



PLANNING • CIVIL • STRUCTURAL • MECHANICAL • ELECTRICAL

PLANNING JUSTIFICATION REPORT OFFICIAL PLAN AND ZONING BYLAW AMENDMENTS

**1310 ADELAIDE ST N. &
795 WINDERMERE RD, LONDON**

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1 INTRODUCTION

Strik Baldinelli Moniz Ltd. (“SBM”) has been retained by 2796539 Ontario Inc to coordinate a Zoning Bylaw Amendment application and prepare this Planning Justification Report in support of the intended development of the landholdings at 1310 Adelaide Street North and 795 Windermere Road (hereafter referred to as the “Subject Site”).

The purpose of this Planning Justification Report is to evaluate the proposed Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) application to permit the reutilization of the site for commercial uses. This Report presents a land use planning analysis and demonstrates that the application is an appropriate location for commercial uses and is in keeping with Provincial & Municipal land use planning policies.



Figure 1. Aerial view of Subject Site (City of London, 2023)

2 SITE DESCRIPTION AND LOCATION

The Subject Site is municipally addressed at 1310 Adelaide Street North and 795 Windermere Road, generally located at the southeast intersection of the two streets (**Figure 1**). The Subject Site is comprised of two lots, creating a rectangular shaped development area that is generally flat, approximately 1.27 ha in area, and offers 85 m of frontage onto Adelaide St. N. and 133 m on Windermere Rd. The Subject Site is legally described as “RP 33R2314 Part 1 and Part 2 and Concession 3, Part of Lot 12”.

The Subject Site has been previously used for residential and recreation centre/personal fitness uses (former initial Goodlife Fitness facility) and has been left vacant and overgrown for several years. The previously derelict buildings have been demolished and removed in 2022. Presently, the deteriorating tennis courts and swimming pool are the only remaining structures on site. See **Figure 2** and **Figure 3** for views of the site.



Figure 2. 1310 Adelaide St. N. looking east from Adelaide Rd. N. (Google Streetview, 2022)



Figure 3. 795 Windermere Rd, looking west from municipal parking area (Google Streetview, 2022)

Both Adelaide Street North and Windermere Road are bus transit routes, offering north-south and west-bound services via bus stops within 100m walking distance. Cycling opportunities are provided between on-street cycling facilities and the recreational pathway network within the area.

The Subject Site is located within the Upper Thames River Conservation Authority (UTRCA) Regulated Area (Figure 4). The Subject Site is located approximately 180 m to the north and approximately 280 m west of the main channel of the Thames River (North Branch). The floodplain measures over 1.4 kilometres in width at the Subject Site location, between Glenora Drive and Kipps Lane with relatively minor topographic relief and defined valley walls. Ongoing discussions with the UTRCA, as well as floodplain modelling have been underway and will be further discussed in section 7.2 of this report.

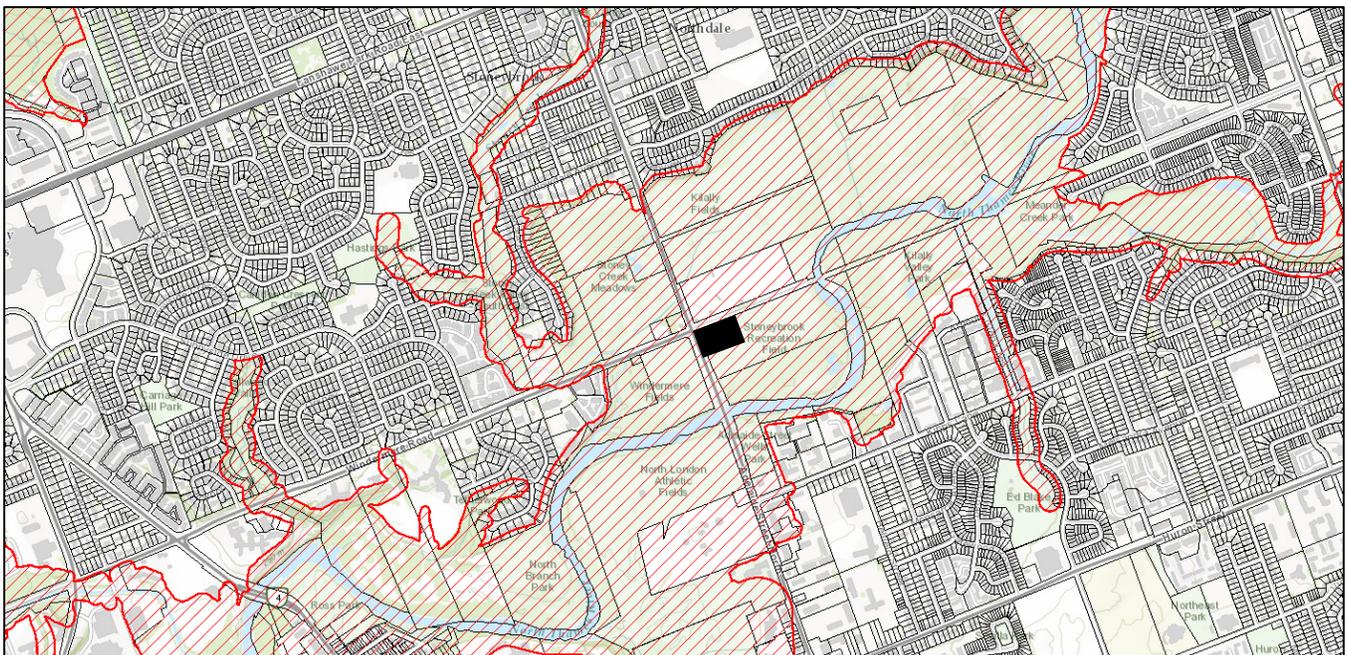


Figure 4. UTRCA Regulated Areas Screening Map (UTRCA – King’s Printer for Ontario, 2023)

3 SURROUNDING LAND USES

The Subject Site is generally located within an area of Open Space and Recreation uses (Baseball and Soccer Fields) including the Stoneybrook, Kilally, Northridge, and North London athletic fields (**Figure 5**). More Specifically:

North: Directly across Windermere Road are Commercial uses (Waltzing Weasel restaurant and Tin Cup Mini-Putt and Range).

South & East: Adjacent to the site are City-owned parkland (Stoneybrook athletic field). Further south and east are the Thames River (North branch) and Kilally Meadows ESA.

West: Across Adelaide St. N. are the North London athletic fields.

Northwest: Across the intersection of Adelaide St. N. and Windermere Rd is a single detached dwelling. The Stoney Creek Meadows and an off-leash dog park are located 200m northwest of the Subject Site.



Figure 5. Subject Site and surrounding area

4 BACKGROUND

- The properties were used for a residence for several decades as a single detached residence and a recreational and fitness centre with tennis courts and a swimming pool;
- The former owner was David Patchell-Evans and Club Corporation of Canada;
- February 2016, a Pre-Application Consultation meeting was held between York Developments and the City of London staff.
- York Developments gained authorization to rezone the property for a commercial plaza in 2016 and made application to the City, the site plan concept and the rendering are below;
- During circulation of the application, the UTRCA and City agreed with the development in principle based on:
 - Using the UTRCA policy of permitting existing building area and parking to be relocated on the site;

- Flood proofing be provided for new facility;
- It was determined that the total existing building area would be 982m² (10,570ft²) and this could be rebuilt in a different configuration on the Subject Site. It was also determined that 77 parking spaces could be constructed on the property, noting that 68 spaces were located on the City lands to the east and nine (9) spaces were accounted for on the Subject Site;
- It was also determined that a substantial portion of the 795 Windermere property would be conveyed to the City to enable the expansion of the sports fields and parklands.
- York Developments relinquished their authority in 2017, but the application remained Active with the City.



Figure 6. Previous rendering prepared for York Development application

- A private-owner retained consultants (Kirkness Consulting Inc. Urban and Rural Planning for Planning, SBM Ltd for service and grading) to provide the necessary studies to be able to carry on with the development application (2018);
- City staff took the position that the UTRCA need to have some acceptance of the flood hazard modelling being carried out by Ecosystem Recovery Inc. (ERI - now Matrix Solutions Inc.) before they would process the development application;
- ERI were retained to provide a Floodplain Impact Assessment, scoped with the UTRCA and presented a 2D hydraulic assessment of six (6) development alternatives including site floodproofing and conveyance channel.
- The current owner, 2796539 Ontario Inc (Royal Premier Development), purchased the properties in 2020;

- ERI did considerable modelling during 2021 to the extent that the UTRCA felt sufficiently supportive to proceed, but advised that they wanted an indication from the City that they were also supportive of development on the lands;
- In December 2021, Demolition Permit was issued by the City of London to remove the existing clubhouse.
- The City was approached by Royal Premier Development in early 2022 to confirm their support of development in principle through the pre-application consultation process.
- In February 2022, the City advised on the proponent's Plan of Conservation, Development Plan, and proposed public benefits.
- Royal Premier Development's team submitted report in October 2022.

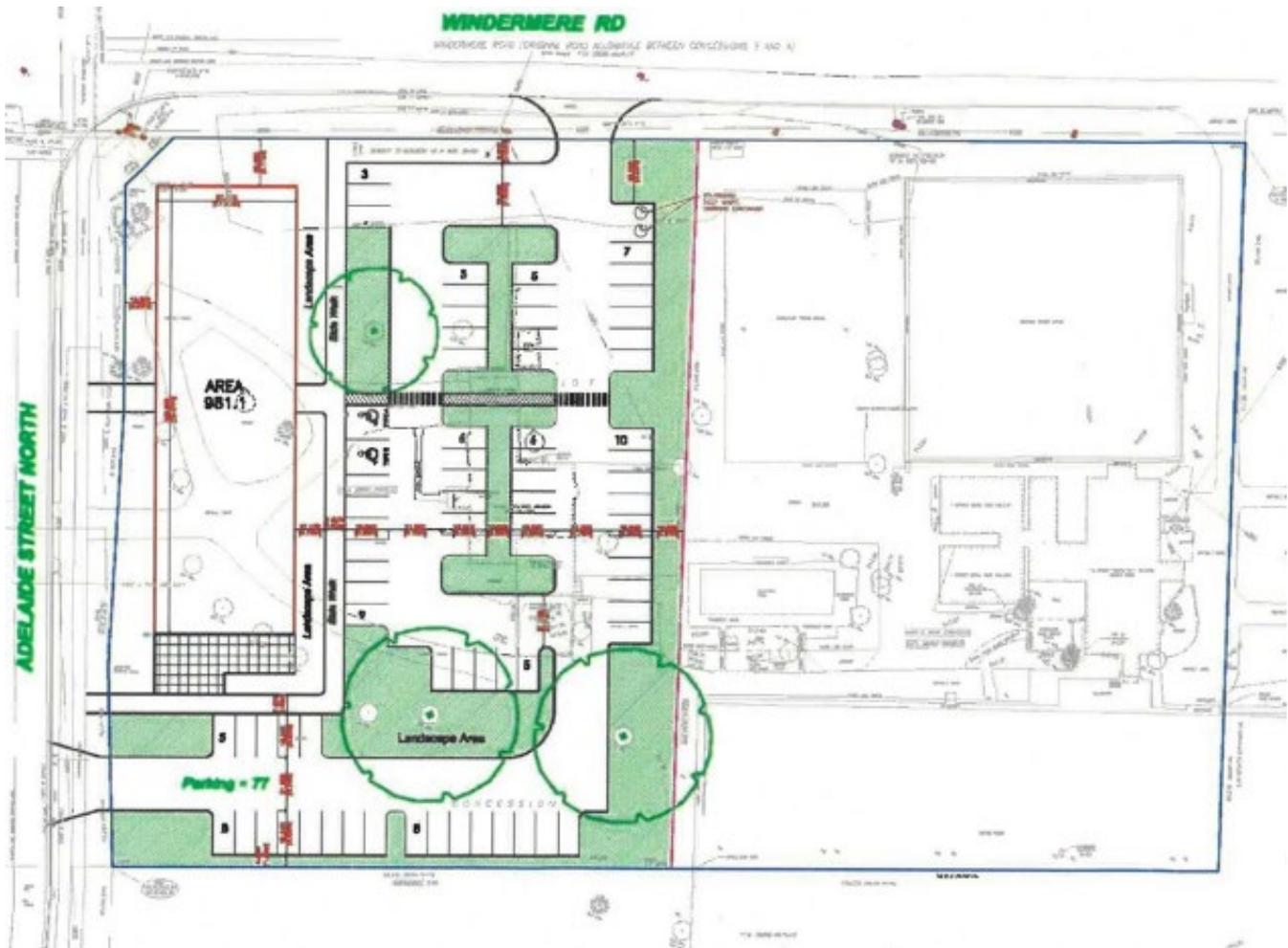


Figure 7. Previous Conceptual Site Plan prepared for York Development

5 PROPOSED DEVELOPMENT

As described above, considerable development planning and technical review has already been considered for the Subject Site to demonstrate the intended development is feasible and an improvement of the 1.27ha that has been cleared of the existing buildings and now remains vacant.

The owner intends to redevelop the site for commercial uses, within two single storey buildings, representing the 1:1 replacement of square footage that was demolished. The development would consist of a one (1) commercial building that is 458 square metres and one (1) fast food restaurant building (tentatively a McDonald’s Restaurant) that is 517 square metres with drive-through service. The total square footage representing 975 square metres of commercial development, covering 8 % of the lot area. Central to the site would be the required parking area accommodating 48 parking spaces. A preliminary Site Plan has been prepared and submitted with this application for review (**Figure 8**). A rendering of the site layout has been included in **Figure 9**.

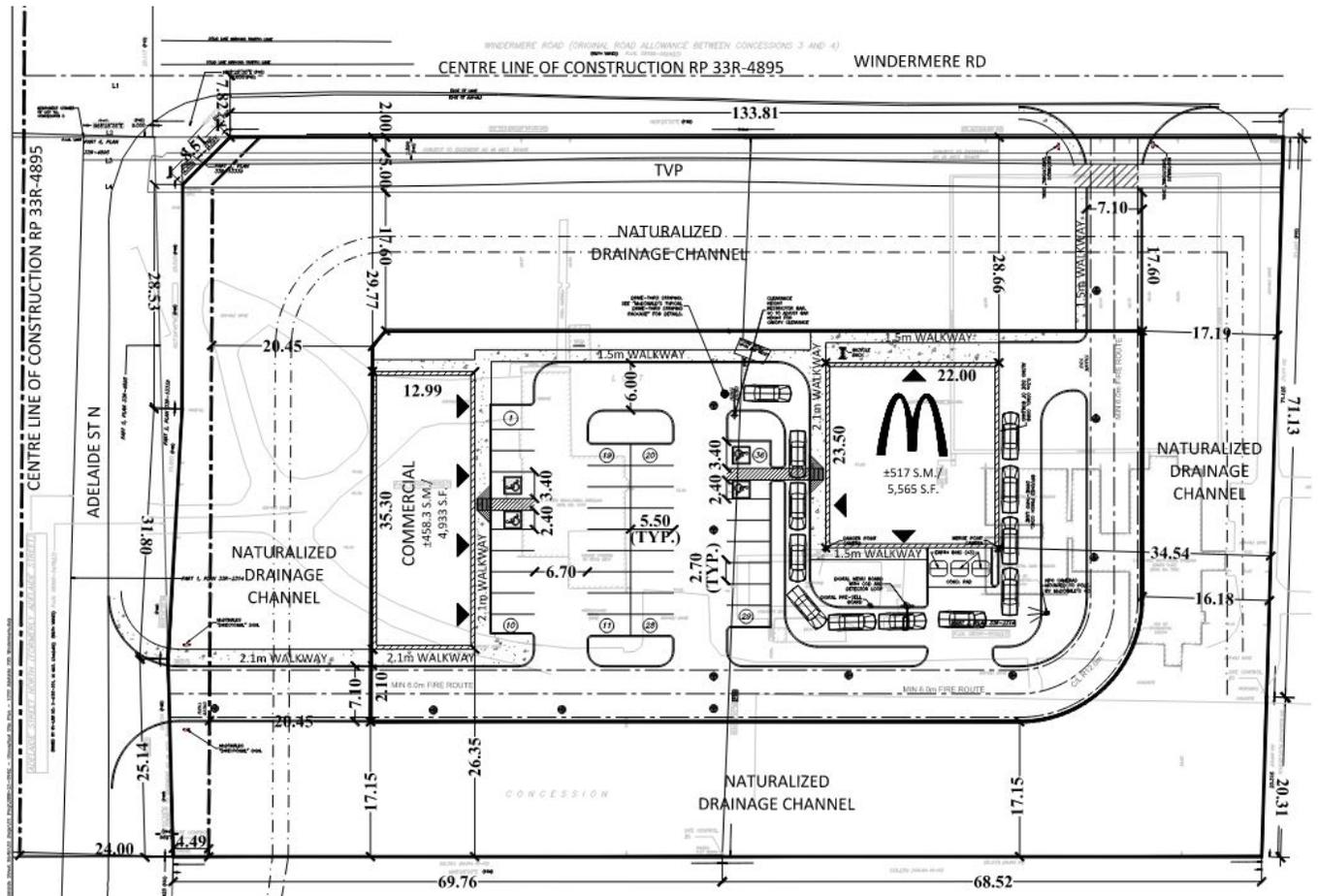


Figure 8. Proposed Site Plan

Over half (52%) of the lot area would consist of a naturalized drainage channel that would surround the new development, between 16m-21m in width and varying in depth. The purpose of the channel would be to direct high-volume flows during extreme storm events (1:250 yr.) to mitigate potential flood impacts from the proposed floodproofing, improve access along Windermere Road, and to re-direct/alleviate stormwater in an efficient manner (refer to Section 7.2 of this report for further details).

Vehicle and pedestrian access would be provided via two-way accesses and walkways from Adelaide Street North and Windermere Road; both located furthest from the intersection as much as possible. Both accesses would be constructed on top of a minimum 4m culvert to allow for stormwater drainage and safe egress.

An extension of the Thames Valley Parkway (TVP) would also be constructed as part of this development and be dedicated at parkland dedication, along 7m of the north property limit to extend the City's pedestrian network of 3m shared use paths through the site.



Figure 9. Plan View Rendering of proposed site development

6 OFF-SITE IMPROVEMENTS

Beyond the Subject Lands property limits, this proposed development would also include improvements of the City of London's parking lot and recreational facilities on the abutting lands. **Figure 10** provides a contextual plan illustrating the proposed off-site improvements, including:

- The construction of the TVP extension including a 3m shared use path. This path would be located south of Windermere Road and extending between Adelaide Street to the west to the junior ball diamond to the east. The construction of the Parkway is approximately 200m in length.
- Increase in Parkland Dedication from 2% to 7.3 % of gross area for the purpose of dedication of land for the extension of the TVP (933 m²). The portion of the TVP would be contained within a 7m corridor parallel to Windermere Road and acquired as Parkland Dedication (consistent with By-law C.P.9 and the Planning Act).
- A portion of the municipal parking lot (approx. 62 spaces) would be removed from the and remediated to green space, including removal of gravel and replacement with topsoil and landscaping.
- The construction of a new fieldhouse, approximately 67.5m² in area to provide public washroom facilities, municipal storage, and changing facilities (please note that detailed building design to be completed at the detailed design stage).
- Re-constructed municipal parking lot (91 spaces) for public recreational use and access to the athletic fields. Parking lot re-grading and construction of approximately 2,700m² in area, with 0.3m of granular, curb and landscaped islands.
- In an effort to balance the net number of parking spaces within the floodplain, the UTRCA/City recognized the former nine (9) parking spaces on the Subject Site and would relinquish 39 spaces from the abutting City-owned parking lot, in an exchange for an improved parking area for the remaining 91 parking spaces with new fieldhouse/public washroom facility. The abutting parking would be reduced from 139 spaces to 91 spaces.
- Further east on Windermere Road, there is an additional parking area of 65 spaces, providing the athletic fields with a total of 156 municipal parking spaces. For comparison purposes, the Northridge Recreational Field complex has been built 1 km to the north with 181 parking spaces and is comprised of two new adult league baseball, batting cages, a play structure, and a large shared field with cricket and two junior soccer facilities, while the Stoneybrook Recreation-fields have one adult baseball, two junior baseball, and one adult soccer facilities. The Road Allowance could likely accommodate an addition of 65 day-time parking spaces if the demand evolved.
- The mitigation of encroachment of previous development on City or UTRCA-owned lands and the restoration of those encroached lands back to a natural state.

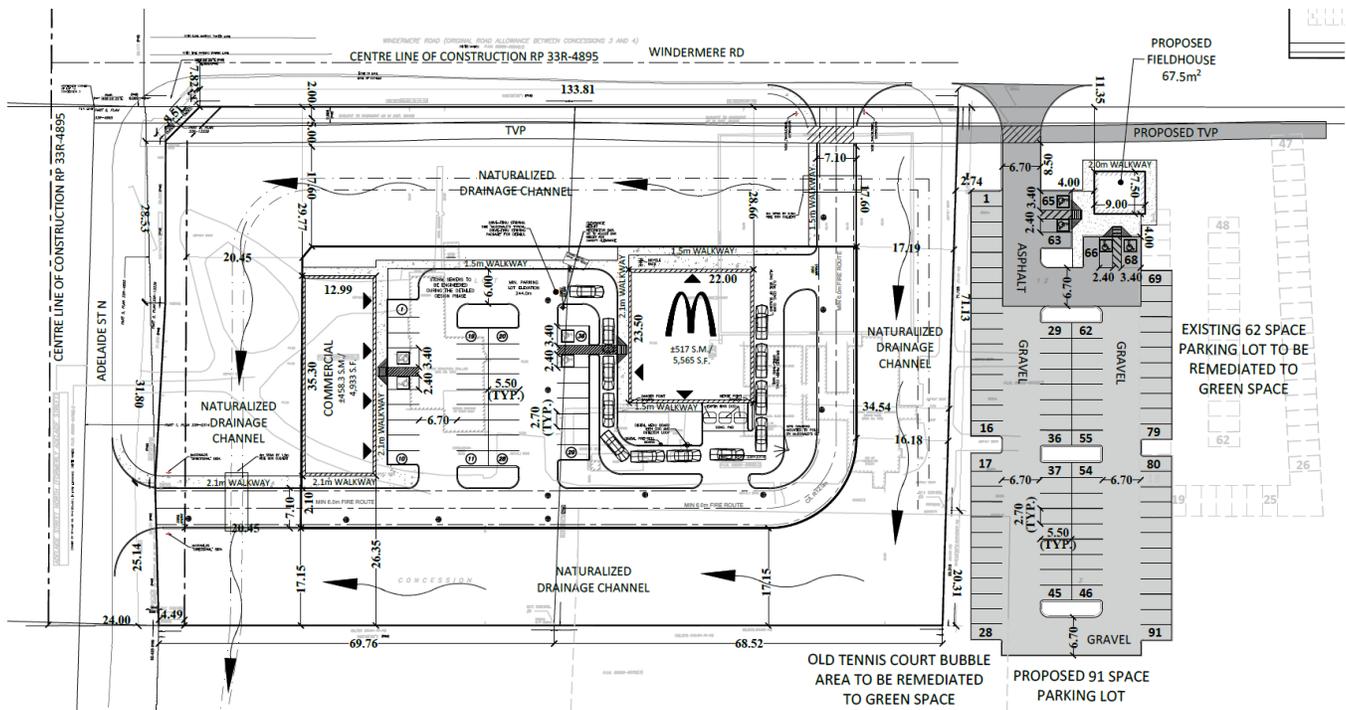


Figure 10. Context Plan Illustrating Proposed Improvements

7 TECHNICAL STUDIES

7.1 Transportation Impact Study

SBM Ltd. was retained to complete a Transportation Impact Study (dated July 2023) and is submitted under separate cover. The purpose of the study was to identify transportation impacts associated with the proposed commercial development. The study had forecasted traffic volumes for a 2029 horizon year and assess traffic conditions within the vicinity, particularly the intersection of Adelaide Street North and Windermere Road; which currently operates at a Level of Service (LoS) ‘E’ with queuing that occasionally extends beyond the eastbound left-turn lane.

In the 2029 horizon, it is anticipated that the eastbound left turn, northbound left turn, and south bound through movements will all reach capacity during the PM peak hour, with eastbound and northbound turn lanes queues extending beyond capacity. It is recommended that this intersection be monitored and assessed whether extension of the eastbound left turn lane is warranted to improve queuing capacity.

The forecast indicates that the proposed development would generate 103 new trips in the PM peak hour (56 in and 47 out) and 157 new trips during the Saturday peak hour (82 in and 75 out). Relative to the background traffic volumes at this intersection during the 2029 horizon, the critical movements remain identical to the background traffic operations, which indicates that the site traffic from the proposed development will have no significant impact on the intersection operations.

In review of the two site accesses proposed, both entrances are anticipated to operate well with no concerns. It is recommended that the divisional island on Adelaide Street North be extended to prevent the southbound left-turn movements into the site.

7.2 Flood Impact Assessment – Hydraulic Modelling

Matrix Solutions Inc. (formerly Ecosystem Recovery Inc.) was retained to undertake a flood impact assessment. The project had been initially scoped in September 2019 with the Upper Thames River Conservation Authority (UTRCA) to understand the hydraulic modelling requirements for the assessment.

During current conditions, high flow conditions combine with the flows generated by Stoney Creek north of Windermere Road resulting in inundation of the wide and flat floodplain. Under extreme conditions, both Adelaide Street and Windermere Road in the area are also overtopped in areas between Glenora Drive and Kipps Lane.

The initial 1D hydraulic modelling was completed in May 2020, before the 2D modelling was completed in November 2020. The modelling had confirmed the flood elevations and flood proofing requirements, assessed the impacts of the flow velocities of adjacent streets, and determined the on-site flood risk associated with flow velocity of the Subject Site. Subsequent modelling, review, and meetings with the UTRCA were held to discuss 8 different site layout alternatives.

After an extensive process spanning two years, the most recent 2D model determined that the current proposed site layout does not adversely impact flood depths, velocities, and flood risk on adjacent, upstream, or downstream properties. Additionally, the proposed floodproofing reduces flood risk on the Subject Site. The Subject Site would be designed with the internal site area raised to an elevation of 244m and a drainage channel along the perimeter of the site, directing flows from an extreme weather event around the buildings. The proposed field house on the City's lands would also be floodproofed. Key recommendations of the flood modelling assessment include:

- Floodproofing of the commercial buildings and parking lot by raising the development area to 244 m in elevation, which is above the Regulatory event water surface elevation.
- Construction of two vegetated drainage channels around the floodproofed (filled) area, to mitigate flood impacts associated with the floodproofing and provide major overland conveyance to the North Branch of the Thames River.
- Construction of two site entrances with culverts crossing the drainage channels.
- A field house servicing the Stoneybrook Recreational Sports Field Complex. The field house would be floodproofed by raising the structure and surrounding parking lot to 244 m elevation, which is 0.5 m above the Regulatory event water surface elevation. The parking lot elevation ranges from 244 m in the north near the field house, to 242.2 m on the south similar to grading of the existing parking lot.

- Removal of ancillary buildings and hard surfaces outside of the site boundary (previous encroachments onto City-owned lands) and naturalized restoration of area.

Flood risk is defined by the three criteria: depth, velocity, and depth x velocity. **Figure 11** demonstrates the overall level of risk of the existing conditions during the Regulatory (1:250 year) event. The Subject Site and the surrounding area are almost entirely categorized as “high risk”. Comparatively, **Figure 12** demonstrates the overall level of risk of the preferred site layout alternative. Portions of the perimeter of the Subject Site is improved to a “low risk” status and there is no flood risk on the development area due to the proposed floodproofing and mitigation measures. Access to the site during flooding conditions is improved by the addition of the Adelaide Street entrance which has a higher elevation than the existing Windermere Road entrance.



Figure 11. Existing Conditions – Flood Risk for Regulatory Event



Figure 12. Preferred Site Layout –Flood Risk for Regulatory Event

7.3 Stormwater Management Study

A stormwater management study was prepared by SBM Ltd (June 2023) to determine the storm sewer capacity of the existing City services surrounding the Subject Lands. The Subject Site is tributary to the 300 mm storm sewer in the Windermere Road Right-of-Way (ROW) which currently only conveys the road runoff. It is connected to a 600 mm storm pipe in the Adelaide Street North ROW which outlets to an existing culvert approximately 123m north of the intersection.

A new private storm connection to the existing 300mm storm sewer on Windermere Road to convey 2-year pre-development storm levels, while more extreme storm events (100-yr or greater) would be contained on-site (approximately 18.18m³) and released at levels equal or greater than pre-development levels.

The existing 300 mm storm sewer on Windermere as well as the proposed naturalized drainage channel would adequately service the site. Quantity controls will be required to mitigate the increased runoff and will be proposed at the time of detailed design. From initial review, it appears that the site is able to sufficiently provide the required stormwater storage via underground pipes, structures (such as manholes and catch basins), and surface ponding.

8 FLOODPLAIN POLICY REVIEW

The Subject Site is regulated by the UTRCA in accordance with Ontario Regulation 157/06 pursuant to Section 28 of the Conservation Authorities Act. At this location, the regulation limit is comprised of the riverine flooding hazard associated with the Thames River. Therefore, planning applications for development must be consistent with the Provincial Policy Statement (PPS), conform to municipal planning documents, and conform with the policies of the UTRCA's Environmental Planning Policy Manual (UEPPM, 2006). Subsequent to any planning application approvals, permits would also need to be provided by the UTRCA pursuant to Section 28 of the Planning Act.

8.1 UTRCA Environmental Planning Policy Manual

The proposed applications have been made pursuant to section 4.2.2.6 of the UTRCA Environmental Planning Policy Manual, regarding Replacement Structures in the Floodway. Through the review of City building records, it was determined that the existing total/maximum permitted gross floor area of the fitness facility was 982m² and that there were 9 parking spaces associated with the use. The proposed development matches the gross floor area of the former structures associated with a Goodlife fitness facility and assembled into an improved site layout with floodproofed buildings. Based on the proposed Site Plan and Flood Impact Assessment, the following responds to the applicable policies under section 4.2.2.6.

- a) *The structure can be floodproofed to the level of the Regulatory Flood. If Regulatory Flood protection is not technically feasible, a lower level of flood risk protection may be permitted and must be provided to the maximum elevation possible as determined on the basis of site-specific evaluation.*

Response: The Flood Assessment has provided 2D modelling of the proposed development and assessed the building and parking layout, including the neighbouring field house and parklands to ensure the new buildings would be floodproofed to the level of the Regulatory Flood. The elevation of the Regulatory Flood, for the Subject Site is required to meet 243.5m. The proposed floodproofing has been set at 244 m, 0.5 m above the Regulatory Flood.

- b) *The proposed structure must not exceed the total "footprint" area of the original structure as it existed on April 25, 2000.*

Response: Through the review of City building records, it was determined that the existing total/maximum permitted gross floor area of the fitness facility was 982m². The proposed buildings would not exceed the total footprint area of the original structure as they existed on April 25, 2000. The proposed buildings would have a combined building area of 975.3 m².

The flood risk must not exceed the risk associated with the previous/existing structure or development such that:

i. The location of the replacement structure and services are not susceptible to higher depths and/or velocities of flooding;

ii. The use associated with the replacement structure and development does not increase the risk to property damage or public safety (e.g. converting from habitable to non-habitable); and

iii. The use within the replacement structure and/or the property as a whole is not intensified.

Response: The proposed floodproofing would improve the entire site and remove the flood risk for the proposed buildings, as demonstrated in the Flood Impact Assessment which reviewed up to the Regulatory Event.

Potential risk may be considered in terms of consequences, such as the number of persons at risk of loss of life or for the dollar value of property damage. In terms of flood damage costs, the proposed development remains unchanged, if not reduced, from the former commercial use as the proposed ground floor area remains the same however the new buildings would be floodproofed.

As suggested in policy (ii), the type of use would also vary the levels of risk to loss of life. Residential uses pose a higher level of risk, thus conversion from residential uses to non-habitable uses is a preferred intensification of use. Commercial uses generally do not require lengthy or overnight periods of stay and are designed for prompt evacuation and access by emergency services and therefore have less risk.

Intensity of uses (policy iii) is also considered to measure risk. For the proposed development, the intensity of commercial use remains the same, if not improved (less intense) with regard to risk.

The intended commercial (ex. drive-through restaurant, retail, and personal service) uses would have higher visitors per day but, would also typically have less occupancy limits under the Ontario Building Code than other commercial/office uses. For instance, a recreational facilities may have larger washrooms, changing facilities, and open rooms/gymnasiums to accommodate a larger assembly of people (e.g. spectators, training classes), while restaurants and retail spaces are limited by the number of washrooms or fixed seating, and require larger unoccupied spaces such as storage areas. Therefore, the number of people using the facilities, or building occupancy, would be lower at any moment of time.

While the former recreational use would have less visitors per day, the length of stay would also be longer and more involved – including activities where people may be unaware of the surroundings (e.g. wearing headphones, showering, sport). Whereas restaurants or retail commercial stores may have a higher volume of users, but the visit would be a shorter duration and less involved; therefore, able to immediately evacuate if needed.

The floodproofing reduces risk to property damage and public safety by removing the flood risk within the property limits for the buildings and entire parking area. The proposed use of the buildings would be for

commercial uses that have a short-term visit with a smaller occupancy limit and would not exceed the potential risk associated with the previous development.

d) The proponent agrees to carry out site-specific flood damage reduction measures such that, in order of priority:

i. Dry, passive floodproofing measures shall be implemented to the extent technically possible to achieve the required level of flood protection; and /or

ii. Wet floodproofing measures are incorporated as required to achieve and maximize the required level of flood protection.

Response: The site would be floodproofed using passive floodproofing measures, by raising the site (fill) to achieve the required level of flood protection for the Regulatory flood event. Refer to Flood Impact Assessment for preferred floodproofing methodology and site layout alternative.

e) Ingress and egress should be “safe” or “dry” pursuant to contemporary floodproofing guidelines in addition to Provincial Policy and/or achieve the maximum level of flood protection determined to be feasible and practical based on existing infrastructure.

Response: Two new/improved vehicle accesses with culverts would be constructed to provide “safer” ingress/egress during flooding conditions. Access and egress to the site via the new Adelaide Street entrance can be maintained for higher flows and for a longer period during the Regulatory flow event compared to the existing entrance off Windermere Road.

f) The proposed flood damage reduction measures do not increase flood risk on adjacent, upstream and/or downstream properties.

Response: The Flood Impact Assessment found that the proposed development and floodproofing would not increase flood depths and velocities on adjacent properties and therefore would not increase flood risk on adjacent, upstream and/or downstream properties.

g) All applications for development approval must be accompanied by engineering studies, prepared by qualified professional, detailing such matters as flood frequency, depth and velocity flow, soil conditions, proposed flood damage reduction measures including structural design details, stormwater management and other information and studies as may be required by the UTRCA and the local municipality.

Response: Although an application for development approval has not been submitted, the Flood Impact Assessment and Stormwater Management Brief detailing the flood frequency, depth and velocity, and proposed flood damage reduction measures have been completed. Additional technical review including detailed servicing and grading plans would be completed prior to Site Plan Approval.

h) Approval of an application under this policy will be subject to the consent of the UTRCA's Hearings Committee.

Response: It is understood that the application may be subject to the consent of the UTRCA's Hearings Committee.

Based on the above-noted policies, it is of the opinion of the writer that the proposed development would meet the general intent and purpose with the UTRCA policies under section 4.2.2.6. of the Environmental Planning Policy Manual.

9 PLANNING POLICY AND ZONING REGULATIONS

9.1 Provincial Policy Statement

The Provincial Policy Statement (the "PPS") provides direction on matters of provincial interest related to land use planning. The Planning Act requires "*decisions affecting planning matters shall be consistent with*" the PPS.

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act "*provides policy direction on matters of provincial interest related to land use planning*" in order to ensure efficient, cost-efficient development and the protection of resources. The proposed development is consistent with the PPS and more specifically supports the following policies:

- The Subject Site is located within the urban growth boundary, promotes development within the built-up area, minimizes land consumption, and cost-effective servicing by utilizing existing facilities (Sections 1.1.1, 1.1.3.1, & 1.6.6.2).
- The proposed development considers emergency preparedness in addition to balancing economic, social, and environmental considerations (Sections 1.2.3 & 1.6.4).
- The use of municipal infrastructure and services (sewage, water, and stormwater) are being optimized through the appropriate development and no extension of municipal infrastructure are necessary to facilitate the proposed commercial development (Section 1.6.6).
- The Subject Site is located within 100m of bus transit stops and cycling infrastructure, supporting multi-modal and active transportation options (Section 1.6.7.4 & 1.8.1.b-c).
- The Subject Site is located in proximity of the Thames River (north) and within the floodway, as defined by the PPS, which prohibits development within the floodplain (3.1.2 & 3.1.4.b); however the proposed development would replace the existing (residential and recreational) buildings with non-habitable buildings and uses and would not create new adverse impacts upstream/downstream, would be floodproofed, and would be designed to provide access to emergency services during a Regulatory event (Section 2.1.1, 3.1.1.b).

Based on the above, the proposed development would be consistent with general intent of the 2020 Provincial Policy Statement.

9.2 The London Plan

The London Plan identifies the Subject Site as within the “Green Space Place Type” (**Figure 13**) located along a “Civic Boulevard”. The Green Space Place Type is “applies to the Natural Heritage System, the parks and open space system, hazard lands, and natural resources. The Environmental Policies of this Plan provide clear guidance on how the Natural Heritage System will be protected, conserved and enhanced within this Place Type, in accordance with provincial policy” (Policy 756). Commercial uses are not permitted in the Open Space Place Type and therefore an Official Plan Amendment is required to permit the proposed development.

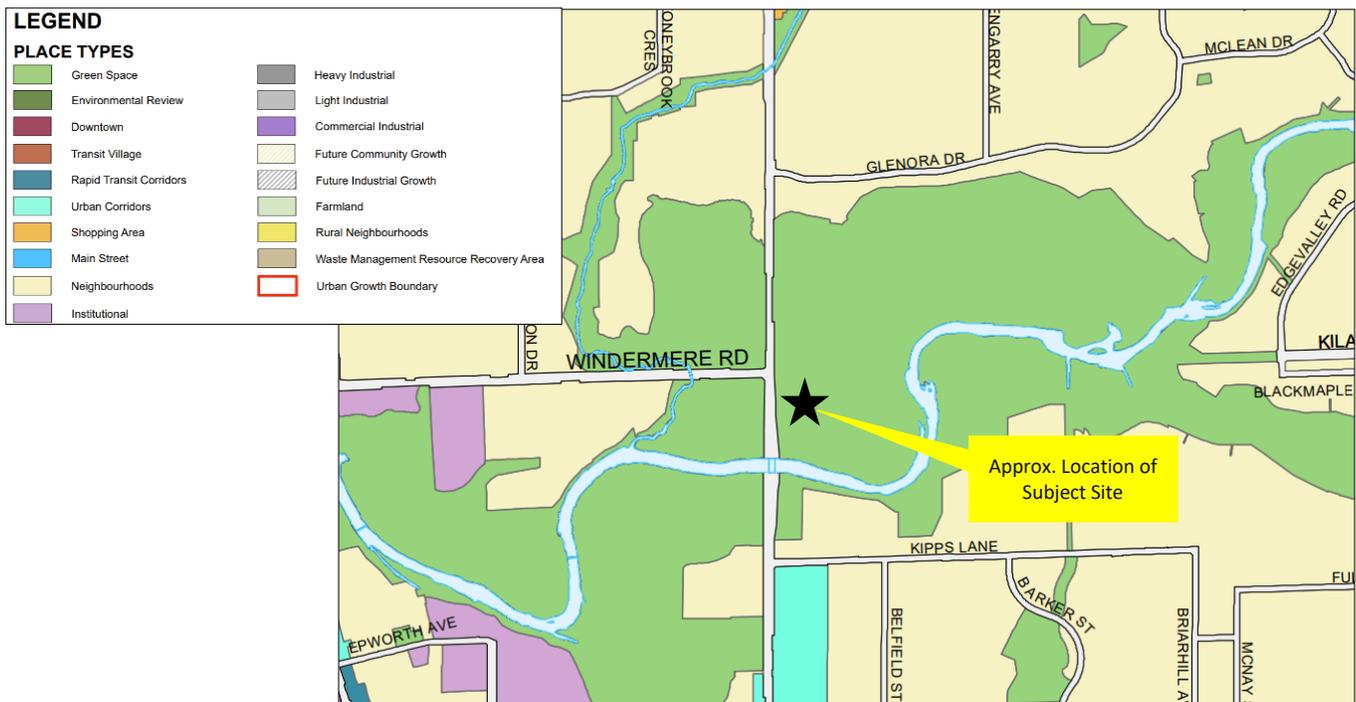


Figure 13. The London Plan, Map 1 – Place Types

Although designated Greenspace, the Subject Site is not located within the City’s significant natural heritage system per Map 5 of the London Plan, which includes wetlands, woodland or valleyland areas. The Killaly Meadows Environmentally Significant Area (ESA) is located to the east and south of the site.

The Subject Site is located within the Conservation Authority’s Regulated Area which consists of all lands within the Regulatory Flood Standard for the Upper Thames River Conservation Authority that is based on the 1937 observed Flood Event (Policy 1447) and structured around a “one-zone concept”. New development within this area is prohibited except existing uses or minor additions (Policy 1454). However, the proposed development would replace existing buildings with appropriate uses non-residential uses and the proponent is working with the Conservation Authority to receive permitting for the proposed re-development project (Policy 1463).

Consideration of The London Plan policies regarding City Design has been given for the proposed commercial development, with particular interest in site layout, building locations, and providing a site configuration that:

- Responds to the topography of the site, arranging the flood channels around the perimeter of the site and elevating the built portion of the site to be floodproofed (Policy 254)
- Promotes connectivity by extending the TVP shared use path within the Windermere right-of-way and safe connections to the site for pedestrians and vehicles; (Policy 255)
- Locates and orients the buildings to the public realm, locating parking and driveway access to the interior and periphery of the site (Policy 261 & 264)
- Orients drive-through facilities, loading and utilities to be screened from public open spaces and minimizes pedestrian-vehicle conflicts (Policy 265 & 266)

In my professional opinion, the Development Proposal is an example of a small-scale commercial development that is appropriate for the Subject Site.

9.3 City of London Zoning Bylaw

The site is currently zoned under the Open Space (OS4(2)) variation zone of the Zoning By-law No. Z-1. Section 36.1 states that the parent OS4 Zone is applied to areas that have physical and/or environmental constraints to development (e.g., lands prone to flooding/erosion). Permissions in the site-specific OS4(2) Zone Variation are limited to commercial recreation establishments in existing buildings. A Zoning By-law Amendment would be required to permit the proposed commercial uses on site within the new buildings. **Table 1** offers a comparative analysis of the provisions of the OS4 Zone and the proposed development. Based on the review, the proposed development would conform to all of the provisions of the OS4 zone and no additional provisions would be required.

Table 1. Zoning Bylaw Comparison Chart

Provision	OS4 Zone	Provided	Conforms?
Minimum Lot Area (Gross)	4000 m ²	12,312 m ²	Yes
Minimum Lot Frontage	15 m	85 m	Yes
Minimum Front Yard Setback	8 m (Arterial)	20 m	Yes
Minimum Exterior Yard Setback	6m	28 m	Yes
Minimum Interior Yard Setback	6 m	26 m	Yes
Minimum Rear Yard Setback	7 m	34 m	Yes
Minimum Landscaped Open Space	20 %	60 %	Yes
Maximum Lot Coverage	10%	8 %	Yes
Maximum Height	12 m	8 m	Yes
Parking - Vehicle	48 spaces	48 spaces	Yes
Parking - Bicycle	6 spaces	6 Spaces	Yes

9.4 Proposed Applications

9.4.1 Official Plan Amendment

The Green Space Place Type permits uses (Policy 762) that dependent on the natural heritage features, hazards, and natural resources in the area being protected, conserved or enhanced. A site-specific policy would be required to permit the proposed commercial uses, as follows:

1310 ADELAIDE ROAD NORTH AND 795 WINDERMERE ROAD

###_ In the Green Space Place Type applied to the lands located at 1310 Adelaide Road North and 795 Windermere Road, commercial uses may be permitted such as but not limited to, restaurants, retail, or personal service uses with a cumulative gross floor area of 975m².

9.4.2 Zoning Bylaw Amendment

OS4(##) 1310 Adelaide Street North and 795 Windermere Road

a) Permitted Uses:

- a) Bake shops
- b) Convenience store
- c) Commercial recreation establishment
- d) Drive-through facility
- e) Financial institutions
- f) Food stores
- g) Personal service establishments
- h) Restaurants
- i) Retail stores

b) Regulations:

- a) The maximum gross floor area shall be 975.5m².
- b) The maximum gross floor area for individual uses shall be 520m²

10 CLOSING

Based on a review of the relevant policies and regulatory framework for the Subject Site, the proposed Official Plan Amendment and Zoning Bylaw Amendment are justified given:

- The proposal is consistent with the policies of the UTRCA Environmental Planning Policies Manual regarding Replacement Structures in the Floodway;
- The proposal offers significant added benefits/improvements, revitalises a derelict vacant lot, utilizes available municipal infrastructure and services, and represents an efficient utilization of land, infrastructure, and resources;
- The proposed development would ensure safer ingress/egress and would ensure the development area and buildings are floodproofed;
- The proposal is consistent with the policies of the Provincial Policy Statement, 2020, which promotes healthy, liveable, and safe communities by accommodating an appropriate intensification in urban growth areas; and
- The proposed Official Plan Amendment and Zoning By-Law Amendment would permit limited commercial uses that are appropriate and compatible with the surrounding uses.

For the reasons noted above and throughout this report, the proposed Zoning By-Law Amendment and proposed development would represent sound land use planning practice.

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