

Agenda Including Addeds

Planning and Environment Committee

8th Meeting of the Planning and Environment Committee

May 1, 2023

4:00 PM

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

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

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

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

Members

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

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

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a. <i>(ADDED) Revised By-law</i>	77
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4. Items for Direction

5. Deferred Matters/Additional Business

6. Confidential

6.1 Solicitor-Client Privileged Advice / Litigation/Potential Litigation

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to appeals arising out of the Masonville Secondary Plan ("MSP") at the Ontario Land Tribunal ("OLT"), and for the purpose of providing instructions and directions to officers and employees of the Corporation.

6.2 Solicitor-Client Privileged Advice / Litigation/Potential Litigation

A matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to an appeal to the Ontario Land Tribunal ("OLT") arising out of a Committee of Adjustment decision as it relates to 1 Westcott Street, and for the purpose of providing instructions and directions to officers and employees of the Corporation.

7. Adjournment

Community Advisory Committee on Planning Report

5th Meeting of the Community Advisory Committee on Planning
April 12, 2023

Attendance PRESENT: S. Bergman (Chair), M. Bloxman, J. Dent, J. Metrailler, M. Rice, M. Wallace, K. Waud, M. Whalley, M. Wojtak and K. Mason (Acting Committee Clerk)

ABSENT: S. Ashman, I. Connidis, A. Johnson, S. Jory, J. Wabegijig

ALSO PRESENT: S. Corman, K. Gonyou, K. Grabowski, M. Greguol, K. Mitchener

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Heritage Impact Assessment for 150 Philip Aziz Avenue, Western Road and Sarnia Road/Philip Aziz Avenue Environmental Assessment

That it BE NOTED that the Community Advisory Committee on Planning (CACP) is in support of research and findings of the Heritage Impact Assessment, dated March 2023, from AECOM, related to 150 Philip Aziz Avenue, Western Road and Sarnia Road/Philip Aziz Avenue Environmental Assessment; it being noted that the verbal presentation from K. Grabowski, Manager, Transportation Planning and Design, with respect to this matter, was received.

3. Consent

3.1 4th Report of the Community Advisory Committee on Planning

That it BE NOTED that the 4th Report of the Community Advisory Committee on Planning, from its meeting held on March 8, 2023, was received.

3.2 Community Heritage Ontario (CHO) 2023 Membership Renewal

That the Community Advisory Committee on Planning membership renewal with Community Heritage Ontario for 2023, BE APPROVED.

3.3 Notice of Public Meeting - Zoning By-law Amendment - 300-320 King Street

That it BE NOTED that the Notice of Public Meeting, dated March 23, 2023, from A. Riley, Senior Planner, with respect to a Zoning By-law Amendment related to the properties located at 300-320 King Street, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee Report, from the meeting held on March 29, 2023, was received.

5. Items for Discussion

- 5.1 Heritage Alteration Permit Application by R. Bryson for the property located at 27 Bruce Street, Wortley Village-Old South Heritage Conservation District

That the Municipal Council BE REQUESTED to refer the matter of the Heritage Alteration Permit Application by R. Bryson for the property located at 27 Bruce Street, Wortley Village - Old South Heritage Conservation District back to the Civic Administration to allow for continued work with the applicant.

- 5.2 Heritage Planners' Report

That it BE NOTED that the Heritage Planner's Report, dated March 8, 2023, was received.

6. Adjournment

The meeting adjourned at 6:00 PM.

Ecological Community Advisory Committee

Report

5th Meeting of the Ecological Community Advisory Committee
April 20, 2023

Attendance PRESENT: S. Levin (Chair), P. Baker, E. Dusenge, S. Evans, T. Hain, S. Hall, R. McGarry, K. Moser, G. Sankar and S. Sivakumar and J. Bunn (Acting Committee Clerk)

ABSENT: B. Krichker, K. Lee, M. Lima, S. Miklosi and V. Tai

ALSO PRESENT: Councillor S. Franke; S. Butnari, K. Edwards, M. Shepley and B. Westlake-Power

The meeting was called to order at 4:31 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 March 16, 2023, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Trails Advisory Group Representative and Alternate

That K. Moser and S. Hall BE APPOINTED as Representative and Alternate to the Trails Advisory Group.

5.2 Goldfish Brochure

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion with respect to the Goldfish brochure.

5.3 (ADDED) Working Group Comments - 735 Southdale Road West

That the Working Group comments relating to the property located at 735 Southdale Road West BE FORWARDED to the Civic Administration for review and consideration

5.4 (ADDED) Kensington Bridge EIS

That a Working Group consisting of P. Baker and G. Sankar BE ESTABLISHED to review and report back on the Kensington Bridge Environmentally Significant Area.

6. Adjournment

The meeting adjourned at 5:05 PM.

Report to Planning & Environment Committee

To: CHAIR AND MEMBERS
PLANNING & ENVIRONMENT COMMITTEE
From: SCOTT MATHERS, MPA, P. ENG.,
DEPUTY CITY MANAGER, PLANNING AND ECONOMIC
DEVELOPMENT
Subject: ANNUAL REPORT ON BUILDING PERMIT FEES
Date: MAY 1, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the attached report on building permit fees collected and costs of administration and enforcement of the Building Code Act and Regulation for the year 2022, **BE RECEIVED** for information purposes.

Previous Reports Related to this Matter

April 25, 2022 – Planning & Environment Committee

Background

The Building Code Act (“Act”) and the regulations made thereunder (Ontario’s Building Code) require that a report be prepared annually on building permit fees collected, and the costs incurred in the administration and enforcement of the Building Code Act and Regulation. Specifically, Division C, Section 1.9.1.1., of the Regulation states:

- (1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect of fees authorized under clause 7(1)(c) of the Act:
 - (a) total fees collected in the 12-month period ending no earlier than three months before the release of the report,
 - (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the principal authority in the 12-month period referred to in Clause (a),
 - (c) a breakdown of the costs described in Clause (b) into at least the following categories:
 - (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of buildings, and
 - (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
 - (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12-month period referred to in Clause (a).
- (2) The principal authority shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the principal authority provide the person or organization with such notice and has provided an address for the notice.

Revenues Collected

Building permit fees collected during 2022 totalled \$7,022,622. However, consistent with revenue recognition principles governed by generally accepted accounting principles (GAAP), Building fee revenue recognized by the City of London for 2022 equated to \$8,105,583 on an accrual basis.

As shown below, subject to completion of the 2022 year-end financial statement audit, the net revenue of building permit fees for 2022 was:

Deferred Revenue from 2021 - permits issued in 2022	\$2,831,297
2022 Building Permit Fees	\$7,022,622
Deferred Revenues to 2022 - permits not issued in 2022 but will be issued in 2023	\$1,748,336

2022 NET REVENUE	\$8,105,583
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Deferred Revenue is revenue collected in a given year, at the time of building permit application, and reallocated towards the subsequent year whereupon permit issuance and building inspections are anticipated.

Costs Incurred

The total costs, both direct and indirect, incurred during 2022 were \$8,509,974, as shown in the Table below (subject to completion of the 2022 year-end financial statement audit).

	Costs (\$)	Positions
<u>DIRECT COSTS</u>		
Administration	\$155,811	3
Permit Issuance	\$1,473,554	18
Inspection	\$2,125,428	24
Zoning Review & Code Compliance	\$991,756	9
Operational Support	\$938,442	16
Operating Expenses (supplies, equipment, etc.)	\$1,097,074	
TOTAL DIRECT COSTS	\$6,782,065	70
<u>INDIRECT COSTS</u>		
Corporate Management and Support	\$1,381,597	
Risk Management	\$148,312	
Office Space	\$198,000	
TOTAL INDIRECT COSTS	\$1,727,909	
TOTAL COSTS	\$8,509,974	

Net Financial Position

At 2022 year-end, the net revenue was \$8,105,583. By deducting the total direct and indirect costs of \$8,509,974 for administration and enforcement of the Building Code Act and the Building Code Regulation, this results in a \$404,392 withdrawal from the Building Permit Stabilization Reserve Fund.

Total Net Revenue	\$ 8,105,583
Total Cost of Enforcement	\$ 8,509,974
YEAR END CONTRIBUTION (withdrawal if negative)	\$ - 404,391

Building Permit Stabilization Reserve Fund (BPSRF)

During the building permit fee review in 2019, consultations occurred with industry and the BPSRF target was increased to 100% of the annual operating costs. As agreed upon with industry, this target is to be reached in a gradual manner over the span of a few years.

The BPSRF 2022 opening balance was \$3,702,379 after interest allocations (\$66,678) and any year-end adjustments. Considering a 2022 withdrawal of \$404,391, the revised closing balance is \$3,297,988 in the reserve fund, which equates to 39% of the annual operating costs. In 2022, increase in costs were observed as a result of staff overtime, training requirements and the introduction of new Senior Plan/Building Inspector positions. A review of the BPSRF will be undertaken to assess whether further Building Division staff can be funded, in the short term, to provide additional capacity in 2023 and whether permit fee rates will need to be adjusted to reach the 100% target.

Building Permit Fees

In 2019, a review was completed of the building permit fee structure in relation to work effort, as well as a comparison of London fees in relation to other similar jurisdictions. Consequently, a new fee structure was adopted by Council which included an annual indexing component. As of March 01, 2023, in accordance with the Building By-law provisions, the previous building permit fee rates were indexed by 6.0% (Consumer Price Index change). However, with the passing of Bill 23 (More Homes Built Faster Act, 2022) staffing levels are expected to increase in response to the anticipated demand for housing units. The additional costs incurred will be monitored while permit fee rates will also be further reviewed.

Conclusion

In accordance with the legislation, building permit revenues are to be used for the cost of administration and enforcement of the Building Code Act and Building Code Regulation. The balance of \$3,297,988 in the Building Permit Stabilization Reserve Fund equates to 39% of annual operating costs. The Building Division will be carrying out a cost analysis based on an anticipated staff level increase to accommodate the requirements of Bill 23 (More Homes Built Faster Act, 2022) and further review any need for permit fee rate adjustments.

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

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

cc: Kyle Murray, Director, Financial Planning & Business Support
Nathan Asare-Bediako, Financial Business Administrator

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: The Corporation of the City of London
2060 Jetstream Road, Z-9592, Ward 3
Public Participation Meeting
Date: May 1, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of The Corporation of the City of London relating to the property located at 2060 Jetstream Road:

- (a) Consistent with Policy 43_1 of The London Plan, the subject lands, 2060 Jetstream Road, **BE INTERPRETED** to be located within the Heavy Industrial Place Type;
- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting May 16, 2023 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Light Industrial (LI2) Zone, **TO** a Heavy Industrial Special Provision (HI1(_)) Zone.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site from a Light Industrial (LI2) Zone to a Heavy Industrial Special Provision (HI1(_)) Zone in order to align with the existing zone on the westerly adjacent lot (roll number 030330077040000), which is zoned a Holding Heavy Industrial (h* HI1) Zone and is also owned by the applicant.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to align the zoning of the subject lands with the adjacent westerly lot in order to help facilitate the future sale and development of the subject site in a more efficient manner. A special provision would recognize the existing reduced lot frontage of 45.3 metres, whereas a minimum of 75 metres is required.

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 Heavy Industrial Place Type;
3. The recommended amendment would align the zoning of the property to that of the westerly adjacent lot (roll number 030330077040000), simplifying the future development of the sites together as one.

Linkage to the Corporate Strategic Plan

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

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Property Description

The subject lands, municipally known as 2060 Jetstream Road, is located on the north side of the cul-de-sac at the end of Jetstream Road, south of Veterans Memorial Parkway, in the Airport Planning District. The site is currently vacant with an area of approximately 0.78 hectares and a frontage of 45.3 metres along Jetstream Road.

The surrounding area consists of a mix of industrial uses and vacant lands intended for future industrial uses. The area south and southeast of the subject lands are in the Light Industrial Place Type and are mainly zoned for light industrial uses. The lands to the west and directly south are in the Heavy Industrial Place Type and zoned for heavy industrial and general industrial uses.



Figure 1: Photo of Subject Site

1.3 Current Planning Information

- The London Plan Place Type – Light Industrial Place Type
- Existing Zoning – Light Industrial (LI2) Zone

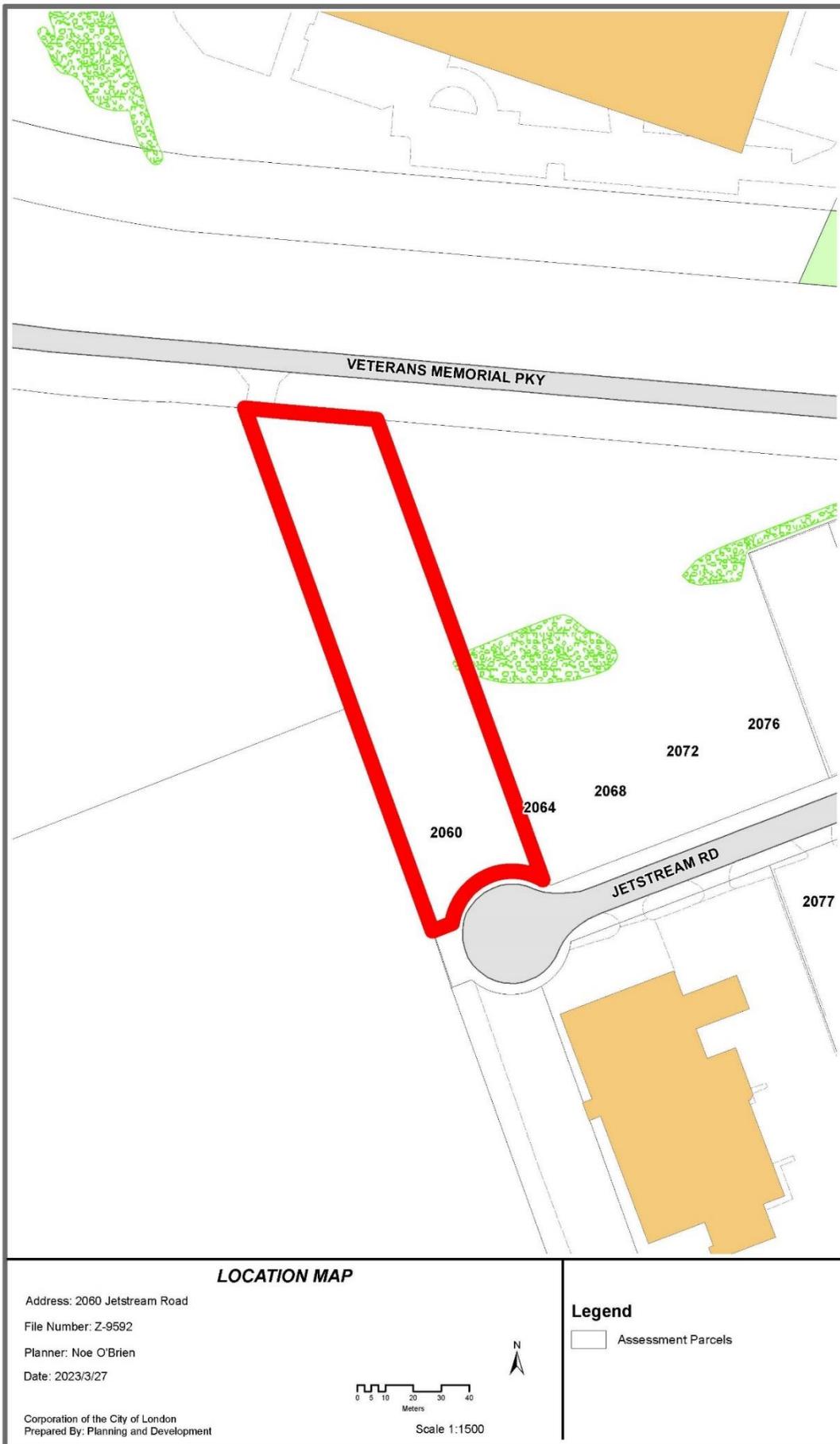
1.4 Site Characteristics

- Current Land Use – Vacant industrial land
- Frontage – 45.3 metres
- Area – 0.78 hectares
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Veterans Memorial Parkway
- East – Vacant industrial land
- South – Industrial use, vacant industrial land
- West – Vacant industrial land

1.6 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The applicant has requested to rezone the subject lands from the existing Light Industrial (LI2) Zone to a Heavy Industrial Special Provision (HI1(_)) Zone. The special provision would permit the existing 45.3 metre frontage, whereas a minimum of 75 metres is required in the HI1 Zone.

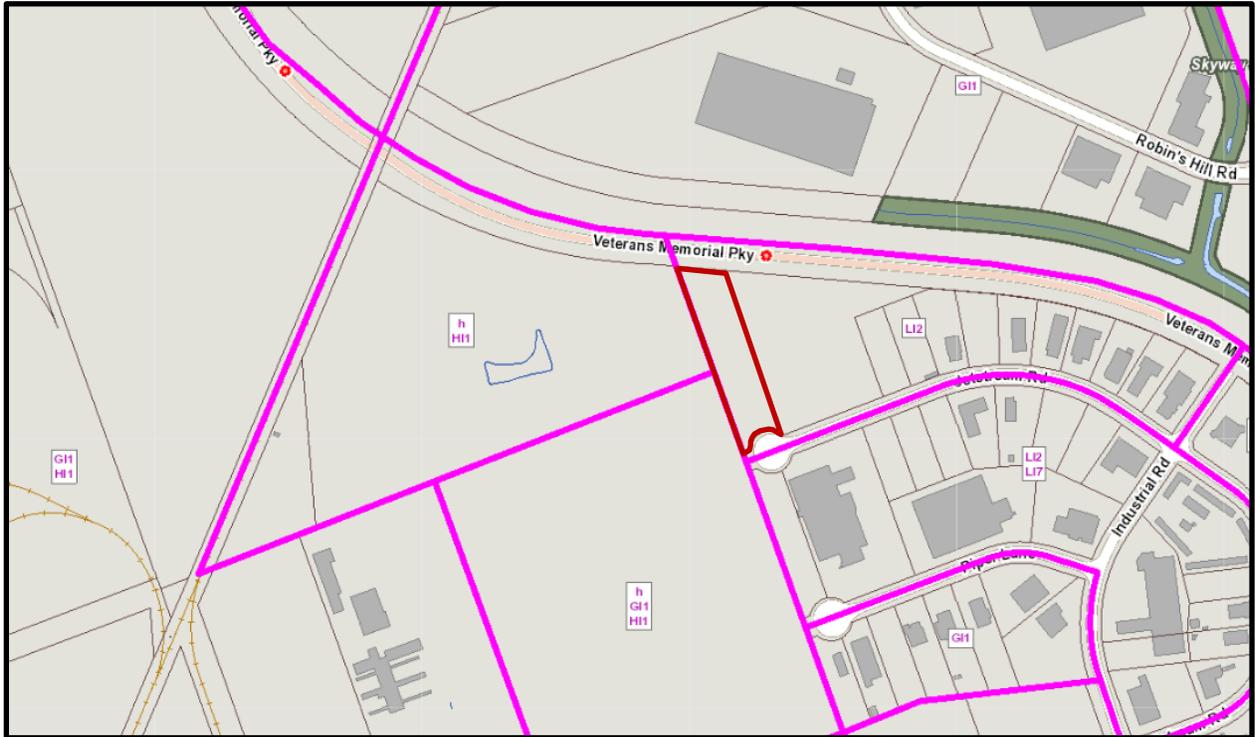


Figure 2: Existing zoning of subject lands

The change to an HI1() Zone would align the zoning of the subject lands to that of the property to the west, which is also owned by the applicant. By having one consistent HI1 Zone (with the only provision regarding frontage at 2060 Jetstream Road) on the two properties, future development of the subject lands and the adjacent site could be continuous over the two lots rather than being split by existing zones. This application does not include any further proposed development or site alterations.

2.2 Requested Amendment

The applicant has requested to rezone the subject lands from the existing Light Industrial (LI2) Zone to a Heavy Industrial Special Provision (HI1(_)) Zone. The special provision would permit the existing 45.3 metre frontage, whereas a minimum of 75 metres is required in the HI1 Zone.

2.3 Community Engagement (see more detail in Appendix B)

Through the community engagement process, no phone calls or written responses were received.

3.0 Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Refer to Appendix C for further details on the characteristics of the proposed application related to the City's climate action objectives.

4.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

5.0 Key Issues and Considerations

5.1 Key Issue and Consideration #1: Interpretation of The London Plan

The subject lands may be considered to be located in either the Light Industrial Place Type or the Heavy Industrial Place Type given it's location on Map 1 – Place Types of The London Plan, as generally depicted in Figure 3. Policy 43_1. of The London Plan addresses interpretation of Place Type boundaries:

“The boundaries between place types as shown on Map 1 – Place Types, of this Plan, are not intended to be rigid, except where they coincide with physical features (such as streets, railways, rivers or streams). The exact determination of boundaries that do not coincide with physical features will be interpreted by City Council. Council may permit minor departures from such boundaries, through interpretation, if it is of the opinion that the intent of the Plan is maintained and that the departure is advisable and reasonable. Where boundaries between place types do coincide with physical features, any departure from the boundary will require an amendment to the Plan.”



Figure 3: Map of the Place Types adjacent to the subject lands (light grey: Light Industrial Place Type, dark grey: Heavy Industrial Place Type)

Policy 1113_ of The London Plan details how the vision of the Industrial Place Type will be met. Policy 1113_2 identifies the need to understand the needs and demands of sectors the City hopes to attract and plan for industrial lands in strategically attractive locations. Policy 1113_3 mentions that to meet the Place Type's vision, a broad industrial land base must be promoted to accommodate a wide range of target industrial sectors and uses. Lastly, Policy 1113_8 mentions that development should capitalize upon the proximity to highways (401 and 402) by providing opportunities for highway frontage and sites accessible to the highways.

The subject lands are intended to be developed comprehensively with the adjacent lot to the west in the future. As the existing Place Type boundary between the two lots does not coincide with any physical feature, and interpretation of the lands as being in the Heavy Industrial Place Type would fit with Place Type policy by taking advantage of the site's proximity to the highway, and assisting in planning for industrial lands at strategic locations, it is recommended the subject lands be interpreted to be within the Heavy Industrial Place Type.

5.2 Key Issue and Consideration #2: Change of Zone

The requested amendment would change the zoning of the subject lands from the existing LI2 Zone to an HI1() Zone.

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 municipalities to make sufficient land available to accommodate a mix of land uses to meet projected needs for up to a 25-year time horizon and does not limit planning for infrastructure to accommodate employment areas beyond the 25-year time horizon (PPS, Policy 1.1.2).

Section 1.3.1. of the PPS directs planning authorities to provide for a range of employment uses, to provide opportunities for a diversified economic base, and for planning authorities to identify and facilitate investment in such lands. 1.3.1 c) specifically directs municipalities to facilitate investment by tracking market-ready sites.

Section 1.3.2. of the PPS also directs planning authorities to protect and preserve employment areas for current and future uses and ensure the necessary infrastructure is provided to support current and future needs. Policy aims to protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

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 include: Direction #1: Plan strategically for a prosperous city (promoting growth for varied businesses and economic opportunities), and Direction #8: Make wise planning decisions (requiring planning decisions to regard long-term goals for the city).

As indicated previously, the lands are recommended to be interpreted as being in the Heavy Industrial Place Type. The Heavy Industrial Place Type contemplates industrial uses with significant planning impacts on surrounding uses (through, noise, odour, vibrations, hazardous materials etc.). The uses are separated from other uses to avoid land use conflicts.

The conversion from an LI2 Zone to an HI1() Zone would add the following new permitted uses: Armaments, munitions and explosive manufacturing industries; Manufacturing and assembly industries; Processed goods industries; Raw materials processing industries; Storage depots; Terminal centres; Transport terminals; Warehouse establishments; Waste treatment facilities; Residential and other source recycling facility; Specialized recycling facility; In-Vessel composting facility; Channel composting facility; Impounding Yard; Tow Truck Business. The change of these uses would reflect the intention of the site to be used and developed in tandem with the westerly site, which is already zoned HI1 with a holding provision (which is not proposed to be removed). The proposed uses would fall within the scope of uses contemplated in the Heavy Industrial Place Type.

The proposed change supports these Key Directions by assisting in facilitating growth in industrial land and planning at a long-term scale and is in keeping with the contemplated uses of the Heavy Industrial Place Type.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement 2020, and conforms to the policies of The London Plan, including but not limited to the Key Directions and the Heavy Industrial Place Type. The recommended amendment will facilitate future development of the subject lands in a more comprehensive manner.

Prepared by: Noe O'Brien
Planner I, Development Services

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

Recommended by: Heather McNeely, MCIP, RPP
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. C.P.-XXXX-____

A by-law to amend By-law No. Z.-1 to rezone an area of land consisting of the property municipally known as 2060 Jetstream Road.

WHEREAS The Corporation of the City of London has applied to rezone an area of land consisting of 2016 Huron Street and the adjacent lot to the west (roll number 030330007120000), 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 2060 Jetstream Road, as shown on the attached map comprising part of Key Map No. A104, from a Light Industrial (LI2) Zone to a Heavy Industrial Special Provision (HI1(_)) Zone.
- 2) Section Number 42.4a) of the Heavy Industrial (HI1) Zone is amended by adding the following Special Provision:

HI1() 2060 Jetstream Road

a) Regulations

i) Lot Frontage 45.3 metres (148.6 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 May 16, 2023.

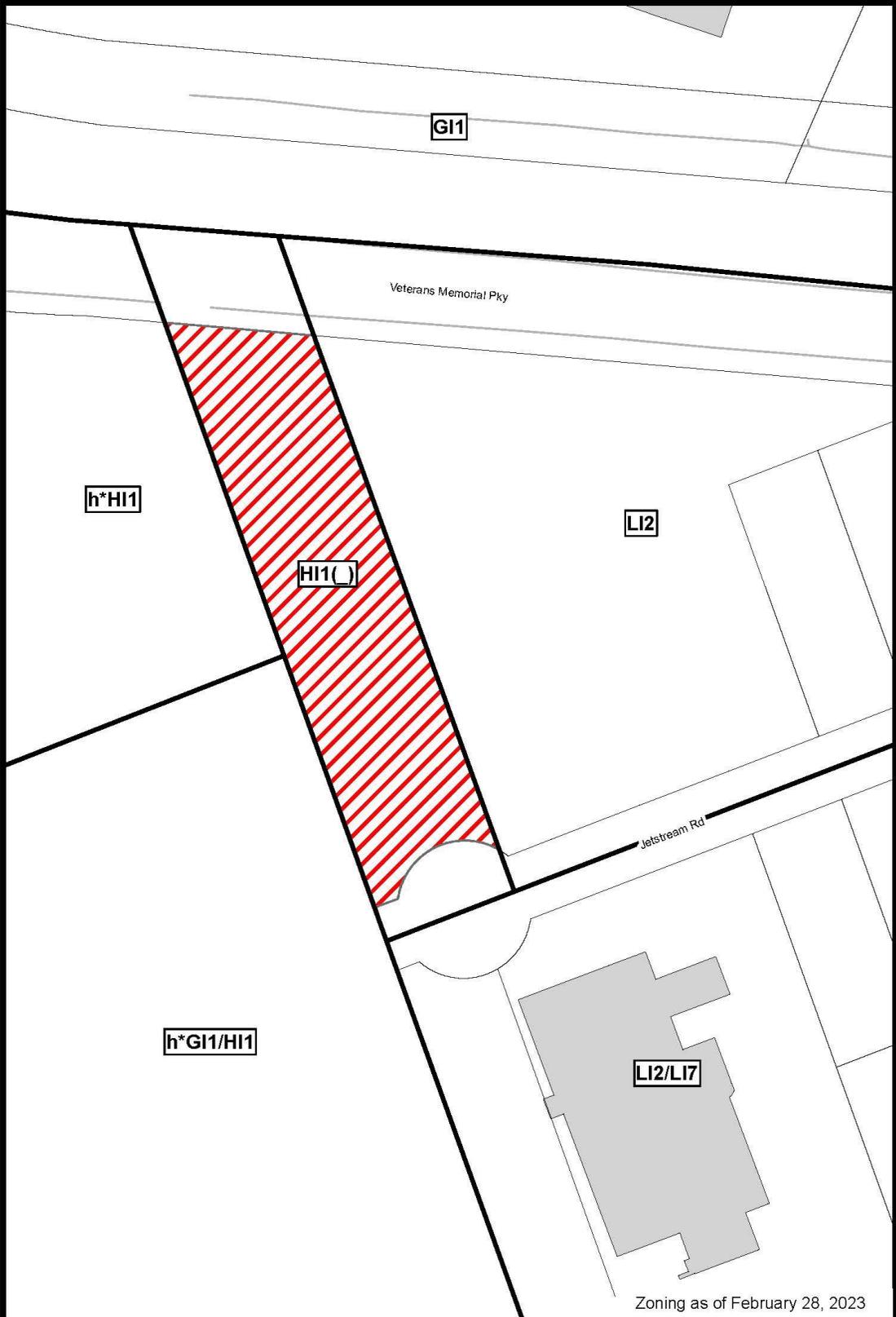
Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – May 16, 2023
Second Reading – May 16, 2023

Third Reading – May 16, 2023

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



<p>File Number: Z-9592 Planner: NO Date Prepared: 2023/3/27 Technician: JI By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,500</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Geodatabase

Appendix B – Public Engagement

Community Engagement

Notice of Application:

On March 15, 2023, Notice of Application was sent to prescribed agencies and City departments.

Public liaison: On March 15, 2023, Notice of Application was sent to 9 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday March 16, 2023. A “Planning Application” sign was also posted on the site.

No replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to match the zoning of the subject lands to that of the adjacent western lot. Possible change to Zoning By-law Z.-1 FROM a Light Industrial (LI2) Zone which permits a range of light and medium intensity industrial uses, TO a Heavy Industrial Special Provision (HI1(_)) Zone. Special provision would recognize the existing lot frontage of 45.3 metres, whereas 75 metres is the minimum required.

Agency/Departmental Comments

London Hydro (April 4, 2023)

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.

Parks Planning and Design (April 5, 2023)

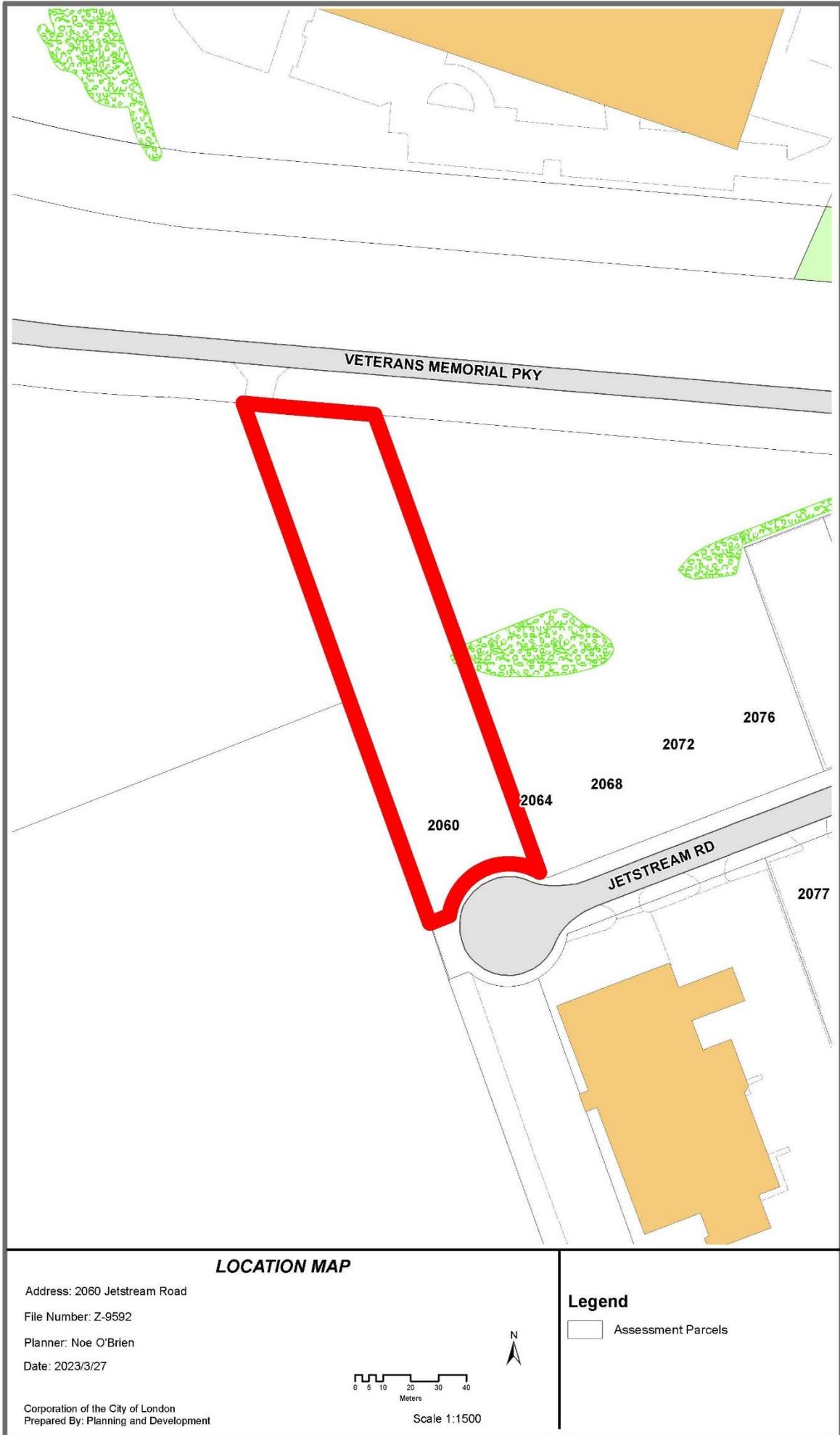
No comment, Parkland Dedication is waived for industrial uses, pursuant to By-law CP-25.

Engineering (April 6, 2023)

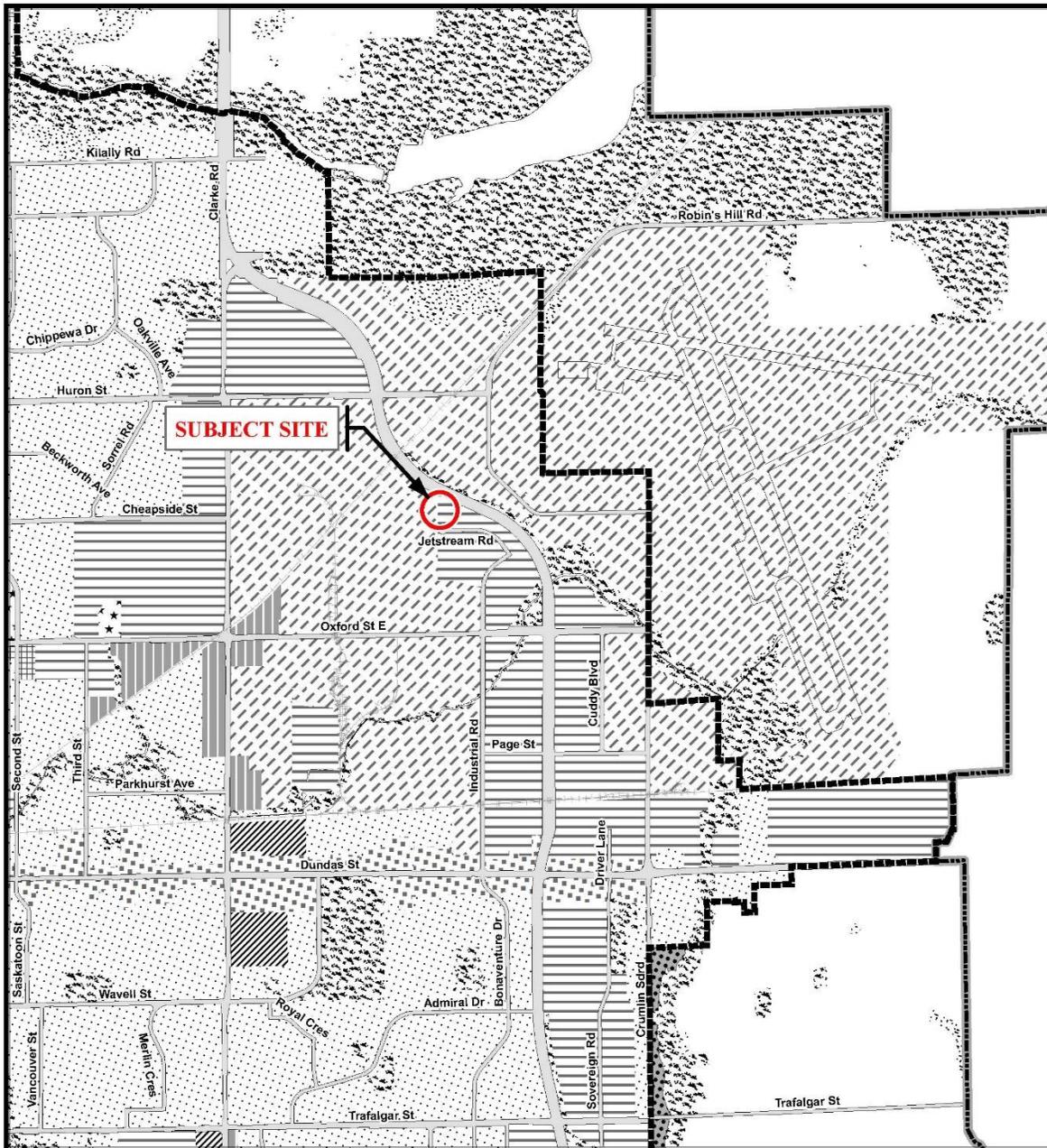
No comments or concerns.

Appendix C – Relevant Background

Location Map



The London Plan



Legend

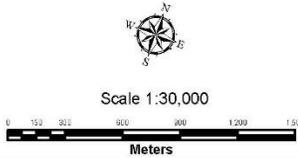
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management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

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

CITY OF LONDON Official Plan

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9592
Planner: NO
Technician: JI
Date: 2023/4/17

Project Location: \\cfile1\giswork\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\Z-9592_Map1_PlaceTypes.mxd

Zoning By-Law No. Z-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI2

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



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

FILE NO:
Z-9592 NO

MAP PREPARED:
2023/03/27 JI

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

Appendix D – Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. The following are characteristics of the proposed application related to the City's climate action objectives:

Infill and Intensification

Located within the Built Area Boundary: Yes
Located within the Primary Transit Area: No
Net density change: N/A
Net change in affordable housing units: N/A

Complete Communities

New use added to the local community: No
Proximity to the nearest public open space: ~500m, 3M Anniversary Park
Proximity to the nearest commercial area/use: ~600m
Proximity to the nearest food store: ~600m
Proximity to nearest primary school: Chippewa Public School, ~2.1km
Proximity to nearest community/recreation amenity: ~500m, 3M Anniversary Park
Net change in functional on-site outdoor amenity areas: N/A

Reduce Auto-dependence

Proximity to the nearest London Transit stop: 1.0km
Completes gaps in the public sidewalk network: N/A
Connection from the site to a public sidewalk: N/A
Connection from the site to a multi-use pathway: N/A
Site layout contributes to a walkable environment: N/A (to be addressed in future applications).
Proximity to nearest dedicated cycling infrastructure: ~2.7km (Fanshawe College Boulevard and Cheapside Street)
Secured bike parking spaces: N/A
Secured bike parking ratio: N/A
New electric vehicles charging stations: N/A
Vehicle parking ratio: N/A

Environmental Impacts

Net change in permeable surfaces: N/A
Net change in the number of trees: N/A
Tree Protection Area: No
Landscape Plan considers and includes native and pollinator species: N/A
Loss of natural heritage features: No
Species at Risk Habitat loss: No
Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): N/A

Construction

Existing structures on site: No
Existing structures repurposed/adaptively reused: N/A
Green building features: N/A
District energy system connection: N/A

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. C.P.-XXXX-____

A by-law to amend By-law No. Z.-1 to rezone an area of land consisting of the property municipally known as 2060 Jetstream Road.

WHEREAS The Corporation of the City of London has applied to rezone an area of land consisting of the property municipally known as 2060 Jetstream Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2060 Jetstream Road, as shown on the attached map comprising part of Key Map No. A104, from a Light Industrial (LI2) Zone to a Heavy Industrial Special Provision (HI1(_)) Zone.
- 2) Section Number 42.4a) of the Heavy Industrial (HI1) Zone is amended by adding the following Special Provision:

HI1() 2060 Jetstream Road

a) Regulations

i) Lot Frontage 45.3 metres (148.6 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.

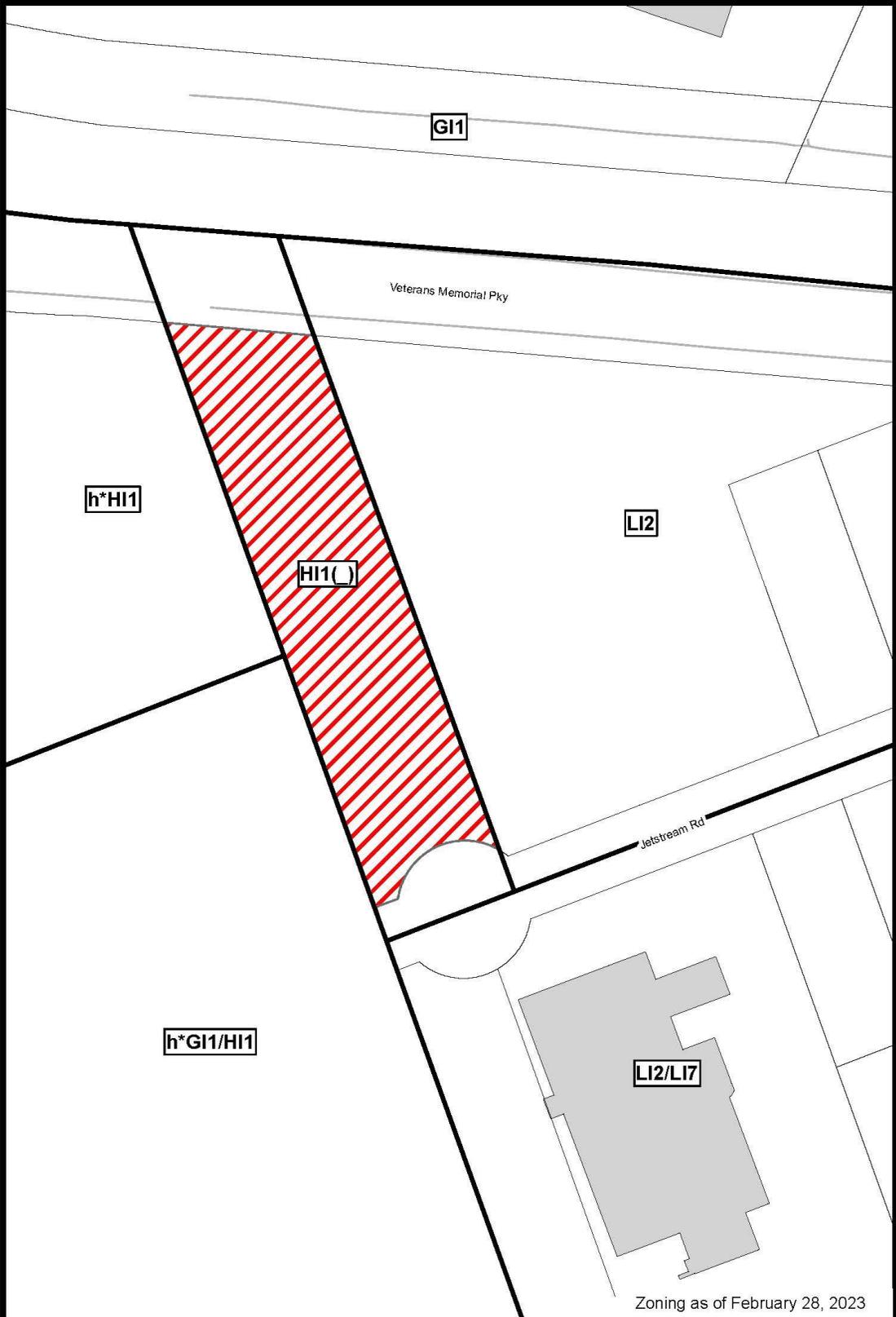
PASSED in Open Council on May 16, 2023.

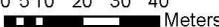
Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – May 16, 2023
Second Reading – May 16, 2023
Third Reading – May 16, 2023

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



<p>File Number: Z-9592 Planner: NO Date Prepared: 2023/3/27 Technician: JI By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,500</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Geodatabase

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Old Oak Properties Inc.
595 Proudfoot Lane
City File: Z-9591 Ward 13
Public Participation Meeting

Date: May 1, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Old Oak Properties Inc. relating to the property located at 595 Proudfoot Lane the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 16, 2023 to amend Zoning By-law No. Z-1, in conformity with The London Plan for the City of London, to change the zoning of the subject property **FROM** a Residential R9/Convenience Commercial (R9-7*H42/CC4) Zone to a Residential R9/Convenience Commercial/Day Care Special Provision (R9-7*H42/CC4/DC(_)) Zone.

Executive Summary

Summary of Request

The applicant is requesting to rezone the subject site to permit a day care centre in a portion of the ground floor of the existing apartment building totalling 185.0 square metres (1,991 square feet).

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to permit a day care centre within the existing apartment building. No exterior alterations are proposed as part of this rezoning application.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Neighbourhoods Place Type;
3. The recommended amendment would permit a new use that is appropriate within the surrounding context;
4. The recommended amendment would provide access to a day care centre in a convenient and accessible location to meet the daily needs of neighbourhood residents.

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. Refer to Appendix C for further details on the characteristics of the proposed application related to the City's climate action objectives.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

In December of 2013, the Approval Authority for the City of London approved a Plan of Condominium for 575, 585, 595 and 605 Proudfoot Lane. The plan of condominium shows four residential apartment buildings to be registered as four standard condominiums, having a total of 998 residential units and 2 commercial units under file number 39CD-13511.

1.3 Property Description

The subject site is located on the south side of Proudfoot Lane, approximately 700 metres southwest of the Oxford Street West and Beaverbrook Avenue intersection, in the West London Planning district. The subject building is part of an apartment building complex comprised of 575, 585, 595, and 605 Proudfoot Lane, also known as Forest Hill. The entire property is approximately 12.0 hectares in size with approximately 245-metres of frontage along Proudfoot Lane. 595 Proudfoot Lane is a 14-storey apartment building with a footprint of approximately 2,000 square metres and the future location of the day care use. The site encompasses a community garden, tennis courts, outdoor swimming pool, a series of pedestrian pathways with connections to trails, parks, public transit routes, bike trails, other high density residential dwelling such as apartment buildings and commercial plazas in the surrounding area.



Figure 1: Image of 595 Proudfoot Lane, facing north (Google Image, October 2020)



Figure 2: Image of secondary access to 595 Proudfoot Lane (Previous Senior Centre) and planned outdoor play space (Google Image June 2020)

1.3 Current Planning Information

- The London Plan Place Type – Neighbourhoods and Green Space Place Types fronting a Neighbourhood Connector (Proudfoot Lane)
- Special Planning Area Policies – Primary Transit Area
- Existing Zoning – Residential/Convenience Commercial (R9-7*H42/CC4)

1.4 Site Characteristics

- Current Land Use – Senior Centre within an apartment building
- Frontage – 137.0 metres
- Depth – Approximately 400.0 metres
- Area – 6.92 hectares
- Shape – Irregular

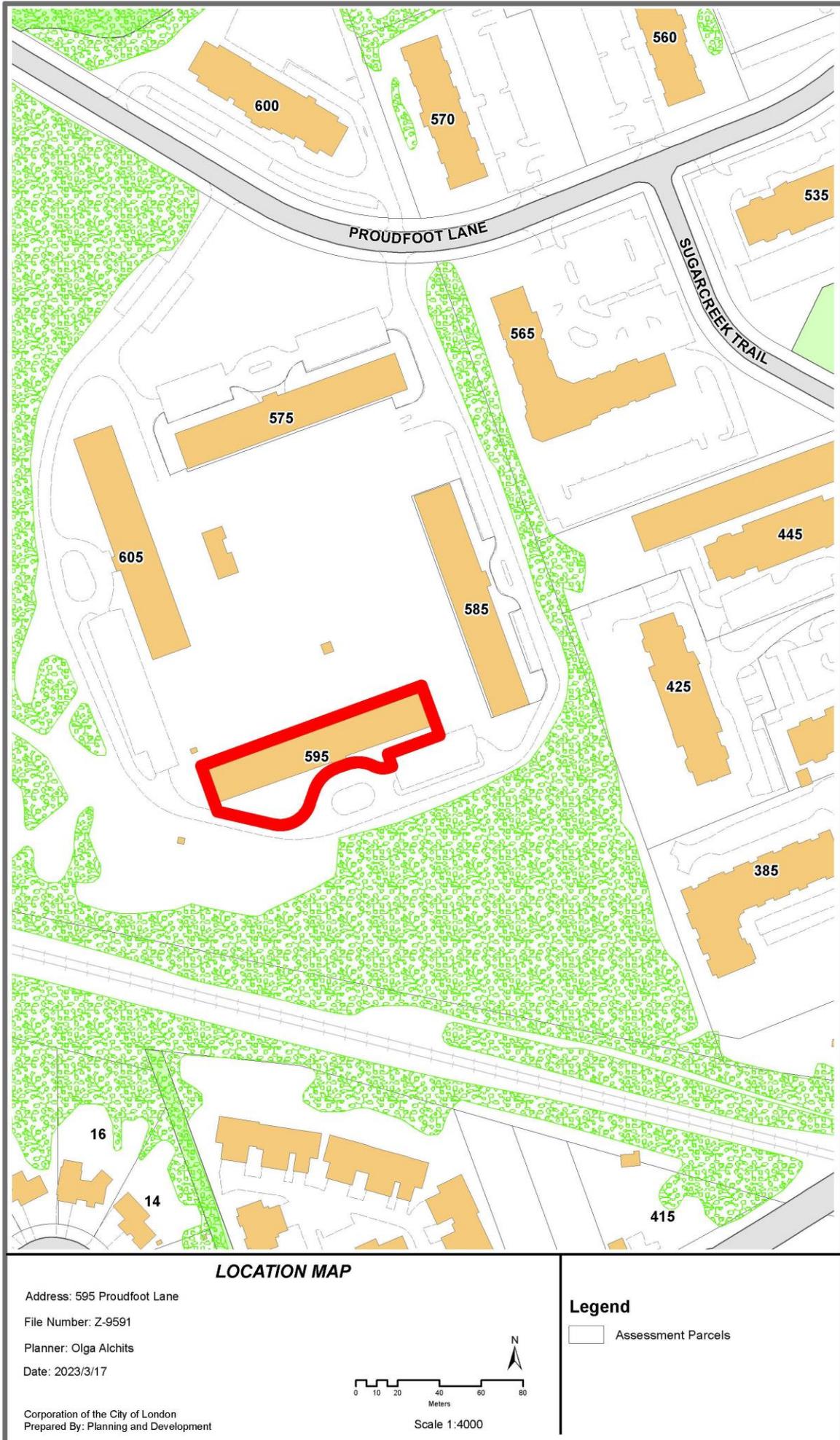
1.5 Surrounding Land Uses

- North – High density residential/ high rise apartment building/ open space/ wooded area along Mud Creek
- East – High density residential/ high rise apartment buildings/ medium density residential/ low-rise apartment buildings/ Sugarcreek Trail
- South – CN railway corridor
- West – Open Space/ wooded area/ Mud Creek pathway

1.6 Intensification

- The proposed development does not represent residential intensification within the Built-Area Boundary.
- The proposed development does not represent residential intensification within the Primary Transit Area.

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

In January of 2023, the City of London accepted a complete application that proposed to rezone the subject site to a Residential/Convenience Commercial/Day Care Special Provision (R9-7*H42/CC4/DC(_)) Zone to permit a day care centre in a portion of the ground floor of the existing apartment building totalling 185.0 square metres. Any modifications required to accommodate the day care centre are limited to the interior of the existing building, in the previously occupied senior centre. No changes are proposed to the exterior of the building or subject site. The proposed development provides for sufficient parking spaces (4) in the surface lot of the subject site that is marked as unassigned, open spaces. An outdoor space is connected to the proposed space through a private doorway/vestibule that previously functioned as amenity space for the former senior centre. The space is capable of being used to accommodate an outdoor play space for children attending the daycare. The site concept plan is shown in Figure 3 and an image of the outdoor play space in Figure 4.

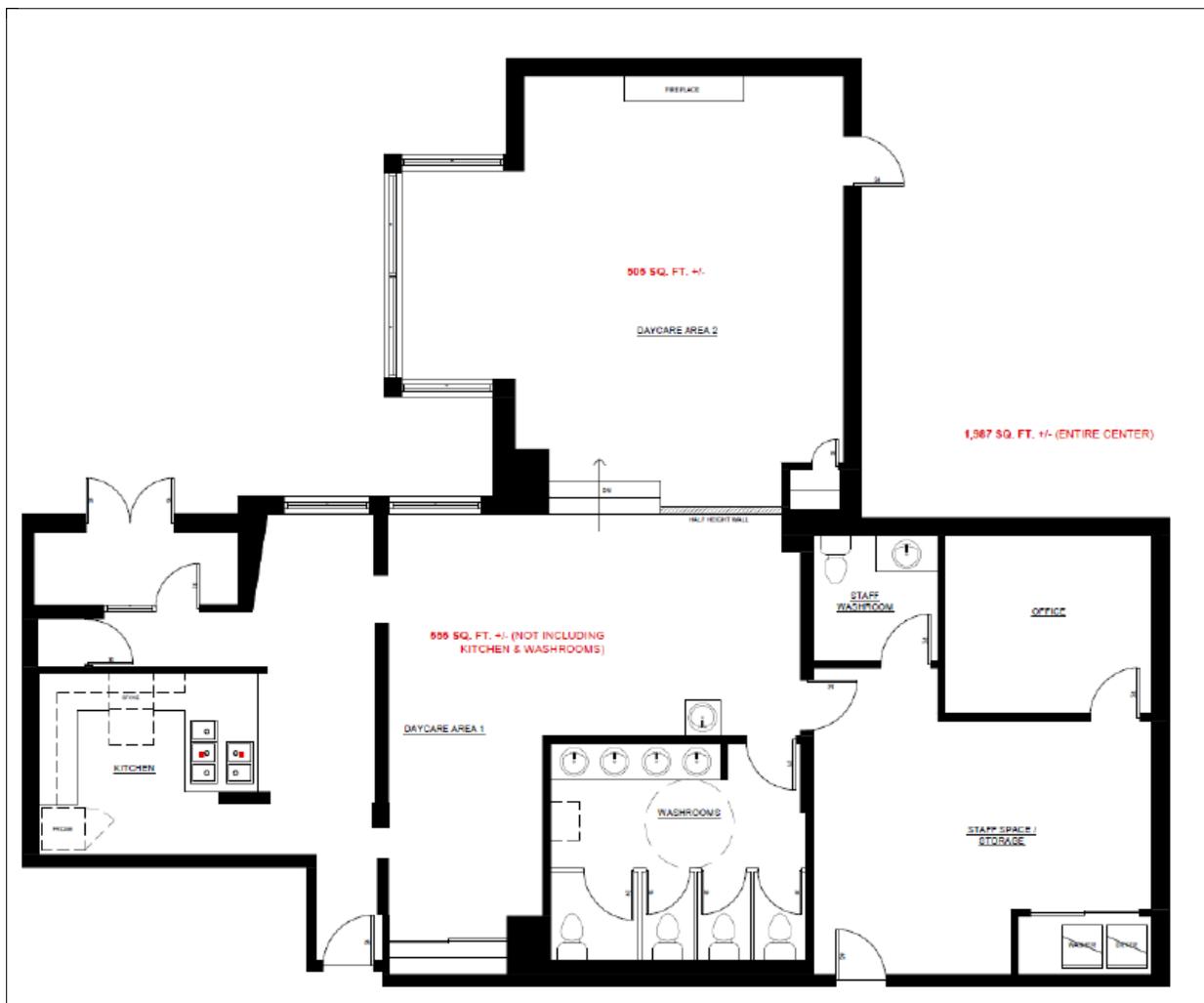


Figure 3: Proposed Day Care Site Concept Plan



Figure 4: Image of Outdoor Play Space

2.2 Requested Amendment

The applicant is requesting a Residential/Convenience Commercial/Day Care Special Provision (R9-7*H42/CC4/DC(_)) Zone to permit a day care centre in a portion of the ground floor of the existing apartment building totalling 185.0 square metres. No additional special provisions are being requested.

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 February 8, 2023.

No comments were received.

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 promotes the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1(e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2).

Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed used to meet long-term needs (1.3.1). A land use pattern, density, and a mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (1.6.7.4). Further, 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 PPS gives direction to consider the use of existing infrastructure and public facilities should be optimized and opportunities for adaptive re-use should be considered before consideration is given to developing new infrastructure and public service facilities (1.6.3). Lastly, public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation (1.6.5).

The recommended amendment is in keeping with the PPS 2020 as it facilitates the introduction of a new use that is suitable within the existing site context. The proposed day care would be located within the existing building, making use of the existing building stock and efficiently using existing infrastructure and services. The recommended amendment contributes to an appropriate range and mix of uses to meet short and long term needs of the residents within this community. Lastly, the proposed rezoning would provide a use or service to residents in the immediate area, thereby reducing the length and number of vehicle trips in conformity with the Provincial Policy Statement.

4.2 Issues 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:

- 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, 4, 5 and 7).

The London Plan also provides direction to building strong, healthy and attractive neighbourhoods for everyone by:

- Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services
- Create social gathering places where neighbours can come together, such as urban parks and public spaces, community centres, family centres, community gardens, cafes, restaurants and other small commercial services integrated within neighbourhoods
- Support recreation and social programming which encourages interaction, cohesiveness and community building (Key Direction #7, Direction 2,4 and 12).

The rezoning supports these Key Directions by proposing a convenient service to Londoners in the urban area of the city. The proposed day care use takes advantage of the existing services, enabling residents to easily access local amenities without the need to utilize a vehicle. Further, the amendment is in line with the Key Directions by creating a space where neighbours, specifically children can come together, form connections and build a cohesive supportive community.

4.3 Issue and Consideration #3: Use

The subject site is located within the Neighbourhoods and Green Space Place Types in the London Plan. The portion of the property that is the subject of the zoning application is wholly within the Neighbourhoods Place Type, therefore will be interpreted under those policies.

The Neighbourhoods Place Type, fronting a Civic Boulevard (Proudfoot Lane) permits a range of residential uses and small-scale community facilities. The proposed daycare is a contemplated use in the Neighbourhoods Place Type as a small-scale community facility (Table 10).

The London Plan identifies that smaller institutional uses are to be embedded within Neighbourhoods and a variety of other place types throughout the city. Schools, places of worship, facilities for community groups and faith-based organizations, and small health care services are examples of use that are integrated into our communities (1083_). The proposed day care in the existing apartment building would be embedded within a community where there is a strong need for childcare centres thereby providing a much needed services for residents within walking distance.

4.4 Issue and Consideration #4: Intensity & Form

The existing 14-storey apartment building is within the intensity contemplated in the London Plan and Zoning By-law which permits a height of 42.0 metres. The proposed amendment is not seeking any changes to the intensity of the apartments on the subject site. As part of the staff recommendation, a special provision is being used to limit the day care centre use to 185.0 square metres (1,991 square feet) being the same location of the former senior centre.

Given no new development, no exterior changes and no changes to the site layout are part of this proposal, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the existing and proposed new use. The day care centre is not anticipated to have any negative impacts on the neighbouring residential neighbourhood.

4.5 Issues and Consideration #5: Zoning

The applicant has requested to rezone the site to a Residential/Convenience Commercial/Day Care Special Provision (R9-7*H42/CC4/DC(_)) Zone to add day care centre as a permitted use within the existing building, totalling 185.0 square metres. The site is in conformity with all zoning regulations such as appropriate coverage, setbacks, parking and amenity space, and as such does not require any additional special provisions.

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 Neighbourhoods Place Type. The recommended amendment would facilitate the reuse of the existing building with a use that is appropriate and compatible with the surrounding context.

Prepared by: Olga Alchits
Planner I, Planning Implementation

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

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

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

Copy:

Britt O'Hagan, Manager, Current Development
Michaela Hynes, Planner 1 Planning Implementation

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 595
Proudfoot Lane.

WHEREAS Old Oaks Property Inc. has applied to rezone an area of land located at 595 Proudfoot Lane, 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 595 Proudfoot Lane, as shown on the attached map comprising part of Key Map No. A106, from a Residential/Convenience Commercial (R9-7*H42/CC4) Zone to a Residential/Convenience Commercial/Special Provision Day Care (R9-7*H42/CC4/DC(_)) Zone.
- 2) Section Number 35.4 of the Day Care (DC) Zone is amended by adding the following Special Provision:
 -) DC() 595 Proudfoot Lane
 - a) Regulations
 - i) Gross Floor Area 185.00 square metres
For Day Care Centre (1,991.32 square feet)
(Maximum)

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

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

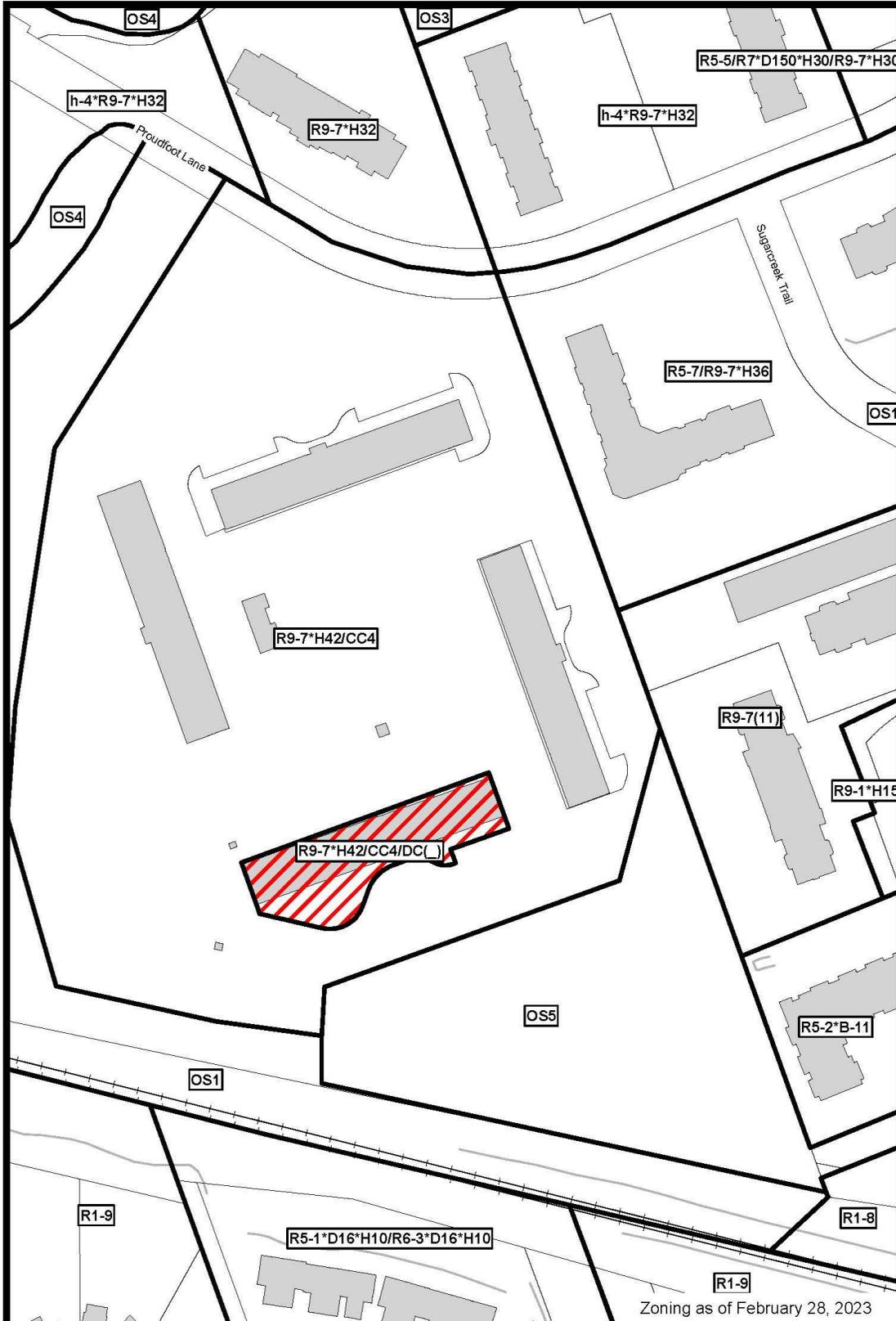
PASSED in Open Council on May 16, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

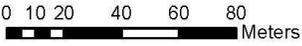
First Reading – May 16, 2023
Second Reading – May 16, 2023
Third Reading – May 16, 2023

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



File Number: Z-9591
Planner: OA
Date Prepared: 2023/3/17
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000




Geodatabase

Appendix B – Public Engagement

Community Engagement

Notice of Application:

Public liaison: On February 8, 2023, 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 February 9, 2023. A “Planning Application” sign was also posted on the site.

No replies were received.

Nature of Liaison:

595 Proudfoot Lane – The purpose and effect of this zoning change is to permit a day care centre in a portion of the ground floor of the existing apartment building. No exterior changes to the building are proposed. Possible change to Zoning By-law Z.-1 **FROM** Residential R9-7*H42, Convenience Commercial CC4 Zones **TO** Residential R9-7*H42, Convenience Commercial CC4 and Day Care Special Provision DC(*) Zones. The city may consider special provisions for this site. File: Z-9591 Planner: O. Alchits.

Departmental and Agency Comments

Site Plan (February 27, 2023)

The applicant is encouraged to provide appropriate outdoor amenity space for the day care centre in proximity to the building and utilize the existing play structure located to the southwest of the buildings if it is suitable and planned for continued use. Safe pedestrian access/crossing from the building to the play structure should be planned for.

Heritage Planning (March 14, 2023)

Cultural Heritage Context

Archaeological potential at 595 Proudfoot Lane is identified on the City’s Archaeological Mapping. Note though that *Stage 1 Archaeological Assessment – Mud Creek Subwatershed Class EA* (Dec 2015) indicates that no archaeological potential remains on the portion of the property surrounding 595 Proudfoot Lane due to the area being disturbed. [See attached mapping]. The proposed scope of work will **NOT** result in soil disturbance and is limited to the expansion of uses in the existing building to include a day care centre.

Conditions – complete application (re: heritage planning)

NONE

Notes:

- Archaeological potential remains on the larger property (as noted on attached mapping), and future development may require an archaeological assessment.
- 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.

Regarding the possible play space:

- Although soil disturbance is reasonably anticipated with paving and construction equipment for a potential outdoor play space, an archaeological assessment is not likely to be required. Based on mapping from the Mud Creek EA (Tile-C), the location of the outdoor play space noted in the proposal does not appear to overlap with an area of archaeological potential. [See attached]. However, a scaled drawing/sketch outlining the boundaries of the outdoor play space should be submitted for review if construction of the play space is undertaken.
- Note that archaeological potential remains on portions of the whole of the property at 595 Proudfoot Lane. Future development resulting in soil disturbance may require an archaeological assessment(s).

Ecology (March 1, 2023)

This memo is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major issues identified

- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

Ecology – complete application requirements

- None.

Notes

- None.

Engineering (February 28, 2023)

As there is no proposed re-development, Engineering has no comments on this application.

Urban Design (February 16, 2023)

No Urban Design comments.

Landscape Architect (February 13, 2023)

There are no exterior modifications to the address with the application at 595 Proudfoot Lane, as such there are no comments.

Parks and Planning (March 8, 2023)

Parkland dedication is not required, and Parks has no comment. It

London Hydro (February 9, 2023):

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.

Canadian National Railway (February 14, 2023):

The proposed daycare use is deemed sensitive in proximity to railway operations. Should the City deem that the land use is compatible, the following should be implemented as conditions of approval, at a minimum:

- Provision for air-conditioning, allowing occupants to close windows during the warmer months;
- Exterior cladding facing the railway achieving a minimum STC rating of 54 or equivalent, e.g. masonry;
- Acoustically upgraded windows facing the railway with appropriate specifications;
- Locating noise sensitive rooms away from the railway side;
- Noise barrier and fencing for outdoor play areas.

Furthermore, the daycare operators must advise all parents/guardians of the railway's presence, through inclusion of the following warning clause in official documentation, such as the registration form:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the business and its building(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Lastly, CN requires that the registration of an environmental easement for operational noise and vibration emissions, in favor of CN.

Appendix C – Climate Emergency Impact Summary

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. The following are characteristics of the proposed application related to the City's climate action objectives:

Infill and Intensification

Located within the Built Area Boundary: Yes
Located within the Primary Transit Area: Yes
Net density change: N/A
Net change in affordable housing units: 0

Complete Communities

New use added to the local community: Yes, day care centre
Proximity to the nearest public open space: 1 metre
Proximity to the nearest commercial area/use: 490 metres
Proximity to the nearest food store: 500 metres
Proximity to nearest primary school: Bonaventure Victoria Public School / 3.8 km
Proximity to nearest community/recreation amenity: Springbank Gardens Community Centre/ 3.3 km
Net change in functional on-site outdoor amenity areas: no change

Reduce Auto-dependence

Proximity to the nearest London Transit stop: 233.0 metres
Completes gaps in the public sidewalk network: No
Connection from the site to a public sidewalk: Yes
Connection from the site to a multi-use pathway: Yes
Site layout contributes to a walkable environment: Yes
Proximity to nearest dedicated cycling infrastructure: 1.4 km
Secured bike parking spaces: 125 spaces
Secured bike parking ratio: 3+.03 spaces per 100m² day care GFA=5
New electric vehicles charging stations: N/A
Vehicle parking ratio: 1 space per 50 m² day care GFA =4

Environmental Impacts

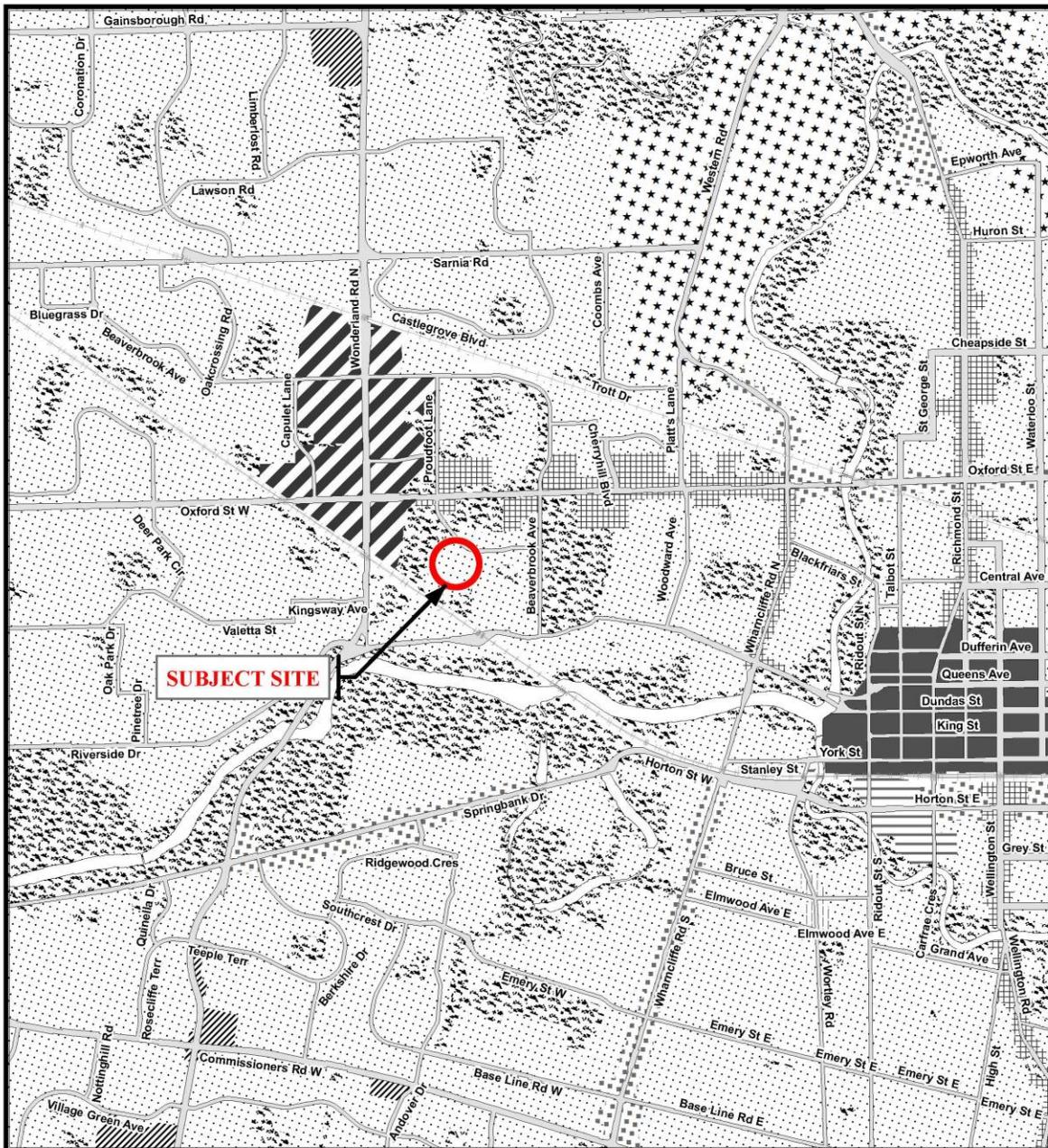
Net change in permeable surfaces: N/A
Net change in the number of trees: 0
Tree Protection Area: No
Landscape Plan considers and includes native and pollinator species: Yes
Loss of natural heritage features: | No
Species at Risk Habitat loss: No
Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): Yes

Construction

Existing structures on site: Yes, apartment building
Existing structures repurposed/adaptively reused: Yes
Green building features: N/A
District energy system connection: N/A

Appendix D – Relevant Background

The London Plan – Map 1 – Place Types

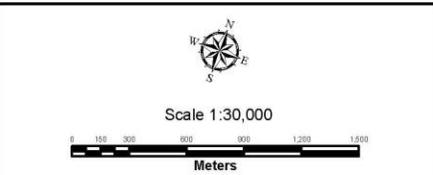


Legend

- | | | |
|------------------------|--------------------------|---|
| 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-9591
Planner: OA
Technician: JI
Date: 2023/3/17

Project Location: \\cfile1\giswork\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxd\Z-9591_Map1_PlaceTypes.mxd

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R9-7*H42/CC4

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-9591

OA

MAP PREPARED:

2023/03/17

Jl

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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: Sifton Properties Limited
3480 Morgan Avenue
City File: Z-9531 Ward 10
Public Participation Meeting

Date: May 1, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 3480 Morgan Avenue:

- (a) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone, **TO** a Residential R8 Special Provision (R8-4(_)) Zone, **BE REFUSED** for the following reason:
- i) The Application did not include Holding Provisions, a number of holding provisions are considered necessary to address a range of planning and servicing issues associated with the proposed development.
- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting May 16, 2023, to amend Zoning By-law No. Z.-1, in conformity with *The London Plan*, to change the zoning of the subject property **FROM** an Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone, **TO** an Holding Residential R8 Special Provision (h*h-95*h-100*h-105*h-198*R8-4(_)*H14) Zone.

Executive Summary

Summary of Request

Staff recommendation for a zone change from a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone to a Holding Residential R8 Special Provision (h*h-95*h-100*h-105*h-198*R8-4(_)*H14) Zone to facilitate the development of stacked townhouses.

A R8-4(_) Special Provision Zone has been requested to accommodate for the following:

- Minimum front yard setback of 3.3 metres;
- Minimum interior side yard setback of 2.2 metres;
- Minimum rear yard setback of 4.5 metres;
- Minimum landscaped open space of 27%;
- Maximum height of 14.0 metres; and,
- Density of 87 units per hectares.

Refusal of the submitted application for a zone change from a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone to a Residential R8 Special Provision (R8-4(_)) Zone to facilitate the development of stacked townhouses.

Purpose and Effect of the Recommended Action

The purpose and effect are to recommend that Municipal Council approve the recommended zoning by-law amendment.

Rationale of Recommended Action

APPROVAL of the recommended Zoning By-law amendment because:

1. The recommended zoning by-law amendment is consistent with the Provincial Policy Statement.
2. The recommended zoning conforms to the in-force policies of *The London Plan*, including, but not limited to, the Shopping Area Place Type, City Building and Design, Our Tools, and all other applicable *The London Plan* policies.
3. The zoning will permit development that is considered appropriate and compatible with the existing and future land uses surrounding the subject lands.

REFUSAL of the requested Zoning By-law Amendment because:

1. The Application did not include Holding Provisions, a number of holding provisions are considered necessary to address a range of planning and servicing issues associated with the proposed development.

Linkage to the Corporate Strategic Plan

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

Climate Emergency

On April 23, 2019, Municipal Council declared a Climate Emergency. Through this declaration the City, is committed to reducing and mitigating Climate Change. Please refer to Appendix "F" for further details on the characteristics of the proposed Application relates to the City's climate action objectives.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

April 25, 2005 – Report to Planning Committee regarding the Bostwick East Area Plan (O-6872)

May 9, 2005 – Report to Planning Committee regarding the Bostwick East Area Plan (O-6872)

May 30, 2005 – Report to Planning Committee regarding the Bostwick East Area Plan (O-6872)

September 12, 2005 – Report to Planning Committee regarding the Bostwick East Area Plan (O-6872)

May 6, 2009 – Report to Planning Committee on application from Sifton Properties Limited for Draft Plan of Subdivision Approval, Official Plan Amendment and Zoning By-law Amendment (39T-07510/Z-7457/O-7466)

November 26, 2012 – Report to Planning and Environment Committee regarding special provisions for the Subdivision Agreement for Andover Phase 4 (39T-07510)

January 22, 2013 – Report to the Planning and Environment Committee regarding a one-year Draft Plan Extension (39T-07510)

July 22, 2016 – Report to London Consent Authority regarding a consent application (B.011/16)

November 24, 2022 - Report to London Committee of Adjustment regarding a consent application (B.026/22)

1.2 Planning History

The subject lands comprise part of the Bostwick East Planning Area. In 2003, the City of London and Sifton Properties Limited initiated the Bostwick East Area Plan as a developer-led community plan to guide development for the lands bounded by Southdale Road West, Wharncliffe Road South and Wonderland Road South. City Council adopted Official Plan Amendments in 2005 to implement the Area Plan. The lands are now subject to the *Southwest Area Secondary Plan (SWAP)*, and more specifically the policies for the Central Longwoods Residential Neighbourhood. *SWAP* was approved by the Ontario Municipal Board on April 29, 2014, and is intended to provide a comprehensive land use plan, servicing requirements and servicing strategy for the lands south of Southdale Road, east of the Dingman Creek and north of the Highway 401/402 corridor. The subject lands are designated as Commercial under *SWAP*.

In October of 2007, Sifton Properties Limited submitted applications for a Draft Plan of Subdivision, Official Plan Amendments and Zoning By-law Amendments to facilitate the creation of: two multi-family, medium density residential blocks; two multi-family, high density residential blocks; two restricted service commercial blocks; two park blocks; and, a new secondary collector road on the subject lands. Staff recommended approval of the Official Plan Amendment, a revised Zoning By-law Amendment and a red-lined Draft Plan of Subdivision. The Zoning By-law Amendment and Draft Plan of Subdivisions initially submitted by the Applicant were recommended for refusal for the following reasons:

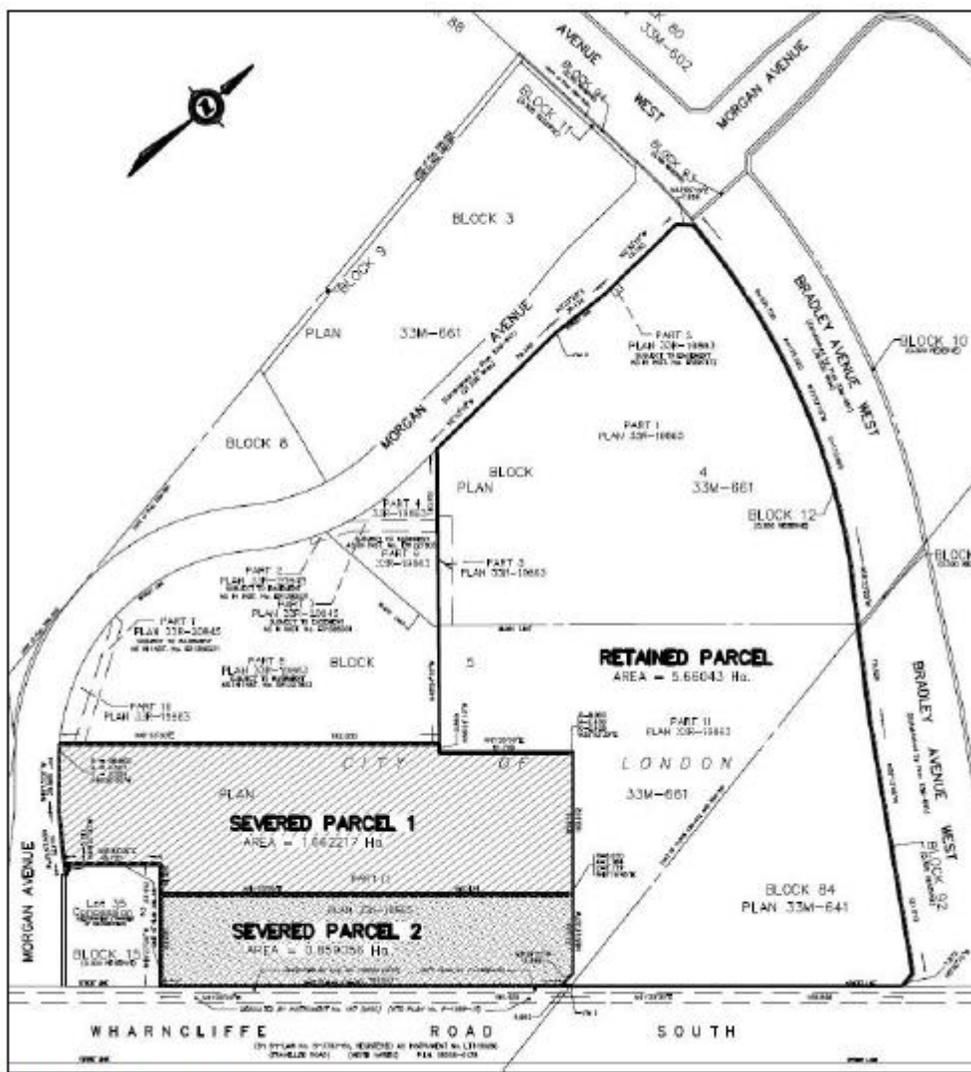
1. Additional road reserve blocks were required to restrict vehicular access to Bradley Avenue. A holding provision would have been necessary for the Applicant to submit an Access Management Plan to serve the commercial and office blocks on Wharncliffe Road South and Bradley Avenue West.
2. The Applicant did not request any holding provisions, but a number would have been considered necessary to address a range of planning and servicing issues associated with the proposed development to implement servicing and urban design issues.
3. Special provisions of the Restricted Service Commercial Zone were necessary to prohibit certain industrial type uses from being in proximity to sensitive land uses.

Draft Approval was granted to the Plan of Subdivision on August 19, 2009, with a three-year draft approval period, and no appeals were received. On August 1, 2012, an emergency extension was granted with a lapse date of February 19, 2013. The Applicant also requested an amendment to a condition of Draft Approval, pursuant to Section 51(44) of the *Planning Act*, pertaining to parkland dedication to allow for the required cash-in-lieu payment at the time of issuance of the first permit for each block, as has been standard practice with most plans of subdivision. The Applicant and Parks Planning agreed on the revised wording, and approval was granted on November 14, 2012. An additional request for Draft Plan extension was granted in February of 2013, with a new lapse date of February 19, 2014, and Final Approval was granted in July of 2014.

In 2016, an application was made by Sifton Properties Limited to sever what is now 3400 Morgan Avenue from what is now 3480 Morgan Avenue. Provisional Consent, subject to conditions, was granted on July 28th, 2016, and the conditions were cleared by

July 24, 2017. A long-term care facility is now located at 3400 Morgan Avenue. An additional consent application was submitted by Sifton Properties Limited in 2022 to sever two additional properties, one of which is the lands subject to this Application. Figure 1, seen below, shows the lands to be severed and the lands to be retained. Severed Parcel 1 are the lands subject to this Application. Provisional Consent, subject to conditions, was granted on November 24, 2022, with a lapse date of November 24, 2024.

Figure 1: 2022 Consent Application – Lands to be severed and retained.



1.3 Property Description

The subject property is generally located south of Wharncliffe Road South and east of Wonderland Road South. The site has a mix of built or proposed low and medium density residential to the north and south, Green Space is located to the west, and Urban Reserve and Commercial Industrial to the east. The requested Zoning By-law Amendment would permit the construction of six (6) stacked townhouse buildings with 144 units on Block 5 of Registered Plan 33M-661. This site is currently vacant and approximately 1.67 hectares (4.12 acres) in size. The site would have access to municipal services and is in an area planned for growth.

1.4 Current Planning Information

- *The London Plan* Place Type – Shopping Area
- *Southwest Area Secondary Plan* - Commercial
- Existing Zoning – h*11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)

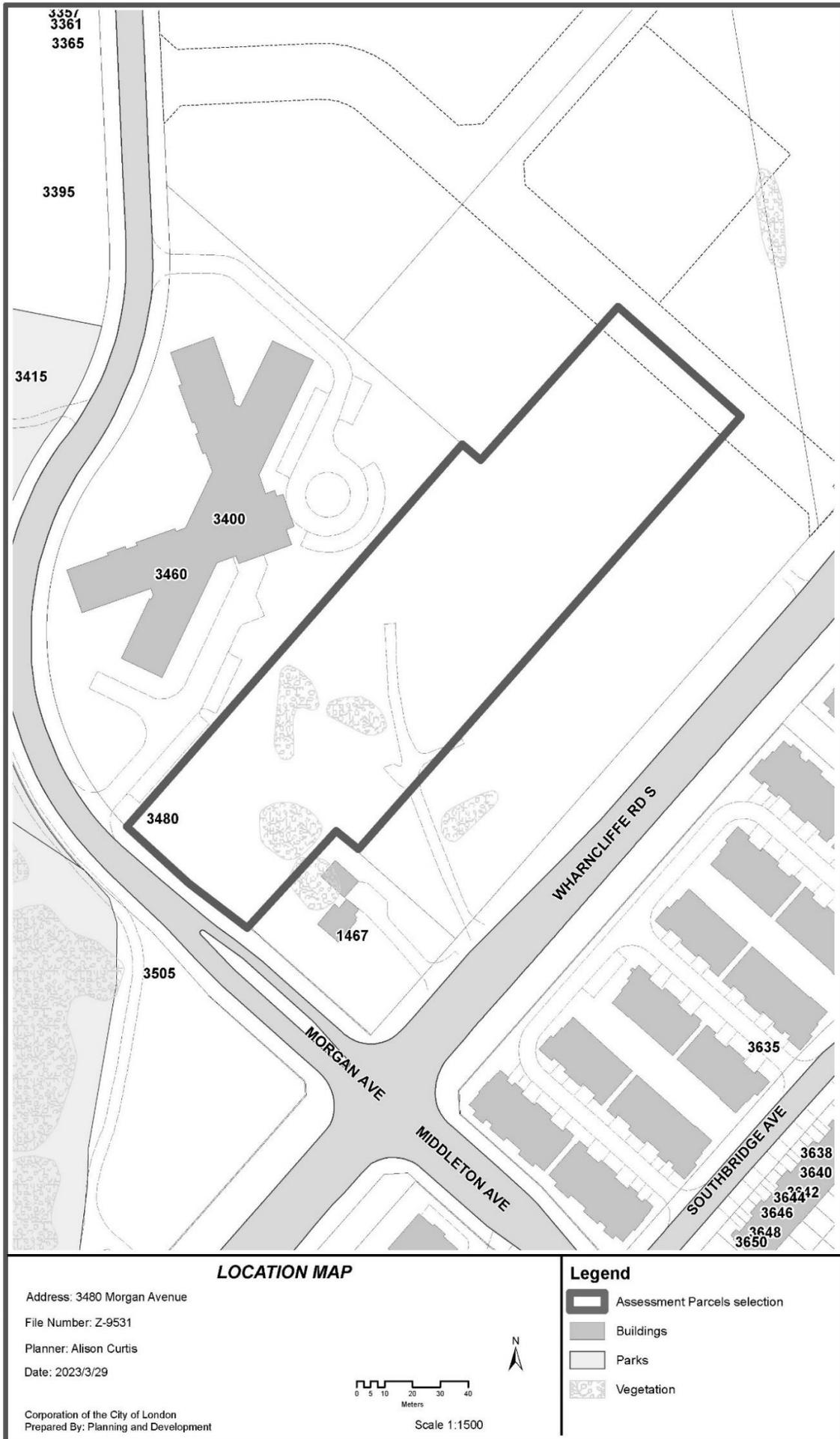
1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 62.3 metres
- Depth – Varies
- Area – 1.67 hectares
- Shape – Rectangular

1.6 Surrounding Land Uses

- North – Residential
- East – Residential and Commercial Industrial
- South – Residential
- West – Green Space and Residential

1.7 Location Map



2.0 Discussion and Considerations

2.1 Requested Amendment

The Applicant has requested consideration of a Zoning By-law Amendment to rezone the lands from a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone to a Residential R8 Special Provision (R8-4(_)) Zone. Staff are recommending a Holding Residential R8 Special Provision(h*h-95*h-100*h-105*h-198*R8-4(_)*H14) Zone. This amendment has been requested to facilitate the future development of six (6) stacked townhouse buildings, each containing 24 units for a total of 144 units. The current Holding Community Shopping Area Special Provision Zone permits a wide range of community-scale retail and personal services uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community, or a number of neighbourhoods located within convenient walking and/or driving distance. The proposed change to the R8-4 Zone would permit low rise apartments buildings, which will vary in form depending on the adjacent land uses.

A R8-4 Special Provision Zone has been requested by the Applicant to accommodate for the following:

- Minimum front yard setback of 3.3 metres;
- Minimum interior side yard setback of 2.2 metres;
- Minimum rear yard setback of 4.5 metres;
- Minimum landscaped open space of 27%;
- Maximum height of 14.0 metres; and,
- Density of 87 units per hectares.

At the time the Application was submitted and accepted, the off-street parking requirements outlined in the Z.-1 Zoning By-law were under review and the Applicant requested a special provision for a parking reduction of 1 space per unit. Since then, the review has completed, and the parking requirements revised to 0.5 spaces per stacked townhouse unit and the special provision is no longer required.

2.2 Community Engagement

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

- Notice of Public Participation Meeting was sent to property owners within 120 metres of the subject property and on published in the Public Notices and Bidding Opportunities section of The Londoner April 13th, 2022.
- Notice of Application was sent to property owners within 120 metres of the subject property on August 4th, 2022.
- Information about the Application was posted on the website on April 13th, 2022.

Comments from external agencies are included in Appendix C. Two comments were received from the public. Comments/concerns received are summarized as follows:

- Paper use associated with mail-out notices;
- Setbacks being inconsistent with surrounding development;
- Reduction in parking;
- Capacity within existing schools to accommodate development; and,
- Building design appeal and sustainability.

3.0 Financial Impact/Considerations

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

4.0 Policy Context (see more detail in Appendix D)

Provincial Policy Statement (PPS)

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest as identified in Section 2 of the *Planning Act*. In accordance with Section 3 of the *Planning Act*, all planning decision shall be consistent with the *PPS* and the land use planning policies:

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

Important policy objectives to highlight are those within Sections 1.1, 1.4 and 1.6. These policies require land use within settlement areas to effectively use the land and resources through appropriate densities, range of uses and the efficient use of infrastructure. Directing new housing development to areas where there are, or will be, appropriate levels of infrastructure and public service facilities will ensure that land and infrastructure are used efficiently and can meet current and future needs. Promoting appropriate densities and mix of housing will also help to ensure current and future housing needs can efficiently be met, as well as supporting the use of active transportation and transit facilities. The requested amendment has been reviewed for consistency with the *PPS*, and the analysis can be found in Appendix D.

The London Plan

At the time this Application was submitted, *The London Plan* was subject to an appeal to the *Local Planning Appeals Tribunal (LPAT)* (PL170700). The *Plan* was Council adopted and approved by the Ministry with modifications, and the majority was in force and effect. Policies that were under appeal were indicated with an asterisk (*) throughout reports. Since that time, *The London Plan* has come into full force and effect as of May 25, 2022, following a written decision from the *Ontario Land Tribunal (OLT)*.

The subject lands are located within the “Shopping Area” Place Type, which is intended to provide a wide range of retail, service, business, recreational, social, educational, and government uses within easy walking distance for neighbourhoods. Over the long-term these areas will become more pedestrian, cycling and, transit-oriented, and less automobile-dominated.

Permitted uses within the Shopping Area Place Type include a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses (877). *The London Plan* further notes that where a Shopping Area Place Type abuts a Neighbourhoods Place Type, the City Design policies of the *Plan* will be applied to ensure that a positive interface is created between commercial and residential uses (877). The proposed ZBA to permit residential land uses on the subject lands is consistent with the permitted uses and the Applicant has incorporated building design and streetscape orientation to ensure there is a positive interface with adjacent lands in the Neighbourhoods Place Type.

The requested amendment has been reviewed with the applicable policies of the Our Strategy, City Building and Design, Neighbourhoods Place Type and Our Tools sections of *The London Plan*. The analysis can be found in Appendix D. An excerpt from *The London Plan* Map 1 – Place Types is found in Appendix E.

Southwest Area Secondary Plan (SWAP)

This site forms part of the *Southwest Area Secondary Plan* and is subject to the development vision and detailed policies of the *Secondary Plan*. Additionally, the site forms part of the ‘Central Longwoods Neighbourhood’ within the greater *Plan*. This *Secondary Plan* sets out policy and guidance to create neighbourhoods that have the

following features: a mix of uses and diverse mix of residential housing; an emphasis on design parameters with placemaking features; walkability within and between neighbourhoods; an integration of the Natural Heritage System as an opportunity for residents to enjoy; and, Neighbourhood Central Activity Nodes as destination places in the neighbourhood. The requested amendment has been reviewed with the applicable policies contained in the *SWAP* and the analysis can be found in Appendix D.

Z.-1 Zoning By-law

The appropriateness of the proposed zone change, the permitted uses and regulations have been reviewed against that regulatory requirement of Zoning By-law Z.-1. The lands are currently zoned Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)). This Zone permits a wide range of community-scale retail and personal services uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community, or a number of neighbourhoods located within convenient walking and/or driving distance. A zoning map excerpt from the Z.-1 Zoning By-law Schedule A is found in Appendix E.

5.0 Key Issues and Considerations

Zoning Amendment applications to the City of London Zoning By-law are subject to the applicable policies in *The London Plan*. *The London Plan* requires the applications demonstrate that the proposal is sensitive to, and compatible with, its context and consider the Use, Intensity and Form of proposed amendments.

5.1 Use

Permitted uses within the R8 Zone include: apartment buildings; persons with accessibility needs apartment buildings; lodging house class 2; stacked townhousing; senior citizen apartments; emergency care establishments; and continuum-of-care facilities. The recommended zoning would permit medium density residential development in the form of cluster stacked townhouses, at a maximum height of 14 metres (45.93 feet), which is a permitted use. Residential land uses are permitted in the Shopping Area Place Type of *The London Plan* to encourage mixed-use development and allow for more efficient use of these lands.

The proposed stacked-townhouse development would provide a mix of housing choices in compact form that is street oriented, which contributes to a safe pedestrian environment that promotes connectivity to adjacent lands within the Shopping Area and Commercial Industrial Place Types. Lands with the Neighbourhoods Place Type are located directly to the north, south and west, and there are additional lands further east within the Neighbourhoods Place Type. The recommended zoning and holding provisions are considered an appropriate use that is generally consistent with Z.-1 Zoning By-law and *The London Plan* and surrounding residential and commercial development.

5.2 Intensity

The subject lands are sufficient in size and configuration to accommodate the development of six (6) buildings and 144 stacked townhouse dwelling units. The Residential R8-4 Zone Variation requires a minimum lot area of 1000 metres squared and a minimum lot frontage of 30 metres. The subject lands have a frontage of 62.3 metres on Morgan Avenue and are 16,700 square metres in size, exceeding the minimum requirements and can accommodate the development.

Building heights within the Shopping Area Place Type shall not exceed four (4) storeys. Heights above this, to a maximum of six (6) storeys, may be permitted in conformity with the Our Tools policies of this plan relating to Zoning to the Upper Maximum Height

(878). Medium density development in the form of low-rise apartment buildings at a maximum height of 13 metres (42.7 feet) is currently permitted in the Residential R8 Zone. Heights within this zone shall not exceed 16 metres (52.5 feet) and heights over 13 metres (42.7 feet) shall be specifically applied on the Zoning Maps. The proposed ZBA would facilitate the development of residential land uses in the form of four and half (4.5) storey stacked townhomes, which is consistent with the Shopping Area Place Type and below the maximum height considered in the R8 Zone.

To allow for more intense and efficient use of the land with the Shopping Area Place Type, the redevelopment, expansion and introduction of residential development is considered (878). Appropriate scale, massing, material variation, landscaping and street orientation have all been considered to provide sufficient buffers and ensure compatibility with the adjacent uses (878). A maximum density of 75 units per hectare is permitted under the R8-4 Zone, and *The London Plan* does not identify a maximum limit for residential density. The recommended zoning would permit a maximum density of 87 units per hectare through a special provision. Lands on the opposite, south side of Wharnccliffe Road South permit a maximum density of 75 units per hectare and lands to the northwest permit a maximum density of 100 units per hectare through a density provision. In addition, The R8-4 Zone Variation does include similar special provisions for densities greater than 75 units per hectare. The recommended zoning and density are considered appropriate for the lands and in keeping with densities permitted on adjacent lands.

5.3 Form

As previously noted, the recommended zoning would permit medium density residential development in the form of cluster stacked townhouses. This is a permitted building form under the R8 Zone, and it can be accommodated on the lands. Residential land uses are permitted in the Shopping Area Place Type of *The London Plan* to encourage mixed-use development and allow for more efficient use of these lands. Policy 876, Subsection 5 notes that mid-rise residential development should be introduced into the Shopping Area Place Type to intensify their use, promote activity on these sites outside of shopping hours, and strengthen their role as neighbourhood centers. The recommended zoning would facilitate the development of mid-rise development, which aligns with the form identified as appropriate in *The London Plan* and is designed with street and pedestrian orientation in mind to promote connectivity. This connectivity could contribute to walkability to support adjacent Shopping Area and Commercial Industrial Lands. Residential development south of Wharnccliffe Road South and north of Bradley Avenue consists of townhouses and single-detached dwelling units at a maximum height of two (2) storeys. The lands at the southwest corner of Bradley Avenue and Morgan Avenue are currently being developed for a twelve (12) storey apartment building, a fourteen (14) storey apartment building, and two (2) storey townhouse dwellings. The recommended zoning, special provisions and holding provisions are considered an appropriate form that is generally consistent with the existing and proposed future development surrounding.

5.4 Zoning

The Applicant has requested consideration of a Zoning By-law Amendment to rezone the lands from a Holding Community Shopping Area Special Provision (H-11-63-82-95-100-105-135-CSA5(3)) Zone to a Residential R8 Special Provision (R8-4()) Zone. Staff are recommending a Holding Residential R8 Special Provision (H-95-100-105-198-R8-4()) H14) Zone. This amendment has been requested to facilitate future development of six (6) stacked townhouse buildings, each containing 24 units for a total of 144 units.

The Holding Provisions that are proposed to form part of the recommended zone are to ensure the following:

- orderly development and adequate provision of municipal services through an approved Development Agreement (h);

- ensure the urban design concepts established through the Official Plan and/or Zoning By-law Amendment review process are implemented (h-95);
- there is adequate water services and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer (h-100);
- a comprehensive storm drainage and stormwater management report is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility (h-105); and,
- street-oriented development and discouragement of noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan (h-198).

Not all of the holding provisions included in the current zoning are applicable to the proposed development, and they are not included in Staff's recommended zoning. A summary of the rationale is provided in Appendix D – Policy Context.

The requested Residential R8 (R8-4) Zone provides for, and regulates, medium density development in the form of low-rise apartment buildings, which will vary in form depending on adjacent land uses, but in no case shall exceed 16 metres (52.5 feet). A maximum density of 75 units per hectare on lots with a minimum area of 1000 metres squared are permitted with the (R8-4) Zone Variation. Special provisions are outlined below.

Reduced Front Yard Setback of 3.3 metres (Minimum)

Front yard setbacks are intended to ensure adequate space between buildings and lot lines to ensure there are adequate sight lines, landscaping, and space to accommodate future road-widening, should it be required. The requested reduced front yard setback helps to facilitate development that is street and pedestrian oriented by helping to establish a strong street edge and an active street front, while still allowing sufficient space for sight lines and landscaping.

Reduced Interior Side Yard Setback of 2.2 metres (Minimum)

Interior Side Yard Setbacks are intended to ensure there is sufficient separation between new and existing development to potentially mitigate negative impacts, while also provided access to the interior yard space. For the subject lands, the interior side yards are located adjacent the lands to the northwest and southeast. The proposed development locates the buildings interior to the site, with parking surrounding, which would provide sufficient distance between the proposed and any existing development and there is sufficient access to the interior side yard.

Reduced Rear Side Yard Setback of 4.5 metres (Minimum)

Rear Yard Setbacks are intended to ensure there is sufficient separation between new and existing development, to potentially mitigate negative impacts while also provided access to the interior yard space. For the subject lands, the rear yard is located adjacent the lands to the northeast, which are subject to a Draft Plan of Subdivision. It is anticipated that the subject lands will connect with a future street proposed in the Draft Plan of Subdivision for the adjacent lands. The requested reduced rear yard setback helps to facilitate development that is street and pedestrian oriented by helping to establish a strong street edge and an active street front, while still allowing sufficient space for sight lines and landscaping, along the future street.

Landscaped Open Space of 27 per cent (Minimum)

The Z.-1 Zoning By-law defines Landscaped Open Space as open space which is used for the growth and maintenance of grass, flowers, shrubbery, and other landscaping and includes any surfaced walk, patio, swimming pool or similar area, but does not include

any access driveway or ramp, parking area, bus parking area, roof-top area or any open space beneath or within any building or structure. A minimum of 30 per cent is required under the Residential R8-4 Zone Variation. The requested special provision is minor in nature and a similar amount of Landscaped Open Space must be provided on the subject lands.

Maximum Height of 14 metres

The Residential R8 Zone permits a maximum height of 13 metres (42.7 feet), and further stipulates that heights shall not exceed 16 metres (52.5 feet). Heights over 13 metres (42.7 feet) shall be site specifically applied on the Zoning Maps. The requested special provision for a maximum height of 14 metres (45.9 feet) is below the stipulation for heights not exceeding 16 metres (52.5 feet).

Maximum Density of 87 units per hectare

As noted in Section 5.2 Intensity, the Residential R8-4 Zone Variation requires a minimum lot area of 1000 metres squared and a minimum lot frontage of 30 metres. The subject lands have a frontage of 62.3 metres on Morgan Avenue and is 16, 700 square metres in size, exceeding the minimum requirements and can accommodate the development.

To allow for more intense and efficient use of the land within the Shopping Area Place Type, the redevelopment, expansion and introduction of residential development is considered (878), and *The London Plan* does not identify a maximum limit for residential density within that Place Type. Lands on the opposite, south side of Wharncliffe Road South permit a maximum density of 75 units per hectare and lands to the northwest permit a maximum density of 100 units per hectare through a density provision. The recommended zoning and density are considered appropriate for the lands and in keeping with densities permitted on adjacent lands.

5.5 Public Concerns

Setbacks are inconsistent with surrounding development

As noted in the previous section, setbacks are required to ensure there is adequate: space between buildings; sight lines; landscaping; space to accommodate future road-widening; and, access to side yards to help mitigate potential negative impacts on new development. The requested reduced front and rear yard setbacks help to facilitate development that is street and pedestrian oriented by helping to establish a strong street edge and an active street front, while still allowing sufficient space for sight lines and landscaping.

Reduction in parking

As previously noted, at the time the Application was submitted and accepted, the off-street parking requirements outlined in the Z.-1 Zoning By-law were under review and the Applicant requested a special provision for a parking reduction of 1 space per unit. Since then, the review has completed, and the parking requirements revised to 0.5 spaces per stacked townhouse unit and the special provision is no longer required.

The proposal includes a total of 190 parking spaces, 175 of which for residents and 15 are for visitors. This is a rate of 1.21 spaces per unit, which is in excess of the minimum requirements. A parking study was prepared and submitted with the Application, which concluded that the proposed parking supply is sufficient, noting that the proposed development would have access to transit routes and includes pedestrian connections to the municipal network to potentially promote active and public transportation.

Capacity within existing schools to accommodate development

School Blocks have been incorporated and appropriately zoned as part of Plans of Subdivision west of Bostwick Road to accommodate new schools in southwest London.

Local School Boards are circulated on Planning and Development Applications and Pre-Application Consultations to provide comments based on their mandate. No comments were received from the School Board for this Zoning By-law Amendment.

Building design and sustainability

Holding provisions are included in the zoning to ensure urban design concepts established through the Official Plan and/or Zoning By-law Amendment review process are implemented (h-95), and to ensure that new development is designed and approved consistent with the *Southwest Area Secondary Plan* (h-198). The proposed development is also subject to a Site Plan Approval Application.

Conclusion

The zoning amendment recommended for approval by Staff is consistent with the *Provincial Policy Statement* and conforms with *The London Plan* and the *Southwest Area Secondary Plan*. The recommended zoning and special provisions will permit stacked townhouse units that are considered appropriate and compatible with existing and future land uses in the surrounding area. Therefore, staff are satisfied that the proposal represents good planning in the broad public interest and recommends approval.

Staff are recommending refusal of the requested Zoning By-law Amendment, submitted by Sifton Properties Limited, because the application did not include a number of holding provisions that are considered necessary to address a range of planning and servicing issues associated with the proposed development.

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

Reviewed by: Bruce Page
Manager, Subdivision Planning

Recommended by: Heather McNeely, MICP, RPP
Director, Planning and Development

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

CC: Peter Kavcic, Manager, Subdivision and Development Inspections
Michael Pease, Manager, Site Plans
Matt Davenport, Manager, Subdivision Engineering

HM//BP/AC/ac

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3480 Morgan Ave, 1363 Wharnclyffe Rd S (MJ)

Appendix A: Amendment Schedule

Appendix "A"

Bill No. (number to be inserted by
Clerk's Office)
(2023)

By-law No. Z.-1-23_____

A bylaw to amend By-law No. Z.-1 to
rezone lands located at 3480 Morgan
Avenue.

WHEREAS Sifton Properties has applied to rezone lands located at 3480 Morgan 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 3480 Morgan Avenue as shown on the attached map comprising part of Key Map No. A111, from a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone to a Holding Residential R8 Special Provision (h*h-95*h-100*h-105*h-198*R8-4(_)*H14) Zone.
- 2) Section Number 12.4 of the Residential R8 Zone is amended by adding the following Special Provisions:
 -) R8-4(_)
 - a) Regulations:

i)	Front Yard Depth	3.3m (10.8ft)
	(Minimum)	
ii)	Interior Side Yard Depth	2.2m (7.2ft)
	(Minimum)	
iii)	Rear Yard Depth	4.5m (14.8ft)
	(Minimum)	
iv)	Landscaped Open Space	27%
	(Minimum)	
v)	Height	14m (45.9ft)
	(Maximum)	
vi)	Density	87 unit per hectare
	(Maximum)	

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

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

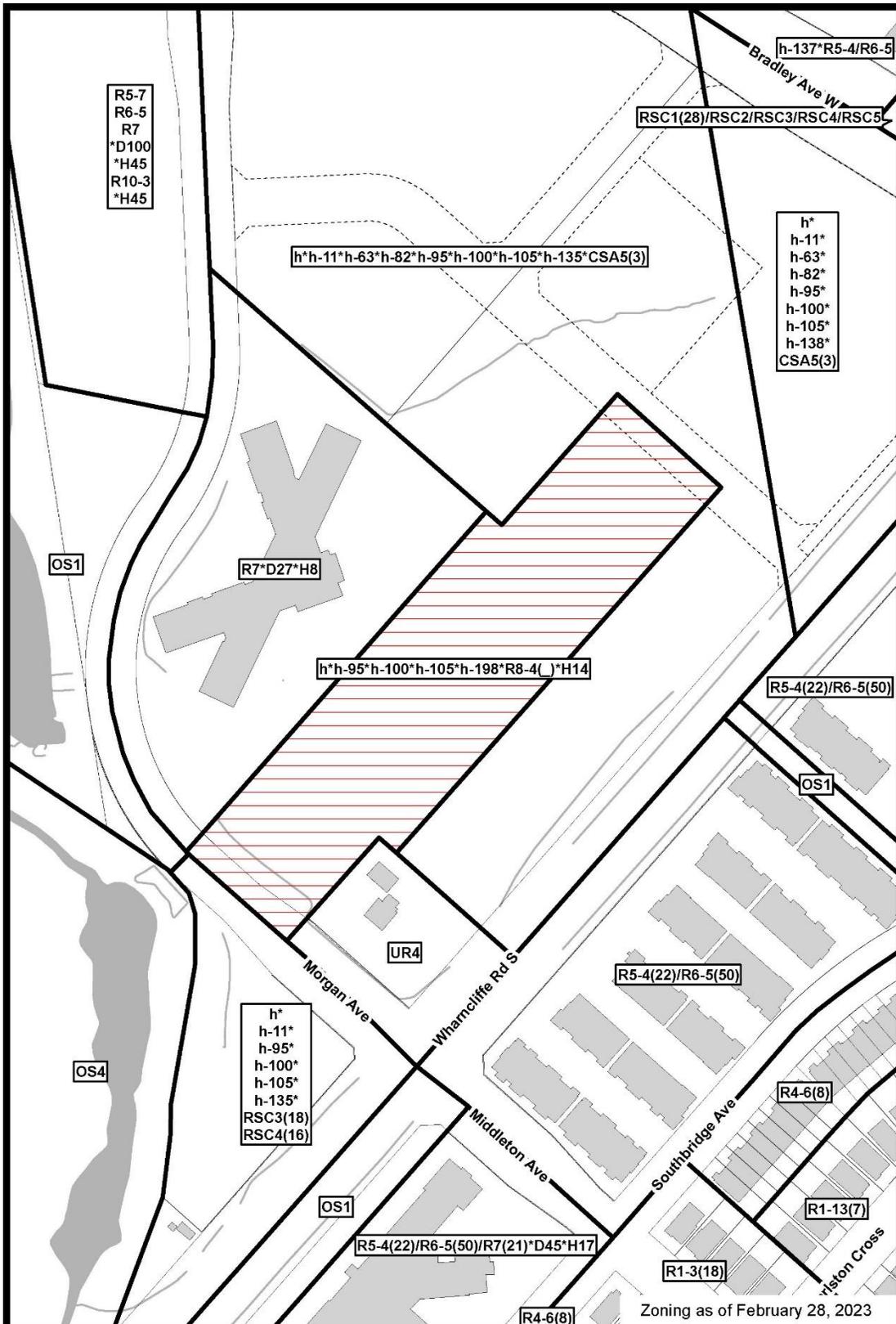
PASSED in Open Council on May 16, 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – May 16, 2023
Second Reading – May 16, 2023
Third Reading – May 16, 2023

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



Zoning as of February 28, 2023

File Number: Z-9531
 Planner: AC
 Date Prepared: 2023/03/28
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Geodatabase

Appendix B: Community Engagement

Community Engagement

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

- Notice of Public Participation Meeting was sent to property owners within 120 metres of the subject property and on published in the Public Notices and Bidding Opportunities section of The Londoner April 13th, 2021.
- Notice of Application was sent to property owners within 120 metres of the subject property on August 4th, 2022.
- Information about the Application were posted on the website on April 13th, 2022.

Comments from external agencies are included in Appendix B. Two comments were received from the public. Comments/concerns received are summarized as follows:

- Paper use associated with mail-out notices;
- Setbacks being inconsistent with surrounding development;
- Reduction in parking;
- Capacity within existing schools to accommodate development; and,
- Building design appeal and sustainability.

Londoner Notice: 3480 Morgan Avenue, north side of Wharncliffe Road South, south of Bradley Avenue; approx. 1.67 hectares (4.12 acres) - The purpose and effect of this application is to consider a proposed Zoning By-law Amendment to allow residential uses, and to remove existing permitted commercial uses from the lands. Possible change to Zoning By-law Z.-1 FROM a Holding Community Shopping Area Special Provision (h-h-11-h-63-h-82-h-95-h-100-h-105-h-135-CSA5(3)) Zone; TO a Residential R8 Special Provision (R8-4(*)) Zone; to add apartment buildings, handicapped person's apartment buildings, lodging house class 2, stacked townhousing; senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities uses, and to remove commercial uses from the lands. Special Provisions are requested to permit: a minimum front yard setback of 3.3 metres; a minimum interior side yard setback of 2.2 metres; a minimum rear yard setback of 4.5 metres; a minimum landscaped open space of 27 percent; a maximum height of 14 metres; and, a maximum density of 87 units per hectare. The City may consider the use of holding provisions.

Public Comments

City of London
Development Services
PO Box 5035
300 Dufferin Avenue
London ON N6A 4L9

September 8, 2022

Attention: Mark Johnson

Re: File no. OZ-9100 and Z-9531

I am writing in response to the Notice of Planning Application that we received in August for planning amendments proposed by Sifton Properties Ltd. pertaining to lands bordered by Morgan Avenue, Bradley Avenue and Wharncliffe Road South. Much of this commentary is taken from my letter of September 3, 2019, in response to Sifton's first application. While the addition of green space and two new roads is encouraging, the basic plan for a ring of apartment buildings for the site remains unchanged. With no new concept drawing of the apartment buildings, I must assume that the plan is to erect the same properties that I addressed in general comment number 2 in my original letter (attached).

Should this zoning application go ahead I would like to see that the following specific changes are not permitted:

1. That the setbacks not be reduced to 3.3 metres for both proposed Zones. This is inconsistent with the setbacks required for other development in the area,

2. That the number of parking spaces not be reduced to 1.25 per unit for the R5-7 Zone,
3. That the number of parking spaces not be reduced to 1 per unit for the R9-4 Zone.
4. That the number of stories for the stacked townhouses be limited to 4.

I believe that the thrust of the three general comments in my original submission remain much the same today. Please review the original letter. The request for a maximum number of stories to be increased to 5 seems to me to essentially building more apartment blocks. Any set of connected structures that is 5 stories high could only be seen as an apartment building from a distance.

I would appreciate the opportunity to attend a public participation meeting.

Thank you for your attention to this matter and for the provision of the legible site plan.

Yours truly,

Stephen Firth

c.c. Coun. Paul Van Meerbergen

Hello gents,

Is it possible to transition from paper to email re the Subject line? What % of people even respond? Less than 1%?!

What a waste of paper, postage and time.

Thanks,

John

Appendix C: Agency and Departmental Comments

Departmental Comments

Urban Design

General Comments

- The applicant is commended for providing a design with the following elements: a modified grid network of streets and pedestrian linkages; a well-located and adequately-sized park space with adjacent on-street parking spaces; and for providing detailed concepts for each of the blocks.
- Reduce the number of dead-end drive aisles in favour of through aisles to improve the overall connectivity throughout the site.
- Reduce the amount of surface parking across the site in favour of underground parking;
- Provide a minimum 5.0m² per unit of accessible shared outdoor amenity space for all blocks.
- Explore new apartment building forms that are designed in less of a slab-like format.
- Any proposed below-grade units in stacked townhouses shall be designed as through units with one side having finished floor at or above the grade, or as two-storey units. Redesign the proposed sunken units to address this issue.
- Include a zoning provision with a **maximum** of 4.5m and a minimum of 1.0m for the front and exterior side yard setbacks.
- Surface parking lots should be located away from public street frontages, behind the proposed building(s). Screen any surface parking areas exposed to the public street(s) or park space with enhanced landscaping.
- Provide variety in the design and heights of the buildings throughout the development so they appear as unique while still being complimentary to one another in architectural detail and materials to avoid a 'cookie-cutter' style of architecture in like housing forms throughout the subdivision.

Phase 1

- Comments for this block have been provided through the SPC process. In conjunction with the comments provided through the SPC process, please address the following:
 - The current layout of the site includes a mass amount of surface parking, resulting in a majority of the buildings being surrounded by impermeable asphalt paved area. Reduce the mass amount of surface parking areas on the site in favour of more permeable green space. It is suggested the applicant explore the following to reduce the amount of surface parking:
 - Explore alternate building forms, such as low-rise apartment buildings with underground parking or street townhouses with rear lane garages.
 - Reduce the number of parking spaces provided for each unit.
 - Consolidate the parking areas to allow for larger green spaces and to have fewer buildings surrounded by asphalt paving.
 - Provide a larger common amenity area that is centrally located and easily accessible from all units.
 - Remove the stunted drive aisle between 'Block E' and 'Block F' in favour of a through aisle connecting to the main drive aisle off 'Street A'.
 - The edge of the parking area should be located behind the front face of 'Block A' along Morgan Avenue.
 - Provide enhanced landscaping to screen where the parking areas are exposed to 'Street A' and Morgan Avenue.

Zoning Comments

- Ensure the proposed zoning for each block implements the policies of the Southwest Area Secondary Plan (SWASP). This may include, but is not limited to: setbacks, orientation, garage maximum widths, minimum and maximum densities, etc.
 - Garages shall not project beyond the front face of dwelling or the façade of any porch, and not occupy more than 50% of the lot frontage **[SWASP 20.5.3.9 iii, e]**. Ensure the lots are large enough to accommodate this policy.
 - Ensure that the proposed building/built form is oriented to street frontages and establishes a pedestrian-oriented built edge with street-oriented units. **[SWASP 20.5.3.9 i a]**.
- Include either a holding provision or special provision in the zoning for all medium and high-density blocks to ensure orientation to the street, park, or open-space frontages.
- If any blocks are proposing zoning for buildings taller than 4-storeys, they are required to attend the Urban Design Peer Review Panel (UDPRP):
 - UDPRP meetings take place on the third Wednesday of every month. Once an Urban Design Brief is submitted as part of a complete application the application will be scheduled for an upcoming meeting and the assigned planner as well as the applicant's agent will be notified. If you have any questions relating to the UDPRP or the Urban Design Briefs, please contact Ryan Nemis at 519.661.2500 x7901 or by email at rnemis@london.ca.

Heritage

- The lands were reviewed as part of the approval process for the plan of subdivision Plan 33M-661), and no heritage or archaeological concerns were previously identified. As such, Heritage does not have any further comments or concerns with the file.

Ecology

- We have reviewed the draft Environmental Impact Study (EIS) and request that the following items be addressed in the subsequent submission in support of final approval. Please note that there are no comments that impact the OPA/ZBA as all features are proposed for removal.
 - Table of Contents and Section 1 – Appear to be missing, please include.
 - Section 2.4 – Please address the remainder of the Special Concern species noted in Table 1 as they relate to Special Concern and Rare Wildlife Species Habitat candidate Significant Wildlife Habitat (particularly Monarch as candidate habitat and Milkweed is present on the Subject Lands). Currently, only Snapping Turtle is addressed. Include any mitigation and/or compensation to address any potential impacts (ex. Overseeding of milkweed and native pollinator species in proposed tree compensation area for Monarch).
 - Table 5 – Please provide further justification for (+) NET POSITIVE EFFECT for 2.1 Loss of Vegetation and habitat or potentially revise assessment. While it is understood that appropriate tree compensation is proposed relating to relevant policy requirements, the planting of 110 trees likely does not provide a “net increase of native vegetation and provide additional habitat for wildlife species present within the vicinity of the Subject Lands” when a permanent loss of 1.43 Ha of cultural meadow and 1 Ha of cultural woodland that contains native vegetation in addition to trees as well as wildlife habitat is occurring.
 - Table 5 – Include any additional potential impacts to SWH that have been included resulting from Comment #2, if any.
 - Section 5 – Recommendation 6 – Include recommendation for a monitoring plan to ensure compensation plantings are successful including monitoring timelines and % survival rate.

- Section 6 – “Protection of the adjacent vegetation communities associated with the Pincombe Drain” – Not impacting adjacent Natural Heritage Features located outside of the Subject Lands is not justification for a net environmental benefit. These features are already currently “protected” as part of the City’s Natural Heritage System. Similar to Comment #3, further justification would be required to show a net environmental benefit with the permanent loss of 1.43 Ha of cultural meadow and 1 Ha of cultural woodland.

Tree Preservation

Z-9531: 3480 Morgan Avenue

- 11 Distinctive trees identified are protected by City’s Tree Protection Bylaw until removal is to satisfy a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- 1 potential Species at Risk was identified as dead and therefore not protected by ESA regulation. No further action is required;
- One correction to the Arborist Report is required as it pertains to the timing of tree removals. The following text needs to be included and followed with development:
 - All **tree removals** must take place between September 1 and April 1st to avoid disturbing nesting migratory birds. Tree may be removed outside this window only if a qualified bird specialist has been determined there are not nesting birds in the trees. This requirement is in accordance with the Migratory Birds Convention Act, 1994.
- Confirm ownership of all trees proposed for removal on or near the mutual property line shared with 1467 Wharnccliffe and provide explicit permission from the abutting land owner to remove off-site and boundary trees with Site Plan Application Documents. A professional survey must determine trunk growth in relation to the property line. Boundary trees are protected by the province’s Forestry Act 1998, c. 18, Sched. I, s. 21, and can’t be removed without written consent from co-owner. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes.

Engineering and Infrastructure

Z-9531

- There are no servicing comments. The TIA was reviewed as part of the Subdivision & OZ application (File: 39T-22503 & OZ-9100), that included 3480 Morgan Ave, and there are no further comments and recommendations are to be implemented.

Agency Comments

Upper Thames River Conservation Authority

- Comments to follow.

London Hydro

Z-9531

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant’s expense, maintaining safe clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Appendix D: Policy Context

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

Provincial Policy Statement, 2020

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest as identified in Section 2 of the *Planning Act*. In accordance with Section 3 of the *Planning Act*, all planning decision shall be consistent with the *PPS* and the land use planning policies: Building Strong Healthy Communities; Wise Use and Management of Resources; and, Protecting Public Health and Safety. The *PPS* is to be read in its entirety.

The subject site is in the settlement area, and the requested amendment would help to facilitate the development of 144 stacked townhouse units. There is a mix of residential, open space, light industrial and commercial land uses adjacent to the property. This requested Zoning By-law Amendment is consistent with several *PPS* policies, which are outlined below.

Policy Sections 1.1.1, 1.1.3 and 1.6 requires land use within settlement areas to effectively use the land and resources through appropriate densities, range of uses and the efficient use of infrastructure. This contributes to resilient development and the creation of healthy, livable, and safe communities that encourage the use of active transportation and transit infrastructure available. The requested amendment would facilitate the development of a vacant site within the settlement area that has full access to municipal services, as well as provide a range of housing in compact form for current and future residents (Section 1.4). The subject lands are designated and intended, over the long term, to be used for retail, service, office, entertainment, recreational, education and institutional uses, but residential uses are considered.

Policy Section 1.3 speaks to employment and the promotion of economic development and competitiveness. Mixed-use and compact development that incorporates compatible employment uses are encouraged to support liveable and resilient communities (Section 1.3.1 c). Section 1.3.2.1 notes that employment areas should be protected, but they can be converted to non-employment uses where demonstrated through comprehensive review that demonstrates that the land is not required for employment purposes (Section 1.3.2.2). This ZBA would contribute to a mix of uses, in a compact form, that would support a liveable and resilient community. The Applicant has noted that commercial tenants have favoured more visible and accessible lands adjacent, resulting in the subject lands remaining vacant, and the recent COVID-19 Pandemic has reduced demand for commercial lands. In addition, the designation considers residential uses to support the commercial uses and other employment uses.

The compact form, mix of uses, and density of the proposal result in efficient and resilient development, and this will encourage the use of public and active transportation options. This will help to support energy conservation and help to improve air quality, which is consistent with Section 1.8 of the *PPS*. The site is also located outside of any natural or man-made hazards, which helps to protect public health and safety as prioritized in Section 3.0 of the *PPS*.

The London Plan

At the time this Application was submitted, *The London Plan* was subject to an appeal to the *Local Planning Appeals Tribunal (LPAT)* (PL170700). The *Plan* was Council adopted and approved by the Ministry with modifications, and the majority was in force and effect. Policies that were under appeal were indicated with an asterisk (*) throughout reports. Since that time, *The London Plan* has come into full force and effect as of May 25, 2022, following a written decision from the *Ontario Land Tribunal (OLT)*. *The London Plan* requires the applications demonstrate that the proposal is

sensitive to, and compatible with, its context and consider the Use, Intensity and Form of proposed amendments.

City Building and Design Policies

The requested amendment is generally supportive of the policies laid out in the City Building section of *The London Plan*, which seeks to set a framework for the shape, form, and character of the City. The layout of the proposed development facilitated by the amendment contributes to neighbourhood character and identity by orienting buildings to the street and not creating blank walls along the street edge, which contributes to an active street front (202, 229, 259, 291). This layout also helps to create a safe pedestrian environment and promotes connectivity, within the development and the surrounding neighbourhoods, which offers opportunities for active mobility (213, 255, 259, 285, 291).

Shopping Area Place Type

The subject lands are located within the “Shopping Area” Place Type, which is intended to provide a wide range of retail, service, business, recreational, social, educational, and government uses within easy walking distance for neighbourhoods. Over the long-term these areas will become more pedestrian, cycling and, transit-oriented, and less automobile-dominated.

Permitted uses within the Shopping Area Place Type include a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses (877). *The London Plan* further notes that where a Shopping Area Place Type abuts a Neighborhood Place Type, the City Design policies of the *Plan* will be applied to ensure that a positive interface is created between commercial and residential uses (877). The proposed ZBA to permit residential land uses on the subject lands is consistent with the permitted uses and the Applicant has incorporated building design and streetscape orientation to ensure there is a positive interface with adjacent lands in the Neighbourhoods Place Type.

Buildings within this Place Type will not exceed four (4) storeys. Heights above this, to a maximum of six (6) storeys, may be permitted in conformity with the Our Tools policies of this plan relating to Zoning to the Upper Maximum Height (878). To allow for more intense and efficient use of the land with the Shopping Area Place Type, the redevelopment expansion and introduction of residential development is considered (878). The proposed ZBA would facilitate the development of residential land uses in the form of four and half (4.5) storey stacked townhomes as the first floor is partially below grade, which is consistent with the Shopping Area Place Type. Appropriate scale, massing, material variation, landscaping and street orientation have all been considered to provide sufficient buffers and ensure compatibility with the adjacent uses (878). The proposal incorporates off-street parking and reduced parking standards have been requested to limit surface parking to ensure there are no negative impacts on adjacent streets (878).

The form of development within this Place Type is expected to conform with the City Design Policies of *The London Plan* (879). A grid of driveways with sidewalks and trees are encouraged in this Place Type to allow for better connections through the site for pedestrians, cyclists, and transit users (879). Sidewalk connections have been provided throughout the site and between buildings to allow for pedestrians and cyclists to access the surrounding street network, multi-use pathways and public transit stops safely and easily. The *Plan* outlines that landscaping, street furniture, patios, and other amenities should be designed and provided on the site to attract pedestrian activity to the front of these buildings (879). Landscaping is included at the ground level to provide an attractive pedestrian environment, and terraces and rooftop patios are noted by the Applicant as integral features of the stacked townhouses.

Our Tools

Section 34 of the *Planning Act* permits councils of local municipalities to pass zoning by-laws, and also provides for the amendment of these by-laws under Section 34(10). Policy 1637 of *The London Plan* reflects these policies and states that:

City Council may also consider applications for amendments to the Zoning By-law from a person or public body, consistent with the provisions of the Planning Act.

The *Planning Act* provisions, and prescribed information are required under Section 34(10.1) and outlined in Schedule 1 of Ontario Regulation 545/06. The prescribed information required under the *Act* was submitted with the Application and is consistent with the provisions.

Based on Staff's review of *The London Plan* policies, the requested amendment is found to be in keeping, and in conformity, with the Place Type, City Building and Design, and Our Tool policies.

Southwest Area Secondary Plan (SWAP)

This site forms part of the *Southwest Area Secondary Plan* and is subject to the development vision and detailed policies of the Secondary Plan. Additionally, the site forms part of the 'Central Longwoods Neighbourhood' within the greater *Plan*. This *Secondary Plan* sets out policy and guidance to create neighbourhoods that have the following features: a mix of uses and diverse mix of residential housing; an emphasis on design parameters with placemaking features; walkability within and between neighbourhoods; an integration of the Natural Heritage System as an opportunity for residents to enjoy; and, Neighbourhood Central Activity Nodes as destination places in the neighbourhood. The requested amendment has been reviewed with the applicable policies contained in the *SWAP*.

The proposed ZBA would facilitate the development of 144 stacked townhouse units, ranging from one (1) to three (3) bedroom units. Unique ownership forms, including leasehold townhomes, are being contemplated by the Applicant. This will contribute to a range of dwelling types in the area and could contribute to creating opportunities for affordable housing, as required in section 50.5.3.1 Housing. Stacked townhomes are a compact form of development, which could contribute to a reduction of land and energy, at set out in section 20.5.3.2 Sustainable/Green Development.

Section 20.5.3.9 of *SWAP* sets out urban design policies to promote high quality public realm that ingrates public and private spaces to create vibrant and dynamic neighbourhoods with a character that encourages social interaction. This is achieved through policies for development, design, and building and site design. Developments are to be designed in a compact, pedestrian oriented and transit friendly manner (20.5.3.9 i)). The proposed ZBA would facilitate the development of stacked townhouses in a compact form, which is pedestrian oriented through the inclusions of multiple sidewalk connections and transit friendly by providing intensity adjacent to transit routes on Wharncliffe Road. A "sense of enclosure" to the street is encouraged, and rear and side elevations of corner lots should take advantage of the extra visibility (20.5.3.9 iii) a) and d)). The proposed stacked townhouses are located close to the street to provide a "sense of enclosure" and have entrances on all sides. Off-street parking is dispersed around the buildings and shielded from the streets with sidewalks linking buildings, parking areas and amenities to the boundary street network to facilitate pedestrian and cycling connectivity (20.5.3.9 iii) g)). The proposed development also includes landscaping throughout the site and in islands within the surface parking areas to contribute to human-scale, enhancement of the pedestrian environment, and definition of public space and focal points (20.5.3.9 iii) i)).

The subject lands comprise part of the 'Central Longwoods Neighborhood' and are designated as Commercial. It should be noted that this section does not provide policies for commercial land use and development. The function and purpose of this Neighbourhood is to provide for residential development of an intensity that is generally

higher than that of other areas in the City, but less than the Bostwick Neighbourhood (20.5.10 i)). The focus of new development is on a mix of low- to mid-rise housing forms, ranging from single detached dwellings to low-rise apartment buildings (20.5.10 i)). This area will have characteristics similar to those found in the older areas of the City, reflecting compact development, a diversity of building types, and walkable amenities to enhance the day-to-day living experience (20.5.10 ii)). Low Density Residential development within the Central Longwoods Neighbourhood shall have a minimum density of 18 units per hectare and a maximum density of 35 units per hectares (20.5.10.1 iii) a)). Building heights shall not exceed four storeys and shall be sensitive to the scale of development in the surrounding neighbourhood (20.5.10.1 iii) a)). Medium Density Residential Development shall have a minimum of 30 units per hectare and a maximum of 75 units per hectare (20.5.10.1 iii) b)).

Policies within the Central Longwoods Neighbourhood do not provide direction for commercial land use or development, but as the proposal is new residential development, it should have consideration for the policies and provisions for residential designation. Lands on the southside of Wharncliffe, opposite this property are designated with the Medium Density Residential Designation. The proposed development meets the intended purpose and function as the proposed density is generally higher than that of suburban areas of the City. The proposed development is compact in form, contributes to a diversity of building types in the Neighbourhood, and is located with a walkable distance of amenities. A special provision for a maximum density of 87 units per hectare has been requested, which exceeds the maximum density of 75 units per hectare considered for Medium Density Residential Development, but is in keep with existing and proposed densities adjacent.

Z.1 Zoning By-law

The following provides a synopsis of the recommended zoning and permitted uses to be applied to the subject lands. Reference should be made to the Zoning Amendment Map found in Appendix A of this report.

The lands are currently zoned Holding Community Shopping Area Special Provision (h-11-h-63-h-82-h-95-h-100-h-105-h-135-CSA5(3)). This Zone permits a wide range of community-scale retail and personal services uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community, or a number of neighbourhoods located within convenient walking and/or driving distance.

Not all of the holding provisions included in the current zoning are applicable to the proposed development, and they are not included in Staff's recommended zoning. They include:

- Orderly development and adequate provision of municipal services through an approved Development Agreement (h-11). This Holding Provision was removed as the requirements are captured in the (h) Holding Provision.
- Ensure there are no land use conflicts between commercial and residential land uses through the implementation of all noise attenuation and design mitigation measures as recommended in a noise study, acceptable to the City (h-63). This Holding Provision was removed as the proposed zoning would no longer permit commercial development that would conflict with adjacent residential uses.
- Ensure that there is a consistent lotting pattern in this area and the part block has been consolidated with the adjacent lands (h-82). This Holding Provision has been removed as consent applications have severed the lands and a Plan of Subdivision is being processed on the adjacent lands to ensure a consistent lot pattern.
- Ensure that commercial development does not exceed a maximum interim floor area threshold of 15, 243 metres squared in draft plan 39T-07510, the symbol shall not be removed until a Traffic Impact Study is prepared, which demonstrates that the transportation infrastructure in Bostwick East is adequate to accommodate forecast traffic volumes. This Holding Provision was removed

because commercial land uses are no longer proposed and would not be permitted under the recommended zoning.

The proposed amendment is to change to a Holding Residential R8 Special Provision (h-h-95-h-100-h-105-h-198-R8-4()*H14). This amendment has been requested to facilitate future development of six (6) stacked townhouse buildings, each containing 24 units for a total of 144 units. The Applicant has requested a R8-4 Special Provision Zone to accommodate for the following:

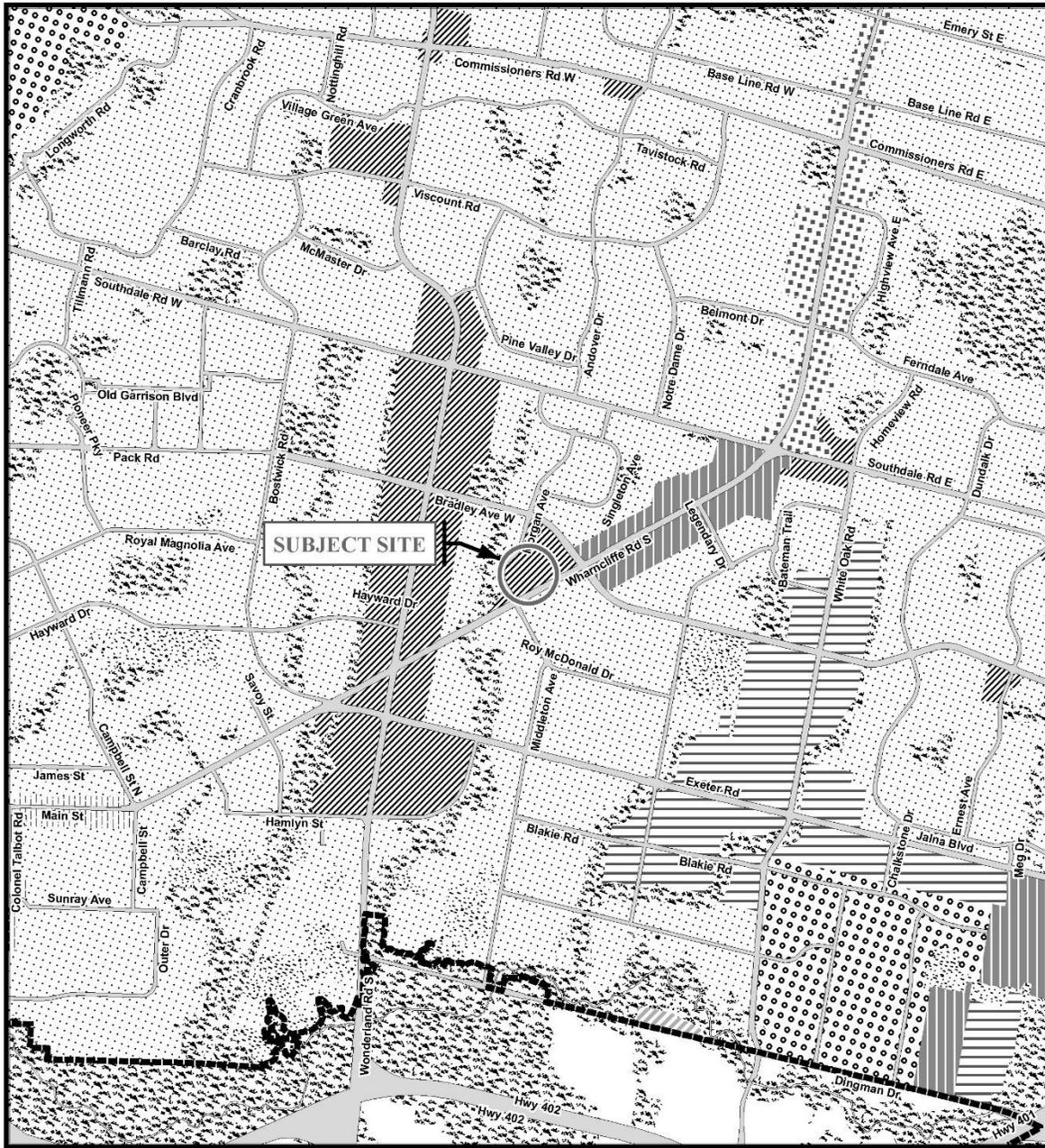
- Minimum front yard setback of 3.3 metres;
- Minimum interior side yard setback of 2.2 metres;
- Minimum rear yard setback of 4.5 metres;
- Minimum landscaped open space of 27%;
- Maximum height of 14.0 metres; and,
- Density of 87 units per hectares.

The Holding Provisions that are proposed to form part of the zone are to ensure the following:

- orderly development and adequate provision of municipal services through an approved Development Agreement (h);
- ensure the urban design concepts established through the Official Plan and/or Zoning By-law Amendment review process are implemented (h-95);
- there is adequate water services and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer (h-100);
- a comprehensive storm drainage and stormwater management report is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility (h-105); and,
- street-oriented development and discouragement of noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan (h-198).

Appendix E

London Plan Excerpt



Legend

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

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

CITY OF LONDON

Official Plan

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning & Development



Scale 1:30,000



File Number: Z-9531

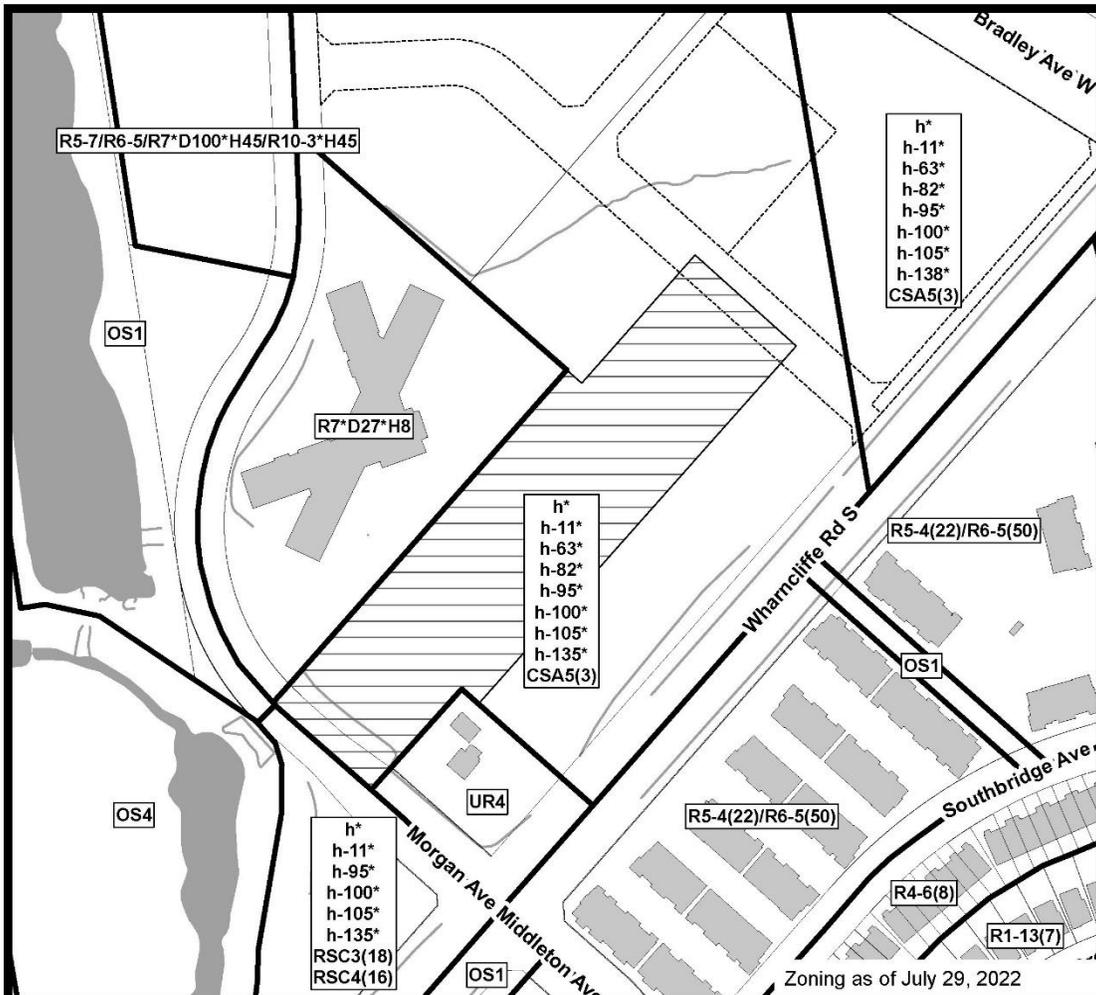
Planner: AC

Technician: RC

Date: 2023/3/29

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxd\Z-9531_Map1_PlaceTypes.mxd

Zoning By-law Excerpt



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: LI2**

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



FILE NO:

Z-9531

AC

MAP PREPARED:

2023/03/28

RC

1:2,500

0 12.525 50 75 100 Meters

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

Appendix E – Climate Emergency

On April 23, 2019, Municipal Council declared a Climate Emergency. Through this declaration the City, is committed to reducing and mitigating Climate Change. The following are characteristics of the proposed Application that are related to the City's climate action objectives.

Infill and Intensification

Located within the Built Area Boundary: **No**
Located within the Primary Transit Area: **No**
Net density change: **N/A**
Net change in affordable housing units: **N/A**

Reduce Auto-dependence

Proximity to the nearest London Transit stop: **0.3 km**
Completes gaps in the public sidewalk network: **No**
Connection from the site to a public sidewalk: **Yes**
Connection from the site to a multi-use pathway: **Yes**
Site layout contributes to a walkable environment: **Yes**
Proximity to nearest dedicated cycling infrastructure: **0.2 km**
Secured bike parking spaces: **Yes**
Secured bike parking ratio: **1:9.7**
New electric vehicles charging stations: **Unknown**
Vehicle parking ratio: **1.2 spaces per unit for residential units**

Environmental Impacts

Net change in permeable surfaces: **Yes**
Net change in the number of trees: **Unknown**
Tree Protection Area: **No**
Landscape Plan considers and includes native and pollinator species: **Consideration through a future Site Plan Control Application**
Loss of natural heritage features: **No**
Species at Risk Habitat loss: **No**
Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): **N/A**

Construction

Existing structures on site: **No**
Existing structures repurposed/adaptively reused: **N/A**
Green building features: **Unknown**
District energy system connection: **No**

Appendix A: Amendment Schedule

Appendix "A"

Bill No. (number to be inserted by
Clerk's Office)
(2023)

By-law No. Z.-1-23_____

A bylaw to amend By-law No. Z.-1 to
rezone lands located at 3480 Morgan
Avenue.

WHEREAS Sifton Properties Limited has applied to rezone lands located at 3480 Morgan 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 3480 Morgan Avenue as shown on the attached map comprising part of Key Map No. A111, from a Holding Community Shopping Area Special Provision (h*h-11*h-63*h-82*h-95*h-100*h-105*h-135*CSA5(3)) Zone to a Holding Residential R8 Special Provision (h*h-95*h-100*h-105*h-198*R8-4()*H14) Zone.
- 2) Section Number 12.4 of the Residential R8 Zone is amended by adding the following Special Provisions:
 -) R8-4()
 - a) Regulations:

i)	Front Yard Depth	3.3m (10.8ft)
	(Minimum)	
ii)	Interior Side Yard Depth	2.2m (7.2ft)
	(Minimum)	
iii)	Rear Yard Depth	4.5m (14.8ft)
	(Minimum)	
iv)	Landscaped Open Space	27%
	(Minimum)	
v)	Height	14m (45.9ft)
	(Maximum)	
vi)	Density	87 unit per hectare
	(Maximum)	

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

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

PASSED in Open Council on May 16, 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – May 16, 2023
Second Reading – May 16, 2023
Third Reading – May 16, 2023

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: Delegation of Authority – Subdivisions and Condominiums
and Official Plan Amendment on policies for Public Meetings
City File #: O-9606
Public Participation Meeting

Date: May 1, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application regarding Delegation of Authority – Subdivisions and Condominiums:

- (a) the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting to be held on May 16, 2023 to amend The London Plan to change the requirement for public meetings for vacant land condominiums and common elements condominiums under policy 1619 and to remove policy 1683 in its entirety, and;
- (b) the proposed by-law attached hereto as Appendix “B” **BE INTRODUCED** at the Municipal Council meeting to be held on May 16, 2023 to amend By-law CP-17 being the Subdivision & Condominium Delegation & Approval By-law to include delegated approvals for minor revisions to the draft plan of subdivision, extensions to the draft plan of subdivision, subdivision agreements with special provisions, and change the requirement for public meetings for vacant land condominiums and common elements condominiums.

Executive Summary

The summary of this request is to amend By-law CP-17 “Subdivision & Condominium Delegation & Approval” By-law to delegate to Staff for the approval of minor revisions to draft plans, extensions of draft plans, subdivision agreements with special provisions, and to change the requirement for public meetings for vacant land condominiums and common elements condominiums. These proposed delegation amendments will streamline the approval process and allow for development to proceed in a timely manner.

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 Background Information

1.1 Previous Reports Related to this Matter

Planning and Environment Committee, December 2, 2019, Agenda Item 2.4, Delegation Authority for Consent

Planning and Environment Committee, May 25, 2020, Agenda Item 2.2, Exception to Delegated Authority for Consent

Strategic Priorities and Policy Committee, February 15, 2022, Agenda Item 2.1, Streamline Development Approval Fund – Transfer Payment Agreement

Planning and Environment Committee, April 25, 2022, Agenda Item 2.4, Streamline Development Approval Fund: Continuous Improvement of Development Applications: Single Source Contract Award

Planning and Environment Committee, January 30, 2023, Agenda Item 2.4, Streamline Development Approval Fund: Streamlining Development Approvals (2022) – Final Report

1.2 Background and Purpose

As part of the streamlining development approvals process, Staff have been reviewing existing application processes and determining ways to improve the level of service for straightforward applications. Staff have been undertaking this review to support the housing target goal through the More Homes Built Faster Act, 2022.

From this review, four application processes have been identified that could be delegated to the Director, Planning and Development as the Approval Authority. These delegations will allow development to proceed in a timely manner with the end goal of creating more permit ready lots. This will allow Council to focus on strategic priorities rather than administrative functions involved in the planning process.

2.0 Discussion and Considerations

2.1 Overview of the Existing Applications being Considered

As mentioned, Staff have identified four types of planning applications of an administrative nature for delegation to the Director, Planning and Development, which include minor redline revisions to draft plans, extensions to draft plans, subdivision agreements with special provisions, and to change the requirement for public meetings for vacant land condominiums and common elements condominiums. The below image highlights the subdivision process, and the below table highlights where Council is involved with and without these process improvements.



Item	Application	Stage	Process Change
	Draft Plan Approval (no public meeting required per Bill 23)	Draft Plan Approval	No change, process includes Staff bringing forward approval for council consideration
	Zoning Application for Subdivision or Condominium	Draft Plan Approval	No change, process includes public participation meeting
2.1.1	Minor Revisions to Draft Plan	Engineering Review	Change to administrative approval
2.1.2	Extensions to Draft Plans	Draft Plan Approval	Change to administrative approval
2.1.3	Subdivision agreement with special provisions	Subdivision Agreement	Change to administrative approval

2.1.4	Change public meeting requirement for vacant land condominiums and common elements condominiums	Draft Plan Approval for vacant land condominiums	Aligns subdivision and condominium process and reduce redundancies of process review
-------	---	--	--

2.1.1 Revisions to Draft Approved Plans of Subdivisions

At any time prior to final approval of the draft plan of subdivision, there may be requests from agencies, municipality, or applicant, to change the conditions of draft approval and to change the layout of the plan. These revisions to draft approved plans of subdivisions are commonly referred to as “red line” revisions. Currently, there is no formal policy on distinguishing these revisions as major or minor, and it is a best practices decision from the Director, Planning and Development.

The implementation of guidance criteria to determine major/minor revisions will lead to a more streamlined process, create transparency, and only place matters in front of Council that are considered major changes. These major changes will often have impacts to the unit count and roadway configuration.

Staff recommend the following guidance criteria be used to establish a framework for differentiating between major and minor revisions to the draft plan approval for subdivisions:

Major Revisions	Minor Revisions
<ul style="list-style-type: none"> • Additional technical studies or revisions to existing technical studies • Significant reduction/addition to number of lots or blocks • Changes to lot type ie. Single detached to multi-unit • Addition/revision or removal of park blocks • Changes to street network • Changes to boundaries of Natural Heritage blocks • Changes that are subject to Provincial Policy 	<ul style="list-style-type: none"> • Proposal does not require additional technical studies or revisions to existing technical studies • Changes to lot or block lines which do not significantly affect the number of units or road network • Changes to proposed road right of way width • Proposed changes are consistent with Provincial Policy • Proposals do not conflict with The London Plan or the Zoning By-law

Staff recommend that major revisions to draft plan conditions or the draft plan continue to consult with Planning and Environment Committee and Council. All changes that are considered minor would be approved by the Director, Planning and Development which will streamline the process.

The proposed change to implement the proposed minor revisions would require an amendment to By-law CP-17, Delegation Authority – Subdivisions and Condominiums by adding the following regulation :

2.2 Approval Authority – Director, Planning and Development – Specific Powers
The Council hereby delegates to the Director, Planning and Development the authority:

- (s) to approve minor revisions to a draft Plan of Subdivision or Condominium, where minor revisions are considered that the revision doesn't require additional technical studies or revisions to existing technical studies, changes to lot or block lines which do not significant affect the number of units or road network, changes to proposed road right of way width, proposed changes are consistent

with Provincial Policy, and proposed changes do not conflict with The London Plan or Zoning By-law;

2.1.2 Extension of Draft Approved Plans of Subdivisions and Condominiums

As part of the Planning Act process in granting approvals for draft plans of subdivisions and condominiums, a municipality may specify the approval lapses at the expiration of a given time period. The City typically grants draft plan approval for three years which is a consistent practice for many municipalities. There are extenuating circumstances that can affect completion of conditions (ie. Extension of services through another property, School board coordination) and a longer lapsing period can be granted.

As part of the existing process, the extensions for draft approval of a proposed plan must have Council approval. Due to the length of time required for a request for extension to be circulated for comment, the time for Planning Staff to write a report and schedule the application before Committee and Council, the applicant must submit the request for an extension several months before the lapsing date. Often times, the applicant has not kept track of the lapsing date which results in severe time constraints submit the application before Committee and Council before the draft plan approval expires.

Staff recommend that this function be delegated to the Director, Planning and Development. Since these applications are more administrative in nature, delegating this approval to staff will improve the customer service to development community and create further efficiencies for Council to consider more pertinent matters. Staff are also working with the development community on making the lapsing period specific to each subdivision application and working with Applicants to submit the draft plans or first phase registered within the allotted time.

The proposed change to implement the process change would require an amendment to By-law CP-17, Delegation Authority – Subdivisions and Condominiums by amending the following regulation:

2.2 Approval Authority – Director, Planning and Development – Specific Powers
The Council hereby delegates to the Director, Planning and Development the authority:

- (o) to grant extensions of draft approval to a proposed Plan, where the applicant hasn't caused a delay at the discretion of the Director, Planning and Development; ~~where the Council concurs with such an extension;~~

2.1.3 Subdivision Agreement Special Provisions

Approaching the end of the planning process is when the developer and the City work through special provisions for the subdivision agreement. The general conditions in the subdivision agreement are a Council approved document and then specific to each subdivision there are special provisions that are incorporated from both Planning and Economic Development, and Environment and Infrastructure teams. This process is administrative in nature and Staff also review the special provisions with the City's Solicitor's Office.

Due to the length of the process and time to fit in a legal review presents challenges to the turnaround time to accommodate these reviews to meet Clerk's report deadlines for Planning and Environment Committee. Therefore, Staff recommend that this function be delegated to the Director, Planning and Development, as an internal review, which will allow staff to provide these agreements back to the developers in a more consistent manner. Council will still have the opportunity to consider the merits of a plan of subdivision during the draft plan stage and will be able to work with Staff on any questions or concerns from the public during these early stages of the process.

The proposed change to implement subdivision agreement special provisions would require an amendment to By-law CP-17, Delegation Authority – Subdivisions and Condominiums by adding the following regulation:

2.2 Approval Authority – Director, Planning and Development – Specific Powers
The Council hereby delegates to the Director, Planning and Development the authority:

- (t) to approve and execute a subdivision agreement with special provisions as part of an approved draft plan of subdivision, where there are no financial impacts or required financing can be accommodated within an existing approved capital budget.

2.1.4 Vacant Land Condominium and Common Elements Condominium

Both vacant land condominiums and common elements condominiums typically involve a Planning Act process before the condominium application is submitted for review by the City. These Planning Act processes could include a consent, zoning or subdivision process. If planning applications have been previously in front of Council and the public, adding another public meeting at the time of a condominium application creates an unnecessary redundancy.

Removing the public meeting requirement for vacant land condominiums and common elements condominiums when a Planning Act process has already been completed will allow developers to proceed with these applications in a timely manner. Developers will then be able to focus on the plan and continue to work with the City to address the requirements to bring these lots forward for a building permit. To achieve this process improvement, Staff are recommending that this function is delegated to the Director, Planning and Development with the additional language to identify when a public meeting for these condominiums applications is required.

The change in requirement of a public meeting for these condominium applications requires an Official Plan amendment to The London Plan, as policy 1619 needs to be modified and policy 1683 needs to be deleted. Given the nature of the amendments to The London Plan a public participation meeting is required, which is the subject of this report.

These policies have also been reviewed in the context of the recently implemented More Homes Built Faster Act, 2002. Noting that through the recent change in legislation, a plan of subdivision no longer requires a statutory public participation meeting. As a result, the following changes to The London Plan are identified:

- Modify Policy 1619 to remove requirement for a public meeting to align with the changes as a result of the More Homes Built Faster Act, 2022, and
- Deletion of Policy 1683, which is considered to be redundant to policy 1682 and has caused confusion with Industry stakeholders. The existing policies and the proposed policies are shown in the below table for reference and the changes are reflected as ~~strikeout~~ and new language with an underline:

Policy	Existing	Proposed
1619	Consistent with the <i>Planning Act</i> , the public meeting and notice procedures that will be followed for applications to adopt or amend an official plan or zoning by-law, a community improvement plan, a plan of subdivision , vacant land condominiums and common elements condominiums are as	Consistent with the <i>Planning Act</i> , the public meeting and notice procedures that will be followed for applications to adopt or amend an official plan, zoning by-law, or community improvement plan are as follows. <u>Vacant land condominiums and common elements condominiums will require a public meeting and notice</u>

	follows. Notice procedures for other types of applications are addressed elsewhere in this Plan.	<u>procedures if a <i>Planning Act</i> process and public meeting has not been completed prior to the condominium application.</u> Notice procedures for other types of applications are addressed elsewhere in this Plan.
1682	To assist in encouraging the integration of new development with adjacent land uses, City Council may require public notification and a public site plan meeting in connection with any project that Council may deem to require public involvement in the assessment of a site plan.	No change
1683	A public site plan meeting will be required for the following: <ol style="list-style-type: none"> 1. Major Downtown projects 2. Vacant land condominiums and common element condominiums only when another planning act process hasn't been completed, and it can be demonstrated that there is no need or public interest. 3. Residential intensification projects, pursuant to the intensification policies in the Neighbourhoods chapter of this Plan. 4. Project where Bonus Zoning has been applied for height or density. 5. Development within Heritage Conservation Districts. 	Complete removal of policy as policy 1682 already considers a requirement for public site plan meeting, which is at the discretion of Council.

The proposed change would also require an amendment to By-law CP-17, Delegation Authority – Subdivisions and Condominiums by adding the following regulation:

2.2 Approval Authority – Director, Planning and Development – Specific Powers

- (b) to determine whether or not a draft Plan of Condominium is or is not required to be referred to Council for the purpose of holding a public meeting pursuant to section 51 of the *Planning Act*, **with the understanding where a public meeting or planning act process has been completed, an additional public meeting for the draft Plan of Condominium isn't required;**

2.1.5 Input from City Teams

As part of this review, Staff consulted with the Clerk's Office and City Solicitor's Office on these requested changes to the delegated authority. No concerns were raised in response to the proposed changes to the delegation of authority. Further, the identified changes will result in efficiencies within our current development processes, which will allow the development industry to bring forward permit ready lots in a more consistent manner.

3.0 Financial Impact/Considerations

There is no financial impact to the City of London with the delegation of these planning act processes. These processes will result in Planning and Development to streamline our development approvals as we strive to achieve our housing targets.

With respect to section 2.1.3 above (Subdivision Agreement Special Provisions), currently, subdivision agreements are approved by Municipal Council and may include approval of funding for a developer where it is more efficient for the developer to complete minor works within the subdivision area. These works are would be typically funded by development charges (City Services Reserve Fund) and a Source of Financing would accompany the subdivision agreement to confirm available approved funding. With the delegated authority from section 2.1.3, the Source of Financing would be approved by the delegated authority, similar to other Sources of Financing currently approved by administration within the thresholds of the Procurement of Goods and Services Policy. Approval of subdivision agreements where financing cannot be accommodated within an existing approved capital budget must be presented to Municipal Council for approval.

Conclusion

The report provides the background and context for process changes applicable to the attached Planning Act processes, and Staff's recommendation for administrative matters to be delegated to staff, which include minor revisions to draft plans, extensions of draft plans, subdivision agreement special provisions, and to change the requirement for public meetings for vacant land condominiums and common element condominiums. Through these process changes, the intent is to create a more streamlined process for development approvals.

Prepared and Reviewed by: **Peter Kavcic, P.Eng.**
Manager, Subdivision and Development Inspections

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

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

cc: Sachit Tatavarti, Solicitor
cc: Bruce Page, Manager, Subdivision Planning
cc: Matt Davenport, Manager, Subdivision Engineering

PK/HMc/BP//sm

Appendix A – The London Plan Amendment

Appendix “A”

Bill No. (number to be inserted by
Clerk's Office)
(2023)

By-law No. C.P.-1512_____

A by-law to amend The London Plan for
the City of London, 2016 relating to
policies 1619 and 1683.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of
London Planning Area – 2016, as contained in the text attached hereto and forming part
of this by-law, is adopted.

PASSED in Open Council on May 16, 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – May 16, 2023
Second Reading – May 16, 2023
Third Reading – May 16, 2023

**AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT:

The purpose of the Amendment is:

1. To change existing policies in the Our Tools part of The London Plan for the City of London to improve planning process and improve efficiencies.

B. LOCATION OF THIS AMENDMENT:

This Amendment is a text amendment, which applies to all lands within the City of London when an applicant is interested in the vacant land condominium and common elements condominium process.

C. BASIS OF THE AMENDMENT:

1. This amendment aligns with new delegations proposed for By-law CP-17 “Subdivision & Condominium Delegation & Approval” By-law, and with the More Homes Built Faster Act, 2022.

D. THE AMENDMENT

The London Plan is hereby amended as follows:

1. The Our Tools part of The London Plan for the City of London Planning Area is amended by adjusting Policy 1619 and 1683 to the below:

Policy 1619 - Consistent with the *Planning Act*, the public meeting and notice procedures that will be followed for applications to adopt or amend an official plan, zoning by-law, or community improvement plan are as follows. Vacant land condominiums and common elements condominiums will require a public meeting and notice procedures if a *Planning Act* process and public meeting has not been completed prior to the condominium application. Notice procedures for other types of applications are addressed elsewhere in this Plan.

Policy 1683 – Delete in its entirety.

Appendix B – By-law Amendment

Appendix “B”

Bill No. (number to be inserted by
Clerk's Office)
(2023)

By-law No. CP-17-_____

A bylaw to amend By-law CP-17 to delegate certain portions of Council's assigned authority with respect to approvals for plans of subdivision and condominium pursuant to the Planning Act.

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

WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that Municipal Council is authorized to delegate its powers and duties under this or any other Act to a person or body subject to any restrictions set out;

AND WHEREAS subsection 51.2(1) of the *Planning Act*, as amended, provides that Municipal Council may by by-law delegate the authority of the council under section 51.2 of the Act or any part of that authority to a committee of council or to an appointed officer identified in the by-law by name or position occupied;

AND WHEREAS the Council deems it appropriate to amend By-law CP-17, as amended, being “A by-law to delegate certain portions of Council's assigned authority with respect to approvals for plans of subdivision and condominium pursuant to the Planning Act;

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

- 1) By-law CP-17, as amended by By-law CP-17-_____(to be inserted by Clerks Office) is hereby amended by deleting section 2.2 Approval Authority – Director, Planning and Development – Specific Powers in its entirety and replacing it with the following new section 2.2 as follows.

2.2 Approval Authority – Director, Planning and Development – Specific Powers

The Council hereby delegates to the Director, Planning and Development the authority:

- (a) to determine whether or not an Application made in respect of a draft Plan is complete; and if determined to be incomplete, to refuse to accept it and return it to the applicant, detailing the outstanding information required;
- (b) to determine whether or not a draft Plan is or is not required to be circulated for comments among administrative units of relevant government authorities and to circulate same pursuant to section 51 of the *Planning Act*;
- (c) to determine whether or not a draft Plan of Condominium is or is not required to be referred to Council for the purpose of holding a public meeting pursuant to section 51 of the *Planning Act*, with the understanding where a public meeting or planning act process has been completed, an additional public meeting for the draft Plan of Condominium isn't required;
- (d) to extend time limits for the receipt of comments from the administrative units which received the draft Plan;

- (e) to settle and give Draft Plan Approval to any Plan of Subdivision the approval of which has been recommended by the Council where there have been no written requests for referral received in accordance with the Planning Act prior to the time the Director, Planning and Development proceeds to settle and give Draft Plan Approval to the said Plan subject to the following;
 - (i) on the understanding that when a dispute involves the approval or denial of the draft Plan contrary to the recommendations of a Ministry of the Provincial Government, the Director, Planning and Development shall consult with the Council, and Council shall make the decision; and
 - (ii) on the further understanding that the Director, Planning and Development may consult with the Council prior to making his/her decision to refuse approval of an application;
- (f) to sign a proposed Plan of Subdivision and issue letters of draft approval with conditions for the purpose of indicating draft approval of such Plan by the Director, Planning and Development by the Council pursuant to paragraph (e) above;
- (g) to exempt a proposed Plan of Condominium from approval in accordance with section 9 of the *Condominium Act*, S.O. 1998, c.19 or to settle and to give draft Approval to any proposed Plan of Condominium where there have been no written requests for referral received in accordance with the *Planning Act* prior to the time the Director, Planning and Development proceeds to settle and give draft Approval to the said Plan subject to the following;
 - (i) on the understanding that when a dispute involves the approval or denial of the draft Plan contrary to the recommendations of a Ministry of the Provincial Government, the Director, Planning and Development shall consult with the Council, and Council shall make the decision;
- (h) to sign a proposed Plan of Condominium and issue letters of draft approval with conditions for the purpose of indicating draft approval of such Plans by the Director, Planning and Development or by the Council pursuant to paragraph (f) above;
- (i) to enter into negotiations/dispute resolution with those parties involved in a referral of a draft Plan or conditions thereof, which has been referred to the Ontario Municipal Board, in an attempt to resolve the issues and avoid an Ontario Municipal Board Hearing, if possible;
- (j) to resume and finalize consideration of the proposed Plan where a proposed Plan has been referred to the Ontario Municipal Board under section 51 of the *Planning Act*, and the Ontario Municipal Board notifies the Approval Authority that the Approval Authority may proceed to make a decision under Section 51 (31) of the *Planning Act*;
- (k) to refer the Plan and/or conditions of approval Plan of any draft to the Ontario Municipal Board pursuant to subsection 51(31) of the *Planning Act*;
- (l) to make any change in the conditions of approval imposed by the Director, Planning and Development;
- (m) to make any change to any conditions of approval imposed by the Council provided the request for the change is made by or endorsed by the Council;
- (n) to sign a final Plan for the purpose of indicating the final approval of the Director, Planning and Development or the Council, as the case may be, and the acceptability of the said Plan or Plans for tendering for registration;

- (o) to grant extensions of draft approval to a proposed Plan, where the applicant hasn't caused a delay at the discretion of the Director, Planning and Development;
- (p) to grant extensions of draft approval to a proposed Plan for not more than six (6) months on an emergency basis without the approval of the Council, in order that a decision may be obtained from the Council, in respect of any requested extension unless the Director, Planning and Development has been given written notice of an objection to such emergency extension;
- (q) to refuse a draft Plan where the file has remained inactive for more than one (1) year, and only after the applicant has been given written notice that the draft plan will be refused, and given 60 days to respond;
- (r) to resume and finalize consideration of the proposed Plan where a proposed Plan has been referred to the Ontario Municipal Board under section 51 of the *Planning Act*, and the Ontario Land Tribunal by Order has assigned responsibilities back to the Approval Authority to make a decision under Section 51 (58) of the *Planning Act*;
- (s) to approve minor revisions to a draft Plan of Subdivision or Condominium, where minor revisions are considered that the revision doesn't require additional technical studies or revisions to existing technical studies, changes to lot or block lines which do not significantly affect the number of units or road network, changes to proposed road right of way width, proposed changes are consistent with Provincial Policy, and proposed changes do not conflict with The London Plan or Zoning By-law;
- (t) to approve and execute a subdivision agreement with special provisions as part of an approved draft plan of subdivision, where there are no financial impacts or required financing can be accommodated within an existing approved capital budget.

PASSED in Open Council on May 16, 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – May 16, 2023
Second Reading – May 16, 2023
Third Reading – May 16, 2023

Appendix A – The Official Plan Amendment

Appendix “A”

Bill No. (number to be inserted by
Clerk's Office)
(2023)

By-law No. C.P.-1512_____

A by-law to amend The Official Plan for
the City of London, 2016 relating to
policies 1619 and 1683.

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

1. Amendment No. (to be inserted by Clerk's Office) to The Official Plan for the City of
London Planning Area – 2016, as contained in the text attached hereto and forming part
of this by-law, is adopted.

PASSED in Open Council on May 16, 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – May 16, 2023
Second Reading – May 16, 2023
Third Reading – May 16, 2023

**AMENDMENT NO.
to the
THE OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT:

The purpose of the Amendment is:

1. To change existing policies in the Our Tools part of The Official Plan for the City of London, 2016 to improve planning process and improve efficiencies.

B. LOCATION OF THIS AMENDMENT:

This Amendment is a text amendment, which applies to all lands within the City of London when an applicant is interested in the vacant land condominium and common elements condominium process.

C. BASIS OF THE AMENDMENT:

1. This amendment aligns with new delegations proposed for By-law CP-17 “Subdivision & Condominium Delegation & Approval” By-law, and with the More Homes Built Faster Act, 2022.

D. THE AMENDMENT

The Official Plan for the City of London, 2016 is hereby amended as follows:

1. The Our Tools part of The Official Plan for the City of London Planning Area is amended by adjusting Policy 1619 and 1683 to the below:

Policy 1619 - Consistent with the *Planning Act*, the public meeting and notice procedures that will be followed for applications to adopt or amend an official plan, zoning by-law, or community improvement plan are as follows. Vacant land condominiums and common elements condominiums will require a public meeting and notice procedures if a *Planning Act* process and public meeting has not been completed prior to the condominium application. Notice procedures for other types of applications are addressed elsewhere in this Plan.

Policy 1683 – Delete in its entirety.

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: LA-Rosa Community Ltd
614 Westmount Crescent
City File: Z-9553 Ward 10
Public Participation Meeting

Date: May 1, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of LA-Rosa Community Ltd. relating to the property located at 614 Westmount Crescent **TO ADD** clauses for the Site Plan Approval Authority to consider, relating to the access alignment across from 608 Commissioners Road West (clause a ii), enhanced privacy screening (clause a xiii), and installation of a sidewalk on Westmount Crescent (clause a xiv):

- (a) **IT BEING NOTED** that the following urban design and site plan matters were raised during the application review process for consideration by the Site Plan Approval Authority:
- i) Provide 2-storey townhouses south of the access along Westmount Crescent to provide an appropriate height transition from abutting low-density residential as per the site plan dated February 21, 2023;
 - ii) Consider locating the access to align with the proposed access at 608 Commissioners Rd W;
 - iii) Provide lockable front doors and habitable living space on street-facing facades, including direct connections from the front doors to a walkway or sidewalk connection along the frontage of the property;
 - iv) No fencing be provided between the buildings and the public street;
 - v) Clarify how the disposable recycling and waste is stored and collected on the site plan;
 - vi) Confirm the gross floor area of each dwelling unit and confirm basement ceiling height is 1.8 metres or more;
 - vii) Provide shared amenity space on site, and consider adding purposeful features to this space for amenity;
 - viii) Protect and retain as many of the City trees on the adjacent boulevard as possible. No tree removals shall happen until a permit has been issued by Forestry Operations in compliance with the City of London Boulevard Tree Protection By-law. Replacement trees shall be provided in appropriate locations;
 - ix) Consider offsetting any tree removals with plantings;
 - x) Update the tree preservation plan to ensure all required information outlined by the Landscaped Architect has been included;
 - xi) Ensure pedestrian circulation and access refinements are done with the Accessibility Review Checklist;
 - xii) Identify the location of fire route signage and provide a standard detail on the site plan;
 - xiii) Include enhanced privacy aspects such as 7 foot high fences and more evergreen trees or cedar hedges; and
 - xiv) The installation of a sidewalk along Westmount Crescent.

during site plan approval consideration be taken to move the alignment to align with 608 Commissioners Rd W as shown in the revised drawing in Figure 1 above.

Conclusion

Staff have reviewed the original recommendation and report and continue to support the original recommendation. However, through the site plan approval process consideration be given to moving the proposed alignment to align with 608 Commissioners Rd W to address neighbourhood concerns and the recent Council Resolution. The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Neighbourhoods Place Type. The recommended amendment will facilitate the development of an underutilized site within the Built-Area Boundary with a land use, intensity, and form that is appropriate for the site.

Prepared by: Alanna Riley, MCIP, RPP
Senior Planner, Planning Implementation

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

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

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

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

Cc: Britt O'Hagan, Manager, Urban Design
Michael Pease, Manager, Site Plans
Ismail Abushehada, Manager, Development Engineering

Appendix A



P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

April 5, 2023

LA-Rosa Community Ltd.
c/o S. Allen
MHBC
By Email

I hereby certify that the Municipal Council, at its meeting held on April 4, 2023 resolved:

That, the following actions be taken with respect to the application by LA-Rosa Community Ltd., relating to the property located at 614 Westmount Crescent:

a) the proposed, revised, attached, by-law as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on April 4, 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 (R1-9) Zone TO a Residential R5 Special Provision (R5-5(_)) Zone;

it being noted that the following urban design and site plan matters were raised during the application review process for consideration by the Site Plan Approval Authority:

- i) provide 2-storey townhouses south of the access along Westmount Crescent to provide an appropriate height transition from abutting low-density residential as per the site plan dated February 21, 2023;
- ii) provide lockable front doors and habitable living space on street-facing facades, including direct connections from the front doors to a walkway or sidewalk connection along the frontage of the property;
- iii) no fencing be provided between the buildings and the public street;
- iv) clarify how the disposable recycling and waste is stored and collected on the site plan;
- v) confirm the gross floor area of each dwelling unit and confirm basement ceiling height is 1.8 metres or more;
- vi) provide shared amenity space on site, and consider adding purposeful features to this space for amenity;
- vii) protect and retain as many of the City trees on the adjacent boulevard as possible. No tree removals shall happen until a permit has been issued by Forestry Operations in compliance with the City of London Boulevard Tree Protection By-law. Replacement trees shall be provided in appropriate locations;
- viii) consider offsetting any tree removals with plantings;
- ix) update the tree preservation plan to ensure all required information outlined by the Landscaped Architect has been included;
- x) ensure pedestrian circulation and access refinements are done with the Accessibility Review Checklist;
- xi) identify the location of fire route signage and provide a standard detail on the site plan;
- xii) include enhanced privacy aspects such as 7ft fences and more evergreen trees or cedar hedges; and,
- xiii) the installation of a sidewalk along Westmount Crescent;

The Corporation of the City of London
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hlysynsk@london.ca
www.london.ca

b) the proposed alignment of the driveway for the subject property to potentially align with the property located at 615 Westmount Crescent BE REFERRED to the Civic Administration to report back at a future Planning and Environment Committee meeting;

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

- the revised by-law; and,
- the staff presentation;

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

- S. Allen, MHBC;
- R. Marghella; and,
- B. Gritke;

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 (PPS), which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- the recommended amendment conforms to the policies of The London Plan including but not limited to, Our City, Key Directions, City Building, Neighbourhoods Place Type and will facilitate a built form that contributes to achieving a compact, mixed-use city;
- the recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood;
- the recommended amendment facilitates the development of an underutilized property within the Built-Area Boundary through an appropriate form of infill development; and,
- the recommended amendment facilitates a type of residential development that will help to address the growing need for affordable types of housing in London. The recommended amendment is in alignment with the Housing Stability Action Plan 2019-2024 and Strategic Area of Focus 2: Create More Housing Stock. (2023-D04) (3.7/6/PEC)



M. Schulthess
City Clerk
/pm

cc: S. Mathers, Deputy City Manager, Planning and Economic Development
H. McNeely, Director, Planning and Development
M. Corby, Manager, Planning Implementation
B. O'Hagan, Manager, Current Development
M. Pease, Manager, Site Plans
I. Abushehada, Manager, Development Engineering
A. Riley, Senior Planner, Development Services
Documentation Services Representative
M. Vivinetto, Executive Assistant to the Deputy City Manager, Planning and Economic Development
B. Garcia, Administrative and Technical Support Representative, Planning and Economic Development
T. Phillips, Administrative and Technical Support Representative, Planning and Economic Development
List of external CC's on file in the City Clerks Office

Appendix B

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: 614 Westmount Crescent
City File: Z-9553 Ward 10
Public Participation Meeting

Date: March 27, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of LA-Rosa Community Ltd. relating to the property located at 614 Westmount Crescent:

- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting April 4, 2023 to amend Zoning By-law No. Z.-1, in conformity with The London Plan for the City of London, to change the zoning of the subject property **FROM** a Residential (R1-9) Zone **TO** a Residential R5 Special Provision (R5-5(_)) Zone;
- (c) **IT BEING NOTED** that the following urban design and site plan matters were raised during the application review process for consideration by the Site Plan Approval Authority:
- i) Provide 2-storey townhouses south of the access along Westmount Crescent to provide an appropriate height transition from abutting low-density residential as per the site plan dated February 21, 2023;
 - ii) Provide lockable front doors and habitable living space on street-facing facades, including direct connections from the front doors to a walkway or sidewalk connection along the frontage of the property;
 - iii) No fencing be provided between the buildings and the public street;
 - iv) Clarify how the disposable recycling and waste is stored and collected on the site plan;
 - v) Confirm the gross floor area of each dwelling unit and confirm basement ceiling height is 1.8 metres or more;
 - vi) Provide shared amenity space on site, and consider adding purposeful features to this space for amenity;
 - vii) Protect and retain as many of the City trees on the adjacent boulevard as possible. No tree removals shall happen until a permit has been issued by Forestry Operations in compliance with the City of London Boulevard Tree Protection By-law. Replacement trees shall be provided in appropriate locations;
 - viii) Consider offsetting any tree removals with plantings;
 - ix) Update the tree preservation plan to ensure all required information outlined by the Landscaped Architect has been included;
 - x) Ensure pedestrian circulation and access refinements are done with the Accessibility Review Checklist; and
 - xi) Identify the location of fire route signage and provide a standard detail on the site plan.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site to a Residential R5 Special Provision (R5-5(_)) Zone to permit 18 cluster townhouses and a density of 39 units per hectare. The following special provisions have also been applied:

- a minimum front yard setback of 1.5 metres, whereas 6.0 metres is required.
- a maximum height of two storeys for the south portion of the site.
- The provision of front doors and habitable living space on the front façade of buildings.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to permit the development of five, 2-storey cluster townhouses and thirteen, 3-storey cluster townhouses for a total of 18 units, which is equivalent to a density of 39 units per hectare.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020 (PPS), which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future.
2. The recommended amendment conforms to the policies of The London Plan including but not limited to, Our City, Key Directions, City Building, Neighbourhoods Place Type and will facilitate a built form that contributes to achieving a compact, mixed-use city.
3. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood.
4. The recommended amendment facilitates the development of an underutilized property within the Built-Area Boundary through an appropriate form of infill development.
5. The recommended amendment facilitates a type of residential development that will help to address the growing need for affordable types of housing in London. The recommended amendment is in alignment with the Housing Stability Action Plan 2019-2024 and Strategic Area of Focus 2: Create More Housing Stock.

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Refer to Appendix C for further details on the characteristics of the proposed application related to the City's climate action objectives.

Linkage to the Corporate Strategic Plan

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

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

None.

1.3 Property Description

The subject site is located on the east side of Westmount Crescent, south of the Commissioners Road West intersection and west of the Wonderland Road South corridor. The subject lands have an irregular shape, measure approximately 0.47 ha in area and have approximately 116 m of frontage on Westmount Crescent. A single detached dwelling is currently located on these lands.



Figure 1: 614 Westmount Crescent facing east (Google image, June 2021)

1.4 Current Planning Information

- The London Plan Place Type – Neighbourhoods fronting a Neighbourhood Street (Westmount Crescent)
- Existing Zoning – Residential R1 (R1-9) Zone

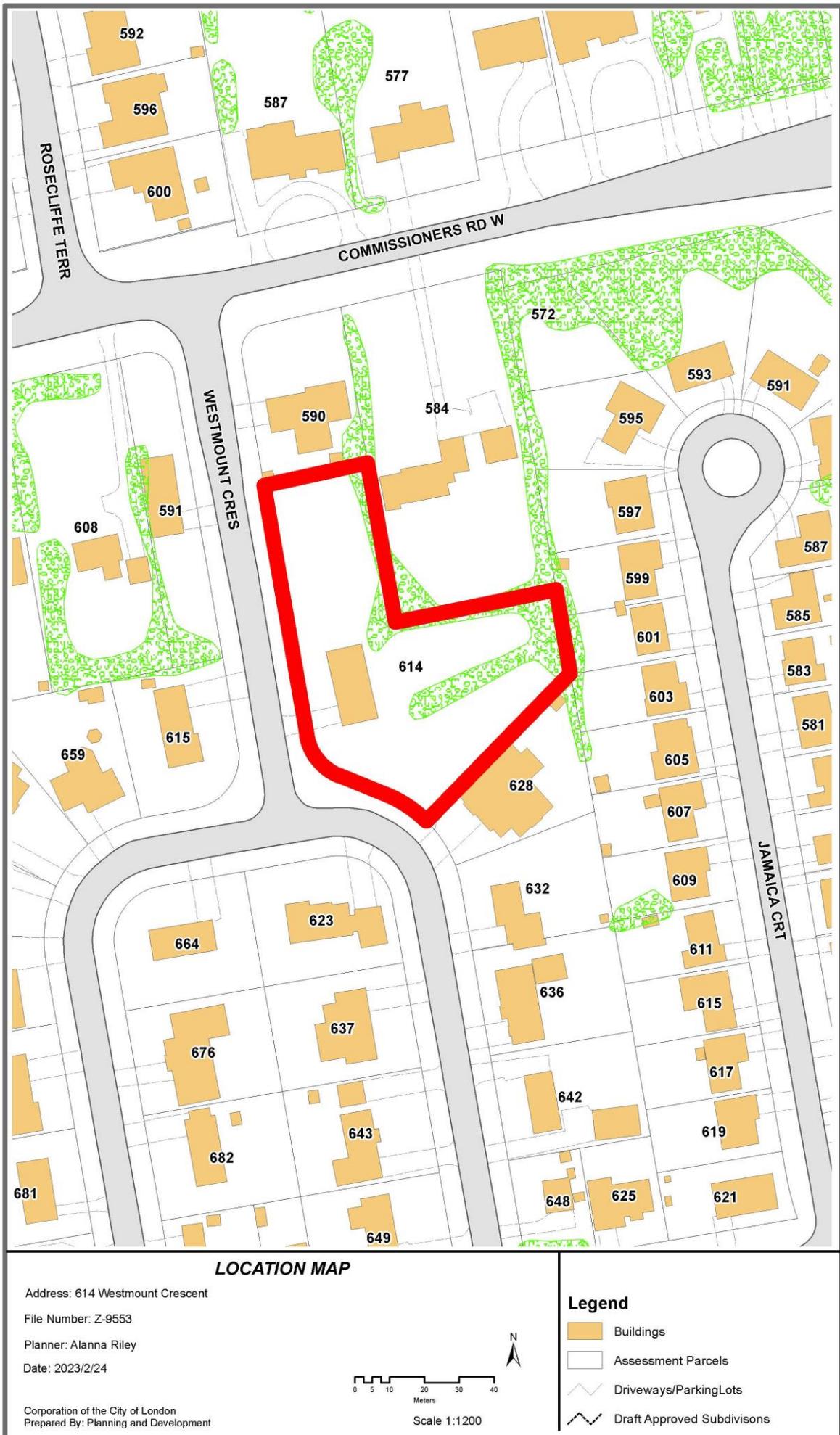
1.5 Site Characteristics

- Current Land Use – One single detached dwelling
- Frontage – 116 metres
- Depth – Irregular
- Area – 0.47 hectares
- Shape – Irregular

1.6 Surrounding Land Uses

- North – Low density residential, Commissioners Rd W, proposed cluster townhouses
- East – Low density residential, cluster townhouses, commercial, Wonderland Road N
- South – Low density residential
- West – Westmount Crescent, low density residential, proposed mid-rise apartment

1.7 Location Map



1.8 Intensification

The proposed 18 residential units represent intensification just outside of the Primary Transit Area but within the Built-Area Boundary.

2.0 Description of Proposal

2.1 Original Development Proposal

On October 4, 2022, the City accepted a complete application that proposed a 3-storey, cluster townhouse development, containing 20 dwelling units, equating to 43 units per hectare. Vehicular access to the site was proposed to be provided by a single right-in, right-out driveway from Westmount Crescent and will be located near the south property line. Common outdoor amenity area and landscaping was proposed on 4 portions of the property. Each unit was proposed to have parking with a garage and 2 accessible parking spaces were also provided. The original site concept plan and elevation are shown in Figure 2 and Figure 3 below.

Figure 2: Original Site Concept Plan



Figure 2: Original Site Concept Plan

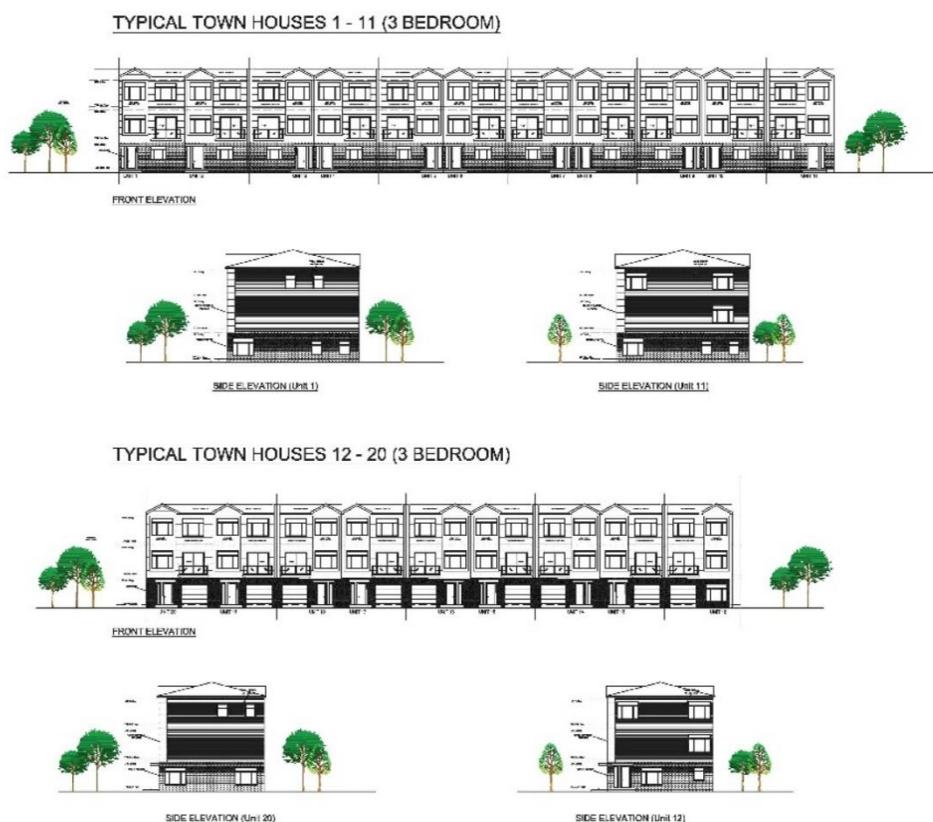


Figure 3: Original Building Elevations

2.2 Revised Development Proposal

Recently, the applicant has made some changes to the design and layout of the proposal as part of a response to staff comments, and public concerns. A revised application was submitted which include the following changes:

- Reduction in the number of units from 20 to 18;
- A mix of 2 and 3-storey heights have been provided in place of all 3-storey buildings;
- All driveways to unit parking spaces and garages are internal.
- All units are now fronting onto Westmount Crescent and the internal access with driveways only from the internal access.
- The proposed development now complies with all the required setbacks of the proposed zone with the exception of the front yard setback;
- More functional outdoor amenity areas with landscaping have been provided;
- A sufficient width for landscaping has been provided along the perimeter of the site.

The revised site concept plan and elevations are shown in Figures 4 to 8, inclusive, below.



Figure 5: Revised Site Concept Plan

TYPICAL TOWN HOUSES 1 - 7 (3 STOREYS - 3 BEDROOM)



Figure 6: Revised Elevation(Units 1-7)

TYPICAL TOWN HOUSES 8 - 12 (2 STOREYS - 3 BEDROOM)



Figure 7: Revised Elevation(Units 8-12)

TYPICAL TOWN HOUSES 13 - 18 (3 STOREYS - 3 BEDROOM)



Figure 8: Revised Elevation(Units 13-18)

2.3 Requested Amendment

The applicant is requesting a Residential R5 Special Provision (R5-5()) Zone, which permits cluster townhouse dwellings. Requested special provisions include a minimum front yard setback of 1.5 metres, whereas 6.0 metres is required.

2.4 Community Engagement (see more detail in Appendix B)

Through the community engagement process, eight written responses were received from members of the public.

The public concerns that have been raised with respect to the development proposal relate to the following matters:

- Density
- Lack of street lighting and sidewalk facilities
- Privacy/Overlook
- Light/Noise impacts
- Traffic
- Parking
- Loss of property value
- More development in the area

2.5 Internal and Agency Comments (see more detail in Appendix B)

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

3.0 Financial Impacts

There are no direct municipal financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Provincial Policy Statement, 2020

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

The PPS encourages an appropriate affordable and market-based range and mix of residential types, including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons to meet long-term needs (1.1.1b)). The PPS also promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

The PPS encourages areas inside the urban growth boundary (i.e. “settlement areas” per s. 1.1.3 Settlement Areas) to be the main focus of growth and development, including opportunities for intensification and redevelopment. Appropriate land use patterns within urban growth boundaries are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public services facilities and are also transit-supportive (s.1.1.3.2).

Analysis

Consistent with the PPS, the recommended townhouse development will contribute to the existing range and mix of housing types in the area, which consists primarily of low density residential. Although the proposed development has a greater intensity and built form as compared to the existing surrounding neighbourhood context, with exception to a proposed townhouse development to the north that fronts onto Commissioners Road West, it provides appropriate setbacks and incorporate transitioning height, landscaping and design elements to adjacent uses.

The subject lands are of a size and configuration capable of accommodating a more

intensive redevelopment on an underutilized site. With exception to a decreased front yard setback, no additional special provisions are required in terms of setbacks, which are typically signs of potential over intensification of a property. The increased intensity of development on the site will make use of existing transit services, nearby active and passive recreation opportunities, and commercial uses.

The recommended intensification of the subject property will provide choice and diversity in housing options for both current and future residents, and will optimize the use of land and public investment in infrastructure in the area. Surrounded by a developed area of the City, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth that is consistent with the PPS.

4.2 Issue and Consideration #2: Use

The London Plan

Policy 916_3 of the Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes a diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so. Furthermore, policy 918_2 states that neighbourhoods will be planned for diversity and mix of unit types and should avoid the broad segregation of different housing types, intensities, and forms.

The subject site is in the Neighbourhoods Place Type of The London Plan fronting a Neighbourhood Street (Westmount Crescent). Table 10 - Range of Permitted uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed based on the fronting street classification (921). At this location, Table 10 would permit a range of low-rise residential dwelling types, including low-rise townhouses (Table 10-Range of Permitted Uses in Neighbourhoods Place Type).

Analysis:

Under The London Plan Neighbourhoods Place Type policies (916_3), the expectation is that townhouses are anticipated to be developed within neighbourhoods at appropriate locations. These policies provide guidance to siting of various residential types relative to the street classification. As noted, the subject site fronts onto a Neighbourhood Street which permits townhouses. The development of the proposed 2 and 3-storey townhouses with 18 units, would contribute to a mix of housing types and provides a more attainable affordable housing option in the community. Adjacent surrounding uses include low density residential with higher density residential uses generally along Commissioners Road West and Wonderland Road South. In this context, a townhouse development is not out of place the neighbourhood and its impact would be mitigable. Consistent with this surrounding context as well as the list of uses permitted in the policies, the recommended development is in keeping with the policies at this location.

Furthermore, the analysis of intensity and form below will demonstrate that the proposed development can be developed on the subject lands in a way that is appropriate for the site and adjacent neighbourhood.

4.3 Issue and Consideration #3: Intensity

The London Plan

The London Plan contemplates residential intensification in appropriate locations and in a way that is sensitive to and a good fit within existing neighbourhoods (Policy 83_). Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods (Policy 937_). Additionally, 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 (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The intensity of development must be appropriate for the size of the lot (953_3.).

Analysis

The subject site is of a size and configuration capable of accommodating a more intense development than the existing single detached dwelling that is currently permitted. Further, the subject lands have access to four London Transit bus routes and is surrounded by a mix of low and medium residential uses. Also, the site is located within walking distance to some commercial and institutional uses at a significant commercial node including a grocery store, retailers, personal service establishments, restaurants/cafes, and a pharmacy to the east at the Commissioners Road West and Wonderland Road South intersection. Further to the south there are a broad range of uses including Westmount Mall, two places of worship, mid to high-rise apartment buildings, Saunders Secondary School, and additional commercial range of uses further to the south. There are several open space areas within approximately 5–10 minute walking distances such as Rosecliffe Park, Westmount Lions Park, Mitchell Park, Lyngate Grove Park and Viscount Woods.

Given this site is currently developed with a single detached dwelling, the proposed development represents an appropriate form of intensification through infill development. The current single detached dwelling represents an underutilization of an existing lot within a developed area and the increased intensity of development on the site will make use of existing transit and public services in the area. The subject site is in an area where The London Plan directs and support residential intensification and redevelopment. The proposal is considered in keeping with the intensity policies set out by The London Plan. As such, staff is satisfied the proposed intensity and scale of development is in conformity with The London Plan.

4.4 Issue and Consideration #4: Form

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59_2, 79_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59_4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_8). The London Plan also provides guidance on compatibility and fit with regards to form (Policy 953_).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, building location and parking; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_2.a. to f.). The Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (1578_)

Analysis

The applicant has provided a development concept (Figure 4) as part of a complete application to support and justify the form of development and its relationship to the neighbourhood.

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

The proposed form of development has made a strong effort to maintain a scale and rhythm that responds to the surrounding land uses, and that the location and massing of the proposed townhouses is consistent with urban design goals of The London Plan. The buildings are proposed to be situated close Westmount Crescent in order to define the street edge creating a street presence that is appropriate with the surrounding context. The building design, including front door orientation will be refined at the site plan stage, to create an animated and vibrant street frontage that interacts well with the existing boulevard, creating a strong street presence and providing an interactive realm along the street. Staff is recommending a special provision to ensure front doors are oriented to face Westmount Crescent and habitable living space is provided along these front facades to activate the streetscape, which is consistent with other existing dwellings that face Westmount Crescent.

Adequate parking is provided for the proposed development, as required by the Zoning By-law and Site Plan Control By-Law. Access is aligned appropriately with the driveway at 615 Westmount Crescent. Adequate space is provided around the edges of the property to provide for appropriate screening of the adjacent to abutting properties. This mitigation will include trees, landscaping and fencing that would screen the proposed development that serves to provide privacy for both residents and neighbours.

The 2 and 3-storey heights of the proposed buildings are somewhat higher than the low density residential in the area; however, as noted, the 3-storey townhouses are located closer to the higher order street being Commissioners Road West and also back onto a site that fronts Commissioners Road West that was recently rezoned for a townhouse development. The development proposal transitions down to the 2-storey townhouses, which is more in keeping with the internal low rise character of the surrounding neighbourhood. Additionally, there is an existing single detached dwelling being used as a group home at 590 Commissioners Road West, the southeast corner of Commissioners Rd W and Westmount Crescent. The proposed development does not preclude development opportunities for 590 Commissioners Road W, and as mentioned, also serves to support the transition into the neighbourhood.

Through the review of the initial proposal submission, Planning and Development staff and the Urban Design Peer Review Panel identified various considerations regarding the design of the development proposal. The applicant has taken these considerations into account along with other staff concerns and public concerns, and has revised the proposal as outlined in section 2.2 above in this report. The applicant is commended for revising the proposal and providing a site and building design that incorporates an active-low rise built form along Westmount Crescent that provides outdoor amenity space, and provides height transitions and large setbacks for a transition to the abutting low rise character of the surrounding residential neighbourhood. Additional building and site design considerations will be implemented as part of the subsequent site plan application. Staff are satisfied that the Evaluation Criteria for Planning and Development Applications in the Our Tools part of The London Plan have been met through the recommended Zoning By-law amendment and can be further addressed through the site plan control review process.

The refinements illustrated on the revised site plan, and elevations provide certainty with respect to appropriate building location and height, amenity space, buffering, and design in order to establish suitable zoning regulations.

At the site plan control review stage, City staff will continue to refine these building and site design features with the applicant for implementation in the final approved drawings and development agreement, including:

- i) Provide 2-storey townhouses south of the access along Westmount Crescent to provide an appropriate height transition from abutting low-density residential as per the site plan dated February 21, 2023;
- ii) Provide lockable front doors and habitable living space on street-facing facades, including direct connections from the front doors to a walkway or sidewalk connection along the frontage of the property;
- iii) No fencing be provided between the buildings and the public street;
- iv) Clarify how the disposable recycling and waste is stored and collected on the site plan;
- v) Confirm the gross floor area of each dwelling unit and confirm basement ceiling height is 1.8 metres or more;
- vi) Provide shared amenity space on site, and consider adding purposeful features to this space for amenity;
- vii) Protect and retain as many of the City trees on the adjacent boulevard as possible. No tree removals shall happen until a permit has been issued by Forestry Operations in compliance with the City of London Boulevard Tree Protection By-law. Replacement trees shall be provided in appropriate locations;
- viii) Consider offsetting any tree removals with plantings;
- ix) Update the tree preservation plan to ensure all required information outlined by the Landscaped Architect has been included;
- x) Ensure pedestrian circulation and access refinements are done with the Accessibility Review Checklist; and
- xi) Identify the location of fire route signage and provide a standard detail on the site plan.

These are the detailed matters summarized under clause c) of the staff recommendation for the Site Plan Approval Authority to consider through the site plan review process.

4.5 Issue and Consideration #5: Zoning

The original proposal required a few setback special provisions to facilitate the development. However, the revised development made sufficient changes to ensure this was reduced to a single special provision in an effort to respect the scale and privacy of the surrounding land uses. As a result, only one special provision is required which includes a front yard setback reduction from 6.0 to 1.5 metres. Given there is an existing substantial boulevard and the development creates a strong street presence, staff support this proposed special provision as the proposed use, intensity and form is considered appropriate for the site and surrounding area and meets the intent of the urban design policies of The London Plan.

The proposed development is intended to make efficient use of the property and existing services while the associated density is appropriate given that the site can accommodate the development, adequate parking, landscaped space, outdoor amenity space, private amenity space and provide spatial separation with abutting uses.

4.6 Issue and Consideration #6: Public Concerns

Although many issues have been raised by the residents, many of the concerns can be generally grouped under several key headings - Traffic Impacts and Parking, Privacy and Overlook, Sufficiency of Servicing Infrastructure, Buffering/Tree Removal, and Type of Tenancy.

Comments related to height, form, intensity and compatibility have been addressed in sections 4.1 through 4.5. of this report. Additional planning impact analysis has been provided under Appendix D of this report.

Traffic

Concerns were raised about the amount of traffic that would be generated by this development. Residents in the area are concerned about negative impacts on the neighbourhood in terms of increased traffic and safety.

As mentioned, Transportation did not have concerns with the proposed increase in traffic from the proposed development.

Additionally, Westmount Crescent is a neighbourhood street that serves a small number of dwelling units in the area, thus its traffic volumes are low. Neighbourhood streets are typically intended to accommodate traffic volumes up to approximately 1000 vehicles per day; however, this threshold varies by location, length of road, types of developments etc.

The City has developed a Traffic Calming and Procedures manual to assess when traffic calming measures are required. As per the point assessment table, volumes on local roads may become an issue when volumes reach 1500 vehicles a day. Based on the evaluation tools, the proposed development will not significantly affect the capacity of the local roads.

Privacy and Overlook

Members of the public expressed concerns about loss of privacy. The development proposes the buildings to be placed closer to the Westmount Crescent frontage with the intent to reduce height impacts on the abutting lands, which also supports urban design principles, as well as design flexibility.

With respect to the privacy of yards to the south and east, the buildings are proposed to be set back approximately 12 metres from the east property line and 6.0 metres from the north and south property lines which creates an appropriate separation between the proposed and existing buildings. In addition, the proposed plan provides for a buffer area that can accommodate enhanced, robust landscaping that will provide screening for the adjacent residential uses.

Buffering/Tree Removal

The use of landscaping, fencing and separation distances are helpful to screen development and soften the impacts of new construction. As identified above, the proposed buildings are meeting and exceeding the minimum required setbacks for the north, south and east property boundaries adjacent to existing residential uses, which in addition to providing physical distance separation, also provides space for buffering treatment. The east, north and south property boundaries are intended to have privacy fencing (ie- board on board) installed and plantings are also proposed along these property boundaries to provide for additional buffering above the fence height. Also, existing plantings along the perimeter are recommended to remain, be replaced, or a combination of both that serve to enhance the existing vegetation.

A Tree Inventory was prepared to identify the general type, health and/or significance of trees on site. Site Plan Control review process will allow for further discussion and refinement of the fencing treatment, and retention or enhanced plantings.

Type of Tenancy/Tenure

Several comments were made with respect to who will be living in the proposed development, and questions on whether or not this will be student housing. It's important to note that planning considerations cannot be made based on residential tenure. Type of tenancy and tenure (owner vs. rental) are not planning considerations when analyzing planning applications.

Conclusion

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

Prepared by: Alanna Riley, MCIP, RPP
Senior Planner, Development Services

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

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

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

Copy:
Britt O'Hagan, Manager, Current Development
Michael Pease, Manager, Site Plans
Ismail Abushehada, Manager, Development Engineering

Appendix A

Bill No.(number to be inserted by Clerk's Office)
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 614 Westmount Crescent.

WHEREAS La-Rosa Community Ltd. has applied to rezone an area of land located at 614 Westmount Crescent, 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 614 Westmount Crescent, 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 (R5-5(_)) Zone.
- 2) Section Number 9.4 of the Residential (R5-5) Zone is amended by adding the following Special Provision:

R5-5(_) 614 Westmount Crescent

a) Regulations

- i) Maximum height of 12 metres (3 storeys) within 125 metres from the centerline of Commissioners Road West.
 - ii) Maximum height of 8 metres (2 storeys) beyond 125 metres from the centerline of Commissioners Road West.
 - iii) Maximum density of 18 units per hectare
 - iv) Front Yard Setback 1.5 metres
(Minimum)
- v) Primary building entrances and a minimum of 2 metres of habitable floor area along building facades fronting Westmount Crescent.

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.

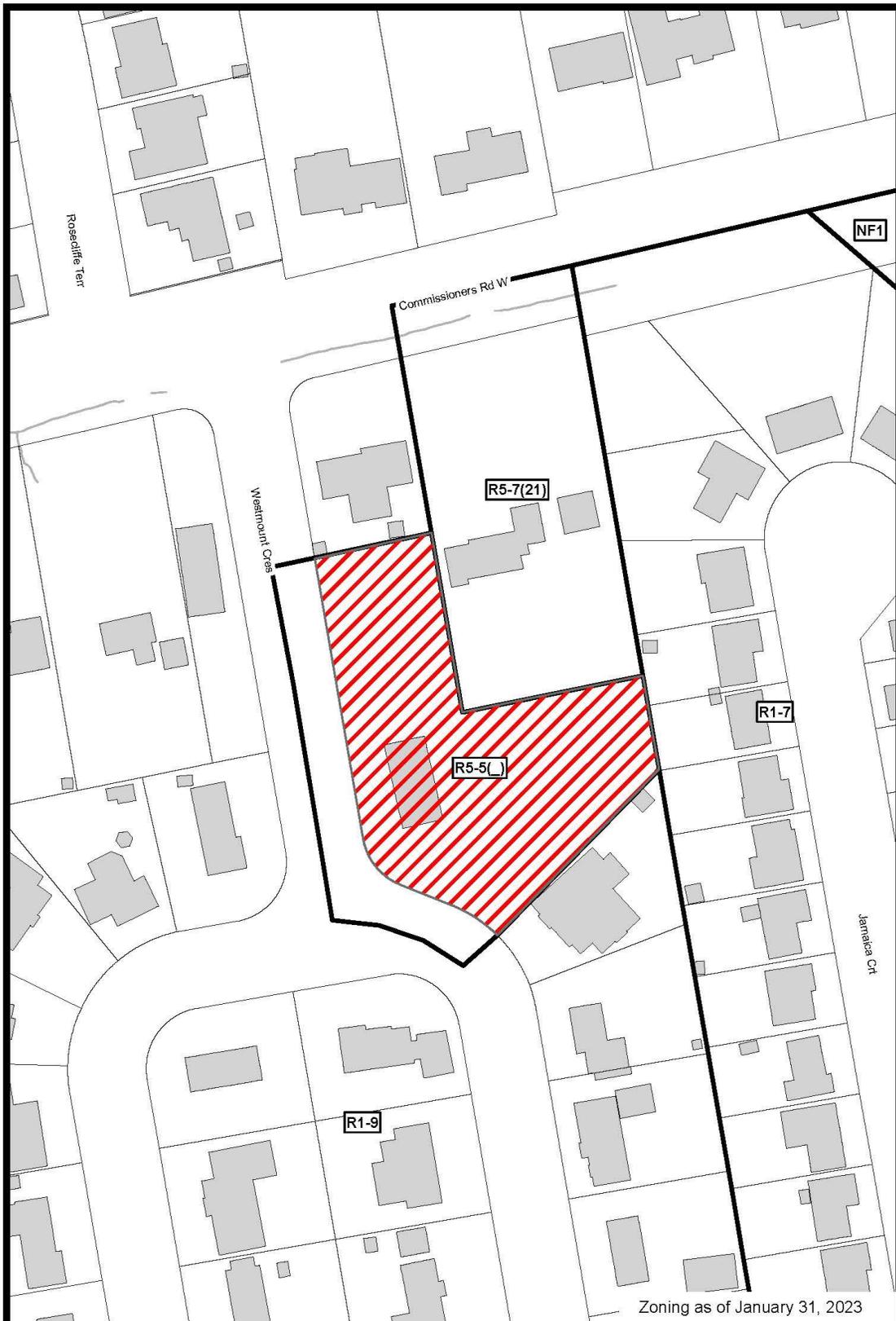
PASSED in Open Council on April 4, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – April 4, 2023.
Second Reading – April 4, 2023.
Third Reading – April 4, 2023.

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



<p>File Number: Z-9553 Planner: AR Date Prepared: 2023/2/24 Technician: JI By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:1,200</p> <p>0 5 10 20 30 40  Meters</p> <p></p>
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Geodatabase

Appendix B – Public Engagement

Community Engagement

Notice of Application:

On October 13, 2022, Notice of Application was sent to property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 13, 2022. A “Planning Application” sign was posted on the site. On March 2, 2023, A Revised Notice of Application was sent to property owners in the surrounding area. A Revised Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 2, 2023.

Responses:

13 replies were received

Nature of Liaison:

Original Notice

The purpose and effect of this zoning change is to permit a cluster townhouse development comprised of two, three storey buildings containing a total of 20 residential units (equating to a residential density of 43 units/ha). Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-9) Zone **TO** a Residential R5 Special Provision R5-5() Zone. Special provisions would permit a minimum front yard setback of 3.0 metres whereas 6.0 metres is required; and to permit a minimum rear yard setback of 4.5 metres, whereas 6.0 metres is required.

Revised Notice

The purpose and effect of this zoning change is to permit a cluster townhouse development comprised of two, three storey buildings containing a total of 20 residential units (equating to a residential density of 43 units/ha). Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-9) Zone **TO** a Residential R5 Special Provision R5-5() Zone. Special provisions would permit a minimum front yard setback of 3.0 metres whereas 6.0 metres is required; and to permit a minimum rear yard setback of 4.5 metres, whereas 6.0 metres is required. The City may also consider the use of additional special provisions, or additional zoning amendments as part of this application.

Letter and Publication in “The Londoner”

Written	Telephone
Alan & June Burrell	
Murray Mackey	
Hey Orłowski	
Jamie Robertson	
James & Sally Lee	
Simon Thuss	
Frank and Rose Margella	
Nada Turudic	
Dr. Amanda Moehring	
David and Karen Peak	

Alan & June Burrell – October 31, 2022

We are writing to object to the above development on our quiet neighbourhood street. Once again in our experience, the developer is attempting to cram too much housing on the site, and as a consequence, reducing the front yard setback from 6 metres to 3 metres and the rear yard setback from 6 metres to 4.5 metres. With the buildings, driveways, roadways and sidewalks, there's not much room for any landscaping. We're

not provided this information in the application but it appears as though hard surface covers at least 80% of the site which is not good for anyone's environment. According to The London Plan, intensification projects have to fit with the neighbourhood and we don't believe this development does fit into our single family residential neighbourhood.

When it comes to the traffic aspect, this development has the potential for us to have 40 more vehicles from residents, plus any deliveries and services to the site, coming and going on that corner of Westmount Crescent into our traffic-calmed quiet neighbourhood, in addition to any related parking on the street. It surprises us that this development could even be considered from the traffic aspect in view of the much larger development being considered just across the road at 608 Commissioners, which is also exiting onto Westmount Crescent.

While we're more in favour of this form of housing (as opposed to the proposal for 608 Commissioners Road), there are just too many units. We hope that this development can be scaled down to be more suitable for the area, so we can continue to live peacefully in our homes. Our long established neighbourhood has been stable for many years and now we're facing the prospect of **four intensification developments** within a short distance of our home.

We hope that city planners and the Planning and Environment Committee give this application their close consideration.

Murray Mackey – November 1, 2022

I wish to submit the following comments and concerns in regards to file: Z-9553 (614 Westmount Crescent):

- I have previously written in response to File: Z-9553
- My concern, in general, is there will be too many developments added in a small area
- Developments referenced as Z-9516, Z-9553, Z-9357, Z-9541, plus one more on Commissioners Road
- Please see my earlier comments from July 13, 2022
- In addition to those comments, we will see significant increases in traffic flow and street parking

Hey Orłowski – October 17, 2022

I vehemently oppose this application, as this will disrupt our neighbourhood with much increased traffic! As a result of increased traffic, there will be safety concerns for both children and seniors.

There is already a proposal to have a six-storey apartment building on the corner of Commissioners and Westmount Cres and now this proposal. The character of this neighbourhood will be totally obliterated!

Jamie Robertson

In my previous email, I listed several reasons this re-zoning of 608 Commissioners and the adjacent property on Westmount Cres should not be approved. As Paul mentioned in his re-election statements of accomplishments, you can't put a 6 story building as infill in a residential subdivision. A subdivision dominated by single story homes in which most are seniors. Now you have an additional application for re-zoning across the road at 614 Westmount Cres (Z-9553) of 43 units. Not to mention 584 Commissioners road that backs on to 614 Westmount Cres application for townhomes.

With most of the properties owned by seniors in this area, with lots being twice the size of a standard lot, would it be safe to say, that if sold to the developers that the city of London cow tails to, this area could become the next Cherry hill? Yes, this is cynical of me, but I've lived in Westmount since 1971, and believe in the community, and how it was originally planned. West on Commissioners, the city approved two developments from properties that were re-zoned from single family. Both those properties are single story dwellings, that fit into the original plan of Westmount. The properties mentioned above, should be approved and built in a similar fashion as those. In my opinion.

James & Sally Lee – October 31, 2022

We are opposed to the application by La-Rosa Community Ltd.

Since acquiring ownership, the owner has done nothing to be a good neighbour. The property has not been maintained - construction material in the front yard, along with downed branches from 2021-2022 winter, yard waste bags in the yard since spring and furniture piled on the front porch. The grass has been cut once this growing season. Despite what City Planners might hope, a majority of the people who will reside in this development will not be taking public transit or riding bicycles. Traffic westbound on Commissioners Road is now backed up during rush hour from the top of Snake Hill to the main corner in Byron. Wonderland is wall to wall traffic at all times of the day from Southdale to Fanshawe.

We are not naïve and realize the property will be developed. Some good quality condominiums or one or two story townhomes would be more in line with the aesthetics of the neighbourhood and welcomed.

There are the issues of an increase in street traffic, on-street parking, loss of privacy, reduction of property value, noise, loss of trees and hedges. We also note the driveway to this proposed development is right on the northeast curve of the Crescent. That is an accident waiting to happen.

The 'Site Concept Plan' is too small to properly visualize the proposal and the size of the parking area. The entire development is too big, too close to the Crescent and to neighbouring properties.

Under 'Planning Policies', what exactly does the second paragraph mean?

Is this careful planning? How can the City Planning Department even consider allowing TWO developments that add significantly to the population of the Crescent and provide vehicular access off a small, traffic calmed Crescent without sidewalks and comprising 20 single family homes? Has anyone from the Planning Department physically visited the Crescent? What about traffic studies? Looking good on paper does not apply in this instance. There are currently four development applications with the City on or within two blocks of our Crescent. The City seems determined to ruin a perfectly nice neighbourhood of single family homes.

No matter how this proceeds, the owner should be showing more consideration for the neighbours by ensuring proper care and maintenance of the entire property.

Simon Thuss – October 26, 2022

I am writing this morning to express support for planning applications Z-9553 and Z-9516. I am a resident in the Westmount community and I support increased density along the major corridors in our neighbourhood (e.g. Commissioners, Wonderland and Southdale).

Our city desperately needs more housing, and we can't simply continue building out. Some infill development must continue along our major transportation routes. I think increased density in this area will also help revive commercial properties in the area, such as Westmount mall, which will benefit the overall community.

I am aware that others in the community have concerns about traffic. However, these proposed developments are well placed with access to Commissioners Road. I am aware of other nearby neighbourhoods that have a much higher density and traffic doesn't seem to be an issue (e.g. I used to live on Baseline Road, west of Wharnccliffe. Density in that neighbourhood is much greater than what is proposed here, without direct access to a major road).

I wish to be notified of any developments or public meetings associated with these applications

Frank and Rose Margella – November 7, 2022

Good morning, my husband and i are SICK TO OUR STOMACH in what the CITY is allowing the developer to change the zoning on the property next door to our home. We live at ----- . We built here 7 years ago. it was and is a quite single family neighborhood. 9 of the townhouses would have their backyards backing into our yard!!! Where is our privacy??? WE OBJECT to this chance to the zoning with all our heart!!!!!!

Nada Turudic – October 14, 2022

PLEASE NOTE WE OPPOSE THE APPLICATION AS WE LIVE ACROSS THE STREET AT -----; WITH ALL THE ZONING CHANGES IN OUR AREA WE WANT TO MAINTAIN OUR SERENE NEIGHBOURHOOD.

Dr. Amanda Moehring – November 2, 2022

I have significant concerns about the zoning amendment and development proposed for 614 Westmount Cres. While I am in favour of increased housing density, these shifts need to be done thoughtfully and with consideration for their impact on existing neighbourhoods.

My primary concerns are:

1. The development is directly within our single-family home neighbourhood, but will be taller than any other structure in our neighbourhood. There are no three-story homes within the entire neighbourhood, and this development will stand out like a sore thumb. It will dramatically change the feel of our neighbourhood, and have a serious negative impact on the privacy of the adjoining lots. It should absolutely not be over two storeys tall.
2. The development is too dense for our small, quiet neighbourhood. The development does not exit onto a major road, and so it adds significant traffic to our streets, which are not set up to accommodate increased traffic. This issue is compounded since our neighbourhood does not have sidewalks but has a thriving pedestrian environment, creating a serious safety issue.
3. It appears that the parking is insufficient for the number and size of the units (it is difficult to tell from the copy of the application I received). The developer only planned a single parking spot. This will generate a large number of parked cars on the street. This will compound the negative effect on the safety of the neighbourhood as pedestrians will be forced to walk further into the road.
4. Developments should include significant green space. The existing properties are currently almost entirely green space. The proposed plan appears to replace those lots with almost entirely concrete - the buildings, access road, and parking. This creates problems for runoff, aesthetics, and biodiversity.

Thank you for taking the time to seriously consider my concerns.

David & Karin Peak – December 7, 2022

I am writing once again on behalf of myself and my husband to object in the strongest of terms to the proposal for multi storey housing on Westmount Crescent

This is a quiet, established area where the kind of proposed buildings do not belong. Apart from them being an eye sore the amount of traffic generated would be detrimental and unsafe for the many pensioners and children in the area. This is a neighborhood where people of all ages like to take walks in the street with their loved ones, children and pets. An increase in traffic would take away one of the simplest pleasures we have. One way traffic would not be the answer as one resident has proposed.

Apart from the above is a fact of the reduction to the value of existing properties. Homes in the area are already being unable to sell once potential buyers are made aware of the building plans.

Most home owners on Westmount Crescent and close vicinity have spent many years in their homes, are planning to or are currently retired or have moved to the area because of the friendly and quiet ambience. We have recently spent thousands of dollars on renovating and upgrading our property in the last couple of years. Should the City of London continue to disregard the concerns of its residents it is hoped that compensation would be given to those of us who are forced to sell our homes at reduced prices in order for builders to make profits.

Frank & Rose Marghella – November 9, 2022

I am helping my friends Frank & Rose Marghella, from -----.

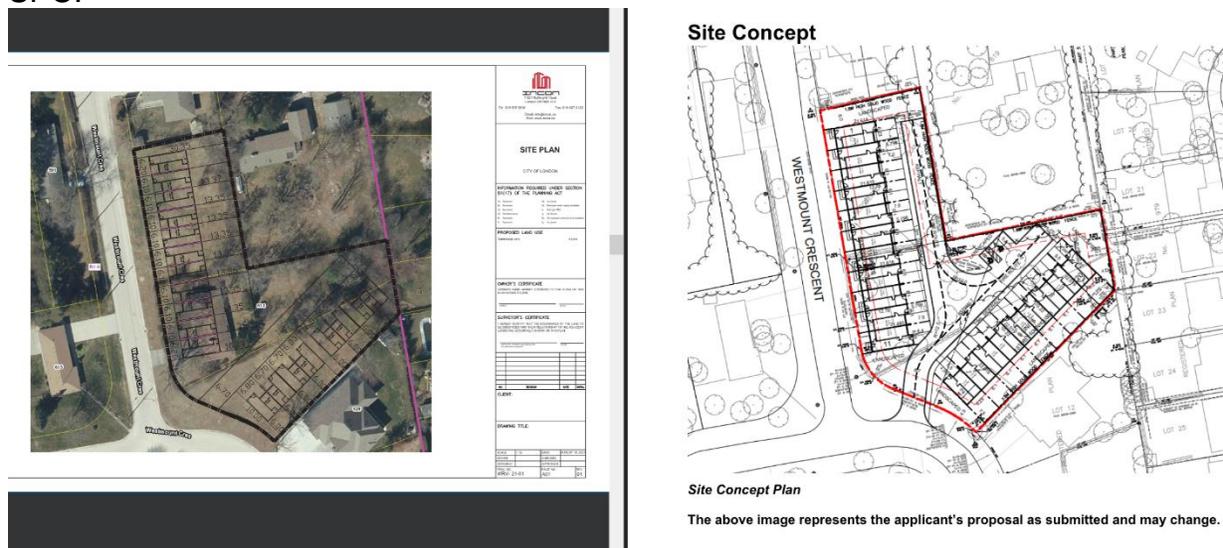
They built a 2,600 sq ft home in a quiet single family subdivision (7 years ago). All the subdivision was zoned single family R1-9 zone. Their neighbour lived in a ranch house with 3 empty lots. She passed away and the property was sold. Now a developer wants to change the zoning to R5-5() for cluster townhouses. From the drawing they

will have "10 townhouses backyards" up against their backyard, 4.5 meters away.. Where is their privacy?? The Marghella's want to object to the re-zoning change. They will have no privacy in the backyard, the property value will go down a lot (now 1.5 million), there will be more traffic, more noise, I can go on and on. This is not right for the City to approve this. Thank you for now.

Agency/Departmental Comments

Site Plan – October 13, 2022

Below is the change from the original PAT but the proposal appears unchanged from SPC:



Z.-1 Table 9.3: To permit Front Yard Setback of 4.5 metres for Unit 12 whereas a minimum of 6.0 metres is permitted.

Z.-1 Table 9.3: To permit Rear Yard Setback of 3.2 metres for Unit 20 whereas a minimum of 6.0 metres is permitted.

Z.-1 Table 9.3: To permit Interior Yard Setback of 5.6 metres for Unit 20 whereas a minimum of 6.0 metres is permitted.

Here are my general and site SPC comments:

General comments:

1. Draft approval for a Draft Plan of Vacant Land Condominium is required prior to Site Plan Approval.

Comments based on current site plan:

1. Clarify how disposable refuse (recycling and waste) is stored and collected on the site plan. Please provide dimensions for the respective areas corresponding to each dwelling. Confirm the Gross Floor Area of each dwelling. Clarify if basement ceiling height is 1.8 metres or more (Z.-1 2). Clarify if the landscaped open space will provide shared amenity space and if so, consider adding purposeful features to this space for amenity. Label any proposed decks, porches, or other galleries/platforms on the site plan with dimensions, setbacks, and height to ensure compliance with the Z.-1 Zoning By-law.
2. Consider ways to avoid side-lotting, such as rotating the façade. Please consider offsetting any tree removals with planting. Provide elevations from all sides in metric.
3. Please illustrate each tree, whether existing or proposed, on the site plan as well as within 3 metres of property lines. Indicate which, if any, trees will be removed. Provide tree protection notes and details for trees to be preserved.
4. Provide at least two visitor parking spaces – visitor parking is required at a rate of one (1) space for every ten (10) dwelling units (C.P.-1455-541 6.2.a.ii). Ensure visitor parking spaces are a minimum of 3 metres from dwellings containing windows to habitable rooms.
5. Please note that accessible and visitor parking count toward total parking. Include parking setbacks on the site plan in accordance with section 4.19.4.c.a of the Z.-1

Zoning By-law. Dimension the garage interior and garage door(s) to clarify parking capacity. Ensure the dimensions of the garage provide sufficient space for a standard parking space with room for ingress and egress. Show the location and design of the accessible parking signage (C.P.-1455-541 7.3; 7.4; Table 14.1). Connect accessible parking to the building entrance with <15 metres barrier-free path of travel (C.P.-1455-541 Table 14.1.4). Ensure pedestrian circulation and access refinements are done with the Accessibility Review Checklist.

6. Identify the location of fire route signage and provide a standard detail on the site plan. For the design of the fire route, refer to Tables 6.2 and 6.3 of the Site Plan Control By-law. Show turning movements of emergency vehicles (C.P.-1455-541 6.7). Ensure adequate turning movements in and out of the permitted parking spaces. Ensure that provisions for firefighting have been provided to comply with 3.2.5.1-3.2.5.7 of the Ontario Building Code.

Also of emphasis is Waste Management and Urban Design:

For this proposed plan, the lack of proper turnaround is a concern. There are no t-turns at the end of each internal roadway, which is not ideal for our collection crews, for unit-to-unit collection. Please confirm if the wording of “placed curbside” implies from each unit’s driveway.

- Ensure units 1-12 are street oriented with front doors on Westmount Crescent with direct pedestrian connections to the street for each unit. Consider raised front porches with weather protection.
- Ensure that the front yard setback for units 1-11 is designed and used as front yards and allow for additional individual amenity space in the rear yard.
- Provide enhanced side elevations for all units that are visible from Westmount Crescent (Units 1, 11, 12) with architectural details that are similar to the front elevations including but not limited to number and size of windows, materials and articulation and wrapping porches. Unit 12 should have its front door and façade facing the public street.
- Provide sufficient landscape setback along all interior property lines for landscape buffer and tree planting between the internal driveways/parking and neighbouring properties, as well as between the existing single detached dwelling to the south and the proposed southernly building and amenity spaces.
- Provide elevations for all four sides of the buildings with dimensions, materials, and colours labelled. Further urban design comments will be provided with receipt of these elevations.

Urban Design – October 19, 2022

- There are no urban design comments regarding the ZBA for 614 Westmount Crescent.

This site was previously submitted for SPC and the following comments are to further to be addressed at the Site Plan Application stage.

- Ensure units 1-12 are street oriented with front doors on Westmount Crescent with direct pedestrian connections to the street for each unit. Consider raised front porches with weather protection.
- Ensure that the front yard setback for units 1-11 is designed and used as front yards and allow for additional individual amenity space in the rear yard.
- Provide enhanced side elevations for all units that are visible from Westmount Crescent (Units 1, 11, 12) with architectural details that are similar to the front elevations including but not limited to number and size of windows, materials and articulation and wrapping porches. Unit 12 should have its front door and façade facing the public street.
- Provide sufficient landscape setback along all interior property lines for landscape buffer and tree planting between the internal driveways/parking and neighbouring properties, as well as between the existing single detached dwelling to the south and the proposed southernly building and amenity spaces.

- Provide detailed elevations for all four sides of the buildings with dimensions, materials, and colours labelled. Further urban design comments will be provided with receipt of these elevations.
- This application is to be reviewed by the Urban Design Peer Review Panel (UDPRP) and as such, an Urban Design Brief will be required. UDPRP meetings take place on the third Wednesday of every month, once an Urban Design Brief is submitted as part of a complete application the application will be scheduled for an upcoming meeting and the assigned planner as well as the applicant's agent will be notified. If you have any questions relating to the UDPRP or the Urban Design Briefs please contact Ryan Nemis at 519.661.CITY (2489) x7901 or by email at rnemis@london.ca.
 - The applicant is to submit a completed "Urban Design Peer Review Panel Comments – Applicant Response" form that will be forwarded following the UDPRP meeting. This completed form will be required to be submitted as part of a complete application.

London Hydro – October 20, 2022

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

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Landscape Architect – October 27, 2022

The City Landscape Architect has reviewed the Tree Protection Plan and report prepared by Natural Resource Solutions for the Application for Zoning By-Law Amendment - 614 Westmount Crescent. We have no concerns with regard to the completeness and accuracy of the overall tree inventory and assessment. However, there are 3 areas of the report that need to be updated.

1. The consulting arborist has included text in the report questioning the validity of the City's request for a TPP. The report highlights text within the Tree Protection Bylaw that exempts protection of onsite trees "the Injuring or Destruction of Trees imposed after December 31, 2002, As a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the Planning Act, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections.

This information is incorrect. As per London Plan Policy 1583:

1583_ City Council and its delegated approval authorities may require that a person requesting an amendment to *The London Plan*, applying for an amendment to the *Zoning By-law*, applying for approval of a plan subdivision or condominium, or making an application for a consent to sever, provide any other information or material that Council or its delegated approval authorities consider they may need. Therefore, these broad categories of reports and studies are not intended to preclude Council and its delegated approval authorities from requiring additional reports and studies that may be identified during the planning process if circumstances necessitate the need for such information as part of the decision making process.

Additional information to be captured in a TPP includes:

- establish the ownership of trees growing along property lines [1672 & 1710 Wharncliffe], including the identification of boundary trees that are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes.
- Identify critical root zones of boundary trees and those trees up to 3m outside of property lines. This information is used to determine setbacks required to minimally impact boundary and offsite trees.
- Identify City Owned trees and shrubs that require consent to injure or remove. To request the removal of a city tree or to request consent to damage the root system of a City tree, contact Forestry Dispatcher at trees@london.ca
- Identify rare or endangered species that are protected by the province's Endangered Species Act, 2007, S.O., C.6

2. In section 6.0 Compensation - the report identifies tree replacement requirements as per LP Policy 399.4.b (2021a) trees shall be replaced at a ratio of one replacement tree for every 10cm of tree diameter that is removed. The policy will not be applied to this application as the implementation bylaw for the policy is not in place. No cash in lieu will be collected.

3. To identify applicable legislation, permit requirements and consents required, ownership of trees should be included in report- onsite, offsite address, City of London Boulevard and boundary address.

In summary, the report stated:

In total, 44 trees were inventoried.

- No species that are regionally significant or protected under the Species at Risk Act (2002) or Endangered Species Act (2007) were identified;
- 22 are considered to be boundary trees
- 25 are anticipated to be removed
- 19 are anticipated to be retained
- 12 may require pruning based; 7 of the 12 are considered boundary trees

Comments:

1. All boundary trees are protected by the Provincial Forestry Act. No boundary tree can be removed or injured without all co-owners consent. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes. Letters of consent must be submitted with Site Plan Application. Trees A, E, F, P will lose a significant portion of their critical root mass, as identified in the Tree Protection Bylaw. The critical root zone of a tree is the portion of the root system that is the minimum necessary to maintain tree vitality and stability. Where critical root zones cannot be adequately protected, trees will be recommended for removal. Alternatively, an increase to the excavation setback from the Southeast property line would eliminate damage to the trees. TH could be oriented perpendicular to

2. The development poses some risk of injury to CoL boulevard trees. All trees located on City of London Boulevards (including their root zones) are protected from any activities which may cause damage to them or cause them to be removed. The coordination to request the removal or of applying for consent to injure the roots of the City trees to be executed with Site Plan Application.

Heritage

Ecology – November 1, 2022

Zoning Amendment to allow a cluster townhouse development comprised of two, three storey buildings.

This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.

Major issues identified

- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

Ecology – complete application requirements

- None.

Notes

- None.

Parks Planning – October 17, 2022

Parks Planning and Design staff have reviewed the submitted notice of application and offer the following comments:

-
- For the residential use, Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-9 and will be finalized at the time of site plan approval.

Engineering – November 10, 2022

The following items are to be considered during a future site plan application stage:

Wastewater:

- The municipal sanitary sewer available is a 200mm diameter sanitary sewer on Westmount Cres.
 - The subject site is currently a single family house in a neighborhood of large lot single family homes.
 - The proposed will result in 19 townhouse units of which 11 units have direct frontage to Westmount Cres. All street facing townhouses are to have their PDC's directly connected into the fronting sanitary sewer. Narrow lot servicing is to meet City of London standards for minimum frontages required. As part of future proposals and applications additional comments may be forthcoming.
- *Stormwater:*

Comments Specific to the Site:

- As per attached Westmount Storm Area Plan Drawing No16954, the north portion of the site is tributary to the existing 300mm storm sewer on Westmount Cres (STMH W3 to STMH W4) at a C=0.50. An additional south portion of the site (part of A12) is tributary to the other existing 300mm storm sewer on Westmount Cres (STMH W2 to STMH W1). The applicant is to submit a SWM report to provide the servicing strategies for the entire land. In addition, The applicant should be aware that any peak flow beyond the allocated 2-year pre-development Ax C discharge from this site will have to be accommodated on-site through SWM controls. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, alternative infiltration devices, bioswales, etc. Note that the applicant should only utilize one the above noted storm sewer as their outlet and control flows as necessary.

- The proposed development indicates dwellings to be serviced from the Westmonunt Cres. Please ensure that the servicing for narrow lots meet the City standards as per recently finalized or draft standard for street facing townhouses.
- The Developer shall be required to provide a Storm/Drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure on-site controls are designed to reduce/match existing peak flows from the 2 through 100 year return period storms.
- To manage stormwater runoff quantity and quality, the applicant's consulting engineer may consider implementing infiltration devices in the parking area in the form of "Green Parking" zones as part of the landscaping design.
- Any proposed LID solutions should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, it's infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- The proposed land use of a medium residential will trigger(s) the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.
- As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:
 - the flow from the site must be discharged at a rate equal to or less than the existing condition flow;
 - the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
 - the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
 - "normal" level water quality is required as per the MOE guidelines and/or as per the EIS field information; and
 - shall comply with riparian right (common) law.

The consultant shall submit a servicing report and drawings which should include calculations, recommendations, and details to address these requirements.

- Roof runoff should be direct to the controlled areas within the site, and not included as uncontrolled flow.
- Any proposed changes to setbacks should be noted in future submissions.

General comments for sites within Central Thames Subwatershed

- The subject lands are located within a subwatershed without established targets. City of London Standards require the Owner to provide a Storm/Drainage Servicing Report demonstrating compliance with SWM criteria and environmental targets identified in the Design Specifications & Requirements Manual. This may include but not be limited to, quantity control, quality control (70% TSS), erosion, stream morphology, etc.

- The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions up to and including 100-year storm events.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer. It shall include water balance.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Water:

- - Water is available for the subject site via the municipal 200mm watermain on Westmount crescent.
 - Street facing townhouses fronting Westmount Crescent shall have individual services connected into the fronting municipal watermain
- *Transportation:*
 - Detailed comments regarding access design and location will be made through the site plan process

UTRCA – November 1, 2022

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the Conservation Authorities Act, the Planning Act, the Provincial Policy Statement (2020), and the Upper Thames River Source Protection Area Assessment Report.

CONSERVATION AUTHORITIES ACT The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act. DRINKING

WATER SOURCE PROTECTION: Clean Water Act For policies, mapping and further information pertaining to drinking water source protection please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

RECOMMENDATION The UTRCA has no objections or requirements for this application. Thank you for the opportunity to comment. If you have any questions, please contact the undersigned.

Urban Design Peer Review Panel Comments and Applicants Responses, October 25, 2022

Comment No.	Comment	Response By	Response
1	While the Panel generally supports the increased density and proposed land use for the site, the Panel recommends the applicant revisit the Panel at the Site Plan stage for further design review and comments.	MHBC Planning	In the past months, we have been discussing alternatives to find a layout that addresses all the previous comments. We believe we have reached a point with a Layout that can be fully supported by the Panel at the Site Plan stage.
2	The Panel notes that the location of the main site access requires further study. The current location may not be the most appropriate from a transportation perspective and limits opportunities for urban design. Consider shifting the main site access North so that it is perpendicular to Westmount Crescent. With the driveway relocated away from the S-W corner of the site abutting the crescent, consider extending the townhouse frontages along this edge, or providing and landscaped amenity space at this location.	MHBC Planning	The modified layout addresses this comment. The site access was moved north and is now located perpendicular to Westmount Crescent. The townhouse frontage is along the curve (edge) where the access road used to be, allowing for more landscape amenity space.

3	The Panel notes that the increased density proposed on this site warrants consideration for a city sidewalk along the East of Westmount Crescent that extends from the South corner of the subject site to Commissioners Road West.	MHBC Planning	The layout and townhouses frontage along Westmount Crescent creates the proper space to accommodate a City sidewalk to Commissioners Road West.
4	Related to the above, The Panel recommends providing individual sidewalk entrances from the suggested new city sidewalk to the townhouse entrances along Westmount Crescent to activate the street frontage.	MHBC Planning	The units facing Westmount Crescent will have direct and individual sidewalk entrances, connected to the New City sidewalk if approved
5	The Panel recommends that the walkways on the interior of the site should be flush concrete sidewalks rather than asphalt. Connect all pedestrian paths of travel back to the suggested city sidewalk along Westmount Crescent.	MHBC Planning	Sidewalks will be flush concrete and connected to the suggested City sidewalk.
6	The Panel recommends a landscape buffer along the West edge of the North portion of the parking lot to assist in screening and buffering the neighbouring property at 584 Commissioners Road West.	MHBC Planning	The modified layout has shifted the parking lot towards the southern area of the lot, and a green buffer was created between the new parking space and property at 628 Westmount Crescent. The property at 584 Commissioners Road West will be facing the backyard of units 13-18, having a 6m setback.

7	<p>The Panel notes that mirroring the townhouses create relatively blank facades between units. Consider regularizing the units along Westmount Crescent and providing individual sidewalks and entrance will create a more rhythmic and active street frontage.</p>	MHBC Planning	<p>The modified layout addresses this matter, it reduces the blank facades and has individual sidewalks on most of the units.</p>
8	<p>The Panel recommends articulating the side elevations of the exposed corner units to avoid blank facades. This will provide more 'eyes-on-the street,' articulated frontages, and windows for the townhouse units</p>	MHBC Planning	<p>As mentioned in the last comment, the modified layout and elevations addressed this matter. There are larger windows on the side units.</p>
9	<p>The Panel recommends additional articulation of the elevations at the ground floor level, particularly along Westmount Crescent. Consider the following:</p> <ul style="list-style-type: none"> i. Larger windows, especially along the front elevation; ii. Projected bays, similar to the 2 and 3rd floor expression; iii. Porches and canopies to articulate the entrances; iv. Additional landscaping to articulate the entrances. 		<p>The new design addresses these comments, The road access relocation broke the large building of 10 units into 2 buildings providing more articulation, as reflected on the conceptual elevations. Additionally, this configuration allows for larger landscaping areas.</p>

10	The Panel encourages contemporary architectural expressions that will complement the mid-century residential context.		We will address this comment at the Detailed Design Stage and intend to bring to the project contemporary architectural expressions.
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Appendix C – Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. The following are characteristics of the proposed application related to the City's climate action objectives:

Infill and Intensification

Located within the Built Area Boundary: **Yes**
Located within the Primary Transit Area: **No**
Net density change: **+17 units (39 units per hectare)**
Net change in affordable housing units: **N/A**

Complete Communities

New use added to the local community: **No**
Proximity to the nearest public open space: **550 metres**
Proximity to the nearest commercial area/use: **145 metres**
Proximity to the nearest food store: **650 metres**
Proximity to nearest primary school: **691 metres**
Proximity to nearest community/recreation amenity: **700m, Woodcrest Community Pool**
Net change in functional on-site outdoor amenity areas: **50.9% landscaped open space**

Reduce Auto-dependence

Proximity to the nearest London Transit stop: **60 metres**
Completes gaps in the public sidewalk network: **Yes**
Connection from the site to a public sidewalk: **Yes**
Connection from the site to a multi-use pathway: **N/A**
Site layout contributes to a walkable environment: **Yes**
Proximity to nearest dedicated cycling infrastructure: **approximately 60 metres**
Secured bike parking spaces: **N/A**
Secured bike parking ratio: **N/A**
New electric vehicles charging stations: **Unknown**
Vehicle parking ratio: **2.2/unit (39 spaces)**

Environmental Impacts

Net change in permeable surfaces: **Increased, 49.1% impermeable surface**
Net change in the number of trees: **Decreased, unknown**
Tree Protection Area: **No**
Landscape Plan considers and includes native and pollinator species: **N/A**
Loss of natural heritage features: **No**
Species at Risk Habitat loss: **No**
Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): **N/A**

Construction

Existing structures on site: **Yes**
Existing structures repurposed/adaptively reused: **No**
Green building features: **Unknown**
District energy system connection: **No**

Zoning By-law Z.1- Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-9

1) LEGEND FOR ZONING BY-LAW Z-1

R1 - SINGLE DETACHED DWELLINGS
 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-9553

AR

MAP PREPARED:

2023/2/24

JL

1:1,200

0 5 10 20 30 40 Meters