

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

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

Subject: Pearl Investments Inc. (c/o MHBC Planning Limited)
32 Chesterfield Avenue
File Number: Z-9768, Ward 1
Public Participation Meeting

Date: October 2, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Pearl Investments (c/o MHBC) relating to the property located at 32 Chesterfield Avenue:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting October 15, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** a Residential R4 (R4-3) Zone **TO** Residential R2 (R2-1) Zone, a Residential R2 Special Provision (R2-1(_)) Zone, and an Open Space Special Provision (OS4(_)) Zone;

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the PPS 2020;
- ii) The recommended amendment conforms to The London Plan, including but not limited to the Neighbourhoods Place Type and Key Directions;
- iii) The recommended amendment is consistent with the character of the existing neighbourhood area and will not negatively impact surrounding properties; and
- iv) The recommended amendment facilitates the development of an underutilized site within the Urban Growth boundary with an appropriate form of infill development.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R4 (R4-3) Zone to Residential R2 (R2-1) Zone, a Residential R2 Special Provision (R2-1(_)) Zone, and an Open Space Special Provision (OS4(_)) Zone to facilitate the creation of six (6) new lots to be developed with single detached dwellings, in addition to the existing single detached dwelling.

Staff are recommending approval with additional special provisions that will recognize the existing conditions related to the existing single detached dwelling on the proposed retained lot.

Purpose and the Effect of Recommended Action

The recommended action will permit the creation of six (6) new single-detached residential lots to be developed with **six (6) new dwelling units** in addition to the existing single detached dwelling.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

- **Strategic Plan Area of Focus: Housing and Homelessness**, by ensuring London's growth and development is well-planned and considers use, intensity, and form.
- **Strategic Plan Area of Focus: Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
- **Strategic Plan Area of Focus: Housing and Homelessness**, by supporting faster/ streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

There have been no previous planning applications on the subject site.

1.3 Property Description and Location

The subject property, municipally known as 32 Chesterfield Avenue, is located at the northeast corner of Chesterfield Avenue and Veronica Avenue, in the Glen Cairn Planning District. The subject lands are rectangular in shape with an area of 0.9 hectares and are comprised of two parcels separated by municipal lane. The subject lands have a frontage of approximately 73 metres along Chesterfield Avenue, and 38 metres along Veronica Avenue. The site currently consists of a one-storey single detached dwelling with an existing driveway providing access to the site from Chesterfield Avenue. The surrounding neighbourhood consists of low-to-medium density residential development, and open space to the north of the subject lands.

Site Statistics:

- Current Land Use: Residential
- Frontage: 73 metres along Chesterfield Avenue, 38 metres along Veronica Avenue
- Depth: 160 metres (524.9 feet)
- Area: 0.9 hectares (2.2 acres)
- Shape: Regular (rectangle)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: Open Space & Thames River
- East: Low-Density Residential Development
- South: Low-to-Medium Density Residential Development
- West: Open Space & Medium-Density Residential Development

Existing Planning Information:

- The London Plan Place Type: Neighbourhoods & Green Space Place Type at the intersection of two Neighbourhood Streets (Chesterfield Avenue & Veronica Avenue)
- Existing Zoning: Residential R4 (R4-3) Zone & Open Space (OS4) Zone



Figure 1- Aerial Photo of 32 Chesterfield Avenue & surrounding lands



Figure 2 - Streetview of 32 Chesterfield Avenue (view looking northeast)



Figure 3 - Streetview of 32 Chesterfield Avenue (view looking north)

2.0 Discussion and Considerations

2.1 Development Proposal

The applicant is proposing to create six (6) additional single detached residential lots on the vacant portion of the property south of the existing dwelling. The existing dwelling will be retained on an individual lot, and the existing driveway access to the subject lands will continue to serve the existing dwelling on the retained lot. Reconfiguration of this driveway is required to accommodate the proposed lotting pattern, given its irregular shape and existing encroachment within the municipal right-of-way in front of the proposed Lot 6. There is sufficient frontage proposed for the retained lot to support a reconfiguration of the existing driveway. The northerly portion of the subject lands are currently zoned an Open Space (OS4) Zone and are proposed to be conveyed to the City of London.

The proposed severed lots have a typical frontage of 9.0 m and area of 340m², in conformity with the proposed Residential R2 (R2-1) Zone, and front on either Veronica Avenue or Chesterfield Avenue. The proposed lots are of sufficient size to accommodate two-storey single-detached dwellings with single car garages. Considering the terminus of Chesterfield Avenue with respect to the subject lands, the retained lands (Lot 7) will have approximately 8.4 metres of frontage on the opened portion of the Chesterfield Avenue road allowance.

The proposed development includes the following features:

- Land use: Residential
- Form: Single detached dwellings
- Height: 2-storeys (8.0 metres)
- Residential units: 6
- Density: 1 unit per lot
- Building coverage: 41%
- Parking spaces: 1 parking space per unit
- Bicycle parking spaces: N/A
- Landscape open space: 45%

Additional information on the development proposal is provided in Appendix B.

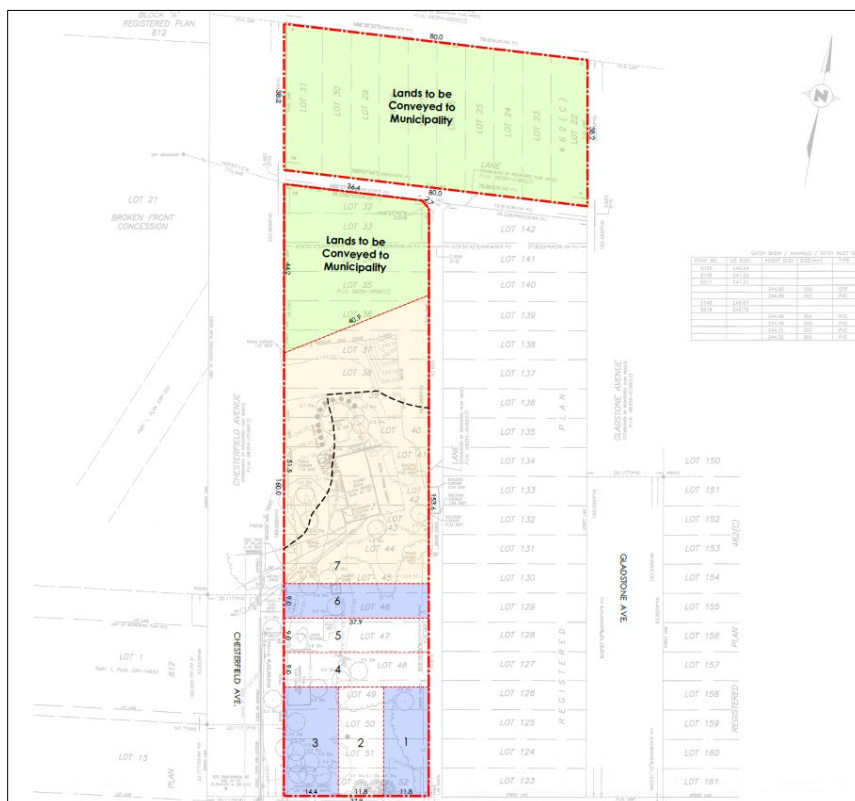


Figure 4 - Conceptual Site Plan (received July 2024)

Additional plans and drawings of the development proposal are provided in Appendix C.

2.2 Requested Amendment

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Residential R4 (R4-3) Zone to Residential R2 (R2-1) Zone, a Residential R2 Special Provision (R2-1(_)) Zone, and an Open Space Special Provision (OS4(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (R2-1(_))	Required	Proposed
Lot frontage (Minimum)	9.0 metres	8.0 metres
North Interior Side Yard Setback (Minimum)		As existing on the date of the passing of the by-law
West Interior Side Yard Setback (Minimum)		As existing on the date of the passing of the by-law
Rear Yard Setback (Minimum)		As existing on the date of the passing of the by-law

2.3 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.

Key issues identified by staff and agencies included:

- UTRCA - there are still outstanding comments in regard to the geotechnical investigation/slope stability study which may impact the erosion hazard limit/development setback. A final geotechnical investigation/slope stability assessment/report incorporating all of the responses would be a requirement of the Section 28 permit approval process.
- Ecology - preference from an ecological standpoint would be to zone the ecological buffer separately to ensure the buffer and feature will be protected from future development for the long-term.

Detailed internal and agency comments are included in Appendix D of this report.

2.4 Public Engagement

On August 6, 2024, Notice of Application was sent to 54 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 12th, 2024. A “Planning Application” sign was also placed on the site.

There were **zero** responses received during the public consultation period. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

2.5 Policy Context

The Planning Act and the Provincial Planning Statement, 2024

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Planning Statement, 2024 (PPS)*. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below.

As the application for a Zoning By-law amendment complies with The London Plan, it is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the Provincial Policy Statement and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed uses, being the existing and proposed single detached dwellings, are supported by the policies of the *Provincial Policy Statement* and are contemplated in the Neighbourhoods Place Type for sites fronting on a Neighbourhood Street in *The London Plan* (TLP Table 10). The residential intensification policies in The London Plan call for intensification, including lot creation and infill development, to be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality, and sustainability (TLP 937_). The London Plan defines residential intensification as development of a property at a higher residential intensity than currently exists (TLP 938_). Proposals for intensification, including lot creation, are required to be appropriately located and fit well within the receiving neighbourhood (TLP 937_ and 940_). Intensifying the lands will not lead to the creation of a lot that is out of character for the neighbourhood, and represents proper infill and intensification as outlined in The London Plan.

The recommended amendment would maintain the character of the surrounding area and conforms to the above policies in the Neighbourhoods Place Type.

4.2 Intensity

The proposed intensity is consistent with the policies of the PPS which encourage residential intensification (PPS 1.1.3.3 and 1.4.3), an efficient use of land (PPS 1.1.3.2) and a range and mix of housing options (PPS 1.4.3). The proposed 2-storey intensity is in conformity with Table 11 in the Neighbourhoods Place Type in *The London Plan* and contributes to the intensification target within the Primary Transit Area and Built Area Boundary (TLP Table 11).

The proposed residential intensity will facilitate an appropriate scale of development that makes efficient use of lands and services and is compatible and complementary to the existing and planned residential development in the area.

4.3 Form

Retention of the existing single detached dwellings results in a development that maintains street orientation despite the long and narrow configuration of the lot. The requested front and interior side yard setback reductions relate only to the existing single detached dwelling and no changes to the form of the dwelling are proposed as part of this application. Given the rezoning application is for the purposes of a subsequent consent application to create the six additional residential lots, future built form on the subject lands will be regulated by the Residential R2 (R2-1) Zone.

4.4 Zoning

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R4 (R4-3) Zone to Residential R2 (R2-1) Zone, a Residential R2 Special Provision (R2-1(_)) Zone, and an Open Space Special Provision (OS4(_)) Zone. It should be noted that special provisions are only requested for the existing dwelling for the retained Lot 7. While the intent is to renovate the existing dwelling on Lot 7, any future buildings (e.g. additions) or structures must be sited outside of the development setback to provide appropriate separation from the adjacent significant woodland and implement the erosion hazard limit established through the geotechnical investigation.

As such, Lot 7 is proposed to be rezoned to Residential R2 Special Provision (R2-1(_)) Zone. The following summarizes the special provisions that have been proposed by the applicant and recommended by staff.

Lot Frontage (Minimum) – 8.0 metres

The intent of regulating minimum lot frontages is to ensure lots are adequately sized and shaped to support the intended use of the lands. To ensure that the configuration of Lot 7 is appropriately recognized in the Zoning By-law, a special provision to permit a minimum lot frontage of 8.0 metres is proposed as part of this application.

As shown in the submitted Concept Plan, the existing driveway access to the subject lands can be maintained for Lot 7, provided it is reconfigured to avoid encroachment with respect to proposed Lot 6. While an 8.4 metre lot frontage is provided for Lot 7 in the Concept Plan, a minimum lot frontage of 8.0 metres is requested through the Zoning By-law Amendment to provide flexibility at the Consent stage in siting new lot lines while ensuring the existing driveway access for the subject lands is maintained for Lot 7. Staff are of the opinion that sufficient linear frontage for vehicle access has been maintained, and an 8.0 metre lot frontage for Lot 7 is considered appropriate to facilitate the proposed development.

North Interior Side Yard Setback (Minimum) – As existing on the date of the passing of the by-law

West Interior Side Yard Setback (Minimum) – As existing on the date of the passing of the by-law

Rear Yard Setback (Minimum) - As existing on the date of the passing of the by-law

To implement the development setback identified on Lot 7, as illustrated in the Concept Plan, additional special provisions are requested to recognize setbacks of existing building and structures, given the northwestern corner of the existing dwelling and the existing swimming pool currently encroach in the recommended buffer from the environmental features. Further, the special provisions look to establish more restrictive setbacks for the siting of future development to ensure any future built improvements to Lot 7 do not encroach into the ecological buffer. Implementation of these setbacks will

ensure long term protection of the buffer and the significant woodland feature and will mitigate any impacts to the feature from any potential future development of Lot 7.

4.4 Natural Heritage

The applicant has retained Natural Resource Solutions Inc. (NSRI) to complete an Environmental Impact Study (EIS) with portions of a Subject Lands Status Report (SLSR) to support the rezoning of the subject site. The EIS defined and identified natural features and potential functions to be protected, evaluated the potential for impacts to natural heritage features, and provided recommendations for avoidance or mitigation of impacts. The findings of the EIS have been summarized below.

Significant Valleylands

The northern portion of the property, near the Thames River, is designated Significant Valleyland in accordance with Policy 1348 of The London Plan and also located within The Thames Valley Corridor as illustrated in Figure 12 of The London Plan. Given the important role of this Corridor as a natural, cultural, recreational and aesthetic resource, Policy 123_4 calls for the protection, enhancement and restoration of the natural and cultural heritage of the Thames Valley Corridor. Policy 123_9 further directs the municipality to acquire lands along the Corridor as appropriate to support the ecological, cultural, and recreational objectives of The London Plan.

These lands are currently zoned for open space purposes and are proposed to be conveyed to the City of London through the Consent process. The EIS provides direction for the future preparation of an Environmental Management and Monitoring Plan for these lands, which will include the creation of an Invasive Species Management Plan and a Planting Plan, which will specify appropriate and diverse native species that are consistent with site conditions, adjacent vegetation communities and ecological context. Development is not proposed within the Significant Valleyland. Both the conveyance of lands within the Thames Valley Corridor and the restoration and enhancement of such lands are consistent with Policy 123 of The London Plan.

Significant Woodlands

The field surveys undertaken as part of the EIS determined that the woodlands are restricted to the lowland area of the site with deciduous hedgerows extending along the western and eastern property boundaries in the tableland area. The woodlands were evaluated as Significant through the preparation of the EIS given the existing woodland met several criteria of the City of London's Environmental Management Guidelines (2021). The significant component of the woodland vegetation patch was further determined to be confined to the lowland areas of the site and adjacent properties. The deciduous hedgerows on the western and eastern portions of the site were also evaluated and determined to not be a component of the Significant Woodland as per the relevant guidelines of the City's Environmental Management Guidelines given they are both less than 30.0 metres wide, do not contain a ravine or valley, and provide no linkage function.

The limits of the Significant Woodland feature as described above and 30 metre setback as per Section 5 of the Environmental Management Guidelines, is mapped within the EIS. The 30 metre setback is limited to the retained lands, being Lot 7, where no new development is proposed. The 30 metre setback is to be further implemented through the proposed Zoning By-law Amendment.

Woodlands that are determined to be ecologically significant are to be included in the Green Space Place Type on Map 1 and identified as Significant Woodlands on Map 5 of the London Plan. The portion of the property containing Significant Woodlands is currently designated Green Space Place Type in the London Plan, but the Significant Woodlands are not identified on Map 5. The Significant Woodland feature is located on the portion of the property to be conveyed to the City of London for long-term maintenance and protection under municipal ownership.

Significant Wildlife Habitat

The EIS notes that candidate Significant Wildlife Habitat for Bat Maternity Colonies exists within the Significant Woodland due to the presence of one single cavity tree adjacent to the subject lands within the study area. The tree is located within the floodplain and as such was determined to not be subject to any impacts related to the proposed development.

Habitat of Endangered and Threatened Species

A Species at Risk under the Endangered Species Act, is located in proximity to the subject lands. The tree has been determined through the EIS to not be naturally occurring and appears to be planted along with others to the south of the subject lands. An Information Gathering Form was submitted to the Ministry of Environment, Conservation and Parks by NRSI, which confirmed that the tree represents a planted specimen and that suitable habitat for the species does not exist within the portion of the subject lands proposed for development but may be present in the floodplain associated with the Thames River.

Development and site alteration is not permitted within the habitat of endangered and threatened species, as per Policy 1328 of The London Plan. As confirmed through correspondence with the Ministry, noted above and within the EIS, the existing location of the tree is not considered suitable habitat. As such, the EIS recommends the transplanting of the tree into the Significant Woodland or Valleyland area of the site, as the tree is still afforded protection under the Endangered Species Act. The proposed development is therefore consistent with Policy 1328 of The London Plan.

Floodplain Lands and Steep Slopes outside of the Riverine Erosion Hazard Limit

The northern portion of the subject lands are located within the floodplain. New development is prohibited in the floodplain as per Policy 1454 of The London Plan. Development is not proposed in the floodplain, with floodplain lands proposed to be conveyed to the City of London.

Policy 1496 of The London Plan speaks to erosion hazard limits. With respect to the proposed development, a Geotechnical Investigation was undertaken to assess the existing slope on the subject lands and in part identify the erosion hazard limit. The determined erosion hazard limit applies to proposed Lot 7 with the existing dwelling and does not impact any proposed new lots.

Conclusion

Adjacent Lands to Significant Woodlands and Significant Valleylands are defined as those lands within 120-metres of the feature as per Table 13 of the London Plan. All proposed lots are within 120-metres of the delineated limit of the Significant Woodland feature and proposed Lots 6 and 7 are within 120-metres of the Significant Valleyland. Development or site alteration on adjacent lands 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 their ecological functions, as per Policy 1433 of The London Plan. As mentioned, the EIS contains a number of recommended mitigation measures to ensure there are no negative impacts on these natural features or their ecological functions as a result of the proposed development.



Figure 5 – Ecological Constraints and Proposed Development Concept

It is staff's preference to rezone the 30 metre woodland setback to Open Space (OS4) Zone (identified as the Woodland Setback – 30m on the above map). Implementation of this ecological buffer will ensure long term protection of the buffer and the significant woodland feature, and will mitigate any impacts to the feature from any potential future development of Lot 7. However, because there are existing residential functions within that buffer area, staff are recommending a special provision to be included in the Open Space (OS4) Zone variation to permit a portion of the buffer as backyard amenity space.

The subject lands are also within the UTRCA's mapped regulation limits due to the presence of a riverine flooding and erosion hazards. UTRCA staff have been involved in discussions with the applicant related to the development of these lands, and UTRCA staff have reviewed and provided comments on the submitted geotechnical investigation and slope stability analysis. In accordance with Ontario Regulation 41/24 made pursuant to Section 28 of the Conservation Authorities Act, the applicant is required to obtain the necessary permits and approvals from the UTRCA prior to undertaking any site alteration or development within the regulated area. It has been noted that a final geotechnical investigation/slope stability assessment/report will be a requirement of the Section 28 permit approval process.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R4 (R4-3) Zone to Residential R2 (R2-1) Zone, a Residential R2 Special Provision (R2-1(_)) Zone, and an Open Space Special Provision (OS4(_)) Zone. Staff are recommending approval of the requested Zoning By-law amendment with special provisions.

The recommended action is consistent with the PPS 2020, conforms to The London Plan and will permit six (6) additional single-detached residential parcels on the land and retain the existing dwelling.

Prepared by: Chloe Cernanec
Planner, Planning Implementation

Reviewed by: Catherine Maton, MCIP, RPP
Manager, Planning Implementation

Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development

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

Copy:
Britt O'Hagan, Manager, Current Development
Mike Corby, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2024

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 32 Chesterfield Avenue.

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

NOW 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 32 Chesterfield Avenue, as shown on the attached map **FROM** a Residential R4 (R4-3) Zone **TO** a Residential R2 (R2-1) Zone, a Residential R2 Special Provision (R2-1(_)) Zone, and an Open Space Special Provision (OS4(_)) Zone.
2. Section Number 6.4 of the Residential R2-1 Zone is amended by adding the following Special Provisions:

R2-1(_) 32 Chesterfield Avenue
 - a. Regulations
 1. Lot Frontage (Minimum) – 8.0 metres
 2. West Interior Side Yard Setback (Minimum) – As existing on the date of the passing of the by-law for existing buildings and structures
3. Section Number 36.4.d) of the Open Space (OS4) Zone is amended by adding the following Special Provisions:

OS4(_) 32 Chesterfield Avenue
 - a. Permitted Uses
 1. Conservation lands
 2. Conservation works
 3. Ecological buffers, including gardens
 4. Passive recreational uses
 5. Existing buildings and structures on the date of the passing of the by-law
4. This Amendment shall come into effect 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 October 15, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – October 15, 2024
Second Reading – October 15, 2024
Third Reading – October 15, 2024

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



File Number: Z-9768

Planner: CC

Date Prepared: 2024/09/03

Technician: JI

By-Law No: Z.-1-

SUBJECT SITE



1:1,000

0 5 10 20 30 40 Meters



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Residential
Frontage	73 metres along Chesterfield Avenue, 38 metres along Veronica Avenue
Depth	160 metres
Area	0.9 hectares (2.2 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Open Space & Thames River
East	Low-Density Residential Development
South	Low-to-Medium Density Residential Development
West	Open Space & Medium-Density Residential Development

Proximity to Nearest Amenities

Major Intersection	Thompson Road and Adelaide Street South, 830 metres
Dedicated cycling infrastructure	Thompson Road, 300 metres
London Transit stop	Thompson Road, 340 metres
Public open space	Glen Cairn Park – North, 490 metres
Commercial area/use	Hernandez Variety, 615 metres
Food store	Food Basics, 3.6km
Community/recreation amenity	Glen Cairn Community Resource Centre, 1.6km

B. Planning Information and Request

Current Planning Information

Current Place Type	Neighbourhoods Place Type at the intersection of two Neighbourhood Streets
Current Special Policies	N/A
Current Zoning	Residential R4 (R4-3) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Residential R2-1 Zone, Residential R2-1() Zone, and Open Space Special Provision (OS4()) Zone

Requested Special Provisions

Regulation (R2-1())		
Lot frontage (Minimum)	9.0 metres	8.0 metres
North Interior Side Yard Setback (Minimum)		As existing on the date of the passing of the by-law
West Interior Side Yard Setback (Minimum)		As existing on the date of the passing of the by-law
Rear Yard Setback (Minimum)		As existing on the date of the passing of the by-law

C. Development Proposal Summary

Development Overview

The applicant is proposing to create six (6) additional single-detached residential lots on the vacant portion of the property south of the existing dwelling. The existing dwelling will be retained on an individual lot, and the existing driveway access to the subject lands will serve the retained lot. The driveway approach associated with this access will need to be reconfigured to accommodate the proposed lotting pattern, given its irregular shape and encroachment within the municipal right-of-way in front of proposed Lot 6. There is sufficient frontage associated with the retained lot to support a reconfiguration of the existing driveway approach. The proposed severed lots have a typical frontage of 9.0 m and a typical area of 340m², consistent with the proposed Residential R2 (R2-1) Zone, with lots fronting either Veronica Avenue or Chesterfield Avenue. The proposed lots are of sufficient size to accommodate two-storey single-detached dwellings with single car garages. Considering the terminus of Chesterfield Avenue with respect to the subject lands, the retained lands (Lot 7) will have approximately 8.4 metres of frontage on the opened portion of the Chesterfield Avenue road allowance.

Proposal Statistics

Land use	Residential
Form	Single-detached dwellings
Height	2-storeys (8.0 metres)
Residential units	6
Density	1 unit per lot
Building coverage	41%
Landscape open space	45%
New use being added to the local community	No

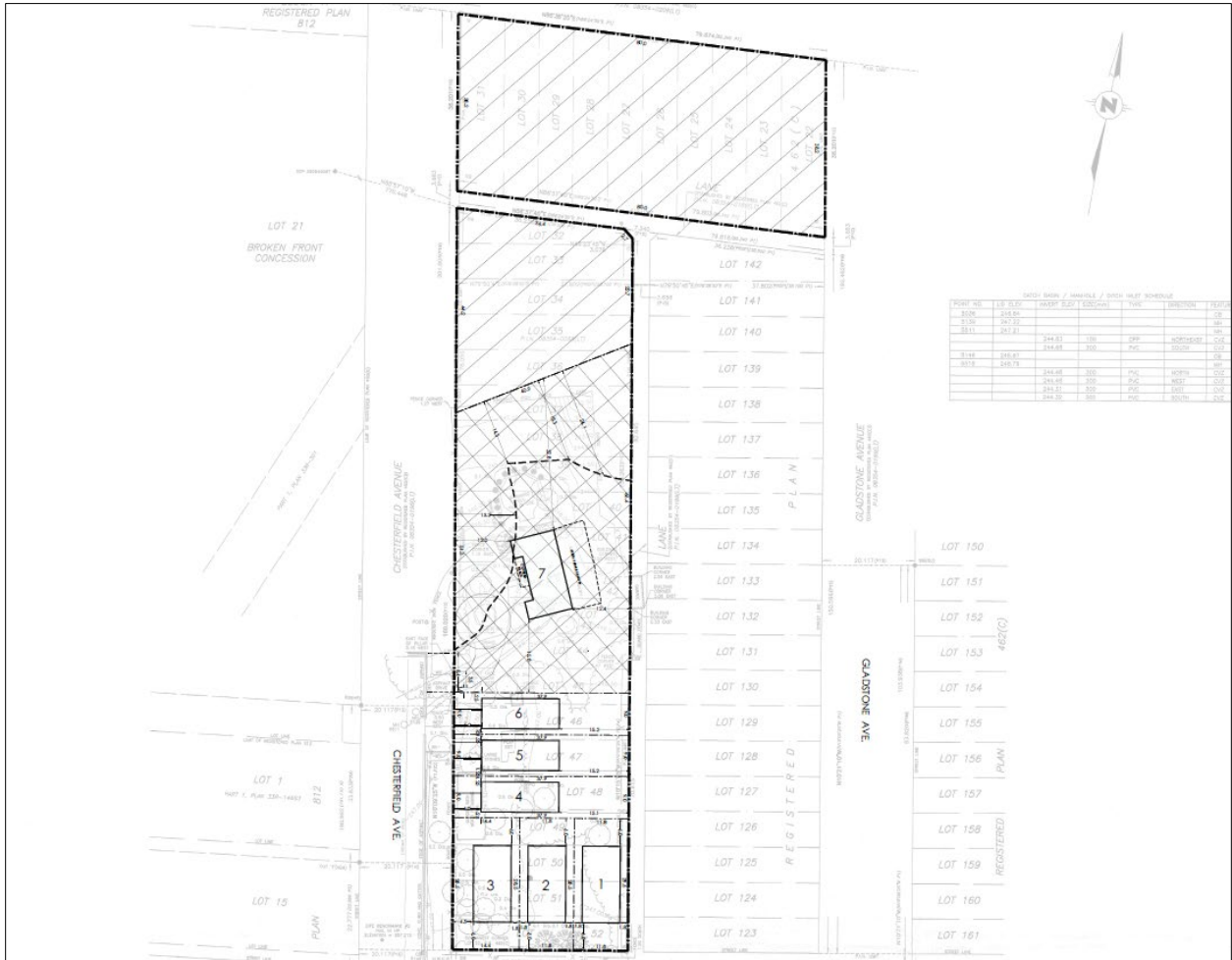
Mobility

Vehicle parking ratio	1 space per unit
New electric vehicles charging stations	N/A
Secured bike parking spaces	N/A
Secured bike parking ratio	N/A
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	N/A

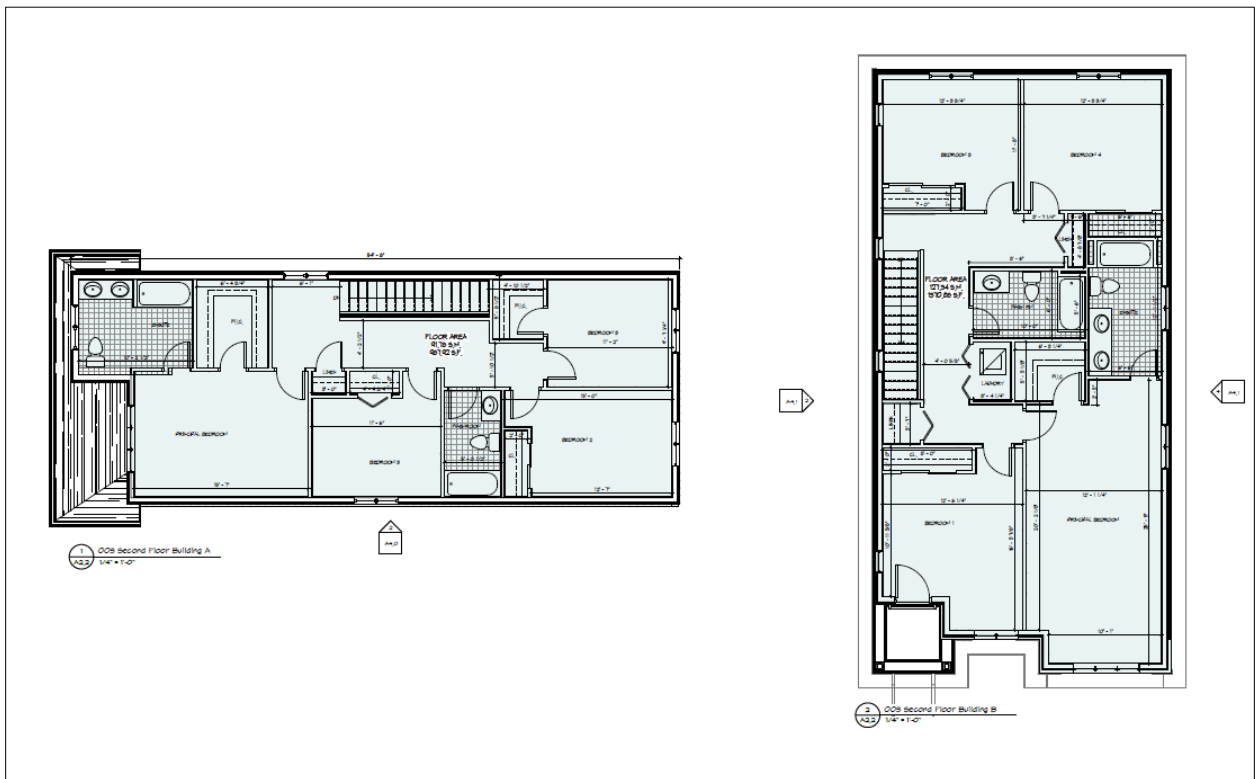
Environment

Tree removals	39
Tree plantings	22 recommended
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	Yes
Existing structures repurposed or reused	Yes
Green building features	Unknown

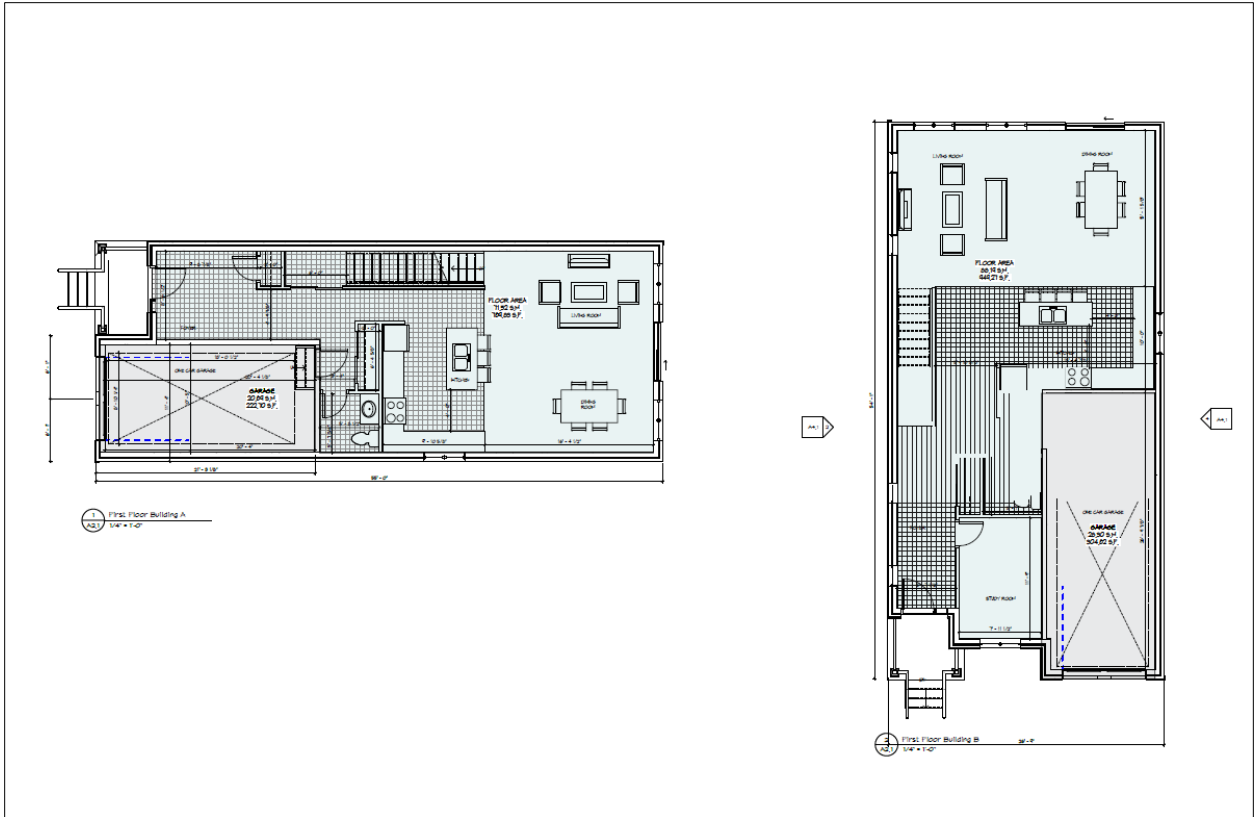
Appendix C – Additional Plans and Drawings



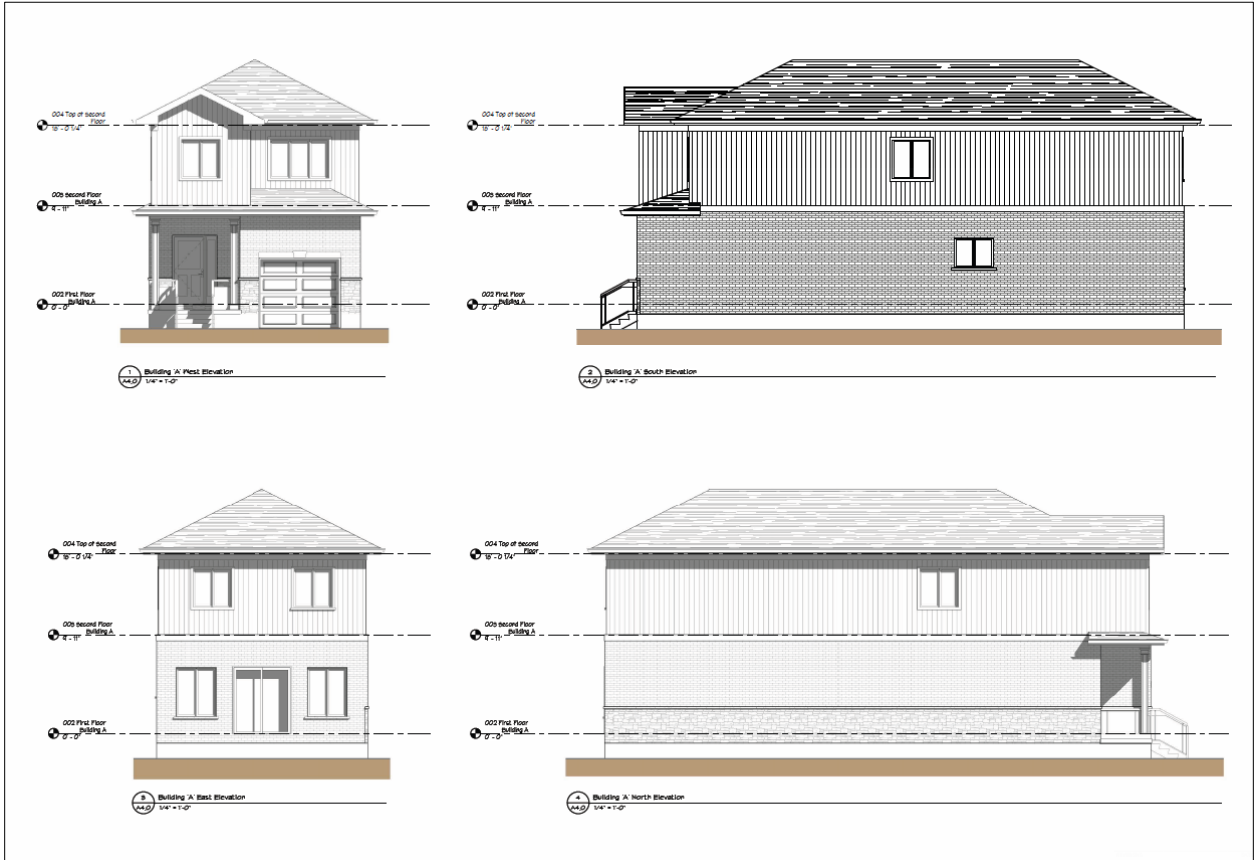
Severance sketch.



Building Floor Plans.



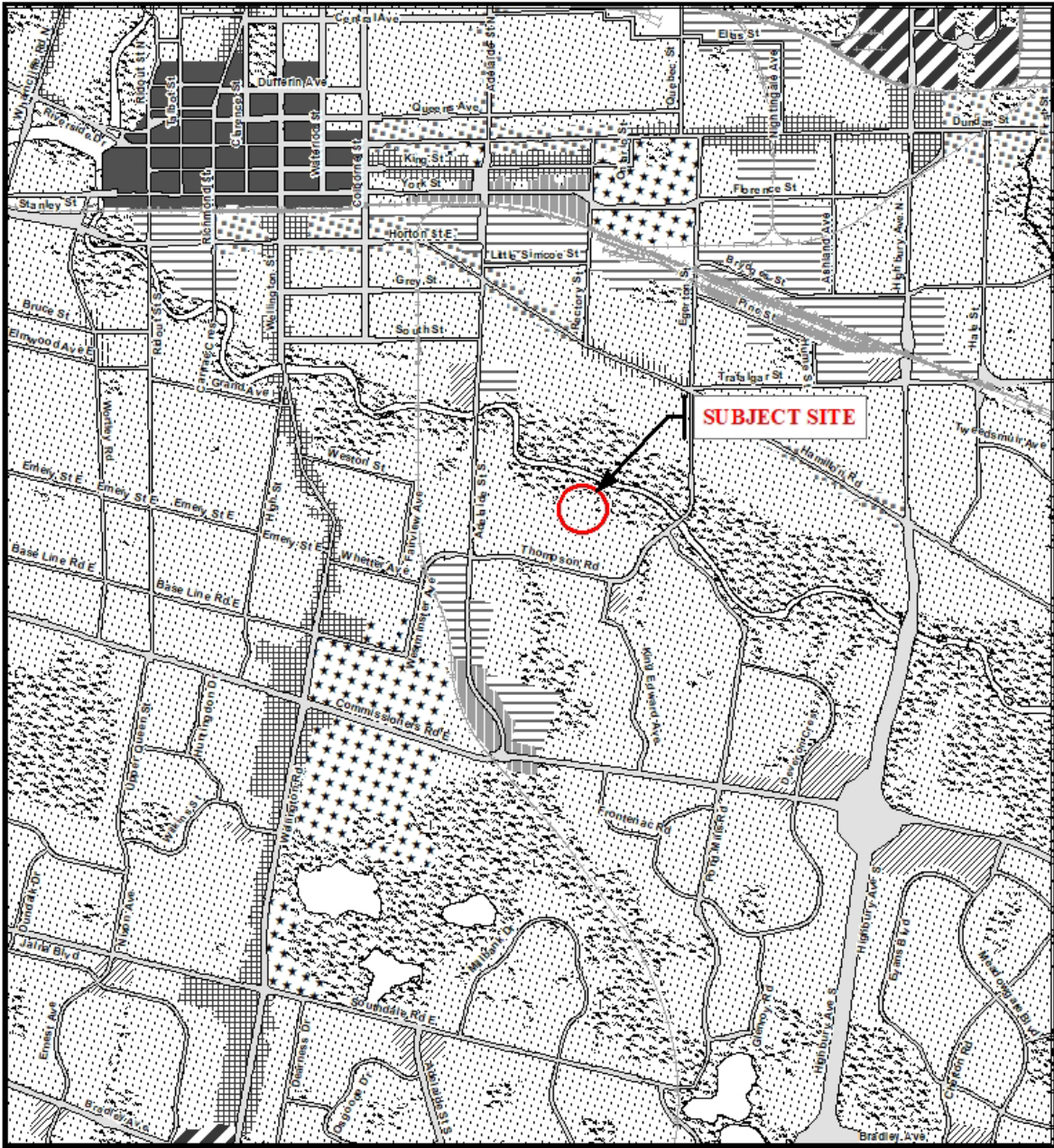
Building Floor Plans.



Building 'A' Elevations.



Building 'B' Elevations.

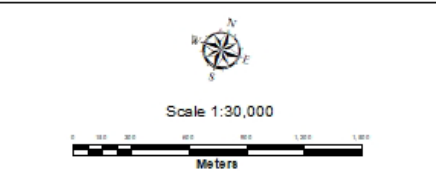


Legend

- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management Resource Recovery Area |
| Urban Corridor | Commercial Industrial | Urban Growth Boundary |
| Main Street | Institutional | |
| Neighbourhood | Green Space | |

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

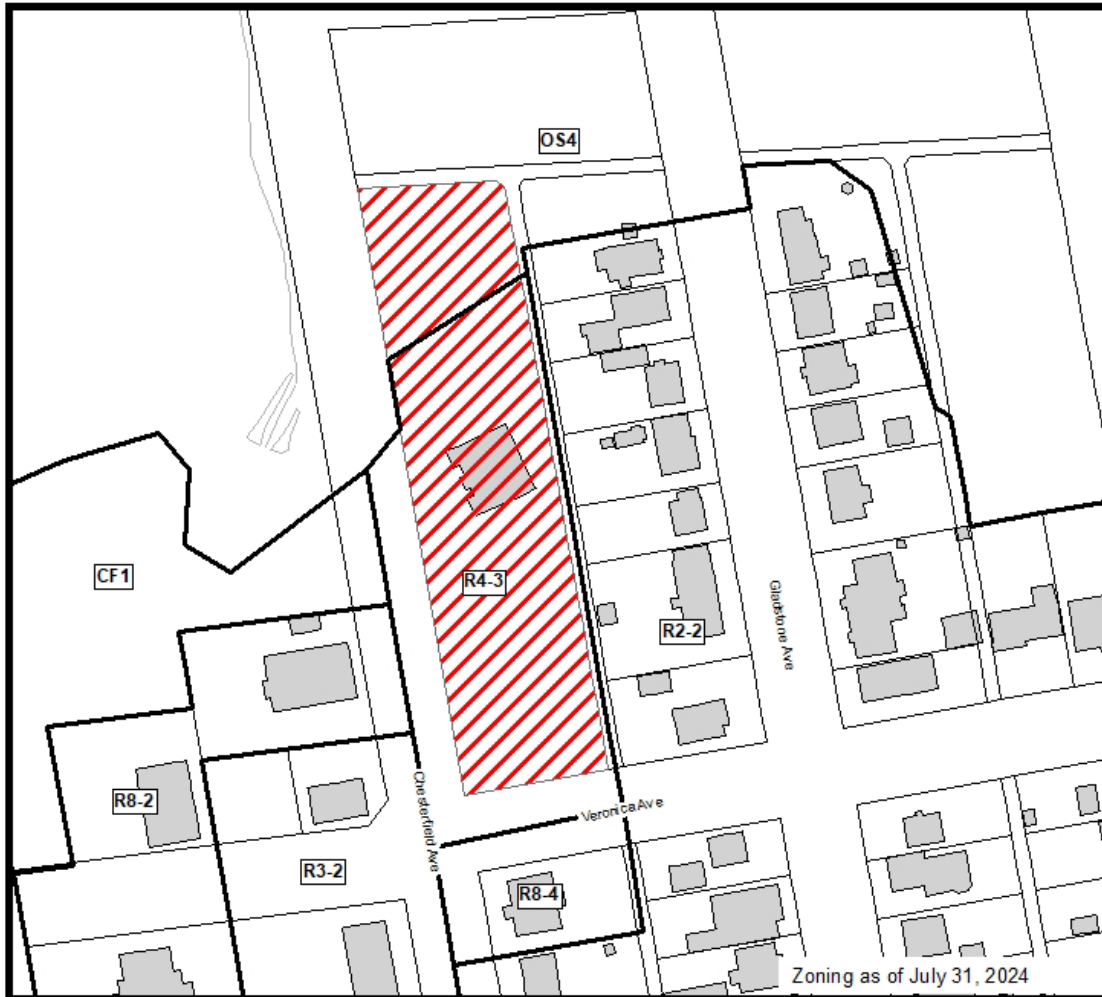
CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning & Development



File Number: Z-9788
Planner: CC
Technician: JI
Date: 2024/08/28

Project Location: E:\Planning\Projects\lp_officialplan\work\consolid00\excerpts_LondonPlan\mxd\Z-9788-PlaceTypes.mxd

London Plan Map 1 – Place Types



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R4-3/O S4

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

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

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

Z-9768

CC

MAP PREPARED:

2024/08/28

Jl

1:1,500

0 5 10 20 30 40

Meters

Appendix D – Internal and Agency Comments

Heritage

- I can confirm that the Stage 1-2 Archaeological Assessment can be considered complete. We also received the Ministry's review letter on this assessment so I am going to go ahead and update our archaeological mapping for the property.
- As noted the area of the property that is currently zoned OS-4 was not subject to the Stage 1-2 Archaeological Assessment, however, I understand it will be conveyed to the City and will not be included as a part of the development so we are satisfied with that approach. That portion of the property will remain as having archaeological potential, however, it will not be an issue for this application.

Urban Design

- This proposed development is proposed to be rezoned to Residential R2-1. The proposed zoning would allow for single detached dwellings, and Urban Design is generally supportive such development in this location. Please see below for specific Urban Design comments to be considered for the final Site Design of the proposed lots:
 - Provide pedestrian and vehicular access to each lot. Site layout should promote connectivity and safe movement for pedestrians and vehicles. Refer to The London Plan, Policy 255.
 - Ensure any garages are not the dominant feature in the streetscape by not occupying more than 50% of the unit width and not projecting beyond the façade of the dwelling or the façade of any porch. Refer to The London Plan, Policy 222A_.
 - Provide enhanced elevations for end units that are on corner units and are visible from any streets (currently Lot 3), including a similar amount of windows and architectural details as provided on the front elevations and wrap around porches. Refer to The London Plan, Policy 285.
 - If fencing is to be proposed along exterior side yards abutting the public streets, ensure the fencing is no more than 50% of the exterior side yard, transparent, and no more than 1.2m in height. Board on board fencing will not be supported.

London Hydro

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Landscape Architecture

It is the property owner's responsibility to ensure that the new development does not result in adverse effects to neighboring properties. The Tree Protection Plan (TPP) has identified the following:

- 28 boundary trees were identified, 1 could sustain damage during development. The Arborists recommendation of protective fencing to be followed to protect tree's critical root zone. Boundary trees are protected by the province's Forestry Act 1998, c. 18, Sched. I, s. 21, boundary trees can't be removed without written consent from co-owner because any tree whose trunk is growing on the boundary between adjoining lands is the common property of the owners of the adjoining lands. Injury or removal of a boundary tree without consent is guilty of an offence under this Act.
- 2 city trees, #748 and 755 are proposed for removal. These trees are protected by the City of London Boulevard Tree Protection Bylaw . To request the removal or to apply for consent to injure the roots of the City trees, contact Forestry Dispatcher at trees@london.ca with details of your request. Any person who

contravenes any provision of this By-law is guilty of an offence and if convicted is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.

- Replacement trees are a requirement of the London Plan based on total dbh removed. 1283cm dbh is proposed for removal, in accordance with LP Policy 399, 128 replacement trees are required. However, the City's Tree Protection Bylaw will be used to calculate replacement trees as the city develops a bylaw to implement Policy 399. To this end **22** replacement trees would be required.
- One Species at Risk (SAR) tree observed within the subject property, a single Kentucky Coffee-tree (*Gymnocladus dioicus*), but it was not inventoried as it was ≤10cm DBH. Kentucky Coffee-tree is listed as threatened in its native range in Ontario under both the Species at Risk Act (2002) and Endangered Species Act (2007). Submit your observations of species at risk to the [Natural Heritage Information Centre](#) (NHIC), which is Ontario's conservation data centre.
- 9 trees with dbh equal to and greater than 50cm are proposed for removal from site. These trees are protected by the City's Tree Protection Bylaw. The City of London Tree Protection Bylaw protects trees with a diameter of 50+ cm growing on private property. Permits would be required to remove **on-site** trees with diameters +50cm at breast height. <https://london.ca/by-laws/consolidated-tree-protection-law> contact Forestry Dispatcher at trees@london.ca with details of your request. Any person who contravenes any provision of this By-law is guilty of an offence and if convicted is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.

Site Plan

- Site Plan Approval no longer required.

Parks

Major Issues

- None.

Matters for OPA/ZBA

- None.

Matters for Site Plan

- Parkland dedication has not been taken for this site. To satisfy the required parkland dedication Parks requests the dedication of the lands not included in the residential development lands zoned OS4 on 32 Chesterfield Avenue and the unnumbered lot located to the north in Thompson Road Park (PLAN 462 LOTS 22 TO 31 Roll Number 050300001000000) owned by the applicant at the Open Space rate of 30 to 1 pursuant to By-law CP-25.
- Parkland dedication will be finalized through the lot creation (consent) planning process.

Engineering

As this development will be less than 10 units, the proponent may not be subject to the SPA process. Engineering is recommending a holding provision (h-89) for the following:

- Under section 4.2.5 Consents, item 9 in the submitted PJR, the Consultant noted the subject site existing municipal services are available. There is no municipal storm sewer for properties fronting Veronica Avenue. In addition, the proposed properties fronting Chesterfields Avenue may not be tributary to the existing 300mm storm sewer. The Consultant shall provide a stormwater management brief identifying the proposed stormwater management strategy for the proposed lots, to satisfy item 9 of the Consent/Planning Analysis of the report.
- In accordance with Building Bylaw B-7 section 4.2, for new single detached, duplex or semi-detached dwellings, where no accepted area or subdivision

grading plan has been filed with the Corporation engineer, the building permit applicant shall submit with their application a signed and sealed lot grading plan certifying that the drainage scheme depicted by the plan will be compatible with the existing drainage patterns.

- Please ensure compliance with OBC requirements, including, but not limited to the following:
 - the buildings shall be located, and site graded, so that water will not accumulate at or near the buildings,
 - at downspouts, extensions shall be provided to carry rainwater away from the building in a manner that will prevent soil erosion,
 - the site shall be graded so that water will not adversely affect adjacent properties or downstream lands.
 - City records note that there is a private well on the property. Confirmation will be required that it has been decommissioned in accordance with Regulation 903, and that all plumbing has been disconnected from the well.
- The Owner may be required to extend the municipal watermain on Chesterfield Avenue to ensure all proposed lots can be serviced to City Standards. Additionally, a new hydrant may be required along Chesterfield Avenue to meet spacing requirements and/or OBC fire protection criteria. Owner's Engineer to review all water servicing requirements to facilitate the proposed development.

The following items are to be considered during a future application stage:

Wastewater:

- The municipal sanitary sewer available is the 200mm diameter sewer on Chesterfield Ave, and the 375mm diameter sewer on Veronica Ave. Each SF dwelling will require its own independent PDC connection to the fronting sanitary sewer in accordance with SW-7.0. Engineering drawings required demonstrating detailed servicing to be reviewed by Building Division or appropriate authority as it is less than 10units and assumed it will not be circulated for site plan.

Water:

- Water is available to the subject site via the municipal 150mm CI watermain on Veronica Avenue and the 150mm CI watermain on Chesterfield Avenue.
- Each lot shall be serviced by its own independent water service and meter connected to the municipal distribution system.
- The existing dwelling is currently serviced by a 25mm PEX water service connected to the 150mm CI watermain on Chesterfield Avenue. Confirmation will be required that the existing service is adequately sized, and in good working order to service the existing dwelling. Should it be inadequately sized or in poor condition, it shall be decommissioned to City Standards (cut and capped at the main) and a new water service shall be installed, at the Owner's expense.
 - Additionally, City records note that there is a private well on the property. Confirmation will be required that it has been decommissioned in accordance with Regulation 903, and that all plumbing has been disconnected from the well.
- Water servicing shall be to City Standard 7.9.4.
 - The Owner may be required to extend the municipal watermain on Chesterfield Avenue to ensure all proposed lots can be serviced to City Standards. Additionally, a new hydrant may be required along Chesterfield Avenue to meet spacing requirements and/or OBC fire protection criteria. Owner's Engineer to review all water servicing requirements to facilitate the proposed development.
- The site is in the City's low-level service area, which has a hydraulic grade line of 301.8m.
- Water servicing shall be configured in a way to avoid the creation of a regulated drinking water system.
- Further comments to be provided during site plan application.

Stormwater:

- The site is located within the UTRCA regulated area and therefore UTRCA approval/permits may be required, including confirmation as to required setbacks.
- There are no storm sewers currently established for the proposed site on Chesterfield Ave. As per the Drainage By-Law, section 5.2, where no storm sewer is accessible the applicant shall provide a dry well or storm water retention system which is certified by a Professional Engineer to the satisfaction of the City Engineer.
- Should the consultant consider the use of any possible surplus capacity in the existing storm sewers near the site, hydraulic calculations (e.g. storm sewer capacity analysis based on upstream/downstream tributary areas and run-off coefficients) must be provided to demonstrate the expected surplus capacity along with any proposed on-site SWM controls design and calculations.
- As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:
 - the flow from the site must be discharged at a rate equal to or less than the existing condition flow;
 - the discharge flow from the site must not exceed the capacity of the stormwater conveyance system;
 - the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements);
 - "normal" level water quality is required as per the MECP guidelines and/or as per the EIS field information; and
 - shall comply with riparian right (common) law.

The consultant shall update the servicing report and drawings to provide calculations, recommendations and details to address these requirements.

General comments for sites within Central Thames Subwatershed

- The subject lands are located within a subwatershed without established targets. City of London Standards require the Owner to provide a Storm/Drainage Servicing Report demonstrating compliance with SWM criteria and environmental targets identified in the Design Specifications & Requirements Manual. This may include but not be limited to, quantity control, quality control (70% TSS), erosion, stream morphology, etc.
- The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions up to and including 100-year storm events.
- 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. It shall include water balance.
- 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 on 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.
- 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 effects 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.

Ecology

- I've reviewed the revised EIS with the new submission and it appears to be complete with the majority of my previous comments addressed sufficiently from the previous submission.
- The main item to be determined moving forward is how the ecological buffer will be implemented. My preference from an ecological standpoint would be to zone the buffer OS5 so that the buffer and feature will be protected from future development for the long-term. However, because there are existing residential uses currently within that buffer area, there would need to be either an understanding that the backyard amenity space can remain as is based on existing conditions or there could be special provision included in the OS5 zone variation to permit a portion of the buffer as backyard amenity space.
- Currently, they are not proposing to zone the buffer to OS5 but have included the following language in the previous EIS responses, "If it is a requirement of City policies that the 30m setback be designated a buffer and re-zoned to OS5, it is requested that exceptions be identified for this property to ensure that the future use of rear/side yard amenity space is not impacted." This would be my preference for implementation of the buffer, otherwise there will be no way to identify this area as buffer if a future application were to come in for the subject lands. Therefore, my recommendation would be to revise the proposed zone lines in the application to accommodate the OS5.
- The remainder of the previous issues have been addressed for this application; however, it should be noted that there are a number of outstanding items that will need to be included in the Consent application as they are conditions of consent. These items are listed in my previous set of comments included in Appendix I of the EIS.

UTRCA

- The subject lands are regulated by the UTRCA. In accordance with Ontario Regulation 41/24 made pursuant to Section 28 of the Conservation Authorities Act, the applicant is required to obtain the necessary permits and approvals from the Conservation Authority prior to undertaking any site alteration or development within the regulated area.
- Consistent with the geotechnical investigation, Figure 3 – Preliminary Consent Plan in the Planning Justification Report (MHBC, August 2024), delineates the erosion hazard limit/development setback. Given that the lands to the north of that limit/setback are the natural hazard lands, the UTRCA recommends that the lands be zoned with an appropriate Open Space (OS) zone.
- As indicated, there are still outstanding comments in regards to the geotechnical investigation/slope stability study which may impact the erosion hazard limit/development setback and should be addressed prior to the application being considered by the Planning and Environment Committee. We request that the applicant address these matters in an email as soon as possible. A final geotechnical investigation/slope stability assessment/report incorporating all of the responses would be a requirement of the Section 28 permit approval process.