

Planning and Environment Committee

Report

9th Meeting of the Planning and Environment Committee
May 23, 2023

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

ABSENT: A. Hopkins, Mayor J. Morgan

ALSO PRESENT: Councillors S. Stevenson and J. Pribil; J. Adema, M. Corby, M. Davenport, D. Escobar, A. Hovius, K. Huckabone, M. Hynes, A. Job, P. Kavcic, P. Kokkoros, T. Macbeth, S. Mathers, C. Maton, H. McNeely, N. O'Brien, M. Pease, S. Thompson, M. Vivian, B. Warner, E. Williamson, J. Yanchula and P. Yeoman
Remote attendance: Councillors S. Trosow, C. Rahman and E. Pelozza; I. Abushehada, E. Bennett, S. Corman, M. Davenport, P. Kavcic, J. MacKay, C. McCreery, L. Mottram, B. O'Hagan, B. Page and C. Parker

The meeting is called to order at 4:02 PM; it being noted that Councillor S. Hillier was in remote attendance.

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: S. Franke
Seconded by: S. Lewis

That Items 2.1 to 2.8 BE APPROVED.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

2.1 6th Report of the Community Advisory Committee on Planning

Moved by: S. Franke
Seconded by: S. Lewis

That the 6th Report of the Community Advisory Committee on Planning, from its meeting held on May 10, 2023, BE RECEIVED for information.

Motion Passed

2.2 Building Division Monthly Report - March 2023

Moved by: S. Franke
Seconded by: S. Lewis

That the Building Division Monthly report for March, 2023 BE RECEIVED for information. (A23-2023)

Motion Passed

2.3 Post Development Environmental Impact Study Monitoring Update

Moved by: S. Franke
Seconded by: S. Lewis

That the staff report dated May 23, 2023 entitled "Post-Development Environmental Impact Study Monitoring Update" BE RECEIVED for information. (E05-2023)

Motion Passed

2.4 5-year Review - Community Improvement Plans and Financial Incentive Programs - Background Analysis

Moved by: S. Franke
Seconded by: S. Lewis

That the staff report dated May 23, 2023 entitled "5-Year Review - Community Improvement Plans and Financial Incentive Programs Background Analysis" BE RECEIVED for information. (D19-2023)

Motion Passed

2.5 5-Year Review - Community Improvement Plans and Financial Incentives Programs

Moved by: S. Franke
Seconded by: S. Lewis

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the evaluation of Community Improvement Plan and Financial Incentive Programs:

a) the staff report dated May 23, 2023 entitled "5-Year Review - Community Improvement Plans and Financial Incentive Programs", summarizing community consultations and Civic Administration's comprehensive review of the City's existing Community Improvement Plans and associated Financial Incentive Programs BE RECEIVED for information; and,

b) the Civic Administration BE DIRECTED to circulate the draft recommendations appended to the staff report dated May 23, 2023 as Appendix "A" for public review until June 12, 2023. (D19-2023)

Motion Passed

2.6 Heritage Alteration Permit - 27 Bruce Street - Wortley Village-Old South Conservation District (HAP23-015-L)

Moved by: S. Franke
Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for the replacement of the front porch on the heritage designated property at 27 Bruce Street, within the Wortley Village-Old South Heritage Conservation District, BE REFUSED;

it being noted that the porch alterations do not comply with the policies and guidelines of the Wortley Village-Old South Heritage Conservation District Plan. (R01-2023)

Motion Passed

- 2.7 Closed School Site: Evaluation and Approach (1040 Hamilton Road, former Fairmont Public School)

Moved by: S. Franke
Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the letter of interest from the Thames Valley District School Board for the surplus school site at 1040 Hamilton Road:

a) the Civic Administration BE DIRECTED to express an interest in these lands for the purposes of providing the identified municipal needs of affordable housing and parkland; and,

b) the report dated May 23, 2023 entitled "Closed School Site: Evaluation and Approach (1040 Hamilton Road, former Fairmont Public School) BE RECEIVED for information. (D04-2023)

Motion Passed

- 2.8 Exemption from Part Lot Control By-law - 1005, 1021, 1051, 1065, 1213 and 1221 Meadowlark Ridge (P-9609)

Moved by: S. Franke
Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, the following action be taken with respect to the application by Rembrandt Meadowlilly Inc., to exempt the following lands from Part Lot Control:

a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated May 23, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 6, 2023, to exempt lands located at 1005, 1021, 1051, 1065, 1213 and 1221 Meadowlark Ridge, legally described as part of Blocks 1, 4 and 13 on Registered Plan 33M-603, and Parts 5, 6, 25, 26, 27, 28, 32 and 35 on Plan 33R-20017, from the Part Lot Control provisions of subsection 50(5) of the said *Act* for a period not to exceed two (2) years; and,

b) the applicant BE ADVISED that the cost of registration of the above-noted by-law is to be borne by the applicant in accordance with City policy. (D04-2023)

Motion Passed

3. Scheduled Items

- 3.1 340-390 Saskatoon Street (Z-9599 / O-9600)

Moved by: S. Lewis
Seconded by: S. Franke

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Four99 Inc., relating to the properties located at 340-390 Saskatoon Street:

a) the proposed by-law appended to the staff report dated May 23, 2023 as Appendix "A" BE INTRODUCED at a future Council meeting, to amend the Official Plan, for the City of London, 2016, by AMENDING policy 1070B for Specific Policies in the Neighbourhoods Place Type;

b) the proposed by-law appended to the staff report dated May 23, 2023 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on June 6, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016, as amended in part a) above), to change the zoning of the subject properties FROM a Holding Residential R2/Restricted Office Special Provision (h-216*R2-3/RO(6)) Zone TO a Holding Residential R2/Restricted Office Special Provision (h-216*R2-3/RO(_)) Zone;

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

- H. Froussios, Zelinka Priamo Ltd.;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions, Neighbourhoods Place Type, and Specific Policy Areas policies; and,
- the recommended amendment would broaden the scope of permitted uses in an existing building with existing light industrial and associated office uses. (D04-2023)

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Lewis
Seconded by: S. Franke

Motion to open the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Moved by: S. Franke
Seconded by: S. Lewis

Motion to close the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

3.2 847-851 Wonderland Road South (Z-9597)

Moved by: S. Franke

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, based on the application by 1216571 Ontario Inc., relating to the property located at 847-851 Wonderland Road South, the proposed by-law appended to the staff report dated May 23, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 6, 2023, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM an Associated Shopping Area Commercial Special Provision (ASA1(7)) Zone TO an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone;

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

- T. Brydges, Zelinka Priamo Ltd.;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Shopping Area Place Type;
- the recommended amendment would permit a new use that is appropriate within the surrounding context; and,
- the recommended amendment would provide access to medical/dental offices in a convenient and accessible location to meet the needs of neighbourhood residents. (D04-2023)

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Franke

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Moved by: S. Franke

Seconded by: S. Lewis

Motion to close the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

3.3 135 Villagewalk Boulevard (SPA23-005) - Public Site Plan Meeting

Moved by: S. Lewis

Seconded by: S. Lehman

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Uptown Commercial Centre c/o Carlos Ramirez, relating to the property located at 135 Villagewalk Boulevard:

a) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the commercial building; and,

b) the Approval Authority BE ADVISED that the Council has no issues with respect to the Site Plan Application, and the Council supports the Site Plan Application;

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

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

- the Site Plan, as proposed, is consistent with the Provincial Policy Statement 2020, which directs development to designated growth areas and that development be adjacent to existing development;
- the proposed Site Plan generally conforms to the policies of the Shopping Area Place Type and all other applicable policies of The London Plan;
- the proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law; and,
- the proposed Site Plan meets the requirements of the Site Plan Control By-law. (D04-2023)

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Franke

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Moved by: S. Franke

Seconded by: S. Lewis

Motion to close the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

3.4 Additional Residential Unit Amendments as a Result of More Homes Built Faster Act, 2022 (Bill 23) (OZ-9581)

Moved by: S. Franke

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Official Plan and Zoning By-law requirements for additional residential units:

a) the proposed by-law appended to the Planning and Environment Committee Added Agenda as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 6, 2023 TO AMEND the Official Plan (the Official Plan for the City of London, 2016) policies relating to additional residential units in accordance with new requirements in the Planning Act, which were changed through the More Homes Built Faster Act, 2022 (Bill 23);

b) the proposed by-law appended to the Planning and Environment Committee Added Agenda as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on June 6, 2023 TO AMEND the regulations of Zoning By-law No. Z.-1 relating to additional residential units, to conform with the recommended amendments to the Official Plan for the City of London, 2016;

c) the Civic Administration BE DIRECTED to undertake a review of the current five-bedroom limit and report back at a future Planning and Environment Committee meeting; and,

d) the Civic Administration BE DIRECTED to undertake a review of the current parking and driveway width policies in additional residential units and report back at a future Planning and Environment Committee meeting;

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

- M. Wallace, Executive Director, London Development Institute;
- S. Levin, Orchard Park/ Sherwood Forest Ratepayers Association;
- A. Kaplansky;
- J. Zaifman, CEO, London Homebuilders Association;
- S. Bentley, Interim President, Broughdale Community Association;
- C. O'Brien, Drewlo Holdings and Ironstone Building Company; and,
- J. Liu;

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

- the recommended amendments are consistent with the Provincial Policy Statement (2020), including policy 1.4.3 that requires that the City to plan for an appropriate mix of housing types and densities and permit, where appropriate "all forms of residential intensification, including additional residential units.";
- the recommended amendments will permit additional residential units in accordance with changes to the Planning Act made through the More

Homes Act; and,

- the recommended amendments align with City initiatives to increase housing supply, including affordable housing. This includes The City of London Housing Pledge that was approved by Council in February, 2023. (D04-2023)

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Franke

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Moved by: S. Franke

Seconded by: S. Lewis

Motion to close the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Moved by: S. Lewis

Seconded by: S. Hillier

Motion to add a new clause d) which reads as follows:

"d) the Civic Administration BE DIRECTED to undertake a review of the current parking and driveway width policies in additional residential units;"

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

Nays: (1): S. Franke

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (3 to 1)

3.5 327 Thompson Road (Z-9579)

Moved by: S. Franke

Seconded by: S. Hillier

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by Emvy Group Inc., relating to the property located at 327 Thompson Road:

- a) the proposed by-law appended to the staff report dated May 23, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be

held on June 6, 2023 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Residential R2 (R2-2) Zone TO a Residential R3 Special Provision (R3-1(*)) Zone and a Residential R3 Special Provision (R3-1(**)) Zone; and,

b) pursuant to Section 34(17) of the *Planning Act, R.S.O. 1990, c. P.13*, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law;

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

- N Dyjack, Strik Baldinelli Moniz Ltd.;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Neighbourhoods Place Type; and,
- the recommended amendment facilitates the development of a vacant site within the Built-Area Boundary and Primary Transit Area with an appropriate form of infill development. (D04-2023)

Yeas: (3): S. Lehman, S. Franke, and S. Hillier

Absent: (3): S. Lewis, A. Hopkins , and Mayor J. Morgan

Motion Passed (3 to 0)

Moved by: S. Franke

Seconded by: S. Lehman

Motion to open the public participation meeting.

Yeas: (3): S. Lehman, S. Franke, and S. Hillier

Absent: (3): S. Lewis, A. Hopkins , and Mayor J. Morgan

Motion Passed (3 to 0)

Moved by: S. Franke

Seconded by: S. Hillier

Motion to close the public participation meeting.

Yeas: (3): S. Lehman, S. Franke, and S. Hillier

Absent: (3): S. Lewis, A. Hopkins , and Mayor J. Morgan

Motion Passed (3 to 0)

3.6 644-646 Huron Street (OZ-9580)

Moved by: S. Lewis

Seconded by: S. Franke

That, notwithstanding the recommendation of the Director, Planning and Development, the following actions be taken with respect to the

application of 2614442 Ontario Inc. relating to the property located at 644-646 Huron Street:

- a) the attached, revised, proposed by-law to amend the Official Plan or the City of London, 2016 by ADDING a new policy to the Specific Policies for the Neighbourhoods Place Type and by ADDING the subject lands to Map 7 – Specific Policies Areas – of the Official Plan, BE APPROVED;
- b) the attached, revised, proposed by-law to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM a Holding Residential R9 Special Provision (h-5*R9-3(14)*H13) Zone, TO a Residential R8 Special Provision (R8-4(_)) Zone, BE APPROVED;
- c) the Site Plan Control Approval Authority BE REQUESTED to consider the following design issues through the site plan control approval process:
 - i) the recommendations of the Noise Study be implemented;
 - ii) provide a centrally located and adequately sized outdoor amenity space;
 - iii) a building design that differentiates the ground floor through the use of pedestrian-scaled elements such as but not limited to, canopies and lighting, alternate window sizes/placement than the floors above;
 - iv) a building design that breaks up the perceived mass of the building through façade articulation (recesses and projections), appropriately scaled windows, the use of high quality materials, and appropriate roof forms and pitches;
 - v) differentiate the main building entrance from ground floor units;
 - vi) investigation by the applicant into whether the Reid Drain storm sewer crossing the property is still active. If active, the Site Plan Control Authority will work with the applicant to consider the possibility of the sewer being re-routed around the building, or alternatively, connected to a storm sewer on the municipal road allowance of sufficient capacity, all to the satisfaction of the City Engineer;
 - vii) inclusion of a functional layby on site in accordance with the Site Plan Control By-law;
 - viii) consent to remove any boundary trees is required prior to final Site Plan Approval; and,
 - ix) consultation with the Municipal Housing Development division for the provision of two (2) or more affordable units be undertaken as part of the Site Plan process;
- d) the Civic Administration, including but not limited to the staff of the Municipal Housing Development team, BE DIRECTED to work with the applicant to provide for affordable housing units in the above-noted proposed development;

it being noted that any such units could be a part of the Roadmap to 3,000 Affordable Units, as well as assist with Council's Strategic focus to increase access to a range of quality affordable house options; and,
- e) pursuant to Section 34(17) of the *Planning Act, R.S.O. 1990, c. P.13*, as determined by the Municipal Council, no further notice BE GIVEN in respect of the recommended by-law;

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

- a communication dated May 18, 2023, from H. Froussios, Zelinka Priamo Ltd.;

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

- H. Froussios, Zelinka Priamo Ltd.; and,
- Y. Lavie.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Franke

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Moved by: S. Lewis

Seconded by: S. Franke

Motion to close the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

3.7 1120-1126 Oxford Street East and 2 & 6 Clemens Street (Z-9560)

Moved by: S. Franke

Seconded by: S. Lewis

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by 2863382 Ontario Inc. c/o Royal Premier Developments, relating to the properties located at 1120-1126 Oxford Street East and 2 and 6 Clemens Street:

- a) consistent with Policy 43_1 of the Official Plan for the City of London, 2016, a portion of the subject lands, representing 2 and 6 Clemens Street, BE INTERPRETED to be located within the Urban Corridor Place Type; and,
- b) the proposed by-law appended to the staff report dated May 23, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 6, 2023, to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan for the City of London, 2016), to change the zoning of the subject property FROM a Residential R2/Office Conversion (R2-2/OC5) Zone and a Residential R1 (R1-6) Zone TO a Residential R9 Special Provision (R9-7(_)*H34) Zone;

it being noted that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:

- i) provide adequate outdoor amenity space, either at grade or through a combination of at grade amenity space and roof top terrace(s);
- ii) differentiate the main building entrance from ground floor units;
- iii) provide a functional layby on site in accordance with the Site Plan

Control By-law;

- iv) consent to remove any boundary trees is required prior to final Site Plan Approval;
- v) execution of the lane closure and the provision of a public access easement/easement agreement should be coordinated to occur prior to final Site Plan Approval;
- vi) at the time of Site Plan Approval, the building design is to be similar to that which was considered at the time of the Zoning By-law Amendment application; and,
- vii) any future Site Plan application for the subject site BE CONSIDERED by the Urban Design Peer Review Panel;

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

- a project fact sheet from M. Davis, siv-ik planning / design;

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

- J. Smolarek, siv-ik planning / design;
- M. Toth;
- D. Van Boxmeer;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns 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 in-force policies of The London Plan, including but not limited to the Key Directions, City Building policies, and the Urban Corridor Place Type policies;
- the recommended amendment would permit development at a transitional scale and intensity that is appropriate for the site and the surrounding neighbourhood; and,
- the recommended amendment facilitates the development of an underutilized site within the Built-Area Boundary and Primary Transit Area with an appropriate form of development that is geared towards the intent, and growth, of the Urban Corridor Place Type. (D04-2023)

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Franke

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Moved by: S. Franke
Seconded by: S. Lewis

Motion to close the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

3.8 129-131 Base Line Road West (Z-9578)

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

That, notwithstanding the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application by 2796538 Ontario Inc. c/o RPH Developments, relating to the properties located at 129-131 Base Line Road West:

- a) the attached, revised, proposed by-law as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 6, 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 lands FROM a Residential R9 (R9-7*H32) Zone TO a Holding Residential R9 Special Provision (h*R9-7(_)*H51) Zone;
- b) the Site Plan Approval Authority BE REQUESTED to consider the following issues for 129-131 Base Line Road West through the site plan review process:

- i) a Water Capacity Analysis shall be submitted with the first submission of site plan;
- ii) ensure a 3 metre planting area for trees between the property edge and the edge of the parking garage to provide full protection to any boundary trees and critical root zones; and,
- iii) additional landscaping and/or setbacks will be required to address the removal of the watercourse;

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

- a communication dated May 17, 2023 from H. Froussios, Zelinka Priamo Ltd.;

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

- H. Froussios, Zelinka Priamo Ltd.; and,
- ;

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020;
- the recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of the Official Plan for the City of London, 2016, including, but not limited to the High Density Residential Overlay, the

Neighbourhoods Place Type, City Building and Design, Our Tools, and all other applicable policies in the Official Plan for the City of London, 2016; and,

- the recommended amendment facilitates the development of a site within the Primary Transit Area and Built-Area Boundary with an appropriate form of new development. (D04-2023)

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Additional Votes:

Moved by: S. Lewis

Seconded by: S. Hillier

Motion to separate clause a) from the recommendation to be voted on separately:

"a) the revised, attached, proposed by-law appended to the staff report dated May 23, 2023 as Appendix "A" BE INTRODUCED at the Municipal Council meeting on June 6, 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 lands FROM a Residential R9 (R9-7*H32) Zone TO a Holding Residential R9 Special Provision (h*R9-7()*H51) Zone;"

Yeas: (3): S. Lewis, S. Franke, and S. Hillier

Nays: (1): S. Lehman

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (3 to 1)

Moved by: S. Franke

Seconded by: S. Lewis

Motion to open the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

Moved by: S. Franke

Seconded by: S. Lewis

Motion to close the public participation meeting.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

4. Items for Direction

None.

5. Deferred Matters/Additional Business

None.

6. Confidential (Enclosed for Members Only)

6.1 Solicitor-Client Privileged Advice / Litigation/Potential Litigation

Moved by: S. Franke

Seconded by: S. Lewis

That the Planning and Environment Committee convene, in Closed Session, for the purpose of considering the following:

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 related to 1140 Fanshawe Park Road East at the Ontario Land Tribunal ("OLT"), and for the purpose of providing instructions and directions to officers and employees of the Corporation.

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

Absent: (2): A. Hopkins , and Mayor J. Morgan

Motion Passed (4 to 0)

The Planning and Environment Committee convened, in Closed Session, from 7:15 PM to 7:35 PM.

7. Adjournment

The meeting adjourned at 7:38 PM.

Community Advisory Committee on Planning Report

6th Meeting of the Community Advisory Committee on Planning
May 10, 2023

Attendance PRESENT: S. Bergman (Chair), M. Bloxam, J. Dent, A. Johnson, S. Jory, J.M. Metrailler, M. Rice and M. Wojtak and J. Bunn (Committee Clerk)

ABSENT: S. Ashman, I. Connidis, J. Wabegijig, M. Wallace, K. Waud and M. Whalley

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

The meeting was called to order at 5:11 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

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 it BE NOTED that the Community Advisory Committee on Planning (CACP) received a report, dated May 10, 2023, with respect to a Heritage Alteration Permit application by R. Bryson for the property located at 27 Bruce Street, Wortley Village-Old South Heritage Conservation District, and the the CACP supports the staff recommendation.

2. Scheduled Items

None.

3. Consent

3.1 5th Report of the Community Advisory Committee on Planning

That it BE NOTED that consideration of the 5th Report of the Community Advisory Committee on Planning was deferred until the next meeting due to loss of quorum.

3.2 Notice of Planning Application - Zoning By-law Amendment - 165-167 Egerton Street

That it BE NOTED that the Notice of Planning Application, dated April 19, 2023, from C. Maton, Senior Planner, with respect to a Zoning By-law Amendment related to the properties located at 165-167 Egerton Street, was provided on the meeting agenda; it being further noted that the meeting adjourned due to loss of quorum.

3.3 Notice of Planning Application - Zoning By-law Amendment - 599-601 Richmond Street

That it BE NOTED that the Notice of Planning Application, dated April 19, 2023, from N. Pasato, Senior Planner, with respect to a Zoning By-law Amendment related to the properties located at 599-601 Richmond Street, was provided on the meeting agenda; it being further noted that the meeting adjourned due to loss of quorum.

3.4 Heritage Impact Assessment - Kensington Bridge

That it BE NOTED that the Heritage Impact Assessment, dated April 2023, from AECOM, with respect to Kensington Bridge, was provided on the meeting agenda; it being further noted that the meeting adjourned due to loss of quorum.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That it BE NOTED that consideration of the Stewardship Sub-Committee Report was deferred until the next meeting due to loss of quorum.

4.2 Education Sub-Committee Report

That it BE NOTED that consideration of the Education Sub-Committee Report was deferred until the next meeting due to loss of quorum.

5. Items for Discussion

5.2 B. Boughner, London Majors Alumni Association - Plaques at Labatt Memorial Park - REQUEST FOR DELEGATION STATUS

That it BE NOTED that consideration of the request for delegation status from B. Boughner, London Majors Alumni Association, related to plaques at Labatt Memorial Park, was deferred until the next meeting due to loss of quorum.

5.3 Meeting Start Time - Discussion

That it BE NOTED that consideration of Community Advisory Committee on Planning meetings start time was deferred until the next meeting due to loss of quorum.

5.4 Heritage Planners' Report

That it BE NOTED that consideration of the Heritage Planners' Report was deferred until the next meeting due to loss of quorum.

6. Deferred Matters/Additional Business

6.1 (ADDED) Public Meeting Notice - Official Plan and Zoning By-law Amendments - City-Wide/Additional Residential Unit Review in Response to Bill 23 (More Homes Built Faster Act)

That it BE NOTED that the Public Meeting Notice, dated May 3, 2023, from C. Parker, Senior Planner, with respect to Official Plan and Zoning By-law Amendments related to the City-Wide/Additional Residential Unit Review in Response to Bill 23 (More Homes Built Faster Act), was provided on the meeting agenda; it being further noted that the meeting adjourned due to lack of quorum.

7. Adjournment

The meeting stood adjourned at 5:47 PM due to loss of quorum.

Report to Planning & Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Building Division Monthly Report
MARCH 2023

Date: May 16, 2023

Recommendation

That the report dated March 2023 entitled “Building Division Monthly Report March 2023”, **BE RECEIVED** for information.

Executive Summary

The Building Division is responsible for the administration and enforcement of the *Ontario Building Code Act* and the *Ontario Building Code*. Related activities undertaken by the Building Division include the processing of building permit applications and inspections of associated construction work. The Building Division also issues sign and pool fence permits. The purpose of this report is to provide Municipal Council with information related to permit issuance and inspection activities for the month of March 2023.

Linkage to the Corporate Strategic Plan

Growing our Economy

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

Leading in Public Service

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

Analysis

1.0 Background Information

This report provides information on permit and associated inspection activities for the month of March 2023. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity for the Month of March 2023”, as well as respective “Principle Permits Reports”.

2.0 Discussion and Considerations

2.1 Building permit data and associated inspection activities – **March 2023**

Permits Issued to the end of the month

As of March 2023, a total of 743 permits were issued, with a construction value of \$279.2 million, representing 494 new dwelling units. Compared to the same period in 2022, this represents a 16.9% decrease in the number of building permits, with a 1.6% decrease in construction value and an 3.6% increase in the number of dwelling units constructed.

Total permits to construct New Single and Semi-Dwelling Units

As of the end of March 2023, the number of building permits issued for the construction of single and semi-detached dwellings was 47, representing a 74.6% decrease over the same period in 2022.

Number of Applications in Process

As of the end of March 2023, 941 applications are in process, representing approximately \$665.3 million in construction value and an additional 1,123 dwelling units compared with 1,258 applications, with a construction value of \$1.5 billion and an additional 2,841 dwelling units in the same period in 2022.

Rate of Application Submission

Applications received in March 2023 averaged to 12.3 applications per business day, for a total of 279 applications. Of the applications submitted 13 were for the construction of single detached dwellings and 18 townhouse units.

Permits issued for the month

In March 2023, 279 permits were issued for 309 new dwelling units, totaling a construction value of \$161.3 million.

Inspections – Building

A total of 1,955 inspection requests were received with 2,035 inspections being conducted.

An additional 16 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 1,955 inspections requested, 97% were conducted within the provincially mandated 48 hour period.

Inspections - Code Compliance

A total of 689 inspection requests were received, with 843 inspections being conducted.

An additional 223 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 689 inspections requested, 97% were conducted within the provincially mandated 48 hour period.

Inspections - Plumbing

A total of 893 inspection requests were received with 1,241 inspections being conducted related to building permit activity.

An additional inspection was completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 893 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

2021 Permit Data

To the end of March, a total of 1,068 permits were issued, with a construction value of \$391.2 million, representing 788 new dwelling units. The number of single/semi detached dwelling units was 321

Conclusion

The purpose of this report is to provide Municipal Council with information regarding the building permit issuance and building & plumbing inspection activities for the month of March 2023. Attached as Appendix "A" to this report is a "Summary Listing of Building Construction Activity" for the month of March 2023 as well as "Principle Permits Reports".

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

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

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

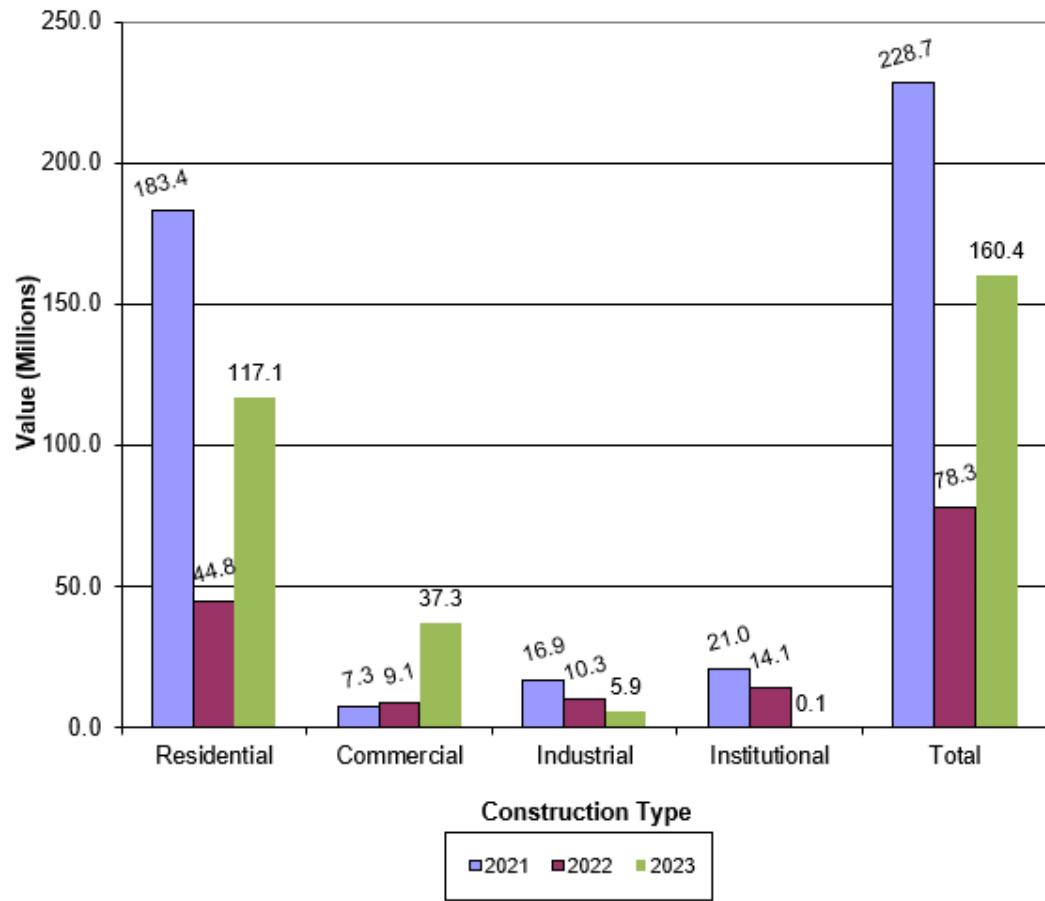
APPENDIX "A"

**CITY OF LONDON
SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF March 2023**

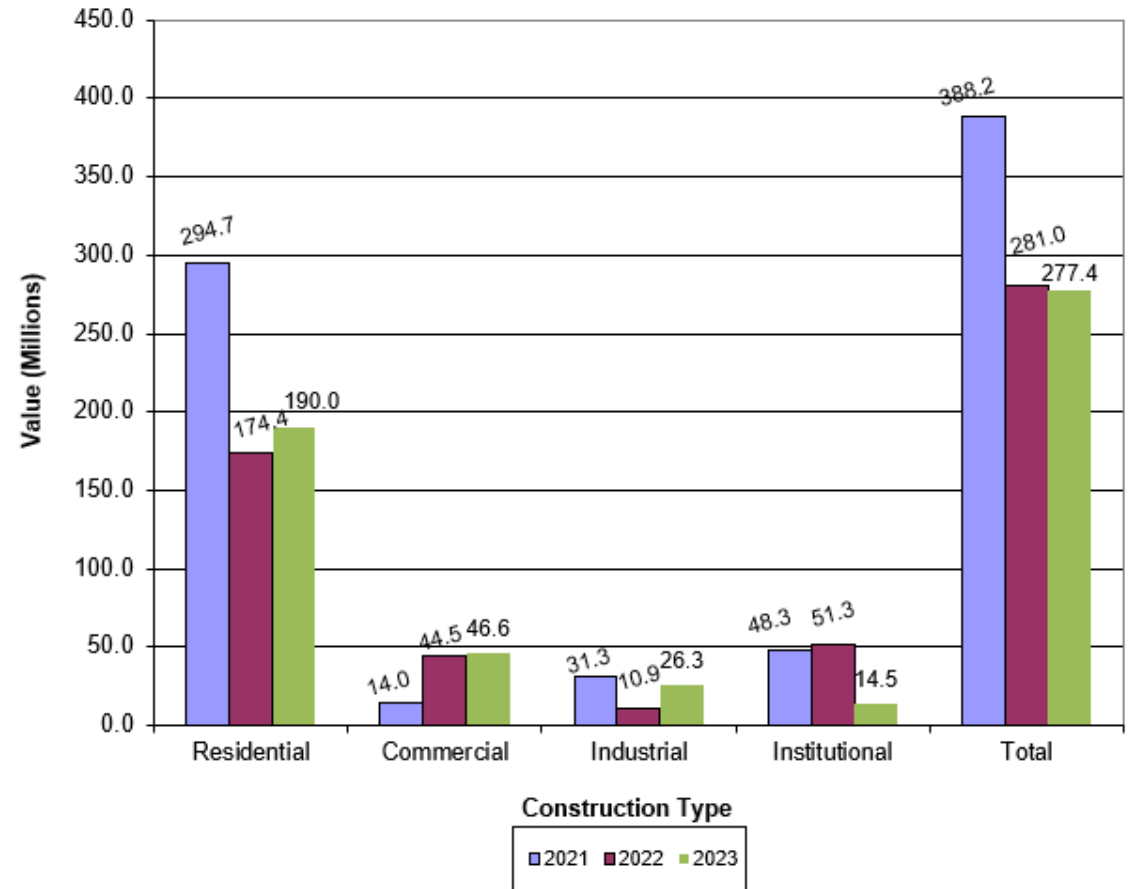
CLASSIFICATION	March 2023			to the end of March 2023			March 2022			to the end of March 2022			March 2021			to the end of March 2021		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	13	7,303,758	13	45	26,134,711	45	59	28,127,234	59	185	84,605,287	185	136	60,759,800	136	321	142,327,500	320
SEMI DETACHED DWELLINGS	0	0	0	1	921,661	2	0	0	0	0	0	0	1	223,500	1	1	223,500	1
TOWNHOUSES	3	5,375,929	18	15	25,763,052	74	10	6,942,782	24	35	36,014,991	142	26	23,245,600	91	47	39,156,200	139
DUPLEX, TRIPLEX, QUAD, APT BLDG	3	95,363,266	256	5	116,269,288	298	0	0	0	3	29,330,190	103	4	90,010,000	295	4	90,010,000	295
RES-ALTER & ADDITIONS	157	9,086,615	20	380	20,888,552	58	166	9,741,702	22	404	24,488,682	47	159	9,179,161	15	372	22,988,721	33
COMMERCIAL -ERECT	3	34,230,820	2	3	34,230,820	2	0	0	0	4	31,150,000	0	8	2,217,000	0	9	3,193,500	0
COMMERCIAL - ADDITION	0	0	0	1	1,000	0	1	450,000	0	2	950,000	0	1	120,000	0	1	120,000	0
COMMERCIAL - OTHER	17	3,035,954	0	66	12,409,729	15	27	8,669,982	0	60	12,356,941	0	30	5,002,200	0	76	10,677,014	0
INDUSTRIAL - ERECT	0	0	0	0	0	0	0	0	0	0	0	0	1	1,597,500	0	3	15,792,500	0
INDUSTRIAL - ADDITION	1	5,000,000	0	3	17,810,611	0	1	10,300,000	0	1	10,300,000	0	1	280,000	0	1	280,000	0
INDUSTRIAL - OTHER	2	877,100	0	9	8,491,127	0	2	3,300	0	6	571,300	0	3	15,035,000	0	9	15,194,800	0
INSTITUTIONAL - ERECT	0	0	0	0	0	0	0	0	0	1	36,000,000	0	0	0	0	1	12,000,000	0
INSTITUTIONAL - ADDITION	0	0	0	0	0	0	0	0	0	0	0	0	1	200,000	0	3	1,963,386	0
INSTITUTIONAL - OTHER	3	121,700	0	21	14,497,250	0	8	14,112,237	0	16	15,254,237	0	8	20,798,850	0	20	34,305,950	0
AGRICULTURE	0	0	0	1	220,000	0	0	0	0	1	250,000	0	0	0	0	0	0	0
SWIMMING POOL FENCES	23	826,000	0	38	1,363,000	0	29	1,031,050	0	49	1,872,983	0	54	1,749,894	0	89	2,814,994	0
ADMINISTRATIVE	9	32,000	0	26	201,000	0	6	9,000	0	21	569,000	0	6	50,000	0	16	130,000	0
DEMOLITION	11	0	10	30	0	20	2	0	2	19	0	16	10	0	9	18	0	15
SIGNS/CANOPY - CITY PROPERTY	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	4	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	34	0	0	99	0	0	28	0	0	86	0	0	17	0	0	73	0	0
TOTALS	279	161,253,142	309	743	279,201,800	494	339	79,387,287	105	894	283,713,611	477	466	230,468,505	547	1,068	391,178,065	788

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

**Construction Value of Building Permits
March**



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





City of London - Building Division
Principal Permits Issued from March 1, 2023 to March 31, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Derek Hill CARGILL VALUE ADDED MEATS-CANADA Attn: Tax & Customs	10 Cuddy Blvd	Add Food Processing Plant Inedible dock expansion. SHELL submit shop drawings for two exterior stairs/landings/guards.	0	5,000,000
WONDERLAND POWER CENTRE INC. WONDERLAND POWER CENTRE INC.	1040 Wharncliffe Rd S	Erect-Restaurant ERECT SHELL BUILDING - RESTAURANT A2 Shell Permit - Provide sealed access ladder shop drawing to the Building Division prior the work in these areas	0	830,820
2240296 LIMITED 2240296 ONTARIO LIMITED	1132 Adelaide St N	Install-Site Services Install site services for splash pad ****Splash Pad is only to be used by the current tenants and their guests**** ****SPLASH PAD NOT TO BE OPEN TO THE PUBLIC****		272,249
REMBRANDT MEADOWLILLY INC REMBRANDT MEADOWLILLY INC	1224 Blackwell Blvd C	Erect-Townhouse - Condo ERECT TOWNHOUSE BLOCK C, 2 STOREY, WALK-OUT BASEMENT, DPN 26, 28, 30, 32, 34, 36, 38. SOILS REPORT REQUIRED	7	2,013,130
CF REALTY HLDG INC., FAIRVIEW CORP CF REALTY HLDG INC., C/O CADILLAC FAIRVIEW CORP	1680 Richmond St	Alter Shopping Centre INTERIOR FIT UP FOR ATHLETA IN UNIT U016	0	225,425
CF REALTY HLDG INC., FAIRVIEW CORP CF REALTY HLDG INC., C/O CADILLAC FAIRVIEW CORP	1680 Richmond St	Alter Shopping Centre ALTER TO UNITS 58, 59, AND 60 FOR APPLE STORE	0	1,549,080
Andrea Dekay Holdco Inc	169 Wortley Rd	Alter Retail/Apt Complex Building will be equipped with new plumbing throughout, fire separations, and existing bath and kitchen fixtures will be replaced in an existing locations. One bathroom will be added to the retail space.	0	150,000
LUX HOMES INC. LUX HOMES DESIGN & BUILD INC.	1965 Upperpoint Gate S	Erect-Townhouse - Condo ERECT NEW TOWNHOUSE BLOCK - BLDG S, 4 UNITS DPN 99,101,103,105, 2 STOREY, 1 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, A/C, UNCOVERED DECK, SB-12 A3, HOT2000, HRV & DWHR REQUIRED *SOILS RETAINER REPORT REQUIRED*	4	1,274,240
1803299 ONTARIO INC 1803299 ONTARIO INC	2290 Scanlan St	Alter Warehousing INTERIOR FIT UP FOR OFFICES SUPPORTING WAREHOUSE	0	777,100
Conservation Authority Upper Thames River	2609 Fanshawe Park Rd E	Alter Museums RESTORATION OF FUGITIVE SLAVE CHAPEL AT FANSHAWE PIONEER VILLAGE	0	295,000
SKYLINE REAL ESTATE HOLDINGS INC SKYLINE REAL ESTATE HOLDINGS INC	301 Base Line Rd W	Alter Apartment Building Replace hot and cold domestic risers, re- circ and mains.	0	278,000
CARVEST PROPERTIES LTD. CARVEST PROPERTIES LTD.	317 Southdale Rd W			119,999



City of London - Building Division
Principal Permits Issued from March 1, 2023 to March 31, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
CARVEST PROPERTIES LTD. CARVEST PROPERTIES LTD.	317 Southdale Rd W			119,999
CARVEST PROPERTIES LTD. CARVEST PROPERTIES LTD.	317 Southdale Rd W			119,999
CARVEST PROPERTIES LTD. CARVEST PROPERTIES LTD.	317 Southdale Rd W			119,999
TRICAR PROPERTIES LTD. TRICAR PROPERTIES LTD.	320 Thames St	Alter Apartment Building INTERIOR FIT UP FOR OFFICE SPACE - UNIT B	0	203,225
WONDERLAND POWER CENTRE INC. WONDERLAND POWER CENTRE INC.	3209 Wonderland Rd S	Erect-Medical Offices New build, multi- Unit commercial building [D]: Site work & shell. Shell Permit Only –Provide sealed roof access shop drawings to the Building Division for review prior to work in these areas.	1	1,400,000
LONDON CITY	345 Sylvan St	Erect-Apartment Building Erect three storey apartment building, 43 units	43	9,123,551
WONDERLAND GATEWAY CENTRE INC	3459 Wonderland Rd S	Erect-Restaurant Shell and Interior fit up Restaurant and Drive Thru canopy Shel Permit - Provide sealed canopy and access ladders shop drawings to the Building Division for review prior to work in these areas.	1	32,000,000
TRICAR PROPERTIES LTD. TRICAR PROPERTIES LTD.	480 Callaway Rd	Erect-Apartment Building ERECT 10 STOREY APARTMENT BUILDING.	161	71,600,000
	6717 Hayward Dr	Erect-Street Townhouse - Condo ERECT 1 & 2 STOREY, 7 UNIT FREEHOLD TOWNHOUSE BLOCK, DPNS 6709, 6713, 6715, 6719, 6721, 6725, 6729	7	2,088,559
	675 Eagletrace Dr			110,000
785 Wonderland Road Inc C/O Mccor Management (East) Inc.	785 Wonderland Rd S	Alter Offices Demising wall and Construction of Exit Corridor Door.	0	115,000
TALU PROPERTIES INC. TALU PROPERTIES INC.	815 Chelton Rd A	Erect-Apartment Building Erect 5 storey apartment building Foundation permit	52	14,639,715
AJ JANIS SUNCOR ENERGY PRODUCTS PARTNERSHIP	825 Wilton Grove Rd	Alter Retail Store Alteration to building structure - sales area & shower rooms	0	104,050
Z REALTY COMPANY LIMITED C/O BRIARLANE RENTAL	875 Wonderland Rd S	Alter Apartment Building Parking garage Repair (382 m ²)	0	600,000



City of London - Building Division

Principal Permits Issued from March 1, 2023 to March 31, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
IRONSTONE COMPANY INC. IRONSTONE BUILDING COMPANY INC.	925 Deveron Cres	Install-Townhouse - Condo Install site services		650,000
Partners Reit	983 Wellington Rd	Alter Restaurant CHANGE OF USE PERMIT- INTERIOR ALTERATION	0	202,500

Total Permits 28 Units 276 Value 145,981,640

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

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: Post-Development Environmental Impact Study Monitoring Update
Date: May 23, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following report regarding the Post-Development Environmental Impact Study Monitoring Update **BE RECEIVED** for information.

Executive Summary

The Post-Development Environmental Impact Study (EIS) Monitoring program conducts assessments of natural features adjacent to subdivisions following assumption. Select subdivisions are evaluated to determine the success of the pre-development EIS report's recommended mitigation measures in achieving a net benefit to the natural heritage areas.

Dougan & Associates were retained to complete the review of 12 sites throughout 2021. This report completes the first year of a long-term ecological monitoring program that investigates the implementation of mitigation methods recommended in previously accepted EIS reports. Findings of the 2021 fieldworks confirm the need for buffers on all sites with natural heritage features.

Linkage to the Corporate Strategic Plan

A well planned and growing community - London's growth and development is well-planned and considers use, intensity, and form.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Planning and Environment Committee, December 13, 2021, Agenda Item 3.8, Environmental Management Guidelines

Planning and Environment Committee, March 29, 2021, Agenda Item 2.12, Post Development Environmental Impact Study Monitoring

Strategic Priorities and Policy Committee, May 06, 2019, Agenda Item 2.3, Approval of the 2019 Development Charges By-law and Background Study

Planning and Environment Committee, July 16, 2018, Agenda Item 2.6, Environmental Impact Study (EIS) Compliance

1.2 Environmental Impact Study Compliance Review

Environmental impact studies (EIS) are required to determine whether, or the extent to which, development may be permitted in areas within, or adjacent to, specific components of the Natural Heritage System. They confirm or refine the boundaries of natural heritage features and include conditions and mitigation measures to ensure that development does not negatively impact the natural features and ecological functions

for which the area is identified. The preparation of an environmental impact study is guided by the Council adopted Environmental Management Guidelines.

Historically, the monitoring of EIS mitigation measures in London was the responsibility of developers with consultants being retained by these individuals to assess outcomes for each subdivision. On July 16, 2018, a report was presented to Planning and Environment Committee that identified EIS compliance issues at the time and next steps as summarized below:

1. **Improve the EIS compliance process** by operationalizing recommended monitoring clauses through draft plan approval and subdivision agreements.
2. **Review active subdivisions.**
3. **Enhance compliance and enforcement** by undertaking continuous improvement initiatives.
4. **Explore options for a city-wide monitoring contract** to be led by city staff to conduct monitoring at regular intervals.
5. **Conduct post-development “audits”** to complete systematic long-term reviews of post-development impacts on natural heritage areas.

As Post-Development EIS Monitoring was included as a program in the 2019 Development Charges, the City is now able to undertake a city-wide monitoring contract approach to conducting audits. This report completes the first year of a long-term ecological monitoring program that investigates the implementation of mitigation methods recommended in previously accepted EIS reports. This approach allows for consistent monitoring (i.e., repeatable methodology), at regularized intervals over the long-term, and the ability to benchmark with other similar subdivisions. The results of the post-development monitoring program will inform if any remedial works are to be done or if any policy changes are to be made.

2.0 Discussion and Considerations

2.1 2021 Project Overview

The Post-Development EIS Monitoring program aims to evaluate the effectiveness of the implementation of recommended pre-development EIS mitigation measures in achieving a net benefit, or no negative impact, to the natural features and functions. The development of a repeatable monitoring program will allow staff to evaluate long-term (year-over-year) trends related to developments adjacent to natural areas.

In late 2020 staff undertook a competitive procurement process to retain an environmental consulting firm. Dougan & Associates were retained to conduct the first year of the Post-Development EIS Monitoring program.

The project involved conducting background reviews on EIS reports to determine the site’s pre-development condition, natural heritage features and any associated recommendations for monitoring and mitigation measures.

Twelve (12) study sites were selected for the initial study from the set of subdivisions assumed by the City between 2014 and 2019, and where the limits of the development contain or were adjacent to Open Space zones (OS4 and/or OS5). Dougan & Associates prepared site-specific monitoring plans for each that included:

- updates to existing Ecological Land Classification (ELC),
- establishing surveys of vegetation plots to monitor across multiple years,
- encroachment and disturbance monitoring for areas directly adjacent to development,
- baseline breeding bird and nocturnal amphibian calling surveys,
- turtle basking surveys (for select sites), and
- aquatic habitat and monitoring surveys (for select sites).

The methods used were aimed at answering several questions about the potential impacts of development on the vegetation communities, hydrology, aquatic habitat, and the disturbance of natural heritage features. General recommendations on matters such as restoring natural heritage feature integrity and future monitoring intervals were also included.

2.2 Study Sites

Table 1 below outlines the locations reviewed in 2021 as part of the Post-Development EIS Monitoring program. A map showing the locations of the study sites has been included in Appendix A for reference.

TABLE 1 – FEATURES STUDIED IN 2021 AND ASSOCIATED SUBDIVISION FILE NUMBER

File Number	Feature Name
39T-00514	Talbot Village Wetland
39T-03512	Cresthaven Woods
39T-03518	Kilally Woods
39T-04513	Pebblecreek
39T-05506	Pincombe Drain
39T-05510	Uplands North Wetland & Powell Woods
39T-06503	Ballymote Trail
39T-08502	Maple Grove Woods
39T-10501	Forest Hill Woods
39T-10502	Medway Valley Heritage Forest ESA
39T-98512	Gibbons/UWO Wetland
39T-99522	Northbrook Valley

2.3 Findings

Factsheets have been prepared for each of the 12 study sites summarizing the 2021 findings and are included in Appendix B.

2.3.1 Vegetation Resources

Vegetation plots were established to replicate (as best as possible) the study location from the pre-development EIS. Updated Ecological Land Classification (ELC) mapping was undertaken for each study site and the results compared to the pre-development ELC to detect changes in the feature (i.e., size, shape, and/or composition of the communities). Key findings include:

- Eleven (11) sites saw changes in vegetation compositions adjacent to the areas of development.
- Seven (7) of the sites experienced significant changes in their ELC composition from pre-development. A total of 4.65 hectares of area changed from natural to cultural communities from pre- to post-development.
- Eight (8) of the sites experienced a change in their wetland cover. A total of 7.89 hectares converted from wetland to non-wetland communities from pre- to post-development.

Changes to wetland communities potentially indicates a change in hydrology or other conditions on site. It should also be noted that some of the changes in ELC communities from pre- to post-development may be due to a refinement of the mapping and surveying differences for the vegetation communities. Therefore, some of these community changes may have occurred regardless of development proceeding on the adjacent lands.

The purpose of the pre-development EIS report is to ensure that no negative impacts occur to the natural area adjacent to developments. Based on the 2021 observations, if these changes were directly correlated to the adjacent developments, then that would suggest that the EIS mitigation measures were not successful in protecting the natural area. However, given the time between preparation of the pre-development EIS and the post-development audit, other unknown factors may have contributed to these impacts. More frequent monitoring and reporting throughout the buildout of the developments

would've been required to pinpoint the primary cause of the observed changes in vegetation communities.

2.3.2 Wildlife Resources

The 2021 field season included breeding bird surveys, nocturnal amphibian calling surveys, and the recording of incidental wildlife sightings for all sites, with only specific sites being targeted for turtle basking surveys. Monitoring stations were established to replicate (as best as possible) the pre-development EIS study locations and their proximity to significant features (e.g., wetlands or water features). The 2021 surveys identified a total of 66 bird species and 6 amphibian species, of which 14 species (13 birds and 1 reptile) were significant (species of special concern, endangered or threatened).

Where available, comparisons were made to documented pre-development conditions (both formally and incidentally recorded). However, these comparisons were inconsistent across the study sites. Occasionally data was incomplete due to the variable nature of pre-development data and the availability of background reports, which affects the ability to draw conclusions about impacts. Therefore, for some sites the data collected in 2021 will serve as a new baseline (i.e., of the post-development condition) for use in future studies to allow for comparison of long-term trends within the study areas. When comparing diversity of species across the sites (not the abundance), eleven (11) of the sites saw a reduction in the number of species present from pre- to post-development.

2.3.3 Aquatic Monitoring

Aquatic transects were established for eight (8) sites (Kilally Woods, Ballymote Trail, Maple Grove, Medway Valley, Northbrook, Pebblecreek, Pincombe, Uplands North) to replicate (as best as possible) the study location from the pre-development EIS to monitor aquatic and fish habitat. Sampling stations were determined during the 2021 fieldworks based on observed channel and flow conditions. Two (2) of the sites (Medway Valley and Ballymote Trail) are experiencing stable or improved watercourse conditions based on their compensation habitat. The remaining sites were observed to be experiencing varying levels of disturbance. On one site (Kilally Woods), an erosion scar was observed along the Thames River bank as a result of uncontrolled rear-yard overland flows from the adjacent development, while on another site (Maple Grove) the stormwater management facility was overrun with hundreds of invasive goldfish. The results of the 2021 fieldworks tend to suggest that the recommended pre-development mitigation measures did not prevent impacts to these sites.

It should also be noted that the pre-development EIS reports did not provide a sufficient level of detail regarding the baseline conditions of the aquatic systems within the natural heritage areas, which limits the extent of comparison between pre- and post-development conditions.

2.3.4 Disturbance Monitoring

Monitoring transects were established to determine the levels of site disturbance post-development. The 2021 field works categorized disturbance level as either low, medium, or high, assessed the types of encroachment, and for comparison across sites, recorded disturbances at pre-determined distance intervals from the edge of the feature. The types of encroachment include:

- site alteration (e.g., dumping of yard waste, filling, and grading, etc.),
- structures (e.g., play equipment, forts, sheds, lighting, bird feeders, etc.),
- recreational impacts (e.g., informal trail access points, bike jumps, draining of backyard pools into the natural area/buffer, etc.), and
- landscaping (e.g., removal of native vegetation, food crop gardening, planting of non-native trees/shrubs, introduction of invasive species, etc.).

Results of the 2021 field works are summarized below in Table 2 and Table 3.

TABLE 2 - SUMMARY OF DISTURBANCES AND OCCURRENCES

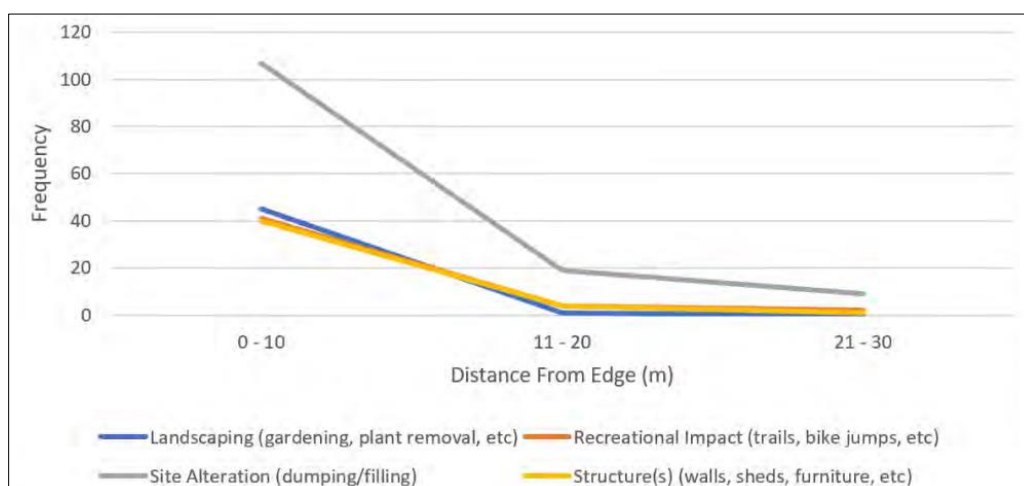
Disturbance Type	Occurrences
Site Alteration Impacts	133
Landscaping Impacts	50
Recreation Impacts	47
Structures	46
Total	276

TABLE 3 - SUMMARY OF DISTURBANCES RELATIVE TO THE FEATURE

Location of Disturbance	Occurrences
Within the natural feature	130
Within the buffer area (where one was proposed in the pre-development EIS)	88
Outside of the natural feature or the buffer area	58
Total	276

Most disturbances were detected within the natural feature; however, for many of the sites, disturbances were found to be occurring within a buffer area (where one was provided), suggesting that buffers are effective as a mitigation measure. When looking at the distribution of disturbances in Figure 1 below, the majority of encroachments were found to occur within 0-10 m of the edge of the natural feature; this would further suggest that buffers should be a minimum of 10 metres wide.

FIGURE 1 - FREQUENCY OF DISTURBANCE AT A DISTANCE FROM THE EDGE OF FEATURE¹



Furthermore, when upon comparing the average number of disturbances per metre of transect surveyed, it was found that disturbances occurred most frequently on sites with just fencing (with or without gates) implemented as a mitigation measure. Sites with a combination of buffers and fencing (with or without gates) had less disturbances than just fencing but, experienced more disturbances than sites with just buffers (which was likely due to dense vegetation in the natural area making the feature difficult to access).

2.3.5 Mitigation Measures

Through review of the pre-development EIS reports it was found that ten (10) of the sites recommended formal buffers around sensitive features (e.g., wetlands, watercourses and woodlots) with the range in buffer size being between 5 to 20 metres. The 2021 field works noted variation in buffer sizes (implemented versus recommended); however, it is difficult to determine if the variation is caused by the encroachments (e.g., mowing the buffer area), an expansion of the natural area boundary, or insufficient setbacks at the time of development.

¹ Figure 4 from City of London Post Development EIS Monitoring: Final Annual Report – 2021 (Dougan & Associates, 2022)

While only four (4) of the pre-development EIS reports recommended fencing for rear-yards of residential lots adjacent to the natural area, it was found that rear lot fencing was present on eight (8) of the sites. However, it was also determined that sites with both buffers and fencing had more instances of encroachments per metre of monitoring transect than sites with only buffers. Where rear-yard fencing had private gates allowing easy access into the natural area, the fencing was doing little to protect the natural feature from encroachment activities.

2.4 Recommendations

A summary of the recommended actions per site have been included in Table 4 below.

2.4.1 Remediation of Disturbed Areas

The most common impact observed across surveyed sites were disturbances to the buffer and natural features from the dumping of waste, the placing of fill, and grading. These actions can result in negative impacts to wildlife, local vegetation communities and quantity and quality of runoff reaching wetlands and watercourses. Suggested remediation actions to mitigate further encroachments include:

- Removal of yard waste, compost, dirt, and garbage found in the buffers and natural areas.
- Installation of fencing and signage where none are present to discourage additional dumping.
- Planting of the buffer areas to restore vegetative cover, reduce potential for erosion and mitigate sediment laden runoff entering wetlands and watercourses.

2.4.2 Invasive Species Management

Most sites experienced some form of landscaping disturbance in the buffer or natural feature (e.g., horticultural gardening, planting of non-native species, and disposal of yard waste) which may have contributed to the introduction of invasive species. It is recommended that invasive species are managed following The City of London's "Invasive Plant Management Strategy" (2017), with targeted species removal and specific management plans being developed, as required.

2.4.3 Targeted Educational Campaigns

Typically, landowner stewardship is promoted through distribution of educational pamphlets that discuss the adjacent natural area, its sensitivities and how to mitigate impacts caused by residential activities. This educational campaign is typically a one-time occurrence, with only the original landowners receiving the information. To mitigate future impacts, it was recommended that landowner education continues to occur to discourage further encroachments, such as:

- mowing/maintenance within the buffer,
- landscaping adjacent to natural area,
- dumping of yard waste into the feature,
- bird feeders and other structures (e.g., lighting) that can disrupt local wildlife,
- creation of informal trail access points (e.g., gates in rear-yard fencing), and
- dumping, or draining of swimming pools into the natural area.

Furthermore, it was suggested that any additional landowner engagement and stewardship strategies follow the recommendations outlined in the "EIS Performance Evaluation for the City of London" report (Beacon, 2014).

2.4.4 Proactive Actions

The majority of sites experienced some form of disturbance in the buffer or natural feature resulting from informal trail access point creation, which can result in trampling of vegetation, habitat disturbance, and introduction of invasive species. Updating the managed trail system was recommended including discouraging informal access points, decommissioning informal trails, erecting fencing and signage to discourage informal access in the future, and that the trail system continue to be monitored according to the City of London's "Guidelines for Management Zones and Trails in ESAs" (2016).

TABLE 4 – SUMMARY OF SITE-SPECIFIC RECOMMENDATIONS BASED ON 2021 MONITORING RESULTS

RECOMMENDATIONS	Kilally Woods	Ballymote Trail	Cresthaven Woods	Forest Hill Woods	Gibbons/UWO Wetland	Maple Grove Woods	Medway Valley Heritage Forest ESA	Northbrook Valley	Pebblecreek	Pincombe Drain	Talbot Village Wetland	Uplands North Wetland Powell Woods
Remediation of Disturbed Areas												
Remove structures, dumping and/or fill	●	●	●	●	●	●	●	●	●		●	●
Plant the buffer area		●	●	●								
Plant native species for re-naturalization	●											
Install fencing along trail to limit amount of wind-blown garbage and waste entering the feature						●						
Invasive Species Management												
Monitor invasive species	●		●		●	●	●	●	●		●	●
Develop site-specific invasive species management plan (if needed)	●		●		●	●	●	●	●		●	●
Remove invasive species from buffer				●								
Targeted Educational Campaigns												
Educational campaign to inform nearby residents of features and encourage stewardship	●	●	●	●	●	●	●	●	●		●	●
<i>Discourage mowing/maintenance in buffer</i>	●										●	
<i>Discourage landscaping adjacent to natural area</i>			●	●								
<i>Discourage dumping of yard waste into the feature</i>			●	●							●	
<i>Discourage bird feeders and other structures (e.g., lighting) that can disrupt local wildlife</i>			●	●								
<i>Discourage informal trail access point creation, dumping, or draining of swimming pools into the natural area</i>							●					
Proactive Actions												
Update the managed trail system to discourage informal trail access points	●				●		●	●	●		●	●
Additional Monitoring												
Attempt to re-detect SAR that were recorded in pre-development EIS, where suitable habitat is still present	●	●	●	●	●	●	●	●	●		●	●

2.4.5 Additional Monitoring

While some significant and at-risk species (SAR) were observed during the 2021 fieldworks, the surveys were not designed to specifically reconfirm the presence of SAR. Therefore, SAR should not be considered absent and may still be present within the area. It was recommended that additional monitoring be undertaken, where suitable habitat is still present, to re-detect SAR that were present during the pre-development EIS.

2.5 Long-term Monitoring Program

Continued monitoring of the study sites will allow for detection of additional changes in future years and will aid in determining the effectiveness of the above recommended mitigation measures in restoring the buffers and natural areas. A long-term suggested frequency of monitoring based on the study done by Dougan and Associates is shown below in Table 5.

TABLE 5 – ALTERNATIVE MONITORING PROGRAM BASED ON YEARS SINCE DEVELOPMENT

Time Since Development	Sites	Studies	Suggested Frequency	Next year of monitoring
18-23 years	Northbrook Valley Gibbons Wetland Kilally Woods	ELC	10 years	2031
18-23 years	Northbrook Valley Gibbons Wetland Kilally Woods	Vegetation plot, Wildlife surveys, Aquatic habitat, Encroachment	3-5 years	2024
15-16 years	Ballymote Trail Uplands N Powell Woods Pincombe Drain Cresthaven Woods Pebblecreek	ELC	10 years	2032
15-16 years	Ballymote Trail Uplands N Powell Woods Pincombe Drain Cresthaven Woods Pebblecreek	Vegetation plot, Wildlife surveys, Aquatic habitat, Encroachment	3-5 years	2025
12-13 years	Maple Grove Woods Medway Valley Forest Hill Woods Talbot Village Wetland	ELC	10 years	2033
12-13 years	Maple Grove Woods Medway Valley Forest Hill Woods Talbot Village Wetland	Vegetation plot, Wildlife surveys, Aquatic habitat, Encroachment	3-5 years	2026

2.6 Environmental Management Guidelines Update (2021)

Each of the 12 sites were developed prior to 2021 when the City of London’s Environmental Management Guidelines (EMGs) were updated. This recent update provides clearer expectations for the completion of environmental studies and requires applicants to apply consistent approaches when compiling pre-development data. Also required is post-construction data collection and monitoring to be undertaken by the developer until the end of the assumption development stage.

3.0 Financial Impact/Considerations

The Post-Development EIS Monitoring program is currently 100% growth funded by Development Charges (DC).

Natural Heritage areas are dedicated to the City at the time of subdivision registration, therefore the City assumes the long-term costs associated with any remedial efforts. Remedial actions identified through the monitoring program will inform future workplans which would be carried out by the applicable management program; Upper Thames River Conservation Authority for lands adjacent to the City’s ESA or Forestry for lands adjacent to Woodland Parks.

3.1 Bill 23 Impacts

The Government of Ontario's Bill 23, the *More Homes Built Faster Act* (2022), received Royal Assent on November 28, 2022, which had impacts to several Acts, including the *Development Charges Act*. The recent changes have excluded recovery for the cost of growth-related studies through DCs. While London's DCs have always ensured that 'growth pays for growth', this change to legislation would shift the burden for funding future Post-Development EIS Monitoring efforts to existing taxpayers.

3.2 Multi-Year Budget (MYB)

As part of 2024-2028 MYB preparation, Staff will be undertaking a detailed review of City led environmental initiatives to ensure funding and resources adequately addresses future monitoring and rehabilitation efforts.

3.3 Development Securities

Under the City's 'Subdivision and Development Agreement Security Policy' the City may increase the amount of security required for "Erosion and Sediment Control Measures" when there are site specific conditions that can contribute to an increased possibility of a sediment discharge and/or possibility of increased costs for necessary remedial works (e.g., adjacent to a watercourse, Environmentally Sensitive Area, etc.). Through a future update to the Policy, Staff should explore the option of taking additional securities or a holdback specific to the natural areas to ensure restoration can occur prior to assumption for observed changes in habitat and/or negative impacts to natural area as a result of development activity.

4.0 Next Steps

4.1 Updates to the Environmental Management Guidelines

Based on the findings of the 2021 post-development monitoring fieldworks it was found that most encroachments occur within 10 metres of the edge of the natural feature, which could be within a 10 metre wide buffer (if one was present). Staff should undertake a review of buffer requirements and their recommended minimum widths and adjust Table 5-2 of the City's Environmental Management Guidelines (2021) where buffers less than 10 metres are proposed.

4.2 Managing Encroachments

City Parks and Forestry divisions and the Upper Thames River Conservation Authority carryout specific land management programs based on the land use classification of the natural area. Given the variation of sites within this 2021 study, Staff will engage with each land management team by July 1, 2023, to highlight the study findings so that they can determine the remedial efforts required through their workplans.

Outside of planned annual works, Staff could explore opportunities to partner with external organizations to complete restoration plantings post-assumption to leverage additional tree planting opportunities.

City By-law staff should also be engaged to discuss enforcement mechanisms to deter future encroachments into the natural areas.

4.3 Update the Managed Trail System

Based on the recommendations provided, Staff should undertake an update to the managed trail system to discourage informal access points, decommission existing informal trails, and erect fencing and signage to discourage informal access in the future. These updates can be addressed through the Phase 2 Conservation Master Plan process within ESAs.

4.4 Education

Most of the encroachments observed are a direct result of the proximity of residential development to the natural area. It was recommended that additional targeted educational campaigns be undertaken to reach landowners who may not have received

initial stewardship packages that would have been distributed at the time of subdivision construction. Staff should explore opportunities for educational efforts, which could include placing notices within the annual garbage collection calendars, community engagement events, targeted mailings, etc., and work with Corporate Communications to develop an outreach strategy subject to the availability of existing budgets.

4.5 Next Post-Development Monitoring Review

Staff will advance the subsequent round of post-development EIS monitoring and look for opportunities to expand the scope of the monitoring program to include recently assumed subdivisions and other recently completed development applications where development has occurred adjacent to natural areas. It is anticipated that fieldworks will commence by Fall 2023 and carry through to summer of 2024, with reporting to occur by year end 2024.

Conclusion

Twelve (12) study sites were selected for the first year of the Post-Development EIS Monitoring program to determine the success of the pre-development EIS report's recommended mitigation measures. Fieldworks undertaken in 2021 demonstrated that no site was free from disturbances or encroachments in to the buffer or natural feature. It was found that most encroachments were occurring within 10 metres from the edge of the feature, suggesting that all sites with natural heritage features should have a minimum buffer of 10 meters. Furthermore, sites tended to experience more impacts where fencing (with or without gates) was included, indicating that fencing alone is not a sufficient mitigation measure.

Comparison of pre-development EIS data to post-development data collection highlighted a need for better data recording. For most sites, the 2021 monitoring data was the first sample collected since development of properties adjacent to the natural heritage areas. The data gathered through the 2021 fieldworks will support long-term monitoring of the natural sites, which are now in the care and control of the City.

Ultimately, the Post-Development EIS Monitoring program serves as an important feedback loop. The results of the monitoring program outline the need for remedial works, allowing for the assessment of long-term trends, and aid in identifying updates to policy to better protect features across the city as land development continues to progress.

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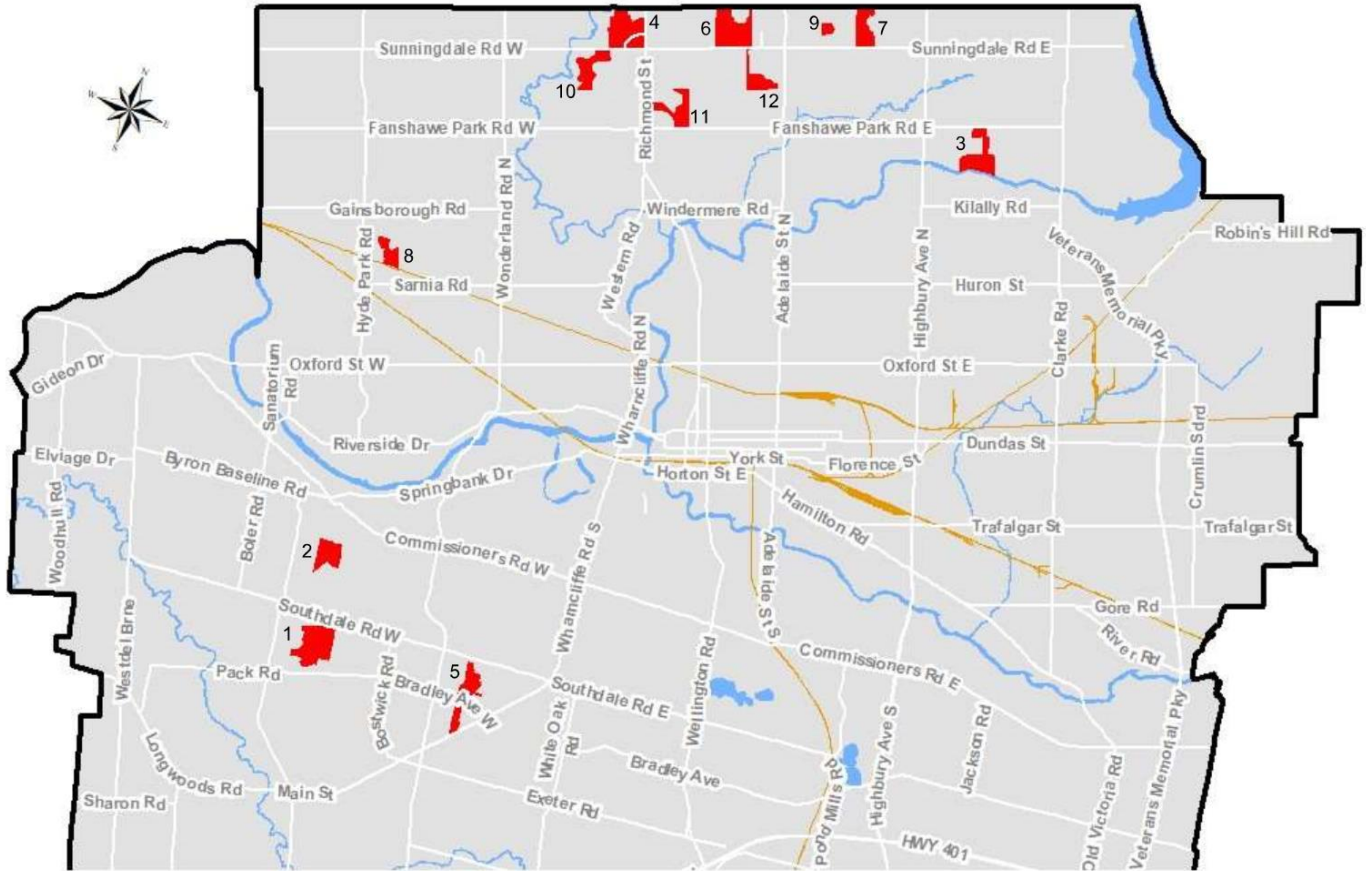
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Deputy City Manager, Planning and Economic Development

CC: Ecological Community Advisory Committee (ECAC)
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Appendix A: Map
Appendix B: Fact Sheets

Appendix A – Map

Map of the City of London showing the location of the twelve (12) study sites.



ID	File Number	Feature Name
1	39T-00514	Talbot Village Wetland
2	39T-03512	Crethaven Woods
3	39T-03518	Kilally Woods
4	39T-04513	Pebblecreek
5	39T-05506	Pincombe Drain
6	39T-05510	Uplands North Wetland & Powell Woods
7	39T-06503	Ballymote Trail
8	39T-08502	Maple Grove Woods
9	39T-10501	Forest Hill Woods
10	39T-10502	Medway Valley Heritage Forest ESA
11	39T-98512	Gibbons/UWO Wetland
12	39T-99522	Northbrook Valley

Appendix B – Factsheets

Talbot Village Wetland

FACTSHEET

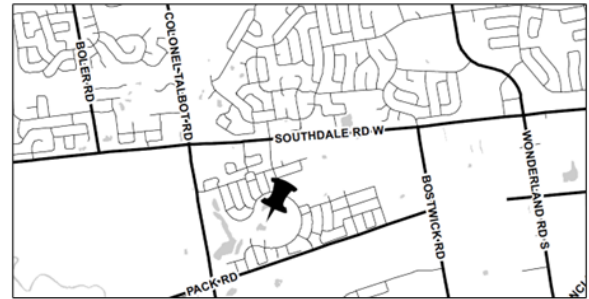
39T-00514

Mitigation Measures

- 10m buffer around the wetland
- no fencing was recommended as a mitigation

Recommendations

- Remediate disturbed areas
- Update the managed trail system to discourage informal trail access points
- Monitor invasive species and develop site specific invasive species management plan, as needed
- Educational campaign to inform residents of stewardship
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



At-Risk Species (SAR)
Bank Swallow, Barn Swallow, Prothonotary Warbler

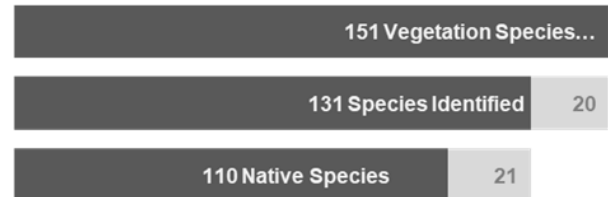
Breeding Bird Surveys
POST 37 species (3-SAR, 4-AS, 2-LR, 18-LU)
PRE 53 species (4-SAR)

Nocturnal Amphibian Call Surveys
POST 4 species
PRE 4 species

Incidental Wildlife
POST 1 bird, 1 turtle
PRE

Basking Turtle Surveys
POST 0
PRE N/A

Vegetation Surveys

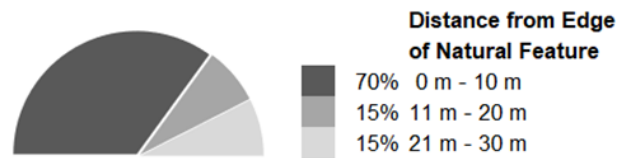
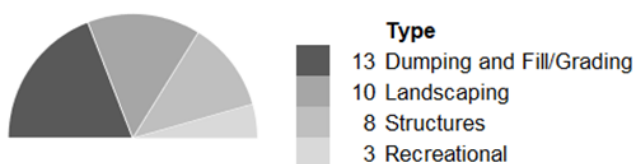
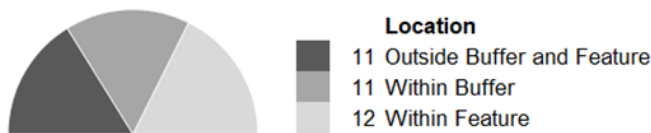


Average coefficient of conservatism across the site: **3.6**
 Average coefficient of wetness across the site: **0.0**

Ecological Land Classification Changes (from pre- to post-development)

1.30 ha Natural area to Cultural

Site Disturbances



Invasive Species Observed
 Garlic Mustard, Multiflora Rose, Honeysuckle (non-native species), Miscanthus Grass

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report – 2021* (Dougan & Associates, 2022)

Cresthaven Woods

39T-03512

FACTSHEET

Mitigation Measures

- no formal buffer was recommended
- no fencing was recommended

Recommendations

- Remediate disturbed areas
- Monitor invasive species and develop site specific invasive species management plan, as needed
- Plant area between natural feature and homes
- Educational campaign to inform residents of stewardship
- Discourage landscaping adjacent to natural area
- Discourage dumping of yard waste into the feature
- Discourage bird feeders that disrupt local wildlife
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



Breeding Bird Surveys

POST 10 species (1-AS, 7-LU)
PRE N/A



Nocturnal Amphibian Call Surveys

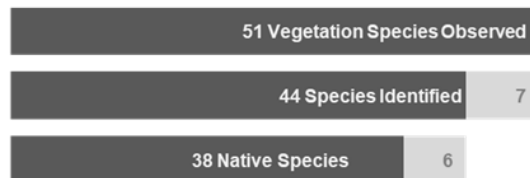
POST 2 species
PRE N/A



Incidental Wildlife

POST 5 birds, 1 mammal
PRE N/A

Vegetation Surveys



Average coefficient of conservatism across the site: **3.0**
Average coefficient of wetness across the site: **1.3**

Ecological Land Classification Changes

(from pre- to post-development)

- 0.06 ha** Cultural to Natural
- 0.01 ha** Reduction in Wetland

Site Disturbances



Location

- 14 Edge of Feature (No Buffer)
- 29 Within Feature



Distance from Edge of Natural Feature

- 86% 0 m - 10 m
- 9% 11 m - 20 m
- 5% 21 m - 30 m



Type

- 17 Dumping and Fill/Grading
- 14 Structures
- 12 Landscaping

Invasive Species Observed

Common Buckthorn, Miscanthus Grass, Japanese Barberry, Privet, Yellow Iris, Autumn Olive

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report – 2021* (Dougan & Associates, 2022)

Kilally Woods

39T-03518

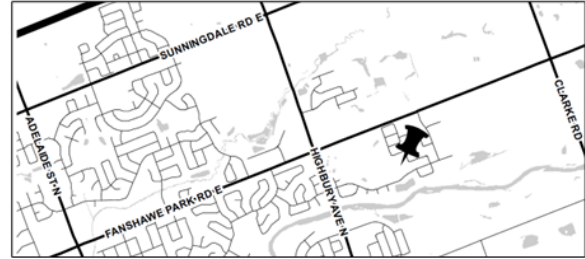
FACTSHEET

Pre-Development Mitigation Measures

- 5-6 metre wide buffer adjacent to ESA
- Orient human traffic to trails to mitigate potential disturbance
- Rear-yard runoff to ESA and direct all stormwater flows to stormwater management pond

Recommendations

- Update the managed trail system to discourage informal trail access points
- Cease mowing/maintenance in buffer
- Plant native species for re-naturalization
- Remediate disturbed areas
- Monitor invasive species and develop site specific management plan, as needed
- Educational campaign to inform residents of stewardship
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



At-Risk Species (SAR)
Eastern Wood-Pewee

Aquatic Monitoring

Channel Stability: surface runoff from development directed towards the Thames River has caused bank erosion
Change: increased bank erosion due to overland flows directed towards the river



Breeding Bird Surveys

POST 15 species (1-SAR, 6-LU)
PRE 53 species (4-SAR)



Nocturnal Amphibian Call Surveys

POST 4 species
PRE 4 species



Incidental Wildlife

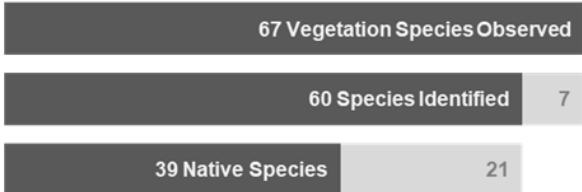
POST 4 birds, 3 mammals
PRE



Basking Turtles

POST 0
PRE 0

Vegetation Surveys

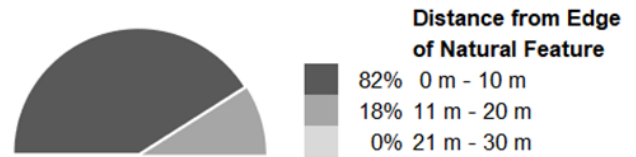
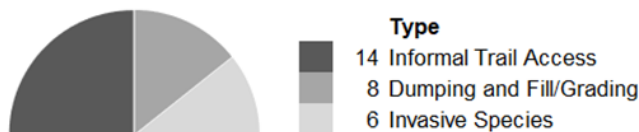
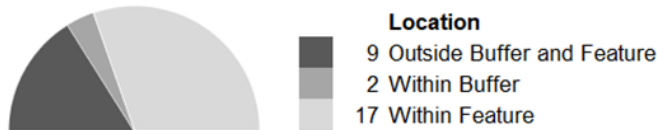


Average coefficient of conservatism across the site: 2.3
Average coefficient of wetness across the site: 0.6

Ecological Land Classification Changes (from pre- to post-development)

1.67 ha Wetland to Upland/Cultural
0.60 ha Natural area to Cultural

Site Disturbances



Invasive Species Observed
Common Buckthorn, White Poplar, English Ivy, Periwinkle, Dog-strangling Vine, Garlic Mustard

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report – 2021* (Dougan & Associates, 2022)

Pebblecreek

39T-04513

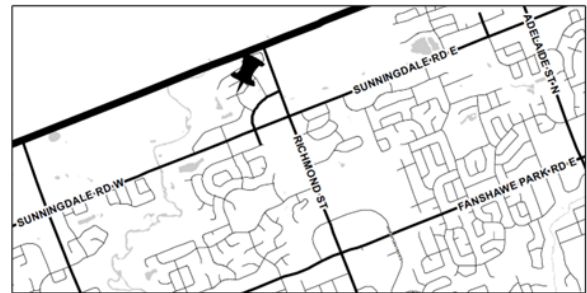
FACTSHEET

Mitigation Measures

- 10 m buffer was recommended
- 15 m setback from the tributary
- no fencing was recommended

Recommendations

- Remediate disturbed areas
- Update the managed trail system to discourage informal trail access points
- Monitor invasive species and develop site specific invasive species management plan, as needed
- Educational campaign to inform residents of stewardship
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



At-Risk Species (SAR)

Barn Swallow

Aquatic Monitoring

Substrate: silty with deep sediment

Channel Stability: stable channel with a few actively eroding banks

Fish Community: no fish observed

Change: deposits of fine sediment possibly from construction; lack of flow likely reduces the flushing of sediments resulting in poor fish habitat conditions

Breeding Bird Surveys

POST 13 species (1-SAR, 5-LU)

PRE 35 species (3-SAR)

Nocturnal Amphibian Call Surveys

POST 5 species

PRE 1 species

Incidental Wildlife

POST 1 bird

PRE N/A

Vegetation Surveys

78 Vegetation Species Observed

67 Species Identified 11

47 Native Species 20

Average coefficient of conservatism across the site: 2.0

Average coefficient of wetness across the site: 0.6

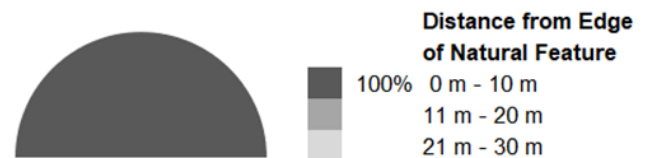
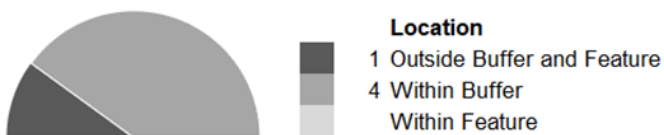
Ecological Land Classification Changes

(from pre- to post-development)

0.27 ha Reduction in overall Natural Area

0.09 ha Reduction in Wetland

Site Disturbances



Invasive Species Observed

Garlic Mustard, Privet

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report - 2021* (Dougan & Associates, 2022)

Pincombe Drain

FACTSHEET

39T-05506

Mitigation Measures

- Ecological buffers required for adjacent development proposals to protect surface water quality, enhance riparian cover and bird habitat
- Restore riparian cover by planting existing slopes
- Maintain existing vegetation where feasible to reduce surface water temperatures

Recommendations

- None



At-Risk Species (SAR)

Eastern Wood-Pewee

Aquatic Monitoring

Substrate: silty clay organic muck with cobbles and woody debris

Channel Stability: stormwater management facility outlet channel is eroding around the energy dissipation pad

Fish Community: brook stickleback, creek chub, fathead minnow, green sunfish, northern longear sunfish, white sucker

Change: overall poor channel condition



Breeding Bird Surveys

POST 15 species (2-LR, 4-LU)

PRE 26 Species



Nocturnal Amphibian Call Surveys

POST 3 species

PRE N/A



Incidental Wildlife

POST 6 birds, 1 mammal

PRE N/A

Vegetation Surveys

34 Vegetation Species Observed

32 Species Identified 2

20 Native Species 12

Average coefficient of conservatism across the site: 1.5

Average coefficient of wetness across the site: -0.5

Ecological Land Classification Changes

(from pre- to post-development)

1.34 ha Natural area to Cultural

0.23 ha Wetland to Cultural

Site Disturbances

No formal disturbance / encroachment surveys were proposed to be completed for this site. The natural feature (deciduous forest) is not directly adjacent to residential development but the stormwater management pond.

Invasive Species Observed

Common Buckthorn, White Poplar, English Ivy, Periwinkle, Dog-strangling Vine, Garlic Mustard

Uplands North Wetland & Powell Woods FACTSHEET

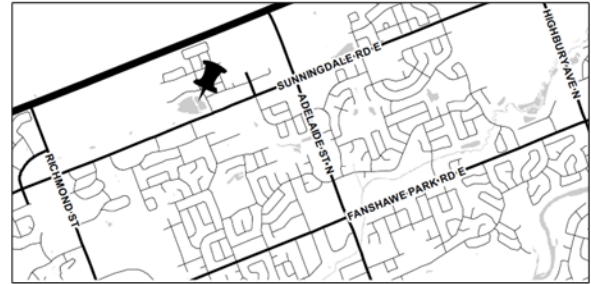
39T-05510

Mitigation Measures

- Vegetated buffers:
- 10m buffer at the northern edge of wetland
- 10m to 25m buffers at the southern edge of the wetland
- fencing was recommended along the edge of the ESA

Recommendations

- Remediate disturbed areas
- Update the managed trail system to discourage informal trail access points
- Monitor invasive species and develop site specific invasive species management plan, as needed
- Educational campaign to inform residents of stewardship
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



At-Risk Species (SAR)
Barn Swallow, Eastern Wood-pewee

Aquatic Monitoring

Channel Stability: if additional flow is released in a controlled manner, it will improve baseflow conditions of the receiving watercourse
Fish Community: several fish, ducks, and a great egret observed in the SWM facility
Change: stormwater management pond is likely providing a greater volume of water than the reed canary grass community. A berm was constructed downstream of the willow thicket swamp and appears to have increased the water elevation in the wetland, which is resulting in the death of the trees and shrubs in this community.

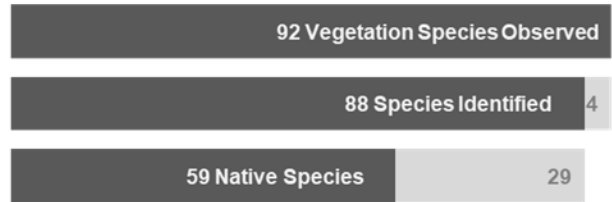
Breeding Bird Surveys
POST 25 species (2-SAR, 1-AS, 2-LR, 11-LU)
PRE 39 species (1-AS, 1-LR)

Nocturnal Amphibian Call Surveys
POST 6 species (1-AS)
PRE N/A

Incidental Wildlife
POST 2 butterflies, 1 dragonfly, 1 reptile
PRE N/A

Basking Turtles
POST 1 species
PRE N/A

Vegetation Surveys

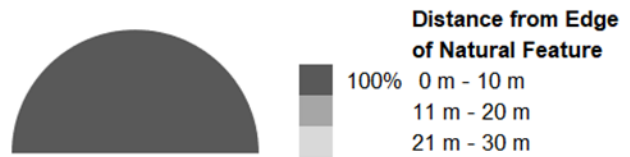
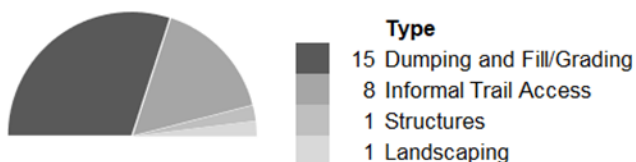
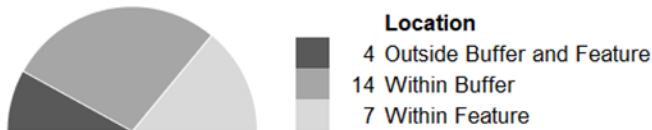


Average coefficient of conservatism across the site: **2.2**
 Average coefficient of wetness across the site: **0.5**

Ecological Land Classification Changes (from pre- to post-development)

- 1.45 ha** Natural area to Cultural
- 3.35 ha** Wetland to Upland/Cultural

Site Disturbances



Invasive Species Observed
 Glossy Buckthorn, European Common Reed, Reed Canary Grass, Common Buckthorn

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report – 2021* (Dougan & Associates, 2022)

Ballymote Trail

39T-06503

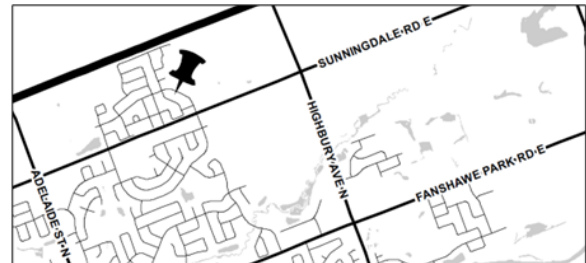
FACTSHEET

Mitigation Measures

- 10 m buffer was recommended along edges of all wetland communities
- Majority of the natural feature not directly adjacent to residential houses, separated by a public trail
- Stormwater runoff to ESA through rear-yard infiltration swales and pipes

Recommendations

- Remediate disturbed areas
- Plant buffer area
- Educational campaign to inform residents of stewardship
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



At-Risk Species (SAR)

Chimney Swift, Eastern-wood Pewee

Aquatic Monitoring

Substrate: fine sediment dominated
Channel Stability: stable, shallow, slightly confined
Fish Community: no fish observed
Change: no change determined, overall stable



Breeding Bird Surveys

POST 16 species (2-SAR, 2-LR, 6-LU)
PRE 36 species (2-SAR)



Nocturnal Amphibian Call Surveys

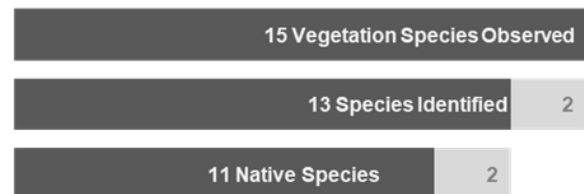
POST 2 species
PRE 5 species



Incidental Wildlife

POST N/A
PRE N/A

Vegetation Surveys

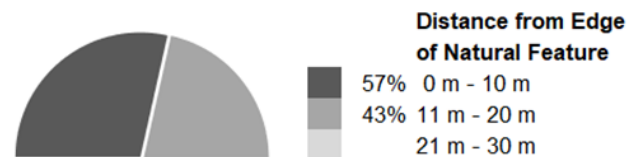


Average coefficient of conservatism across the site: **3.6**
Average coefficient of wetness across the site: **-0.5**

Ecological Land Classification Changes (from pre- to post-development)

0.16 ha Increase to Wetland

Site Disturbances



Invasive Species Observed

Glossy Buckthorn

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report - 2021* (Dougan & Associates, 2022)

Maple Grove Woods

39T-08502

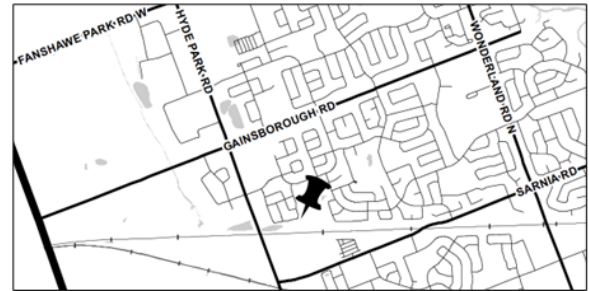
FACTSHEET

Mitigation Measures

- 15 m buffer was recommended
- Fencing recommended

Recommendations

- Remediate disturbed areas
- Consider fencing along trail to limit wind blown garbage and waste from entering the feature
- Invasive species monitoring and management plan to limit spread of English Ivy
- Educational campaign to inform residents and nearby school of stewardship
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



At-Risk Species (SAR)

Eastern Wood-Pewee, Goldfish

Aquatic Monitoring

Fish Community: several hundred goldfish (non-native)

Change: water quality appears low due to the constant churning of the sediment by the goldfish

Breeding Bird Surveys



POST 16 species (1-SAR, 1-LR, 5-LU)

PRE 29 species

Nocturnal Amphibian Call Surveys



POST 3 species

PRE 1 species

Incidental Wildlife



POST N/A

PRE N/A

Vegetation Surveys

50 Vegetation Species Observed

47 Species Identified 3

38 Native Species 9

Average coefficient of conservatism across the site: 2.7
Average coefficient of wetness across the site: 0.8

Ecological Land Classification Changes (from pre- to post-development)

0.49 ha Natural area to Cultural

1.35 ha Wetland to Upland Forest

Site Disturbances



Location
Outside Buffer and Feature
Within Buffer
13 Within Feature



Type
5 Dumping and Fill/Grading
4 Structures
4 Invasive Species



Distance from Edge of Natural Feature

46% 0 m - 10 m
23% 11 m - 20 m
31% 21 m - 30 m

Invasive Species Observed

Common Buckthorn, English Ivy

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report - 2021* (Dougan & Associates, 2022)

Forest Hill Woods

39T-10501

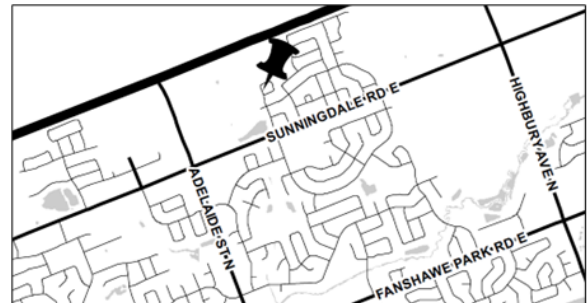
FACTSHEET

Mitigation Measures

- 10 m buffer was recommended
- Fencing was recommended at the rear
- of residential yards to protect the natural area

Recommendations

- Remediate disturbed areas
- Remove invasive species from the buffer
- Plant buffer area
- Educational campaign to inform residents of stewardship
- Discourage landscaping adjacent to natural area
- Discourage dumping of yard waste into the feature
- Discourage bird feeders that disrupt local wildlife
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



At-Risk Species (SAR)

Eastern Wood-Pewee



Breeding Bird Surveys

POST 25 species (1-SAR, 2-AS, 1-LR, 14-LU)
PRE N/A



Nocturnal Amphibian Call Surveys

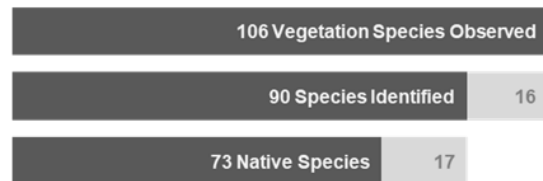
POST 2 species
PRE N/A



Incidental Wildlife

POST 1 mammal, 1 bat
PRE N/A

Vegetation Surveys



Average coefficient of conservatism across the site: **3.25**
Average coefficient of wetness across the site: **-0.6**

Ecological Land Classification Changes

(from pre- to post-development)

0.10 ha Gain to overall Natural Area

2.52 ha Loss of Wetland Cover

Site Disturbances



Location

- 7 Outside Buffer and Feature
- 37 Within Buffer
- 5 Within Feature



Type

- 19 Dumping and Fill/Grading
- 16 Landscaping
- 12 Structures
- 2 Informal Trail Access



Distance from Edge of Natural Feature

- 90% 0 m - 10 m
- 8% 11 m - 20 m
- 2% 21 m - 30 m

Invasive Species Observed

Reed Canary Grass

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report - 2021* (Dougan & Associates, 2022)

Medway Valley Heritage Forest ESA FACTSHEET

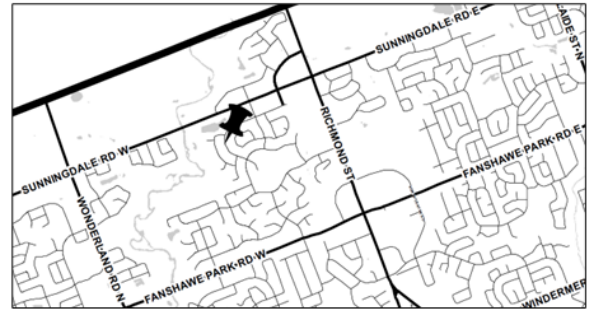
39T-10502

Mitigation Measures

- 30m setbacks around wetland
- No buffer was recommended
- Fencing was recommended at the rear of residential yards

Recommendations

- Remediate disturbed areas
- Update the managed trail system to discourage informal trail access points
- Monitor invasive species and develop site specific invasive species management plan, as needed
- Educational campaign to inform residents of stewardship
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



At-Risk Species (SAR)
Barn Swallow, Eastern Wood-pewee

Aquatic Monitoring

Substrate: Armoustone channel with stone bottom, clay and cobbles in southern reaches
Channel Stability: single channel with new pond (rehabilitation area)
Fish Community: no fish observed
Change: reduction in channel length, wetland pocket offsetting well established and functioning as intended

Breeding Bird Surveys



POST 17 species (2-SAR, 1-AS, 5-LU)
PRE 38 species (8-SAR, 4-AS)

Nocturnal Amphibian Call Surveys



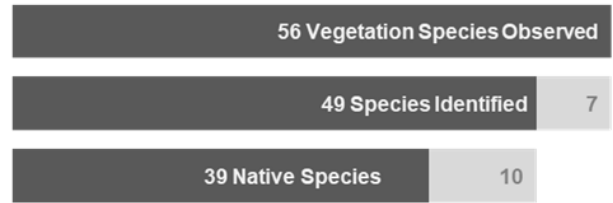
POST 5 species
PRE 4 species

Incidental Wildlife



POST 2 birds
PRE N/A

Vegetation Surveys

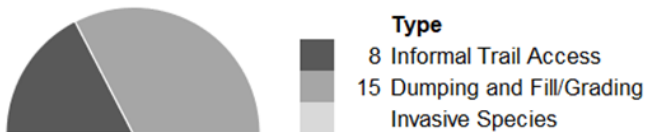
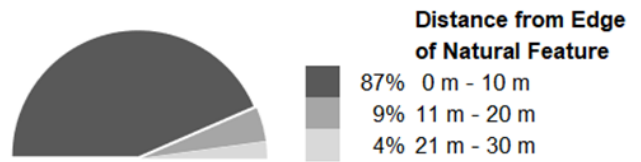
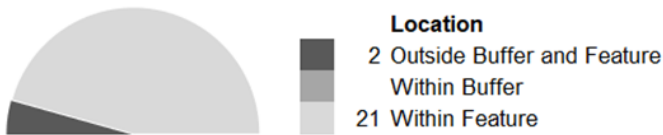


Average coefficient of conservatism across the site: **3.2**
 Average coefficient of wetness across the site: **0.4**

Ecological Land Classification Changes (from pre- to post-development)

2.57 ha Natural area to Cultural
0.94 ha Cultural to Wetland

Site Disturbances



Invasive Species Observed

Common Buckthorn, White Poplar, English Ivy, Periwinkle, Dog-strangling Vine, Garlic Mustard

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report – 2021* (Dougan & Associates, 2022)

Gibbons/UWO Wetland

FACTSHEET

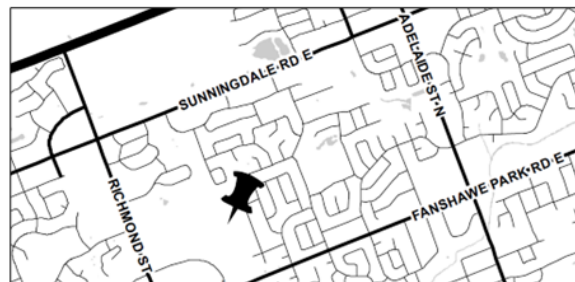
39T-98512

Mitigation Measures

- 10 m buffer was recommended
- No fencing was recommended at the rear of residential yards

Recommendations

- Update the managed trail system to discourage informal trail access points
- Monitor invasive species and develop site specific invasive species management plan, as needed
- Remediate disturbed areas
- Educational campaign to inform residents of stewardship
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



Breeding Bird Surveys

POST 10 species (2-LU)

PRE 14 species



Nocturnal Amphibian Call Surveys

POST 2 species

PRE N/A

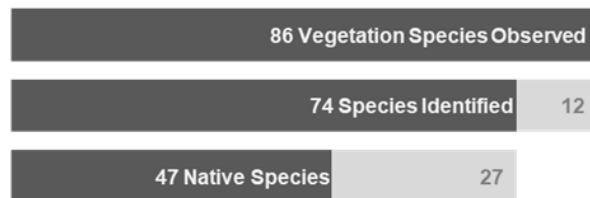


Incidental Wildlife

POST 1 mammal

PRE N/A

Vegetation Surveys



Average coefficient of conservatism across the site: **2.3**
Average coefficient of wetness across the site: **0.3**

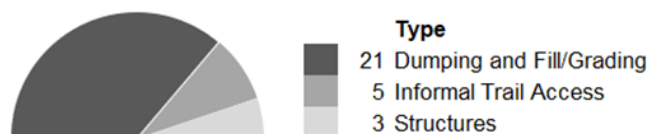
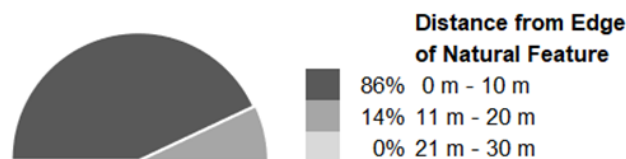
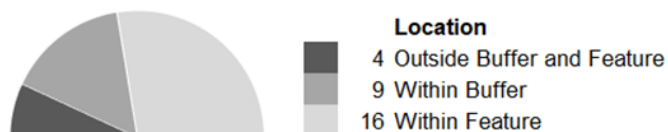
Ecological Land Classification Changes

(from pre- to post-development)

0.19 ha Cultural to Natural

0.13 ha Wetland to Upland/Cultural

Site Disturbances



Invasive Species Observed

Common Buckthorn, Periwinkle, Black Alder, Privet, Non-native Honeysuckle, Glossy Buckthorn

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report - 2021* (Dougan & Associates, 2022)

Northbrook Valley

39T-99522

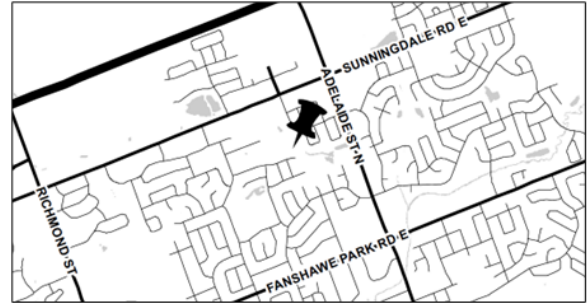
FACTSHEET

Mitigation Measures

- 5 m buffer was recommended
- No fencing was recommended
- Remove fish passage barrier at Adelaide Street
- Lower Powell Drain channel for improved fish migration

Recommendations

- Update the managed trail system to discourage informal trail access points
- Remediate disturbed areas
- Monitor invasive species and develop site specific invasive species management plan, as needed
- Educational campaign to inform residents of stewardship
- Attempt to re-detect SAR that were recorded in EIS, where suitable habitat is still present



Aquatic Monitoring

Substrate: fine silt and large woody debris

Channel Stability: good stability with localized areas of bank erosion and deep fine sediment deposits

Fish Community: brook stickleback, pumpkinseed, brown bullhead, creek chub, fathead minnows

Change: increased sediment, removal of barrier at Adelaide has improved the fish community diversity



Breeding Bird Surveys

POST 12 species (6-AS)

PRE 63 species (5-AS)



Nocturnal Amphibian Call Surveys

POST 4 species

PRE 7 species



Incidental Wildlife

POST 1 bird

PRE N/A

Vegetation Surveys

42 Vegetation Species Observed

37 Species Identified 5

28 Native Species 9

Average coefficient of conservatism across the site: 2.5

Average coefficient of wetness across the site: 0.5

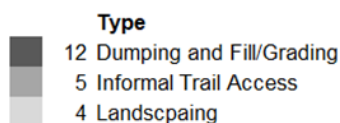
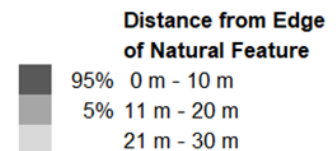
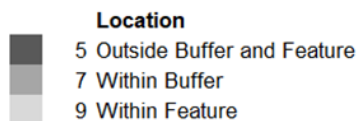
Ecological Land Classification Changes

(from pre- to post-development)

2.86 ha Increase to overall Natural Area

0.36 ha Increase in Wetland

Site Disturbances



Invasive Species Observed

Common Buckthorn, Periwinkle, European Common Reed

Legend: Species at Risk (SAR), Area Sensitive (AS), Threatened (THR), Locally Rare (LR), Locally Uncommon (LU)

Summary of results from City of London's *Post-Development EIS Monitoring: Final Annual Report – 2021* (Dougan & Associates, 2022)

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: 5-Year Review – Community Improvement Plans and
Financial Incentive Programs Background Analysis

Date: May 23, 2023

Recommendation

That, the report dated May 23, 2023, from the Deputy City Manager, Planning and Economic Development, summarizing the background analysis undertaken to support the City's Community Improvement Plans and associated Financial Incentive Programs 5-year program review, **BE RECEIVED**.

Executive Summary

The purpose of this report is to provide Council a summary of the background analysis undertaken as part of the London's Community Improvement Plans (CIPs) and the Financial Incentive Programs 5-year Review. The report includes the results of the evaluation of the established measures, indicators of success, and targets previously set by Council and provides information requested by Council following the 2017 5-year review on the experience of mid-rise and/or smaller scale residential development accessing the Residential Development Charges Grant Program. The background analysis in this report has been used to inform the recommendations provided in a companion report titled "5-Year Review – Community Improvement Plans and Financial Incentive Programs Interim Report".

Linkage to the Corporate Strategic Plan

The 2023-2027 Strategic Plan identifies Council's priorities and implementing strategies to inform the Multi-Year Budget. The 5-Year Review of Community Improvement Plans and Financial Incentive Programs aligns with the Strategic Area of Focus: Economic Growth, Culture, and Prosperity. The pertinent outcomes of this Area of Focus include that London encourages equitable economic growth and diversification and that London's Core Area (Downtown, Midtown, Old East Village) is a vibrant neighbourhood and attractive destination.

Linkage to the Climate Emergency Declaration

On April 23, 2019, Municipal Council declared a Climate Emergency. The loan and grant Programs support the City's commitment to reducing and mitigating climate change by incentivizing rehabilitation and reinvestment to improve the environmental and economic performance of properties in designated Community Improvement Project Areas throughout the city to encourage more effective and efficient use of existing urban lands and infrastructure, brownfields clean-up, and the regeneration of existing communities.

Analysis

1 Background Information

1.1 Previous Reports Related to this Matter

Planning and Environment Committee – April 27, 2017 – Service Review of Community Improvement Plan Incentives

Planning and Environment Committee – May 13, 2019 – New Measures and Indicators of Success

Planning and Environment Committee – November 16, 2020 – Community Improvement Plans Performance Measures and Indicators of Success

Planning and Environment Committee – March 29, 2021 – Downtown Community Improvement Plan – Performance Measures and Indicators of Success

Planning and Environment Committee – March 29, 2021 – Old East Village Community Improvement Plan – Performance Measure and Indicators of Success

Planning and Environment Committee – June 21, 2021 – CIP - Performance Measures and Indicators of Success

Planning and Environment Committee – November 1, 2021 - SoHo Community Improvement Plan – Performance Measures and Indicators of Success

Planning and Environment Committee – November 1, 2021 - Lambeth Community Improvement Plan – Performance Measures and Indicators of Success

Planning and Environment Committee – November 1, 2021 – Hamilton Road Community Improvement Plan – Performance Measures and Indicators of Success

Planning and Environment Committee – May 9, 2022 - Community Improvement Plan (CIP) Financial Incentives Program 5-Year Review Project Launch

1.2 Community Improvement Plans

A Community Improvement Plan (CIP) is a tool defined by Section 28 of the *Planning Act* that is intended to replan, redesign, redevelop, and rehabilitate a designated area in need due to age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social, or community economic development reasons.

A CIP can help:

- Focus public attention on local priorities and municipal initiatives;
- Target areas in transition or in need of repair, rehabilitation, and redevelopment;
- Facilitate and encourage community change in a coordinated manner; and,
- Stimulate private sector investment through municipal incentive-based Programs.

Financial Incentive Programs in Community Improvement Plans are often used as tools to encourage and support community and economic redevelopment. The Financial Incentives are geared to encourage private sector investment in specific areas that further support the City's policy goals and objectives, for example reinvestment in the Core Area.

2 Research and Data Collection

2.1 Targets and Metrics

In 2020 and 2021, Council approved amendments to the Downtown, Old East Village, SoHo, Hamilton Road, and Lambeth Area Community Improvement Plans to include targets and metrics for the Financial Incentive Programs. The following table summarizes the targets and metrics that apply to the various Financial Incentive Programs.

Table 1 Financial Incentive Program Targets and Metrics

Program	Targets and Metrics			
Rehabilitation and Redevelopment Tax Grant	Residential population		Assessment value of properties	
Residential Development Charges Grant	Residential population		Assessment value of properties	
Façade Improvement Loan	Façade evaluation score	Ground floor vacancy rate	Ratio of private sector investment to public sector loans	Number of loans issued per year
Upgrade to Building Code Loan	Ground floor vacancy rate		Ratio of private sector investment to public sector loans	Number of loans issued per year
Forgivable Loans	Percentage of targeted uses that occupy ground floor commercial space			

These metrics provide details on the success of the programs and triggers for when the programs should be reviewed or eliminated. Each of these metrics link to specific to improvement objectives in each Area CIP to determine when Financial Incentive Programs.

2.2 “Façade Evaluation Score” Metric

The façade evaluation score is calculated using a tool administered by staff based on 17 façade related questions. From the questionnaire, a score percentage is calculated for each eligible property in the Area CIPs. A score of 75% or greater is needed for a property façade to be classified as no longer needing improvement. Façade evaluation data is collected biannually, starting in 2021, the first year the façade evaluation tool was used.

2.3 “Assessment Value of Properties” Metric

The Ontario Government postponed the 2020 property assessment update. The property assessments for 2022 and 2023 property tax years will continue to be based on January 1, 2016, which is prior to the current 2018-2023 Multi-Year Budget. Therefore, the property assessment values will not be part of the evaluation of the Area CIP Financial Incentives at the time of this report. Civic Administration will resume property assessment data collection once the updated values are received from the Municipal Property Assessment Corporation (MPAC) to continue to monitor the success of the Financial Incentive Programs.

3 Grant Program Evaluation

The following sections provide an analysis of each of the grant programs that were created with defined measures, indicators of success, and targets.

3.1 Residential Development Charges Grant

This program is aimed at encouraging private sector investment in Downtown and Old East Village residential property development. A grant equal to a rebate of Development Charges (DCs) is provided for residential units constructed. DCs are required to be paid up-front at the time the building permit is issued. This program grants back a portion of the residential DCs paid by the applicant over a 10-year period until 100% of the residential DCs have been repaid to the applicant.

Program Metrics:

This Grant Program will continue to operate as outlined in the program guidelines until a population target of 12,000 is met for the Downtown area and until a population target of 3,500 is met in the Old East Village area.

The step-down mechanism for reducing the Residential Development Charges Grant in Downtown as the population increases is as follows:

- Population 7,500 reduces Residential DC grant to 75%
- Population 9,000 reduces Residential DC grant to 50%
- Population 10,500 reduces Residential DC grant to 25%
- Population 12,000 reduces Residential DC grant to 0%

The step-down mechanism for reducing the Residential Development Charges Grant in Old East Village as the population increases is as follows:

- Population 2,000 reduces Residential DC grant to 75%
- Population 2,500 reduces Residential DC grant to 50%
- Population 3,000 reduces Residential DC grant to 25%
- Population 3,500 reduces Residential DC grant to 0%

Evaluation:

From the 2021 Census Data, the Downtown CIP Area population is currently 5,073. Therefore, the Downtown Area CIP has not achieved the population target to justify the reduction of Residential Development Charges Grant.

From the 2021 Census Data, the Old East Village CIP Area population is currently 1,916. Therefore, Old East Village has not achieved the population target to justify the reduction of Residential Development Charges Grant.

3.2 Rehabilitation and Redevelopment Tax Grant

Rehabilitation and Redevelopment Tax Grant rebates a portion of the municipal tax increase that results from the rehabilitation of an existing building or construction of a new building. A percentage of this tax increment is rebated back to the property owner each year for ten years.

Program Metrics:

This Grant Program will continue to operate as outlined in the program guidelines until a population target of 12,000 is met for the Downtown area and until a population target of 3,500 is met in the Old East Village area and a population target of 6,000 in SoHo.

Evaluation:

Table 2: Rehabilitation and Redevelopment Tax Grant Program Evaluation

Community Improvement Plan	Population Target (2021 Data)
Old East Village	1,916 (Target: 3500)
Downtown Area	5073 (Target: 12,000)
SoHo Community Improvement Plan	3,433 (Target: 6000)

Based on the 2021 Census Data, the Downtown, Old East Village and SoHo CIP Areas have not met the targets to trigger changes to the Rehabilitation and Redevelopment Tax Grant Program.

3.3 Façade Improvement Loan

A Façade Improvement Loan is a loan from the City to improve building facades, including upgrades to windows, doors, brick repair, painting, lighting, and signage that is affixed to the façade. The loan will cover 50% of the cost of the improvements — up to a maximum of \$50,000. This loan is paid back at 0% interest over a 10-year period. In certain areas, a portion of the loan may be forgivable. These loans are discussed in the section titled “Forgivable Improvement Loans”.

Program Metrics:

The building façade condition target is that 90% of façades in the CIP Area do not need improvement. The ground floor vacancy rate target is less than 9%. The target ratio of private sector investment to public sector loans for this program is 2.8:1 or greater. The target number of loans per year varies by CIP.

Evaluation:

Table 3: Façade Improvement Loan Program Evaluation

Community Improvement Plan	Façade Condition (Target >90%)	Ground Floor Vacancy Rate	Private Sector Investment (Target >2.8)	Number of Applications per year* (2018-2022)
Old East Village	45%	17% (Target: 9%)	2.02	6 (Target: 6)
Downtown Area	45%	21% (Target: 9%)	2.51	7 (Target 9)
Lambeth Area	65%	4.1% Target: 3%	N/A	0 (Target 3)
SoHo Community	58%	11% Target: 3%	N/A	1 (Target 3)
Hamilton Road Area	70%	6% Target: 3%	1.80	7 (Target 3)

* Number of Applications per year (Actual and Target) are counts of the total number under both loan programs.

Based on the table above, the façade evaluation values and the ground floor vacancy rates for the CIP areas are below the targets that would trigger a change in the program in the Downtown, Old East Village, Lambeth, SoHo Community, and Hamilton Road Areas.

3.4 Upgrade to Building Code Loan

The Upgrade to Building Code Loan program provides loans to property owners who improve their buildings for items that relate to Ontario Building Code requirements. Loans are up to \$200,000 or half the value of work, whichever is less. Loans are paid back at 0% interest over a 10-year period. In certain areas of Downtown, Old East Village, and Hamilton Road Area a portion of the loan may be forgivable. The metrics related to areas eligible for forgivable loans are discussed in the following section.

Evaluation:

Table 4: Upgrade to Building Code Loan Evaluation

Community Improvement Plan	Ground Floor Vacancy Rate	Private Sector Investment (Target >2.8)	Number of Applications per year (2018-2022)*
Old East Village	17% (Target: 9%)	2.13	6 (Target: 6)
Downtown Area	21% (Target: 9%)	2.93	7 (Target 9)
Lambeth Area	4.1% Target: 3%	N/A	0 (Target 3)
SoHo Community	11% Target: 3%	N/A	0 (Target 3)
Hamilton Road Area	6% Target: 3%	2.54	7 (Target 3)

* Number of Applications per year (Actual and Target) are counts of the total number under both loan programs.

Based on the table above, the façade evaluation values and the ground floor vacancy rates for the CIP areas are below the targets that would trigger a change in the Upgrade to Building Code Loan program in the Downtown, Old East Village, Lambeth, SoHo Community, and Hamilton Road Areas.

The private sector investment target for the Downtown does exceed the target; however, exceeding the private sector investment to public sector investment ratio does not automatically trigger the scaling back or defunding of the Upgrade to Building Code Loan Program. The success of the Upgrade to Building Code Loan Program in generating private sector investment highlights the impact of the Program on property rehabilitation. The 2021 Downtown Community Improvement Plan amendment that added measures of success and targets to the CIP provides direction to Civic Administration on next steps if targets are met, including refining a loan program’s purpose to tackle other City priorities. In this instance, keeping the Upgrade to Building Code Loan in the Downtown funded is justified to better target vacant properties in addressing emerging Council priorities such as the Core Area Land and Building Vacancy Reduction Strategy.

3.5 Forgivable Improvement Loans

Forgivable Improvement Loans are available through the Downtown, Old East Village and Hamilton Road Area CIP Financial Incentive Programs and are evaluated by the percentage of targeted uses that occupy ground floor commercial space. Loan forgiveness applies to applications made under the existing Façade Improvement Loan and the Upgrade to Building Code Loan programs.

Program Metrics:

Forgivable Improvement Loans are evaluated by the occupancy percentage of targeted uses in a CIP Area. Targeted uses include restaurants, retail stores, and other similar pedestrian generating uses. A 75% occupancy of targeted uses would trigger a

refinement in the Downtown and Hamilton Road Area and a 90% occupancy of targeted uses would trigger elimination of the program. In Old East Village, a 70% occupancy of targeted uses would trigger a refinement.

Evaluation:

Table 5: Façade Improvement Loan Program Evaluation

Community Improvement Plan	Targeted Occupancy (Target >75%)
Old East Village	63% (Target: >70%)
Downtown Area	65.4% (Target: >75%)
Hamilton Road Area	34.8% (Target: >75%)

The CIP Areas that are eligible for Forgivable Improvement Loans have not met the targets to trigger program changes.

4 Residential Development Charges Grant Program: Council Information Request

The Residential Development Charges Grant Program was introduced in the Downtown and Old East Village Community Improvement Plan Project Areas to encourage residential development in areas that do not have strong residential populations. The population targets for Downtown (12,000) and Old East Village (3,500) were developed as the residential population required to support prosperous communities in these areas. With the 2021 amendments to the Downtown and Old East Village Community Improvement Plans, Civic Administration built in a step-down mechanism to reduce the Residential Development Charges Grants as population thresholds are reached. As of the latest 2021 Census Data, the population of both Downtown and Old East Village Community Improvement Plan Project Areas have not reached the threshold to justify the reduction Residential Development Charges Grants in these areas.

In the Council Resolution following from the 2017 Review, a request was made to provide further details related to application to the Residential Development Charges Grant Program:

- o) as part of the monitoring of the revised incentive Programs, the Civic Administration BE DIRECTED to report back on the experience of mid-rise and/or smaller scale residential development accessing the Residential Development Charges Grant Program*

The Residential DC Grant Program is available in certain parts of Downtown CIP Area where maximum building heights of 20–35 storeys are permitted and in the Rapid Transit Corridor in the Old East Village CIP Area where maximum building heights of 10-12 storeys are permitted in The London Plan. Further, the Old East Village Dundas Street Corridor Secondary Plan permits up to 24 storeys along the south side of Dundas Street, between Colborne Street to directly east of Ontario Street. A mid-rise scale residential development is generally defined as being 8 storeys or less.

The table below illustrates the total number of developments with Residential DC Grants issued or committed. From the 7 developments, there are 2 developments that are considered mid-rise or small-scale. The total funding issued or committed to date for mid-rise or small-scale developments is \$489,971. Approximately 98% of the overall funding from the Residential Development Charges Grant Program is accessed to support high-rise developments (greater than 8 storeys).

Table 6: Downtown Residential Charges Grant Applications

# of Applications	7
Funding Issued:	\$17,495,372
Committed but not yet Issued:	\$7,702,192
Total Funding Committed or Issued to date:	\$25,197,564
% of Funding Committed or Issued to Mid-rise or small-scale developments	2%

5 Next Steps

As outlined in the analysis provided above, none of the target metrics considered above trigger changes to any of the existing Financial Incentive Programs. The 5-Year Community Improvement Plans and Financial Incentive Programs review process will consider the above noted background analysis when considering changes to the existing programs. The companion report titled “5-Year Review – Community Improvement Plans and Financial Incentive Programs Interim Report” provides a full assessment of proposed changes to the existing programs based on the background analysis provided in this report, feedback from public engagement, and the new Council’s Strategic Plan.

Conclusion

The background analysis provided in this report was undertaken as part of the London’s Community Improvement Plans (CIPs) and the Financial Incentive Programs 5-year Review process. This report includes the results of the evaluation of the established metrics and targets previously set by Council and provides information requested by Council following the 2017 5-year review on the experience of mid-rise and/or smaller scale residential development accessing the Residential Development Charges Grant Program. The companion report titled “5-Year Review – Community Improvement Plans and Financial Incentive Programs Interim Report” has used this background analysis in developing a list of proposed changes to the existing programs highlighted in this report.

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Manager, Core Area and Urban Regeneration

Recommended by: Stephen Thompson, MCIP, RPP
Director, Economic Services and Supports

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

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: 5-Year Review – Community Improvement Plans and
Financial Incentive Programs

Date: May 23, 2023

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development, the following actions be taken with respect to the evaluation of Community Improvement Plan and Financial Incentives Programs:

- a) the report dated May 23, 2023, from the Deputy City Manager, Planning and Economic Development, summarizing community consultations and Civic Administration's comprehensive review of the City's existing Community Improvement Plans and associated Financial Incentive Programs, **BE RECEIVED**; and,
- b) Civic Administration **BE DIRECTED** to circulate draft recommendations attached in the report as Appendix "A" for public review until **June 12, 2023**.

Executive Summary

The purpose of this report is to provide an update to Council on the consultation undertaken to date as part of the 5-year review of London's Community Improvement Plans (CIPs) and the Financial Incentive Programs.

A Community Improvement Plan (CIP) is a tool defined by the *Planning Act* that is intended to replan, redesign, redevelop, and rehabilitate a designated area in need due to age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social, or community economic development reasons. A Financial Incentive Program supports the objectives set out in a Community Improvement Program by providing financial incentives in the form of loans and grants.

This report contains draft recommendations for proposed changes to several of the CIPs, to the scope and terms of existing Financial Incentive Programs, and consideration of new programs and approaches to address community improvement issues, for Council direction and public feedback. Some recommendations herein address core area vacancy reduction, which form part of a comprehensive proposed Core Area Land and Building Vacancy Reduction Strategy scheduled for presentation on the May 30, 2023, agenda of Council's Strategic Priorities and Policy Committee.

Linkage to the Corporate Strategic Plan

The 2023-2027 Strategic Plan identifies Council's priorities and implementing strategies to inform the associated Multi-Year Budget. The 5-Year Review of Community Improvement Plans and Financial Incentive Programs aligns with the Strategic Area of Focus: Economic Growth, Culture, and Prosperity. The anticipated outcomes of this Area of Focus include that London encourages equitable economic growth and diversification and that London's Core Area (Downtown, Midtown, Old East Village) is a vibrant neighbourhood and attractive destination.

Linkage to the Climate Emergency Declaration

On April 23, 2019, Municipal Council declared a Climate Emergency. The loan and grant Programs support the City's commitment to reducing and mitigating climate change by incentivizing rehabilitation and reinvestment to improve the environmental and economic performance of properties in designated Community Improvement Project Areas throughout the city to encourage more effective and efficient use of existing urban lands and infrastructure, brownfields clean-up, and the regeneration of existing communities.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Planning and Environment Committee – April 27, 2017 – Service Review of Community Improvement Plan Incentives

Planning and Environment Committee – May 13, 2019 – New Measures and Indicators of Success

Planning and Environment Committee – November 16, 2020 – Community Improvement Plans Performance Measures and Indicators of Success

Planning and Environment Committee – March 29, 2021 – Downtown Community Improvement Plan – Performance Measures and Indicators of Success

Planning and Environment Committee – March 29, 2021 – Old East Village Community Improvement Plan – Performance Measure and Indicators of Success

Planning and Environment Committee – June 21, 2021 – CIP - Performance Measures and Indicators of Success

Planning and Environment Committee – November 1, 2021 - SoHo Community Improvement Plan – Performance Measures and Indicators of Success

Planning and Environment Committee – November 1, 2021 - Lambeth Community Improvement Plan – Performance Measures and Indicators of Success

Planning and Environment Committee – November 1, 2021 – Hamilton Road Community Improvement Plan – Performance Measures and Indicators of Success

Planning and Environment Committee – May 9, 2022 - Community Improvement Plan (CIP) Financial Incentives Program 5-Year Review Project Launch

Strategic Priorities and Policy Committee – February 7, 2023 - London's Housing Pledge: A Path to 47,000 units by 2031

1.2 Community Improvement Plans

A Community Improvement Plan (CIP) is a tool defined by Section 28 of the *Planning Act* that is intended to replan, redesign, redevelop, and rehabilitate a designated area in need due to age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social, or community economic development reasons.

A CIP can help:

- Focus public attention on local priorities and municipal initiatives;
- Target areas in transition or in need of repair, rehabilitation, and redevelopment;
- Facilitate and encourage community change in a coordinated manner; and,

- Stimulate private sector investment through municipal incentive-based Programs.

Financial Incentive Programs in Community Improvement Plans are often used as tools to encourage and support community and economic redevelopment. The Financial Incentives are geared to encourage private sector investment in specific areas that further support the City's policy goals and objectives, for example reinvestment in the Core Area.

Appendix "C" has a summary of the grant and loan programs identified in London's Community Improvement Plans. Not every Program is offered in every CIP.

1.3 Current 5-Year Review Program Review

The May 9, 2022, report, which launched the current 5-Year Review, outlined the questions that this review set out to answer. The following questions guided the review of the CIPs and Financial Incentive Programs:

1. Are the goals and objectives of each CIP still valid?
 - a. Do the CIPs align with current City policies and with the City's Strategic Plan?
 - b. Do the financial incentives still support the goals and objectives of the CIPs?
 - c. Are the Community Improvement Project Areas' defined boundaries still valid?
2. Are the Financial Incentive Programs meeting the goals and objectives of the City's Strategic Plan?
 - a. What is the return on investment of the Programs for public investment in London's Downtown and urban areas?
 - b. Are the financial incentive Programs relevant and performing well?
 - c. Are there any inefficiencies present in the financial incentives?
 - d. How have the financial incentives achieved the targets outlined in the CIPs?
3. Should the boundary of the areas eligible for financial incentives be amended?

2.0 Discussion and Considerations

2.1 Proposed Changes to the Community Improvement Plan and Financial Incentive Program Framework

Changes are proposed to many of the City's Community Improvement Plans and Financial Incentive Program based on City staff review and feedback from public engagement. These changes range from administrative updates due to legislative changes to significant program enhancements. A complete list of the proposed changes to be made available for public review are summarized in Appendix "A". The changes have been categorized as follows:

Legislation and Housekeeping (Appendix "A": Table 1)

- Minor changes and changes due to legislative changes.

Add Metrics and Targets to a Community Improvement Program (Appendix "A": Table 2)

- Recommendations to provide metrics and targets to existing plans.

Community Improvement Plan Boundary Changes (Appendix "A": Table 3)

- Boundary changes including adding additional properties to existing plans to merging existing community improvement areas.

**Continue a Financial Incentive Program
(Appendix “A”: Table 4)**

- Recommendation to continue an existing plan past its initial sunset date.

**Decrease a Financial Incentive Program’s Scope
(Appendix “A”: Table 5)**

- Limit or decrease the terms or applicability of an existing Financial Incentive Program.

**Increase Financial Incentive Program’s Scope
(Appendix “A”: Table 6)**

- Expand or increase the terms or applicability of an existing Financial Incentive Program.

**Create a New Financial Incentive Program
(Appendix “A”: Table 7)**

- Introduce a new Financial Incentive Program.

**Suspend a Current Financial Incentive Program
(Appendix “A”: Table 8)**

- Suspend a current Financial Incentive Program

Eight proposed changes raised during the 5-Year process are not recommended. These are documented in Appendix B.

2.2 Housing Supply Related Programs

On October 25, 2022, the Minister of Municipal Affairs and Housing sent a letter to the City of London assigning a housing target of 47,000 units by 2031. The letter also included a request that the City of London develop a Housing Pledge that includes necessary strategies and actions to facilitate the construction of the targeted housing units. On February 15, 2023, Council made a pledge to accelerate the housing supply of 47,000 units in our community by 2031 in response to the Minister of Municipal Affairs letter. In addition, on April 4th, 2023, Council resolved that “there is an untenable emergency in our city related to housing and homelessness”. In order to proceed with the housing pledge and acknowledgement of a housing and homelessness emergency, the completion of a Housing Supply Action Plan is underway and is built on the three pillars of financial supports, enterprise-wide resources, and shared accountability. This report highlighted Community Improvement Programs and Financial Incentive Programs as one of the key strategies and actions available to Council to support additional housing supply.

It is recommended that London’s Affordable Housing Community Improvement Plan be reviewed and financial incentive programs be further developed for Council consideration to support increasing the housing supply. To implement London’s Core Area Land and Building Vacancy Reduction Strategy, a new program is desirable to support conversion of vacant commercial properties with a low potential for continued commercial use into residential apartment units. To build on an existing program, amends may be considered to better support the construction of Accessory Dwelling Units, to encourage the construction of a second smaller unit on the same property as a primary unit. Each of these initiatives would come forward with a series of performance metrics and targets. These initiatives would develop in alignment with the multi-year budget process.

It is also recommended that new community improvement plans and financial incentive programs be developed for Council consideration to support increasing the housing supply. These include initiatives to support low-cost housing within primary transit areas. This initiative would support construction of additional units with a defined radius of the London Plan’s Rapid Transit Corridors and Transit Villages. These programs would also come forward with a series of performance metrics and targets and be developed in alignment with the multi-year budget process.

2.3 Core Area Land and Building Vacancy Strategy

On July 6, 2021, Municipal Council resolved that Civic Administration be directed to report back on a proposed strategy that sets out potential tools that may assist in reducing Core Area land and building vacancy. Civic Administration was directed by Council on December 7, 2021, to move forward with a detailed Implementation Plan for the proposed strategy. The Core Area Land and Building Vacancy Reduction Strategy to be brought forward at the Strategic Priorities and Policy Committee will include a suite of strategies including but not limited to proposed amendments to existing CIPs and to amend and/or introduce new CIP Financial Incentive Programs. These strategies are contained in the proposed recommendations in Appendix “A” of this report.

2.4 Provincial Legislative Changes – Bill 23, More Homes Built Faster Act, 2022

The More Homes Built Faster Act, 2022 made changes to the Development Charges Act, 1997, the Municipal Act, 2001, the Ontario Heritage Act, 1990, and the Planning Act, among other Acts. These changes have some implications for London’s CIPs and Financial Incentive Programs.

- DC exemptions for affordable housing units, attainable housing units, and 3 units per detached home may reduce the uptake of the Residential Development Charges Grant and the Affordable Housing Loans; and,
- The timeline to designate listed Heritage properties within 2-years may result in more Part IV Heritage Designated Properties. (Part IV designation pertains to individual properties, as opposed to groups of properties in a Part V Heritage Conservation District). With more of such properties becoming designated, Civic Administration expects there will be more frequent requests from property owners for financial assistance in the conservation of heritage attributes through CIP Programs under the Heritage CIP, particularly to target smaller Part IV properties that currently do not receive Financial Incentives.

3.0 Community Consultation and Engagement

Community engagement was held to inform the analysis of the CIPs, the CIP Financial Incentive Programs, and to develop the draft recommendations in this report. The engagement techniques used were an interactive GetInvolved City of London webpage, a virtual Public Meeting, a public presentation, several community meetings, and the City of London Facebook page promoting the project.

Community meetings were held with the London Economic Development Corporation (LEDC), the Business Improvement Associations, and the London International Airport. A presentation was made to the Urban League. Further, the London Development Institute (LDI), London Home Builders Association (LHBA), Chamber of Commerce, City’s Building & Development Liaison Forum, and the public were reached out for comment.

The full results of the community engagement are found in Appendix “D”. All comments and questions received are summarized in “Appendix “D” Table 1: What We Heard”.

4.0 Community Improvement Plan and Financial Incentive Program Framework for Enhanced Communication

During public engagement input was received that there is not enough awareness of the Financial Incentive Programs. To address this concern, a request for funding to support an enhanced communications program will be submitted for consideration as part of the multi-year budget process. An enhanced communication program may include developing stronger links with City planning and building permit processes, by-law enforcement, and Core Area programs, to proactively advise prospective investors of City assistance available through CIP Financial Incentive Programs, using print and digital promotional materials, more frequently [e.g., annually] disseminated.

5.0 Financial Impact/Considerations

CIP Financial Incentive Programs, including any recommended adjustments to them, will be considered through the 2024-2027 Multi-Year Budget process. Some of the recommended changes to the Financial Incentive Programs will result in a reduction in the funding required for the overall Community Improvement Plan and Financial Incentive Plan framework. Other programs may result in a significant increase in the funding required to support the plans objectives. These impacts are highlighted in each proposed change in the tables included in “Appendix A: Proposed CIP and FIP Framework Changes for Public Input” as either “No Impact”, “Low”, “Medium”, or “High”:

- No Financial Impact: Negligible cost or reduction in cost;
- Low Financial Impact: Less than \$100,000;
- Medium Financial Impact: \$100,000 to \$1,000,000; and
- High Financial Impact: \$1,000,000 or greater.

These impacts may represent an increase in funding being provided or a decrease in funding being provided. Full estimates of the costs will be established through the Financial Incentive Plan reviews and brought forward in the form of a multi-year budget business case or cases.

It is important to note that all the recommendations in Appendix “A” will not be ready for implementation by January 1, 2024. Many of the recommendations (e.g., amending a CIP) require additional public consultation and process as directed by the Planning Act. Based on the feedback received from Municipal Council and the community during the public review period, and the immediate need for the recommendation to move forward, Civic Administration will prioritize recommendations for implementation based on the existing staff complement available to undertake the work.

A summary of the funding provided and committed through the City’s Financial Incentives Programs is summarized Appendix “E” Financial Incentives Programs Cost Summary. This table summarizes actual and committed spending between 2018 to February 2023. The following table provides a high-level summary of Financial Incentives Program over this 5-year period.

Program Type	Applications	Issued	Committed/ Estimated	Total Issued + Committed/Estimated
Grants	214	\$56,327,000	\$41,279,000	\$97,606,000
Loans	89	\$4,004,000	\$3,062,000	\$7,065,000
Program Type	Applications	Issued	Committed/ Estimated	Total Issued + Committed/Estimated
Grants	215	\$56,327,482	\$41,278,936	\$97,606,418
Loans	89	\$4,003,552	\$3,061,953	\$7,065,505
Total	304	\$60,331,034	\$44,340,889	\$104,671,923

6.0 Next Steps

It is recommended that this report be circulated for public review and feedback on the draft recommendations herein until the June 12, 2023, Planning and Environment Committee meeting. Administration will submit a report for Council consideration in Q3 of 2023 which summarizes the impact of the final list of recommendations approved by Council at its June 27, 2023, meeting, for amendments to London's Community Improvement Plans and Financial Incentive Programs. Council's approved recommendations thereafter relating to the funding of Financial Incentive Programs will be referred to the 2024-2027 Multi-Year Budget deliberations.

Conclusion

This report summarizes the community engagement conducted for the 2018-2022 5-Year Review of London's Community Improvement Plans and Financial Incentive Programs. The draft recommendations herein are the result of the analysis of the data collected and Council's direction on the need to increase housing supply. It is recommended that Civic Administration be directed to circulate this report for public review until the June 12, 2023, Planning and Environment Committee meeting, using the GetInvolved City of London webpage, the City of London Facebook page, Londoner notices and direct contact with Communities, and that feedback received be brought back to Municipal Council for decision on changes to CIPs and CIP Financial Incentive Programs.

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

Appendix “A” Proposed CIP and FIP Framework Changes for Public Input

Table 1: Legislation and Housekeeping (Appendix “A”: Table 1)

	Recommendation	Rationale
1.		<p>that Civic Administration BE DIRECTED to revise the City of London Community Improvement Plan for Brownfield Incentives to update references to The London Plan, Provincial planning legislation, and Provincial financing tools.</p> <p>Certain legislative references in the 2006 CIP are outdated. For example, the Provincial Policy Statement 2005, the 1989 Official Plan, and the Government of Ontario’s Brownfield Financial Tax Incentive Program (BFTIP) have been replaced with newer versions.</p> <p>Financial Impact: No impact (No change in City Funding)</p>
2.		<p>that the Community Improvement Plan for Industrial Land Uses BE AMENDED to remove ‘enhanced transportation and logistics’, it being noted that the use is not defined as targeted in Schedule 3 of the Community Improvement Plan;</p> <p>The targeted uses for DC grants are required to align with the Industrial Land Development Strategy. Enhanced transportation and logistics are not listed as a targeted use in the Industrial Lands Development Strategy. In addition, in the 2017 CIP and Financial Incentive Program Review, enhanced transportation and logistics was not included in Schedule 3 of the Industrial Lands CIP but remained in the main body of the CIP. For DC grant calculation, removing references to enhanced transportation and logistics from the entire CIP is required.</p> <p>Financial Impact: No impact (No change in City Funding)</p>
3.		<p>that Civic Administration BE DIRECTED to remove references to the former 1989 Official Plan and Provincial Policy Statement and to replace them with The London Plan and the 2020 Provincial Policy Statement in all Community Improvement Plans;</p> <p>Each of the CIPs refers to the former 1989 Official Plan and older Provincial Policy Statement versions. The London Plan was fully approved in May 2022 and is the governing Official Plan for the City of London. Consultation with the Legal department determined that CIPs should refer only to legal provisions that are in force.</p>

	Recommendation	Rationale
		<p>Financial Impact: No impact (No change in City Funding)</p>
4.		<p>that the Upgrade to Building Code Loan Program and the Façade Improvement Loan Program BE AMENDED to modify the repayment schedules to reduce the term length for loan amounts that are equal to or less than \$5,000 from 114 monthly payments to 54 monthly payments instead;</p> <p>Modifying the payment schedules would help reduce administrative cost of managing loans with small monthly payments, while ensuring repayments are manageable for applicants. For example, a \$5,000 loan would have a monthly payment of \$92.59 over 54 months instead of \$43.86 for 114 months. Further, having the smaller loans repaid more quickly would allow the City to reinvest that repayment money into new loans quicker.</p> <p>Financial Impact: No impact (No change in City Funding)</p>
5.		<p>that, following Council’s adoption of the 2024-2027 Multi-Year Budget setting funding for Financial Incentive Programs in existing Community Improvement Plan, Civic Administration REPORT BACK on the policy and financial impacts of introducing a new Community Improvement Plan for the Hyde Park Hamlet on Gainsborough Road;</p> <p>On March 7, 2023, Council resolved that the communication dated January 31, 2023, from the Hyde Park Business Improvement Association, BE REFERRED to the Community Improvement Plan (CIP) And Financial Incentives Program 5-Year Review being undertaken by Civic Administration, to assess the feasibility of the Hyde Park Hamlet as a candidate for a Community Improvement Plan and Financial Incentive Programs, specifically for Gainsborough Road.</p> <p>Financial Impact: No to Medium Impact: (No change to increase in City funding – Will depend on outcome from CIP feasibility analysis and if deemed feasible, the length of the public process to create a new CIP).</p>
6.		<p>that the Airport Area Community Improvement Plan (CIP) BE AMENDED</p> <p>During the Civic Administration’s Community Improvement Plan Review it was found</p>

	Recommendation	Rationale	
		to revise the eligibility criteria and requirements for retroactive applications, it being noted the Airport Area CIP requirements are inconsistent compared to other City of London CIPs;	that the Airport Area CIP contains language regarding retroactive applications that is inconsistent with all other City of London CIPs. To reduce confuse and ensure consistency among CIPs, the eligibility criteria and requirements in the Airport Area CIP needs to be updated. Financial Impact: No impact (No change in City Funding)

Table 2: Add Metrics and Targets to a Community Improvement Program (Appendix “A”: Table 2)

	Recommendation	Rationale	
7.	that the goals and objectives of the Downtown and Old East Village Community Improvement Plans BE AMENDED to introduce measurable objectives to inform when the CIPs’ identified Community Improvement goals have been achieved;	Input received during public consultation stated that the current goals and objectives of the Downtown and Old East Village CIPs are not measurable. Proposed revisions would allow Administration to track the success of the CIPs and inform Council when CIPs have achieved their intent. Financial Impact: No impact (No change in City Funding)	
8.	that the Heritage Community Improvement Plan, City of London Community Improvement Plan for Brownfield Incentives, and Community Improvement Plan for Industrial Land Uses BE AMENDED to include performance measures, indicators of success, and targets to align with current City policies and Municipal Council Strategic Directions;	This was a recommendation from the previous 2017 CIP Review. The purpose of adding performance measures and indicators of success is to inform Council of how the CIPs have achieved their intent and whether changes to their Financial Incentive Programs are advisable. The Downtown, Old East Village, SoHo, Hamilton Road, and Lambeth Area CIPs were amended in 2020 and 2021 to add performance measures, indicators of success, and targets for the Financial Incentive Programs. Financial Impact: No impact (No change in City Funding)	

Table 3: Community Improvement Plan Boundary Change (Appendix “A”: Table 3)

	Recommendation	Rationale
9.	that Civic Administration BE DIRECTED to investigate the feasibility of consolidating the Core Area, Downtown, and Old East Village Community Improvement Plans, it being noted that the Core Area comprises of three distinct areas: Downtown, Midtown, and Old East Village;	<p>Consolidating the Core Area, Downtown, and Old East Village Area CIPs would reduce redundancy and streamline Financial Incentive applications to save on the administrative cost of processing applications. Further, consolidating the three CIPs could reduce confusion of boundary lines and determining eligibility of CIP Programs for property owners and expand program offerings to Midtown.</p> <p>Financial Impact: Cost reduction to no impact (No change in City Funding)</p>
10.	that the Old East Village Community Improvement Plan Project Area BE AMENDED to include the properties located at 425 Rectory Street, 419 Rectory Street, 417 Rectory Street, 415 Rectory Street, 800 King Street, 796 King Street, 794 King Street, 790 King Street, 786 King Street, 784 King Street, 774 King Street, 768 King Street, 764 King Street, 762 King Street, 758 King Street, 754 King Street, 748 King Street, 376 Hewitt Street, 378 Hewitt Street, 380 Hewitt Street, 382 Hewitt Street, 386 Hewitt Street, and 390 Hewitt Street;	<p>These properties are currently just outside of the Old East Village CIP boundary and are not eligible for Financial Incentive Programs. In addition, these properties are adjacent to the eastern leg of the Rapid Transit Corridor Protected Major Transit Station Area. Including these properties in the Old East Village CIP and permitting Financial Incentives could help intensify the lands and comply with the Vision of The London Plan for Major Transit Station Areas. Further, input received from property owners at these locations were in support of this recommendation.</p> <p>Expanding the Old East Village CIP Project Area and the Financial Incentive Programs to add the 23 properties is expected to have a negligible impact in the 2024-2027 Multi-Year Budget.</p> <p>Financial Impact: No to Low impact (No Change in City Funding to Increase in City Funding)</p>

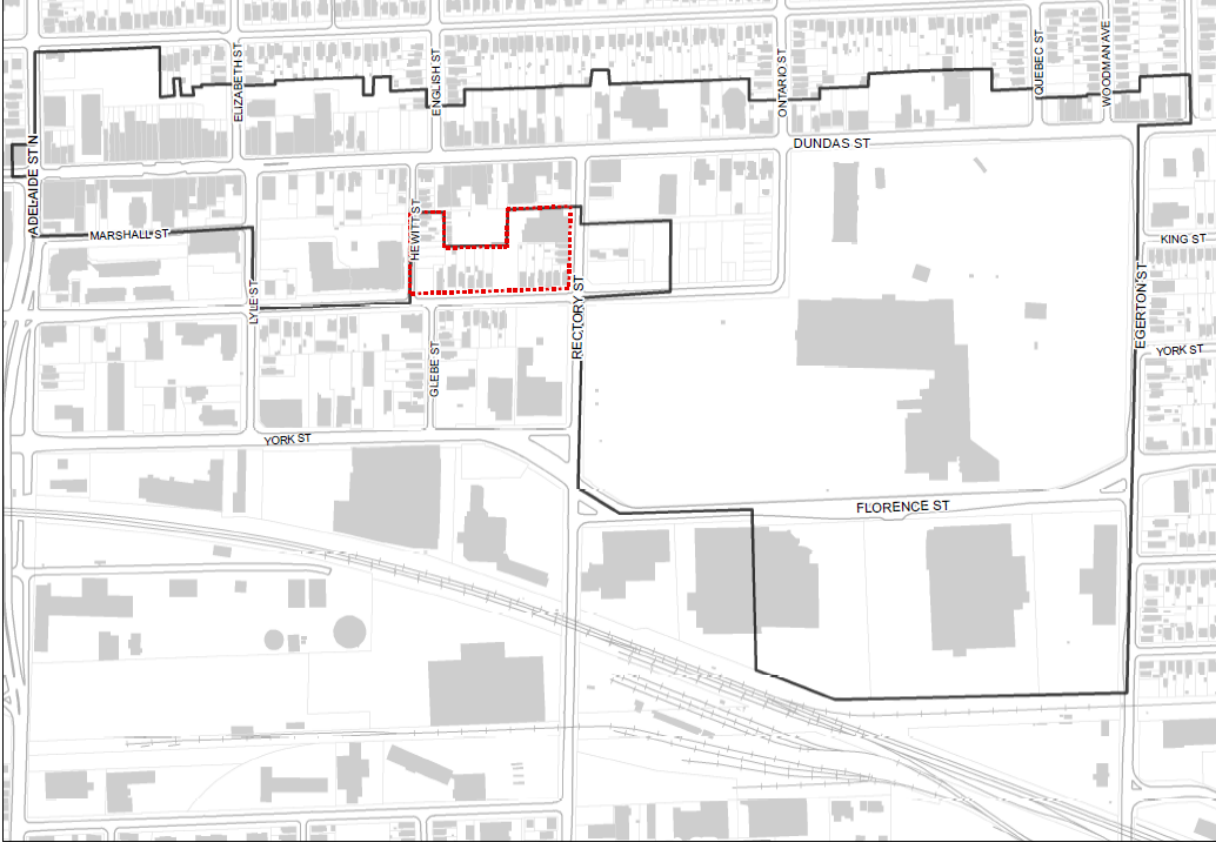
	Recommendation	Rationale
	 <p data-bbox="219 1096 1096 1177"> Old East Village CIP Amendment to Old East Village CIP Boundary OEV CIP Amendment Area </p>	
<p data-bbox="203 1190 251 1223">11.</p>	<p data-bbox="344 1190 841 1370">that the Hamilton Road Community Improvement Plan Project Area BE AMENDED to include the property located at 512 Horton Street East;</p>	<p data-bbox="863 1190 1421 1446">This is a comparatively larger property abutting the Hamilton Road CIP boundary which is appropriate for redevelopment and currently not eligible for Financial Incentives. Input received from the property owner is in support of this recommendation.</p> <p data-bbox="863 1486 1356 1701">Expanding the Hamilton Road CIP Project Area and the Financial Incentive Programs to add this property is expected to have a negligible impact in the 2024-2027 Multi-Year Budget.</p> <p data-bbox="863 1741 1388 1849">Financial Impact: No to Low impact (No Change in City Funding to Increase in City Funding)</p>

Table 4: Continue a Financial Incentive Program (Appendix “A”: Table 4)

	Recommendation	Rationale
12.	<p>that, based on results from the review of the City’s current Community Improvement Plans and the associated Incentive Programs, the following Programs, BE CONTINUED, noting that funding for these Programs was set to expire December 31, 2023:</p> <ul style="list-style-type: none"> - Residential Development Charges Grant Programs offered in the Downtown and Old East Village Community Improvement Project Areas - Downtown, Old East Village, and SoHo Rehabilitation and Redevelopment Tax Grant Programs - Downtown, Old East Village, Hamilton Road, and SoHo Upgrade to Building Code Loan Programs - Downtown, Old East Village, and Hamilton Road Upgrade to Building Code Loan Programs, including existing provisions for forgivable loans - Downtown, Hamilton Road, Old East Village, and SoHo Façade Improvement Loan Programs - Downtown and Old East Village Façade Improvement Loan Programs, including existing provisions for forgivable loans <p>City-wide Industrial Development Charge Program that continues to distinguish between targeted and non-targeted industrial uses.</p>	<p>Funding for these Programs was set to expire on December 31, 2023. These Programs are still relevant in addressing community improvement needs cited in the CIPs.</p> <p>The breakdown of what these Programs cost from 2018 to the time of writing is listed in Appendix “E”. It is anticipated that the cost of the Programs may be similar in the next Multi-Year Budget.</p> <p>Retaining these Programs is expected to have a negligible impact on the 2024-2027 Multi-Year Budget.</p> <p>Financial Impact: No impact (No Change in City Funding)</p>

Table 5: Decrease a Financial Incentive Program’s Scope (Appendix “A”: Table 5)

	Recommendation	Rationale
13.	that funding for the Industrial Lands Corridor Enhancement Grant Program BE SUSPENDED in the 2024-2027 Multi-Year Budget, it being noted that this program will continue to be approved under the Community Improvement Plan for Industrial Land Uses;	<p>Properties abutting the 401/402 Corridor are for eligible for this program. This program received funding in 2018 and to date no applications were received for this Program. Administration set aside \$40,000 annually in the current Multi-Year Budget that was intended to fund approximately two applications annually. Reallocating these funds can be directed to other Financial Incentive Programs with more uptake.</p> <p>Financial Impact: Reduction in City Funding</p>
14.	that Civic Administration BE DIRECTED to review the effectiveness of the Financial Incentive Programs supporting the City of London Community Improvement Plan for Brownfield Incentives;	<p>The four Financial Incentive Programs that support the City of London Community Improvement Plan for Brownfield Incentives are more expensive than forecasted when the Programs were first established. As an example, soil remediation costs were added as an eligible grant expense. This change has been shown to drive up the cost of the Development Charge Rebate program offered under the Brownfields CIP. The average of the Council Approved remediation costs for Brownfield grants before the addition of soil remediation cost was \$230,837.34 compared to the average afterwards of \$3,114,636.75. The Grant Commitments represent money reserved from the budget that is unavailable for other Financial Incentive Programs.</p> <p>Financial Impact: Reduction in City Funding</p>
15.	that the Development Charges Grant and the Tax Increment Equivalent Grant Programs in the City of London Community Improvement Plan for Brownfield Incentives BE AMENDED to limit the duration of Municipal Council’s commitment, it being noted that the Program does not define a time limit for holding City funds committed in future budgets;	<p>There is no expiration on the City’s Financial Commitments made in Brownfields Financial Incentives Programs, whereas Financial Commitments made in other incentive Programs have an expiration date. For example, the Façade Improvement Loan, Upgrade to Building Code Loan, and the Core Area Safety Audit Grant have an expiration of one year from when the Commitment Letter is sent. This program change is intended to help reduce vacancies and bring brownfield properties into productive use faster. Further, this program change is expected to have little financial impact to the Multi-Year Budget, other than possibly making funds available to other Financial Incentive Programs.</p> <p>Financial Impact: Reduction to No impact (No change in City Funding)</p>

Table 6: Increase Financial Incentive Program’s Scope (Appendix “A”: Table 6)

	Recommendation	Rationale
16.	that the Core Area Community Improvement Plan BE AMENDED to make available to properties facing Dundas Street in the Midtown Area, the Façade Improvement Loan, Upgrade to Building Code Loan, and the Rehabilitation and Redevelopment Tax Grant Programs;	<p>Input received during public consultation inquired about Midtown being eligible for these Financial Incentive Programs that are already available in the Downtown and Old East Village CIPs. Administration determined that doing so would encompass 36 additional eligible properties along Dundas Street in Midtown which is expected to have a negligible impact in the 2024-2027 Multi-Year Budget. Further, Midtown is already within the Core Area CIP Project Area boundary and is eligible for other Core Area grants (Core Area Safety Audit Grant, Core Area Sign Grant, and the Core Area Boulevard Café Grant Programs).</p> <p>Financial Impact: No impact (No change in City Funding) to low (increase in City Funding)</p>
17.	that Civic Administration BE DIRECTED to investigate the feasibility of funding the Upgrade to Building Code Loan, the Façade Improvement Loan, and the Rehabilitation and Redevelopment Tax Grant Programs approved in 2021 for the Argyle Core Area CIP, including consideration of a forgivable loan component for properties facing Dundas Street between Clarke Road and Hale Street;	<p>When the Upgrade to Building Code Loan, the Façade Improvement Loan, and the Rehabilitation and Redevelopment Tax Grant Programs were approved in late 2021, Council referred their funding to the 2024-2027 Multi-Year Budget. Input received from Argyle community representatives during public consultation for this 5-Year Review indicated that eligible applicants are more likely to undertake community improvement investments when financial incentive programs offer forgivable loans rather than fully repayable loans. Input from consultation also indicated that if forgivable loans were made available in the Argyle Core Area CIP Programs, the eligible area should be defined to the 181 properties facing Dundas Street between Clark Road and Hale Street.</p> <p>Financial Impact: Low impact (Increase in City Funding)</p>
18.	that Civic Administration BE DIRECTED to investigate the feasibility of amending the Upgrade to Building Code Loan Program offered in the Downtown and Old East Village Community Improvement Project Plans to increase the amount of the forgivable portion from 12.5% to 50% for residential units created in building levels above the ground floor and from 12.5% to 75% for commercial units created in building levels above the ground floor;	<p>Through research being undertaken for the Core Area Land and Building Vacancy Reduction Strategy, the proposed changes to the forgivable loan amount would be a potential means of increasing the interest of eligible applicants in improving the condition of Core Area vacant buildings to be made suitable for occupancy. Approximately, 591 properties in these CIP Areas are eligible for the Upgrade to Building Code Loan.</p> <p>This recommended program amendment feasibility investigation would be undertaken for consideration in in the 2024-2027 Multi-Year Budget, including a recommended annual cap for funding the program.</p>

		Financial Impact: Medium impact (Increase in City Funding)																																				
19.	that Civic Administration BE DIRECTED to review the feasibility of including a Safety Audit Grant Program in the Hamilton Road Area and Argyle Core Area Community Improvement Plans;	<p>Input received during public consultation requested that a Safety Audit Grant Program, modeled after the Core Area Safety Audit Grant Program, be also made available in the Hamilton Road Area and the Argyle Core Area Community Improvement Plans. Both CIPs list improving safety as an Area for Improvement. Further, Action Item 2.5 in the Argyle Core Area CIP directs the undertaking of a Safety Audit to identify specific safety concerns in the Argyle Core Area CIP Project Area. In addition, at the time of writing this Report, funds remain available in the existing Core Area Safety Audit Grant budget that could be redirected to other areas.</p> <p>Financial Impact: Low to Medium impact (Increase in City Funding)</p>																																				
20.	that Civic Administration BE DIRECTED to report back to Municipal Council with recommendations for eligible property security improvements under the Core Area Safety Audit Grant Program to supplement recommended improvements from safety audits which also consider community visual impact;	<p>From the public consultation received, the eligible improvements under the Core Area Safety Audit Grant Program (gates and security cameras) could give a negative impression of a community. The goal of a CIP is in part to rehabilitate and beautify a community. Financial Incentives used to improve property security in a community in ways that may detract from its visual appeal work at cross-purposes.</p> <p>Financial Impact: Low to medium (Increase in City Funding)</p>																																				
21.	that Civic Administration BE DIRECTED to investigate the feasibility of amending the Rehabilitation and Redevelopment Tax Grant Program offered in the Downtown and Old East Village Community Improvement Plans to increase the grant value for Level 2 properties to promote occupancy in above ground floors;	<p>Through research being undertaken for the Core Area Land and Building Vacancy Reduction Strategy, the proposed grant increase would be a potential means of increasing the interest of eligible applicants in improving the condition of Core Area vacant properties to be made suitable for occupancy. This amendment is intended to help reduce vacancies in existing buildings (which is what Level 2 targets). The Tax Grant Rebate currently starts at a 70% rebate in year 1 and scales down to 10% at year 10.</p> <p>Example of a potential revision: Based on a post-construction Tax increment of \$35,111.</p> <table border="1"> <thead> <tr> <th>Existing %</th> <th>Revised %</th> <th>Existing Grant</th> <th>Revised Grant</th> </tr> </thead> <tbody> <tr> <td>70%</td> <td>90%</td> <td>24,578</td> <td>31,600</td> </tr> <tr> <td>70%</td> <td>90%</td> <td>24,578</td> <td>31,600</td> </tr> <tr> <td>60%</td> <td>90%</td> <td>21,067</td> <td>31,600</td> </tr> <tr> <td>50%</td> <td>80%</td> <td>17,556</td> <td>28,089</td> </tr> <tr> <td>40%</td> <td>70%</td> <td>14,044</td> <td>24,578</td> </tr> <tr> <td>30%</td> <td>60%</td> <td>10,533</td> <td>21,067</td> </tr> <tr> <td>20%</td> <td>50%</td> <td>7,022</td> <td>17,556</td> </tr> <tr> <td>10%</td> <td>40%</td> <td>3,511</td> <td>14,044</td> </tr> </tbody> </table>	Existing %	Revised %	Existing Grant	Revised Grant	70%	90%	24,578	31,600	70%	90%	24,578	31,600	60%	90%	21,067	31,600	50%	80%	17,556	28,089	40%	70%	14,044	24,578	30%	60%	10,533	21,067	20%	50%	7,022	17,556	10%	40%	3,511	14,044
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10%	20%	3,511	7,022											
Total		129,911	217,688											
		<p>There are approximately 673 properties in the Downtown, OEV, and SoHo Area CIPs that are eligible for the Tax Grant Program.</p> <p>This recommended program amendment feasibility investigation would be undertaken for consideration in in the 2024-2027 Multi-Year Budget, including a recommended annual cap for funding the program.</p> <p>Financial Impact: Medium (Increase in City Funding)</p>												
22.	that Civic Administration BE DIRECTED to investigate improving the functionality of the existing Additional Residential Unit Loan Program to encourage the construction of Additional Residential Units in alignment with the multi-year budget process;	<p>On February 15, 2023, Council made a pledge to accelerate the housing supply of 47,000 units in our community by 2031 and on April 4th, 2023, Council resolved that “there is an untenable emergency in our city related to housing and homelessness”. The objective of this initiative would be to encourage the construction of Additional Residential Units to provide lower cost housing for Londoners. An annual funding cap for this program will also be recommended.</p> <p>Financial Impact: High, may be eligible for senior level government funding (Increase in City funding)</p>												

Table 7: Create a New Financial Incentive Program (Appendix A: Table 7)

	Recommendation	Rationale
23.	that the Heritage Community Improvement Plan BE AMENDED to add a new Heritage Grant Program to incentivize the rehabilitation of Heritage properties up to \$5,000 capped at 50% of completed eligible improvements;	<p>The current Tax Grant and Development Charges Grant Programs under the Heritage CIP are intended to encourage the rehabilitation of Part IV Heritage Designated Properties in larger property redevelopments by offsetting the financial burden of increased property taxes and Development Charges that form part of rehabilitation costs.</p> <p>A gap analysis of this CIP completed by Administration highlighted the lack of a grant program to target smaller Part IV Heritage Designated properties. A grant of up to \$5,000, capped at 50%, for completed eligible improvements may help offset the cost of smaller scale improvements that require a Heritage Alteration Permit. The annual cost of the program is estimated at \$130,000 based on Heritage Alteration Permit data collected.</p> <p>Legislation has changed significantly since the adoption of the CIP – particularly the introduction of Bill 23 that requires properties on a municipal registry to be removed if no notice of intention to designate has been issued by January 1, 2025.</p> <p>Civic Administration would introduce an annual funding cap for the proposed Program no higher than the estimated annual program cost to ensure the Program cost remains within the 2024-2027 Multi-Year Budget for CIP Financial Incentives.</p> <p>Financial Impact: Medium (Increase in City Funding)</p>

	Recommendation	Rationale
24.	that Civic Administration BE DIRECTED to investigate the feasibility of adding energy upgrades and climate change adaptation measures into London’s Community Improvement Plans;	<p>Input received during public consultation suggested the addition of climate change objectives into the CIPs and making Financial Incentives Programs available for environmentally friendly retrofit projects. Currently, improvements for green building measures for sustainable developments, such as living walls and green roofs, are eligible under the Upgrade to Building Code Loan Program.</p> <p>The Climate Emergency Action Plan Area of Focus 3 – Transforming buildings and development workplan listed reviewing the options for energy upgrades and climate adaptation measures for building upgrades using the Community Improvement Plan Program as a key action item.</p> <p>An annual funding cap for this program will also be recommended.</p> <p>Financial Impact: Medium to high impact (Increase in City Funding)</p>
25.	that Civic Administration BE DIRECTED to review the Affordable Housing Community Improvement Plan and report back to Municipal Council on how to improve the Plan to incentivize affordable housing developments;	<p>Three applications have been received under the two Financial Incentive Programs introduced the 2020 Affordable Housing CIP. Development Charges and Property Tax Rebate Grant incentives are available to Not-for-Profit housing providers. In addition, recent legislative changes introduced through Bill 23 changed the DC requirements for some affordable housing providers, making the structure of the existing CIP loan programs less attractive and effective.</p> <p>The intent of the Affordable Housing CIP is to incentivize the development of affordable housing in support of the plan set out in the Roadmap to 3,000 Affordable Units Report, and in subsequent commitments and reports. The Affordable Housing Development Loan Program may not provide sufficient incentive to encourage the development of affordable units.</p> <p>Financial Impact: No to Low impact (No change in City Funding to Increase in City Funding). Existing funding was previously approved for the Affordable Housing CIP that remains available for financial incentives during the upcoming Multi-Year Budget.</p>

	Recommendation	Rationale
26.	that Civic Administration BE DIRECTED to prepare new Community Improvement Plans and programs to support low-cost housing within primary transit areas;	<p>The London Plan states that the highest level of transit service will be provided within the Primary Transit Area. This initiative would support construction of additional units within a defined radius of the London Plan’s Rapid Transit Corridors and Transit Villages. Because the rapid transit network will connect Transit Villages and major activity generators, including many of our educational and health care institutions, with the Downtown, low-cost housing will be linked to many community destinations and services.</p> <p>Financial Impact: No to Low impact (No change in City Funding to Increase in City Funding). Existing funding was previously approved for the Affordable Housing CIP that remains available for financial incentives during the upcoming Multi-Year Budget.</p>
27.	that Civic Administration BE DIRECTED to investigate the feasibility of introducing a new grant program in the Downtown, Old East Village, SoHo, Argyle Core Area, Lambeth, and Hamilton Road Area Community Improvement Plans for funding 100% of eligible interior and exterior building improvements undertaken by business tenants, up to a maximum of \$5,000;	<p>Input received during public consultation noted that the current Financial Incentive Programs only fund improvements initiated by property owners. Likewise, it was observed that many business tenants would like to improve the appearance of the buildings they occupy even when the property owners will not invest in renovations.</p> <p>Council in 2021-2022 initiated and approved funding for the Recovery Grant Program proposed by the London Community Recovery Network. That Program was available to tenants and was very successful (100% of funds made available in 2021-2022 were spent on building improvements). This proposed grant program could be an extension or adaptation of the Recovery Grant Program to help fund interior/exterior improvements, broken windows, and signs that support continued business occupancy.</p> <p>This recommended new program feasibility investigation would be undertaken for consideration in the 2024-2027 Multi-Year Budget, including a recommended annual cap for funding the program.</p> <p>Financial Impact: Medium (Increase in City Funding)</p>

	Recommendation	Rationale
28.	that Civic Administration BE DIRECTED to investigate the feasibility of a new community improvement financial incentive program to support conversion of vacant commercial buildings with a low potential for continued commercial use to residential units in alignment with the multi-year budget process;	<p data-bbox="776 231 1404 639">On February 15, 2023, Council made a pledge to accelerate the housing supply of 47,000 units in our community by 2031 and on April 4th, 2023, Council resolved that “there is an untenable emergency in our city related to housing and homelessness”. The objective of this initiative would be to accelerate the conversion of vacant commercial buildings with a low potential for continued commercial use to residential apartment units.</p> <p data-bbox="776 728 1388 841">Financial Impact: Medium to high, may be eligible for senior level government funding (Increase in City funding)</p>
29.	that Civic Administration BE DIRECTED to investigate the feasibility of introducing a new community improvement financial incentive program to support attainable housing within primary transit areas in alignment with the multi-year budget process;	<p data-bbox="776 862 1404 1236">On February 15, 2023, Council made a pledge to accelerate the housing supply of 47,000 units in our community by 2031 and on April 4th, 2023, Council resolved that “there is an untenable emergency in our city related to housing and homelessness”. The objective of this initiative would be to accelerate the construction of attainable housing in areas with access to primary transit routes.</p> <p data-bbox="776 1325 1388 1438">Financial Impact: Medium to high, may be eligible for senior level government funding (Increase in City funding)</p>
30.	that Civic Administration BE DIRECTED to review the Core Area Community Improvement Plan to consider amendments addressing property acquisition options and financial incentive programs aimed at identifying and encouraging commercial occupancy options identified through the Core Area Land and Building Vacancy Reduction Strategy.	<p data-bbox="776 1459 1421 1720">Through research being undertaken for the Core Area Land and Building Vacancy Reduction Strategy, it has been identified that property acquisition to advance strategic directions and new incentive programs aimed at cultivating commercial occupancy demand should be explored.</p> <p data-bbox="776 1809 1356 1889">Financial Impact: High (Increase in City Funding)</p>

Table 8: Suspend a Current FIP (Appendix “A”: Table 8)

	Recommendation	Rationale
31.	<p>The funding for the Property Tax Assistance Grant Program in the London Community Improvement Plan for Brownfield Incentives BE SUSPENDED in the next Multi-Year Budget pending review of the impact of 2023 changes made to the Provincial Brownfield Financial Tax Incentive Program.</p>	<p>Administration has received only one application for the Property Tax Assistance Grant Program since 2006. The Program terms are cumbersome for applicants, offering modest grant funding, and requiring Ministry approval to offset Provincial education property taxes.</p> <p>The Province of Ontario has made recent changes to its Brownfield Financial Tax Incentive Program (BFTIP) that might alleviate some of Civic Administration’s past concerns with the Property Tax Assistance Program and the related cancellation of the matching education property taxes; however, suspending the Program pending further analysis is recommended. Suspending the Property Tax Assistance Program is expected to have a negligible impact in the next four years on the uptake of Brownfield CIP applications.</p> <p>Financial Impact: No impact (No change in City Funding)</p>

	Recommendation	Rationale
32.	<p>that funding for the Wharncliffe Road Corridor Sign Loan Program in the Lambeth Area Community Improvement Plan BE SUSPENDED in the 2024-2027 Multi-Year Budget, it being noted that this program will continue to be approved as part of the Lambeth Area Community Improvement Plan;</p>	<p>Administration received no applications under this loan program since the adoption of the Lambeth Area CIP in 2019. Normally signs are a tenant's expense, who are normally not eligible for City loans unless the landlord / property owner agrees to take on responsibility for the loan. Suspending funding for the Wharncliffe Road Corridor Sign Loan Program would allow for reallocation of funding to more frequently used Programs.</p> <p>Financial Impact: No impact (No change in City Funding)</p>

Appendix “B” Proposed Changes Not Recommended

	Potential Change	Rationale for not Recommending
1.	Increasing the forgivable portion offered in the Façade Improvement Loan Program	It was determined that this potential change would have less of an impact compared to increasing the forgivable component of the Upgrade to Building Code Loan. The Upgrade to Building Code Loan Program has the potential to increase the usable Gross Floor Area of a building whereas the Façade Improvement Loan would not. Therefore, it was found that there is greater return on investment on focusing budget funds on improving the interior of buildings than the façade.
2.	Introducing a new Financial Incentive program for a one-time 50% grant up to \$20,000 for property owners to renovate the building interiors	Input received in public consultation suggested a new program for a 50% grant up to \$20,000 to renovate building interiors. Recommendation #19 is a stronger incentive to address the improvement objective of more building rehabilitations to encourage greater occupancy in the Core Area.
3.	Dissolving the Lambeth CIP Project Area	Although there have been no applications received through the Façade Improvement Loan or the Wharnccliffe Road Corridor Sign Loan Programs offered in the Lambeth CIP, the 3% vacancy target set in the Lambeth CIP has not been met (The most recent 2021 field data showed a 4.1 % vacancy rate). Further, Lambeth uptake of the 2021-2022 Recovery Grant Program indicates interest in Financial Incentive Programs.
4.	Amending the Rehabilitation and Redevelopment Tax Grant Program offered in the Downtown and Old East Village Community Improvement Plans to increase the grant value offered for Level 3 properties	The Level 3 Tax Grant targets vacant lands available under the Rehabilitation and Redevelopment Tax Grant Program of the Old East Village and Downtown CIPs. No evidence received suggested that increasing Tax Grants on vacant lands would further incentivize the development of vacant lots enough to justify improving the grant schedule as with the Level 2 Tax Grant.
5.	Dissolving the Airport Area CIP Project Area	The Airport Area Community Improvement Plan Tax Grant program has received few applications since its adoption in 2007. Civic Administration consulted with the London Economic Development Corporation (LEDC) and the Airport Authority, that emphasized the importance of the Airport Area CIP for future investment opportunities. Further, the Airport Area CIP’s purpose of stimulating community economic development by retaining

		aerospace companies within London is still relevant.
6.	Offering Forgivable Loans in the in the SoHo and Lambeth Community Improvement Plan Project Areas	Forgivable Loans for the Façade Improvement Loan and Upgrade to Building Code Loan Programs are already offered in the Downtown, Old East Village, and Hamilton Road Area CIPs. Given the costs of funding forgivable loans, and budget pressures anticipated in the 2024-2027 Multi-Year Budget, expanding the offer of forgivable loans beyond what is current is not recommended.
7.	Expanding the Downtown CIP boundary to include Pall Mall Street, Piccadilly, and Central Street.	Expanding the Downtown CIP boundary would require an assessment of whether the additional proposed areas conform with community improvement criteria in the London Plan, and an examination of the impact on extending available Financial Incentives Program funding to a wider downtown area. Given budget pressures anticipated in the 2024-2027 Multi-Year Budget, the staff/resources needed to pursue this expansion are better prioritized within existing boundaries of existing CIPs.
8.	Expanding the boundaries of the Core Area CIP to expand the southern boundary along the CN railroad tracks, the western boundary to the Thames River and the eastern boundary to Egerton Street.	Expanding the Core Area CIP boundary would require an assessment of whether the additional proposed areas in Old East, Midtown, and Downtown conform with community improvement criteria in the London Plan, and an examination of the impact on extending available funding to a wider Core Area territory. Given budget pressures anticipated in the 2024-2027 Multi-Year Budget, the staff/resources needed to pursue this expansion are better prioritized within existing boundaries of existing CIPs. There are recommended changes to CIP boundaries and Financial Incentive Programs made in this report that are intended to address requests for improvements within the existing Core Area CIP boundaries.

Appendix “C” Summary of the Grant and Loan Programs

The Grants:

Airport Tax Grant: Through this program, the City provides a ten-year tax grant for eligible properties. The grant is based on the increase in municipal taxes resulting from the development of the property for aerospace related uses.

Brownfields Contamination Assessment Study Grant: This program provides a grant for 50 percent of the cost to conduct a Phase II Environmental Site Assessment, Remedial Action Plan and/or Risk Assessment in accordance with the requirements under the *Environmental Protection Act*. The maximum grant provided is \$10,000 per property, subject to available funding.

Brownfields Property Tax Assistance Grant: This program provides for the cancellation of 25 percent of the municipal property taxes for up to three years during which rehabilitation and development activity is taking place. The property would also be eligible to receive matching education tax assistance from the Province, subject to available funding and approval by the Minister of Finance.

Brownfields Development Charge Rebate: This program provides a grant for up to 50 percent of the normal development charges to cover eligible remediation costs. This rebate is intended to reduce the “up-front” development costs and encourage investment by landowners.

Brownfields Tax Increment Equivalent Grant: This program provides a grant equal to the increase between the pre-development and post-development municipal property tax after rehabilitation and development has taken place. The grant can be provided for a maximum of three years from the date of the increase in assessed value.

Heritage Development Charge Equivalent Grant: This program provides a grant in the amount of the development charges rate that would have applied to the heritage building, had it been built today, when that structure is rehabilitated or incorporated into a development project. The intent is for the owner to preserve the heritage features and/or historic context of the designated building.

Heritage Tax Increment Grant: This program provides a grant equivalent to the increase in the municipal portion of the property tax following from a reassessment resulting from a development or rehabilitation project related to an intensification or a change of use that rehabilitates an associated designated heritage property. The development or rehabilitation project, however, must not compromise the reasons for designation of a heritage structure.

Industrial Corridor Enhancement Grant: This program provides a grant to enhance the public realm of industrial lands directly abutting the Highway 401/402 Investment Corridor. This program provides a grant equal to 50% of the cost of eligible landscaping, fencing, berming, screening, and public art on industrial properties that sufficiently improves the aesthetics of industrial sites, and/or provides effective screening of outside storage areas. The maximum grant per property is \$20,000.

Industrial Development Charges Grant: This program provides a grant for Targeted and Non-Targeted industrial uses to reduce the amount of Development Charges (DC) paid by the applicant. The program offers a 100% DC grant for Targeted industrial uses. For Non-Targeted industrial uses, a grant equivalent to 50% of the DCs to be paid, up to a maximum grant of \$250,000, with the remainder of the DCs to be fully paid by the applicant is available.

DCs that are owed for a non-targeted industrial use, will be required to be paid at building permit issuance. For speculative or shell buildings, when a non-targeted industrial use occupies the building or a unit in the building, DCs will be paid when the building permit is issued at the tenant finish stage.

Targeted Industrial Uses are: Advanced Manufacturing (Renewable and Clean Technology, Automotive, Agri-Food/Food Processing, and Defense and Aerospace), Life and Health Sciences, Information Technology and Digital Media, and Research and Development.

Rehabilitation & Redevelopment Tax Grant: This program rebates a portion of the municipal tax increase that results from the rehabilitation of an existing building or construction of a new building. A percentage of this tax increment is rebated back to the property owner each year, for ten years.

Residential development charges Incentive Grant: This program provides a grant equal to a rebate of Development Charges (DCs) for residential units constructed. DCs are required to be paid “up-front” at the time the building permit is issued. The program grants back a portion of the residential DCs paid by the applicant over an approximately 10-year schedule until 100% of the residential DCs have been repaid to the applicant. The program is aimed at encouraging private sector investment in residential development in the Downtown and Old East Village.

The Loans:

Affordable Housing Development Loan Program: This program provides a loan per affordable rental unit created. A minimum of five affordable rental units must be created. The amount of the loan depends on the level of affordability being provided compared to Average Market Rent (AMR), the location of the project, and whether the developer pays property taxes.

Additional Residential Unit Loan Program: This program provides a loan of up to \$20,000 for the creation of an additional residential unit (ARU) within an existing residential building or on the same property (for example, above a detached garage or in a coach house). To be eligible for this loan, the main dwelling on the property must be owner-occupied and a valid Residential Rental Unit License (RRUL) must be maintained and renewed annually with the City.

Façade Improvement Loan: This program provides a loan for building façade improvements. The loan can be up to a maximum of \$50,000 or half the value of work, whichever is less. Loans are paid back at 0% interest over a 10-year period. In certain areas of Downtown, Old East Village, and Hamilton Road, a portion of the loan may be forgivable.

Upgrade to Building Code Loan: This program provides loans to property owners who improve their buildings for items that relate to Ontario Building Code requirements. Loans are up to \$200,000 or half the value of work, whichever is less. Loans are paid back at 0% interest over a 10-year period. In certain areas of Downtown, Old East Village, and Hamilton Road Area a portion of the loan may be forgivable.

Wharncliffe Road Corridor Sign Loan: This program provides loans for business owners to improve their signage and bring their properties into conformity with the Property Standards By-law, Sign By-law, and applicable City Design Guidelines. The City may provide no-interest loans that are paid back to the City over a 10-year period. A maximum of \$5,000 per eligible property for up to 50% of eligible works can be provided.

Appendix “C” Table 1: Financial Incentives available under each CIP

(* denotes recent CIPs that were not available in the last 5-year review)

CIPs	Financial Incentive Programs Offered			
Airport Area	Tax Increment Grant			
Brownfield	Contamination Assessment Study Grant	Tax Increment Equivalent Grant	Development Charge Rebate	Property Tax Assistance Program
Downtown	Façade Improvement	Upgrade to Building Code	Tax Grant Program	Residential DC Grant
Heritage	Tax Increment Grant		Development Charge Equivalent Grant	
Industrial	Industrial Corridor Enhancement Grant		Development Charge Grant	
Old East Village	Façade Improvement	Upgrade to Building Code	Residential DC Grant	Tax Grant Program
SoHo	Façade Improvement	Tax Grant Program	Upgrade to Building Code	
Lambeth*	Façade Improvement		Wharncliffe Road Corridor Sign Loan	
Hamilton* Road	Façade Improvement		Upgrade to Building Code	
Core Area*	Core Area Safety Audit	Core Area Boulevard Café Grant	Core Area Sign Grant	
Affordable* Housing	Affordable Housing Development Loan		Additional Residential Unit Loan	
Argyle Core* Area	Façade Improvement	Upgrade to Building Code	Tax Grant Program	

Appendix “D” Community Consultation and Engagement

A GetInvolved London webpage for this project was published on August 8, 2022, and has remained live at the time of writing this report. There was a total of 621 visitors to the webpage and supporting documents were downloaded 69 times.

The Get Involved page included three (3) quick poll questions. Below are the questions and the results received.

1. How Important do you feel Financial Incentives are for Community Improvement?

There was one response received that answered that they thought Financial Incentives were ‘very important’ for Community Improvement.

2. If eligible, how likely are you to apply for a Grant or Loan in the next 5 years?

There was no response received for this question.

3. Were you aware that the City of London offers Financial Incentive Programs?

There were three responses received: two responded ‘yes’ and one responded ‘no’.

Further, the GetInvolved webpage had an opportunity for webpage viewers to ask questions regarding the project. One response on the GetInvolved webpage was received and answered by Civic Administration. In addition, there is a survey on the GetInvolved webpage that has not been filled out at the time of writing.

Facebook Ads: Facebook ads were published on the City of London Facebook page between September 7, 2022, through September 22nd, 2022.

Below are the Facebook ads that were published:

Affordable housing

Housing affordability is on top of mind of many Londoners. Did you know that there is an Affordable Housing Community Improvement Plan (CIP) to encourage the development of affordable homes? Through the CIP, there are two loan Programs available. The City is undergoing a 5-Year review of all CIPs and Financial Incentive Programs. Check out www.getinvolved.london.ca/cip-financial-incentives to learn more!

Heritage

Did you know that the City has a Heritage Community Improvement Plan (CIP)? Through the CIP, the City offers grants to help retain London’s beautiful heritage properties. The City is undergoing a 5-Year review of all CIPs and Financial Incentives Programs. Check out www.getinvolved.london.ca/cip-financial-incentives to learn more!

Industrial and Brownfields

Did you know that the City has Community Improvement Plans (CIPs) for Industrial Lands and Brownfields? Through the CIP, the City offers grants to encourage the development of Industrial Lands and to rehabilitate Brownfield sites. The City is undergoing a 5-Year review of all CIPs and Financial Incentive Programs. Check out www.getinvolved.london.ca/cip-financial-incentives to learn more!

Area Specific:

Argyle

Did you know that there is a new Community Improvement Plan (CIP) for the Argyle area? Through the CIP, the City can offer loans and grants to businesses to help revitalize Dundas Street. The City is undergoing a 5-Year review of all CIPs and Financial Incentives Programs. Check out www.getinvolved.london.ca/cip-financial-incentives to learn more!

Downtown and Old East Village, Core Area

There are Community Improvement Plans (CIPs) for Core Area, Old East Village, and Downtown. Through these CIPs, the City offers loans and grants to help revitalize the mainstreets of these communities. The City is currently undergoing a 5-Year review of all CIPs and Financial Incentives Programs. Check out www.getinvolved.london.ca/cip-financial-incentives to learn more!

SoHo

Did you know that there is a SoHo Community Improvement Plan (CIP)? Through the CIP, the City offers loans and grants to businesses to help revitalize Wellington Street. The City is undergoing a 5-Year review of all CIPs and Financial Incentives Programs. Check out www.getinvolved.london.ca/cip-financial-incentives to learn more!

Lambeth

Did you know that there is a Lambeth Community Improvement Plan? Through the CIP, the City can offer loans to businesses to help revitalize the main streets. The City is undergoing a 5-Year review of all CIPs and Financial Incentives Programs. Check out www.getinvolved.london.ca/cip-financial-incentives to learn more!

Hamilton Road

Did you know there is a Hamilton Road Community Improvement Plan? Through the CIP, the City can offer loans to businesses to help revitalize Hamilton Road. The City is undergoing a 5-Year review of all CIPs and Financial Incentives Programs. Check out www.getinvolved.london.ca/cip-financial-incentives to learn more!

Community Consultation Meetings

Using the questions listed in Section 1.4 of this report, which have guided the review of the CIPs and Financial Incentive Programs, feedback was received at three meetings.

A virtual Public Meeting was held on September 22, 2022, between 6 and 7 PM. Several matters were raised and are documented in **Appendix “D”: Table 1** below.

Representatives of London’s Business Improvement Associations met on November 3, 2022. Their concerns and questions are likewise documented in **Appendix “D”: Table 1** below.

A presentation of the 5-Year Review Community Improvement Plans and Financial Incentives project was given during an Urban League meeting held on November 24, 2022. No comments were received from the Urban League.

Appendix “D”: Table 1: What We Heard

	Question/Comment	Where it Came From	Date	Staff Analysis	Action
1	Are there other options available for the Core Area Safety Audit grant, such as shatter proof film for windows, indoor cameras that face outdoors, and automatic locking mechanism triggered by a button?	GetInvolved.London Webpage	September 24, 2022	Civic Administration will examine the program guidelines for the Core Area Safety Audit Grant to include more esthetically pleasing options in the program eligibility.	Review of the program guidelines of the Core Area Safety Audit Grant. Possible recommendation to change the guidelines to ensure safety options are more attractive to the community.
2	Combine the OEV and Downtown CIP’s (along with their goals, vision, and objectives,) and place them into the Core Area Community Improvement plan. That way the entire Core Area will be able to access all the tools and Programs such as the “Façade Improvement Loan” that is necessary to achieve the above goals and objectives. Failing this, then it would be beneficial for there to be a separate CIP created, for the Midtown Neighbourhood.	Email	October 18, 2022	Civic Administration will examine the possibility of including the Façade Improvement Loan in the Midtown area.	Possible recommendation that Council Direct Civic Administration to examine the feasibility of combining the Downtown, Core Area, and OEV Area CIPs.
3	Would like to see that the boundaries of the Core Area CIP, be redrawn. So that the Core Area CIP, southern boundary is along the CN railroad tracks. From the Thames River in the West to Egerton Street in the East.	Public Meeting	September 22, 2022	Civic Administration is reviewing the boundaries of all our Area CIPs as part of the 5- Year Review.	Possible recommendation to amend the boundaries of the Core Area CIP.
4	Can we expand the Downtown CIP boundary to Pall Mall, Piccadilly, Central Street? As they have asked about financial incentives and could not get	Public Meeting	September 22, 2022	Civic Administration is reviewing the boundaries of all our Area CIPs as part of the 5- Year Review.	Possible recommendation that Civic Administration to consider the expansion of the Downtown Area CIP boundary to include Pall Mall, Piccadilly, and Central Street.

	Question/Comment	Where it Came From	Date	Staff Analysis	Action
	them because they are outside the boundary.				
5	Are Residential DCs still required? No one is going to build a building that isn't going to rent or sell, currently you will fill the building anyways even without the grant, the grant is helpful for the profit of the building, 30 years I would understand it to rehabilitate it, are the Residential DC grants still necessary when industrial leaders are saying that the demand will continue as its been and are these DC grants.	Public Meeting	September 22, 2022	The Downtown and OEV CIPs were amended in 2021 to include a target population for when Residential DC Grants will be scaled back. At the time of writing, the populations in Downtown and OEV did not trigger a scale back of Residential DC Grants.	No action required.
6	For the Tax Grant, it would be helpful to be able to apply after starting construction because it is challenging to apply retroactively and we don't always catch everyone, why is it not always caught when someone comes in with plans maybe we should fix the process first before allowing those to apply after the fact. Is there a change of the property taxes just because of inflation?	Public Meeting	September 22, 2022	It would be preferable if applicants are reminded of the available Tax Grants prior to starting the building permit process. Applicants can apply retroactively to the Tax Grant program, but that would require approval from Council.	Possible recommendation that Civic Administration be directed to prepare a communication strategy to build more awareness of the available Financial Incentives Programs.
7	Affordable housing loans – when secondary dwelling units were required in the London plan and there was hope that would lead to more secondary suits to add to affordable housing, which part of affordable housing part are we talking (shelter beds to affordable single-family	Public Meeting	September 22 nd , 2022	Currently, the Affordable Housing Community Improvement Loans do not consider the type of Affordable dwellings, only the how many units are created and how affordable they are	Possible recommendation that Civic Administration be directed to amend the Affordable Housing Loans to better align with the market needs for affordable dwellings.

	Question/Comment	Where it Came From	Date	Staff Analysis	Action
	housing) what is affordable housing is it just the percentage of market rents? Will social housing be part of it? we need to be clear about what part of the affordable housing loans are addressing in the affordable housing continuum.			compared to market rate rentals.	
8	Are you reviewing the metrics and targets in the Area CIPs	Public Meeting	September 22, 2022	Yes, Civic Administration is reviewing the metrics and targets of the CIPs to ensure they are still accurate and properly examining the effectiveness of the Programs.	No action required.
9	Will there be a climate lens be put on the goals of the CIPs? More funding for green solutions.	Public Meeting	September 22, 2022	Eco-friendly retrofits are eligible under the Upgrade to Building Code Loan.	Possible amendment that Civic Administration be directed to examine other ways to incorporate more green solutions into the CIPs and Financial Incentive Programs.
10	Does the city step in a buy these properties if you are not getting cooperation? Could make things much faster.	Public Meeting	September 22, 2022	The City typically does not purchase properties if the owners are not cooperating.	No action required.
11	Could we have a District Focused CIP that would be focused on arts and culture?	BIA Meeting	November 1, 2022	Perhaps that could be better suited to be addressed in the Core Area Action Plan instead of a CIP.	No action required.
12	A Sign Grant beyond the Core Area Sign Grant would be helpful to businesses.	BIA Meeting	November 1, 2022	Improvements that add Signs affixed to the façade is	Possible recommendation that Civic Administration be directed to add more grants for Façade Improvement.

	Question/Comment	Where it Came From	Date	Staff Analysis	Action
				eligible under the Façade Improvement Loan program.	
13	With Financial Incentives, you need to focus on the awareness piece (i.e., marketing of the Programs) CAUR needs to work with Building Department to ensure applicants are aware of the Programs early on.	BIA Meeting	November 1, 2022	Civic Administration has heard that there may not be enough awareness of the Financial Incentive Programs.	Possible recommendation that Civic Administration be directed to prepare a communication strategy to build more awareness of the available Financial Incentives Programs.
15	Consider expanding forgivable loans	BIA Meeting	November 1, 2022	Boundary reviews and amendments to the percentage of forgivable loans property owners are eligible for is part of the 5-Year review.	Possible recommendation to increase in the percentage of the forgivable portion of the Upgrade to Building Code Loan.
16	Consider that property taxes in Downtown generate more income to the City than other parts of the City of London	BIA Meeting	November 1, 2022	Civic Administration understands that some areas of the City have higher property taxes rate than others.	No action required.
17	Façade Improvement Loan and Upgrade to Building Code Loan applications are too confusing for applicants and BIAs don't get compensation for championing CIPs and Financial Incentives Recommendation, that City Staff handle all applications and are responsible for marketing the Financial Incentive Programs	BIA Meeting	November 2, 2022	Civic Administration is currently processing all Façade Improvement and Upgrade to Building Code Loan applications.	Possible recommendation that Civic Administration be directed to prepare a communication strategy to build more awareness of the available Financial Incentives Programs.

	Question/Comment	Where it Came From	Date	Staff Analysis	Action
18	0% interest on a loan is not incentivizing enough for small businesses; grants are preferable	BIA Meeting	November 2, 2022	Civic Administration is examining ways to better incentivize private sector investment.	Possible increase to forgivable portion of loan repayments or offering grants.
19	Could the Argyle area get the Core Area Grants, such as the safety audit grant?	BIA Meeting	November 2, 2022	The Core Area Safety Audit Grant is only available in the CIP. However, Action Item 2.5 states that a Safety Audit to be conducted for the Argyle CIP project area.	Possible recommendation that Civic Administration examine the possibility of a Safety Audit Grant for the Argyle CIP in a future Multi-Year Budget.
20	Forgivable Loans for beautification are best for properties facing Dundas Street from Clark Road to the train tracks.	BIA Meeting	November 2, 2022	Civic Administration is reviewing where forgivable loans are most appropriate.	Possible recommendation that Civic Administration examine the possibility of including forgivable loans in the Argyle CIP project areas for a future Multi-Year Budgets.
21	Patio Grant is great, except you have to pay up front and could be a hindrance to some small businesses	BIA Meeting	November 2, 2022	The LCRN Patio Grant is not provided through a CIP Financial Incentive Program.	No action required
22	Interior state of buildings is a hindrance to reducing vacancies. Perhaps a forgivable part could be backed up to 50% with a sunset clause that improvements need to be made for 2 years to honor the Commitment. City of Toronto example that grants \$40K for up to 2 years to reduce vacancies.	BIA Meeting	November 3, 2022	Civic Administration is reviewing the Forgivable portion of the Upgrade to Building Code Loan. Commitments for loans are good for a year after issuance.	Possible recommendation that the Forgivable percentage of the Upgrade to Building Code Loan be increased to 50%.
23	Boundaries of the CIP matches the BIA and that remains valid. The CIP shouldn't be expanded to properties outside the BIA	BIA Meeting	November 3, 2022	The BIA boundaries and CIP boundaries are not necessarily correlated.	No action required

	Question/Comment	Where it Came From	Date	Staff Analysis	Action
	as they would get financial incentives without paying levies.			Likewise, an area could have a CIP without a BIA and vice versa.	
24	Affordable Housing is a function of the price of land. We want a spectrum of housing and surrounded around the City (not just certain areas).	BIA Meeting	November 3, 2022	Civic Administration is reviewing the effectiveness of all CIPs, including the Affordable Housing CIP.	Possible recommendation that Civic Administration be directed to revise the Affordable Housing CIP to better incentive affordable housing.
25	Core Area Safety Audit Grant fine for now, but long-term unappealing, prefer to see it evolve to include more esthetically pleasing methods	BIA Meeting	November 3, 2022	Civic Administration is examining the guidelines of the Core Area Safety Audit Grant.	Possible recommendation that Civic Administration revise the Core Area Safety Audit Guidelines to include more esthetically pleasing methods for property safety.
26	Brownfields CIP need to own property, but sometimes the sale of the land is contingent on the results of the ESA. Perhaps an agency letter for landowners to find authority to tenants so they benefit from the loan.	BIA Meeting	November 3, 2022	Civic Administration will examine possible administration changes of the Brownfields CIP grant Programs.	Possible recommendation that Civic Administration be directed to review the Brownfields CIP and its Financial Incentive program guidelines.
28	DC discounts the most effective with our industry and property tax Programs can also drive investment and development.	LDI Letter	January 4, 2023	Our analysis of the Financial Incentives come up with the same conclusion.	Possible recommendation that the Property Tax Grants and DC Grants in Downtown and Old East Village are continued.
29	Stronger financial Incentives are required for the creation of secondary unit opportunities in new construction.	LDI Letter	January 4, 2023	Civic Administration will consider opportunities for further incentivizing secondary unit developments.	Possible recommendation that Civic Administration be directed to amend current Financial Incentive Programs to target secondary unit opportunities.
30	Development of a Climate Sustainability CIP could be developed as a driver to encourage environmentally sustainable developments	LDI Letter	January 4, 2023	The Upgrade to Building Code Loan program guidelines includes green	Possible recommendation that Civic Administration be directed to incorporate climate sustainability into the Community Improvement Programs.

	Question/Comment	Where it Came From	Date	Staff Analysis	Action
				technologies as eligible upgrades.	
31	The City needs to improve its communications with the public on the role and importance of the CIP Programs for the City of London. The public tends to view CIPs as a “bonus” to developers and not an incentive for redevelopment.	LDI Letter	January 4, 2023	Civic Administration will consider opportunities to increase the public’s awareness of the CIPs and Financial Incentive Programs.	Possible recommendation that Civic Administration be directed to prepare a communication strategy to build more awareness of the available Financial Incentives Programs.
32	Regarding the Core Area Safety Audit Grant Program, we are interested in having it included in the Hamilton Road Community Improvement plan review project as draft recommendation.	Email from Hamilton Road BIA	March 16, 2023	Civic Administration will consider expanding the Core Area Safety Audit Grant Program to other CIP areas.	Possible recommendation that Civic Administration investigate the possibility of expanding the Core Area Safety Audit Grant to the Hamilton Road CIP Project Area.

Below are the written comments received during project consultation:

From: [REDACTED]
Sent: Tuesday, October 18, 2022 7:08 PM
To: Hall, Jasmine <jahall@london.ca>
Subject: [EXTERNAL] Regarding the CIPs-Financial incentives 5-year Review.

October 18, 2022

Jasmine Hall
Planner II, Core Area & Urban Regeneration, Economic Services and Supports

Thank you for the presentation. Regarding the Community improvement Plans-Financial incentives 5-year Review. That is on the Get Involved Website. Please accept the Midtown Community Organization response below.

On behalf of Midtown Community Organization,(MCO) and after reading the Core Area Community improvement plan pdf, document, the goals of this plan, is something that this organization would also like to work towards for our Urban Neighbourhood.

The last time CIPs were reviewed was in 2016/2017. The Midtown Neighbourhood, located in the middle of the Core Area was left out of discussions. This resulted in the area only being able to access the Grants/loans that are available in the city-wide CIPs.

Later, and less than five years ago, the CIP, known as the Core Area Community Improvement Plan, was created, and it covers the middle of the Core Area, which was created out of the Core Area Action Plan. However, the three programs within the Core Area CIP are great to have, and work well with the Downtown and OEV CIPs. But for the middle of the Core Area, that do not have their own CIP. Such as Midtown. Then these three programs in the current Core Area CIP, are not enough.

We feel that in order to reach the goals and objectives in the current Core Area CIP pdf document it will need to be amended.

We at Midtown Community Organization (MCO), (given that we are not planners), but if it can be accomplished, then we believe that the easiest way of achieving this is to combine the OEV and Downtown CIP's (along with their goals, vision, and objectives,) and place them into the Core Area Community Improvement plan. That way the entire Core Area will be able to access all the tools and programs such as the "Façade Improvement Loan" that is necessary to achieve the above goals and objectives. Failing this, then it would be beneficial for there to be a separate CIP created, for the Midtown Neighbourhood.

In addition, the phrase, "Offer compassionate care for those who need it" we ask that it be deleted as one of the goals, for that should be expected as part of the objective/goal/vision in all the CIPs.

MCO, would like to see that the boundaries of the Core Area CIP, be redrawn. So that the Core Area CIP, southern boundary is along the CN railroad tracks. From the Thames River in the West to Egerton Street in the East.

Thank you for your time.

Best regards,

[REDACTED]
Coordinator
Midtown Community Organization



LONDON DEVELOPMENT INSTITUTE

January 4, 2023

Jim Yanchula, MCIP RPP
Manager, Core Area & Urban Regeneration
Economic Services & Supports
City of London

Dear Mr. Yanchula

Please accept the following comments regarding the review of the Community Improvement Programs (CIP) for the City of London.

Currently, the CIP programs are not used often by our LDI members and not the significant driver of development decision making by our members.

In general, the current CIP's involving DC reductions and property tax discounts can be an effective development incentive. The current Brownfield CIP incentives are the most comprehensive and effective in driving redevelopment of the applicable properties.

Going forward, we believe that any CIP program needs to be robust enough to be considered a "driver" of development and not just "incentives" for our industry to be an active partner.

The following points would be key components of any further CIP programs:

1. DC discounts the most effective with our industry
2. Property tax programs can also drive investment and development
3. Stronger financial incentives are required for the creation of secondary unit opportunities in new construction
4. Development of a Climate Sustainability CIP could be developed as a driver to encourage environmentally sustainable developments

Finally, the City needs to improve its communications with the public on the role and importance of the CIP programs for the City of London. The public tend to view CIPs as a "bonus" to developers and not an incentive for redevelopment. The City needs to take a stronger position that CIPs as the name indicates are drivers of development that have "community" benefits.

LDI would be happy to work with the City on any future CIP program development.

Sincerely,



Mike Wallace
Executive Director

562 Wellington St., Suite 203, London, Ontario, N6A 3R5

tel. (519) 642-4331

www.londondev.ca

londondev@rogers.com

The number of applications and funds disbursed for Financial Incentives from 2018 to the time of writing this report are available in **Appendix “E” Table 1** which summarizes the grants and loans issued and committed under the Financial Incentive Programs. A list and description of each Financial Incentive program is available in **Appendix “C”** of this report.

Appendix “E” Financial Incentives Programs Cost Summary

Table 1: Financial Incentives Applications Issued 2018 to February 2023

This Table indicates the number of applications and funds disbursed for Financial Incentives from 2018 to the time of writing this report and the grants and loans issued and committed under the Financial Incentive Programs. A list and description of each Financial Incentive program is available in **Appendix “C”** of this report.

Incentive Program	Number of Approved Financial Incentives Applications	Cost (\$) of Approved Financial Incentives by Program		
	Total	Issued	Committed/Estimated	Total Issued + Committed/Estimated
Façade Improvement Loan	31	452,633	161,627	614,260
Upgrade to Building Code Loan	54	3,550,919	760,326	4,311,245
Downtown Rehabilitation and Redevelopment Tax Grant	47	624,675	14,587,686	15,212,360.79
Old East Village Rehabilitation and Redevelopment Tax Grant	52	3,934,612	1,245,439	5,180,051
Downtown Residential Charges Grant	7	17,495,372	7,702,192	25,197,564
Old East Village Residential Charges Grant	1	0	53,439	53,439
Brownfields CIP Grants (4 Programs)	7	63,151	12,867,389	12,930,540
Heritage Development Charge Equivalent Grant	2	79,177	4,500,000	4,579,177
Recovery Grants	55	226,365	12,635	239,000
Safety Audit Grants	11	32,428	68,052	100,478
Airport Increment Tax Grant	3	669,526	242,104	911,630
Industrial Development Charges Grant	30	33,202,176	0	33,202,176
Industrial Corridor Enhancement Grant	0	0	0	0
Affordable Housing Development Loan	2	0	2,100,000	2,100,000
Wharnccliffe Road Corridor Sign Loan	0	0	0	0
Additional Residential Unit Loan	2	0	40,000	40,000

Total	304	\$60,331,034	\$44,340,889	\$104,671,923
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Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: Heritage Alteration Permit application by R. Bryson for 27
Bruce Street, Wortley Village-Old South Heritage
Conservation District, HAP23-015-L, Ward 11

Date: Monday May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for the replacement of the front porch on the heritage designated property at 27 Bruce Street, within the Wortley Village-Old South Heritage Conservation District, **BE REFUSED**.

It being noted that the porch alterations do not comply with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan*.

Executive Summary

The property at 27 Bruce Street contributes to the cultural heritage value or interest of the Wortley Village-Old South Heritage Conservation District. Front porches are an important part of the heritage character of the Wortley Village-Old South Heritage Conservation District. The covered front porch on the property was removed and replaced without obtaining a Building Permit or Heritage Alteration Permit approval. A Heritage Alteration Permit application was received seeking retroactive approval for removal of the previous front porch, and replacement with a new front porch consisting of pre-finished vinyl (plastic) materials. Plastic materials are not supported within the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. The alterations that were completed are inappropriate and do not suitably conserve the heritage character of the property. Staff met with the owner to discuss potential compromise resolutions that would bring the porch into better compliance with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. Staff have identified compromise opportunities with the owner to bring the porch into better compliance with the policies and guidelines of the Wortley Village-Old South Heritage Conservation District. However, the owner was unwilling to consider a compromise resolution and wishes to pursue their application seeking retroactive approval. Staff do not support the retroactive Heritage Alteration Permit application. Staff would be better able to support an application that removes the vinyl (plastic) materials of the porch in favour of traditional painted wood materials to bring the porch back into compliance with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*.

Linkage to the Corporate Strategic Plan

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

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

Analysis

1.0 Background Information

1.1 Location

The property at 27 Bruce Street is located on the south side of Bruce Street between Brighton Street and Edward Street (Appendix A).

1.2 Cultural Heritage Status

The property at 27 Bruce Street is located within the Wortley Village-Old South Heritage Conservation District, which was designated pursuant to Part V of the Ontario Heritage Act by By-law No. L.S.P.-3439-321 in 2015. The property is identified as a “B”-rated property within the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. A- and B-rated properties within the Wortley Village-Old South Heritage Conservation District Plan are properties that are fine examples of an architectural style, exhibit unique qualities or details, are well maintained examples of a modest architectural style, and/or contribute to the streetscape because of its sequence, grouping or location.

1.3 Description

The property at 27 Bruce Street is in an area south of the Thames River that was set aside as a Crown Reserve extending from the Coves east to what is now High Street and from the Thames River south to Base Line Road in Westminster Township. The early surveys of Westminster Township included Simon Zelotes Watson’s survey in 1810, which laid out the roads and 2 concessions through the northern portion of Westminster Township. A later survey began in 1824, when Mahlon Burwell, the Deputy Surveyor was instructed to survey the Wharncliffe Highway (now Wharncliffe Road) through the Crown Reserve to the west of the Forks of the Thames. The survey was intended to connect London Township with the Commissioners Road. On either side of the Wharncliffe Highway, Burwell surveyed lots ranging from 10 to 144 acres in size.

London was selected as the new administrative capital in the London District in 1826 resulting in the eventual arrival of numerous government officials. Several of the officials were granted or purchased land in the Crown Reserve in what would become known as London South. Among the officials who received land grants was Colonel John Baptist Askin, a War of 1812 veteran, and the Clerk of the Peace for London District. Askin’s estate extended from modern day Tecumseh Avenue East to Askin Street and from Wortley Road to Wharncliffe Road South. A portion of the Askin Estate is depicted on the 1855 “Map of the City of London Canada West” prepared and drawn by Samuel Peters. London South remained a part of Westminster Township until it was annexed by the City of London in 1890.

The property at 27 Bruce Street is included within the lands that were originally set aside for John Baptist Askin’s mansion, known as “Woodview.” A “Plan of the Woodview Estate” was surveyed into building lots by Samuel Peters in 1876 and registered as Plan 343 in the Registry office. The lots were generally surveyed into smaller lots to be about 84 feet in width, by 260 feet in depth. The property at 27 Bruce Street is located on Lot 22, Block A in Plan 343.

Built in 1893, the dwelling on the property at 27 Bruce Street is a one-and-a-half storey cottage. The buff brick dwelling includes a hipped roof with a central gable peak. A covered porch spans the entirety of the front facade, previously consisting of traditional painted wood details including square spindles set in between a top and bottom rail, turned wood posts, and decorative brackets. The adjacent property at 29 Bruce Street is nearly identical to the house on the subject property at 27 Bruce Street. A review of the 1912 revised 1922 Fire Insurance Plan confirms that both properties appear to have always had a porch spanning the front façade (Appendix B).

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

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

2.2 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (Policy 2.6.1, *Provincial Policy Statement 2020*).

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

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

2.3 Ontario Heritage Act

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

2.3.1 Contravention of the Ontario Heritage Act

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

2.3.2 Heritage Alteration Permit

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

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

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

2.4 The London Plan

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

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

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

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

2.5 Wortley Village-Old South Heritage Conservation District Plan and Guidelines

The *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* include policies and guidelines related to alterations to properties located within the Wortley Village-Old South Heritage Conservation District. Porches within the Wortley Village-Old South Heritage Conservation District are recognized for their social, architectural, and historic importance. The *Wortley Village-Old South Heritage Conservation District Plan* notes that all porches “deserve to be carefully conserved using adequate research to determine the original character and identify appropriate conservation and restoration techniques” (Section 8.2.5).

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

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

The guidelines included within Section 9.5 (Porches and Verandahs) of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* includes direction specific to porch projects:

- *Removal or substantial alteration to the size, shape and design of existing porches is strongly discouraged.*
- *Do not remove or cover original porches or porch details, except for the purpose of quality restoration. Prior to executing any repairs or restoration, photograph the existing conditions and research to determine whether the existing is original or an appropriate model for restoration. Use annotated photographs or drawings or sketches to represent the intended repairs.*
- *When restoring a porch that is either intact or completely demolished, some research should be undertaken to determine the original design which may have been much different from its current condition and decided whether to restore the original.*
- *For the structural elements of the porch, use the best of current technology including secure footings extending below frost and pressure treated wood for wood framing;*
- *For decorative elements such as gingerbread fretwork or trim, wood is still the best choice to recreate the original appearance, but using improved technology such as waterproof glues and biscuit joiners and liquid preservatives and best quality paints to protect the finished product.*
- *Fibreglass and plastic versions of decorative trim should be avoided. Poor interpretation of the scale and design of applied decoration detracts from the visual appearance and architectural coherence of porches and verandahs.*

3.0 Financial Impacts/Considerations

None.

4.0 Key Issues and Considerations

4.1. Heritage Alteration Permit application (HAP23-015-L)

A complaint was received by the City in September 2022, regarding the removal of the front porch on the heritage designated property, located at 27 Bruce Street in the Wortley Village-Old South Heritage Conservation District. Building staff investigated the complaint and confirmed that the porch on the subject property had been removed and replaced without obtaining a Building Permit. No Heritage Alteration Permit had been obtained. An Order to Comply was issued under the *Building Code Act* for the property, directing the owner to submit an application for a Building Permit for the covered front porch. As the *Ontario Heritage Act* is applicable law, a Building Permit for a heritage designated property can not be issued prior to the issuance of a Heritage Alteration Permit.

The owner of the property began consultation with heritage staff beginning in January 2023. Staff have reviewed the current design of the front porch and associated drawings. A site visit was completed by staff, where the current porch and its vinyl (plastic) material was inspected. Staff have also met on site with the owner to review the current porch noting that the porch is currently non-compliant with the policies and guidelines included within the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*. In consultation with the owner, staff have encouraged the owner to submit an application that seeks to remove the plastic components of the porch and replace those components with new wood components in order for staff to provide a positive review of the application.

A complete Heritage Alteration Permit application was received by the City on March 13, 2023. The application is seeking retroactive approval for the removal of the previous traditional wood porch and retroactive approval for the new covered porch that consists of pre-finished vinyl (plastic) posts and railings, and pressure-treated wood deck (Appendix C).

Although the replacement porch has been designed in a manner that somewhat reflects the overall size and scale of the previous porch, the pre-finished vinyl (plastic) material used for the posts and railings are not compliant with the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines*.

Vinyl/plastic porch materials are inauthentic materials that do not sufficiently reproduce the historic appearance, texture, and finish of materials such as wood, and as a result are not supported within the Wortley Village-Old South Heritage Conservation District. In addition, the pre-assembled nature of the railing systems do not sufficiently replicate the traditional construction styles that can be seen on porches elsewhere within the area, including the adjacent property at 29 Bruce Street.

Porch replacements have been the subject of previous Heritage Alteration Permit applications. In a similar example, a complaint was received regarding the replacement of the front porch on the property at 330 St. James Street, designated under Part V of the *Ontario Heritage Act* within the Bishop Hellmuth Heritage Conservation District. An inspection by staff confirmed that the front porch of the dwelling had been replaced with vinyl (plastic) materials without Heritage Alteration Permit approval, or a Building Permit. A Heritage Alteration Permit application seeking retroactive approval for the use of vinyl (plastic) was refused by Municipal Council: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=82840>. A subsequent Heritage Alteration Permit application presented a compromise that included removal of the new vinyl (plastic) railing and replacement with a painted wood railing in a traditional style in compliance with the *Bishop Hellmuth Heritage Conservation District Plan*, but retention of the existing vinyl (plastic) decking and porch skirt was later presented: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=81563>. This approach was supported by staff, the London Advisory Committee on Heritage, and approved with terms and conditions by Municipal Council. The alterations were completed in 2021 in compliance with the approved Heritage Alteration Permit.

With regards to the subject property at 27 Bruce Street, staff would be more supportive of a Heritage Alteration Permit application that seeks to replace the post cladding and railings with a traditional painted wood material, consistent with the policies and guidelines of the Wortley Village-Old South Heritage Conservation District. The drawings that were submitted for the Heritage Alteration Permit application include a design that is appropriate for a porch reconstruction project, with the exception of the vinyl (plastic) porch materials. The existing drawings could be utilized provided that the pre-finished vinyl details on the drawings are replaced with painted wood.

4.2 Recommendation for Additional Consultation and Compromise

The Community Advisory Committee on Planning (CACP) was initially consulted on this Heritage Alteration Permit application at its meeting held on April 12, 2023. The CACP encouraged staff and the owner to continue working together to reach a compromise that could be supported by staff.

On April 18, 2023, City heritage and building staff met with the owner to identify approaches that could be supported by staff and resolve the non-compliant issues related to the porch. Staff and the owner discussed a potential compromise that included the removal of the new plastic railings and replacement with a painted wood railing in a traditional style, and the wrapping of the existing posts with wood. The grade of the surrounding garden beds could be raised to address potential grade height requirements for the railings. This approach would not result in the removal of any structural components of the porch. Staff indicated this approach could be supported as it brings the porch into better compliance with the policies and guidelines for the Wortley Village-Old South Heritage Conservation District.

The owner has since advised that they are unwilling to pursue this compromise and wish to continue with the previously submitted Heritage Alteration Permit application seeking retroactive approval for the porch that was constructed without Heritage Alteration Permit or Building Permit approval.

Conclusion

The property at 27 Bruce Street contributes to the cultural heritage value or interest of the Wortley Village-Old South Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act*. The proposed Heritage Alteration Permit seeks retroactive approval for the removal of the front porch and the construction of a new front porch with pre-finished vinyl (plastic) materials. The staff recommendation is to refuse the application as the proposed alterations are not consistent with the *Provincial Policy Statement* as it fails to conserve the significant built heritage resource at 27 Bruce Street, does not conform to the policies *The London Plan*, and does not conform to the policies and guidelines of the *Wortley Village-Old South Heritage Conservation District Plan and Guidelines* for porch alterations. Efforts to find a compromise resolution with the owner have been unsuccessful.

Prepared by: Michael Greguol, CAHP
Heritage Planner

Reviewed by: Kyle Gonyou, MCIP, RPP, CAHP
Manager, Heritage and Urban Design

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

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

Appendices

- Appendix A Property Location
- Appendix B Images
- Appendix C Drawings

Appendix A – Property Location



Figure 1: Location Map showing the subject property at 27 Bruce Street.

Appendix B – Images



Image 1: Photograph submitted with the Heritage Alteration Permit application showing the previous porch prior removal without Heritage Alteration Permit or Building Permit approval. The porch posts and railings consisted of wood materials. The decorative brackets have also been removed.



Image 2: Photograph submitted with the Heritage Alteration Permit application showing the porch with vinyl-clad (plastic) posts and vinyl railings, with pressure-treated decking.

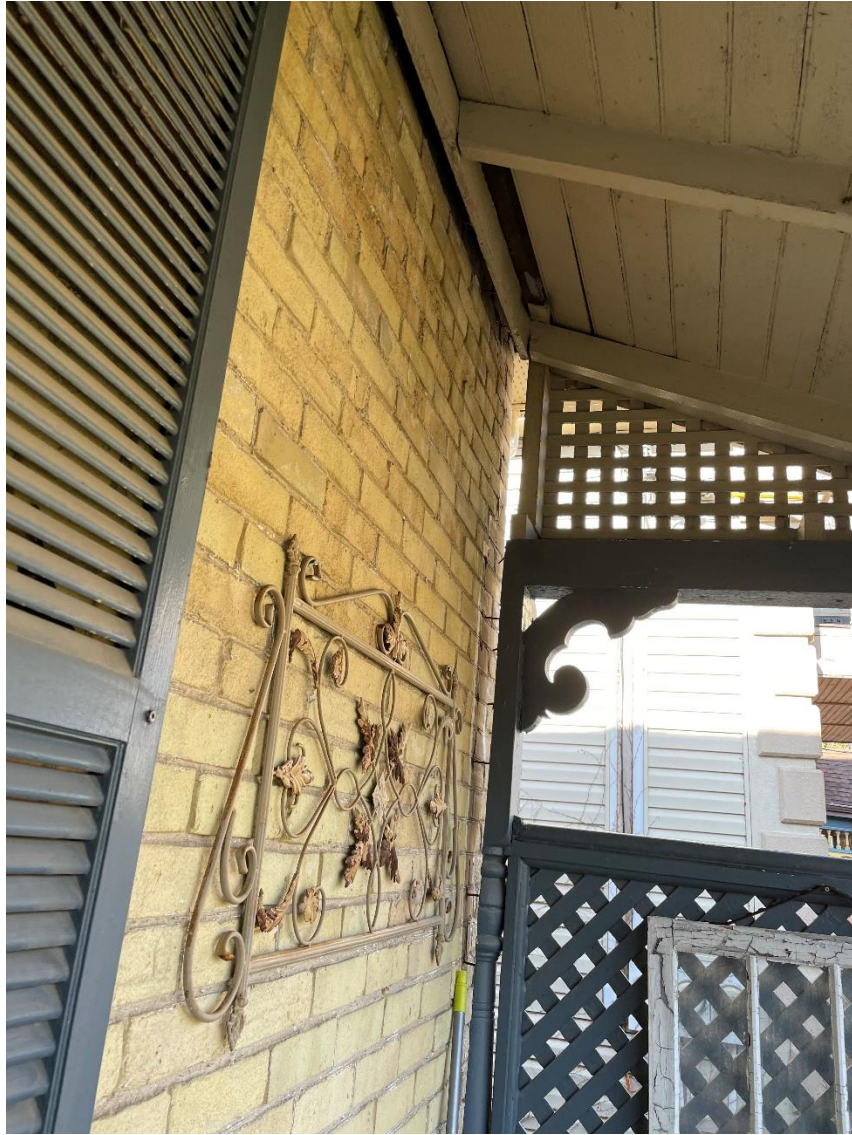


Image 3: Photograph submitted with the Heritage Alteration Permit application demonstrating the need for repairs to the porch at 27 Bruce Street. This photograph also documents the turned posts and bracket detail of the former porch.



Image 4: Photograph showing detail of the vinyl (plastic) porch materials used for the replacement of the porch at 27 Bruce Street within the Wortley Village-Old South Heritage Conservation District.



Image 5: Photograph showing detail of the vinyl (plastic) porch materials used for the replacement of the porch at 27 Bruce Street within the Wortley Village-Old South Heritage Conservation District.



Image 6: Photograph showing detail of the vinyl (plastic) porch materials used for the replacement of the porch at 27 Bruce Street within the Wortley Village-Old South Heritage Conservation District.



Image 7: Photograph showing detail of the vinyl (plastic) porch materials used for the replacement of the porch at 27 Bruce Street within the Wortley Village-Old South Heritage Conservation District.



Image 8: Photograph showing detail of the vinyl (plastic) porch materials used for the replacement of the porch at 27 Bruce Street within the Wortley Village-Old South Heritage Conservation District.

Appendix C – Drawings

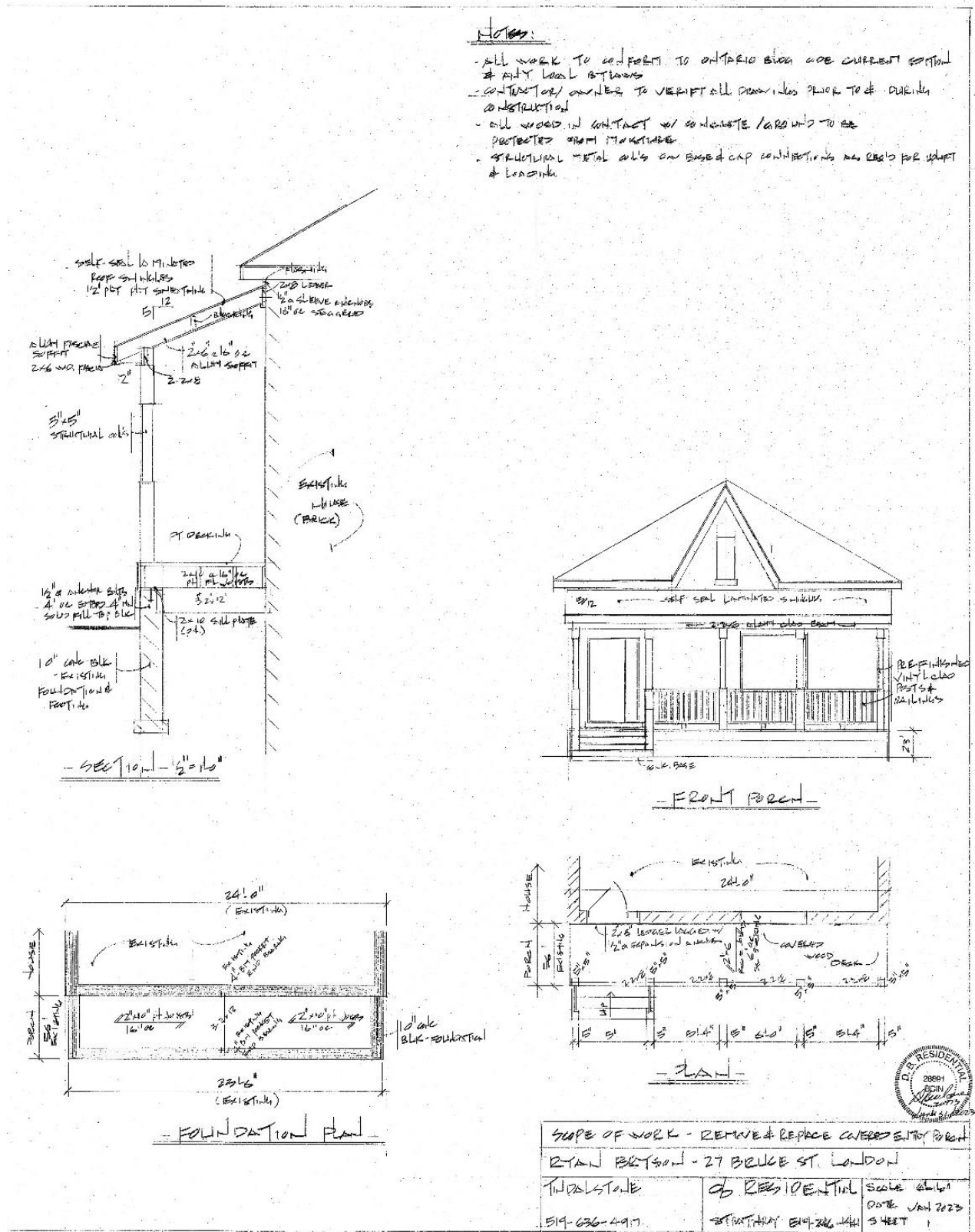


Figure 2: Drawings submitted with the Heritage Alteration Permit seeking retroactive approval showing proposed materials and design.

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: Closed School Site: Evaluation and Approach (1040 Hamilton Road, former Fairmont Public School)

Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions **BE TAKEN** with respect to the letter of interest from the Thames Valley District School Board for the surplus school site at 1040 Hamilton Road:

- a) That Civic Administration **BE DIRECTED** to express an interest in these lands for the purposes of providing the identified municipal needs of affordable housing and parkland; and
- b) That this report **BE RECEIVED** for information.

Executive Summary

- On March 22, 2023, the Thames Valley District School Board (TVDSB) advised the City that it had declared the former Fairmont Public School site as surplus to the school board's needs and that the TVDSB intends to sell the property.
- Public agencies are to identify their interest to the school board by June 20, 2023.
- The school board will negotiate a land sale with public agencies expressing interest, based on the agencies' ranking (per O. Reg. 444/98). If no public interest is received, then the properties will be put up for sale to the private market.
- In accordance with Council's "Surplus School Site Evaluation and Acquisition Policy", an administrative review team has evaluated the subject property for potential use as the identified municipal purposes of affordable housing, parkland, and community facilities.
- The review has identified municipal needs for affordable housing and park land.

Linkage to the Corporate Strategic Plan

Surplus school site acquisition directly aligns with the "Housing and Homelessness" and "Wellbeing and Safety" Strategic Areas of Focus of London's 2023-2027 Strategic Plan. This alignment includes: increasing the quality, affordability, and supportive housing options as well as providing park spaces that support Londoner's overall quality of life.

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. A Climate Emergency Action Plan has been developed that provides a city-wide approach to addressing three main goals of mitigation, adaptation, and equity. The Climate Emergency Action Plan identifies opportunities for growing 'inward and upward', consistent with The London Plan, as a means of adapting to climate change and making London more resilient (Area of Focus 8).

Analysis

1.0 Surplus School Site

1.1 Background

The Thames Valley District School Board (TVDSB) determined that the former Fairmont Public School site, located at 1040 Hamilton Road, is surplus to the school board's needs based on the results of an accommodation review.

Under Ontario Regulation 444/98 of the *Education Act*, school boards are required to offer surplus school properties to public agencies, including municipalities and Service Managers, prior to offering a land sale to the private market. If more than one public agency expresses an interest in a property, the school board will negotiate the land sale with the highest-ranking public agency (per O. Reg. 444/98).

A letter of offer notifying the City that the property is available for a potential acquisition was sent by the TVDSB on March 22, 2023 (See Appendix "A" for letter). A written response back to the school board is required by June 20, 2023. The required response is to indicate whether or not there is City interest in acquiring the property. Negotiations to finalize the conditions for a land sale have a separate timeline of an additional ninety (90) days.

Civic Administration has completed an evaluation of the site, in accordance with Council's "Surplus School Site Evaluation and Acquisition Policy". This report summarizes the evaluation based on the three identified municipal needs of affordable housing, parkland, and community facilities, and recommends that the City indicate an interest in acquiring the land.

1.2 Property at a Glance

1040 Hamilton Road is an irregularly-shaped, 11.06 acre (4.48 hectare) property located between Highbury Avenue N. and Gore Road in the Hamilton Road Planning District of the City. The property is located mid-block with Hamilton Road frontage and an engineered walkway connecting to Manitoulin Drive to the north. In *The London Plan* the property is in the Neighbourhoods Place Type and Hamilton Road has "Civic Boulevard" street classification. The property is located within an area of archaeological potential and prior to development or site alteration an archaeological assessment is required.



Figure 1: Aerial photo of 1040 Hamilton Road

2.0 Evaluation and Recommendation

2.1 Evaluation

The property at 1040 Hamilton Road has been evaluated for potential acquisition to meet one or more of the identified municipal needs. The evaluation is for municipal needs as: (1) affordable housing (noting this municipal need is evaluated first); (2) a community facility such as a community centre; and (3) as parkland.

The evaluation found that the site meets the criteria for acquisition for municipal purposes of affordable housing and parkland.

2.2 Affordable Housing Evaluation

The closed school site evaluation team includes representation from Municipal Housing Development. The evaluation team has identified that the property at 1040 Hamilton Road is required to meet the municipal need for the development of affordable housing units, consistent with the “Roadmap to 3,000”. The property meets criteria for sites which may incorporate affordable housing, which include:

- Are located within the Urban Growth Boundary (UGB);
- Are appropriate to meet the community need for affordable housing;
- Would support and provide for regeneration and redevelopment opportunities;
- Are in proximity to community amenities and services as well as infrastructure including public transit; and
- Are not constrained for redevelopment and regeneration by features such as pipelines, utility corridors, or significant environmental features.

2.3 Parkland and Community Facility Evaluation

The Parks and Forestry review of the subject site identified that there is a municipal need for parkland, with a park block minimum of 0.85 hectares in size.

The evaluation by Neighbourhood and Community-wide Services identified that longer-term, a future community facility within this area of the City may be needed by year 2035. No current need is identified.

However, in recognition that the need for Affordable Housing is reviewed first as a priority municipal need, it is recognized that municipal needs associated with Parks and Forestry, and Neighbourhood and Community-wide Services would be in partnership with Municipal Housing Development, where feasible.

Conclusion

The evaluation of 1040 Hamilton Road, undertaken in accordance with Council's "Surplus School Site Evaluation and Acquisition Policy", has concluded that there is a municipal need for the site for affordable housing and parkland.

In recognizing the primacy of the need for affordable housing, the interest in acquisition of the site is anticipated to be primarily based on the municipal need of affordable housing. Opportunities for partnerships to accommodate additional municipal land uses have been investigated by Civic Administration through preparation of a preliminary conceptual site design for housing and parkland.

If the City is successful in acquiring the site from the TVDSB, planning application processes will be undertaken. The redevelopment and regeneration process will ensure that the overall objectives of affordable housing, parkland, and key directions of The London Plan are implemented.

Subsequent reports will be brought to Council with the results of the Thames Valley District School Board's disposition of this surplus school site.

Acknowledgements: This report was prepared with assistance from: Kimberly Wood, Development Lead, Municipal Housing Development; Leif Maitland, Development Lead, Municipal Housing Development; Stephanie Wilson, Manager, Parks Long Range Planning & Design; Michael Tomazincic, Manager, Strategic Land Development.

Prepared by: Travis Macbeth, MCIP, RPP
Senior Planner, Long Range Planning

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

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

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

May 4, 2023
TM/tm

Appendix A

Additional Reports

October 9, 2019 “Neighbourhood School Strategy – Evaluation and Acquisition of Surplus School Sites,” Planning and Environment Committee.

Appendix B

TVDSB Letter of Disposition (1040 Hamilton Road)



Mark Fisher, Director of Education and Secretary

2023 March 22

TO: Executive Director
City of London
Realty Services, Room # 610
300 Dufferin Avenue
London, ON N6B 1Z2

Dear Sir or Madam,

RE: Disposition of Property by Thames Valley District School Board (the "Board") – formerly known as Fairmont Public School, 1040 Hamilton Road, London, Ontario

Please know that the Board has declared **Fairmont Public School at 1040 Hamilton Road, London, Ontario** (the "Property", a legal description of which is attached hereto as Schedule "A"), as surplus to its needs and intends sell it subject to obtaining municipal consent for a severance. The sale of real property by a school board is governed by Regulation 444/98 (the "Regulation"), made under the *Education Act* (Ontario). Regulation 444/98 (as amended by Regulation 57/99) stipulates that there shall be a ninety (90) day circulation period from the issuance of this proposal to preferred entities to express interest in the property and if required, an additional ninety (90) days to submit an offer before offering the property to other organizations and the general public. Therefore, should you be interested in acquiring the property listed, an expression of interest (EOI) must be received in writing by **June 20, 2023**. After submitting an EOI, an offer to purchase must be submitted via the form attached to this letter no later than **September 18, 2023**.

As indicated above, a copy of the form of offer the Board would be prepared to execute in respect of the Property is attached. The Property is being sold on an "as is" basis. The Board will not provide any representations or warranties with respect to whether the Property and undertakings thereon are in compliance with any environmental legislation or orders or whether the Property is suitable for any specific purpose. The Board will not agree to any amendments to the offer.

Please know that one of the most significant aspects of the Regulation is that the Board is required to dispose of the Property at its fair market value ("FMV"). To assist the Board in arriving at its determination of the FMV of the Property, the Board has: (a) retained a planner to advise on the Property's highest and best use; and, (b) retained the services of an AACI (an Accredited Appraiser of the Canadian Institute), to complete an appraisal of the FMV of the Property. As a matter of courtesy, we have enclosed a colour aerial site map for the Property.

Section 6 of the Regulation addresses your rights and obligations to submit expressions of interest in and offers for the Property. Please familiarize yourself with the time parameters for doing so. Should you wish to submit an expression of interest or an offer for the Property, please forward it to our legal counsel, Harrison Pensa LLP, Attn: Mr. Tim McCullough, 450 Talbot Street, London, Ontario, N6A 5J6. Please know that, unless the Board sells the Property pursuant to an offer received in response to this circulation, the Board shall be entitled to proceed with the sale of the Property on the open market. Should you have any questions regarding the Property, please contact our legal counsel at the address specified above.

Given that the Ministry of Education requires proof that there is no interest in acquiring the property, it is requested that you provide written confirmation of same. Confirmation may be sent to my attention at the mailing address below or via email at j.faubert@tvdsb.ca.

Sincerely,
THAMES VALLEY DISTRICT SCHOOL BOARD

Per: 
Jennifer Faubert, Executive Assistant to the Superintendent of Business
Encl.

Thames Valley District School Board - Organizational Support Services - Business
1250 Dundas Street, London, Ontario N5W 5P2 Tel: 519-452-2000 website: www.tvdsb.ca

We build each student's tomorrow, every day.

SCHEDULE A

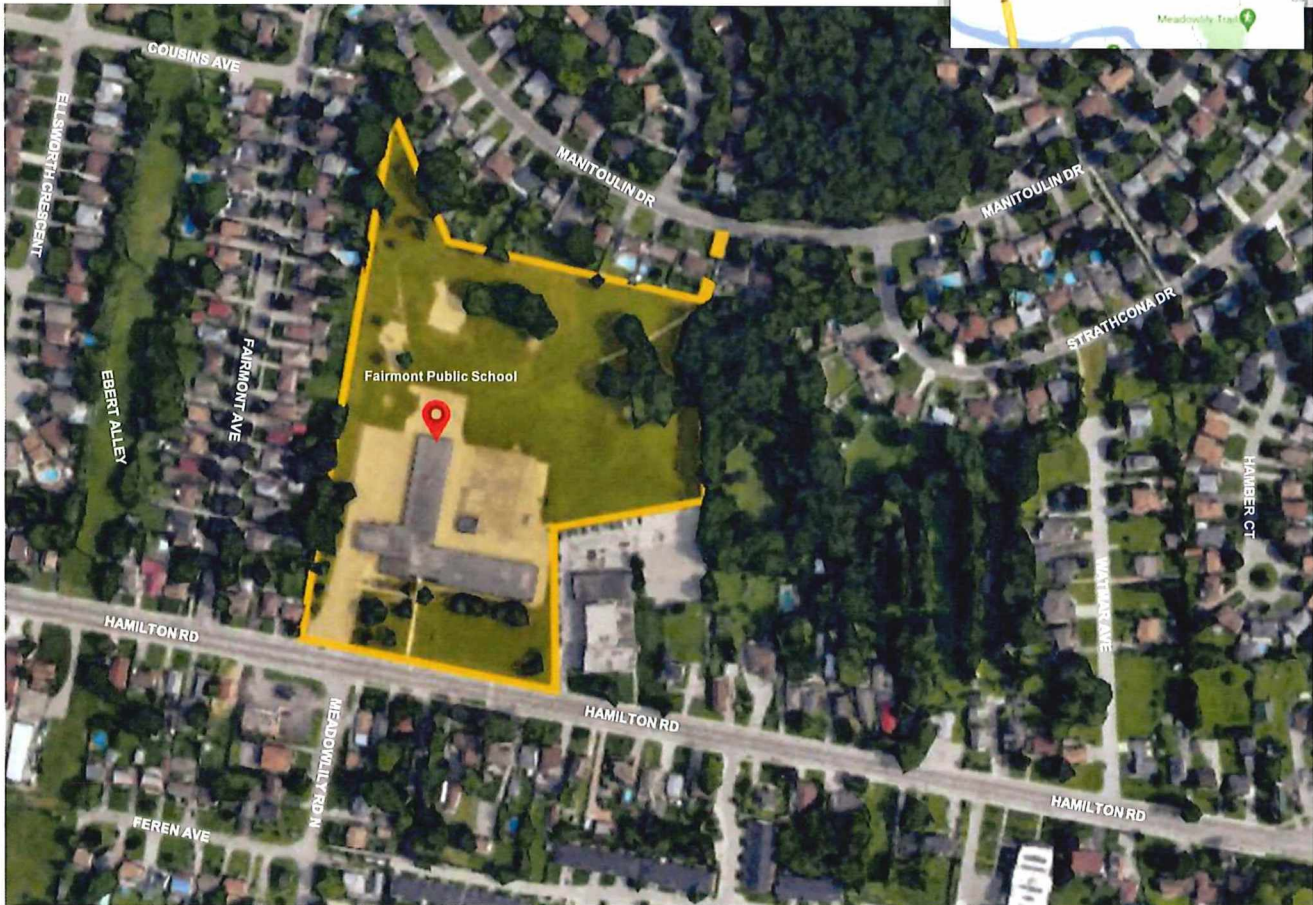
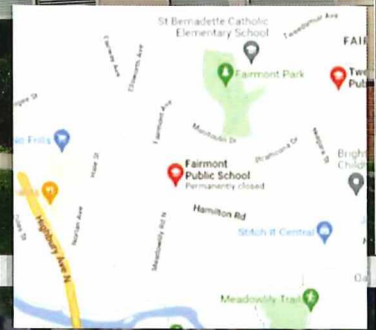
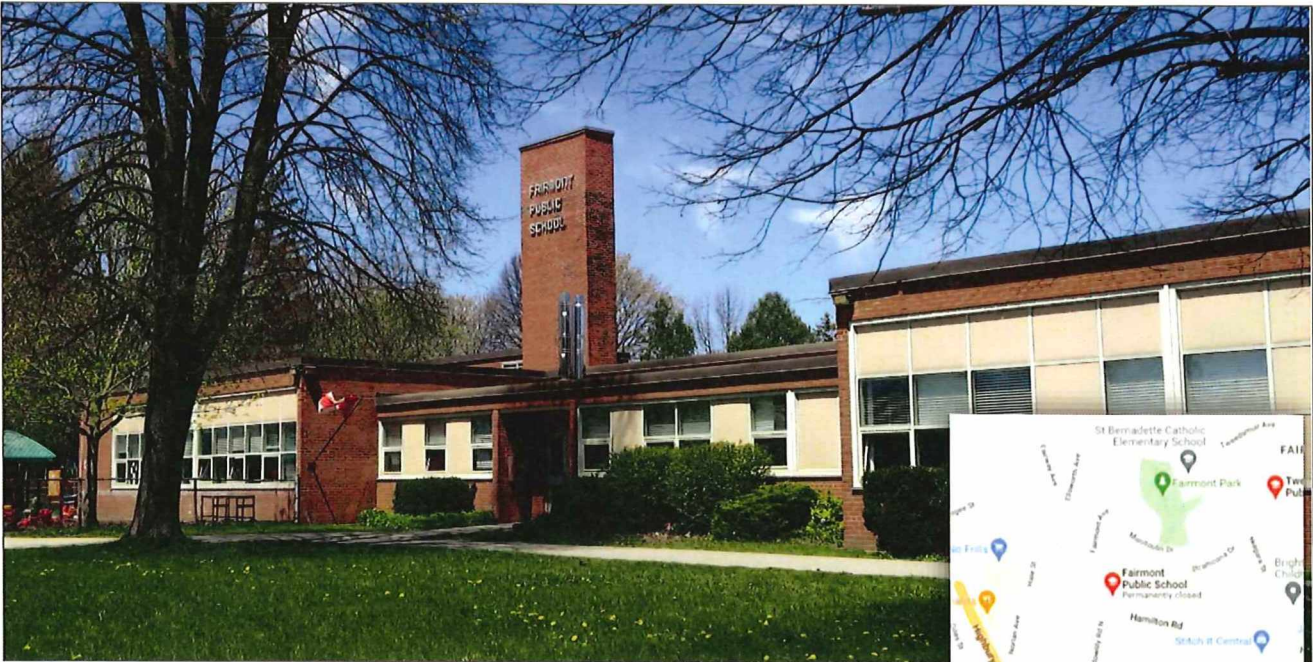
LEGAL DESCRIPTION OF PROPERTY

1040 Hamilton Road, London, Ontario N5W 1A6

PART LOT 28, PLAN 285, PART BLOCK "J", PLAN 790 AND PART SOUTH ½ LOT 7, CONCESSION B AS IN 142904, 210687, 196909, 373063; EXCEPT 74630, 210856, 142905; S/T 77819, 78336, CITY OF LONDON, COUNTY OF MIDDLESEX BEING PIN 08121-0023 (LT) (the "**Property**")

Fairmont Public School

1040 Hamilton Road, London, ON



OFFER TO PURCHASE

VENDOR: The Thames Valley District School Board (the “Vendor”)

PURCHASER: _____

REAL PROPERTY:

Address: _____

Legal Description: _____

(the “Property”)

1. **SALE OF PROPERTY:** The Purchaser hereby offers to buy from the Vendor the Property in accordance with the terms and conditions as set out in this Offer to Purchase (hereinafter referred to as the “Agreement”).
2. **PURCHASE PRICE:** The purchase price (the “Purchase Price”) shall be _____
_____ DOLLARS CDN (\$) _____ payable
as follows:
 - a) a deposit equal to TEN (10%) of the Purchase Price payable by way of certified cheque or bank draft on the date hereof as a deposit payable to the Vendor’s Solicitors, “Harrison Pensa, In Trust”; and
 - b) the balance of the Purchase Price, subject to adjustments, payable by certified cheque on completion of this Agreement.
3. **ADJUSTMENTS:** Local improvements rates, if any, shall constitute the only adjusting items and shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Purchaser.
4. **FIXTURES EXCLUDED:** Outdoor playground equipment, if any.
5. **IRREVOCABILITY:** This Agreement shall be irrevocable by the Purchaser until considered by the Trustees of the Vendor at a meeting to be held no later than sixty (60) days following the submission of this Agreement, after which date, if not accepted, this Agreement shall be null and void and the deposit shall be returned to the Purchaser in full, without deduction.
6. **CONDITIONS:**
 - a) **SOIL AND ENVIRONMENTAL TESTS:** The Purchaser shall have a period of thirty (30) days from the date of the Vendor’s acceptance of this Agreement to satisfy itself in its sole and absolute discretion as to the soil and environmental condition of the Property. The Purchaser may enter on the Property and have soil and environmental tests conducted using qualified agents or servants. The Purchaser agrees that all such tests shall be conducted using reasonable care and it shall restore the Property to a condition as close as reasonably possible to its condition prior to entry. The Purchaser agrees to

indemnify and save harmless the Vendor from and against all claims, demands, costs, including reasonable legal costs, damages, expenses and liabilities whatsoever arising out of its entry on the Property and the conducting of such tests.

If the results of the soil tests are not satisfactory to the Purchaser, it shall within the time limit set forth above, deliver written notice to that effect, to the Vendor and the Agreement shall be terminated and the deposit immediately returned to the Purchaser without interest or deduction: failing delivery of such written notice this condition shall be deemed to have been waived by the Purchaser. This condition is inserted for the benefit of the Purchaser and may be waived by it at any time during the time limited period herein.

b) **COMPLETION CONDITIONAL ON REZONING:** The completion of the transaction contemplated hereby is conditional upon the Purchaser successfully causing the Property to be rezoned to an _____ zoning designation as provided in the comprehensive zoning bylaw of the municipality in which the Property is located and upon successfully obtaining an amendment to the Official Plan, if necessary, within One Hundred Twenty (120) days of the Vendor's acceptance of this Agreement, failing which this Agreement shall be null and void and the deposit shall be returned to the Purchaser in full without interest or deduction.

In applying to the municipality for rezoning and/or an amendment to the Official Plan, the Vendor agrees to provide its consent to the Purchaser to make the necessary applications to the municipality for the rezoning and/or Official Plan amendment, provided all costs relating to such applications shall be borne by and for the account of the Purchaser.

The Purchaser agrees to provide the Vendor with a copy of any application the Purchaser may make for amendment to the zoning designation for the Property and/or the Official Plan forthwith upon its filing with the municipality.

The Vendor shall have the right to terminate this Agreement in the event that the application for rezoning and/or the amendment to the Official Plan, if necessary, has not been filed with the municipality having jurisdiction over such application within thirty (30) days following acceptance of the Agreement by the Vendor, in which event this Agreement shall be null and void and the deposit shall be returned to the Purchaser in full without interest or deduction.

7. **COMPLETION DATE:** The Agreement shall be completed by no later than 4:30 p.m. EST on the date (the "**Completion Date**") which is twenty (20) days following the satisfaction of the re-zoning condition set forth in section 6(b). Upon completion, vacant possession of the Property shall be given to the Purchaser.
8. **TITLE SEARCH:** The Purchaser shall be allowed until 4:30 p.m. EST on the fifteenth (15th) day prior to the Completion Date (the "**Requisition Deadline**") to examine the title to the Property at its own expense and to satisfy itself that there are no outstanding work orders or deficiency notices affecting the Property.
9. **NOTICES:** Any notice relating to or provided for in this Agreement shall be in writing.
10. **HST:** The Vendor shall on completion collect, any Harmonized Sales Tax ("HST") exigible on the Purchase Price and shall forthwith remit such HST in accordance with applicable legislation, unless the Purchaser provides to the Vendor evidence (satisfactory to the Vendor), that the Purchaser: is an HST registrant: shall self-assess and remit all HST payable in connection with the transfer of the Property; and, shall indemnify and save harmless the Vendor from and against any and all HST penalties, costs and/or interest which may become payable by or assessed against the Vendor as a result of any inaccuracy, misstatement or misrepresentation made by the Purchaser in connection with this Agreement.

11. **FUTURE USE:** The Vendor and the Purchaser agree that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful.
12. **TITLE:** Provided that the title to the Property is good and free from all registered restrictions, charges, liens and encumbrances except as otherwise specifically provided in this Agreement, including Schedule 1 hereto, and save and except for: (a) any registered restrictions or covenants that run with the land providing that such are complied with;(b) any registered municipal agreements and registered agreements with publicly regulated utilities providing that such have been complied with, or security posted to ensure compliance and completion, as evidenced by a letter from the relevant municipality or regulated utility; (c) any easements for the supply of utility or telephone services to the Property or adjacent properties; and (d) any easements for drainage, storm or sanitary sewers, public utility lines, telephone lines, cable television lines or other services. If prior to Requisition Deadline any valid objection to title or to any outstanding work order or deficiency notice, or that the principal building may not be insured against risk of fire is made in writing to the Vendor and which the Vendor is unable or unwilling to remove, remedy or satisfy and which the Purchaser will not waive, this Agreement notwithstanding any intermediate acts or negotiations in respect of such objections, shall be at an end and the deposit paid shall be returned without interest or deduction and the Vendor shall not be liable for any costs or damages. Save as to any valid objection so made by the Requisition Deadline and except for any objection going to the root of the title, the Purchaser shall be conclusively deemed to have accepted the Vendor's title to the Property.
13. **"AS IS" CLAUSE:** The Purchaser acknowledges that the Property is being purchased on an "as is" basis. The Purchaser acknowledges that the Vendor has not made, did not make and shall not be required to provide any representations or warranties of any kind with respect to whether the Property and processes and undertakings performed thereon have been and are in compliance with any applicable environmental laws, regulations and orders or whether the Property is suitable for any specific use, including, without limitation, for purposes of any particular construction or development. The Purchaser acknowledges and agrees that the Vendor shall not be liable for any damages of loss whatsoever arising out of or pursuant to any claims in respect of any of the foregoing.
14. **TITLE DOCUMENTS:** The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title to the Property, except such as are in the possession or control of the Vendor.
15. **DOCUMENT DELIVERY:** The Vendor agrees to deliver to the Purchaser, within five (5) days from its acceptance of the Agreement (copies of the following documentation, provided such documentation is in the Vendor's possession):
 - a) a survey or surveyors certificate of the property;
 - b) a site plan;
 - c) floor plans of the building;
 - d) particulars of the cost of utilities consumed in the last twelve (12) month period of active use of the Property by the Vendor
 - e) any Designated Substance Report; and
 - f) a roofing Detail Report.and the Vendor shall have no other obligation to produce documentation other than as set out herein.
16. **DOCUMENT PREPARATION:** The Transfer/Deed shall, save for the Land Transfer Tax Affidavit, be prepared in registerable form at the expense of the Vendor.
17. **TIME LIMITS:** Time shall in all respects be of the essence hereof; provided that, the time for doing or completing any matter provided for herein may be extended or abridged by an agreement, in writing,

signed by the Vendor and the Purchaser or their respective solicitors who may be specifically authorized in that regard.

18. **INSURANCE:** All buildings on the Property and all other items being purchased shall be and remain until completion of the Agreement at the risk of the Vendor. Pending completion, the Vendor shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, the Purchaser at its option may either terminate this Agreement and request that the deposit paid forthwith be returned without interest or deduction or request the proceeds of any insurance and complete the purchase contemplated herein. No insurance shall be transferred on the completion of the transaction contemplated herein.
19. **RESIDENTIAL TENANCY:** The Vendor represents and warrants that the Property has no residential tenants.
20. **TENDER:** Any tender of documents or money hereunder may be made upon the Vendor or the Purchaser or their respective solicitors on the day set for completion. Money may be tendered by bank draft or certified cheque by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.
21. **FAMILY LAW ACT:** The Vendor warrants that spousal consent under the provisions of the *Family Law Act*, R.S.O. 1990 is not necessary for this transaction.
22. **CLOSING ARRANGEMENTS:** Where each of the Vendor and the Purchaser retain a solicitor to complete this Agreement, and where the transaction will be completed by electronic registration pursuant to Part III of the 'Land Registration Reform Act, R.S.O., Chapter L4, and any amendments thereto, the Vendor and the Purchaser acknowledge and agree that the delivery of documents and the release thereof to the Vendor and the Purchaser may, at the solicitor's discretion: (a) not occur contemporaneously with the registration of the Transfer/Deed (and other registerable documentation); and, (b) be subject to conditions whereby the solicitor receiving documents and/or money will be required to hold them in trust and not release them except in accordance with the terms of a written agreement between their respective solicitors.
23. **AGREEMENT IN WRITING:** This Agreement shall constitute the entire agreement between the Purchaser and the Vendor. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. This Agreement shall be read with all changes of gender or number required by the context.
24. **NON REGISTRATION:** The Purchaser covenants and agrees that it will not register this Agreement or notice of this Agreement or a caution or any other document evidencing this Agreement without having the written consent of the Vendor prior to such registration, which consent may be arbitrarily and unreasonably withheld.
25. **SUCCESSORS AND ASSIGNS:** The heirs, executors, administrators, successors and permitted assigns of each of the Purchaser and the Vendor shall be bound by the terms of this Agreement. The Purchaser shall not be permitted to assign this Agreement without the prior written consent of the Vendor, which consent may be arbitrarily or unreasonably withheld.

26. **COUNTERPARTS AND ELECTRONIC TRANSMISSION:** This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument. In addition, this Agreement may be executed either in original, faxed form or other electronic form and the parties adopt any signatures received by facsimile or other means of electronic transmission, as original signatures of the parties; provided, however, that any party providing its signature in such manner shall promptly forward the other party an original of the signed copy of this Agreement which was so faxed or electronically transmitted by other means.

DATED this ____ day of _____, 20__

[insert name if Purchaser is a Corporation]

Name:
Title:
I have the authority to bind the Corporation.

Witness

[insert name if Purchaser is an Individual]

The Thames Valley District School Board hereby accepts the above Agreement and agrees to complete the sale of the Property on the terms and conditions herein contained.

DATED this ____ day of _____, 20__

THAMES VALLEY DISTRICT SCHOOL BOARD

Per: _____
Name:
Title:

Per: _____
Name:
Title:

VENDOR'S LAWYER: Harrison Pensa LLP, Attention: Tim McCullough
450 Talbot Street, PO Box 3237, London, ON N6A 4K3

Ph. #519-661-6718 Fax # 519-667-3362

PURCHASER'S LAWYER: _____

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: Rembrandt Meadowlilly Inc.
1005, 1021, 1051, 1065, 1213 and 1221 Meadowlark Ridge
City File: P-9609 Ward 14

Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following action be taken with respect to the application by Rembrandt Meadowlilly Inc. to exempt the following lands from Part Lot Control:

- (a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law attached as Appendix "A", **BE INTRODUCED** at the Municipal Council meeting on June 6, 2023, to exempt lands located at 1005, 1021, 1051, 1065, 1213 and 1221 Meadowlark Ridge, legally described as part of Blocks 1, 4 and 13 on Registered Plan 33M-603, and Parts 5, 6, 25, 26, 27, 28, 32 and 35 on Plan 33R-20017, from the Part Lot Control provisions of subsection 50(5) of the said *Act*, for a period not to exceed two (2) years;
- (b) the applicant **BE ADVISED** that the cost of registration of the above-noted By-law is to be borne by the applicant, in accordance with City policy.

Executive Summary

The application request is for approval to exempt a portion of blocks within a registered plan of subdivision from the Part Lot Control provisions of the Planning Act. Exemption from Part Lot Control will allow the applicant to complete home construction and sales of the remaining single detached residential lots previously approved for this phase of the subdivision.

The applicant will not be required to satisfy conditions prior to the passing of the Exemption from Part Lot Control By-law as all conditions were satisfied through a previous exemption by-law which expired on April 20, 2023. A reference plan of survey was also previously approved and deposited at the Land Registry Office. Rembrandt Meadowlilly Inc. has been advised the cost of registration of the by-law is to be borne by the applicant, in accordance with City policy.

Linkage to the Corporate Strategic Plan

A well planned and growing community - London's growth and development is well-planned and considers use, intensity, and form.

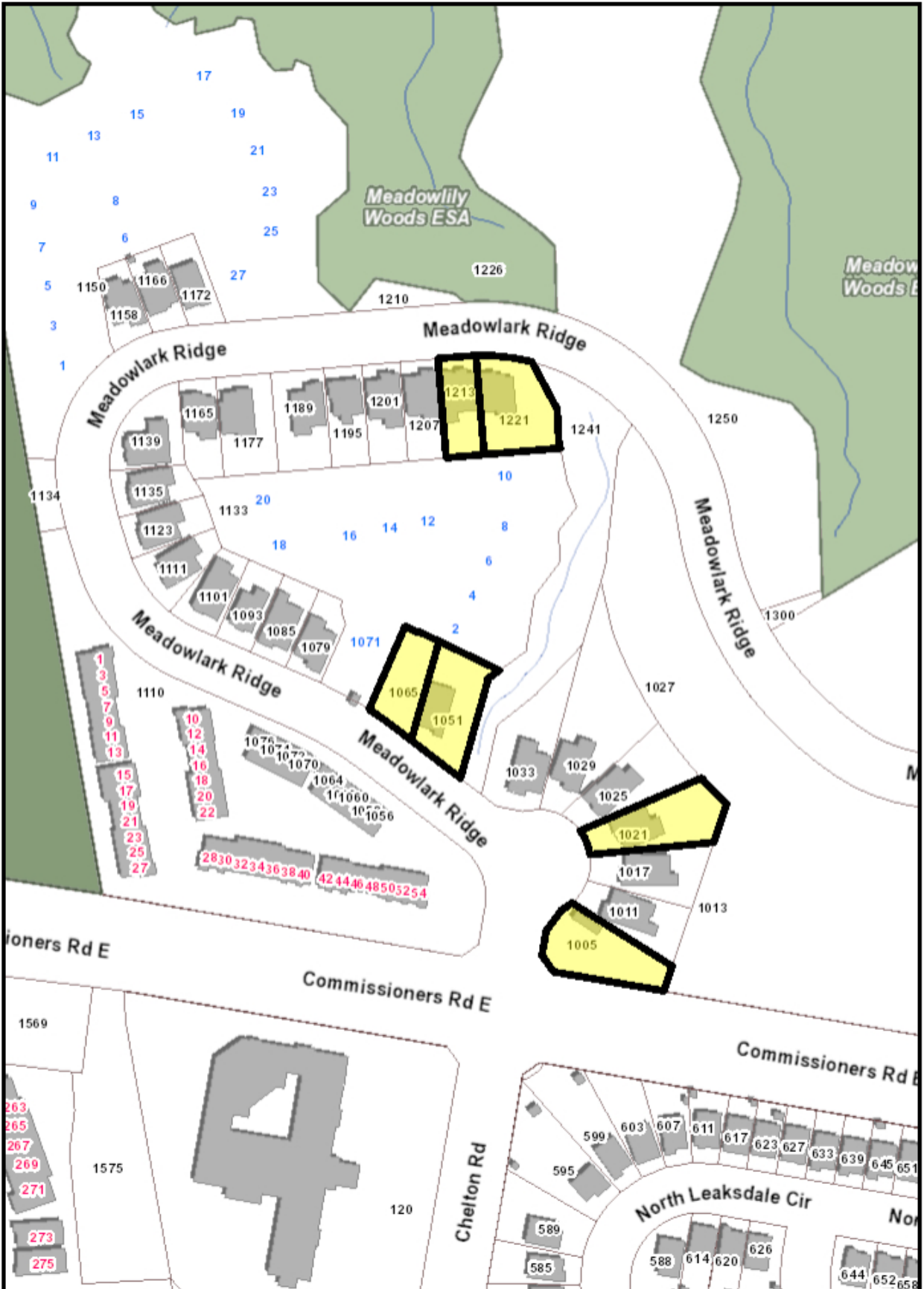
Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

December 2, 2019 – Report to Planning and Environment Committee – 1013, 1133, 1170 and 1250 Meadowlark Ridge (Blocks 1, 3, 4 and 13 in Plan 33M-603 more particularly described as Parts 1-35 in Plan 33R-20017) - Application for Exemption from Part Lot Control – Rembrandt Meadowlilly Inc. (File No. P-8727).






1.2 Location Map



Location Map

Project Title: P-9609
 Description: Meadowlark Ridge Subdivision - Phase 1
 Created By: Larry Mottram
 Date: 5/2/2023
 Scale: 1:2000

Legend

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

Corporation of the City of London



3.0 Financial Impact/Considerations

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

4.0 Key Issues and Considerations

4.1. Part Lot Control Exemption Request

The previous Part Lot Control By-law expired on April 20, 2023. All conditions of the previous by-law were satisfied, revised engineering drawings accepted, and an amending subdivision agreement was entered into with the City. The applicant's agent advised that presently all but six of the 28 single detached dwelling lots have been sold and of these four homes have been built, one is under construction, and construction on the sixth lot is to commence this spring.

Due to a decline in market demand, home sales have not been as strong as anticipated. This combined with additional engineering and construction of required infrastructure for this phase has resulted in delays in completing full build out of lots within the Part Lot Control Exemption area. Out of an abundance of caution, the applicant has requested an Exemption from Part Lot Control by-law for two (2) years to ensure there is plenty of time to complete construction and transactions of the remaining single detached homes, and avoid the need for further extensions. No changes are proposed to the lot fabric originally proposed and included in the previous by-law.

Through By-law No. CPOL.-392-153, Municipal Council has enacted a policy to guide the consideration of requests for exemption to Part-Lot Control. Requests for exemption to Part-Lot Control will be considered as follows:

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

The subject lots are located within a registered plan of subdivision (Plan 33M-603), and zoned Residential R1 Special Provision (R1-4(31)) permitting single detached dwellings. Full municipal services are in place and a subdivision agreement has been entered into.

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

This exemption request completes the single detached dwelling lots in Phase 1 of the subdivision established through previous part lot control exemptions.

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

The requested part lot control exemption does not change the nature or character of the subdivision, zoning or road alignment.

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

The requested part lot control exemption is appropriate and will allow completion of construction and sale of the remaining single detached homes in this phase.

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

The subject lands are within the Neighbourhoods Place Type in The London Plan which permits a range of dwelling types fronting on a Neighbourhood Street, including single detached and townhouse dwellings, having minimum and maximum heights of 1 storey and 3 storeys, respectively. The proposal will facilitate development of the parcels in accordance with the form of development established through previously approved zoning and exemptions to part lot control. The proposed lots have access to municipal services and utilities. Access is provided by Meadowlark Ridge which is planned to extend to Phase 2 of this subdivision, and to future development lands further to the east.

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

The recommendation in Part (b) of this report is that the applicant be advised that the cost of registration of the by-law is to be borne by the applicant, in accordance with City policy.

Conclusion

In accordance with the provisions of the *Planning Act*, Council may pass by-laws to exempt all, or parts of registered plans of subdivision from Part Lot Control. The recommended exemption is considered appropriate and in keeping with The London Plan and Z.-1 Zoning By-law. There are no conditions recommended to be imposed by Municipal Council prior to passing the Exemption from Part Lot Control By-law. Rembrandt Meadowlilly Inc. has been advised cost of registration of the by-law is to be borne by the applicant, in accordance with City policy.

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

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

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 Development Services.

CC: Peter Kavcic, Manager, Subdivisions and Development Inspections
Matt Davenport, Manager, Subdivision Engineering

May 15, 2023
SM/HM/BP/LM/lm

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Appendix A

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

By-law No. (Number to be inserted by
Clerk's Office)

A by-law to exempt from Part Lot
Control lands located at 1005, 1021,
1051, 1065, 1213 and 1221 Meadowlark
Ridge; legally described as part of
Blocks 1, 4 and 13 on Registered Plan
33M-603, and Parts 5, 6, 25, 26, 27, 28,
32 and 35 on Plan 33R-20017, in the
City of London, County of Middlesex.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Rembrandt Meadowlilly Inc., it is expedient to exempt lands located at 1005, 1021, 1051, 1065, 1213 and 1221 Meadowlark Ridge; legally described as part of Blocks 1, 4 and 13 on Registered Plan 33M-603, and Parts 5, 6, 25, 26, 27, 28, 32 and 35 on Plan 33R-20017, from Part Lot Control;

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

1. Lands located 1005, 1021, 1051, 1065, 1213 and 1221 Meadowlark Ridge, legally described as part of Blocks 1, 4 and 13 on Registered Plan 33M-603, and Parts 5, 6, 25, 26, 27, 28, 32 and 35 on Plan 33R-20017, in the City of London, County of Middlesex, are hereby exempted from Part Lot Control pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c.P.13, as amended, for a period not to exceed two (2) years; it being pointed out that these lands are zoned to permit single detached dwellings in conformity with the Residential R1 Special Provision (R1-4(31)) Zone of the City of London Zoning By-law No. Z.-1.
2. This By-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on June 6, 2023.

Josh Morgan
Mayor

Michael Schulthness
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 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: Four99 Inc.
340-390 Saskatoon Street, Z-9599 O-9600, Ward 2
Public Participation Meeting
Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Four99 Inc. relating to the properties located at 340-390 Saskatoon Street:

- (a) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at a future Council meeting, to amend the Official Plan, The London Plan, for the City of London by **AMENDING** policy 1070B for Specific Policies in the Neighbourhoods Place Type;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 6, 2023 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan (The London Plan) as amended in part (a) above, to change the zoning of the subject property **FROM** a Holding Residential R2/Restricted Office Special Provision (h-216*R2-3/RO(6)) Zone, **TO** a Holding Residential R2/Restricted Office Special Provision (h-216*R2-3/RO(_)) Zone;

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site from a Residential R2/Restricted Office Special Provision (h-216*R2-3/RO(6)) Zone. The new special provision would allow additional uses to the RO Zone, including Business Offices, Service Offices, Business Service Establishments, Professional Offices, and Charitable Organization Offices, and would retain the existing special provisions. Additionally, the applicant has requested to amend The London Plan to include the above note uses as part of the existing site-specific Policy 1070B_ in the Neighbourhoods Place Type.

Purpose and Effect of Recommended Action

The purpose of the recommended action is to permit a wider range of office-related uses within the existing buildings on the site.

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, Neighbourhoods Place Type, and Specific Policy Areas policies;
3. The recommended amendment would broaden the scope of permitted uses in an existing building with existing light industrial and associated office uses.

Linkage to the Corporate Strategic Plan

A well planned and growing community - London's growth and development is well-planned and considers use, intensity, and form.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

The subject lands underwent a previous Official Plan and Zoning By-law Amendment, application OZ-8883 in 2018, which applied to 335 to 385 Saskatoon Street and 340 to 390 Saskatoon Street. The application introduced the specific policy area in The London Plan (Policy 1070A_ and 1070B_), as well as amended the Zoning from an Residential R2/Restricted Office Special Provision (h-216*R2-3/RO(6)) Zone for 340 to 390 Saskatoon Street, and a Residential R2/Restricted Office Special Provision (h-216*R2-3/RO(5)) Zone for 335 to 385 Saskatoon Street. The public participation meeting with the Planning and Environment Committee was held on June 18, 2018, and the application was approved by Council on June 26, 2018.

Site-specific policy 1070B_ of The London Plan was added to permit the uses of support offices, studios, and warehouse establishments in the existing buildings at 340 to 390 Saskatoon Street. The Restricted Office Special Provision (RO(6)) Zone was also added to the property, implementing the uses within the site specific policy through a special provision which also included regulations to the maximum gross floor area for the additional permitted uses, location of permitted uses and to recognize existing, parking, yard setbacks and lot coverage, among others.

1.2 Property Description

The subject lands are located south of the Saskatoon Street and Dundas Street intersection and are known municipally as 340-390 Saskatoon Street. The lot is located on the east side of Saskatoon Street and consists of an irregular shaped parcel approximately 0.55 hectares (1.36 acres) in size. The parcel also abuts Whitney Street to the north and Borden Street to the south.

The existing buildings located at 340-390 Saskatoon Street are rectangular brick buildings that have been purpose-built for non-residential uses. The existing building on the subject lands is predominately 1-storey in height, with a 2-storey component located towards the northerly end of the parcel. The long building masses along Saskatoon Street are broken-up by a series of building recesses and projections and the interior of the buildings can be divided into several smaller units. There are several windows and man-doors along the front of the existing buildings that provide views and direct pedestrian access to Saskatoon Street and several man-doors and larger loading doors along the rear of the existing buildings to facilitate loading and service functions. In particular, there are two (2) elevated loading doors and one (1) elevated loading dock along the rear of the existing building.

The on-site surface parking area associated with the building at 340-390 Saskatoon Street is located at the northerly and southerly ends of the site and at the rear of the building, but the surface parking area does not run continuously around the rear of the existing building. There are 45 existing on-site parking spaces and two (2) driveways, one from Saskatoon Street the other from Borden Street, which provide vehicular access to the site. There is a 3 metre (10 foot) wide City-owned lane located immediately east of 340-390 Saskatoon Street that runs north-south between Whitney Street and Borden Street and a corresponding 3 metre (10 foot) wide private right-of-way easement located along the rear of 340-390 Saskatoon Street and the side of 1680 Borden Street that runs parallel to, and immediately west of the City-owned lane. 340-390 Saskatoon Street and 1680 Borden Street have shared rights of access over the private right-of-way. The parking located along the rear of the building at 340-390

Saskatoon Street is accessed from the City-owned lane and the private right-of-way easement.



Figure 1: 340-390 Saskatoon Street (East Side) Looking North to Whitney Street

1.3 Site Characteristics

- Current Land Use –Support Offices, Studios, Warehouse Establishments
- Frontage – 25 m (82 ft.) along Borden Street
- Depth – Irregular
- Area –0.55 hectares (1.36 acres)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Neighbourhood shopping centre
- East – Single detached dwellings
- South – Single detached dwelling
- West – Industrial mall

1.5 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- The London Plan Site Specific Policy – Policy 1070B
- Existing Zoning – h-216, R2-3, RO(6) Zone

2.0 Discussion and Considerations

2.1 Development Proposal

The requested amendments are intended to permit additional office-related uses in both the Zoning By-law and the site-specific policy of The London Plan. In effect, this would permit business offices, service offices, business service establishments, professional offices, and charitable organization offices as uses in the existing buildings on 340 to 390 Saskatoon Street.

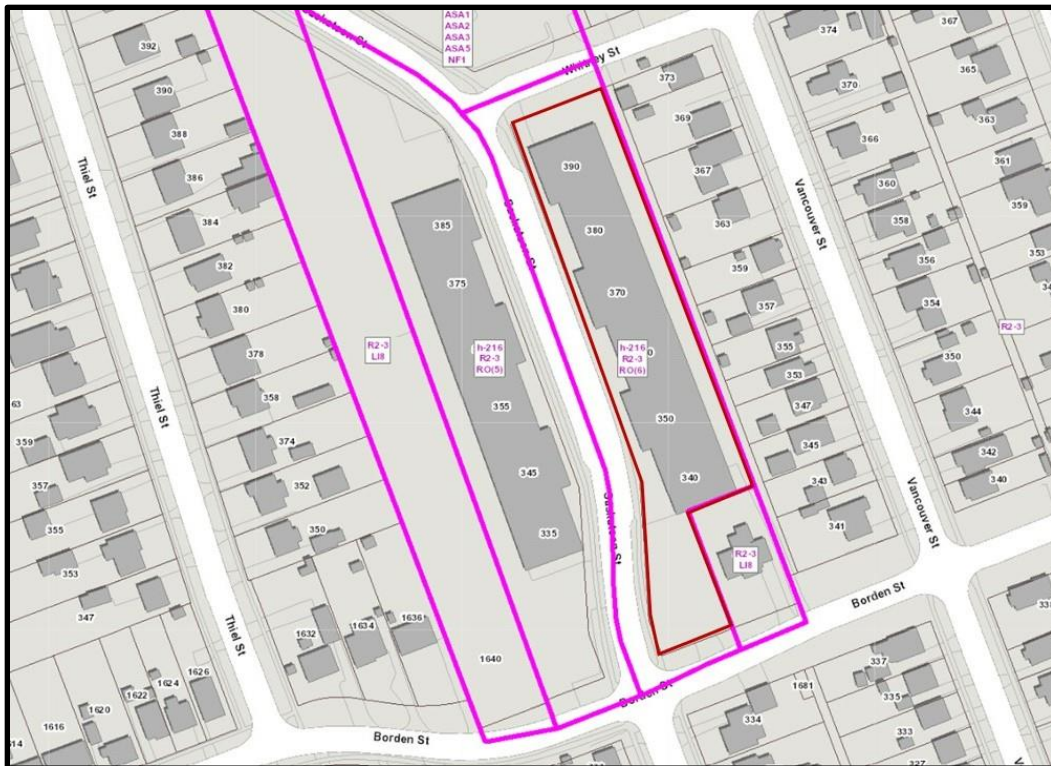


Figure 2: Imagery showing existing zoning of subject lands

The changes to the site-specific policy of The London Plan and to the zoning would broaden the scope of uses within the existing and functional space on the lot. This application does not include any further proposed development or site alterations.

2.2 Requested Amendment

The applicant has requested to amend the zoning of the subject site from a Holding Residential R2/Restricted Office Special Provision (h-216*R2-3/RO(6)) Zone to a Holding Residential R2/Restricted Office Special Provision (h-216*R2-3/RO(_)) Zone. The new special provision would allow additional uses to the RO Zone: Office, Business, Service Offices, Business Service Establishments, Offices, Professional, and Office, Charitable Organization. The amendment would retain the existing special provisions permitting the uses of Studio, Warehouse Establishment, and Offices, Support, as well as regulation around existing building footprint, location of permitted uses being limited to the existing building, gross floor area maximums, and parking on site.

Additionally, the applicant has requested to amend The London Plan to permit the uses of Business Offices, Service Offices, Business Service Establishments, Professional Offices and Charitable Organization Offices to the existing site-specific policy 1070B in the Neighbourhoods Place Type. The amendment would retain the existing permitted uses in Policy 1070B, support offices, studios and warehouse establishments.

2.3 Community Engagement (see more detail in Appendix B)

Through the community engagement process, two (2) emails were received. One email comment express concerns over the use of the laneway by owners of 340-390 Saskatoon Street, mentioning that businesses had been using the laneway as parking and material storage, including pallets being stacked . The comment also mentioned general concerns over lack of privacy and noise from business activity in the laneway. The second email comment expressed concerns over compatibility of the use to the area.

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: PPS

Provincial Policy Statement, 2020

The PPS directs that municipalities shall support economic development and competitiveness by "...maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary use, and take in to account the needs of existing and future businesses" and by "encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities" (Policy 1.3.1 b) and d)).

The amendments to The London Plan and the Zoning By-law are consistent with the PPS, permitting new non-residential uses similar to the existing permitted uses on the subject lands would allow the subject lands to continue to be used for employment uses that contribute to economic activity and employment options within the neighbourhood.

5.2 Key Issue and Consideration #2: Use, Intensity and Form

The proposed Official Plan Amendment is to amend site-specific Policy 1070B_ by adding the additional uses of Business Offices, Service Offices, Business Service Establishments and Office, Charitable Organization as permitted uses in addition to the existing uses. The Zoning By-law amendment would amend the existing Restricted Office Special Provision (RO(6)) Zone, to add the above uses as permitted uses.

The London Plan

The subject lands are located within the "Neighbourhoods" Place Type on Map 1 – Place Types in The London Plan, with frontage on a "Neighbourhood Connector" (Saskatoon Street) on Map 3 – Street Classifications. The broadest range of use and intensity contemplated for the subject lands in The London Plan are single-detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, group homes and home occupations, triplexes, and small-scale community facilities at a minimum height of 1-storey and a maximum height of 2.5-storeys. Policy 924 of The London Plan also adds that having a range of retail, service, and office uses is a goal of the Neighbourhoods Place Type. Policy 936_3. follows this by indicating that for form, non-residential uses may be permitted when it is demonstrated that the form of development can fit well into the existing context in the Neighbourhoods Place Type.

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

The London Plan provides direction to plan strategically for a prosperous city by:

- Planning for and promoting strong and consistent growth and a vibrant business environment that offers a wide range of economic opportunities;
- Revitalizing our urban neighbourhoods and business areas (Key Direction #1, Directions 1 and 4).

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

- Implementing a city structure plan that focuses high-intensity, mixed-use development at strategic locations – along rapid transit corridors and within the Primary Transit Area;
- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Sustaining, enhancing, and revitalizing our downtown, main streets, and urban neighbourhoods;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 3, 4 and 5).

The London Plan also provides direction to place a new emphasis on creating attractive mobility choices by:

- Establishing a high-quality rapid transit system in London and strategically use it to create an incentive for development along rapid transit corridors and at transit villages and stations;
- Focusing intense, mixed-use development to centres that will support and be served by rapid transit integrated with walking and cycling;
- Dependent upon context, requiring, promoting, and encouraging transit-oriented development forms (Key Direction #6, Directions 3, 5, and 6).

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

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character;
- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Directions 3 and 10).

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

- Thinking “big picture” and long-term when making planning decisions – consider the implications of a short-term and/or site-specific planning decision within the context of this broader view (Key Direction #8, Direction 3).

Application OZ-8883 also created a Specific Area Policy for the subject lands: Policy 1070B of The London Plan. The site-specific policy allows the uses of support offices, studios and warehouse establishments in the existing buildings on the lot.

While Specific Policy Area 1070B_ already exists, the proposed amendment to add additional uses to the existing policy meets the criteria for establishing a Specific Area Policy as laid out in Policy 1730:

1. *“The proposal meets all other policies of the Plan beyond those that the specific policy identifies.”*

The proposal by the applicant generally conforms to the policies of The London Plan, including the Neighbourhoods Place Type policies.

2. *The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.”*

Since the specific area policy will continue to limit the non-residential uses to the

existing buildings and their existing size, the specific area policy will discourage the non-residential uses from establishing any further, or intensifying, on the subject lands.

3. *“The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area.”*

The existing buildings located on the subject lands were purpose-built for non-residential uses. The continued use of existing buildings on the subject lands will not create a precedent for the recommended specific area policies elsewhere.

4. *“The proposed use cannot be reasonably altered to conform to the policies of the place type.”*

As noted above, the existing buildings on the subject land were purpose-built for non-residential uses and cannot readily be used for low-rise, low-density housing forms as intended by the place type policies.

5. *“The proposed policy is in the public interest, and represents good planning”*

In the near-term, permitting the existing non-residential uses in the existing non-residential buildings would avoid potential hardships or vacancies when trying to re-tenant the space and contribute to the vitality of the neighbourhood.

5.3 Key Issue and Consideration #2: Compatibility of use and parking

The London Plan’s Policy 1070B_ and the site-specific zoning provisions Restricted Office Special Provision (RO(6)) currently permits support offices, studios, and warehouse establishments as uses, in the existing buildings on 340-390 Saskatoon Street.

The RO(6) Zone also recognized the existing minimum exterior side yard setback, maximum lot coverage, minimum landscaped open space, minimum parking area setback to the required road allowance, and minimum driveway and parking aisle widths. The minimum required parking was set as 45 spaces which is effectively the existing parking for the building. The special provision also sets ground floor area maximums for each of the uses: 3238m² for support offices, 479 m² for studios, and 940 m² for warehouse establishments.

The added uses, business offices, service offices, business service establishments, professional offices, and charitable organization offices would, just like the existing uses, be restricted to the existing building. As certain office uses are already permitted in the building, the addition of similar office type uses is not anticipated to have any major impacts on the abutting lands or surrounding area.

As noted, 45 parking spaces are currently provided on the site. The requested amendments would not change the number of spaces or location of parking spaces. The requested uses would require the same amount of parking in the Zoning By-law’s Section 4.19 10) B) as the existing uses permitted on the site: all types of offices and business service establishments require 1 parking space per 50m² of gross floor area, which is the same rate as the rate for the existing use of support offices. The added uses would not be permitted to span beyond the existing building or expand beyond the building’s existing gross floor area. Staff deem the existing parking on the site appropriate, as the parking requirements for the requested uses would be similar to the existing uses on site.

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, Neighbourhoods Place Type, and Specific Area Policy policies. The recommended amendment will permit a broader range of uses within the existing building, and will contribute to employment space within the City.

Prepared by: **Noe O'Brien**
Planner I, Planning Implementation

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**

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. C.P.- ____

A by-law to amend the Official Plan for the City of London, 2016 relating to 340-390 Saskatoon Street.

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

1. Amendment No. (to be inserted by Clerk's Office) to the 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.
2. This by-law shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on June 6, 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend existing Specific Policies 1078B_, of the Neighbourhoods Place Type of the Official Plan, (The London Plan) for the City of London.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 340-390 Saskatoon Street in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment will add office uses in the existing buildings until such time as the subject lands can be redeveloped for residential land uses as intended in the Neighbourhoods Place Type.

D. THE AMENDMENT

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

1. Specific Policy 1070B_ for the Neighbourhoods Place Type of the Official Plan (The London Plan) for the City of London is amended by amending the following Specific Policy to read as follows:

340-390 Saskatoon Street

1070B_ In the Neighbourhoods Place Type at 340-390 Saskatoon Street, support offices, studios, warehouse establishments, business offices, service offices, professional offices, charitable organization offices, and business service establishments may be permitted in the existing buildings.

Appendix B

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 340-390 Saskatoon Street.

WHEREAS Four99 Inc. has applied to rezone an area of land located at 340-390 Saskatoon Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Section Number 18.4 a) of the Restricted Office (RO) Zone is amended by amending the following Special Provision to read as follows:

RO(6)	340-390 Saskatoon Street	
a)	Permitted Uses	
	i)	Offices, Support
	ii)	Studio
	iii)	Warehouse Establishment
	iv)	Office, Business
	v)	Office, Service
	vi)	Office, Professional
	vii)	Business Service Establishment
	viii)	Office, Charitable Organization
b)	Regulations	
	i)	Location of Permitted Uses
		Permitted uses shall be restricted to the existing building.
	ii)	Exterior Side Yard as existing Setback (minimum)
	iii)	Lot Coverage as existing (maximum)
	iv)	Landscape Open Space as existing (minimum)
	v)	Gross Floor Area 3,238 m ² (34,854 ft ²) Office, Support Office, Business Office, Service Office, Professional Business Service Establishment Office, Charitable Organization (maximum)
	vi)	Gross Floor Area 479 m ² (5,156 ft ²) Studio

	(maximum)	
vii)	Gross Floor Area Warehouse Establishment (maximum)	940 m ² (10,118 ft ²)
viii)	Parking (minimum)	45 spaces for all permitted uses.
ix)	Parking Areas Setback to Required Road Allowance (minimum)	as existing
x)	Driveways and Parking Aisles Widths (minimum)	as existing

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 June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

Appendix C – 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 112 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.

Public Responses: 2

1. Blake Finan:

I recently received a notice of planning application for 340-390 Saskatoon Street in the mail.

Normally such proposals would have my full support. However, some of the bulleted additional permitted uses would be detrimental to the growth of the community. I live at _____, 2 streets east of these proposed changes.

Positive growth in this neighborhood is young couples buying houses, having children and generally beautifying the area through renovations to the neighborhoods mostly 1950s post war homes. The addition of permitted use for charitable organizations and certain professional and service offices puts this in jeopardy.

If the city wants to maximize their property and business tax incomes, we cannot allow the area to remain dilapidated and unsafe to walk at night. By allowing additional uses targeted towards the the lowest incomes, or towards drug use and homelessness, the area's growth slows immensely.

Please consider my thoughts. Since moving here with my Fiancée in January 2022, I've heard this from many a neighbor.

2. Ruthanne McCutcheon & Robert J. Appleton

this application was filed by Four99 Inc. and is obviously the same as file OZ-8883, applicant 1616958 Ontario Inc. from April 2018

I would like to submit the following comments re this application. I would like to say that I agree that offices would be more suitable to this location. There are some issues that need to be addressed. Some issues are related to the access lane area, comprised of a 10 foot lane that runs from Whitney St. to Borden St.

1/this application states that it would require approx. 55 parking spaces.

presently there are about 6 or 7 space near Whitney ST.,approx. 25 spaces near Borden St.,approx. 19 are shown parallel to building

there are no longer any street parking spaces so that gives about 33 spaces. This does not take into consideration the 3 large loading doors,2 of which have elevated loading docks where cars could not park. Also there is no indication where the usual 2 to 4 garbage bins would be located. This a situation that will probably result in cars parking in the access lane where they should not be as well as dumping garbage in the lane.

2/ What is their plan for snow removal? Their present practice is to plow snow into the access lane area then push it up against the residential fences. My understanding is that the access lane falls under Roads and Highways and should be treated the same as any street-- citizens do not plow snow into the street, so will they be removing that snow?

3/ water runoff-- that property and part of the access lane were paved without regard to the fact that water drainage is diverted to the access lane and thus to neighbouring properties causing fence posts to rot out and thus need to be replaced more frequently than normal. One of my neighbours had to bring in several loads of gravel and topsoil to prevent her yard from flooding each year during rainy weather.

The present business in the warehouse at 360 and 370 have their business hours posted as 9 to 5, however there are people working there until 2am, at which time there is the sound of loud voices, cars revving engines and car stereos blasting.

There are sometimes transport trucks in that lane at about 6 am that will sometimes sit there with their engine running for long periods of time. Also they have a private contractor that picks up garbage at 5 am. making a lot of noise.

My understanding is that there are bylaws regarding noise and activities of businesses that are located in or adjacent to residential areas.

If any of those bylaws would apply here to make this situation more amicable that would be good.

When we moved here in the mid 1980s we were assured that the businesses there would be nonintrusive. Since that time we have had to deal with numerous intrusive businesses including an auction company that would bring out portable floodlights and loud speakers to auction cars in the lane in the evening, a plaster fabricating company that would drag huge items of plaster out into the lane to grind them down creating loud noise and plaster dust in the air that coated everything nearby. There was a bar in the 390 building that resulted in drunken fights in the lane, drunks leaning over our fence puking and there was even a shooting there. Most homes have had to erect privacy fences. That is just a few examples of the businesses there. Offices would be a good idea but there also needs for consideration of the residents of the homes on Vancouver St.

We have always had a gate to the access lane in our back fence and fully intend to continue using it despite the threatening attitude of some of the businesses there.

Nature of Liaison: The purpose and effect of this Official Plan and zoning change is to permit additional office uses to the existing range of uses. Possible amendment to The London Plan to ADD a Specific Area Policy to permit Business Offices, Service Offices, Professional Offices, Business Service Establishments and Office, Charitable Organization within the site-specific Policy 1070B in the Neighbourhoods Place Type. Possible Zone Amendment to Zoning By-law Z.-1 FROM Restricted Office Special Provision (RO(6)), Residential(R2-3) and Holding Provision h-216 TO Restricted Office Special Provision (RO(_)), Residential(R2-3) and Holding Provision h-216 Zone to add Business Offices, Service Offices, Professional Offices, Business Service Establishments and Office, Charitable Organization as additional permitted uses to the existing range of uses. The City may add additional special provisions.

Agency/Departmental Comments

Site Plan (March 15, 2023)

SP is not required for the provision of additional uses within existing buildings/GFA of this nature.

Urban Design (March 20, 2023)

No comments.

Engineering (April 6, 2023)

No comments or concerns.

Parks Planning and Design (April 12, 2023)

No comments.

Ecology (April 13, 2023)

No comments.

Heritage (April 13, 2023)

No comments.

Appendix D – Relevant Background

Location Map



LOCATION MAP

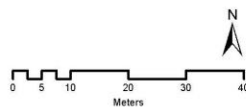
Address: 340-390 Saskatoon Street

File Number: Z-9599, O-9600

Planner: Noe O'Brien

Date: 2023/4/28

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

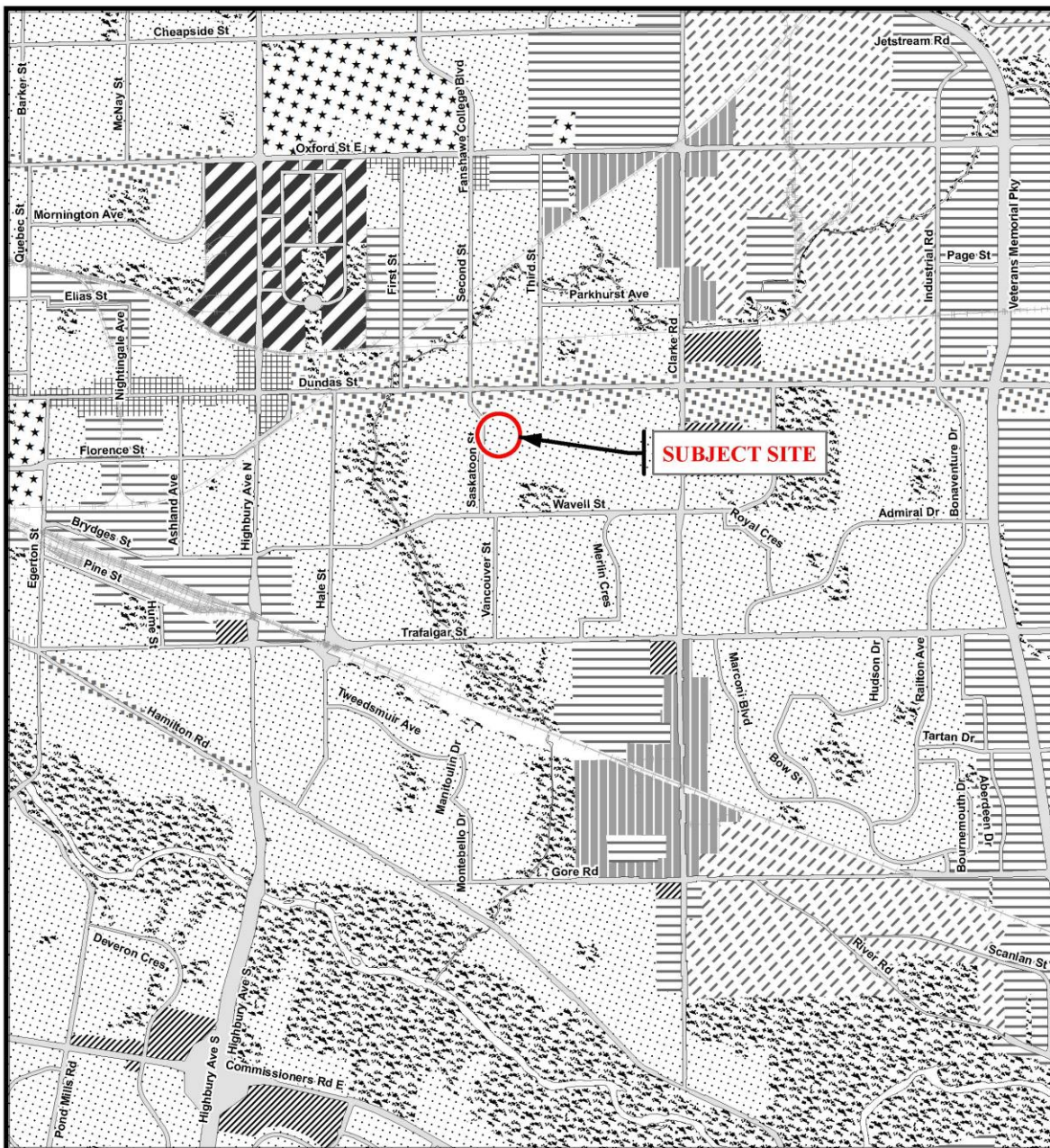


Scale 1:1000

Legend

-  Buildings
-  Parks
-  Vegetation

The London Plan



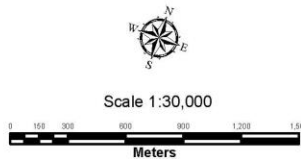
Legend

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-9599, O-9600
Planner: NO
Technician: JI
Date: 2023/4/28

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



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-216*R2-3*RO(6)**

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
Z-9599, O-9600 NO

MAP PREPARED:
2023/04/28 JI

1:2,000
0 10 20 40 60 80 Meters

Appendix E – 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: Yes
Proximity to the nearest public open space: ~460m, East Lions Park
Proximity to the nearest commercial area/use: N/A
Proximity to the nearest food store: ~330m
Proximity to nearest primary school: Al-Taqwa Academy, ~700m
Proximity to nearest community/recreation amenity: ~460m, East Lions Park
Net change in functional on-site outdoor amenity areas: N/A

Reduce Auto-dependence

Proximity to the nearest London Transit stop: ~330m
Completes gaps in the public sidewalk network: N/A
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: N/A (no proposed changes).
Proximity to nearest dedicated cycling infrastructure: 0m (bike lane along Saskatoon Street)
Secured bike parking spaces: Existing
Secured bike parking ratio: Existing
New electric vehicles charging stations: N/A
Vehicle parking ratio: 45 spaces (existing)

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

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: 847-851 Wonderland Road South
City File: Z-9597 Ward 10
Public Participation Meeting

Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 1216571 Ontario Inc. relating to the property located at 847-851 Wonderland Road South, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 6, 2023, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, for the City of London, to change the zoning of the subject property **FROM** an Associated Shopping Area Commercial Special Provision (ASA1(7)) Zone **TO** an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site to permit medical/dental offices as additional permitted uses on the subject lands.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to rezone the subject site to an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone to expand the range of permitted uses on the subject lands through an additional special provision to include medical/ dental offices. 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 policies of The London Plan, including but not limited to the Key Directions and Shopping Area Place Type;
3. The recommended amendment would permit a new use that is appropriate within the surrounding context; and
4. The recommended amendment would provide access to medical/dental offices in a convenient and accessible location to meet the needs of neighbourhood residents.

Linkage to the Corporate Strategic Plan

A well planned and growing community - London's growth and development is well-planned and considers use, intensity, and form.

Analysis

1.0 Background Information

1.1 Property Description

The subject lands are located on the west side of Wonderland Road South, directly south of Viscount Road, within the Westmount Planning District. The site is approximately 0.59 hectares in size with a lot frontage of approximately 64.9 metres onto Wonderland Road South. The site currently contains three stand-alone commercial buildings with associated surface parking and vehicle access provided via two entrances from Wonderland Road South. Public sidewalks are also available along both sides of Wonderland and Viscount Road, and the site is serviced by several existing public transit routes.



Figure 1. Aerial Photo of 847-851 Wonderland Road South and surrounding lands.



Figure 2. Streetview of the subject lands (facing west from Wonderland Road South)



Figure 3. Streetview of the subject lands (facing southwest from the northerly access)

1.2 Current Planning Information

- The London Plan Place Type – Shopping Area fronting an Urban Thoroughfare
- Special Planning Area Policies – Primary Transit Area
- Existing Zoning – Associated Shopping Area Commercial Special Provision (ASA1(7))

1.3 Site Characteristics

- Current Land Use – Commercial
- Frontage – 64.9 metres
- Area – 5,900 metres square (0.59 hectares)
- Depth – 91.3 metres
- Shape – Rectangular

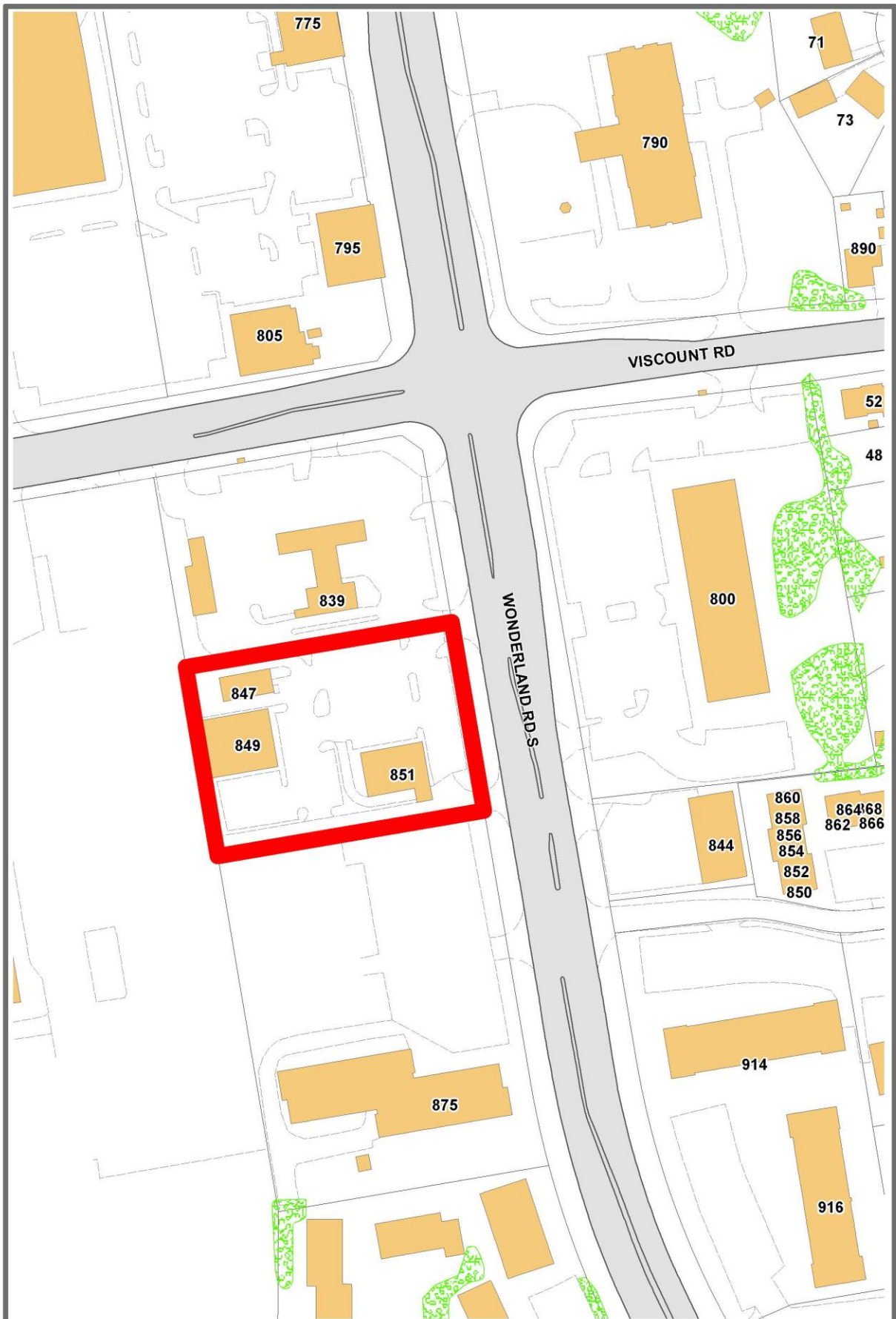
1.4 Surrounding Land Uses

- North – Commercial/ Residential
- East – Residential
- South – Community Facility (Saunders Secondary School)
- West – Residential/ Office

1.5 Intensification

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

1.6 Location Map



LOCATION MAP

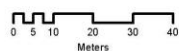
Address: 847-851 Wonderland Road South

File Number: Z-9597

Planner: Michaela Hynes

Date: 2023/4/17




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



Scale 1:1,500



Legend

-  Buildings
-  Parks
-  Vegetation

Description of Proposal

2.1 Development Proposal

In February of 2023, the City of London accepted a complete application that proposed to rezone the subject site to an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone to expand the range of permitted uses on the subject lands through an additional special provision to include medical/dental offices. No exterior alterations are proposed as part of this rezoning application.

2.2 Requested Amendment

The applicant has requested to rezone the subject site to add an additional special provision to the current Associated Shopping Area Commercial Special Provision (ASA1(7)) zoning on the site. This request will expand the range of permitted uses on the subject lands to include medical/dental offices.

2.3 Community Engagement (see more detail in Appendix B)

The public was provided with an opportunity to provide comments and input on the application. No comments were received from the public on this file.

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 Impacts

There are no direct municipal financial expenditures with this application.

5.0 Key Issues and Considerations

5.1 Issue and Consideration #1 – Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement 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 (1.1.1e)).

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

Planning authorities shall also promote economic diversity, development, and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1). 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 as it will facilitate the introduction of a new use that is suitable within the existing site context, and which will broaden the range of uses in the area. The proposed medical/dental offices will contribute to meeting the short and long-term needs of the community, primarily servicing the residents in the immediate area, thereby promoting a reduction in the length and number of vehicle trips. The recommended amendment also contributes to a land use pattern that makes efficient use of existing land and resources within a settlement area which is appropriate for the available infrastructure, avoiding the need for unjustified and uneconomical expansion.

5.2 Issue and Consideration #2 – The London Plan Key Directions

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

The London Plan also provides direction for building a mixed-use compact city for London's future by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward” (Key Direction #5, Direction 2).
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward (Key Direction #5, Direction 4).
- Mix stores, restaurants, clean industry, live-work arrangements, and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity (Key Direction #5, Direction 6).

The London Plan also provides direction for building strong, health, 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 (Key Direction #7, Direction 2).
- Distribute educational, health, social, cultural, and recreational facilities, and services throughout the city so that all neighbourhoods are well-served (Key Direction #7, Direction 8).

The recommended amendment supports these Key Directions by proposing a convenient service to residents within the urban Built-Area Boundary of the City. The proposed medical/dental offices will primarily service the residents in the immediate area contributing to such services throughout the City, while also promoting neighbourhood level walkability. Further, the recommended amendment is in line with the Key Directions by providing an opportunity for commercial/service infill that takes advantage of existing services.

5.3 Issue and Consideration #3 – Use

The subject site is located within the Shopping Area Place Type on Map 1 fronting an Urban Thoroughfare on Map 3, in The London Plan. The Shopping Area Place Type contemplates a wide range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses within easy walking distance for neighbourhoods. The proposed medical/dental office services are a completed use within the Shopping Area Place Type.

The London Plan identifies that part of the vision for the Shopping Area Place Types is that over time, many of these centres will re-format to become mixed-use areas that include retail, service, office, and residential uses, that will become more pedestrian, cycling, and transit oriented (The London Plan, 871_). The proposed medical/dental office use is in line with this vision by providing a new use that will broaden the range of uses in the area and which will service the needs of residents within a walking distance.

5.4 Issue and Consideration #4 – Intensity & Form

The existing three stand-alone commercial buildings and associated surface parking are within the intensity contemplated in The London Plan which permits buildings not exceeding four storeys in height (The London Plan, 878_2). Given no new development, no exterior changes and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the existing and proposed new uses. The medical/dental offices are not anticipated to have any negative impacts on the surrounding neighbourhood.

Nevertheless, the expansion of uses on the subject site will allow for a more efficient use of the lands, which is in line with the intent of The London Plan to allow for the more intense and efficient use of Shopping Area sites through redevelopment, expansion, and the introduction of residential development (The London Plan, 878_1).

5.5 Issue and Consideration #5: Zoning

The applicant has requested to rezone the subject site to an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone to expand the range of permitted uses on the subject lands to include medical/dental offices. The site is in conformity with all existing zoning regulations, and as such does not require any additional special provisions. Existing special provisions include no minimum front and exterior yard depth requirement, and that there is no gross floor area maximum for retail stores, will continue to apply to the subject lands.

As such, Planning and Development Staff are of the opinion that the recommended Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone is appropriate for the subject site and would permit a broader range of uses that are compatible with the surrounding area.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan. The recommended amendment would permit a new use that is appropriate within the surrounding context and would facilitate access to medical/dental offices in a convenient and accessible location to meet the needs of neighbourhood residents.

Prepared by:	Michaella Hynes Planner I
Reviewed by:	Mike Corby, MCIP, RPP Manager, Planning Implementation
Recommended by:	Heather McNeely, MPA Director, Planning and Development
Submitted by:	Scott Mathers, MPA, P. Eng Deputy City Manager, Planning and Economic Development

Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 847-
851 Wonderland Road South

WHEREAS 1216571 Ontario Inc. has applied to rezone an area of land located at 847-851 Wonderland Road South, 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 847-851 Wonderland Road South, as shown on the attached map comprising part of Key Map No. A106, from an Associated Shopping Area Commercial Special Provision (ASA1(7)) Zone to an Associated Shopping Area Commercial Special Provision (ASA1(_)) Zone.
- 2) Section Number 24.3 of the Associated Shopping Area Commercial (ASA) Zone is amended by adding the following Special Provisions:

ASA1 (_) 847-851 Wonderland Road South

a) Additional Permitted Uses:

i) Medical/ Dental Offices

b) Regulations:

i) There is no Front and Exterior Yard Depth (m) Minimum requirement.

ii) There is no Gross Floor Area (Maximum) for Retail Stores

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 June 6, 2023

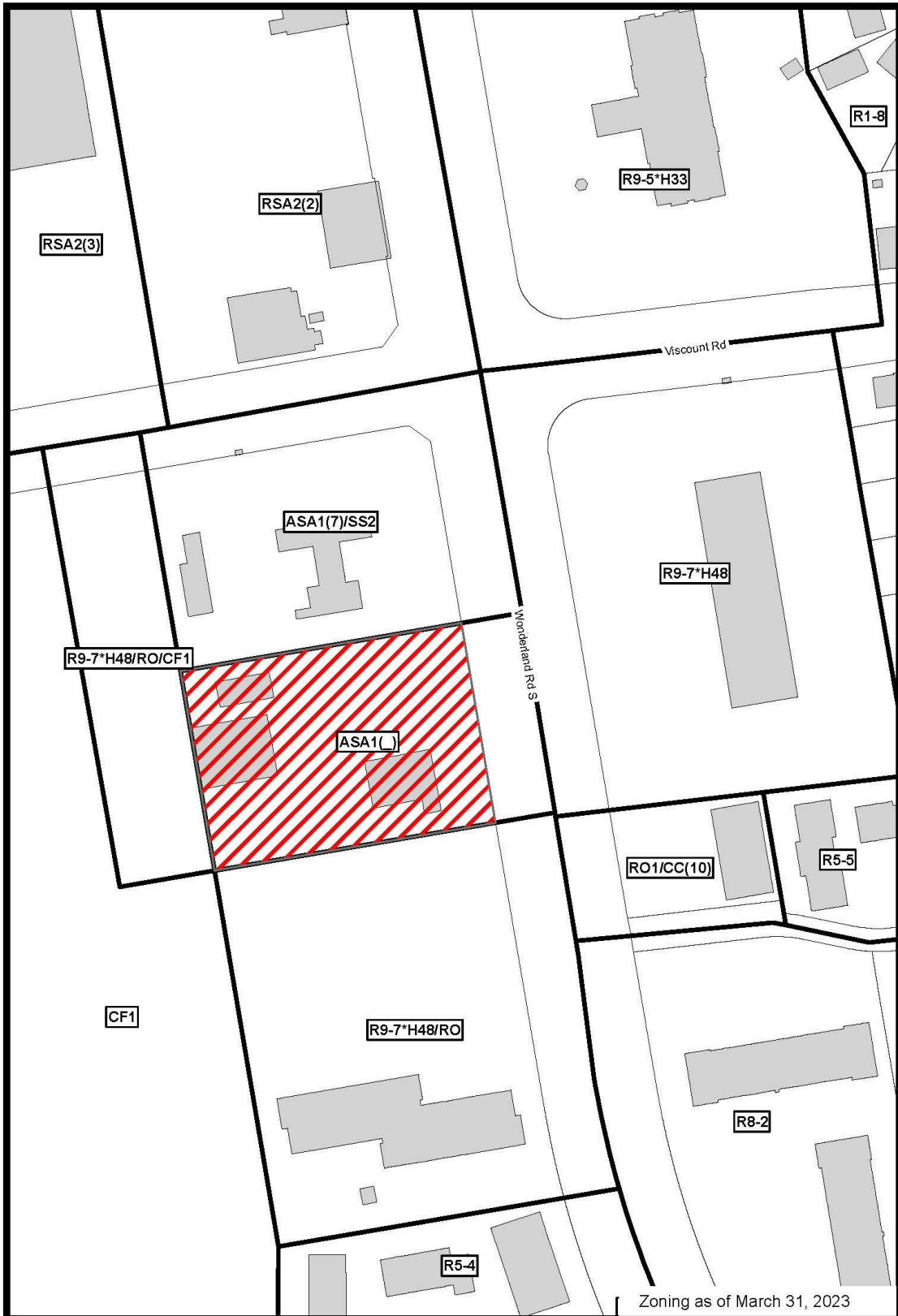
Josh Morgan

Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

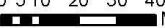
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9597
Planner: MH
Date Prepared: 2023/4/17
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40
 Meters



Appendix B – Public Engagement

Community Engagement

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

No comments were received from the public on this file.

Nature of Liaison: The purpose and effect of this zoning change is to expand the range of permitted uses on the subject lands. Possible change to Zoning By-law Z.-1 FROM an Associated Shopping Area Commercial Special Provision (ASA1(7)) Zone TO add an additional special provision to include medical/ dental offices as an additional permitted use.

Agency/Departmental Comments

Site Plan – March 15, 2023

- SP is not required for additionally permitted uses within the existing buildings/GFA of this nature.

Landscape Architecture – March 17, 2023

- Landscape Architecture have no comments on the ZBA to expand permitted uses at this site.

Parks Planning – April 4, 2023

- The ZBA is to permit additional uses to existing building, PLRP&D has no comments.

London Hydro – April 4, 2023

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

Heritage – April 5, 2023

- No soil disturbance is imminently anticipated as no redevelopment is currently proposed, so no archaeological assessment is required at this time.

Urban Design – April 6, 2023

- Since there are no changes to the existing exterior building, there are no major Urban Design comments related to the expansion of the building’s permitted uses at 847-851 Wonderland Road South.

Engineering – April 6, 2023

- Engineering has no further concerns related to this ZBA. Please let me know if you any additional commentary.

UTRCA – April 6, 2023

- The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authority Act*.
- For policies, mapping and further important pertaining to drinking water source protection please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>
- The UTRCA has no objections to the application, and we have no Section 28

approval requirements.

Ecology – April 17, 2023

- No ecology concerns on this one.

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: **Yes**
Net density change: **N/A**
Net change in affordable housing units: **N/A**

Complete Communities

New use added to the local community: **Medical/ Dental Offices**
Proximity to the nearest public open space: **N/A**
Proximity to the nearest commercial area/use: **N/A**
Proximity to the nearest food store: **N/A**
Proximity to nearest primary school: **N/A**
Proximity to nearest community/recreation amenity: **N/A**
Net change in functional on-site outdoor amenity areas: **N/A**

Reduce Auto-dependence

Proximity to the nearest London Transit stop: **approximately 123 metres**
Completes gaps in the public sidewalk network: **N/A**
Connection from the site to a public sidewalk: **Yes**
Connection from the site to a multi-use pathway: **No**
Site layout contributes to a walkable environment: **N/A**
Proximity to nearest dedicated cycling infrastructure: **approximately 85 metres**
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

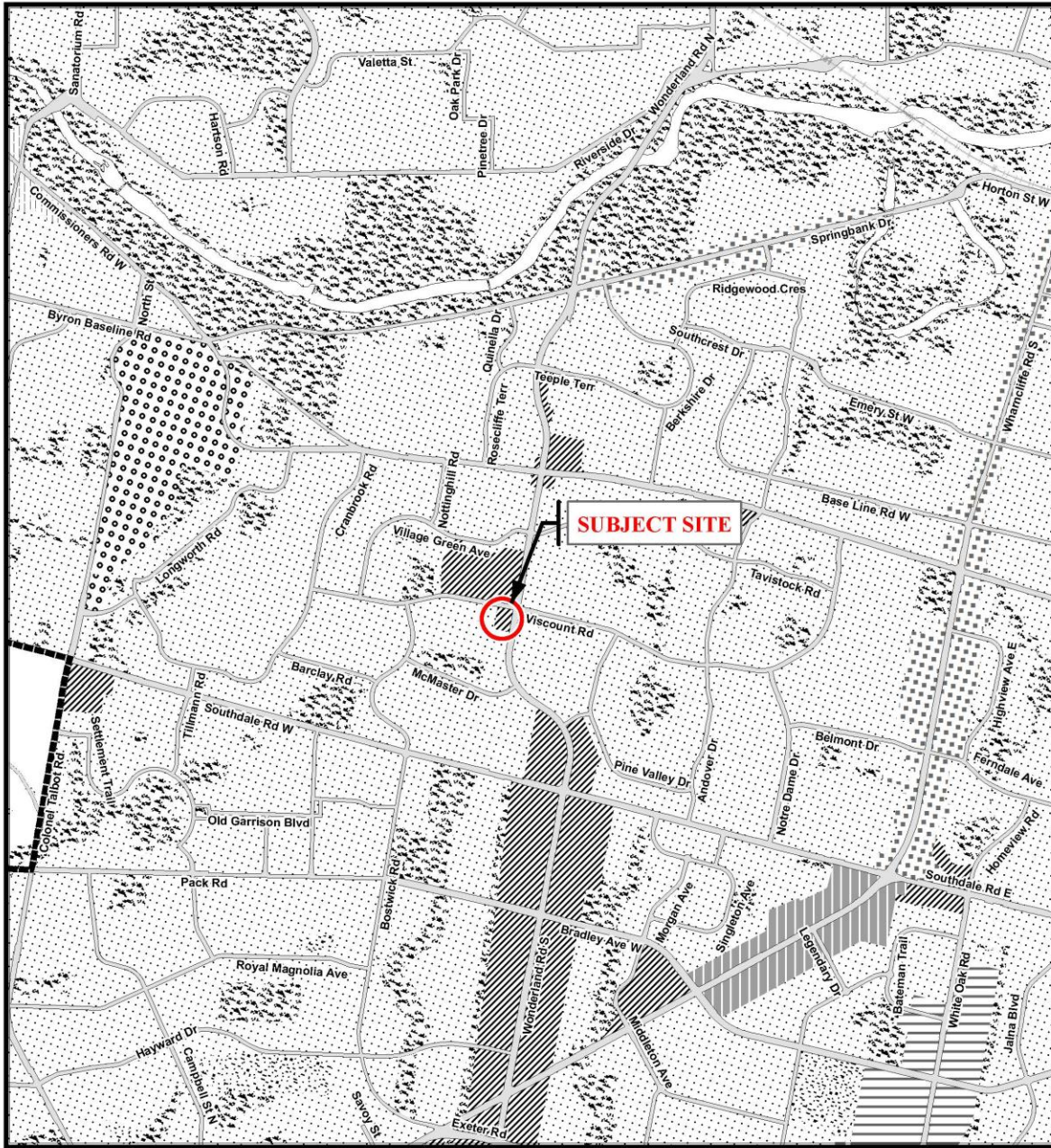
Net change in permeable surfaces: **N/A**
Net change in the number of trees: **N/A**
Tree Protection Area: **No**
Landscape Plan considers and includes native and pollinator species: **N/A**
Loss of natural heritage features: **N/A**
Species at Risk Habitat loss: **N/A**
Minimum Environmental Management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

Construction

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

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 - <small>PREPARED BY: Planning & Development</small>	 Scale 1:30,000 Meters	File Number: Z-9597 Planner: MH Technician: JI Date: 2023/4/17
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Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: ASA1(7)

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9597

MH

MAP PREPARED:

2023/04/17

Jl

1:2,000

0 10 20 40 60 80
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: 135 Villagewalk Boulevard
Public Participation Meeting
SPA23-005 – Ward 7

Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Uptown Commercial Centre c/o Carlos Ramirez relating to the property located at 135 Villagewalk Boulevard:

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the commercial building; and
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

The development for consideration is a one-storey commercial building with a total of 3,580 square metres of commercial floor space within an existing commercial development. The proposed building is located at the northeast corner of Richmond Street and Villagewalk Boulevard at the northeast corner of the subject lands. The site is to be developed with municipal services with access from Richmond Street and through the existing access off of Villagewalk Boulevard and Sunningdale Road East. The development proposal is subject to a public site plan meeting in accordance with the Holding (h-5) Zone regulations set out in the Zoning By-law Z.-1.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Site Plan Approval.

Rationale of Recommended Action

1. The Site Plan, as proposed, is consistent with the Provincial Policy Statement 2020, which directs development to designated growth areas and that development be adjacent to existing development.
2. The proposed Site Plan generally conforms to the policies of the Shopping Area Place Type and all other applicable policies of The London Plan.
3. The proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law.
4. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

Linkage to the Corporate Strategic Plan

A well planned and growing community - London's growth and development is well-planned and considers use, intensity, and form.

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 development of a shopping area promotes retail alternatives that are transit-supportive, promotes mobility choice and is pedestrian-friendly.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

39T-04513/Z-6842 – Draft Plan of Subdivision and Zoning By-law Amendment at Planning and Environment Committee, June 17, 2008

SPA18-067 – Site Plan Approval Application at Planning and Environment Committee, May 31, 2021

Report to Planning Committee – Sunningdale North Area Plan – Report recommending the amendment and adoption of the Sunningdale North Area Plan as a guideline document under Section 19.2.2 of the Official Plan.

1.2 Property Description

The subject lands are located at the northwest corner of Richmond Street and Sunningdale Road, bounded by Villagewalk Boulevard. The subject lands, in its entirety, are 5.9 hectares (14.58 acres) in size. The south-east corner of the site is currently operating as a commercial plaza with four (4) commercial buildings currently under construction in the southeast portion of the lands, which were approved as part of SPA18-067.

The proposed commercial building and associated parking is located on the north-east corner of Richmond Street and Villagewalk Boulevard. It is noted that this application is limited to the northeast corner of the site for the proposed commercial building. The balance of the lands are to be dealt with as part of separate Planning Act applications

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

- The London Plan Place Type – Shopping Area
- Existing Zoning – Holding Business District Commercial Special Provision (h-5*h-99*BDC(25))

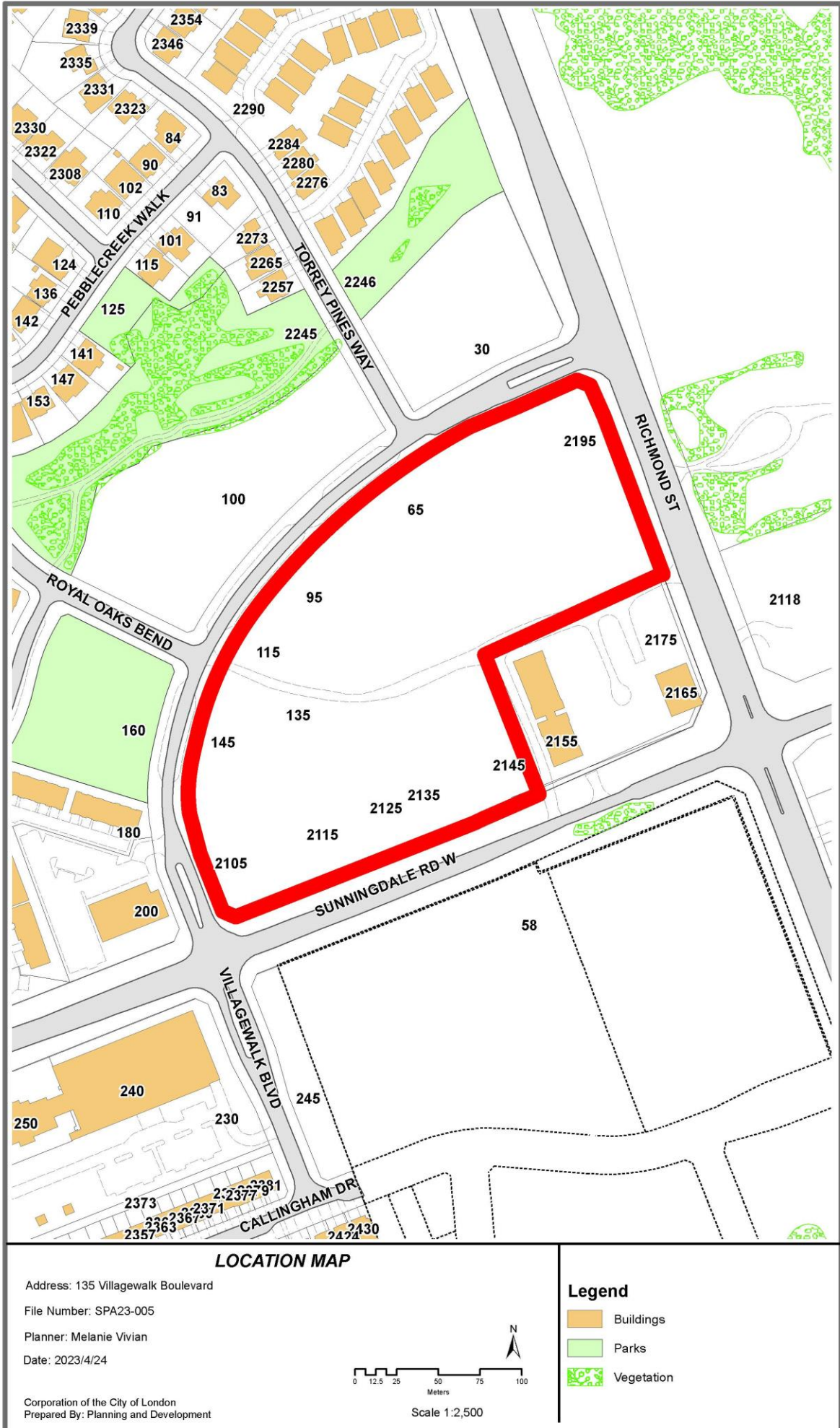
1.4 Site Characteristics

- Current Land Use – Commercial and vacant
- Frontage – 223 metres (731 feet)
- Depth – 317 metres (1040 feet)
- Area – 5.9 hectares (14.58 acres)
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Vacant, zoned for apartment buildings
- East – Vacant, zoned Urban Reserve and for residential uses
- South – Vacant, part of a subdivision application (39T-16503)
- West – Vacant, City park, and residential

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The development for consideration is for a commercial building with a floor area of approximately 3,580 square metres and contains four (4) proposed commercial units. It is noted that the entirety of the site is not subject to review through this proposal. The site plan (Appendix A) shows the entirety of the site, depicted through hatching, and the portion currently under review (unhatched). The remaining portion of the vacant lands will be subject to a future *Planning Act* applications. The southeast portion of the site is currently under construction for the development of commercial pads, including a financial institution, at the corner of Sunningdale Road West and Richmond Street.

The portion of the subject lands currently under review consist of one (1) commercial pad, containing a total of four (4) commercial units with surface parking located internal to the site. The building is situated along towards Villagewalk Boulevard with parking and access to the units internal to the site. The proposed building provides for a public patio space at the corner of Villagewalk Boulevard and Richmond Street to provide for street activation. Pedestrian access is provided from the future sidewalk along Villagewalk Boulevard, the future sidewalk along Richmond Street and internal site connections.

As part of the overall development of the lands, vehicular and pedestrian access is proposed from Richmond Street, Sunningdale Road West and Villagewalk Boulevard. The Villagewalk Boulevard access includes both vehicular and pedestrian paths of travel as well as landscaping and is to be the east-west spine of the final development (when the portion of the site beyond that currently under review is developed).

Vehicular parking on site exceeds the minimum requirements of the Zoning By-law, and bicycle parking, as proposed, also exceeds the requirements. As part of the proposed building, 160 vehicle parking stalls are proposed (whereas 131 are required), including 6 barrier-free stalls (meeting the minimum requirement) and 40 bicycle parking stalls (whereas 32 are required). Together with the existing developed portion, a total of 283 vehicle parking spaces, 14 barrier-free stalls, and 60 bicycle parking stalls will be provided for the existing and proposed buildings. Bicycle parking is located abutting the buildings, meeting the requirements of the Site Plan Control By-law for the development subject to this review. The Upper Richmond Village Urban Design Guidelines align with the Site Plan Control By-law, which require landscape planting islands within the surface parking area to break-up the parking expanse. These are provided as part of the proposed development.

The proposed elevations include entrances facing the internal drive-aisle for three (3) of the commercial units and one (1) entrance addressing the buildings corner location at Richmond Street and Villagewalk Boulevard. The corner of the building provides for a patio location on site to enhance the public realm.

Detailed plans of the development are contained in Appendix 'A' of this report.

2.2 Planning History

The subject lands were established through a Plan of Subdivision Application (file no. 39T-04513) where the lands at 135 Villagewalk Boulevard were re-zoned from Urban Reserve to Business District Commercial through the Plan of Subdivision process.

The Upper Richmond Village Urban Design Guidelines were prepared in October 2006 to provide guidance from the main street form of Villagewalk Boulevard. These guidelines apply to the entire property in addition to other lands in the Sunningdale North area.

The zoning of the subject lands came into effect on June 23, 2008, and the subdivision was draft approved on July 4, 2008. The site specific Business District Commercial

Special Provision (BDC(25)) Zone contain special provisions related to uses, setbacks and the gross floor area for specific uses.

The Sunningdale North Area Plan was adopted in November 2008, which identified the area as a mixed-use area accommodated through the BDC zone in place, allows for residential uses in combination with commercial and office uses.

On January 18, 2023 Planning and Development received a report pertaining to a public site plan meeting for Site Plan Control Application (SPA23-005) for the proposed commercial buildings currently under construction. Further submissions are required to address comments provided from the first and second submission review, and any comments directed to staff as part of the public meeting.

2.3 Community Engagement (see more detail in Appendix B)

On February 1, 2023, Notice of Application for Public Site Plan was sent to all property owners within 120 metres of the subject lands. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 2, 2023.

At the time this report was prepared, a total of six (6) responses were received in response to the Notice of Site Plan Control Application and Notice of Public Meeting.

In general, the comments received from the public have raised concerns with respect to the following site matters:

- Building too close to Villagewalk Boulevard
- Visual appearance of loading bay
- Lack of sidewalks in the area
- Traffic
- Building design including loss of traditional, heritage architecture originally proposed as part of the subdivision

A discussion regarding the items above are found in Section 4.0 of this report.

2.4 Policy Context

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) 2020 directs settlement areas to be the focus of growth and development (1.1.3.1). The land use patterns within settlement areas shall be based on a mix of land uses which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid for their unjustified and/or uneconomical expansion (1.1.3.2.b)). The proposed development is located within an existing settlement area that will utilize the existing services in the area. Further, the PPS seeks that land use patterns support active transportation (1.1.3.2.e)). The proposed building provides for pedestrian connections from both street frontages, Villagewalk Boulevard and Richmond Street, and provides bicycle parking that meets the intent of the Zoning By-law Z.-1.

Sunningdale North Area Plan

The policies of the Sunningdale North Area Plan provide significant detail on the phases of the site not subject to the application under review. Relating specifically to the development is the need for strong high-quality pedestrian linkages through the node. High quality landscaping and architectural distinct elements are also encouraged through the plan, as it notes the gateway location of the site. Applicable policies of the Sunningdale North Area Plan are implemented through the proposed development.

The London Plan

The subject site is located within the Shopping Area Place Type of The London Plan, and is surrounded by a Main Street (Villagewalk Blvd), a Civic Boulevard (Sunningdale Road), and an Urban Thoroughfare (Richmond Street). The subject property is subject to the Sunningdale North Policies (899_ and 900_). Policy 900_ is relevant guiding that:

Retail uses will not exceed 16,000m² and individual office uses will be 5,000m² or less and will not exceed 10,000m² in total floor space for the entire land area within the Shopping Area Place Type and the adjacent Main Street Place Type.

More general policies of the Shopping Area Place Type direct that Shopping Areas are nodal (achieved by locating all neighbourhood commercial on this single site), pedestrian oriented (supported by the spine included in phase 1 and for the future development), and able to accommodate phased changes in intensity including potential residential (demonstrated through the phased approach taken and the site layout). Based on the above, the proposed development is considered to be in conformity with The London Plan.

Z.-1 Zoning By-law

The current zone applicable to the site is a holding Business District Commercial Special Provision (h-5*h99*BDC(25)) Zone. The broad range of permitted uses includes: Apartment buildings, with any or all of the other permitted uses on the first floor; Assembly halls; Bake shops; Clinics; Commercial parking structures/and or lots; Commercial recreation establishments; Convenience service establishments; Day care centres; Duplicating shops; Financial institutions; Institutions; Medical/dental offices; Offices; Patient testing centre laboratories; Personal service establishments; Private clubs; Restaurants; Retail stores; Service and repair establishments; Studios; Supermarkets; Taverns; Video rental establishments; Brewing on premises establishments; Cinemas; Commercial Schools; Private Schools; Animal Hospitals; Dry Cleaning and laundry depots; Emergency care establishments; Laboratories; Libraries; Animal Clinic; Post Office; Dwelling units restricted to the second floor or above with any or all of the other permitted uses on the ground floor; Police Stations; Hotels; Places of Worship; Community Centres; Funeral homes; and, Fire halls.

Special Provision regulations include:

- i) Lot Frontage (m) Minimum 8.0 metres*
- ii) Exterior Side, Interior Side, Rear Yard & Front Yard Depth (m) Minimum 0.0 metres*
- iii) Yard Depth Abutting Primary Collector Road (m) Maximum 3.0 metres*
- iv) Setback of Residential Use from Imperial Oil Pipeline Easement 20.0 metres from centreline or pipeline*
- v) Gross Floor Area (m²)*
 - All Retail Uses Maximum 16,000 m²*
 - All Offices Uses 10,000 m²*
 - One (1) Primary Retail or Services Use 5,500 m²*
 - All Other Individual Uses 2,000 m²*
 - 50% of all Commercial Floor Space beyond the primary retail Use and office uses to be located Within buildings with a maximum Gross floor of 750 sq. m.*
 - 50% of all commercial floor space Beyond the primary retail use and office uses to be located on the mainstreet corridor*
 - Minimum of 500 sq. m. of retail and service uses to front on the village commons*
 - Total lot coverage of all retail, office and Institutional buildings not to exceed 30%*
 - All retail and office uses front primary collector roads and the village commons to be a minimum of 2 storeys in height.*

The current proposal meets the requirements of the zoning by-law, noting that the Primary Collector referenced in the special provisions is Villagewalk Boulevard and the development proposed does not include or preclude development along that frontage.

3.0 Financial Impact/Considerations

There are no direct financial expenditures associated with this report.

4.0 Key Issues and Considerations

4.1. Use, Intensity and Form

The mix of commercial uses proposed within the new and existing buildings are in keeping with the policy and regulations for the site. Special provisions within the Zoning By-law Z.-1 limit the size of potential uses. With the additional commercial building proposed for the lands, the proposal does not exceed the sizes specified.

The Site Plan application is specific to the northeast portion of the site and features one (1) one-storey commercial buildings with four (4) commercial units and a surface parking lot internal to the site. The intensity of one additional commercial use is in keeping with the applicable regulations and policy of the area. The proposed building does not preclude the remainder of the site being built out as a main-street corridor business district commercial area as planned for through the Area Plan and The London Plan.

The proposed building is one-storey in height however due to the grade change, the view of the building from the north appears as a two-storey building. The building is situated at the corner of Villagewalk Boulevard and Richmond Street with main unit entrances internal to the site and one of the unit entrances addressing the intersection of Villagewalk Boulevard and Richmond Street.

4.2. Building Design and Location

The location of the proposed commercial building addresses the corner location of Villagewalk Boulevard and Richmond Street by providing spandrel windows and signage with an internal site walkway leading to unit which has frontage at the corner of Richmond St and Villagewalk Blvd. This unit provides a patio space for users of the site. The remainder of the building along Villagewalk contains aforementioned spandrel glazing. The intention of the Upper Richmond Village design guidelines intended on an inward facing development, the provision for the corner unit, at the intersection, provides additional activation not necessarily contemplated in the guidelines. Overall, the location of the building provides for activation internal to the site, along Richmond Street, and along Villagewalk Boulevard. The buildings' location allows for direct pedestrian connections to the future sidewalks along both Richmond Street and Villagewalk Boulevard.

Comments received through the circulation process spoke to the original building design. Specifically, how the proposed building design does not include the traditional, heritage architecture originally proposed as part of the subdivision and area plan.

As part of the Site Plan Application review, Planning and Development staff have been working closely with the applicant to ensure the proposed building design and location meet the intent of the Upper Richmond Urban Design Guidelines. The application has also been reviewed through the Urban Design Peer Review Panel (comments attached as Schedule "C") to provide feedback on the design. It is noted that through the adoption of Bill 23, the ability to comment on building design characteristics through Site Plan Control is limited.

4.3. Garbage and Loading Bay

Garbage on site is proposed to be stored in deep-waste bin containers that service the four commercial units. The location of the deep-waste bins is incorporated as part of the loading space area.

Comments received through the circulation process noted concerns with the location of

appearance of the loading bay. The garbage and loading bay are screened by a low-masonry wall along Villagewalk Boulevard and internal to the site, facing east. The loading bay area is only visual from internal to the site. The elevations do not incorporate the landscape screening that will also be provided. Staff have no concerns with the proposed loading bay area, including vehicles accessing the loading bay. Figure 1 and Figure 2 below identifies the proposed loading and garbage location along with the low masonry wall for screening.

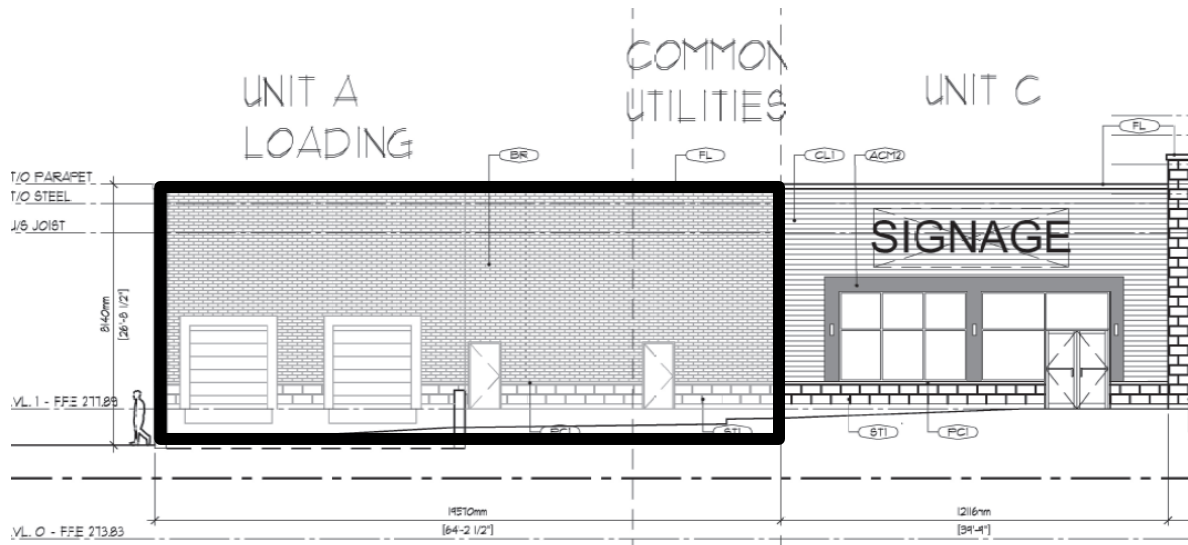


Figure 1: View from internal to the site.

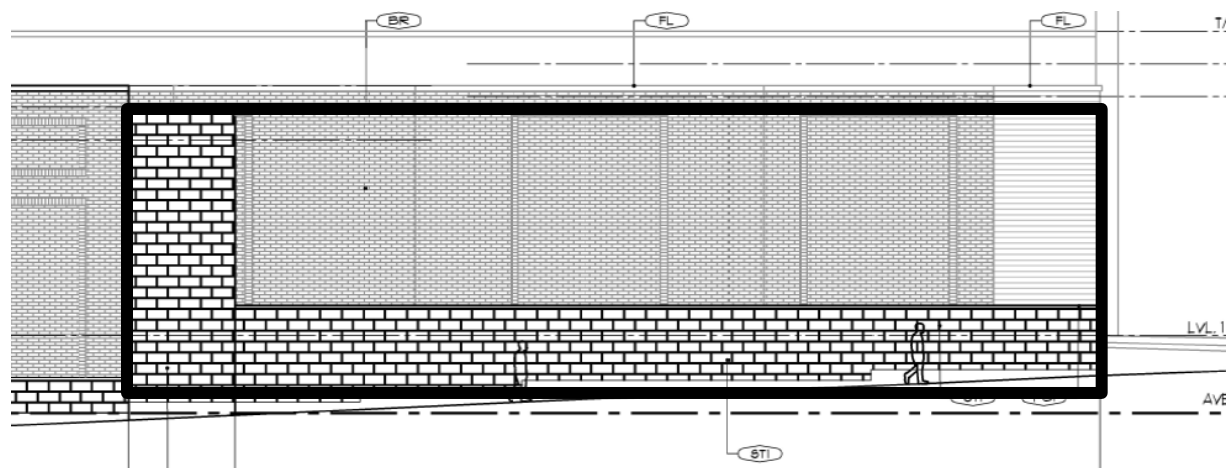


Figure 2: View facing east.

4.4. Parking and Site Access

Access to the proposed building is provided through a new access off of Richmond Street. As part of the overall site development, the current right-in-right-out to Richmond Street as part of the Phase 1 portion will be removed. With the access off Richmond Street in-front of the building, the applicant has provided speed bumps and a raised concrete area with painted pedestrian crossing lines to provide for safe pedestrian crossing. For pedestrian access to the lands, a future sidewalk will be provided along both Villagewalk Boulevard and Richmond Street. The proposed building provides for these future connections to the sidewalks.

Parking on site is being provided in accordance with the Zoning By-law Z.-1 with additional parking stalls being provided. The proposed parking area includes the required landscape planting islands and end planted islands in accordance with the Site Plan Control By-law.

4.5. Urban Design Peer Review Panel Comments

Prior to the submission of the Site Plan application, the proposed building was considered by the Urban Design Peer Review Panel in December of 2022. Comments provided by the panel addressed the overall site development with some able to be incorporated into the current phase. Relevant comments from the panel included establishing a public amenity space and pedestrian access points which has been

provided as part of the corner elevation addressing Richmond Street and Villagewalk Boulevard. The remaining comments provided by the Panel regarding the establishment of a plant pallet for the entire development, amenity space, and overall site development will be addressed through future review and future development of the entire property.

4.6. Outstanding Site Plan Comments

Site Plan control comments were provided on the second submission to the applicant on April 14, 2023. The comments provided to the applicant, from Planning and Development staff, were relatively minor, and pertain to drafting corrections, elevation adjustments, and minor engineering matters.

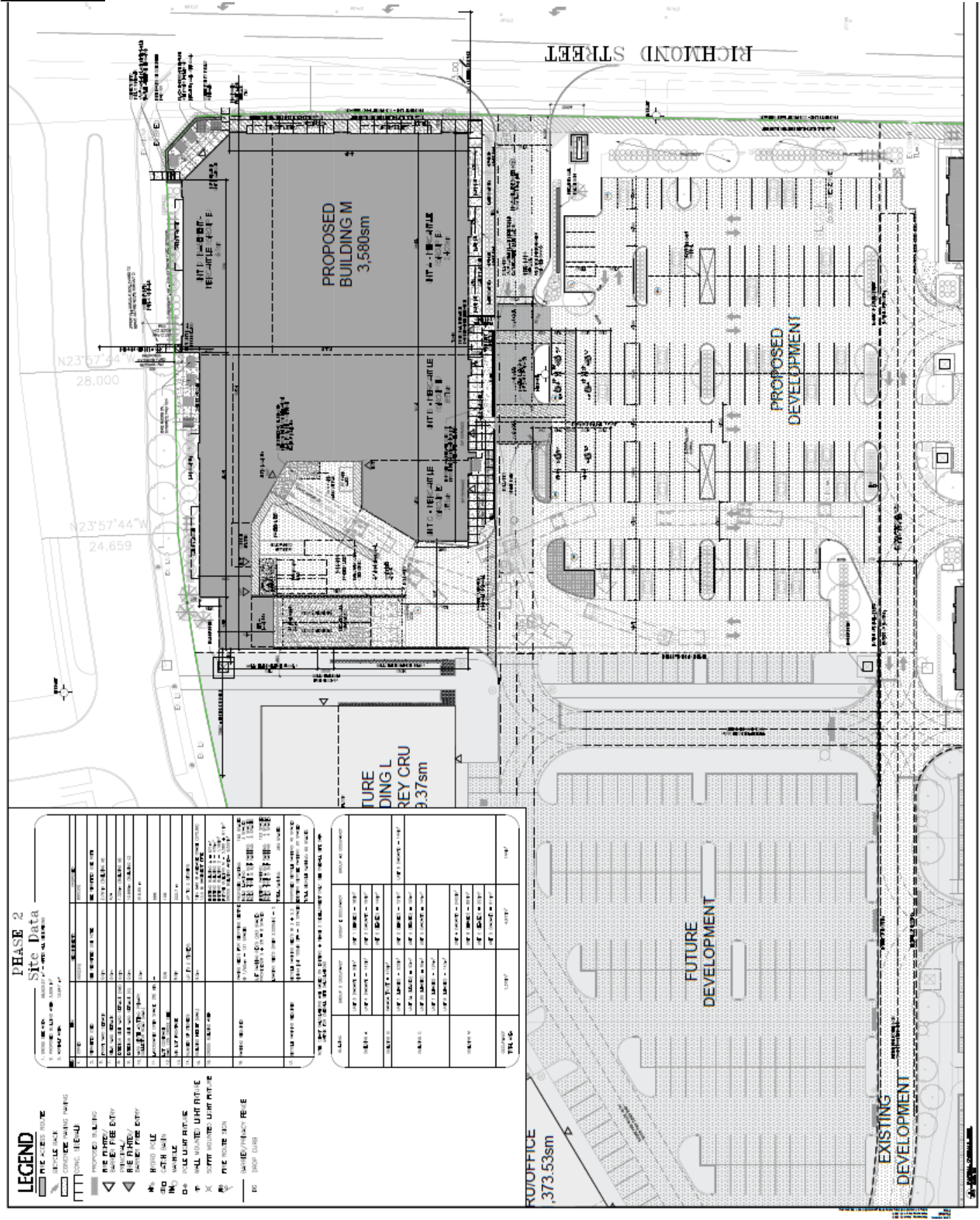
Conclusion

The site plan, as proposed, is consistent with the Provincial Policy Statement, and is in conformity with The London Plan. The proposed Site Plan and elevations will result in development that will not conflict with the existing and proposed developed area, and is in compliance with the Zoning By-law and the Site Plan Control By-law.

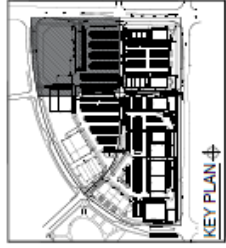
Prepared by:	Melanie Vivian Site Development Planner
Recommended by:	Michael Pease, MCIP RPP Manager, Site Plans
Recommended by:	Heather McNeely, MCIP, RPP Director, Planning and Development
Submitted by:	Scott Mathers, MPA, P.Eng. Deputy City Manager, Planning and Economic Development

Appendix A – Second Submission Plans

Site Plan

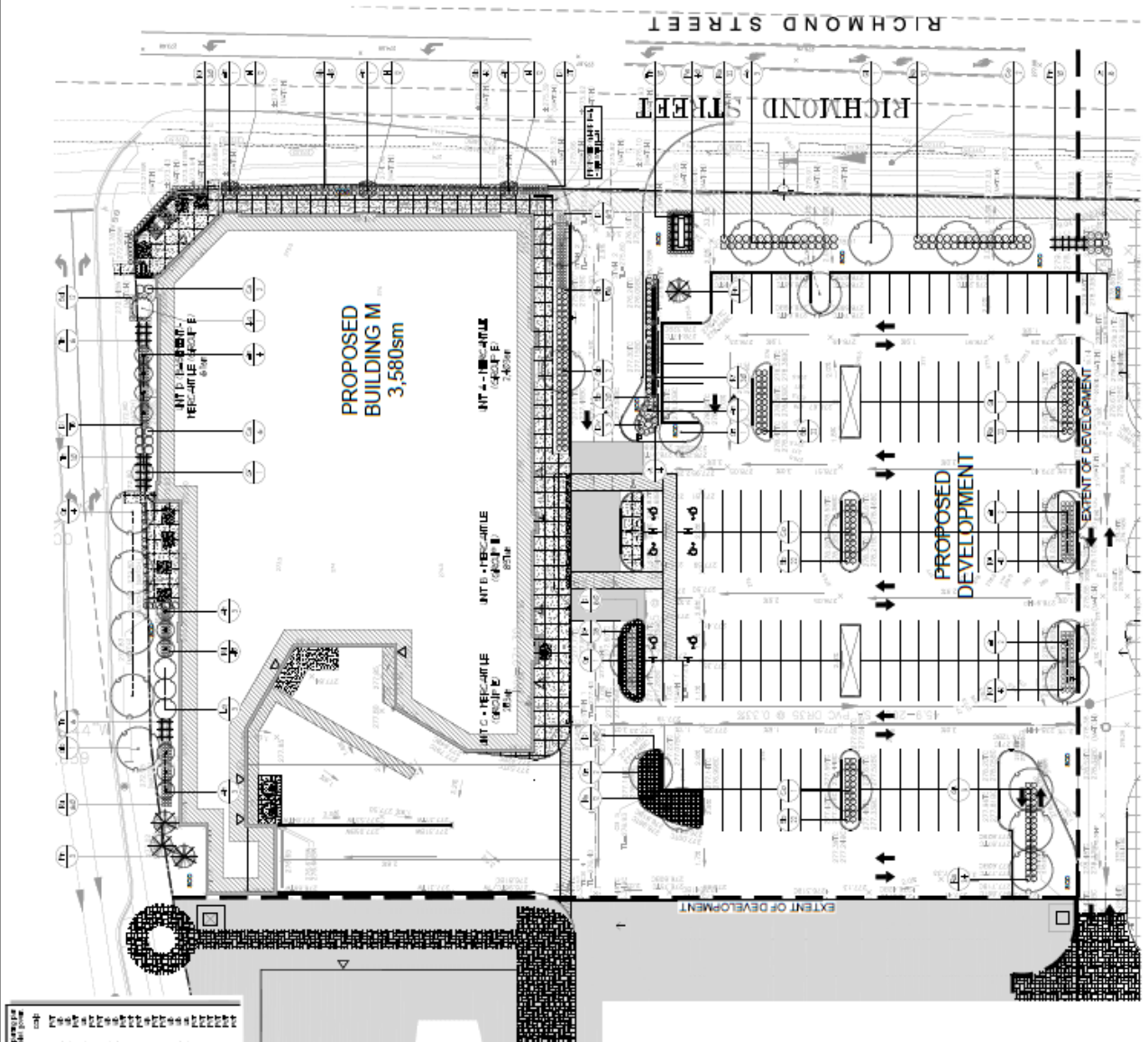


Landscape Plan



LEGEND

- PROPOSED PLANTING
- PROPOSED PLANTING
- PROPOSED PLANTING
- PROPOSED PLANTING
- PROPOSED PLANTING



PLANT MATERIAL

1. *Platanus* 'Royal Purple' (Purple Platanus)

2. *Platanus* 'London Planetree' (London Planetree)

3. *Platanus* 'New York' (New York Platanus)

4. *Platanus* 'Holland' (Holland Platanus)

5. *Platanus* 'Holland' (Holland Platanus)

6. *Platanus* 'Holland' (Holland Platanus)

7. *Platanus* 'Holland' (Holland Platanus)

8. *Platanus* 'Holland' (Holland Platanus)

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26. *Platanus* 'Holland' (Holland Platanus)

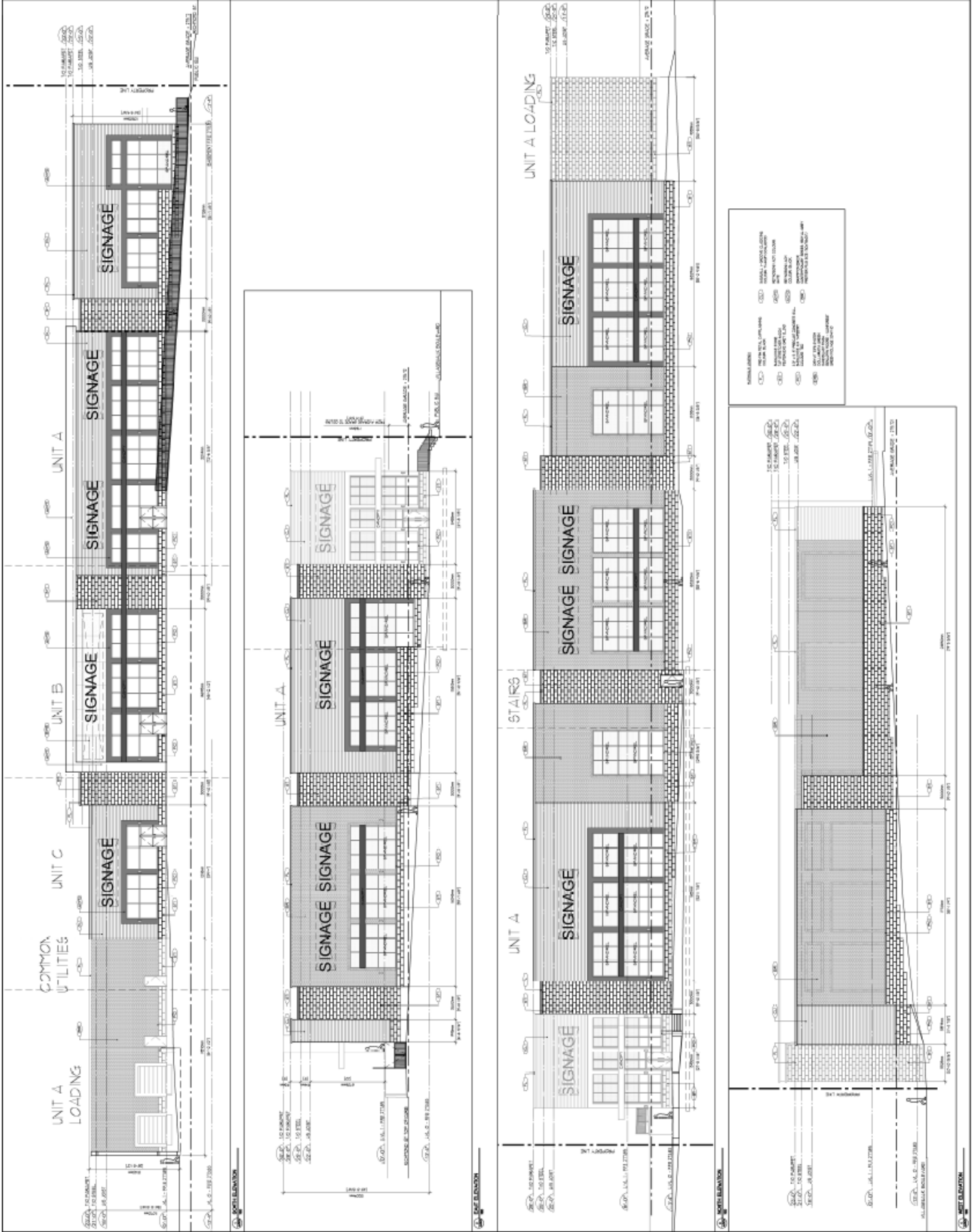
27. *Platanus* 'Holland' (Holland Platanus)

28. *Platanus* 'Holland' (Holland Platanus)

29. *Platanus* 'Holland' (Holland Platanus)

30. *Platanus* 'Holland' (Holland Platanus)

Elevations



Appendix B – Public Engagement

Public liaison: On February 1, 2023 Notice of Site Plan Control Application was sent to 269 residents and property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 2, 2023.

On May 3, 2023 Notice of Public Meeting was sent out to all property owners within 120 metre radius of the subject lands and to those who made comment through the Notice of Site Plan Application process. Notice of Public Meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 4, 2023.

Six (6) written replies were received as part of the original circulation. At the time of completing this report, no responses as part of the Notice of Public Meeting were received.

Nature of Liaison: Site Plan Approval to allow for the development of the subject lands, as shown in the attached plan. The Site Plan, as proposed, would result in the development of a food store and retail stores. Please note that this application is only subject to the northeast corner of the site (outlined in box).

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

Concern for:

- Building too close to Villagewalk Boulevard
- Visual appearance of loading bay
- Lack of sidewalks in the area
- Traffic
- Building design including loss of traditional, heritage architecture originally proposed as part of the subdivision

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

Written	Written
Piper Kearney	Bill
Dr. Len Boksman	Arthur Thompson
Sandra Benjamin	Beverly Mustard

From: Piper Kearney

Sent: Wednesday, February 1, 2023 9:16 PM

To: Vivian, Melanie <mvivian@london.ca>

Subject: [EXTERNAL] File number SPA23-005 135 Villagewalk Blvd

Hi Melanie Vivian.

I am writing to you to give a few comments about this application.

1. The commercial building is too close to Villagewalk Blvd and in the original application there was a good enough of a buffer to the sidewalk on Villagewalk Blvd.
2. The loading bay is not eye appealing.
3. Truck drivers who deliver to the loading bay might hit the island adjacent of the loading bay. There is a chance the truck will hit the exterior wall of unit c.

Thanks,

Piper Kearney

They/them

Ps. I have attached the original site map of the commercial development.



From: Len Boksman
Sent: Saturday, February 4, 2023 2:11 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] File SPA23-005

Hi Melanie:

Re the above file and Site Plan Control Application, I have a concern that you might be able to clarify.

On the North Side of the site does the application allow for enough setback from Villagewalk Blvd?

Is there a sidewalk there between the proposed development and the street?

Thank you.

Dr. Len Boksman

From: Sandra Benjamin
Sent: Sunday, February 12, 2023 10:29 AM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Rahman, Corrine <crahman@london.ca>
Subject: [EXTERNAL] Site Plan Control Application File SPA23-005

My name is Sandra Benjamin and my husband and I live at . My concerns and comments follow:

Will there be **sidewalks** for those of us who no longer drive, or want a leisurely walk? When we stopped driving, much to my chagrin, I noticed that we who live on the south side of Sunningdale are isolated. The traffic is becoming very congested and speedy, and the drivers do not take into consideration pedestrians. There should be at **least 2 crosswalks** for those of us who walk without avoiding traffic. one at Villagewalk and the other further west - west of 260 Villagewalk. The city should install at least a **green left turn arrow** for people driving north on Richmond and wanting to turn west. There have been many 'accidents' recently.

I sincerely hope that you will at least read this letter.

Sincerely,
Sandra Benjamin

From: Bill
Sent: Wednesday, February 15, 2023 9:22 PM
To: Doc Services <DocServices@london.ca>
Subject: [EXTERNAL] 15 Villagewalk Blvd Planning Application Notice

File: SPA23-005

York Development
Development of food store and retail stores
North East corner of North West corner of Richmond & Sunnigdale.

Hello

Per your Notice of Planning Application re above address I would like to be informed of the decision.

--

Bill

From: Arthur Thompson
Sent: Tuesday, February 21, 2023 6:39 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] 135 Villagewalk Boulevard

Dear Ms. Vivian and Members of the Planning and Environment Committee,

Please include this letter on the meeting agenda and update me on any further changes to this application:

I am glad to see that the shopping area at Upper Richmond Village is finally being completed. We moved into the area in 2005, and for as long as I can remember, 135 Villagewalk Boulevard has been nothing but a field with an ever-changing array of advertisements encouraging would-be residents to "Shop, Live, Play" at Upper Richmond Village. Now, 15 years since the Sunningdale North Area Plan, it seems that the area is on its way to completion. Unfortunately, I do not believe that this proposal by York developments is true to the initial idea put forward by the original owners, Auburn Developments.

Looking at the original website for Upper Richmond Village (by Auburn Developments - it can be found

at http://www.terracorp.ca/upperichmondvillage.com/index.php?option=com_content&view=article&id=11&Itemid=8), it is easy to get an idea of the spirit or feeling that the designers had in mind when they planned this community. The website says, "Imagine a place where you can stroll along the creek behind your house, where the homes are not dominated by garages but **heritage facades**; where you can go to work, get a hair cut, or buy a new dress all on the same street and not leave your neighbourhood; where you can walk your children to get an ice cream or a movie, or retreat to a central park for a picnic or to play ball; where you can meet friends for dinner at your favourite restaurant or pub and interact with others on **vibrant streets** at all times of the day; a place where you can stay even when you get older." It sounds lovely, and I know that I am not the only one who was excited about the development, as many of our neighbours and friends talked about the new "**village**." Auburn goes on to say that their aim is, "**to promote a heritage feeling in the community**... The homes will be positioned closer to the street and garages will be minimized. The designs of the front elevations will be varied to add visual effect." Another website (<http://domusdev.com/rentals/upper-richmond-village/>) encourages residents to, "Sit at a sidewalk terrace, meet friends for dinner, take the kids to the movies, or simply stroll the vibrant streets of the Village's commercial district while exploring the many **main-street shops**." A final website (<https://www.stantec.com/en/projects/canada-projects/u/upper-richmond-village-project>) states, "Upper Richmond Village is a development focused on creating a **sense of community** integrating mixed land uses and a variety of urban style living. Boasting distinctive **architecture steeped in the history of Old North** London... The development is further enhanced by the introduction of **community gateways**, with highlighted crosswalks, plantings, and landscape markers."

From these descriptions, some things stand out. The developers wanted to "**promote a heritage feeling in the community**," have small, independent, boutique shops, not big box stores, have shops that are primarily pedestrian oriented ("**Main Street shops**"),

have a community that was walkable with store fronts facing Villagewalk Boulevard (this is why on-street parking cut-outs are currently provided on Villagewalk Boulevard), and create a shopping area that used **classical/traditional architecture** to create a **Village** feeling. The photos provided by Auburn Developments provide an excellent idea of what the goal for the neighbourhood was.

The following photos were taken from Auburn Development's original website for the development:





These photos confirm that the original intention for this community was to have boutique shops that used a variety of materials, textures, colours, and traditional architecture to create a “village” feel. The proposal for the development brought forward by the current owners of the site, York developments, do not live up to this original plan. Their proposal recommends massive ‘big-box’ stores as apposed to “Main Street shops.” Their buildings will not use a variety of colours as Auburn’s original mock-up photos show, but lots of grey, white and silver, including “slate coloured brick, Granada stone, grey stucco, and cinderblock.” Their buildings do not include traditional, heritage architecture, but are grey and modern. York’s proposal images from their website confirm this, as is shown below.

This image was taken from York Development’s Website:

<Screen Shot 2021-05-26 at 5.09.18 PM.png>

The buildings in York’s proposal look like they could be in any big box shopping plaza, anywhere. There is nothing special, heritage-inspired, or village-feeling about them. I realize that modern design, with lots of grey stucco, neutral colours, hard edges, and minimalist interiors are popular in today’s market, but they will not age well. What was considered ‘modern’ in the 1970s is now seen as ugly, and the same will be true for today’s ‘modern’ buildings.

I would like to see a change to the architectural style of the proposed buildings to match a village/heritage atmosphere, an orientation of the buildings to have entrances facing Villagewalk Boulevard, and reduced square footage of proposed buildings so as to avoid big-box retail. Perhaps there could even be apartments above the retail stores to create a true new urbanism, walkable community.

Thank you for listening to my concerns,

Arthur Mustard Thompson

From: Beverley Mustard

Sent: Thursday, February 23, 2023 2:30 PM

To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] 135 Villagewalk

Hello Ms. Vivian,

I am writing to you about 135 Villagewalk Boulevard. I am concerned about this application because it does not seem to conform to Villagewalk Boulevard's designation as a "Main Street Place Type" under the London Plan. York's proposed building fronts onto an interior parking lot, not Villagewalk. Also, the proposal seems to be for a regular 'big-box' store, which is at odds with the initial plan for the plaza, as we were promised a "village," with small boutiques and family-run businesses. The proposed building also has no architectural features that signify its position as a gateway to London; it looks as boring as the already constructed phase one at the corner of Richmond and Sunningdale. Residents were told that this plaza would be "heritage-inspired" in its design, and we would like to see this come into fruition!

Please include this letter in any relevant meetings.

Thanks so much,

Beverley Mustard

Appendix C: Urban Design Peer Review Panel Comments and Applicant Response



Planning & Development
6th Floor, City Hall
300 Dufferin Avenue
London, ON
N6A 4L9

Urban Design Peer Review Panel Comments – Applicant Response

Address of Development Site: 135 Villagewalk Blvd. – Bldg M, Phase 1

Date of Panel Meeting: 12-21-2022

Comment:
The Panel commends the applicant for a successful site strategy that activates the street and pedestrian frontages and creates a pleasing architectural expression.
Applicant Response:

Comment:
Acknowledging this specific application is a site plan for Building M, the Panel suggests the applicant and design team consider how the masterplan of the site will develop and be built out over time in order to achieve design excellence.
Applicant Response:
Please see attached architectural submission sheet A101 and A102 illustrating the phasing and overall site plan.

Comment:
The Panel recommends the design team examine if the amenity park space along the Western portion of the site plan area could be correlated or combined with the building use of Building L. For example, the Panel envisioned food and beverage tenants could make use of possible patios or other synergies to better program the space.
Applicant Response:
The design team understands that the central outdoor amenity spline is an essential asset to the site. A higher degree of detail and design will be shown in the next phases submission.

Comment:
The Panel suggests the design team continue or establish a plant palette across the various stages of the development to provide a sense of overall unity and cohesiveness.
Applicant Response:
Please see attached for the landscape submission.

Comment:

Understanding that deliveries will be restricted to off-hours, the Panel noted possible conflicts in access to loading docks via the interface with the travel lanes and vehicular parking area.

Applicant Response:

A truck turning study shown on the architectural site plan package illustrates how the trucks will be tucked into their respective docks, +/- 15m away from the crosswalk and drive aisles.

Comment:

The Panel appreciates the use of canopies and landscaping at the South edge of the proposed Building M to create a more active public frontage. Consider shifting Building M closer to the North property line to provide more space along the South edge of the building. This will allow for additional pedestrian amenity space, landscaping, and street furniture. Consider outdoor patio space for individual commercial tenants throughout the entire development.

Applicant Response:

The building is unable to move closer to the North due to the curved property line. The setback is currently 1.325m, allowing all canopies, steps, foundations, and walls to be within the property.

Comment:

In planning for integration with future development of the remainder of the commercial site, consider planning similar frontages for the proposed buildings to the west of Building M, and throughout the site. For example, consider providing pedestrian walkways and landscaping at all building frontages, rather than rows of parking.

Applicant Response:

The current overall site plan reflects the previous SPA submission. The design team will further look into pedestrian walkways and landscaping opportunities at the future building frontages for the next phases submission.

Comment:

The Panel notes that the canopies along the North and East elevations may be superfluous. Consider deleting these canopies to give the canopies along the South elevation and North-East corner of Building M more prominence.

Applicant Response:

The canopies depth vary between 5'-8' depending on their location and span within windows and structure. Further structural input will be required to expand the coverage of the canopies.

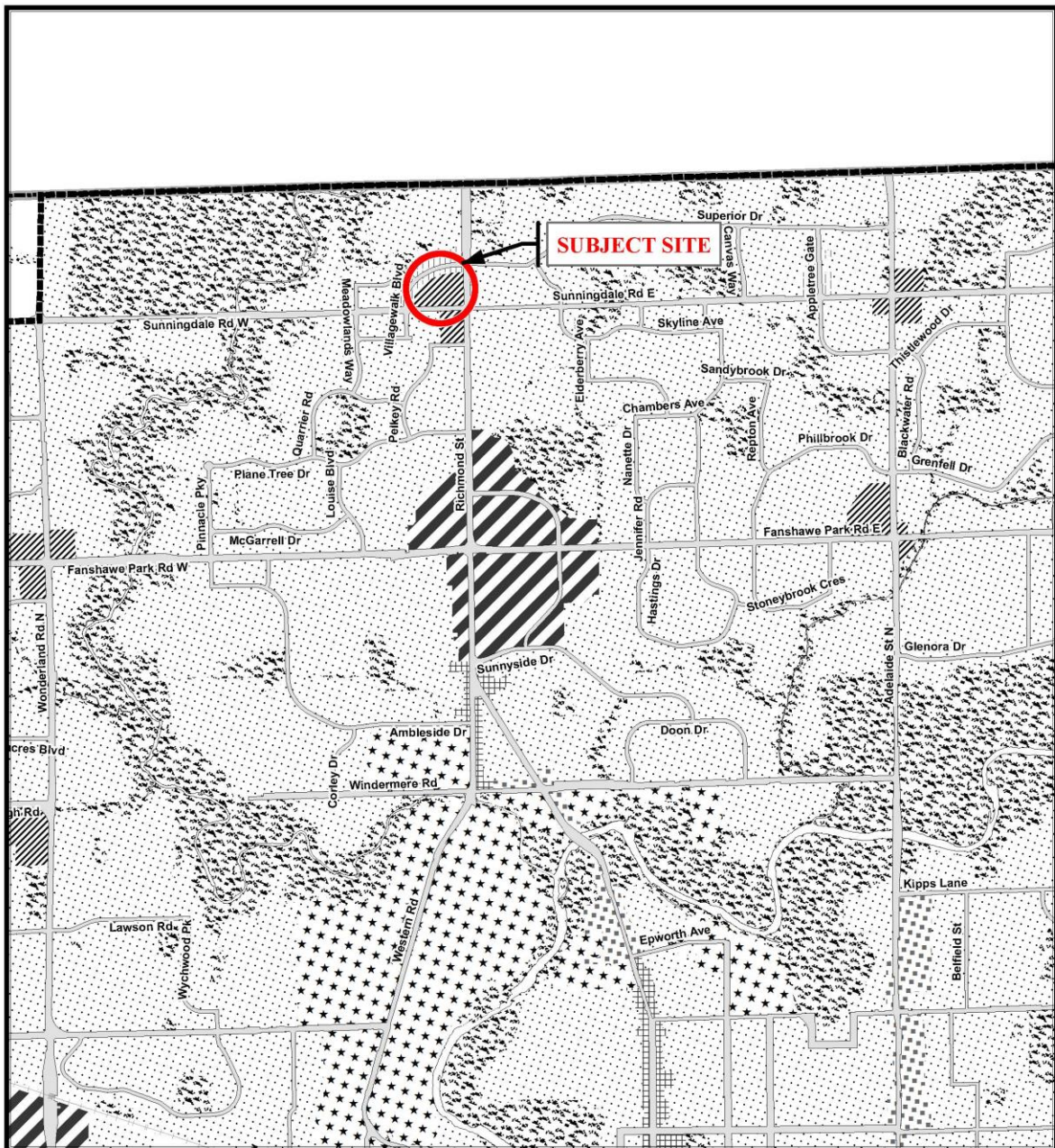
Comment:

The Panel appreciates the landscaping and pedestrian pathways located at the North-East corner of Building M. Consider enhancing the corner further with paved amenity space and larger pathways to establish it as a public amenity space and pedestrian access point. Increased glazing, a unique cladding material, and/or a taller parapet could further emphasize this corner as a pedestrian access point.

Applicant Response:

The submission package successfully acknowledged the extreme grading slope in the North-South direction. The 8' wide ramp and sidewalk wrapping around the building has enhanced landscaping around it. At the bottom of the 8' wide pathway, in the North-East corner, there is a raised hardscaped plaza feature that provides the opportunity for outdoor seating, bike racks and a low landscaped wall.

Appendix D: Zoning and The London Plan Maps



Legend

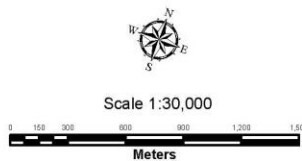
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management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

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

CITY OF LONDON Official Plan

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning & Development

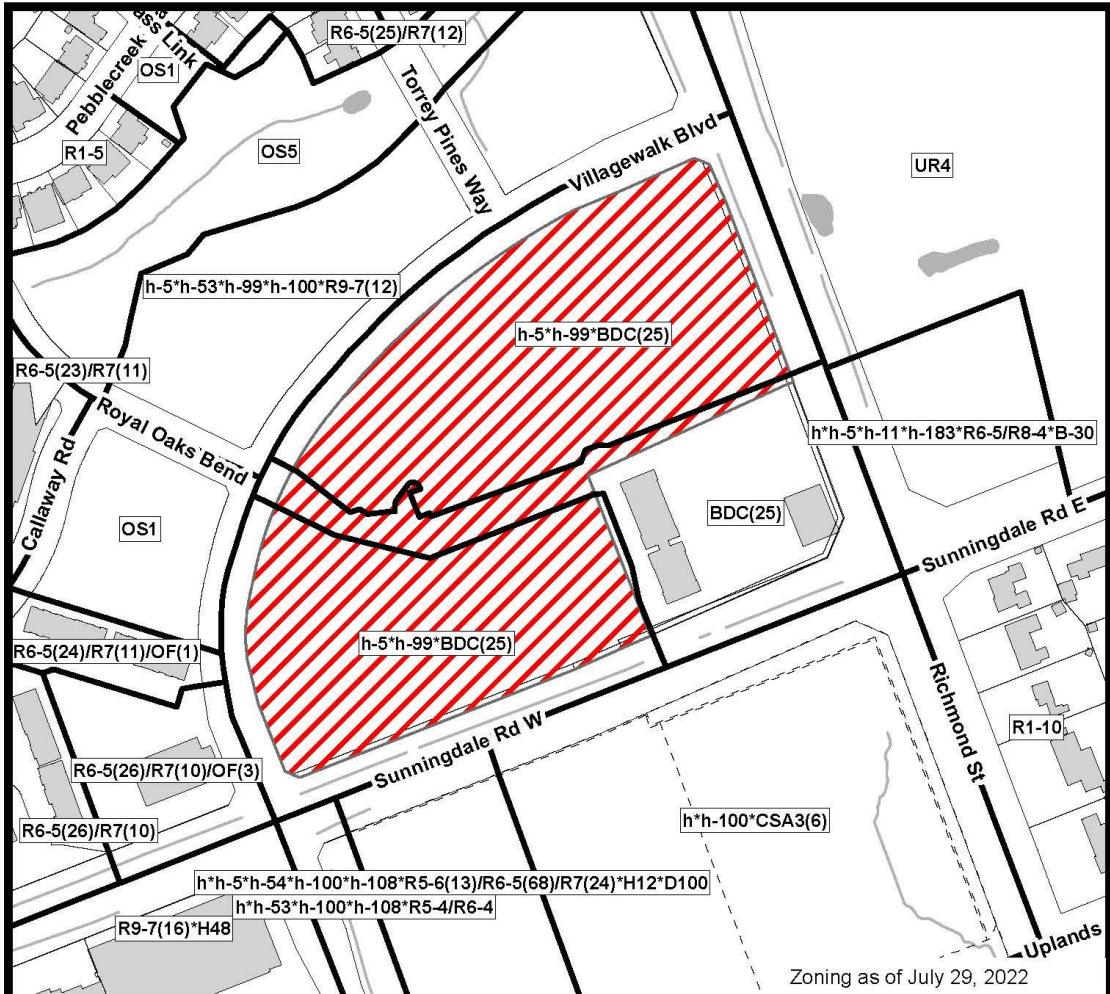


File Number: SPA23-005

Planner: MV

Technician: JI

Date: 2023/4/24



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-5*h-99*BDC(25), BDC(25)**

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

SPA23-005

MV

MAP PREPARED:

2023/04/24

Jl

1:3,000

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Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Additional Residential Unit Amendments as a Result of More
Homes Built Faster Act, 2022 (Bill 23)
Public Participation Meeting
City-wide/City of London

Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the Official Plan and Zoning By-law requirements for additional residential units, the following actions **BE TAKEN**:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 6, 2023 **TO AMEND** the Official Plan (The London Plan) policies relating to additional residential units in accordance with new requirements in the *Planning Act*, which were changed through the More Homes Built Faster Act, 2022 (Bill 23); and
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 6, 2023 **TO AMEND** the regulations of Zoning By-law No. Z.-1 relating to additional residential units, to conform with the recommended amendments to the Official Plan (The London Plan).

Executive Summary

Purpose and the Effect of Recommended Action

The recommended amendments to The London Plan and Zoning By-law no. Z.-1 are required to comply with new requirements for Additional residential units in the *Planning Act*, which was recently changed through Bill 23, the *More Homes Built Faster Act, 2022* (herein referred to as More Homes Act).

Rationale of Recommended Action

1. The recommended amendments are consistent with the Provincial Policy Statement (2020), including policy 1.4.3 that requires that the City to plan for an appropriate mix of housing types and densities and permit, where appropriate "all forms of residential intensification, including additional residential units."
2. The recommended amendments will permit additional residential units in accordance with changes to the *Planning Act* made through the More Homes Act.
3. The recommended amendments align with City initiatives to increase housing supply, including affordable housing. This includes The City of London Housing Pledge that was approved by Council in February, 2023.

Link to Strategic Plan

The recommended amendments support the 2023-2027 Strategic Plan strategic area of focus of Housing and Homelessness. Specifically, support for more additional residential units will increase the overall housing supply and provide a wider range of affordable housing options.

The amendments also support a more sustainable growth pattern with higher levels of intensity. This is a key strategy to achieve climate action and sustainable growth results.

The recommended Official Plan and Zoning By-law amendments are being presented as a result of new requirements of the *Planning Act* for additional residential units that were approved through the More Homes Act. It is also an opportunity to consider changes to the planning approach to additional residential units so that other City objectives relating to housing supply and affordability can be achieved.

1.0 Background to Additional Residential Unit Policies

Since 2017 the Province has changed the *Planning Act* on three occasions to permit more residential intensification with a goal to increase housing supply and affordability Province-wide. One of the ways increase housing supply is to increase the number of units permitted on individual lots in urban areas. The *Planning Act* has made sure that secondary dwelling units are permitted throughout Ontario, and these recent changes have changed the label to “Additional Residential Units” and increase the number of units to three, including one in an accessory building.

The change in terminology is important as it affects how Additional units should be regarded. While they were being referred to as secondary dwelling units the intent was to provide a small unit that was accessory to the main dwelling unit. With the new references to “additional residential units” the hierarchy is removed and there is no sense of one unit requiring more prominence than the others.

Prior to Bill 23, the province introduced Bill 108, the *More Homes, More Choice Act*, 2019. The intention of Bill 108 was to address the housing crisis in Ontario by minimizing regulations related to residential development through changes to various Acts dealing with the planning process, including reducing fees related to development by reducing the number of services that may be subject to development charges and shortening the timelines for the approval of many planning applications. The Ministry identified affordable housing as a “fundamental need” and additional residential units were identified as one of the least expensive ways to increase the supply of affordable housing.

One of the directions of Bill 108, under the *Planning Act* changes, was to permit up to two additional residential units on properties containing a detached, semi-detached, or street townhouse residential dwelling, which replaced the previous requirement to permit one Secondary Dwelling Unit within these housing forms.

Regulation 299/19, which implemented Bill 108, also indicated that;

- Each additional unit shall have 1 parking space unless a zoning by-law amendment has been approved which requires no parking;
- Parking may be tandem parking;
- Property owners do not have to live on the property and tenants do not have to be related to the owner; and,
- Additional residential units can be in existing buildings or new construction.

In response to Bill 108, the City completed a review of The London Plan and Zoning by-law Z.-1 regulations (OZ-9176/Additional Residential Unit Review-City of London) and on December 8, 2020 Council approved those amendments which made the following changes:

1. Defined “Additional Residential Unit” in the Zoning By-law,
2. Established a minimum size for an additional residential unit of 25 square metres (269 square feet),
3. Did not allow a home occupation in an additional residential unit,
4. Allowed additional residential units in single detached dwellings, semi-detached dwellings and street townhouse dwellings,
5. Permitted a maximum of two units including one in the main dwelling and one additional unit in a detached structure,

6. Did not allow additional residential units on a separate lot, did not permit units in basements where they were below the level of the sanitary servicing and not in the floodplain,
7. Permitted additional residential units in detached buildings only in the rear yard or interior side yard subject to the zoning by-law regulations,
8. Capped the gross floor area of all additional residential units to 40% of the size of the main dwelling unit,
9. Capped the number of bedrooms permitted in all units to a maximum of five (5) based on dwelling type,
10. Did not permit entrances to units in the front or exterior side yard, and
11. Required no additional parking for additional residential units.

Bill 23, the *More Homes Built Faster Act*, received Royal Assent on November 28, 2022, and made the following additional changes:

1. Permits three residential units on most residential lots, either all three units in the main building or two units in the main building and one in an accessory detached structure,
2. Prohibits policies in an Official Plan and Zoning By-law that have the effect of restricting additional residential units on a parcel of urban land,
3. Prohibits policies in an Official Plan to set minimum unit sizes,
4. Prohibits policies in an Official Plan to require more than one parking space per unit, and
5. Prohibits appeals to the changes mentioned above.

The recommended amendment is intended to comply with these new requirements that were introduced through Bill 23, but also consider other changes that meet the broader goal of facilitating additional units while still ensuring compatibility with existing neighbourhoods.

2.0 London's Housing Supply Action Plan

Related to Bill 23 was a Provincial request that London accept its municipal housing target of 47,000 units and make a pledge to achieve those units within 10 years. That pledge was approved by Council on February 14, 2023, and it included direction for Civic Administration to prepare a Housing Supply Action Plan.

Actions and Strategies are identified that will facilitate the development of housing, including direction to "promote gentle intensification" in neighbourhoods. While Rethink Zoning is the longer-term approach to achieve this objective through a comprehensive set of new zoning regulations, the recommended amendments provide short-term opportunities to increase housing supply under the existing Zoning By-law.

3.0 Community Consultation

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 2, 2023. A web page on the City of London website www.london.ca was also created. The notice to Agencies and other City Departments was sent February 1, 2023. The notice provided was as follows;

Nature of Liaison: City-wide – Additional Residential Unit Review in Response to Bill 23 (More Homes Built Faster Act)

On November 28, 2022 the Province received Royal Assent on Bill 23 (More Homes Built Faster Act). Among other changes, the changes to the Planning Act would still have the effect of allowing a total of three units on a lot containing a single detached, semi-detached or street townhouse dwelling but all three units could be located in the main building or have one unit located in a detached building and two units in the main building. The purpose and effect of these London Plan and/or zoning changes is to implement these recent changes to the Planning Act made by Bill 23. In December 2021 Council approved London Plan and Zoning By-law changes as a result of the passage of Bill 108 (More

Homes, More Choices Act) to allow a total of three units on a lot containing a single detached, semi-detached or street townhouse dwelling; however, the main building could only contain two units and the detached building one unit. Maximum size of units, number of bedrooms permitted, parking regulations and the need for site plan approval for detached structures were also included in the previous Council approved amendments as a result of Bill 108. Bill 23, besides allowing three units in the main building, may have the effect of removing the maximum unit size and number of bedroom regulations and need for site plan approval for any detached building as well. Additional changes to be considered include removing minimum dwelling unit sizes in Section 4.6.2) b) in Zoning By-law Z-1.

In response to these public engagement initiatives we received a number of questions and seven replies with comments, one including a 58 name petition (see Appendix D), by letter or e-mail. The comments received support initiatives to reduce or remove restrictions on additional residential units. Common themes in the comments are include the following:

- Change or remove the 40% cap on the size of additional residential units;
- Remove all minimum unit size regulations;
- Change or remove the bedroom cap limit;
- Increase the detached additional residential unit height limit;
- Want to be able to add an addition to permit an additional residential unit; and,
- Change the process for issuing permits for these units.

4.0 Current Policy Context

Provincial policies and legislation provide direction for the Additional Residential Unit amendments. Applicable provincial planning documents include the 2020 Provincial Policy Statement and the *Planning Act*. City planning policies and regulations are provided in The London Plan and Zoning By-law no. Z.-1. Other strategies supplement the planning direction in these documents.

4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) provides the direction from the Province for land use planning in Ontario.

The PPS provides for and supports intensification under Part IV;

Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Policies in Sections 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) and 1.4 (Housing) state that sufficient land needs to be available for a mix of affordable and market based residential uses, that development and land use patterns shall be efficiently laid out, and that settlement areas (e.g. Cities) are to be the focus of future growth.

Specifically, support for additional residential units is included in the following PPS policies:

Creating healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including additional residential units (Policy 1.1.1.b)

Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of residential intensification, including second units (1.4.3 b)

Based on the foregoing, the proposed amendments that support the development of additional residential units are consistent with the PPS (2020).

A new draft *Provincial Planning Statement* was recently posted to the Province's engagement website, the Environmental Registry of Ontario, on April 6, 2023 for public input. This new *Provincial Planning Statement* would replace the PPS (2020) and there are many significant changes. However, the new draft maintains the policy direction that encourages intensification, including additional residential units, so if the draft Provincial Planning Statement were to be approved no changes are required to the recommended amendments.

4.2 Planning Act

The following analysis includes consideration of the current *Planning Act* requirements, including all new provisions that have been amended through the More Homes Act.

Section 2 of the *Planning Act* identifies matters of provincial interest that all approval authorities shall have regard to when making planning decisions. Included on the list are "The adequate provision of a *full range of housing, including affordable housing*" (Subsection 2(j)). Because the recommended amendments would support creating more additional residential units, which is a key aspect to the City's affordable housing plans, the amendments align with this provision.

More specifically, Section 16 provides requirements for Official Plans, and includes in subsections 16(3)-16(3.3) the following requirements:

Restrictions for residential units

- (3) No official plan may contain any policy that has the effect of prohibiting the use of,
 - (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
 - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

Same, parking

- (3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3).

Same, minimum unit size

- (3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3).

Policies of no effect

- (3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2).

Similar requirements are also included in Section 35.1, which applies to Zoning By-laws. The recommended amendments include changes to City policies and regulations to meet all of the requirements in the *Planning Act*, as amended through the More Homes Act.

4.3 The London Plan

Policies 937 and 939 provide a rationale for residential intensification throughout neighbourhoods and identifies additional residential units as an important opportunity for intensification. Benefits of intensification are listed in Policy 937, which includes that “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 941 and 942 include the current requirements for additional residential unit policies and address such matters as location, number of units, licensing, size, exterior alterations, parking and requirements for Site Plan approval. These policies were based on changes made by Bill 108, the *More Homes More Choices Act, 2019* and the previous Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017*.

The purpose of this report is to make amendments to The London Plan to be consistent with changes made by the More Homes Act, and consider some other possible changes to the policy that support the broader objective to facilitate more affordable dwelling units.

4.4 Zoning By-law No. Z-1

Current zoning requirements for additional residential units are included in Section 4.37 of the Zoning By-law. In summary, the current regulations include the following:

- Additional residential units are permitted in association with a single detached, semi-detached, or street townhouse dwelling,
- Two additional residential units are permitted on a lot, including one in the main building and one in an accessory building,
- Additional residential units are limited to 40% of the total residential floor area on the lot, and are subject to the overall bedroom limit of the primary unit,
- Direct access to an additional residential unit is not permitted from the front of the building, and
- There is no parking requirement for an additional residential unit.

Other sections of the Zoning By-law affected by the recommended amendments include Section 4.6 – Dwelling units, which establishes a minimum unit area for dwellings; and Section 4.1 – Accessory Uses, which restricts human habitation of an accessory building.

5.0 Recommended Amendments

The recommended amendments include changes to The London Plan and Zoning By-law that will comply with new requirements of the *Planning Act* and also align with new City initiatives to increase housing supply, while also considering the need to ensure fit and compatibility of new development within its context. The following sections provide a thematic overview and rationale for the recommended amendments. The recommended amendments to The London Plan are in Appendix A, the Zoning By-law Amendment is in Appendix B, and a summary of the changes with tracked changes is included in Appendix C.

5.1 Dwelling Unit Hierarchy

Just as is the case with the *Planning Act* changes, The London Plan and Zoning amendments remove references and allusions to a hierarchy of units where more than one dwelling units are included within a single detached, semi-detached, or street townhouse dwelling. While previously these dwelling types may have been understood as single units, it is now more suitable to consider them as building types that may include up to three dwelling units each. This change in how additional units are

presented is reflected in several of the recommended amendments to The London Plan and Zoning By-law:

- Amend The London Plan policy 941 by changing the description of additional residential units from being “ancillary and subordinate to the primary dwelling,” to being “permitted in addition to the primary dwelling.”
- Amend the definition for Additional Residential Unit in the Zoning By-law to use the same proposed language as The London Plan policy 941.

5.2 Number and Location of Additional Residential Units

One of the key changes to the *Planning Act* was to remove restrictions on where additional residential units could be located. Under the new legislation, additional units are permitted within the main building and up to one unit can be within an accessory building. The maximum remains at two additional units or three total units, but there is flexibility added to where they can locate.

A corresponding amendment is included in both The London Plan and Zoning By-law as follows:

- Amend The London Plan policy 942.1 by removing the restriction of up to one Additional Residential Unit permitted in a primary building.
- Amend Zoning By-law section 4.37.2) to remove the maximum number of additional units permitted in the main building but maintain the maximums of two additional units on a lot and one additional unit in an accessory building.

5.3 Minimum and Maximum Dwelling Unit Size

The current Zoning By-law includes regulations for the minimum unit sizes for all types of dwelling units, and the maximum size for additional dwelling units relative to the overall floor area. Both of these regulations are recommended to be deleted.

Minimum unit sizes have been included since well before additional residential units/secondary units were introduced. The requirements are set out in Section 4.6 of the Zoning By-law and include 70 m² for a single detached dwelling, 25 m² for an additional residential unit or a unit in a converted dwelling, and 37 m² plus 10 m² per bedroom for any other dwelling type.

Habitable spaces are regulated through the Building Code, which requires minimum room sizes to ensure health and safety. These minimum sizes include:

Room/Space	Minimum required floor area
Living area	13.5 m ² (145 ft ²)
Dining area	7 m ² (75 ft ²)
Kitchen	4.2 m ² (45.2 ft ²)
Combined living, dining and kitchen areas in a one-bedroom unit	11 m ² (118.4 ft ²)
Master bedroom (without built-in closet)	9.8 m ² (95 ft ²)
Other bedrooms (without built-in closets)	7 m ² (75 ft ²)
Bathroom	Sufficient space for sink, toilet and shower stall or bath
Combined sleeping, living and dining areas and kitchen space	13.5 m ² (145 ft ²)

Because the Building Code provides these standards for living spaces it is unnecessary to regulate minimum unit sizes through the Zoning By-law. The only purpose of a zoning regulation would be to prevent smaller units than the prevailing trend in the neighbourhood, and this is not consistent with the goal to provide a mix of unit types and sizes within neighbourhoods. Changes to the *Planning Act* specifically prohibit minimum sizes for additional residential units, but the same rationale should apply to

other unit types, so it is recommended that this regulation be deleted altogether from the Zoning By-law.

Maximum unit sizes are included in the current zoning by-law for additional residential units is 40% of the total residential floor area on the lot. The rationale for this regulation was that it would ensure the additional units remain secondary to the primary dwelling unit on the lot. Given the change in dwelling unit hierarchy described in section 5.1 of this report it no longer makes sense to regulate unit size relative to the primary unit.

The overall scale of residential uses will be regulated through the provisions of the zone that control the height, setbacks, coverage, and other aspects of the building in addition to the limit on the number of bedrooms. There is a maximum of five bedrooms that are permitted in a single detached dwelling, which applies to the whole building and not to individual dwelling units. Maintaining this requirement maintains the overall scale of a single detached dwelling, and would direct larger buildings to zones that permit more intense residential unit types. Bedroom caps also exist for semi-detached and street townhouse dwellings, which is set at 5 bedrooms or 3 within the Near-Campus Neighbourhoods.

In summary, recommended amendments related to unit size include:

- Delete The London Plan policy 942.4 that limits the size of all additional residential units on a lot to 40% of the overall residential floor area.
- Delete Zoning By-law section 4.6.2) that includes minimum dwelling unit sizes for all dwelling types.
- Delete Zoning By-law section 4.37.5) that limits the size of all additional residential units on a lot to 40% of the overall residential floor area.

5.4 Neighbourhood Character Requirements

It was the intent of the current policies to permit additional residential units while minimizing their impact on neighbourhood character, by maintaining the appearance of the building having a single dwelling unit. While fit and neighbourhood context remain important planning considerations, it is desirable to provide a mix of dwelling types within neighbourhoods and therefore not necessary to hide the fact that additional units exist. Fit within a neighbourhood context is better managed with regulations on issues such as building size, setback, lot coverage, and parking areas.

Regulating neighbourhood character in general terms is also challenging given that the More Homes Act also removed Site Plan Control for development containing ten dwelling units or less.

The recommended amendments related to neighbourhood character include:

- Delete The London Plan policy 942.4 that requires exterior alterations to maintain the appearance of a building containing one dwelling unit and requiring access to additional units through entrances in the rear or side yards.
- Delete The London Plan policy 942.10.e. that requires additional units in an accessory structure to maintain neighbourhood character
- Delete Zoning By-law section 4.37.7) that restricts exterior access to additional residential units to the rear and interior side yards.

5.5 Site Plan Approval

The More Homes Act includes changes to *Planning Act* Section 42 related to Site Plan Approval, including that Site Plan Control can no longer apply to development with ten residential units or less. This rules out all development that includes additional residential units. A separate review will include amendments to implement the More Homes Act changes; however, as part of this review it is recommended to remove references to site plan control within the Additional Residential Unit policies. The recommended amendment includes:

- Delete The London Plan policy 942.11 that identify where site plan control applies.

5.6 Other changes

Other changes are recommended to the Zoning By-law that improve clarity and consistency or remove redundant policies. Such changes include:

- Amend Zoning By-law section 4.1.1) to clarify that accessory units do not need to be specifically permitted in each zone and that accessory buildings may be used for human habitation.
- Delete part of Zoning By-law section 4.37.4) that are redundant and may cause confusion where additional residential units are permitted in an accessory structure.
- Delete part of Zoning By-law section 4.37.8) that state that parking is required in accordance with the primary unit, as that is addressed through general parking requirements.
- Delete Zoning By-law section 4.37.9 that requires development to conform with the Building Code and Fire Code. These regulatory documents apply and do not require direction in the Zoning By-law.

6.0 Conclusion

Amendments to The London Plan and Zoning By-law Z.-1 are required to implement recent changes to the *Planning Act* through Bill 23, the *More Homes, Built Faster Act, 2022*. The recommended amendments will update the City of London's Additional Residential Unit policies and regulations to ensure they conform with the new legislation and also work towards the City's housing goals.

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Director, Planning and Development

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

May 2, 2023

JA/ja

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Appendix A – Official Plan Amendment

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

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

A by-law to amend the Official Plan for the City of London, 2016 relating to implementing of More Homes Built Faster Act, 2022 Additional Residential Unit Policies City-wide.

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, The London Plan, 2016, for the City of London Planning Area, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To update the Official Plan, The London Plan, for the City of London to revise additional residential unit policies to conform with recent changes to the *Planning Act*.
2. To ensure the Official Plan policies will achieve housing objectives.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

1. The amendments are consistent with changes made to the *Planning Act* by the *More Homes, Built Faster Act, 2022 (Bill 23)* with respect to additional residential units.
2. The amendments are consistent with the policies of the *Provincial Policy Statement, 2020* and are consistent with the policies of the Official Plan, The London Plan, for the City of London.

D. THE AMENDMENT

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

- 1) Policy 941 with regard to additional residential units is deleted in its entirety and replaced with the policy below;

For the purposes of this Plan, additional residential units are defined as a dwelling unit permitted in addition to the primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

- 2) Policy 942 with regard to additional residential units is deleted in its entirety and replaced with the policy below;

Additional residential units are permitted as-of-right within single detached dwellings, semi-detached dwellings or street townhouse dwellings where all of the following criteria are met:

1. A maximum of two additional residential units are permitted, which may include a maximum of one additional unit in an accessory structure.
2. Additional residential units must be located on the same lot as the primary dwelling unit.
3. Additional residential units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law.
4. Additional residential units shall comply with all regulations of the associated zone.
5. Any exterior alterations to accommodate an additional residential unit within a Heritage Conservation District must have consideration and regard for the policies of the Heritage Conservation District Plan and/or Guidelines. Heritage Alteration Permit approval may be required for

alterations to designated properties, including properties located in a Heritage Conservation District.

6. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units.
7. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.
8. An additional residential unit may be permitted within a legally established accessory structure that:
 - a. Is located on the same lot as the primary dwelling unit.
 - b. Is located in the rear yard.
 - c. Cannot be severed.
 - d. Is on full municipal services.
 - e. Meets the requirements of the zone which apply to accessory structures.
9. New additional residential units shall not be located in a flood plain as regulated by the conservation authority having jurisdiction for that area, unless permitted through a special policy area as described in the Natural and Human Made Hazards policies.

Appendix B – Zoning By-law Amendment

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

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to revise additional residential unit regulations and replace some regulations with new regulations for additional residential units.

WHEREAS the Corporation of the City of London has initiated a rezoning City-wide to revise the existing additional residential unit regulations, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Section 2 (Definitions) in Zoning By-law is amended by deleting the existing definition for an Additional Residential Unit and replacing it with the following:

“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The addition of an additional residential unit does not change a single-detached, semi-detached or street townhouse dwelling into any other type of residential building.

- 2) Section 4.1.1) (Accessory Uses Permitted in All Zones) in Zoning By-law Z.-1 is amended by deleting the existing regulation and replacing it with the following:

ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that open storage shall only be permitted in any zone in which such a use is specifically listed as a permitted use. No accessory building, structure or use in an agricultural zone or a residential zone shall be used for human habitation, except where a dwelling unit is permitted as an additional residential unit or where the zone permits a bed and breakfast establishment, secondary farm dwelling, temporary garden suite or hotel.

- 3) Section 4.6 (Dwelling Units) is amended by deleting the existing heading regulations and replacing them with the following:

4.6 DWELLING UNITS LOCATED WITHIN BASEMENTS

A dwelling unit or part thereof is permitted in a basement provided the finished floor level of such basement is not below the level of any sanitary sewer servicing the building or structure in which such basement is located.

- 4) Section 4.37 (Additional Residential Units) is amended by deleting the existing regulations and replacing them with the following;

4.37 ADDITIONAL RESIDENTIAL UNITS

The provisions of this section shall apply to all additional residential units, unless specified by type directly herein.

1) Permitted Zones

Additional residential units shall be permitted within any zone in association with the following uses:

- a. Single detached dwellings
- b. Semi-detached dwellings
- c. Street townhouse dwellings

2) Number of Additional Residential Units per Lot

A maximum of two (2) additional residential units shall be permitted per lot; including a maximum of one (1) additional residential unit in an accessory or ancillary structure.

3) Location of Additional Residential Units

An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

An additional residential unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the level of any sanitary sewer servicing the building or structure in which the basement is located.

An additional residential unit shall not be permitted in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.

4) Location of Additional Residential Units within Accessory Structures

An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.

5) Number of Bedrooms

The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined.

6) Parking

No additional parking is required for additional residential units.

A new additional driveway in association with an additional residential unit is not permitted.

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 June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

Appendix C – Recommended London Plan and Zoning By-law Amendments with Tracked Changes

Within this Appendix underlined text indicates it is new wording to be added, and strikethrough text means it is existing wording to be deleted. Bold text indicates an existing or proposed heading. Where a section in a numbered list is to be deleted the final amendment will include renumbering the entire list.

Official Plan (The London Plan) Amendments

ADDITIONAL RESIDENTIAL UNITS

941_ For the purposes of this Plan, additional residential units are defined as a dwelling unit ~~ancillary and subordinate~~ permitted in addition to the primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

942_ Additional residential units are permitted as-of-right within single detached dwellings, semi-detached dwellings or street townhouse dwellings where all of the following criteria are met:

10. A maximum of two additional residential units are permitted, ~~including~~ which may include a maximum of one additional unit ~~in the main dwelling and a maximum of one additional unit~~ in an accessory structure.
11. Additional residential units must be located on the same lot as the primary dwelling unit.
12. Additional residential units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law.
13. ~~The gross floor area of the additional residential units shall not be greater than 40% of the combined total gross floor area of both the primary dwelling unit and the additional residential units.~~
14. Additional residential units shall comply with all regulations of the associated zone.
15. ~~Exterior alterations to the primary dwelling unit to provide for additional residential units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to the additional residential units should be through existing entrances or new entrances located in rear or side yards.~~
16. Any exterior alterations to accommodate an additional residential unit within a Heritage Conservation District must have consideration and regard for the policies of the Heritage Conservation District Plan and/or Guidelines. Heritage Alteration Permit approval may be required for alterations to designated properties, including properties located in a Heritage Conservation District.
17. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units.
18. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.
19. An additional residential ~~units~~ unit may be permitted within a legally established accessory structure that:
 - a. Is located on the same lot as the primary dwelling unit.
 - b. Is located in the rear yard.
 - c. Cannot be severed.
 - d. Is on full municipal services.

~~e. Maintains the neighbourhood character.~~

f. Meets the requirements of the zone which apply to accessory structures.

~~20. Additional residential units located within a primary dwelling unit shall not require Site Plan Approval. An additional residential unit within an accessory structure shall require site plan approval.~~

21. New additional residential units shall not be located in a flood plain as regulated by the conservation authority having jurisdiction for that area, unless permitted through a special policy area as described in the Natural and Human Made Hazards policies.

Zoning By-law Amendment

Section 2: Definitions

“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit ~~ancillary and subordinate permitted in addition to~~ a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The addition of an additional residential unit does not change a single-detached, semi-detached or street townhouse dwelling into any other type of residential building.

Section 4: General Provisions

4.1 ACCESSORY USES

1) ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that ~~no home occupation, open storage or accessory dwelling unit shall~~ only be permitted in any zone ~~other than a zone in~~ which such a use is specifically listed as a permitted use. No accessory building, structure or use in an agricultural zone or a residential zone shall be used for human habitation, except where a dwelling unit is permitted as an ~~accessory use~~ additional residential unit or where the zone permits a bed and breakfast establishment, secondary farm dwelling, temporary garden suite or hotel.

4.6 DWELLING UNITS LOCATED WITHIN BASEMENTS

~~1) LOCATION WITHIN BASEMENT~~

~~A dwelling unit or part thereof is permitted in a basement provided the finished floor level of such basement is not below the level of any sanitary sewer servicing the building or structure in which such basement is located.~~ 2)

~~2) DWELLING UNIT AREA (MINIMUMS)~~

~~No dwelling unit shall be erected or used unless it has the following minimum gross floor area~~

- ~~a) a dwelling unit constituting a single detached dwelling – 70.0 square metres (753 sq. ft.) or as specified within a zone;~~
- ~~b) converted dwelling unit and additional residential unit – 25 square metres (269 square feet);~~
- ~~c) any other dwelling unit – 37 square metres (398 square feet) for a bachelor dwelling unit plus an additional 10.0 square metres (108 square feet) for each bedroom.~~

4.37 ADDITIONAL RESIDENTIAL UNITS

The provisions of this section shall apply to all additional residential units, unless specified by type directly herein.

1) Permitted Zones

Additional residential units shall be permitted within any zone in association with the following uses:

- a. Single detached dwellings
- b. Semi-detached dwellings
- c. Street townhouse dwellings

2) Number of Additional Residential Units per Lot

A maximum of two (2) additional residential units shall be permitted per lot; including a maximum of one (1) ~~additional residential unit in the main dwelling~~ and a maximum of one (1) ~~additional residential unit in an accessory or ancillary structure~~

3) Location of Additional Residential Units

An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

An additional residential unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the level of any sanitary sewer servicing the building or structure in which the basement is located.

An additional residential unit shall not be permitted in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.

4) Location of Additional Residential Units within Accessory Structures

~~An additional residential unit may be permitted in an accessory structure on the same lot as the primary dwelling. An additional residential unit in an accessory structure shall be required to meet the regulations of the zone which apply to accessory structures. An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.~~

5) ~~Floor Area Requirements~~

~~The gross floor area of additional residential unit(s) shall not be greater than 40% of the combined total gross floor area of the primary dwelling unit and the additional residential units. For the purposes of calculating gross floor area requirements for additional residential units the following shall not be included:~~

- ~~a. additions to dwelling units completed after the date of passage of this by-law; and,~~
- ~~b. the gross floor area of accessory structures, where an accessory structure does not include an additional residential unit.~~

6) Number of Bedrooms

The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined

7) ~~Access to Additional Residential Units~~

~~Exterior alterations to provide for entrances to the additional residential unit within interior or rear yards of the primary dwelling unit may be permitted.~~

8) Parking

~~The minimum parking requirement shall be in accordance with the primary dwelling unit. No additional parking is required for additional residential units.~~

A new additional driveway in association with an additional residential unit is not permitted.

9) ~~Code Requirements~~

~~Additional Residential Units shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations.~~

Appendix D – Public Engagement

Community Engagement

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 5, 2020. A web page on the City of London website www.london.ca was also created and notice was posted March 4, 2020. The notice to Agencies and other City Departments was sent March 5, 2020. The notice was as follows;

Nature of Liaison: City-wide – Implementing Additional Residential Unit Requirements of the Planning Act The purpose and effect of these London Plan and/or zoning changes is to implement recent changes to the Planning Act made by Bill 108/Regulation 299 of the Province of Ontario (*More Homes, More Choice Act, 2019*) which was given Royal Assent on June 6, 2019. Changes to the Act require that the City permit up to two additional dwelling units on a property containing a single detached, semi-detached or street townhouse residential dwelling. Possible amendments to the London Plan to change Policy 939 to 942 and Policy 949 to change wording from “Secondary Dwelling Units” to “Additional Residential Units” and add/modify language to implement Provincial policy and/or regulations for additional residential units. Possible change to Zoning By-law Z.-1 to delete the definition of “Secondary Dwelling Unit” and replace with a new definition of “Additional Residential Unit” in Section 2 (Definitions), make changes to Section 4.37 (General Provisions) to change references from secondary dwelling units to additional residential units and make changes to implement Provincial policies and/or regulations such as number of units permitted, number of bedrooms permitted and parking requirements.

In response to these public engagement initiatives we received a number of questions and seven (7) replies with comments, one including a 58 name petition (see Appendix B), by letter or e-mail. The breakdown of the nature of the comments is as follows;

65 comments including requests to do the following;

- change or remove the 40% cap on the size of additional residential units;
- remove all minimum unit size regulations;
- change or remove the bedroom cap limit;
- increase the detached additional residential unit height limit;
- want to be able to add an addition to permit an additional residential unit; and,
- change the process for issuing permits for these units.
- one reply expressed concerns that the amendments would increase the problems in existing neighbourhoods.

Written- Letter/E-mail
58 name petition – see below
Phil Megaro
Phil Williamson (Propeller Property Group Inc.)
Jenny Hecht (AE Builders)
Uri Hecht (AE Builders)
Brian Currah
Daniel Chiapka
Carrie O’Brien (Drewlo Holdings)
Nick Dyjack (Strik, Baldinelli Moriz)
Wael Alhusson
Ben Thompson
Quinton (Jarvis Design Firm)
Frank Gerrits (York Developments)

58 Name Petition

Common Sense City Policy - Additional Dwelling Units

We are requesting that the City of London consider adopting the following policies relating to Additional Dwelling Units:

- 1. Eliminate the minimum dwelling size, and instead follow the Ontario Building Code restrictions only.*
- 2. Allow additional bedrooms, over and above the current 5 bedrooms per lot for ADU's*
- 3. Eliminate the restriction prohibiting ADU's from occupying more than 40% of the Gross Floor Area.*

We believe that the creation of Additional Dwelling units is a key component to solving the housing shortage that London, like many other Ontario Cities, is currently facing. Units within existing structures and/or on existing lots can be created more quickly, less expensively, and with less impact on the environment and City infrastructure. ADU's offer a more 'gentle' form of intensification within the core areas of the City when compared to the urban sprawl of new subdivision development. These policies encourage investment to create units where it was not feasible in the past, and in underutilized existing spaces such as basements and backyards. These policies encourage homeowners to create safe, legal suites, rather than often unsafe, illegal units frequently seen prior to the implementation of these policies. For these policies to be effective in encouraging the creation of new dwelling units and meeting the provincial objectives they must be logical and only impose practical restrictions where necessary. Past policies on Secondary Suites and Additional Units within the City have created unnecessary and impractical barriers that have inhibited citizens abilities to create these units. This time around we are requesting that the City implement the above changes to the By-Law regulation to encourage creation of new dwelling units within the City, providing safe and more affordable housing options to serve the needs of our growing population.

Signatures

1. Name: Carolyn Macnamara on 2023-02-28, Comments: I support this request
2. Name: Dan Illes on 2023-03-01
3. Name: Tyson George on 2023-03-01
4. Name: Justin Black on 2023-03-01
5. Name: Daniel Ciapka on 2023-03-01
6. Name: Manny Khaira on 2023-03-01
7. Name: Diogo Barreira on 2023-03-01
8. Name: Scott Rowland on 2023-03-01
9. Name: Moosa Sedu on 2023-03-01
10. Name: Thomas Forsythe on 2023-03-01, Comments: Let's build safe affordable dwellings on our properties
11. Name: Minna Nguyen on 2023-03-01
12. Name: Derek Williamson on 2023-03-01, Comments: I understand the need for regulation in housing, but not when it becomes a disincentive towards the goal. We need more housing, and this can be accomplished without compromising on safety of these dwellings.
13. Name: Chibuikem Ndubuisi on 2023-03-01, Comments: The city needs to step up and make changes that will speed up housing. This is one step. Further more parking requires should also be relaxed especially for these ADU as most of them will already have access to Municipal BUS stops, bike routes for those who don't own cars.
14. Name: Thao Thai on 2023-03-01
15. Name: Pj Gorton on 2023-03-01
16. Name: Jason Igras on 2023-03-01 Comments: I support the recommendations in this petition
17. Name: Luis Angel on 2023-03-01
18. Name: Micheal Clarke on 2023-03-01
19. Name: Paula McFarlane on 2023-03-01
20. Name: Justin Carrothers on 2023-03-01
21. Name: Spencer on 2023-03-01

22. Name: Michael Rosehart on 2023-03-01, Comments: The ADU is not allowed on lots with septic or well; even if they have a dedicated septic for the ADU. If 1km further outside city than middlesex allows it. London is being unfairly harsh on those properties that would like to build a pool house or add an ADU, which they currently cannot.
23. Name: Gail Ryder on 2023-03-01, Comments: These are all the same comments I spoke up at a council meeting about. I got up on the microphone and tried to explain this to you as I have properties that you won't allow me to build anymore additional units on because of your senseless and unnecessary restrictions. You should be ashamed of yourself for not listening to me back then (2019,2020). You have a responsibility to allow developers and housing providers to create more supply but instead you make ridiculous rules to kibash them. Stop it! People need places to live including our own family members. In the meantime, I bought housing outside of the city where the restrictions aren't so strict and now I can live and support my extended family.
24. Name: Matthew Popp on 2023-03-01
25. Name: Will Rounthwaite on 2023-03-01, Comments: This is definitely needed! We shouldn't be limiting viable housing options during a housing crisis
26. Name: Jason McNeill on 2023-03-01
27. Name: Sukhvir brar on 2023-03-01
28. Name: Jeremy Evans on 2023-03-01
29. Name: Martin liersch on 2023-03-01
30. Name: Charline Robichaud on 2023-03-01
31. Name: Gleb Petukhov on 2023-03-01
32. Name: B Pouliot on 2023-03-01
33. Name: Amir on 2023-03-01
34. Name: Dylan on 2023-03-01
35. Name: Reese Vint on 2023-03-01
36. Name: Melissa miles on 2023-03-02
37. Name: Dillon Dyck on 2023-03-02
38. Name: Luke Holst on 2023-03-02
39. Name: Jake Tayler on 2023-03-02
40. Name: Magie Kennedy on 2023-03-02
41. Name: Andres Diaz on 2023-03-02
42. Name: Jestin jose on 2023-03-02
43. Name: Tina Morales on 2023-03-02
44. Name: Ken Madlener on 2023-03-02
45. Name: Sam on 2023-03-02
46. Name: Janet Batchelor on 2023-03-02, Comments: Let's develop what we have to its highest potential to prevent the development of conservation lands.
47. Name: Martin B on 2023-03-02
48. Name: Anisa Jepsen on 2023-03-02
49. Name: Klaud Czeslawski on 2023-03-02
50. Name: Nezar alansari on 2023-03-03
51. Name: Duane Becker on 2023-03-03, Comments: Accessory dwelling units may not be the whole solution to our housing affordability issues, but should be part of the solution.
52. Name: Nathan Blanco on 2023-03-03 , Comments: It would be great for the City of London to embrace the need for additional units wirh open arms and aid in the efforts .
53. Name: Eric Barrette on 2023-03-04
53. Name: Euan Zhang on 2023-03-04
54. Name: Michelle Reyes on 2023-03-04
55. Name: Richard Carvell on 2023-03-05
56. Name: Carlos Afanador on 2023-03-06
57. Name: Blair Stine on 2023-03-07

Carrie O'Brien (Drewlo Holdings)

In response to the posting for Administrative changes associated with Bill 23/Additional Units, Drewlo/Ironstone would like to provide the following for consideration.

As noted below, we've briefly evaluated offering "purpose-built" additional units (secondary suites). In our initial review these were the hurdles we identified (we've also provided this comments to Justin in response to the "Path to 47,000 units").

Bill 23 changes will address majority of our concerns (identified hinderances); the one item that may be outstanding is the required gross floor areas of the secondary unit. Our understanding is that the gross floor areas of the additional residential units cannot be greater than 40% of the primary dwelling unit.

From a "purpose built" perspective, further clarification on the distinction between duplex and additional unit would be helpful.

Based on discussions with staff, how permits would be issued (under the "purpose built" lens) seems to be a bit of an unknown as it changes the part of the OBC that would apply. I would recommend further discussions with the Building department when establishing strategies to increase the amount of gentle intensification in the City.

Daniel Ciapka

The City of London is experiencing a housing crisis and I strongly encourage that the City allows up to 3 residential units within the main building and removes all unit size maximum/minimum requirements. Also, the removal of the number of bedrooms allowed with each unit/the main building would allow for a larger variety of unit mixes throughout the City. For example, there is no reason to only allow a "maximum" of 5 bedrooms in a home if there is enough space to allow for three 2-bedroom units.

Brian Currah

I believe with the need of more housing, intensification in lieu new subdivisions makes Bill 23 a favourable solution.

Uri Hecht

My name is Uri Hecht. My company AE Builders has focused strictly on infill intensification builds for 10 years. Through my projects I have had experience with zoning bylaw compliance, site plan applications and minor variances.

I would like to submit comments for the Additional Residential Unit review, specifically addressing zoning restrictions that are making ARU's only viable to a small subset of people and with a very specific lot size. Based on my experience designing, applying for permits and building ARU's, below are the areas of issue that need to be addressed:

1. Restrictions on the number of bedrooms reduces allowed living space. For example, multi generation living requires more bedrooms.
2. The regulations tying a detached ARU to an accessory building greatly reduces allowed living space. Height restrictions are limiting the ability to go up, again significantly limiting living area.
3. Gross Floor area restrictions also greatly limit the allowed living area, especially since detached ARU GFA is not counted towards the calculations.
4. Removing additions from the GFA calculations also greatly limits the allowed living area.

In order to make ARU's more viable and common the restrictions have to be revised in a way to allow for more possibilities. If not, ARU creations will be less than a drop in the bucket that is needed for more supply of housing.

Phil Williamson

Summary:

I am requesting that the City of London consider adopting the following policies relating to Additional Dwelling Units:

- Eliminate the minimum dwelling size, and instead follow the Ontario Building Code restrictions only.
- Allow additional bedrooms, over and above the current 5 bedrooms per lot for ADU's
- Eliminate the restriction prohibiting ADU's from occupying more than 40% of the Gross Floor Area.

(Note that the full letter is available in the file from Planning & Development)

Ben Thompson

I read through the below link Mike sent over. It looks like the City is considering removing the cap on size for ADU's within existing Dwelling units. Has the City considered allowing more than one accessory unit (detached) or removing the size cap on the accessory structure ADUs? I own a very large R1 property in the city where I currently have one ADU detached in an accessory structure. However, it is quite small. It would be amazing if the City would allow a second 3rd or 4th on the lot. Maybe the size of these units could be associated to the lot size and lot coverage vs. the existing dwelling size?

I am able to provide a much higher quality rental unit by detaching the units vs. attaching them all together. Currently I have large open green space in the city, it would be great to infill it. I don't have deep enough pockets to look at rezoning and and London Plan Amendments, nor am I willing to take the risk of the plan being rejected in the end.

I have a 65' x 330' lot open to two streets, zoned R2. I could easily put 3 detached ADU's and then turn the primary dwelling into a semi.

Agency/Department Liaison

On March 5, 2020 notice of application was sent to other City Departments, Agencies and others included on the City Planning circulation list. The content of the notice was the same as the Londoner notice and the website notice. The only substantive comments were received from Parks Planning.

Parks

Just a note that Bill 23 exempts additional units from parkland dedication:

Non-application, residential units

(1.3) A by-law passed under this section does not apply to the erection or location of,

- (a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- (b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or*
- (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential*

land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 12 (5).

Appendix A – Official Plan Amendment

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

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

A by-law to amend the Official Plan for the City of London, 2016 relating to implementing of More Homes Built Faster Act, 2022 Additional Residential Unit Policies City-wide.

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, The London Plan, 2016, for the City of London Planning Area, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To update the Official Plan, The London Plan, for the City of London to revise additional residential unit policies to conform with recent changes to the *Planning Act*.
2. To ensure the Official Plan policies will achieve housing objectives.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

1. The amendments are consistent with changes made to the *Planning Act* by the *More Homes, Built Faster Act, 2022 (Bill 23)* with respect to additional residential units.
2. The amendments are consistent with the policies of the *Provincial Policy Statement, 2020* and are consistent with the policies of the Official Plan, The London Plan, for the City of London.

D. THE AMENDMENT

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

- 1) Policy 941 with regard to additional residential units is deleted in its entirety and replaced with the policy below;

For the purposes of this Plan, additional residential units are defined as a dwelling unit permitted in addition to the primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

- 2) Policy 942 with regard to additional residential units is deleted in its entirety and replaced with the policy below;

Additional residential units are permitted as-of-right within single detached dwellings, semi-detached dwellings or street townhouse dwellings where all of the following criteria are met:

1. A maximum of two additional residential units are permitted, which may include a maximum of one additional unit in an accessory structure.
2. Additional residential units must be located on the same lot as the primary dwelling unit.
3. Additional residential units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law.
4. Additional residential units shall comply with all regulations of the associated zone.
5. Any exterior alterations to accommodate an additional residential unit within a Heritage Conservation District must have consideration and regard for the policies of the Heritage Conservation District Plan and/or Guidelines. Heritage Alteration Permit approval may be required for

alterations to designated properties, including properties located in a Heritage Conservation District.

6. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units.
7. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.
8. An additional residential unit may be permitted within a legally established accessory structure that:
 - a. Is located on the same lot as the primary dwelling unit.
 - b. Is located in the rear yard.
 - c. Cannot be severed.
 - d. Is on full municipal services.
 - e. Meets the requirements of the zone which apply to accessory structures.

Appendix B – Zoning By-law Amendment

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

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to revise additional residential unit regulations and replace some regulations with new regulations for additional residential units.

WHEREAS the Corporation of the City of London has initiated a rezoning City-wide to revise the existing additional residential unit regulations, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Section 2 (Definitions) in Zoning By-law is amended by deleting the existing definition for an Additional Residential Unit and replacing it with the following:

“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The addition of an additional residential unit does not change a single-detached, semi-detached or street townhouse dwelling into any other type of residential building.

- 2) Section 4.1.1) (Accessory Uses Permitted in All Zones) in Zoning By-law Z.-1 is amended by deleting the existing regulation and replacing it with the following:

ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that open storage shall only be permitted in any zone in which such a use is specifically listed as a permitted use. No accessory building, structure or use in an agricultural zone or a residential zone shall be used for human habitation, except where a dwelling unit is permitted as an additional residential unit or where the zone permits a bed and breakfast establishment, secondary farm dwelling, temporary garden suite or hotel.

- 3) Section 4.6 (Dwelling Units) is amended by deleting the existing heading regulations and replacing them with the following:

4.6 DWELLING UNITS LOCATED WITHIN BASEMENTS

A dwelling unit or part thereof is permitted in a basement provided the finished floor level of such basement is not below the level of any sanitary sewer servicing the building or structure in which such basement is located.

- 4) Section 4.37 (Additional Residential Units) is amended by deleting the existing regulations and replacing them with the following;

4.37 ADDITIONAL RESIDENTIAL UNITS

The provisions of this section shall apply to all additional residential units, unless specified by type directly herein.

1) Permitted Zones

Additional residential units shall be permitted within any zone in association with the following uses:

- a. Single detached dwellings
- b. Semi-detached dwellings
- c. Street townhouse dwellings

2) Number of Additional Residential Units per Lot

A maximum of two (2) additional residential units shall be permitted per lot; including a maximum of one (1) additional residential unit in an accessory or ancillary structure.

3) Location of Additional Residential Units

An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

An additional residential unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the level of any sanitary sewer servicing the building or structure in which the basement is located.

4) Location of Additional Residential Units within Accessory Structures

An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.

5) Number of Bedrooms

The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined.

6) Parking

No additional parking is required for additional residential units.

A new additional driveway in association with an additional residential unit is not permitted.

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 June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

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: Emyv Group Inc.
327 Thompson Road, File Z-9579, Ward 1
Public Participation Meeting

Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Emyv Group Inc. relating to the property located at 327 Thompson Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting June 6, 2023 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, for the City of London to change the zoning of the subject property **FROM** a Residential R2 (R2-2) Zone **TO** a Residential R3 Special Provision (R3-1(*)) Zone and a Residential R3 Special Provision (R3-1(**)) Zone;
- (b) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law.

Executive Summary

Summary of Request

The owner has requested to rezone the subject lands to a Residential R3 Special Provision (R3-1(_)) Zone to facilitate the development of two (2), two-storey triplex dwellings. A special provision is requested to permit a reduced interior side yard depth of 2.98 metres for Lot A, whereas 3 metres is required.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to facilitate the development of two (2), two-storey triplex dwellings. The following special provisions are recommended for Lot A through the R3-1(*) Zone: fourplex dwellings be prohibited; a minimum and maximum front yard depth of 4 metres and 7 metres, respectively; an easterly interior side yard depth of 2.8 metres; a minimum shared driveway width of 4.5 metres (shared between the abutting lot to the east); and minimum parking area setbacks from the west and rear lot lines of 3 metres and 4.9 metres, respectively. The following special provisions are recommended for Lot B through the R3-1(**) Zone: fourplex dwellings be prohibited; a minimum and maximum front yard depth of 4 metres and 7 metres, respectively; a minimum shared driveway width of 4.5 metres (shared between the abutting lot to the west); and minimum parking area setbacks from the east and rear lot lines of 3 metres and 5.1 metres, respectively.

Rationale of Recommended Action

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

3. The recommended amendment facilitates the development of a vacant site within the Built-Area Boundary and Primary Transit Area with an appropriate form of infill development.

Linkage to the Corporate Strategic Plan

A well planned and growing community - London's growth and development is well-planned and considers use, intensity, and form.

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 introduction of a Temporary Zone for a surface parking lot continues to foster the use of automobiles and is a use that conflicts with the long-term planning of the subject lands for development, which promotes mobility alternatives that are transit-supportive and pedestrian-friendly. See more detail in Appendix D.

Analysis

11.0 Background Information

1.1 Previous Reports Related to this Matter

B.042/21 – Report to Committee of Adjustment: 327 Thompson Road.

1.2 Planning History

In 2021 the owner of the subject lands requested to sever the subject lands into two (2) equal-sized lots for future residential redevelopment. The application (B.042/21) was granted provisional consent on February 4, 2022.

1.3 Property Description

The subject lands are located on the south side of Thompson Road, between Emerson and Chesterfield Avenue, in the Glen Cairn Planning District. The subject lands have a total frontage of 24.34 metres and an area of 1,113 square metres. The severed and retained lands are two equal sized lots with a frontage of 12.17 metres and an area of 556.5 square metres. The lands are currently vacant and were previously developed with a single detached dwelling which was demolished in 1984.



Figure 1: 327 Thompson Road (view from Thompson Road)

1.4 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type on a Neighbourhood Connector
- Existing Zoning – Residential R2 (R2-2) Zone

1.5 Site Characteristics

- Current Land Use – Vacant
- Frontage – 24.34 metres (79.85 feet)
- Depth – 45.72 metres (150 feet)
- Area – 1,113 square metres (11,980.23 square feet)
- Shape – Rectangular

1.6 Surrounding Land Uses

- North – Low density residential and institutional
- East – Low density residential
- South – Low density residential
- West – Vacant land and City-owned parkland (Glen Cairn Park – North)

1.6 Intensification

The proposed six (6) residential units in two (2) triplex dwellings represents intensification within the Built-area Boundary and Primary Transit Area.

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

Original Development Concept

The owner requested to rezone the subject site to facilitate the development of two (2) triplex dwellings on the severed and retained lots. Surface parking would be provided in the rear yard, with access shared between the two properties. The initial site concept proposed a 3.37 metre wide shared access; however, staff raised concern that this access was not wide enough to accommodate two-way traffic. Staff also raised concerns with the lack of a functional and centrally located amenity area for each triplex dwelling, as well as the lack of accessible parking. Figure 2 depicts the original site concept plan as proposed.

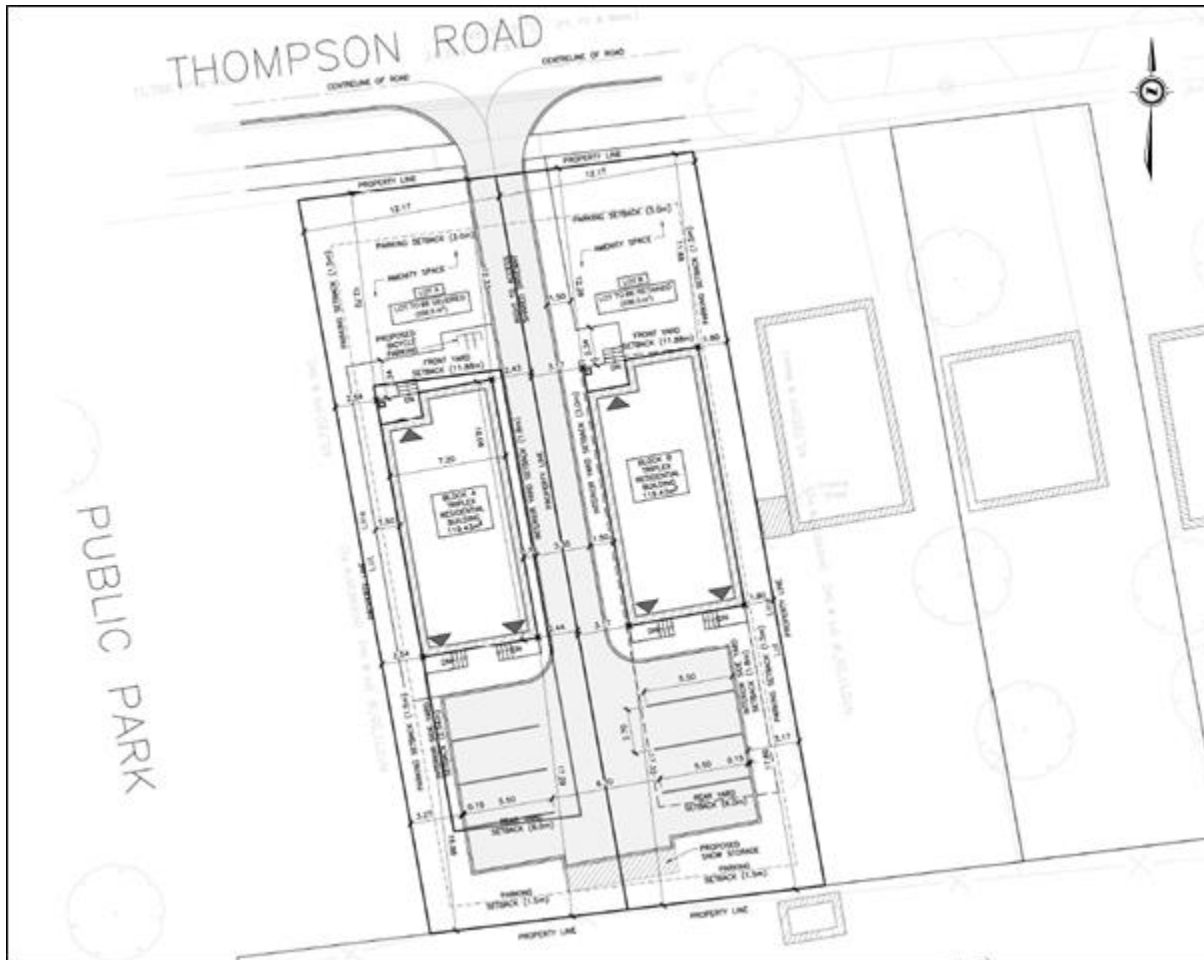


Figure 2: Original site concept plan



Figure 3: Concept rendering

Revised Development Concept

In April 2023, the applicant submitted a revised concept site plan to address staff's concerns with respect to access, accessible parking, and amenity space.

The updated site concept plan includes a designated lay-by area in the front where vehicles entering the site can safely wait for vehicles to exit, should there be a conflict. This avoids potential safety concerns resulting from vehicles backing out of the site onto Thompson Road. The buildings have been shifted closer to Thompson Road, which enables additional amenity space to be provided in the rear yard while maintaining a front yard depth that is consistent with that of neighbouring properties. Lastly, a Type A accessible parking space has been provided on each property.

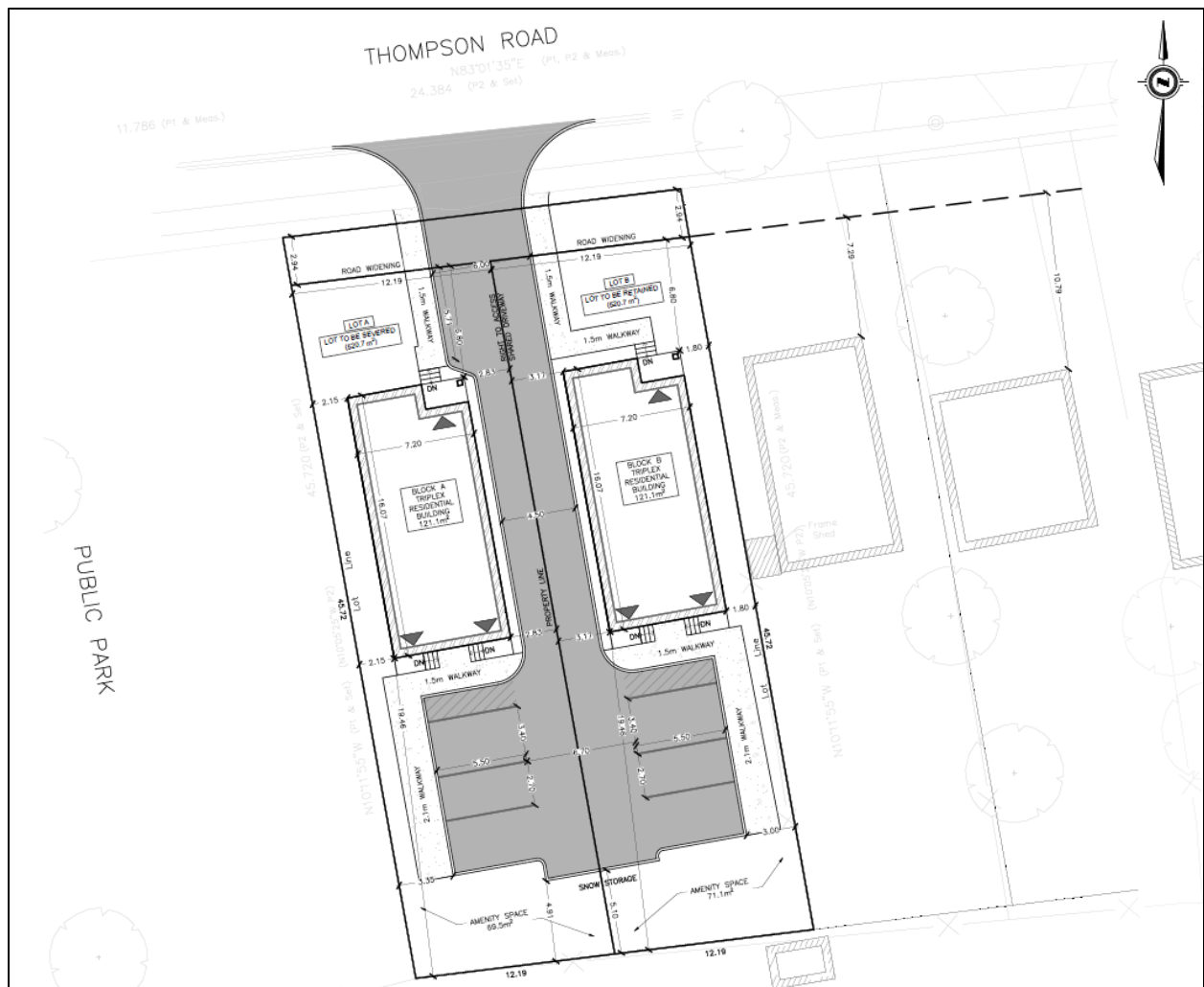


Figure 4: Revised site concept plan

2.2 Requested Amendment

The owner has requested to rezone the subject lands to a Residential R3 Special Provision (R3-1(_)) Zone to permit the proposed triplex dwellings. The requested special provision would permit a reduced interior side yard setback of 2.4 metres for Lot A, whereas 3 metres is required. Following the circulation of the application, the applicant amended their application to request an interior side yard setback of 2.84 metres for Lot A, whereas 3 metres is required.

Staff are recommending additional special provisions to provide greater certainty on the site layout and to ensure a common outdoor amenity space is provided on each lot. The following special provisions are recommended for Lot A: fourplex dwellings be prohibited; a minimum and maximum front yard depth of 4 metres and 7 metres, respectively; an easterly interior side yard depth of 2.8 metres; a minimum shared driveway width of 4.5 metres (shared between the abutting lot to the east); and minimum parking area setbacks from the west and rear lot lines of 3 metres and 4.9 metres, respectively. The following special provisions are recommended for Lot B: fourplex dwellings be prohibited; a minimum and maximum front yard depth of 4 metres and 7 metres, respectively; a minimum shared driveway width of 4.5 metres (shared

between the abutting lot to the west); and minimum parking area setbacks from the east and rear lot lines of 3 metres and 5.1 metres, respectively.

2.3 Community Engagement (see more detail in Appendix B)

No written responses or phone calls were received from the public.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

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

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

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The policies of the PPS direct planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3). Planning authorities are further directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional residential units and redevelopment (1.4.3b)). Densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and supports the use of active transportation and transit in areas where it exists or is to be developed, is promoted by the PPS (1.4.3d)).

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

The recommended amendment is in keeping with the goals of the PPS as it facilitates the development of an underutilized site within a settlement area and represents a form of intensification through infill development. The proposed triplex dwellings contribute to a mix of housing types in the area, providing choice and diversity in housing options for both current and future residents. No new roads or infrastructure are required to service the site, making efficient use of land and existing services. Consistent with the PPS, intensification of the subject lands would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the redevelopment and intensification of the subject lands would contribute to achieving

more compact forms of growth and development.

4.2 Issue and Consideration #2: Use

The subject lands are within the Neighbourhoods Place Type on a Neighbourhood Connector in The London Plan. The range of uses permitted within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The proposed triplex use is included in the range of primary permitted uses within the Neighbourhoods Place Type for sites fronting on a Neighbourhood Connector.

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

The proposed Residential R3 (R3-1) Zone, as requested, permits the following uses: single detached dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, converted dwellings, and fourplex dwellings. With the exception of fourplex dwellings, all of these uses are contemplated in the Neighbourhoods Place Type for sites fronting on a Neighbourhood Connector. As such, staff are recommending fourplex dwellings be prohibited in conformity with The London Plan.

4.3 Issue and Consideration #3: Intensity

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

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

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

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

- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).

The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (83_, 937_, 939_2 and 5, and 953_1). The London Plan directs that intensification may occur in all place types that allow for residential uses (84_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of one storey and a maximum height of three storeys is contemplated for sites fronting on a Neighbourhood Connector (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The proposed two-storey triplex development is within the maximum intensity permitted by The London Plan.

The Neighbourhoods Place Type policies also identify that the intensity of development must be appropriate for the size of the lot (953_3.). The applicant has worked closely with staff to address matters of site design to ensure the proposed intensity can be achieved on the site from a site functionality perspective. The site has been designed such that all required parking and an adequate outdoor amenity area are provided while also meeting the minimum requirements of the Zoning By-law, with the exception of a small reduction in interior side yard depth for Lot A and a reduction in driveway width. The requested setback reduction is considered minor and does not represent over intensification of the site, nor does the reduced width of the shared driveway. As such, staff is satisfied the site is of sufficient size to support the proposed intensity and site design.

4.4 Issue and Consideration #4: Form

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_) and 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) and encourages supporting infill and intensification in meaningful ways, to manage outward growth (59_8).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_ 2.a. to f.).

The revised site concept plan has adequately addressed staff’s concerns regarding site access and driveway width, and provides a larger amenity space at the rear of the property. The current site design shows a front yard depth of 6.8 metres for both triplex dwellings, in accordance with Urban Design staff’s recommended maximum front yard depth of 7 metres. Staff are recommending special provisions for a minimum and maximum front yard depths of 4 and 7 metres, respectively. These setbacks would ensure a consistent street wall is achieved along Thompson Road based on the existing front yard depths of neighbouring properties, as depicted on Figure 4, while also ensuring greater space is provided in the rear yard for a functional outdoor amenity area. Staff are also recommending a special provision requiring minimum interior side and rear yard parking area setbacks of 3 metres (on one side) and 4.9 metres, respectively. The intent of these special provisions is to ensure adequate buffering is provided between the parking area and adjacent properties, and to ensure adequate space is provided in the rear yard for amenity space.

4.5 Issue and Consideration #6: Methane Gas

The site is located partially within a closed landfill site (known as the Thompson Road Landfill Site). As part of the complete application, the applicant submitted a Phase II Environmental Site Assessment prepared by EXP Services Inc. dated April 14, 2022 (the Assessment).

The Assessment concluded that no refuse, municipal garbage or construction rubble was noted in the fill materials encountered in the boreholes and methane gas was not detected in the boreholes during drilling. On this basis, the Assessment concluded that a Record of Site Condition is not likely required to develop the site for residential purposes. In addition, the applicant consulted with the Ministry of the Environment, Conservation, and Parks (MECP) to determine whether a Record of Site Condition would be required for the proposed development, given that the location has been identified/associated with a past use as a landfill site. Through this consultation it was determined that a Record of Site Condition would not be required.

The City’s Solid Waste Division has confirmed they are satisfied that the Ministry has been consulted and that the proposed residential development will not trigger a Record

of Site Condition. Solid Waste will continue with the methane gas testing requirements through the next stages.

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 development of an underutilized site with a land use and intensity that is appropriate for the lands and surrounding context.

Prepared by: Catherine Maton, 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

cc:

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 327
Thompson Road

WHEREAS Emvy Group Inc. has applied to rezone an area of land located at 327 Thompson Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable the lands located at 327 Thompson Road, as shown on the attached map comprising part of Key Map No. A108, from a Residential R2 (R2-2) Zone to a Residential R3 Special Provision (R3-1(*)) Zone and a Residential R3 Special Provision (R3-1(**)) Zone.
- 2) Section Number 7.4 of the Residential R3 (R3-1) Zone is amended by adding the following Special Provisions:

R3-1(*)

a) Prohibited Use

i) Fourplex dwellings

b) Regulations

i) Front Yard Depth (Minimum) 4.0 metres

ii) Front Yard Depth (Maximum) 7.0 metres

iii) Easterly Interior Side Yard Depth (Minimum) 2.8 metres

iv) Shared Driveway Width (Minimum) 4.5 metres (shared between the abutting lot to the east)

v) Parking Area Setback to the Westerly Side Lot Line (Minimum) 3.0 metres

vi) Parking Area Setback to the Rear Lot Line (Minimum) 4.9 metres

R3-1(**)

a) Prohibited Use

i) Fourplex dwellings

b) Regulations

- | | |
|--|---|
| i) Front Yard Depth
(Minimum) | 4.0 metres |
| ii) Front Yard Depth
(Maximum) | 7.0 metres |
| iii) Shared Driveway Width
(Minimum) | 4.5 metres (shared between
the abutting lot to the west) |
| iv) Parking Area Setback
to the Easterly Side
Lot Line (Minimum) | 3.0 metres |
| v) Parking Area Setback
to the Rear Lot Line
(Minimum) | 5.1 metres |

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

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

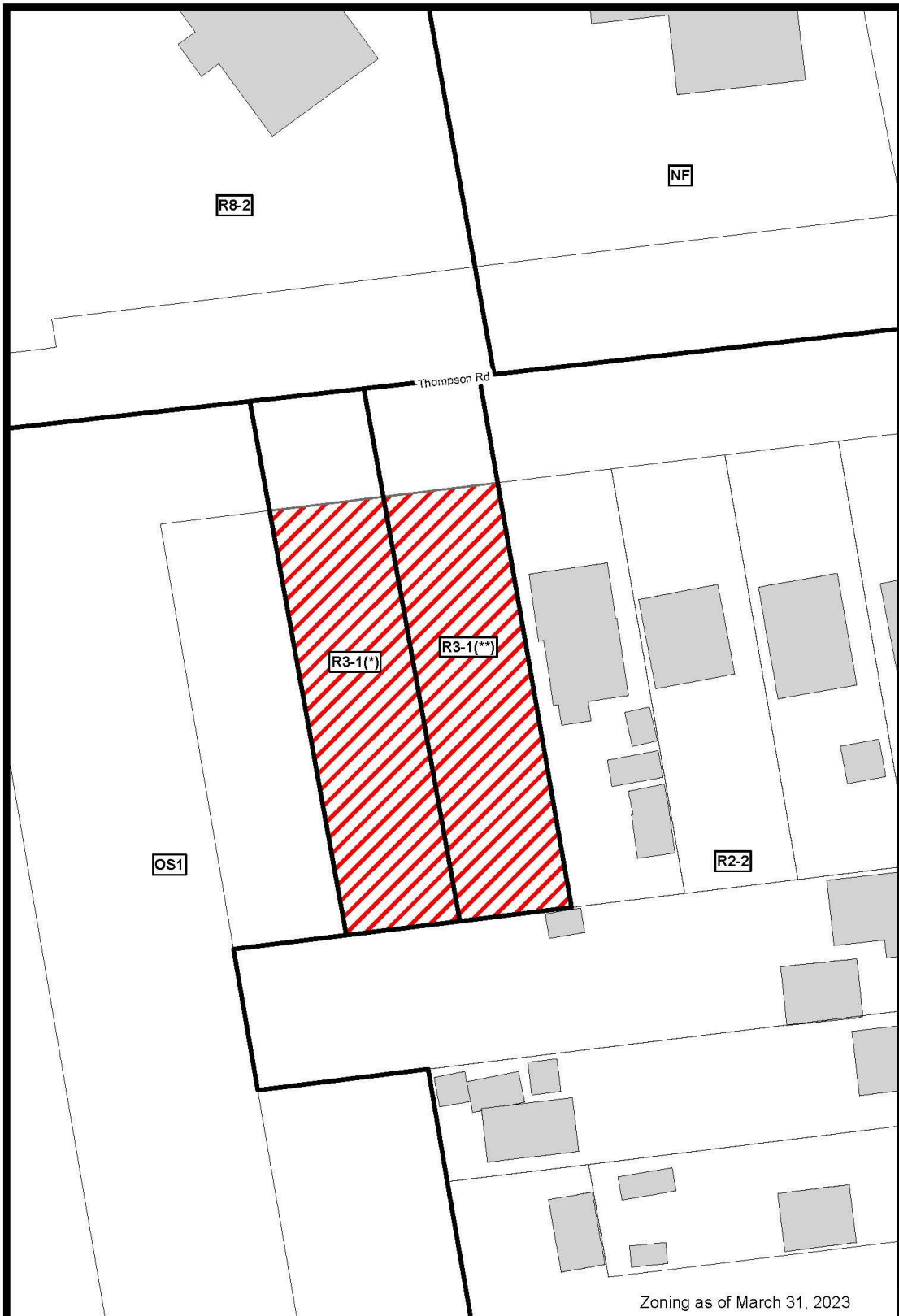
PASSED in Open Council on June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

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



File Number: Z-9579
Planner: CM
Date Prepared: 2023/4/21
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:500

0 2.5 5 10 15 20 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On January 18, 2023, Notice of Application was sent to 53 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 19, 2023. A “Planning Application” sign was also posted on the site.

Nature of Liaison: The purpose and effect of this zoning change is to permit two triplex dwellings. Possible change to Zoning By-law Z.-1 **FROM** a Residential R2 (R2-2) Zone which permits single detached, semi-detached, duplex, and converted dwellings, **TO** a Residential R3 Special Provision (R3-1(_)) Zone to permit the proposed triplex dwellings. The proposed special provision would permit a reduced westerly interior side yard depth of 2.4m (on Lot A), whereas 3m is required. The City may also consider an additional special provision to prohibit fourplex dwellings. File: Z-9579 Planner: C. Maton

Responses: No phone calls or written responses were received.

Agency/Departmental Comments

Site Plan – January 19, 2023

Zoning Comments:

- Z.-1 4.23.2: To permit an Interior Side Yard of 2.4 m whereas a minimum of 3.0 m is permitted for Lot A.
- Z.-1 4.19.10.c.i: Consider widening the northern parking spaces from 2.7 metres to 3.4 metres, such as the northeastern space, and shift the rest of the parking down if need be.
- Z.-1 4.21: Clearly illustrate the road allowance on the site plan.
- Z.-1-93172 & Z.-1-041300 – OMB Order 0780 – March 15/06: Please confirm that the total number of bedrooms does not exceed five bedrooms per dwelling.

General Comments:

- Townhouses without a severance could support as many units as this proposal but mitigate the setback constraints and the effect of side-lotting (as shown, the neighbouring house is exposed to several dwellings).

Comments based on current site plan:

- Provide elevations from all sides in metric. Illustrate the hardscape design and materials on plans. Building design should have regard for surrounding context, especially for elevations visible from a roadway. To do so, the design should prioritize architectural details that are complementary to those found along the fronting corridor (e.g., façade massing, façade articulation, fenestration on the upper portion of the façade, siding materials, corner trim detailing, roof fascia, etc.). Avoid materials that readily deteriorate, stain, or fade. Illustrate vehicular areas, pathways, signage, outside lighting, decorative features, and amenity space.
- Screening may be required for noise and visuals (C.P.-1455-541 2.5.3). Provide a 1.8-metre-tall privacy fencing along property line adjacent to residential parcels. Please consider planting opportunities for screening any parking area from the street (C.P.-1455-541 2.6.3.d.iii). Screen/buffer all exposed parking visible from the street with low landscaping, planting, or low masonry landscape walls (C.P.-1455-541 2.6.3.d.iii). Please illustrate each tree, whether existing or proposed, on the site plan as well as within 3 meters of property lines. Indicate which, if any, trees will be removed. Provide tree protection notes and details for trees to be preserved. For landscape strips along a public street, add at least one tree per every 12 metres, or every 15 metres otherwise (C.P.-1455-541 Table 9.4).
- Please state the total Gross Floor Area of each dwelling by including all applicable storeys. Label any proposed decks, porches, or other platforms on the

site plan with dimensions to ensure compliance with the Z.-1 Zoning By-law. Clarify if basement ceiling height is 1.8 metres or more (Z.-1 2).

- Ensure enough space for collection access to recycling and waste. Clarify how snow storage is stored and accommodated on-site. Please illustrate each tree, whether existing or proposed, on the site plan. Clarify if mail is to be delivered to each unit or involve a shared pickup location – if the latter, identify the mail pickup location on the site plan.
- 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. Include a 1.5-metre setback from parking area(s) to property lines (C.P.-1455-541 6.2.b). Show all above ground utilities within the road allowance (e.g., hydro poles, hydrants, etc.). Please detail the shape of the access (street entranceway) and its connection to the roadway – ensure that the access corner radii do not encroach into designated road space nor extend beyond the projected property line (i.e. road access design is not to extend in front of a neighbouring parcel) (C.P.-1455-541 5.5.b). Make the lane way at least 6 metres. Given the pronounced depth of this development, consider how firetrucks would access the rear. Ensure adequate turning movements in and out of the permitted parking spaces. For the design of the fire route, refer to Tables 6.2 and 6.3 of the Site Plan Control By-law. Identify the location of fire route signage and provide a standard detail on the site plan. Show turning movements of emergency vehicles (C.P.-1455-541 6.7).
- Label all entrances (barrier-free, fire, etc.), ensuring access to nearby fire department equipment as per 9.10.20.3 of the Ontario Building Code. Provide a safe and convenient network of pedestrian pathways throughout the site. Specifically, provide pedestrian pathways to connect parking area(s), building entrances, and public sidewalks. Provide pedestrian crossing facilities where the sidewalk crosses primary driveway access. Make all walkways at least 1.5 metres or 2.1 metres if abutting parking spaces, with at least a 1-metre setback from parking area(s) (C.P.-1455-541 Table 7.1). Pedestrian pathways should be graded to alleviate verticality and where applicable, prioritize ramps over staircases or steps (C.P.-1455-541 7.2). Ensure pedestrian circulation and access refinements are done with the Accessibility Review Checklist.
- Provide and identify the location of the common amenity area on site. Provide an adequate at-grade centrally located amenity area for residents. Make sure to connect any amenity space to the other portions of the site with a pathway. Consider situating and connecting the amenity space for convenient access by users. For internal details of the proposed amenity space, consider adding purposeful features to enhance the use of the space (e.g., gazebo, patio, permanent seating, age-friendly outdoor sports, or a playground). Consider adding more green amenity space.

Urban Design – January 10, 2023

- Explore opportunities to develop the property as one lot for a more functional and comprehensive development.
- Reconfigure the site layout to locate proposed building(s) parallel to Thompson Road with street-oriented units.
 - Consider an alternative form of development e.g., townhouses, to provide for a higher percentage of built form along the street frontage.
 - Include direct pedestrian access from the unit entrances to the public sidewalk on Thompson Road [TLP 255_].
- Explore opportunities to provide "eyes on the park" and create an active edge by including a private walkway along the property line adjacent to the park and include individual ground floor unit entrances on the park-facing façades as well with direct access to this walkway [TLP 288_].
 - If the adjacent property to the west is deemed undevelopable on account of the closed landfill area, provide active building elements and enhanced facades along the interface that is visible from Glen Cairn Park.

- Consider including balconies or terraces on the elevation facing the open space zone (Glen Cairn Park) in order to further break up the building and add interest to the façade.
- Zoning provisions for the site should address the following:
 - A maximum setback of 7m along Thompson Street from the property line should be considered to ensure buildings are located closer to the street.
 - Maximum fencing along the west property line to promote passive surveillance.
 - Private amenity spaces in the form of roof terraces or balconies should be provided for all proposed units.
 - The below-grade units shall be designed as units with one side having a finished floor at or above grade, or as two-storey units.

Solid Waste – January 24, 2023

- Our office has reviewed the Phase II Environmental Site Assessment (dated April 15, 2022) and felt that the Applicant should receive clearance from the MECP for this residential development. The following comments were provided to Olga in June 2022:
 - The Waste Management office is requesting that the Applicant seek clarification from the Ministry of the Environment, Conservation and Parks (MECP) on whether they will require a Record of Site Condition for the proposed development, given that the location has been identified / associated with a past use as a landfill site, known as the Thompson Road Landfill Site (MECP ID # 5045).
- It was the Environmental Consultant's opinion that a Record of Site Condition "...is not likely required to develop the Site for residential purposes". It would be diligent that the City request that the Applicant actually receive this clearance from the Ministry, who is the governing body of this regulation.

London Hydro – January 24, 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.

Landscape Architecture – January 24, 2023

- Trees over 50cm diameter need a permit to remove. I think there are 2 trees that qualify at south end of property.

Ecology – February 9, 2023

- There are currently no ecological planning issues related to this property and/or associated study requirements.

Engineering – February 9, 2023

1. Site Plan Consultation comments apply.
2. They're proposing a 3.35m wide shared access. Transportation is requesting the shared access to be a minimum 6.0m wide in order to accommodate two way traffic. If there is a car pulling in at the same time one is pulling out, we have an issue. A parking space is 2.7m wide, so 3.35m will not accommodate two cars travelling past each other. We want to avoid people backing up on Thompson Road or driving over the front yard.
3. They're not showing the proposed road widening of 2.942m. Not sure if this will impact their zoning in regards to setbacks. We will be taking the widening as part of the consent.

Parks Long Range Planning & Design – February 15, 2023

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-25 and will be required for the building permit approval.

Solid Waste – February 9, 2023 (updated comments)

- We are satisfied that the Ministry has been consulted and that this residential development will not trigger a Record of Site Condition requirement. Our office will continue with the methane gas testing requirements through the next stages.

Site Plan – April 5, 2023 (updated comments)

As an ongoing comment, the required interior side yards are 1.2 and 3.0 metres. For setbacks, I round to the specified decimal place in the Zoning By-law. Lot A shows side yard setbacks of 2.15 and 2.83 metres. By shifting the Lot A building 12 centimetres (2.03 and 2.95 metres, rounded to 2.0 and 3.0 metres), this would avoid a deviation from the Zoning By-law without impacting functionalities.

The side yard walkway is a concern for stormwater and landscaping, but other staff can speak to that.

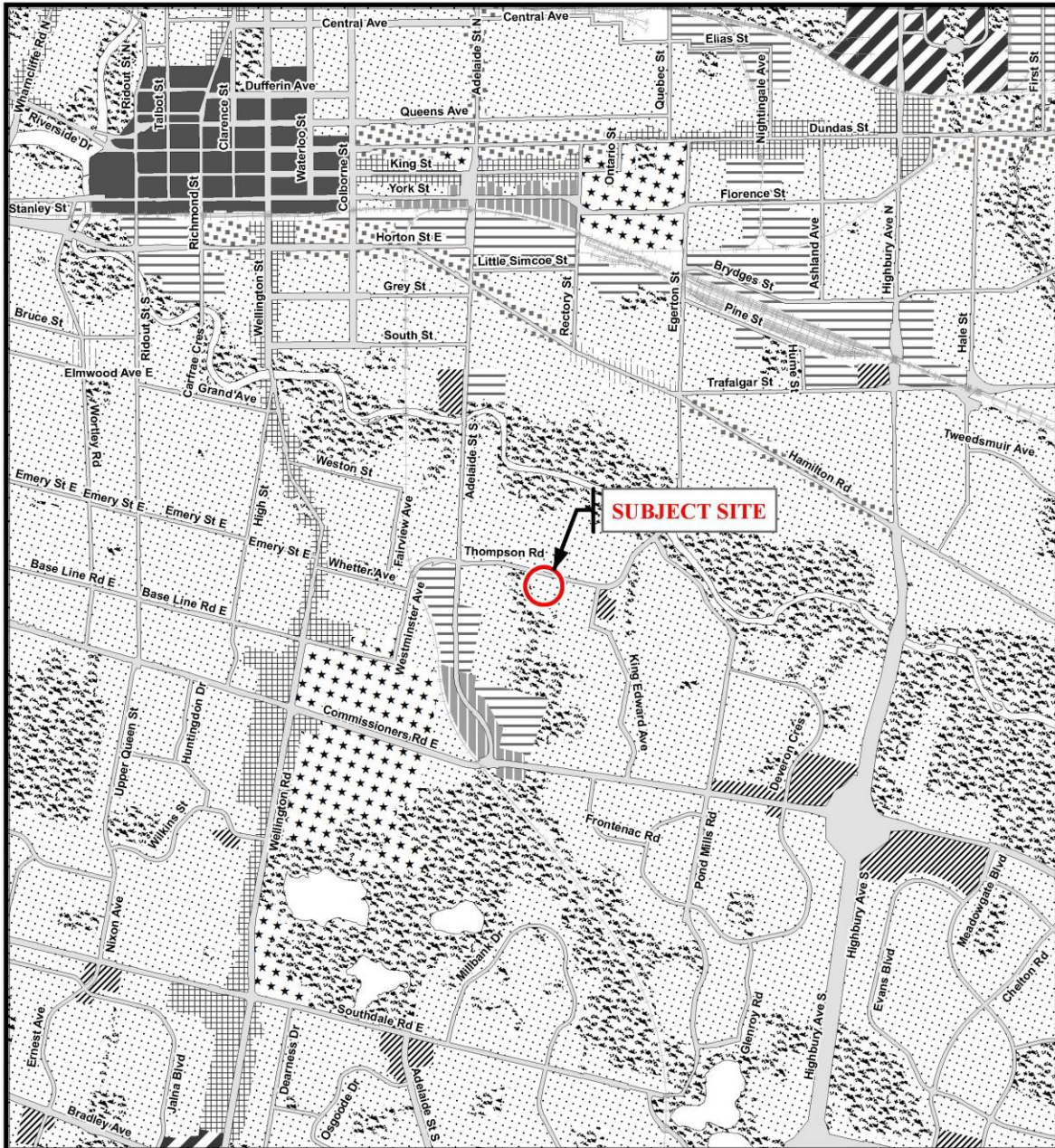
Besides the above, I am mostly satisfied. I'm unsure to what extent this can be ensured without Site Plan Control.

Engineering – April 5, 2023 (updated comments)

No further comment on this one. They showed the 6.0m access and correct road widening.

Appendix C – Relevant Background

Additional Maps

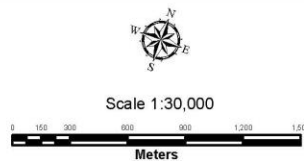


Legend

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

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

CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning & Development



File Number: Z-9579
Planner: CM
Technician: JI
Date: 2023/4/6



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-2

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
Z-9579 CM

MAP PREPARED:
2023/04/06 JI

1:1,200
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: Yes
Net density change: 53.9 UPH per lot
Net change in affordable housing units: N/A

Complete Communities

New use added to the local community: Yes, triplex dwellings
Proximity to the nearest public open space: 32 metres (Glen Cairn Park – North)
Proximity to the nearest commercial area/use: 190 metres
Proximity to the nearest food store: 2.5 kilometres
Proximity to nearest primary school: Princess Elizabeth Public School, 350 metres
Proximity to nearest community/recreation amenity: Community Living London, 1.0 kilometre; Glen Cairn Community Resource Centre, 1.0 kilometre
Net change in functional on-site outdoor amenity areas: 63.4 square metres and 65 square metres provided

Reduce Auto-dependence

Proximity to the nearest London Transit stop: 27 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: No
Site layout contributes to a walkable environment: Yes (i.e. buildings are easily accessible from the sidewalk; pedestrians do not have to walk through large expanses of surfaces parking to reach the building entrance(s), active ground floor uses)
Proximity to nearest dedicated cycling infrastructure: 5 metres
Secured bike parking spaces: 0 spaces
Secured bike parking ratio: N/A
New electric vehicles charging stations: 0
Vehicle parking ratio: 1 per unit

Environmental Impacts

Net change in permeable surfaces: 0.05701 ha
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): Yes

Construction

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

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: 644-646 Huron Street, File OZ-9580, Ward 4
Public Participation Meeting

Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2614442 Ontario Inc. relating to the property located at 644-646 Huron Street:

- (a) the request to amend the Official Plan, The London Plan, for the City of London by **ADDING** a new policy to the Specific Policies for the Neighbourhoods Place Type and by **ADDING** the subject lands to Map 7 – Specific Policies Areas – of the Official Plan, **BE REFUSED** for the following reasons:
- i) The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations.
 - ii) The proposed development does not conform to the Official Plan, including, but not limited to, the Key Directions, City Design policies, Intensity and Form policies of the Neighbourhoods Place Type, and Zoning to the Upper Maximum policies contained in Our Tools.
- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Holding Residential R9 Special Provision (h-5*R9-3(14)*H13) Zone, **TO** a Residential R8 Special Provision (R8-4(_)) Zone, **BE REFUSED** for the following reasons:
- i) The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations.
 - ii) The proposed development does not conform to the Official Plan, The London Plan, for the City of London including, but not limited to, the Key Directions, City Design policies, Intensity and Form policies of the Neighbourhoods Place Type, and Zoning to the Upper Maximum policies contained in Our Tools.
- (c) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 6, 2023 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The Official Plan, for the City of London, to change the zoning of the subject property **FROM** a Holding Residential R9 Special Provision (h-5*R9-3(14)*H13) Zone, **TO** a Residential R9 Special Provision (R9-7(_)*H20) Zone;
- (d) the Site Plan Control Approval Authority **BE REQUESTED** to consider the following design issues through the site plan control approval process:
- i) The recommendations of the Noise Study be implemented;
 - ii) Provide a centrally located and adequately sized outdoor amenity space;
 - iii) A building design that differentiates the ground floor through the use of pedestrian-scaled elements such as but not limited to, canopies and lighting, alternate window sizes/placement than the floors above;
 - iv) A building design that breaks up the perceived mass of the building through façade articulation (recesses and projections), appropriately scaled windows, the use of high quality materials, and appropriate roof forms and pitches;

- v) Differentiate the main building entrance from ground floor units;
 - vi) Investigation by the applicant into whether the Reid Drain storm sewer crossing the property is still active. If active, the Site Plan Control Authority will work with the applicant to consider the possibility of the sewer being re-routed around the building, or alternatively, connected to a storm sewer on the municipal road allowance of sufficient capacity, all to the satisfaction of the City Engineer;
 - vii) Inclusion of a functional layby on site in accordance with the Site Plan Control By-law; and
 - viii) Consent to remove any boundary trees is required prior to final Site Plan Approval.
- (e) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the recommended by-law.

Executive Summary

Summary of Request

The owner has requested to amend The London Plan and Zoning By-law Z.-1 to facilitate the development of a 7-storey, 82-unit apartment building with 41 surface parking spaces. The requested amendment to The London Plan would add a Specific Policy to the Neighbourhoods Place Type to permit an apartment building with an intensity of 7 storeys and a density of 250 units per hectare. The requested Zoning By-law Amendment would rezone the subject lands to a Residential R8 Special Provision (R8-4(_)) Zone, with special provisions to permit: reduced minimum front and interior side yard depths; reduced landscaped open space; increased maximum building height; and increased maximum density.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended action is to refuse the request to add a Specific Policy Area to The London Plan and rezone the subject lands to a Residential R8 Special Provision (R8-4(_)) Zone to facilitate the development of a 7-storey, 82-unit apartment building. The recommended action recommends an alternative Zoning By-law amendment which would facilitate the development of a 6-storey apartment building with appropriate mitigation measures in place to ensure the development is compatible with the surrounding neighbourhood.

Rationale of Recommended Action

It is recommended the requested Official Plan amendment and Zoning By-law amendment be refused for the following reasons:

1. The proposed development is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations.
2. The proposed development does not conform to the Official Plan, The London Plan, for the City of London including, but not limited to, the Key Directions, City Design policies, Intensity and Form policies of the Neighbourhoods Place Type, and Zoning to the Upper Maximum policies contained in Our Tools.

It is recommended the alternative Zoning By-law amendment be approved for the following reasons:

1. The recommended alternative Zoning By-law amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended alternative Zoning By-law amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, the Neighbourhoods Place Type, and the Zoning to the Upper Maximum policies contained in Our Tools;
3. The recommended alternative Zoning By-law amendment facilitates the development of an underutilized site within the Built-Area Boundary and Primary Transit Area with an appropriate form of infill development.

Linkage to the Corporate Strategic Plan

A well planned and growing community - London's growth and development is well-planned and considers use, intensity, and form.

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 introduction of a Temporary Zone for a surface parking lot continues to foster the use of automobiles and is a use that conflicts with the long-term planning of the subject lands for development, which promotes mobility alternatives that are transit-supportive and pedestrian-friendly. See more detail in Appendix D.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Z-8843 – Report to Planning & Environment Committee – February 20, 2018: 644-646 Huron Street.

1.2 Planning History

The subject lands were previously subject to a Zoning By-law Amendment application in 2018 (Z-8843) to facilitate the development of two, 3-storey apartment buildings and to retain the existing 2-storey apartment building at 646 Huron Street. The existing dwelling at 644 Huron Street was proposed to be demolished.

1.2 Property Description

The subject site is rectangular in shape and is made up of two existing parcels, 644 Huron Street and 646 Huron Street. The subject site has an area of approximately 0.327 hectares. The subject site is currently occupied by a 2-storey duplex dwelling at 644 Huron Street and a 2-storey apartment building at 646 Huron Street. Both properties have a shared driveway providing access from Huron Street and a shared surface parking lot is located at the rear of both properties.



Figure 1: Photo of 644-646 Huron Street (view from Huron Street)

1.3 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type on a Civic Boulevard
- Existing Zoning – Holding Residential R9 Special Provision (h-5*R9-3(14)*H13) Zone

1.4 Site Characteristics

- Current Land Use – Duplex dwelling and apartment building
- Frontage – 33.22 metres (108.9 feet)
- Depth – 98.66 metres (323.7 feet)
- Area – 0.327 hectares (0.808 acres)
- Shape – Rectangular

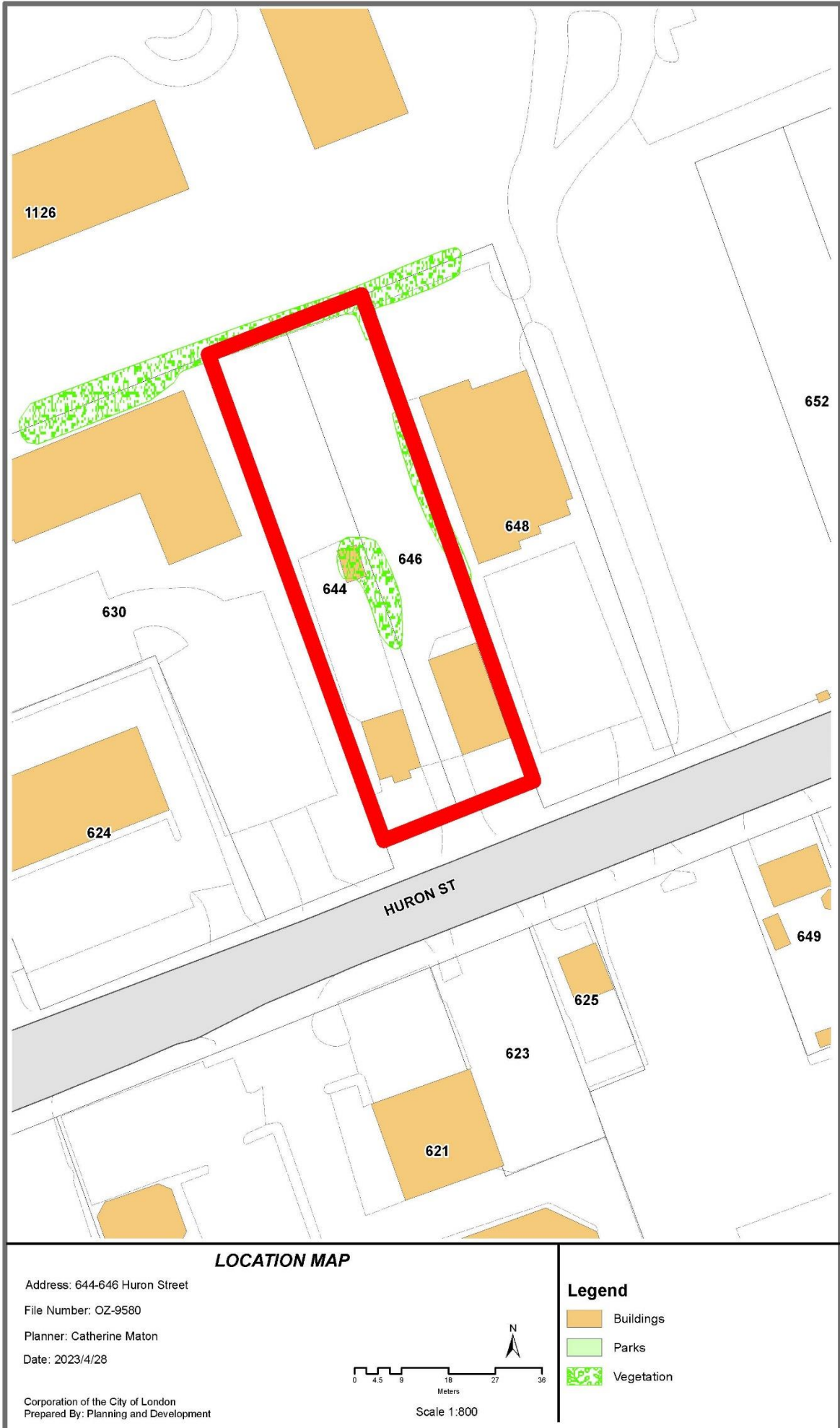
1.5 Surrounding Land Uses

- North – Apartment buildings ranging from 6 to 10 storeys
- East – Emergency care establishment at 648 Huron Street (approved by a Zoning By-law Amendment in 2015); further east is the driveway to the apartments to the north and single detached residential dwellings.
- South – Commercial plaza; 3-storey residential apartment building; 1-storey commercial use within a converted dwelling.
- West – 3-storey apartment building; further east is a commercial plaza.

1.6 Intensification

The proposed 82 residential units represents intensification within the Built-area Boundary and Primary Transit Area.

1.7 Location Map



- Staff are not satisfied the proposed development meets the criteria in policies 1638_ to 1641_ in Our Tools (Zoning to Upper Maximum).
- Staff do not support the proposed 1.7 metre side yard setback. This setback does not provide for adequate separation and buffering between the proposed building and the adjacent property. In addition to creating negative impacts for residents of the proposed building, it may also affect the ability for the adjacent property to redevelop in the future. An appropriate side yard setback would be as follows:
 - Where unit windows and balconies face the side yard: a minimum interior sideyard setback of 6m should be provided, to allow for privacy and not hinder the redevelopment of adjacent properties.
 - Where no unit windows or balconies face the side yard: a minimum interior sideyard setback of 2m should be provided, to accommodate access and maintenance in the side yard.
- The site lacks an adequately sized outdoor amenity area, which is further reflected in the requested reduction in landscape open space.
- A minimum step-back of 2 metres above the 3rd or 4th storey along the street frontage should be provided to create a pedestrian scale interface.
- The parking area is in an awkward configuration that lacks functionality.

Revised Development Concept

In response to the above noted concerns, the applicant provided a revised site concept plan and rendering which are depicted in Figures 4 and 5. The amended application requests a Residential R8 Special Provision (R8-4(_)) Zone, with the following special provisions:

- A reduced minimum front yard depth of 2.5 metres (whereas a minimum of 8 metres is required);
- A reduced minimum interior side yard depth of 5 metres (whereas a minimum of 8 metres is required);
- A reduced minimum landscape open space of 29% (whereas 30% is required);
- An increased maximum building height of 23 metres (whereas a maximum of 13 metres is permitted);
- An increased maximum density of 250 units per hectare (whereas a maximum of 75 units per hectare is permitted).

The revised development proposal provides for a larger interior side yard depth of 5 metres, whereas 1.7 metres was previously proposed. The minimum 1.5 metre parking area setbacks to interior lot lines has been met and no longer requires a special provision.

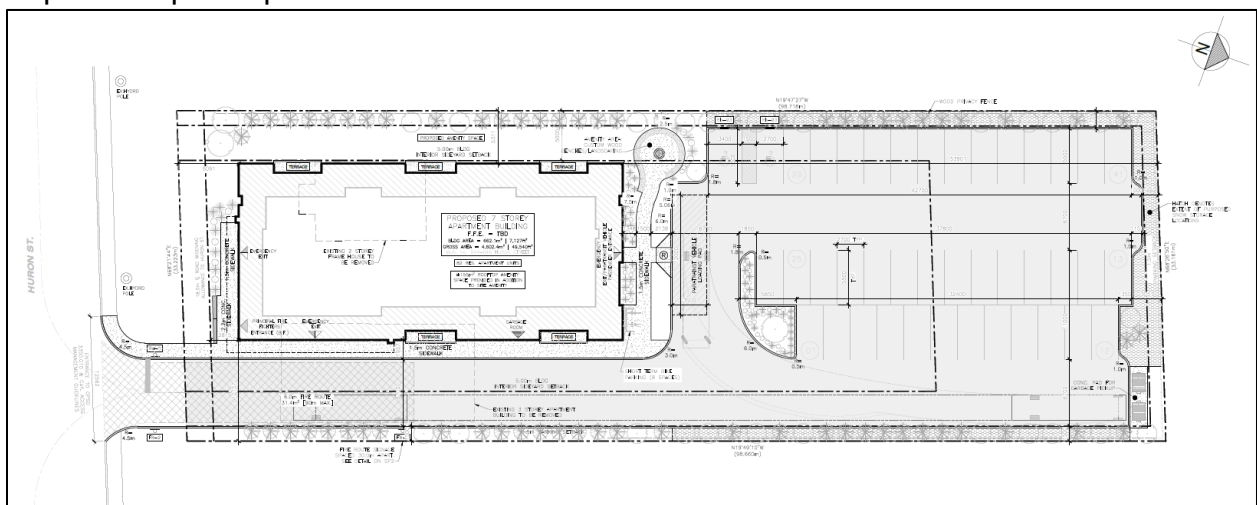


Figure 4: Site concept plan (revised proposal)



Figure 5: Conceptual rendering (revised proposal)

2.2 Requested Amendment

The applicant had initially requested to amend The London Plan by adding a Specific Policy to the Neighbourhoods Place Type to permit an apartment building with a maximum intensity of 7 storeys. The applicant has further requested to change the zoning from a Holding Residential R9 Special Provision (h-5*R9-3(14)*H13) Zone to a Residential R10 Special Provision (R10-3(_)*H23) Zone. Special provisions would permit the following:

- A reduced minimum front yard depth of 4.8 metres, whereas 10 metres is required;
- A reduced minimum interior side yard depth of 5.3 metres, whereas 9.6 metres is required;
- A maximum building height of 23 metres; and,
- A maximum density of 238 units per hectare.

In April 2023, the applicant revised the requested amendment. The revised application requests to amend The London Plan by adding a Specific Policy to the Neighbourhoods Place Type to permit an apartment building with a maximum intensity of 7 storeys. The applicant has further requested to change the zoning from a Holding Residential R9 Special Provision (h-5*R9-3(14)*H13) Zone to a Residential R8 Special Provision (R8-4(_)) Zone, with the following special provisions:

- A reduced minimum front yard depth of 2.5 metres (whereas a minimum of 8 metres is required);
- A reduced minimum interior side yard depth of 5 metres (whereas a minimum of 8 metres is required);
- A reduced minimum landscape open space of 29% (whereas 30% is required);
- An increased maximum building height of 23 metres (whereas a maximum of 13 metres is permitted);
- An increased maximum density of 250 units per hectare (whereas a maximum of 75 units per hectare is permitted).

2.3 Community Engagement (see more detail in Appendix B)

Two written responses were received from the public. No phone calls were received.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

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

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

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

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

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The policies of the PPS direct planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3). Planning authorities are further directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional residential units and redevelopment (1.4.3b)). Densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and supports the use of active transportation and transit in areas where it exists or is to be developed, is promoted by the PPS (1.4.3d)).

The subject site is located in an area well serviced by existing transit. As such, staff agree the site would be suitable for residential intensification; however, staff are also of the opinion that residential intensification in this location must be of an appropriate scale and density to meet the Province’s goals for a range and mix of housing options, efficient use of land, and transit-supportive development. Further, policy 1.7e) encourages a sense of place by promoting a well-designed built form. While redevelopment and intensification of the subject lands would contribute to achieving a more compact form of growth, it is important that intensification is done in manner which is appropriate and is sensitive to the context of existing neighbourhoods. The application, as proposed, is not consistent with the PPS.

The recommended amendment is in keeping with the goals of the PPS as it facilitates the development of an underutilized site within a settlement area and represents a form of intensification through infill development. A 6 storey apartment building would contribute to a mix of housing types in the area, providing choice and diversity in housing options for both current and future residents while also ensuring development is appropriate within the context of the site. No new roads or infrastructure are required to service the site, making efficient use of land and existing services. Consistent with the PPS, intensification of the subject lands would optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the redevelopment and intensification of the subject lands in accordance with the recommended amendment would contribute to achieving more compact forms of growth and development than the current duplex dwelling and 5-unit low rise apartment building. Lastly, the recommended amendment would facilitate an appropriate built-form that contributes to a sense of place. As such, the recommended amendment is consistent with the PPS.

4.2 Issue and Consideration #2: The London Plan Key Directions

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

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

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

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

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.
- Integrating affordable forms of housing in all neighbourhoods and explore creative opportunities for rehabilitating our public housing resources. (Key Direction #7, Directions 3 and 10).

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

- Ensuring that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement.
- Thinking “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.
- Avoiding current and future land use conflicts – mitigate conflicts where they cannot be avoided.
- Ensuring new development is a good fit within the context of an existing neighbourhood.
- Ensuring health and safety is achieved in all planning processes. (Key Direction #8, Directions 1, 3, 8, 9, and 10).

4.3 Issue and Consideration #3: Use

Policy 916_3 of the Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes a diversity of housing choices allowing for

affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so. Furthermore, policy 918_2 states that neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms. The development of the proposed 7-storey, 82-unit apartment building would contribute to a mix of housing types, providing more intrinsically affordable housing options.

The subject site is in the Neighbourhoods Place Type of The London Plan fronting on a Civic Boulevard, in accordance with Map 1 – Place Types and Map 3 – Street Classifications. Table 10 – Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification (921_). At this location, Table 10 would permit a range of residential uses, including apartment buildings. As such, development of the site with an apartment building at an appropriate scale and intensity, as recommended in the alternative recommendation, could be considered.

4.4 Issue and Consideration #4: Intensity

The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (83_, 937_, 939_2 and 5, and 953_1). The London Plan directs that intensification may occur in all place types that allow for residential uses (84_).

Table 11 - Range of Permitted Heights in the Neighbourhoods Place Type, provides the range of permitted heights based on street classification (935_1). At this location, Table 11 would permit a standard maximum building height of 4 storeys or an upper maximum of 6 storeys, subject to the policies for Zoning to the Upper Maximum Height contained in policies 1638_ to 1641_ in the Our Tools section of The London Plan. Since the proposed 7 storey intensity exceeds both the standard maximum and the upper maximum height, a site specific Special Policy is requested to be added to the Neighbourhoods Place Type.

Policy 1638_ states that applications to exceed the standard maximum height will be reviewed on a site-specific basis and will not require an amendment to The London Plan, however heights exceeding the upper maximum will require an amendment. In order to provide certainty and to ensure that the features required to mitigate the impacts of the additional height and densities are provided, a site-specific zoning by-law amendment will be required to exceed the standard maximum height (1640_). Through the amendment process the community, City Council and other stakeholders can be assured that measures will be implemented to mitigate any impacts of additional height or density. Increases in building height above the standard maximum may be permitted where the resulting intensity and form of the proposed development represents good planning within its context (1641_).

Staff have concerns with the 7 storey intensity and built form of the proposed development and its overall appropriateness for the site. In addition to exceeding both the standard maximum and upper maximum heights identified in Table 11 of The London Plan, staff are of the opinion that the criteria in policies 1640_ and 1641_ have not been satisfied. The site is located mid-block, rather than at an intersection, and is therefore not at a strategic location for additional height as identified in The London Plan policy framework.

While staff is not supportive of the current development concept and 7 storey building height, staff is of the opinion that this site is suitable for redevelopment at a more appropriate scale and intensity. As such, an alternative recommendation is provided which would permit a 6 storey building, in accordance with The London Plan policy framework for the site, with appropriate setbacks and stepbacks to ensure the development is appropriately mitigated and that there are no adverse impacts on adjacent properties.

4.5 Issue and Consideration #5: Form

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_) and encourages growing “inward and upward” to achieve compact forms of development (59_ 2, 79_). The London Plan also accommodates opportunities for infill and intensification of various types and forms (59_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59_8).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_ 2.a. to f.).

In addition to the Form policies of the Neighbourhoods Place Type, all planning and development applications will conform with the City Design policies of The London Plan (841_1). These policies direct all planning and development to foster a well-designed building form, and ensure development is designed to be a good fit and compatible within its context (193_1 and 193_2). The site layout of new development should be designed to respond to its context, the existing and planned character of the surrounding area, and to minimize and mitigate impacts on adjacent properties (252_ and 253_).

In accordance with policy 289_, high and mid-rise buildings should be designed to express three defined components: a base, middle, and top. Alternative design solutions that address the following intentions may be permitted:

1. The base should establish a human-scale façade with active frontages including, where appropriate, windows with transparent glass, forecourts, patios, awnings, lighting, and the use of materials that reinforce a human scale.
2. The middle should be visually cohesive with, but distinct from, the base and top.
3. The top should provide a finishing treatment, such as roof or a cornice treatment, to hide and integrate mechanical penthouses into the overall building design.

Although the proposed building has been designed with features differentiating between the base, middle, and top, the recommended zoning would require a minimum step-back of 2m above the 3rd or 4th storey to assist in establishing a human-scale façade and further differentiate between the base and middle of the building. An architectural feature in the form of a lit canopy over-hang, as well as a change in materiality, has been added to the building design to differentiate between the middle and top.

The initial application was reviewed by the Urban Design Peer Review Panel (The Panel) on February 15, 2023. The Panel commented that although the midrise building fits into the area context, the proponent should consider an alternate configuration of the building footprint to address setbacks, future adjacent buildings and relationship with the street. The Panel also expressed concern with certain elements of the site and building design, including the initially proposed 1.7 metre interior side yard setback, building orientation, and expression of the base, middle, and top. The Panel provided the following concluding comments:

- The proponent is encouraged to reconsider the orientation of the building and its relationship to the street and future adjacent developments.
- The proponent should reconsider the expression of the mid-rise building as an undifferentiated mass and steer towards a “base, mid and top” expression.
- The proponent is encouraged to prioritize meaningful outdoor green space over surface parking.

The Panel’s full comments and the applicant’s response are contained in Appendix E.

Staff is generally agreeable that redevelopment of the subject lands with residential development at a higher intensity as it aligns with the intent of the Neighbourhoods Place Type. The subject lands are located on an arterial road in a location where

residential intensification would be appropriate. The consolidation of two properties, currently comprised of a duplex dwelling and a low-rise apartment building, would result in a coordinated and comprehensive approach to redevelopment. However, while the site is of a suitable size and shape to accommodate residential intensification, the intensity of the proposed development is too great and would result in over-intensification and establish an inappropriate form of development. As such, staff are recommending approval of an alternative amendment to permit a 6 storey building with appropriate setbacks, stepbacks, buffering, and minimum amenity area requirements to ensure appropriate mitigation measures are in place to avoid adverse impacts on adjacent properties. Should the alternative recommendation be supported, additional revisions and design refinements will be required to be addressed at the Site Plan Approval stage and are included in the recommendation as considerations to the Site Plan Approval Authority.

4.6 Issue and Consideration #6: Recommended Zoning

As an alternative to the requested amendment, staff is recommending a Residential R9 Special Provision (R9-7()*H20) Zone with the following special provisions:

- Minimum front yard depth of 2 metres;
- Maximum front yard depth of 5 metres;
- Minimum interior side yard depth of 6 metres where unit windows and balconies face the side yard; 2 metres where no unit windows or balconies face the side yard;
- Minimum building setback of 2 metres above the 3rd or 4th storey on the front façade; and
- A maximum density of 215 units per hectare.

The minimum and maximum front yard depths would ensure development is oriented towards the street, while the minimum setback of 2 metres would ensure the development is at a human-scale. This helps contribute to a transit-oriented, pedestrian-friendly development consistent with the vision and direction of The London Plan. The recommended interior side yard depth would ensure appropriate minimum separation distances are provided where windows and balconies face the interior side yard, preventing issues will overlook and loss of privacy. The recommended setback of 2 metres where no unit windows or balconies face the side yard would allow flexibility where overlook and privacy are less of a concern.

Lastly, staff are recommending a maximum building height of 20 metres and density of 215 units per hectare. The recommended building height would achieve a 6 storey building, while the density would yield 70 units based on the gross site area of 3,274.2 square metres. In reviewing the floor plans submitted with the application, each floor of the proposed 7 storey building contains 12 units. With a reduction of one storey, the total number of units would be 70 and would equate to a density of 215 units per hectare.

Conclusion

The proposed application is not consistent with the Provincial Policy Statement, 2020, which promotes intensification and redevelopment in appropriate locations, and does not conform to The London Plan, including, but not limited to, the Key Directions, City Design policies, Intensity and Form policies of the Neighbourhoods Place Type, and Zoning to the Upper Maximum policies contained in Our Tools. The requested Official Plan Amendment, Zoning By-law Amendment, and proposed development represent an over-intensification of site with little effort made to mitigate impacts of the proposed increased intensity. As such, it is recommended the requested amendment be refused.

Alternatively, staff recommend approval of a Zoning By-law Amendment to permit a 6 storey apartment building with appropriate setbacks, stepbacks, buffering, and minimum landscaped open space requirements to ensure appropriate mitigation measures are in place to avoid causing adverse impacts on adjacent properties. 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, City Design policies, and the Neighbourhoods Place Type. The recommended amendment would facilitate the development of an underutilized site within the Built Area Boundary and Primary Transit Area with a use, intensity, and form that is appropriate for the lands and surrounding context.

Prepared by: Catherine Maton, 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

cc:

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 644-
646 Huron Street

WHEREAS 2614442 Ontario Inc. has applied to rezone an area of land located at 644-646 Huron Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable the lands located at 644-646 Huron Street, as shown on the attached map comprising part of Key Map No. A103, from a Holding Residential R9 Special Provision (h-5*R9-3(14)*H13) Zone to a Residential R9 Special Provision (R9-7(_)*H20) Zone.
- 2) Section Number 13.4g) of the Residential R9 (R9-7) Zone is amended by adding the following Special Provision:

R9-7(_) 644-646 Huron Street

a) Regulations

- | | |
|--|--|
| i) Front Yard Depth
(Minimum) | 2.0 metres |
| ii) Front Yard Depth
(Maximum) | 5.0 metres |
| iii) Interior Side Yard Depth
(Minimum) | 6.0 metres where unit windows
and balconies face the side yard;
2.0 metres where no unit
windows or balconies face the
side yard |
| iv) Building Stepback
(Minimum) | 2.0 metres above the 3 rd or 4 th
storey on the front façade |
| v) Density
(Maximum) | 215 UPH |

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

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

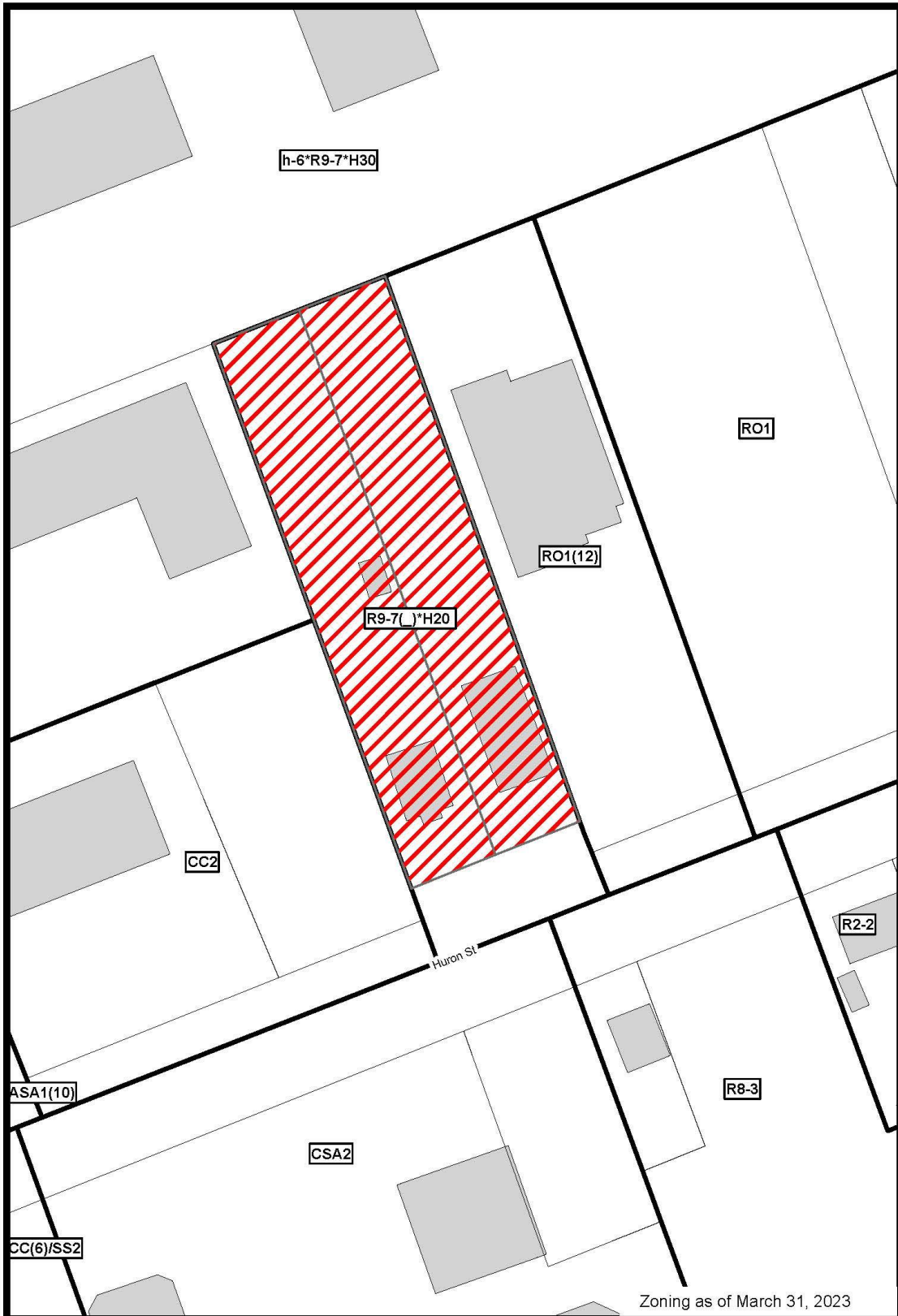
PASSED in Open Council on June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

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



File Number: OZ-9580
Planner: CM
Date Prepared: 2023/4/28
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:800

0 4 8 16 24 32 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On January 25, 2023, Notice of Application was sent to 26 property owners and 36 tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 26, 2023. A “Planning Application” sign was also posted on the site.

Nature of Liaison: The purpose and effect of this Official Plan and zoning change is to permit a 7-storey, 82-unit apartment building. Possible amendment to The London Plan to add a specific policy to the Neighbourhoods Place Type to permit an apartment building with an intensity of 7 storeys and a density of 238 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** a Holding Residential R9 Special Provision (h-5*R9-3(14)*H13) Zone **TO** a Residential R10 Special Provision (R10-3(_)) Zone. Special provisions would permit: a maximum front yard depth of 1.7m; a minimum interior side yard depth of 1.7m; a minimum landscaped open space of 28.3%; a minimum westerly landscape strip of 1.405m; a maximum building height of 22.6m; and a maximum density of 238 units per hectare. File: OZ-9580 Planner: C. Maton.

Responses: Two written responses were received.

Concern for: Loss of privacy, increased traffic, and lowered property values.

From: Greg Simon
Sent: Wednesday, February 1, 2023 12:51 PM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] 644-646 Huron Street

Hello Catherine,

I am writing to express support for the proposed development on Huron Street. It is encouraging to see infills and intensification in our community and hopefully the additional population will spark continued investment and improvements by the City in the future (bike lanes and transit frequency come to mind although I recognize these are outside of the scope of the Planning department).

Respectfully,
Greg Simon

From: Marian Sypek
Sent: Tuesday, February 14, 2023 10:50 PM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] 644-646 Huron St Zoning Amendments

Hi Catherine,

I think the change in zoning to allow a 7 story building would have the following negative impact on my property [at] :

-I would have reduced privacy, as some of the units would likely have a view over my fence, into my backyard.

-It is currently difficult enough to exit my driveway by backing out onto Huron St. during high traffic times. Besides the traffic coming down Huron, I need to pay attention to the various high traffic driveways nearby that could have vehicles merging onto Huron St. The 82 unit apartment would not only contribute to increased traffic on this part of Huron St, but add another busy driveway to have to pay attention to when backing out of my driveway.

-I think the new building would also likely have a negative impact on the value of my property.
Thank you

Agency/Departmental Comments

Site Plan – January 26, 2023

- Underground parking or a parking garage would resolve many issues here.
- With such an intense form, I would want to see how much amenity is being provided. The parking is awkward, especially turning into the accessible parking spaces.
- Comments from the Site Plan consultation still apply.

Parks Long Range Planning & Design – January 30, 2023

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized at the time of site plan approval.

Landscape Architecture – February 6, 2023

- The City's Landscape Architect has reviewed the Tree Preservation Report prepared by RKLA and has no concerns with the methods used to assess the trees or the format of the report. The inventory captured 35 individual trees within the subject site, within 3 meters of the legal property boundary, and within the City ROW of Huron Street. No species classified as endangered or threatened under the Ontario Endangered Species Act, 2007, S.O. 2007, c. 6 were observed during the tree inventory.
- There are multiple boundary trees associated with this site. Boundary trees are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21, boundary trees can't be removed without written consent from co-owner. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes. Approval of Tree Preservation Plan will require neighbours' letters of consent for removal, see below for details.
- In accordance with LP Policy 399.4, total 575 cm dbh proposed for removal will require 57 trees planted on site, 1 tree for every cm dbh removed.
- Provide minimum of 3m setback from north property line, to protect offsite trees and to provide sufficient soil volumes for required tree planting at site plan. Screening of parking area will be required. One tree on the north property line is co-owned with 1126 Adelaide St. This tree is protected by the Forestry Act and cannot be removed or injured without the co-owners permissions.
- Provide a minimum of 1.5m setback along west and east property lines to provide sufficient soil volume to support required tree growth.
- Consent to injure boundary trees will need to be forwarded to Development and Planning:
 - Tree #10- 1126 Adelaide St N
 - Trees #33, 34, 35 – 648 Huron St

UTRCA – February 10, 2023

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.

London Hydro – February 14, 2023

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

Ecology – February 15, 2023

- There are currently no ecological planning issues related to this property and/or associated study requirements.

Urban Design Peer Review Panel (UDPRP) – February 15, 2023

Comments under separate cover.

Engineering – February 17, 2023

Comments on the Re-Zoning Application:

- Written confirmation from adjacent land owner regarding the closure of the shared parking.
- Confirmation that the required Road Dedication of 18.0m from centreline (2.76m) on Huron Street is shown correctly on the plan. Building setbacks may be impacted.
- There is a 200mm municipal storm drain tile crossing this property. This is the old Reid Drain and may still be active. Investigation shall be undertaken by the applicant into whether the Reid Drain storm sewer crossing the property is still active.

If active, the Site Plan Control Authority will work with the applicant to consider the possibility of the sewer being re-routed around the building, or alternatively, connected to a storm sewer on the municipal road allowance of sufficient capacity, all to the satisfaction of the City Engineer.

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

Noise:

- Refer to the noise study recommendations when designing the building.
- Any HVAC equipment exhausts from the building to the exterior shall be designed to ensure noise levels are within MECP guidelines. Further, these exhausts shall be located to minimize exposure of potential noise on sensitive receivers (i.e., the exhausts shall be located as distant from windows and OLA's as possible).

Transportation:

- A TMP is required for any work in the City ROW, including servicing, restoration, proposed access construction, etc. To be reviewed as part of a PAW submission;
- Delineate curb radii on the site plan and it should be minimum 6.0m as per City's Access Management Guideline;
- A turnaround facility is required for waste collection vehicle;
- Presently the width from centerline of Huron Street adjacent to MN 644 and 646 is 15.24m. Therefore an additional widening of 2.76m is required to attain 18.0m from centerline as per Z-1. Please register Draft Reference Plan with City's Geomatic Department for required widening.

Water:

- Water is available to service the subject site from the municipal 200 mm diameter PVC watermain on Huron Street.

- A water servicing report will be required addressing domestic water demands, fire flows and water quality.
- Water servicing is to meet City of London Design Standards.
- Existing water services are to be decommissioned as per City Standards.

Wastewater:

- The municipal sanitary sewer available to service the subject site is a 400 mm diameter sanitary sewer on Huron Street.

Stormwater:

Specific comments for this site:

1. As per as-constructed drawing No 2575 & Drainage area plan drawing No 5707S1, the site at C=0.55 is tributary to the existing 1650 mm storm sewer on Huron Street. The applicant should be aware that any peak flow beyond the allocated 2-year pre-development AxC 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, etc.
2. Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high groundwater elevation. Please note that the installation of monitoring wells and data loggers may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
3. The proposed land use of a medium density residential will trigger(s) the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010. A standalone Operation and Maintenance manual document for the proposed SWM system is to be included as part of the system design and submitted to the City for review.
4. The number of proposed/existing parking spaces exceeds 29, the owner shall be required to have a consulting Professional Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) with a minimum of 70% TSS removal to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators or any LID filtration/infiltration devices.
5. 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.

6. As per 9.4.1 of The Design Specifications & Requirements Manual (DSRM), all multi-family, commercial and institutional block drainage is to be self-contained. The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site and safely convey the 250 year storm event.
7. Roof runoff from the proposed should be directed to controlled areas of the property, and the owner shall ensure that stormwater flows are self-contained on site.

8. Stormwater run-off from the subject lands shall not cause any further adverse effects to adjacent properties.

General comments for sites within Central Thames Subwatershed:

9. 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.
10. 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.
11. 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.
12. 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.
13. The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
14. Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
15. An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Urban Design – February 27, 2023

Major Comments:

The proposed development is located on a Civic Boulevard and within the Neighbourhood Place type, which allows for a maximum height of 6 storeys unless its fit and compatibility within the neighbourhood can be demonstrated. Urban Design generally supports the proposed use. However, we have concerns with the proposed intensity and form.

1. Rotate the building 90 degrees or design it as an L- Shaped built form with more presence along the street and units oriented to face north and south (as opposed to east and west). Incorporate the driveway underneath/through the building. This will prevent privacy and separation issues with the neighbouring property and create a more street-oriented development with additional space to configure parking and amenity space in the rear.

Zoning Provisions:

The following zoning provisions should be provided to ensure the development is compatible with the surrounding neighbourhood:

1. A minimum front yard setback to ensure building elements such as footing, and canopies do not encroach into the right-of-way (approx. 2m).
2. A maximum front yard setback to provide a sense of enclosure of the street and establish an urban condition (approx. 5m)
3. Appropriate interior sideyard setbacks based on the orientation and configuration of the building:
 - o Where unit windows and balconies face the side yard: a minimum interior sideyard setback of 6m should be provided, to allow for privacy and not hinder the redevelopment of adjacent properties.

- Where no unit windows or balconies face the side yard: a minimum interior sideyard setback of 2m should be provided, to accommodate access and maintenance in the side yard.
- 4. A minimum step-back of 2m above the 3rd or 4th storey along the street frontage to create a pedestrian scale interface.
- 5. A minimum area of amenity space based on the number of residents anticipated (i.e., at grade and/or rooftop).

Items to be addressed at Site Plan:

1. Design a functional site layout with accessible walkways, parking and outdoor amenity space.
 - Avoid the dead-end drive aisles proposed in the parking layout.
 - Provide direct, safe and accessible walkways from entrances, unit entrances, parking and amenity areas.
 - Provide an adequately sized and located amenity spaces for the number of units proposed.
2. Relocate the layby area along the building façade to avoid pedestrian vehicle conflict and to improve the side yard setback to the west
3. Reconfigure the garbage pick-up area away from the entrance driveway, or alternatively, enclosure and/or screen the area to ensure it does not have a negative visual impact from the street.
4. If feasible, consider providing one level of underground parking to reduce the visual impact of parking and making efficient use of land by providing adequate outdoor amenity space
5. Provide a convenient way to access the underground bike parking
6. Provide grading plans to ensure that the proposed building responds to the topography in terms of entrances, orientation and built form.
7. The proposal should take into consideration any existing significant mature trees on the site especially along property boundaries.

Heritage – March 7, 2023

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions, and recommendations) to be sufficient to fulfill the archaeological assessment requirements for (OZ-9580):

- Lincoln Environmental Consulting Corp. *Stage 1-2 Archaeological Assessment of 644-646 Huron Street [...]* Middlesex County, Ontario (PIF P1131-0045-2022), June 2022.

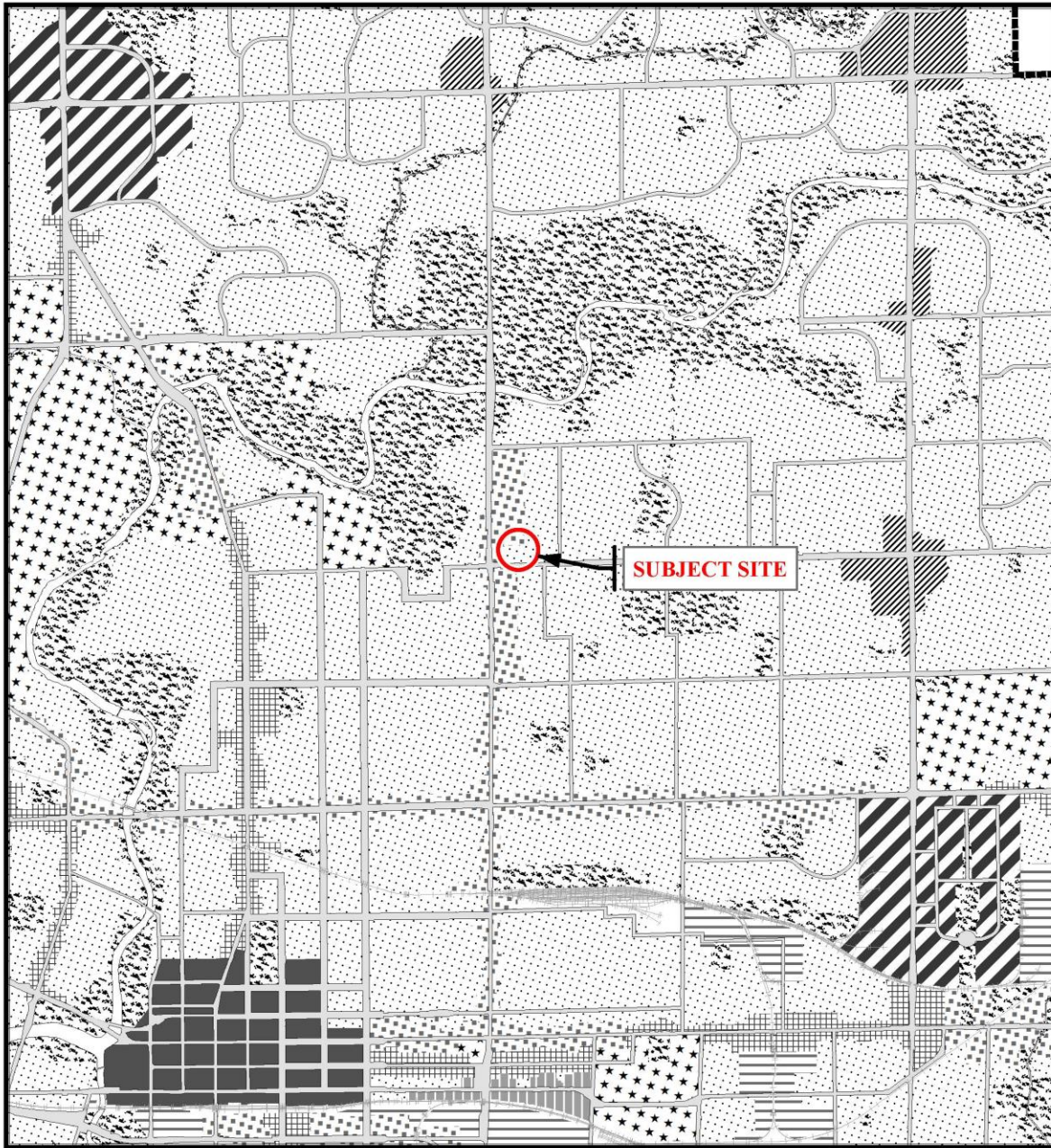
Please be advised that heritage planning staff recognizes the conclusion of the report that states that: “[n]o archaeological resources were identified during the Stage 2 archaeological assessment of the study area, and as such **no further archaeological assessment of the property is recommended.**” (p 2)

An Ontario Ministry of Citizenship and Multiculturalism (MCM) archaeological assessment compliance letter has also been received (*without technical review*), dated Jan 17, 2023 (MCM Project Information Form Number P1131-0045-2022, MCM File Number 0016717).

Archaeological conditions can be considered satisfied for this application.

Appendix C – Relevant Background

Additional Maps



Legend

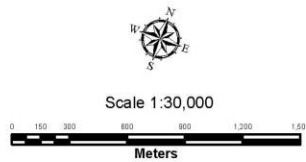
Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street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

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

CITY OF LONDON Official Plan

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning & Development

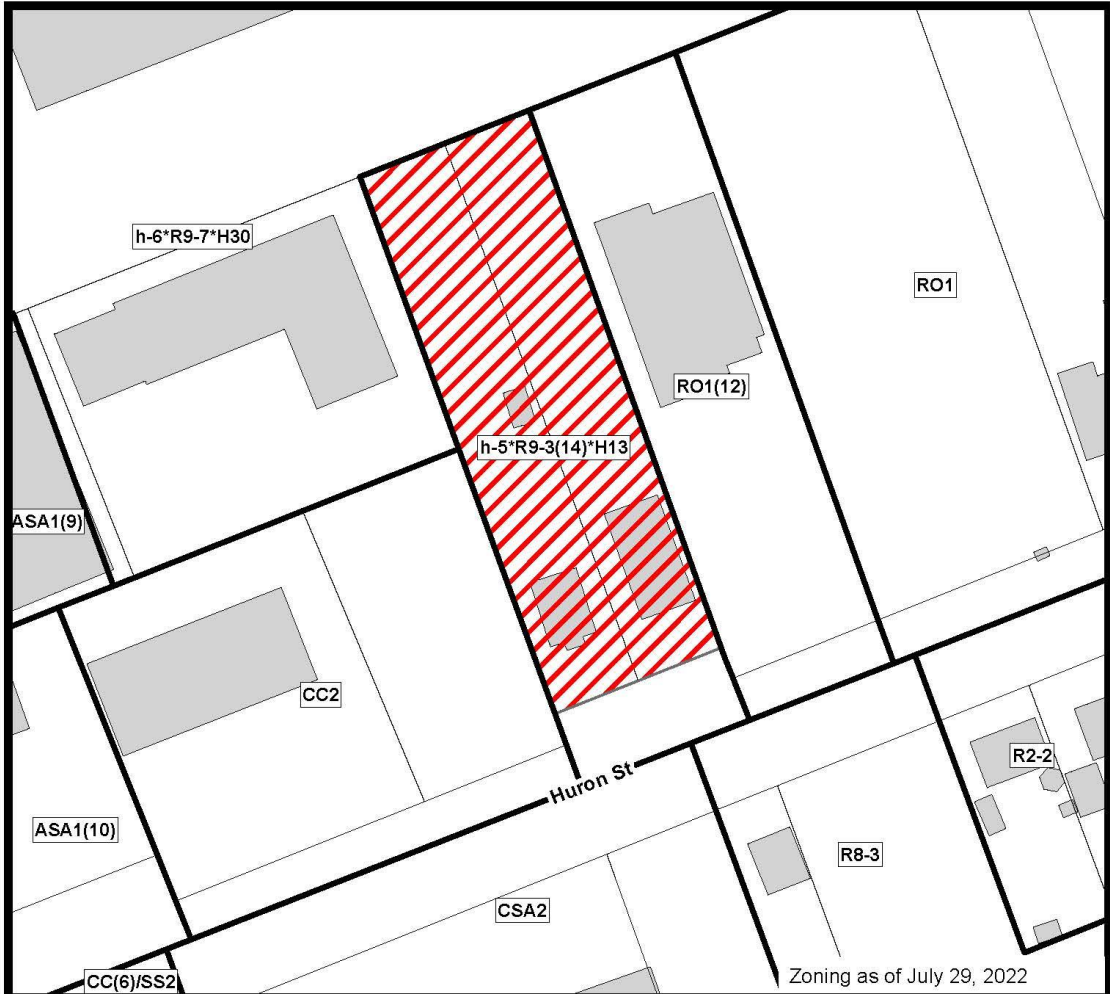


File Number: OZ-9580

Planner: CM

Technician: JI

Date: 2023/4/28



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-5*R9-3(14)*H13

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

OZ-9580

CM

MAP PREPARED:

2023/04/28

Jl

1:1,000

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: Yes
Net density change: 192.4 units per hectare
Net change in affordable housing units: 41 units

Complete Communities

New use added to the local community: No
Proximity to the nearest public open space: 400 metres
Proximity to the nearest commercial area/use: 83 metres
Proximity to the nearest food store: 170 metres
Proximity to nearest primary school: Northbrae Public School, 700 metres
Proximity to nearest community/recreation amenity: JCC London, 500 metres
Net change in functional on-site outdoor amenity areas: N/A

Reduce Auto-dependence

Proximity to the nearest London Transit stop: 130 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: N/A
Site layout contributes to a walkable environment: Yes
Proximity to nearest dedicated cycling infrastructure: 160 metres
Secured bike parking spaces: 86 spaces
Secured bike parking ratio: 0.9 spaces per unit
New electric vehicles charging stations: 0
Vehicle parking ratio: 0.5 spaces per unit

Environmental Impacts

Net change in permeable surfaces: - 2,321.41 square metres
Net change in the number of trees: - 17
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): Yes

Construction

Existing structures on site: Yes, 2
Existing structures repurposed/adaptively reused: No
Green building features: No
District energy system connection: No

Appendix E – Applicant’s Response to UDPRP Comments

Comment:

Although the midrise building fits into the area context, the proponent should consider an alternate configuration of the building footprint to address setback, future adjacent buildings and stronger relationship with the street.

Applicant Response:

The owner has considered an alternative configuration of the building footprint, but due to the constraints of the lot this is not feasible. The proposed building location has a strong, positive street presence and fits well within the context of existing and future adjacent developments. The only way to achieve the desired density and accommodate the requested building configuration would be to increase the height of the building.

Comment:

The 1.7M setback off the west property line is insufficient for those units on that side of the building. The units at grade are just too close to the property line to have any feeling of comfort. Consider removing the layby lane and repositioning the building.

Applicant Response:

The layby lane has been removed and the West setback increased to 5m as requested.

Comment:

The proposed building orientates the units facing east and west. There are over 40 units proposed facing the west side. If the property west of this is going for redevelopment in the future, these proposed residential units will have a narrow separation distance to the neighbours to the west.

Applicant Response:

The West setback has been increased to 5m to provide the required building setback.

Comment:

Considerations should be given to re-orienting the building so that the residential units can face either the street or the rear yard. The proposed height may remain, but a different floor plan layout is required.

Applicant Response:

The owner has considered an alternative configuration of the building footprint, but due to the constraints of the lot this is not feasible. The proposed building location has a strong, positive street presence and fits well within the context of existing and future adjacent developments. The only way to achieve the desired density and accommodate the requested building configuration would be to increase the height of the building.

Comment:

With a building that address the street, a port cochere could be considered to access the rear yard. Alternatively, the site may be able to accommodate two lower buildings with one situated in the front, the other at the back and parking in between.

Applicant Response:

The owner has considered an alternative configuration of the building footprint, but due to the constraints of the lot this is not feasible. The proposed building location has a strong, positive street presence and fits well within the context of existing and future adjacent developments. The only way to achieve the desired density and accommodate the requested building configuration would be to increase the height of the building.

Comment:

Suggest removing the layby area on the east side of the property, shift the building to the east and providing a minimum 5.5m setback to the west property line.

Applicant Response:

The West setback has been increased to 5m to provide the required building setback.

Comment:

Reduce surface parking in the backyard, enlarge outdoor amenity space and plant more trees to reduce urban heat island effect. If possible, suggest putting one level underground parking and remove some of the surface parking space in the back yard.

Applicant Response:

Due to the size and constraints of the site a parking garage or underground parking has been considered but is not feasible and will add little to resolving the issues on the site

Comment:

The proposed L shaped metal overhang at the front entrance is too shallow. Suggest a depth of minimum 1.8m to cover the pedestrian walkway.

Applicant Response:

The L shape metal overhang at the front entrance has been increased from 610mm to 1220mm to provide cover for pedestrians. The suggested 1800mm suggested depth was considered but didn't fit with the overall scale of the building.

Comment:

The building as presented demonstrates an acceptable use of materials which brings interest and life to the building. The "commercial look" at the street is unsuccessful. The use of super graphics for the street address should be reconsidered as it does not enhance the building's appearance.

Applicant Response:

The super graphics of the street address have been removed as suggested.

Comment:

To enhance a "base, body and top" expression, the dark framing elements on the facades should stop at the 7th floor.

Applicant Response:

As requested, the dark framing elements at the 7th floor have been reduced to provide the base, body and top expression.

Comment:

The bicycle storage facility needs a second look in the basement.

Applicant Response:

To accommodate the bicycle storage in the basement the elevator has been brought down to this level.

Comment:

The landscape plan lacks sufficient detail to provide any serious comment.

Applicant Response:

Acknowledged, additional landscaping detail will be provided during site plan approval.

Comment:

The proponent is encouraged to reconsider the orientation of the building and its relationship to the street and future adjacent developments.

Applicant Response:

The owner has considered an alternative configuration of the building footprint, but due to the constraints of the lot this is not feasible. The proposed building location has a strong, positive street presence and fits well within the context of existing and future adjacent developments. The only way to achieve the desired density and accommodate the requested building configuration would be to increase the height of the building.

Comment:

The proponent should reconsider the expression of the mid rise building as an undifferentiated mass and steer towards a “base, mid and top” expression.

Applicant Response:

As requested, the dark framing elements at the 7th floor have been reduced to provide the base, body and top expression.

Comment:

The proponent is encouraged to prioritize meaningful outdoor green space over surface parking.

Applicant Response:

The West setback has been increased to 5m to provide the required building setback and deliver additional outdoor green space as requested.



Zelinka Priamo Ltd.

LAND USE PLANNERS

May 18, 2023

Chair Lehman & Committee Members
Planning and Environment Committee
City of London
300 Dufferin Street
London, ON
N6B 3L1

Re: Item 3.6 – PEC Meeting of May 23, 2023
Application for Official Plan & Zoning By-law Amendment
2614442 Ontario Inc.
644-646 Huron Street

City File: OZ-9580
Our File: LAV/LON/22-01

We are pleased to provide the Members of the Planning and Environment Committee (“PEC”) with the following information regarding the above-noted Official Plan and Zoning By-law Amendment application (“OPA & ZBA”), further to our review of the Staff Report, dated May 23, 2023.

We respectfully disagree with the Staff Recommendation to refuse the OPA & ZBA, as well as the proposed (alternative) zoning amendment that Staff have recommended for your consideration (“Staff ZBA”), for the following reasons:

1. Reduction in Building Height & Density

The Staff Recommendation is to approve a building height of 20 metres, which is the equivalent of 6 storeys, and a density of 215 units per hectare (70 units); whereas the OPA & ZBA requests permission for a maximum height of 7 storeys, or 23 metres, and a maximum density of 250 units per hectare (82 units).

In our opinion the requested height and density in the OPA & ZBA is appropriate in this instance, based on the following:

- The subject lands are within an area that is comprised of, and has convenient access to, a wide range of land uses, including commercial, residential (including high density), institutional, and open space/recreational.
- The proposed height of 7 storeys represents a minor deviation from the London Plan policies that allow an upper maximum of 6 storeys at this location, and is an appropriate transition in height from lands immediately to the north that are able to

- accommodate up to 14 storeys; the proposed building design is not out of character with nearby high rise development along Adelaide Street N and Kipps Lane; the proposed development is along an arterial road (Huron St) with convenient access to multiple transit routes; and the extra storey is not expected to have an unacceptable adverse impact on surrounding lands.
- By limiting the density to 215 units per hectare, the City will not have the benefit of an additional 12 units within the 7th storey that will contribute to the City's goal of achieving 47,000 housing units by 2031, in an area that can sustain residential intensification due to the wide range of uses (commercial, institutional, open space/recreational), services, and infrastructure that are available to serve the daily needs of the area residents. In addition, our client is proposing to include two (2) affordable dwelling units (80% of average market rent) as part of the proposed development.

2. Requirement for Building Stepback and Other Design Considerations

The Staff recommendation and draft amending By-law, includes a requirement for a building stepback of 2 metres above the 3rd or 4th storey on the front façade.

We are opposed to the requirement for a building stepback for the following reasons:

- A building stepback is a design feature that is not in keeping with the character of surrounding existing high-rise developments.
- A building stepback would create inefficiencies in the design and cost of the proposed building. Revisions to the internal layout would result in larger unit sizes, which are not supportable from a marketing perspective and do not promote affordability.

We are also concerned about the nature and extent of the design issues that are being requested for consideration of the Site Plan Control Approval Authority. The implementation of design enhancements can have a detrimental effect on the viability and cost-effectiveness of a multi-unit residential development, and does not promote affordability. In our opinion, the proposed contemporary building design has been carefully considered within the context of the surrounding neighbourhood and already includes variations in materials, textures, and colours to provide an enhanced streetscape.

3. Increased Interior Side Yard Depth

The Staff recommendation includes a minimum interior side yard depth of 6 metres (where unit windows and balconies face the side yard), whereas the OPA & ZBA

requests a minimum interior side yard depth of 5 metres, a difference of 1 metre. In our opinion, the requested side yard depth of 5 metres is sufficient for the purpose of minimizing impacts related to overlook and privacy, considering the proposed building will be situated towards the west property boundary, abutting a laneway that serves a 3-storey residential development situated north of the proposed building location.

Furthermore, the additional 1 metre setback is negligible for the purpose it is intended to serve; but it would impact the proposed development as it would result in the loss of additional dwelling units, which is contrary to the City's objectives to deliver more housing units.

4. Change in Zoning Category/Draft OPA

We have no concerns with Staff's recommendation to permit the proposed development within the R9 Zone category, with the understanding that the following special provisions, as per the OPA & ZBA, are included; and there is no requirement for a building setback:

- A minimum interior side yard depth of 5 metres where unit windows and balconies face the side yard;
- A minimum Landscaped Open Space of 29%;
- A maximum density of 250 UPH;
- A maximum building height of 23 metres.

We also request that Staff be directed to provide a draft Official Plan Amendment to permit a maximum building height of 7 storeys on the subject lands.

In addition to the above, we have attached a Project Fact sheet, which summarizes the relevant information regarding the proposed development, including responses to the public/agency comments received thus far. In our opinion, we have satisfactorily addressed all of the relevant comments received relating to height, density, at-grade parking/landscaped open space/amenity space, and building setbacks. As noted above, our client is also proposing to include two (2) affordable units as part of the proposed development.

On behalf of our client, we thank you for the opportunity to provide the above information in advance of the May 23rd PEC meeting, and look forward to your consideration of the OPA & ZBA, as proposed by our client. We believe that the proposed development will be a positive addition to the neighbourhood and will provide much needed housing opportunities.

The undersigned will be in attendance to address PEC and to answer any questions regarding the proposed development.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,

ZELINKA PRIAMO LTD.



Harry Froussios, BA, MCIP, RPP
Principal Planner

Attachments

cc: Susan Stevenson, Ward 5 Councillor
2614442 Ontario Inc.

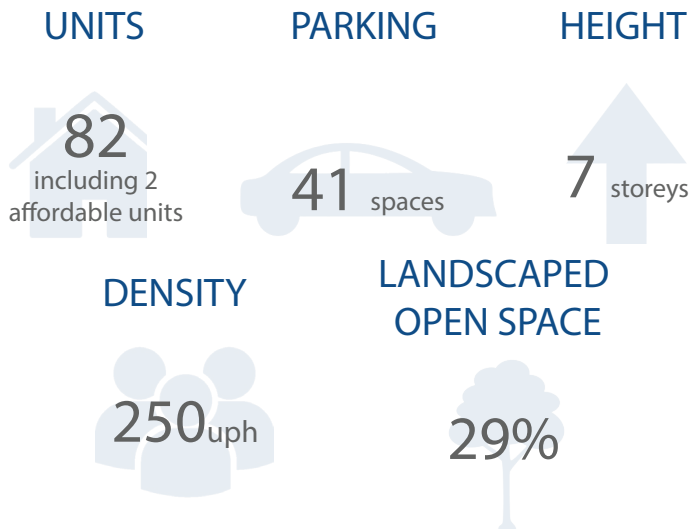
644-646 HURON STREET

PROJECT FACT SHEET

ZPPLAN.COM

CLIENT/DEVELOPER: YOSSI LAVIE

Project Metrics At-A-Glance



Requested Amendments

Rezone the subject lands to a site-specific "Residential (R8-4(_))" featuring:

- A front yard setback of 2.5 metres, whereas 7.9 metres is required;
- A west interior side yard setback of 5.0 metres, whereas 7.8 metres is required;
- A minimum of 29% landscaped open space, whereas 30% is required;
- A height of 23 metres, whereas 13 metres is the maximum; and,
- A density of 250 units per hectare, whereas 75 units per hectare is the maximum.

Response to Comments

Height and Density too great:

- Development to the north permitted to be 14-storeys tall;
- Building design considers pedestrian presence;
- Parking provided in accordance with TLP; and,
- increase allows for the provision of affordable units.

Lack of Amenity and Green Space:

- Appropriate landscaping features will be incorporated to enhance at-grade amenity space; and,
- Rooftop amenity space provided to increase overall amenity area.

Stepback required:

- Lowered parapet at 6th floor creates pedestrian scale interface;
- Building design features (including recessed balconies and varying building materials) creates visual appeal; and,
- Stepbacks are not in keeping with character of existing development in the area and would create building design inefficiencies.

Key Design Features



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: 1120-1126 Oxford Street East and 2 & 6 Clemens Street
Public Participation Meeting
City File No: Z-9560 Ward 4

Date: May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2863382 Ontario Inc. c/o Royal Premier Developments relating to the property located at 1120-1126 Oxford Street East and 2 and 6 Clemens Street:

- (a) Consistent with Policy 43_1 of the Official Plan, The London Plan, for the City of London, a portion of the subject lands, representing 2 and 6 Clemens Street, **BE INTERPRETED** to be located within the Urban Corridor Place Type;
- (b) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting June 6, 2023, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, for the City of London to change the zoning of the subject property **FROM** a Residential R2/Office Conversion (R2-2/OC5) Zone and a Residential R1 (R1-6) Zone **TO** a Residential R9 Special Provision (R9-7(_)*H34) Zone;
- (c) **IT BEING NOTED** that the following Site Plan matters have been raised through the application review process for consideration by the Site Plan Approval Authority:
 - i) Provide adequate outdoor amenity space, either at grade or through a combination of at grade amenity space and roof top terrace(s);
 - ii) Differentiate the main building entrance from ground floor units;
 - iii) Provide a functional layby on site in accordance with the Site Plan Control By-law;
 - iv) Consent to remove any boundary trees is required prior to final Site Plan Approval;
 - v) Execution of the lane closure and the provision of a public access easement/easement agreement should be coordinated to occur prior to final Site Plan Approval;
 - vi) At the time of Site Plan Approval, the building design is to be similar to that which was considered at the time of the Zoning By-law Amendment application; and
 - vii) Any future Site Plan application for the subject site **BE CONSIDERED** by the Urban Design Peer Review Panel.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site from Residential R2/Office Conversion (R2-2/OC5) Zone and a Residential R1 (R1-6) Zone to a Residential Special Provision (R9-7(_)) Zone to permit a 10-storey, 131-unit apartment building. Special provisions are requested to permit the following: minimum and maximum front and exterior side yard depths of 1.8 metres and 6.0 metres, respectively; a minimum 0 metre setback to the sight triangle; a maximum building height of 34 metres; a maximum density of 415 units per hectare; a maximum lot coverage of 40%; a minimum

interior side yard depth of 1.5 metres; and a minimum unit size of 44.6 square metres for a one-bedroom unit.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law amendment is to rezone the lands to a Residential Special Provision (R9-7(_)*H34) Zone to permit a 10-storey, 131-unit apartment building. Special provisions are recommended to permit the following: minimum and maximum front and exterior side yard depths of 1.8 metres and 6.0 metres, respectively; a minimum 0 metre setback to the sight triangle; minimum rear yard depths of 20 metres to the 4th storey, 21 metres to the 5th and 6th storeys, and 1 metre per 1 metre of building height beyond the 6th storey; a maximum density of 415 units per hectare; a maximum lot coverage of 40%; a minimum interior side yard depth of 1.5 metres; and a minimum unit size of 44.6 square metres for a one-bedroom unit. A maximum building height of 34 metres is recommended through the H34 height provision.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, City Building policies, and the Urban Corridor Place Type policies;
3. The recommended amendment would permit development at a transitional scale and intensity that is appropriate for the site and the surrounding neighbourhood;
4. The recommended amendment facilitates the development of an underutilized site within the Built-Area Boundary and Primary Transit Area with an appropriate form of development that is geared towards the intent, and growth, of the Urban Corridor Place Type.

Linkage to the Corporate Strategic Plan

A well planned and growing community – London’s growth and development is well-planned and considers use, intensity, and form.

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 introduction of a Temporary Zone for a surface parking lot continues to foster the use of automobiles and is a use that conflicts with the long-term planning of the subject lands for development, which promotes mobility alternatives that are transit-supportive and pedestrian-friendly. See more detail in Appendix C.

Analysis

1.0 Background Information

1.1 Property Description

The subject lands are located at the northeast corner of Oxford Street East and Clemens Street within the Carling Planning District. The subject lands currently consist of a City-owned public laneway and five properties addressed as 1120, 1122, and 1126 Oxford Street East and 2 and 6 Clemens Street. The consolidated site is 0.31 hectares in size with frontages on Oxford Street East and Clemens Street. 1120, 1126 Oxford Street East and 2 and 6 Clemens were previously occupied by single detached dwellings, whilst 1122 Oxford Street East was occupied by an upholstery business. All

five buildings have since been demolished. The surrounding area primarily consists of a mix of residential development in the form of low-rise homes, apartment buildings, and townhouses with municipal services available along Oxford Street East.



Figure 1: Photo of 1120-1126 Oxford Street East and 2 & 6 Clemens Street from Oxford Street East

1.2 Current Planning Information (see more detail in Appendix F)

- The London Plan Place Type – Urban Corridor Place Type and Neighbourhoods Place Type
- Existing Zoning – Residential R2/Office Conversion (R2-2/OC5) Zone and Residential R1 (R1-6) Zone
- Street Classification – Urban Thoroughfare (Oxford Street East) and Neighbourhood Street (Clemens Street)

1.3 Site Characteristics

- Current Land Use – Vacant
- Legal Frontage – 41.5 metres (Oxford Street East)
- Area – 0.31 hectares
- Shape – Rectangular

1.4 Surrounding Land Uses

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

1.5 Intensification

The proposed development represents intensification within the Built-Area Boundary through the addition of 131 new residential units. The site is also within the Primary Transit Area.

1.6 Location Map





Figure 3: Conceptual rendering (original proposal)



Figure 4: Conceptual massing model – Oxford Street East views (original proposal)



Figure 5: Conceptual massing model – Rear and Clemens Street views (original proposal)

Revised Development Concept (March 2023)

In March 2023, staff received a revised concept site plan and massing model images to address concerns with the original proposed development (Figures 6 to 8). The revised proposal contains 131 residential dwelling units at a density of up to 415 UPH and a height of up to 34 metres (10 storeys). No changes to the vehicular access or parking configuration were made. The original proposal illustrated that the building would include 10 storeys at the intersection of Oxford Street East and Clemens Street and would incorporate a transitional height down to 6 storeys towards the northern elevation abutting the low-rise single detached dwellings. While these heights have been maintained in the new development concept, the massing has been revised to provide a greater setback at the rear of the building from floors 6 and 7 to floors 9 and 10. In addition to providing greater separation in height between the high-rise component of the building and abutting low density residential, this change in building design also lends opportunity for provision of a rooftop amenity space.

To address staff's concerns with the previously proposed 1 metre interior side yard setback, the revised development concept has provided an increased setback of 1.5 metres. It should be noted that the east lot line tapers from Oxford Street East to the rear of the site. As such, the proposed 1.5 metre setback is measured at the closest point and increases to up to 2 metres. In addition, the unit configuration for the first five floors in this portion of the building has been revised to remove the east-only facing units along the eastern most elevation. The primary windows into the habitable spaces of the units in this part of the building now only face north or south and have been removed from the east elevation. However, to avoid a blank wall, "sliver" windows have been added to provide visual interest to this elevation and provide for some natural light into these units. This reconfiguration has resulted in a reduction of five units, from 136 units (430 UPH) to 131 units (415 UPH).

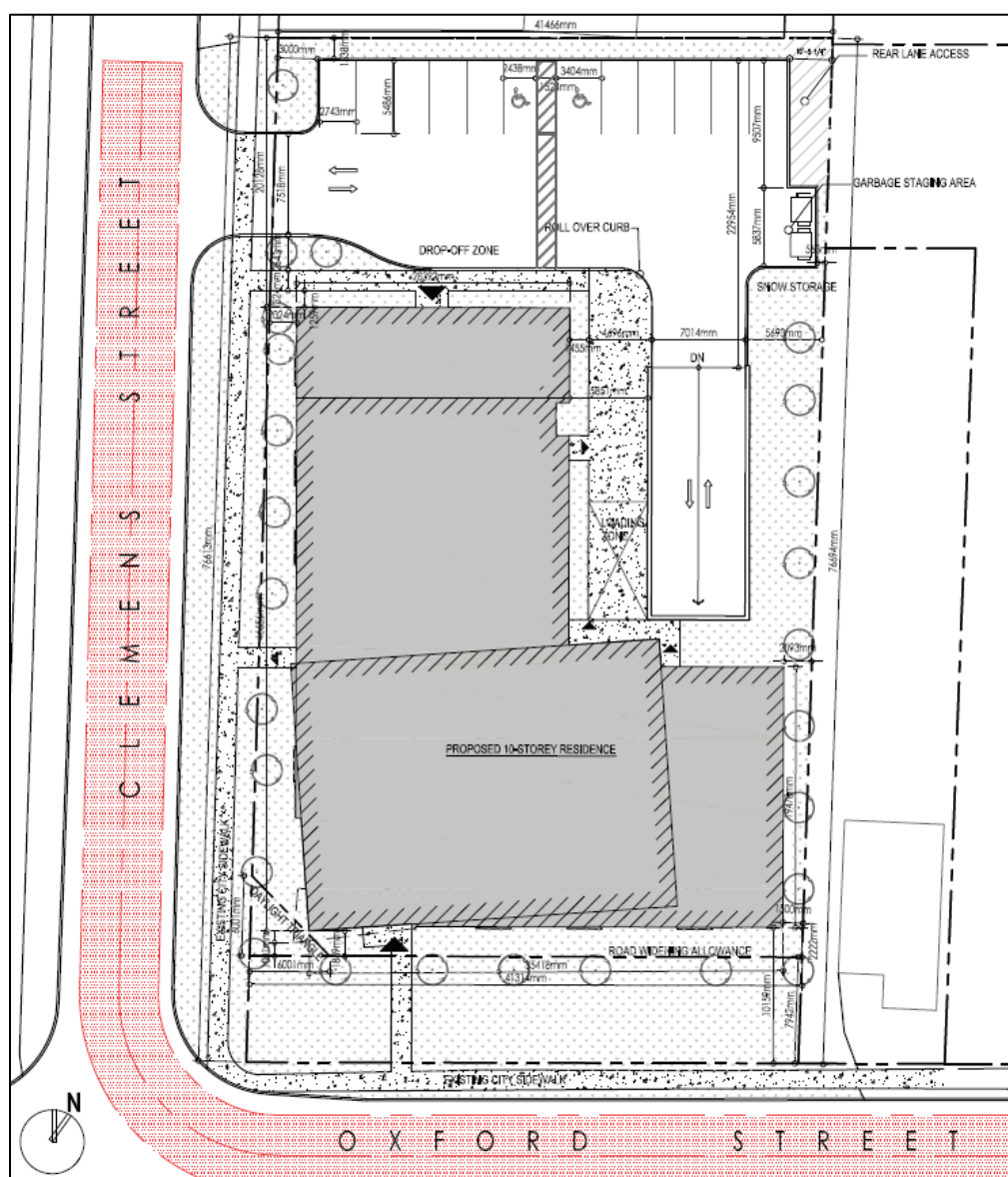


Figure 6: Site concept plan (revised proposal)



Figure 7: Massing model – view from intersection (revised proposal)



Figure 8: Massing model – aerial view (revised concept)

2.2 Requested Amendment

The applicant had initially requested to rezone the subject site from a Residential R2/Office Conversion (R2-2/OC5) Zone and a Residential R1 (R1-6) Zone to a Residential R9 Special Provision (R9-7(_)) Zone to permit a 10-storey, 136-unit apartment building. The special provisions would permit:

- A minimum front and exterior side yard depth of 0 metres;
- A maximum building height of 34 metres;
- A maximum density of 430 units per hectare, whereas 150 units per hectare maximum is permitted;
- A minimum interior side yard depth of 1.0 metre; and
- A minimum unit size of 44.6 square metres for a one-bedroom unit (whereas a minimum of 47square metres is required)

Through the review of the application, the applicant amended the proposed development in response to departmental/agency comments. The requested amendment was revised to permit a 10-storey, 131-unit apartment building. The requested amendment was revised to request the following special provisions:

- Minimum and maximum front and exterior side yard depths of 1.8 metres and 6.0 metres, respectively;

- A minimum 0 metre setback to the sight triangle;
- A maximum building height of 34 metres;
- A maximum density of 415 units per hectare;
- A maximum lot coverage of 40%;
- Interior side yard depth of 1.5 metres;
- A minimum unit size of 44.6 square metres for a one-bedroom unit (whereas a minimum of 47 square metres is required)

2.3 Community Engagement (see more detail in Appendix B)

Staff received seven (7) comments during the public consultation period, which will be addressed under Section 4 of this report. The comments can be summarized as follows and are aimed to be addressed throughout this report:

- Inappropriate and incompatible height and intensity
- Increased Traffic
- Concerns on lack of greenspace and lack of/removal of existing trees on site
- Privacy

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

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

Provincial Policy Statement, 2020

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

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

The policies of the PPS direct planning authorities to identify appropriate locations and promote opportunities for transit-supportive development and accommodating a significant supply and range of housing options through intensification and redevelopment where it can be accommodated. The PPS also takes into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3) and is supportive of development standards which facilitate intensification, redevelopment, and compact form (1.1.3.4). Planning authorities are further directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional residential units and redevelopment (1.4.3b)). Densities for new housing which efficiently use land, resources, infrastructure, public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed, are promoted by the PPS (1.4.3d)).

Lastly, the PPS is supportive of development standards which facilitate intensification, redevelopment, and compact form (1.1.3.4) and identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-

designed built form, and by conserving features that help define character (1.7.1 e)).

The recommended amendment is in keeping with the PPS as it will permit a compatible use within an existing residential neighbourhood in an area that is targeted for greater intensities of development. The amendment will also contribute to providing an appropriate range and mix of housing options and densities essential to meeting the projected requirements for current and future residents. The development will contribute to a land use pattern that makes efficient use of 5 underutilized parcels within an established neighbourhood and settlement area and represents an appropriate form of residential intensification, which assists in avoiding the need for unjustified, and uneconomical, expansion of land. It should also be noted that the proposed development is at the intersection of two streets allowing for easy access to bus transit facilities and commercial uses that assist in supporting a complete community.

4.2 Issue and Consideration #2: The London Plan Key Directions

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

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

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

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

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.
- Integrating affordable forms of housing in all neighbourhoods and explore creative opportunities for rehabilitating our public housing resources. (Key Direction #7, Directions 3 and 10).

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

- Ensuring that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement.
- Thinking “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.
- Avoiding current and future land use conflicts – mitigate conflicts where they cannot be avoided.
- Ensuring new development is a good fit within the context of an existing neighbourhood.
- Ensuring health and safety is achieved in all planning processes. (Key Direction #8, Directions 1, 3, 8, 9, and 10).

The recommended amendment supports these Key Directions by proposing a development that achieves a form of residential intensification that builds inward and upward, resulting in compact growth that utilizes existing services and facilities, specifically along Oxford Street East as well as all available municipal services. Further, the proposed 10-storey, 131-unit apartment building contributes to a mix of housing options within the neighbourhood, providing a more intrinsically affordable housing

option in the community.

The area surrounding the subject lands primarily consists of a mix of low rise residential and commercial uses. The recommended amendment would permit a form of residential intensification that is transitional in height towards the surrounding low-rise residential uses and allows for a height and density that assists in thinking “big-picture” by contributing to the mix of housing options in the neighbourhood. The proposed development would also maximize the use of the land to accommodate appropriate residential density within the neighbourhood thereby allowing existing residents to age in place whilst efficiently taking advantage of existing municipal services and facilities.

4.3 Issue and Consideration #3: Urban Corridor Place Type Boundary Interpretation

The applicant has requested all five properties be interpreted to be within the Urban Corridor Place Type, pursuant to policies 833_ to 835_ of The London Plan. The depth of the Corridor Place Types shown on Map 1 is generally aligned with the lot fabric that is adjacent to the major street. In some instances, it may be desirable to allow for the assembly of additional lots outside of the Corridor, together with a lot that is clearly located within the Corridor identified on Map 1 (833_). The interpretation of the Corridor Place Type boundary may allow for the consolidation of lots to create a viable development parcel, such that a property may be developed in accordance with the vision for the Corridor while managing and mitigating potential impacts on the adjacent neighbourhood (834_). In accordance with policy 835_, the following criteria will be used to guide the interpretation of the Corridor Place Type boundary:

- 1. A boundary interpretation shall only be made concurrent with the review of a zoning by-law amendment application. This will allow for considerations of planning impact and compatibility to be addressed when such interpretations are made.*
- 2. The zoning by-law amendment application will be reviewed in conformity with the Planning and Development Applications section in the Our Tools part of this Plan.*
- 3. The by-law amendment application shall demonstrate the need for lot assembly to achieve a development form that is in keeping with the vision for the Corridor Place Type and will provide justification for the boundary interpretation.*
- 4. If the site is located on a corner, the proposed front face of the building shall be oriented to the Civic Boulevard or Urban Thoroughfare, and shall not be oriented to the more minor “side-street”.*
- 5. The evaluation of a development proposal will have consideration for how automobile access and circulation will be managed to mitigate potential impacts on the interior portions of the neighbourhood.*
- 6. The interpretation of the Place Type boundary should not result in the creation of one or more isolated remnant lots that cannot be reasonably developed or assembled with other parcels in the Place Type to be developed in accordance with the long-term vision for the Corridor. Design concepts may be required to demonstrate how remnant lots can ultimately be developed*

In addition, policy 43_1 of The London Plan states that the boundaries between place types, as shown on Map 1, 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 and 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.

The applicant is commended for assembling all five properties, with no remnant parcels left orphaned, to facilitate a comprehensive redevelopment. Staff agree the assembly of these properties facilitate a more comprehensive redevelopment. While there is a City-owned laneway separating the properties from those along Oxford Street East, there are no streets, railways, rivers, or streams between the Downtown and Green Space Place Types. The applicant is proposing to acquire the current 3-metre-wide city lane in

exchange for a public access easement to the north-south lane on the block, which would be formalized at the Site Plan Approval stage. As such it is recommended the properties addressed as 2 and 6 Clemens Street be interpreted to be within the Urban Corridor Place Type.

4.4 Issue and Consideration #4: Use

The site is located within the Urban Corridor and Neighbourhoods Place Types of The London Plan, with frontage on an Urban Thoroughfare (Oxford Street East) and a Neighbourhood Street (Clemens Street), in accordance with Map 1 – Place Types and Map 3 – Street Classifications. As discussed in Section 4.3 above, it is recommended the site in its entirety be interpreted to be within the Urban Corridor Place Type.

The Urban Corridor Place Type is intended to allow for a wide range of uses and intensities of development with greater intensities being permitted in close proximity to rapid transit stations. Urban Corridors are also intended to support the development of a variety of residential types, with varying size, affordability, tenure, design, and accessibility so that a broad range of housing requirements are satisfied (830_4 and 830_11). Large-scale development proposals within the Place Type will also need to carefully manage the interface between the proposals along these corridors and the adjacent lands within less intense neighbourhoods (830_6).

Lastly, while mixed-use buildings are encouraged along the Corridors, it is not a requirement (837_2). Based on the foregoing, staff is satisfied the proposed apartment building use is contemplated in the Urban Corridor Place Type.

4.5 Issue and Consideration #5: Intensity

Table 9 establishes the minimum height, standard maximum height, and upper maximum height that may be permitted in the Rapid Transit and Urban Corridor Place Types (839_). In accordance with Table 9 – Maximum Height Within the Rapid Transit Corridor and Urban Corridor Place Type, development shall have a minimum height of 2 storeys (or 8 metres) and is permitted a standard maximum height of 8 storeys. An upper maximum height of 10 storeys may be contemplated, subject to the policies for Zoning to the Upper Maximum Height contained in policies 1638_ to 1641_ in the Our Tools section of The London Plan.

Policy 1638_ states that applications to exceed the standard maximum height will be reviewed on a site-specific basis and will not require an amendment to The London Plan, however heights exceeding the upper maximum will require an amendment. In order to provide certainty and to ensure that the features required to mitigate the impacts of the additional height and densities are provided, a site-specific zoning by-law amendment will be required to exceed the standard maximum height (1640_). Through the amendment process the community, City Council and other stakeholders can be assured that measures will be implemented to mitigate any impacts of additional height or density. Increases in building height above the Standard Maximum may be permitted where the resulting intensity and form of the proposed development represents good planning within its context (1641_).

The proposed development has been reviewed from a form-based perspective to evaluate the appropriateness of the proposed intensity and to ensure the site is of a sufficient size to accommodate it. Staff are satisfied appropriate mitigation measures are in place to justify the additional two storeys in building height as discussed in Section 4.6 of this report. As such, staff is satisfied the proposed intensity is in conformity with the policies of The London Plan and satisfies the criteria for Zoning to the Upper Maximum.

4.6 Issue and Consideration #6: Form

In accordance with policy 841_, the following form policies apply within the Rapid Transit and Urban Corridor Place Types:

- Buildings should be sited close to the front lot line, to create a pedestrian-oriented street wall along Corridors and provide appropriate setback from properties that are adjacent to the rear lot line.
- The mass of large buildings fronting the street should be broken down and articulated at grade so that they support a pleasant and interesting pedestrian environment.
- Large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged.
- Development should be designed to implement transit-oriented design principles.
- While access to development along Corridors may be provided from “side streets”, such accesses to development will be located and directed in a manner that minimizes impacts on the internal portions of adjacent neighbourhoods. Underground parking and structured parking integrated within the building design. Surface parking areas should be located in the rear and interior side yard.

In addition to the Form policies of the Urban Corridor Place Type, all planning and development applications will conform with the City Design policies of The London Plan (841_1). These policies direct all planning and development to foster a well-designed building form, and ensure development is designed to be a good fit and compatible within its context (193_1 and 193_2). The site layout of new development should be designed to respond to its context, the existing and planned character of the surrounding area, and to minimize and mitigate impacts on adjacent properties (252_ and 253_).

In accordance with policy 289_, high and mid-rise buildings should be designed to express three defined components: a base, middle, and top. Alternative design solutions that address the following intentions may be permitted:

1. The base should establish a human-scale façade with active frontages including, where appropriate, windows with transparent glass, forecourts, patios, awnings, lighting, and the use of materials that reinforce a human scale.
2. The middle should be visually cohesive with, but distinct from, the base and top.
3. The top should provide a finishing treatment, such as roof or a cornice treatment, to hide and integrate mechanical penthouses into the overall building design.

The application was reviewed by the Urban Design Peer Review Panel (the Panel) in December 2022. The Panel applauds the design team for a thoughtful application, locating the majority of parking below grade and situating the building on site to frame the corner. While the Panel was generally supportive of the proposed development, comments were provided highlighting key areas for improvement, namely with respect to the easterly side yard setback, building transition to adjacent properties, and landscaping. The Panel's comments and the applicant's response are contained in Appendix D.

The applicant met with Planning and Development staff through the review of the application to address several form-based concerns and to provide for a design solution that justifies the additional building height. The following is a summary of the changes made to the site and building design:

Building Orientation and Built Form

The proposed building has been sited close to the front and exterior side lot lines, with the greatest mass oriented to the intersection. Appropriate setbacks from both Oxford Street East and Clemens Street have been incorporated into the design, creating a strong street wall and setting the context for a comfortable pedestrian environment. The main building entrance and individual entrances will front directly onto the right-of-way, animating the streetscape. This also allows for substantial separation from the rear lot line to preserve access to sunlight and minimize overlook into rear yard amenity spaces, and to ensure development remains oriented towards Oxford Street East to encourage an active streetscape. A Shadow Study was prepared for the initial development concept. The Shadow Study images are contained in Appendix E.

The building design has been revised to provide a greater transition in height, stepping down from 10 to 4 storeys at the rear of the site towards the existing low density residential neighbourhood. The setback at the 6th storey has been increased to offer greater separation between the taller portions of the building and the adjacent low density residential properties, as well as to provide opportunity for a roof top amenity space. A 45-degree angular plane was applied to ensure the building mass appropriately stepped down as it approaches the adjacent low density residential properties and is measured from the shared lot line with the adjacent dwelling/side yard on Clemens Street to the north. The 45-degree angular plane would be secured through the recommended minimum rear yard setbacks based on the various building heights.

Interior Side Yard Setback

Through the initial review of the application, staff raised concern with the proposed 1 metre interior side yard setback. As the original development concept included primary windows into habitable space on this façade, staff had concerns that the 1 metre setback did not provide adequate separation between the building and the adjacent property, which in turn could affect the long-term redevelopment potential of the adjacent property at 1128 Oxford Street East. In the revised development concept, this setback was increased to 1.5 metres and the unit configuration was revised to address staff's concerns for overlook, privacy, and potential impact for future development opportunities on the adjacent property. The east-only facing units along the eastern most elevation have been removed, as well as primary windows into the habitable space of the units. However, smaller "sliver" type windows have been added to avoid a large, expansive blank wall and to add visual interest to the east building façade. This is especially important as this façade will be highly visible from the public realm.

Parking and Vehicular Access

Both surface and underground parking are proposed as part of this application, with surface parking located at the rear of the building to limit visual impacts of the parking lot on Oxford Street East. The proposed 66 parking spaces meets the minimum required by the Zoning By-law, at a rate of 0.5 spaces per unit. Vehicular access is provided from Clemens Street, the lower order street, consistent with the City's Access Management Guidelines and the Urban Corridor Place Type policies (841_8).

Outdoor Amenity Area

Concerns were raised through the review of the application that there was little opportunity provided for a functional and centrally located outdoor amenity area at grade. While the revised development concept does not include additional amenity space at grade, the setback between the 6th and 8th storeys has been substantially increased to accommodate a roof top amenity space to supplement the limited amenity space provided at grade. As well, the site is in close proximity to a City-owned park (Mornington Park) which provides additional recreation opportunities for residents of the site. However, to ensure an outdoor amenity area is provided on site, it is included as a recommended consideration to the Site Plan Approval Authority.

Staff are satisfied the revised building and site design has adequately addressed comments from staff and the Panel. Further design refinements, including landscaping details and final determination of the common outdoor amenity area(s), will occur through the detailed design at a future Site Plan Approval stage. Site plan matters raised through the review of this application have been included in the recommendation as considerations for the Site Plan Approval Authority. As such, staff are satisfied the proposed form is in conformity with policies of The London Plan.

4.7 Issue and Consideration #7: Near-Campus Neighbourhoods

Near-Campus Neighbourhoods are identified as extremely valuable city neighbourhoods that will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all (963_ and 964_). The policies of The London Plan establish a number of planning goals in an effort to support this vision for these neighbourhoods (965_). These goals are intended to serve as an additional evaluative framework for all planning applications within Near-Campus Neighbourhoods, and include:

- Planning for residential intensification in a proactive, coordinated, and comprehensive fashion;
- Identifying strategic locations where residential intensification is appropriate within Near-Campus Neighbourhoods and which use strong transit connections to link these opportunities to campuses;
- Avoiding incremental changes in use, density, and intensity that cumulatively lead to undesirable changes in the character and amenity of streetscapes and neighbourhoods;
- Encouraging a balanced mix of residential structure types at appropriate locations while preserving stable residential areas and recognizing areas that have already absorbed significant amounts of intensification;
- Encourage appropriate forms of intensification that support the vision for Near-Campus Neighbourhoods and encouraging residential intensification in mid-rise and high-rise forms of development;
- Directing residential intensification to significant transportation nodes and corridors and away from interior of neighbourhoods;
- Utilizing zoning to allow for residential intensification which is appropriate in form, size, scale, mass, density, and intensity;
- Ensuring that residential intensification projects incorporate urban design qualities that enhance streetscapes and contribute to the character of the neighbourhood while respecting the residential amenity of nearby properties.
- Encourage affordable housing opportunities; and,
- Ensure intensification is located and designed to respect the residential amenity of nearby properties.

In Near-Campus Neighbourhoods, residential intensification or an increase in residential intensity may be permitted in the Neighbourhoods Place Type where the following criteria is met (968_):

- The proposed development is consistent with Tables 10 to 12 in the Neighbourhoods Place Type;
- The development provides for adequate amenity area;
- Mitigation measures are incorporated which ensure surrounding residential land uses are not negatively impacted;
- The proposal does not represent a site-specific amendment for a lot that is not unique within its context and does not have any special attributes;
- The proposal is appropriate in size and scale and does not represent over-intensification of the site; and
- The proposal establishes a positive and appropriate example for similar locations in the Near-Campus Neighbourhoods areas.

Policy 969_ of The London Plan further discourages forms of intensification within Near-Campus Neighbourhoods that:

- Are inconsistent with uses and intensity shown in Tables 10 to 12 of The London Plan;
- Are within neighbourhoods that have already absorbed significant amounts of residential intensification and/or residential intensity;
- Require multiple variances that, cumulatively, are not in keeping with the spirit and intent of the zoning that has been applied;
- Are located on inadequately sized lots that do not reasonably accommodate the use, intensity or form of the proposed use;
- Contain built forms that are not consistent in scale and character with the neighbourhood;
- Continue an ad-hoc and incremental trend towards residential intensification within a given street, block or neighbourhood.

While the site is not within the Neighbourhoods Place Type, the proposed development has been reviewed under the evaluative framework for planning applications in the Near-Campus Neighbourhoods. The consolidation of five properties, previously developed as single detached dwellings and an upholstery business, would result in a more coordinated and comprehensive approach to redevelopment. The recommended

site-specific regulations would ensure the use, intensity, and form are appropriate for the context of the neighbourhood. The site is of a suitable size to accommodate the proposed apartment building, as well as an adequate supply of parking and outdoor amenity space (provided in a combination of at-grade amenity and rooftop amenity), and the proposal is appropriate in size, scale, and does not represent over-intensification. As such, staff is satisfied the proposed development is in conformity with the Near-Campus Neighbourhoods policies.

4.8 Issue and Consideration #8: Zoning

The applicant has requested to rezone the lands from the existing Residential R2/Office Conversion (R2-2/OC5) Zone and a Residential R1 (R1-6) Zone to a Residential R9-7 Special Provision (R9-7(_)*H34) Zone. The requested amendment also seeks special provisions to permit: minimum and maximum front and exterior side yard depths of 1.8 metres and 6.0 metres, respectively; a minimum 0 metre setback to the sight triangle; an interior side yard depth of 1.5 metres; a maximum building height of 34 metres; a maximum density of 415 units per hectare; a maximum lot coverage of 40%; and a minimum unit size of 44.6 square metres for a one-bedroom unit.

The proposed R9-7 Zone variation provides for, and regulates, a wide range of medium and higher density residential developments in the form of apartment buildings which are suitable for the intended nature of Urban Thoroughfares within an Urban Corridor Place Type.

In the Residential R9 Zone, minimum front/exterior side, interior side, and rear yard depths are established relative to building height resulting in larger setbacks for taller buildings. However, larger front yard depths are generally less conducive to achieving a street-oriented and transit-oriented building design. The reduced front yard and interior side yard depth reflects current urban design standards in The London Plan, which encourage buildings to be positioned with minimal setbacks to public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (259_). In addition, the applicant has requested a 0 metre setback to the sight triangle. With the building oriented to corner, there is a pinch point at the corner where a sight triangle has been dedicated to the City. Staff has no concerns with the requested reductions, as they facilitate a development that is better oriented towards the intersection of Oxford Street East and Clemens Street, consistent with the vision for the Urban Corridor Place Type and City Design policies in The London Plan.

The required interior side yard depth is intended to provide adequate separation between the proposed development and adjacent buildings, while also providing perimeter access to the rear yard. The applicant has requested a reduced interior side yard depth of 1.5 metres along the 5-storey easterly portion of the building. The reduced setback provides for a more urban and pedestrian-oriented character by establishing a street wall with minimal breaks, consistent with the vision of the Urban Corridor Place Type. The reduced setback would be restricted to the first 26 metres of lot depth (provided there are no windows into habitable space), after which a minimum interior side yard setback of 15 metres would be required. It should be noted that due to the tapering lot lines, the building is only setback 1.5 metres at the southeast pinch point, with the northeast corner of the building having a setback of over 2 metres.

An additional special provision for appropriate minimum rear yard setbacks based on the various building heights is recommended to implement the 45-degree angular plane while also providing certainty that the building height will transition down towards the rear of the site and appropriate separation from the existing low residential development to the north. Specifically, a minimum rear yard depth of 20 metres to the 4th storey, 21 metres to the 5th and 6th storeys, and 1 metre per 1 metre of building height beyond the 6th storey is recommended.

Staff is satisfied the requested 10-storey (34.0 metres) building height and density of 415 units per hectare are appropriate for the site. The proposed 10-storey intensity is in conformity with the upper maximum height for the Urban Corridor Place Type. The recommendation establishes appropriate setbacks to ensure there are no adverse

impacts as a result of the additional height and density and is in keeping with the policies of The London Plan where applications seek the upper maximum height. Further, adequate outdoor amenity space will be considered at a future Site Plan Approval stage and has been included as a recommended consideration to the Site Plan Authority. As such, staff is satisfied the proposed 10-storey building height and density of 415 units per hectare is appropriate, implementing the vision of the Urban Corridor Place Type and providing for higher density, transit-oriented development.

Staff is satisfied the requested 40% lot coverage is appropriate, as it would allow for a more compact urban form of apartment development and does not result in a reduction to the minimum landscaped open space requirement. Notwithstanding the increase in lot coverage, staff is satisfied sufficient space is available on site for landscaping and buffering, as well as opportunities for some amenity space at grade. The amenity space at grade can also be supplemented by rooftop amenity, which would be formalized through a future Site Plan Approval process.

Lastly, the applicant has requested a minimum unit size of 44.6 square metres for a one-bedroom unit. The reduced unit size for one-bedroom units will allow for greater flexibility in unit configuration, and to provide for densities that align with the vision of the Urban Corridor Place Type. The reduction in unit size will also assist in providing a range and mix of unit types, consistent with the policies of the PPS.

For the reasons identified above, staff are of the opinion that the proposed Residential R9 Special Provision (R9-7(_)*H34) Zone is appropriate for the site and would facilitate a specific development proposal at an appropriate scale and intensity that is compatible with the surrounding area.

4.9 Issue and Consideration #9: Traffic and Parking

The applicant is proposing 66 parking spaces (0.5 spaces per unit), 12 of which are provided in a surface parking lot in the rear yard with the remaining spaces provided in an underground parking garage. Section 4.19 of Zoning By-law Z.-1 requires parking for apartment buildings at a rate of 0.5 spaces per unit. As such, the proposed parking meets the minimum required by the Zoning By-law. In addition, the site is located in close proximity to bus routes #1279 and #1278 which can both be accessed directly outside of the property at the intersection of Oxford Street East and Clemens Street. There are also a number of transit stops located both east and west along Oxford Street East, as well as the future BRT station planned for Highbury and Oxford which is approximately 600m from the subject lands.

As part of the submission for the revised development concept, the applicant provided a Transportation Impact Assessment prepared by Strik, Baldinelli, Moniz dated December 2022 (TIA). The TIA provided the following conclusions and recommendations:

- It is forecast that the proposed development will generate 49 new trips in the AM peak hour (13 in and 36 out) and 60 trips during the PM peak hour (37 in and 23 out).
- Under existing conditions, all movements at the study area intersections are operating acceptably during the peak hours. The northbound left turn movement from the commercial access on Oxford Street opposite Clemens Street, operates at Level of Service (LOS) F, however, this is not uncommon at unsignalized intersections on busy arterial roads, and the volume of left turns is very low (4 vehicles per hour), so there are no concerns about this operation.
- Under 2028 background and total traffic conditions, the study area intersections will continue to operate well with all movements at LOS D or better during the peak hours, with the exception of the northbound left turn movement from the commercial access on Oxford Street East opposite Clemens Street, which will continue to operate at LOS F, as it does under existing conditions.
- The proposed site access on Clemens Street is expected to function well. The location provides good sightlines and there are no spacing concerns.
- Swept path analysis was performed to confirm garbage and delivery/moving trucks can navigate the site acceptably. The proposed site plan provides a

loading zone for delivery/moving trucks which also provides space for garbage/recycling trucks to use to turnaround within the site, so there are no concerns with truck circulation.

- The existing sidewalks on the surrounding road network and the internal sidewalk connections will provide good pedestrian access to the site and there is excellent transit access with multiple routes running along Oxford Street East.
- No improvements to the external road network are required to accommodate the proposed development.

The City's Transportation Division has reviewed the TIA and has accepted the conclusions and recommendations.

4.10 Issue and Consideration #10: City-Owned Laneway

The site is currently bisected by an existing 3 metre wide City-owned laneway running east-west and north-south between the Oxford Street South and Clemens Street properties, as depicted on Figure 9. The applicant is proposing to acquire this laneway in exchange for a public access easement through the site leading to the north-south lane on the block. The majority of the easement would be utilizing the paved driveway through the parking lot, leading to the grassed area south of the remaining north-south lane. In its current state, the City-owned lane is not traversable by car as there are a number of trees, fences and hydro poles located within the lane. The details of the laneway acquisition and details on the proposed easement would be determined at a future Site Plan Approval stage. The execution of the lane closure and the provision of a public access easement/Easement Agreement should be coordinated to occur prior to final Site Plan Approval.



Figure 9: Subject Site and City-Owned Laneway

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, the City Design policies, and the policies of the Urban Corridor Place Type. The recommended amendment would facilitate efficient use of several underutilized properties within an established residential neighbourhood and would also succeed in broadening the range and mix of housing options within the area to support the needs of current and future residents.

Prepared by: Catherine Maton, 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

Cc:

Britt O'Hagan, Manager, Community Planning, Urban Design and Heritage

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-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1120-1126 Oxford Street East and 2 & 6 Clemens Street

WHEREAS 2863382 Ontario Inc. c/o Royal Premier Developments. has applied to rezone an area of land located at 1120-1126 Oxford Street East and 2 & 6 Clemens Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1120-1126 Oxford Street East and 2 & 6 Clemens Street, as shown on the attached map comprising part of Key Map No. A103, **FROM** a Residential R2/Office Conversion (R2-2/OC5) Zone and a Residential R1 (R1-6) Zone **TO** a Residential R9 Special Provision (R9-7(_)*H34) Zone.
- 2) Section Number 13.4 of the Residential (R9) Zone is amended by adding the following Special Provisions:

R9-7(_) 1120-1126 Oxford Street East and 2 & 6 Clemens Street

a) Regulations

- | | | |
|-------|---|---|
| i) | Front and Exterior Side Yard Depth (Minimum) | 1.8 metres |
| ii) | Front and Exterior Side Yard Depth (Maximum) | 6.0 metres |
| iii) | Setback to the Sight Triangle (Minimum) | 0.0 metres |
| iv) | Rear Yard Depth (Minimum) | 20.0 metres for the first 4 storeys; 21.0 metres for the 5 th and 6 th storeys; and 1.0 metre for each 1.0 metre of building height beyond the 6 th storey |
| v) | Interior Side Yard Depth For the First 5 Storeys (Minimum) | 1.5 metres for the first 26.0 metres of lot depth where there are no windows to habitable rooms |
| vi) | Interior Side Yard Depth For the 6 th to 8 th Storeys (Minimum) | 3.5 metres for the first 26.0 metres of lot depth |
| vii) | Interior Side Yard Depth Above the 8 th Storey (Minimum) | 9.0 metres for the first 26.0 metres of lot depth |
| viii) | Interior Side Yard Depth | 9.0 metres beyond 26.0 metres of |

	for All Other Portions of the Building (Minimum)	lot depth
ix)	Density (Maximum)	415 UPH
x)	Unit Size (Minimum)	44.6 square metres for a one-bedroom unit
xi)	Lot Coverage (Maximum)	40%

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.

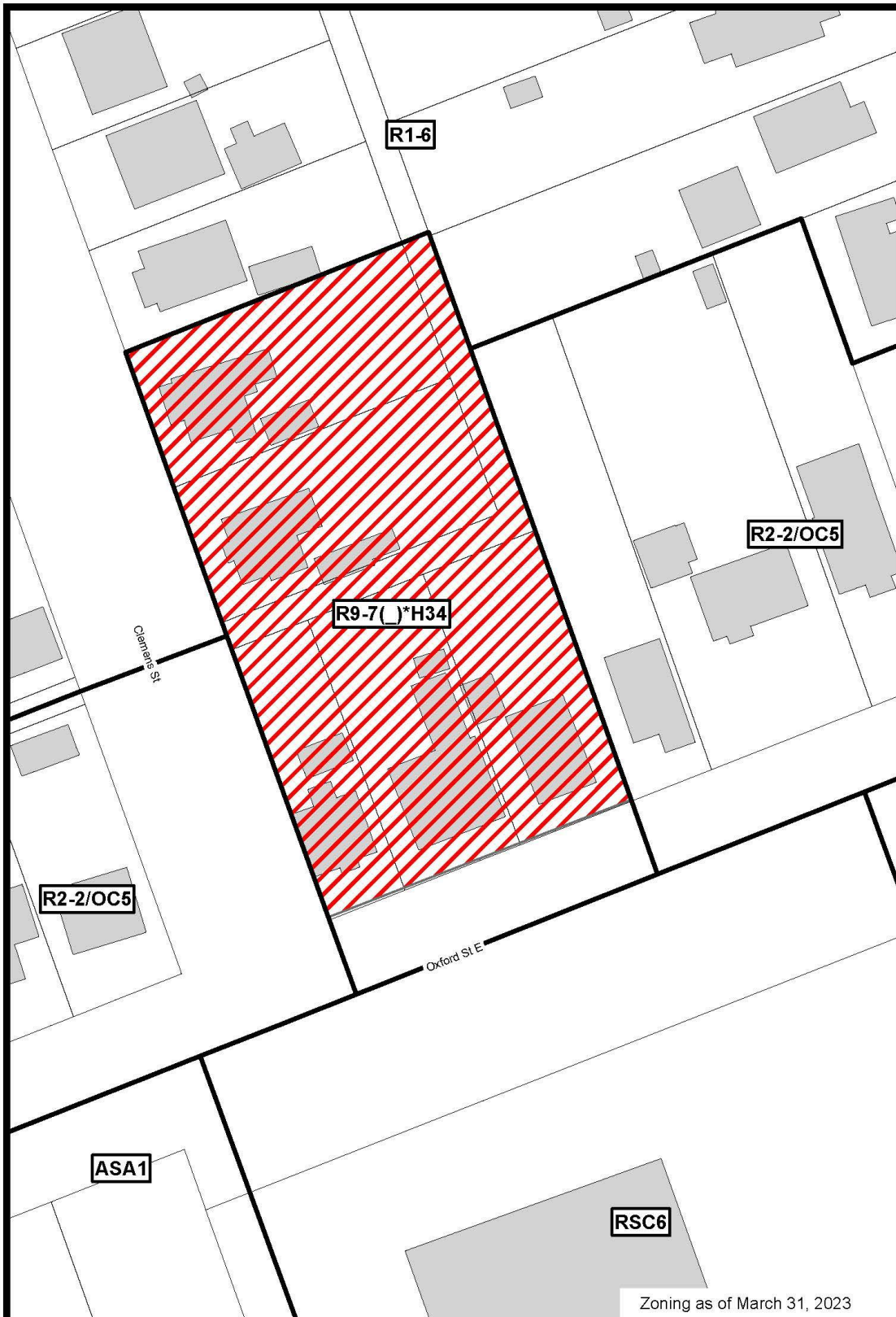
PASSED in Open Council on June 6, 2023

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

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



File Number: Z-9560
Planner: CM
Date Prepared: 2023/4/20
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:600

0 3 6 12 18 24 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On November 9, 2022, Notice of Application was sent to property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 10, 2022. A “Planning Application” sign was also posted on the site.

Nature of Liaison: The purpose and effect of this zoning change is to permit a mid-rise apartment building up to a maximum of 10 storeys in height consisting of 136 units at 429 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** a Residential R2/Office Conversion (R2-2/OC5) and Residential R1 (R1-6) Zone **TO** a Residential R9 Special Provision (R9-7(_)) Zone. Permitted Uses would include: apartment buildings; handicapped person’s apartment buildings; lodging house class 2; senior citizens apartment buildings; continuum-of-care facilities. Special Provisions are requested to permit a reduced minimum front and exterior side yard depth of 0m whereas 8m is required; a maximum height of 34m in the R9 Zone; a density of 430 units per hectare, whereas 150 units per hectare maximum is permitted; an interior side yard depth of 1.0m; and a unit size for 1-bedroom of 480ft², whereas a unit size of 506ft² is the minimum required. The City may also consider additional considerations such as a different base zone, the use of holding provisions, and/or additional special provisions. File: Z-9560 Planner: A. Singh.

Public Responses: Six (6) written responses were received from five (5) interested parties. Two (2) phone calls were also received.

Concern for:

Height and intensity:

Concern that the proposed 10-storey building is too intense for the site and should not be placed adjacent to single detached dwellings.

Traffic and Parking:

Concern that insufficient parking is provided and that the proposed development will result in traffic issues. Concern that vehicles will drive dangerously up Clemens Street.

Environmental:

Concern regarding tree removal and lack of green space provided on site.

Student rentals:

Concern that the development will be occupied by students who could create a nuisance.

Shadowing:

Concern that the proposed development will result in shadow issues on adjacent properties.

From: marcm.toth

Sent: Monday, November 28, 2022 10:37 PM

To: Singh, Anusha <asingh@london.ca>

Subject: [EXTERNAL] Notice of Planning Application - FILE : Z-9560 (Marc Toth - 14 Clemens St)

28 11 2022

Planning & Development, City of London (File : Z-9560)
c/o Anusha Singh - City Planner

This is a reply to the Notice of Application for a Zoning By-Law Amendment at the corner of Oxford St. E. and Clemens St.. (File : Z-9560)

My name is Marc Toth. I live at and own the property at . I've lived here for nearly 29 years, since January 4, 1994.

It is a great neighbourhood with the area becoming more impacted with student housing.

I'm not opposed to this area being developed but I am totally opposed to this current 10 story monstrosity. This current proposal is clearly inappropriate, unreasonable, which disrespects this neighbourhood and The City of London. I am in absolute disgust at the audacity of this proposal and its total disregard for The Official Plan, the environment and the local neighbourhood.

When the developer purchased and owned the four properties of 1120, 1122, 1126 Oxford St E and 2 Clemens St., their initial development was a 'modest' six storey housing project. The owners of 6 Clemens St., not wishing to be right next to this proposed project, then sold their property to the developer. At this point, I thought the 6 Clemens St. property would be incorporated as green space for that initial six storey proposal. Boy, was I wrong !!! The developer altered the plan to maximize their profit and changed the original proposal to this ten storey monstrosity!

I was advised this development proposal is in the early stages and upon my first learning of some of the details, I have some serious questions and concerns. The "Building Renderings" attached to the "Notice of Planning Application" itself is deliberately misleading and inaccurate, to make the ten storey building appear less impactful and imposing. The "Aerial view looking northeast from Oxford St. E." shows a one storey structure that is FOUR storeys in height compared to the proposed ten storey structure. This rendering is meant to mislead ! It's intended to minimize the size and impact of the proposal.

Right now, with only a limited time to respond, some of my other concerns are noise, the environment , parking and inaccuracies in their information.

The Aerial Plan "Fig 1" of the STRIK BALDINELLI MONIZ "Location Plan" does NOT include the 6 Clemens St. property in its hi-lited area with the thick black boundary with the 'red star' within it. Again, it misrepresents the size and impact of this proposal.

Another concern is the "Tree Preservation Plan". Why it's called a "Tree Preservation Plan" is beyond me and misrepresentative as EVERY TREE ON THE DEVELOPERS LAND IS TO BE REMOVED !!!! Only 3 trees are to be preserved and those are the three located on the City Boulevard on Clemens St.. Right now, on the south side of my property, the north side of this development, there are a number of trees that mitigate noise and provide privacy ! None of these trees are being incorporated in this proposal, some are not even recognized as trees at all. On the "Tree Preservation Plan" (The Tree Plan), they are Tree # 's 12, 14 and 15. A healthy Colorado Blue Spruce. a young multi-stemmed Willow and a tall, mature Maple. Also along this property line (and my driveway) are a group of five multi-stemmed Lilac trees shown on "The Tree Plan" as "mature Lilac Hedge". Amongst these Lilac trees there is a young, healthy 6 m tall, 10 cm diameter Sugar maple that is not shown on The Tree Plan. This tree would die because of the construction of this development. Again, all of these trees are incredibly beneficial for noise mitigation and privacy ! YET, all are to be removed because this ten storey monstrosity is too large for this site !! It does not allow for the preservation for ANY of the trees located on the perimeter of this development. This lack of concern for and the total disregard of these existing, functioning beneficial trees exposes the developers profit driven goals at the expense of the environment. London, The Forest City ?

[Note : I've attached images of TREE #'s 12, 14 & 15]

The PARKING dilemma and chaos that will be created by this planned ten storey rogue structure is another shortsighted defect of this proposal. Only 0,5 vehicles per unit is planned for this 136 unit project. That means the developer is responsible for creating only 68 parking spots ! The ongoing, daily fight for parking on Clemens St. and the other side streets will be disastrous and seriously debilitating for all us residents

needing to park our vehicles on the street in front of our houses. With student housing, the majority of students own their own vehicle, the surplus of vehicles in this area is already an issue. An example of this surplus of vehicles relative to the lack of availability of spaces is already occurring at the driveway of the absentee homeowner at 15 Clemens St., across the road from me. The students park their vehicles in the driveway of this dilapidated house with or without the property owners permission and/or knowledge. This driveway usually has four to six vehicles parked in it at all times. [Note : I've attached a picture of this driveway at 15 Clemens St.]. The battle for parking between existing residents and the new residents will be a complete disaster and an ongoing issue for policing and parking enforcement. The strip mall parking lot located on the south side of Oxford St., across from this ten storey debacle, would become the de facto parking lot for this oversized residential location. Residents, their guests who park there will be putting their lives at risk every time they attempt to cross Oxford St. The risk of an increase in accidents on Oxford St. and the sidestreets Wethered, Clemens and McNay is real and deadly ! The area will not be able to handle the additional parking created by this proposed ten storey structure.

To conclude, the more I learn regarding the proposal, the more I realize how negative it will be for the area. Plainly, it's just too large of a development for its space. The developer would maximize their profit but the cost would be borne by the local residents, who deserve a more reasonable, responsible proposal that would enhance the area, not destroy it ! I trust our City Council will protect us residents with proper decision making.

Sincerely,
Marc Toth

From: Marc Toth
Sent: Tuesday, November 29, 2022 4:23 PM
To: Singh, Anusha <asingh@london.ca>
Subject: [EXTERNAL] More comments regarding Oxford/Clemens Dev't - FILE Z-9560

29 11 2022

Planning & Development, City of London (File : Z-9560)

G"day Ms. Singh !

I have had the opportunity to further review the plethora of additional information regarding the application and here are my additional concerns that I mistakenly missed to include in what I emailed you yesterday.

This is a further reply to the Notice of Application for a Zoning By-Law Amendment at the corner of Oxford St. E. and Clemens St.. (File : Z-9560)

Again, my name is Marc Toth. I live at and own the property at _____ . I've lived here for nearly 29 years, since January 4, 1994.

Again, I'm not opposed to this area being developed but I have major concerns with this current 10 story monstrosity proposal. This altered proposal does not align with the character of this neighbourhood and it has total disregard for The Official Plan and the environment.

In addition to the special request for parking, there are a number of other special provisions that have been requested that further do not align with the minimum standards in the City's Zoning By-Law. These minimum standards are there to ensure development was designed in such a way to function without negatively impacting surrounding properties and ensuring designs were consistent. Seven (7) different requests for exemptions to the standards are ridiculous !! How is this proposal in conformity with the Official Plan, and in compliance with the Zoning By-Law ? Why should so many special requests be permitted ? For new developments, there is the

ability to ensure that the design is appropriate in trying to meet those standards. It is clear that what they are proposing is not appropriate for this location and should be scaled back to align with the standards set by the City !

Again, I trust our City Council will protect us residents, and our neighbourhoods, with proper decision making.

Sincerely,

Marc Toth

From: Johanne Beaurone
Sent: Thursday, December 1, 2022 3:31 PM
To: Stevenson, Susan <sstevenson@london.ca>
Subject: [EXTERNAL] New development

Hi, my husband and I live at . and want to share our concerns about the proposed building going up at the corner of Oxford St. We were rather shocked to see how big the building they propose is. There will be absolutely no green space which is ridiculous. It is also going to be very close to the road which is a bad idea for many reasons. Our neighbors and ourselves are definitely not happy with the size of this thing and the lack of any kind of green space. What about people with dogs or children. I was initially not upset with the idea of a building down there but not this monstrosity. We need more high density housing but placing a building almost on the road is not what we need. Oxford St. is a main artery so the location would be great for someone who doesn't drive. I don't think the rules should be bent so that a developer can reap the increased rewards without thinking about the neighborhood and the environment.

Sincerely,

Tim and Johanne Beaurone

From: Vanboxmeer Family
Sent: Wednesday, November 16, 2022 3:08 PM
To: Singh, Anusha <asingh@london.ca>
Cc:
Subject: [EXTERNAL] Planning application File: Z-9560 Oxford and Clemens Street

Hello Anusha,

I am a landlord for a single family dwelling at . I have reviewed the Notice of Planning application (Z-9560) and I do have some feedback/concerns/suggestions that I would like to register.

1. Building too high:

A 10 storey building is too high to be placed directly adjacent to a single family residential area. The building will block sunlight to these homes and tower above them with only a 20 m rear yard setback (which includes parking) and even smaller side yard allowance.

2. Inadequate parking allotment:

There are only 90 parking spaces (12 spaces outside, P1 33 spaces, P2 45 spaces) allotted for a building which has 136 units - 33 of which are 2 bedroom units which could easily contain 2 drivers/cars if not more. The plan states that there is 1.25 spaces per unit but this is not true if I'm reading it correctly there are 90 spaces for 136 units. Inadequate parking will result in occupants and their visitors parking on the

road. This will increase congestion on Clemens St and quite possibly surrounding areas/streets.

Suggestion/summary:

While I do like the look of the building, I believe its height/location and inadequate parking allotment will surely create issues and congestion in this single family residential area. I would like to suggest that the London United Soccer Field areas at Highbury and Oxford be considered. These fields are not used at all and the grass is not even maintained in the summer. It could provide an excellent location for this mid rise apartment complex. It's proximity to the College would also be advantageous. The size of the property could allow for additional outdoor parking as well.

I would like to be notified of any upcoming Public Participation Meetings so that I may attend. In addition, I would like to be notified of any decisions that are made with respect to this application.

Thank you for the opportunity to learn and provide input on this proposed zoning amendment.

Sincerely,

Dawna Van Boxmeer

From: Bryan Hiscox

Sent: Friday, December 16, 2022 12:14 AM

To: Planning and Development <PlanDev@london.ca>

Subject: [EXTERNAL] 2863382 Ontario Inc. (c/o Siv-ik Planning & Design Inc.)

Hi there,

I am excited to here about this new proposed development. I live on Clemens street and the building proposed to be demolished as a result of construction have fall into disrepair and are frequented by squatters. It looks like several attempts have been made to keep them away, but they keep returning. Development in this area would be hugely welcome. Do you know how long the application process typically takes? Will this be a several month long process or several years? I know you likely won't be able to provide specifics but are you able to comment on averages timelines for projects of this scale?

Thanks,

Bryan

From: Paul Rooks

Sent: Thursday, January 19, 2023 1:44 PM

To: Singh, Anusha <asingh@london.ca>

Subject: [EXTERNAL] Proposed Planning Application Z-9560

Hello

I am contacting you to comment on the proposed apartment complex at Oxford and Clemens Streets.

My address is _____ and have lived there since 1987. I want to say that I am not opposed to an apartment building on that corner.

The concern I have is the height. The proposal of ten stories, will impact the privacy of a number of single family homes

in the area. The shadow effect during the winter is also a concern.

Allowing this building to proceed at the proposed height will set a president for future development along Oxford St..

Therefore I am proposing a maximum of 4-5 stories .

As a resident on this area I am opposed to the proposed 10 story height.

Respectfully
Paul Rooks

Agency/Departmental Comments

January 6, 2023: Ecology

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.

December 15, 2022: Heritage

Please note that a separate archaeological assessment report was prepared for 2 and 6 Clemens Street. We have the ministry compliance letter, but I have requested the archaeological assessment report from the archaeologist.

Archaeological assessment conditions have not yet been satisfied until I receive and review that report along with the ministry letter and issue a formal memo.

Hopefully we will receive that report soon.

Finally, note as well that the pdf version of the attached memo is the record copy since it is password protected. I attached the word copy if you needed to cut and paste portions of the memo for your reporting; the memo should be deleted once it is no longer needed.

November 30, 2022: Engineering

A Transportation Impact Assessment (TIA) will be required, the TIA will evaluate the impact the development will have on the transportation infrastructure in the area and provide recommendations for any mitigation measures. The TIA will need to be scoped with City staff prior to undertaking and be undertaken in general conformance with the City's TIA guidelines.

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

Wastewater:

- Sewer Engineering has no further concerns/comments with the submitted sanitary feasibility study prepared by SBM. If the unit count/population were to change, the study will need to be revised and submitted for further review.
- As per our record, The 1120-1126 Oxford lots are tributary to 200mm COMB sewer on Oxford St E and 2 Clemens Street lot is tributary to a 200mm diameter sanitary sewer on Clemens Street.

Stormwater:

Comments Specific to the Site:

- The site is tributary to the existing 375mm sewer on Clemens Street at a C=0.50, (3737 & 3738S1, attached). Due to the intensification of the existing site the consultant is required to submit a report which is to include a sewer capacity analysis (design sheet) to demonstrate available capacity. This analysis shall include the delineation of upstream catchments areas and associated runoff coefficients, etc.

- However, as per as-con 24768, the City cannot confirm a storm pdc exists to service the property.
- As per the Drainage By-law, the consultant would be required to provide for a storm pdc ensuring existing peak flows from the 2 through 100 year return period storms are maintained pre to post development with any increase in flow being managed onsite. The servicing report should also confirm capacity in the existing sewers.
- As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:
 - the flow from the site must be discharged at a rate equal to or less than the existing condition flow;
 - the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
 - the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
 - "normal" level water quality is required as per the MOE guidelines and/or as per the EIS field information; and
 - shall comply with riparian right (common) law.
- The consultant shall update the servicing report and drawings to provide calculations, recommendations and details to address these requirements.
- Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high groundwater elevation. Please note that the installation of monitoring wells and data loggers may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual.
- An Operations and Maintenance manual should be provided as a separate report/manual identifying any implemented/constructed LIDs. For examples of such report contents please refer to the following website <https://cvc.ca/low-impact-development/lid-maintenance-monitoring/>
- As per 9.4.1 of The Design Specifications & Requirements Manual (DSRM), all multi-family, commercial and institutional block drainage is to be self-contained. The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely convey the 250 year storm event.
- Additional SWM related comments will be provided upon future review of this site.

General comments for sites within 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 from the 200mm watermain along Clemens Street.
- Any existing water services are to be abandoned to City of London Standards (cut and capped at the main).
- A water servicing report addressing domestic demands, fire flows, water quality and future ownership is required at site plan application.

Transportation:

- A TMP is required for any work in the City ROW, including any servicing, restoration, proposed construction, etc. To be reviewed as part of a PAW submission;
- Provide Engineering Plans showing existing in infrastructure, include utility poles/boxes, fire hydrants, light standards, etc.;
- Ensure proposed access meets minimum clearance requirement of 1.5m from any infrastructure and 2.0m from communication boxes;
- Provide fully dimension access as per Access Management Guidelines, radii 6m, width 6.7m, clear throat 8m minimum from property line. Delineate all dimensions on the site plan.
- Presently the width from centerline along Oxford Street East adjacent to this property is 10.058m. Therefore a widening of 7.942m is required to attain 18.0m from C/L. Please register draft reference plan with City's Geomatic Department;
- A 6m x 6m daylight triangle is required at property limit of Oxford St and Clemens St intersection.
- Please note that any widenings will be saved except existing structures unless the building are to be demolished;
- Provide access easement for the laneway;

November 30, 2022: Urban Design

Please see below for the Urban Design comments related to the planning application at **1120, 1122, & 1126 Oxford Street East and 2 & 6 Clements Street:**

- The proposed development is within an Urban Corridor Place Type, consider building a mixed-use development that provides commercial and/or office space at the ground floor level of the proposed built form.
- Reduce the intensity/height of the development to better address the character of adjacent properties and the planned character of the site. There should be a transition between developments of significantly different intensities, in addition to consideration for the existing and planned context of the neighbourhood. Refer to the London Plan, Policy 253 & 298.
 - Provide a digital model of the proposed built form with context.
- The applicant is commended for incorporating a variety of materials, textures, and articulation to highlight different architectural elements and provide interest and rhythm, along the building (i.e., trim, framing, balconies, decorative masonry details, fenestration rhythm).
 - Ensure that the design of the building along Oxford Street East & Clement Street includes high-quality durable materials.
- The building massing and architectural elements are noted and commended for addressing the corner of Oxford Street East and Clement Street. However, the

main entrance location and connecting walkways should address both Oxford Street East and Clement Street. Refer to the London Plan, Policy 290.

- Differentiate the main building entrance from the ground floor units. Provide direct walkway access from ground floor units to the public sidewalk.
- Break up the massing of the podium by accentuating different building components and architectural features to create human-scale interest and enhance the pedestrian experience along any active frontages.
- Clarify the types of amenity spaces located on the subject site. Ensure that amenity spaces are provided throughout the site for the number of residents anticipated (i.e., a common room, balconies, patios, roof terraces). Refer to the London Plan, Policy 295.
- Any surface parking exposed to a public street should be screened with enhanced landscaping, including low landscape walls, shrubs, and street trees. Refer to the London Plan, Policy 278.
 - Locate all parking and drive aisles a minimum of 1.5m to 3.0m from the property line to allow space for landscaping.
- Provide easily accessible temporary bicycle parking facilities on-site. Refer to the London Plan, Policy 280.
- Consider providing benches, street furniture, street trees, and pet amenities on-site.
- Ensure that the development is “future ready”. Refer to the London Plan, Policy 729.
 - Consider including charging station for ebikes and electric vehicles within the proposed parking facilities.
 - Consider making the roof strong enough to hold solar panels and/or green roof infrastructure.
- Provide a full set of dimensioned elevations for all sides of the proposed built form and a rooftop plan. Include materials and colour labels. Further urban design comments may follow upon receipt of the elevations.
 - The rooftop plan and elevations should outline the placement of rooftop mechanical equipment and the proposed mechanical equipment screening. Refer to the London Plan, Policy 296.

After addressing the above comments, following regulations will be incorporated into Zoning:

- Maximum Height
- Setbacks
- Step-backs
- The front façade and primary entrance of dwelling units shall be oriented to adjacent public streets and/or open spaces with direct pedestrian connections to the public sidewalk.
- Minimum shared outdoor amenity space.

Urban Design Peer Review Panel

- 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, together with the revised drawings.

November 16, 2022: Parks

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.

November 7, 2022: Landscape Architecture

How can we approve a ZBA when they are proposing to construct on City Property and to injure or remove City Trees? What is the setback from boulevard along Clemens? It seems too narrow.

Based on the existing land ownership at the time of the application, my comments are as follows:

1. A significant number of City owned trees are proposed for removal. Removal from the unopened lane and the Clemens Street boulevard to be co-ordinated at time of Site Plan Application. Receipt of payment for tree removals to be included with Site Plan Application documentation. Based on Schedule A of the Boulevard Tree Protection Bylaw the following fees would be applied [fees to be confirmed with Forestry Operations]
#3 \$2,240
#31 \$3,740
#30 \$2,240
#18 \$1,890
#19 \$3,740
#17 \$1,890
#16 \$2,240
2. A number of boundary trees are proposed for removal. These trees are protected by the Province's Forestry Act. 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 to remove from neighbours/co-owners to be included with Site Plan Application documentation. Required for acceptance of Tree Preservation Plan.
3. Insufficient setback has been provided along the Clemens Street frontage for required Site Plan tree planting. Increase to 3m minimum.

November 29, 2022: Landscape Architecture

Reiteration of my comments provided earlier this month. The Tree Preservation Plan prepared by RKLA August 20222 is not acceptable as a number of offsite trees are proposed for removal. Based on the existing land ownership at the time of the assessment. If the unopened lane is purchased from the City, consent to remove the boundary trees from the owner of 1128 Oxford St E will need to be included in the Site Plan Application documentation.

Issues with TPP with current land ownership:
Trees proposed for removal from City lands, an unopened lane
#3,#16 , #17 , #18 , #19

Boundary trees growing on east property line of unopened lane co-owned by City of London and 1128 Oxford St E
1B, 2B, 27B, 28B, 29B, and 30B

Boulevard trees, #23 and #33 are proposed for removal to be co-ordinated at time of Site Plan Application. Receipt of payment for tree removals to be included with Site Plan Application documentation.

Insufficient setback has been provided along the Clemens Street frontage for required Site Plan tree planting. Increase to 3m minimum.

December 1, 2022: Landscape Architecture

Some of my comments may need to be updated if the unopened laneway has changed ownership to the applicant.

1. The setback along the east property line is not acceptable. Soil volume is insufficient to support tree planting and screening that will be required at Site Plan. A 1.5m setback to be provided.
2. At time of Site Plan Application, the applicant must provide proof of payment for the removal of trees from City unopened lane #3,#16 , #17 , #18 , #19 and boulevard tree # 23 and 33 for acceptance of the Tree Preservation Plan. The trees are protected by Municipal Bylaws. Any person who contravenes the By-laws would be guilty of an offence and liable to a fine.
3. At time of Site Plan Application, the applicant must provide consent letter from the owner of 1128 Oxford St E for the removal of Boundary trees growing on east property line [1B, 2B, 27B, 28B, 29B, and 30B] for acceptance of the Tree Preservation Plan. 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. Failure to provide letters will delay Site Plan Application process.

November 29, 2022: UTRCA

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

November 30, 2022: Site Plan

I've reviewed the concept site plan submitted as part of the Zoning By-law Amendment and can provide the following comments:

1. As part of the special provisions, the applicant is to verify the landscape open space. The provided site data table notes 35% is provided however, based on the definition, the parking area and loading spaces are not to be included:
 - "LANDSCAPED OPEN SPACE" means the 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
 - Staff note that as per Section 4.14 of the Zoning By-law, that in the case of road widening dedication, the land that will be dedicated shall be included in the calculation for the purpose of lot coverage and landscape open space (among others).
2. The site is currently deficient 2 barrier-free stalls. See attached zoning referral record reflecting the current proposal.
3. There are concerns with the proposed layout of the underground parking with respect to lack of egress for some spaces. See attached red-line underground parking plan identifying areas of concern. Additionally, provide updated underground parking plans in metric.
4. Provide a setback between the rear yard parking and the property boundary. In accordance with the Site Plan Control By-law, a 1.5m setback is required to allow for landscape screening. Further, a 1.5m setback should be provided behind the proposed garbage collection area to provide screening.
5. Dimension the proposed sidewalk widths leading into the site along Oxford St and Clemens St.
6. Based on the proposal, the rear lane access appears to be remaining but in a different location. Clarify if the "rear lane access" is to be hard surface or landscaped. Additionally, the applicant is to verify the rear lane access is to be an easement or full ownership by the developing property. You may need to connect with Gary Irwin on this one to see where it's at. If it's an easement, it could have implications on the proposed garbage collection area.
7. Ensure a curb ramp is provided on the sidewalk from the barrier-free access aisle. Additionally, there are some concerns regarding the location of the barrier-

free in proximity with the building. The location would require pedestrians to maneuver through the main site access aisle to a considerable length.

8. The proposed loading zone is less than ideal as it would require moving vehicles to reverse into the space along the sidewalk and the down ramp to the parking garage. Formalize the drop-off zone as the loading zone and provide landscaping where the loading zone is currently proposed. With the formalized loading and drop-off zone this may assist in providing safer pedestrian connections to the building.
9. Remove the last parking stall
10. If garbage is set out on collection day, reversing out of this spot may not be functional. Shift the parking area to the east to provide more of a clear-throat into the site as well as additional lands for landscaping.
11. In accordance with the Site Plan Control By-law, visitor parking is required at a rate of 1 space for every 10 units. Confirm if visitor parking is included in the overall proposed parking.

Let me know if there are any questions on this.

November 9, 2022: London Hydro

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

Appendix C – 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: Yes
Net density change: 415 Units Per Hectare
Net change in affordable housing units: N/A

Complete Communities (based on walking distance)

New use added to the local community: No (residential)
Proximity to the nearest public open space: 110 metres
Proximity to nearest public green space: 220 metres (Mornington Park)
Proximity to the nearest commercial area/use: 110 metres
Proximity to the nearest food store: 650 metres
Proximity to nearest primary school: East Carling Public School, 750 metres
Proximity to nearest community/recreation amenity: North London Optimist Community Centre, 1.5km
Net change in functional on-site outdoor amenity areas: N/A

Reduce Auto-dependence (based on walking distance)

Proximity to the nearest London Transit stop: 2 metres (Oxford at Clemens #1279)
Completes gaps in the public sidewalk network: No (no existing gaps)
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 (building is easily accessible from the sidewalk at an intersection; pedestrians do not have to walk through large expanses of surfaces parking to reach the building entrance(s))
Proximity to nearest dedicated cycling infrastructure: 140 metres
Secured bike parking spaces: 118 of spaces
Secured bike parking ratio: 0.9 per unit
New electric vehicles charging stations: 0
Vehicle parking ratio: 0.5 spaces per unit

Environmental Impacts

Net change in permeable surfaces: - 2,032.26 square metres
Net change in the number of trees: - 21
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

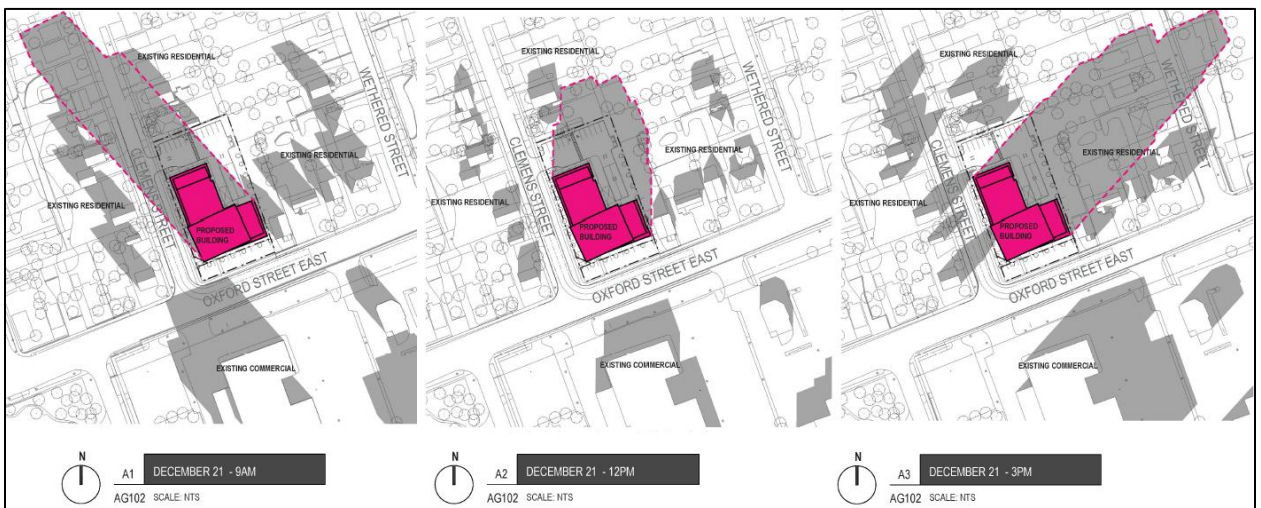
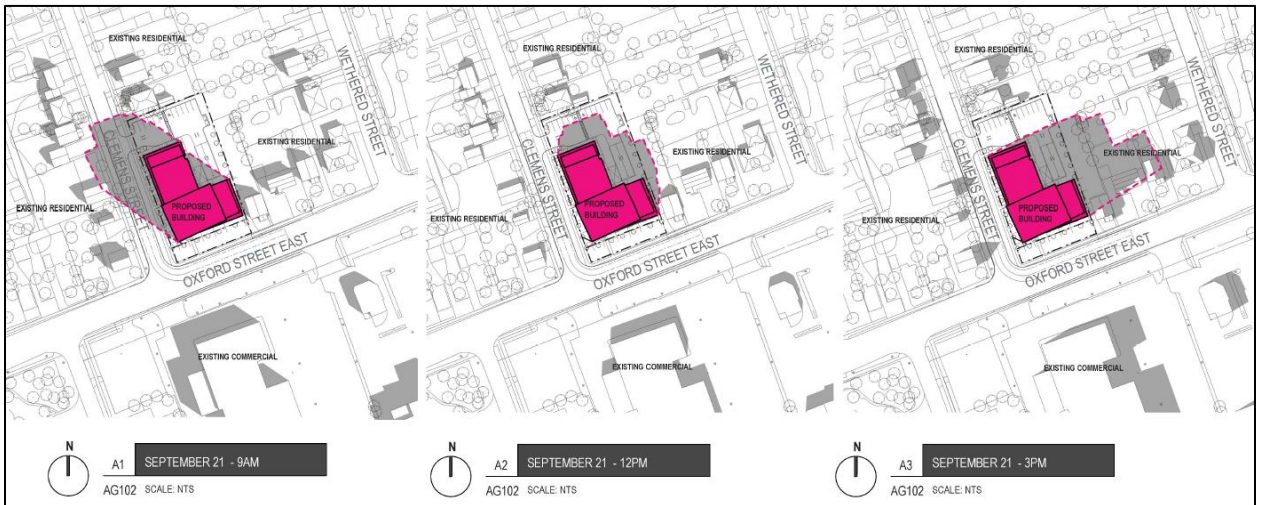
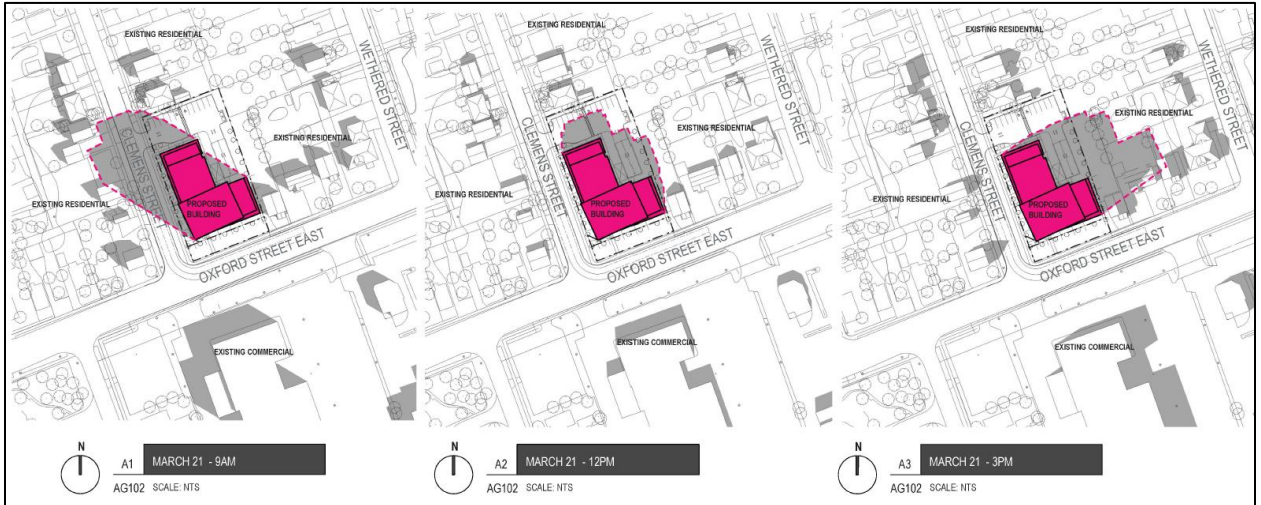
Existing structures on site: Yes
Existing structures repurposed/adaptively reused: No
Green building features: No
District energy system connection: N/A

Appendix D – Applicant’s Response to UDPRP Comments

Comment:
The Panel applauds the design team for a thoughtful application, locating the majority of parking below grade and situating the building on site to frame the corner.
Applicant Response:
Acknowledged, thank you.
Comment:
Understanding that this development will set a precedent for redevelopment along Oxford Street, the panel recommends the design team revise the site design and building architecture to be more mindful of the transitions to adjacent properties and the surrounding neighbourhood.
Applicant Response:
While this development will set a precedent for redevelopment along Oxford Street, as there are no large-scale apartment buildings along Oxford between Highbury Ave and Adelaide Street, it is our belief that the design as originally proposed met all of the vision, character, and transition policies for the Urban Corridor Place Type. However, through further discussions with City staff, there have been a number of tweaks to the massing that will provide for a further enhanced transition both to neighbourhood to the north and the property to the east.
Comment:
The Panel notes that the transition to the East could benefit from an increased setback above the 5th floor to accommodate future development along Oxford Street. The Panel also notes that the units facing East will have limited glazing due to limiting distance requirements. Consider increasing the setback to the East and/or reconfiguring units North-South to avoid primary windows so close to a lot line.
Applicant Response:
In further discussions with City staff, a slight increase to the east side yard was provided and all of the east only facing units along the eastern most façade have been removed leaving only north and south facing units for the portion of building along the Oxford Street frontage.
Comment:
The Panel notes that the current location of the garbage room will require a service pathway at the interior North-East corner of the site and directly adjacent to at-grade units. Consider relocating the garbage room to the North of the building for direct access to the garbage collection point. This will also free up valuable space within the building for additional indoor amenities.
Applicant Response:
Acknowledged, this will be looked at through the detailed design of the site and building through the Site Plan Process.
Comment:
The Panel recommends the applicant provide a more appropriate mix of units within the development, noting approximately 74% of proposed units were one bedroom and 24% two bedroom.
Applicant Response:
The developer has looked into the mix of units, and believes that for the location the mix is appropriate and marketable.
Comment:
The Panel recommends the design team review the building setback on site, noting that building setbacks at the North-East corner are inadequate to provide for placement of trees as shown that will meaningfully contribute to the urban forest canopy.
Applicant Response:
Acknowledged, we will work with the Landscape Architect through the Site Plan process to find adequately sized locations include trees within the inner courtyard portion of the site.
Comment:
The Panel notes that no landscape plan was provided with the submission package and as such the ability to comment comprehensively on landscape items was limited.
Applicant Response:

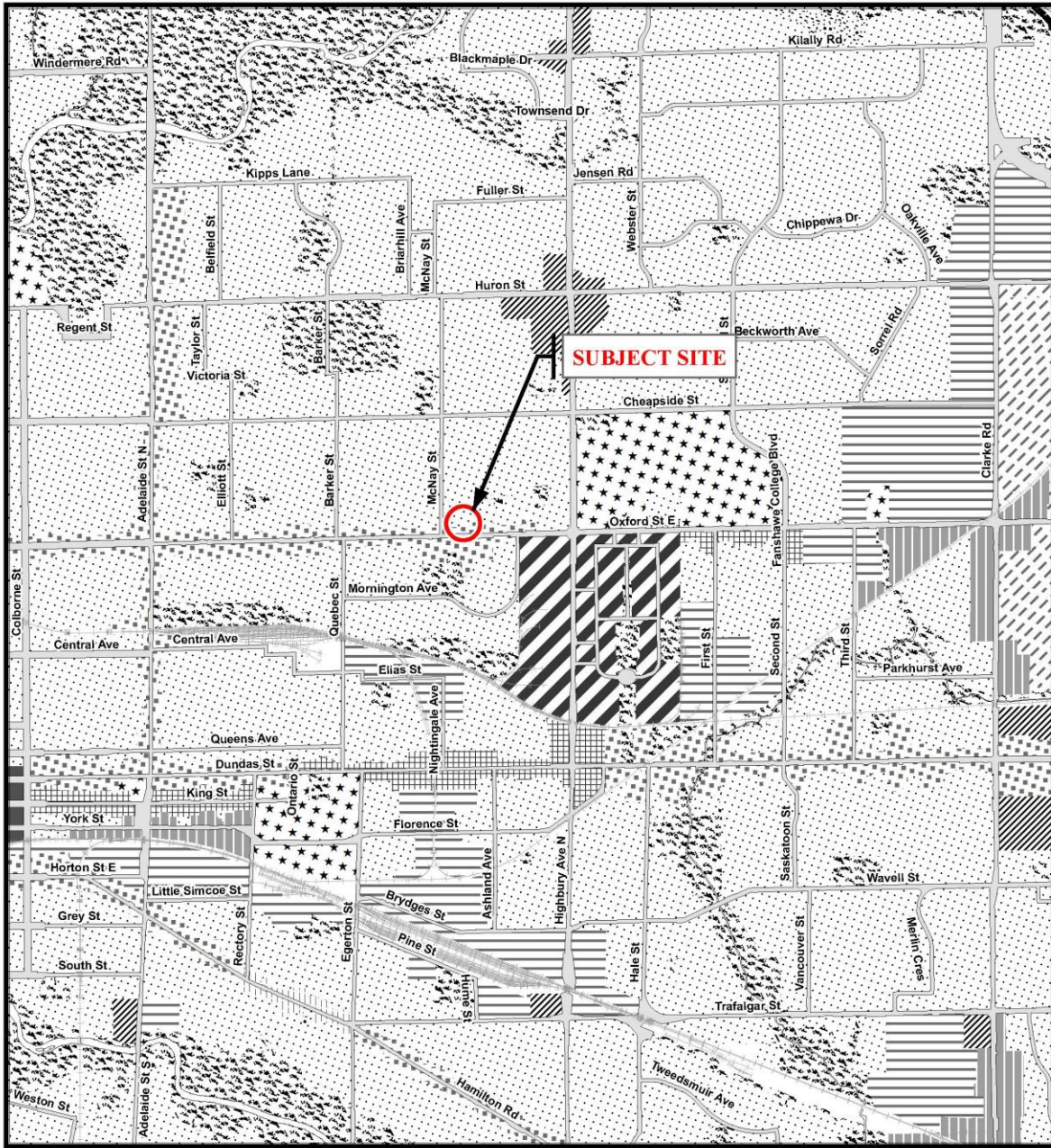
Acknowledged, a landscape plan will be completed through the Site Plan Process.
Comment:
The Panel suggests the design team consider revising the location and design of the underground parking ramp, accommodating it within the building to free up area for what was suggested to be an appropriate outdoor amenity area along the East edge of the site. If the parking ramp must remain on the exterior, consider shifting it further North and East to allow for additional amenity space, paving, and landscape planters in this area.
Applicant Response:
Due to the site size and dimensions there are limitations on where a ramp can be placed in order to provide for a functional underground parking structure design that provides for multiple levels of parking. While there is not the ability to provide for a larger green amenity space at grade there are pockets of green available to residents. This along with the proposed roof top amenity should satisfy the desire to provide common amenity space on site. It should be noted that a large City park is located less than 200m away across Oxford Street that provides a variety of amenities such as a playground, baseball diamonds, tennis, pickleball and basketball courts, along with ample green spaces for other activities.
Comment:
The Panel recommends the provision of individual walkways and private entrances at grade along Oxford Street and Clemens Street to help activate the street frontages.
Applicant Response:
Acknowledged, the feasibility of this will be looked at in more detail as part of the Site Plan Process. At this time, the Primary Building entrance is located facing the Oxford and Clemens intersection and will have direct access out to the City sidewalks along these streets.
Comment:
The Panel notes that a larger paved and landscaped area at the South-West corner of the building could further delineate the main entrance and pedestrian access point. Consider extending the entrance lobby glazing the full horizontal extent of the black cladding above to give the entrance lobby more prominence from the street.
Applicant Response:
Acknowledged, the feasibility of this will be looked at in more detail as part of the Site Plan Process.
Comment:
The Panel appreciates the dark expression of the tower, roof profile, and playful fenestration. Consider carrying down more of this expression to grade at the South-West corner to further anchor the building on the corner. Juliet balconies, additional glazing and 'wood textured' panels within the tower may assist in breaking up the heavy tower massing.
Applicant Response:
Acknowledged, the feasibility of this will be looked at in more detail as part of the Site Plan Process.

Appendix E – Shadow Study Images



Appendix F – Relevant Background

The London Plan – Map 1 – Place Types



Legend

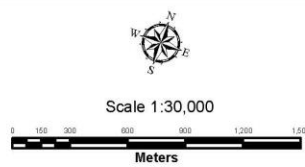
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management 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-9560

Planner: CM

Technician: JI

Date: 2023/4/20

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-6 and R2-2/OC5

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-9560

CM

MAP PREPARED:

2023/04/20

Jl

1:1,000

0 5 10 20 30 40 Meters

1120, 1122 & 1126 OXFORD STREET E. AND 2 & 6 CLEMENS STREET

PROJECT SUMMARY

www.siv-ik.ca/1120oe | **Developer:** 2863382 Ontario Inc. c/o Royal Premier Developments

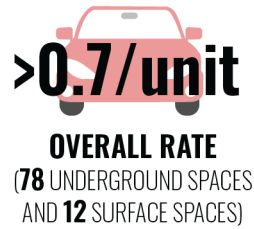
Concept At-A-Glance

USE



131
RESIDENTIAL UNITS

PARKING



>0.7/unit
OVERALL RATE
(78 UNDERGROUND SPACES
AND 12 SURFACE SPACES)

HEIGHT



10
STOREYS
(33.8m)

DENSITY

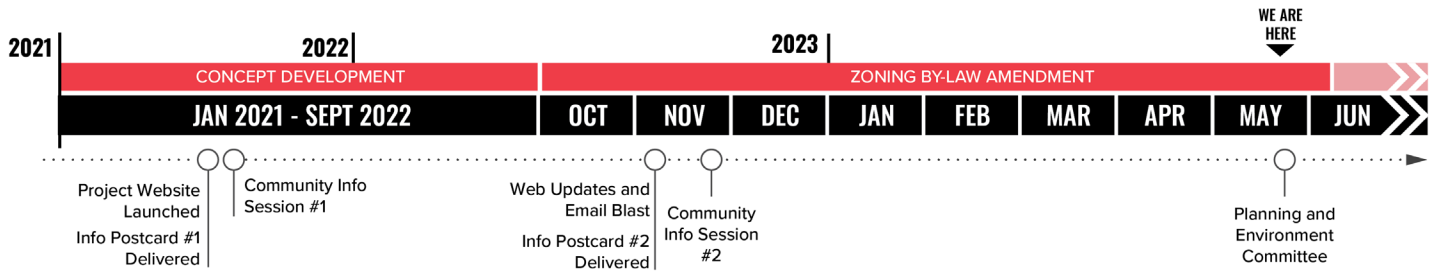


413
UNITS PER
HECTARE

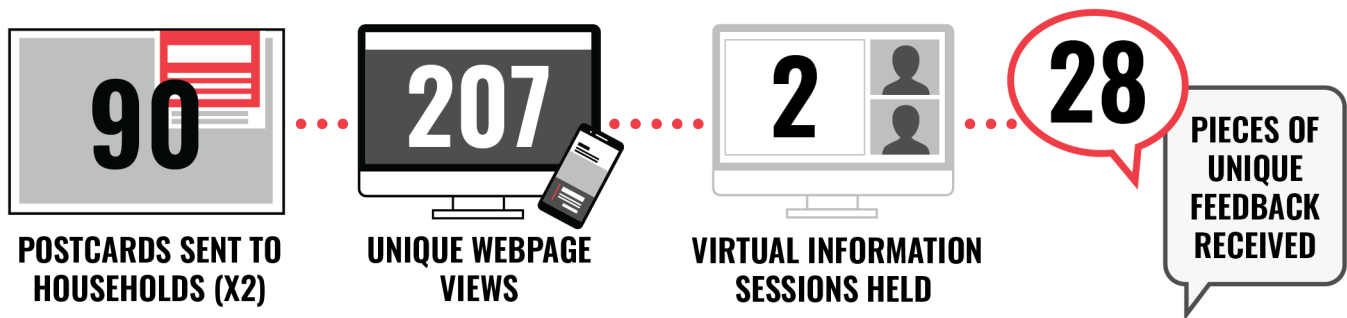
Key Features



Timeline



Community Engagement by the Numbers



*Includes feedback received from the Siv-ik project website feedback form, Virtual Community Information Meeting #1 and #2, and emails to info@siv-ik.ca. The count does not include any feedback sent directly to the City.

Key Themes Heard and Our Response

Proposed Housing Type	Building Height
<ul style="list-style-type: none"> The concept envisions a mix of studio, 1-bedroom and 2-bedroom units which cater to a variety of demographic segments. It is anticipated that the large majority of residential units will be offered at market rate. The specific form of tenure (i.e., rental vs. condominium) has not been determined at this time. 	<ul style="list-style-type: none"> The City's Official Plan allows for building heights up to 10-storeys in this location. The proposed building has been designed with a series of step-downs which provide a transition to the neighbourhood area to the north. Balconies have been strategically located on the south and west sides of the building to avoid overlook into existing rear yard amenity spaces.
Parking and Site Access	Traffic
<ul style="list-style-type: none"> The proposed development has been planned with both surface and underground parking spaces. The developer intends to meet or exceed the City's required provision of 0.5 parking stalls per unit for residential apartments (with 10% of those stalls reserved for visitors). New site access is proposed along the north boundary of the site to allow for the greatest separation from the intersection and thereby minimize potential vehicle conflicts. 	<ul style="list-style-type: none"> This development helps achieve the Official Plan's focus of building high-density residential in walkable locations near public transit. Vehicular entrance has been located off of Clemens Street so as to not introduce new potential conflict points on Oxford Street East. Portions of the City street right-of-ways will be redeveloped with new sidewalks and landscaping.

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: 2796538 Ontario Inc. c/o RPH Developments
129-131 Base Line Road West
File Number: Z-9578, Ward 11

Date: Public Participation Meeting
May 23, 2023

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2796538 Ontario Inc. c/o RPH Developments relating to the property located at 129-131 Base Line Road West:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 6, 2023, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, for the City of London to change the zoning of the subject lands **FROM** a Residential R9 (R9-7*H32) Zone **TO** a Holding Residential R9 Special Provision (h*h-(_)R9-7()*H51) Zone;
- (b) the Site Plan Approval Authority **BE REQUESTED** to consider the following issues for 129-131 Base Line Road West through the site plan review process:
 - i) A Water Capacity Analysis shall be submitted with the first submission of site plan;
 - ii) Ensure a 3 metre planting area for trees between the property edge and the edge of the parking garage to provide full protection to any boundary trees and critical root zones;
 - iii) Additional landscaping and/or setbacks will be required to address the removal of the watercourse.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to change the zoning of the subject site to permit the construction of a 14-storey, 176-unit residential apartment building with 194 parking spaces (158 underground spaces and 36 surface parking spaces) with a maximum density of 306 units per hectare. The requested Residential R9 Special Provision (R9-7()*H51) Zone would permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, continuum-of-care facilities.

Staff are recommending the following special provisions to implement the proposed development: The requested zoning special provisions would permit:

- a front yard setback of 2.0 metres whereas 10.0 metres is required;
- a front yard step back for 2.0 metres above the 2nd, 3rd or 4th floor;
- an east interior side yard setback of 5.0 metres whereas 16.8 metres is required;
- a west interior side yard setback of 13.0 metres whereas 16.8 metres is required;
- a 3.0 metre setback for the underground parking garage to the property edge along the east and rear yards;
- a maximum of 36 surface parking spaces, with the rest being provided underground;
- a building orientation and entrance to Base Line Road West;
- a building height of 14 storeys/51 metres whereas 10 storeys/32 metres maximum is required; and
- a density of 302 units per hectare whereas a maximum of 150 units per hectare is required.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to permit the development of a 14 storey, 176-unit residential apartment building with 194 parking spaces (158 underground spaces and 36 surface parking spaces) with a maximum density of 306 units per hectare and a maximum height of 14 storeys or 51 metres.

Rationale of Recommended Action

1. The recommended amendment is consistent with the *PPS 2020*;
2. The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of *The London Plan*, including, but not limited to the High Density Residential Overlay, the Neighbourhoods Place Type, City Building and Design, Our Tools, and all other applicable policies in *The London Plan*; and
3. The recommended amendment facilitates the development of a site within the Primary Transit Area and Built-Area Boundary with an appropriate form of new development.

Linkage to the Corporate Strategic Plan

Housing and Homelessness - A well-planned and growing community.

Analysis

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

In August 2017, an application (A.125/17) was approved by the Committee of Adjustment for variances related to front yard and interior side yard setbacks to permit a 5-unit apartment building on 129A Base Line Road West.

1.3 Property Description

The subject site is located on the south side of Base Line Road West, east of West Street, and west of Wharncliffe Road South. The subject lands are comprised of three parcels with a total area of approximately 0.58 ha, with a combined frontage along Base Line Road West of 57.3m, and a maximum lot depth of approximately 99.6m. The lands are relatively flat and are currently developed with two single-detached dwellings, detached garages, and several accessory buildings (129 and 131 Base Line Road West).

The subject lands are located adjacent to residential uses with a range of densities, including: an 11-storey apartment building to the east; an 8-storey apartment building and single-detached dwellings to the south (with frontage on Commissioners Road West); and, a 9-storey apartment building to the west. A 10-storey apartment building is under construction to the east of the subject lands (101 Baseline Road West). Areas to the north of Base Line Road West, opposite the subject lands, include an existing townhouse development oriented perpendicular to the street, and a recently constructed 4-storey apartment building containing 61 dwelling units (122 Base Line Road West). Several mature trees provide buffering at the east and west interior lot lines.

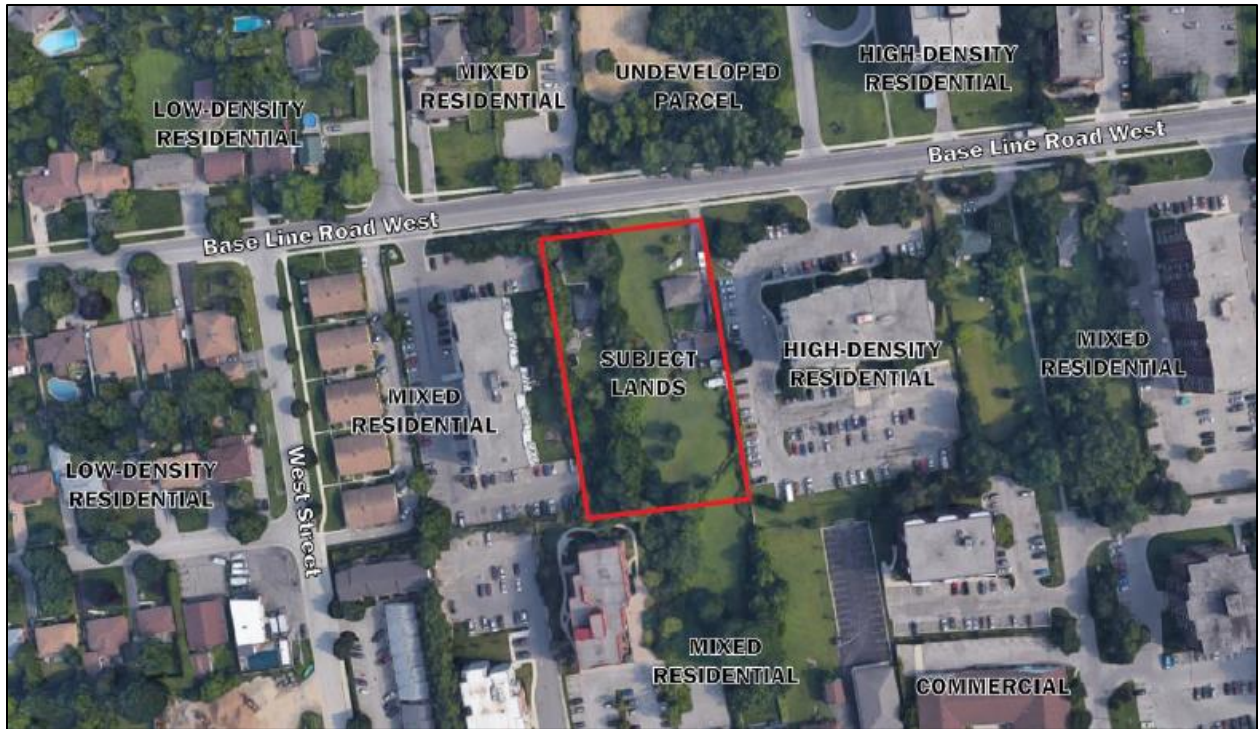


Figure 1- Aerial Photo of 129-131 Base Line Road West and surrounding lands



Figure 2 - Streetview of 129 Base Line Road West (view looking south)



Figure 3 - Streetview of 131 Base Line Road West (view looking south)

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

- The London Plan Place Type – Neighbourhoods Place Type fronting a Neighbourhood Connector
- Special Planning Areas – Map 2 - High Density Residential Overlay (from 1989 Official Plan); Map 6 – Hazards and Natural Resources (Conservation Authority Regulated Area); Map 7 – Specific Policy Areas (Site Specific Policies in the HDR Overlay)
- Existing Zoning – Residential R9 (R9-7*H32) Zone

1.5 Site Characteristics

- Current Land Use: single detached dwelling (129 Base Line Road West and 131 Base Line Road West)

- Frontage – 57.3 metres (187.99 ft)
- Depth – 99.6 metres (326.77 ft)
- Area – 0.58 hectares (5759 m² or 1.4 acres)
- Shape – regular (rectangle)

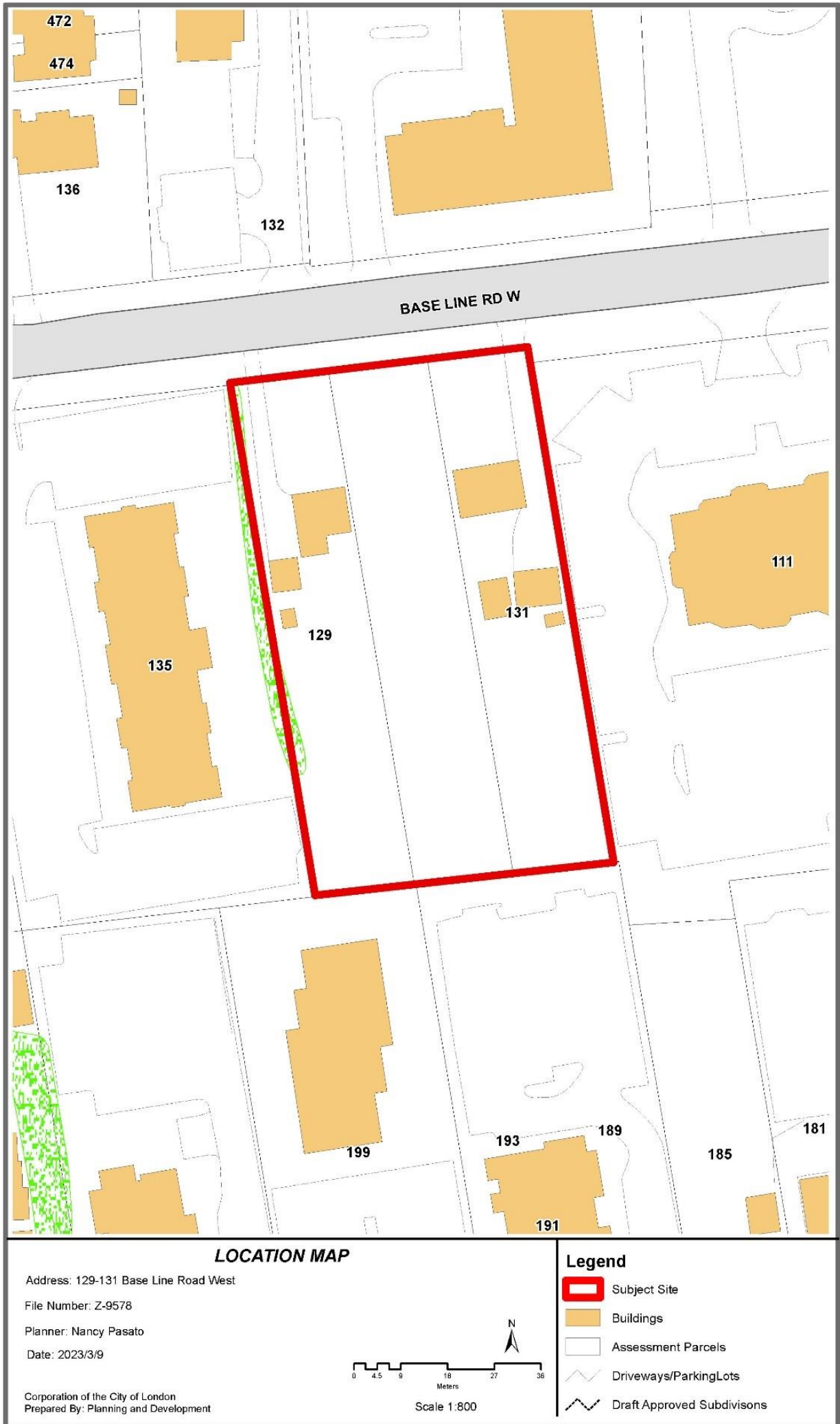
1.6 Surrounding Land Uses

- North – 2 storey townhouses(co-op); 4-storey apartment building (affordable housing)
- East – 11-storey apartment building
- South – 7-storey and 8-storey apartment building
- West – 9-storey apartment building

1.7 Intensification

- The proposed development will represent intensification within the Built-Area Boundary.
- The proposed development will represent intensification within the Primary Transit Area.

1.8 Location Map



Description of Proposal

2.1 Development Proposal

In December 2022, the applicant submitted a zoning by-law amendment application to permit a 14-storey residential apartment building containing 176 dwelling units and 197 parking spaces (158 underground spaces and 39 surface parking spaces, at a rate of 1.1 space per unit). The proposed development would consist of 109 one-bedroom units, 66 two-bedroom units, and 1 three-bedroom unit. The design of the building includes step backs at the 11th and 13th storey, a flat roof design, and proposed amenity areas in the front yard (a landscaped front yard amenity porch), adjacent to the building (a lawn and gazebo in the central portion of the site), and towards the east interior side yard/rear of the site (a landscaped seating area and path along the east interior side yard). A common amenity terrace is also provided at the twelfth storey, and private balconies/patios are provided for each dwelling unit.

Vehicular access for residents, visitors, and service vehicles is provided by a single, full-turn driveway (6.7m) along the western portion of the Base Line Road West frontage. 176 bicycle parking spaces (1.0 spaces per unit; broken down as 0.9 long-term spaces and 0.1 short-term spaces) will also be provided in the west interior side yard (bicycle racks) and underground garage (secure storage).

The application includes a conceptual site plan, shown below as Figure 4. Building renderings are shown in Figures 5-8. Elevations are shown in Figures 9-12.

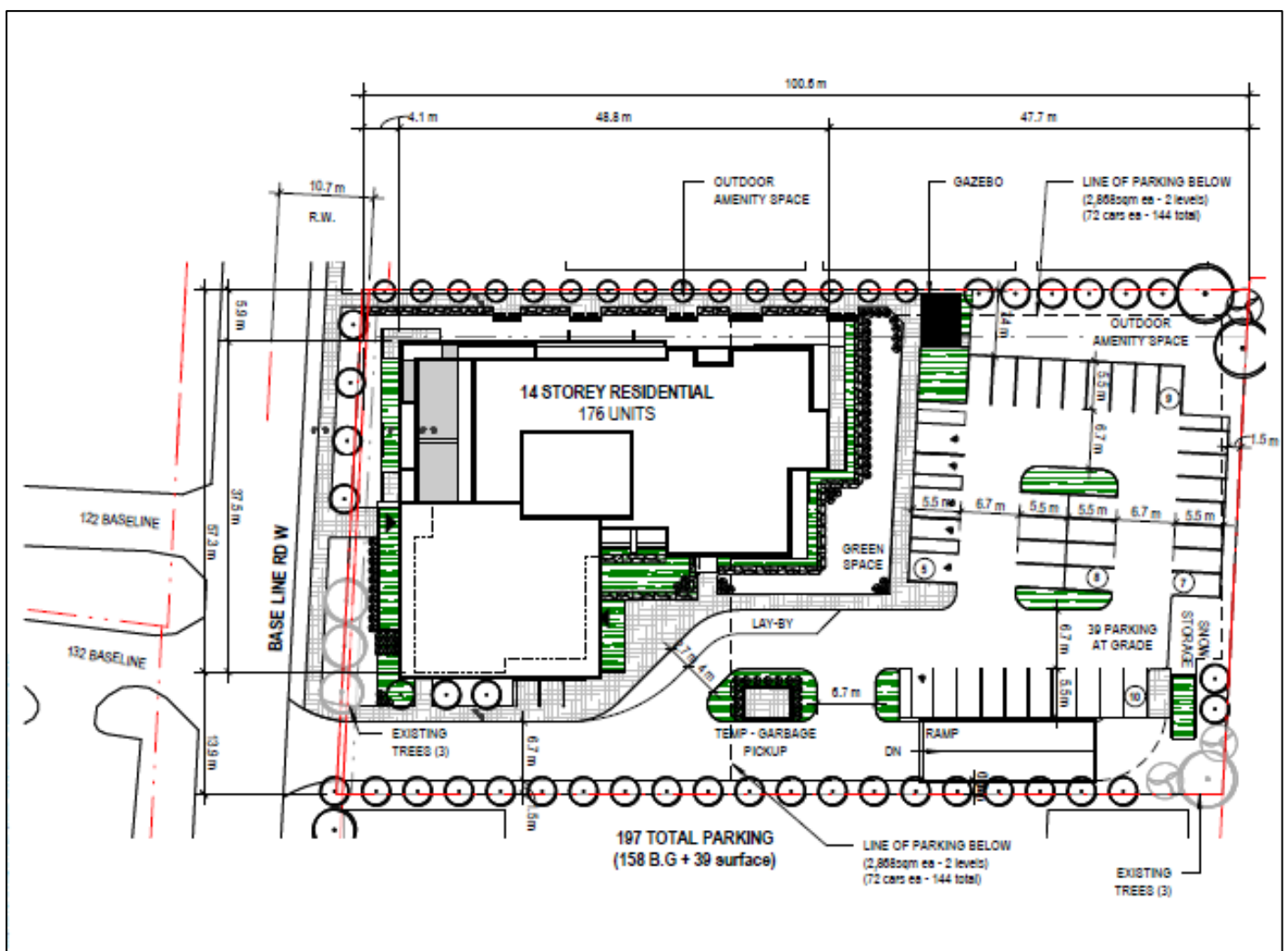


Figure 4 - Conceptual Site Plan (December 2022)



Figure 5 - Rendering of building looking east on Base Line Road W



Figure 6 - Rendering of building looking west from Base Line W



Figure 7 - Rendering of building looking north from Commissioners Road properties



Figure 8 – Rendering of building in context of neighbourhood



Figure 9 – North elevation (Base Line Road West)

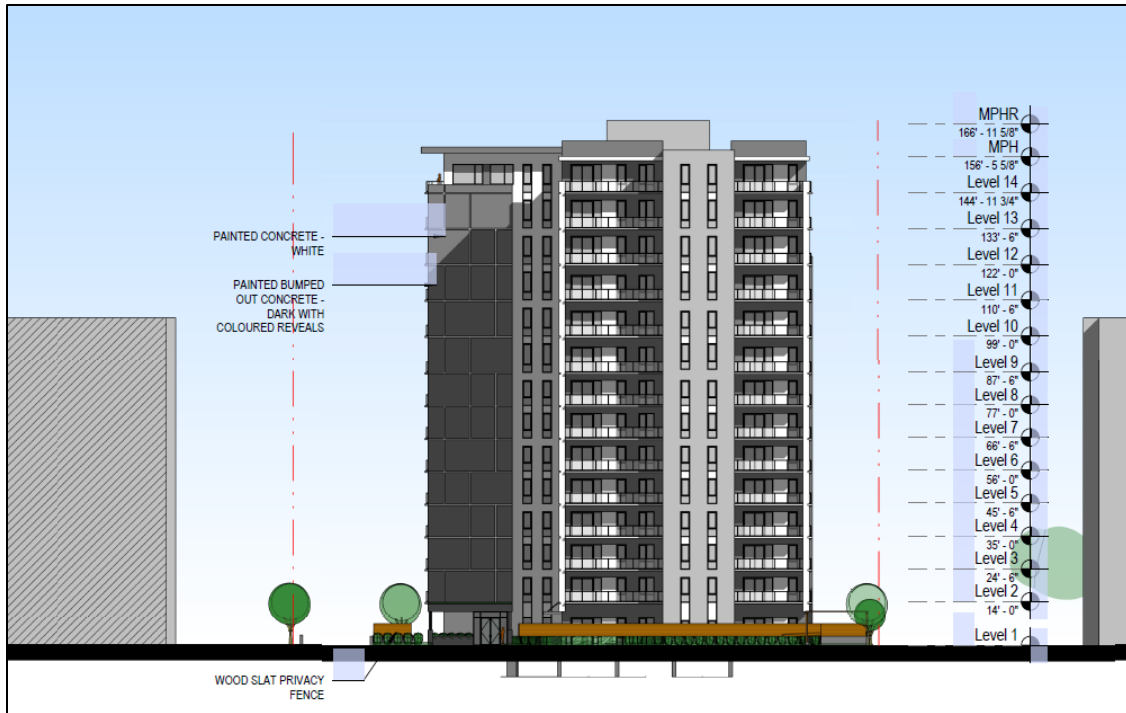


Figure 10 – South elevation

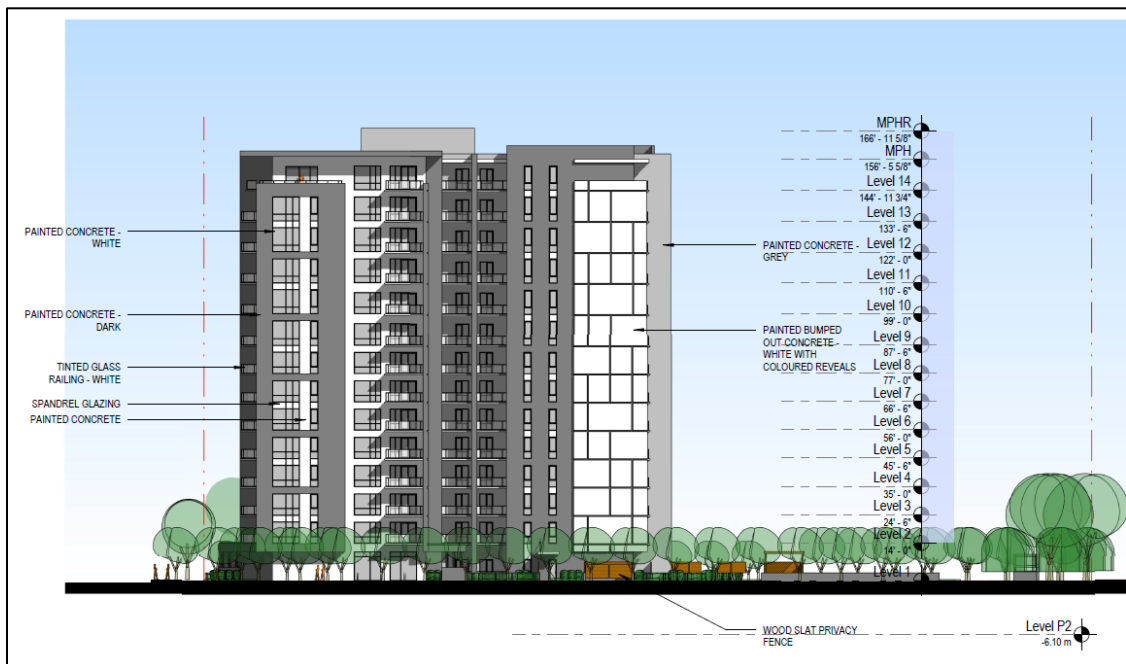


Figure 11 – West elevation

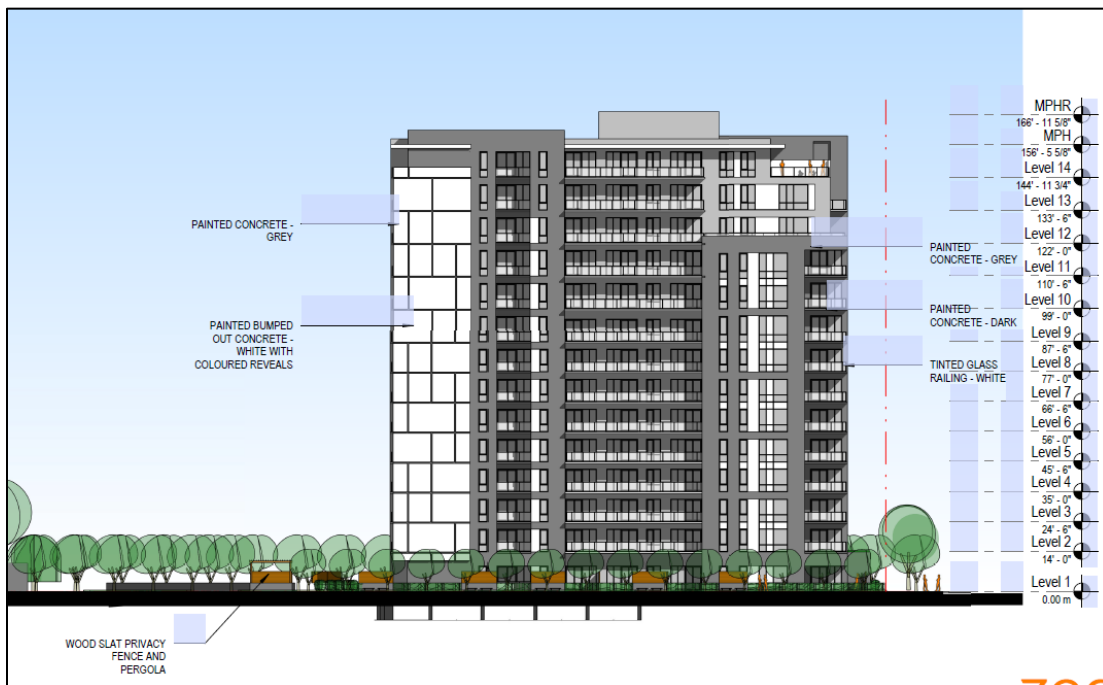


Figure 12 – East elevation

Based on comments from staff, the applicant submitted a revised site plan, and first floor/ground floor concept, shown in Figure 13 and 14 below. This revised plan includes a reduction in surface parking spaces (from 39 to 36 spaces) and an increase in amenity area, provided primarily along the eastern/rear edge of the property. No other changes were made to the design of the building. The plans provided also updated the unit composition, which now includes: 102 x one bedroom units, 72 x two bedroom units, and 2 three bedroom units.

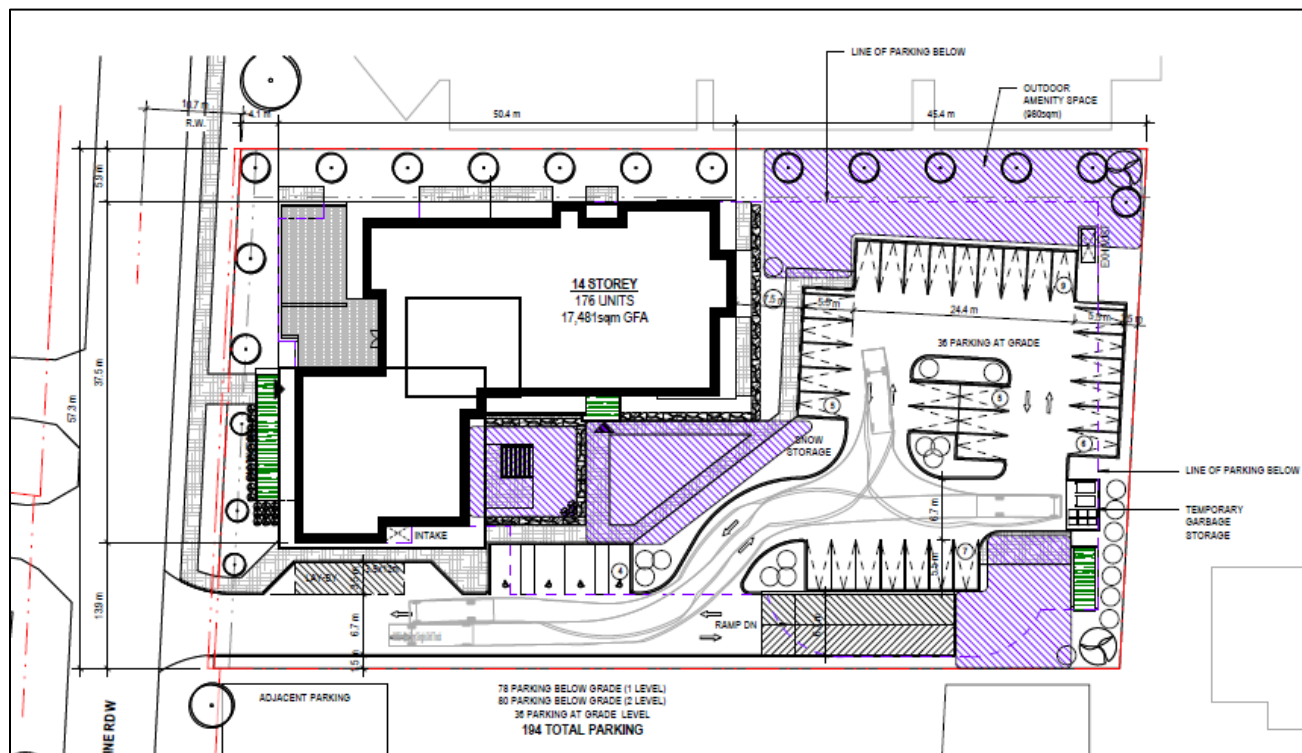


Figure 13 - Revised Site Concept Plan (March 2023)

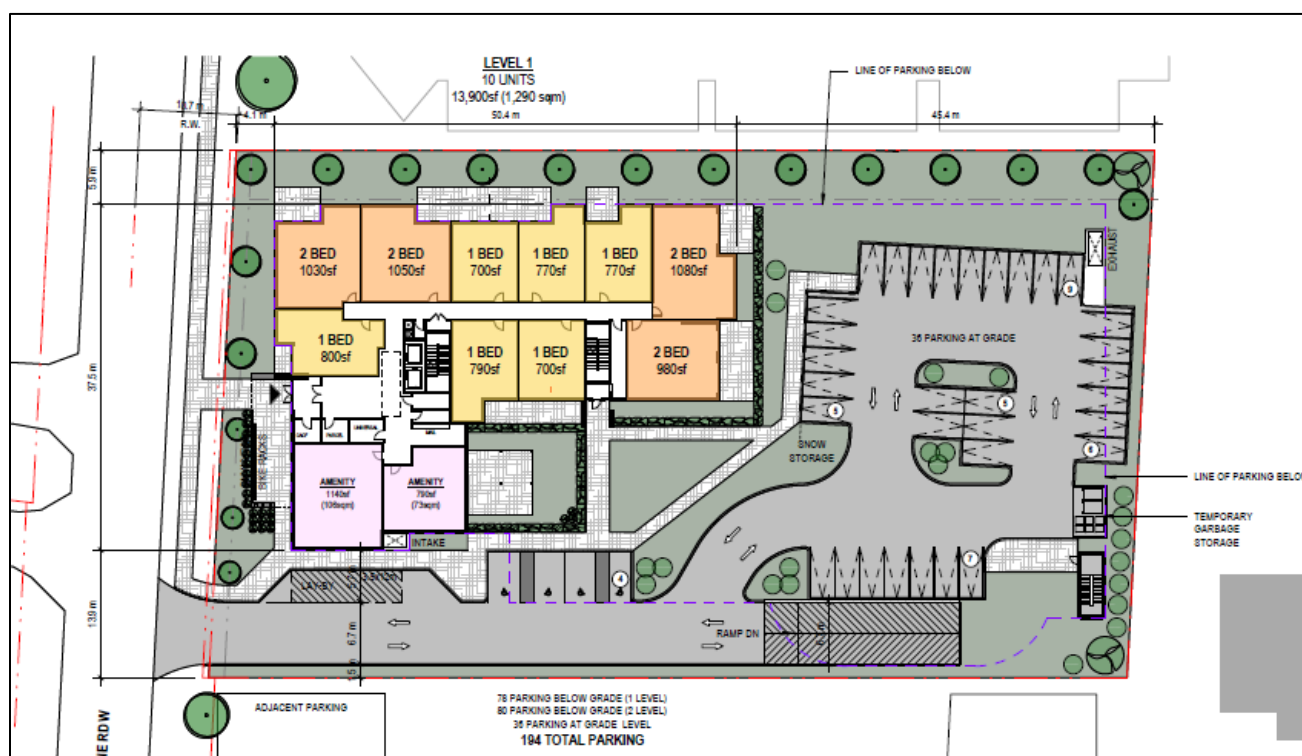


Figure 14 - Revised first floor concept (March 2023)

2.2 Requested Amendments

The applicant had requested a Residential R9 Special Provision (R9-7(_)*H51) Zone, with special provisions as follows:

- a front yard setback of 4.0 metres whereas 10.0 metres is required;
- an east interior side yard setback of 5.0 metres whereas 16.8 metres is required;
- a west interior side yard setback of 13.0 metres whereas 16.8 metres is required;
- a height of 51 metres whereas 32 metres is the maximum;

- a density of 306 units per hectare whereas 150 units per hectare is the maximum;
- 6 barrier free parking stalls whereas 7 spaces is required.

2.3 Community Engagement

On January 25, 2023, Notice of Application was sent to 520 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday January 26, 2023. A “Planning Application” sign was also placed on the site.

The public was provided with opportunities to provide comments and input on the application. There were 8 responses received during the community consultation period, and these comments have been included in Appendix B.

Concerns expressed by the public relate to:

- Height and density too great/results in decreased setbacks/impacts on adjacent sites
- Lack of affordable housing
- Lack of amenity and greenspace
- Stormwater impacts/runoff
- Unit sizes not suitable for families
- Number of parking spaces too much
- Removal of trees
- Lack of ground floor commercial/office
- Area construction/fatigue

2.4 Internal and Agency Comments

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

2.5 Policy Context (see Appendix C for more detail)

The London Plan, 2016

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

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

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

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

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

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

- Thinking “big picture” and long-term when making planning decisions – considering the implications of a short-term and/or site-specific planning

- decision within the context of this broader view. (Key Direction #8, Direction 3)
- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).
- Ensuring new development is a good fit within the context of an existing neighbourhood. (Key Direction #8, Direction 9).

3.0 Financial Impacts

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1. Issue and Consideration #1 – Provincial Policy Statement, 2020

The PPS encourages an appropriate, affordable and market-based range and mix of residential types, including single-detached dwellings, additional residential units, multi-unit housing, affordable housing, and housing for older persons to meet long-term needs (1.1.1b)). A mix of housing options and densities are required to meet projected requirements of current and future residents of the regional market area (1.4.1).

Section 1.1 of the PPS encourages healthy, livable, and safe communities which are sustained by promoting efficient development and land use patterns which stimulate the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of communities (1.1.3).

The PPS is supportive of development standards which facilitate intensification, redevelopment, and compact forms (1.1.3.4). Densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed, are promoted by the PPS (1.4.3d)). The policies also identify that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

Consistent with the PPS, the recommended amendment will facilitate the development of underutilized properties within an established residential neighbourhood and represents a form of intensification through infill development. This development will contribute to the mix of housing types in the area by providing choice and density in housing options for both current and future residents. Further, the proposed development will be located within an established area of the City, and intensification of the site would optimize the use of land and existing infrastructure, while contributing to achieving more compact forms of growth within the City.

4.2. Issue and Consideration #2 – Use

The London Plan

The London Plan supports the provision of a variety of residential types with varying size, tenure and affordability so that a broad range of housing requirements are satisfied (830.11).

The site is within the Neighbourhoods Place Type of The London Plan fronting a Neighbourhood Connector. At this location, permitted uses include a range of single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations, group homes, triplexes, and small-scale community facilities (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type).

The subject site is also located within the High-Density Residential Overlay of the London Plan (Map 2). High-rise apartment buildings play a significant role in supporting the fundamental goal of linking our land use plans to our mobility plans. This type of development generates significant densities which can create a high demand for transit services (954_). While recognizing this strategy moving forward, The London Plan also

recognizes High Density Residential (HDR) areas that were designated in the previous Official Plan (955_). Map 2 identifies these lands as High-Density Residential Overlay (from 1989 Official Plan) which permits high-rise apartment buildings, in addition to the policies of the underlying place type (955_).

The proposed residential apartment building use is in conformity with The London Plan. The proposed form of development currently exists within the immediate area and will have limited impacts on adjacent uses. The site also has appropriate access to public transit, community facilities and retail uses, to support the proposed residential use and intensity. The apartment is not out of character for the neighbourhood and impacts will be minimal.

The proposed residential units will have convenient access to nearby goods and services in a walkable environment, and convenient access to higher order transit. Although mixed-use buildings are encouraged, they are not required by the policies of the London Plan.

The proposed residential apartment building is in conformity with the permitted uses as per The London Plan.

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 with existing neighbourhoods (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 (937_).

The London Plan uses height as a measure of intensity. The subject site is located within the High-Density Residential Overlay of the London Plan (Map 2). A site-specific policy within the HDR overlay is also applicable to the subject lands. The special policy permits a maximum height of 11 storeys and a maximum density of 150 units per hectare (1077C_2.). However, notwithstanding this special policy, the HDR Overlay policies state that within the Primary Transit Area, residential development may be permitted up to 14 storeys in height (958_1.). Zoning may not allow for the full range of height and density identified in these policies (958_5.).

The subject property is of a size and configuration capable of accommodating a more intensive development than the 11-storeys that is currently permitted on the lands. The total developable lot area consists of 0.57 hectares, and the proposed increase in density (from 150uph to 306uph) can be accommodated. The subject site is well suited for the development of a 14-storey apartment building, as the site is surrounded by other medium and high-rise apartment uses to the east (11-storeys), west (9-storeys) and south (7 and 8 storeys). The subject lands have access to surrounding transit and is within walking distance to commercial and institutional uses. Given the size of the subject site and the context of the existing neighbourhood, a 14-storey building is considered appropriate and can be accommodated, without significant impacts on adjacent amenity areas and the existing neighbourhood.

The proposal is considered to be in keeping with the intensity policies set out by The London Plan.

4.4. Issue and Consideration #4 – Form and Design

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing growth. The London Plan encourages growing 'inward and upward' to achieve compact forms of development (Policy 59.2, Policy 79). The London Plan accommodates opportunities for infill and intensification of various types and forms

(Policy 59.4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (Policy 59.8).

Within the Neighbourhoods Place Type, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (Policy 953.3 a. to f.). The Our Tools section of *The London Plan* contains various form and design considerations for the evaluation of all planning and development applications (Policy 1578). Appendix D of this report includes a complete Planning Impact Analysis addressing matters of both intensity and form.

The proposed development is located towards the front of the site, to allow for the building to be positioned adjacent to Base Line Road, and to ensure that surface parking is located to the rear and screened by building and landscaping. The main building entrance will be accessed from Base Line Road, and provisions will be added to the zoning by-law to ensure this occurs. Currently, the applicant is proposing a 4 metre setback from the building to the property line. In order to site the building with minimal setbacks from public streets and public spaces to create an inviting, active and comfortable pedestrian environment (259_), and to ensure the base of the building will establish a human scale façade with active frontages (259_1), a minimum 2 metre step-back above the 2nd, 3rd or 4th storey is required to establish a human scale façade along Base Line Road West and to reflect the design and character of the 4-storey building located to the north of the site. This could be achieved by extending the lower floors closer to the street. To ensure these design elements and human scale is achieved staff are recommending a further reduction in the front yard setback from 4 metre to 2 metre, to allow for that additional projection of the main floor(s). In terms of height transitions, a 14-storey building will be the tallest building in the immediate area, however adequate separation is being provided between the buildings to ensure the impact of the higher height is minimized. The massing of the building could be further reduced by limiting the tower floor plate (293_) or including additional step backs for the middle and the top of the building (289_2 & 3). The proposed building as shown recognizes and is sympathetic to the existing buildings in the area, which include large building footprints and massing, therefore the proposed design provides an appropriate scale within the surrounding neighbourhood.

Specific City Design policies indicate that principal building entrances and transparent windows should be located to face the public right-of-way, to reinforce the public realm, establish an active frontage and provide convenient pedestrian access (291_). Policies require residential buildings to include outdoor amenity spaces (295_) and support reduced parking rates in place types and parts of the city that have high accessibility to transit (271_). Large amounts of onsite parking will not be permitted on properties within the Neighbourhoods Place Type to accommodate the parking requirements (936_4)

The proposed development will face the public right-of-way with direct access for pedestrians to Base Line Road. Outdoor ground level amenity space has been added to the rear of the site. Currently the applicant is proposing 194 parking spaces in total, with 36 surface parking spaces which is well above the required 0.5 spaces per unit. Through the application review process the applicant has reduced the amount of surface parking in an effort to help minimize the amount of paved surface and provide additional amenity area on site. The bulk of the parking spaces will be provided underground which will minimize the visual impact.

Overall, the proposed form and design meets the intent of The London Plan.

Zoning By-Law

The 'R9' Zone is intended to permit and regulate medium to high-density development in various forms of apartment buildings. The 'R9-7' Zone permits apartment buildings and special population's accommodations, in the form of lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities. The subject lands currently permit 150 units per hectare, based on the

HDR Overlay designation on the site in The London Plan (Policy 1077C_3). The proposed maximum density of 306 uph will allow for the implementation of the proposed 14-storey apartment building and will align with the High-Density Residential Overlay policies that have no outright restrictions on density for sites within the Primary Transit Area.

The proposed R9-7 Zone requires a minimum lot area of 1,000m² and a minimum lot frontage of 30 metres. The application satisfies the lot frontage and area requirements however, additional special provisions are required as follows:

Front yard setback and 2nd, 3rd or 4th floor step back – The Applicant submitted a request to reduce the front yard setback to 4.0 metres, from the required 10.0 metres as per the Zoning By-law. Staff are recommending a further reduction to 2.0 metres, to ensure the first floor can be brought closer to the street to allow for a 2.0 metre step back above the 1st floor, to create a better pedestrian environment along Base Line Road.

Side yard setbacks – The Applicant has also requested an east interior side yard setback of 5.0 metres whereas 16.8 metres is required and a west interior side yard setback of 13.0 metres whereas 16.8 metres is required. Staff have no concerns with the reduced side yard setbacks, as the proposed side yards and building placement will ensure appropriate spacing between apartment buildings allowing for light, and sufficient amenity area within the side yards.

Setbacks from the parking garage – to ensure that there is sufficient space to plant trees along the periphery of the site, staff are recommending an additional setback of 3.0 metres for the underground parking garage to the property edge along the east and rear yards. This will ensure sufficient space to allow for more robust plantings and trees.

Maximum surface parking and barrier free spaces – In order to ensure sufficient amenity area and an overall reduction in paved surface, staff are recommending a maximum of 36 surface parking spaces within the by-law. Staff are not recommending any reduction in barrier free spaces. The original request was to reduce the barrier free parking spaces from 7 to 6 spaces. However, given the amount of parking provided there is no rationale to support a reduction.

Entrance orientation – Staff are also recommending a provision with the zone to ensure the main entrance for the building is oriented to Base Line Road West, as per the policies of the London Plan.

Density - The proposed maximum density provision of 306 uph will allow for the implementation of the 14-storey apartment building and will align with the High-Density Residential Overlay policies that have no outright restrictions on density for sites within the Primary Transit Area.

Overall, the proposed Zoning By-law amendment maintains the general intent and purpose of the City of London Zoning By-law Z.-1.

The full set of comments have been included in Appendix B.

4.5 Issue and Consideration #5 – Water Capacity

Through the circulation process, it was determined that the Base Line Road West watermain will need to be reviewed to ensure it has sufficient capacity for this development. A water servicing study is required and will need to be reviewed and approved by Water Engineering prior to a development agreement.

A holding (h) provision will be added to the zone to ensure the appropriate studies are provided through first submission of the site plan.

4.6 Issue and Consideration #6 – Watercourse

The southeast portion of 131 Base Line Road West is located within the Upper Thames River Conservation Authority (UTRCA) regulated area, as shown on Map 6 of the

London Plan. The regulation limit is comprised of a riverine flooding hazard associated with an open watercourse (drainage channel/swale).

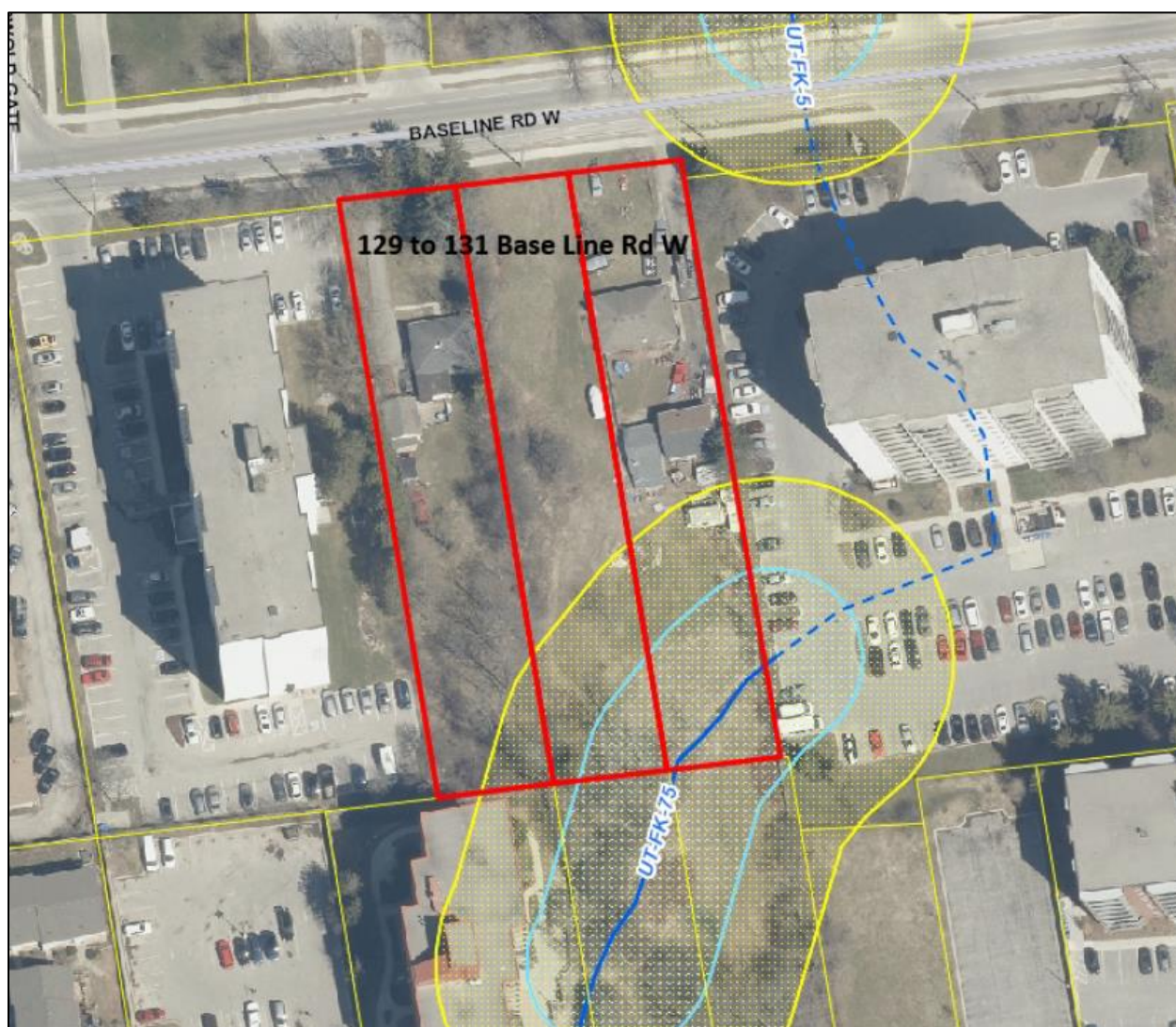


Figure 12 - UTRCA map showing drainage channel/swale

The UTRCA indicated a scoped Environmental Impact Study or ecological opinion letter was required to summarize the existing state of this feature and recommend any buffers or mitigation measures based on the proposed development.

In order to ensure this requirement is addressed, a holding provision (h-(_)) has been added to the site:

Purpose: To ensure that development will address the watercourse on site, a scoped Environmental Impact Study (EIS) is required to address whether the watercourse is to remain open or to be enclosed, if buffer(s) need to be implemented, and if compensation is required to offset the loss of the feature, to the satisfaction of the UTRCA and the City.

4.7 Issue and Consideration #7 – Neighbourhood & Agency Concerns

Public comments received on the proposed application expressed concerns relating to the following:

- Height and density too great/results in decreased setbacks/impacts on adjacent sites
- Lack of affordable housing
- Lack of amenity and greenspace
- Stormwater impacts/runoff
- Unit sizes not suitable for families
- Too many parking spaces
- Removal of trees
- Lack of ground floor commercial/office
- Area construction/fatigue

Discussions on height, density, setbacks, and amenity space can be found within the previous sections of the report (Section 4.1-4.4, Use, Intensity, Form and Design).

Lack of Affordable Housing

The City cannot dictate whether units can be “affordable” or offered at below market rates. The recent Planning Act changes limits the ability for the City to negotiate and secure below market rates through new development (Bonusing Provisions, formerly Section 37 of the Planning Act). Noting, there are opportunities that Applicants can explore to incorporate affordable housing units as part of their development. The City has a Municipal Housing Development division in Planning and Economic Development Service Area where Applicants can obtain funding for affordable housing units, and, alternatively, Homelessness Prevention and Housing Department administers various programs including rent subsidies and rebates, as well as Community Housing.

Stormwater Impacts/Runoff

Stormwater is proposed to be conveyed on site to the existing stormwater pipes that are located on Base Line Rd W. As with all applications, they are required to control all stormwater runoff including overland flow to the satisfaction of our Engineering Department.

Unit Sizes Not Suitable for Families

With respect to diversity of units, there is no mechanism to ensure that larger units with 2 or more bedrooms are provided. This development proposes 102 units with two bedrooms and 2 units with three bedrooms. Planning can not control who will reside in the units.

Removal of trees

Members of the public expressed concerns about the removal of trees proposed for the site. As shown through the Tree Preservation Plan and Report, nearly all of the on-site trees will be removed. However, staff are recommending additional side yard setbacks from the parking garage to ensure more robust landscaping and to allow for trees to be planted.

Lack of Ground Floor Commercial

Within close proximity/walking distance to the site are multiple commercial buildings that provide daily shopping needs for area residents, including a supermarket, a drug store, a post office, and several restaurants. There is no demonstrated need for additional commercial uses on site.

Area Construction/Fatigue

While this area has recently seen development projects, the subject site is one of the last remaining areas with the potential for additional development/infill. This project could also provide the area with upgraded water connections depending on the outcome of the water capacity analysis.

Conclusion

The requested amendments and special provisions are recommended to permit a fourteen (14) storey, 176 unit apartment building, with a maximum density of 306 units per hectare.

The recommended amendments are consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, the Neighbourhoods Place Type and the High-Density Residential Overlay. The recommended amendment will facilitate the development of new residential dwellings in an established neighbourhood, with a land use, intensity, and form that is appropriate for the site.

Prepared by: Nancy Pasato, MCIP, RPP
Senior Planner, Planning Implementation

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

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: Michael Pease, Manager, Site Plans
Ismail Abushehada, Manager, Development Engineering
Britt O'Hagan, Manager, Current 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 located at 129-
131 Base Line Road West.

WHEREAS 2796538 Ontario Inc. c/o RPH Dev has applied to rezone an area of land located at 129-131 Base Line Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 129-131 Base Line Road West, as shown on the attached map comprising part of Key Map No. A107, from a Residential R9 (R9-7*H32) Zone to a Holding Residential R9 Special Provision (h*h-()*R9-7()*H51) Zone.
- 2) Section Number 3.8 2) of the Holding "h" Zones section is amended by adding the following Holding Zone:

h-__ Purpose: To ensure that development will address the watercourse on site, the h-() shall not be deleted until a scoped Environmental Impact Study (EIS) is provided to address whether the watercourse is to remain open or to be enclosed, if buffer(s) need to be implemented, and if compensation is required to offset the loss of the feature, to the satisfaction of the Upper Thames River Conservation Authority (UTRCA) and the City of London.

- 3) Section Number 14.4 of the Residential R9-7 Zone is amended by adding the following Special Provision:

) R9-7() 129-131 Base Line Road West

a) Regulations

- | | |
|---|----------------------------|
| (i) Front Yard Setback
(Minimum) | 2.0 metres
(6.6 feet) |
| (ii) Building Step Back Above the
2 nd , 3 rd or 4 th Storey
(Minimum) | 2.0 metres
(6.6 feet) |
| (iii) East Interior Side Yard Setback
(Minimum) | 5.0 metres
(16.4 feet) |
| (iv) West Interior Side Yard Setback
(Minimum) | 13.0 metres
(42.7 feet) |
| (v) East and Rear Yard Setback
from Underground Parking Structure
to Property Line
(Minimum) | 3.0 metres
(9.8 feet) |
| (vi) Surface Parking Spaces
(Maximum) | 36 spaces |

- (vii) The main building entrance shall be oriented to Base Line Road West.
- (viii) Density (Maximum) 306 units per hectare
- (ix) Height (Maximum) 51 metres (or 14 Storeys)

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.

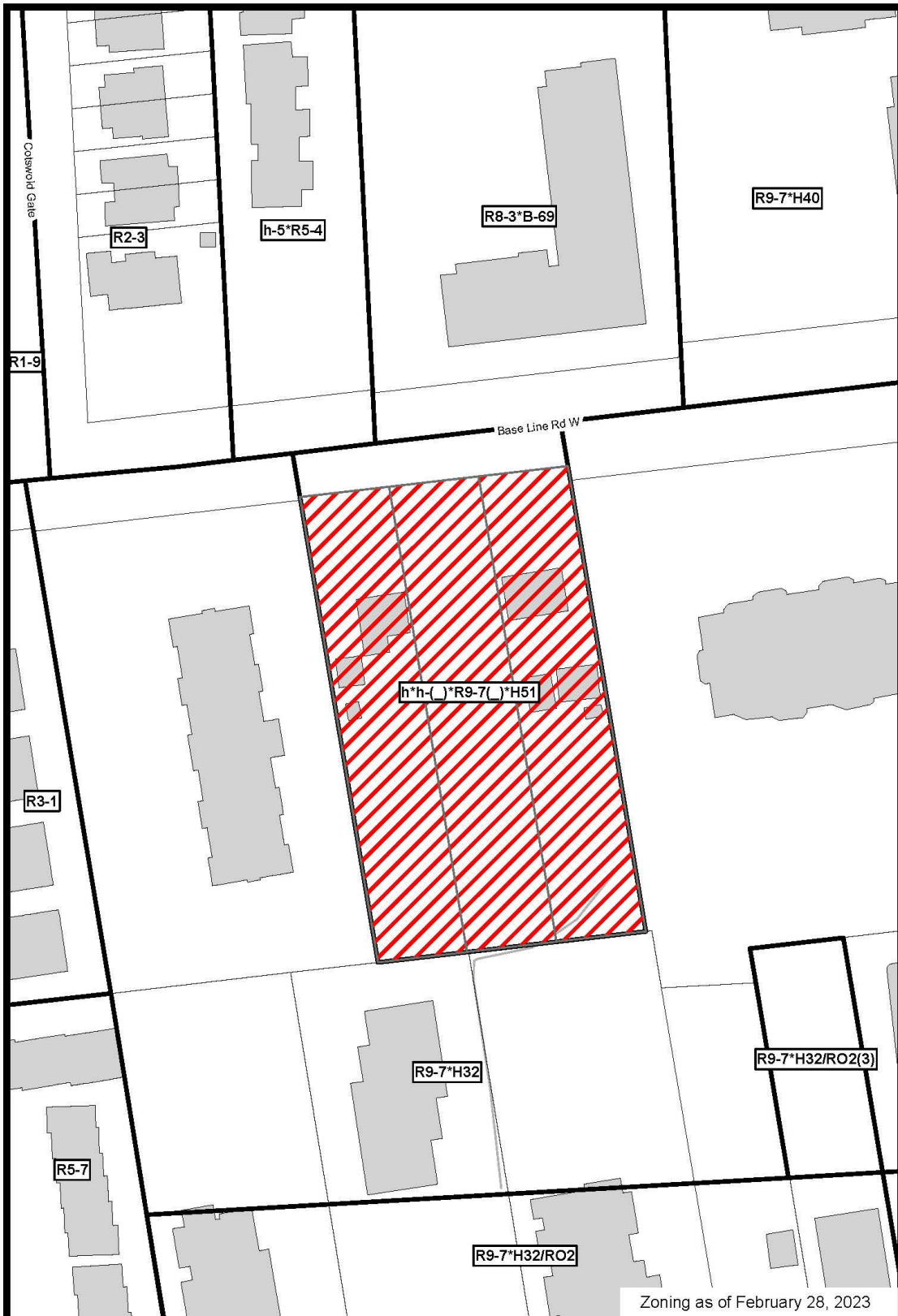
PASSED in Open Council on June 6, 2023.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – June 6, 2023
Second Reading – June 6, 2023
Third Reading – June 6, 2023

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



File Number: Z-9578
Planner: NP
Date Prepared: 2023/4/21
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:1,000

0 5 10 20 30 40 Meters



Appendix B – Public Engagement

Community Engagement

Notice of Application:

On January 25, 2023, Notice of Application was sent to prescribed agencies and City departments.

Public liaison: On January 25, 2023, Notice of Application was sent to 520 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 January 26, 2023 . A “Planning Application” sign was also posted on the site.

Replies were received from 8 households.

Nature of Liaison: The purpose and effect of this zoning change is to permit the development of a 14-storey residential apartment building with 176 units, with 39 at grade parking spaces, and 158 underground parking spaces. Possible change to Zoning By-law Z.-1 FROM a Residential R9 (R9-7*H32) Zone TO a Residential R9 Special Provision (R9-7()*H51) Zone, which would permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities. The proposed special provisions would also permit a front yard setback of 4.0 metres whereas 10.0 metres is required; an east interior side yard setback of 5.0 metres whereas 16.8 metres is required; a west interior side yard setback of 13.0 metres whereas 16.8 metres is required; a height of 51 metres whereas 32 metres is the maximum; a density of 306 units per hectare whereas 150 units per hectare is the maximum; and 6 barrier free parking stalls whereas 7 spaces is required.. The City may also consider additional considerations such as a different base zone, the use of holding provisions, and/or additional special provisions.

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

Concern for:

- Height and density too great/results in decreased setbacks/impacts on adjacent sites
- Lack of affordable housing
- Lack of amenity and greenspace
- Stormwater impacts/runoff
- Unit sizes not suitable for families
- Number of parking spaces too much
- Removal of trees
- Lack of ground floor commercial/office
- Area construction/fatigue

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

Telephone	Written
Bill Martinez	Melanie DePauw
Becky Goodale	Lisa Raby
	Spencer Cook
	Kris Popiolek
	Luiza Kaminska
	Cathy Riedl

Public Comments

Bill Martinez - January 27, 2023 – phone

- Oppose another apartment building
- Criminal activity since three storey walk up
- Broken into cars – insurance has one up
- Steal packages
- This building should go somewhere else
- People don't respect the area
- Broken fences so people can walk through to Commissioners Rd

Melanie DePauw - January 31, 2023 – email

Good morning Ms. Pasato,

I live at xxxxxx in London. I received notice of the proposed development planned for 129-131 Baseline Road West. I do not approve of this zoning change for our neighborhood. It looks extremely huge and pretentious and will stick out like a sore thumb. I understand that new development is progressive for the city but does it have to be so overpoweringly huge. Maybe 11 stories like other buildings in the area? Why is it necessary to go up 14 stories?

Thank you for considering the neighbor's opinions. Have a nice day.

Lisa Raby – February 1, 2023 – email

Hello Nancy, Skylar,

My name is Lisa, and I live at xxxxxxx. I recently received a Notice of Planning Application in regards to a new 14-storey development being built across the street from my current residence, on 129-131 Base Line. I'd like to offer some comments on the building.

I moved to London six years ago to become a high school teacher. I've been on Base Line ever since, and have absolutely loved my time here. My street is a gem for the people who live here - it's on a very convenient bus route, there's nice bike lanes, beautiful wide sidewalks, a grocery store within walking distance - Shoppers and No Frills are close enough even for the many, many seniors in my building with mobility issues. There's a high school at the end of my street and a bus stop for the elementary school out front of my building. This is all to say: it's very, very good for people who do not need nor want a car.

I am ALL for medium density in-fill. I have to practice what I preach - I teach geography! I just wrapped up a course called ""The Environment and Resource Management"" where we learned about Ontario's Bill 23, land use, and human impacts. I teach every student I have about the dangers of urban sprawl and how cities need to grow up, not out, in order to promote density, walkability, and local businesses. Removing vehicle dependency is crucial in building a modern, sustainable city. It may sound oxymoronic, but I am against changing the zoning of 129-131 Base Line W to allow for a higher building with more parking for a number of reasons.

Allowing only a 4.0M front yard setback and 5.0 M side yard setback removes an immense amount of green space. I am nervous about the ability for the local creek, which runs into the Coves, to deal with the increased runoff from the building and its accompanying parking spaces. This will carry additional physical and chemical pollution to the Coves and then to the Thames. In addition, children will not have a safe place on apartment property to play, nor will pets have an appropriate place to exercise. Green space is necessary for the health of humans AND the environment.

I'm concerned about the size and affordability of the units. I do not know whether they will be condo or rentals, but regardless, I assume they will be above market rate for this neighbourhood. Base Line W is full of families and senior citizens. I'm concerned that due to the density of 306 units/hectare, the units will be small, bachelor or 1 bedroom units, which will discourage families who need more space from moving in. In addition, how many of the units will be geared-to-income, or will they all be available at the

(astronomical) market rate? The gist of this concern is, is this going to be building units that will meet the needs of Londoners, or units that will make the developer money?

I'm concerned about the number of parking spaces per unit available - mainly that there are too many, yet not enough of them will be barrier-free! As previously stated, this neighbourhood is particularly suited to people who do not need or can not afford a vehicle. Why is the developer catering to a car-centric society when there are available public transportation options literally at the building's front doorstep? Offering less at-grade parking allows for amenities like resident gardening plots, open space for children to play, or a quiet space for people to spend time outside. These are the things that make dense living feel like home, not a temporary stepping stone "until we can break into the housing market."

I would love to see a more daring or radical approach to infill in my neighbourhood. A building with shops, amenities, offices or services on the ground floor to promote a walkable neighbourhood. Bike lockers to promote active transportation. A smaller building that offers more family-friendly options that may be partially geared-to-income, such as the building that was recently completed next door to mine. That is a model of sustainable low-rise infill that the city should be pressing for, instead of bowing to the demands of off-site developers who are looking to make as much money as possible. Housing needs to be thought of in terms of a human right, not a business opportunity.

Becky Goodale – February 2, 2023 – phone

- are these Affordable Housing Units?;
- need more affordable housing; want to stay in neighbourhood;
- need pathway back through 121 Base Line Rd to access commercial;
- ok with proposed height and density

Spencer Cook – February 7, 2023 – email
Hello,

My name is Spencer and I am an undergraduate student studying Urban Development at Western who lives in the area of the proposed development. I was shown the notice of planning application for a development on 129-131 baseline for a 14- story apartment. While this development is great for addressing the housing shortage that London is facing, I have a few questions regarding this development.

- First, of the 176 units in the building, is there a number that is anticipated to be at- or below-market rate? Given the high rates for rent in the city, there needs to be some form of rent subsidies for individuals and families who may wish to rent here.
- Second, the development has parking at 1.25 spots/unit, totalling 197 for the proposal. While it is true that the company is trying to reduce the footprint allocated to ground-level parking and that they provide a generous number of spots for bikes both inside and outside (176 according to the issue for rezoning document), but would it not be best for developments in London going forward to have less parking for cars? The City of London has declared a climate emergency and is a part of Vision Zero, so why should there be so much infrastructure allocated for vehicles that go directly against these two missions? I understand that this is London, a car-centric city in which cars cannot reasonably be totally rejected, but based on the climate emergency and Vision Zero, shouldn't the city do more to de-incentivize car-based travel and try to push the residents in this building to use the existing bike lane or multiple convenient bus routes that would be very convenient for residents?
- Third, I see that on visualizations of the outside of the building have outdoor bike parking racks. Would it be possible to push for some kind of cover over the bike racks. Since underground parking would be for residents, its safe to assume that users of these racks would be guests. In which case, I think it would be reasonable to ask for some weather protection for bikes that are locked in these racks.

I appreciate you taking the time to listen to my concerns. These issues matter very much to me, and I wish to use my strong beliefs in city planning to advocate for what I

believe would make London a leader in the fight against climate change and against vehicle deaths. Please let me know if you would like to discuss any of the points I have made further.

I look forward to hearing back from you.

Kris Popiolek – February 13, 2023 – email
Hello Nancy,

I want to comment on the proposed zoning changes for 129-131 Base Line Rd. W.

I believe that the proposed building is too big for this site - it is too tall (nearly twice the height currently allowed, and much higher than buildings next to it).

The number of trees that need to be removed also seems too large.

Also, the proposed shape (width) of the building will result in very little space between the new building and buildings at 111 and/or 135 Base Line. This obviously will have a very negative impact on the privacy of all residents (current and new).

The current application asks for near each zoning aspect (height, setback, density, number of barrier free parking, etc.) to be changed. To me that's a clear indication that the application is for a building that does not fit the site!

I think that the application must be revised - the building should be lower, different shape (to allow more space between buildings), and to prevent as many trees as possible (especially on the property lines).

Luiza Kaminska – February 13, 2023 – email
Hello Nancy,

I am writing in regards to the File:Z-9578. applicant 2796538. Building a 14 story apartment is very disturbing. The land is way too small for such a huge building. It will infringe on our privacy! All of the tenants will be seeing everything in both of the buildings. What a horrific way to make people live. We all deserve some privacy. Are we suppose to live with our blinds shut, just because some developer wants to cram such an outrageous size of a building? There is plenty of land on the outskirts of the city for this huge project. We don't want something like that in our neighbourhood. There is not enough space for it!

Cathy Riedl – February 17, 2023 – email
Good morning Skylar,

Thank you for your reply, although it is not good news except for the developers. It truly makes sick!

Forward it to anyone who can stop obscenities like this and all that follow.

March it straight to Doug Ford with my regards.

Thank you again.

Good afternoon Skylar,

I have read the notice I received at 112 Baseline Rd. W, several times and it makes no sense. It doesn't look as if any zoning is going to be changed. If it is, not by much. I went on london.ca for the zoning map and was sent all over the map.

I have a few question and concerns. What happened to the people who lived in the houses on those properties? Did the city buy the land and I thought it, along with a few other surrounding properties, they were Indigenous. Well if you want to get technical, the entire country is.

This area has been under construction for years, including the two buildings in this complex.

How long do the residents of this area need to deal with constant construction. Not to mention the loss of trees and all green space?

How many of these buildings are affordable housing or are they all, including the proposed new building, not? The only ones I am aware of, are the buildings next door at 122 Baseline Rd. west and 30 Baseline Rd. west.

New builds, other than affordable housing are exempt from rent control. Landlords can increase the rents to whatever they wish, at the twelve month mark. Sadly, many tenants are not informed of this, are unaware until they are taken advantage of by greedy landlords and the PCs of this province. At the end of twelve months, they face losing housing due to outrageous increases, both in their current rental or a rental they need to find after the twelve months. No wonder the homeless situation is so incredibly bad. The rent increase exemption needs to be abolished! At the very least, it needs to be on rental applications and leases for new builds.

In conclusion, unless this new building is one hundred percent affordable and will actually make a difference in the housing crisis, it is NOT necessary.

Thank you for your time.

Agency/Departmental Comments

Parks Planning – January 27, 2023

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

- Parkland dedication is required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized at the time of site plan approval.

UDPRP – February 2, 2023

The panel commends the applicant for a proposal of appropriate scale and density, and for consideration given to architectural character and addressing the street frontage.

Site Strategy and Landscaping

- The panel notes the east side yard setback seems too tight relative to the height of the building and the length of the west facade. Consider increasing the side yard setback to an appropriate tower setback such as 12.5m. If proposed setback is to remain, we suggest an agreement should be made with the adjacent property owner to ensure plans for future development are considered.
- The panel recommends removing the walkway on the east side of the building, as it reduces site security and privacy for patios. This space could be used for larger private patios, increased landscaping, and a continuous tree canopy with an appropriate setback from the property line.
- The panel notes the underground parking should be set back minimum 3m from all property lines (including south and west) to allow for a continuous landscape buffer. All tree plantings should be set back from the property line to allow adequate space for planting and maintenance. We recommend underground parking levels be designed to accommodate adequate soil depth for shrubs and ornamental trees to be planted at grade.
- The panel suggests that the west property line landscape buffer be increased to a minimum of 3.0 m to ensure there is adequate room for trees along the property line on the applicant's side. Planting trees on the property line or on the adjacent site as shown in their plan cannot be accomplished through the future site plan process without this zoning setback.
- The panel recommends reducing the amount of surface parking to allow for increased landscape and open space. If proposed parking count is truly necessary, additional parking could be accommodated below grade. It appears underground parking could be made more efficient. The panel suggests considering integrating the underground parking ramp into the ground floor plan of the building to reduce visual and noise impact to neighbours and residents.
- The panel recommends reconsideration of the location and design of outdoor amenity space on site. The paved outdoor amenity space adjacent to the road is not appropriate as a lounge space for furniture, barbecues, etc. The outdoor amenity space in the south-east corner of the site is awkwardly sized and shaped. The panel suggests consolidating a larger outdoor amenity space in the rear of the site, ideally adjacent to indoor amenity space and provided with direct access from the building.

- The panel recommends reconsideration of the location for garbage pick-up. We suggest relocating the garbage pick-up to a discreet location at the rear of the site, designed to be convenient for pick-up, drop-off, and to accommodate loading and turn-around requirements for a garbage truck.
- While it seems appropriate to have the frontage of the building relatively close to the north property line to frame and animate Base Line Road, the panel suggests the precise setback should be informed by the existing prevalent pattern along the street. We suggest shifting the building slightly south to accommodate more generous landscaping and a continuous tree canopy planted on the property with appropriate setbacks, to improve the experience of both pedestrians and building occupants along Base Line Road. We suggest replacing the privacy fences along Base Line Road with planter boxes and shrubs.

Architectural Expression

- Given the context and the underlining policy and zoning, and the concerns of the proximity of the tower to the eastern property boundary, considerations may be given to revising the building massing to an 11-storey volume fronting and framing Baseline Road and a higher volume that is perpendicular to Baseline Road with increased setbacks from both Baseline Road and the eastern boundary. The result may be a “T” shape building rather than the currently proposed “L” shape configuration.
- The attempt to break up the massing vertically through articulation and introduction of vertical elements is understood and appreciated. The emphasis at the northwest corner is interesting however not entirely convincing. We suggest considering reducing the height of the ‘grey masses’ of the building frontage to adjust the proportions and provide more emphasis to the main entrance and common area at grade. Consider providing more prominent and continuous glazing at the entrance and around the perimeter of the proposed amenity and lounge space at ground floor level.
- The panel recommends further consideration be given to the portions of blank façade on the building. These areas would benefit from more fenestration, particularly at the south-west interior corner of the building where there are opportunities to provide views to potential landscape space at grade. Consider ‘unboxing’ the corner balconies at the three locations where proposed exterior walls currently extent past the corner of the building to box-in the balconies.
- The panel has concerns with the use of painted concrete as the primary material used to clad the building façade. We recommend real consideration be given to providing cladding material that will provide more substantial material differentiation, that will age well, and that will require less ongoing maintenance to maintain its character and visual contrast.

Concluding comments:

This UDPRP review is based on City planning and urban design policy, the submitted brief, and the noted presentation. It is intended to inform the ongoing planning and design process. Subject to incorporation of the comments and recommendations noted above, the proposed redevelopment of this site will make a positive contribution to the evolving neighbourhood. Consider the panel’s recommendations as noted above for future refinements to the project in the interest of enhanced experience of the public realm and for current and future residents. The Panel looks forward to the proponent’s response.

Landscape Architect – February 6, 2023

The City’s Landscape Architect has reviewed the Tree Preservation Plan prepared by RKLA and has no issues with the methods of inventory and assessment or with the format of plan.

Three City of London trees growing in the Base Line Rd allowance are proposed for removal [1, 42, 44]. Their removal is to be coordinated with Forestry Operations. At time of Site Plan Application, the owner/applicant is to forward receipt for the payment to have the trees removed issued by Forestry Operations.

Six boundary trees growing on the shared property line with 135 Baseline have been identified for removal. Boundary trees are protected by the province’s Forestry Act

1998, c. 18, Sched. I, s. 21, boundary trees can't be removed without written consent from co-owner. It is the responsibility of the developer to adhere to the Forestry Act legislation and to resolve any tree ownership issues or disputes. Approval of Tree Preservation Plan at time of site plan application will require neighbour's letter of consent.

One off site tree, 56, is identified for removal. A letter of consent for removal must be forwarded with Site Plan Application documents, for approval of Tree Preservation Plan.

The proposed setbacks along the east, west and south property lines do not provide sufficient soil volumes for successful tree planting as will be required by the City. A minimum of 1.5 meters is to be provided. The proposed LP shows, pathways, and curbs abutting the property lines with no free soil area for tree planting. These setbacks are not in line with the London Plan Policy and the City's Urban Forestry Strategy to provide tree canopy. Setbacks need to be increased along all interior property lines.

Site Plan - February 14, 2023

I have reviewed the submitted concept site plan and can provide the following comments:

1. The lay-by as proposed does not function. In accordance with the Site Plan Control By-law (Section 6.8.1), lay-by's are to be a minimum of 3.5m x 12.0m.
2. Ensure the landscape planting islands in the parking area are a minimum width of 3.0 metres (Site Plan Control By-law, Section 9.5.a)iii)).
3. The following dimensions are required to confirm compliance with the Site Plan Control By-law and Zoning By-law Z.-1:
 - a. Parking stall widths (including the proposed widths for barrier-free stalls, access aisles and underground parking stalls)
 - b. Landscape planting islands (see comment 2 above)
 - c. Sidewalk widths (it being noted that 2.1 metres is required abutting parking stalls to accommodate vehicle overhangs)
4. Identify the building access points on the underground parking plans. The plan provided shows 2 parking stalls that appear to be going into the building?
5. Relocate some of the barrier-free stalls to the underground parking.

As another note – I'm not sure if Solid Waste Management will like the new garbage pick-up location. The best bet is to likely remove parking stalls and locate it closer to the building.

London Hydro – February 14, 2023

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

Ecology – February 15, 2023

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

Major issues identified

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

Ecology – complete application requirements

- None.

Notes

- None.

Urban Design – February 16, 2023

Complete Application Requirements:

1. The applicant's response to the **January 2023 UDPRP memo** - After attending the UDPRP, the applicant received a formal memo from the UDPRP Chair, or their designate. For deeming the application complete, a Comment Response Table outlining in detail the applicant's response to the UDPRP is required.
2. Provide updated drawings that reflect the revisions made to address the UDPRP comments.

Comments for Zoning

- A zoning provisions for the massing height, separation distance, setback, and step back should be provided to mitigate negative impacts on the existing neighbourhood. Refer to the London Plan (TLP), 253.
 - Provide a front yard 5m step-back above the 2nd storey to establishes a human scale façade along Base Line Road West.
 - To mitigate shadow impacts and promote sunlight penetration to abutting properties, provide a side yard step-back above the 2nd storey based on an angular plane.
 - Provide a minimum 3m setback from the western side yard frontage to provide adequate space for urban trees and landscaping.
 - Provide a 12.5m eastern side yard setback to mitigate impact on future development on abutting properties.
 - As recommended by the UDPRP, urban design supports the suggested building height of 11 storeys along Baseline Road West to frame the streetscape. A second higher volume can be placed perpendicular to the 11-storey street-oriented volume, to create a "T" shaped building.
- If a high-rise form is deemed to be appropriate, design the tower portion (above 8 stories) as slender towers (maximum floor plate size of up to 1000 square meters and a length to width ratio of 1:1.5) to reduce the "slab-like" appearance of the towers, shadow impacts, obstruction of sky views and to be less imposing on neighbouring properties and public spaces. The top should provide a finishing treatment, such as roof or cornice treatment, to integrate the mechanical penthouse into the overall design (TLP, 289).
- The inclusion of an underground parking facility is commended and should be retained as the proposal changes to further reflect City of London policies, by-laws, and recommendations.
 - Setback the parking facility a minimum of 3m from the property line to provide adequate space and soil depth for a continuous planting strip (TLP, 258).
 - Consider integrating the parking ramp entrance into the ground floor level of the proposed built form.

Items to be Addressed at Site Plan

- Provide a centrally located outdoor amenity space (TLP, 295).
- As a wayfinding provision, urban design supports a prominent main entrance along Base Line Road West that is differentiated from the amenities and lounge space entrance and residential units along the ground floor level of the proposed built form (TLP, 291).
- Design the ground floor units along any active frontage to include open courtyards or front porches that extend into the front setback to create a pedestrian-oriented and active streetscape.
 - Provide direct walkway access from ground floor units to the public sidewalk (TLP, 255)
- The waste receptacle pick-up zone should be relocated and screened (TLP, 266).

Urban Design – revised March 7, 2023

Urban Design generally supports the use and intensity of the proposal in this location.

Comments for Zoning

- If the use and intensity is deemed appropriate, the following zoning provisions should be included:

- A minimum 2m step-back above the 2nd, 3rd or 4th storey to establish a human scale façade along Base Line Road West. This could be achieved by extending the lower floors closer to the street.
- Identify the sideyard setbacks provided to lock in the building location and separation from existing neighbouring buildings.
- A setback for both surface and below grade parking of a minimum of 3m from the property line to provide adequate space and soil depth for a continuous planting strip (TLP, 258).
- Identify a maximum number of surface parking spaces, to ensure the landscape open space and amenity area are provided. Alternatively, identify the minimum size of the contiguous amenity space provided.
- A provision for the primary entrance to be located on the street-facing (north) building façade.
- Considering the surrounding context, the proposed floorplates may be appropriate. Ideally, the east-west width of the tower above the 8th floor should be reduced to mitigate shadow impacts on the streetscape and reduce the mass of the building. A maximum floorplate of 1000m² above the 8th storey is preferred.

Items to be Addressed at Site Plan

- The following elements should be retained for the future site plan application:
 - The inclusion of an underground parking.
 - The centrally located amenity space to the south-west of the building
 - The prominent main entrance along Base Line Road West that includes signage, a canopy, and a forecourt area.
 - The sculpted treatment provided at the top of the building, including the terracing on the 12th and 14th floors.
- The following additional issues should be considered through the site plan
 - Integrating the parking ramp entrance into the ground floor level of the proposed built form and/or providing adequate screening.
 - Design any ground floor units along the Baseline Rd frontage and facing common driveways and amenity areas to include courtyards or front porches, lockable front doors, landscape or built buffer to delineate private and public spaces, and convenient connections to the sidewalk to create an active streetscape and promote walkability.
 - The waste receptacle pick-up zone should be relocated and screened.

Engineering – February 23, 2023

Items to be addressed as a part of a complete re-zoning application (Or prior to site plan application):

- The Base Line Rd W watermain will need to be reviewed to ensure it has sufficient capacity for this development. A water servicing study will need to be reviewed and approved by Water Engineering prior to the submission of a complete application. The study will need to include the Base Line Rd W watermain from West Street to the 300mm diameter DI watermain located at 101 Baseline Rd W and include all existing customers fed off the watermain.
- As there is speculation that the existing watermain on Base Line Rd may be undersized for the proposed development, a holding provision is recommended until adequate water supply/capacity has been demonstrated.

The following items are to be addressed during the site plan application stage:

Wastewater:

- The Municipal sanitary sewer available is an existing 1050 mm diameter sanitary sewer on Baseline Road West. The proposed development is 14 - storey apartment building (176 units).
- As per City record drawings, the proposed population request is higher than the allocated density. A sanitary capacity report will be required to confirm if the proposed population can be accommodated (Pending confirmation).

- A new 150mm diameter or larger PDC will be required consistent with City of London Standard and design criteria for the proposed use. A PDC 200mm in diameter will require that the connection to the main sewer using a maintenance hole. In addition, any existing services (PDCs) no longer proposed for use are to be properly abandoned.

Water:

- Water is available to the site via the municipal 200mm DI watermain on Base Line Rd W.
- The Base Line Rd W watermain will need to be reviewed to ensure it has sufficient capacity for this development. A water servicing study will need to be reviewed and approved by Water Engineering prior to the submission of a complete application. The study will need to include the Base Line Rd W watermain from West Street to the 300mm diameter DI watermain located at 101 Baseline Rd W and include all existing customers fed off the watermain.
- It is proposed that the applicant and their engineer should meet with Water Engineering to further scope the study and to receive information on demands for other customers on the street.
- All comments on SPC shall be addressed in complete application

Stormwater:

Comments Specific to the Site

- It would appear surface run off from 199 Commissioners and minor/major flows from 191 Commissioners discharge into the subject parcel(s), and are conveyed to an existing storm inlet to be maintained at the easterly property limit (111 Base Line Rd W). The Owner shall allow for conveyance of minor and overland flows from external drainage areas that drain by topography through the subject lands. The consultant is requested to provide preliminary servicing/grading information to prove feasibility of the this requirement and how these existing flows will be maintained through the development prior to setbacks being established.
- As per the City of London's Design Requirements for Permanent Private Systems, the development's major flows are to be controlled on site up to the 100-year event and the site grading is to safely convey up to the 250-year storm event. The consultant is expected to reserve space within the site plan for an LID strategy(ies), or traditional stormwater management, in efforts to achieve the storm water storage requirement. The consultant is requested to provide support for feasibility of this requirement, prior to setbacks being established.
- The site is located within the UTRCA regulated area and therefore the applicant is to engage as early as possible with UTRCA to confirm any requirements, including, but not limited to, approvals, permits, or setbacks required for this site.
- The proposed land use of a high density residential will trigger 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 case 3a, therefore the following design criteria should be implemented:
 - the flows from a site being developed are to be restricted to those flows which were allowed for the site in the design of the receiving storm sewer; and,

- the major flows are to be controlled on site up to the 100-year event and the site grading is to safely convey up to the 250-year storm event; and,
- 100% of quality and erosion controls are to be provided for the lands to be developed, as per the applicable Subwatershed Study.

The consultant shall provide a servicing report and drawings to present calculations, recommendations and details to address these requirements.

- As per attached as-constructed 12436, the site at C=0.65 is tributary to the existing 750mm storm sewer on Base line Road West. For proposed development in exceedance of the approved C-value of the downstream sewer design, the site is to store volumes in excess of the allowable release rate. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, bioswales, etc.
- 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 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, ensuring that stormwater flows are self-contained and that grading can safely convey up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Transportation:

- Right-of-way dedication of 10.75 m from the centre line be required along Base Line Road West. Currently, the street line is 10.06m from the C/L of the original road allowance. Therefore, an additional 0.69m widening is required to attain 10.75m from C/L.
- A Transportation Impact Assessment (TIA) will be required, the TIA will evaluate the impact the development will have on the transportation infrastructure in the area and provide recommendations for any mitigation measures. The TIA will need to be scoped with City staff prior to undertaking and be undertaken in general conformance with the City's TIA guidelines.
- Detailed comments regarding access design and location will be made through the site plan process.

UTRCA – March 8, 2023

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the

Conservation Authorities Act, the *Planning Act*, the Provincial Policy Statement (PPS, 2020), and the Upper Thames River Source Protection Area Assessment Report.

BACKGROUND & PROPOSAL

The subject lands are located in southeast London fronting on Base Line Road West with an approximate area of 0.58ha (1.43ac). The lands are comprised of three (3) separate parcels that have been acquired by the applicant. Two (2) of the parcels contain existing single detached dwellings with associated accessory uses, whereas the central parcel is vacant of any uses and appears to be a combination of natural and landscaped space.

The subject lands are presently:

- Zoned *Residential R9-7, H32* ; and
- Within the *Neighbourhoods Place Type* in the London Plan, with a High Density Residential Overlay.

The applicant contacted the UTRCA for informal pre-consultation in the fall of 2020, as the southeast portion of 131 Base Line Road West is located within the regulated area, as captured on Map 6 of the London Plan.

The purpose of this Zoning By-law Amendment application is to place a special provision on the existing zoning, and modify the maximum height; the proposed rezoning would be presented as *Residential R9-7()*H51*. The special provisions would include a reduced front yard setback, reduced interior side yard setbacks, an increased height, an increased density, and a reduction in barrier-free parking stalls.

The proposed development consists of a 14-storey residential apartment building containing 176 units, 39 surface parking spaces, and 158 underground parking spaces.

DELEGATED RESPONSIBILITY & STATUTORY ROLE

Provincial Policy Statement 2020

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS.

The UTRCA’s role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the *Planning Act*, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA’s Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the policies of the UTRCA’s Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the *Planning Act* approval process and that a permit application can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

Section 28 Regulations - Ontario Regulation 157/06

The subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of:

- A riverine flooding hazard associated with UT-FK-75.

Please refer to the attached mapping for the location of the regulated features. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA’s Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>
NATURAL HAZARDS

As indicated, the UTRCA represents the provincial interest in commenting on *Planning Act* applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority's regulations with respect to site alteration and development activities.

The UTRCA's natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach and uses that may be allowed in the flood plain subject to satisfying the UTRCA's Section 28 permit requirements.

3.2.5 Watercourse Policies

The UTRCA discourages the conversion of open surface watercourses and/or drains to closed drains. The watercourse that transects the southeast corner of the subject lands is the last remaining segment of this watercourse that remains open in this area.

In considering any proposed channel alterations, the following matters need to be addressed to the satisfaction of the UTRCA:

- Downstream and upstream flooding
- Loss of floodplain
- Flow and velocity
- Adjacent land use
- Biodiversity habitat
- Loss of stream functions
- Loss of groundwater infiltration
- Loss of buffers – corridors and terrestrial habitat
- Increased maintenance and chance of blockage

The application proposed to keep the watercourse in an open state, however critical information is lacking as to appropriate buffers, connections to surrounding systems, etc. This information/justification should be included in a scoped Environmental Impact Study/ecological opinion letter.

1. The various reports identify that the southeast corner of the subject lands are regulated by the UTRCA due to the presence of a drainage channel/swale. A scoped Environmental Impact Study or ecological opinion letter is required to summarize the existing state of this feature and recommend any buffers or mitigation measures based on the proposed development. Please refer to Section 3.2.5 above for considerations that shall be given to the existing and proposed function of this feature.
 - a. Should the applicant wish to enclose the watercourse, we strongly encourage continued consultation with UTRCA staff to satisfy our requirements under Section 28 of the Conservation Authorities Act. The UTRCA has worked with other landowners in this area that are connected to this feature and are implementing a consistent approach.
2. The Stormwater Management Plan states that the existing swale will be re-aligned to convey external flows through the lands, however no drawings or details have been provided to delineate/detail this feature throughout the various documentation submitted alongside this application. Please provide further details in this regard.

SUMMARY & RECOMMENDATION

As indicated, the subject lands are regulated by the UTRCA due to the presence of a riverine flooding hazard associated with a watercourse that transects the southeast corner of 131 Base Line Road West.

The UTRCA recommends that this application be deferred until the requested technical information has been submitted and reviewed by UTRCA staff.

We remind the applicant that a Section 28 permit application is required to prior undertaking any site alteration or development within the regulated area.

Appendix C – Policy Context

1577_ Evaluation Criteria for Planning and Development Applications	
Criteria – General Policy Conformity	Response
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patterns and for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. There are no significant natural or cultural heritage resources requiring protection and no natural or man-made hazards to be considered.
Conformity with the Our City, Our Strategy, City Building and Environmental Policies of this Plan.	The proposal provides for residential intensification within the Urban Growth Boundary and supports Key Directions related to the creation of a mixed-use compact City and strong, healthy, and attractive neighbourhoods. The massing and scale of the proposed building can be appropriately integrated into the community through the application of the relevant City Design policies at the site plan approval stage.
Conformity with the policies of the place type in which they are located.	The proposed 14 storey apartment building will provide a use and intensity that is contemplated within the High-Density Residential Overlay.
Consideration of applicable guideline documents that apply to the subject lands.	No additional guideline documents apply to the subject lands.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.	The site will be fully serviced by municipal water, sanitary and storm sewers. A water capacity study will be required as part of the site plan submission to ensure adequate water service for the site.
Criteria – Impacts on Adjacent Lands	
Traffic and access management	A Traffic Impact Assessment was provided, and any mitigation measures or additional controls will be addressed at the Site Plan Approval Stage.
Noise	The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties. An Environmental Noise Impact Assessment Report identified the road traffic noise impacts above the NPC 300 requirements and recommends appropriate mitigation measures including warning clauses and air condition units. The stationary noise impacts from the site were evaluated and the sound level predictions were determined to be below site-specific noise limits for all façades. These development details will be implemented through the Site Plan process.

Parking on streets or adjacent properties	The proposal provides for 1.1 parking spaces for each unit. It is not anticipated that overflow parking will be required on local streets.
Emissions generated by the use such as odour, dust or other airborne emissions.	The proposed development will not generate noxious emissions.
Lighting	Lighting details will be addressed at the site plan approval stage. It is a site plan standard that any lighting fixture is to minimize light spill onto abutting properties.
Garbage generated by the use.	There are garbage storage facilities proposed within the ground floor of the building. Detailed functional aspects of garbage would be addressed as part of standard site plan review.
Privacy	The site plan shows enhanced landscaping along the south, west and east property lines to mitigate any potential compatibility concerns, however, it is also noted that the adjacent land uses are unlikely to be impacted by the proposed development.
Shadowing	Based on the proposed siting and orientation of the development, the proposed development will not have adverse impacts to adjacent landowners.
Visual Impact	Enhanced landscaping will have a positive visual impact on the area. Architectural design details and materials will be implemented through the Site Plan Process.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed development.
Trees and canopy cover	The development will result in an overall decrease in trees and canopy cover on site. However additional trees and plantings will be provided through the additional side yard setbacks from the parking garage. This will be implemented at site plan.
Cultural heritage resources	Not applicable.
Natural heritage resources and features	The open watercourse located on the south east portion of the site will need to be addressed. A holding provision to ensure the appropriate information is provided has been added to the site.
Other relevant matters related to use and built form	Not applicable.

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: Yes
Net density change: 306 uph
Net change in affordable housing units: 0

Complete Communities

New use added to the local community: Yes
Proximity to the nearest public open space: Southcrest Park, 950 metres
Proximity to the nearest commercial area/use: Wharncliffe/Base Line Road, 850 metres
Proximity to the nearest food store: No Frills, 1000 metres
Proximity to nearest primary school: W. Sherwood Fox Public School, 2200 metres
Proximity to nearest community/recreation amenity: Springbank Civic Gardens, 2800 metres
Net change in functional on-site outdoor amenity areas: - (includes patios at ground floor to rear of site and 3rd floor outdoor amenity space) + 980 square metres

Reduce Auto-dependence

Proximity to the nearest London Transit stop: 130 metres
Completes gaps in the public sidewalk network: No (sidewalks already exist)
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 (buildings are easily accessible from the sidewalk; pedestrians do not have to walk through large expanses of surfaces parking to reach the building entrance)
Proximity to nearest dedicated cycling infrastructure: Base Line Road West (portion), 0 metres
Secured bike parking spaces: 193 spaces
Secured bike parking ratio: 0.75 per unit
New electric vehicles charging stations: unknown
Vehicle parking ratio: 0.6 parking space/unit

Environmental Impacts

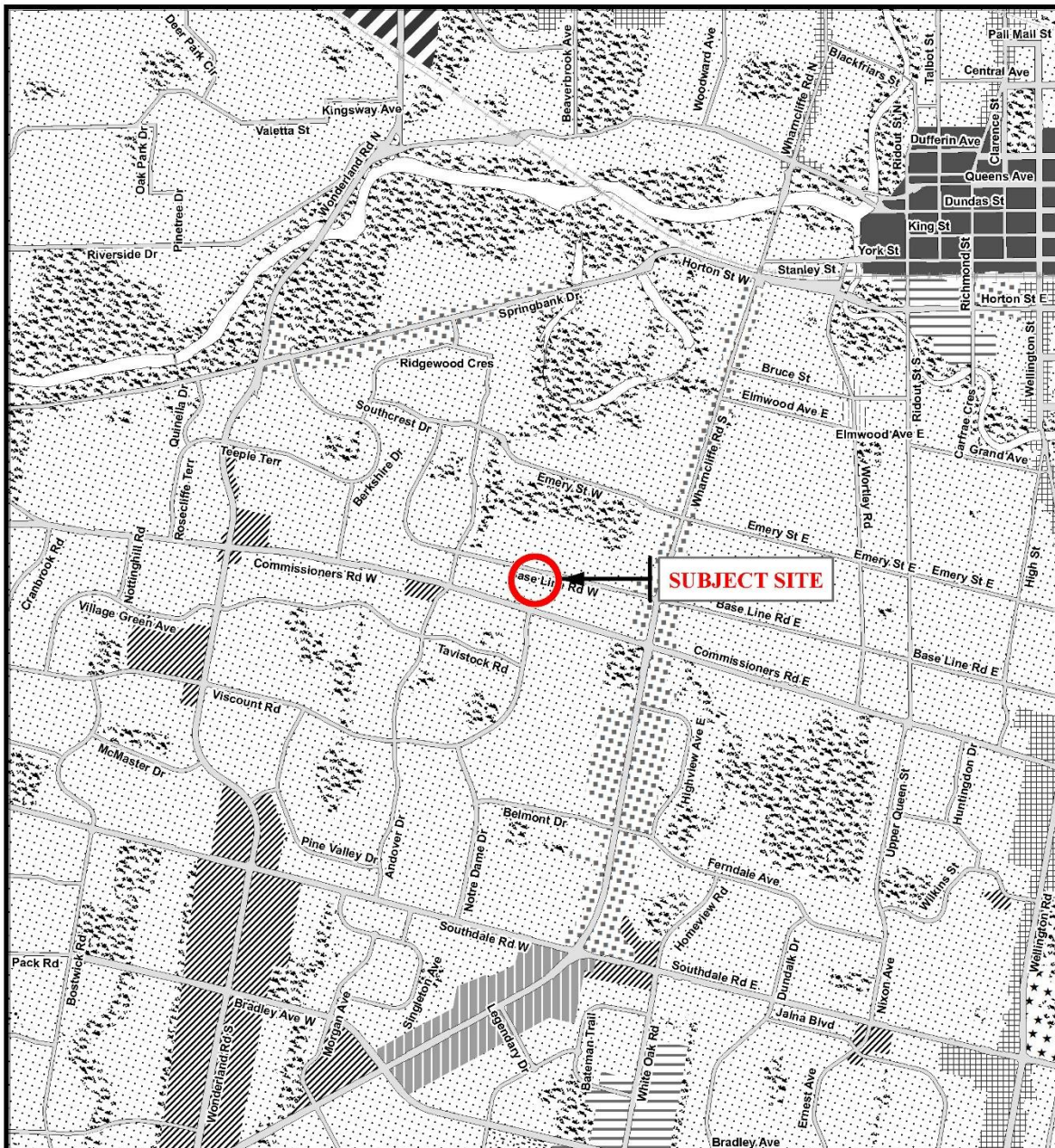
Net change in permeable surfaces: -0.3 ha approx.
Net change in the number of trees: - 36
Tree Protection Area: No
Landscape Plan considers and includes native and pollinator species: N/A
Loss of natural heritage features: No
Species at Risk Habitat loss: No
Minimum Environmental Management Guideline buffer met (Table 5-2 EMG, 2021): N/A

Construction

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

Appendix E – Relevant Background

The London Plan Map 1 – Place Types



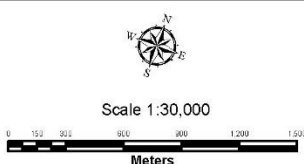
Legend

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

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

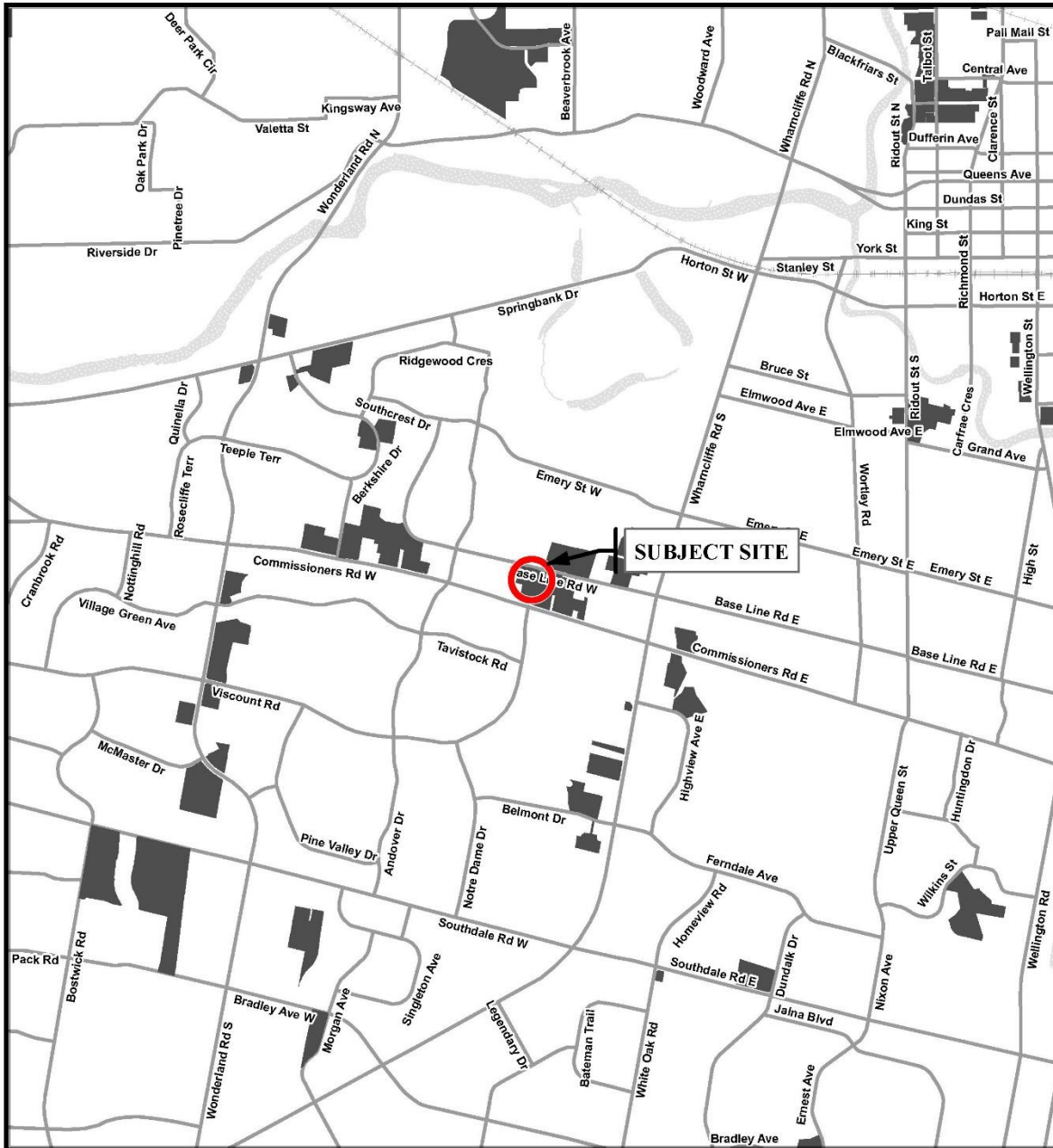
CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development





File Number: Z-9578
Planner: NP
Technician: RC
Date: 2023/3/9

The London Plan Map 2 – High Density Residential Overlay (from 1989 Official Plan)

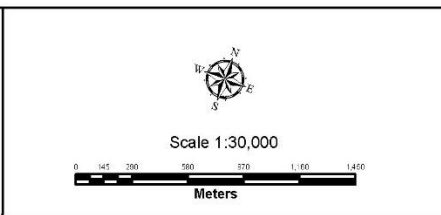


Legend

-  High Density Residential Overlay (from 1989 Official Plan)
-  Urban Growth Boundary

This is an excerpt from Planning & Development's working consolidation of Map 2 - High Density Residential Overlay (From the 1989 Official Plan) of the London Plan, with added notations.

CITY OF LONDON
Official Plan
LONDON PLAN MAP 2
- HIGH DENSITY RESIDENTIAL OVERLAY -
(FROM THE 1989 OFFICIAL PLAN)
 PREPARED BY: Planning & Development



File Number: Z-9578
Planner: NP
Technician: RC
Date: March 9, 2023

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



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9578

NP

MAP PREPARED:

2023/03/09

RC

1:1,250

0 5 10 20 30 40
Meters

Appendix F – Urban Design Peer Review Panel Comments and Responses from Applicant

Comment:

The panel notes the east side yard setback seems too tight relative to the height of the building and the length of the west facade. Consider increasing the side yard setback to an appropriate tower setback such as 12.5m. If proposed setback is to remain, we suggest an agreement should be made with the adjacent property owner to ensure plans for future development are considered.

Applicant Response:

Proposed Building is +/- 26.5m away from existing 11 Storey Building (existing building has no windows on wall facing new construction). 25m minimum setback achieved with existing building.

Comment:

The panel recommends removing the walkway on the east side of the building, as it reduces site security and privacy for patios. This space could be used for larger private patios, increased landscaping, and a continuous tree canopy with an appropriate setback from the property line.

Applicant Response:

Noted and implemented. Walkway has been removed.

Comment:

The panel notes the underground parking should be set back minimum 3m from all property lines (including south and west) to allow for a continuous landscape buffer. All tree plantings should be set back from the property line to allow adequate space for planting and maintenance. We recommend underground parking levels be designed to accommodate adequate soil depth for shrubs and ornamental trees to be planted at grade.

Applicant Response:

Noted and implemented. Underground parking is now setback 5.9m from east, 3m from south.

Comment:

The panel suggests that the west property line landscape buffer be increased to a minimum of 3.0 m to ensure there is adequate room for trees along the property line on the applicant's side. Planting trees on the property line or on the adjacent site as shown in their plan cannot be accomplished through the future site plan process without this zoning setback.

Applicant Response:

Planting adjust along East and South property line, No space available due to drive isle at the west property line – trees are removed along here.

Comment:

The panel recommends reducing the amount of surface parking to allow for increased landscape and open space. If proposed parking count is truly necessary, additional parking could be accommodated below grade. It appears underground parking could be made more efficient. The panel suggests considering integrating the underground parking ramp into the ground floor plan of the building to reduce visual and noise impact to neighbours and residents.

Applicant Response:

Parking at grade re-organized to maintain the same amount of spaces, but reduce amount of drive isles.

Underground parking has been reorganized as per panel comments, however moving the ramp into the ground

floor plan is not feasible as it would negatively impact the ground floor functions, and the site is big enough to have a dedicated ramp.

Comment:

The panel recommends reconsideration of the location and design of outdoor amenity space on site. The paved outdoor amenity space adjacent to the road is not appropriate

as a lounge space for furniture, barbecues, etc. The outdoor amenity space in the south-east corner of the site is awkwardly sized and shaped. The panel suggest consolidating a larger outdoor amenity space in the rear of the site, ideally adjacent to indoor amenity space and provided with direct access from the building.

Applicant Response:

Outdoor amenity space has been relocated to a more appropriate space, at the southern end of the building, adjacent to indoor amenity spaces.

Comment:

The panel recommends reconsideration of the location for garbage pick-up. We suggest relocating the garbage pick-up to a discreet location at the rear of the site, designed to be convenient for pick-up, drop-off, and to accommodate loading and turn-around requirements for a garbage truck.

Applicant Response:

Noted and implemented, Garbage pickup relocated and garbage vehicle turning shown in plan.

Comment:

While it seems appropriate to have the frontage of the building relatively close to the north property line to frame and animate Base Line Road, the panel suggests the precise setback should be informed by the existing prevalent pattern along the street. We suggest shifting the building slightly south to accommodate more generous landscaping and a continuous tree canopy planted on the property with appropriate setbacks, to improve the experience of both pedestrians and building occupants along Base Line Road. We suggest replacing the privacy fences along Base Line Road with planter boxes and shrubs.

Applicant Response:

Building setback was designed to allow the building to address the street and urban environment. The adjacent buildings have parking in the front yard space, which allows them to be setback. As this is contradictory to City of London policies, we cannot provide this. Privacy fences removed in favor of landscaping.

Comment:

Given the context and the underlining policy and zoning, and the concerns of the proximity of the tower to the eastern property boundary, considerations may be given to revising the building massing to an 11-storey volume fronting and framing Baseline Road and a higher volume that is perpendicular to Baseline Road with increased setbacks from both Baseline Road and the eastern boundary. The result may be a "T" shape building rather than the currently proposed "L" shape configuration.

Applicant Response:

Building massing adjusted to provide a setback at level 12, to provide visual conformity at the eastern corner, while the mass remains at the western corner to define the building at the corner.

Comment:

The attempt to break up the massing vertically through articulation and introduction of vertical elements is understood and appreciated. The emphasis at the northwest corner is interesting however not entirely convincing. We suggest considering reducing the height of the 'grey masses' of the building frontage to adjust the proportions and provide more emphasis to the main entrance and common area at grade. Consider providing more prominent and continuous glazing at the entrance and around the perimeter of the proposed amenity and lounge space at ground floor level.

Applicant Response:

More glazing was introduced, however, some restrictions do occur at these areas considering the mass concrete construction of the building above.

Comment:

The panel recommends further consideration be given to the portions of blank façade on the building. These areas would benefit from more fenestration, particularly at the

south-west interior corner of the building where there are opportunities to provide views to potential landscape space at grade. Consider 'unboxing' the corner balconies at the three locations where proposed exterior walls currently extend past the corner of the building to box-in the balconies.

Applicant Response:

Noted and implemented – These architectural feature panels pulled back from balcony.

Comment:

The panel has concerns with the use of painted concrete as the primary material used to clad the building façade. We recommend real consideration be given to providing cladding material that will provide more substantial material differentiation, that will age well, and that will require less ongoing maintenance to maintain its character and visual contrast.

Applicant Response:

Noted. Method of construction has not yet been determined, however, mass concrete would be most economically feasible for this project.



Zelinka Priamo Ltd.

LAND USE PLANNERS

May 17, 2023

Chair Lehman & Committee Members
Planning and Environment Committee
City of London
300 Dufferin Street
London, ON
N6B 3L1

**Re: Item 3.8 – PEC Meeting of May 23, 2023
Application for Zoning By-law Amendment
2796538 Ontario Inc., c/o Royal Premier Homes
129-131 Baseline Road W**

City File: Z-9578
Our File: RPH/LON/20-05

We are pleased to provide the Members of the Planning and Environment Committee (“PEC”) with the following information regarding the above-noted Zoning By-law Amendment application (“ZBA”), further to our review of the Staff Report, dated May 23, 2023

We appreciate the Staff Recommendation to approve the ZBA; however, prior to the PEC meeting on May 23rd, we wish to bring to your attention our concerns with the following matters being brought forward by Staff for consideration:

1. Requirement for Building Stepback

The Staff recommendation and draft amending By-law, includes a requirement for a building stepback of 2.0 metres above the 2nd, 3rd, or 4th floor.

We are opposed to the requirement for a building stepback for the following reasons:

- A building stepback is a design feature that is not in keeping with the character of surrounding existing and recently approved high-rise developments (see also Page 3 of the attached Project Fact Sheet).
- A building stepback would create inefficiencies in the design and cost of the proposed building. Revisions to the internal layout would result in larger unit sizes, which are not supportable from a marketing perspective and do not promote affordability.

2. Requirement for Orientation of Main Building Entrance

The Staff recommendation includes a requirement in the proposed zoning amendment that “the main building entrance shall be oriented to Base Line Road West.” In our opinion, the “orientation” of the main building entrance is a matter related to building design; and is not a matter that should be regulated by the Zoning By-law. As such, this requirement should be removed from the proposed zoning amendment.

3. Application of Holding (h) Symbol

The following holding provision is proposed to be included as part of the ZBA:

Purpose: To ensure that development will address the watercourse on site, the h-(_) shall not be deleted until a scoped Environmental Impact Study (EIS) is provided to address whether the watercourse is to remain open or to be enclosed, if buffer(s) need to be implemented, and if compensation is required to offset the loss of the feature, to the satisfaction of the UTRCA and the City.

We are opposed to the placement of a Holding (h) symbol for the following reasons:

- The watercourse that traverses the southeast corner of the site is proposed to be enclosed, similar to the approach taken by neighboring properties to the south and east, the satisfaction of the City and the UTRCA. The subject lands represent the final remaining portion of the watercourse that remains uncovered and, as such, there is no need for an EIS to determine whether or not the watercourse is to remain open or closed as part of the proposed development.
- Notwithstanding the above, correspondence has been prepared by MTE Consultants Inc., dated April 27, 2023 (see attached), providing the professional opinion “that replacing the open drain with a closed drain that ties together the north and south closed drains will have no detrimental impact to fish habitat or the natural heritage of the area.”
- An enhanced landscaping area of 335 m² is proposed in the vicinity of the watercourse, whereas an area of approximately 250 m² is warranted, according to MTE. In addition, the proposed development provides 39% landscaped open space, whereas a minimum of 30% is required. The additional landscaped open space is more than sufficient to address any buffering or compensation requirements that may be required. More details regarding the enhanced landscaping are more appropriately determined during the Site Plan Approval stage.
- City Ecology Staff confirmed that there are no ecological planning issues related to the subject lands; and there are no Natural Heritage Features on, or adjacent to the site, as per Map 5 of the London Plan.

The MTE correspondence was sent to UTRCA on May 1, 2023, and we have not received a reply to date. We acknowledge that the southeast corner of the subject lands is regulated by the UTRCA and subject to the issuance of a Section 28 permit. As such, we believe that any outstanding issues relating to this matter are more appropriately dealt with through the Section 28 permit process, and not through a holding provision, which adds unnecessary delays to the overall approvals for the proposed development.

In addition to the above, we have attached a Project Fact sheet, which summarizes the relevant information about the proposed development, including the provision of two (2) electric vehicle charging stations, and responses to the public/agency comments received thus far. In our opinion, we have satisfactorily addressed all of the relevant comments received relating to height, density, at-grade parking/landscaped open space/amenity space, and building setbacks.

On behalf of our client, we thank you for the opportunity to provide the above information in advance of the May 23rd PEC meeting, and look forward to your consideration of the ZBA, together with resolution if the above concerns. We believe that the proposed development will be a positive addition to the neighbourhood and will provide much needed housing opportunities.

The undersigned will be in attendance to address PEC and to answer any questions regarding the proposed development.

If you have any questions, please do not hesitate to contact the undersigned.

Yours very truly,

ZELINKA PRIAMO LTD.



Harry Froussios, BA, MCIP, RPP
Principal Planner

Attachments

cc: 2796538 Ontario Inc., c/o Royal Premier Homes

129-131 BASE LINE ROAD

PROJECT FACT SHEET

ZPPLAN.COM

CLIENT/DEVELOPER: ROYAL PREMIER HOMES

Project Metrics At-A-Glance

UNITS



PARKING



HEIGHT



DENSITY



LANDSCAPE OPEN SPACE

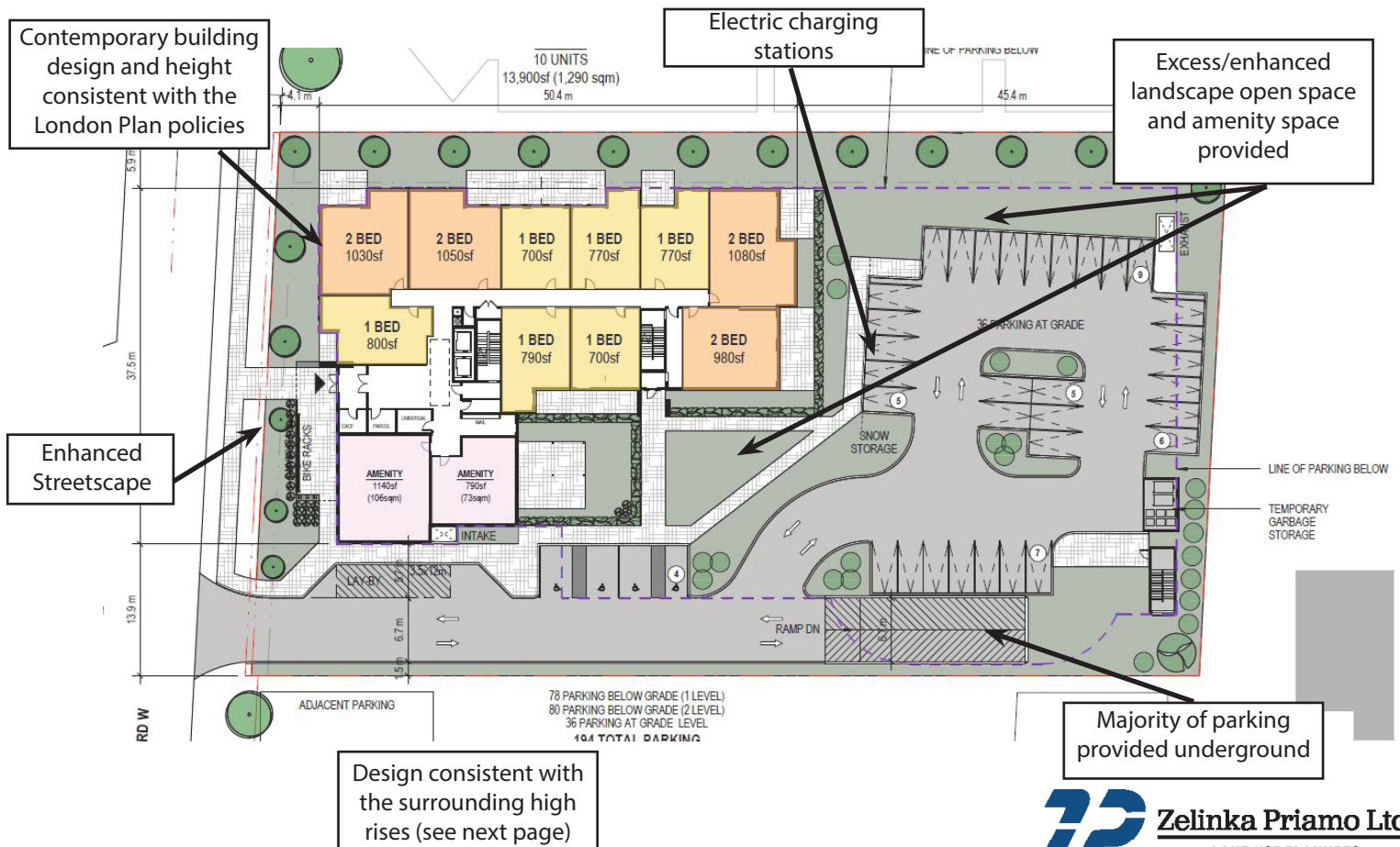


Requested Amendments

Rezone the subject lands to a site-specific "Residential (R9-7(_))"

- A front yard setback of 4.0 metres whereas 10 metres is required;
- An east interior side yard setback of 5.0 metres whereas 16.8 metres is required;
- A west interior side yard setback of 13.0 metres whereas 16.8 metres is required;
- A height of 51 metres whereas 32 metres is the maximum; and,
- A density of 306 units per hectare whereas 150 units per hectare is the maximum.

Key Design Features



Response to Comments

Height and Density too great/results in decreased setbacks/impacts on adjacent sites:

- Site-specific height and density permissions are in keeping with London Plan (HDR) policies
- Proposed side yard setbacks recognize separation with abutting high-rise buildings to the east and the west (min. 25m separation)

Lack of Amenity and Greenspace:

- Proposed development provides landscape open space (39%) in excess of minimum requirement (30%)
- Sufficient amount of at-grade amenity space provided (5.5 square metres per unit).
- Majority of parking provided in underground structure.

Response to Next Steps (Zoning):

- 3m minimum setback for the parking garage is provided to allow for tree plantings/vegetation
- At-grade parking reduced to a maximum of 36 spaces to allow for enhance landscaped/amenity open space; 2 electric vehicle charging stations are provided.
- Incorporating required stepback is not in keeping with character of existing high-rise development in the area (see Page 3); and, would create building design/cost inefficiencies, including larger unit sizes.

Proposed Development compared to other apartments in surrounding area.



Aerial Drone Photo of Proposed Development in surrounding context



Proposed 14 storey apartment building

**MTE****MTE Consultants**

123 St. George St., London, Ontario N6A 3A1

April 27, 2023

MTE File No.: 53145-100

Farhad Noory
2796538 Ontario Inc
c/o Royal Premier Homes
509 Commissioners Rd W, Suite 425
London, ON N6J 1Y5

Dear Farhad:

RE: Proposed Drainage Works - 129-131 Base line Road W, London, ON - Update

MTE was retained to complete a site review of the open drainage feature located at 129-131 Baseline Road W, London ("Subject Lands"). The drainage feature is classified as a class "F" (open, intermittent) drain by Fisheries and Oceans Canada (DFO) and is located between two sections of closed drains. The purpose of the site review was to review the current state of the drainage feature and assess it for fish habitat.

The site visit was completed on March 22, 2023, by Daniel Nydam, MTE Ecologist. The drain was confirmed to be intermittent (class "F" drain) with limited amount of water (0-6cm) present during wet conditions of the site visit. A regulation limit site map has been attached with site photographs (Appendix A). Two closed drains (Photograph 1) outlet onto the northerly edge of the site from the property to the south before converging into one small open drain. The open drain traverses the corner of the Subject Lands for approximately 25m before it outlets into a drop-inlet catch basin immediately adjacent to the subject lands (Photograph 2). The open section of drain within the subject lands contains no fish habitat given the blocked fish passage downstream (closed drain and drop inlet), extremely low flow path with no refuge and significant anthropogenic impacts (Photographs 3 & 4). In addition, the vegetation adjacent to this flow path is limited to grasses and limited shrub or tree cover with a width of only a 5 metres total.

It is MTE's opinion that replacing the open drain with a closed drain that ties together the north and south closed drains will have no detrimental impact to fish habitat or the natural heritage of the area. We also understand that the UTRCA is seeking compensation for riparian area as well. Assuming a riparian area of 10m (twice existing), then approximately 250 m² of enhanced planting would cover this request. We have reviewed the landscape plans (RKLA, April 2023 - attached) and 335 m² of enhanced landscaping has been provided. We are satisfied this is sufficient to be consistent with neighbouring land parcels.

Yours Truly,

MTE Consultants Inc.

Dave Hayman M. Sc
Senior Biologist
519-204-6510 ext. 2241
dhayman@mte85.com

DXH:sdm

Attach: Appendix A; RKLA, April 2023

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Appendix A

Site Map With Photos

129-131 Base Line Rd W



Photo 1. Upstream closed drains converging on site (facing southwest).



Photo 2. Drop-inlet catch basin immediately downstream of subject lands.

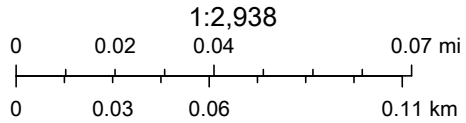


Photo 3. Garbage located within/adjacent to drain (facing southwest).



Photo 4. Garbage located within/adjacent to drain (facing northeast)

3/27/2023



Esri Community Maps Contributors, Province of Ontario, Esri Canada, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,



PLANT MATERIAL

KEY	COMMON NAME	BOTANICAL NAME	QTY	SIZE	COND
Ar	RED MAPLE	<i>Acer rubrum</i> 'Sunset'	4	60mmcal	WB
Cs	RED OSIER DOGWOOD	<i>Cornus sericea</i>	13	80cm	FOT
Em	JOE PYE WEED	<i>Eupatorium maculatum</i>	9	2yr gal	FOT
Ha	SWAMP SUNFLOWER	<i>Helianthus angustifolia</i>	9	2yr 5gal	FOT
Jf	RED CEDAR	<i>Juniperus virginiana</i>	3	120cm	FOT
Ld	AMERICAN LARCH	<i>Larix laricina</i>	1	200cm	WB
Sa	BEBBS WILLOW	<i>Salix vebbiana</i>	5	100cm	FOT
To	WHITE CEDAR	<i>Thuja occidentalis</i>	1	150cm	FOT
VI	NANNYBERRY	<i>Viburnum lentago</i>	16	100cm	FOT

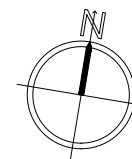
335 SQ. M. OF ENHANCED LANDSCAPE



TITLE:

ENHANCED LANDSCAPE CONCEPT

129-131 BASELINE RD W,
LONDON, ONTARIO



PROJECT NUMBER:

21-128Lj

SCALE:

1:250

DRAWN BY: RKLA Inc.

DATE: APRIL 2023

DRAWING NUMBER:

21-128Lj