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File No.:B.60/11

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	D.N. STANLAKE DIRECTOR, DEVELOPMENT PLANNING AND G. BARRETT MANAGER, CITY PLANNING AND RESEARCH
SUBJECT:	APPLICATION BY: KAP HOLDINGS INC. 186-188 HURON STREET, AND 2 AUDREY STREET MEETING ON MONDAY, FEBRUARY 6, 2012

RECOMMENDATION

That, on the recommendation of the Director of Development Planning, and the Manager of City Planning and Research, in response to the letter of appeal to the Ontario Municipal Board, dated January 5, 2012, as submitted by Barry Card on behalf of KAP Holdings Inc., relating to the consent application at 186-188 Huron Street and 2 Audrey Street, the Ontario Municipal Board **BE ADVISED** that the Municipal Council supports the Provisional Decision conditions imposed by the Consent Authority and that the City Solicitor's Office, the Development Approvals Business Unit and the City's Planning Division **BE DIRECTED** to provide legal and planning representation at the Ontario Municipal Board Hearing to support the position of Municipal Council.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

December 12, 2005 – Planning Committee recommended refusal of a request to amend the Official Plan and Zoning By-law to permit 2 duplexes and 2 triplexes on the subject site be refused. (OZ-6997)

April 24, 2006 – OMB report to Planning Committee on OZ-6997

August 21, 2006 – OMB decision report to Planning Committee on OZ-6997

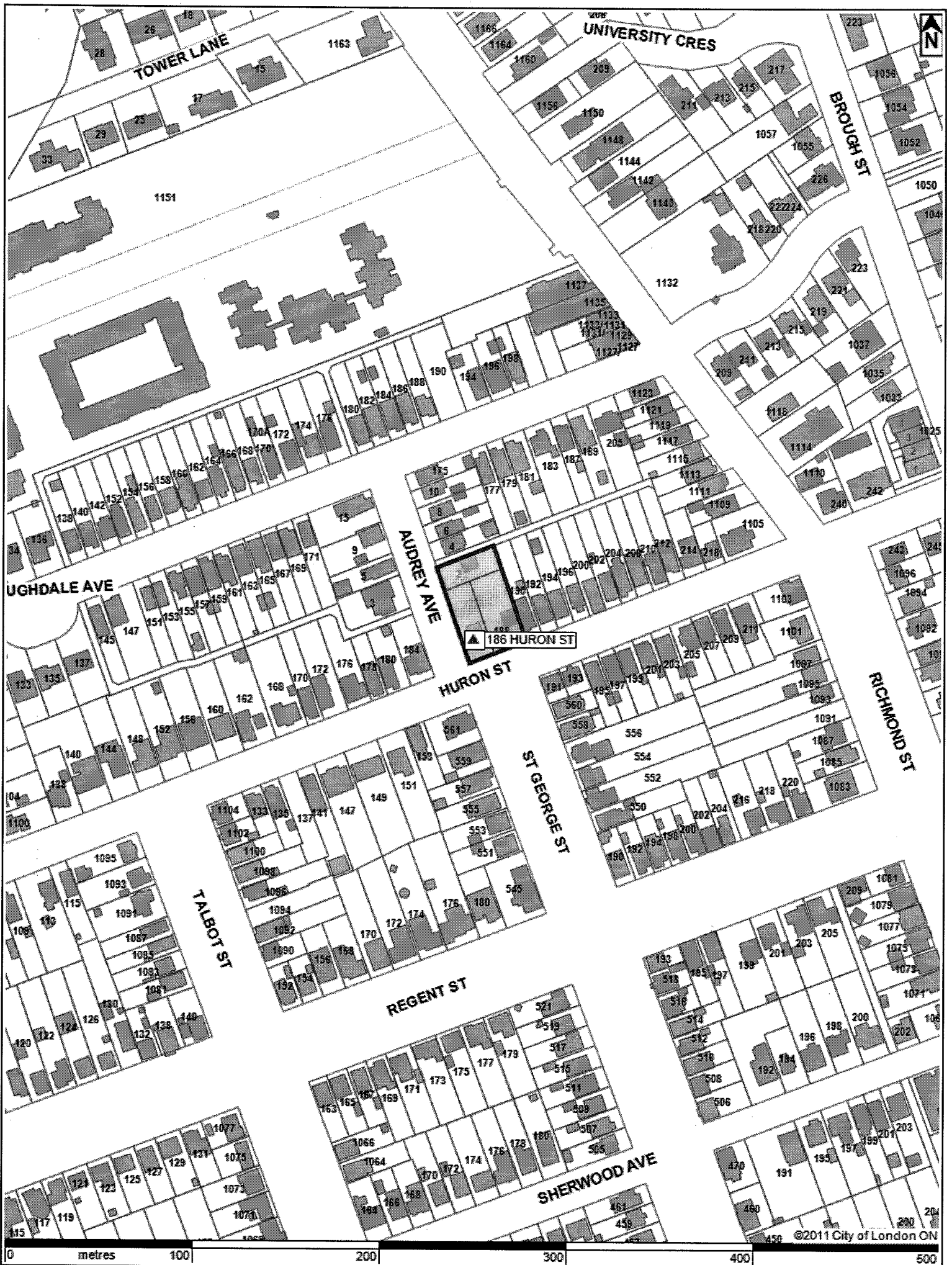
September 10, 2007 – OMB report to Planning Committee requesting Municipal Council to support the decision of the Consent Authority and Committee of Adjustment on B.028/07 and A.067/07

March 2, 2009 - OMB decision report to Planning Committee on B.028/07 and A.067/07

September 26, 2011 – Planning Committee recommended refusal of an Official Plan and zoning by-law amendment to facilitate the demolition of the 3 existing single detached dwellings and construct seven, 2-unit stacked townhouses with four bedrooms in each (14 total units with 56 total bedrooms) OZ-7912

BACKGROUND






An application for consent at 186-188 Huron Street and 2 Audrey Street was received on November 1, 2011. The application was requesting to sever 5.01m² for and convey to 2 Audrey Street for an existing single detached dwelling; sever 420.26m² for future single detached



LOCATION MAP

Subject Site: 186 Huron St
 Applicant: KAP Holdings Inc.
 File Number: B.060/11
 Planner: Nancy Pasato
 Created By: Sandra Fisher
 Date: 2011-11-08
 Scale: 1:2500

LEGEND

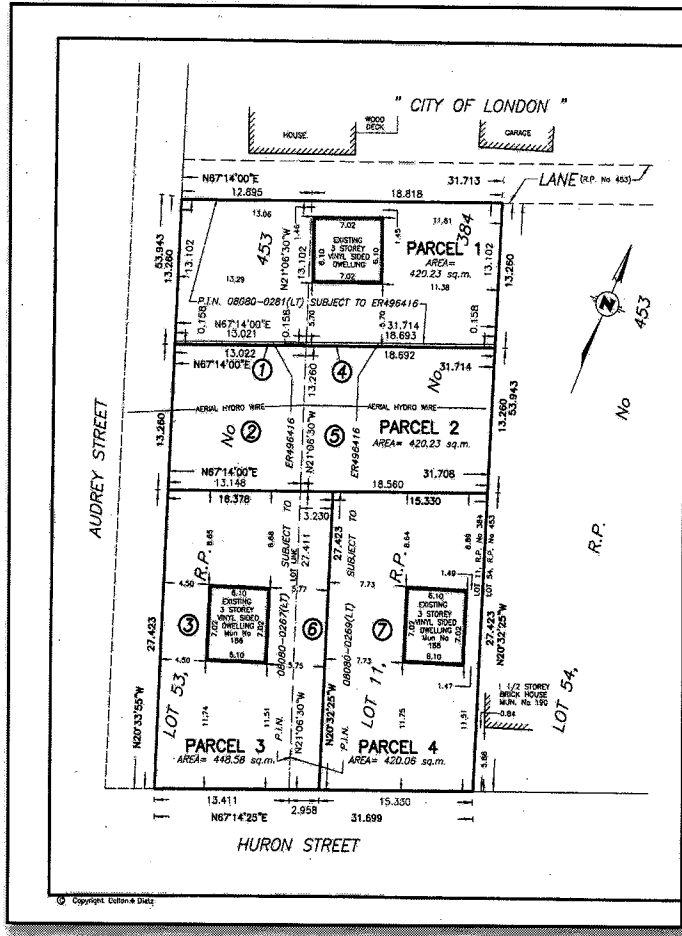
-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



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dwelling; and sever 84.78m² and convey to 186 Huron Street for existing single detached dwelling. This application would create an additional parcel of land. The application was circulated to the surrounding neighbours on November 14, 2011.



The subject lands are designated Low Density Residential in the City of London Official Plan. The subject sites are within the North London/Broughdale Neighbourhood (policy 3.5.9.). The lands are also the subject of a special policy for the North London/Broughdale Neighbourhood. The property is zoned Residential R1 Special Provision R1 (R1-5 (3)) Zone.

On December 22, 2011, the City of London Consent Authority gave notice of a Provisional Consent Decision for the above noted application. The Provisional Consent Decision in its entirety is attached as Appendix "A".

The applicant appealed the conditions imposed by the Consent Authority. Specifically, the applicant is appealing Condition #7:

"The owner shall apply for site plan approval for Parcel 2 in accordance with section 3.2.3.5. of the Official Plan including a public site plan meeting. As part of a complete site plan application the applicant shall include a character statement and urban design brief, which shall be submitted to the satisfaction of the Development Planning Division. A Development Agreement shall be entered into and security provided prior to the issuance of the certificate."

The applicant does not agree that public site plan approval is required as per 3.2.3.5. of the Official Plan, as "single detached dwellings are exempt from site plan control, pursuant to Section 19.9.2. of the Plan". Planning staff are of the opinion that the definition of "Residential Intensification" includes infill development, including lot creation, as per Policy 3.2.3.1.. As per Policy 3.2.3.5., a concurrent public site plan is required for any "Residential Intensification" which includes the severance of a lot. This policy was put in place to ensure the compatibility of the new dwelling unit with existing surrounding development. Nothing in the site plan by-law precludes the application of this policy, and therefore, the condition to require public site plan is necessary, and constitutes good planning.

This appeal is the first time the intensification policies which speak to the process for public Site

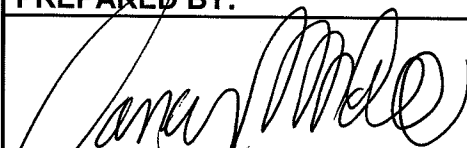
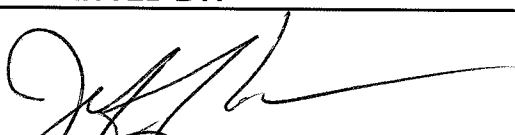


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Plan meetings related to the creation of a lot have been challenged. As a result, Administration is of the opinion that significant information and background related to the policy framework of the policies in the Official Plan should be part of the evidence at the OMB hearing. Thus the recommendation that staff from the Planning Division also provide planning evidence at the hearing. The appeal letter and appellant form is attached as Appendix "B".

Since the appellant is only appealing a condition that is applied as per Official Plan policy, it is recommended that staff from both Development Approvals Business Unit and staff from the Planning Division attend the hearing to defend procedures which occurred in processing the application, the policy application and the condition imposed.

The hearing date for this appeal has not yet been scheduled.

PREPARED BY:	SUBMITTED BY:
	
NANCY MCKEE, MCIP, RPP SENIOR PLANNER, DEVELOPMENT PLANNING	JEFF LEUNISSEN, MCIP, RPP MANAGER, DEVELOPMENT PLANNING
RECOMMENDED BY:	RECOMMENDED BY:
	
D.N. STANLAKE DIRECTOR OF DEVELOPMENT PLANNING	GREGG BARRETT MANAGER, CITY PLANNING AND RESEARCH

January 26, 2012
"Attach"

Y:\Shared\CONSENTS\2011 Consents\B.060-11 - 186-188 Huron Street #2 Audrey Street\OMB report 186 Huron -version 2.docx

CC: Janice Page, Legal
Barry Card, Solicitor
KAP Holdings Inc.

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**Appendix "A"
Provisional Consent Decision**

Applicant: KAP Holdings Inc
File No: B.060/11
Municipality: City of London
Subject Lands: 186-188 Huron Street, 2 Audrey Street

Date of Decision: December 22, 2011
Date of Notice: December 22, 2011
Last Date of Appeal: January 11, 2012
Lapsing Date: December 22, 2012



London
CANADA

NOTICE OF PROVISIONAL CONSENT DECISION

Section 53 of the Planning Act

TAKE NOTICE that the City of London Consent Authority, **GRANTED** applicant, **KAP Holdings Inc.** consent to sever to sever 5.01m² for and convey to 2 Audrey Avenue for existing single detached dwelling; sever 420.26m² for future single detached dwelling; and sever 84.78m² and convey to 186 Huron Street for existing single detached dwelling, file No. **B.060/11** on the **22nd day of December, 2011**, under Section 53 of the Planning Act, R.S.O., 1990, c.P.13, as amended, subject to **CONDITIONS** which must be satisfied before any certificates of consent are issued. A copy of the Provisional Decision is attached.

AND TAKE NOTICE that any person or public body may appeal this decision or any of the conditions imposed by the Consent Authority to the Ontario Municipal Board by filing a notice of appeal with the City of London Consent Approval Authority, Development Planning Division, 300 Dufferin Avenue, London, ON N6A 4L9, **NOT LATER THAN THE 11th day of January, 2012**. The notice of appeal must set out the reasons for the appeal and must be accompanied by the \$125.00 fee prescribed by the Ontario Municipal Board Act, in the form of a **certified cheque or money** order made payable to the Minister of Finance and must be accompanied by an **Appellant Form (A1)** found on <http://www.omb.gov.on.ca?hearing/forms/appealforms.htm> or from the office of the London Consent Authority. If you have any questions regarding the OMB process, please contact the OMB Citizen Liaison Office at (416) 326-6800 or toll free 1-866-887-8820 or in person at 655 Bay Street, Suite 1500, Toronto, ON.

The land to which this application applies is not the subject of an application under the Planning Act for an official plan amendment, an amendment to the zoning by-law or for a minor variance.

Only individuals, corporations or public bodies may appeal decisions in respect for consent to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

You will be entitled to receive notice of any changes to the conditions of the Provisional Consent if you have either made a written request to be notified of the decision of the London Consent Authority or you made a written request to the London Consent Authority to be notified of changes to the conditions for the provisional consent.

Please note that all conditions of the Provisional Consent must be fulfilled within one year from December 22, 2011 prior to the issuance of any Certificate by the London Consent Authority failing which this consent shall be deemed to be refused. It is the responsibility of the applicant to satisfy all the conditions. **PLEASE ALLOW THREE WORKING DAYS FOR THE CERTIFICATE TO BE ISSUED.** There is an issuance of certification charge of \$100.00 for the first certificate and \$200.00 for each additional lot/document.

Additional information on this consent decision is available from the Development Planning Division, 6th floor, City Hall or by telephoning 519-930-3500 during business hours/weekdays from 8:30 a.m. to 4:30 p.m.

Dated at the City of London this 22nd day of December, 2011

D. N. Stanlake
Director of Development Planning
City of London Consent Authority
300 Dufferin Avenue, London, ON N6A 4L9

DS/

Applicant: KAP Holdings Inc
File No: B.060/11
Municipality: City of London
Subject Lands: 186-188 Huron Street, 2 Audrey Street

Date of Decision: December 22, 2011
Date of Notice: December 22, 2011
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Lapsing Date: December 22, 2012

11. In accordance with the City of London's Tree Planting Guidelines and approved user fee, the owner shall pay to the City for street tree planting purposes, a fee based at \$25.00 per lineal metre of frontage on the severed parcel.
12. As part of the submission for Site Plan approval application for proposed Parcel 2, the Owner's professional engineer shall provide a report and plans showing how a sanitary outlet will be provided for the proposed Parcel 2, including lot grading, overland flows, driveway and municipal servicing (storm, sanitary and water) all to the review and acceptance of the City.
13. Upon acceptance of the Lot Grading & Servicing Plan for proposed Parcel 2 in condition 12, the applicant shall enter into an Agreement with the City, to be registered on title of the subject lands, for the construction and maintenance of the required works to service proposed Parcel 2 all to the specifications and satisfaction of the City. The agreement shall also include provision of sufficient security and insurance to be paid on signing to ensure the proper completion of the accepted works and services to be constructed therein.
14. That prior to final approval by the Consent Authority, the Director of Development Planning, is to be advised in writing, by London Hydro Inc., that its requirements with respect to easements and rights-of-way for services have been met.
15. The Consent Certificate shall lapse after 6 months of issuance if the transaction has not been completed.

NOTES OF PROVISIONAL DECISION:

1. A tree protection plan may be required during the site plan process. If any boulevard trees are to be removed it will be as a consensual tree removal according to section 2.5 of the Boulevard Tree Protection By-Law and subject to fees in Schedule "B" of the By-Law.
2. Noting that the southerly boundary of the proposed parcel bisects the existing driveway serving MN 186 Huron Street, the owner may wish to provide an easement and agreement for a mutual driveway or construct a new driveway for MN 186 Huron Street from Audrey Ave.
3. The Owner's Ontario Land Surveyor provide a draft reference plan for review and approval by the City, showing the easement part for access (if required), including the lots as shown on the sketch by Callon Dietz Ontario Land Surveyors. Upon approval by the City, this reference plan is to be registered on title of the subject lands.
4. The driveway(s) to serve the existing and/or proposed lot is to be hard surfaced (concrete, asphalt or paving block) from curb to at least property line and the width in accordance with the Zoning By-law Z.-1.
5. Water Servicing is to be in accordance with regulations of the City's Water Operations Division. The applicant is therefore advised to contact the Water Operations Division for direction prior to the construction of water servicing.
6. A storm private drain connection will be required for the proposed Parcel 2 in accordance with the Drainage By-law WM-4.

APPEALS TO THE ONTARIO MUNICIPAL BOARD CONSENTS
SECTION 53. PLANNING ACT, R.S.O.1990, c.P.13 (as amended)

The following extracts from Section 53 of the Planning Act outline the appeal process for appealing consents:

Appeal

53 (19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Municipal Board by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Municipal Board Act, 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6)

Note: The fee for an appeal is \$125.00 and \$25.00 for a related appeal and should be in the form of a **certified cheque or money order** made payable to the Minister of Finance of Ontario.

Appeal

53 (27) Any person or public body may, not later than 20 days after the giving of notice under subsection (24) is completed, appeal any of the changed conditions imposed by the Council or the Minister by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Municipal Board Act, 1994, c. 23, s. 32; 1996, c. 4, s. 29 (10)

Record

53 (28) If the clerk or the Minister, as the case may be, receives a notice of appeal under subsection (19) or (27), the clerk or the Minister shall ensure that:

- (a) a record is compiled which includes the information and material prescribed; and
- (b) the record, the notice of appeal and the fee are forwarded to the Municipal Board within 15 days after the last day for filing a notice of appeal under subsection (19) or (27). 1994, c. 23, s. 32

Hearing

53 (30) On an appeal, the Municipal Board shall hold a hearing, of which notice shall be given to such persons or public bodies and in such manner as the Board may determine. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (11)

Dismissal without hearing

53 (31) Despite the Statutory Powers Procedure Act and subsection (30), the Municipal Board may dismiss an appeal without holding a hearing, on its own motion or on the motion of any party, if,

- (a) it is of the opinion that,
 - (i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could give or refuse to give the provisional consent or could determine the question as to the condition appealed to it;
 - (ii) the appeal is not made in good faith or is frivolous or vexatious; or
 - (iii) the appeal is made only for the purpose of delay;
- (b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council or the Minister before a provisional consent was given or refused and, in the opinion of the Board, the appellant does not provide a reasonable explanation for having failed to make a submission;
- (c) the appellant has not provided written reasons for the appeal;
- (d) the appellant has not paid the fee prescribed under the Ontario Municipal Board Act; or
- (e) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (12)

Representation

53 (32) Before dismissing an appeal, the Municipal Board shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (31) (e). 2000, c. 26, Sched. K, s. 5 (7)

Dismissal

53 (32.1) The Municipal Board may dismiss an appeal after holding a hearing or without holding a hearing on the motion under subsection (31), as it considers appropriate. 2000, c. 26, Sched. K, s. 5 (7)

Decision final

53 (33) If all appeals under subsection (19) or (27) are dismissed or withdrawn, the Municipal Board shall notify the council or the Minister and, subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final. 1994, c. 23, s. 32

Powers

53 (34) On an appeal under subsection (14) or (19), the Municipal Board may make any decision that the council or the Minister, as the case may be, could have made on the original application and on an appeal of the conditions under subsection (27), the Board shall determine the question as to the condition or conditions appealed to it. 1994, c. 23, s. 32

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Appendix "B"
Appeal Letter and Appellant Form

Barry R. Card

BARRISTER & SOLICITOR

Certified Specialist - Municipal Law: Local Government/ Land Use Planning & Development Law

252 PALL MALL STREET, SUITE 200
LONDON, ONTARIO N6A 5P6
TELEPHONE (519) 433-5117 • FACSIMILE (519) 963-0285

Internet Address: cardlaw@rogers.com

January 5, 2012

DELIVERED

D.N. Stanlake
Director of Development Planning
City of London Consent Authority
City Hall
300 Dufferin Avenue
London, Ontario
N6A 4L9


Dear Sir:

Re: Notice of Appeal
London Consent Authority Decision No. B.060/11
KAP Holdings Inc.
186-188 Huron Street and 2 Audrey Street, London

I am the solicitor for KAP Holdings Inc. and enclose my client's Appeal under Section 53(19) of the *Planning Act*.

Also enclosed is my client's certified cheque for the appeal fee. I respectfully request that you proceed to forward a record to the Ontario Municipal Board in accordance with Section 53(28). Please contact me if anything further is required to permit you to honour this request.

Yours very truly,


Barry R. Card 5870
RECEIVED BY

BRC:jmh
Encls.

JAN 06 2012

**CITY OF LONDON
DEVELOPMENT APPROVALS
BUSINESS UNIT**



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
 PLANNING ACT**

**SUBMIT COMPLETED FORM
 TO MUNICIPALITY/APPROVAL AUTHORITY**

Date/Stamp - Appeal Received by Municipality

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input checked="" type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

186-188 Huron Street, 2 Audrey Street
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of London

Part 3: Appellant Information

First Name: _____ Last Name: _____

KAP Holdings Inc., c/o Barry R. Card, Barrister and Solicitor
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

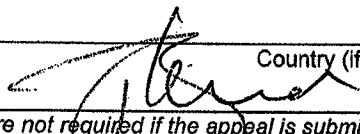
Professional Title (if applicable): _____

E-mail Address: cardlaw@rogers.com
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: 519-433-5117 Alternate Telephone #: _____

Fax #: 519-963-0285

Mailing Address: 252 Pall Mall Street Suite 200 London
Street Address Apt/Suite/Unit# City/Town
Ontario N6A 5P6
Province Country (if not Canada) Postal Code

Signature of Appellant:  Date: Jan. 6, 2012
(Signature not required if the appeal is submitted by a law office.)
Barry R. Card

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name: _____ Last Name: _____

Company Name: _____

Professional Title: _____

E-mail Address: _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: _____ Alternate Telephone #: _____

Fax #: _____

Mailing Address: _____
Street Address Apt/Suite/Unit# City/Town
Province Country (if not Canada) Postal Code

Signature of Appellant: _____ Date: _____

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Appealing Condition No. 7 of Provisional Consent Decision on File B.060/11, dated December 22, 2011:

"7. The Owner shall apply for site plan approval for Parcel 2 in accordance with section 3.2.3.5. of the Official Plan including a public site plan meeting. As part of a complete site plan application, the applicant shall include a character statement and urban design brief, which shall be submitted to the satisfaction of the Development Planning Division. A Development Agreement shall be entered into and security provided prior to the issuance of the certificate."

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please see Attachment 1.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

[Empty box for explanatory note]

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO

(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

[Empty box for OMB Reference Number(s) and/or Municipal File Number(s)]

ATTACHMENT 1
to the Appeal by KAP Holdings Inc.
186-188 Huron Street, London (B.060/11)

Part 6: Appeal Specific Information

2. Outline the nature of your appeal and the reasons for your appeal.

1. Condition 7 purports to implement Section 3.2.3.5. of the Official Plan, which says:

3.2.3.5. Residential intensification proposals, with the exception of permitted single detached dwelling conversions to add one additional residential unit only, will be subject to a concurrent public site plan process. In addition to all other site planning issues, residential intensification site plan proposals will be evaluated to ensure:

- Public Site Plan Review and Urban Design**
- i) Sensitivity
 - i) Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces;
 - ii) The use of fencing, landscaping and planting buffers to mitigate impacts of the proposed development on existing properties; and,
 - iii) Consideration of the following Urban Design Principles:
 - (a) Residential Intensification projects shall use innovative and creative standards of design for buildings to be constructed or redeveloped;
 - (b) The form and design of residential intensification projects should complement and/or enhance any significant natural features that forms part of the site or are located adjacent to the site;
 - (c) New development should provide for a diversity of styles, continuity and harmony in architectural style with adjacent uses;
 - (d) New development should include active frontages to the street that provide for the enhancement of the pedestrian environment;
 - (e) The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets;
 - (f) Buildings should be positioned to define usable and secure

2. In order for the public site plan review process to apply, there must be a "residential intensification" proposal.

3. "Residential intensification" is defined by Section 3.2.3.1., which says:

3.2.3.1. Definition Residential Intensification refers to the development of a property, site or area at a higher density than currently exists on the site through:

- i) redevelopment, including the redevelopment of brownfield sites;
- ii) the development of vacant and/or underutilized lots within previously developed areas;
- iii) infill development, including lot creation;
- iv) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- v) the conversion or expansion of existing residential buildings to create new residential units or accommodation.

For the purposes of this Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood. It is not intended that infill housing will occur on undeveloped blocks of land in recently planned or newly developed registered plans of subdivision.

Underutilized sites are defined as those sites that can reasonably accommodate more residential development than what currently exists on the site within the context of the surrounding established residential neighbourhood.

(Section 3.2.3.1. added by OPA 438 Dec. 17/09)

4. "Lot creation" (subclause iii) is captured by this requirement, if it is a product of "infill development".
5. Infill development ("infilling") "refers to intensification of a medium density residential scale, within the Low Density Residential designation, as per Sections 3.2.3.2 and 3.2.3.8.
6. The provisional consent which has been granted is for a single lot that conforms with both the Official Plan and applicable zoning regulations.
7. Single detached dwellings are exempt from site plan control, pursuant to Section 19.9.2. of the Plan:

**19.9.2.
Site Plan Control**

Council shall adopt a by-law to designate the entire area within the corporate limits of the City of London as a Site Plan Control Area. All types of development or redevelopment shall be subject to Site Plan Control provisions with the exception of the operation of licensed pits and quarries, single-detached, semi-detached, or duplex dwellings, and additions or renovations thereto, except those dwellings having only one side yard, or those dwellings constructed as intensification projects considered under section 3.2.3. of this Plan.

(Section 19.9.2. amended by OPA 438 Dec. 17/09)

**Development or
Redevelopment**

i) For the purposes of the Plan, development or redevelopment shall be defined as the construction, erection, or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability, or the laying out and establishment of a commercial parking lot.

Requirements

ii) Plans showing the location of all buildings, structures, and facilities to be developed, and drawings showing plan, elevation, and cross-section views for each building to be erected, will be required as part of the site plan approval process. In accordance with section 40 of the *Planning Act*, the requirement for the submission of drawings shall also include residential buildings containing less than twenty-five dwelling units, other than those exempted from site plan control by this policy.

Objectives of Site Plan Control

iii) The intent of site plan control is to improve the efficiency of land use and servicing and to encourage more attractive and compatible forms of development by providing for development which:

(a) implements the City's urban design principles, as contained in Chapter 11;

(b) is functionally integrated with adjacent development to provide for compatibility of design and to minimize impacts on adjacent properties;

(c) has sites large enough to accommodate the required services and facilities;

(d) provides for the orderly and safe movement of traffic into and out of private properties with minimum interference to vehicular and pedestrian traffic;

(e) provides for adequate and accessible parking and loading facilities, and orderly circulation within parking areas;

(Amended by OPA 438 Dec. 17/09)

unless they constitute an intensification project.

8. Single detached dwellings are also exempt from site plan approval, pursuant to the prevailing Site Plan Control By-law.
9. The proposed condition is not, in any event, fairly and reasonably applied to the proposed consent.