

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: London Plan Status Update
Meeting on: October 9, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following report **BE RECEIVED** for information.

Executive Summary

The London Plan was adopted by Council on June 23, 2016 and was approved by the Province on December 28, 2016. The plan was appealed and is still making its way through the appeals process. The Local Planning Appeals Tribunal (LPAT) had confirmed on March 29, 2018 that 35% of the plan was not under appeal and therefore in force as of January 20, 2017. On August 27, 2018 a decision was released by the LPAT that has the effect of bringing the majority of the London Plan into force. Currently there are 931 policies in force (50% of Plan), 544 policies in force but subject to site specific appeals (29% of the Plan), and 356 policies under appeal (19% of the Plan).

The London Plan page of the City website has been updated to include a new consolidated version of the Plan that shows what policies are still subject to appeal, an updated status table for all policies of the Plan, and a document showing what sites are subject to site specific appeals and what policies are under appeal for each site.

London Plan Status Update

The London Plan recently took a big step forward with 80% of the plan coming into force through the latest decision by the Local Planning Appeals Tribunal (LPAT). This report provides an update on the appeals process, the current status of the plan, and the next steps for the plan to come fully into force.

The London Plan Appeals Process So Far

Since the London Plan was approved by the Minister of Municipal Affairs and the appeals period ended on January 20, 2017 City Planning and Legal staff have been working towards resolving the appeals or scoping them to specific issues and policies, so that as much of the Plan can come into force as soon as possible. Recently, on August 27, 2018 a decision was received from the Local Planning Appeals Tribunal (LPAT) reflecting this approach and bringing 80% of the London Plan's policies into force.

The following timeline describes the major milestones that have occurred since the London Plan was adopted by Council as a new official plan for the City of London on June 23, 2016.

June 23, 2016

City Council adopted the London Plan as the new official plan for the City of London. This followed more than 4 years of engaging with the community through ReThink London and preparing two drafts and a final version of the Plan. Following Council's approval of the Plan it was sent to the Ministry of Municipal Affairs for review. Under the Planning Act the Province is the approval authority for new official plans.

July 26, 2016

City Council considered a report that included amendments to both the London Plan and 1989 Official Plan policies for near-campus neighbourhoods. This followed a separate review of the planning approach to near-campus neighbourhoods and the amendments were approved. The proposed changes to the London Plan were then forwarded to the Ministry of Municipal Affairs with a request to include in their approval of the London Plan.

December 28, 2016

Notice of Decision was received from the minister of Municipal Affairs approving the London Plan. This approval included 29 modifications of the Plan as approved by City Council.

January 20, 2017

The appeal period following the Province's approval of the Plan ended with 42 appeals having been received. Subsequent clarification of the appeals would confirm that 35% of the plan (645 policies) was not subject to any appeals and came into force on this date.

September 5, 2017

The first pre-hearing conference of the London Plan appeals process was held and it established the process for resolving, scoping, and ultimately scheduling hearing time for the appeals. Appellants were required to submit lists of appealed policies (due October 2, 2017), proposed policy revisions to address their concerns (due November 6, 2017), and attend roundtable settlement discussions with City staff and all other interested appellants.

November 20-24, 2017

Roundtable meetings were held between planning experts over the course of a week, allowing policies with multiple appellants to discuss possible settlement. Agreed changes were brought back to City Council and the appellants for approval.

January 9, 2018

The second pre-hearing conference was held shortly after the roundtable meetings had occurred. There had been little time for all of the parties to review possible settlements so another pre-hearing conference was scheduled for March 29, 2018.

March 29, 2018

The next pre-hearing conference organized all of the Plan's policies into tables, which included:

- Table 1: Policies for which the Minister received no appeal
- Table 1.1: Policies for which the Minister received an appeal, but that the appellant has not yet provided proposed modifications
- Table 2: Policies under appeal that have been resolved
- Table 3: Policies under appeal for which only site-specific issues remain
- Table 4: Policies identified for "Resolution Stream" for which further discussion is required
- Table 5: Policies identified for "Hearings Stream"

The original motion was to bring tables 1 and 1.1 into force, however it was agreed that City staff and the appellants would work through the policies on table 1.1 and assign them to one of the other tables. An updated list of tables would be brought to the next pre-hearing conference.

June 25, 2018

Following the agreed process at the March 29 pre-hearing Conference the policies organized into tables 1-5, with table 1.1 no longer required. This was approved by the LPAT through its decision on August 27, 2018. The effect of this decision is the following breakdown of policies:

- Policies in force – 931 (50% of Plan)

- Policies in force but subject to site specific appeals – 544 (29% of the Plan)
- Policies under appeal – 356 (19% of the Plan)

The result of this decision is that 80% of the London Plan policies are now in effect for all properties, except for the areas identified in site-specific appeals.

Using the London Plan

Now that 80% of the London Plan is not subject to appeals, it is the primary planning document that applies in the review of planning and development applications and in the analysis for any other planning project.

Where there are important policies pertaining to a specific application or issue that remain under appeal, the London Plan will be used in the analysis of an application. In those instances a review of the application based on the policies in the 1989 Official Plan will also be completed, and the planning recommendation will consider both plans. The approach for this type of analysis will be done on a case by case basis, and the weight put on either plan's policies will be determined based on the specific circumstance of the application. In all cases, however, it is our objective to implement the vision, values, key directions, and policies that Council approved in the London Plan.

Three documents have been prepared to assist in understanding what policies are in-force and what are still subject to appeals. They are available on the London Plan page of the City website – www.london.ca/business/Planning-Development/Official-Plan/Pages/The-London-Plan-DL.aspx. They include:

1. The London Plan August 27, 2018 consolidated version – This version incorporates changes approved by the LPAT in its latest decision and also includes updated red boxes around policies that remain under appeal. The red boxes apply only to policy appeals that apply city-wide.
2. Status Table – This table lists all policies, maps, tables, and figures of the London Plan and provides information on whether they are in force, in force but subject to site specific appeals, or are under appeal. The table also gives the location of sites related to site specific appeals and lists any changes that have been made to a policy since the plan was approved by City Council on June 23, 2016.
3. Site-specific appeals list – This document includes a map showing what areas or properties are subject to site specific appeals, and lists the policies under appeal in regards to each site.

What is in force?

Below is a high level description of the parts of the plan that are in force or subject to appeals. Details are available on the status table or the highlighted version of the Plan available on the City website.

Our Challenge, Our Strategy

The first two parts of the London Plan are now in full force and effect. These are important parts as they establish a foundation of planning principles that support the rest of the plan's policies. Our Challenge describes the planning challenges that face the City of London as well as the opportunities to realize the plan within its 20 year horizon. Our Strategy includes the vision, values, and key directions of the Plan. All of the subsequent parts and chapters in the Plan follow the direction established by these policies.

Our City

The Our City part of the plan includes more specific direction about the urban structure that is planned for London, and includes direction on issues such as intensification,

urban growth, mobility, green development and environmental protection, economic development, and the community framework. This part has portions under appeal, however other portions that are in force will provide direction for how the city will be planned.

City Building Policies

The City Building policies give direction on specific issues and apply city-wide. The majority of the City Building policies are in force. Chapters that include no or very few appeals include Parks and Recreation, Public Facilities and Services, Civic Infrastructure, Homelessness Prevention and Housing, Culturally Rich and Diverse City, Cultural Heritage, Smart City, Food System, and Green and Healthy City.

The City Design, Mobility, and Forest City chapters include a greater number of appeals. Policies are appealed within the City Design chapter primarily that relate to character, the street network, buildings design, and some of the site layout policies. Within the Mobility chapter appeals remain to the active transportation policies and the street classifications and design requirements. The Forest City chapter remains under appeal with regards to the City's objectives to protect more, maintain better and monitor, and plant more city trees.

The substantial number of policies now in force within this part of the plan establishes strong direction that will be utilized to achieve the city building objectives of Council.

Place Type Policies

The Place Type policies include a significant number of policies still under appeal, although there are also a substantial number of policies in force. Place types that are mostly in force include: Transit Village, Shopping Area, Main Street, Institutional, Future Growth, Farmland, Rural Neighbourhoods, and Waste Management Resource Recovery Area. Place types that include a significant number of appeals: Downtown, Rapid Transit and Urban Corridors, Neighbourhoods, and Industrial. Tables that provide for permitted heights are still subject to appeal for all place types.

Each planning application will be to be reviewed against all of the policies of the applicable place type. Afterwards, when it has been determined whether there issues with policies under appeal, the Land Use Designation policies from the 1989 Official Plan may also be considered.

Environmental Policies

This part is largely in force. The Natural and Human-Made Hazards and Natural Resources chapters are almost completely in force, while the majority of the Natural Heritage chapter is also in force but appeals remain pertaining to components of the natural heritage system that include significant woodlands, significant valleylands, and ecological buffers.

Secondary Plans and Our Tools

These parts of the plan are mostly in force except for some specific issues in the Our Tools part. These issues under appeal include the growth management implementation strategy, evaluation criteria for planning and development applications, and bonus zoning.

Next Steps

The next pre-hearing conference is set for October 16, 2018. Legal Services will provide advice in a separate report regarding updates on litigation processes following the pre-hearing conference.

After the August 27, 2018 decision of the LPAT 80% of the London Plan is in force. Planning staff will now be using the London Plan primarily in the review of planning and development applications as this plan represents the current planning vision and direction that was approved by Council. The 1989 Official Plan will not be repealed until

all London Plan appeals are resolved and it will be considered in instances where key London Plan policies are not yet in force.

An education plan is also being prepared to ensure that Council, Civic Administration, and the public are aware of the updated status of the London Plan and are considering the London Plan in all decisions, recommendations, or applications. Internally at the City, Planning Services staff are providing information sessions to staff on how to use and implement the London Plan. Information is being provided externally through updates to the City website. City planning staff are also available to meet with key stakeholders as needed.

Prepared by:	Justin Adema, MCIP, RPP Planner II, Long Range Planning and Research
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Research
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	

October 1, 2018
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