

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: Royal Premier Development
1310 Adelaide Street North & 795 Windermere Road
File Number: OZ-8709, Ward 5

Date: January 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Royal Premier Development relating to the property located at 1310 Adelaide Street North & 795 Windermere Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024 to amend the Official Plan, The London Plan, by **ADDING** a new policy to the Specific Policies for the Green Space Place Type and by **ADDING** the subject lands to Map 7 – Specific Policies Areas – of the Official Plan;
- (b) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** an Open Space Special Provision (OS4(2)) Zone **TO** a Holding Open Space Special Provision (h-18*OS4(_)) Zone;
- (c) The requested Permitted Uses, as part of the amendment to Zoning By-law No. Z.-1, **BE REFUSED** for the following reasons:
 - i) The requested range of Permitted Uses do not conform to the policies of The London Plan, specifically the Intensity and Form provisions, the policies and criteria of the Planning Impact Analysis, the policies and criteria of the Specific Area policies, and are considered more intense than the previous use;
- (d) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) Ensure there is a network of walkways between the parking areas, building entrances, the public sidewalk on Adelaide Street North and the Thames Valley Parkway along Windemere Road to allow for safe and convenient pedestrian connectivity throughout the site and support transit usage
 - ii) Review City parking lot upgrades and field house as part of site plan review process;

IT BEING NOTED that the above amendment is being recommended for the following reasons:

- i. The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which permits development and site alteration in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards, vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, new

- hazards are not created and existing hazards are not aggravated, and no adverse environmental impacts will result;
- ii. The recommended amendment conforms to *The London Plan*, including but not limited to the Policies for Specific Areas, and the Green Space Place Type policies;
 - iii. The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of *The London Plan*, including, but not limited to Specific Area Policies (Map 7), the Green Space Place Type, the Our Tools, and all other applicable policies in *The London Plan*.
 - iv. The recommended amendment will establish a principle of development for a site by allowing some additional development opportunity, while ensuring protection of public safety and minimizing property damage.

Executive Summary

Summary of Request

The applicant has requested an Official Plan and Zoning By-law amendment to permit two, one-storey commercial buildings. One building will contain a multi-unit commercial building with a total area of 458.3 square metres, while the other is a single use commercial building (restaurant) with a drive through, with a total area of 517 square metres. The proposed development would include a total of 34 on-site parking spaces, with additional parking spaces to be accommodated through the adjacent City lot used for the Adelaide Sports Fields. On a portion of the site, a naturalized drainage channel for flood control is also proposed to help address flooding and flood storage issues.

The applicant has requested an Official Plan amendment to add a special policy to the Green Space Place Type to permit the commercial development with a range of commercial uses within the Green Space Place Type. The applicant has also requested a zoning by-law amendment to amend the existing Open Space Special Provision (OS4(2)) Zone to permit a range of commercial uses including clinics, convenience service establishments, day care centres, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments, brewing on premises establishment, animal hospitals, commercial recreation establishments, funeral homes, grocery stores, and private clubs. The Applicant has also proposed the undertaking of improvements on the abutting City owned parkland and parking lot as a community benefit.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to approve a commercial development with a limited range of commercial and office uses to a maximum of 975.5 square metres (rounded to 976 square metres for the purposes of the by-law). Parking for the uses would be required at a rate of 1 per 30 square metres. The additional parking needed for this development (33 spaces total) will be provided through the adjacent City of London parking lot (24 spaces). The development will also include the dedication of a 7 metre wide corridor along the length of the Windermere Road frontage to accommodate the future Thames Valley Parkway multi-use pathway, the reconfiguration of the City's parking area, and the construction of a fieldhouse on adjacent lands.

Staff are generally supportive of the requested amendments; however, are not supportive of the full range of permitted uses, as the proposed development is located within the flood plain of the Thames River. Currently the only permitted commercial type use on the property is a "Commercial Recreation Establishment within the existing building. The requested range of uses would not only permit more uses but more intensive commercial uses within the floodplain which does not meet the intent of the floodplain policies of the London Plan, and the Upper Thames River Conservation Authority (UTRCA). Instead, staff are recommending the following alternative zoning by-law amendment:

- A zoning by-law amendment to permit the following uses: bake shops, convenience store, commercial recreation establishment, financial institutions, food stores, personal service establishments, and retail stores.
- Additional special provisions are recommended to implement the proposed building design and flood measures: The requested zoning special provisions would permit a maximum gross floor area of 976 square metres; a maximum of 4 individual commercial uses on site; and a maximum of 33 parking spaces.
- A holding provision (h-18) to ensure an archaeological assessment is completed and a sign off from the Ministry has been provided.

Rationale of Recommended Action

1. The recommended amendments are consistent with the *PPS 2020*.
2. The recommended Official Plan amendment is consistent with the policies of the London Plan.
3. The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of The London Plan, including, but not limited to Specific Area Policies (Map 7), the Green Space Place Type, the Our Tools, and all other applicable policies in The London Plan.
4. The recommended amendment will establish a principle of development for a site by allowing some additional development opportunity, while ensuring protection of public safety and minimizing property damage.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by supporting small and growing businesses, entrepreneurs and non-profits to be successful.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None

1.2 Planning History

The subject lands previously contained a vacant residence and gym facility, tennis courts and parking associated with a former GoodLife Fitness Centre. Parking areas and recreational facilities previously associated with this complex extended across the property limits onto lands owned by the UTRCA.

1.3 Property Description and Location

The subject lands are located on the southeast corner of Adelaide Street North and Windermere Road. The subject lands are comprised of two parcels with a total area of approximately 1.29 ha, with a frontage of 91.4 metres along Adelaide Street, and 143.0 metres along Windermere Road.

The site previously contained two structures, three small outbuildings, tennis courts and parking facilities associated with the former GoodLife Fitness Centre.

The subject lands and surrounding properties are situated on flood plain lands associated with the Thames River corridor. The subject lands and the surrounding lands are also located within the Upper Thames River Conservation Authority (UTRCA) Regulation Limit.

The subject lands are surrounded by a restaurant, mini putt and driving range to the north, and City sports fields, including soccer pitches and baseball diamonds to the east, south and west (west of Adelaide Street North).

Site Statistics:

- Current Land Use: vacant
- Frontage: 91.4 m (300.0 ft) (Adelaide Street North)
- Depth: 143.0 m (469.2 ft)
- Area: 1.29 ha (3.18 ac)
- Shape: regular (rectangle)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: restaurant/commercial recreation (mini-golf, driving range)
- East: open space, sports fields
- South: open space, sports fields
- West: open space, sports fields

Existing Planning Information:

- Existing The London Plan Place Type: Green Space Place Type
- Existing Special Policies: Map 6 – Significant Groundwater Recharge, Regulatory Flood Line, Riverine Hazard Erosion Limit for Confined Systems, Highly Vulnerable Aquifers, Conservation Authority Regulated Area
- Existing Zoning: Open Space Special Provision (OS4(2)) Zone

Additional site information and context is provided in Appendix “C”.



Figure 2- Aerial Photo of 1310 Adelaide Street North and 795 Windermere Road and surrounding lands



Figure 2 - Streetview of 1310 Adelaide Street North (view looking east from Adelaide Street)



Figure 3 - View of 795 Windermere Road looking south

2.0 Discussion and Considerations

2.1 Original Development Proposal (2016)

In November 2016, the Applicant (York Developments) submitted an Official Plan and Zoning By-law amendment application. The development proposal included the following:

- A one storey, multiple-unit commercial building positioned at the street/ intersection of Adelaide Street and Windermere Road, with a total gross floor area (GFA) of approximately 982 square metres (10,570 ft²);
- Enhanced building design and landscaping elements, including floodproofing measures to achieve Upper Thames River Conservation Authority (UTRCA) requirements;
- An internal sidewalk network supporting connectivity between the street frontages, the proposed building, patio/amenity areas, the parking field and adjacent recreational areas;
- Two points of vehicular access, including a right-in/right-out access from Adelaide Street North near the southern limit of the site, and full turning movements via access from Windermere Road near the eastern limit of the site;
- At-grade parking facilities providing 77 vehicular stalls, as well as bicycle parking spaces; and
- Removal of all buildings and structures previously existing on the site.

Further, in conjunction with the application, York Developments intended to restore a gravel portion of the adjacent parking lot and was proposing to dedicate all of 795 Windermere Road to the City for parkland dedication purposes.

The above mentioned proposal was based on the UTRCA's Replacement Structures in the Floodplain policies. The proposal involved consolidating the gross floor area of the structures associated with a former Goodlife fitness facility into an improved site layout and structure that was safer and floodproofed on the portion of the site known municipally as 1310 Adelaide Street North. Through the review of City building records, it was determined that the existing total/maximum permitted gross floor area of the fitness facility was 982 square metres and that there were 9 parking spaces associated with the use.

The balance of the lands known municipally as 795 Windermere Road, were to be dedicated to the City as parkland. In exchange, the City agreed that additional parking from the east parking lot (please refer to Figure 4 below, however please note the error in parking spaces for the east lot – which should be 68, not 62 spaces) could be credited to a replacement project, with the parking area to the east being restored to open space by the proponent. The informal west parking lot, which contains 42 spaces, would be improved by the applicant, would increase the number of parking spaces (spaces that are not required for the commercial uses) and was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the development site and on the City lands. Of those spaces, 77 in total (68 on City lands

and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s).

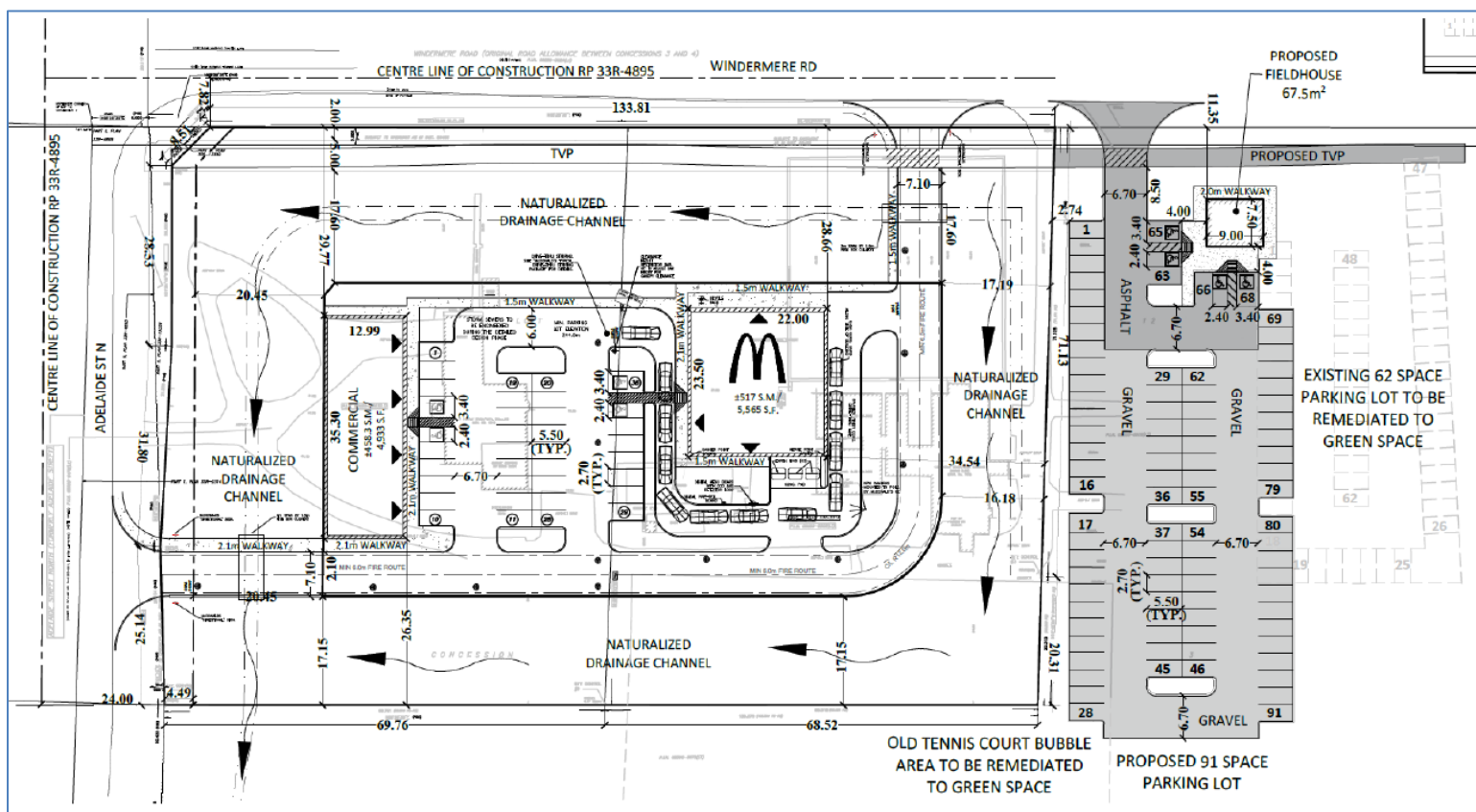


Figure 4 - Graphic detailing proposed site and parking lot changes

York Developments submission included a new Specific Area (SA) policy be added to Chapter 10 of the 1989 Official Plan. The SA policy was proposed as follows:

“In the Open Space Designation at 1310 Adelaide Street North and the adjacent unnumbered parcel, in addition to the uses permitted in the Open Space designation, small retail stores; food stores; pharmacies; convenience commercial uses; personal services; financial institutions; service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area may be permitted in a multi-unit plaza format.”

York Developments also requested an amendment to the existing Open Space Special Provision (OS2(4)) Zone for 1310 Adelaide Street North to add the above noted permitted uses. The range of uses requested were as per the Neighbourhood Shopping Area (NSA1) Zone Variation, which includes a limited range of neighbourhood-scale retail, personal service and office uses. As part of the zone request, the applicant also requested an Open Space (OS4) Zone for the parcel to be conveyed to the City (795 Windermere Road). Additional special provision request included the following:

- Permit a reduction in the exterior yard setback to 3.5 m (11.5 ft) to allow the proposed building to be positioned in close proximity to the Windermere Road frontage;
- Permit a maximum lot coverage of 15.5% to support a more compact redevelopment form and the efficient use of land, infrastructure and public services;
- Permitted Uses: Bake shops; Catalogue stores; Clinics; Convenience Service establishments; Day care centres; Duplicating shops; Financial institutions; Food stores; Libraries; Medical/dental offices; Offices; Personal service establishments; Restaurants; Retail stores; Service and repair establishments; Studios; Video rental establishments; Brewing on Premises Establishment;
- Parking: 77 spaces for the site;

- Floor Slab Elevation (minimum): 243.6 metres (250-year flood elevation).

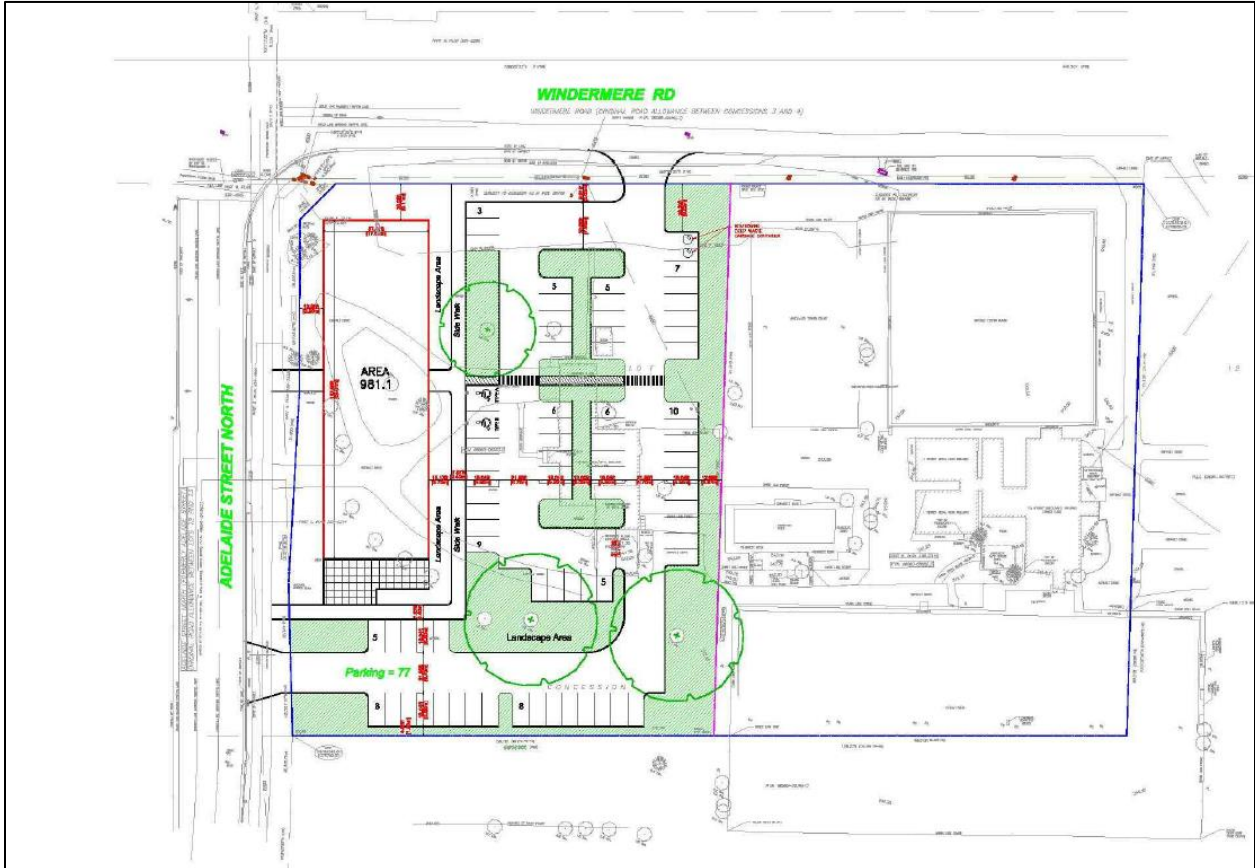


Figure 4 - Site Concept for 1310 Adelaide Street (2016)



Figure 5 - Proposed rendering of development at 1310 Adelaide Street (2016)



Figure 6 - Rendering of development (2016)

2.2 Revised Development Proposal (2023)

In 2020, 2796539 Ontario Inc. (Royal Premier Development) purchased the property from York Developments. A formal revised submission was received in January 2023. The revised development proposal includes the following:

- Land use: commercial plaza
- Form: two, one-storey commercial buildings
- Height: 1 storey (12.0 m)
- Gross floor area: 975.3 square metres
- Building coverage: unknown
- Parking spaces: 48 surface
- Bicycle parking spaces: 6 spaces
- Landscape open space: 60%

As part of the revised application, and as a result of preliminary floodplain modelling which was required, a significant stormwater channel has been added to the site. Over half (52%) of the lot area would consist of a naturalized drainage channel that would surround the new development, between 16m-21m in width and varying in depth. The purpose of the channel would be to direct high-volume flows during extreme storm events (1:250 yr.) to mitigate potential flood impacts from the proposed floodproofing, improve access along Windermere Road, and to re-direct/alleviate stormwater in an efficient manner.

Vehicle and pedestrian access would be provided via two-way accesses and walkways from Adelaide Street North and Windemere Road. Both accesses would be constructed on top of a minimum 4m culvert to allow for stormwater drainage and safe egress. An extension of the Thames Valley Parkway (TVP) would also be constructed as part of this development as required, along 7m of the north property limit to extend the City's pedestrian network of 3m shared use paths through the site.

Due to the proposed construction of the stormwater channel, the previous agreement to dedicate 795 Windermere Road to the City for parkland purposes is no longer being offered. The applicant instead is offering the following:

- The construction of the Thames Valley Parkway (TVP) extension including a 3m shared use path. This path would be located south of Windermere Road and extending between Adelaide Street to the west to the junior ball diamond to the east. The construction of the Parkway is approximately 200m in length.
- Increase in Parkland Dedication from 2% to 7.3% of gross area for the purpose of dedication of land for the extension of the TVP (933 square metres). The portion of the TVP would be contained within a 7m corridor parallel to Windermere Road and acquired as Parkland Dedication (consistent with By-law C.P.9 and the *Planning Act*).
- A portion of the municipal parking lot (approx. 68 spaces) would be removed and remediated to green space, including removal of gravel and replacement with topsoil and landscaping.
- The construction of a new fieldhouse, approximately 67.5 square metres in area to provide public washroom facilities, municipal storage, and changing facilities (detailed building design to be completed at the detailed design stage).
- Re-constructed municipal parking lot (proposed 91 spaces; however based on staff calculations this number would be 62 spaces) for public recreational use and access to the athletic fields. Parking lot re-grading and construction of approximately 2,700 square metres in area, with 0.3m of granular, curb and landscaped islands.
- The mitigation of encroachment of previous development on City or UTRCA-owned lands and the restoration of those encroached lands back to a natural state.

Additional information on the development proposal is provided in Appendix “C”.

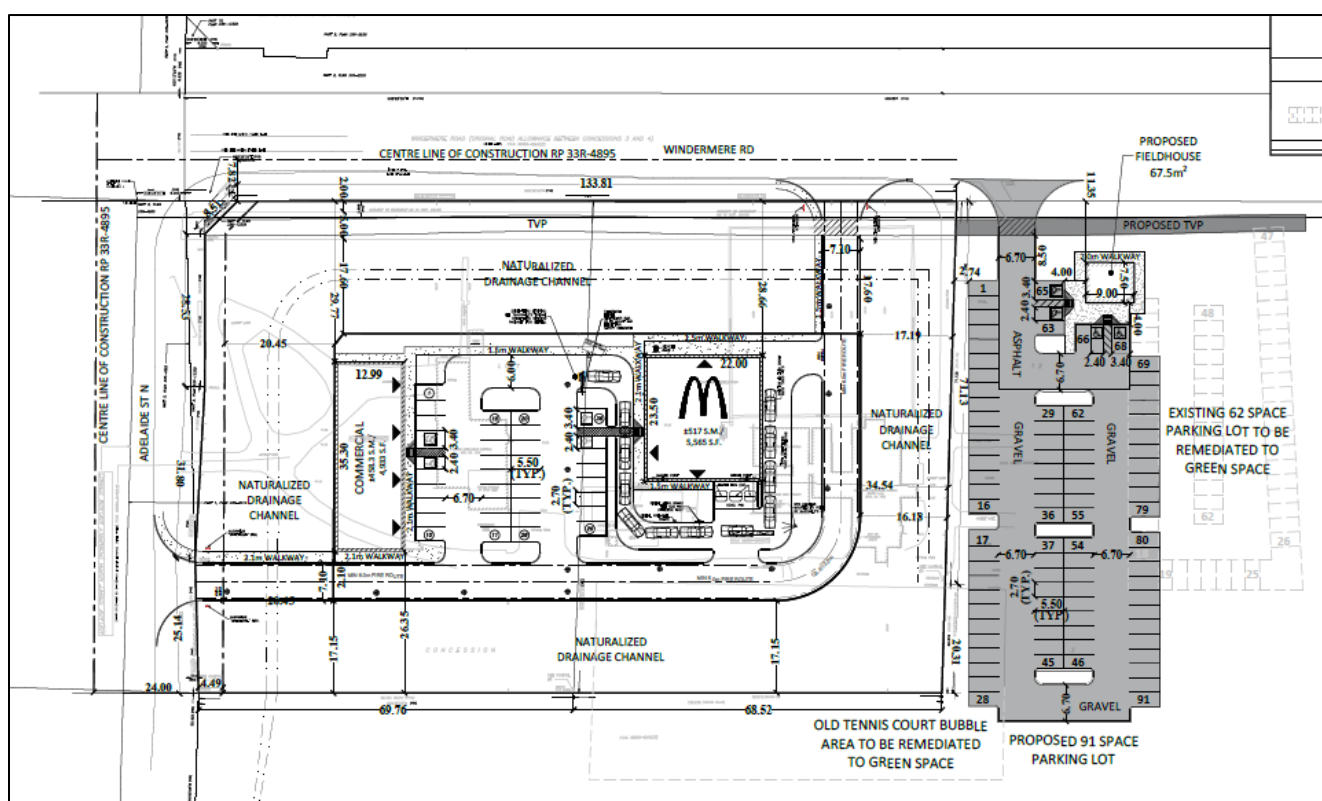


Figure 7 - Conceptual Site Plan (January 2023)



Figure 8 - An aerial rendering of proposed site plan (January 2023)



Figure 9 - Rendering showing proposed restaurant (January 2023)



Figure 10 - A rendering of the subject site looking southwest (January 2023)

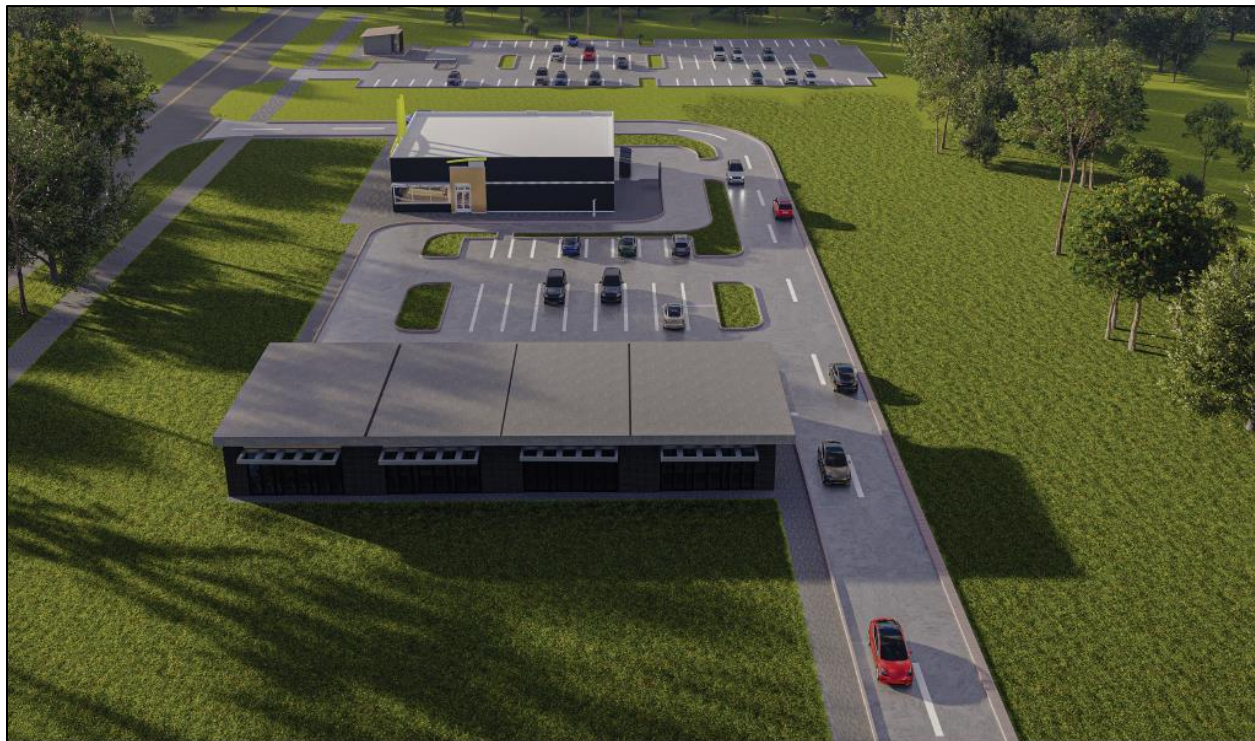


Figure 11 - A rendering of the subject site looking east from Adelaide (January 2023)

2.2 Requested Amendment(s)

The applicant has revised their request to the following:

- An Official Plan amendment to add a site-specific policy to the existing Green Space Place Type to permit the proposed commercial uses, as follows:

1310 ADELAIDE ROAD NORTH AND 795 WINDERMERE ROAD

###_ In the Green Space Place Type applied to the lands located at 1310 Adelaide Road North and 795 Windermere Road, commercial uses may be permitted such as but not limited to, restaurants, retail, or personal service uses with a cumulative gross floor area of 975.5 square metres.

- The applicant has requested an amendment to the Zoning Bylaw Z.-1 to add a new site-specific Open Space Special Provision (OS4(_)) Zone to the site, to recognize a range of commercial and office uses, with additional special

provisions to limit the gross floor area of the site, and the individual commercial uses on site.

OS4(##) 1310 Adelaide Street North and 795 Windermere Road

a) Permitted Uses:

- i) Bake shops
- ii) Convenience store
- iii) Commercial recreation establishment
- iv) Drive-through facility
- v) Financial institutions
- vi) Food stores
- vii) Personal service establishments
- viii) Restaurants
- ix) Retail stores

b) Regulations:

- i) The maximum gross floor area shall be 975.5 square metres.
- ii) The maximum gross floor area for individual uses shall be 520 square metres

2.3 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.

Key issues identified by staff and agencies included:

1. Servicing & Transportation

- SWM requires details on the drainage channel and conveyance of water – see engineering comments
- Required by SWM prior to advancing zoning amendment
- Access limited on Adelaide St

2. Heritage

- Archaeological Assessment is required prior to development – should consider undertaking study now to avoid a holding provision

3. Zoning

- No support for more intensive uses i.e. restaurant with drive through
- Limited list of additional uses
- Zoning to recognize limited uses in area i.e. Open Space zoning
- Separate zone potentially for drainage channel
- May require special provision for developable land, therefore applicant needs to submit updated zoning data sheet to accurately provide setbacks and coverage
- Parking will be reduced due to limited permitted uses; however, will still require transfer of spaces from City parking lot

4. UTRCA Modeling and Permit

- Update required to modelling, grading etc.
- Justification for intensification of uses/site
- Pre-approval required from UTRCA board of directors prior to zoning by-law amendment. Note: this has not occurred; more details on the process is provided in section 4.6 of this report.

Detailed internal and agency comments are included in Appendix “E” of this report.

2.4 Public Engagement

On February 9, 2023, Notice of Application was sent to OZ-8709 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 February 10, 2023. A “Planning Application” sign was also placed on the site.

There were two responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Concerns expressed by the public relate to:

- Health and safety related to flooding
- Will drainage channel impact adjacent sites?
- Impact of a (McDonalds) drive through restaurant
- Better uses for site

Detailed public comments are included in Appendix “F” of this report.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020* (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The *Planning Act* specifically contains a provision under Section 34 (subsection 3) which allows municipalities to pass a zoning by-law “For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.”

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*.

Policy 3.1.1 Directs development outside of areas which are impacted by flooding hazards (b). Further, policy 3.1.2 states that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard (b), or within the floodway, regardless of whether the area of inundation contains high points of land subject to flooding (c).

Policy 3.1.7, however, does permit development and site alteration in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards, vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, new hazards are not created and existing hazards are not aggravated, and no adverse environmental impacts will result.

The London Plan, 2016

The *London Plan* includes conditions for evaluating the appropriateness of Specific Area Policies where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (TLP 1729-1734).

The following conditions apply when considering a new Specific Area Policy:

1. The proposal meets all other policies of the Plan beyond those that the specific policy identifies.
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.
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.
4. The proposed use cannot be reasonably altered to conform to the policies of the place type.
5. The proposed policy is in the public interest and represents good planning.

Staff are of the opinion that not all the above conditions have been satisfied. An analysis of the deficiencies is addressed in Section 4.0 of this report.

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that not all the above criteria have been satisfied. An analysis of the deficiencies is addressed in Section 4.0 of this report.

3.0 Financial Impact/Considerations

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

3.2 Climate Emergency

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

4.0 Key Issues and Considerations

4.1 Land Use

The Green Space Place Type is made up of a system of public parks and recreational areas, private open spaces, and our most cherished natural areas. It encompasses a linear corridor along the Thames River, which represents the natural heritage and recreational spine of our city. It also encompasses our hazard lands, including our valleylands and ravines, and the floodplains associated with our river system (757_). The Green Space Place Type is comprised of public and private lands, and flood plain lands.

Any development within the Green Space Place Type will reduce the potential for loss of life and damage to property due to flooding by restricting the development of flood plain and hazard lands to an appropriate range of uses (761_6.).

Lands within the Green Space Place Type vary considerably, and the uses that are permitted within these areas will be dependent upon the natural heritage features and

areas contained on the subject lands, the hazards that are present, and the presence of natural resources which are to be protected (762_2.). In the Green Space Place Type, certain activities or uses will not be permitted, or may be permitted only after studies have been undertaken and approved by the City. This policy of the Plan identifies those uses (1388_). Permitted uses may include expansion to existing development and uses provided that it can be demonstrated to the satisfaction of City Council that there will be no negative impacts on natural heritage features and areas or their ecological functions (1389_1.).

The existing zoning (OS4(2)) is one of the most restrictive open space zones and is applied to lands which contain natural hazards and are not considered suitable for development. This zone has been applied to these lands as they are located within the flood plain of the Thames River. Only a very limited range of uses and structures are permitted and must satisfy the regulatory requirements of the Conservation Authority, including but not limited to, access and floodproofing. The existing special provision allows for commercial recreation establishments in existing buildings, in addition to the standard uses permitted in the OS4 Zone. No additional/new built forms are permitted under this zone.

The range of requested additional uses includes the following: bake shops, convenience store, commercial recreation establishment, drive-through facility, financial institutions, food stores, personal service establishments, restaurants, and retail stores.

After the first submission made by Royal Premier Developments, January 2023, staff and the UTRCA provided comments to the applicant on limiting the range of additional permitted uses by removing uses that have the potential to affect groups of vulnerable people such as day cares, and medical/dental offices, and uses which could increase the overall intensity on site such as restaurants and financial institutions with a drive through facility. The requested uses should not result in an increase in intensification from what was previously existing and should not increase the risk to property damage or public safety. These uses are therefore not recommended within the special provisions for this zone.

Staff are therefore recommending a limited range of uses for the site, based on intensity and public safety. Recommended uses include: bake shops, convenience store, commercial recreation establishment, financial institutions, food stores, and retail stores, all without drive through facilities.

Staff are not recommending restaurants, or drive through facilities, for the site.

4.2 Intensity

Within The London Plan, intensity is defined as the concentration of development and use on a site, and is addressed with such measures as height, gross floor area, lot coverage, building floorplate area, residential density in units/ha, number of bedrooms, parking, and floor area ratio (1795_).

The previous uses on the site consisted of a commercial recreation establishment, and a single detached dwelling. The gross floor calculation was based upon 660.3 square metres related to the commercial recreation establishment, and 321.7 square metres related to the single detached dwelling.

This new development, while proposing a gross floor area of 975.5 square metres, now includes a total of five (5) commercial units, resulting in an increase of three (3) units from the existing conditions. As detailed in the UTRCA comments, the former Goodlife operation was smaller than the average Goodlife facility, and would not have had the same level of intensity of use. To compare the existing development to current standards does not provide an accurate description of the intensity of the existing versus proposed use(s). Staff are recommending a reduction in the number of individual commercial uses on the site – from 5 to 4. This reduction will help to lessen the intensity of the proposal by minimizing the amount of units on the site. A reduction to the level of intensity will also serve to ensure less units will be affected by future flooding.

Another measure of intensity relates to hours of operation. Many fast-food restaurants are open 24 hours per day, seven (7) days a week. This would result in a constant and steady flow of traffic to the site including patrons, staff (with overlapping shifts) and delivery trucks bringing supplies to support the day-to-day operations.

Further, the parking requirements for some of the proposed uses greatly exceed those of the existing uses. In comparison, a commercial recreation establishment requires a parking rate of 1 space per 50 square metres. The following uses also require the same parking rate: bake shops, convenience store, financial institutions, food stores, and retail stores. By comparison, a restaurant use requires a parking rate of 1 space per 20 square metres of floor area, and a personal service establishment requires parking at a rate of 1 per 30 square metres, which signifies a greater intensity of use.

Drive through facilities are also considered to be more intense as they have the ability to operate late or even 24 hours and will greatly increase the number of people on a given site. UTRCA has also expressed in their comments that the risk to property damage or public safety is greatly increased with drive through facilities.

The limited range of uses recommended by staff allow for some additional flexibility in uses, while still maintaining the ultimate intent of protecting the floodplain and minimizing public risk and property damage.

4.3 Form

The OS4 and OS5 Zone variations are the most restrictive open space zone variations and are applied to lands that have physical and/or environmental constraints to development. A very limited range of structures is permitted subject to site specific studies. The OS4 Zone variation is intended to be applied to hazard lands; specifically, the floodway, steep slopes and lands that may be subject to erosion as well as landfills and contaminated sites.

Any development within the OS4 Zone is regulated pursuant to the Conservation Authorities Act. The variation is intended to provide for development of low impact recreational facilities that do not normally include structures or buildings and require locations within or adjacent to the floodplain. Buildings may require floodproofing, dry and safe access, etc. if located in flood fringe areas, subject to the Conservation Authorities Act.

The proposed building form includes two buildings, with five commercial units, for a total of 975.5 square metres of gross floor area.

While a number of improvements have been proposed to the site and future structures with respect to floodproofing, the flood risk has not been removed as has been suggested by the consultant. Rather, the flood risk has been addressed or reduced. These lands are subject to frequent flooding and have been predicted to require evacuation within approximately a five (5) year cycle. The most recent flood event occurred in 2018, closing down Windermere Road and flooding surrounding buildings and facilities. Due to the frequency of flooding events in this area, Adelaide Street North underwent improvements during its reconstruction to raise the road; however, it will also be subject to floodwaters during a regulatory storm, which has been experienced within the last 100 years.

The UTRCA contains policies on replacement structures in the flood plain. These policies are meant to limit risk to public health and safety, and minimize overall property damage, while still recognizing and permitting legacy uses. The City and UTRCA staff have been flexible in working with the landowner to ensure that the proposed redevelopment/replacement structure(s) are consistent with the UTRCA policy and will ultimately be safe for patrons and staff. Based on the information submitted to date, the 2D flood modelling is generally acceptable, however certain concerns related to use, intensity and form are still outstanding (such as number of buildings, number of uses,

and range of possible uses). The applicant is also required to attend the UTRCA's hearings committee which may identify further conditions for a Section 28 permit. It is also possible that the hearings committee may not support this development.

4.4 Specific Area Policies

Policies for Specific Areas may be applied where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (1729_). The adoption of policies for Specific Areas may be considered in limited circumstances where the following conditions apply:

The proposal meets all other policies of the Plan beyond those that the specific policy identifies.

- The proposed range of uses and limit on gross floor area will generally ensure that the site continues to be recognized as an area prone to flooding, while also recognizing previous development on site, and expanding on those uses to allow greater flexibility for future development.

The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.

- The special policy will recognize the underlying Green Space Place Type and not permit additional uses as a result.

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.

- On the north side of Windermere Road there exists a large commercial recreation establishment and restaurant within an existing structure. A process exists with the UTRCA to determine acceptable redevelopment and replacement structures within the floodway. It is possible that with the approval of this development, the lands on the north side would also seek to redevelop their existing lands, but those lands would be subject to a review that is site-specific to that development proposal.

The proposed use cannot be reasonably altered to conform to the policies of the place type.

- The special policy will recognize the principle of development that exists on the site. The complete removal of all development rights is not possible, therefore the special policy will allow for some additional flexibility.

The proposed policy is in the public interest and represents good planning.

- The proposed development can sufficiently accommodate additional development while minimizing the risk to property damage and public safety.

4.5 Parkland Dedication and Public Benefits, and Public Acquisition

Parkland Dedication

Through discussions in 2016 with the previous landowner, the UTRCA and City agreed that new any new proposal on the subject site could develop up to a maximum of 985 square metres of gross floor area, with 9 parking spaces, in recognition of the previous use on the site. The balance of the lands (known municipally as 795 Windermere Road) were to be dedicated to the City as parkland. In exchange, the City would agree to "transfer" the use of 68 parking spaces within the east parking lot for the new development. The previous area containing the 68 spaces would be restored to open space by the developer. The informal west parking lot, which contains 42 spaces, was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the development site and on the City lands. Of those spaces, 77 in total (68 on City lands and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s).

Since that time, the new owners have proposed the following:

- 795 Windermere Road will no longer be dedicated to the City. Instead, the lands are needed for development, and for the ultimate drainage channel proposed.
- The Applicant now requires 39 parking spaces to be “transferred” from the city parking lot to this development. In exchange, the developer will improve the parking area for the remaining 91 parking spaces.
- The Applicant is offering to design and construct a new fieldhouse/public washroom facility on the public lands.
- The abutting City parking lot would be reduced from 139 spaces to 91 spaces.

However, based on staff’s recommendation and range of permitted uses, there is no longer a need for transferring the 68 parking spaces from the City’s lot for this proposed development. In order to meet the parking rate of 1 per 30 square metres, a transference of 24 parking spaces from the City lot to this development is required. Therefore, the City can retain 86 parking spaces in public use.

Additional items required to be provided as a result of this development include the following:

- As parkland dedication has not been collected for the subject lands, the applicant is required to provide 2% of the land or cash-in-lieu, at the time of site plan.
- Parks staff may require the dedication of a 7.0 metre wide corridor along the length of the Windermere Road frontage to accommodate the future Thames Valley Parkway multi-use pathway.
- The use of existing City of London parking spaces from the Stoneybrook Recreation Field lands to be counted toward required parking for the proposed development may be considered provided that the following public benefits be provided by the applicant:
 - Removal of the gravel parking lot (eastern) and any other former Goodlife facilities from the Stoneybrook Recreation Field lands and the restoration of all disturbed areas to the City of London Park Standards.
 - All remaining parking spaces not required for the proposed development on the eastern parking lot be consolidated with the existing parking spaces in the western parking lot on the Stoneybrook Recreation Field lands. Upgrades to the western parking lot are to be determined through the Site Plan Approval process and completed to the satisfaction of Parks Long Range Planning & Design.
 - Provision of a minimum 67 square metres fieldhouse be constructed on the Stoneybrook Recreation Field lands in a location acceptable to the City and to current City Standards including all UTRCA required flood mitigation measures.

It should be noted that Parks has indicated that should the parking “transfer” for the development no longer be required (and the development can function with 9 parking spaces), the City would not require the parking lot improvements nor the field house. Parks Planning staff have indicated that any redevelopment of the site would either require the dedication of land towards the Thames Valley Parkway, or cash-in-lieu.

Public Acquisition

As specified in policy 773_, if a proposal is made to develop privately owned lands within the Green Space Place Type for uses other than those permitted in the Green

Space Place Type, as per the London Plan, City Council will assess the potential for acquiring the property as public lands on the basis of the following criteria:

The adequacy of the existing supply of public green space in the surrounding area.

- The subject lands are surrounded by lands in public ownership, either through the City of London, or the UTRCA. These lands are currently utilized for a variety of public uses such as soccer fields, baseball diamonds, dog park, regular park, and pathways. However, there is a large tract of land located just north of the subject site (currently a restaurant and a commercial recreation establishment) and a single detached dwelling on the northwest corner of Adelaide and Windermere that remain in private ownership.

The potential impact of the proposed new use or change in existing use on surrounding lands, particularly lands which are expected to remain within the Green Space Place Type.

- The proposed uses will add intensity and will have some additional impacts on adjacent lands. The proposed use will result in impacts to the City parking lots associated with the soccer fields and baseball diamonds resulting in a reduction in parking provided to those uses. Additional benefits however will be provided through the addition to the Thames Valley Parkway, the redevelopment of the City's parking lot, and the construction of a fieldhouse.

The location of the subject lands in relation to flood plain lands.

- The proposed use is directly within the floodplain of the Thames River.

The location of the subject lands in relation to natural heritage features and areas that are within the Green Space Place Type.

- The proposed use is not within close proximity to a significant natural heritage feature (such as a wetland, or a significant woodland).

The presence of natural or desirable features or ecological functions within the subject land.

- There are no natural or desirable features associated with these sites.

The cultural importance of the subject land or its features, whether locally or city-wide.

- There is no cultural importance related to the subject lands.

Overall, the lands would be preferable within city ownership, however, an agreement cannot be reached with the current owner.

4.6 2D Flood Modelling and UTRCA Section 28 Permit

Extensive 2D flood modelling has been provided by the applicant to the UTRCA in support of the proposed development. The UTRCA has provided comments to indicate that the preliminary flood modelling is acceptable at this time. The revised flood modelling however, has recommended that a large floodproofing area be included in any development. This has then changed the nature of the original application (York), which was to convert a whole property (795 Windermere Road) to open space and add area prone to flooding to the City.

The UTRCA has indicated they can support a modified range of uses, to establish the principle of development through the planning process, given the previous use and the UTRCA's replacement structure policies. However, should Council approve the *Planning Act application*, a decision from the UTRCA's Hearing Committee on the Section 28 permit application under the Conservation Authorities Act is still required to address the outstanding comments identified. Should Council modify staff's recommendation, there is the potential that the UTRCA's Hearings Committee will not be able to approve additional uses at this location.

Conclusion

Overall, the recommended specific area policy and Open Space Zone will recognize the

sites longstanding history of a commercial use and allows some expansion to provide flexibility for future redevelopment. The staff recommendation meets the general intent of the PPS and The London Plan. Further permission from the UTRCA will be required to allow for redevelopment.

Prepared by: Nancy Pasato, MCIP, RPP
Manager, Planning Policy (Research)

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

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

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

Appendix A – Official Plan Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

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

A by-law to amend the Official Plan, The London Plan for the City of London, 2016 relating to 1310 Adelaide Street North and 795 Windermere Road.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on February 13, 2024.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to the Specific Policies for the Green Space Place Type and add the subject lands to Map 7 – Specific Policy Areas - of the City of London to permit a range of commercial uses, subject to the policies for Green Space contained in this Plan.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1310 Adelaide Street North and 795 Windermere Road in the City of London.

C. BASIS OF THE AMENDMENT

The site-specific amendment would allow for a commercial development with a limited range of commercial and office uses to a maximum of 976 square metres. Parking for the uses would be required at a rate of 1 per 30 square metres. Additional parking (24 spaces) will be provided through the transferring of parking from the adjacent City of London parking lot. On-site flood control measures are required as part of the development. The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which permits development and site alteration in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards, vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, new hazards are not created and existing hazards are not aggravated, and no adverse environmental impacts will result. The recommended amendment conforms to *The London Plan*, including but not limited to the Policies for Specific Areas, and the Green Space Place Type policies. The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of *The London Plan*, including, but not limited to Specific Area Policies (Map 7), the Green Space Place Type, the Our Tools, and all other applicable policies in *The London Plan*. The recommended amendment will establish a principle of development for a site by allowing some additional development opportunity, while ensuring protection of public safety and minimizing property damage.

D. THE AMENDMENT

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

1. Specific Policies for the Green Space Place Type of Official Plan, The London Plan, for the City of London is amended by adding the following:

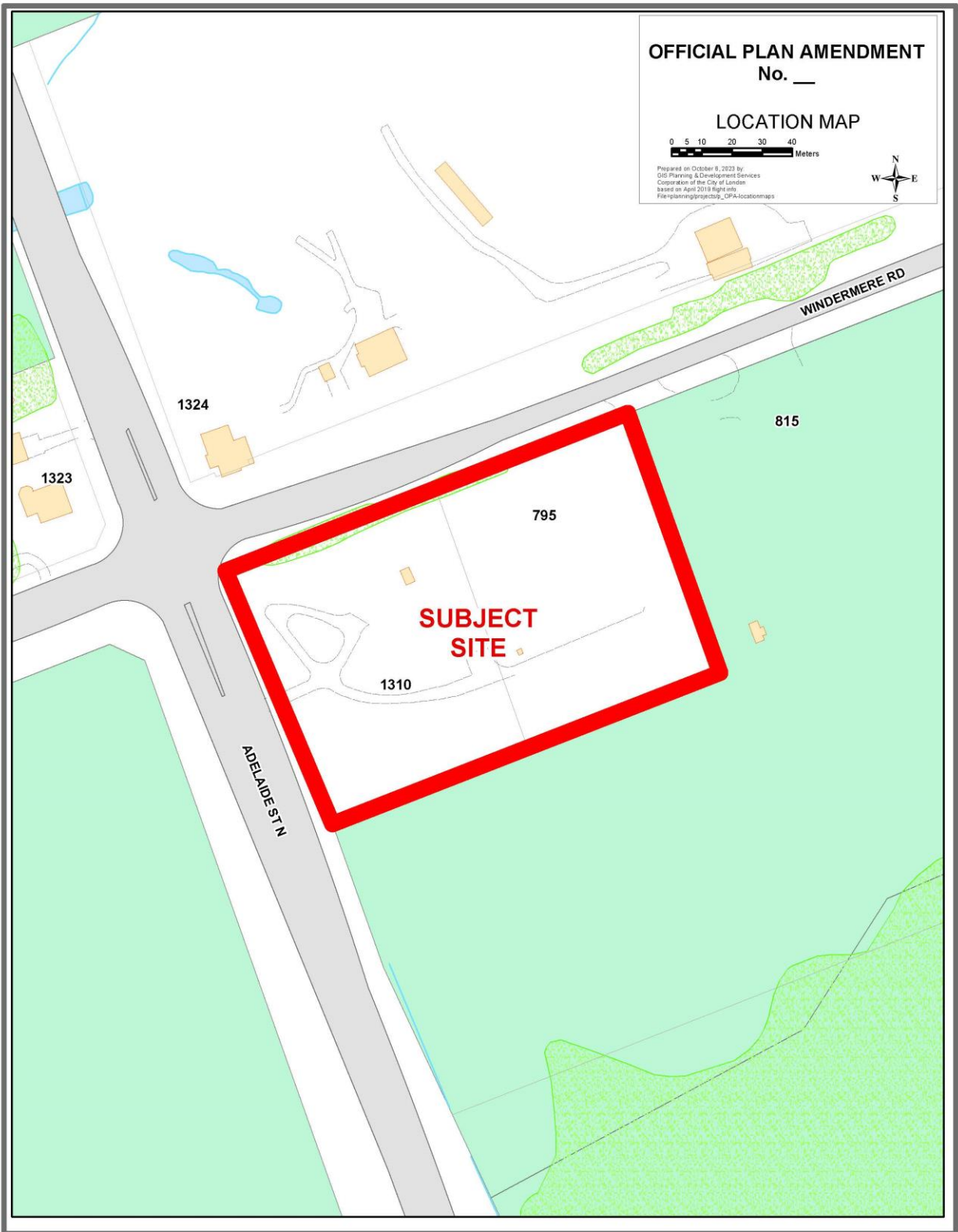
() 1310 Adelaide Street North and 795 Windermere Road

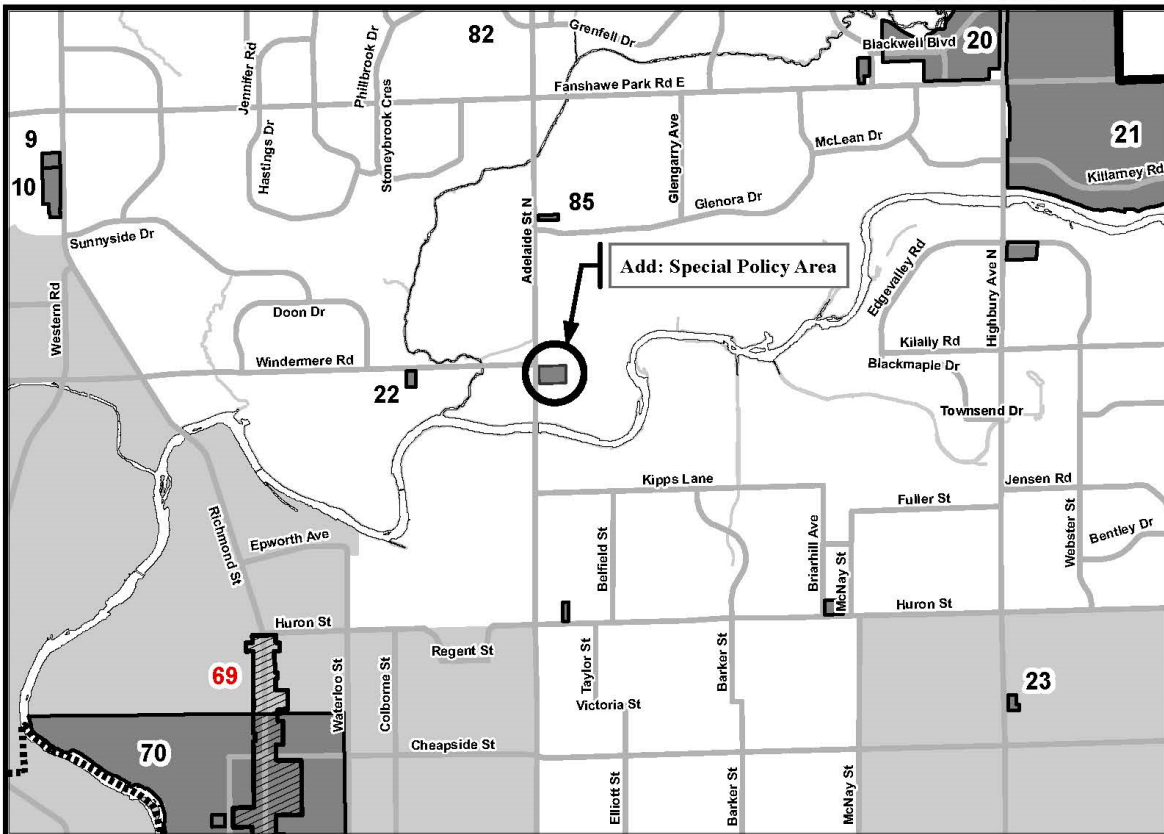
In the Green Space Place Type located at 1310 Adelaide Street North and 795 Windermere Road, additional commercial uses such as bake shops, convenience stores, commercial recreation establishment, financial institutions, food stores, and personal service establishments are permitted.

2. Map 7 - Specific Policy Areas, to the Official Plan, The London Plan, for the City of London Planning Area is amended by adding a Specific Policy Area for the lands located at 1310 Adelaide Street North and 795 Windermere Road in the City of London, as indicated on "Schedule 1"

attached hereto.

“Schedule 1”





LEGEND

- Specific Policies
- Rapid Transit and Urban Corridor Specific-Segment Policies
- Near Campus Neighbourhood
- Secondary Plans

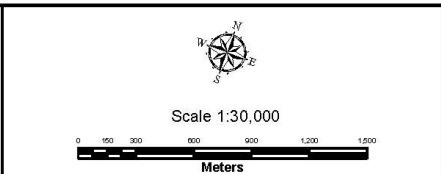
BASE MAP FEATURES

- Streets (See Map 3)
- Railways
- Urban Growth Boundary
- Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

SCHEDULE #
TO
OFFICIAL AMENDMENT NO. _____

PREPARED BY: Planning & Development



FILE NUMBER: OZ-8709
PLANNER: NP
TECHNICIAN: JI
DATE: 12/19/2023

Appendix B – Zoning Bylaw Amendment

Bill No.(number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1310 Adelaide Street North and 795 Windermere Road.

WHEREAS Royal Premier Development has applied to rezone an area of land located at 1310 Adelaide Street North and 795 Windermere Road, as shown on the map attached to this by-law, as set out below;

WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1310 Adelaide Street North and 795 Windermere Road, as shown on the attached map comprising part of Key Map No. A103, **FROM** an Open Space Special Provision (OS4(2)) Zone **TO** a Holding Open Space Special Provision (h-18*OS4(_)) Zone.
2. Section Number 36.4 of the Open Space Zone is amended by adding the following Special Provisions:

OS4 () 1310 Adelaide Street North and 795 Windermere Road

a. Permitted Uses

- i. Bake shops
- ii. Convenience store
- iii. Commercial recreation establishment
- iv. Financial institutions
- v. Food stores
- vi. Personal service establishments
- vii. Retail stores

b. Regulations

- | | |
|----------------------------------|---|
| i. Gross floor area
(Maximum) | 976 square metres
(10,505.6 square feet) |
| ii. Parking
(Maximum) | 33 spaces |

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.

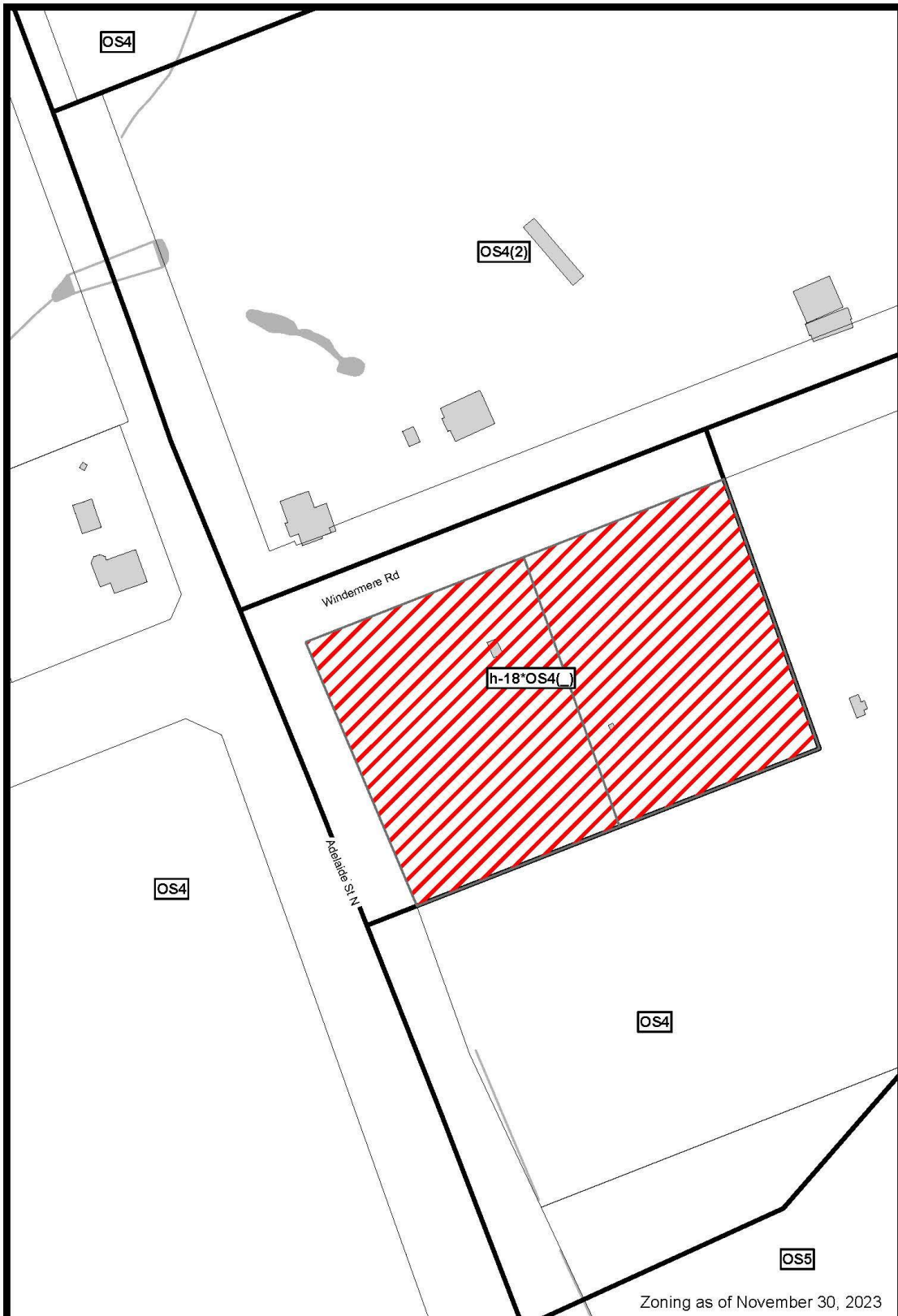
PASSED in Open Council on February 13, 2024.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

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

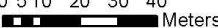


Zoning as of November 30, 2023

File Number: OZ-8709
Planner: NP
Date Prepared: 2023/12/19
Technician: JI
By-Law No: Z-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40
 Meters



Appendix C - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Vacant
Frontage	91.4 m (300.0 feet) (Adelaide Street North)
Depth	143.0 m (469.2 ft)
Area	1.29 ha (3.18 ac)
Shape	regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	restaurant/commercial recreation (mini-golf, driving range)
East	open space, sports fields
South	open space, sports fields
West	open space, sports fields

Proximity to Nearest Amenities

Major Intersection	Adelaide Street North/Windermere Road (0 m)
Dedicated cycling infrastructure	Adelaide Street North, Thames Valley Parkway (267 m)
London Transit stop	545 m (at Kipps Lane)
Public open space	Stoneybrook Recreation Field (0 m)

B. Planning Information and Request

Current Planning Information

Current Place Type	Green Space Place Type on a Civic Boulevard (Adelaide Street North) and a Neighbourhood Street (Windermere Road)
Current Special Policies	Map 6 – Significant Groundwater Recharge, Regulatory Flood Line, Riverine Hazard Erosion Limit for Confined Systems, Highly Vulnerable Aquifers, Conservation Authority Regulated Area
Current Zoning	Open Space Special Provision (OS4(2)) Zone

Requested Designation and Zone

Requested Place Type	n/a
Requested Special Policies	Specific Area Policy within the Green Space Place Type
Requested Zoning	Open Space Special Provision (OS4(_)) Zone

Requested Special Provisions

Regulation (Zone)	Required	Proposed
Maximum gross floor area	n/a	975.5 square metres
Maximum gross floor area for individual uses	n/a	520 square metres

C. Development Proposal Summary

Development Overview

The purpose and effect of the recommended action is to approve a commercial development with a limited range of commercial to a maximum of 976 square metres. Parking for the uses would be required at a rate of 1 per 30 square metres. The additional parking needed for this development (33 spaces total) will be provided through the adjacent City of London parking lot (24 spaces). The development will also include the dedication of a 7 metre wide corridor along the length of the Windermere Road frontage to accommodate the future Thames Valley Parkway multi-use pathway, the reconfiguration of the City's parking area, and the construction of a fieldhouse on adjacent lands.

Proposal Statistics

Land use	Commercial
Form	1 storey commercial, 2 buildings
Height	1 Storey (8 metres)
Gross floor area	975.5 square metres
Building coverage	8%
Landscape open space	60%
Functional amenity space	n/a
New use being added to the local community	Yes

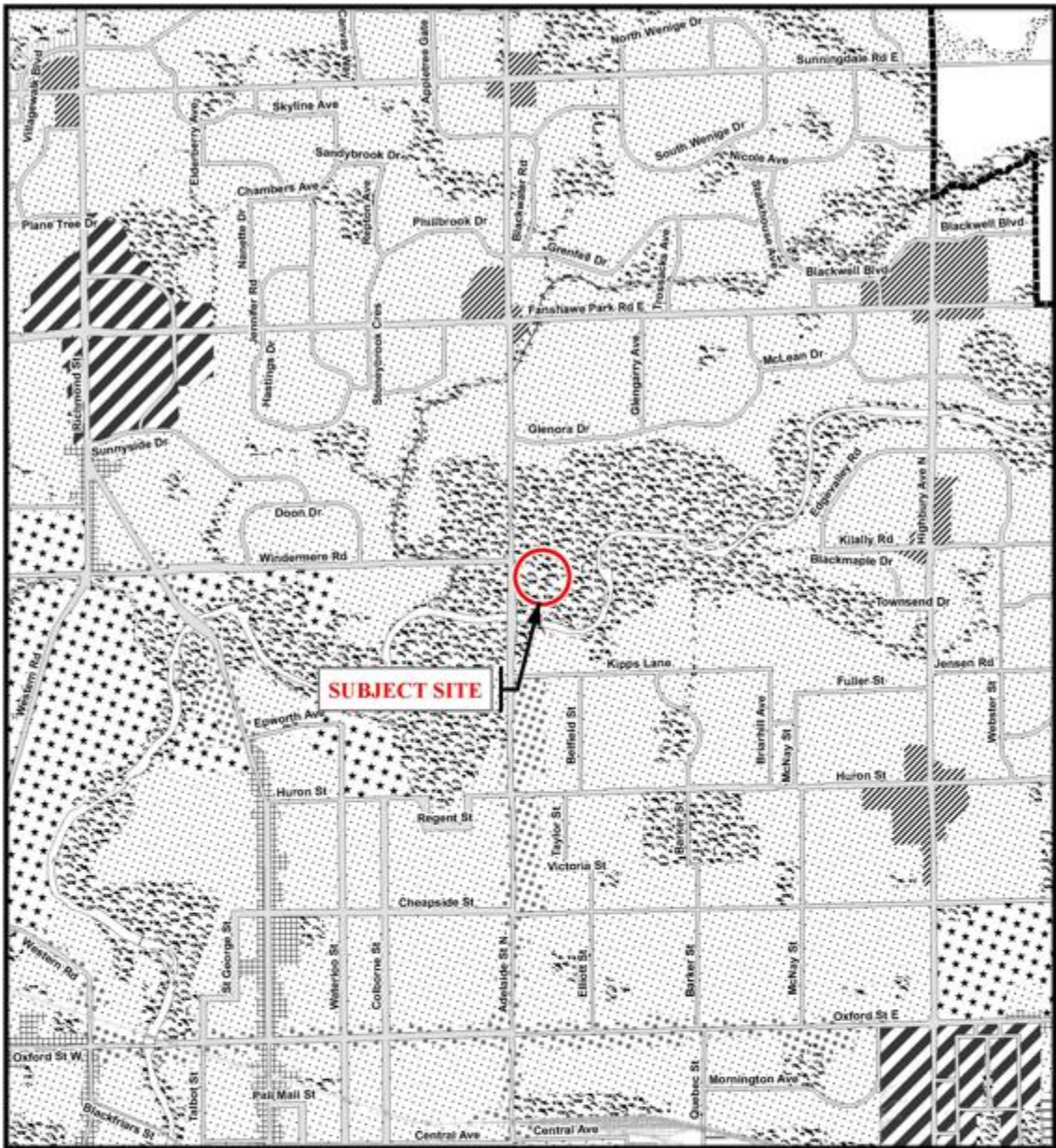
Mobility

Parking spaces	48 surface parking spaces
Vehicle parking ratio	1 per 20 square metres
New electric vehicles charging stations	Unknown
Secured bike parking spaces	6
Secured bike parking ratio	Tier 1 bike parking is: 3 + 0.3/100 square metres gross floor area
Completes gaps in the public sidewalk	Yes
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	Yes

Environmental Impact

Tree removals	All
Tree plantings	Unknown
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	NA
Existing structures repurposed or reused	No
Green building features	Unknown

Appendix D – Additional Plans and Drawings



SUBJECT SITE

Legend

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

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

CITY OF LONDON
Official Plan

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



Scale 1:30,000

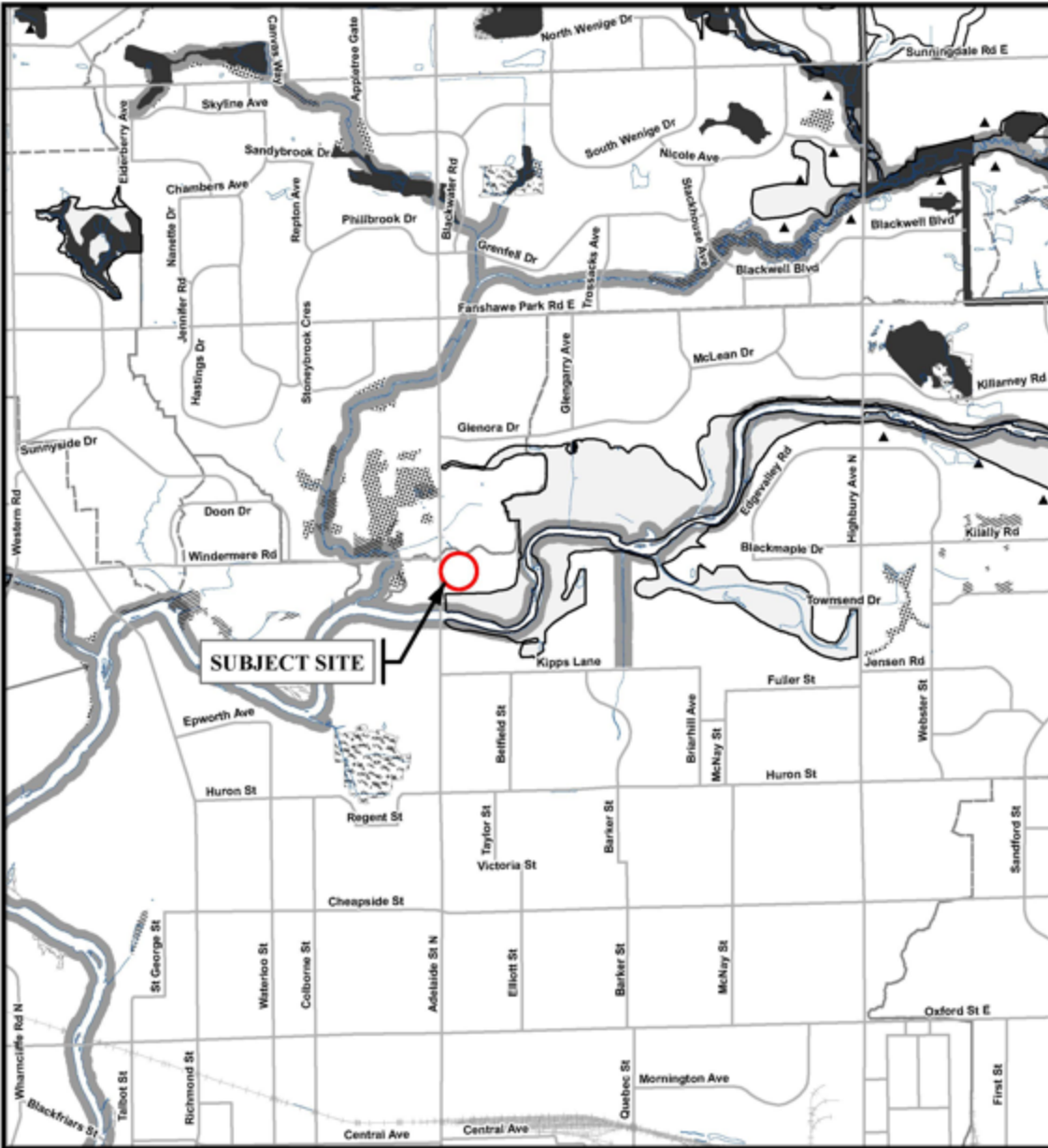


File Number: OZ-8709

Planner: NP

Technician: JI

Date: 2023/6/2



NATURAL HERITAGE SYSTEM

- Provincially Significant Wetlands
- Wetlands
- Unevaluated Wetlands
- Significant Woodlands
- Woodlands
- Significant Valley Lands
- Valley Lands
- Areas of Natural and Scientific Interest
- Environmentally Significant Areas (ESA)
- Potential ESAs
- Upland Corridors
- Potential Naturalization Areas
- Unevaluated Vegetation Patches

Base Map Features

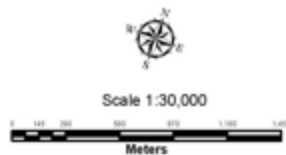
- Railways
- Water Courses/Ponds
- Streets (see Map 3)
- Conservation Authority Boundary
- Subwatershed Boundary
- Subject to Site Specific Appeals (LPAT Appeal PL170100)

This is an excerpt from Planning & Development's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.

CITY OF LONDON
Official Plan

LONDON PLAN MAP 5
- NATURAL HERITAGE -

PREPARED BY: Planning & Development

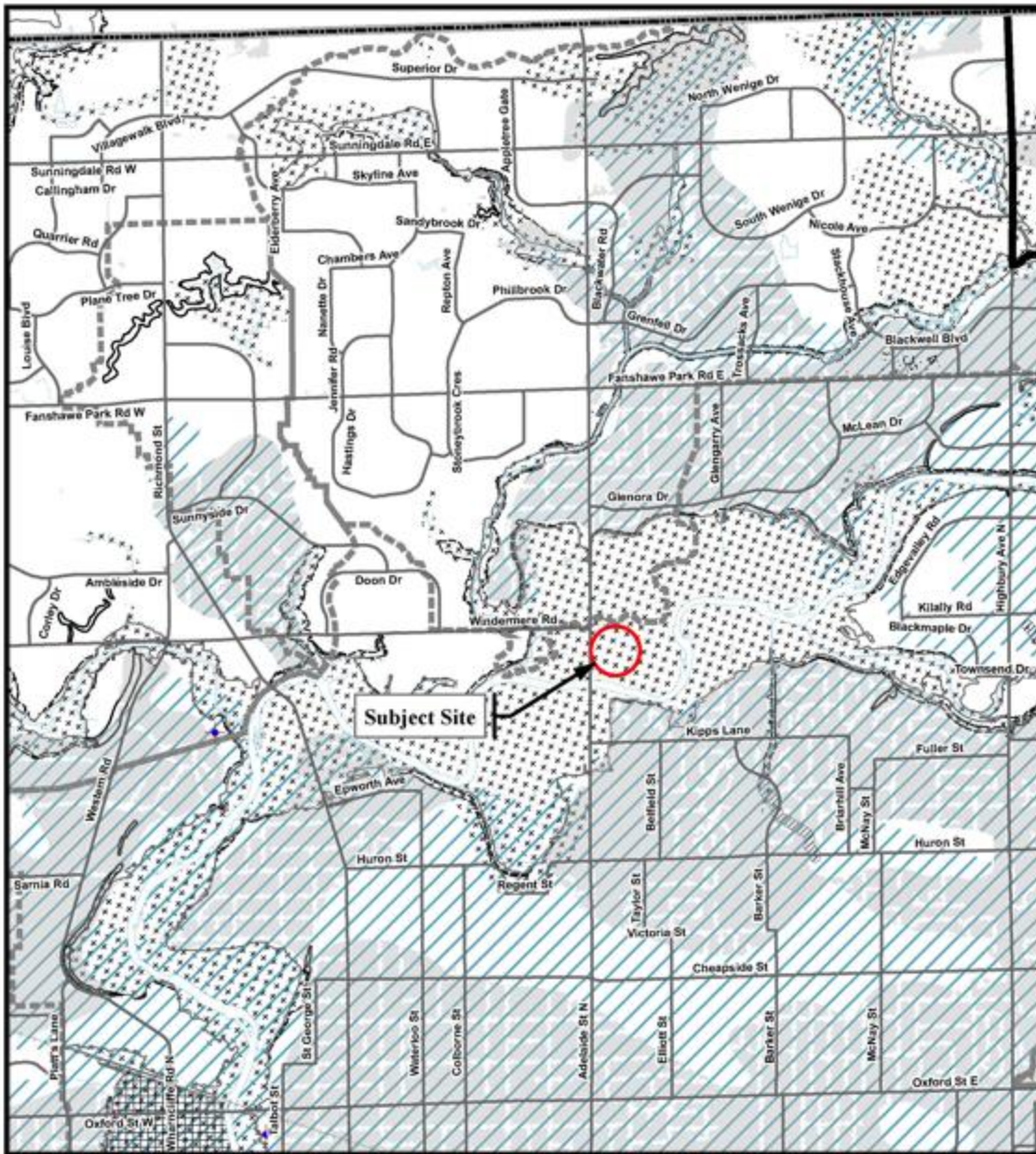


File Number: OZ-8709

Planner: NP

Technician: JI

Date: 8/2/2023



HAZARDS

- Regulatory Flood Line
NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.
NOTE 2: Flood Fringe mapping for certain areas of the City is available from the Upper Thames Conservation Authority.
- Special Policy Areas
- Potential Special Policy Areas
- Riverine Erosion Hazard Limit for Confined Systems
NOTE: Steep Slopes Outside the Riverine Erosion Hazard Limit on the map are approximate. Precise delineation is available from the Conservation Authority having jurisdiction.
- Riverine Erosion Hazard Limit for Unconfined Systems
- Maximum Hazard Line

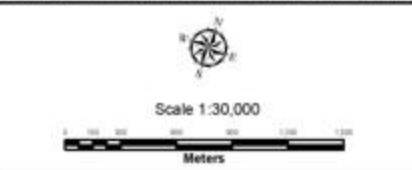
- Conservation Authority Regulation Limit
- Abandoned Oil/Gas Wells
- NATURAL RESOURCES**
- Aggregate Resource Areas
- Extractive Industrial Areas
- Wellhead Protection Area
- Emergency Municipal Water Wells
- Significant Groundwater Recharge Areas
- Highly Vulnerable Aquifers

BASE MAP FEATURES

- Streets (see Map 3)
- Railways
- Urban Growth Boundary
- Water Courses/Ponds
- Conservation Authority Boundary
- Subwatershed Boundary

This is an excerpt from Planning & Development's working consolidation of Map 6 - Hazards and Natural Resources of the London Plan, with added notations

CITY OF LONDON
Official Plan
 LONDON PLAN MAP 6
 - NATURAL HAZARDS AND NATURAL RESOURCES -
 PREPARED BY: Planning & Development



FILE NUMBER: OZ-8709
PLANNER: NP
TECHNICIAN: JI
DATE: 8/2/2023



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OS4(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**



FILE NO:

OZ-8709

NP

MAP PREPARED:

2023/08/02

JI

1:2,111

0 10 20 40 60 80
Meters

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

Appendix E – Internal and Agency Comments

Urban Design – February 17, 2023

Urban Design is generally supportive of the use and intensity of the proposed development on the subject site and would have the following directions to Site Plan Authority:

1. Ensure there is a network of walkways between the parking areas, building entrances, the public sidewalk on Adelaide St N and the Thames Valley Parkway along Windemere Rd to allow for safe and convenient pedestrian connectivity throughout the site and support transit usage. Refer to the London Plan, Policy 255 & 879_2.c.
2. Provide a store-front design for the proposed buildings along the street frontages. This should include a higher proportion of vision glass and signage on the facades visible from the public streets and the provision for canopies and lighting to frame the primary entrances. Refer to the London Plan, Policy 289.
 - Consider providing amenities, such as landscaping, street furniture, and patios on the site to attract pedestrian activity to the front of these buildings facing the public streets. Refer to the London Plan, Policy 879_4.
3. The design of the site should have regard for any significant mature trees located on the site, particularly along the Windemere Rd and Adelaide St N. Refer to the London Plan, Policy 879_8.

Landscape Architect – February 21, 2023

I don't see any conflicts with boundary or offsite trees that would be impacted by the development. The only thing that could require an atypical setback would be if an endangered species was identified on site. A butternut needs a 50m setback unless it is sick or dead [would need to be assessed]. In light of this a TPP should be completed at ZBA.

A tree preservation plan will be required to develop the site at 1310 Adelaide St N/795 Windemere Rd to

- Identify City Owned trees and shrubs that require consent to injure or remove. The approvals required for city tree removals can be coordinated during Site Plan Application.
- Identify rare or endangered species that are protected by the province's Endangered Species Act, 2007, S.O., C.6. If a butternut tree is identified within the site, a Butternut Health Assessment (BHA) must be completed, and an accompanying report submitted to the MNRF to ensure that development and site alteration within **50m of the tree** can occur in accordance with Endangered Species Act requirements. The BHA should be completed during the leaf-on season by a Certified Butternut Health Assessor, accredited by the MNRF.
- Determine total dbh proposed for removal to determine tree replacement. London Plan Policy 399 requires 1 tree for every cm dbh removed. Tree replacement and application of LP Policy 399, will be determined during Site Plan Application.

The tree preservation plan and tree protection measures must be completed in accordance with City of London Design Specifications and Requirements Manual, Chapter 12 Tree Planting and Protection Guidelines Section 12.2.2 <https://www.roadauthority.com/Standards>

London Hydro – March 2, 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.

Environmental Stewardship and Action Community Advisory Committee – March 8, 2023

Item 5.1 on March 1 ESACAC agenda

<https://london.ca/business-development/planning-development-applications/planning-application/s/1310-adelaide-street>

Applicant: Royal Premier Development

What is Proposed? Official Plan and Zoning amendments to allow:

- two commercial buildings with a combined total of 975.3 square metres, with 48 parking spaces
 - a naturalized drainage channel for flood control on a portion of the site
1. This site plan includes two parking lots and drive-thru, infrastructure that is designed specifically for automobiles. Is this design consistent with the Climate Emergency Action Plan and the City's objective to reduce auto-dependence?
 2. Is the ratio of parking spaces proportional to the development that is being proposed? Given the low density of the surrounding area and the size of commercial space, it is unclear what justification exists for building a second parking lot that is not connected to the commercial area.
 3. Will the bathroom shown in the rendering be open to the public and serviced by the City?
This amenity could be useful for the surrounding recreational features (e.g., Kilally Meadows ESA, athletic fields). It would be ideal if the bathroom could be designed to accommodate wheelchair users.
 4. This is floodplain area and LID design should be incorporated. Site plan should be in line with Stormwater Design Specifications Requirements Manual – i.e., infiltration first. Recommend using permeable pavement.
 5. Plans appear to show that a McDonalds fast food restaurant is going to be included in the development. What tools does the City have to help limit the amount of litter from the business that enters the watercourse nearby? (e.g., installing more garbage receptacles, signage about fines for littering)
 6. Will there be any outdoor seating areas?
 7. There are mature trees present at the site ([see here](#)). What proportion of the trees will be retained?

Parks Planning – March 10, 2023

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

- Parkland dedication has not been collected for the subject lands. Consistent with the regulations of the Ontario Planning Act, the applicant shall provide 2% of the land or cash-in-lieu. Parkland dedication will be provided at the time of site plan approval.
- The dedication of a 7metre wide corridor along the length of the Windermere Road frontage to accommodate the future Thames Valley Parkway multi-use pathway.
- The use of existing City of London parking spaces from the Stoneybrook Recreation Field lands toward required parking for the proposed development may be considered provided that the following public benefits be provided by the applicant to the satisfaction of and at no cost to the City:
 - Removal of the gravel parking lot (eastern) and any other former Goodlife facilities from the Stoneybrook Recreation Field lands and the restoration of all disturbed areas to the City of London Park Standards.

- All remaining parking spaces not required for the proposed development on the eastern parking lot be consolidated with the existing parking spaces in the western parking lot on the Stoneybrook Recreation Field lands. Upgrades to the western parking lot are to be determined through the Site Plan Approval process and completed to the satisfaction of Parks Long Range Planning & Design.
- Provision of a minimum 67m² fieldhouse be constructed on the Stoneybrook Recreation Field lands in a location acceptable to the City and to current City Standards including all UTRCA required flood mitigation measures.
- Required parking will be determined subject to approval of the use of the subject lands. If any development on the subject lands is approved that does not require the allocation of existing parking spaces from the Stoneybrook Recreation Field lands to meet minimum requirements, the City would not require the above proposed improvements. Future improvements as needed in the Stoneybrook Recreation Field would be provided in conformity with the Parks and Recreation Master Plan.

Engineering – March 10, 2023

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned pre-application:

Items for a Complete Application:

- It is anticipated that onsite detention/storage will be required to meet the quantity requirements detailed above (pre to post). The consultant is to provide a preliminary servicing brief, quantifying the required storage volume and proposed storage means (ie. rooftop, super pipes, gallery, etc.).
- Secondary access will be permitted along Adelaide Street North at least 75.0m South of the intersection, this access will be a right-in/right-out restricted access by way of extending the center-road median South down Adelaide Street to a point 25.0m beyond the South access (South) curb line, as per City Access Management Guidelines;

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

Transportation:

- Access will be permitted along Windermere Road at least 60.0m East of the intersection, and can be a full turn movement access, as per City Access Management Guidelines;
- Newly dedicated ROW must be graded up from the back of the curb at a slope of 2-4%, and the boulevard restored as per City Standard;
- Right-of-way dedication of 24.0 m from the centre line be required along Adelaide St N.
- A revised daylight triangle at the intersection.

Sanitary:

- The municipal sanitary sewer available is the 900mm diameter trunk sewer on Windermere Road with existing 150mm diameter AC PDC connected at municipal manhole SB752.
- The existing PDC is to be properly abandoned and removed, with a new 200mm diameter PDC for the entirety of the subject lands as per City of London standards. Inspection manhole required entirely on private property but as close to the street as possible.

Water:

- Water is available to the subject site via the municipal 450mm PVC watermain on Adelaide St. N.

Stormwater:

- 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 (70% TSS removal) as per the MECP guidelines and/or as per the EIS field information; and
 - shall comply with riparian right (common) law.

The consultant shall provide a servicing report and drawings to present calculations, recommendations and details to address these requirements.
- The subject lands are located in the Stoney Creek Subwatershed. The Owner shall be required to comply with the SWM criteria and environmental targets identified in the Stoney Creek Study, which may include but not be limited to quantity, quality and erosion control;
- The Owner shall submit a servicing report prepared by a Professional Engineer, licensed in the province of Ontario, for the subject site. The report is to be in accordance with City of London and MOECC standards and guidelines, all to the satisfaction of the City Engineer. The report shall take into account any drawings, reports, and previously prepared development agreements;
- The Owner's Professional Engineering shall design Private Permanent Systems (PPS) for this site as per City of London Deigns Standards and Requirements. The PPS shall meet the criteria detailed in the applicable report or study for the site. The grading plan is to detail ponding extents and depths for the 2-year and 100-year storm events and details the major overland flow route for the 250-year storm event;
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer;
- The Owner is required to provide a lot grading plan for stormwater flows and address major overland flow paths to safely convey the 250 year storm event.
- 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 and 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 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 Functional Storm/Drainage Servicing Report.
- The preliminary list of SWM issues/requirements to be addressed/considered by the applicant includes, but it is not limited to:
 - The approved storm/drainage and SWM servicing functional Report for the subject lands
 - The City Design Requirements for on-site SWM controls which may include but not be limited to quantity/quality and erosion controls
 - The City's Waste Discharge and Drainage By-Laws; the Ministry of the Environment Planning & Design Manual; as well as all applicable Acts, Policies, Guidelines, Standards and Requirements of all approval agencies (e.g. UTRCA).
 - The design of the SWM servicing work shall include but not be limited to such aspects as requirements for Oil/Grit separator for the proposed 36 parking spaces, on-site SWM controls design, SWM Best Management Practices, grading and drainage design (minor, and major flows), storm drainage conveyance from external areas (including any associated easements), hydrological conditions, etc.

- Existing 300mm storm sewers on Adelaide St. N. and Windermere Rd were sized to convey road surface flows from small sections of Adelaide St N and Windermere Rd. Should the applicant wishes to utilize any surplus capacity on these existing storm sewers to service the proposed re-development, his consultant will be required to provide a storm sewer capacity analysis and/or alternative on-site SWM controls design to the satisfaction of the City Engineer.
- Appropriate sediment and erosion control measures must be in place prior to any removal/decommissioning or demolition activity, to the satisfaction of the City Engineer.

Heritage – March 30, 2023

two commercial buildings

MRT 2023-03-30; demo clearances-both 2021-06-14

Cultural Heritage Context

Archaeological potential at both 1310 Adelaide Street N and 795 Windermere Road (subject lands) is identified on the City's Archaeological Mapping. The proposed scope of work will result in soil disturbance due to development and extensive parking on the properties (subject lands).

The subject lands is also located adjacent to a LISTED property on the City's *Register of Cultural Heritage Resources* at 1324 Adelaide St N (1880 – agricultural, farmhouse-Victorian). Current policies of *The London Plan* (565_), require that a heritage impact assessment be completed for “new development on, and adjacent to, heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.” However, policies at the time that the original application was circulated in 2016 did not require a heritage impact assessment (HIA), and an HIA was not included as a condition of a complete application at that time.

Related Policy

Per Policy 616 of *The London Plan*, “[a]n archaeological assessment is required where a proposal involves development or site alteration, and if it is determined through the application of the Archaeological Management Plan model that any part of a subject area possesses archaeological resource potential or known archaeological resources.”

Conditions – complete application (re: heritage planning)

- Archaeological Assessment Stage 1-2 – both properties, 1310 Adelaide Street N & 795 Windemere Road (full subject lands)
 - The following should be submitted for review to the satisfaction of the city and heritage planning staff:
 - both a hard copy and digital format of archaeological reports
 - Ministry of Citizenship and Multiculturalism (MCM) compliance letter

If an archaeological assessment has already been completed and received a compliance letter from the ministry, the compliance letter along with the assessment report may be submitted for review to ensure they meet municipal requirements.

Notes:

Archaeological Assessment

- The proponent shall retain a consultant archaeologist, licensed by the Ministry of Citizenship and Multiculturalism (MCM) under the provisions of the *Ontario Heritage Act* (R.S.O. 1990 as amended), to carry out a minimum of a Stage 1-2 archaeological assessment and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4).
- The archaeological assessment must be completed in accordance with the most current *Standards and Guidelines for Consulting Archaeologists*, set by the ministry.

- All archaeological assessment reports will to be submitted to the City of London once the Ministry of Citizenship and Multiculturalism (MCM) has accepted them into the Public Registry.
- No soil disturbance arising from demolition, construction, or any other activity shall take place on the property prior to Planning & Development receiving the Ministry of Citizenship and Multiculturalism (MCM) compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.
- It is an offence under Section 48 and 69 of the *Ontario Heritage Act* for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
- Should previously undocumented (i.e., unknown, or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
- If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The *Funerals, Burials and Cremation Services Act* requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Government and Consumer Services.

UTRCA – April 11, 2023

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority* (June 2006). These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2020, PPS)*.

PLANNING HISTORY/BACKGROUND

Initial Development Proposal

Conservation Authority staff have been involved with the planning/pre-consultation process for the subject lands since 2014. The site has an area of approximately 1.27 hectares and is located on the south east corner of the intersection of Adelaide Street North and Windermere Road in the floodplain of the Thames River.

A previous landowner had approached the City and the UTRCA regarding the possibility of redeveloping the site pursuant to the UTRCA's Replacement Structures in the Floodplain policies (please see below). The proposal involved consolidating the gross floor area of the structures associated with a former Goodlife fitness facility into an improved site layout and structure that was safer and floodproofed on the portion of the site known municipally as 1310 Adelaide Street North. Through the review of City building records, it was determined that the existing total/maximum permitted gross floor area of the fitness facility was 982m² and that there were 9 parking spaces associated with the use.

The balance of the lands known municipally as 795 Windermere Road, were to be dedicated to the City as parkland. In exchange, the City agreed that the 68 parking spaces in the east parking lot (please refer to map) could be credited to a replacement project with the parking area being restored to open space by the proponent. The informal west parking lot, which contains 42 spaces, was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the

development site and on the City lands. Of those spaces, 77 in total (68 on City lands and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s).

The notice of application was initially circulated by the City on November 9, 2016. In correspondence dated January 23, 2017, the UTRCA recommended that the application be deferred until such time that the applicant had demonstrated, through the preparation and acceptance of the necessary technical studies (e.g. 2D Floodplain Modelling, confirmation of floodproofing requirements), that the development could proceed for consideration of approval to the UTRCA's Hearings Committee and City Council.

While there were technical matters to be addressed, intended to ensure that the project would not have an impact on the surrounding properties, both City and UTRCA staff were of the opinion that "in principle" the proposal had merit. Ultimately, the previous landowner chose not to pursue the improvement of the lands.

Current Development Proposal

In 2020 the lands were sold to the current applicant, Royal Premier Homes. In 2021, the applicant submitted two (2) preliminary site plan concepts for the potential redevelopment of the site. City and UTRCA staff outlined various concerns and requirements that would need to be addressed prior to the submission of a formal revised application. As the applicant endeavoured to address the requirements, the UTRCA issued a clearance for the demolition of the existing structures on November 16, 2021.

The current development proposal includes two (2) commercial buildings with a combined gross floor area of 975.3 m² and 48 associated parking spaces. The commercial buildings are proposed to include a fast food restaurant with a drive-through and a secondary commercial building with approximately four (4) commercial units labelled as "shops" on the building renderings and as "commercial retail" on the Conceptual Site Plan. The proposal utilizes the lands on both 1310 Adelaide Street North and 795 Windermere Road.

This new proposal is not in keeping with the original concept that City and UTRCA staff had previously agreed to. There was also a misconception that all of the necessary approvals had been secured from the Conservation Authority which was not the case. The required Floodplain Impact Assessment, 2D Modelling Study and Staged Storage Analysis had not yet been prepared/accepted and were crucial with respect to providing the technical justification to satisfy the policy requirements for the proposed replacement structure and use of the site.

Official Plan Designation & Zoning

The subject lands are within *Green Space* Place Type on Map 1 of the London Plan, and within the Regulatory Flood Line and Conservation Authority Regulation Limit on Map 6.

The applicant has requested that the lands be re-designated to the *Shopping Area* Place Type. Given that the lands are located entirely in the flood plain of the Thames River, the requested Place Type is not appropriate and cannot be supported. Instead, the current *Green Space* Place Type should be maintained to accurately reflect the natural hazards and provide for special policy/provisions to establish the use.

The existing zoning is *Open Space OS4 (2)*. This is one of the most restrictive open space zones and is applied to lands which contain natural hazards and are not considered suitable for development. This zone has been applied to these lands as they are located within the flood plain of the Thames River. Only a very limited range of uses and structures are permitted and must satisfy the regulatory requirements of the Conservation Authority, including but not limited to access and floodproofing. The existing special provision allows for *commercial recreation establishments in existing buildings*, in addition to the standard uses permitted in the *OS4* zone.

The applicant has requested that the lands be rezoned to *Neighbourhood Shopping Area NSA4* which permits a range of commercial uses. Given that the lands are in the flood plain, the UTRCA recommends that the lands continue to be zoned *Open Space OS4* and include special provisions regarding the permitted uses, the permitted maximum gross floor area and the parking requirements.

The application submission package included the following information:

- Conceptual Site Plan SP1 (Preliminary Site Plan & Zoning Chart) prepared by Strik, Baldinelli Moniz Ltd., dated October 12, 2022;
- Area Context Plan SP1 - Municipal Parking & TVP Development prepared by Strik, Baldinelli Moniz Ltd., dated October 20, 2022;
- Building Renderings prepared by Strik, Baldinelli Moniz Ltd., no date;
- Planning Report prepared by Strik, Baldinelli Moniz Ltd., dated October 2022; and,
- 2D Hydraulic Modeling Assessment prepared by Matrix Solutions Inc., dated October 25, 2022.

DELEGATED RESPONSIBILITY & STATUTORY ROLE

Provincial Policy Statement 2020

The UTRCA represents the provincial interest in commenting on development applications with respect to natural hazards ensuring that applications are consistent with the PPS. This responsibility has been established in a Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing.

The UTRCA's role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we make sure 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 (UEPPM, 2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the UTRCA's policies (UEPPM, 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.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of:

- a riverine flooding hazard associated with the Thames River.

Please be advised that 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/wp-content/uploads/PlanningRegulations/EnvPlanningPolicyManual-update2017.pdf>

NATURAL HAZARDS

In Ontario, prevention is the preferred approach for managing hazards in order to minimize the risk to life and property. The UTRCA's natural hazard policies are consistent with the PPS and the applicable policies 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 UTRCA permit requirements.

4.2.2.6 Replacement Structures in the Floodway

These policies relate to structures that replace existing buildings or structures that have (recently) been demolished or destroyed, but does not include reconstruction on remnant foundations. Replacement structures may be permitted by the UTRCA provided that they comply with the following:

- a) The structure can be floodproofed to the level of the *Regulatory Flood*. If *Regulatory Flood* protection is not technically feasible, a lower level of flood risk protection may be permitted and must be provided to the maximum elevation possible as determined on the basis of site-specific evaluation.
- b) The proposed structure must not exceed the total "footprint" area of the original structure as it existed on April 25, 2000.
- c) The flood risk must not exceed the risk associated with the previous/existing structure or development such that:
 - i. The location of the *replacement structure* and services are not susceptible to higher depths and/or velocities of flooding;
 - ii. The use associated with the *replacement structure* and development does not increase the risk to property damage or public safety (e.g. converting from habitable to non-habitable); and
 - iii. The use within the *replacement structure* and/or the property as a whole is not intensified.
- d) The proponent agrees to carry out site-specific flood damage reduction measures such that, in order of priority:
 - i. *Dry, passive floodproofing* measures shall be implemented to the extent technically possible to achieve the required level of flood protection; and /or
 - ii. *Wet floodproofing* measures are incorporated as required to achieve and maximize the required level of flood protection.
- e) Ingress and egress should be "safe" or "dry" pursuant to contemporary floodproofing guidelines in addition to Provincial Policy and/or achieve the maximum level of flood protection determined to be feasible and practical based on existing infrastructure.
- f) The proposed flood damage reduction measures do not increase flood risk on adjacent, upstream and/or downstream properties.
- g) All applications for development approval must be accompanied by engineering studies, prepared by qualified professional, detailing such matters as flood frequency, depth and velocity flow, soil conditions, proposed flood damage reduction measures

including structural design details, stormwater management and other information and studies as may be required by the UTRCA and the local municipality.

h) Approval of an application under this policy will be subject to the consent of the UTRCA's Hearings Committee.

Please note that where a proposed replacement structure does not meet the intent of the eight (8) considerations above, a full Hearing will be required.

TECHNICAL PEER REVIEW

2D Hydraulic Modeling Floodplain Impact Assessment

The Conservation Authority has reviewed the Matrix Solutions Inc. submission and while generally satisfied with the provided information, the following matters are outstanding and need to be addressed:

1. Version 2 of the Conceptual Site Plan (SP1) identifies a proposed/improved 91 space gravel parking lot on City-owned lands. This parking area/proposed development does not appear to have been included in the hydraulic analysis. The design/layout/floodproofing of this proposed/improved parking lot may impact the hydraulics in the area and therefore must be included in the assessment. Please revise the model/report.
2. The report should include clear statements/summaries which demonstrate that the proposed development is consistent with and satisfies the requirements of Policy 4.2.2.6 of the UTRCA Environmental Planning Policy Manual, and will not result in a negative impact on flood storage, surrounding properties, etc. Please revise the report to provide responses/justification to the each of the aforementioned policies.
3. Through the pre-consultation process, the UTRCA advised that a preliminary Staged Storage Analysis was required which accounted for all of the proposed development and grading, and must strive to achieve a balance. It is recognized that grading is generally finalized through the Site Plan/Section 28 Permit process, however a preliminary submission is required now in order to ensure the development can be accommodated in principle. Please provide.
4. Please note that if the redevelopment concept for the site changes including the proposed uses, building footprint, parking etc, the model must be revised.

Planning Report

The Conservation Authority has reviewed the report prepared by Strik Baldinelli Moniz and offer the following comments:

5. On page 4 of the October 21, 2022 report, it is indicated that “the UTRCA and City agreed with the development principles” that would allow for the reconfiguration and re-establishment of a replacement structure on the subject lands. It is acknowledged that the current concept which includes a fast food restaurant with a drive through along with a second commercial structure was not consistent with an earlier proposal for the site. As noted, the previously agreed upon approach allowed for the redevelopment of the lands and the use of parking credits from City lands in exchange for the dedication of open space lands to the municipality, as well as the restoration of the former Goodlife lands to open space. It is also noted that the City of London had expressed concern about the current concept because a public benefit was not being achieved. In response, the applicant is proposing to provide a Field House and an improved 91 space parking lot as shown on enclosed ***Drawing Sheet No. SP1 – AREA CONTEXT PLAN – MUNICIPAL PARKING & TVP DEVELOPMENT – 815 WINDERMERE RD, LONDON, ON*** prepared by sbm dated October, 20, 2022
6. To be clear, while UTRCA staff has indicated “in principle” that it does not object to the redevelopment of the lands, this opinion was subject to the applicant meeting all of the applicable policy and technical requirements of Section 4.2.2 of the UTRCA's Environmental Planning Policy Manual to the satisfaction of the Conservation Authority.

- a. Intensification: The applicant must demonstrate that the proposed use within the replacement structure and/or the property as a whole has not been intensified. Previously, there was one commercial recreation operation and now based on the building renderings, it appears that 5 units/businesses are proposed. Furthermore, there are only 9 parking spaces credited towards the previous commercial recreation operation whereas the parking requirements on the conceptual site plan indicates that the proposed uses require 48 spaces. Both the proposed number of units/businesses and the required parking spaces suggest that the redevelopment of the site represents intensification of both the use in the replacement structure and of the property. This is not consistent with our policy and proper justification must be provided, or alternatively, the development concept must be revised so that it meets the intent of the policy.
- b. Change in Use: The existing zoning accounts for uses permitted within the OS4 zone, as well as a *commercial recreation establishment within existing buildings*. Please provide rationale for the number of permitted uses being proposed with a specific lens on Policy 4.2.2.6 c).

SUMMARY & RECOMMENDATIONS

As indicated, the subject lands are regulated by the UTRCA due to the presence of a riverine flooding hazard associated with the Thames River. The UTRCA alongside the City of London have been working with the current and previous owner on re-developing these lands for a number of years. The proposal has been revised to include two (2) new commercial buildings with approximately five (5) new units/businesses and a variety of permitted uses. The UTRCA has provided the aforementioned comments that shall be addressed prior to development proceeding. As such, we offer the following recommendations:

Recommendation 1:

As per the Revised Notice of Planning Application, the applicant is requesting that the subject lands be redesignated to *Shopping Area Place Type* and rezoned to *Neighbourhood Shopping Area (NSA4)* to permit a broad range of retail, service, office, entertainment recreational, educational, institutional and residential uses. Given that the lands are located within the riverine flooding hazard associated with the Thames River, the UTRCA recommends that the applicant's application **be refused**.

Recommendation 2:

The UTRCA recommends that the application **be deferred** to address the following concerns:

- a) That the proposed Place Type and Zoning request be modified to:
- i. *Green Space Place Type* to accurately reflect the natural hazards and provide for special policy/provisions to establish the use; and,
 - ii. *Open Space OS4(X)* with special provisions to detail the zoning regulations required (ie maximum gross floor area), as well as limit the number and type of permitted uses.

The lands must first and foremost be identified as natural hazard lands in both the London Plan and in the Zoning By-Law. The current list of permitted uses generally includes conservation and parks, with a special provision for *commercial recreation establishments in existing buildings*. The applicant must identify a list of permitted uses that does not result in intensification, and does not increase the risk to property damage or public safety.

- b) That the 2D flood modelling and associated report be revised to implement the comments provided herein, with specific reference to UTRCA Policy 4.2.2.6 (as per above).

- c) That the applicant apply for 'Approval in Principle' from the UTRCA's Hearing Committee to establish support for the redevelopment of the subject lands through the *Planning Act*, and identify further conditions that may be required for a future Section 28 permit application under the *Conservation Authorities Act*. The UTRCA will continue to

work with the applicant to ensure the application has been deemed complete by staff prior to advancing to the Hearing itself. A complete application will include, but is not limited to:

- i. Identifying appropriate Place Type and zoning;
- ii. Revising the modeling and associated reports;
- iii. Providing written responses and revised documentation that addresses the aforementioned comments; and,
- iv. Payment of the Hearing Request Fee (Major) of \$5,300.

UTRCA – December 8, 2023

Further to our correspondence dated April 11, 2023, the Upper Thames River Conservation Authority (UTRCA) has reviewed the additional information that has been submitted alongside the proposed Official Plan and Zoning By-Law Amendment applications.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands are located entirely within the flood plain of the Thames River and are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*.

PLANNING BACKGROUND & PROPOSALS

Initial Development Proposal

Conservation Authority staff have been involved with the planning/pre-consultation process for the subject lands since 2014. At the time, the previous landowner had approached the City and the UTRCA regarding the possibility of redeveloping the site pursuant to the UTRCA's policies for Replacement Structures in the Floodplain (please see below). While the proposal was not in keeping with the typical/traditional approach for replacement structures, it was felt that the project had merit subject to satisfying all of the policy and technical requirements.

The initial proposal consolidated the gross floor area of the existing structures associated with a former Goodlife fitness facility which included a residential component as shown on enclosed Figure 1B "Existing Conditions". Through the review of City building records, it was determined that the existing total/maximum permitted gross floor area of the buildings on site was 982m² and that there were 9 parking spaces associated with the use. The Conservation Authority was of the opinion that the replacement project which was to be entirely located on 1310 Adelaide Street North portion of the site, would provide for an improved layout and a structure that was safer and floodproofed.

The landowner intended to dedicate the balance of the lands known municipally as 795 Windermere Road to the City as parkland which City staff deemed to be a public net benefit. Accordingly, the City agreed to credit the 68 parking spaces located in the east parking lot to a replacement project. The parking lot was to be restored to open space by the proponent. The informal west parking lot containing 42 spaces was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the development site and on the City lands. Of those spaces, 77 in total (68 on City lands and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s) benefit. Accordingly, the City agreed to credit the 68 parking spaces located in the east parking lot to a replacement project. The parking lot was to be restored to open space by the proponent. The informal west parking lot containing 42 spaces was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the development site and on the City lands. Of those spaces, 77 in total (68 on City lands and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s). The concept was comprised of one structure - a plaza that included locally oriented commercial uses such as retail, personal service and small-scale office uses (Please refer to *Figure 2 - Overlay Topo Site Plan*, MHBC, October 2016). It should be noted that the previous landowner did not complete the required flood modelling of the flood

plain which was a key component of securing the necessary *Planning Act* and *Conservation Authorities Act* approvals.

Current Development Proposal

The current development proposal represents a significant departure from the initial replacement concept that City and UTRCA staff agreed had merit, in principle. The current proposal includes two (2), one storey, commercial buildings with a combined gross floor area of 975 m², requiring 48 parking spaces. One of the buildings is proposed for a fast food restaurant with a drive through with queuing for 16 vehicles. As shown on Figure 9 “Plan View Rendering” of the proposed Site Development in the Planning Justification Report, the second commercial building appears to have four (4) commercial units labelled as “SHOPS”. The proposed replacement structure utilizes the entirety of the site known municipally as 1310 Adelaide Street North and 795 Windermere Road.

The existing zoning is *Open Space OS4 (2)* which is one the most restrictive open space zones and applies to natural hazards. As indicated, the subject lands and the surrounding area are located within the flood plain of the Thames River. Only a very limited range of uses and structures are permitted and must satisfy the regulatory requirements of the Conservation Authority, including but not limited to access and floodproofing. The special provision in the current zoning allows for *commercial recreation establishments in existing buildings*, in addition to the standard uses permitted in the *OS4* zone which are restrictive in nature. This use is considered to be relatively passive as is reflected by the parking requirement of 1 parking space for every 50 square metres.

The applicant has requested that the lands be rezoned to *Neighbourhood Shopping Area NSA4* which permits a range of commercial uses. Given that the lands are in the flood plain, the request cannot be supported and we recommend that the lands continue to be zoned *Open Space OS4* and include special provisions regarding the permitted and restricted uses, the permitted maximum gross floor area, and the parking requirements.

The recent submission includes:

- i. **2D Hydraulic Modeling Assessment – Version 3** prepared by Matrix Solutions Inc., dated October 6, 2023
- ii. **Stormwater Management Report Proposed Redevelopment - 1310 Adelaide Street North & 795 Windermere Road, London, Ontario** prepared by Strik, Baldinelli Moniz Ltd., dated June 23, 2023; and
- iii. **Planning Justification Report – Official Plan and Zoning By-Law Amendments – 1310 Adelaide St N. & 795 Windermere Rd, London**, prepared by Strik, Baldinelli Moniz Ltd., dated September 2023

TECHNICAL PEER REVIEW

UTRCA staff have completed a technical review of the aforementioned documents, and offer the following comments:

Stormwater Management Report

S1. **New.** Please confirm if the minimum on-site storage volume of 18.18 m³ is under the 250-year storm. Using a Rational Method and flows under the pre- and post-development conditions shows that approximately 80 m³ of volume is required for the 100-year storm on the site under the proposed conditions. Please provide storage to control the flows under the proposed conditions to the 250-year storm.

S2. **New.** Please provide details of the proposed naturalized drainage channel including detailed design, parameters, cross sections showing the 100-year and the 250-year flood elevations and the conveyance capacity of the proposed channel.

S3. **New.** Please provide justification for the C- value of 0.42 under the proposed conditions.

S4. **New.** Please report flows for all the storm events ranging from 2 to the 250-year storms under the pre-and post-development conditions.

S5. **New.** Please provide justification and supporting calculations for the Time of Concentration (Tc) of 23 and 21.7 minutes used under the pre- and post-development conditions.

2D Hydraulic Modeling Floodplain Impact Assessment

1. **Addressed.**
2. **Addressed.**
3. **Addressed.**
4. **Addressed.**

Planning Justification Report

The Conservation Authority has reviewed the revised Planning Justification Report (September, 2023) prepared by Strik Baldinelli Moniz and offers the following comments:

5. **Partially Addressed.** As noted previously, there are significant changes from the initial development proposal to the current development proposal. Additionally, as part of the proposals there was discussions amongst the developer and the City regarding parking credits. A breakdown of the previously existing versus proposed spaces is as follows:

Existing Location	# of Spaces	Proposed Location	# of Spaces
Municipal Lots	110 spaces (68 in east + 42 in west)	Municipal Lot	91 spaces
Goodlife	9 spaces*	Development	48 spaces
TOTAL	119	TOTAL	139

6. **Not addressed.** This comment speaks to connecting the planning and technical requirements for permitting replacement structures within the floodplain.

- a. Intensification.
- b. Change in Use.

As it relates to the UTRCA's policies, the following criteria are required to be met, to the satisfaction of Conservation Authority staff and/or the Hearings Committee. The specific policies have been relocated into this comment to aid in establishing an understanding for how these policies are to be applied to the review of this application.	Replacement Structure Policy	Applicability to this Application
4.2.2.6		

- | | | |
|----|---|--|
| a) | The structure can be floodproofed to the level of the <i>Regulatory Flood</i> . If <i>Regulatory Flood</i> protection is not technically feasible, a lower level of flood risk protection may be permitted and must be provided to the maximum elevation possible as determined on the basis of site-specific evaluation. | Addressed. Flood modeling has been completed and accepted. |
| b) | The proposed structure must not exceed the total "footprint" area of the original structure as it existed on April 25, 2000. | Addressed. The existing gross floor area was 982 m2, whereas the proposed |

c)	The flood risk must not exceed the risk associated with the previous/existing structure or development such that:	development has a gross floor area of 975m ² . (see below)
c) i.	The location of the <i>replacement structure</i> and services are not susceptible to higher depths and/or velocities of flooding;	Addressed. The development has been designed with floodproofing, to be finalized through the Section 28 permit application/Hearing process. Partially Addressed. While there is benefit to removing the existing residential dwelling unit and replacing with a commercial use, there is an overall increase in the number of units proposed. Although floodproofing is proposed to reduce the risk of property damage, concerns remain as it relates to public safety.
c) ii.	The use associated with the <i>replacement structure</i> and development does not increase the risk to property damage or public safety (e.g. converting from habitable to non-habitable); and,	Not addressed. As identified in comment c) ii. above, the lands previously contained a residential dwelling unit and a commercial recreational establishment (gym). The proposed development now includes a total of five (5) commercial units, resulting in an increase of three (3) units from the existing conditions. There are many differences between the existing use and the proposed uses. The former Goodlife operation was not a full size, standard gym as we know today and would not have had the same level of intensity of use. The previous fitness centre had a gross floor area of 635 m ² while the Goodlife fitness centre located at 710 Proudfoot Lane has a gross floor area of 1,745 m ² . To compare the existing development to current standards does not provide an accurate description of the intensity of the existing versus proposed use(s). Another matter to consider is the hours of operation. Many fast food restaurants are open 24 hours per day, seven (7) days a week. This would
c) iii.	The use within the <i>replacement structure</i> and/or the property as a whole is not intensified.	

result in a constant and steady flow of traffic to the site including patrons, staff (with overlapping shifts) and delivery trucks bringing supplies to support the day to day operations. Additionally, the parking requirements for the proposed uses greatly exceed those of the existing uses. Please refer to comment 5 for more details. While a number of improvements have been made to the site and the proposed structure with respect to floodproofing, the flood risk has not been removed as has been suggested by the consultant. Rather, the flood risk has been addressed/reduced. (Figure 12. Preferred Site Layout – Flood Risk for Regulatory Event).

- d) The proponent agrees to carry out site-specific flood damage reduction measures such that, in order of priority:

 - i. *Dry, passive floodproofing* measures shall be implemented to the extent technically possible to achieve the required level of flood protection; and /or,
 - ii. *Wet floodproofing* measures are incorporated as required to achieve and maximize the required level of flood protection.

Partially addressed. Further details are required for the Section 28 permit application/Hearing process, should the *Planning Act* applications receive approval.
- e) Ingress and egress should be “safe” or “dry” pursuant to contemporary floodproofing guidelines in addition to Provincial Policy and/or achieve the maximum level of flood protection determined to be feasible and practical based on existing infrastructure.

Addressed. Safe or dry access cannot be achieved on these lands, however the applicant has designed to the maximum extent feasible based on the limitations on existing transportation infrastructure.
- f) The proposed flood damage reduction measures do not increase flood risk on adjacent, upstream and/or downstream properties.

Addressed. The required flood modeling confirmed no impacts.
- g) All applications for development approval must be accompanied by engineering studies,

Partially addressed. Comments have been provided herein which can be finalized through the Section

prepared by qualified professional, detailing such matters as flood frequency, depth and velocity flow, soil conditions, proposed flood damage reduction measures including structural design details, stormwater management and other information and studies as may be required by the UTRCA and the local municipality.

28 permit application/Hearing process, should the *Planning Act* applications receive approval.

SUMMARY & RECOMMENDATIONS

The subject lands are regulated by the UTRCA due to the presence of a riverine flooding hazard associated with the Thames River. These lands are subject to frequent flooding and have been predicted to require evacuation within approximately five (5) year cycles. The most recent flood event occurred in 2018, closing down Windermere Road and flooding surrounding buildings and facilities. Due to the frequency of flooding events in this area, Adelaide Street North underwent improvements during its reconstruction to raise the road and yet would also be inundated with floodwaters during a regulatory storm, which has been experienced within the last 100 years.

The UTRCA's core mandate focuses on protecting both people and property through staff's review of development applications. This is a challenging site and project, and the proper due diligence must be completed to the satisfaction of the Conservation Authority to ensure that the necessary Section 28 permit can be issued. Both City and UTRCA staff have been flexible in working with the land owner to ensure that the proposed redevelopment/replacement structure is consistent with policy and will be safe. Based on the information submitted to date, certain concerns have been addressed while others remain outstanding.

Based on a summary of the policies provided herein, the application is not consistent with the Provincial Policy Statement, does not conform to the London Plan, and does not comply with Ontario Regulation 157/06 – *Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards*. Modifications are required to ensure that this can be satisfied.

We offer the following recommendations:

Recommendation 1

As per the Notice of Revised Planning Application, the applicant is requesting that the subject lands be redesignated to *Shopping Area* Place Type and rezoned to *Neighbourhood Shopping Area (NSA4)* to permit a broad range of retail, service, office, entertainment recreational, educational, institutional and residential uses. Given that the lands are located within the riverine flooding hazard associated with the Thames River, it would be inappropriate to remove the *Green Space* Place Type and *Open Space* zone from the lands; as such, the UTRCA recommends that the applicant's application **be refused**.

Recommendation 2

As per the revised submission of the Planning Application, the applicant is requesting that the subject lands remain within the *Green Space* Place Type with a site-specific policy, and remain within the *Open Space OS4* zone to permit a broad range of restaurant, retail or personal service uses.

Based on the rationale provided throughout this letter, the UTRCA recommends modifying the proposed list of permitted uses to ensure that the overall use of the lands is not intensified, including matching the rate of parking spaces to that which was permitted for the existing commercial recreation establishments (1 space per 20m²).

Requested by Applicant

Bake Shop
 Convenience Store
 Commercial Recreation Establishment
 Drive-through Facility
 Financial Institutions
 Food Stores
 Personal Service Establishments
 Restaurants
 Retail Stores

Permissible by UTRCA

Bake Shop
 Convenience Store
 Commercial Recreation Establishment
 Duplicating Shop
 Financial Institution
 Food Store
 Garden Store
 Hardware Store
 Laundromat
 Office – not medical/dental
 Pharmacy
 Post Office
 Retail Store
 Service & Repair Establishment

The UTRCA is offering a recommendation of no objections subject to modifications, to establish the principle of development through the planning process given the existing use and the UTRCA's replacement structure policies. Should Council approve the *Planning Act* application, a decision from the UTRCA's Hearing Committee on the Section 28 permit application under the *Conservation Authorities Act* is still required to address the outstanding comments identified herein. Should Council approve the *Planning Act* application without modifications, there is a chance that the UTRCA's Hearings Committee will not be able to approve a drive-through/restaurant use at this location.

If the necessary Section 28 approvals are not obtained from the Hearing's Committee for the proposed redevelopment, the lands are to be zoned Open Space (OS4) with the removal of the special provisions.

Transportation – December 14, 2023

Updated Traffic Impact Assessment is acceptable and transportation has no further comment to offer.

However, we do have some high level site plan related comments and appreciate if you can include them now:

- Newly dedicated ROW must be graded up from the back of the curb at a slope of 2-4%, and the boulevard restored as per City Standard;
- Access will be permitted along Windermere Road at least 60.0m East of the intersection, and can be a full turn movement access, as per City Access Management Guidelines;
- Secondary access will be permitted along Adelaide Street North at least 75.0m South of the intersection, this access will be a right-in/right-out restricted access by way of extending the center-road median South down Adelaide Street to a point 25.0m beyond the South access (South) curb line, as per City Access Management Guidelines;
- Additional detailed comments regarding accesses will be provided through the Site Plan process.

Appendix F – Public Engagement

Fern Hill – March 4, 2023 – email

Further to our telephone conversation of February 24, I wish to express my concerns in connection with the proposed development at 1310 Adelaide Street North and 795 Windermere Road. While I have no objection to the suggested use of the land, I am very concerned about the infrastructure required for the proposed development and its effect on my property.

1. This property exists on flood plain land and is considerably below the Windermere and Adelaide Road level. It will require a vast amount of fill to raise it to the road level. Roughly every twenty years (1937, 1947/48, 1968, 1979, 1985, 2000/01, 2018) there is a significant flood which totally covers this area. (The Police Department had a drone photo of the area during the 2018 flood which confirms this.) I am concerned that the displacement by the required infill will cause increased and severe flooding to the adjacent properties and my property, in particular.

2. I note that the plan calls for a “drainage ditch” for flood control. In the case of a major flood, where this property basically becomes an extension of the Thames River, where does the drainage ditch drain to?

I trust that any approval for this development by City Council and the Upper Thames Conservation Authority will take into consideration the damaging effect it could have on properties in this location and will ensure that these properties are in no way adversely affected by this proposed development.

Elizabeth Blokker – February 27, 2023 – email

As a resident in ward 5, I am disappointed to see that there has been an application for rezoning a “Green Space Place Type” to a “Shopping Area Place” at the location of 1310 Adelaide Street North and 795 Windermere Road.

I fail to see how this rezoning is in line with London’s vision of being “a sustainable city [...] providing a safe, affordable, welcoming, and healthy future for today and for the next generation.” Or how achieves the mission of “Improve quality of life and build a strong and vibrant community”.

There are a number of reasons that the application does not meet these criteria:

1. Sustainability:

- As I have discussed with you before Jerry, green spaces are CRITICAL in London’s future in adapting and mitigating climate change. Parking lots and concrete absorb and re-radiate heat incredibly well. This leads to the surrounding area being much more warm, and during the summer months, increases the energy consumption for cooling for surrounding businesses and homes. This is known as the “heat island” effect. Tree canopy and green spaces reduce this effect by providing more shade, which in turn reduces the surrounding temperature.
- This area of London is incredibly prone to flooding. In the future, London is expected to get more precipitation and be more prone to flooding. Natural green spaces absorb water MUCH more effectively than concrete, which is impermeable. By putting huge parking lots in this flood prone area, this will push water into the surrounding fields and into the river, which will just cause bigger problems for the city because of the expensive clean ups.

If London is serious about being a sustainable city, developments such as these need to stop. Our green spaces are critical to our adaptation and mitigation of climate change.

2. Health and Safety

- I noticed in the application that there is a plan for a McDonalds to be located here. Do we really need another fast food chain in this location? It’s no small secret that McDonalds is not health food, so I fail to see how this promotes health and safety in building a thriving vibrant community. There is already a Wendy’s down the street, a

Popeye's, Starbucks, and Tim Hortons nearby, and a McDonalds close to Masonville Mall. This area is already saturated for fast food options.

- There are multiple soccer fields in the area where we are teaching young people about the importance of health and well-being. Situating a McDonald's immediately next door to a recreational facility for young people sends mixed messaging to these growing minds, and enables unhealthy behaviours.

- Further, there is a well-loved restaurant across the street, the Waltzing Weasel. I can't imagine putting a fast food chain across the street will be beneficial for this locally owned restaurant.

- I noticed in the rendering there is a plan to put an entrance/exit to this plaza off of Adelaide street. Making an entrance/exit off of Adelaide will only further slow down traffic and make it dangerous to turn out into Adelaide, increasing the risk of accidents.

This planned development does not meet London's vision of providing a healthy future for today and the next generation.

I believe there are a number of proposed alternatives that could be explored for this lot.

1. Naturalized area, educational space, floodplain.

- This area is well situated to be connected to the Thames Valley Parkway. People already enjoy hiking in this area and further naturalization of the area so that it can be enjoyed by everyone would be greatly appreciated by those living nearby. As I stated above, there are a myriad of benefits to green spaces including (but not limited to), reducing the heat island effect, reducing the risks of floods, promoting biodiversity, and many more.

- It could also have a dual purpose as an outdoor educational space for surrounding schools to learn about biodiversity (ie. A.B. Lucas is well connected nearby).

2. Housing and local businesses

If it is to be rezoned, make space for local businesses ONLY and housing development.

- I recognize that London is in desperate need of more housing. This is a well connected part of the city, close to the Thames Valley trail, and recreational facilities. Development of a mid-density housing unit here (ie. townhouses) would further promote infill within London so that we can reduce our expansion outwards (which only increases our citizens' reliance on unsustainable car transit cars). There could be commercial development reserved for locally owned businesses closer to Adelaide so that the houses are not right up against a busy road.

- Reduce the area that the parking lot is taking up and leave more space for naturalization. As stated earlier, there are many downsides to impermeable surfaces such as concrete which promote runoff and flooding in this area. Naturalized area reduces London's heat island effect and makes the whole area more cool in the summer, reducing energy costs. It is also beneficial for local wildlife, pollinators, and overall people's well being and mental health!

- At the very least, it should be mandated to put in permeable pavers in this development so that water doesn't just run off the impermeable concrete into the surrounding soccer fields.

I greatly appreciate you taking the time today to read through my suggestions. I truly believe that the proposal for this lot could be greatly improved to be aligned with London's mission, vision, and values.

I am happy to provide any further thoughts or ideas if you would like them.