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V. Santos
File No: SPA17-028

TO:	CHAIR AND MEMBERS – PLANNING & ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: 1551733 ONTARIO LIMITED 598, 600, 604 & 608 SPRINGBANK DRIVE PUBLIC SITE PLAN MEETING AUGUST 28, 2017

RECOMMENDATION

That on the recommendation of the Manager, Development Planning, the following actions **BE TAKEN** with respect to the site plan approval application relating to the property located at 598, 600, 604 and 608 Springbank Drive:

- a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan approval to permit the construction of a 13 storey apartment building with 101 residential units; and
- b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan application, and whether they support the Site Plan application.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose of this application is to obtain site plan approval for a high density development at 598, 600, 604 and 608 Springbank Drive, the effect of which will permit a 13 storey apartment building with a total of 101 residential units. The application is to be presented at a public meeting of the Planning and Environment Committee, in accordance a holding provision (h-5) on the subject lands requiring a public site plan review.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

October 5, 2015: Report to the Planning and Environment Committee recommending approval of a Zoning By-Law amendment to permit a 13 storey apartment building with a total of 101 residential units and a height of 44 metres on lands located on the south side of Springbank Drive, west of Wonderland Road. (Z-8374)

February 6, 2017: Report to the Planning and Environment Committee on the Decision by the Ontario Municipal Board (PL151140) to dismiss the appeal of Zoning By-law Amendment Z-8374 on December 8, 2016.

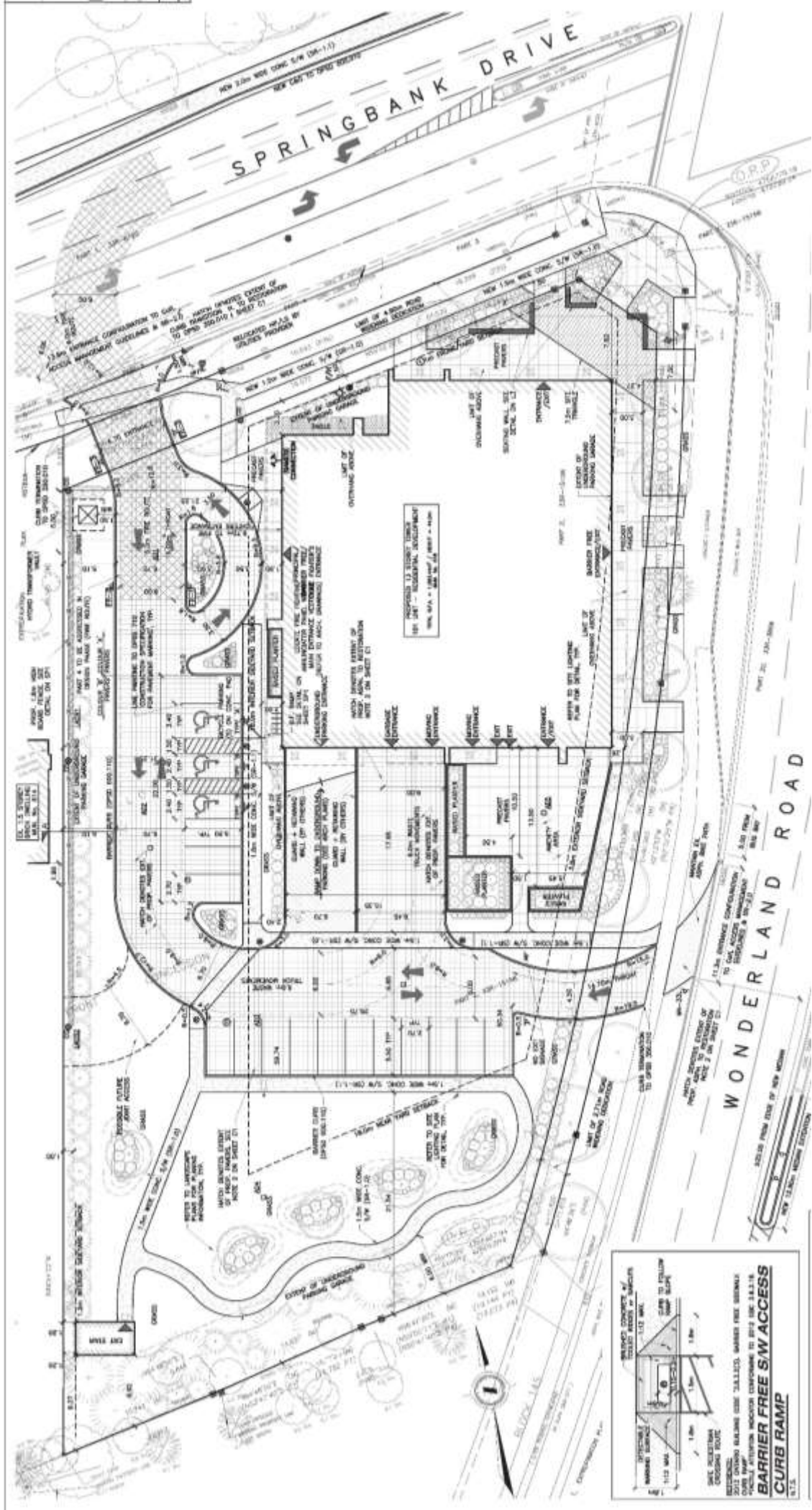
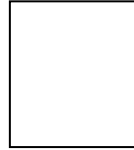
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Location Map



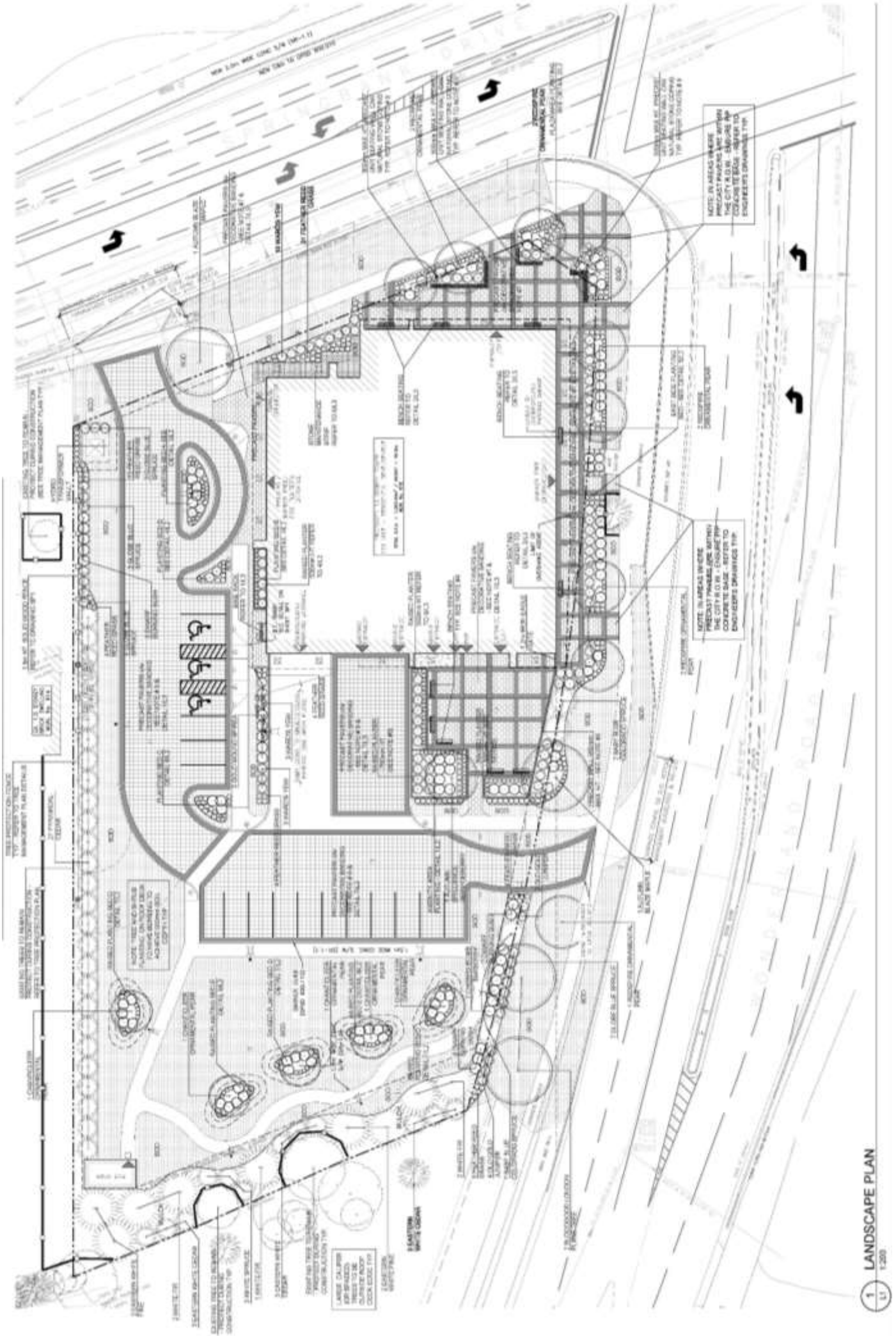
Site Plan





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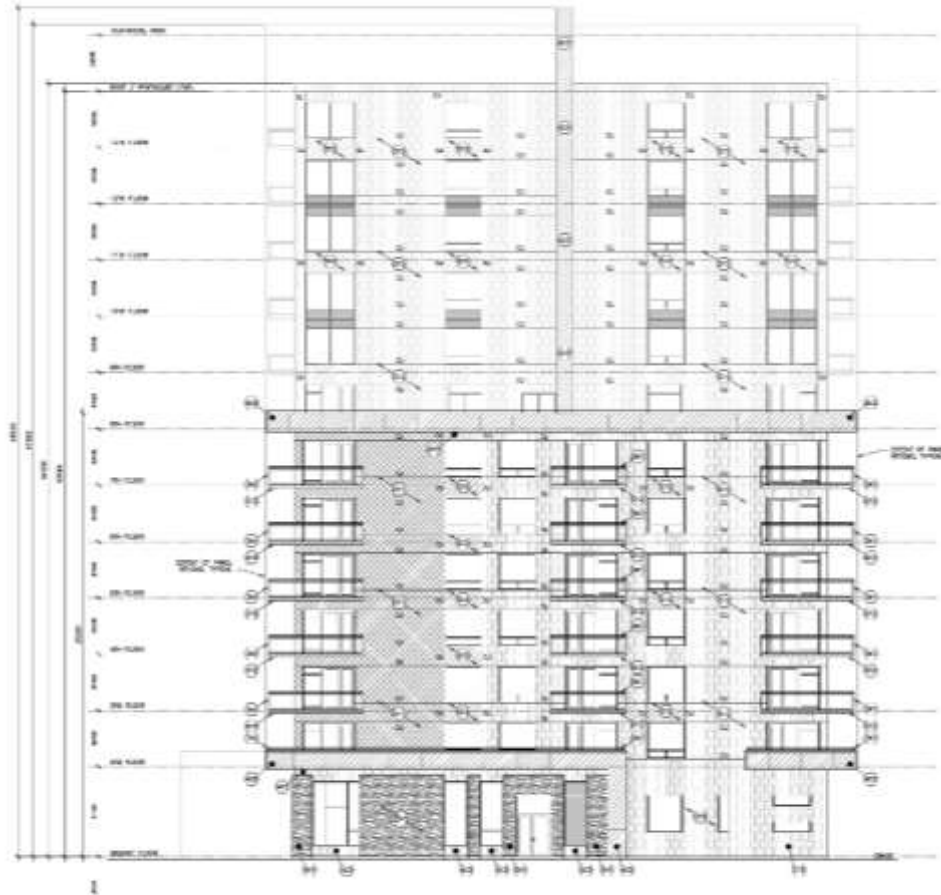
Landscape Plan



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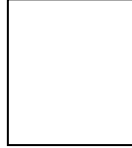
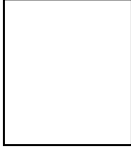
West and East Building Elevations



WEST ELEVATION (MAIN ENTRANCE)
SCALE 1/8"

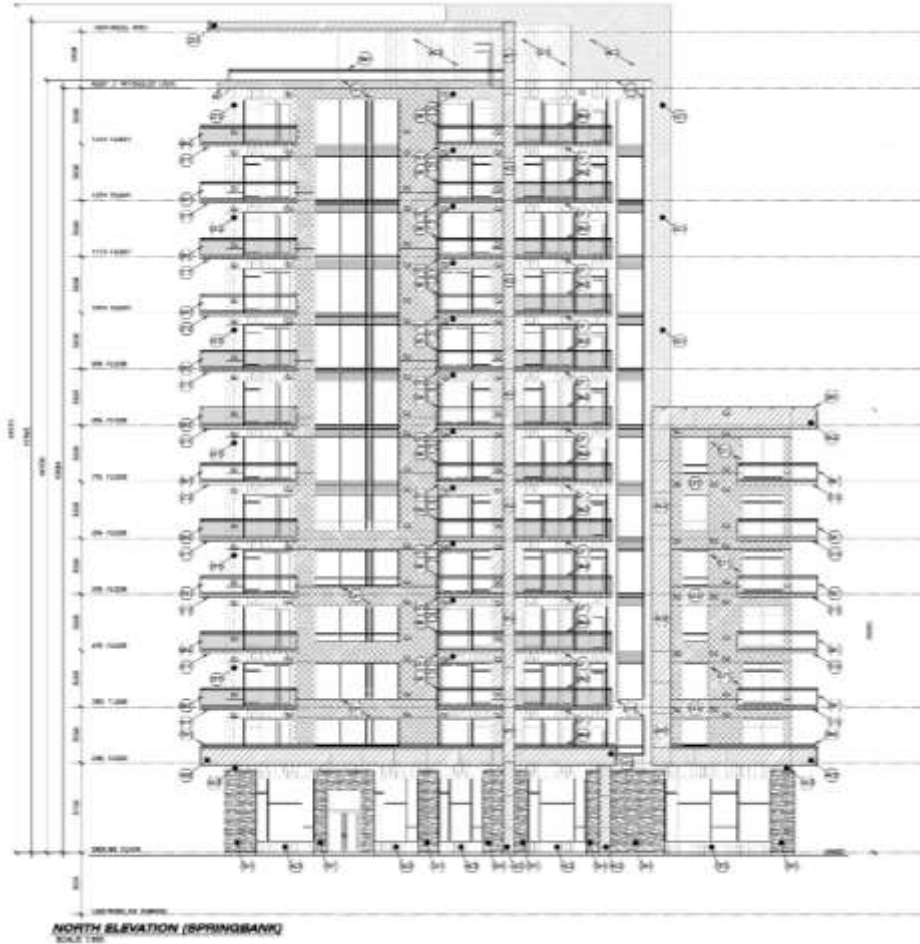


EAST ELEVATION (HWY 99 SIDE)
SCALE 1/8"



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North and South Building Elevations



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APPLICATION DETAILS

Date Application Accepted: April 26, 2017	Agent: York Developments c/o Carlos Ramirez
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REQUESTED ACTION: An application for Site Plan Approval for a 13-storey apartment building with a total of 101 residential units and a height of 44m.

SITE CHARACTERISTICS:

- **Current Land Use** – Vacant and single detached dwellings
- **Frontage** - 54m
- **Depth** - 98m
- **Area** – 5,404m²
- **Shape** – Irregular

SURROUNDING LAND USES:

- **North** – Springbank Park
- **South** – Cluster townhouses
- **East** – Four-storey apartment buildings
- **West** – Single detached dwellings and six-storey apartment buildings.

OFFICIAL PLAN DESIGNATION: Multi-Family, High Density Residential

EXISTING ZONING: Holding Special Provision Residential Zone (**h-5.h-201.R9-7(25).H44**)

The R9 Zone provides for and regulates a wide range of medium and higher density residential developments in the form of apartment buildings, continuum-of-care facilities, and apartment buildings for senior citizens and handicapped persons.

h-5 Purpose: To ensure development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol. Permitted Interim Uses: Existing uses. (Z.-1-94236)

h-201 Purpose: The removal of the h-201 shall not occur until such time as the Owner, through the site plan process, enters into a development agreement with the City of London which includes the provision for a future joint access with the property to the west, municipally known as 614 Springbank Drive, and the joint rights-of-way are registered on title to the satisfaction of the City Engineer. (Z.-1-152432)

R9-7(25) 598, 600, 604 & 608 Springbank Drive

Regulations

- i) Height 44m (13-storeys) (Max.)
- ii) Front Yard Depth 1.1m (3.6 ft.) (Max.)
- iii) Exterior Yard Depth 3.8m (12.5 ft.) (Max.)

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PLANNING HISTORY

On October 5, 2015, Staff recommended to the Planning and Environment Committee that the Zoning By-law be amended (Z-8347) to permit the development of apartment buildings and care facilities on the subject lands. Municipal Council approved the requested Zoning By-law Amendment on October 14, 2015 with a maximum building height of 44 metres and holding provisions for public site plan review and future joint access with the property to the west, municipally known as 614 Springbank Drive. Special provisions were implemented through the R9-7(25) Zone that regulate height, front yard depth, and exterior yard depth.

An appeal was submitted in opposition to the Zoning By-law Amendment to the Ontario Municipal Board on November 11, 2015. The appellant stated that the approved height was excessive, and that the approved setbacks were deficient. The appeal was heard on June 27-28, 2016 and was subsequently dismissed by the Board in its decision dated December 8, 2016.

The Resolution of Council dated October 14, 2015 included the following directions:

- i) Increasing the height of the podium to a minimum of two (2) storeys in order to be more proportional with the height of the building and to provide a stronger enclosure of the adjacent pedestrian realm;*
- ii) Revising the design of the corner of the podium located at the intersection of Springbank Drive and Wonderland Road to include special architectural treatment which pronounces the corner;*
- iii) Relocating the primary entrance at or near the northeast corner of the building to allow for convenient pedestrian way-finding and site circulation and to further activate the pedestrian realm at the intersection;*
- iv) Screening parking from the public right-of-way with a combination of low masonry walls and vegetation/landscaping;*
- v) Implementing a landscape treatment along Springbank Drive and Wonderland Road which is urban in nature and provides opportunities for seating, hardscape areas, planting and seamless integration with public sidewalks;*
- vi) Creating a shaded urban plaza which reinforces pedestrian walking patterns along the tower's abutting frontage at the intersection of Springbank Drive and Wonderland Road;*
- vii) The provision of privacy fencing, shade trees and other desirable buffering features along the westerly property line where the site abuts an existing single detached dwelling, to ensure the greatest protection of privacy.*

GENERAL SITE PLAN COMMENTS

Site Plan and Building Design:

The current site plan submission proposes a 44 metre (13-storey) apartment building 1.1 metres from the front yard (Springbank Drive), 1.2 metres from the exterior side yard (Wonderland Road), 50.3 metres from the rear lot line (south) and 21.2 metres from the interior lot line (west). The building is proposed in two tiers, stepping down on the west to eight storeys with a height of approximately 25.2 metres. This reduction in height is to provide a transition between the single detached dwelling west of the subject lands and the full height of the proposed building at 13 storeys (44 metres). 127 parking spaces are proposed for the site. 109 of the parking spaces are located underground. 18 parking spaces are proposed on grade. The at grade parking spaces are buffered from abutting uses and adequately screened by vegetation. There is an urban plaza proposed in front of the building at the corner of Wonderland Road and Springbank Drive with a mix of hardscaping, plantings, and low landscape walls for seating. The walkways integrate with the bus layby on Wonderland Road, on the east edge of the site, and with the concrete sidewalks.

The first floor of the building is designed with a differing material and architectural treatment than

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the upper floors with large windows of transparent glazing. An overhang also visually separates the podium of the building from the upper stories. Staff will continue to work with the applicant to seek revisions to better implement the resolution through expanding the overhang into a large canopy over the plaza at the corner.

Site Landscaping:

A variety of plantings are proposed through the site including trees, shrubs, and ornamental grasses. A row of ornamental ‘street trees’ are proposed in front of the building along with other low plant materials. The landscaped areas around the parking lot are large enough to support two trees and some shrubs as per the Site Plan Control Area By-law, and the individual first storey amenity spaces are screened from the street with trees and other plantings. Privacy fencing is proposed on the west edge of the site (as directed by Council) to retain the privacy for the existing single family dwelling.

Outstanding Site Planning Matters:

Second submission of drawings was received June 30, 2017. Staff have completed drawing and report review and the following items remain outstanding:

- Updated tree inventory plan is required due to recent tree removal;
- Letters of approval for tree removal on adjacent properties to be obtained from neighbouring property owners;
- Incorporation of angular canopy into building design; and
- Updated noise report to be submitted.

Note:

Further comments were received from departments and agencies, but were largely technical in nature and dealt with drawing requirements and details.

PUBLIC LIAISON:	<p>On May 3rd, 2017, a Notice of Site Plan Application was sent out to area residents within 120 metres of the subject site.</p> <p>On May 11, 2017, a Notice of the Site Plan Application was published in the Londoner.</p> <p>On August 1, 2017, a Notice of the Public Meeting was published in the Londoner.</p> <p>On August 2, 2017, a Notice of Public Site Plan Meeting was sent to area residents within 120 metres of the subject site.</p> <p>On August 15, 2017, a community meeting was held by the applicant which was attended by approximately 50 area residents.</p>	<p>3 written responses and 2 telephone inquiries received.</p>
Nature of Liaison:		
<p>Consideration of a site plan to permit a 101 unit apartment building with a height of 44 metres. The zoning on this site includes two holding provisions: to require a public site plan meeting before the Planning and Environment Committee; and to ensure appropriate access arrangement is provided with 614 Springbank Drive.</p>		

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Responses:

Concerns were raised regarding the following matters:

- work being carried out onsite in advance of approvals and permits;
- tree preservation;
- ownership of the property;
- request for circulation of notice of public site plan meeting;
- safety and site conditions following demolition and construction;
- vibration and dust mitigation during construction;
- privacy fencing mitigating light and noise, and maintenance of said fencing; and
- clarification on the holding provision for “joint rights-of-way”.

Inquiries were also received regarding technical matters and the public meeting date.

ANALYSIS

Provincial Policy Statement 2014

The Provincial Policy Statement encourages building strong communities, the wise use and management of resources, and protecting public health and safety. In order to meet projected requirements of current and future residents, the Provincial Policy Statement supports intensification and compact built form at appropriate locations in order to minimize land consumption and provide for a range of housing types and densities. The proposed site plan will be developed in consistency with the Provincial Policy Statement.

Official Plan

The subject lands are designated Multi-Family, High Density Residential in the Official Plan, and are subject to the policies therein. Permitted uses in the Multi-Family, High Density Residential designation permit low-rise and high-rise apartment buildings, multiple attached dwellings, emergency care facilities, homes for the aged, and rooming and boarding houses. High Density designated areas are intended to accommodate large-scale, multiple-unit forms of residential development to provide for an efficient use of land, energy, and community services and facilities.

The four properties at 598, 600, 604, and 608 Springbank Drive were previously occupied by single family dwellings. The lands were consolidated in order to construct a 101 unit apartment building. The surrounding area is characterized largely by the presence of other residential uses, including cluster townhouses to the south, a single detached dwelling and 6-storey apartment buildings to the west, low-rise apartment buildings to the east, and Springbank Park to the north. The subject lands are located on the southwest corner of the intersection of Wonderland Road and Springbank Drive, both classified as arterial roads on Schedule “C” of the Official Plan, and as such the lands are presently underutilized. The proposal for a 13-storey apartment building on the site is consistent with the policies of the Official Plan.

London Plan

The London Plan identifies the subject lands as being within the “Neighbourhoods” Place Type. The Place Type is intended to provide a diversity of housing choices to promote neighbourhood character, attractive streetscapes, and to support infill and intensification. Residential Intensification is encouraged to help realize the vision for aging in place, diversity of built form, affordability, vibrancy, and effective use of land in neighbourhoods. The proposed site plan will be developed consistent with the intent of the London Plan Policies.

Zoning By-law

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The subject site is within a holding Special Provision R9 (h-5.h-201.R9-7(25).H44) Zone. The R9-7 Zone permits apartment buildings, continuum-of-care facilities, and apartment buildings for senior citizens and handicapped persons at a maximum residential density of 150 units per hectare. The R9 Zone also includes provisions for bonusing. Lot coverage and density may be increased as a function of the percentage of landscaped open space provided onsite. For every 70.0m² of landscaped open space provided in excess of the minimum requirement an additional three (3) residential units are permitted to a maximum of 25% greater than the allowed density. Additional height is not permitted to be increased to accommodate the additional density. A maximum of 30% lot coverage is allowed, but may be increased by an additional 10% if landscaped open space is increased by 10% above the minimum requirement of the zone.

The special provision R9-7(25) Zone provides specific regulations permitting a maximum building height of 44 metres, a maximum front yard setback of 1.1 metres, and a maximum exterior yard depth of 3.8 metres.

The two holding provisions approved by Council through the Zoning By-law amendment (Z-8374) process are as follows:

h-5: The h-5 holding provision requires that agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. The purpose of this meeting is to hold a public site plan meeting to seek input from Council and hear comments from the public in relation to this subject site plan. A future report will be brought forward to seek approval to remove the h-5 Zone provision from the site once all plans have been accepted and agreements entered into.

h-201: The h-201 holding provision requires that removal shall not occur until such time as the Owner, through the site plan process, enters into a development agreement with the City of London which includes the provision for a future joint access with the property to the west, municipally known as 614 Springbank Drive, and the joint rights-of-way are registered on title to the satisfaction of the City Engineer. The applicant, as part of the Development Agreement, shall be required to provide for future access to the abutting westerly lands.

Compliance with Zoning By-law:

The proposed development meets the provisions of the R9-7(25) zone with a building height of 44 metres, a density of 187.5 units per hectare and a corresponding landscape open space coverage of 57.5% (an increase of 27.5% over the minimum requirement) to allow for a 25% increase of density whereas the maximum is 150 units per hectare.

A Development Agreement will be entered into, incorporating the site plan, landscape plan, site engineering plans, external work plans, and building elevations designs is required to implement the approved plans. Special Provisions within the agreement will address any other outstanding issues pertaining specifically to this site such as joint access, security, and tree removal.

Once a site plan agreement has been entered into, a separate report will be submitted recommending amending the Zoning By-law to remove the h-5 and h-201 holding provisions.

Compliance with Council Resolution:

i) Increasing the height of the podium to a minimum of two (2) storeys in order to be more proportional with the height of the building and to provide a stronger enclosure of the adjacent pedestrian realm;

The proposed building has a podium height of one storey with a canopy overhang. The first floor is significantly taller than the subsequent floors at approximately 5.1 metres in height, whereas the storeys above the first are approximately 3.2 metres in height. An architectural treatment has also been provided on the first floor to differentiate it from the rest of the building, consisting of an architectural stone veneer while the rest of the building is clad in a variety of painted concrete finishes. Staff are supportive of the podium height as proposed and are of the opinion that the treatment as proposed meets the purpose and intent of the Resolution of Council as it addresses

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the public realm.

ii) Revising the design of the corner of the podium located at the intersection of Springbank Drive and Wonderland Road to include special architectural treatment which pronounces the corner;

An overhang is proposed along the podium of the building. Urban Design are supportive of an angular canopy as a special architectural treatment extending into the public realm to articulate the corner and better implement the Resolution of Council.

iii) Relocating the primary entrance at or near the northeast corner of the building to allow for convenient pedestrian way-finding and site circulation and to further activate the pedestrian realm at the intersection;

Two main entrances to the building are proposed facing the street, one on the east elevation fronting Wonderland Road, and the other on the north elevation facing Springbank Drive. Both are located in proximity to the corner of the building and are articulated architecturally for convenient pedestrian way-finding.

iv) Screening parking from the public right-of-way with a combination of low masonry walls and vegetation/landscaping;

The majority of the parking is proposed underground. Most of the parking spaces which are proposed on grade are located to the rear of the site and are adequately screened with a variety of planting beds and raised planters.

v) Implementing a landscape treatment along Springbank Drive and Wonderland Road which is urban in nature and provides opportunities for seating, hardscape areas, planting and seamless integration with public sidewalks;

An urban plaza has been proposed at the corner of Wonderland Road and Springbank Drive with hardscaping connecting the building with the sidewalk. Planting beds with various trees and shrubs are proposed in addition to low seating walls.

vi) Creating a shaded urban plaza which reinforces pedestrian walking patterns along the tower's abutting frontage at the intersection of Springbank Drive and Wonderland Road;

As previously noted, an overhang is proposed but staff would be supportive of a larger canopy extending over the plaza to better address the public realm, as shown below.



vii) The provision of privacy fencing, shade trees and other desirable buffering features along the westerly property line where the site abuts an existing single detached dwelling, to ensure the greatest protection of privacy.

A 1.8 metre board fence is proposed along the westerly property line. In addition, a planting bed buffers the proposed development from the single detached dwelling on the abutting property to the west. The vehicular access is setback 5.1 metres from the property line to mitigate negative impacts on the neighbour such as noise and light from vehicles entering or leaving the site. The building itself is located approximately 21 metres from the westerly lot line.

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CONCLUSION

The proposed site plan has been reviewed against applicable Provincial Policy Statement, the Official Plan policies, and the Zoning By-law and is considered to be in conformity with the applicable policies and regulations. The proposed site plan and elevations will result in development that complies with the Site Plan Control By-law. The proposed plans represent good land use planning.

PREPARED BY:	RECOMMENDED BY:
VANESSA SANTOS LANDSCAPE PLANNER	MICHAEL PEASE, MCIP RPP MANAGER, DEVELOPMENT PLANNING
CONCURRED IN BY:	SUBMITTED BY:
PAUL YEOMAN, RPP PLE DIRECTOR, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

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Appendix 'A'

Responses to Public Liaison Letter and Publication in "The Londoner"

<u>Telephone</u>	<u>Written</u>
2 responses.	3 responses. See Attachments

Telephone Responses:

1. Inquiry about the Ownership; and
2. Requesting information on the public meeting date.

Written Response #1

Subject: re: file# SPA17-028 (614 Springbank Drive)

Dear Vanessa,

I want to express our continuing gratitude for the helpfulness and consideration of the people in the planning department and city council with whom we have communicated. We are not categorically opposed to the proposed development, as the present situation has been less than ideal. The adjacent properties to the east of us have been in a dilapidated condition and some of the inhabitants have not been 'ideal neighbours'.

Our concerns are as follows:

1) The demolition of the building directly east of us left the property in a very unsightly and quite unsafe condition- broken glass, debris and sinkholes after the rain. We are assuming that the imminent demolition of the second building which is now unoccupied will be occurring very soon. Our grandchild lives close and we will require the construction area to be securely fenced off and equipment to be used carefully as she is frequently playing in our yard. This will remain a concern and a requirement for the entire time of construction.

2) With the close proximity of the heavy equipment we expect there will be a great deal of vibration and dust and we expect that every effort will be made to limit the damage (and repair any damage) and disruption of construction. This should include limitations on hours of the day when activity will occur as well as efforts to lessen the environmental impact as much as possible. We will have our property inspected to establish its' condition at the commencement of construction.

3) The planning proposal shows a 1.8 m wooden fence along the mutual boundary. As this 'fence' separates the side of our house from a parking lot and driveway, it must be higher and more substantial. With several hundred people and their visitors coming and going at all hours, we will have issues of noise, pollution and safety. Some sort of masonry wall would provide better separation and noise control. The Drewko building to the west of our property has a wooden fence that has become an eyesore and sections of the fence regularly blow down due to the winds around the building and deterioration of the wood. They have been very good neighbours and have worked with us to address most of our concerns. This is a very different issue, however, as all of the parking is on the other side of the building.

4) We are unsure about the meaning and intent of the 'joint rights-of-way' mentioned in the letter we received. I would like to discuss this with you as soon as possible. I will be away until after May 24th, so hopefully, we can communicate soon after that.

These are our immediate concerns at this point in time.

Thank you for taking the time to read this, and I look forward to talking with you in the very near future.

Written Response #2

Subject: update on file #SPA17-028 (614 Springbank Drive)

Hi Vanessa,

It appears that the construction project at Springbank and Wonderland is about to proceed. We engaged a structural engineering professional to make an assessment of the condition of our property prior to the start of construction. This has been completed and we will be asking for York Developments to accept it as the 'baseline' for any damage that might occur to our buildings and property. We would be happy to provide you with a copy of the document if you feel it would be helpful.

We have been approached by the developer about allowing encroachment onto our property for excavation purposes but, to date, have not made any agreement. Our engineer has examined the site plans and is awaiting a final plan for the actual excavation. Any decision will be made with his input and expertise as a guideline.

Please continue to keep us informed of meetings and developments as they occur.

Thanks,

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Written Response #3 (1 of 3)

June 27, 2017

To the attention of:

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Subject: Development at the Corner of Springbank Drive and Wonderland Road

It is with dismay we are viewing the development of the property at the corner of Springbank Drive and Wonderland Road. It appears York Developments is taking a "scorched earth" approach to this area. It is leaving only the mature trees, which are literally right against the fence, and removing everything else within the six meter setback space.

On September 14, 2014, Ali Soufan, President of York Developments, and members of the Board representing Middlesex Condominium Corporation #294 (MCC #294), signed a Letter of Understanding. The second provision states:

"The setback along the southerly property line will be sufficient (approx. 6 meters) to ensure that the existing mature trees will remain in place. Also additional mature trees will be installed along the south landscaped buffer area to provide additional screening to the abutting condominium corporation. Representatives from the Board of Middlesex Condominium #294 will be involved in the decision process concerning the type, size and position of additional trees."

Both parties understood that the Letter of Understanding was to confirm agreement restricting removal of existing foliage in the six meter zone as well as to provide protection of the mature trees. A copy of the letter, signed in good faith by MCC #294, and Ali Soufan, President of York Developments, is attached to refresh everyone's memory. MCC #294 has kept its part of the bargain and expects the same from York Developments.

Please advise before excavating commences, what the plans are for the six meter area. Excavating it will obviously impact the root system of the few remaining mature trees, including

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Written Response #3 (2 of 3)

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two protected walnut trees, and result in absolutely no mature growth to provide a barrier. This seriously violates the intent of the Letter of Understanding.

We would appreciate it if York Developments would arrange a meeting as soon as possible to discuss the situation before it is too late. MCC #294 will not be pleased to end up abutting a treeless buffer zone adjacent to a thirteen story building. The remaining mature trees must be protected. Furthermore, we wish to know what mature trees will be planted and how they will survive if excavation is within the six meter area.

Yours sincerely,

[Redacted signature]

[Redacted address line 1]

[Redacted address line 2]

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LETTER OF UNDERSTANDING

This Letter of Understanding reflects agreement reached between York Developments and Middlesex Condominium Corporation #294 as it pertains to the proposed residential development at the southwest corner of Wonderland Road South and Springbank Drive.

The following matters have been agreed to between the two parties:

- The proposed residential building will not exceed 13 stories in height;
- The setback along the southerly property line will be sufficient (approx. 6 metres) to ensure that the existing mature trees will remain in place. Also, additional mature trees will be installed along the south landscaped buffer area to provide additional screening to the abutting condominium corporation. Representatives from the Board of Middlesex Condominium Corporation #294 will be involved in the decision process concerning type, size and position of additional trees;
- York agrees to pay for half of the annual maintenance costs for the privacy fence along the common property line;
- York Development will provide securities to the City of London as part of the site plan approval process to guarantee the above works will be completed;
- Both parties acknowledge that alterations to the building design may be required to accommodate the desired density while reducing the overall building height. This may result in increased in the building floor area;
- Condominium Corporation #294 agrees that they will not file any appeals to the planning applications on the understanding that York Developments agrees to abide by the above noted conditions;and
- York Development agrees if the one remaining property, 614 Springbank Drive, is acquired by York Developments the setback on that property will be at least as wide as the setback agreed to for the other properties along our common property line.

PARTIES

Name	Signature(s)	Date of Signature		
		Y	M	D
		14	09	23

Name	Signature(s)	Date of Signature		
		Y	M	D
		14	09	25
		14	09	25