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File No.:B.005/16  
 Planner: S. Meksula

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: KNUTSON DEVELOPMENT CONSULTANTS INC. 891 &amp; 895 RIVERSIDE DRIVE APPEAL TO ONTARIO MUNICIPAL BOARD PROVISIONAL CONSENT DECISION MEETING ON AUGUST 22, 2016</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Manager Development Services and Planning Liaison, in response to the letter of appeal to the Ontario Municipal Board from Phillip Masschelen, dated June 10, 2016 relating to the Provisional Decision of Consent Application B.005/16 concerning the property located at 891 & 895 Riverside Drive:

- a) the Ontario Municipal Board **BE ADVISED** that Municipal Council supports the Consent Decision attached in Appendix B; and
- b) the City Solicitor **BE DIRECTED** to provide legal and planning representation at the Ontario Municipal Board Hearing in support of the position of Municipal Council.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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None.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The purpose and effect of the recommended action is to uphold the decision of the Consent Authority to conditionally approve the proposed severance, which would result in the creation of three residential parcels.

<b>BACKGROUND</b>
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In February 2016 Knutson Development Consultants Inc. submitted an application of consent on behalf of Saber and Hifa Assaf for lands located at 891 & 895 Riverside Drive. The severance proposed the creation of three (3) residential lots within the Low Density designation. Notice of the application was published in *The Londoner* on March 3, 2015, and circulated to internal and external agencies for comment along with all residents within a 60m radius on March 2, 2016. On May 20, 2016. Based on the recommendation of Development Services (see Appendix 'A') the Consent Authority granted provisional approval of the application for consent subject to the applicant satisfying 15 conditions prior to obtaining final approval (see Appendix B).

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<p style="text-align: center;"><b>LOCATION MAP</b></p> <p>Subject Site: 891 &amp; 895 Riverside Drive                  File Number: B.005/16                  Planner: Sean Meksula                  Created By: Sean Meksula                  Date: 2016-02-22                  Scale: 1:2500</p>	<p style="text-align: center;"><b>LEGEND</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Subject Site</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Parks</td> </tr> <tr> <td style="width: 20px; text-align: center;">□</td> <td>Assessment Parcels</td> </tr> <tr> <td style="width: 20px; text-align: center;">■</td> <td>Buildings</td> </tr> <tr> <td style="width: 20px; text-align: center;">123</td> <td>Address Numbers</td> </tr> </table>	■	Subject Site	■	Parks	□	Assessment Parcels	■	Buildings	123	Address Numbers
■	Subject Site										
■	Parks										
□	Assessment Parcels										
■	Buildings										
123	Address Numbers										
<p>Corporation of the City of London                  Prepared By: Development and Compliance Services</p>											

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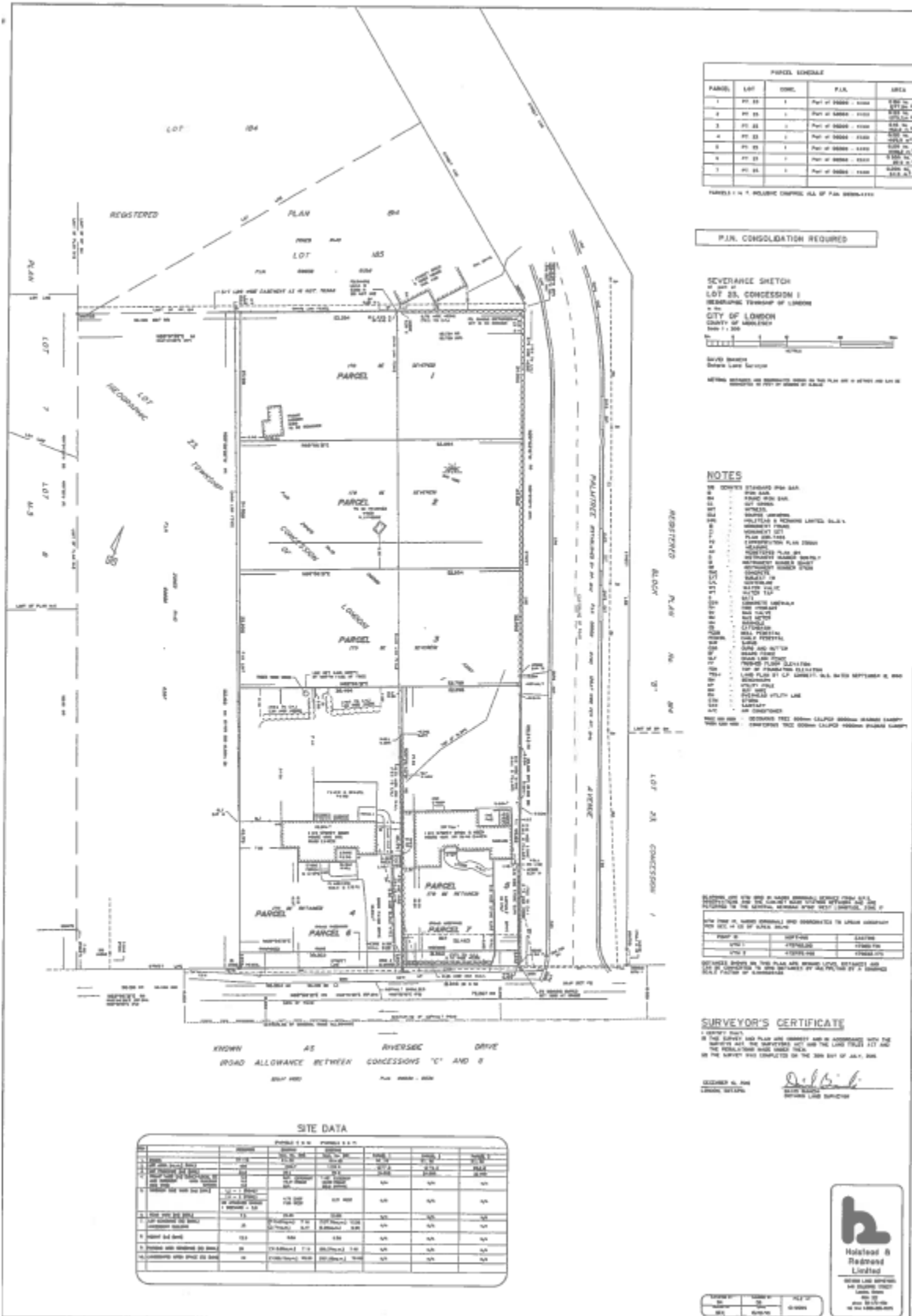


Illustration depicting the proposed lots created through consent

**PUBLIC COMMENT**

Some area residents raised concerns with the level of development proposed on the subject lands. Concerns raised included the increased risk of flooding, loss of mature trees and park like setting, privacy, increase in noise, as well as concerns related to the form, scale, bulk, and style of infill development on the subject lands and within the community. In addition a reply was

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received requesting an Archeological Investigation be completed for the proposed conveyed parcels. Staff note that the subject lands are not identified as an Archeological Resources Area and a request for an Archeological Investigation was not submitted by the City’s Planning Division as part of this Consent Application circulation.

**Appeal**

On June 9, 2016, an appeal (see Appendix ‘C’) was submitted by Phillip Masschelen, in opposition to the Notice of Provisional Decision of Consent approved by the Consent Authority. The reason for the appeal by the appellant is that the size and shape of the lots to be created would not be appropriate for the intended use, and would not generally conform to adjacent development and to any development agreements registered against the title of the subject land. The proposed lot(s) would reduce the accessibility of abutting lands suitable for development. A date for the Ontario Municipal Board Hearing for the appeal has been set for September 22, 2016.

<b>CONCLUSION</b>
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The proposed severance has been evaluated under the Planning Act, Provincial Policy Statement, Official Plan and Zoning By-law and represents sound planning and appropriate development. The provisional consent decision was granted on May 20, 2016 by the London Consent Authority and should be upheld at the Ontario Municipal Board Hearing. The purpose of this report is to ensure Municipal Council pass a resolution to provide Municipal legal support at the Ontario Municipal Board hearing regarding the matters relating to the Consent Application which has also been appealed.

<b>PREPARED BY:</b>	<b>REVIEWED BY:</b>
<b>SEAN MEKSULA PLANNER II, DEVELOPMENT SERVICES</b>	<b>LOU POMPILII MCIP RPP MANAGER, DEVELOPMENT PLANNING</b>
<b>SUBMITTED BY:</b>	<b>RECOMMENDED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

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**Appendix A**

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Planner: S. Meksula



London  
CANADA

THE CORPORATION OF THE CITY OF LONDON

Date: **May 9, 2016**

To: **J.M. Fleming  
London Consent Authority**

From: **Terry Grawey  
Development Services – S. Meksula/C. Smith**

Subject: **Development Planning - Consents  
Deadline Date – March 17, 2016**

**B.005/16 891 & 895 Riverside Drive (Convey)**

The applicant, Knutson Development Consultants Inc. c/o Ric Knutson for 891& 895 Riverside Drive, is requesting to sever three (3) lots on Palmtree Avenue with lot areas of 1277m<sup>2</sup>, 1275m<sup>2</sup> and 1163m<sup>2</sup> for the purpose of future residential uses and retain (2) two lots of 1590m<sup>2</sup> and 1153m<sup>2</sup> for existing residential uses.

<b>OFFICIAL PLAN DESIGNATION:</b>
• Low Density Residential (LDR)
<b>EXISTING ZONING:</b>
• Residential R1 (R1-10)

**PUBLIC COMMENT**

Area residents raised concerns with development occurring on the subject lands prior to the issuance of a consent decision. In addition, residents take issue with the increased risk of flooding, loss of mature trees and park like setting, privacy, and increase in noise, form, scale, bulk, and style of infill development on the subject lands and within the community. A reply was received requesting an Archeological Investigation be completed for the proposed conveyed parcels. Staff note that the subject lands are not identified as an Archeological Resources Area and a request for an Archeological Investigation was not submitted by the City's Planning Division as part of this Consent Application circulation.

Building permits cannot be issued by the City of London until Consent Approval is granted and the transfer of lands to a potential purchaser (builder) is completed. The proposed new lots created is considered "Residential Intensification" and Site Plan Approval will be required at that time for development to occur on these lands.

**PLANNING ACT**

In considering this application, Development Services staff had regard for the health, safety, convenience, accessibility for persons with disabilities and welfare of present and future inhabitants of the municipality and to Section 51 (24) of the *Planning Act*.

The attached conditions are, in the opinion of Development Services staff, reasonable having regard for the nature of the development proposed and are in accordance with Section 51 (25) of the *Planning Act*.

**PROVINCIAL POLICY STATEMENT**

The consent has been reviewed in conjunction with the 2014 Provincial Policy Statement.

**Building Strong Communities:** This consent application is within an existing settlement area.

**Wise Use and Management of Resources:** This consent application is not within an area identified as having natural heritage, cultural heritage or archaeological significance.

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**Protecting Public Health and Safety:** There are no known Natural Hazards or Human-Made Hazards associated with this consent application.

In the opinion of Development Services the proposal is consistent with the PPS.

**OFFICIAL PLAN**

The subject lands are designated "Low Density Residential" on Schedule "A" of the City's Official Plan. This designation permits low density forms of residential development and permits the proposed use of the lands, being single detached dwellings.

**3.2.3. Residential Intensification**

Residential Intensification refers to the development of a property, site or area at a higher density than currently exists on the site through a variety of means, including infill and lot creation. Development is only considered infill by the Official Plan when it occurs on vacant or underutilized sites within an established residential neighbourhood. 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. The subject lands currently have an existing single detached dwelling on each lot. The subject lands are located along a street with low density residential uses. The subject lots are approximately as wide as or wider than the majority of the lots along Palmtree Avenue. The severance would result in 3 lots which would be in keeping with the existing lot pattern of the area.

In accordance with Sections 3.2.3.3 and 3.2.3.4 of the Official Plan, the applicant submitted a Neighbourhood Character Statement and Compatibility Report. The applicant submitted detailed designs of the proposed single detached dwellings. The plans were reviewed by staff in the City's Urban Design department. Comments regarding the design of the buildings, in relation to Section 3.2.3.3 and 3.2.3.4, shall be addressed through the site plan approval process.

On March 2, 2016, surrounding property Owners were notified of the application for consent. In accordance with Section 3.2.3.5 of the Official Plan, the notice stated that the application was representative of residential intensification under Section 3.2.3 of the Official Plan. As such, matters which would normally be contemplated through a public site plan process shall be addressed as part of the consent application process. The public was invited to comment on such matters as part of their response to the application. Comments that were received as part of the application for consent are noted above.

Prior to development on the lands, the applicant is required to obtain site plan approval for the construction of single detached dwellings, in accordance with Section 3.2.3 of the Official Plan.

As per Section 3.2.3.9, any new lots created through consents will be in keeping with the established lot pattern of the surrounding area in terms of frontage, depth and overall size and configuration. Intensification and infill should be directed to areas that will have the least impact on established, low density residential neighbourhoods. Consents should ensure new lots are in keeping with the scale, intensity of use and orientation of existing development in the area. The proposed severed and retained lots will be almost identical in width and area. As noted previously, the proposed lots are generally consistent with the lot pattern in the area.

Policies of the Official Plan that are directly relevant to the consideration of this consent application include the following:

**19.7.1.i (a) Requires that any lot(s) to be created conforms with the provisions of the Official Plan, Zoning By-law and any applicable area study or guideline document.**

*The proposed lots and uses conform to the provisions of the Official Plan. The proposed lots conform to the provisions of the Zoning By-law.*

**19.7.1.i (b) requires that the matters which, according to the Planning Act, are to be regarded in the review of a draft plan of subdivision have been taken into account.**

*The proposal is consistent with the intent of Section 51 (24) of the Planning Act regarding criteria for the review of draft plans of subdivision.*

**19.7.1.i (c) Requires that the size and shape of any lots to be created would be appropriate for the intended use, and would generally conform to adjacent development and to any development agreements registered against the title of the subject land.**

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*The proposed lots are not out of character with the surrounding area.*

**19.7.1.i (d)** that the creation of any lot(s) would have the effect of infilling an existing developed area where the pattern of land use has been established, and would not have the effect of extending a developed area;

*The proposed conveyance would have the effect of infilling within an existing developed area. The proposal is not representative of an extension of a developed area.*

**19.7.1.i (e)** that the proposed lot(s) would front on, or have access to, an existing public road and would not involve the opening or extension of a public road;

*The proposed lots have frontage and access along Palmtree Avenue.*

**19.7.1.i (f)** requires that the proposed lot(s) would not unduly reduce the accessibility of abutting lands suitable for development.

*The consent would not negatively impact the abutting lands as the abutting lands have already been developed.*

**19.7.1.i (g)** That access to the proposed lot(s) would not create traffic problems or hazards and that Official Plan policies regarding road access would be complied with.

*No traffic problems will occur as a result of the consent.*

**19.7.i (h)** That adequate municipal services and utilities would be available.

*Municipal services are available for the proposed uses.*

**19.7.i (i)** for a consent application pertaining to lands within the Agriculture or Urban Reserve designations, that the lot to be created would conform to policy 9.2.14.

*The subject lands are not located within an Agricultural or Urban Reserve designation.*

**19.7.i (j)** for a consent application pertaining to natural features designated as "Open Space" or "Environmental Review" the potential impacts resulting from fragmentation of natural features corridors and linkages will be taken into consideration.

*The subject lands are not located within the Open Space or Environmental Review designation.*

**19.7.i (k)** that potential impacts on components of the Natural Heritage System will be addressed in accordance with the provisions of Section 15.5.

*The subject lands are not located within proximity of a Natural Heritage System.*

**ZONING**

The proposed severed and retained lots comply with the R1-10 Zone Regulation of Zoning By-law No. Z.-1. Both the severed and retained parcels are larger than the minimum lot area requirement of 925m<sup>2</sup> and are consistent with the larger estate developments both in the area and as set out by R1-10 & R1-11 Zones.

**Urban Design**

After consultation with Urban Design, the following notes will be included in the Notice of Decision for consent:

- Urban Design staff are generally supportive of the proposed lots.
- Future development of the severed properties needs to be in keeping with the existing character of the neighbourhood, particularly along Palmtree Ave. including the height and scale of the built form, general building setbacks, rhythm and proportions of openings, garages, etc.
- A revised Neighbourhood Character Statement will be required at the time of Site Plan that demonstrates the proposed built form on the properties is compatible with and sympathetic to the existing neighbourhood.

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**CONDITIONS**

Based on the above, Development Services has no objection to the proposed consent application provided that the following conditions are satisfied prior to the certification of any documents:

1. That, pursuant to Section 53(41) of the Planning Act, if the applicant has not within a period of one year after notice was given of a decision to grant a provisional consent fulfilled all of the following conditions, the application shall be deemed to be refused.
2. That a certificate fee shall be paid at the London Consent Authority's office in the amount current at the time of the issuance of the Consent Authority's Certificate.
3. For the purposes of satisfying any of the conditions of provisional approval herein contained, the Owner shall file with Development Services Staff (6th floor, City Hall), at a minimum of 3 working days in advance of final consent approval, a complete submission consisting of all required clearances, fees, draft transfer(s) and final plans, and to advise in writing how each of the conditions of provisional approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Consent Authority, such submission will be returned to the Owner without detailed review by the City.
4. That the Owner shall submit 2 white prints of a reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan. That approval of the draft reference plan shall be obtained from the Consent Authority, and; 2 prints of the resultant deposited reference plan shall be received.
5. That prior to issuance of certificate of consent, the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
6. 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.
7. That the applicant shall provide cash-in-lieu of parkland dedication for the three (3) proposed lots pursuant to By-law CP-9. The amount owing is based on the lot frontage of the retained lands. Funds for the three (3) lots is payable to the "City Treasurer" and delivered to the Secretary, London Consent Authority.
8. The Owner shall be required to enter into a Consent Agreement with the City, to be registered on title for the subject lands, to ensure the applicant applies for site plan approval in accordance with section 3.2.3.5. of the Official Plan and to ensure that no trees are removed from the conveyed parcels until a Tree Preservation Report is completed by a qualified arborist. The above noted agreement shall be registered on title of the subject lands to the satisfaction of Development Services. Future development on the conveyed parcel shall be in keeping with the existing streetscape and character of the neighbourhood, particularly along Palmtree Avenue including the height and scale of the built form, general building setbacks, rhythm and proportions of openings, garages, etc. A revised Neighbourhood Character Statement will be required at the time of Site Plan that demonstrates the proposed built form on the properties is compatible with and sympathetic to the existing neighbourhood
9. Provide Stormwater Management and Servicing Reports, prepared by a professional engineer identifying the location of private and municipal services, grading plan and drainage area plans all in accordance with the design specification and MOECC requirements. As part of the servicing report, the Owner shall have a Professional Engineer demonstrate how the severed/retained parcels will be serviced in accordance with City standards and to the satisfaction of the City Engineer. In this regard the following shall be addressed to the satisfaction of and at no cost to the City:
  - i. The lot grading plan indicating drainage paths, addressing both minor flows as well as major overland flow paths to safely convey up to the 250 year storm event;
  - ii. Ensuring that the stormwater run-off from the subject lands does not cause any adverse effects to adjacent or downstream lands;



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- iii. Currently there is no municipal storm water outlet designed to take subject lands, hence the report shall demonstrate a viable storm outlet, and the Owner's Professional Engineer must complete a storm sewer capacity analysis study from the subject site to the proposed outlet to confirm that there is sufficient residual capacity in the existing storm sewer system. The Owner's Professional Engineer must update the storm sewer design sheet(s) for the subject lands where applicable all to the satisfaction of the City Engineer;
  - iv. No PDC connection to sanitary maintenance hole will be permitted.
10. The Owner shall submit servicing and grading engineering drawings for the review and acceptance to the City Engineer and construct the proposed works, all at no cost to the City. The Owner may be required to undertake extension of municipal sewers and update "as-built" drawings, to the satisfaction of the City.
  11. That the Owner obtain a Permit of Approved Works to construct services and hard surfaced driveways onto Palmtree Avenue or any other works proposed in a public right of way in accordance with the City of London design specifications and to the satisfaction of the City Engineer or enter into a Consent Agreement with the City including provision of adequate security for the construction of the municipal services, driveway/access, roadway and boulevard restoration and sediment and erosion control.
  12. The Owner and their professional engineer shall ensure the storm sewer/drainage conveyance from the existing external drainage through the subject lands are preserved, all to the satisfaction of the City.
  13. The Owner shall transfer, at no cost to the City, sufficient lands free of encumbrances, to widen Riverside Drive to a maximum width of 13.0m in perpendicular width from the centerline of Riverside Drive along the Riverside Drive frontage of the subject lands as well as a 6.0m x 6.0m daylight triangle at the North West corner of Riverside Drive and Palmtree Avenue, as determined by the City's Chief Surveyor. The reference plan describing the widening to be transferred must be pre-approved by the City's Chief Surveyor.
  14. The Owner shall remove the existing driveway, in the side yard of the proposed retained lot, and return the treatment of the surface area to sod within the ultimate road allowance, all at the expense of the Owner, to the satisfaction of the Development Services.
  15. The Consent Certificate shall lapse after 6 months of issuance if the transaction has not been completed.

**Note:**


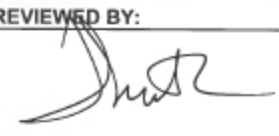


- i. Development Services will assign draft addressing. The addressing will come into effect once the certificate has been granted and registered on title.
- ii. Before any construction takes place, a tree protection plan should be submitted and if there is a request to remove any City trees, it will 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. Measures will be taken to protect trees on adjacent properties as part of the site plan approval process.
- iii. Future development of the severed properties needs to be in keeping with the existing character of the neighbourhood, particularly along Palmtree Avenue including the height and scale of the built form, general building setbacks, rhythm and proportions of openings, garages, etc.
- v. A revised Neighbourhood Character Statement will be required at the time of Site Plan that demonstrates the proposed built form on the properties is compatible with and sympathetic to the existing neighbourhood.
- v. A new water service for the severed parcel will be required off of Palmtree Avenue as per City Standards.
- vi. New sanitary and storm services for each parcel shall be considered as per City Standards.
- ii. The Owner shall notify utility companies (ex. London Hydro, Union Gas, etc.) as required.

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- viii. The owner shall be required to comply with the City's Drainage By-Law WM-4, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent or downstream land, all to the satisfaction of the City Engineer.

<b>PREPARED BY:</b> 	<b>REVIEWED BY:</b> 
<b>SEAN MEKSULA PLANNER II, DEVELOPMENT SERVICES</b>	<b>CRAIG SMITH SENIOR PLANNER, DEVELOPMENT SERVICES</b>
<b>REVIEWED BY:</b> 	<b>SUBMITTED BY:</b> 
<b>LOU POMPILLI MCIP RPP MANAGER DEVELOPMENT PLANNING</b>	<b>TERRY GRAWAY MCIP RPP MANAGER, DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>

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Planner: S. Meksula

**Appendix B**

Applicant: Knutson Development Consultants Inc.  
File No: B.005/16  
Municipality: City of London  
Subject Lands: 891& 895 Riverside Drive

Date of Decision: May 20<sup>th</sup>, 2016  
Date of Notice: May 20<sup>th</sup>, 2016  
Last Date of Appeal: June 9<sup>th</sup>, 2016  
Lapsing Date: May 20<sup>th</sup>, 2017



**NOTICE OF PROVISIONAL CONSENT DECISION**

Section 53 of the Planning Act

TAKE NOTICE that the City of London Consent Authority, **GRANTED** applicant Knutson Development Consultants Inc. c/o Ric Knutson for 891& 895 Riverside Drive is requesting consent to sever three (3) lots on Palmtree Avenue with lot areas of 1277m<sup>2</sup>, 1275m<sup>2</sup> and 1163m<sup>2</sup> for the purpose of future residential uses and retain (2) two lots of 1590m<sup>2</sup> and 1153m<sup>2</sup> for existing residential uses, file No. B.005/16 on the **20<sup>th</sup> day of May, 2016**, 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 Services, 300 Dufferin Avenue, London, ON N6A 4L9, **NOT LATER THAN THE 9<sup>th</sup> day of June, 2016**. 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.

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 May 20<sup>th</sup>, 2016 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 Development Services, 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 20<sup>th</sup> day of May, 2016

A/Official - T. Grawey  
Manager, Development Services & Planning Liaison  
City of London Consent Authority  
300 Dufferin Avenue, London, ON N6A 4L9

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File No.:B.005/16  
Planner: S. Meksula

Applicant: Knutson Development Consultants Inc.  
File No: B.005/16  
Municipality: City of London  
Subject Lands: 891& 895 Riverside Drive

Date of Decision: May 20<sup>th</sup>, 2016  
Date of Notice: May 20<sup>th</sup>, 2016  
Last Date of Appeal: June 9<sup>th</sup>, 2016  
Lapsing Date: May 20<sup>th</sup>, 2017

**OWNER:**

Saber and Hifa Assaf  
891 Riverside Drive  
London ON, N6H 4N3

**AGENT:**

Knutson Development Consultants Inc.  
895 Boler Road  
London ON, N6K 2K6

**THE CORPORATION OF THE CITY OF LONDON'S CONSENT AUTHORITY PROVISIONAL DECISION FOR CONSENT, FILE NUMBER B.005/16 IS AS FOLLOWS:**

The City of London Consent Authority on Decision date 20<sup>th</sup> day of May, 2016 **GRANTED** Provisional Approval to the applicant, Knutson Development Consultants Inc. c/o Ric Knutson for 891& 895 Riverside Drive is requesting consent to sever three (3) lots on Palmtree Avenue with lot areas of 1277m<sup>2</sup>, 1275m<sup>2</sup> and 1163m<sup>2</sup> for the purpose of future residential uses and retain (2) two lots of 1590m<sup>2</sup> and 1153m<sup>2</sup> for existing residential uses, subject to **CONDITIONS** which must be satisfied before any Certificates of Official are issued.

**NO. CONDITIONS**

1. That, pursuant to Section 53(41) of the Planning Act, if the applicant has not within a period of one year after notice was given of a decision to grant a provisional consent fulfilled all of the following conditions, the application shall be deemed to be refused.
2. That a certificate fee shall be paid at the London Consent Authority's office in the amount current at the time of the issuance of the Consent Authority's Certificate.
3. For the purposes of satisfying any of the conditions of provisional approval herein contained, the Owner shall file with Development Services Staff (6th floor, City Hall), at a minimum of 3 working days in advance of final consent approval, a complete submission consisting of all required clearances, fees, draft transfer(s) and final plans, and to advise in writing how each of the conditions of provisional approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Consent Authority, such submission will be returned to the Owner without detailed review by the City.
4. That the Owner shall submit 2 white prints of a reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan. That approval of the draft reference plan shall be obtained from the Consent Authority, and; 2 prints of the resultant deposited reference plan shall be received.
5. That prior to issuance of certificate of consent, the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
6. 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.
7. That the applicant shall provide cash-in-lieu of parkland dedication for the three (3) proposed lots pursuant to By-law CP-9. The amount owing is based on the lot frontage of the retained lands. Funds for the three (3) lots is payable to the "City Treasurer" and delivered to the Secretary, London Consent Authority.
8. The Owner shall be required to enter into a Consent Agreement with the City, to be registered on title for the subject lands, to ensure the applicant applies for site plan approval in accordance with section 3.2.3.5. of the Official Plan and to ensure that no trees are removed from the conveyed parcels until a Tree Preservation Report is completed by a qualified arborist. The above noted agreement shall be registered on title of the subject lands to the satisfaction of Development Services. Future development on the conveyed parcel shall be in keeping with the existing streetscape and character of the neighbourhood, particularly along Palmtree Avenue including the height and scale of the built form, general building setbacks, rhythm and proportions of openings, garages, etc. A revised Neighbourhood Character Statement will be required at the time of Site Plan that demonstrates the proposed built form on the properties is compatible with and sympathetic to the existing neighbourhood
9. Provide Stormwater Management and Servicing Reports, prepared by a professional engineer identifying the location of private and municipal services, grading plan and drainage area plans all in accordance with the design specification and MOECC requirements. As part of the servicing report, the Owner shall have a Professional Engineer demonstrate how the severed/retained parcels will

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File No.:B.005/16  
Planner: S. Meksula

Applicant: Knutson Development Consultants Inc.  
File No: B.005/16  
Municipality: City of London  
Subject Lands: 891& 895 Riverside Drive

Date of Decision: May 20<sup>th</sup>, 2016  
Date of Notice: May 20<sup>th</sup>, 2016  
Last Date of Appeal: June 9<sup>th</sup>, 2016  
Lapsing Date: May 20<sup>th</sup>, 2017

be serviced in accordance with City standards and to the satisfaction of the City Engineer. In this regard the following shall be addressed to the satisfaction of and at no cost to the City:

- i. The lot grading plan indicating drainage paths, addressing both minor flows as well as major overland flow paths to safely convey up to the 250 year storm event;
  - ii. Ensuring that the stormwater run-off from the subject lands does not cause any adverse effects to adjacent or downstream lands;
  - iii. Currently there is no municipal storm water outlet designed to take subject lands, hence the report shall demonstrate a viable storm outlet, and the Owner's Professional Engineer must complete a storm sewer capacity analysis study from the subject site to the proposed outlet to confirm that there is sufficient residual capacity in the existing storm sewer system. The Owner's Professional Engineer must update the storm sewer design sheet(s) for the subject lands where applicable all to the satisfaction of the City Engineer;
  - iv. No PDC connection to sanitary maintenance hole will be permitted.
10. The Owner shall submit servicing and grading engineering drawings for the review and acceptance to the City Engineer and construct the proposed works, all at no cost to the City. The Owner may be required to undertake extension of municipal sewers and update "as-built" drawings, to the satisfaction of the City.
11. That the Owner obtain a Permit of Approved Works to construct services and hard surfaced driveways onto Palmtree Avenue or any other works proposed in a public right of way in accordance with the City of London design specifications and to the satisfaction of the City Engineer or enter into a Consent Agreement with the City including provision of adequate security for the construction of the municipal services, driveway/access, roadway and boulevard restoration and sediment and erosion control.
12. The Owner and their professional engineer shall ensure the storm sewer/drainage conveyance from the existing external drainage through the subject lands are preserved, all to the satisfaction of the City.
13. The Owner shall transfer, at no cost to the City, sufficient lands free of encumbrances, to widen Riverside Drive to a maximum width of 13.0m in perpendicular width from the centerline of Riverside Drive along the Riverside Drive frontage of the subject lands as well as a 6.0m x 6.0m daylight triangle at the North West corner of Riverside Drive and Palmtree Avenue, as determined by the City's Chief Surveyor. The reference plan describing the widening to be transferred must be pre-approved by the City's Chief Surveyor.
14. The Owner shall remove the existing driveway, in the side yard of the proposed retained lot, and return the treatment of the surface area to sod within the ultimate road allowance, all at the expense of the Owner, to the satisfaction of the Development Services.
15. The Consent Certificate shall lapse after 6 months of issuance if the transaction has not been completed.

**Note:**

- i. Development Services will assign draft addressing. The addressing will come into effect once the certificate has been granted and registered on title.
- ii. Before any construction takes place, a tree protection plan should be submitted and if there is a request to remove any City trees, 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. Measures will be taken to protect trees on adjacent properties as part of the site plan approval process.
- iii. Future development of the severed properties needs to be in keeping with the existing character of the neighbourhood, particularly along Palmtree Avenue including the height and scale of the built form, general building setbacks, rhythm and proportions of openings, garages, etc.
- iv. A revised Neighbourhood Character Statement will be required at the time of Site Plan that demonstrates the proposed built form on the properties is compatible with and sympathetic to the existing neighbourhood.

Agenda Item # Page #

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**File No.:B.005/16**  
**Planner: S. Meksula**

**Applicant: Knutson Development Consultants Inc.**  
**File No: B.005/16**  
**Municipality: City of London**  
**Subject Lands: 891& 895 Riverside Drive**

**Date of Decision: May 20<sup>th</sup>, 2016**  
**Date of Notice: May 20<sup>th</sup>, 2016**  
**Last Date of Appeal: June 9<sup>th</sup>, 2016**  
**Lapsing Date: May 20<sup>th</sup>, 2017**

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- v. A new water service for the severed parcel will be required off of Palmtree Avenue as per City Standards.
  - vi. New sanitary and storm services for each parcel shall be considered as per City Standards.
  - vii. The Owner shall notify utility companies (ex. London Hydro, Union Gas, etc.) as required.
  - viii. The owner shall be required to comply with the City's Drainage By-Law WM-4, to ensure that the post-development storm/drainage discharges from the subject lands will not cause any adverse effects to adjacent or downstream land, all to the satisfaction of the City Engineer.

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File No.: B.005/16  
 Planner: S. Meksula

**Appendix C**



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) 328-5370  
 www.elt.o.gov.on.ca

**APPELLANT FORM (A1)  
 PLANNING ACT**

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



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

**Part 2: Location Information**

891 RIVERSIDE DRIVE (PT. LOT 23 CON. 1; AS IN 5075LY LONDON/LONDON TOWNSHIP) E  
 Address and/or Legal Description of property subject to the appeal:  
 895 RIVERSIDE DRIVE (PT. LOT 23 CON. 1; AS IN 554917 LONDON/LONDON TOWNSHIP)  
 Municipality/Upper tier: LONDON, ONTARIO

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File No.: B.005/16  
 Planner: S. Meksula

**Part 3: Appellant Information**

First Name: Phillip Last Name: Masschelein

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation) \_\_\_\_\_

Professional Title (if applicable): \_\_\_\_\_

E-mail Address: 899 Riverside@gmail.com  
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #: (519) 264 5050 Alternate Telephone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Mailing Address: 306 Woodholme Court London  
Street Address Apt/Suite/Unit# City/Town

Ontario Canada N6G0H3  
Province Country (if not Canada) Postal Code

Signature of Appellant: [Signature] Date: June 8/16  
(Signature not required if the appeal is submitted by a law office.)

*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

\_\_\_\_\_ Canada \_\_\_\_\_  
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.



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**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)

Consent file number B.005/16

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)

Section 19.7.1.1.(c) that the size and shape of any lot(s) to be created would be appropriate for the intended use and would generally conform to adjacent development and to any development agreements registered against the title of the subject land  
19.7.1.1.(f) that the proposed lot(s) would not unduly reduce the accessibility of abutting lands suitable for development

**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.

N/A

**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)

N/A

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**Part 8: Scheduling Information**

How many days do you estimate are needed for hearing this appeal?  half day  1 day  2 days  3 days  
 4 days  1 week  More than 1 week – please specify number of days: \_\_\_\_\_

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  
Up to two (2)

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):  
Land Use Planner and Possibly Engineer

Do you believe this matter would benefit from mediation? YES  NO   
 (Mediation is generally scheduled only when all parties agree to participate)

Do you believe this matter would benefit from a prehearing conference? YES  NO   
 (Prehearing conferences are generally not scheduled for variances or consents)

If yes, why? \_\_\_\_\_

**Part 9: Other Applicable Information \*\* Attach a separate page if more space is required.**

The Appellant has had numerous discussions with the adjacent landowners agent, - These concerns identified have not been addressed with this application or decision.  
 Should this consent be approved as written, a number of current and future concerns and last opportunity will be missed. The specific concerns are as follows:

- Concern regarding current access to Riverside Drive for my property - The current driveway location can be improved
- Lack of provision for access to Palmdale Ave.
- Impact of tree preservation due to the lack of integration or Alt. regard for 899 Riverside's future development potential
- Forcing redevelopment of 899 Riverside only onto Riverside Drive.

**Part 10: Required Fee**

Total Fee Submitted: \$ 125

Payment Method:  Certified cheque  Money Order  Solicitor's general or trust account cheque

- The payment must be in Canadian funds, payable to the Minister of Finance.
- Do not send cash.
- PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.