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File: OZ-8271
3 of 5
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE CITY OF LONDON PORTION OF 2339 AND 2347 DUNDAS STREET PUBLIC PARTICIPATION MEETING ON MARCH 4, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of the City of London relating to a portion of the properties located at 2339, 2347 Dundas Street:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 18, 2014 to amend Schedule 'A' of the Official Plan to change the designation of the subject lands **FROM** an Auto Oriented Commercial Corridor designation, **TO** an Open Space designation;
- (b) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 18, 2014 to amend Schedule 'B-1' of the Official Plan to change the designation of the subject lands **FROM** an Unevaluated Vegetation Patch, **TO** a Woodland;
- (c) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on March 18, 2014 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Restricted Service Commercial Special Provision/ Highway Commercial (RSC1(2)/RSC3/RSC4/RSC5/HS1/HS4) **TO** an Open Space (OS5) Zone.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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OZ-8120 – June 18, 2013, June 20, 2013 Reports to Planning Committee

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this Official Plan and zoning change is to identify and protect significant natural heritage features on the subject sites where they exist and remove the natural heritage designation where no significant features have been identified as being present.

Municipal Council has directed City Staff to undertake a review of "Unevaluated Vegetation Patches" shown on Schedule "B-1" of the Official Plan that are not shown as "Open Space" or "Environmental Review" on Schedule "A" of the Official Plan in an effort to make the schedules align with each other.

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RATIONALE

- i) The recommended amendment is consistent with the Provincial Policy Statement, 2005.
- ii) The recommended amendment is consistent with the City of London’s Official Plan,
- iii) The recommended amendment reconciles the inconsistencies between Schedules “A” and ‘B-1’
- iv) Provides protection under the “Tree Conservation By-law” for certain woodlands which are currently unprotected.
- v) Removes ecological designations on lands/features which do not provide significant ecological functions and allows these lands to be developed in conformity with their underlying designation.

PLANNING HISTORY

Through a previous planning application that was processed by municipal Staff a discrepancy between the Official Plan, Schedule “A” Landuse map and Schedule ‘B-1’ Natural Heritage Features map was identified in which the woodlands identified on Schedule ‘B-1’ was not identified on Schedule “A”. In an effort to avoid future inconsistencies of the same nature Council directed staff on August 27, 2013 to identify all Unevaluated Vegetation Patches on Schedule ‘B-1’ that are not protected by an appropriate land use designation on Schedule “A” of the Official Plan. Once identified, Staff were directed to determine the significance of each vegetation patch and make the appropriate changes to Schedules “A” and ‘B-1’.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

Middlesex London Health Unit:

The Middlesex-London Health Unit (MLHU) recognizes the need to identify and protect significant natural heritage features on subject sites where they exist and to remove the natural heritage designation where an evaluation has not identified the presence of a significant feature. In order to do this, Municipal Council directed City Staff to undertake a review of “Unregulated Vegetation Patches” shown in Schedule B-1 of the Official Plan that are not shown as “Open Space” or “Environmental Review” on Schedule A of the Official Plan has been conducted in order to ensure that both schedules’ are aligned. This has resulted in 26 applications for amendment to the Official Plan & Zoning By-law.

In general, the MLHU supports the proposed amendments that result in designation changes that protect numerous natural heritage features throughout the city. These amendments align with the policies contained within the Provincial Policy Statement (2005), the City of London Strategic Plan (2011 – 2014), policies within the City of London Official Plan (2006) and key directions provided by the ReThink London Discussion papers (2013).

City of London Strategic Plan and Official Plan Policies

Protecting natural areas is consistent with the Strategic Result of ‘A Green and Growing City’ to “value and protect our environment”. In addition, several Official Plan policies support protecting areas within the city for integration into the City’s overall parks network and to protect significant features and ecological functions (Sections: 8 - Open Space Land Use Designation and 15 - Environmental Policies). Preserving such spaces serves to enhance the City’s image as the Forest City’, and provide a break in the urban landscape.

Provincial Policy Statement

1.5 Public Spaces, Parks and Open Space

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- 1.5.1 Healthy, active communities should be promoted by:
 - b) providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails and where practical, water-based resources;

2.1 Natural Heritage

- 2.1.4 development and site alteration shall not be permitted in:
 - b) significant woodlands south and east of the Canadian Shield unless it has been demonstrated that there will be not negative impacts on the natural features or their ecological functions.

ReThink London Discussion Papers

Building a Greener City - Community consultations identified the need for greater conservation of natural resources, protection of our natural heritage, environmental management and promoting "Natural Capital" such as woodlands and Environmentally Significant Areas.

Building Strong and Attractive Neighbourhoods – Community consultations also identified the need to protect what we cherish by protecting the environment, establishing ecological connections between woodlands, environmentally significant areas and corridors.

The Value in Preserving Natural Heritage Features

As the city of London continues to grow and expand, preservation of natural areas ensures that habitats and species unique to the area will be protected. These areas will also provide Londoners for generations to come with a means to connect with nature and opportunities to find refuge from city life. Evidence indicates that access to natural features helps to support both the physical and mental well-being of individuals as well as that of neighbourhoods and communities (Johnson & Marko, 2007; Canadian Institute of Planners, 2010). Protecting these natural areas will serve to enhance the parks and trails systems already in existence within the Forest City.

Conclusion

City Council is to be commended for taking action to ensure that significant natural heritage features are protected and remain protected and accessible. Current as well as future generations stand to benefit from these measures that "provide a balanced approach to preserving and protecting our natural environment, knowing it is essential to our prosperity, sustainability and quality of life" (City of London Strategic Plan, 2011 – 2014, p. 15).

EEPAC requested the following:

- a) any woodland that is not deemed significant as the result of a desktop exercise be classified as "Environmental Review" until the woodlands' significance can be determined through the completion of more detailed environmental studies; and,
- b) the EEPAC receive the desktop exercise results for the patches, if possible.

Transportation Planning and Design

Transportation has reviewed the locations being considered as significant natural heritage features and two of the locations creates traffic concern. The first is 2347 Dundas St, 650 Sovereign Rd. The Veterans Memorial Parkway Environmental Assessment identified the need to extend Sovereign Rd northerly to Dundas St when an interchange is constructed at the intersection of Dundas St and VMP. The extension will travel through the westerly limit of the proposed significant woodlot. The design has not been undertaken for Sovereign Rd so the full extent of the affected area within the woodlot has not been finalized but staff expect a minimum 20 m right-of-way will be required. The affected area will need to be amended to take this future road extension into consideration.

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PUBLIC LIAISON:	On November 18 th , 2013, Notice of Application was sent to all property owners within 120 metres of the properties which were subject to a proposed change. Notice of Application was also published in the <i>Public Notices and Bidding Opportunities</i> section of <i>The Londoner</i> on October 31 st , 2013.	No replies were received
Nature of Liaison:		
<p>The purpose and effect of this Official Plan and zoning change is to identify and protect significant natural heritage features on the subject sites where they exist and to remove the natural heritage designation where an evaluation has not identified the presence of a significant feature.</p> <p>Municipal Council has directed City Staff to undertake a review of “Unevaluated Vegetation Patches” shown on Schedule “B-1” of the Official Plan that are not shown as “Open Space” or “Environmental Review” on Schedule “A” of the Official Plan in an effort to make the schedule’s align with each other.</p>		
Responses: None		

ANALYSIS

Patch 05009 (2339, 2347 Dundas St)

The identified section of unevaluated vegetation patch is part of a larger vegetation patch which was recently re-designated to Open Space and identified as a Woodland on Schedule ‘B-1’ on abutting lands through a separate planning application. Given that this portion of the patch is a component of the larger vegetation patch it is appropriate to continue the protection of this patch re-designating this portion on Schedule “A” as Open Space and Schedule ‘B-1’ as a Woodland. The zoning is also recommended to be changed to an Open Space (OS5) Zone to implement the revised Official Plan designation and maintain consistency between the Zoning of the same patch on abutting lands.

Transportation Staff have identified through the Veterans Memorial Parkway Environmental Assessment that Sovereign Road will be extended north to Dundas Street. This extension is proposed through a portion of the proposed Woodland. In an effort to respect the completed Environmental Assessment and allow for the future road extension Staff are recommending that the Zoning and Official Plan amendments all be set back 20m from the existing easterly property line to allow for the future extension to occur.

CONCLUSION

This report is being tabled in response to a Council resolution to review unevaluated vegetation patches in the City that are not protected by either the Zoning By-law or Official Plan. Staff has identified a strategy which separates these vegetation patches into four separate categories based on the required course of action. The subject sites fall under Category 2 as the lands are recommended to be rezoned and re-designated through this report to protect their ecological function or recognize that they no longer provide an ecological function due to their site alteration or provincial land use permissions.

Agenda Item # Page #

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PREPARED BY:	REVIEWED BY:
MIKE CORBY CURRENT PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
SUBMITTED BY:	RECOMMENDED BY:
ANDREW MACHPERSON, OALA MANAGER, ENVIRONMENTAL AND PARKS PLANNING	JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER

January 29, 2014
MC/mc

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**Bibliography of Information and Materials
OZ-8271**

Request for Approval:

City of London Official Plan and Zoning By-law Amendment Application Form, completed by The City of London, October 11, 2014.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, March 1, 2005.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

City of London. Ecologist Report on Schedule “B-1” Patch Evaluations

Correspondence: (all located in City of London File No. Insert File No. OZ-8271 unless otherwise stated)

City of London –

Clavet, Y., Storm Water Management Unit. Email to M. Corby, December 5, 2013

Couvillon A., - Transportation Planning & Design. AMANDA. December 12, 2013

Departments and Agencies -

Creighton C., UTRCA. Various Memo's to M. Corby. December 18, 2013.

Lysynski L., EEPAC. Letter to M. Corby. January 29, 2014.

McClure K., Ministry of Municipal Affairs and Housing (MMAH). E-mail to M. Corby, December 16, 2013.

Dalrymple, D., London Hydro. Memo to M. Corby. November 20, 2013.

McCall B., Middlesex-London Health Unit. E-mail to M. Corby, December 2, 2013.

Legault D., NAV Canada. Letter to M. Corby, November 25, 2013

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. C.P.-1284-_____

A by-law to amend the Official Plan for the City of London, 1989 relating to a portion of 2339, 2347 Dundas Street.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on March 18, 2014.

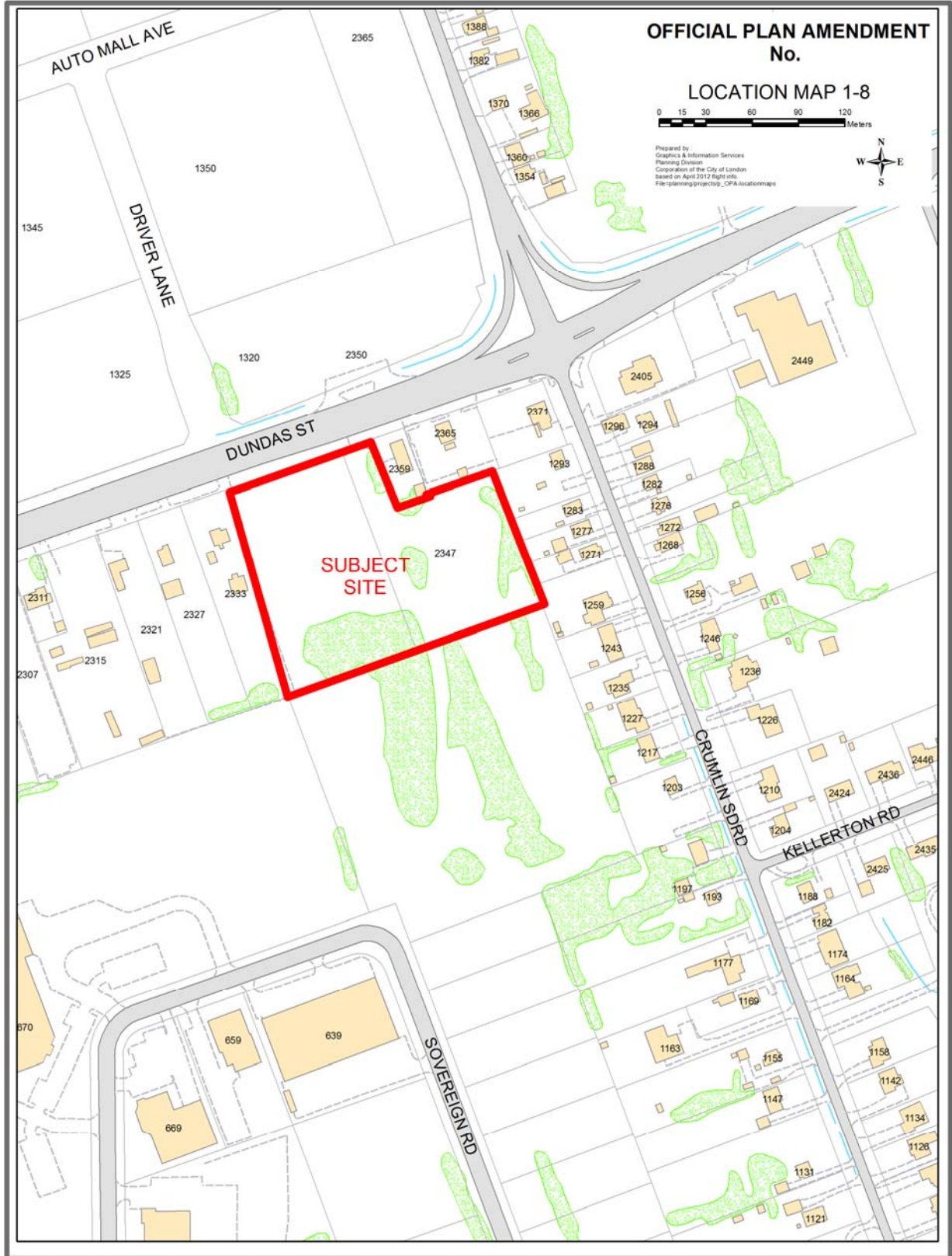
Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading – March 18, 2014
Second Reading – March 18, 2014
Third Reading – March 18, 2014

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein to Open Space on Schedule "A", Land Use, to the Official Plan for the City of London to protect the natural features identified.
2. To change portions of unevaluated vegetation patch 05009 on Schedule 'B-1' - Natural Heritage Features of the Official Plan for the City of London to a Woodland.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to a portion of lands located at 2339 and 2347 Dundas Street in the City of London.

C. BASIS OF THE AMENDMENT

The recommended Official Plan amendment to protect unevaluated vegetation patch 05009 on Schedule "A" Land Use and Schedule B-1, Natural Heritage Features of the Official Plan is appropriate after reviewing the significance of the existing woodland as per O.P. Policy 15.4.5.1 and determining that it meets the required Official Plan Significant Woodland Criteria.

D. THE AMENDMENT

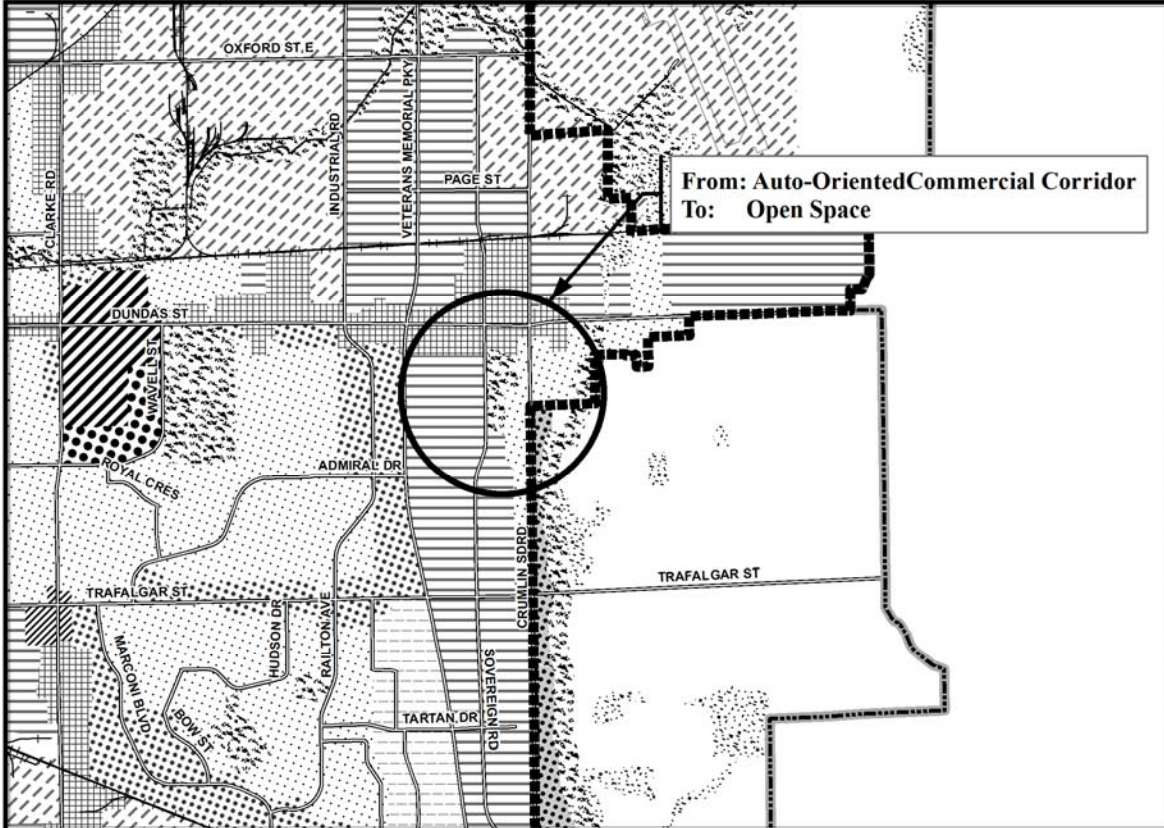
The Official Plan for the City of London is hereby amended as follows:

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 2339 and 2347 Dundas Street in the City of London, as indicated on "Schedule 1-8" attached hereto **FROM** Auto Oriented Commercial Corridor **TO** Open Space.
2. Schedule 'B-1'- Natural Heritage Features of the Official Plan for the City of London is amended by designating portions of vegetation patch 05009 as indicated on "Schedule 1-8b" **FROM** Unevaluated Vegetation Patch **TO** a Woodland.

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AMENDMENT NO:

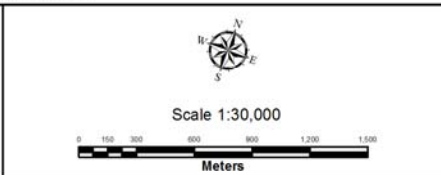


Legend

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

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

**SCHEDULE 1-8a
 TO
 OFFICIAL PLAN**
 AMENDMENT NO. _____
 PREPARED BY: Graphics and Information Services



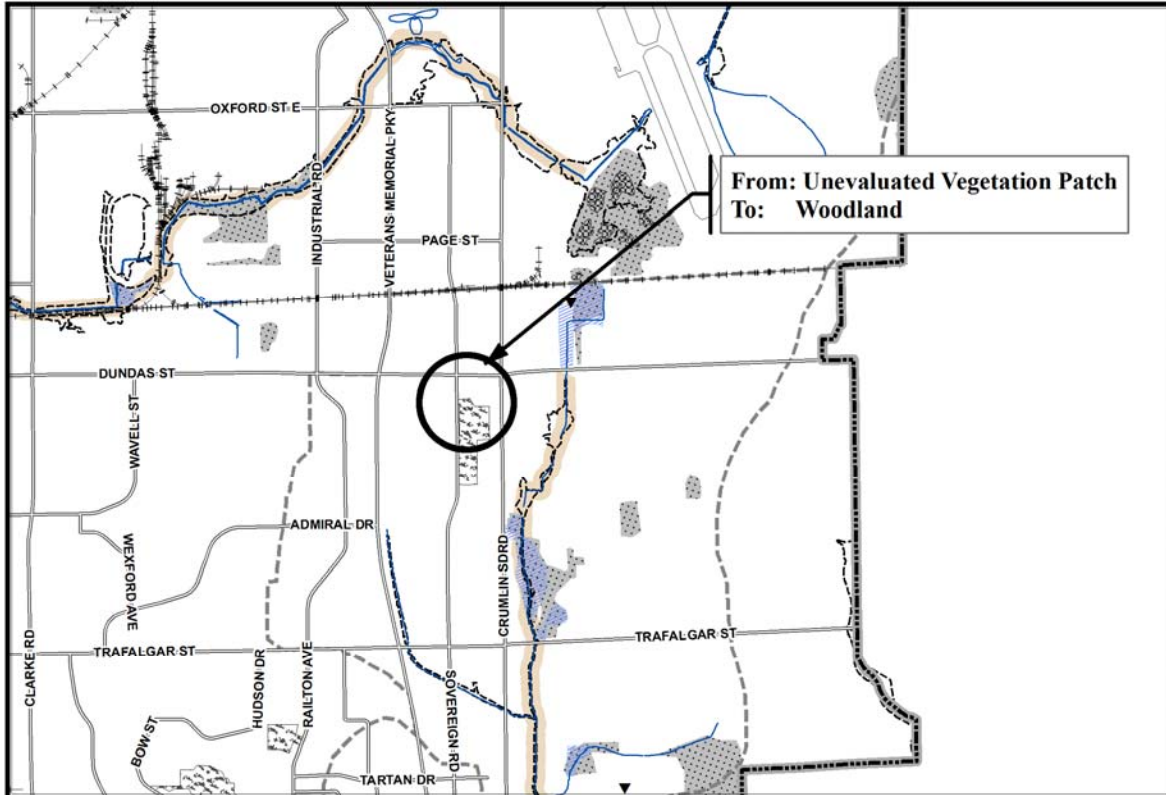
FILE NUMBER: OZ-8271_8
 PLANNER: MC
 TECHNICIAN: CK
 DATE: 2014/02/07

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid\00\amendments\OZ-8271_Map8_2347_dundas_St\MXD\OZ-8271_8_OPA_schA_amendment.mxd

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AMENDMENT NO:



NATURAL HERITAGE SYSTEM

- ESAs
- Potential ESAs
- Significant Woodlands
- Woodlands
- Unevaluated Vegetation Patches
- Significant River, Stream, and Ravine Corridors
- Unevaluated Stream and Ravine Corridors
- Provincially Significant Wetlands
- Locally Significant Wetlands
- Unevaluated Wetlands
- Potential Naturalization Areas
- Potential Upland Corridors
- Ground Water Recharge Areas

NATURAL HAZARDS

- Maximum Hazard Line
NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.
- NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.

Base Map Features

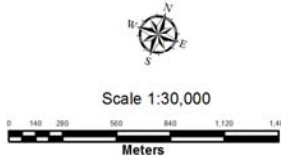
- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Big Picture Meta-Cores and Meta-Corridors

This is an excerpt from the Planning Division's working consolidation of Schedule B1 to the City of London Official Plan, with added notations.

**SCHEDULE 1-8b
TO
OFFICIAL PLAN**

AMENDMENT NO. _____

PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8271_8

PLANNER: MC

TECHNICIAN: CK

DATE: 2014/02/17

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File: OZ-8271
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Planner: Mike Corby

Appendix "B"

Bill No. (number to be inserted by Clerk's Office)
2014

By-law No. Z.-1-14_____

A by-law to amend By-law No. Z.-1 to rezone a portion of an area of land located at 2339, 2347 Dundas Street.

WHEREAS The City of London has applied to rezone a portion of an area of land located at 2339 and 2347 Dundas Street, as shown on the map attached to this by-law, as set out below;

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

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of lands located at 2339 and 2347 Dundas Street, as shown on the attached map comprising part of Key Map No. A.109, **FROM** a Restricted Service Commercial Special Provision/Highway Service (RSC1(2)/RSC3/RSC4/RSC5/HS1/HS4) Zone **TO** an Open Space (OS5) Zone.

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

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

PASSED in Open Council on March 18, 2014.

Joe Fontana
Mayor

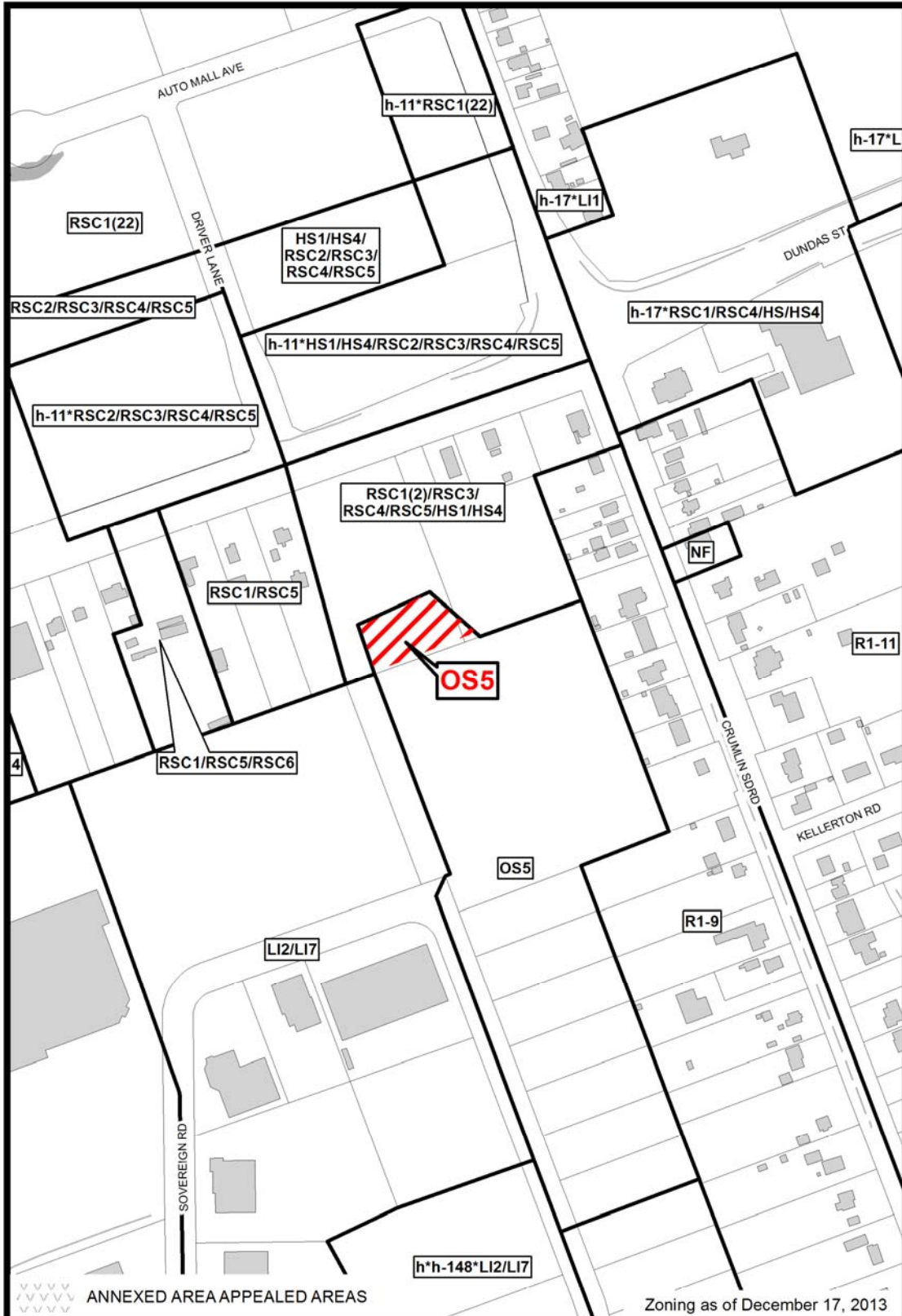
Catharine Saunders
City Clerk

First Reading – March 18, 2014
Second Reading – March 18, 2014
Third Reading – March 18, 2014

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 Planner: Mike Corby

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



<p>File Number: OZ-8271_8 Planner: MC Date Prepared: 2014/02/06 Technician: CK By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:3,300</p> <p>0 15 30 60 90 120 Meters</p>
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Geodatabase

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Planner: Mike Corby

Appendix “C”

Patch # and Addresses	Recommended Action	Rationale and OP Significant Woodland Criteria met in the Patch
<p>05009 (2347 Dundas Street)</p>	<p>Designate as OS on A Designate as Woodland on B-1</p>	<p>05009 - Located in the Crumlin Creek Subwatershed, this patch has been identified as a Woodland in compensation for the removal of another woodland area in the vicinity. Most of it has been designated from LI to OS land use. A small extension of the Woodland is on private lands to the north and it is recommended that this extension of Woodland be added to the boundary of the Woodland and designated as OS land use on Schedule A.</p> <p>OP Criteria met: none</p>