

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official

Subject: Corporation of the City of London
Part of 65 Brisbin Street

Public Participation Meeting on: July 15, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of the Corporation of the City of London relating to a part of the property located at 65 Brisbin Street:

- (a) Consistent with Policy 43_1 of *The London Plan*, the subject lands, representing a part of 65 Brisbin Street, **BE INTERPRETED** to be located within the Neighbourhoods Place Type; and,
- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting July 21, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Open Space (OS1) Zone, **TO** a Residential R2 (R2-2) Zone.

Executive Summary

Summary of Request

The requested amendment would permit residential uses, in addition to accessory and ancillary uses associated with a residential use, on the subject site.

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to facilitate the severance, sale, and conveyance of a 74.8m² portion of city-owned lands at 65 Brisbin Street. The lands would subsequently be used as a private driveway associated with the residential use at 81 Brisbin.

Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS, 2020;
2. The proposed amendment conforms to the in-force policies of *The London Plan*;
3. The proposed amendment conforms to the in-force policies of 1989 Official Plan;
4. The proposed amendment represents good planning and removes a land use conflict between 81 Brisbin Street and 83 Brisbin Street; and
5. The proposed amendment facilitates functional improvements to the residential use at 81 Brisbin Street.

Analysis

1.0 Site at a Glance

1.1 Property Description

65 Brisbin Street is located in the Hamilton Road Planning District (*The London Plan*, Figure 19), in the residential neighbourhood bounded by Hamilton Road to the north, Highbury Avenue North to the east, the Thames River (South Branch) to the south, and Egerton Street to the west. The property is currently undeveloped and forms part of a

green space buffer between the residential uses on Brisbin Street and the linear parks along the north bank of Thames River (South Branch) and the Vauxhall Pollution Control Plant. The lands are city-owned and managed by Realty Services. The surrounding neighbourhood consists primarily of low-density residential uses. The vast majority of the neighbourhood's housing stock consists of one- or one-and-a-half storey dwellings with gabled roofs, clapboard siding, and parking areas located in the interior side yard. The dwelling at 81 Brisbin Street – built in 1952 – is exemplary of the prevailing style.

81 Brisbin Street has a lot area of 325.2m² and a lot frontage of 10.7m. The dwelling occupies approximately 7.5m (24.6 ft) of the lot frontage. There is 0.97m (3.2 ft) between the southeast corner of the dwelling and the southerly property line. This affords 81 Brisbin Street approximately 2.2m (7.2 ft) for parking on the north side of the property, whereas legal parking spaces under *Zoning By-law No. Z.-1* must have minimum dimensions of 2.7m by 5.5m.

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

- Official Plan Designation – Low Density Residential/Open Space
- *The London Plan* Place Type – Green Space
- Existing Zoning – Open Space (OS1) Zone

1.3 Site Characteristics

- Current Land Use – Public Park
- Frontage – 6.1 metres (20.0 feet)
- Depth – 15.4 metres (50.5 feet)
- Area – 74.8 square metres (805.1 square feet)
- Shape – Irregular

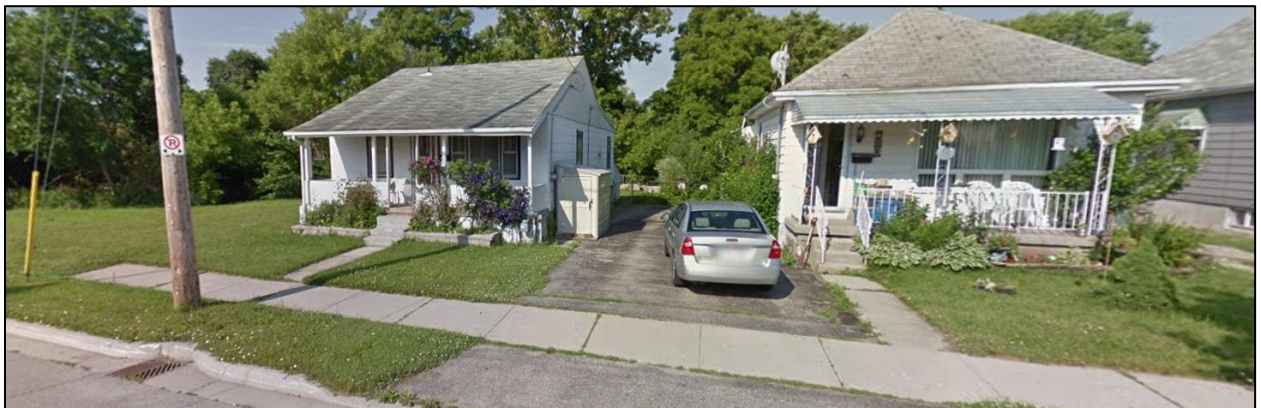
1.4 Surrounding Land Uses

- North – Low Density Residential
- East – Low Density Residential
- South – City-owned Parkland
- West – City-owned Parkland

Figure 1: Streetview Image of Part of 65 Brisbin Street and the existing dwelling 81 Brisbin Street, looking northwest from Brisbin Street.



Figure 2: Photo of existing parking area shared between 81 Brisbin Street (left) and 83 Brisbin Street (right).



1.5 LOCATION MAP



2.0 Description of Proposal

2.1 Development Proposal

The Applicant is requesting to sever and convey a 74.8m² part of 65 Brisbin Street (the “subject site”) for the purpose of constructing an off-street parking in association with the residential use at 81 Brisbin Street. The lands are anticipated to be delineated from the city-owned lands through the installation of a 1.5 metre high black chain-link fence.

3.0 Relevant Background

Figure 3: Conceptual Site Plan identifying the subject site at 65 Brisbin Street.



3.1 Planning History

Neither 65 Brisbin Street nor 81 Brisbin Street have previously been subject to a planning application.

On December 3, 2019 and subsequently on December 10, 2019, under File No. P-2357(1), the City of London’s Corporate Services Committee and Municipal Council respectively declared the subject site surplus. A formal request to purchase a portion of the city-owned lands was made on August 30, 2019. The December 3 report to Corporate Services Committee notes:

“The property owner of 81 Brisbin Street advised that the proposed lands are required to replace an illegal driveway at the north end of his property. The owner was issued a citation from the adjoining owner to cease encroaching and using the lands as a driveway.”

Municipal Council declared the property surplus to the needs of the City and authorized the sale of the lands at fair market value in accordance with the City’s Sale and Other Disposition of Land Policy. The sale of the lands were made conditional on the completion of a Stage 1 and Stage 2 Archaeological Assessment, the rezoning of the lands to a Residential Zone, and the erection of a 1.5 metre high black chain-link fence on the new south limits of the lands.

3.2 Requested Amendment

The requested amendment would rezone a 74.8m² part of 65 Brisbin Street from an Open Space (OS1) Zone to a Residential R2 (R2-2) Zone. The existing range of permitted uses under the Residential R2 (R2-2) Zone would apply to the site. They include single detached dwellings, semi-detached dwellings, duplex dwellings, and converted dwellings. In addition, accessory and ancillary uses, such as parking, would be permitted on the subject site. No new special provisions are being requested. The lands would continue to be regulated by the parking regulations of Section 4.19 of the *Zoning By-law*.

3.3 Community Engagement (see more detail in Appendix B)

Notice of Application was sent to property owners in the surrounding area on May 28, 2020 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on the same date.

One (1) telephone call was received from the neighbouring property at 83 Brisbin Street. The respondent voiced concerns with the loss of open green space and possible impacts on nearby trees, and noted their desire to see fencing separating public lands from private property.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement

The *Provincial Policy Statement, 2020* (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

Section 1.1 *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns* of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It directs cities to make sufficient land available to accommodate this range and mix of land uses to meet projected needs for a time horizon of up to 20 years.

The PPS recognizes the critical role park and open space uses play in promoting healthy and active communities. Specifically, the PPS directs municipalities to plan and provide for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources (1.5.1b)).

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The lands are located in the Green Space Place Type on *Map 1 – Place Types. The Green Space Place Type applies to lands forming part of the City’s Natural Heritage System, the parks and open space system, hazard lands, and natural resources. These lands are contemplated for use as public parks and recreational areas, private open spaces, and the natural areas, including the linear corridor along the South Thames River.

The lands to the north at 81 Brisbin Street are located in the Neighbourhoods Place Type with frontage on a Neighbourhood Street (Brisbin Street), as identified on *Map 1 – Place Types and *Map 3 – Street Classifications respectively. At this location, *The London Plan* contemplates a range of low-rise residential uses, including single

detached dwellings, semi-detached dwellings, duplex, converted dwellings, townhomes, secondary suites, home occupations, and group homes (*The London Plan*, *Table 10). *The London Plan* contemplates a maximum building height of two-and-a-half storeys (*The London Plan*, *Table 11).

In addition to the range of primary and secondary uses contemplated at *Table 10, *The London Plan* contemplates accessory and ancillary uses, buildings or structures that are incidental, subordinate and exclusively devoted to the main use and carried on with such main use, building or structure on the same lot (*The London Plan*, *Glossary of Terms). Accessory and ancillary uses include off-street parking facilities which serve the primary residential use (in this instance a single detached dwelling). *Policy 272_ of *The London Plan* directs that parking areas be strategically located to minimize associated impacts on the public realm, and that surface parking in particular should be located in the rear yard or interior side yard.

1989 Official Plan

The northernmost portion of 65 Brisbin Street, which is the focus of this application, is located within the Low Density Residential (“LDR”) designation on Schedule “A” – Land Use with frontage on a Local Street (Brisbin Street) on Schedule “C” – Transportation Corridors in the ‘89 *Plan*. The LDR designation contemplates low-rise residential uses, including single detached dwellings, semi-detached dwellings, and duplex dwellings (Section 3.2.1.). The Transportation Objectives in the ‘89 *Plan* indicate that motor vehicle and bicycle parking facilities are to be adequate for the uses they support, appropriately located, and compatible with adjacent land uses (Section 18.1 ix)).

The southernmost portion of 65 Brisbin Street is located within the Open Space designation on Schedule “A” – Land Use in the ‘89 *Plan*. The Open Space designation is comprised of a range of public and private open spaces and natural space, including flood plain lands, lands susceptible to erosion and unstable slopes, natural heritage areas recognized by Council as having city-wide, regional, or provincial significance, lands that contribute to important ecological functions, and lands containing other natural physical features which are desirable for open space use or preservation in a natural state (8A.2.). Permitted uses generally include public open space uses including district, city-wide, and regional parks, and private open space uses such as cemeteries and private golf courses (8A.2.2.). Policies in the ‘89 *Plan* encourage public access to lands within the Open Space designation where such access will not have a negative effect on the natural features or ecological functions of the area (8A.2.3.i)). The southern portion of 65 Brisbin Street is outside of the area subject to this zoning amendment and subsequent severance.

Zoning By-law Z-1

The subject site is zoned Open Space (OS1). The zone variation is applied to City and private parks with few or no structures. The OS1 Zone permits conservation lands, conservation works, cultivation of land for agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings associated with conservation lands and public parks, campground and managed forests. Under the existing zone, residential uses and accessory or ancillary uses to residential uses are not permitted.

The applicant is requesting to rezone the lands to a Residential R2 (R2-2) Zone. The R2 Zone provides for and regulates low density residential development, including single detached dwellings, semi-detached dwellings, duplex dwellings, converted dwellings (maximum 2 dwelling units).

Hamilton Road Area Community Improvement Plan

The *Hamilton Road Area Community Improvement Plan* (the “CIP”) endeavours to prioritize city-led initiatives and incentives in support of creating “an attractive destination in London filled with heritage, diverse local businesses and multicultural restaurants, as well as a safe and welcoming neighbourhood” (Hamilton Road Area

Community Improvement Plan, Section 2). The immediate neighbourhood formed part of the extended study area for the *CIP*, but not within the *CIP* Area. However, the *CIP* notes the important role Neighbourhoods and Parks play in support the regeneration of the Hamilton Road corridor.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1 – Use

The London Plan

The subject lands are located in the Green Space Place Type with frontage on a Neighbourhood Street, as identified on *Map 1 – Place Types. The Green Space Place Type is composed of Natural Heritage Features and Areas, Natural and Human-made Hazards, Natural Resources, Public Parkland, and Private lands relating to such things as cemeteries, outdoor recreational centres and golf courses (760_). Accordingly, residential land uses, in addition to accessory or ancillary uses associated with a residential use, are not contemplated in this place type.

The London Plan grants Council flexibility in interpreting the exact boundaries between place types where boundaries do not coincide with physical features (such as streets, railways, rivers or streams) (43_1.). *The London Plan* considers minor departures advisable and reasonable where such an interpretation is consistent with the PPS, is consistent with *The London Plan*, and represents good planning (43_) (see evaluation of these criteria below). As there are no physical boundaries between the Open Space Place Type and the Neighbourhoods Place Type, it is requested that Council interpret the part of 65 Brisbin Street subject to this application to be within the *Neighbourhoods Place Type on *Map 1 – Place Types.

In the Neighbourhoods Place Type, *The London Plan* contemplates a range of low-rise residential uses, including single detached dwellings, semi-detached dwellings, duplex, converted dwellings, townhomes, secondary suites, home occupations, and group homes (*The London Plan*, *Table 10). *The London Plan* contemplates a maximum building height of two-and-a-half storeys (*The London Plan*, *Table 11).

The London Plan also contemplates accessory and ancillary uses, buildings or structures that are incidental, subordinate and exclusively devoted to the main use and carried on with such main use, building or structure on the same lot within the Neighbourhoods Place Type (*The London Plan*, *Glossary of Terms). Within the *Neighbourhoods Place Type, accessory and ancillary functions include parking facilities (929_). Interpreting the lands to be located in the *Neighbourhoods Place Type would permit the recommended rezoning and facilitate the development of a parking space in association with the residential use at 81 Brisbin Street.

Criteria 1: Consistent with the PPS, 2020

The PPS regards managing and directing land use to achieve efficient and resilient development and land use patterns as integral. This includes the wise use of land and resources, the promotion of efficient development patterns, the protection of resources, the promotion of green spaces, the effective use of infrastructure and public service facilities, and the minimizing unnecessary public expenditures (1.0).

The PPS states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential types (including single-detached), employment, institutional, recreation, and park and open space uses (1.1.1b)). Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2 a) & 1.1.3.2 b)).

In particular, park and open space uses play a critical role in settlement areas in promoting healthy and active communities. The PPS directs municipalities to plan and

provide for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources (1.5.1b)). Public spaces and facilities are to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (1.5.1a)). Where possible, public spaces, parks, trails and open spaces should provide opportunities for public access to shorelines (1.5.1c)).

The requested amendment is consistent with building strong communities and represents a wise use and management of city-owned resources. Although the lands are currently in use as passive open space, permitting residential uses will not detract from the natural setting or recreational potential of the remainder of 65 Brisbin Street. In addition, the requested amendment will contribute to a development pattern within a settlement area which efficiently uses land and resources, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available by improving the functionality of the existing residential use at 81 Brisbin Street.

Criteria 2: Consistent with *The London Plan*

The London's Plan Key Directions promote creating healthy and complete communities that are well serviced by park and open space facilities. Relevant Key Directions to the requested amendment include:

58_ Direction #4 – Become one of the greenest cities in Canada:

10. Continually expand, improve, and connect our parks resources.

61_ Direction #7 – Build strong, healthy and attractive neighbourhoods for everyone:

2. Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services.

62_ Direction #8 – Make wise planning decision:

8. Avoid current and future land use conflicts – mitigate conflicts where they cannot be avoided.
9. Ensure new development is a good fit within the context of an existing neighbourhood.

The London Plan also directs all planning decisions consider the “big picture” and long-term consequences, in addition to the short-term and site-specific implications (62_3). Big picture and long-term consequences have been considered in the review of this application to rezone a portion of city-owned green space. As stated above, Direction #4 in *The London Plan* calls on London to become one of the greenest cities in Canada by continually expanding, improving, and connecting our parks resources. Despite the foregoing, this area is well served by green space given its proximity to the Thames River corridor and the disposition of 74.8m² of city-owned parkland which is presently passive and serves as a buffer is not anticipated to be detrimental to the city’s linear corridor along the South Thames River. The retention of the vast majority of 65 Brisbin Street protects city-owned green space should future linkages or green space enhancements be contemplated on the remaining portion of 65 Brisbin Street. In addition, the City’s Parks and Recreation Services Department and Site Plan division did not note concerns regarding the location of the driveway or negative impacts on nearby trees and vegetation, nor was a Tree Protection Plan listed as a required submission for a complete application.

Criteria 3: Represents Good Planning

With respect to short-term and site-specific implications, 81 Brisbin Street has long functioned without a lawfully established parking area. Accordingly, the applicable zoning and building laws at the time the single detached dwelling was constructed apply to the lands and the existing parking facilities are allowed to continue notwithstanding the minimum parking requirements under the current zone.

Despite the legal non-conforming condition of the existing site layout, the potential to create impacts exists on adjacent properties, including but not limited to traffic and access impacts, on-streets parking impacts, and impacts on the abutting property's portion of the mutual driveway. Furthermore, as previously noted, the December 3 report to the Corporate Services Committee highlighted issues related to encroachment on neighbouring properties.

Figure 4: The existing shared driveway, looking west toward 81 and 83 Brisbin Street. The residents have painted a white line on the driveway demarcating ownership.



Interpreting the 74.8m² portion of 65 Brisbin Street to be within the Neighbourhoods Place Type would improve how 81 Brisbin Street functions and serves its residents, in addition to alleviating neighbouring property conflicts. In particular, the property would have appropriate off-street parking facilities associated with the main residential use and provide for a site layout that promotes safe movement between the site for pedestrians, cyclists, and motorists (*255_). The requested amendment would also mitigate existing land use conflicts between 81 and 85 Brisbin Street. Lastly, side yard parking is prevalent along Brisbin Street. The creation of off-street parking at 81 Brisbin Street represents a good fit within the context of the existing neighbourhood.

Given that the requested amendment is consistent with the *PPS*, is consistent with *The London Plan*, and represents good planning, Staff recommend Council interpret the 74.8m² part of 65 Brisbin Street as being located in the Neighbourhoods Place Type.

Official Plan

The primary permitted uses of the Low Density Residential ("LDR") designation include single detached, semi-detached, and duplex dwellings (3.2.1). Similar to the *Neighbourhoods Place Type, the LDR designation contemplates uses that are subordinate to the permitted uses at Section 3.2.1.

Section 19.1.1.i) of the 1989 *Official Plan* provides Council with similar powers of interpretation outlined above and contained within *The London Plan*. Council may permit minor departures from such boundaries on Schedule "A" - the Land Use Map if it is of the opinion that the general intent of the Plan is maintained, that the departure is

advisable and reasonable, and where a land use boundary does not coincide with a physical feature (which would require an Official Plan amendment).

In this instance, the part of 65 Brisbin Street requested to be rezoned is located within the LDR designation. As residential uses are contemplated on the subject site, Staff are not requesting Council use its power of interpretation

4.2 Issues and Considerations #2 – Parking

The requested amendment would facilitate the construction of a parking area in association with 81 Brisbin Street. The future parking area will be subject to the existing policy and regulatory framework. *The London Plan's* City Building Policies speak to the impact of parking facilities on the public realm. Policies encourage minimizing the visual impact of surface parking by screening and locating surface parking areas in the rear yard or interior side yard (*272_). Additional policies relate to the location, configuration, and size of parking areas, which are anticipated to support the planned vision of the Neighbourhoods Place Type and enhances the experience of pedestrians, transit-users, cyclists, and drivers (*270_). Meanwhile, the *1989 Official Plan's* Transportation Objective calls for parking facilities that are appropriately located, adequate for the uses that they support, and compatible with adjacent land uses (Section 18.1(ix)).

The future construction of a parking area on the subject site will be regulated by the in-force and effect parking regulations under Section 4.19 of the *Zoning By-law* and City of London's *Street By-law*. These regulations include minimum and maximum requirements which control, among other things, the location and size of the parking area and the number of parking spaces. No special provisions are requested.

The current shared parking configuration has caused land use conflict between the properties at 81 and 83 Brisbin Street. As Figure 4 indicates, the narrow parking area afforded to 81 Brisbin Street has been a longstanding condition. The December 3, 2019 report to the Corporate Services Committee hints at the conflicts resulting from the shared driveway:

“The property owner of 81 Brisbin Street advised that the proposed lands are required to replace an illegal driveway at the north end of his property. The owner was issued a citation from the adjoining owner to cease encroaching and using the lands as a driveway.”

At present, the narrow parking area has caused functional issues between neighbouring properties. Anecdotally, it has also resulted in the overflow of parking on a public street which, given the location of the dwelling near the turning circle at the end of Brisbin Street, can impact traffic from Brisbin Street, in particular fire and garbage trucks.

The London Plan directs all development applications be evaluated with potential impacts on adjacent and nearby properties in mind (*1578_6.). Impacts such as traffic and access management and parking on streets or adjacent properties were considered in the review of the request rezoning. Managing and mitigating these impacts are vital. In addition to consistency with the *PPS*, conformity with *The London Plan* and the *1989 Official Plan*, Staff endeavour to ensure that functional impacts spurred by lot fabric and configuration resulting in the inability to adequately accommodate parking is brought to an end for the benefit of both properties.

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020, and is in conformity with the in-force and effect policies of *The London Plan* and the in-force and effect policies of the 1989 Official Plan. The recommended amendment will facilitate the continued use of passive space on the majority of the subject lands while allowing for the residential use at 81 Brisbin Street to function appropriately in a manner that is consistent the residential character of the neighbourhood.

Prepared by:	Daniel Hahn Planner I, Development Services
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official
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 Development Services.	

July 3, 2020

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at a part
of 65 Brisbin Street.

WHEREAS the Corporation of the City of London has applied to rezone an area of land located at a part of 65 Brisbin Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at a part of 65 Brisbin Street, as shown on the attached map comprising part of Key Map No. A108, from an Open Space (OS1) Zone to a Residential R2 (R2-2) Zone.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on July 21, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 21, 2020
Second Reading – July 21, 2020
Third Reading – July 21, 2020

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z-1)



Zoning as of June 16, 2020

File Number: Z-9195
Planner: DH
Date Prepared: 2020/07/02
Technician: RC
By-Law No: Z-1-

SUBJECT SITE 

1:600

0 3 6 12 18 24 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: On May 28, 2020, Notice of Application was sent to 78 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 28, 2020.

1 reply was received

Nature of Liaison: The purpose and effect of this zoning change is to permit a portion of city-owned lands at 65 Brisbin Street to be severed and consolidated with 81 Brisbin Street and subsequently used as a driveway. Possible change to Zoning By-law Z.-1 **FROM** an Open Space (OS1) **TO** a Residential R2 (R2-2) Zone to permit a driveway associated with a residential use.

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

Concern for:

Loss of open green space, impacts on trees, and need for legibility between public and private space:

Concern regarding the construction of a driveway will result in the loss of city-owned green space. Concerns the construction of a private driveway may impact public access to nearby city-owned trees. The respondent noted the area is a common area where children play and owners bring their dogs and is concerned the rezoned portion will be indistinguishable from the remaining city-owned lands if a fence is not erected on the new south limits. The respondent voiced displeasure with how the sale of the lands proceeded, suggesting both her and the previous landowner inquired about the sale of the lands and were rebuffed.

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

Telephone	Written
Elizabeth Naismith 83 Brisbin Street London, ON N5Z 2L7	None

Agency/Departmental Comments

April 20, 2020: London Hydro

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining save clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

May 5, 2020: Heritage

To: Daniel Hahn, Planner I
From: Laura E. Dent, Heritage Planner
Date: May 5, 2020
Re: Archaeological Assessment – Complete
Application Requirements
Part of 65 Brisbin Street (Z-9195)
Development Services Heritage Comments

This memo is to confirm that I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment for complete application requirements (Z-9195):

- Amick Consulting Limited. *Stage 1-2 Archaeological Property Assessment 81 Brisbin Street [...] City of London, County of Middlesex* (P058-1806-2019), November 1, 2019.

Please be advised that heritage planning staff recognizes the summary of the report that states that: "[a]s a result of the Stage 2 Property Assessment of the study area the entire study area was determined to be disturbed and composed of fill material and no archaeological resources were encountered. Consequently, the following recommendations are made (p2):

1. No further archaeological assessment of the study area is warranted;
2. The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed;
3. The proposed undertaking is clear of any archaeological concern."

As Ontario Ministry of Heritage, Sport, Tourism, Culture Industries (MHSTC) archaeological assessment compliance letter has also been received, dated April 6, 2020 (MTCS Project Information Form Number P058-1806-2019).

Archaeological requirements can be considered satisfied for the application.

Sincerely,

Laura E. Dent

Development Services
Heritage Planner
M.Arch, PhD, MCIP, RPP

May 6, 2020: Engineering Comments

From: Lambert, Brent
Sent: Wednesday, May 6, 2020 11:26 AM
To: Hahn, Daniel <dhahn@london.ca>
Cc: Abushehada, Ismail <iabusheh@london.ca>
Subject: 81 Brisbin Ave - Z 9195

Hi Daniel,

Engineering has no objections to the re-zoning application.

As part of a future development application, the Owner shall ensure the driveway complies with our Streets by-law.

Brent Lambert, C.E.T.
Senior Engineering Technologist
Development Services
City of London

300 Dufferin Ave., London ON N6A 4L9
P: 519.661.CITY(2489) x 4956
blambert@london.ca | www.london.ca

May 20, 2020: Upper Thames River Conservation Authority

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include

regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether these lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the *Planning Act*.

CONSERVATION AUTHORITIES ACT

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

DRINKING WATER SOURCE PROTECTION: Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

RECOMMENDATION

As indicated, the subject lands are not regulated by the UTRCA and a Section 28 permit application will not be required. The UTRCA has no objections to this application.

June 24, 2020: Conseil scolaire Viamonde

From: planification [<mailto:planification@csviamonde.ca>]

Sent: Wednesday, June 24, 2020 11:50 AM

To: Serrano, Ania <ASerrano@London.ca>

Subject: [EXTERNAL] RE: [EXTERNE] - Z-9195 Notice of Public Meeting - Part of 65
Brisbin Street - City of London c/o Marshall Mayne (WARD 1) - Planner: Daniel Hahn

Good Morning,

The Conseil scolaire Viamonde has no comments or objection to the further processing of this application.

Regards,

Kenny Lamizana

Agent de Planification, Secteur de l'immobilisation, de l'entretien et de la planification
Planning Officer, Building, Maintenance and Planning Department
Conseil Scolaire Viamonde | 116 Cornelius Parkway, Toronto, ON M6L 2K5

Appendix C – 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:

Provincial Policy Statement, 2020:

1.0, 1.1.1, 1.1.1 b), 1.1.3.2 a), 1.1.3.2 b), 1.5.1 b), 1.5.1 c)

The London Plan:

43_, 43_1., 58_10., 61_2., 62_3., 62_8., 62_9., *255_, *270_, *272_, 760_, 929_, *Table 10, *Table 11, *Glossary of Terms, *Map 1, *Map 3.

1989 Official Plan:

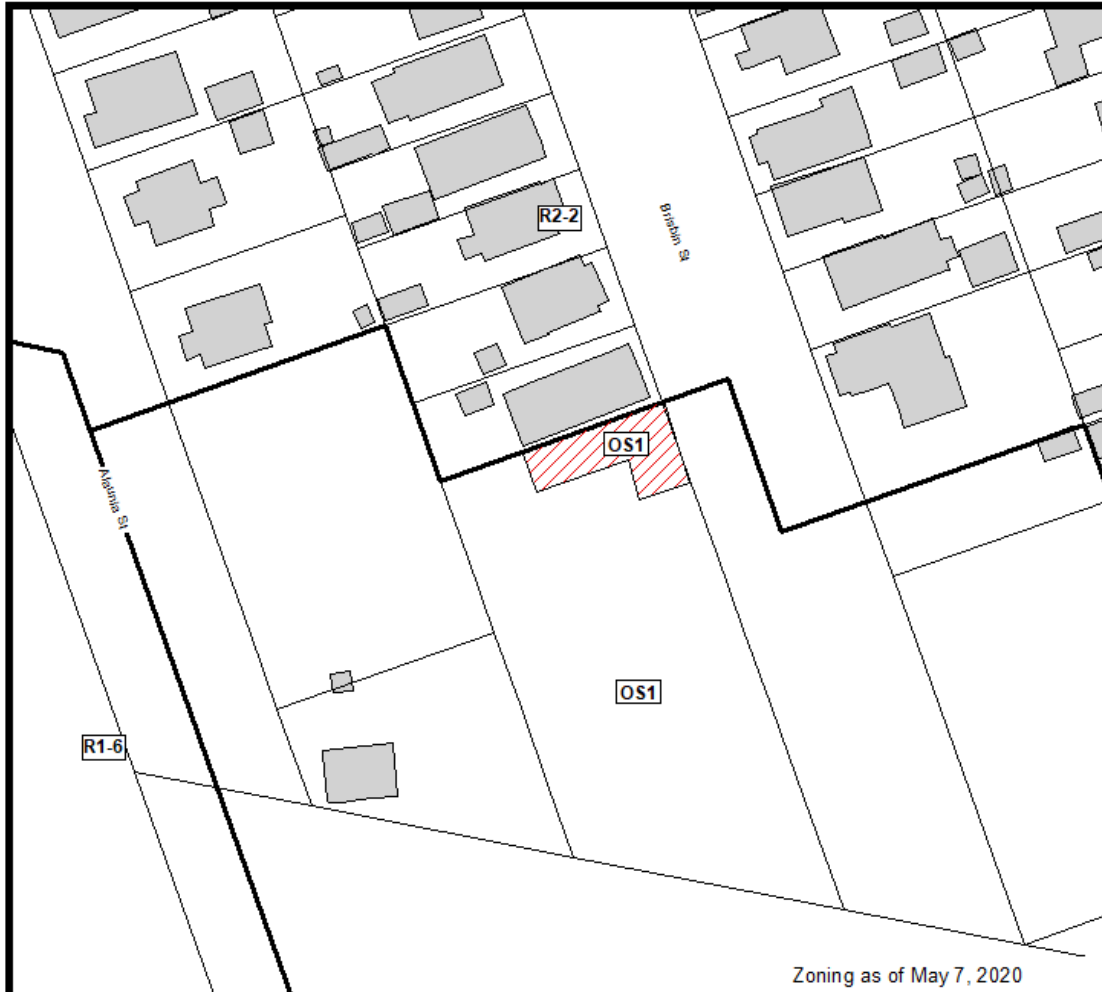
3.2.1., 8A.2., 8A2.2., 8A2.3. i), 18.1 ix), 19.1.1. i), Schedule “A”, Schedule “C”


Hamilton Road Area Community Improvement Plan:

Section 2, Figure 3, Figure 4

Appendix D – Relevant Background

Additional Maps



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

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

CITY OF LONDON

CITY PLANNING / 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-9195

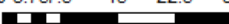
DH

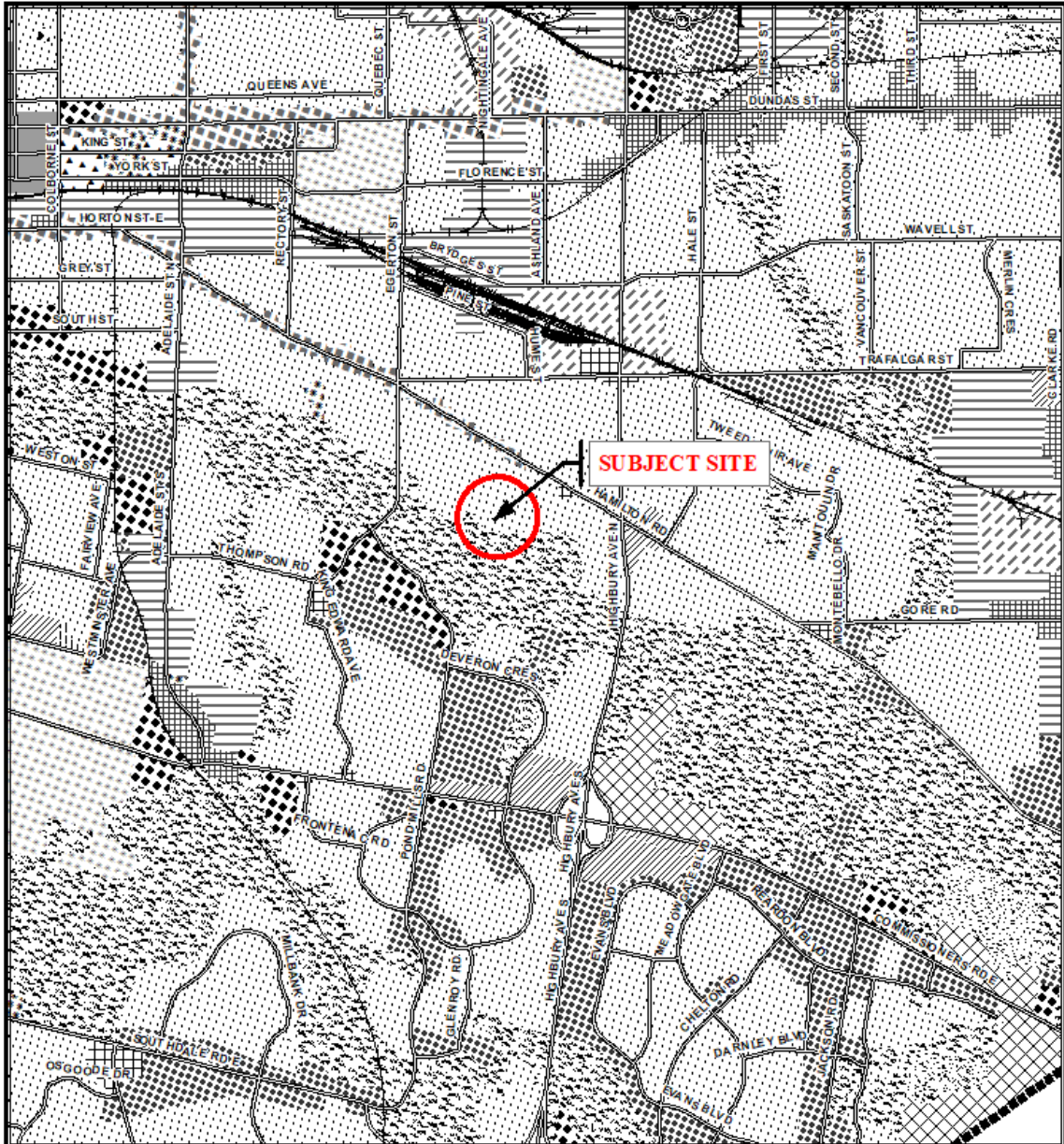
MAP PREPARED:

2020/05/12

WR

1:750

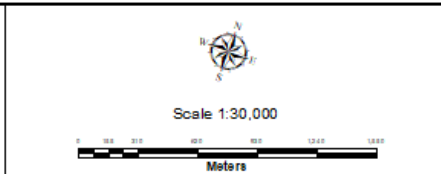
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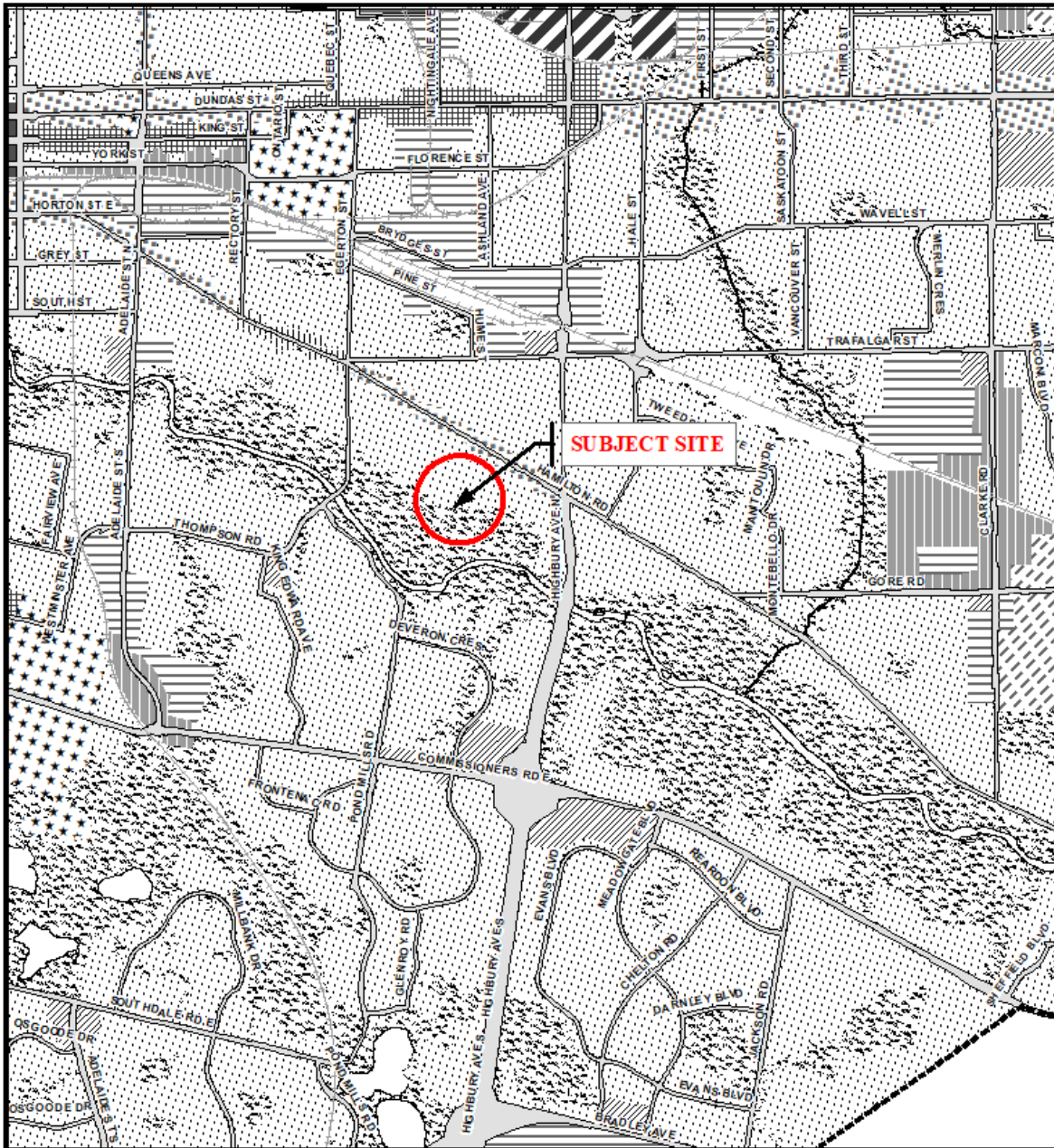
Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	New Format Regional Commercial Node		Office/Residential		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

CITY OF LONDON
 City Planning /
 Development Services
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -

PREPARED BY: Development Services



FILE NUMBER: Z-9195
 PLANNER: DH
 TECHNICIAN: WR
 DATE: 2020/05/12



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 | |

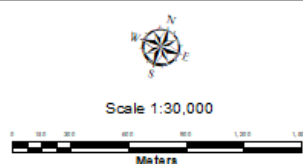
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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
 City Planning /
 Development Services

LONDON PLAN MAP 1
 - PLACE TYPES -

PREPARED BY: Development Services



File Number: Z-9195
Planner: DH
Technician: WR
Date: 2020/05/12

Additional Reports

File No. P-2357 (1)

TO: CHAIR AND MEMBERS
CORPORATE SERVICES COMMITTEE
MEETING ON DECEMBER 3, 2019

FROM: ANNA LISA BARBON
MANAGING DIRECTOR, CORPORATE SERVICES AND
CITY TREASURER, CHIEF FINANCIAL OFFICER

SUBJECT: DECLARE SURPLUS
PORTION OF CITY OWNED LAND – 65 BRISBIN STREET
ABUTTING SOUTH SIDE OF 81 BRISBIN STREET

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to a portion of City owned land at 65 Brisbin Street, abutting the south side of 81 Brisbin Street, described as Part 2, Lot 94, Plan 484 C, containing an area of approximately 805 square feet, as shown on Schedule "A", the following actions **BE TAKEN:**

- a) the subject property BE DECLARED SURPLUS; and
- b) the subject property ("Surplus Lands")BE TRANSFERRED to the abutting property owner at 81 Brisbin Street, in accordance with the City's Sale and Other Disposition of Land Policy.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

BACKGROUND

Site Description

The subject property is a portion of City owned open space municipally known as 65 Brisbin Street. The parcel being declared surplus is located on the west side of Brisbin Street adjacent to the south side of 81 Brisbin Street. The subject City lands are located off the west end of a turning circle or bulb at the end of Brisbin Street. The proposed sale of the lands comprises of 805 square feet with 20 feet of frontage on Brisbin Street.

Official Plan: Open Space (OS1)
Zoning: Open Space (OS1)
Area: 805 square feet
Site Description: Vacant City owned park land

Current Status of Site

The site is currently vacant City land abutting the south side of 81 Brisbin Street. A formal request to purchase a portion of the City owned lands was made on August 30, 2019. The property owner of 81 Brisbin Street advised that the proposed lands are required to replace an illegal driveway at the north end of his property. The owner was issued a citation from the adjoining owner to cease encroaching and using the lands as a driveway. He engaged the services of a lawyer and a surveyor and after a review of the situation by his lawyer it was confirmed that he indeed was using the lands lying to the north without permission and without legal rights.

A Property Liaison Inquiry Report was circulated on October 1, 2019. No responses or objections to the sale of the lands were raised, however after the process was completed, the following conditions on the sale were imposed:

1. That a Stage 1 and Stage 2 Archaeological Assessment be completed.
2. That the lands be rezoned from current Parkland to Residential.
3. That the new south limits of the lands be fenced with a 1.5 metre high black chain-link fence as per City standards.

An internal appraisal of the property has been recommended to determine the estimated fair market value of the property, which will be relied upon during disposition. The owner has requested that the City move forward with the process. He has accepted the conditions imposed and subject to the reasonable costs to purchase the lands as established by an appraisal, he will enter into an Agreement of Purchase and Sale with the City.

The Sale and Other Disposition of Land policy under Section 4 Methods of Sale allows for the disposition of lands to abutting property owner through direct negotiation.

Conclusion

The property is surplus to the needs of the City and therefore recommended to be declared surplus and sold at fair market value in accordance with the City's Sale and Other Disposition of Land Policy.

A location map is attached for the Committee's information.

PREPARED & SUBMITTED BY:

BILL WARNER
MANAGER OF REALTY SERVICES

RECOMMENDED BY :

ANNA LISA BARBON
MANAGING DIRECTOR, CORPORATE
SERVICES AND CITY TREASURER,
CHIEF FINANCIAL OFFICER

November 19, 2019

File No. P-2357 (1)

Attach.

cc: Andrew Macpherson, Division Manager, Parks Planning and Operations