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TO:	CHAIR AND MEMBERS - PLANNING COMMITTEE
FROM:	R. W. PANZER GENERAL MANAGER OF PLANNING AND DEVELOPMENT
SUBJECT:	2006 OFFICIAL PLAN REVIEW INFORMATION REPORT SUMMARY OF COMMENTS RECEIVED REGARDING DRAFT OFFICIAL PLAN POLICIES MEETING ON September 10, 2007

RECOMMENDATION

That, on the recommendation of the General Manager of Planning and Development, the following report **BE RECEIVED** for information, and that a Public Meeting to adopt the Official Plan Amendment to implement the changes resulting from the Official Plan Review process **BE SCHEDULED** for November 24, 2007.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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Planning Committee, February 13, 2006: "Draft Terms of Reference for the 2006 Official Plan Review"

Planning Committee/Public Participation Meeting, April 3, 2006-General Manager of Planning and Development recommends the Terms of Reference for the 2006 Official Plan Review.

Planning Committee/Public Participation Meeting, June 19, 2006: "Significant Woodland Policies"

Planning Committee, August 21, 2006: "issues Summary Reports-Affordable Housing, Transportation, Infill and Intensification and Creative Cities"

Planning Committee, October 16, 2006: "Growth forecasts to be used for land needs background study for the 2006 Official Plan Review", "Issues Summary Report-2005 Provincial Policy Statement", and "Information Report, Commercial Policies Review-Request for Proposals",

Planning Committee, November 20, 2006: "Issues Summary Report-Planning and Conservation Land Statute Law Amendment Act, 2006 (Bill 51)"

Planning Committee, April 23, 2007: "Land Needs Background Study"

Planning Committee/Public Participation Meeting, May 28, 2007: "Land Needs Background Study"

Planning Committee, May 28, 2007: "Proposed Policy Modifications Relating to Bill 51 and the 2005 Provincial Policy Statement", "Residential Intensification and Infill Background Study", "Affordable Housing Policies", and "Environmental Policy and Mapping Modifications"

Planning Committee, June 18, 2007: "Proposed Revisions to the Growth Management Policies"

Planning Committee, July 9, 2007: "Complete Application and Pre-Consultation Provisions", "Commercial Policy Review Background Studies", and "Transportation Policy Review"

Planning Committee/Public Participation Meeting, July 30, 2007: "Land Needs Background Study"-public submissions on the addition of lands to the Urban Growth Area.

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BACKGROUND

On April 10, 2006 Municipal Council approved the Terms of Reference for the Five Year Official Plan Review. These Terms of Reference identified six primary issues to be addressed through the review process:

- Growth Forecasts/Land Needs
- Commercial Policies Review
- Residential Intensification and Infill
- Affordable Housing
- Urban Design/Creative Cities Task Force
- Transportation Policies Review

In addition to these specific issues, the Official Plan review also includes a review of recent changes to the *Planning Act* and the Provincial Policy Statement (2005) to ensure consistency with those requirements.

The environmental policies update project, initiated after the last five year Official Plan update in late 2001, was added to the 2006 Official Plan Review project. These edits, many of which are being brought forward for clarification to policies in Chapters 8 and 15 of the Official Plan, will be incorporated into this project. Proposed amendments to Schedule “B” will also be brought forward.

The proposed environmental policy edits will also reflect the most recent changes to Provincial legislation, including Planning Act changes and the 2005 Provincial Policy Statement. Council-approved policies relating to Significant Woodlands will also be brought forward as part of this project.

Since the review project was initiated, Staff have provided numerous reports to Planning Committee documenting the process to date, and presenting draft policies as they have been developed. In addition, these reports and draft policies have been presented at Working Group meetings in March, 2006 (Terms of Reference), October, 2006 (Issues Summaries-Affordable Housing, Residential Intensification and Infill, Transportation, Creative Cities, Provincial Policy Statement), February and April, 2007 (Land Needs), June, 2007 (Draft Policies-Planning Act and Provincial Policy Statement, Residential Intensification and Infill, Affordable Housing and Environment) and July, 2007 (Transportation, Complete Applications, Growth Management and Commercial Study Background Reports). The results of this consultation are included in this report, where the draft policies are presented, and the comments received are summarized. This is followed by a summary of staff comments to this input.

Comments on the City's current Agriculture policies were received from the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). These have not yet been reviewed, and no amendments have been made to the current policies.

The Commercial policies and associated Urban Design policies will be presented at a future meeting. The Commercial Policy Review Background Studies are currently out for review and comment, and the draft policies will be forwarded as a separate report.

Land Needs/Growth Management

Public submissions regarding the addition of lands to the City's Urban Growth Boundary were received by Planning Committee on July 30, following a public meeting held on May 28, 2007, when Planning Committee received the Land Needs Background Study that concluded that there was no empirical basis for the addition of new lands to the City's Urban Grow Area.

At the July 30, 2007 Public Meeting, comments were received from 19 people. Of these representations, there were approximately 50 properties identified to be considered for inclusion within the Urban Growth Area. At the Council meeting of August 13, 2007, Council resolved:

1. *That the following actions be taken with respect to the Land Needs Background Study for the Official Plan Review:*

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(a) no further action BE TAKEN to amend the Urban Growth Boundary through the current five-year Official Plan Review process; it being noted that the Land Needs Background Study has not indicated the need for additional land and that the expansion of the Urban Growth Area would not be consistent with the Provincial Policy Statement; it being further noted that the adequacy of the Urban Growth Area will be assessed at five-year intervals as part of the legislated five-year Official Plan Review, or at any other time as Council deems to be appropriate and directs that a comprehensive review be undertaken;

With respect to the Official Plan, the policies in Chapter 2-Planning Framework, will be amended to reflect the data used for the projections and assumptions for the five-year review.

Comments received regarding the draft Growth Management policies have related primarily to clarification and the need to further elaborate the policies regarding temporary infrastructure.

Residential Infill and Intensification:

Comments have been received from the London Development Institute (LDI), Ministry of Municipal Affairs and Housing and London Transit (LTC).

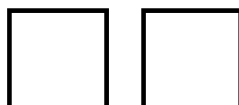
The proposed policy amendments include developing definitions and policies for residential intensification, establishing criteria for residential infill and intensification proposals that address compatibility and character within the context of the existing neighbourhoods, and polices that require concurrent public Site Plan approval for all intensification projects in order to ensure that proposals receive appropriate design input from area residents.

LTC comments reflect the Long-Term Transit Growth Strategy (LTTGS) recommended actions to assist the City of London and the LTC in meeting the 10% transit modal share target by 2024. Their primary issue is to ensure that policies to promote intensification adjacent to key nodes and corridors within the City are developed. The comments from LDI expressed some concerns related to the criteria identified in the policies for 'Neighbourhood Character' and 'Compatibility' Statements, as well as concerns related to Site Plan submissions, traffic impact studies and rear-lot development. The LDI also requested that staff consider allowing accessory apartments as-of-right within existing single detached dwellings.

Environmental Policies and Mapping:

Comments have been received from the London Development Institute, Ministry of Municipal Affairs and Housing and the Environmental and Ecological Planning Advisory Committee (EEPAC). A summary of the issues raised is attached below:

From	Proposed Changes
EEPAC	<ul style="list-style-type: none"> • Proposed additional wording in policy 15.4.7. (Wildlife Habitat) the rationale for protecting habitat and criteria used to determine significant habitat • Several mapping format and graphic modifications to improve the representation of information on Schedules "B1 and "B2" • Identify woodlands/vegetation patches that are less than 4 hectares in size on Schedule "B1" and require the evaluation of the patches prior to development • Expand the policies to clarify Schedule "B1" is the document that identifies components of the Natural Heritage System, and is not necessarily reliant upon a corresponding "Open Space" or "Environmental Review" designation being applied on Schedule "A"



	<ul style="list-style-type: none"> • Addition of a new map delineation and associated policy (15.4.12) to recognize the concept of “Big Picture Meta Corridors” to convey the regional context and connectivity of corridors that may extend beyond the City. • Expanded policies under Section 17.6 which address the impacts of stormwater management facilities on the Natural Heritage System • Modifications proposed to expand and/or clarify various policies in Sections 15, 17 and 19 of the Official Plan
Ministry of Municipal Affairs & Housing	<ul style="list-style-type: none"> • MMAH circulated the draft changes under the “One Window” approach and comments reflect input provided by several Provincial Ministries including MMAH, MNR, MOE, MTO, MCL and OMAFRA • Propose modifications to clarify several policies in Section 2.9 (Environmental Planning), Section 15 (Environmental Policies), and Section 17 (Services and Utilities), based on input from the Provincial Ministries • Recommends consultation with the Chippewas of the Thames First Nation, Oneida First Nation and the Munsee-Delaware First Nation, given the proximity of the First Nation’s Reserve • Request for notification of Council's decision on the OPA
Upper Thames River Conservation Authority	<ul style="list-style-type: none"> • Overall, the UTRCA is satisfied with the amendment • Recommends that Section 15.7.1 (One Hundred Year Erosion Limit) be renamed to “Riverine Erosion Hazards” and that it cover both the 100-year erosion limit (currently in place) and the Meander Belt Allowance, with a revised policy framework • Include new policies on wetlands and areas of wetland interference (from a natural hazard perspective) • Expand Section 15.7.4(Geotechnical Assessments) to refer to geotechnical reports or other technical reports necessary to characterize natural hazard areas.
Rosemary Dickinson	<ul style="list-style-type: none"> • Several minor text corrections and mapping format changes • Proposed change to increase the minimum stream corridor width from 60 to 100 metres • Proposes clarification of policies to require the evaluation of vegetation patches greater than 0.5 hectares in size
Dave Schmidt	<ul style="list-style-type: none"> • Minor wording changes to correct text errors and omissions
Peter Sergautis (Extra Realty)	<ul style="list-style-type: none"> • Modifications to correct mapping errors on Schedule “B1” and “B2” for lands located in the north west quadrant at Sunningdale Rd. and Adelaide St, North
Gary Robinson (Weslon Investors)	<ul style="list-style-type: none"> • Proposed mapping correction on Schedule “A” – to change the designation of land northwest of the 402 / Wonderland Rd. South intersection from ER to Agriculture
Ron Koudys (representing Mitch Baran)	<ul style="list-style-type: none"> • Request to remove the vegetation patch delineation from Schedule “B”, based on a vegetation report prepared for the property at 1875 Richmond St. (nw corner of Plane Tree Drive)
London Development Institute (LDI)	<ul style="list-style-type: none"> • Concern over the use and status of Guideline Documents – reference to Guideline Documents entrenches these documents in the Official Plan. We believe that this obligates the City to provide a more rigorous process of public review and approval of the referenced documents. Opportunity for input and appeal should be provided in such a review process. • Identification and Designation of Wetlands – Use of the term “Locally Significant Wetland” requires definition and rationale at the local level and should be based on value at the local level. It should not include all wetlands that are not deemed to be “Provincially Significant”. The following classification of



	<p>wetlands is recommended: Provincially Significant Wetlands; Locally Significant Wetlands; Non-Significant Wetlands; and, Unevaluated Wetlands.</p> <ul style="list-style-type: none"> • The EIS process – we do not agree with the inclusion of an additional review requirement within the EIS process, as modified in Section 15.5.1.vi)(c). The inclusion of this requirement (that the initial stage of an EIS be reviewed and confirmed by the City prior to completing the balance of the study) will unnecessarily delay the EIS process and consequently the overall development application process. • Several other modifications are proposed to specific policies in the Official Plan.
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Affordable Housing

Comments have been received from the London Development Institute, Ministry of Municipal Affairs and Housing, the Council Housing Leadership Committee, and the London Housing Advisory Committee.

The nature of the comments received regarding the policy modifications focused on three key issues. These issues included: 1) the need to establish definitions for Affordable Housing, Low-income, and Moderate-income whose criteria are accessible and are agreed upon; 2) establishing the criteria that triggers an Affordable Housing Analysis; and 3) the protection of existing Affordable Housing units.

With respect to the definitions, there are wide differences in how the notions of affordable housing, low income and moderate income are defined. The issue is whether affordability is defined as the portion of household income that is devoted to shelter, or if it is defined as the cost of shelter that is affordable to a defined percentile of the population. Either way, it was generally agreed that a definition should be measurable, and that the measures used should be relevant to the London market. It was also noted that the definition of affordability can change based upon the program that is being used to provide housing assistance.

Another policy modification proposed that an Affordable Housing Analysis be conducted for all new Area Studies and large, multi-unit forms of residential development. The proposed policy modification was not intended to introduce a new policy or alter the intent of the existing policy, rather, it was intended to elaborate upon the existing policy 12.2.2.i) of the Official Plan which reads:

Council may, where a need for affordable housing has been identified...undertake all or some of the following:

- i) Require Area Studies and larger residential development proposals to include a 30% affordable housing component.

The intent of the policy modification was two-fold: to identify the need for Affordable Housing and to define “larger residential development”. The goal of an Affordable Housing Analysis is to identify the need for Affordable Housing within a given area and identify the opportunities available to achieve the 30% Affordable Housing component. The challenge is to define “larger residential development” in the London context. Several comments raised the concern that the criterion of 150-units to define a “larger residential development” was too arduous and clarification was requested to explain why this figure was utilized. Since the proposed policy modification was intended elaborate upon the existing policy, a quantifiable figure that was consistent with the intent of the existing policy was sought. An examination of recent large multi-unit developments in the City found that these types of developments range in size from 43 to 475 units, with the median being 155-units. While the 150-unit criterion will continue to be examined as part of the Official Plan review process, some of the comments suggested that the criterion for a multi-unit residential development to initiate an Affordable Housing Analysis be 6-units or more. Given the size of multi-unit developments, it is difficult to consider that a 6-unit building constitutes a “larger residential

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development proposal” within the London context.

Another concern with the requirement for an Affordable Housing Analysis was that it would be too difficult to identify the Affordable Housing units in an area by using quantitative means, given the lack of available data. Staff are looking at available Statistics Canada information that may be available at a smaller geographic area that could used for this analysis.

Other comments indicated support for a policy that protects existing Affordable Housing units by regulating the conversion of rental accommodations to a condominium form of tenure and by regulating the demolition of existing Affordable Housing units. An examination of other Ontario municipalities revealed that official plan policies which regulate condominium conversions and rental demolitions are common practice. As part of this Official Plan review, Staff will examine similar policies for the City of London.

Transportation

The proposed policy amendments are intended to implement the Transportation Master Plan (TMP) as well as assisting the London Transit Commission in achieving its target of 10% transit ridership modal share. Policy amendments include the identification of key Transit Nodes and Corridors and supporting policies in Chapters 2 and 18.

Comments relating to the proposed transportation policy amendments have been received from the London Transit Commission (LTC) and the Transportation Advisory Committee (TAC). Comments from the Environmental and Engineering Service Department (EESD) are in process, but were not received by the time this report was finalized. The LTC provided an additional set of comments related to Chapters 14 and 19 that have not yet been summarized in this report. The LTC comments reflect the Long-Term Transit Growth Strategy (LTTGS) recommended actions to assist the City of London and the LTC in meeting the 10% transit modal share target by 2024. The comments from TAC have been received and are appended to this report. Responses to TAC, EESD as well as follow-up responses to LTC comments will be provided in future reports relating to the Transportation Policy revisions of the Official Plan Review.

CONCLUSION

The next step in this process is to complete the drafting of the policies for the Official Plan amendment, incorporating the results of the consultation as appropriate. These revised policies will be presented to Planning Committee for circulation in advance of both the required Open House and Public Meeting. Staff are anticipating that both the Open House and Public Meeting for the adoption of the Official Plan Amendment will be held in November.

It should be noted that the comments summarized in the attached tables do not represent the final opportunity for providing comments on the proposed Official Plan Amendment, as we anticipate that there will be additional comments received as the policies are revised. It should also be noted that the responses provided to the comments represent a “first cut” response, and these may also be amended as the policies are reviewed and revised.

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**2006 OP Review
G. Barrett**

SUBMITTED BY:
GREGG BARRETT, AICP MANAGER-LAND USE PLANNING, POLICY
RECOMMENDED BY:
R. W. PANZER, MCIP, RPP GENERAL MANAGER OF PLANNING AND DEVELOPMENT

November 30, 2007
"Attach."

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