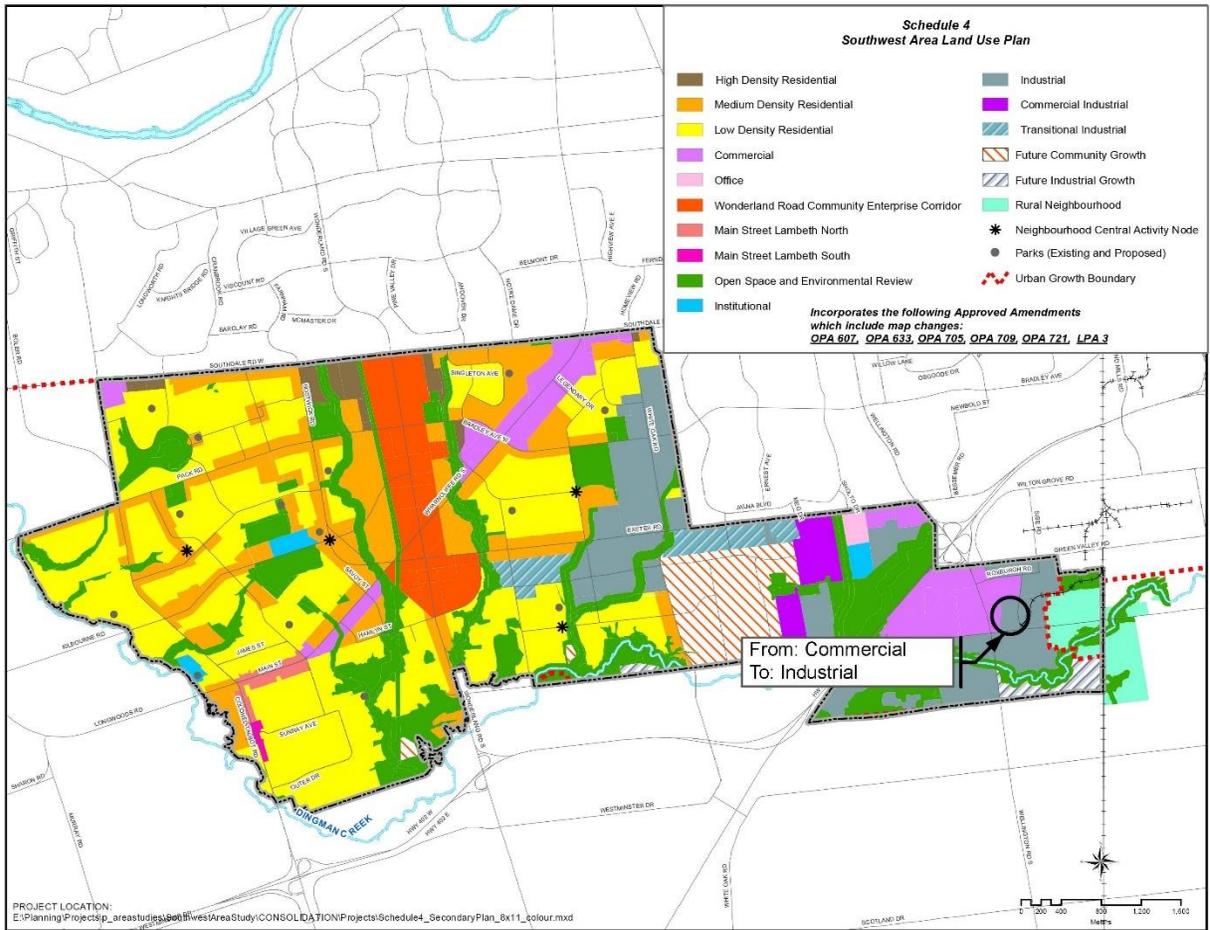


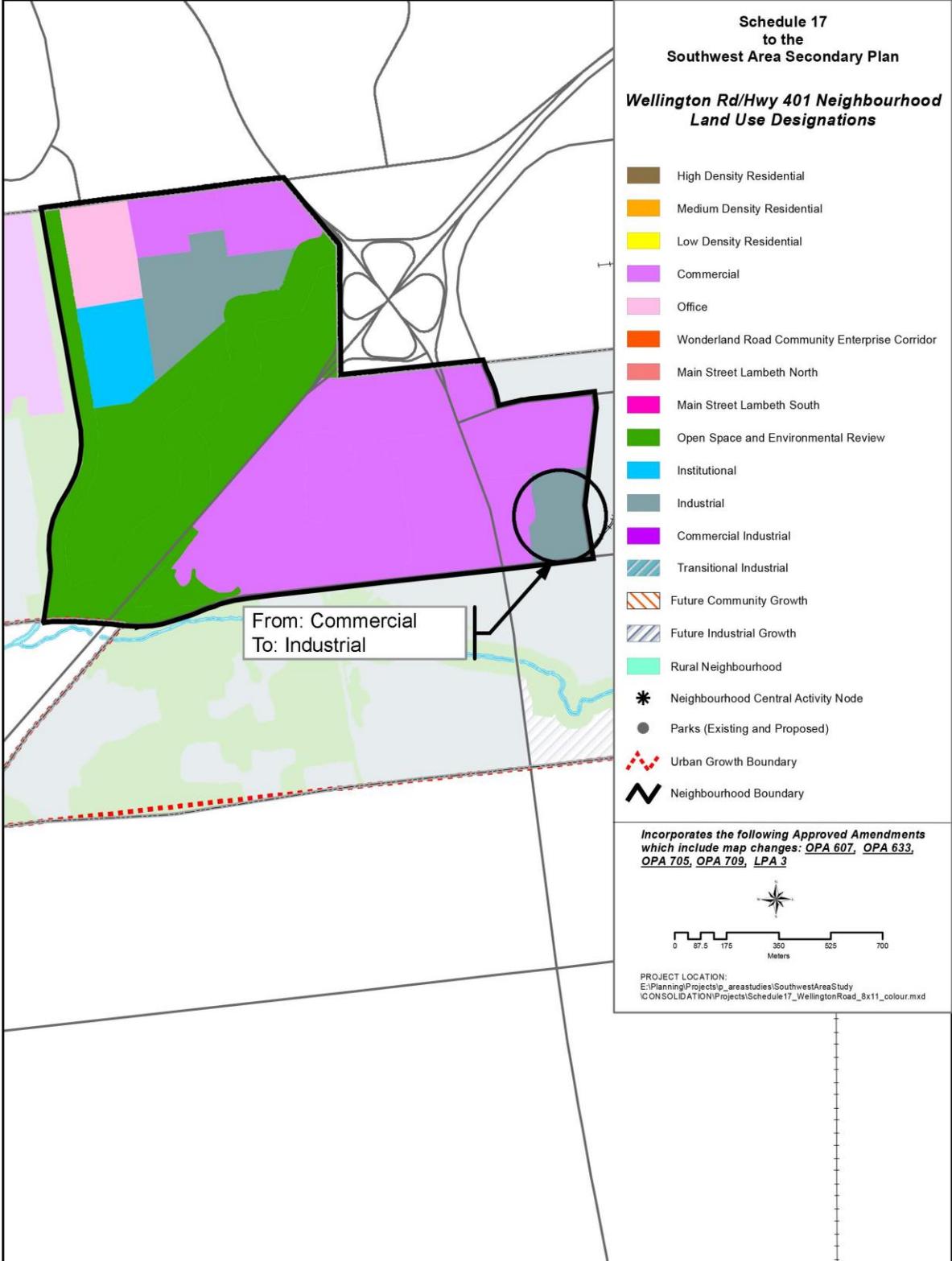
**Legend**

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.*

<p><b>SCHEDULE 1 TO</b></p> <p>OFFICIAL AMENDMENT NO. _____</p> <p><small>PREPARED BY: Planning &amp; Development</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p><b>FILE NUMBER:</b> OZ-9497</p> <p><b>PLANNER:</b> NP</p> <p><b>TECHNICIAN:</b> RC</p> <p><b>DATE:</b> 9/7/2022</p>
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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 4452 Wellington Road South.

WHEREAS MHBC Planning on behalf of 2858637 Ontario Inc. have applied to rezone an area of land located at 4452 Wellington Road South, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of London 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 4452 Wellington Road, as shown on the attached map comprising part of Key Map No. A112, from a Holding Associated Shopping Area Commercial (h-17\*ASA1/ASA2/ASA6) Zone to a Holding Light Industrial (h-17\*LI6) Zone, and an Environmental Review (ER) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

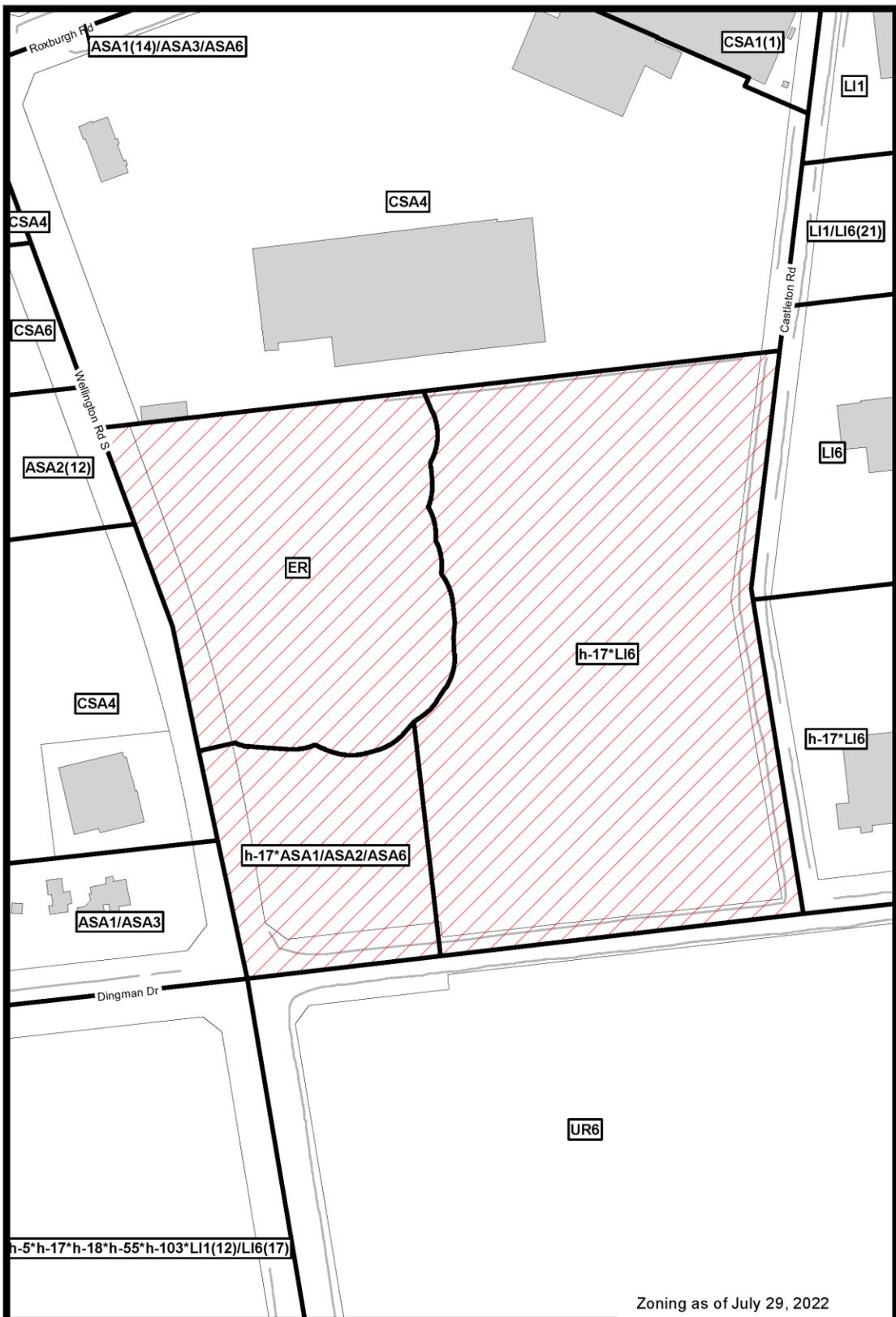
PASSED in Open Council on October 17, 2022.

Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – October 17, 2022  
Second Reading – October 17, 2022  
Third Reading – October 17, 2022

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



File Number: OZ-9497  
 Planner: NP  
 Date Prepared: 2022/09/07  
 Technician: RC  
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.5 25 50 75 100 Meters



Geodatabase

## Appendix C – Public Engagement

### Community Engagement

#### Notice of Application:

On May 11, 2022, Notice of Application was sent to fifteen (15) property owners in the surrounding area including lands in the Township of Middlesex Centre. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 12, 2022. A “Planning Application” sign was also posted on the site.

No comments were received.

**Nature of Liaison:** The purpose and effect of this Official Plan and zoning change is to permit a transport terminal on the eastern portion of the site. Possible amendment to the 1989 Official Plan to change the designation on a portion of the site from New Format Regional Commercial Node to Light Industrial. Possible amendment to the London Plan to change the designation on a portion of the site from the Shopping Area Place Type to the Light Industrial Place Type. Possible change to Zoning By-law Z.-1 **FROM** a Holding Associated Shopping Area Commercial (h-17\*ASA1/ASA2/ASA6) Zone **TO** a Holding Light Industrial (h-17\*LI6) Zone to permit various light industrial uses, including transport terminal, and an Environmental Review (ER) Zone to permit conservation lands and conservation works. The City may also consider the use of additional holding provisions, special provisions, or additional zoning and Official Plan/London Plan amendments as part of this application.

### Departmental and Agency Comments

#### London Hydro (May 11, 2022)

- 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.

#### Urban Design (June 1, 2022)

There are no specific UD comments for the proposed Official Plan and Zoning amendment for 4452 Wellington Road South.

#### Site Plan Application Stage:

- Please refer to site plan comments provided through the site plan consultation on Provide a landscape buffer with sufficient screening to mitigate visual impacts of freight trucks and expansive surface asphalt.
- Incorporate bioswales to manage storm water run-off from expansive surface asphalt.

#### Engineering (June 20, 2022)

- Engineering has reviewed the servicing report and TIA and have no requirements for holding provisions.

**The following items are to be considered during a future development application stage:**

#### ***Transportation:***

- Provide complete appendices;
- Additional information on proxy site survey such as when it was completed and time of survey is required. Append row survey data with report;
- Confirm how truck parking spaces for survey site was determined?
- Confirm whether operating capacity of the site was reviewed prior to commencing survey?
- Minimum of two proxy site should be survey for the purpose of trip rate;

- Subject site will primarily generating truck traffic and it should be converted to PCE of 2.5 before doing any further analysis;
- Provide figures confirming distribution of site generated traffic for each background developments;
- The conclusion of report needs to be updated with recommendation identified by the subject report and later it can be compared with recommendations provided by the Gateway Commercial TIA;
- Further comments related to the site were previously provided under the file SPC22-024.

**Water:**

- Water is available to each future parcel on the eastern portion of the site via the municipal 450mm CONC watermain on Castleton Road. Connection to the 750mm CONC watermain on Dingman Drive is not permitted.
- Water servicing shall be configured in a way to avoid the creation of a regulated drinking water system.
- Further comments related to the site were previously provided under the file SPC22-024.

**Wastewater:**

- No further comment related to the capacity analysis.
- An updated Drainage Area Plan and design sheet will be required at the time of SPA.
- Further comments related to the site were previously provided under the file SPC22-024.

**Stormwater:**

- All applicants and their consultants shall ensure compliance with the City of London, Design Specifications and Requirements Manual, Chapter 6 (2021). Please review the 2 year AES parameters. As part of detail design, the consultant is to update calculations, design sheets and brief as required, ensuring any modelling also uses the correct parameters.
- Further comments related to the site were previously provided under the file SPC22-024.

EEPAC (June 23, 2022, and August 3, 2022)

I hereby certify that the Municipal Council, at its meeting held on August 2, 2022 resolved:

That the following actions be taken with respect to the 1st and 2nd Reports of the Ecological Community Advisory Committee:

c) the Working Group comments relating to the property located at 4452 Wellington Road South BE FORWARDED to the Civic Administration for review and consideration;

ECAC received this report today after the notice appeared on the cte's agenda last week. Based on what I read in the MTE Opportunities and Constraints memo, I believe the ECAC would be supportive of the proposal to redesignate and rezone the feature and the proposed buffer to ER until such time as an EIS is prepared, reviewed and any change(s) to the ER designation and zone determined. We would also support conditions of either development or site plan for the proposed development on the west and south of the property that would direct construction and post construction activities away from the feature and its buffer. It also should be noted that construction could negatively affected surface and ground water flows to the feature and possible impacts should be studied before site preparation takes place.

Heritage (July 5, 2022)

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment requirements for (OZ-9497):

- Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 4452 Wellington Road South [...] Middlesex County, Ontario (PIF P006-0093-2021), February 2022.

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.” (p2)

An Ontario Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTCI) archaeological assessment compliance letter has also been received (without technical review), dated Feb 6, 2022 (MHSTCI Project Information Form Number P1289-0206-2021, MHSTCI File Number 0015947).

Archaeological conditions can be considered satisfied for this application.

#### Heritage (September 8, 2022)

This memo is to confirm that I have reviewed the following and find the report’s (analysis, conclusions, and recommendations) sufficient to fulfill the heritage impact assessment requirements for (OZ-9497):

- MacNaughton Hermsen Britton Clarkson Planning Ltd. (2021, November). Cultural Heritage Impact Assessment Report, 4452 Wellington Road South, City of London.

Please be advised that heritage planning staff recognizes the conclusions and recommendations of the report that state that:

“[t]here are no adverse impacts as a result of the proposed development as it relates to the existing Nichols Cemetery located at 4680 Wellington Road South. The Nichols Cemetery is located adjacent to the subject lands, albeit the cemetery is approximately 600 metres from the subject lands. Given the distance, impacts related to vibration or other land disturbances from construction are not anticipated. Since no impacts are expected, no alternatives or mitigation measures have been recommended.” (p28) Based on the review of the HIA, heritage staff is satisfied that there will be no adverse impacts to the adjacent LISTED property at 4680 Wellington Road South (The Nichols Cemetery) because of development at 4452 Wellington Road South. It has been sufficiently demonstrated that significant heritage attributes will be conserved, and the HIA can be accepted to meet heritage requirements for (OZ-9497).

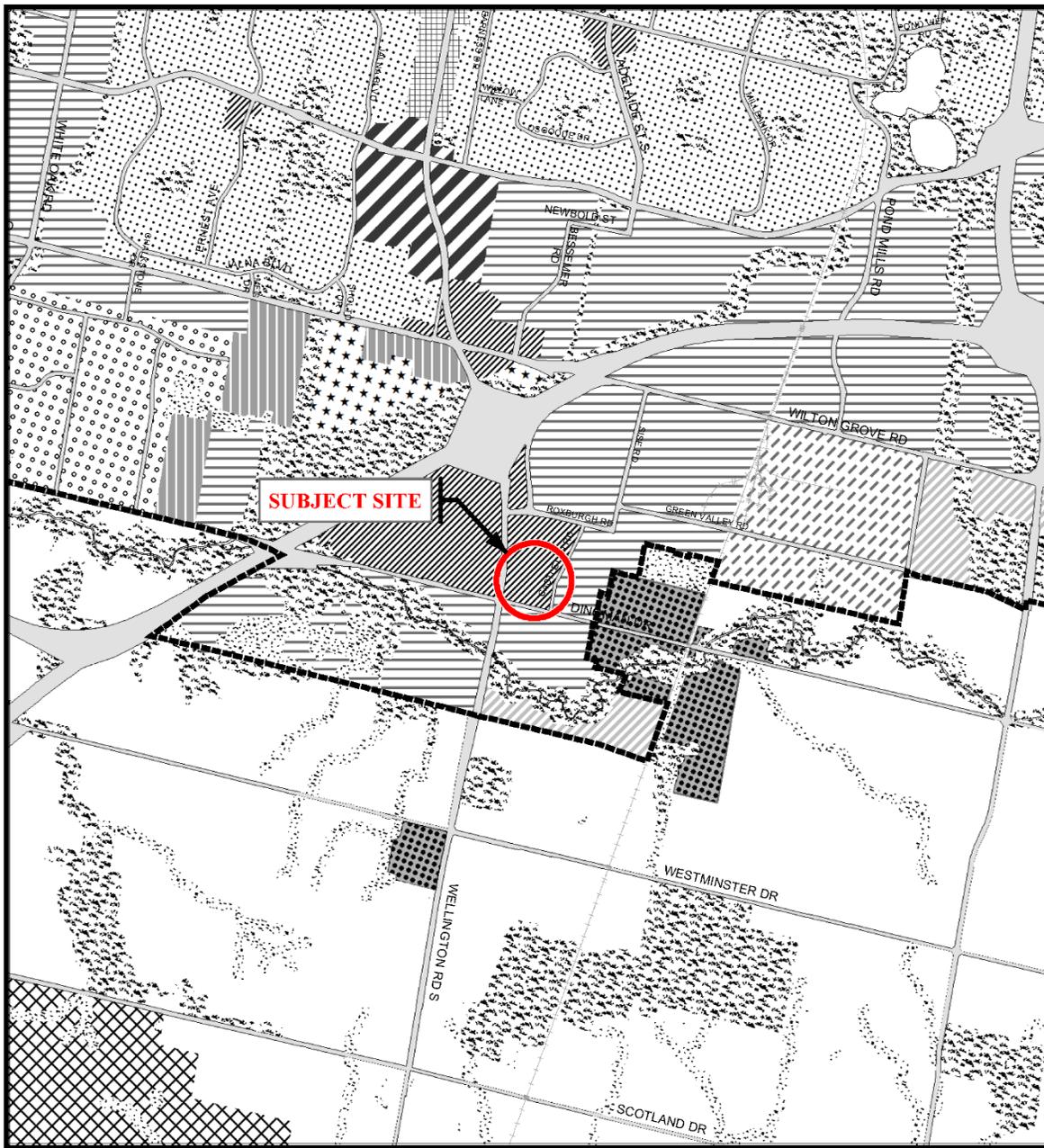
#### Site Plan (July 6, 2022)

- In accordance with the Site Plan Control By-law, parking is to be setback a minimum of 3.0m along both Dingman Drive and Castleton Road to provide landscape screening.
- Dimension the proposed truck stalls and standard parking stalls as well as the driveway widths.
- Identify the proposed snow storage location.
- Provide a greater landscape buffer between the north and south parking areas. A greater landscape buffer is to also be provided from the proposed "severed" lands along Wellington Road South.
- The proposal notes associated office uses are proposed. Identify the proposed building location and provide elevations of the proposed building.
- The truck parking spaces are to not impact the proposed site accesses.
- A Photometric Plan is required for any proposed light standards. Refer to the Site Plan Control By-law for light standard details.
- The proposed truck parking and employee/visitor parking at the north-east corner is an awkward configuration for truck movements

#### Ecology (September 1, 2022)

- Ecology is satisfied that the revised ER zoning line relating to the 30m setback is acceptable and in an accurate location. Please ensure this line is reflected in the ER Zone applied for the site.

# Appendix D – Relevant Background



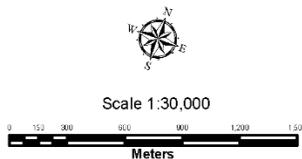
### Legend

- |                        |                          |   |
|------------------------|--------------------------|---|
| 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 Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

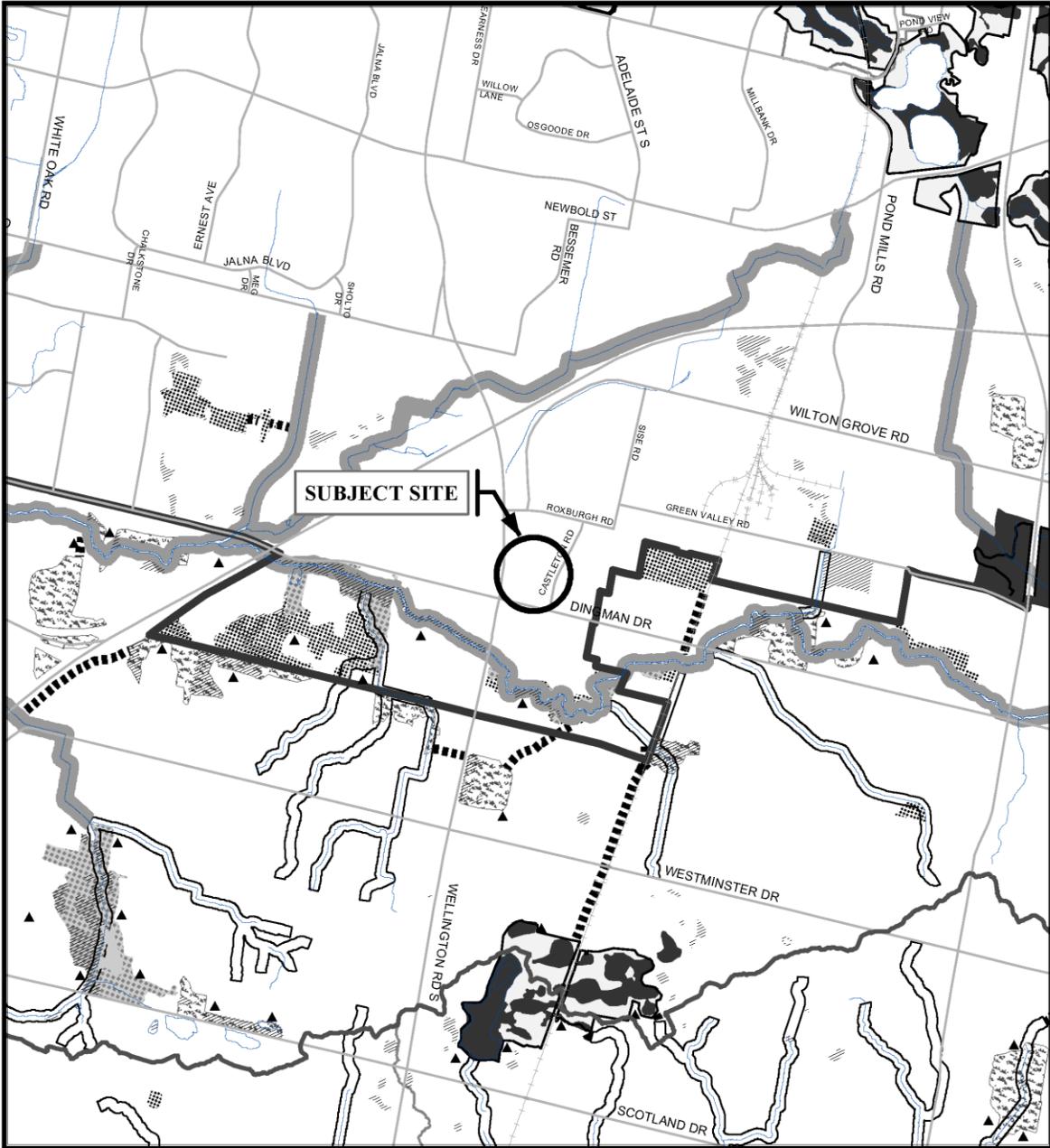
**CITY OF LONDON**  
**Official Plan**  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**

PREPARED BY: Planning & Development



**File Number:** OZ-9497  
**Planner:** NP  
**Technician:** RC  
**Date:** 2022/8/12

Project Location: E:\Planning\Projects\p\_officialplan\workconsol00\excerpts\_LondonPlan\mxds\OZ-9497-EXCERPT\_Map1\_PlaceTypes.mxd



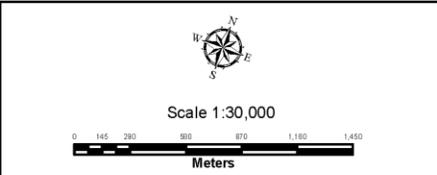
NATURAL HERITAGE SYSTEM		Base Map Features
Provincially Significant Wetlands	Areas of Natural and Scientific Interest	Railways
Wetlands	Environmentally Significant Areas (ESA)	Water Courses/Ponds
Unevaluated Wetlands	Potential ESAs	Streets (see Map 3)
Significant Woodlands	Upland Corridors	Conservation Authority Boundary
Woodlands	Potential Naturalization Areas	Subwatershed Boundary
Significant Valley Lands	Unevaluated Vegetation Patches	Subject to Site Specific Appeals (LPAT Appeal PL170100)
Valley Lands		

*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



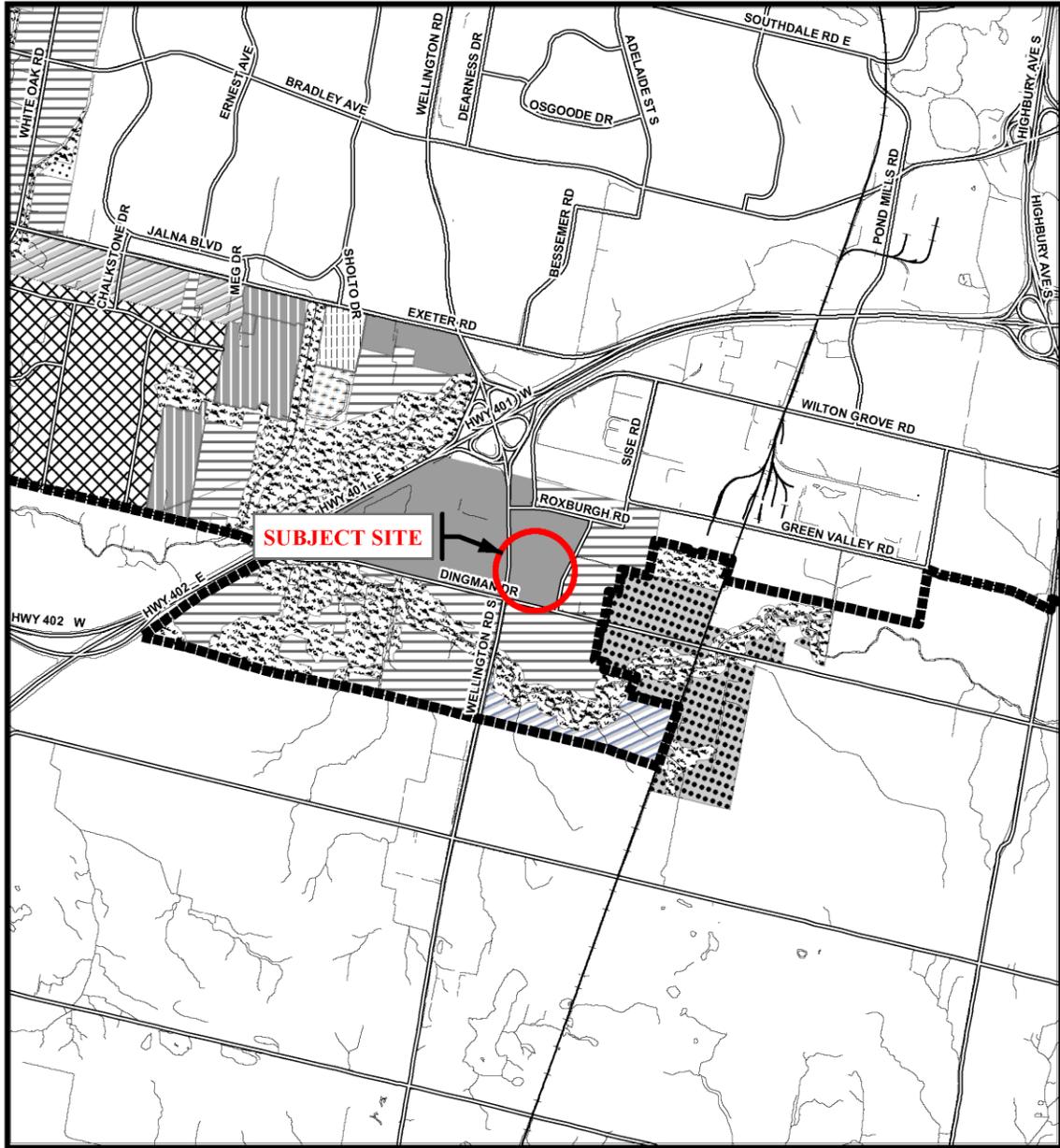
**File Number:** OZ-9497

**Planner:** NP

**Technician:** RC

**Date:** 8/12/2022

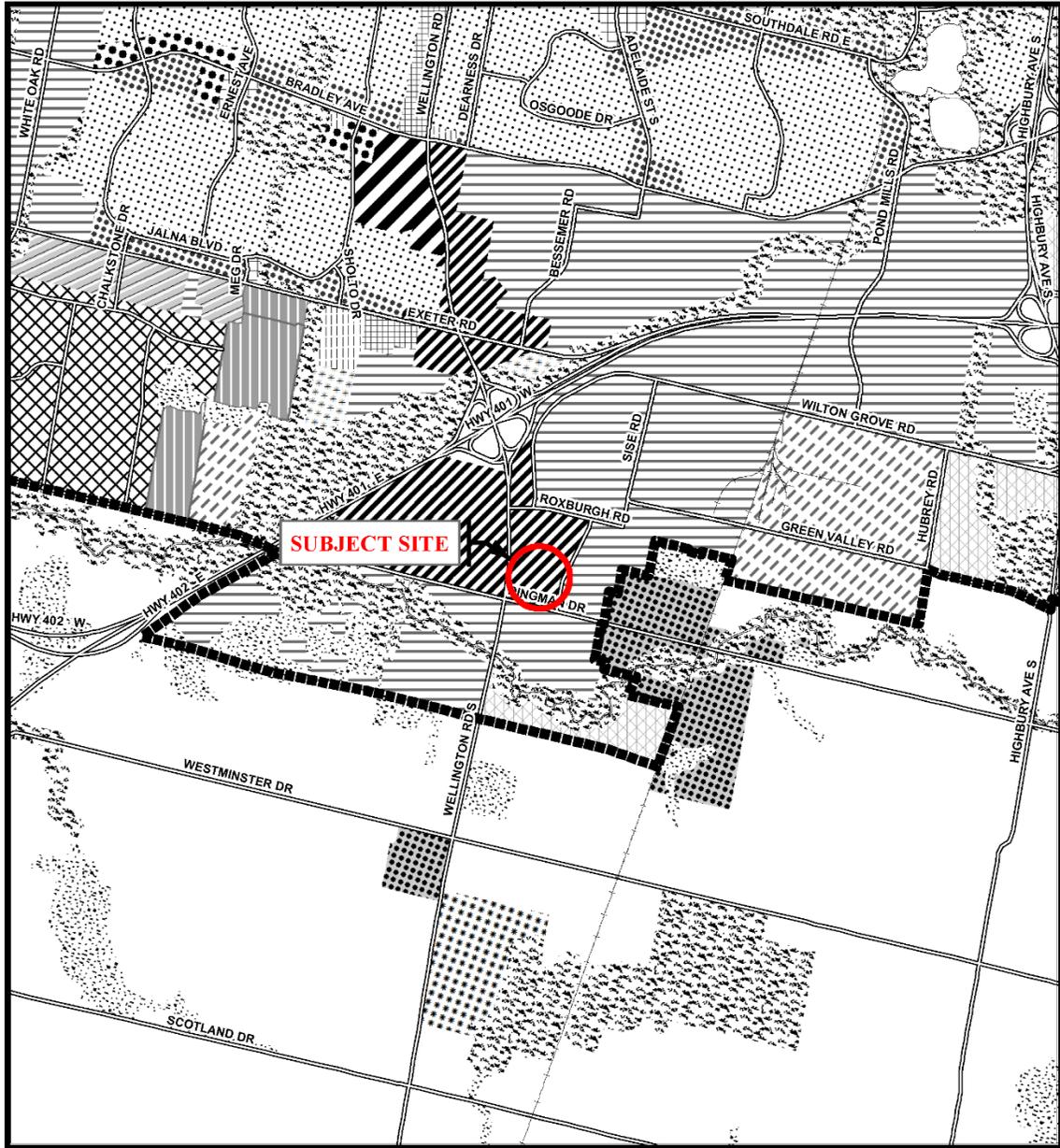
Project Location: E:\Planning\Projects\p\_officialplan\workconsol\00\excerpts\_LondonPlan\mxds\OZ-9497-EXCERPT\_Map5\_NaturalHeritage.mxd



Legend	
	High Density Residential
	Medium Density Residential
	Low Density Residential
	Commercial
	Office
	Wonderland Road Community Enterprise Corridor
	Main Street Lambeth North
	Main Street Lambeth South
	Open Space
	Institutional
	Industrial
	Commercial Industrial
	Transitional Industrial
	Urban Reserve Community Growth
	Urban Reserve Industrial Growth
	Rural Settlement
	Urban Growth Boundary

<p><b>CITY OF LONDON</b></p> <p>Planning Services / Development Services</p> <p>SOUTHWEST AREA STUDY SECONDARY PLAN - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 450 600 750 900 1050 1200</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9497</p>
		<p>PLANNER: NP</p> <p>TECHNICIAN: RC</p> <p>DATE: August 12, 2022</p>

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol\00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd

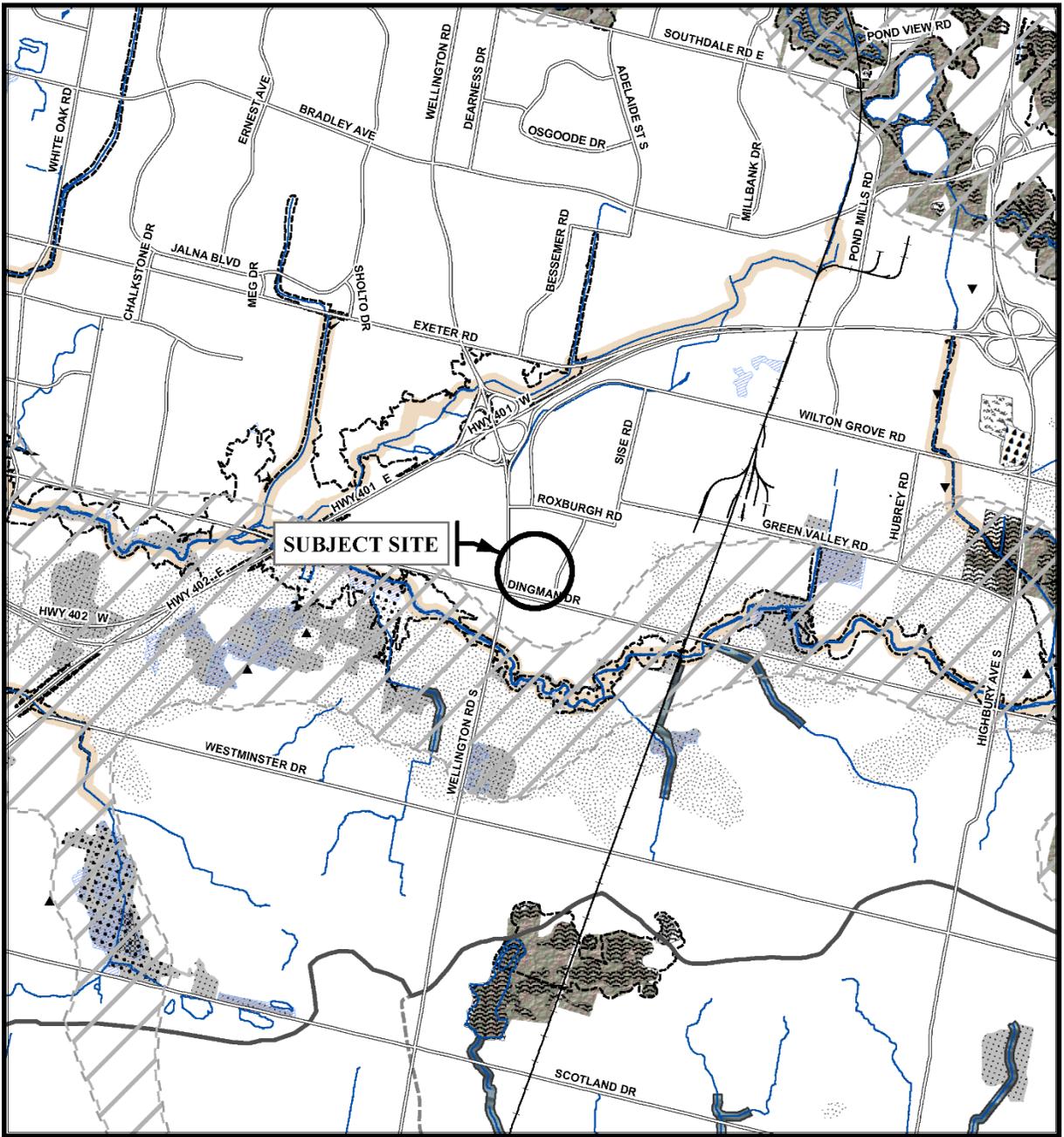


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p><b>CITY OF LONDON</b></p> <p>Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 300 600 900 1200 1500</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9497</p> <p>PLANNER: NP</p> <p>TECHNICIAN: RC</p> <p>DATE: 2022/08/12</p>
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**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.*

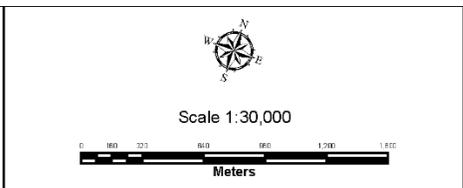
**Base Map Features**

-  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



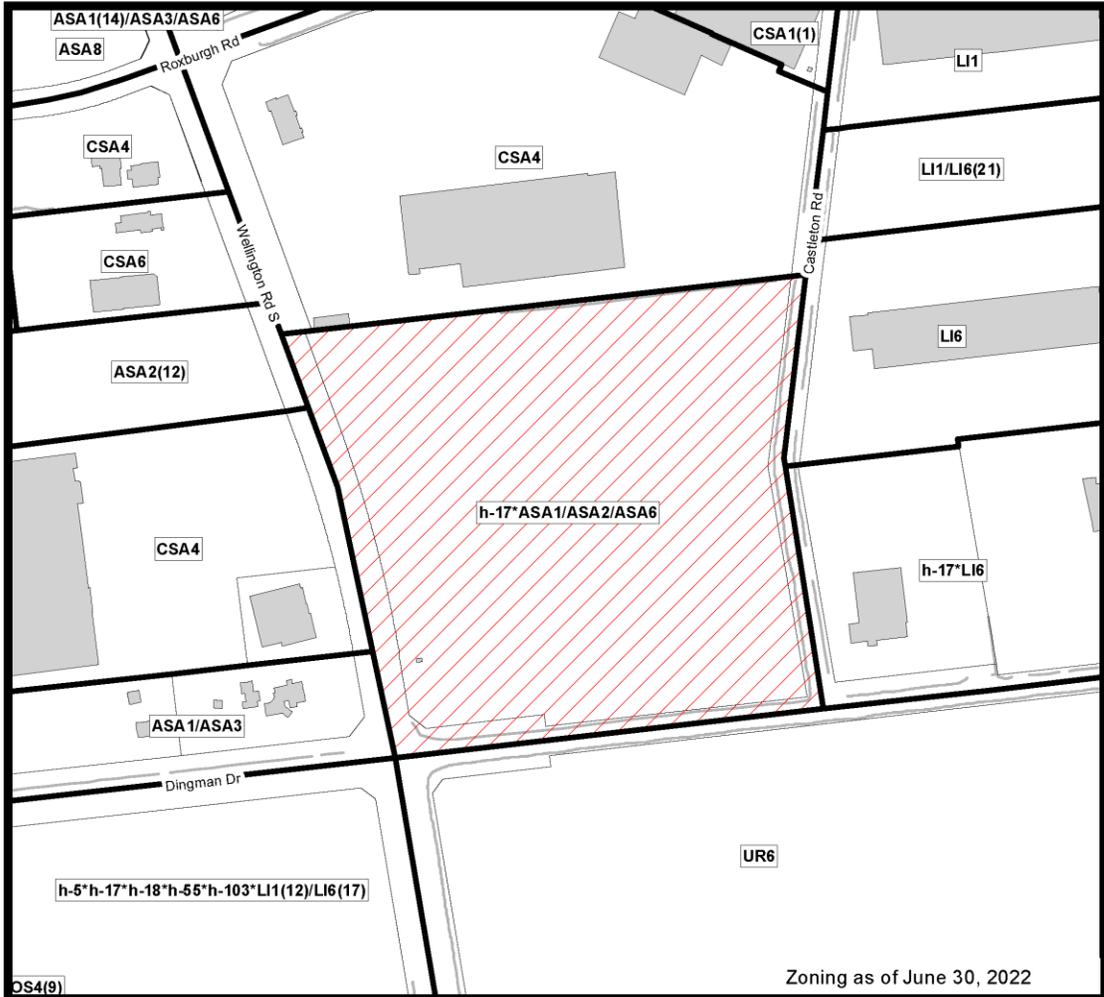
**FILE NUMBER:** OZ-9500

**PLANNER:** CP

**TECHNICIAN:** RC

**DATE:** 2022/07/18

PROJECT LOCATION: e:\planning\projects\officialplan\work\consol\00\excerpts\mxds\templates\schedule\_b1\scheduleB1\_b&w\_8x14\_with\_SWAP.mxd



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

OZ-9497

NP

MAP PREPARED:

2022/08/12

RC

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Meters

## 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:** 1739626 Ontario Limited  
952 Southdale Road West  
Public Participation Meeting on  
**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of 1739626 Ontario Limited relating to the property located at 952 Southdale Road West:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 13, 2022 to amend The London Plan to:
- i) Change the Place Type on a portion of the subject lands **FROM** the Green Space Place Type **TO** the Neighbourhoods Place Type, and **FROM** the Neighbourhoods Place Type **TO** the Green Space Place Type on Map 1 – Place Types;
  - ii) Modify the Provincially Significant Wetland Feature on Map 5 – Natural Heritage;
- b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting December 13, 2022 to amend Zoning By-law No. Z.-1, in conformity with The London Plan, to change the zoning of the subject property **FROM** an Urban Reserve (UR2) Zone **TO** a Holding Residential R8 Special Provision Zone (h\*h-129\*R8-4(\_)) Zone, a Holding Residential R8 Special Provision Zone (h\*R8-4(\_)) Zone, a Holding Community Shopping Area Special Provision (h\*h-129\*CSA1(\_)) Zone a Holding Community Shopping Area Special Provision (h\*CSA1(\_)) Zone, and an Open Space (OS5) Zone;

**IT BEING NOTED** to ensure the orderly development of the lands the following items will be addressed prior to the removal of the "h" holding provision/through the site plan approval process;

- Transportation – construction of a median to restrict access to the residential portion of the site to rights in/rights out, and to include a one-foot reserve along the Colonel Talbot Road frontage (excluding the access points);
- Ensure all reports (Final Environmental Impact Study (EIS), Final Hydrogeological Assessment and Water Balance Analysis) are fully completed and accepted by Staff, and that restoration and compensation works are all carried out to the City's satisfaction;
- Final EIS, Final Hydrogeological Assessment and Water Balance Analysis, Servicing Report, Floodline Analysis and Geotechnical Report for the proposed retaining wall be prepared to the satisfaction of the Upper Thames River Conservation Authority (UTRCA);
- A Section 28 Permit from the UTRCA will be required prior to finalizing the development agreement.

## Executive Summary

### Summary of Request

The applicant has requested an amendment to the 1989 Official Plan, The London Plan, and the Zoning By-law Z.-1 to permit a mixed-use commercial/office/residential development. The requested commercial component, located on approximately the southerly 2/3 of the site, includes a grocery store, a 2-storey commercial/office building, and a single-storey commercial building, with a total gross floor area (GFA) of 5,000m<sup>2</sup> and a drive through facility. The requested office component within the commercial development has an area of approximately 660m<sup>2</sup>, limited to the second floor of the building. The requested residential component, located on approximately the north 1/3 of the site includes three, three-storey stacked townhouse buildings with a total of 30 units (density 97 units per hectare (uph)). With the exception of a 0.21 hectares (ha) urban reserve block located at the southeastern limit of the site, the easterly part of the site is proposed to remain undeveloped to ensure the protection and preservation of a Provincially Significant Wetland and associated natural heritage features and buffers.

The requested amendment to the 1989 Official Plan is to change the designation of the property to add a Specific Area Policy to permit a maximum of 5,000 square metres of commercial/office space and a drive-through facility in the existing Multi-Family, Medium Density Residential designation, and to change the land use designation in the southeast quadrant of the site from Open Space to Multi-Family, Medium Density Residential. However, when The London Plan came into full force and effect as of May 25, 2022, following a written decision from the Ontario Lands Tribunal (OLT), The London Plan became the official and determinative plan. Therefore, while the 1989 Official Plan will still be considered for the following application, an amendment to the 1989 Official Plan will no longer be necessary.

Further, the requested amendment to The London Plan is to change the Place Type for Map 1 for a portion of the property from Green Space to Neighbourhoods, and to modify the natural heritage features on Map 5 to reflect current Ministry of Natural Resources and Forestry mapping.

The requested amendment to the Zoning By-law Z.-1 is to change the zoning of the subject lands from an Urban Reserve (UR2) Zone to a Holding Residential R8 Special Provision Zone (h\*h-129\*R8-4(\_)) Zone, a Holding Residential R8 Special Provision Zone (h\*R8-4(\_)) Zone, a Holding Community Shopping Area Special Provision (h\*CSA1(\_)) Zone, and an Open Space (OS5) Zone.

The requested special provisions for the R8-4 Zone include the following:

- a reduction in the minimum Front Yard setback from 7.0 m to 3.0 m;
- a reduction in the minimum Rear Side Yard setback from 4.5 m to 3.0 m (adjacent to the OS5 Zone);
- an increase in the residential density from 75 units/ha to 97units/ha;
- to permit stacked townhouse buildings three units high, rather than two as defined in the Zoning By-law; and
- to deem Colonel Talbot Road as the Front Lot Line for zoning purposes.

The requested special provisions for the CSA1 Zone include the following:

- a reduction of the minimum Front Yard setback from 8.0 m to 0.0 m;
- a reduction of the minimum Exterior Side Yard setback from 8.0 m to 1.0 m;
- a reduction of the minimum Rear Yard setback from 8.0 m to 2.0 m (abutting the proposed R8-4(\_) Zone));
- a reduction of the minimum Interior Side Yard setback to 0.0 m (from 3.0 m) adjacent to a non-residential zone (being the OS5 Zone integrating the ecological buffer);
- a reduction of the minimum required parking setback from a road allowance from 3.0 m to 0.5 m; and
- a reduction of the drive-through stacking stalls from 15 to 8 for a coffee shop.

Staff are recommending the following:

- An amendment to The London Plan to change the Place Type for Map 1 for a portion of the property from Green Space to Neighbourhoods, and from Neighbourhoods to Green Space, to modify the Provincially Significant Wetland feature on Map 5 – Natural Heritage;
- An amendment to the Zoning By-law to a Holding Residential R8 Special Provision Zone (h\*h-129\*R8-4(\_)) Zone, and a Holding Residential R8 Special Provision Zone (h\*R8-4(\_)) Zone, with special provisions for: a reduced front and exterior yard setback of 3m, an increased density of 97 units per hectare, the definition of 'STACKED TOWNHOUSE' permits units to be stacked three (3) units high, to a maximum height of 13.0 metres (42.7 feet), or three storeys, and the lot line which abuts Colonel Talbot Road shall be interpreted as the front lot line;
- An amendment to the Zoning By-law to a Holding Community Shopping Area Zone (h\*h-129\*CSA1(\_)) Zone, and a Holding Community Shopping Area Zone (h\*CSA1(\_)) Zone, with special provisions for: a reduced front and exterior side yard depth of 1 metre, a maximum front and exterior side yard depth of 3 metres, a maximum height of 13 metres or three storeys, whichever is less, a maximum gross floor area of 5,000 square metres, a maximum gross floor area of 660 square metres of office uses limited to the second floor of the office building, and the primary functional entrance of individual commercial units with frontage on Colonel Talbot Road and/or Southdale Road West shall be oriented to the adjacent street (grocery stores shall be exempt from this provision); and
- An amendment to the Zoning By-law to an Open Space (OS5) Zone.

### **Purpose and Effect of the Recommended Action**

The purpose and effect of the requested amendments are to facilitate a mixed-use commercial/office/residential development, with a grocery store, a two-storey office/commercial building and a single storey multi-unit commercial building located on the southern portion of the site, and three storey stacked townhouse buildings with a total of 30 units on the northern portion of the site. The eastern portion of the site will remain undeveloped for environmental and hazard protection.

### **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, Neighbourhoods Place Type, Shopping Area Place Types, Specific Policy 1070C\_ and Natural Heritage Features and Hazards.
3. The recommended amendment will delineate a natural heritage feature and ensure the appropriate buffers are in place to protect the features and ensure appropriate compensation and mitigation will be implemented at site plan.

### **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.

### **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

### 1.1 Previous Reports Related to this Matter

*OZ-7445*

Report to Planning Committee September 8, 2008, which recommended refusal of the requested Official Plan Amendment and Zoning By-law Amendment.

Report to Planning Committee October 27, 2008, setting out the progress of discussions between Planning staff and the applicant pursuant to Council direction, and areas that required further attention. At that time, there were still substantial issues relating to urban design, access to the site and delineation and protection of the natural features that needed to be addressed.

Report to Planning Committee December 8, 2008, which recommended approval of an Official Plan Amendment and Zoning By-law Amendment.

Report to Planning Committee March 23, 2009, on the appeals to the Ontario Municipal Board of the Council-adopted amendment to the Official Plan (By-law No. C.P.-1284(po)-21, Amendment No. 456) and Zoning By-law (By-law No. Z.-1-091828) based on the application by 1739626 Ontario Ltd. (Mike Meddoui).

### 1.2 Planning History

A previous application for an Official Plan Amendment and Zoning By-law Amendment was submitted in 2007 and approved in 2008 to permit the development of commercial uses on the south portion of the site, as well as recommended amendments to allow for the development of residential uses on the north part of the site. The amendments also provided zoning for the woodland and wetland located on the east portion of the property, with holding provisions to ensure additional environmental reports were provided to the City's satisfaction.

Several appeals were received on the above noted applications. Ultimately the Ontario Municipal Board (OMB) allowed the appeals, and no official plan and zoning by-law amendment was approved for this site.

Through The London Plan process, the City sought to apply a Neighbourhoods Place Type for the subject site. The Owner appealed the decision of Council with respect to The London Plan. Through The London Plan appeals a resolution was proposed to allow the site to remain within the Neighbourhoods Place Type, but with a limited amount of commercial permitted, with the intention that the site will develop for range and mix of uses. This resolution was supported by staff and Council, and a special policy was recommended for this site, and added through Minutes of Settlement on December 19, 2019:

*1070C\_ In the Neighbourhoods Place Type applied to the lands located at 952 Southdale Road West, retail, service and office uses up to a combined maximum floor area of 5,000 m<sup>2</sup> may be permitted as part of a mixed-use site, subject to the following conditions:*

- 1. The site shall be developed for a mix of both commercial and residential uses.*
- 2. Residential uses shall be designed and located on the site to provide for an appropriate transition from existing and future residential uses on abutting lands.*
- 3. Residential uses on the northern portion of the site shall be designed with consideration for the planned connection of Gerrit Avenue and Cherrygrove Drive, and no rear lotting will be permitted onto the planned street connection. Design concepts shall be required to demonstrate how the lands to the north could be integrated with development on the property.*
- 4. Maximum Building heights will be limited to four storeys, and bonusing for additional height will not be permitted. Minimum heights of one storey may be permitted.*

5. *The City Design chapter and the form policies of the Shopping Area Place Type of this Plan will provide direction for this development. In addition, buffering and/or screening measures should be provided to mitigate views of surface parking areas from the Civic Boulevards and to address the interface with lands located immediately north of the site.*

It was also noted through the Minutes of Settlement that future applications would be necessary, and the full planning process required to consider development for this site.

### 1.3 Property Description

The subject site is comprised of one lot located at the northeast corner of the Southdale Road West and Colonel Talbot Road intersection. The site has a frontage of approximately 162m (531.5ft) along Southdale Road, a depth of approximately 255m (836.6ft) along Colonel Talbot Road, and a total area of approximately 4.07 hectares. A portion of the site has been historically used for agricultural purposes with the eastern portion of the site containing features associated with the North Talbot Provincially Significant Wetlands (PSW)/Button Bush.

Southdale Road West is an arterial road/civic boulevard with an average annual daily traffic volume east of Colonel Talbot Road of 14,500 vehicles per day, and west of Colonel Talbot Road of 15,500 vehicles per day. Colonel Talbot Road is also an arterial road/civic boulevard with an average daily traffic volume north of Southdale Road West of 10,000 vehicles per day, and south of Southdale Road West of 14,500 vehicles per day. The intersection is signalized with dedicated left turn lanes from all directions on Southdale Road West and Colonel Talbot Road, as well as a right turn lane on Southdale Road West, west of Colonel Talbot Road. Public sidewalks are available along Southdale Road West and Colonel Talbot Road. A bike path is also located along sections of this corridor.



Figure 1 – Street view of 952 Southdale Road West (view from Southdale Road West)

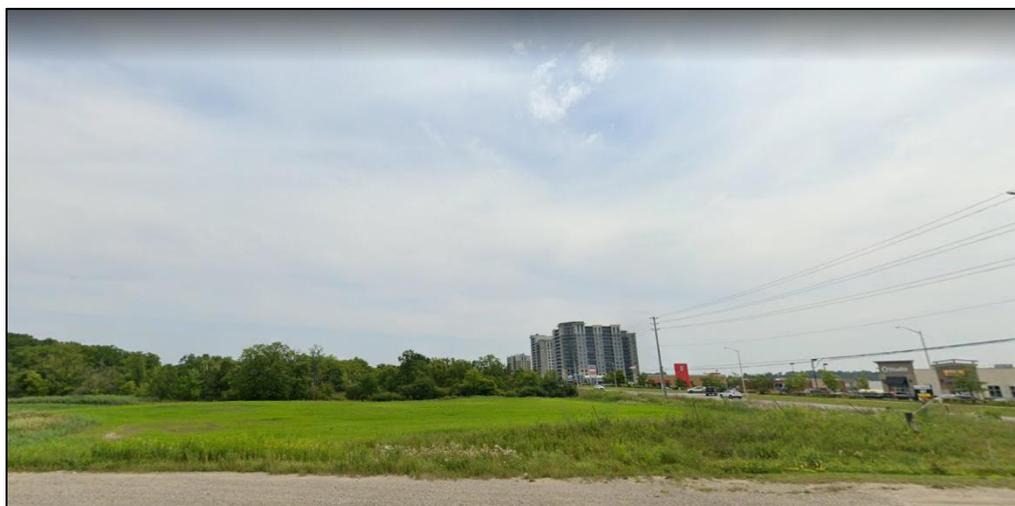


Figure 2 - Street view from Colonel Talbot Road

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

- The London Plan Place Type – Neighbourhoods and Open Space Place Types at the corner of two Civic Boulevards; Specific Policy 1070C\_
- 1989 Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Urban Reserve (UR2) Zone

**1.5 Site Characteristics**

- Current Land Use – Agricultural, Provincially Significant Wetland (PSW)
- Frontage – approximately 162 metres (531.5 feet)
- Depth – 255 metres (836.f feet)
- Area – 4.07 hectares (40,700 square metres)
- Shape – Rectangular

**1.6 Surrounding Land Uses**

- North – Urban Reserve; Resource Extraction
- East – Residential; Open Space
- South – Community Shopping Area
- West – Open Space; Residential

## 1.7 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal and Amendments

On October 29, 2021, the City accepted a complete application that proposed a mixed-use (commercial/office and residential) development. The commercial component, located on approximately the southern two-thirds of the site along Colonel Talbot Road, includes a grocery store, a two-storey commercial/office building, and a single-storey commercial building. The original proposed concept plan is shown in Figure 3.



Figure 3 - Concept plan of proposed development

The concept plan shows the grocery store positioned adjacent to the Colonel Talbot Road frontage and has a proposed gross floor area (GFA) of approximately 3,095 square metres. The two-storey commercial/office building is positioned adjacent to the Southdale Road West/Colonel Talbot Road intersection and has a GFA of approximately 1,395 square metres. Further, the single-storey commercial building is positioned adjacent to the Southdale Road West entrance, has an estimated total GFA of 510 square metres, and would accommodate a drive through facility. The proposed site will have a total GFA of 5,000 square metres. A main parking area comprised of 229 surface parking stalls, bicycle storage and internal loading areas is proposed to accommodate the commercial/office uses on the site. A detail of this portion of this site is shown in Figure 4. Rendering of the proposed grocery store is shown in Figure 5. A rendering of the proposed office building at Southdale/Colonel Talbot intersection is shown as Figure 6. A rendering of the proposed commercial building from Southdale is shown as Figure 7.

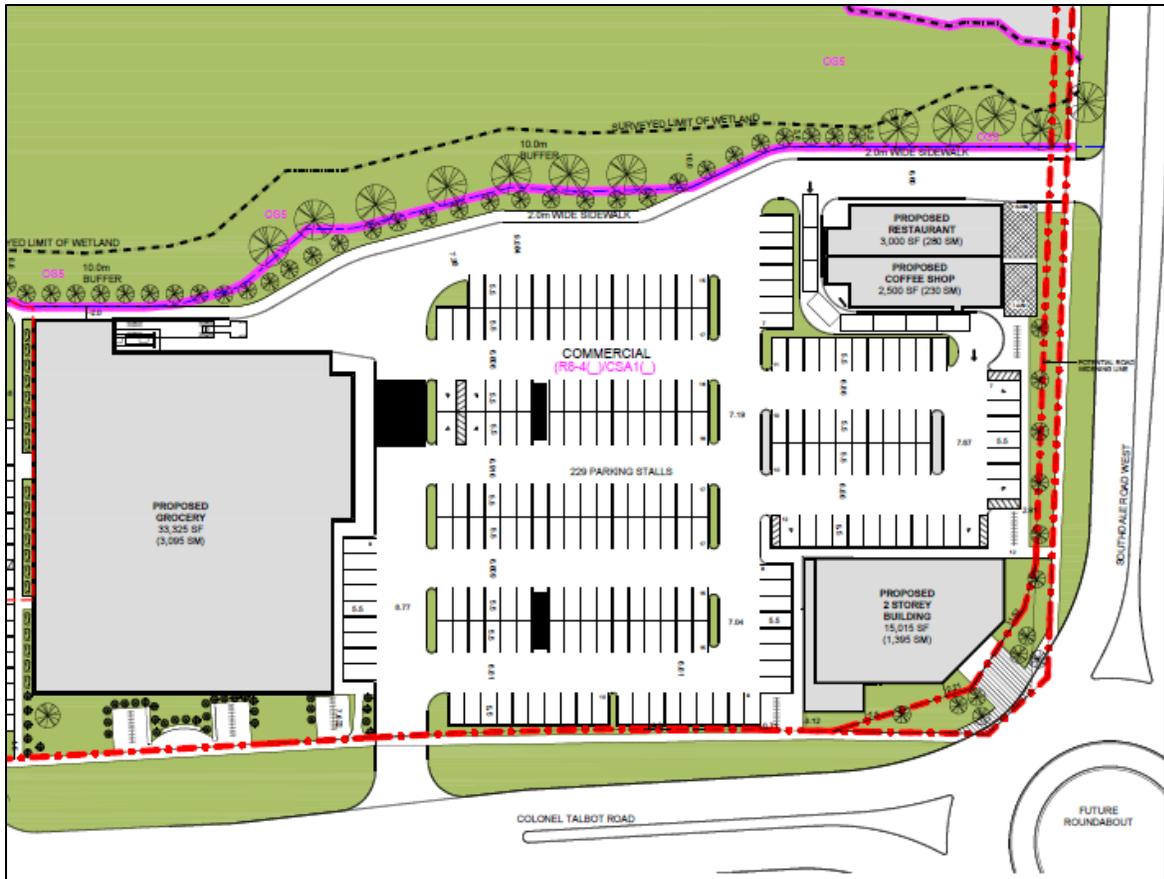


Figure 4 - Detail on commercial portion of site



Figure 5 - A rendering of the proposed grocery store from Colonel Talbot Road



Figure 6 - Rendering of proposed office building at Southdale/Colonel Talbot intersection



Figure 7 - Rendering of proposed commercial building from Southdale

The residential component, located on the northwest portion of the site along Colonel Talbot Road, includes four, three-storey stacked townhouse buildings comprising of 12 and 18 unit configurations, with a total of 54 units. A total of 51 parking spaces are shown for the residential site. A detail of this portion of this site is shown in Figure 8. Renderings of the proposed townhouse are shown in Figure 9 and 10.

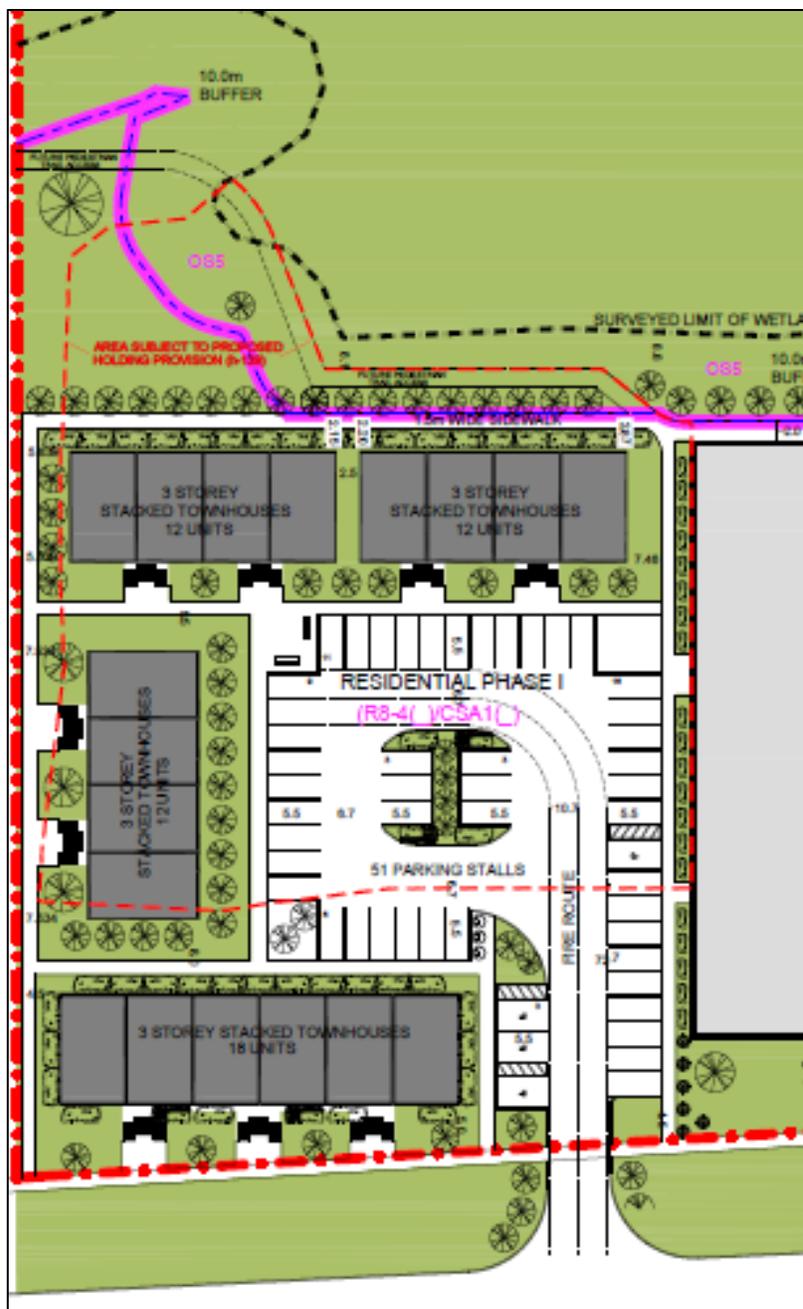


Figure 8 - Detail of residential portion



Figure 9 - Rendering of proposed stacked townhouses



Figure 10 - Rendering of proposed stacked townhouses

Additionally, there is a 0.21ha future residential area, located near the southeast limit of the site adjacent to Southdale Road West and referenced as 'Residential Phase II' on Figure 11.

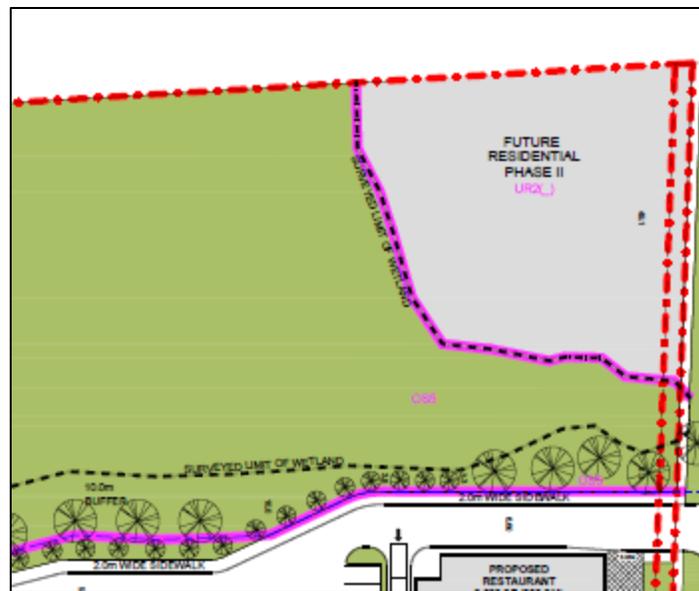


Figure 11 - Detail of future residential lands adjacent to Southdale

The open space block would encompass an area of approximately 1.06ha and would contain features associated with the North Talbot Provincially Significant Wetland. On the concept plan, shown on Figure 12, the applicant is proposing a 10-metre-wide buffer setback adjacent to the open space area to function as an ecological buffer and to potentially accommodate a community pathway. A walkway is also provided along the eastern limit of this parking area to support active transportation.



Figure 12 - Detail of open space area

The applicant had requested an amendment to The London Plan, the 1989 Official Plan, and Zoning By-law Z.-1.

The requested amendment to The London is to change the Place Type on Map 1 for a portion of the property from Green Space to Neighbourhoods, and to modify the natural heritage features on Map 5 to reflect current Ministry of Natural Resources and Forestry mapping.

The requested amendment to the Zoning By-law Z.-1 is to change the zoning from an Urban Reserve (UR2) Zone to a Residential R8 Special Provision/Community Shopping Area Special Provision (R8-4(\_)/CSA1(\_)) Zone, an Urban Reserve Special Provision (UR2(\_)) Zone, and an Open Space (OS5) Zone. The R8-4 Zone would allow Apartment Buildings, Stacked Townhouses, Lodging Houses, & Special Population's Accommodations at a maximum height of 13 metres and maximum density of 75 units per hectare. The CSA1 Zone would permit a broad range of retail, service, office, recreational, and institutional uses. The UR2 Zone would permit existing dwellings, agricultural uses, conservation lands, managed woodlot, wayside pit, passive recreation use, and farm gate sales, at a minimum height of 15 metres. The OS5 Zone would permit conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways, and managed woodlots, at a maximum height of 12 metres.

The requested special provisions, as revised, for the R8-4 Zone include the following:

- a minimum exterior side yard depth of 5.0m in place of 8.0m;
- a minimum interior side yard depth of 2.1m in place of 4.5m;
- a minimum landscaped open space of 22% in place of 30%;
- a minimum of 51 parking spaces in place of 81 spaces (0.94 spaces/unit in place of 1.5 spaces/unit); and
- to permit stacked townhouses 3 units high whereas a maximum of 2-unit high stacked townhouses are permitted.

The requested special provisions, as revised, for the CSA1 Zone include the following:

- a minimum front yard depth of 1.5m in place of 8.0m;
- a minimum exterior side yard depth of 3.0m in place of 8.0m;
- a minimum interior side yard depth of 2.0m in place of 3.0m;
- a maximum building height of 13.0m in place of 9.0m;
- a minimum of 220 parking spaces in place of 255 spaces (1 space/22.73sq.m. of GFA in place of 1 space/20sq.m. of GFA);
- a minimum of 8 drive through stacking spaces in place of 15 spaces;

- a minimum of 8 accessible parking spaces in place of 10 spaces;
- a minimum parking setback from Colonel Talbot Road of 0.5m in place of 3.0m;
- and to reduce the maximum permitted commercial/office GFA from 6,000sq.m. to 5,000sq.m.

Special provisions for the UR2 Zone include the following:

- a minimum lot area of 0.2ha in place of 6.0ha;

No special provisions were requested for the OS5 Zone.

The Applicant has also requested the addition of a holding provision (h-129) on a portion of the proposed residential development area to ensure that the results of the Hydraulic Floodway Analysis are accepted to the satisfaction of the Upper Thames River Conservation Authority. Development in this area would be prohibited until permanent flood storage measures are identified.

The requested amendment to the 1989 Official Plan is to change the designation of the property to add a Specific Area Policy to permit a maximum of 5,000 square metres of commercial/office space and a drive-through facility within the existing Multi-Family, Medium Density Residential designation, and to change the land use designation in the southeast quadrant of the site from Open Space to Multi-Family, Medium Density Residential. This amendment is no longer necessary.

The applicant submitted the following reports in support of the above requested amendments:

1. Air Quality Study
2. Conceptual Site Plan
3. Drive-through Stacking Study
4. Heritage Impact Assessment
5. Hydrogeological Report (August, 2021)
6. Floodline Analysis/Addendum
7. Noise Impact Study
8. Parking Memo/Addendum
9. Planning and Design Report
10. Retail Justification Study
11. Sanitary Servicing Brief
12. Stage 1-2 Archaeological Assessment
13. Transportation Impact Assessment
14. Tree Preservation Report
15. Environmental Impact Study

The submitted reports were circulated and reviewed by City Staff, the UTRCA and EEPAC/ECAC along with other commenting agencies.

## **2.2 Revised Development Proposal and Amendments**

On September 30, 2022, a revised conceptual site plan was provided by the Applicant (Figure 13), which showed the following changes:

- A revised development limit with buffer – revised from 10m to varying widths from 15-30m;
- A zone line between the commercial and residential;
- A reduced residential site, with a frontage of 42.4m, and a reduction in units, from 54 units to 30 units, with an increase in density from 75 upha to 97 upha;
- A reduction in the proposed grocery store, from 3095 square metres to 2688 square metres;
- An increase in the proposed office building, from 1395 square metres, to 1528 square metres, with a proposed 555 square metres of office on the second floor;
- An increase in the multi-unit commercial building from 2 units to 4 units, and from 510 square metres overall to 785 square metres; and
- Removal of the UR2 ( ) Zone consideration on the southeast portion of the site.

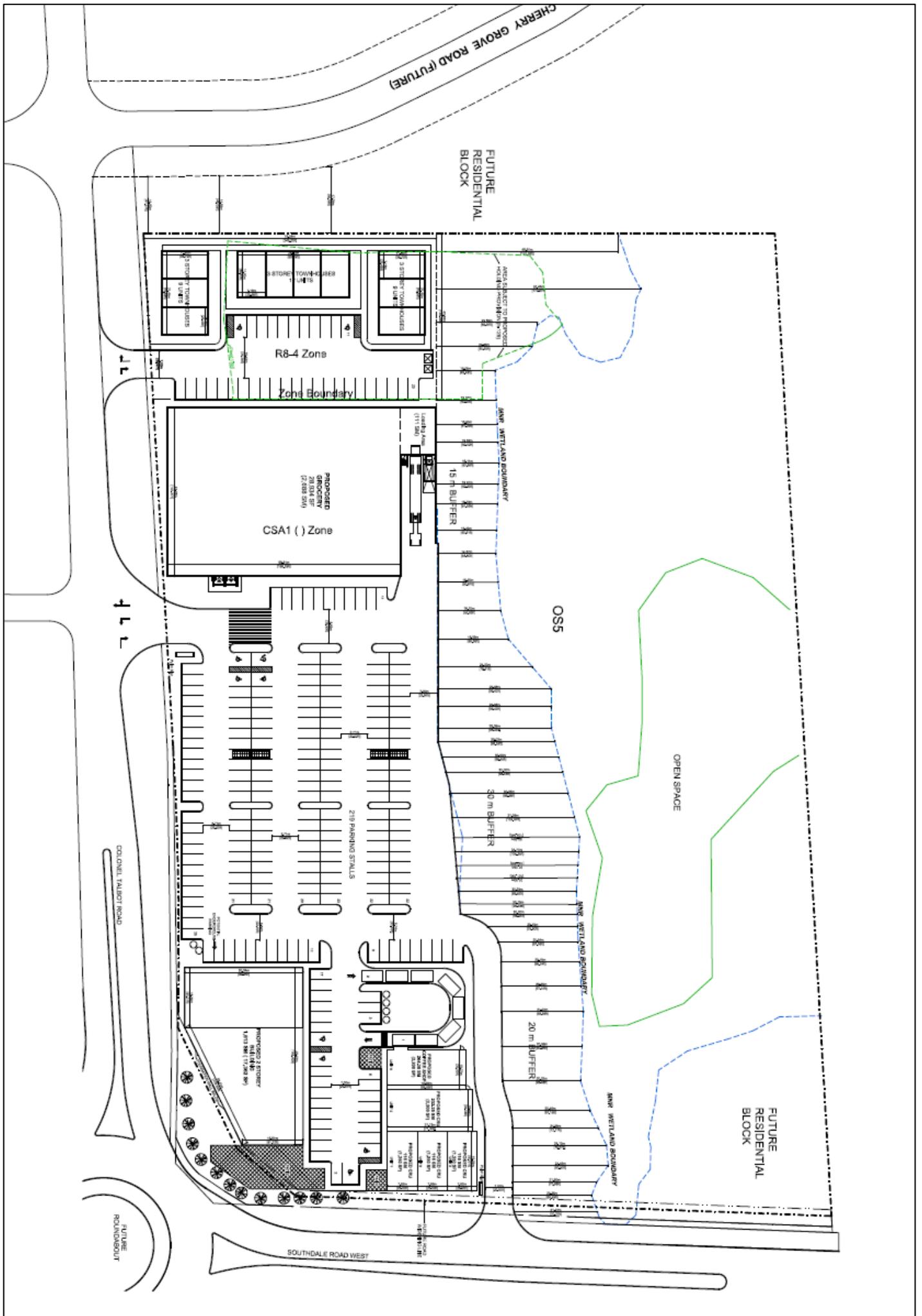


Figure 13 - Revised concept September 30, 2022

The proposed parking for the commercial use has been reduced from 229 spaces to 226 spaces.

The requested amendment to The London is to change the Place Type on Map 1 for a portion of the property from Green Space to Neighbourhoods, and to modify the natural heritage features on Map 5 to reflect current Ministry of Natural Resources and Forestry mapping.

The revised requested amendment to the Zoning By-law Z.-1 is to change the zoning of the subject lands from an Urban Reserve (UR2) Zone to a Holding Residential R8 Special Provision Zone (h-129\*R8-4(\_)) Zone, a Residential R8 Special Provision Zone (R8-4(\_)) Zone, a Community Shopping Area Special Provision (CSA1(\_)) Zone, and an Open Space (OS5) Zone.

The R8-4 Zone would allow Apartment Buildings, Stacked Townhouses, Lodging Houses, & Special Population's Accommodations at a maximum height of 13 metres and maximum density of 97 units per hectare. The CSA1 Zone would permit a broad range of retail, service, office, recreational, and institutional uses. The OS5 Zone would permit conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways, and managed woodlots, at a maximum height of 12 metres.

Requested revised special provisions for the R8-4 Zone include the following:

- a reduction in the minimum Front Yard setback from 7.0 m to 3.0 m;
- a reduction in the minimum Rear Side Yard setback from 4.5 m to 3.0 m (adjacent to the OS5 Zone);
- an increase in the residential density from 75 units/ha to 97units/ha;
- to permit stacked townhouse buildings three units high, rather than two as defined in the Zoning By-law; and
- to deem Colonel Talbot Road as the Front Lot Line for zoning purposes.

Requested revised special provisions for the CSA1 Zone include the following:

- a reduction of the minimum Front Yard setback from 8.0 m to 0.0 m;
- a reduction of the minimum Exterior Side Yard setback from 8.0 m to 1.0 m;
- a reduction of the minimum Rear Yard setback from 8.0 m to 2.0 m (abutting the proposed R8-4(\_)) Zone));
- a reduction of the minimum Interior Side Yard setback to 0.0 m (from 3.0 m) adjacent to a non-residential zone (being the OS5 Zone integrating the ecological buffer);
- a reduction of the minimum required parking setback from a road allowance from 3.0 m to 0.5 m; and
- a reduction of the drive-through stacking stalls from 15 to 8 for a coffee shop.

No special provisions were requested for the OS5 Zone.

Additional studies and revised comments were provided by the Applicant on the following dates:

1. Final Agency and Departmental comments received to December 13, 2021 – Response from MTE (April 29, 2022)
2. Hydrogeological Assessment (April 29, 2022)
3. Response to City Hydrogeologist Re: follow-up (June 29, 2022)
4. Response to EEPAC comments (September 27, 2022)
5. Transportation Impact Assessment Revised (September 14, 2022)

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

Replies were received from 15 individuals.

The public's concerns generally dealt with the following matters:

- Density
- Noise impacts
- Obstructions of view
- Loss of property values
- Inappropriate use of lands

- No need for a grocery store
- Do not want commercial development at this intersection
- Environmental impacts
  - Reduction in green space
  - Overland flows
  - Wildlife
- Walkability
- Roadways and entrances
- Traffic flow, volume, and safety
  - Turning movements, impacts of large delivery trucks, and speed
  - Timing of light, and potentially the proposed roundabout will result in no breaks in traffic to allow turning movements
- The future of the temporary access from 920 Southdale Road West

## 2.4 Policy Context (see more detail in Appendix D)

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 25<sup>th</sup> 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.

### ***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.

The Provincial Policy Statement (PPS) provides policies to manage and direct land use to achieve efficient and resilient development and land use patterns (1.1). The PPS promotes the sustainability of health, liveable and safe communities by promoting efficient development and land use patterns while accommodating an appropriate affordable and market-based range and mix of residential types (1.1.1.a) and 1.1.1.b)). The PPS further encourages settlement areas to be the main focus of growth and development with densities and a mix of land uses that efficiently use land and resources and are transit-supportive where transit is planned, exists or may be developed (1.1.3.1, 1.1.3.2.e) and 1.1.3.2.f)). New development within settlement areas is to take place in designated growth areas, should occur adjacent to the existing built-up area and should have compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6).

As noted, the PPS promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4.1). The PPS further directs planning authorities to permit and facilitate all forms of housing and to direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

Section 2.0 of the PPS acknowledges that the long-term prosperity, environmental health, and social well-being of Ontario depends upon the conservation and protection of our natural heritage and conservation resources. The PPS directs natural heritage features to be protected for the long term, including the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features (2.1.2). Given the Provincially Significant Wetland on site, a further analysis of Section 2.0 Wise Use and Management of Resources can be found further in the report below.

The PPS acknowledges that the long-term prosperity, environmental health and social well-being of Ontario depends, in part, on reducing the potential public cost and risk associated with natural or human-made hazards. As such, Section 3.0 of the PPS provides a number of policies designed to direct development away from natural and human-made hazards where there is an unacceptable risk to public health or safety or property damage.

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

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

The London Plan 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 provides direction on becoming one of the greenest cities in Canada by:

- Using an ecosystems/watershed approach in all of our planning;
- Manage growth in ways that support green and active forms of mobility;
- Strengthening 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; and,
- Promote linkages between the environment and health, such as the role of active mobility in improving health, supporting healthy lifestyles and reducing greenhouse gases Key Direction #4, Directions 2, 4, 5, 9, 10, 17).

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 Neighbourhoods Place Type at the intersection of two Civic Boulevards (Southdale Road West and Colonel Talbot Road), as identified on Map 1 – Place Types and Map 3 – Street Classifications. 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 and secondary uses, such as mixed-used buildings and stand-alone retail, service, office. (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The minimum permitted height is two (2) storeys, and the standard maximum permitted height is four (4) storeys, with an upper maximum height of six (6) storeys. (Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

The site is also within the Green Space Place Type. The Green Space Place Type is made up of a system of public parks and recreational areas, private open spaces, and our most cherished natural areas (757\_). The Green Space Place Type is comprised of public and private lands; flood plain lands; lands susceptible to erosion and unstable slopes; natural heritage features and areas recognized by City Council as having city-wide, regional, or provincial significance; lands that contribute to important ecological functions; and lands containing other natural physical features which are desirable for green space use or preservation in a natural state. The components of the Natural Heritage System that are included in the Green Space Place Type on Map 1 – Place Types, are identified or delineated on Map 5 - Natural Heritage. Hazard lands and natural resource lands that are included in the Green Space Place Type on Map 1 are identified or delineated on Map 6 – Hazards and Natural Resources (758\_).

A special policy was added to The London Plan specific to this site, as a result of the OLT settlement.

*1070C\_ In the Neighbourhoods Place Type applied to the lands located at 952 Southdale Road West, retail, service and office uses up to a combined maximum floor area of 5,000 m<sup>2</sup> may be permitted as part of a mixed-use site, subject to the following conditions:*

- 1. The site shall be developed for a mix of both commercial and residential uses.*
- 2. Residential uses shall be designed and located on the site to provide for an appropriate transition from existing and future residential uses on abutting lands.*
- 3. Residential uses on the northern portion of the site shall be designed with consideration for the planned connection of Gerrit Avenue and Cherrygrove Drive, and no rear lotting will be permitted onto the planned street connection. Design concepts shall be required to demonstrate how the lands to the north could be integrated with development on the property.*
- 4. Maximum Building heights will be limited to four storeys, and bonusing for additional height will not be permitted. Minimum heights of one storey may be permitted.*
- 5. The City Design chapter and the form policies of the Shopping Area Place Type of this Plan will provide direction for this development. In addition, buffering and/or screening measures should be provided to mitigate views of surface parking areas from the Civic Boulevards and to address the interface with lands located immediately north of the site.*

The policy specifically refers to the City Design Policies and the Shopping Area Place Type as providing direction for this development in terms of use, intensity and form. Further discussion can be found later on in the report.

### **1989 Official Plan**

At the time this Application was submitted, the 1989 Official Plan policies were still in full force and effect. 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 Lands Tribunal (OLT). Previous amendments to the 1989 Official Plan are no longer necessary.

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).

The subject lands were also within the Open Space designation, as shown on Schedule "A" of the 1989 Official Plan. The Open Space designation consists of public open space, including district, city-wide, and regional parks; private open space, including such uses as cemeteries and private golf courses; flood plain lands and lands that are subject to natural hazards; components of the Natural Heritage System, which have been evaluated and which are recognized by Council as being of city-wide, regional or provincial significance; and, lands that contribute to important ecological functions. The Open Space designation may also be applied to natural physical features which are desirable for preservation (8A.2.1.).

### **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. 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). 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 provide a mix and range of uses (commercial, office, residential) on the site. The proposal promotes an efficient, mixed-use development pattern that would support the long-term financial well-being in the form of increased property tax assessment and the optimization of existing infrastructure. The additional residential population accommodated by this development would support the viability of commercial enterprises operating within the Southdale/Colonel Talbot node. Further, this development would also help the City accommodate its forecasted population growth and projected housing requirements. Economic benefits would also be derived from construction of the project.

The subject lands are located within a development area comprised of predominately of low-density, low rise residential forms. This proposal would broaden the range and mix of housing available in this area and, and more broadly, within the Bryon and North Talbot communities.

Preliminary servicing indicates that the site can be serviced in a cost-effective manner, and that necessary servicing infrastructure would be available to meet projected needs.

The subject lands are situated within the settlement area.

The proposed site layout integrates with existing public facilities and will incorporate an active mobility network to connect to existing and planned sidewalks, and to encourage active transportation. The subject lands are also located within convenient walking

distance of existing transit service, to provide connectivity to service/retail commercial areas, public institutions and recreational areas.

The Provincial Policy Statement (PPS) defines significant in regard to wetlands as an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry (MNR) through using evaluation procedures established by the Province. The PPS directs for natural features and areas to be protected for the long term (2.1.1). Section 2.1 – Natural Heritage of the PPS notes that development and site alteration shall not be permitted in significant wetlands in Ecoregions 5E, 6E and 7E (2.1.4.a). The protection of the PSW contributes to Ontario's long-term prosperity, environmental health and social well-being on conserving biodiversity and protecting natural heritage resources for their economic, environmental and social benefits (2.0).

No development is permitted within a significant woodland, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.5. b). Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (2.1.8).

An Environmental Impact Study (EIS) was submitted by the applicant to assess the potential impacts of the project on identified natural features and functions. The EIS generally concludes that the project can proceed provided recommended mitigation measures are adopted to protect adjacent significant natural heritage features and functions.

An appropriate buffer and development limit have been established through the review of the development proposal. As part of the site plan application, the applicant will be required to finalize the EIS, Hydrogeological study, provide a compensation plan, and complete a detailed (feature based) Water Balance, all to the City's satisfaction. Two small Wetland communities (non PSW) on the edge of the Significant Woodland are required to be compensated for as per London Plan Wetland policies, which will include full/partial relocation and habitat improvements. The final delineation of the Significant Woodland feature will also be required as part of the revised EIS. A holding provision will be required for the site to ensure all reports are fully completed and restoration and compensation works are all carried out to the City's satisfaction. Overall, it has been demonstrated that the proposed buffer and development limit will not negatively impact the significant features and functions of the natural heritage system.

Overall, the proposal promotes an efficient form of development for lands designated for residential and commercial purposes, located adjacent to a prominent street intersection and an established commercial node. It proposes a mix of residential, commercial and office uses that has regard for the surrounding context, provides a pedestrian orientation, encourages active transportation and is within close proximity of the City's arterial road network and transit system, and introduces a range of medium density residential forms to the area. The proposed development would not involve development on lands having known significant environmental, cultural heritage, mineral aggregate or petroleum resources.

## **4.2 Issue and Consideration # 2: Use**

### *The London Plan*

A special policy for this site permits retail, service and office uses up to a combined maximum floor area of 5,000 square metres. As per the special policy, the site shall be developed for a mix of both commercial and residential uses.

The subject site is also located in the Neighbourhoods Place Type at the intersection of two Civic Boulevards. At this location, a range of low-rise residential uses including single, semi-detached, duplex, triplex, and fourplex dwellings, townhouses, stacked townhouses, and low-rise apartments are permitted (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type).

Within the Shopping Area Place Type, a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses may be permitted. Mixed-use buildings will be encouraged. Uses with large amounts of outdoor storage, large warehouse components, storage of heavy vehicles, and/or emitting noise, vibration, or dust, will not be permitted. The full range of uses described above will not necessarily be permitted on all sites (\_877,1-5.).

#### *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 in the 1989 Official Plan. This designation contemplates multiple-attached dwellings, such as row houses or cluster houses, low-rise apartments buildings, rooming and boarding houses, emergency care facilities, converted dwellings, and small-scale nursing homes, rest homes and homes for the aged.

#### Analysis:

As per the special policy for the site, the permitted uses within the proposed Community Shopping Area Zone include a wide range of commercial, institutional and office uses, including assembly halls, automotive uses, bake shops, clinics, commercial recreation establishments, convenience service establishments, day care centres, duplicating shops; financial institutions, home and auto supply stores, institutions, medical/dental offices, offices, patient testing centre laboratories, personal service establishments, private clubs, restaurants, retail stores, service and repair establishments, studios, supermarkets, taverns, video rental establishments, brewing on premises establishment, cinemas, commercial schools, and private schools. Stacked townhouses are also a permitted use within the Neighbourhoods Place Type, at this location.

It is recommended that commercial parking structures and/or lots not be permitted with this zone.

### **4.3 Issue and Consideration # 3: Intensity**

#### *The London Plan*

The London Plan uses height as a measure of intensity for any development application. The special policy for this site limits building heights to a maximum of four storeys, and bonusing for additional height will not be permitted. Minimum heights of one storey may also be permitted. In the Neighbourhoods Place Type, a minimum height of 2 storeys and a maximum height 4 storeys is contemplated where a property is located at the intersection of two Civic Boulevards (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.).

Within the Shopping Area Place Type, buildings within the Shopping Area Place Type will not exceed four storeys in height. Adequate off-street parking will be provided to ensure there are no negative impacts on adjacent streets. Underground parking will be encouraged. Development within the Shopping Area Place Type will be sensitive to adjacent land uses and employ such methods as transitioning building heights and providing sufficient buffers to ensure compatibility. Lots will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses. The Zoning By-law will include regulations to ensure that the intensity of development is appropriate for individual sites (878\_).

#### *1989 Official Plan*

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). Locational criteria for

development in Multi-family, Medium Density Residential development shall consider surrounding land uses in terms of height, scale and setbacks, and the adequacy of municipal services. Traffic to and from the location should not have a significant impact on stable, low density residential areas, and the site or area should be of a suitable shape and size to accommodate medium density housing and to provide for adequate buffering measures to protect any adjacent low density residential uses (3.3.2).

#### Analysis:

The applicant has requested a CSA1 Zone, and a R8-4 Zone, both with requested heights of 13.0 metres maximum. As per the special policy, a maximum of four storeys is permitted. Three storey heights are proposed for the residential units, located adjacent to the natural heritage/pathway corridor, and adjacent to a single detached dwelling with mostly vacant lands to the north. Additional commercial height is proposed along the corner of Southdale and Colonel Talbot Road, which is adjacent to existing commercial uses and a stormwater management pond.

As per the Neighbourhoods Place Type, 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 (935\_). Within the Shopping Area Place Type, intensity will be determined by adequate off-street parking to minimize impacts on adjacent lands, sufficient buffers to ensure compatibility, and adequate land area to accommodate the use (878\_3,4,5). This site is of a sufficient size to accommodate future development; however, a series of special provisions are also being sought in order to accommodate the proposed development in a manner that further intensifies the site that results in a larger building envelope as identified:

#### R8-4 Zone

- a reduction in the minimum Front Yard setback from 7.0 m to 3.0 m;
- a reduction in the minimum Rear Side Yard setback from 4.5 m to 3.0 m (adjacent to the OS5 Zone);
- an increase in the residential density from 75 units/ha to 97units/ha;
- to permit stacked townhouse buildings three units high, rather than two as defined in the Zoning By-law; and
- to deem Colonel Talbot Road as the Front Lot Line for zoning purposes.

#### CSA1 Zone

- a reduction of the minimum Front Yard setback from 8.0 m to 0.0 m;
- a reduction of the minimum Exterior Side Yard setback from 8.0 m to 1.0 m;
- a reduction of the minimum Rear Yard setback from 8.0 m to 2.0 m (abutting the proposed R8-4( ) Zone));
- a reduction of the minimum Interior Side Yard setback to 0.0 m (from 3.0 m) adjacent to a non-residential zone (being the OS5 Zone integrating the ecological buffer);
- a reduction of the minimum required parking setback from a road allowance from 3.0 m to 0.5 m; and
- a reduction of the drive-through stacking stalls from 15 to 8 for a coffee shop.

While some of the special provisions are form related and supportable from a planning perspective i.e. reductions in front or exterior side yard depths to bring buildings closer to the street, or reductions in parking that more closely align with Council's recent parking study, other reductions reflect an intensity issue with the current proposal i.e. reductions to interior side yards could potentially impact adjacent lands, reductions in drive through stacking spaces could ultimately impact roadways/spillover onto City streets, reductions in accessible parking spaces do not support the City's accessibility objectives.

The following special provisions; therefore, are not recommended by Planning staff for each Zone:

#### R8-4

- a reduction in the minimum Rear Yard setback from 4.5 m to 3.0 m (adjacent to the OS5 Zone);

#### *Analysis:*

After extensive review, the recommended buffer has been reduced and maximized in certain identified areas. The City is seeking to ensure that the required park pathway is located entirely within this buffer area, which will be constrained in areas that have a reduced 15 metre buffer. Staff is also seeking to ensure appropriate distance is provided between the proposed built form and the natural heritage feature especially in areas that have been reduced to a 15 metre buffer. Therefore, staff do not support a reduction in the rear yard setback for the proposed development adjacent to the natural heritage feature and buffer.

#### CSA1

- a reduction of the minimum Front Yard setback from 8.0 m to 0.0 m;

#### *Analysis*

While staff support bringing buildings closer to the street, 0m setbacks do not allow for any overhang or door openings that do not encroach in the City's road allowance. Therefore, a minimum 1.0m setback (and maximum 3.0m setback) is recommended for all buildings adjacent the street.

#### CSA1

- a reduction of the minimum Rear Yard setback from 8.0 m to 2.0 m (abutting the proposed R8-4( ) Zone));

#### *Analysis*

A reduction in the rear yard setback will further impact the residential uses proposed to the north of the site. It is problematic to include a significant reduction within the CSA1 Zone when it is unknown how close the adjacent residential development could be especially as commercial development could have an impact on adjacent lands from a noise perspective. If a greater setback is possible for the residential development, as determined at site plan, the applicant can seek a minor variance to potentially reduce the rear yard setback of the commercial use. The requested special provision is not supported.

#### CSA1

- a reduction of the minimum Interior Side Yard setback to 0.0 m (from 3.0 m) adjacent to a non-residential zone (being the OS5 Zone integrating the ecological buffer);

#### *Analysis*

As per above request, the agreed upon buffer has been reduced and maximized in certain areas. The City is willing to ensure that the required park pathway is located entirely within this buffer area, which will be constrained in areas that have a reduced 15m buffer. It should be noted that there is no accepted EIS for this site currently; therefore, additional justification for a reduced setback from an ecological perspective has not been provided. Without an accepted EIS, Staff will not support a reduction in setbacks for the proposed development adjacent to the natural heritage feature and buffer especially in identified buffer areas that have been reduced to this extent.

#### CSA1

- a reduction of the minimum required parking setback from a road allowance from 3.0 m to 0.5 m;

#### *Analysis*

As per the above request, a reduction in the parking setback does not provide adequate space to plant trees and other landscaping measures adjacent to the road allowance, as required in the Site Plan Control By-law. The City has reduced commercial parking requirements specifically to assist with reductions in parking and paved areas.

Reductions in parking area setbacks in the past have resulted in a poor quality environment for pedestrians and for urban design overall. Reductions ensure no possibility for landscaping and screening within the identified setback space and instead relies on the City to provide and upkeep the necessary landscaping on city boulevards, which is not the intent of this provision in the by-law. This special provision is not supported.

#### CSA1

- a reduction of the drive-through stacking stalls from 15 to 8 for a coffee shop.

#### *Analysis*

As per Transportation and Site Plan comments, the required 15 stacking stalls is based on typical requirements as per the site plan control by-law. As the final form and use is unknown, the City has no way of guaranteeing that the configuration as shown on the concept plan will not change in the future through site plan. Depending on the layout, eight stacking spaces could ultimately impact the City's roadway, therefore no special provision is recommended. If Transportation ultimately supports a reduction in stacking through the final site plan, the applicant can see a minor variance to reduce the stacking requirements.

Staff are recommending additional special provisions for this site:

- a maximum height of 13 metres or 3 storeys for any commercial use (to coincide with The London Plan special policy for this site);
- a maximum Gross Floor Area for All Permitted Uses of 5000.0 square metres to coincide with The London Plan special policy for this site;
- a maximum Gross Floor Area for all Office Uses of 660 square metres, limited to the second floor of the proposed office building (as per the Applicant's submission). The CSA1 Zone limits office uses to 15% of the GFA, and the Applicant has indicated in their submission that the second floor of the building directly at the corner of Southdale and Colonel Talbot Road will be the location for the office uses;
- the primary functional entrance of individual commercial units with frontage on Colonel Talbot Road and/or Southdale Road West shall be oriented to the adjacent street. Grocery stores shall be exempt from this provision.

#### **4.4 Issue and Consideration # 4: Form**

##### *The London Plan*

As per the special policy for this site, the City Design chapter and the form policies of the Shopping Area Place Type of this Plan will provide direction for this development. In addition, buffering and/or screening measures should be provided to mitigate views of surface parking areas from the Civic Boulevards and to address the interface with lands located immediately north of the site (1070C\_).

To achieve the City Design objectives, all planning and development applications shall conform with the Character, Street Network, Streetscapes, Public Space, Site Layout and Buildings policies (194\_).

The Shopping Area Place Type also contains policies related to form, including:

- the integration of a grid of driveways to provide a form of large-lot development that can be redeveloped more easily in phases at a future date, to allow the opportunity for redevelopment of the rear portion of commercial blocks in the future, to allow for better connections through the site for pedestrians, transit users, and cyclists, and to allow the possibility for future neighbourhood connections that would connect transit services, the street and the commercial block to the neighbourhood;
- large commercial blocks should be developed such that smaller-scale commercial uses are constructed on pads at the front of the lot to create, to the greatest extent possible, a pedestrian-oriented street wall, with front entrances

oriented toward and accessible from the primary street, and to screen large fields of parking from the road;

- amenities, such as landscaping, street furniture, and patios, should be designed and provided on the site to attract pedestrian activity;
- large commercial blocks should be designed to incorporate wide, tree-lined sidewalks that will allow pedestrians clear, safe, direct and comfortable access through parking lots;
- opportunities will be explored for creating central seating areas and private parkette features that enhance the centre's function as a public meeting place; and,
- abundant tree planting.

Within the Neighbourhoods Place Type, form considerations for new development will also adhere to the City Design policies of this Plan. New neighbourhoods, or parts thereof, should be designed to avoid rear lotting and to avoid noise walls (936\_ 1, 2). plans for new neighbourhoods.

#### *1989 Official Plan*

Development within areas designated Multi-family, Medium Density Residential 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.

#### *Analysis:*

Preliminary Urban Design comments have indicated some key deficiencies with the proposed concept:

- Continue the smaller scale commercial uses along the Southdale Road West and Colonel Talbot Road to create a pedestrian oriented street wall. These buildings should be constructed with their primary entrances and transparent windows oriented toward the primary street to reinforce the public realm, establish an active frontage, and provide for convenient pedestrian access (291\_, 879\_);
- The buildings should be sited with minimal setbacks from public streets to create an inviting, active and comfortable pedestrian environment (259\_);
- Buildings located on corner sites should address the corner through building massing, location of entrances, and architectural elements (290\_);
- Amenities such as landscaping, street furniture, and patios, should be designed and provided on the site to attract pedestrian activity to the front of these buildings (879\_);
- Locate all surface parking in the rear or interior side yard of the site to minimize the impact on the public realm; parking between the smaller commercial buildings and the street will be discouraged (272\_, 879\_);
- Any surface parking that is visible from the street should be screened by low walls and landscape treatments (278\_).

Additional site plan comments have also indicated many deficiencies with the proposed site plan that will need to be addressed. Many of these comments may result in reconfiguration(s) of the proposed development on site.

#### **4.5 Issue and Consideration # 5: Environmental & UTRCA/ECAC comments**

##### *Buffer*

Within the Green Space Place Type, the subject site contains a Provincially Significant Wetland (PSW), known as the Button Bush Swamp/North Talbot Wetland. Through the submission of the EIS, a cultural woodland was also identified on site. Approximately 38% of the site is covered by the significant natural heritage feature (not including buffer).

As shown on Figure 14, the Button Bush Swamp is delineated as Feature 3, while the mineral thicket swamp is noted as Feature 1. Feature 2 is noted as a cultural woodland.

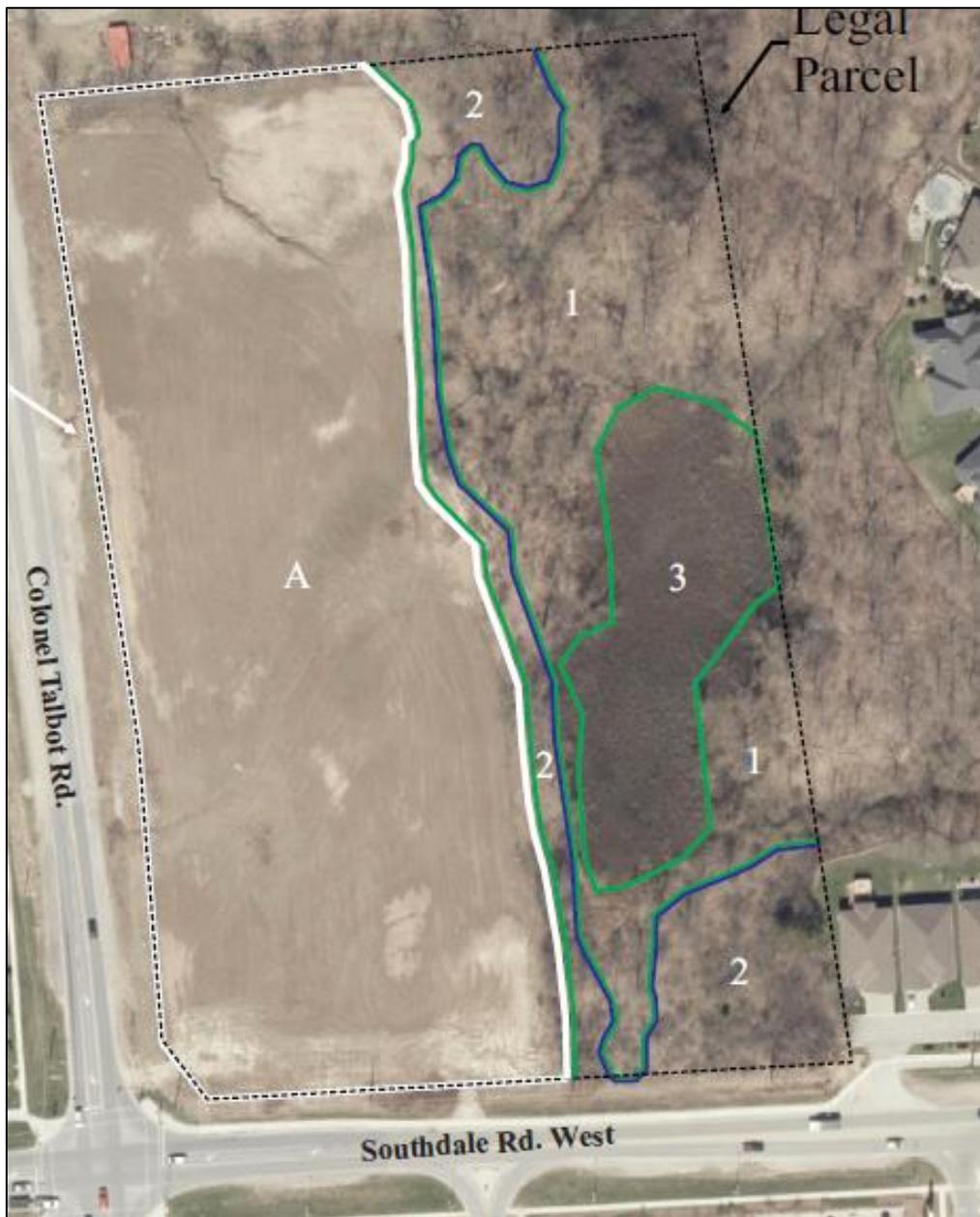


Figure 14 - Excerpt from EIS, showing composition of significant natural heritage feature

As part of a complete application an Environmental Impact Study (EIS) was submitted. The applicant was originally proposing a 10 metre buffer adjacent to the feature. Since that time, additional review and discussion has occurred to achieve a maximized buffer at the most significant points on site, adjacent to the Button Bush Swamp, while reducing the buffer in areas farther north of the swamp and at the Southdale Road West entrance to the site.

The accepted development limit provides a 30 metre or greater buffer in two sections, and a reduced buffer in two other sections, as shown in Figure 15 and 16 below.

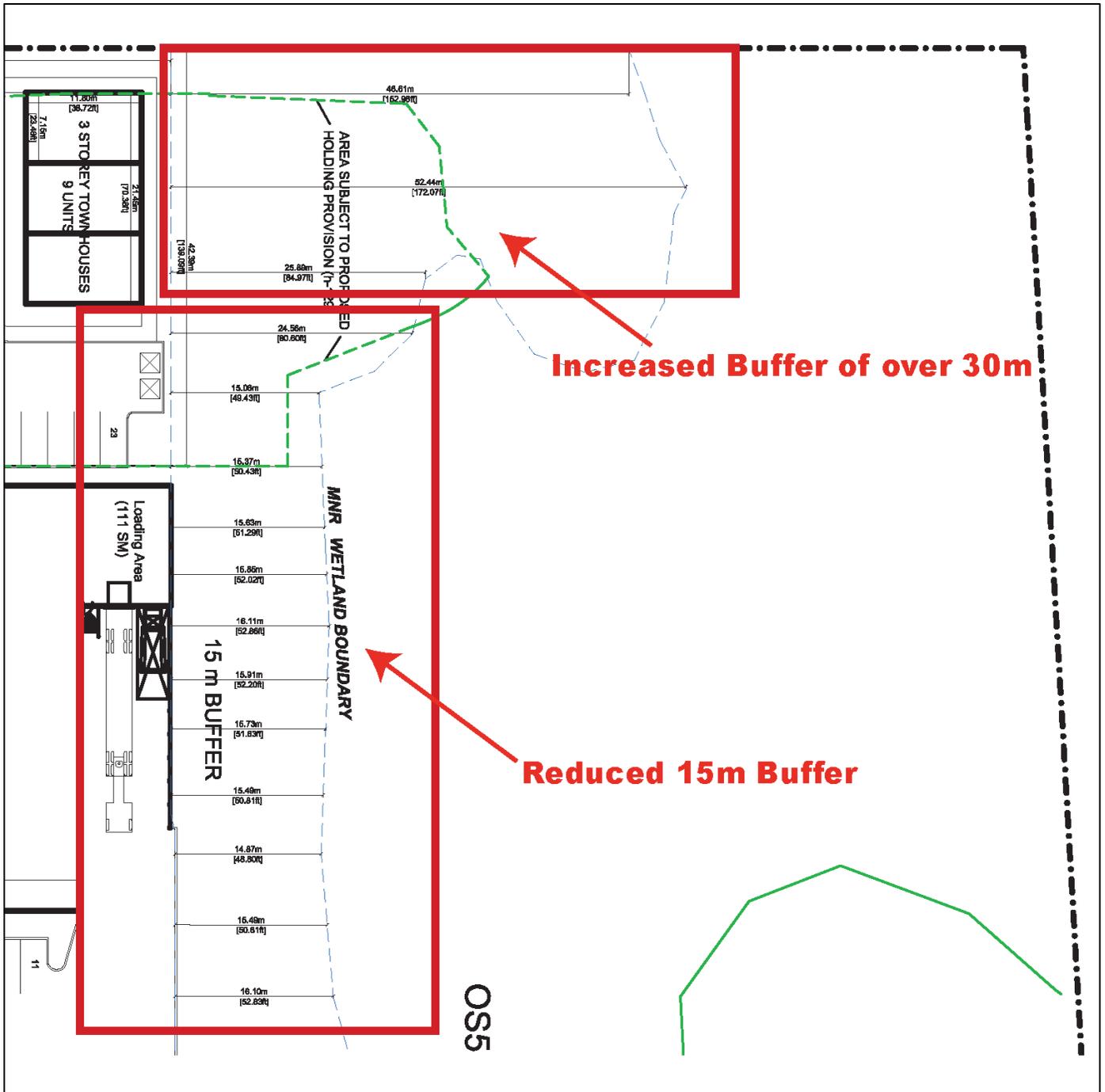


Figure 15 - Detail of environmental buffer northern portion

Due to the timing of the submission of the application, the 2007 Environmental Management Guidelines (EMG) were used in the review of the application. As such, the requirements for a minimum 30 metre buffer is less rigorous. While the overall buffer does not meet the minimum of 30 metre required through the new Council-approved EMG (2021), the proponent will be undertaking additional habitat restoration improvements due to the reduced buffers, including an invasive species management plan for the PSW communities and Significant Woodland edge and other improvements to be identified through the subsequent EIS (i.e. snake hibernaculum, additional native pollinator friendly seeding). A Significant Woodland is noted as being within the buffer, however a final delineation and agreement on the extent of the feature has not been completed. Two small Wetland communities (determined to be non PSW) on the edge of the Significant Woodland are required to be compensated for as per The London Plan Wetland policies, which will include full/partial relocation and habitat improvements. The proponent is required to finalize the EIS, the Hydrogeological Study, and complete a detailed (feature based) Water Balance, all to the City's satisfaction as part of site plan. The EIS will also address the extent of the Significant Woodland feature, which will result in City staff initiating an Official Plan amendment to ultimately add the extent of the Significant Woodland on Map 5. A holding provision (h) is being recommended for the site to ensure all reports are fully completed and that the applicant enter into a development agreement that will require that restoration and compensation works are all carried out to the City's satisfaction.

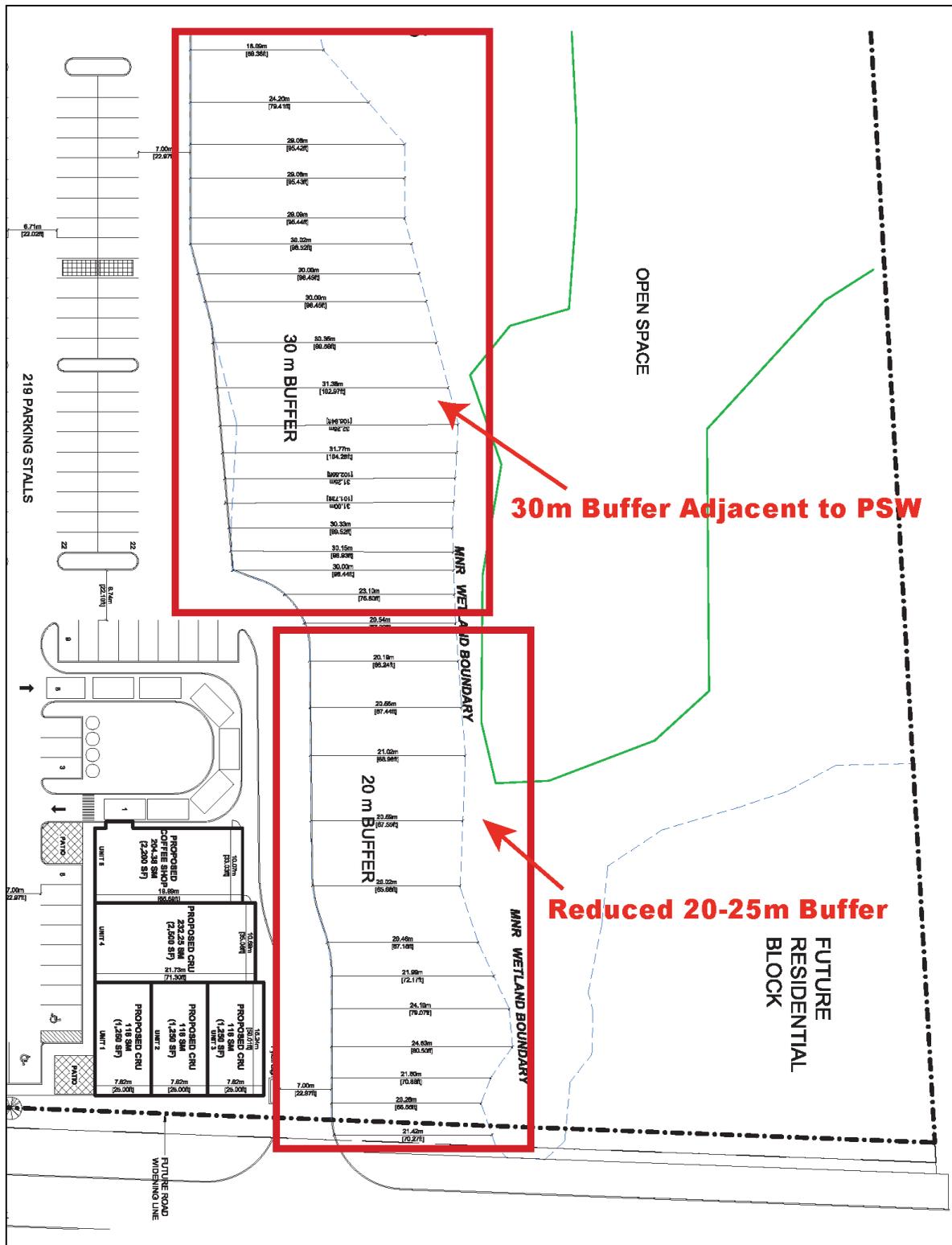


Figure 16 - Detail of southern portion of environmental buffer

Staff have also identified that it will place the required Parks pathway block within the buffer, which will be addressed as part of the site plan review. The buffers and Natural Heritage Features are to be zoned OS5.

Since the full 30 metre buffer to the PSW was not provided for this site, any proposed green stormwater functions will need to be located within the development limit and cannot be considered within the buffer. The 2021 EMG permits the consideration of some specific green stormwater functions within the buffer (i.e. Low Impact Development), but only when the minimum required buffers have been applied.

New zoning by-law amendment applications will require the application of the 2021 EMG, and minimum 30 metre buffers to PSW's will apply.

*UTRCA and ECAC Comments*

The entire property is regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of a riverine flooding hazard as well as wetlands including the Provincially Significant North Talbot Wetland and the surrounding areas of interference. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Conservation Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

In addition to the PSW on site, the subject site is affected by the Dingman Creek Subwatershed which is the focus of an ongoing Environmental Assessment (EA) to evaluate stormwater servicing. The project also includes a flood plain modelling update. In order to capture those areas which could be impacted by revised floodline information, a Dingman Subwatershed Screening Area Map was developed to guide planning decisions on an interim measure until the EA has been completed. As indicated, the site is impacted by increased floodlines and the necessary modelling and analysis must be prepared by the applicant.

The applicant submitted a Floodline Elevation Analysis with consideration for modelling requirements prescribed by the UTRCA. Generally, the floodline analysis brief identified that the eastern portion of the Phase 1 lands (the proposed R8-4 residential area) are to account for potential flood storage requirements on an interim basis. The applicant indicated as project planning advances, additional floodline analyses will be carried out by the Applicant in conjunction with City of London and UTRCA staff to confirm the modelling criteria and, if necessary, to identify alternative measures to address flood storage requirements. Development in this area would be prohibited until permanent flood storage measures are identified. A holding provision (h-129) is proposed by the Applicant for the affected lands as an interim measure to account for the identified flood storage requirements. The proposed boundaries of the affected area are identified on Figure 17.

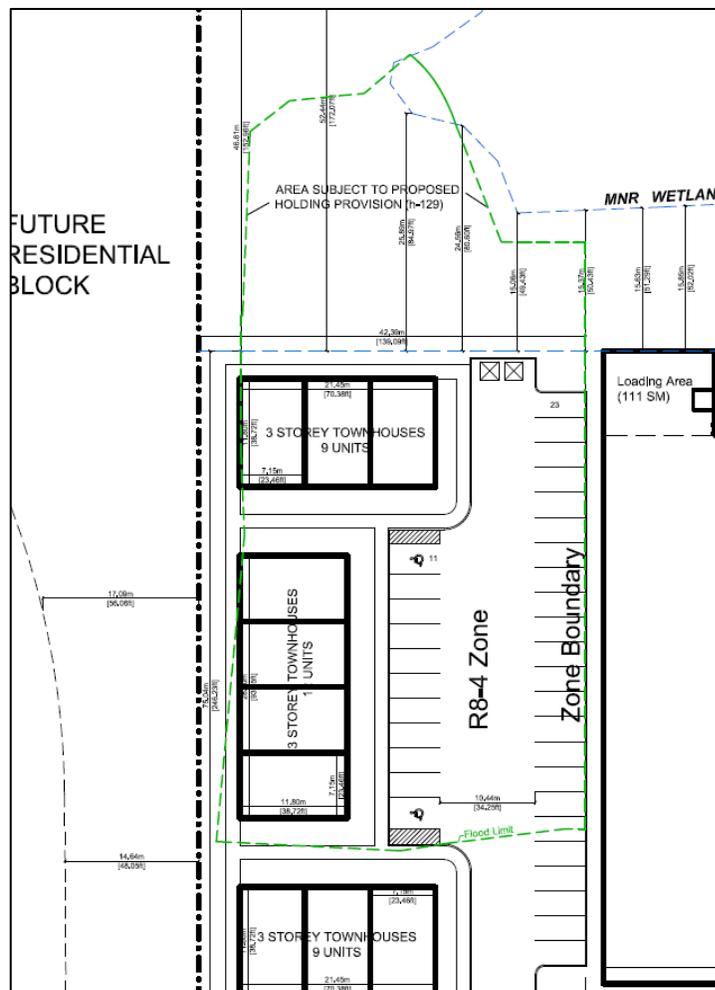


Figure 17 - Area of proposed h-129

The conditions associated with the h-129 provision are set out in Section 3.8 2) of the Zoning By-law as follows:

*“h-129 Purpose: To ensure that the results of the Hydraulic Floodway Analysis are accepted to the satisfaction of the Upper Thames River Conservation Authority.”*

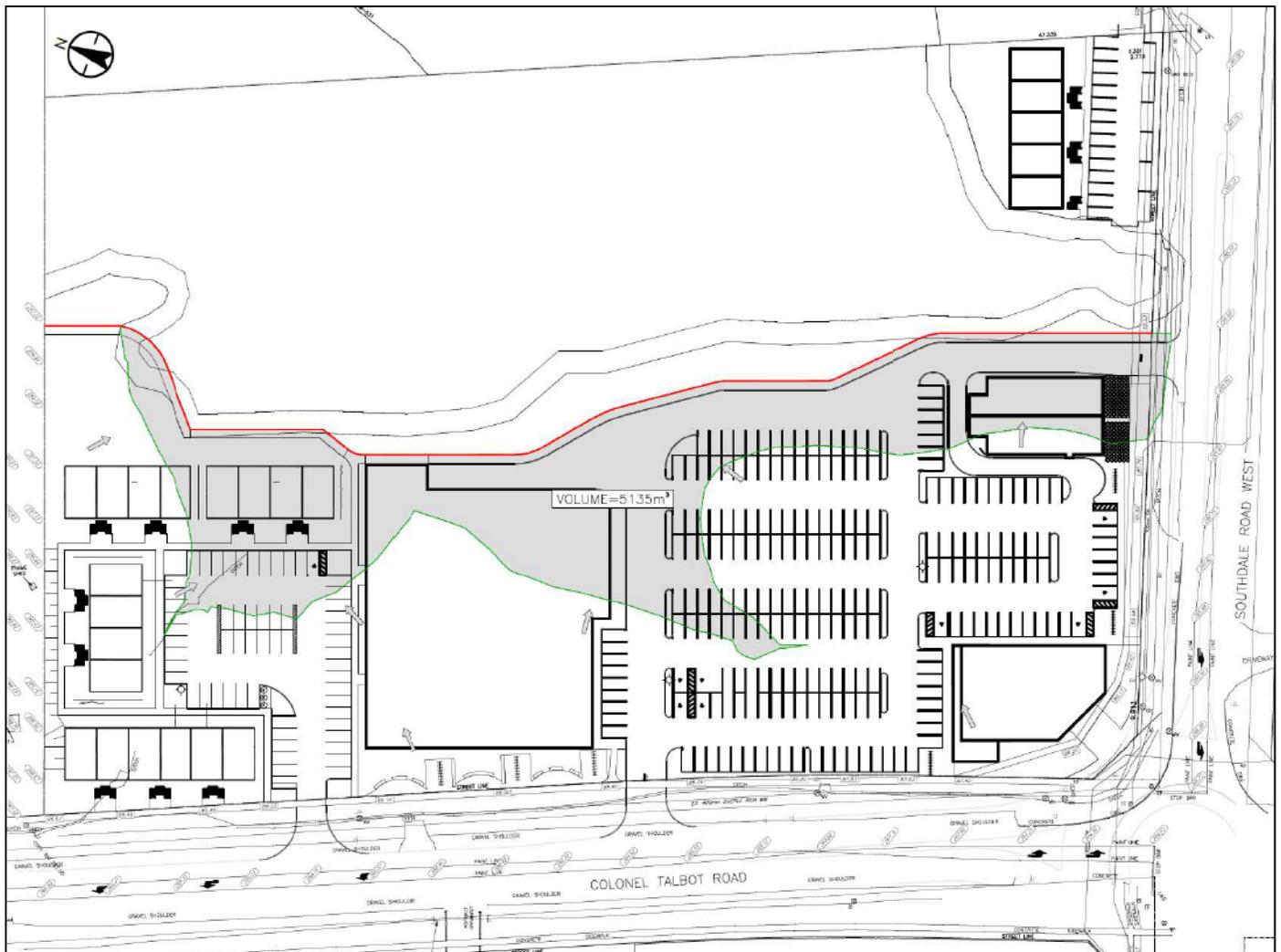


Figure 18 - Extent of floodplain affecting the site (gray area) and extent of the h-129 holding provision

However, based on UTRCA’s most recent comments, the proposed area for the h-129 is not sufficient, as the preliminary Flood Line Analysis and area as identified by the applicant has not been approved by the UTRCA. UTRCA requests the h-129 apply to a larger area of the site, as shown on Figure 18. The area noted within the grey area will require the h-129 holding provision, until such time as UTRCA has approved the proposed Flood Line Analysis.

As per the revised submitted comments from Upper Thames River Conservation Authority (UTRCA), the UTRCA considers this application to be premature, until all of the required technical reports that are needed to establish/confirm the zone line/proposed development limit are provided to support the proposed development limit. In order for City staff to advance the application for consideration by Planning and Environment Committee and Council, UTRCA has expressed the following:

*... the requirements including, but not limited to the preparation of a floodline analysis, servicing study, Final EIS and Hydrogeological and Water Balance Assessment and Geotechnical Study for the proposed retaining wall will be addressed either through a Holding Provision and/or at detailed design and/or the site plan process. This is not ideal or the Conservation Authority’s preferred approach when dealing with a sensitive and complex site such as this one.*

Should the Planning and Environment Committee decide to approve the applications, the UTRCA requests the following conditions for the approval:

- That the Zoning By-Law Holding Provision stipulate that a Final EIS, Final Hydrogeological Assessment and Water Balance Analysis, a Servicing Report, a Floodline Analysis and a Geotechnical Report for the proposed Retaining Wall be prepared to the satisfaction of the UTRCA.
- That infrastructure including but not limited to stormwater/LIDs, and a retaining wall shall not be permitted to be located in the buffer.
- That the lands in the southeast corner of the site identified as Future Residential Phase II be zoned Open Space - OS5.
- That the necessary Section 28 approvals from the Conservation Authority be secured for both the proposed development, and the proposed paved pathway that is to be located within the reduced buffer/setback. Additional technical studies will be required as part of the permit process for the pathway.

Staff have added the requirements for all of the above studies and reports as part of the h and h-129 holding provisions.

As shown in Figure 19, UTRCA have also requested that a portion of the lands located in the southeast corner of the subject site be zoned OS5. Given the natural hazard constraints and the associated setback and buffer requirements that apply to the proposed Future Residential Phase II lands, the UTRCA recommends that consideration be given to rezoning these lands Open Space OS5. However, as part of the revised application, the Applicant has removed consideration of this portion of the lands. Additionally, the proposed EIS did not address this portion of the site. As part of any future application, an EIS will be required, which will need to demonstrate the potential for any development.

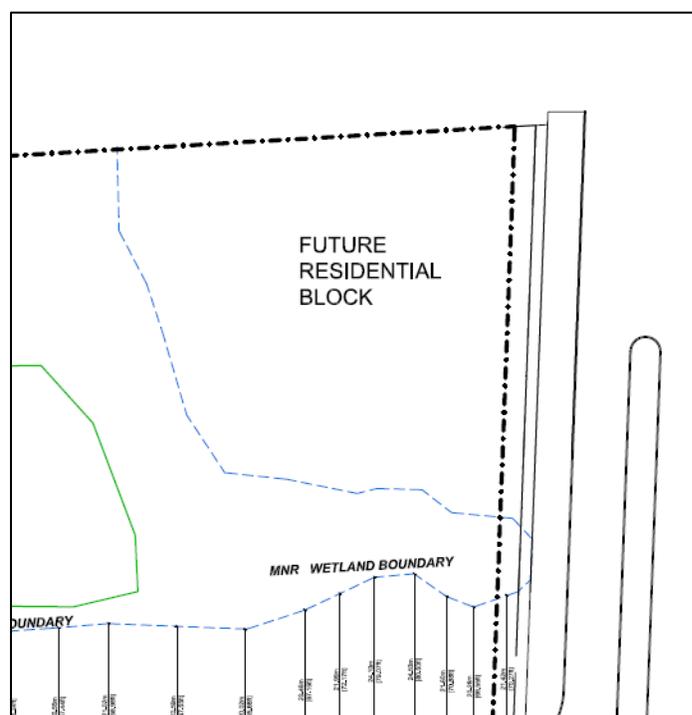


Figure 19 - Excerpt showing southeast portion of the site

Through the original circulation for the application, the Ecological Community Advisory Committee (ECAC) also provided comment indicating that they are not in support of the proposed development and proposed development limit/buffers. A response to ECAC (formerly EEPAC) concerns were provided by the applicant and circulated to ECAC. As part of the revised submission of the EIS, the ECAC can be circulated the revised reports.

#### *Provincial Policy Statement (2020)*

The Provincial Policy Statement (PPS) defines significant in regard to wetlands as an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry through using evaluation procedures established by the Province. The PPS directs for natural features and areas to be protected for the long term (2.1.1). Section 2.1 – Natural Heritage of the PPS notes that development and site alteration

shall not be permitted in significant wetlands in Ecoregions 5E, 6E and 7E (2.1.4.a)). The subject lands are located in Ecoregions 6E and 7E for the purposes of the above policy. The protection of the PSW contributes to Ontario's long-term prosperity, environmental health and social well-being on conserving biodiversity and protecting natural heritage resources for their economic, environmental and social benefits (2.0).

#### *The London Plan*

As indicated, the subject lands contain a Provincially Significant Wetland (PSW) (Map 5 – Natural Heritage) in The London Plan. The London Plan defines wetlands as lands that are seasonally or permanently covered by shallow water, as well as lands where the water is close to or at the surface (1330\_). The City's Natural Heritage System is defined as a system of natural heritage features, areas and linkages intended to provide connectivity at the regional or site level and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of native species, and ecosystems, including natural heritage features (1298\_). Similar to policies provided in the PPS (2020), The London Plan seeks to provide for the protection, rehabilitation and management of the natural heritage features and areas and their ecological functions as well as protecting, maintaining and improving surface and groundwater quality and quantity by protecting wetlands (1308\_2 and 1308\_3). The wetland provides for important habitat for plants, fish and wildlife that are fully dependent on the presence of a wetland, and for wildlife that need wetlands to complete some life cycle requirements. Wetlands are also important for their cultural values including such activities as hunting, recreation, education and research, and cultural heritage (1331\_). Further, wetlands and their surrounding areas are subject to regulation under the Conservation Authorities Act (1336\_). The lands are regulated by the Upper Thames River Conservation Authority (UTRCA) and any development on site is subject to the approval of the UTRCA.

Policies within The London Plan identify that development and site alterations shall not be permitted in provincially significant wetlands as identified on Map 5 – Natural Heritage (1332\_ and 1390\_). The London Plan provides policies noting that the development and site alteration shall not be permitted in significant wetlands unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions (1391\_).

Ecological buffers are designed to protect natural heritage features and areas, and their ecological functions and processes, to maintain the ecological integrity of the Natural Heritage System (1412\_). They are generally required on lands contiguous to a specific natural heritage feature or area. Ecological buffer requirements shall be determined as part of an Environmental Impact Study (1413\_). The location, width, composition and use of ecological buffers necessary to protect natural heritage areas from the impacts of development on adjacent lands will be specified through application of the City Council approved Guidelines for Determining Setbacks and Ecological Buffers as part of an approved secondary plan and/or an environmental impact study. The City may also consider technical and/ or scientific documents that reflect improvements in scientific knowledge regarding natural features (1414\_).

Overall, staff are satisfied that the proposed development limit, and agreed upon buffers, and ultimate compensation and mitigation will result in the protection of the significant natural heritage feature, and improve the overall quality of the feature in the long term.

#### **4.6 Issue and Consideration # 6: Multi-Use Pathway**

In The London Plan, Map 4 (Active Mobility Network), a Cycling and Walking Route is identified for this site (see Figure 20).

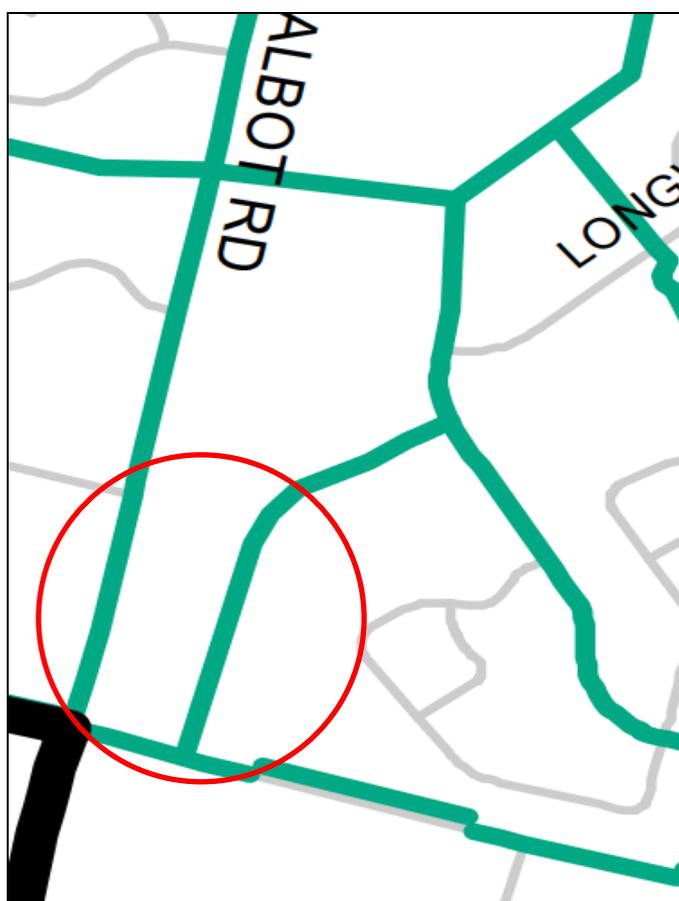


Figure 20 - Excerpt from Map 4 London Plan

As per Parks Planning comments, a pathway connection is required along the west side of the wetland feature extending from Southdale Road West to the northerly limit (in conformity with the City of London Cycling Master Plan) to be incorporated into the open space blocks/buffers and located and constructed in a manner that is consistent with the recommendations of the future EIS. These lands would be accepted as parkland dedication using an open space rate of 1:16 and as per CP-9 Bylaw.

As confirmed with Parks Planning, the pathway connection will be incorporated into the open space blocks/buffers. The construction of the pathway corridor will be completed by the City at a future date. Parks Planning staff will work with the applicant and the UTRCA to situate a pathway within the approved buffer.

In addition to the above requirement, a pathway connection (in conformity with the City of London Cycling Master Plan) is required from the intersection of Southdale Road West and Colonel Talbot Road running parallel with Southdale Road West connecting with the pathway corridor on the west side of the natural feature. This connection needs to be coordinated with the ongoing Southdale Road West/Colonel Talbot Road roundabout Environmental Assessment.

#### *The London Plan*

Active mobility, with a key focus on walking and cycling, is recognized as a mode of transportation that can play a positive role in improving mobility and quality of life as part of a balanced mobility system (346\_). The active mobility network is shown on Map 4 of this Plan. This planned network will be considered in the evaluation of all planning and development applications (347\_). Active mobility features will be incorporated into the design of new neighbourhoods and, where possible, enhanced in existing neighbourhoods to ensure connections to the street and transit system (348\_). The width of lands to be dedicated for cycling pathways and pedestrian pathways that are not within a street shall be sufficient to accommodate a five metre corridor of traveled portion and shoulders and up to five metres on either side for sight lines, curves, drainage, and safety zones, where required (1750\_).

#### 4.7 Issue and Consideration # 7: Transportation

As part of the complete application, the applicant submitted a Transportation Impact Assessment (TIA) (Stantec, June 2020), a Conceptual Site Plan (SRM, August 2021), a Drive-through Stacking Study (SBM, January 2021), and a Parking Memo/Addendum (BT Engineering, April 2020 and September 2021). The current site concept shows three access points to the subject site – two from Colonel Talbot Road, and one from Southdale Road West.

As detailed in the original Transportation Engineering comments (Appendix C), the submitted TIA was not acceptable. The site concept and proposed access points analyzed in the TIA do not comply with the requirements based on the City's Access Management Guidelines

A revised TIA was subsequently submitted by the Applicant. For the most part, the findings of the TIA were accepted by Transportation staff. However, access to the proposed residential block along Colonel Talbot Road would be limited to right-in, right-out, only. The Applicant has been advised that as part of the site plan application, they will be required to construct a median island on Colonel Talbot Road, as per the City's Access Management Guidelines. The island would need to be extended to the Cherrygrove Drive intersection. Colonel Talbot Road platform widening and median island illumination would also be required. An example of the median is shown below.

Exhibit 2-3: Both Left Turns Restricted

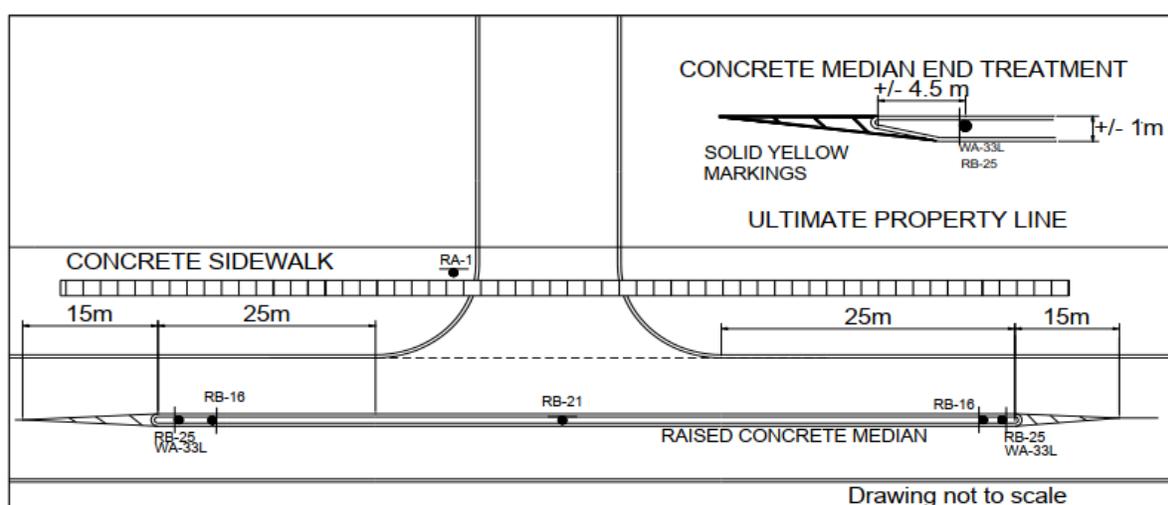


Figure 21 - Example of required road median

To ensure this is addressed, the holding provision will also address the need for the construction of the median on Colonel Talbot Road, and the addition of a 1-foot reserve along the Colonel Talbot frontage, to be addressed as part of the site plan submission.

#### The London Plan

Supporting policy framework to address transportation matters is provided under: 335\_ A Transportation Impact Assessment (TIA) may be required for planning and development applications to identify, evaluate and mitigate transportation impacts. City Council may adopt Transportation Impact Assessment Guidelines to assist in the preparation of a transportation impact assessment (335\_). Access management will be applied with the objective of limiting driveways onto major streets. Where appropriate, Neighbourhood Connectors and Neighbourhood Streets intersecting with major streets may be used to access sites fronting onto Civic Boulevards, Urban Thoroughfares and Rapid Transit Corridors (336\_).

#### 4.8 Issue and Consideration # 8: Zoning, Holding Provision

As part of the original zoning request, the applicant had requested a special provision to recognize the area for the UR2 Zone located on the eastern side of the site, adjacent to Southdale Road (see Figure 22). However, no supporting studies have been submitted for this site, and the EIS does not address these lands or any setbacks etc.

Comments were also received from the condominium development located at 920 Southdale Road West (directly adjacent to the UR2( ) block). As part of the applicant's submitted TIA, access for this block is proposed through the lands located at 920 Southdale. Through the original development of the condominium at 920 Southdale, a clause in the agreement was added that indicates the access to Southdale Road West is a temporary access to serve the development, but that full access to Southdale Road West will be provided through the UR2( ) Block, and that the temporary access to Southdale Road West will be closed, as a condition of the site plan approval, when a alternate access is provided. As part of the revised submission, the special provision proposed by the Applicant is no longer being sought. No development is proposed for this block; therefore, the issue of access will not be addressed through this application.

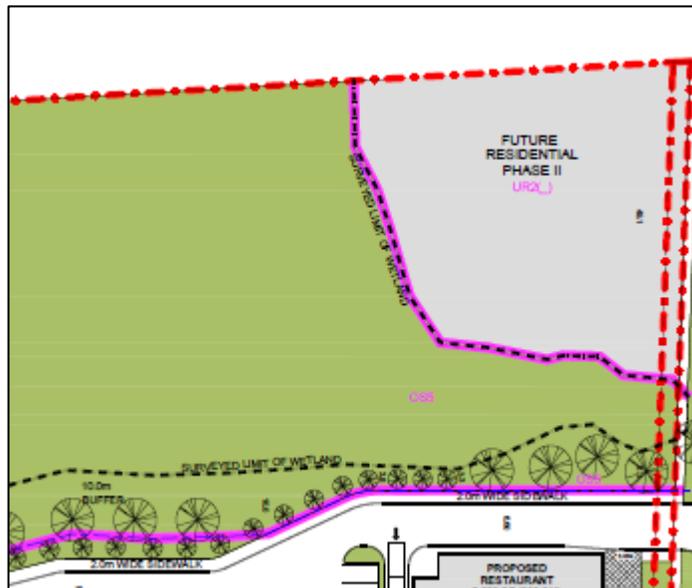


Figure 22 - Detail of future residential lands adjacent to Southdale

#### 4.9 Issue and Consideration # 9: Public Comments

Although many issues have been raised by the residents, many of the concerns can be generally grouped under two main headings - Traffic Impacts, and Noise Impacts.

Comments related to use, height, form, density, environmental concerns, pedestrian connectivity, 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*

Concerns were raised about the amount of traffic generated by this development. Residents in the area are concerned about negative impacts on the neighbourhood in terms of increased traffic and safety, and the location of access points onto major roads. Residents were also concerned about the impact of this development on the proposed roundabout.

The Transportation Impact Assessment (TIA) submitted for the site concluded that the intersection of Colonel Talbot Road at Southdale Road West is projected to experience significant deficiencies during peak hours; however, the proposed roundabout scheduled for the Colonel Talbot/Southdale intersection will eliminate all identified traffic operational issues. The intersection of Colonel Talbot Road at Cherrygrove Drive is projected to operate at an acceptable level and the City does not require intersection improvements.

Based on the applicable transportation guidelines, an auxiliary northbound right-turn lane is warranted on Colonel Talbot Road which was proposed as an improvement for this development. No other improvements are recommended as part of this development. The location of all access points were generally accepted by the Transportation Division, including the residential development and the Southdale Road West access, both limited to rights in/rights out.

The City of London is planning to reconstruct the Southdale and Colonel Talbot intersection in spring 2023 by installing a two-lane roundabout which will improve comfort and safety for all road users, to help accommodate existing and future travel demand, and will increase plantings and greenery in the central island. As part of this project, the City of London will also install active transportation elements which include sidewalks and street lighting, asphalt in-boulevard bike paths, and enhanced landscaping and roadway improvements to support active transportation. As part of the TIA, it was recommended that the roundabout at the Colonel Talbot Road at Southdale Road West intersection be constructed sooner to mitigate the traffic operational issues at this location. The timing of the road construction should coincide with future development for this site.

#### *Noise Impacts*

A noise study is typically required at time of site plan, to ensure road noise will not impact residential development, and to ensure stationary noise sources (like a drive through) will not impact adjacent lands. As part of the complete application, a noise study was submitted for this site. Recommendations from this study will be implemented into the ultimate site plan and development agreement to ensure stationary noise sources will not impact adjacent residential uses.

## **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, Neighbourhoods Place Type, Specific Policy 1070C\_, Shopping Area Place Type, and the Natural Heritage Features and Hazards policies, providing for the protection of significant environmental features. The recommended amendment will permit the development of commercial and residential uses for the site, while facilitating the protection of a Provincially Significant Wetland, including recommendation on buffers and future compensation and mitigation. future commercial uses. The proposed use represents development with a land use, intensity, and form that is appropriate for the site.

**Prepared by:** Nancy Pasato, MCIP, RPP  
Senior Planner, Planning Implementation

**Reviewed by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:** Heather McNeely, MCIP, RPP  
Acting Director, Planning and Development

**Submitted by:** Scott Mathers MPA, P. Eng.  
Deputy City Manager, Planning and Economic  
Development

**cc:**  
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. C.P.-1284-  
A by-law to amend The London Plan  
relating to 952 Southdale Road West.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to change the designation of a portion of the subject lands from a Green Space Place Type to a Neighbourhoods Place Type, and a Neighbourhoods Place Type to a Green Space Place Type on Map 1 – Place Types, and to modify the Provincially Significant Wetland on Map 5 – Natural Heritage.

**B. LOCATION OF THIS AMENDMENT**

This Amendment applies to lands located at 952 Southdale Road West in the City of London.

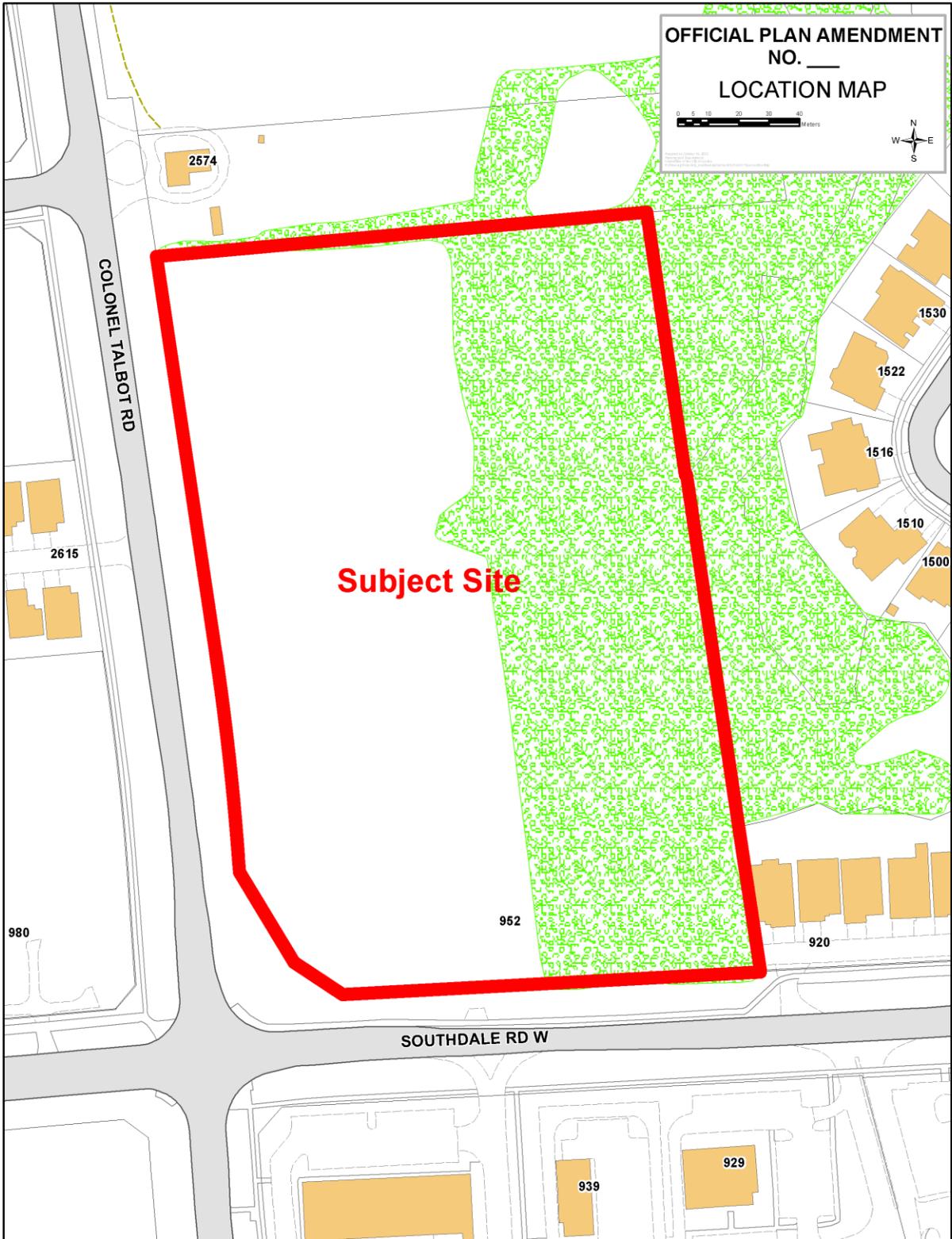
**C. BASIS OF THE AMENDMENT**

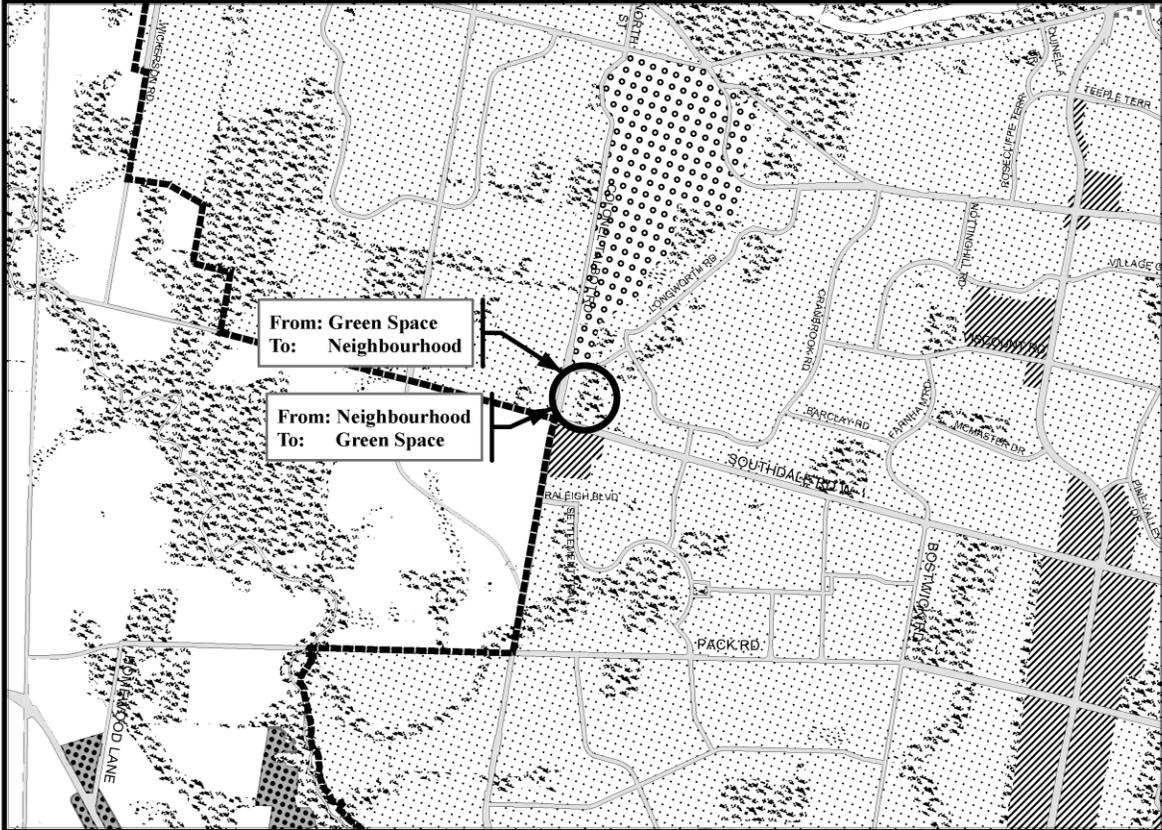
The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, Neighbourhoods Place Type, Specific Policy 1070C, Shopping Area Place Type, and the Natural Heritage Features and Hazards policies, providing for the protection of significant environmental features, and implementing recommended buffers.

**D. THE AMENDMENT**

The London Plan is hereby amended as follows:

1. Map 1 – Place Types, of The London Plan is amended by redesignating a portion of the subject lands, as indicated on “Schedule 1” attached hereto from a Green Space Place Type to a Neighbourhoods Place Type, and a Neighbourhoods Place Type to a Green Space Place Type.
2. Map 5 – Natural Heritage, of The London Plan is amended, as indicated on “Schedule 2” attached hereto, by modifying the Provincially Significant Wetland.





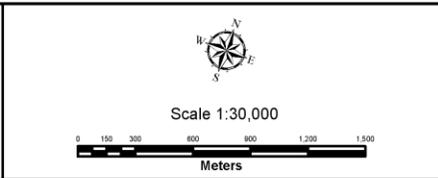
**Legend**

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

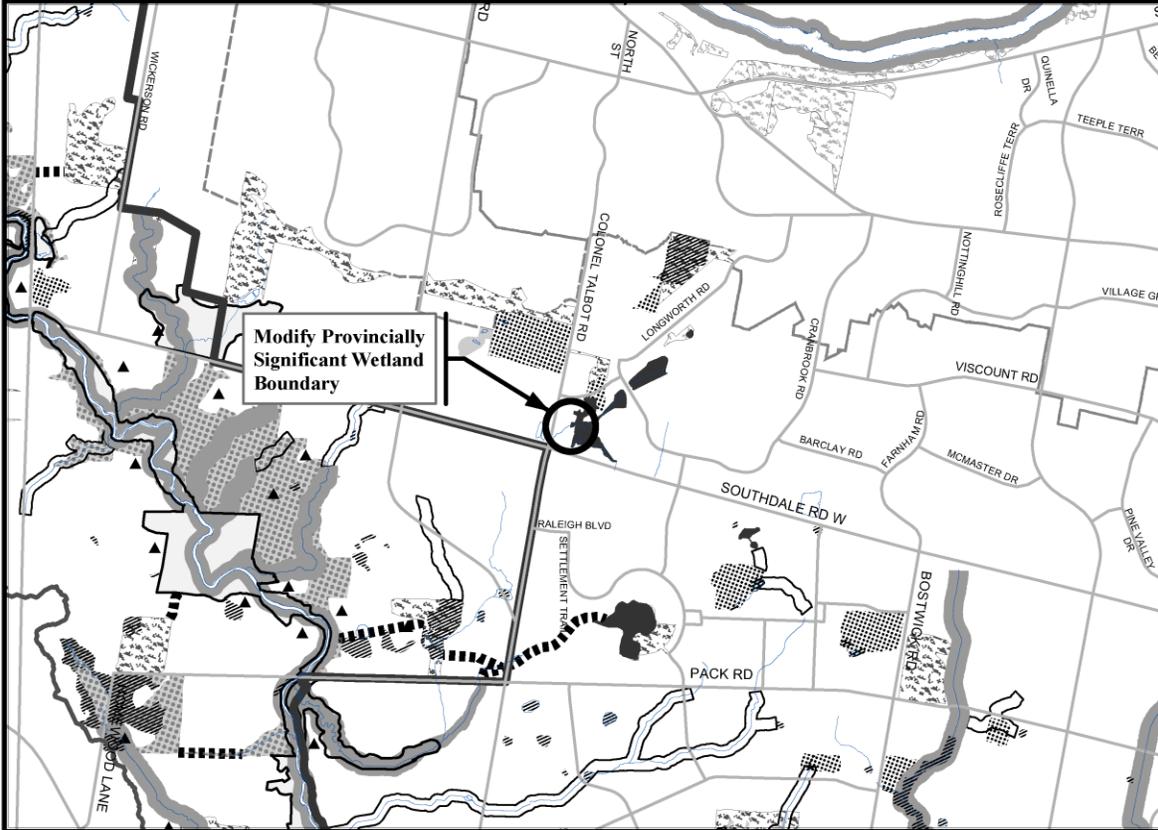
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**SCHEDULE 1  
TO  
OFFICIAL AMENDMENT NO. \_\_\_\_\_**

PREPARED BY: Planning & Development



**FILE NUMBER:** OZ-9431  
**PLANNER:** NP  
**TECHNICIAN:** RC  
**DATE:** 10/14/2022



**NATURAL HERITAGE SYSTEM**

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

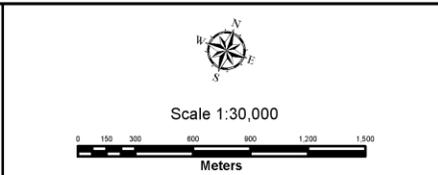
**Base Map Features**

- 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 the Planning Division's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.*

**SCHEDULE 2  
TO  
OFFICIAL AMENDMENT NO. \_\_\_\_\_**

PREPARED BY: Planning & Development



**FILE NUMBER:** OZ-9431  
**PLANNER:** NP  
**TECHNICIAN:** RC  
**DATE:** 10/14/2022

## 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 952 Southdale Road West.

WHEREAS 1739626 Ontario Limited have applied to rezone an area of land located at 952 Southdale Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of London 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 952 Southdale, as shown on the attached map comprising part of Key Map No. A106, from an Urban Reserve (UR2) Zone, to a Holding Residential R8 Special Provision (h\*h-129\*R8-4(\_)) Zone, a Holding Residential R8 Special Provision (h\*R8-4(\_)) Zone, a Holding Community Shopping Area Special Provision (h\*h-129\*CSA1(\_)) Zone, a Holding Community Shopping Area Special Provision (h\*CSA1(\_)) Zone, and an Open Space (OS5) Zone.
- 2) Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:
  - ) R8-4(\_) 952 Southdale Road West
    - i. Regulations
      - i) Front and Exterior Side Yard Depth (Minimum) 3.0 metres (9.8 feet)
      - ii) Density 97 units per hectare
      - iii) The definition of 'STACKED TOWNHOUSE' permits units to be stacked three (3) units high, to a maximum height of 13.0 metres (42.7 feet), or three storeys.
      - iv) The lot line which abuts Colonel Talbot Road shall be interpreted as the front lot line.
- 3) Section Number 22.4 of the Community Shopping Area (CSA1) Zone is amended by adding the following Special Provision:
  - ) CSA1(\_) 952 Southdale Road West
    - i) Front and Exterior Side Yard Depth (Minimum) 1.0 metres (3.3 feet)
    - ii) Front and Exterior Side Yard Depth (Maximum) 3.0 metres (9.8 feet)
    - iii) Height (Maximum) the lesser of 13.0 metres, or 3 storeys

- iv) Gross Floor Area for All Permitted Uses (Maximum) 5000.0 square metres (53,819.6 square feet)
- v) Gross Floor Area for All Office Uses (Maximum) 660 square metres (53,819.6 square feet), limited to the second floor
- vi) The primary functional entrance of individual commercial units with frontage on Colonel Talbot Road and/or Southdale Road West shall be oriented to the adjacent street. Grocery stores shall be exempt from this provision.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

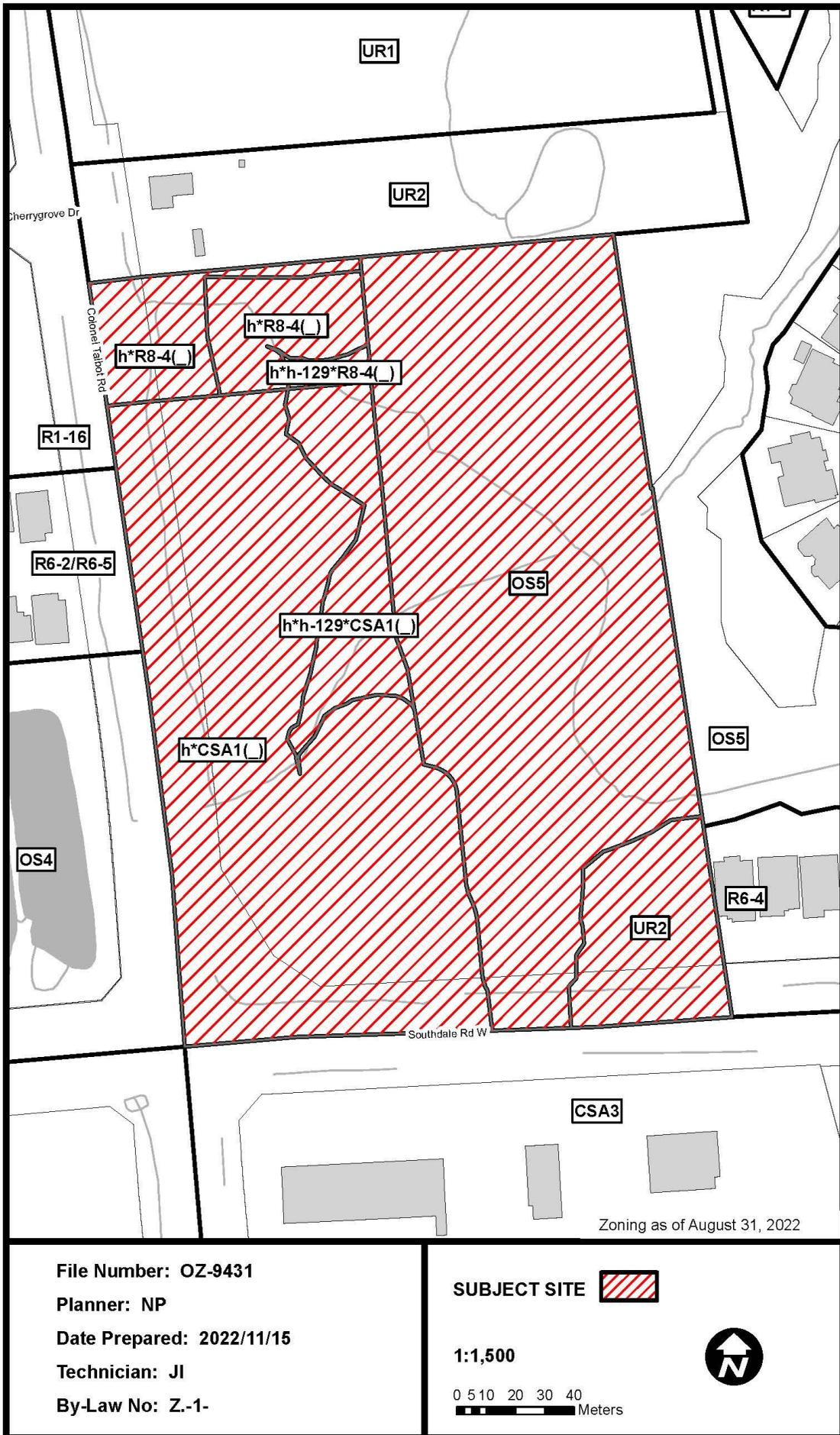
PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor

Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



Geodatabase

## Appendix C – Public Engagement

### Community Engagement

**Notice of Application:** On November 10, 2021, Notice of Application was sent to 313 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 11, 2021. A “Planning Application” sign was also posted on the site.

Replies were received from 15 households.

**Nature of Liaison:** The purpose and effect of this Official Plan and zoning change is to permit a mixed-use commercial/office/residential development. The requested commercial component, located on approximately the southerly 2/3 of the site, includes a grocery store, a 2-storey commercial/office building, and a single-storey commercial building, with a total gross floor area (GFA) of 5,000m<sup>2</sup> and a drive through facility. The requested office component within the commercial development has an area of approximately 660m<sup>2</sup>. The requested residential component, located on approximately the north 1/3 of the site includes four, three-storey stacked townhouse buildings with a total of 54 units (density 48 uph). With the exception of a 0.21ha future residential area located at the southeastern limit of the site, the easterly part of the site is proposed to remain undeveloped to promote the protection and preservation of a Provincially Significant Wetland and associated natural heritage features and buffers. Possible amendment to the 1989 Official Plan to **ADD** a Specific Area Policy to permit a maximum of 5,000m<sup>2</sup> of commercial/office space and a drive-through facility in the existing Multi-family, Medium Density Residential designation, and to change the land use designation in the southeast quadrant of the site **FROM** Open Space **TO** Multi-family, Medium Density Residential. Possible amendment to The London Plan to change the Place Type on Map 1 for a portion of the property **FROM** Green Space **TO** Neighbourhoods, and to **MODIFY** the natural heritage features on Map 5 to reflect current Ministry of Natural Resources and Forestry mapping. Possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR2) Zone **TO** the following: 1) a compound Residential R8 Special Provision/Community Shopping Area Special Provision (R8-4( )/CSA1( )) Zone with special provisions for the Residential R8 Zone to permit a minimum exterior side yard depth of 5.0 metres in place of 8.0m, a minimum interior side yard depth of 2.1m in place of 4.5m, a minimum landscaped open space of 22% in place of 30%, a minimum of 51 parking spaces in place of 81 spaces (.94 spaces/unit in place of 1.5 spaces/unit), and to permit stacked townhouses 3 units high whereas a maximum of 2 unit high stacked townhouses are permitted, and with special provisions for the Community Shopping Area (CSA1) Zone to permit a minimum front yard depth of 1.5m in place of 8.0m, a minimum exterior side yard depth of 3.0m in place of 8.0m, a minimum interior side yard depth of 2.0m in place of 3.0m, a maximum building height of 13.0m in place of 9.0m, a minimum of 220 parking spaces in place of 255 spaces (1 space/22.73m<sup>2</sup> of GFA in place of 1 space/20m<sup>2</sup> of GFA), a minimum of 8 drive through stacking spaces in place of 15 spaces, a minimum of 8 accessible parking spaces in place of 10 spaces, a minimum parking setback from Colonel Talbot Road of 0.5m in place of 3.0m, and to reduce the maximum permitted commercial/office GFA from 6,000m<sup>2</sup> to 5,000m<sup>2</sup>; 2) an Urban Reserve Special Provision (UR2( )) Zone with a special provision to permit a minimum lot area of 0.2ha in place of 6.0ha, and 3) an Open Space (OS5) Zone. The applicant also requested the use of a Holding Provision (h-129) on a portion of the proposed development area and the Open Space (OS5) Zone to prohibit development to accommodate an interim flood storage solution until permanent flood storage measures are identified. File: OZ-9431 Planner: B. Debbert (City Hall).

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

**Concern for:**

- Density
- Noise impacts
- Obstructions of view

- Loss of property values
- Inappropriate use of lands
  - No need for a grocery store
  - Do not want commercial development at this intersection
- Environmental impacts
  - Reduction in green space
  - Overland flows
  - Wildlife
- Walkability
- Roadways and entrances
- Traffic flow, volume, and safety
  - Turning movements, impacts of large delivery trucks, and speed
  - Timing of light, and potentially the proposed roundabout will result in no breaks in traffic to allow turning movements
- The future of the temporary access from 920 Southdale Road West

**Notice of REVISED Application:** On October 26, 2022, Revised Notice of Application was sent to 318 property owners in the surrounding area. Revised Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 27, 2022. A “Revised Planning Application” sticker was placed in the posted site sign.

At the time of this report (November 18, 2022), comments have been received from 3 households.

**Nature of the Liaison:** The purpose and effect of this Official Plan and zoning change is to permit a mixed-use commercial/office/residential development. The requested commercial component, located on approximately the southerly 2/3 of the site, includes a grocery store, a 2-storey commercial/office building, and a single-storey commercial building, with a total gross floor area (GFA) of 5,000m<sup>2</sup> and a drive through facility. The requested office component within the commercial development has an area of approximately 555m<sup>2</sup>(REVISED). The requested residential component, located on approximately the north 1/3 of the site includes four, three-storey stacked townhouse buildings with a total of 30 units (density 97 uph)(REVISED). The easterly part of the site is proposed to remain undeveloped to promote the protection and preservation of a Provincially Significant Wetland and associated natural heritage features and buffers. Possible amendment to The London Plan to change the Place Type on Map 1 for a portion of the property **FROM** Green Space **TO** Neighbourhoods, and **FROM** Neighbourhoods **TO** Green Space, and to **MODIFY** the natural heritage features on Map 5 to reflect current Ministry of Natural Resources and Forestry mapping. Possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR2) Zone **TO** the following: 1) a Residential R8 Special Provision (R8-4( )) Zone. Permitted uses include: apartment buildings, handicapped persons apartment buildings, lodging house class 2, stacked townhouse, senior citizen apartment building, emergency care establishment, continuum-of-care facility. Special provisions include: a minimum Front Yard setback of 3.0m whereas 7.0m is required (REVISED); a minimum Rear Side Yard setback of 3.0m whereas 4.5m is required (adjacent to the OS5 Zone) (REVISED); an increased in density from 75 units/ha to 97units/ha (REVISED); to permit stacked townhouse buildings three units high, rather than two as defined in the Zoning By-law; and to deem Colonel Talbot Road as the Front Lot Line for zoning purposes (REVISED). The City may also consider a reduced residential density and specify the areas of the site on which residential development may occur; 2) a Community Shopping Area Special Provision (CSA1( )) Zone. Permitted Uses include: a broad range of retail, service, office, recreational, and institutional uses. Special provisions include: a minimum Front Yard setback of 0.0m, whereas 8.0 m is required (REVISED); a minimum Exterior Side Yard setback of 1.0m whereas 8.0m is required (REVISED); a minimum Rear Yard setback of 2.0m whereas 8.0m is required (abutting the proposed R8-4( ) Zone))(REVISED); a minimum Interior Side Yard setback of 0.0m whereas 3.0m is required (adjacent to a non-residential zone being the OS5 Zone integrating the ecological buffer)(REVISED); a minimum required parking setback from a road allowance of 0.5m whereas 3.0m is required(REVISED); and a reduction of the drive-

through stacking stalls from 15 to 8 for a coffee shop. The City may also specify the areas of the site on which commercial development may occur; 3) an Open Space (OS5) Zone. Permitted uses include: conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways, managed woodlots. The City may also consider adding a holding provision (h-129) on a portion of the site to ensure that the results of the Hydraulic Floodway Analysis are accepted to the satisfaction of the Upper Thames River Conservation Authority. The City may also consider additional holding provisions and/or special provisions to implement the proposed development.

**Concern for:**

- Density/amount of uses on site/smaller footprint
- Inappropriate use of lands
  - No need for a grocery store
  - Do not want commercial development at this intersection
- Environmental impacts
  - Reduction in green space
  - Overland flows
  - Wildlife
  - Protection of wetland
  - Wider buffer
- Lack of parking
- Maximum height two storey for residential

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

Telephone	Written
Anna Wissing 905 Southdale Road West, Unit 1001	Courtenay Hindemit 1500 Thornley Street
Murray White 905 Southdale Road West, Unit 808	Jerry Thomas 920 Southdale Road West MVLCC #672
John Chryssoulakis 920 Southdale Road West	Kimberly Lake 2615 Colonel Talbot Road, Unit 21
Paul Mills 2615 Colonel Talbot Road, Unit 23 MVLCC #606	Cathy Melo 1538 Thornley Street
Richard Zelinka Zelinka Priamo	Paul Mills 2615 Colonel Talbot Road MVLCC #606
	Pauline Kosalka 905 Southdale Road West, Unit 1506
	Ali Soufan 915 Southdale Road West Westfield Village Estates Inc. c/o York Developments, 201-303 Richmond Street
	Philip Cheetham 2615 Colonel Talbot Road, Unit 20
	Maritza Angel 2615 Colonel Talbot Road, Unit 29
	Leslie Begg 2615 Colonel Talbot Road, Unit 32
	Caden McAllister Zelinka Priamo
	Patricia Smith 14-920 Southdale Road West

### Telephone Summary

Cathy Melo

- Questions about how current policy came into force
- How many grocery stores do we need? – there's one on the other corner
- BD covered TLP Hearings process
- Noted retail justification report posted online (not required as part of complete application)
- Noted EIS (not posted), hydrogeological report, flood line analysis.

Anna Wissing

905 Southdale Road West Unit 1001

- Greatest concern is traffic flow. Southdale only 2 lanes; Westdel Bourne and Southdale both need to be 4 lanes. – don't know how roads can accommodate any more traffic. She sees the congestion from her apartment. Colonel Talbot is very busy too.

Murray White

905 Southdale Road West, Unit 808

- Wanted to know timing of roundabout going in at Southdale and Colonel Talbot Road related to expected timing of development
- Hoping/expects that the cross walk will be moved quite a bit farther east with the roundabout construction – seems to have been some issue with people having trouble crossing the street – I asked why they're not using the crosswalk? (i.e. we don't plan for jaywalkers)
- Was a traffic survey done?
- Difficult to turn left out of 905 Southdale; most people go south to the other entrance and turn left there. Expect that when lights are installed people will use Pack and Colonel Talbot (??) or at Raleigh.
- Speed control issues
- Traffic is in bunches from light to light; when the roundabout is constructed expect a steady stream of cars.
- Large transport trucks (54' trucks) delivering to No Frills use all of Southdale to get into driveway, and they run over the signs saying to stay on their own side – City has to repair it all the time

John Chryssoulakis

920 Southdale Road West

- The proposal to make access from 920 Southdale to the street permanent and add extra units on adjacent property to that access is contrary to what they were told on purchase. Further to my corres with Jerry Thomas, he requested that I supply any correspondence between the City and the Planners on this change, with dates.

Jerry Thomas

- main issues – temp vs. permanent access for them; possible addition of more units to that access; role of PSW
- Reviewed that this application does not zone the land for development (but it does recognize a MFMDR consistent with The London Plan).
- Not sure what documentation he had: copy of subdivision agreement Block 68; copy of condo declaration, copy of site plan/development agreement – think I told him to do a title search.

Paul Mills

2615 Colonel Talbot Road Unit 23

MVLCC #606

- Will submit comments in writing.
- Noted the traffic study ignored their street – 32 houses.
- Cherry Grove extension is not in the TIA.
- Objected to retail but BD pointed out the special policy resulting from the hearings on The London Plan.

Richard Zelinka

Zelinka Priamo

- Calling on behalf of Southside and Loblaws – will be writing to object to the commercial proposal.
- Almost the same form as refused by the OMB.
- 1989 OP does not allow for commercial development.
- TLP would only allow for secondary uses on intersection based on the status of the roads.

## Written Comments

Cathy Melo

1538 Thornley Street

*Response 1 November 15, 2021*

Having just received my notice of planning application to 952 Southdale Road West I should point out that Southside Development, Peter Whatmore, Rudy Green and myself fought a proposal about 10 years ago against York developments for commercial development on this property. York lost the OMB hearing and also lost the appeal process right to the top. The outcome was that there was to be no commercial development on this piece of property. Please explain why this zoning by-law amendment is even being considered in view of this Legal decision.

*Response 2 November 28, 2022*

In response to the request by Westdell Corp to amend zoning for 952 Southdale Road. Please allow me to state as a local resident in the area there is no need for any large scale commercializations on this property, nor is there a need for an eighth grocery store in the vicinity.

We have a No Frills directly across the street, Metro to the North on Boler, Loblaws, Freshco, Superking Super Market and Food Basics to the East on Wonderland as well as Foodland to the South in Lambeth all less than a 5 minute drive. We are more than adequately served.

I would like to point out to the committee as stated in the city of London's Hydrogenological Assessment that the Buttonbush Wetland which this development would encroach on is a provincially significant wetland (2006). Much of this wetland has surface water more than 10 months of the year ( page 9). This land acts as a sponge for the area. This wetland has already undergone extensive pressure from the area due to the large scale urbanization in the are during the last 20 years. Not only impacting the boundary of the woodland but also the quality of the surface water. This area doesn't need unnecessary large scale commercialization.

Eleven years ago on this same site York Developments attempted to have the zoning changed to allow a similar zoning amendment. After looking at the environmental damage it would cause to the fragile wetland ecosystem and the fact that there was more than ample commercial space on Wonderland the OMB turned down York's request . Absolutely nothing has changed to justify overturning the OMB's original decision. We have even more commercial development along Wonderland and if Westdell feels an eighth grocery is really required why don't they put it on the commercially zoned area on the corner of Wonderland and Wharncliffe where they are currently advertising for commercial tenants.

Please make the right decision and turn down this request for amendment, once again it is unnecessary and protection for this wetland is long overdue.

*Response 3 October 29, 2022*

Regarding the revised notice of planning application for this location the developer appears to be attempting to cram far too much into an area bordering on an environmentally significant wetland. I am especially concerned with the food serving facilities (restaurant and coffee shop)located next door to a wetland causing a large increase in the rodent population for the area.

As stated in an earlier letter concerning this location we do not need another grocery store in the area as we are currently over serviced and with such a large area being turned over to asphalt there will be less area to absorb all the water in the area. Frankly it doesn't make sense to put a grocery store next to a significant wetland and if this council cares about the environment the way it claims to this should be removed from the plans.

I respectfully request that the proposed change to the min exterior side yard from 8.0 to 5.0 as well as the min open space from 30% to 22%: should be turned down. The request of a min parking space total from 81 to 51, a reduction of 37% is laughable and will cause a future chronic parking shortage and the accompanying social problems down the road.

The stacked townhouses should remain a two stories rather than three with a much larger buffer on the north side between the development and the wetland. Please reconsider these proposals for the above reasons.

---

Courtenay Hindemit  
1500 Thornley St

I am writing in regards to the notice for the new development proposal at 952 Southdale Road West.

I currently live on Thornley St, and one of the main reasons were purchased this house was for the privacy that the trees bring in the backyard.

My concerns with this new building are obstructions of view. The loss of wild life and the noise and disruption from the construction that will happen with building a plaza. Also, is there a reason for the plaza when there is one already at southdale and colonel talbot.

We are very much opposed to this construction.

If you are having an open forum where we can here what the plan is we would very much like to attend.

Sincerely,  
No more plazas

.....  
Jerry Thomas  
President MVLCC#672

In response to a notice of a planning application requesting to amend zoning by laws for 952 Southdale Road West, I am writing to express my comments and concerns for myself and the 920 Southdale residents, otherwise known as Middlesex Vacant Land Condominium Corporation #672 (MVLCC).

The MVLCC property is directly east of proposed development. It consists of seven units, each occupied by a detached single family home on a freehold parcel of land. I live in one of the units and am President of MVLLC. All units face Southdale Rd. W., access to which is provided by a private road with single exit and entrance on to Southdale Rd. W., at the West end of the property.

Legal Name: Middlesex Vacant Land Condominium Plan 672, City of London, County of Middlesex, Ontario.

Registry: PIN's 09275-0001 to 09275-007

This roadway is designated as part of the common areas of the corporation and as such is maintained by the corporation. In section 7.0 Summary of Conclusions of the Traffic Impact Assessment (TIA) it states " *Fifteen of the townhouse units are proposed to connect to the 920 Southdale Road residences; this portion of the development will utilize the existing access onto Southdale Road from 920 Southdale Road. As discussed with the City of London during pre-consultation, this existing residential access to Southdale Road will not be included in the subject TIA assessment as the number of proposed residences is negligible.*"

Permission to use our roadway and entrance have not been given, that we are aware of, and further the use of the entrance is in contradiction of conditions imposed by the Approval Authority for the original site plan.

In our Condominium Declaration, Article 2-Conditions Imposed by the Approval Authority subsection 2e. It states "That the description of the Common Elements in the Condominium Declaration include a clause relating to temporary access to Southdale Rd. W.

(i) *“The access to Southdale Road W is a temporary access to serve the multi-family block (Block 68, 33M-531) until an access can be provided through the lands to the west. The temporary access to Southdale Road W will be closed, as a condition of the site plan approval, when a alternate access is provided, at no cost to the City of London.*  
(ii) *At such time as the lands to the west develop, a permanent access to serve 920 Southdale Road W. will be constructed through the lands to the west and the temporary access to Southdale Road W. will be removed and the City Boulevard will be restored.”*

Given that MVLCC is responsible for maintaining both the roadway and the entrance we are concerned that additional traffic from these townhouses will result in additional expenses. As well the future inhabitants of this new development<sup>15</sup> will not be a part of the MVLCC and therefore not contributing to the fees collected for the maintenance and repair of the Common Areas.

Our ability to enter and exit our property is currently a challenge, especially at peak traffic times. Considering this and that the proposal indicates an entrance to the new development is to be constructed somewhere between our entrance and Colonel Talbot Road, our ability to enter and exit our property will become much worse. The decision not to include the existing residential access to Southdale Rd. W in the subject TIA assessment is an oversight in our opinion. Given the current challenges the existing residents experience with getting access to Southdale Rd. W today, the additional use of the entrance by the future residents of the 15 townhouses will pose a problem and should not be thought as negligible.

We do not feel using our entrance is the best choice for us or the future residents of this development. We would like to know why the use of the existing temporary entrance was chosen, if there is legal precedence for your choice, and why access through the lands to the west is not viable.

Also, can you provide the size and type of buffer that will exist between the 15 townhouses and the MVLCC property. Do you know if the townhouses will be condominiums or rentals?

.....  
Kimberly Lake

Unit 21 - 2615 Colonel Talbot Road

To Whom it May Concern:

I believe the issues raised about the 952 Southdale Road West Planning Application by Paul Mills are valid and should be seriously considered before the city permits the construction of this commercial site.

From Boler to Wonderland there are only 1 and 2 storey residential buildings on the north side of Southdale and I believe it should stay the same. I recently bought into this community, in part because of the view of the pond and open fields. I would never have paid the price I did had there been signage indicating a plaza was in the works. This project will negatively impact the value of our homes as well as surrounding homes backing and siding onto the plaza.

The traffic study completely ignored our development, which is appalling since our residents will be affected by the traffic/plaza the most! I believe it is going to be very dangerous getting in and out of our driveway since it will be between the two entrances into the plaza. If the City approves this development at the very least, they should insist on widening Colonel Talbot to two lanes to accommodate the future planned roundabout traffic, as well as the extra traffic into the plaza and townhouses. Pedestrian traffic will be a challenge to say the least with cars whizzing by, and a future roundabout, so it seems like it's an accident waiting to happen. And, when Cherrygrove is extended, the volume of traffic will significantly increase. Residents to the east of us will have an easy way to get to Colonel Talbot. This will just make it harder for us to get in and out of our community.

I've noticed that the townhouses at 920 Southdale have only one entrance into their community, the same as us. Although there is only one lane for westbound travel, the

shoulder of the road is clearly being used as a dedicated lane, although it is not paved. It appears they are having the same difficulties as I anticipate for our community. The traffic concerns we are raising are valid and need to be addressed at this stage if this development goes through. Safety is paramount!

Development will happen. That's a fact. The City needs to consider our concerns and use this land wisely, cohesively and most importantly safely.

Thank you for your time and consideration.

Sincerely,

.....  
Manpreet Kaur

Actually I am living at colonel Talbot rd just opposite to site the site (952 southdale rd west). We are really excited that new shopping plaza, offices and new townhomes are building next to my area. We are really looking forward to our area growing. We are very happy with this decision.

When this project going to start and please provide me any more information if you have with regards to who is the builders of townhomes.

Thanks

.....  
Paul Mills  
Board President  
Middlesex Vacant Land Condominium Corporation No. 606

Further to our telephone conversation earlier this week, I am the President of the Board of Directors for the MVLCC#606 Condo Corporation at 2615 Colonel Talbot Road and I am writing to you about the Planning Application for 952 Southdale Road West, File #OZ-9431. The subject of this application is a proposed commercial and residential development directly across the street from our condo community and several of our owners have raised concerns about it. We have attempted to summarize these concerns in the attached letter. We have also invited our entire community to review this letter and come forward with any additional thoughts they have by December 8<sup>th</sup>. We may therefore be forwarding any other concerns that are raised soon after that date.

We hope that you and your department will give our concerns due consideration and that they will be addressed as City Council considers this Planning Application. We would also be pleased to attend any public meetings called to review this application. In addition to our Board of Directors and Property Managers, I have also copied our Ward 9 Councillor, Anna Hopkins and Paul VanMeerbergen, the Councillor for Ward 10 where the Development is being proposed.

Thanks so much for your time and consideration.

Yours Sincerely,

.....  
Paul Mills  
Board President  
MVLCC#606

Dear Ms. Debbert:

I am writing you as the President of the Board of Directors for the Vacant Land Condominium MVLCC#606 located at 2615 Colonel Talbot Road. Our community is located on the north-west corner of the intersection of Southdale Road West and

Colonel Talbot Road. We have heard a number of concerns about this proposed development at 952 Southdale Road West from our homeowners and wish to raise them with you in the hopes that they will be addressed in your considerations about this proposed development.

#### Land Use

Our first concern has to do with the alteration of this property from green space to full urban development. The north side of Southdale Road West between Boler Road and Bostwick Road to the east is currently all residential or parklands. To the south of the Colonel Talbot and Southdale intersection there is currently a large commercial retail property. The proposed development would be an additional commercial property greatly increasing the commercial density of our neighborhood. The Retail Justification Study that concludes sufficient market demand to justify the large expansion of retail space associated with this proposal is flawed for a variety of reasons. Mainly, the study was conducted in 2017 (currently four years old), which was prior to the significant impacts of the COVID-19 Pandemic. The Retail Justification Study doesn't mention online or e-commerce shopping once, even though more than 80% of Canadian households buys online and e-commerce sales have more than doubled in Canada (StatCan).

Aside from the increased traffic and noise associated with such a change, the view from our property will be radically altered from its current open field and trees aesthetic to a full urban landscape. A number of our homeowners have expressed strong objections to the zoning change. Some have indicated that while a residential development could perhaps be tolerated, a full commercial retail development such as the one being proposed would be too much.

#### Traffic Concerns

In addition to the aforementioned problems associated with this application, traffic impacts are perhaps the biggest concern that we have. Our Condominium consists of 32 houses located on a private street which intersects with Colonel Talbot Road directly across from the proposed Development. The Traffic Impact Assessment submitted with this Planning Application took into consideration the main intersection at Colonel Talbot and Southdale and the intersection of Colonel Talbot and Cherrygrove Drive to the north of us but completely ignored the intersection of our street and Colonel Talbot. None of the diagrams with existing conditions, traffic volumes or expected future conditions illustrate the entrance to our community as a consideration for future traffic operations.



As shown on Figure 1, our intersection meets Colonel Talbot exactly between the two entrances to the proposed Development and we believe that there will be a significant impact on vehicular and pedestrian traffic. Our street actually has a higher population and vehicular density than Cherrygrove Drive and the fact that it was ignored in the Traffic Impact Assessment is puzzling to say the least.

Both of the proposed entrances to the Development will permit left and right turns into and out of the property and yet there was no proposal made for widening the street to create turning lanes. The problematic exclusion of the entrance to our community will result in a situation where within the 290 meters between the intersection of Southdale and Colonel Talbot to Cherrygrove Drive, there will be four unsignalized access-points (two proposed accesses to 952 Southdale, entrance to Cherrygrove Drive and to our community). We believe that this will likely result in significant traffic tie-ups, particularly in peak hours. This plus the additional traffic noise that will result are of considerable concern to our home owners.

In addition, pedestrian traffic will become a significant factor and yet no crosswalks have been proposed between our densely populated street and the Development. We are afraid that this oversight could jeopardize the safety of our residents and all visitors to the Development.

#### Property Value

Many of our homeowners believe that the factors outlined above will also have a negative impact on property values. The current balance between adjacent shopping convenience and a lovely rural setting has been a major attraction for people who have bought homes in our Condo neighborhood. The addition of this large commercial development right next door to us will make our neighborhood less attractive to many people.

In closing, we hope that you will give our concerns serious consideration and that we may have the opportunity to attend a public meeting to discuss them and perhaps see some changes in the plan which will address them. Although we support infill

development as per the London Plan, the large amount of commercial/office space in a Neighbourhood Place Type is a significant concern, and we are of the opinion that a residential development would be more suited than the current proposal. Secondly, an updated Traffic Impact Assessment that includes the entrance to our community as part of the larger future operations would be a start to alleviate our traffic concerns. Thank you for your consideration. Sincerely,

.....  
Philip Cheetham  
Unit 20 - 2615 Colonel Talbot Road

We are totally in support of the attached letter.

1. There is no need for more commercial development around the intersection of Colonel Talbot Rd and Southdale. It would totally change the character of our community. Our community is a residential community and we wish to remain so. We accept a residential development would be the best option for future development.
2. Traffic volume on Colonel Talbot, already increasing due to all the new development around Pack Rd, will be increased significantly. Access to/from our community is becoming even more difficult and dangerous. Also, changing the lights at the intersection of Colonel Talbot Rd and Southdale to a traffic circle, does not help the situation. The goal of the traffic circle is to allow continuous flow of traffic. At least when the lights change to red, and traffic is stopped, access to/and from our community is possible.
3. There is no consideration for pedestrians in this plan and as many of our community walk to the existing local stores, it will be hazardous crossing the roads with the increased traffic and especially the traffic circle.
4. There will be a negative impact of the proposed commercial development on the value of homes in our community, especially those facing directly on Colonel Talbot and reduce interest of future purchasers,

Good luck with the action you are taking on our behalf.  
Cheers,

.....  
Maritza Angel  
Unit 29 - 2615 Colonel Talbot Road

Thank you to all who contributed in addressing the concerns we have to the proposed development across from our community. I am in agreement.

.....  
Leslie Begg  
Unit 32 - 2615 Colonel Talbot Road

I am in complete agreement with my fellow neighbours. Traffic is a huge issue as it is already extremely busy and the application for this rezoning does not seem to be addressing this. I don't understand the need for another grocery store with there being one just across the road. Residential is definitely a more appropriate development. Regards,

.....  
Pauline Kosalka

Greetings,

As someone who resides at 905 Southdale Rd West, I just wanted to comment regarding the planning amendments for 952 Southdale Rd West. I am a bit concerned about the density of the development planned there. The field there does have some ecological value, as I have on occasion seen wild turkeys and deer graze there. Understanding the need to accommodate further housing, I think the area in question does already have dense development nearby, and I do not think increasing the density would be in line with preservation of green spaces and ameliorating road congestion. Thank you for your time.



Ali Soufan  
Westfield Village Estates  
York Developments

Dear Ms. Debbert

Upon review of this application, please let this letter service as notice that Westfield Village Estates Limited is in opposition of the planning application submitted at 952 Southdale Road West, submitted by 1739626 Ontario Limited (Westdell Corp.).

It is our concern that this development may have a major impact to the overland flows as a result of thereconfiguration of the south branch of the Button Bush Wetland and may have an impact the existing development to the south. As well there will be a negative impact to the wildlife who benefit from the green space that currently exists.

Further, there is the concern that traffic at this intersection will significantly increase and the current roads, Southdale Road West and Colonel Talbot Road are not currently designed and/or built for the increase flow of vehicular traffic. Any development along these corridors should be deferred until such time that both roads have been reconstructed to handle the traffic flow.

The change in designation to permit such a large commercial development is not an appropriate use of these lands, a more feasible development would be to develop as a medium density residential site only, maintaining the existing wetlands they currently exist.

I would like to point you to an earlier application 02-7445, that in 2008, a similar proposal to amend official plan and zoning were brought forth to the City of London and recommendation of refusal by the then General Manager of Planning and Development, R.W. Panzer and appealed to the Ontario Municipal Board, PL090190, where the amendment was denied.

We would like to be on record that we would to be notified of and included in all future meetings and decisions made this application.



Patricia Smith  
14-920 Southdale Road West

My concern is to keep the wetlands as protected as possible.

I'm sure with the Upper Thames Conservation Authority being involved they will be ensuring the land is protected as much as possible. Would have liked an even wider buffer between the development and wetlands.

I realize developers want to get as much square footage out of their property but would have preferred to see a smaller development put on the property, so as not to impact the wetlands.

Thank you.

.....  
Ali Soufan  
Westfield Village Estates  
York Developments

Dear Ms. Pasato

Upon review of this application, please let this letter service as notice that Westfield Village Estates Limited is in opposition of the Official Plan and Zoning amendment application at 952 Southdale Road West, submitted by 1739626 Ontario Limited (Westdell Corp.).

It is our concern that this development may have a major impact to the overland flows as a result of the reconfiguration of the south branch of the Button Bush Wetland and may have an impact on the existing development to the south. As well there will be a negative impact to the wildlife who benefit from the green space that currently exists.

Further, there is the concern that traffic at this intersection will significantly increase and the current roads, Southdale Road West and Colonel Talbot Road are not currently designed and/or built for the increase flow of vehicular traffic. Any development along these corridors should be deferred until such time that both roads have been reconstructed to handle the traffic flow.

The change in designation to permit such a large commercial development is not an appropriate use of these lands, a more feasible development would be to develop as a medium density residential site only, maintaining the existing wetlands as they currently exist.

I would like to point you to an earlier application OZ-7445, that in 2008, a similar proposal to amend official plan and zoning were brought forth to the City of London and recommendation of refusal by the then General Manager of Planning and Development, R.W. Panzer and appealed to the Ontario Municipal Board, PL090190, where the amendment was denied.

We would like to be on record that we would wish to be notified of and included in all future meetings and decisions made on this application.

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## **Departmental and Agency Comments**

### Urban Design (November 24, 2021)

#### *Building Design*

- Include elevations for all four sides of the proposed buildings with materials and colours labelled. Further comments may follow upon receipt of these drawings.
- Provide enhance architectural details on the residential end units that are highly visible from Colonel Talbot Road, including similar windows, materials, and porches/balconies.
- Locate the principal entrance of the grocery store closer to Colonel Talbot Road (flip parking with main entrance) to allow for a more direct and active connection to the street. Ensure materials, architectural details and windows wrap around the corner to face the street.
- Ensure primary entrances for the proposed restaurant and coffee shop are located along Southdale Road with glazing and weather protection such as canopies or awnings.

#### *Site Design*

- Relocate the bike parking proposed beside the grocery store closer to the front doors of each of the buildings.
- Ensure all parking islands are planted with two trees and additional vegetation.

- Provide enhanced plantings and low landscape walls beside any parking that is visible from Colonel Talbot Road or Southdale Road.
- Provide trees on the west side of the 2-meter-wide sidewalk that abuts the natural area to provide for a safer and more comfortable pedestrian experience.
- Provide a walkway through the parking field that provides pedestrian access from the proposed grocery store to the other commercial units through the site.

#### Urban Design Revised Comments (August 11, 2022)

Urban Design has reviewed the updated site plan for 952 Southdale Road West. The following policies of the City Design chapter and the form policies of the Shopping Area Place Type of The London Plan [TLP] must be addressed through the rezoning and site plan process:

- Continue the smaller scale commercial uses along the Southdale Road West and Colonel Talbot Road to create a pedestrian oriented street wall. These buildings should be constructed with their primary entrances and transparent windows oriented toward the primary street to reinforce the public realm, establish an active frontage, and provide for convenient pedestrian access [TLP 291\_, 879\_].
- The buildings should be sited with minimal setbacks from public streets to create an inviting, active and comfortable pedestrian environment [TLP 259\_].
- Buildings located on corner sites should address the corner through building massing, location of entrances, and architectural elements [TLP 290\_].
- Amenities such as landscaping, street furniture, and patios, should be designed and provided on the site to attract pedestrian activity to the front of these buildings [TLP 879\_].
- Locate all surface parking in the rear or interior side yard of the site to minimize the impact on the public realm; parking between the smaller commercial buildings and the street will be discouraged [TLP 272\_, 879\_]. Any surface parking that is visible from the street should be screened by low walls and landscape treatments [TLP 278\_].

#### Urban Design Revised Comments (November 1, 2022)

Urban Design has reviewed the updated site plan for 952 Southdale Road West. The applicant is commended for providing a building and site design that incorporates the following features: reduced yard setbacks along Southdale Road W, amenities such as landscaping and patios, and small-scale commercial uses along Southdale Road W. The following policies of the City Design chapter and the form policies of the Neighbourhoods Place Type of The London Plan [TLP] must be addressed through the rezoning and site plan process:

- Provide pedestrian connectivity throughout the site while linking building entrances to each other and the city sidewalk to allow for safe and convenient pedestrian connectivity [TLP 255\_].
- Parking exposed on Colonel Talbot to be screened with enhanced landscaping/low masonry walls [TLP 278\_]. Parking to be setback from the face of the building [TLP 272\_].
- Consider reducing the parking on site to reduce the effects of surface parking.
- Remove the parking spaces between the two commercial buildings along Southdale Rd to allow for a more substantial patio space.
- If underground parking is proposed, include enhanced landscape buffers from underground parking ramps and the pedestrian walkways or public realm for safe and convenient movement and to reduce the visual impact.
- Locate all parking areas and drive aisles a minimum of 1.5 meters (3.0 meters if along a street) from the property line to allow space for landscaping [TLP 271\_].
- Provide visual access for end units of the townhouse buildings facing the Open Space interface by providing an increased number of windows or balconies.
- Locate individual unit entrances along the Colonel Talbot Road frontage.

- Patio enclosure materials along Southdale Road W should be semi-transparent with a height of no more than 1m to provide views and passive surveillance into the public streetscape.
- Buildings located on corner sites should address the corner through building massing, location of entrances, and architectural elements [TLP 290\_].

#### Heritage (September 27, 2022)

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions, and recommendations) to be sufficient to fulfill the archaeological assessment requirements for (OZ-9431):

- AECOM. Stage 1-2 Archaeological Assessment 952 Southdale Road West [...] Middlesex County, Ontario (PIF P438-0171-2019), March 25, 2019.

Please be advised that heritage planning staff recognizes the conclusion of the report that states that: "[t]he Stage 1-2 investigation of the property located at 952 Southdale Road West in the City of London resulted in the identification of two archaeological findspots. Based on the paucity of material recovered, Findspot 1 and Findspot 2 do not fulfill the criteria for further Stage 3 archaeological investigation as per Section 2.2, Standard 1c of the Standards and Guidelines for Consultant Archaeologists (Government of Ontario 2011). Based on these findings, no further archaeological assessment is recommended for 952 Southdale Road West." (p i)

An Ontario Ministry of Tourism, Culture and Sport (MTCS) archaeological assessment compliance letter has also been received, dated May 19, 2020 (MTCS Project Information Form Number P438-0171-2019, MTCS File Number 0010480). Archaeological conditions can be considered satisfied for this application.

#### Heritage (October 4, 2022)

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 condition for (OZ-9431):

- AECOM Canada Ltd. (2019, May). Heritage Impact Assessment, 952 Southdale Road West/2574 Colonel Talbot Road.

Specific supportable conclusions of the HIA are as follows:

This HIA concluded that no direct or indirect impacts to cultural heritage resource were identified as a part of the proposed development. As a result, no mitigation strategies are required. No further assessment is recommended. (p i; 25-26)

Based on the review of the HIA, heritage staff is satisfied that there will be no adverse impacts to the adjacent LISTED property at 2574 Colonel Talbot Road as a result of development at 952 Southdale Road West. It has been sufficiently demonstrated that significant heritage attributes will be conserved, and the HIA can be accepted to meet HIA requirements for conditions of a complete application (OZ-9431).

#### Parks Planning (November 24, 2021)

- Parkland dedication will be calculated as 2% for the commercial portion and 5% of the residential site area or 1 ha per 300 residential units, whichever is greater.
- Subject to the City Ecologist and completion of an EIS for the existing wetland features and hazard lands, compensation for parkland dedication for natural features of 1:16 and hazard lands of 1:27 will be finalized.
- A pathway connection is required along the west side of the wetland feature extending from Southdale Road West to the northerly limit (in conformity with the City of London Cycling Master Plan) to be incorporated into the open space blocks/buffers, consistent with the recommendations of the future EIS. These lands would be accepted as parkland dedication using an open space rate of 1:16 and as per CP-9 Bylaw.

- A pathway connection (in conformity with the City of London Cycling Master Plan) is required from the intersection of Southdale Road West and Colonel Talbot Road running parallel with Southdale Road West connecting with the pathway corridor on the west side of the natural feature. These lands would be accepted as parkland dedication using table land rate of 1:1. This connection needs to be coordinated with the ongoing Southdale Road West/Colonel Talbot Road roundabout EA.
- All proposed pathway corridors and walkway blocks are 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.

#### Parks Planning Revised Comments (October 7, 2022)

Parks Planning and Design staff have reviewed the submitted notice of application and offer the following comments:

- Parkland dedication will be calculated as 2% for the commercial portion and 5% of the residential site area or 1 ha per 300 residential units, whichever is greater.
- Subject to the City Ecologist and completion of an EIS parkland dedication will be taken for the existing wetland features, buffers and hazard lands, compensation for parkland dedication for natural features and buffers of 1:16 and hazard lands of 1:27. Parkland dedication will be finalized through the site plan approval process.
- A pathway connection is required along the west side of the wetland feature extending from Southdale Road West to the northerly limit (in conformity with the City of London Cycling Master Plan) to be incorporated into the open space blocks/buffers, consistent with the recommendations of the required EIS. These lands would be accepted as parkland dedication using an open space rate of 1:16 as per CP-9 Bylaw.
- The construction of the pathway corridor will be completed by the City at a future date.
- Staff are willing to meet with the applicant to discuss any of the above.

#### Ecologist Planning (December 12, 2021)

Long Range Planning, Research & Ecology (LRPRE) has reviewed the combined Subject Lands Status Report (SLSR) and Environmental Impact Study Report (EIS) completed by MTE Inc. (dated August 31, 2021). From our review, LRPRE have identified multiple key deficiencies in the SLSR/EIS report that must be addressed to be consistent with the Provincial Policy Statement (PPS 2014), London Plan policies, and the City's Environmental Management Guidelines (EMG). Therefore, the SLSR/EIS cannot be supported by LRPRE at this time. Detailed comments on the SLSR/EIS are provided below, however due to the significant issues with the SLSR/EIS, further comments will be provided once the SLSR/EIS has been updated. Please update the report based on the comments below and include a table on how the comments have been addressed in the report for review by LRPRE.

- Section 1.0 Introduction – This SLSR/EIS has arbitrarily divided the site into two separate entities “Subject Lands” and the “Legal Parcel” (Figure 1); this is not an acceptable methodological description of these lands and only creates confusion as reference to these two different descriptors of the same site are found throughout the document and often not used correctly. The standard terminology for describing the site is ‘Subject Lands’ or ‘Subject Site’ There are multiple examples throughout the document where this nonstandard approach to site description creates confusion about what was done and how it pertains to the overall site. For example, in Section 4.2.1 Vegetation and 4.4 Floral Site Inventories, these sections make clear that ELC and floral investigation occurred only on the Subject Lands, not mentioning the ‘Legal Parcel’, based on this one would conclude that no studies were conducted on the PSW and woodlands. In Section 4.5 Faunal Site investigations and 4.5.1 Avifauna, based on MTE’s terminology from Section 1.0, all Faunal surveys were only conducted on the Subject Lands and not the other half of the site, in the ‘Legal Parcel’. In Section 5.0 Natural Heritage Policy Considerations, Special Concern and Rare Wildlife

Species, MTE indicates that that habitat for Eastern Wood-pewee is limited on the 'Subject Lands', that habitat exists for the species in Community 2, which is 'off-site'. Community 2 is found on this site as identified in MTE's figures. Furthermore, MTE 'confirms' that the 'Subject Lands' are not SWH for Eastern Wood-pewee and calls the PSW and woodland habitat "Adjacent Lands". Adjacent Lands is a PPS and London Plan term that holds specific meaning in policy (see 1382\_). Revise the entire Report to use the standard reference "Subject Lands" or "Subject Site" throughout the document and modify Figure 1 to represent this for the next submission.

- Section 1.1 Report Objective – This section identifies that this SLSR/EIS is an update to the 2008 EIS completed by a different environmental consultant (Dillon) and that it was further scoped in September 2020. Please revise this section as the 2008 Report was not accepted by the City, and the scoping meeting in September 2020 was for this new application with a new environmental consultant under the current planning regime in 2021. Similarly, Section 1.4 again refers to an update of the 2008 plan, however the City made clear that the 12+ year old report was rejected by the City at the time and that this is a new application, and a new Scoping document was created for this application.
- Section 1.1 Report Objective – This section also does not mention the required SLSR components (evaluation of significance of all potential Natural Heritage Features and Areas) that are an objective of the combined SLSR/EIS, as stated in the September 2020 Scoping document (Appendix A of this SLSR/EIS).
- Section 4.2.1 Vegetation – At the end of this section MTE refers to areas that were historically too wet to farm. The air photos in 2017/ 2018 when field work was conducted show potential wetland habitat on the edge of the feature extending into the agricultural area; these features were not identified by MTE on the Figures and using ELC. The proponent apparently removed these wetland features that extend into the Woodland/ PSW between 2018-2019. These air photos were shared with MTE and the areas of concern highlighted so that it was clear what was observed on the air photos. The 2020/ 2021 air photos show the wetland vegetation returning in these areas. While MTE indicates that the site was going to be farmed in 2021, a recent site visit by the City of London Ecologist found no evidence that the site was farmed this year given the vegetation present. The 'historically' wet areas do appear to be wetlands given the species composition (Phragmites, Cattails, Purple stemmed Aster), soils present and topographical location which both are in a flat area at the end of the overland intermittent streams that cross the subject site and go directly to these areas (both streams were flowing at the time of the site visit). These potential wetlands were required to be identified and addressed as indicated in Appendix 'A' of the Scoping document. The SLSR/EIS needs to be revised to properly recognize these areas as they currently exist and provide additional data that should have been collected from these specific areas in 2017/2018 prior to the proponent apparently removing them in 2019. The areas need to be properly delineated in the spring/ summer of 2022.
- Section 5.0 Natural Heritage Policy Considerations, SWH – This section should carefully consider the appropriate amphibian habitat criteria (woodland vs wetland). To use the (amphibian wetlands), the feature must be approximately >120m away from a woodland; the wetlands on and adjacent to the site are within or directly adjacent to woodlands as seen on the air photo. The more appropriate criteria to use would be the (woodland) and not the (wetland) given the large woodland community surrounding the feature both on and off the subject site, along with the confirmation of Spring Peeper and lack of typical (wetland) calling species.
- Section 5.0 Natural Heritage Policy Considerations, SWH Amphibian Breeding Habitat – the Criteria have not been properly investigated nor applied. The criteria identify that a total of 20 individuals are needed to indicate significance. The data provided does not list total number of individuals. The SLSR/EIS states that Spring Peepers are heard in April and May (Both calling code 2) with no numbers provided and at least 10 Gray Treefrogs are heard during June. It would be appropriate to assume that at least 10 Spring Peepers were heard

during both April and May call surveys. MTE's biologist did not apparently make any effort to look for additional individuals during the surveys. Call counts only identify male individuals as females do not call. As confirmed by the MNRF, females do count as individuals and should not be ignored as part of the assessment of determining if 20 total individuals are present from two or more species. It was also noted on MTE's amphibian data sheets that a noise code of 3 was recorded during all months; a noise code of 3 indicates that the noise present during surveys was loud enough to 'seriously impact' the ability of the surveyor to identify species and record numbers. MTE does not mention or factor this into the determination of significance. These important factors along with what was recorded in April, May, and June should lead to a conclusion that the wetland habitats are SWH for breeding amphibians (woodlands).

- Section 5.0 Natural Heritage Policy Considerations, SWH Amphibian Breeding Habitat – Based on the SLSR/EIS and associated data provided, it was noted that MTE's Biologist did not conduct surveys for a newt and salamander species. These are criteria identified by the MNRF that would identify the site as SWH, but no surveys for these species were undertaken including looking for egg masses and individuals, therefore they must be assumed to be present given the presence of appropriate habitat.
- Section 5.0 Natural Heritage Policy Considerations – MTE did not identify any reptiles' surveys that were conducted on the subject site (snake surveys, basking turtle surveys). These boxes were checked off on the Scoping document in Appendix 'A' and were required to be investigated or assumed to be present. Appropriate snake and turtle species are required to be identified in the report as they are assumed present if surveys were not conducted, and no section in the Report identifies any reptile surveys (only incidental). Update the SLSR/EIS to assume the presence of appropriate snake and turtle species given the wetland and woodland habitat on and off-site.
- Section 5.0 Natural Heritage Policy Considerations, SWH Terrestrial Crayfish – In accordance with the 2020 Scoping document, a thorough study of all features on the subject site was required, The SLSR/EIS indicates that Community 1 was not investigated as it is "well outside the development". This statement is not accurate based on PPS/ London Plan policies and the EMG. The policies require the study of all features and adjacent lands within 120m. It is not accurate to claim they are not within this distance. Furthermore, the development has been located entirely within the 30m minimum buffer requirement identified in the EMG for wetlands, recognizing that this is also a PSW. Terrestrial Crayfish studies were not fully carried out to determine the extent of the colony present in all vegetation communities to identify species locations, size of the colonies, and proximity to the development. The areas around the stream corridors also needs to be investigated. Further study and documentation is needed of the wetland habitats found along the edge of the woodland and partly in the agricultural area as these areas are suitable for Terrestrial Crayfish chimneys. The 2020 scoping document required the study of all potential wildlife on the subject site; no exclusions were identified.
- Section 5.0 Natural Heritage Policy Considerations, SWH Special Concern and Rare Wildlife Species – The Criteria only require the identification of the species to be present in suitable habitat for it to be confirmed; it does not require a breeding pair to confirm the habitat is SWH. The presence of Eastern Wood-pewee would identify the woodlands as SWH.
- Section 5.0 Natural Heritage Policy Considerations, SWH/ Endangered Species – If acoustic surveys for Bats was not completed, then Endangered Bat Species and Special Concern species must be assumed present within the site given the presence of appropriate habitat. This needs to be incorporated into the SLSR/EIS identification of features and functions and the impact analysis.
- Section 5.0 Natural Heritage Policy Considerations, SWH/ Endangered Species – Provide a complete list of any Endangered Species found within any part of the subject site and ones that are assumed to be present if studies were not conducted.
- Section 5.2 Municipal Policy, Wetlands (1330-1336) – The SLSR/EIS does not include a boundary delineation exercise and claiming that Community 2 is a

buffer is not accurate. Community 2, while described by MTE as a Cultural Woodland (there is some disagreement with this broad description), would also be considered both as SWH and critical function zone associated with the PSW even just based on the data provided. Natural Heritage Features do not buffer other Natural Heritage Features. The boundary of the Natural Heritage Feature is comprised of all features and functions and the buffer is then applied from the boundary of the delineated feature based on the EMG. The boundary of the feature will need to be confirmed by the City/ UTRCA in the field during the appropriate time of year (leaf on).

- Section 5.2 Municipal Policy, Significant Wildlife Habitat (1352-1355) – Please update this section to reflect and provide analysis of Policy 1354 #1, 2, and 3. The statement made in ‘b)’ is also not accurate based on incomplete data collection (for example no Bat acoustic surveys, no specific detailed surveys for some amphibian and reptile species, no extensive surveys or Terrestrial Crayfish documenting number of chimneys throughout the site in all communities, etc.)
- Section 5.2 Municipal Policy, Unevaluated Vegetation Patches (1383-1384) & Other Woodland Patches larger than 0.5 Ha (1385-1386) – There is a woodland patch along Southdale Road and along the edge of Community 2 that runs the entire length of the site that is not covered by the PSW boundary. These patches are connected, and part of the larger woodlands associated with this site and off-site. The 2020 Scoping document in Appendix ‘A’ clearly identified that a patch >0.5 Ha was present and required evaluation. Update the SLSR/EIS to evaluate the significance of the woodland using the Council approved EMG Section 4.0 as required by the 2020 Scoping document. The correct title of this policy is ‘Other Vegetation Patches...’ not ‘Other Woodland Patches...’
- Section 5.4 Summary of Identified Features and Functions – This section will need to be updated based on the comments identified above.
- Section 5.5.3 Ecological Buffers (1414-1416) – The 10m proposed buffer is insufficient. The EMG identifies a minimum buffer for a wetland/ PSW of 30m and this is required to be provided, this is not a small wetland which may warrant a less than minimum buffer. The proponent has not demonstrated that a 10m and a 5m buffer to the PSW is sufficient based on the EMG and current science. MTE did not provide a full analysis of the sensitivities of the wetland habitat and associated SWHs and woodlands, and did not provide a calculation of the minimum and maximum buffer widths that should be applied to the feature based on the variable width calculation. MTE has not cited scientific studies that support a 10m and a 5m buffer to the PSW. Studies do support a minimum 30m buffer to wetlands, including but not limited to following Provincial, Federal, and private documents: The MNR Natural Heritage Reference Manual (2010) (Section 16.0 Annotated Bibliography: Adjacent Lands and Buffer Research), Environment Canada: How Much Habitat Is Enough (2013), Beacon Environmental Guideline Review (2012). The last document is a short meta-analysis on buffer research, and they specifically indicate that wetland buffers of 10m or less are highly likely to fail in protecting the natural heritage features and functions based on the current scientific research. MTE also does not identify the Critical Function Zone of the wetland based on the latest research, which would at a minimum include the woodland habitat; this is technically the limit/boundary from which the 30m buffer should be measured, not just from the edge of the delineated MNR Wetland Boundary. The opinion provided by MTE that 5m and 10m (and a maximum of 20m) buffers are acceptable to protect the PSWs and associated habitats is not based on the current scientific evidence, as none have been used/ cited in the SLSR/EIS. The SLSR/EIS has ignored the documents identified that do support a minimum 30m buffer to wetlands. Revise the proposed site plan to provide a 30m buffer to the MNR approved PSW boundary/critical function zone on the subject site. Ensure all development is located outside of this buffer; the pathway block can be shown and located within the outer edge of this buffer.
- The Hydrogeological study and Water Balance will require further integration into the SLSR/EIS once comments (UTRCA and City of London) on these documents are fully addressed and given the identification of both ground and surface water

presence on the site and relative contributions. It is likely some of the water balance can be achieved by providing the minimum 30m buffers.

- The proposed location of the driveway entrance off Southdale cannot be supported at this time; it is unclear whether this entrance is needed as one has also been identified off Colonel Talbot Road. The EIS for the EA for Southdale Road widening did not contemplate or review driveway entrances for future potential development sites, so it is unclear how this was agreed to as part of that process. If a driveway is required from Southdale Road West, it must be pushed as far as possible away from the PSW and start turning to achieve a 30m buffer to the PSW as soon as possible.
- The two overland stream corridors require further analysis in the SLSR/EIS. These are open features that have some vegetation associations (the northern stream had goldenrods, asters, and milkweed along the banks) with both having flows at multiple points during the year. City staff observed both streams actively flowing to the wetlands during a recent site visit. These are regulated features and the consideration to keep them open or pipe them is within the jurisdiction of the UTRCA.
- The Figures will require updating to resolve the terminology issues, the legends on multiple figures are not accurate and not all linework seems to be properly identified both in the figures (missing) and in the legends (missing or mislabelled).
- Identify the locations of the various surveys completed on the appropriate figure.
- Only two ELC sheets were provided; ELC data was not provided for all features on the subject site. It is also noted that additional data was not collected from City owned property to the east where access would have been possible and would have been helpful to further characterise the PSW and woodland components associated with the entire feature. It does not appear that plant surveys of the button bush swamp (Community 3) were conducted based on the data provided for Appendix 'E' and ELC data sheets (no data for Community 3 has been provided). Surveys will need to be completed (3 season) in 2022, as was required as part of the Scoping Document in Appendix 'A'.
- Given that small buffers to the PSW has been provided and is not supported by the EMG, PPS (Natural Heritage Reference Manual), and scientific evidence, the remaining components of the EIS impact analysis will require a full review and update once the minimum 30m buffer is applied and justification provided as to why it should not be greater than the minimum buffer of 30m (the buffer calculation table in the EMG supports a larger than minimum buffer based on the proposed development and wildlife habitat present). Once the SLSR/EIS has been updated and submitted, City staff will provide further comments on the SLSR/EIS including but not limited to sections where no comments have been provided to date (for example description of the proposed development, recommendations, net effects table, monitoring plan etc.).
- The development limit that will be delineated through the application of zone lines is determined by the outer limit of the hazards, NHFs, and buffers. All these lands are to be included in the OS5 zone. The required 30m buffer will affect the area of land available for development.

#### Ecology - Additional Comments (June 8, 2022)

Below are comments to some of the responses provided by MTE based on the updated plan, please note that they did not provide an updated SLSR/ EIS to review. However, there are still outstanding matters/issues that are major factors in not being able to move forward with this application. The updated plan provided still does not conform to the required Provincial and Municipal policies and EMGs.

4) *Section 4.2.1 Vegetation* – Phragmites is still a wetland indicator species (noting it has a wetness coefficient of -3/ -4, which means it is usually found in wetland areas) and as the City Ecologist noted additional wetland species were also identified within the small patches. The requirement is that these patches be recognized and can be subsequently addressed in the SLSR/ EIS. It is agreed that protecting the phragmites stand as-is would not be the preferred approach, but not recognizing the areas as

wetland given the species identified and its location at the end of overland flow-paths is also not acceptable. A solution should be identified in the SLSR/ EIS.

6) *Section 5.0 Natural Heritage Policy Considerations, SWH Amphibian Breeding Habitat* – The City has been consistent on its approach to identify this type of habitat. The correspondence from the MNRF regarding this interpretation for Ecoregion 7E has been provided to Biologic Inc. (now MTE Consultants) a number of years ago as part of other applications and MTE should be aware of how the criteria are to be interpreted. The interpretation that MTE has been using could potentially miss capturing SWH for amphibians and in general could have implications for the protection of these sites. The correspondence from the MNRF has been attached for reference. It clearly confirms that it is a combined total of 20 individuals from two or more species, not 20 individuals from each of the species.

The criteria offer multiple approaches to identifying if SWH is present. It is incumbent on the proponents' ecologist to undertake a thorough study of the site to determine the presence or lack of presence of the SWH. As part of this process the City requires MTE to complete the necessary studies and conduct a thorough examination of the site to reasonably confirm SWH or not. Conducting calling surveys without additional visual surveys to count individuals, and making conclusions solely based on that approach is not supportable (unless the target was already met from call counts, or is assumed to be met). As per the MNRF SWH Habitat Criteria for Ecoregion 7E (2015), Amphibian Breeding:

- “A combination of observational study and call count surveys will be required during the spring (March-June) when amphibians are concentrated around suitable breeding habitat within or near the wetlands.”

The criteria clearly state that the combination of surveys is required. This was not done, therefore the conclusion that SWH is not present is not a reasonable conclusion. However, based on MTE's existing data for the site and using the correct interpretation of the MNRF Criteria it could be assumed the site would constitute SWH for Amphibians (Woodland) and if acknowledged, additional visual surveys would in this case not be required.

7) *Section 5.0 Natural Heritage Policy Considerations, SWH Amphibian Breeding Habitat* – As per the criteria, these surveys are required. While it is acknowledged that surveys for these species are not typically undertaken, it is within the context of the site (wetland) and likelihood of presence on a case-by-case basis. Given the feature and available surrounding habitat, the potential for salamanders and newts is present. If surveys were not undertaken then it is assumed to be SWH for Salamanders/ Newts and the habitat and sensitivity of that habitat needs to be considered as part of the EIS. This would go to protection/ mitigation measures, critical function zones and associated buffer requirements for SWH.

12) *Section 5.0 Natural Heritage Policy Considerations, SWH/ Endangered Species* – Endangered Species data is to be provided to the Municipality as part of the planning application. While MECP has final say on permitting etc. as they previously indicated the City is an approval authority for planning applications that deals with ecological matters including Endangered Species (as per London Plan policies). Not providing the City with data as a result of field studies is not appropriate, and does not allow the City Ecologist to complete a full review of the existing conditions, identification of NHFs, impacts, mitigation and protection measures such as buffers. MTE indicates in this section that no floral or faunal species were found in the 'Subject Lands', however as the City previously noted the confusing language used in the SLSR/ EIS, where the NHF is indicated to be located within the 'Legal Parcel' and not the 'Subject Lands'. Data is to be provided to the City that covers the entire site (including the "Legal Parcel"). Given the sometimes-sensitive nature of Endangered Species data, this data can be provided separately in an addendum that would not be published to the public as part of the public process, but it is still required for consideration as part of the planning application and SLSR/ EIS process. This information was required as part of the scoping exercise for the SLSR/EIS.

13) *Section 5.2 Municipal Policy, Wetlands (1330-1336)* – Feature boundary staking is a required component of the SLSR/ EIS process and was identified at the scoping meeting. This was to be undertaken with the City and UTRCA and has yet to be completed.

15) *Section 5.2 Municipal Policy, Unevaluated Vegetation Patches (1383-1384) & Other Woodland Patches larger than 0.5 Ha (1385-1386)* – This is in relation to the change in the PSW boundary that now does not encompass all the woodland area. The woodland area (community 2 and beyond) that is part of the larger patch needs to be evaluated using the Significant Woodland Criteria to determine its significance. The approved modification to the PSW layer still needs to account for the vegetation now not covered by that layer.

16) *Section 5.4 Summary of Identified Features and Functions* – Not addressed, based on City comments not all features have been properly recognized.

17) *Section 5.5.3 Ecological Buffers (1414-1416)* – The City disagrees with the responses MTE provided and they do not justify the significant reduction in the minimum buffer proposed by MTE. The minimum 30m should be applied. It is noted that MTE did not address potential larger buffer requirements as per the Ecological Buffer Assessment Tool, which would provide a more refined minimum and maximum buffer to be considered and further discussed. The PSW itself, vegetation, and associated wildlife habitats including SWHs, Endangered Species habitat etc. require at least the minimum 30m buffer. The minimum 30m buffer is consistent with the EMG and supported by the greater scientific consensus of wetland buffers in other documents already indicated in City comments. As this has not been implemented, along with other identified issues associated with the SLSR/ EIS, the SLSR/ EIS therefore has not been completed to the City's satisfaction and has not demonstrated no negative impacts to the natural features or their ecological functions per London Plan Policies 1432 and 1433.

19) The proposed driveway location was not included in the minutes of settlement as something that was agreed to. The issues regarding the minutes of settlement were addressed by Barb Debert in a previous email to the proponent (March 24, 2022). Any proposed driveway location will need to be located outside of the buffer.

21) Provide the non-AODA figures in a separate file, this may clear up issues identified by the City Ecologist.

24) In addition to City comments above (#17), MTE should further review the text that was quoted in the EMG (2021) and the associated Table 5-2. The quote provided clearly indicates that less than the minimum buffers can be considered in accordance with Table 5-2. Table 5-2 has a column that identifies the required minimum widths for buffers, and superscript 4 (4) that can be found for Wetlands, Significant Woodlands, and Woodlands which specifies where less than the minimum buffers can be considered for these specific features. Two important considerations here:

- i) This wetland is a PSW, and the superscript (4) is not provided for PSWs, therefore less than the minimum of 30m for PSW is not a consideration as per the text quoted by MTE. However, greater than the minimum buffers are required to be considered as per Section 5.3.3 and Table 5-3; "Some key site factors drawn from the current and applicable literature that should be considered in relation to potential increases from the required minimums are provided below, with some supplemental criteria and sources provided for consideration in Table 5-3."
- ii) If this was not a PSW but simply a 'Wetland', the superscript (4) at the bottom of Table 5-2 clearly indicates that: "The City may accept a buffer less than the required minimums for Wetlands less than 0.5 ha". Therefore, this Wetland being greater than 0.5 Ha, would not qualify for consideration of buffers less than the required minimum of 30m.

Hopefully, this provides clarification to MTE that the minimum buffers for the PSW are 30m, which has been reaffirmed by the Council approved EMG (2021) and supported by the current body of scientific work available for establishing minimum 30m buffers to wetlands previously identified by the City and in the approved EMGs.

It should also be clarified that the City is not refusing to review the application. Extensive comments were provided on the SLR/ EIS. The reference to providing additional comments and review is simply a recognition that a number of these sections would likely require changes and updates when a 30m buffer is applied and that it would be more appropriate to provide additional comments at that time when the site plan meets the minimum buffer requirement.

#### Ecology - Revised Comments (September 29, 2022)

The agreed to development limit provides a 30m or greater buffer in two sections and less than a 30m buffer in the other two sections to the Provincially Significant Wetland (PSW), there is also an approximate 10m buffer being applied to the Significant Woodland edge. While the overall buffer does not meet the minimum of 30m for a PSW under the Council approved Environmental Management Guidelines (2021), the application was being considered under the old EMGs (2007) due to the application date; and the 30m buffer while identified in the old EMG, it is not fully articulated. However, the proponent will be undertaking additional habitat restoration improvements due to the reduced buffers, including an invasive species management plan for the PSW communities and Significant Woodland edge and other improvements to be identified (i.e. snake hibernaculum, additional native pollinator friendly seeding). The City has agreed to place the required Parks pathway block in the buffer. The buffers and Natural Heritage Features are to be zoned OS5.

The proponent is still required to finalize the EIS, finalize the Hydrogeological study, and complete a detailed (feature based) Water Balance, all to the City's satisfaction. Two small Wetland communities (non PSW) on the edge of the Significant Woodland are required to be compensated for as per London Plan Wetland policies, which will include full/ partial relocation and habitat improvements. A holding provision will be required for the site to ensure all reports are fully completed and restoration and compensation works are all carried out to the City's satisfaction.

Due to the proponent not providing the full minimum 30m buffer to the PSW, any proposed green stormwater functions will need to be located within the development limit and cannot be considered within the buffer. The new EMG (2021) does allow for the consideration of some specific green stormwater functions within the buffer (i.e. LIDs), but only when the minimum required buffers have been applied.

It has been made clear that going forward with any new projects, the new EMGs (2021) which fully require and scientifically support a minimum 30m buffer to PSWs will apply.

#### Upper Thames River Conservation Authority (February 11, 2022)

UTRCA's ecologist has reviewed the City's EIS comments. We are in agreement with those comments and the UTRCA's comments are provided.

- We require that all natural features and functions that have the potential to be impacted by the development, regardless of whether they occur on subject lands, subject site, adjacent lands, legal parcel, etc. be adequately studied (flora, fauna, biophysical conditions) to ensure the development has net environmental benefit.
- We agree that this is a new application and should be presented as such.
- We agree that report objectives should include the objectives stated in the scoping document
- We request that if any features potentially impacted by the development meet the Conservation Authorities Act definition of a wetland, including areas of potential wetland habitat, that they be identified, and the boundaries confirmed by a site visit with UTRCA and CoL staff.
- We agree that appropriate criteria for Significant Wildlife Habitat must be applied, and that justification for the type of criteria must be included.

- We agree that a conservative interpretation of the criteria is appropriate (i.e., that SWH is assumed to be present) when data has not been provided (e.g., number of individual amphibians) or if conditions are not suitable for recording information (e.g., presence of a high noise level during surveys)
- We agree that if suitable habitat for SWH exists (e.g., newt and salamander species) but was not investigated, that a conservative interpretation of the criteria is appropriate, indicating that SWH is assumed to be present.
- We agree that field investigations should include surveys for specific species identified in the scoping document (e.g., snake and basking turtle) unless rationale is provided as to why those surveys were not conducted. Furthermore, if suitable habitat exists for the types of species that have been identified in the scoping document but was not investigated, then a conservative approach is appropriate and the presence of the species is assumed to occur.
- We agree that if suitable habitat for potential SWH (e.g., torrential crayfish) might be impacted by the development, then it must be adequately studied and a conservative interpretation of the criteria is appropriate (i.e., that SWH is assumed to be present) when the data has not been provided.
- We agree that the presence of Eastern Wood Pewee in suitable habitat during breeding bird surveys would meet the criteria for SWH.
- We agree that a conservative interpretation of the criteria is appropriate (i.e., that SWH is assumed to be present) when data has not been provided (e.g., acoustic surveys for Bats).
- We agree that a list of Endangered Species should be provided for all suitable habitat potentially impacted by the development that includes both confirmed species as well as those species assumed to be present if studies were not conducted.
- We agree that boundary delineations need to be confirmed on site, with a specific focus by the UTRCA on wetland communities.
- N.A.
- We require that all natural features and functions that have the potential to be impacted by the development, regardless of whether they occur on the subject lands, subject site, adjacent lands, legal parcel, etc. be adequately studied (flora, fauna, biophysical conditions) to ensure that the development has net environmental benefit.
- We agree that this section will need to be revised as noted.
- We require field data and scientific rationale for buffers less than 30m applied at the outer edge of wetland communities, regardless of whether it is evaluated or unevaluated. Ensure that all development including the retaining walls is located outside of the buffer.
- We agree that an acceptable feature based hydrogeological study and water balance study will need to be fully integrated with the SLSR/ EIS
- Please provide rationale for the necessity and location of the driveway off of Southdale Road. We agree that it should be located as far from the natural hazard and natural heritage features – the wetland and the watercourses as possible.
- We require more information about the stream corridors. This may involve guidelines developed for the evaluation, classification and management of Headwater Drainage Features of the Ontario Stream Assessment Protocol (or components thereof) to characterize the aquatic habitat. Please contact the UTRCA to scope this work.
- We require all figures to be submitted in a format compatible with ArcGIS.
- We agree that all survey locations be identified on a map with ELC Boundaries.
- We agree that ELC data should be provided for all natural features that have the potential to be impacted by the development and that species lists be separated out by vegetation community. We require this information provided as a spreadsheet or as a WORD file.
- We agree that once the SLSR/ EIS has been updated, the UTRCA will undertake a full review of the document and further comments likely will be provided, even on sections where no comments have been provided to data.

- We agree that the development limit is determined as the greater (outer) limit of all natural hazards, natural heritage features and their buffers/setbacks.

The UTRCA is [also] in agreement with the City of London's hydrogeologist's comments which follow in blue text. We have also provided some comments regarding the water balance. Similar to the EIS, once the hydrogeological report has been reviewed, the UTRCA will undertake a full review of the document.

#### *UTRCA Water Balance Comments*

- Section 6 mentions that based on information from Stantec, it is understood that Bottonbush Wetland has a contributing drainage area of 77.4 hectares, much of which has been subject to urbanization, and has an approximate impervious level of about 63 percent. It is noted that this assessment does not consider the broader catchment area for the wetland, which extends beyond the subject lands and that the water balance is based on the on-site contributions, through surface water (stormwater run-off) and onsite infiltration which contribute to the adjacent wetland features. This implies that the base flow to the PSW may already be affected because of the large upstream contributing area which is already developed? However, base flow continuation from the proposed development will help.
- Table 16 shows a runoff and increased infiltration. The Imperviousness of the site under the proposed conditions is greater than the pre-development conditions. Likely, the runoff will increase and the infiltration may decrease. Please check the water balance variables in the calculations.
- Is there any surface runoff contribution from the west side of the Colonel Talbot Road through the two swales on the north and south side of the property? If yes, then how will the surface runoff contribution to the wetland be maintained?
- Figure 1 and Figure 2 show two area 101 and 102 respectively. Areas 102 and 202 represent the wetland under the pre- and post-development conditions and are being used in the water balance. Please use the areas that contribute to the wetland in the water balance and not the wetland itself. Please revise the water balance by using the correct area.

#### UTRCA - Revised Comments (October 5, 2022)

Further to our correspondence dated February 1, 2022, the Upper Thames River Conservation Authority (UTRCA) offers the following comments and recommendation(s).

#### PROPOSAL

The applicant is proposing a mixed-use commercial /office/residential development on the subject lands.

#### CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the entire property is regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of a riverine flooding hazard as well as wetlands including the Provincially Significant North Talbot Wetland and the surrounding areas of interference. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

#### TECHNICAL PEER REVIEW

The applicant has submitted preliminary technical studies and responded to City and Agency comments. Final studies have not been submitted or accepted. The applicant is aware that a Floodline Analysis and a Servicing Study are required and have not yet been submitted.

#### Environmental Impact Study EIS

Subject Lands Status Report (SLSR) and Environmental Impact Study (EIS) Report: Southdale Road and Colonel Talbot Road prepared by MTE dated August 19, 2021

Response Memo – OZ-9431 – 952 Southdale Road West – Final Agency and Departmental comments received to December 13, 2021 dated April 28, 2022 prepared by MTE

Response Memo – OZ-9431 – 952 Southdale Road West – City Ecology ‘followup’ comments in response to MTE Agency and Departmental EIS Review comments (April 28 2022) dated June 27, 2022 prepared by MTE

In the June 27, 2022 MTE memo, it is indicated that the proponent is not prepared to provide the “requested” required minimum 30 metre buffer.

In email correspondence dated October 4, 2022, the following comments [based on the review of the June 27, 2022 MTE Memo and discussions with the applicant], prepared by the City of London’s ecologist in regards to the ecological buffer, were provided to the UTRCA –

The agreed to development limit provides a 30m or greater buffer in two sections and less than a 30m buffer in the other two sections to the Provincially Significant Wetland (PSW), there is also an approximate 10m buffer being applied to the Significant Woodland edge. While the overall buffer does not meet the minimum of 30m for a PSW under the Council approved Environmental Management Guidelines (2021), the application was being considered under the old EMGs (2007) due to the application date; and the 30m buffer while identified in the old EMG, it is not fully articulated. However, the proponent will be undertaking additional habitat restoration improvements due to the reduced buffers, including an invasive species management plan for the PSW communities and Significant Woodland edge and other improvements to be identified (i.e. snake hibernaculum, additional native pollinator friendly seeding). The City has agreed to place the required Parks pathway block in the buffer. The buffers and Natural Heritage Features are to be zoned OS5.

The proponent is still required to finalize the EIS, finalize the Hydrogeological study, and complete a detailed (feature based) Water Balance, all to the City’s [and UTRCA’s] satisfaction. Two small Wetland communities (non PSW) on the edge of the Significant Woodland are required to be compensated for as per London Plan Wetland policies, which will include full/ partial relocation and habitat improvements. A holding provision will be required for the site to ensure all reports are fully completed and restoration and compensation works are all carried out to the City’s satisfaction.

Due to the proponent not providing the full minimum 30m buffer to the PSW, any proposed green stormwater functions will need to be located within the development limit and cannot be considered within the buffer. The new EMG (2021) does allow for the consideration of some specific green stormwater functions within the buffer (i.e. LIDs), but only when the minimum required buffers have been applied.

It has been made clear that going forward with any new projects, the new EMGs (2021) which fully require and scientifically support a minimum 30m buffer to PSWs will apply.

The UTRCA does not agree with the reduced buffer for the PSW. We also do not agree with a pathway block being permitted in the reduced buffer which is only 15.06 metres wide at the pinch point as per the SP#51 Concept Drawing [Westdell] dated Sept 30, 2022.

We agree that green stormwater functions cannot be located within the buffer.

We concur that a Final EIS and Hydrogeological Assessment are required along with other supporting technical studies.

Hydrogeological Assessment

Hydrogeological Assessment – Proposed Mixed Use Development 952 Southdale Road West, London dated April 6, 2022 prepared by LDS

LDS 'Repose' to City Hydrogeologist follow-up comments Official Plan and Zoning By-Law Amendment Application 952 Southdale Road West, London dated June 29, 2022

In email correspondence dated October 4, 2022, the City's Hydrogeologist advised –

I have gone through the responses provided by LDS [June 29, 2022]. I have no further comments at this time. All outstanding issues can be deferred to detailed design, at which point we will require a revised hydrogeological assessment, or a technical addendum to the current version of the report.

The UTRCA agrees that a Final Hydrogeological Assessment is required.

UTRCA Water Balance Comments – April 6, 2022 Submission

1. In Section 7.2 it is noted that a retaining wall is proposed to be constructed along the easterly limit of the development adjacent to the Provincially Significant Wetland feature. The retaining wall cannot be located within the buffer and a geotechnical analysis/report is required.

It is also mentioned that under current site conditions, flood waters can extend into the site, with backwater flows into the existing swales, and into the open field area. A retaining wall has been proposed to stop the flood water entering the site. The proposed retaining wall shall be located outside of the floodplain and also outside of the buffer. The retaining wall should not cause any backwater issues in the wetland which may affect/extend the floodplain width further to the east. There should also not be any increased flooding and/or impacts to adjacent/off site properties.

2. The revised water balance shows that the post-development condition infiltration using SWM LIDs is 12080 m<sup>3</sup>. The SWM report should demonstrate how the proposed 12080 m<sup>3</sup> will be provided using SWM LIDs. The volumes from the water balance should match with the infiltration volume provided by the proposed LIDs.
3. A detailed salt management plan will be required for the site to avoid/minimize the effects of the chlorides on the adjacent wetland.
4. In Section 6 it is mentioned that as detailed design occurs, updates to this analysis may be required to reflect specific changes to the proposed site grading, LID features and other design aspects of the site. A revised/updated Hydrogeological Assessment and Water Balance Analysis will be required.
5. In Section 6.3 it is noted that the site does not have a municipal stormwater outlet, or access to an external storm sewer connection and that stormwater run-off generated from the site is expected to be handled and treated onsite and discharged to the wetland feature. Only clean runoff may be directed to the wetland by consultation with ecologist to avoid the effects of the dissolved pollutants including chlorides on the Provincially Significant Wetland.
6. The proposed treatment of runoff using OGS may not provide the required level of TSS removal due to their performance issues including operation and maintenance issues. The UTRCA strongly recommends that other alternative or additional measures be considered and implemented.
7. In Section 7.31 it is indicated that stormwater run-off from the site's pavements and parking areas can also be directed into temporary storage and infiltration features which can serve to provide enhanced infiltration of the stormwater run-off. The UTRCA strongly recommends infiltrating clean runoff only.

## Floodline Analysis

As was previously conveyed to the City and the applicant, a Floodline Analysis is required for the subject lands. To date, the following information has been provided –

- a) Memo - 952 Southdale Road Floodline Elevation Analysis prepared by Stantec dated April 14, 2020
- b) 952 Southdale Road Development and the 250-year Floodline for the Buttonbush Wetland prepared by Stantec dated September 28, 2020

In principle, the floodline was deemed to be acceptable and the required cut and fill analysis has potential. However, it was noted that the Floodline Analysis could not be advanced until the development limit had been confirmed. City Planning staff have deemed that there is adequate supporting documentation to establish the zone lines/development limit for the subject lands however, the required Floodline Analysis has not yet been completed. Accordingly, the zoning shall include a Holding Provision whereby a Floodline Analysis [and other required technical reports] shall be prepared to the satisfaction of the UTRCA.

## FUTURE RESIDENTIAL PHASE II

The Notice of Application indicates that -

“With the exception of a 0.21ha Future Residential Area [Phase II] located at the southeastern limit of the site, the easterly part of the site is proposed to remain undeveloped to promote the protection and preservation of a Provincially Significant Wetland and associated natural heritage features and buffers”.

Given the natural hazard constraints and the associated setback and buffer requirements that apply to the proposed Future Residential Phase II lands, the UTRCA recommends that consideration be given to rezoning these lands Open Space - OS5.

## RETAINING WALL

The Conservation Authority previously commented on a proposed retaining wall which is to be located along the easterly limit of the proposed development and is required to raise and level the site. The wall is identified in both the EIS and Hydrogeological Assessment. Based on the recent circulated concept plans dated Sept 8, 2022 and September 30, 2022, it is unclear whether a retaining wall is still required given that a larger buffer is being proposed. A retaining wall is not identified on the drawings/plans.

If a retaining wall is still required, it cannot be located within the required buffers/setbacks. Furthermore, as noted, a geotechnical assessment is required for the proposed wall.

## SERVICING STUDY

A Servicing Study has yet to be submitted for the proposed development. The UTRCA requires a Servicing Study to be included as a requirement of the Holding Provision.

## PAVED PATHWAY

We understand that City Planning staff have agreed to allow a paved pathway within the reduced buffer/setback for the Provincially Significant Wetland. A Section 28 permit is required for the pathway.

Depending on the extent of the grading works associated with the construction of the pathway infrastructure, a determination will be made by the Conservation Authority as to whether the required approval can be issued at the staff level or whether it needs to be considered by our Hearings and Personnel Committee.

## COMMENTS & RECOMMENDATIONS

The UTRCA considers this application to be PREMATURE.

There is a Provincially Significant Wetland located immediately adjacent to the east and there is also a flooding hazard that impacts the subject lands. Accordingly, it is our opinion that all of the required technical reports that are needed to establish/confirm the

zone line/proposed development limit should have been submitted as part of a complete application and certainly prior to this application being brought forward to the Planning and Environment Committee. Instead, the requirements including [but not limited to] the preparation of a floodline analysis, servicing study, Final EIS and Hydrogeological and Water Balance Assessment and Geotechnical Study for the proposed retaining wall will be addressed either through a Holding Provision and/or at detailed design and/or the site plan process. This is not ideal or the Conservation Authority's preferred approach when dealing with a sensitive and complex site such as this one.

We understand that City planning staff have been working with the applicant to advance the applications to Committee and Council. The recent discussions with the applicant have involved the negotiation of a reduced ecological buffer for the PSW and its functions. These discussions did not include the Conservation Authority.

Should the Planning and Environment Committee decide to approve the applications, the UTRCA requests the following conditions for the approval –

- i. That the Zoning By-Law Holding Provision stipulate that a Final EIS, Final Hydrogeological Assessment and Water Balance Analysis, a Servicing Report, a Floodline Analysis and a Geotechnical Report for the proposed Retaining Wall [not shown on the September 2022 drawings/concepts] be prepared to the satisfaction of the UTRCA.

We require both a hard copy and an electronic copy of all the supporting documentation.

- ii. That infrastructure including but not limited to stormwater/LIDs, a retaining wall shall not be permitted to be located in the buffer.
- iii. That the lands in the south east corner of the site identified as Future Residential Phase II be zoned Open Space - OS5.
- iv. That the necessary Section 28 approvals be secured for –
  - a) The proposed development.
  - b) The proposed paved pathway that is to be located within the reduced buffer/setback. Additional technical studies will be required as part of the permit process for the pathway.

#### UTRCA – October 5, 2022

Further to our correspondence dated February 1, 2022, the Upper Thames River Conservation Authority (UTRCA) offers the following comments and recommendation(s).

#### **PROPOSAL**

The applicant is proposing a mixed-use commercial /office/residential development on the subject lands.

#### **CONSERVATION AUTHORITIES ACT**

As shown on the enclosed mapping, the entire property is regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of a riverine flooding hazard as well as wetlands including the Provincially Significant North Talbot Wetland and the surrounding areas of interference. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

## **TECHNICAL PEER REVIEW**

The applicant has submitted preliminary technical studies and responded to City and Agency comments. Final studies have not been submitted or accepted. The applicant is aware that a Floodline Analysis and a Servicing Study are required and have not yet been submitted.

### **Environmental Impact Study EIS**

#### **Subject Lands Status Report (SLSR) and Environmental Impact Study (EIS)**

**Report: Southdale Road and Colonel Talbot Road** prepared by MTE dated August 19, 2021

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In the June 27, 2022 MTE memo, it is indicated that the proponent is not prepared to provide the “requested” required minimum 30 metre buffer.

In email correspondence dated October 4, 2022, the following comments [based on the review of the June 27, 2022 MTE Memo and discussions with the applicant], prepared by the City of London’s ecologist in regards to the ecological buffer, were provided to the UTRCA –

*The agreed to development limit provides a 30m or greater buffer in two sections and less than a 30m buffer in the other two sections to the Provincially Significant Wetland (PSW), there is also an approximate 10m buffer being applied to the Significant Woodland edge. While the overall buffer does not meet the minimum of 30m for a PSW under the Council approved Environmental Management Guidelines (2021), the application was being considered under the old EMGs (2007) due to the application date; and the 30m buffer while identified in the old EMG, it is not fully articulated. However, the proponent will be undertaking additional habitat restoration improvements due to the reduced buffers, including an invasive species management plan for the PSW communities and Significant Woodland edge and other improvements to be identified (i.e. snake hibernaculum, additional native pollinator friendly seeding). The City has agreed to place the required Parks pathway block in the buffer. The buffers and Natural Heritage Features are to be zoned OS5.*

*The proponent is still required to finalize the EIS, finalize the Hydrogeological study, and complete a detailed (feature based) Water Balance, all to the City’s [and UTRCA’s] satisfaction. Two small Wetland communities (non PSW) on the edge of the Significant Woodland are required to be compensated for as per London Plan Wetland policies, which will include full/ partial relocation and habitat improvements. A holding provision will be required for the site to ensure all reports are fully completed and restoration and compensation works are all carried out to the City’s satisfaction.*

*Due to the proponent not providing the full minimum 30m buffer to the PSW, any proposed green stormwater functions will need to be located within the development limit and cannot be considered within the buffer. The new EMG (2021) does allow for the consideration of some specific green stormwater functions within the buffer (i.e. LIDs), but only when the minimum required buffers have been applied.*

*It has been made clear that going forward with any new projects, the new EMGs (2021) which fully require and scientifically support a minimum 30m buffer to PSWs will apply. The UTRCA does not agree with the reduced buffer for the PSW. We also do not agree with a pathway block being permitted in the reduced buffer which is only 15.06 metres wide at the pinch point as per the SP#51 Concept Drawing [Westdell] dated Sept 30, 2022.*

We agree that green stormwater functions cannot be located within the buffer.

We concur that a Final EIS and Hydrogeological Assessment are required along with other supporting technical studies.

## **Hydrogeological Assessment**

**Hydrogeological Assessment – Proposed Mixed Use Development 952 Southdale Road West, London** dated April 6, 2022 prepared by LDS

**LDS ‘Repose’ to City Hydrogeologist follow-up comments Official Plan and Zoning By-Law Amendment Application 952 Southdale Road West, London** dated June 29, 2022. In email correspondence dated October 4, 2022, the City’s Hydrogeologist advised –

*I have gone through the responses provided by LDS [June 29, 2022]. I have no further comments at this time. All outstanding issues can be deferred to detailed design, at which point we will require a revised hydrogeological assessment, or a technical addendum to the current version of the report.*

The UTRCA agrees that a Final Hydrogeological Assessment is required.

## **UTRCA Water Balance Comments – April 6, 2022 Submission**

1. In Section 7.2 it is noted that a retaining wall is proposed to be constructed along the easterly limit of the development adjacent to the Provincially Significant Wetland feature. The retaining wall cannot be located within the buffer and a geotechnical analysis/report is required.

It is also mentioned that under current site conditions, flood waters can extend into the site, with backwater flows into the existing swales, and into the open field area. A retaining wall has been proposed to stop the flood water entering the site. The proposed retaining wall shall be located outside of the floodplain and also outside of the buffer. The retaining wall should not cause any backwater issues in the wetland which may affect/extend the floodplain width further to the east. There should also not be any increased flooding and/or impacts to adjacent/off site properties.

2. The revised water balance shows that the post-development condition infiltration using SWM LIDs is 12080 m<sup>3</sup>. The SWM report should demonstrate how the proposed 12080 m<sup>3</sup> will be provided using SWM LIDs. The volumes from the water balance should match with the infiltration volume provided by the proposed LIDs.

3. A detailed salt management plan will be required for the site to avoid/minimize the effects of the chlorides on the adjacent wetland.

4. In Section 6 it is mentioned that as detailed design occurs, updates to this analysis may be required to reflect specific changes to the proposed site grading, LID features and other design aspects of the site. A revised/updated Hydrogeological Assessment and Water Balance Analysis will be required.

5. In Section 6.3 it is noted that the site does not have a municipal stormwater outlet, or access to an external storm sewer connection and that stormwater run-off generated from the site is expected to be handled and treated onsite and discharged to the wetland feature. Only clean runoff may be directed to the wetland by consultation with ecologist to avoid the effects of the dissolved pollutants including chlorides on the Provincially Significant Wetland.

6. The proposed treatment of runoff using OGS may not provide the required level of TSS removal due to their performance issues including operation and maintenance issues. The UTRCA strongly recommends that other alternative or additional measures be considered and implemented.

7. In Section 7.31 it is indicated that stormwater run-off from the site’s pavements and parking areas can also be directed into temporary storage and infiltration features which can serve to provide enhanced infiltration of the stormwater run-off. The UTRCA strongly recommends infiltrating clean runoff only.

## **Floodline Analysis**

As was previously conveyed to the City and the applicant, a Floodline Analysis is required for the subject lands. To date, the following information has been provided –

a) **Memo - 952 Southdale Road Floodline Elevation Analysis** prepared by Stantec dated April 14, 2020

b) **952 Southdale Road Development and the 250-year Floodline for the Buttonbush Wetland** prepared by Stantec dated September 28, 2020

In principle, the floodline was deemed to be acceptable and the required cut and fill analysis has potential. However, it was noted that the Floodline Analysis could not be advanced until the development limit had been confirmed. City Planning staff have deemed that there is adequate supporting documentation to establish the zone lines/development limit for the subject lands however, the required Floodline Analysis has not yet been completed. Accordingly, the zoning shall include a Holding Provision whereby a Floodline Analysis [and other required technical reports] shall be prepared to the satisfaction of the UTRCA.

## **FUTURE RESIDENTIAL PHASE II**

The Notice of Application indicates that -

*“With the exception of a 0.21ha Future Residential Area [Phase II] located at the southeastern limit of the site, the easterly part of the site is proposed to remain undeveloped to promote the protection and preservation of a Provincially Significant Wetland and associated natural heritage features and buffers”.*

Given the natural hazard constraints and the associated setback and buffer requirements that apply to the proposed Future Residential Phase II lands, the UTRCA recommends that consideration be given to rezoning these lands Open Space - OS5.

## **RETAINING WALL**

The Conservation Authority previously commented on a proposed retaining wall which is to be located along the easterly limit of the proposed development and is required to raise and level the site. The wall is identified in both the EIS and Hydrogeological Assessment. Based on the recent circulated concept plans dated Sept 8, 2022 and September 30, 2022, it is unclear whether a retaining wall is still required given that a larger buffer is being proposed. A retaining wall is not identified on the drawings/plans. If a retaining wall is still required, it cannot be located within the required buffers/setbacks. Furthermore, as noted, a geotechnical assessment is required for the proposed wall.

## **SERVICING STUDY**

A Servicing Study has yet to be submitted for the proposed development. The UTRCA requires a Servicing Study to be included as a requirement of the Holding Provision.

## **PAVED PATHWAY**

We understand that City Planning staff have agreed to allow a paved pathway within the reduced buffer/setback for the Provincially Significant Wetland. A Section 28 permit is required for the pathway.

Depending on the extent of the grading works associated with the construction of the pathway infrastructure, a determination will be made by the Conservation Authority as to whether the required approval can be issued at the staff level or whether it needs to be considered by our Hearings and Personnel Committee.

## **COMMENTS & RECOMMENDATIONS**

The UTRCA considers this application to be PREMATURE.

There is a Provincially Significant Wetland located immediately adjacent to the east and there is also a flooding hazard that impacts the subject lands. Accordingly, it is our opinion that all of the required technical reports that are needed to establish/confirm the zone line/proposed development limit should have been submitted as part of a complete application and certainly prior to this application being brought forward to the Planning and Environment Committee. Instead, the requirements including [but not limited to] the preparation of a floodline analysis, servicing study, Final EIS and Hydrogeological and Water Balance Assessment and Geotechnical Study for the proposed retaining wall will be addressed either through a Holding Provision and/or at detailed design and/or the site plan process. This is not ideal or the Conservation

Authority's preferred approach when dealing with a sensitive and complex site such as this one.

We understand that City planning staff have been working with the applicant to advance the applications to Committee and Council. The recent discussions with the applicant have involved the negotiation of a reduced ecological buffer for the PSW and its functions. These discussions did not include the Conservation Authority.

Should the Planning and Environment Committee decide to approve the applications, the UTRCA requests the following conditions for the approval –

i. That the Zoning By-Law Holding Provision stipulate that a Final EIS, Final Hydrogeological Assessment and Water Balance Analysis, a Servicing Report, a Floodline Analysis and a Geotechnical Report for the proposed Retaining Wall [not shown on the September 2022 drawings/concepts] be prepared to the satisfaction of the UTRCA.

We require both a hard copy and an electronic copy of all the supporting documentation.

ii. That infrastructure including but not limited to stormwater/LIDs, a retaining wall shall not be permitted to be located in the buffer.

iii. That the lands in the south east corner of the site identified as *Future Residential Phase II* be zoned Open Space - OS5.

iv. That the necessary Section 28 approvals be secured for –

a) The proposed development.

b) The proposed paved pathway that is to be located within the reduced buffer/setback. Additional technical studies will be required as part of the permit process for the pathway.

#### UTRCA – November 4, 2022

Further to our correspondence dated October 5, 2022, the Upper Thames River Conservation Authority (UTRCA) acknowledges receipt (on October 26, 2022) of the following submissions –

1. Letter – LDS Response to UTRCA Review Comments – October 5, 2022 Official Plan and Zoning By-Law Amendment Application 952 Southdale Road West London dated October 6, 2022
2. Letter - UTRCA Comments (Oct 5 2022) for File No OZ-9431 – 952 Southdale Road W prepared by MTE dated October 6, 2022

#### *LDS Response Letter*

The UTRCA has reviewed the responses. We are satisfied with the provided information and that the matters can be addressed through a holding provision, in a FINAL Hydrogeological Report and Water Balance Analysis.

#### *MTE Letter*

We have reviewed the responses provided on Page 1 wherein it is indicated that the UTRCA comments have been "Noted". This correspondence does not change any of the UTRCA's October 5, 2022 comments.

With respect to Page 2 - "Additional Response Comments", MTE has challenged that the "Act" [Conservation Authorities Act] does not apply to the Provincially Significant Wetland which is located on the subject lands and on the adjacent lands as shown on the enclosed Regulation Mapping. In MTE's opinion, the wetland does not satisfy subsection (b) of the wetland definition contained in the Conservation Authorities Act - (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse.

Please be advised that in accordance with the Conservation Authorities Act, Section 28 – ‘Generic Regulation’ Development, Interference With Wetlands & Alterations to Shorelines and Watercourses - Guidelines for Developing Schedules of Regulated Areas dated October 2005 prepared by Conservation Ontario and the Ministry of Natural Resources, Section 2.4 Watercourses & Wetlands – overview [p.27] – The requisite function of a wetland – ‘...directly contributes to....hydrological function/through connection with a surface watercourse...’ is deemed to exist for all wetlands. Where a surface connection between a wetland and surface watercourse is not apparent, it is assumed that a groundwater connection exists between them, unless there is information to the contrary.

MTE has indicated that ‘the direct flow connection disappears..... before reaching any open water system well downstream’ thereby confirming that subsection (b) of the wetland definition contained in Section 28 of the Conservation Authorities Act has been satisfied.

Accordingly, we are advising the applicant that contrary to their consultant’s opinion, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The UTRCA has jurisdiction and written approval must be obtained from the Conservation Authority prior to the applicant undertaking any site alteration or development within the regulated area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

For information purposes, the UTRCA’s comments and recommendations that were included in our October 5, 2022 correspondence follow -

#### COMMENTS & RECOMMENDATIONS

The UTRCA considers this application to be PREMATURE.

There is a Provincially Significant Wetland located immediately adjacent to the east and there is also a flooding hazard that impacts the subject lands. Accordingly, it is our opinion that all of the required technical reports that are needed to establish/confirm the zone line/proposed development limit should have been submitted as part of a complete application and certainly prior to this application being brought forward to the Planning and Environment Committee. Instead, the requirements including [but not limited to] the preparation of a floodline analysis, servicing study, Final EIS and Hydrogeological and Water Balance Assessment and Geotechnical Study for the proposed retaining wall will be addressed either through a Holding Provision and/or at detailed design and/or the site plan process. This is not ideal or the Conservation Authority’s preferred approach when dealing with a sensitive and complex site such as this one.

We understand that City planning staff have been working with the applicant to advance the applications to Committee and Council. The recent discussions with the applicant have involved the negotiation of a reduced ecological buffer for the PSW and its functions. These discussions did not include the Conservation Authority.

Should the Planning and Environment Committee decide to approve the applications, the UTRCA requests the following conditions for the approval –

- i. That the Zoning By-Law Holding Provision stipulate that a Final EIS, Final Hydrogeological Assessment and Water Balance Analysis, a Servicing Report, a Floodline Analysis and a Geotechnical Report for the proposed Retaining Wall [not shown on the September 2022 drawings/concepts] be prepared to the satisfaction of the UTRCA. We require both a hard copy and an electronic copy of all the supporting documentation.
- ii. That infrastructure including but not limited to stormwater/LIDs, a retaining wall shall not be permitted to be located in the buffer.
- iii. That the lands in the south east corner of the site identified as Future Residential Phase all be zoned Open Space - OS5.
- iv. That the necessary Section 28 approvals be secured for –

- a) The proposed development as defined in the Conservation Authorities Act.
- b) The proposed paved pathway that is to be located within the reduced buffer/setback. Additional technical studies will be required as part of the permit process for the pathway.

With respect to Recommendation i. - based on further discussions, City Planning Staff and the Conservation Authority have agreed that in addition to the preparation of a Final EIS and a Final Hydrogeological Assessment and Water Balance Analysis, the holding provision will include the submission of a Floodline Analysis, prepared to the satisfaction of the UTRCA.

As per the UTRCA's February 11, 2022 correspondence – Floodline Analysis  
As indicated, the subject lands are located in the Dingman Subwatershed Screening Area and may be impacted by increased floodlines. Accordingly, a Floodline Analysis was required. The applicant submitted the following technical documents:

- a) Memo - 952 Southdale Road Floodline Elevation Analysis prepared by Stantec dated April 14, 2020
- b) 952 Southdale Road Development and the 250-year Floodline for the Buttonbush Wetland prepared by Stantec dated September 28, 2020

The Conservation Authority reviewed the submissions and met with the consultant on February 11, 2021 to discuss the Floodline Analysis. In principle, the floodline was deemed to be acceptable and the required cut and fill analysis has potential. However, this analysis cannot be advanced until the development limit has been confirmed. We understand that a retaining wall is required to raise and level the site. The retaining wall cannot be located within the required buffers/setbacks which have yet to be accepted. Based on the discussion, it was the UTRCA's understanding that the servicing for the site was still be worked out. We request a copy [both an electronic and one hard copy] once available.

The development limit has been confirmed through the preparation of the EIS and Hydrogeological Study. However, the Planning Act applications are proceeding to the Planning and Environment Committee for consideration prior to the completion of the requisite Floodline Analysis and therefore, must be included in the holding provision to ensure that the proposed development is located outside of the riverine flooding hazard, will not impact upstream and downstream properties/landowners and will be safe. Planning Staff have assured the Conservation Authority that the balance of our requirements can be addressed either at detailed design, the site plan process and/or as part of the UTRCA's Section 28 Permit process.

#### Hydrogeologist (Stormwater Management) (June 6, 2022)

As requested, I have completed my review of the following documents:

- LDS Consultants Inc. Hydrogeological Assessment. Proposed Mixed Use Development 952 Southdale Road West, London, On. April 6, 2022.

Overall, the consultant has adequately described the hydrogeological conditions at the Site, including assessing and documenting the shallow groundwater contributions to the Provincially Significant Wetland (PSW) system (Button Bush Wetland – South). However, there remains several elements which require more information/details, which will likely impact the final proposed stormwater management strategy servicing the Site. While many of these elements can be deferred to detailed design, some of the issues will require further clarification as they may have an impact on the current proposed development limits for the Site.

As such, I have the following outstanding comments/concerns related to the Hydrogeological Assessment:

- As noted in the report, site-specific assessment and testing and correlating field saturated hydraulic conductivity (Kfs) to infiltration rates within proposed LID

footprint areas will be required to support any LID design, as well as a comparative analysis of the proposed LID invert elevations with the seasonal high groundwater elevations present at the Site.

- As noted in comments from previous submissions, Section 3.2.3 of the report indicates that only one single well response test (SWRT) was completed at the Site, in BH5 (MW), even though multiple monitoring wells are present and completed in varying hydrostratigraphic units. As part of future work at the Site, a more comprehensive assessment of hydraulic conductivity within representative hydrostratigraphic units which allows for a more complete assessment of the hydraulic conductivity distribution across the site will be required.
- As noted in Section 4.4, “there is a risk that surface water run-off from the site could be responsible for increased salt loading during late winter and early spring periods”. To this end, a salt and snow management plan should be developed and adhered to by the owner of the site to ensure proper management of snow, and appropriate use of any de-icing salts. This will be required as part of the detailed design of the Site.
- Although the water balance provided in Section 6.0 and calculations shown in Appendix G are described as a “feature-based water balance”, calculations appear to be developed based on a site-based water balance approach. Please note that a feature-based water balance approach for a wetland complex is predicated on an analysis and comparison of the pre- and post-development hydroperiods for a wetland environment as outlined in Appendix D in the Toronto and Region Conservation Authority (TRCA) Stormwater Management Criteria (August 2012). For the purposes of this submission, however, the current water balance is acceptable.
- It is noted that the buffer associated with the PSW is minimal in certain areas, and does not appear to be consistent with current City of London and UTRCA Policy. Regard should be given to increasing buffer areas to help minimize post-development water balance deficits and impacts to the wetland feature.
- If the site is proposed to be phased over time, the consultant should also provide calculations details/assurance, that the water balance objectives are able to be achieved not only in the ultimate post-development scenario, but also throughout the phased development of the site.
- As noted in Section 6.1, runoff volume generated by the rooftops of commercial buildings are proposed to be directed to infiltration galleries located along the buffer area. Although the detailed sizing of the LID features can be deferred to detailed design, a cursory LID footprint of the proposed LID infiltration galleries should be provided at this time, to ensure there is adequate space within the proposed development limits to accommodate the galleries, as well as to ensure there is no encroachment with potential conflicting features or infrastructure (e.g., retaining walls, proposed pathways, ecological buffers, etc.).
- Please note, that the construction of any infrastructure (e.g., pathways, LIDs, etc.) into the ecological buffer area is subject to review and approval of the UTRCA.
- Based on a review of the water balance calculations, it is currently unclear how LIDs are being incorporated into the post-development calculations scenario. Is there an overall assumption in terms of the net effectiveness of the LIDs (i.e., application of an infiltration factor) in the post development conditions? Please clarify.
- As described in Section 6.1, runoff generated by the parking surfaces and building on the southwest corner of site will be directed to underground storage tanks, and the water balance has assumed that water in the storage tanks will infiltrate (approx. 50%) and overflow treated water (remaining 50%) into the wetland. At this time, with the current level of information submitted to the City of London, we are not able to validate this assumption.
- As described in Section 6.1, there is a reliance on the City of London’s Southdale Road Widening project and the installation of a proposed round-about at the intersection of Colonel Talbot Road and Southdale Road to accommodate stormwater runoff from the Colonel Talbot Road and the external lands to the west. The water balance analysis has assumed that the road improvements will

address 50% of the existing run-off which is currently directed into the site and the remaining 50% of the run-off is expected to be accommodated through the surface grading allowing some surface water ponding, and through the proposed on-site stormwater infrastructure (i.e., subsurface holding tanks). This assumption cannot be confirmed by the City's Hydrogeologist and should be validated with the City of London's Transportation Engineering Division. Further, the timeline for construction of the City's Southdale Road Widening project is unclear and subject to change. The proposed stormwater management strategy will be required to have regard for the interim conditions (i.e., pre-Southdale Road Widening) as well as the ultimate conditions (i.e., post-Southdale Road Widening). Both of these issues will have an effect on the water balance calculations.

- As noted in Section 6.3, As such, the report indicates that only clean stormwater run-off should be directed towards the wetland area however, the current SWM strategy is to direct all stormwater to the wetland. While it is acknowledged that a certain level of pre-treatment would occur (via an OGS), this will not remove dissolved phase constituents collected from parking area run-off.
- Section 7.1 indicates that if water treatment is required, beyond treatment levels achieved using an OGS unit to address potential dissolved contaminants, additional / alternative water quality treatment measures may need to be considered. Please described viable water treatment options which can be considered to remove dissolved phase contaminants.
- As noted in Section 7.2, a retaining wall is proposed to be constructed along the easterly limit of the development, next to the Wetland feature. As previously noted, this retaining wall will be subject to UTRCA review and approval.
- Section 7.6 indicates that on-going monitoring is recommended pre-, during-, and post-construction. Once the final development limits have been established and the SWM strategy and water balance have been finalized, any future on-going monitoring should be scoped with the City and UTRCA, and be completed in conjunction with an appropriate ecological monitoring plan.
- Once the final development limits are established and the detailed design for the Site is underway, a formal water taking and discharge plan will be required, assuming anticipated water takings are less than 400,000 L/day. This plan will be required to determine dewatering locations, anticipated dewatering rates, ESC measures to be implemented, monitoring locations, and most importantly dewatering discharge locations. As noted in the report, the western portion of the wetland may fall within the anticipated radius of influence and, as a result, mitigation measures may be required to ensure adequate water quantity and quality protection to the wetland during construction. The City of London would like an opportunity to review the water taking and discharge plan, once completed.
- As noted in Section 8.3, residential buildings are currently proposed in the north end of the site. The underside of footing levels for new residences (if constructed with full basements) would also likely extend into the uppermost stabilized groundwater table, particularly during the seasonal high spring conditions. Please note, that the ability to construct basements in some or all units may be limited, if it cannot be demonstrated that there will be no impacts to the wetland area from a water balance perspective and/or that continual sump pump operation will not occur.

#### Hydrogeologist (Stormwater Management) – Revised Comments (June 6, 2022)

I have gone through the responses provided by LDS. I have no further comments at this time. All outstanding issues can be deferred to detailed to design, at which point we will require a revised hydrogeological assessment, or a technical addendum to the current version of the report.

#### Landscape Architect (January 14, 2022)

- The Tree Preservation Report does not clearly identify the ownership of trees along the north property line. The TPP shows trees on the property line and off site to be removed. Consent must be obtained from the owner of 2574 Colonel Talbot Rd. for removals on their property and for boundary tree removals.

Boundary trees are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21.

- Off site trees not proposed for removal will have significant root loss to construction. Move proposed north sidewalk location closer to townhomes to reduce construction impacts; move tree protection fencing to boundary and offsite trees' driplines.

#### Landscape Architect (November 9, 2022)

A total of 29 trees were captured on the Tree Preservation Report growing near the shared property line with 2574 Colonel Talbot Road N. Fourteen will be removed to accommodate the development; 15 trees will be preserved; and all trees within the North Talbot Wetlands PSW boundary on the east side of the site will be preserved. Buffer to be determined.

The Tree Preservation Plan is not complete. Trees are not labelled with tree numbers to reference information contained in the accompanying inventory table. Please update Plan to include these numbers. This is required to identify tree ownerships, applicable legislature, consents required and removal administrative process.

The applicant will need to confirm ownership of all trees proposed for removal on or near the mutual property line shared with 2547 Colonel Talbot Rd N and provide explicit permission from the abutting landowners to remove off-site and/or boundary trees. Boundary trees are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21, boundary trees can't be removed without written consent from co-owner. Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act. 1998, c. 18, Sched. I, s. 21. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes. Letters of consent from neighbour must be included with Site Plan Application documentation.

#### Engineering (May 4, 2022)

The preliminary noise assessment report is acceptable. It appears that the applicable noise sources have been identified. Noise mitigation measures/building components will be implemented at the time of detailed design and appropriate noise warning clauses will be added to the development agreement.

#### *Transportation (January 12, 2022)*

##### *Transportation Impact Assessment*

- The submitted TIA is not acceptable. The site concept and proposed access points analyzed in the TIA do not comply with the requirements communicated by staff via email during TIA scoping phase based on the City's Access Management Guidelines. To adequately demonstrate the ability of the transportation network to accommodate the proposed development, the proposed site concept and TIA must be updated as detailed below. The proposed site plan concept and TIA must also be updated based on final accepted recommendations of an EIS and determined limits of the PSW.
- Detailed comments
- Section 2.0 and 7.0 of the TIA references the addition of 15 townhouse, however none are shown on the site concept. It is further noted in the TIA that access to the proposed townhouses is to be provided via the existing access onto Southdale Rd from 920 Southdale Road. As communicated via email on Jan 30, 2020 access to 920 Southdale Rd west shall be provided through 952 Southdale via an easement for access as per the Highland Ridge Phase 1 Subdivision agreement related to Block 68, subject to the findings of an accepted EIS to determine the limits of the PSW. TIA required to be updated.
- Section 2.0, second paragraph states that "the required configuration and intersection control of these accesses will be determined as part of the subject TIA". It should also be noted that the recommended intersection

control shall be determined based on the City's Access Management Guidelines.

- Section 2.0 and various other locations throughout the report, there is reference to the proposed Colonel Talbot Rd and Southdale Rd roundabout scheduled to be constructed by 2031, this should be updated note that it is currently scheduled for construction in 2024, subject to funding and approvals. Existing conditions should still be considered as part of this study for the 2025 horizon based on the potential for the City project to be delayed.
- Section 3.1 notes that Colonel Talbot Road has a posted speed limit of 70km/h. This should be updated to reflect a posted speed limit of 60km/h.
- Section 3.1 should be updated to note that Cherrygrove Dr is neighbourhood street, and that as per the London Plan, Garrett Ave is planned to be extended to intersect with Colonel Talbot Rd at Cherrygrove Dr. The proposed timing for the extension of Garrett Ave is unknown and assumed to be beyond the horizon years considered as part of this study.
- As communicated via email on Aug 15 and Sept 4, 2019, a full access on Colonel Talbot Rd within 200m of Southdale Rd is not acceptable as per the City's Access Management Guidelines. The minimum spacing of 200m between access connections is based on a divided urban arterial. The northerly access on Colonel Talbot is noted to be 170m north of Southdale Rd. As Colonel Talbot is not currently a divided arterial, the City is willing to accept the minimum 150m spacing in the interim, based on an urban arterial classification. As always, the City reserves to restrict movements in the future if required based on operational or safety concerns and/or in conjunction with other improvements such as the planned roundabout for Colonel Talbot and Southdale Rd which will include splitter islands. As communicated via email on Aug 15, 2019 the request for a full moves access to/from Colonel Talbot will not be granted based on minimum spacing requirements alone. Any full moves access proposed will be subject to the availability of space to provide for appropriate infrastructure (turn lanes) and that there are no adverse impacts to the operation of nearby intersections and their associated auxiliary lanes.
  - The TIA needs to be updated to consider the existing access to 2615 Colonel Talbot Road. As per the City Access Management Guide it is preferred to have the access to 952 Southdale aligned with the existing access to 2615 Colonel Talbot Road. A minimum of 100m separation is required in between driveways not directly opposing.
  - As communicated on July 4, 2019 and Jan 30, 2020 the northerly access on Colonel Talbot Rd requires the construction of left and right turn lanes on Colonel Talbot Rd. TIA must be updated to demonstrate the availability of space to accommodate minimum NB left turn lane for Cherrygrove Drive and the SB left turn to the northerly site access. As per DSRM Section 2.1.15., storage lengths shall be determined based on a traffic study. The minimum storage on a Civic Blvd shall be 45m with storage starting 15m from the centreline of the cross street of at the stop bar, with a 30 parallel length and 65m taper (based on a design speed of 60km/h).
- As communicated via email on Aug 15 and Sept 4, 2019, a full access on Colonel Talbot Rd within 200m of Southdale Rd is not acceptable as per the City's Access Management Guidelines (reduced to 150m min spacing as noted above). The southerly access as proposed in the TIA is noted to be 100m north of Southdale Rd and therefore needs to be restricted to right-in/right out. TIA must be updated accordingly.
- As communicated via email on Jan 30, 2020, as this is a mixed-use development the applicant should consider providing an internal drive linking the northerly

purposed residential with the southerly commercial to make use of the full moves access to Colonel Talbot Road

- As per the City's Access Management Guide right turn lanes should be considered when the volume of right turning vehicles is between 10 to 20 percent of the through volume, subject to a minimum of 60 vehicles per hour in the design hour. Based on the TIA the southerly access is forecasted to generate 112 to 130 vehicles per hour turning right in the AM, PM and Sat Peak, which is equivalent to 18 to 36 percent of the forecasted NB through volumes for 2025 (avg 26%). Based on this data a right turn lane is required. TIA to be updated to include these recommendations.
- As per the TIA, for the Future Background 2025 Operational Conditions, the SBL at Colonel Talbot and Southdale Rd is forecasted to operate at a LOS E in the AM peak with a 95<sup>th</sup> percentile queue of 48.4 and v/c of 0.85. The 95<sup>th</sup> percentile queue in the PM and Sat Peak is projected to be 53.8 and 45.5. The existing parallel and storage of the existing SBL turn lane is about 27m in length (i.e. less than the forecasted queue). The addition of the site generated traffic makes the future total 2025 forecasts a LOS F for the SBL in the AM peak with a with a 95<sup>th</sup> percentile queue of 55.9m and v/c of 0.97. The 95<sup>th</sup> percentile queue in the PM and Sat Peak is projected to be 60.8m and 47.5m. The TIA should be updated to include commentary on the queue extending beyond the limits of the left turn lane and the impact on the through/right delay and LOS and recommend mitigation measures as appropriate.
- The 2030 future total conditions should not include the optimizations and improvements recommended as part of the 2025 future total conditions analysis unless those optimizations and improvements are recommended to be completed by the applicant. The 2030 future total conditions analysis should be based existing conditions (plus any improvements recommended to be complete by the applicant).
- Section 7.0, Summary and Conclusions shall be updated to clearly indicate what improvements are recommended to be completed to support the proposed development including auxiliary lanes and storage length requirements, as well as median islands to restrict turning movements on Southdale Rd and Colonel Talbot Rd. As communicated via email on Aug 9, 2019 the City will not accept pork-chop islands to restrict movements as we have experienced compliance issues. The south access on Colonel Talbot Rd shall be designed as per the City's Access Management Guidelines Exhibit 2-3 for a Rights-In/Rights-Out. As the access on Southdale Rd is within the limits of the proposed splitter island as part of the City planned roundabout project currently scheduled to go to construction in 2024, a pork-chop island will be accepted as an interim measure as per the City's Access Management Guidelines Exhibit 2-4 for a Rights-In/Rights-Out "Pork-Chop".

#### *Stacking Space Justification Study*

- Please provide a copy of the Paradigm Transportation Solutions Limited, 944 Hamilton Road Starbucks, London – Queuing Study, February 2020, so it can be reviewed in conjunction with this submitted study (which is mainly based on the above referenced study). Based on a review of the final site plan for 944 Hamilton Rd it appears that at least 13 staking spaces were ultimately provided.

#### *Parking Assessment Memo*

- The submitted Parking Assessment Memo does not adequately justify a reduction from the City's parking rates. The study references the City's goal to improve mobility and reduce reliance on the automobile. It notes that reasonable limits on the supply of available parking can be an effective travel demand management measure. The TIA does not support this rationale for reduced parking space:
  - Section 3.2 of the TIA notes that the current route headways in the study area would make transit usage an unattractive option for travel for people travelling to/from the subject development.
  - Section 6.1 of the TIA notes that the proposed development is located on a site that is currently not very conducive to the application of TDM

measures due to the poor availability of transit, long walking distances to businesses and amenities, and the limited bicycle infrastructure. This limitation is due to the site being located on the edge of the developed area of the City of London.

- Improving mobility and reducing reliance on the automobile is an important goal for the City, however it cannot be used as justification for not providing the minimum parking requirements, in particular where sufficient mobility infrastructure is not currently in place.
- The parking utilization at 3000 Colonel Talbot Rd is also referenced in the study. It is unclear who the parking utilization observation was completed by and no back-up documentation is provided (such as a photo). In comparison, based on a review of 2019 City Aerial imagery, there is very high utilization of the parking lot as shown in Figure 1 below. The example of 3000 Colonel Talbot Rd supports the need to meet the City's minimum parking requirements.
- Based on the Parking Assessment Memo and Supplemental Parking Assessment based on the Revised Site Plan, 51 residential parking spaces are proposed whereas 87 are required. This is over a 40% reduction and is not acceptable.
- It is recommended that the applicant revise the site plan to meet the City's parking rates. The City is willing to consider the ITE parking rates, if the applicant wishes to propose them. The site plan must also be updated based on final accepted recommendations of an EIS and determined limits of the PSW.

#### *Transportation - Revised Comments (September 27, 2022)*

Transportation has completed the review and we have the following comments for re-zoning.

1. The applicant should be aware that no access to the north future development block will be permitted off of Colonel Talbot. It is recommended that the site layout be revised so access can be provided via the single access to Colonel Talbot, opposite of 2615 Colonel Talbot. Based on the currently proposed layout the application should be aware that they are landlocking the north future development block. Access to the block may be feasible in the future when the extension of Garret Ave is completed. Timing for that is unknown.
2. A 0.3m (1ft) reserve is required along Colonel Talbot Rd -Future Residential Block 2 frontage.
3. As communicated via email on Jan 30, 2020 access to 920 Southdale Rd west shall be provided through 952 Southdale via an easement for access as per the Highland Ridge Phase 1 Subdivision agreement related to Block 68, subject to the findings of an accepted EIS to determine the limits of the PSW.

The application should be aware that the following TIA updates and other details to be addressed through site plan include:

4. Updated TIA based on comment #3 above.
5. The proposed Colonel Talbot Rd access generates from 93 to 139 vehicles per hour turning right in the AM, PM and Sat peak H. Previous outstanding comments: *As per the City's Access Management Guide right turn lanes should be considered when the volume of right turning vehicles is between 10 to 20 percent of the through volume, subject to a minimum of 60 vehicles per hour in the design hour. Based on the TIA the southerly access is forecasted to generate 112 to 130 vehicles per hour turning right in the AM, PM and Sat Peak, which is equivalent to 18 to 36 percent of the forecasted NB through volumes for 2025 (avg 26%). Based on this data a right turn lane is required. TIA to be updated to include these recommendations.*
6. Consistent with the previously provided TIA comments: As communicated on July 4, 2019 and Jan 30, 2020 the access on Colonel Talbot Rd requires the construction of left and right turn lanes on Colonel Talbot Rd. TIA must be updated to demonstrate the availability of space to accommodate minimum NB left turn lane for Cherrygrove Drive and the SB left turn to the northerly site

access. As per DSRM Section 2.1.15., storage lengths shall be determined based on a traffic study. The minimum storage on a Civic Blvd shall be 45m with storage starting 15m from the centreline of the cross street of at the stop bar, with a 30 parallel length and 65m taper (based on a design speed of 60km/h).

7. Consistent with the comments previously provided, the number of stacking spaces for the drive-through does not meet city standards. Justification/modification required through site plan.

#### *Sanitary (SED) (January 14, 2022)*

- This is to be read in conjunction with Stantec' March 2016 analysis, , regarding the proposed development at 952 Southdale Rd W. SED offers the following comments:
- In general SED has no objection to the proposed development, however, noting the suggested mix of residential and commercial land uses and shared sanitary sewers SED will require the sanitary sewer in this instance be a municipal sanitary sewer with appropriate easements (from Southdale Rd to proposed MH S6). The proposed sanitary sewer routing is to be adjusted to align more with municipal standards.
- With this being a municipal sanitary sewer, it must be confirmed that the municipal address 2615 Colonel Talbot Road can also be included in the future as an external area contributing flow that ultimately discharges to the existing 200mm diameter sanitary sewer on Southdale Rd West. SED's expectation is that Stantec also include these lands as external land to a proposed municipal sanitary sewer through 952 Southdale Rd West or in an alignment along Colonel Talbot Road to Southdale and co-ordinated with Transportation's roundabout project in their final report.
- The proposed sanitary sewer fronting the residential component will not be supported by City Staff unless it can be confirmed that OHS trenching requirements are met and no encroachment on to City lands is permitted. If this can not be achieved, the proposed sanitary sewer will have to be relocated.
- According to the Transportation master plan, there is roundabout planned for 2024 at the intersection of Southdale Rd W and Colonel Talbot Road. SED's expectation is that the consulting engineer consider the future roundabout and ensure that no MH' will be located in the future side walk or incur any conflicts.
- P&D can be contacted if further details/meeting is required. SED will need to be copied on the revised municipal sewer alignment, appropriate easements, maintenance access, and revised area and population prior the application moving forward.

#### *Sanitary - Revised Comments (September 7, 2022)*

- The City is planning to install a municipal sanitary sewer in the ROW (outside of the site plan) since the roundabout is now planned for 2023. The new sanitary sewer for this area is not expected to affect these lands. Sanitary will coordinate service connections with 952 Southdale as part of the infrastructure project. Nothing further needed at this time.

#### *Water and Stormwater Management (January 31, 2022)*

- It is understood that the site does not have a municipal stormwater outlet, or access to an external storm sewer connection. As such, the consultant is to acknowledge that stormwater run-off generated from the site is expected to be handled and treated onsite.
- No comments received from Water.

#### EEPAC Working Group (December 5, 2021)

- EEPAC has two principal concerns with this development: first, the proposed buffer width of 10 m is grossly inadequate to protect the PSW from further degradation of function and is significantly smaller than the minimum width (30m) as required by the 2007 Environmental Management Guidelines

- At least the minimum buffer width should apply unless compelling evidence is provided that shows the natural heritage feature or function will be adequately protected by a narrower buffer.
- Second, the post development stormwater management plan is also inadequate to protect the PSW from further degradation of function. Taken together, EEPAC considers this development in its current form to be wholly inadequate at protecting the PSW.
- **We recommend that the development plan be redesigned as EEPAC believes the current design does not ensure no net loss.**
- Specific details and recommendations, as well as other observation from our review of the EIS and Hydrogeological Assessment are provided below.

*Topic 1: Buffer Width*

- The proposal states that a “10 m distance has been provided in all locations of the development proposal, with the exception of the road access from Southdale Road where it narrows to 3.5 m.” (EIS p.23) The City of London’s Environmental Management Guidelines (2007) recommend “a 30 m minimum buffer width for wetlands for water quality benefits” (p.122). Additionally, Beacon (2012, Table 7) indicated that buffers under 10 m from the Critical Function Zone (“CFZ”) of the wetland have a high risk of not protecting the wetland feature (Core Habitat protection) and function (water quality). There is no CFZ proposed hence the risk to both core habitat protection and water quality is very high in EEPAC’s opinion.
- The proposal identifies a number of incursions into the buffer including the construction of a retaining wall on the eastern boundary of the Subject Lands to accommodate the amount of fill needed to create more accessible grading and slopes within the site. EEPAC is concerned about possible construction damage as it is anticipated to take place within the all too small 10 m being allocated for the buffer (Figure 12 EIS). As well, page 23 of the EIS makes reference to Table 4 “A Net Impact Table” of a pedestrian trail. EEPAC also notes a cycle walking trail is shown on Map 4 of the London Plan. Figure 7 – Development Plan, shows the pathway within the wetland boundary in the northern part of the site. The pathway itself would take up 5 m (3 for a paved path and 1 m on each side) of the buffer reducing its effectiveness.
- Another outcome of the construction and an inadequate 10 m buffer described in the EIS is the impact on Terrestrial Crayfish chimneys found in the proposed buffer along the edge of Community 2 adjacent to the wetland communities [Figure 6] (EIS p12). Development within habitat for the Meadow and Chimney crayfish will result in direct loss of their habitat and possibly extirpation of the local population.”
- “Excavation and filling where there are burrows will physically destroy the burrows and associated tunnels used by terrestrial crayfish. Heavy machinery may cause sufficient soil compression to damage or destroy burrows and subterranean tunnels.” Additionally, where development alters the habitat’s hydrology, ecological function may be reduced or lost. (P. 391 – 392 SWHMiST 2014)
- **Recommendation #1:** Redesign the proposal incorporating a consistent 30 m buffer along the eastern edge of the property.

*Topic 2: Stormwater Management Proposal*

- The proposal states that the stormwater will be managed on-site with a mixture of two underground storage facilities and rooftop water storage [Figure 8 and 10], of which the latter drains directly into the adjacent PSW. Water collection via storm sewers routed to oil-grit separators will be used to treat the water entering the storage facilities. Water will be released from the storage area slowly and the outlet will spill to a rip-rap pad to help diffuse the velocity of the flow and minimize erosion (Stantec 2019, EIS p. 21). The storage is designed to capture the entirety of a 2-yr storm event over 83% of the property. Lastly, the groundwater table onsite is at or close to ground surface during seasonally wet periods, which limits the potential for LID. EEPAC has specific concerns with respect to this stormwater management proposal:
  - This appears to be a complex system and EEPAC is unaware of similar systems in London for similar sites and their long term track record.

- Water collected on the roof of the store may be at too high a temperature for discharge to the PSW (thermal pollution).
- The system appears to be designed to handle a 2-yr storm event, which is inadequate to manage quantity and quality control for discharge to the PSW in the event of a larger storm, which are certain to occur (e.g. London has had larger storm events a number of times in just the past few months).
- Given that the PSW is already negatively impacted from high salt concentrations, this storm water plan does not adequately address how salt will be managed – the Groundwater Report noted that “there is a risk that surface water run-off from the site could be responsible for increased salt loading during late winter and early spring periods.” (LDS pg. 35)
- The design is unclear as to what will be managed on site and what will be sent offsite through stormwater sewers. “It is understood that the site does not have a municipal stormwater outlet, or access to an external storm sewer connection. As such, stormwater run-off generated from the site is expected to be handled and treated onsite.” (LDS paragraph 1, pg. 45) followed by “Stormwater run-off containing contaminants (from site pavements) are expected to be captured and directed into a storm sewer system for treatment.” (LDS bottom of page 48, top of page 49).
- Overall due to the complexity of the system outlined in the Hydrogeological Assessment, the case has not been made that a SWM system can be designed to protect either the Significant Wildlife Habitat (see above regarding terrestrial crayfish) or the wetland features and functions.
- **Recommendation 2:** Additional monitoring be conducted on site to validate the conclusions from the hydrogeology report (consistent LDS’ recommendation on pg. 36 of the Hydrogeology Assessment). Additionally, it was not clear if a monitoring well had been placed in a location where LID measures were proposed to demonstrate that LID is feasible for the site. With these concerns in mind, EEPAC feels insufficient information is available at this time and therefore we recommend that the application should not move forward until the ongoing fieldwork is completed to the satisfaction of the City and the UTRCA. Waiting for detailed design is not appropriate, the data collection needs to take place sooner and throughout the spring of 2022.
- Additional recommendations include:
  - If the final SWM design includes roof run off, the thermal impacts of stormwater run off must be mitigated to the satisfaction of the City and the UTRCA. Standing water on flat roofs will be hot in summer.
  - The detail design of the SWM and development may result in changes to the LID areas and whatever additional measures are necessary to ensure adequate infiltration is achieved. There needs to be a check on the SWM design prior to approval of construction to ensure it actually meets objectives.
  - “It is recommended that geotechnical inspection of materials which are used onsite and field testing during the construction phase of the project be carried out to confirm that infiltration rates which have been used for design purposes are appropriate to the actual site conditions.” (LDS p.22)
  - Additional LID measures are recommended to ensure that adequate infiltration is achieved. These measures may include but are not limited to the use of grass swales in greenspace areas, infiltration trenches, and reduced lot grading (LDS, 2021).”

*Topic 3: Hydrology and Water Balance Assessment*

- Maintaining current surface and groundwater flow conditions is important to maintaining the health of the PSW. Both the shallow unconfined overburden aquifer surface water (via two swales) drain into the wetland. Water quality testing indicates elevated chloride and sodium levels, which is “unsurprising” based on the adjacent main roads and the use of salt for snow and ice control. From the Hydrogeological Assessment: “Due to the surface water flows that occur under current conditions, and the base flow contributions from upgradient areas around the wetland feature, it is anticipated that both surface water and groundwater

contributions help to sustain the form and function, and recharges the wetland feature.” (LDS p.35)

- With the need to maintain current flow conditions, we felt the water balance calculations made it difficult to determine the extent to which the proposed development will impact waterflow within the site to the PSW given the assessment was for the site its entirety, and did not, in our opinion, adequately differentiate flow from the proposed development areas to the PSW (i.e. all flows were co-mingled).
- A better understanding of the impact on the development would be an evaluation of Catchment 101 (pre-development) and Catchments 201, 203, and 204 (post development) – i.e. exclude the wetland feature from the analysis as the wetland will not be changing. Additionally, the assumptions for post-development are somewhat unclear – does it assume the entire site concept is developed, or just the retail portion? Please note the post development catchment areas were not shown correctly in the Hydrogeology Assessment received from EEPAC (second figure in Appendix G). Additional comments and questions for each catchment noted on LDS page 42 are:

Catchment Area	Description	EEPAC's comments
201	Contains the future parking lot and small commercial buildings in the southwest quadrant of the site. It has been assumed that stormwater run-off in this area will be directed to storm sewers for water quality treatment.	Why is it assumed stormwater will be directed offsite when in the previous paragraph (p. 42) LDS states: “it is understood that the site does not have a storm sewer outlet, and that it is anticipated that the stormwater generated from the site will be accommodated onsite.”
203	Contains the future development block in the southeast corner of the site. May be used for future townhouse block, however details for this area are not currently confirmed.	It is not clear what assumptions are being used for this parcel – does the water balance assume the site is fully developed with townhouse blocks?
204	Contains the rooftops of the proposed residential buildings, large grocery store, and commercial building closest to the wetland. It is recommended that stormwater run-off in this area be directed towards an infiltration feature which outlets at the wetland.	Does the water balance assessment include the impact from the infiltration galleries?

- **Recommendation #3:** In order to clarify the water balance on the site conduct an assessment of: pre-development conditions; post development conditions without any mitigating factors (e.g. LID); and post development conditions with the mitigating factors be carried out. In particular, the water balance assessment should also differentiate between a water balance assessment for the wetland itself and for the areas being developed. Lastly, EEPAC echoes the recommendation in the Hydrogeological Assessment that “when additional information regarding the stormwater management strategy is available for the site, the water balance should be updated to reflect stormwater catchments used in the design.” (LDS p 42)

*Topic 4: Construction Related Impacts*

- Given the relatively shallow groundwater table (according to the data collected so far, the surface of the tableland is covered in water at various times), coupled with the adjacent wetland, construction related dewatering must incorporate adequate quality and quantity controls to ensure that dewatering does not reduce (or increase) water flow to the wetland, nor result in an increase in sedimentation. The EIS noted that “it is during construction when the greatest potential impact to the adjacent feature can occur as the site is graded. Above and beyond sediment and erosion control measures, grading works within 30m – 50m of the wetland require a very high level of management. Interim stormwater management during site grading and construction will also be critical.” (EIS pg. 19-20) However, EEPAC points out there is no indication in either the LDS report or the EIS where dewatering will outlet to. Normally, it is into the city’s stormwater system but there are no outlets on this site nor are they proposed prior to construction.
- Given the current site design includes a retaining wall as close as 3.5 m from the PSW, construction will undoubtedly take place even closer. While the LDS report recommends a detailed erosion and sediment control plan be created, EEPAC is skeptical that even “robust” or “heavy duty” or a “multi-barrier approach” sediment control fencing (all forms used in the EIS pgs. 24-5) will prevent some siltation and other construction impacts to the feature, especially given how close construction will occur to the feature.
- **Recommendation #4:** EEPAC’s baseline recommendation remains that this development requires significant re-design to protect the integrity of the PSW. However, were the development to proceed as proposed, a detailed ESC plan approved by the City and the UTRCA must be a condition of approval. Additionally, the construction recommendations outlined in the Hydrogeology Assessment (LDS page 51) must be followed, at minimum, with additional stronger dewatering requirements which must be followed.
- **Recommendation #5:** EEPAC recommends that there be daily monitoring of water levels as suggested on page 57 of the LDS report, including measuring turbidity. Additionally, echoing other recommendations in the Hydrogeological Assessment, construction should only take place during the drier summer months given the shallow groundwater conditions and the lack of a clear outlet for dewatering activities. No excavation work should take place during wet weather seasons.

*Topic 5: Post Construction – Snow Removal and Salt Management*

- On page 52-3 of its report, LDS proposes a snow removal and salt management strategy. EEPAC is not aware of any property being managed to the standard suggested by LDS. EEPAC is concerned that there is no assurance such a plan would be implemented, monitored and sustained in the short or long term. The precautionary principle (a minimum 30 m buffer) should be followed rather than placing the bar so far above standard procedures for snow removal and salt management.

*Topic 6: Review of Recommendations in the EIS*

If the development as proposed is accepted, EEPAC provides the following comments on the recommendations contained in the EIS. Overall, the EIS discusses many requirements to avoid impacts – EEPAC overall views that the greater the buffer, the less the risk.

Nos.	EEPAC Comment
1	EEPAC does not support LID measures on private property as maintenance is an ongoing issue and there is no mechanism EEPAC is aware of to inspect and deal with maintaining the function of such facilities.
2	The current vegetation between the site and the wetland (Community 2) appears to be removed during construction. So rather than a more appropriate buffer this recommendation ignores the impact on Community 2 and recommends something called “active naturalization.” This recommendation also seems to ignore a paved pathway in the buffer (and at times, in the wetland at the north end of the site according to Figure 7 - Development Plan, in the EIS and LDS reports), which will essentially reduce the amount of “active naturalization.” What is active naturalization?

Nos.	EEPAC Comment
4	<p>There should be no need for a retaining wall with a 30 m buffer from the wetland. The construction of a retaining wall where proposed will likely result in a net loss of some of the feature because of the scale (4 m different in height between the tableland and the feature) and the distance from the feature (EIS p. 24 says the wall will be within 3.5 m of the feature). Construction will be even closer to the feature and possibly in the feature.</p> <p><b>Recommendation #6</b>– If this development is approved as is, an ecologist, retained by the city at the proponent’s cost, should be required to be on site daily during construction and have authority to stop construction.</p>
4, 10, 11, 12	<p>It is unlikely even “robust” or “heavy duty” or a “multi-barrier approach” sediment control fencing (EIS pgs. 24-5) will prevent some siltation and other construction impacts to the feature.</p>
5, 6, 7	<p>EEPAC agrees a detailed interim stormwater management, regardless of the final site design, is required. It must be to the satisfaction of the City and the UTRCA. It is unclear from the EIS how surface flows will be unaffected during construction or the time it will take between construction and the completion of the final stormwater design. EEPAC is not aware of a similar SWM project in the city adjacent to a PSW that has been successful.</p>
13	<p>EEPAC agrees, although one would have expected a clearer time line other than “as soon as possible.”</p>
14	<p>This recommendation could be improved by making this a condition of development approval and included in the construction contracts. Or an inspection schedule, to the approval of the city, be developed to reduce the likelihood roof leaders will be connected before areas are vegetated. However, EEPAC points out this recommendation presupposes that connecting the roof leaders will be part of the approved SWM plan for the site. With a 30 m buffer, the final stormwater management plan may differ.</p> <p><b>Recommendation #7</b> – depending on the final SWM design an amended EIS may be required.</p>
15	<p>EEPAC agrees that fencing MUST be required</p>
16	<p>EEPAC agrees. Moreover, given the rest of the legal parcel is part of a PSW, the proponent consider donating the lands to the City which should result in no capital gains tax and obtaining a tax receipt for the value of the land.</p> <p><a href="https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program/publications/donation-income-tax-scenarios.html">https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program/publications/donation-income-tax-scenarios.html</a></p>
17	<p>The report was unclear as to the application of this recommendation as it relates to Kildeer (stated) and Bank Swallows (not stated)</p> <p><b>Recommendation #8</b> – a clearer recommendation re nesting birds be included in the development agreement and building permits</p>
18-21	<p>EEPAC agrees. We appreciate the recommendation for permanent signage</p>

With respect to the Monitoring Plan (page 27) of the EIS:

- Noted that there is nothing in this section of the EIS related to the feature or its functions. The LDS report also recommends an EMP and page 3 states: “Outline recommendations for an environmental monitoring program to characterize water quality in the wetland during and post construction.” Sadly, the HydroG report only has bullet points of what might be included at the detailed design stage (LDS p.55).
- **Recommendation #9** - EEPAC recommends that monitoring plan at detail design subject to the approval of the UTRCA and City be a requirement of all development agreements and site plans given that various phases are proposed.
- **Recommendation #10** – the monitoring plan must include base line condition of water quality and quantity, ecological function and reporting on these measures

must be reported at least annually to the City and UTRCA. In addition, given some impacts may be long term, a specific holdback of funds from the proponent be required for any mitigation or compensation that may be required for no less than 5 years.

*Topic 7: Additional Comments*

- The EIS did not address the following element at the end of the Scoping document included in the EIS (found on page 61 of 83 of the PDF document):
- “EIS to address potential wetland interference/ removal on edge/ within feature limits as identified on City of London 2020 air photos.”
- **Recommendation #11:** EIS be considered incomplete until this is addressed
  - p. 16 of the EIS - Water Quality and Quantity “Water quality and quantity contributions from the Subject Lands to the adjacent North Talbot PSW will need to be considered further in this EIS.’ This does not appear to have been addressed in the EIS.
  - EEPAC did not receive the Geotechnical Report LDS did from Oct 2020 which was referenced in the Hydrogeologic study. “LDS has also prepared the Geotechnical Report (October 2020) outlining geotechnical comments and recommendations related to the proposed site development.”
  - None of the Figures show where observer was while conducting the amphibian calling surveys. Surveys were conducted in 2017.
  - Appendix H includes a response from the MECP whose guidance expired Dec 31, 2020.
  - The London Plan policies and maps are in force and effect. Why are the previous Official Plan policies and schedules still referenced?
  - Figures showing features and outlines of built features are incomplete or even misleading. See Fig 9-11 for examples of headings in the key without lines on the site drawing or lines without headings in the key. Figure 5A was missing all of the information from the key.
  - The entire PSW is not shown in the air photo figures which is annoying at best and understates the significance of the feature.
  - The full extent of the PSW is noted on Ontario GeoHub (see appendix) and Map 5 of the London Plan. It should be clear to everyone the extent of the PSW.
  - LDS report p. 40 – “Based on information from Stantec, it is understood that Buttonbush Wetland has a contributing drainage area of 77.4 hectares, much of which has been subject to urbanization, and has an approximate impervious level of about 63 percent. It is important to note that this assessment does not consider the broader catchment area for the wetland area, which extends beyond the subject lands. This water balance is based on the onsite contributions, through surface water (stormwater run-off) and onsite infiltration which contribute to the adjacent wetland features. The following table summarizes the recommended elements of the assessment, and provides a reference to the corresponding material within this report.” Although the PSW has been negatively affected by urbanization and previous stormwater management it seems that limiting the water balance report and calculation to this small part (about 4 ha) of the 77 ha catchment means the work, while interesting, may not be very useful in determining post construction impacts to the feature or its functions.
  - From EIS p. 21 “To ensure that features are protected from sedimentation during development, a fill and grading staging plan has been prepared for the proposed development. This staging plan is discussed further under Section 7.2. Frankly, the LDS report on page 56 has more of an outline of ESC measures to be taken. The staging plan does little to mitigate the construction impacts which are more clearly outlined in the LDS report than in the EIS.
  - p. 19 “Further south, in the north Talbot community plan area, a wetland feature that receives major storm water to assist in quantity control has converted from a horse pastured wet meadow beforehand,…” It would be not a good idea to cite this example as a positive one. Beacon’s work in 2014 on EIS implementation noted that the Talbot Village site completely

changed from before development and its use as a SWM facility. See Appendix

- It is also noted that EEPAC previously reviewed work done at for the development at the northeast edge of the Buttonbush Swamp adjacent to the SWM facility built by the developer and noted significant functional issues with the facility that likely had deleterious impacts to the feature and its functions. (see appendix, extract from staff report to Planning Cte )

#### Enbridge (November 11, 2021)

- It is Enbridge Gas Inc.'s request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

#### London Hydro (November 11, 2021)

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

## Appendix D – Planning Impact Analysis and Evaluation of Our Tools

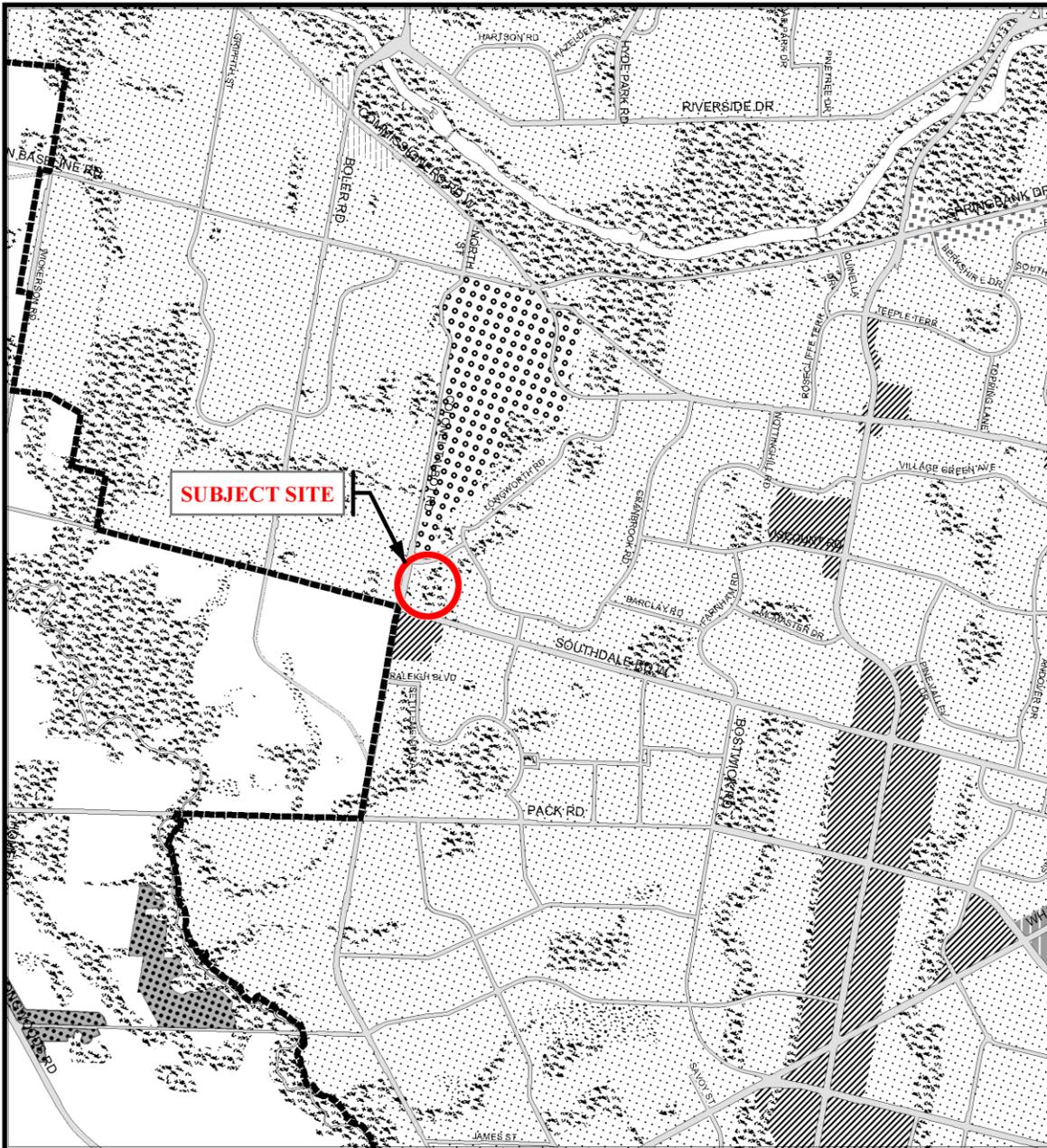
### Planning Impact Analysis (3.7) and Evaluation of Our Tools Planning and Development Applications (1578)

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 as per the Specific Policy for the site. The site is in a location with convenient access to other services, shopping and public transit. The proposed development and recommended regulations result in a compatible form to existing and future land 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 the mix of uses proposed. Special provisions are recommended to ensure any future development can be accommodated fully on site without impacting adjacent areas.
c) The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There is an existing large scale commercial area located on the south side of Southdale Road, and further east along Southdale. However, as per the OLT decision, a limited amount of residential, commercial and office uses are permitted on this site.  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 close proximity to public open spaces (Button Bush Wetland) and parks (Byron Hills Park). There are existing transit services available close by. Community facilities such as libraries and recreational centres are available in fairly close proximity (further east on Southdale Roads – Bostwick Community Centre).
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;	A component of this development will provide stacked townhouse units, which are generally smaller units which can be more affordable than the typical units available in the area.
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 1578_6) i) visual impact 1578_7) f) height	The greatest height is located along the northern end of the site, adjacent to the future extension of Garrett Avenue. There is likely to be additional residential development located just north of the property boundary. The property to the north is low rise in nature (single detached dwelling) but is situated away from the property boundary. The proposed residential use on site is

<p>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</p>	<p>unlikely to have an impact on privacy or shadowing, as the height will be limited to three storeys. The scale of the proposed development is generally in keeping with adjacent developments on the west side of Colonel Talbot.</p>
<p>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</p>	<p>The significant environmental feature located on the eastern portion of the site will be retained, as well as the addition of a buffer (ranging in size from 15m - 30+m) to ensure its future protection.</p> <p>A tree preservation report was submitted with the application. A large number of trees are proposed to be retained along the northern property boundary. Additional information will be required at site plan to ensure tree protection is used during construction.</p>
<p>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</p>	<p>Three access points are proposed for the development: two for the commercial portion (one on Southdale Rd and one along Colonel Talbot Road), and one for the residential block. The Southdale Road entrance and the residential block entrance will be limited to rights in-rights out. The Colonel Talbot access point for the commercial lands is proposed to align with the existing entrance to 2615 Colonel Talbot Road. 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.</p>
<p>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</p>	<p>The height and scale of the proposed residential units will be in keeping with existing development in the area. Lands to the north of the site are primarily vacant. The height and scale of the commercial development is focused at the intersection of Colonel Talbot and Southdale which will help to minimize impacts. The existing neighbourhood character is comprised of low-rise commercial developments, and low-rise residential development on the west side of Colonel Talbot. The proposed first floor commercial units will provide for active uses along the street, add to the streetscape character and provide a street wall to assist with the pedestrian environment.</p>

<p>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</p>	<p>The site is adjacent to a listed heritage property at 2574 Colonel Talbot Road. A Heritage Impact Assessment (HIA) was submitted as part of the complete application. This HIA concluded that no direct or indirect impacts to the cultural heritage resource were identified as a part of the proposed development. As a result, no mitigation strategies are required and no further assessment is recommended. Based on the review, heritage staff are satisfied that there will be no adverse impacts to the adjacent listed property.</p>
<p>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</p>	<p>The site is located on a major road which has potential noise impacts for future residents. A noise impact 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.</p>
<p>l) Compliance of the proposed development with the provisions of the City's <i>Official Plan (1989)</i>, 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</p>	<p>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.  Detailed functional aspects of lighting and garbage would be addressed as part of standard site plan review.</p>
<p>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;</p>	<p>Additional regulations proposed by staff will improve and enhance the design and mitigate certain impacts.</p>
<p>3.7) n) Impacts of the proposed change on the transportation system, including transit 1578_6) c) Parking on streets or adjacent properties</p>	<p>The intensification of the site is within an identified location for growth. The proposed intensification on this site will support and benefit from the transit system. Parking is proposed on site and will provide adequate parking spaces to cater to personal vehicle trips and storage. Parking on adjacent streets will not be possible.</p>

# Appendix E – Relevant Background



### Legend

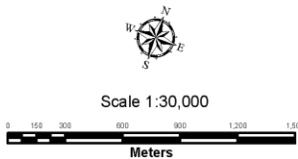
- |                        |                          |   |
|------------------------|--------------------------|---|
| Downtown               | Future Community Growth  | Environmental Review                    |
| Transit Village        | Heavy Industrial         | Farmland                                |
| 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 Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

**CITY OF LONDON**  
Official Plan

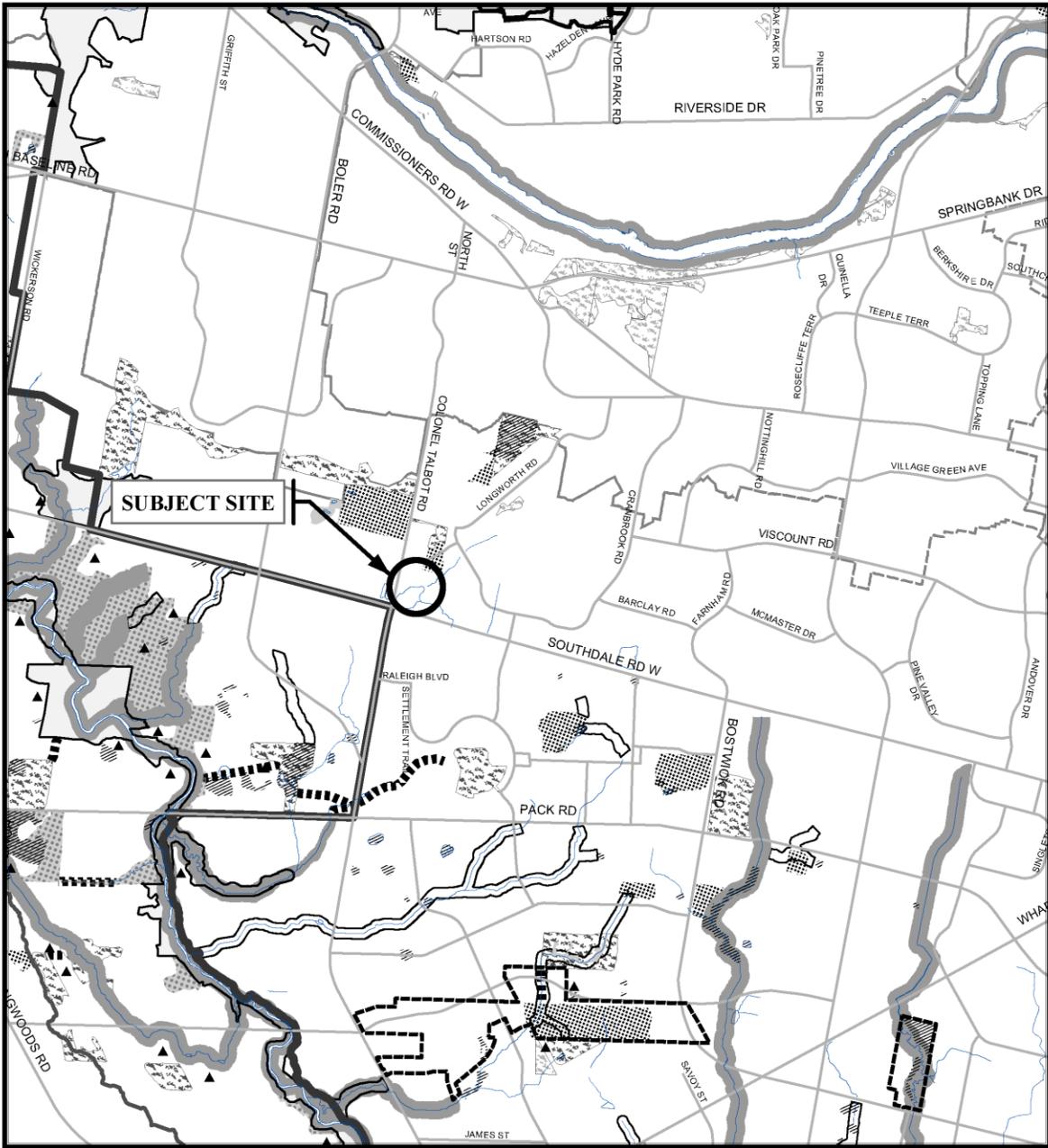
LONDON PLAN MAP 1  
- PLACE TYPES -

PREPARED BY: Planning & Development



**File Number:** OZ-9431  
**Planner:** NP  
**Technician:** JI  
**Date:** 2022/10/13

Project Location: C:\Users\jirving\Desktop\952Southdale\_Map1\_PlaceTypes\_b&w\_8x14.mxd



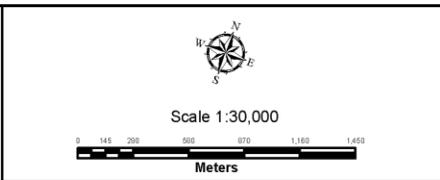
NATURAL HERITAGE SYSTEM		Base Map Features
Provincially Significant Wetlands	Areas of Natural and Scientific Interest	Railways
Wetlands	Environmentally Significant Areas (ESA)	Water Courses/Ponds
Unevaluated Wetlands	Potential ESAs	Streets (see Map 3)
Significant Woodlands	Upland Corridors	Conservation Authority Boundary
Woodlands	Potential Naturalization Areas	Subwatershed Boundary
Significant Valley Lands	Unevaluated Vegetation Patches	Subject to Site Specific Appeals (LPAT Appeal PL170100)
Valley Lands		

*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



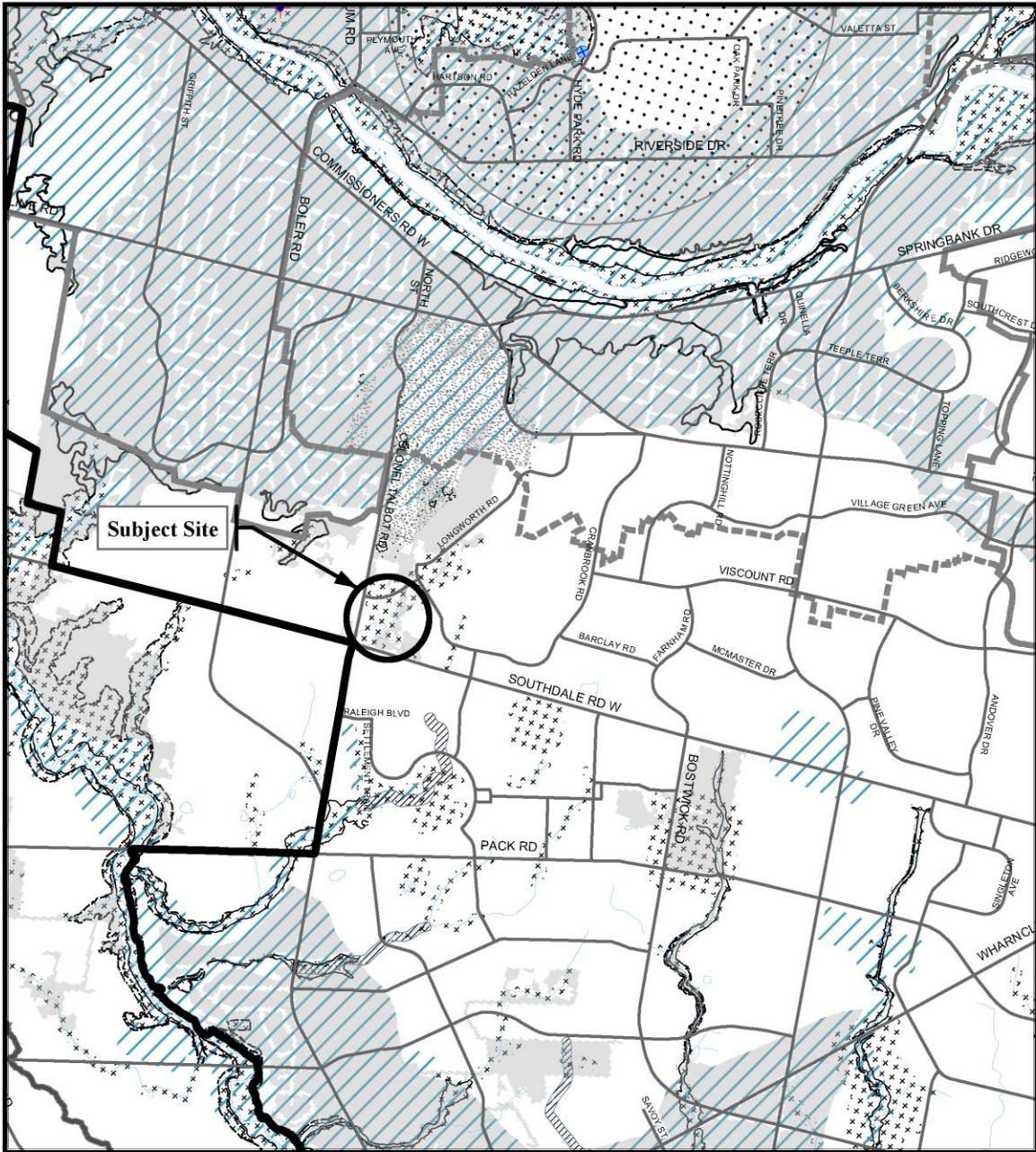
**File Number:** OZ-9431

**Planner:** NP

**Technician:** JI

**Date:** 10/13/2022

Project Location: C:\Users\jirving\Desktop\EXCERPT\_Map5\_NaturalHeritage\_b&w\_8x14.mxd



**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.
- [Grid Pattern] Special Policy Areas
- [Dotted Grid Pattern] 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.
- [Diagonal Line Pattern] Riverine Erosion Hazard Limit for Unconfined Systems
- Maximum Hazard Line

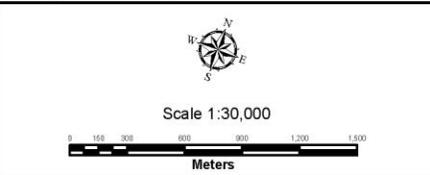
- [Cross Pattern] Conservation Authority Regulation Limit
- [Star Symbol] Abandoned Oil/Gas Wells
- NATURAL RESOURCES**
- [Dotted Pattern] Aggregate Resource Areas
- [Stippled Pattern] Extractive Industrial Areas
- [Dotted Circle Pattern] Wellhead Protection Area
- [Blue Star Symbol] Emergency Municipal Water Wells
- [Grey Box] Significant Groundwater Recharge Areas
- [Blue Diagonal Line Pattern] Highly Vulnerable Aquifers

**BASE MAP FEATURES**

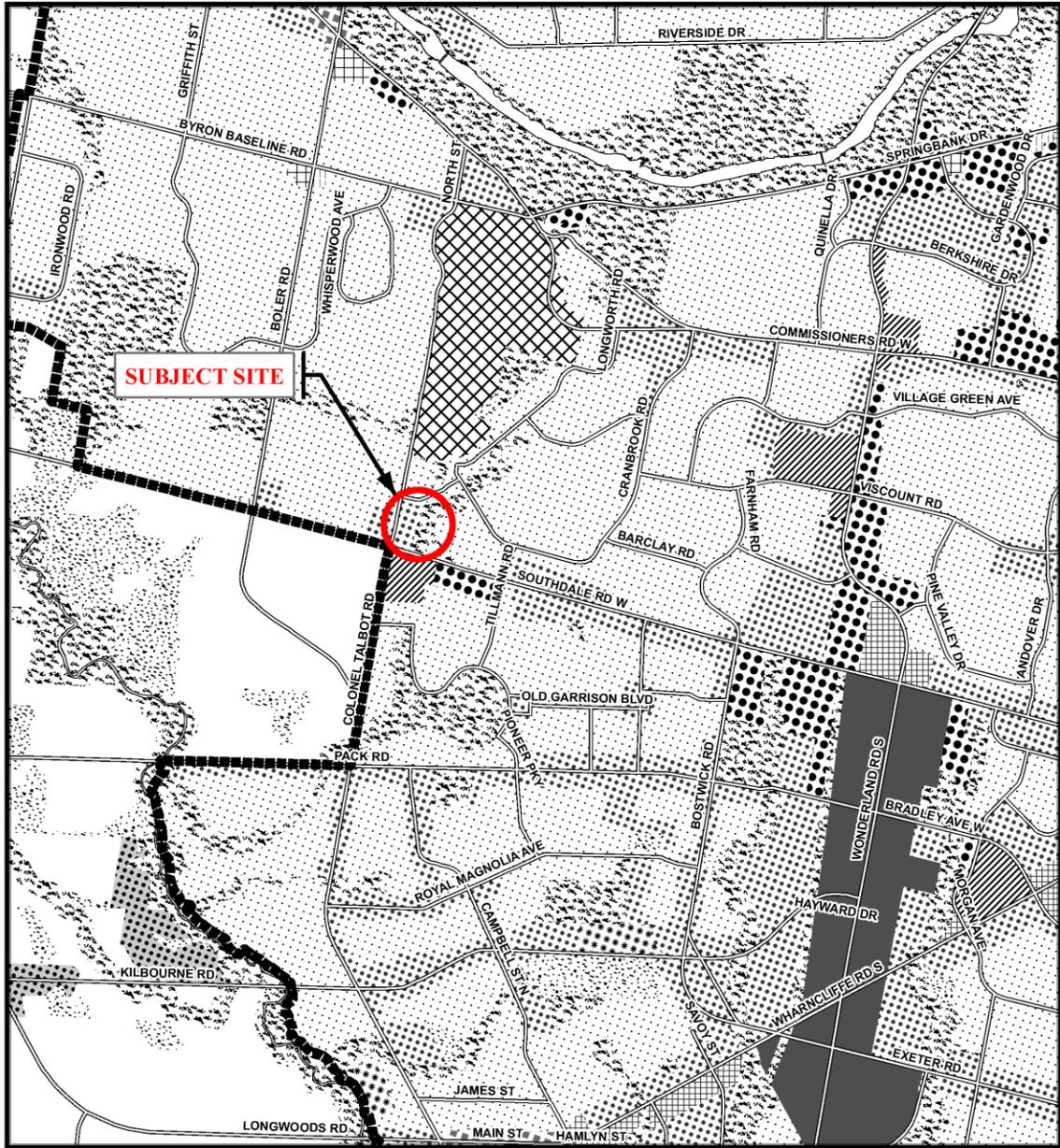
- Streets (see Map 3)
- Railways
- Urban Growth Boundary
- Water Courses/Ponds
- Conservation Authority Boundary
- Subwatershed Boundary

*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



**FILE NUMBER:** O-9335  
**PLANNER:** NP  
**TECHNICIAN:** JI  
**DATE:** 10/13/2022



**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**

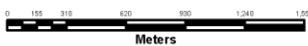
Planning Services /  
Development Services

OFFICIAL PLAN SCHEDULE A  
- LANDUSE -

PREPARED BY: Graphics and Information Services



Scale 1:30,000



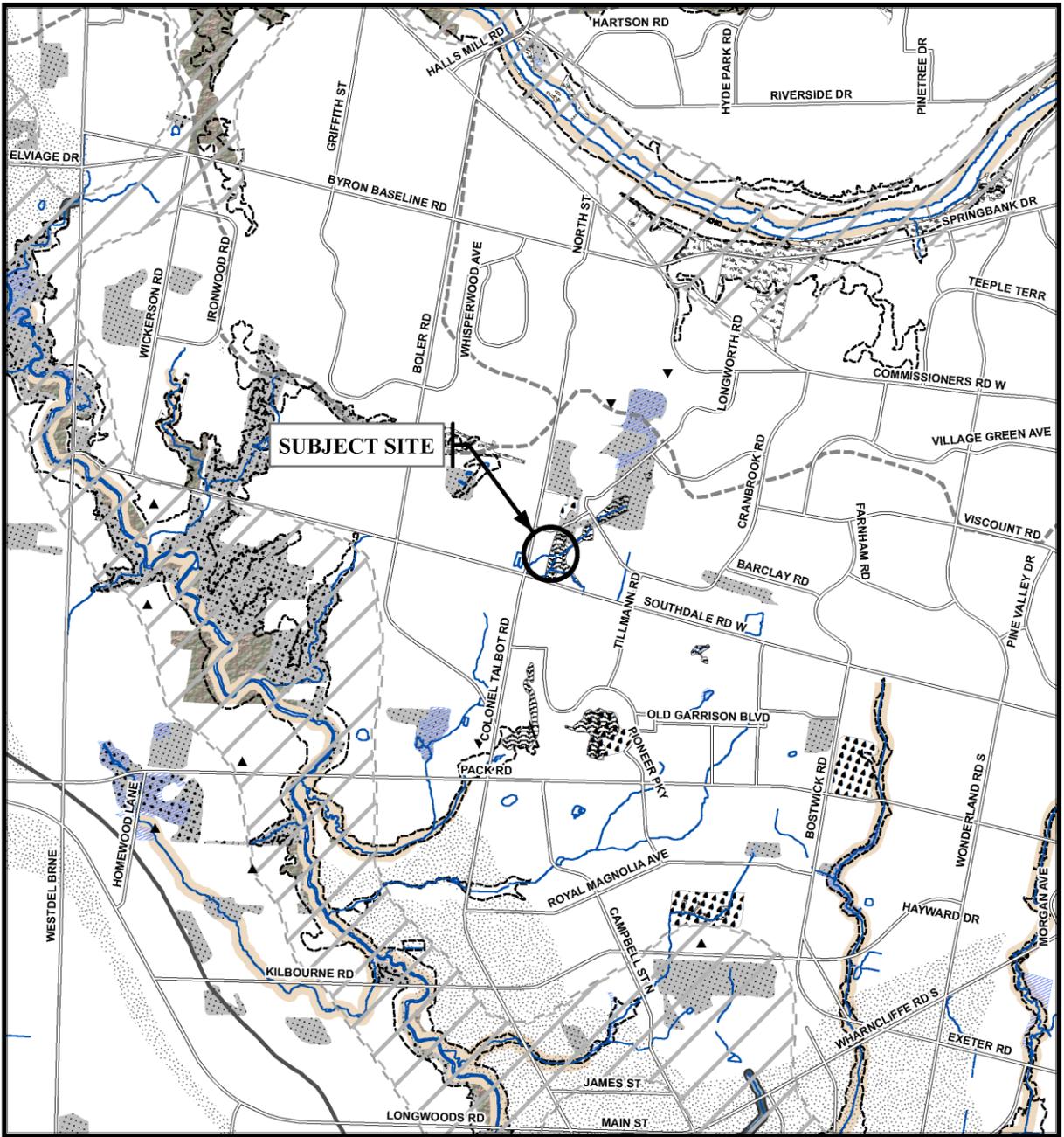
FILE NUMBER: OZ-9431

PLANNER: NP

TECHNICIAN: JI

DATE: 2022/10/13

PROJECT LOCATION: e:\planning\projects\p\_official\planwork\consol00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd



**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.

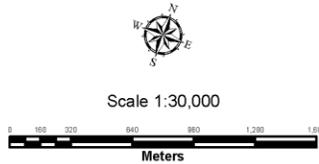
**Base Map Features**

- 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



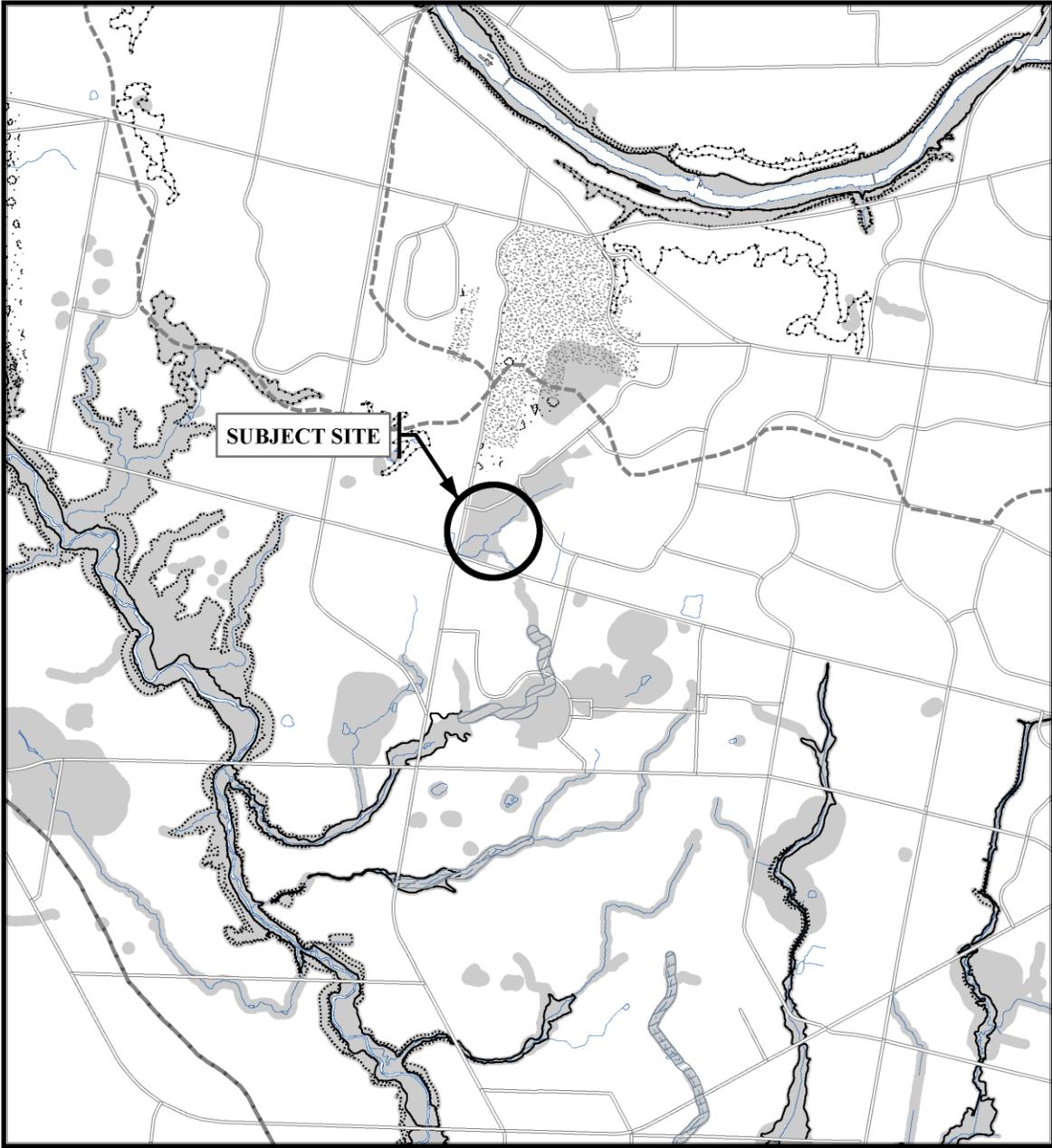
**FILE NUMBER:** OZ-9431

**PLANNER:** NP

**TECHNICIAN:** JI

**DATE:** 2022/10/13

PROJECT LOCATION: e:\planning\projects\o officialplan\work\consol\00\excerpts\mxds templates\schedule\_b1\scheduleB1 b&w 8x14 with SWAP.mxd



**NATURAL RESOURCES**

- Aggregate Resource Areas
- Extractive Industrial
- Emergency Municipal Water Wells

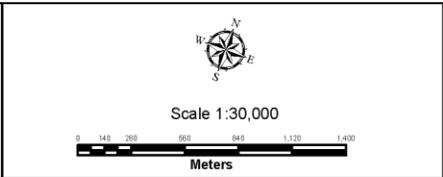
**Base Map Features**

- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Potential Special Policy Areas
- Special Policy Area

**NATURAL HAZARDS**

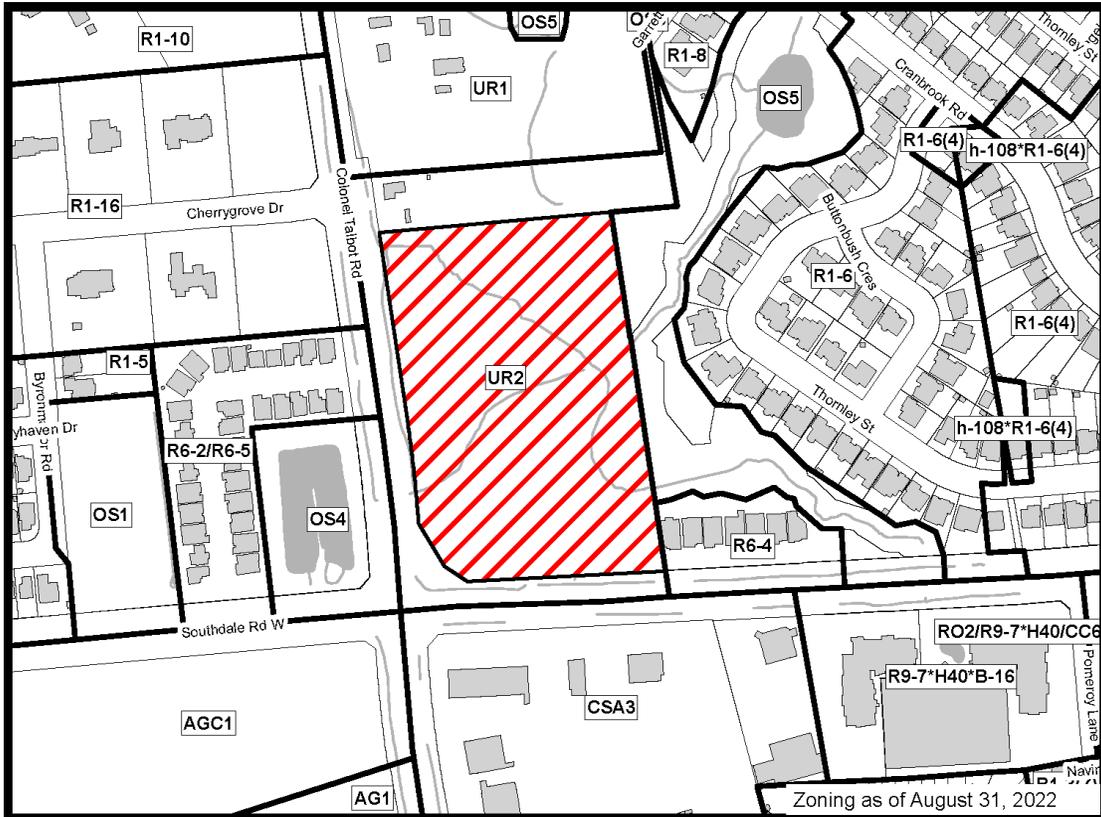
- Regulatory Flood Line  
*NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.*  
*NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.*
- Riverine Erosion Hazard Limit For Confined Systems
- Riverine Erosion Hazard Limit For Unconfined Systems
- Steep Slopes Outside of the Riverine Erosion Hazard Limit
- Abandoned Oil/Gas Wells
- Conservation Authority Regulation Limit

**CITY OF LONDON**  
**Department of**  
**Planning and Development**  
**OFFICIAL PLAN SCHEDULE B2**  
**NATURAL RESOURCES**  
**AND**  
**NATURAL HAZARDS**  
 PREPARED BY: Graphics and Information Services



**FILE NUMBER:** OZ-9413  
**PLANNER:** NP  
**TECHNICIAN:** JI  
**DATE:** 2022/10/14

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol\00\excerpts\mxds\_templates\schedule\_b\scheduleB2\_b&w\_8x14.mxd



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: UR2**

1) LEGEND FOR ZONING BY-LAW Z-1

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

**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-9431

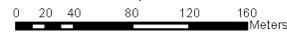
NP

MAP PREPARED:

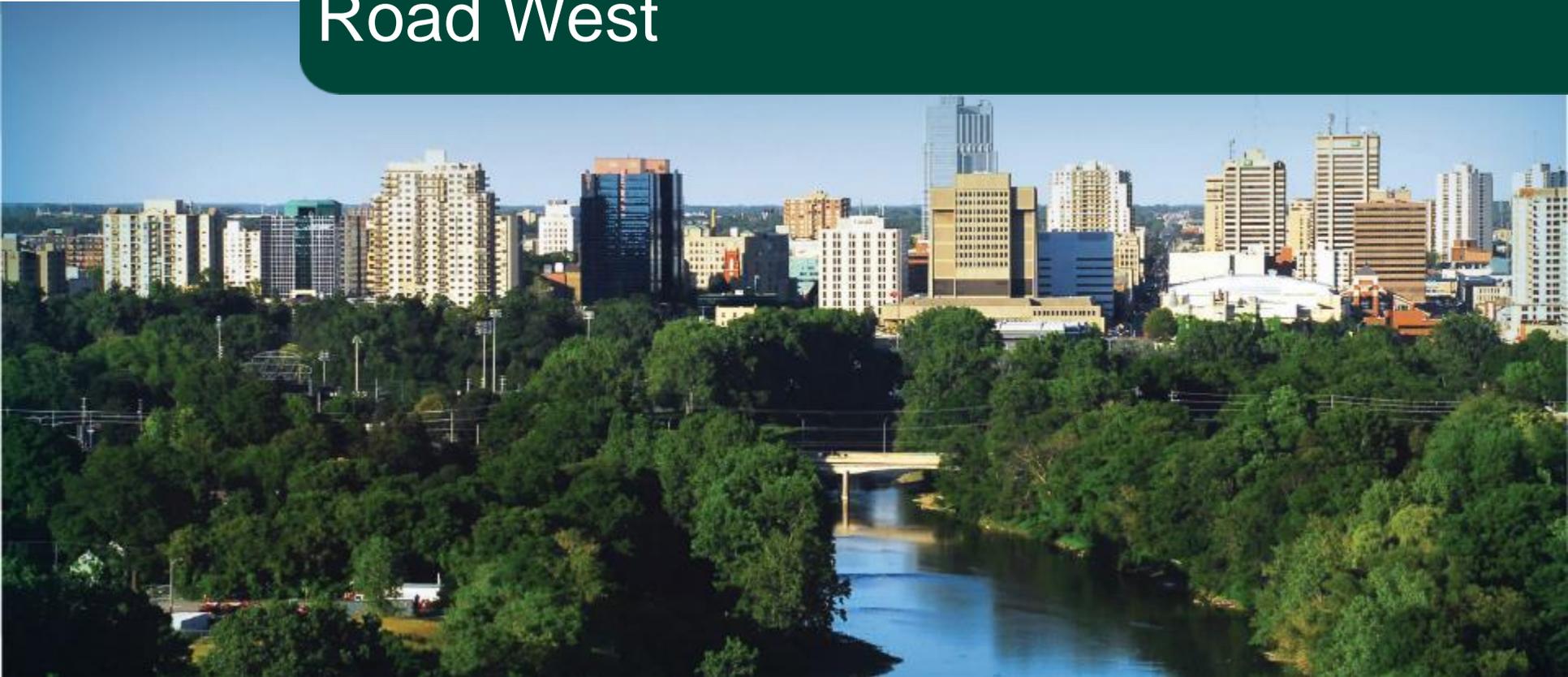
2022/10/13

JJ

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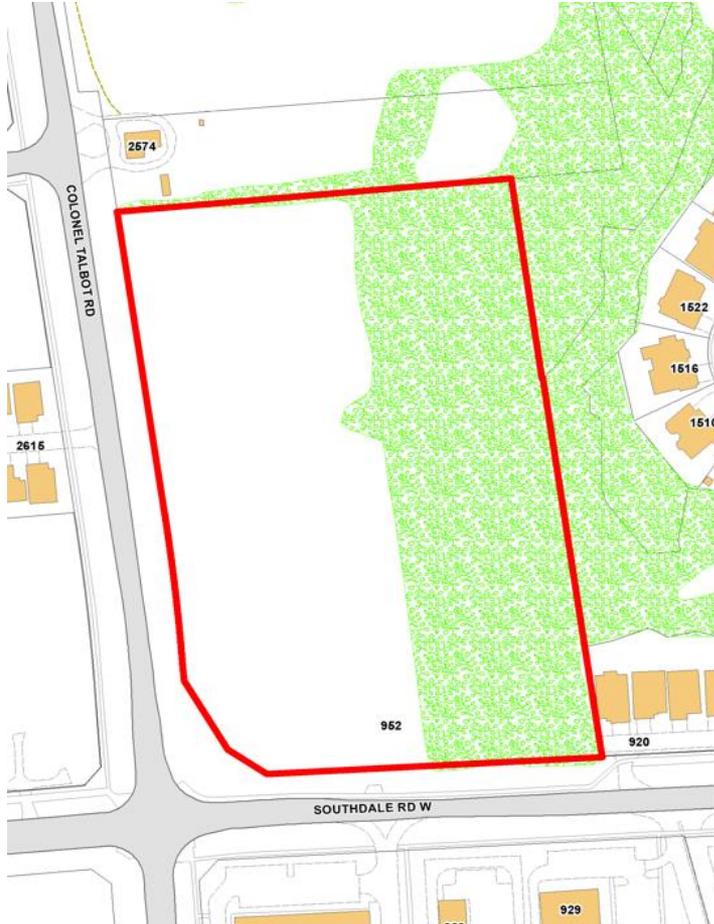


# Slide 1 – OZ-9470: 952 Southdale Road West

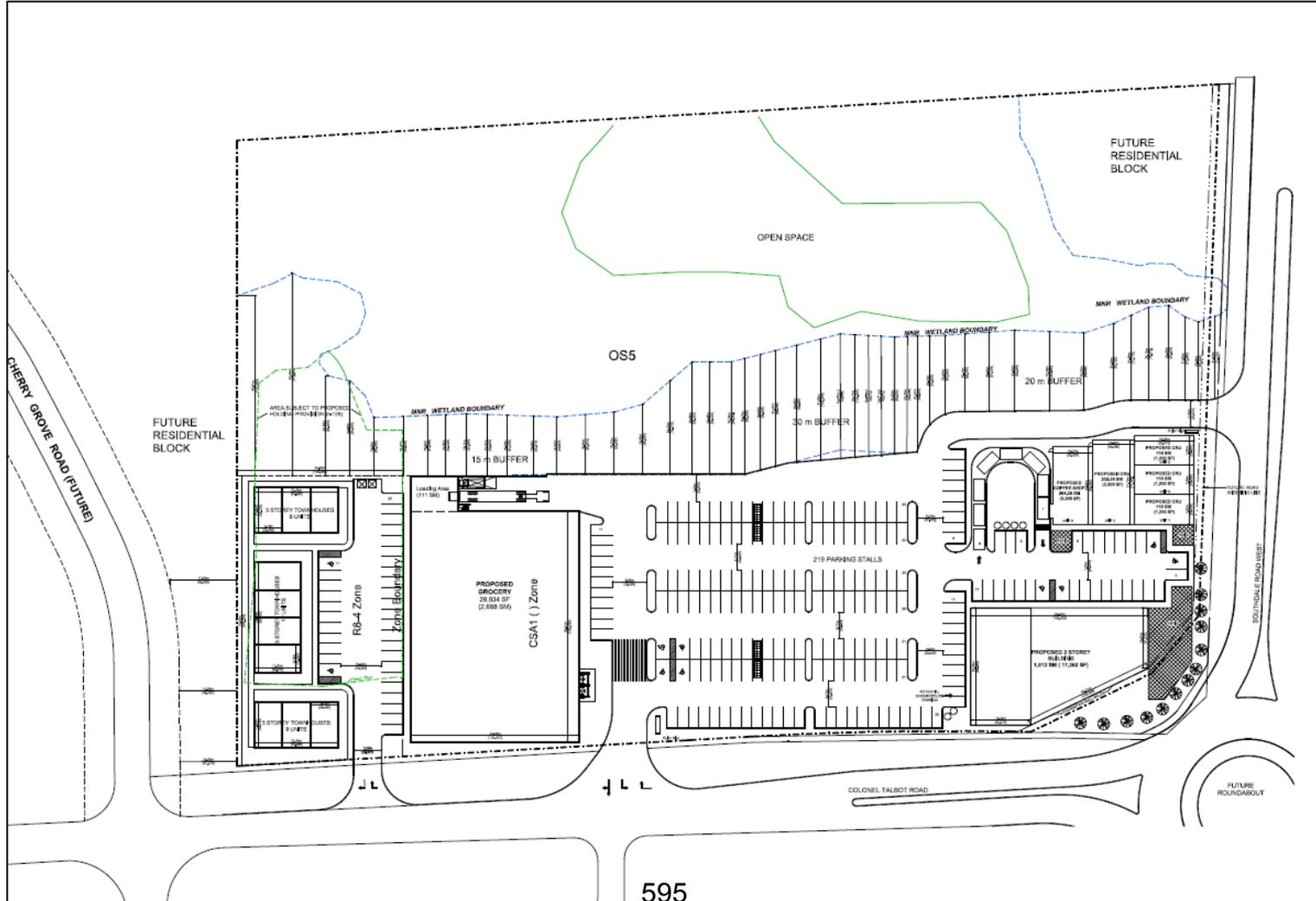


City of London  
November 28, 2022

# Slide 2 - Subject Site



# Slide 3 - Proposed Development



# Slide 4 – Proposed Development





# Slide 5 – Proposed Development



# Slide 6 – Policy Context

## ***The London Plan***

- Special policy as a result of the OLT settlement - permits retail, service and office uses up to a combined maximum floor area of 5,000 square metres
- Developed for a mix of both commercial and residential uses
- Residential uses to orient to future street
- City Design chapter/Shopping Area Place Type will provide direction for this development
- Buffering and/or screening measures to mitigate views of surface parking and to address the interface with lands to north



# Slide 7 – Neighbourhood Concerns

The public's concerns generally dealt with the following matters:

- Density
- Noise impacts
- Obstructions of view
- Loss of property values
- Inappropriate use of lands
- Environmental impacts
- Walkability
- Roadways and entrances
- Traffic flow, volume, and safety
- The future of the temporary access from 920 Southdale Road West



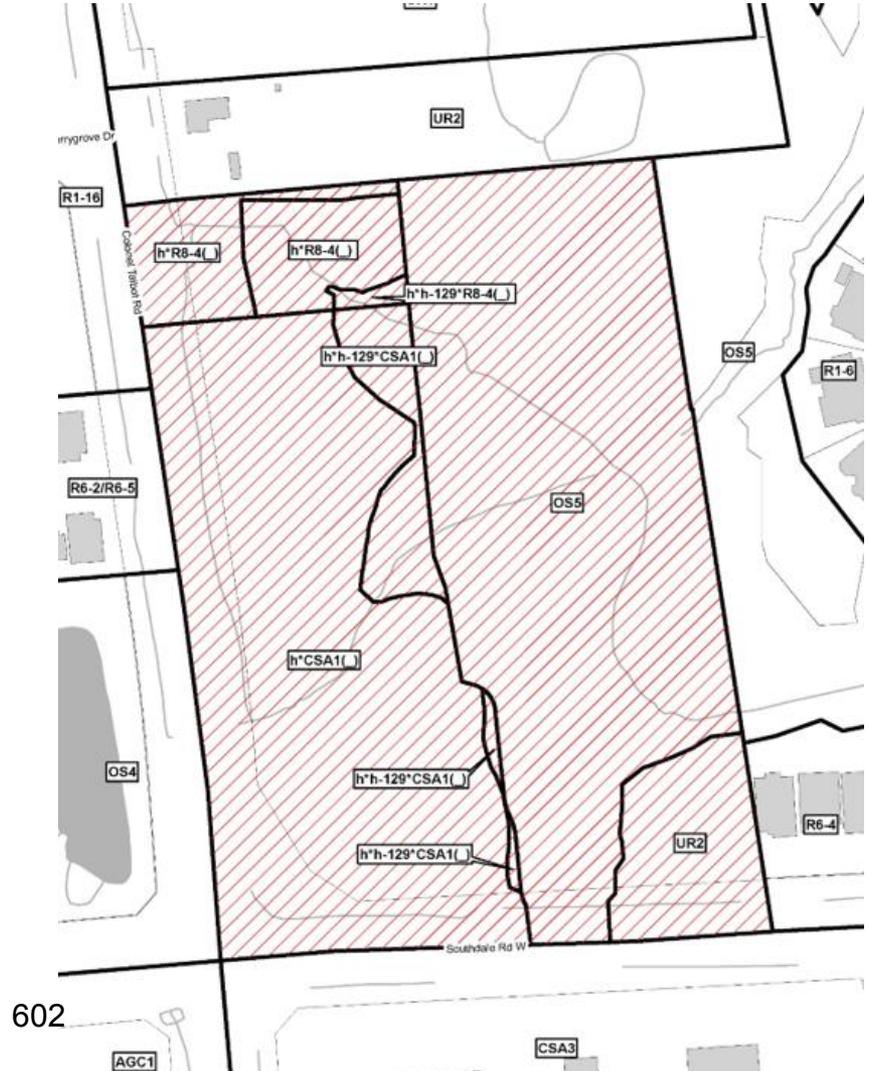
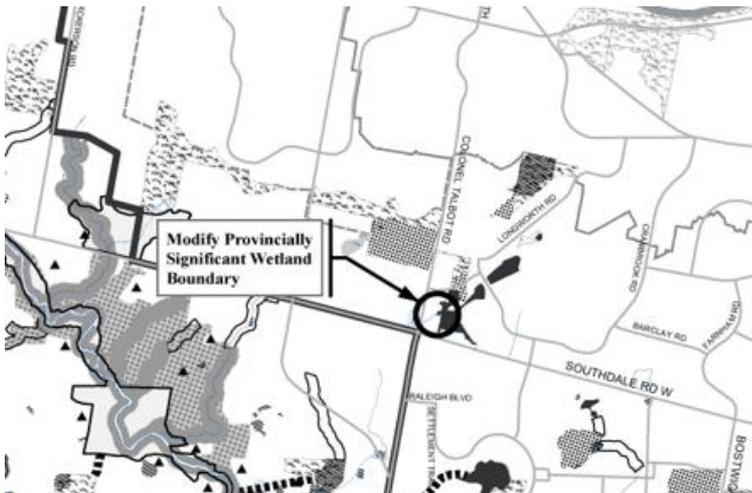
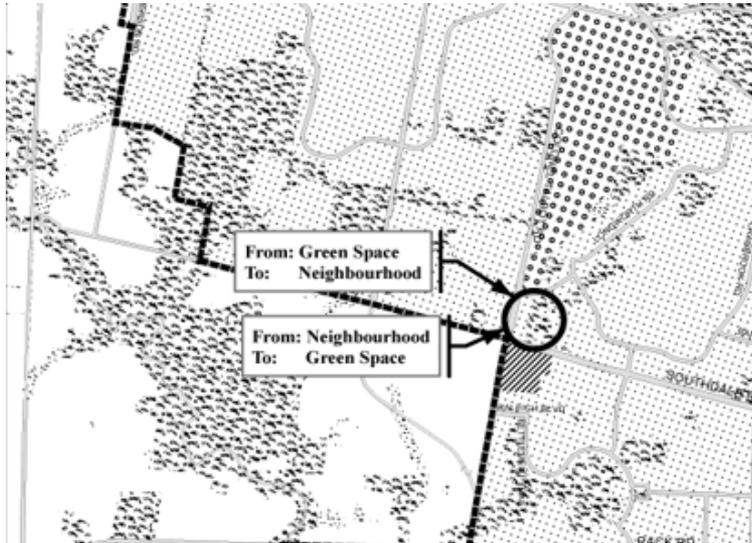
# Slide 8 – Development Limit and Holding Provisions

- Site contains a Provincially Significant Wetland and cultural woodland
- Originally proposed 10 metre buffer
- Additional review and discussion proposed 30 metre or greater buffer in two sections, and a reduced buffer of 15-30 metres in two other sections
- Parks pathway, as identified in London Plan, to be located in buffer
- This option allows protection of the feature while allowing flexibility for development and application to proceed
- Holding Provisions to address:
  - Final reports accepted by Staff (Final Environmental Impact Study (EIS), Final Hydrogeological Assessment and Water Balance Analysis)
  - Restoration and compensation works to the City's satisfaction
  - Final reports accepted by UTRCA (Final Environmental Impact Study (EIS), Final Hydrogeological Assessment and Water Balance Analysis, Final Hydrogeological Assessment and Water Balance Analysis, Servicing Report, Floodline Analysis and Geotechnical Report)
  - A Section 28 Permit from the UTRCA
  - Construction of a median to restrict access to residential

# Slide 9 –Special Provisions

- Staff have recommended several special provisions to facilitate the proposed concept:
  - Front and Exterior Side Yard Depth reductions
  - Density 97 units per hectare
  - Definition of ‘STACKED TOWNHOUSE’ permits units to be stacked three (3) units high, to a maximum height of 13.0 metres or three storeys.
  - The lot line which abuts Colonel Talbot Road shall be interpreted as the front lot line
  - Gross Floor Area of 5000.0 square metres all uses
  - Gross Floor Area of 660 square metres for all Office Uses
  - The primary functional entrance of individual commercial units with frontage on Colonel Talbot Road and/or Southdale Road West shall be oriented to the adjacent street. Grocery stores shall be exempt from this provision.
- There are several special provisions requested by the applicant, detailed in the staff report that are not supported.
  - Rear yard and interior side yard reductions adjacent to OS5 (both zones)
  - Rear yard setback for grocery store abutting townhouses (CSA1 Zone)
  - Parking setback from a road allowance (CSA1)

# Slide 10 - Recommendation



## 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:** Planning Application Process Changes due to Bill 109, the  
*More Homes for Everyone Act, 2022*

**Date:** November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following report with respect to changes to the City's planning and development application process as a result of Bill 109, the *More Homes for Everyone Act, 2022*, **BE RECEIVED** for information.

## Executive Summary

On March 30, 2022, the Province introduced Bill 109, the *More Homes for Everyone Act, 2022* which proposes changes to the *Planning Act* and other statutes. The intent of the legislative changes is to implement some recommendations in the Ontario's Housing Affordability Task Force Report released on February 8, 2022 in order to help address the housing affordability crisis in Ontario. Bill 109 received Royal Assent on April 14, 2022.

One significant change made by Bill 109 is that municipalities will be required to refund application fees for zoning by-law amendments and site plan approval as a result of a failure to make a decision within the statutory timeline. To achieve the intent of this legislation and avoid issuing fee refunds, changes are required to our planning application review process.

This report provides an overview of the City's short-term response to the legislative changes and includes an indication of some of the medium and longer-term actions to be completed. The responses are intended to address potential budgetary and administrative pressure and ensure that applications continue to be reviewed and considered in a timely manner.

## Linkage to the Corporate Strategic Plan

Changes to the planning and development application process are linked to the Leading in Public Service area of focus in the 2019-2023 Strategic Plan. The changes will support increased efficiency and effectiveness of service delivery in a timely manner to ensure that Londoners experience exceptional and valued customer services.

## Analysis

### 1.0 Background Information

#### 1.1 Overview of Bill 109

The Province appointed an Ontario Housing Affordability Task Force on December 6, 2021, to identify and implement solutions to address housing affordability by increasing the supply of market housing, reducing red tape, and supporting economic recovery and incentives. On February 8, 2022, the Task Force released a report that provides 55 recommendations aimed at supporting housing affordability.

On March 30, 2022, the Province introduced Bill 109, *More Homes for Everyone Act, 2022*. The Bill proposed changes to the *Planning Act* and other statutes to implement

some of the recommendations in the Task Force report. The Bill received Royal Assent on April 14, 2022.

Bill 109 adds financial penalties in the form of application fee refunds with respect to rezoning and site plan applications under Sections 34(10.12) and 41(11.1) of the *Planning Act*. If municipalities fail to meet the statutory timelines for decisions on applications received on or after January 1, 2023, they must gradually refund application fees in line with the refund schedule below.

Type of Application	No Refund	50% Refund	75% Refund	100% Refund
Zoning By-law Amendment (ZBA)	Up to 90 days	91 to 150 days	151 to 210 days	211 days or after
Combined Zoning By-law Amendment (ZBA) and Official Plan Amendment (OPA)	Up to 120 days	121 to 180 days	181 to 240 days	241 days or after
Site Plan	Up to 60 days	61 to 90 days	91 to 120 days	121 days or after

The approval timeline for site plan applications is extended from 30 days to 60 days, which will alleviate some pressure on meeting the statutory timeline. Bill 109 also requires municipal councils to delegate approval authority with respect to site plan control applications submitted on or after July 1, 2022.

On June 20, 2022, an information report was submitted to the Planning and Environment Committee to provide an overview of changes to the *Planning Act* and identify some possible updates to the City’s planning and development process required as a result of Bill 109.

### 1.2 Background on Planning Application Fees

Application fees are an important element of the planning and development process and are intended to ensure that at least 30% of costs associated with processing and application is recovered through application fees.

An information report introducing a recovery rate approach and recommending increased application fees was presented to the Planning and Environment Committee on August 13, 2018. In that report, a number of factors were considered when determining an appropriate fee, including the principle that growth should pay for growth while balancing that with the need to provide a competitive rate and recognize the public benefit provided by development.

The 2022 base fees for rezoning and site plan are summarized in the table below. No changes are proposed to these application fees in 2023.

Application Type	Application Fee
Zoning By-law Amendment	\$12,000
Combined Zoning By-law and Official Plan Amendment	\$21,000
Site Plan Approval	<p>\$1,205 base fee</p> <ul style="list-style-type: none"> <li>plus variable fee for residential development of \$60 per residential dwelling unit</li> <li>plus variable fee for non-residential development based on the following calculation: (total Gross Floor Area sq.m. – 1,000 sq.m.) x \$1.24</li> </ul>

The City recognizes pre-application consultations as an important process prior to submission of planning applications under the Planning Pre-Consultation By-law C.P.-1469-217. Pre-application consultation is intended to facilitate early discussion between

an applicant and City staff pertaining to the application and to identify issues and required supporting materials to be submitted as part of a complete application. The City charges a pre-application consultation fee to allow for some cost recovery and provides guidance on proposal summaries. The pre-application consultation fee is deducted from the application fee if an application is submitted.

A review of planning application fees is scheduled for 2023 that could consider an updated analysis of the related to staffing costs for application review, indirect costs, a comparative analysis of municipal planning and development fees, and the potential impacts of Bill 109 process changes.

## 2.0 Impact of Planning Application Fee Refunds

An analysis of planning application activity in 2021 was completed to reveal the financial impacts that would have resulted from Bill 109 mandatory refunds. The table below indicates the number of applications that would have required a refund based on the number of days until a decision was made.

Application Type (2021)	Total Fees	Apps with No Refund	Apps with 50% Refund	Apps with 75% Refund	Apps with 100% Refund	Total Refund \$	Total Refund %
Zoning By-law Amendment	\$ 375,792	7	7	2	8	\$ 222,800	59%
Combined Zoning By-law and Official Plan Amendment	\$ 399,095	1	20	5	9	\$ 259,419	65%
Site Plan Approval	\$ 520,565	120	0	0	0	\$ 0.00	0%

In 2021, a significant number of decisions on Zoning By-law Amendment applications exceeded the statutory timeline, representing refunds of 59% and 65% of application fees collected, respectively. The City required an average of 160 days to issue a decision on a Zoning By-law Amendment and an average of 189 days on combined Zoning By-law and Official Plan Amendment. Many of the Zoning By-law Amendments that would require a 100% refund include those concurrently processed with a draft plan of subdivision or condominium.

There may be multiple causes of delay in the application review process that include how quickly comments are received, quality of application and need for major revisions, and applications being referred back to staff for further work. The subsequent sections of this report describe changes to the Zoning By-law Amendment application review process to avoid these delays.

The Site Plan Approval process is already set up to process applications within the 60-day period, so as a result no refunds would be required and no changes are necessary to the process moving forward.

## 3.0 Zoning By-law Amendment Process Changes

Immediate changes to the City's application process with respect to Zoning By-law Amendments are required to ensure that decisions are made within the new timelines, thus reducing the likelihood of application fee refunds. These changes include a more structured approach with submission requirements and more time spent resolving issues during the pre-application consultation phase. This will ensure that applications are fully accurate and have no outstanding issues.

The new application process will also ensure greater coordination between City staff, applicants, agencies, and the public prior to formal applications. All commenting departments and agencies will need to have additional time devoted to pre-application consultation. This will allow the review of accepted applications to be more streamlined and efficient as all major issues should have been discussed earlier during pre-application consultation.

City Planning and Development staff consulted with other divisions and stakeholders to draft the new process described below, and while some concerns were identified it is widely acknowledged that the changes are necessary to achieve the intent of the new legislation and avoid application fee refunds. One concern that was raised during a Building and Development Liaison Forum meeting, which is a meeting between an Industry Stakeholder group and City staff, was the need for quick responses and thorough comments at the pre-application phase of the process. In order for issues to be resolved prior to submission of the application greater resources will be devoted to the pre-application phase to ensure comments are adequate to allow for complete applications to move efficiently through the review process. In addition, schedule targets are being developed to ensure a streamlined pre-application process.

The updated planning application review process is described below in three main phases – 1) Pre-application consultation, 2) File opening and circulation, and 3) Public Meeting and Council decision.

### **3.1 Pre-Application Consultation**

Pre-application consultation is mandatory prior to submitting a Zoning By-law Amendment application with or without an Official Plan Amendment. The pre-application consultation is intended to provide applicants with an opportunity to discuss their proposals with City staff early in the process and identify any issues that need to be addressed in the supporting reports and studies that will make up the complete application. To initiate pre-application consultation a proposal summary is required to be submitted by an applicant. City staff review the proposal summary and consolidate comments from various departments to provide feedback on the proposal summary and outline required submission materials. Planning and Development staff bring the comments and the required materials to the pre-application consultation meeting to discuss with potential applicants. Following the meeting, a confidential record of pre-application consultation is provided that outlines all of the issues identified during the meeting and all supporting materials required for a complete application.

Pre-application consultation will continue to be an integral part of the application review process, and it will see its role increase with the proposed Bill 109 changes. The record of pre-application consultation will provide additional details of what issues need to be addressed in the required studies and reports for the application to be deemed complete. Meetings and correspondence may be required in addition to the pre-application consultation meeting with various departments, depending on the relevant issues, in order for them to be resolved prior to submitting the application. To ensure that pre-application work progresses in a timely manner targets are being developed that will include escalation to senior management in the event that time commitments are not met. This will ensure that work completed during the pre-application phase progresses in a timely manner.

### **3.2 File Opening and Circulation**

A complete application submitted with all relevant and required information enables Council to make informed decision within the prescribed timeframes and ensures that the public and stakeholders have access to the relevant information early in the process.

The City has 30 days to review and assess the application for completeness as per the *Planning Act* and can either accept or return it to the applicant requesting further information. Deeming an application to be complete does not imply agreement by the City on the conclusions of each report or study, rather it is intended to ensure all required information is provided. The completeness review will include confirming that

all issues set out in the record of pre-application consultation have been addressed within each report or study. If an issue has not been addressed, the application may be deemed incomplete.

Supporting materials including studies and reports submitted as part of the application will be regarded as final. There will not be any opportunity to update such materials based on comments from commenting departments or agencies.

If the application is deemed complete, the file is opened and timelines for processing are established. Once the file is opened, major revisions that require recirculation will not be accepted. The target date of a Planning and Environment Committee meeting will be identified as part of file opening process.

The complete application is circulated to a standard list of agencies, departments, and nearby property owners for comment. It will be essential that all comments are received within the commenting period. On a separate, but related matter, members of Council have requested that the public notice circulation area of letter mail to residents in rural areas of the City be extended beyond the required 120 metres identified in the *Planning Act* and included in the notification policies of The London Plan. Consideration of a revision to the circulation process for rural areas is identified as a medium-term action under 4.1 of this report.

Following the circulation deadline, City staff review all comments and application materials and determine whether the application will be recommended for approval or refusal. Comments provided by the public, agencies and departments will be geared to Council to assist in their decision. Comments will not be written with the target audience since there is no opportunity to amend supporting materials. This type of issue resolution with applicants will be part of the pre-application consultation process.

### **3.3 Recommendations and Council Decision**

Following the circulation and City staff's review, an optional meeting with the applicant may be arranged to advise of the direction on reporting. This meeting may be set up as part of the file opening procedure.

In the meeting, staff will identify whether the application is on the approval track, refusal track, or has minor issues that do not require recirculation. Where minor issues are identified during the circulation period staff will work with the applicant to see if they can be resolved. If the application requires major revisions or there are issues that cannot be resolved prior to the Planning and Environment Committee meeting, the application will be recommended for refusal. The Reasons for Refusal will identify the outstanding issues that could be addressed in a new application. Council will be advised to avoid referring applications back to staff for further review and will be informed of the financial implications of such decisions.

There is no change to the public participation meeting, which will be held at the Planning and Environment Committee as per the *Planning Act* to allow members of the public to speak to the Committee and the public about the application.

Where there is a recommendation for refusal based on planning policy conformity or other issues that cannot be resolved, there is no change from the current process before the Planning and Environment Committee. Planning and Development staff will continue to provide recommendations that ensure conformity to provincial and municipal plans and policies and represent good planning.

If refusal of an application is recommended based on outstanding technical issues or a lack of information necessary for the application to be approved, then the Reasons for Refusal could remain silent on the planning policy analysis. A report for this type of refusal will identify outstanding issues or missing information that would need to be addressed for the application to be approved, which may be achievable through a future application.

Comments received from commenting agencies, including Conservation Authorities, will

be appended to the report for reference. In instances where agencies have not provided comments within the circulation period, Planning and Development staff will proceed with a recommendation without their comments to ensure that the regulatory timelines are achieved. Where there are minor issues to be resolved at a future stage of development, such as through site plan approval, the report could recommend that Council request the Site Plan Approval Authority to consider their issues and have them addressed through that process.

### **3.4 Zoning By-law Amendment Process with Plans of Subdivision or Condominium**

Plans of Subdivision or Condominium applications are not subject to mandatory refunds under Bill 109. However, Zoning By-law Amendment applications associated with a draft plan of Subdivision are subject to the mandatory refunds. As noted earlier in this report, staff have observed that decisions on the Zoning By-law Amendment applications combined with a draft plan of Subdivision or Condominium often exceeded the statutory timelines due to the complexity of the subdivision/condominium process and clearance of conditions. To avoid the issuance of refunds on these applications, Zoning By-law Amendments need to be decoupled from the Subdivision or Condominium approval process.

Zoning By-law Amendment applications will be processed as a separate application to ensure that they can be processed to a Council decision within the required timeline. Premature submission of Zoning By-law Amendment applications could result in refusal if the Subdivision or Condominium application has outstanding issues. Late submission of the Zoning By-law Amendment application could create unnecessary delays in the subdivision or condominium approval. Applicants will be advised to work with Subdivision staff to determine the optimal timing of Zoning By-law Amendment application.

## **4.0 Next Steps and Future Actions**

While the process described above can be characterized as the short-term response to the legislation changes made by Bill 109, other actions may also be considered. Some of the medium and longer-term strategies are described below.

### **4.1 Medium-Term Actions**

In order to streamline or otherwise improve the application review process under the Bill 109 changes, the following actions will be considered in 2023:

- Review fees by-law to align with Bill 109 process – The City’s Fees and Charges By-law A-57 is currently scheduled for 2023, and the scope of this project will be revised to consider possible implications of the Bill 109 process changes for Zoning By-law Amendments. Changes to be considered include possible refund or credit toward a future application where an application is withdrawn prior to a Planning and Environment Committee meeting, and possible restructuring of pre-applications consultation fees to reflect the larger role it will play in the development process.
- Develop terms of reference for frequently required reports and studies – In order for the new application process to be effective it will require high quality submissions from applicants. This will be achieved through more in-depth pre-application consultation, and could be aided by clear terms of reference for the most frequently required reports and studies. Terms of reference will provide details for what needs to be considered in each report, and establish expectations early in the process. This will ensure that all required information is provided with submitted application before acceptance of the application, thereby avoiding some refusals that are based on insufficient information.
- Develop standard requirements for a “Public Engagement Strategy” – A Public Engagement Strategy may be listed as a requirement for complete application on the record of pre-application consultation; however, at this time there is no guideline for what needs to be included in the strategy. On certain applications

with a high level of public interest a community information meeting can create an opportunity to listen to neighbourhood concerns and develop suitable design responses. Standard requirements for the public meeting may include direction on public notification, whether City staff should attend or participate, and how comments received are recorded.

- A separate review of the current public notification procedures in rural areas will be undertaken to address concerns expressed by Council. This review will explore the notification area to ensure that affected property owners within rural areas are adequately notified of opportunities to comment and voice concerns. Changes to be considered include possible expansion of the notification distance for the public meeting and/or circulation.
- Other actions to be determined – We recognize that this is a significant change in our approach that needs to be implemented abruptly due to the new requirements of the *Planning Act*. As such, staff will monitor the process and be ready to respond to unexpected issues that may arise.

#### **4.2 Long-Term Actions**

Throughout 2023 staff will monitor the impacts of the Bill 109 application process changes while also continuing ongoing efforts to streamline and improve existing application processes. Bill 109 will eventually be incorporated into these changes to determine an optimal process and will inform future assessments of resource requirements.

### **Conclusion**

Bill 109 requires the City to gradually refund application fees if the City fails to issue decisions on zoning by-law amendments or site plan approval applications within the statutory timelines. The City has seen that the average number of days for decisions made on Zoning By-law Amendments exceeds the statutory timelines. Therefore, changes to our processes are required to meet the new legislation.

The new application process described in this report directs more time to pre-application consultation and completeness reviews. Pre-application consultation will play a greater role in issue resolution and ensuring that all necessary information is provided for Council to make its decision. Applications that are deemed complete will be reviewed and brought to Council for a decision without opportunities for major changes that would require recirculation. This new process will ensure that Council has the opportunity to make decisions within the new timelines.

Staff will continue to monitor the application process and the longer-term approaches. A report may be brought forward to a future Planning and Environment Committee meeting with observations and possible updates to the process.

<b>Prepared by:</b>	<b>Joanne Lee Planner I, Long Range Planning and Research</b>
<b>Reviewed by:</b>	<b>Justin Adema, MCIP, RPP Manager, Long Range Planning and Research</b>
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<b>Recommended by:</b>	<b>Heather McNeely, MCIP, RPP Acting Director, Planning and Development</b>
<b>Submitted by:</b>	<b>Scott Mathers, MPA, P. Eng. Deputy City Manager, Planning and Economic Development</b>

# Bill 109 – Changes to Planning Application Review Process



Planning & Environment Committee

November 28, 2022

610



# Bill 109 Background

- More Homes for Everyone Act, 2022
- Royal Assent – April 14, 2022
- Changes to the Planning Act including Mandatory refund of application fees
- In force for applications submitted after January 1, 2023

Application Type	50% Refund	75% Refund	100% Refund
ZBA & OPA	120 days	180 days	240 days
ZBA	90 days	150 days	180 days
Site Plan	60 days	90 days	120 days



# Planning Application Fee Refunds

- 2021 Application Activity

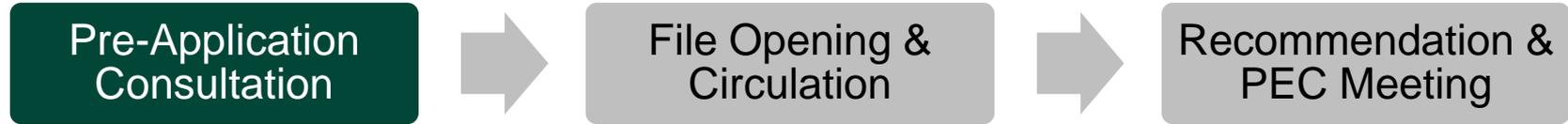
Application Type	Application Fees	No Refund	50% Refund	75% Refund	100% Refund	Total Refund	Refund %
ZBA & OPA	\$ 375,792	7	7	2	8	\$ 222,800	59%
ZBA	\$ 399,095	1	20	5	9	\$ 259,419	65%
Site Plan	\$ 520,565	120	0	0	0	\$ 0.00	0%

# Zoning By-law Amendments



# Zoning By-law Amendments

## Pre-Application Consultation



- Greater emphasis on pre-application consultation for issue resolution and public engagement
- Record of Pre-Application Consultation (RPAC) to provide additional details of what needs to be addressed in required reports/studies
- RPAC may require more work prior to submission, such as a public information meeting or review by the Urban Design Peer Review Panel

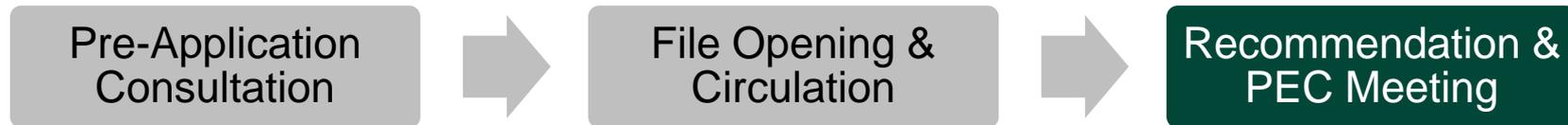
# Zoning By-law Amendments

## File Opening & Circulation



- For an application to be complete it must address all issues/provide all required information described in the RPAC
- Planning & Environment Committee Meeting date to be determined as part of file opening
- Application will be considered final once deemed complete
  - No major revisions requiring recirculation will be accepted
- Comments received through the circulation to be geared to Council to assist in decision making

# Zoning By-law Amendments Recommendation & PEC Meeting



- May see increase in recommendations for refusal
  - Unresolved technical issues may result recommendation for refusal
  - Reasons for Refusal will identify issues that could be addressed in a future application
  - A revised development proposal should be considered in a new application
- Direction to Site Plan Approval Authority may be used to address minor issues

# Next Steps

- January 1, 2023 – Bill 109 changes in force
- Future Actions:
  - Fees Review –scheduled for 2023, will consider impacts of new application process
  - Update Terms of Reference for Required Reports/Studies
  - Longer term actions may consider resource need changes as part of multi-year budget process
  - Other actions may be required based on observations after implementation of new process

Hon. Steve Clark  
Minister of Municipal Affairs and Housing  
College Park 17th Floor, 777 Bay St  
Toronto, ON M7A 2J3

November 21, 2022

Dear Minister Clark,

I am writing on behalf of the Mayors and Regional Chairs of Ontario (MARCO) regarding Bill 23, *More Homes Built Faster Act, 2022*.

MARCO brings together the province's 16 largest municipalities that deliver and help fund provincially mandated health, social assistance, community safety and housing services. Together, the MARCO heads of council strive to work with each other and the provincial government to advance policy and program decisions that produce effective outcomes for the 9.7 million residents we collectively represent.

At our recent meeting, mayors and chairs gathered to discuss Bill 23 and its impact on our communities. Our position is as follows:

- MARCO supports many of the desired outcomes of Bill 23. We believe there are opportunities to reform planning processes to address the housing crisis. We are willing partners and remain committed to working with the province to help achieve the goal of building 1.5 million homes over the next 10 years.
- MARCO is concerned the proposed development financing policy changes create a need for current taxpayers to fund growth-related infrastructure investments. This could further challenge affordability and backslide on progress made to resolve longstanding infrastructure deficits.
- While MARCO supports many of the changes proposed by Bill 23, members remain concerned that its current form presents unintended consequences that do not address the dependencies between land use policy, infrastructure planning, construction phasing and financing involved in successfully realizing the legislation's desired outcomes.

Attached to this letter is analysis from our staff that we believe will be helpful as the government implements changes proposed in the bill. This includes assessments by the Regional and Single Tier CAOs, the Regional Planning Commissioners of Ontario, and the Ontario Regional and Single Tier Treasurers. We believe this analysis may help the government to avoid unintended consequences, while delivering on the desired goals of the legislation.

As always, MARCO heads of council and our staff are keen to be partners for government. Please reach out if you or your staff have any questions concerning the attached analysis. We look forward to future collaboration.

Sincerely,



Karen Redman  
Chair, Mayors and Regional Chairs of Ontario  
Chair, Regional Municipality of Waterloo

cc: Hon. Doug Ford, Premier of Ontario  
Kate Manson-Smith, Deputy Minister, Ministry of Municipal Affairs and Housing  
Ed Archer, Chair, Regional and Single Tier CAOs  
Thom Hunt, Chair, Regional Planning Commissioners of Ontario  
Craig Dyer, Chair, Ontario Regional and Single Tier Treasurers  
Darrin Canniff, Mayor, Municipality of Chatham-Kent  
John Henry, Chair, Regional Municipality of Durham  
Gary Carr, Chair, Regional Municipality of Halton  
Andrea Horwath, Mayor, City of Hamilton  
Bryan Paterson, Mayor, City of Kingston  
Josh Morgan, Mayor, City of London  
Office of the District Chair, District Municipality of Muskoka  
Jim Bradley, Chair, Regional Municipality of Niagara  
Mark Sutcliffe, Mayor, City of Ottawa  
Nando Iannicca, Chair, Regional Municipality of Peel  
Paul Lefebvre, Mayor, City of Greater Sudbury  
Ken Boshcoff, Mayor, City of Thunder Bay  
John Tory, Mayor, City of Toronto  
Drew Dilkens, Mayor, City of Windsor  
Wayne Emmerson, Chair, Regional Municipality of York

November 9<sup>th</sup>, 2022

# Summary of Bill 23 for MARCO



Prepared by Region and  
Single Tier CAOs

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## Issue

Bill 23, the Building More Homes Faster Act, introduces fundamental changes to municipal governance and municipalities' financial sustainability. Regional and Single-tier CAOs believe the legislation's laudable outcomes rely on policy changes that create unintended consequences which could impair the province's ability to achieve its housing targets and produce negative financial implications for municipalities and taxpayers.

## Recommendation

- That the Chair present MARCO's position on Bill 23 to the Minister of Municipal Affairs and Housing with a letter that generally reflects the issues described here and that addresses the following:
  - a. MARCO's support for the Bill's desired outcomes – MARCO municipalities are willing partners that can help the province achieve its desired outcome of 1.5M new housing units.
  - b. Financial implications – MARCO is concerned the proposed development financing policy changes create a need for current taxpayers to fund growth-related infrastructure investments, resulting in affordability concerns and backsliding on progress made to resolve longstanding infrastructure deficits
  - c. Need for collaboration – MARCO supports many of the changes proposed by Bill 23, yet it remains concerned its current form presents unintended consequences that do not address the dependencies between land use policy, infrastructure planning, construction phasing and financing involved in successfully realizing the legislation's desired outcomes

## Background

On October 25 the province introduced Bill 23, *More Homes Built Faster Act, 2022*, which fundamentally alters the province's land use planning system and municipal governance frameworks. This legislation is intended to reduce the cost, time and policy requirements associated with constructing housing as well as building 1.5 million new homes by 2032.

The *Act* changes municipal planning approvals, the role of Conservation Authorities and wetland protections, and development fees and charges. These changes also affect major infrastructure provisions and, likely, municipal governance. The relationship between these changes and their effect on the goal of building 1.5 million new homes within the next ten years is not always clear, and we believe it is not always positive. **Appendix A** provides the legislation's key features.

Your CAOs broadly agree with the Ontario Government's contention that reform of the land use planning process is needed to facilitate the goal of more housing. Ontario's development landscape includes too many policy and procedural requirements that provide, at best, marginal benefit. Nevertheless, Bill 23 proposes some changes that would likely impair, not enable, the province's ability to build 1.5 million new homes. We believe we can effectively address those changes in a dialogue with the province that emphasizes positive change for Ontario's development industry.

# Analysis

## Implications of Bill 23 Vary Among MARCO Members

The effects of Bill 23 vary across MARCO's membership. Proposed changes are relatively straightforward for some members since they are already built into current Official Plans, while others face substantial shifts that affect not only policy, but also staffing levels.

- Everyone with development charge policies will experience financial implications.
- In some instances, *Development Charges Act* changes that remove housing services as an eligible service for development charges will result in the termination of the Regional Housing Master Plans and put planned projects in jeopardy.

As **Appendices B and C** describe, your Planning Directors and Treasurers assessed a variety of technical issues associated with the directions proposed by Bill 23. Essentially, these can be summarized as:

- Reduced municipal revenue for infrastructure
- Reduced capacity for regional coordination and service planning
- Unintended consequences prompted by Bill 23's proposed changes

These issues can be resolved with further collaboration between MARCO and the Minister of Municipal Affairs and Housing. Your CAOs believe solutions are available that mitigate risk and avoid creating new problems that reduce the potential for the province to achieve its housing goal.

## Reduced Municipal Revenue for Infrastructure

Bill 23 proposes a variety of development charge discounts and exemptions. It also introduces changes to the types of eligible charges that could be used to calculate DC rates. Financial implications among MARCO members vary, but they are universally negative.

Bill 23 will reduce development charge revenue. This will exacerbate the current, known gaps in DC funding capacity and weaken municipal financial condition. Municipalities will have to choose between building less growth-related infrastructure, and replacing the DC revenue with an alternate funding source. Typically, the alternate funding would be property taxes unless the province offers a new funding source. This exacerbates the current, known gaps in DC funding capacity and weakens municipal financial condition.

Specifically, development charge rates (for by-laws passed as of June 1, 2022) would be subject to a mandatory five-year phase in. The first year of a by-law would see rates reduced by 20 per cent, followed by 15 per cent in year two, 10 per cent in year three, and five per cent in year four. The full rate will be realized in year five. This will have a significant cash flow impact to municipalities attempting to fund growth related infrastructure.

Bill 23 would remove housing services from the list of eligible DC services, reducing the amount of funding available to municipalities in their capacity as Service Manager. While the long-term ramifications of this will mean less, not more affordable housing supply, projects may also have to be cancelled in the short-term due to planned spending from DC revenue.

The legislation changes the term applicable to DC bylaws. Currently, DC bylaws need to be renewed every five years. This new legislation proposes they would remain in effect for 10 years. This increases the risk some costs will not be included in rate calculations, creating a shortfall that would be picked up by existing property taxpayers.

Overall, Bill 23 shifts a portion of the obligation for funding growth-related infrastructure onto existing property taxpayers. This will further constrain municipalities' abilities to address infrastructure renewal needs and increase the risk of service interruptions due to asset failures. It also increases the risk assets required to support housing development will not be available when they are needed. The provincial government is asking for more, costly greenfield development at the same time as it is reducing the ability of municipalities to pay for it.

## Reduced Capacity for Regional Coordination and Service Planning

The province proposes to reduce or eliminate the planning roles of some upper-tier municipalities. Local and Regional governments already collaborate extensively on managing local planning policy matters. Most of the routine planning matters have already been delegated to lower-tier municipalities in a two-tier local government. The residual role in planning for upper tier government is not yet entirely clear; however, your CAOs believe there continues to be an important role for regional planning, even if their involvement in day-to-day development approvals is curtailed.

Bill 23 introduces the risk that regional aspects of local development such as water/wastewater infrastructure planning, phasing and capacity allocations cannot be managed effectively by local municipalities alone. This will require a degree of coordination between local municipalities regarding infrastructure servicing for new developments that Regional/County governments provide now. Without a coordinating body to facilitate such planning, ensuring adequate capacity and deciding where it will be built will likely take more time and cost, not less. Municipalities also rely on conservation authority experts for environmental input. Ensuring expert input into development applications will help ensure more viable development.

The bill is silent on key elements that support housing and infrastructure development. In particular, labour and material costs and availability, as well as inflationary pressures, are not addressed.

This increases the risk of inadequate supply to enable new development, or overbuilt infrastructure that remains underutilized for decades, with a consequential negative impact on current ratepayers. Proper infrastructure planning – including both capacity management and construction phasing – is essential to ensure limited funds are efficiently used and infrastructure is efficiently deployed. Disagreements about how to deploy infrastructure will slow the overall pace of residential development. In our view, Bill 23 needs to be amended to restore the growth management planning function for the seven named upper-tier municipalities.

While it is reasonable to assess the municipal implications of Bill 23, municipalities do not control every step in the development process. Bill 23 offers no direction regarding the substantial inventories of developable lands for housing exist that can proceed to construction now but are not being built. Reviewing existing developable land availability and understanding why it has not yet proceeded would inform choices about reaching the 1.5 million housing unit goal. There appear to be developers with approved units in draft approved plans of subdivision that could proceed to development today, but steps to move to construction appear not to be occurring. A policy change that addressed this apparent gap would likely have significant influence over the ability to achieve the province's housing goal.

Our Northern cities have unique growth challenges that may be more difficult to overcome when the Growth Plan for the Greater Golden Horseshoe is integrated with the Provincial Planning Statement. The province could consider amendments to the Growth Plan for Northern Ontario to ensure growth can move forward effectively in this region.

## Unintended Consequences

Bill 23 introduces several “as of right” land uses that can enable more housing in developed areas. Ensuring such development has sufficient servicing capacity or access to public services, however, is not addressed. The potential for infrastructure renewal plans to require upsized assets that weren't contemplated when financing plans were originally established may produce new funding obligations for existing tax/ratepayers.

Bill 23 will allow land speculators to “open up” more parcels for development that are not close to infrastructure. This will tie up already stretched municipal planning staff and divert their efforts from supporting developers ready to build on serviced land.

Allowing more units within an existing building, particularly in communities with post-secondary institutions, increases the potential for a proliferation of illegal rooming houses. The demands these will create on local services such as By-law enforcement or police, will present new funding pressures on taxpayers. Municipalities will need effective mechanisms to support changing neighbourhoods.

Planning Act amendments materially change inclusionary zoning by limiting the set-aside rate to 5%, restricting the duration of affordability to 25 years, and establishing prices at 80% of average resale/market rental prices while exempting units from development charges. This would end the utility of Inclusionary Zoning.

As a practical matter, lower-tier municipalities that would now have to incorporate regional planning experts into their staff teams will find the same shortage of available workers that virtually every other sector is experiencing right now. This problem would be exacerbated at the provincial level, which would also have to “staff up” to properly support service demands that will remain high for the foreseeable future. Successor rights in current collective agreements may also create cost pressures that local municipalities wouldn't otherwise experience. Without the staff to perform the work, notwithstanding the incremental effort to ensure appropriate service coordination occurs, development applications will not be processed faster.

Under Bill 23, Conservation Authorities (CAs) will have a reduced ability to ensure environmental protections are maintained since they will change from an “approval authority” to a “commenting agency” on issues that are not part of their core mandate.

Bill 23 eliminates the ability of municipalities to enter an MOU for CAs to deliver Category 2 “municipal programs and services” on behalf of the municipality. This role had been set out by MNR Regulations proclaimed only in 2021, after a productive Ministry-led multistakeholder consultation. This elimination is expected to adversely affect municipal budgets, as municipalities are compelled to staff up to deliver the programs and services that would otherwise have been delivered by the CA. There is increased potential for delay and poorer environmental outcomes.

## Next Steps

Your CAOs believe these issues can be addressed and the risks described here can be mitigated through further dialogue with the province. MARCO, as a concerned partner in the province’s development processes, should support the achievement of housing targets and facilitating affordable housing for everyone. Chair Redman should request a meeting with the Minister of Municipal Affairs and Housing to address the issues noted here and offer municipal expertise to resolve them.

These outcomes depend on the availability of sufficient, appropriate infrastructure and a sustainable financing plan. Bill 23 currently increases the risk these essential elements won’t be available like they need to be to open up land for housing development. In addition, Bill 23 leaves unaddressed other factors like interest rates, supply chain, skilled labour and material cost and/or availability that should be considered constraints to achieving Ontario’s housing goals.

## Appendices

- **A:** Bill 23 key features
- **B:** Regional Planning Commissioners of Ontario analysis of Bill 23
- **C:** Regional Treasurers of Ontario analysis of Bill 23

# Appendix A:

## Bill 23 Key Features

### Key Findings

Key changes brought forth by the Act are summarized below.

#### Approval Authorities

- All upper tier municipalities in the Greater Toronto Area, Waterloo and Simcoe will be removed from the Planning Act approval process for both lower tier official plans and amendments and plans of subdivision.
- Lower-tier Official Plans and Official Plan Amendments are subject to approval by the Minister instead of upper tier municipalities and the Minister's decisions are not subject to an appeal.
- Amendments to the Ontario Underground Infrastructure Notification System Act aim to improve the processes and requirements for the construction of underground infrastructure, enabling construction in the province to be completed faster and more efficiently.
- Currently, section 23 of the Act enables the Minister to amend official plans, where the plan is likely to adversely affect a matter of provincial interest. This section is re-enacted to eliminate certain procedural steps to which the Minister's power to make orders is subject, and to remove the possibility of the Minister requesting that the Tribunal hold a hearing on a proposed amendment.
- Only the applicant, municipality, certain public bodies, and the Minister may appeal municipal decisions regarding *Planning Act* applications to the Tribunal. Existing third-party appeals where no hearing date has been set as of October 25 will be dismissed.

#### Conservation Authorities

- Permits will not be required within conservation authority-regulated areas if the activities are part of development authorized under the *Planning Act*.
- A single regulation is proposed for Ontario's 36 Conservation Authorities.
- Comments from Conservation Authorities as part on development applications will focus on natural hazards and flooding.
- A program is being considered, which may consider development on wetlands provided a net positive impact is demonstrated.
- The Minister may develop regulations limiting the types of conditions that may be attached to a permission.

#### Protected Major Transit Station Area (PMTSA)

- Zoning by-laws are to be amended within one year of a PMTSA/MTSA being approved to include minimum heights and density targets.
- A new subsection prevents certain appeals of zoning by-laws related to PMTSAs if more than a year has passed since related official plan policies or amendments came into effect.

## Development Approvals Process

- Most projects with fewer than 10 residential units will be exempt from site plan control requirements.
- Exterior design is no longer subject to site plan control in Toronto through amendments to the City of Toronto Act (2006).
- Public meetings no longer will be required for applications for approval of a draft plan of subdivision.
- The newly introduced Supporting Growth and Housing in York and Durham Regions Act will expediate the construction of significant sewage infrastructure to service York and Durham regions.
- Developers will be permitted to construct up to three residential units per lot with no minimum unit sizes, without amendments to the zoning by-law.
  - o These units will be exempt from parkland requirements, development charges and community benefits charges, and no more than one additional parking space can be required.

## Fees and Levies

- Affordable housing, non-profit housing, inclusionary zoning units, and select “attainable housing” (to be defined in future regulations) units are to be exempt from municipal development charges (DCs), parkland dedication levies and community benefit charges (CBCs)
- *Parkland Requirements*
  - o Parkland rates will be frozen as of the date that a zoning by-law or site plan application is filed.
  - o For sites under 5 hectares, a maximum 10 percent of the land conveyed, or its value can be paid in lieu. For sites greater than 5 hectares, and 15 percent for the land conveyed, or its value can be paid in lieu.
  - o Maximum alternative dedication rate is reduced to 1 hectare per 600 units for land and 1 hectare per 1000 units for cash in lieu.
  - o Encumbered parkland/strata parks, as well as privately owned publicly accessible spaces (POPS) may be dedicated as parkland.
  - o Landowners to identify land to be conveyed to a municipality. An appeal to the Tribunal may be made in case of a disagreement.
- *Development Charges*
  - o Reduced DCs for rental housing development based on the number of bedrooms. DCs will be reduced by up to 25 percent for family-sized rental units with three or more bedrooms.
  - o Five-year phase in of DC rate increases, starting with a 20 percent reduction in year one, decreasing by 5 percent each year until the full new rate applies.
  - o DCs may not be imposed for housing services.
  - o Cost of certain studies will not be recoverable through DCs.
  - o New regulation authority will set services for which land costs would not be an eligible capital cost recoverable through DCs.
  - o DC by-laws will expire ten years after coming into force.
- *Community Benefits Charges*
  - o CBCs shall not exceed the percentage of the land value multiplied by a ratio based on floor area.
  - o CBCs will be based on the value of land proposed for new development, not the entire parcel.

### **Heritage Planning**

- Heritage registers are to be reviewed to determine whether a property has cultural heritage value or interest, and if not, the property must be removed from the register.
- Municipalities will not be able to designate a property under Part IV of the Ontario Heritage Act unless the property is on the heritage register when the current 90-day requirement for Planning Act applications is triggered.
- A ministry or prescribed public body is not required to comply with all of the approved heritage standards and guidelines if the exemption could advance transit, housing, health, long-term care, infrastructure, or other priorities.
- Information included in the register of property of cultural heritage value or interest will be made accessible to the public.

### **Rental Replacement**

- Conditions may be imposed on the City's powers to prohibit and regulate the demolition and conversion of residential rental properties.

### **Ontario Land Tribunal (OLT)**

- Regulations may be developed to prioritize OLT cases that meet certain criteria, such as creating more housing.
- The Tribunal may order costs against a party who loses a hearing and dismiss appeals for undue delay.

**Appendix B:**  
**Regional Planners of Ontario Analysis of Bill 23**



# MAKING ROOM:

Shaping Big Housing Growth and Affordability in Ontario

## ***Understanding the Big Picture, Addressing the Big Gaps***

Prepared by the  
Regional Planning Commissioners of Ontario

November 2, 2022 Version (for review by RSTCAOs)



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## Executive Summary

The Regional Planning Commissioners of Ontario (RPCO) is an organization whose upper and single-tier municipal members provide planning services and give planning advice to municipal Councils that represent approximately 80% of Ontario's population. As such, we are fully engaged on a daily basis in matters which are urban and rural; northern and southern; small town and big city. We also understand the importance of having a healthy development industry to support community vitality across Ontario.

This report, entitled *Making Room: Shaping Big Housing Growth and Affordability in Ontario*, seeks to address the current state of Ontario in the face of today's growth pressures by providing a big picture view of housing dynamics. The report also identifies big implementation gaps in addressing key growth pressures across Ontario.

You will find that many of these gaps pertain to housing affordability, arguably the Province's biggest housing challenge.

**We have concluded that the gaps identified in this report need to be addressed right now, and in conjunction with constructive changes to the Province's Bill 23, *More Homes Built Faster Act, 2022*. Some of these gaps specifically pertain to municipal service delivery.**

There are six foundational themes in this report:

1. Shaping Growth and Creating Opportunities for Affordability at a Macro Scale;
2. Housing Affordability at a Deeper Level: Understanding and Addressing Both Supply and Demand Dynamics;
3. Addressing Housing Affordability Issues Outside of Open Market Dynamics;
4. Building and Financing : The Right Infrastructure at the Right Time, Fees and Charges;
5. Creating Velocity and Avoiding Unintended Consequences through Meaningful Collaboration; and
6. Supporting Innovation, Continuous Improvement and Nimbleness.

Based on these six foundational themes above, our 21 Big Gaps (summarized below) need to be addressed using well-conceived and practical implementation tools, identifying responsible parties and deadlines for completion:

**Gap 1:** It is unclear how the allocation of 1.5 million new homes across Ontario by the end of 2031 can occur in light of big mitigating factors like labour shortages, rising interest rates, and substantially reduced municipal development-related fees and charges. It is also unclear how the delivery of different housing affordability types will be guaranteed to be built.

**Gap 2:** Regional governments play essential roles in planning, financing, and delivering big infrastructure to support growth management for millions of people. It is unclear why, at a minimum, Regions are not given status in Bill 23 as “Regional Infrastructure Delivery Agencies” or Authorities. Furthermore, a big gap exists in the definition of infrastructure, which should include natural infrastructure like groundwater recharge and discharge features. The protection of such natural systems that extend beyond local boundaries does not appear to have been addressed in Bill 23.

**Gap 3:** In introducing more intensification as-of-right in all Ontario municipalities, all forms of development must reflect design excellence (in terms of form, function and performance) and intensifying in built up areas must be especially sensitive to (existing) built and natural environments. However, Bill 23 would reduce site plan requirements and would limit the ability of municipalities to require sustainable design performance measures like the City of Toronto *Green Standard*. More work-from-home rights may also be needed.

**Gap 4:** Some municipalities have already been creating public green or recreational spaces on privately owned property and have looked to other solutions like public spaces on roof tops, both arguably less than optimal solutions to having adequate and accessible ground-level, publicly owned recreational or passive natural areas. However, the reduction of the ability of municipalities to shape the amount, location and type of green space under Bill 23 would seem to contradict these compelling and growing community needs.

**Gap 5:** There is a compelling need for a more fulsome analysis to examine all material supply and demand side factors in Ontario that affect housing availability and affordability, measures to address them, responsible parties and timing.

**Gap 6:** Many municipalities maintain that substantial inventories of developable lands for housing exist that can proceed to construction now, but are not being built. There is an urgent need to review municipal land inventories to understand existing

developable land availability to builders (e.g. draft approved plans of subdivision that can proceed to development today, larger parcels of pre-zoned land available for intensification) and the reason(s) for which development has not proceeded.

**Gap 7:** It is unclear why Bill 23 does not enable area municipalities to contract with Regional governments to provide growth-related services, particularly for small rural municipalities with minimal planning resources.

**Gap 8:** There appears to be a lack of Provincial-municipal- development industry engagement tables that meet regularly to address both occasional and systemic bottlenecks in the development review process.

**Gap 9:** It is unclear whether anyone is leading in the actual measurement of outcomes for “in the ground” prototype developments that keep a range of housing types or arrangements (at various levels of affordability) truly affordable.

**Gap 10:** Bigger pilot projects are not occurring through partnerships between the Province, municipalities and the home building industry to construct a range of units targeting different levels of housing affordability at much larger scales.

**Gap 11:** There remains an urgent need to create a tangible, workable, on the ground strategy for building “hard to get” housing affordability types on publicly owned lands.

**Gap 12:** As a result of Bill 23, there is an urgent need to revisit the process for determining the right infrastructure to be built, sustainable financing approaches and accelerated construction timelines for a variety of communities across Ontario.

**Gap 13:** Should the Province ultimately choose to proceed to reduce or waive municipal rights to collect development charges and/or other municipal fees and charges, municipalities must be fully compensated for the gap created by such financial losses to be able to support growth.

**Gap 14:** Collaborate, collaborate, collaborate. There are many critical issues of the day. All parties must be mindful and responsive to related challenges.

**Gap 15:** Issues of greater risk, liability and litigation are real and expected outcomes of Bill 23.

**Gap 16:** There is a compelling need to better plan for student enrollment levels with major post-secondary institutions that can negatively and materially impact available local housing supply, especially housing that is affordable to lower income households.

**Gap 17:** There is an urgent need to review the process, content and turnaround times for Ministries and other Provincial bodies that receive development applications for comment and planning frameworks for approval.

**Gap 18:** Likewise, there is an urgent need to review the process, content and turnaround times for Provincial responses to development applications on more complex contaminated sites (i.e. properties requiring some form of environmental remediation), and revisit remediation options.

**Gap 19:** There is a long-standing need to consider major changes to the Ontario Land Tribunal in terms of both hearing resources and the appeal process itself.

**Gap 20:** The development industry should explore more contemporary ways of approaching home building.

**Gap 21:** Under Bill 23, there appears to be no explicit connection made between Ontarians having good housing choices and support for both preventive and reactive health care needs. This disconnect is apparent despite health care remaining one of the Province's greatest cost centres, which also continue to rise rapidly. Recognize, accommodate, and support housing arrangements that also create health care solutions.

**The draft legislation supporting the Province's Bill 23, the *More Homes Built Faster Act*, seeks to support building more homes, helping home buyers, reducing construction costs and fees, and streamlining development approvals. In fact, the legislation is seriously misaligned with these goals, and does little to address the Big Gaps described in this report.**

**Major unintended consequences are also expected to result from the misalignment of the legislation with the main themes of Bill 23. These unintended consequences include increasing the financial burden for municipal taxpayers by making them pay more for growth, reducing the ability to create new parks and other open spaces, limiting citizen rights, making it impossible for some municipalities to build supporting infrastructure on time to support growth, and removing effective regional growth management, especially in ensuring the efficient use of infrastructure and protecting vital natural systems that cross municipal boundaries.**

**All parties involved in the creation of new homes should make working to increase the velocity of housing production their highest shared priority. This must include the many different housing affordability types and tenures.**

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## Introduction

The Regional Planning Commissioners of Ontario (RPCO) is an organization whose upper and single-tier municipal members provide planning services and give planning advice to municipal Councils that represent approximately 80% of Ontario's population. As such, we are fully engaged on a daily basis in matters which are urban and rural; northern and southern; small town and big city. We also understand the importance of having a healthy development industry to support community vitality across Ontario.

This report, entitled *Making Room: Shaping Big Housing Growth and Affordability in Ontario*, seeks to address the current state of Ontario in the face of today's growth pressures by providing a big picture view of housing dynamics. The report also identifies big implementation gaps that pertain to or affect the ability to address key growth pressures across Ontario.

You will find that many of these gaps pertain to housing affordability, arguably the Province's biggest housing challenge.

**We have concluded that the gaps identified in this report need to be addressed now, and in conjunction with constructive changes to the Province's Bill 23, *More Homes Built Faster Act, 2022*. Some of these gaps specifically pertain to municipal service delivery.**

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## Why do we need to more actively plan for and shape growth now?

Over the past few years, especially during earlier days of the Covid-19 pandemic, Ontarians experienced an abrupt shift in their daily living and working environments. This was followed by many major economic events, including material (supply chain) shortages, record inflation (especially for energy and groceries) and a torrid real estate market, with buyers taking advantage of record low borrowing rates and high equity positions. Growth pressures were seen across Ontario communities, especially as remote work became an accepted norm, and people were able to live at much greater distances from their traditional places of work.

In the face of these changes and growth pressures, this report has been prepared, recognizing that municipalities and the Province of Ontario have some common contemporary goals. As municipal planning leaders and community builders, foremost to us today are the following issues:

- **Addressing big growth demands and affordability pressures in communities across Ontario using comprehensive Growth Management Strategies and Tactics that reflect regional geographies and economies. Ontario is a “community of communities”, with widely differing contexts;**
- **Protecting and where possible enhancing the quality of life of all Ontarians**, and always through the application of design excellence (both in form and function). The development of complete communities should also be enhanced with a broader suite of housing affordability opportunities and more community-benefitting features (e.g. more public services and green space);
- **Aggressively supporting economic vitality**. This includes aspects that the pandemic has shone a light on, such as remote work, place-making, the evolution of retailing, the need to strengthen domestic supply chains, and the economic opportunities accruing to Provinces that are nimble and responsive in doing so;
- **Adding more people to most sectors of the work force**, and addressing the sustained critical shortage of skilled trades;
- **Protecting and maintaining a healthy natural environment** to support all of our activities, and the need to avoid artificially separating economic from environmental considerations;
- **Recognizing that we are experiencing climate change impacts and that people are making greener energy shifts**, both of which have big planning and financial implications;
- **Designing better health and wellness systems in Ontario**, including the protection and expansion of parks and other natural areas, the ability of neighbours to help neighbours through more flexible housing arrangements, and placing greater emphasis on preventive and in-home health care solutions;
- **Recognizing that roles and levers exist at all levels of government that must be active, coordinated and nimble**; and
- **Supporting Ontario’s desire to achieve nationally and globally shared objectives.**

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## The Big Picture and Big Implementation Gaps

To address today's challenges and opportunities, RPCO has developed the following six foundational themes, and has identified a series of implementation gaps that need to be addressed now. We see all levels of government and the development industry collaborating to fully address these gaps, using well-conceived and practical implementation tools, with defined timelines and responsible parties.

### 1. ***Shaping Growth and Creating Opportunities for Affordability at a Macro Scale***

The Smart Prosperity Institute, under demographer Dr. Mike Moffatt, has undertaken some analysis on the prospect of adding 1.5 million new housing units in Ontario by the end of 2031. This work was funded by the Ontario Home Builders Association. Through its publication entitled "*Baby Needs a New Home: Projecting Ontario's Growing Number of Families and Their Housing Needs*" (October 2021), Dr. Moffatt and his team examined some supply side factors affecting growth, and RPCO has had the opportunity to discuss this work and other related issues with Dr. Moffatt.

At this point, it is unclear how this proxy of 1.5 million new homes across Ontario by the end of 2031 relates to the Province's *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (the Growth Plan). The Growth Plan has now been used for well over a decade to define areas for development, coordinate infrastructure, and define areas requiring protection (e.g. the Green Belt). The Growth Plan has formalized good planning requirements in tangible ways, including mandates for transit, higher orders of development density and the protection of employment lands.

There are several points of clarification that need to accompany any review of this work. First and foremost, Dr. Moffatt openly notes that 1.5 million new homes does not have to be 1.5 million newly built units. In fact, Dr. Moffatt acknowledges that better, more fulsome use of Ontario's existing housing stock can create a large proportion of these units, including ownership, rental and secondary suites. In discussion with RPCO, Dr. Moffatt also indicated that he does not advocate for allowing more development to occur in the Green Belt (which includes the Oak Ridges Moraine). Members of RPCO also remain committed to the protection of natural environmental systems across Ontario (including the Niagara Escarpment), as well as the protection of prime agricultural land, whose importance has been highlighted through many ongoing discussions regarding the need to bolster domestic supply chains.

Secondly, the Smart Prosperity Institute report acknowledges that its work focused on what Ontarians want, and that the study does not offer predictions or forecasts. In fact, the results are noted as representing “a projection of one of many possible futures”.

On the methodological side, RPCO discussed several issues with Dr. Moffatt and has identified other questions through its own review. This includes the study’s approach of “a unit being a unit” (i.e. not differentiating unit types), headship rates in Ontario, average household sizes (in relation to “rest of Canada”), and the accuracy of disaggregated Ministry of Finance growth estimates.

One of the most important aspects of the approach used in *Baby Needs a New Home* is what supply side issues were considered and how other influences, including demand side factors, were not accounted for. As an example, Dr. Moffatt noted his interest in examining the labour side of growth management and the bottleneck that labour shortages create. In fact, Canada Mortgage and Housing Corporation noted the same concerns in its October 2022 report on labour capacity constraints. These supply and demand-side factors are described in greater detail in Section 2 below.

**Gap 1: It is unclear how the allocation of 1.5 million new homes across Ontario by the end of 2031 can occur in light of big mitigating factors like labour shortages, rising interest rates, and substantially reduced municipal development-related fees and charges. It is also unclear how the delivery of different housing affordability types will be guaranteed to be built.**

**Gap 2: Regional governments play essential roles in planning, financing and delivering big infrastructure to support growth management for millions of people. It is unclear why, at a minimum, Regions are not given status in Bill 23 as “Regional Infrastructure Delivery Agencies” or Authorities. Furthermore, a big gap exists in the definition of infrastructure, which should include natural infrastructure like groundwater recharge and discharge features. The protection of such natural systems that extend beyond local boundaries does not appear to have been addressed in Bill 23.**

**Gap 3: In introducing more intensification as-of-right in all Ontario municipalities, all forms of development must reflect design excellence (in terms of form, function and performance), and intensifying in built up areas must be especially sensitive to (existing) built and natural environments. However, Bill 23 would reduce site plan requirements and would limit the ability of municipalities to require sustainable design performance measures like the City of Toronto *Green Standard*. More work-from-home rights may also be needed.**

**Gap 4: Some municipalities have already been creating public green or recreational spaces on privately owned property and have looked to other solutions like public spaces on roof tops, both arguably less than optimal solutions to having adequate and accessible ground-level, publicly owned recreational or passive natural areas. However, the reduction of the ability of municipalities to shape the amount, location and type of green space under Bill 23 would seem to contradict these compelling and growing community needs.**

## **2. *Housing Affordability at a Deeper Level: Understanding and Addressing Both Supply and Demand Dynamics***

The availability of housing is affected by both supply-side and demand-side factors. What does this mean?

In the case of housing, supply-side issues include the following key factors:

- Availability of raw land for development, especially where demand is greatest;
- Pace of development by builders, especially their ability to bring land to market even sooner than occurs today. Builders are very challenged in hyper-demand housing markets by a variety of issues;
- Approvals in place for development to proceed, including decisions made through appeals;
- Availability of supporting infrastructure;
- Building material availability (including dealing with domestic supply chain constraints);
- New material uses (e.g. more engineered wood products).
- A ready supply of workers, including skilled trades; and
- Ways to be more efficient (e.g. using more pre-sized material to reduce time and waste).

Demand-side Issues affecting housing include the following key factors:

- Household Income, which largely determines the ability to be lending-eligible and to cash flow a home. It is important to note that income levels have not kept pace with the rapidly increasing price of housing in Ontario. Extensive work on this and related housing issues has been published by RBC, as well as by many other housing researchers;
- Lending (Interest) rates, which are now rising significantly but were at record lows in the past few years, allowing more households to be eligible for much larger borrowing levels, and driving the ability to pay more;

- Household equity, which grew at record levels during the most recent real estate market surge, fueling buying power;
- Household formation preferences, like multi-generational families who may choose to always live together;
- Historical and emerging unevenness of demand (e.g. there are real signs of the market cooling, especially in the face of significant increases in lending rates); and
- Immigration and foreign investment demand, exemplified by enrollment decisions made by post-secondary institutions that can drive up local housing demand, especially in “town and gown” communities.

The Smart Prosperity Institute openly and transparently acknowledges that its work was focused on specific matters on the supply side of the housing equation. Some supply factors that create bottle necks were not thoroughly examined. As previously noted, for example, the Smart Prosperity Institute remains interested in examining in greater detail how and to what extent labour and skills shortages affect housing production. These shortages have been prominently raised in media coverage as well, including the *Globe and Mail's* John Lorinc noting “A bad mixture of an aging workforce, stalled immigration and slow training has many worried”.

Ontario's Big City Mayors (OBCM) noted early in 2022 that there are thousands of units approved for development in Ontario's largest municipalities but are not built. Why is this the case? It is an important issue that needs to be addressed.

Finally, the challenges of getting infrastructure in place to support this level of growth (e.g. financed, built and operational in a timely manner) is also a concern shared by both RPCO and Dr. Moffatt. Infrastructure is more fully addressed in Section 4 below (Building and Financing).

**Gap 5: There is a compelling need for a more fulsome analysis to examine all material supply and demand side factors in Ontario that affect housing availability and affordability, measures to address them, responsible parties and timing.**

**Gap 6: Many municipalities maintain that substantial inventories of developable lands for housing exist that can proceed to construction now, but are not being built. There is an urgent need to review municipal land inventories to understand existing developable land availability to builders (e.g. draft approved plans of subdivision that can proceed to development today, larger parcels of pre-zoned land available for intensification) and the reason(s) for which development has not proceeded.** This can assist in better understanding comments made by Ontario's Big City Mayors (OBCM) in 2022 that more approved development lands and buildings are available in larger

Ontario communities than are being built for new housing. RPCO understands that the Province has committed to review the existing development land supply noted by the OBCM.

**Gap 7: It is unclear why Bill 23 does not enable area municipalities to contract with Regional governments to provide growth-related services, particularly for small rural municipalities with minimal planning resources.** Local municipalities may not want to possess new skilled staff, and limited development potential may not warrant the creation of a new business unit in any event.

**Gap 8: There appears to be a lack of Provincial-municipal development industry engagement tables that meet regularly to address both occasional and systemic bottlenecks in the development review process.** These tables should be led by independent facilitators. Municipalities continue to review their municipal service delivery processes and are grateful for more recent Provincial support under the *Streamlining Development Approval Fund*.

### **3. Addressing Affordability Issues Outside of Open Market Housing Dynamics**

For some Ontarians, there are housing needs that cannot be met through healthy open market (supply and demand) dynamics. This can include lower wage-earning households, the elderly, and people with other special needs and vulnerabilities. In these cases, housing solutions must somehow be subsidized or otherwise provided outright by government, not for profit and philanthropic sources. These “out of market” housing needs can vary across Ontario communities. In major employment areas, lower paid employees may have little opportunity to find and afford suitable housing, creating long daily commutes and sometimes ultimately leaving their places of employment. This has tangible impacts on our provincial economy.

Ontario also possesses a population of people who require additional supports for daily living. For example, they may be recipients of the Ontario Disability Support Program who live with their aging parents. They also do not possess the economic means to sustainably support themselves, especially when their parents become no longer able to provide daily care. Ontario and Canada have always supported people in need through our “social safety nets”. Bill 23 does not appear to address compelling “outside of open market” needs, like those provided in supportive housing communities.

**Gap 9: It is unclear whether anyone is leading in the actual measurement of outcomes for “in the ground” prototype developments that keep a range of housing types or arrangements (at various levels of affordability) truly affordable,** especially in the medium to longer terms. Furthermore, there are no accompanying targets for subgroups like rental housing and supportive living communities. Even the ability of municipalities to maintain existing rental housing is unaddressed.

**Gap 10: Bigger pilot projects are not occurring through partnerships between the Province, municipalities and the home building industry to construct a range of units targeting different levels of housing affordability at much larger scales,** and in communities across Ontario (e.g. rural, urban, north, south). A fair and reasonable return on investment should also be included in such contractual arrangements. Members of RPCO are gratefully aware of a handful of developers that have already entered this market space, but there appears to be sizable room for more developers to begin to build a broader range of housing affordability types as well.

**Gap 11: There remains an urgent need to create a tangible, workable, on the ground strategy for building “hard to get” housing affordability types on publicly owned lands.** While all three levels of government (Federal, Provincial and Municipal) have surplus property disposition protocols, by-laws and other disposal mechanisms, there appears to be little in the way of an integrated implementation strategy that actually creates housing at larger scales, especially housing that is affordable to households in the greatest need. This housing should also be integrated into larger housing developments that reflect a diversity of community needs and choices, and tangibly support equity, diversity and inclusion.

#### **4. Building and Financing: The Right Infrastructure at the Right Time, Fees and Charges**

The infrastructure needed to support new development comes in many forms and at significant cost. Water and sewer mains, roads, parks, emergency services, sewage treatment plants, schools and hospitals are only a few examples. Energy supply and supporting infrastructure have also emerged as urgent issues to be addressed by the responsible entities, especially as Ontario moves toward much greater consumer-based electrification in the short term.

As development is planned, there are three basic questions that need to be answered. First, “What is the right infrastructure to be built?” This step includes matters like determining the size of the necessary infrastructure and the area that it will serve, often as part of a larger system or service area. Whether the development is in a greenfield or in an existing built up area will also influence the answer to this question.

The second question is “How will it be paid for?” Municipalities are entitled to collect fees through provincial legislation, including the collection of development charges for growth-related net capital costs. Municipalities need to also have adequate funds to pay for eligible infrastructure, or be willing to borrow funds, as long as their debt limits are not exceeded.

The third question is “How quickly can infrastructure be built?”. Municipalities participate in tendering projects every day for a variety of products and services. The development industry also has its own procurement process or agreements in place as well for things like labour, materials and infrastructure that it is responsible for.

The overarching question is whether the infrastructure required to support growth in Ontario can be defined, financed and built more efficiently. Absent key infrastructure being in place, construction and occupancy cannot occur. Furthermore, the infrastructure challenge may differ in communities across Ontario.

The reduction or “waiving” (forgiveness) of fees and charges is a decision that is particularly susceptible to unintended consequences. There are two main reasons for this susceptibility.

First, there will be a shift from “development paying for development”, to the municipal property taxpayer funding the cost of development (through the municipal tax levy). This means that the industrial and commercial sectors, as property owners, are also expected to be asked to pay in perpetuity for growth-related costs. Economically, this decision would be expected to affect the cost of doing business in Ontario and erode the province's economic competitiveness. Ontario (and all provinces) must be mindful of not creating higher tax jurisdictions, and imposing even greater pressure on consumers, especially at a time when there is very little capacity to absorb any further cost increases.

Secondly, municipalities themselves have a limited capacity to absorb additional costs. Any revenue shortfalls as a result of changes in the ability of municipalities to collect development charges will require municipalities (and more specifically property taxpayers) to pay for these costs. Given the tight state of municipal finances to even maintain existing service levels, the unintended consequence of fee and charge reductions or waivers may well be a delay in the funding and delivery of growth-related infrastructure. If municipalities are not able or willing (e.g. in the face of other compelling community pressures and their own debt limits) to absorb the additional financial burden related to growth, necessary infrastructure may not be built in a timely manner, or at all.

**Gap 12: As a result of Bill 23, there is an urgent need to revisit the process for determining the right infrastructure to be built, sustainable financing approaches and accelerated construction timelines for a variety of communities across Ontario.** This work should include collaboration with the Regional Public Works Commissioners of Ontario (RPWCO) and the Municipal Finance Officers' Association of Ontario (MFOA).

**Gap 13: Should the Province ultimately choose to proceed to reduce or waive municipal rights to collect development charges and/or other municipal fees and charges, municipalities must be fully compensated for the gap created by such financial losses to be able to support growth.** Development charges pay only for growth related net capital costs and that ultimately, this infrastructure is assumed by the municipal taxpayer to maintain and replace in perpetuity (typically through multi-year municipal capital asset programs). Direct involvement of RPWCO and MFOA representatives should again occur in undertaking this fiscal impact analysis and compensation.

## **5. Creating Velocity and Avoiding Unintended Consequences through Meaningful Collaboration**

There are two key types of active collaboration that are foundational to accommodating and shaping affordable growth in Ontario today. Both need to be strengthened.

The first collaboration is active, meaningful interaction amongst Municipal, Provincial and Federal government levels. As a starting point, all government levels should be well aligned in identifying shared priorities and their commitment to nimbly act on them. More traditional approaches to problem solving have involved protracted periods of time to reach consensus, marginal time spent on project strategy and management, and sub-optimal implementation.

The second collaboration that requires strengthening is between government and the private sector. Members of RPCO acknowledge that the development industry is the most adept at building housing at scale. Constructing a small number of new affordable housing units is important, but it will not address the large-scale need for many types of housing affordability across Ontario.

**Gap 14: Collaborate, collaborate, collaborate. There are many critical issues of the day. All parties must be mindful and responsive to related challenges,** like better advanced planning to effectively address impending employee shortages. It is essential

that unintended consequences be avoided, like those described in this report that can result from the reduction or forgiveness of municipal fees and charges.

**Gap 15: Issues of greater risk, liability and litigation are real and expected outcomes of Bill 23.** One of our biggest worries is the greater potential for catastrophic events to occur, like widespread groundwater contamination and permanent groundwater table draw-down in the absence of any government level (including Conservation Authorities) being responsible for the planning-related protection of watershed-scale natural systems. We need only remind ourselves of past catastrophic events like Hurricane Hazel to drive home the need for comprehensive planning and implementation measures. Regional governments will no longer be able to appeal planning decisions, removing a critical role in protecting such public interests. Furthermore, in the absence of well-coordinated and financed infrastructure, a great deal of litigation involving the Province, municipalities and the development industry should be anticipated. The outcome could be longer periods required for infrastructure to be built, and even the deferral of projects.

**Gap 16: There is a compelling need to better plan for student enrollment levels with major post-secondary institutions that can negatively and materially impact available local housing supply, especially housing that is affordable to lower income households.**

## **6. Supporting Innovation, Continuous Improvement and Nimbleness**

Innovation can be looked at as inventing anew or as if anew. This opens the door to approaches like revisiting former best practices and applying those practices to different problems.

As Ontarians begin to see more “consistent normalcy” since the Covid-19. pandemic began in 2020, there have been many experiences and lessons learned. First, the public did not expect perfection, but it did expect best efforts and adjustments as necessary in delivering programs and services. Employers also discovered that remote working is a viable way of doing business, and that there are less traditional working arrangements that could or should stay in place. Furthermore, government, business and not-for-profits have worked hard to ensure that their business units work well together and remain focused on their visions and strategies. So what does this mean when it comes to planning for growth?

It is imperative that opportunities for innovation be kept in mind, and three situational examples are offered below:

- Work from home may be a permanent full or part time arrangement for thousands of working households. This is very different from the minimal home occupations that were a much more incidental part of the work force pre-pandemic;
- Travel and infrastructure needs and patterns may also change significantly. This may have impacts on Provincial highways and major arterials (e.g. less peak hour commuting). In neighbourhoods, much heavier reliance on fast and reliable high speed internet services have already emerged as requiring major improvement; and
- Growth may be much more spread out across Ontario, creating large growth pressures on smaller and more distant communities and areas. As commuting daily to the workplace may no longer be necessary, impacts on major employment regions like the GTHA may also be both problematic and opportunistic.

**Gap 17: There is an urgent need to review the process, contents and turnaround times for Ministries and other Provincial bodies that receive development applications for comment and planning frameworks for approval.** Members of RPCO possess many examples of process inefficiencies that affect the timing of reports to Municipal Councils to make timely development approval decisions.

**Gap 18: Likewise, there is an urgent need to review the process, content and turnaround times for Provincial responses to development applications on more complex contaminated sites (i.e. properties requiring some form of environmental remediation) and revisit remediation options.** This measure could significantly improve intensification opportunities in many Ontario communities.

**Gap 19: There is a long-standing need to consider major changes to the Ontario Land Tribunal in terms of both hearing resources and the appeal process itself.** While it is essential that natural justice mechanisms exist (i.e. the right to an unbiased, fair hearing), cases must be strictly land use focused and more time-limited (for both hearings and decisions). The process and outcomes continue to be long, uncertain and expensive for all parties. Limiting public participation under Bill 23 is not the solution.

**Gap 20: The development industry should explore more contemporary ways of approaching home building.** This could include new strategies around developing people for skilled trades (e.g. implementing more aggressive diversity, equity and inclusion recruitment practices, including greater opportunities for Indigenous Peoples), exploring new material and construction approaches, and scaling up niche markets,

like smaller condominium buildings with modest features and minimal common elements (i.e. more gentle intensification).

**Gap 21: Under Bill 23, there appears to be no explicit connection made between Ontarians having good housing choices and support for both preventive and reactive health care needs. This disconnect is apparent despite health care remaining one of the Province's greatest cost centres, which also continue to rise rapidly. Recognize, accommodate, and support housing arrangements that also create health care solutions.** The Province should consider new forms of tax credits or deductions for housing arrangements where tenants or co-inhabitants also provide basic home support for other occupants of the home. The Province should also ensure that the Federal government understands and fully implements similar provisions, which can materially take financial and other resource pressures off of overwhelmed health care institutions and programs (e.g. hospitals, retirement, assisted living and long term care homes, outpatient programs, home support services) and all of the front line workers who support them.

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## A Closing Note

The Regional Planning Commissioners of Ontario recognize and appreciate the need to address today's emerging growth pressures now. Its upper and single tier members work to support growth through good planning every day, and have also been tasked by their municipal Councils in finding better ways of delivering municipal services.

Members of RPCO also recognize that conditions across Ontario and Canada have dramatically changed in a relatively short period of time, prompting a renewed call to also assess our collective effectiveness in supporting Ontario's vitality. In this respect, we look forward to more active collaboration that results in positive, measurable outcomes, beginning in the short term.

**The draft legislation supporting the Province's Bill 23, the *More Homes Built Faster Act*, seeks to support building more homes, helping home buyers, reducing construction costs and fees, and streamlining development approvals. In fact, the legislation is seriously misaligned with these goals, and does little to address the Big Gaps described in this report.**

**Major unintended consequences are also expected to result from the misalignment of the legislation with the main themes of Bill 23. These unintended consequences include increasing the financial burden for municipal taxpayers by making them pay more for growth, reducing the ability to create new parks and other open spaces, limiting citizen rights, making it impossible for some municipalities to build supporting infrastructure on time to support growth, and removing effective regional growth management, especially in ensuring the efficient use of infrastructure and protecting vital natural systems that cross municipal boundaries.**

**All parties involved in the creation of new homes should make working to increase the velocity of housing production their highest shared priority. This must include the many different housing affordability types and tenures.**

We trust that understanding the big picture and addressing the big gaps will help to advance our shared cause of protecting and enhancing Ontario's environmental, economic, social, and cultural vitality.

Thank you for allowing us to share *Making Room* with you, and to identify the many ways we need to work together now.

Sincerely,

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Thom Hunt, Chair  
Regional Planning Commissioners of Ontario  
[thunt@citywindsor.ca](mailto:thunt@citywindsor.ca)

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**Appendix C:**  
**Regional Treasurers of Ontario Analysis of Bill 23**



**Bill 23 – More Homes Built Faster Act, 2022**

**Ontario Regional and Single Tier Treasurers Submission – November 4, 2022**

**High-level Key Messages**

- The Ontario Regional and Single Tier Treasurers (ORSTT) have a strong track record of working with the Province on a variety of matters and issues relating to municipal infrastructure, growth and asset management, and particularly with respect to the Development Charges Act and Community Benefits Charges. We are working collaboratively with our colleagues in planning, public works and legal to review Bill 23 and help achieve the Province’s goal of increasing the supply of housing over the next 10 years.
- While ORSTT supports the Province’s goal to increase housing supply, we believe that Bill 23 will have significant financial impacts and unintended consequences that would be counterproductive to this outcome. The proposed legislation reduces the amount of Development Charges, Parkland Dedication fees and Community Benefits Charges collected by municipalities to fund the growth-related capital cost of infrastructure and services needed for new housing to be built and to provide the essential services to its residents.
- We believe that attempts to reduce development charges will not translate into lower home prices. Such prices are market driven, and a reduction of DCs benefits the profits of developers and is not directly correlated to the cost of housing. This will not result in housing being built faster. To the contrary, housing supply could be restricted as infrastructure projects are deferred due to restricted municipal cash flow. In addition, the construction of new affordable housing units by municipalities will be constrained, and non-residential development charges will also be reduced.
- We are greatly concerned that existing taxpayers will pay more for growth, which already does not pay for itself under current rules. As existing taxpayers and ratepayers take on an even greater share of the cost of growth-related infrastructure, the total cost of housing will increase due to higher property taxes and user rates. This comes at a time when municipalities are experiencing capital cost escalation in the range of 15% or more and the highest cost of borrowing in over 10 years.
- Municipalities have limited revenue sources to fund both the operating costs and capital investments needed to deliver essential services. As municipal revenue is reduced, municipalities will need to consider delaying the construction of infrastructure needed to service new housing and assuming additional risk by taking on more long term debt and the associated debt financing costs. This in turn could lead to service level reductions and would compromise provincially-mandated municipal asset management plans as more tax dollars will be needed for fund the cost of growth.

## **Bill 23 Summary and Observations**

Through Bill 23, the Province is proposing to amend the Development Charges Act and the Planning Act in a way that removes DC eligible services and costs, exempts certain development from the payment of DCs, Parkland Dedication Fees and Community Benefits Charges (CBC), and mandates a phase-in of new DC rates for all development (including commercial, industrial and institutional growth).

Virtually all of the proposed changes to the DCA result in less DC revenue collected by municipalities to fund the costs of growth-related infrastructure that supports new housing and commercial and industrial development. Specifically this Bill:

- Exempts certain development from the payment of DCs
- Introduces mandatory DC discounts
- Requires a mandatory discounted phase-in of new DC rates (for residential and non-residential development)
- Makes the costs associated with studies and certain land acquisitions ineligible
- Removes Housing as an eligible DC service
- Caps the interest rate on frozen and deferred DCs
- Increases the historical service standard from 10 to 15 years (thereby generally creating a lower service standard for services other than Public Transit)
- Establishes an arbitrary spending and allocation target that may not align with municipal capital investments or DC collections

In addition, it is proposed that the Planning Act be amended as it relates to Parkland Dedication (PD) Fees and Community Benefits Charges (CBC). Again the result will be less revenue collected by municipalities to fund the costs of infrastructure related to parks, affordable housing and other services. The proposed changes include:

- Exempting more growth from the payment of PDs and CBCs
- Establishing an arbitrary spending and allocation target that may not align with municipal capital investments or PD and CBC collections

If approved, this Bill will result in:

- Reduced DC, PD and CBC revenue collected and therefore less municipal capacity to fund the cost of growth-related infrastructure
- A transfer of costs from new development onto existing taxpayers and ratepayers
- Delays in infrastructure projects needed to allow new housing to be built
- Deferred or cancelled infrastructure to deliver the services needed by new residents
- More long term debt and risk for municipalities
- More pressure on municipal budgets and provincially mandated municipal asset management plans at a time of very high inflation and rising costs of borrowing

- Less ability for municipalities to invest in green spaces to provide park amenities to support the increased housing density

The ORSTT group has long promoted the need for integrated, sustainable and long term infrastructure planning, in order to ensure that essential services (e.g. water, wastewater, roads and transit) are available when growth proceeds. Planning at a Regional level ensures that resources are used efficiently and infrastructure is built in a continuous manner. In the absence of Regional planning for this infrastructure, there will be a struggle between municipalities to accommodate growth in a properly coordinated way. Regional Official Plans provide direction on growth as well as lead to the development of service-specific Master Plans that include financial impact assessments to ensure growth can happen in a financially sustainable manner.

### **Background**

Municipalities are responsible for the infrastructure needed to allow new housing to be built (e.g. water supply, wastewater treatment and roads) and the essential services expected by the community (e.g. public transit, parks and community centres, arenas, libraries, and emergency services such as police, fire and ambulance). The proposed changes to development charges, parkland dedication fees and community benefits charges will limit the ability of municipalities to fund the capital costs of such infrastructure and services. The total cost of home ownership will be higher as a result of further property tax and user rate increases. There is no demonstrable evidence that a reduction in development charges, community benefit charges or parkland dedication rates will translate into lower housing prices.

Municipalities have limited revenue sources to fund capital investments needed to deliver essential services, and this legislation will reduce municipal fiscal capacity to fund necessary capital investments to allow new housing supply to be built. The inevitable result of the proposed legislation is that existing taxpayers and ratepayers will need to pay more to allow growth to happen and the emplacement of infrastructure required to support housing development will be delayed. Actions such as making more costs ineligible for development charge recovery, discounting and phasing-in development charge rates across all forms of development (including non-residential construction) and exempting certain forms of development from the payment of development charges and community benefits charges all result in reduced revenue for municipalities.

In the absence of the Province developing mechanisms to offset the lost funding to keep municipalities whole from an infrastructure funding perspective, municipal Councils will be forced to make choices between maintaining existing assets and building new infrastructure with limited tax levy/user rate sources. This will ultimately lead to the deferral of growth-related infrastructure projects which contradicts the Province's goal to build more homes faster.

Two specific proposed changes to the DCA are highly concerning:

- 1) Proposed phase-in of new DC rates: This is not a phase-in of rate increases, but rather of the DC rates in their entirety (and it applies to both residential and non-residential DC rates). As an example, the impact in the City of Toronto is that new DC rates will be

lower than DCs currently collected, and it will take until 2026 to get to 2018 DC rate levels. The impact for Toronto is estimated at \$200 million/year or \$2 billion over its 10 year capital plan. This will impact the speed of which the supporting infrastructure can be built prior to the development occurring.

- 2) Proposed removal of Housing as a DC eligible service: The County of Simcoe's 2021 Development Charge Background Study included \$92M in DC eligible costs identified for Social Housing. An estimated \$68M was to be collected over the next 10 years through the housing component of the DC charge (\$3,153 for a single family unit). Removing \$3,153 from the DC rate will NOT render that new home more affordable. Losing \$92M in DC revenue will increase property taxes for existing Simcoe County residents (replacing \$92M of DC funding will require borrowing and result in a minimum 4% to 5% increase in property taxes to pay it back).

Municipalities have made significant effort with respect to asset management planning and investment as a result of the requirements of Ontario Regulation 588/17. With the increased reliance on existing taxpayers to fund the necessary growth-related infrastructure, Councils will be forced to make choices between maintaining existing assets and building new infrastructure with limited tax levy/user rate sources - putting at risk the progress made to date and limiting future progress with respect to asset management planning and investment in municipal assets.

Other comments and observations:

- In some municipalities, CBC proceeds are intended to be reinvested in affordable housing initiatives. As such, any reduction in CBC proceeds, as well as the removal of housing as DC eligible service, will result in a lesser amount of incremental investment in housing affordability initiatives and projects.
- Municipalities might have to consider removing or delaying planned housing incentives if they have to make up shortfalls from DCs
- "As of right" rules could cause capacity challenges further along water, wastewater and stormwater pipes and may limit growth
- Discounts for rental housing do not seem to have definitions and duration agreements
- There is no indication from the Province as to how it intends to fund the provincial infrastructure necessary to service the population that will reside in the 1.5 million homes it desires to see built over the next 10 years. This includes schools, hospitals, two-way all day GO train service, etc.
- The effectiveness of fiscal impact studies and capital forecasting relies upon broad based planning perspectives and work provided by upper-tier planning departments

### **Next Steps**

The ORSTT group will continue its analysis of this Bill as it moves through the legislative process. Our immediate next steps will be to turn our minds to alternative proposals and options to help achieve the desired outcomes, and to assess the short and long term financial impacts where possible. We hope to work collaboratively with staff at the Province to identify alternatives

that would both support achieving the desired objectives and mitigate the unintended consequences of this Bill.

Submitted on behalf of the members of ORSTT by:

*Craig Dyer*

Chair, Ontario Regional and Single Tier Treasurers  
Commissioner of Corporate Services and Chief Financial Officer, Region of Waterloo