

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: 2419361 Ontario Inc.
934 Oxford Street West
File Number: Z-9678, Ward 8
Date: January 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2419361 Ontario Inc. relating to the property located at 934 Oxford Street West:

- (a) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R1 (R1-10) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone, **BE REFUSED** for the following reasons:
- i) The proposed development does not conform to the Official Plan, The London Plan, for the City of London including, but not limited to, the Key Directions, City Design policies, and Intensity and Form policies of the Neighbourhoods Place Type.
 - ii) The proposed development, in its current form, is too intense and cannot meet site design requirements such as appropriate building and parking area setbacks, appropriate parking configuration, impact mitigation and waste and snow storage.
 - iii) The proposed development sets a precedent for similar developments in the area. This would result in multiple access points to Oxford Street West which is not in keeping with access management guidelines which seek to consolidate access points along higher order roads to ensure access points appropriately separated and safe.
- (b) Staff **BE DIRECTED** to transfer the planning application fee for this Zoning Bylaw amendment to a subsequent application on the same property.

It being noted that the Applicant submitted a revised concept plan on January 16, 2024 with the intention of working through issues with Staff. However, the statutory timelines under the Planning Act require a decision at the February 13, 2024 Council meeting to avoid issuing a refund.

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 R1 (R1-10) Zone to a Residential R8 Special Provision (R8-4(_)) Zone. Special provisions requested include a reduced minimum lot frontage, front yard setback, west interior side yard setback, and increased density.

Staff are recommending refusal of the requested Zoning Bylaw amendment due to the cumulative impact of site design deficiencies and variances, and non-compliance with frontage and access management guideline requirements that will set a precedent for similar development in the area.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Property Description and Location

The subject lands are located on the south side of Oxford Street West between Freele Street and Juniper Street, in the Oakridge Planning District. The subject lands slope mildly towards the east, and currently contain a single detached dwelling with an attached basement garage.

The lot is part of an established lot fabric consisting of similar sized lots currently used for low-density residential uses fronting Oxford Street West. The surrounding area consists primarily of low-density residential lots, but also contains multiple institutional uses such as a place of worship and schools and associated parks.

Site Statistics:

- Current Land Use: Single detached dwelling
- Frontage: 22.8 metres
- Depth: 46 metres
- Area: 1044 square metres
- Shape: regular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Single detached dwellings
- East: Single detached dwellings
- South: Single detached dwellings
- West: Single detached dwellings, Oakridge Presbyterian Church

Existing Planning Information:

- Existing London Plan Place Type: Urban Corridor
- Existing Zoning: Residential R1 (R1-10)

Additional site information and context is provided in Appendix A.

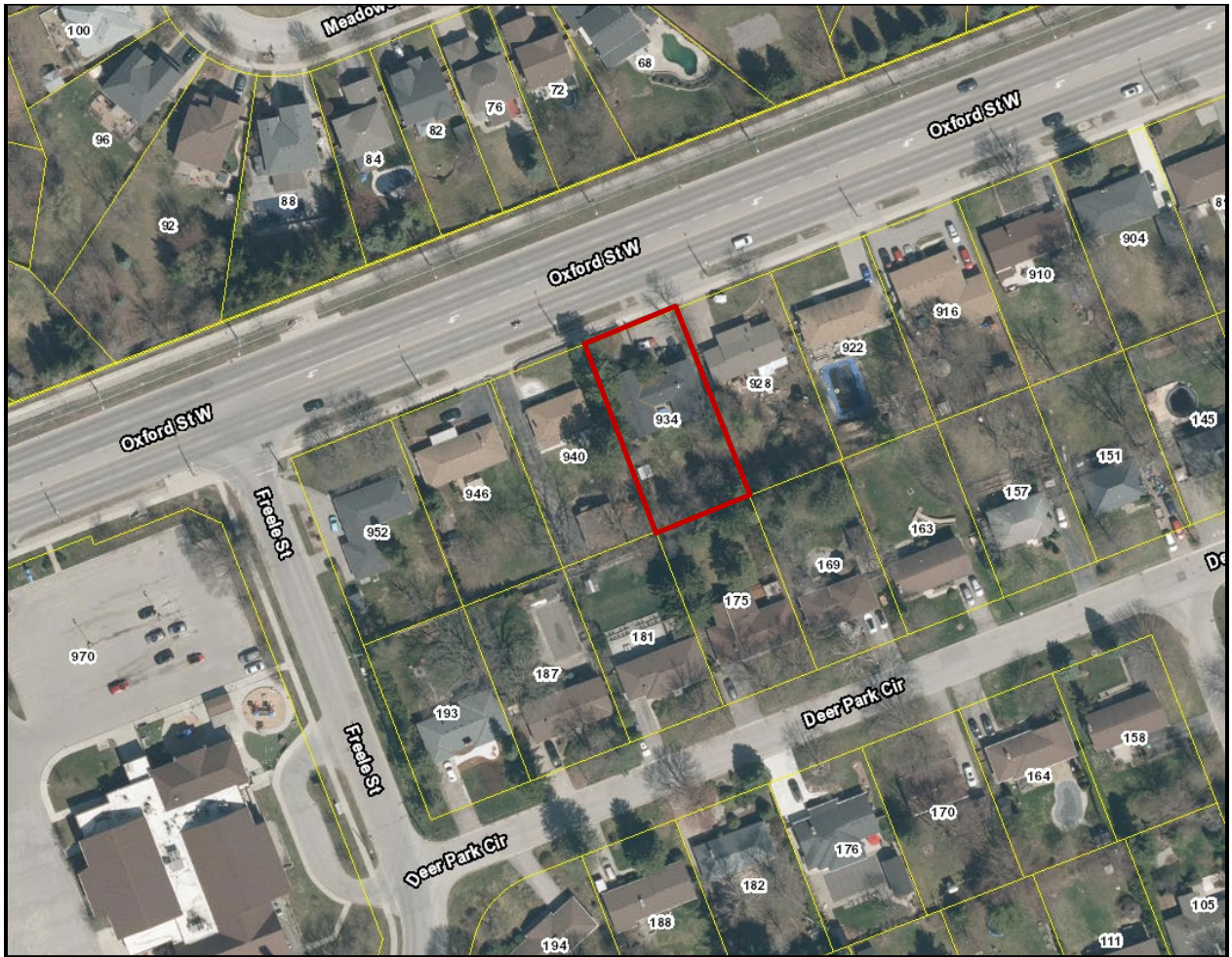


Figure 1- Aerial Photo of 934 Oxford Street West and surrounding lands



Figure 2 - Streetview of 934 Oxford Street West (view looking south)

2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development consists of a 3.5-storey residential apartment building containing a total of 8 dwelling units. Surface parking (9 spaces) is proposed to the rear and side of the building.

The proposed apartment building is to be located in the northwest corner of the site, setback 4.5m from the front lot and 1.8m from the westerly lot line. The building will have a footprint of approximately 216m² with the units being approximately 92m² in size.

The proposed development includes the following features:

- Land use: Residential
- Form: Low-rise apartment building
- Height: 3.5 storeys (13m)
- Residential units: 8
- Density: 77 units / hectare
- Building coverage: 21%
- Parking spaces: 9 (surface)
- Landscaped open space: 36%

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

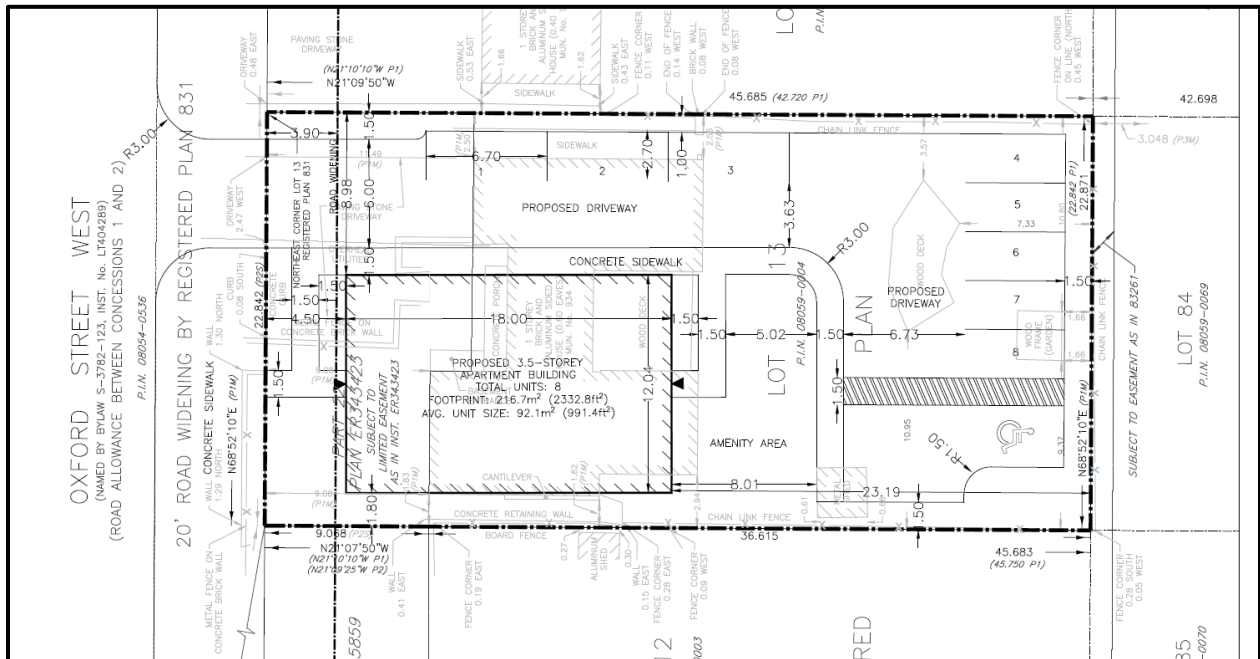


Figure 3 - Conceptual Site Plan (August 2023)



Figure 4 - East Elevation (August 2023)

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

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Residential R1 (R1-10) Zone to a Residential R8 Special Provision (R8-4(_)) Zone.

The following table summarizes the special provisions that have been proposed by the applicant.

Regulation (R8-4(_))	Required	Proposed
Minimum lot frontage	30.0m	22.8m
Minimum front yard setback	7.0m	4.5m
Minimum west interior side yard setback	4.5m	1.8m
Maximum density	75 units per hectare	80 units per hectare

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:

- Parking and access;
- Building orientation;
- Setbacks and privacy;
- Lack of lot consolidation

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

2.4 Public Engagement

On November 16, 2023, Notice of Application was sent to 67 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 November 30. A “Planning Application” sign was also placed on the site.

There were no responses received during the public consultation period.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020 (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.

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 not all the above criteria have been satisfied. An analysis of the deficiencies is addressed in Section 4.0 of this report.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed residential use is contemplated by the policies of the Provincial Policy Statement and in the Neighbourhoods Place Type in The London Plan (TLP 921_). The site is located on a Civic Boulevard (Oxford Street West) which would normally permit a range of low-rise residential uses including single detached, semi-detached, duplex, triplex, and fourplex dwellings, townhouses, stacked townhouses, and low-rise apartments (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type).

As per policy 922 of The London Plan, however, the range of uses which would be permitted on the subject lands as per Table 10 are only permitted in conformity with other relevant Neighbourhood Place Type policies and policies from the Planning and Development Applications section of the Our Tools section of The London Plan.

4.2 Intensity

While the residential use and form (low-rise apartment) are contemplated in the Neighbourhoods Place Type along Urban Thoroughfares (TLP Table 10), these forms are intended to be part of land consolidations and larger developments. As mentioned in Policy 935_4., the full extent of intensity described in Table 10 will not necessarily be applied to all sites in the Neighbourhood Place Type. This is intended to recognize cases in which general policy would consider a higher density, but context and existing limitations may not be conducive to certain densities.

Policy 935_1 of The London Plan explains that zoning will be applied to ensure that intensity of sites in the Neighbourhood Place Type are appropriate to their neighbourhood contexts. The existing frontage of 22.8 metres leads to the drive aisle and parking configuration issues and the reduced setbacks, which compromise the site's development potential within the proposed low-rise apartment form. The issues with setbacks are where zoning would need to be applied to ensure appropriate development, as per Policy 935_1 of The London Plan. More details on these issues are identified in sections 4.5 and 4.6 below.

4.3 Form

Staff identified multiple issues relating to form, such as building orientation, setbacks, and site layout. Policy 291 of The London Plan outlines that building features such as principal building entrances should face the public right-of-way, as to establish an active frontage and pedestrian access. The proposed building has the primary entrance facing east, toward the drive aisle. Renderings show that the wall facing the public right-of-way contains only small windows and does not follow the above policy.

The reduced lot frontage limits the ability to appropriately orient a building of this scale and intensity to the road (TLP 953_2). The main building entrance effectively orients the

building in such a way that the west interior side yard functions as the building's rear yard. The building entrance and layout also exacerbate setback issues. With the proposed 3.5 storey height (13 metres), a 1.8 metre setback is proposed between the building and the westerly property line. At the proposed height, a 4.5 metre interior side yard setback would normally be required: this separates the building from adjacent properties and developments, provides space for site functions and amenities, and reduces privacy concerns (TLP 953_3). In this case, the 1.8 metre setback does not allow appropriate separation, reducing needed interior side yard space to provide appropriate buffering and creating potential privacy concerns.

The site plan also does not show certain required amenities, such as waste storage (TLP 266), snow storage, and outdoor bicycle parking (TLP 280). While staff recognize the amenity space to the south of the building as a positive design element, the above omitted site features are also needed, and likely would default to the existing area used for amenity space limiting opportunity for appropriate and functional onsite amenity space for the residents. The site also requires a two-way driveway for ingress and egress and the parallel parking spaces show along the east portion of the driveway are not acceptable or safe.

4.4 Development Pattern and Access

The proposed development and its issues related to form and intensity cause potential larger-scale issues relating to future development within this section of Oxford Street. Given the consistent lot fabric on the south side of Oxford Street West, (see figure 5) Staff are concerned that similar, development could occur creating long term planning impacts to the area. Staff are supportive of intensification along this corridor, including within apartment forms, however appropriate land consolidation must occur to the achieve lot frontages and areas that can appropriately accommodate the proposed intensity and required onsite functions.

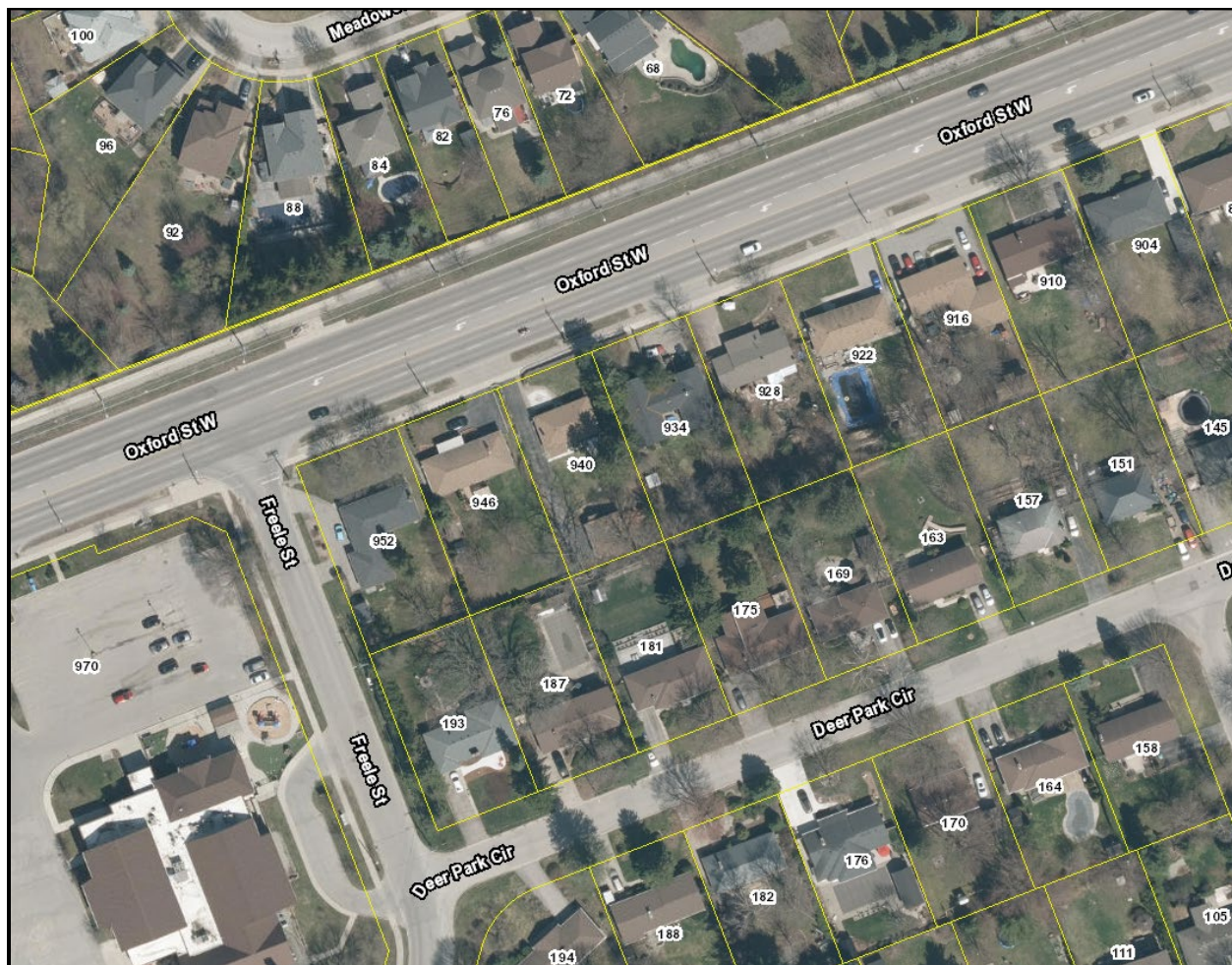


Figure 5 – Lotting pattern for 934 Oxford Street West and adjacent lots

As per Access Management Guidelines, joint accesses are encouraged or may be required to minimize the number of driveways onto arterial roads. The reduction in the number of driveways along arterial roads is intended to manage flow and traffic, as well as to mitigate potential accidents and access issues. As per the London Plan policy

336, Access management will be applied with the objective of limiting driveways onto major streets. The City's Access Management Guidelines recommends a spacing of 30 – 60 metres to be used along an arterial or primary collector roadway. The minimum spacing between two driveways should be the sum of the minimum curb radii (R), and a 10-metre tangent (T). If the 10-metre tangent requirement cannot be achieved, provisions for a joint access connection should be considered.

Key direction 8 of The London Plan requires thinking long-term when making planning decisions to consider the implications of site-specific planning decision within the context of the 'big picture' (62_3). If approved as proposed, the proposed development would set a precedent for more properties along Oxford Street West to develop in a similar manner, leading to a large number of driveways along the road and not developing in a manner in keeping with Access Management Guidelines. While the proposed intensity can be considered appropriate within the Neighborhood Place Type along Urban Thoroughfares, developments occurring as a result of consolidation with fewer individual driveways would be preferred in similar cases.

4.5 Zoning

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R1 (R1-10) Zone to a Residential R8 Special Provision (R8-4(_)) Zone. Special provisions requested include a reduced minimum lot frontage, front yard setback, west interior side yard setback, and increased density.

Minimum lot frontage of 22.8m

Minimum lot frontages are required to ensure lots have enough width to accommodate site functions. The standard minimum in the R8-4 Zone is 30 metres. This is to accommodate for things such as driveway or access, appropriate setbacks, and in conjunction with minimum lot area regulation, generally enough space to provide for appropriate development.

The current layout for the proposed development offers enough space for the driveway access, but the width of the lot leads to a reduced west interior side yard setback. This is an indicator that while the frontage of the lot is existing at 22.8 metres, this frontage results in a lot that ends up being too narrow to provide appropriate setbacks for the proposed form.

Minimum front yard setback of 4.5m

The intent of a front yard depth is to ensure sufficient space between the buildings and front lot line to accommodate all site functions while still facilitating a pedestrian oriented development. The proposed 4.5 metre front a yard setback does not reflect the required road widening requirement. As per Table 6 of The London Plan, the width requirement for Oxford Street West, an urban thoroughfare, outside of the Primary Transit Area, is 22.5 metres. This leaves the proposed building as encroaching into the proposed right-of-way.

While the City would not be able to acquire the road dedication required as part of this application or a future Site Plan Application (as the proposal is less than 11 residential units), policy 379 of The London Plan requires the City to instead protect the determined mobility infrastructure such as right-of-way widening areas in development applications. As the building encroaches into the road widening with the proposed setback, Planning and Development cannot support the proposed setback.

Minimum west interior side yard setback of 1.8m

Minimum interior side yard setbacks are a regulation intended to separate buildings from adjacent properties and other buildings. The separation seeks to provide buffering between lots to provide space for site functions (such as driveways) and amenities, as well as privacy.

The west interior side yard setback is 1.8 metres, whereas the standard setback required would be 4.5 metres. As the building is oriented toward the east, the interior side yard setback effectively acts as a rear yard with multiple unit windows facing west, and the reduced setback significantly impacts the privacy to and from the proposed development into the existing property to the west (940 Oxford Street West). A development with the main entrance and individual unit windows oriented north-south to the street or the rear yard would be more appropriate and mitigate privacy concerns.

Maximum density of 80 units per hectare

The intent of maximum density regulations is to manage density across different zones. This allows for intensity levels to be separated as to maintain area and neighbourhood character in the City.

The proposed density of 80 units per hectare are a 5 unit per hectare increase from the R8-4 Zone's standard density of 75 units per hectare. While the increase is relatively minor, the density stacks with the other site limitations, like frontage and setbacks, to create a site which cannot support the proposed built form.

4.6 Context and Impact

Policies 1578 6. and 7. of the Our Tools section of The London Plan provide criteria for reviewing all development applications. Policy 6. discusses impact on adjacent properties, where impacts such as traffic and access management, privacy and shadowing are to be managed and mitigated when present in an application. As discussed in the above sections, the application, through its form and driveway, create impacts: the development pattern does not abide by Access Management Guidelines, and the reduced setback causes privacy concerns to adjacent properties.

Policy 7. lists fitting into local context as a criteria for the review of development applications. The analysis of context includes policy goals for the Place Type and City Design policies of The London Plan, streetscape character, massing, scale, setback, and coordination of access points. As discussed above, the proposal is a departure from the existing streetscape and existing form in a way which conflicts with the context of the area. The impacts discussed in the review of policy 1578 6. above also show that the setback does not follow existing patterns, clashing with existing context and causing incompatibility.

Conclusion

The proposed application does not conform to The London Plan, including, but not limited to, the Key Directions, City Building policies, and Intensity and Form policies of the Neighbourhoods Place Type. The requested Zoning By-law Amendment, and proposed development represent an over-intensification of the subject site with little effort made to mitigate impacts of the proposed increased intensity. As such, it is recommended the requested amendment be refused.

Prepared by:	Noe O'Brien Planner, Planning Implementation
Reviewed by:	Mike Corby, 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

Appendix A - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Single detached dwelling
Frontage	22.8 metres
Depth	46 metres
Area	1044 square metres
Shape	Regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Single detached dwellings
East	Single detached dwellings
South	Single detached dwellings
West	Single detached dwellings, Oakridge Presbyterian Church

Proximity to Nearest Amenities

Major Intersection	Oxford Street West and Hyde Park Road, 1km
Dedicated cycling infrastructure	Oxford Street West, adjacent
London Transit stop	Oxford Street West, 75m
Public open space	Oakridge Optimist Community Park, 450m
Commercial area/use	Oxford Street West and Hyde Park Road, 1km
Food store	Real Canadian Superstore (Oxford), 1km
Community/recreation amenity	Oakridge Optimist Community Park, 450m

B. Planning Information and Request

Current Planning Information

Current Place Type	Urban Corridor
Current Special Policies	None
Current Zoning	Residential R1 (R1-10)

Requested Designation and Zone

Requested Place Type	No proposed changes
Requested Special Policies	No proposed changes
Requested Zoning	Residential R8 Special Provision (R8-4(_))

Requested Special Provisions

Regulation (R8-4(_))	Required	Proposed
Minimum lot frontage	30.0m	22.8m
Minimum front yard setback	7.0m	4.5m
Minimum west interior side yard setback	4.5m	1.8m
Maximum density	75 units per hectare	80 units per hectare

C. Development Proposal Summary

Development Overview

The proposed development consists of a 3.5-storey residential apartment building containing a total of 8 dwelling units. Surface parking (9 spaces) is proposed to the rear and side of the building.

Proposal Statistics

Land use	Residential
Form	Low-rise apartment building
Height	3.5 storeys (13m)
Residential units	8
Density	77 units / hectare
Building coverage	21%
Landscaped open space	36%
New use being added to the local community	No

Mobility

Parking spaces	9 surface
Vehicle parking ratio	1.125 spaces per unit
New electric vehicles charging stations	Unknown
Secured bike parking spaces	Unknown
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

Environmental Impact

Tree removals	25
Tree plantings	Unknown
Tree Protection Area	No
Loss of natural heritage features	N/A
Species at Risk Habitat loss	N/A
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	No
Green building features	Unknown

Appendix C – Internal and Agency Comments

Heritage – November 20

- No issues.

Ecology – December 14

- No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

Engineering – December 13

- h-89 provision recommended for stormwater management strategy, since no SPA

Water Engineering

- Water is available to the site via the municipal 400mm watermain on Oxford Street West.
- The Site is in the City's low Level service area, which has a hydraulic grade line of 301.8 m.
- A water servicing report will be required addressing domestic demands, fire flows, water quality.
- Our record shows there is an existing 0.75" copper service. For the proposed development, existing water service is to be abandoned to City Standards(Cut and Capped from main).

Stormwater Engineering

If exempt from the Site Plan process, SWED would wish to see the consultant to provide preliminary servicing/grading information (SWM letter/brief) to demonstrate how these requirements will be achieved and how these existing flows will be maintained through the development prior to rezoning or establishment of site layout.

The following specific comments have been provided in addition to the attached pre-application consultation (April 6, 2023), based on the new development layout presented in this site plan consultation. Previous comments from the attached that remain applicable should also be addressed.

1. There exists a grassed swale running west to east in the rear yards of the Oxford Street fronting properties that conveys the local overland flows. Receipt and conveyance of these surface flows should be maintained by the grading design of the development.
 -
2. Major flows from the development should be directed to the Oxford Street right of way.
 -
3. No adverse affects due to drainage shall occur to MN#928 or MN#940 as a result of the development.

UTRCA – November 20

- The UTRCA has no objections to the application and has no Section 28 approval requirements.

Urban Design – November 30

1. **Provide a minimum setback from Oxford Street West to maintain and reinforce the existing street wall of the adjacent single-detached lots while encouraging street-orientation.** TLP 256, 286, 288
2. **Provide a minimum interior side yard setback with and without windows to habitable rooms.** TLP, 253, 252
 - **Where unit windows face the interior side yard, a minimum setback should allow for privacy and not hinder the redevelopment of adjacent properties.**

- **Where no unit windows face the interior side yard, a minimum setback should accommodate access and maintenance in the side yard.**
- 3. **Orient the built form towards Oxford Street West with principal entrances, window openings and/or front porches on the ground floor along with balconies/terraces on the upper floors to face the Urban Thoroughfare** for visual amenity and allowing passive surveillance. TLP 291
 - **Direct access from the building/unit entrances to the public sidewalk on Oxford Street West is supported** and should be carried forward. TLP 268
- 4. **Eliminate the proposed sunken patios on the street-facing units** in preference of an enhanced elevation and to avoid privacy and safety issues.
 - **Ensure the standards of Section 4.8.8. of the Property Standards By-Law is achieved for minimum natural light transmission requirements for the lower-level units.**
- 5. **Remove the parallel parking along the drive aisle** for unobstructed vehicular circulation and creating a safe pedestrian environment.
- 6. **Provide adequate landscape buffer between the property line and the drive aisle/parking** to avoid any negative impacts on the adjacent properties. TLP 278
- 7. **Prohibit any garbage storage area** from being located in an area visible from Oxford Street West to avoid any negative visual impact on users or detracting from pedestrian connections. TLP 266

Parks Planning – November 17

- Parkland dedication will be required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized through the building permit process.

Landscape Architecture – Pending

1. Major Issues

- The Development and Planning Landscape Architect does not support the reduced side yard setbacks. The side yards must accommodate fencing, retaining walls, drainage features [above and below ground] and tree planting. Reduced setbacks will cause conflicts. Tree planting is essential to provide privacy to adjacent residential properties. The proposal includes the destruction of offsite trees and boundary trees growing on property lines. The latter are protected by the Province's Forestry Act. As stipulated by the act, consent must be provided from co-owner to remove or injure.
- If consent cannot be obtained by the owner of 175 Deer Park for the removal of 2 boundary trees and 2 offsite trees, setbacks from the south property line would need to be as follows:
- Tree #12 boundary tree would require 5.5m setback to avoid excavating critical root zone
- Tree #14 boundary tree would require 3.6m setback to avoid excavating critical root zone
- Tree #15 offsite tree would require 2m setback to avoid excavating critical root zone
- Tree #16 off site tree would require 3.0m setback to avoid excavating critical root zone

2. Applicant advised to follow recommendations from the TPP prior to and during construction to protect trees. Should any tree fail within and outside of site and fall damaging property or injuring people this could become a civil matter between impacted property owners.

3. The applicant is advised of the following provincial legislation, official plan policies and municipal bylaws that pertain to tree protection for private properties:

- a. City of London Tree Protection Bylaw protects trees with a diameter of 50+ cm growing on private property and allows for the Injury and Destruction of such trees in limited circumstances with a Permit. Any person who contravenes any provision of this By-law is guilty of an offence and if convicted under this By-law is liable to a

minimum fine of \$500.00 and a maximum fine of \$100,000.00, where the fine is not a set fine. Removal permits are required for the removal of any tree with a diameter 50+cm.

b. City of London Boulevards Tree Protection Bylaw protects city owned trees including their root zones. 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. <https://london.ca/by-laws/boulevard-tree-protection-law-cp-22#:~:text=5.1%20No%20person%20shall%20plant,of%20the%20Deputy%20City%20Manager.&text=5.2%20No%20person%20shall%20Injure,of%20the%20Deputy%20City%20Manager>

c. Province of Ontario Forestry Act 1998, c. 18, Sched. I, s. 21 protects Boundary Trees defined as any tree situated such that any part of its trunk is growing across one or more property lines. Boundary trees are legally the common property of the owners of the adjoining lands. Any person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the landowners is guilty of an offence under this Act. <https://www.ontario.ca/laws/statute/90f26>. **Two boundary trees have been identified or removal and require consent.**

d. London Plan Policy 399.4.b Trees will generally be replaced at a ratio of one replacement tree for every ten centimetres of tree diameter that is removed. **The TPP has identified the removal of 626 cm dbh [diameter at breast height]. In compliance with Policy 399, 62 replacement trees would be required on site.**

Site Plan – November 16

- Site Plan not required.

London Hydro – November 17

- Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe clearances from L.H. infrastructure is mandatory. Note: Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix D – Public Engagement

No public comments were received as part of this application.