

Planning and Environment Committee

Report

2nd Meeting of the Planning and Environment Committee
January 9, 2023

PRESENT: Councillors S. Lehman (Chair), S. Lewis, A. Hopkins, S. Franke, S. Hillier

ABSENT: Mayor J. Morgan

ALSO PRESENT: Councillor J. Pribil; M. Corby, A. Job, B. O'Hagan and M. Pease
Remote attendance: Councillors P. Cuddy, C. Rahman and E. Pelozo; I. Abushehada, O. Alchits, G. Belch, J. Bunn, S. Fisher, M. Greguol, D. Harpal, B. House, P. Kokkoros, B. Page, A. Riley, A. Singh, M. Sundercock, B. Westlake-Power and P. Yeoman
The meeting is called to order at 4:00 PM

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

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

That Items 2.3, 2.4, 2.6, 2.7 and 2.8 BE APPROVED.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

2.3 2022 Audit and Accountability Fund - Intake 3 - Final Report

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

That the staff report dated January 9, 2023, entitled "Audit and Accountability Fund - Intake 3 - Final Report" BE RECEIVED for information. (2022-F11)

Motion Passed

2.4 892 Princess Avenue - Heritage Alteration Permit Application

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

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 retroactive approval for the replacement of the original slate roof with asphalt shingles at 892 Princess Avenue, within the Old East Heritage Conservation District, BE REFUSED.(2022-R01)

Motion Passed

2.6 720 Apricot Drive - Limiting Distance Agreement

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

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to a limiting distance (no-build) agreement between The Corporation of the City of London and Southside Construction Management Limited, for the property located at 20-720 Apricot Drive:

- a) the proposed limiting distance agreement appended to the staff report dated January 9, 2023, for the property at 20-720 Apricot Drive between The Corporation of the City of London and Southside Construction Management Limited BE APPROVED; and,
- b) the proposed by-law appended to the staff report dated January 9, 2023 BE INTRODUCED at the Municipal Council meeting to be held on January 24, 2023, to approve the limiting distance agreement between The Corporation of the City of London and Southside Construction Management Limited, for the property at 20-720 Apricot Drive, and to delegate authority to the Deputy City Manager, Environment and Infrastructure to execute the agreement on behalf of The Corporation of the City of London as the adjacent property owner. (2022-D09)

Motion Passed

2.7 Building Division Monthly Report - October 2022

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

That the Building Division Monthly report for October, 2022 BE RECEIVED for information. (2022-A23)

Motion Passed

2.8 1st Report of the Community Advisory Committee on Planning

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

That the 1st Report of the Community Advisory Committee on Planning, from its meeting held on December 14, 2022, BE RECEIVED for information.

Motion Passed

2.1 600 Sunningdale Road West - Phase 2 Special Provisions

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

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd., for the subdivision of land legally

described as RCP 1028 PT Lot 16 RP 33R13891, PT Part 1 RP 33R16774 Parts 3 to 10, municipally known as 600 Sunningdale Road West, located on the south side Sunningdale Road West, between Wonderland Road North and Richmond Street:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd., for the Sunningdale Court Subdivision, Phase 2 (39T-18501_2) appended to the staff report dated January 9, 2023, as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated January 9, 2023, as Appendix "B"; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute the Agreement, any amending agreements and all documents required to fulfil its conditions. (2022-R05D)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

2.2 600 Sunningdale Road West - Phase 3 Special Provisions

Moved by: A. Hopkins

Seconded by: S. Lewis

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd., for the subdivision of land legally described as RCP 1028 PT Lot 16 RP 33R13891, PT Part 1 RP 33R16774 Parts 3 to 10, municipally known as 600 Sunningdale Road West, located on the south side Sunningdale Road West, between Wonderland Road North and Richmond Street:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd., for the Sunningdale Court Subdivision, Phase 3 (39T-18501_3) appended to the staff report dated January 9, 2023, as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated January 9, 2023, as Appendix "B"; and,

c) the Mayor and the City Clerk BE AUTHORIZED to execute the Agreement, any amending agreements and all documents required to fulfil its conditions. (2022-R05D)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

2.5 864 Hellmuth Avenue - Heritage Alteration Permit Application

Moved by: A. Hopkins

Seconded by: S. Hillier

That 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 864 Hellmuth Avenue, within the Bishop Hellmuth Heritage Conservation District, BE REFERRED back to a future Planning and Environment Committee meeting; it being noted that the Planning and Environment Committee received a communication dated January 6, 2023 from M. Greguol, Heritage Planner, noting the applicant's request to extend the timeline for consideration. (2022-R01)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

3. Scheduled Items

3.1 88 Chesterfield Avenue

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Acting Director, Planning and Development, based on the application by Amy Liu, relating to the property located at 88 Chesterfield Avenue, the proposed by-law appended to the staff report dated January 9, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on January 24, 2023, to amend Zoning By-law No. Z-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Residential R2 (R2-2) Zone TO a Residential R3-2 Special Provision (R3-2(_)) Zone;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- M. Campbell, Zelinka Priamo Ltd., on behalf of the applicant;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns by providing a range of uses and opportunities for intensification and redevelopment;
- the recommended zoning conforms to the in-force policies of The London Plan, including, but not limited to, the Neighbourhoods Place Type, City Building Policies and Our Tools; and,
- the requested zoning to permit a three-unit converted dwelling facilitates the development at an intensity that is appropriate for the site and the surrounding neighbourhood. (2022-D09)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Hillier

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

Moved by: S. Hillier

Seconded by: A. Hopkins

Motion to close the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

3.2 634 Commissioners Road West

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application by Royal Premier Homes (c/o Farhad Noory), relating to the property located at 634 Commissioners Road West:

a) the proposed by-law appended to the staff report dated January 9, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on January 24, 2023 to amend Zoning By-law No. Z-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM Residential R1 (R1-9) Zone TO a Residential R5 Special Provision (R5-7(_)) Zone;

b) the Site Plan Approval Authority BE REQUESTED to consider the following, through the site plan process:

i) the façade for the new residential development to the east of the existing single detached dwelling shall have a first-floor grade at least 0.6 metres lower than the existing dwelling first floor grade;

ii) at least one step down shall be required within the front façade and/or foundation for the proposed townhouse building west of the existing heritage dwelling;

iii) provide 1.8-metre-tall privacy fencing along property lines adjacent to residential parcels;

iv) for landscape strips along a public street, add at least one tree per every 12 metres, or every 15 metres otherwise;

v) retain as many mature trees as possible, especially along Commissioners Road West and along the east and south property lines between the proposed development and the adjacent single detached dwellings;

vi) relocate the parking away from the view terminus into the site and buffer the parking from the amenity space with landscaping and/or low landscape walls; and,

vii) consider two small parking areas outside of the view terminus to maintain as many mature trees along the south property line as possible;

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

- a project fact sheet;
- the staff presentation; and,
- a communication dated January 5, 2023, from W. Smith;

it being pointed out that the following individuals made verbal presentations at the public participation meeting held in conjunction with this matter:

- M. Davis, siv-ik planning and design;
- M. Melanson; and,
- W. Smith;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns that provide for a range of uses and opportunities for intensification and redevelopment;
- the recommended zoning conforms to the in-force policies of The London Plan, including, but not limited to, the Neighbourhoods Place Type, City Building Policies and Our Tools;
- the recommended amendment would permit a development at an intensity that is appropriate for the site and the surrounding neighbourhood; and,
- the recommended amendment facilitates the development of a site within the Built-Area Boundary with an appropriate form of infill development. (2022-D09)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

Additional Votes:

Moved by: A. Hopkins

Seconded by: S. Franke

Motion to amend the recommendation to include a new part b) viii), request the Civic Administration review the Tree Preservation Plan further, specifically with respect to the locust tree;

Yeas: (2): A. Hopkins , and S. Franke

Nays: (3): S. Lehman, S. Lewis, and S. Hillier

Absent: (1): Mayor J. Morgan

Motion Failed (2 to 3)

Moved by: A. Hopkins

Seconded by: S. Franke

Motion to open the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

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

Motion to close the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

3.3 867 - 879 Wellington Road

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

That, on the recommendation of the Acting Director, Planning and Development, based on the application by Bates Real Estate Corporation, relating to the property located at 867-879 Wellington Road, the proposed by-law appended to the staff report dated January 9, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on January 24, 2023, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Highway Service Commercial (HS1/HS4) Zone, TO a Highway Service Commercial and Associated Shopping Area Commercial (HS1/HS4/ASA1) Zone;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- S. Allen, MHBC;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Rapid Transit Corridor Place Type; and,
- the proposed zoning amendment would appropriately broaden the set of service/retail uses permitted on the site, most notably retail stores. The additional commercial uses intended for the site would be compatible with the existing development context and will not generate significant land use conflicts with adjacent properties. (2022-D09)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

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

Motion to open the public participation meeting.

Yeas: (4): S. Lehman, A. Hopkins , S. Franke, and S. Hillier

Absent: (2): S. Lewis, and Mayor J. Morgan

Motion Passed (4 to 0)

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

Motion to close the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

3.4 600 Third Street

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

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 City Centre Storage, relating to the property located at 600 Third Street:

a) the proposed by-law appended to the staff report dated January 9, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on January 24, 2023 to amend the Official Plan for the City of London, 2016 to change the designation of the subject lands FROM a Light Industrial Place Type TO a Commercial Industrial Place Type on Map 1 – Place Types;

b) the proposed by-law appended to the staff report dated January 9, 2023 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on January 24, 2023, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016, as amended above) to change the zoning of the subject property FROM a Light Industrial (LI1/LI7) Zone TO a Restricted Service Commercial Special Provision (RSC2/RSC4/RSC5(_)) Zone;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- S. Allen, MHBC;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses;
- the recommended amendments conform to the policies of The London Plan, including but not limited to the Key Directions and Commercial Industrial Place Type; and,
- the recommended amendments are appropriate for the site and facilitate the reuse of the existing buildings with a use that is compatible within the surrounding context. (2022-D09)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

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

Motion to open the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

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

Motion to close the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

3.5 1350 Trafalgar Street (Z-9548)

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

That, on the recommendation of the Acting Director, Planning and Development, based on the application by McFalls Storage o/a Forest City Storage, relating to the property located at 1350 Trafalgar Street, the proposed by-law appended to the staff report dated January 9, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on January 24, 2023, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016) to change the zoning of the subject property FROM a General Industrial (GI1(8)) Special Provision Zone TO a Restricted Service Commercial (RSC4(_)) Special Provision Zone;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- M. Campbell, Zelinka Priamo Ltd.;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Light Industrial Place Type;
- the recommended amendment conforms to the in-force policies of the Brydges Street Area regarding commercial uses on lands within the Light Industrial Place Type;
- the recommended amendment would facilitate the reuse of an otherwise underutilized industrial warehouse within an existing area that already facilitates both industrial and commercial uses; and,
- the proposed amendment will assist in transitioning the area south of the

railway corridor to commercial-oriented uses which are appropriate for the existing mixed-use landscape. (2022-D09)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

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

Motion to open the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

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

Motion to close the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

3.6 4th and 1st Reports of the Ecological Community Advisory Committee

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

That the following actions be taken with respect to the delegation from S. Levin, Chair, Ecological Community Advisory Committee, with respect to the 4th and 1st Reports of the Ecological Community Advisory Committee from its meetings held on November 17, 2022 and December 15, 2022, respectively:

a) the following actions be taken with respect to the resignation of P. Almost:

i) the resignation of P. Almost BE RECEIVED with regret; and,

ii) the Strategic Priorities and Policy Committee BE REQUESTED to appoint Dr. Eric Dusenge, a previous member of the Environmental and Ecological Planning Advisory Committee (EEPAC), to fill the vacancy with a term ending concurrently with other members of the Ecological Community Advisory Committee (ECAC); it being noted that Dr. Dusenge previously served on the EEPAC and has previously submitted his application for ECAC;

b) clauses 1.1, 3.1 to 3.5, inclusive, 5.1 to 5.4, inclusive, of the 4th Report of the Ecological Community Advisory Committee BE RECEIVED for information;

c) the Working Group comments relating to the properties located at 92 and 96 Tallwood Circle BE FORWARDED to the Civic Administration for review and consideration;

d) clause 4.2 of the 1st Report of the Ecological Community Advisory Committee related to the property located at 2060 Dundas Street BE AMENDED to read as follows:

"the following actions be taken with respect to the Working Group comments relating to the property located at 2060 Dundas Street:

i) the Working Group comments BE FORWARDED to the Civic Administration for review and consideration; and,
ii) the Forestry Department BE REQUESTED to investigate the property to the East of 2060 Dundas Street as there is a storage facility and an unopened right of way through a tree preservation area;"

e) a representative from Financial Planning and Policy BE INVITED to attend the January 19, 2023 meeting of the Ecological Planning Advisory Committee to provide an update on proposed budget matters relating to matters including, but not limited to, Environmentally Significant Areas, Conservation Master Plans and Stormwater Management; and,

f) clauses 1.1, 3.1, 5.1 and 6.2 of the 1st Report of the Ecological Community Advisory Committee BE RECEIVED for information;

it being noted that the Planning and Environment Committee received a communication dated January 4, 2023, and heard a verbal presentation from S. Levin, with respect to the above-noted matters.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

3.7 942 Westminster Drive

Moved by: S. Hillier

Seconded by: S. Franke

That, on the recommendation of the Acting Director, Planning and Development, based on the application by Jim Rimmelzwaan, relating to the property located at 942 Westminster Drive, the proposed by-law appended to the staff report dated January 9, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on January 24, 2023, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016) to change the zoning of the subject property FROM an Agricultural (AG2) and Environmental Review (ER) Zone TO an Agricultural (AG2), Environmental Review (ER) and Agricultural Special Provision (AG2(_)) Zone;

it being noted that no individuals spoke at the public participation meeting associated with this matter;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the policies of The London Plan, including, but not limited to, the Key Directions and Farmland Place

Type policies;

- the recommended amendment is intended to support an accompanying consent to sever application;
- the recommended amendment is not intended to impact the character of the agricultural area and is solely intended to recognize the existing site conditions; and,
- the proposed use will co-exist in harmony with the adjacent land uses, and considers both the long-term protection of agricultural resources and the long-term compatibility of uses, and will not create a net increase in the number of buildable lots. (2022-D09)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

Moved by: S. Hillier

Seconded by: S. Franke

Motion to open the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

Moved by: A. Hopkins

Seconded by: S. Hillier

Motion to close the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

3.8 400 Southdale Road East

Moved by: S. Lewis

Seconded by: A. Hopkins

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application by LJM Developments, relating to the property located at 400 Southdale Road East:

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

- i) noise, dirt and safety during construction; and,
- ii) the safety of existing houses and swimming pools during excavation;

b) the Approval Authority BE ADVISED that the Municipal Council supports the Site Plan Application;

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

- staff presentation;
- the applicant's presentation; and,
- a communication dated January 3, 2023 from E. Ali;

it being pointed out that the following individual made a verbal presentation at the public participation meeting held in conjunction with this matter:

- J. Ariens, IBI Group. (2022-D09)

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

Moved by: S. Hillier

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

Moved by: A. Hopkins

Seconded by: S. Lewis

Motion to close the public participation meeting.

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

Absent: (1): Mayor J. Morgan

Motion Passed (5 to 0)

4. Items for Direction

None.

5. Deferred Matters/Additional Business

None.

6. Adjournment

The meeting adjourned at 6:04 PM.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P.Eng
Deputy City Manager, Planning and Economic
Development

Subject: Application By: Sunningdale Golf and Country Ltd.
600 Sunningdale Road West
Sunningdale Court Subdivision Phase 2 - Special Provisions

Meeting on: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd. for the subdivision of land legally described as RCP 1028 PT Lot 16 RP 33R13891, PT Part 1 RP 33R16774 Parts 3 to 10, municipally known as 600 Sunningdale Road West, located on the south side Sunningdale Road West, between Wonderland Road North and Richmond Street;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd. for the Sunningdale Court Subdivision, Phase 2 (39T-18501_2) attached as Appendix "A", **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B";
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

Executive Summary

Recommending approval of Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd. for the Sunningdale Court Subdivision, Phase 2 (39T-18501_2)

Linkage to the Corporate Strategic Plan

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

Analysis

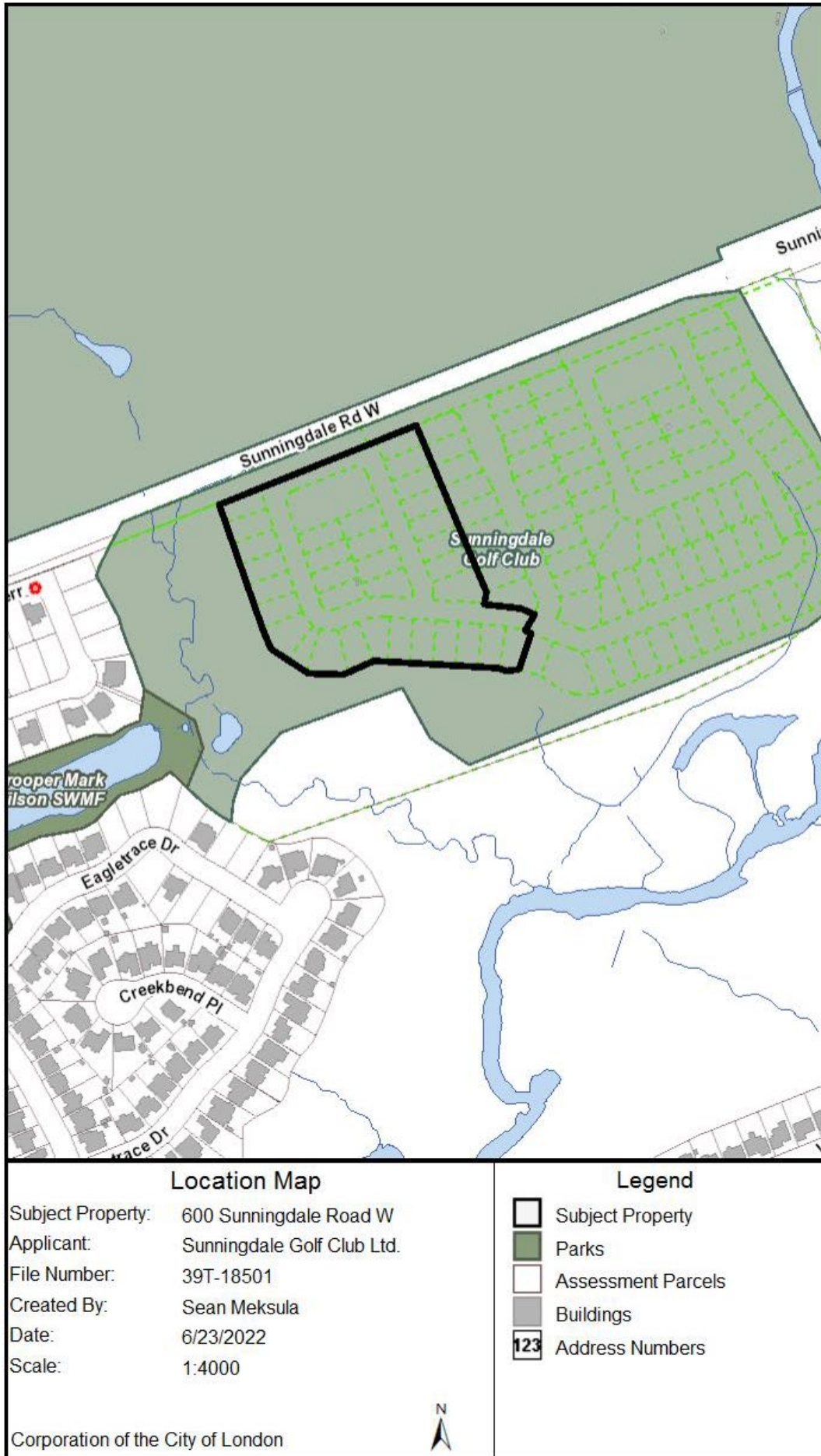
1.0 Background Information

1.1 Property Description

The subject site has a total area of approximately 20.6 ha and was previously operating as a part of the Sunningdale Golf Course with approximately 650 meters of frontage on Sunningdale Road West. Phase 2 is located on the west side within the block and is 3.8 ha in size with two access point at Sunningdale Road from Valleystream Walk. The subject site is located on the south side of Sunningdale Road West between Richmond Street and Wonderland Road North. Sunningdale Golf Course is located to the north of the property, Medway Valley Heritage Forest Environmentally Significant Areas is to the east, south and west of the property with other subdivisions located past the boundaries of the Medway Valley Heritage Forest lands.

- Phase 1 Registered on October 12, 2022. Phase 1 of this development is comprised of 42 single detached lots (Lots 1 to 42), and Blocks 43, 44 and 45.
- Phase 2 Draft Approval on October 11, 2019. Phase 2 of this development is comprised of 32 single detached lots (Lots 1 to 32), and Blocks 33 and 34.
- Phase 3 Draft Approval on October 11, 2019. Phase 3 of this development is comprised of 34 single detached lots (Lots 1 to 34), and Block 35.

1.2 Location Map



1.3 Sunningdale Court Subdivision, Phase 2

SUNNINGDALE ROAD WEST

ROAD ALLOWANCE BETWEEN CONCESSIONS 5 & 6

(PART OF BLOCK SUBDIVISION PLAN NO. 8166) (M.P. 18.2)

APPROVED UNDER SECTION 51 OF THE SUBDIVISION ACT 1985

DATE OF _____, 20____

PLAN 33M-827

PLAN 33M-827

LOT 10 PLAN 33M-827

LOT 32

CLINIC TITLE

C-1	6,400.00	18,824.00	54,816.00
C-2	9,600.00	14,070.00	50,085.00
C-3	27,000.00	43,780.00	148,110.00
C-4	27,000.00	13,728.00	148,218.00
C-5	27,000.00	14,070.00	148,110.00
C-6	27,000.00	14,070.00	148,110.00
C-7	27,000.00	14,070.00	148,110.00
C-8	50,000.00	50,000.00	50,000.00
C-9	50,000.00	50,000.00	50,000.00
C-10	50,000.00	50,000.00	50,000.00
C-11	50,000.00	50,000.00	50,000.00
C-12	4,000.00	2,000.00	2,000.00
C-13	24,000.00	8,000.00	148,110.00
C-14	50,000.00	50,000.00	50,000.00
C-15	50,000.00	50,000.00	50,000.00
C-16	50,000.00	50,000.00	50,000.00
C-17	50,000.00	50,000.00	50,000.00
C-18	50,000.00	50,000.00	50,000.00
C-19	50,000.00	50,000.00	50,000.00
C-20	50,000.00	50,000.00	50,000.00
C-21	50,000.00	50,000.00	50,000.00
C-22	50,000.00	50,000.00	50,000.00
C-23	50,000.00	50,000.00	50,000.00
C-24	50,000.00	50,000.00	50,000.00
C-25	50,000.00	50,000.00	50,000.00
C-26	50,000.00	50,000.00	50,000.00
C-27	50,000.00	50,000.00	50,000.00
C-28	50,000.00	50,000.00	50,000.00
C-29	50,000.00	50,000.00	50,000.00
C-30	50,000.00	50,000.00	50,000.00
C-31	50,000.00	50,000.00	50,000.00
C-32	50,000.00	50,000.00	50,000.00

LEGEND

- 1. LINE SHOWS BOUNDARY OF LOT
- 2. LINE SHOWS BOUNDARY OF BLOCK
- 3. LINE SHOWS BOUNDARY OF CONVEYANCE
- 4. LINE SHOWS BOUNDARY OF SUBDIVISION
- 5. LINE SHOWS BOUNDARY OF ROAD
- 6. LINE SHOWS BOUNDARY OF TRAIL
- 7. LINE SHOWS BOUNDARY OF FENCE
- 8. LINE SHOWS BOUNDARY OF EASEMENT
- 9. LINE SHOWS BOUNDARY OF UNLAWFUL ENCROACHMENT
- 10. LINE SHOWS BOUNDARY OF UNLAWFUL ENCROACHMENT
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- 31. LINE SHOWS BOUNDARY OF UNLAWFUL ENCROACHMENT
- 32. LINE SHOWS BOUNDARY OF UNLAWFUL ENCROACHMENT

PLAN OF SUBDIVISION

of Part of

LOT 16

REGISTRAR'S COMPILED PLAN 1028

(TOWNSHIP OF LONDON)

CITY OF MIDDLESEX

COUNTY OF MIDDLESEX

SCALE 1:500 (NAD 83)

© 2010 CANTON SURVEYS

NOTES

1. THIS PLAN IS A PLAN OF A SUBDIVISION.

2. THE PLAN IS SUBJECT TO THE SUBDIVISION ACT 1985 AND THE REGULATIONS THEREUNDER.

3. THE PLAN IS SUBJECT TO THE CONVEYANCE OF THE CITY OF LONDON.

4. THE PLAN IS SUBJECT TO THE CONVEYANCE OF THE CITY OF MIDDLESEX.

5. THE PLAN IS SUBJECT TO THE CONVEYANCE OF THE COUNTY OF MIDDLESEX.

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the land shown in the above plan, do hereby certify that the same is a true and correct copy of the original plan as shown to me by the Registrar of Deeds and that the same has been duly registered in the office of the Registrar of Deeds.

SIGNED AND SEALED: _____

WITNESSED BY ME: _____

SURVEYOR'S CERTIFICATE

I, the undersigned, being the surveyor of the land shown in the above plan, do hereby certify that the same is a true and correct copy of the original plan as shown to me by the Registrar of Deeds and that the same has been duly registered in the office of the Registrar of Deeds.

SIGNED AND SEALED: _____

WITNESSED BY ME: _____

PRELIMINARY - NOT MONUMENTED

Callion & Dietz

ONTARIO LAND SURVEYORS

3700 SHEPPARD AVENUE EAST, SUITE 100

SCARBOROUGH, ONTARIO M1S 4T7

TEL: (416) 291-9999

FAX: (416) 291-9998

WWW: www.callionanddietz.com

100605

INTEGRATION DATA

REGISTRATION NUMBER: 2010-01-01-100605

DATE OF REGISTRATION: 2010-01-01

DATE OF PLAN: 2010-01-01

DATE OF SURVEY: 2010-01-01

DATE OF COMPILATION: 2010-01-01

DATE OF PRINTING: 2010-01-01

DATE OF APPROVAL: 2010-01-01

DATE OF DEPOSIT: 2010-01-01

DATE OF RELEASE: 2010-01-01

DATE OF CANCELLATION: 2010-01-01

DATE OF RESCINDMENT: 2010-01-01

DATE OF REVOCATION: 2010-01-01

DATE OF AMENDMENT: 2010-01-01

DATE OF EXTENSION: 2010-01-01

DATE OF RENEWAL: 2010-01-01

DATE OF EXPIRATION: 2010-01-01

DATE OF TERMINATION: 2010-01-01

DATE OF ANNULLMENT: 2010-01-01

DATE OF REPEAL: 2010-01-01

DATE OF REVOCATION: 2010-01-01

DATE OF AMENDMENT: 2010-01-01

DATE OF EXTENSION: 2010-01-01

DATE OF RENEWAL: 2010-01-01

DATE OF EXPIRATION: 2010-01-01

DATE OF TERMINATION: 2010-01-01

DATE OF ANNULLMENT: 2010-01-01

DATE OF REPEAL: 2010-01-01

2.0 Discussion and Considerations

2.1 Development Proposal

Phase 2 of the plan of subdivision will consist of 32 single detached lots (Lots 1 to 32), and Blocks 33 and 34 and a local street (Valleystream Walk).

The recommended special provisions for the proposed Phase 2 Subdivision Agreement are found in Appendix A of this report. Staff has reviewed these special provisions with the Owner who is in agreement with them.

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

3.0 Financial Impact/Considerations

3.1 Financial Securities

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

4.0 Key Issues and Considerations

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

Conclusion

Planning and Development staff are satisfied with the proposed special provisions for the Sunningdale Court Subdivision, Phase 2, and recommend that they be approved; and, that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfil its conditions.

Prepared by: Archi Patel,
Planner I, Planning and Development

Reviewed by: Bruce Page
Manager, Subdivision Planning

Recommended by: Britt O'Hagan
Acting Director, Planning and Development

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

cc: Bruce Page, Manager, Subdivision Planning
Matt Davenport, Manager, Subdivision Engineering

December 19, 2022

Appendix A – Special Provisions

5. STANDARD OF WORK

Add the following new Special Provision:

- 1 The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.

The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lot 25 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the Deputy City Manager, Environment and Infrastructure.

6. SOILS CERTIFICATE/GEOTECHNICAL

Add the following new Special Provisions:

- 2 The Owner shall have its professional engineer ensure that all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability associated with the Medway Creek, existing ravines are adequately addressed for the subject lands, as per the accepted engineering drawings and all to the satisfaction of the Deputy City Manager, Environment and Infrastructure.

Please note: If there are no school sites within the draft plan of subdivision, only clauses 15.1 and 15.2 will be included.

15. PROPOSED SCHOOL SITES

- 15.1 The Owner shall advise all purchasers that there is no commitment by the London District Catholic School Board to construct a permanent educational facility within the development area at this time. Sufficient pupil accommodation will not be available for all anticipated Catholic students residing within the development area. The London District Catholic School Board reserves the right to accommodate Catholic students in temporary (holding) facilities and/or bus students to educational facilities outside of the development area, and further, such students may later be transferred to a neighbourhood school should one be constructed.
- 15.2 The Owner shall inform all Purchasers of residential Lots by including a condition in all Purchase and Sale and/or Lease Agreements stating that the construction of additional public school accommodation is dependent upon funding approval from the Ontario Ministry of Education, therefore the subject community may be designated as a "Holding Zone" by the Thames Valley District School Board and pupils may be assigned to existing schools as deemed necessary by the Board.

Remove Subsections 15.3 to 15.8 as there are no School Blocks in this Plan.

~~15.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~

~~15.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the~~

~~site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~

~~15.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~15.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~

~~15.7 The Owner agrees that the school blocks shall be:~~

- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
- ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~

~~15.8 Where the Owner has been required to improve the site by grading, top soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of its obligations under this Agreement.~~

24.1 STANDARD REQUIREMENTS

Add the following Special Provisions:

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

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

4 Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the Deputy City Manager, Finance Supports the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:

- (i) Removal of automatic flushing devices/blowoffs in future, an amount of \$5,000 each flusher as per the accepted engineering drawings

5 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements to construct new services and make adjustments to the existing works and services on Creekview Chase/Valleystream Walk in Plan 33M-827, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the Lots in this Plan fronting this street (eg. private services, street light poles, underground infrastructure etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City.

24.2 CLAIMS

Please **remove** Section 24.2 (a) to (g) and **replace** with the following:

There are no eligible claims for works by the Owner paid for from the Development Charges Reserve Fund or Capital Works Budget included in this Agreement

~~(a) Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from Development Charges as defined in the Development Charges By-law, and further, where such works are not oversized pipe works (sanitary, storm or water — the reimbursement of which is provided for in subsidy appendices in the Development Charges By-law), then the Owner shall submit through their Professional Engineer, a Work Plan for the proposed works to be approved by the Deputy City Manager, Environment and Infrastructure (or designate) and Deputy City Manager, Finance Supports (or designate). The Owner acknowledges that:~~

~~i) no work subject to a Work Plan shall be reimbursable until both the Deputy City Manager, Environment and Infrastructure (or designate) and Deputy City Manager, Finance Supports (or designate) have reviewed and approved the proposed Work Plan; and~~

~~ii) in light of the funding source and the City's responsibility to administer Development Charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.~~

~~(b) Where the Owner undertakes construction of works as a capital cost incurred on behalf of the City in accordance with this Agreement, and which are eligible for a claim made against a Development Charge Reserve Fund or the Capital Works Budget, the Owner must conform with the Development Charges By-law and policies in effect at the time the claim is made including but not limited to, requirements for a Work Plan, tendering of construction works and completeness of claims.~~

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

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

~~(i) for the construction of _____, the estimated cost of which is \$_____;~~

~~(ii) for the construction of oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~

~~(iii) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~

~~(iv) for the construction of oversized watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~

~~(v) for the construction of left turn channelization on _____ at _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~

~~(vi) for the engineering costs related to the construction of _____ the estimated cost of which is \$_____, as per the approved Work Plan;~~

~~(vii) for the installation of street lights on _____, from _____ to _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~

~~(viii) for the installation of traffic signals at the intersection of _____ and _____, when deemed warranted by the Deputy City Manager, Environment and Infrastructure (or designate), the estimated cost of which is \$_____, as per the approved Work Plan;~~

~~(ix) for the construction of pavement widening on _____ at _____ consistent with the City's standard practice of paying claims where a Neighbourhood Connector is widened, the estimated cost of which is \$ _____. The claim will be based on a pavement widening of _____ metres for a distance of _____ metres with a _____ metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the approved Work Plan;~~

~~(x) for the construction of an eligible parks pathway in connection with this Plan, at an estimated cost of which is \$ _____ as per the approved Work Plan;~~

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

~~(i) for the construction of _____, the estimated cost of which is \$ _____;~~

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

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

~~(d) The Owner shall review and seek approval from the City for any proposed use of construction contingency that relate to claimable works outlined in the Work Plan prior to authorizing work.~~

~~(e) The Owner shall ensure that the City is formally invited to all construction site/progress meetings related to the claimable works associated with this Plan, including but not limited to providing a minimum of two week notice of meetings and copies of all agenda and minutes as appropriate, all to the satisfaction of the City.~~

~~(f) The Owner shall provide full time supervision by its Professional Engineer for all claimable works to be constructed in accordance with current City policies. Upon completion of these claimable works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.~~

~~(g) Upon approval of an application for a claim to a Development Charge Reserve Fund, the City shall pay the approved claim in full to the Owner subject to the limits noted above and in accordance with the Council approved "Source of Financing" and the Development Charges By-law and policies in effect at the time the claim is made.~~

24.5 EROSION AND SEDIMENT CONTROL

Remove Subsection 24.6 (d) and **replace** with the following:

(d) The Owner shall install and construct erosion and sediment control measures as required during construction to control overland flows from this subdivision to ensure that mud, silt, construction debris, etc. does not adversely affect abutting properties, all to the specifications of the City.

The Owner shall maintain and replace such erosion and sediment control measures as necessary. Such maintenance shall include, but is not limited to, adequate cleaning of all streets, consisting of scraping of curbs and sweeping operations at an appropriate frequency based on site and seasonal conditions, cleaning and replacement of all silt sacks in the catchbasins when necessary, and other associated maintenance works, all to the satisfaction of the City.

Add the following new Special Provisions:

6 All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted as per accepted engineering drawings, all to the satisfaction of

the Deputy City Manager, Environment and Infrastructure and at no cost to the City.

- 7 All parkland/open space blocks shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the park block limits to the satisfaction of the City.
- 8 Prior to construction, site alteration or installation of services, silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to Planning and Development quarterly during development activity along the edge of the woodlot all in accordance with the accepted engineering drawings.

24.6 GRADING REQUIREMENTS

Add the following new Special Provisions:

- 9 The Owner shall grade the site in accordance with the Council approved Sunningdale Road Environmental Assessment (EA) as per the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 10 The Owner shall have the common property line of Sunningdale Road West graded in accordance with the City of London Standards and the Sunningdale Road EA, as per the accepted engineering drawings, and at no cost to the City.
- 11 The Owner shall register against the title of Lot 25 in this Plan, and shall include in the Agreement of Purchase and Sale for the transfer of the said Lot, as an overland flow route is located on the said Lot, a covenant by the purchaser or transferee to observe and comply with the following:
 - i) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lot as shown on the accepted lot grading and servicing drawings for this subdivision.

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

- 12 The Owner shall maintain the existing overland flow route on Lot 25 as per the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 13 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile generally located in this Plan, all to the satisfaction of the City and at no cost to the City.
- 14 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with any adjacent property owner for any regrading on external lands, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.
- 15 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove any existing temporary interim grading, ditching, berms, swales, storm sewer and catchbasins constructed in previous phases in this Plan, as per the accepted engineering drawings, all to the satisfaction of the City.
- 16 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have its professional engineer provide shop drawings, certified by a structural engineer, of the proposed noise walls fronting Sunningdale Road West, to the satisfaction of the City.
- 17 Prior to the issuance of a Certificate of Conditional Approval or as otherwise directed by the City for Lots 16 and 25 in this Plan, the Owner shall construct the proposed noise wall fronting Sunningdale Road West and at the rear property lines for Lots 16 and 25 and have its Professional Engineer certify that the said walls were constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.
- 18 The Owner of Lots 16 and 25 in this Plan, shall include in the Agreement of Purchase and Sale for the transfer of the said Lots, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Lot and/or Block shall

be responsible for the maintenance of the noise walls and/or berms in the future located on the said Lot and/or Block, at no cost to the City.

- 19 Prior to assumption, the Owner's professional engineer shall certify to the City, the noise walls on Lots in this Plan, as per the accepted engineering drawings, are in a state of good repair and functioning as intended, all to the satisfaction of the City.

24.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

- 20 Prior to the issuance of any Certificate of Conditional Approval for this Plan, the Owner shall have implemented a grading and drainage system on Sunningdale Road West as per the accepted engineering drawings for this Plan and including all culverts and rip-rap protection constructed and operational in accordance with the accepted servicing drawings and accepted Stormwater Management Report to the specifications and satisfaction of the City and UTRCA, at no cost to the City.
- 21 The Owner shall restore any disturbed areas external to this Plan as a result of construction associated within this Plan to existing or better conditions, to the satisfaction of the City.
- 22 The Owner shall implement SWM Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.
- 23 Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.

24.9 SANITARY AND STORM SEWERS

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

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Medway Creek Subwatershed, and connect them to the City's existing storm sewer system being the 675 mm diameter storm sewer on Valleystream Walk in accordance with the accepted engineering drawings, to the satisfaction of the City.

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

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

Add the following new Special Provisions:

- 24 The Owner shall remove the existing irrigation lines south of Sunningdale Road West in this Plan and the existing irrigations lines on the north side of Sunningdale Road West shall be cut, capped and abandoned, as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- 25 The Owner shall remove any temporary catchbasins and the existing easements may be quit claimed, all to the satisfaction and specifications of the Deputy City Manager, Environment and Infrastructure and at no cost to the City.
- 26 The Owner shall connect all existing field tiles, if any, into the proposed storm sewer system as per the accepted engineering drawings, to the satisfaction of the City.

24.10 WATER SERVICING

Add the following new Special Provisions:

- 27 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the Deputy City Manager, Environment and Infrastructure, the Owner shall complete the following for the provision of water service to this Draft Plan of Subdivision:
- i) construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 250 mm diameter watermain on Valleystream Walk in accordance with the accepted engineering drawings;
 - ii) Should looping be required, construct a watermain extension from Valleystream Walk external to this Plan to Warner Terrace west of this Plan to provide looping, as per the accepted engineering drawings, at no cost to the City; **OR** Construct a watermain extension from Creekview Chase external to this Plan to Sunningdale Road West to provide looping, as per the accepted engineering drawings, at no cost to the City;
 - 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;
- 28 Prior to the issuance of any Certificate of Conditional Approval for this subdivision, all relevant watermains and provision for watermain looping must be constructed and operational in accordance with approved design criteria and accepted drawings, all to the specifications and satisfaction of the City.
- 29 If the Owner requests the City to assume Valleystream Walk with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm sewer system on Valleystream Walk and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is \$5,000 per automatic flushing device for which amount sufficient security is to be provided in accordance with Condition 24.1 (). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.
- 30 Unless provided in conjunction with other phases of this subdivision, the Owner shall provide security in the amount determined to be the greater amount of the two water connections until the water looping strategy has been established. Once the water looping strategy has been accepted by the City, the Owner shall construct either of the following:
- a water connection to Warner Terrace to the east of this Plan or
 - a water connection to the existing 900 mm diameter watermain on Sunningdale Road West
- all in accordance with the accepted engineering drawings, to the specifications and satisfaction of the City.
- 31 Should the Owner request that the City of London construct any of the water servicing requirements above in conjunction with the City of London Sunningdale Road Widening Project, the Owner shall provide the required servicing information to the City and to compensate the City of London for the construction costs of these works unless already done so in conjunction with other phases of this subdivision.
- Should these works be constructed by the City, the Owner and the City will enter into an agreement outlining (at a minimum) the scope of the required works (all to the specifications of the City) and the tendered costs of the required works. The agreement will also specify that the Owner shall pay to the City, the total cost of the required works prior to the City commencing construction on the Sunningdale Road Widening Project.

24.11 ROADWORKS

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

- (q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Sunningdale Road West. All trades and construction vehicles shall park within this Plan of Subdivision.

Add the following new Special Provisions:

- 32 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct an emergency access from the window street portion of Valleystream Walk to Sunningdale Road west as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- 33 Prior to any work on the site, the Owner shall advise all contractors or subcontractors via tender special provisions that loads on Sunningdale Road West are restricted to a maximum weight of five (5) tonnes per axle for any vehicle travelling on this road during the period March 1 to April 30, inclusive in any year.
- 34 The Owner acknowledges that the City, in accordance with the City's current Growth Management Implementation Strategy (GMIS) may be reconstructing Sunningdale Road West. Both the Owner and the City shall co-operate as necessary, and co-ordinate the work associated with this Plan with the City's proposed construction of Sunningdale Road West, adjacent to the north boundary of this Plan, to complete the project, to the satisfaction of the City and at no cost to the City.
- 35 The Owner shall provide a Traffic Management Plan a minimum of three weeks prior to commencing any of the required watermain looping works on Sunningdale Road West to the City for approval.
- 36 The Owner shall remove existing infrastructure, including but not limited to, CICBs, DICBs, ditching, curbs, etc. on Sunningdale Road West and relocate/restore/construct associated works as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- 37 The Owner shall maintain the storm and sanitary sewer and maintenance access (to service the storm and sanitary sewer) over lands external to this Plan as required herein until the said sewers and maintenance access are assumed by the City, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure and at no cost to the City.

24.12 ZONING – DRIVEWAY WIDTHS

The Owner shall provide the purchasers of all Lots in the subdivision with a zoning information package which explains Zoning requirements for residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each Lot that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.

24.13 PARKS

Add the following new Special Provisions:

- 38 The Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural area, the value of existing tree cover, is your cat safe outdoors 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.
- 39 The Owner shall dedicate Block 34 to the City as partial fulfillment of the required parkland dedication associated with this Draft Plan. Block 34 will be dedicated based at the Council approved constrained rate of 16:1. In addition, the Owner acknowledges that there is a deficiency of parkland dedication in the amount of 0.206 ha (to be confirmed based upon acreages on Final Plan) and that this

deficiency shall be fulfilled through dedications associated with the future development of lands by the Owner north of Sunningdale Road and east of Wonderland Road.

40 Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall grade, service and seed Block 34, transferred to the City as part of the parkland dedication requirements, pursuant to current City Park development standards, to the satisfaction of City, and at no cost to the City. Block 34 shall not be used for stockpiling of any kind

41 Within one (1) year of registration, the Owner shall construct fencing without gates in accordance with the approved engineering drawings, to the satisfaction of the City. The Owner agrees that the City of London will not participate, either financially or otherwise, in any maintenance, repair or replacement associated with the fences constructed, as they will be constructed wholly on private lands.

The Owner agrees to register on title restrictive covenants for lots abutting park and open space blocks that are to have fencing constructed wholly on private property to acknowledge and agree that the City of London will not participate, either financially or otherwise, in any maintenance, repair or replacement associated with the fences constructed, as per the servicing drawings approved by the City Engineer

24.14 PLANNING

Add the following new Special Provisions:

42 The Owner shall include in all Purchase and Sale Agreements a warning clause advising future residents of nearby agricultural operations and its potential impact on residential uses by owners.

43 The Owner of Lots 16 and 25 in this Plan, shall include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

“Purchasers / tenants are advised that sound levels due to increasing road (rail) (air) traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

44 The Owner shall register against all residential Lots and Blocks, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“The City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic of Sunningdale Road West as it relates to the interior or outdoor living areas of any dwelling unit within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development.”

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Valleystream Walk shall have a road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres
- Valleystream Walk shall taper from a road pavement width (excluding gutters) to 6.5 metres with a minimum road allowance of 18 metres as per the accepted engineering drawings
- Valleystream Walk (window street portion) shall have a road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 14.5 metres

Sidewalks

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

- (i) Valleystream Walk – south, east and west boulevards as per the accepted engineering drawings

The Owner shall provide sidewalk links from Valleystream Walk to the future sidewalk on Sunningdale Road West in accordance with the City of London Window Street Standard Guidelines UCC-2M and the accepted engineering drawings 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.

Pedestrian Walkways

There are no pedestrian walkways in this Plan of Subdivision

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd. to which it is attached and forms a part.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	NIL
Road Widening (Dedicated on face of Plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Block 34
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

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

Temporary access:	NIL
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SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd. to which it is attached and forms a part.

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

CASH PORTION:	\$ 299,082
BALANCE PORTION:	<u>\$1,694,796</u>
TOTAL SECURITY REQUIRED	\$1,993,878

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

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

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

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

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

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd. to which it is attached and forms a part.

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

Multi-Purpose Easements:

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

Appendix B – Claims and Revenues

Sunningdale Court Phase 2 Subdivision - Corion Properties Inc.
Subdivision Agreement
39T-18501_2

Estimated Costs and Revenues

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRF - None.	\$0
Total	\$0
Estimated DC Revenues (January 1, 2022 to December 31, 2022 Rates)	Estimated Revenue
CSRF TOTAL	\$1,367,302

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

Approved by:



October 24, 2022

Date

Jason Senese
Manger, Capital Assets and Projects

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: Sunningdale Golf and Country Ltd.
600 Sunningdale Road West
Sunningdale Court Subdivision Phase 3
Special Provisions

Meeting on: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd. for the subdivision of land legally described as RCP 1028 PT Lot 16 RP 33R13891, PT Part 1 RP 33R16774 Parts 3 to 10, municipally known as 600 Sunningdale Road West, located on the south side Sunningdale Road West, between Wonderland Road North and Richmond Street.

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd. for the Sunningdale Court Subdivision, Phase 3 (39T-18501_3) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”;
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

Executive Summary

Recommending approval of Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Ltd. for the Sunningdale Court Subdivision, Phase 3 (39T-18501_3)

Linkage to the Corporate Strategic Plan

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

Analysis

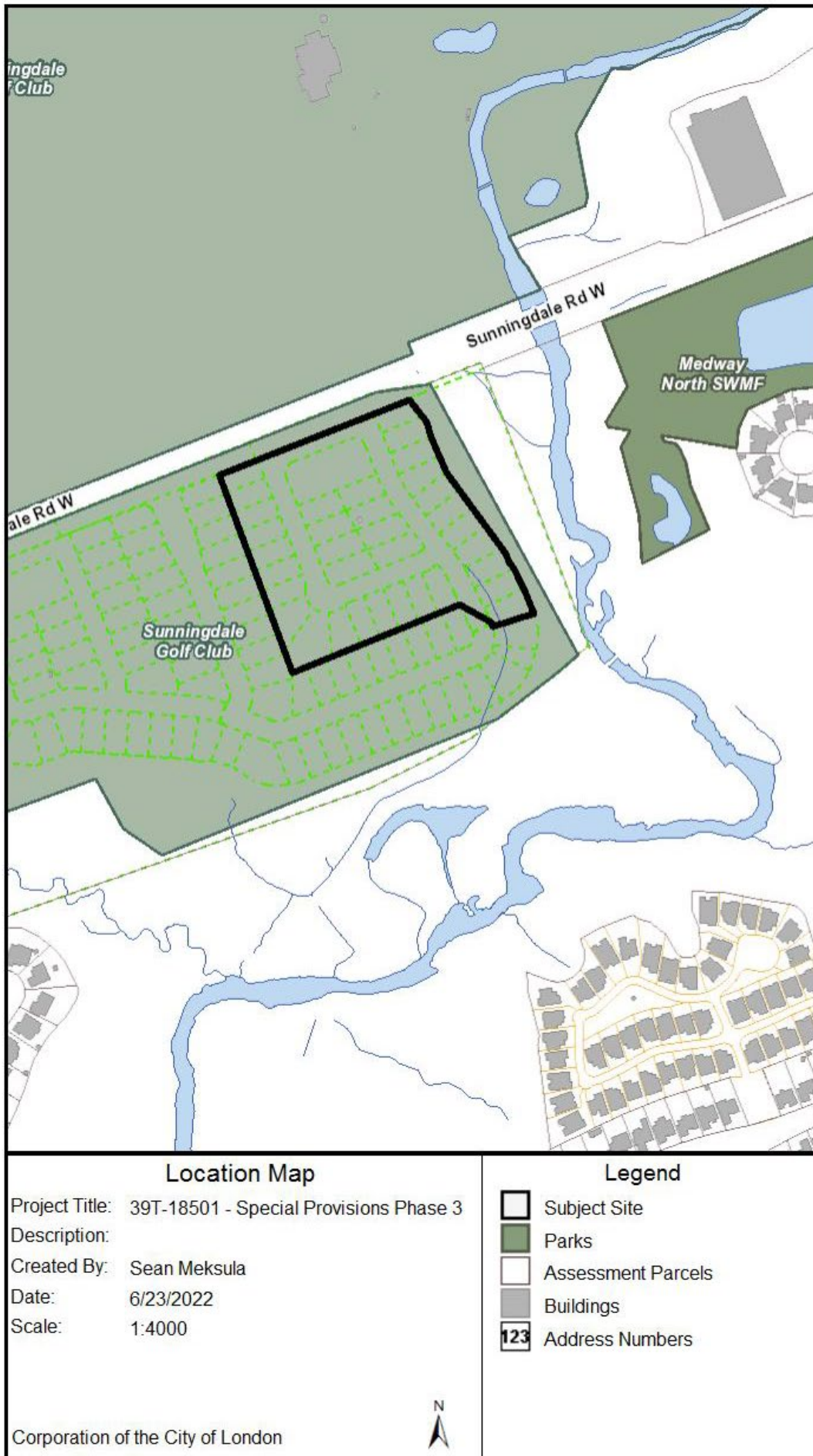
1.0 Background Information

1.1 Property Description

The subject site has a total area of approximately 20.6 ha and was previously operating as a part of the Sunningdale Golf courses with approximately 650 meters of frontage on Sunningdale Road West. Phase 3 is located on the east side within the block and is 4.00 ha in size with two access point at Sunningdale Road from Creekview Chase. The subject site is located on the south side of Sunningdale Road West between Richmond Street and Wonderland Road North. Sunningdale Golf Course is located to the north of the property, Medway Valley Heritage Forest Environmentally Significant Areas is to the east, south and west of the property with other subdivisions located past the boundaries of the Medway Valley Heritage Forest lands.

- Phase 1 Registered on October 12, 2022. Phase 1 of this development is comprised of 42 single detached lots (Lots 1 to 42), and Blocks 43, 44 and 45.
- Phase 2 Draft Approval on October 11, 2019. Phase 2 of this development is comprised of 32 single detached lots (Lots 1 to 32), and Blocks 33 and 34.
- Phase 3 Draft Approval on October 11, 2019. Phase 3 of this development is comprised of 34 single detached lots (Lots 1 to 34), and Block 35.

1.2 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

Phase 3 of the plan of subdivision will consist of 34 single detached lots (Lots 1 to 34), and Block 35 and a local street (Creekview Chase).

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

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

3.0 Financial Impact/Considerations

3.1 Financial Securities

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

4.0 Key Issues and Considerations

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

Conclusion

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

Prepared by: Archi Patel
Planner I, Planning and Development

Reviewed by: Bruce Page
Manager, Subdivision Planning

Recommended by: Britt O'Hagan
Acting Director, Planning and Development

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

cc: Bruce Page, Manager, Subdivision Planning
Matt Davenport, Manager, Subdivision Engineering

December 19, 2022

Appendix A – Special Provisions

5. STANDARD OF WORK

Add the following new Special Provision:

- 1 The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.

The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lot 20 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the Subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the Deputy City Manager, Environment and Infrastructure.

6. SOILS CERTIFICATE/GEOTECHNICAL

Add the following new Special Provisions:

- 2 The Owner shall have its professional engineer ensure that all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability associated with the Medway Creek, existing ravines are adequately addressed for the subject lands, as per the accepted engineering drawings and all to the satisfaction of the Deputy City Manager, Environment and Infrastructure.

Please note: If there are no school sites within the draft plan of subdivision, only clauses 15.1 and 15.2 will be included.

15. PROPOSED SCHOOL SITES

- 15.1 The Owner shall advise all purchasers that there is no commitment by the London District Catholic School Board to construct a permanent educational facility within the development area at this time. Sufficient pupil accommodation will not be available for all anticipated Catholic students residing within the development area. The London District Catholic School Board reserves the right to accommodate Catholic students in temporary (holding) facilities and/or bus students to educational facilities outside of the development area, and further, such students may later be transferred to a neighbourhood school should one be constructed.
- 15.2 The Owner shall inform all Purchasers of residential Lots by including a condition in all Purchase and Sale and/or Lease Agreements stating that the construction of additional public school accommodation is dependent upon funding approval from the Ontario Ministry of Education, therefore the subject community may be designated as a "Holding Zone" by the Thames Valley District School Board and pupils may be assigned to existing schools as deemed necessary by the Board.

Remove Subsections 15.3 to 15.8 as there are no School Blocks in this Plan.

~~15.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~

~~15.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the Subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2)~~

~~years from the date of giving notice.~~

~~15.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~15.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~

~~15.7 The Owner agrees that the school blocks shall be:~~

- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
- ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the Subdivision by the City.~~

~~15.8 Where the Owner has been required to improve the site by grading, top soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of its obligations under this Agreement.~~

24.1 STANDARD REQUIREMENTS

Add the following Special Provisions:

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

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

4 Prior to assumption of this Subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the Deputy City Manager, Finance Supports the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:

- (i) Removal of automatic flushing devices/blowoffs in future, an amount of \$5,000 each flusher as per the accepted engineering drawings

5 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements to construct new services and make adjustments to the existing works and services on Creekview Chase in Plan 33M-827, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the Lots in this Plan fronting this street (eg. private services, street light poles, underground infrastructure, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure, at no cost to the City.

24.2 CLAIMS

Please **remove** Section 24.2 (a) to (g) and replace with the following:

There are no eligible claims for works by the Owner paid for from the Development Charges Reserve Fund or Capital Works Budget included in this Agreement

~~(a) — Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from Development Charges as defined in the Development Charges By-law, and further, where such works are not oversized pipe works (sanitary, storm or water — the reimbursement of which is provided for in subsidy appendices in the Development Charges By-law), then the Owner shall submit through their Professional Engineer, a Work Plan for the proposed works to be approved by the Deputy City Manager, Environment and Infrastructure (or designate) and Deputy City Manager, Finance Supports (or designate). The Owner acknowledges that:~~

~~i) — no work subject to a Work Plan shall be reimbursable until both the Deputy City Manager, Environment and Infrastructure (or designate) and Deputy City Manager, Finance Supports (or designate) have reviewed and approved the proposed Work Plan; and~~

~~ii) — in light of the funding source and the City's responsibility to administer Development Charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.~~

~~(b) — Where the Owner undertakes construction of works as a capital cost incurred on behalf of the City in accordance with this Agreement, and which are eligible for a claim made against a Development Charge Reserve Fund or the Capital Works Budget, the Owner must conform with the Development Charges By-law and policies in effect at the time the claim is made including but not limited to, requirements for a Work Plan, tendering of construction works and completeness of claims.~~

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

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

~~(i) — for the construction of _____, the estimated cost of which is \$_____;~~

~~(ii) — for the construction of oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~

~~(iii) — for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~

~~(iv) — for the construction of oversized watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~

~~(v) — for the construction of left turn channelization on _____ at _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~

~~(vi) — for the engineering costs related to the construction of _____ the estimated cost of which is \$_____, as per the approved Work Plan;~~

~~(vii) — for the installation of street lights on _____, from _____ to _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~

~~(viii) — for the installation of traffic signals at the intersection of _____ and _____, when deemed warranted by the Deputy City Manager, Environment and~~

Infrastructure (or designate), the estimated cost of which is \$ _____, as per the approved Work Plan;

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

The anticipated reimbursements from the Capital Works Budget are:

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

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

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

24.6 EROSION AND SEDIMENT CONTROL

Remove Subsection 24.6 (d) and **replace** with the following:

- (d) The Owner shall install and construct erosion and sediment control measures as required during construction to control overland flows from this Subdivision to ensure that mud, silt, construction debris, etc. does not adversely affect abutting properties, all to the specifications of the City.

The Owner shall maintain and replace such erosion and sediment control measures as necessary. Such maintenance shall include, but is not limited to, adequate cleaning of all streets, consisting of scraping of curbs and sweeping operations at an appropriate frequency based on site and seasonal conditions, cleaning and replacement of all silt sacks in the catchbasins when necessary, and other associated maintenance works, all to the satisfaction of the City.

Add the following new Special Provisions:

- 6 All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted as per accepted engineering drawings, all to the satisfaction of the Deputy City Manager, Environment and Infrastructure and at no cost to the City.
- 7 All parkland/open space Blocks shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the park block limits to the satisfaction of the City.
- 8 Prior to construction, site alteration or installation of services, silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to Planning and Development quarterly during development activity along the edge of the woodlot all in accordance with the accepted engineering drawings.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

- 9 The Owner shall grade the site in accordance with the Council approved Sunningdale Road Environmental Assessment (EA) as per the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 10 The Owner shall have the common property line of Sunningdale Road West graded in accordance with the City of London Standards and the Sunningdale Road EA, as per the accepted engineering drawings, and at no cost to the City.
- 11 The Owner shall register against the title of Lot 20 in this Plan, and shall include in the Agreement of Purchase and Sale for the transfer of the said Lot, as an overland flow route is located on the said Lot, a covenant by the purchaser or transferee to observe and comply with the following:
 - i) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lot as shown on the accepted lot grading and servicing drawings for this Subdivision.

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

- 12 The Owner shall maintain the existing overland flow route on Lot 20 as per the accepted engineering drawings, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
- 13 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile generally located in this Plan, all to the satisfaction of the City and at no cost to the City.
- 14 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with any adjacent property owner for any regrading on external lands, in conjunction with grading and servicing of this Subdivision, to the specifications of the City, at no cost to the City.
- 15 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove any existing temporary interim grading, ditching, berms, swales, storm sewer and catchbasins constructed in previous phases in this Plan, as per the accepted engineering drawings, all to the satisfaction of the City.
- 16 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have its professional engineer provide shop drawings, certified by a structural engineer, of the proposed noise walls fronting Sunningdale Road West, to the satisfaction of the City.
- 17 Prior to the issuance of a Certificate of Conditional Approval or as otherwise directed by the City for Lots 11 and 20 in this Plan the Owner shall construct the proposed noise wall fronting Sunningdale Road West and at the rear property

lines for Lots 11 and 20 external to this Phase as shown on the accepted engineering drawings and have its Professional Engineer certify that the said walls were constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.

- 18 The Owner of Lots 11 and 20 in this Plan, shall include in the Agreement of Purchase and Sale for the transfer of the said Lots, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Lot and/or Block shall be responsible for the maintenance of the noise walls and/or berms in the future located on the said Lot and/or Block, at no cost to the City.
- 19 Prior to assumption, the Owner's professional engineer shall certify to the City, the noise walls on Lots in this Plan, as per the accepted engineering drawings, are in a state of good repair and functioning as intended, all to the satisfaction of the City.

24.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

- 20 Prior to the issuance of any Certificate of Conditional Approval for this Plan, the Owner shall have implemented a grading and drainage system on Sunningdale Road West as per the accepted engineering drawings for this Plan including all culverts and rip-rap protection constructed and operational in accordance with the accepted servicing drawings and accepted Stormwater Management Report to the specifications and satisfaction of the City and UTRCA, at no cost to the City.
- 21 The Owner shall restore any disturbed areas external to this Plan as a result of construction associated within this Plan to existing or better conditions, to the satisfaction of the City.
- 22 The Owner shall implement SWM Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.
- 23 Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.

24.9 SANITARY AND STORM SEWERS

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

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Medway Creek Subwatershed, and connect them to the City's existing storm sewer system being the 675 mm diameter storm sewer on Creekview Chase in accordance with the accepted engineering drawings, to the satisfaction of the City.

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

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

Add the following new Special Provisions:

- 24 The Owner shall remove and dispose of any existing sewers (eg. Interim sanitary forcemain) and manholes no longer required in this Plan, as per the accepted engineering drawings, all to the satisfaction of the City.
- 25 The Owner shall remove the existing irrigation lines south of Sunningdale Road West in this Plan and the existing irrigations lines on the north side of Sunningdale Road West shall be cut, capped and abandoned, as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- 26 The Owner shall remove any temporary catchbasins and the existing easements may be quit claimed, all to the satisfaction and specifications of the Deputy City Manager, Environment and Infrastructure and at no cost to the City.

- 27 The Owner shall connect all existing field tiles, if any, into the proposed storm sewer system as per the accepted engineering drawings, to the satisfaction of the City.

24.10 WATER SERVICING

Add the following new Special Provisions:

- 28 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the Deputy City Manager, Environment and Infrastructure, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
- i) construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 250 mm diameter watermain on Creekview Chase in accordance with the accepted engineering drawings;
 - ii) Should looping be required, Construct a watermain extension from Valleystream Walk external to this Plan to Warner Terrace west of this Plan to provide looping, as per the accepted engineering drawings, at no cost to the City; **OR** Construct a watermain extension from Creekview Chase external to this Plan to Sunningdale Road West to provide looping, as per the accepted engineering drawings, at no cost to the City;
 - 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;
- 29 Prior to the issuance of any Certificate of Conditional Approval for this Subdivision, all relevant watermains and provision for watermain looping must be constructed and operational in accordance with approved design criteria and accepted drawings, all to the specifications and satisfaction of the City.
- 30 If the Owner requests the City to assume Creekview Chase with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, the Owner shall pay to the City at the time of the assumption of this Subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system on Creekview Chase and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is \$5,000 per automatic flushing device for which amount sufficient security is to be provided in accordance with Condition 24.1 (). The Owner shall provide the cash to the City at the request of the City prior to assumption of the Subdivision if needed by the City.
- 31 Unless provided in conjunction with other phases of this Subdivision, the Owner shall provide security in the amount determined to be the greater amount of the two water connections until the water looping strategy has been established. Once the water looping strategy has been accepted by the City, the Owner shall construct either of the following:
- a water connection to Warner Terrace to the east of this Plan or
 - a water connection to the existing 900 mm diameter watermain on Sunningdale Road West
- all in accordance with the accepted engineering drawings, to the specifications and satisfaction of the City.
- 32 Should the Owner request that the City of London construct any of the water servicing requirements above in conjunction with the City of London Sunningdale Road Widening Project, the Owner shall provide the required servicing information to the City and to compensate the City of London for the construction costs of these works unless already done so in conjunction with other phases of this Subdivision.

Should these works be constructed by the City, the Owner and the City will enter into an agreement outlining (at a minimum) the scope of the required works (all to the specifications of the City) and the tendered costs of the required works. The agreement will also specify that the Owner shall pay to the City, the total costs of the required works prior to the City commencing construction on the Sunningdale Road Widening Project.

24.11 ROADWORKS

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

- (q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Sunningdale Road West. All trades and construction vehicles shall park within this Plan of Subdivision.

Add the following new Special Provisions:

- 33 Prior to any work on the site, the Owner shall advise all contractors or subcontractors via tender special provisions that loads on Sunningdale Road West are restricted to a maximum weight of five (5) tonnes per axle for any vehicle travelling on this road during the period March 1 to April 30, inclusive in any year.
- 34 The Owner acknowledges that the City, in accordance with the City's current Growth Management Implementation Strategy (GMIS) may be reconstructing Sunningdale Road West. Both the Owner and the City shall co-operate, as necessary, and co-ordinate the work associated with this Plan with the City's proposed construction of Sunningdale Road West, adjacent to the north boundary of this Plan, to complete the project, to the satisfaction of the City and at no cost to the City.
- 35 The Owner shall provide a Traffic Management Plan a minimum of three weeks prior to commencing any of the required watermain looping works on Sunningdale Road West to the City for approval.
- 36 The Owner shall remove existing infrastructure, including but not limited to, CICBs, DICBs, ditching, curbs, etc. on Sunningdale Road West and relocate/restore/construct associated works as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- 37 The Owner shall remove the temporary turning circle on Creekview Chase and adjacent lands, in Phase 1, Plan 39T-18501 to the south of this Plan, and complete the construction of Creekview Chase in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Phase 1, Plan 39T-18501 for the removal of the temporary turning circle and the construction of this section of Creekview Chase and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Creekview Chase in Phase 1, Plan 33M-827 is constructed as a fully serviced road by the Owner of Phase 1, Plan 33M-827, then the Owner shall be relieved of this obligation.

24.12 ZONING – DRIVEWAY WIDTHS

The Owner shall provide the purchasers of all Lots in the Subdivision with a zoning information package which explains Zoning requirements for residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each Lot that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.

24.13 PARKS

Add the following new Special Provisions:

- 38 The Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural area, the value of existing tree cover, is your cat safe outdoors 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.
- 39 Within one (1) year of registration, the Owner shall construct fencing without gates in accordance with the approved engineering drawings, to the satisfaction of the City. The Owner agrees that the City of London will not participate, either financially

or otherwise, in any maintenance, repair or replacement associated with the fences constructed, as they will be constructed wholly on private lands.

The Owner agrees to register on title restrictive covenants for lots abutting park and open space blocks that are to have fencing constructed wholly on private property to acknowledge and agree that the City of London will not participate, either financially or otherwise, in any maintenance, repair or replacement associated with the fences constructed, as per the servicing drawings approved by the City Engineer.

24.14 PLANNING

Add the following new Special Provisions:

- 40 The Owner shall include in all Purchase and Sale Agreements a warning clause advising future residents of nearby agricultural operations and its potential impact on residential uses by owners.
- 41 The Owner shall install a 1.8 metre high noise barrier, on Lots 11 and 20 as recommended in the Noise Assessment prepared by LDS Consultants Inc. dated April 17, 2019. Property Owners of these Lots are to be advised that they shall not tamper with the barrier and will be responsible for its long term maintenance.
- 42 The Owner of Lots 11 and 20 in this Plan, shall include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

“Purchasers / tenants are advised that sound levels due to increasing road (rail) (air) traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”
- 43 The Owner shall register against all residential Lots and Blocks, and include in the Agreement of Purchase and Sale for the transfer of the said Lots, a warning clause as follows:

“The City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic of Sunningdale Road West as it relates to the interior or outdoor living areas of any dwelling unit within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development.”

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Creekview Chase shall taper from a road pavement width (excluding gutters) to 6.5 metres with a minimum road allowance of 18 metres as per the accepted engineering drawings
- Creekview Chase (window street portion) shall have a road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 14.5 metres

Sidewalks

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

- (i) Creekview Chase – south, east and west boulevards as per the accepted engineering drawings

The Owner shall provide sidewalk links from Creekview Chase to the future sidewalk on Sunningdale Road West in accordance with the City of London Window Street Standard Guidelines UCC-2M and the accepted engineering drawings 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.

Pedestrian Walkways

There are no pedestrian walkways in this Plan of Subdivision

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd. to which it is attached and forms a part.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

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

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

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

Temporary access:	NIL
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SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd. to which it is attached and forms a part.

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

CASH PORTION:	\$ 319,765
BALANCE PORTION:	<u>\$1,812,002</u>
TOTAL SECURITY REQUIRED	\$2,131,767

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

The Balance Portion shall be deposited with the Deputy City Manager, Finance Supports prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the Lots and Blocks in this Plan of Subdivision.

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

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

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

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2022, between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd. to which it is attached and forms a part.

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

Multi-Purpose Easements:

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

Appendix B – Claims and Revenues

Sunningdale Court Phase 3 Subdivision - Corion Properties Inc.
Subdivision Agreement
39T-18501_3

Estimated Costs and Revenues

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRF - None.	\$0
Total	\$0
Estimated DC Revenues (January 1, 2022 to December 31, 2022 Rates)	Estimated Revenue
CSRF TOTAL	\$1,442,510

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

Approved by:

October 24, 2022

Date



Jason Senese
Manager, Capital Assets and Projects

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Audit and Accountability Fund – Intake 3 – Final Report

Date: January 9, 2023

Recommendations

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, with respect to the Province of Ontario's Municipal Program, Audit and Accountability Fund Intake 3 (AAF 3) Final Report, attached hereto as Appendix A, **BE RECEIVED** for information.

Executive Summary

This report is to fulfill the requirement of providing an independent third-party reviewer's final report on the contract, awarded to EZSigma Group, for the Site Plan Resubmission Process Review project, which was funded through a Transfer Payment Agreement between the Minister of Municipal Affairs and Housing for the Province of Ontario and the City of London. A focus of the review is to establish clear standards and expectations, increase responsiveness to applicants, and improve the quality of submissions. The project outcome is to identify opportunities that support a reduction in the number of Site Plan resubmissions and cost to the applicant, decreased time to obtain a building permit, and improve efficiencies within the overall Site Plan application process.

Linkage to the Corporate Strategic Plan

Council's 2019 to 2023 Strategic Plan for the City of London identifies "Leading in Public Service" as a strategic area of focus. This includes increasing the efficiency and effectiveness of service delivery by conducting targeted service reviews and promoting and strengthening continuous improvement practices.

Analysis

1.0 Discussion and Considerations

1.1 Previous Reports Related to this Matter

Strategic Priorities and Policy Committee, February 8, 2022, Agenda item 5.1, Provincial Audit and Accountability Fund – Transfer Payment Agreement and single source contract award.

1.2 Background and Purpose

On May 21, 2019, the Province of Ontario announced the creation of the "Audit and Accountability Fund." On August 16, 2021, the third intake (AA3) of requests for funding was announced by the Province.

On January 24, 2022, the Province approved the City of London's application for funding up to \$305,280 regarding *Site Plan Resubmission Process Review*. The final report on the project must be completed by February 1, 2023, which is the purpose of this report.

On February 15, 2022, Council resolved to approve the Ontario Transfer Payment Agreement, through a by-law and proceed to enter into an agreement with the Minister of Municipal Affairs and Housing for the Province of Ontario, as follows:

- a) *The attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council meeting on February 15, 2022, to:*
 - i. *approve the Ontario Transfer Payment Agreement, attached as Schedule A to the proposed by-law, for the Audit and Accountability Fund – Intake 3 (the “Agreement”) between Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing for the Province of Ontario and The Corporation of the City of London;*
 - ii. *authorize the Mayor and the City Clerk to execute the Agreement;*
 - iii. *delegate authority to the Deputy City Manager, Planning and Economic Development, or written delegate, to approve further Amending Agreements to the above-noted Transfer Payment Agreement for the Audit and Accountability Fund; and,*
 - iv. *authorize the Deputy City Manager, Planning and Economic Development (or delegate) to execute any financial reports required under this Agreement.*
- b) *A Single Source Procurement (SS-2022-044) in accordance with section 14.4(e) of the Procurement of Goods and Services Policy **BE AWARDED** to EZSigma Group, 61 Wellington Street East, Aurora, ON, L4G 1H7, to conduct the Audit and Accountability Fund Intake 3 – Site Plan Resubmission Process Review for the City of London at a cost of up to \$305,280.00 (including HST).*
- c) *Civic Administration **BE AUTHORIZED** to undertake all administrative acts that are necessary in connection with this matter.*

2.0 Key Issues and Considerations

2.1 Overview of Project

The City of London processes approximately 120 Site Plan applications yearly for approval. In addition to these applications, the City completes follow-up reviews on existing applications that results in a total of approximately 200 resubmissions. In the 2-year period 2020 and 2021, 244 applications were received requiring 788 review cycles to complete.

The additional resubmissions result in delays to obtain a development agreement and a building permit to commence construction. The number of resubmissions may have a direct impact on the front end of the review process where Site Plan staff are expected to balance the workload and manage priority deadlines. Inefficiencies in the resubmission process also create a burden to the developer, given the amount of rework involved and the added cost to the developer with each resubmission.

The intent for undertaking a Site Plan Resubmission Process Review was to identify and address inefficiencies within the process and improve the overall Site Plan application and resubmission processes to the benefit of both the development community and internal stakeholders. The focus of the review was to evaluate the Site Plan approval process, from end-to-end, with consideration on the early stages of the application process. As part of the scope of work, EZSigma was tasked to conduct consultations in collaboration with key development industry stakeholders for their feedback on the process and insights on possible improvements.

It is noted that this project commenced several months prior to Bill 23, which came into effect on November 28, 2022. A change through Bill 23 no longer requires Site Plan Control for development on properties that contain ten (10) units or less. Therefore, the data contained in the attached document accounts for varying types of residential and non-residential forms of development, which includes residential development of 10 units or less. In keeping with the spirit and intent of the project the focus of this review is to establish process efficiencies notwithstanding of the form of development.

2.2 Single Source of Truth

Through a rapid improvement exercise, the project team established a framework for the site plan resubmission review project. The exercise was intended to help frame the project scope, deliverable(s), and identification of recommended actions for continuous improvement ideas and initiatives to be considered beyond this specific project.

Why evaluate Site Plan resubmissions?

The intent of this evaluation is to make the application review a better experience for everyone, which includes internal stakeholders and external stakeholders involved with resubmission applications. Stakeholders include applicants and industry representatives that prepare plans and documents, internal departments and external agency reviewers, and Planning and Development staff involved with the intake, evaluation, and coordination of site plan applications.

The continuous improvement initiative was identified given there are still multiple resubmissions on site plan applications, noting that the turnaround time for resubmissions was not an identified concern.

Vision: One and Done

The review of site plans involves multiple resubmissions that add additional process steps and has implications to the overall review time. It is the expectation that efficiencies to the review process will be achieved through the standardization of the application process.

The ideal state is for final site plan approval at first submission application review. However, the evaluation of the current state identifies, on average, 3.9 submissions per standard application and 2.5 submissions per admin application over 2020 2021 timeframe.

Goal: Two and Through

A goal of the project team is to identify and implement standards of the application and resubmission process that achieves an improvement to the overall process time (turnaround times or TAT), and the total number of resubmissions per application.

Key Focus Areas

Standard of Work

The team currently implements a standard of 21 days turnaround for 2nd submissions of applications that require further review. Subsequent submissions, after 2nd submission, involve a 14-day turnaround review anticipating the nature of changes are minor.

Other elements include:

- Revisions to templates (response on applications, quality of comments: ensure comments given to the applicant are actionable and ideally referenced to a Policy or Standard. This will help the applicant provide better responses to close issues reducing re-submissions.
- Refinements to the format response form for providing comments to applicants were updated to align with the comments provided by Staff on subdivision resubmission applications.
- Improvements to communication channels with Applicants was also undertaken, which includes the establishment of formal meeting schedules when the application is received for an in person (ideal) debrief the week following the application response.
- Updates to escalation channels for re-submissions and delays.

The following table is a sample of action areas considered in the project review:

Consultation	Clear outcomes of process steps
	Gate/Staged approach requirements
	Review of Record of Consultation response template
Application Receipt	Re-definition of Complete and Roles and Responsibilities of each department and their role in the 'complete' decision. Response to Applicant
Quality of Comments	Actionable and applicable. Tied to policy or standard
Timing of Comments	Identify target return date to allow sufficient time for proper analysis
Internal Meetings	Address how we engage and review comments to prepare quality application response
External Meetings	Address how we engage with the applicant to work towards a quality submission / re-submission. Ex. Pre-scheduled review meeting incorporated into schedule for one week after response.
Response	Template review on how we respond to application and track the journey to closure

Quality of Submission

Definition of quality and quality resubmissions requirements may not be clear to Applicants. Through the consultation with Stakeholders, an identified improvement is to clarify standard response on resubmissions and clearly identify the expectations of the consultants to align issues requiring resolution and to satisfy all statutory regulations as well as City standards/requirements/specifications. Elements like plans not matching, lack of clarity on the detail required from the applicant and differences in interpretation of standards are common recurring issues with resubmission applications submitted to the City, which are examples of checklist items for Applicants to verify as being addressed prior to submitting to the City.

Consultation Stage of Official Plan amendment and Zoning By-law amendment applications was also completed as part of the end-to-end review. This stage of the process is to establish confidence with Applicants that their applications will receive a decision within the 90-day /120-day regulations, noting that only 2% in the first 6 months of 2022 were within timelines. The following actions have been identified for implementation:

- Changes to the consultation stage to aid in a more defined and studied submission,
- Define requirements for a complete Application
- Updated start timelines for the beginning of the Application Review process tied to the council decision date. This will increase analysis (including public record reviews, internal reviews, and application study response in the consultation phase). Based on turnaround performance from a sample of 65 Applications from 2020 – 2022 with the enactment of Bill 23 69% of fees would be returned to Applicants.

2.3 Streamline Funding Project, Bill 23, and Bill 109

Streamline Development Approval Fund

On January 19, 2022, the Province of Ontario announced an investment of \$45 million in a new Streamline Development Approval Fund to help Ontario's 39 largest municipalities implement actions to unlock housing supply by streamlining, digitizing, and modernizing their approach to managing and approving applications for residential developments.

On February 7, 2022, London received the Transfer Payment Agreement of \$1,750,000 through the Streamline Development Approval Fund and high-level program guidelines for this program. The agreement has been executed with the identified funds to be used by February 28, 2023. In addition, a final report on the use of this funding is due February 28, 2023 and must include a publicly posted staff report.

The proposed scope of work takes into consideration the existing work already completed through the previous deep dive review of the Site Plan project, 2017-2019, and expedite the completion of eight of the major Planning Act processes at the same level of detail and develop business analytics to identify performance on a regular basis. The funding project for London includes initiatives such as e-permitting systems, temporary staff (including interns) to address backlogs, online application portals, and other projects aimed at unlocking housing supply.

The identified work for the funding project aligns with the Audit and Accountability Fund (AA3) project, particularly as it relates to engaging with the local development industry to obtain their feedback on where improvements on eight major Planning Act processes are most needed and can be achieved.

Bill 109 (July 1, 2022)

One significant change made by Bill 109 is that municipalities will be required to refund application fees for site plan approval as a result of a failure to decide within the statutory timeline.

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.

There are no implications with respect to the resubmission process given site plan applications submitted to the City of London are typically approved within 30 days, which is well within the legislated timelines. As a result, no refunds would be required, and no changes are necessary to the process moving forward as it relates to changes through Bill 109.

Bill 23 (November 28, 2022)

On October 25, 2022, the Government of Ontario introduced Bill 23, the *More Homes Built Faster Act, 2022* which proposes changes to the *Development Charges Act*, *Planning Act*, *Ontario Heritage Act*, *Municipal Act*, *Conservation Authorities Act* and other statutes. The Government of Ontario has indicated that the intent of these changes is to support their Housing Supply Action Plan to increase housing supply. The Bill 23 legislation includes a significant number of legislative and regulatory changes related specifically to Section 41 of the *Planning Act* for site plan approval, including significant changes to how and where site plan control can be applied.

Bill 23 stipulates that Site Plan control will no longer apply to any residential development with 10 or fewer units on the entire property. Essentially, the Bill reduces the City's Site Plan Control Powers, which is equivalent to 15-20 applications per year (based on 2021- 2022), which is equivalent to 20% of the applications that are reviewed under the Administrative Application stream.

The updated changes for site plan will be piloted in January. Data from the pilot will be analyzed to help project re-submissions (targeted for an average of 2.8 submissions per application). A reduction of half of the resubmissions per application would eliminate more than the 2 resubmissions received every week of the year (based on 2021 – 2022), which will address delays in the review process between first submission to building permit.

2.4 Next Steps

Identified medium and long term outcomes for continuous improvement are identified as follows:

Medium Term Improvement project recommendations for 2023

- Improved Tracker to include the Consultation phase and better align with key metrics
- Improved use and integration with AMANDA database system
- Improved understanding of the effort required for process tasks to establish a more comprehensive Capacity Model for Application volumes and timelines
- Improved use of Planners across the OPA / ZBA areas and Site Plan areas for Applicants that wish to engage in the processes simultaneously
- Take a business look at aligning with [One Ontario](#) as a portal and technology solution
- Continue to expand the use of standard file structures, templates and naming conventions across all of Planning and Development

Long Term Strategies recommendations 2023 and beyond

- Use of metadata for storing and reporting on the processes throughout Planning and Development
- Use of Sharepoint (or similar) to host Application's and allow all departments and agencies to post their comments (vs emailing) and coordination of comment files for responses
- Future improvements will be incorporated into the Council's draft 2023-2027 Strategic Plan

3.0 Financial Impact/Considerations

There is no financial impact to the City of London with the Transfer Payment Agreement for this project. The provincial funding received through the Audit and Accountability Fund has financed the full cost of this project. Any improvements that result in additional resource requirement will be considered through the 2024-2027 multi-year budget process.

Conclusion

This report provides the background and context of the project - Site Plan Resubmission Process Review, and includes the third-party reviewer's final report, as appended. The final report is a requirement of the agreement with the Minister of Municipal Affairs and Housing for the Transfer Payment Agreement.

Prepared by: Mike Norman
Manager, Strategy and Innovation

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

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

Attached:
Appendix A - Third party reviewer's final report (EZSigma Group, December 2022)

**cc: Lynne Livingstone, City Manager
Anna Lisa Barbon, Deputy City Manager, Finance Supports
Rosanna Wilcox, Director, Strategy and Innovation
Alan Dunbar, Manager, Financial Planning and Policy
Michael Pease, Manager, Site Plans
Ismail Abushehada, Manager, Development Engineering
Mike Corby, Manager, Planning Implementation**



London
CANADA

AUDIT AND ACCOUNTABILITY FUND INTAKE 3

Site Plan Resubmission Process Review



London
CANADA

Project Information

Audit and Accountability Fund Intake 3 –
Site plan Resubmission Process review

Date Started: March 2022

Date Completed: January 2023

Project Sponsor/Champion:

Heather McNeely, Director, Planning and Development

City of London

300 Dufferin Avenue, London, Ontario

Executive Summary: Lean Six Sigma Project

Early in the project alignment and visioning stage, a determination was made to expand the scope of review to incorporate an evaluation of the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) processes as part of the Site Plan resubmission project. The alignment and potential for additional integration made this a logical inclusion for an end-to-end review of the entire planning process for development applications administered by the Current Development division of the Planning and Development department.

Voice of the Customer and data analysis lead to different challenges for each process:

- Official Plan Amendment / Zoning Bylaw Amendment Council decisions not meeting regulatory timelines with wide variation (2% in first half of 2022)
- Site Plan turnaround times are within target with minimal variation. However, re-submissions required for applications to obtain a Development Agreement are causing multiple review cycles and causing delays that results in extra costs and effort by both the Applicants and the City (sample from 2020 / 2021 – 244 Applications required 788 Review Cycles)

Continuous Improvement (CI) teams were established within each process as part of this initiative. Design was to drive quality (city and applicant) up front in the process to deliver success. CI teams and huddles were reintroduced and formalized into the service groups and part of Standard Work.

Improvement Strategy and Expected Impact OPA / ZBA

- More focused actionable comments tied to Policy and Standards to guide the Applicant
- Greater detailed study review, Advisory Group comment timing and Public awareness at the Consultation Phase
- Predictability for Council Decision timing when entering the Application Phase for the Applicant allows for improved resource planning. With Bill 109, the city meeting regulatory timelines and holding 100% of fees. Noting that current performance would lead to a refund of 69% of fees. Based on 2021 fees that would be equivalent to \$567,245.29
- Pilot of new process flow targeted for February 2023



Executive Summary con't

Improvement Strategy and Expected Impact Site Plan

- More focused actionable comments tied to Policy and Standards to guide the Applicant
- Improved internal and external templates and documentation to provide improved clarity and focus
- Improved communication with internal department meetings and structured review and analysis meetings with the Applicant to focus on issue resolution and reduce unnecessary re-submissions
- Pilot of process changes to be introduced in January 2023. Data will be collected for validation for each Consultation and Application targeting a 15 % reduction of review cycles per submission this year, which equates to approximately 2 less new review cycles per week.



Project Approach

PROJECT	SITE PLAN
ID	Description
DEFINE	
	Ensure Alignment and vision
	Communication strategies
	Review of all current state artifacts
MEASURE	
	Engagement with external and internal Stakeholder groups
	Create / validate / update current state flow
	Create / validate / update metrics
	Identify initial pain points
	Capture opportunities for Rapid Improvement Events (RIE)
ANALYZE	
	Deep dive into process inputs
	Implement Rapid Improvement Events (RIE)
IMPROVE	
	Research analysis to brainstorm potential solutions
	Benefits Analysis
CONCLUDE	
	Final Report

DEFINE Phase



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CANADA

Define Phase Summary

Early in the project alignment and visioning stage, a determination was made to expand the scope of review to incorporate an evaluation of the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) processes as part of the Site Plan resubmission project. The alignment and potential for additional integration made this a logical inclusion for an end-to-end review of the entire planning process for development applications administered by the Current Development division of the Planning and Development department.

The beginning of our environmental scan of the current state, found that the Development Services group had engaged with the City of London Continuous Improvement (CI) team starting in 2017 and that a good foundation had been put in place. Reduction in variation has helped with the predictability of file handling timelines. This was a positive experience expressed by outside customers during Voice of the Customer sessions. Next stage was to reduce resubmissions through continuing to drive quality up front in the process.

Strategies for engaging the external and internal stakeholders created. Ultimately, there were 30 external and internal Voice of the Customer Sessions attended by 150+ participants.

MEASURE Phase



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Measure Phase Summary

The key steps to the measure phase

- Map out the current flow of the process to get a standard of how the process works today from end to end and the intersections with other groups and stakeholders
- Voice of the Customer: Interviews with internal and external stakeholders to capture their perception on how the process is working for them. This was categorized as: Working well, Frustrations, Suggestions / Ideas for improvement. Using affinity mapping, this work was then grouped into themes.
- Voice of the Process: This is an analysis of how well the process is performing. An analysis of what metrics are tracked and the actual data compared to target. It highlights where the pain points are.

OPA / ZBA

- The measure phase highlighted that there was large variation between applications and that the current process was not capable of consistently meeting the timelines (histogram of days to process to follow). The gap between the what is contained in the application vs requested by the Planning and Development department causes re-work delays consistently in the review / analyze part of the process flow.
- The voice of the customer with internal and external stakeholders provided a forum to meet and listen to each other.
- Feedback was themed and used to identify opportunities to improve both the method (example: improved reporting templates) and medium (example: meetings to present and discuss requirements).

Site Plan

- The measure phase looked at the turnaround times to review an application to receive a conditional approval. It also looked at re-submission cycles to get to a Development Agreement.
- Cycle times for review were consistently within target with minimal variation. Re-submissions were sliced to look at Administrative Applications vs Standard Application streams. Comment responses to the applicant were also sliced to understand where comments were originating from and how many submissions were required to mitigate them.
- Feedback was themed and used to identify opportunities to improve both the method (improved reporting templates) and medium (meetings to present and discuss requirements).
- A challenge that came out of the voice of the customer, is an expectation of multiple re-submissions on both the developer and city sides. This can lead to required detail being sorted out later in the re-submission cycles instead of earlier in the Application process.

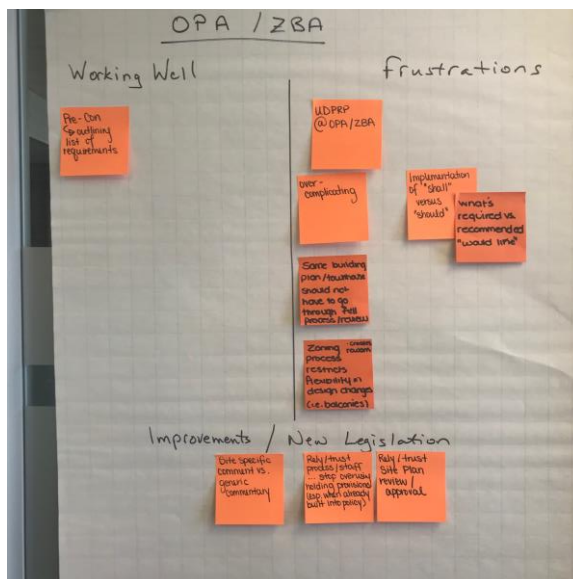
Measure Phase Results

Voice Of the Customer Stakeholder Sessions

- 30 Sessions / 150+ participants
 - Developers
 - Consultants
 - Engineers
 - Internal Depts
 - External Agencies
 - Associations
- 113 OPA / ZBA comments captured

OPA ZBA Themes from Comments

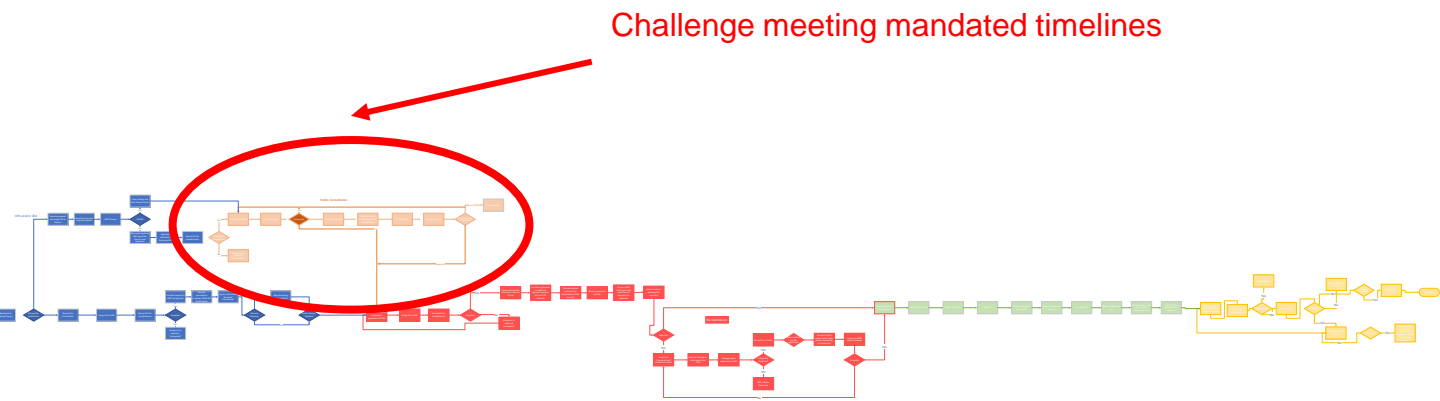
1. Comment Quality
2. Policy
3. Templates and Technology
4. Organizational Structure / Communication



Measure Phase Results

OPA ZBA

2% completed within timelines January to June 2022

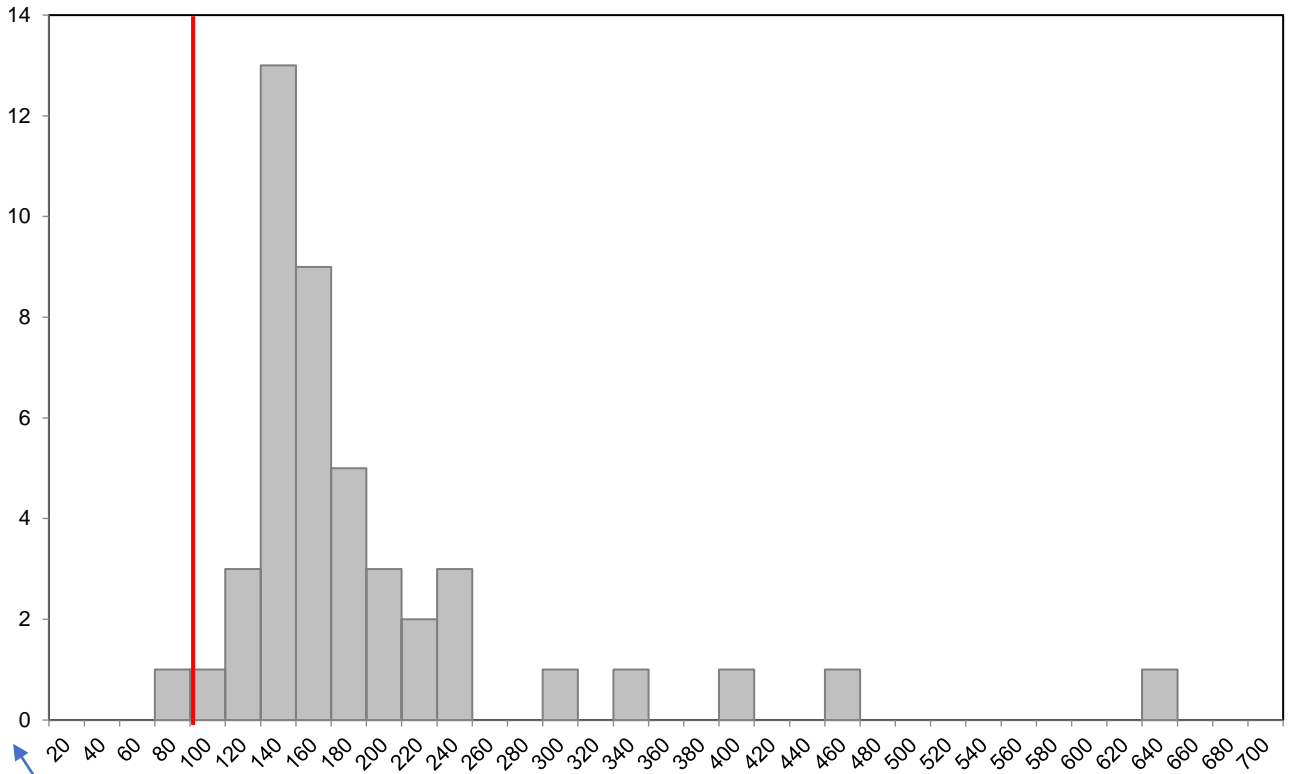


Measure Phase Results

ZBA Application (sample size 45) from 2020 – 2022

Regulatory days = 90

Histogram – Days from Application Open to Council Decision



Number of Days from Application opening to Council decision

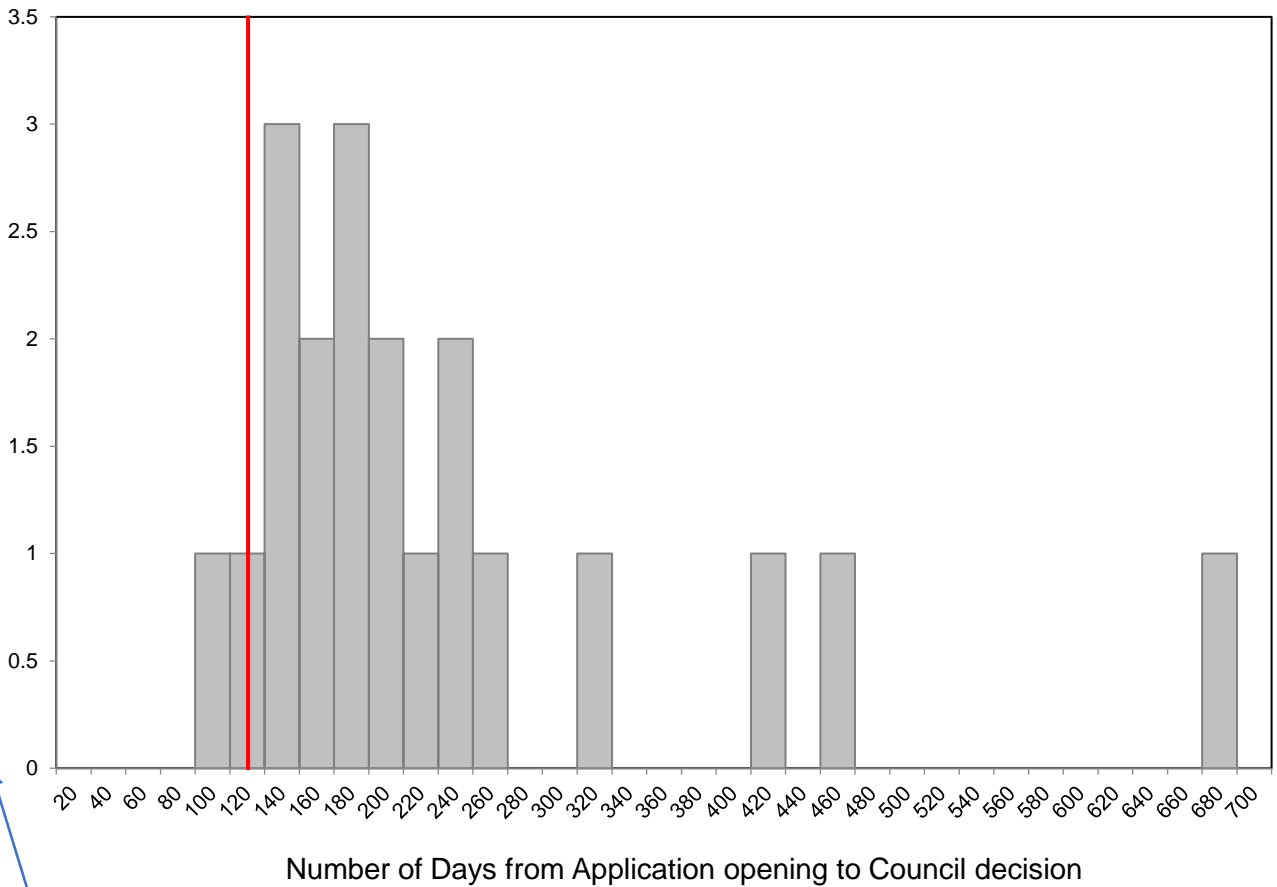
Number of Applications

Measure Phase Results

OPA / ZBA Applications (sample size 20) from 2020 – 2022

Regulatory days = 120

Histogram – Days Open to Council



Number of Applications

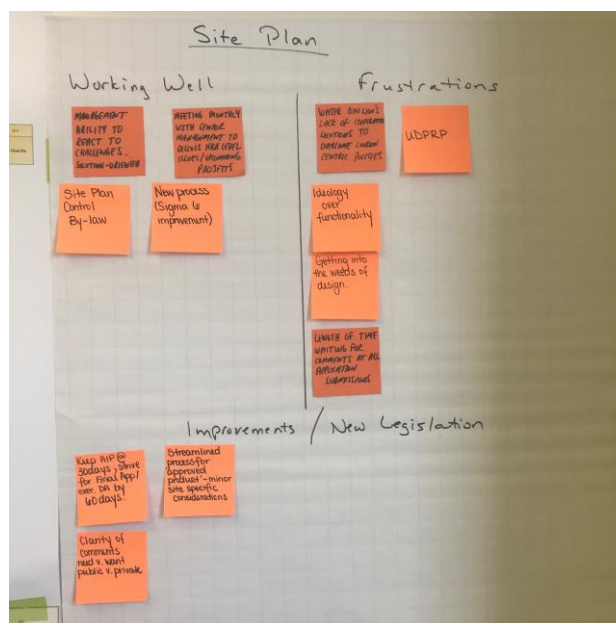
Measure Phase Results

Voice Of the Customer Stakeholder Sessions

- 30 Sessions / 150+ participants
 - Developers
 - Consultants
 - Engineers
 - Internal Depts
 - External Agencies
 - Associations
- 187 Site Plan comments captured

Site Plan Themes from Comments

1. Comment Quality
2. Process Flow
3. People / Staffing
4. Templates and Technology



Measure Phase Results

Standard Application Approval Stream

- All site plan applications are assumed to follow the Standard Application Approval Stream until it can be determined at consultation which stream the application will follow. Site Plan Applications that follow the Standard Application Approval Stream generally include more complex applications.
- Examples of Standard Applications include the following:
 - Sites requiring a Site Plan Public Meeting or Urban Design Peer Review Panel Meeting
 - Sites requiring a Zoning By-law Amendment.
 - External works required for the site or on-site stormwater management ponds.
 - Complex applications with new buildings, major additions and/or changes to the existing site.
 - Sites with major traffic impacts

Administrative Application Approval Stream

- The Administrative Approval Stream was created to capture those extremely minor applications that, if enabled through the process, can reach site plan approval in a very short time. The Administrative Application Approval Stream gives the File Managers the autonomy to recognize minor applications upfront and champion them through the system. The Administrative Application Approval Stream is designed to accelerate the schedule for site plan approval by eliminating certain steps from the Consultation and Application Review stages. Minor applications with little or no construction elements that do not require a public meeting may qualify for the Administrative Approval Stream.

Measure Phase Results

Site Plan

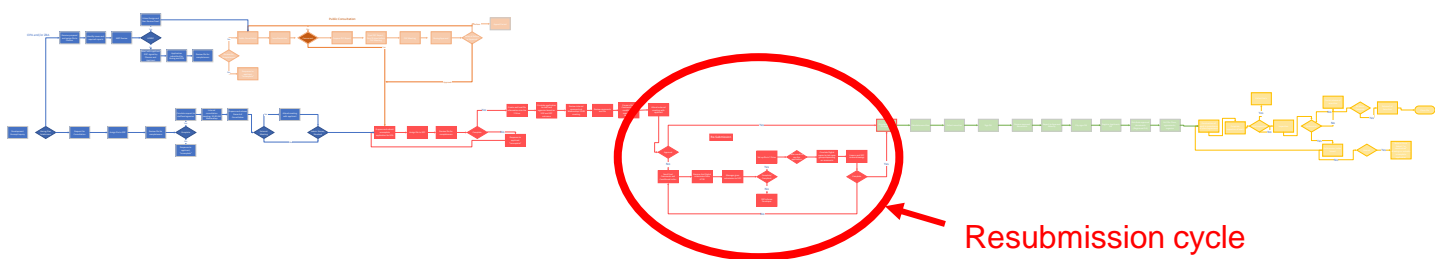
- Admin 2020 / 2021

110 applications created 272 review cycles with resubmissions

- Standard 2020 / 2021

134 applications created 516 review cycles with resubmissions

- 86% completed within timelines January to June 2022



Measure Phase Results



The 110 applications created 272 review cycles with resubmissions (average of 2.5 submissions per application)



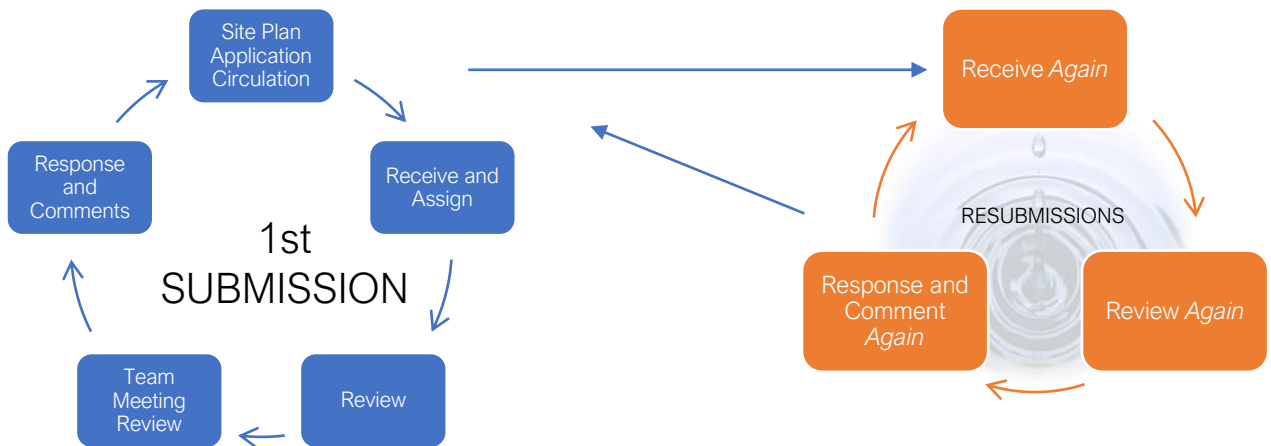
The 134 applications created 516 review cycles with resubmissions (average of 3.9 submissions per application)

There were **244 applications** for Site Plan in 2020 and 2021
 This resulted in **788 review cycles** due to resubmissions

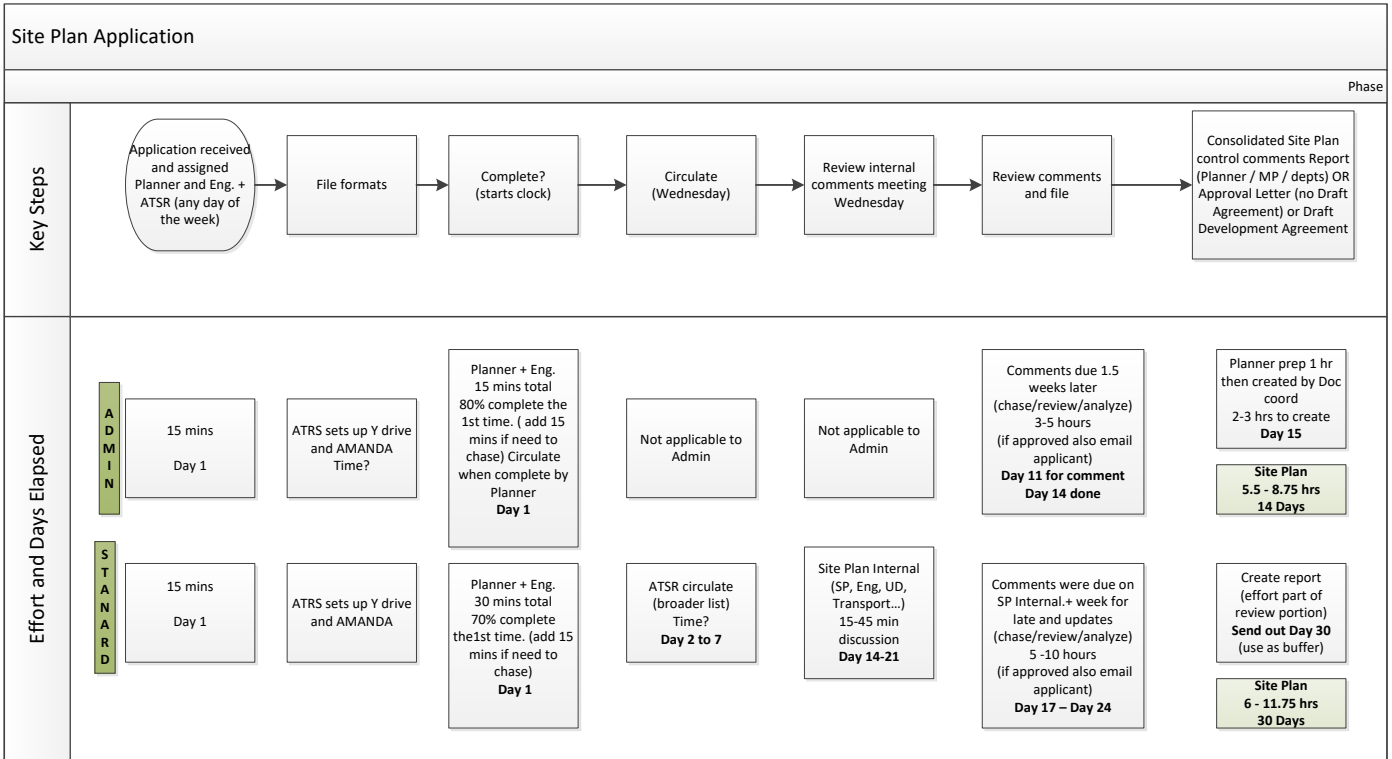
Submission Process

Circulation:

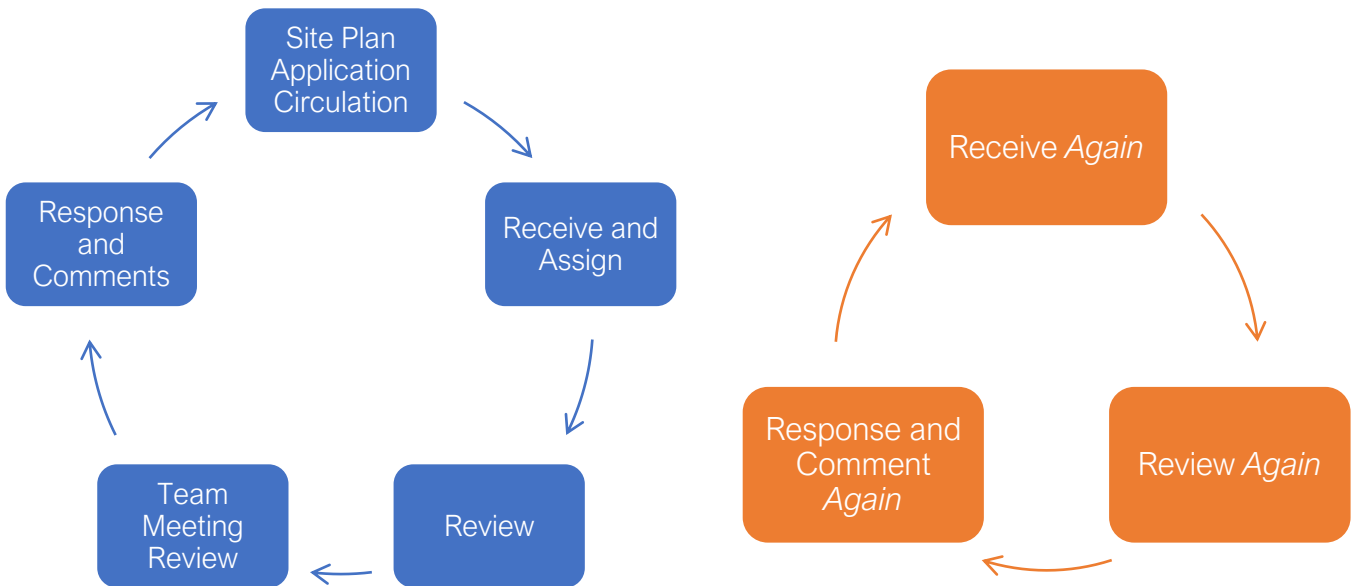
- Engineering (Development); Landscape; Urban Design; Heritage/Archaeological;
- Transportation (Engineering); London Hydro; Parks Planning & Design; Development Finance;
- Ecology; UTRCA; LTVCA; Waste Management; Hydro One; Bell Canada; Building Division; MTO;
- Canada Post; Water Engineering; City Planning; Economic Services and Supports;
- Canadian Pacific Railway; CN Railway; Geomatics; Wastewater Engineering; Stormwater Management (Engineering);
- Subdivision; Planning; Enbridge; Imperial Oil; CP Proximity Ontario; and Forestry.



Site Plan Application Process



Plus each circulation groups effort



ANALYZE Phase



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OPA / ZBA Process

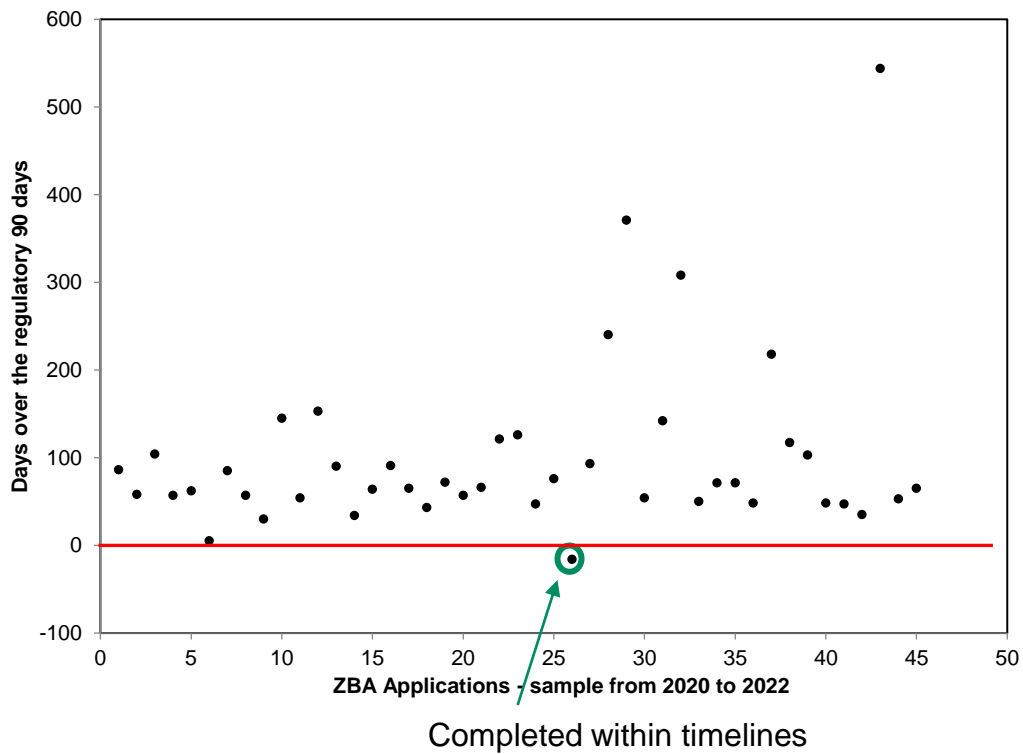
Project Objective: Improve Flow <i>(improve metrics to meet timelines to align with new Provincial Regulations)</i>	
Strategies	Rapid Improvement Events (RIE) Actions
Strategy 1.1 <ul style="list-style-type: none"> Improve how we communicate internally and externally to improve quality of submission and experience (Quality up front) 	RIE Action 1.1.1 <ul style="list-style-type: none"> Comment quality: Link each comment to policy (improve %)
	RIE Action 1.1.2 <ul style="list-style-type: none"> Separate 'now' Zoning comments from 'later' Site Plan reference comments (Report Structure)
	RIE 1.1.3 <ul style="list-style-type: none"> Roles, meetings and hand-offs between internal teams (PAC)
	RIE 1.1.4 <ul style="list-style-type: none"> For each stage: milestone (gates) clarity and checklists to make obvious the output requirement
	RIE Action 1.1.5 <ul style="list-style-type: none"> Meeting with Urban Design to brainstorm balance of great design, resolution and process timelines
Strategy 1.2 <ul style="list-style-type: none"> Improve visibility, transparency and metrics / reporting 	RIE Action 1.2.1 <ul style="list-style-type: none"> Create comment response timelines tracking mechanism for Internal groups
	RIE Action 1.2.2 <ul style="list-style-type: none"> Process steps data tracking system (interim solution). Track consultations, application milestone targets.

Analyze Phase Results

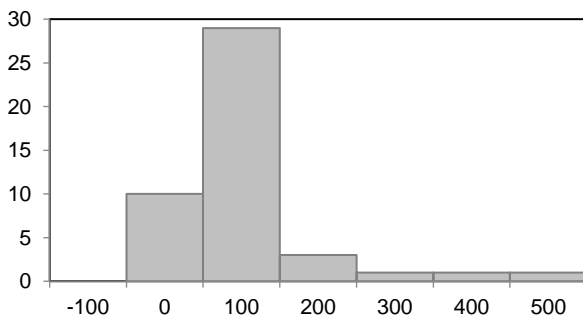
Need to redefine:

- Consultation phase outcomes
- Complete Application attributes
- Ability for Advisory Committee's to respond
- Align Council dates to process start date

Scatter Plot – ZBA Applications: Days over the regulatory 90 days



Histogram - days over 90



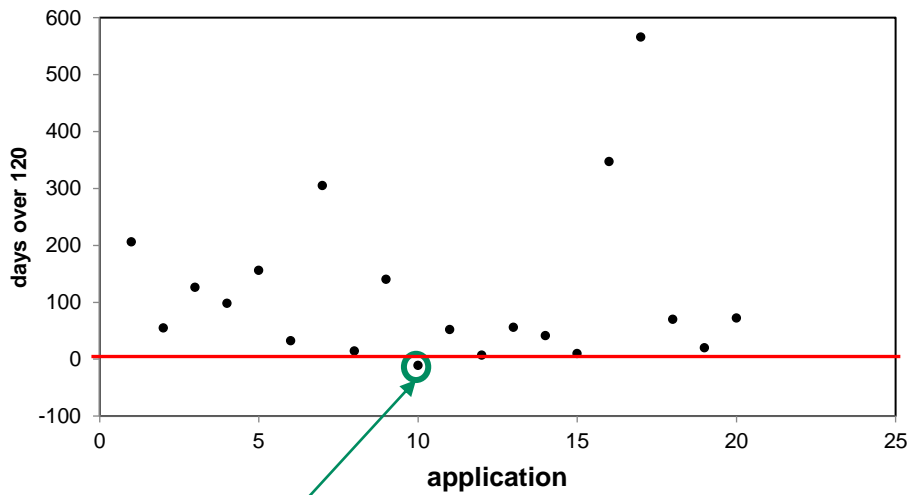
■ Frequency

Analyze Phase Results

Need to redefine:

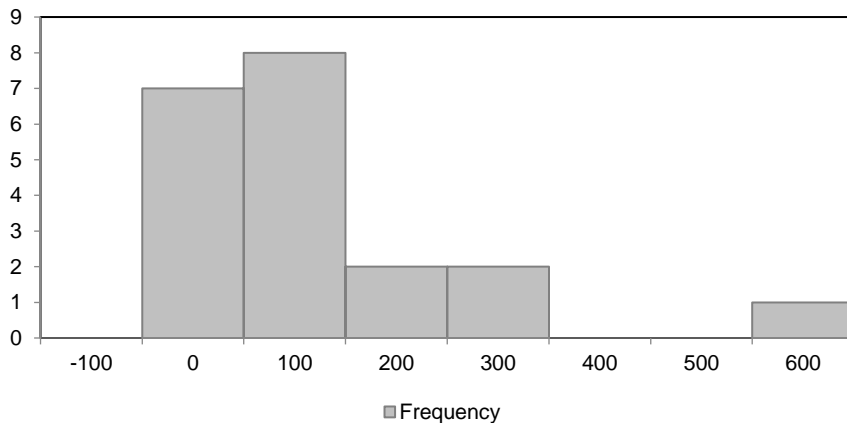
- Consultation phase outcomes
- Complete Application attributes
- Ability for Advisory Committee's to respond
- Align Council dates to process start date

Scatter Plot – OPA ZBA Applications days over 120 regulation



Completed within timelines

Histogram - days over 120

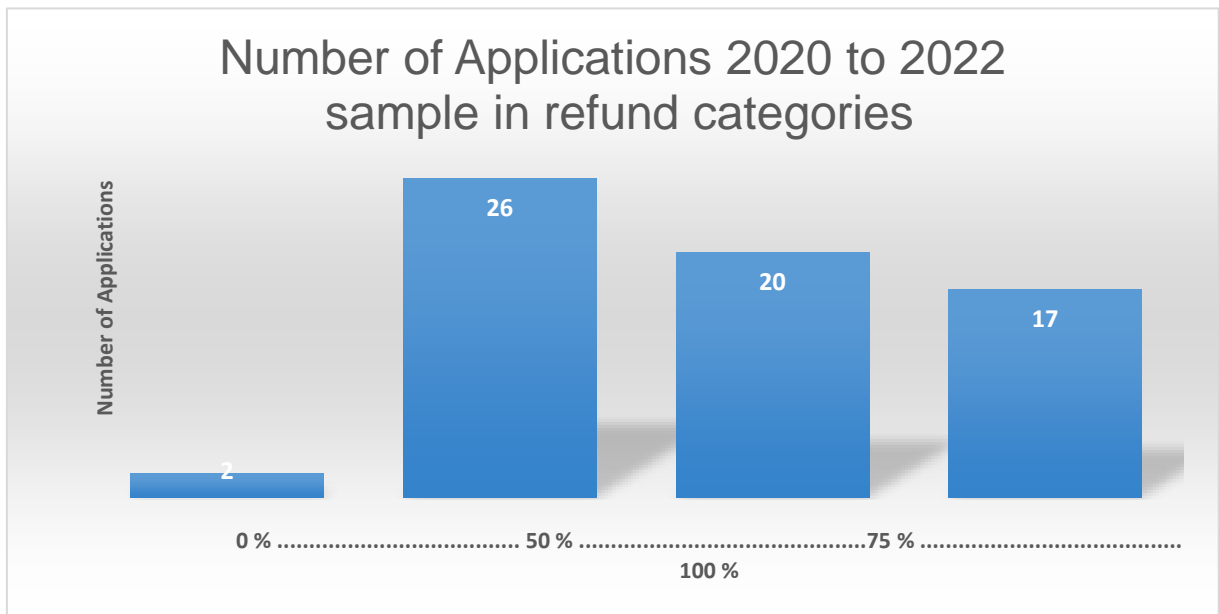


Analyze Phase Results

OPA / ZBA Applications received 2020 to 2022 Refunds (if Bill 109 in effect) due to decision timing

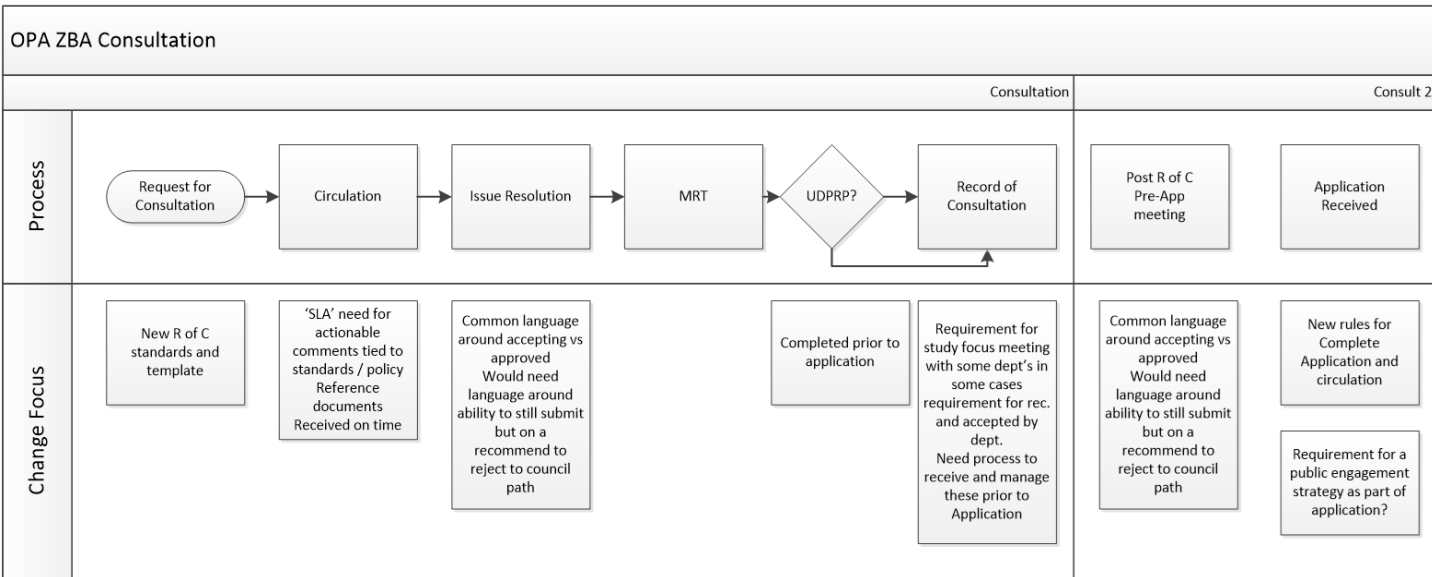
2021 fees = \$ 822,094.62

69%= \$ 567,245.29



Percentage if refund was in effect (Average of 69% of fees)
(Sample size 65 applications)

Analyze Phase Results



Site Plan Process

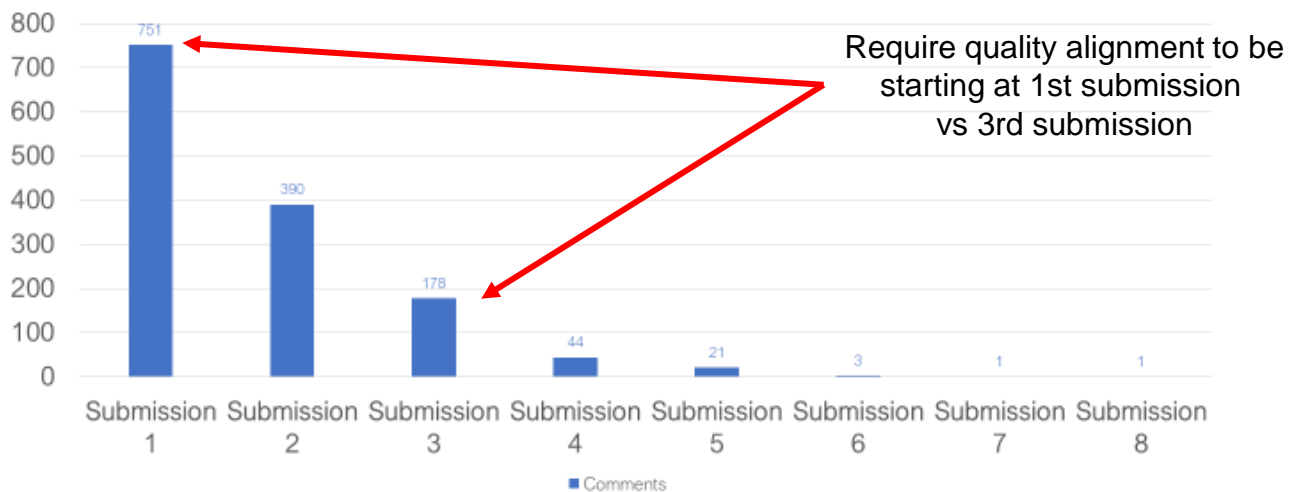
Project Objective: Reduce Resubmission <i>(Improve metrics toward new Provincial Regulations)</i>	
Strategies	Rapid Improvement Events Actions
Strategy 1.1 <ul style="list-style-type: none"> Improve how we communicate internally and externally to improve quality of submission and experience. (Process Framework for new Provincial Regulations) 	RIE Action 1.1.1 <ul style="list-style-type: none"> Comment Quality linking of comments to Policies
	RIE Action 1.1.2 <ul style="list-style-type: none"> Templates update to be more prescriptive for the customer
	RIE Action 1.1.3 <ul style="list-style-type: none"> Roles, Meetings and hand-offs between internal teams and external customers to meet regulatory requirements.
	RIE Action 1.1.4 <ul style="list-style-type: none"> For each stage: milestone (gates) clarity and checklists to make obvious the output requirement
Strategy 1.2 <ul style="list-style-type: none"> Improve visibility, transparency and metrics / reporting 	RIE Action 1.2.1 <ul style="list-style-type: none"> Improve system milestone quality (AMANDA interim solution)
	RIE Action 1.2.2 <ul style="list-style-type: none"> Template / folder / systems diagram as input to new Software Digitization initiative

Analyze Phase Results

The 80 Applications had 751 comments returned after their 1st submission.

By the 3rd submission comments were 178, moving towards getting to a Development Agreement

Total Comments Per Submission



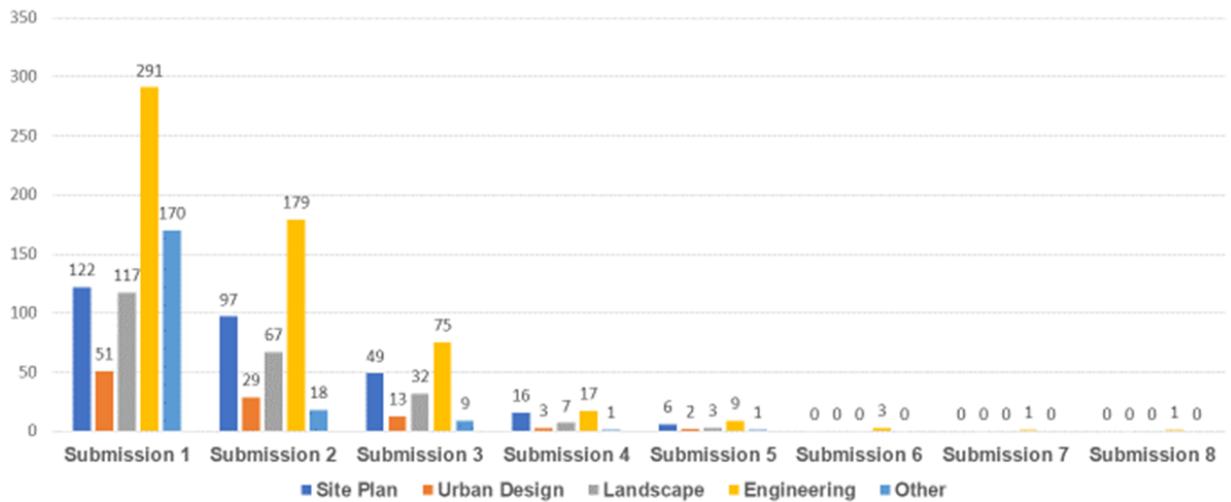
Standard Applications 2020 / 2021
(sample size 80)

Analyze Phase Results

The comments were then separated by group.

A majority of comments were being generated by Engineering disciplines.

Breakdown of Top Categories of Comments

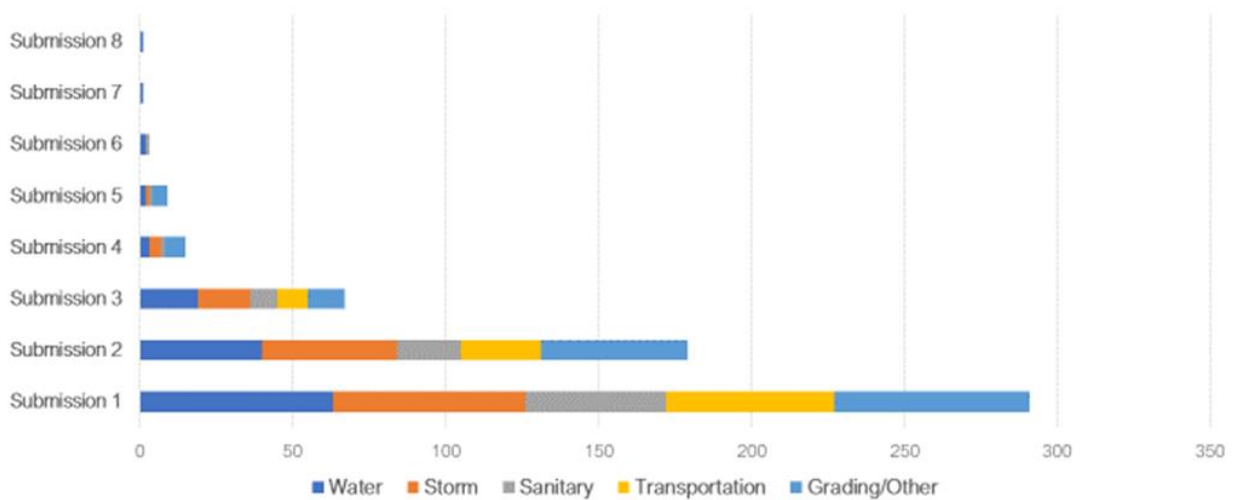


Analyze Phase Results

Breakdown of comments by which area of Engineering was generating the comments.

Spread across all disciplines.

Engineering Comments



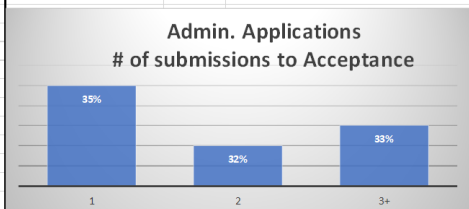
Analyze Phase Results

Data validates the Site Plan turnaround and shows Applicant response time

Analysis of Site Plan Applications received from 2019 to 2021

Administrative Applications

# of submissions required to complete	%	# of days for the City of London to review and provide comment back to the developer
1	35%	18
2	32%	16
3+	33%	16



"Chess clock" % of time the Application was with the City of London Vs. with the Applicant from submission to complete	CofL 40%	Applicant 60%

Number of Administrative Applications received 2019 - 2021	138



Analyze Phase Results

Data validates the Site Plan turnaround and shows Applicant response time

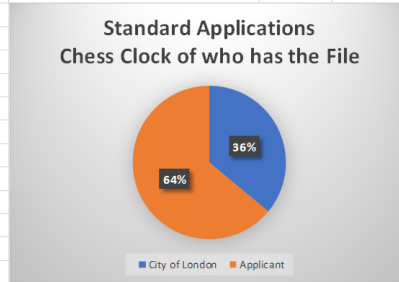
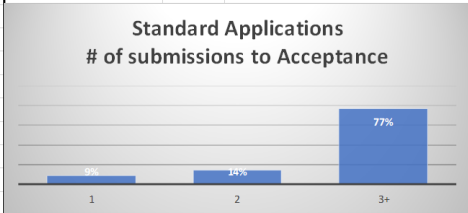
Analysis of Site Plan Applications received from 2019 to 2021

Standard Applications

# of submissions required to complete	%	# of days for the City of London to review and provide comment back to the developer
1	9%	31
2	14%	24
3+	77%	17

"Chess clock" % of time the Application was with the City of London Vs. with the Applicant from submission to complete	CofL 36%	Applicant 64%
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Number of Standard Applications received 2019 - 2021	214
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Data validates the Site Plan turnaround and shows Applicant response time

IMPROVE Phase



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Improve Phase Summary

- The purpose of the Improve Phase is to make improvements based on the analysis (improve the quality of inputs into the process) within the key processes. Standardize work for alignment across all of Planning and Development.
- Continuous Improvement (CI) teams were set up within each process, leaders across P and D were also identified to ensure a standardized approach and structure is being followed going forward.
- Recommendations are for changes to both the Consultation Phase and the Application Phase to provide proper analysis at the Application Phase within regulatory timelines. (Example: Advisory Committee comment turnaround)
- Focused changes to meet the requirements of Bill 109 were built into the Improve design. The department is ready to pilot and roll out improvements with a Bill 109 target implementation date January 1, 2023 and possible extension to July 1, 2023. If implementation shifts to July 1st then the first 6 months will allow to test the revised processes and adjust / improve over this period of time.

Analyze Phase Results

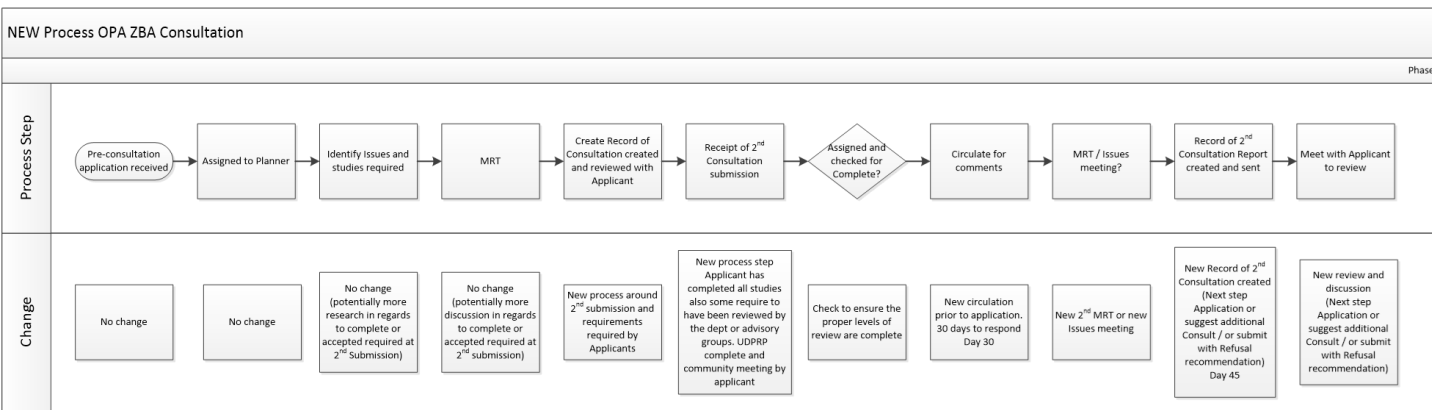
Project ID:	OPA ZBA Description
1.1.1	Comment quality: make actionable, link each comment to policy
	<ul style="list-style-type: none"> • Internal groups comments tied to policy
	<ul style="list-style-type: none"> • External groups comments tied to policy
1.1.2	Separate ‘now’ Zoning comments from ‘later’ Site Plan reference comments
	<ul style="list-style-type: none"> • Review and recreate the Record of Consultation output template
1.1.3	Roles, meetings and hand-offs between internal teams (PAC example)
	<ul style="list-style-type: none"> • Meeting timelines (when) and meeting outcomes
1.1.4	For each stage: milestone clarity and checklists to make obvious the output requirement
	<ul style="list-style-type: none"> • Re-map steps and timelines to look for issues and changes required to have the flow meet the 90 / 120 timeline mandates
	<ul style="list-style-type: none"> • Detailing outcomes for each gate (step)
	<ul style="list-style-type: none"> • Re-definition of Complete and Roles and Responsibilities of each Dept. and their role in the 'complete' decision. Response to Applicant
1.1.5	Meet with Urban Design to brainstorm balance of great design, resolution and process timelines
	<ul style="list-style-type: none"> • Breakout with Urban Design team
1.2.1	Create comment response timelines tracking mechanism for internal groups
	<ul style="list-style-type: none"> • Ability and value to track how and when comments are received back
1.2.2	Process steps data tracking system (interim solution) Track consultation & application milestone targets
	<ul style="list-style-type: none"> • Review and update excel tracker
	<ul style="list-style-type: none"> • Role of AMANDA (database system) in process

Improve Phase Results

OPA ZBA changes to fit 90 day and 120 day turnaround requirements		Phase	Phase
Process Step			Application Complete
Changes at step	<p>Need to update the website with new process and expectations language Why? Changing the definition of complete (application) to fit with provincial guidelines</p> <p>stays the same except for description of new R of C matrix and 2nd consultation and new Application requirements</p> <p>Depending of the complexity, the R of C table would change in regards to complete or accepted Some R of C doc's would say they can go straight to application....most would need a second consultation. If a study is not accepted by a department (at 2nd consultation) then the applicant can redo / update the study / plan or if they want they can go ahead and submit application knowing that there will most likely be a recommend to reject from staff to council.</p> <p>Need ruling on the community awareness at 2nd consultation</p> <p>Will need to have the 2nd consultation date to also trigger community awareness as the studies will be sent to all advisory committees which are part of public record. If an application did not want to sign off (which means advisory committees would not have enough time to respond to the application) ... this will be noted when the application is received. Some advisory committees may still have challenges meeting the deadlines 45 days (30 for comments 15 to complete report)</p>	<p>There will be 15 submit days (in 2023) for an application to hit a specific council date to align to the 90 / 120 day result (different schedule for OPA vs ZBA) Calendar for staff</p>	
Initial Start up	<p>Need scripts for how this is all communicated and (document wording + staff discussions with the applicants)</p> <p>Since the process is starting at consultation yet the clock is on Applications. Any client that has already gone through the old R of C process will need to be contacted to be made aware of the new process and start with a newly created R of C requirements table and start with the 2nd consultation step in January (or start now as soon as the process is confirmed)</p>		

Improve Phase Results

OPA ZBA Consultation Flow and Change Highlights



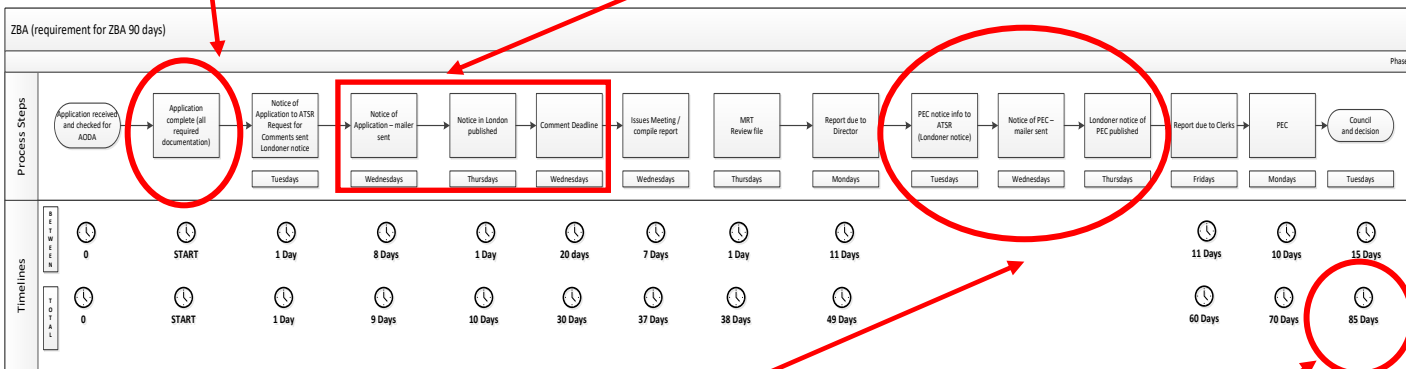
ZBA Application Flow and Timelines

To meet 90 day regulations:

- Changes in the Consultation phase and Complete Application to improve quality
- Tie the intake into the process to the Council date for decision.
- Eliminate redundant process steps.

Process start tied to Council decision date

Potential to increase review days by tying comment schedule to mailing and send out sooner



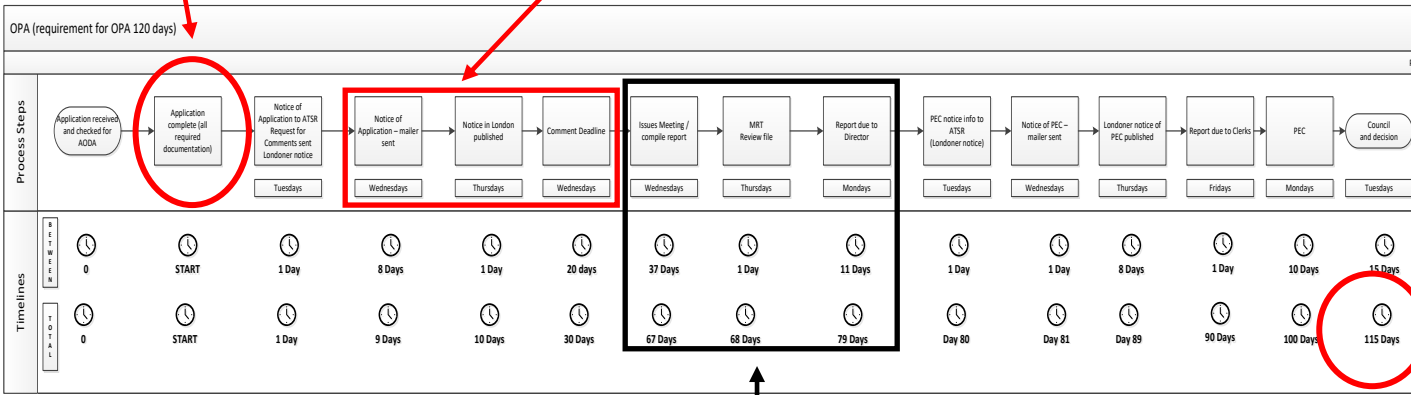
No longer required if Public date added to initial Application Notification due to predictability of process.
 Posting Savings: over \$15,000 /yr
 Plus cost of Londoner
 Plus staff productivity savings

Decision within regulatory Timelines

OPA Application Flow and Timelines

Process started tied to Council decision date

Potential to increase review days by tying comment schedule to mailing and send out sooner.

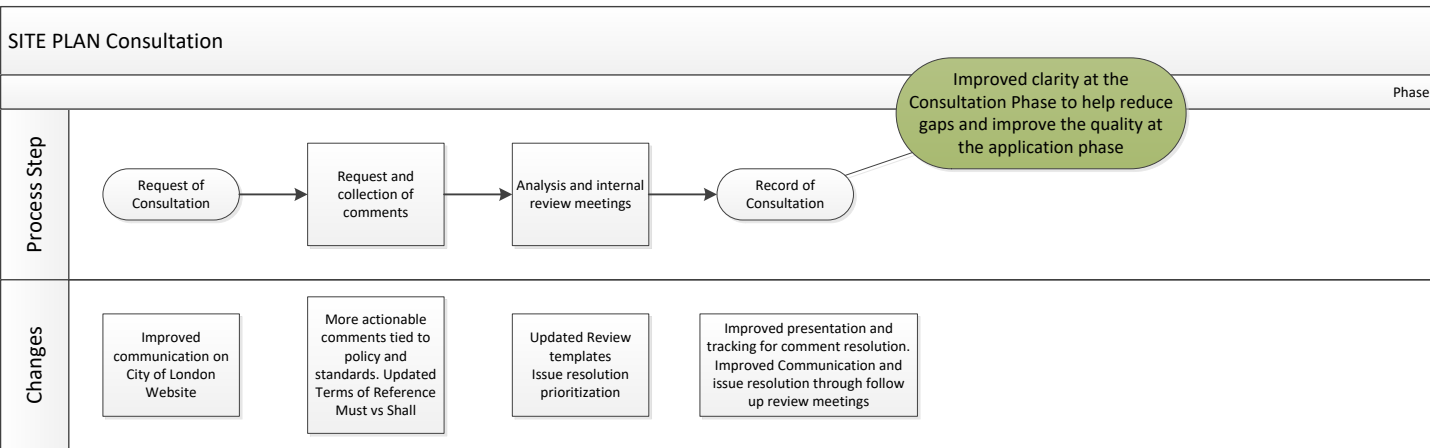


OPA has an additional 30 days to work through complexities before the report is due

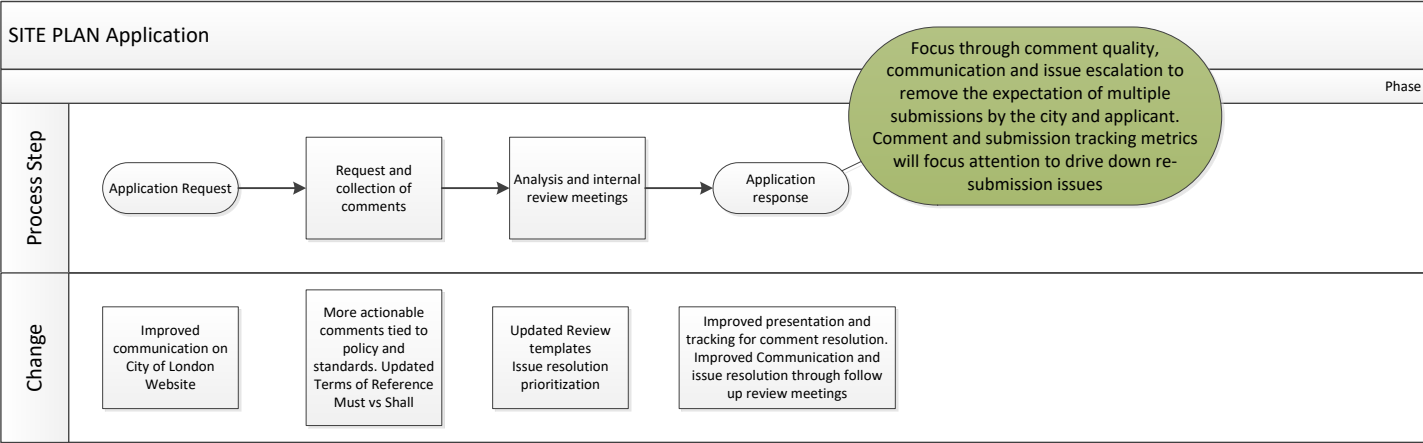
Decision within regulatory Timelines

Project ID:	Site Plan Description
1.1.1	Comment quality: make actionable, link each comment to policy
	<ul style="list-style-type: none"> • New template to improve how comments are presented. Discussions with groups for actionable comments and required vs recommended language
1.1.2	Templates update to be more prescriptive for the customer
	<ul style="list-style-type: none"> • Record of Consultation redesign to improve comments and the actions taken
	<ul style="list-style-type: none"> • Application redesign to improve comments and the actions taken
1.1.3	Roles, meetings and hand-offs between internal teams and external customers to meet regulatory requirements
	<ul style="list-style-type: none"> • Escalation review (both AMANDA (database system) for stages and Organization for re-submissions and delay conflicts)
	<ul style="list-style-type: none"> • Updating AMANDA
	<ul style="list-style-type: none"> • Pre-scheduled review meeting built into schedule for one week after response.
	<ul style="list-style-type: none"> • Change in format of Internal Review meeting to improve the outcomes to help with comment responses
1.1.4	For each stage: milestone clarity and checklists to make obvious the output requirement
	<ul style="list-style-type: none"> • Updating requirements of Consultation and what is required for a completed Application (Consultation)
	<ul style="list-style-type: none"> • Changes required to steps in process (Application)
	<ul style="list-style-type: none"> • Detailing outcomes of each gate - documentation
	<ul style="list-style-type: none"> • Re-definition of Complete and Roles and Responsibilities of each Dept. and their role in the 'complete' decision. Response to Applicant
1.2.1	Improve system milestone quality (AMANDA interim solution)
	<ul style="list-style-type: none"> • Reporting from AMANDA
1.2.2	Template / folder / systems diagram as input to new Software Digitization Initiative
	<ul style="list-style-type: none"> • Documentation to fit into Software Digitization Initiative
	<ul style="list-style-type: none"> • Review of Folder structure
	<ul style="list-style-type: none"> • Review of document naming conventions

Improve Phase Results



Improve Phase Results





Improve Phase Recommendations

Medium Term Improvement project recommendations for 2023

- Improved Tracker to include the Consultation phase and better align with key metrics
- Improved use and integration with AMANDA database system
- Improved understanding of the effort required for process tasks to build a more comprehensive Capacity Model for Application volumes and timelines
- Improved use of Planners across the OPA / ZBA areas and Site Plan areas for Applicants that wish to engage in the processes simultaneously
- Take a business look at aligning with [One Ontario](#) as a portal and technology solution
- Continue to expand the use of standard file structures, templates and naming conventions across all of Planning and Development

Long Term Strategies recommendations 2023 and beyond

- Use of metadata for storing and reporting on the processes throughout Planning and Development
- Use of Sharepoint (or similar) to host Application's and allow all departments and agencies to post their comments vs emailing / chasing and building comment files for responses

Control Phase



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Control Phase Summary

In Conclusion: Recent changes introduced through Bill 23 will impact the volumes and focus of requests for Site Plan Consultations and Applications.

- A review of Site Plan applications in 2021 and 2022 identified that 20% would no longer require Site Plan Approval.

Just as there are swings in volumes of demand for housing and types of housing, there will be shifts in requirements for the supply of resources within Planning and Development to meet demand. The adoption of Continuous Improvement (CI) within Planning and Development department is leading to greater standardization of process (files, templates...) which will help with cross training and improved onboarding procedures. This strategy has the ability to help the city apply resources where they are required. Aligning this with real time metrics of Applications can result in greater transparency and consistency of delivering within timelines.

Site Plan is piloting changes to their process in January 2023. Data will be collected for validation for each Consultation and Application. The goal is to reduce the resubmission rate per application from 3.3 to 2.8 in 2023. This would be a great win for the Applicant as it will reduce the time to get to Development Agreement, reduce Applicant and City costs through a 15 % reduction in costly Application cycles, which is approximately 2 fewer review cycles submitted per week.

Implementation of refinements to the Official Plan Amendment and Zoning Bylaw Amendment processes is targeted for February 2023. The ability to have council decisions within the timelines will give turnaround predictability to the developer for their resource planning that was not there prior to 2023. It will also save the City potentially requiring to refund fees, which would equate to \$ 567,245.29 based on 2020 / 2021 turnaround and 2021 fees collected.

Our analysis has highlighted areas for improvement noting that many improvements have already started or are in place. The breaking down of silos, standardization, data management and reporting, transparency, training and cross training, improved escalation and accountability at all levels will continue to drive success in 2023 and beyond.

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 N. Chesterfield for
892 Princess Avenue, Old East Heritage Conservation District

Date: Monday January 9, 2023

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 retroactive approval for the replacement of the original slate roof with asphalt shingles at 892 Princess Avenue, within the Old East Heritage Conservation District, **BE REFUSED**.

Executive Summary

The property at 892 Princess Avenue is a significant cultural heritage resource, and an “A”-ranked property, designated pursuant to Part V of the *Ontario Heritage Act* within the Old East Heritage Conservation District. The applicant has submitted a Heritage Alteration Permit application seeking retroactive approval for the replacement of the dwelling’s slate roof in its entirety with asphalt shingles. The policies and guidelines of the Old East Heritage Conservation District directs that when total replacement of an existing slate roof is required, and slate is not feasible as a new material, that the alternative material be “as visually similar to the original material as possible, with respect to colour, texture and detail.” 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 892 Princess Avenue is located on the north side of Princess Avenue between Ontario Street and Quebec Street (Appendix A).

1.2 Cultural Heritage Status

The property at 892 Princess Avenue is designated pursuant to Part V of the *Ontario Heritage Act*, by By-law No. L.S.P.-3383-111, as part of the Old East Heritage Conservation District. The Old East Heritage Conservation District came into force and effect on September 10, 2006.

The property at 892 Princess Avenue is identified as a “A”-ranked property by the *Old East Heritage Conservation District Conservation Plan*. The *Old East Heritage Conservation District Study* notes that properties were ranked with an “A” ranking (of major significance) if any one or a combination of the following were true:

- The property had been previously recognized by being listed by LACH (now CACP) or designated under the *Ontario Heritage Act*;
- The property was a particularly fine example of an architectural style, whether well restored, aged and weary, or partially concealed by reversible alterations;
- The property exhibited unique qualities or details that made it a landmark;
- The property was a particularly well-maintained example of a modest architectural style; and/or;
- The age of the building contributed to its heritage value, but was not the principal determinant.

1.3 Description

The dwelling on the property at 892 Princess Avenue was constructed around 1900. The residential form building is one-and-a-half storeys in height and the dwelling is constructed of red brick, with elements of the Queen Anne Revival style. The ground floor includes a verandah spanning the front of the dwelling supported by rusticated concrete block plinths, and turned wooden posts. The front gable of the dwelling includes decorative bargeboard and carved wooden details included within the apex of the gable. The dwelling previously had a slate roof that included large scalloped styled slate tiles.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

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

2.2 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 Old East Heritage Conservation District Conservation Plan and Old East Heritage Conservation District Conservation and Design Guidelines

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

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

The *Old East Heritage Conservation District Conservation and Design Guidelines* contains policies and guidelines related specifically to roofing, and in particular, the conservation and replacement of slate roofs:

3.3.1 Slate

Slate is a very durable cladding material used for roofing and sometimes vertical walls, particularly as vertical gables at roofs. The material is a shale type sedimentary stone available in a variety of colours and quantities from quarries around the world. The nature of the stone permits cut blocks to be cleft into thin layers approximately ¼ to ½ inch thick to form shingles approximately 10 x 20 inches in size. Good quality slate

roofing properly installed and maintained should last for 50 years or more. A number of dwellings in the Old East Heritage District contain the original slate roofs, giving them a very distinctive character.

Individual slate tiles may break due to age, structural defects or excessive impact. In addition, the fasteners used to join the slate to the building may eventually deteriorate or break, causing the slate to loosen or break away from the roof structure below.

Conservation and Maintenance Guidelines

- *Inspect roofs occasionally to identify any damaged or missing slates. Maintenance and inspection of slate roofing should only be undertaken by skilled trades people who will use suitable equipment for access to the roof to avoid breaking fragile tiles.*
- *Individual slates that are damaged should be replaced with matching slates by a skilled roofer with slate experience.*
- *Major replacement of slate roofs should include photographic recording or original pattern for replication of the design in new slates. New slate roofs should be installed with modern peel and stick ice protection at the eaves, and breathable underlay throughout*
- *If total replacement of a slate roof is required, and new slate is not a feasible option, the new roofing material should be as visually similar to the original material as possible, with respect to colour, texture and detail.*

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Heritage Alteration Permit application (HAP22-080-L)

The City was contacted in August 2022 by a real estate sales representative inquiring about the heritage status of the property, as well as requirements for Heritage Alteration Permit approval. It was noted by the inquirer that the slate roof had experienced some damage from a recent windstorm, and that partial replacement with slate was anticipated as a result of an insurance claim. City staff followed up to confirm that changes to the property (with a focus on the exterior) may require Heritage Alteration Permit approval.

The City was contacted again in October 2022 by the same real estate sale representative, now representing a new purchaser, prior to the closing of the sale of the property. The new purchases of the property observed that the roof had been replaced in its entirety with asphalt shingles. Re-roofing with different materials is a class of alteration within the Old East Heritage Conservation District that requires Heritage Alteration Permit approval. Approval was not obtained prior to replacement.

Through consultation with the sales representatives for both the new purchaser and the seller of the property, staff identified that when considering replacement of an original slate roof, staff seek information to confirm that repair is not feasible, and that total replacement with matching slate may also not be feasible. When evaluating conservation or replacement options for slate roofs, staff often receive a report or recommendation from a roofing contractor experienced in the installation, maintenance, and/or replacement of slate roofs. It is often demonstrated that as a result of sourcing and installing new slate, replacement with slate can often be cost prohibitive. The recommendation from the experienced roofing contractor is provided to support the Heritage Alteration Permit application.

In the past, once demonstrated to be not feasible, staff would work with applicants to identify suitable replacement alternatives that are consistent with the policies and guidelines of the Old East Heritage Conservation District. Consistent with the relevant policies, the City will consider alternative materials that are “as visually similar to the

original material as possible, with respect to colour, texture and detail.” In previous applications, City staff have supported various Heritage Alteration Permit applications for replacement of slate roofs with alternative materials including metal or composite roofing products that effectively simulate the slate roof appearance.

A complete Heritage Alteration Permit application for the subject property was received on November 1, 2022. The application seeks retroactive approval for the asphalt shingles that were used to replace the entirety of the slate roof. To support the application, a report prepared by the owner’s insurance was included to demonstrate the damage to the slate roof. The report included photographs of the current condition but did not provide comment on repair or replacement requirements. The entirety of the slate was removed and replaced with “Malarkey Polymer Modified Asphalt Shingles”.

The applicant was contacted to inquire about considering alternative materials that could be supported rather than the existing shingles. No response was provided.

The replacement roofing material consists of asphalt shingles smaller in size and different in style from the previously installed slate roof. The asphalt shingles are not consistent with the policies and guidelines of the Old East Heritage Conservation District. The applicant is encouraged to consider roofing materials that are more suitable for slate roof replacement, as recommended within the *Old East Heritage Conservation District Conservation and Design Guidelines*.

4.2 Consultation

The City’s municipal heritage committee – the Community Advisory Committee on Planning (CACP) – was consulted on this Heritage Alteration Permit application at its meeting held on December 13, 2022.

Conclusion

The Heritage Alteration Permit application is seeking retroactive approval for the re-roofing of an original slate roof with asphalt shingles. The retroactive Heritage Alteration Permit does not address the non-compliance and the inconsistency with the existing policies and guidelines included within the Old East Heritage Conservation District Conservation Plan and Old East Heritage Conservation District Conservation and Design Guidelines. The applicant is encouraged to continue consulting with the City to identify an appropriate material that can be supported to replace the asphalt shingles with a material that better reflects the original slate roof. The Heritage Alteration Permit application 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

Recommended by: Britt O’Hagan, RPP, MCIP
Acting Director, Planning and Development

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

Appendices

Appendix A	Property Location
Appendix B	Images
Appendix C	Supporting Documentation for HAP Application

Appendix A – Property Location



Figure 1: Location of the subject property at 892 Princess Avenue, located within the Old East Heritage Conservation District.

Appendix B – Images



Image 1: Photograph showing the dwelling located at 892 Princess Avenue, showing original slate roof (2016).



Image 2: Photographic detail of slate roof on the dwelling located at 892 Princess Avenue, showing shape, texture, and style of the slate tiles (2016).



Image 3: Photograph showing the dwelling located at 892 Princess Avenue, showing original slate roof (2020).



Image 4: Photograph showing the dwelling located at 892 Princess Avenue (2020).



Image 5: Photograph submitted as a part of the pre-consultation process for the Heritage Alteration Permit application showing the unapproved asphalt shingles.



Image 6: Photograph submitted as a part of the pre-consultation process for the Heritage Alteration Permit application showing the unapproved asphalt shingles.

Appendix C – Supporting Documentation for HAP Application



Image 7: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 8: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 9: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 10: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 11: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 12: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 13: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.



Image 14: Photograph submitted as a part of an inspection report showing extent of damage to the slate roof.

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 P. McCulloch-Squires for 864 Hellmuth Avenue, Bishop Hellmuth Heritage
Date: Monday January 9, 2023

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 864 Hellmuth Avenue, within the Bishop Hellmuth Heritage Conservation District, **BE REFUSED**.

Executive Summary

The property at 864 Hellmuth Avenue is a significant cultural heritage resource, designated pursuant to Part V of the *Ontario Heritage Act* as a part of the Bishop Hellmuth Heritage Conservation District. The applicant has submitted a Heritage Alteration Permit application seeking approval for the construction of new front yard parking. The policies and guidelines of the Bishop Hellmuth Heritage Conservation District strongly discourage paving front yards for 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 864 Hellmuth Avenue is located on the east side of Hellmuth Avenue between Grosvenor Street and St. James Street (Appendix A).

1.2 Cultural Heritage Status

The property at 864 Hellmuth Avenue is located within the Bishop Hellmuth Heritage Conservation District, designated pursuant to Part V of the Ontario Heritage Act by By-Law No. L.S.P-3333-305, which came into force and effect on February 7, 2003.

1.3 Description

The dwelling on the property at 864 Hellmuth Avenue was constructed c.1902. The residential form building is two-and-a-half storeys in height and includes Queen Anne Revival stylistic influences. The painted brick dwelling includes a verandah that spans the front façade supported by rusticated concrete block plinths and wooden posts. The projecting gable includes a pair of wood sash windows flanked and separated by wooden mullions, and shingled imbrication, characteristic of the Queen Anne Revival style.

Much like many of the properties within the Bishop Hellmuth Heritage Conservation District, the property can be accessed through the back laneway, a landscape element that is recognized within the *Bishop Hellmuth Heritage Conservation District Plan*. Many of the properties within the Bishop Hellmuth Heritage Conservation District include rear laneway parking and rear laneway buildings.

The front of the property at 864 Hellmuth Avenue is landscaped with manicured grass, a walkway to the front door, and various trees and vegetation. The rear of the property can be accessed by the rear laneway which includes a parking area, a walkway, and access to a rear door at grade, as well as by steps at the side of the dwelling (See Appendix B).

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 Bishop Hellmuth Heritage Conservation District Plan

The Bishop Hellmuth Heritage Conservation District Plan includes policies and guidelines related to alterations to properties located within the Bishop Hellmuth Heritage Conservation District. The policies of Section 4.4 (Building Conversions – Car Parking), Section 4.5 (New Building Policies – Car Parking), and Section 5.7 (Landscape Policies – Car Parking) are relevant to applications for front yard paving and parking with the Heritage Conservation District.

Section 4.4 (Building Conversions – Car Parking) states:

Car parking should be located to the side or rear of the lot. Where car parking is seen from the street, landscaping should be introduced to provide a visual buffer. Privacy fencing or hedges should be considered where car parking may disturb neighbouring properties. Applicable by-laws shall apply.

Section 4.5 (New Building Policies – Car Parking) states:

A priority is that car parking be accessed off the back lane. If absent, car parking should be located to the side or rear of the new building. The car park should be landscaped or screened with a hedge or a traditional wood fence. The City's fence by-law shall apply.

Section 5.7 (Landscape Policies – Car Parking) states:

Paving over front yard for car parking is strongly discouraged. This destroys the landscape integrity of the historic streetscape.

Where car parks are established to the side or rear of a building, landscape buffers should be planted to visually screen the parked cars.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1. Heritage Alteration Permit application (HAP22-081-L)

The City was first contacted in August of 2022 to inquire about Heritage Alteration Permit approvals for front yard parking and a curb cut on the subject property at 864 Hellmuth Avenue. Staff noted that Heritage Alteration Permit approval was required and that the Bishop Hellmuth Heritage Conservation District Plan strongly discourages paving over front yards for car parking.

A complete Heritage Alteration Permit application was received by the City of November 2, 2022. The application seeks approval to remove a portion of the front yard to install a driveway at the front of the property, to the side of the dwelling. In citing the reasons for the proposed change to the property, the applicant noted accessibility concerns. Staff often work with applicants to plan for sensitive alterations to properties to accommodate accessibility upgrades, including barrier-free entries, and additions. No other accessibility alterations to the property have been proposed. An existing at grade entry appears to currently be in place at the rear of the dwelling.

The proposed front yard driveway will be 9 feet wide, starting from the corner of the property line extending to the side of the dwelling and will consist of concrete and interlocking brick (See Appendix C).

The Heritage Alteration Permit application also notes that there are various driveways elsewhere within the Bishop Hellmuth Heritage Conservation District and on Hellmuth Avenue. In particular, the applicant noted 25 front yard driveways located on Hellmuth Avenue.

In reviewing aerial photography coverage from 2002, the majority of the existing front yard driveways appear to be pre-existing, and therefore installed prior to the Bishop Hellmuth Heritage Conservation District coming into force and effect in 2003. A review of the Heritage Alteration Permits over the last 8 years also indicated that no Heritage Alteration Permits had been approved for front yard parking within the Bishop Hellmuth Heritage Conservation District.

The policies and guidelines of the Bishop Hellmuth Heritage Conservation District Plan strongly discourage paving of front yards for vehicle parking. Considering the policies, staff encourage the continued rear laneway and rear yard parking and any landscaping alterations that can be undertaken to address accessibility concerns.

Conclusion

The property at 864 Hellmuth Avenue is a significant cultural heritage resource designate pursuant to Part V of the Bishop Hellmuth Heritage Conservation District. The proposed front yard parking space on the heritage designated property at 864 Hellmuth Avenue is not consistent with the policies and guidelines of the Bishop Hellmuth Heritage Conservation District Plan. 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: Britt O'Hagan, MCIP, RPP
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 C

Supporting Documentation for HAP Application

Appendix A – Property Location



Figure 1: Location of the subject property at 864 Hellmuth Avenue, located within the Bishop Hellmuth Heritage Conservation District.

Appendix B – Images



Image 1: Photograph showing the dwelling located at 864 Hellmuth Avenue.



Image 2: Photograph showing the front yard of the property at 864 Hellmuth Avenue.



Image 3: Photograph showing the dwelling on the property at 864 Hellmuth Avenue.



Image 4: Photograph showing existing walkway and landscaping in front yard at 864 Hellmuth Avenue.



Image 5: Photograph showing rear yard parking and entry to the dwelling at 864 Hellmuth Avenue from laneway.



Image 6: Photograph showing at grade entry to the rear of the property at 864 Hellmuth Avenue.

Appendix C – Supporting Documentation for HAP Application

**Property drawing for Curb Cutting for
864 Hellmuth Ave, London ON N6A3T8**

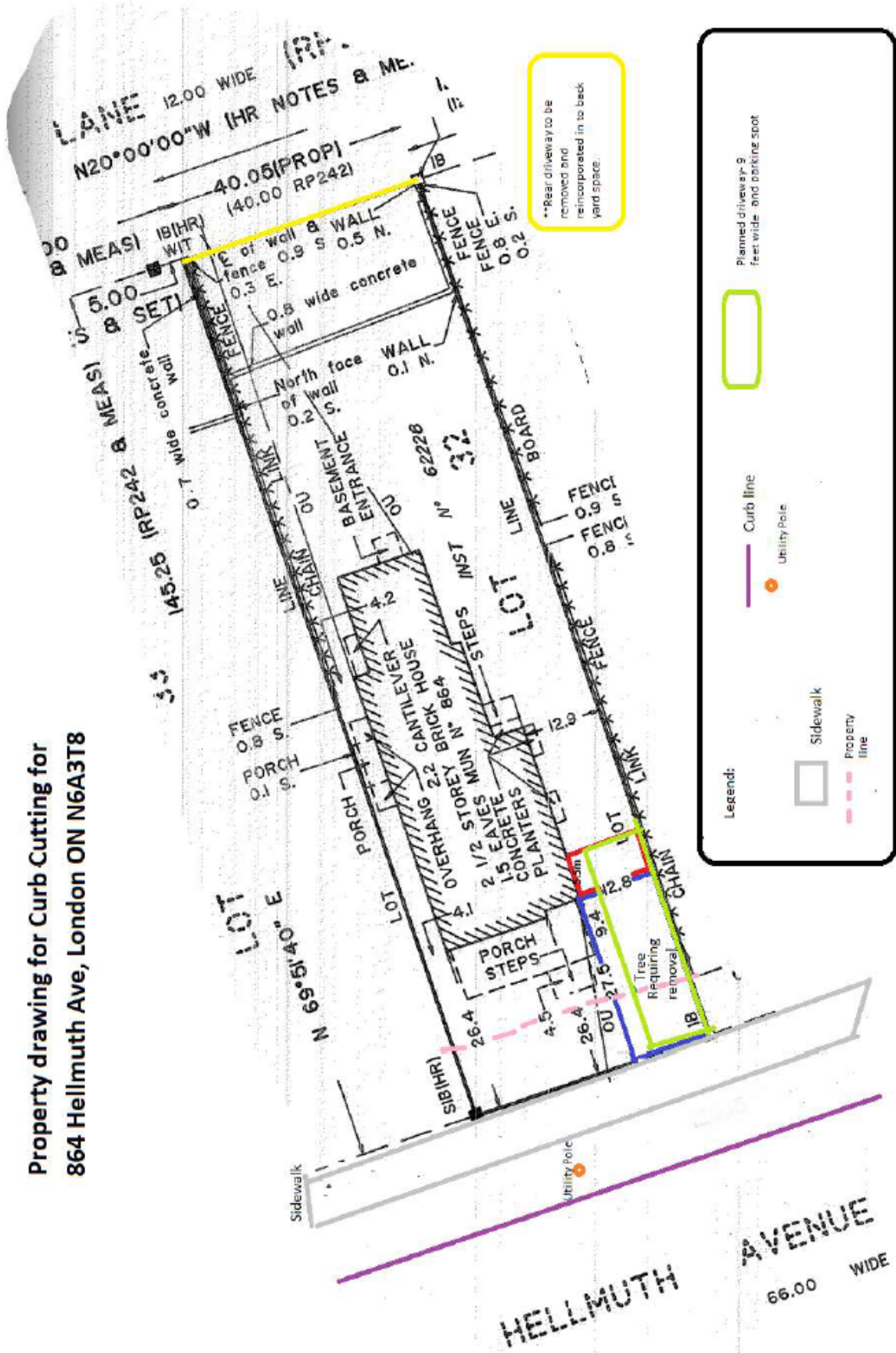


Image 7: Property drawing submitted with the Heritage Alteration Permit application showing the location of the proposed front yard driveway.



Front of house

Image 8: Photograph submitted by applicant as a part of the Heritage Alteration Permit application.

Path to access house from back



Image 9: Photographs submitted by the applicant as a part of the Heritage Alteration Permit application.



Right of house (when facing), location of proposed parking spot

Image 10: Photograph submitted by the applicant as a part of the Heritage Alteration Permit application.



MEMO

To: Chair and Members, Planning and Environment Committee

From: Michael Greguol, Heritage Planner

Date: January 6, 2023

Re: HAP22-081-D – 864 Hellmuth Avenue

Please be advised that the applicant of the Heritage Alteration Permit application for 864 Hellmuth Avenue (HAP22-081-D) wishes to withdraw their Consent Item from the Planning and Environment Committee (PEC) meeting scheduled for January 9, 2023, in order to have the application considered again at a future meeting of the Community Advisory Committee on Planning (CACP). The Heritage Alteration Permit application was included on the CACP Agenda for its meeting scheduled December 14, 2022. The advisory committee meeting was unable to proceed as there was not enough members present to reach quorum. As a result, the applicant was unable to speak to the item at the CACP meeting.

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*)

A decision on a Heritage Alteration Permit application must be made within 90 days or the request is deemed permitted. However, Section 42(4) of the *Ontario Heritage Act* enables a municipality and applicant to extend the timeline to an agreed-upon period.

The City has received a written request from the applicant to extend the 90-day timeline pursuant to Section 42 of the *Ontario Heritage Act* to March 8, 2023. As per the Delegated Authority By-law (C.P.-1502-129), the Manager, Community Planning, Urban Design, and Heritage has agreed to the extended timeline.

Report to Planning & Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng
Deputy City Manager, Planning and Economic Development

Subject: Limiting Distance (No-Build) Agreement between the Corporation of the City of London and the owners of 20-720 Apricot Drive

Date: January 9, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken in respect of a limiting distance (no-build) agreement between the Corporation of the City of London and Southside Construction Management Limited (20-720 Apricot Drive, London, Ontario):

- a) the attached proposed limiting distance agreement for the property at 20-720 Apricot Drive between the Corporation of the City of London and Southside Construction Management Limited **BE APPROVED**; and
- b) the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting of November 28, 2022, to approve the limiting distance agreement between the Corporation of the City of London and Southside Construction Management Limited for the property at 20-720 Apricot Drive, and to delegate authority to the Deputy City Manager, Environment and Infrastructure to execute the agreement on behalf of the City of London as the adjacent property owner.

Executive Summary

The purpose of this report is to authorize the Deputy City Manager, Environment and Infrastructure, to execute into a limiting distance agreement on behalf of the Corporation of the City of London (Corporation) as the owner of the adjacent property. The Corporation is the owner of the lot to the west of 20-720 Apricot Drive.

As defined in the Ontario Building Code (OBC), Limiting Distance means the distance from an exposing building face to a property line, to the centre line of a street, lane, or public thoroughfare or to an imaginary line between two buildings or fire compartments on the same property, measured at right angles to the exposing building face.

Under the OBC, the required limiting distance for an exposing building face is permitted to be measured to a point beyond the property line that is not the centre line of a street, lane, or public thoroughfare if the owners of the properties enter into an agreement stipulating no construction will take place within the proposed limiting distance. This agreement is required to be registered on title of both properties.

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

Previous report:

January 28, 2009 – Report to Board of Control, submitted by the Director of Building Controls to amend the Appointment By-law authorizing the Chief Building Official to bind the Corporation of the City of London while exercising his duties in executing limiting distance agreements.

2.0 Discussion and Considerations

The owners of the property situated at 20-720 Apricot Drive namely, Southside Construction Management Limited will be applying to obtain a building permit for the construction of a new single detached dwelling.

The Ontario Building Code (OBC) provides optional relief from any setback restrictions, by allowing a *virtual* property line to be established. This requires the property owner to enter into a limiting distance, or otherwise commonly known as a “no-build”, agreement with both the adjacent owner(s) and the municipality.

Through the agreement, the adjacent owner covenants that no building or structure will be erected or placed within the portion of the property wherein the virtual property line has been shifted upon. This, in essence, allows the other owner to either construct or retain a building closer to the actual property line and thus being ‘relieved’ from the requirements of the OBC with respect to the percentage of unprotected wall openings and wall construction type from a fire resistance standpoint.

The virtual property line, for the purposes of the limiting distance agreement is proposed to be established at 4.95 m to the west of the property line between 20-720 Apricot Drive and the lands owned by the City of London (BLOCK 45).

Southside Construction Management Limited (referred to in the agreement as ‘Owner’), concur with the Building Division to enter into such an agreement which would eliminate the need to have the west wall openings protected and the west wall face designed with a fire resistance rating.

As previously mentioned, the OBC (Division B – Articles 9.10.14.2.(4) and (5)) allows for a municipality to optionally enter into a limiting distance(no-build) agreement with the property owners affected.

Articles (4) and (5) state:

(4) The required limiting distance for an exposing building face is permitted to be measured to a point beyond the property line that is not the centre line of a street, lane or public thoroughfare if,

(a) the owners of the properties on which the limiting distance is measured, and the municipality enter into an agreement in which such owners agree that,

(i) each owner covenants that, for the benefit of land owned by the other covenantors, the owner will not construct a building on his or her property unless the limiting distance for exposing building faces in respect of the proposed construction is measured in accordance with the agreement,

(ii) the covenants contained in the agreement are intended to run with the lands, and the agreement shall be binding on the parties and their respective heirs, executors, administrators, successors, and assigns,

(iii) the agreement shall not be amended or deleted from title without the consent of the municipality, and

*(iv) they will comply with such other conditions as the municipality considers necessary, including indemnification of the municipality by the other parties, and
(b) the agreement referred to in Clause (a) is registered against the title of the properties to which it applies.*

(5) Where an agreement referred to in Sentence (4) is registered against the title of a property, the limiting distance for exposing building faces in respect of the construction of any buildings on the property shall be measured to the point referred to in the agreement.

The agreement will also be registered on the titles of the lands in question.

The Corporation (referred to in the agreement as 'Adjacent Owner'), is the owner of the property to the west. Considering the west property is open undeveloped space, entering into this agreement with both the Owners and the Corporation of the City of London is considered a feasible option. This would result in the elimination of the need to protect the west exposed building face wall openings and would also eliminate the need for the west wall to have a fire resistance rating.

The Building Division consulted with the Deputy City Manager, Environment and Infrastructure, with respect to the agreement, and was advised that there was no objection with this proposal.

A site plan depicting the proposed building at 20-720 Apricot Dr as well as a west wall elevation are included in Appendix 'A' of this report.

Previously, City Council has resolved to authorize the Chief Building Official to bind the Corporation in executing limiting distance agreements, exercising his duties under the provisions of the Ontario Building Code.

Conclusion

The purpose of this report is to authorize the Deputy City Manager, Environment and Infrastructure, to execute a limiting distance agreement on behalf of the Corporation in its capacity as the Adjacent Owner. The Corporation is the owner of the lot to the west of 20-720 Apricot Drive.

The agreement, a provision under the Ontario Building Code, would allow the owner of 20-720 Apricot Drive to eliminate the need to protect the west wall openings and also eliminate the need for the proposed west wall face to have a fire resistance rating.

Prepared by: Peter Kokkoros, P.Eng
Director, Building and Chief Building Official
Planning and Economic Development

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

c.c:
Kelly Scherr, Deputy City Manager, Environment and Infrastructure
Aynsley Anderson, Solicitor II
Jeff Bruin, Manager, Parks Planning and Design

Bill No.

By-law No.

A By-law to approve a limiting distance agreement between the Corporation of the City of London and Southside Construction Management Limited for the property at 20-720 Apricot Drive and to delegate authority to the Deputy City Manager, Environment and Infrastructure, to execute the agreement on behalf of the City of London as the adjacent property owner.

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

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS it is deemed expedient for The Corporation of the City of London (the “City”) to enter into a limiting distance agreement with Southside Construction Management Limited for the property at 20-720 Apricot Drive (the “Agreement”);

AND WHEREAS it is appropriate to delegate authority to the Deputy City Manager, Environment and Infrastructure, to execute the agreement on behalf of the City of London as the adjacent property owner;

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

1. The Agreement substantially in the form attached as Schedule “A” to this by-law and to the satisfaction of the Deputy City Manager, Legal Services, being limiting distance agreement between the Corporation of the City of London and Southside Construction Management Limited for the property at 20-720 Apricot Drive, is hereby APPROVED.
2. The Deputy City Manager, Environment and Infrastructure, is hereby authorized to execute the Agreement approved under section 1 of this by-law on behalf of the City of London as the adjacent property owner.
3. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council, , 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First reading – , 2023

Second reading – , 2023

Third reading – , 2023

SCHEDULE "A"

THIS AGREEMENT made in duplicate this 31 day of October 2022

BETWEEN:

Southside Construction Management Limited (hereinafter called the "OWNER") of the FIRST PART
and

The Corporation of the City of London (hereinafter called the "CITY", in its capacity as a municipality and principal authority under the Building Code Act. 1992, S.O.1992, c.23, as amended) of the SECOND PART
and

The Corporation of the City of London (hereinafter called the "ADJACENT OWNER") of the THIRD PART.

WHEREAS the Owner is the registered owner of the lands also described in Schedule "A" (the "Owners' Lands");

AND WHEREAS the Adjacent Owner is the registered owner of lands also described in Schedule "A" (the "Adjacent Lands");

AND WHEREAS the west property line of the Owners' Lands abuts the Adjacent Lands;

AND WHEREAS the Owners have applied to the City for permission to be exempted from certain provisions of the Ontario Building Code pertaining to glazing and fire rating in the west facing wall of a house to be constructed on the Owners' Lands (the "Proposed Building");

AND WHEREAS Parties have agreed to enter into this agreement in accordance with Article 9.10.14.2(4) of the Ontario Building Code to facilitate same;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the sum of TWO DOLLARS (\$2.00) and other good and valuable consideration now paid by each of the parties hereto to the other, the receipt and sufficiency of which is hereby acknowledged, the City, the Owner and Adjacent Owner hereby covenant and agree as follows:

1. The Adjacent Owner irrevocably agrees with the Owner not to construct any building or structure within 4.95 metres from the west property line of the Owners' Lands; failing which, the Adjacent Owner shall be fully liable for all costs of any work to be performed to rectify same on both the Owner's Lands and the Adjacent Lands, as required by the City or pursuant to the Ontario Building Code.
2. The Adjacent Owner acknowledges and agrees that, prior to the construction of any building on the Adjacent Lands, the "limiting distance" from an "exposing building face" facing the western property line of the Owners' Lands, shall be calculated by the City from a line located on the Adjacent Property 4.95 metres from the western property line of the Owner's lands.
3. The Owner acknowledges and agrees that, prior to the construction of any building on the Owners' Lands, the "limiting distance" from an "exposing building face" facing the western property line of the Owners' Lands shall be calculated by the City from a line located on the Adjacent Property 4.95 metres from the western property line of the Owner's lands.
4. The Parties acknowledge that the terms "limiting distance" and "exposing building face" as referenced in this Agreement shall have the meanings defined in Article 1.4.1.2. of the Ontario Building Code, as amended.

5. The burdens and benefits of this Agreement shall run with the Owners' Lands and the Adjacent Lands and shall ensure to the benefit of and be binding upon all Parties hereto, their respective heirs, executors, administrators, successors and assigns.

6. The Parties consent to the registration of this Agreement against title to the Owners' Lands and the Adjacent Lands and further agree to obtain and register any postponements required to ensure this Agreement is registered in priority to any existing or future encumbrances affecting the lands.

7. The Owners covenant and agree with the City that the Owners will forthwith bring the west wall of the proposed building into compliance, as is prescribed by the Ontario Building Code then in effect, coincidental with the construction of any building or structure upon the Adjacent Lands, which is located 4.95 metres from the west property line of the Owners' Lands

8. Amendment or removal of this agreement from the title of either property shall require the written agreement of all parties (or their heirs or assigns) to this agreement.

IN WITNESS WHEREOF the parties hereto have hereunto duly executed this agreement.

SIGNED AND DELIVERED in the presence of:

OWNERS

Southside Construction Management Limited

THE CORPORATION OF THE CITY OF LONDON

Per:

Peter Kokkoros, P.Eng. Director, Building and Chief Building Official
Authorized Officer

ADJACENT OWNER: THE CORPORATION OF THE CITY OF LONDON

Per:

Kelly Scherr, Deputy City Manager, Environment and Infrastructure
Authorized Officer

Schedule "A"

Owner's Lands: 20-720 Apricot Drive, London, ON, N6K 5A7; London

Adjacent Lands: Block 45, Plan 33M-811; London

APPENDIX 'A'

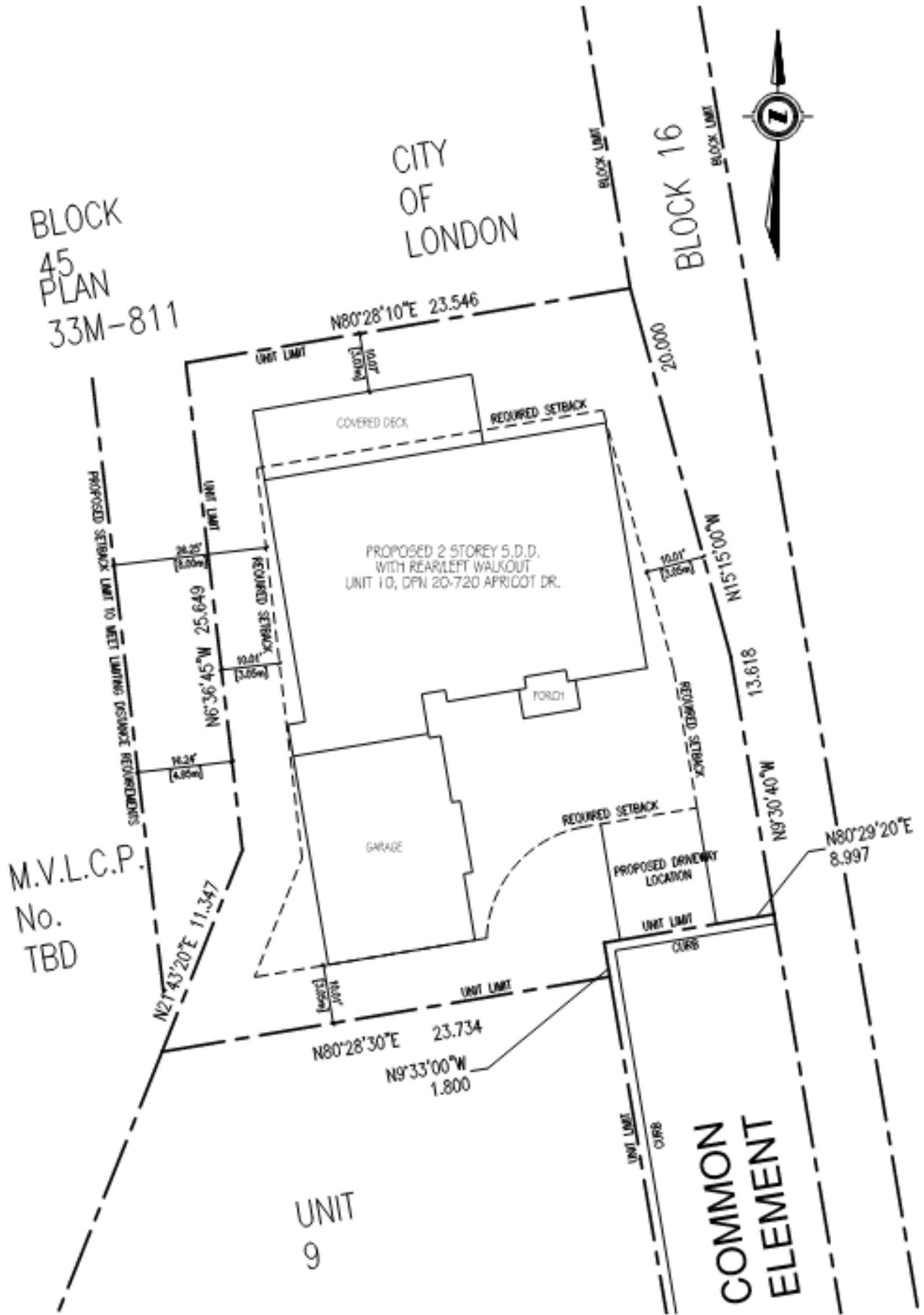


Figure No.1 Proposed Site Plan

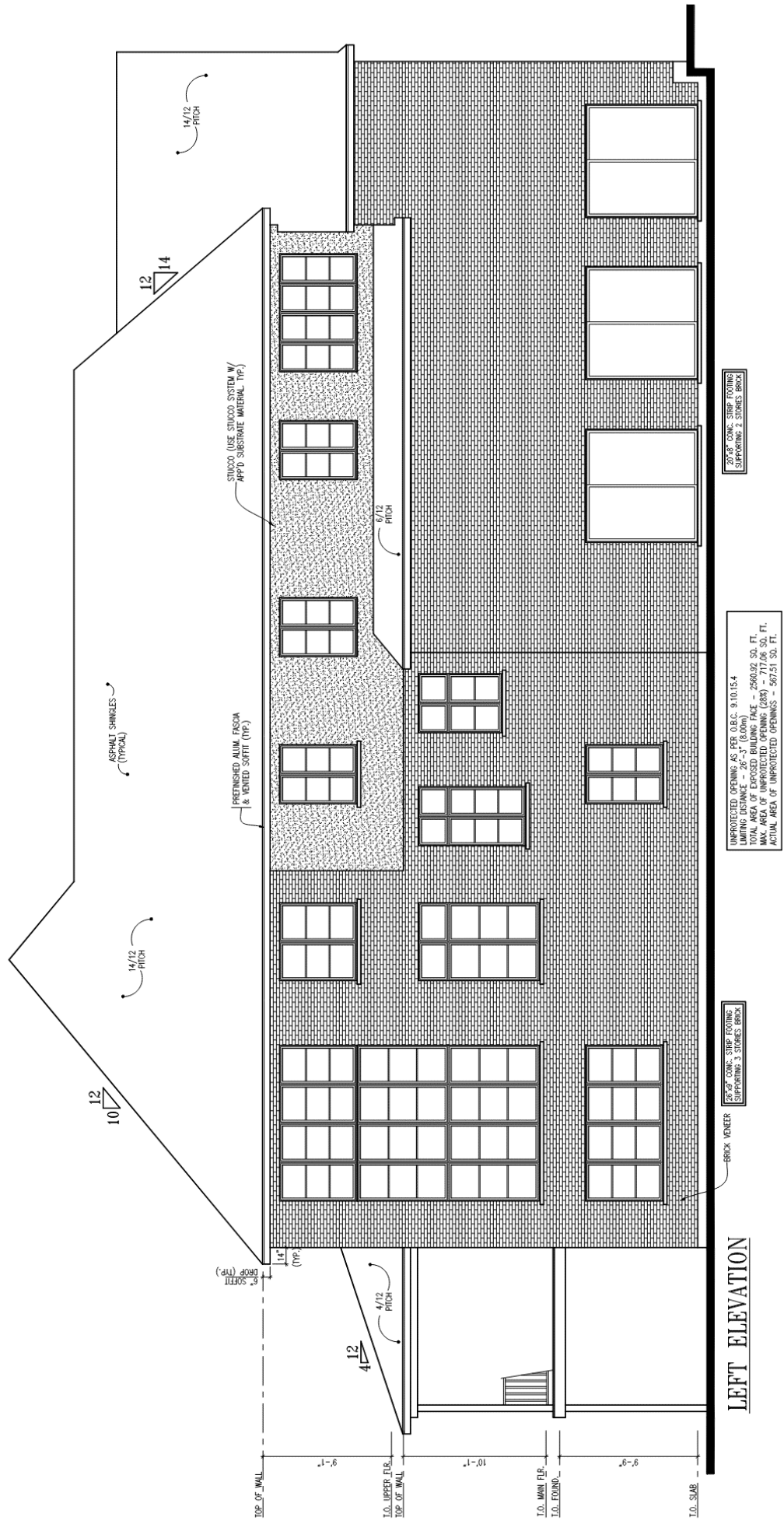


Figure 2. Proposed West Elevation

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
October 2022

Date: January 9, 2023

Recommendation

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

2.0 Discussion and Considerations

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

Permits Issued to the end of the month

As of October 2022, a total of 3,652 permits were issued, with a construction value of \$1.35 billion, representing 2,197 new dwelling units. Compared to the same period in 2021, this represents a 9.5% decrease in the number of building permits, with a 3.6% decrease in construction value and an 37.74% decrease in the number of dwelling units constructed.

Total permits to construct New Single and Semi-Dwelling Units

As of the end of October 2022, the number of building permits issued for the construction of single and semi-detached dwellings was 555, representing an 39.4% decrease over the same period in 2021.

Number of Applications in Process

As of the end of October 2022, 860 applications are in process, representing approximately \$683.9 million in construction value and an additional 1,015 dwelling units compared with 1,276 applications, with a construction value of \$780 million and an additional 1,466 dwelling units in the same period in 2021.

Rate of Application Submission

Applications received in October 2022 averaged to 13.1 applications per business day, for a total of 314 applications. Of the applications submitted 36 were for the construction of single detached dwellings and 12 townhouse units.

Permits issued for the month

In October 2022, 262 permits were issued for 314 new dwelling units, totaling a construction value of \$199.9 million.

Inspections – Building

A total of 4,087 inspection requests were received with 2,159 inspections being conducted.

In addition, 7 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 4,087 inspections requested, 90% were conducted within the provincially mandated 48 hour period.

Inspections - Code Compliance

A total of 1,482 inspection requests were received, with 1,383 inspections being conducted.

An additional 118 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 1,482 inspections requested, 92% were conducted within the provincially mandated 48 hour period.

Inspections - Plumbing

A total of 1,226 inspection requests were received with 1,428 inspections being conducted related to building permit activity.

An additional 7 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 1,226 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

2020 Permit Data

To the end of October , a total of 3,370 Permit were issued, with a construction value of \$1.17 Billion, representing 2,773 new dwelling units. The number of single/semi detached dwelling units was 760.

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

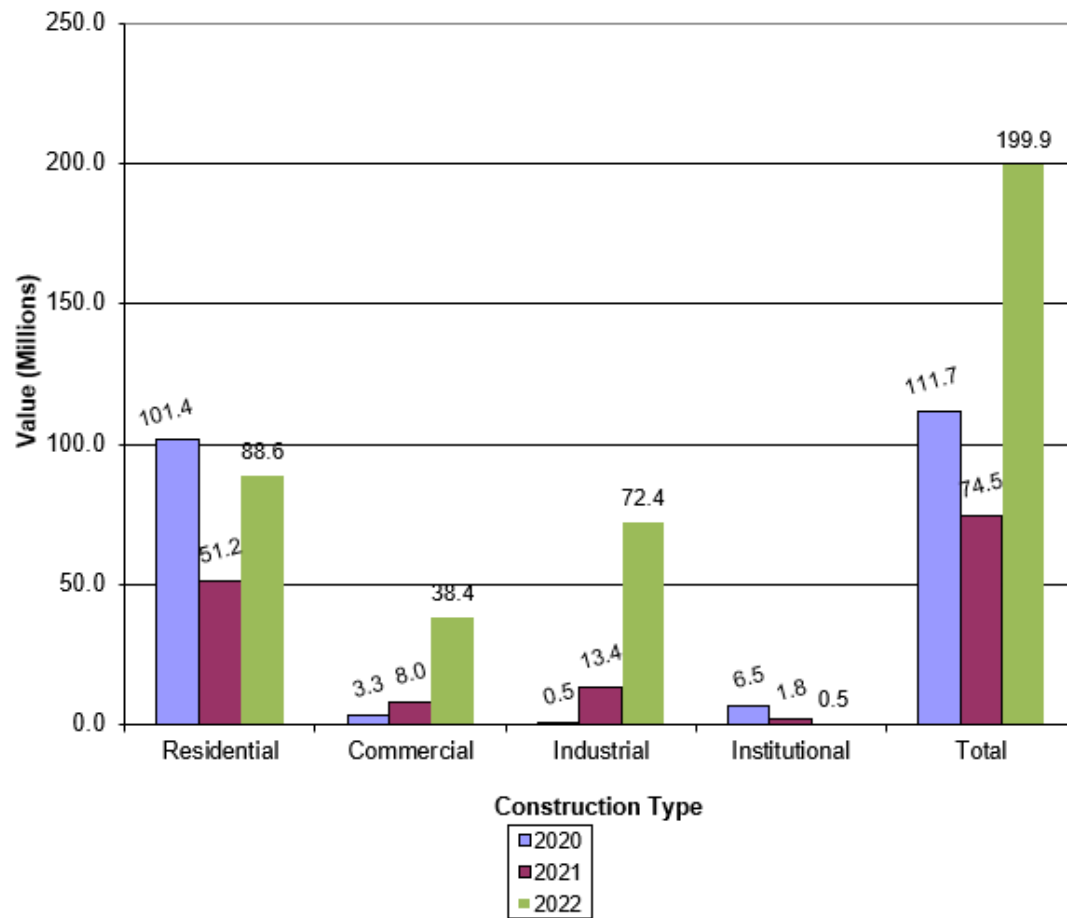
APPENDIX "A"

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

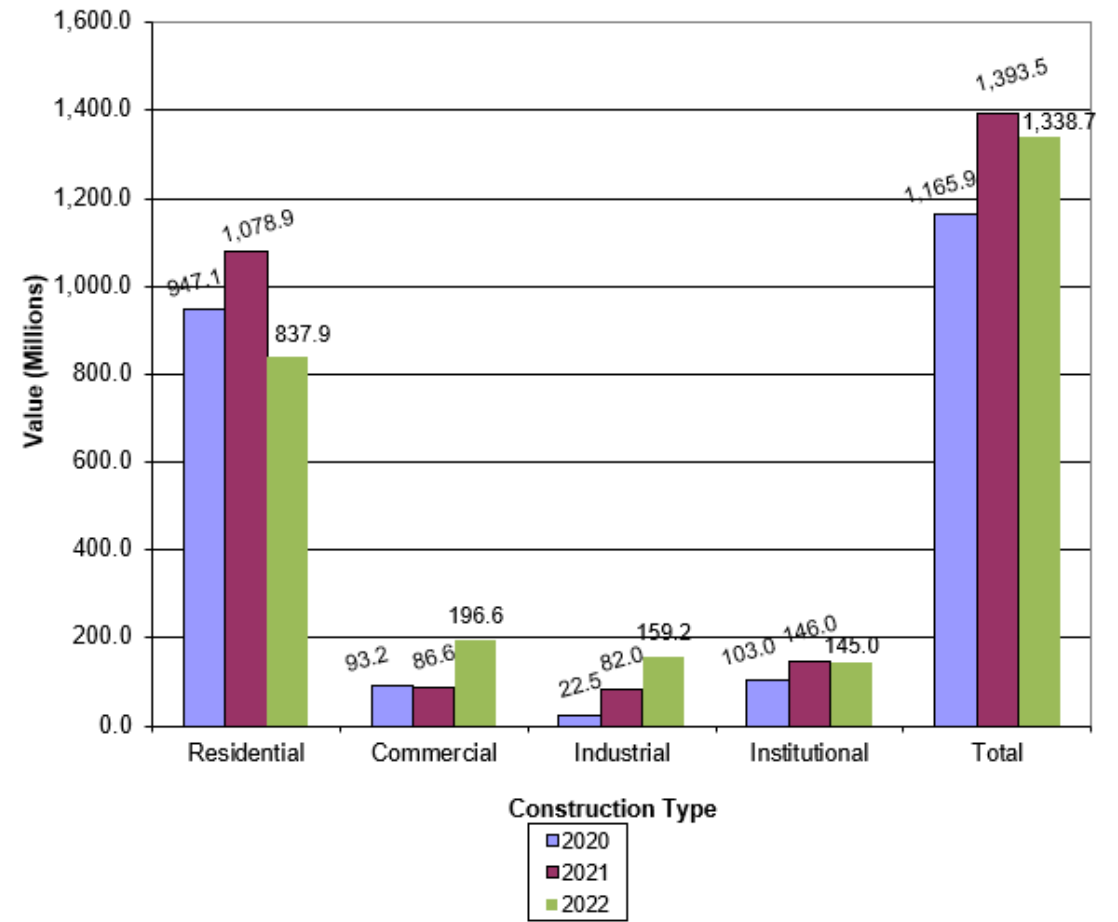
CLASSIFICATION	October 2022			to the end of October 2022			October 2021			to the end of October 2021			October 2020			to the end of October 2020		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	36	20,100,228	36	555	283,217,074	555	71	31,069,000	71	914	414,056,550	914	98	42,392,100	98	756	321,280,454	756
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	1	526,000	1	2	749,500	2	0	0	0	2	1,023,000	4
TOWNHOUSES	3	3,682,524	12	105	146,722,528	476	14	15,022,300	73	193	184,672,200	748	22	22,359,800	97	119	115,879,985	438
DUPLEX, TRIPLEX, QUAD, APT BLDG	2	56,049,372	250	15	316,809,135	995	0	0	0	14	411,371,500	1,751	1	29,586,000	116	13	460,464,800	1,530
RES-ALTER & ADDITIONS	155	8,728,583	16	1,688	91,115,585	170	154	4,575,225	13	1,577	68,030,652	114	156	7,028,754	5	1,243	48,442,763	45
COMMERCIAL -ERECT	2	36,671,668	0	15	91,781,087	1	2	1,955,000	0	24	13,474,400	0	0	0	0	9	7,160,300	0
COMMERCIAL - ADDITION	0	0	0	10	27,001,900	0	0	0	0	6	3,626,500	0	1	1,386,000	0	4	2,182,800	0
COMMERCIAL - OTHER	18	1,734,916	0	237	77,835,110	0	32	6,094,900	0	299	69,514,215	0	24	1,953,842	0	303	83,893,169	0
INDUSTRIAL - ERECT	1	69,793,395	0	3	99,373,579	0	2	1,115,000	0	14	46,342,409	0	1	366,700	0	6	8,653,400	0
INDUSTRIAL - ADDITION	0	0	0	7	52,657,871	0	1	10,500,000	0	7	16,886,560	0	1	12,500	0	5	7,931,300	0
INDUSTRIAL - OTHER	3	2,601,700	0	29	7,179,860	0	7	1,820,500	0	31	18,782,480	0	3	101,000	0	35	5,915,407	0
INSTITUTIONAL - ERECT	0	0	0	3	99,646,231	0	0	0	0	1	12,000,000	0	1	30,000	0	4	32,855,000	0
INSTITUTIONAL - ADDITION	0	0	0	2	2,379,000	0	0	0	0	6	47,273,386	0	0	0	0	8	15,178,000	0
INSTITUTIONAL - OTHER	5	543,000	0	142	42,931,836	0	8	1,829,500	0	116	86,726,950	0	13	6,458,000	0	145	54,997,001	0
AGRICULTURE	0	0	0	3	1,610,000	0	2	207,000	0	4	557,000	0	1	162,000	0	2	262,000	0
SWIMMING POOL FENCES	10	600,600	0	307	12,507,509	0	18	737,138	0	355	10,453,296	0	23	788,400	0	340	8,555,291	0
ADMINISTRATIVE	6	6,000	0	127	881,000	0	5	8,000	0	87	298,000	0	4	3,000	0	45	109,000	0
DEMOLITION	3	0	3	85	0	58	7	0	4	67	0	45	8	0	1	65	0	44
SIGNS/CANOPY - CITY PROPERTY	2	0	0	17	0	0	0	0	0	8	0	0	3	0	0	5	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	16	0	0	302	0	0	43	0	0	310	0	0	33	0	0	261	0	0
TOTALS	262	200,511,986	314	3,652	1,353,649,305	2,197	367	75,459,563	158	4,035	1,404,815,597	3,529	393	112,628,096	317	3,370	1,174,783,670	2,817

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
October**



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





City of London - Building Division

Principal Permits Issued from October 1, 2022 to October 31, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
IPEX INC	1055 Wilton Grove Rd	Alter Plant for Manufacturing Interior reno - Add new concrete pads for new machines	0	456,000
JEFF WILSON WHITE OAKS MALL HOLDINGS LTD.	1105 Wellington Rd	Alter Restaurant <= 30 People Unit 210 - ALTERATION TO CREATE FAST FOOD RESTAURANT	0	150,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1175 Riverbend Rd	Install-Townhouse - Rental Install site services.		1,000,000
HOMESTEAD LAND HOLDINGS LTD. HOMESTEAD LAND HOLDINGS LTD.	1201 Richmond St	Alter Apartment Building FOUNDATION REPAIR	0	150,000
Rembrandt Developments (Woodstock) Inc	1224 Blackwell Blvd B	Erect-Townhouse - Condo ERECT 7 UNIT TOWNHOUSE BLOCK. BLDG B, 2 STOREY, DPNs 12, 14, 16, 18, 20, 22, & 24. SOILS REPORT REQUIRED.	7	1,885,626
Sean McNally MCI Properties	125 Toulon Cres	Alter Townhouse - Rental ALTER TO RESTORE ATTIC INSULATION DUE TO FIRE DAMAGE. REPLACE OR REPAIR TO THREE ROOF TRUSSES. REPLACE OR REPAIR WALL STUDS AS REQUIRED.		480,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1325 Riverbend Rd	Alter Apartment Building RA - INTERIOR FIT UP FOR RETAIL TENANT UNIT 155 Landlord Permit Open for Demising Wall and Sloped Floor/Handrail.	0	120,000
THE RIDGE AT BYRON INC. THE RIDGE AT BYRON INC.	1710 Ironwood Rd 3	Erect-Townhouse - Cluster SDD ERECT SDD, 1 STOREY, 2 CAR GARAGE, FINISHED BASEMENT, 4 BEDROOMS, COVERED PORCH AND TERRACE, NO A/C, SB-12 A5, LOT 2, HRV & DWHR REQUIRED	1	554,514
2560533 ONTARIO INC. 2560533 ONTARIO INC.	1820 Adelaide St N 3	Alter Restaurant INTERIOR ALTERATION, INTERIOR PARTITION OF WALLS, INCLUDING PLUMBING AND MECHANICAL WORK	0	180,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1965 Upperpoint Gate Q	Erect-Townhouse - Condo ERECT 4 UNIT TOWNHOUSE BLOCK. BLDG Q, BLOCK B, DPN's 83, 85, 87, & 89 , SOILS REPORT REQUIRED. 2 STOREY.	4	1,242,384
Dancor Oxford Inc	1985 Gore Rd	Erect-Warehousing ERECT A 51,891.02 sqm INDUSTRIAL AND WAREHOUSE.	0	69,793,395
RICHMOND BLOCK LONDON CORPORATION	201 Queens Ave	Alter Offices CM - INTERIOR ALTERATIONS C/W FIRE ALARM RELOCATION 3rd FLOOR 2232, 2208	0	310,000
Drewlo Holdings Inc.	290 South Carriage Rd	Erect-Recreation Centre Erect Pool/Fitness Building to support Apartment Buildings.	0	2,000,000



City of London - Building Division

Principal Permits Issued from October 1, 2022 to October 31, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
731675 ONTARIO LIMITED 731675 ONTARIO LIMITED	3080 Bostwick Rd	Erect-Apartment Building RA - ERECT 17 FLOOR APARTMENT BUILDING Parkland Dedication Fees Paid in SP Folder; 19-016387 Scanned into City Hub - BLD-278	208	44,337,600
Wellington Gate Inc	352 Wellington Rd	Alter Restaurant Interior and exterior alterations to Tim Hortons	0	450,000
K PAUL ARCHITECT INC	352 Wellington Rd	Alter Restaurant Interior and exterior alterations to Tim Hortons	0	450,000
1841579 ONTARIO LIMITED	384 Neptune Cres	Alter Plant for Manufacturing INTERIOR ALTERATIONS TO CREATE NEW OFFICES AND LAB	0	2,095,700
Four Fourteen Inc	418 Old Wonderland Rd	Install-Townhouse - Cluster SDD INSTALL SITE SERVICING FOR FUTURE TOWNHOUSES	0	1,200,000
	421 Palmtree Ave			110,000
QULIBIE CHURCH Quilbie Gabriel Church	430 Elizabeth St	Alter Churches REPLACING THE RAMP INTERIOR RENOVATION Shell Permit Only – Provide sealed stair and ramp guard shop drawings to the Building Division for review prior to work in these areas	0	200,000
1300825 ONTARIO INC 1300825 ONTARIO INC	60 Wharncliffe Rd N	Alter Retail Store ALTER INTERIOR TO CREATE SECOND UNIT B FOR CONVENIENCE STORE	0	150,000
600 Oxford Group Inc C/O Craig Hansford	610 Oxford St W	Alter Restaurant CM - Alter interior for Restaurant - Add Freezer to rear of building. Provide Fire Suppression Plan for Commercial Exhaust Hood in Kitchen along with GRCC. Shell Permit - Provide sealed guardrail shop drawings around raised floor to the Building Division for review prior to work in these areas	0	150,000
CHOICE PROPERTIES LTD. PART. C/O CP REIT ONTARIO PROPERTIES LTD	825 Oxford St E	Erect-Retail Store ERECT SHOPPERS DRUGMART RETAIL STORE AND INSTALL MAG LOCK Shell Permit Only – Provide sealed exterior stairs and guards/handrails stairs guards, access ladder shop drawings to the Building Division for review prior to work in these areas (see A604)	0	34,671,668
TALU PROPERTIES INC. TALU PROPERTIES INC.	835 Chelton Rd C	Erect-Apartment Building Erect 4 storey apartment building Foundation permit	42	11,711,772



City of London - Building Division

Principal Permits Issued from October 1, 2022 to October 31, 2022

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Westminster Park Congregation Of Jehovah'S Witnesses	866 Wellingsboro Rd	Alter Churches Interior alterations including replace HVAC system	0	200,500

Total Permits 25 Units 262 Value 174,049,159

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

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: Amy Liu
88 Chesterfield Avenue
Public Participation Meeting

Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Amy Liu relating to the property located at 88 Chesterfield Avenue. The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 24, 2023, to amend Zoning By-law No. Z-1, in conformity with the Official Plan for the City of London, to change the zoning of the subject property **FROM** Residential R2 (R2-2) Zone **TO** a Residential R3-2 special Provision (R3-2(_)) Zone.

Executive Summary

Summary of Request

The owner has requested to rezone the subject site to Residential R3 Special Provision (R3-2(_)) Zone to permit a three-unit converted dwelling.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to a Residential R3 Special Provision (R3-2(_)) Zone providing for a converted dwelling up to three units. The following special provisions would recognize existing site conditions and facilitate the intended use; a driveway width of 11.0 metres and front yard setback of 5.8 metres.

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 by providing a range of uses and opportunities for intensification and redevelopment;
2. The recommended zoning conforms to the in-force policies of *The London Plan*, including, but not limited to, the Neighbourhoods Place Type, City Building Policies and Our Tools;
3. The requested zoning to permit a three-unit converted dwelling facilitates the development at an intensity that is appropriate for the site and the surrounding neighbourhood.

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 the 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 Property Description

The subject site is located on the east side of Chesterfield Avenue, approximately 172 metres north of Thompson Road, and in the Glen Cairn Planning District. The site is 871m² in size with a lot frontage of 22.9 metres. The site currently contains a two-storey, three-unit converted dwelling on the north side of the site.

Figure 1: 88 Chesterfield Avenue, Looking Southwest



1.2 Current Planning Information

- The London Plan– Neighbourhoods Place Type fronting a Neighbourhood Street (Chesterfield Avenue)
- Existing Zoning – Residential R2 (R2-2) Zone

1.3 Site Characteristics

- Current Land Use – Three-Unit Converted Dwelling
- Frontage – 22.9 Metres
- Depth – 38 Metres
- Area – 871m²
- Shape – Rectangular

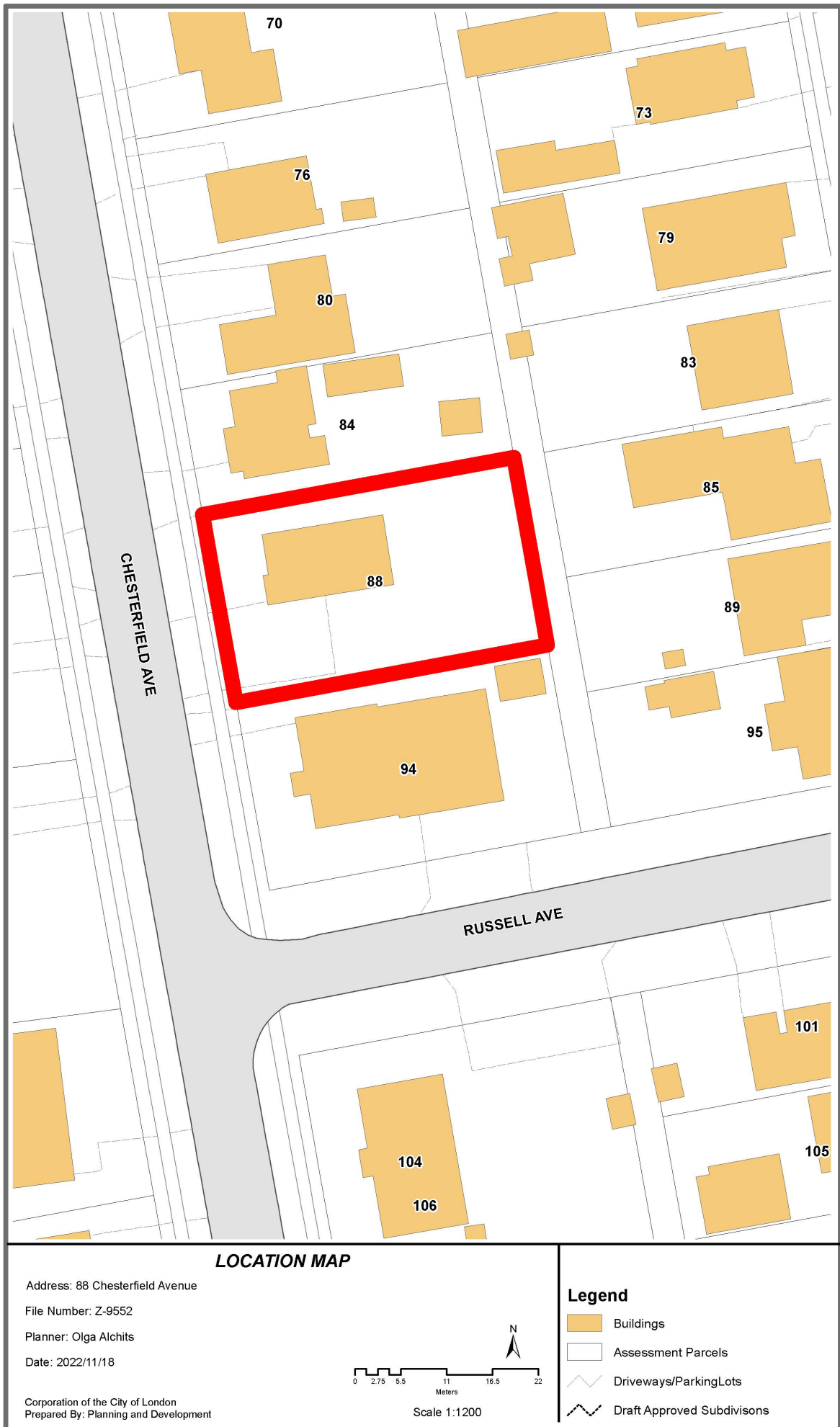
1.4 Surrounding Land Uses

- North – Low Density Residential - Single-Detached Dwellings, Multi-Unit Dwellings
- South – Low Density Residential - Semi-Detached Dwellings, Multi-Unit Converted Dwellings, Multi-Unit Dwellings
- East – Low Density Residential - Single-Detached Dwellings, Duplex Dwellings, Triplex Dwellings
- West – Low Density Residential - Single-Detached Dwellings, Semi-Detached Dwellings, Multi-Unit Building

1.5 Intensification

The 3-unit converted dwelling represents intensification within the Built-Area boundary and within the Primary Transit Area.

1.6 Location Map



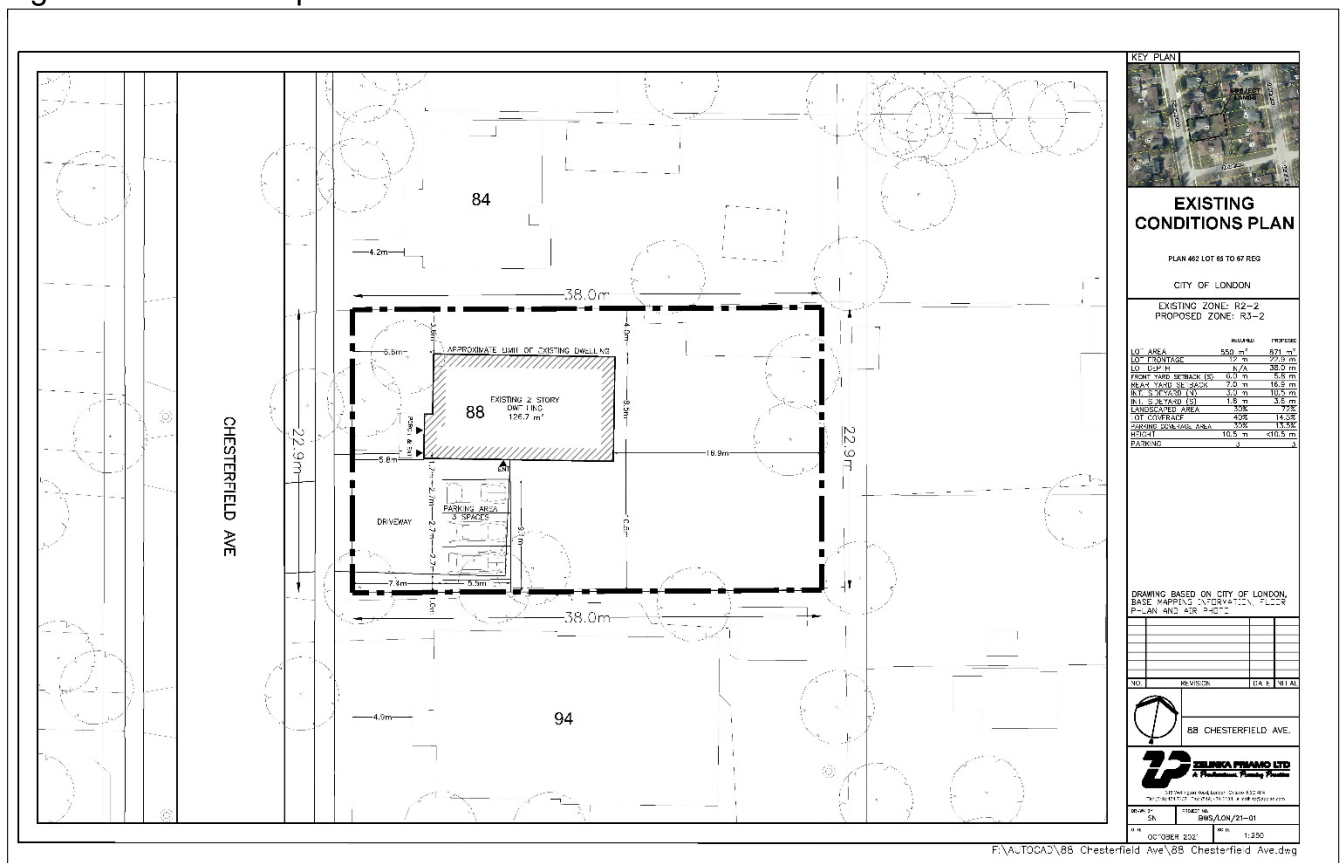
2.0 Discussion and Considerations

2.1 Existing Conditions

On October 7, 2022 the City of London accepted a complete application that seeks to permit a three-unit converted dwelling.

The applicant provided a site plan of the existing conditions, as there are no physical changes or development being proposed on the subject site. Currently, the site contains a two-storey dwelling on the north side of the site, which has been converted to accommodate 3-units. The original building did not contain a finished basement however, sometime after initial construction, the basement was finished and a unit was added, resulting in the present 3-unit converted dwelling. Vehicular access is provided by a driveway from Chesterfield Avenue that leads to the parking area which provides for three, individually accessible parking spaces south of the existing building. The site contains two large trees at the front and a few on the southern property line near the parking area. The site provides landscaped open space and amenity space to the south and the rear. The existing 3-unit converted dwelling and the existing conditions of the subject site are proposed to be brought into compliance with the Zoning By-law through this Zoning By-Law Amendment.

Figure 2: Site Concept



2.2 Requested Amendment

The applicant is requesting a Residential Special Provision (R3-2(_)) Zone, which permits triplex dwellings and converted dwellings that in no case shall have a lot area less than 220.0 square metres per unit. The existing site conditions are proposed to be recognized through this Zoning By-Law Amendment; the following special provisions are being requested:

- An increased driveway width of 11.0 metres in place of 8.0 metres
- A reduced front yard setback of 5.8 metres in place of 6.0 metres

2.3 Community Engagement (see more detail in Appendix B)

Members of the public were given an opportunity to provide comment on this application in response to the notice of application given on October 12, 2022. One (1) email in support of the requested zoning amendment was received.

2.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020

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

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). The PPS also 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 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 subject site is also within the Primary Transit Area which will be a focus of residential intensification and transit investment within London. The nature and scale of intensification will vary depending on the Place Type within the Primary Transit Area and will be a good fit within existing neighbourhoods (90_). Directing infill and intensification to this area is a major part of this Plan’s strategy to manage growth in the city as a whole and to target 45% of all future residential growth in the Built-Area Boundary (91_).

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 2020 provides policy direction on matters of provincial interest related to land use and development. 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).

Consistent with the PPS, the existing 3-unit converted dwelling contributes to the existing range and mix of housing types in this area, providing for choice and diversity in housing options for both current and future residents. The converted dwelling provides an example of a well utilized site within a defined settlement area and is a form of efficient form of housing and use of the lands. Further, in conformity of the PPS, the converted dwelling makes efficient use of existing municipal services, nearby amenities, institutional uses, retail and entertainment service uses. The site is sufficiently sized to accommodate all the necessary components for a well-functioning residential site, including parking, amenity space, appropriate setbacks, and appropriate vehicular and pedestrian circulation. The proposed Zoning By-law Amendment to permit a 3-unit converted dwelling is consistent with the 2020 Provincial Policy Statement.

4.2 Issue and Consideration #2: Use

Policy 916_3 of the London Plan's 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. Policy 943_ identifies converted dwellings may be permitted in appropriate locations within the Neighbourhood Place Type.

The subject site is in the Neighbourhoods Place Type of the London Plan fronting a Neighbourhood Street. Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed based on the fronting street classification (921). At this location, Table 10 would permit a range of residential uses including single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations and group homes (Table 10-Range of Permitted Uses in Neighbourhoods Place Type).

The 3-unit converted dwelling contributes to the existing range and mix of housing types in the area, which consists of single detached dwellings and multi-unit dwellings to the north, a 3-unit converted dwelling directly to the south, single-detached dwellings, duplex and triplex dwellings to the east and single-detached dwellings, semi-detached dwellings and a multi-unit building to the west. Within this context, the converted dwelling is in keeping with the existing uses in the area and would not have a

detrimental impact on neighbouring residential lands. Further, the existing 3-unit converted dwelling use on the subject site is a permitted use within the Neighbourhood Place Type at this location.

4.3 Issue and Consideration #3: Intensity

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 1 storey and a maximum height of 3 storeys is contemplated within the Neighbourhoods Place Type where a property has frontage on a Neighbourhood Street, that being Chesterfield Avenue (Table 11- Range of Permitted Heights in the Neighbourhood Place Type), while the intensity of development must be appropriate for the size of the lot (953_ 3.). The London Plan encourages intensification within existing neighbourhoods to help support aging in place, diversity of built form, affordability, vibrancy and the effective use of land in neighbourhoods (59_ 5).

Consistent with the London Plan policies, the converted dwelling provides a level of intensification which is considered appropriate, sensitive to, and a good fit within, the existing neighbourhood. The existing 2-storey dwelling is situated along Chesterfield Avenue within a neighbourhood that has a variety of low- and medium-density residential uses consisting of single-detached dwellings, duplexes, triplexes, fourplexes, and converted dwellings. Medium-density residential uses, in the form of townhouses are located to the north along Veronica Avenue at the intersection of Chesterfield. Further, the subject site is within walking distance of commercial and recreational uses. This includes Chelsea Green Community Church, Chelsea Green Children's Centre, Thompson Road Park, and Glen Cairn Park North, all located within a 400-metre radius. The converted dwelling represents residential intensification as it adds one unit to a legal duplex. The 3-unit converted dwelling on the site will make use of existing transit and public services in the area. 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 the existing dwelling is in conformity of The London Plan.

4.4 Issue and Consideration #4: Form

The London Plan encourages compact forms of development as a means of planning for and managing growth (7_, 66_). The London Plan encourages growing "inward and upward" to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_ 8).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of site layout, 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 (953_ 2.a. to f.). City Design policies further encourage/require design details, such as principal building entrances along the public right-of-way (291_) and the inclusion of outdoor amenity spaces (295_). The Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_).

Consistent with The London Plan, the recommended intensification of the subject property would optimize the use of land and public infrastructure in the area. Located within a developed area of the city, the increase in intensity on the subject site would contribute to achieving a more compact form of growth.

The proposed amendment, as previously noted, will not result in any physical changes to the overall form of development on the site. The existing dwelling is considered an

appropriate form of development and provides adequate site functions as intended by the City Design policies. The subject site also provides a functional site layout with the driveway located in the interior side yard, leading to three surface parking spaces and a sufficient outdoor amenity area located to the south and the rear of the site. Staff are satisfied that the existing form meets the intent of the urban design goals and is in conformity of The London Plan.

4.5 Issue and Consideration #5: Zoning

The applicant is requesting to permit the existing site conditions, and as such special provisions are being requested. The following is an analysis of the request and staff's response:

- *An increased driveway width of 11.0 metres* – Staff have no concern with the increase in driveway width as it is an existing site condition and accommodates the parking needed for the site, while still allowing for a sufficient amenity area and landscaped open space on the property.
- *A reduced front yard setback of 5.8 metres* – The reduced front yard depth is recognizing the existing site layout/setback of the current dwelling. Reduced front yard setback distances reflect current urban design standards in The London Plan, which encourages buildings to be positioned with minimal setbacks to public rights-of way to create and animate the public realm (259_). Staff has no concerns with this proposed setback as the existing built form and setback has gained a level of acceptance within the community and is generally in keeping with the policies of The London Plan.

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 permit a 3-unit converted dwelling within the Built-Area Boundary with a land use, intensity, and form that is appropriate for the site.

Prepared by: Olga Alchits
Planner I, Planning Implementation

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Britt O'Hagan, 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)
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 88 Chesterfield Avenue.

WHEREAS Amy Liu has applied to rezone an area of land located at 88 Chesterfield Avenue, 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 88 Chesterfield Avenue, as shown on the attached map comprising part of Key Map No. A108, from a Residential R2 (R2-2) Zone **TO** a Residential R3 Special Provision (R3-2(_)) Zone.
- 2) Section Number 7.4 of the Residential R3 (R3-2) Zone is amended by adding the following Special Provision:
 -) R3-2(_) 88 Chesterfield Avenue
 - a) Regulations
 - i) Front Yard Depth (Minimum) 5.8 metres (19.02 feet)
 - ii) Driveway Width (Maximum) 11 metres (36.08 feet)

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.

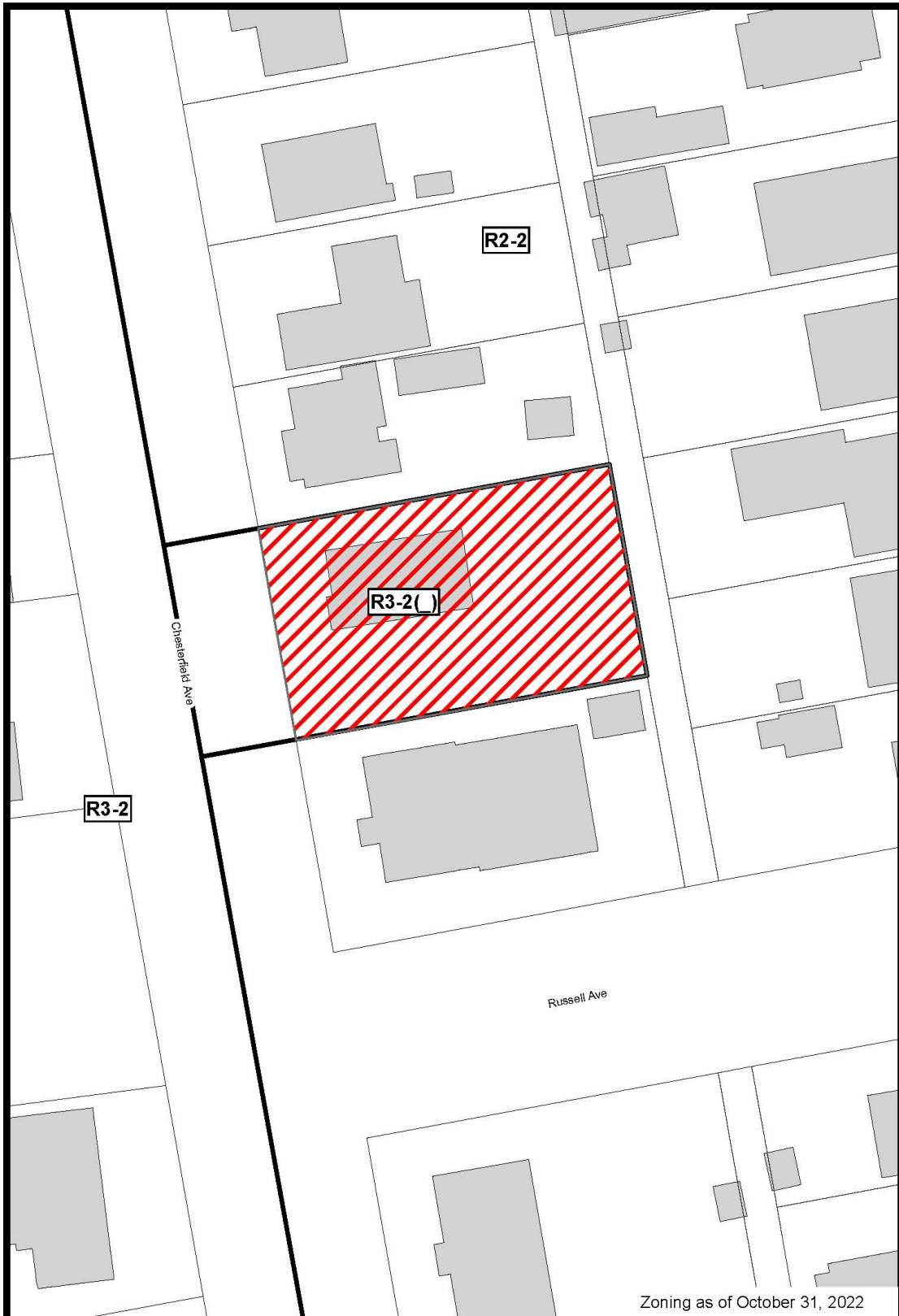
PASSED in Open Council on January 24, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 24, 2023
Second Reading – January 24, 2023
Third Reading – January 24, 2023

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



Zoning as of October 31, 2022

File Number: Z-9552

Planner: OA

Date Prepared: 2022/11/18

Technician: JI

By-Law No: Z-1-

SUBJECT SITE 

1:500

0 2.5 5 10 15 20 Meters



Appendix B – Public and Departmental/Agency Consultation

Community Engagement

Notice of Application:

Public liaison: On October 12, 2022, Notice of Application was sent to surrounding property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 13, 2022. A “Planning Application” sign was also posted on the site.

1 reply from 1 individual was received.

Nature of Liaison:

88 Chesterfield Avenue - The purpose and effect of this zoning change is to permit the existing two-storey, three-unit converted dwelling. Possible change to Zoning By-law Z.-1 **FROM** a Residential (R2-2) Zone **TO** a Residential R3 Special Provision (R3-2(_)) Zone, to permit the existing two-storey, three-unit converted dwelling. The city may consider other special provisions to recognize existing site conditions. File Z-9552

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

Hello,
I am writing this letter on behalf of **John Brotzel**. He owns [address] and wants to approve the application posted in regards to the notice of planning.

File number: Z-9552

Applicant: Amy Liu

Kind Regards,
John Brotzel

Departmental and Agency Comments

Urban Design (October 18, 2022)

- There are no Urban Design comments or concerns related to the ZBA (for 3-unit converted dwelling) for 88 Chesterfield Avenue.

Engineering (November 3, 2022)

- Engineering has no comments for the re-zoning application.

Parks Planning and Design (October 17, 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 Planning (October 17, 2022)

Major issues identified

Archaeological potential at 88 Chesterfield Ave. is identified on the City's Archaeological Mapping. The description of work in the proposal is limited to rezoning. The scope of work does not appear to result in soil disturbance (new construction/addition or paving), therefore no archaeological assessment is required as part of a complete application.

Notes

- Archaeological potential remains on the property. If soil disturbance is reasonably anticipated as part of future alterations/new construction on the property, an archaeological assessment may be required.
- It is an offence under Section 48 and 69 of the *Ontario Heritage Act* for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
- Should previously undocumented (i.e. unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
- If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The *Funerals, Burials and Cremation Services Act* requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Government and Consumer Services.

Landscape Architect (October 26, 2022)

- No comments

London Hydro (October 27, 2022)

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of existing service will be at the expense of the owner.

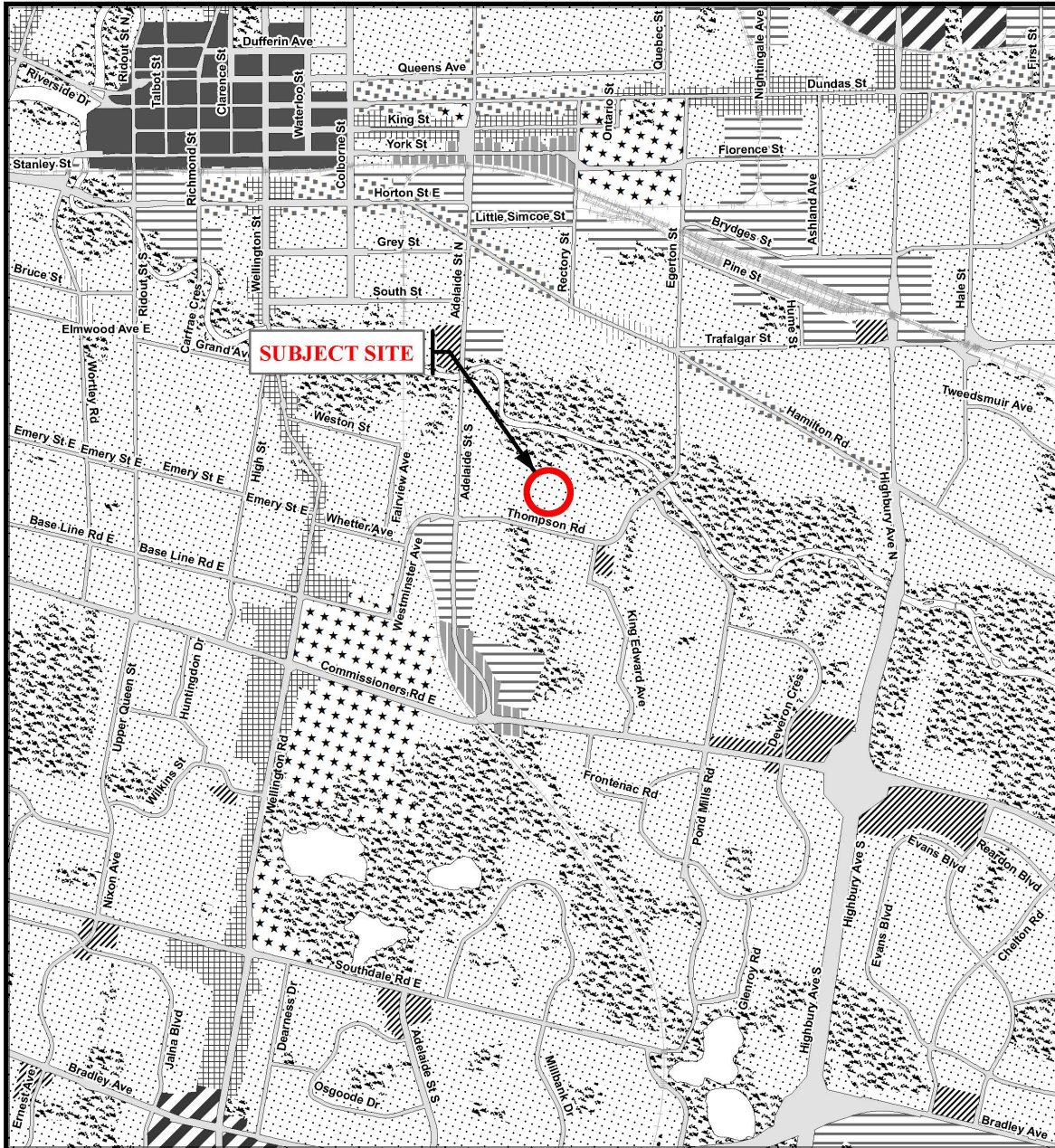
Appendix C – Planning Impact Analysis

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 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 existing built form is appropriately integrated into the community.
Conformity with the policies of the place type in which they are located.	The recommended 3-unit converted dwelling proposal provides for the 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 is currently fully serviced by municipal water, sanitary and storm sewers.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	No changes to traffic and access management are anticipated. A Traffic Impact Assessment was not required.
Noise	The existing dwelling 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.	Staff is satisfied that sufficient parking is available for the existing dwelling. 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 site will not generate noxious emissions.
Lighting	Not applicable.
Garbage generated by the use.	Not applicable. No change pertaining to garbage is anticipated.
Privacy	Not applicable. No external changes are being proposed
Shadowing	Not applicable. No external changes are being proposed
Visual Impact	Not applicable. No external changes are being proposed.
Loss of Views	Not applicable. No external changes are being proposed.
Trees and canopy cover.	All conditions are existing, and no changes are proposed. Two large trees are located at the front and rear as well as a few on the south side of the site.
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

The London Plan – Map 1 – Place Types



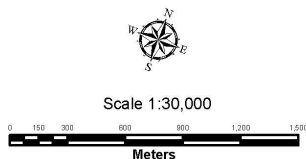
Legend

- | | | |
|------------------------|--------------------------|---|
| 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.

CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9552
Planner: OA
Technician: JI
Date: 2022/11/18

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-2

1) LEGEND FOR ZONING BY-LAW Z-1

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

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

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

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

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

OB - OFFICE BUSINESS PARK
 LI - LIGHT INDUSTRIAL
 GI - GENERAL INDUSTRIAL
 HI - HEAVY INDUSTRIAL
 EX - RESOURCE EXTRACTIVE
 UR - URBAN RESERVE
 AG - AGRICULTURAL
 AGC - AGRICULTURAL COMMERCIAL
 RRC - RURAL SETTLEMENT COMMERCIAL
 TGS - TEMPORARY GARDEN SUITE
 RT - RAIL TRANSPORTATION

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9552

OA

MAP PREPARED:

2022/11/18

Jl

1:500

0 2.5 5 10 15 20 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: Royal Premier Homes (c/o Farhad Noory)
634 Commissioners Road West
Public Participation Meeting

Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Royal Premier Homes (c/o Farhad Noory) relating to the property located at 634 Commissioners Road West.

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 24, 2023 to amend Zoning By-law No. Z-1, in conformity with the Official Plan for the City of London, to change the zoning of the subject property **FROM** Residential R1 (R1-9) Zone **TO** a Residential R5 Special Provision (R5-7(_)) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following through the site plan process:
 - i) The façade for the new residential development to the east of the existing single detached dwelling shall have a first-floor grade at least 0.6 metres lower than the existing dwelling first floor grade;
 - ii) At least one step down shall be required within the front façade and/or foundation for the proposed townhouse building west of the existing heritage dwelling;
 - iii) Provide 1.8-metre-tall privacy fencing along property lines adjacent to residential parcels;
 - iv) For landscape strips along a public street, add at least one tree per every 12 metres, or every 15 metres otherwise;
 - v) Retain as many mature trees as possible, especially along Commissioners Road West and along the east and south property lines between the proposed development and the adjacent single detached dwellings;
 - vi) Relocate the parking away from the view terminus into the site and buffer the parking from the amenity space with landscaping and/or low landscape walls.
 - vii) Consider two small parking areas outside of the view terminus to maintain as many mature trees along the south property line as possible.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site to permit the development of two 3-storey townhouse buildings (containing 10 new dwelling units) and the retention of the existing single-detached heritage dwelling, totalling 11 units, which is equivalent to 24 units per hectare.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to a Residential R5 Special Provision (R5-7(_)) Zone to permit cluster townhouse dwellings and cluster stacked townhouse dwellings. The proposed amendment would allow for the development of two 3-storey townhouse buildings (containing 10 new dwelling units)

and the retention of the existing single-detached heritage dwelling, totalling 11 units. The following special provisions are required to facilitate the development: a reduced front yard depth of 6.5 metres, a reduced minimum interior yard depth of 1.8 metres (first 30 metres of lot depth) and 3.0 metres (for the remainder of the lot) when the end wall of a unit contains no windows to habitable rooms, or 6.0 metres when the wall of a unit contains windows to habitable rooms, a rear yard depth of 1.0 metres per 1.0 metres of main building height, but in no case less than 6.0 metres, and a minimum 6.0 metre deep landscape strip along the south lot line (up to 6 parking stalls may encroach into the required landscape strip).

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 that provide for a range of uses and opportunities for intensification and redevelopment;
2. The recommended zoning conforms to the in-force policies of *The London Plan*, including, but not limited to, the Neighbourhoods Place Type, City Building Policies and Our Tools;
3. The recommended amendment would permit a development at an intensity that is appropriate for the site and the surrounding neighbourhood.
4. The recommended amendment facilitates the development of a site within the Built-Area Boundary with an appropriate form of infill development.

Linkage to the Corporate Strategic Plan

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

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes efficient use of existing urban lands and infrastructure. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encourage active transportation.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

As a component of a complete zoning application, per *The London Plan* policy 565, a Heritage Impact Assessment was prepared by the applicant’s representative and a cultural heritage evaluation was completed using the criteria of O. Reg 9/06. The evaluation determined that the property is a significant cultural heritage resource that merits designation pursuant to Section 29 of the *Ontario Heritage Act*.

On October 3rd, 2022, a report was brought to the Planning and Environmental Committee seeking Heritage designation of 634 Commissioners Road West pursuant to Section 29 of the *Ontario Heritage Act*.

A Notice of Intent to Designate was published on November 3, 2022, and the last date for objection is December 3, 2022. No objections were received and Council will pass the By-law to Designate within 120 day of issuing the Notice of Intent to Designate.

1.2 Property Description

The subject site is located on the south side of Commissioners Road North, approximately 475 metres west of Wonderland Road South in the Westmount Planning

District. The site is 0.445 hectares in size with a lot frontage of 88 metres. The site currently contains an existing 1870 Georgian style single-detached dwelling that is listed as a Designated Heritage Property in the City of London mapping. The site has historically been used as a single detached dwelling.



Figure 1: 634 Commissioners Road West, facing south (Google Image, June 2021)

1.3 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type fronting a Civic Boulevard (Commissioners Road West)
- Existing Zoning – Residential R1 (R1-9) Zone

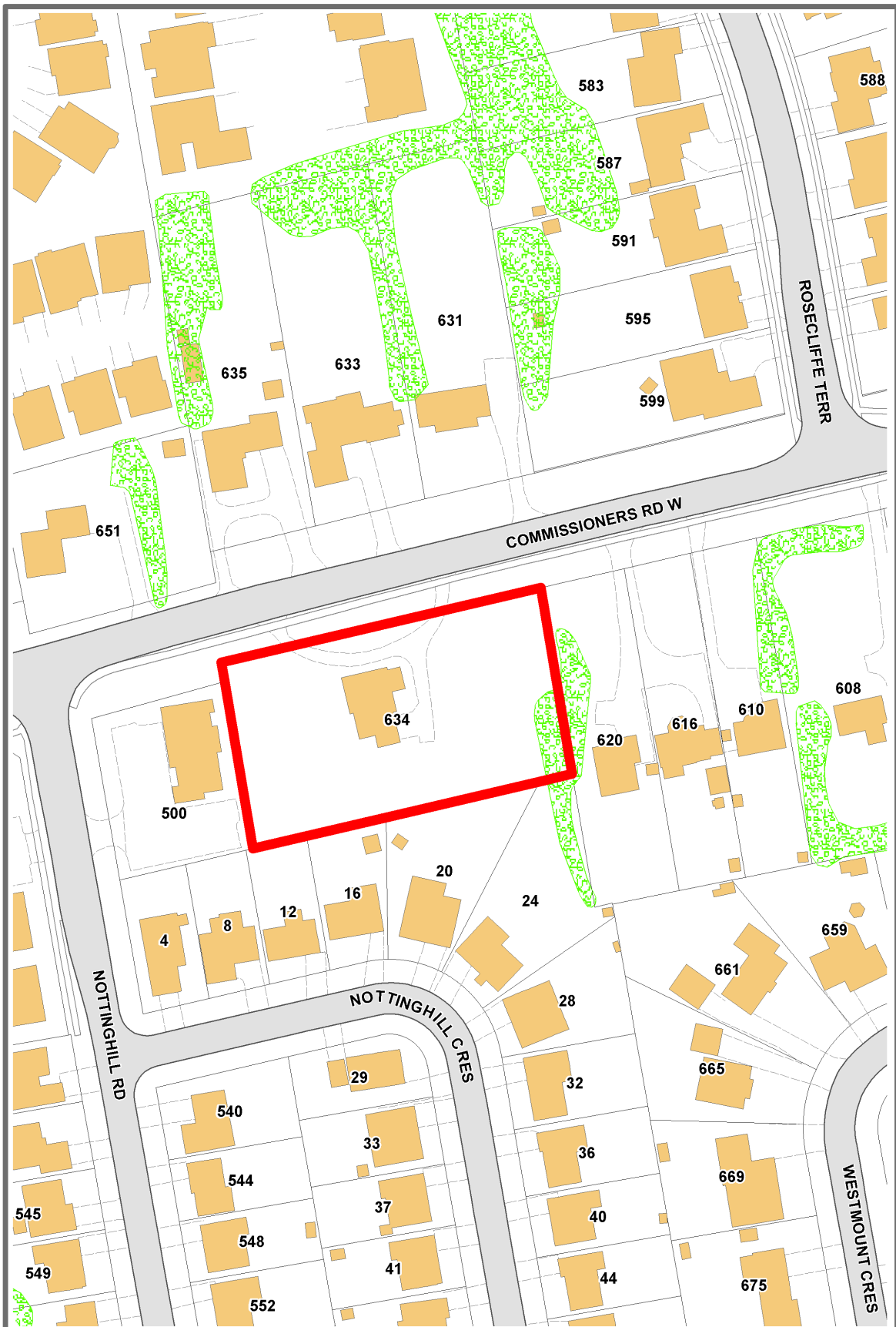
1.4 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 88.0 Metres
- Depth – 51.1 Metres
- Area – 0.445 Hectares
- Shape – Rectangular

1.5 Surrounding Land Uses

- North – Low Density Residential, Single Detached Dwellings
- East – Low Density Residential/ Single Detached Dwellings
- South – Low Density Residential/ Single Detached Dwellings
- West – Low Rise Commercial/ 2-Storey Office Building and Medium Density Residential/ 2-Story Condo Buildings

1.6 Location Map



LOCATION MAP

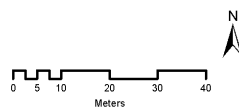
Address: 634 Commissioners Road West

File Number: Z-9541

Planner: Olga Alchits

Date: 2022/10/21

Corporation of the City of London
Prepared By: Planning and Development



Scale 1:1200

Legend

- Buildings
- Assessment Parcels
- Submitted Under Review Subdivisions
- Driveways/Parking Lots

1.7 Intensification

The total of 11 residential units represent intensification within the Built-Area Boundary.

2.0 Discussion and Considerations

2.1 Development Proposal

On August 22, 2022, the City of London accepted a complete application that proposed the development of two new townhouse buildings in total, containing 10 dwelling units and the retention of the existing 1870 Georgian-style heritage dwelling for a total of 11 units (24uph).

The development proposal identified two, four-storey townhouse buildings, each located to the west and east of the existing heritage dwelling. The first townhouse building to the west contains 3-units, while the building to the east contains 7-units. Vehicular access to the site is proposed to be provided by a single right-in, right-out driveway from Commissioners Road West. Further, the required vehicular parking for the new townhomes is to be provided through a combination of rear-facing integrated garages and driveways for a total of two (2) parking spaces provided for each unit and, additionally 6 surface parking stalls located at the rear of the site. Common outdoor amenity area is proposed at the southwest corner of the property with landscaping along the front, west and east property lines. Private amenity space is located at the rear of each townhouse unit and the heritage dwelling.

Upon review of the proposed development, Staff and the Urban Design Peer Review Panel had concerns regarding the height proposed and its impacts on the existing heritage building. As a result of these concerns and additional discussions with the applicant, revisions to the concept plan were made to ensure that the heritage dwelling remains the prominent feature on site. The applicant reduced the maximum height of the development to be 3 storeys in order to provide more prominence to the heritage dwelling. No new site concept plan was submitted as all elements remain unchanged, aside from the height of the proposed dwellings. The site concept plan (at 4-storeys) is shown in Figure 2, and a series of building renderings are shown in Figure 3 through 6.

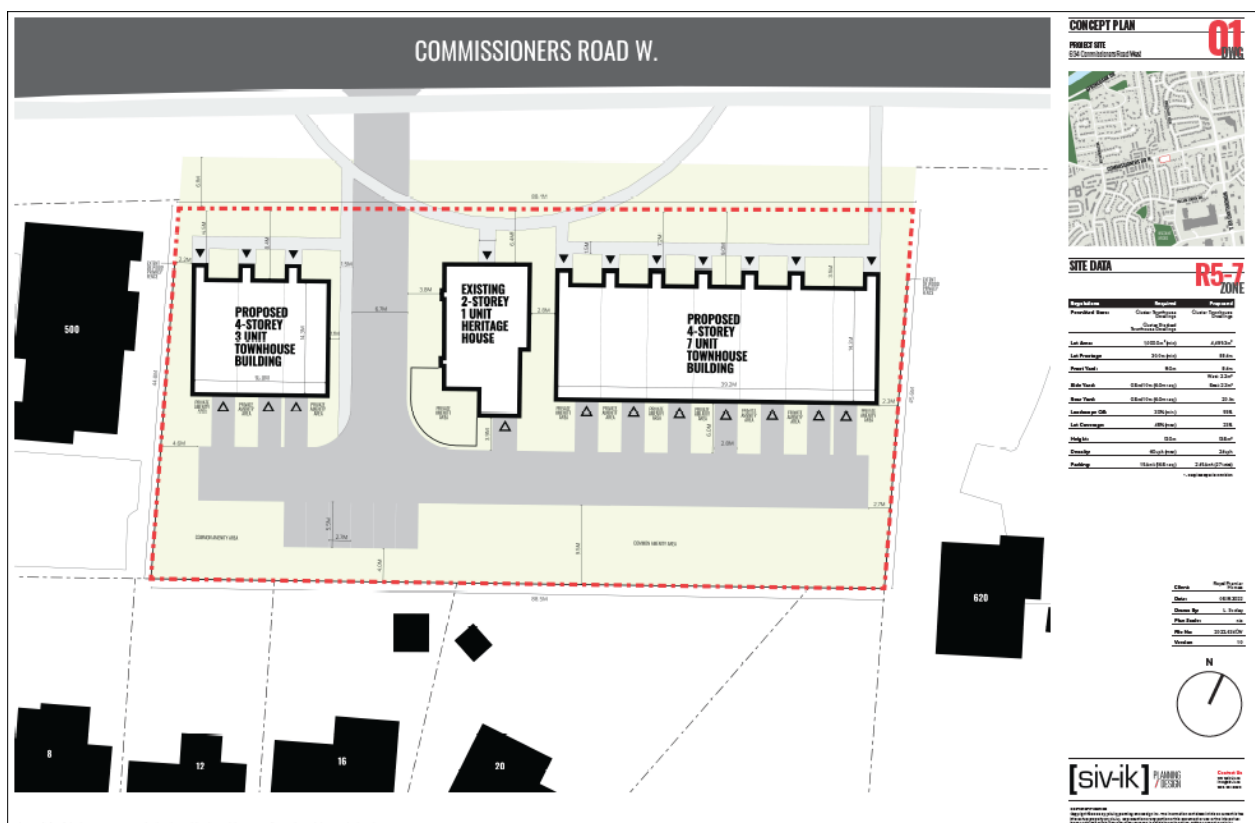


Figure 2: Site Concept

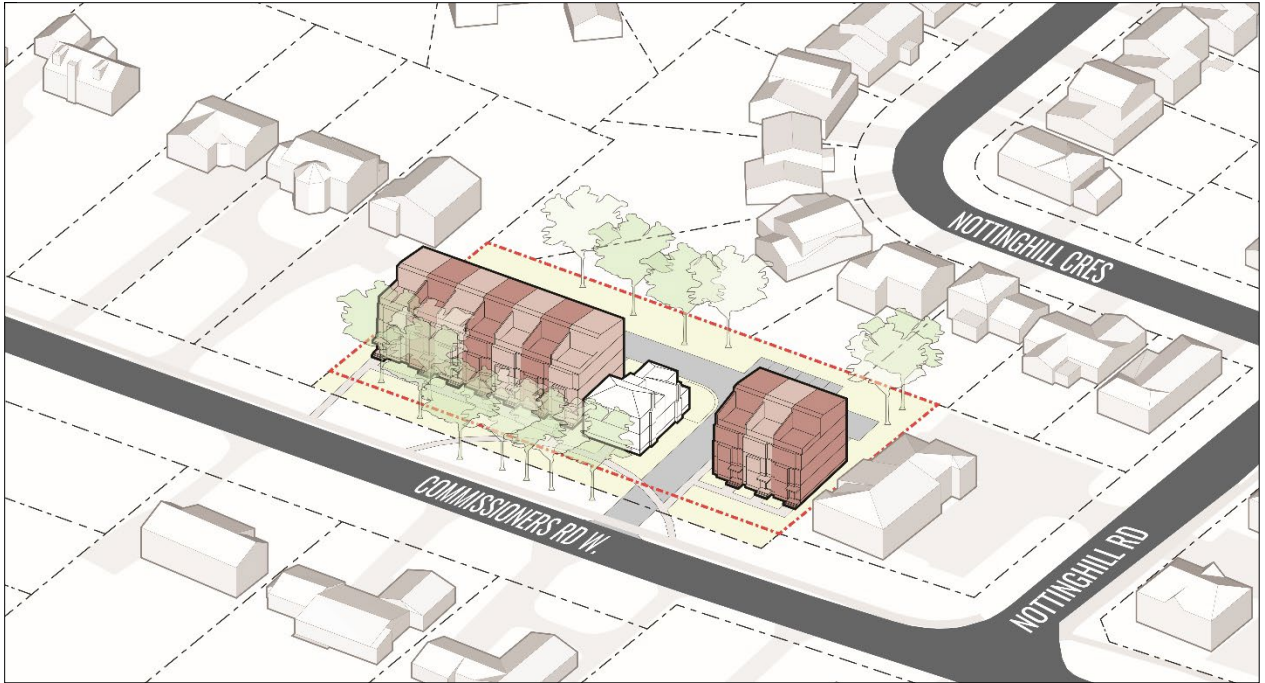


Figure 3: Rendering; view from Commissioners Road West facing south

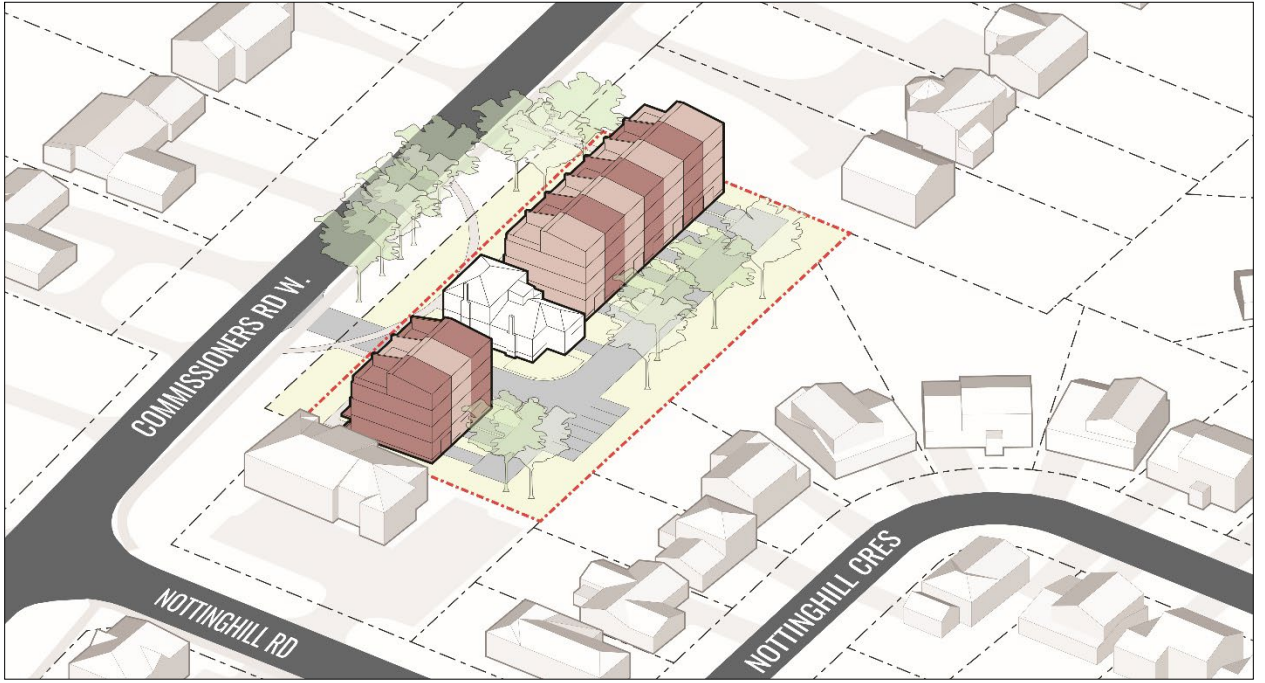


Figure 4: Rendering; Rear View of Subject Site



Figure 5: Rendering; Southeast View

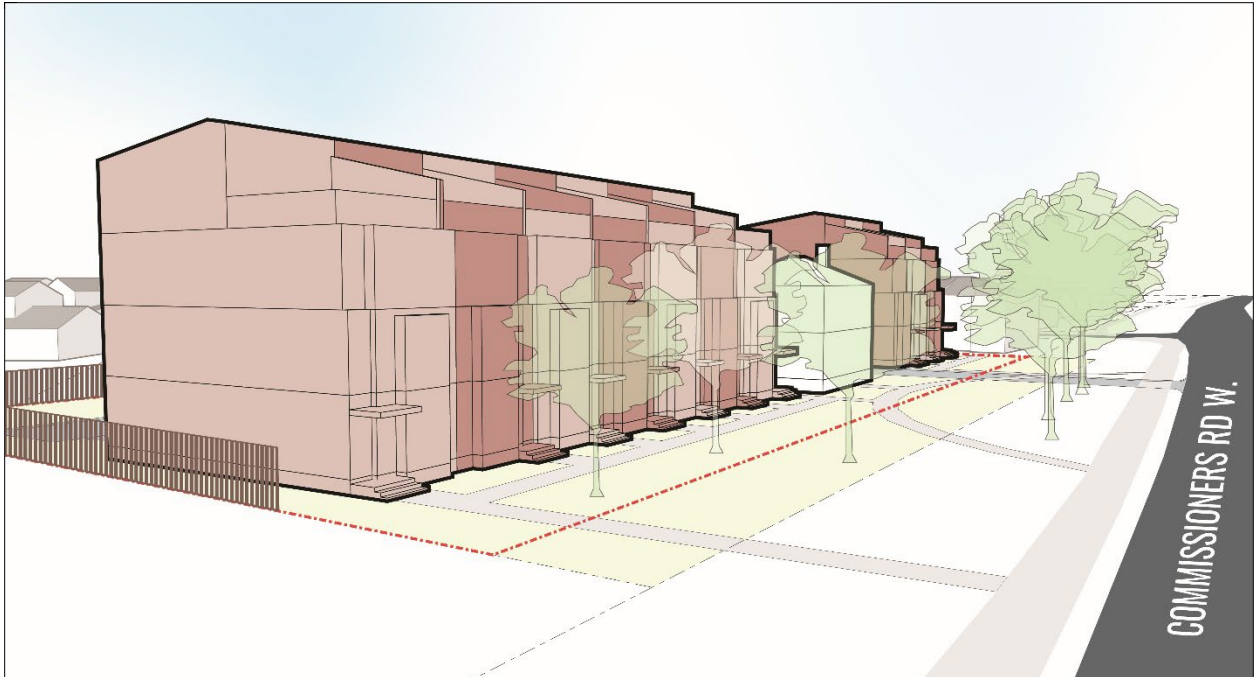


Figure 6: Rendering; Southwest View

2.2 Requested Amendment

The applicant is requesting a Residential R5 Special Provision (R5-7(_)) Zone, which permits cluster townhouse dwellings and cluster stacked townhouse dwellings with a maximum density of 60 units per hectare. Special provisions are being requested for:

- A reduced front yard depth of 6.5 metres.
- A reduced minimum interior yard depth of 1.8 metres (first 30 metres of lot depth) and 3.0 metres (for the remainder of the lot) when the end wall of a unit contains no windows to habitable rooms, or 6.0 metres when the wall of a unit contains windows to habitable rooms.
- Rear yard depth of 1.0 metres per 1.0 metres of main building height, but in no case less than 6.0 metres.
- A minimum 6.0-metre-deep landscape strip along the south lot line (up to 6 surface parking stalls may encroach into the required landscape strip).

2.3 Community Engagement (see more detail in Appendix B)

Members of the public were given an opportunity to provide comments on this application in response to the notice of application given on August 31, 2022. 5 emails were received from 7 members of the public:

The public's concerns generally included:

- Increased Intensity
- Increased traffic, noise
- Height, compatibility of neighbourhood, view obstruction
- Removal of mature trees/loss of green space
- Storm water management

It should be noted that the applicant held two community meetings with the public on May 25, 2022 and September 21, 2022.

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 encourages areas inside the urban growth boundary to be the main focus of growth and development, including opportunities for intensification and redevelopment (1.1.3). Appropriate land use patterns within urban growth boundaries are established by providing appropriate density and mix of land uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit supportive (1.2.3.2).

The PPS also identifies that significant built heritage resources and significant cultural heritage landscapes shall be conserved and that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (2.6.1, 2.6.3).

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 Provincial Policy Statement also directs planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents of the regional market area (1.4.1).

The London Plan

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to build a mixed-use compact city by:

- 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 additionally provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features. (Key Direction #7, Direction 5).

The London Plan also provides direction to make wise planning decisions by:

- Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions. (Key Direction #8, Direction 1).

The site is in the Neighbourhoods Place type fronting on a Civic Boulevard (Commissioners Road West) 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 medium density dwelling types, including fourplexes, stacked townhouses and low rise apartments. (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The minimum permitted height is 2 storeys with an upper

maximum permitted height of 6 storeys. (Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

The London Plan height framework promotes intensification along higher order streets. The range of uses that may be permitted on a property, and the intensity of development that may be allowed, will be related to the classification of street onto which the property has frontage (Policy 919_2). Specifically, properties fronting onto major streets may allow for a broadened range of uses and more intense form 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 (PPS)

Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 provides policy direction on matters of provincial interest related to land use and development. 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 PPS also identifies that significant built heritage resources and significant cultural heritage landscapes shall be conserved and that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (2.6.1, 2.6.3).

Consistent with the PPS, the recommended development, and retention of the heritage dwelling, will contribute to the existing range and mix of housing types in this area, which is comprised of primarily single-family homes, with duplexes, town homes, and apartment buildings also located in the community. Further, this development will provide choice and diversity in housing options for both current and future residents. The recommended amendment facilitates the development of an underutilized site within a settlement area and the increased intensity on the site will make use of existing transit services, nearby recreational opportunities, institutional uses, shopping and entertainment service uses. In particular, the site is located 400 metres north of Westmount Mall, providing for a variety of commercial services and a hub for public transit services.

In conformity with the PPS, the existing dwelling which has been identified as a significant built heritage resource, will be fully retained and the layout and design of the

development has been evaluated and demonstrated that the heritage attributes will be conserved.

As such, the proposed Zoning By-Law amendment to permit the development of the proposed townhouses is consistent with the 2020 Provincial Policy Statement.

4.2 Issue and Consideration #2: Use

The subject site is in the Neighbourhoods Place Type of the London Plan fronting on a Civic Boulevard. 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 of unit types and should avoid the broad segregation of different housing types, intensities and forms.

The proposed townhouse development will contribute to the existing range and mix of housing types in the area, which primarily consists of one and two storey single detached dwellings. Existing higher intensity semi-detached and townhouse developments are located along Commissioners Road west of Nottinghill Road, and townhouses and apartment buildings are located to the east fronting Wonderland Road. The proposed development will provide choice and diversity in housing options for both current and future residents and provide additional opportunities for residents to remain in their neighbourhood as they age. Further, the townhouse development on the subject site is a permitted use and in conformity of the London Plan policies within the Neighbourhoods Place Type for this area. Within this context, 3-storey townhouse buildings along a Civic Boulevard in this neighbourhood would not be out of place.

The analysis of intensity, form and planning impact analysis will be further discussed below to demonstrate the proposed townhouse buildings can be developed on the subject site in a way that is appropriate for the site and adjacent neighbourhood.

4.3 Issue and Consideration #3: Intensity

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 and directs that intensification may occur in all Place Types that allow for residential uses (84_). Further, 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 maximum of up to 6 storeys is contemplated in the Neighbourhood 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).

The subject site has frontage on a Civic Boulevard (Commissioners Road West), which is a higher-order street to which higher-intensity uses are directed. The townhouse buildings are to be a maximum of 3-storeys in height (12m), which is in keeping with the height limits of The London Plan. Further, the site is located within walking distance (approximately 8-minute walk) of a broad range of commercial uses at the intersection of Commissioners Road West and Wonderland Road South, as well as Westmount Mall which contains, a movie theatre, restaurants, a grocery store and several other services. Access to several bus routes is located within a 400-metre walking distance of the site, allowing residents to travel to surrounding commercial uses, recreational facilities and services on Southdale Road, Commissioners Road East, Wonderland Road, and in the Downtown. Active and passive recreation opportunities, and Catholic and Elementary School facilities are available within an 800-metre walking distance. As the site is currently developed with one single detached dwelling, the proposed

development represents an appropriate form of intensification through infill redevelopment. The subject site is located in an area where The London Plan directs and supports intensification and redevelopment. As such, staff are satisfied the proposed intensity and scale of development is in conformity of The London Plan.

4.4 Issue and Consideration #4: Form

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59_ 2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_ 8).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of site layout, 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 (953_ 2.a. to f.). City Design policies further direct principal building entrances along the public right-of-way (291_), the inclusion of outdoor amenity spaces (295_), and reduction in parking in areas with transit (271_). The Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_).

Consistent with the London Plan, the recommended intensification of the subject property would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the city, the redevelopment and intensification of the site for townhouses would contribute to achieving a more compact form of growth and development than the single detached dwelling that currently occupies the site.

The massing of the new buildings will be sensitive to neighbouring lower-scale uses, which is primarily 1 to 2-storey single-detached dwellings to the north, east and south and a 2-storey office building abutting the development to the west. Appropriate setbacks are being recommended through the proposed zoning regulations to ensure the development fits within its surrounding context and that it will provide a 45-degree angular plane measured from the south property line to help reduce any impacts on the abutting lands. The proposed side yard setbacks are structured to vary based on building orientation to accommodate appropriate facing distances based on the orientation. As such the massing of the proposed buildings is consistent with urban design goals, providing buildings heights that transition appropriately with nearby properties. The townhouse buildings and the existing dwelling have been oriented so that the primary building frontage faces towards Commissioners Road West with principal unit entrances and walkways directly to the city sidewalk. This will animate the civic boulevard providing for an interactive, safe and inviting realm along Commissioners Road West.

Adequate parking is provided for the proposed development as required by the Zoning By-law and Site Plan Control By-law at 2.54 parking spots per unit. Vehicular parking for the townhouses is provided through a combination of rear-facing integrated garages and driveways. The conceptual site design also includes 6 surface parking stalls for visitors. All parking is located in the rear providing for adequate space to implement appropriate screening of the parking from the street. This will include trees and fencing that would provide privacy.

Common amenity areas are located in the rear of the subject site as well as landscaping located along the frontage and east and west edges of the property. Further, the recommended special provisions seek to secure an enhanced landscape strip along the south property boundary. Additionally, the site possesses a unique collection of mature trees, along the frontage and rear of the property lines. The submitted Tree Assessment Report indicated that the applicant intends on persevering 10 of the existing trees as

well as the existing hedges, while new tree plantings will be contemplated through a future landscape plan at the site plan approval stage.

An important feature of this development is the retention of the existing 1870 Georgian Style Heritage dwelling. The concept plan seeks to retain the original building and ensure that the proposed new built form does not alter or overwhelm the heritage attributes of the existing structure from the street. A deeper analysis of the existing heritage dwelling is provided below in section 4.5 of this report.

4.5 Issues and Consideration #5: Heritage

As a component of a complete zoning application, a Heritage Impact Assessment was required. Through the assessment it was determined that the existing dwelling on the subject site is a listed property on the City's Register of *Cultural Heritage Resources* and merits designation pursuant to Section 29 of the *Ontario Heritage Act*. Currently, the property on the subject site has attained Heritage designation pursuant to Section 29 of the *Ontario Heritage Act*. Through the application review process, Urban Design and Heritage staff, and The Urban Design Review Panel expressed concerns regarding the size of the proposed townhouse buildings specifically as to how they related to the existing heritage dwelling. Staff and the panel advised the buildings to be sympathetic to and not visually overwhelm the heritage building by reducing the height to 2-3 storeys maximum as well as ensure the townhouse blocks are in keeping with the character and style of the existing heritage building, including a similar or complimentary form and materials. As a result of these comments and additional discussions, the applicant has agreed to limit the townhouses to a maximum height of 3-storeys (12 metres).

The following concerns have been identified for Direction to the Site Plan Approval Authority; the façade for the new residential development abutting to the east of the existing single detached dwelling shall have a first floor grade at least 0.6 metres lower than the existing dwelling's first floor grade and at least one step down shall be required within the front façade and/or foundation for the proposed townhouse west of the existing heritage dwelling. Staff are satisfied that the heritage related matters have been addressed.

4.6 Issues and Consideration #6: Zoning

The townhouse buildings require special provisions to facilitate the development. The following is an analysis of the request and staff's response:

- *A minimum front and yard depth of 6.5 metres* - The reduced front yard depth reflects current urban design standards in The London Plan, which encourages buildings to be positioned with minimal setbacks to public rights-of way to create a street wall/edge that provides a sense of enclosure within the public realm (259_). The reduced front yard setback is appropriate for the site as it helps to activate the streetscape. Additionally, the retained heritage dwelling is setback approximately 6.5 metres from the road allowance along Commissioners Road W. In order to preserve the contextual relevance of the heritage dwelling along the streetscape, the front yard setback special provision has been structured to ensure that the front face of any new building on the site does not project past the front face of the heritage dwelling. Staff has no concerns with this proposed setback.
- *A reduced minimum interior yard depth of 1.8 metres (first 30 metres of lot depth) and 3.0 metres (for the remainder of the lot) when the end wall of a unit contains no windows to habitable rooms, or 6.0 metres when the wall of a unit contains windows to habitable rooms.* – A special provision is needed to allow street-oriented buildings closer to the lot lines at the front of the property with normal setbacks to the rear. The 1.8 metre separation still allows trees to be planted. A minimum of 1.5 metres is generally needed to plant a tree. A privacy fence is also to be built along the property line. Staff have no concerns with the proposed reduced setback.

- *Rear yard depth of 1.0 metres per 1.0 metres of main building height, but in no case less than 6.0 metres.* – The rear yard setback is important because of the proximity of single-family homes to the rear. If the new townhouse buildings are built to the maximum allowable height of 12 metres, a 12-metre rear yard would be required. Staff are confident the rear yard depth regulation is sufficient to mitigate privacy concerns and provide for adequate space for full site functions including amenity space and parking.
- *A minimum 6.0-metre-deep landscape strip along the south lot line (up to 6 surface parking stalls may encroach into the required landscape strip).* – The site contains a unique collection of mature trees. As such, the applicant has included a special provision for the rear of the property to provide enhanced opportunities for tree preservation and tree growth. Staff are in support of this special provision, noting that visitor parking (up to 6 parking spaces) may encroach into the landscape strip.

4.7 Issues and Consideration #6: Public Concerns

As noted in the public engagement section of this report, 5 emails were received from 7 members of the public. The public's concerns were related to the following matters:

Increased Intensification

The proposed townhouse development adds a greater number of units to the subject site than what currently exists. The London Plan promotes intensification along higher order streets within the Neighbourhoods Place Type. Specifically, Policy 919_2 and 3 states that the range of uses and intensity permitted will be related to the classification of the street. Properties fronting onto Civic Boulevards (Commissioners Road West) may allow for a broader range of uses and more intense forms of development than those fronting onto neighbourhood streets. Staff are satisfied that the proposed density is appropriate for the site and the site is able to accommodate sufficient parking, amenity space and remain compatible with the surrounding land uses. Adequate infrastructure, community facilities, transportation and services exist to support the proposal. Recognizing that members of the public had concerns with the applicant increasing the units on the site, staff have placed a special provision within the recommended Zoning By-law to cap the density at 25 units per hectare, which is equivalent to 11 units on the subject site.

Increased Traffic, Noise

No significant traffic or transportation impacts are anticipated, as such no Transportation Impact Assessment was required as part of a complete application. Commissioners Road West is classified as a Civic Boulevard with an average daily traffic volume of 13,000 vehicles per day. Residents of the development are within walking distance to several amenities and will have access to transit routes and active transportation infrastructure such as cycling routes and pedestrian sidewalks. Further, the development is not anticipated to produce any significant noise. Noise impacts will be mitigated through spatial separation, landscaping and buffering and board on board privacy fence.

Height, compatibility of neighbourhood, view obstruction

The applicant has responded to concerns regarding height and has reduced the site concept plan to 3 storeys. As such, a special provision within the Zoning By-law has been included to reflect a maximum height of 3 storeys (12 metres). The recommended height is within the allowable limits within The London Plan for properties fronting a Civic Boulevard.

Massing of the new buildings will be sensitive to neighbouring lower scale uses. The applicant has made efforts to ensure that the placement, orientation and design of the

new development on the site responds to surrounding land uses appropriately. The proposed development minimizes privacy impacts and proposed zoning regulations seek to protect access to sunlight/sky views from adjacent properties, particularly on the adjacent rear yards to the south. This will be accomplished by the townhouse buildings fitting within a 45-degree angular plane measured from grade, thereby mitigating potential massing and shadow impacts.

Removal of mature tress/loss of green space

The applicant will continue to work closely with their arborist to save as many mature trees as possible. The applicant has demonstrated the intent to maintain the green buffer along the south property line through the inclusion of an enhanced landscape strip special provision. Further direction to Site Plan Authority has been given to consider the reconfiguration/redistribution of visitor parking to maximize the potential for tree retention.

Storm water management

As part of the site plan application process, the applicant's engineer is required to provide a stormwater management design that complies with the City's Site Plan Control by-law and Design Specifications and Requirements Manual. All sites that come through the site plan process, are required to control, contain, and outlet their stormwater to a safe outlet (i.e. right of way). If the site is experiencing drainage issues in its current state, this will be addressed as part of the site plan application through the engineer's design which may include a combination of catch basins, swales, parking lot surface storage, infiltration galleries etc. Engineering staff are satisfied that the setbacks proposed as part of this application provide for sufficient space to provide for stormwater management

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Neighbourhood Place Type Policies. The recommended amendment will facilitate the development of an underutilized site with a land use, intensity, and form that is appropriate for the site.

Prepared by:	Olga Alchits Planner I, Planning Implementation
Reviewed by:	Mike Corby, MCIP, RPP Manager, Planning Implementation
Recommended by:	Britt O'Hagan, 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)
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 634 Commissioners Road West.

WHEREAS Royal Premier Homes (c/o Farhad Noory) has applied to rezone an area of land located at 634 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 to lands located at 634 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 R5 Special Provision (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(_) 634 Commissioners Road West

a) Regulations

i) Density (Maximum)

25 units per hectare

ii) Front Yard Depth (Minimum)

6.5 metres (21.3 feet)

iii) Interior Side Yard Depth (First 30 metres of Lot Depth)

1.8 metres (5.9 feet) when the end wall of a unit contains no windows to habitable rooms, or 6.0 metres (9.8 feet) when the wall of a unit contains windows to habitable rooms.

Interior Side yard Depth (Remainder of the lot)

3.0 metres (9.8 feet)

iv) Rear Yard Depth

1.0 metre per 1.0 metre of main building height, but in no case less than 6.0 metres.

v) Enhanced Landscape Strip

A minimum 6.0 metre deep landscape strip shall be required along the south lot line (up to 6 surface parking stalls may encroach into the required landscape strip).

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.

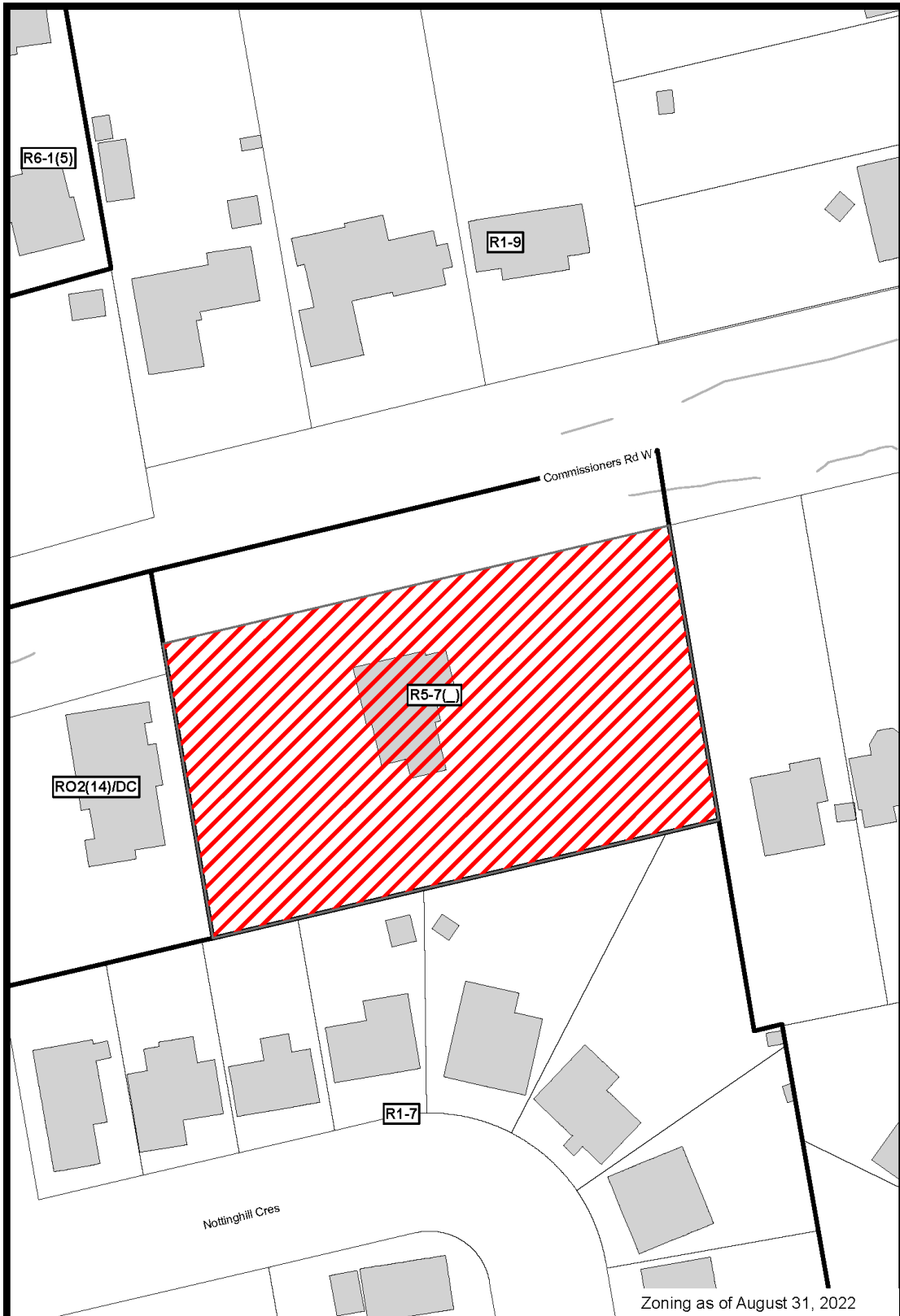
PASSED in Open Council on January 24, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 24, 2023
Second Reading – January 24, 2023
Third Reading – January 24, 2024

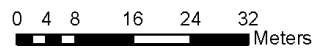
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9541
Planner: OA
Date Prepared: 2022/10/24
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:800



Appendix B – Public Engagement

Community Engagement

Notice of Application:

Public liaison: On August 31, 2022, Notice of Application was sent to surrounding property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September, 2022. A “Planning Application” sign was also posted on the site.

Replies from 5 individuals were received

Nature of Liaison:

634 Commissioners Road West – The purpose and effect of this zoning change is to permit two 4-storey townhouses with units and the retention of an existing detached dwellings. Possible change to Zoning By-law Z.-1 **FROM** a Residential (R1-9) Zone **TO** a Residential R5 Special Provision (R5-7()) Zone to permit cluster townhouse dwellings, and cluster stacked townhouse dwellings. The proposed special provisions would permit 6.5m front yard setback whereas 8.0m is required, 1.8m interior setback (first 30m of lot depth) when the end wall of a unit contains no windows to habitable rooms, or 6.0m when the wall of a unit contains windows to habitable rooms and 3.0m interior setback (remainder) when the end wall of a unit contains no windows to habitable rooms, or 6.0m when the wall of a unit contains windows to habitable rooms whereas 0.5 metres per 1.0 metres of main building height, or fraction thereof, but in no case less than 3.0 metres (9.8 feet) when the end wall of a unit contains no windows to habitable rooms, or 6.0 metres when the wall of a unit contains windows to habitable rooms is required, rear yard setback of 1.0m per 1.0m of main building height but in not less than 6.0m whereas 3.0 metres where the end wall of an end unit facing the rear yard and/or interior side yard may contain a window(s) to habitable rooms on the group floor only and no access points to the dwelling unit along the end wall facing the rear and/or the interior side yard is required, height of 13.5m whereas 12.0m is required and a minimum 6.0m deep landscape strip shall be required along the south lot line (up to 12 surface parking stalls may encroach into the required landscape strip). The City may also consider additional other special provisions. File Z-9451

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

Concern for:

- Increased Intensity
- Increased traffic, noise
- Height, compatibility of neighbourhood, view obstruction
- Removal of mature trees/loss of green space
- Storm water management

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

Written	Telephone
Mary Melanson	
Alan & June Burrell	
Graham & Fiona Barham	
Wayne Smith	
Kelly Burke	

To Ms. Alchits, I've called you and left a message asking for a call back. Please call. I have concerns over the positioning of the entrance and exit proposed for this development.

Also, I have concerns that the developer will change the design to increase the number of dwellings AFTER getting their density change request approved. The change in density once approved would allow for a much higher number of dwellings than the 11 dwellings currently in the plan.

The number of vehicles trying to turn east or west onto Commissioners coming from our complex at [address], Nottinghill and other feeder streets in close proximity is dangerous right now . 11 more dwellings on the 634 property is already going to increase the danger of serious vehicle accidents with their delivery trucks and vehicles trying to turn east or west onto the already fast moving, very busy Commissioners Rd W.

An even higher number of dwellings on this property will make it impossible for vehicles from the feeder streets in tight proximity to one another to get safely onto Commissioners.

I have had experience in a former community in another city where this tactic was tried by a developer - they resubmitted a bigger higher condo design only after getting the density change approved with a design showing a smaller building proposal. They too had a repeated clause in the letter we received *design may change. My former community had to keep on top of it - to persuade the "city" not to approve their "redesign" even though it was within the maximum number of dwellings allowable due to the density change approved by the city.

It was a developer bait and switch tactic that I am concerned may be tried here with the 634 Commissioners Rd W property.

Regards,

Mary Melanson

In regard to the above development, we object to the height of the proposed townhouses. Four floors seems excessive. In the same way as we have objected to the proposed development at 608 Commissioners Road West, we do not believe this type of project suits our mostly one-floor homes residential neighbourhood. We would prefer to see one floor condominiums similar to existing complexes west of this site which would better fit this area.

In at least two places 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." We don't believe this development is a good fit for our neighbourhood. We live in an established neighbourhood that has been here for decades. We don't live in an area that is just beginning to be developed. We have lived here for 26 years and we deserve to continue with quiet enjoyment of our property as do all of our neighbours.

Alan & June Burrell

Good morning Olga,

As requested, here are some of the concerns I have regarding the proposed development at 634 Commissioners Rd West.

1. As this portion of Commissioners Rd West is almost exclusively one or two level detached single family homes or condominiums, this four level development does not fit in with the character of the neighbourhood and is invasive of the privacy of its neighbours.

2. Given that there is a heritage building being preserved on the property, the proposed development around it should complement that structure. The current proposal is not in keeping with the heritage of the property.

3. There are a significant number of mature trees that will have to be removed to facilitate this development which directly contradicts the city efforts to increase our tree canopy to 34%.

4. Given the number of accidents and near misses that we have experienced along this stretch of Commissioners Rd, the increased number of vehicles entering and exiting the property and/or side streets will only add to this problem.

Also, could you please confirm whether or not the proposed buildings will be rental properties or condominiums.

Thank you.

Graham & Fiona Barham

My name is Wayne Smith and I am requesting to continue to be informed about the status of this file (Z-9541 634 Commissioners Road West).

I am an adjacent land owner to that property [address] and I am concerned about the allowable clearance of the proposed new construction to my property line and the proximity to my building and to the existing cedar hedge and trees that are close to or straddle our shared property line.

I am also concerned about the allowable height of the proposed building, which will deprive my current building or any future construction to the eastern-facing horizon which would be totally blocked by what I read is a proposed 4 story building.

To the extent that I may have rights to ask for (and be granted) consideration for changing the proposed building envelope in a way that does not diminish or devalue my property and current premises then I am hereby doing so.

I am also concerned about the surface water run-off from that property and that means are taken to insure that it is dealt with correctly. My property elevation is significantly lower than the surrounding properties and I currently deal with significant run-off during storms and snow melt.

Please let me know if this letter has been received and will reach the City of London planning department and be incorporated into this file (Z-9541).

Regards

Wayne Smith

Good morning Olga,

Thank you for our telephone discussion last week regarding the proposed development at 634 Commissioners Rd. and other proposed development projects on the adjacent properties.

As discussed, I am a home owner at [address] and am very concerned about the density proposed on Commissioners Road for the following reasons:

1. The proposal will result in **too much density**, a significant **loss in green space**, **increase in traffic** on Rosecliffe and Commissioners Rd which is already very busy.
2. I am also very concerned about **noise pollution** which is increasing by the day with increased traffic and vehicles with amplified muffler systems that exceed acceptable noise levels. Density is not good for neighborhoods. The **vehicular traffic** is already making it very **difficult and dangerous to cross Commissioners Rd.** on foot or in a vehicle.
3. With increased density, there is also an **increase in dogs** polluting our environment with increase **barking noise** and **animal waste**.

4. The height of the proposed apartment building on the adjacent property is also a significant concern. The city must consider the **financial impact and loss of enjoyment of outside space** that high rise buildings have on neighboring properties. High rises also **reduce the esthetic value** of the neighborhood, particularly when balconies become storage facilities and too many vehicles parked in overstretched parking lots. These concerns apply equally to high density townhomes.

I also raised these concerns with Councillor Van Meerbergen.

Thank you for considering these issues in your assessment of the proposed development projects in the area. I remain available to discuss this with you further and intend to submit additional input as the process unfolds.

Regards,

Kelly Burke

Departmental and Agency Comments

Urban Design (September 16, 2022)

- Ensure the size of the proposed townhouse buildings are sympathetic to and do not visually overwhelm the heritage building by reducing the height to 2-3 storeys maximum.
 - Ensure the townhouse blocks are in keeping with the character and style of the existing heritage building, including similar or complimentary form and materials.
- Mirror the front facades of the townhouse blocks to create consistency and symmetry between the two buildings.
- Retain as many mature trees as possible, especially along Commissioners Road West and along the east and south property lines between the proposed development and the adjacent single detached dwellings.
- Relocate the parking away from the view terminus into the site and buffer the parking from the amenity space with landscaping and/or low landscape walls. Consider having two smaller parking areas outside of the view terminus in order to maintain as many mature trees along the south property line as possible.
- Confirm whether stacked townhouses are being considered for the site. If stacked townhouses are anticipated, the applicant is to provide a site plan with the proposed stacked townhouses and further urban comments will be provided.
- The applicant is to submit a completed "Urban Design Peer Review Panel Comments – Applicant Response" form that will be forwarded following their UDPRP meeting scheduled for September 2022. This completed form will be required to be submitted as part of a complete application.

Site Plan (September 7, 2022)

General Comments:

1. Draft approval for a Draft Plan of Vacant Land Condominium is required prior to Site Plan Approval.
2. Provide a noise study for noise emissions to surrounding sites.

Comments based on current site plan:

1. Provide elevations from all sides in metric. Provide a consistent height on the elevations and site plan legend (i.e. provide both the absolute peak and midpoint of the roof, as defined per the Z.-1 Zoning By-law). Illustrate the hardscape design and materials on plans. Building design should have regard for surrounding context, especially for elevations visible from a roadway. Avoid materials that readily deteriorate, stain, or fade.
2. Provide a 1.8-metre-tall privacy fencing along property line adjacent to residential parcels. For landscape strips along a public street, add at least one

- tree per every 12 metres, or every 15 metres otherwise (C.P.-1455-541 Table 9.4). Clarify if basement ceiling height is 1.8 metres or more (Z.-1 2).
3. Please state the total Gross Floor Area of each dwelling by including all applicable storeys. Label any proposed decks, porches, or other platforms on the site plan with dimensions to ensure compliance with the Z.-1 Zoning By-law.
 4. Ensure enough space for collection access to recycling and waste. Clarify how snow storage is stored and accommodated on-site. Please illustrate each tree, whether existing or proposed, on the site plan. Show turning movements of emergency vehicles (C.P.-1455-541 6.7).
 5. To further conceal the parking, consider shifting the parking spaces as to not be directly aligned with the street access. Include a 1.5-metre setback from parking area(s) to property lines (C.P.-1455-541 6.2.b). Show all above ground utilities within the road allowance (e.g., hydro poles, hydrants, etc.). Please detail the shape of the access (street entranceway) and its connection to the roadway – ensure that the access corner radii do not encroach into designated road space nor extend beyond the projected property line (i.e. road access design is not to extend in front of a neighbouring parcel) (C.P.-1455-541 5.5.b).
 6. Pedestrian pathways should be graded to alleviate verticality and where applicable, prioritize ramps over staircases or steps (C.P.-1455-541 7.2). Ensure pedestrian circulation and access refinements are done with the Accessibility Review Checklist. Make sure to connect any amenity space to the other portions of the site with a pathway.

Parks Planning and Design (September 14, 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.

Ecology (September 16, 2022)

Confirmation 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.

Notes

- None.

Heritage Planning (December 6, 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 (Z-9541):

- Lincoln Environmental Consulting Corp. *Stage 1-2 Archaeological Assessment of 634 Commissioners Road West* [...] Middlesex County, Ontario (PIF P1289-0208-2021), July 2022.

Please be advised that heritage planning staff recognizes the conclusion of the report that states that: “[n]o archaeological resources were identified during the Stage 2 archaeological assessment of the study area, and as such **no further archaeological assessment of the property is recommended.**” (p 2)

An Ontario Ministry of Citizenship and Multiculturalism (MCM) archaeological assessment compliance letter has also been received dated Nov 24, 2022 (MCM Project Information Form Number P1289-0208-2021, MCM File Number 0015948). The compliance letter notes that:

“[i]n keeping with legislative stipulations, all construction, and demolition-related impacts (including, for example, machine travel, material storage and stockpiling, earth moving) must be restricted to the areas that were archaeologically assessed and cleared by the

Ministry of Heritage, Sport, Tourism, and Culture Industries through acceptance of the assessment report into the provincial register.”
 Archaeological conditions can be considered satisfied for this application.

Engineering (July 25, 2022)

The Stormwater Engineering Division staff have reviewed the storm servicing strategy for above address and offer the following comments:

1. Currently, there is no fronting Storm sewer outlet for these lands. As per Storm Drainage Area Plan drawing No (16954), The intended storm sewer outlet available for the proposed site is a 525mm diameter storm sewer on Commissioners Rod West.
2. The proposed stormwater management approach of utilizing the side road ditch as an outlet as depicted on proposed sketch as part of Notice of Application (Z-9541) wouldn't be supported at this time. Road ditches required for existing road network surface drainage for un-urban areas. And never meant to accommodate any flows from intensification development.
3. In order to develop the proposed site, the Owner's consulting engineer is to demonstrate a municipal outlet by a way of extending the storm sewer to the intended outlet as per storm drainage area plan.

Based on the SBM Sanitary Servicing Study for 608 Commissioners Road West (95units) which included the proposed development at 584 Commissioners Rd West (26units), with a total tributary area to the 200mm diameter downsized pipe of approximately 14.7ha and a population of 580people. It is noted that the existing developments were left at the original higher per capita of 346L/cap as per the original design sheet, city drawing 10003 with the new developments at 608 Commissioners and 584 Commissioners using the current standards. Including the proposed 10unit + 1 existing heritage dwelling proposal at 634 Commissioners, the total population would be approximately 610people with an area of 14.7ha tributary to the 16.9m run of 200mm diameter sewer at 0.5% connecting to Wonderland Road South resulting in available surplus capacity for the proposed 11 units.

The sanitary sewer is to be extended so that the PDC for the subject lands crosses perpendicular to the large diameter watermain (900mm & 300mm) and connects at 90degrees to the sewer main line with appropriate crossing clearances details. PDC 200mm and larger can be connected directly at a manhole and at 90degrees.

SED is available for further review with future submissions. Engineering is satisfied with the proposal. Holding provisions will be required until suitable storm and sanitary outlets have been constructed.

Urban Design Peer Review Comments and Applicants Responses (October 6, 2022)

Comment:
The Panel recommends the applicant revisit the Urban Design Peer Review Panel at the Site Plan Application stage for further design review and comments.
Applicant Response:
Noted. Once detailed plans have been prepared for the site plan process, the plans will be circulated to the Panel for further review and comment.
Comment:
The Panel notes that it is difficult to analyze the relationship between the heritage building and proposed development in terms of design and materiality. The Panel requests that for future submissions, please include elevations and renderings that describe the architectural expression and proposed materials.
Applicant Response:
Noted. Once detailed plans, elevations, and renderings have been prepared for the site plan process, the plans will be circulated for further review and comment. These materials will illustrate the relationship between the heritage building and the proposed townhouses.

Comment:
The Panel commends the applicant for the effort put forth to recognize, retain and protect the existing mature trees along the South edge of the site, reflected within the proposed zoning by-law. The Panel requests that for future submissions, please indicate the existing trees to be preserved on the site plan.
Applicant Response:
Noted. When preparing detailed landscape and tree preservation plans for the site plan process, we will work closely with our arborist to save as many mature trees as possible. Once prepared, detailed plans will be circulated to the panel for review and comment.
Comment:
The Panel applauds the applicant for proposing a built form type suited to the context of the existing neighbourhood while achieving the intensification goals of the development proposal.
Applicant Response:
Acknowledged, thank you.
Comment:
The Panel recommends utilizing the existing driveway location to the East of the heritage building to limit additional removal of trees and preserve the original heritage landscape.
Applicant Response:
Acknowledged. Through the design process we did explore the possibility of locating the entrance driveway to the east of the heritage house however, it was found that this resulted in the loss of a unit. This is due to the fixed amount of space between the heritage building and the east and west property lines is different. Ultimately, it was decided that the driveway must be located on the west side of the heritage house as this best represents a balanced approach to the design of the site in terms of the number of trees being preserved, the heritage house being retained in situ, and achieving a specific number of units to make this project financially viable.
Comment:
The Panel suggests increasing the setback between the proposed townhouse block to the East and the heritage building to preserve additional existing landscape elements.
Applicant Response:
Acknowledged, and thank you for the recommendation. We will examine the possibility of increasing the setback between the heritage dwellings and the proposed townhouse block to the east. However, as indicated in the response to the previous comment, increasing this setback would ultimately result in the reduction in the number of units that make this project financially viable. As previously mentioned, we believe that this concept demonstrates a successful balance between the preservation of heritage and trees, while providing a built form that is in keeping with the surrounding neighbourhood and represents the best use of the site.

London Hydro (August 31, 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.

Appendix C – Planning Impact Analysis

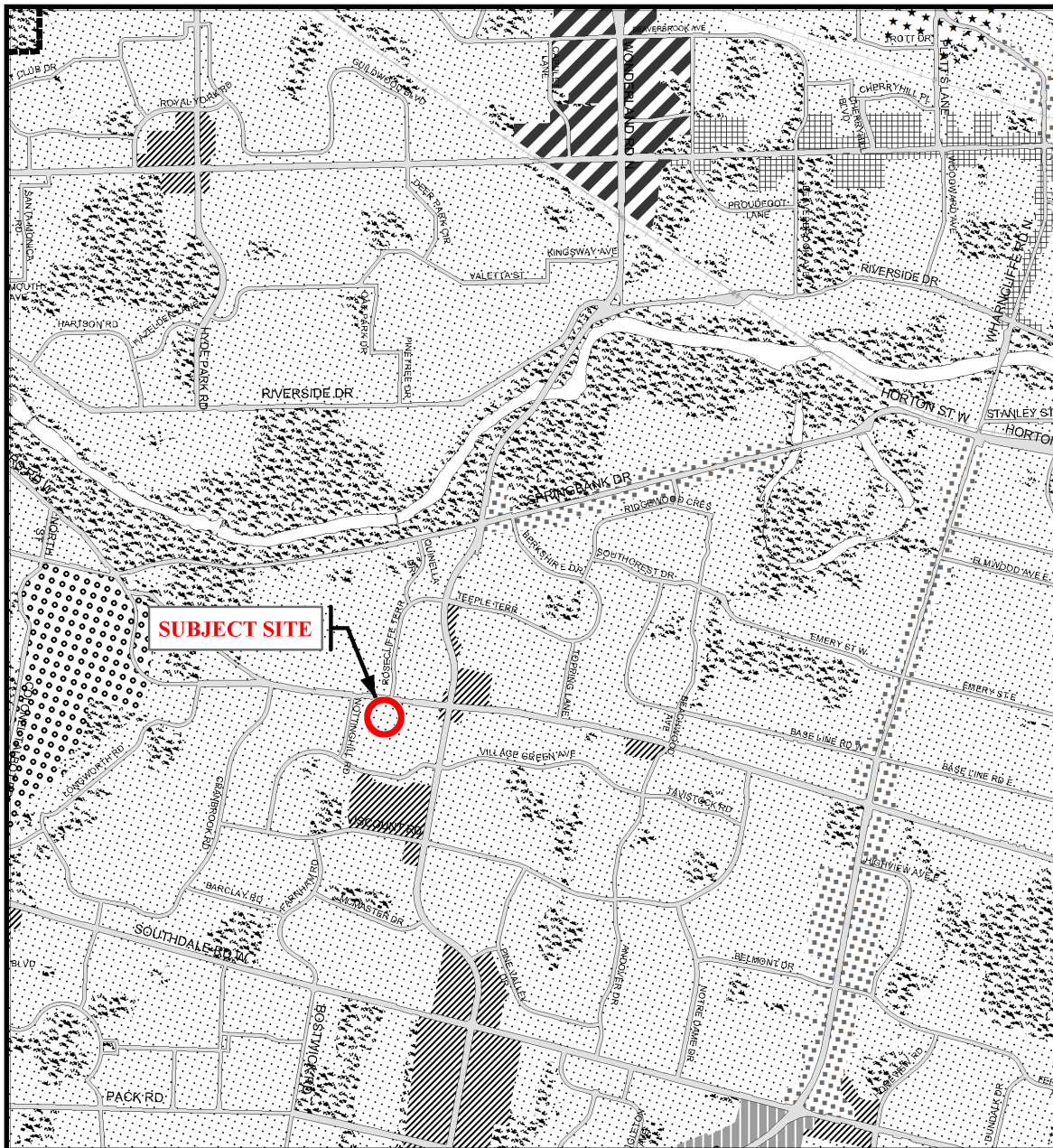
1577_ Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	Response
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as it provides for efficient 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 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 built form 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 recommended 2 storey townhouse proposal provides for the 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.	<p>A Storm Servicing Strategy has been submitted as there is currently no fronting Storm sewer outlet for these lands.</p> <p>There is no capacity issue flagged with regarding to servicing.</p> <p>It is anticipated that the site will be fully serviced by municipal water, sanitary and storm sewers.</p>
Criteria – Impacts on Adjacent Lands	
Traffic and access management	Further consideration of traffic controls will occur at the site plan approval stage. A Traffic Impact Assessment was not required as part of this application. Transportation Staff have no concerns.
Noise	The 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. Noise will be

	mitigated through spacing, landscaping and board on board privacy fencing.
Parking on streets or adjacent properties.	Staff is satisfied that sufficient parking can be provided for the development. 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 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.	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	Board fence and landscaping are proposed between abutting properties. The placement, orientation and design of the new development on the site will minimize privacy impacts.
Shadowing	Given the recommended built form, orientation, height, and location shadowing impacts will be limited. Access to sunlight, sky views for adjacent properties will be protected through the 45 degree angular plane measured from the south property lines of the townhouse buildings.
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 development.
Trees and canopy cover.	Every effort to save as many mature trees as possible has been made. The applicant has demonstrated the intent to maintain the green buffer along the south property line through the Enhanced Landscape Strip Special Provision. Further direction to Site Plan Authority has been given to consider the reconfiguration /redistribution of visitor parking to maximize the potential for tree retention. Detailed landscaping and other site-specific details, including landscaping, tree plantings, other vegetation, and fencing will be refined through the Site Plan Approval process.
Cultural heritage resources.	The heritage dwelling is in the process of attaining heritage designation. Many

	discussions have been had with the applicant and heritage and urban design staff to ensure that the new buildings forms do not alter the appearance, proportions or heritage attributes of the existing dwelling.
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



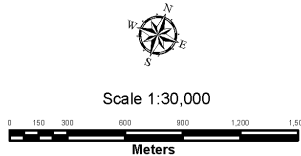
Legend

- | | | |
|------------------------|--------------------------|---|
| 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.

CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9541
Planner: OA
Technician: JI
Date: 2022/10/21

Zoning By-law Z.-1 – Zoning Excerpt



Zoning as of August 31, 2022

 **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 | | RT - RAIL TRANSPORTATION |
| R6 - CLUSTER HOUSING ALL FORMS | RF - REGIONAL FACILITY | "H" - HOLDING SYMBOL |
| R7 - SENIOR'S HOUSING | CF - COMMUNITY FACILITY | "D" - DENSITY SYMBOL |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | NF - NEIGHBOURHOOD FACILITY | "H" - HEIGHT SYMBOL |
| R9 - MEDIUM TO HIGH DENSITY APTS. | HER - HERITAGE | "B" - BONUS SYMBOL |
| R10 - HIGH DENSITY APARTMENTS | DC - DAY CARE | "T" - TEMPORARY USE SYMBOL |
| R11 - LODGING HOUSE | | |
| DA - DOWNTOWN AREA | OS - OPEN SPACE | |
| RSA - REGIONAL SHOPPING AREA | CR - COMMERCIAL RECREATION | |
| CSA - COMMUNITY SHOPPING AREA | ER - ENVIRONMENTAL REVIEW | |
| NSA - NEIGHBOURHOOD SHOPPING AREA | | |
| BDC - BUSINESS DISTRICT COMMERCIAL | OB - OFFICE BUSINESS PARK | |
| AC - ARTERIAL COMMERCIAL | LI - LIGHT INDUSTRIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | GI - GENERAL INDUSTRIAL | |
| RSC - RESTRICTED SERVICE COMMERCIAL | HI - HEAVY INDUSTRIAL | |
| CC - CONVENIENCE COMMERCIAL | EX - RESOURCE EXTRACTIVE | |
| SS - AUTOMOBILE SERVICE STATION | UR - URBAN RESERVE | |
| 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-9541 OA

MAP PREPARED:
2022/10/24 JI

1:1,200
0 5 10 20 30 40 Meters

634 COMMISSIONERS ROAD W.

PROJECT SUMMARY

www.siv-ik.ca/634cw | **Developer:** Royal Premier Homes

Concept At-A-Glance

USE



RESIDENTIAL UNITS

10 NEW TOWNHOUSE UNITS
1 SINGLE DETACHED HOUSE
(RETENTION OF C.1870 GEORGIAN
STYLE DWELLING)

PARKING



VEHICLE SPACES

22 RESIDENT STALLS
6 VISITOR STALLS

HEIGHT



STOREYS

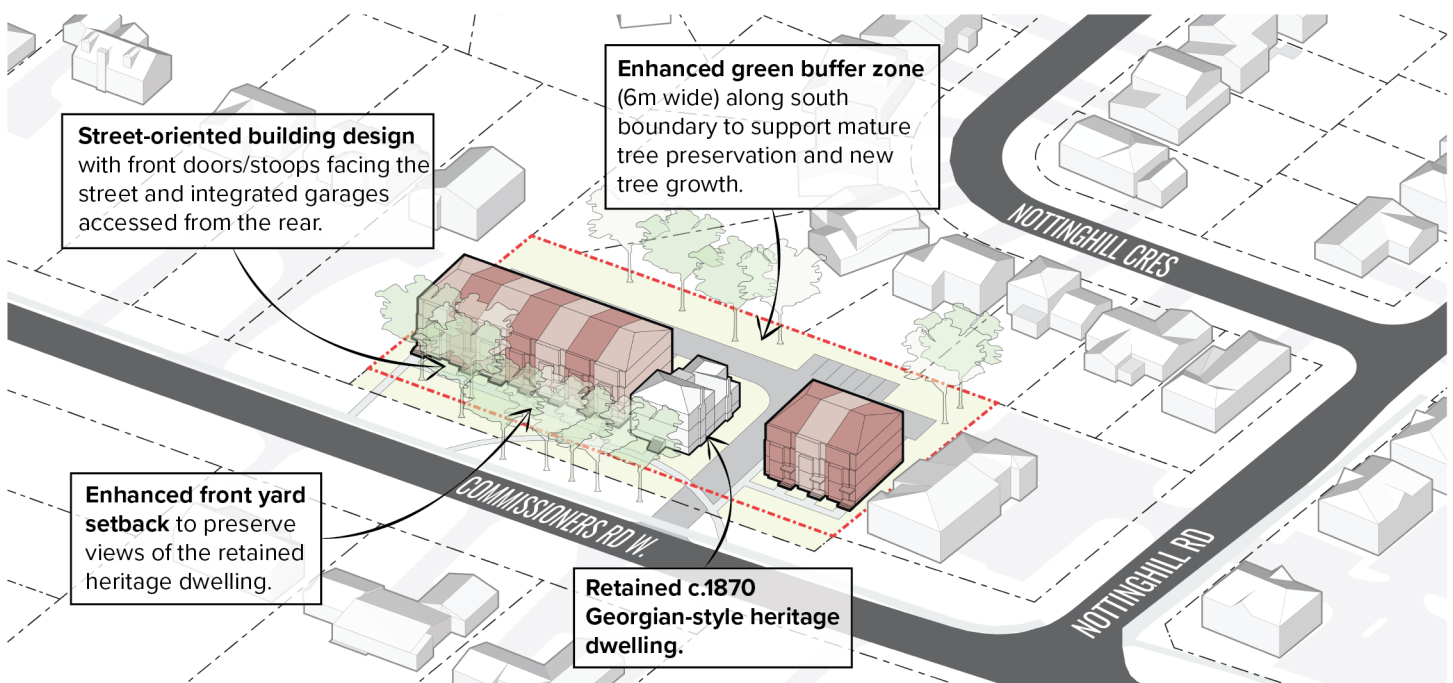
(UP TO 12.0m)

DENSITY

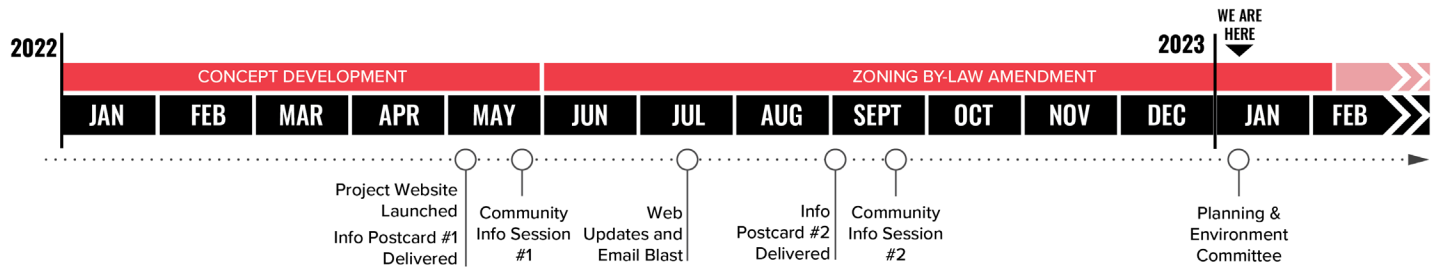


25
UNITS PER
HECTARE

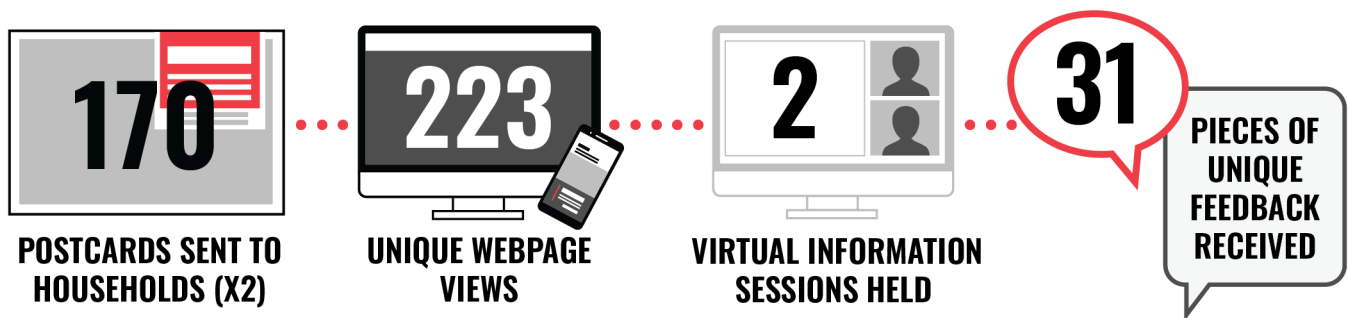
Key Features



Timeline



Community Engagement by the Numbers



*Includes feedback received from the Siv-ik project website feedback form, Virtual Community Information Meeting #1 and #2, and emails to info@siv-ik.ca. The count does not include any feedback sent directly to the City.

Key Themes Heard and Our Response

Architectural Design

- The concept includes the construction of new townhouse units and the retention of the existing c.1870 Georgian Style dwelling.
- Parking for the new townhouse units is provided through a combination of rear-facing garages and driveways.
- The front facade of new buildings will be generally in line with the front face of the existing heritage dwelling.

Traffic

- The proposal represents a form of “gentle density” that will not significantly alter existing vehicular traffic volumes.
- The new site access is proposed in the centre of the site which will allow for safe separation from the intersection of Nottingham Road and Commissioners Road East.

Tree Preservation

- An enhanced green buffer zone is planned along the south property boundary to allow for retention of existing trees and for new tree planting.

Height

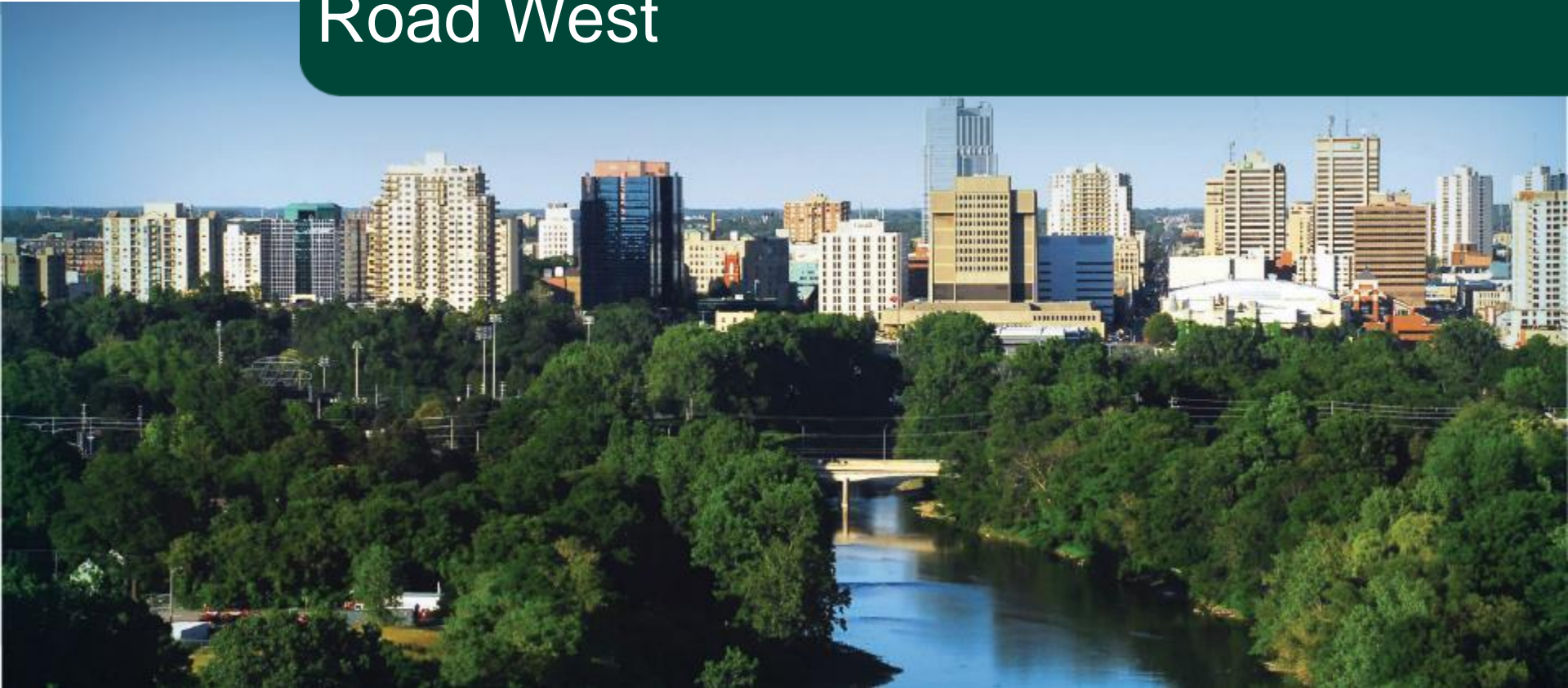
- The end product is a low-rise, 3-storey development which is lower than what the London Plan policies would allow for in this location.

Contact Us

www.siv-ik.ca | info@siv-ik.ca



Slide 1 – Z-9541: 634 Commissioners Road West

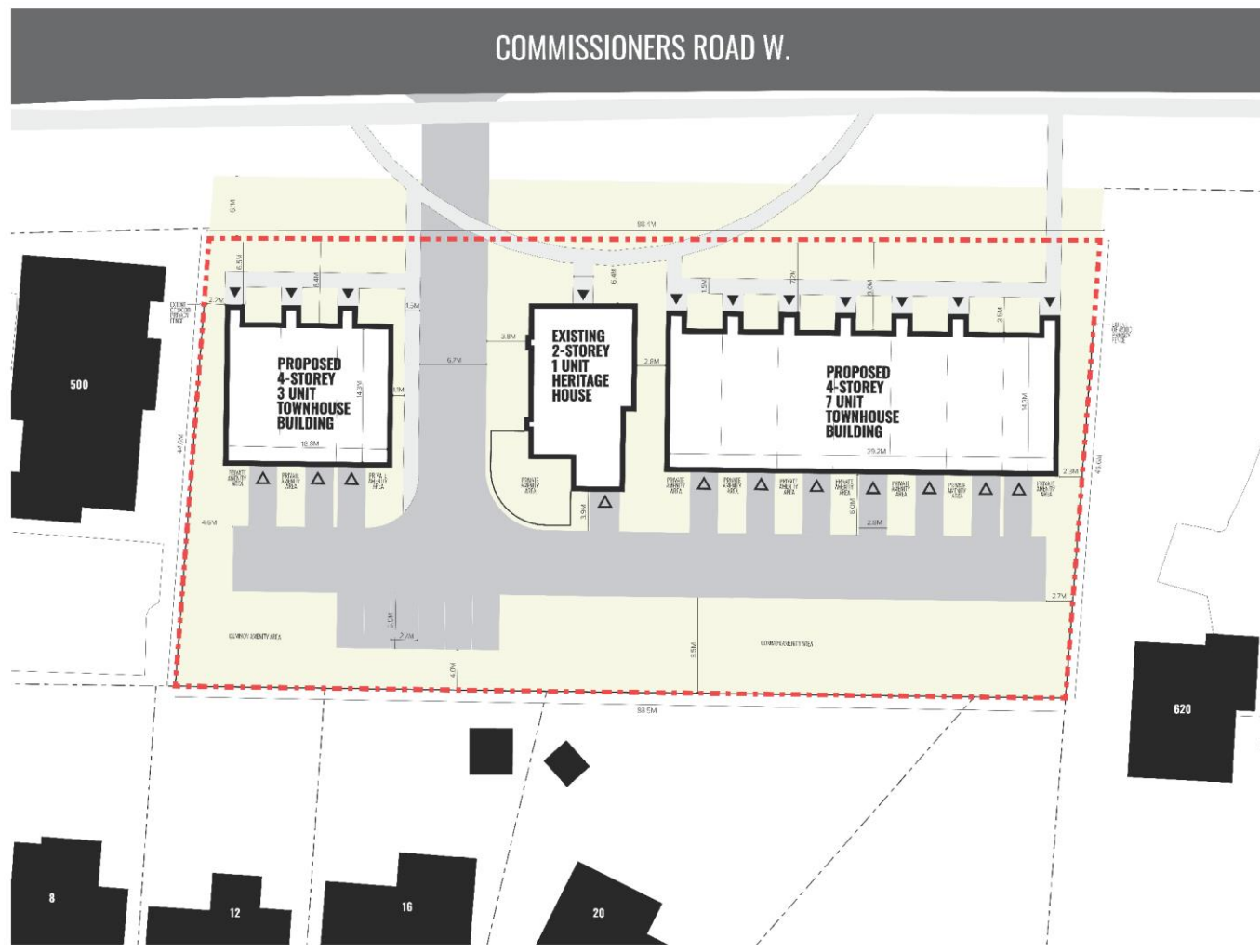


City of London
January 9, 2023

Slide 2 - Subject Site



Slide 3 - Proposed Development



CONCEPT PLAN
PROJECT SITE
 634 Commissioners Road West

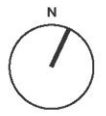


SITE DATA
R5-7 ZONE

Regulations	Road Front	Proposed
Permitted Uses:	Cluster Townhouse Dwelling	Cluster Townhouse Dwelling
Lot Area:	1,000.0m ² (250')	4,489.3m ²
Lot Frontage:	30.0m (98')	88.4m
Front Yard:	8.0m	8.4m
Side Yard:	0.5m/0.5m (0.5m req.)	East 2.3m*
Rear Yard:	0.5m/0.5m (0.5m req.)	20.3m
Landscape OS:	30% (max)	55%
Lot Coverage:	45% (max)	23%
Height:	12m	13.5m*
Density:	60dup (max)	24dup
Parking:	15 (and 16.5 req.)	2 (450m ² DP total)

* - Observe Special Provisions

Client: Royal Propper
 Date: 09/18/2022
 Drawn By: L. Smiley
 Plan Scale: 1/8"
 File No: 2022-634CW
 Version: 1.0



Lot Boundary Disclaimers: Site dimensions have been estimated based on data provided by the owner. Drafting and design fees include no warranties or guarantees regarding the accuracy of the lot boundaries.

Slide 4 – Proposed Development



Front View Rendering of Development



Rear View Rendering of Development

- The applicant reduced the maximum height of the development to be 3 storeys in order to provide more prominence to the heritage dwelling. No new site concept plan was submitted as all elements remain unchanged, aside from the height of the proposed dwellings.*



Slide 5 – Policy Context

Provincial Policy Statement, 2020

- Encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns
- Municipalities are required to identify and promote opportunities for intensification and redevelopment, taking into consideration an area's existing building stock, accommodating a significant supply and range of housing options, including various housing types, densities, and a variety of affordable and market-based housing arrangements, promoting development standards which facilitate intensification, redevelopment and compact form

The London Plan

- Neighbourhoods Place Type fronting on a Civic Boulevard (Commissioners Road West).
- Permitted uses include single detached, semi-detached, duplex, triplex, fourplex, townhouses, stacked townhouses dwellings and low-rise apartments.
- Permitted heights within this place type are 2 to 3 storeys.
- The London Plan provides direction to build a mixed-use compact city by planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward.
- *The use and intensity of the 3-storey townhouse development on the subject site is in conformity of the London Plan policies within the Neighbourhoods Place Type fronting a Civic Boulevard.*



Slide 6 – Existing Heritage Dwelling



An important feature of this development is the retention of the existing 1870 Georgian Style Heritage dwelling. The development will retain the original building and ensure that the proposed new built form does not alter or overwhelm the heritage attributes of the existing structure from the street.



Slide 7 – Request

Summary of Request:

The purpose and effect of this zoning change is to permit two 3-storey townhouses with 10 units and the retention of an existing detached dwelling, totalling 11 units. The request is to rezone the site **FROM** a Residential (R1-9) Zone **TO** a Residential R5 Special Provision (R5-7(_)) Zone to permit cluster townhouse dwellings, and stacked townhouse dwellings. The following special provisions are being requested: a reduced front and exterior side yard depth of 6.5 metres, a reduced minimum interior yard depth of 1.8 metres (first 30 metres of lot depth) and 3.0 metres (for the remainder of the lot) when the end wall of a unit contains no windows to habitable rooms, or 6.0 metres when the wall of a unit contains windows to habitable rooms, a rear yard depth of 1.0 metres per 1.0 metres of main building height, but in no case less than 6.0 metres, and a minimum 6.0 metre deep landscape strip along the south lot line (up to 6 parking stalls may encroach into the required landscape strip).



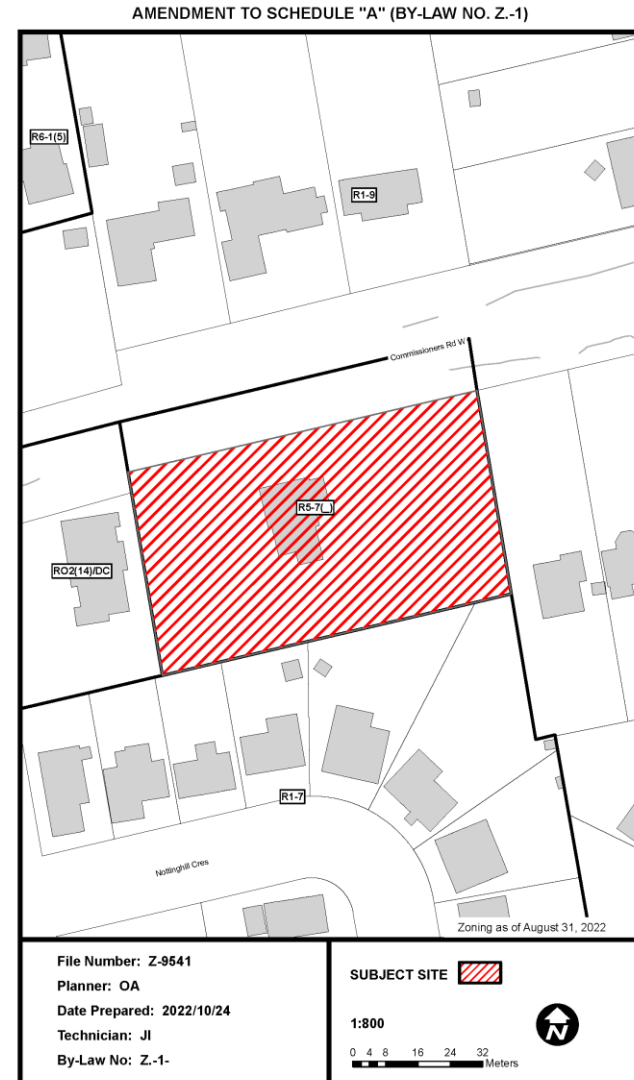
Slide 8 – Neighbourhood Concerns

- Increased Intensity
- Increased traffic, noise
- Height, compatibility of neighbourhood, view obstruction
- Removal of mature trees/loss of green space
- Storm water management

Slide 9 - Recommendation

Recommendation:

Staff is recommending approval as the amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Neighbourhood Place Type Policies. The recommended amendment will facilitate the development of an underutilized site with a land use, intensity, and form that is appropriate for the site.



From: Wayne Smith

Sent: Thursday, January 5, 2023 4:23 PM

To: PEC <pec@london.ca>

Subject: [EXTERNAL] This is in regards to a proposed Zoning By-Law Amendment File Z-9541

This letter is addressed to the Planning and Environment Committee of the City of London.

This is in regards to a proposed Zoning By-Law Amendment:

File Z-9541

634 Commissioner's Road West

The proposed amendments seek to alter dimensional setbacks and allowances for this property.

I am the owner and occupant of the building at 500 Nottinghill, which is the neighboring property to the west.

These amendments would allow for the proposed construction of a 4 story building immediately adjacent to my existing building, which was built decades ago in accordance with current or past zoning regulations. The proposed building, on it's western-facing side, would be closer to my property and building than is currently allowed.

The height of the proposed building will shield my existing east-facing windows from daylight, and bringing that building 2 meters closer than is currently allowed will worsen this situation. The current cedar hedge and large mature maple tree, which are situated on the property line or perhaps slightly more on my property, will also be impaired by the placement of this proposed new building and certainly will be disrupted during construction.

On these grounds I object to the alteration of the zoning setbacks and allowances that would reduce the spacing between my building and the proposed new construction.

I commend the developer and the City for endeavoring to keep intact the existing heritage home on the property, and I would ask that some consideration be given to the large native Locust tree adjacent to the house. This tree is certainly more than 100 years old and is in good health and it would be a loss to the community to see the destruction and removal of such an irreplaceable, iconic tree.

Thank you for considering these comments and concerns.

Yours truly

Wayne Smith

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: 867-879 Wellington Road
Public Participation Meeting
Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Bates Real Estate Corporation relating to the property located at 867-879 Wellington Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 24, 2023, 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 Highway Service Commercial (HS1/HS4) Zone, **TO** a Highway Service Commercial and Associated Shopping Area Commercial (HS1/HS4/ASA1) Zone;

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site to add an Associated Shopping Area Commercial (ASA1) Zone to the subject lands.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to permit a broader range of commercial uses within the existing plaza development, most notably to permit retail stores.

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 London Plan, including but not limited to the Key Directions and Rapid Transit Corridor Place Type.
3. The proposed zoning amendment would appropriately broaden the set of service/retail uses permitted on the site, most notably retail stores. The additional commercial uses intended for the site would be compatible with the existing development context and will not generate significant land use conflicts with adjacent properties.

Linkage to the Corporate Strategic Plan

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

Analysis

1.0 Background Information

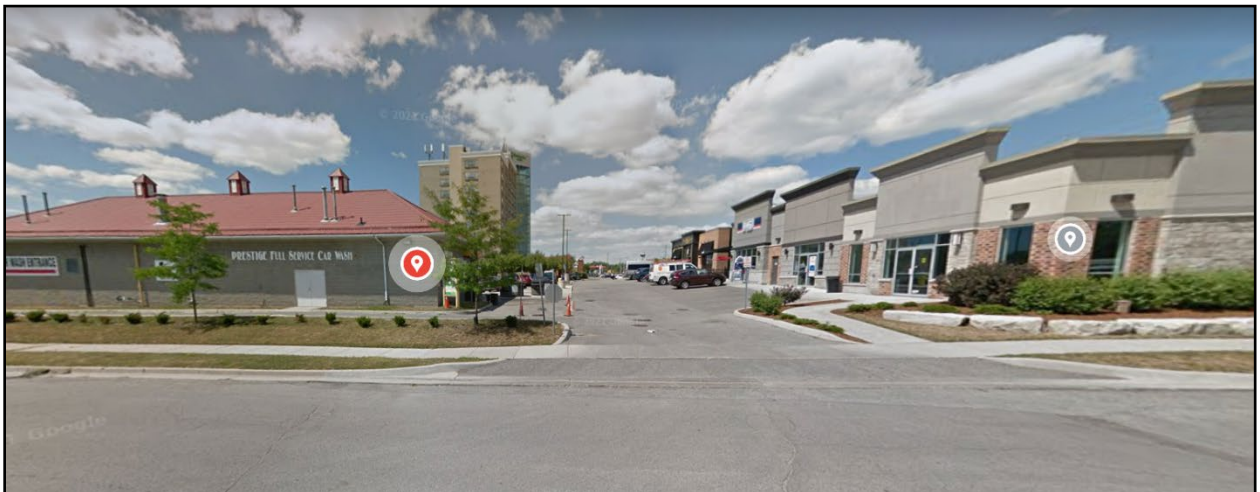
1.1 Property Description

The subject lands are located on Wellington Road, north of Harlech Gate and east of Montgomery Road. The subject site is currently occupied by three standalone buildings, one occupied by a car wash, one occupied by Fionn McCools restaurant and a third multi-unit building which includes restaurants and a financial service use at this time. The subject lands are approximately 0.8 hectares and have frontage of approximately 57.6 metres along Wellington Road. The remainder of the subject lands consists of surface parking, pedestrian pathways and landscaping strips throughout the site and around the perimeter.

Figure 1: Photo of Subject Site and current uses



Figure 2: Photo of Subject Site (facing North on Harlech Gate)



1.2 Current Planning Information

- The London Plan Place Type – Rapid Transit Corridor Place Type
- Existing Zoning – Highway Service Commercial (HS1/HS4) Zone

1.3 Site Characteristics

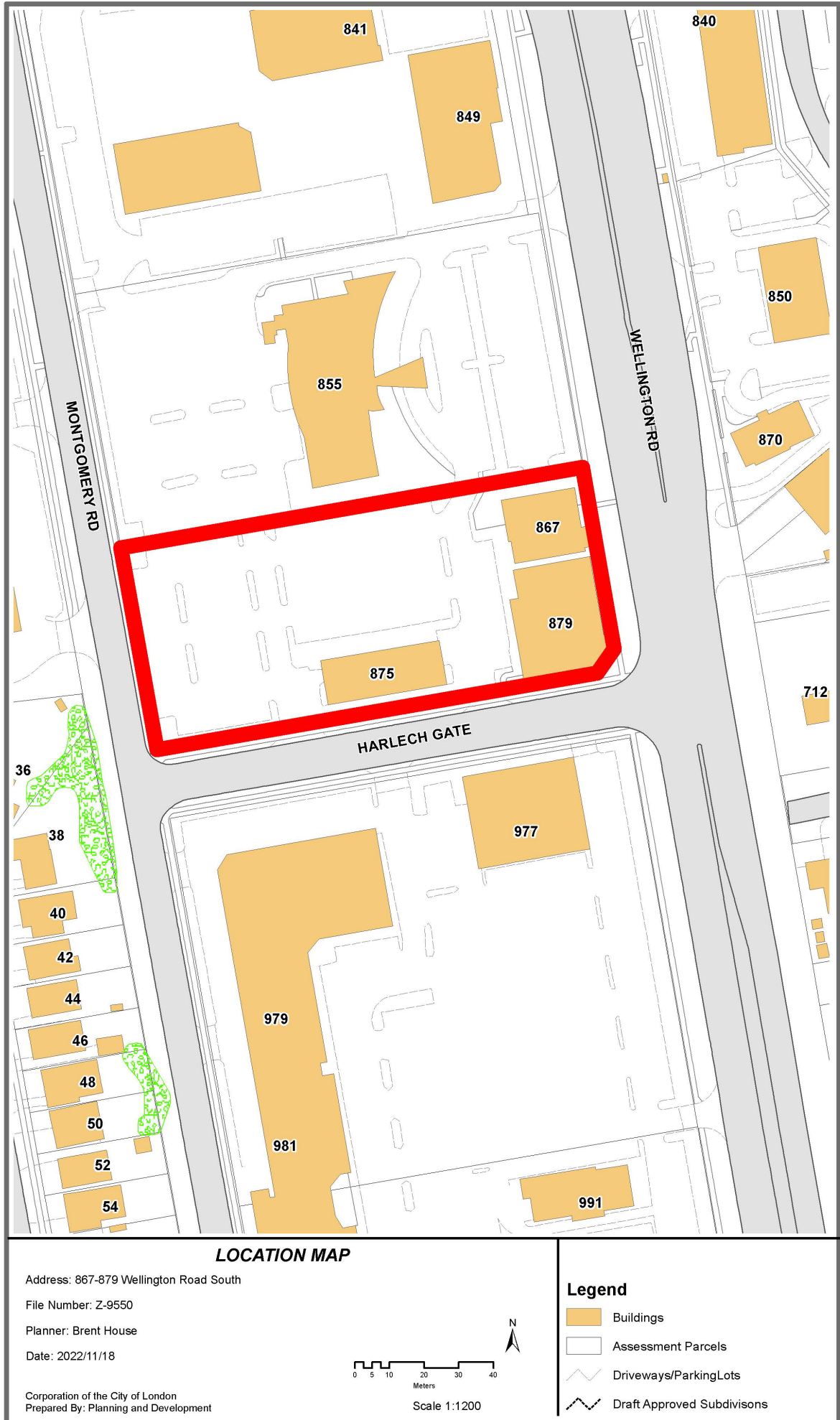
- Current Land Use – multi-unit commercial building, stand-alone restaurant, and a stand-alone car wash.
- Frontage – 57.6 metres
- Depth – 139.6 metres
- Area – 0.80 hectares (1.97 acres)
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – Hotel
- East – Residential Development

- South – Neighbourhood Shopping Centre
- West – Neighbourhood Shopping Centre

1.5 Location Map

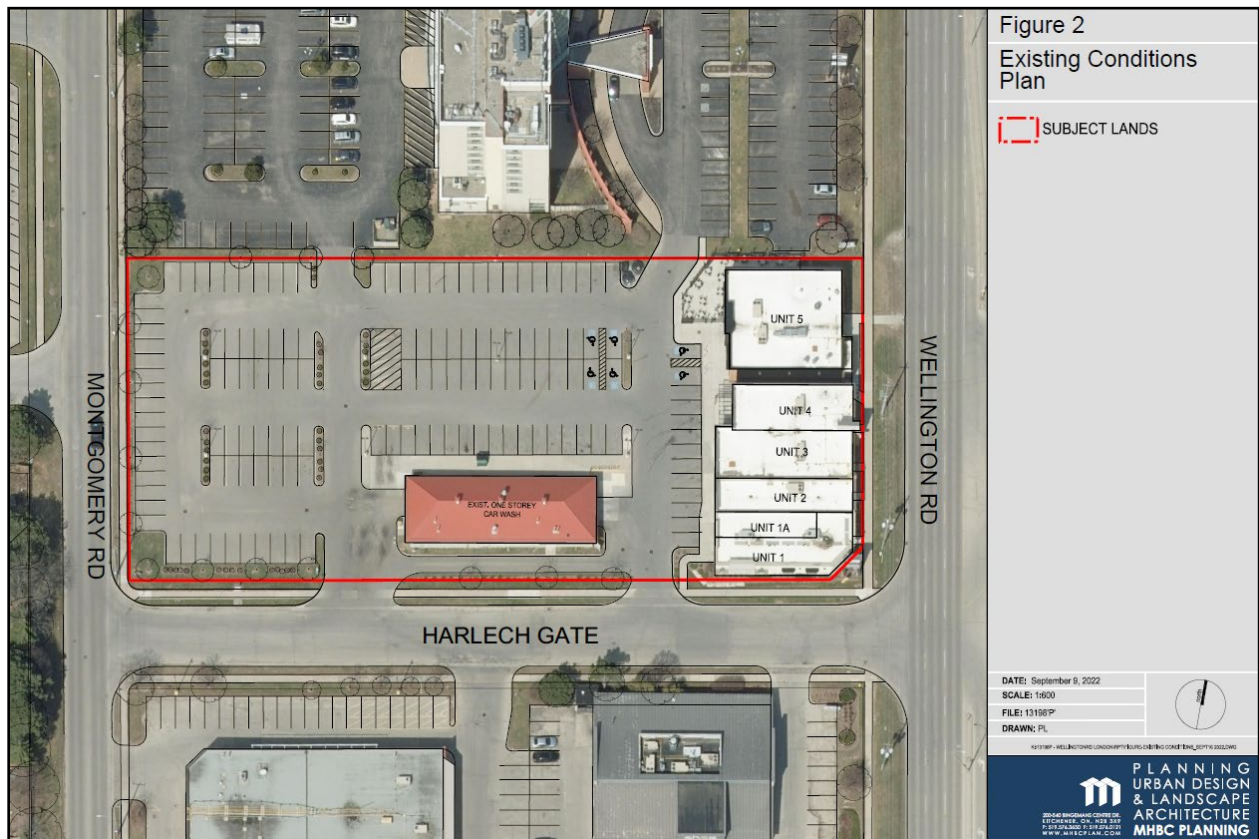


2.0 Discussion and Considerations

2.1 Development Proposal

The applicant has requested to rezone the subject lands to permit a shoe store within one of the vacant commercial units. The request to add an Associated Shopping Area Commercial (ASA1) Zone will allow for a broader range of commercial uses within the existing plaza development, most notably retail stores. No additional development or site alterations are proposed as part of this amendment.

Figure 3: Existing conditions plan



2.2 Requested Amendment

The applicant has requested to rezone the lands to add an additional Associated Shopping Area (ASA1) Commercial Zone to the property. The request is to allow for a broader range of commercial uses within the existing plaza development, most notably retail stores. Uses permitted in the ASA1 Zone that are not permitted in the current HS1/HS4 Zone include: retail stores, pharmacies, dry cleaning and laundry plants, grocery stores and printing establishments.

2.3 Community Engagement (see more detail in Appendix B)

Through the community engagement process, no phone calls or emails were received.

2.4 Policy Context

Provincial Policy Statement, 2020

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

Section 1.1 of the PPS encourages healthy, livable, and safe communities which are sustained by promoting efficient development and land use patterns. 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). Expanding the range of uses on the subject site

within the built-up area of the city will encourage the reuse of an existing building, which is consistent with these policies of the PPS.

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 bring 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 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. (Key Direction #5, Directions 2 and 4).

The site is in the Rapid Transit Corridor Place Type, as identified on Map 1 – Place types.

The proposed use supports these Key Directions by providing a convenient service to Londoners in the urban area of the city. The reuse of the building is a wise use of existing infrastructure in the interim, until such time as the site can be comprehensively redeveloped in line with the vision of the Rapid Transit Corridor.

3.0 Financial Impact/Considerations

None.

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).

Planning authorities shall 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)).

The recommended amendment is in keeping with the PPS 2020 as it facilitates the introduction of a new range of uses that are suitable within the existing site context. The proposed zoning amendment would facilitate new uses on the subject lands which would be located within the existing building, making use of existing building stock and efficiently using existing infrastructure and services. The recommended amendment

contributes to an appropriate mix and range of uses by providing for additional retail uses within the broader range of commercial uses within the surrounding area. The amendment will promote opportunities for economic development and community investment-readiness. Lastly, the recommended amendment provides a use or service in close proximity to residential neighbourhoods, thereby reducing the number of vehicle trips.

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

The London Plan

The Rapid Transit Corridor Place Type permits a broad range of residential, retail, service, office, cultural, recreational, and institutional uses (837_1). Mixed-use buildings are encouraged and uses with large floor plates, and single use non-residential buildings will be discouraged in the corridor (837_2 and 837_3). The London Plan also identifies that where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade (837_4).

In this instance, the additional retail services that the ASA1 Zone permits will allow for a broader range of uses than what is currently permitted on the subject lands and provides opportunities to allow for the continued use of the existing commercial buildings on site. Although the Rapid Transit Corridor Place Type is intended for a higher intensity mix of residential and non-residential uses, this is an efficient use of land and the existing infrastructure on site in the interim until the site is further redeveloped with a comprehensive form of mixed-use development. The proposed Zone complements the existing range of uses such as commercial, restaurants and financial services on the subject lands as well as the residential uses in the vicinity and is considered appropriate with the existing neighbourhood context. It should be noted that many of the surrounding parcels to the south, north and west are zoned with multiple ASA Zone variations. The addition of the ASA Zone to the subject lands provides further flexibility to help fill future vacancies with appropriate land uses.

4.3 Issue and Consideration #3: Zoning

The applicant has requested to rezone the lands from the existing Highway Service Commercial (HS1/HS4) Zone to a Highway Service Commercial and Associated Shopping Area Commercial (HS1/HS4/ASA1) Zone to allow for a broader range of commercial uses within the existing plaza development, most notably retail stores. The HS1/HS4 Zone currently permits different uses than what is allowed in a singular ASA1 Zone, such as assembly halls, private clubs, taverns, hotels, and motels. The additional uses that an ASA1 Zone would provide to the subject lands would be retail stores, pharmacies, dry cleaning and laundry plants, grocery stores and printing establishments.

The proposed amendment to add additional permitted uses on the subject lands does not seek any site alteration or additional special provisions as the existing site conditions can accommodate the proposed use and will continue to conform to the current zoning regulations.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan. The recommended amendment would permit a range of land uses that are appropriate and compatible within the surrounding context.

Prepared by: Brent House
Planner I

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Britt O'Hagan, 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)
2023

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 867-879 Wellington Road.

WHEREAS Bates Real Estate Corporation has applied to rezone an area of land located at 867-879 Wellington 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 the lands located at 867-879 Wellington Road, as shown on the attached map comprising part of Key Map No. A111, from a Highway Service Commercial (HS1/HS4) Zone to a Highway Service Commercial and Associated Shopping Area Commercial (HS1/HS4/ASA1) 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.

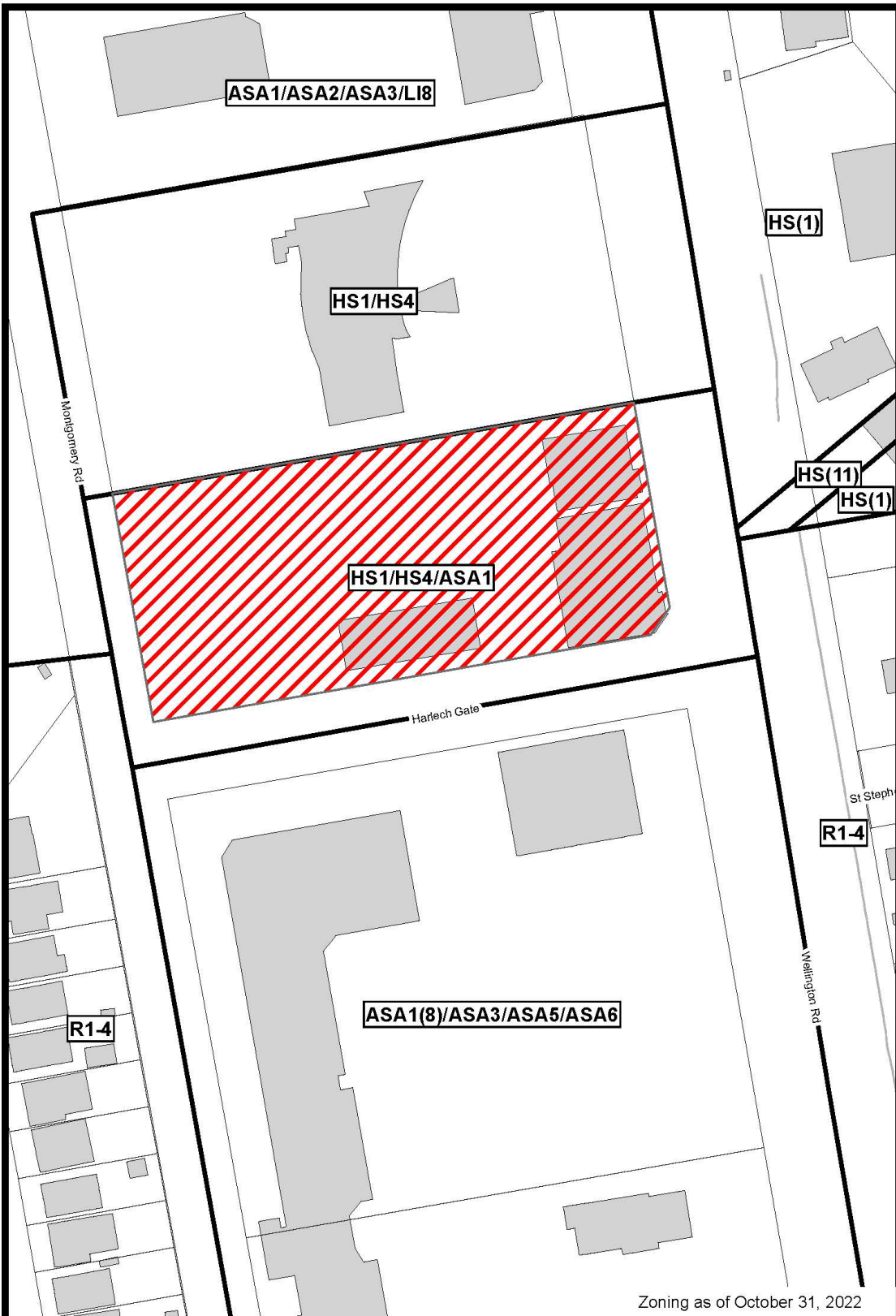
PASSED in Open Council on January 24, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 24, 2023
Second Reading – January 24, 2023
Third Reading – January 24, 2023

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



File Number: Z-9550

Planner: BH

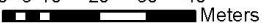
Date Prepared: 2022/11/18

Technician: JI

By-Law No: Z.-1-

SUBJECT SITE 

1:1,200

0 5 10 20 30 40 Meters 



Appendix B – Public Engagement and Agency/Departmental Comments

Community Engagement

Public liaison: On October 13, Notice of Application was sent to property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 14, 2022. A “Planning Application” sign was also posted on the site.

No public replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit a retail store. Possible change to Zoning By-law Z.-1 FROM a Highway Service Commercial (HS1/HS4) Zone, TO a Highway Service Commercial and Associated Shopping Area Commercial (HS1/HS4/ASA1) Zone. The City may also consider additional special provisions.

Responses: None.

Agency/Departmental Comments

October 18, 2022: Urban Design

Urban Design has no concerns with the proposal.

October 20, 2022: Water Engineering

No comments.

October 17, 2022: Parks Planning and Design

No comments.

November 1, 2022: Ecology Planning

No comments.

October 20, 2022: Engineering

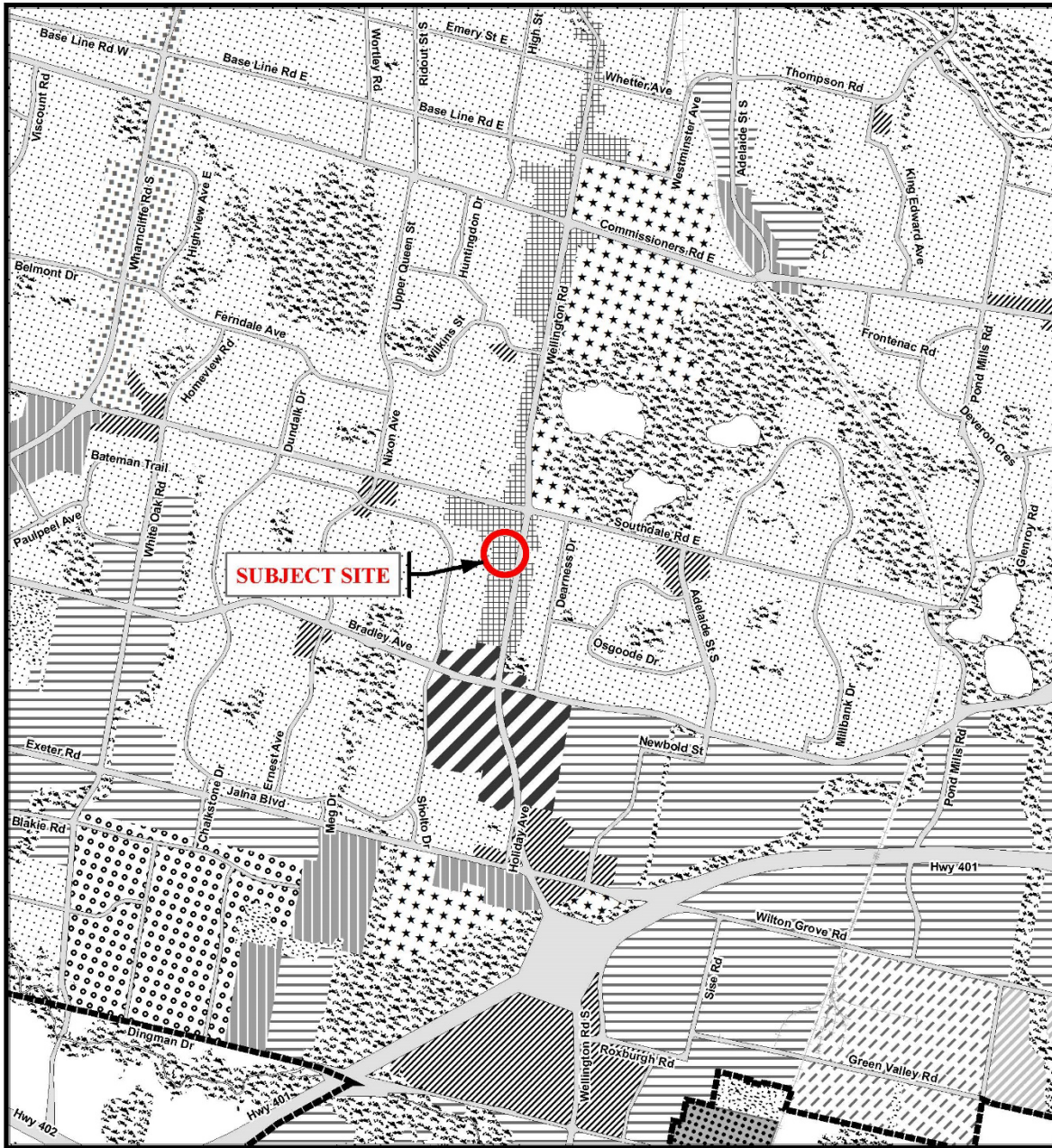
No comments.

October 27, 2022: London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix C – Relevant Background

The London Plan – Map 1 – Place Types



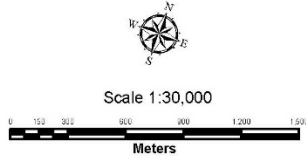
Legend

- | | | |
|------------------------|--------------------------|---|
| 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.

CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9550
Planner: BH
Technician: JI
Date: 2022/11/18

Zoning By-law Z.-1 – Zoning Excerpt



Zoning as of April 30, 2021



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: HS1/HS4

1) LEGEND FOR ZONING BY-LAW Z-1

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-9550

BH

MAP PREPARED:

2022/11/18

Jl

1:1,500

0 5 10 20 30 40

Meters

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

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Scott Mathers MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development
Subject: 600 Third Street
Public Participation Meeting
Date: January 9, 2023

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 City Centre Storage relating to the property located at 600 Third Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 24, 2023 to amend The London Plan to change the designation of the subject lands **FROM** a Light Industrial Place Type **TO** a Commercial Industrial Place Type on Map 1 – Place Types;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting January 24, 2023, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016 as amended above) to change the zoning of the subject property **FROM** a Light Industrial (LI1/LI7) Zone **TO** a Restricted Service Commercial Special Provision (RSC2/RSC4/RSC5(_)) Zone.

Executive Summary

Summary of Request

The applicant has requested to redesignate the subject site from a Light Industrial Place Type to a Commercial Industrial Place Type and rezone the subject site from Light Industrial (LI1/LI7) Zone to a Restricted Service Commercial Special Provision (RSC2/RSC4/RSC5(_)) Zone to permit a self-storage establishment as a permitted use within the existing buildings.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended London Plan amendment to redesignate the lands to a Commercial Industrial Place Type and rezone the lands to a Restricted Service Commercial Special Provision (RSC2/RSC4/RSC5(_)) Zone to permit a self-storage establishment within the existing buildings.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020, which promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses.
2. The recommended amendments conform to the policies of The London Plan, including but not limited to the Key Directions and Commercial Industrial Place Type.
3. The recommended amendments are appropriate for the site and facilitate the reuse of the existing buildings with a use that is compatible within the surrounding context.

Analysis

1.0 Background Information

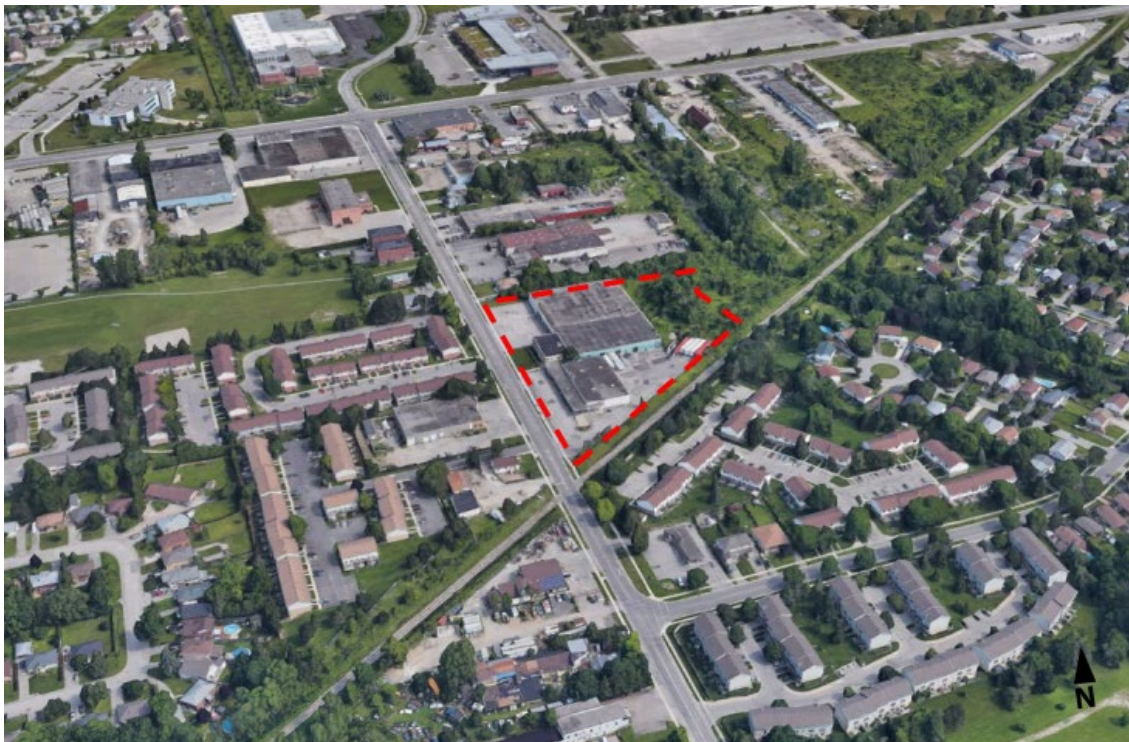
1.1 Property Description

The subject lands are located on the east side of the Third Street, south of Oxford Street and are currently within the Argyle Planning District. The site is 2.0 hectares in size with a lot frontage of 175m along Third Street and currently contains a 2-storey office building with warehouses on both sides.

Figure 1: Photo of 600 Third Street (2021)



Figure 2: Aerial View (2017)



Current Planning Information

- The London Plan Place Type – Light Industrial
- Existing Zoning – Light Industrial (LI1/LI7)
Street Frontage Classification- Neighbourhood Connector (Third Street)

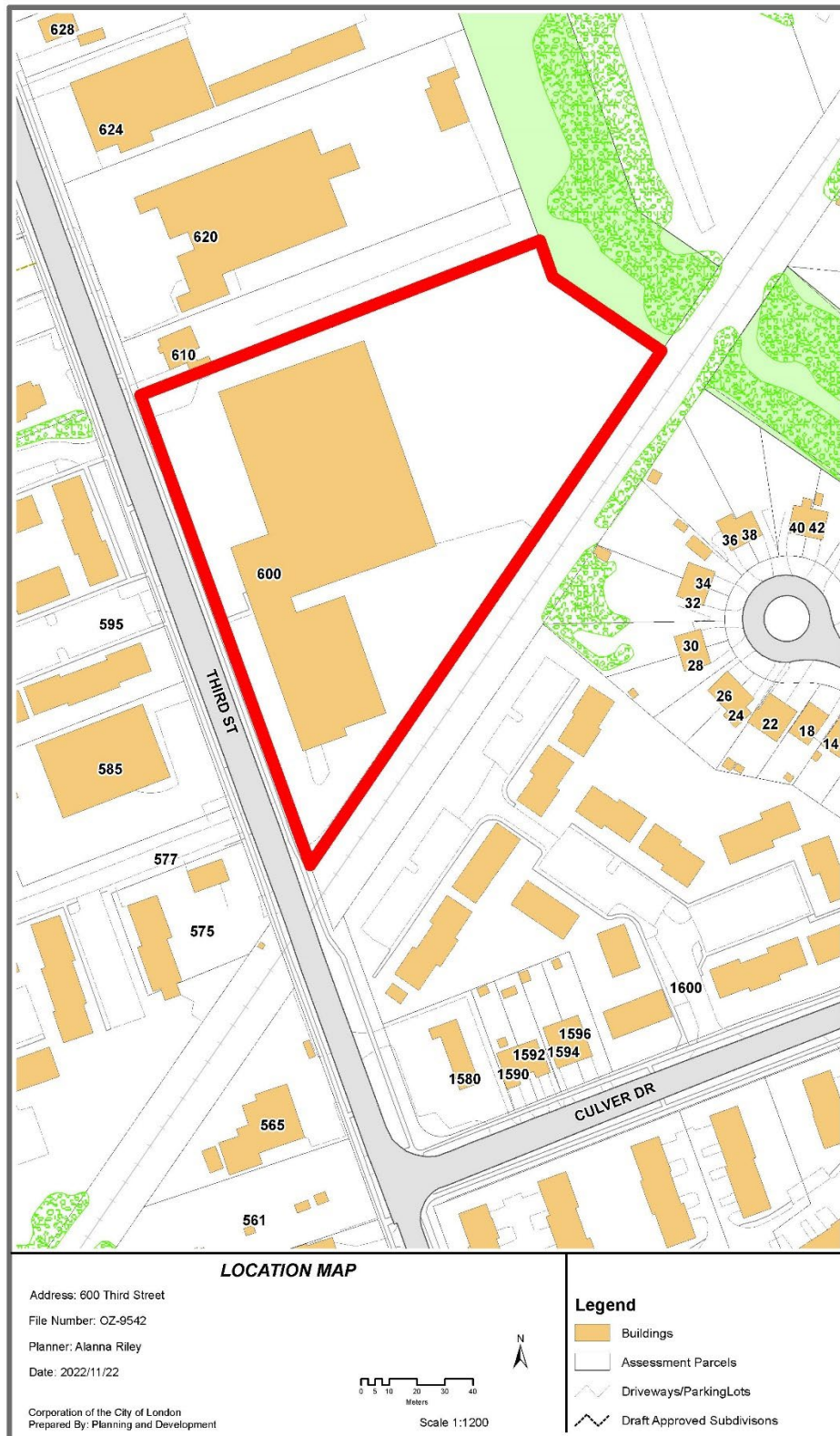
1.2 Site Characteristics

- Current Land Use – Office/Warehouses
- Frontage – 175 metres
- Area – 2 hectares
- Shape – Irregular

1.3 Surrounding Land Uses

- North – Auto-oriented service commercial/Oxford Street
- East – Open Space/Low Density Residential
- South – Railway Corridor/Low Density Residential/Light Industrial
- West – Third Street/Low Density Residential/Light Industrial

1.4 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The applicant has requested to rezone the subject lands to allow the property to be used as a self-storage facility within the existing buildings. The applicant has indicated that no exterior changes to the orientation, materials, or overall appearance of the buildings will occur and no modifications to the existing parking or access are required.

Figure 3: Existing Site



2.2 Requested Amendment

The applicant has requested to redesignate the lands from a Light Industrial Place Type to a Commercial Industrial Place Type and rezone the lands to a (RSC2/RSC4/RSC5(_)) Zone to permit a self-storage establishment as a permitted use within the existing buildings. No additional special provisions are requested or proposed to accommodate the new use and no buildings or structures are proposed as part of this application.

2.3 Community Engagement (see more detail in Appendix B)

Staff received one (1) comment during the public consultation period. The comment supported the requested amendments.

3.0 Financial Impact/Considerations

None.

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 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).

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)).

Analysis:

The recommended amendments are in keeping with the PPS 2020 as they facilitate the introduction of a use that will contribute and enhance the employment opportunities on this site and is suitable within the existing site context, and within the proposed Commercial Industrial Place Type.

The proposed use will continue to facilitate an efficient, cost-effective development pattern within an established settlement area and is compatible with the mix of light industrial, service commercial and residential uses proximate to the site and is not considered sensitive within the designated employment area.

The recommended amendments contribute to the optimization of the existing buildings and utilization of an existing site within an established industrial area while contributing to the supply of employment lands within the city.

4.2 Issue and Consideration #2: The London Plan – Key Directions

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:

- Plan to achieve a compact, contiguous pattern of growth – looking “inward and upward” (Key Direction 5.2).

The London Plan provides direction to plan strategically for a prosperous city by:

- Identify and strategically support existing and emerging industrial sectors. (Key Direction #1, Direction 9)
- Ensuring an adequate supply of employment lands (Key Direction #1, Direction 10)

The London Plan also provides direction to making wise planning decisions in existing built areas by:

- Ensuring new development is a good fit within the context of an existing neighbourhood (Key Direction #8, Direction 9)

The proposed amendments support the Key Directions listed above by allowing a Commercial Industrial use within an area of the city that currently consists of industrial buildings and services along with some commercial and residential land uses.

Additionally, the proposed amendments intend to continue supporting the growing and emerging commercial industrial sector within the existing neighbourhood and will contribute to the supply of employment lands within the city.

4.3 Issue and Consideration #3: Use

The London Plan

Policies 1104_ and 1106_ of The London Plan map a vision for Industrial Place Types to plan for a prosperous City by supporting the growth of the industrial sector to create long-term jobs and positive economic spin-offs. Policy 1104 also identifies these place types as employment areas.

The subject site is within the Light Industrial Place Type of The London Plan and is located with frontage onto a Neighbourhood Connector (Third Street). Additionally, Policy 1113_ of the London Plan identifies the City’s vision for Industrial Place Types and mentions that commercial uses that do not fit well within our commercial and mixed-use place types to be directed to commercial industrial areas.

As part of this application the site is proposed to be amended to a Commercial Industrial Place Type to permit a self storage establishment. A self-storage establishment is a permitted use with the Commercial Industrial Place Type (Policy 1119_) which is unlikely to impose significant impacts on surrounding industrial land uses as the self-storage will be within the existing buildings.

Analysis:

Consistent with The London Plan, the recommended amendments will continue to contribute to the supply of existing industrial uses within the area. Furthermore, the proposed use directly contributes to the city’s supply of employment lands while utilizing the existing building stock (currently vacant) and providing similar and compatible land uses to the surrounding neighbourhood.

At this location, a self-storage establishment is unlikely to impose significant impacts on surrounding properties. Given the site contains existing warehouses and an office, staff do not see any issues facilitating the change to permit a self-storage establishment within the existing buildings.

The Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (Policy 1578_). This has been provided in Appendix 'D' to address impacts of the proposed use on surrounding lands.

4.4 Issue and Consideration #4: Intensity

The London Plan

For all Industrial Place Types, The London Plan encourages industrial uses to utilize land efficiently (Policy 1124_1)

Also, Policy 1124_2 states that applications will be evaluated to ensure that the intensity of industrial uses may be moderated by zoning where appropriate to limit the extent of their impacts. Furthermore, buildings within the Commercial Industrial Place Type will not exceed 2-storeys.

Analysis:

The proposed intensity is considered appropriate at the proposed location given the existing site context. Given that no new buildings or structures are proposed, the proposed self-storage establishment within the existing buildings is anticipated to have minimal impact on surrounding properties.

The existing buildings and site layout are sensitive to their surroundings, provide sufficient separations and buffers to the surrounding industrial, commercial and residential uses, and provide a transition of intensity from other uses. The site is appropriately sized to accommodate the proposed use with no additional special provisions required. It should be noted that the Upper Thames Conservation Authority has indicated they are aware that unauthorized grading works have occurred on the site without a Conservation Authorities Section 28 permit. A permit is requirement for the completed works, or alternatively pull back the existing development and re-vegetate the area within 15m from the top-of-bank of the adjacent watercourse. This has been noted in the recommendation of this report.

Overall, the potential increase in intensity on the subject lands is considered minimal as the uses are restricted to the existing built form and site conditions. This additional use will bring additional viability to the existing site contributing to the efficient use of public infrastructure, services, and facilities and provides a cost-effective development solution.

As such, staff is satisfied the proposed intensity is in conformity with The London Plan.

4.5 Issue and Consideration #5: Form

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (Policy 7_, Policy 66_), and encourages growing "inward and upward" to achieve compact forms of development (Policy 59_2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms that take advantage of existing services and facilities (Policy 59_4.).

The subject site is proposed to be redesignated to the Commercial Industrial Place Type. In the London Plan the form policies state City Council may prepare urban design guidelines to establish design goals and direction for new industrial development. The policies further address large open storage areas, landscaping, corridors, loading facilities, and site and building layout (Policy 1125_).

In addition to these policies above, as mentioned, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (Policy 1578_). This is in Appendix 'D' of this report.

Analysis:

As discussed above, the proposal is for a self-storage establishment within the existing buildings with no changes to the orientation, materials, or overall appearance of the buildings and no modifications to the existing parking or access are required.

The existing built form is generally in keeping with these design considerations and the buildings have proven over time to be compatible and a good fit within the area. The site layout in combination with the location and massing of the buildings is consistent with urban design goals at the time of development. The proposed new use will result in minor modifications (signage and paint) to the exterior of the buildings while the existing site conditions will be maintained ensuring the continuation of a compatible form of development which has proven to be a good fit within the surrounding context.

Furthermore, the existing buildings were positioned and oriented on the subject lands to minimize the impact on surrounding land uses through a previous site plan approval. The proposed self-storage establishment will not present any significant land use conflicts with the surrounding area.

4.6 Issue and Consideration #6: The London Plan Amendment

To ensure the proposal complies with The London Plan the applicant has requested an amendment from the Light Industrial Place Type to the Commercial Industrial Place Type.

The subject property is currently designated Light Industrial, which states that permitted land uses in this place type include a broad range of industrial uses that are unlikely to impose significant impacts on surrounding light industrial land uses due to their emissions. This Policy also identifies warehouses, small-scale service offices, accessory uses, and service trades and contractor shops as permitted uses (Policy 1115_). A self-storage establishment is not a permitted use within this place type however, is permitted in the Commercial Industrial Place Type.

Lands designated Commercial Industrial form part of the City's industrial sector, which also includes the Light Industrial and Heavy Industrial place types. However, the Commercial Industrial Place Type is specifically intended to accommodate commercial uses that do not fit well within commercial and mixed-use place types of the Plan, and that permitted commercial uses are to have a tolerance for planning impacts created by the limited light industrial uses that are also permitted in the place type (Policy 1112_).

In Staff's opinion the proposed Official Plan amendment is appropriate and aligns with the objectives and permissions in the Commercial Industrial Place Type. The change in designation will provide the site the ability to accommodate a range of land uses which more appropriately reflect the intended use of the site and provide for a better fit within the existing buildings and the context of the area. Along with this, applying this place type will continue to support the Industrial nature of the area while allowing a range of uses that create fewer impacts and are considered more compatible with the mix of existing uses in the area. Additionally, the amendment maintains the employment land status of the subject site. The designation also provides the site the ability to redevelopment in the future with uses, intensity and forms which would remain compatible with the surrounding context. Furthermore, the proposed redesignation has been evaluated, in the context of the Evaluation Criteria for Development application policies of the Our Tools Section of the London Plan.

It is staff's opinion that redesignating the site to a Commercial Industrial Use to support the use of a self-storage establishment within the existing buildings is appropriate for the subject site.

4.7 Issue and Consideration #7: Zoning

The proposed self-storage establishment within the existing buildings require special provisions to recognize the existing built form and site conditions, including landscaping, side yards and coverage. These special provisions include:

- A minimum interior side yard of 6.6 m whereas 7.5 m is required adjacent to a residential zone;
- A minimum landscaped open space of 5.5% whereas a minimum of 15% is required where a mix of industrial/commercial uses are proposed; and
- A maximum lot coverage of 32% whereas a maximum of 30% is permitted

In the Restricted Service Commercial Zone, minimum yard depths are established relative to building height resulting in larger setbacks for taller buildings. However, when the buildings were constructed on site a smaller south interior side yard setback was to accommodate access and parking. That being said, staff have no concerns with the existing building setbacks.

The existing south interior side yard depth is able to provide adequate separation between the proposed development and adjacent buildings, while also providing access to the rear yard. This interior side yard abuts a railway line with a substantial setback to the residential to the south. Further, the buildings have proven over time to be compatible and a good fit within the area. Notwithstanding this, at such time the site redevelops, building location, setbacks, landscaping and coverage will be evaluated to incorporate current site design standards.

Staff is satisfied that the special provisions recognize existing conditions and is a good adaptive use of the site until a comprehensive redevelopment of the property is contemplated.

Conclusion

The recommended amendments are consistent with the Provincial Policy Statement, 2020 and conform to the policies of The London Plan. The recommended amendments would facilitate the continuation of industrial type uses within an established industrial area, would contribute to the long-term employment and economic vibrancy for the City, and are not anticipated to cause any significant impacts on surrounding properties. As such, the proposed use is considered appropriate and is being recommended for approval.

Prepared by: Alanna Riley, MCIP, RPP Senior Planner, Planning & Development

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Britt O'Hagan, MCIP, RPP
Acting Director, Planning and Development

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

Appendix A – London Plan Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. C.P.-1284-
A by-law to amend The London Plan
relating to 600 Third Street.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan, 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 January 24, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 24, 2023
Second Reading – January 24, 2023
Third Reading – January 24, 2023

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 the subject lands from a Light Industrial Place Type to a Commercial Industrial Place Type on Map 1 – Place Types.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 600 Third Street in the City of London.

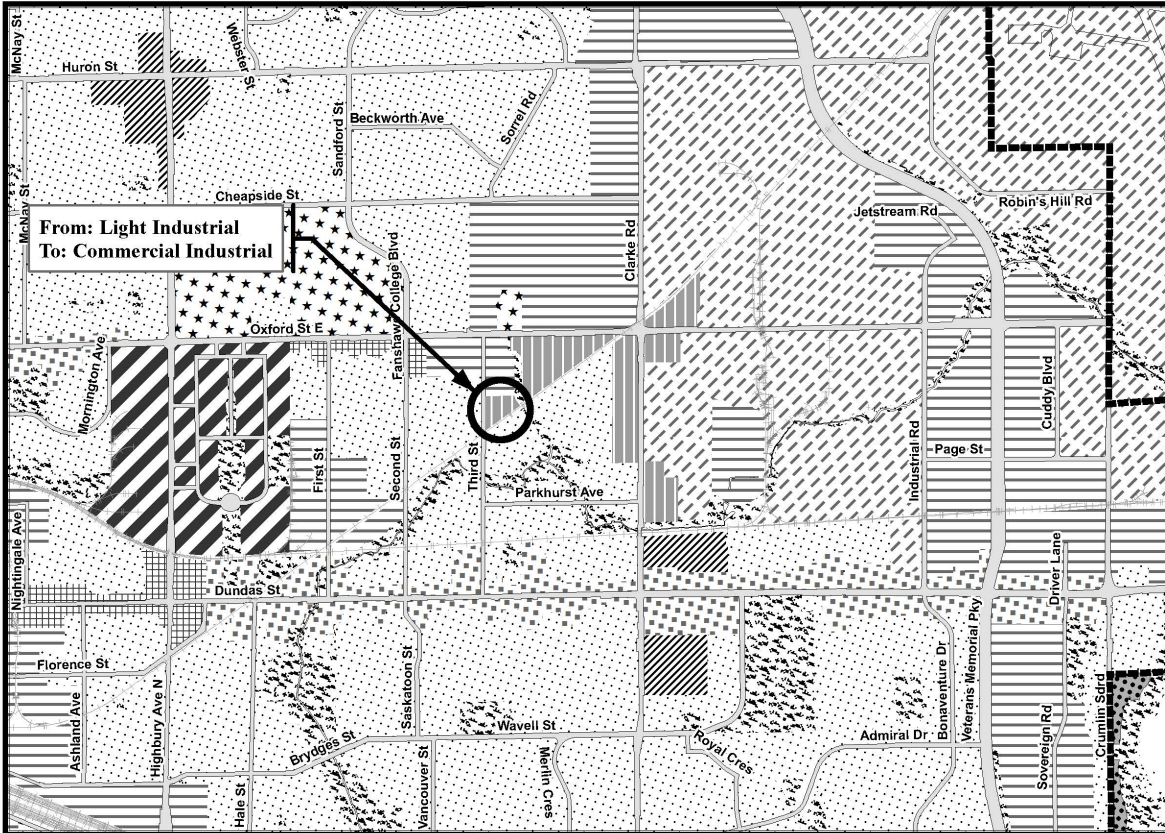
C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the PPS and the in-force policies of The London Plan. The recommended amendment facilitates the continued use of a site within an existing industrial area. The recommended use will contribute to the supply of employment lands and industrial uses within the area.

D. THE AMENDMENT

The London Plan is hereby amended as follows:

1. Map 1 – Place Types, of The London Plan is amended by redesignating the subject lands, as indicated on “Schedule 1” attached hereto from a Light Industrial Place Type to a Commercial Industrial Place Type.



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>SCHEDULE # TO OFFICIAL AMENDMENT NO. _____</p> <p><small>PREPARED BY: Planning & Development</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9542</p> <p>PLANNER: AR</p> <p>TECHNICIAN: JI</p> <p>DATE: 11/22/2022</p>
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Appendix B – Zoning By-law Amendment

Bill No.(number to be inserted by Clerk's Office)
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 600
Third Street

WHEREAS MHBC Planning on behalf of City Centre Storage have applied to rezone an area of land located at 600 Third Street, 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 600 Third Street, as shown on the attached map comprising part of Key Map No. A108, from a Light Industrial (LI1/LI7) Zone to a Restricted Service Commercial Special Provision (RSC2/RSC4/RSC5(_)) Zone.

2. Section Number 28.4 of the Restricted Service Commercial is amended by adding the following Special Provision:

) RSC5() 600 Third Street

a) Regulations

- | | |
|---|------------|
| i) Existing South Interior Side Yard Setback
(Minimum) | 6.6 metres |
| ii) Existing Landscaped Open Space
(Minimum) | 5.5% |
| iii) Existing Lot Coverage
(Maximum) | 32% |

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.

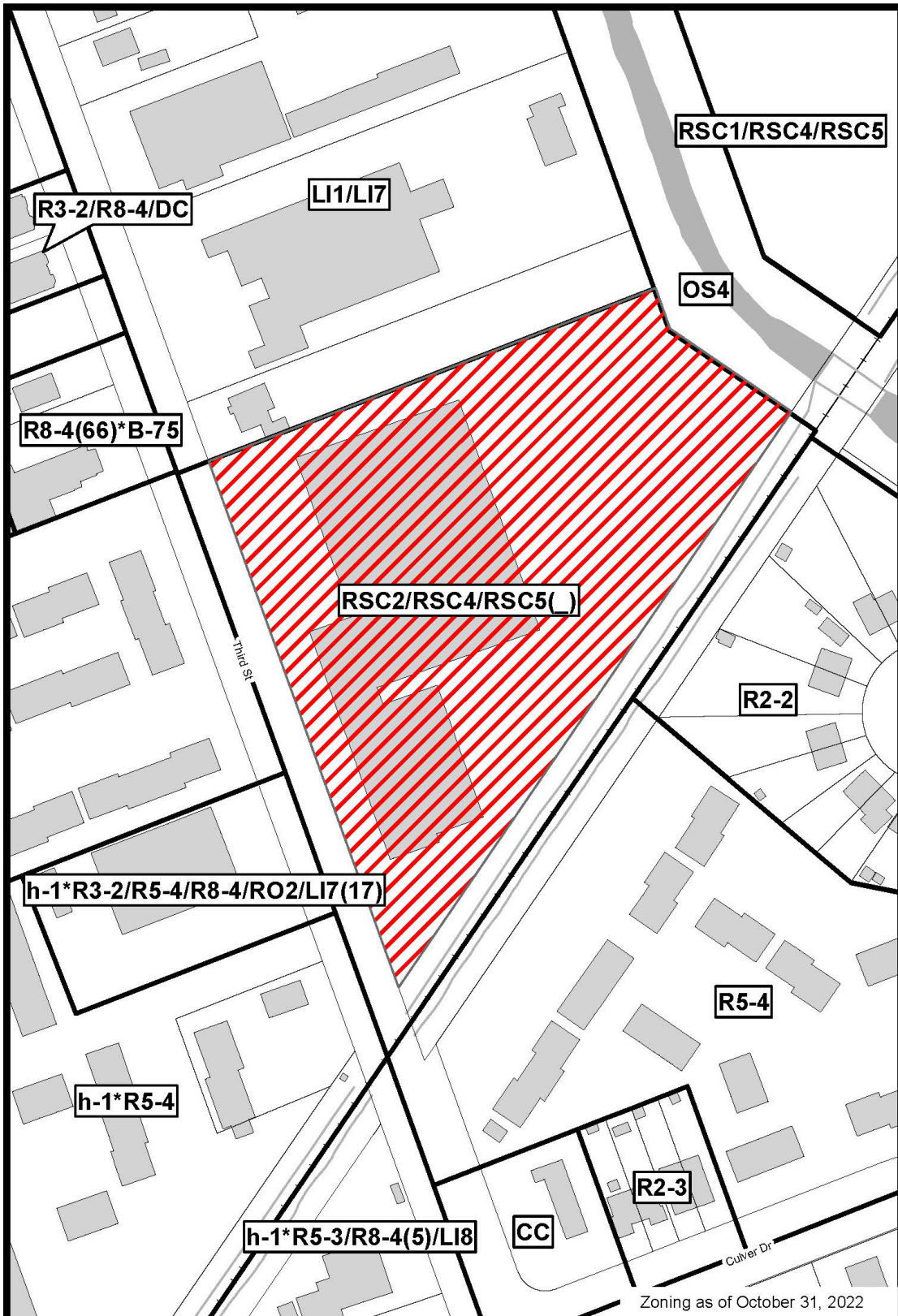
PASSED in Open Council on January 24, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 24, 2023
Second Reading – January 24, 2023
Third Reading – January 24, 2023

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



File Number: OZ-9542
Planner: AR
Date Prepared: 2022/11/22
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40
Meters



Appendix C – Public Engagement

Community Engagement

Public liaison: A Notice of Application was sent to property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner*. A “Planning Application” sign was also posted on the site.

One public comment was received in support of the application.

Nature of Liaison: The purpose and effect of this zoning change is to permit a self-storage establishment within the existing buildings. Possible change to Zoning By-law Z.-1 **FROM** a Light Industrial (LI1/LI7) Zone **TO** Restricted Service Commercial Special Provision (RSC2/RSC4/RSC5()) Zone.

Public Responses: 1

- Support

Agency/Departmental Comments

Ecology

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. There are currently no ecological planning issues related to this property and/or associated study requirements.

Engineering

Engineering has no additional comments related to the re-zoning. All comments have been provided for a future Site Plan Approval Process

Heritage

There are no heritage or ARCH issues related to this ZBA

Parks Planning

No comment, Parkland Dedication is waived for industrial uses, pursuant to By-law CP-9.

London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Site Plan

No comments

Urban Design

No comments

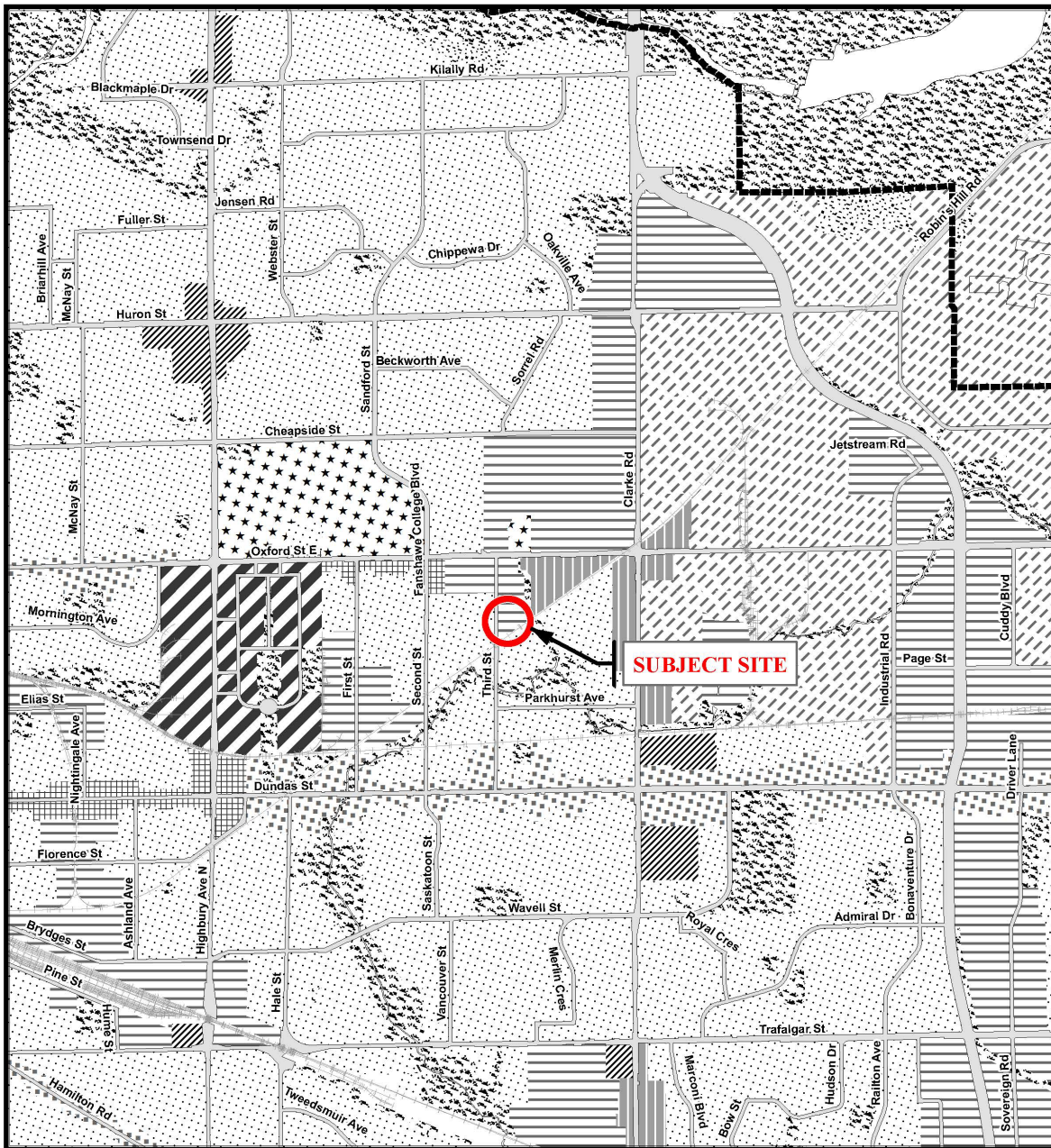
Appendix D – Evaluation Criteria

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 promotes economic development and competitiveness by providing for an appropriate mix and range of employment uses;
Conformity with the Our City, Our Strategy, City Building, and Environmental Policies of this Plan.	The proposal supports Key Directions related to the creation of a compact City and strong, healthy and attractive neighbourhoods.
Conformity with the policies of the place type in which they are located.	The proposal provides for the use, intensity and form of development that is appropriate until such time as redevelopment occurs.
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 is serviced by municipal services.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	Transportation Division has no concerns.
Noise	The proposed additional use is not expected to generate any unacceptable noise impacts on surrounding properties.
Parking on streets or adjacent properties.	The existing parking provided is considered appropriate for the site.
Emissions generated by the use such as odour, dust or other airborne emissions.	The proposed additional use will not generate noxious emissions.
Lighting	Lighting details will remain the same which were approved under the previous site plan approval.
Garbage generated by the use.	Garbage facilities will remain the same which were approved under the previous site plan approval.

Privacy	Existing adequate separations were provided between the existing buildings and surrounding properties.
Trees and canopy cover.	Through the previous site plan stage, consideration was given to the removal of some or all of the existing trees in favour of the provision of fencing in combination with new enhanced landscaping

Appendix E – Relevant Background

The London Plan – Map 1 – Place Types



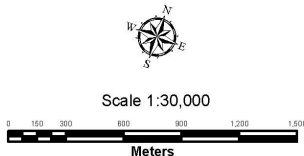
Legend

- | | | |
|------------------------|--------------------------|---|
| 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.

CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: OZ-9542
Planner: AR
Technician: JI
Date: 2022/11/22

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: L1/LI7

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

OZ-9542

AR

MAP PREPARED:

2022/11/22

Jl

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0 10 20 40 60 80

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: 1350 Trafalgar Street
Public Participation Meeting

Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of McFalls Storage o/a Forest City Storage relating to the property located at 1350 Trafalgar Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 24, 2023, 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 General Industrial (GI1(8)) Special Provision Zone **TO** a Restricted Service Commercial (RSC4(_)) Special Provision Zone.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site from a General Industrial GI1(8) Special Provision Zone to a Restricted Service Commercial (RSC4(_)) Special Provision Zone to permit a self-storage establishment within the existing building.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law amendment is to rezone the lands to a Restricted Service Commercial (RSC4(_)) Special Provision Zone to permit a self-storage establishment within the existing structure. The proposed amendment will allow the existing building on site to be used for self-storage purposes and shall accommodate the new use wholly within the existing structure with no exterior changes proposed regarding the site configuration or building footprint. Special provisions are requested to permit the existing front, interior, and rear yard setbacks, landscaped open space, and gross floor area. Changes to the currently permitted land uses and development regulations are summarized below.

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 London Plan, including but not limited to the Key Directions and Light Industrial Place Type.
3. The recommended amendment conforms to the in-force policies of the Brydges Street Area regarding commercial uses on lands within the Light Industrial Place Type.
4. The recommended amendment would facilitate the reuse of an otherwise underutilized industrial warehouse within an existing area that already facilitates both industrial and commercial uses.
5. The proposed amendment will assist in transitioning the area south of the railway corridor to commercial-oriented uses which are appropriate for the existing mixed-use landscape.

Analysis

1.0 Background Information

1.1 Property Description

The subject lands are located northeast of the Highbury Avenue North and Trafalgar Street intersection, directly south of the Canadian National Railway tracks and within the Hamilton Road Planning District. The site is 1.2 hectares in size at the intersection of Trafalgar Street and Highbury Avenue North, with frontage onto Highbury Avenue North (97.7m). The existing industrial building on site currently contains both industrial and retail uses, while the remainder of the lands are comprised of hardscaped/gravel surface area parking and outdoor storage areas.



Figure 1: Photo of 1350 Trafalgar Street from Trafalgar Street



Figure 2: Photo of 1350 Trafalgar Street from Highbury Avenue North (frontage)

1.2 Current Planning Information

- The London Plan Place Type – Light Industrial
- Brydges Street Specific Policy Area
- Existing Zoning – General Industrial (GI1(8))
- Street Classification- Civic Boulevard (Trafalgar Street), Urban Thoroughfare (Highbury Ave North)

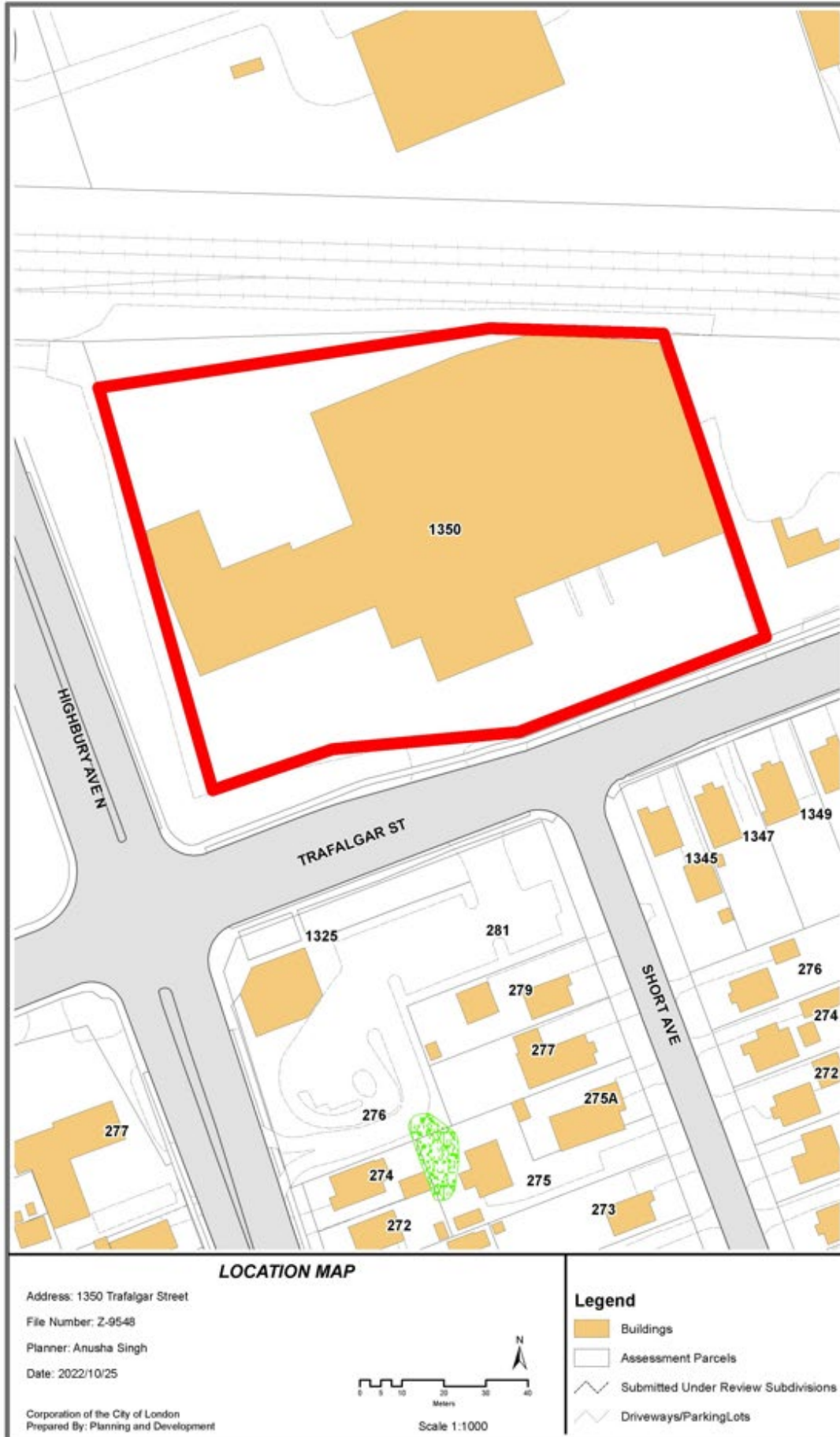
1.3 Site Characteristics

- Current Land Use – Industrial Building (containing industrial, retail, and self-storage uses)
- Frontage –Highbury Avenue North (97.7m)
- Area –1.2 hectares
- Lot Coverage – 51%
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Industrial and CN Railway Tracks
- East – Former Industrial Lands and Residential
- South – Commercial and Residential
- West – Commercial

1.5 Location Map



2.0 Discussion and Considerations

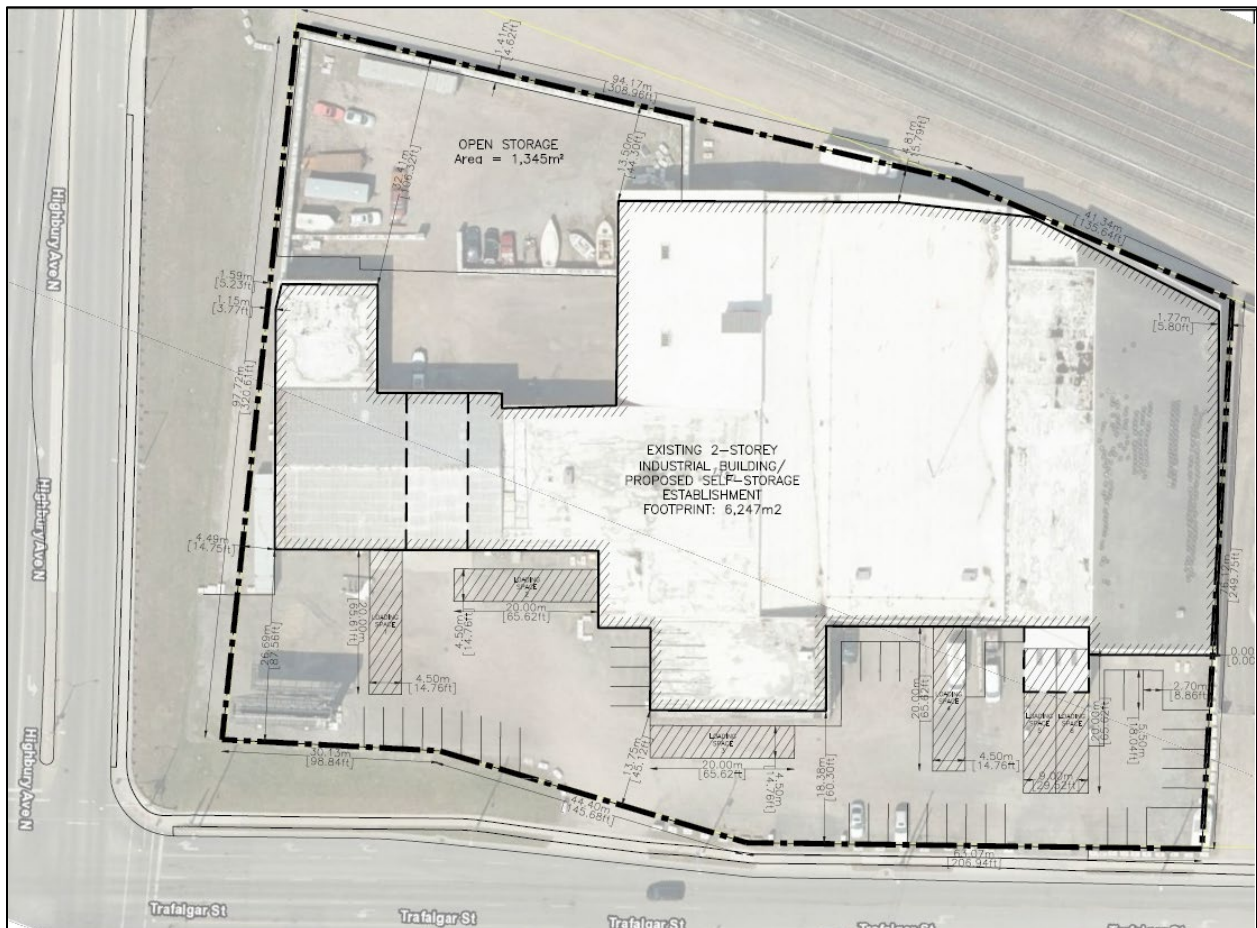
2.1 Development Proposal

The applicant has requested to rezone the subject lands to allow the existing building to be re-used to accommodate a self-storage establishment. No exterior changes to the subject lands are proposed save and except for repurposing of existing signage and landscaping.

Figure 2: Existing Site Conditions (Aerial View)



Figure 3: Proposed Site Plan (All changes to remain within the existing building)



2.2 Requested Amendment

The applicant has requested to rezone the lands to a Restricted Service Commercial Special Provision (RSC (□)) Zone to allow the entire building on site to be re-used for a self-storage establishment. Special provisions are requested to permit the existing front, interior, and rear yard setbacks, landscaped open space, and gross floor area.

2.3 Community Engagement (see more detail in Appendix B)

No comments were received from the public on this file.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: PPS 2020

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). Land Use patterns within these areas shall also be based on densities and a mix of land uses which are transit supportive where transit exist and support active transportation (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 diversity, 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)).

The recommended amendment is in keeping with the PPS 2020 as it will permit a compatible use within an existing building to broaden the range of uses in the area, meet the long-term needs of the community, and promote a more diverse economic base. The recommended amendment contributes to a land use pattern that makes efficient use of existing land and resources within a settlement area and is appropriate for the available infrastructure (avoiding the need for unjustified and uneconomical expansion).

4.2 Issue and Consideration #2: Key Directions, Use, Intensity and Form

The London Plan

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as

a foundation to the policies of the Plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction for making wise planning decisions by:

- Thinking “big picture” and long-term when making planning decisions – considering the implications of a short-term and/or site-specific planning decision within the context of this broader view. (Key Direction #8, Direction 3)
- Ensuring new development is a good fit within the context of an existing neighbourhood. (Key Direction #8, Direction 9)

The London Plan also provides direction for building a mixed-use compact city for London’s future by:

- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward. (Key Direction #5, Direction 4)

The area surrounding the subject lands, south of the CN railway tracks, primarily consists of low-rise residential and commercial uses that cater to the surrounding community. The proposed rezoning supports these Key Directions by requesting permission to allow a commercial-industrial use on a remnant industrial parcel (south of the CN Railway tracks) that would further support the transition of the lands from industrial to commercial uses to better serve the surrounding community. The proposed amendment intends to re-use the existing building and parking area to facilitate a self-storage establishment that would meet the needs of the nearby residential properties, whilst making use of an existing built form that already utilizes existing services and facilities.

The site is located within the Light Industrial Place Type of The London Plan at the intersection of a Civic Boulevard (Trafalgar Street) and an Urban Thoroughfare (Highbury Avenue North) as identified on Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within the Light Industrial Place Type at this location include a broad range of industrial uses that are unlikely to impose significant impacts on surrounding industrial land uses due to emissions such as noise, odour, particulates, and vibration. Uses with large amounts of open storage may not be permitted dependant on the character of the surrounding industrial area or any applicable guideline documents (The London Plan, Policy 1115_ (1 and 2)). The London Plan also includes regulations for all industrial areas and specifies that large open storage areas will be screened with fencing and landscaping that is appropriate within the surrounding context and view corridors (The London Plan, Policy 1125_ (5)).

The site is also located within a Specific Policy Area for the Brydges Street Area which anticipates and allows for a transition to compatible commercial uses (1140A). The London Plan outlines policies specific to lands that are transitioning from industrial uses within areas that were formally dominated by industrial lands. The policy specifies that on remanent industrial parcels that exist within residential neighbourhoods, the repurposing of these parcels will be supported in locations where they are no longer compatible with surrounding land uses (The London Plan, Policy, 1121).

Policy 1121_ of the London Plan identifies the City’s vision for parcels transitioning from Industrial uses and mentions that the repurposing of such parcels will be supported for land uses that are compatible with the neighbourhood context. 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 the 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.

The subject site is within the Light Industrial Place Type of The London Plan and is located at the intersection of Highbury Ave N and Trafalgar Street which are considered

an Urban Thoroughfare and a Civic Boulevard, respectively, within The London Plan. At this location, a range of low to medium impact industrial uses that are unlikely to impose significant impacts on surrounding properties regarding noise, odour, vibration, or particulates may be permitted. A limited range of commercial uses that meet the criteria outlined in policy 1140A of The Brydges Street Area policies (and mentioned below) will also be permitted.

Brydges Street Area

The subject site is located within the Brydges Street Specific Policy Area of The London Plan. Within the Brydges Street Area, a limited number of commercial uses may be permitted through a site-specific zoning by-law amendment provided the following conditions can be met:

1. The commercial use is located within an existing building.
2. Additions to or enlargement of the building to accommodate commercial uses will be discouraged. Substantial additions or alterations to existing buildings to accommodate commercial uses will not be permitted.
3. The commercial use does not fit well within the Downtown, Transit Village, Rapid Transit Corridor, Urban Corridor, Shopping Area or Main Street Place Type due to its planning impacts.
4. The commercial use may generate noise, vibration, or emission impacts.
5. The commercial use may generate large volumes of truck traffic.
6. The commercial use may require large storage and/or display space.
7. Minor variances to accommodate additional parking or minor variances that could have an impact on the industrial operations in the area will be discouraged.
8. The commercial use would not prevent the future re-use of the building for industrial uses.
9. The commercial use does not generate significant additional traffic that will interfere with the industrial uses or operations in the area.
10. The commercial use does not constitute a sensitive land use which would have an impact on or would impair or interfere with the existing or planned industrial use of the area.

The objective of the area-specific policies is to provide for a range of commercial land uses that are typically not suitable for other commercial areas within the City (The London Plan, 1140A). In 2017, following the Industrial Lands Development Strategy, it was concluded that industrial lands within the interior of the city (like the Brydges Street Area) have been seen to struggle to attract new industrial users. The criteria outlined above is intended to attempt and maintain the existing building stock within this area and to ensure that any commercial uses that do locate within the Brydges Street Area do not negatively impact existing or future industrial or residential uses. Moreover, commercial uses that meet the criteria above are generally inappropriate to be located along main streets or within commercial plazas (Policy 1140A (3)). Allowing the location of such commercial uses within the Brydges Street Area aids in decreasing the amount of underutilized and vacant industrial buildings within the city whilst maintaining the existing building stock should new industrial users be attracted to the area in the future. Commercial uses which are permitted should not outright prevent the existing industrial buildings from being reconverted into industrial uses but should instead aim to aid the transition of a property from industrial to commercial (and vice versa) depending on the context of the surrounding area. Generally, commercial uses will only be permitted within the Brydges Street Area if they are located within an existing building, will not negatively impede on the operations of the industrial uses in the area, and would not prevent the re-use of the building for industrial uses in the future.

Consistent with the Brydges Steet Area Specific Policy Area under The London Plan, the recommended self-storage establishment fulfils all the criteria required under Policy 1140A and is considered an appropriate commercial-industrial use for the lands given the surrounding context. The proposed use will be fully contained within the existing building footprint and would not require the expansion or addition of built form on the property, thereby allowing the building to be re-used for potential industrial purposes in the future. The proposed self-storage establishment is also intended to support the needs of the surrounding residential area whilst providing for a more compatible use south of the CN railway tracks, where lands have already transitioned from industrial uses to residential, commercial, and commercial-industrial uses over time.

Given that no additions or exterior alterations to the existing building are proposed and given that some of the uses within the existing building are already non-industrial in nature, the proposed self-storage establishment is anticipated to have minimal impact on surrounding properties regarding intensity and form and is appropriate for the location given the existing context. The existing area located within the interior side yard and identified as “open storage” on Figure 3 is also currently screened to prevent visual impacts from Highbury Avenue. As mentioned above, special provisions to recognize the gross floor area, front, interior, and rear yard setbacks of the existing building as well as the existing landscaped open space are also required to ensure that the site configuration and existing building footprint are not altered.

4.3 Issue and Consideration #3: Adjacency to the CN Main Railway Line

Policy 1772 of The London Plan outlines rail and pipelines policies for properties within close proximity to an existing railway line. Specifically, the policy directs that all proposed development adjacent to railways will provide appropriate safety measures such as setbacks, berms, and security fencing, to the satisfaction of the City in consultation with the appropriate railway (The London Plan, Policy 1772_1). As part of the circulation for this application, the proposal was circulated to the Canadian National Railway, full comments of which are provided under Appendix B of this report.

Based on comments received from the CN Railway, the following protective measures were considered to be requirements for non-residential uses adjacent to the Main Rail Lines:

- A minimum 30 metre setback is required for vehicular property access points from at-grade railway crossings. If not feasible, restricted directional access designed to prevent traffic congestion from fouling the crossing may be a suitable alternative
- A chain link fence of minimum 1.83 metre height is required to be installed and maintained along the mutual property line. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.
- Any proposed alterations to the existing drainage pattern affecting Railway property require prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- For sensitive land uses such as schools, daycares, hotels etc, the application of CN's residential development criteria is required.

The proposed self storage establishment is not considered a sensitive land use and the applicants are not intending to implement any exterior alterations or additions to the existing building. As development already exists on site (with no known issues from the CN railway or abutting properties) and as the proposed self-storage use is not expected to generate an increase in traffic, noise, or odour to the area than already exists, the proposal can be considered appropriate for its location and is not anticipated to negatively impact (or be impacted by) the adjacent railway. Furthermore, as municipal

services already exist on the property, the City's Engineering Department has expressed no concern or comment in regard to drainage pattern or additional site requirements to accommodate the new use.

4.3 Issue and Consideration #4: Zoning

The applicant has requested to rezone the lands from the existing General Industrial Special Provision (G1(8)) Zone to a Restricted Service Commercial Special Provision (RSC ()) Zone. The intent is to permit a self-storage establishment within the existing building on site.

The existing GI1 zone variation permits a broad range of industrial activities which are appropriate in large industrial areas, or areas not adjacent to sensitive land uses. The RSC4 Zone is intended to permit a range of moderate intensity commercial uses and trade service uses which may require significant amounts of land for outdoor storage or interior building space and a location on major streets.

The subject site is located at the intersection of an Urban Thoroughfare (Highbury Ave North) and Civic Boulevard (Trafalgar Street) which are both considered "major streets" within the City of London's Official Plan. The surrounding area consist mostly of residential and commercial uses that cater to the surrounding community. For this reason, staff believe that the proposed RSC4 zone would permit a range of commercial and trade service uses that are suitable for the location and are more compatible with the context of the surrounding area than uses permitted within the General Industrial Zone. Self-Storage establishments can also be considered a commercial-industrial use that requires large amounts of land and interior building space for storage-related purposes and therefore fits the intent and purpose of the Restricted Service Commercial Zone. Furthermore, the proposed special provisions aim to recognize the existing site conditions, will effectively allow for proper functionality of the proposed use without the need for exterior changes or expansions, and will restrict the types of permitted uses to those allowed within the RSC4 that are considered commercial-industrial in nature.

As such, staff are of the opinion that the proposed Restricted Service Commercial (RSC4()) Special Provision Zone is appropriate for the site and would permit a range of commercial-industrial uses that are compatible with the surrounding area.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan for the Light Industrial Place Type and Brydges' Street Area. The recommended Amendment would facilitate the utilization of an existing building on an underutilized industrial parcel of land within an area that is dominated by commercial-industrial, fully commercial, and residential land uses. The recommended amendment would also succeed in broadening the range and mix of uses within the area to further support the needs of the surrounding community. As such, the proposed use is considered appropriate and is being recommended for approval.

Prepared by: Anusha Singh
Planner I

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Britt O'Hagan, 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)
2023

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 1350
Trafalgar Street

WHEREAS McFalls Storage o/a Forest City Storage has applied to rezone an area of land located at 1350 Trafalgar Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1350 Trafalgar Street, as shown on the attached map comprising part of Key Map No. A108, from a General Industrial Special Provision (GI1(8)) Zone TO a Restricted Service Commercial Special Provision (RSC4(_)) Zone.
- 2) Section Number 28.3 of the Restricted Service Commercial (RSC) Zone is amended by adding the following Special Provisions:

RSC4 () 1350 Trafalgar Street

a) Permitted Uses

- i) Self-Storage Establishments
- ii) Bake Shop
- iii) Brewing on premises establishments
- iv) Duplicating shops
- v) Automobile repair garage
- vi) Automotive uses, restricted

b) Regulations

- | | |
|---|-----------------------|
| i) Front Yard Depth (Minimum) | 1.1 metres (3.6 feet) |
| ii) Rear Yard Depth (Minimum) | 0.0 metres (0.0 feet) |
| iii) Interior Side Yard Depth (Minimum) | 0.0 metres (0.0 feet) |
| iv) Landscaped Open Space (%) (Minimum) | 0 |
| v) Gross Floor Area (m2) (Maximum) | 6,247 (as existing) |
| vi) Open Storage (%) (Maximum) | 11 |
| vii) The minimum front (west) and interior (north) side yard setbacks for open storage shall be 0m (0 feet) | |

- viii) The permitted uses identified in a) above shall be restricted to the existing building.

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

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

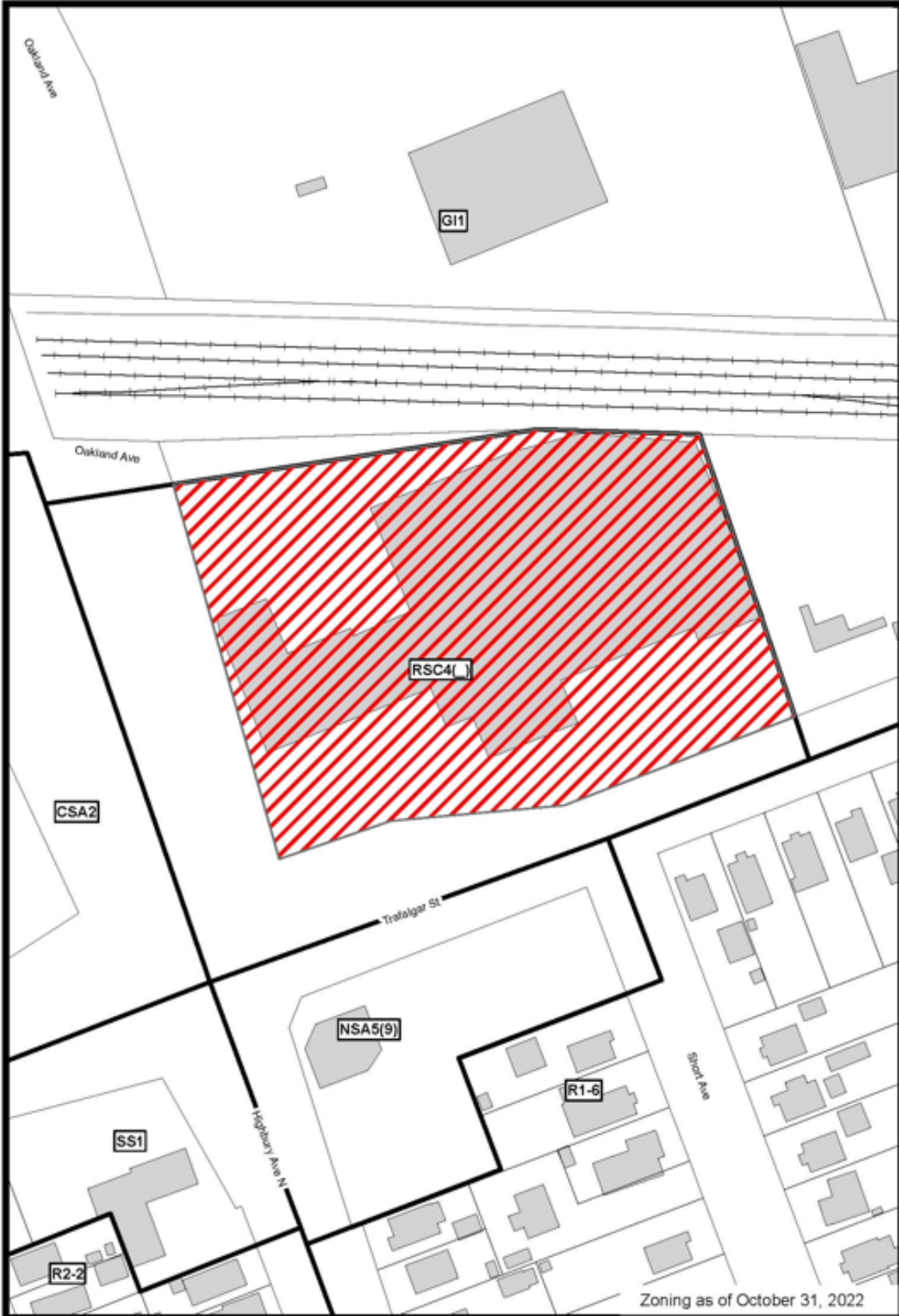
PASSED in Open Council on January 24, 2023

Josh Morgan
Mayor


Michael Schulthess
City Clerk

First Reading – January 24, 2023
Second Reading – January 24, 2023
Third Reading – January 24, 2023

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



File Number: Z-9548
Planner: AS
Date Prepared: 2022/11/15
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:1,200

0 5 10 20 30 40
Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On October 5, 2022, Notice of Application was sent to property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 6, 2022. A “Planning Application” sign was also posted on the site.

No public comments were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit an outdoor storage depot/ transport terminal. Possible change to Zoning By-law Z.-1 **FROM** a General Industrial (GI1(8)) Special Provision Zone **TO** a Restricted Service Commercial (RSC4(_)) Special Provision Zone.

Public Responses: 0

Agency/Departmental Comments

October 17, 2022: CN Railway

CN recommends the following protective measures for non-residential uses adjacent Main Lines (note some are requirements):

- A minimum 30 metre building setback, from the railway right-of-way, in conjunction with a 2.5 metre high earthen berm or 2.0 metres for a secondary main line, is recommended for institutional, commercial (ie. office, retail, hotel, restaurants, shopping centres, warehouse retail outlets, and other places of public assembly) and recreational facilities (i.e. parks, outdoor assembly, sports area).
- A minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).
- A minimum 30 metre setback is required for vehicular property access points from at-grade railway crossings. If not feasible, restricted directional access designed to prevent traffic congestion from fouling the crossing may be a suitable alternative.
- A chain link fence of minimum 1.83 metre height is required to be installed and maintained along the mutual property line. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.
- Any proposed alterations to the existing drainage pattern affecting Railway property require prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- While CN has no noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated (hotel, laboratory, precision manufacturing). It may be desirable to retain a qualified acoustic consultant to undertake an analysis of noise and vibration, and make recommendations for mitigation to reduce the potential for any adverse impact on future use of the property.
- For sensitive land uses such as schools, daycares, hotels etc, the application of CN’s residential development criteria is required.
- There are no applicable noise, vibration and safety measures for unoccupied buildings, but chain link fencing, access and drainage requirements would still apply.

October 5, 2022: Landscape Architecture

I have no comments on this Notice of Planning Application for Zoning By-Law Amendment

October 17, 2022: Parks Planning

Parkland dedication is waived as per CP-9 Bylaw Section 2.1.3

October 17, 2022: Ecology

There are currently no ecological planning issues related to this property and/or associated study requirements. 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.

October 19, 2022: Urban Design

There are no urban design related comments regarding the ZBA for 1350 Trafalgar Street. As this site previously received urban design comments from PAC, the following comments are to further be addressed.

- Since there are no proposed changes to the building exterior or the site at this time, there are no UD comments related to the existing structure.
- Consider improving the surface parking and loading areas conditions with asphalt and/or landscaping.

October 25, 2022: UTRCA

The UTRCA has no objections or requirements for this application.

October 26, 2022: Site Plan

Site Plan Approval is not required for this application as no exterior changes are occurring. I've looked into this a bit further and based on the definition of front yard, the open storage area is in line with the main wall of the building. The other thing with this one is that they have a trailer in the front yard. If we did the special provision to permit front yard open storage (even existing), it would technically allow the trailer which should be relocated.

Based on this, the special provision can be removed for open storage in the front yard.

October 26, 2022: Engineering

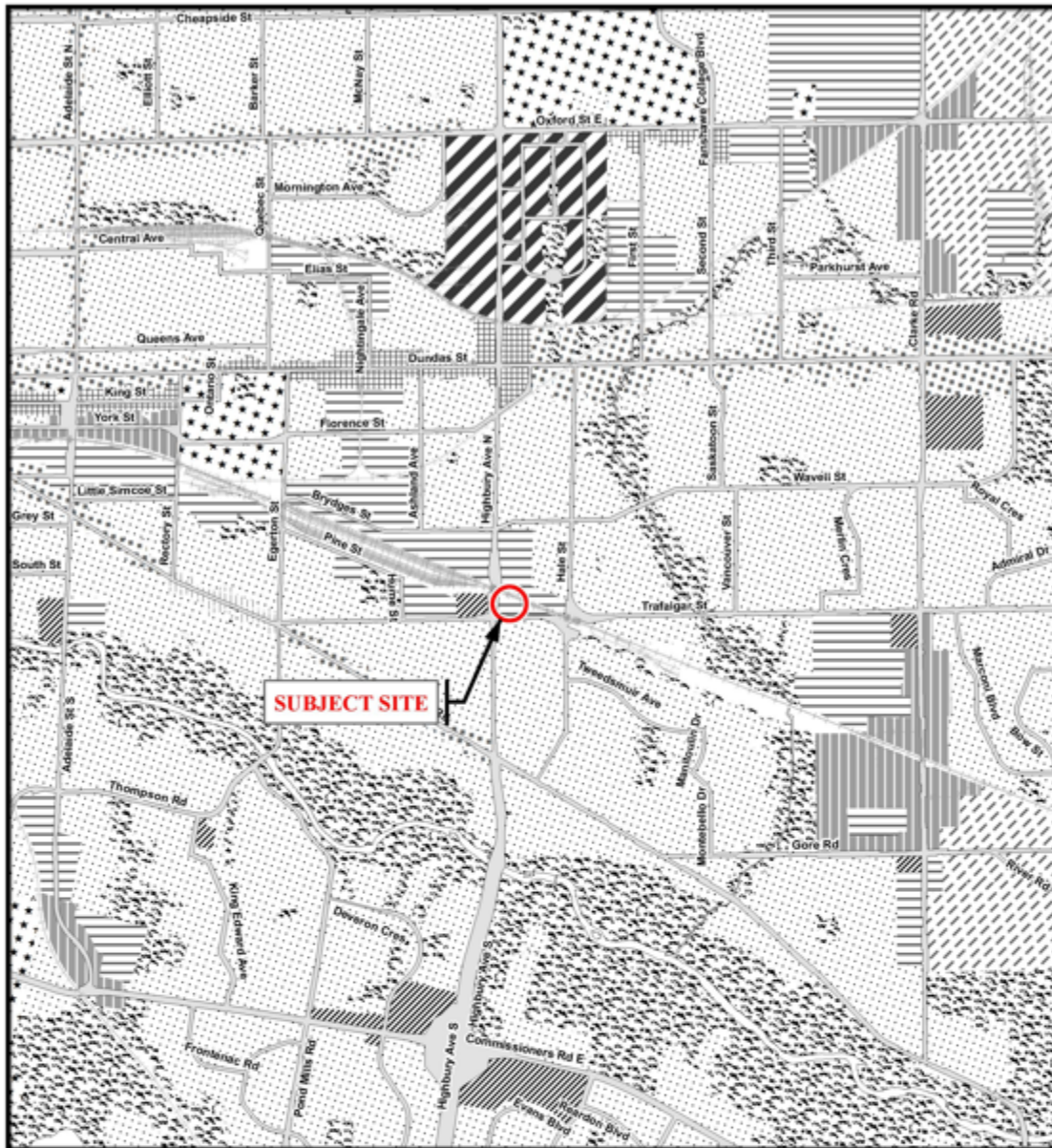
Engineering has no concerns/comments with the re-zoning since there are no exterior/interior changes proposed.

October 27, 2022: London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix C – Relevant Background

The London Plan – Map 1 – Place Types



Legend

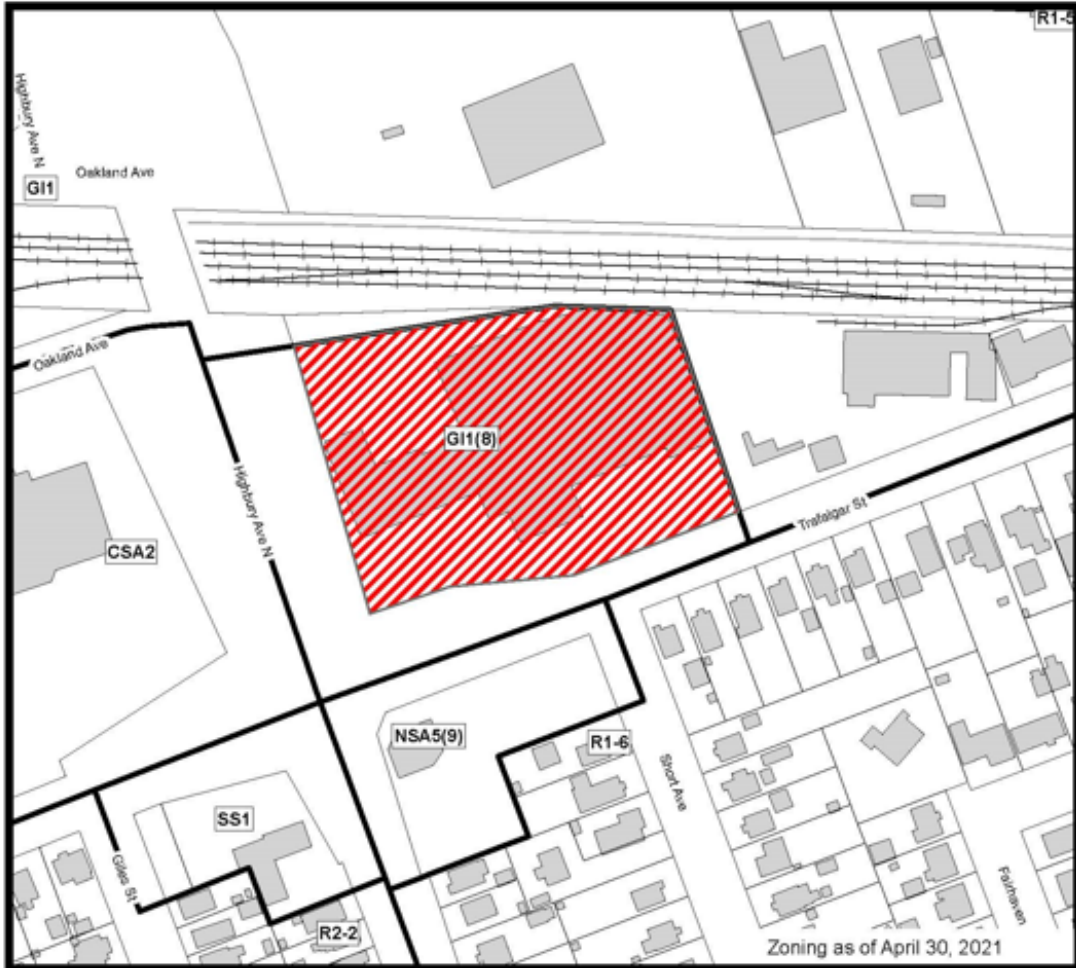
Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	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>CITY OF LONDON Official Plan</p> <p>LONDON PLAN MAP 1 - PLACE TYPES -</p> <p>PREPARED BY: Planning & Development</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>File Number: Z-9548</p> <p>Planner: AS</p> <p>Technician: JI</p> <p>Date: 2022/11/15</p>
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Project Location: \\c:\file1\giswork\Planning\Projects\p_officialplan\workconsolid00\excerpts_LondonPlan\mxd\Z-9548_Map1_PlaceTypes.mxd

Zoning By-law Z.-1 – Zoning Excerpt




 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: GI1(8)**

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

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

CITY OF LONDON
 PLANNING SERVICES / DEVELOPMENT SERVICES

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



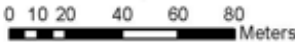
THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:
Z-9548 AS

MAP PREPARED:
2022/11/15 JI

1:2,000

0 10 20 40 60 80 Meters



Ecological Community Advisory Committee

Report

4th Meeting of the Ecological Community Advisory Committee
November 17, 2022

Attendance PRESENT: S. Levin (Chair), P. Baker, S. Evans, T. Hain, S. Hall, B. Krichker, S. Miklosi, K. Moser and V. Tai and H. Lysynski (Committee Clerk)

ABSENT: K. Lee, M. Lima, R. McGarry, G. Sankar and S. Sivakumar

ALSO PRESENT: S. Butnari, S. Corman, C. Creighton, K. Edwards and M. Shepley

The meeting was called to order at 4:32 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 3rd Report of the Ecological Community Advisory Committee

That it BE NOTED that the 3rd Report of the Ecological Community Advisory Committee, from its meeting held on September 15, 2022, was received.

3.2 Notice of Planning Application - 2060 Dundas Street

That a Working Group BE ESTABLISHED consisting of P. Baker, S. Hall, S. Levin and K. Moser, to review the Notice of Planning Application for a Zoning By-law Amendment for the property located at 2060 Dundas Street; it being noted that the Ecological Community Advisory Committee received a Notice dated September 28, 2022 from A. Riley, Senior Planner, with respect to this matter.

3.3 Notice of Planning Application - 1120, 1122 and 1126 Oxford Street East and 2 & 6 Clemens Street

That it BE NOTED that the Notice of Zoning By-law Amendment dated November 9, 2022, relating to the Zoning By-law Amendments for the properties located at 1120, 1122 and 1126 Oxford Street East and 2 and 6 Clement Street, was received.

3.4 Notice of Public Meeting - 307 Sunningdale Road East

That it BE NOTED that the Notice of Zoning By-law Amendment dated April 27, 2022, relating to the Zoning By-law Amendments for the property located at 307 Sunningdale Road East, was received.

3.5 Notice of Public Meeting - 3195 and 3207 White Oak Road

That it BE NOTED that the Notice of Public Meeting dated November 9, 2022, relating to the Draft Plan of Vacant Condominium and Zoning By-law Amendments for the properties located at 3195 and 3207 White Oak Road, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Watershed Monitoring

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion and received communications dated November 9, 2022 and November 10, 2022, from C. Creighton, Land Use Planner II, Upper Thames River Conservation Area, with respect to watershed monitoring.

5.2 92 and 96 Tallwood Circle - Environmental Impact Study

That a Working Group BE ESTABLISHED consisting of S. Evans, S. Hall, S. Levin and V. Tai, to review the Environmental Impact Study (EIS) for the property located at 92 and 96 Tallwood Circle; it being noted that the Ecological Community Advisory Committee received the EIS dated October 5, 2022, with respect to this matter.

5.3 952 Southdale Road West

That it BE NOTED that the Ecological Community Advisory Committee (ECAC) held a general discussion with respect to the property located at 952 Southdale Road West:

it being further noted that the ECAC received the following with respect to this matter:

- a Notice of Planning Application dated November 10, 2022;
- a communication dated September 27, 2022, from D. Hayman, Senior Science Advisor, Natural Environments, MTE Consultants;
- revised concept mapping and revised aerial mapping; and,
- a communication dated November 16, 2022 from S. Levin.

5.4 Provincial More Homes Built Faster Act, 2022

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion with respect to the *More Homes Built Faster Act, 2022*.

6. (ADDED) Additional Business

6.1 (ADDED) Pat Almost Resignation from the Ecological Community Advisory Committee

That, the following actions be taken with respect to the resignation of P. Almost:

- a) the resignation of P. Almost BE RECEIVED with regret; and,

b) the Strategic Priorities and Policy Committee BE REQUESTED to appoint Dr. Eric Dusenge, a previous member of Environmental and Ecological Planning Advisory Committee (EEPAC), to fill the vacancy with a term ending concurrently with other members of the Ecological Community Advisory Committee (ECAC); it being noted that Dr. Dusenge previously served on the EEPAC and has previously submitted his application for ECAC.

7. Adjournment

The meeting adjourned at 5:33 PM.

Ecological Community Advisory Committee

Report

1st Meeting of the Ecological Community Advisory Committee
December 15, 2022

Attendance PRESENT: S. Levin (Chair), S. Evans, T. Hain, S. Hall, B. Krichker, K. Moser, S. Sivakumar and V. Tai and H. Lysynski (Committee Clerk)

ABSENT: P. Baker, K. Lee, M. Lima, R. McGarry, S. Miklosi and G. Sankar

ALSO PRESENT: S. Butnari, C. Creighton, K. Edwards, M. Shepley and A. Riley

The meeting was called to order at 4:47 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 4th Report of the Ecological Community Advisory Committee

That it BE NOTED that the 4th Report of the Ecological Community Advisory Committee, from its meeting held on November 17, 2022, was received.

4. Sub-Committees and Working Groups

4.1 92 and 96 Tallwood Circle

That the Working Group comments relating to the properties located at 92 and 96 Tallwood Circle BE FORWARDED to the Civic Administration for review and consideration.

4.2 2060 Dundas Street

That the following actions be taken with respect to the Working Group comments relating to the property located at 2060 Dundas Street:

a) the Working Group comments BE FORWARDED to the Civic Administration for review and consideration; and,

b) the Forestry Department BE REQUESTED to investigate the property to the East of 2060 Dundas Street as there is a storage facility and a road through an Environmental Significant Area.

5. Items for Discussion

5.1 Oxford Street West Improvements - Municipal Class Environmental Assessment - Westdel Bourne to Sanitorium Road

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion with respect to the Oxford Street West improvements - Municipal Class Environmental Assessment - Westdel Bourne to Sanitorium Road.

6. (ADDED) Additional Business

6.1 (ADDED) 2023 Budget Update (Verbal)

That a representative from Financial Planning and Policy BE INVITED to attend the January 19, 2023 meeting of the Ecological Planning Advisory Committee to provide an update on proposed budget matters relating to matters including, but not limited to, Environmentally Significant Areas, Conservation Master Plans and Stormwater Management.

6.2 (ADDED) Western Road and Sarnia Road - Philip Aziz Avenue Improvements - Schedule 'C' Class Environmental Assessment

That a Working Group consisting of S. Levin, P. Baker, S. Evans, S. Hall, K. Moser and V. Tai BE ESTABLISHED to review and report back on the Western Road and Sarnia Road - Philip Aziz Avenue Improvements - Schedule 'C' Class Environmental Assessment.

7. Adjournment

The meeting adjourned at 5:22 PM.

January 4, 2023

Chair and Members
Planning and Environment Committee
City of London

Re: 5:00 pm Agenda item - Report of the Ecological Community Advisory Committee
(submitted by the Chair, S. Levin)

I want to introduce the Committee to its Ecological Community Advisory Committee as well as **invite you to attend any meeting**. Our agendas, like yours, are posted on the city web site a week ahead of our monthly meetings. We presently meet virtually the third Thursday of each month, starting at 4:30 pm. I will return to this matter shortly.

For those of you new to PEC and Council, this Advisory Committee is a technical advisory committee. It reviews consultants' Environmental Impact Studies for new developments adjacent to the city's Natural Heritage System as shown on Map 5 of the London Plan. It has also been involved in the preparation of the updated Environmental Management Guideline adopted by the last City Council. It has also prepared brochures for distribution to residents about domestic pets and Environmentally Significant Areas as well as information about living adjacent to ESAs. The Advisory Committee is ready to be given direction by this Committee and Council on matters related to its mandate and hopes that Council will support initiatives brought to it by the Advisory Committee.

ECAC is a very diverse committee as it draws on Western and Fanshawe for volunteers. ECAC has varied representation from genders, religions, citizenship, ethnic backgrounds, experience, education and we value the diversity of thought that this group brings to the table. There are currently 14 members out of a complement of 15. As you will note in our 4th report, item 6 that appears on your agenda, we are seeking to fill the vacancy with a former member of the predecessor Advisory Committee. **I would ask PEC to support the recommendation to fill the vacancy with Dr. Mirindi (Eric) Dusenge, a post doctorate fellow in plant sciences at Western.**

Finally, I would also like to point out that your advisory committee, with about half being new members, first met in the middle of 2022 on line. And it has never met in person. I ask you if your Council, with so many new members, had never had a chance to meet in person, would you feel that you are able to do your best work? I am still not clear as to why no advisory committees are able to meet in person, even once, to be able to build the kind of relationships that only in person meetings can fulfill. I do not recall a Council direction in this matter. I am sure COVID limitations are reasonable. I am not asking to go fully back to in person meetings each month, but **would ask that at least every quarter or even twice a year to have an in person meeting**. I believe this would assist the effectiveness of this and other advisory committees. **Alternatively, hybrid meetings. I suggest PEC and Council direct staff to allow one of these options for advisory committees beginning no later than the beginning of Q2 of this year.**

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: 942 Westminster Drive
Public Participation Meeting
Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Jim Rimmelzwaan relating to the property located at 942 Westminster Drive, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 24, 2023, 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** an Agricultural (AG2) and Environmental Review (ER) Zone **TO** an Agricultural (AG2), Environmental Review (ER) and Agricultural Special Provision (AG2(_)) Zone.

Executive Summary

Summary of Request

The applicant has requested to rezone a portion (future lot) of the subject site from an Agricultural (AG2) Zone to an Agricultural Special Provision (AG2(_)) Zone to include the existing single detached dwelling and accessory structure as permitted uses where farm dwellings are currently the only permitted dwelling type. Special Provisions will also be implemented to recognize the reduced setbacks, lot area, and frontage as a result of a concurrent severance application. No new buildings or structures are proposed to be constructed as part of this application.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law Amendment is to facilitate the future severance of the subject lands and allow the existing single detached dwelling to be included as a permitted use on the severed lands.

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 London Plan, including, but not limited to, the Key Directions and Farmland Place Type policies.
3. The recommended amendment is intended to support an accompanying consent to sever application.
4. The recommended amendment is not intended to impact the character of the agricultural area and is solely intended to recognize the existing site conditions.
5. The proposed use will co-exist in harmony with the adjacent land uses, and considers both the long-term protection of agricultural resources and the long-term compatibility of uses, and will not create a net increase in the number of buildable lots.

Analysis

1.0 Background Information

1.1 Property Description

The subject lands are located northeast of the Westminster Drive and Old Victoria Road intersection, just west of the municipal boundary. The property is currently within the Glanworth Planning District with a total lot area of 40.7 hectares with frontage along Westminster Drive. The lands currently contain a surplus farm dwelling with 1 accessory structure.



Figure 1: Photo of 942 Westminster Drive from Westminster Drive (2021)

1.2 Current Planning Information

- The London Plan Place Type – Farmland
- Existing Zoning – Agricultural (AG2)
- Street Frontage Classification- Rural Connector

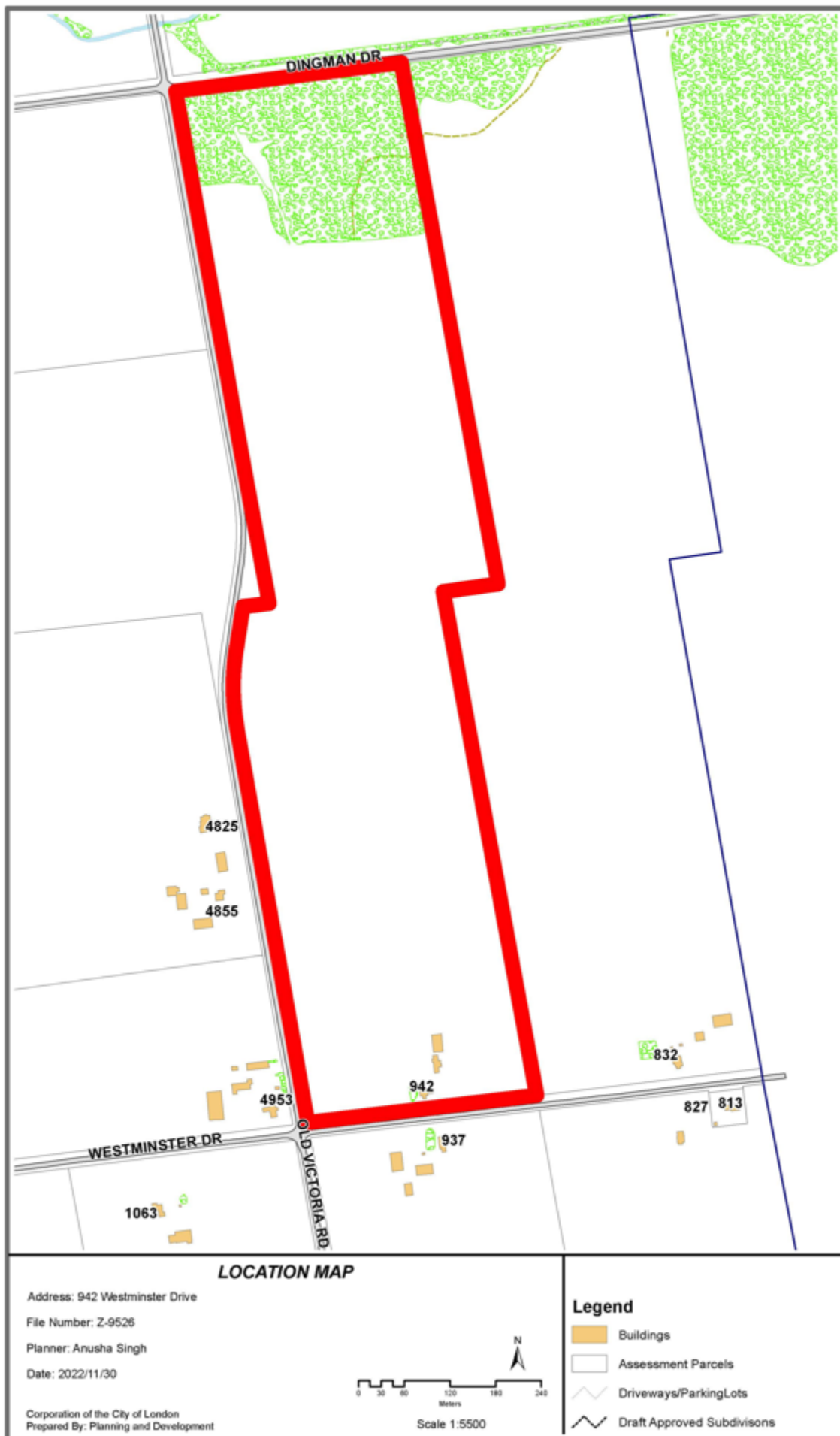
1.3 Site Characteristics

- Current Land Use – Agricultural and Residential
- Lot Area – 40.7 hectares
- Shape – Long and Rectangular

1.4 Surrounding Land Uses

- North – Farmland
- East – Farmland
- South – Farmland with Farm Cluster
- West – Farmland with Farm Cluster

1.5 Location Map



2.0 Discussion and Considerations

2.1 Proposal

The requested amendment is required to facilitate the severance of a surplus farm dwelling and consolidate the remaining farmed parcel with the adjacent lands to the east. The proposal will establish a severed lot of 5451.9 square metres with a frontage of 62.6m for the existing dwelling and ancillary accessory structure. The intent of the rezoning is to facilitate an accompanying consent to sever application.

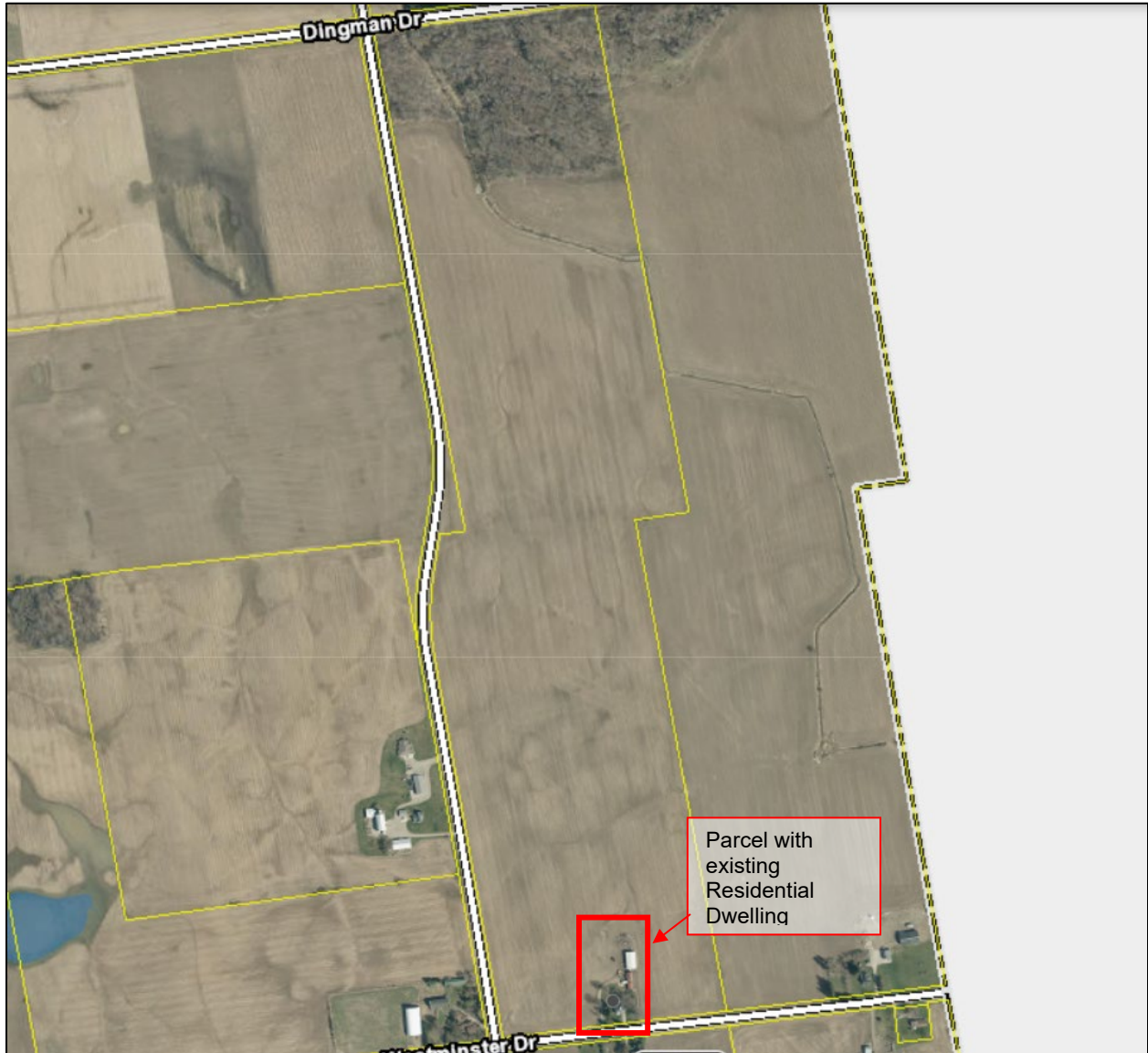


Figure 2: Existing Surrounding Context (Aerial View)



Figure 3: Zoomed in View of Existing Site Conditions. Approximate area proposed to be rezoned is highlighted in red. The lot boundaries were conditionally approved as part of a consent application in December 2022 (further discussed in Section 4.2 of this report)

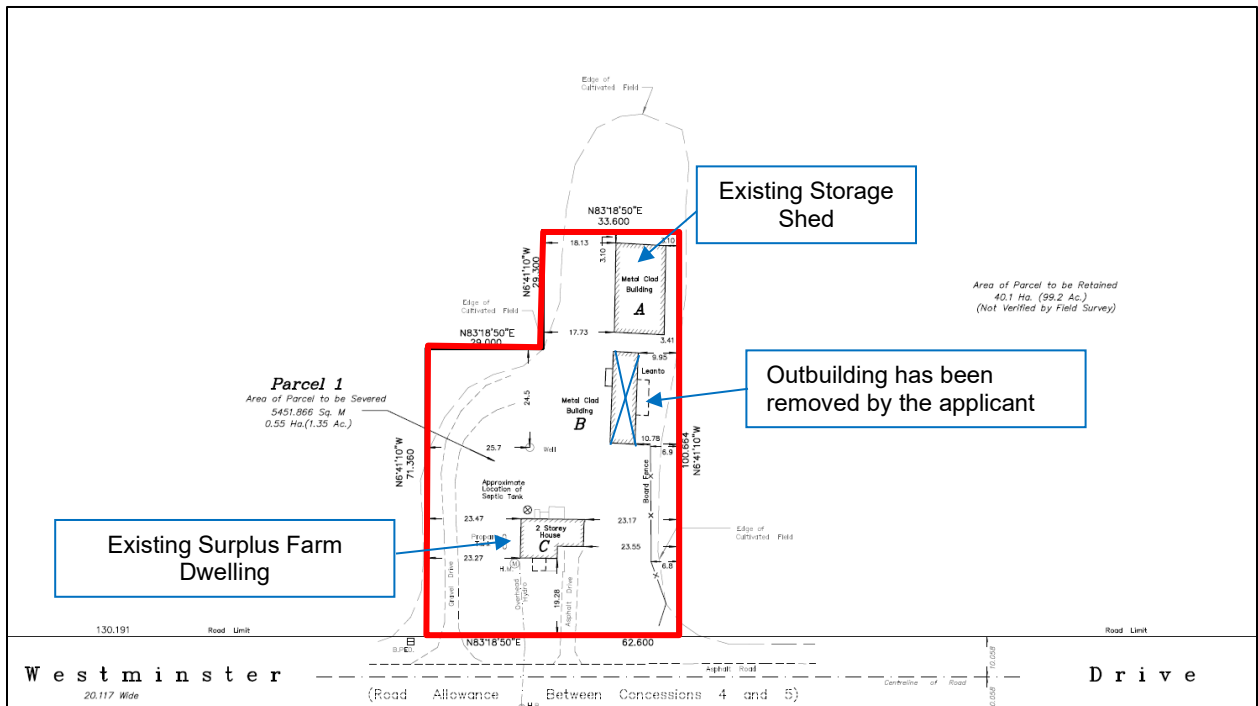


Figure 4: Proposed Site Plan (Lot area outlined in red is proposed to be rezoned as part of this application)

2.2 Requested Amendment

The applicant has requested to rezone a portion (future lot) of the lands to an Agricultural Special Provision Zone (AG2(_)) to allow the existing dwelling and accessory structure to be included as permitted uses.

Special Provisions will also be implemented to recognize the reduced setbacks, lot area and frontage as a result of a concurrent severance application. No new buildings or structures are proposed to be constructed as part of this application.

2.3 Community Engagement (see more detail in Appendix B)

Staff received one (1) comment during the public consultation period. The comment expressed questions regarding the proposed amendment and was concerned that new development would be taking place on the lands.

Staff addressed the concern on July 12, 2022 and explained that the application was simply to recognize the existing dwelling on the lands and that no new development would be taking place as part of this proposal. Staff received no further comments from the public as a result of this amendment.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: PPS 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.

Section 2.3 of the PPS identifies prime agricultural areas to be protected for long-term agricultural uses. Lot creation in prime agricultural areas is discouraged, though may be permitted for a residence surplus to a farming operation as a result of farm consolidation. The new lot created is limited to the minimum size required to support private services, and no new residential dwellings are permitted on the remnant farmland created by the severance. The proposal is to facilitate the severance of a surplus farm dwelling with sufficient area to accommodate private services and shall prohibit future dwellings on the retained lands.

Rural Areas are considered important to the economic success of the province and to our quality of life. Land use patterns within rural areas shall be carefully planned so as to encourage healthy, integrated and viable growth through; (1) building upon the existing rural character, (2) promoting regeneration, (3) accommodating a mix of housing, (4) encouraging the conservation and redevelopment of existing rural housing stock, and (5) utilizing rural infrastructure and public services efficiently (1.1.4.1) Permitted uses on rural lands located in municipalities also include residential development, including lot creation, that is locally appropriate for the context of the site (1.1.5.2)

The recommended amendment is in keeping with the PPS 2020 as it allows a surplus farm dwelling to remain in place within an established agricultural area. Approval of the amendment would allow for the continued conservation of existing rural housing stock and would maintain the character of the surrounding rural area. The recommended amendment also contributes to the appropriate utilization of an established lot within a rural area by permitting/maintaining existing residential uses and preserving the remainder of the farmland parcel for continued agricultural use.

As no new buildings or development is proposed for the lands as part of this application, and as the remainder of the farmland will be consolidated with agricultural land to the

east, the amendment is considered to maintain the vision and goals of the PPS 2020 for rural areas and is not anticipated to have a negative impact on the healthy, integrated, or viable growth of the property.

4.2 Issue and Consideration #2: Key Directions, Existing Use, Intensity and Form

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 celebrate and support London as a culturally rich and diverse city whilst building strong, healthy, and attractive neighbourhoods by:

- Protecting our valuable agricultural land and building upon London's role as an agrifood industrial hub. (Key Direction #1, Direction 14)

The London Plan also provides direction in connecting the city to the surrounding region and making wise planning decisions by:

- Protecting agricultural land and supporting the development of the regional agribusiness industry. (Key Direction #8, Direction 2)
- Thinking "big picture" and long-term when making planning decisions by considering the implications of short-term and/ or site-specific planning decisions within the context of this broader view. (Key Direction #3, Direction 8)

The proposed rezoning supports these Key Directions by requesting permission to allow a surplus farm dwelling and storage shed to remain on agriculturally zoned lands within an area of the city that already consists of farm dwellings, farm clusters, and surplus farm dwellings located on parcels of agricultural land. The proposed amendment intends to continue protecting the city's valuable agricultural land whilst also efficiently planning for the future of the site by recognizing the existing dwelling and implementing several special provisions that would ensure the lands be used appropriately in the long-term.

A portion of the subject lands are within the "Environmental Review" and "Open Space" Place Types of The London Plan. The Environmental Review Place Type is applied to lands which may contain significant natural features and important ecological functions which should be protected from activities that would diminish their functions pending the completion of a detailed environmental study. The Environmental Review Place Type permits the continuance of farming that is carried out in accordance with generally accepted farming practices. Similarly, the Open Space Place Type is intended to protect and conserve our natural areas and their delicate ecosystems, keep development an appropriate distance from our hazard lands, and offer a variety of parks that contribute significantly to the quality of life for Londoners (The London Plan, Policy _759). The existing environmental review (designated and zoned) and open space (designated) lands are not proposed to change and will be maintained in their current form and location.

The site is also located within the Farmland Place Type fronting onto a Rural Connector (Westminster Drive) as identified on Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within the Farmland Place Type at this location include; agricultural uses, including the principal farm residence, secondary farm dwelling units that may be required for the farm operation, farm buildings and structures that support the farm operation, residential uses on existing lots of record, secondary farm operations, agriculturally-related commercial and industrial uses, ancillary retail uses, existing uses, natural resource extraction, small wind energy systems, green energy projects, and a limited range of additional non-agricultural uses (The London Plan, Policy 1182_1-11). Existing farmland lots shall also encourage the retention or consolidation of

farm parcels so that farms are of sufficient size to promote efficient operations and responsible environmental management, and to maintain long-term agricultural viability and flexibility (The London Plan, Policy 1215_1). Residential dwellings may be permitted on existing lots of record subject to a zoning by-law amendment provided it does not create conflicts with farming operations and subject to an environmental impact study *if* adjacent to any natural heritage feature (The London Plan, Policies 1190 and 1193). Farm parcels must also be established at a minimum size of 40 hectares as per the intent of the London Plan for existing farmland lots. Additionally, prior to a consent to sever being finalized, it is a requirement that the Zoning By-law Amendment be approved to allow the existing dwelling and accessory structure to be considered permitted uses on site (The London Plan, Policy 1704_10).

As per Policy 1193 of The London Plan, consents to sever agricultural land to create a lot for an existing dwelling is permitted in conformity with the policies of the Farmland Place Type (where the land being severed from the dwelling lot is to be added to an adjoining parcel) subject to the following **conditions**:

1. The land being conveyed from the dwelling lot parcel will be registered in the same name and title as the adjoining parcel and will be deemed from that date to be one parcel.
2. The retained dwelling lot will be kept to a minimum size necessary to comply with the Zoning By-law and to accommodate individual on-site wastewater treatment and water supply.
3. The dwelling lot cannot be severed if it is part of the farm cluster. The farm cluster is the grouping of buildings and structures on the farm unit that would include the principal farm residence and any secondary dwelling unit and farm-related buildings and structures.
4. No new residential dwelling units are permitted on any remnant parcel of farmland created by the severance. Such restriction will be recognized in zoning.

Consistent with The London Plan, the proposed amendment would maintain the character of the surrounding area and would be compliant to the above policies for Surplus Farm Dwellings. As mentioned previously, the requested amendment is intended to facilitate an accompanying *consent to sever* application (B-025-22) that was conditionally approved by the Committee of Adjustment on December 15, 2022. The consent application requested to sever 5,451.9m² (0.55 hectares) and retain 40.1 hectares and was contingent on a set of consent conditions agreed upon by the City and the applicant.

The existing dwelling at 942 Westminster Drive is considered independent and unessential to the farm operation. The proposed severed residential lot and recommended Agricultural Special Provision (AG2(_)) Zone will recognize the existing dwelling and accessory structure while the remnant farm parcel is to be conveyed to the adjacent agricultural operation at 832 Westminster Drive to allow the continued use of agricultural-related practices. The retained parcel is also intended to be slightly larger than 40 hectares whilst the severed parcel containing the dwelling and accessory structure shall remain at a minimum size large enough to ensure on-site wastewater and water services required to service the house remain unaffected, without allowing any of the surrounding agricultural land to be incorporated into the residential parcel. Furthermore, the applicant has taken steps to remove 1 of the outbuildings on site (as seen in Figure 4) and has maintained the second outbuilding to continue and be used as an accessory structure to the main house. The intent of Condition 4 within the Surplus Farm Dwelling policies aims to prevent the use of future farming on a lot used for residential purposes, and to prevent the extension of the Minimum Distance Separation (MDS) regulations. The MDS regulations are applied to non-farm residential development in agricultural areas that are considered incompatible with certain agricultural uses. The Minimum Distance Separation (MDS) is a calculated setback to mitigate nuisance from odour between certain non-farm uses and existing livestock facilities in close proximity (MDS1), and from new or expanding livestock facilities in

proximity to non-farm uses (MDS2). The Minimum Distance Separation (MDS) regulations will not apply to the subject lands *if* the applicant successfully demonstrates (to the City's satisfaction) that the accessory dwelling no longer qualifies to be used as a livestock facility. Should the structure be found to have potential to be used for livestock facilitation purposes, the applicant will be required to remove the structure, or decommission it, before final consent can be granted.

For these reasons, staff consider the request to rezone the lands compliant to the conditions outlined in both the Surplus Farmland Dwelling Policies of The London Plan and the provisional consent decision, and do not anticipate any negative impacts to the existing agricultural practices in the surrounding area as a result of the proposed amendment.

4.4 Issue and Consideration #2: Zoning

The subject lands are within the Environmental Review (ER) and Agricultural (AG2) Zones. The proposal is to retain majority of the lands zoned as Agricultural (AG2) and the entirety of the lands zoned as Environmental Review (ER) and amend a small portion of the Agricultural (AG2) lands. The requested amendment would include special provisions for the severed portion of the lot, while the retained portion will be consolidated with the property to the east. The proposed amendment will permit both the existing farm and residential dwelling uses to continue their current operations, though separate lots.

The AG2 zone variation permits intensive and non-intensive agricultural uses within existing farmland areas of the city. The entire subject site is 40.7 hectares with frontage along Westminster Drive. The Agricultural Special Provision (AG2(_)) Zone will permit an existing surplus farm dwelling on a lot with an area of 5,451.9 square metres and a frontage of 62.6m which is considered the minimum size necessary to allow for proper functionality of the existing residential dwelling, accessory structure, driveways, and services, without including any of the farmable lands. Special Provisions would be implemented on the severed lands to recognize the existing interior side yard, rear yard, and front yard setbacks, as well as the existing lot frontage and lot area deficiencies. Special Provisions will also be applied to prohibit new residential development.

For these reasons, staff are of the opinion that the proposed amendment is appropriate and will recognize an existing residential use which can now function independently from the farmland uses in the immediate surrounding area.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan for the Farmland Place Type and Surplus Farm Dwellings. The recommended amendment would allow the surplus farm dwelling and accessory structure to be considered permitted uses on the site, while being independent from (and without impacting the functionality of) the surrounding agricultural properties. As such, the proposed amendment is being recommended for approval.

Prepared by: Anusha Singh
Planner I

Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation

Recommended by: Britt O'Hagan, 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)
2023

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 942
Westminster Drive

WHEREAS Jim Rimmelzwaan has applied to rezone an area of land located at 942 Westminster 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 942 Westminster Drive, as shown on the attached map comprising part of Key Map No. A116, from an Agricultural (AG2) Zone TO an Agricultural Special Provision Zone
- 2) Section Number 45.2 of the Agricultural (AG) Zone is amended by adding the following Special Provisions:

AG2 () 942 Westminster Drive

a) Permitted Uses

- i) Existing single detached dwelling and existing accessory structure

b) Regulations

- | | |
|---|--------------------------|
| i) Interior Side Yard Depth (West)(Minimum) | 23.2 metres (76 feet) |
| ii) Interior Side Yard Depth (East) (Minimum) | 23.1 metres (75.8 feet) |
| iii) Front Yard Depth (Minimum) | 19.28 metres (62.9 feet) |
| iv) Rear Yard Depth (Minimum) | 71 metres (232.9 feet) |
| v) Lot Area (Minimum) | 5,451.9 square metres |
| vi) Lot Frontage (Minimum) | 62.6 metre (205.3 feet) |

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.

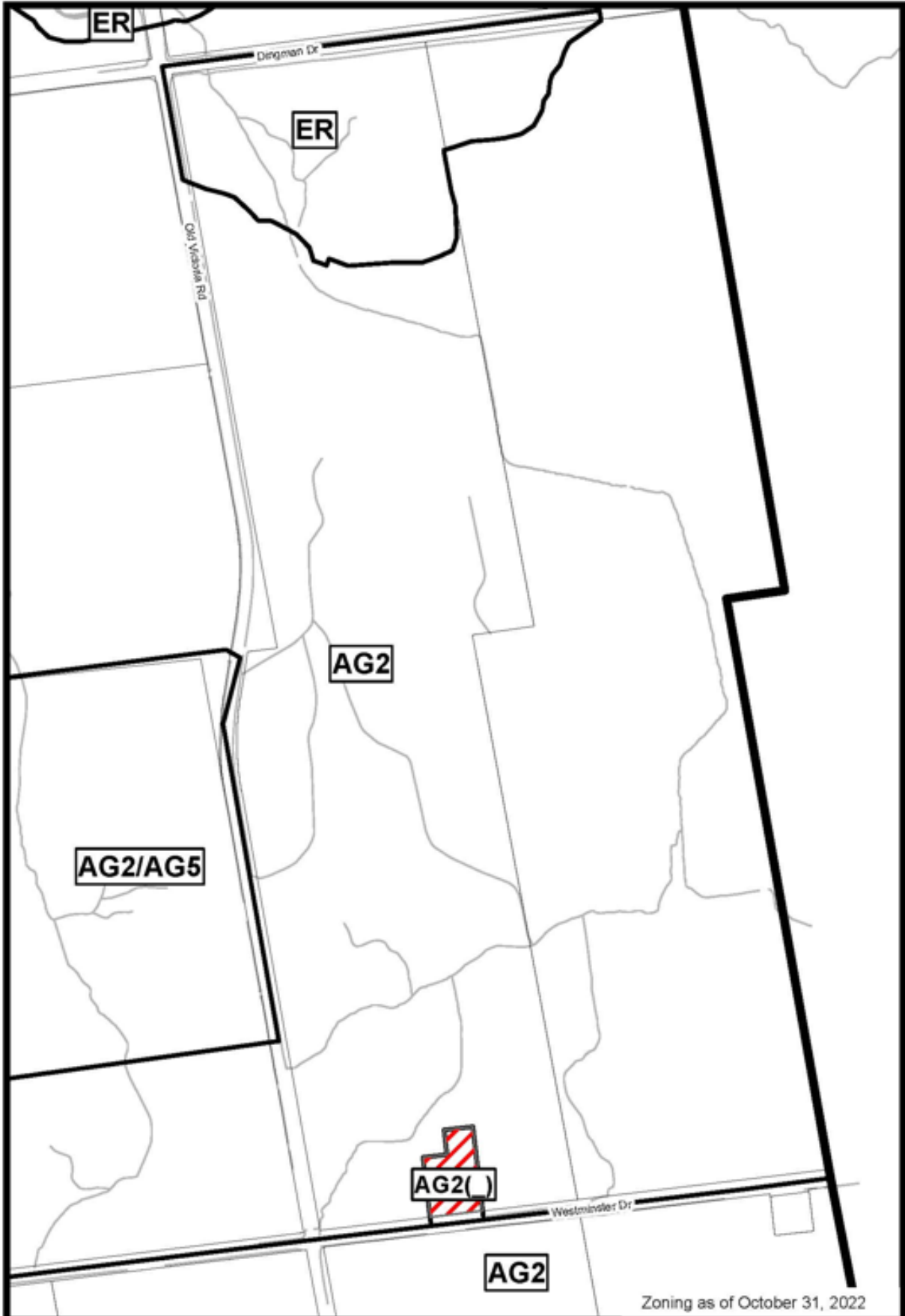
PASSED in Open Council on January 24 2023

Josh Morgan
Mayor


Michael Schulthess
City Clerk

First Reading – January 24, 2023
Second Reading – January 24, 2023
Third Reading – January 24, 2023

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



File Number: Z-9526
Planner: AS
Date Prepared: 2022/01/02
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:5,500

0 25 50 100 150 200
Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On July 6, 2022, Notice of Application was sent to property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 7, 2022. A “Planning Application” sign was also posted on the site.

One public comment was received and was addressed.

Nature of Liaison: The purpose and effect of this zoning change is to permit an existing single detached dwelling and accessory structure. Possible change to Zoning By-law Z.-1 FROM an Agricultural (AG2) Zone TO an Agricultural (AG2(_)) Special Provision Zone

Public Responses: 1

The following concern was provided to staff with respect to this application:

- Concern if the proposal was implementing any development or physical changes to site.

Agency/Departmental Comments

August 3, 2022: Ecology

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. Natural Heritage Features (NHF) were identified through current aerial photo interpretation, within the property limits, however the proposed development is well outside any trigger distances. Future property development northward may require re-zoning of the NHF to OS5 in addition to application of minimum buffers. City may want to acquire NHF lands in the north to contribute to the Dingman complete corridor.

July 29, 2022: Engineering

My understanding is that this is an existing situation and there is no new development. Therefore, engineering has no comments or concerns.

August 18, 2022: Heritage

There are no heritage or ARCH issues related to this ZBA. The applicant should be aware that future construction on the property may require an archaeological assessment.

July 20, 2022: Parks Planning

Parks Planning and Design has no comments for this application

July 12, 2022: London Hydro

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. Note: Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability. 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.

August 18, 2022: Site Plan

- Site Plan has no comments

July 12, 2022: Urban Design

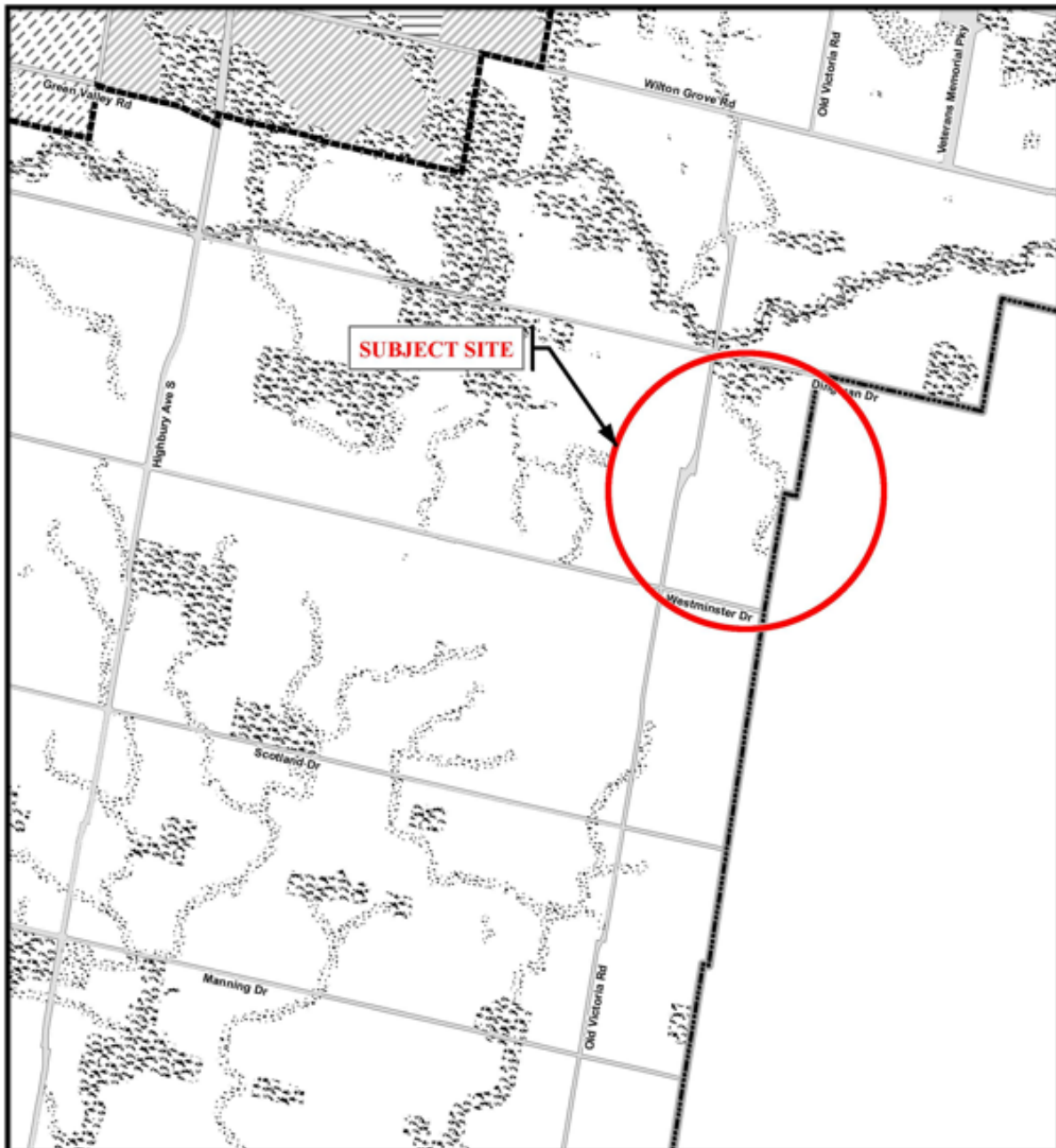
- There are no urban design comments for the Zoning By-law Amendment at the above-noted address as there are no changes to the existing buildings.

August 11, 2022: UTRCA

- The subject lands are regulated by the UTRCA due to the presence of riverine flooding hazards, and a wetland and the surrounding area of interference. As the proposed re-zoning is located outside of the hazard lands, an EIS or other technical studies will not be required at this time. Should any new development or site alteration be proposed within the regulated area, please contact UTRCA staff prior to initiating works.
- Given that the lands to be re-zoned are located outside of the regulated area and natural hazards, the UTRCA has no objections to this application.

Appendix C – Relevant Background

The London Plan – Map 1 – Place Types



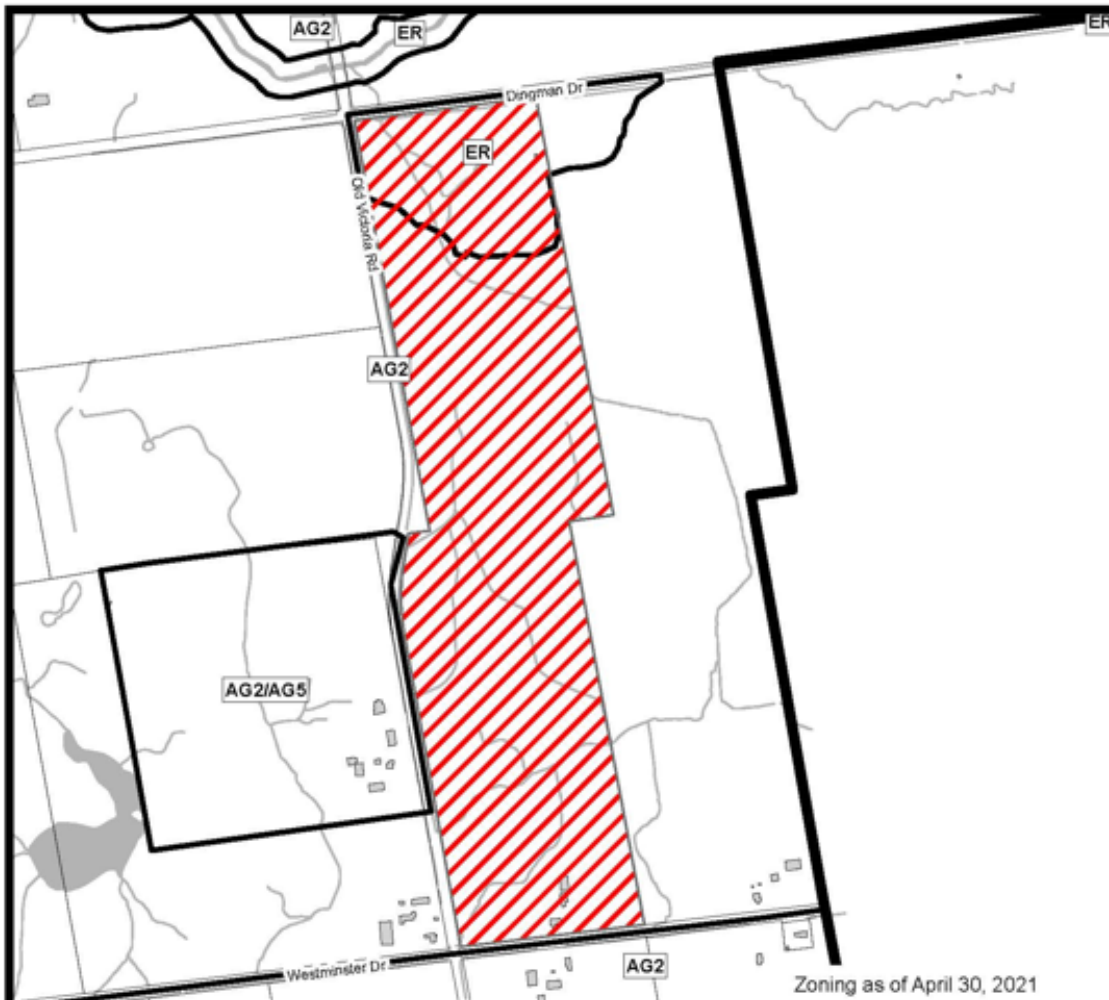
Legend

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>CITY OF LONDON Official Plan LONDON PLAN MAP 1 - PLACE TYPES - PREPARED BY: Planning & Development</p>	<p style="text-align: center;"> Scale 1:30,000 Meters </p>	<p>File Number: Z-9526 Planner: AS Technician: JI Date: 2022/11/30</p>
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Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: AG2

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9526

AS

MAP PREPARED:

2022/11/30

JJ

1:9,500

0 45 90 180 270 360

Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development
Subject: 400 Southdale Road East
Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of LJM Developments relating to the property located at 400 Southdale Road East:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development; and,
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

The development for consideration is a seven-storey apartment building, with a total of 181 units, on the north side of Southdale Road East, east of Dundalk Drive. The site is to be developed with vehicular access from Dundalk Drive. The proposed development is subject to a public site plan meeting in accordance with the h-5 holding zone regulations of the Z.-1 Zoning By-law.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Site Plan Approval.

Rationale of Recommended Action

1. The Site Plan, as proposed, is consistent with the Provincial Policy Statement, 2020, as it provides for development within an existing settlement area and provides for an appropriate range of residential uses within the neighbourhood.
2. The proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan.
3. The proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law.
4. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

Linkage to the Corporate Strategic Plan

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

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. The application for 400 Southdale Road 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

OZ-9261 – Zoning By-law Amendment Application at Planning and Environment Committee July 26, 2021

1.2 Property Description

The subject site is located at the corner of Dundalk Drive and Southdale Road East, on the north side of Southdale Road East. The subject site has an area of approximately 0.39 hectares. The subject site was once a service station but is now vacant.

1.3 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Holding Residential R9 Bonus Zone (h-5*R9-1*B-78)

1.4 Site Characteristics

- Current Land Use – Vacant (formerly a service station)
- Frontage – 36.46 metres
- Depth – approximately 46 metres
- Area – 0.39 hectares
- Shape – Rectangular

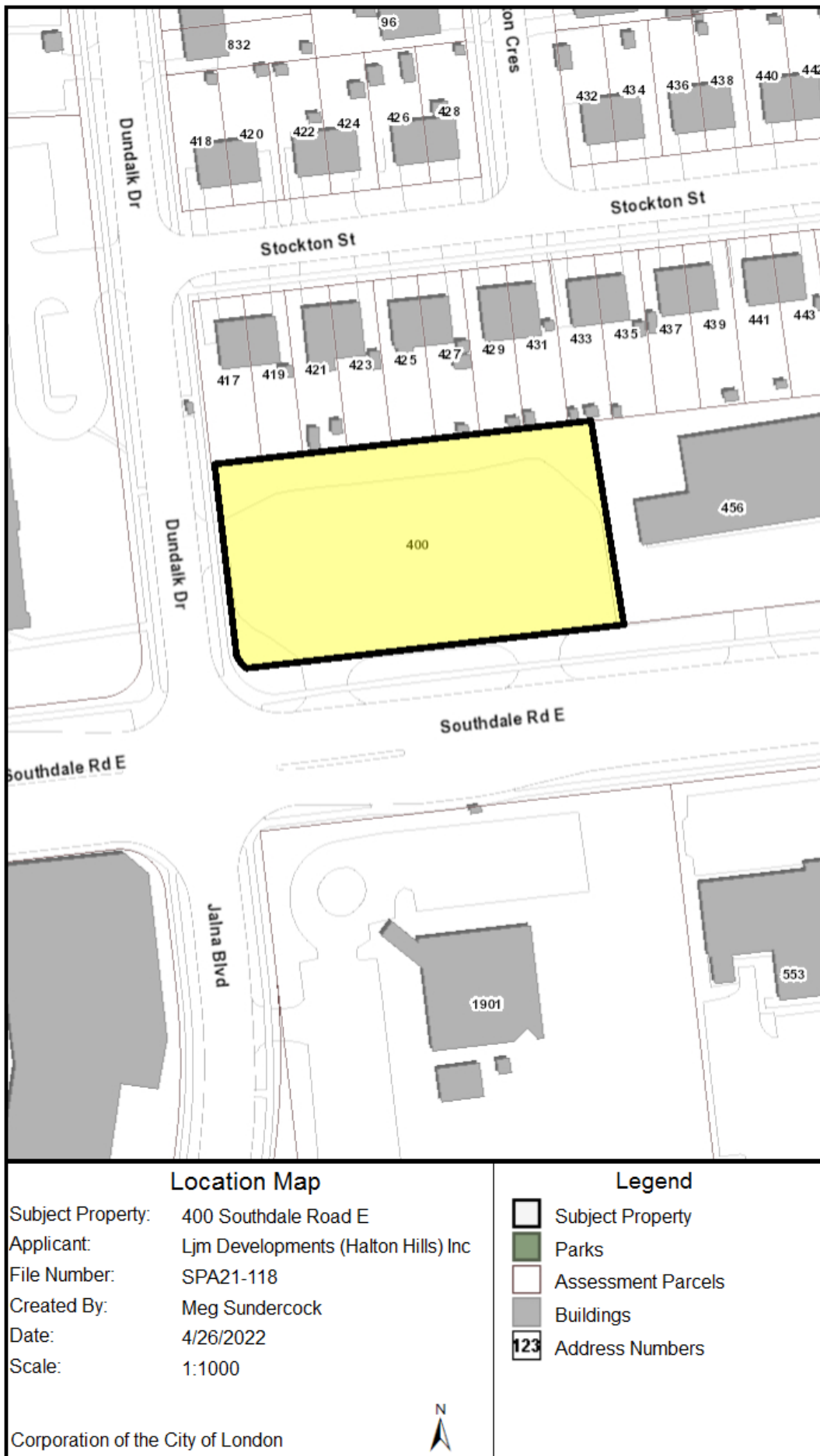
1.5 Surrounding Land Uses

- North – Residential
- East – Commercial
- South – Institutional and Commercial
- West – Residential (apartments)

1.6 Intensification

The proposed 181 residential units represent intensification within the Built-Area Boundary. The proposed residential units are located inside of the Primary Transit Area.

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development consists of a seven-story apartment building with a total of 181 units. The proposed site plan includes 206 bicycle parking spaces and 192 vehicular parking spaces. Ten (10) vehicular parking spaces are located at grade, and 182 parking spaces are located throughout 3 levels of underground parking. An outdoor amenity area is proposed on a rooftop terrace.

Detailed plans of the development are contained in Appendix 'A' of this report.

2.2 Planning History

On August 28, 2020 a Zoning By-law Amendment (OZ-9261) was submitted for a 10-storey, mixed use development with 198 dwelling units and 915 square metres of commercial.

The development proposal was reviewed by the Urban Design Peer Review Panel (UDPRP) on November 18, 2020 where the Panel raised concerns regarding the massing of the building as proposed.

Revisions to the original proposal were provided based on concerns raised by City staff and the public on March 13, 2021. The revised proposal consisted of a seven-storey apartment building with no commercial component and 181 residential units for a density of 462 units per hectare.

On July 26, 2021, a Public Participation Meeting was held before the Planning and Environment Committee which recommended approval of the proposed Zoning By-law Amendment. On August 10, 2021 Municipal Council passed the Zoning By-law Amendment to change the zoning of the property from a Service Station (SS2) Zone to the Holding Residential R9 Bonus Zone (h-5*R9-1*B-78) presently applied to the subject lands. The resolution of Council also included consideration for a number of site plan matters, including enhanced landscaping and fencing, additional surface parking, and the existing sewer and associated license agreement.

On December 21, 2021 the Site Plan Control Application (SPA21-118) was received by City staff. Further submissions are required to address comments provided from the first submission review, and any comments directed to staff as part of the public meeting.

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

On April 28, 2022, Notice of Application for Public Site Plan was sent to all property owners within 120 metres of the subject lands and also to those who made comments throughout the Zoning By-law Amendment Application.

No responses were received in response to the Notice of Site Plan Control Application save and except two inquiries requesting general information regarding the timing and status of the application.

2.4 Housing Stability Action Plan 2019-2024

Council adopted the Housing Stability Action Plan 2019-2024 early in 2020. The Plan identifies a minimum 3,000 new affordable housing units are needed in London to meet current and potential future needs. Based on most recent data, the current vacancy rate in the rental market is 3.2% meaning there is little available rental housing stock that is affordable.

More than 300 additional affordable rental housing units are needed each year to close the gap. In the City of London, 14% of Londoners are in Core Housing Need and the City is ranked fourth nationally for individuals and families living within Core Housing Need.

The proposal at 400 Southdale Road East constitutes four (4) units towards the 3,000 new units needed. These units are to be transferred and held by the Corporation of the City of London.

3.0 Financial Impact/Considerations

There are no direct financial expenditures associated with this report.

4.0 Key Issues and Considerations

4.1. Use, Intensity, and Form

The proposed development implements the Residential R9 Bonus Zone (h-5*R9-1*B-78) approved through the previous Zoning By-law Amendment. The R9-1 Zone permits the use of the lands for an apartment building and the Bonus Zone prescribes the maximum density of 462 units per hectare (uph) and building height of 29.2 metres, which permits the proposed building with a proposed density of 459 uph and a building height of 26.9 metres, both of which are below the maximum permitted zoning regulation.

4.2. Boundary Landscaping and Fencing

A number of site planning matters were raised through the review of the Zoning Amendment process, including the provision of enhanced boundary landscaping and fencing over and above the requirements of the Site Plan Control By-law with enhanced screening qualities.

The applicant has proposed a 1.8m board on board privacy fence along the northern property line that abuts low density residential land uses and is also showing a 3.5m landscape buffer between the property line and the drive aisle. The minimum parking area setback required by the Site Plan Control By-law is 1.5m to provide plantings and buffer parking spaces and drive aisles from adjacent uses. The applicant is providing more than double the required minimum with enhanced plantings at the northeast corner of the site where the surface parking is proposed.

4.3. Surface Visitor Parking

The resolution of Council also included the consideration of more surface parking for visitors. The site plan shown at the rezoning included 11 surface parking spaces for visitors located at the rear entrance to the building. Due to the building footprint being effectively established through the Bonus Zone, and in combination with the inclusion of surface barrier-free spaces, which are larger than standard sized spaces, 10 parking spaces are now shown on the site plan. Due to the size and massing of the building, additional surface parking would encroach into landscaped spaces and result in smaller parking area setbacks to property lines, which would impact the privacy of abutting uses.

The Site Plan Control By-law requires laybys for paratransit vehicles for all residential developments where there are at least 24 units within the building. The layby has been provided on the site plan which may mean that with accessible transit options, some residents may not use their parking spots. The layby may also be used for short term visitors such as delivery vehicles which would reduce the need for additional surface parking spaces.

4.4. Servicing

There is an existing private sanitary sewer that connects the neighbouring building at 356 Southdale Road East to the municipal sanitary sewer through the subject lands. The existing easement will be released and the sewer removed as part of this Site Plan Application, in coordination with the neighbouring owner. A new sewer connection will be constructed with a new easement through the site, and a clause will be included in the development agreement to this effect. The design and alignment of the new sewer

has been accepted by the engineering review team, save and except for an outstanding comment regarding a redundant valve.

4.5. Bonus Zone

The bonus zone which prescribes the following facilities, services, and matters in return for increased building height and density will be implemented through the development agreement where approved drawings (site plan, engineering plans, landscape plans, and building elevations) will be attached as schedules and registered on title through the Land Registry Office. Provisions for matters which are beyond the typical scope of Site Plan, in this case for affordable housing, will be prescribed in a bonus agreement which is drafted to include the terms and requirements of HDC and is also registered on title with the development agreement.

4.5(a) Exceptional Building Design

The approval of the bonus zone included general acceptance of the site plan and elevations, which were attached as schedules to the amending by-law, specifically in how they achieved the following:

- i) the building oriented to the corner of Southdale Road East and Dundalk Street providing a well-defined built edge and creating a positive public interface and human scale at street level;*
- ii) the inclusion of building step backs, from 7-storeys to 6-storeys and 5-storeys with a variety of building materials and building articulation to break up the massing of the building; and,*
- iii) purpose-designed amenity space on top of the apartment building and/or parking structure;*

The plans are still subject to Site Plan review and as such are typically subject to minor changes in site layout and building design as the proposal is further refined.

The building design still achieves the design requirements listed above, with the building still located at the corner of Southdale and Dundalk Roads with building stepbacks provided at the 5th, 6th, and 7th storeys, with a rooftop amenity area.

The building elevations have been approved and no further substantial changes are expected.

4.5(b) Underground Parking

Underground parking is provided for the proposed development in 3 levels of underground structure parking.

4.5(c) Affordable Housing

The following provisions were enshrined in the bonus zone and will be included in the bonus agreement which will be registered on title at the time of final Site Plan Approval:

Provision of Affordable Housing by requiring that LJM Developments enter into an agreement with the Corporation of the City of London (“the City”) to facilitate the transfer of ownership at no cost of four (4) new one-bedroom condominium units constructed within the development for the purposes of affordable housing, in a form prescribed by the City.

It being noted that a future development agreement will provide for the four new one-bedroom units and will include the following through further agreements as necessary:

- Assurances of the specific location, size, fixtures, and features of the bonus units are defined as to the City’s satisfaction. This includes any common and general attributes,*

(such as storage lockers, parking, or other building resident amenities) for each bonus unit.

- A purchase agreement, inclusive of securities as applicable, reflecting the process for the no-cost transfer of the 4 new one-bedroom units and any associated services and features upon condominium plan registration, in a form satisfactory to the City.
- Confirmation that the associated condominium declaration and by-laws shall in no way limit the use and function of the units for affordable rental housing in accordance with applicable residential rental laws. It is further recognized that, upon ownership, the City will retain and maintain the units within the function and business of affordable rental housing as managed through the City's Housing Stability Services. The City, as owner, would therefore be required to address costs associated with condominium and other standard fees. These factors have been considered within the bonus provisions and will be subject to separate reporting and details.

4.6 Garbage

As per the Site Plan Control By-law, Apartment Buildings are required to maintain garbage within the building and provide a pick-up location where bins are moved to on the day of pick-up. The building is designed with an internal garbage room, where garbage is wheeled to a pick-up point on the day of retrieval.

4.7 Lighting

The applicant submitted a lighting study as part of their first submission. The lighting shows an acceptable level of lighting on site, without impacts on abutting uses.

4.8 Outstanding Site Plan Comments

Third submission comments were provided to the applicant on November 15, 2022, which identified relatively minor outstanding site plan issues that largely consist of dimensioning and linework clarification as well as general engineering details.

Conclusion

The Site Plan, as proposed, is consistent with the Provincial Policy Statement, and is in conformity with The London Plan. The proposed Site Plan and elevations will result in development that will not conflict with the character of the area, and is in compliance with the Zoning By-law and the Site Plan Control By-law.

Prepared by: Meg Sundercock, MCIP RPP
Site Development Planner

Recommended by: Michael Pease, MCIP RPP
Manager, Site Plans

Recommended by: Britt O'Hagan, MCIP RPP
Acting Director, Planning and Development

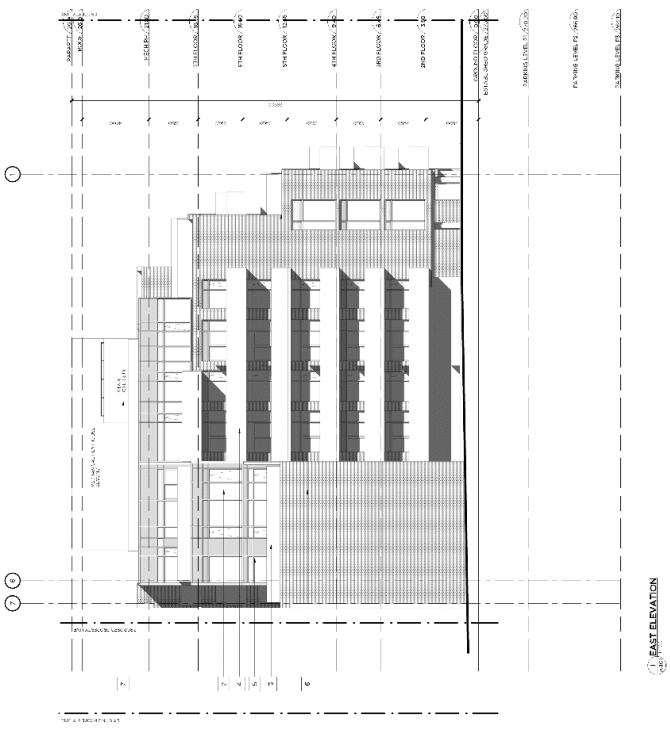
Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development

December 19, 2022

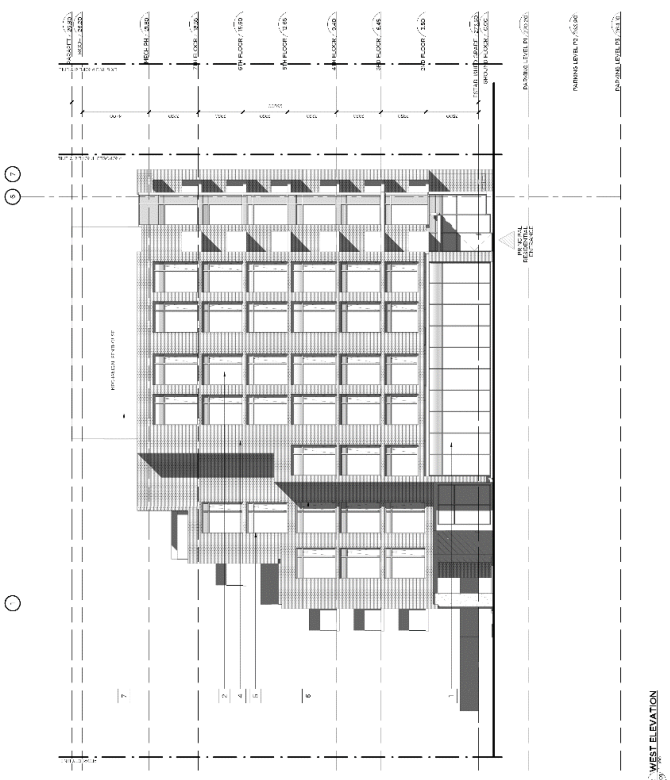
CC: Heather McNeely, Director, Planning and Development
Ismail Abushehada, Manager Development Engineering

LEGEND

1	CLEAR GLASS CURTAIN WALL
2	CLEAR GLASS WINDOW WALL
3	SPANDREL PANEL
4	GLASS
5	ASH TERRAZZO (ORISE)
6	BRICK (WESTERN)
7	A. J. BRICK PANEL



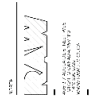
WEST ELEVATION



WEST ELEVATION

ARCHITECT: J. J. COOPER ARCHITECTS
 100 SOUTHDALE ROAD LALAS
 20012
 LHM DEVELOPMENTS

DATE: 01/20/2018
 DRAWING NO: 2018-01



J. J. COOPER ARCHITECTS
 100 SOUTHDALE ROAD LALAS
 20012
 LHM DEVELOPMENTS

WEST AND WEST BUILDING ELEVATIONS
 SCALE: 1/100

A401

Appendix B – Public Engagement

Public liaison:

Community Engagement

Public liaison: On December 21, 2022, Notice of Application was sent to 158 residents and property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 22, 2022. A “Planning Application” sign was also posted on the site.

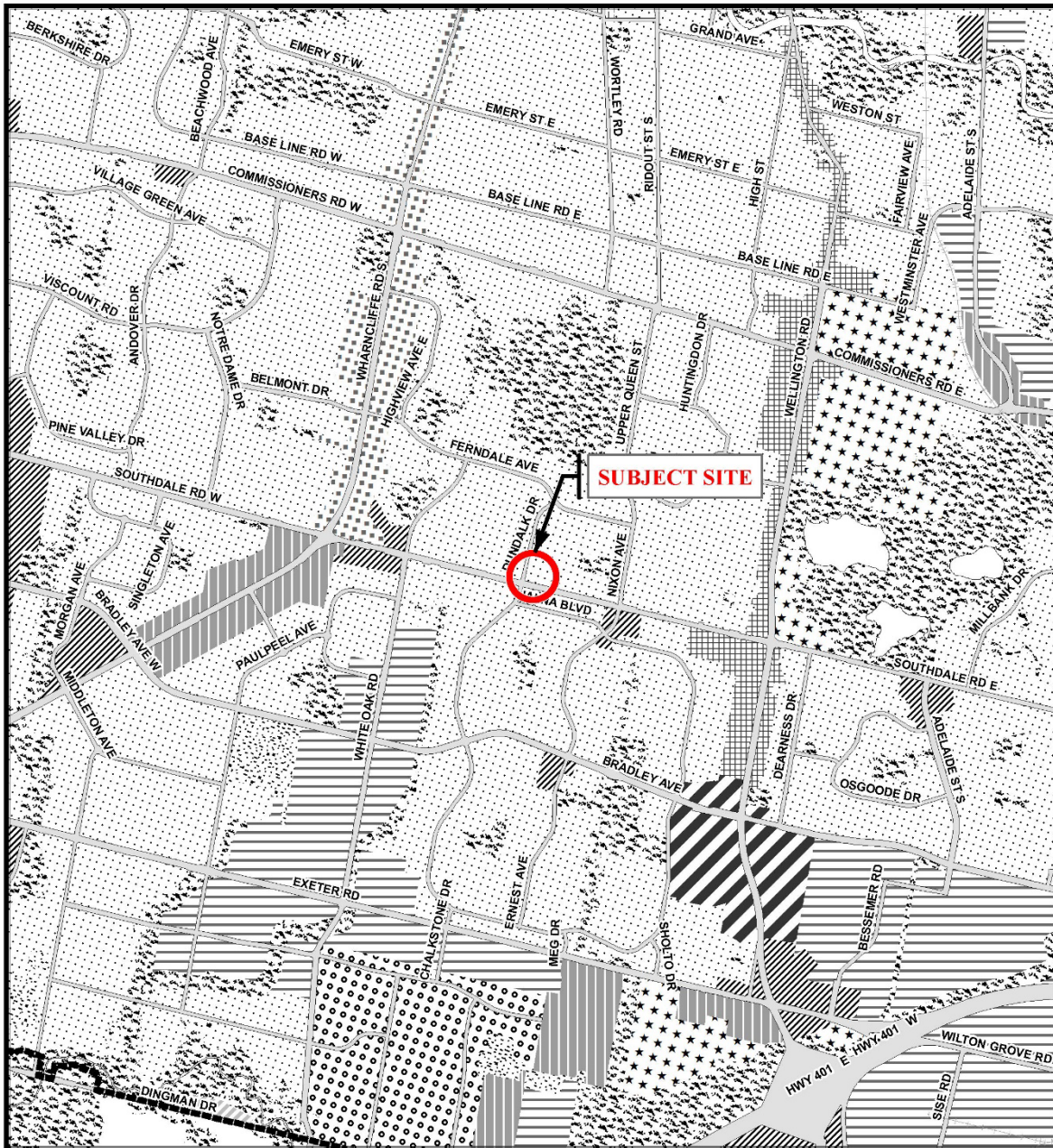
1 inquiry was received

Nature of Liaison:

400 Southdale Road E – SPA21-118 Application for Site Plan Approval by LJM Developments. Consideration of a site plan to permit a seven-storey apartment building, with a total of 181 units. The zoning on this site includes a holding provision to require a public site plan meeting before the Planning and Environment Committee.

Appendix C – The London Plan and Zoning excerpts

The London Plan



Legend

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

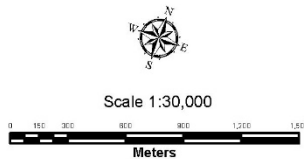
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON
Planning Services /
Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services



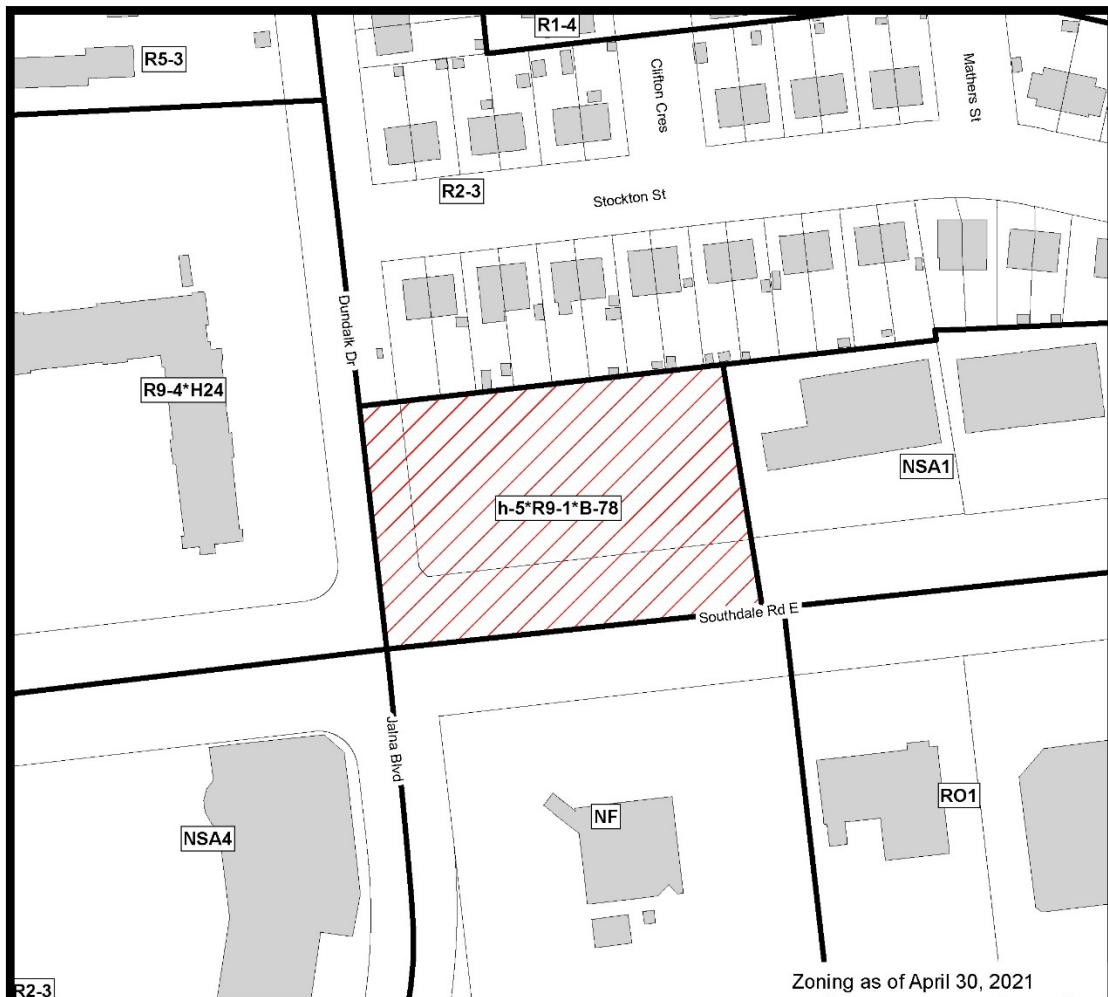
File Number: OZ-9261

Planner: AR

Technician: RC

Date: October 8, 2020

Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-5*R9-1*B-78

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

SPA21-118 MS

MAP PREPARED:

2022/11/25 RC

1:1,500

0 5 10 20 30 40
Meters



SPA21-118: 400 Southdale Rd E

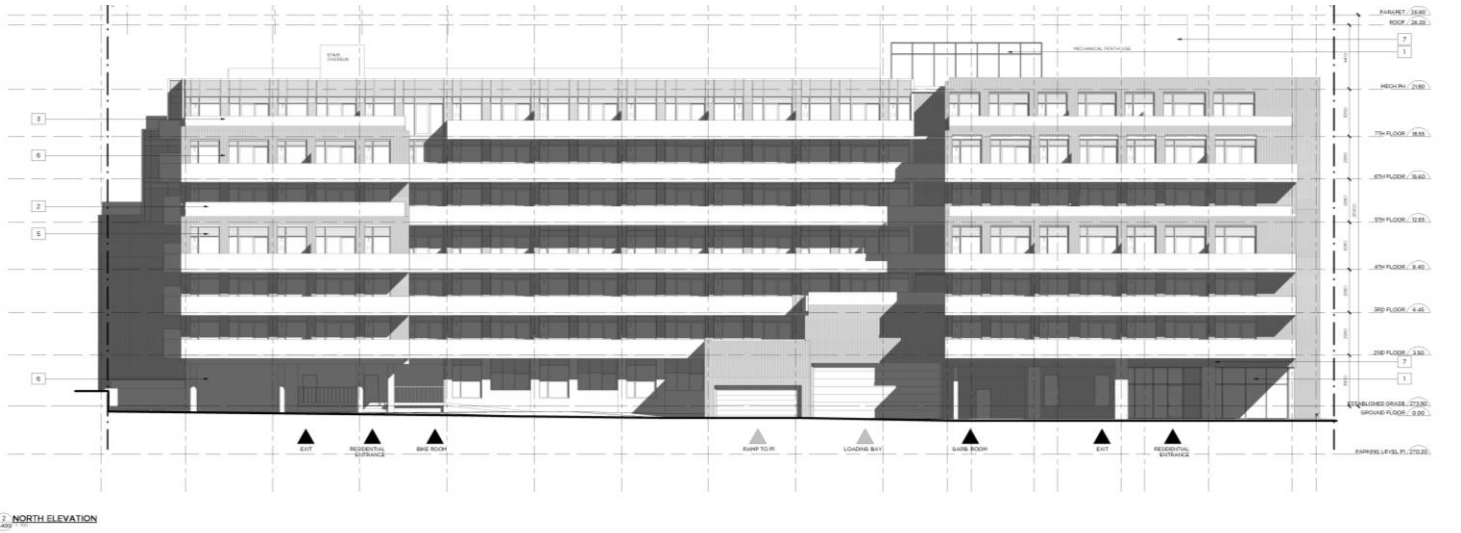


LJM Developments
January 9, 2023



London
CANADA

Building Elevations





Development Proposal

- Rezoned in 2021 to permit an apartment building
- Maximum Density: 462 units per hectare
 - Proposed: 461uph (181 units)
- Parking: 1.06 spaces per unit provided
 - Conforms to the regulations of the Zoning By-law
- Landscape Open Space: 15% minimum required
 - Proposed: 24%
- Affordable Housing:
 - 4 one-bedroom units to be owned and maintained by the City



Bonus Zone

- **Exceptional Building Design**
 - Oriented to the corner of Southdale Rd E and Dundalk Dr
 - Building step backs and articulation
 - Rooftop amenity space
- **Underground parking**
 - 2 levels of underground parking provided
- **Provision of Affordable Housing**
 - 4 new condominium units managed through the City's Housing Stability Services



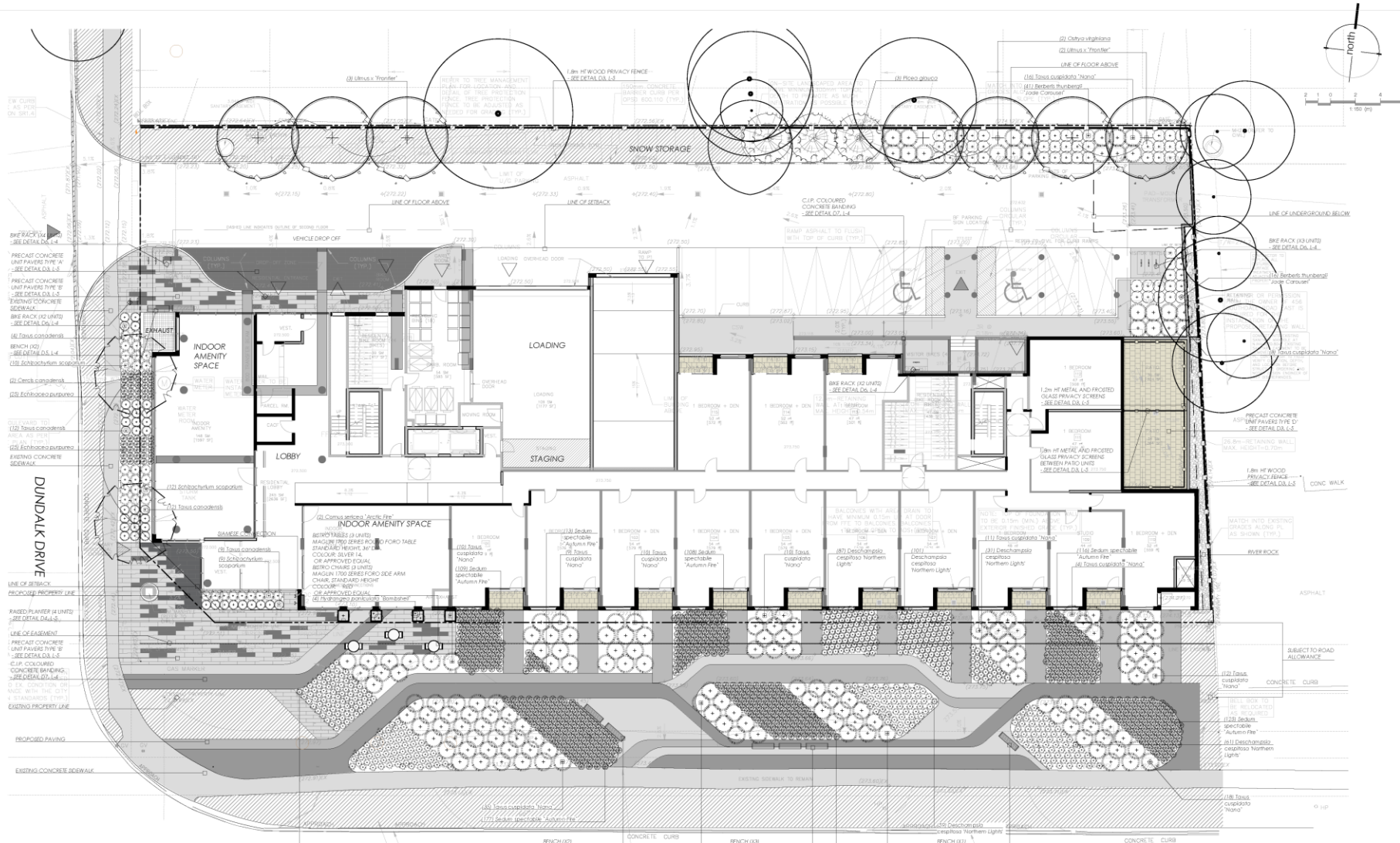
Council Resolution

- Enhanced boundary landscaping and fencing
- Consideration of more visitor surface parking
- Address existing license agreement and private sanitary sewer on site



Development Proposal: Landscape Plan

Project #: 20-132



400 SOUTHDALE ROAD EAST

Planning and Environment Committee

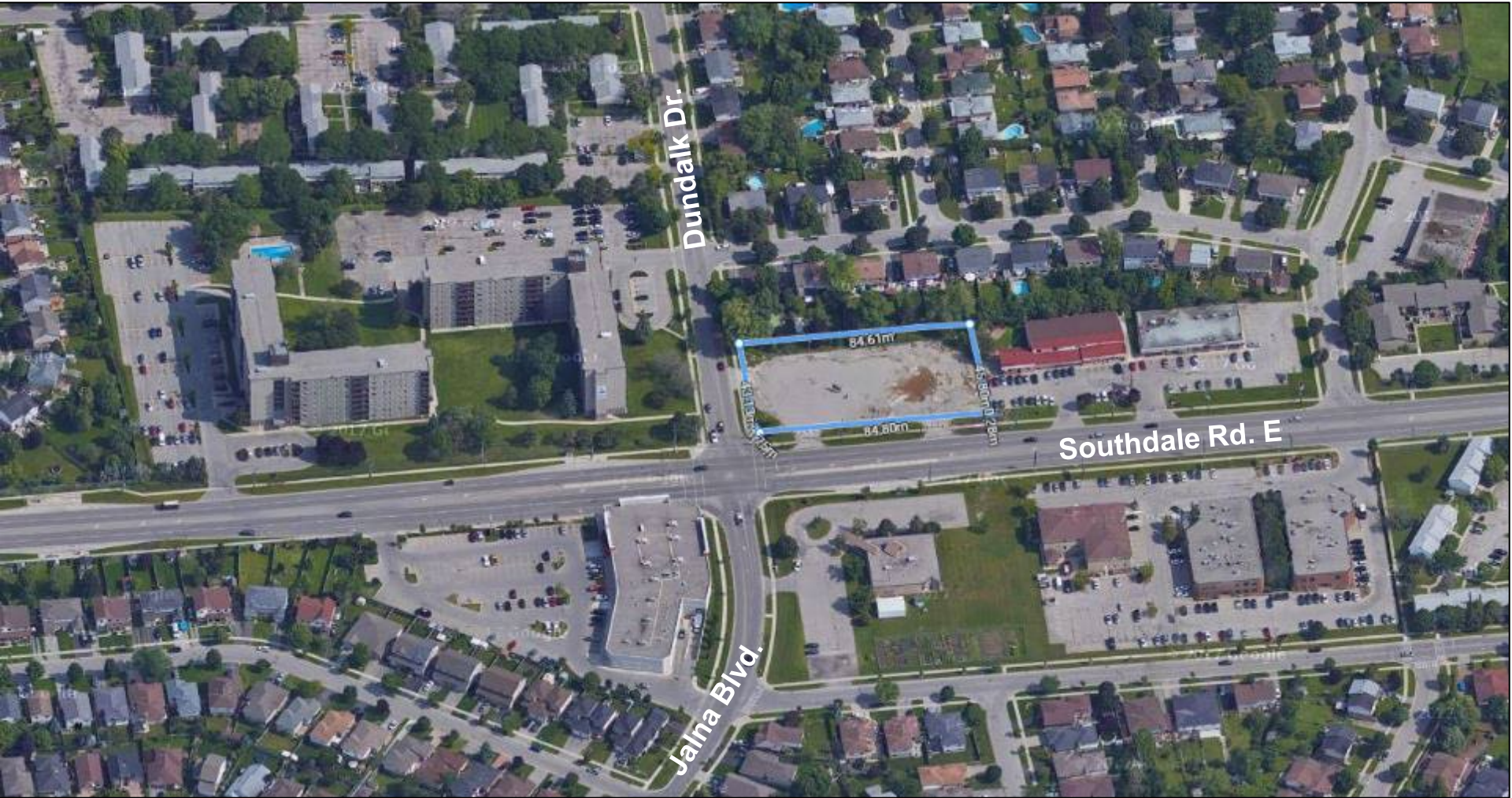
 ARCADIS

IBI GROUP



John Ariens MCIP, RPP
Carmen Jandu MCIP, RPP

January 9, 2023

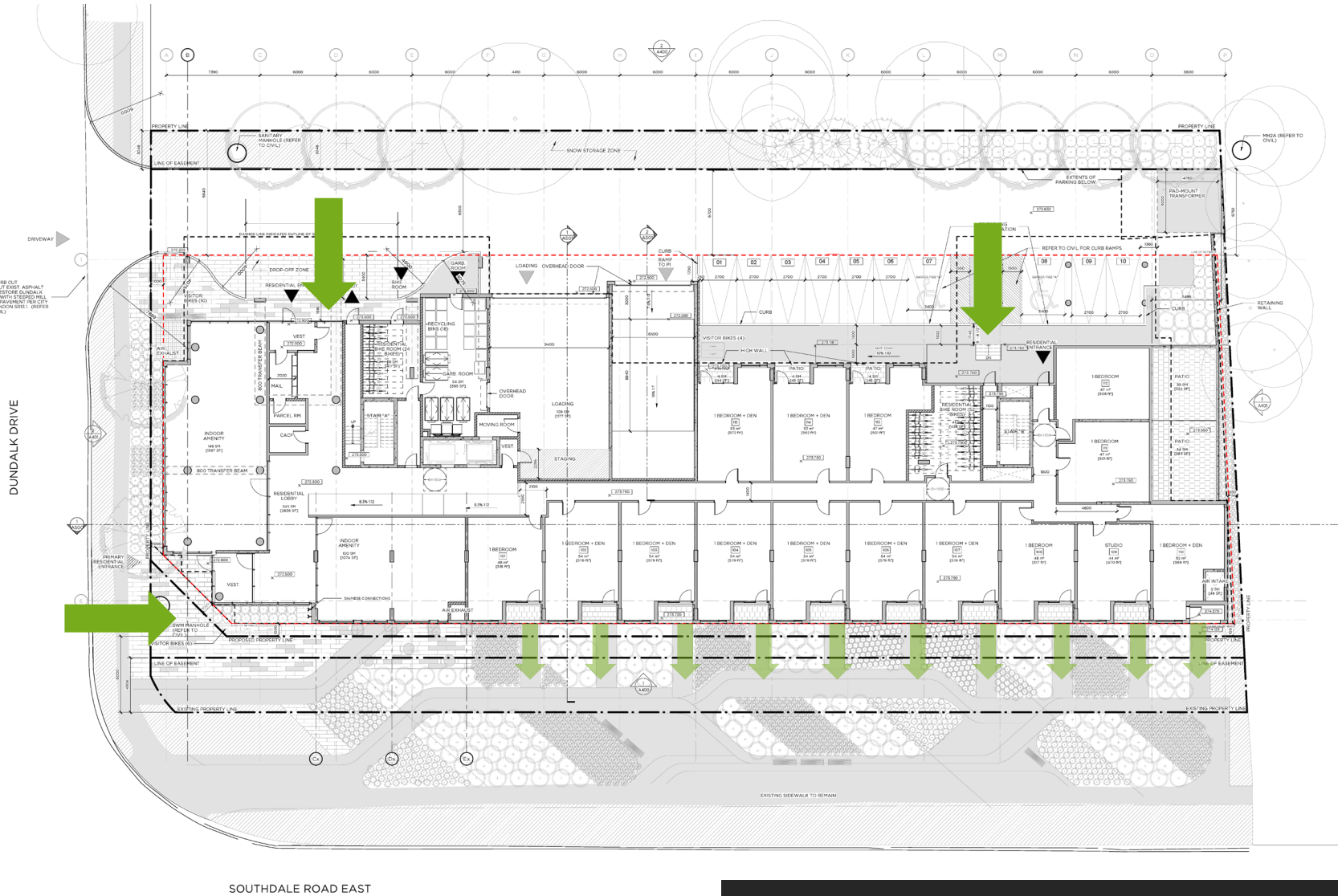


Subject Lands & Surrounding Context

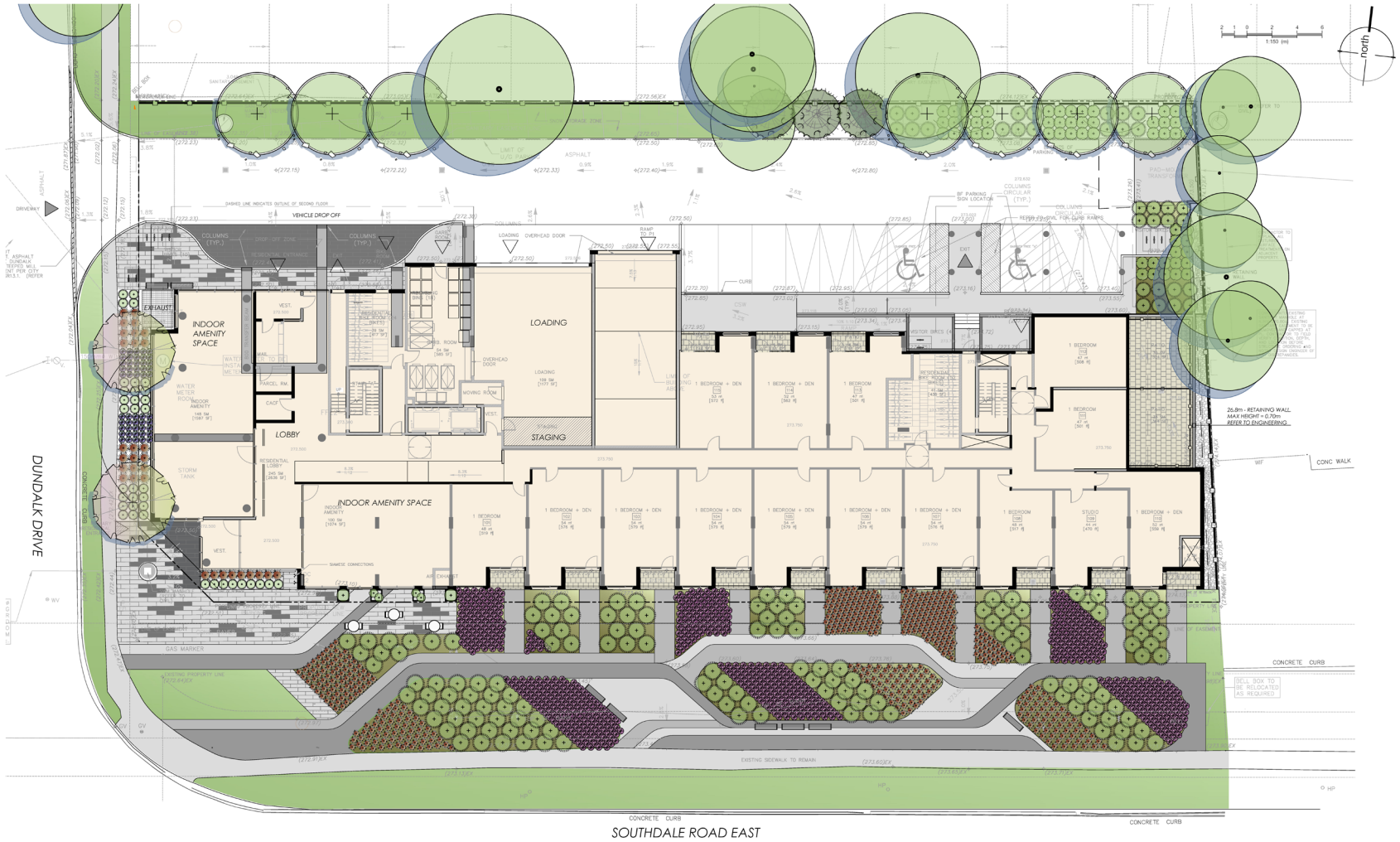
Technical Drawings and Studies

- Architectural Design
- Landscape Design
- Tree Management Plan
- Stormwater Management Report, Grading and Servicing Drawings
- Construction Management Plan
- Traffic Management Plan
- Auto Turn Analysis

Supporting Drawings and Studies



Site Plan



Landscape Design

- 4-6-7 stepped residential building with a total of 179 residential units
 - 139 One Bedroom units
 - 32 Two Bedroom units
- 196 vehicle parking spaces (parking ratio 1.06 spaces per unit)
 - 3 underground parking levels, 10 surface parking spaces, 7 Barrier Free Accessible spaces
- 206 Bike Parking Spaces
 - 184 dedicated for residents
 - 22 at grade spaces dedicated for visitors
- 3,923 sq. m. of landscaped open space
 - 18 trees to replace 14 existing trees which will be removed
 - 182 shrubs and 851 perennial plants to be installed

Development Statistics



Building Façade Facing Southdale Rd. E.



View looking Northeast from Dundalk Dr.



South Façade from Dundalk Dr.

- Provides a diversity in housing choices;
- Accommodates required vehicular and bicycle parking within the site;
- Is compatible with the surrounding built form and adjacent land uses;
- Supports public transit and active transportation;
- Creates high quality building and landscape design along Southdale Road East which is an Arterial Road; and,
- Is well-supported by existing municipal infrastructure and public service facilities.

Conclusions

Next Steps

- Application to lift the Holding Provision
- Submission of the Building Permit
- Site Preparation target start date for Fall 2023

Next Steps

Thank you! Questions? Comments?



From: emad ali

Sent: Tuesday, January 3, 2023 4:24 PM

To: PEC <pec@london.ca>

Subject: [EXTERNAL] Concern of planning meeting on jan 9 . 2023

Dear Heather.

My name is emad ali im living in 419 stockton st. London.. i received letter to attend planning meeting on jan.9.2023 at city hall. I have some concern regarding new building behind my house as the following

1. Noise during construction
- 2.dirt and safty during construction
3. The safty of my house and swimming pools structure during excavation

Thanks

Emad