

Report to Planning and Environment Committee

**To: Chair and Members
Planning & Environment Committee**

**From: John M. Fleming
Managing Director, Planning and City Planner**

**Subject: 2186121 Ontario Inc.
1146-1156 Byron Baseline Road**

Public Participation Meeting on: August 13, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 2186121 Ontario Inc. relating to the property located at 1146-1156 Byron Baseline Road.

- (a) The Local Planning Appeal Tribunal **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend Zoning By-law No. Z-1 to change the zoning of the subject property **FROM** a Residential R1 (R1-7) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone, to permit a 4-storey (15 metre) apartment building **BE REFUSED** for the following reasons:
- i) The requested Zoning By-law Amendment is not consistent with the Provincial Policy Statement;
 - ii) The requested Zoning By-law Amendment does not conform to the 1989 Official Plan; and
 - iii) The requested Zoning By-law Amendment does not conform to The London Plan.
- (b) The Local Planning Appeal Tribunal **BE ADVISED** that Municipal Council **RECOMMENDS** that in the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, that the Local Planning Appeal Tribunal **BE REQUESTED** to withhold its Order(s) approving the application until such time as the Tribunal has been advised by the City Solicitor that:
- i) The proposed Zoning By-law Amendment is in a form satisfactory to the City Planner and City Solicitor.
 - ii) A hydrogeological report has been completed and all necessary mitigation measures have been implemented to the satisfaction of the City Engineer.
 - iii) A Site Plan application has been made and a Site Plan Agreement has been entered into between the City and the owner following a public Site Plan review process.
- (c) That the City Solicitor **BE DIRECTED** to provide legal and planning or expert witness representation at the Local Planning Appeal Tribunal hearing in support of Municipal Council's position.

Executive Summary

Summary of Request

The requested Zoning By-law Amendment is to permit apartment buildings, handicapped person's apartment buildings, lodging houses class 2, stacked townhouses, senior citizen apartment buildings, emergency care establishments, and continuum-of-care centres. The requested special provision would permit a maximum height of 15 metres, whereas the standard Residential R8 (R8-4) Zone would permit a

height of 13 meters, and to permit a minimum front yard setback of 1.8 metres, whereas the standard Residential R8 (R8-4) Zone would require a minimum front yard setback of 8 metres for a building of the requested height.

The applicant has appealed this application to the Local Planning Appeal Tribunal based on City Council's failure to make a decision on the application within 120 days of the submission of a complete application.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is for City Council to recommend to the Local Planning Appeal Tribunal that the Zoning By-law Amendment application to permit a 4-storey residential apartment building be refused as the requested Zoning By-law Amendment is not consistent with the Provincial Policy Statement and does not conform to the 1989 Official Plan or The London Plan.

The recommended clause also includes a recommendation that should the Local Planning Appeal Tribunal allow the Zoning By-law Amendment, that prior to the issuing of the Tribunal's order, that the form of the amendment be to the satisfaction of the City, that a hydrogeological report be submitted to the satisfaction of the City Engineer, and that a Site Plan Agreement be entered into between the City and the owner following a public site plan process.

Rationale of Recommended Action

The applicant appealed this Zoning By-law Amendment application to the Ontario Municipal Board/Local Planning Appeal Tribunal based on Council's failure to make a decision within 120 days. The application was deemed complete on October 30, 2017 and the 120 day period expired on February 27, 2018. Staff met with the applicant in January, 2018 to discuss concerns with the application and the applicant identified the desire to put the file "on hold" and to continue to work with Staff to revise the proposal and address concerns identified by Staff. The applicant did not have any further meetings with Staff and an appeal was filed on March 16, 2018. A hearing has been scheduled for October 29 and 30, 2018.

The Zoning By-law Amendment is recommended to be refused as the requested amendment is not consistent with the PPS and does not conform to the 1989 Official Plan or The London Plan. The applicant has not demonstrated that the proposed development fits within its surrounding context, with a requested height and requested reduced front yard setback which have not been demonstrated to fit with the neighbourhood character. Further, the applicant has not demonstrated that functional outdoor amenity space could be accommodated on the subject site for residents of the requested building, which also indicates that the requested development is an overdevelopment of the subject site.

The applicant has also not demonstrated that the health and safety of the residents of the adjacent property at 1158 Byron Baseline Road would be protected, as a hydrogeological report has not been provided demonstrating that the requested development would not have negative impacts on the well at 1158 Byron Baseline Road that provides the drinking water to the residents of that property.

Should the Local Planning Appeal Tribunal allow the appeal in whole or in part, it is recommended that its order approving the application be withheld until the Zoning By-law is in the standard City of London format to ensure a consistent format with other by-laws, a hydrogeological report has been completed to ensure the health and safety of the residents on well water at 1158 Byron Baseline Road, and a the Site Plan Control application has been approved through a public site plan process to allow the public an opportunity to comment on site plan matters.

It is staff's opinion that the application in its current form is not consistent with the PPS and does not conform to the 1989 Official Plan or The London Plan. The site does appear to be able to bear some level of residential intensification, but additional work is

required to achieve a development that fits with the neighbourhood character and resolves the hydrogeological concerns.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the south side of Byron Baseline Road, west of North Street and Colonel Talbot Road. The subject site has an area of approximately 0.54 hectares and is comprised of four separate property parcels. The subject site is currently vacant and is occupied by two residential garages that are no longer in use. The site was previously occupied by four single-detached dwellings which have been demolished. The site has a frontage of approximately 74 metres and a depth of approximately 65 metres. The southern portion of the property, fronting onto Byron Baseline Road, is sloped downwards.



Figure 1: Photo of existing site

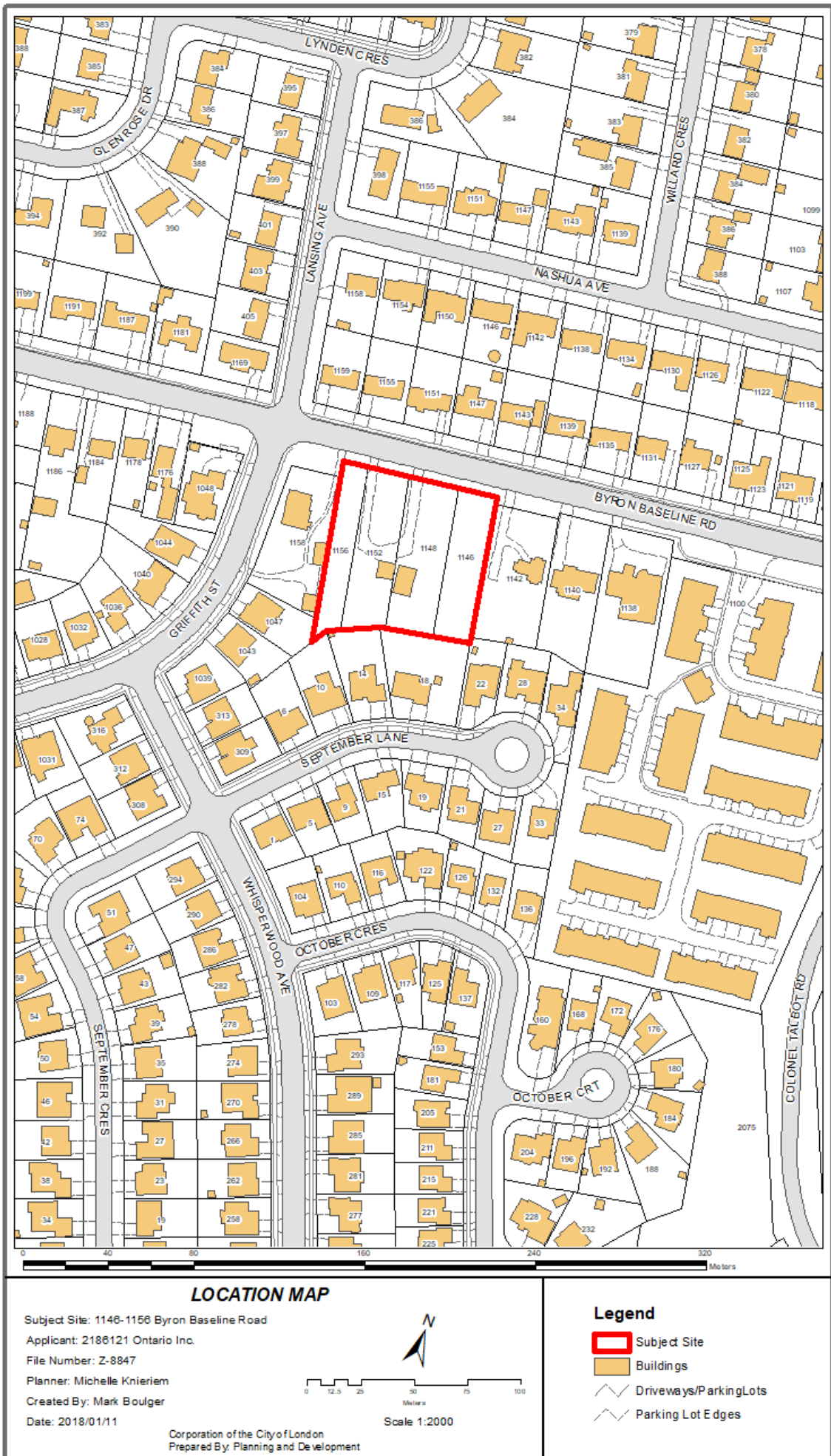
1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Low-Density Residential
- The London Plan Place Type – Neighbourhoods on a Civic Boulevard
- Existing Zoning – Residential R1 (R1-7) Zone

1.3 Site Characteristics

- Current Land Use – Vacant land
- Frontage – Approximately 74 metres (242 feet)
- Depth – Approximately 65 metres (213 feet)
- Area – 0.54 hectares (1.33 acres)
- Shape – Rectangular

1.4 Location Map



1.5 Surrounding Land Uses

- North – Single detached dwellings. These lands are designated Low-Density Residential in the 1989 Official Plan and are in the Neighbourhoods Place Type in The London Plan.
- East – Single detached dwellings and cluster townhouses. These lands are designated Multi-Family, Medium-Density Residential in the Official Plan and are in the Neighbourhoods Place Type in The London Plan.
- South – Single detached dwellings. These lands are designated Low-Density in the 1989 Official Plan and are in the Neighbourhoods Place Type in The London Plan.
- West – Single detached dwellings; immediately west of the subject site is a single detached dwelling, 1158 Byron Baseline Road, which is listed on the City’s Inventory of Heritage Resources. The lands are designated Low-Density Residential in the 1989 Official Plan and are in the Neighbourhoods Place Type in The London Plan.

1.6 Intensification

- The proposed 38 residential units represent intensification within the Built-area Boundary
- The proposed residential units are located outside of the Primary Transit Area.

2.0 Description of Proposal

2.1 Development Proposal

The requested development proposal contemplates a 4-storey (15 metre) apartment building containing 38 units. The proposed residential density is 71 units per hectare. The proposed apartment building includes a requested reduction in minimum required front yard setback to 1.8 metres. A total of 57 surface parking spaces are proposed.

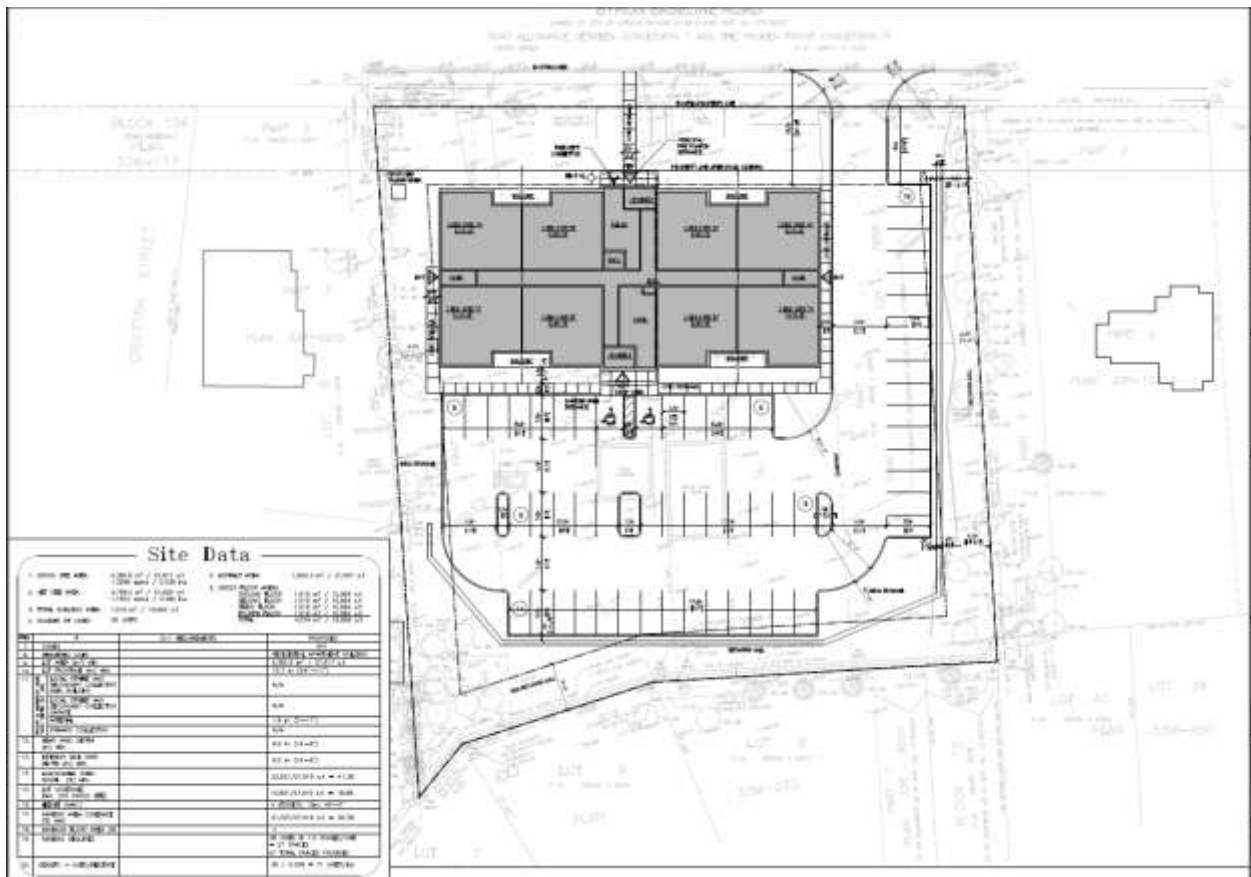


Figure 2: Site Plan - submitted by applicant



Figure 3: Proposed north elevation - submitted by applicant



Figure 4: Proposed south elevation - submitted by applicant

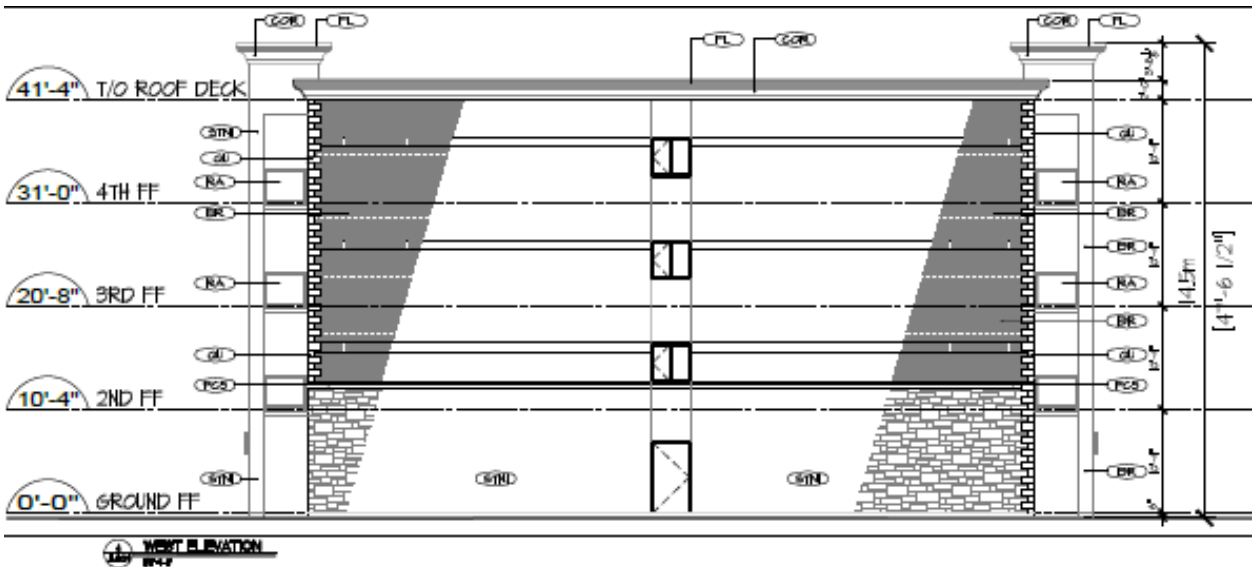


Figure 5: Proposed west elevation - submitted by applicant

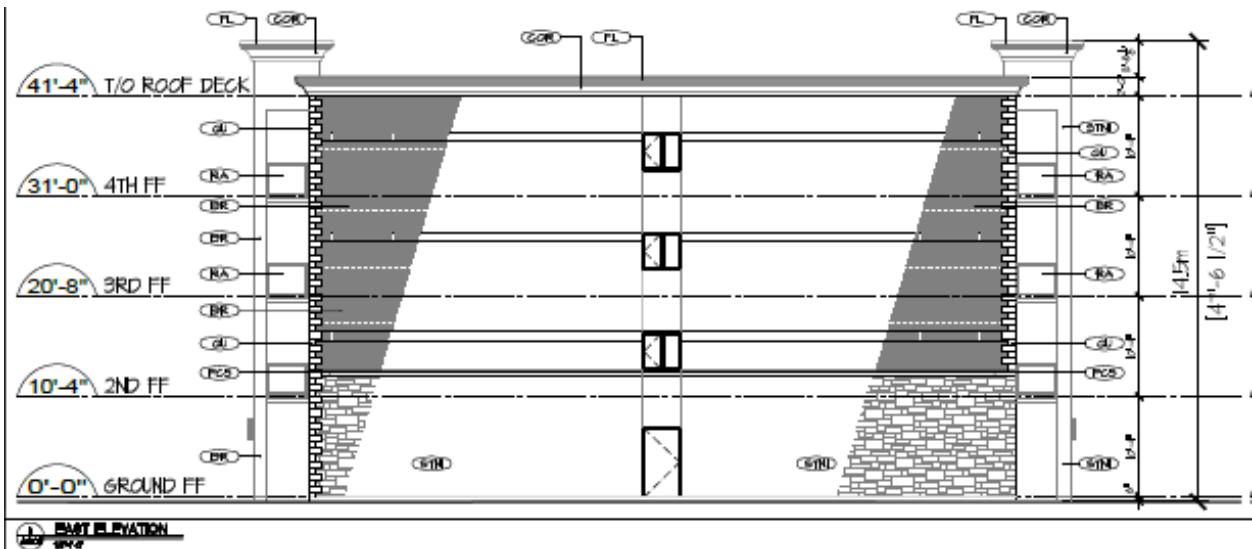


Figure 6: Proposed east elevation - submitted by applicant



Figure 7: Perspective view from northeast – submitted by applicant



Figure 8: Aerial view facing south - submitted by applicant

3.0 Relevant Background

3.1 Planning History

There have been no previous applications for Official Plan Amendments or Zoning By-law Amendments on the subject site.

3.2 Requested Amendment

The requested amendment is to change the zoning on the subject site from a Residential R1 (R1-7) Zone which permits single detached dwellings to a Residential R8 Special Provision (R8-4(_)) Zone which allows apartment buildings, handicapped person's apartment buildings, lodging houses class 2, stacked townhouses, senior citizen residential apartment buildings, emergency care establishments, and continuum-of-care facilities. The requested special provision would permit a maximum height of 15 metres, whereas the standard Residential R8 (R8-4) Zone permits a maximum height of 13 metres. The requested special provision would also permit a reduced front yard setback of 1.8 metres when a minimum of 8 metres is required in the standard Residential R8 (R8-4) Zone for a building of the requested height.

3.3 Application Timeline

A proposal summary was submitted for 1146-1156 Byron Baseline Road in December, 2013 for a 4-storey apartment building with 42 units resulting in a density of 84 units per hectare. The applicant was seeking a Residential R8 Special Provision Bonus (R8-4()•B()) Zone to permit the proposed development, with a special provision for a density of 84 units per hectare. The applicant indicated that the proposed increase in density, beyond the 75 units per hectare limit in the Low-Density Residential designation, should be permitted through a bonusing provision for good urban design. The applicant met with Planning Staff in January, 2014 to discuss the proposal, at which time Staff identified concerns with the height and the low-rise apartment form, indicating that townhouse or possibly a 3-storey apartment building may be more appropriate for the site given the context. Staff identified that an Official Plan Amendment application would be required to permit the requested density.

The applicant submitted an application on December 21, 2016 for the Zoning By-law Amendment that is currently requested, seeking permission to rezone the property to a Residential R8 Special Provision (R8-4()) Zone to permit a 4-storey apartment building with special provisions for a maximum height of 15 metres and a reduced minimum front yard setback of 1.8 metres. An Official Plan Amendment application was not submitted, as the application that was submitted was for a density of 71 units per hectare which is within the range of permitted densities within the Low Density Residential designation, subject to meeting a number of criteria for infill development including the impact on surrounding land uses. This is the current proposal that is before the Local Planning Appeal Tribunal. At the time of submission in December, 2016, the application was deemed incomplete as the following materials had not been submitted:

- a pre-application consultation record within the last 9 months
- a complete Urban Design Brief that was consistent with the City of London's Urban Design Brief Terms of Reference.
- a complete Planning Justification Report that provided a Planning Impact Analysis and addressed all relevant criteria of the Neighbourhood Character Statement and Compatibility Report.

Through discussion with the applicant, it was agreed that the previous pre-application consultation record from January, 2014 could be considered as meeting the criteria for this application given that no additional reports and studies were requested to process the revised application. The applicant resubmitted the application with an Urban Design Brief and a Planning Justification Report on October 11, 2017. This application was deemed complete on October 30, 2017.

The Notice of Application was sent out to property owners within a 120 metre radius of the subject site on November 15, 2017, and was published in *The Londoner* on November 16, 2017. One sign indicating the possible land use change was placed on the subject lands, fronting Byron Baseline Road. Additional details on the community consultation can be found in the below Section 3.4 Community Engagement.

A Community Information Meeting was organized and led by members of the community and held on Monday January 8, 2018. This meeting provided an opportunity for community members to ask the applicant, the Ward Councillor and Planning Staff questions about the application and the Zoning By-law Amendment process.

Planning Staff met with the applicant's agent on January 22, 2018 to discuss Staff concerns with the proposal. At this meeting, and in subsequent email communication, Planning Staff advised the applicant that a report could be prepared for the February 20, 2018 Planning and Environment Committee meeting in order to meet the statutory timeline with a Staff recommendation that would not recommend approval or continue to work together with Staff to address concerns and have Staff prepare a report for a future Planning and Environment Committee meeting. The applicant elected to work with Staff to revise the application rather than have Staff prepare a report recommending the application be refused.

The applicant did not request any further meetings with Staff and did not submit any revised plans. The applicant submitted an appeal to the Ontario Municipal Board (now Local Planning Appeal Tribunal) on March 16, 2018 based on City Council's failure to issue a decision on a Zoning By-law Amendment application within 120 days.

3.4 Community Engagement (see more detail in Appendix B)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on November 15, 2017, and was published in *The Londoner* on November 16, 2017. One sign indicating the possible land use change was placed on the subject lands, fronting Byron Baseline Road.

A Community Information Meeting, organized and led by members of the community, was held at Bryon United Church on Monday January 8, 2018. Planning Staff attended the meeting, presenting an overview of the planning process and policies and answering community questions. The applicant also attended the meeting, providing a presentation about the application and answering community questions.

As of the date of this report, 19 telephone calls and hundreds of emails have been received by Planning Staff from the community with regards to this application. This correspondence came from approximately 150 interested parties.

Concerns expressed included the following:

- The scale of the development would have a negative impact on neighbourhood character;
- Low-rise apartments are not an appropriate use along Byron Baseline Road;
- The proposed building is too tall;
- Potential privacy and overlook issues;
- Site plan issues (garbage location, landscaping, safety of vehicular access, etc.);
- Proposed development would lead to a decline in property values;
- Potential increase in crime and need for additional police presence; and
- Proposed development would have a negative impact on traffic.

Correspondence was also received indicating support for the proposed Zoning By-law Amendment, with these respondents identifying Byron Baseline Road as an appropriate location for additional density to be added to the neighbourhood and also support for the requested development contributing to a diversity of housing types in the Byron neighbourhood.

Additional details about community engagement can be found in Appendix B.

3.5 Policy Context (see more detail in Appendix C)

Planning Act

The Planning Act is a provincial legislation that sets out the ground rules for land use planning in Ontario, including outlining the required processes for the review of Zoning By-law Amendments and the appeals process to the Local Planning Appeal Tribunal. The Planning Act outlines a list of matters of provincial interest that all municipalities must have regard to when reviewing planning applications.

Provincial Policy Statement, 2014

The Planning Act requires that all planning decisions made by City Council be consistent with the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, setting the policy foundation for regulating the development and use of land. The subject site is located within a settlement area as identified in the PPS. The PPS identifies that settlement areas shall be the focus of growth and development (Policy

1.1.3.1, 1.1.3.2). Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

All decisions of Council affecting land use planning matters are required to be consistent with the PPS.

City of London 1989 Official Plan (“Official Plan”)

The City of London 1989 Official Plan (“Official Plan”) implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The Official Plan assigns specific land use designations to lands, and the policies associated with those land use designations provide for a general range of permitted uses.

The subject site is located within the “Low Density Residential” land use designation in the Official Plan. Development in the Low Density Residential land use designation is intended to enhance the character and amenity of residential areas by directing higher intensity uses to locations where existing land uses will not be adversely affected (Policy 3.1.2). Permitted uses in this land use designation include single-detached, semi-detached, and duplex dwellings with a maximum density, generally, of 30 units per hectare (Policy 3.2.1). Residential intensification up to 75 units per hectare is permitted in Low Density Residential designations in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments, subject to the provisions of Policy 3.2.3 (Policy 3.2.1; 3.2.3.2). Policy 3.2.3 provides provisions for evaluating proposals for residential intensification, including the requirements that residential intensification projects must recognize the compatibility and character of the area.

The London Plan

The London Plan is the new Official Plan for the City of London and has been adopted by City Council and approved by the Ministry with modification. A portion of The London Plan is in-force and effect, and the remainder of the Plan continues to be under appeal to the Local Planning Appeal Tribunal.

The subject site is located within the Neighbourhoods Place Type in The London Plan, on a Civic Boulevard. Neighbourhoods Place Types make up the majority of the City Structure’s land area. The London Plan identifies that Neighbourhoods will be planned for a diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms (Policy 918). Low-rise apartment buildings are a permitted use within the Neighbourhood Place Type on Civic Boulevards, with the range of height heights between 2 and 4 storeys with up to 6 storeys permitted through density bonusing under Section 37 of the Planning Act (Table 10, 11). These uses and heights are not necessarily permitted on all sites within the Neighbourhoods Place Type, as the proposed development must fit within its context (953). Fit does not mean that a proposed use must be the same as the development in the surrounding context, rather it will need to be shown that it is sensitive to, and compatible with, its context (Policy 953).

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use

The requested land use of a low rise apartment building was evaluated to determine if this requested land use is appropriate.

Planning Act

The Planning Act outlines matters of provincial interest that municipalities must have regard to when reviewing planning applications. Included in these matters of provincial interest is the provision of a full range of housing. The requested low-rise apartment use has regard to this requirement.

Provincial Policy Statement, 2014 (PPS)

The PPS identifies that healthy and liveable communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing, and housing for older persons) uses (Policy 1.1.1(b)). It also identifies that planning authorities shall identify (through their Official Plan) appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas and the availability of existing or planned infrastructure and public service facilities (Policy 1.1.3.3). The proposed low-rise apartment use is supportive of the objectives of accommodating a range and mix of residential uses and intensification. While the requested low-rise apartment use is consistent with the PPS, further consideration is given to the *form* of the requested use and its consistency with the PPS in the below section “Issue and Consideration #2: Scale of Development and Compatibility with Neighbourhood Character”.

Official Plan, 1989

The subject site is designated Low Density Residential in the 1989 Official Plan. While the primary permitted uses in Low Density Residential areas are single detached, semi-detached and duplex dwellings, residential intensification may be permitted in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments (Policies and 3.2.1 and 3.2.3.2).

The requested low-rise apartment, as a land use, is appropriate. Further consideration about the appropriateness of the requested height and density of the requested low-rise apartment is discussed in the below section on “Issue and Consideration #2: Scale of Development and Compatibility with Neighbourhood Character”.

The London Plan

The London Plan designates the subject site as part of the Neighbourhoods Place Type on a Civic Boulevard (Byron Baseline). Low-rise apartment buildings are identified in the range of permitted uses for properties in the Neighbourhoods Place Type located on Civic Boulevards. The London Plan identifies that this range of permitted uses is not appropriate for every site and that development must fit with the surrounding neighbourhood.

In this instance, there are other low-rise apartment buildings that exist on Byron Baseline Road in close proximity to the subject site, with existing 3-storey low-rise apartment buildings at the northeast corner of Byron Baseline and North Street. The requested land use of a low-rise apartment building is an appropriate use for the site.

While the requested low-rise apartment is an appropriate land use based on the policies in The London Plan, further discussion on the appropriateness of the height and density of the requested Zoning By-law Amendment is discussed in the below section on “Issue and Consideration #2: Scale of Development and Compatibility with Neighbourhood Character”.

Summary

The requested low-rise apartment use is consistent with the PPS and conforms to the policies in the 1989 Official Plan and The London Plan. While the requested low-rise apartment use is appropriate, this does not mean that this use is appropriate on all sites in all intensities and forms. An evaluation of the intensity and form of the requested development is provided in the below section “Issue and Consideration #2: Intensity and Form – Scale of Development and Impact on Neighbourhood Character”.

4.2 Issue and Consideration # 2: Intensity and Form – Scale of Development and Impact on Neighbourhood Character

The requested Zoning By-law Amendment was evaluated to determine if the proposed scale of development fits with the character of the neighbourhood.

Planning Act

The matters of provincial interest outlined in the Planning Act include the promoting a built form that is well-designed and encourages a sense of place. All municipal planning decisions must have regard to matters of provincial interest. The form of the proposed development, including the height, front yard setback, and lack of provision of open space, has not demonstrated fit with the surrounding neighbourhood. As such, the development has not proven to be well-designed or encourage a sense of place.

Provincial Policy Statement, 2005 (PPS)

The Provincial Policy Statement identifies that planning authorities shall identify appropriate locations and promote opportunities for intensification where it can be accommodated, while taking into account the existing building stock (Policy 1.1.3.3). The Provincial Policy Statement also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (Policy 1.7.1(d)). The Official Plan is identified as the most important vehicle for implementing the PPS (4.7)

While the proposal is generally consistent with the PPS with regard to accommodating intensification and allowing for a range and mix of housing types, the PPS also recognizes that local context is important and that a well-designed built form contributes to overall economic prosperity. This means that all levels of intensification are not appropriate on all sites, as the residential intensification must fit within the surrounding context. The requested Zoning By-law Amendment, which includes a request to increase the permitted height and reduce the minimum required front yard setback, has not demonstrated that it fits within the character of the surrounding neighbourhood. The height that would be permitted by the requested Zoning By-law exceeds the standard heights that are permitted by the Residential R8 zoning. Combined with the requested reduction in minimum front yard setback, which is significantly less than the surrounding buildings, the proposed development has not demonstrated a fit with the surrounding context.

Official Plan, 1989

The 1989 Official Plan identifies that residential intensification will be considered in a range up to 75 dwelling units per hectare for sites in the Low Density Residential designation. In order to achieve this density, this infill housing must recognize the scale of adjacent land uses and reflect the character of the area (Policy 3.2.3.2). As part of an application for residential intensification, an applicant is required to provide a statement of the compatibility, where it can be clearly demonstrated that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood (Policy 3.2.3.5). Policy 3.7, Planning Impact Analysis, is used to evaluate Zoning By-law Amendments to evaluate the appropriateness of a proposed change in land use and identify ways to reduce any adverse impacts on surrounding uses.

The proposed development has a density of 71 units per hectare. While this density is within the range of densities that could be appropriate for residential intensification within the Low Density Residential designation, the applicant has not demonstrated that the requested Zoning By-law Amendment would permit development that is sensitive to, compatible with, and a good fit within, the surrounding neighbourhood. The proposed height and reduced front yard setback are out of character with the surrounding neighbourhood. The surrounding neighbourhood is characterized by one and two-storey homes with front yard setbacks generally in excess of 6 metres. While there are other properties in the surrounding neighbourhood with Residential R8 (R8-4) Zones, these

properties are organized in a nodal configuration at the intersection of Byron Baseline Road and Colonel Talbot Road/North Street, an area where higher densities are anticipated. These sites do not include special provisions reduced front yard setbacks or heights in excess of the 13 metres that is permitted in the Residential R8 (R8-4) Zone. The elevations of these sites are also lower than the subject site. The subject site is located mid-block and situated on a hill, further amplifying the perceived height of the proposed development.

When the Planning Impact Analysis was considered, the proposed development did not meet several of the criteria outlined in the Planning Impact Analysis. While a low-rise apartment has been found to be a compatible use for the surrounding neighbourhood, the form and intensity of the proposed low-rise apartment building have not been found to be compatible. The inability of the site to accommodate the proposed level of intensification is demonstrated as the open space on the site is primarily covered with surface parking, preventing opportunities for soft landscaping, outdoor amenity space, or landscape buffering. Measures to mitigate the adverse impacts of the proposal on surrounding land uses has not been demonstrated. The applicant has also not provided a hydrogeological report to demonstrate that there will be no adverse effects from the requested development on the adjacent property at 1158 Byron Baseline Road (more information is provided below in "Issue 4 – Hydrogeology". A comparison of the application against the criteria of the Planning Impact Analysis can be found in Appendix B.

The London Plan

The policies in The London Plan encourage intensification, however this intensification is only permitted in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83; 937).

All planning and development applications must demonstrate how the proposed building is designed to support the planned vision of the place type and establishes character and a sense of place for the surrounding area, through matters such as scale, massing, materials, relationship to adjacent buildings, heritage impact and other such form-related considerations (Policy 284). Buildings are to be designed to achieve a scale relationship that is comfortable for pedestrians (Policy 284). The London Plan also indicates that an appropriate transition in height, scale and massing should be provided between development of significantly different intensities (Policy 298). The requested development, with a height of 15 meters, is significantly taller than the adjacent 1 and 2 storey buildings. The development application provided does not include any stepping or modifications to the massing to transition a development of this height within the surrounding area and create a comfortable scale relationship for pedestrians.

While The London Plan identifies that buildings should be sited with minimal setbacks from public rights-of-way, it also identifies that buildings should be sited so as to maintain and reinforce the prevailing street wall or building line of existing and planned buildings (Policy 256, 259). In the instance of the subject site, the application proposes a reduced front yard setback of a minimum of 1.8 metres, while the Zoning By-law standard is 8 metres (6 metres, plus 1 metre per 10 metres of building height or fraction thereof above the first 3 metres). This reduced setback is not characteristic of the surrounding context, where front yard setbacks are generally in excess of 7 metres, including on properties that have provided road widening dedications. The reduced front yard setback would also block views from the westerly approach to the adjacent building at 1158 Byron Baseline Road which is listed on the City's heritage register. The requested reduction in front yard setback has not demonstrated to fit with the character of the surrounding neighbourhood, and far exceeds the surrounding uses.

The London Plan identifies a series of factors that must be considered when determining if a proposal fits within its context. Factors to be considered include: neighbourhood character, streetscape character, street wall, height, density, massing, placement of building, setback and step-back, proposed architectural attributes, relationship to cultural heritage resources, and landscaping and trees. The requested development has not demonstrated that it fits with the neighbourhood character or the

streetscape character, with no stepbacks to reinforce the prevailing context, a height in excess of other permitted heights in the area which does not transition to the lower heights of adjacent properties, and a front yard setback that is significantly less than other properties in the area. The proposed development has not demonstrated a relationship to the adjacent property at 1158 Byron Baseline Road, which is listed on the City's heritage register. Further, the proposed site plan does not show sufficient landscaping and trees to meet the amenity needs of residents or provide a buffer to adjacent uses.

Urban Design Peer Review Panel

The requested Zoning By-law Amendment was considered by the Urban Design Peer Review Panel on December 20, 2017. The comments from the Urban Design Peer Review Panel were similar to the comments provided by Staff, with concerns including the front yard setback and massing not fitting with the neighbourhood and the need to accommodate outdoor amenity space.

The Urban Design Peer Review Panel also identified the need for tree protection zones around existing trees and suggested exploring different materials for the building. These items would be considered as part of any Site Plan Control application for the subject site.

The comments provided the Urban Design Peer Review Panel are provided verbatim in Appendix B.

Summary

As the proposal submitted has not demonstrated that the proposed development fits within its surrounding context, Planning Staff met with the applicant about revising their proposal to a form that was more appropriate for the site. Planning Staff met with the applicant in January about revising their proposal to a form that would be more appropriate for the site, recommending a reduction in height, an increase in front yard setback, a modification in grading to eliminate retaining walls, and modifications to the site configuration and landscaping that could be secured through a bonus zone to allow for a development that fits with the surrounding context. Based on the feedback provided, the applicant did not revise their proposal and appealed the application to the Ontario Municipal Board/Local Planning Appeal Tribunal.

Planning Staff recommend that the requested Zoning By-law Amendment be refused as the proposed development has not demonstrated an ability to be accommodated on the subject site in a form that fits with the surrounding context. Planning Staff are willing to continue to work with the applicant to revise the proposal to a form that fits within the surrounding context and is supportable in advance of the LPAT hearing.

4.3 Issue and Consideration # 3 – Form – Recommendation for a Public Site Plan Process

The community expressed a number of concerns about matters that are considered as part of any future site plan control application. These matters included:

- Landscaping and buffering
- Location of garbage storage
- Safety of vehicular access
- Privacy and overlook
- Potential impact on existing trees on the site

Generally, Site Plan Control applications are delegated to Staff for approval and do not include public notification or a public meeting. However, the Official Plan identifies that public notification and a public meeting on the site plan control application can occur in

connection with residential intensification proposals, such as the proposed development (19.9.2.v).

Should the LPAT decide to approve the requested development, the requirement for a public site plan process is recommended as a result of the significant quantity of public concerns that were received which related to site plan control matters.

4.4 Issue and Consideration # 4: Hydrogeological Assessment

Through the review of the application, City Staff determined that a hydrogeological report was required. The hydrogeological report is required as the adjacent property at 1158 Byron Baseline Road is on well water rather than municipal water, so it must be demonstrated that the proposed development will not have a negative impact on the water quality of the adjacent property at 1158 Byron Baseline Road. This report is necessary to ensure that a development is achievable on the subject site.

Planning Act

The Planning Act identifies the protection of public health and safety as a matter of provincial interest which City Council must have regard for when making planning decisions. As no hydrogeological assessment has been provided, applicant has not demonstrated that the requested development would protect the health and safety of the neighbouring residents at 1158 Byron Baseline Road who are on well water.

Provincial Policy Statement, 2005 (PPS)

The Provincial Policy Statement identifies that healthy and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns (Policy 1.1.1 c). It also identifies that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (Policy 1.1.3.4). The applicant has not demonstrated that the health and safety of the residents at the neighbouring property at 1158 Byron Baseline Road will be protected, therefore the application has not demonstrated consistency with the Provincial Policy Statement.

Official Plan, 1989

The 1989 Official Plan requires that where an amendment to the Zoning By-law is proposed in the vicinity of an existing well, the application must demonstrate, to the satisfaction of the City, that the proposed development will not negatively impact groundwater quantity and quality (Policy 17.7.3(i)). It also identifies that it is the responsibility of the applicant to identify the locations of wells in the vicinity of the development site (Policy 17.7.3(i)). The applicant has not demonstrated conformity to Official Plan policies as no hydrogeological report has been provided identifying that the proposed development will not negatively impact groundwater quantity and quality for the well on the adjacent property at 1158 Byron Baseline Road.

The London Plan

Similar to the 1989 Official Plan, The London Plan includes an in-force policy that identifies that where a planning and development application is proposed in the vicinity of an existing well, the applicant will be required to demonstrate, to the satisfaction of the City, that the proposed development will not have a negative impact on groundwater quantity and quality (Policy 474_13). It also states that it is the responsibility of the applicant to identify the locations of wells in the vicinity of a development site (Policy 474_13). The London Plan includes policies to ensure that public health and safety is maintained in the review of development applications, including an in-force policy that ensures that health and safety is achieved in all planning processes (Policy 62_10). It also includes an in-force policy that safe, clean drinking water will be supplied to Londoners (Policy 743).

The applicant has not demonstrated conformity to this policy as no hydrogeological report has been provided showing that the well at 1158 Byron Baseline Road will not be negatively impacted by the proposed development and that the health and safety of the drinking water for residents at 1158 Byron Baseline Road will be protected.

Summary

The applicant has not provided a hydrogeological report demonstrating the health and safety of the residents at 1158 Byron Baseline Road who are on well water would be protected by the requested development. As the protection of health and safety of residents has not been demonstrated, the application has not demonstrated regard to the matters of provincial interest as outlined in the Planning Act, has not demonstrated consistency with the PPS and has not demonstrated conformity to the 1989 Official Plan or The London Plan.

4.5 Issue and Consideration # 5: Traffic

Members of the community raised a concern about the impact of the proposed development on traffic on Byron Baseline Road. The impact of the traffic that is expected to be generated by the propose development was reviewed by City Staff.

City Staff evaluated the proposed development using the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th edition) to determine the expected traffic impact of the propose development. Based on this calculation, it is estimated that the proposed development would generate 25 trips in the morning peak hour and 32 trips in the afternoon peak hour. This represents a marginal increase in traffic, which City Staff consider to be acceptable. Staff find the traffic impact of the propose development to be acceptable and it is expected to have a very minor increase on traffic generation. More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

Infill development is generally desirable, but is not appropriate in all built forms in all locations. Residential intensification must fit with its surrounding neighbourhood in order to encourage a sense of place and compatibility with the surrounding neighbourhood. Residential intensification must also not compromise the health and safety of residents.

While the intention of the requested Zoning By-law Amendment to provide residential intensification is commendable, this residential intensification has not been demonstrated to fit with the surrounding neighbourhood and has not demonstrated that it would protect the health and safety of residents. The requested Zoning By-law Amendment includes special provisions for height and a reduced front yard setback that have not been demonstrated to fit with the surrounding neighbourhood, challenging the neighbourhood character. The site plan provided does not include opportunities for outdoor amenity space for residents, further demonstrating that the requested Zoning By-law Amendment is an overdevelopment of the site. The application has also not demonstrated measures to improve compatibility with the surrounding neighbourhood, such as adequate buffering or setbacks. While these are generally matters included in the Site Plan Approvals process, for applications where there are challenges with the requested Zoning By-law Amendment to facilitate a development that fits with the surrounding context, consideration of these measures through the Zoning By-law Amendment process can be an opportunity to demonstrate fit with the surrounding neighbourhood.

Staff also have concerns that the requested Zoning By-law Amendment may pose a risk to public health and safety, as the applicant has not provided a hydrogeological report demonstrating that the water quality of the well on the adjacent property at 1158 Byron Baseline Road has been maintained. This potential risk to public health and safety demonstrates that the application does not have regard to The Planning Act, is not consistent with the Provincial Policy Statement, and does not conform to the 1989 Official Plan or to the in-force policies of The London Plan.

The applicant has not demonstrated that the requested Zoning By-law Amendment application fits with the surrounding neighbourhood, indicating that the requested Zoning By-law Amendment is an overdevelopment of the subject site, and has also not demonstrated that the requested Zoning By-law Amendment would allow for development that does not compromise public health and safety. Staff are willing to continue to work with the applicant to resolve these issues in advance of the Local Planning Appeal Tribunal hearing, however in its current form Staff recommend that the application be refused as the requested Zoning By-law Amendment does not have regard for the Planning Act, is not consistent with the Provincial Policy Statement, and does not conform to the 1989 Official Plan or The London Plan.

Prepared by:	Michelle Knieriem, MCIP, RPP Planner II, Current Planning
Submitted by:	Michael Tomazincic, MCIP, RPP Manager, Current Planning
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

August 2, 2018
MT/mt

Appendix A – Public Engagement

Community Engagement

Public liaison: On November 15, 2017, Notice of Application was sent to 178 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 16, 2017. A “Planning Application” sign was also posted on the site.

Replies were received from approximately 150 individual interested parties, including 19 telephone calls and hundreds of emails.

Nature of Liaison: The purpose and effect of the requested Zoning By-law amendment is to permit the development of the subject site for a 4-storey apartment building comprised of 38 units.

Change Zoning By-law Z.-1 from a Residential R1 (R1-7) Zone which permits single detached dwellings to a Residential R8 Special Provision (R8-4(_)) Zone which permits apartment buildings, handicapped person’s apartment buildings, lodging houses class 2, stacked townhouses, senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities. The requested special provision would permit a maximum height of 15 metres; whereas, the standard R8-4 Zone permits a maximum height of 13 metres.

Responses: A summary of the various comments received include the following:

Concern for:

Scale of the development and the impact on neighbourhood character:

Community members expressed concerns that the requested Zoning By-law Amendment was overdevelopment and that the requested height, and requested front yard setback did not fit with the surrounding neighbourhood.

Requested low-rise apartment use:

Residents expressed concerns that a low-rise apartment was not an appropriate use for the site and it should be single detached homes or townhouses.

Requested height:

Community members identified a concern that the requested Zoning By-law Amendment would allow a building that is at a height out of character with the surrounding neighbourhood to be constructed on the site. This concern was amplified by the grading of the subject site, such that it would be constructed at a higher elevation than other developments in the area.

Site Plan Control issues (garbage location, landscaping, safety of vehicular access):

Residents expressed concerns about a number of matters that are generally considered as part of a site plan control application including the location of garbage storage, the lack of landscaping, the insufficient buffering, and the safety of the requested vehicular access.

Potential impact on property values:

Residents identified a concern that the proposed development of the subject site would lead to a decline in their property values.

Community Safety:

Residents indicated a concern that the requested Zoning By-law Amendment would allow for a development that an additional police presence would be necessary.

Traffic:

Residents expressed concerns that the proposed development would lead to additional traffic Byron Baseline Road, and that this increased level of traffic would be unacceptable.

Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
Roland and Dini Dobler 1142 Byron Baseline Road London, ON N6K 2C8	Carol 372 Glenrose Drive London, ON N6K 2A8
Ted Acres 370 Colville Boulevard London, ON N6K 2J5	Ted Acres 370 Colville Boulevard London, ON N6K 2J5
Greg and Crystal Thurston 18 September Lane London, ON N6K 3Y6	John Allan 122 Fourwinds Place London, ON N6K 3L4
Sharon Williams Suite 225 1255 Commissioners Road London, ON N6K 3N5	John and Susan Andrew
Deborah Parker 1047 Griffith Street London, ON N6K 3Y5	Murray Armstrong 18 September Place London, ON N6K 4E7
Julie and Steve Bennett 137 October Crescent London, ON N6K 4E1	John Austen 82 Somerset Road London, ON N6K 3M8
Jan White 126 October Crescent London, ON N6K 4E1	Sandra and Steve Baker 879 Griffith Street London, ON N6K 3S2
Steve Bennett 137 October Crescent London, ON N6K 4E1	Janet Bardawill 26 Belorun Court London, ON N6K 3K8
Councillor Anna Hopkins	Lynda Beaudry
Martin Carswell	Brent Bell 150 Fourwinds Place London, ON N6K 3L4
Stephen Huston 1154 Nashau Avenue London, ON N6K 2C3	Mike Bellamy 602 Grandview Avenue London, ON N6K 3G6
Andrea Sepreganus	Julie and Steve Bennett 137 October Crescent London, ON N6K 4E1
Jacquelyn Burkell 1158 Byron Baseline Road London, ON N6K 2C8	Kyle Bensette 277 Whisperwood Avenue London, ON N6K 4E4
Lori Wilson 34 Comox Court London, ON N6K 3K9	Heidi and John Bernans 86 Somerset Road London, ON N6K 3M8
Keith Lucas 959 Griffith Street London, ON N6K 3Z5	Arkady Bluvol 281 Whisperwood Avenue London, ON N6K 4E1

	Nick Borisavljevic 10 September Lane London, ON N6K 3Y6
	Megan Boug
	Adam Boyd 1155 Byron Baseline Road London, ON N6K 2C7
	Joanne Boyd 1155 Byron Baseline Road London, ON N6K 2C7
	Carol Breen 18-1100 Byron Baseline Road London, ON N6K 4M3
	Richard Bridgman 83-1100 Byron Baseline Road London, ON N6K 4M3
	Duncan Bronson 1158 Nashua Avenue London, ON N6K 2C3
	P.J. Brown 10 September Crescent London, ON N6K 4E3
	Jacquelyn Burkell 1158 Byron Baseline Road London, ON N6K 2C8
	Katie Carswell
	Martin Carswell
	Sophie Carswell
	Mark and Herb Christie 943 Griffith Street London, ON N6K 3S2
	Ingrid and Jim Clark 1044 Griffith Street London, ON N6K 3Y5
	James Clark 1044 Griffith Street London, ON N6K 3Y5
	Rob and Karin Clarke 1 September Lane London, ON N6K 3Y6
	Wilma Clarke 90 Whisperwood Crescent London, ON N6K 4B9
	Devin Clements
	Gordon Cornell 46 September Crescent London, ON N6K 4E4
	Margaret Costello 34 September Lane London, ON N6K 3Y6
	Rob Currie 21 September Lane London, ON N6K 3Y6
	Frederick G. and Yvonne Curtis 940 Griffith Street

	London, ON N6K 3V4
	Davis and Allis Daley 1036 Griffith Street London, ON N6K 3Y5
	Gary and Sheila Davies 1043 Griffith Street London, ON N6K 3Y5
	Sam and Molook Dehdezi 22 September Lane London, ON N6K 3Y6
	Pat Dickie
	Roland and Dini Dobler 1142 Byron Baseline Road London, ON N6K 2C8
	Dan Doroshenko 374 Foyston Road London, ON N6K 1E6
	Stephanie Doyle
	Gordon Paul Doyle
	Braeden Doyle
	Janet Edwards 6-1443 Commissioners Road West London, ON N6K 1E2
	Sharon Enwright 386 Lynden Crescent London, ON N6K 2H9
	Jean Faulds 123 Somerset Crescent London, ON N6K 3M4
	Rob Ferguson 181 October Crescent London, ON N6K 4W5
	Sheila Marie Ferolin 1159 Byron Baseline Road London, ON N6K 2C7
	Jake Ferolin 1159 Byron Baseline Road London, ON N6K 2C7
	George and Carole Fleming 14 September Crescent London, ON N6K 4E3
	Tricia Foster-Mohan
	Hubert Fournier
	John and Bessie Fragis 182 Whisperwood Avenue London, ON N6K 4C7
	Andrea Givens 364 Glenrose Drive London, ON N6K 2A8
	Andrew Graham 1138 Byron Baseline Road London, ON N6K 2C8
	Shelley and Ryan Griffith

	Jennifer and JP Gronet 1134 Nashua Avenue London, ON N6K 2C3
	Darcy Harlow 1187 Byron Baseline Road London, ON N6K 2C9
	Susan Herrfort
	Ron and Amanda Hesman
	Lynne Hughes Marsh 246 Whisperwood Avenue London, ON N6K 4C9
	Stephen Huston 1154 Nashua Avenue London, ON N6K 2C3
	Jillian Jamieson 253 Grand View Avenue London, ON N6K 2S8
	Tim and Sandy Jansen 187 Somerset Crescent London, ON N6K 3S5
	Steffen Jensen 270 Whisperwood Avenue London, ON N6K 4E1
	Tina Jensen 1138 Byron Baseline Road London, ON N6K 2C8
	Nancy Jensen 270 Whisperwood Avenue London, ON N6K 4E1
	Gary Johnson 31- 1100 Byron Baseline Road London, ON N6K 4M3
	Brian Jones 28 September Lane London, ON N6K 3Y6
	James K.
	Paul Kearns 52-1100 Byron Baseline Road London, ON N6K 4M3
	Jazmine Kempston 143 Somerset Crescent London, ON N6K 3S1
	Rhonda King 12-1443 Commissioners Road West London, ON N6K 1E2
	William Konkle 1201 Wayne Court London, ON N6K 3Z5
	Cheryl Krobisch
	Lyndzey LaCharite 10 September Lane London, ON N6K 3Y6
	Andrew LaCharite 1139 Byron Baseline Road London, ON N6K 2C7
	Nancy Lahti

	Doug and Patti Landry 1147 Byron Baseline Road London, ON N6K 2C7
	Jo-Anne Lansard 18 September Crescent London, ON N6K 4E3
	Greg LeBlanc 364 Glenrose Drive London, ON N6K 2A8
	Darren LeCraw
	Julie Lee 1158 Byron Baseline Road London, ON N6K 2C8
	Georgina Lennard 340 Glenrose Drive London, ON N6K 2A8
	Keith Lucas 959 Griffith Street London, ON N6K 3Z5
	Andrew MacEachern 1186 Byron Baseline Road London, ON N6K 2C8
	Richard Maille 202-440 North Street London, ON N6K 2H6
	David Marsh 246 Whisperwood Avenue London, ON N6K 4C9
	Joanna McBride 827 Griffith Street London, ON N6K 3N6
	Catherine McClure 215 Somerset Crescent London, ON N6K 3S5
	Todd McCready
	D. McDermid
	Jonathan McEvoy 397 Lansing Avenue London ON N6K 2J2
	Melinda and John McLay 14 September Lane London, ON N6K 3Y6
	Maureen Meehan 31-1100 Byron Baseline Road London, ON N6K 4M3
	Middlesex Condominium Corporation No. 90 c/o Arnsby Property Management 914 Oxford Street East London, ON N5Y 3J9
	Ruth and Larry Mills 1131 Byron Baseline Road London, ON N6K 2C7
	Kathleen Moore 1-1100 Byron Baseline Road London, ON N6K 2C7

	Larry and Catherine Morrison 21-1443 Commissioners Road West London, ON N6K 1E2
	Amanda and Dave Murray 19 Summerdale Crescent London, ON N6K 4C3
	Flo 1114 Nashua Avenue London, ON N6K 2C3
	Wayne Newton 19 Westridge Place London, ON N6K 3R3
	Rodney Nicholson 1131 Byron Baseline Road London, ON N6K 2C7
	Don Noble
	Mike Norris
	Mark Okonski 1028 Griffith Street London, ON N6K 3Y7
	Deborah Parker 1047 Griffith Street London, ON N6K 3Y5
	Richard and Jane Pincombe 1024 Griffith Street London, ON N6K 3Y7
	Christina Pringle 150 Fourwinds Place London, ON N6K 3L4
	Christine Ramsey 66 Somerset Crescent London, ON N6K 3M3
	Pat and John Regan 1143 Byron Baseline Road London, ON N6K 2C7
	Susan Retallack 202-420 North Street London, ON N6K 2H6
	Julie Roberts 6 Willowick Close London, ON N6K 3Y8
	Angela Robinet 1127 Byron Baseline Road London, ON N6K 2C7
	G. Ross
	Greg Rossi 66 Fourwinds Road London, ON N6K 3L2
	Justin Rymer 1039 Griffith Street London, ON N6K 3Y5
	Krystle Rymer 1039 Griffith Street London, ON N6K 3Y5
	Andrea and Peter Sapardanis
	David Shulz

	58 Belorun Court London, ON N6K 3K8
	Les and Judi Sofalvi 90 Summerdale Place London, ON N6K 4C5
	Geoff Sutherland 266 Whisperwood Avenue London, ON N6K 4E1
	Karen Sutherland 266 Whisperwood Avenue London, ON N6K 4E1
	Robert Sward 1140 Byron Baseline Road London, ON N6K 2C8
	Ron and Judy Thomson
	Greg and Crystal Thurston 18 September Lane London, ON N6K 3Y6
	Steve Tigchelaar 10 September Place London, ON N6K 4E7
	Kim Tigchelaar 10 September Place London, ON N6K 4E7
	Robert Toft 34 September Lane London, ON N6K 3Y6
	A.C. Tokarewicz 58 September Crescent London, ON N6K 4E4
	Vince Trudell 1047 Griffith Street London, ON N6K 3Y5
	Jeff Van Hove 831 Griffith Street London, ON N6K 3N6
	Leslie and Mark VanBuskirk 238 Whisperwood Avenue London, ON N6K 4E8
	Pamela Waeland 8-1443 Commissioners Road West London, ON N6K 1E2
	Susan Wagter 10 September Crescent London, ON N6K 4E3
	Lynn and Keith Watson 15-1443 Commissioners Road West London, ON N6K 1E2
	Robert Weymouth 178 Whisperwood Avenue London, ON N6K 4C6
	Sandra Weymouth 178 Whisperwood Avenue London, ON N6K 4C6
	Keith and Jan White 126 October Crescent London, ON N6K 4E1
	Sharon Williams Suite 225 1255 Commissioners Road

	London, ON N6K 3N5
	Lori Wilson 34 Comox Court London, ON N6K 3K9
	Jim and Chris Wincott 446 Blake Street London, ON N6K 2N6
	Vic and Terry Wisniewski 27 September Crescent London, ON N6K 4E2
	Tom and Ronda Wolf 399 Lansing Avenue London, ON N6K 2J2

Agency/Departmental Comments

Environmental and Engineering Services:

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

General Comments:

1. There is an existing well located on the neighbouring property at 1158 Byron Baseline Road. Due to the close proximity and the size and scope of the proposed development, the applicant shall submit a hydrogeological report prepared by a qualified professional which shall include, but not limited to, the following:
 - Existing aquifer conditions and review.
 - Water quality and quantity assessment.
 - Impacts of proposed development on the existing well.
 - Preferred construction approach.
 - Required protection measures during construction.
 - Dewatering requirements.
 - Water quality monitoring program.
 - Contingency plan.

The report may be subject to a peer review depending on the report recommendations. This report shall be completed as part of the re-zoning to ensure the development is achievable.

Stormwater

- There is an existing servicing easement traversing 1146 Byron baseline Road. No structures shall encroach within the extent of the easement.

Transportation

- Road widening dedication of 18.0m from centre line required on Byron Baseline Road

The above comments, among other engineering and transportation issues, will be addressed in greater detail when/if these lands come in for site plan approval.

If you have any questions, please feel free to contact Brent Lambert at (519) 661-2489 ext. 4956.

Planning Services

Thank you very much for the submission of the application at 1146-1156 Byron Baseline Road (Z-8847). While Staff appreciate that this site presents an opportunity for infill development, through the review of the application Planning Services has identified the following matters that must be addressed through a revised submission:

- While intensification is desirable, intensification needs to fit within the surrounding context. The proposed development has not been demonstrated to fit within the surrounding context. Please revise the massing, including a reduction in height, to fit with the surrounding area.
- Revise the grades to match adjacent properties and eliminate retaining walls.
- Substantial landscaping will be required to screen and buffer neighbours.
- The proposed development does not identify outdoor amenity space for residents. Please identify where outdoor amenity space for residents will be located.
- Revise the design to be more sensitive to the adjacent heritage property at 1158 Byron Baseline Road.
- The requested reduction in front yard setback should be revised to provide views to and respect the existing heritage building at 1158 Byron Baseline Road. Please consider a setback more in-line with the existing townhouse development to the east.
- The relationship of the proposed development to the public realm on Byron Baseline Road should be enhanced.
- Please be advised that should Staff recommend approval of a revised proposal to City Council, this may be recommended as a bonus zone to tie the proposed development to the plans provided in order to ensure fit with the surrounding neighbourhood.
- Please see attached Urban Design comments for further direction in preparing your revised submission.
- If revised plans are submitted, please provide Staff with a digital model to better allow Staff to review the proposal within the surrounding context.

Staff look forward to working with you to address these comments.

Please note that the concerns identified in this letter are in addition to the comments that have already been provided from the other commenting divisions. Comments from the other commenting divisions must also be addressed.

Additional comments may arise through further review of this application.

Urban Design

Urban Design has reviewed the rezoning documents for the above noted address and provide the following urban design principles consistent with the Official Plan, applicable by-laws, and guidelines:

1. Intensification of the site is desirable given its size and depth. However, the neighbourhood context is primarily low-rise single detached homes. A shorter built form, with a more human scale rhythm would be more appropriate.
2. Ensure the building is setback from the street enough to maintain views to, and respect the existing heritage property to the west. The building setback also need to

accommodate footings, outdoor amenity areas, canopy overhangs, etc. Consider a front yard setback more in line with the existing townhouse development to the east.

3. Design ground floor amenity spaces as open courtyards or front porches extending into the front setback. Provide individual entrances to ground floor units on the north façade, with direct walkway access perpendicular to the future public sidewalk, operable front doors and pedestrian scale features such as canopies and lighting.

a. Any proposed decorative fencing (glass/rod style) should be no more than 1m in height and opaque material walls (brick/stone) should be no more than 0.75m in height.

4. Provide a main pedestrian entrance on the north façade. Differentiate this primary entrance to the lobby from the individual unit entrances on the north façade through an increased proportion of glazing and appropriately scaled building mass.

5. Provide architectural detail and articulation on all facades visible from the public street, noting that the east and west facades of the building will be highly visible from both approaches on Byron Base Line Rd.

6. Incorporate a variety of materials and textures to highlight different architectural elements.

a. Vary the materials horizontally to break up the width of the building and express individual units on the façade.

b. Material change should be associated with a change in façade plain (recess or projection).

c. Ensure windows are proportional to the facades they are on. Provide trimming, brick/masonry detailing to break up the scale of blank walls between windows.

7. Break up the length of the roofline of the building through an articulated roof form, stepbacks, cornices, and/or material change and enclose rooftop mechanical equipment within the built form. Ensure the roof and cornices are in keeping with the scale of the building.

8. The site contains a number of mature trees which should be incorporated into the design of the site plan. A tree preservation report, prepared by a qualified Landscaped Architect or Registered Profession Forester, will be required as part of the formal application. Recommendations of the report should be implemented through the site plan application. The siting and design of the parking lot should maintain as many desirable trees as possible.

Please advise if you have any questions.

Urban Design Peer Review Panel

The Urban Design Peer Review Panel (UDPRP) considered this item on December 20, 2017 and had the following comments:

- The Panel is supportive of allowing multiple dwellings on the property if the change in land use respects the character of the neighbourhood and its planned function per the residential intensification policies the Official Plan and the urban design considerations of the London Plan. The comments below provide feedback on areas to address land use compatibility through urban design and built form.
- The Panel is of the opinion the requested front yard setback is not supportable for a number of reasons. First, it does not align with the development pattern of the neighbourhood that has deeper setbacks. Secondly, it blocks views from the westerly approach to the adjacent heritage dwelling. Finally, it does not allow for

any buffering/tree planting between the building including its private amenity areas and the front property line.

- The Panel is of the opinion that the building massing is not in keeping with the neighbourhood which is characterized by single detached dwellings and a lower built form. The building mass should be broken up and lowered - possibly through additional building articulation or a clustered built form.
- The project should provide common outdoor amenity area for residents.
- The Panel is supportive of tree protection to maintain existing buffers to adjacent properties. Should the City recommend a zoning bylaw amendment, consideration should be given for side and rear setbacks to support the retention of trees.
- Proponent is encouraged to explore material, massing and proportion in a manner that is not a direct response to the “base, middle, top” prescriptive model.

This UDPRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process.

Appendix B – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

PPS:

1.1.1 Healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.7.1 Long-term economic prosperity should be supported by:

d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;

4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans

shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

Official Plan:

3.2.1. Permitted Uses

The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2. Residential Intensification may be permitted subject to the provisions of policy 3.2.3. Zoning on individual sites would not normally allow for the full range of permitted uses.

3.2.3 Residential Intensification

Residential Intensification is a means of providing opportunities for the efficient use of land and encouraging compact urban form.

Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law, subject to the following policies and the Planning Impact Analysis policies under Section 3.7. Where the subject lands are within a specific residential area identified under policy 3.5, the application of the following residential intensification policies will supplement those specific policies, but will not supersede them.

Residential Intensification projects shall use innovative and creative urban design techniques to ensure that character and compatibility with the surrounding neighbourhood are maintained as outlined in policy 3.2.3.3. and 3.2.3.4. (Subsections 3.2.3., 3.2.4. and 3.2.5. deleted and 3.2.3. added by OPA 438 Dec. 17/09)

3.2.3.2. Density and Form

Within the Low Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare. Infill housing may be in the form of single detached dwellings, semidetached dwellings, attached dwellings, cluster housing and low rise apartments. Zoning By-law provisions will ensure that infill housing projects recognize the scale of adjacent land uses and reflect the character of the area.

Areas within the Low Density Residential designation may be zoned to permit the conversion of single detached dwellings to add one or more dwelling units. Site specific amendments to the Zoning By-law to allow dwelling conversions within primarily single detached residential neighbourhoods shall be discouraged. Accessory dwelling units may be permitted in accordance with Section 3.2.3.8. of this Plan.

3.2.3.5

As part of an application for residential intensification, the applicant shall be required to provide an adequately detailed statement of the compatibility, where it is clearly demonstrated that the proposed project is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments as outlined in section 3.7.3.1. of the plan.

3.2.3.3. Neighbourhood Character Statement

An inventory of the urban design characteristics of the structures and the natural environment within a neighbourhood shall be undertaken by the applicant, as outlined in

section 3.7.3.1. of the plan. The physical environment of the neighbourhood, composed of its lots, buildings, streetscapes, topography, street patterns and natural environment are some of the elements that collectively determine much of the character of a neighbourhood and its streetscape. A well organized and documented understanding of a neighbourhood's character is an effective tool in assessing the appropriateness of a proposed change and the implications the change may have on the character of a neighbourhood.

3.7.2 Planning Impact Analysis

Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The land use is compatible, however the form and intensity has not demonstrated compatibility.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	It has not been demonstrated that the requested intensity can be accommodated in a form compatible with the neighbourhood.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use; and	The surrounding area is largely developed, with certain parcels having designations and zoning that could allow for a higher intensity.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	The proposed built form is a medium density residential development and would be in close proximity to public open space and recreational facilities and community facilities, including Springbank Park, Byron Optimist Community Centre, Byron Pool, Byron Somerset Public School, and St. George Catholic Elementary School. London Transit operates a bus on Byron Baseline Road that connects to Commissioners Road West.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	N/A – not affordable housing
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	Height does not fit with surrounding context. Front yard setback not compatible with surroundings; also cuts off views to heritage building
The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;	The proposed development has not demonstrated retention of vegetation through the development proposal.
The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic	The anticipated traffic that would be generated by the proposed use has been found to be at an acceptable level.

Criteria	Response
generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties	
The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;	The scale, bulk, layout and integration with present and future land uses has not been demonstrated to integrate with the surrounding context.
The potential impact of the development on surrounding natural features and heritage resources;	The requested Zoning By-law Amendment has not demonstrated compatibility with the adjacent heritage-listed resource.
Constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;	The applicant has not provided a hydrogeological report to demonstrate there are no adverse effects on the adjacent site at 1158 Byron Baseline Road which is on well water
Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and	The requested development does not comply with a number of the Official Plan policies.
Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;	The applicant has not proposed measures to mitigate the impact of adverse impacts on surrounding land uses
Impacts of the proposed change on the transportation system, including transit.	The anticipated traffic that would be generated by the proposed use has been found to be at an acceptable level.

17.7.3. Well-Head Protection

i) Where a draft plan of subdivision, consent and/or Zoning By-law amendment is proposed in the vicinity of an existing well the application will be required to demonstrate, to the satisfaction of the City, that the proposed development will not have a negative impact on groundwater quantity and quality. It is the responsibility of the application to identify the location of wells in the vicinity of a development site.

The London Plan

62_Direction #8: Make wise planning decisions

10. Ensure health and safety is achieved in all planning processes

83_ As directed by the policies of this Plan, intensification will be permitted only in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit. Policies within the City Building and Urban Place Type chapters of this Plan, together with the policies in the Our Tools part of this Plan dealing with planning and development applications, will provide more detailed policy guidance for appropriate forms of intensification. A guideline document may be prepared to provide further detailed direction to ensure appropriate forms of intensification.

193_ In all of the planning and development we do and the initiatives we take as a municipality, we will design and foster:

2. Development that is designed to be a good fit and compatible with its context

197_ The built form will be designed to have a sense of place and character consistent with the planned vision of the place type, by using such things as topography, street patterns, lotting patterns, streetscapes, public spaces, landscapes, site layout, buildings, materials and cultural heritage.

200_ Neighbourhoods should be designed such that heritage designated properties and distinctive historical elements are conserved to contribute to the character and sense of place for the neighbourhood.

256_ Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing and planned buildings.

259_ Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.

284_ All planning and development proposals will be required to demonstrate how the proposed building is designed to support the planned vision of the place type and establishes character and a sense of place for the surrounding area. This will include matters such as scale, massing, materials, relationship to adjacent buildings, heritage impact and other such form-related considerations. The Our Tools chapter and the Residential Intensification policies in the Neighbourhoods Place Type chapter of this Plan provide further guidance for such proposals.

286_ Buildings will be designed to achieve scale relationships that are comfortable for pedestrians.

298_ An appropriate transition of building height, scale and massing should be provided between developments of significantly different intensities. This may be an important consideration at the interface of two different place types.

474_ Water services are critical for London's high-quality drinking water and supply for fire protection. All the planning, design, and budgeting we do to provide water services will conform with the following policies, as well as all other relevant policies of this Plan.

13. Where a planning and development application is proposed in the vicinity of an existing well the applicant will be required to demonstrate, to the satisfaction of the City, that the proposed development will not have a negative impact on groundwater quantity and quality. It is the responsibility of the applicant to identify the locations of wells in the vicinity of a development site.

703_ We will direct development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety.

743_ Safe, clean drinking water will be supplied to Londoners in conformity with the Civic Infrastructure policies of this Plan.

953_ The City Design policies of this Plan will apply to all intensification proposals. In addition, the following design policies will apply:

1. A Planning and Design Report, as described in the Our Tools part of this Plan, shall be submitted for all intensification proposals. This report will clearly demonstrate that the proposed intensification project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood.

2. Compatibility and fit, from a form perspective, will be evaluated based on such matters as:

- a. Site layout within the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas, building location, and parking.
- b. Building and main entrance orientation.
- c. Building line and setback from the street.
- d. Character and features of the neighbourhood.
- e. Height transitions with adjacent development.
- f. Massing appropriate to the scale of the surrounding neighbourhood.

3. The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and garbage storage areas.

937_ Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods. However, such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality, and sustainability. The following policies are intended to support infill and intensification, while ensuring that proposals are appropriate and a good fit within their receiving neighbourhoods.

1578_ All planning and development applications will be evaluated with consideration of the use, intensity, and form that is being proposed. The following criteria will be used to evaluate all planning and development applications:

6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:

- a. Traffic and access management.
- b. Noise.
- c. Parking on streets or adjacent properties.
- d. Emissions generated by the use such as odour, dust, or other airborne emissions.
- e. Lighting.
- f. Garbage generated by the use.
- g. Loss of privacy.
- h. Shadowing.
- i. Visual impact.
- j. Loss of views.
- k. Loss of trees and canopy cover.
- l. Impact on cultural heritage resources.
- m. Impact on natural heritage features and areas.
- n. Impact on natural resources.

The above list is not exhaustive.

7. The degree to which the proposal fits within its context. It must be clear that this not intended to mean that a proposed use must be the same as development in the surrounding context. Rather, it will need to be shown that the proposal is sensitive to, and compatible with, its context. It should be recognized that the context consists of existing development as well as the planning policy goals for the site and surrounding area. Depending upon the type of application under review, and its context, an analysis of fit may include such things as:

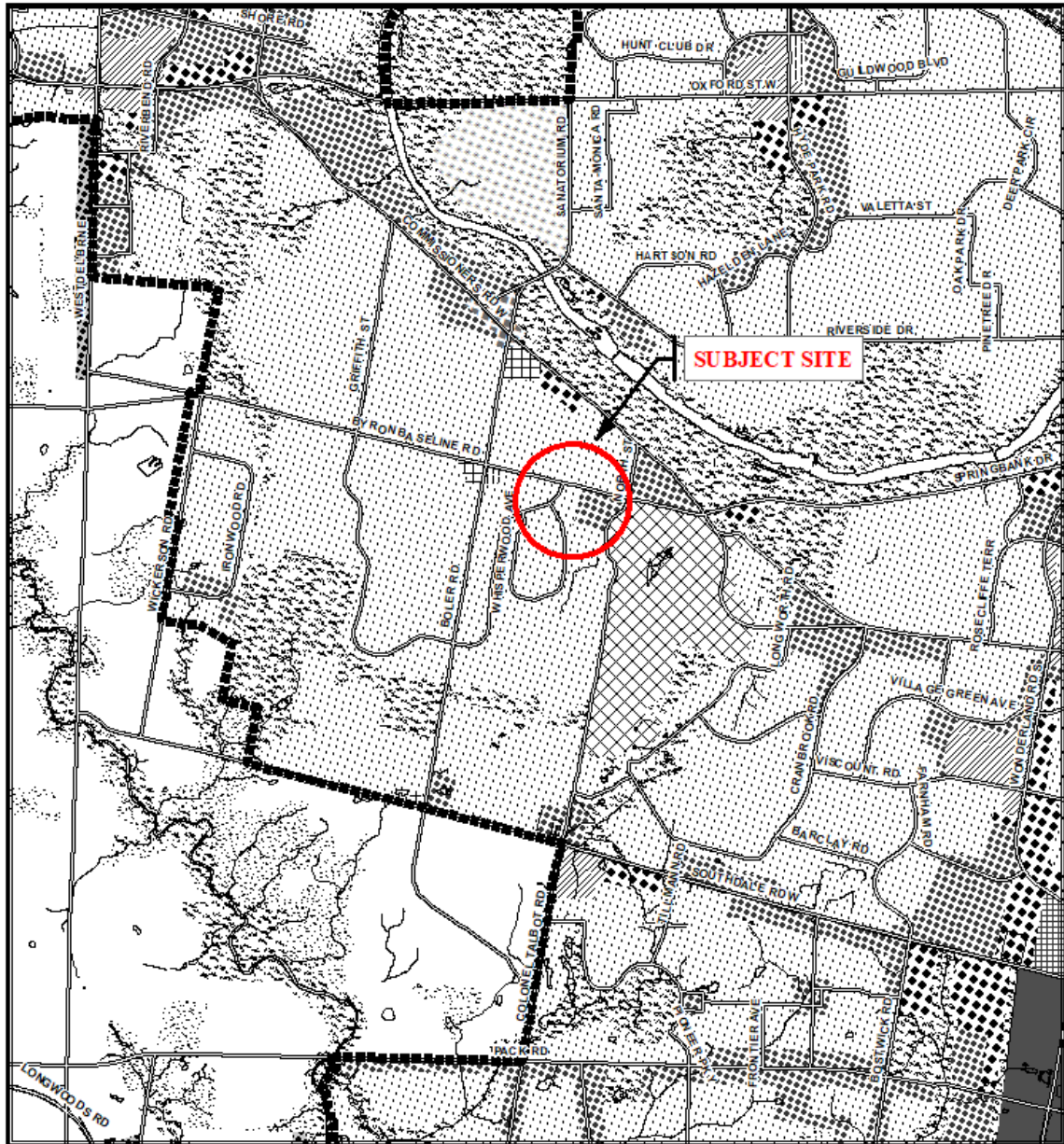
- a. Policy goals and objectives for the place type.

- b. Policy goals and objectives expressed in the City Design chapter of this Plan.
- c. Neighbourhood character.
- d. Streetscape character.
- e. Street wall.
- f. Height.
- g. Density.
- h. Massing.
- i. Placement of building.
- j. Setback and step-back.
- k. Proposed architectural attributes such as windows, doors, and rooflines.
- l. Relationship to cultural heritage resources on the site and adjacent to it.
- m. Landscaping and trees.
- n. Coordination of access points and connections.

The above list is not exhaustive.

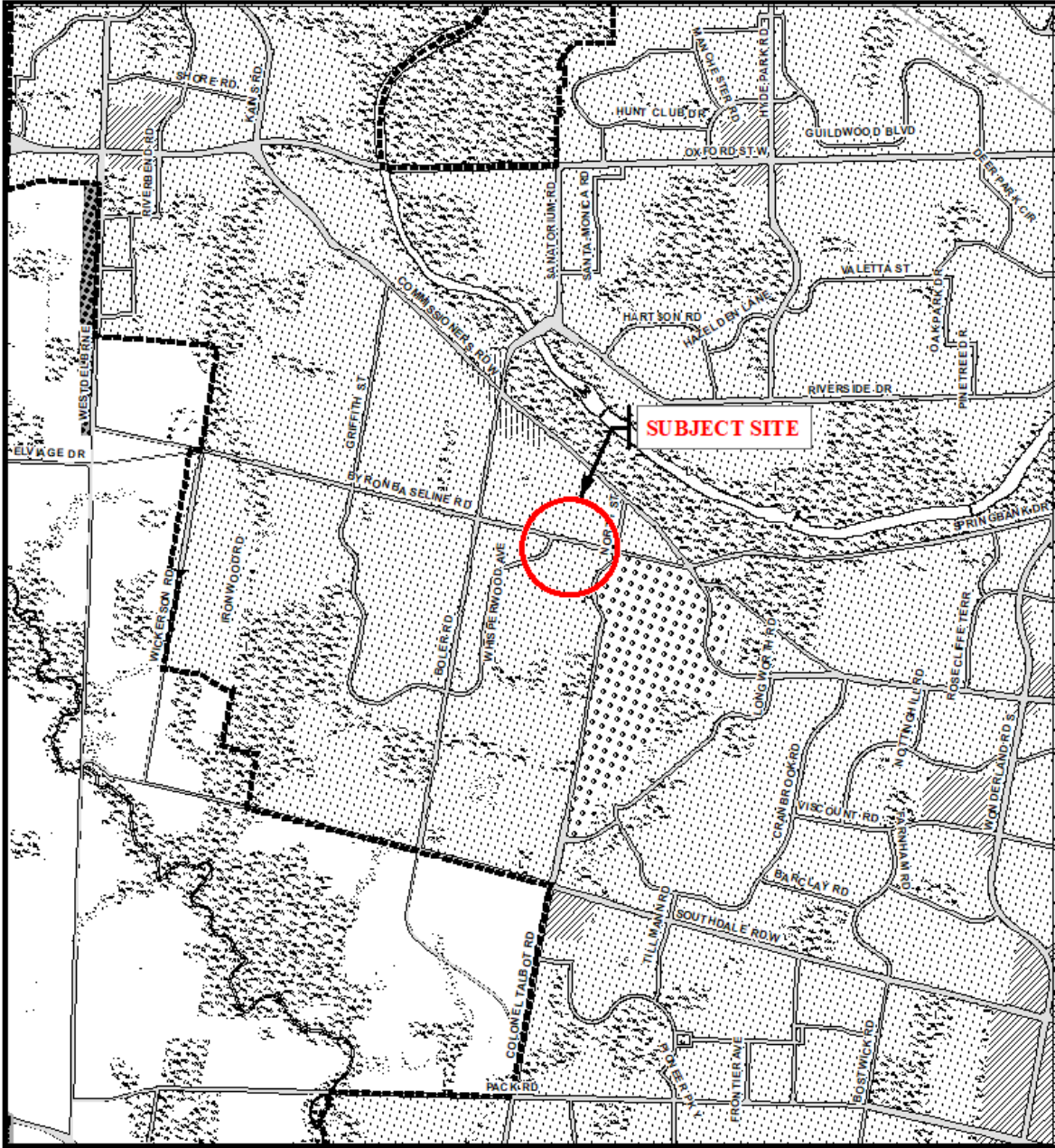
Appendix C – Relevant Background

Additional Maps



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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8847</p>
		<p>PLANNER: MK</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/01/11</p>



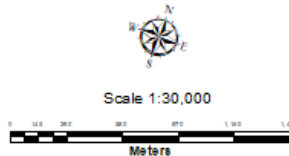
Legend

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

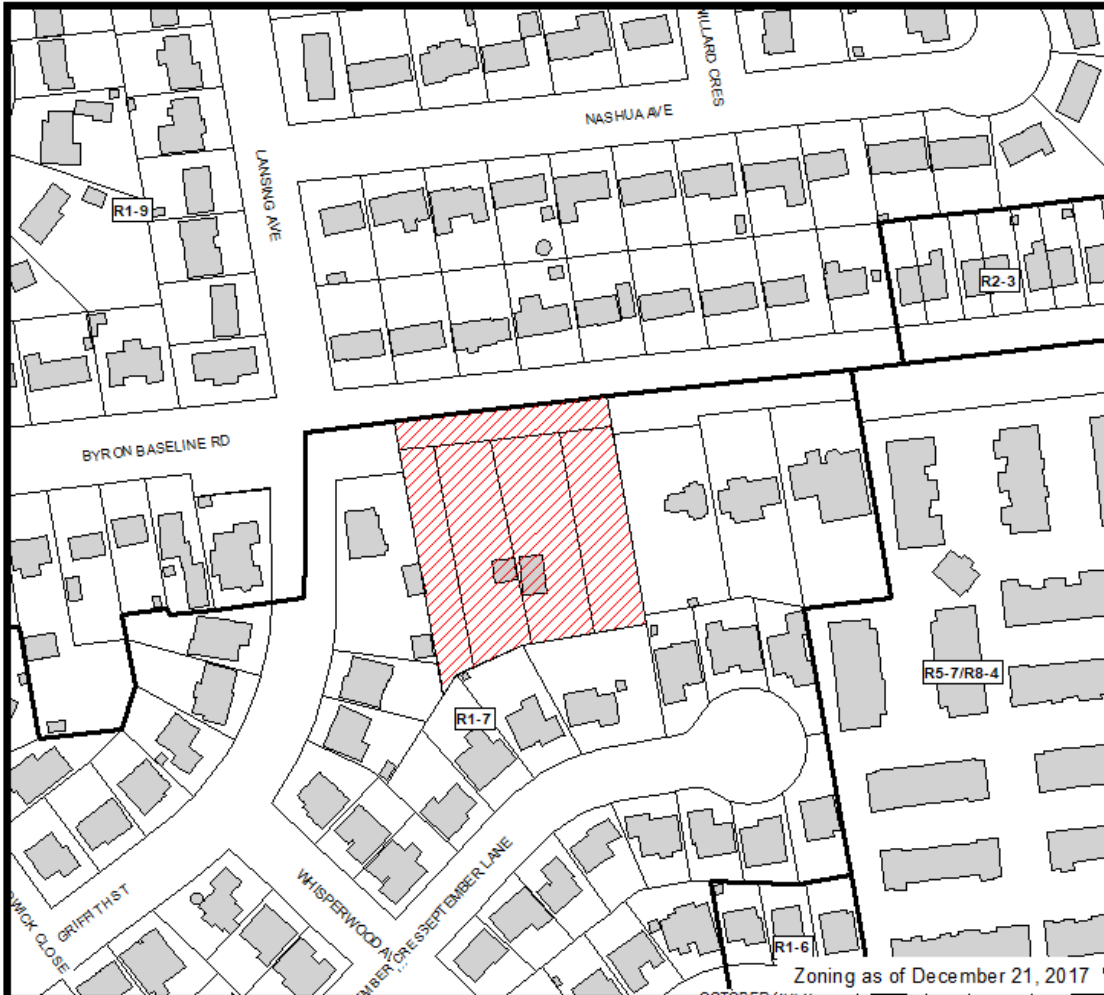
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON
 Planning Services /
 Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services



File Number: Z-8847
Planner: MK
Technician: MB
Date: January 11, 2018



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-7

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | |
| SS - AUTOMOBILE SERVICE STATION | "H" - HOLDING SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "D" - DENSITY SYMBOL |
| OR - OFFICE/RESIDENTIAL | "H" - HEIGHT SYMBOL |
| OC - OFFICE CONVERSION | "B" - BONUS SYMBOL |
| RO - RESTRICTED OFFICE | "T" - TEMPORARY USE SYMBOL |
| OF - OFFICE | |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
 BY-LAW NO. Z-1
 SCHEDULE A**



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

FILE NO:

Z-8847

MK

MAP PREPARED:

2018/01/11

MB

1:2,000

