

## Report to Planning and Environment Committee

**To:** Chair and Members  
**Planning and Environment Committee**  
**From:** Scott Mathers, Deputy City Manager, Planning and Economic Development  
**Subject:** Margrit Johnson  
307 Sunningdale Road East  
**Date:** Public Participation Meeting  
November 28, 2022

## Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of Margrit Johnson relating to the property located at 307 Sunningdale Road East:

- (a) the proposed by-law attached hereto as Appendix "A" for 307 Sunningdale Road East **BE INTRODUCED** at the Municipal Council meeting on December 13, 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 Residential R1 (R1-17) Zone, a Holding Residential R1 (h-2\*R1-17) Zone and an Open Space (OS5) Zone **TO** a Residential R6 Special Provision (R6-3(\_)) Zone and an Open Space (OS5) Zone;
- (b) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues for 307 Sunningdale Road East through the site plan review process:
  - i) Ensure the appropriate setbacks from the east and west property line as outlined in Appendix A to provide full protection to the boundary trees and critical root zones;
  - ii) Ensure that the proposed building/built form is oriented to both Skyline Avenue and Sunningdale Road East and establishes a pedestrian-oriented built edge with street oriented units;
  - iii) Ensure the extension of sidewalks to Sunningdale Road East along the private driveway;
  - iv) Ensure that no part of any required interior side yard shall be used for any purpose other than landscaped open space excluding swimming pools, but decks or patios may be permitted.
  - v) Ensure a north exterior yard setback of minimum 8.0 metres and maximum of 11.0 metres, and a north parking area setback of 11.2 metres.

## Executive Summary

### Summary of Request

The applicant has requested amendments to Zoning By-law Z.-1 to rezone the subject site to facilitate a two storey, ten (10) unit cluster single detached dwelling development, with a proposed density of 19 units per hectare and an increase in the open space area.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended amendment is to permit the development of a two storey, ten (10) unit cluster single-detached dwelling development with a maximum density of 25 units per hectare on the property, where a single-detached dwelling is currently located on an oversized remnant residential lot. The following special provision would ensure the site is developed generally in accordance with the site concept plan contemplated through the Zoning By-law Amendment process and

identify existing conditions: ensure the appropriate setbacks from the east and west property line as outlined in Appendix A to provide full protection to the boundary trees and critical root zones

**Rationale of Recommended Action**

- i. The recommended amendments are consistent with the *PPS 2020*.
- ii. The recommended amendment to Zoning By-law Z.-1 conforms to the Low Density Residential and Open Space policies of the 1989 *Official Plan*.
- iii. The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of *The London Plan*, including, but not limited to the Neighbourhoods Place Type, City Building and Design, Our Tools, and all other applicable policies in *The London Plan*.
- iv. The recommended amendment facilitates the development of a site within the Built-Area Boundary with an appropriate form of infill development on a large size lot located at the periphery of a residential neighbourhood.

**Climate Emergency**

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City of London is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. This includes intensification and efficient use of existing urban lands and infrastructure and the regeneration of existing neighbourhoods. It also includes aligning land use planning with transportation planning to facilitate transit-supportive developments and encouragement of active transportation.

**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**

None.

**1.2 Planning History**

None.

**1.3 Property Description**

The subject lands are located on the south side of Sunningdale Road East, to the west of the T-intersection with Lindisfarne Road, between Richmond Street and Adelaide Street North. The subject site is currently developed with a two-storey single detached residential dwelling, along with a detached garage and an in-ground pool on the east side of the subject property. There are two existing access points to Sunningdale Road East, a grass pathway at the west side of the site for pedestrians, and the driveway on the east side of the site for vehicles. At present, there is no driveway access to Skyline Road, as a wooden post and rail fence and a row of trees currently exist along the property line.

Sunningdale Road East is a two-lane Civic Boulevard with an average daily traffic volume of 16,000 vehicles per day. Improvements for the Sunningdale Road East between Richmond Street and Adelaide Street including widening and construction to a 4-lane urban cross section are anticipated to start construction in 2025, subject to

approvals. Skyline Avenue is a Neighbourhood Connector with an average daily traffic volume of 1,500 vehicles per day.

The entirety of the subject lands is located within an area regulated by the Upper Thames River Conservation Authority (UTRCA), and UTRCA mapping shows their regulated area includes lands to the west and north. Provincially Significant Wetlands (PSW) and Significant Valleylands are located within the adjacent Heron Haven Park to the west. Land uses to the north include the Sunningdale Road East right-of-way and Open Space. Land uses to the east and south include single-detached dwellings.

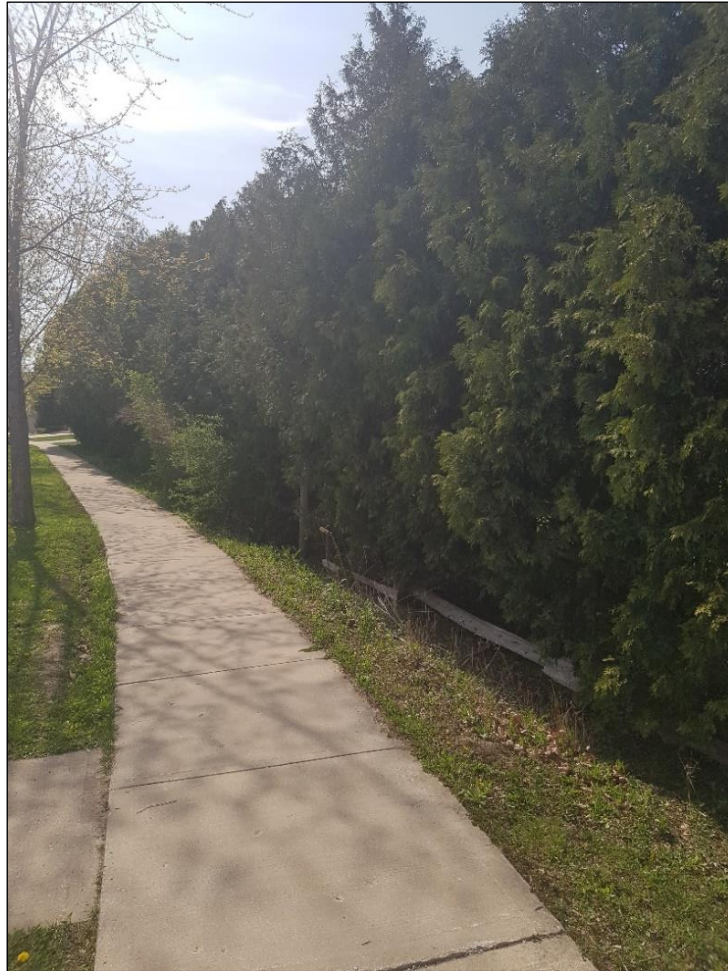
An Imperial Oil pipeline lies within the north part of the existing Sunningdale Road East road-allowance. Buildings are required to be set back 20 metres from the centreline of the pipeline.

Land Uses in the broader area include:

- Open Space and agricultural lands to the north;
- Single-detached dwellings to the east;
- Single-detached dwellings to the south; and,
- Open Space and single-detached dwellings to the west.



Figure 1: Street view of 307 Sunningdale Road East (view from Sunningdale Road East looking south)



*Figure 2: Figure 2: Street view of 307 Sunningdale Road East  
(view from Skyline Avenue looking west)*

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

- 1989 *Official Plan* Designation – Low Density Residential and Open Space
- *The London Plan* Place Type – Neighbourhoods Place Type fronting a Civic Boulevard and Neighbourhood Connector
- Existing Zoning – Residential R1(R1-17) Zone, a Holding Residential R1 (h-2\*R1-17) Zone and an Open Space (OS5) Zone

**1.4 Site Characteristics**

- Current Land Use: Single-detached dwelling
- Frontage – 60 meters (196.9 ft)
- Depth: 105.7 meters (346.8 ft)
- Area: 0.6 hectares (6,394 m<sup>2</sup> or 1.58 acres)
- Shape: regular (rectangular)

**1.5 Surrounding Land Uses**

- North – Open Space
- East – Low Density Residential
- South – Low Density Residential
- West – Open Space and Low Density Residential

**1.6 Intensification**

- The proposed development will represent intensification within the Built-Area Boundary.
- The proposed development will represent intensification outside the Primary Transit Area.



1.7 Location Map

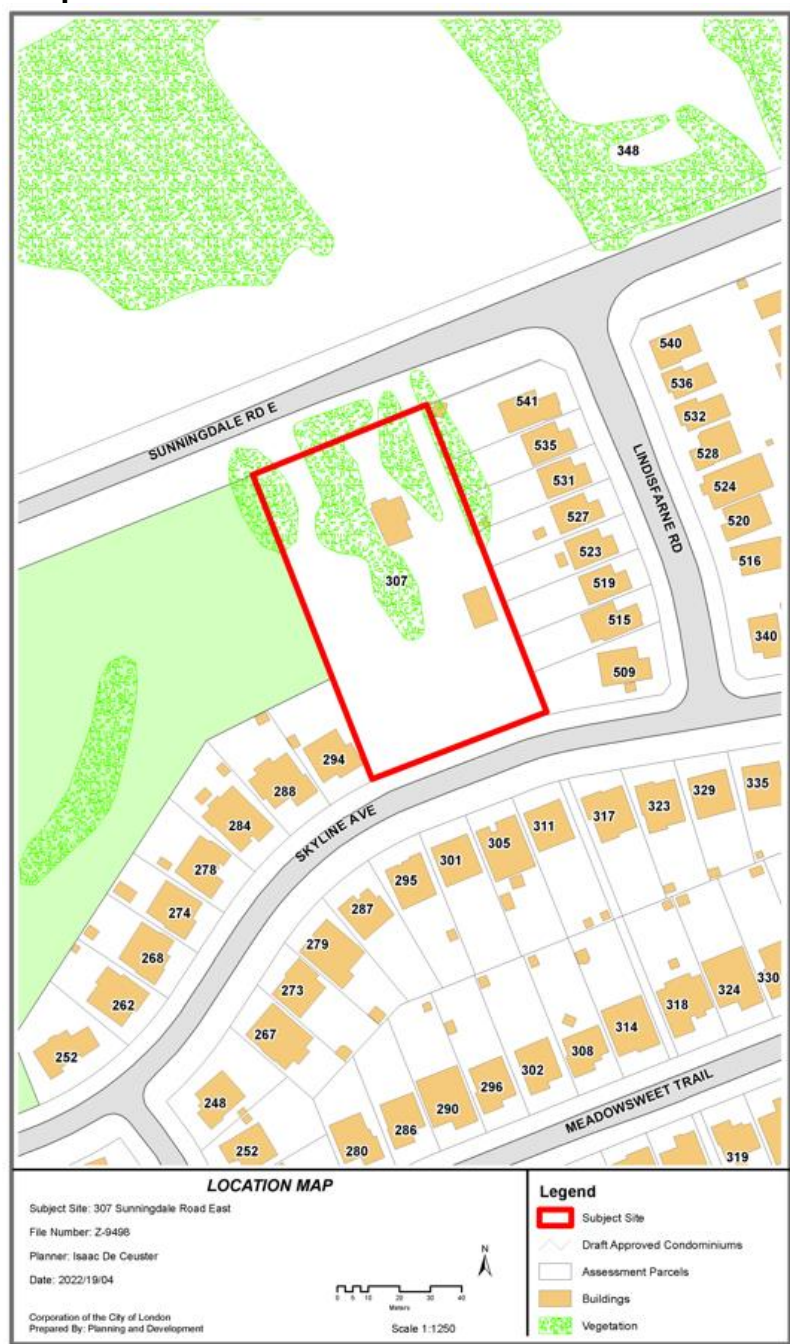


Figure 3: Location Map 307 Sunningdale Road East.

1.8 Aerial Perspective



Figure 4: Aerial Perspective 307 Sunningdale Road East.

# Description of Proposal

## 2.1 Development Proposal

In March 2022, the applicant submitted a zoning by-law amendment application for a two storey, twelve (12) unit cluster single detached dwelling development, a maximum density of 25 units per hectare and an increase in the open space area.

The proposed building floorplate ranges from approximately 127m<sup>2</sup> to 142m<sup>2</sup>, with the final size of the proposed dwellings ultimately determined through a future Site Plan application.

Due to the shape of the subject lands and the constraints on development caused by the Provincially Significant Wetland buffer at the northwest corner of the property, it was determined that the property would be most efficiently developed with dwelling units fronting onto a private road extending north from Skyline Avenue.

The proposal also includes enhanced landscaping along the front and rear lot lines to soften the appearance of single-detached dwellings side-lotting onto the public rights-of-way. The application includes a conceptual site plan, shown below as Figure 5.

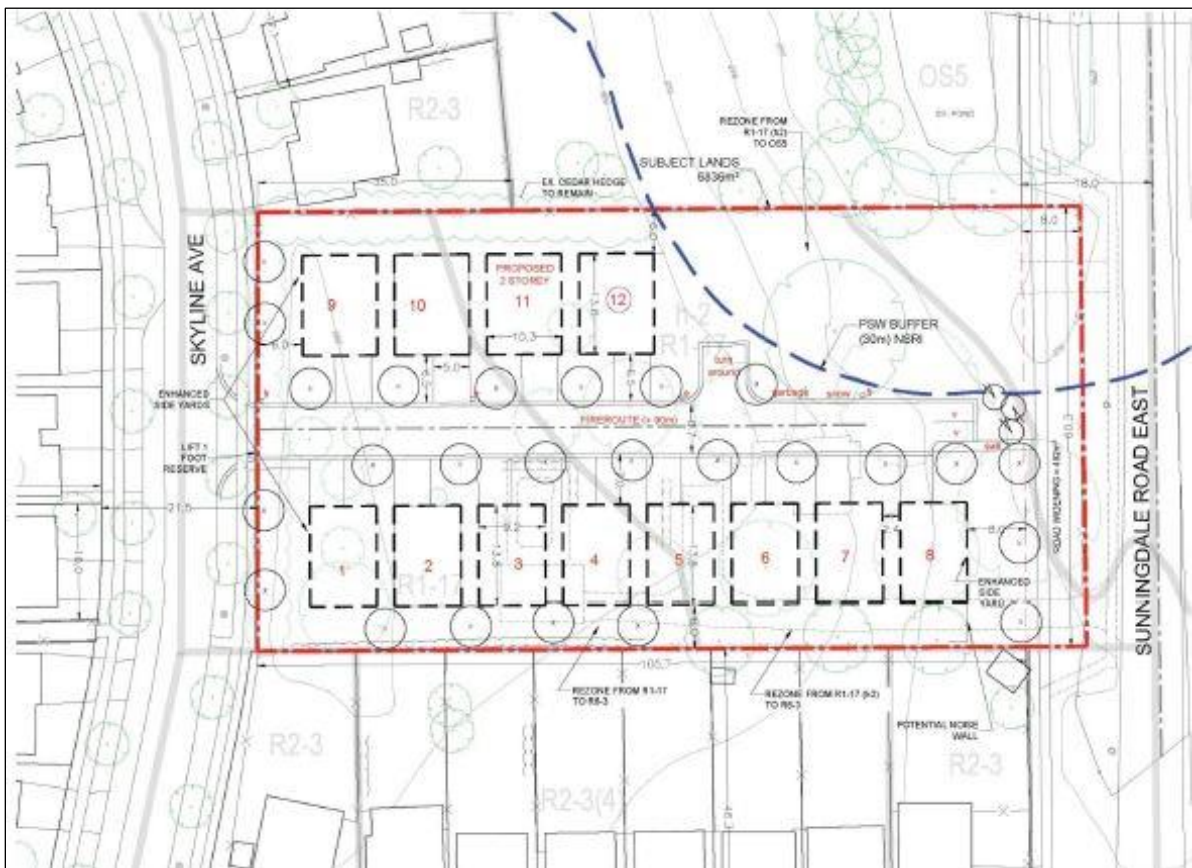


Figure 5: Potential Development Plan for 307 Sunningdale Road East.

Based on comments from staff, the applicant submitted a revised conceptual site plan in October 2022, shown in Figure 6 below. This revised plan includes a reduction in the proposed units from 12 to a total of 10 units, and a re-orientation of dwelling unit numbers #1 and #7 to provide further separation from the boundary trees on the east side of the property.



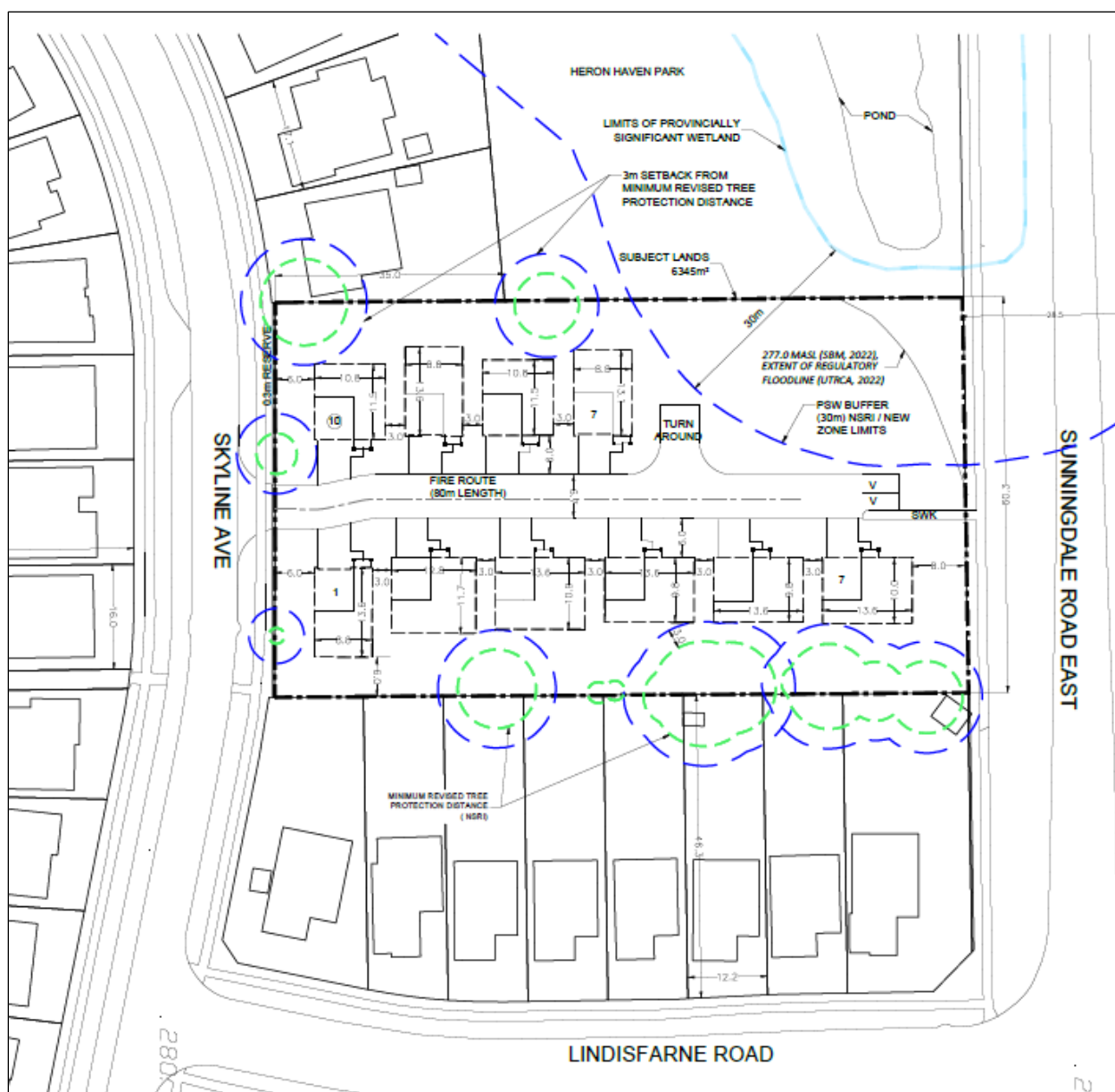


Figure 6: Revised Potential Development Plan for 307 Sunningdale Road East, October 4, 2022.

## 2.2 Requested Amendments

The applicant has requested to rezone the site from a Residential R1 (R1-17) Zone, a Holding Residential R1 (h-2\*R1-17) and an Open Space (OS5) Zone to a Residential R6 Special Provision (R6-3(\_)) Zone and an Open Space (OS5) Zone for the existing Natural Heritage feature, which includes a buffer to the Provincially Significant Wetland located to the west of the subject site.

## 2.3 Community Engagement

On April 27, 2022, Notice of Application was sent to 152 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday April 28, 2022. A “Planning Application” sign was also placed on the site.

The public was provided with opportunities to provide comments and input on the application. There were 8 public responses received during the community consultation period, and these comments have been included in Appendix B.

Concerns expressed by the public relate to:

- Loss of trees on the site
- Environmental impacts
- Vehicular access
- Increased traffic

- Construction Impacts (request for construction traffic to come off Sunningdale Road)
- Potential loss of on-street parking on Skyline Avenue
- Grading/stormwater
- Heritage value existing farmhouse
- Decrease in property value

## 2.4 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report. Detailed comments are included in Appendix B of this report.

## 2.5 Policy Context (see Appendix C for more detail)

### ***Provincial Policy Statement (PPS), 2020***

The *Provincial Policy Statement, 2020* (PPS) provides policy directions on matters of provincial interest related to land use planning and development in Ontario. The *PPS* supports a comprehensive, integrated, and long-term approach to planning, and in accordance with Section 3 of the *Planning Act*, all planning decisions shall be consistent with the *PPS*. The *PPS* is meant to be read in its entirety, with no implied priority in the order in which the policies appear. Part IV of the *PPS* sets out a vision that focuses growth and development within settlement areas and encourages efficient development patterns to optimize the use of land, resources and public investment in infrastructure and public service facilities. The proposed development is consistent with the *PPS*, the following paragraphs summarize the most relevant policies.

The *PPS* encourages healthy, liveable and safe communities, promoting efficient development and land use patterns; intensification, redevelopment and compact form; accommodating an appropriate range and mix of residential types and other uses to meet long-term social, health, economic and well-being requirements of current and future residents. (1.1.1 a, b, e, 1.1.3.1). Further, Section 1.4.3 of the *PPS* promotes efficient densities for an appropriate range and mix of housing options and densities (1.4.3 a).

Finally, the *PPS* also supports promoting development and land use patterns that conserve biodiversity. The proposed development concept and implementing Zoning By-law Amendment recognize and protect the natural heritage features adjacent to the subject lands, through the inclusion of a 30-metre buffer from the adjacent Provincially Significant Wetland (Policies 1.1.1 h), 2.1.1, 2.1.2, 2.1.8).

The intended use of the site aligns with the vision of the *PPS* to achieve healthy, liveable, and safe communities by promoting efficient development and land use patterns. The development supports a compact urban form, as it seeks to intensify lands within the Urban Growth Boundary (UGB).

### ***Official Plan, 1989***

Through the Ontario Land Tribunal (OLT) decision on May 25, 2022, the *1989 Official Plan* for the City of London was repealed by City Council and replaced with *The London Plan*. However, since the Zoning By-law application for 307 Sunningdale Road East was submitted before *The London Plan* was in full force and effect, the application must conform to both the *1989 Official Plan* and *The London Plan*.

The *1989 Official Plan* contains the objectives and policies to guide the physical development of all lands within the boundary of the municipality and is consistent with the policy direction prescribed in the *PPS*. The subject site is designated as Low Density Residential (LDR), with a small portion of 'Open Space' in the northwest corner of the property.



The 1989 *Official Plan* identifies that development within areas designated Low Density Residential shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction, and loss of privacy. Section 3.2.2 i) outlines that development of low-density residential uses shall be subject to appropriate site area and frontage requirements in Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses and shall result in net densities that range to an approximate upper limit of 30 units per hectare (12 units per acre).

Section 3.2.3 defines residential intensification as 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.

A Planning Impact Analysis will be used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses.

Section 8A sets out that the Open Space designation is applied to lands which are to be maintained as park space or in a natural state. These lands include public and private open space, flood plain lands, lands susceptible to erosion and unstable slopes and natural heritage areas which have been recognized by Council as having city-wide, regional, or provincial significance (8A.2.1). A limited range of non-intensive uses are permitted within the 'Open Space' designation, including but not limited to parks, cemeteries, and private golf courses (8A.2).

Schedules B-1, B-2, and C of the 1989 *Official Plan* are no longer in force and effect, as they have been replaced by the in-force Schedules and Policies of The London Plan applicable to Natural Heritage features, which are discussed in Section 4.4 of this report.

The requested uses for the subject site are consistent with the low density residential policies regarding function, permitted uses and urban design in the 1989 *Official Plan*, and support the objectives for the Open Space designation.

### ***The London Plan, 2016***

The City of London Council adopted a new Official Plan in 2016, which is in full force since May 25, 2022, when the OLT issued a decision to resolve all remaining policy appeals.

The subject site is located in the Neighbourhoods Place Type, with frontage along a Civic Boulevard - Sunningdale Road East, and frontage along a Neighbourhood Connector - Skyline Avenue.

Policy 920\_6 of *The London Plan* sets out that where development is being considered on a lot that has frontage on two or more streets of different classifications but is not located at an intersection, such as in existing rear-lotted neighbourhoods, the lower-order street will generally be used to establish the permitted uses and intensity of development on Tables 10 to 12 (Policy 920\_6). Therefore, the Neighbourhood Connector, Skyline Avenue, would permit a range of residential uses including single detached, semi-detached, duplex, converted dwellings, townhouses, stacked townhouses, triplexes and small-scale community facilities (Policy 921\_).

The Neighbourhood Place Type situated along a Neighbourhood Connector requires a minimum height of 1-storey and permit a standard maximum height of 3-storeys. Zoning is applied to ensure the intensity of development is appropriate to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback and landscaped open space (Policy 935\_).

All planning and development applications will conform with the City Design policies of The London Plan. New developments should be designed to avoid rear lotting and to avoid noise walls that are required to protect amenity areas as defined by provincial guidelines (Policy 936\_). All planning applications are to be evaluated with consideration of the use, intensity and form that is being proposed, subject to specific criteria set out in The London Plan (Policy 1578\_).

Residential Intensification means the development of a property, site, or area at a higher residential density than currently exists (Policy 938\_). In addition to the City Design policies of The London Plan, residential intensification projects are subject to additional urban design considerations (Policy 953\_). New proposals must clearly demonstrate that the proposed intensification project is sensitive to, compatible with, and fit within the existing neighbourhood context. Additionally, the intensity of the proposed development shall 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 (Policy 953\_).

The Environmental Policies of The London Plan require the submission of environmental impact studies to determine whether, or the extent to which, development may be permitted in areas, within, or adjacent to, specific components of the Natural Heritage System. They will confirm or refine the boundaries of components of the Natural Heritage system, and will include conditions to ensure that development does not negatively impact the natural features and ecological functions for which the area is identified (Policy 1431\_).

Environmental impact studies are required where development or site alteration is proposed within or adjacent to components of the Natural Heritage System. In accordance with the policy framework, the City requires an environmental impact study be completed to its satisfaction, and in accordance with provincial policy, in consultation with the relevant public agencies prior to the approval of a planning and development application, where development or site alteration is proposed entirely or partially within the distances adjacent to Natural Heritage System components set out in Table 13 – Areas Requiring Environmental Study (Policy 1432\_).

The London Plan sets out that development or site alteration on lands adjacent to features of the Natural Heritage System shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (Policy 1433\_).

### **3.0 Financial Impacts**

There are no financial impacts to the City of London associated with this application.

### **4.0 Key Issues and Considerations**

#### **4.1. Issue and Consideration #1 – Use**

*The Provincial Policy Statement, 2020*

The recommended amendment is in keeping with the goals of the PPS as it facilitates the development of an underutilized site within an established residential neighbourhood and represents a form of intensification through infill development. The proposed single-detached dwelling cluster development contributes to the mix of housing types in the area by providing choice and density in housing options for both current and future residents. Consistent with the PPS, intensification of the subject lands would optimize the use of land and public investment in infrastructure. Located within an established area of the city, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth and development than the existing single detached dwelling.

*The London Plan*

The subject lands are within the Neighbourhoods Place Type, with frontage on both the Civic Boulevard, Sunningdale Road East, and the Neighbourhood Connector, Skyline Avenue. The range of uses permitted within the Neighbourhoods Place Type is directly related to the street-classification onto which a property has frontage (Table 10- Range of Permitted Uses in Neighbourhoods Place Type). The proposed single detached dwellings are included in the range of permitted uses within the Neighbourhoods Place Type for sites fronting on both a Neighbourhood Connector and Civic Boulevard.

#### *1989 Official Plan*

The primary permitted uses in areas designated Low Density Residential shall be single detached, semi-detached, and duplex dwellings. Residential intensification proposals may also be permitted subject to the provisions of policy 3.2.3. The proposed single detached dwellings that are contemplated, are permitted and serve as a form of intensification through infill development.

Consistent with the PPS, The London Plan, and the 1989 Official Plan, the recommended ten single-detached dwellings will contribute to the existing range and mix of housing types in the area, which consists mainly of two-storey single detached dwellings to the north, east and west. The recommended zoning would also permit semi-detached and duplex dwellings, providing flexibility for the future development of the property, while limiting permitted development to a low-rise, low-density form.

## **4.2. Issue and Consideration #2 – Intensity**

#### *The Provincial Policy Statement, 2020*

The PPS directs growth to settlement areas and encourages their regeneration (1.1.3.1). The PPS sets out that land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (1.1.3.2). Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated considering matters such as existing building stock, brownfield sites, and suitable existing or planned infrastructure and public service facilities to accommodate projected needs (1.1.3.3). Finally, the PPS promotes appropriate development standards which facilitate intensification, redevelopment, and compact form while avoiding or mitigating risks to public health and safety (1.1.3.4).

The proposed development is of a suitable intensity for the site, and consistent with the PPS given the identified site is located where the City's Official Plans direct and support residential intensification and redevelopment.

#### *The London Plan*

The London Plan contemplates intensification in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83\_). 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 (Policy 937\_). The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. As outlined in Policy 920.6, where development is being considered on a lot that has frontage on two or more streets of different classifications but is not located at an intersection, such as in existing rear-lotted neighbourhoods, the lower-order street will generally be used to establish the permitted uses and intensity of development on Tables 10 to 12. A minimum height of 1 storey and a maximum height of 3 storeys, is contemplated within the Neighbourhoods Place Type where a property has frontage on a Neighbourhood Connector (Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

The subject property is of a size and configuration capable of accommodating a more intensive redevelopment than the existing single detached dwelling. At 0.6 ha (6,394



m<sup>2</sup>), the property is larger than the surrounding single-detached residential lots that range from approximately 550 m<sup>2</sup> to 690 m<sup>2</sup>. The removal of an existing single detached building and the construction of ten new single-detached condominium dwellings are consistent with Neighbourhoods Place Type intensification policies of The London Plan. Finally, the proposed two-storey height is less than the maximum heights permitted by The London Plan and overall is consistent with the Plan.

#### *1989 Official Plan*

The scale of development in the Low Density Residential designation shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy (3.2.2). The development of low density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law, and shall result in net densities that range to an approximate upper limit of 30 units per hectare (12 units per acre). The scale of development in 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 (3.2.3.2). Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low rise apartments. For the purpose of the 1989 Official Plan, development is only considered infill when it occurs on vacant or underutilized sites within an established residential neighbourhood (3.2.3.1)

The proposed development of ten single-detached dwellings equates to 19 units per hectare on the subject lands, less than the approximate maximum density of 30 units per hectare permitted in the Low Density Residential designation of the 1989 Official Plan. The recommended zoning would permit up to 25 units per hectare on the subject lands permitting a total of 13 units. The proposed development is of a suitable intensity for the site and is consistent with the 1989 Official Plan.

### **4.3. Issue and Consideration #3 – Form and Design**

#### *The Provincial Policy Statement, 2020*

The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

#### *The London Plan*

The London Plan encourages compact forms of development as a means of planning and managing growth. The London Plan encourages growing 'inward and upward' to achieve compact forms of development (Policy 59.2, Policy 79). The London Plan accommodates opportunities for infill and intensification of various types and forms (Policy 59.4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (Policy 59.8).

Within the Neighbourhoods Place Type, and according to the urban design consideration for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (Policy 953.3 a. to f.). Similar to the Planning Impact Analysis criteria within the *1989 Official Plan*, the Our Tools section of *The London Plan* contains various considerations for the evaluation of all planning and development applications (Policy 1578).

Development within the Low Density Residential designation of the 1989 Official Plan shall have low rise, low density housing form that minimizes problems of shadowing view obstruction and loss of privacy. Appendix D of this report includes a complete Planning Impact Analysis addressing matters of both intensity and form.

The proposed R6-3 Zone requires a minimum lot area of 5,000m<sup>2</sup> and a minimum lot frontage of 22 metres. These requirements are satisfied as the lands are approximately 5,345 m<sup>2</sup> and have a 60-metre frontage along both Sunningdale Road East to the north and Skyline Avenue to the south.

The proposed development would be fronting onto a private road extending north from Skyline Avenue. Two parking spaces for each unit are proposed to be provided in private driveway. A turn-around area is proposed to be provided north of Unit 10, with two visitor parking spaces at the northern terminus of the private road. The recommended Zoning would facilitate an appropriate form of development that will add new housing to the area.

Consistent with the PPS and conforming to the 1989 Official Plan and The London Plan, the recommended use for the subject site would optimize the development and the land and public investment in infrastructure in the area. Located on an oversized remnant residential lot in an established neighbourhood, the development contributes to achieving more compact form of growth in the area.

As mentioned, the applicant is anticipating that future planning applications to implement the proposed development vision will be filed by a future purchaser. Staff have highlighted various design and layout considerations for approval of a Site Plan application, including the need for a pedestrian walkway, tree preservation, unit to unit waste collection, ability of the turnaround to accommodate collection vehicles and emergency services, relocating visitor parking, orientation of units to face Sunningdale Road East, fencing, fire route signs and snow storage. Other considerations relate to building design including the need for a streetscape character analysis as part of a future Site Plan application, a full set of dimensioned elevations, and for buildings adjacent to a public street that building elevations be oriented toward the street; and the requirement for parkland dedication in the form of land (By-law CP-9), with balance of the dedication to be taken as Cash in Lieu. Additionally, fencing is required as per section 4.8 of SPO (Supplemental Standards for Parks and Open Spaces) for lands that abut open space lands. Lastly, there are transportation matters that will need to be addressed through the site plan review process, which includes the need for 1.5 metre clearance between proposed access and any hydro pole/signal poles/light standards and/or fire hydrant, a fully dimensioned access, provision of a vehicle turning diagram, to lift the existing 0.3 metre reserve along Skyline Avenue and to transfer a 0.3 metre reserve block along the Sunningdale Road frontage.

The full set of comments have been included in Appendix B.

#### **4.4. Issue and Consideration #4 – Neighbourhood & Agency Concerns**

Public comments received on the proposed application expressed concerns relating to the following:

- Loss of trees on the site
- Environmental impacts
- Vehicular access
- Heritage value existing farmhouse
- Impacts on adjacent properties including:
  - Construction impacts
  - Traffic & loss of street parking
  - Grading/stormwater
  - Privacy concerns due to loss of trees
  - Impact on property values

##### *Loss of trees on the site.*

Members of the public expressed concerns about the loss of trees on the site. The findings of the tree inventory completed by NRSI, overall protection measures and

recommended mitigation and compensation measures are outlined in Section 4.5 of this report.

#### *Environmental impacts*

Residents raised concerns about the environmental impacts on the flora and fauna on the subject site.

NRSI was retained by the applicant to complete an Environmental Impact Study (EIS) for the property located at 307 Sunningdale Road East. The EIS focused on ensuring that there will be no significant impacts to the adjacent Provincially Significant Wetland (PSW) and natural area with the development of the proposed subdivision. An Ecological Land Classification (ELC), tree inventory, a spring and fall vegetation survey, and wetland delineation were conducted to characterize the subject property.

No significant natural heritage features were found on the subject property nor within the proposed development limit. A 30-meter buffer was placed around the nearby PSW and will be reinforced by a retaining wall on the property. Candidate Significant Wildlife Habitat was assumed present within the PSW adjacent to the subject property and will continue to be considered throughout the planning stages of the proposed development. The potential impacts of the proposed development include; site grading, vegetation removal, hydrological changes, sedimentation and erosion, impacts from road salts, injury to trees and impacts to wildlife and vegetation communities. The recommended mitigation strategies to address these potential impacts will ensure that there are no significant negative impacts on the adjacent PSW feature or related wildlife and habitats. These strategies include the following proposed conditions of approval, to be considered during the Site Plan approval stage:

- Development of a Planting Plan to revegetate the 30m buffer surrounding the PSW;
- Development and implementation of a Salt Management Plan;
- Development and implementation of a Storm Water Management Plan;
- A Tree Preservation Report and an additional tree inventory if final design proposes encroachment into collected driplines in the east and west boundaries of the subject property;
- The installation and maintenance of heavy-duty combined sediment and erosion control fence and Tree Protection Fencing, supervised by a Certified Arborist, including immediate removal once construction activities have concluded;
- Restrict construction activities to 7:00am to 7:00pm, with artificial lighting turned away from natural features and dust suppression measures implemented;
- The design of directional lighting fixtures should be compliant with IDA Dark Sky standards;
- Development of an environmental guide to be handed out to all new homeowners to avoid/minimize residual impacts;
- Tree removal should occur with consideration to the protection and general timing windows for migratory birds and species at risk bats (April 1 – September 30);
- Ensure stabilization and re-vegetation of bare soils are completed as soon as possible after construction
- Preparation of a 2-year monitoring plan to observe survival of planted trees and vegetation on the subject property.

#### *Heritage Value existing farmhouse*

No heritage or archeological issues were identified during the pre-application process. A member of the public expressed a preference to consider a heritage designation for the farmhouse and to ensure their heritage-related comments were shared with a heritage planner from the City of London.

In response, staff can advise that the property is not designated pursuant the *Ontario Heritage Act* and is not listed on the Register of Cultural Heritage Resources.

#### *Construction Impacts*

Comments on construction impacts was made, mainly with a request for construction traffic to come off Sunningdale Road as opposed to Skyline Avenue. Construction



impacts will be temporary, and all traffic with construction will be coming off either a Neighbourhood Collector or Civic Boulevard.

#### *Vehicular Access, Traffic & loss of street parking*

Concerns on the impact of this development on traffic were also raised. Vehicular traffic to and from the proposed development will access Sunningdale Road via Skyline Avenue and Lindisfarne Road, following the established path of travel for other residents in this area.

Based on the minimum parking requirements in the City's Zoning By-law Z.-1 (Section 4.19), 2 parking spaces were required per single-detached dwelling. It should be noted that a Parking Standards Review with parking reductions was approved by Municipal Council on August 2<sup>nd</sup>, 2022. As such, the minimum parking requirements in the City's Zoning By-law Z.-1 (Section 4.19) is now 1 parking space per unit.

The conceptual site plan shows that two parking spaces per unit (for a total of 24), plus two visitor parking spaces will be provided. This is an adequate amount and will alleviate parking pressures on existing on-street parking on the south side of Skyline Avenue.

#### *Grading/stormwater concerns*

Members of the public have expressed concerns about how stormwater will be managed in relation to the adjacent provincially significant wetland. As part of the Site Plan process, grading will be addressed, and any surface or stormwater runoff will need to be contained on the subject lands. The City's storm servicing has capacity for the proposed development, and further review of the SWM calculations will occur at Site Plan.

#### *Privacy concerns due to loss of trees*

Members of the public expressed concerns about the loss of privacy due to the loss of trees. It is anticipated that enhanced side yards will be provided for the units adjacent to Skyline Avenue and Sunningdale Road East, and the cedar hedge along the periphery of the property will be maintained wherever possible to provide privacy.

### **4.5. Issue and Consideration #5 – Zoning**

The recommended amendment would facilitate the rezoning of the subject lands to a Residential R6 (R6-3 ( )) Special Provision Zone and an Open Space (OS5) Zone to facilitate a two storey, ten (10) unit cluster single detached dwelling development. As part of the recommended amendment, increased setbacks from the eastern and western property line are proposed. The proposed interior yard setback exceeds the minimum required setback to provide full protection to boundary trees and critical root zones. The h-2 holding provision is proposed to be removed from the northern portion of the site through the completion of the required EIS.

The 'R6' Zone is intended to permit and regulate medium-density development in various forms of cluster housing. The 'R6-3' Zone permits single-detached dwellings, semi-detached dwellings, and duplex dwellings, which would provide a future developer of the subject lands with the flexibility to develop various forms of low-density, low-rise housing on the subject lands at a maximum density of 25 units per hectare.

The 'OS5' Zone will be applied to the portion of the subject lands located within the 30-metre buffer to the adjacent PSW, consistent with the zoning on the adjacent park parcel. The 'OS5' Zone is intended to be applied to important natural features and functions with permitted activities limited to conservation lands/works, passive recreation, and managed woodlots (section 36.1). The implementation of the proposed 'OS5' Zone will support the protection of the adjacent PSW from development impacts and establish a development limit for the proposed residential intensification on the subject lands.

Overall, the proposed Zoning By-law amendment maintains the general intent and purpose of the City of London Zoning By-law Z.-1.

#### 4.5. Issue and Consideration #6 – Natural Heritage & Tree Protection

##### *The Provincial Policy Statement, 2020*

The PPS protects natural features and areas for the long term (2.1.1). Development and site alteration shall not be permitted in significant wetlands or significant woodlands (2.1.4 & 2.1.5). Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with Provincial or Federal requirements (2.1.7). Development and site alteration shall not be permitted on adjacent lands to these natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (2.1.8).

##### *The London Plan*

The London Plan policy 391\_ provides direction to manage our Urban Forest and achieve the goals of the plan by:

- Protecting existing trees, woodland ecosystems, and other vegetation;
- Maintain the health, structure, functions, and value of the Urban Forest; monitor changes in health, structure, functions, benefits, and value of the Urban Forest; and,
- Enhance the structure, function, and value of our Urban Forest through planting and rehabilitation of sites.

*Map 5 – Natural Heritage of The London Plan* does identify an ‘Unevaluated Vegetation Patch’ cutting across the northwest corner of the subject lands. This classification is considered to be interim in nature, until the significance of the patch can be confirmed through the completion of an environmental study (Policy 1383 & 1384).

##### *Loss of trees on site*

Natural Resource Solutions Inc. (NRSI) was retained by the applicant to complete a Tree Protection Report (TPR) for the proposed residential development on the subject site. A comprehensive inventory and assessment of trees within the development limit of the subject property was completed on October 26<sup>th</sup> and December 14<sup>th</sup>, 2021, and June 7<sup>th</sup>, 2022. In total, 165 trees were inventoried, comprising 15 species. Of the 165 trees inventoried, 18 are considered boundary trees due to their proximity to a boundary between the subject property and an adjacent property. Removal or impact of boundary, off-site, or municipal trees will require the permission of all owners involved, as per the *City of London Tree Protection By-law*.

After review by the City of London Landscape Architect, the March 2022 Tree Protection Report was not accepted. This was because the Minimum Protection Distances (critical root zones) of 8 boundary trees would sustain damage from the proposed development. The Tree Protection Report by NRSI acknowledged these injuries, as outlined below:

*“Section 12.1.3 of the Design Specification (City of London 2018) stipulates the size of any Minimum Protection Distance (MPD) based on the size of DBH of the protected trees. MPD for trees designated for retention are shown on Map 2, applying the protection distances specified for trees within Open Spaces and Woodlands as per the Design Specifications (City of London 2018). For all the trees designated to be retained, the MPD will not be possible to be maintained to its full extent due to the proposed development plan”* (Tree Preservation Report, NRSI, March 2022).

Other issues were identified by staff, including the need for the cedar trees comprising the 2 hedges on the east and west property lines to be further assessed, requirement of consent from owner of off-site tree and consent of co-owner of boundary trees will need to be provided to Development and Planning prior to injury, and the request for removal of City trees (Skyline boulevard- #58, 59, 63, 65, 83 and 84 trees and from Sunningdale boulevard #40, 166-169, 171-174). Finally, the recommendation was made to increase

the setback from east property line to furthest limits of Minimum Protection Distances of all boundary trees.

NRSI submitted a revised Tree Preservation Report in June 2022. After review by staff, the June 2022 Tree Protection Report was also not accepted, see also Appendix B for more details. The June 2022 Tree Protection Plan made no changes to protect the boundary trees growing along the eastern property line, and made no amendments to the proposed design to reduce tree impacts.

Comments by staff outlined that the limits of the building envelope established through the zoning regulations needs to provide full protection to boundary trees. Further, the proposed setback from the east property line as shown in the Tree Protection Plan and potential Development Plan is insufficient. The proposed tree preservation plan dated June 2022 was not accepted.

As mentioned in section 2.1 Development Proposal, a revised conceptual plan was submitted by the applicant in October 2022. This conceptual plan reduces the number of proposed dwelling units to ten (10) units. Further, all dwelling footprints are set back 3 metres from the critical root zones for the boundary trees.

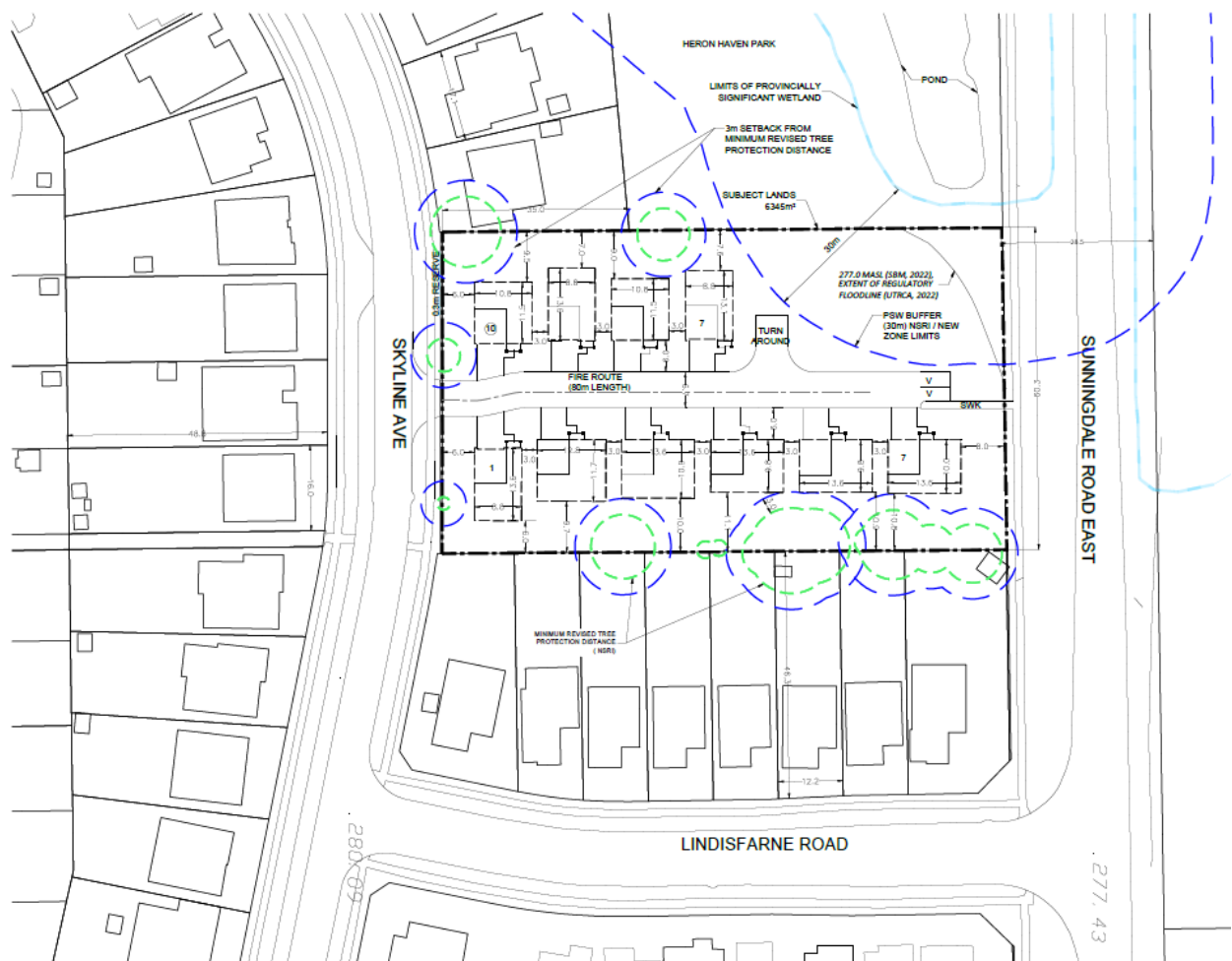


Figure 7: Revised Potential Development Plan for 307 Sunningdale Road East, October 4, 2022.

Staff reviewed the Revised Potential Development Plan and made the following comments:

*“Zoning must explicitly restrict excavation within the green dashed lines delineated on the provided concept plan this would including retaining walls. The applicant has included an additional 3 metre setback from the minimally required setback. This setback was used for the buildings footprints, so using it as the limits of disturbance would be difficult. There are ways to mitigate construction impacts, these can be addressed at site plan.”*

As such, Staff are satisfied that the revised concept meets the City’s Tree Protection Zone requirements.



Further, an updated Tree Protection Plan would be required with a future Site Plan Application. It is important to note that there is a timed restriction on tree reports, because as living entities, trees are susceptible to outside forces – wind, drought, diseases and would require a current inventory. The updated Tree Protection Plan shall clearly illustrate alignment of tree protection fencing and recommendations for construction mitigation. This is needed for compliance with inspections and would include matters such as how to work in proximity to roots and how to deal with exposed roots. In addition, there are city trees in the road allowances that will be impacted by the development. Forestry operations will require a detailed plan to assess impacts to roots of retained trees and which trees are proposed for removal. The evaluation of the city trees can also be addressed at Site Plan.

Although the revised concept plan is accepted, previous landscape architecture comments still apply:

- All tree removals must take place between September 1 and April 1<sup>st</sup> to avoid disturbing nesting migratory birds. Trees may be removed outside this window only if a qualified bird specialist has been determined there are not nesting birds in the trees. This requirement is in accordance with the Migratory Birds Convention Act, 1994.
- The Thuja occidentalis #90, 108, 153 and 154 appear to be boundary trees as captured on tree preservation plan and are therefore protected by the Forestry Act. Consent to injure or remove is required from co-owner/neighbour.

The entirety of the subject lands is located within an area regulated by the Upper Thames River Conservation Authority (UTRCA) under Section 28 of the *Conservation Authorities Act*. Development and site alteration within regulated areas are subject to the approval of the UTRCA. The UTRCA has indicated general satisfaction with the information contained with the zoning by-law amendment application, and has deferred the remainder of comments to the Site Plan Process and acknowledge that the development concept shown may change under new ownership. See Appendix B for more details.

## Conclusion

The recommended amendments are consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and the Neighbourhoods Place Type. Further, the recommended amendment is in conformity with the 1989 Official Plan, including but not limited to the Low-Density Residential designation. The recommended amendment will facilitate the development of new residential dwellings in an established neighbourhood, with a land use, intensity, and form that is appropriate for the site.

Through the EIS, no significant natural heritage features were found on the subject property or within the proposed development limits, and potential impacts to the adjacent PSW can be mitigated through recommended strategies resulting in no net effect to the PSW. Staff are satisfied that the revised concept submitted in October 2022 meets the City's Tree Protection Zone requirements. The recommended special provisions to regulate the interior east & west side yard setbacks will ensure protection of the existing boundary trees.

The requested amendments and special provision are recommended to facilitate the rezoning of the subject lands to facilitate a two storey, ten (10) unit cluster single detached dwelling development, a maximum density of 25 units per hectare and an increase in the identified open space area.

**Prepared by:** Isaac de Ceuster, Planner I, Long Range Planning and Research

**Submitted by:** Mike Corby, MCIP, RPP  
Manager, Planning Implementation

**Recommended by:**           **Heather McNeely, MCIP, RPP**  
   **Acting 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 Planning and Economic Development.

November 8, 2022

Cc:     Heather McNeely, Manager, Current Development  
          Michael Pease, Manager, Site Plans  
          Ismail Abushehada, Manager, Development Engineering

Z:\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2022 Applications 9472 to\Applications\Sunningdale Road East 307 (IDC) - Z-9498\02-Applicant Submission

## **Appendices**

Appendix A – Amendment to Schedule A (By-Law No. Z.-1)  
Appendix B – Public Engagement  
Appendix C – Policy Context  
Appendix D – Additional Maps

Appendix A

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

By-law No. C.P.-XXXX-\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 307  
Sunningdale Road East.

WHEREAS Margrit Johnson has applied to rezone an area of land located  
at 307 Sunningdale Road East, 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 307 Sunningdale Road East, as shown on the attached map  
comprising part of Key Map No. A102, from a Residential R1 (R1-17) Zone, a Holding  
Residential R1 (h-2\*R1-17) Zone and an Open Space (OS5) Zone to a Residential R6  
(R6-3 ( )) Special Provision Zone and an Open Space (OS5) Zone.
- 2) Section Number 10.4 of the Residential R6-3 Zone is amended by adding the following  
Special Provision:

)	R6-3( )	307 Sunningdale Road East
a)	Regulations	
	(i) Density	25 units per hectare
	(Maximum)	
	(ii) For the purpose of this by-law the front lot line shall be interpreted as Skyline Avenue	
	(iii) Main Building Setback	20 metres (65 feet)
	From Existing Imperial	
	Oil Pipeline	
	(Minimum)	
	(Z.-1-00836 - O.M.B. Decision # 2184 - December 1, 1999))	
	(iv) East Interior Side Yard	6 metres (19.66 feet)
	Setback within first 17.8m	
	of lot depth (minimum)	
	East Interior Side Yard	9.7 metres (31.8 feet)
	Setback between 17.8m	
	and 30.6m of lot depth	
	(minimum)	
	East Interior Side Yard	10 metres (32.8 feet)
	Setback between 30.6m	
	and 50.2m of lot depth	
	(minimum)	
	East Interior Side Yard	11.1 metres (36.42 feet)
	Setback beyond 50.2m	
	of lot depth (minimum)	



West Interior Side Yard Setback within first 16.8m of lot depth (minimum)	9.5 metres (31.17 feet)
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West Interior Side Yard Setback between 16.8m and 28.6m of lot depth (minimum)	7.0 metres (22.97 feet)
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West Interior Side Yard Setback between 28.6 and 42.4m of lot depth (minimum)	9.0 metres (29.53 feet)
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West Interior Side Yard Setback beyond 42.4m of lot depth (minimum)	7.6 metres (24.93 feet)
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(v) No part of any required interior side yard shall be used for any purpose other than landscaped open space excluding swimming pools, but decks or patios may be permitted.

(vi) North Exterior Yard Setback, and	8.0 metres (min.); 11.0 metres (max.)
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Parking Area Setback (North)	11.2 metres (min.)
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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.

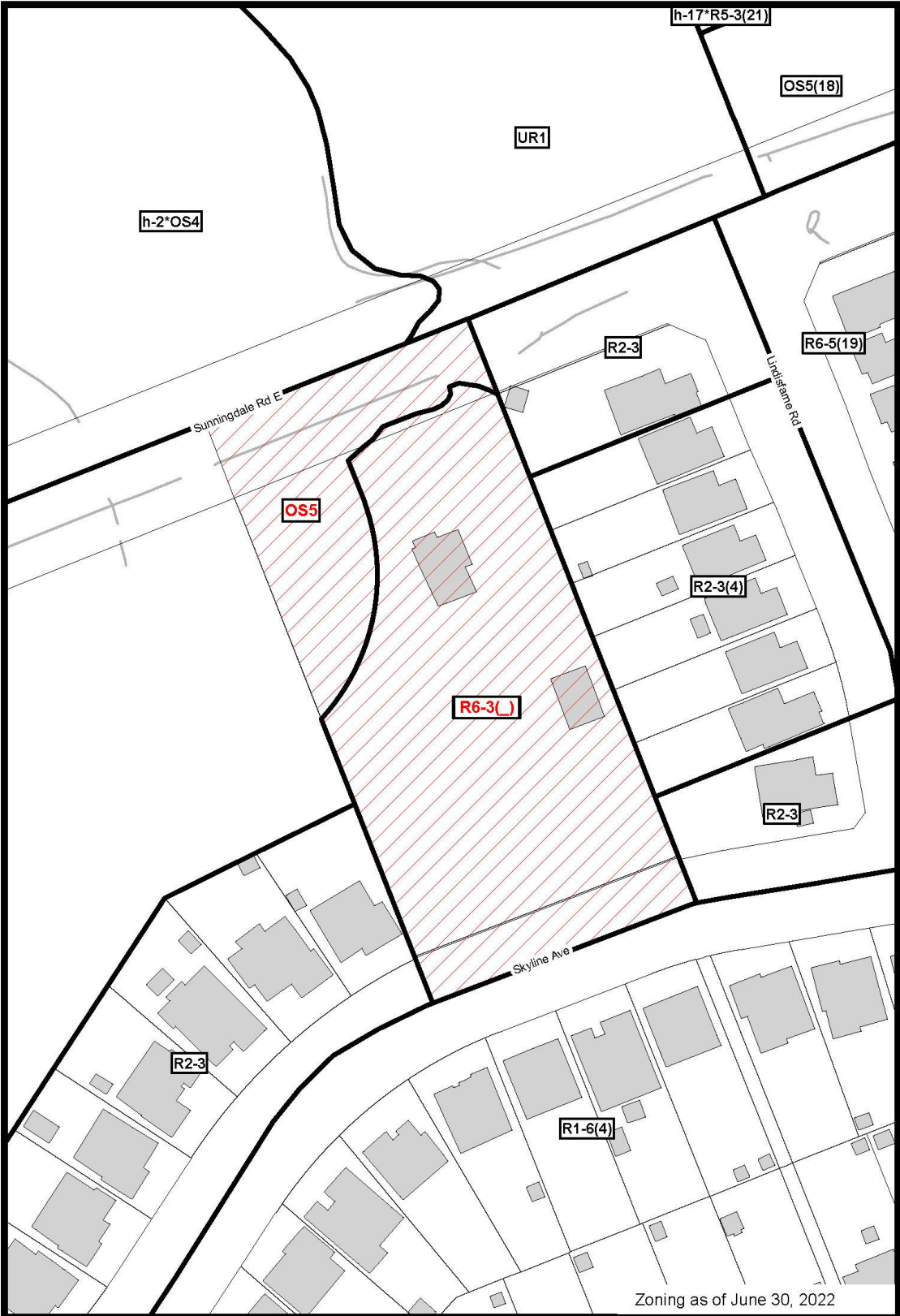
PASSED in Open Council on December 13, 2022.

Josh Morgan  
Mayor


Michael Schulthess  
City Clerk

First Reading – December 13, 2022  
Second Reading – December 13, 2022  
Third Reading – December 13, 2022

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



File Number: Z-9498  
Planner: ID  
Date Prepared: 2022/07/27  
Technician: RC  
By-Law No: Z.-1-

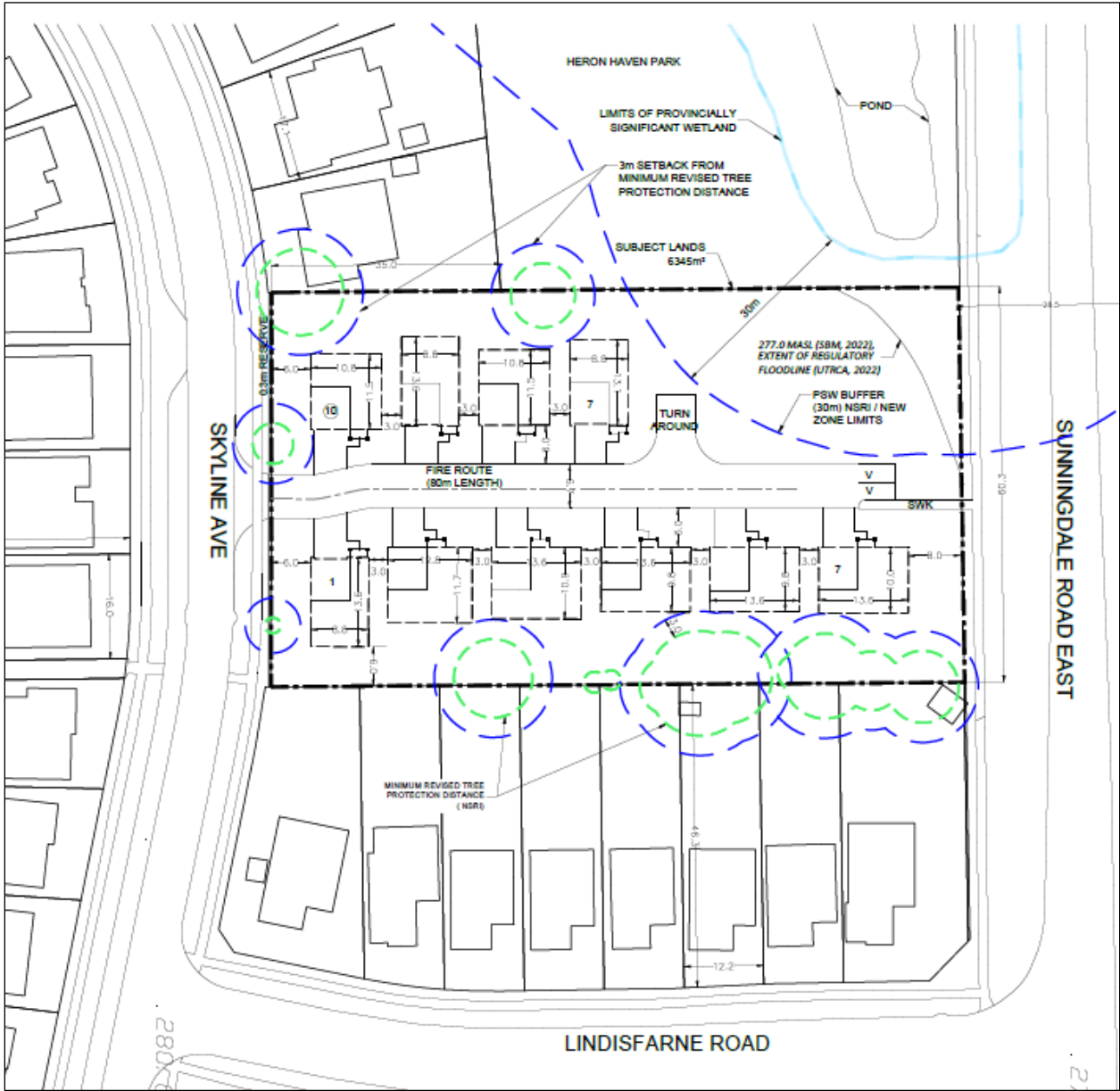
SUBJECT SITE 

1:1,000

0 5 10 20 30 40 Meters



Special Provisions – setbacks proposed units from property line



Appendix B – Public Engagement

Community Engagement

Notice of Application (April 27, 2022):

On April 27, 2022, Notice of Application was sent to prescribed agencies and City departments.

**Public liaison:** On April 27, 2022, Notice of Application was sent to 152 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday April 28, 2022. A “Planning Application” sign was also posted on the site.

Replies were received from 7 households.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit a two storey, twelve (12) unit cluster single detached dwelling development, with a maximum density of 25 units per hectare, and an increase in the open space area. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-17) Zone, a Holding Residential R1 (h-2\*R1-17) Zone and an Open Space (OS5) Zone **TO** a Residential R6 (R6-3) Zone and an Open Space (OS5) Zone. Permitted Uses would include: R6-3 – cluster single detached, semi-detached or duplex dwellings; OS5 – conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways and managed woodlots.

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

**Concern for:**

- Loss of trees on the site
- Environmental impacts
- Vehicular access
- Increased traffic
- Construction Impacts (request for construction traffic to come off Sunningdale Road)
- Potential loss of on-street parking on Skyline Avenue
- Grading/stormwater
- Heritage value existing farmhouse
- Decrease in property value

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

Telephone	Written
	John Brennon 288 Skyline Avenue, London.
	Mary Ann Leget 519 Lindisfarne Road, London.
	Arthur Thompson 27 Northcrest Drive, London.
	Sara Harvey & Marc Bancroft 301 Skyline Avenue, London.
	Steve Pearson and Sherry Waghorn 279 Skyline Avenue, London.
	Adela Gorodzinsky 404 Whisker Court, London.
	Catherine Mallory 28 Cartwright Street, London.
	Julie Ann Medeiros 323 Skyline Avenue

From: John Brennan  
Sent: Friday, May 6, 2022 5:48 PM  
To: de Ceuster, Isaac  
Subject: Zoning By-Law Amendment – Z-9498 – Margrit Johnson

Isaac and Maureen

I am writing to express my concern regarding the above mentioned zoning by-law amendment.

We purchased our property in 2006 and believe that his amendment will significantly increase the traffic in our area, could result in the loss of many mature trees and make it increasingly more dangerous for young children in our area.

We have a couple of questions regarding the amendment as follows:

- 1). The subject property is a very mature treed lot with various types of trees but most importantly a large, mature cedar hedge on the south and west boundaries of the property. What assurances can you provide that these mature trees and more importantly the mature cedar hedge will remain intact and unharmed by the construction of the 12 single two storey homes?
- 2). Can you please advise where the proposed residents of this property will enter/exit the property. The address is 307 Sunningdale Road East. Will they continue to enter/exit the property from Sunningdale Road only?

We feel that this will adversely impact our enjoyment of our property, increase traffic in our area, make it more dangerous for young children and seriously impact our property values.

I have always been amazed how much grief the Upper Thames River Conservation Authority gives to anyone trying to remove a tree let alone many trees. Yet when the City wants to do something and authorizes a development to go ahead, the entire property in the development is simply stripped of all trees, trees that took years and years to grow! Seems two sided to me.

Please provide you answers to the above at your very earliest.

Sincerely,

John Brennan,

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From: Mary Ann Leget  
Sent: Friday, May 13, 2022 5:06 PM  
To: de Ceuster, Isaac  
Subject: 307 Sunningdale Road East

Good Afternoon Mr. De Ceuster,

We have received and reviewed the Notice of Planning Application for 307 Sunningdale Road East. I have also reviewed the Tree Preservation report. It was not wholly clear to me from that report what the plan is with respect to the hedgerow trees on the east border. We live at 519 Lindisfarne and our yard borders the east side of the subject property. I am hoping that the hedgerow trees on the east boundary will not be removed. They provide a great deal of privacy for our properties on Lindisfarne Road and is one of the reasons we purchased our house. In addition, that hedgerow of trees provides a natural habitat for a number of bird species and its removal would disrupt those habitats.

I was highly disappointed to see that 54 trees are slated for removal. We do live in the Forest City and I would have thought that the importance of maintaining existing trees would be a paramount consideration.

I truly hope that the preservation of the hedgerow trees will be taken into account when undertaking your proposed development. If they are to be removed for some unfortunate reason, I would appreciate receiving ample notice.

Mary Ann Leget

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From: Arthur Thompson  
Sent: Saturday, May 14, 2022, 2:08 PM  
To: de Ceuster, Isaac  
Subject: 307 Sunningdale Road East

Hello Mr. de Ceuster,

Please include this letter in any further public meetings. I am writing today regarding my concerns with the proposed development at 307 Sunningdale Road East - specifically regarding tree loss and demolition of the old farmhouse.

I would like the applicants to consider repurposing the old house by splitting it into multiple apartments, perhaps with condos positioned around the old structure. There is



precedent for this - heritage farmhouses at 2096 Wonderland Road North, 1154 Sunningdale Road East, and 6092 Pack Road have all been retained in some manner - some have redeveloped the original structure by dividing it into apartments, while others have also placed other residences around the original building.

I am also concerned about the amount of trees due to be lost to this development - I would like to see a revised plan that reduces the number of required tree removals. I would also ask that any replacement plantings avoid the use of the usual hackberry and linden trees, which although tolerant to urban pollution, are very slow growing and never reach heights tall enough to provide any meaningful form of privacy.

Finally, would the City perhaps consider a heritage designation for the farmhouse?

Thanks so much,

Arthur Thompson

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From: Marc Bancroft  
Sent: Friday, May 20, 2022, 9:56 AM  
To: de Ceuster, Isaac  
Subject: File: Z-9498 – Margrit Johnson

Good morning Mr. de Ceuster,

We offer the following comments that should be considered in the evaluation of the subject proposal in response to the Notice of Planning Application received.

The subject property provides an important historical context in the area being the site of the original farmhouse for the Upland Hills Subdivision and known locally as Lindisfarne as confirmed by the small wooden sign found at the laneway at Sunningdale Road. The name Lindisfarne also applies to the street which provides a linkage from Sunningdale Road to Skyline Avenue. That original farmhouse still stands today being of century-old vintage yellow brick offering unique heritage qualities. It is strongly encouraged that the City require this dwelling to be retained as part of this redevelopment to preserve this local history. Please ensure these comments are shared with your heritage planner.

In terms of vehicular access, the City should consider the use of Sunningdale Road as opposed to Skyline Avenue. We should remind the City that there is local precedent in allowing access onto an arterial road where the subject property is a through-lot and backs onto a local street. The specific precedent would be lands located on the north side of Fanshawe Park Road which back onto Donnybrook Road being the local street. In that particular case, vehicular access is restricted to Fanshawe Park Road. The City could also consider limited access to the site via Sunningdale Road with precluding left turns entering and exiting the site through the use of a median applied elsewhere along Sunningdale Road.

At the very least, all construction traffic should come off Sunningdale Road as opposed to Skyline Avenue especially from a public safety standpoint. There is a curve in Skyline Avenue opposite the subject lands where we have witnessed too many close calls from speeding motorists. Considering the posted speed limit for Sunningdale is same as Skyline, this would also make sense.

According to the site concept, it shows *enhanced side yards* adjacent to Skyline Avenue, which warrants definition. Along that interface, we would ask that the City require the developer to retain the existing cedar hedge considering it is also to be retained along the west side of the property according to the concept.

Regarding the adjacent provincial significant wetland and the presence of numerous mature trees on the property, we would ask that the developer be required to retain as

much vegetation as possible considering there is no shortage of birds and small animals including rabbits that frequent the property.

How is stormwater management being addressed considering the concept shows no information in that regard. This is particularly concerning given the adjacent provincially significant wetland.

We trust that the City will obtain a widening dedication along Sunningdale Road to ensure that the sidewalk along the frontage of the subject property adjacent to the traveled portion of the road is realigned with existing stretches of sidewalk east and west of the property which are further setback from the road. The current sidewalk layout is unsafe and concerning with the speed of traffic despite the posted maximum speed limit of 50 km per hour.

In closing, we are requesting that we be notified of any decisions made by the City of London. Also, can you please advise when this matter will be considered by the Planning and Environmental Committee. Lastly, please confirm receipt.

thank you

Sara Harvey & Marc Bancroft

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From: Sherry Waghorn  
Sent: Friday, May 20, 2022, 12:07 PM  
To: de Ceuster, Isaac  
Subject: File: Z-9498

This Email is in response to the above mentioned file on Skyline Ave. Our concern with the proposed plan is the increased traffic on an already busy street if the access and egress to the development is being considered onto Skyline Ave. A further concern we have is that there will be an increase in use of the on street parking lane that is on the south side of Skyline Ave. by overflow traffic from the proposed development particularly if the entrance and exit to the development is not by way of Sunningdale Ave. The parking lane is already heavily used by current residents of Skyline Ave., their guests and service vehicles attending calls at their homes. A current similar development further up the street at 400 Skyline, Expressions in Uplands, provides ongoing evidence that a lack of sufficient parking in the complex proper, results in overflow using the on street parking. To mitigate a negative impact on the existing neighbourhood homes, traffic, and parking on Skyline Ave., the only access to the development should be by way of Sunningdale Ave.

Steve Pearson and Sherry Waghorn

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From: Adela Gorodzinsky  
Sent: Saturday, June 11, 2022, 11:06 PM  
To: de Ceuster, Isaac  
Subject: Sunningdale Ave

Dear Mr. De Ceuster,

I would like to bring to your attention a concern that I have had for the last 5 years. I reside in Upland Hills and I have witnessed the development of all the buildings rising on Sunningdale Ave. between Richmond Ave and Adelaide St.

I have witnessed and experienced how the traffic has increased. When I saw this beginning to happen, I sent a letter to the then counsellor of City development expressing my concerns. I explained to her that the City has allowed for construction of homes and buildings but you are not widening the roads and that was a recipe for heavy traffic and traffic jams to develop.

At that time she took about 6 months to respond to me saying that "They are looking into that". By now, the streets have NOT been widened and the buildings have gone up. I wonder why it is that you are not planning ahead and you are allowing for such inconveniences to happen in what used to be our "Forest City". Those traffic jams could have easily been avoided. You could have made our City beautiful and efficient. Instead, we have narrow roads with building coming up to almost the roads, no inlets for deliveries nor pick ups or drops offs, most dangerous as well. Do you yourselves not live in the City as well? Does the City Council not care about the aesthetics and flow of our City?

I would appreciate a response to this matter.

Sincerely,

Adela Gorodzinsky, M.Ed,R.P

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From: Catherine Mallory  
Sent: Thursday, September 15, 2022, 2:56 PM  
To: de Ceuster, Isaac  
Subject: File # Z-9498

I object to the proposal on Sunnydale Rd East which will destroy so many trees. In this time of Climate Crisis, such trees are more important than buildings on that site. Find an empty parking lot... some are blocked off and the space is not in use for anything...and build there. e.g one on Dundas East or use that area they built temporary shelters for the homeless on York street. Let's not destroy Nature's Way of helping to save all our lives.

Thanks for any consideration.  
Catherine Mallory

---

From: Julie Medeiros  
Sent: Tuesday November 15, 2022, 4:24PM  
To: de Ceuster, Isaac  
Subject: Zoning 307 sunningdale rd east

Hi

I am voicing my concerns with the proposed zoning for 307 sunningdale rd east (file: Z-9498).

I am a new home owner living on skyline Ave and would be very close to this proposed cluster housing. Please consider this to be a complaint. The proposed cluster housing would be a major disruption for myself and family (and neighbours) as i am located just between lindsfarne rd and the proposed new lane way. We have just moved into our house recently for the purpose of the neighbourhood being fully mature and developed with no disruption of new construction. This clearly will not be the case as we will see, hear and be in between a construction zone. Mature trees will also be put to rest which is not ideal in a well developed setting. Skyline is a fully developed neighbourhood that will not seem the same. Nobody wants new development in a mature neighbourhood. Skyline Ave is already quite busy and this will make the avenue much much busier for obvious reasons. Why can't access be off sunningdale?

My most major concern above mentioned is the fact that I personally have 3 little children and one that is disabled. We picked this home in regards to the private setting across the street and the privacy and maturity it brings us. It happens to be the lowest traffic spot on the street, no buses and only individuals who live near drive by our small part!

Please be considerate to those who live near, the disabled, and the maturity of this area. I am not for this development and I am sure I can't be the only one.

Thank you.

## Agency/Departmental Comments

### London Hydro

April 27, 2022

City of London Planning Division – Isaac de Ceuster  
307 Sunningdale Road East, Z-9498

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 safe 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 location of the existing service will be at the expense of the owner.

Hans Schreff – Manager Developer & Operations Support.

### Imperial Oil

June 3, 2022

Planning & Development, City of London  
Attn: Issac de Ceuster  
6th floor – 300 Dufferin Avenue  
London, ON, PO Box 5035  
N6A 4L9

Dear Isaac de Ceuster,

We have received notice of the zoning by-law amendment with regards to the property located at 307 Sunningdale Road East in the City of London and confirm Imperial Oil does have a pipeline in this vicinity.

Imperial Oil is regulated under the Ontario Regulation 210/01 made under The Technical Standards and Safety Act 2000 for Oil and Gas Pipeline Systems. The Technical Safety and Standards Authority (TSSA) has a guideline which recommends a 20m setback from the pipeline to any building intended for human occupancy. The TSSA also has guidelines in place which require us to ensure that our easement remains clear of any structures or large trees.

Please find enclosed Guidelines for Development in the Vicinity of Imperial Oil's Sarnia Products Pipeline System.

### **Pipeline Easement**

1. There shall be no permanent structures erected within the limits of the easement
2. It shall be prohibited to install patios of concrete slabs on the pipeline right-of-way or fence across the pipeline right-of-way unless written permission is first obtained from the operating company.
3. It shall be prohibited to erect buildings including garden sheds or to install swimming pools on the pipeline right-of-way.

### **Pipeline Safety – It's a Shared Responsibility**

Pipeline safety is a responsibility that's shared among many people, including pipeline company personnel, the provincial agencies that oversee pipelines, public safety officials and -- equally as important -- our neighbors who live and work near our pipelines.

Safety is our main priority. We live and work in the communities where our pipelines are located. Moving product through pipelines is our business, and protecting the people, environment and communities along these pipelines is our commitment. Imperial Oil is guided by strict safety standards and operates under comprehensive provincial regulations that govern all aspects of our pipeline operation, including design, construction, materials, testing, operations and maintenance of all our pipelines.

The level of concern and the resultant precautions both increase greatly in areas of urban development.

### **Safety Precautions around High Pressure Pipelines**

Imperial Oil carries out regular aerial patrols, inspections and maintenance of its pipeline and easement to better meet our safety priority. This requires unimpeded access to the pipeline; therefore it is important to maintain an easement free from obstructions.

Homeowners with a high-pressure pipeline easement in their backyard are severely restricted in the use of their property. Any maintenance of the pipeline in a restricted area, such as a backyard, poses significant hardships and safety concerns both to the homeowner and the pipeline company. Overall, a pipeline easement incorporated into several individual suburban lots creates hazards and headaches for the homeowners, the pipeline company, other utilities, and the municipality.

Imperial Oil appreciates the opportunity to review and comment on plans for urban developments around the Imperial Oil easement. It is imperative that any developments affecting the easement incorporate measures to protect the pipeline, the public and the environment.

When Imperial Oil receives a site drawing from the Municipalities Planning & Development department, we will notify the department and request that the TSSA's 20-metre setback guideline is considered. At this point it will be up to the Municipality and/or the developer to implement the recommended setback guideline.

### **Use of Easement (TSSA Guideline)**

For pipelines located on easements, the entire width of the oil and gas pipeline easement shall be kept clear of all structures. The easements may be incorporated into subdivision plans as green space, walkways, or bicycle paths but shall not be incorporated into individual lots. With prior approval of the pipeline operator, certain other uses such as light weight vehicle parking lots or temporary storage areas may be acceptable, provided that the goods or materials can be removed quickly in case of an emergency. The piling up of garbage, dirt or industrial waste shall not be permitted at any time. Limits of the easement parallel to the pipeline shall be identified with fencing or equivalent markings to prevent gradual encroachment by adjacent landowners. Suitable barriers shall be installed at all road accesses to prevent unauthorized motor vehicles from entering.

Imperial Oil looks forward to co-operating with you as partners in public and environmental safety. Please help us ensure the utmost safety of those in the community and near the Sarnia Products Pipeline easement.

Thank you for your attention to this matter.

Regards

*Hallie MacCuaig*

Community Awareness/Right of Way Coordinator  
Imperial Oil

Upper Thames River Conservation Authority (UTRCA)

September 27, 2022.

Application to Amend the Zoning By-law: File No. Z-9428

Applicant: Margrit and Rob Johnson

Agent: Monteith Brown Planning Consultants c/o Jay McGuffin

307 Sunningdale Road East, London ON

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Policy Statement (PPS, 2020), and the Upper Thames River Source Protection Area Assessment Report.

## **BACKGROUND & PROPOSAL**

The subject lands are located at 307 Sunningdale Road East and are 0.64 hectares (1.57 acres) in size. The lands currently contain a single detached dwelling and associated accessory uses.

The subject lands are presently:

- Zoned Residential R1-17, Residential R1-17 h-2, and Open Space OS5; and
- Within the Neighbourhoods Place Type in the London Plan.

In addition, the subject lands and adjacent lands also contain areas of natural hazards and natural heritage as depicted as the subsequent schedules/maps of the above referenced plans.

The applicant is proposing to rezone the subject lands to Residential R6-3 and Open Space OS5 to accommodate the proposed development of condominium units while recognizing the limits of the on-site and adjacent natural features. The proposed development concept includes a condominium development containing twelve (12) single detached dwellings accessed via a private driveway from Skyline Avenue.

## **DELEGATED RESPONSIBILITY & STATUTORY ROLE**

### **Provincial Policy Statement 2020**

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the “Provincial One Window Planning System for Natural Hazards” Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS.

The UTRCA's role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the Planning Act, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA's Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the Conservation Authorities Act and the policies of the UTRCA's Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the Planning Act approval process and that a permit application can be issued under Section 28 of the Conservation Authorities Act once all of the planning matters have been addressed.

### **Section 28 Regulations - Ontario Regulation 157/06**

The subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of:

- A riverine flooding hazard associated with the Powell Drain (regulatory flood elevation has been revised to 277.0 masl); and,
- The area of interference surrounding an adjacent Provincially Significant Wetland known as the Arva Moraine Wetland Complex.

Please refer to the attached mapping for the location of the regulated features. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA.

The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

### **UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)**

The UTRCA's Environmental Planning Policy Manual is available online at:  
<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>



## NATURAL HAZARDS

As indicated, the UTRCA represents the provincial interest in commenting on Planning Act applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. This is achieved through land use planning and the Conservation Authority's regulations with respect to site alteration and development activities.

The UTRCA's natural hazard policies are consistent with the PPS and those which are applicable to the subject lands include:

### **3.2.2 General Natural Hazard Policies**

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

### **3.2.3 Riverine Flooding Hazard Policies**

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach and uses that may be allowed in the flood plain subject to satisfying the UTRCA's Section 28 permit requirements. The UTRCA has undertaken updated modeling throughout the watershed which has resulted in revised floodline information for the subject lands and surrounding area. The elevation of the flood hazard on the subject lands is approximately 277.0 masl.

### **3.2.4 Riverine Erosion Hazard Policies**

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

### **3.2.6 & 3.3.2 Wetland Policies**

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference surrounding a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no impact on the hydrological function of the wetland feature and no potential hazard impact on the development.

## COMMENTS

The UTRCA has undertaken a review of the following documents submitted alongside this application:

- Planning Justification Report prepared by MBPC, dated March 2022;
- Zoning By-law Amendment Sketch prepared by MBPC, dated March 10, 2022;
- Conceptual Grading Plan prepared by Strik Baldinelli Moniz, dated February 4, 2022;
- Environmental Impact Study prepared by NRSI, dated March 2022;
- Hydrogeological Assessment and Water Balance Analysis prepared by EXP, dated December 1, 2021; and,
- Servicing Feasibility Study prepared by Strik Baldinelli Moniz, no date.

We offer the following comments, which identify the phase in the planning process that a response is required:

1. ZBA: Section 4.1 and 4.2 of the report, along with the ZBA sketch, speak to development being located outside of the regulatory floodline. Through the pre-consultation process, the UTRCA advised the applicant and their consulting team that the revised flooding hazard in this area was 277.0 masl. Please ensure all drawings submitted alongside this application are referencing the appropriate floodline.

a) The Open Space OS5 zone shall encompass this information to accurately reflect the hazards present on the landscape and ensure development occurs outside of these lands.

2. Site Plan: The proposed Conceptual Grading Plan includes a retaining wall along the PSW buffer and at the end of the private driveway. The grading plan does not accurately depict the extent of the revised flooding hazard that has been provided to the applicant consulting team throughout the pre-consultation process. Please ensure all future drawings include the revised flooding hazard limit (277.0 masl) to confirm if any works will be proposed within the hazard lands. Please be advised that the placement of fill, grading or the installation of a retaining wall within the flooding hazard will not be supported.

3. Site Plan: The EIS states that the proposed retaining wall will aid in ensuring the 30m buffer is maintained, and that construction and human influence on the PSW will be reduced to ensure no negative ecological effects.

a) As per comment 5 below, it is likely that surface flows are the main contributor of water to the PSW. Please provide additional rationale for the placement of a retaining wall in this location. Will the proposed grading and the placement of a retaining wall impede flows to the PSW? Please ensure that a water balance can be achieved given this change in surface flows.

b) Please ensure that the entirety of the retaining wall is located outside of the 30m buffer.

c) Please provide an additional recommendation for the location of sediment and erosion control measures at extent of buffer.

d) Will construction of the proposed retaining wall require encroachment into the 30m buffer? The UTRCA recommends that disturbance in this area be avoided. If needed, please provide an additional recommendation that speaks to additional compensation or recommendations to offset any impacts of this temporary encroachment.

An ecological opinion letter shall be provided through the site plan process to supplement the information contained with the EIS and speak specifically to the final development plan for these lands. While this is not the typical approach, it is recognized that the development concept may change as a result of a change in land ownership.

4. Site Plan: Please ensure the revised concept plan/detailed site plan that is submitted includes the delineation of both the edge of pond and the edge of the PSW to aid in the review of this information to confirm the 30m setback is indeed from the edge of the pond. It was noted through review of the ZBA application that Figure 5 of the Planning Justification did not delineate the PSW and only the edge of the pond.

5. Site Plan: The hydrogeological assessment completed identifies that the groundwater flows in a north/north-west to south/south-east direction, away from the PSW. As a result, it is likely that surface flows are the main contributor to this feature. Please include a revised Water Balance Analysis once a finalized development concept is determined. This revised analysis shall include specific details as to how the targeted water balance will be achieved and implemented through the finalized development concept. If a suitable water balance cannot be achieved, a reduction in the amount of development proposed may be required.

6. Site Plan: Please include a detailed stormwater management report which includes figures that delineate pre-development and post-development catchment boundaries supported by local contour information.

### **SUMMARY & RECOMMENDATION**

As indicated, the subject lands are regulated by the UTRCA due to the presence of a riverine flooding hazard, and the area of interference surrounding an adjacent Provincially Significant Wetland.

Overall, the UTRCA is generally satisfied with the information contained with the Zoning By-law Amendment application. While we have **no objections** to the proposed

rezoning, we recommend that the Open Space OS5 zone boundary be modified to reflect the revised flooding hazard limit that has been conveyed to the applicant through the pre-consultation process. This change will ensure that the entirety of the hazard lands are contained within one zone and are protected from future development.

We remind the applicant to contact UTRCA staff prior to initiating works within the regulated area.

Thank you for the opportunity to comment.

Yours truly,  
UPPER THAMES RIVER CONSERVATION AUTHORITY

Stefanie Pratt  
Planning Coordinator

### **Internal Comments (City of London)**

#### General Comments (December 6, 2021)

- There is an Imperial Oil high pressure pipeline along Sunningdale Rd E. Provide confirmation that the development is proposed outside of the 20m buffer from the pipeline.
- Development limits will be determined based on the outcome of the EIS and tree preservation plan – both of which are required as part of a complete OPA/ZBA application.

#### Parks Planning and Design (PP&D)

- The City requires parkland dedication in the form of land (calculated at 5% of the total site area or 1ha per 300 residential units, whichever is greater) and as defined in By-law CP-9.
- The proposed development area reflects a parkland dedication of 0.04 ha of table land (calculated at 1 ha per 300 units). PP&D Section may wish to acquire all natural heritage lands at hazard rate 1:27. Balance of the dedication to be taken as Cash in Lieu.
- Fencing is required as per SPO 4.8 abutting the open space lands.

#### Site Design

- Extend the pedestrian walkway along all of the internal laneway that connects to Skyline Ave from Sunningdale Road.
- The proposal should take into consideration any existing significant mature trees on the site and along property boundaries.
- Preserve the existing cedar trees where possible fronting Skyline Avenue and any mature trees throughout the site including along Sunningdale Road East.
- Unit to unit waste collection is recommended for this site, provided the turnaround is functional.
- Confirm the turnaround is of sufficient size and radius to accommodate collection vehicles and emergency services. This space may need to be relocated based on its proximity to the wetland.
- Relocating visitor parking due to limited functionality for vehicle turning and potential conflicts with site grading.
- Orient unit 8 to face Sunningdale Road East and eliminate or minimize the need for a noise wall as well as reducing the overhang appearance of the visitor parking.
- Any fencing provided along Sunningdale Rd should be decorative in nature and maintain a pedestrian access for connectivity.
- If a fire route is proposed, fire route signs must be provided on both sides of the drive aisle.
- Identify snow storage on the site plan.

### Ecology

- Include buffer plantings between the snow storage area and the feature.
- Avoid tree removal within the active bat roosting period (April 30 – September 1) to reduce potential interactions with Endangered bat species, to avoid contravention of the Endangered Species Act.
- Avoid tree/vegetation removal within the active breeding bird period (April 1 – August 1) to avoid disturbing nesting birds and contravening the Migratory Bird Convention Act.

### Building Design

- The proposed development meets the definition for residential intensification stated in Section 3.2.3.1 of the Official Plan. In accordance with the aforementioned policy, a streetscape character analysis is required as a part of a site plan application submission. The Streetscape Character Analysis should focus on the 2 units that are directly adjacent to the existing public street.
  - Design the buildings so they are generally in keeping with the immediate neighbourhood as set out by the criteria in the streetscape character analysis;
  - In order to ensure that the proposed houses are in keeping with the existing character of the neighbourhood, the proposed designs should be consistent with at least 4/6 categories AND of the one or two categories that it does not meet, the proposed design should be in line with the second or third most common characteristic in order to not be the house that introduces a new characteristic.
- Provide for a full set of dimensioned elevations for all sides of the proposed building(s) with materials and colours labelled. Further urban design comments may follow upon the receipt of the elevations;
- Design the building elevations adjacent to public streets to be oriented as front facades to the street; This includes units 1, 8, 9 (units 1, 7 and 9 in the revised concept).
  - Any attached garages and driveways can be provided off the internal street and should be away from the street-facing elevation (e.g., locate garages to the north side of the unit for the units 1 & 9, and to the south side for unit 8).

### Engineering

- A Servicing and Lot Grading Plan stamped by a professional engineer will be required for the subject property.

### General

- The site servicing and grading plan are to show current conditions on the adjacent streets and properties such as existing roads, accesses, sidewalks, sewers, watermains, utilities etc.
- Should a private drain connection(s), or other works be installed on a City street to service this site, then details of these works including restoration of the City street are to be shown on the site servicing plan or a separate drawing to City standards.
- The owner is required to obtain all other necessary and relevant permits and approvals such as MECP Approvals, Permits for Approved Works (PAWS) etc.
- Avoid the use of large retaining walls along the Sunningdale Road Frontage.
- Avoid disturbing the existing Natural Heritage features. If work is to occur in and around existing trees to be retained, please add special grading and service installation notes.

### Transportation

- Ensure 1.5m clearance between proposed access and any hydro pole/signal poles/light standards and/or fire hydrant. Ensure 2m clearance for communication pedestals;

- Submit photometric analysis if relocation of light standards greater than 2.0m. Dimension relocation and ensure 1.5m clearance from pole to back of access curb;
- Fully dimension access as per City Access management Guidelines including radii, width and clear throat from property line;
- Provide vehicle turning diagram demonstrating three-point turn for fire-truck at turnaround;
- There are no widening requirements at Sunningdale Rd or Skyline Ave. However, there is a 0.3m reserve abutting the south limit of the property. This reserve will have to be dedicated as public highway in order to allow legal access to and from the subject property. Register with City's Geomatic Department to lift the 0.3m reserve.
- The owner shall transfer to the City sufficient lands, free of encumbrances, for a 0.3m road reserve block along the Sunningdale Road frontage.

#### Wastewater

- The proposed development site was considered as part of upland Hills subdivision phase 5A, 5B which was identified that the south part of the land is to be tributary to the future sewer on Sunningdale Rd to Lindisfarne Rd.
- SED has no objection to the proposed lands being tributary to one outlet.
- As part of complete application, the application engineer is to construct a new PDC that has to be adequate in size and slope as per City of London standard for the type of building form. In addition, the engineer is to remove the existing PDC(s) during construction

#### Water

- Water for this development should be taken from the 300mm PVC high level watermain on Skyline Ave.
- A water servicing report will be required addressing industrial water demands, fire flows and water quality.
- Water servicing to the site will be to City Standard 7.9.4
- The water service pipe must be installed at right angles to the watermain and in a straight line from the watermain to the water meter.
- Water servicing shall be configured in a way to avoid the creation of a regulated drinking water system.

#### Stormwater Management

- As per the as-constructed drawing (18992), the site at C=0.50 is partially tributary to the existing 675mm storm sewer on Skyline Ave. which ultimately outlets to the Uplands stormwater facility located at 61 Repton Ave. The applicant should be aware that any future changes to the C-value will require the applicant to demonstrate sufficient capacity in this pipe and downstream systems to service the proposed development as well as provide on-site SWM controls.
- The site is located within the UTRCA regulated area and therefore UTRCA approval/permits may be required, including confirmation as to required setbacks.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained in site, up to the 100-year event and safely conveys up to the 250-year storm event. All to be designed by a Professional Engineer for review.
- Any proposed LID solutions should be supported by a Geotechnical Report and/or a Hydrogeological Assessment report prepared with a focus on the type(s) of soil present at the Site, measured infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. Please note that the installation of monitoring wells may be required to properly evaluate seasonal groundwater fluctuations. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specification & Requirements manual.

- Roof runoff from the proposed dwellings should be directed to controlled areas of the property, with no adverse impacts on neighbouring properties.
- Additional SWM related comments will be provided upon future review of this site.

#### General comments for sites within Stoney Creek Subwatershed

- The subject lands are located in the Stoney Creek Subwatershed. The owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Stoney Creek Subwatershed Study that may include but not be limited to, quantity/quality control (80% TSS), erosion, stream morphology, etc.
- The owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effect to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

#### Landscape Architect Comments, May 11<sup>th</sup>, 2022.

- Although listed as information recorded for each tree in Section 2.0 Tree Inventory and Methods, page 3, the location of trees as on-site/off-site/boundary has not been provided. The Report states that 3 boundary trees are proposed for removal and another 11 will be impacted by the development. All boundary trees are protected by the Province's Forestry Act and cannot be removed or damaged without all co-owners' consents. The inventory will need to be updated to include location information and the address of the co-owners/neighbours who will need to provide consent.
- Urban Forestry will determine if a permit is required to damage the roots of 11 distinctive boundary trees.
- If an offsite distinctive tree is proposed for removal, a Tree Removal Permit is required from Urban Forestry. Off-site trees are protected by the City's Tree Protection Bylaw and a request for their removal would be under review and regulation outside of the development process. Violations of the City of London Tree Protection By-law (C.P.-1515-228) are subject to fines.
- Can the applicant confirm that trees 40, 166-169, 170-174 will be removed by City Forces? All trees growing in the City's Road Allowances are protected by the Boulevard Tree Protection Bylaw.
- Can the applicant confirm that tree 6 in Heron Haven Park is proposed for removal as per the TPP.
- The development poses some risk of injury to a small number of CoL boulevard trees along Skyline Avenue. All trees located on City of London Boulevards (including their root zones) are protected from any activities which may cause damage to them or cause them to be removed. Can the applicant confirm that trees 58, 59, 63 and 65 are growing entirely on their site and that no portion of the trunks cross the property line shared with Skyline Ave. At time of Site Plan application, proof of the applicant's request to Forestry Operations to remove trees 34 and 35 and proof of payment will need to be forwarded to City DS staff.
- London Plan Policy 399 will not be applied to this site. The City is currently drafting the Tree Replacement Bylaw that would stipulate the tree replacement ratio and the cash-in-lieu schedule.



#### Landscape Architect Comments May 26<sup>th</sup>, 2022

- The London Plan provides numerous strategies to establish London as the Greenest City in Canada. The plan includes policies targeting the protection of trees. The City canopy target is 28% within the Urban Growth Boundary by 2035.
- The Tree Preservation Report contained in the 307 Sunningdale ~Lindisfarne Development EIS can not be accepted because the Minimum Protection Distances [critical root zones] of 8 boundary trees will sustain damage from the proposed development. The Report acknowledges this injury, see excerpt below:

*“Section 12.1.3 of the Design Specification (City of London 2018) stipulates the size of any Minimum Protection Distance (MPD) based on the size of DBH of the protected trees. MPD for trees designated for retention are shown on Map 2, applying the protection distances specified for trees within Open Spaces and Woodlands as per the Design Specifications (City of London 2018). For all the trees designated to be retained, the MPD will not be possible to be maintained to its full extent due to the proposed development plan” (Tree Preservation Report, NRSI, March 2022).*

**I make the following recommendation to increase the setback from east property line to furthest limits of Minimum Protection Distances of all boundary trees ~ 9 meters.**

- The cedar trees comprising the 2 hedges on the east and west property lines will need to be further assessed. If any trunks are over 10cm their location will need to be added to the inventory. The address where the cedar trees are growing will also need to be identified.
- A distinctive tree removal permit is not required during a site plan application for trees within site, on boundary or within 3 m outside property line. However, consent from owner of off-site tree and consent of co-owner of boundary trees will need to be provided to Development and Planning prior to injury.
- The removal and injury of distinctive trees outside of a site plan application, would require a permit from Urban Forestry and consent from owner of off-site tree and consent of co-owner of boundary trees.
- Contact Forestry Operations to request the removal of city trees from Skyline boulevard- #58, 59, 63, 65, 83 and 84 trees and from Sunningdale boulevard #40, 166-169, 171-174. Only City forces can remove City trees from City Lands. To request the removal of a City Tree from a boulevard, contact Forestry Dispatcher at [trees@london.ca](mailto:trees@london.ca) with details of your request for removal. The fee schedule for tree removal can be found in the Boulevard Tree Protection Bylaw or in following extract.

#### Landscape Architect Comments August 12<sup>th</sup>, 2022

Landscape architect's comments on responses submitted by Natural Resource Solutions Inc. ('NRSI') and the updated Tree Preservation Report.

- Applicant has prioritized protection of the 30m Provincially Significant Wetland buffer to the NW of site over the protection of boundary trees growing along the east property line and has chosen not to amend their design to reduce tree impacts.

It must be reiterated that the Province's Forestry Act protects boundary trees from injury and destruction, Forestry Act 1998, c. 18, Sched. I, s. 21. On conviction, an offender can receive a fine of up to \$20,000 and incarceration.

Both the Canadian Charter of Rights and Freedoms and Ontarian Property Rights and Responsibilities Act guarantee property rights to individuals with the assurance that there would be no deprivation of property except in accordance with proper legal procedures.

The zoning box needs to be established to provide full protection to boundary trees. If consent to injure or remove boundary trees is withheld by co-owner/neighbour, development could be impeded by civil litigation. The setback from the east property line is insufficient. **The proposed tree preservation plan is not accepted.**

- Tree Preservation Report needs to be updated in accordance with the Migratory Birds Convention Act, 1994:

All **tree removals** must take place between September 1 and April 1<sup>st</sup> to avoid disturbing nesting migratory birds. Tree may be removed outside this window only if a qualified bird specialist has been determined there are not nesting birds in the trees. This requirement is in accordance with the Migratory Birds Convention Act, 1994.

- Thuja occidentalis #90, 108, 153 and 154 appear to be boundary trees as captured on tree preservation plan and are therefore protected by the Forestry Act. Consent to injure or remove required from co-owner/neighbour.
- The critical root zone of a tree is the portion of the root system that is the minimum necessary to maintain tree vitality and stability. Critical root zone is prescribed in the CoL Tree Protection Bylaw as 10cm radius from trunk for every 1cm dbh and is typically expressed as a circular shape around the tree. Based on this ratio, setbacks from the boundary trees range from 5.5 to 6.5 meters from trunk not off centre. As the trees are growing on the property line, we can assume a setback of 6.5m. Of significant note, the consulting arborist who prepared the Tree Preservation Plan has referenced Section 12.1.3 of the City's Design Specifications Manual for Open Space and Woodlands to calculate Minimum Protection Distance. For our purposes, I think the CRZ is what matters, as that is where intolerable injury or destruction is going to be the consequence.
- Has the applicant considered a change in design so that the east units are oriented perpendicularly to that proposed (see image underneath)? Would decrease number of units by 2.

#### Landscape Architect Comments October 4<sup>th</sup>, 2022

Landscape architect's comments on the Revised Potential Development Plan submitted by MBPC:

Zoning must explicitly restrict excavation within the green dashed lines delineated on the provided concept plan this would including retaining walls. The applicant has included an additional 3 m setback from the minimally required setback. This setback was used for the buildings footprints, so using it as the limits of disturbance would be difficult. There are ways to mitigate construction impacts, these can be addressed at site plan.

I am happy with the cooperation of the applicant. While, I still think there is a lot of development within the site, it is a compromise.

I do find the revised concept plan acceptable as it meets the City's Tree Protection Zone requirements.

## **Appendix C – Policy Context**

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

### **Provincial Policy Statement, 2020**

- 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
  - 1.1.1 a, b, e; 1.1.2
- 1.1.3 Settlement Areas
  - 1.1.3.1, 1.1.3.2, 1.1.3.4
- 1.4 Housing
  - 1.4.3
- 1.5 Public Spaces, Recreation, Parks, Trails and Open Space
  - 1.5.1
- 1.6 Infrastructure and Public Service Facilities
  - 1.6.1
- 1.6.7 Transportation Systems
  - 1.6.7
- 1.7 Long-Term Economic Prosperity
  - 1.7.1 b, d
- 1.8 Energy Conservation, Air Quality and Climate Change
  - 1.8.1
- 2.6 Cultural Heritage and Archaeology
  - 2.6.1

### **1989 Official Plan**

- 2.4.1 City Structure Policies
- 3.1. General Objectives for all Residential Designations
- 3.2 Low Density Residential
  - 3.2.2 Scale of Development
  - 3.2.3. Residential Intensification
- 3.7 Planning Impact Analysis
- 8A.2 Open Space Designation
- 11.1.1 Urban Design Principles
- 12.1 Housing Objectives

### **The London Plan**

- Key Directions – 55 to 62
- City Structure Plan (Intensification) – 79 to 87, Figure 3
- City Building Policies – 189 to 306
- Forest City – 382 to 401
- Neighbourhoods – 916 to 966
- Our Tools – 1566 to 1683

### **Z.-1 Zoning By-law**

- Section 2: Definitions
- Section 3: Zones and Symbols
- Section 4: General Provisions
- Section 10: Residential R6 Zone
- Section 36: Open Space (OS) Zone

### **Submitted Studies**

NRSI – Environmental Impact Study – March 2022  
 MBPC – Planning Justification Report – March 2022  
 SBM – Conceptual Grading Plan – April 2022 (Revised Submission July 2022)  
 EXP Services Inc. - Hydrogeological Report – December 2021  
 SBM – Noise Study – February 2022  
 SBM – Servicing Feasibility Study – January 2022  
 NRSI – Tree Preservation Report – March 2022 (Revised Submission June 2022)

3.7 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 proposed land use is a contemplated use in the Official Plan, and contributes to a variety of housing forms within the neighbourhood.
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;	The site concept achieves an intensity that allows for other on-site functions such as visitor parking, turn-around area, and landscaped open space
The supply of vacant land in the area which is already designated and/or zoned for the proposed use;	There is no vacant land in the area which is already designated and/or zoned for the proposed use.
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 site is located close to shopping areas, commercial and service uses, parks and transit services.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 – Housing;	The city is experiencing an affordable housing crisis. Although no affordable housing units are proposed through this development, the creation of alternative housing forms (ten cluster single-detached dwellings) contributes to the overall mix of dwelling units and prices in the area.
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The scale/height of the proposed 2 storey dwellings is mitigated by enhanced site yards towards Skyline Avenue and Sunningdale Road East, the cedar hedge around the property, and enhanced landscaping along the front and rear lot lines. Impacts on adjacent properties would be mitigated through a combination of yard depth, appropriate space for landscape screening, and a noise wall to be implemented through the Site Plan Control process.
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;	Landscaping and screening opportunities through vegetation will be considered at a future Site Plan Approval stage, including enhanced landscaping and maintaining the cedar hedge along the property edges. The recommended interior side yard setbacks to the east and west property line will ensure the critical root zones for the boundary trees are protected.
The location of vehicular access points and their compliance with the City’s Road access policies and Site Plan Control By-	As noted in the Intensity analysis in this report, traffic impacts of this development will be negligible in relation to the

law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;	anticipated function of the Civic Boulevard and Neighbourhood Collector. The site has been designed to incorporate pedestrian connections to Sunningdale Road East and Skyline Avenue so residents can utilize existing pathways/sidewalks.
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 ultimate exterior building design will be reviewed and considered through the Site Plan process. The proposed building/ built form should however, be oriented to both Skyline Avenue and Sunningdale Road East as front facades, this includes units 1, 8, and 9 (units 1, 6 and 7 in the revised concept).
The potential impact of the development on surrounding natural features and heritage resources;	As identified in the Environmental Impact Study, no development or site-alteration is proposed within the 30-metre buffer from the Provincially Significant Wetland in Huron Haven Park.
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;	An Imperial Oil pipeline lies within the north part of the existing Sunningdale Road East road-allowance. Buildings are required to be set back 20 metres from the centreline of the pipeline.
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;	The requested amendments are consistent with the in-force policies of the Official Plan. The requirements of the Site Plan Control By-law will be considered through the design of the site to ensure functionality, including vehicle turning area, drive aisle widths, sidewalk widths and garbage storage through the site plan approval process.
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;	Potential impacts to the adjacent PSW can be adequately mitigated through the required 30m buffer in the northwest corner of the subject lands. The applicant anticipates that a retaining wall would act as a low-impact development feature that would support the ecological function of the wetland and assist in directing water flow.
Impacts of the proposed change on the transportation system, including transit.	The residential intensification of the subject lands would have a negligible impact on the transportation system.

<b>1577_ Evaluation Criteria for Planning and Development Applications</b>	
<b>Criteria – General Policy Conformity</b>	<b>Response</b>
Consistency with the Provincial Policy Statement and in accordance with all applicable legislation.	The proposal is consistent with the Provincial Policy Statement as it provides for efficient development and land use patterns and for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the

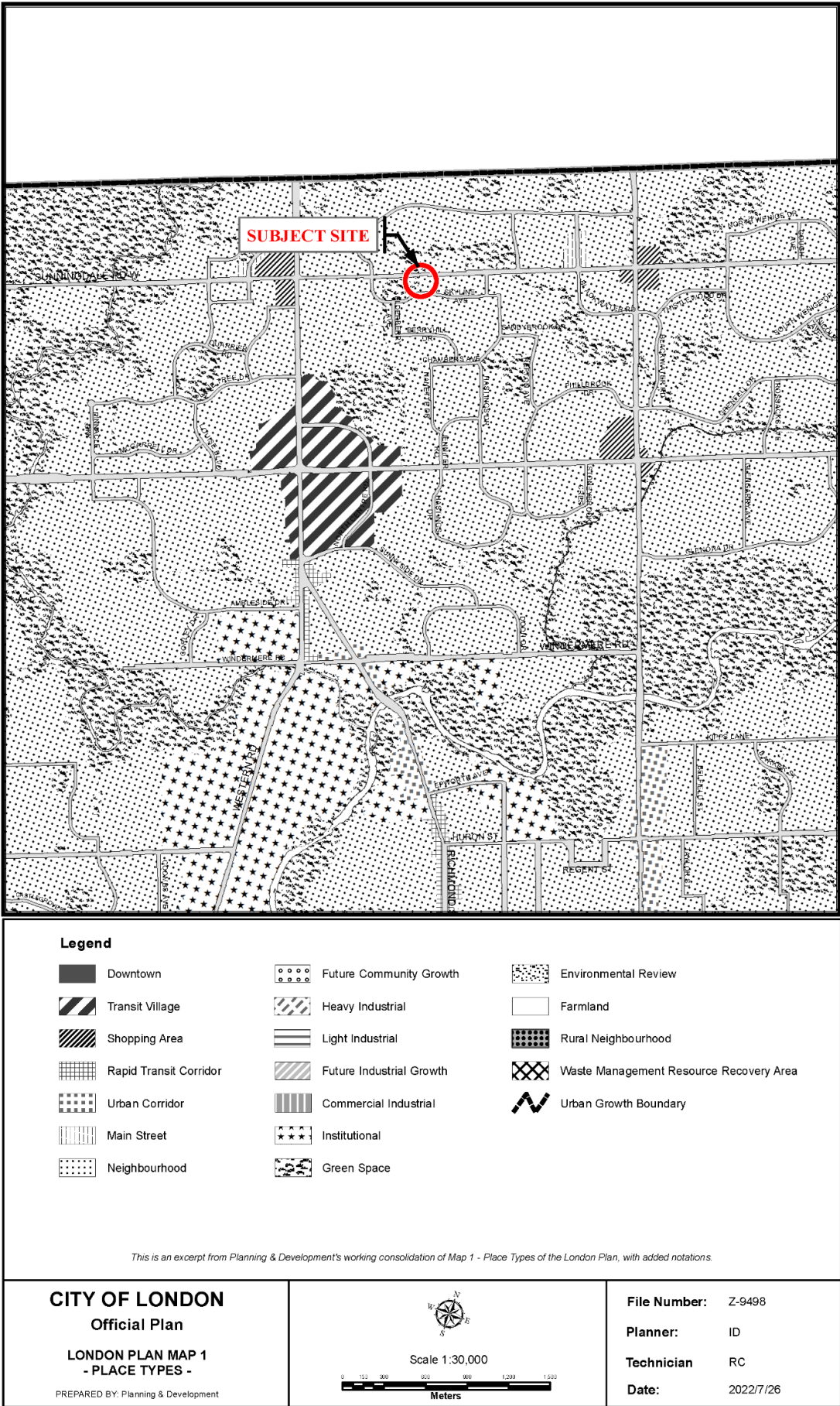
	regional market area. There are significant natural resources requiring protection.
Conformity with the Our City, Our Strategy, City Building and Environmental Policies of this Plan.	The proposal provides for residential intensification within the Urban Growth Boundary and supports Key Directions related to building strong, healthy and attractive neighbourhoods for everyone. The massing and scale of the buildings can be appropriately integrated into the community through the application of the relevant City Design policies at the site plan approval stage.
Conformity with the policies of the place type in which they are located.	The proposed two-storey, single-detached dwellings with attached garages provide for the use and intensity of development contemplated within the Neighbourhoods Place Type for sites fronting on both a Neighbourhood Connector and Civic Boulevard.
Consideration of applicable guideline documents that apply to the subject lands.	No additional guideline documents apply to the subject lands.
The availability of municipal services, in conformity with the Civic Infrastructure chapter of this Plan and the Growth Management/Growth Financing policies in the Our Tools part of this Plan.	The site will be fully serviced by municipal water, sanitary and storm sewers.
<b>Criteria – Impacts on Adjacent Lands</b>	
Traffic and access management	Further consideration of traffic controls related to the proposed private driveway will occur at the Site Plan Approval Stage.
Noise	The proposed development is not expected to generate any unacceptable noise impacts on surrounding properties. An Environmental Noise Impact Assessment Report identified a noise wall to be provided to the east of unit 8 (closest to Sunningdale Road East) to mitigate impacts of noise from the public road on outdoor living areas, as well as a warning clause to be provided to prospective purchasers or tenants. These development details will be implemented through the Site Plan Control process.
Parking on streets or adjacent properties	The proposal provides for two parking spaces for each unit, with two visitor parking spaces at the northern terminus of the private road. It is not anticipated that overflow parking will be required on local streets.
Emissions generated by the use such as odour, dust or other airborne emissions.	The proposed development will not generate noxious emissions.
Lighting	Lighting details will be addressed at the site plan approval stage. It is a site plan standard that any lighting fixture is to minimize light spill onto abutting properties.



Garbage generated by the use.	Unit to unit waste collection is recommended for this site, provided the turnaround is functional.
Privacy	Enhanced side yards will be provided for the units adjacent to Skyline Avenue and Sunningdale Road East, and the cedar hedge around the property will be maintained where possible to soften the property boundaries and provide screening to the neighbouring single detached dwellings to screen views.
Shadowing	No significant shadow impacts are anticipated on adjacent properties given the low-rise nature of the development.
Visual Impact	Enhanced landscaping will have a positive visual impact on the area. Architectural design details and materials will be implemented through the Site Plan Control Process.
Loss of Views	There are no view corridors to significant features or landmarks to be affected by the proposed dwellings.
Trees and canopy cover.	The development will result in the loss of some trees and canopy cover in order to achieve a more compact form of development. An updated Tree Protection Plan would be required with a future Site Plan Application.
Cultural heritage resources.	Not applicable.
Natural heritage resources and features.	The subject lands are located within a Conservation Authority-regulated area, and the regulatory flood line crosses the northwest corner of the property. Site alteration and development activity within this area is subject to approval from the UTRCA. No significant natural heritage features were found on the subject property or within the proposed development limits, and potential impacts to the adjacent PSW can be mitigated through the 30m buffer from the PSW which will provide adequate protection.
Natural resources.	Not applicable.
Other relevant matters related to use and built form	Not applicable.

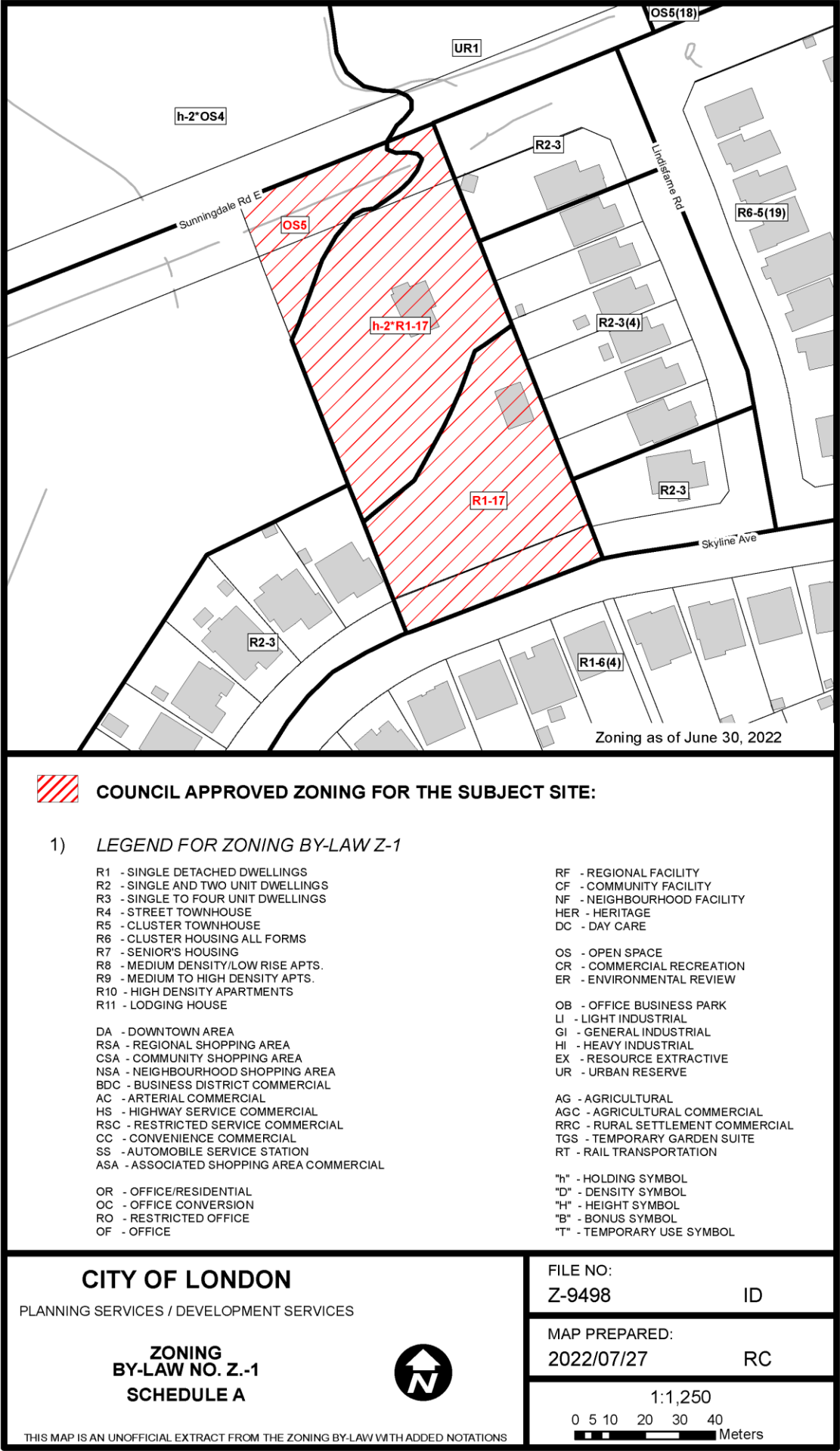
**Appendix D – Relevant Background**

**The London Plan**









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-9498

ID

MAP PREPARED:

2022/07/27

RC

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Meters

Upper Thames River Conservation Authority Regulated Areas



