

## Report to Planning and Environment Committee

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

**From:** Scott Mathers, MPA, P. Eng.,  
Deputy City Manager, Planning and Economic Development

**Subject:** Application by The Ironstone Building Company  
1960 Evans Boulevard  
Removal of Holding Provisions

**Date:** March 28, 2022

## Recommendation

That, on the recommendation of the Director, Planning and Development, based on the application by The Ironstone Building Company, relating to lands located at 1960 Evans Boulevard, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on April 12, 2022 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R6 Special Provision (h-1•R6-5(75)) Zone and a Holding Residential R6 (h-70•R6-5) Zone **TO** a Residential R6 Special Provision (R6-5(75)) Zone and a Residential R6 (R6-5) Zone to remove the h-1 and h-70 holding provisions.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h-1 and h-70 holding symbols to permit the development of cluster townhouse dwellings permitted under the Residential R6 (R6-5) and Residential R6 Special Provision (R6-5(75)) Zones.

### Rationale of Recommended Action

1. The conditions for removing the holding (h-1 & h-70) provisions have been met and the recommended amendment will allow the site to develop for residential uses in compliance with the Zoning By-law.
2. A Site Plan has been approved and Development Agreement entered into implementing all recommendations of the accepted noise assessment report. Performance security has also been posted in accordance with the Development Agreement and City policy.

## Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

## Analysis

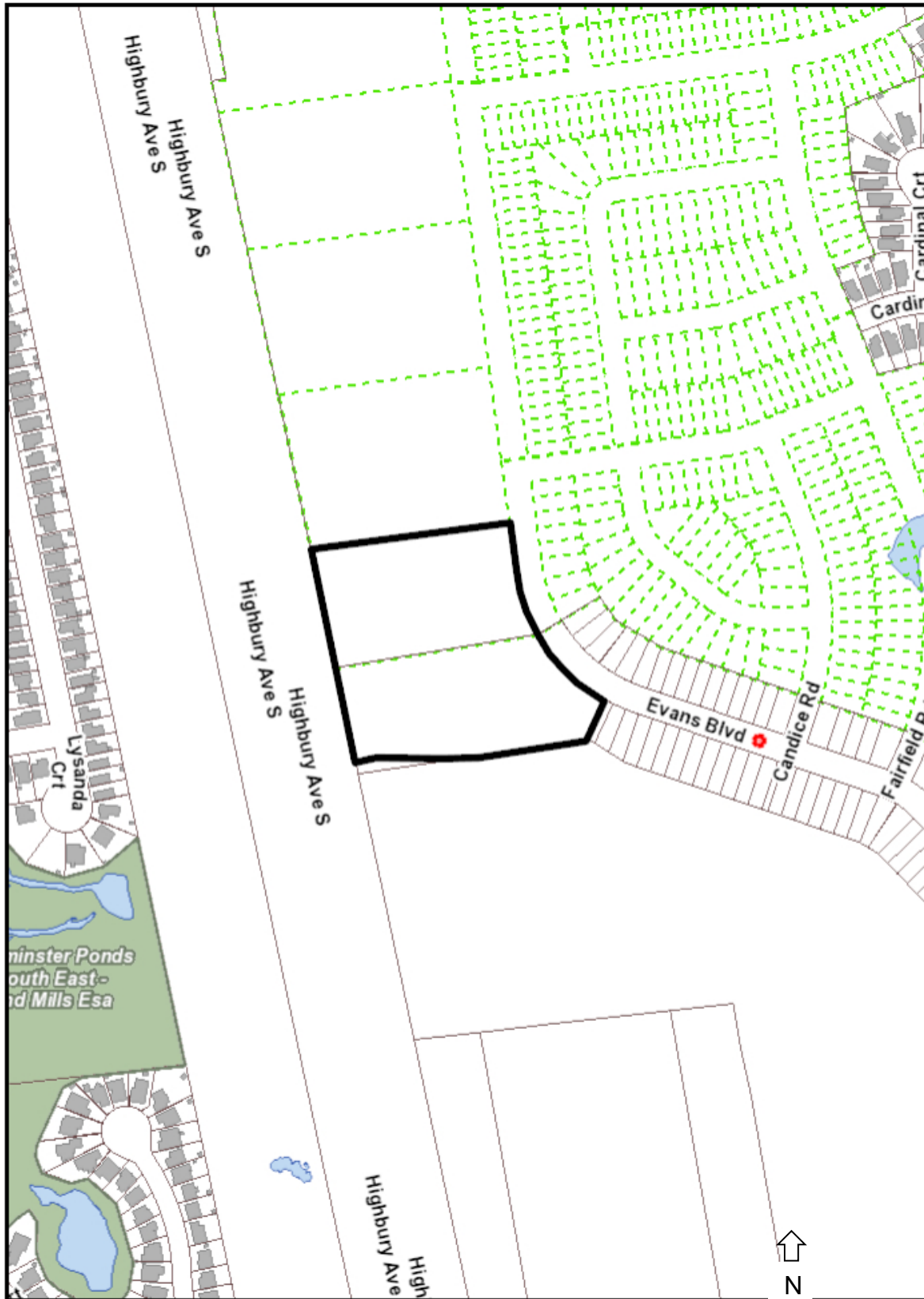
### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

June 21, 2021 – Report to Planning and Environment Committee – Summerside Subdivision Phase 17 – Special Provisions – Drewlo Holdings Inc. (File No. 39T-92020\_17).

## 2.0 Discussion and Considerations






### 2.1 Location Map



#### Location Map

Project Title: H-9439  
Description: 160 Evans Boulevard  
Created By: Larry Mottram  
Date: 12/2/2021  
Scale: 1:4000

#### Legend

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Corporation of the City of London





### **2.3 Planning History**

The lands which are the subject of this application for removal of holding provisions and application for site plan approval consist of two adjacent residential blocks fronting the west side of Evans Boulevard. The southerly block (1.54 hectares) is described as Block 58 within Registered Plan No. 33M-789, registered on November 5, 2020. The northerly block is referred to as Townhouse Block 1333 (1.53 hectares) within a draft-approved plan of subdivision known as Summerside Subdivision - Phase 17. A Subdivision Agreement has been entered into for Phase 17. Final Approval and registration is expected shortly and once registered the block will be referred to as Block 175.

The remaining undeveloped and draft-approved phases within the Summerside Subdivision were acquired by Drewlo Holdings Inc. Drewlo recently brought forward a request for red-line revisions and zoning changes which mainly affected the lotting and street configuration east of the future extension of Evans Boulevard, with minimal change to the medium density blocks on the west side of Evans Boulevard. The requested red-line revisions and accompanying zoning amendments were presented at a public participation meeting of the Planning and Environment Committee on March 1, 2021. The City of London Approval Authority granted draft plan approval of the red-line revisions on April 23, 2021.

### **2.4 Community Engagement (see more detail in Appendix B)**

There were no responses received to the Notice of Application.

## **3.0 Financial Impact/Considerations**

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

## **4.0 Key Issues and Conclusions**

### **4.1 Have the conditions for removal of the holding (h-1 & h-70) provisions been met?**

Section 36(1) of the Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. Through the Zoning By-law amendment and Draft Plan of Subdivision application process, two holding provisions were added to the subject site to address potential noise impacts from traffic on Highbury Avenue South. The holding provisions, and confirmation as to how each requirement has been satisfied, are noted below:

The purpose of the holding (“h-1”) provision in the zoning by-law is as follows:

*“Purpose: To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the “h-1” symbol.”*

*“Permitted Interim Uses: Existing uses; any non-residential use permitted by the applicable zones.”*

The purpose of the holding (“h-70”) provision in the Zoning By-law is as follows:

*“Purpose: To ensure there are no land use conflicts between freeways and the proposed residential uses, the h-70 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London.”*

The engineering consultant's noise assessment entitled Environmental Noise Assessment Report 1920 & 1960 Evans Boulevard – Summerside Blocks 58 & 175 Townhomes – London, Ontario, dated August 6, 2021, prepared by Strik, Baldinelli, Moniz Limited for Ironstone Building Company was submitted with the application for Site Plan Approval.

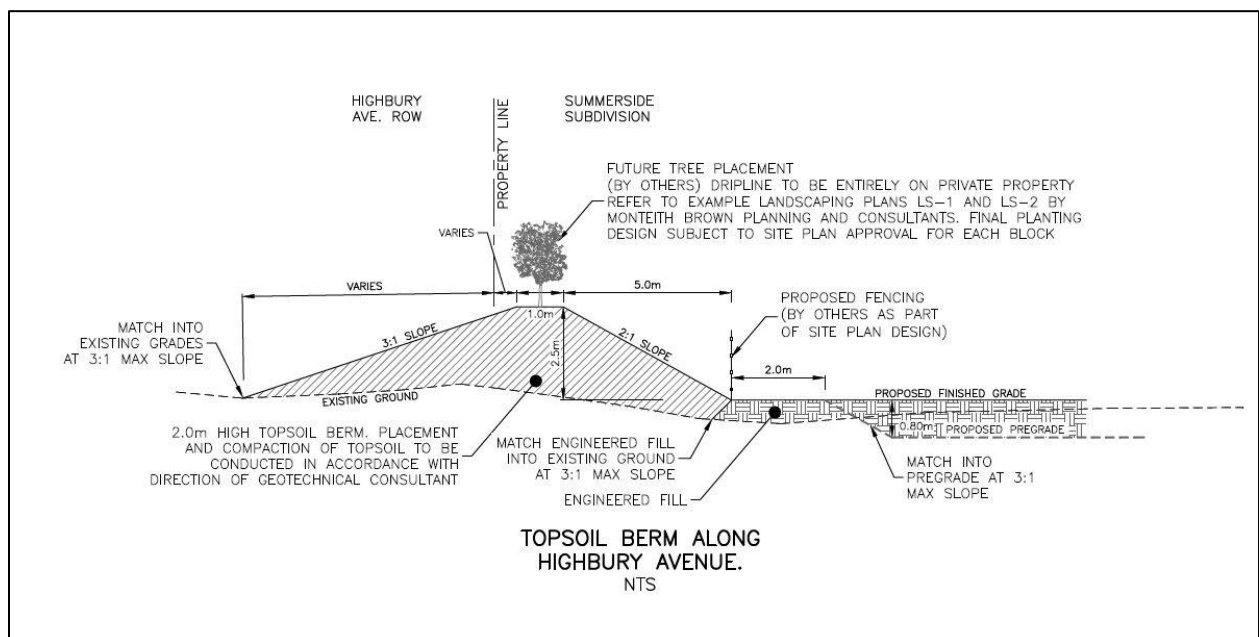
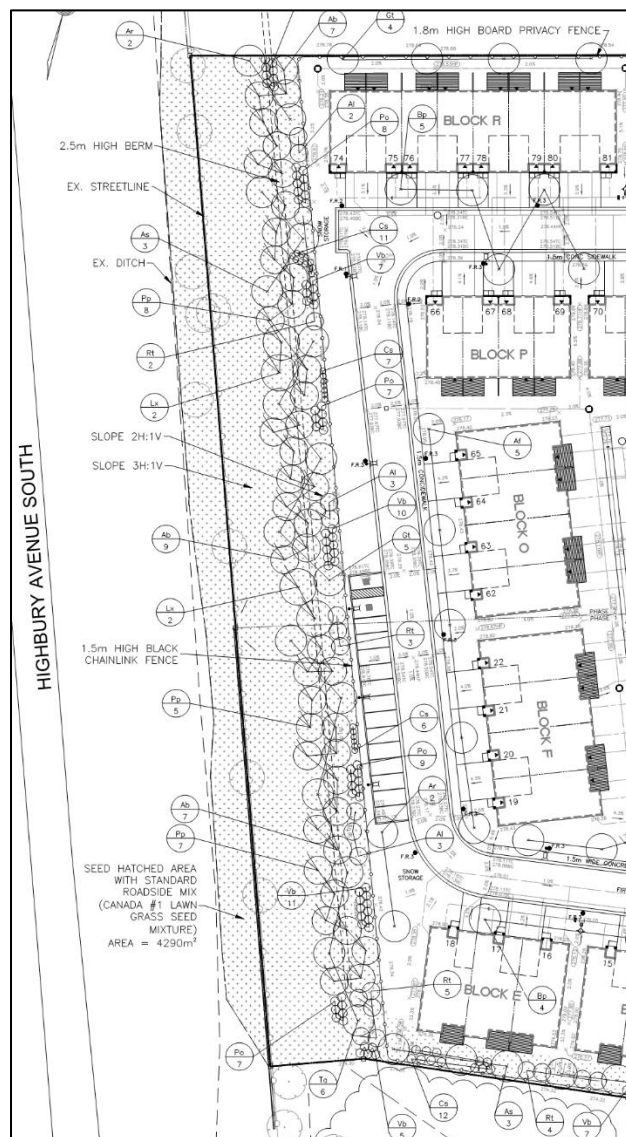
The purpose of the assessment report is to summarize the Ministry of the Environment, Conservation, and Parks (MECP) applicable noise criteria and guidelines; to project traffic noise levels using Provincially recognized noise prediction models and computer software; and to recommend appropriate noise control measures to meet the City's Design Specifications Requirements Manual and MECP requirements as prescribed in the publication Environmental Noise Guideline (NPC-300).

Highlights of the consultant's recommendations include the following:

- Outdoor living areas (OLA's) at two points of reception (representing the rear yard area for the Block R and Block P buildings as shown on the site plan) exceed the allowable outdoor noise level by less than 5 dBA. Therefore, a warning clause (Type A) is required on title for dwelling units in Blocks P and R.
- Due to steep grading at the rear of Blocks B, C, D, and E, elevated decks are proposed that will be less than 4 m in depth, which makes them exempt from the requirements for an OLA per the NPC-300 guidelines. However, the noise assessment report recommends that the warning clause (Type A) also be included for the units in these blocks since the outdoor noise level will be greater than 55 dBA.
- Installation of a central air conditioning system will be required for units whose indoor sound levels exceed the allowable by 10 dBA or more. A warning clause for future purchasers and tenants will also be mandatory. The unit on the west end of Block R is recommended to have mandatory central air conditioning installed and the applicable warning clause (Type D) shall be included in all agreements of rental, sale, or lease of this unit.
- Provisions for a central air conditioning system are required for units whose indoor noise levels exceed the guidelines by less than 10 dBA. Typically, this is achieved by sizing the heating ducts sufficiently to allow for future installation of a central air conditioning system. Prospective residents will then have the option of closing their windows and doors to block bothersome noise levels. This requirement will apply to all units within Blocks C, D, E, F, O, P and R, and the applicable warning clause (Type C) shall be given to prospective purchasers or tenants of these units. If central air conditioning will be provided in the new unit, the warning clause Type D should be used instead of warning clause Type C.
- Building components with sufficient Acoustical Insulation Factors will be required for units that have a day time sound level in excess of 65 dBA outside the living room window or a night time sound in excess of 60 dBA outside the bedroom window. For these units, the building components including doors, windows, and walls must be designed and installed so that the indoor sound levels meet the noise levels outlined by the MECP in NPC-300.
- The unit at the west end of Block R will require building components with noise isolation as a day time sound level outside the living room window was predicted at 65.3 dBA. An EW5 construction rating or masonry equivalent from foundation to rafters is recommended along with the installation of double-glazed windows.

The Development Agreement will include provisions for central air conditioning, specified building components, and all noise warning clauses to be registered on title as recommended in the noise assessment report. These requirements will form part of the approved Site Plan and Development Agreement.

## Plan and Cross-Section of Landscaped Berm along Highbury Avenue South



The subdivision draft plan was approved for future medium density residential uses immediately adjacent Highbury Ave South as these forms of housing generally provide for greater flexibility in site design and building orientation. This development proposal incorporates a private window street, front-facing dwellings units with private outdoor amenity areas in the rear, as well as a physical barrier consisting of a 2.5 metre high landscaped berm parallel with Highbury Avenue to mitigate impacts from exposure to road noise and eliminate the need for a continuous noise wall. Conditions requiring construction of the topsoil berm abutting Highbury Avenue were included in the Subdivision Agreement and accepted engineering drawings for Summerside Phase 17.

Excerpts from the Site/Landscape Plan and subdivision grading plans illustrating the planting details, and cross-section diagram of the topsoil berm are shown above. The barrier effects of the berm were included in the noise study calculations of projected noise levels at the indoor day time, night time, and outdoor living area (OLA) receiver locations.

## **Conclusion**

The requirements for removing the holding provisions on the subject lands have been addressed through the subdivision and site plan approval process. Removal of these holding provisions will allow the issuance of building permits for the proposed 93 unit townhouse development. In the opinion of Staff, the h-1 and h-70 holding provision requirements have been satisfied and it is appropriate to proceed to lift the holding symbols from the zoning map.

**Prepared by:** **Larry Mottram, MCIP, RPP**  
**Senior Planner, Subdivisions and Condominiums**

**Reviewed by:** **Bruce Page, MCIP, RPP**  
**Manager, Subdivision Planning**

**Recommended by:** **Gregg Barrett, AICP**  
**Director, Planning and Development**

**Submitted by:** **Scott Mathers, MPA, P. Eng.**  
**Deputy City Manager, Planning and Economic  
Development**

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.

CC: Matt Feldberg, Manager, Subdivisions and Development Inspections

March 21, 2022  
SM/GB/BP/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2022 PEC Reports\1\_Current Cycle (Mar 28 )\FINAL - 1960 Evans Boulevard - The Ironstone Building Company - H-9439 LM.docx

## Appendix A

Bill No. (Number to be inserted by  
Clerk's Office)  
2022

By-law No. Z.-1- \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
remove holding provisions from the  
zoning for lands located at 1960 Evans  
Boulevard.

WHEREAS The Ironstone Building Company has applied to remove the holding provisions from the zoning on lands located at 1960 Evans Boulevard, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said lands;

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 1960 Evans Boulevard, as shown on the attached map, to remove the h-1 and h-70 holding provisions so that the zoning of the lands as a Residential R6 Special Provision (R6-5(75)) Zone and a Residential R6 (R6-5) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on April 12, 2022.

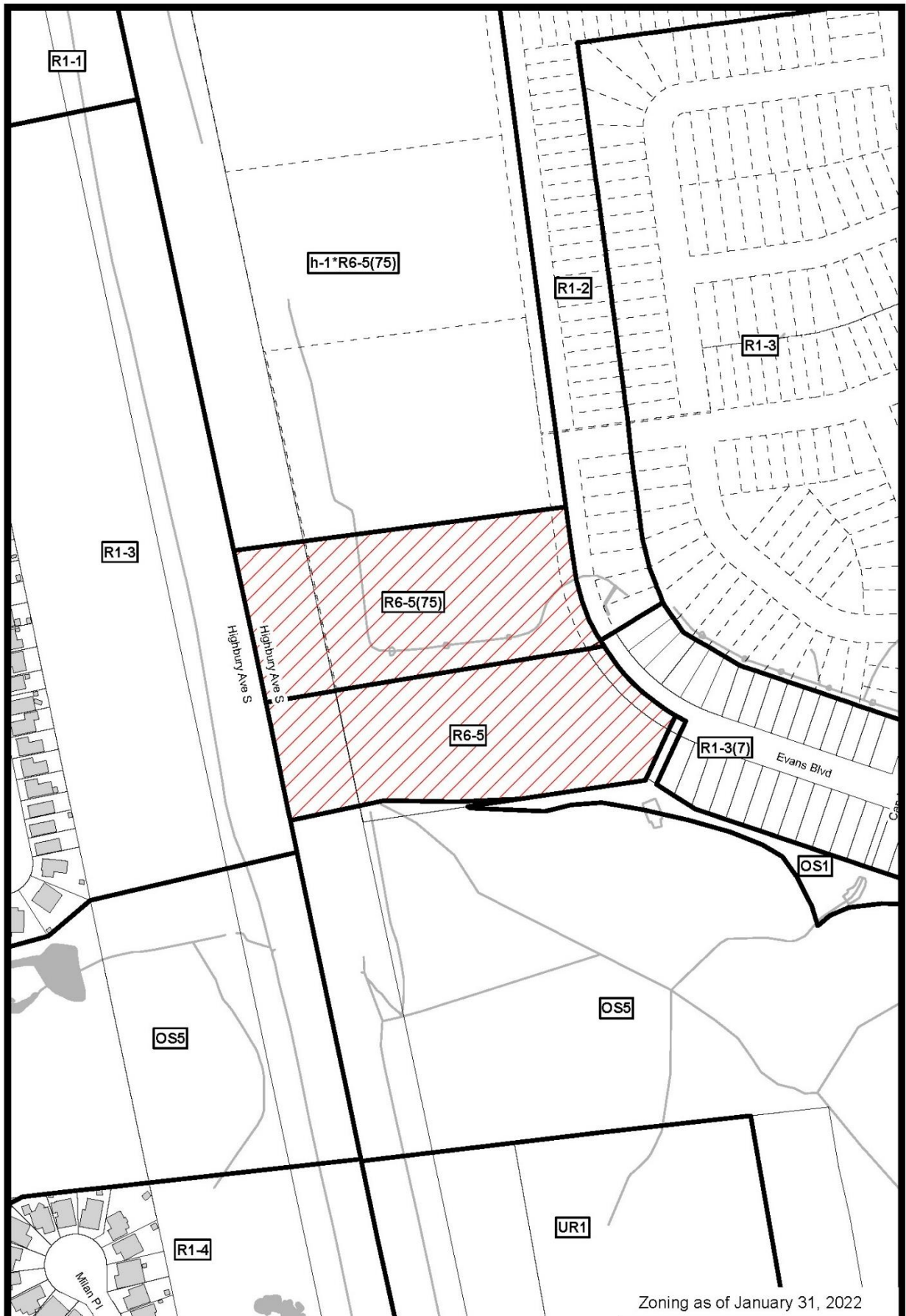
Ed Holder  
Mayor

Michael Schulthess  
City Clerk

First Reading – April 12, 2022  
Second Reading – April 12, 2022  
Third Reading – April 12, 2022



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



Zoning as of January 31, 2022

File Number: H-9439  
Planner: LM  
Date Prepared: 2022/02/04  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120  
Meters



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of the application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 16, 2022.

**Responses:** No replies

**Nature of Liaison: 1960 Evans Boulevard, west side, east of Highbury Avenue South** – City Council intends to consider removing the Holding (“h-1” and “h-70”) Provisions from the zoning of the subject lands to allow development of cluster townhouse dwellings permitted under the Residential R6 (R6-5) and Residential R6 Special Provision (R6-5(75)) Zones. The purpose of the h-1 provision is to ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the “h-1” symbol. The purpose of the h-70 provision is to ensure there are no land use conflicts between freeways and the proposed residential uses, the h-70 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London. Council will consider removing the holding provision as it applies to these lands no earlier than February 15, 2022.

### Response to Notice of Application and Publication in “The Londoner”

**Telephone:**  
None

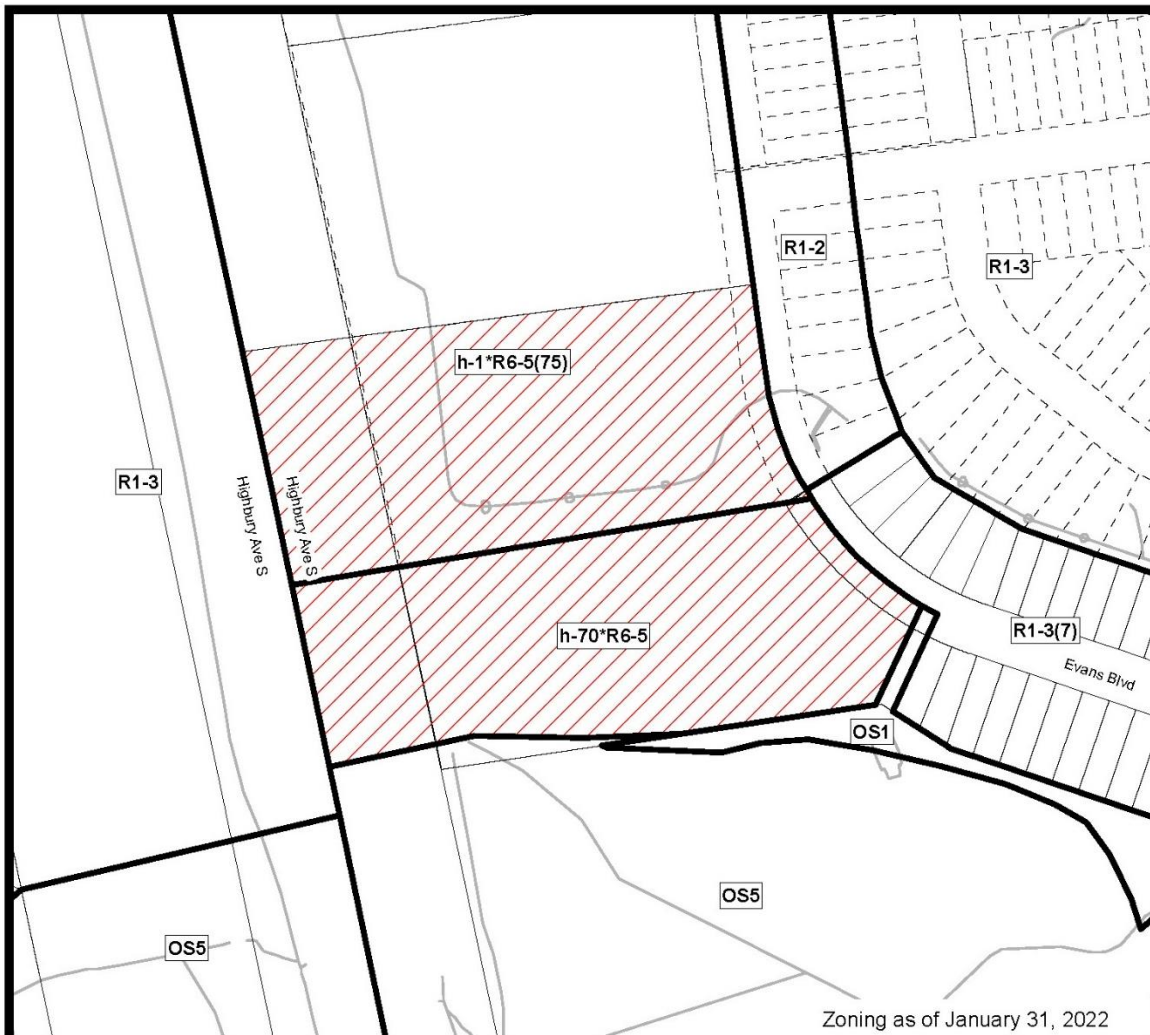
**Written:**  
None

### Significant Agency/Departmental Comments:

None

# Appendix C – Relevant Background

## Existing Zoning Map



### COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- 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
  
- 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
  
- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE
  
- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW
  
- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE
  
- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION
  
- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

### CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

H-9439

LM

MAP PREPARED:

2022/02/04

RC

1:2,500

0 12.525 50 75 100 Meters

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