

Agenda Including Addeds

Planning and Environment Committee

3rd Meeting of the Planning and Environment Committee

January 30, 2024

1:00 PM

Council Chambers - Please check the City website for additional meeting detail information. Meetings can be viewed via live-streaming on YouTube and the City Website.

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Métis and Inuit today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

Members

Councillors S. Lehman (Chair), S. Lewis, C.Rahman, S. Franke, S. Hillier

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact PEC@london.ca or 519-661-2489 ext. 2425.

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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Scott Mathers, MPA, P. Eng.
Deputy City Manager, Planning and Economic Development
Subject: Delegated Authority for Consent
Meeting on: January 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the proposed by-law attached hereto as Appendix “A” BE INTRODUCED at the Municipal Council meeting to be held on February 13, 2024, to amend By-law CP-23 to provide for the Committee of Adjustment and Consent Authority and to repeal By-law CP-23, as amended.

Executive Summary

Summary of Request

The purpose and effect of the recommended action is to change the appointment of Municipal Council’s consent granting authority from the Committee of Adjustment to an approval authority (Director, Planning and Development). The proposed amendments will streamline the approval process by delegating to an Approval Authority and allow for developments to proceed in a timelier manner.

Rationale of Recommended Action

The recommended change to the appointment of an Approval Authority is consistent with the authority to grant consents set out in the *Planning Act* R.S.O. 1990, c. P.13 (“*Planning Act*”). The recommended change will bring decisions back to the Director, Planning and Development as the Approval Authority body, allowing decisions to be made in a more timely manner while still allowing for the required community engagement under the *Planning Act*.

Linkage to the Corporate Strategic Plan

Council’s 2023 to 2027 Strategic Plan for the City of London identifies “Housing and Homelessness” as a strategic area of focus. This includes increasing efficiency and consistency of processes to support housing access and supply.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

December 2, 2019, Planning and Environment Committee, Delegated Authority for Consent

1.2 What is a Consent?

The *Planning Act* requires that consent (i.e., permission) be granted before land can be divided into smaller parts – commonly referred to as a “severance”. Consent is typically required for lot creation, lot adjustments (of property boundaries), registration of easements, leases and mortgages or charges over part of a property. The consent approval process described in Section 53 of the *Planning Act* is an alternative for land

division proposals that are relatively less complex and where a plan of subdivision is not required.

1.3 Criteria for Reviewing a Consent

The review of consent applications is subject to the criteria and requirements of the *Planning Act*, the Provincial Policy Statements, and the Official Plan; and these criteria and requirements are similar to the matters which are to be regarded when considering a plan of subdivision, such as whether:

- The application is in the public interest or is premature;
- The application impacts Provincial interests;
- The application conforms to the Official Plan (The London Plan) and any adjacent plans of subdivision;
- The lands suit the proposal;
- The size and scale of the lots and the overall plan are suitable;
- The layout addresses energy conservation of natural resources and flood control;
- Utilities, road systems, municipal services and schools are adequate; and
- The area of land being dedicated for public purposes is suitable.

To assist with the decision-making process, Planning and Development is responsible for the intake, processing and review of all consent applications and prepares a recommendation report to the London Consent Authority.

1.4 Authority to Grant Consents (the “London Consent Authority”)

The authority to grant consents to divide land originates in the *Planning Act*. Section 50(1) of the *Planning Act* assigns single-tier municipalities the consent-granting authority. Municipal councils may in turn delegate, by by-law, their consent-granting authority, or any part of their authority, to:

- A committee of Council,
- The Committee of Adjustment, or
- An appointed officer in accordance with Section 54(5) of the *Planning Act*.

The “London Consent Authority” is the title of the committee or officer to which Municipal Council has delegated their authority.

From 1988 to 2019, the London Consent Authority was delegated to an appointed official. During that time, there were periodic changes to the title or position of the appointed official. At present, the City of London Committee of Adjustment is appointed the London Consent Authority for the purpose of lot creation; however, the Director of Planning and Development is the London Consent Authority for all other consent applications including lot additions/adjustments, mortgages and leases, easements (rights-of-ways), power of sale, and validation of title.

This report and the attached bylaw recommend the delegated authority for lot creation be given back to the Director, Planning and Development for consistency and expediency of process.

The Committee of Adjustment will continue to serve as the delegated authority for Minor Variance applications.

1.5 Background and Purpose

To streamline the development approval process, remove barriers for approval of Consent Applications, and to improve levels of service, the proposed amendments to By-law CP-23 delegate the Director, Planning and Development as the Approval Authority for the following application types:

- (a) Lot creation
- (b) Lot additions/adjustments
- (c) Mortgages and leases
- (d) Easements (rights-of-ways)

- (e) Power of Sale
- (f) Validation of Title

2.0 Discussion and Considerations

2.1 Current Consent Application Process

Applications for Consent are subject to prescribed notification and consultation requirements, issuance of decisions, processing appeals to the Ontario Land Tribunal (OLT), clearance of conditions and issuance of certificates as set out in the *Planning Act* and its regulations.

The current lot creation consent process is as follows:

Landowners and/or their agents may apply for a consent and the consent-granting authority may grant a consent if satisfied that a plan of subdivision is not necessary for the proper and orderly development of land. The required documents and information for a complete application are set out in the *Planning Act* regulations and reflected in the City of London's Consent Application form.

Upon acceptance of a complete application, notice of consent application is satisfied by way of providing notice by publication in a newspaper, *The Londoner*, and mailing a notice to landowners within a 60-metre radius of the subject lands. As part of the circulation process, there is a prescribed list of City departments and external agencies that receive notice of consent applications to provide comments.

The notices include a concept plan (consent sketch), a brief explanation of the purpose and effect of the consent application, a description or map of the lands subject to the application and information on where and when additional information about the application can be obtained and how to provide comment. The notice also includes direction regarding requests to receive a notice of decision, and the appeal rights. Notice of consent applications are subject to a 14-day commenting period.

Under the current process, following the 14-day commenting period, a hearing date at the Committee of Adjustment is confirmed and the Notice of Public Hearing is prepared for applications requiring a decision by the Committee of Adjustment (lot creation).

The Notice of Public Hearing is circulated and published in *The Londoner* for an additional 14-day commenting period with a scheduled public hearing before the Committee of Adjustment. During this period, the staff report is prepared, and draft conditions provided to the applicant.

Following the Committee of Adjustment meeting, the Notice of Provisional Consent Decision is issued with a 20-day appeal period. Following this appeal period, the Notice of Final Consent Decision is issued.

In 2022, Bill 23, *More Homes Built Faster Act, 2022*, amended the *Planning Act* to limit appeal rights for consent applications to the owner, applicant, agent, special purpose body and the City of London. The general public no longer have the ability to appeal consent applications, however the public notification and commenting processes remain and are considered by the delegated authority in granting applications.

2.2 Proposed Revisions to the Consent Application Process

In effort to increase efficiency and consistency of processes, the proposed amendments to By-law CP-23 are to remove the Committee of Adjustment as the delegated authority for consent matters relating to lot creation. The London Plan, Policy 1696_, notes that in accordance with the provisions of the *Planning Act*, City Council may delegate the authority to give consents to a body such as the Committee of Adjustment or to an office of the municipality. This report and the attached bylaw recommend that all Consent Applications will be at the discretion of the Director, Planning and Development as the sole delegated authority.

The new process for Consent Applications (lot creation) would then be consistent with the processes for all other consent applications where approval authority is delegated to the Director, Planning and Development.

The submission of a complete application and the notice of consent application and circulation for comments will remain the same as the current process outlined above.

There will no longer be the need to schedule the public hearing at the Committee of Adjustment for these applications, nor provide additional mailout or newspaper notices. The 14-day circulation timeline for public hearing notices will no longer be necessary. This will save staff resources required for the administrative tasks associated with notices as well as running the meetings, as well as Planning staff time to attend the meetings, and Committee of Adjustment time and efforts to review consent applications and attend public hearings for these items.

Following the 14-day commenting period, staff will prepare a report evaluating the proposal and work with internal agencies to determine the appropriate conditions under the *Planning Act* and The London Plan. Through this process, staff have the ability to work closely with applicants to resolve any issues with the proposed conditions prior to the report going to the Director, Planning and Development for review.

Applications may be revised, approved, approved with conditions and a notice of decision is provided to the applicant and any person or body that provided comments or requested to receive the notice of decision. The appeal period commences with the issuance of the notice of decision. The decision or any conditions attached to the decision, may be appealed to the OLT, only by the owner, agent, applicant, special purpose body or the City of London can appeal decisions, consistent with the amendments to the *Planning Act* through Bill 23.

Applicants have a period of 2-years from the notice of decision to complete any conditions. If conditions are not cleared within this 2-year period, the consent lapses. Conditions may include but are not limited to matters of land dedication (i.e., road widening, parkland); the provision of easements; submission of subsequent studies and/or plans; and Consent Agreements, among others.

A certificate of consent is issued to the applicant by the consent-granting authority upon the clearance of conditions. If the division of land enabled by the consent has not been registered within 60 days of the issuance of the certificate of consent, the consent lapses.

3.0 Proposed Revisions to Delegation of Authority By-law

Staff recommend that the following be delegated to the Director, Planning and Development as the approval authority:

- 1) To render decisions relating to lot creation; and
- 2) To establish appropriate conditions of approval which are required to be completed prior to the issuance of decision.

The delegation of applications to Civic Administration will improve customer service to the development community by reducing the timeline for approval. The proposed process will also create further efficiencies for the Committee of Adjustment.

3.0 Conclusion

The recommended change to the appointment of Municipal Council's consent-granting authority from the Committee of Adjustment to one appointed officer (The Director, Planning and Development) will allow decisions to be made in a timely manner and better align with the delivery of service provided to the public.

Prepared by: **Melanie Vivian**
Senior Coordinator – Committee of Adjustment

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

copy: Britt O'Hagan, Manager, Current Development
Peter Kavcic, Manager, Subdivision and Development Inspections
Michael Pease, Manager, Site Plans
Bruce Page, Manager, Subdivision Planning

Bill No.

2024

By-law No. CP-

A by-law to provide for the Committee of Adjustment and Consent Authority and to repeal By-law CP-23, as amended.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 44 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, provides for a municipality to constitute and appoint a committee of adjustment;

AND WHEREAS section 45 of the *Planning Act*, as amended, sets out the powers of committee of adjustment with respect to minor variance applications;

AND WHEREAS section 5(1) of the *Planning Act*, as amended, permits Municipal Council by by-law to delegate the authority of a council under section 4 of the Act to a committee of council or to an appointed officer identified by the by-law by name or position occupied;

AND WHEREAS subsection 54(5) of the *Planning Act*, as amended, provides that Municipal Council of a single-tier municipality authorized to give a consent under section 53 may by by-law delegate the authority of the council under section 53 or any part of that authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied, to a municipal planning authority or to the committee of adjustment;

AND WHEREAS it is deemed expedient to pass this by-law;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

Part 1 – Committee of Adjustment

1.1 Established

The Committee of Adjustment for The Corporation of the City of London is established and constituted pursuant to section 44 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

1.2 Composition

The Committee of Adjustment for The Corporation of the City of London shall be composed of five (5) individuals appointed by Municipal Council.

1.3 Powers – authority – set out – Planning Act

The Committee of Adjustment for The Corporation of the City of London is empowered pursuant to section 45 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and the regulations thereunder to grant minor variances and to change, to extend and/or to enlarge non-conforming uses with respect to the

provisions of any Zoning By-law of the municipality that implements the Official Plan for the City of London Planning Area.

Part 2 – Consent Authority

2.1 Established – Director, Planning and Development

The Director, Planning and Development is hereby delegated the authority with respect to the granting of consents provided for under section 54 of the *Planning Act*, R.S.O. 1990, c.P.13 as amended, and the Director, Planning and Development shall act as the “London Consent Authority”.

2.2 Director, Planning and Development – Further Delegation

For the purpose of granting consents in accordance with section 2.1 of this by-law or entering into agreements in accordance with section 2.4, in the absence or vacancy of Director, Planning and Development, The Corporation of the City of London hereby delegates the authority under section 2.1 and 2.4 to the Manager, Current Development.

2.3 Authority to Execute Certificates

The Secretary-Treasurer of the Committee of Adjustment shall be delegated the authority to give a certificate to the applicant stating that the consent has been given pursuant to sections 53(42) of the *Planning Act*, R.S.O. 1990, c.P.13 as amended.

2.4 Authority to Execute Agreements

The Director, Planning and Development, shall be delegated the authority to execute any agreements prepared in accordance with a condition imposed by the London Consent Authority.

Part 3 – Repeal - Enactment

3.1 By-law – previous

By-law CP-23, being "A by-law to provide for the Committee of Adjustment and Consent Authority and to repeal By-law CP-7," as amended. is hereby repealed.

3.2 Effective Date

This by-law comes into force and effect on February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the Municipal Act, 2001.

Josh Morgan
Mayor

Michael Schulthess

City Clerk

First Reading – February 13, 2024.
Second Reading – February 13, 2024.
Third Reading – February 13, 2024.

Report to Planning & Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Building Division Monthly Report
November 2023

Date: January 30, 2024

Recommendation

That the report dated November 2023 entitled “Building Division Monthly Report November 2023”, **BE RECEIVED** for information.

Executive Summary

The Building Division is responsible for the administration and enforcement of the *Ontario Building Code Act* and the *Ontario Building Code*. Related activities undertaken by the Building Division include the processing of building permit applications and inspections of associated construction work. The Building Division also issues sign and pool fence permits. The purpose of this report is to provide Municipal Council with information related to permit issuance and inspection activities for the month of November 2023.

Linkage to the Corporate Strategic Plan

Growing our Economy

- London is a leader in Ontario for attracting new jobs and investments. Leading in Public Service
- The City of London is trusted, open, and accountable in service of our community.
- Improve public accountability and transparency in decision making.

Analysis

1.0 Background Information

This report provides information on permit and associated inspection activities for the month of November 2023. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity for the Month of November 2023”, as well as respective “Principle Permits Reports”.

2.0 Discussion and Considerations

2.1 Building permit data and associated inspection activities – **November 2023**

Permits Issued to the end of the month

As of November 2023, a total of 3,374 permits were issued, with a construction value of \$1.18 billion, representing 1,642 new dwelling units. Compared to the same period in 2022, this represents a 14.6% decrease in the number of building permits, with a 25.3%

decrease in construction value and an 39.4% decrease in the number of dwelling units constructed.

Total permits to construct New Single and Semi-Dwelling Units

As of the end of November 2023, the number of building permits issued for the construction of single and semi-detached dwellings was 219, representing a 62.2% decrease over the same period in 2022.

Number of Applications in Process

As of the end of November 2023, 986 applications are in process, representing approximately \$825.8 million in construction value and an additional 1,164 dwelling units compared with 904 applications, with a construction value of \$580 million and an additional 2,709 dwelling units in the same period in 2022.

Rate of Application Submission

Applications received in November 2023 averaged to 12.8 applications per business day, for a total of 282 applications. Of the applications submitted 15 were for the construction of single detached dwellings and 20 townhouse units.

Permits issued for the month

In November 2023, 282 permits were issued for 399 new dwelling units, totaling a construction value of \$136.9 million.

Inspections – Building

A total of 1,679 inspection requests were received with 1,936 inspections being conducted.

In addition, 26 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 1,679 inspections requested, 96% were conducted within the provincially mandated 48 hour period.

Inspections - Code Compliance

A total of 1,052 inspection requests were received, with 962 inspections being conducted.

An additional 184 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 1,052 inspections requested, 96% were conducted within the provincially mandated 48 hour period.

Inspections - Plumbing

A total of 929 inspection requests were received with 1,144 inspections being conducted related to building permit activity.

An additional 11 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 929 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

2018 - 2020 Permit Data

Additional permit data has been provided in Appendix “A” to reflect 2018 – 2020 permit data.

Conclusion

The purpose of this report is to provide Municipal Council with information regarding the building permit issuance and building & plumbing inspection activities for the month of November 2023. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity” for the month of November 2023 as well as “Principle Permits Reports”.

Prepared by: Kyle Wilding
Acting Director, Building and Chief Building Official
Planning and Economic Development

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

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

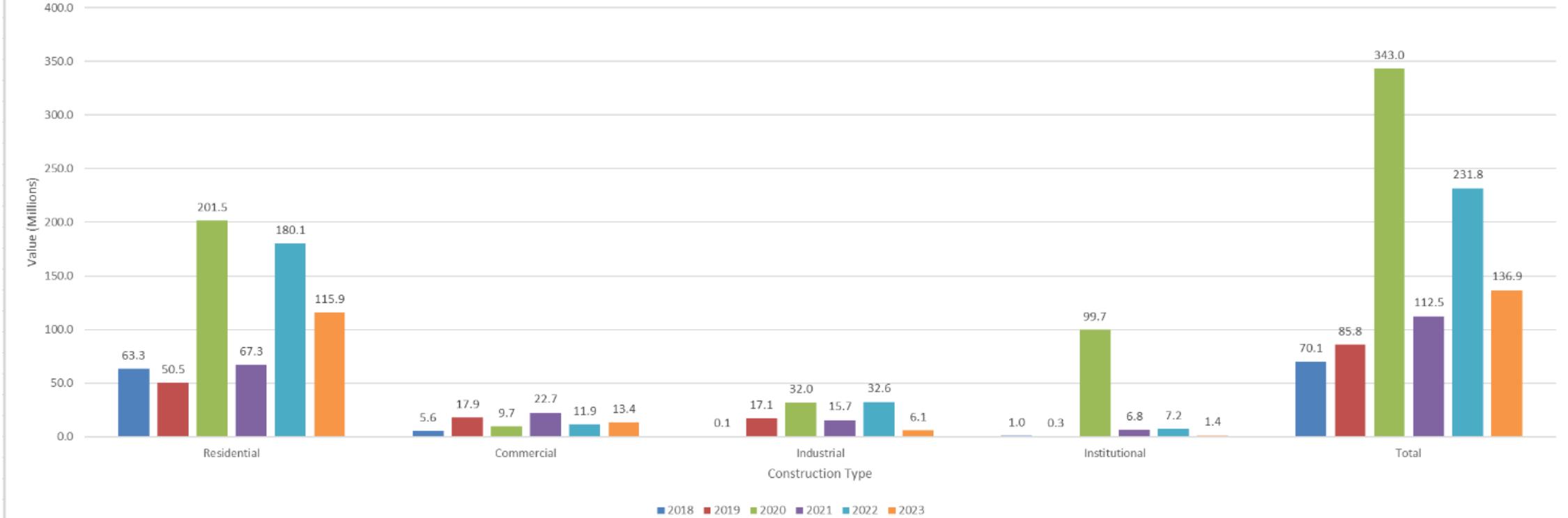
APPENDIX "A"

**CITY OF LONDON
SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF NOVEMBER 2023**

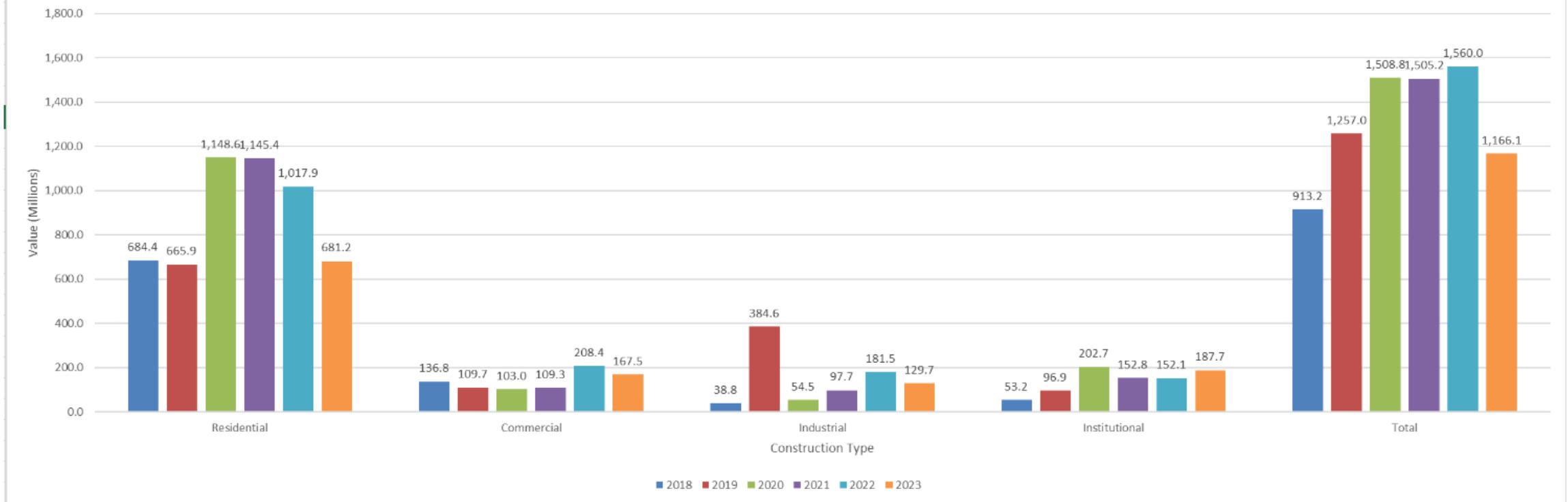
CLASSIFICATION	November 2023			to the end of November 2023			November 2022			to the end of November 2022			November 2021			to the end of November 2021		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	15	8,461,997	15	214	117,604,824	214	24	17,337,573	24	579	300,554,647	579	87	40,350,000	87	1,002	454,932,550	1,002
SEMI DETACHED DWELLINGS	0	0	0	5	4,181,026	9	1	919,374	2	1	919,374	2	1	211,000	1	2	434,500	2
TOWNHOUSES	3	7,412,215	20	58	106,103,149	311	29	55,879,212	193	134	202,601,740	669	28	17,728,400	74	221	201,536,600	822
DUPLEX, TRIPLEX, QUAD, APT BLDG	5	92,600,404	339	23	270,561,621	861	2	99,491,500	265	17	416,300,635	1,260	0	0	0	14	411,371,500	1,751
RES-ALTER & ADDITIONS	138	7,440,478	25	1,740	182,717,205	247	145	6,450,977	28	1,833	97,566,562	198	194	9,046,139	8	1,771	77,076,791	122
COMMERCIAL - ERECT	2	2,800,000	0	9	42,180,370	0	5	6,806,000	0	20	98,587,087	1	3	6,336,700	0	27	19,811,100	0
COMMERCIAL - ADDITION	2	305,000	0	13	8,936,730	0	1	90,000	0	11	27,091,900	0	2	475,000	0	8	4,101,500	0
COMMERCIAL - OTHER	38	10,319,752	0	297	116,396,950	0	34	5,026,811	0	270	82,711,921	0	37	15,864,710	0	336	85,378,925	0
INDUSTRIAL - ERECT	0	0	0	5	51,391,868	0	0	0	0	3	99,373,579	0	0	0	0	14	46,342,409	0
INDUSTRIAL - ADDITION	1	5,622,100	0	10	59,860,528	0	2	32,379,520	0	8	74,737,391	0	2	14,000,000	0	9	30,886,560	0
INDUSTRIAL - OTHER	6	474,001	0	49	18,478,052	0	3	246,000	0	32	7,425,860	0	6	1,707,000	0	37	20,489,480	0
INSTITUTIONAL - ERECT	1	339,264	0	5	121,281,569	0	0	0	0	3	99,646,231	0	0	0	0	1	12,000,000	0
INSTITUTIONAL - ADDITION	0	0	0	13	12,159,743	0	2	4,451,800	0	4	6,830,800	0	2	4,000,000	0	8	51,273,386	0
INSTITUTIONAL - OTHER	8	1,092,980	0	175	54,275,105	0	6	2,700,630	0	148	45,632,466	0	8	2,786,500	0	125	89,553,450	0
AGRICULTURE	0	0	0	7	4,152,600	0	0	0	0	3	1,610,000	0	0	0	0	4	557,000	0
SWIMMING POOL FENCES	0	0	0	161	5,994,368	0	7	385,106	0	314	12,892,615	0	19	765,100	0	374	11,218,396	0
ADMINISTRATIVE	3	0	0	131	493,000	0	9	9,000	0	136	890,000	0	3	0	0	90	298,000	0
DEMOLITION	10	0	6	97	0	76	10	0	6	95	0	64	8	0	5	75	0	50
SIGNS/CANOPY - CITY PROPERTY	1	0	0	13	0	0	2	0	0	19	0	0	0	0	0	8	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	49	0	0	349	0	0	19	0	0	321	0	0	52	0	0	362	0	0
TOTALS	282	136,868,191	399	3,374	1,176,768,707	1,642	301	232,173,503	512	3,951	1,575,372,808	2,709	452	113,270,549	170	4,488	1,517,262,147	3,699

CLASSIFICATION	November 2020			to the end of November 2020			November 2019			to the end of November 2019			November 2018			to the end of November 2018		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	107	47,277,800	107	863	368,558,254	863	78	37,522,330	78	642	276,099,986	642	44	20,763,680	44	641	271,347,705	641
SEMI DETACHED DWELLINGS	0	0	0	2	1,023,000	4	0	0	0	3	884,400	6	0	0	0	0	0	0
TOWNHOUSES	16	10,409,800	46	135	126,289,785	484	11	8,289,400	32	157	142,482,530	638	11	7,410,654	35	198	151,482,923	622
DUPLEX, TRIPLEX, QUAD, APT BLDG	4	136,437,600	504	17	596,902,400	2,034	0	0	0	18	192,486,852	875	1	32,000,000	182	10	203,356,520	922
RES-ALTER & ADDITIONS	156	7,409,724	8	1,400	55,852,487	53	137	4,709,125	4	1,722	53,913,822	62	137	3,168,040	10	1,736	58,189,299	84
COMMERCIAL - ERECT	2	1,300,000	0	11	8,460,300	0	4	10,624,300	0	19	31,606,380	0	2	1,817,100	1	33	60,801,403	1
COMMERCIAL - ADDITION	1	20,000	0	5	2,202,800	0	1	290,000	0	16	9,844,000	0	0	0	0	13	10,780,718	0
COMMERCIAL - OTHER	42	8,394,500	0	345	92,287,669	0	42	7,035,400	0	481	68,205,603	2	21	3,773,700	0	426	65,247,039	0
INDUSTRIAL - ERECT	2	31,578,000	0	8	40,231,400	0	2	1,624,000	0	14	320,390,000	0	0	0	0	3	9,450,000	0
INDUSTRIAL - ADDITION	0	0	0	5	7,931,300	0	3	2,742,000	0	13	44,445,100	0	0	0	0	7	7,330,000	0
INDUSTRIAL - OTHER	5	458,600	0	40	6,374,007	0	11	12,709,700	0	75	19,800,020	0	8	85,750	0	63	22,002,054	0
INSTITUTIONAL - ERECT	3	96,588,300	0	7	129,443,300	0	0	0	0	2	27,456,800	0	0	0	0	0	0	0
INSTITUTIONAL - ADDITION	0	0	0	8	15,178,000	0	0	0	0	9	39,233,800	0	0	0	0	5	14,049,600	0
INSTITUTIONAL - OTHER	12	3,087,800	0	157	58,084,801	0	6	290,000	0	173	30,180,960	0	16	1,041,000	0	224	39,174,942	0
AGRICULTURE	0	0	0	2	262,000	0	0	0	0	6	15,700,000	0	0	0	0	3	210,000	0
SWIMMING POOL FENCES	13	537,000	0	353	9,092,291	0	3	83,000	0	208	4,485,267	0	4	53,000	0	220	4,972,972	0
ADMINISTRATIVE	6	0	0	53	109,000	0	3	18,000	0	140	367,000	0	7	3,000	0	180	456,850	0
DEMOLITION	9	0	6	74	0	50	12	0	4	90	0	52	9	0	7	82	0	42
SIGNS/CANOPY - CITY PROPERTY	1	0	0	6	0	0	2	0	0	30	0	0	0	0	0	14	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	28	0	0	289	0	0	37	0	0	465	0	0	111	0	0	518	0	0
TOTALS	407	343,499,124	665	3,780	1,518,282,794	3,438	352	85,937,255	114	4,283	1,277,582,520	2,225	371	70,115,924	272	4,376	918,852,024	2,270

Construction Value of Building Permits (November)



Construction Value of Building Permits (January - November)





City of London - Building Division
Principal Permits Issued from November 1, 2023 to November 30, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
1815513 Ontario Inc	100 Belmont Dr	(statcan) Alter - Retail Store Interior Fit-Out. Partitions, Finishes, HVAC Distribution, Installation of plumbing fixtures	0	250,000
UNBEATABLE INVESTMENTS INC	1061 Wonderland Rd S	(statcan) Alter - Restaurant Interior alteration to an existing suite including plumbing, HVAC, and electrical work.	0	270,000
2433962 Ontario Limited	11 Buchanan Crt	(statcan) Alter - Factories NEW SPRINKLER SYSTEM AND WATER SERVICE	0	300,000
London City C/O London Hydro Inc	111 Horton St E	(statcan) Alter - Offices ALTER INTERIOR 3RD FLOOR OFFICES - LONDON HYDRO **SHELL PERMIT ONLY** TO GO FULL PROVIDE SPRINKLER SHOP DRAWINGS AND GRCC	0	150,000
WESTERN UNIVERSITY WESTERN UNIVERSITY	1151 Richmond St	(statcan) Alter - University Interior renovation to lab area in Thompson Engineering Building	0	112,480
KAREN CRICH CRICH HOLDINGS & BUILDINGS LTD.	1299 Huron St	(statcan) Alter - Apartment Building This is for a 12 Story High Rise and is to replace all existing balconies with new balconies.	0	1,300,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1305 Riverbend Rd	(statcan) Alter - Offices Interior alteration to existing building for NFP Insurance	0	374,144
LONDON SUMMERSIDE CORP. LONDON SUMMERSIDE CORP.	1307 Commissioners Rd E C1	(statcan) Alter - Recreation Centre INTERIOR ALTERATIONS TO CREATE GOLF SIMULATOR AND KITCHEN / BAR AREA	0	234,750
Cf/Realty Holdings Inc C/O Cadillac Fairview Corp	1680 Richmond St	(statcan) Alter - Restaurant <= 30 People ALTER FOOD COURT RESTURANT - TIM HORTONS	0	175,000
Ludvik Kristjansson Jysk Linen'N Furniture Inc	1960 Dundas St	(statcan) Alter - Retail Store Interior relocation/renovation of staff rooms, and washrooms. Improving the accessible washrooms, adding new loading dock doors. Partially enclosing the covered area. ***Shell Permit Only*** To go to full: Provide access ladder shop drawings for review.	0	900,000
Chardi Kala Investments Ltd	2140 Kains Rd	(statcan) Alter - Restaurant <= 30 People INTERIOR FIT OUT FOR PIZZA DEPOT	0	232,070
2560334 ONTARIO INC 2560334 ONTARIO INC	2175 Richmond St A	(statcan) Alter - Hairdressing Shop ALTER UNIT 2 FOR GROUP D FIT UP - THE CUT ABOVE	0	175,000
2560334 ONTARIO INC 2560334 ONTARIO INC	2175 Richmond St A	(statcan) Alter - Beauty Parlours ALTER UNIT 5 FOR GROUP D FIT UP - UPTOWN COLD SPA	0	450,000



City of London - Building Division
Principal Permits Issued from November 1, 2023 to November 30, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
ROY O'CONNOR 2596165 ONTARIO INC	2190 Dundas St	Install - Sanitary or Storm sewer - Retail Plaza We are currently tied into industrial road but have had a history of major ponding and flooding in our parking lot. After many hours of inspections, cleaning and camera work it has been determined that we are actually 100mm lower than the city's storm line to on industrial rd. We are requesting a building permit to modify our storm sewer system and discharge our storm water into the Dundas st. Line		200,000
2472458 Ontario Inc	221 Colborne St	(statcan) Erect - Duplex ERECT DUPLEX, 1 STOREY, NO GARAGE, 4 BEDROOMS, NO DECK, NO A/C, SB-12 A1, LOT 4, PLAN 176, DWHR & HRV REQUIRED. SOILS REPORT REQUIRED.	2	345,366
LONDON CITY	2384 Buroak Dr	(statcan) Erect - Municipal Buildings ERECT FIELD HOUSE AT FOXFIELD DISTRICT PARK **SHELL PERMIT ONLY** TO GO FULL: PROVIDE CLT ROOF PANEL SHOP DRAWINGS	0	339,264
Sifton Properties Limited The Canada Life Assurance Company	255 Queens Ave	(statcan) Alter - Offices Interior renovation to existing full floor tenant (Suite 1100)	0	300,000
KENMORE HOMES (LONDON) INC. KENMORE HOMES (LONDON) INC.	265 South Carriage Rd B	(statcan) Erect - Street Townhouse - Condo ERECT NEW TOWNHOUSE BLOCK - BLDG B, 3 UNITS DPN 267, 271, 275, 1 STOREY, 1 & 2 CAR GARAGE, 2 BEDROOMS, UNFINISHED BASEMENT, COVERED DECK, SB-12 A1, HRV & DWHR REQUIRED, 33M-733 *****PREVIOUSLY 1865 FINLEY CRESCENT*****	3	871,780
THE TDL GROUP LTD	271 Hamilton Rd	(statcan) Alter - Restaurant Interior re-image	0	300,000
COVEY INVESTMENTS LIMITED	3036 Page St	(statcan) Add (Non-Residential) - Warehousing ***ISSUED TO FOUNDATION ONLY*** Pre-engineered 3493M2 addition to existing industrial building.	0	5,622,100
423400 Ontario Limited	317 Adelaide St S	(statcan) Alter - Restaurant <= 30 People INTERIOR ALTERATIONS FOR PIZZA DEPOT & SHAWARMA	0	150,000
Specialized Plaintiff Services Inc	365 Queens Ave	(statcan) Add (Non-Residential) - Offices ADD TO REAR BUILDING + INTERIOR RENOVATIONS TO CONVERT GARAGE INTO OFFICE SPACE	0	295,000



City of London - Building Division

Principal Permits Issued from November 1, 2023 to November 30, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
LONDON CITY LONDON CITY	370 South St	(statcan) Erect - Apartment Building ERECT 6 STOREY APARTMENT BUILDING. STRUCTURAL SHELL PERMIT ONLY. NO ARCHITECTURAL WORK. NO INTERIOR FINISH WORK. NO ELECTRICAL OR FIRE PREVENTION WORK. PERMIT INCLUDES PLUMBING AND HVAC SERVICES.	119	27,700,000
BLACK CEDAR HOMES BLACK CEDAR HOMES	3867 Petalpath Way	(statcan) Erect - Triplex ERECT NEW TRIPLEX. 2 STOREY, 1 CAR GARAGE, 5 BEDROOM, FINISHED BASEMENT, NO DECK, NO A/C, SB-12 A1, LOT 147 PLAN 33M-821, HRV & DWHR REQUIRED.	3	787,380
MILLSTONE INC. MILLSTONE HOMES INC.	4255 Lismer Lane A	(statcan) Erect - Townhouse - Condo ERECT NEW TOWNHOUSE BLOCK - BLDG A, 10 UNITS DPN'S 13, 15, 17, 19, 21 AND MUNICIPAL NUMBERS 3526, 3528, 3530, 3532 & 3534 Emilyarr Lane, 3 STOREYS, 1 CAR GARAGE, 2 BEDROOMS, NO BASEMENT, W/ A/C, COVERED PORCH, SB-12 A1, HRV & DWHR REQUIRED.	10	3,066,140
FINCH REAL PROPERTY LTD	45 Southdale Rd E	(statcan) Erect - Automobile Sales & Service To construct a new building on an existing Automotive dealership property to contain main floor showroom/sales & second floor associated executive offices. ***SHELL PERMIT*** Provide shop drawings for stairs, guardrails and access ladders.	0	300,000
HIGHBURY SELF STORAGE EQUITIES LTD	455 Highbury Ave N	(statcan) Alter - Self-Service Storage (Mini Warehouse) Change of use to create a self-storage facility. See permit 22-037288 for renovation work.	0	4,500,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	500 Berkshire Dr	(statcan) Alter - Indoor Swimming Pools Alter to replace existing roof	0	150,000
The Tdl Group Corp	564 Fanshawe Park Rd E	(statcan) Alter - Restaurant <= 30 People Tim Hortons (#102510) - Interior & Exterior alterations. The exterior work will consist of a repainting stucco finish, repaint knotwood finish, new c-channel, new LED soffit lights and repaint HM doors. The exterior site work will consist of new bollard covers, new pavement graphics and release the Drive-Thru directional signs.	0	175,000
	6720 Hayward Dr	(statcan) Erect - Street Townhouse - Condo ERECT 2 STOREY, 7 UNIT TOWNHOUSE BLOCK, LOTS 62, 63, 64, 65, 66, 67, 68	7	3,474,295
735 WONDERLAND ROAD NORTH INC	735 Wonderland Rd N	(statcan) Alter - Restaurant <= 30 People ALTER UNIT 10 FOR GROUP E RESTAURANT - OPA! OF GREECE **SHELL PERMIT ONLY** NO FIRE PROTECTION WORK - FIRE PROTECTION DEFICIENCIES TO BE ADDRESSED	0	250,000



City of London - Building Division

Principal Permits Issued from November 1, 2023 to November 30, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
U-HAUL CO (CANADA) LTD.	745 York St	(statcan) Erect - Self-Service Storage (Mini Warehouse) New storage building. Shell Permit Only –Provide sealed retaining wall guards shop drawings to the Building Division for review prior to work in these areas.	0	2,500,000
1996201 ONTARIO INC. 1996201 ONTARIO INC.	771 Southdale Rd E	(statcan) Alter - Restaurant Tim Hortons - Interior & exterior alterations. The exterior work will consist of a repainting stucco finish, repainting knotwood finish, new exterior stamp sign, new c-channel, replaced existing wall sconces, removing goose neck lighting and awnings. Adding vinyl strip. Painting walk-in cooler. Repaint HM doors, and ladder. New illuminated Maple Leaf signage to be complete under a separate sign permit. The exterior site work will consist of a new outdoor menuboard, relocate pre-sell menuboard, adding bollard covers on existing bollards.Existing pylon sign face to remain, paint pole black. New pavement graphics and relense the Drive-Thru directional signs.	0	215,000
LONDON HEALTH SCIENCES CENTRE LONDON HEALTH SCIENCES CENTRE	800 Commissioners Rd E	(statcan) Alter - Hospitals Domestic Hot Water Replacements Zones "A", "B", and "E"	0	800,000
DREWLO HOLDINGS INC DREWLO HOLDINGS INC	860 Chelton Rd	(statcan) Erect - Apartment Building ERECT 6 STOREY APARTMENT BUILDING ***FOUNDATION PERMIT***	62	17,567,658
	900 Oxford St E	(statcan) Alter - Dental Offices INTERIOR ALTERATION TO UNIT NUMBER 14B	0	106,605
REFOREST LONDON REFOREST LONDON	944 Western Counties Rd H	(statcan) Alter - Offices Removes existing washrooms and offices to create three stranded washrooms one accessible with shower (shower is not a accessible shower)	0	150,000



City of London - Building Division
Principal Permits Issued from November 1, 2023 to November 30, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
96 RIDOUT SOUTH LTD. C/O CARVEST SOUTH LTD. C/O CARVEST	96 Ridout St S	(statcan) Erect - Apartment Building ERECT 18 STOREY APARTMENT BUILDING WITH UNDERGROUND PARKING GARAGE, FRR/FPO TO BE PROVIDED PRIOR TO WORK IN THESE AREAS: - DEMONSTRATE CONFORMANCE TO ASHRAE 62.1 STANDARD FOR VENTILATION AIR FOR GYM AND AMENITY ROOMS. REQUIRED FOR FULL PERMIT: - MISC. METALS AND STREET LEVEL CANOPY OVERHANG DRAWINGS. - ALL EXTERIOR GUARDS. - INTERIOR STAIRS TO STAIR L - BALCONY GUARDS, ACCESS LADDERS. - INTERIOR RAMP HANDRAILS AT PARKING LEVEL - INTERIOR UNIT GUARDS FOR MULTI-LEVEL UNITS WEST SIDE OF BUILDING STREET LEVEL - TERRACE AND PATIO GUARDS 17TH AND 18TH FLOORS - 3RD FLOOR TERRACE/ROOF GUARDS. - PARKING GARAGE VENT GRILLE - PROVIDE SPRINKLER SHOP DRAWING AND INTEGRATED TESTING PLAN AND COORDINATOR. - PROVIDE VENTILATION AIR IN AMENITY AND GYM ROOMS	153	46,200,000
Killam Properties Sgp Ltd	960 Cheapside St	(statcan) Alter - Apartment Building Balcony Concrete Slabs, Replacement of Balcony Railings & Installation of Waterproofing Membrane	0	166,000
Killam Properties Sgp Ltd	970 Cheapside St	(statcan) Alter - Apartment Building Balcony Concrete Slabs, Replacement of Balcony Railings & Installation of Waterproofing Membrane	0	150,000
Killam Properties Sgp Ltd	980 Cheapside St	Install - Apartment Building Solar PV installation of rooftop of 3 storey apartment building	0	212,000
Killam Properties Sgp Ltd	980 Cheapside St	(statcan) Alter - Apartment Building Balcony Concrete Slabs, Replacement of Balcony Railings & Installation of Waterproofing Membrane	0	184,000

Total Permits 42 Units 359 Value 122,001,032

** Includes all permits over \$100,000, except for single and semi-detached dwellings.*

Report to Planning & Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Building Division Monthly Report
December 2023

Date: January 30, 2024

Recommendation

That the report dated December 2023 entitled “Building Division Monthly Report December 2023”, **BE RECEIVED** for information.

Executive Summary

The Building Division is responsible for the administration and enforcement of the *Ontario Building Code Act* and the *Ontario Building Code*. Related activities undertaken by the Building Division include the processing of building permit applications and inspections of associated construction work. The Building Division also issues sign and pool fence permits. The purpose of this report is to provide Municipal Council with information related to permit issuance and inspection activities for the month of December 2023.

Linkage to the Corporate Strategic Plan

Growing our Economy

- London is a leader in Ontario for attracting new jobs and investments.

Leading in Public Service

- The City of London is trusted, open, and accountable in service of our community.
- Improve public accountability and transparency in decision making.

Analysis

1.0 Background Information

This report provides information on permit and associated inspection activities for the month of December 2023. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity for the Month of December 2023”, as well as respective “Principle Permits Reports”.

2.0 Discussion and Considerations

2.1 Building permit data and associated inspection activities – **December 2023**

Permits Issued to the end of the month

As of December 2023, a total of 3,591 permits were issued, with a construction value of \$1.2 billion, representing 1,726 new dwelling units. Compared to the same period in 2022, this represents a 14% decrease in the number of building permits, with a 24% decrease in construction value and an 33.6% decrease in the number of dwelling units constructed.

Total permits to construct New Single and Semi-Dwelling Units

As of the end of December 2023, the number of building permits issued for the construction of single and semi-detached dwellings was 232, representing a 62.2% decrease over the same period in 2022.

Number of Applications in Process

As of the end of December 2023, 977 applications are in process, representing approximately \$857.3 million in construction value and an additional 1,291 dwelling units compared with 919 applications, with a construction value of \$635 million and an additional 1,117 dwelling units in the same period in 2022.

Rate of Application Submission

Applications received in December 2023 averaged to 11.4 applications per business day, for a total of 217 applications. Of the applications submitted 13 were for the construction of single detached dwellings and 33 townhouse units.

Permits issued for the month

In December 2023, 217 permits were issued for 84 new dwelling units, totaling a construction value of \$36.9 million.

Inspections – Building

A total of 1,225 inspection requests were received with 1,344 inspections being conducted.

In addition, 22 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

Of the 1,225 inspections requested, 99% were conducted within the provincially mandated 48 hour period.

Inspections - Code Compliance

A total of 769 inspection requests were received, with 801 inspections being conducted.

An additional 118 inspections were completed relating to complaints, business licences, orders and miscellaneous inspections.

Of the 769 inspections requested, 99% were conducted within the provincially mandated 48 hour period.

Inspections - Plumbing

A total of 652 inspection requests were received with 849 inspections being conducted related to building permit activity.

An additional 1 inspections were completed related to complaints, business licenses, orders and miscellaneous inspections.

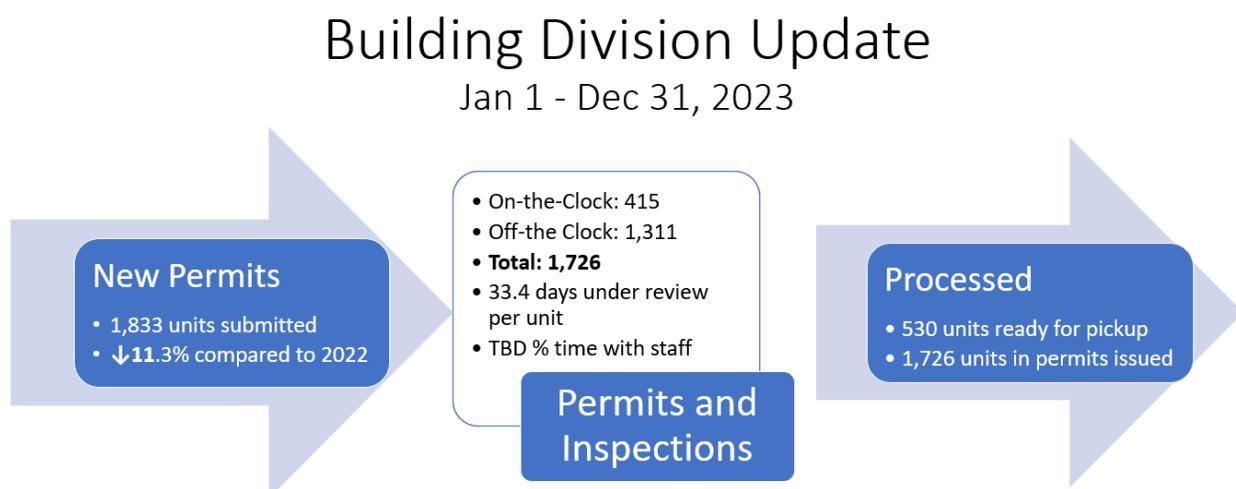
Of the 652 inspections requested, 100% were conducted within the provincially mandated 48 hour period.

2018 - 2020 Permit Data

Additional permit data has been provided in Appendix “A” to reflect 2018 – 2020 permit data.

New Housing Unit Activity

The following diagram provides a simplified summary of building permit activity beginning at the start of the calendar year. It was reported in the October of 2023 in a report titled “London’s Housing Pledge: A Path to 47,000 units by 2031 Update” to the Strategic Priorities and Policy Committee that this figure would be included in future Building Division update reports.



This figure provides a deeper dive into the Permits and Inspections Housing Unit Supply number discussed in the previous section. It shows the inflow and outflow of housing unit permits through the building area on a year-to-date basis and the volume of units in permits that are under review.

3.0 Analysis

There has been a significant slowdown of housing unit construction in the City of London over 2022 and in 2023 to date. CMHC’s most recent Housing Supply Report provides the following commentary on the current housing market in Canada:

- Total housing starts across the country’s largest census metropolitan areas (Toronto, Vancouver) increased slightly in the first half of 2023.
- In most other large centres (including London), meanwhile, they were below these levels.
- Elevated rates of apartment construction are not likely to be sustainable due to various challenges facing developers. These challenges include higher construction costs and higher interest rates.
- Significant increases in construction productivity are critical to addressing the country’s affordability and housing supply crisis over the longer term. The level of new construction activity remains too low.

The drop in building activity was also discussed at a recent meeting of the Housing Supply Reference Group. It was the consensus of this group that in London:

- Consumer demand has dropped due to higher mortgage rates and the increasing difficulty in consumers to meet the requirements of mortgage stress tests.
- Higher construction costs and higher interest rates are making it more difficult to acquire financing for large construction projects.
- Due to substantial and increasing fixed costs for components of midrise buildings, many forms of midrise style buildings are not financially viable at this time.

These macro-economic factors have a major influence on the housing marketplace. Civic Administration will continue to monitor these changes and provide further analysis in future updates. London is leading the way in housing innovation and will continue to develop new and progressive ways to create new housing opportunities. The Housing Supply Action Plan that is currently under development in collaboration with industry partners will continue this work and ensure London remains at the forefront of providing housing for those that need it.

Conclusion

The purpose of this report is to provide Municipal Council with information regarding the building permit issuance and building & plumbing inspection activities for the month of December 2023. Attached as Appendix “A” to this report is a “Summary Listing of Building Construction Activity” for the month of December 2023 as well as “Principle Permits Reports”.

Prepared by: Kyle Wilding
Acting Director, Building and Chief Building Official
Planning and Economic Development

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

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

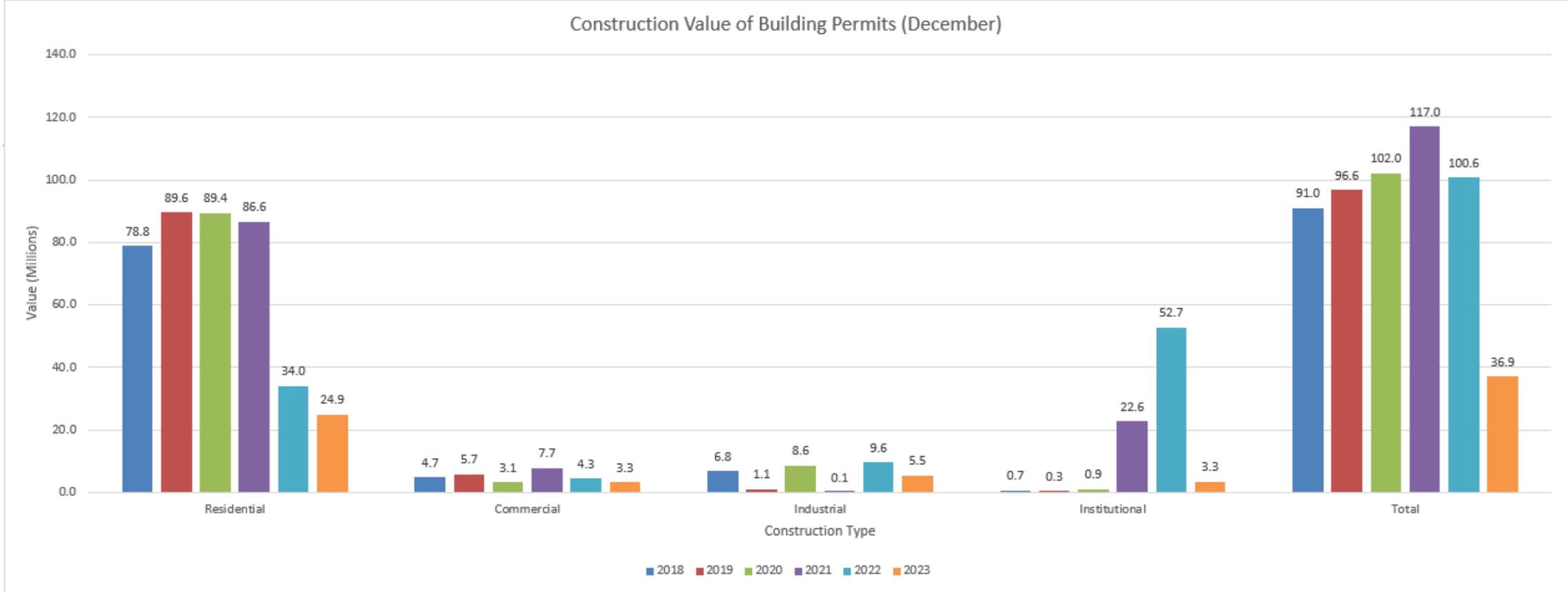
APPENDIX "A"

CITY OF LONDON
SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF DECEMBER 2023

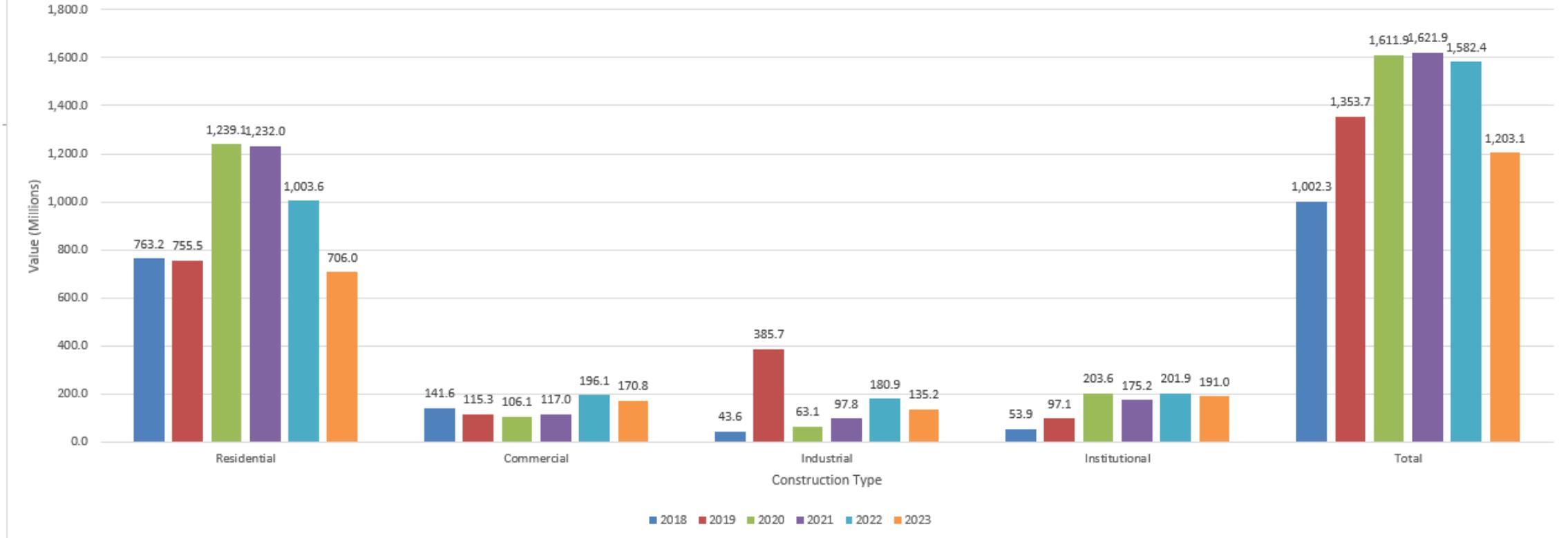
CLASSIFICATION	December 2023			to the end of December 2023			December 2022			to the end of December 2022			December 2021			to the end of December 2021		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	13	7,680,197	13	227	125,285,021	227	31	16,618,097	31	612	317,888,297	610	43	19,022,100	43	1,045	473,954,650	1,045
SEMI DETACHED DWELLINGS	0	0	0	5	4,181,026	9	0	0	0	1	919,374	2	0	0	0	2	434,500	2
TOWNHOUSES	5	9,494,417	33	63	115,597,566	344	9	13,214,534	40	143	215,816,274	709	16	14,286,800	69	237	215,823,400	891
DUPLEX, TRIPLEX, QUAD, APT BLDG	1	1,472,350	4	24	272,033,971	865	0	0	0	16	371,963,035	1,052	3	46,786,500	173	17	458,158,000	1,924
RES-ALTER & ADDITIONS	118	6,222,170	34	1,858	188,939,375	281	104	4,180,892	26	1,932	96,985,151	224	118	6,541,195	15	1,889	83,617,986	137
COMMERCIAL -ERECT	0	0	0	9	42,180,370	0	1	1,794,000	0	19	84,781,087	1	2	3,972,000	0	29	23,783,100	0
COMMERCIAL - ADDITION	0	0	0	13	8,936,730	0	0	0	0	10	26,741,900	0	0	0	0	8	4,101,500	0
COMMERCIAL - OTHER	24	3,273,736	0	321	119,670,686	0	19	2,510,660	0	287	84,572,751	0	28	3,688,115	0	364	89,067,040	0
INDUSTRIAL - ERECT	2	1,749,800	0	7	53,141,668	0	1	4,800,000	0	4	104,173,579	0	0	0	0	14	46,342,409	0
INDUSTRIAL - ADDITION	1	2,500,000	0	11	62,360,528	0	3	4,720,595	0	10	69,157,986	0	0	0	0	9	30,886,560	0
INDUSTRIAL - OTHER	5	1,225,700	0	54	19,703,752	0	1	100,000	0	33	7,525,860	0	4	50,500	0	41	20,539,980	0
INSTITUTIONAL - ERECT	0	0	0	5	121,281,569	0	2	50,935,329	0	5	150,581,560	0	1	21,600,000	0	2	33,600,000	0
INSTITUTIONAL - ADDITION	1	60,000	0	14	12,219,743	0	0	0	0	4	6,830,800	0	1	3,000	0	9	51,276,386	0
INSTITUTIONAL - OTHER	7	3,247,000	0	182	57,522,105	0	7	1,767,000	0	154	44,459,466	0	10	1,035,700	0	133	90,325,650	0
AGRICULTURE	0	0	0	7	4,152,600	0	1	193,000	0	4	1,803,000	0	0	0	0	4	557,000	0
SWIMMING POOL FENCES	0	0	0	161	5,994,368	0	3	213,000	0	317	13,105,615	0	4	123,564	0	377	11,316,960	0
ADMINISTRATIVE	7	0	0	138	493,000	0	6	0	0	142	890,000	0	4	0	0	94	298,000	0
DEMOLITION	10	0	8	107	0	84	15	0	9	110	0	73	8	0	4	83	0	54
SIGNS/CANOPY - CITY PROPERTY	0	0	0	13	0	0	2	0	0	21	0	0	0	0	0	8	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	23	0	0	372	0	0	31	0	0	352	0	0	33	0	0	395	0	0
TOTALS	217	36,925,370	84	3,591	1,213,694,077	1,726	236	101,047,107	97	4,176	1,598,195,735	2,598	275	117,109,474	300	4,760	1,634,083,121	3,999

CLASSIFICATION	December 2020			to the end of December 2020			December 2019			to the end of December 2019			December 2018			to the end of December 2018		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	100	45,612,700	100	963	414,170,954	963	43	19,821,640	43	688	296,806,026	688	15	5,896,140	15	656	277,243,845	656
SEMI DETACHED DWELLINGS	0	0	0	2	1,023,000	4	0	0	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	10	9,437,117	52	145	136,851,902	536	16	15,296,024	71	173	157,778,554	709	9	9,161,400	43	207	160,644,323	665
DUPLEX, TRIPLEX, QUAD, APT BLDG	3	29,200,000	176	20	626,102,400	2,210	2	50,222,480	334	20	242,709,332	1,209	3	60,033,000	227	13	263,389,520	1,149
RES-ALTER & ADDITIONS	109	5,116,900	15	1,509	60,969,387	68	76	4,286,344	20	1,798	58,200,166	82	90	3,702,750	94	1,826	61,893,349	178
COMMERCIAL -ERECT	0	0	0	11	8,460,300	0	1	1,930,000	0	20	33,536,380	0	0	0	0	33	60,801,403	1
COMMERCIAL - ADDITION	1	894,300	0	6	3,097,100	0	1	300,000	3	17	10,144,000	3	1	290,000	0	14	11,070,718	0
COMMERCIAL - OTHER	28	2,227,200	0	373	94,514,869	0	28	3,455,600	0	509	71,661,203	2	29	4,448,200	0	455	69,695,239	0
INDUSTRIAL - ERECT	0	0	0	8	40,231,400	0	1	90,000	0	15	320,480,000	0	1	5,000,000	0	4	14,450,000	0
INDUSTRIAL - ADDITION	0	0	0	5	7,931,300	0	0	0	0	13	44,445,100	0	1	948,000	0	8	8,278,000	0
INDUSTRIAL - OTHER	11	8,584,000	0	51	14,958,007	0	9	982,300	0	84	20,782,320	0	6	860,400	0	69	20,862,454	0
INSTITUTIONAL - ERECT	0	0	0	7	129,443,300	0	0	0	0	2	27,456,800	0	0	0	0	0	0	0
INSTITUTIONAL - ADDITION	1	600,000	0	9	15,778,000	0	0	0	0	9	39,233,800	0	0	0	0	5	14,049,600	0
INSTITUTIONAL - OTHER	5	314,700	0	162	58,399,501	0	7	255,100	0	180	30,436,060	0	7	700,750	0	231	39,875,692	0
AGRICULTURE	1	7,000	0	3	269,000	0	0	0	0	6	15,700,000	0	0	0	0	3	210,000	0
SWIMMING POOL FENCES	5	142,728	0	358	9,235,019	0	2	50,000	0	210	4,535,267	0	2	90,000	0	222	5,062,972	0
ADMINISTRATIVE	9	0	0	62	109,000	0	4	80,000	0	144	447,000	0	7	81,650	0	187	538,500	0
DEMOLITION	4	0	3	78	0	53	5	0	3	95	0	53	1	0	1	83	0	43
SIGNS/CANOPY - CITY PROPERTY	1	0	0	7	0	0	0	0	0	30	0	0	4	0	0	24	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	23	0	0	312	0	0	53	0	0	518	0	0	25	0	0	530	0	0
TOTALS	311	102,136,645	346	4,091	1,621,544,439	3,834	248	96,769,488	471	4,531	1,374,352,008	2,693	201	91,212,290	379	4,570	1,008,065,615	2,649

Construction Value of Building Permits (December)



Construction Value of Building Permits (Jan - December)





City of London - Building Division
Principal Permits Issued from December 1, 2023 to December 31, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
STORMFISHER ENVIRONMENTAL LTD STORMFISHER ENVIRONMENTAL LTD	1087 Green Valley Rd	(statcan) Erect - Chemical Mfg or Processing Construction of a new Anamix Tank		1,000,000
UNDERHILL HOLDINGS LONDON INC. UNDERHILL HOLDINGS LONDON INC.	126 John St	(statcan) Erect - Four-Plex ERECT NEW FOURPLEX RESIDENTIAL UNIT.	4	1,472,350
1600 Hp Inc	1600 Hyde Park Rd	(statcan) Alter - Medical Offices ALTER UNIT 110 FOR TENANT FIT UP - DERMA CARE	0	110,000
CF REALTY HLDG INC., FAIRVIEW CORP CF REALTY HLDG INC., C/O CADILLAC FAIRVIEW CORP	1680 Richmond St	(statcan) Alter - Restaurant <= 30 People ALTER FOOD COURT RESTAURANT - THAI EXPRESS	0	200,000
Cf/Realty Holdings Inc C/O Cadillac Fairview Corp	1680 Richmond St	(statcan) Alter - Retail Store EXISTING TENANT - SWAROVSKI - RENOVATION - NO ALTERATION TO HVAC, SPRINKLERS, PLUMBING.	0	250,000
HABITAT FOR HUMANITY HEARTLAND ONTARIO HABITAT FOR HUMANITY HEARTLAND ONTARIO	1697 Highbury Ave N A	(statcan) Erect - Townhouse - Condo ERECT 2 STOREY, 8 UNIT TOWNHOUSE BLOCK A	8	1,815,697
HABITAT FOR HUMANITY HEARTLAND ONTARIO HABITAT FOR HUMANITY HEARTLAND ONTARIO	1697 Highbury Ave N B	(statcan) Erect - Townhouse - Condo ERECT 3 STOREY, 12 UNIT STACKED TOWNHOUSE BLOCK B	12	3,112,110
2462033 ONTARIO o/a REIMAGINE CO 2462033 ONTARIO INC o/a REIMAGINE CO	206 Piccadilly St	(statcan) Alter - Retail Store Addition of accessible features- wheelchair ramp, accessible washroom, as well as constructing of new walls and removal of walls.	0	191,000
CHARDI KALA INVESTMENTS LTD	2130 Kains Rd	(statcan) Alter - Restaurant Restaurant Fit-Out, and add second floor FOR MASSEY'S RESTAURANT **SHELL PERMIT ONLY** PROVIDE STAIR & GUARD SHOP DRAWINGS PRIOR TO COMMENCING ANY INTERIOR FINISHING **DO NOT SEND DRAWINGS TO APPLICANT UNTIL REVISED ELECTRICAL PLANS HAVE BEEN PROVIDED**	0	152,736
Guillevin International Co	220 Adelaide St N	(statcan) Add (Non-Residential) - Warehousing Add and Alter: Renovation of an existing conventional steel industrial building to include: - Removal of 80% of second floor - Raise 20% of second floor structure - Raise roof structure - Parking Garage Addition	0	2,500,000
ALI SOUFAN WONDERLAND GATEWAY CENTRE INC.	3429 Wonderland Rd S	(statcan) Alter - Restaurant <= 30 People Interior Alterations to accommodate a fresh Mexican grill. Alterations include architectural, plumbing, HVAC and Kitchen FSS, electrical and gas work.	0	125,000



City of London - Building Division
Principal Permits Issued from December 1, 2023 to December 31, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
ALI SOUFAN WONDERLAND GATEWAY CENTRE INC.	3429 Wonderland Rd S	(statcan) Alter - Bake Shop Tenant Fit out for new COBS Bread Bakery	0	250,000
1537674 ONTARIO INC	36 Firestone Blvd	(statcan) Erect - Warehousing ID - ERECT WAREHOUSE FOUNDATION PERMIT ONLY: SITE SERVICING AND BELOW GRADE FOOTINGS/FOUNDATION WORK ONLY. NO ABOVE GRADE WORK PERMITTED.	0	749,800
LONDON CITY LONDON CITY	400 Horton St E	(statcan) Alter - Municipal Buildings Mechanical and Generator Replacement	0	1,300,000
Damako Holdings Ltd	420 Talbot St	(statcan) Alter - Restaurant Application for interior alteration of an existing building	0	150,000
2155110 ONTARIO INC 2155110 ONTARIO INC	515 Richmond St	(statcan) Alter - Restaurant <= 30 People Interior fit-out of ground floor CRU space for Panago PIZZA, retail store dedicated to take out pizza.	0	250,000
LONDON CITY LONDON CITY	601 Dundas St	(statcan) Alter - Police Station with Detention Centre Concrete column and floor repairs within East parking Garage	0	500,000
SEASONS RETIREMENT COMMUNITIES (LONDON HIGHLAND) GP INC.	633 Base Line Rd E	(statcan) Erect - Townhouse - Rental ERECT 1 STOREY, 6 UNIT TOWNHOUSE BLOCK, BUILDING B, DPN 14, 16, 18, 20, 22, 24	6	1,772,300
SEASONS RETIREMENT COMMUNITIES (LONDON HIGHLAND) GP INC.	633 Base Line Rd E	(statcan) Erect - Townhouse - Rental ERECT 1 STOREY, 6 UNIT TOWNHOUSE BLOCK, BUILDING A, DPN 2, 4, 6, 8, 10, 12	6	1,772,300
BLUESTONE PROPERTIES INC. BLUESTONE PROPERTIES INC.	7098 Kilbourne Rd	Install - Sanitary or Storm sewer - Townhouse - Cluster SDD Earthworks and Site Servicing for a Vacant Land Condominium (10 lots) 39CD-19518 **Do not issue Work Approval Permit. Please contact manager of Zoning and Public Property**		800,000
SOUTHSIDE MANAGEMENT LTD SOUTHSIDE CONSTRUCTION MANAGEMENT LTD	720 Apricot Dr 6	(statcan) Erect - Townhouse - Cluster SDD ERECT SDD, 2 STOREY, 3 CAR GARAGE, PARTIALLY FINISHED BASEMENT, 5 BEDROOMS, COVERED PORCH AND REAR DECK, NO A/C, SB-12 A1, UNIT 3, M.V.L.C.P. NO. 972, HRV & DWHR REQUIRED	1	1,022,010
LONDON HEALTH SCIENCES CENTRE LONDON HEALTH SCIENCES CENTRE	800 Commissioners Rd E	(statcan) Alter - Hospitals An existing isolation room exhaust system is being upgraded.	0	325,000



City of London - Building Division

Principal Permits Issued from December 1, 2023 to December 31, 2023

Owner	Project Location	Proposed Work	No. of Units	Construction Value
LONDON HEALTH SCIENCES CENTRE LONDON HEALTH SCIENCES CENTRE	800 Commissioners Rd E	(statcan) Alter - Hospitals VICTORIA HOSPITAL, LRCP BAKER CENTRE INTERIOR RENOVATIONS IN A4-912 BUILDING PERMIT ISSUED SHELL ONLY. Documents to be reviewed prior to permit being issued to full. Provide sprinkler shop drawing. Provide integrated testing plan (smoke dampers). Provide fire alarm notification within floor areas.	0	1,000,000
CITY LONDON WESTERN FAIR ASSOCIATION	900 King St	(statcan) Alter - Convention Centre/Exhibition Hall Renovation of existing meeting rooms in the "Grove" space at Western Fair. Conversion of portion of existing entrance vestibule to additional meeting room space. Construction of new exterior glass entrance and vestibule area.	0	1,100,000
CITY LONDON WESTERN FAIR ASSOCIATION	900 King St	(statcan) Alter - Food Processing Plant Shell fitup of spaces in existing building to be leased to future tenants for food processing purposes. SHELL - Provide sprinkler shop drawing and GRCC.	0	990,000

Total Permits 25 Units 37 Value 22,910,303

** Includes all permits over \$100,000, except for single and semi-detached dwellings.*

Ecological Community Advisory Committee

Report

The 2nd Meeting of the Ecological Community Advisory Committee
January 18, 2024

Attendance PRESENT: S. Levin (Chair), S. Evans, T. Hain, S. Hall, B. Krichker, R. McGarry, G. Sankar, S. Sivakumar and V. Tai and H. Lysynski (Committee Clerk)

ABSENT: M. Lima and K. Moser

ALSO PRESENT: S. Butnari, K. Edwards, E. Hunt, M. Shepley and E. Williamson

The meeting was called to order at 4:32 PM; it being noted that S. Evans, T. Hain, G. Sankar, S. Sivakumar and V. Tai were in remote attendance.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Draft 2024-2027 Multi-Year Budget

That it BE NOTED that the presentation from K. Murray, Director, Financial Planning and Business Support, appended to the Ecological Community Advisory Committee Added Agenda related to the Draft 2024-2027 Multi-Year Budget, was received.

2.2 Civic Infrastructure Compensation

That it BE NOTED that the presentation from K. Edwards, Manager, Community Planning, appended to the Ecological Community Advisory Committee Added Agenda related to Civic Infrastructure Compensation, was received.

3. Consent

3.1 1st Report of the Ecological Community Advisory

That it BE NOTED that the 1st Report of the Ecological Community Advisory Committee, from its meeting held on December 14, 2023, was received.

3.2 Municipal Council Resolution – 12th Report of the Ecological Community Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on December 19, 2023 with respect to the 12th Report of the Ecological Community Advisory Committee was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Multi-Year Budget Business Cases 61, 62 and 63

That the following actions be taken with respect to Business Cases 61, 62 and 63 in the Draft 2024-2027 Multi-Year Budget:

- a) the Municipal Council BE REQUESTED to include Business Cases 61, 62 and 63 in the Final 2024-2027 Multi-Year Budget;
- b) the revised, attached, 2024-2027 Budget recommendation BE FORWARDED to the Budget Committee for consideration; and,
- b) the Ecological Community Advisory Committee Vice Chair BE REQUESTED to attend the January 29, 2024 Budget Committee meeting to support the above-mentioned business cases.

5.2 Environmental Management Guidelines Update (2024) Terms of Reference

That a Working Group BE ESTABLISHED consisting of S. Levin (lead), S. Evans, S. Hall and B. Krichker, to review and report back on the draft Terms of Reference for the Environmental Management Guidelines; it being noted that the Ecological Community Advisory Committee heard a verbal presentation from E. Williamson, Ecologist Planner and received the draft Terms of Reference for the Environmental Management Guidelines update appended to the Ecological Community Advisory Committee Added Agenda.

5.3 Byron Gravel Pits Draft Secondary Plan

That a Working Group BE ESTABLISHED consisting of S. Hall (lead), S. Levin and K. Moser with respect to the Byron Gravel Pits Draft Secondary Plan; it being noted that the Byron Gravel Pits Draft Secondary Plan was appended to the Ecological Community Advisory Committee Agenda.

6. Adjournment

The meeting adjourned at 6:10 PM.

Ecological Master Planning Funding – Business Case #61

There are three parts to this. The budget impact is not until the last year (2027) because of a legislative change of what Development Charges can be used for. However, the next DC by law is now planned to come into force and effect Jan 1, 2028 which may affect the 2nd and 3rd parts of the case.

First Part: In 2024 there is a request for \$50,000 (.01% or 22 cents in 2024 but at the end of the 4 year cycle there is NO INCREASE) to do the Council directed bi-annual review of the Environmental Management Guidelines. This document was updated in 2021 (after 15 years). Not currently funded.

Budget impact:

2024 – increase of \$50,000

2025 – DECREASE of \$50,000

2026 - increase of \$50,000

2027 - DECREASE of \$50,000

Second and Third Parts: Conservation Master Plans and Post development EIS compliance monitoring. No budget impact until 2027 when Development Charges can no longer be used (legislation change). The next DC by law will start in 2028, making for a possible change to these parts of the business case.

Budget impact:

NO IMPACT ON 2024-2026.

2027 – increase of \$170,000 for both (Increase of 76 cents on the budget in 2027)

ESA Management – Business Case #62

To restore staffing level to the level of 2014 in 2024 (one new member of the ESA Team) and increase it by another staff person in 2026. Total increase for four years is \$1.32. ESA Management consists of

five elements:

- Monitoring and enhancing including invasive species management
- Enforcement of provincial and municipal regulations and by laws
- Overseeing and implementing hazard tree policies to keep trails safe
- Developing and maintaining the trail system
- Community

education Budget impact:

2024 increase of \$140,000 (0.02% - 63 cents)

2025 increase of \$6,000 (0.00% - another 2 cents)

2026 increase of \$143,000 (0.02% - another 64 cents)

2027 increase of \$7,000 (0.00% - another 3 cents)

Use of ESAs has increased since COVID and has not returned to pre COVID levels. The team has also been involved in working with the city with encampments. T he amount of land has increased without an

increase in staffing stretching resources even further. Also since 2015, there have been 6,900 new housing units built within 500 m of the 12 ESAs. As you will note on page 728 of the budget document, most of their time has been spent on trails and less on monitoring and enhancing the natural resource.

As with a growing city that needs more fire protection, you can't really add part of a truck and part of a crew, at a certain point, you build the firehall and staff it with the equipment and people you will need for the present and the future, the need for extra staff in the ESA team has reached that point.

An alternative would be to wait a year on the new hire, or add one position in 2024 and the second position in 2027. Or some other combination, but one additional staff only replaces what was lost in

2014 and reflects the increase in land being managed.

The risk of doing nothing is continued degradation of city property (ESAs)

SILVER CREEK – BUSINESS CASE #63

To implement a recommendation of the Sub-watershed Plan and Conservation Master Plan for the Coves that has been left undone for over 10 years. This will improve the trail connection with an accessible link between Southcrest Ravine and Euston Park as well as improve ecological health in the Coves subwatershed and ESA.

Budget impact (capital levy):

2024 – increase of \$200,000 to update 2018 restoration design work (0.03% or 90 cents)

2025 – increase of \$1,600,000 to do the work (0.2% or \$8.06)

2026 – decrease of \$1,800,000

Risks include siltation of the Coves ponds harming fish habitat and risking violations of the Fisheries Act (see page 734 of budget document).

Community Advisory Committee on Planning Report

1st Meeting of the Community Advisory Committee on Planning
January 10, 2024

Attendance PRESENT: S. Bergman (Chair), J. Dent, J. Gard, A. Johnson, S. Jory, J. Metrailler, M. Rice, M. Wallace, K. Waud, M. Whalley and M. Wojtak and J. Bunn (Committee Clerk)

ABSENT: M. Ambrogio, M. Bloxam, I. Connidis and S. Singh Dohil

ALSO PRESENT: M. Clark, A. Curtis, L. Dent, K. Gonyou, K. Mitchener, B. Page, A. Patel, B. Somers and A. Spahiu

The meeting was called to order at 5:30 PM; it being noted that S. Jory was in remote attendance.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

1.2 Election of Chair and Vice Chair

That S. Bergman and S. Jory BE ELECTED Chair and Vice Chair, respectively, for the term ending November 30, 2024.

2. Scheduled Items

2.1 Draft Byron Gravel Pits Secondary Plan

That it BE NOTED that the Draft Byron Gravel Pits Secondary Plan presentation, dated January 10, 2024, from M. Clark, Planner, was received.

3. Consent

3.1 12th Report of the Community Advisory Committee on Planning

That it BE NOTED that the 12th Report of the Community Advisory Committee on Planning, dated November 8, 2023, was received.

3.2 Notice of Planning Application and Notice of Public Meeting - Official Plan and Zoning By-law Amendments - 300 and 306 Princess Avenue

That it BE NOTED that the Community Advisory Committee on Planning (CACP) has reviewed the Notice of Planning Application and Notice of Public Meeting, dated December 15, 2023, from C. Maton, Senior Planner, with respect to Official Plan and Zoning By-law Amendments related to the property located at 300 and 306 Princess Avenue and the Heritage Impact Assessment (HIA), dated December 12, 2023, from Stantec, with respect to the property located at 300 and 306 Princess Avenue, and the CACP is supportive of the application, proposed development and the recommendations of the HIA.

3.3 Notice of Study Completion - Kensington Bridge Environmental Assessment

That it BE NOTED that the Notice of Study Completion, dated December 21, 2023, with respect to the Kensington Bridge Environmental Assessment, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee Report, from the meeting held on December 7, 2023, was received.

4.2 (ADDED) Planning and Policy Sub-Committee Report

That it BE NOTED that the sub-committees of the Community Advisory Committee on Planning (CACP) are subject to the policies and procedures outlined in the November 21, 2023 report of the Planning and Policy Sub-Committee and will make the policies, procedures and terms of reference available to members of the CACP; it being noted that the CACP maintains the ability to create ad-hoc sub-committees and/or working groups, as needed; it being further noted that the above-noted Planning and Policy Sub-Committee Report was received.

5. Items for Discussion

5.1 Demolition Request for the Heritage Listed Properties Located at 16 Wellington Road and 26-28-30 Wellington Road

That it BE NOTED that the Community Advisory Committee on Planning (CACP) received a report, dated January 10, 2024, with respect to a Demolition Request for the Heritage Listed Properties Located at 16 Wellington Road and 26-28-30 Wellington Road and the CACP supports the staff recommendation; it being noted that the CACP discussed concerns with the placement and type of commemoration for the property located at 16 Wellington Road, as outlined in the Stewardship Sub-Committee Report, dated December 7, 2023, as appended to the Agenda; it being further noted that the CACP expressed regrets with respect to the loss of the property located at 16 Wellington Road.

5.2 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated January 10, 2024, was received.

6. Adjournment

The meeting adjourned at 7:15 PM.

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: Blackbridge Property Inc. c/o Monteith Brown Planning
Consultants
900 Wilton Grove Road
File Number: Z-9677, Ward 14
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 Blackbridge Property Inc. (c/o Monteith Brown Planning Consultants) relating to the property located at 900 Wilton Grove Road. The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting February 13, 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 Light Industrial (LI2, LI3, LI7) Zone, **TO** a Light Industrial Special Provision (LI2, LI3, LI7(_)) 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 Key Directions, City Building policies, and the Light Industrial Place Type policies; and;
- iii) The recommended amendment would permit an additional use that is considered appropriate within the surrounding context and will facilitate the reuse of the existing building.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Light Industrial (LI2, LI3, LI7) Zone, to a Light Industrial Special Provision (LI2, LI3, LI7(_)) Zone.

Purpose and Effect of Recommended Action

Staff are recommending approval of the requested Zoning By-law amendment which will permit a tattoo parlour and barbershop within the existing building.

Special provisions requested by the applicant and recommended by staff include: additional permitted use for a barbershop and tattoo parlour, and a regulation to permit a maximum floor area of 40m² for a personal service establishment.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by supporting small and growing businesses, entrepreneurs and non-profits to be successful.

Analysis

1.0 Background Information

1.1 Property Description and Location

The subject site is located on the north side of Wilton Grove Road, adjacent to the Highway 401 East Corridor, within the Westminster Planning District. The site has an area of 1.01 hectares with a frontage of 163 metres along Wilton Grove Road. Currently, the site contains an existing commercial building (Rocky's Harley-Davidson), that is approximately 1,818m² (19,568ft²) in size and includes floor space for the sale of motorcycles, areas for vehicle repair, as well as office space for staff. The subject site has vehicular access from Wilton Grove Road, with 53 surface parking spaces.

The surrounding area mainly consists of light industrial, heavy industrial, and commercial uses. The subject lands are directly adjacent to a trucking insurance business to the east, the Highway 401 East Corridor to the north and west, and an HVAC supply company and truck dealer to the south. The surrounding buildings are mainly in the form of one-to-two storey commercial buildings. Wilton Grove Road is a two-lane road with an estimated daily traffic count of 7,500 per day.

Site Statistics:

- Current Land Use: Motorcycle Sales and Repair Shop (Rocky's Harley Davidson)
- Frontage: 163 metres (534.7 feet)
- Depth: 119 metres (390.4 feet)
- Area: 1.01 hectares (2.5 acres)
- Shape: Irregular (triangular)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Highway 401 East Corridor
- East: Trucking Insurance Business
- South: Truck Dealer
- West: Highway 401 East Corridor

Existing Planning Information:

- Existing London Plan Place Type: Light Industrial
- Existing Special Policies: N/A
- Existing Zoning: Light Industrial (LI2, LI3, LI7)

Additional site information and context is provided in Appendix B.

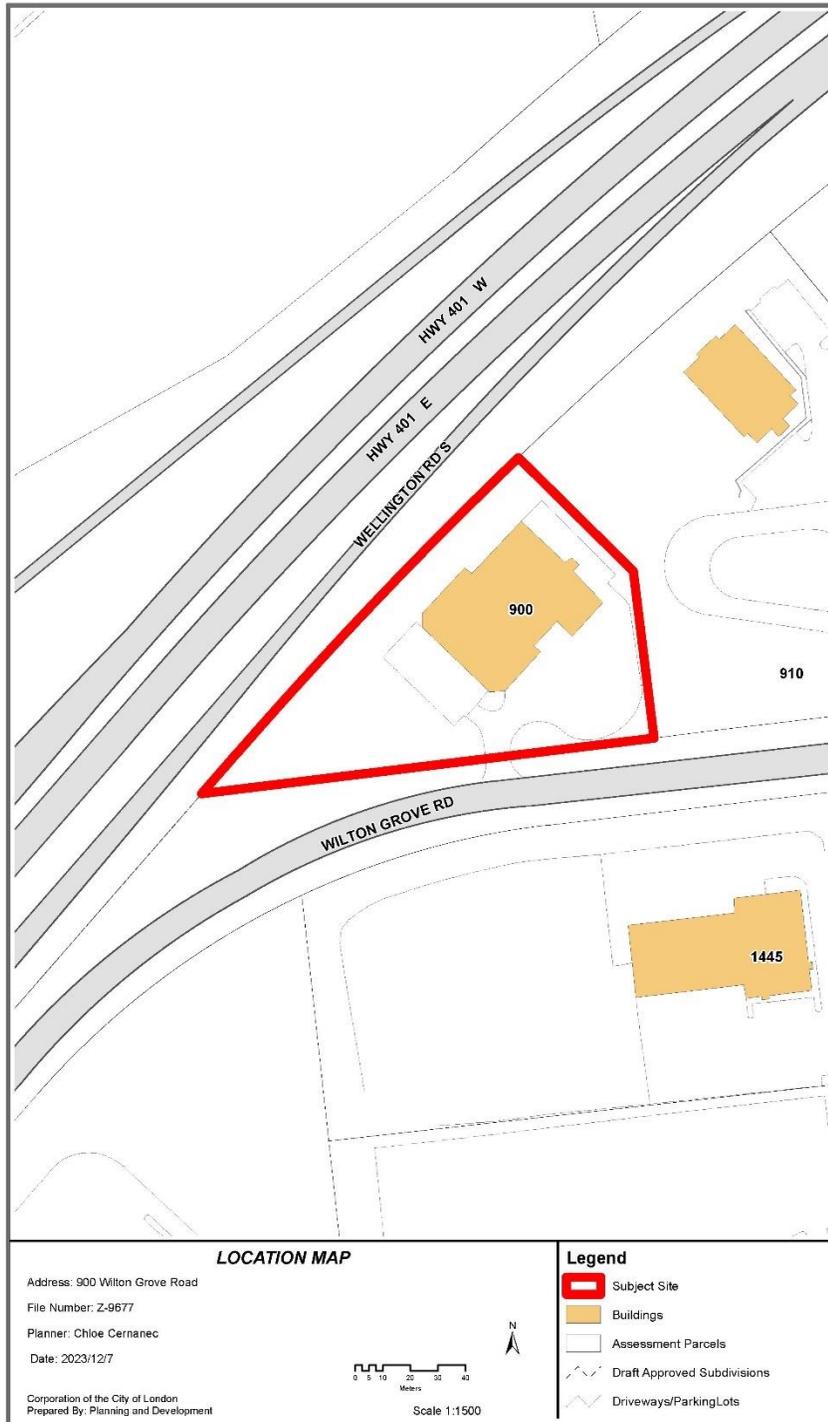


Figure 1- Aerial Photo of 900 Wilton Grove Road and surrounding lands



Figure 2 - Streetview of 900 Wilton Grove Road (view looking north)

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing to renovate a portion of the existing building, repurposing approximately 28m² (300ft²) of the existing floor area to contain a personal service establishment in the form of a combined barber shop and tattoo parlour. The proposed personal service establishment uses would be provided by Rocky's Harley-Davidson and operate fully within the existing building and only during normal operating hours of the main permitted use. Additionally, the proposed uses would be accessed internally via the sales establishment, not through a separate exterior access. No expansion to the building footprint or site alteration is proposed, and access to the site would continue to be provided by the existing entrance from Wilton Grove Road.

The proposed development includes the following features:

- Land use: Motorcycle Repair and Sales Shop (Rocky's Harley Davidson)
- Form: 2-storey Commercial Building
- Height: 7.4 metres
- Residential units: 0
- Density: N/A
- Gross floor area: 1,818m²
- Building coverage: 18%
- Parking spaces: 53 surface parking spaces
- Bicycle parking spaces: N/A
- Landscape open space: 48%
- Functional amenity space: N/A

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



Figure 3 - Conceptual Site Plan (Received November 2023)

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

2.2 Requested Amendment(s)

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Light Industrial (LI2, LI3, LI7) Zone to a Light Industrial Special Provision (LI2, LI3, LI7(_)) Zone.

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

applicant and recommended by staff.

Regulation (LI7)	Required	Proposed/Recommended
Additional Permitted Use		Personal Service Establishment; tattoo parlour & barbershop
Total Gross Floor Area for Ancillary Personal Service Establishment (Maximum)	The ancillary use does not exceed 25% of the gross floor area (GFA) of the unit or 100m ² (1076 sq. ft.) and does not exceed 30m ² (323 sq. ft.) in total if retail goods are not manufactured on site;	40m ²

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; however, no major issues were identified by staff.

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

2.4 Public Engagement

On November 15, 2023, Notice of Application was sent to 8 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, 2023. 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.

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

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed use is consistent with the policies of the PPS that promote healthy, liveable and safe communities (PPS 1.1.1) and encourage economic development (PPS 1.3.1).

The Light Industrial Place Type permits a broad range of industrial uses that are unlikely to impose significant impacts on surrounding land uses due to their emissions such as noise, odour, and vibration. The London Plan permits automotive body shops, provided that the use does not detract from the industrial operations of the surrounding area (The London Plan, 1115_). It is noted that the existing automotive sales and service use has been in operation for an extended period and has not resulted in any identified land use conflicts. Additionally, small-scale retail and service uses that will not detract from industrial operations of the surrounding lands may be permitted up to a floor area of 1,000m². The proposed accessory personal service establishment uses would be small in scale with a combined area of 28m² of the total Gross Floor Area of the existing building. The proposed uses would service customers of the existing automotive repair and sales use operating on the site.

4.2 Intensity

The proposed intensity is consistent with the policies of the PPS that encourage an efficient use of land (PPS 1.1.3.2) and a diversified mix of uses (PPS 1.1.2).

The proposed intensity conforms to the policies of the Light Industrial Place Type in *The London Plan* and contributes to utilizing the lands efficiently, through the re-zoning of the lands to a wide range of light industrial uses. The vision of the Place Type promotes a wide choice of locations, lot sizes, services, and street and rail access in order to accommodate a wide range of target industrial sectors and industrial uses (The London Plan, 1113_3). The proposed amendment will permit additional personal service establishment uses within the existing building. No special provisions to the proposed zones are required for measures of intensity such as height, coverage, and parking, indicating the proposed intensity is generally appropriate.

4.3 Form

Given no exterior changes and no changes to the site layout are contemplated as part of this zoning application, staff are satisfied that the proposed form is consistent with the Light Industrial Place Type policies and the City Design Policies (The London Plan, 1125_).

4.4 Zoning

The applicant has requested to rezone the subject site to a Light Industrial Special Provision (LI2, LI3, LI7(_)) Zone to permit a combined tattoo parlour and barber shop (personal service establishment) within the existing building. A special provision is being recommended that would limit the gross floor area of the personal service establishment

to 40m² to ensure the use remains ancillary to the main use on the site while giving the applicant some additional GFA for greater flexibility.

Personal service establishments are not currently permitted in the LI2, LI3, or LI7 zones, prompting the request for the site-specific zoning provision to allow the accessory personal service establishment land use. The proposed barber shop and tattoo parlour would be located and operate within the existing building and would be complementary and accessory to the principal use on the property. Staff are satisfied that there are no anticipated negative impacts of the proposed uses on the existing industrial uses located in the surrounding area.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Light Industrial (LI2, LI3, LI7) Zone to a Light Industrial Special Provision (LI2, LI3, LI7(_)) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions.

The recommended action is consistent with the PPS 2020, conforms to The London Plan and will permit a tattoo parlour and barbershop within the existing building.

Prepared by: Chloe Cernanec
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 – 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 900 Wilton Grove Road.

WHEREAS Blackbridge Property Inc. has applied to rezone an area of land located at 900 Wilton Grove Road, as shown on the map attached to this by-law, as set out below;

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

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 900 Wilton Grove Road, as shown on the attached map comprising part of Key Map No. A. 112, **FROM** a Light Industrial (LI2, LI3, LI7) Zone **TO** a Light Industrial Special Provision (LI2, LI3, LI7(_)) Zone.
2. Section Number 40.4 of the Light Industrial LI7 Zone is amended by adding the following Special Provisions:

LI7(_) 900 Wilton Grove Road
 - a. Additional Permitted Use:
 - i. Personal Service Establishment
 - b. Regulations
 1. Total Gross Floor Area for Personal Service Establishment (Maximum) 40m² (430.5ft²)
3. 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.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

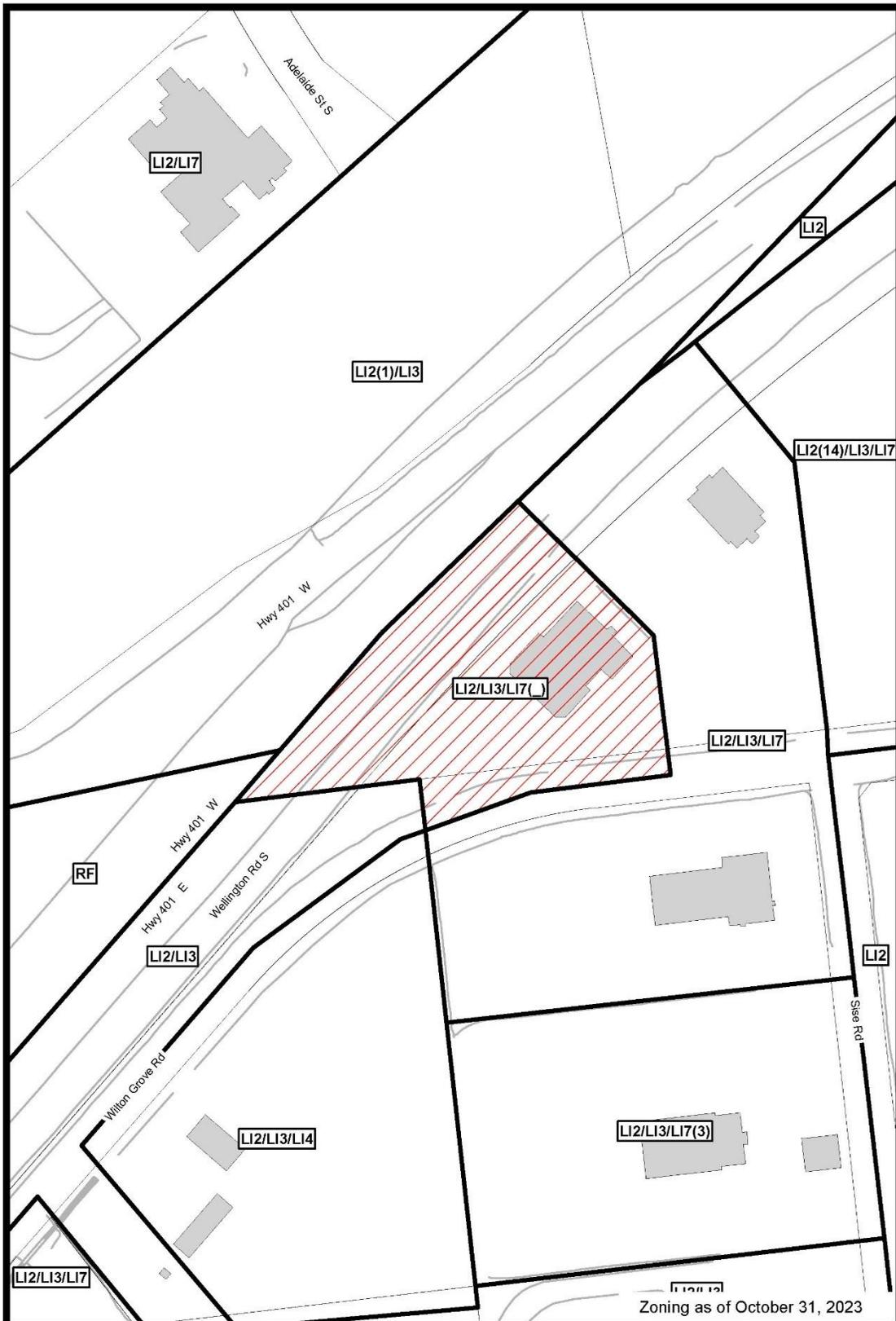
PASSED in Open Council on February 13, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

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



<p>File Number: Z-9677 Planner: CC Date Prepared: 2023/12/06 Technician: rc By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,500</p> <p>0 12.525 50 75 100 Meters </p> <p></p>
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Geodatabase

Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Motor Vehicle Repair and Sales Establishment
Frontage	163 metres (534.7 feet)
Depth	119 metres (390.4 feet)
Area	1.01 hectares (2.50 acres)
Shape	Irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Highway 401 Corridor
East	Trucking Insurance Business Use
South	Truck Dealer
West	Highway 401 Corridor

Proximity to Nearest Amenities

Major Intersection	Wilton Grove Road and Pond Mills Road, 1,277m
Dedicated cycling infrastructure	Wilton Grove Road, 2,488m
London Transit stop	Sise Road, 215m
Public open space	South East Reservoir, 5,812m
Commercial area/use	N/A – Industrial use
Food store	N/A – Industrial use
Primary school	N/A – Industrial use
Community/recreation amenity	N/A – Industrial use

B. Planning Information and Request

Current Planning Information

Current Place Type	Light Industrial Place Type fronting a Civic Boulevard (Wilton Grove Road)
Current Special Policies	N/A
Current Zoning	Light Industrial (LI2, LI3, LI7) Zone

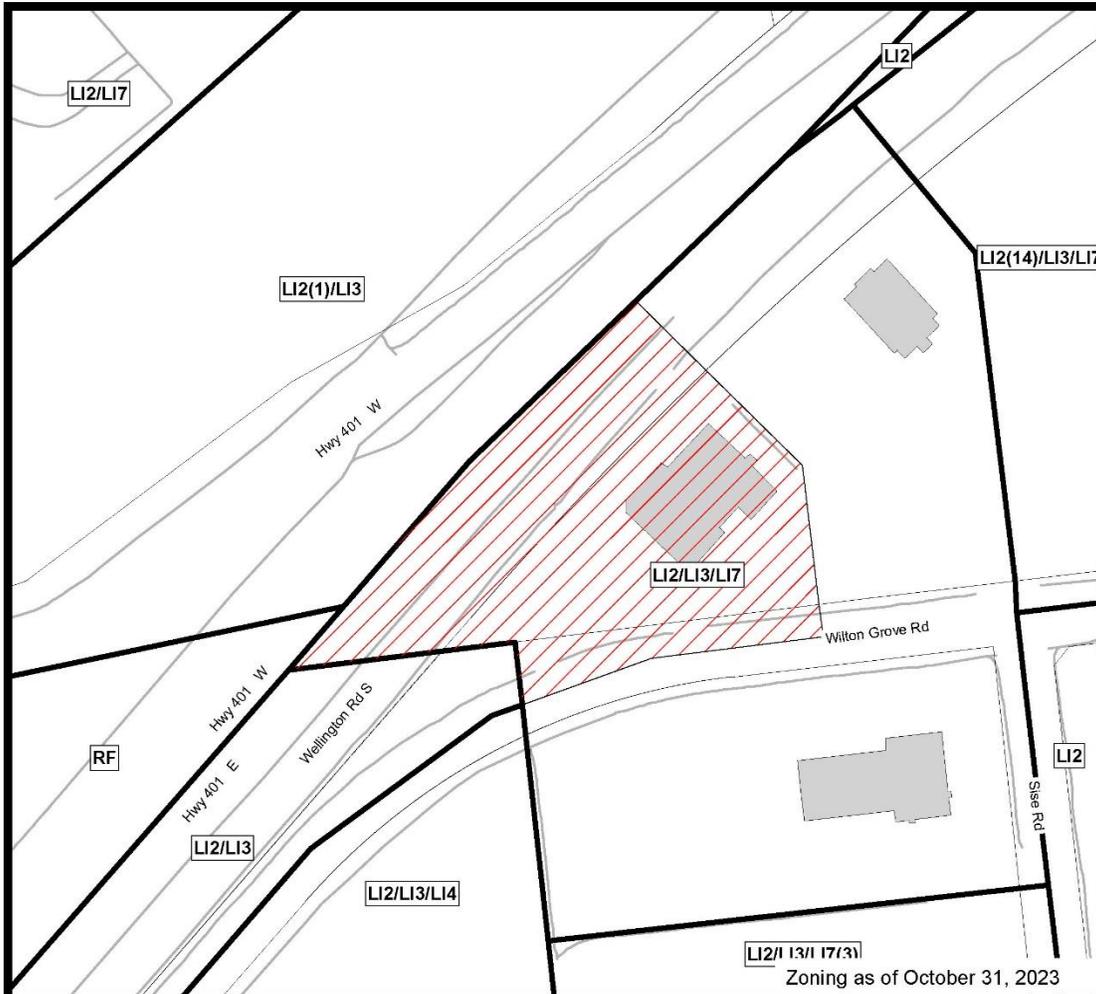
Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Light Industrial Special Provision (LI2, LI3, LI7(_)) Zone

Requested Special Provisions

Regulation (LI7)	Required	Proposed
Additional Use		Personal Service Establishment
Total Gross Floor Area for Ancillary Personal Service Establishment (Maximum)		40m ² of total Gross Floor Area

Appendix C – Additional Mapping



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | "h" - HOLDING SYMBOL |
| SS - AUTOMOBILE SERVICE STATION | "D" - DENSITY SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL |
| OR - OFFICE/RESIDENTIAL | "B" - BONUS SYMBOL |
| OC - OFFICE CONVERSION | "T" - TEMPORARY USE SYMBOL |
| RO - RESTRICTED OFFICE | |
| OF - OFFICE | |

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-9677

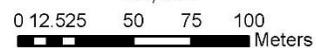
CC

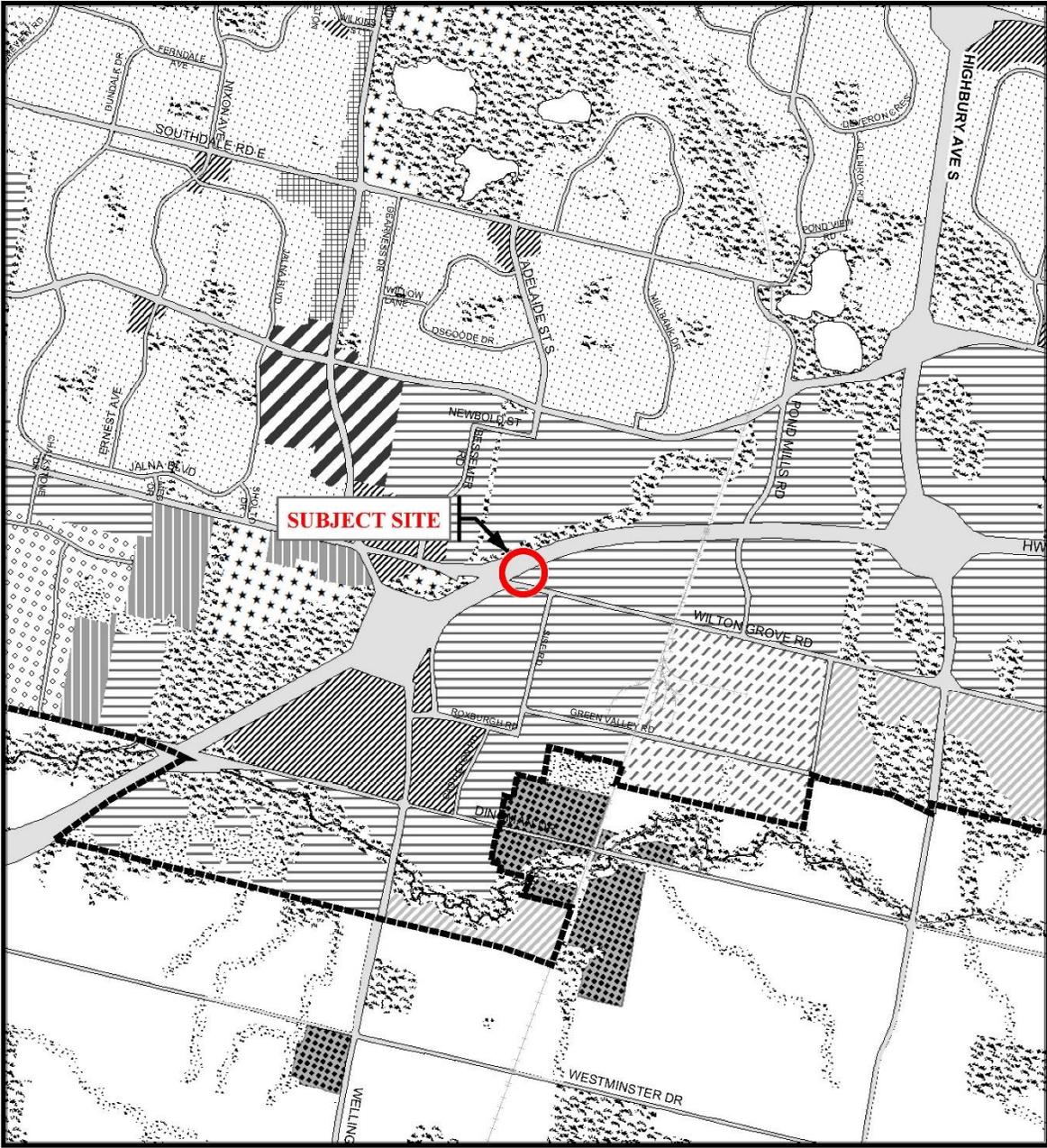
MAP PREPARED:

2023/12/7

RC

1:2,500





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.

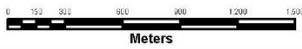
**CITY OF LONDON
Official Plan**

**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning & Development



Scale 1:30,000



File Number: Z-9677

Planner: CC

Technician: RC

Date: 2023/12/7

Project Location: E:\Planning\Projects\p_officialplan\workconsolid\00\excerpts_LondonPlan\mxds\Z-9677-Map1-PlaceTypes.mxd

Appendix D – Internal and Agency Comments

Site Plan – Received November 15, 2023

- No comments.

London Hydro – Received November 16, 2023

- This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate the new building. 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.

Parks – Received November 17, 2023

- Application to add use to existing building, parks has no comments.

Water Engineering – Received November 17, 2023

- Water Engineering has no comment on the zoning bylaw amendment for 900 Wilton Grove Road as the proposal will not impact the site's existing water service.

UTRCA – Received December 7, 2023

- As indicated, the subject lands **are** regulated by the UTRCA due to the presence a riverine flooding hazard associated with tributaries of Dingman Creek. As the proposed uses would be within the existing structure with no further development proposed at this time, the UTRCA has **no objections** to the application.
- We would like to remind the applicant that written approval from the UTRCA may be required prior to undertaking any works within the regulated area, including but not limited to site alteration, grading or development.

Engineering – Received December 19, 2023

- Engineering has no comments or concerns related to the proposed zoning application at 900 Wilton Grove Rd.

Ecology – Received December 20, 2023

- This is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.
- Major issues identified
 - 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.
- Ecology – complete application requirements
 - None.
- Notes
 - None.

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: Demolition Request for the Heritage Listed Properties at 16
Wellington Road & 26-28-30 Wellington Road, Ward 1
Public Participation Meeting

Date: January 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, with respect to the demolition requests, the following properties **BE REMOVED** from the Register of Cultural Heritage Resources:

- a) 16 Wellington Road;
- b) 26 Wellington Road;
- c) 28 Wellington Road; and,
- d) 30 Wellington Road.

It being noted that commemorative measures will be implemented during the BRT Wellington Gateway construction project in recognition of the significant cultural heritage value of the abovementioned properties.

Executive Summary

As part of the Transit Project Assessment Process (TPAP) for the London Bus Rapid Transit (BRT) project, the properties located at 16 Wellington Road and 26-28-30 Wellington Road were identified in the Cultural Heritage Screening Report (CHSR) as being directly impacted heritage listed properties. Further, as part of the TPAP, a Cultural Heritage Evaluation Report (CHER) was completed for the property at 16 Wellington Road, which determined that the property meets three of the nine criteria for heritage designation. A CHER was completed for a group of 35 properties along Wellington Road, including the properties at 26-28-30 Wellington Road, which determined that each of the properties each meet two of the nine criteria for heritage designation.

The Wellington Gateway construction project will have direct impacts to these properties. The impacts are unavoidable. Heritage Impact Assessments (HIAs) were prepared for these properties, recommending mitigation measures for the adverse impacts to these significant cultural heritage resources. The properties have been documented and recommendations to commemorate their cultural heritage value have been incorporated into the Detailed Design plans and will be implemented during the Wellington Gateway construction project.

Removing the properties from the Register of Cultural Heritage Resources will allow the buildings to be demolished in anticipation of the Wellington Gateway construction project.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2023-2027 Strategic Plan areas of focus:

- London has safe, vibrant, and health neighbourhoods and communities.
 - Londoners have a strong sense of belonging and sense of place.
 - Create cultural opportunities that reflects arts, heritage, and diversity of community.

- London’s infrastructure and systems are built, maintained, and operated to meet the long-term needs of the community.
 - Infrastructure is built, maintained, and secured to support future growth and protect the environment.
 - Continue to develop and maintain cultural assets in the community.

Analysis

1.0 Background Information

1.1 Property Location

The subject property at 16 Wellington Road is located prominently on the northeast corner of the intersection of Wellington Road and Grand Avenue (Appendix B).

The subject properties at 26-28-30 Wellington Road are located on the east side of Wellington Road, between Grand Avenue and Watson Street (Appendix B).

1.2 Cultural Heritage Status

The properties at 16 Wellington Road and 26-28-30 Wellington Road are heritage listed properties.

The property at 16 Wellington Road was first included on the *Inventory of Heritage Resources* in 1998. The *Inventory of Heritage Resources* was adopted as the Register, pursuant to Section 27, *Ontario Heritage Act*, on March 26, 2007.

The properties at 26-28-30 Wellington Road were added to the Register of Cultural Heritage Resources by Municipal Council Resolution on March 27, 2018.

1.3 Description

1.3.1 16 Wellington Road

The subject property at 16 Wellington Road contains a one-storey Art Moderne style building with a smooth white stucco exterior surface (Appendix B, Images 1-3). The building is prominently placed on the northeast corner of Wellington Road and Grand Avenue, and features a flat roof, curved corner main entrance, and large rectangular-shaped glass block windows. The cornice and small overhang above the main entrance are clad in black metal. The building at 16 Wellington Road is set back from the property lines. Its frontage along Grand Avenue consists mainly of hardscape used for parking.

1.3.2 26-28-30 Wellington Road

The group of three buildings located on the subject properties at 26-28-30 Wellington Road are matching one-and-a-half-storey houses with side hall plans and steeply pitched gable roofs (Appendix B, Image 7). The houses are representative examples of the Queen Anne Revival style and are all primarily constructed of concrete block, a relatively new building material at the time of their construction, circa 1906. The building at 26 Wellington Road has seen alterations to the upper gable cladding (Appendix B, Image 4) and all three of the buildings have seen alterations to various windows. Despite these alterations, the overall massing and distinctive Queen Anne Revival styling remains reasonably consistent throughout the buildings on these three properties (Appendix B, Images 4-7).

1.4 History

For a detailed property history, please refer to the Cultural Heritage Evaluation Reports (CHERs) for the properties located at 16 Wellington Road and 26-28-30 Wellington Road, included in the Selected Sources section of this report.

1.4.1 16 Wellington Road

The building on the property at 16 Wellington Road was built in 1946 by Robert Dobbyn. The building originally served as the office and printing plant for the Art Novelty Company, which specialized in the production of advertising and promotional products. The property was leased to Dobbyn Creative Printing Limited in 1973, and later sold to subsequent owners of Dobbyn Creative Printing Limited in 1977 and subsequently. The

building continued to be used as a printing facility until as recently as 2010. The property was sold in 2015 and then sold again in 2023 to the City of London.

1.4.2 26-28-30 Wellington Road

The buildings located at 26-28-30 Wellington Road are situated on Lot 19, Registered Plan 11(4th). The lot was purchased by Joseph Nicholson in September of 1905 and subsequently subdivided into the three lots currently extant. In 1906, Nicholson constructed three matching houses, one on each of the three new lots.

In 1906, after the houses on each lot were constructed, Joseph Nicholson sold the properties. The property at 26 Wellington Road was sold to James A. Mapletoft for \$1,750. The property at 28 Wellington Road was sold to Alfred Woodfine for \$1,900. And the property at 30 Wellington Road was sold to Benjamin Askey for \$1,700. Each property passed through several owners in the following years and are now all owned by the City of London.

2.0 Discussion and Considerations

2.1 Legislative and Policy Framework

Cultural heritage resources are to be conserved and impacts assessed as per the fundamental policies of the *Provincial Policy Statement (2020)*, the *Ontario Heritage Act*, and *The London Plan*.

2.1.1 Provincial Policy Statement

Heritage Conservation is a matter of provincial interest (Section 2.d, *Planning Act*). The *Provincial Policy Statement (2020)* promotes the wise use and management of cultural heritage resources and directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (Policy 2.6.1, *Provincial Policy Statement 2020*).

“Significant” is defined in the *Provincial Policy Statement (2020)* as, “resources that have been determined to have cultural heritage value or interest.” Further, “processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.”

Additionally, “conserved” means, “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained.”

2.1.2 Ontario Heritage Act

Section 27, *Ontario Heritage Act* requires that a register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2), *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council “believes to be of cultural heritage value or interest” on the Register.

The only cultural heritage protection afforded to heritage listed properties is a 60-day delay in the issuance of a demolition permit. During this time, Council Policy directs that the Community Advisory Committee on Planning (CACCP) is consulted, and a public participation meeting is held at the Planning & Environment Committee. A Cultural Heritage Evaluation Report (CHER) is required for a demolition request for a building or structure on a heritage listed property.

Section 29, *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29, *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Objections to a Notice of Intention to Designate are referred back to Municipal Council. Appeals to the passing of a by-law to designate a property pursuant to the *Ontario Heritage Act* are referred to the Ontario Land Tribunal (OLT).

2.1.2.1 Criteria for Determining Cultural Heritage Value or Interest

Ontario Regulation 9/06, as amended by Ontario Regulation 569/22, establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are consistent with Policy 573_ of *The London Plan*. These criteria are:

1. The property has design or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design or physical value because it demonstrates a high degree of technical or scientific achievement.
4. The property has historical value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has historical or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has historical or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark.

A property is required to meet two or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*.

2.1.3 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our City's unique identity and contribute to its continuing prosperity. It notes, "The quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in." Policies 572_ and 573_ of *The London Plan* enable the designation of individual properties under Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

In addition, there are policies directing mitigation approaches for projects with direct impacts to cultural heritage resources.

Policy 567_ states: "In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resource is found necessary, as determined by City Council, archival documentation may be required to be undertaken by the proponent and made available for archival purposes."

Policy 569_ states: "Where, through the process established in the Specific Policies for the Protection, Conservation and Stewardship of Cultural Heritage Resources section of this chapter and in accordance with the Ontario Heritage Act, it is determined that a building may be removed, the retention of architectural or landscape features and the use of other interpretive techniques will be encouraged where appropriate."

2.1.4 Register of Cultural Heritage Resources

Municipal Council may include properties on the Register of Cultural Heritage Resources that it "believes to be of cultural heritage value or interest." These properties are not designated but are considered to have potential cultural heritage value or interest.

The Register of Cultural Heritage Resources states that further research is required to determine the cultural heritage value or interest of heritage listed properties. If a

property is evaluated and found to not meet the criteria for designation, it should be removed from the Register of Cultural Heritage Resources.

The properties at 16 Wellington Road and 26-28-30 Wellington Road are included on the Register of Cultural Heritage Resources as listed properties.

3.0 Financial Impact/Considerations

None

4.0 Key Issues and Considerations

The City of London Rapid Transit Master Plan (RTMP) proposed a 24-kilometre Bus Rapid Transit (BRT) system comprised of four segments, combined into two operation routes: the north/east corridor and the south/west corridor, with 38 bus stops in total. The BRT system was approved by the City of London Council through the RTMP in July 2017. The second stage of the process was completed using the Transit Project Assessment Process (TPAP) under *Ontario Regulation 231/08: Transit Projects and Metrolinx Undertakings*.

The City of London is in the Detailed Design Phase for the Wellington Gateway segment of the BRT project. The Wellington Gateway segment extends south from the Downtown Loop segment at King Street and extends 7.5 kilometres south along Wellington Street/Wellington Road to the intersection of Exeter Road and Bessemer Road near Highway 401.

The Wellington Gateway construction project involves the widening of Wellington Road at its intersection with Grand Avenue to accommodate dedicated transit lanes and a new multi-use pathway. As the buildings located at 16 Wellington Road and 26-28-30 Wellington Road are currently located near the current right-of-way, the impact of the road widening as proposed in the Detailed Design phase of this project poses a direct impact to the buildings.

Previously, each property was evaluated in a CHER using the criteria of *O. Reg. 9/06: Criteria for Determining Cultural Heritage Value or Interest*. Each of these properties met the minimum mandated criteria for designation under the *Ontario Heritage Act* and are understood to be significant cultural heritage resources. Subsequently, the impacts of the proposed BRT project were considered in a Heritage Impact Assessments (HIAs) prepared for the properties at 16 Wellington Road and 26-28-30 Wellington Road to recommend options to mitigate potential negative impacts arising from the BRT project.

4.1 16 Wellington Road

A CHER was prepared by AECOM in November 2018 and an HIA was prepared by AECOM in October 2023 for the property at 16 Wellington Road.

4.1.1 Cultural Heritage Evaluation Report (CHER)

The CHER completed as a part of the Environmental Project Report (EPR) completed under the Transit Project Assessment Process (TPAP). The property at 16 Wellington Road was evaluated against criteria from *O. Reg. 9/06*. The property was determined to have significant cultural heritage value or interest, meeting three of the aforementioned criteria. A Statement of Cultural Heritage Value or Interest was prepared, and heritage attributes were identified. Further information can be found in the CHER included in the Selected Sources section of this report.

The CHER recommended that an HIA be prepared for this property to identify appropriate mitigation measures with respect to any anticipated impacts.

4.1.2 Heritage Impact Assessment (HIA)

An HIA for the property at 16 Wellington Road was completed based on the 90% Detail Design for the Wellington Gateway construction project (Appendix C).

The HIA determined that retention of the existing building *in-situ* is not feasible as there are direct impacts to the building by the planned roadway alignment. Relocation of the existing building was determined unfeasible as the type and size of the structure is not conducive. Demolition and additional mitigation measures were determined to be the only feasible approach, including:

- Documentation of the building in compliance with Policy 567_ of *The London Plan*, using photography and measured drawings; and
- Commemoration of the property including the installation of a cultural heritage interpretive sign and a retaining wall reflecting the rounded profile of the existing building at 16 Wellington Road.

Staff agree with the findings and recommendations of the HIA for the property at 16 Wellington Road.

4.1.3 Documentation and Commemoration

To date, the existing building on the property at 16 Wellington Road has been documented photographically by staff. Using Remotely Piloted Aircraft Systems (RPAS), the exterior of the building has been documented in the form of a highly detailed three-dimensional model showing all elevations of the building (Appendix E, Images 9-10). Measured elevation drawings have also been completed for all elevations of the building and can be found in Appendix E.

The commemoration measured recommended by the HIA have been carefully considered by the project team as the Wellington Gateway construction project has progressed through the Detail Design stage. The HIA recommended a variety of commemoration options, including the installation of a curved retaining wall, reflecting the curved profile and material finish of the existing building on the corner of the property at 16 Wellington Road. In subsequent revisions during the Detail Design phase of the Wellington Gateway project, it was determined that a retaining wall would no longer be required in this location. Staff considered the implementation of a curved noise-barrier wall, reflecting the curved profile of the existing building. It was determined that a curved noise wall is not technically feasible.

A cultural heritage interpretive sign is recommended to commemorate the cultural heritage value of the property at 16 Wellington Road. The cultural heritage interpretive sign is proposed to be installed nearby the subject property in the gore (triangular parcel of land) created by the intersection Wellington Road and High Street. The location of the cultural heritage interpretive sign is identified on the Detailed Design drawings included in Appendix I. The Education Sub-Committee of the CACP will be consulted in the development of the content and details of the cultural heritage interpretive sign.

4.2 26-28-30 Wellington Road

A CHER was prepared by AECOM in January 2019 for a group of 35 properties, including those at 26-28-30 Wellington Road, and an HIA was prepared by AECOM in May 2023 for the properties at 26-28-30 Wellington Road.

4.2.1 Cultural Heritage Evaluation Report (CHER)

The CHER for a group of 35 properties along Wellington Road, including those at 26-28-30 Wellington Road, was completed as a part of the Environmental Project Report (EPR) completed under the Transit Project Assessment Process (TPAP). The properties at 26-28-30 Wellington Road were each evaluated against criteria from *O. Reg. 9/06*. The properties were all determined to have significant cultural heritage value or interest, each individually meeting two of the aforementioned criteria. A Statement of Cultural Heritage Value or Interest was drafted for each of the properties and heritage attributes were identified. Further information can be found in the CHER included in the Selected Sources section of this report.

The CHER recommended that an HIA be prepared for these properties to identify appropriate mitigation measures with respect to any potential impacts.

4.2.2 Heritage Impact Assessment (HIA)

An HIA for the properties at 26-28-30 Wellington Road was completed based on the 50% Detail Design for the Wellington Gateway construction project (Appendix D).

The HIA determined that retention of the existing buildings in-situ as well as relocation of the existing buildings are not considered to be feasible. A Structural Condition Assessment for 26-28-30 Wellington Road was completed by EXP Services on June 10, 2022, finding that approximately 30-40% of the exterior façades, constructed of the “one-of-a-kind” handmade concrete blocks, would require repairs and/or removal for each building to be safe to move. The HIA concluded that the number of repairs required would diminish the integrity of this heritage attribute. Demolition and additional mitigation measures were recommended by the HIA, including:

- Documentation of the building in compliance with Policy 567_ of *The London Plan*, using photography and measured drawings; and
- Commemoration of the subject properties including the installation of a metal plaque for each building, installed in the sidewalk/boulevard near the former location of the buildings.

Staff agree with the findings and recommendations of the Heritage Impact Assessment for the properties at 26-28-30 Wellington Road.

4.2.3 Documentation and Commemoration

To date, the existing buildings on the properties at 26-28-30 Wellington Road have been documented photographically by staff. Through the use of Remotely Piloted Aircraft Systems (RPAS), the exterior of the building on the property at 28 Wellington Road has been documented in the form of a highly detailed three-dimensional model showing all elevations of the building (Appendix H, Images 11-12). The existing building at 28 Wellington Road was elected as a representative example suitable for documentation. Measured elevation drawings have also been completed for all elevations of the building and can be found in Appendix F.

The commemoration measured recommended by the HIA have been carefully considered as the Wellington Gateway construction project has progressed through the Detail Design stage. The HIA recommended a variety of commemoration options, including the installation of metal plaques in the public sidewalk commemorating the buildings. Staff considered the recommended commemoration options in terms of an implementation and operations perspective and deemed this approach to be unfeasible due to operational, maintenance, and safety concerns.

To commemorate the significant cultural heritage value of the resources on the properties at 26-28-30 Wellington Road, the RPAS documentation has been used to create a profile of the concrete block exterior of the buildings. This profile will be replicated in the nearby noise wall along the east side of Wellington Road between Kennon Place and Grand Avenue to maintain the significant physical and design value of this early expression of the material. The location of the noise wall is shown on the Detailed Design drawings included in Appendix I.

4.3 Consultation

The CHER for the property at 16 Wellington Road was previously circulated to the London Advisory Committee on Heritage (LACH) at its meeting on December 18, 2018.

And, the properties at 26-28-30 Wellington Road were evaluated as part of the Wellington Group CHER that was previously circulated to the LACH at its meeting on February 13, 2019.

Pursuant to the Council Policy Manual, notification of the opportunity to participate in the public participation meeting regarding a demolition request for the heritage listed properties at 16 Wellington Road and 26-28-30 Wellington Road has been sent to property owners within 120m of the subject property on January 11, 2024, as well as community groups including the Architectural Conservancy Ontario – London Region

Branch, the London & Middlesex Historical Society, and the Urban League of London. Notice was published in *The Londoner* on January 11, 2024.

In accordance with Section 27(4), *Ontario Heritage Act*, consultation with the Community Advisory Committee on Planning (CACCP, the City's municipal heritage committee) is required before a property may be removed from the Register. The CACCP was consulted on this request at its meeting held on January 10, 2024.

5.0 Conclusion

The properties at 16 Wellington Road and 26-28-30 Wellington Road were identified, included on the Register of Cultural Heritage Resources, and evaluated using the criteria of *O. Reg. 9/06*. The evaluations found that each of the properties met the minimum criteria to merit designation under the *Ontario Heritage Act*.

The Wellington Gateway construction project for BRT will have direct impacts to each of these properties. These impacts cannot be avoided. The potential negative impacts were considered in the HIAs prepared for these properties, which recommended mitigation measures.

Mitigation measures recommended to mitigate adverse impacts have been carried forward by the project team in the Detailed Design for the Wellington Gateway construction project. Documentation, using photographs, elevation drawings, and 3D models, have been prepared for a representative sample of the buildings. Commemoration is proposed in the form of a custom profile for the required noise wall, replicating the concrete blocks of the houses at 26-28-30 Wellington Road, and the installation of a future cultural heritage interpretive sign nearby.

The in-situ conservation of significant cultural heritage resources is preferred and is the most consistent with the provincial and municipal policy framework. Staff have carefully considered the cultural heritage values and heritage attributes of these resources, the potential alternatives and impacts to each of these resources, and the proposed mitigation measures. Recognizing the cultural heritage value of the resources at 26-28-30 Wellington Road, staff recommend that the proposed mitigation measures be implemented, and the properties be removed from the Register of Cultural Heritage Resources.

Prepared by: Konner Mitchener, M.Arch, Intern CAHP
Heritage Planner

Reviewed by: Kyle Gonyou, RPP, MCIP, CAHP
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Recommended by: Heather McNeely, RPP, MCIP
Director, Planning and Development

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

Appendices

Appendix A	Property Locations
Appendix B	Images
Appendix C	Heritage Impact Assessment: 16 Wellington Road (AECOM, October 2023) (attached separately)
Appendix D	Heritage Impact Assessment: 26-28-30 Wellington Road (AECOM, May 2023) (attached separately)
Appendix E	Elevation Drawings: Building at 16 Wellington Road
Appendix F	Elevation Drawings: Buildings at 26-28-30 Wellington Road
Appendix G	3D Documentation: Building at 16 Wellington Road (SkyDeploy)

Selected Sources

Corporation of the City of London. *2023-2027 Strategic Plan*.

Corporation of the City of London. Property file.

Corporation of the City of London. *Register of Cultural Heritage Resources*. 2022.

Corporation of the City of London. *The London Plan*. 2022 (consolidated).

Ministry of Culture. *Ontario Heritage Toolkit: Heritage Property Evaluation*. 2006.

Ontario Heritage Act. 2023, c. 21. Sched. 6.

AECOM Canada Ltd. Cultural Heritage Evaluation Report: 16 Wellington Road, London, Ontario. November 2018. <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=55758>

AECOM Canada Ltd. Cultural Heritage Evaluation Report: 35 Properties, Wellington Road, London, Ontario Bus Rapid Transit – Transit Project Assessment Process. January 2019. <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=57675>

AECOM Canada Ltd. Heritage Impact Assessment: 16 Wellington Road, London, Ontario Wellington Gateway Bus Rapid Transit and Infrastructure Improvements. October 2023.

AECOM Canada Ltd. Heritage Impact Assessment: 26-30 Wellington Road, London, Ontario Wellington Gateway Bus Rapid Transit and Infrastructure Improvements. May 2023.

Appendix A – Property Locations

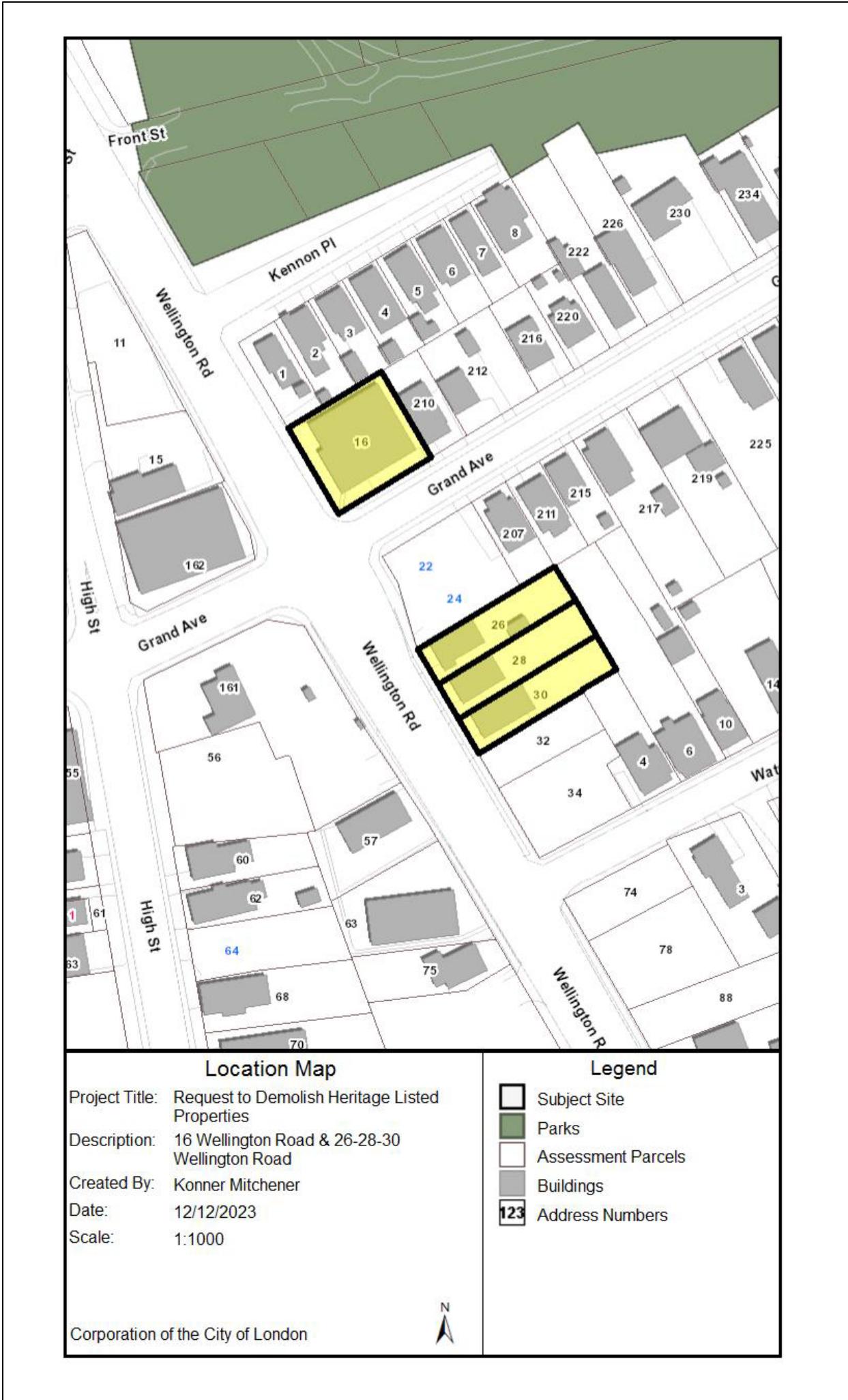


Figure 1: Location of the subject properties at 16 Wellington Road and 26-28-30 Wellington Road.

Appendix B – Images



Image 1: Photograph of the building on the subject property at 16 Wellington Road (taken September 20, 2023).



Image 2: Photograph of the south elevation of the building on the subject property at 16 Wellington Road (taken September 20, 2023).



Image 3: Photograph of the west elevation of the building on the subject property at 16 Wellington Road (taken September 20, 2023).



Image 4: Photograph showing part of the building on the subject property at 26 Wellington Road (taken September 20, 2023).

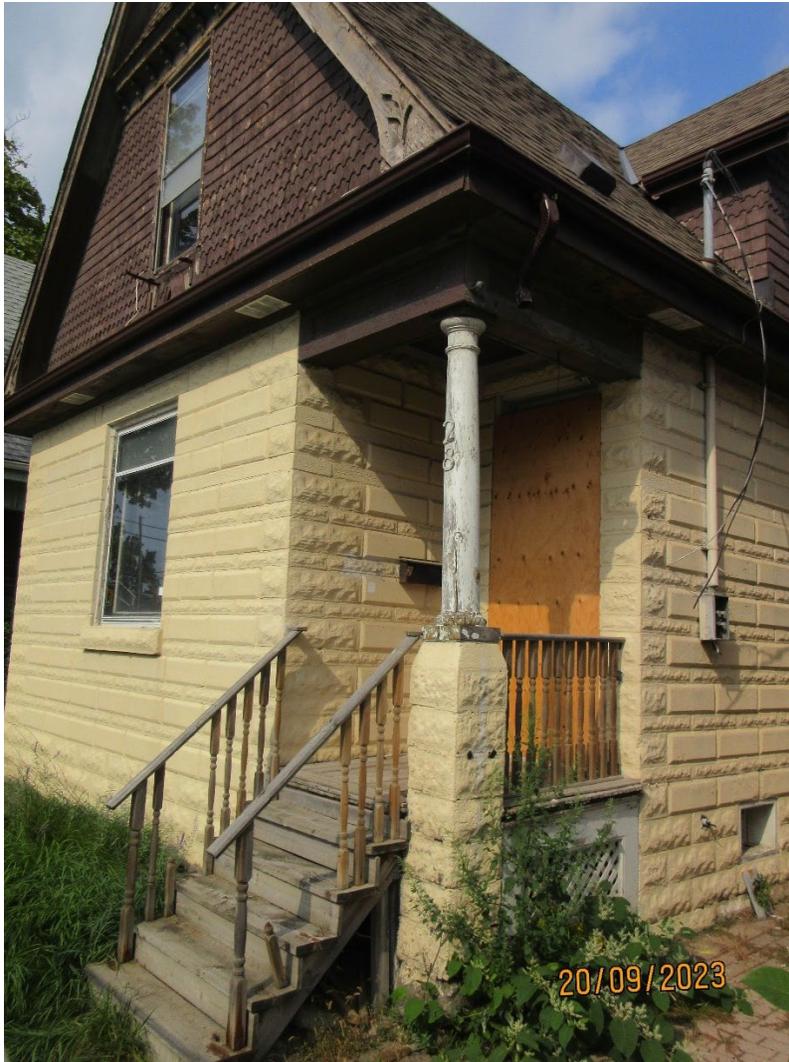


Image 5: Photograph showing part of the building on the subject property at 28 Wellington Road (taken September 20, 2023).



Image 6: Photograph showing part of the building on the subject property at 30 Wellington Road (taken September 20, 2023).



Image 7: Photograph showing the buildings on the subject properties at 26-28-30 Wellington Road (taken November 17, 2022).



Image 8: Photograph showing the buildings on the subject properties at 26-28-30 Wellington Road (taken September 20, 2023).

Appendix C – Heritage Impact Assessment: 16 Wellington Road

Heritage Impact Assessment (AECOM Canada Ltd., dated October 2023) – *attached separately*

Heritage Impact Assessment: 16 Wellington Road, London, Ontario

Wellington Gateway Bus Rapid Transit and Infrastructure Improvements

Corporation of the City of London

60641336

October 2023

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Revision History

Rev #	Revision Date	Revised By:	Revision Description
0	January 2022	Liam Ryan	Draft HIA Prepared
1	October 2022	Liam Ryan	City of London Comments
2	October 2023	Liam Ryan	Final HIA Prepared

Distribution List

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Corporation of the City of London

Heritage Impact Assessment: 16 Wellington Road, London, Ontario
Wellington Gateway Bus Rapid Transit and Infrastructure Improvements

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Appendices

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1. Introduction

1.1 Project Context

AECOM Canada Ltd. (AECOM) was retained by the City of London to complete a Heritage Impact Assessment (HIA) for the property with the municipal address of 16 Wellington Road (the 'Subject Property') as part of the work being completed for the Wellington Gateway segment of the proposed London Bus Rapid Transit (BRT) system (the 'project').

At the onset of the Rapid Transit Master Plan (RTMP) process, the proposed route was a 24-kilometre BRT system that comprised of four segments, combined into two operation routes: the north/east corridor and the south/west corridor, with 38 bus stops in total. The BRT system was approved by the City of London Council through the RTMP in July 2017. The second stage of the process was completed using the *Transit Project Assessment Process* (TPAP) under Ontario Regulation 231/08: Transit Projects and Metrolinx Undertakings. As part of the TPAP, an Environmental Project Report (EPR)¹ was completed in 2019. Since the commencement of the TPAP there has been refinement of the BRT network through the development and evaluation of alternative design options, public and stakeholder engagement, and the identification of impacts on the environment.

As a support document to the EPR, a Cultural Heritage Screening Report (CHSR) authored by WSP was finalized in 2019. The CHSR was written to establish a developmental history of the proposed BRT Study Area. The CHSR identified properties with recognized and potential cultural heritage value or interest that may be impacted by the project. The screening criteria of the Ministry of Tourism, Culture and Sport (MTCS) *Criteria for Evaluating Potential Built Heritage Resources and Cultural Heritage Landscapes* and the 40-year threshold were used to identify potential cultural heritage resources, not on the City of London *Register of Cultural Heritage Resources*. With the recommendation of London's Advisory Committee on Heritage (LACH),² Municipal Council added 347 potential cultural heritage resources to the City of London's *Register of Cultural Heritage Resources* as "Listed."

In October 2018, the TPAP process was paused in a "Time Out". Process to strengthen the project's cultural heritage strategy. A total of 67 potential cultural heritage resources were identified as having potential cultural heritage value or interest and were determined to potentially be directly impacted by the construction of the BRT. As the project footprint was refined and reduced, the number of properties requiring further work were reduced and as a result, 51 cultural heritage resources required Cultural Heritage Evaluation Reports (CHERs). In November 2018, AECOM completed a CHER on the property at 16 Wellington Road, in which it was evaluated for cultural heritage value or interest, and it was determined to meet the criteria of Ontario Regulation 9/06 of the *Ontario Heritage Act*.

To date, the cultural heritage work has been completed with engagement with the CACP, Community Advisory Committee on Planning (CACP) and MTCS. The EPR document for the BRT recommends HIAs for properties potentially impacted by the project post-TPAP, in the Detailed Design phase. The EPR states that during Detailed Design, mitigation measures will be addressed to minimize impacts to heritage properties.

The City of London is in the 90% Detailed Design Phase for the Wellington Gateway segment of the project. The Wellington Gateway segment extends south from the Downtown Loop segment at King Street and extends 7.5 kilometres south along Wellington Street/Wellington Road³ to the intersection of Exeter Road and Bessemer Road near Highway 401. The route includes 11 bus stations, located at King Street, Horton Street East, South Street, Bond

¹ The EPR is a thorough report that is required as part of the TPAP. It is intended to provide enough information to understand what the project is and how it will affect the natural, social, cultural, transportation and economic environments

² Now the Community Advisory Committee on Planning (CACP) serves as the City's municipal heritage committee.

³ Note: Wellington Street becomes Wellington Road south of the Thames River

Street, Base Line Road East, Commissioners Road East, Wilkins Street, Southdale Road East, Montgomery Gate, Bradley Avenue, and Exeter Road.

Currently, the Wellington Gateway Phasing Plan is comprised of four design segments:

- Design Segment 1 – York Street to Grand Avenue
- Design Segment 2 – Grand Avenue to Wilkins Street
- Design Segment 3 – Wilkins Street to Montgomery Gate
- Design Segment 4 – Montgomery Gate to Exeter Road

In November 2018, a CHER was completed by AECOM for 16 Wellington Road as part of the TPAP for the project. Based on the heritage evaluation undertaken in the CHER, 16 Wellington Road was determined to meet Ontario Regulation 9/06 of the *Ontario Heritage Act*. The CHER recommended that an HIA be completed for the property if it is to be directly adversely impacted by the project.

The following HIA for 16 Wellington Road is based on the 90% Detailed Design for Wellington Gateway located in Design Segment 1. The HIA was developed in engagement with the City of London Heritage Planner, Kyle Gonyou. In addition, this HIA includes input from AECOM's structural engineering team and Dillon Consulting Limited, responsible for the project's detailed design and the project's Landscape Plan.

1.2 Location and Physical Description of the Subject Property

1.2.1 Location

The Subject Property, as shown in **Figure 1** and **Figure 2**, has a municipal address of 16 Wellington Road. Historically, the Subject Property is within part of the north half of Lot 25, Broken Front Concession, or Concession "B" in the former Westminster Township. The Subject Property is approximately 0.069 hectares in size and is in Lot 13 of Registered Plan 11. It is located in the northeast corner of the intersection of Wellington Road and Grand Avenue, in the South London (also known as Old South). The Subject Property is bound by Wellington Road to the west, Grand Avenue to the south, residential property to the east (210 Grand Avenue), and residential properties to the north (1, 2, and 3 Kennon Place).

1.2.2 Physical Description

The Subject Property contains one building; a one-storey Art Moderne style industrial building with a smooth stucco exterior surface⁴. The building has a horizontal emphasis on the street. Identifiable features on the building of the Art Moderne style include its flat roof, curved corner main entrance, and large rectangular-shaped glass block windows. The cornice and above the main entrance are framed in black with aluminum or steel which gives the building a streamlined look. Consistent with residential properties along Grand Avenue, the building at 16 Wellington Road is set back from the property line. Its frontage on Grand Avenue consists mainly of hardscape used for automobile parking. The corner entrance and Wellington Road frontage is landscaped with manicured lawn, one mature tree, and a pair of hedgerows flanking the main entrance concrete footpath. The existing conditions section of this report (**Section 5.3**) contains a full description of the property and the building.

⁴ The CHER incorrectly identified exterior surface as concrete. The exterior surface is stucco.

1.3 Summary of Property Impacts on 16 Wellington Road

Based on the 90% Detailed Design, the design impacts approximately 11.8 metres of the property along its eastern boundary. The detailed design indicates Wellington Road will be widened at the corner of Wellington Road and Grand Avenue to two northbound lanes, the sidewalk and curb, and a retaining wall that runs along Wellington Road (**Figure 5**). As the building within 16 Wellington Road is setback 3 metres from the current right-of-way then the impact of the road widening as proposed in the 90% Detailed Design poses a direct impact to the building. As such, and in accordance with the recommendation in *CHER* (AECOM 2018), an HIA is required prior to demolition to any structure on this property. This HIA will be a support document in the demolition application for this property.

1.3.1 Property Owner

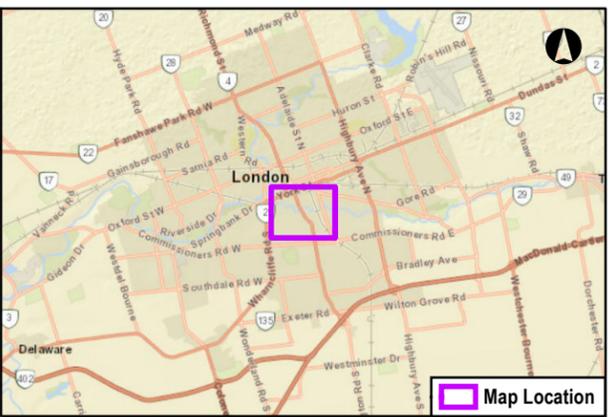
The property at 16 Wellington Road is currently owned by the City of London.

1.3.2 Current Cultural Heritage Status of the Subject Property

The Subject Property was listed on the City of London's *Register of Cultural Heritage Resources* on March 26, 2007.

It should be noted that the Subject Property has been identified as a potential heritage resource since at least 2006 when it was included on the *Inventory of Resources*⁵.

⁵ On March 26, 2007, Municipal Council adopted the *Inventory of Heritage Resources as the Register pursuant to Section 27, Ontario Heritage Act in its entirety.*



Legend

 Subject Property

**Heritage Impact Assessment
Wellington Gateway Bus Rapid Transit
& Infrastructure Improvements**

Location of the Subject Property



October 2021	1:10,000 * when printed 11"x17"	Source: MNR 2020, MNR, http://wms.ess-ws.nrcan.gc.ca/wms/toporama_en Image: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c)
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AECOM **Figure 1**

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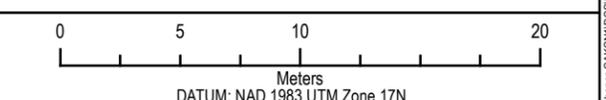
Map location: \\na.aecocom.com\GIS\AECOM\Projects\Wellington\GIS\Map\MapLocation.mxd; Date saved: 10/25/2021 4:12:10 PM User: carla



- Legend**
- Parcel Boundary
 - Subject Property

**Heritage Impact Assessment
Wellington Gateway Bus Rapid Transit
& Infrastructure Improvements**

Location of the Subject Property over an
Aerial Photograph



October 2021	1:300 * when printed 11"x17"	Source: MNRF 2020, City of London 2019 Image: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User
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AECOM	Figure 2
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Map location: \\na.aecomed.com\ITSP\AMER\KID\esener-CAC\W\DCS\Projects\TRN\60641336_R1_WEL_Gateway\900_CAD_GIS\920_929_GIS_Graphics\Design\01_Reports\H\A\16_Wellington\MXD\Fig-2-16Wellington-St_StudyArea_60641336.mxd
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1.4 Methodology

This HIA adheres to the guidelines set out in the MTCS *InfoSheet #5 Heritage Impact Assessment and Conservation Plans* as part of the *Ontario Heritage Tool Kit* (2006). This HIA addresses the impacts of the project on the Subject Property, which is listed on the *Register of Cultural Heritage Resources* as 16 Wellington Road.

For the purpose of this HIA, AECOM undertook the following key tasks:

- Reviewed appropriate background documents including the:
 - *Cultural Heritage Screening Report: London Bus Rapid Transit System*. (WSP Canada Inc., Final February 27, 2019).
 - *Cultural Heritage Evaluation Report: 16 Wellington Road, London Ontario*. (AECOM, November 2018).
- Consulted with the City of London Heritage Planner, to confirm the scope of the HIA and to brainstorm commemoration options.
- Conducted a field review to document the existing conditions of the Subject Property from the public right-of-way on October 29, 2021.
- Identified and prepared a description of the proposed undertaking;
- Assessed the proposed infrastructure impacts, based on the 90% Detailed Design, on the cultural heritage value and heritage attributes of the Subject Property; and,
- Prepared mitigation options and mitigation measures with recommendations to avoid or reduce any negative impacts to the Subject Property.

This HIA was completed by a team of AECOM's Cultural Resource Management staff including Liam Ryan (Cultural Heritage Planner), Tara Jenkins (Cultural Heritage Specialist, Lead), and Adria Grant (Associate Vice President, Impact Assessment and Permitting). The HIA was developed in engagement with the City of London Heritage Planner, Kyle Gonyou. In addition, this HIA includes input from AECOM's structural engineering team and Dillon Consulting Limited, responsible for the Project's detailed design and the Project's Landscape Plan

1.5 Community Engagement

Below includes a summary of the engagement activities and feedback undertaken for the development of this HIA.

For the purposes of this HIA, community engagement involved contacting the City of London to document any municipal or local level heritage impact assessment provisions that should be included in this HIA. Kyle Gonyou verified that the City of London currently does not have a Terms of Reference for the preparation of HIAs.

The following stakeholders were contacted with inquiries regarding the background of the Subject Property (**Table 1**).

Table 1: Results of Stakeholder's Engagement

Contact	Contact Information	Date	Notes
London Free Press	Via website	November 17, 2021	An email was sent to London Free Press that requested the photo negative of Image 2 (as referred by the Western University archives). At the time this report was submitted, no response was received.
Kyle Gonyou City of London, Heritage Planner Michael Greguol City of London, Heritage Planner	Via Microsoft Teams	November 18, 2021	A meeting between the AECOM heritage team and Kyle Gonyou and Michael Greguol was held to review and discuss commemoration options for the Subject Property.
City of London Dillion Consulting	Via Microsoft Teams	November 30, 2021	A meeting between the AECOM heritage team, the City of London, and Dillion Consulting to review commemoration strategies and discuss coordination.
Kyle Gonyou / City of London / Heritage Planner Samuel Shannon / City of London / Technologist II	Via Microsoft Teams	September 21, 2022.	A meeting between the AECOM heritage team, Kyle Gonyou, and Samuel Shannon was held to review and discuss the relocation and commemoration options for the Subject Property.

2. Policy Framework

The authority to request an HIA arises from the *Ontario Heritage Act*, Section 2(d) of the *Planning Act*, the Provincial Policy Statement (2020), and the City of London's Official Plan: *The London Plan* (June 23, 2016).

2.1 Planning Act and Provincial Policy Statement

The *Planning Act* (1990) and the associated Provincial Policy Statement (2020) provide a legislative framework for land use planning in Ontario. Both documents identify matters of provincial interest, which include the conservation of significant features of architectural, cultural, historical, archaeological, or scientific interest. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. In general, the Provincial Policy Statement recognizes that Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral, cultural heritage, and archaeological resources for their economic, environmental, and social benefits.

Pursuant to Section 2.6 of the 2020 Provincial Policy Statement, Policy 2.6.1 states "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." The 2020 Provincial Policy Statement issued under the authority of the *Planning Act* defines "conserved" as "means the identification, protection, management, and use of built heritage resources, cultural heritage landscapes, and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted, or adopted by the relevant planning authority and/or decision designated and available for the purposes of this definition."

To conserve a cultural heritage resource, a municipality or approval authority may require a heritage impact assessment and/or a conservation plan to guide the approval, modification, or denial of a proposed development or site alteration that affects a cultural heritage resource. Using tools such as heritage impact assessments, municipalities and approval authorities can further enhance their own heritage preservation objectives.

Furthermore, a policy in Section 2.6 of the 2020 Provincial Policy Statement, Policy 2.6.3, states "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it had been demonstrated that the heritage attributes of the protected heritage property will be conserved."

2.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities and the province to designate individual properties and/or districts as being of cultural heritage value or interest. The province or municipality may also "list" a property or include a property on a municipal register that has not been designated but is believed to be of cultural heritage value or interest. *Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest* (O. Reg. 9/06) under the *Ontario Heritage Act* provides criteria for determining cultural heritage value or interest. If a property meets one or more of the criteria it may be designated under Section 29 of the *Ontario Heritage Act*.

Under section 27(9) of the *Ontario Heritage Act* it is stated that:

If a property that has not been designated under this Part has been included in the register under subsection (3), the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality

at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure.

2.3 The London Plan

The London Plan is the City of London's new Official Plan and has been entirely in force and effect, as of May 2022. *The London Plan* sets out a new approach for planning in London which emphasizes growing inward and upward, so that the City can reduce the costs of growth, create walkable communities, revitalize urban neighbourhoods and business areas, protect farmlands, and reduce greenhouse gases and energy consumption. The plan sets out to conserve the City's cultural heritage and protect environmental areas, hazard lands, and natural resources.

Specifically related to heritage conservation, *The London Plan* outlines a number of policies related to the conservation of cultural heritage resources within the city. The following General Cultural Heritage Policies are applicable to this project:

(565_) New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A heritage impact assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.

(566_) Relocation of cultural heritage resources is discouraged. All options for on-site retention must be exhausted before relocation can be considered.

(567_) In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resource is found necessary, as determined by City Council, archival documentation may be required to be undertaken by the proponent and made available for archival purposes."

(568_) Conservation of whole buildings on properties on the Register is encouraged and the retention of facades alone is discouraged. The portion of a cultural heritage resource to be conserved should reflect its significant attributes including its mass and volume.

(569_) Where, through the process established in the specific Policies for the Protection Conservation and Stewardship of Cultural Heritage resources section of this chapter and in accordance with the Ontario Heritage Act, it is determined that a building may be removed, the retention of architectural or landscape features and the use of other interpretive techniques will be encouraged where appropriate.

(586_) The City shall not permit development and site alteration on adjacent lands to heritage designated properties or properties listed on the Register except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved.

(590_) Where a property has been identified on the Register and an application is submitted for its demolition or removal, the Heritage Planner and the Clerks Department will be notified in writing immediately. A demolition permit will not be issued until such time as City Council has indicated its approval, approval with conditions, or denial of the application pursuant to the Ontario Heritage Act. Council may also request such information that it needs for its consideration of a request for demolition or removal.

(591_) Where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost, and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development.

2.3.1 Municipal Heritage Alteration Permit

The Subject Property at 16 Wellington Road is not designated under the *Ontario Heritage Act*, and therefore a heritage alteration permit is not required.

3. Summary of Background Research and Analysis

For the full documentation of the background, and research refer to the *Cultural Heritage Evaluation Report: 16 Wellington Road, London Ontario*. (AECOM, November 2018). The following summarizes the research of the CHER and new information gleaned during the production of this HIA.

3.1 Historical Background – Land use History

3.1.1 1810-1850

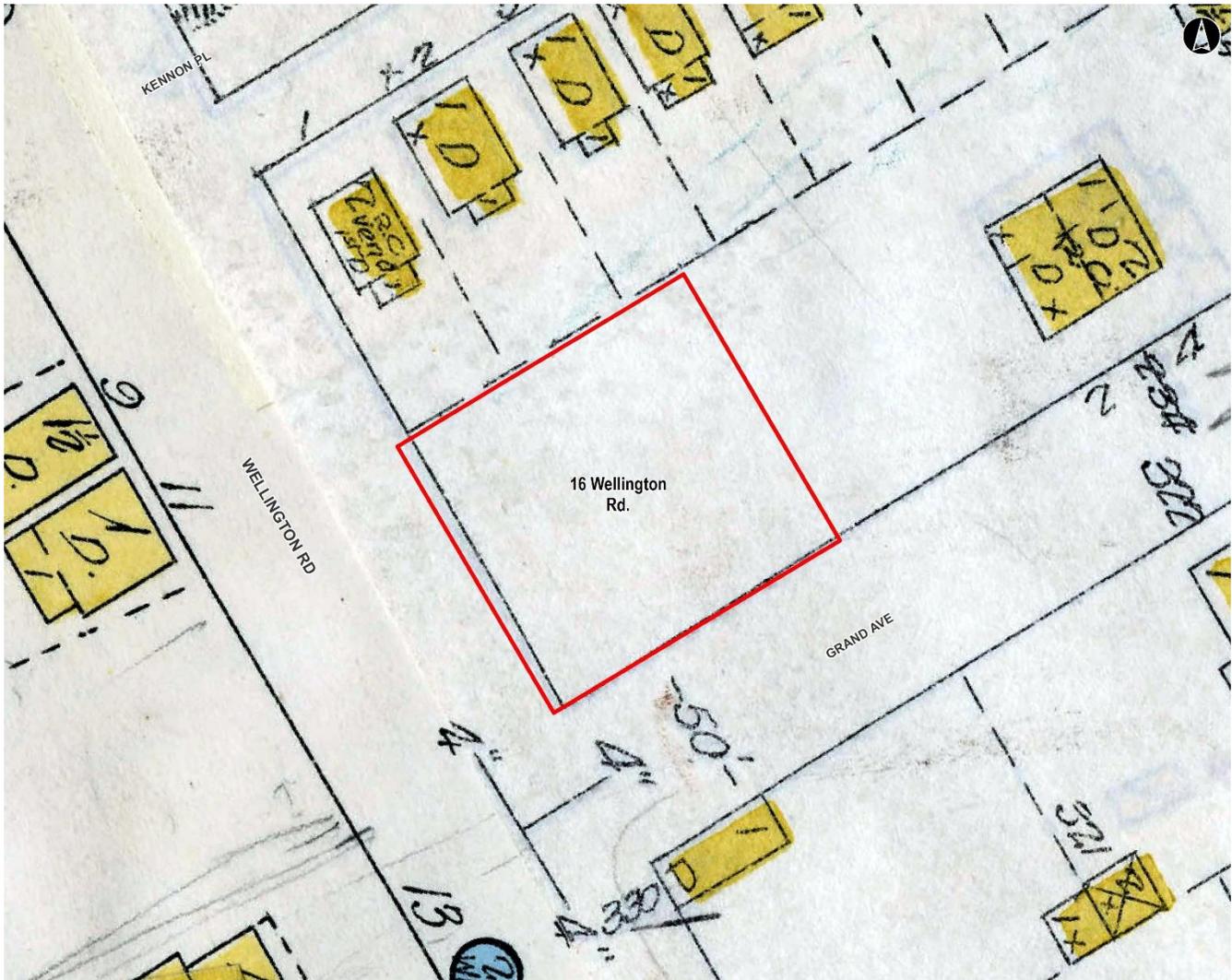
The Subject Property is located in the northern portion of Lot 25, Broken Front Concession, or Concession “B” in the former Westminster Township. Located on the west side of Wellington Road, Lot 25 was vacant for many years following its original survey. In 1839, Albert Scriver Odell received 69 ½ acres in the north portion of the lot from the Crown. The southern portion of the lot was deeded to Edward Matthews in 1850. Odell already owned Lot 24 immediately to the east, having purchased it from James Lester in 1822. The Odell family was one of the earliest families to settle in Westminster Township. Albert was the first of his family to arrive in the Township in 1810, settling on Lot 24, Concession I, along Commissioners Road near the present Victoria Hospital. One of ten children, Albert was born in 1787 to John Odell and Enor Schriver. The Odell family had originally settled in Dutchess County, New York, and were of Dutch origin. John left New York following the American Revolution and relocated near Montreal. All of John and Enor’s children would eventually settle in Westminster Township, with the exception of their son Loop, who died in Lower Canada. The first records of the Westminster Council, dated March 4th, 1817, identify Albert S. Odell and Robert Frank as “overseers of highways”. Albert Odell did not reside on the Subject Property; however, the 1854 assessment roll lists him as living on Lot 26, Concession I, former Westminster Township. Albert and his wife, Charlotte Percival, did not have children. Charlotte predeceased Albert sometime prior to 1852; Albert himself passed away in 1856.

3.1.2 1851-1945

In 1851, a section of the original Lot 25 west of Wellington Road and immediately south of the Thames River was subdivided into smaller residential lots and registered as Plan 11 (4th). The Subject Property at 16 Wellington Road comprises a portion of Lot 13 from this plan.

The *1912 Rev. 1922 Insurance Plan of the City of London, Ontario (Figure 3)* shows that the surrounding area was well developed by the turn of the twentieth century. A number of brick and frame houses were present along Kennon Place and Clarke Street (Grand Avenue).

Figure 3: Subject Property Overlaid on the 1912 Rev. 1922 Goad's Fire Insurance Plan of the City of London



Lot 13 remained vacant until 1939 when the land was bought by the Western Trust Company for \$1478.85. In the same year, the Western Trust Company would subdivide the land into five parcels. The vacant corner portion of Lot 13 where the Subject Property is located was purchased by the City of London in 1941 for an unknown price and was later sold to Robert Dobbyn in 1945 for \$275.

3.1.3 1946-Present

In 1946, Robert Dobbyn designed and built 16 Wellington Road to serve as his new office and printing plant for the Art Novelty Company (**Image 1**) (Dirks, 1999). The building was designed as a streamlined one-storey white stucco structure with a flat roof, glass-block windows, and a round front entrance.

The Art Novelty Company specialized in the production of advertising “novelties” (which would today be known as promotional products) such as calendars, flyers, and postcards. The company was originally founded in Strathroy, Ontario. In 1922, it was purchased by Robert’s father Alfred B. Dobbyn, and Hedley Smith. They moved the company to London and converted the garage of Alfred’s house at 385 Wortley Road into a print shop (Dirks, 1999).

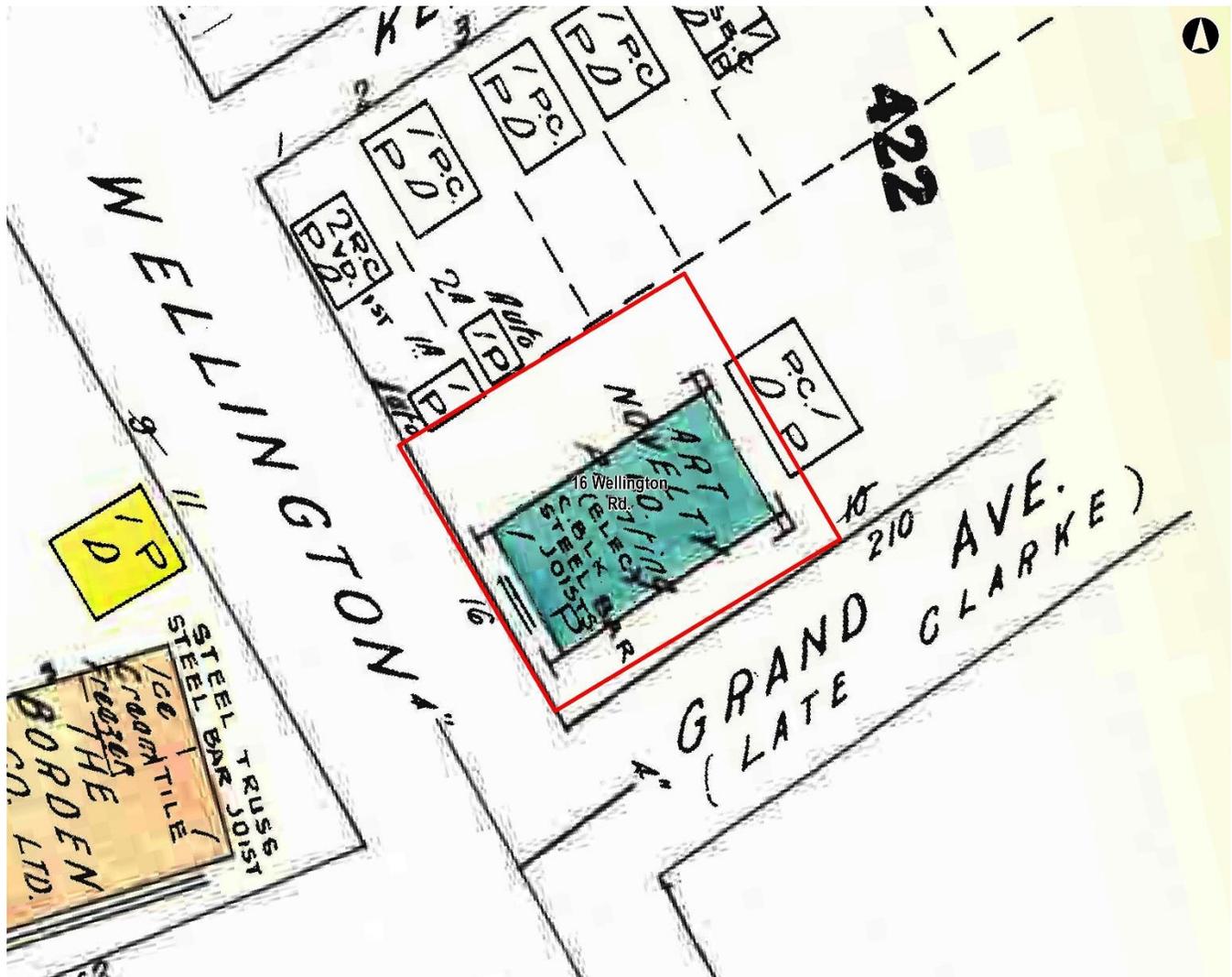
Alfred B. Dobbyn was born in Canada in 1872 to parents of Irish descent. Alfred married his wife, Christine Dobbyn on April 5, 1894. The couple had a total of five children. Robert Dobbyn was born on June 2, 1912 and was the youngest of Alfred's children.

Robert Dobbyn joined the Art Novelty Company business after finishing high school, and eventually took it over. After taking over the business, Robert decided the business needed a new image and a smart new building (Dirks, 1999).

In 1946, the building was constructed in the Art Moderne architectural style. The first evidence of a building at 16 Wellington Road is in the 1947 City Directory, with the Art Novelty Company listed as the business on the property. Robert Dobbyn was also listed as a printer living at 435 Worley Road in the Canadian Voters List, 1949. The company operated under the Art Novelty Company name for twenty-three years, before being renamed Dobbyn Creative Printing Limited in 1969 (**Image 2**).

The *1958 Goad's Fire Insurance Plan of the City of London* illustrates the Art Novelty Company Printing building located within the Subject Property (**Figure 4**). The figure shows that the building is constructed of concrete block with steel bar joists. There is a parapet. The figure also demonstrates that the original configuration of the building has a rectangular footprint. The concrete block addition post-dates the building's depiction in the 1958 Goad's Fire Insurance Plan of the City of London.

Figure 4: Subject Property Overlaid on the 1958 Insurance Plan of the City of London



On February 1, 1973, Robert Dobbyn leased the property to Dobbyn Creative Printing Limited for an undisclosed price (OnLand). On September 1, 1977, Robert Dobbyn sold the property to Lorne D. Evans and Donald K. Lovell for an undisclosed price. One year after the purchase, on September 1, 1978, Lorne D. Evans and Donald K. Lovell sold the property to Evlo Limited for an undisclosed price (OnLand). It is presumed that Lorne D. Evans and Donald K. Lovell continued to own Dobbyn Creative Printing Limited as they were featured in the September 23, 1980, article featuring the business in the London Free Press (**Appendix B**) (Hynes, 1980). Sometime between 1978 and 1992 the ownership of the property changed from Evlo Limited to Dobbyn Creative Printing Limited. On April 3, 1992, Dobbyn Creative Printing Limited sold the property to Donald K. Lovell and Dorthey Lovell for \$270,000. At this time, Terry McDonald is recognized as the owner of Dobbyn Creative Printing Limited (Dirk, 1999). Terry was the fifth owner of Dobbyn Creative Limited when he bought the business in 1992.

As recently as 2010, the building continued to be used as a printing facility by Murray Prepress Limited. In 2015, after 70 years of the building being used as a printing facility, the property was sold to a company identified as 16 Wellington Holdings Limited, and currently houses a fitness centre called “The Training Station”, and a naturopathic clinic called “Rebalance London”.



Image 1⁶:
16 Wellington Road circa. 1948, showing the building occupied by Art Novelty Company

⁶ Retrieved from: *Western Archives, Western University via Historypin.net*

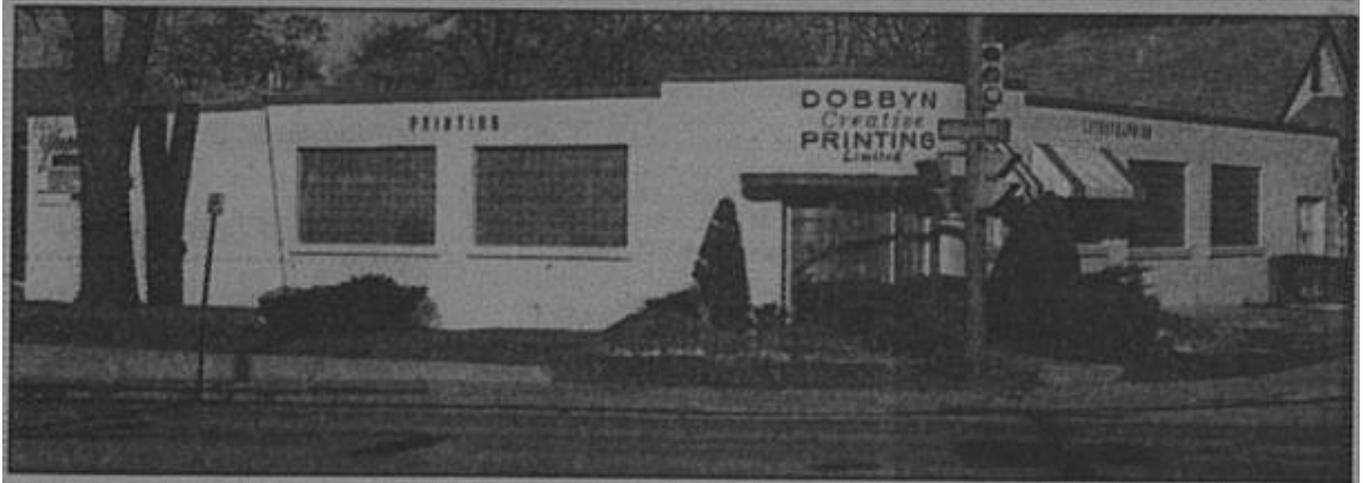


Image 2⁷:
16 Wellington Road – Dobbyn Creative Printing Limited, circa 1993

⁷ Retrieved From: Dirk, 1999, London Free Press

4. Heritage Evaluation of 16 Wellington Road

4.1 Statement of Cultural Heritage Value

The Statement of Cultural Heritage Value and the Heritage Attributes were excerpted directly from the *Cultural Heritage Evaluation Report: 16 Wellington Road, London Ontario* (AECOM, November 2018).

4.1.1 Description of the Property

Situated on the northeast corner of the intersection of Wellington Road and Grand Avenue in the City of London, Ontario, the property at 16 Wellington Road is a relatively squared corner property that maintains significant frontage along both roads. The property includes a small grass area, and parking lot along Grand Avenue, however, the vast majority of the property consists of the single storey building that defines the property. Constructed of concrete block, the south and west façades of the building are clad in smooth, white parged concrete and the building is designed in the Art Moderne architectural style. In addition, the building utilizes its location as a corner building with its main entrance situated at the corner of the property.

4.1.2 Cultural Heritage Value

Originally constructed in 1946, the building located at 16 Wellington Road is a rare, representative example of Art Moderne style architecture within the City of London. The building was initially designed and constructed by Robert Dobbyn to serve as a new office and printing plant for his company, the Art Novelty Company, which specialized in the production of advertising novelties, or promotional materials. Dobbyn's company moved operations from Strathroy, Ontario, where the company was founded to take up residence in the purpose-built structure at 16 Wellington Road in 1947. The Art Novelty Company continued to operate from this location for 23 years before being re-named to the Art Dobbyn Company in 1969. The company passed through various ownerships in the late-20th century; however, the Dobbyn name maintained its association with the building and the property. More recently, the building was home to the Murray Press Limited, another printing facility, and today the building houses a fitness centre and naturopathic clinic.

As an example of Art Moderne architecture, the building includes various design elements that are considered key features of the style. As an evolution of the Art Deco style, the building's horizontal massing, flat roof, rounded corner, glass block windows, and horizontal, streamlined appearance are all key elements associated with the style. The smooth white concrete parging, flat roof, low, horizontal form, rounded corner, and centre frontispiece contribute to this building's design value as a rare and representative example of the Art Moderne style. Further, the style is relatively under-represented within the City of London, and the building at 16 Wellington Road is a good example of this style within the City.

The building at 16 Wellington Road is also functionally and physically important in defining the intersection of Wellington Road and Grand Avenue. The building maintains frontage along both Wellington Road and Grand Avenue and is built in a style that utilizes rounded corners as an aesthetic component. As a result, the style functions in manner that assists in the contextual value of the property, as the building and its rounded corners plays a role in defining one of the corners of this intersection. The building's style and form lends itself to the landscape and its setting at this intersection.

4.1.3 Heritage Attributes

The heritage attributes that reflect the cultural heritage value of the property include:

- Single-story building with horizontal massing

- Flat roof
- Rounded corner entrance, consisting of its walkway, awning, glass block sidelights, front door, and
- projected awning
- Glass block windows used throughout the building and sidelights, utilized in the centre door to the building
- Original/early wood front door, with three windows, original hardware, and metal letter slot
- Smooth concrete cladding
- Orientation of building, with main entrance addressing the corner of the intersection

5. Assessment of Existing Conditions

5.1 Introduction

In November 2018, Liam Smythe, Cultural Heritage Specialist with AECOM completed a field review of the Subject Property as part of the completion of the CHER. A second field review was completed for this HIA by Tara Jenkins, Cultural Heritage Specialist with AECOM on October 26, 2021, from the public right-of-way to identify any changes to the property since the completion of the CHER. Photographs from the 2021 field reviews are found in **Appendix A** of this HIA.

5.2 Description of Surrounding Context

The Subject Property with the municipal address of 16 Wellington Road is located within Design Segment 1 (York Street to Grand Avenue) of the Wellington Gateway Phasing Plan. The property at 16 Wellington Road is located at the northeast corner of the intersection of Wellington Road and Grand Avenue (**Figure 1** and **Figure 2**). Historically, the Subject Property is located on Lot 25, Broken Front Concession or Concession “B”, of Westminster Township. It is now part of the South London within the City of London.

Wellington Road is a major four-lane traffic artery that passes through the area from southeast to northwest. Grand Avenue is a two-lane residential street following an east-west orientation. A set of traffic signals controls the intersection. While the neighbourhood surrounding the Subject Property is primarily a residential area, a number of one and two-storey commercial establishments are located along Wellington Road, particularly north of Watson Street. Around the Subject Property, there is a mixture of single detached houses, and semi-detached houses, interspersed with stores and restaurants along both sides of the road. Sidewalks are present along both sides of Wellington Road, with street lighting mounted on wooden utility poles. There are a few trees present along Wellington Road, aside from those located on private properties. Residential streets in the area are straight, following a loose grid pattern with short rectangular blocks. Grand Avenue, Watson Street, and Kennon Place are all dead-end streets that terminate a short block east of Wellington Road. Residential units are typically small one or one-and-a-half-storey detached or semi-detached houses, constructed in the early to mid-twentieth century. Most of these houses are located on large to medium rectangular lots with mature trees.

5.3 Property Description

In general, the existing conditions of the Subject Property and building have not changed in any significant manner since the property’s documentation in 2018 for the CHER.

5.3.1 Industrial/Commercial Building

The Subject Property consists of a one-storey rounded corner industrial/commercial building, that is designed in the Art Moderne architectural style. The original building was constructed in 1946 with concrete blocks. It has a rectangular footprint with a flat roof and is clad in white smooth stucco. A rectangular one-storey concrete block addition built after 1958, spans the north elevation of the original building.

5.3.1.1 South and West Elevations

The south and west elevations are designed in the Art Moderne style (**Photograph 1**). The south elevation faces Grand Avenue while the west elevation faces Wellington Road. The southernmost end of the elevations form a rounded corner which is the location of the main entrance. The rounded corner creates a frontispiece, projected

slightly forward from the rest of the façade, with a raised step in the otherwise straight cornice. The entranceway consists of a single door flanked by two slender round posts, and sidelights of glass block. The door is made of wood. A flat concrete awning extends out from the façade above the doorway, following the curve of the façade. Like the cornice, it is finished with black painted metal flashing (**Photograph 2**).

To the east of the entrance is a small, vertically oriented, four-over-four sash vinyl casement-style window, with a fabric-covered awning and concrete sill. The remainder of the south elevation has three large, equally spaced, horizontally arranged windows with concrete sills. The westernmost window opening has been updated with two 4-over-4 casement-style windows. The other two windows are original to the building and consist of frosted glass blocks. A pair of double doors are present at the easternmost end of the façade. Signage for “The Training Station” is present above the easternmost glass block window, and a round red sign is affixed to the building just above the double doors. The windows on the structure are not original to the construction of the building.

The western elevation, like the south elevation, has black metal flashing along the cornice (**Photograph 4**). The southernmost end of the elevation forms a rounded corner with the south façade with the main entrance. Approximately halfway along the elevation, there is a setback suggesting that a concrete block extension has been added (**Photograph 3**). The remainder of the façade has two large, equally spaced, horizontally arranged frosted glass block windows with concrete sills (**Photograph 5**).

5.3.1.2 North Elevation

The north elevation is obscured by a neighbouring fence. It consists of a single-storey concrete block addition that has been painted white. Like other elevations, it has black-painted metal flashing on the cornice, with a small step towards the western end. There are two small rectangular horizontal sliding windows visible at the western end of the façade (**Photograph 3**).

5.3.1.3 East Elevation

The east elevation is partially obscured by the neighbouring residential structure. It consists of a single storey façade of white painted concrete blocks. There are two small window openings with horizontally arranged 6-over-6 sash windows with concrete sills. A small storage box with a hinged lid is attached to the building’s east façade. No photos are provided of the east elevation.

5.3.2 Landscape

Consistent with residential properties along Grand Avenue, the building at 16 Wellington Road is setback from the property line. Its frontage on Grand Avenue consists mainly of hardscape used for automobile parking. The corner entrance and Wellington Road frontage are landscaped with a small lawn, several mature trees, and a pair of hedgerows along the entrance footpath. There is also a small retaining wall and a mature tree in the lawn along the Wellington Road frontage. There are no other buildings located on the Subject Property.

5.3.3 Adjacent Properties

The properties adjacent to 16 Wellington Road include a mid-twentieth century residential subdivision to the north and east. The Subject Property is bound by Wellington Road to the west (across from Wellington Road is 162 Grand Avenue), Grand Avenue to the south, residential property to the east (210 Grand Avenue), and residential properties to the north (1, 2, and 3 Kennon Place).

Based on the City of London’s *Register of Cultural Heritage Resources* and a review of the CHER for the Subject Property (AECOM, 2018), there are three Listed properties adjacent to the Subject Property. 1 Kennon Place, 2 Kennon Place, and 3 Kennon Place were all Listed on March 27, 2018. The three properties are adjacent to the rear

of the Subject Property, to the north, and are separated by a wooden fence. In addition, located across Wellington Road is 162 Grand Avenue, which was also Listed on March 27, 2018.

6. Impact Assessment

6.1 Description of the Proposed Project

The City of London retained AECOM for Design Segment 1 for the Detailed Design of the Wellington Gateway London BRT Project. In June 2021, AECOM completed the 90% Detailed Design for Wellington Gateway. The project is scheduled for phased construction beginning in 2023 to 2026.

Based on the 90% Detailed Design (**Figure 5**), the impacts to 16 Wellington Road are directly related to the widening of Wellington Road to accommodate dedicated transit lanes and to align with the widening of Clark's Bridge over the Thames River.

The 90% Detailed Design in the vicinity of the Subject Property, shows that on the east side of Wellington Road, the sidewalk and curb will encroach into the Subject Property to accommodate the new bus lanes. The 90% Detailed Design also shows that infrastructure improvements will require the demolition of the structure within 16 Wellington Road. There is a proposed retaining wall within the Subject Property.

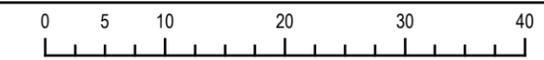


Legend

- Edge of Pavement
- Curb
- Lane Markings
- Sidewalk
- Retaining Wall
- Parcel Boundary
- Subject Property

**Heritage Impact Assessment
Wellington Gateway Bus Rapid Transit
& Infrastructure Improvements**

90% Design
16 Wellington Road, City of London



DATUM: NAD 1983 UTM Zone 17N

October 2022	1:600 *when printed 11"x17"	Source: MNRFP 2020, City of London 2021 Image: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User
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AECOM	Figure 5
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6.2 Assessment of Impacts

6.2.1 Screening for Potential Impacts

To assess the potential impacts of the undertaking, identified cultural heritage resources are considered against a range of possible impacts based on the *Ontario Heritage Tool Kit, Heritage Resources in the Land Use Planning Process, InfoSheet #5 Heritage Impact Assessments and Conservation Plans* (MTCS 2006:3) which include, but are not limited to:

- Destruction, removal, or relocation of any, or part of any, significant heritage attributes or features
- Alteration that is not sympathetic, or is incompatible, with the historic fabric or appearance
- Shadows created that alter the appearance of a heritage attribute or change the exposure or visibility of a natural feature or plantings, such as a garden
- Isolation of a heritage attribute from its surrounding environment, context, or a significant relationship
- Direct or indirect obstruction of significant views or vistas from, within, or to a built or natural heritage feature
- A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces
- Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource⁸

The MTCS document defines “impact” as a change, either positive or adverse, in an identified cultural heritage resource resulting from a particular activity. This HIA identifies *direct (physical) impacts, indirect impacts, and/or positive impacts* as the impact types that a construction component and/or activity may have on cultural heritage resources.

A direct (physical) negative impact has a permanent and irreversible negative effect on the cultural heritage value or interest of a property or results in the loss of a heritage attribute on all or part of the heritage property. Any land disturbance, such as a change in grade and/or drainage patterns that may adversely affect a heritage property, including archaeological resources. An indirect negative impact is the result of an activity on or near the property that may adversely affect its cultural heritage value or interest and/or heritage attributes. A positive impact will conserve or enhance the cultural heritage value or interest and/or heritage attributes of the property.

6.2.2 Impact Assessment Approach

Based on the 90% Detailed Design, the Subject Property will be directly impacted by the demolition of the structure within 16 Wellington Road. The proposed new roadway alignment will create a widened road, complete with a new retaining wall, curb, and sidewalk on the northeastern side of Wellington Road. This proposed new infrastructure is within the current property boundary of the Subject Property. The impact assessment of the proposed project in **Table 2**, below, presents the possible impacts in the *Ontario Heritage Tool Kit, Heritage Resources in the Land Use Planning Process, InfoSheet #5 Heritage Impact Assessments, and Conservation Plans* (MTCS 2006:3).

⁸ This HIA only examines impacts to above-ground cultural heritage resources. Archaeological resources are presented in a separate report.

The conservation of cultural heritage resources in planning is a matter of public interest. Changes to a roadway such as widening projects and modifications to intersections have the potential to adversely affect cultural heritage resources by direct impacts.

This HIA documents the assessment of anticipated construction impacts on the Subject Property as related to the 90% Detailed Design.

The intention of the impact assessment contained in this HIA is to:

- Review the Detailed Design as it relates to the Subject Property;
- Identify the impacts as outlined in the *Ontario Heritage Toolkit* (MTCS 2006) based on the 90% Detailed Design on the Subject Property; and
- Provide mitigation measures to avoid or mitigate potential direct and indirect adverse impacts to the Subject Property, including its heritage attributes. The proposed mitigation measures inform the next steps of the project planning and design.

The following section presents the results of the impact assessment and outlines the potential impacts to the Subject Property based on the 90% Detailed Design of the project for Segment 1 of Wellington Road.

6.2.3 Assessment of Impacts

Based on the 90% Detailed Design for the project, the property at 16 Wellington Road will be directly impacted. The impact assessment of the proposed project in **Table 2** utilizes presented the possible impacts in the *Ontario Heritage Tool Kit, Heritage Resources in the Land Use Planning Process, InfoSheet #5 Heritage Impact Assessments and Conservation Plans* (MTCS 2006:3):

Table 2: Impact Assessment – 16 Wellington Road

Impact	Discussion of Impacts
Destruction, removal, or relocation	<p>Direct Adverse Impact – Destruction of the Structure at 16 Wellington Road:</p> <p>Based on the 90% Detailed Design (Figure 5), the impacts to 16 Wellington Road are directly related to the widening of Wellington Road to accommodate dedicated transit lanes and to align with the widening of Clark’s Bridge over the Thames River. The 90% Detailed Design indicates that the Subject Property will accommodate a widened road complete with a new retaining wall, new curb, and sidewalk on the eastern side of Wellington Road. This proposed new infrastructure is within the current property boundary of the Subject Property. Given the 90% Detailed Design overlay, the design indicates that this will require the demolition of the building located within the Subject Property.</p>
Alteration	<p>No direct adverse impact.</p> <p>This category is not applicable as the building within the Subject Property will be removed by the proposed development.</p>
Shadows	<p>No indirect adverse impact.</p> <p>This category is not applicable as the building within the Subject Property will be removed by the proposed development.</p>
Isolation	<p>No indirect adverse impact.</p>

Impact	Discussion of Impacts
	This category is not applicable as the building within the Subject Property will be removed by the proposed development.
Direct or indirect obstruction of significant views	<p>No indirect adverse impact.</p> <p>This category is not applicable as the building within the Subject Property will be removed by the proposed development.</p>
A change in land use	<p>Direct Adverse Impact – Minor Change in Land Use</p> <p>Based on the 90% Detailed Design (Figure 5), the impacts to 16 Wellington Road are limited to an estimated 0.036 hectares of land. The estimated 0.036 hectares of land will be impacted and changed into the dedicated transit lanes, retaining wall, new curb, and sidewalk on the eastern side of Wellington Road.</p>
Land disturbance	<p>No indirect adverse impact – Soil Disturbance</p> <p>There is an expected soil disturbance involved in the removal of the proposed building. However, these lands have been previously disturbed by the construction of the existing building on the Subject Property.</p> <p>Refer to the Stage 1-2 Archaeological Assessment that was completed during the TPA</p>

6.2.4 Summary of Impacts

The proposed Wellington Gateway section of the London BRT project is anticipated to directly impact the Subject Property through the demolition of the building located at 16 Wellington Road. This property was determined to meet the criteria of Ontario Regulation 9/06 based on the CHER completed in November 2018 (AECOM, 2018). The destruction of the structure within the Subject Property is an adverse impact to the cultural heritage value and interest of the property. Mitigation measures options and recommendations have been summarized in **Section 7** and **Section 8** below.

7. Assessment of Mitigation Options

The property at 16 Wellington Road has cultural heritage value or interest since it meets the criteria set out in O. Regulation 9/06 of the *Ontario Heritage Act*. As identified, the proposed development will have a direct adverse impact on the cultural heritage value of the building located within 16 Wellington Road. Accordingly, three mitigation options are presented.

- Retention *in Situ* (Alternative 1)
- Relocation (Alternative 2)
- Demolition with Additional Mitigation Measures (Alternative 3)

7.1 Evaluation of Alternatives

7.1.1 Retention *in Situ* (Alternative 1)

The Environmental Assessment process⁹ included reviewing multiple design alternatives for each proposed leg of the BRT system and experienced a “Time Out” Process as outlined in Section 1.6.4 of the EPR, stating that further consideration was required for the cultural heritage strategy before completing the TPAP. Throughout the process, many factors were taken into consideration to find the optimal design solution, which formed the Council-approved EPR drawings. These drawings included consideration for minimizing property impacts while designing the transportation infrastructure required within the right-of-way such as minimum sidewalk, bike lanes, vehicle lanes, dedicated bus lanes, median widths, and setbacks. Throughout detailed design, the City and Consultants reviewed the EA design for Wellington Road and made adjustments where possible to help revise the right-of-way to further scale back property impacts.

The Subject Property is located within the Wellington Road Curve design segment which is located along Wellington Road south of the Thames River to Base Line Road crossing. This section of the road has an existing reverse horizontal curve¹⁰ (or “S” curve), which does not meet current design standards. Various alignments and configurations were considered for this section of Wellington Road. The preferred design of the 90% Detailed Design is to lengthen the curves improving the safe movement of vehicles, which will result in an improvement to pedestrian safety. Wellington Road will have two centre running BRT lanes with two lanes of traffic in either direction. The preferred design of the Wellington Road Curve has been optimized in preliminary design to reduce the impacts to the fronting properties where possible while meeting the design standards and safety requirements along this portion of the road.

The property and building located at 16 Wellington Road is directly impacted by the proposed roadway alignment. The impacts are directly related to the widening of the road itself, to accommodate the dedicated transit lanes, and improve the overall horizontal geometry of the road to improve vehicle and pedestrian safety along this portion of the corridor. At this specific location, the signalized Grand Avenue intersection is being maintained, which includes the northbound left turn lane and the inclusion of a bike lane/multi-use path. The additions will result in a wider road cross-section. A shift of alignment to the west to reduce the impacts to 16 Wellington Road would create impacts to three multi-unit residential buildings and a single commercial building. Therefore, avoiding the building at 16 Wellington Road is not feasible.

⁹ The environmental assessment process ensures that governments and public bodies consider potential environmental effects before an infrastructure project begins.

¹⁰ A reverse curve (or “S” curve) is a section of the horizontal alignment of a highway or a railroad route in which a curve to the left or right is followed immediately by a curve in the opposite direction.

7.1.2 Relocation (Alternative 2)

Where retention *in situ* is not feasible, relocation is often the next option considered to mitigate the loss of a heritage resource. As with retention, relocation of a structure must be balanced with cultural heritage value or interest identified. Relocation removes the building at 16 Wellington Road from its contextual setting but allows for the preservation of its heritage attributes. This is only a viable option where the integrity of the structure is sound, and an economically viable new location is available.

The footprint of the Subject Property boundary is not large enough to allow for the relocation of the building at 16 Wellington Road within the property. Therefore, relocation of the building is not feasible within the current Subject Property boundary. To relocate the building off-site, it would have to be relocated to a sympathetic site, which would include its relocation to a large vacant lot at the corner of an intersection, preferably on Wellington Road. The entrance of the building should remain orientated to the corner of an intersection since this is a heritage attribute of the property. However, as review of Google Maps and the Multiple Listing Services (MLS) Gallery map did not identify any vacant lots for sale on a corner lot along Wellington Road that could accommodate the building. In addition, relocating a structure of this size is likely to result in damage to the building. Therefore, it is considered by AECOM that relocation of the building within the Subject Property for this project is not feasible.

7.1.3 Demolition with Additional Mitigation Measures (Alternative 3)

Demolition is the mitigation option only when retention or relocation is not feasible. Removing this structure without further mitigation would not comply to Policy 591 which states; *where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including detailed documentation of the cultural heritage features to be lost and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development.* In addition, Policy 569 states that *where through the process established in the specific Policies for the Protection Conservation and Stewardship of Cultural Heritage resources section of this chapter and in accordance with the Ontario Heritage Act, it is determined that a building may be removed, the retention of architectural or landscape features and the use of other interpretive techniques will be encouraged where appropriate.*

Based on AECOM's assessment of Alternative 1 and Alternative 2, demolition is considered the only viable option for this property. Therefore, the following sections present the mitigation measures required for demolition.

7.1.3.1 Demolition with Documentation

Given the property has been determined to have cultural heritage value or interest, prior to the demolition of the building at 16 Wellington Road, documentation is required. Documentation will provide a record of the building's construction details and a detailed photographic record of the resource, including its interior. Documentation is required before there are any changes to the property. Adequate documentation may involve high-resolution photography, photogrammetry, LiDAR scan or measured drawings of all elevations, and additional structure-specific research and analysis. Drawings must be drawn to scale and include:

- Overall dimensions
- Site plan depicting the location of the existing building
- Elevation plan for each elevation of the existing building
- Specific sizes of existing building elements of interest (signs, windows, awnings, etc.)
- Detailed information including trim, siding, mouldings, etc., including sizes and profiles
- Building materials used
- Interior documentation, including photographs and a floor plan

The quality of the documentation must be such that the building can be understood even though the physical evidence has disappeared. The documentation report will be filed with the Heritage Planner at the City of London.

7.1.3.2 Demolition with Commemoration

Given the property has been determined to have cultural heritage value or interest commemoration is required. Commemoration creates a public record of the Subject Property and provides a physical reminder of the land use history of the property. A commemoration strategy communicates the cultural heritage value of the building after it is demolished. The following commemorative options have been proposed to memorialize and remember the former Dobbyn Creative Printing Company building located at 16 Wellington Road:

Commemorative Option A: Cultural Heritage Interpretative Sign

Commemorative Option A recommends the installation of a cultural heritage interpretative sign on the site of 16 Wellington Road, the location of the Dobbyn Printing Company Building. A sign will present a textual and pictorial historical and architectural overview of the Dobbyn Creative Printing Company itself and the associated printing facility currently located at 16 Wellington Road.

The cultural heritage interpretative sign should be installed by the City of London on a portion of the Subject Property that will remain in ownership by the City (i.e. the new Wellington Road right-of-way). The location of this sign should be specified in the Issued for Tender Documents and the construction level drawings and should be installed after the demolition of the building and completion of the project. Consider using historic images as documented in this report (**Image 1 or Image 2**)¹¹. The following provides a draft of the text for a cultural heritage interpretative sign:

Dobbyn Creative Printing Limited
Built-in 1946

In 1946, Robert Dobbyn, owner of the Art Novelty Company, designed and constructed the building at 16 Wellington Road. The new building would serve as a new office and printing plant for the company. The Art Novelty Company specialized in the production of advertising “novelties” (which would today be known as promotional products) such as calendars, flyers, and postcards. The business began in 1922 when Robert’s father, Alfred B. Dobbyn and Hedley Smith, purchased the Strathroy based Art Novelty Company. The original location of the business was in the garage of Albert B. Dobbyn’s home at 385 Wortley Road.

In 1969, the Art Novelty Company was renamed by Robert Dobbyn to Dobbyn Creative Printing Limited. The Dobbyn name was maintained for over 70 years. In 2010, the building was the printing facility for Murray Prepress Limited. In 2015, the property was sold and was no longer used for printing.

Robert Dobbyn designed the building at 16 Wellington Road in the Art Moderne architectural style. As an evolution of the Art Deco style, the building’s horizontal massing, a round corner entrance, stucco cladding, glass block casement windows, and black metal flashing along the roofline, are all key elements of the Art Moderne style which gave the building an overall streamlined appearance.

Commemorative Option B: Retaining Wall and Salvage

Based on the 90% Detailed Design, a retaining wall is anticipated to be located within the Subject Property. This commemoration option recommends that the retaining wall proposed for this property is designed with Art Moderne design elements which would commemorate the Art Moderne style of the former printing facility. The following architectural elements should be considered for commemoration:

¹¹ Note, for Image 2, the London Free Press was contacted in the production of this HIA, however a digital copy of the image was not obtained at the time of the completion of this HIA.

- Design the retaining wall with a rounded corner. Rounding can be generally accommodated if a cast-in-place concrete wall is considered.
- Consider a painted stucco finish on the retaining wall that could be applied to the concrete.

8. Conclusion and Recommendation

The Subject Property is currently listed on the City of London's *Register of Cultural Heritage Resources*. As part of the CHER completed by AECOM in 2018, the property was evaluated using the criteria of Ontario Regulation 9/06 and was determined to have cultural heritage value or interest. Based on the impact assessment conducted in this HIA, the property will be directly adversely impacted. Specifically, the demolition of the building located at 16 Wellington Road is required as part of the project. Therefore, based on the results of the impact assessment and the assessment of mitigation options presented in **Section 7** of this HIA, the following is recommended.

As retention of the building located at 16 Wellington Road *in-situ* and relocation are not considered to be feasible, and demolition is the only viable option (**Alternative 3**), the following mitigation measures are recommended:

- 1) Prior to any changes to 16 Wellington Road, including the demolition of the building, the City should secure the services of a Qualified Person, such as a professional architect, to measure and photographically document the building in compliance with Policy 567, *the London Plan*. The documentation material should be provided to the City of London Heritage Planner and the material should be appended to this HIA. Drawings must be drawn to scale and should include, but are not limited to:
 - Overall dimensions
 - Site plan depicting the location of the existing building
 - Elevation plan for each elevation of the existing building
 - Specific sizes of existing building elements of interest (signs, windows, awnings, etc.)
 - Detailed information including trim, siding, mouldings, etc., including sizes and profiles
 - Building materials used
 - Interior documentation, including photographs and a floor plan
- 2) Commemoration of the property is required. One or both commemorative options as proposed in **Section 7** of this HIA, should be established in the 100% Detailed Design phase for the Subject Property.
 - a. The following steps are required to implement **Commemorative Option A**, the cultural heritage interpretative sign:
 - Determine the location of the cultural heritage interpretative sign in the 100% Detailed Design phase. Show on the Issued for Tender Documents and the construction level drawings.
 - The cultural heritage interpretative sign is to be referred to London's Cultural Office, with budgeting allocated for its design during the construction phase of this Project.
 - The cultural heritage interpretative sign should be installed following the completion of the demolition of 16 Wellington Road and after the completion of the construction of the Project.
 - b. The following steps are required to implement **Commemorative Option B**, the retaining wall:
 - Design the retaining wall to replicate the Art Moderne rounded corner of the existing building at 16 Wellington Road. The design, including the type of paint and colour of the paint, should be completed in the 100% Detailed Design phase on the Issued for Tender Documents and the construction level drawings. The design drawings and specifications should be included in the documents for Tender.

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Appendix **A**

Photographs



Photograph 1:
South elevation of 16 Wellington Road, looking north (AECOM 2021)



Photograph 2:

View entranceway illustrating the single door that is flanked by two slender round posts and frosted glass block sidelights, looking northeast (AECOM 2021)



Photograph 3:
North elevation and a view of the rear extension, looking southwest (AECOM 2021)



Photograph 4:
West and south elevation of 16 Wellington Road, looking northeast (AECOM 2021)



Photograph 5:

View of the frosted glass block windows with concrete sills, looking east (AECOM 2021)

Appendix **B**

Magazine and Newspaper Articles

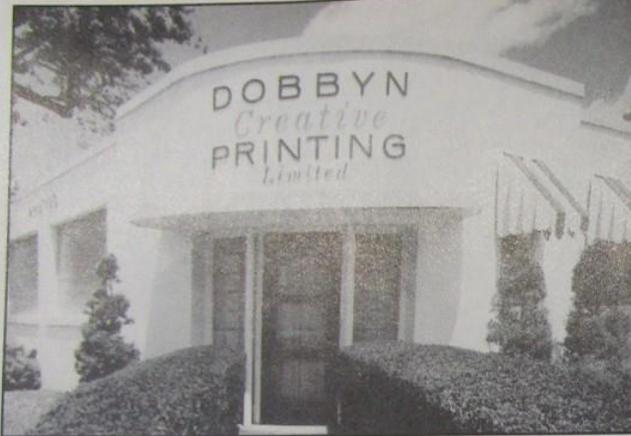


Image 3:
A London Printer Leaves His Mark (Dirk, 1999, London Free Press)



Image 4¹²:
Dobbyn Printing Plant is Downright Neighborly (Hynes, 1980)

¹² Retrieved from: London Magazine (Summer 1993) Pg. 32



**Dobbyn Creative Printing Limited, 16 Wellington Rd.
(corner of Wellington and Grand)**

*Richard Morrison, architect,
Breivik Scorgie Wasylo Morrison Architects inc.*

It's not stylistically prominent, and it's not a landmark in the conventional sense of the word. But for Richard Morrison, the simple and straightforward Dobbyn building "marks the land it sits on and denotes it very clearly," and that makes it special.

Also notable, says Morrison, is the building's principle adornment — its signage. "It's a printer's building and they've been careful in the selection of typography. It fits the building and the building's function perfectly which is rare."

Situated on a commercial strip with not much north of the building to relate to, it manages, says Morrison, to "stand by it-

self without being obtrusive.

Further, the Dobbyn building resolves the corner, Morrison notes is always a difficult element to deal with by eliminating that transition. "That was typical of the Modernist style and it's laudable."

200 Queens Ave. (corner of Queens and Clarence)
*James Patten, curator of contemporary art,
London Regional Art and Historical Museums*

This building catches James Patten's eye regularly when walking in the area. Patten attributes the attraction to a "tension" in the building between its turquoise color, which he finds unusual in architecture; and its subdued, geometric structure. He finds it interesting that the daring color is restrained by the building's grey stone and simple forms.

Patten likes the way 200 Queens expresses its steel grid structure through its facade. "It's so blatantly modern and in contrast to St. Paul's. It suggests the architect was confident and bold and attractive."

There is, notes Patten, a "real sophistication" that was lacking in the decades following. Modernism was "so easy to bastardize that we ended up with a horrible legacy of knock-off apartment buildings and office towers in the years that followed. At 200 Queens the vision of modernism is still fresh and pure."

Patten thinks 200 Queens is an important building in a city that has few good examples of modernism. "I'm terrified that a building like this is a sitting duck for a bad renovation. It would, says Patten, "completely destroy" the subtle relationship of the parts and overall integrity of the building.

Image 5¹³:

Dobbyn Creative Printing Limited, 16 Wellington Rd. (London Magazine, Summer 1993)

¹³ Retrieved from: London Magazine (Summer 1993) Pg. 32

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Appendix D – Heritage Impact Assessment: 26-30 Wellington Road

Heritage Impact Assessment (AECOM Canada Ltd., dated August 2023) – *attached separately*

Heritage Impact Assessment: 26-30 Wellington Road, London, Ontario

Wellington Gateway Bus Rapid Transit and Infrastructure Improvements

Corporation of the City of London

60641336

August 2023

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Revision History

Rev #	Revision Date	Revised By:	Revision Description
0	January 2022	Liam Ryan/Tara Jenkins	Draft HIA prepared
1	October 2022	Liam Ryan	City of London Comments R1
2	August 2023	Liam Ryan	City of London Comments R2

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Wellington Gateway Bus Rapid Transit and Infrastructure Improvements

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1. Introduction

1.1 Project Context

AECOM Canada Ltd. (AECOM) was retained by the City of London to complete a Heritage Impact Assessment (HIA) for the properties with the municipal addresses of 26 Wellington Road, 28 Wellington Road and 30 Wellington Road (the 'subject properties') as part of the work being completed for the Wellington Gateway segment of the proposed London Bus Rapid Transit (BRT) system (the 'project').

At the onset of the Rapid Transit Master Plan (RTMP) process, the proposed route was a 24-kilometre BRT system that comprised of four segments, combined into two operation routes: the north/east corridor and the south/west corridor, with 38 bus stops in total. The BRT system was approved by the City of London Council through the RTMP in July 2017. The second stage of the process was completed using the *Transit Project Assessment Process* (TPAP) under Ontario Regulation 231/08: Transit Projects and Metrolinx Undertakings. As part of the TPAP, an Environmental Project Report (EPR)¹ was completed in 2019. Since the commencement of the TPAP there has been refinement of the BRT network through the development and evaluation of alternative design options, public and stakeholder engagement, and the identification of impacts on the environment.

As a support document to the EPR, a Cultural Heritage Screening Report (CHSR) authored by WSP was finalized in 2019. The CHSR was written to establish a developmental history of the proposed BRT Study Area. The CHSR identified properties with recognized and potential cultural heritage value or interest that may be impacted by the project. The screening criteria of the Ministry of Tourism, Culture and Sport (MTCS) *Criteria for Evaluating Potential Built Heritage Resources and Cultural Heritage Landscapes* and the 40-year threshold were used to identify potential cultural heritage resources, not on the City of London *Register of Cultural Heritage Resources*. With the recommendation of London's Advisory Committee on Heritage (LACH),² Municipal Council added 347 potential cultural heritage resources to the City of London's *Register of Cultural Heritage Resources* as "Listed."

In October 2018, the TPAP process was paused in a "Time Out" process to strengthen the project's cultural heritage strategy. A total of 67 potential cultural heritage resources were identified as having potential cultural heritage value or interest and were determined to potentially be directly impacted by the construction of the BRT. As the project footprint was refined and reduced, the number of properties requiring further work was reduced and as a result, 51 cultural heritage resources required Cultural Heritage Evaluation Reports (CHERs). The subject properties at 26-30 Wellington Road, were three properties identified in the City of London CHSR (October 2018) as being directly impacted by the project and were added to the Heritage Register of Cultural Heritage Resources.

In February 2019, a group CHER was completed by AECOM which included 26-30 Wellington Road as part of the TPAP for the project. Based on the heritage evaluations undertaken in the CHER, 26, 28, and 30 Wellington Road were each determined to meet Ontario Regulation 9/06. The CHER recommended that an HIA be completed for each property if they are to be directly impacted by the project.

To date, the cultural heritage work has been completed with engagement with the Community Advisory Committee on Planning (CACP) and MTCS. The EPR document for the BRT recommends HIAs for properties potentially impacted by the project post-TPAP, in the Detailed Design phase. The EPR states that during Detailed Design, mitigation measures will be addressed to minimize impacts to heritage properties.

¹ The EPR is a thorough report that is required as part of the TPAP. It is intended to provide enough information to understand what the project is and how it will affect the natural, social, cultural, transportation and economic environments.

² Now the Community Advisory Committee on Planning (CACP) serves as the City's municipal heritage committee.

As of July 2021, the City of London is in the 50% Detailed Design phase for the Wellington Gateway segment of the project. The Wellington Gateway segment extends south from the Downtown Loop segment at King Street and extends 7.5 kilometres south along Wellington Street/Wellington Road³ to the intersection of Exeter Road and Bessemer Road near Highway 401. The route includes 11 bus stations, located at King Street, Horton Street East, South Street, Bond Street, Base Line Road East, Commissioners Road East, Wilkins Street, Southdale Road East, Montgomery Gate, Bradley Avenue, and Exeter Road.

Currently, the Wellington Gateway Phasing Plan is comprised of four design segments:

- Design Segment 1 – York Street to Grand Avenue;
- Design Segment 2 – Grand Avenue to Wilkins Street;
- Design Segment 3 – Wilkins Street to Montgomery Gate; and
- Design Segment 4 – Montgomery Gate to Exeter Road.

The following HIA for 26-30 Wellington Road is based on the 50% Detailed Design for Wellington Gateway located in Design Segment 2. The HIA was developed in consultation with the City of London Heritage Planner, Kyle Gonyou. In addition, this HIA includes input from AECOM's structural engineering team and Dillon Consulting Limited, responsible for the Project's detailed design and the Project's Landscape Plan.

1.2 Location and Physical Description of the Subject Properties

The subject properties, shown in **Figure 1** and **Figure 2**, have the municipal addresses of 26 Wellington Road, 28 Wellington Road, and 30 Wellington Road. Historically they are within part of the south half of Lot 25, Broken Front Concession, or Concession "B", in the former Westminster Township, Middlesex County. Currently they are within part of Lot 19, Registered Plan 11(4th). The subject properties are located in South London (also known as Old South) on the east side of Wellington Road, between Watson Street and Grand Avenue. The subject properties are bound by Wellington Road to the west, a vacant residential property to the south (32 Wellington Road)⁴, a residential property to the east (4 Watson Street), and a vacant property to the north.

1.2.1 26 Wellington Road

The building located at 26 Wellington Road is a one-and-a-half-storey building with a side hall plan and a steeply pitched gable roof. It has been designed with Queen Anne Revival style influences and constructed of concrete block circa 1906. The existing conditions section of this report contains a full description of the property and its residential structure (see **Section 5.3.1**).

1.2.2 28 Wellington Road

The building located at 28 Wellington Road is a one-and-a-half-storey building with a side hall plan and a steeply pitched gable roof. It has been designed with Queen Anne Revival style influences and constructed of concrete block circa 1906. The existing conditions section of this report contains a full description of the property and residential structure (**Section 5.3.2**).

³ Note: Wellington Street becomes Wellington Road south of the Thames River

⁴ The structure located within 32 Wellington Road has been removed since the October 29, 2021

1.2.3 30 Wellington Road

The building located at 30 Wellington Road is a one-and-a-half-storey building with a side hall plan and a steeply pitched gable roof. It has been designed with Queen Anne Revival style influences and constructed of concrete block circa 1906. The existing conditions section of this contains a full description of the property and residential structure (**Section 5.3.3**).

1.3 Summary of Property Impacts on 26-30 Wellington Road

The 50% Detailed Design shows that on the northeast side of Wellington Road, the road, curb, sidewalk and boulevard will encroach into each subject property to accommodate the new bus lanes for the project. The 50% Detailed Design also shows that these infrastructure improvements will require the demolition of the three buildings within each subject property (**Figure 4**). As such, and in accordance with the recommendation in the CHER (AECOM, 2019), an HIA is required prior to demolition of any structures on these properties. This HIA will be a support document in the demolition application for each property.

1.3.1 Property Owner

Each subject property is owned by the City of London.

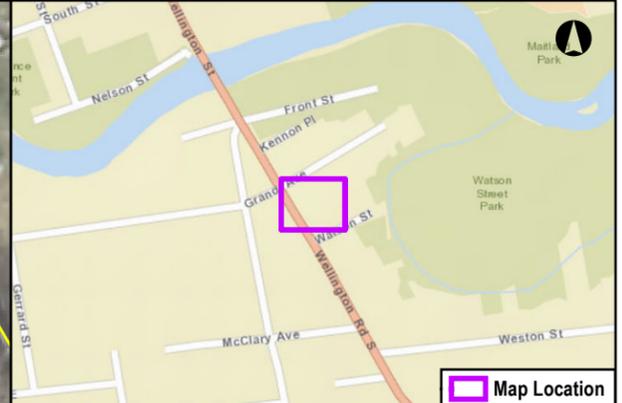
1.3.2 Current Cultural Heritage Status of the Subject Properties

The subject properties, 26, 28 and 30 Wellington Road are individually listed on the City of London's *Register of Cultural Heritage Resources* on March 27, 2018.



Photograph 1:

View of the three buildings located at 26-30 Wellington Road, looking northeast (Photograph taken by AECOM, 2021)

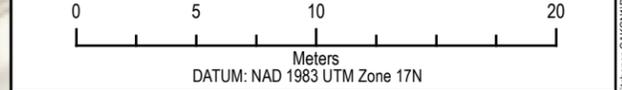


Legend

- Parcel Boundary
- Subject Property

**Heritage Impact Assessment
Wellington Gateway Bus Rapid Transit
& Infrastructure Improvements**

Subject Property - 26 Wellington Road,
28 Wellington Road and 30 Wellington Road
City of London



November 2021	1:300 <small>* when printed 11"x17"</small>	<small>Source: MNR 2020, City of London 2019 Image: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User</small>
P#:60641336	V#:	

AECOM	Figure 2
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1.4 Methodology

This HIA adheres to the guidelines set out in the MTCS *InfoSheet #5 Heritage Impact Assessment and Conservation Plans* as part of the *Ontario Heritage Tool Kit* (2006). This HIA addresses the impacts of the project on the subject properties which are all listed on the *Register of Cultural Heritage Resources*.

For the purpose of this HIA, AECOM undertook the following key tasks:

- Reviewed appropriate background documents including the:
 - *Cultural Heritage Screening Report: London Bus Rapid Transit System*. (WSP Canada Inc., Final February 27, 2019);
 - *Cultural Heritage Evaluation Report: 35 Properties, Wellington Road, London Ontario*. (AECOM, February 2019); and
 - *Structural Condition Assessment 26, 28 and 30 Wellington Road London ON* (EXP Services Inc., June 10, 2022).
- Consulted with the City of London Heritage Planner, to confirm the scope of the HIA and to brainstorm commemoration options;
- Conducted a field review to document the existing conditions of the Subject Property from the public right-of-way on October 29, 2021;
- Identified and prepared a description of the proposed undertaking;
- Assessed the proposed infrastructure impacts, based on the 50% Detailed Design, on the cultural heritage value and heritage attributes of the Subject Property; and
- Prepared mitigation options and mitigation measures with recommendations to avoid or reduce any negative impacts to the Subject Property.

This HIA was completed by a team of AECOM's Cultural Resource Management staff including Liam Ryan (Cultural Heritage Planner), Tara Jenkins (Cultural Heritage Specialist, Lead), and Britta Patkowski (Associate Vice President, Planning and Permitting). The HIA was developed in engagement with the City of London Heritage Planner, Kyle Gonyou. In addition, this HIA includes input from AECOM's structural engineering team and Dillon Consulting Limited, responsible for the Project's detailed design and the Project's Landscape Plan within Design Segment 2.

1.5 Community Engagement

Below includes a summary of the engagement activities and feedback undertaken for the development of this HIA.

For the purposes of this HIA, community engagement involved contacting the City of London to document any municipal or local level heritage impact assessment provisions that should be included in this HIA. Kyle Gonyou verified that the City of London currently does not have a Terms of Reference for the preparation of HIAs. In addition, the archival staff at the London Room, London Public Library, were contacted to gain more historical information on the subject properties. The following stakeholders were contacted with inquiries regarding background of the subject properties (**Table 1**):

Table 1: Results of Community Engagement

Contact	Contact Information	Date	Notes
Kyle Gonyou / City of London / Heritage Planner	Via Microsoft Teams	August 24, 2021	Kyle approved a grouped HIA to include all three properties in one report.
Kyle Gonyou / City of London / Heritage Planner Michael Greguol / City of London / Heritage Planner	Via Microsoft Teams	November 18, 2021	A meeting between the AECOM heritage team and Kyle Gonyou and Michael Greguol was held to review and discuss commemoration options for the Subject Properties.
City of London Dillon Consulting	Via Microsoft Teams	November 30, 2021	A meeting between the AECOM heritage team, the City of London and Dillon Consulting to review commemoration options and discuss coordination.
Peter McAllister / Dillon Consulting / Senior Project Manager Kate Preston / Dillon Consulting / Associate, Landscape Architect	Via Microsoft Teams	December 16, 2021	A meeting between the AECOM heritage team and Peter McAllister and Kate Preston from Dillon Consulting was conducted to review and discuss commemoration options for each subject property. A number of commemoration options were presented and discussed during the meeting. The most feasible options can be found in Section 7 of this report.
London Room / London Public Library	Research.request@lpl.ca	December 10, 2022	The London Room provided the AECOM heritage team with City Directory documents/images that provided insight into the concrete machinery production industry in London, ON during the early 1900s.
Richvale-York Block Inc.	lteseo@richvaleYork.com	July 28, 2022	AECOM emailed the block company to see if new block could be made to be compatible in shape, size, colour and appearance as the original.
City of London Dillon Consulting	Via Microsoft Teams	April 11, 2023	A meeting between the AECOM heritage team, the City of London and Dillon Consulting to review round 2 revision comments from the City of London.

2. Policy Framework

The authority to request a HIA arises from the *Ontario Heritage Act*, Section 2(d) of the *Planning Act*, the Provincial Policy Statement (2020) and the City of London's Official Plan: *The London Plan* (June 23, 2016).

2.1 Planning Act and Provincial Policy Statement

The *Planning Act* (1990) and the associated Provincial Policy Statement (2020) provide a legislative framework for land use planning in Ontario. Both documents identify matters of provincial interest, which include the conservation of significant features of architectural, cultural, historical, archaeological, or scientific interest. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. In general, the Provincial Policy Statement recognizes that Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral, cultural heritage, and archaeological resources for their economic, environmental, and social benefits.

Pursuant to Section 2.6 of the 2020 Provincial Policy Statement, Policy 2.6.1 states "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." The 2020 Provincial Policy Statement issued under the authority of the *Planning Act* defines "conserved" as "means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision designated and available for the purposes of this definition".

To conserve a cultural heritage resource, a municipality or approval authority may require a heritage impact assessment and/or a conservation plan to guide the approval, modification, or denial of a proposed development or site alteration that affects a cultural heritage resource. Using tools such as heritage impact assessments, municipalities and approval authorities can further enhance their own heritage preservation objectives.

Furthermore, a policy in Section 2.6 of the 2020 Provincial Policy Statement, Policy 2.6.3, states "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it had been demonstrated that the heritage attributes of the protected heritage property will be conserved".

2.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities and the province to designate individual properties and/or districts as being of cultural heritage value or interest. The province or municipality may also "list" a property or include a property on a municipal register that has not been designated but is believed to be of cultural heritage value or interest. *Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest* (O. Reg. 9/06) under the *Ontario Heritage Act* provides criteria for determining cultural heritage value or interest. If a property meets one or more of the criteria it may be designated under Section 29 of the *Ontario Heritage Act*.

Under section 27(9) of the *Ontario Heritage Act* it is stated that:

If a property that has not been designated under this Part has been included in the register under subsection (3), the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality

at least 60 days notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure.

2.3 The London Plan

The London Plan is the City of London's new Official Plan and has been entirely in force and effect, as of May 2022. *The London Plan* sets out a new approach for planning in London which emphasizes growing inward and upward, so that the City can reduce the costs of growth, create walkable communities, revitalize urban neighbourhoods and business areas, protect farmlands, and reduce green building gases and energy consumption. The plan sets out to conserve the City's cultural heritage and protect environmental areas, hazard lands, and natural resources.

Specifically related to heritage conservation, *The London Plan* outlines a number of policies related to the conservation of cultural heritage resources within the city. The following General Cultural Heritage Policies are applicable to this project:

(565_) New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A heritage impact assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes;

(566_) Relocation of cultural heritage resources is discouraged. All options for on-site retention must be exhausted before relocation can be considered;

(567_) In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resource is found necessary, as determined by City Council, archival documentation may be required to be undertaken by the proponent and made available for archival purposes;

(568_) Conservation of whole buildings on properties on the Register is encouraged and the retention of facades alone is discouraged. The portion of a cultural heritage resource to be conserved should reflect its significant attributes including its mass and volume;

(569_) Where, through the process established in the specific Policies for the Protection Conservation and Stewardship of Cultural Heritage resources section of this chapter and in accordance with the Ontario Heritage Act, it is determined that a building may be removed, the retention of architectural or landscape features and the use of other interpretive techniques will be encouraged where appropriate;

(586_) The City shall not permit development and site alteration on adjacent lands to heritage designated properties or properties listed on the Register except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved;

(590_) Where a property has been identified on the Register and an application is submitted for its demolition or removal, the Heritage Planner and the Clerks Department will be notified in writing immediately. A demolition permit will not be issued until such time as City Council has indicated its approval, approval with conditions, or denial of the application pursuant to the Ontario Heritage Act. Council may also request such information that it needs for its consideration of a request for demolition or removal; and

(591_) Where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development.

2.3.1 Municipal Heritage Alteration Permit

The subject properties at 26-30 Wellington Road are not designated under the *Ontario Heritage Act*, and therefore heritage alteration permits are not required for this project.

3. Summary of Background Research and Analysis

For the full documentation of the background research refer to the *Cultural Heritage Evaluation Report: 35 Properties, Wellington Road, London Ontario*. (AECOM, February 2019). The following summarizes the research of the CHER and new information gleaned in the production of this HIA.

3.1 Historical Background – Overview

The buildings located at 26, 28 and 30 Wellington Road are situated on part of Lot 19, Registered Plan 11(4th). Land registry records indicate that Lot 19 remained undivided until it was purchased by Joseph Nicholson in September 1905.⁵ Nicholson divided the property into three smaller residential lots in 1906 and constructed the three buildings in each subject property.

3.1.1 Historical Background – 26 Wellington Road

Joseph Nicholson sold the property at 26 Wellington Road to James A. Mapletoft in May 1906 for \$1,750.⁶ The price suggests that Mapletoft purchased the completed building as opposed to a vacant lot. 26 Wellington Road first appears in the City of London Directory in 1907 with J. A. Mapletoft listed as the resident⁷. Mapletoft would occupy the property at 26 Wellington Road for over 50 years. It is assumed Mapletoft died around 1958 since that year the building was transferred to his widow Mary Mapletoft. Mary continued to live there until her death in 1960. The building was then sold to Tony Protopapas the same year and after that, the building passed through several owners.⁸

3.1.2 Historical Background – 28 Wellington Road

Joseph Nicholson sold the property at 28 Wellington Road to Alfred Woodfine in August 1906 for \$1,900⁹. This price suggests that Woodfine purchased a completed building from Nicholson. 28 Wellington Road first appears in the City of London Directory in 1907, with Alfred Woodfine listed as resident¹⁰. Woodfine sold the building the following year to William Sholdice, who in turn sold it to Harold Phillips in 1913. The property passed through several owners during the next few decades. It was purchased by Arthur H. Sant in 1922. A. H. Sant and F. K. Dickinson are both listed as residents until the 1930s. It appears that Dickinson purchased the building from Sant in 1934 and continued to reside there into the 1970s.¹¹

3.1.3 Historical Background – 30 Wellington Road

Joseph Nicholson sold the property at 30 Wellington Road to Benjamin Askey in August 1906 for \$1,700. This price suggests that Askey purchased a completed building from Nicholson. 30 Wellington Road first appears in the City of London Directory in 1907, with Benjamin Askey listed as resident¹². Askey sold the property in 1911 to Fred Delaney, who would reside there until the early 1950s. Delaney sold the property to Frank Woodward in 1950, who then sold

⁵ MCLRO (33). Book 170 Chester Street; Plan 11, 400

⁶ MCLRO (33). Book 170. Op Cit.

⁷ Vernon, 1907-1908

⁸ MCLRO (33). Book 170. Op Cit.

⁹ MCLRO (33). Book 170. Op Cit.

¹⁰ Vernon, 1907-1908

¹¹ MCLRO (33). Book 170. Op Cit.

¹² Vernon, 1907-1908

it to Hugh Willis in 1956.¹³ The City Directories indicate that the building was likely divided into two residential units around 1965.

3.1.4 1892 Rev. 1907 Goad's Fire Insurance Plan of the City of London, Ontario

The 1892 Rev. 1907 Goad's Fire Insurance Plan of the City of London, Ontario (Sheet 46) (Figure 3) shows that the surrounding area was well developed in the early 20th century. The map shows that most buildings on Wellington Road, High Street and Clarke Street (now Grand Avenue) in the vicinity of the subject properties were constructed of brick or wood. In general, a screening of the 1892 Rev. 1907 Goad's Fire Insurance Plan of the City of London, Ontario (Sheet 46) shows that there were less than twenty concrete block buildings in London by 1907, as the technology had just arrived in London the previous year (See Section 3.2 for a historical overview of concrete block buildings in London).

Figure 3: Subject Properties Overlaid on the 1892 Rev. 1907 Goad's Fire Insurance Plan of the City of London, Ontario



13. MCLRO (33). Book 170. Op Cit.

3.2 Brief History of Concrete Block Buildings in London

Harmon S. Palmer created and patented his “down face” block machine in 1900. Soon after, the use of this machine for concrete block making became widespread in the United States and Canada (Hayden, 2022). The use of the concrete block was not only for its beauty, but also for its ease in use. Builders with proper machines and materials could make their own buildings, with a design tailored to their personal tastes, and they could operate it by themselves.

Concrete production has a rich history in London, Ontario. Henry Pocock was an architect and the founder of London Concrete Machinery Company (founded in 1905). In 1906, he built and sold concrete brick making machines¹⁴ when he was running the business from his home at 28 Redan Street at that time¹⁵. Shortly after, in 1907, he built a small factory for his company at 19 Marmora Street¹⁶. The Concrete Machinery Company was first illustrated at 19 Marmora Street in the 1908-1909 City of London Directory¹⁷. Pocock was one of the first designers and contractors in western Ontario to experiment with the use of cement block construction¹⁸.

Pocock competitor’s, Frank A. Borst and John Groscop based in Auburn Indiana founded the Ideal Concrete Machinery Company on September 26, 1904. The two men established their only location outside of the United States of America at 124 York Street London, Ontario in October 1906¹⁹ (**Image 1**). The Ideal Concrete Machinery Company is the only other concrete block making company in the London City Directory in 1907.



Image 1: Ideal Concrete Machinery Company Advertisement, circa 1906²⁰

¹⁴ Scott, 1930

¹⁵ Vernon, 1907-1908

¹⁶ 19 Marmora Street remains extant in London. It is a two-storey concrete rusticated block building with decorative block patterning. The building was sold to I.X.I. Spice Co. in 1910 (1912, Rev. 1915 Goad's FIP).

¹⁷ Vernon, 1908-1909

¹⁸ Biographical Dictionary of Architects in Canada 1800 – 1950, n.d.

¹⁹ The Advertiser, October 26, 1906, p.9

²⁰ American Carpenter & Builder, 1906

With the continuing success of Pocock's concrete brick making machine for his business, the Concrete Machinery Company, by circa 1907, built and sold concrete block making machines²¹. The next year, Pocock designed and began to manufacture the continuous-type concrete mixer. These products sold very well in the days when concrete construction was in its infancy²². Concrete blocks for construction were gaining in popularity at this time as they were cheaper than clay bricks, more durable, grow stronger with age and cannot be destroyed by fire²³.

Pocock's concrete block making machine proved to be so successful by 1910 he expanded his business and built a large factory at the southeast corner of Cabell Street and Kitchener Avenue in the City of London²⁴. In the 1930s the automated blockmaking machine arrived and so the Concrete Machinery Company was building over 16 different sizes and designs of concrete mixers and employed over 100 workers. Products were delivered all over Canada and the United States.

In 2009 a large assembly facility was built at 15790 Robins Hill Road and the company, today, continues to build specialized concrete mixers. Now operating under the name London Machinery Inc., they are part of the Oshkosh Corporation.

The background research conducted for this HIA suggests that Pocock's industrial factory on Marmora Street and Borst and Grosco's industrial factory on York Street, were the only two concrete machinery producers in London in 1906, when the subject properties were built. Considering the three buildings at 26-30 Wellington Road are constructed of concrete block with a decorative patterning, it is most likely the block making machine to build the buildings at 26-30 Wellington Road was manufactured and purchased local, either from the London Concrete Machinery Company or the Ideal Concrete Machinery Company. While it is possible that the buildings within subject properties represent Pocock's business in its infancy (before he officially sold the concrete block machine), it is more realistic that the blocks used to construct the buildings were constructed using machinery produced by the Ideal Concrete Machinery Company. This is because Pocock began producing and selling block making machines in 1907²⁵, whereas the Ideal Concrete Machinery Company was selling block making machines in 1906 (**Image 1**). Since the buildings were built circa 1906, it is presumed that machinery from the Ideal Concrete Machinery Company was used to build the three buildings.

Regardless of who made the blockmaking machine, the technology at the time, in 1906, meant that the blocks were manufactured on the building site with the hand operated block making machine. The Ideal Concrete Machine depicted in **Image 1** is a "hand-tamp" block machine which consists of a mold box requiring the operator to place the dry concrete mixture in the box, then mix with a hand tamper until density was achieved (mixture of Portland cement, water, sand, and gravel)²⁶. To add the rusticated appearance to a block, a thin metal plate was inserted in the mold box. The surface facing material was poured between the metal and inner wall of the mold. The standard mix was then poured on the other side of the plate. The two sides were filled in and tamped gradually. The plate was removed slowly allowing the facing material to bond with the base while still moist. Common names for the surface texturing from molds on the blocks are rock-faced, mold-formed and rusticated concrete blocks. On average 10 concrete blocks were poured by hand per person per day²⁷. The blocks also required curing for about 5 days and then should age for about 3-4 weeks before installation.

Around the 1940s, casting ornamental concrete block went out of production by the 1940s. Today, modern blocks are produced at a plant. Plants can produce 400-2000 precast blocks per hour.

²¹ *Vernon, 1907-1908*

²² *Scott, 1930*

²³ *Sears, Roebuck and Co., n.d*

²⁴ *Scott, 1930*

²⁵ *Vernon, 1907-1908*

²⁶ *Steiger, 1994*

²⁷ *Kibbel III, n.d*

The practise of blocks being made on-site had no method of quality control. Often improper proportions in the concrete mix, or inadequate curing or aging resulted in failures in the concrete block. In the Sears, Roebuck and Co. magazine on how to make your own concrete products, it stated that “the measure to your success depends entirely upon the care with which you operate your machine, the preparation of the materials and the curing of the products”²⁸. Cracks, for example, in the concrete block is a sign of structural failure.

3.3 Comparative Analysis of Other Concrete Block Buildings in London, built prior to 1907

A review of the 1892 Rev. 1907 Goad’s Fire Insurance Plan indicates that 41 High Street was the only other one-and-a-half storey concrete block building in the surrounding area in 1907. Imagery from Google Street View shows that the building located at 41 High Street is in the Queen Anne Revival style constructed of uniform rusticated concrete blocks with a side hall plan and shake cedar shingles in the gable, very similar in design to the buildings within the subject properties.

While 26-30 Wellington Road and 41 High Street were the only concrete block Queen Anne Revival style buildings located in the surrounding area, several other concrete block Queen Anne Revival style buildings were located throughout London. Using the 1892 Rev. 1907 Goad’s Fire Insurance Plan it was determined that other concrete block Queen Anne Revival style buildings were extant by 1907 in London, including but not limited to:

- 41 High Street (**Image 2**);
- 281 Egerton Street (**Image 3**);
- 922 Princess Avenue (**Image 4**);
- 924 Princess Avenue (**Image 5**);
- 926 Princess Avenue (**Image 6**);
- 928 Princess Avenue (**Image 7**); and
- 588 Oxford Street East (**Image 8**).



Image 2:
41 High Street
(Google Street View, 2021)



Image 3:
281 Egerton Street
(Google Street View, 2016)

²⁸ Kibbel III, n.d., pp. 1



Image 4
922 Princess Avenue
(Google Street View, 2020)



Image 5
924 Princess Avenue
(Google Street View, 2020)



Image 6
926 Princess Avenue
(Google Street View, 2020)



Image 7
928 Princess Avenue
(Google Street View, 2020)



Image 8
588 Oxford Street East
(Google Street View, 2021)

It is important to note the visual differences and similarities in the concrete blocks used to construct these buildings. By visual comparison, the pattern on the concrete block of 41 High Street is visually identical to that of the rusticated stone concrete used on the quoins and the foundation of the building at 26-30 Wellington Road. **Image 9** and **Image 10** show that the blocks used to create the quoins and the foundation of the building located at 26 Wellington Road and the concrete blocks found at 41 High Street appear to have been created using the same mold. This is believed as the blocks on these two structures share the same distinct four indentations. These four indentations are not found on the other structural examples. This suggests that the same mold and perhaps machine was used to build these buildings.

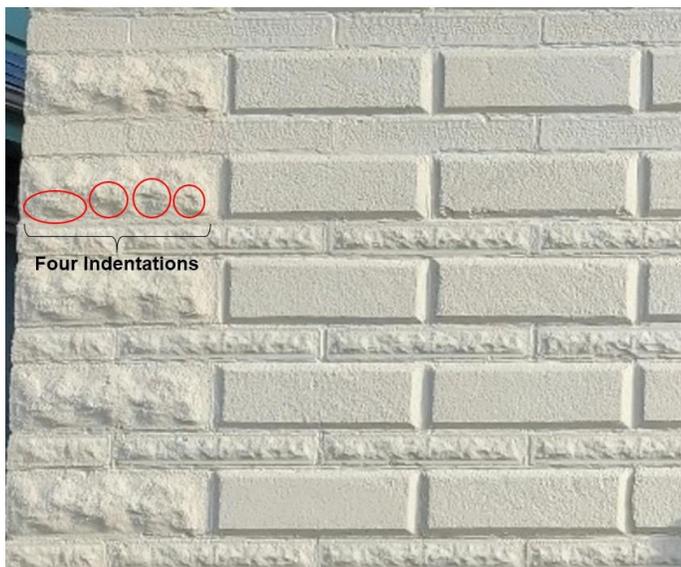


Image 9

An image of the building located at 28 Wellington Street, illustrating the four indentations found on the concrete blocks (AECOM 2021)

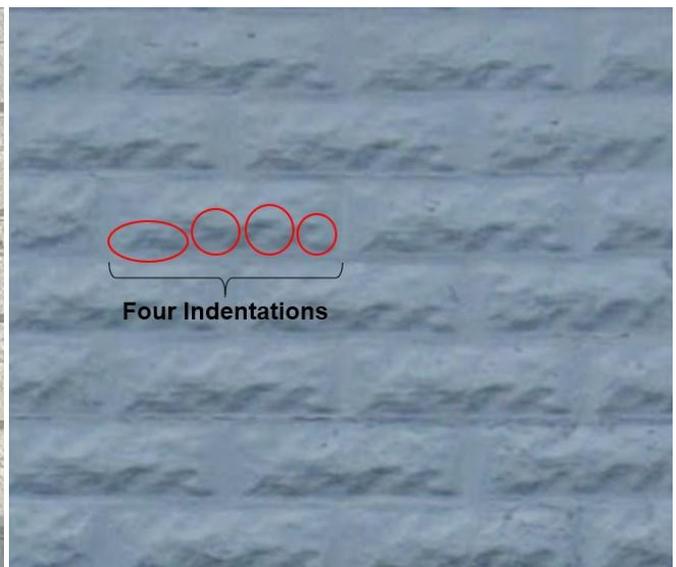


Image 10

An Image of 41 High Street, illustrating the four indentations found on the concrete blocks (Google Street View, 2021)

Similarly, the pattern on the concrete blocks of 922, 924, 926, and 928 Princess Avenue are constructed of rusticated concrete blocks visually identical to each other, but visually distinct from the pattern found on the concrete blocks buildings located at 26-30 Wellington Road and 41 High Street. This suggests that a different mold was used to build the buildings on Princess Street. 588 Oxford Street East and 281 Egerton Street also both have unique concrete block patterns. For example, **Image 11**, **Image 12**, and **Image 13** show concrete blocks with different patterns from those found used to construct the buildings located at 26-30 Wellington Road.

Image 11 illustrates the block pattern found on 928 Princess Avenue do not contain the four distinct indentations illustrated in **Image 9** and **Image 10**. Instead, **Image 11** illustrates a “lip” like indentation pattern that is found on all the concrete blocks. This “lip” like indentation is found on the other three Princess Street concrete buildings, but on none of the other structural examples.

Image 12 illustrates the block pattern found on 281 Egerton Street and how the block pattern contains a central ridge with a surrounding “valley” (or indentations). The central ridge and surrounding “valley” pattern are not found on any of the other structural examples.

Image 13 illustrates the blocks found on 588 Oxford Street East and how the block itself is much smaller than the blocks used to construct the other examples. The blocks size is estimated to be roughly half the length of the blocks used to construct the other structural examples.

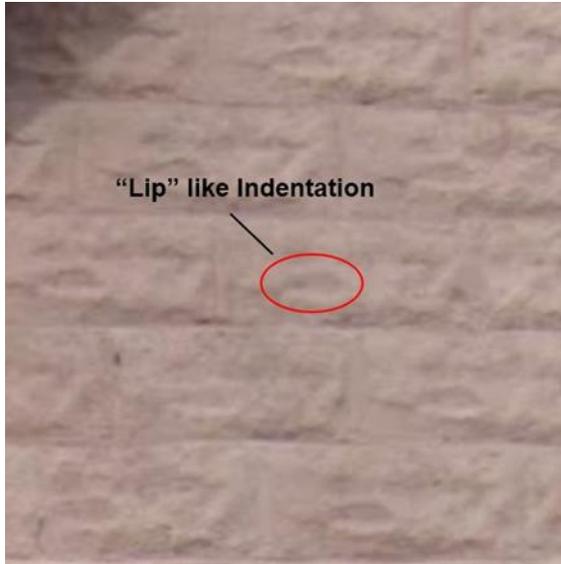


Image 11

An image of 928 Princess Avenue, illustrating the “lip’ like indentations found on the concrete blocks (Google Street View, 2020)



Image 12

An image of 281 Egerton Street Wellington, illustrating central ridge with surrounding “valley” (or indentations) found on the concrete blocks (Google Street View, 2016)



Image 13

An image of 588 Oxford Street East, illustrating the shorter in length found on the building (Google Street View, 2021)

While all the examples of Queen Anne Revival style buildings are constructed from concrete blocks, it is believed that the molds used to create the blocks and their unique patterns were different from one another. It is believed that builders in London prior to 1907 were creating concrete block molds for their own desired concrete shape and appearance. These builders would go to purchase a concrete block making machine and use their molds to build individual building or a row of buildings. This means that the mold that was used for 26-29 Wellington Street is not believed to have been the same mold used to create the pattern of block found on 922-928 Princess Avenue, 588 Oxford Street East or 281 Egerton Street. The unique concrete block pattern displayed on each building or row of buildings is what contributes to the cultural heritage value of these early examples of concrete block Queen Anne Revival style buildings in the City of London. It should be noted that the concrete block buildings at 26-30 Wellington

Road, are the only examples in this comparative analysis that also integrate smooth faced blocks in the exterior façade designs.

Based on the technology available in 1906-1907 (see **section 3.2**), and the observations made in this comparative analysis, the unique concrete block pattern displayed in the exterior facades of the buildings located at 26-30 Wellington Road contributes to the cultural heritage value of the buildings.

4. Heritage Evaluation of 26-30 Wellington Road

During the *Cultural Heritage Evaluation Report: 35 Properties, Wellington Road, London Ontario*. (AECOM, February 2019), 26 Wellington Road, 28 Wellington Road and 30 Wellington Road were evaluated for cultural heritage value or interest separately. Below are the results of the Ontario Regulation 9/06 heritage evaluation for all three properties.

4.1 26 Wellington Road

4.1.1 Statement of Cultural Heritage Value

The following Statement of Cultural Heritage Value and the Heritage Attributes was excerpted directly from the *Cultural Heritage Evaluation Report: 35 Properties, Wellington Road, London Ontario* (AECOM, February 2019).

4.1.1.1 Description of the Property

The property consists of a one-and-a-half-storey, side hall plan residential structure with a steeply pitched gable roof. The building was designed with Queen Anne style influences and constructed of concrete block. In addition, the property contains a brick driveway that runs along the south elevation of the building and a medium sized backyard containing mature trees. The building is located on the east side of Wellington Road, between Watson Street and Grand Avenue. Historically, 26 Wellington Road, 28 Wellington Road and 30 Wellington Road were located in Lot 25, Broken Front Concession or Concession "B", of Westminster Township. It is now part of the South London within the City of London.

4.1.1.2 Cultural Heritage Value

Originally constructed in 1906, the building located at 26 Wellington Road is a rare, representative example of a Queen Anne style building constructed of concrete block. The building was constructed by Joseph Nicholson, who constructed the neighbouring buildings at 28 and 30 Wellington Road at the same time, forming a grouping of three buildings nearly identical in architectural composition and materials. Nicholson acquired the land for the properties in 1906 and shortly thereafter divided the property into three lots, which he sold off for residential purposes after constructing the dwellings. The property at 26 Wellington Road was sold to James A. Maplettoft, who occupied the building for over forty years. Since 1958, the property has continued to be passed to individual owners and used for residential purposes.

As a storey-and-a-half Queen Anne style dwelling, with a side hall plan, the building at 26 Wellington Road was designed and constructed in a form and style that can be commonly found in London. However, the design is most commonly found in London with the use of buff brick with ornate wood detailing in the front gable of the building. In contrast, the building at 26 Wellington Road is constructed with concrete block. Further, the concrete block is arranged in an alternating pattern that includes coursing of smooth concrete block and much narrower rusticated concrete block. As a result, the building is a rare example of the Queen Anne style, side-hall plan dwelling constructed with smooth and rusticated concrete block, which was a short-lived residential construction material introduced at the end of the nineteenth century and was briefly popular during the first few decades of the 20th century.

Contextually, the building is one of three nearly identical dwellings that were constructed by Joseph Nicholson in 1906. Immediately south of the building at 26 Wellington Road, the buildings at 28 and 30 Wellington Road were designed in the same style, with the same materials. Today, the appearance differs primarily in paint colour and siding, but the three properties are historically and visually linked to each other. Collectively, the three properties hold contextual value.

4.1.1.3 Heritage Attributes

The heritage attributes that reflect the cultural heritage value of the property include:

- Architectural design and form as a storey-and-a-half Queen Anne style cottage with side hall plan;
- Gable roof;
- Use and patterned arrangement of rusticated and smooth concrete block on the exterior;
- End gable on west façade as a key component of the architectural composition;
- Recessed entryway;
- Colonnade on plinth at the southwest corner of the porch;
- Transom light above front door; and
- Location of original windows.

4.2 28 Wellington Road

4.2.1 Statement of Cultural Heritage Value

The following Statement of Cultural Heritage Value and the Heritage Attributes was excerpted directly from the *Cultural Heritage Evaluation Report: 35 Properties, Wellington Road, London Ontario* (AECOM, February 2019).

4.2.1.1 Description of the Property

The property consists of a one-and-a-half-storey, side hall plan residential structure with a steeply pitched gable roof. The building was designed with Queen Anne style influences and constructed of concrete block. In addition, the property contains a brick driveway that runs along the south elevation of the building and a medium sized backyard containing mature trees. The building is located on the east side of Wellington Road, between Watson Street and Grand Avenue. Historically, 26 Wellington Road, 28 Wellington Road and 30 Wellington Road were located in Lot 25, Broken Front Concession or Concession "B", of Westminster Township. It is now part of the South London within the City of London.

4.2.1.2 Cultural Heritage Value

Originally constructed in 1906, the building located at 28 Wellington Road is a rare, representative example of a Queen Anne style building constructed of concrete block. The building was constructed by Joseph Nicholson, who constructed the neighbouring buildings at 26 and 30 Wellington Road at the same time, forming a grouping of three buildings nearly identical in architectural composition and materials. Nicholson acquired the land for the properties in 1906 and shortly thereafter divided the property into three lots, which he sold off for residential purposes after constructing the dwellings. The property at 28 Wellington Road was sold to Alfred Woodfine. Between 1907 and 1922, the property exchanged hands numerous times until it passed to the ownership of A.H. Sand and F.K Dickinson. Dickinson continued to live at this address into the 1970s. The property continues to be used for residential purposes.

As a storey-and-a-half Queen Anne style dwelling, with a side hall plan, the building at 28 Wellington Road was designed and constructed in a form and style that can be commonly found in London. However, the design is most commonly found in London with the use of buff brick with ornate wood detailing in the front gable of the building. In contrast, the building at 28 Wellington Road is constructed with concrete block. Further, the concrete block is arranged in an alternating pattern that includes coursing of smooth concrete block and much narrower rusticated concrete block. As a result, the building is a rare example of the Queen Anne style, side-hall plan dwelling constructed with smooth and rusticated concrete block, which was a short-lived residential construction material introduced at the end of the nineteenth century and was briefly popular during the first few decades of the 20th century.

Contextually, the building is one of three nearly identical dwellings that were constructed by Joseph Nicholson in 1906. Immediately adjacent to the building at 28 Wellington Road, the buildings at 26 and 30 Wellington Road were

designed in the same style, with the same materials. Today, the appearance differs primarily in paint colour and siding, but the three properties are historically and visually linked to each other. Collectively, the three properties hold contextual value.

4.2.1.3 Heritage Attributes

The heritage attributes that reflect the cultural heritage value of the property include:

- Architectural design and form as a storey-and-a-half Queen Anne style cottage with side hall plan;
- Gable roof;
- Use and patterned arrangement of rusticated and smooth concrete block exterior;
- End gable on west façade as a key component of the architectural composition;
- Recessed entryway;
- Colonette on plinth at the southwest corner of the porch.
- Transom light above front door;
- Location of original windows;
- Imbricated wood shingles in second storey gables; and
- Applied leaf motif in bargeboard.

4.3 30 Wellington Road

4.3.1 Statement of Cultural Heritage Value

The following Statement of Cultural Heritage Value and the Heritage Attributes was excerpted directly from the *Cultural Heritage Evaluation Report: 35 Properties, Wellington Road, London Ontario* (AECOM, February 2019).

4.3.1.1 Description of the Property

The property consists of a one-and-a-half-storey, side hall plan residential structure with a steeply pitched gable roof. The building was designed with Queen Anne style influences and constructed of concrete block. In addition, the property contains an asphalt driveway that runs along the south elevation of the building and a medium sized backyard containing mature trees. The building is located on the east side of Wellington Road, between Watson Street and Grand Avenue. Historically, 26 Wellington Road, 28 Wellington Road and 30 Wellington Road were located in Lot 25, Broken Front Concession or Concession "B", of Westminster Township. It is now part of the South London within the City of London.

4.3.1.2 Cultural Heritage Value

Originally constructed in 1906, the building located at 30 Wellington Road is a rare, representative example of a Queen Anne style building constructed of concrete block. The building was constructed by Joseph Nicholson, who constructed the neighbouring buildings at 26 and 28 Wellington Road at the same time, forming a grouping of three buildings nearly identical in architectural composition and materials. Nicholson acquired the land for the properties in 1906 and shortly thereafter divided the property into three lots, which he sold off for residential purposes after constructing the dwellings. The property at 30 Wellington Road was sold to Benjamin Askey, who in turn sold the property to Fred Delaney in 1911. Delaney continued to live at the building until the 1950s, when he sold it to Frank Woodward. Since then, the property has continued to exchange hands and be used for residential purposes.

As a storey-and-a-half Queen Anne style dwelling, with a side hall plan, the building at 30 Wellington Road was designed and constructed in a form and style that can be commonly found in London. However, the design is most commonly found in London with the use of buff brick with ornate wood detailing in the front gable of the building. In contrast, the building at 30 Wellington Road is constructed with concrete block. Further, the concrete block is arranged in an alternating pattern that includes coursing of smooth concrete block and much narrower rusticated concrete block. As a result, the building is a rare example of the Queen Anne style, side-hall plan dwelling constructed

with smooth and rusticated concrete block, which was a short-lived residential construction material introduced at the end of the nineteenth century and was briefly popular during the first few decades of the 20th century.

Contextually, the building is one of three nearly identical dwellings that were constructed by Joseph Nicholson in 1906. Immediately north of the building at 30 Wellington Road, the buildings at 26 and 28 Wellington Road were designed in the same style, with the same materials. Today, the appearance differs only in paint colour, but the three properties are historically and visually linked to each other. Collectively, the three properties hold contextual value.

4.3.1.3 Heritage Attributes

The heritage attributes that reflect the cultural heritage value of the property include:

- Architectural design and form as a storey-and-a-half Queen Anne style cottage with side hall plan;
- Gable roof;
- Use and patterned arrangement of rusticated and smooth concrete block exterior;
- End gable on west façade as a key component of the architectural composition;
- Recessed entryway; and,
- Colonnade on plinth at the southwest corner of the porch;
- Transom windows above front door;
- Location of original windows;
- Imbricated wooden shingles in gables; and
- Decorative wooden bargeboard with applied leaf motif.

5. Assessment of Existing Conditions

5.1 Introduction

In November 2018, Liam Smythe, Cultural Heritage Specialist with AECOM completed a field review of the subject properties as part of the completion of the CHER. A second field review was completed for this HIA by Tara Jenkins, Cultural Heritage Specialist with AECOM on November 23, 2021, from the public right-of-way to identify any changes to the properties since the completion of the CHER. Photographs from the 2021 field reviews are found within **Appendix A** of this HIA.

5.2 Description of Surrounding Context

The subject properties are located on the east side of Wellington Road, between Watson Street and Grand Avenue (**Photograph 2**). The subject properties are located in close proximity to Wellington Road (**Photograph 3**). Wellington Road is a major four-lane traffic artery road which follows a north-south orientation between Downtown London and Highway 401. Topographically, the properties are situated on a relatively level grade along this portion of Wellington Road.

The area surrounding the subject properties is a mixture of single detached buildings and low-rise apartment buildings, interspersed with commercial buildings along both sides of Wellington Road. Sidewalks are present along both sides the road, with street lighting mounted on wood utility poles. There are a few trees present along the roadway, aside from those located on private properties. Residential streets in the area are relatively straight, following a loose grid pattern with short rectangular residential blocks. Buildings in the area are typically small one or one-and-a-half-storey detached buildings, typically constructed in the early- to mid-20th century. Most of these buildings are located on large to medium rectangular lots with mature trees.

5.3 Property Description

In general, the existing conditions of the subject properties have not changed in any significant manner since the property's documentation in 2019 for the CHER.

5.3.1 Building – 26 Wellington Road

The building located at 26 Wellington Road is a one-and-a-half-storey building with a side hall plan and a steeply pitched gable roof (**Photograph 4**). It has been designed with Queen Anne Revival style influences and constructed of concrete block. The west (front) façade has a gable end that faces Wellington Road. The second storey gable is clad with green horizontal aluminium siding and flashing.

There is a narrow porch on the southwest corner of the building with concrete stairs, a concrete landing and cast-iron railings (**Photograph 5**). Located at the southwest corner of the concrete porch is a simple wooden colonnette on a concrete block plinth. A single-leaf door with a screen door and a transom light above serves as the main entrance. A large rectangular window with a concrete sill is located on the first storey and a one-over-one sash window located in the gable of the second storey. Dormers on the north and south sides also contain similar one-over-one sash windows. The south elevation of the building contains a concrete block chimney, and the north elevation contains a red brick chimney.

The first storey of the building is constructed of concrete blocks and narrower concrete blocks. These concrete blocks are arranged in an alternating pattern that includes coursing of smooth concrete block and much narrower rusticated

concrete brick²⁹. Larger rusticated blocks are used to form quoins at the corners of the building and on the foundation (**Photograph 6**).

5.3.1.1 Landscape

The landscaping located at 26 Wellington Road is modest with a small garden located along the west (front) elevation. There are several mature trees located at the rear of the property. In addition, the property contains a brick driveway that runs along the south elevation of the building. A small utilitarian shed is located on the rear of the property.

5.3.2 Building – 28 Wellington Road

The building located at 28 Wellington Road is a one-and-a-half-storey building with a side hall plan and a steeply pitched gable roof (**Photograph 7**). It has been designed with Queen Anne Revival style influences and constructed of concrete block. The west (front) façade has a gable end that faces Wellington Road. The gable contains its original scalloped and shake cedar shingles in a pattern and there are wood brackets beneath the apex in the gable. There is evidence of decorative bargeboard with a leaf motif exhibited near the bottom of the gable.

There is a narrow wooden porch on the southwest corner of the building with wooden railings. A single-leaf door and a transom light above serves as the entrance. Located at the southwest corner of the concrete porch is a simple wooden colonnette on a concrete block plinth. A large rectangular window with a concrete sill is located on the first storey and a one-over-one sash window located in the end gable of the second storey. Dormers on the north and south sides of the building and the windows located on the northern and southern elevations on the first storey of the building also contain similar one-over-one sash windows.

The first storey of the building is constructed of concrete blocks and narrower concrete blocks. These concrete blocks are arranged in an alternating pattern that includes coursing of smooth concrete block and much narrower rusticated concrete brick. The larger rusticated blocks are used to form quoins at the corners of the building and on the foundation (**Photograph 8**). The concrete blocks and bricks of the entire first storey have been painted light yellowish beige.

5.3.2.1 Landscape

The landscaping located at 28 Wellington Road is modest with a small garden located along the west (front) elevation of the building and several mature trees are located on the rear of the property. In addition, the property contains a brick driveway that runs along the south elevation of the building. A small utilitarian shed is located on the rear of the property.

5.3.3 Building – 30 Wellington Road

The building located at 30 Wellington Road is a one-and-a-half-storey building with a side hall plan and a steeply pitched gable roof (**Photograph 9**). It has been designed with Queen Anne Revival style influences and constructed of concrete block. The west (front) façade has a gable end that faces Wellington Road. The gable contains its original scalloped and shake cedar shingles in a pattern, similar to the building located at 28 Wellington Road, and there are wood brackets beneath the apex in the gable. There is evidence of decorative bargeboard with a leaf motif exhibited near the top of the gable.

There is a narrow wooden umbrage porch with wooden handrails on the southwest corner of the building. A single wooden leaf door with a 3 x 3 window, screen door and a transom light above serve as the entrance, and there is a

²⁹ The difference between the concrete blocks and concrete bricks are the size, composition, shape and weight. For example, concrete blocks are larger in size and come in both solid and hollow variants. Whereas as concrete bricks are smaller and are dominated by the solid variant.

simple wooden colonnette on a stone plinth at the southwest corner of the porch. A large rectangular window with a concrete sill and wooden shutters is located on the first storey of the building and a one-over-one sash window is located in the end gable of the second storey. Dormers on the north and south sides of the building and the windows located on the northern and southern elevations on the first storey of the building also contain similar one-over-one sash windows. In addition, a concrete block chimney is located on the southern elevation of the building.

The first storey is constructed of concrete block and narrower concrete blocks. The blocks and bricks are arranged in an alternating pattern that includes coursing of smooth concrete block and much narrower rusticated concrete bricks. The larger rusticated blocks are used to form quoins at the corners of the building and the foundation (**Photograph 10**). The concrete blocks and bricks have been painted a pale orange.

5.3.3.1 Landscape

The landscaping located at 30 Wellington Road is modest with a small garden located along the west (front) elevation of the building and several mature trees are located on the rear of the property. In addition, the property contains an asphalt driveway that runs along the south elevation of the building.

5.3.4 Adjacent Properties

Based on the City of London's *Register of Cultural Heritage Resources* and a review of the CHER for the subject properties (AECOM, 2019), there are no cultural heritage properties adjacent to the Subject Properties.

16 Wellington Road, a property that is listed on the City of London's *Register of Cultural Heritage Resources* is located a short distance north of the subject properties on the north side of Grand Avenue (specifically, north of 26 Wellington Road).

6. Impact Assessment

6.1 Description of the Proposed Project

Dillon Consulting, teamed with AECOM to deliver the overall project, is completing the detailed design for Design Segment 2 of Wellington Gateway London BRT Project. In June 2021, AECOM received the 50% Detailed Design for Wellington Gateway from Dillon Consulting. The full rapid transit project is scheduled for a phased construction over 2023-2026, with Design Segment 2 scheduled for later in the overall schedule. Based on the 50% Detailed Design (**Figure 4**), the impacts to 26 Wellington Road, 28 Wellington Road and 30 Wellington Road are directly related to the widening of Wellington Road to accommodate dedicated transit lanes and to align with the widening of Clark's Bridge over the Thames River.

6.2 Assessment of Impacts

6.2.1 Screening for Potential Impacts

To assess the potential impacts of the undertaking, identified cultural heritage resources are considered against a range of possible impacts based on the *Ontario Heritage Tool Kit, Heritage Resources in the Land Use Planning Process, InfoSheet #5 Heritage Impact Assessments and Conservation Plans* (MTCS 2006:3) which include, but are not limited to:

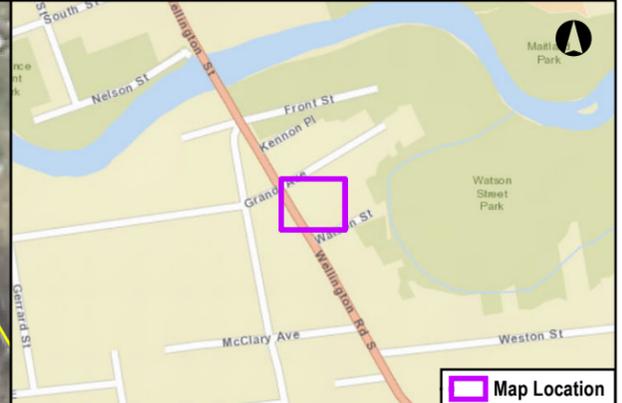
- Destruction, removal or relocation of any, or part of any, significant heritage attributes or features;
- Alteration that is not sympathetic, or is incompatible, with the historic fabric or appearance;
- Shadows created that alter the appearance of a heritage attribute or change the exposure or visibility of a natural feature or plantings, such as a garden;
- Isolation of a heritage attribute from its surrounding environment, context, or a significant relationship;
- Direct or indirect obstruction of significant views or vistas from, within, or to a built or natural heritage feature;
- A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces; and
- Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource³⁰.

The MTCS document defines "impact" as a change, either positive or adverse, in an identified cultural heritage resource resulting from a particular activity. This HIA identifies *direct (physical) impacts*, *indirect impacts*, and/or *positive impacts* as the impact types that a construction component and/or activity may have on cultural heritage resources.

A direct (physical) negative impact has a permanent and irreversible negative affect on the cultural heritage value or interest of a property, or results in the loss of a heritage attribute on all or part of the heritage property. Any land disturbance, such as a change in grade and/or drainage patterns that may adversely affect a heritage property, including archaeological resources. An indirect negative impact is the result of an activity on or near the property that

³⁰ This HIA only examines impacts to above-ground cultural heritage resources. Archaeological resources are presented in a separate report.

may adversely affect its cultural heritage value or interest and/or heritage attributes. A positive impact will conserve or enhance the cultural heritage value or interest and/or heritage attributes of the property.

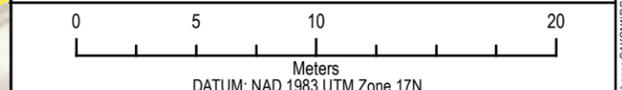


Legend

-  Edge of Pavement
-  Curb
-  Lane Markings
-  Sidewalk
-  Parcel Boundary
-  Subject Property

**Heritage Impact Assessment
Wellington Gateway Bus Rapid Transit
& Infrastructure Improvements**

50% Design - 26 Wellington Road,
28 Wellington Road and 30 Wellington Road
City of London



September 2022	1:300 * when printed 11"x17"	Source: MNR 2020, City of London 2019 Image: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User
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AECOM	Figure 4
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6.2.2 Impact Assessment Approach

Based on the 50% Detailed Design, the subject properties will be directly impacted by the demolition of the buildings on each property. The proposed new roadway alignment will create a widened road, complete with a new curb and sidewalk on the eastern side of Wellington Road. This proposed new infrastructure is within the current property boundaries of the subject properties. The impact assessment of the proposed project in **Table 2** below, presents the impacts in the *Ontario Heritage Tool Kit, Heritage Resources in the Land Use Planning Process, InfoSheet #5 Heritage Impact Assessments and Conservation Plans* (MTCS 2006:3).

The conservation of cultural heritage resources in planning is a matter of public interest. Changes to a roadway such as widening projects and modifications to intersections have the potential to adversely affect cultural heritage resources by direct impacts.

This HIA documents the assessment of anticipated construction impacts on the subject properties as related to the 50% Detailed Design.

The intention of the impact assessment contained in this HIA is to:

- Review the Detailed Design as it relates to the Subject Properties;
- Identify the impacts as outlined in the *Ontario Heritage Toolkit* (MTCS 2006) based on the 50% Detailed Design, on the Subject Properties; and
- Provide mitigation measures to avoid or mitigate potential direct and indirect adverse impacts to the Subject Properties, including its heritage attributes. The proposed mitigation measures inform the next steps of the project planning and design.

The following section presents the results of the impact assessment and outlines the potential impacts to the subject properties based on the 50% Detailed Design of the project for Design Segment 2 of Wellington Road.

6.2.3 Assessment of Impacts

The impact assessment for the proposed project in **Table 2** utilizes the *Ontario Heritage Tool Kit, Heritage Resources in the Land Use Planning Process, InfoSheet #5 Heritage Impact Assessments and Conservation Plans* (MTCS 2006:3):

Table 2: Impact Assessment – 26-30 Wellington Road

Impact	Discussion of Impacts
Destruction, removal or relocation	<p>Direct Adverse Impacts – Destruction of the three buildings within the subject properties:</p> <p>Based on the 50% Detailed Design (Figure 4), the impacts to 26 Wellington Road, 28 Wellington Road and 30 Wellington Road are directly related to the widening of Wellington Road to accommodate dedicated transit lanes and to align with the widening of Clark’s Bridge over the Thames River. The 50% Detailed Design indicates that the subject properties will accommodate a new curb and sidewalk on the eastern side of Wellington Road This proposed new infrastructure is within the current property boundaries of the subject properties. Given the 50% Detailed Design overlay, the design indicates that this will require the demolition of all three buildings located within the subject properties.</p>
Alteration	This category is not applicable as the buildings within the subject properties will be removed by the proposed development.

Impact	Discussion of Impacts
Shadows	This category is not applicable as the buildings within the subject properties will be removed by the proposed development.
Isolation	This category is not applicable as the buildings within the subject properties will be removed by the proposed development.
Direct or indirect obstruction of significant views	This category is not applicable as the buildings within the subject properties will be removed by the proposed development.
A change in land use	Based on the 50% Detailed Design (Figure 4), the impacts to 16 Wellington Road are limited to an estimated 0.030 hectares of land. The estimated 0.030 hectares of land will be impacted and changed into the widened road, complete with a new curb and sidewalk.
Land disturbance	There is expected soil disturbance involved in removal of the proposed building. However, these lands have been previously disturbed by construction of the existing building on the Subject Properties. Refer to the Stage 1-2 Archaeological Assessment that was completed during the TPAP.

6.2.4 Summary of Impacts

The proposed Wellington Gateway section for the London BRT project is anticipated to directly impact the subject properties through the demolition of the three buildings located at 26-30 Wellington Road. Each of the properties were determined to meet the criteria of Ontario Regulation 9/06 based on the CHER completed in 2019 (AECOM, 2019). The destruction of the three buildings within the subject properties are an adverse impact to the cultural heritage value and interest of each property. Mitigation measures options and recommendations have been summarized in **Section 7** and **Section 8** below.

7. Assessment of Mitigation Options

The properties at 26-30 Wellington Road have cultural heritage value or interest since they meet the criteria set out in O. Regulation 9/06 of the *Ontario Heritage Act*. As identified in **Table 2**, the proposed development will have a direct adverse impact on the cultural heritage value of the three separate buildings located within the Subject Properties. Accordingly, three mitigations alternatives are presented.

- Retention *in Situ* (Alternative 1);
- Relocation (Alternative 2); and
- Demolition with Additional Mitigation Measures (Alternative 3).

7.1 Evaluation of Alternatives

7.1.1 Retention *in Situ* (Alternative 1)

The Environmental Assessment process³¹ included reviewing multiple design alternatives for each proposed leg of the BRT system and experienced a “Time Out” Process as outlined in Section 1.6.4 of the EPR, stating that further consideration was required for the cultural heritage strategy before completing the TPAP. Throughout the process, many factors were taken into consideration to find the optimal design solution, which formed the Council approved EPR drawings. These drawings included consideration for minimizing property impacts while designing the transportation infrastructure required within the right-of-way such as minimum sidewalk, bike lanes, vehicle lanes, dedicated bus lanes, median widths, and setbacks. Throughout detailed design, the City and Consultants continued to review the EA design for Wellington Road and make adjustments where possible to help revise the right-of-way to further scale back property impacts. As the design process continues, Dillon Consulting continues to search for ways to avoid further disruption to other land while providing a safe transportation design.

The subject properties are located within the Wellington Road Curve design segment, which is located along Wellington Road south of the Thames River to Base Line Road crossing. This section of the road has an existing reverse horizontal curve³² (or “S” curve) which does not meet current design standards. Various alignments and configurations were considered for this section of Wellington Road. The preferred design of the 50% Detailed Design is to lengthen the curves improving safe movement of vehicles, which will result in an improvement to pedestrian safety. Wellington Road will have two centre running BRT lanes with two lanes of traffic in either direction. The preferred design of the Wellington Road Curve has been optimized in preliminary design to reduce the impacts to the fronting properties where possible, while meeting the design standards and safety requirements along this portion of the road.

The property and building located at 26-30 Wellington Road are directly impacted by the proposed roadway alignment. The impacts are directly related to the widening of the road itself, to accommodate the dedicated transit lanes, to align with the widening of Clark’s Bridge over the Thames River, and to improve the overall horizontal geometry of the road to improve vehicle and pedestrian safety along this portion of the corridor. At this specific location, the signalized Grand Avenue intersection is being maintained, which includes the northbound left turn lane and the inclusion of a bike lane/multi-use path. The additions will result in a wider road cross section. A shift of alignment to the west to reduce the impacts to 26-30 Wellington Road would create impacts to three high density residential buildings and a single commercial building. Therefore, avoiding the building at 26-30 Wellington Road is not feasible.

³¹ *The environmental assessment process ensures that governments and public bodies consider potential environmental effects before an infrastructure project begins.*

³² *A reverse curve (or “S” curve) is a section of the horizontal alignment of a highway or a railroad route in which a curve to the left or right is followed immediately by a curve in the opposite direction.*

7.1.2 Relocation (Alternative 2)

Where retention *in situ* is not feasible, relocation is often the next option considered to mitigate the loss of a heritage resource. As with retention, relocation of a structure must be balanced with cultural heritage value or interest identified. Moving these building at 26-30 Wellington Road would be a multi-stage process which requires coordination, experience, and attention-requiring applications. Relocation removes the three buildings from their contextual setting. This is only a viable option where the integrity of each structure is sound, and an economically viable new location for this group of buildings is available.

A Structural Condition Assessment for 26, 28 and 30 Wellington Road was completed by EXP Services Inc. (EXP) on June 10, 2022. The Structural Condition Assessment was completed by a qualified structural engineer to document the existing conditions of the three buildings located at 26, 28 and 30 Wellington Road and provide a professional opinion on the movability and/or relocation of the existing buildings. No forensics, coring and/or material testing was carried out as a part of this assignment. Only visual observations were undertaken in the assessment by EXP.

EXP notes that the three buildings located at 26, 28 and 30 Wellington Road are constructed of “one-of-a-kind hand made brick in a hand-made patterned heritage style”³³. As supported by the Statements of Cultural Heritage Value for each building, much of the cultural heritage value and character of the buildings are directly associated with the “one-of-a-kind hand made brick” on all elevations of the buildings. Note, AECOM determined the buildings were constructed on-site using a hand-operated concrete block making machine. The blocks are smooth (panel face) or rusticated (rock face) of various sizes which give the blocks an architectural appearance creating a unique visual effect. However, it is possible the smaller narrow rusticated courses are made of concrete brick, however that likely would have required a separate brick-making machine.³⁴ Without an extraction of material, it cannot be concluded if block and/or brick was made to construct the buildings.

The Structural Condition Assessment estimated that approximately 30%-40% of the exterior façade of the “one-of-a-kind hand made brick” would require repairs and/or removal for each building, to be acceptable and safe to move³⁵. This estimate does not include any additional repairs required on the exterior walls from the inside, that may have potential to affect the bricks on the outside (i.e., replacing or reinforcing an exterior wall from the inside. This will require work on the exterior of the structure as well) ³⁶. In addition, it is believed that a new structural lintel for each building would be required at the entire building perimeter in order to support the block façade if the building is elevated out-of-place³⁷. Any repairs would need to include structural rehabilitation on the interior of the building along with exterior façade restoration and/or reinforcement. EXP concludes that the number of repairs or removals required to move the structure and exterior façades of all three residential buildings would compromise the integrity of the buildings³⁸.

The AECOM cultural heritage team agrees with EXP’s expert opinion that the number of repairs required would diminish the integrity of the three residential buildings, which includes the current heritage value. The use and patterned arrangement of the rusticated (or rock-faced) and smooth concrete block exterior must be preserved in order to retain their cultural heritage value. The comparative examples in subsection 3.3 of this HIA show that builders in London prior to 1907 were creating their desired shape and appearance which means they were creating their own molds for each building or row of concrete block buildings they built. Therefore, replicating the hand-made concrete blocks on the façade of the three buildings would be a difficult task due to the loss of such technology.

³³ EXP 2022:2

³⁴ Sears, Roebuck and Co., n.d. [b]: 24-25

³⁵ EXP 2022:2

³⁶ EXP 2022:2

³⁷ EXP 2022:2

³⁸ EXP 2022:2

Parks Canada *Standards and Guidelines for the Conservation of Historic Places in Canada* for the rehabilitation for exterior walls state that replacement material of exterior walls should convey the same or compatible appearance. Replacement concrete blocks should be compatible in size, scale, material, style, and colour (Section 4.3.2. Exterior Walls, Standard 18). Selecting incompatible new concrete blocks would create a false historic appearance. If adding new concrete blocks in the amount of 30-40% is done incorrectly, it can lead to a loss in the cultural heritage value of the buildings.

Given EXP's findings, AECOM has determined there are four conservation options for the buildings:

- Replace with modern blocks;
- Find salvaged block for the repairs;
- Find a mason who could cast new blocks to match the old; and
- Treat the exterior with a new cladding.

Modern Blocks: Consultation with Dillon Consulting suggests that the pattern of the blocks may be possible to replicate by using modern day casting technologies, however the difficulty lies in creating the same aged appearance of the current blocks, especially for the building located at 26 Wellington Road which consists of unpainted blocks³⁹. The newly created precast blocks would not contain the same character and therefore would not be complimentary to the remaining blocks. It is likely that modern blocks, especially at 26 Wellington Road would create an unsightly appearance which is not recommended by Parks Canada, as stated above. Therefore, using modern day casting technologies to create replacement blocks is not recommended.

Salvaged Blocks: Alternatively, from manufacturing new blocks, the buildings could be repaired with salvaged concrete blocks. However, finding salvaged blocks with the same pattern is highly unlikely since, as discussed in subsection 3.1.4.1, these buildings built with concrete blocks at the turn of the 20th century were using different unique molds. Therefore, it is unlikely that salvaged blocks can be procured with the same pattern and reused in the repair of the buildings.

Replication by a Mason: Although the process is not overly complicated or impossible to replicate "antique" rusticated concrete blocks by using the hand-made machine method, it is a slow and tedious process. Replication by hand would allow for a block that is compatible in size, scale, material, style, and colour, as recommended by Parks Canada, above. However, this method is an uncommon approach used to repair turn-of-the-century concrete block buildings. The process of replication using the hand-made machine method as the possibility of taking over two years depending on the skills of the mason to produce enough block for the buildings on the subject properties, the availability of such hand-made machines and the interesting completing a time-consuming and difficult task. It has been described as a "lost art"⁴⁰. Such companies like "Classic Rock Face Block" are in the United States and ship to Canada and was one of the few companies found in an internet search for a company that specializes in restoring early 20th century concrete block buildings and makes customized concrete blocks⁴¹. Therefore, finding a local mason to replicate the concrete block may be challenging in London. Regardless, given the time to create the replicated block, this option will not be possible in the schedule for this project, since EXP made it clear that the block requires replacement prior to relocation.

New Cladding: When there are failures in these early concrete blocks, especially in large areas of the exterior façade, the most common treatment is to coat the whole exterior of the building with cement mortar or stucco finish⁴².

³⁹ email communication with Kate Preston, Landscape Architect at Dillon, July 27, 2022

⁴⁰ *Special to The Oregonian*, 2013

⁴¹ <http://www.classicrockfaceblock.com/>

⁴² Kibbel III, n.d

However, this method would conceal these decorative block homes which would diminish the cultural heritage value of the buildings on the subject properties. Therefore, this repair method is not recommended.

In summary, although by the results of the EXP's Structural Condition Assessment, AECOM believes relocating the buildings in one piece is possible, the steps necessary to relocate, including replacement of 30-40% of the concrete block, would diminish the integrity of the cultural heritage value of these properties. Relocation only allows for only partial preservation of their heritage attributes and is not recommended.

7.1.3 Demolition with Additional Mitigation Measures (Alternative 3)

Demolition is the mitigation option only when retention or relocation is not feasible. Removing this structure without further mitigation would not comply to Policy 591 which states; *where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development.* In addition, Policy 569 states that *where through the process established in the specific Policies for the Protection Conservation and Stewardship of Cultural Heritage resources section of this chapter and in accordance with the Ontario Heritage Act, it is determined that a building may be removed, the retention of architectural or landscape features and the use of other interpretive techniques will be encouraged where appropriate.*

Based on AECOM's assessment of Alternative 1 and Alternative 2, demolition is considered the only viable option for these properties. Therefore, the following sections present the mitigation measures required for demolition.

7.1.3.1 Demolition with Documentation

Given the properties have been determined to have cultural heritage value, prior to demolition of the buildings 26, 28, and 30 Wellington Road, documentation is required. Documentation will provide a record of the houses construction details and a detailed visual record of each resource, including its interior. Documentation is required before there are any changes to the property. Documentation should pay specific attention to the cultural heritage attributes of each property identified in the CHER (AECOM, 2019) and excerpted in **Section 4** in this report.

Documentation of the houses prior to demolition may be achieved by using a Remotely Piloted Aircraft System (RPAS), commonly referred to as a drone, which provides a three-dimensional (3D) model of each building. A drone service company, such as that of AECOM's Unmanned Aircraft Systems (UAS) Operations team, could be used to photograph and generate a 3D representation of each house in the subject properties before demolition. This approach will facilitate comprehensive documentation of the house, including communication of material types and dimensions. The 3D model created will ensure a detailed and accurate record of the property. The 3D representation must include:

- Overall dimensions⁴³;
- Site plan depicting the location of the existing building;
- Elevation plan for each elevation of the existing building;
- Specific sizes of existing building elements of interest, including:
 - Rusticated and smooth concrete blocks;
 - Recessed entryway;
 - Colonnade on plinth;
 - Transom above central entrance;
 - Original windows (including sills, trim, etc.);
 - End gable on west façade; and
 - Gable roof.

⁴³ Note the "raw data" from the RPAS is compatible with CAD, BIM or GIS systems

- Detailed information, including:
 - Rusticated and smooth concrete blocks (size, colour, type, maker stamp, etc.);
 - Recessed entryway;
 - Colonnade on plinth;
 - Transom above central entrance;
 - Original windows (including sills, trim, etc.);
 - End gable on west façade; and
 - Gable roof.
- Building materials used;
- Interior documentation, including:
 - General representative photographs; and
 - Floor Plan.
- Profile reliefs of the concrete pattern of each elevation; and
- Concrete blocks and bricks distinctive attributes to capture a sample of all patterns on the block/brick itself.

The quality of the documentation must be such that the building can be understood even though the physical evidence has disappeared.

The documentation will be filed with the Heritage Planner at the City of London. Post-demolition, the remnants of 26-30 Wellington Road should be de-listed from the City of London's *Register of Cultural Heritage Resources*.

7.1.3.2 Demolition with Commemoration

Given the properties have been determined to have cultural heritage value or interest, commemoration is required. Commemoration creates a public record of the subject properties and provides a physical reminder of the land use history of the property. A commemoration strategy communicates the cultural heritage value of the group of concrete block buildings after they are demolished. The following commemorative option has been proposed to memorialize and remember the three concrete building located at 26-30 Wellington Road:

Commemoration Option: Metal Plaques

This commemoration option is to incorporate three metal plaques flush with the hardscape boulevard or sidewalk (**Image 14** and **image 15**). The plaques will memorialize and remember the three concrete block building located at 26-30 Wellington Road which are associated with early concrete block manufacturing in London. Each plaque is context-specific and should be placed in the general location of where the building once stood. The plaques should contain the address of the building and its date of construction (e.g., 26 Wellington Road, Built ca. 1906). The plaque may also contain an etched outline of the buildings.

The location of each metal plaque should be included in the design drawings for the project. The design of the plaques should be completed by the 90% Detailed Design. This commemorative option is to be integrated in the landscape drawings with any necessary installation details included in the Special Provisions. The information and design included in the plaques should be provided to London's Cultural Office, in coordination with the Consultant team Landscape Architect. The plaque should be installed after demolition of the three buildings, and during the construction of the sidewalk and boulevard.

The documentation report should include the proposed design of the plaque and the etched outline intended for its incorporation.



Image 14:

An example of a circular metal plaque integrated into the concrete paving located at Waterton Lakes National Park (Dillon Consulting, 2019)



Image 15:

An example of a rectangular metal plaque integrated into the concrete paving (Derek & Edson, N.d.)

8. Conclusion and Recommendations

The subject properties at 26, 28 and 30 Wellington Road are each listed on the City of London's *Register of Cultural Heritage Resources*. As part of the CHER completed by AECOM in 2019, the three properties were evaluated using the criteria of Ontario Regulation 9/06 and they were determined to have cultural heritage value or interest. Based on the impact assessment conducted in this HIA, the properties will be directly adversely impacted. Specifically, the demolition of the three buildings located within the subject properties will be required as part of the project. Therefore, based on the results of the impact assessment and the assessment of mitigation options presented in **Section 7** of this HIA, the following is recommended.

As retention of the concrete block buildings located 26-30 Wellington Road *in-situ* and relocation of each building is not considered to be feasible, and demolition is the only viable option (**Alternative 3**), the following mitigation measures are recommended:

- 1) Prior to demolition of the building located at 26-30 Wellington Road, detailed documentation for each building should be completed by a Qualified Person, such as a professional architect to measure and photographically document the building in compliance with Policy 567_, *The London Plan*⁴⁴. The City of London should complete a documentation which could employ use of a Remotely Piloted Aircraft System (RPAS) which will photograph and generate a three-dimensional representation of each house prior to demolition. This approach will facilitate comprehensive documentation of the house, including communication of material types and dimensions. The three-dimensional model created will ensure a detailed and accurate record of the property. See Section 7.1.3.1. for a list of details to document;
- 2) Commemoration of the subject properties should be considered. The commemorative option proposed in **Section 7** of this HIA, should be established by the 90% Detailed Design for the subject properties. The following steps are required to implement Commemoration Option: Metal Plaques:
 - Allocate a location of the three metal plaques for 26, 28, and 30 Wellington Road, in the 90% Detailed Design;
 - Budgeting for the metal plaque commemoration option should be allocated during the construction phase of this project;
 - The metal plaques will be designed as part of the Landscape Architecture design and specified in the tender. A shop drawing shall be provided at the time of construction; and
 - The metal plaques should be installed following the demolition of the buildings located at 26-30 Wellington Road, and preferably during the construction of the sidewalk and boulevard for the project.

⁴⁴ A documentation report is not within the scope of AECOM's existing assignment

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Appendix **A**

Photographs



Photograph 2:
View of the three building located at 26-30 Wellington Road, looking east (AECOM 2021)



Photograph 3:

View of the three building located at 26-30 Wellington Road, illustrating their proximity to Wellington Road looking north (AECOM 2021)



Photograph 4:

View of the one-and-a-half storey building located at 26 Wellington Road, looking southeast (AECOM 2021)



Photograph 5:

View of the one-and-a-half storey building located at 26 Wellington Road, illustrating the porch, concrete landing, cast-iron railings and wooden colonnette on a concrete block plinth, looking northeast (AECOM 2021)



Photograph 6:

View of the first-storey building located at 26 Wellington Road, illustrating the concrete brick pattern and the large, rusticated blocks that form quoins, looking east (AECOM 2021)



Photograph 7:

View of the one-and-a-half storey building located at 28 Wellington Road (AECOM 2021)



Photograph 8:

View of the first-storey building located at 28 Wellington Road, illustrating the concrete brick pattern and the large, rusticated blocks that form quoins, looking east (AECOM 2021)



Photograph 9:
View of the one-and-a-half storey building located at 30 Wellington Road (AECOM 2021)



Photograph 10:

View of the first-storey of the building located at 30 Wellington Road, illustrating the concrete brick pattern and the large, rusticated blocks that form quoins, looking east (AECOM 2021)

Appendix **B**

Historical Documents

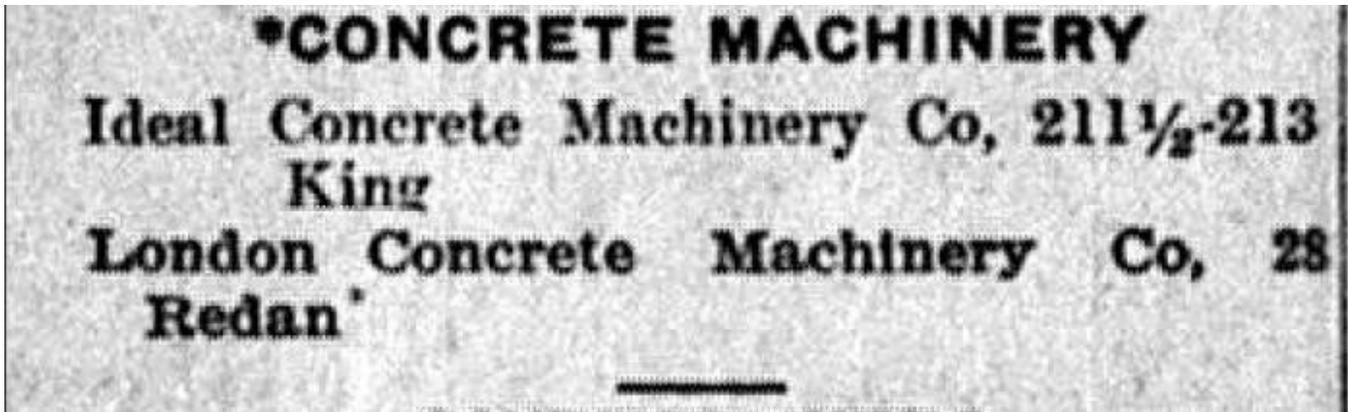


Image 16:

An image of the 1907-1908 City Directory illustrating that the London Concrete Machinery Company was located at 28 Redan Street in 1907⁴⁵

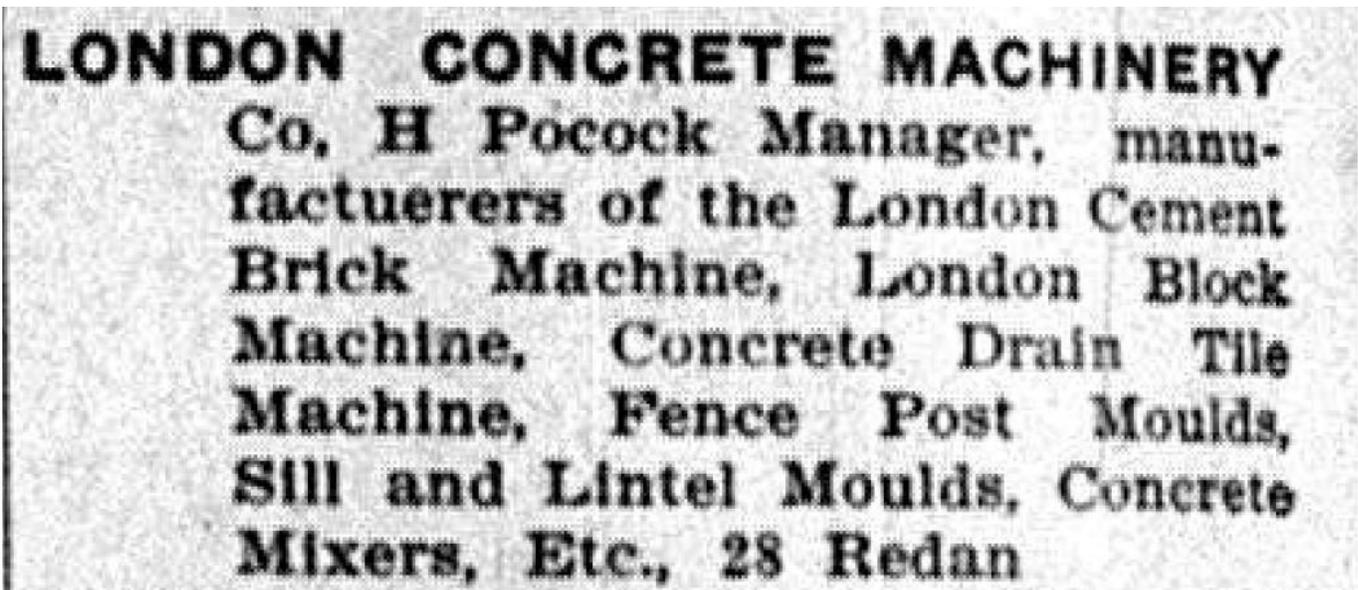


Image 17:

An image of the 1907-1908 City Directory illustrating that the London Concrete Machinery Company was producing and selling concrete block making machines in 1907⁴⁶

⁴⁵ Vernon, 1907-1908

⁴⁶ Vernon, 1907-1908

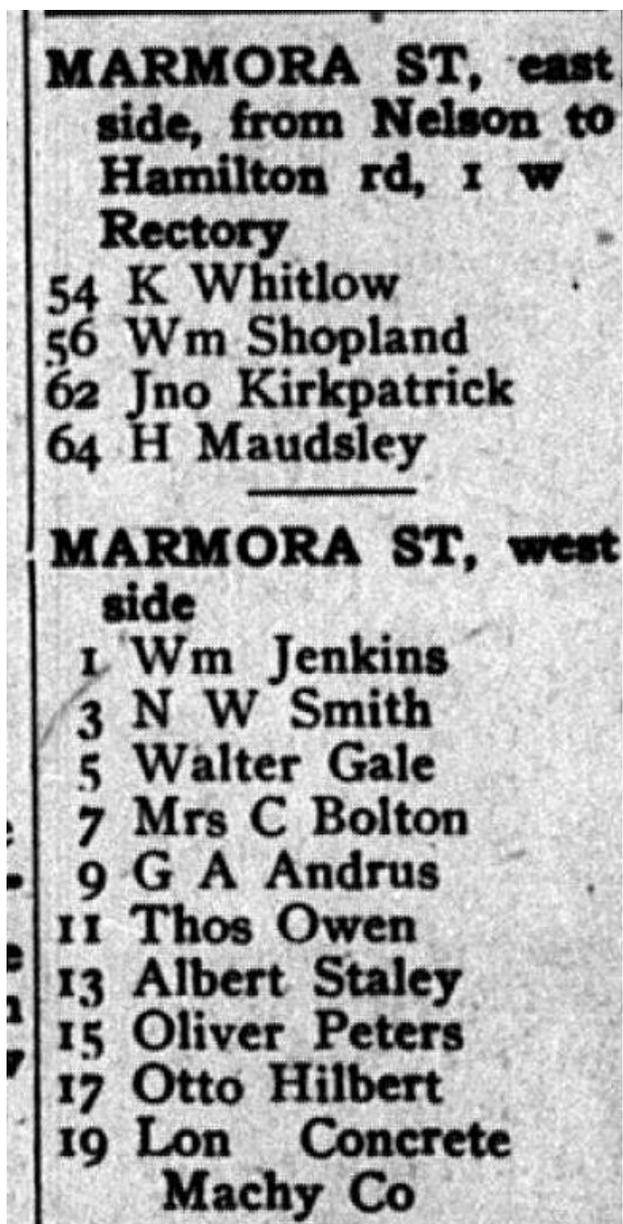


Image 18

An image of the 1908-1909 City Directory illustrating that the London Concrete Machinery Company was located at 19 Marmora Street in 1907⁴⁷

⁴⁷ Vernon, 1908-1909

Appendix **C**

**Structural Condition Assessment by EXP
Services Inc. (EXP)**



June 10, 2022

LON-00018372-GE

Mr. David Bourne, P.Eng and Ms. Tara Jenkins, MA.,GPCert CHS,CAHP
AECOM
250 York St,
London, ON
N6A 6K2

VIA Email

Re: **Structural Condition Assessment
26, 28 and 30 Wellington Road
London ON**

Dear Mr. Bourne and Ms. Jenkins,

As requested, EXP completed observations of the structures located at 26, 28 and 30 Wellington Road in London Ontario. These services were provided per your request to develop an opinion on the underlying structural condition of the buildings as it relates to relocating/moving the buildings. The following report will serve to document the results of our visual observations and review, along with our opinions regarding the condition on this project.

1. Purpose and Scope

The purpose of our site visit was to review and document the existing conditions of the three (3) residential buildings located at 26, 28 and 30 Wellington Road for the purpose of providing our opinion on the movability and/or relocation of the existing structures.

No forensics, coring and/or material testing was carried out as a part of this assignment. Visual observations were undertaken. Mr. Anthony Travaglini, P.Eng. of EXP Services, Inc. visited the sites on May 4, 2022 and performed the visual survey, with the access/assistance provided by Ms. Stacy Badeen of the City of London.

2. Executive Summary

It is EXP's professional opinion that the three (3) residential buildings will be extremely difficult to re-locate and/or move.

Due to the proprietary, handmade nature of the bricks installed on all the buildings, an identical match is impossible and anything that is installed or repaired would not carry the cultural and/or heritage significance that the existing bricks contain.

This is based on our engineering judgement, knowledge of the existing structures and current condition of the structures and their façade components.

The amount of repair required to both the structure and the façade of the structures would diminish their current "heritage" and/or cultural state. EXP estimates that approximately 30%-40% of the exterior façade would require repairs, in order to be acceptable and safe to move. This estimate does not include any additional repairs required on the exterior walls from the inside, that would likely affect the bricks on the outside (i.e., replacing or reinforcing an exterior wall from the inside will require work on the exterior of the structure as well).

Additionally, due to the brick construction on these buildings, a new structural lintel would be required at the entire building perimeter in order to support the brick façade if the building is elevated out of place.

Any repairs would need to include structural rehabilitation on the interior of the building along with exterior façade restoration and/or reinforcement.

3. Background

EXP understands that the City of London requested a Heritage Impact Assessment be carried out on the properties as it pertains to the impending work on Wellington Road.

Based on information gathered through the City of London's "Register of Cultural Heritage Resources" report, the age of the buildings is established at (circa) 1906.

The one-of-a-kind, handmade brick is installed on all elevations of the façade. There is hand made, patterned "heritage" style brick utilized on the exterior at the main level "floor line", with smooth faced, hand made, bricks covering the remainder of the façade. The main level of the buildings is above grade; however, the distance above grade varied between structures.

4. Description of Building/Structure

All three (3) of the residential structures are constructed of wood structural framing members with a brick façade. The structural wood framing supports the exterior walls (bricks) interior floors, and the roof. Interior walls consist of a stucco plaster applied over metal and wood lath.

The basements could be considered crawl spaces, as the ceiling height is less than six feet (6'). The exterior brick façade continues below the visible grade surrounding the structures. Concrete block was observed to be the construction material utilized for the foundations.

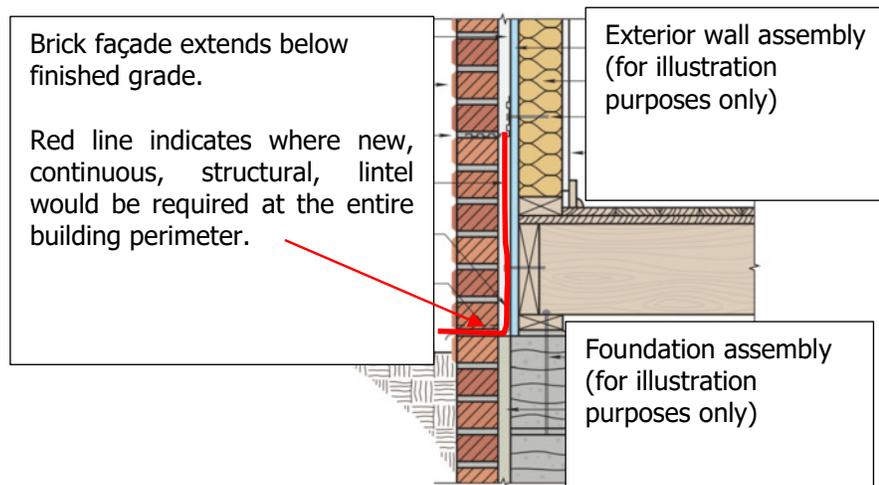
Each of the structures has at least one (1) chimney, with some having two (2) chimneys.

The one-of-a-kind, hand made brick is installed on all elevations of the façade. There is hand made, patterned “heritage” style brick utilized on the exterior at the main level “floor line”, with smooth faced, hand made bricks covering the remainder of the façade. The main level of the buildings is above grade, however the distance above grade varied between structures.

Based on EXP’s experience with similar properties, it is typically the façade that gives a building its “character” and/or heritage and/or culturally significant status.

The brick façade on all of these buildings runs, uninterrupted, from below grade, to the roof line. This means that the bricks on the upper level are supported by the bricks on the lower level, which are supported by the bricks below grade. It is unknown whether the bricks below grade are supported on any type of separate footing or the foundation wall footing.

This means that if the structure is moved out of place, wherever it is elevated from, will require a continuous lintel or structural support for the entire brick façade above the lifting point (See illustration below)



Typical exterior wall assembly requiring new, structural lintel (for illustration purposes only).

5. Observations and Discussion

5.1 26 Wellington

- 5.1.1 Access to the interior was not provided for this structure. It was arranged prior to the site visit; however, tenants were either not home or chose not to permit access, preventing our view of the superstructure on the interior. The exterior façade and bricks were reviewed (Reference Photo Nos. 1-3).
- 5.1.2 Based on the exterior observations as well as the condition of the façade, along with the interior observations performed in the subsequent buildings, EXP believes that the superstructure is likely in the same condition as the other buildings.
- 5.1.3 The exterior façade is in poor condition and extends below grade at the majority of the house perimeter. This façade would have to be broken in order for the structure to be elevated. Repairs would need to be carried out in an exceptional manner in order to achieve the same level of finish. It is EXP's experience that these repairs would never exactly match the existing.
- 5.1.4 EXP observed the bricks at/around the windows and doors to be cracked and/or damaged. Repairs to the brick façade, in conjunction with any structural repairs, are recommended prior to relocating the structure in order to ensure that the façade stays tied to the sub-structure.
- 5.1.5 There is a large, mature tree in the front yard, immediately in the sensible direction of structure movement. The tree would have to be removed prior to moving or relocating the structure.
- 5.1.6 An active power line is present in front of this property. Any relocation work and/or work on the property to relocate the structure, should account for this.
- 5.1.7 EXP observed that the chimney of this building was separating from the structure. This chimney would either need to be removed, or structural restoration/repairs would have to be undertaken to ensure that the chimney remains intact during a building move.

5.2 28 Wellington

- 5.2.1 Access to the interior was provided via a front door and rear door. There are two separate units within this building (Reference Photo No. 4).
- 5.2.2 EXP observed substantial cracking on the brick façade. The cracking extended through mortar joints as well as through bricks. EXP observed the bricks at/around the windows and doors to be cracked and/or damaged. Repairs to the brick façade, in conjunction with any structural repairs, are recommended prior to relocating the structure in order to ensure that the façade stays positively connected to the sub-structure.
- 5.2.3 Based on the cracking observed, an extensive facade restoration and/or repairs would need to be carried out before a building relocation project could be undertaken (Reference Photo Nos. 5 -7).
- 5.2.4 EXP observed evidence of structural deterioration and/or settlement within the building. Large cracks within the plaster finishes were observed. These cracks indicate that the sub-structure (Framing and structural members) have shifted and/or settled. A medium to large scale structural restoration and/or retrofit project would need to be undertaken to ensure that the superstructure (and/or finishes) are reinforced and maintained during a building move or relocation (Reference Photo Exhibit Nos. 8-10).
- 5.2.5 These cracks were observed on the main level and on the upper-level ceiling.
- 5.2.6 The chimney has separated from the main building and would need to be removed or structurally reinforced prior to the building relocation or move. If the chimney is removed, this would change the overall look of the building.
- 5.2.7 The exterior façade is in poor condition and extends below grade at the majority of the house perimeter. This façade would have to be broken and/or disconnected and then supported entirely in order for the structure to be elevated. Repairs would need to be carried out in an exceptional manner in order to achieve the same level of finish. It is EXP's experience that these repairs would never exactly match the existing (Reference Photo Exhibit Nos. 11 and 12).

5.3 30 Wellington

- 5.3.1 Access to the interior was provided via a front door. EXP observed the interior of the building was observed to be in extremely poor condition. Damage throughout the interior was observed (Reference Photo Nos. 13-16).
- 5.3.2 At locations where interior damage was observed on the exterior walls, EXP was able to view the backside of the exterior wall cavity. Large amounts of visible moisture were present within the wall on the back side of the exterior bricks. Construction in the early 1900's did not typically include an exterior weather barrier to prevent moisture and/or air movement between the exterior and interior environments (Reference Photo Exhibit No. 17).
- 5.3.3 Due to the observed moisture, EXP believes that there is likely an elevated level of deterioration on the exterior wall structural members that will affect the movability of the structure.
- 5.3.4 EXP observed substantial cracking on the brick façade. The cracking extended through mortar joints as well as through bricks. Based on the cracking observed, an extensive facade restoration and/or repairs would need to be carried out before a building relocation project could be undertaken. The chimney has also separated a large amount from the building. EXP believes the façade restoration would require re-work and/or replacement of approximately 30%-40% of the brick façade. (Reference Photo Nos. 18 and 19)
- 5.3.5 EXP observed evidence of structural deterioration and/or settlement within the building. Large cracks within the plaster finishes were observed. These cracks indicate that the sub-structure (Framing and structural members) have shifted and/or settled. Water damage from the roof was also observed on the upper level. The extent of the damage is unknown, however a large-scale restoration and/or retrofit project would need to be undertaken prior to relocation (Reference Photo Exhibit Nos. 20-22).
- 5.3.6 The exterior façade is in poor condition and extends below grade at the majority of the house perimeter. This façade would have to be broken and/or disconnected and then supported entirely in order for the structure to be elevated (Reference Photo Exhibit No. 23)
- 5.3.7 The attic was not accessible for review.

6. Structure Movement

- 6.1 The recommended method of structural movement for these buildings would involve assembling/erecting a steel structure beneath and/or around the building. This steel structure would then be attached to a heavy duty wheel base for moving the structure.
- 6.2 In addition to this steel sub-structure, installation of a continuous steel lintel will be required in order to fully support the brick façade.
- 6.3 This can be accomplished with excavation because the main floor level is above grade. However, removal of the brick façade will be required at multiple locations around the building.
- 6.4 Before any of these structures could be moved, extensive restoration to the facades and underlying structure needs to be carried out.
- 6.5 Based on the amount of moisture observed in the wall cavity of 30 Wellington, it is not unreasonable to expect the same level of moisture within 26 and 28 Wellington. This moisture has likely contributed to a level of deterioration that would need to A) be determined and B) restored prior to a building relocation.

7 Conclusions and Recommendations

7.1 26 Wellington

- 7.1.1 Prior to movement/relocation, EXP recommends carrying out a comprehensive exterior restoration. This would include removal and/or restoration of the damaged bricks and mortar joints. Approximately 30%-40% of the exterior façade will be affected by this exterior restoration. The 30%-40% does not account for any interior structural work required to ensure that the exterior walls are sufficiently sturdy prior to the movement of the structure.
- 7.1.2 EXP recommends carrying out a structural rehabilitation of any deteriorated structural members within the exterior walls and attic spaces prior to relocation of the structure.

7.2 28 Wellington

- 7.2.1 Prior to movement/relocation, EXP recommends carrying out a comprehensive exterior restoration. This would include removal and/or restoration of the damaged bricks and mortar joints. Approximately 30%-40% of the exterior façade will be affected by this exterior restoration. The 30%-40% does not account for any interior structural work required to ensure that the exterior walls are sufficiently sturdy prior to the movement of the structure.
- 7.2.2 EXP recommends carrying out a structural rehabilitation of any deteriorated structural members within the exterior walls and attic spaces prior to relocation of the structure.

7.3 30 Wellington

- 7.3.1 Prior to movement/relocation, EXP recommends carrying out a comprehensive exterior restoration. This would include removal and/or restoration of the damaged bricks and mortar joints. Approximately 30%-40% of the exterior façade will be affected by this exterior restoration. The 30%-40% does not account for any interior structural work required to ensure that the exterior walls are sufficiently sturdy prior to the movement of the structure.

- 7.3.2 EXP recommends carrying out a structural rehabilitation of any deteriorated structural members within the exterior walls and attic spaces prior to relocation of the structure.

We trust this information is sufficient for your requirements. If you have any questions or require any further clarification, please do not hesitate to contact this office.

Yours truly,

EXP Services Inc.



Anthony Travaglini, P.Eng.
Team Lead
Building Science Division



Jeff Boivin, P.Eng.
Discipline Manager
Building Science Division

8 Limitations

This report was prepared by EXP Services Inc. for the sole account of **Aecom**. The observations, comments, and recommendations in it reflect the judgement of EXP Services Inc. in light of the information available to it at the time of preparation. Any use, which a Third Party makes of, this report, or any reliance on decisions based on it, are the responsibility of such Third Parties. EXP Services Inc. accepts no responsibility for damages, if any, suffered by any Third Party as a result of decisions made or actions based on this report. Any opinion on potential budget cost estimates in no way is intended to warrant the total cost of any item or all future costs. This report is not intended to confirm that the various building components or systems are capable of fully performing their designed or required functions.

In order to achieve the objectives outlined, EXP arrived at conclusions based upon the best information presently known to us. No investigative method can completely eliminate the possibility of obtaining partially imprecise or incomplete information; it can only reduce the possibility to an acceptable level. Professional judgment was exercised in gathering and analyzing the information obtained and in the formulation of the conclusions. Like all professional persons rendering advice, we do not act as absolute insurers of the conclusions we reach, but we commit ourselves to care and competence in reaching those conclusions.

The client has agreed that EXP's employees, officers, directors and agents shall have no personal liability to the client in respect of a claim, whether in contract, tort and/or any other cause of action in law related to this report. Accordingly, the client expressly agrees that it will bring no proceedings and take no action in any court of law against any of EXP's employees, officers, directors, or agents in their personal capacity.

The client has agreed to the following limitations of liability of EXP and its consultants and sub-consultants: EXP shall have no liability to the client or any third party, in contract or tort for related claim obligations including those arising from the presence, discharge, release, escape or effect of mould, mildew, or other fungus in any form contaminants, or any other hazardous, dangerous or toxic substance. EXP's total aggregate liability direct or indirect for this project is limited to the lesser of the limit of our standard insurance or the amount set out in our proposal for this project.

EXP Services Inc. has conducted this service in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality and under similar conditions as this project. No other representation, expressed or implied, is included or intended. It is understood that EXP is entitled to rely upon the accuracy and completeness of all information provided.

This report and any budget projections were obtained at a time when the current Global Pandemic (Covid 19) and European markets are causing large disruptions to supply chain, oil prices and labor shortages and therefore effecting costs of construction, all over. Best efforts were taken to obtain accurate pricing, however until a project is bid out, pricing will not be known.



Photo Exhibit No. 1
26 Wellington – front elevation.



Photo Exhibit No. 4
28 Wellington – front elevation.



Photo Exhibit No. 2
26 Wellington – chimney is separating
from main structure.



Photo Exhibit No. 5
28 Wellington – cracking through bricks.



Photo Exhibit No. 3
26 Wellington – north elevation, cracking
throughout brick façade.



Photo Exhibit No. 6
28 Wellington – cracking through bricks.



Photo Exhibit No. 7
28 Wellington – cracking through bricks at door opening.



Photo Exhibit No. 10
28 Wellington – large cracks extending full ceiling length in upper-level ceiling.



Photo Exhibit No. 8
28 Wellington – large cracks extending full ceiling length in upper-level ceiling.



Photo Exhibit No. 11
28 Wellington – exterior façade bricks extend below grade but support the bricks above.



Photo Exhibit No. 9
28 Wellington – large cracks extending full wall height in stairwell walls.



Photo Exhibit No. 12
28 Wellington – exterior façade bricks extend below grade but support the bricks above.



Photo Exhibit No. 13
30 Wellington – overall of front elevation.



Photo Exhibit No. 16
30 Wellington – substantial water damage on the interior.



Photo Exhibit No. 14
30 Wellington – substantial interior damage.



Photo Exhibit No. 17
30 Wellington – substantial amount of moisture in exterior walls.



Photo Exhibit No. 15
30 Wellington – substantial interior damage.



Photo Exhibit No. 18
30 Wellington – large cracks through bricks and mortar joints.



Photo Exhibit No. 19
30 Wellington – substantial separation of chimney from the structure.



Photo Exhibit No. 22
30 Wellington – large cracks in the ceiling, along with water damage from the roof.



Photo Exhibit No. 20
30 Wellington – large cracks in the stairwell concrete wall.



Photo Exhibit No. 23
30 Wellington – exterior façade bricks extend below grade but support the bricks above.



Photo Exhibit No. 21
30 Wellington – large cracks in the ceiling, extending full ceiling length.

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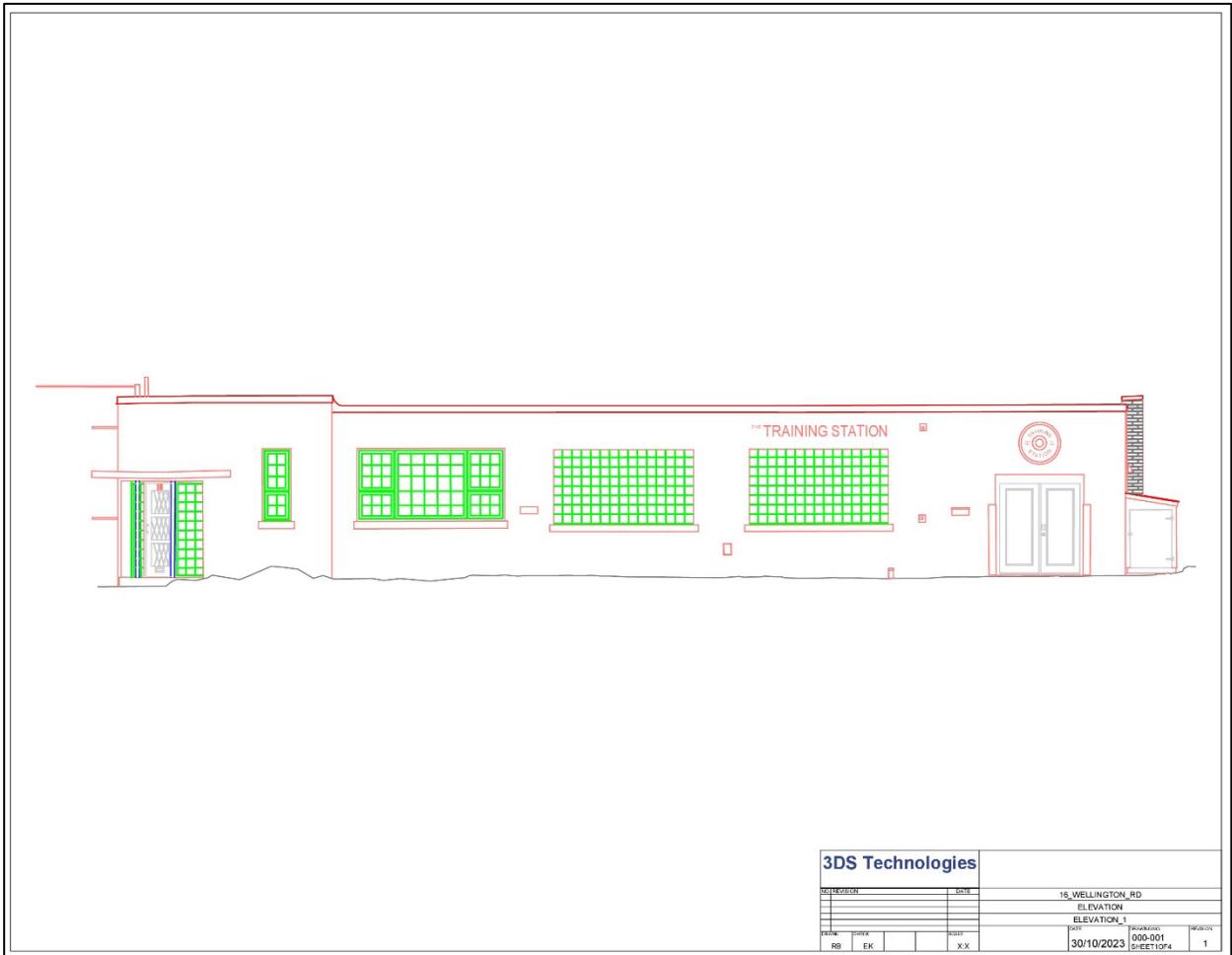


Figure 4: South elevation of the building at 16 Wellington Road (3DS Technologies, dated October 30, 2023).

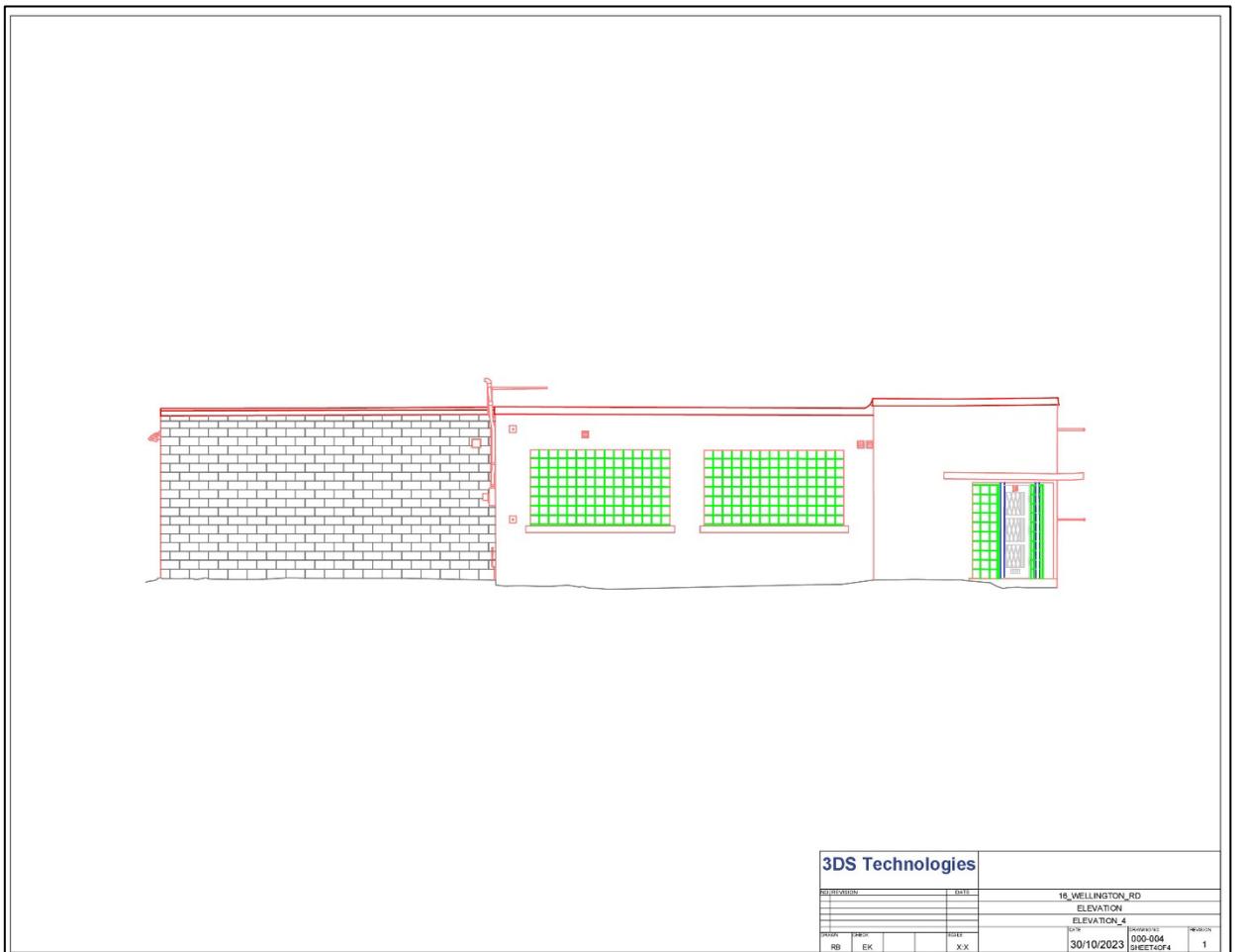


Figure 5: West elevation of the building at 16 Wellington Road (3DS Technologies, dated October 30, 2023).

Appendix F – Elevation Drawings: Buildings at 26-28-30 Wellington Road



Figure 6: North elevation of the house at 26 Wellington Road (3DS Technologies, dated October 6, 2023).

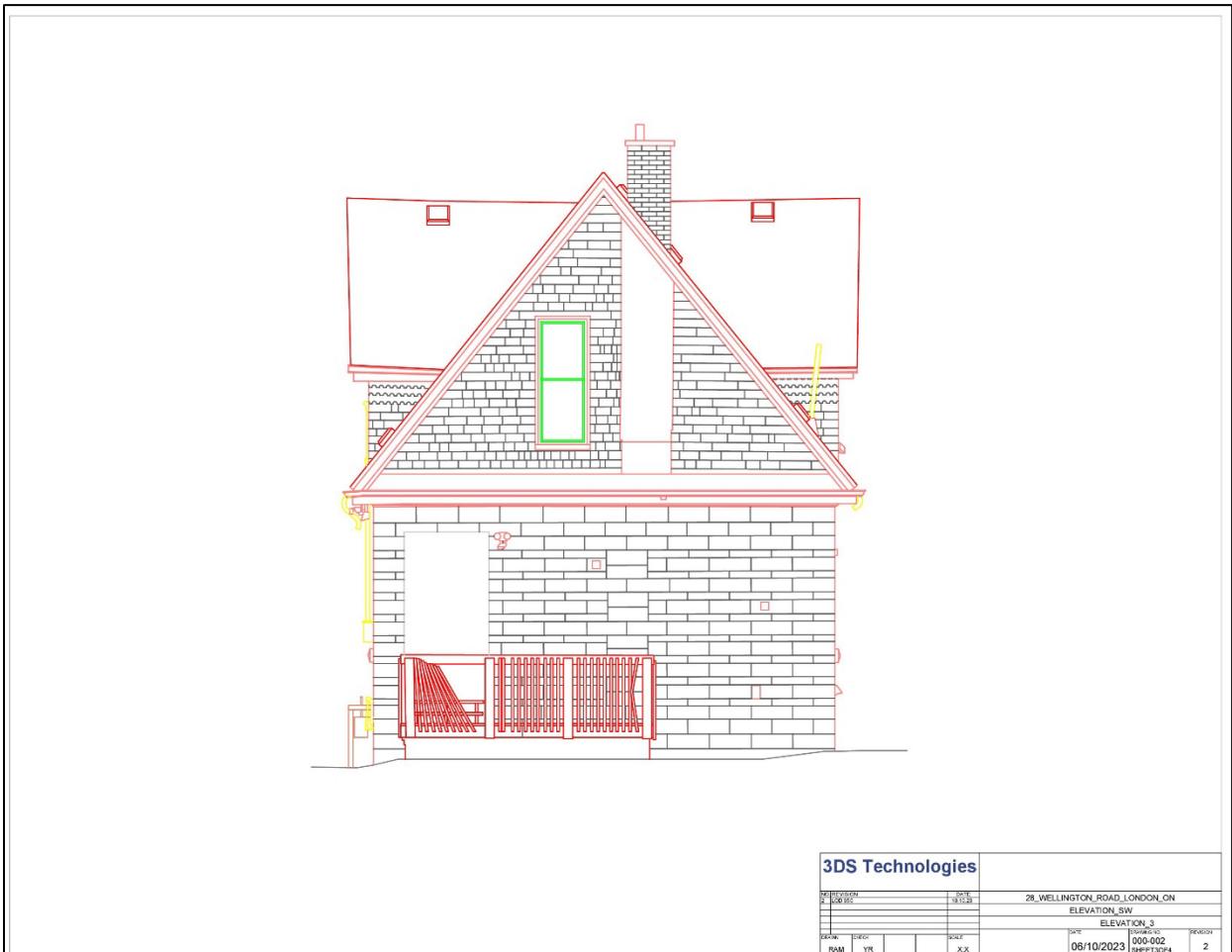


Figure 7: East elevation of the house at 26 Wellington Road (3DS Technologies, dated October 6, 2023).

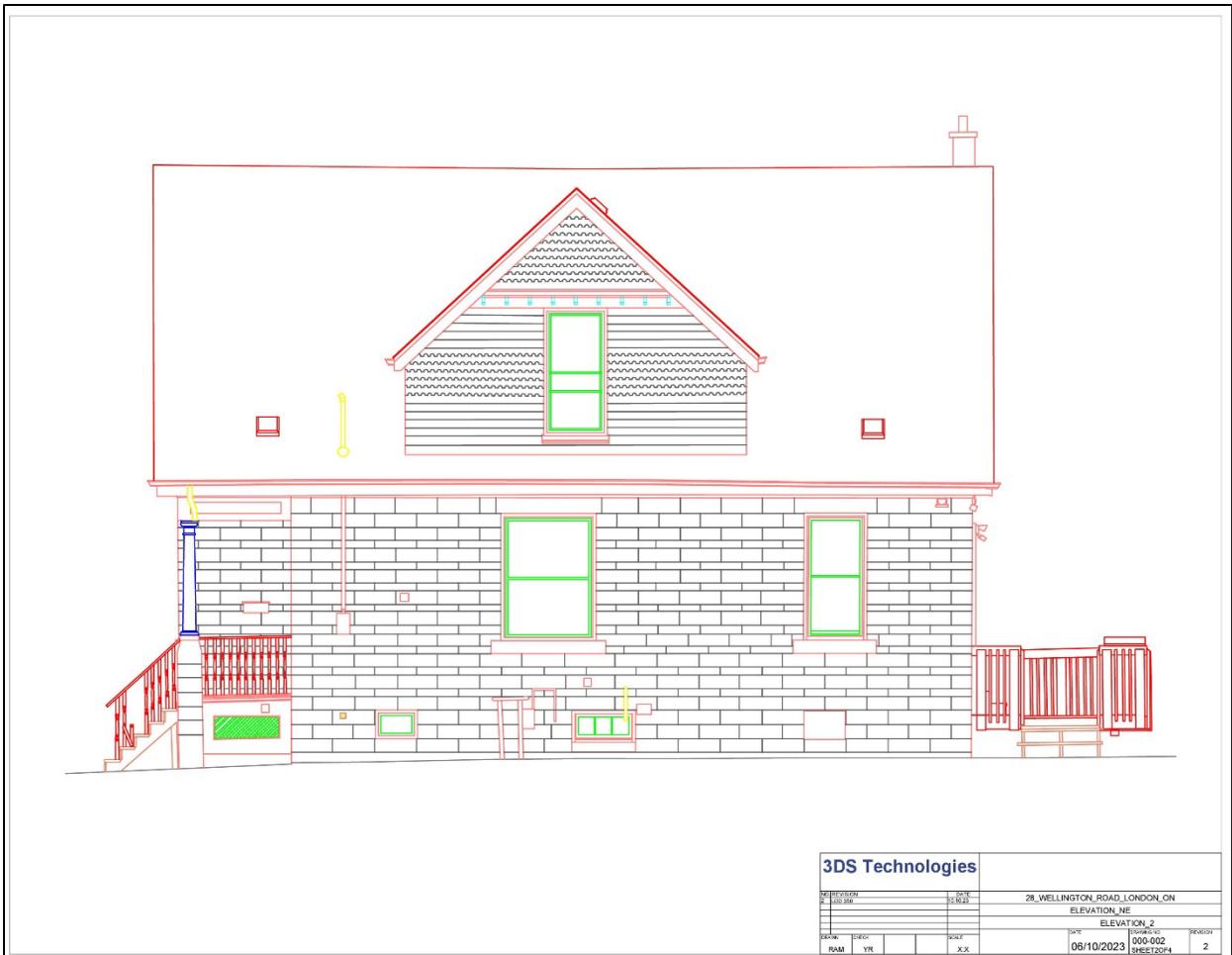


Figure 8: South elevation of the house at 26 Wellington Road (3DS Technologies, dated October 6, 2023).

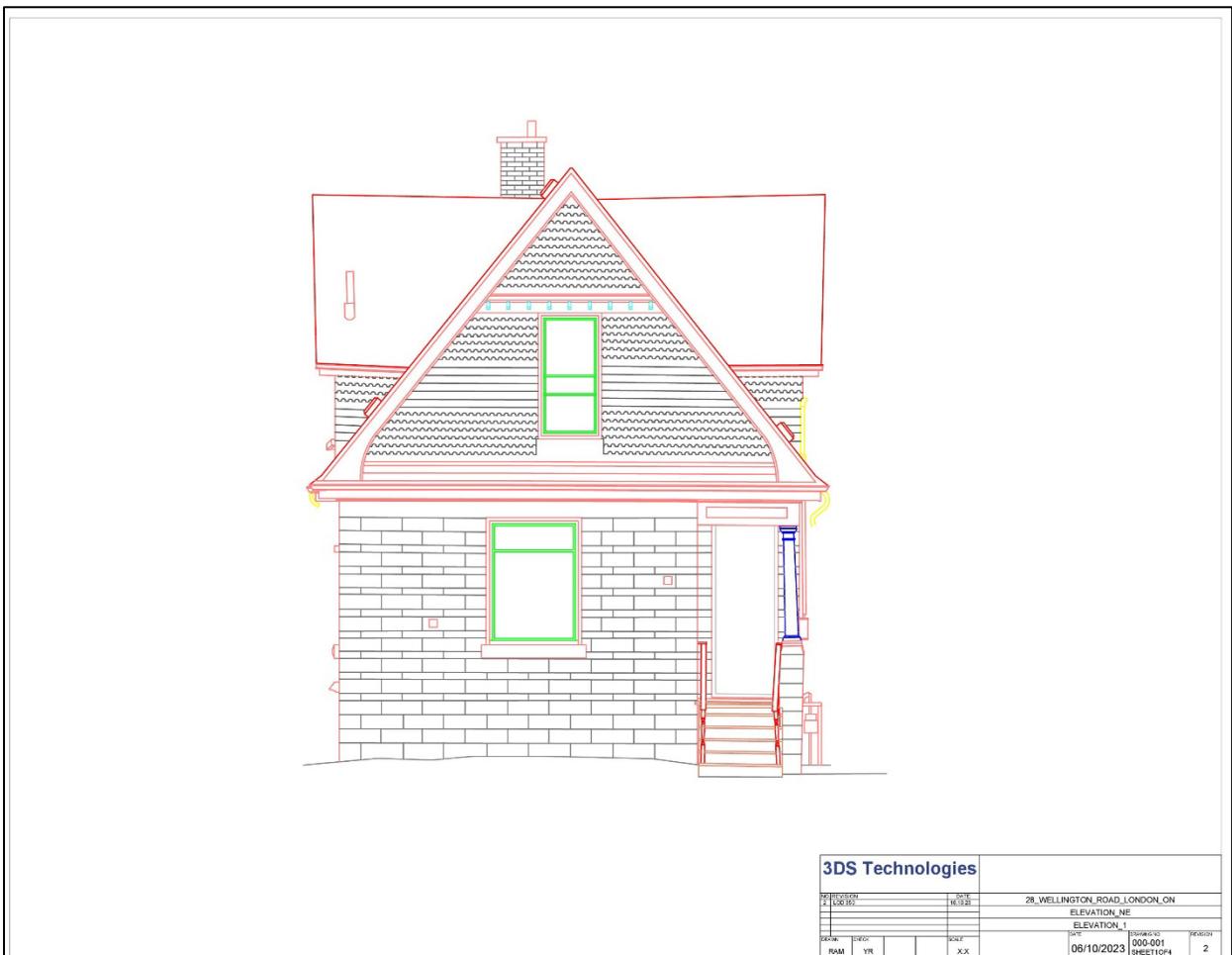


Figure 9: West elevation of the house at 26 Wellington Road (3DS Technologies, dated October 6, 2023).

Appendix G – 3D Documentation: Building at 16 Wellington Road



Image 9: Screen capture showing 3D documentation of the building on the property at 16 Wellington Road (SkyDeploy, received November 15, 2023).



Image 10: Screen capture showing 3D documentation of the building on the property at 16 Wellington Road (SkyDeploy, received November 15, 2023).

Appendix H –3D Documentation: Building at 28 Wellington Road



Image 11: Screen capture showing 3D documentation of the house on the property at 28 Wellington Road (SkyDeploy, received August 10, 2023).



Image 12: Screen capture showing 3D documentation of the house on the property at 28 Wellington Road (SkyDeploy, received August 10, 2023).

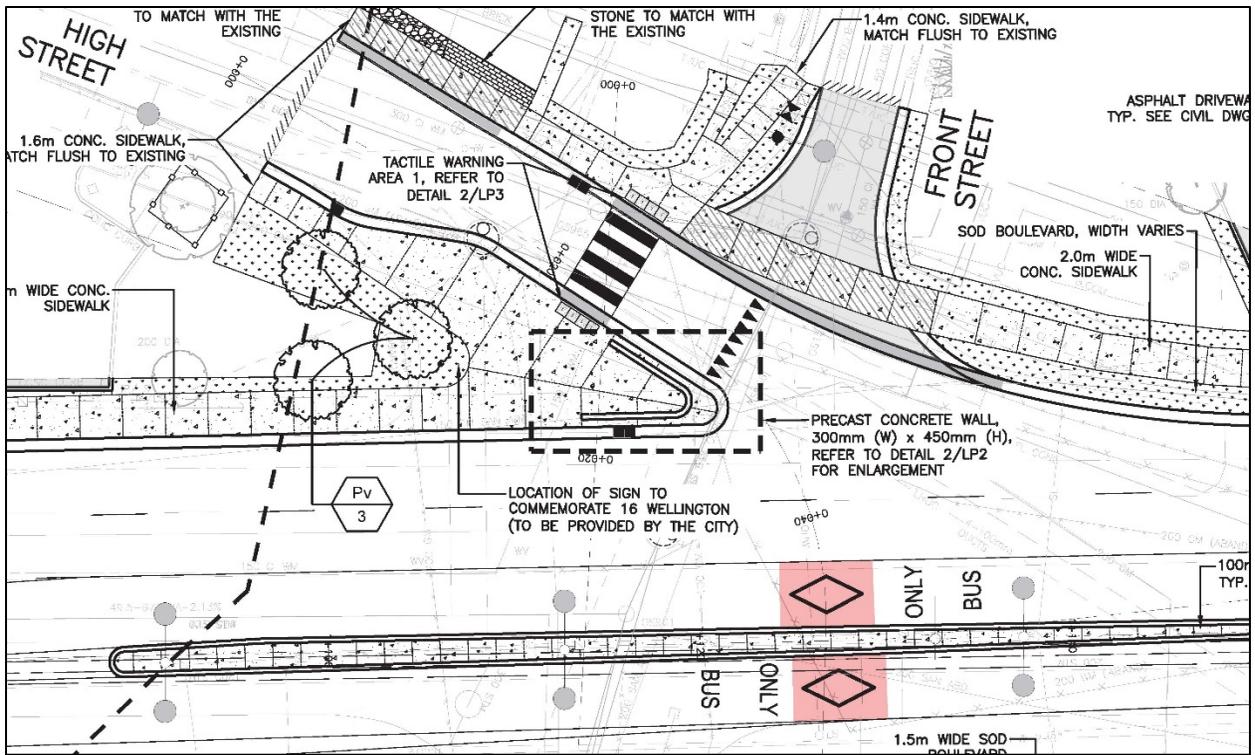


Figure 13: Detail from Wellington Gateway Construction Project Detail Design Drawings, showing proposed location of cultural heritage interpretive sign for the building at 16 Wellington Road (AECOM, Dillon Consulting, AGM, dated November 2023).

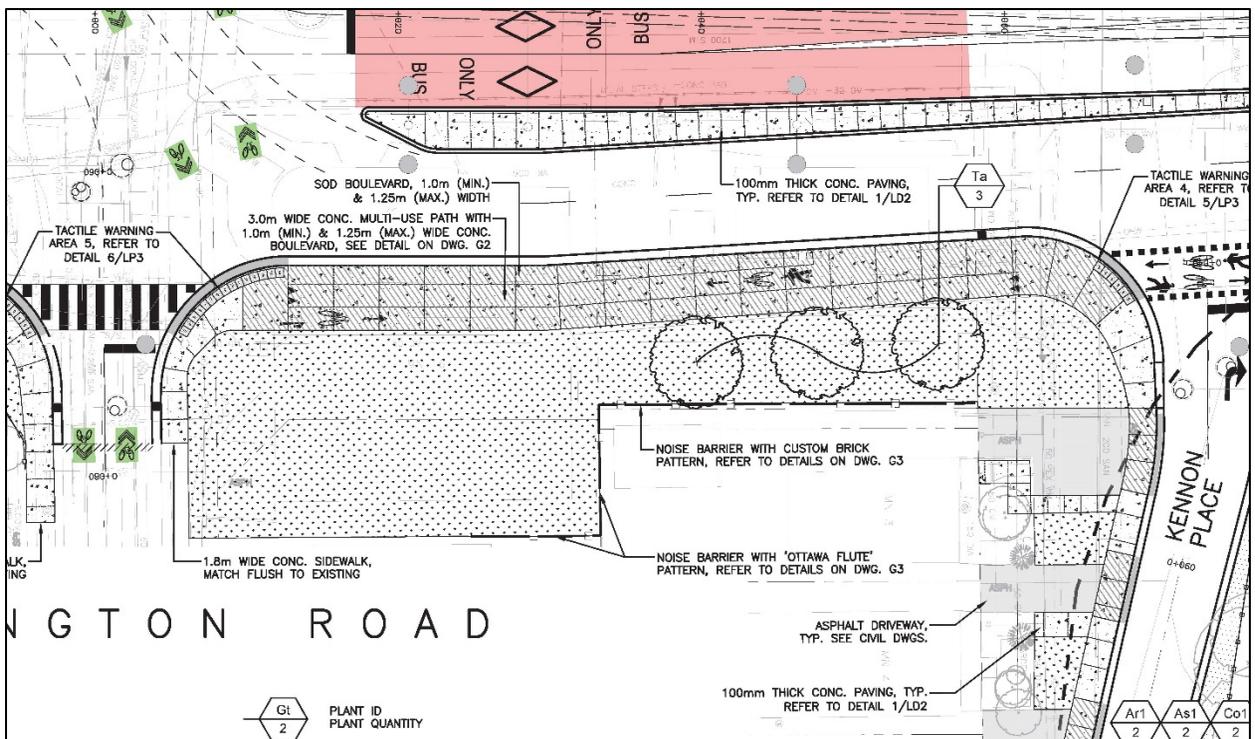


Figure 14: Detail from Wellington Gateway Construction Project Detail Design Drawings, showing proposed location of custom noise barrier wall (AECOM, Dillon Consulting, AGM, dated November 2023).

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Scott Mathers MPA, P. Eng.,
Deputy City Manager, Planning and Economic Development
Subject: 3502 Manning Drive, Ward 11
Public Participation Meeting
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 City of London relating to the property located at 3502 Manning Drive.

- a) the proposed by-laws attached hereto as Appendix "A" and Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024 to amend the Official Plan, The London Plan, to:
- i) amend Map 1 – Place Types to change the designation of portions of the subject lands **FROM** an Environmental Review Place Type **TO** Green Space Place Type and Waste Management Resource Recovery Area Place Type; and to change the designation of a portion of the subject lands **FROM** a Waste Management Resource Recovery Area Place Type **TO** a Green Space Place Type.
 - ii) amend Map 5 – Natural Heritage to **DELETE** a portion of the Valleylands designation; to **ADD** Significant Valleylands designation to a portion of the subject lands; to change the designation of the northerly-located wetland **FROM** an Unevaluated Wetlands **TO** Wetlands; and to **DELETE** the Unevaluated Wetlands designation from the westerly located feature.
- b) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting February 13, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London, The London Plan, 2016, as amended above, to change the zoning of portions of the subject property **FROM** an Agricultural (AG2) Zone **TO** an Open Space (OS5) Zone and a Waste & Resource Management (WRM1) Zone.

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

- i) The recommended amendment is consistent with the Provincial Policy Statement, 2020.
- ii) The recommended amendment conforms to the policies of The London Plan, including, but not limited to, the Key Directions, Environmental Review Place Type, Open Space Place Type and Waste Management Resource Recovery Area Place Type.
- iii) Environmental studies have been undertaken and recommendations have informed the proposed designations and zoning.
- iv) The recommended amendment is not intended to impact the character of the agricultural area and is solely intended to expand the Waste Management facility within the allocated subject lands.
- v) The recommended amendment considers both the long-term protection of agricultural resources and the long-term compatibility of uses.

Executive Summary

Summary of Request

The applicant has requested an amendment to The London Plan to expand the Waste Management Facility on the subject lands.

The applicant has requested to rezone a portion of the subject site from an Agricultural Zone to facilitate the expansion of the Waste Management Facility on the subject lands. No new buildings or structures are proposed to be constructed as part of this application.

Environmental studies were conducted as part of this application to evaluate the valleylands and wetlands and the recommendations of those studies inform the proposed changes to Map 1- Place Types and Map 5 – Natural Heritage, as well as the zone boundaries.

Purpose and the Effect of Recommended Action

The recommendation is to approve the Official Plan and Zoning By-law Amendments to facilitate the expansion of the Waste Management Facility on the subject lands and appropriately designate and zone the natural heritage features.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Invest in publicly owned assets** to maintain existing levels of service and to implement planned levels of service.
- **Climate Action and Sustainable Growth** by ensuring waterways, wetlands, watersheds, and natural areas are protected and enhanced.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter.

October 6, 2008 - Planning Committee - Public Meeting to consider an Official Plan and Zoning By-law Amendment (OZ-7523) at 3438 Manning Drive to permit a leachate pre-treatment / hauled liquid waste facility to be located at this site. Planning Committee referred the matter back to staff to be reconsidered at the same time that the W12A Landfill Area Study went before Planning Committee.

November 10, 2008 - Planning Committee - Information Report to Municipal Council regarding the W12A Landfill Area Plan and proposed Official Plan and Zoning By-law amendments required to implement the recommendations of the Area Plan.

December 8, 2008 - Planning Committee - Public Meeting to consider the adoption of the W12A Landfill Area Study and the approval of the proposed Official Plan and Zoning By-law amendments required to implement the recommendations of the Area Plan.

December 7, 2009 – Planning Committee – Public Meeting to expand the WL2A Landfill Area to include the lands at 3438 Manning Drive and 3290 Manning Drive.

1.2 Property Location and Planning History

3502 Manning Drive, also known as The W12A Landfill, is owned and operated by the City of London. The lands are located between the intersections of Manning Drive and White Oak Road, as well as White Oak Road and Scotland Drive. The landfill was opened in 1977 and is expected to meet the needs of the City until the year 2025 (based on current disposal trends). The landfill facility has been designed and is operated and monitored according to the requirements of a Certificate of Approval issued by the Ministry of the Environment. The City landfill site covers 147 hectares of

land, of which 107 hectares are additional parcels of land surrounding the landfill, not currently used for the Waste Management facility.

The W12A Landfill Area Study was launched in 2005. The purpose of the Area Study was to plan for the W12A Landfill facility as an integrated waste management centre that utilizes environmentally responsible and sustainable operations and practices and achieves a high standard of compatibility with its environs and neighbours. On March 10, 2009, Municipal Council approved the W12A Landfill Area Study and the implementing Official Plan policies (OPA 462) which established the long-term vision for the W12A Landfill facility and the surrounding land uses in an effort to assist property owners in gaining a higher degree of certainty and understanding for the future and anticipated use of this site.

The portion of the property that is subject to this requested Official Plan and Zoning By-law amendment includes all the lands between the existing WRM1 zone line and the Scotland Drive corridor at the northern portion of the subject property; an expansion from the current eastern edge of the zone line by a distance of approximately 85 metres; and, an expansion north of the existing Material Drop-off Area by a distance of approximately 200 metres.

1.3 Site Characteristics

- Current Land Use – Agricultural, W12A Landfill Facility
- Lot Area – ~287 hectares
- Depth – ~ 1,328.5 metres
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No
- Shape – Irregular

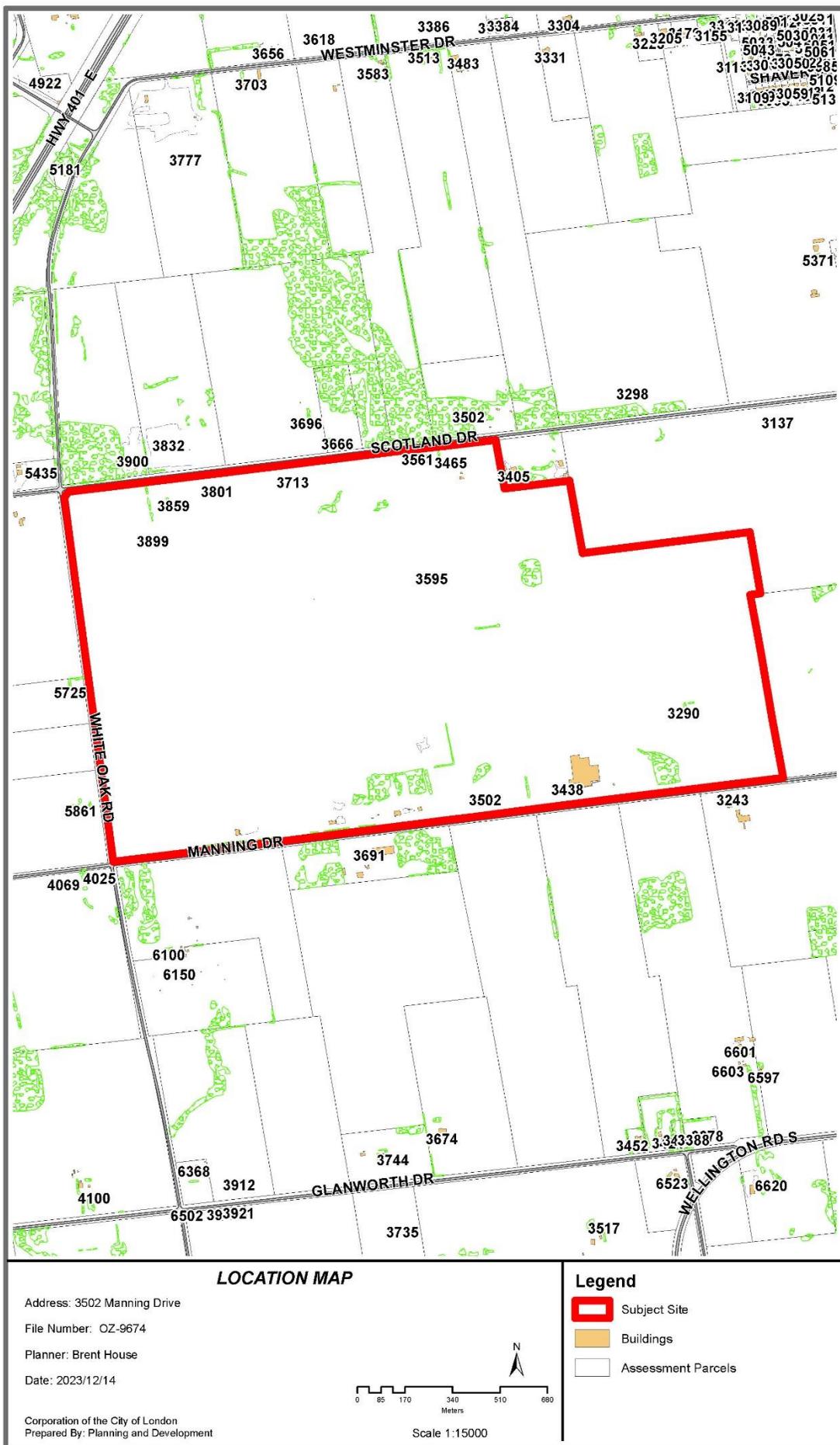
1.4 Surrounding Land Uses

- North – Existing Agricultural uses / Gravel Pit / Quarry
- East – Existing Agricultural uses
- South – Existing Agricultural uses / Cemetery
- West – Existing Agricultural uses

1.5 Existing Planning Information

- The London Plan Place Type – Waste Management Resource Recovery Area and Environmental Review
- Existing Zoning – Waste & Resource Management (WRM1) Zone & Agricultural (AG2) Zone
- Street Frontage Classification – Rural Connector (Scotland Drive & White Oak Road) & Rural Thoroughfare (Manning Drive)

1.6 Location Map



2.0 Discussion and Considerations

2.1 Developmental Proposal

The requested amendments are required to facilitate an expansion of the W12A operations area and the expansion of the existing material drop off area.

2.2 Requested Amendment

The applicant has requested to re-zone a portion of the subject lands from an Agricultural (AG2) Zone to the Waste & Resource Management (WRM1) zone and an Open Space (OS5).

The applicant has also requested to amend Map 1 – Place Types in The London Plan from an Environmental Review Place Type to a Green Space Place Type and Waste Management Resource Recovery Area Place Type, while changing the designation of a portion of the subject lands from a Waste Management Resource Recovery Area Place Type to a Green Space Place Type.

The final amendment the applicant requested is to amend Map 5 – Natural Heritage to delete a portion of the Valleylands designation, as well as add Significant Valleylands designation to a portion of the subject lands. The northerly-located wetland is changing designation from an Unevaluated Wetlands to Wetlands, while deleting the Unevaluated Wetlands designation from the westerly located feature on the subject lands.

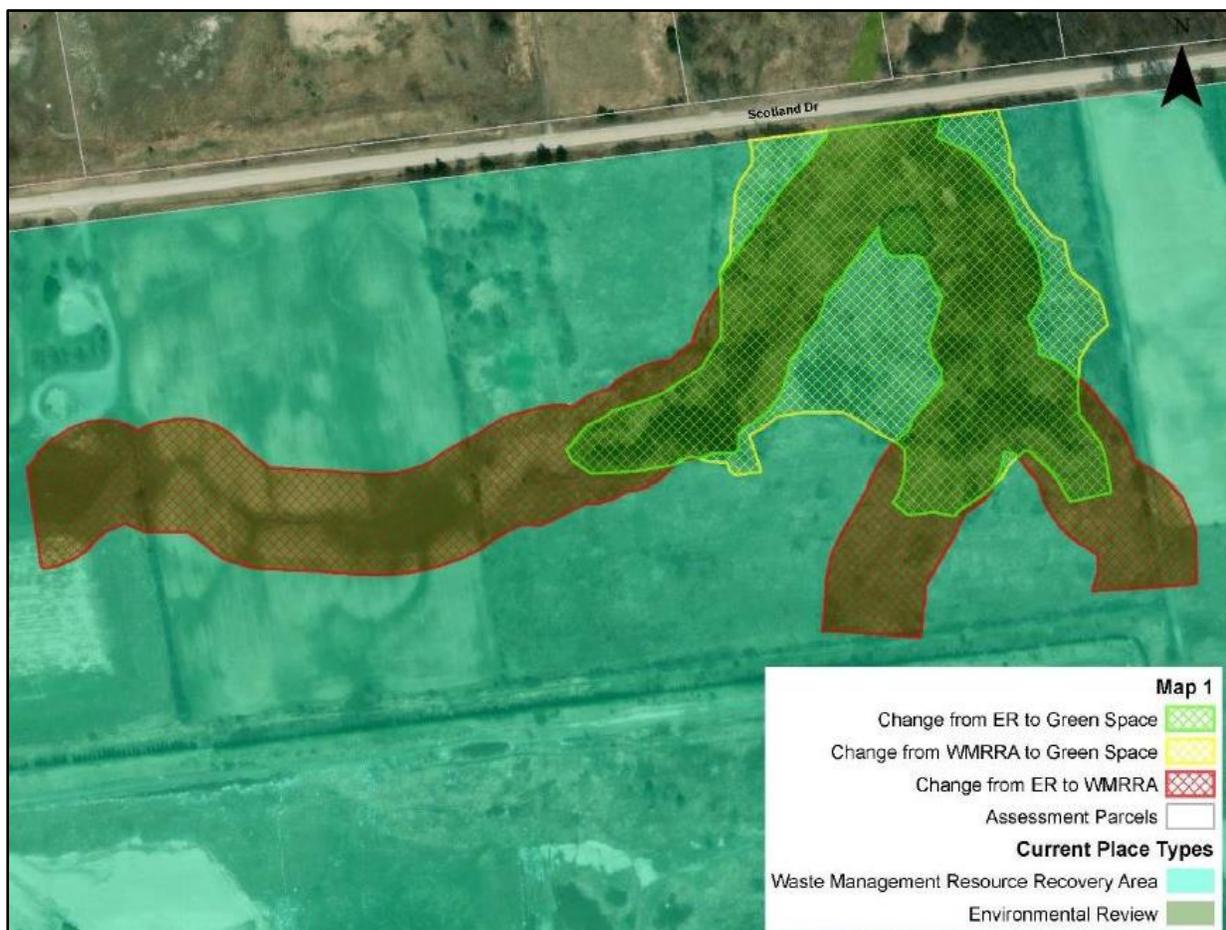


Figure 1: London Plan Map 1 Amendment

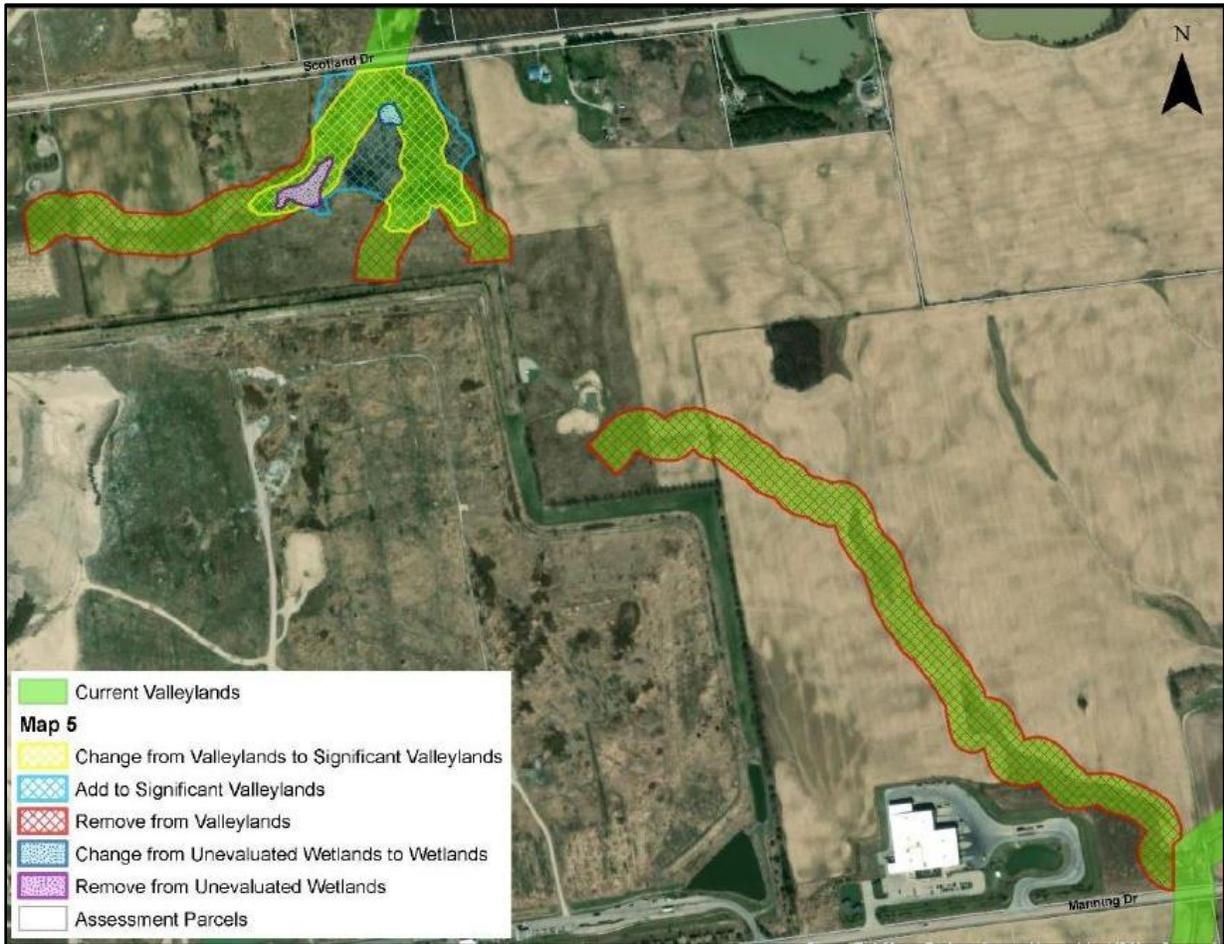


Figure 2: London Plan Map 5 Amendment

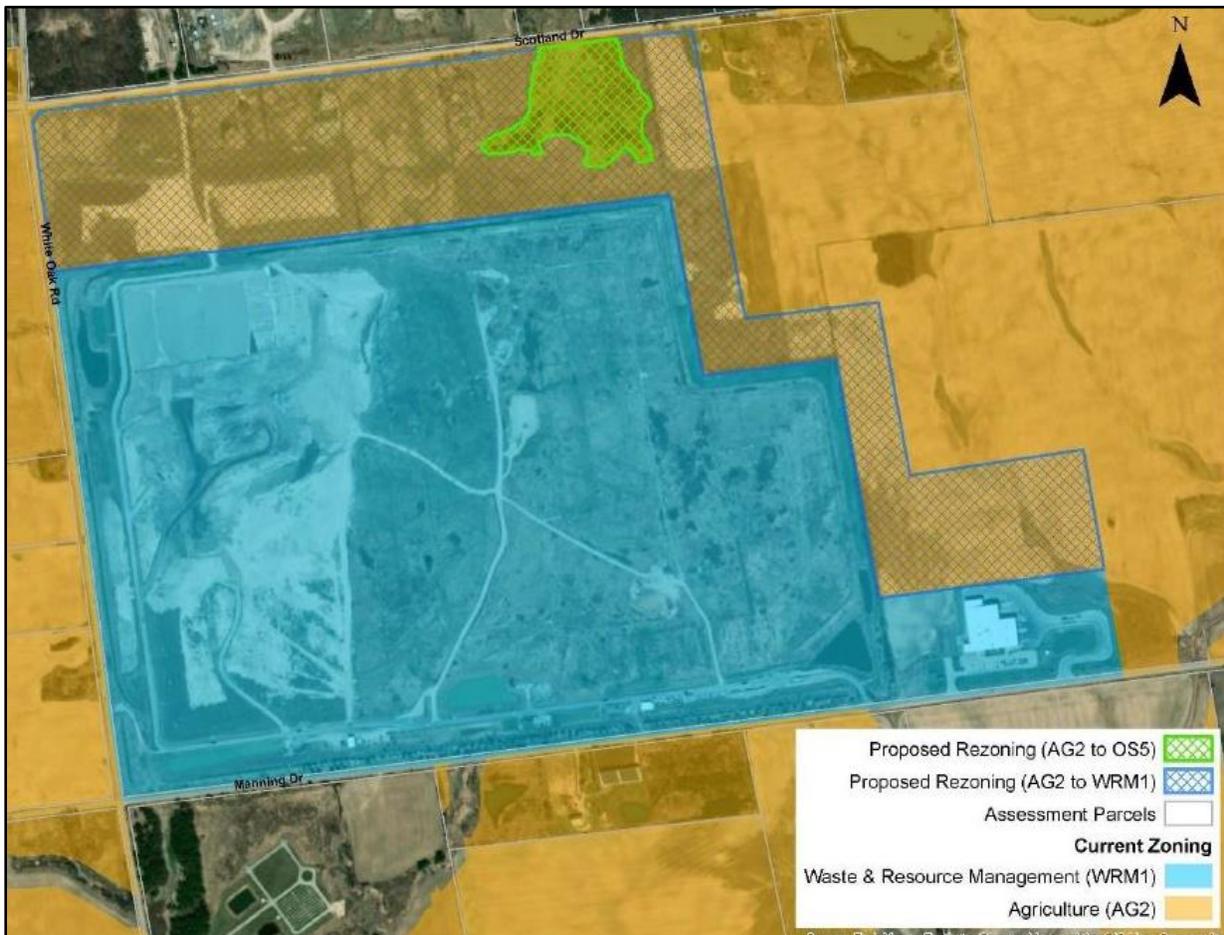


Figure 3: Image of subject site depicting the re-zoning of the lands.

2.3 Public Engagement

On November 17, 2023, a Notice of Application was sent to 12 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 23, 2023. A “Planning Application” sign was also placed on the site.

There was one (1) response 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.

Concerns expressed by the public relate to:

- Odour caused by W12A Landfill.

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.

The PPS identifies waste management as an infrastructure necessary for the long-term prosperity of the municipality through Policies 1.6.10 Waste Management and 1.7.1 Long-Term Economic Planning. It is interpreted to mean that each municipality will provide facilities and services to accommodate their current and future waste management needs. Additionally, the PPS also requires municipalities to protect natural heritage features for the long term (PPS, Policy 2.1.1).

Staff's opinion is that the application for an Official Plan and Zoning By-law amendment is consistent with the Planning Act and the PPS.

The London Plan, 2016

The subject lands are located mainly within the Waste Management Resource Recovery Area Place Type in The London Plan, with some portions being designated Environmental Review. The Waste Management Resource Recovery Area Place Type provides for the continued evolution of the W12A Landfill and surrounding area as an integrated waste management centre. Environmentally responsible and sustainable operations and practices, compatible land uses, and minimal impacts on the environment and surrounding properties will guide the future development of these lands. Landfills are important to the city's future growth and development, provide a necessary public benefit and the ability to manage the city's solid waste. All landfills will be designed to maximize utility and minimize negative impacts.

The lands subject to this policy are shown on Map 1 - Place Types and contain the uses associated with the City's waste management and resource recovery operations within these limits. Approximately half of these lands are occupied by the W12A waste disposal facility. Lands outside the active W12A waste disposal facility, but within the Waste Management Resource Recovery Area may be used for resource recovery and eco-industrial park uses, in conformity with the policies of this Plan, and subject to a zoning by-law amendment. The applicant is looking to expand the W12A waste disposal facility to the area outside the active W12A facility but are within the Waste Management Resource Recovery Area.

The portions of the land designated Environmental Review are intended to be reviewed and redesignated as part of the development application. Appropriate designations will be applied based on the outcome of the Environmental Impact Assessment and Valleyland Assessment documents.

Staff's opinion is that the application for an Official Plan and Zoning By-law Amendment conforms to the policies of The London Plan.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Land Use

The majority of the subject lands are within the Waste Management Resource Recovery Area (WMRRA) Place Type of the London Plan with portions of the land being designated Environmental Review (ER) Place Type in The London Plan. The place type permits landfills and related uses necessary to the function, operation and education of all aspects of waste reduction, re-use, recycling, management, resource recovery, treatment and waste disposal. The portion of land designated Environmental Review requires environmental studies to be completed to evaluate the environmental features on site.

As the applicant provided both an Environmental Impact Assessment and a Valleylands Assessment, staff are satisfied that it is appropriate to redesignate portions of the Environmental Review Place Type to Waste Management Resource Recovery Area Place Type where no features exist, and to redesignate both Environmental Review Place Type and Waste Management Resource Recovery Area to Open Space where the environmental features have been identified. The expansion of the Waste Management Resource Recovery Area designation will not have a negative impact on the surrounding agricultural lands.

4.2 Issue and Consideration #2: Intensity

According to The London Plan, The Waste Management Resource Recovery Area Place Type will contain landfill operations that are scaled and designed such that negative environmental effects can be mitigated. Staff are satisfied that the Waste Management Resource Recovery Area Place Type policies are being met in terms of intensity and impacts.

4.3 Issue and Consideration #3: Form

The expansion of the W12A landfill will not result in any additional built form on the site, therefore staff are satisfied that the form policies within The London Plan have been met. The expansion of the W12A landfill will act as a buffer to the existing W12A operations area and will not be used to facilitate an outward expansion onto further lands. The expansion also facilitates an expanded waste resource drop-off area. Any future built form or on-site building and structures will be addressed through the site plan approval process.

4.4 Issue and Consideration #4: Environmental Review of Valleylands

Portions of the subject site are designated as Environmental Review and are also designated Valleylands on Map 5 – Natural Heritage of the London Plan (2016). As per policy 1346, Valleylands are included in the Environmental Review Place Type, pending further evaluation. The identification of Significant Valleylands should be based on an evaluation of their ecological, hazard protection, and water resource management functions including considerations outlined in policy 1347_ of the London Plan.

Through the review of the two Environmental Review Place Types on the subject lands, only the Valleyland associated with Silver Swamp located at the northern portion of the site was identified as significant. As such this portion of land is being recommended to be designated as Significant Valleyland. This Valleyland meets three (3) of the eight (8) considerations of The London Plan, and partially met seven (7) of the 10 criteria of the Provincial Valleylands assessment. The Valleyland located on the southern portion of the site is not believed to provide significant landform related functions, ecological functions or restored ecological functions, and is being recommended for removal from the Valleylands designation in Map 5 – The London Plan.

The Environmental Review Place Type ensures that development which may negatively impact the value of these features does not occur until such time as the required environmental studies are completed. As shown in Figures 1 and 2, the applicant has delineated through their submitted Environmental Impact Study an area at the northern portion of the subject site that will remain environmentally protected, through the rezoning to an Open Space (OS5) Zone, re-designation to a Greenspace Place Type, and identification as a Significant Valleylands and a Wetland on Map 5. The other lands outside of the protected area will have the Valleylands and Unevaluated Wetlands designation removed from Map 5 and will be re-designated from Environmental Review to Waste Management Resource Recovery Area in Map 1 – Place Types.

Conclusion

The applicant has requested an amendment to The London Plan and to rezone portions of the property to expand the Waste Management Facility on the subject lands.

An environmental study was conducted as part of this application to evaluate the valley lands and wetlands and the recommendations of those studies inform the proposed changes to Map 1- Place Types and Map 5 – Natural Heritage, as well as the zone boundaries.

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan for the Waste and Resource Recovery Area Place Type. As such, the proposed amendment is being recommended for approval.

Prepared by: Brent House
Planner

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

Copy: Britt O'Hagan, Manager, Current Development
Michael Pease, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A – Official Plan Amendment – Map 1

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

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

A by-law to amend Map 1 of the Official Plan, The London Plan for the City of London, 2016 relating to 3502 Manning Drive

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) or 17(27.1) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

AMENDMENT NO.
to the
OFFICIAL PLAN, THE LONDON PLAN, FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this amendment is to amend Map 1 – Place Types, to the Official Plan, The London Plan, for the City of London Planning Area to change the designation for portions of the subject lands FROM Environmental Review Place Type TO a Green Space Place Type and a Waste Management Resource Recovery Area Place Type; and to change the designation for portions of the subject lands FROM Waste Management Resource Recovery Area Place Type TO a Green Space Place Type.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3502 Manning Drive in the City of London.

C. BASIS OF THE AMENDMENT

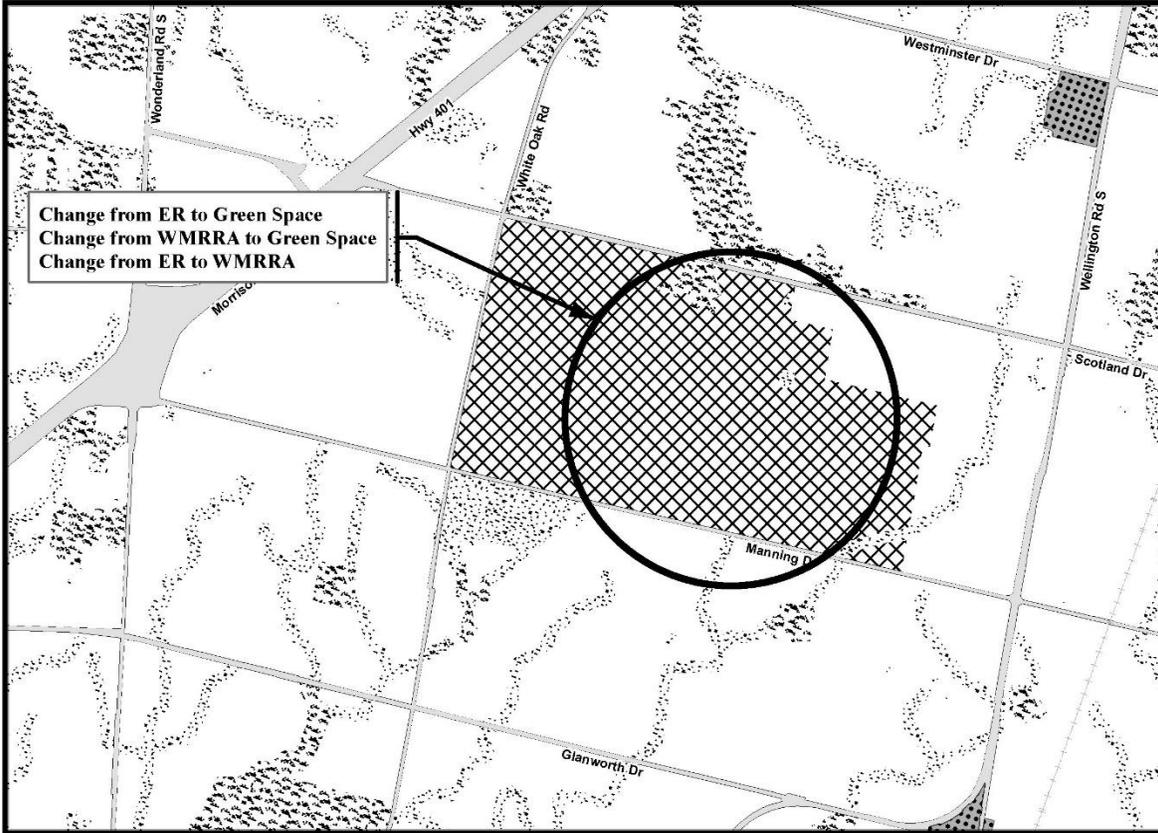
The amendment to Map 1 of The London Plan supports the expansion of the W12A landfill and further define and protect the existing environmentally significant areas on the subject lands.

D. THE AMENDMENT

1. Map 1 – Place Types, to the Official Plan, The London Plan, for the City of London Planning Area is amended by changing the Place Type designations for the lands located at 3502 Manning Drive in the City of London, as indicated on “Schedule 1” attached hereto, and described as follows:
 - a) To change the designation for a portion of the subject lands FROM an Environmental Review Place Type TO a Green Space Place Type.
 - b) To change the designation for a portion of the subject lands FROM a Waste Management Resource Recovery Area Place Type TO a Green Space Place Type.
 - c) To change the designation for a portion of the subject lands FROM an Environmental Review Place Type TO a Waste Management Resource Recovery Area Place Type.

Schedule 1

AMENDMENT NO:



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 the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

<p>SCHEDULE 1 TO</p> <p>OFFICIAL AMENDMENT NO. _____</p> <p><small>PREPARED BY: Planning & Development</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-9674</p> <p>PLANNER: BH</p> <p>TECHNICIAN: RC</p> <p>DATE: 12/14/2023</p>
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Appendix B – Official Plan Amendment – Map 5

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

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

A by-law to amend Map 5 of the Official Plan, The London Plan for the City of London, 2016 relating to 3502 Manning Drive

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) or 17(27.1) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on February 13, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

**AMENDMENT NO.
to the
OFFICIAL PLAN, THE LONDON PLAN, FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this amendment is to amend Map 5 – Natural Heritage, to the Official Plan, The London Plan, for the City of London Planning Area to remove the Valleylands designation from a portion of the site; to designate a portion of the site as Significant Valleylands; to change the designation of the northerly-located Unevaluated Wetland to Wetland; and to delete the westerly-located Wetland.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3502 Manning Drive in the City of London.

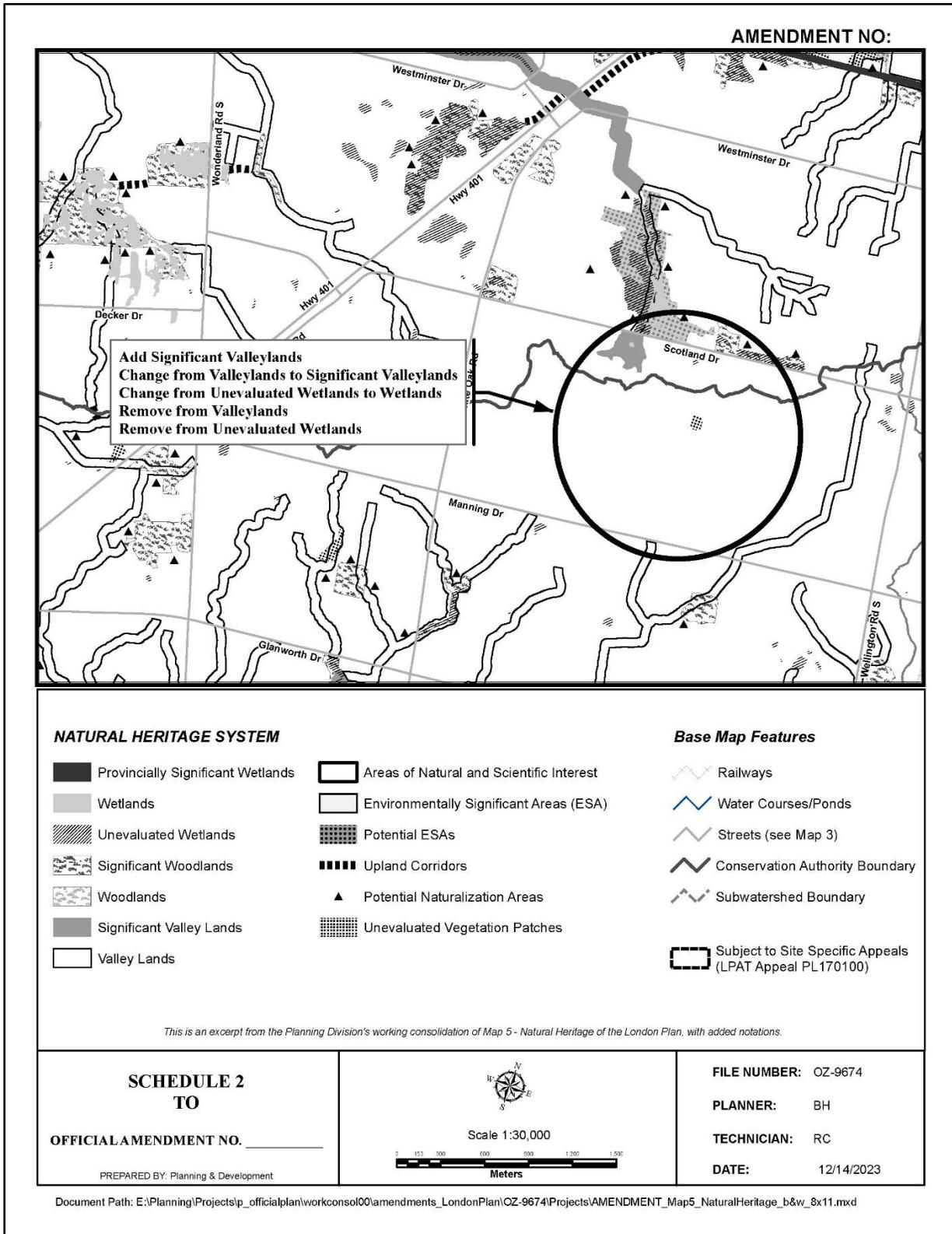
C. BASIS OF THE AMENDMENT

The amendment to Map 5 of The London Plan reflects the evaluation of potential natural heritage features on the property; protects identified features; and supports the expansion of the W12A landfill on the subject lands.

D. THE AMENDMENT

1. Map 5 – Natural Heritage, to the Official Plan, The London Plan, for the City of London Planning Area is amended by changing the natural heritage designations for the lands located at 3502 Manning Drive in the City of London, as indicated on “Schedule 1” attached hereto, and described as follows:
 - i. To delete a portion of the Valleylands designation;
 - ii. To add the Significant Valleylands designation to a portion of the subject lands;
 - iii. To change the designation of the northerly-located wetland FROM an Unevaluated Wetlands TO Wetlands; and,
 - iv. To delete the Unevaluated Wetlands designation for the westerly located feature.

Schedule 1



Appendix C – 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 3502
Manning Drive

WHEREAS City of London has applied to rezone an area of land located at 3502 Manning Drive, as shown on the map attached to this by-law, as set out below;

WHEREAS upon approval of Official Plan Amendment Numbers (two related OPA numbers to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3502 Manning Drive, as shown on the attached map comprising part of Key Map No. A115, from an Agricultural (AG2) Zone to an Open Space (OS5) Zone; and to change the zoning of a portion of the subject property from an Agricultural (AG2) Zone to a Waste & Resource Management (WRM1) Zone.
2. 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.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

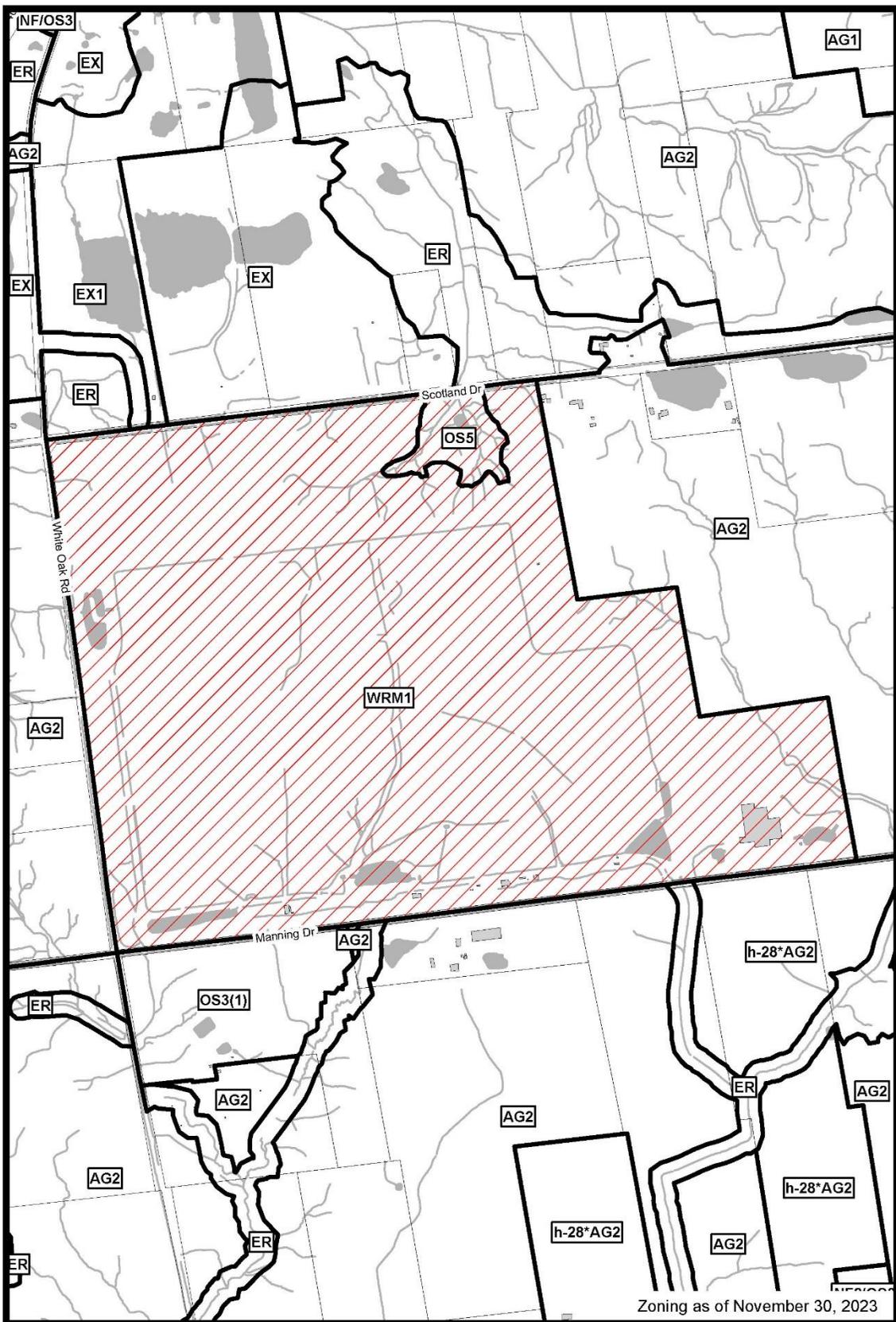
PASSED in Open Council on February 13, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

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



File Number: OZ-9674
 Planner: BH
 Date Prepared: 2023/12/14
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE



1:12,250

0 62.5 125 250 375 500 Meters



Geodatabase

Appendix D – Public Engagement

Community Engagement

Public liaison: On November 17, 2023, Notice of Application was sent to property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 23, 2023. A “Planning Application” sign was also posted on the site.

One public comment was received and was addressed.

Nature of Liaison: The purpose and effect of the recommended Official Plan and Zoning By-law Amendment is to facilitate the expansion of the Waste Management Facility on the subject lands.

Public Responses: 1

Comments Received: December 18, 2023

Brent House (bhouse@london.ca)
Development Services, City of London
300 Duffering Ave, 6th floor

Brent,

I've been duped. All the talk about W-12-A staff and public officials including at the Ministry of Environment putting every effort into getting control of the odours and other issues of the operation of the landfill impacting the community has turned out to be complete B.S. Years of gaslighting is what the people of this community have been subjected to.

What has become abundantly clear is that my property rights are not being respected and with this proposed land use change, there is no intention to do so in the future. To date there has been no compensation offered to impacted community members for the constant incursions of disrespect imposed on them in a consistent basis. All the boundaries agreed upon with the Township of Westminster in regards to this landfill have been violated without compensation and you now wish to do so further.

We all have an inherent right to live the best life we can without obstruction from government.. Enjoyment of property and security in the primary investment of their homes is a paramount foundation to building a good home.

I feel insecure about investing in my home, welcoming friends and family and live daily with the fear of odours ruining my day. Never sure if I can leave a window open at night, frequently not able to work or play outdoors for the horrendous stench. I have made my concerns clear to every councilors of the past as well as operations of the landfill. I have filed complaints with the Ministry of Environment since January 2011. I complained to the city of London for two years prior to that but stopped when one official argued that I had never before called with a complaint. I learned records were not being kept at the city.

Over the past twenty years there has been more abandoned and demolished homes than constructed homes in the areas perimetering the landfill at a radius of two kilometers. By the London Library's own calculations, the service area of our small library, which I personally had to fight to protect, has lost over 500 community members in the service area of the library since 1991. This area has effectively further become a dead zone with the banning of development using the Urban Growth Boundary. Homes most often take months to sell if at all ever do. Most find they must reduce asking prices to get any interest. There has never been an assessment for the impact of this landfill on real-estate prices or of emotional impact on community members. Infrastructure has fallen into subclass standards, roads are the worst I have ever travelled in all of Ontario with the City of London choosing to reduce speed limits rather than repair the roadways. The PLC efforts to acquire an broad real-estate assessment the landfills impact on

property values failed from the fear assessment offices had of blowback from government on future business. As shy as they were to openly state that as a fact, they made it very clear that was the reason they had to remove themselves from the project.

In this dead zone we live in there is limited interest in offering services like internet, natural gas, cable lines, new phone lines, paved roadways, garbage clean up of roadways. I would have thought the worse you treat this area the more you would have tried to offset the impact but that has not happened. Property Value Protection should have long ago been offered to all households in range of the odours of the landfill.

If this goes forward, I expect property value protection be offered to myself as well as moving expenses paid with additional funds for inconvenience.

Regards, Mike Williams

Appendix E - Agency/Departmental Comments

Ecology – Received December 20, 2023

Provided that the official plan amendments take pace at the time of zoning, ecology has no further comments or concerns at this time. A draft EIS was reviewed with comments, an amended EIS is expected in a forthcoming submission and is therefore exempted from submission at the time of this application.

Engineering – Received December 18, 2023

Engineering has no comments on this application.

Heritage – Received November 28, 2023

Heritage has no comment on this application.

Parks Planning – Received November 17, 2023

Parks has no comments.

London Hydro – Received November 28, 2023

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.

Site Plan – Received November 17, 2023

The works associated with 3502 Manning Drive seem to be described as: 1) buffering and 2) drop-off area for waste resources. As there are no buildings proposed, there will be no site plan approval required (currently no existing DA that can be located for 3502 Manning Dr). If new building(s) are proposed, site plan approval will be required.

Urban Design – Received November 15, 2023

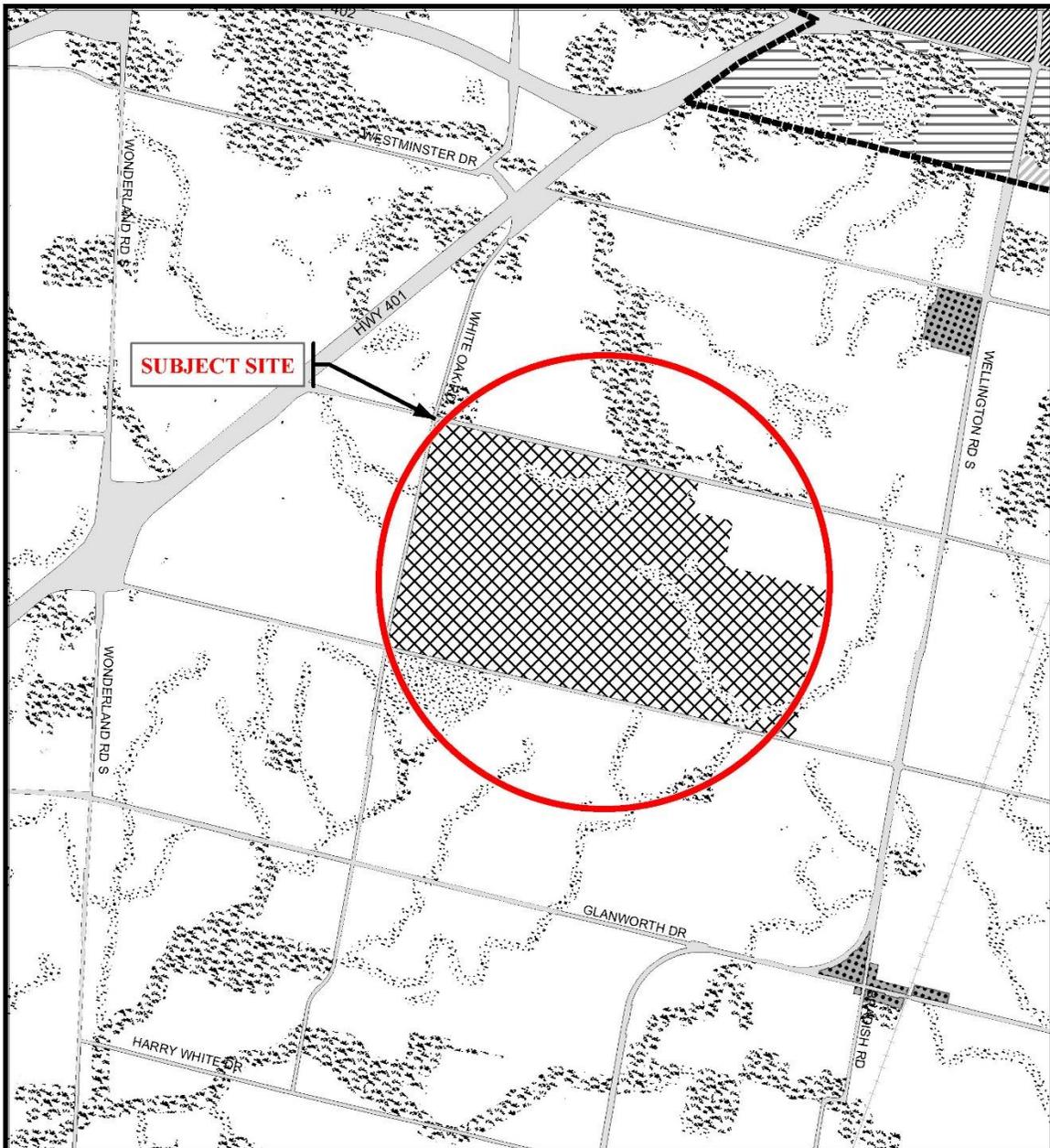
There are no Urban Design comments for OZ-9674, proposed expansion of W12A (3502 Manning Drive).

UTRCA:

While the UTRCA has no objections to this application, the lands are regulated, and the necessary Section 28 permit and/or clearance must be secured prior to undertaking any site alteration or development within the regulated area. We recommend that the applicant/landowner contact the Land Use Regulations staff at the UTRCA to confirm the Section 28 approval submission requirements and associated fees.

Appendix F – Relevant Background

The London Plan – Map 1 – Place Types



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

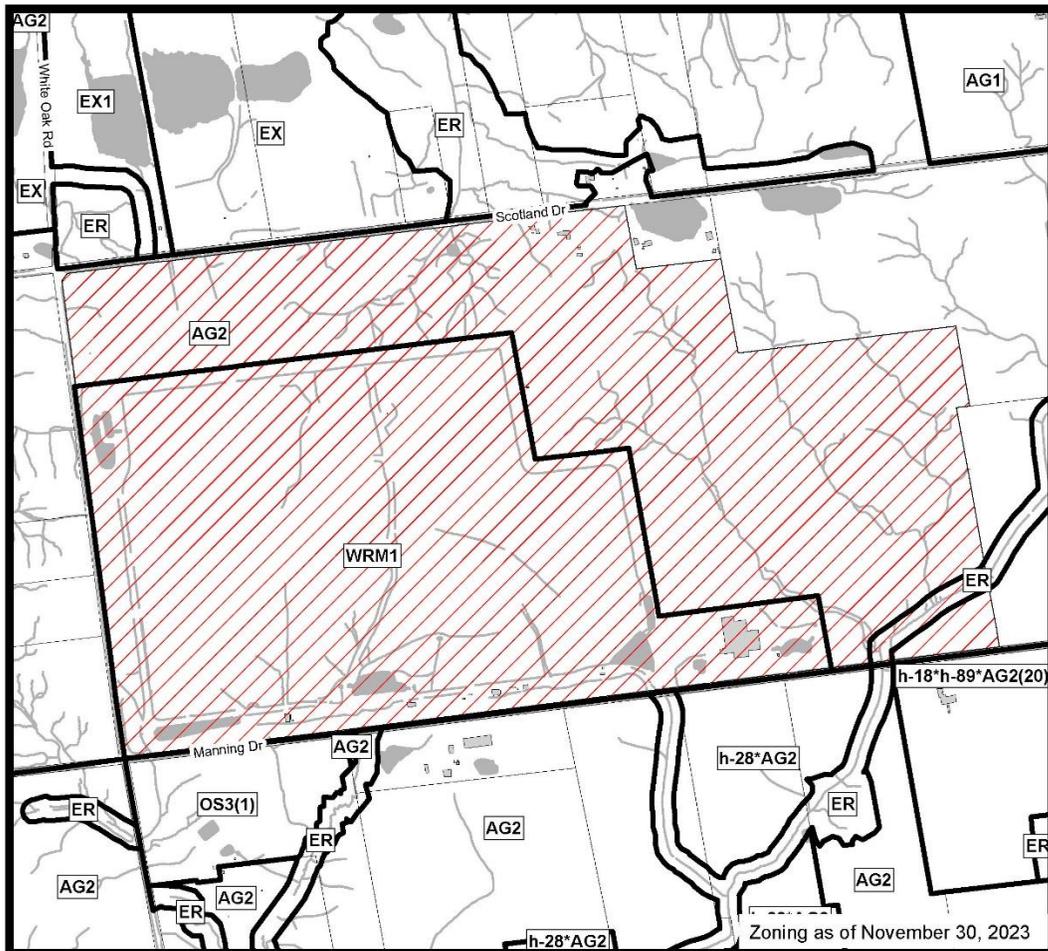


Scale 1:30,000



File Number: OZ-9674
Planner: MH
Technician: RC
Date: 2023/12/14

Zoning By-law Z-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "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:

OZ-9674 BH

MAP PREPARED:

2023/12/14 RC

1:15,000

0 75 150 300 450 600 Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Lambeth Health Organization Inc.
(c/o Siv-ik Planning & Design Inc.)
4366 Colonel Talbot Road
City File: Z-9676, Ward 9
Public Participation Meeting

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 Lambeth Health Organization Inc. (c/o Siv-ik Planning & Design Inc.) relating to the property located at 4366 Colonel Talbot Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 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 holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone **TO** a Business District Commercial Special Provision (BDC(_)) Zone;
- (b) The requested Special Provision, as part of the amendment to Zoning By-law No. Z.-1, that a single-lane drive-through exit shall be permitted onto Colonel Talbot Road, **BE REFUSED** for the following reasons:
 - i. The requested Special Provision does not conform to the policies of The London Plan, including the Mobility policies and criteria of the Planning Impact Analysis, the Southwest Area Secondary Plan, nor the regulations of the Access Management Guidelines or Zoning By-law No. Z.-1 with regards to drive-through facility locations.
- (c) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i. Relocate the exit of the drive-through lane internal to the site.
 - ii. A landscape buffer between a drive-through lane and adjacent properties of 3.0 metre to the north and 1.5 metres to the east shall be provided.
 - iii. Implement the recommendations of the noise study.
 - iv. Short-term bicycle parking is required.

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

- i. The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment;
- ii. The recommended amendment conforms to The London Plan, including but not limited to the Key Directions, City Building policies, and the Main Street Place Type policies;
- iii. The recommended amendment conforms to policies of the Southwest Area Secondary Plan, including but not limited to the Main Street Lambeth North Neighbourhood policies;

- iv. The recommended amendment facilitates the redevelopment of an underutilized site with an appropriate range of uses at an appropriate scale and intensity.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone. The requested action would permit a stand-alone restaurant and drive-through facility with a total of 15 surface parking stalls, 10 stacking spaces with ingress/egress from Colonel Talbot Road and a single one-way exit driveway onto Colonel Talbot Road for the drive-through. Special provisions are required to allow for the development of the restaurant and drive-through facility, which is proposed to be oriented towards and accessed from Colonel Talbot Road.

Purpose and the Effect of Recommended Action

The recommended action will permit a stand-alone restaurant and drive-through facility with a total of 15 surface parking stalls, 8 stacking spaces fully internal to the site with no drive-through egress onto Colonel Talbot Road. Special provisions are recommended to allow for the development of the restaurant, drive-through facility, associated outdoor patio and rear and side yard landscape buffers.

The recommended action to refuse the requested special provision that a single-lane drive-through exit shall be permitted onto Colonel Talbot Road will thereby require the exit of the drive-through lane to be relocated fully internal to the site at time of site plan application. Should the drive-through exit onto Colonel Talbot Road be approved, 10 stacking spaces would be permitted.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

1. **Wellbeing and Safety**, by promoting neighbourhood planning and design that creates safe, accessible, diverse, walkable, healthy, and connected communities.
2. **Economic Growth, Culture, and Prosperity** by supporting London to be a regional centre that proactively attracts and retains talent, business, and investment.

Analysis

1.0 Background Information

1.1 Property Description and Location

The subject lands, municipally known as 4366 Colonel Talbot Road, is located in the Lambeth Planning District on the east side of Colonel Talbot Road just south of the Colonel Talbot Road and Broadway Avenue intersection. The surrounding neighbourhood consists of a mix of commercial uses along Colonel Talbot Road with residential uses to the east of the subject lands. The subject lands are also adjacent to a Designated Heritage Property with additional Listed Heritage Properties in close proximity.

The subject lands are currently a vacant parking lot forming part of the former McEachren Elementary School site. The site has an area of approximately 0.163 hectares with a frontage of approximately 32.9 metres along Colonel Talbot Road. Upon the redevelopment of 4402 Colonel Talbot Road, a coordinated joint access was developed for the site as a whole to minimize the number of driveways onto the adjacent arterial road.

1.2 Site Statistics

- Current Land Use – Vacant parking lot
- Frontage – 32.9 metres
- Area – 1,630 metres square (0.163 hectares)
- Depth – 51.2 metres
- Shape – Rectangular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

1.3 Surrounding Land Uses

- North – Commercial
- East – Residential
- South – Commercial
- West – Commercial

1.4.1 Existing Planning Information

- The London Plan Place Type – Main Street fronting a Main Street/ Civic Boulevard.
- Southwest Area Secondary Plan – Main Street Lambeth North
- Existing Zoning – holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone

Additional site information and context is provided in Appendix B.

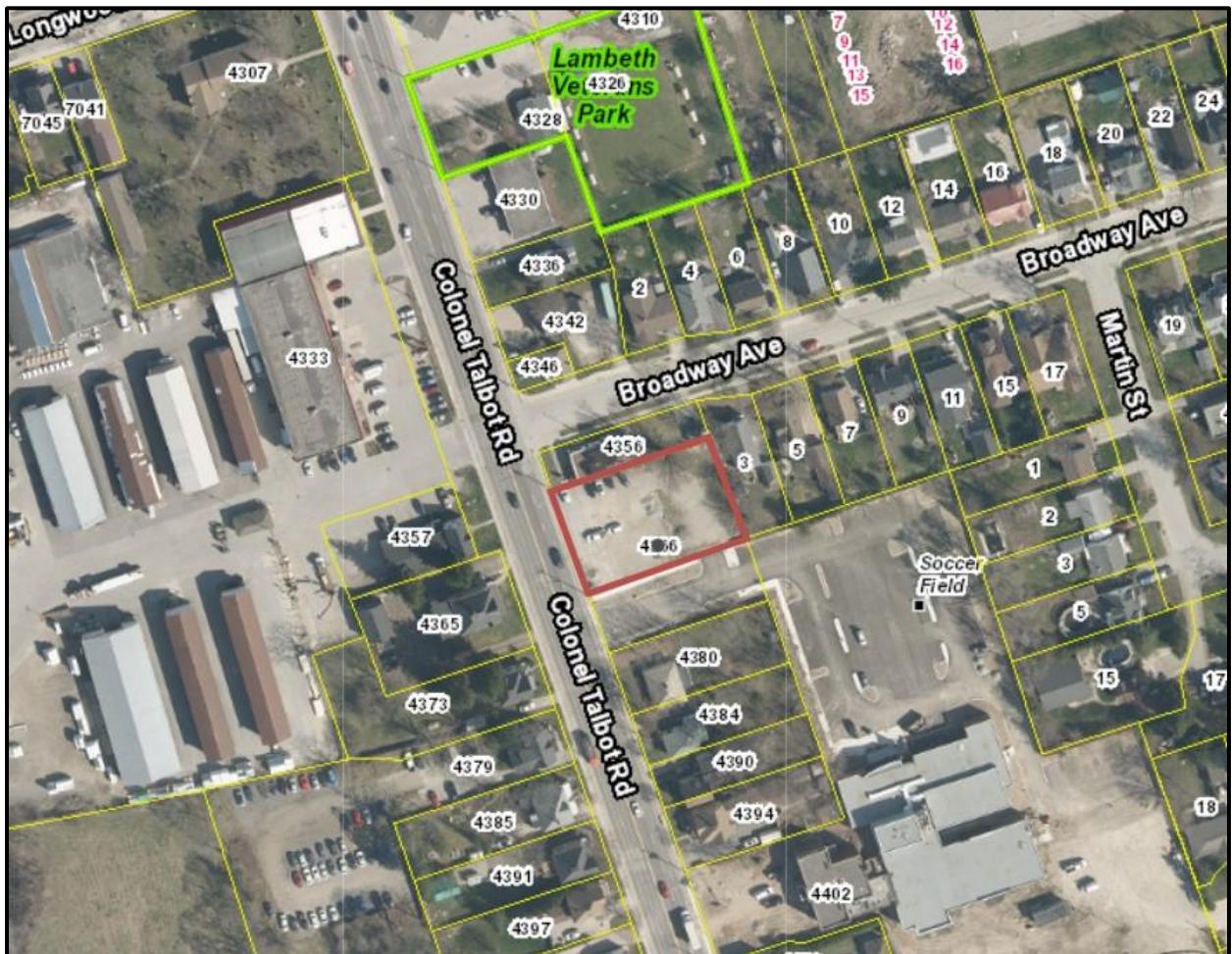


Figure 1. Aerial Photo of 4366 Colonel Talbot Road and surrounding lands.

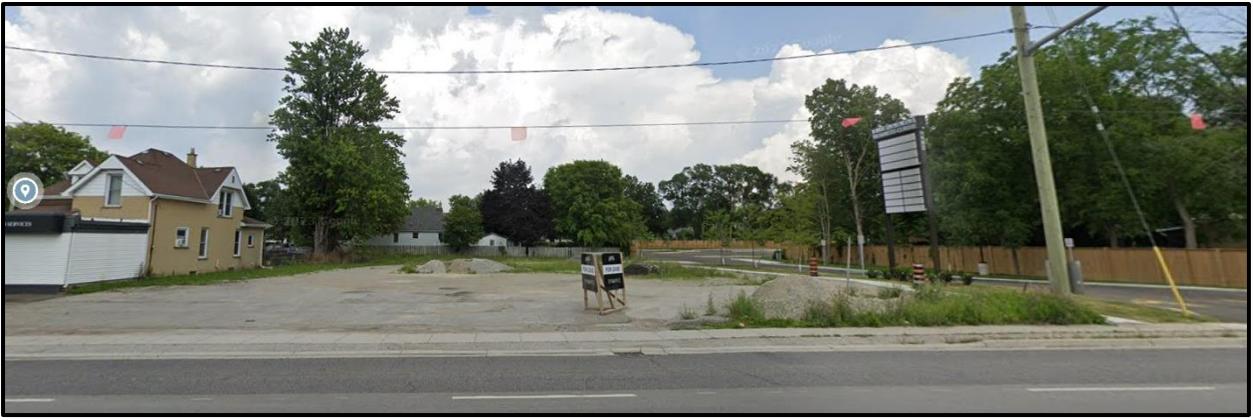


Figure 2. Streetview of 4366 Colonel Talbot Road (view from Colonel Talbot Road facing east).

2.0 Discussion and Considerations

2.1 Development Proposal

In November 2023, the City accepted a complete zoning by-law amendment application to redevelop the subject lands for a stand-alone restaurant and drive-through facility. The development is comprised of a restaurant oriented towards Colonel Talbot Road, a total of 15 surface parking stalls, 10 drive-through stacking spaces and a single one-way exit driveway for the drive-through facility onto Colonel Talbot Road. The subject lands will be accessed via an existing joint access with the 4402 Colonel Talbot Road.

The application included a conceptual site plan, shown below as Figure 3. Building rendering and elevations are shown in Figures 4-7 below.

The proposed development includes the following features:

- Land use: Commercial
- Form: Restaurant
- Height: 8.0 metres
- Gross Floor Area: 209.5 square metres
- Lot coverage: 12.8%
- Landscape open space: 30.2%
- Parking spaces: Parking: 15; Stacking: 10

Additional proposal information and context is provided in Appendix B and C.

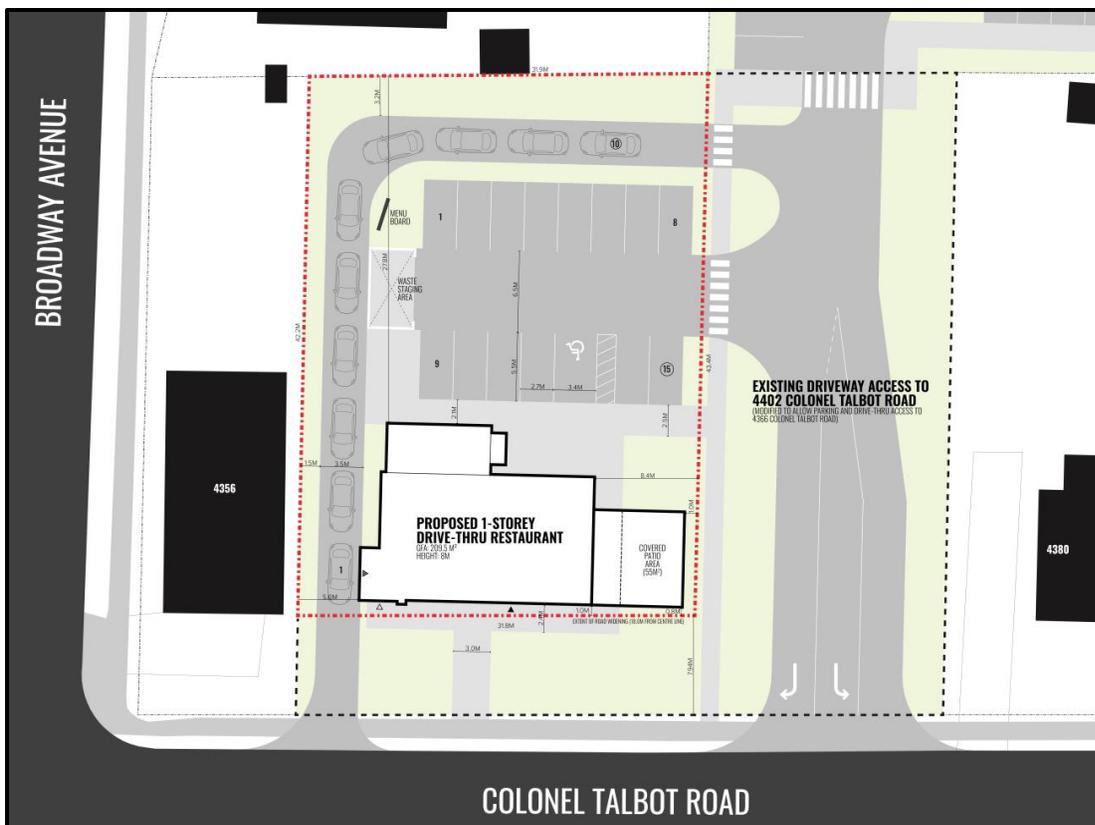


Figure 3. Concept Site Plan



Figure 4. ISO View of Proposed Development.



Figure 5. Building Renderings – View from Colonel Talbot Road facing Northeast



Figure 6. Building Renderings – View from above facing Northwest



Figure 7. Building Renderings – View from Colonel Talbot Road facing Southeast

2.2 Requested Amendment

The applicant originally requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Neighborhood Shopping Area Special Provision (NSA5(_)) Zone. Based on comments provided by Staff, the applicant revised their request to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone.

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

Regulation (BDC)	Required	Requested	Recommended
Front Yard Depth (minimum)	Not specified	1.0	1.0
Landscaped Open Space (minimum percent)	Not specified	15%	15%
Gross Floor Area – Restaurant	500m ² specifically for restaurant eat-in	250m ² for all restaurant uses	250m ² for all restaurant uses
Permitted Uses: Drive-through Facility	Not permitted	Drive-through facilities are permitted as a main and accessory use	Drive-through facilities are permitted as a main and accessory use
Regulation (Section 4.18)	Required	Requested	Recommended
Outdoor Patio Associated with a Restaurant or Tavern	Where only the rear lot line adjoins a residential zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard		Front and South Interior Side Yard
Regulation (Section 4.35)	Required	Requested	Recommended
Stacking Spaces (minimum)	12 spaces	10 spaces with ingress/egress from Colonel Tablot Road	10 spaces with ingress/egress from Colonel Tablot Road 8 space fully internal to the site with no

Regulation (BDC)	Required	Requested	Recommended
			ingress/egress from Colonel Talbot Road
Location for Drive-through Facilities	Rear and/or Interior Side Yard	Rear and/or Interior Side Yard with the additional provision that: A single-lane drive-through exit shall be permitted onto Colonel Talbot Road	Rear and/or Interior Side Yard
Rear and North Interior Side Yard Landscape Depth (minimum)	15 metres if a 2.4-metre-high noise attenuation barrier is installed between the residential/ facility/ institutional use and the drive-through lane		A landscape buffer shall be provided between a drive-through lane and adjacent properties as follows: Rear Yard Landscape Depth of 3.0 metres (9.8 feet) And North Interior Side Yard Landscape Buffer of 1.5 metres

2.3 Public Engagement

On November 15, 2023, Notice of Planning Application and Public Meeting was sent to 52 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 Thursday, November 30, 2022. A “Planning Application” sign was also placed on the site.

There were three 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.

Key issues identified by the public included concerns related to:

- Traffic and Access
- Drive-Through Location
- Light, Noise and Physical Pollution
- Impacts on Neighbourhood Character

Detailed public comments are included in Appendix D of this report.

2.4 Internal and Agency Comments

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

Key issues identified by staff and agencies include:

- A separate egress point for a drive-through is not supported by Transportation based on the Access Management Guidelines as per the policies of The London Plan. The applicant may consider a drive-through layout with access to/from the existing driveway.
- As noted at the time of Site Plan Consultation, the exit for the drive-through lane must be relocated to be internal to the site.

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

2.5 Policy Context

2.5.1 *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.

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*.

2.5.2 *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

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed restaurant use is supported by the policies of the *Provincial Policy Statement, 2020 (PPS)* and contemplated in the Main Street Place Type in The London Plan, which permits a broad range of residential, retail, service, office, and institutional uses to serve surrounding neighbourhoods within walking distance (TLP, 908_1). The subject lands are also situated within the Main Street Lambeth North Neighbourhood of the Southwest Area Secondary Plan. This designation is intended to allow for the continuation of the existing "main street" development pattern, while allowing for a transition from Main Street and part of Colonel Talbot Road to the internal portions of the community. Mixed-use buildings will be encouraged, but stand-alone residential and commercial uses will be permitted (20.5.8.1.i). Permitted uses are consistent with those uses permitted by the Main Street Place Type of The London Plan with retail and service uses encouraged at grade, and residential and non-service office uses directed to the rear of buildings and to upper floor (20.5.8.1.ii).

A drive-through facility is also being proposed and recommended for approval with revisions required to the site layout. In accordance with the Main Street Place Type

policies, new drive-through facilities may be permitted in the Main Street Place Type where it can be clearly demonstrated that they will not detract from the vision and role of the Place Type and the quality and character of the pedestrian-oriented street environment (TLP, 909_). A street-oriented building form is also required to support the intent of the Main Street Lambeth North Neighbourhood of the Southwest Area Secondary Plan (20.5.8.1.i). As proposed, the location of the drive-through facility will exit directly onto Colonel Talbot Road, which is not considered appropriate due to such close proximity to two existing access points onto Colonel Talbot Road where site lines are of increased importance with regards to creating a safe pedestrian-oriented street environment and traffic hazards (further details provided in Section 4.4). A drive-through facility reconfigured internal to the site, however, is considered an appropriate use for the subject lands as the proposed built form contributes to the regeneration and sustainability of the Main Street Place Type (TLP, 907_). The restaurant use provides for an active ground floor uses in a street-oriented building form.

4.2 Intensity

Buildings in the Main Street Place Type will be designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment (TLP, 910_1). Buildings will be a minimum of either two-storeys or eight metres in height and will not exceed four storeys in height, and large floor plate commercial buildings will not be permitted (TLP, 910_3,4). The proposed one-storey restaurant and drive-through facility has a general height of 8.0 metres with a portion slightly higher but within the 12.0 metre requirements of the Business District Commercial (BDC) zone. As the applicant has provided heights of a minimum of eight metres, the proposed development is in keeping with The London Plan policies. Furthermore, the proposed building form has a setback and roof line consistent with the “village” streetscape character and intensity (20.5.8.1.iv.c).

The Zoning By-law contains regulations to ensure that the intensity of development for the subject lands is appropriate.

4.3 Form

All new development will be designed to be well integrated with the character and design of the associated Main Street (TLP, 911_2). Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment, and all the planning and design that is undertaken in the Main Street Place Type will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety (TLP, 911_4,5).

The proposed development is generally consistent with the Main Street Place Type and the City Design policies in The London Plan. The building is proposed to be situated along Colonel Talbot Road, to define the street edge, and create an inviting, active, and comfortable pedestrian environment (TLP 259_). The building is designed to be street-oriented with ground floor entrances facing the streets.

Access to the subject lands will be provided via the existing joint access with the abutting property to the south, 4402 Colonel Talbot Road. Parking for the building will be located internally, visually screened from the street by the building, while also encouraging a pedestrian oriented streetscape (Policy 269_). The site is also easily accessible by pedestrians, cyclists, and public transit users.

4.4 Drive-Through Facility Exit onto Colonel Talbot Road

In accordance with The London Plan, drive-through facilities shall address matters such as pedestrian circulation, access, and parking, built form, streetscape, heritage resources, potential impacts on adjacent land uses, landscaping, and signage (TLP, 265_). Drive aisles for drive-through facilities should also not be located between the street and the face of the building in the front or exterior side yard but rather the preferred location for drive-through facilities is in the rear or interior side yard (TLP, 264_). These facilities should also not interfere with direct pedestrian access to the

building from the sidewalk, compromise pedestrian safety, reduce the ability to provide on-site landscaping adjacent to the street, or have a negative impact on the pedestrian amenity of the streetscape.

Currently, the subject lands have access via an existing joint access with the abutting property to the south, 4404 Colonel Talbot Road. The property is also in close proximity to the Colonel Talbot Road and Broadway Avenue intersection (approximately 13m to the north). Along Colonel Talbot Road there are several existing points of access, however, it is a goal of The London Plan that access management guidelines will be applied with the objective of limiting future driveways onto major streets (TLP, 336). As proposed, the location of the drive-through facility will exit directly onto Colonel Talbot Road, which is not considered appropriate due to such close proximity to two existing access points onto Colonel Talbot Road where site lines are of increased importance with regards to creating traffic hazards.

The City Council adopted Access Management Guidelines provide further detail. Section 1.3 states that direct access to an arterial road must be minimized, and therefore, all proposed driveways must be justified. In accordance with the Access Management Guidelines the preference of the City is for one driveway per development to an abutting arterial roadway. In this case, the proposal includes a main driveway as well as the drive-through exit onto Colonel Talbot Road. Additional driveway access to the arterial road network will be subject to special considerations such as traffic analysis justifying the need for additional access to improve safety, flow and/or circulation and shall meet the spacing requirements. Said spacing requirements are outlined in Section 1.4.3 in which strict applications of traffic engineering criteria may place desirable spacing requirements at 150 metres along an arterial roadway. This type of spacing, however, is mostly unachievable in many urban and suburban environments in which typically a spacing of 30 – 60 metres is used along an arterial or primary collector roadway. In this case, the separate egress point for the drive-through does not provide the desirable or typical spacing (a spacing of 30-60 metres is used along an arterial or primary collector roadway whereas roughly 13 metres and 26 metres are being proposed) between the existing access point at 4366 Colonel Talbot Road and the intersection of Colonel Talbot Road and Broadway Avenue and is therefore not supported by Staff.

As proposed, the drive-through exit directly onto Colonel Talbot Road does not mitigate for potential adverse impacts with regards to traffic, safety and access management (TLP, 1578_6). Additionally, the drive-through exit does not promote a pedestrian-oriented main street environment in accordance with the intent of the Main Street Lambeth South policies of the Southwest Area Secondary Plan which state that the primary mode of transportation will be by walking or cycling (20.5.8.1.v. a). Rather, the drive-through facility compromises pedestrian safety as well as traffic safety.

Furthermore, in order for new drive-through facilities to be permitted in the Main Street Place Type it needs to be demonstrated that they will not detract from the quality and character of the pedestrian-oriented street environment (TLP, 801_). It is staff's opinion that alternative design considerations and site layout adjustments with regards to the drive-through facility internal to the site with access to/from the existing driveway could be considered, consistent with The London Plan, Southwest Area Secondary Plan and Zoning By-law. Staff are also recommending a further reduction in stacking space to 8 spaces should the drive-through be fully internal to the site with no ingress/egress from Colonel Talbot Road. Alternative design considerations and site layout adjustments can be considered at the time of Site Plan Approval.

4.5 Zoning

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone. The following summarizes the special provisions that have been proposed by the applicant and what is being recommended by staff.

A minimum front yard depth of 1.0 metres.

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. In this case, the BDC zone provides for a maximum front yard depth of 3 metres to facilitate the zones urban design goals of creating a strong street edge with screened parking areas. In order to aid in facilitating the design objectives of the BDC zone and to ensure the drive-through facility and parking area are appropriately screened behind the main dwelling the stand-alone restaurant is being situated with a 1 metre minimum front yard depth along Colonel Talbot Road. A 1 metre minimum will also ensure footings and canopies do not encroach into the public right-of-way, while still allowing a built form that provides enclosure to the street and a pedestrian-oriented environment.

A minimum landscaped open space of 15 percent.

The intent of regulating landscaped open space is to ensure that there is a certain percentage of natural space provided for practical, recreational, and aesthetic purposes. Section 2 of the Zoning By-law defines “Landscaped Open Space” as the open space which is used for the growth and maintenance of grass, flowers, shrubbery, and other landscaping and includes any surface walkway, patio, swimming pool or similar area, but does not include any access driveway or ramp, parking area, bus parking area, roof-top area, or any open space beneath or within any building or structure. In this case, the standard BDC zone does not require landscaped open space regulations as it is typically applied to urban contexts like Main Streets.

In order to aid in mitigating the impacts of the proposed drive-through use on the abutting properties, a 3.0m wide landscaped strip shall be provided in the rear yard and a 1.5m wide landscaped strip in the north interior side yard, and a minimum landscaped open space of 15 percent is being recommended.

A maximum gross floor area of 250m² for all restaurant uses.

The intent of regulating the gross floor area is to ensure that the developed area relative to the lot area is appropriate to mitigate against the over intensification of the lot. In this case, Section 25.3.1 of the BDC zone regulates the maximum gross floor area in which 500m² is permitted for eat-in restaurants only. In order to account for the fast-food restaurant use being proposed, a gross floor area of 210m² for all restaurant uses is being recommended.

Notwithstanding Section 4.18.2.b) outdoor patios associated with a restaurant may be permitted in the front or south interior side yard.

Section 4.18.2.b) of the Zoning By-law outlines the location of outdoor patios associated with a restaurant or tavern in which, where only the rear lot line adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane, (as is the case for the subject lands) an outdoor patio shall be permitted in the front yard.

As the proposed location of the outdoor patio is adjacent to the main building, the patio is considered to be located in the interior side yard as opposed to the front yard. In order to facilitate the urban design goals of creating a strong street edge, activating the public realm and to establish a level of flexibility with regards to the patio location, a special provision to permit a patio in the interior side yard is being recommended.

A landscape buffer shall be provided between a drive-through lane and adjacent properties as follows: 3.0m in the rear yard and 1.5m in the north interior side yard.

Section 4.35.1 of the Zoning By-law outlines the minimum separation distance of drive-through facilities in the interior side and rear yard. The minimum separation distance, measured from the edge of the drive-through lane or speaker location, whichever is closer to the closest residential/facility/institutional use lot line and/or zone line shall be

30 metres. This setback may be reduced to 15 metres if a 2.4-metre-high noise attenuation barrier is installed between the residential/facility/institutional use and the drive-through lane. Further reductions to the setback may be considered upon the City's review and acceptance of mitigation measures identified by a noise study prepared by a qualified noise consultant.

A noise study was accepted and reviewed by the City, which outlined that a noise barrier was required along the rear and north interior side yards. Additionally, a landscape buffer shall be provided between a drive-through lane and adjacent properties as follows regardless of whether a noise barrier is required. This ensures a landscape buffer is provided regardless of whether the site layout changes. A 3.0-metre-wide landscaped strip in the rear yard and a 1.5-metre-wide landscaped strip in the north interior side yard is recommended. Staff are satisfied that sufficient mitigation is provided to reduce the portion for adverse noise impacts to the abutting residential uses.

To permit a minimum of 10 stacking spaces for a drive-through with ingress/egress from Colonel Tablot Road and 8 stacking spaces for a drive-through fully internal to the site with no ingress/egress from Colonel Talbot Road.

Section 4.35.3 of the Zoning By-law outlines the number of stacking spaces required for uses with drive-through facilities in which fast food and eat-in restaurants require a minimum of 12 spaces. Uses that require a lower stacking lane capacity must submit a queuing study to identify the stacking capacity required. The findings of the submitted queuing study indicated that 12 stacking spaces are typically intended to accommodate traditional high-traffic generator drive-through facilities. In this case, 10 stacking spaces were considered in the queuing study and are provided for the proposed uses. Based on the findings of the submitted queuing study it was concluded that a reduced number of stacking spaces was characteristic of similar uses.

The applicant has requested a minimum of 10 stacking spaces for a drive-through with ingress/egress from Colonel Tablot Road. Alternatively, staff are recommending 8 stacking spaces for a drive-through fully internal to the site with no ingress/egress from Colonel Talbot Road to establish a level of flexibility should the site layout change. Should the drive-through exit onto Colonel Talbot Road be relocated internal to the site as recommended, Transportation Staff are willing to support 8 stacking spaces whereas 10 stacking spaces were considered in the queuing study. Should the drive-through exit onto Colonel Talbot Road be approved 10 stacking spaces would be permitted.

A single-lane drive-through exit shall be permitted onto Colonel Talbot Road.

Section 4.35.2 of the Zoning By-law outlines that the required location for drive-through facilities is in the rear or interior side yard. This is consistent with other uses across the City whereby the intent of regulating parking locations is to encourage pedestrian-oriented streets and streetscapes through consistent designs that support and appeal to pedestrians while also promoting safety for pedestrians, cyclists, and motorists (TLP, 264_, TLP 255_). Additionally, The London Plan Policy 336_ states that access management will be applied with the objective of limiting driveways onto major streets. Where appropriate, Neighbourhood Connectors and Neighbourhood Streets intersecting with major streets may be used to access sites fronting onto Civic Boulevards, Urban Thoroughfares and Rapid Transit Corridors (TLP, 336_).

The location of drive-through entrances and exits is not typically regulated within the Zoning Bylaw and is a matter to be reviewed as part of the Site Plan application. In this case, the applicant has requested to explicitly permit a drive-through exit onto Colonel Talbot Road in Zoning to provide a level of certainty ahead of submitting a Site Plan application.

As per Staff's previous analysis in section 4.4, the proposed drive-through exit location is being recommended for refusal as it does not mitigate for potential adverse impacts with regards to traffic, safety and access management and is not in keeping with the relevant policies identified above. While the recommended Zoning Bylaw amendment

does not explicitly prohibit a drive-through exit onto Colonel Talbot Road, as part of the Site Plan application review, staff will seek to implement the relevant policies of The London Plan, the Access Management Guidelines and Transportation staff's requirements. The recommendation at Site Plan will be to implement an alternative drive-through configuration internal to the site.

Conclusion

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone. Staff are recommending approval of the requested Zoning By-law Amendment with special provisions but refusing the request that a single-lane drive-through exit shall be permitted onto Colonel Talbot Road.

The recommended action is consistent with the *Provincial Policy Statement, 2020 (PPS)*, conforms to The London Plan and will permit a stand-alone restaurant and drive-through facility with a total of 15 surface parking stalls and 8 stacking spaces fully internal to the site with no drive-through egress onto Colonel Talbot Road. The amendment will facilitate the redevelopment of the subject site and will contribute to the range and mix of commercial options within the area.

Prepared by: **Michaella Hynes**
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

Copy: Britt O'Hagan, Manager, Current Development
Michael Pease, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A

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 4366 Colonel Talbot Road.

WHEREAS Lambeth Health Organization Inc. has applied to rezone an area of land located at 4366 Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE, the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 4366 Colonel Talbot Road, as shown on the attached map comprising part of Key Map No. A114, FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Business District Commercial Special Provision (BDC(_)) Zone.
- 2) Section Number 9.4 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provisions:

BDC 4366 Colonel Talbot Road

a) Additional Permitted Uses

i) Drive-Through Facility

b) Regulations:

- | | |
|---|-----------------------|
| i) Front Yard Depth (Minimum) | 1.0 metres (3.2 feet) |
| ii) A landscape buffer shall be provided between a drive-through lane and adjacent properties as follows: | |
| Rear Yard Depth (minimum) | 3.0 metres (9.8 feet) |
| North Interior Side Yard Depth (minimum) | 1.5 metres (4.9 feet) |
| iii) Landscaped Open Space (Maximum %) | 15 |
| iv) Gross Floor Area Restaurants (Maximum) | 250m ² |
| v) Stacking Spaces - Drive-through fully internal to the site with no ingress/egress from Colonel Talbot Road (minimum) | 8 spaces |
| vi) Stacking Spaces – Drive-through with ingress/egress from Colonel Tablot Road (minimum) | 10 spaces |

- vii) Notwithstanding Section 4.18.2.b) of Zoning Bylaw, outdoor patios associated with a restaurant may be permitted in the front and/or south interior side yard.
- 3) 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.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

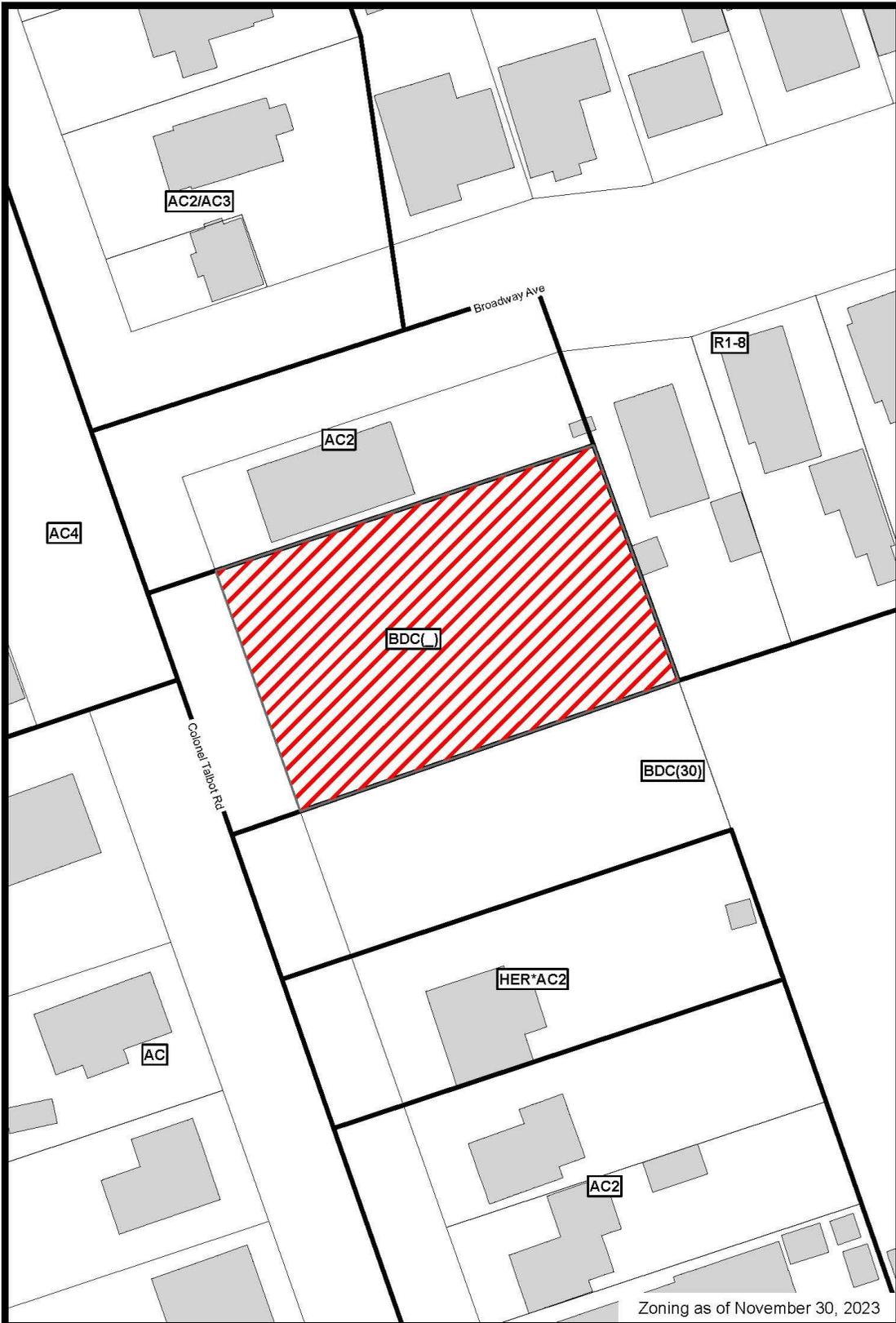
PASSED in Open Council on February 13, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

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



File Number: Z-9676
Planner: MH
Date Prepared: 2023/12/18
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:600

0 3 6 12 18 24 Meters



Geodatabase

Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Vacant parking lot
Frontage	32.9 metres
Depth	51.2 metres
Area	1,630 metres square (0.163 hectares)
Shape	Rectangular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Commercial
East	Residential
South	Commercial
West	Commercial

Proximity to Nearest Amenities

Major Intersection	Colonel Talbot Road and Main Street (~165 metres)
Dedicated cycling infrastructure	Onsite
London Transit stop	Route 28 White Oaks Mall via Exeter via Southdale Road East (Onsite)
Public open space	N/A
Commercial area/use	N/A
Food store	N/A
Community/recreation amenity	N/A

B. Planning Information and Request

Current Planning Information

Current Place Type	Main Street fronting a Main Street/ Civic Boulevard.
Current Special Policies	Southwest Area Secondary Plan – Main Street Lambeth North
Current Zoning	holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	Business District Commercial Special Provision (BDC(_)) Zone

Requested Special Provisions

Regulation (BDC)	Required	Requested	Recommended
Front Yard Depth (minimum)	Not specified	1.0	1.0
Landscaped Open Space (minimum percent)	Not specified	15%	15%
Gross Floor Area – Restaurant	500m ² specifically for restaurant eat-in	250m ² for all restaurant uses	250m ² for all restaurant uses
Permitted Uses: Drive-through Facility	Not permitted	Drive-through facilities are permitted as a main	Drive-through facilities are permitted as a main

		and accessory use	and accessory use
Regulation (Section 4.18))	Required	Requested	Recommended
Outdoor Patio Associated with a Restaurant or Tavern	Where only the rear lot line adjoins a residential zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard		Front and South Interior Side Yard
Regulation (Section 4.35))	Required	Requested	Recommended
Stacking Spaces (minimum)	12 spaces	10 spaces with ingress/egress from Colonel Tablot Road	10 spaces with ingress/egress from Colonel Tablot Road 8 space fully internal to the site with no ingress/egress from Colonel Talbot Road
Location for Drive-through Facilities	Rear and/or Interior Side Yard	Rear and/or Interior Side Yard with additional provision to allow: A single-lane drive-through exit shall be permitted onto Colonel Talbot Road	Rear and/or Interior Side Yard
Rear and North Interior Side Yard Landscape Depth (minimum)	15 metres if a 2.4-metre-high noise attenuation barrier is installed between the residential/ facility/ institutional use and the drive-through lane		A landscape buffer shall be provided between a drive-through lane and adjacent properties as follows: Rear Yard Landscape Depth of 3.0 metres (9.8 feet) And North Interior Side Yard Landscape Buffer of 1.5 metres

C. Development Proposal Summary

Development Overview

The recommended action will permit a stand-alone restaurant and drive-through facility with a total of 15 surface parking stalls, 10 stacking spaces and a single one-way exit driveway onto Colonel Talbot Road.

Proposal Statistics

Land use	Commercial
Form	Restaurant
Height	8.0 metres
Residential units	0
Density	N/A
Gross floor area	209.5 square metres
Lot coverage	12.8%
Landscape open space	30.2%
Functional amenity space	N/A
New use being added to the local community	Yes

Mobility

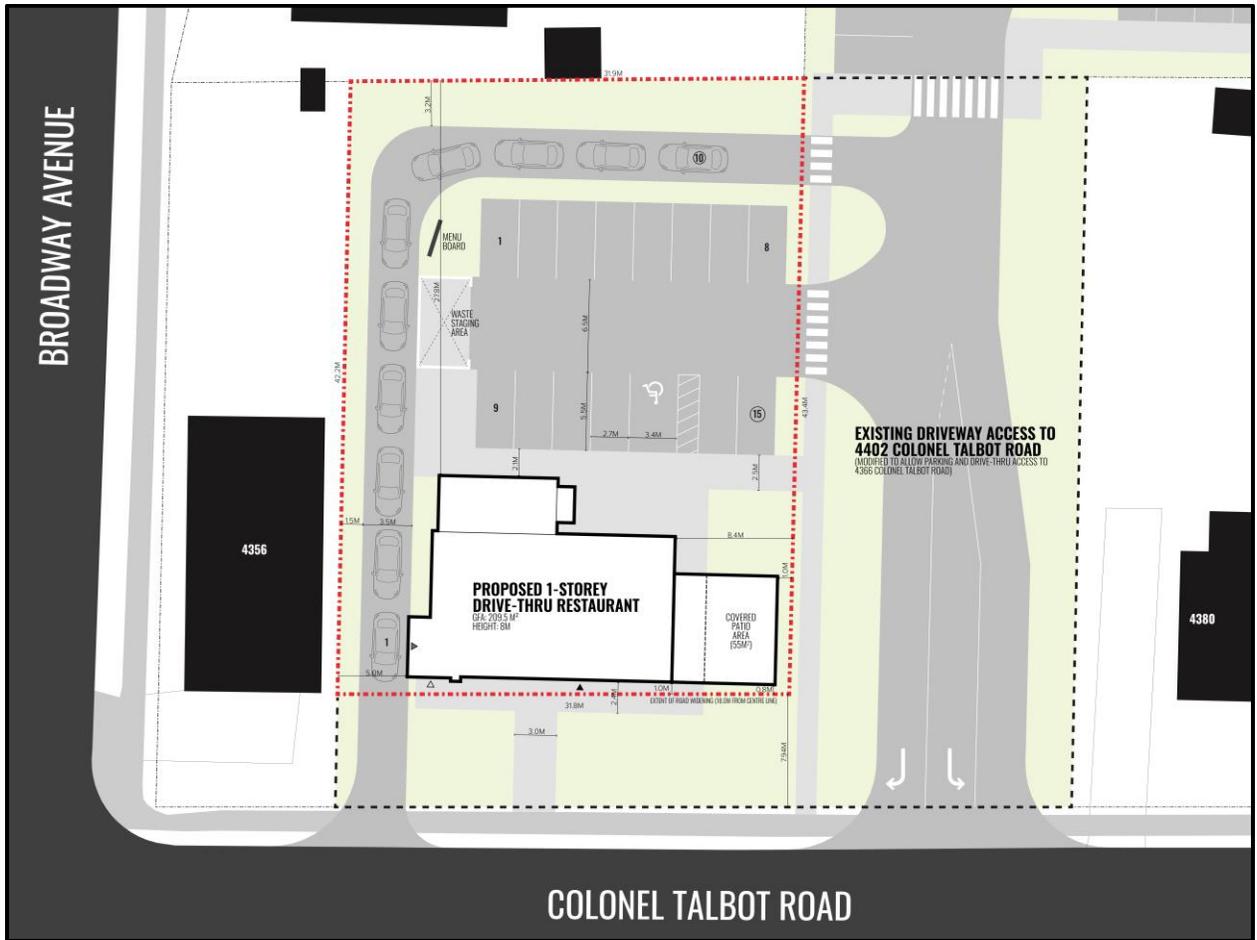
Parking spaces	Parking: 15; Stacking: 10
Vehicle parking ratio	1 per 17 square metres
New electric vehicles charging stations	N/A
Secured bike parking spaces	To be provided at Site Plan
Secured bike parking ratio	N/A
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	No

Environmental Impact

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

Appendix C – Additional Plans and Drawings

Concept Site Plan



Building Renderings – ISO View of Proposed Development



Building Renderings – View from Colonel Talbot Road facing Northeast



Building Renderings – View from above facing Northwest



Building Renderings – View from Colonel Talbot Road facing Southeast



Appendix D – Public Engagement

Community Engagement

Public liaison: On November 15, 2023, Notice of Planning Application and Notice of Public Meeting was sent to 52 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 Thursday, November 30, 2022. A “Planning Application” sign was also placed on the site.

Nature of Liaison: The purpose and effect of this zoning change is to facilitate the development of a stand-alone restaurant and drive-through facility with a total of 15 surface parking stalls, 10 stacking spaces and a single one-way exit driveway onto Colonel Talbot Road. Possible change to the Zoning By-law Z.-1 FROM a holding Arterial Commercial (h-17*h-18*h-124*AC2) Zone TO a Neighbourhood Shopping Area Special Provision (NSA5(_)) Zone. Special Provisions include a minimum interior side yard setback of 3.0 metres (9.8 feet) from any other zone boundary and 0.0 metres within the same NSA zone or the BDC(30) zone; maximum height of 9.0 metres whereas 8.0 metres is required; minimum of 8 drive-through stacking spaces whereas 12 spaces are required; a minimum of 8 stacking spaces shall be provided for a drive-through facility associated with a fast-food restaurant; a single-lane drive-through exit shall be permitted onto Colonel Talbot Road; and a portion of the building will achieve a height of 8.0 metres or greater.

Public Responses: Three replies received.

Public Comment #1 – Kim Bartlett

Hello Counselor Hopkins,

I am writing to voice my concern over the Wendy's location scheduled for construction at 4366 Col. Talbot Rd in Lambeth. This intersection is already inundated with traffic, creating a backlog of cars and trucks during peak commute times, with many drivers diverting down Broadway Avenue. Traffic has dramatically increased down this residential street. Cars speed down it without concern for residents. The fast-food restaurant will only exacerbate this problem. If the purpose of this establishment is to serve travellers coming off the 401 and 402, how will traffic turning left back to the highway be managed? Logistically, it makes no sense to have it located here and will only increase accident risks in the area.

In the 2019 Community Improvement Plan for the community of Lambeth, residents stated that 'The area is a "real" village and complete community, maintaining an authentic feel, and landmarks is important.' Residents also expressed that Lambeth 'feels like a small country village and not like a suburb within the City.' The addition of this generic chain restaurant will decrease this feeling.

As a resident living in the affected area, I am concerned about the excess garbage, light and noise pollution this establishment will create. Chain restaurants generate vast amounts of waste and spread trash throughout the surrounding residential areas. Wendy's primarily supports meals later in the day and into the evening. I value the quiet in our neighbourhood, and having an establishment that advertises "You can eat great, even late" is not conducive to our small, quiet neighbourhood.

Large franchises send a large amount of profit back to corporate headquarters while local shopkeepers spend and reinvest their money in their community. This chain will cheapen our neighbourhood, drive out other businesses, lower residential property values and deprive residential shoppers of the much-needed small retailers offering local services.

How will adding a Wendy's add pride to our small community? How will it facilitate achieving the Key principles established in the Community Improvement Plan? Fast-food restaurants have no place within local shopping districts and residential

neighbourhoods.

Public Comment #2 – Karen and Mario Zuech

Hi Michaella

According to File Z-9676, 4366 Colonel Talbot Rd. would like to amend the by-law to allow a Wendy's restaurant on the property. We are very concerned about this because the drive thru will be right against our house on the property line. We have tenants living in the building. There would be traffic going through the drive thru late at night. The bedrooms are all on the south side. If they put up a high fence, it will block the light from the bedroom on the first floor. We are against the by-law change.

Public Comment #3 – Anca Balog and Erin Jansen

To whom it concerns,

The proposed development for 4366 Colonel Talbot Road, isn't ideal for us as tenants. It creates a large amount of traffic (idling cars etc.) and takes away the privacy to the apartments located beside the property.

The idling cars would create exhaust which wouldn't allow tenants in the apartments to open their windows and allow fresh air. The noise would be an issue to these tenants also.

I hope these concerns will be taken into consideration.

Appendix E – Internal and Agency Comments

Parks Planning

Matters for Site Plan

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

UTRCA

- The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.
- The UTRCA has no objections to the application, and we have no Section 28 approval requirements.

Urban Design

Matters for ZBA:

- This site is located within the Main Street Place Type in The London Plan [TLP] and within the Main Street Lambeth North Designation in the Southwest Area Secondary Plan [SWASP]. Urban Design staff are generally supportive of the proposed small-scale drive-thru restaurant, provided that adequate buffering, screening, and setbacks are included for the rear and interior side yards to ensure any potential negative impacts to the adjacent residential uses are mitigated.
- The applicant is acknowledged for incorporating the following site and building design features. Urban Design encourages the applicant to continue to incorporate these elements as the proposal moves through the development process:
 - Street-oriented built form with the principal building entrance and transparent glazing located along the street frontage.
 - Direct walkway access from the public sidewalk to the principal building entrance.
 - Parking and garbage/loading areas are located away from the street frontage, behind the proposed building.
 - The drive-thru lane is located away from the street frontage, behind the proposed building.
- Urban Design recommends the following Special Provisions be incorporated into the proposed NSA5() zone to foster a safe, comfortable, and accessible public realm, and to reduce potential impacts on neighbouring properties:
 - Maximum front yard setback to ensure the proposed building is located close to the Colonel Talbot Road right-of-way [TLP 259, SWASP 20.5.3.9 iii].
 - Minimum rear and interior side yard setbacks to mitigate any impacts the drive-thru facility may have on the adjacent properties [TLP 253, 265].
 - Principal building entrance facing toward Colonel Talbot Road [TLP 291, SWASP 20.5.3.9 iii].
 - Minimum setback of drive-thru lane or speaker location from interior side or rear yards where noise attenuation measures have / have not been provided [TLP 265].
 - Prohibit drive-thru lanes between the building and the sidewalk on Colonel Talbot Road [TLP 264].

Matters for Site Plan:

- Align the proposed walkway in front of the building with the principal building entrance along Colonel Talbot Road [TLP 268].
- Include weather protection above the principal building entrance(s) such as canopies or awnings to promote safe and comfortable pedestrian access to the building [SWASP 20.5.3.9 iii].

- Provide enhanced all-season landscaping along the north and east property lines to buffer the drive-thru from the adjacent low-density uses. [TLP 265];
- Ensure that any pedestrian walkway abutting a parking space includes a curb stop between the parking spot and the walkway to mitigate potential pedestrian vehicular impacts [TLP 255].
- Provide a full set of dimensioned elevations for all sides of the proposed building as well as a fully dimensioned and labelled site plan. Further comments may follow upon receipt of the drawings.

London Hydro

- Servicing the above proposed 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 existing service will be at the expense of the owner.

Heritage

- Staff have reviewed the following Heritage Impact Assessment for the property located at 4366 Colonel Talbot Road:
 - Stantec, Scoped Heritage Impact Assessment, 4366 Colonel Talbot Road, London, Ontario, August 14, 2023.
- Please be advised that heritage planning staff recognize and agree with the conclusions of the report that state: "A qualified person(s) should be retained to complete a pre-construction vibration assessment to determine acceptable levels of vibration given the site-specific condition (including site conditions, equipment proposed to be used, and building characteristics). Should the residence at 4380 Colonel Talbot Road be determined to be within the zone of influence, additional steps should be taken to secure the building from experiencing negative vibration effects (i.e., adjustment of machinery or establishment of buffer zones)."
- Staff agree with the assessment of impacts and recommendations included within the Heritage Impact Assessment.
- The Heritage Impact Assessment requirements for Z-9636 can be considered satisfied.

Site Plan

Major Issues

- As noted at the time of Site Plan Consultation, the exit for the drive-through lane must be relocated to be internal to the site.

Matters for OPA/ZBA

- Attached is a copy of the draft Zoning Referral Form provided at the time of SPC. Given the site plan does not appear to have changed, the ZRR attached is still applicable. Based on the draft ZRR and current site plan, special provisions are required for a reduced number of stacking stalls, the south interior side yard setback and the location of a patio associated with a restaurant. Additional special provisions may apply.
- To maintain the 3.0-meter setback from the rear yard to the drive-through stacking lane, it is recommended to include a note to the Approval Authority that this be maintained with increased landscaping for buffering. Alternatively, a 3.0 metre setback (minimum) from the property boundary to the drive-through stacking lane can be established.

Matters for Site Plan

- Short-term bicycle parking is required. The location of the proposed bicycle parking is to be shown on the site plan with the details provided.
- The comments provided at the time of Site Plan Consultation still apply and are to be addressed through the Zoning By-law Amendment process and/or the Site Plan Approval process.

Engineering

Transportation

Policy:

- **The London Plan Policy**
 - Policy 336 Access management will be applied with the objective of limiting driveways onto major streets. Where appropriate, Neighbourhood Connectors and Neighbourhood Streets intersecting with major streets may be used to access sites fronting onto Civic Boulevards, Urban Thoroughfares and Rapid Transit Corridors. City Council may adopt **Access Management Guidelines** to provide further details on appropriate access design for sites.
- **Access Management Guidelines**
 - Section 1.3 Number of Accesses
 - Direct access to an arterial road **must** be minimized, and therefore, all proposed driveways must be justified.
 - The preference of the City is for one driveway per development to an abutting arterial roadway.
 - Additional driveway access to the arterial road network will be subject to special considerations such as traffic analyses justifying the need for additional access to improve safety, flow and/or circulation and **shall** meet the spacing requirements set forth in Section 1.4 of this guideline.
 - Section 1.4.3 Minimum Driveway Separation Distance
 - Strict applications of traffic engineering criteria may place desirable spacing requirements at 150 metres along an arterial roadway. However, this type of spacing is mostly unacceptable in several urban and suburban environments. Typically, a spacing of 30 – 60 metres is used along an arterial or primary collector roadway. The separate egress point for the drive-through does not provide the desirable or typical spacing noted above.

Transportation Requirements:

- A separate egress point for a drive-through is not supported by Transportation based on the Access Management Guidelines as per the policies of The London Plan.
- The applicant may consider a drive-through layout with access to/from the existing driveway.
- As per Zoning By-Law Z1, the site is exempt for minimum parking standards.
- Providing appropriate facilities for walking and cycling should be considered the priority, consistent with the Southwest Area Plan:
 - [Southwest Area Secondary Plan \(london.ca\)](#)
 - 20.5.8.2 Main Street Lambeth South
 - iv) Transportation
 - a) It is intended that the primary mode of transportation within the Village Community will be by walking or cycling.

Stacking Spaces

- Transportation is willing to support 8 stacking spaces if drive-through exit is being relocated internal to the site.

Water Engineering

- Water is available via the municipal 150mm watermain on Colonel Talbot Road

Wastewater Engineering

- If the holding provision was in place on the pretense that the sanitary servicing study would need to be approved by SED prior to its removal, then SBM still needs to update their area plan and design sheet to a final version which includes their redline comments outlined in the attachment.
- If the holding provision was put in place and to be removed upon the completion and installation of a municipal sanitary sewer, then this holding provision can be removed if you are confirming that said sanitary sewer has been installed.
- SED still needs to see a finalized area plan and design sheet which incorporates the redline comments from SBM. The design sheet still lacks the population allotments outlined by SBM along Main St.
 - I'm fine with removing the holding provision – We can request the area plan update through the SPA / DA.

Landscape Architecture

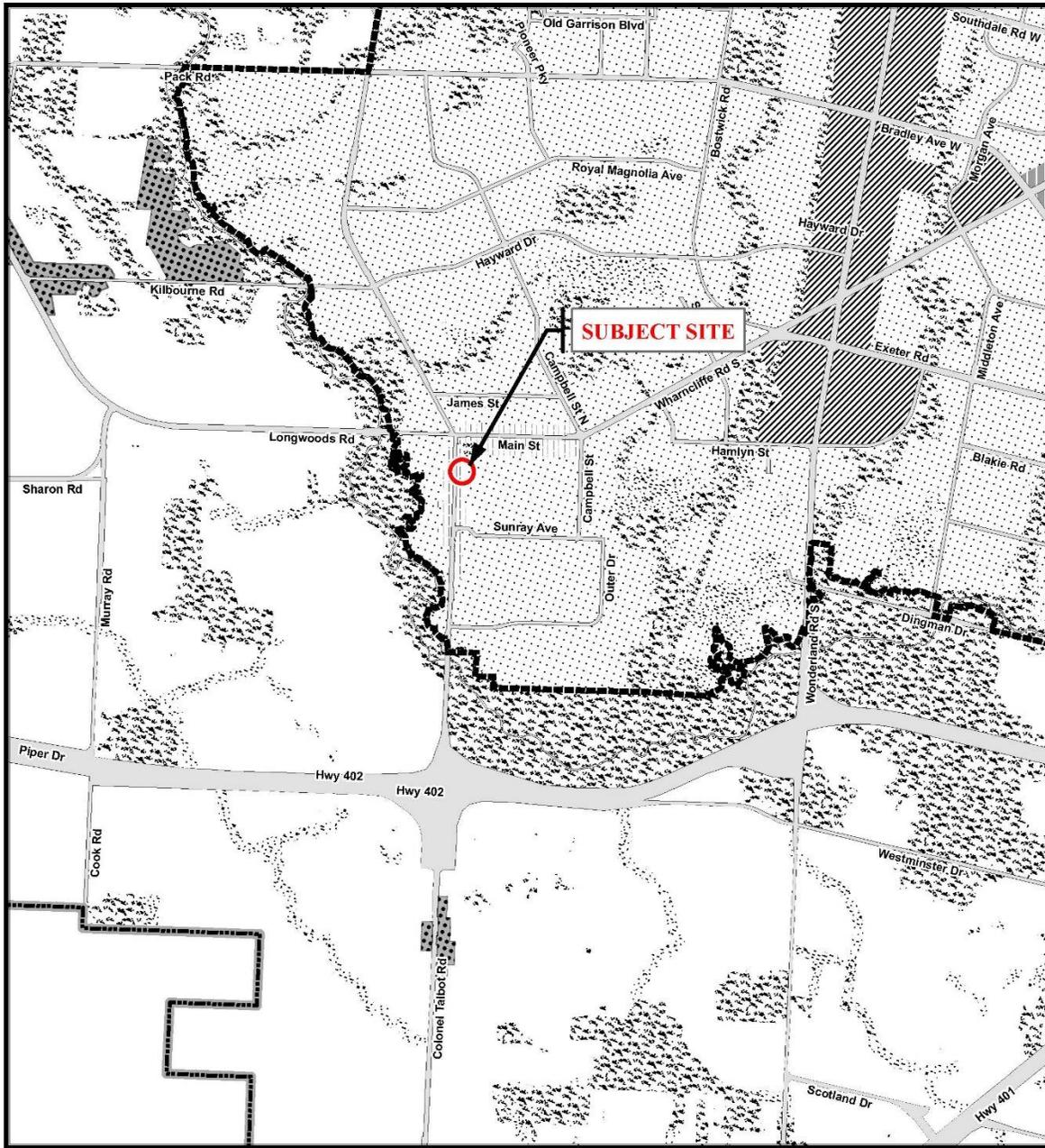
- There is one large tree growing in proximity to the north property line. A total station survey will need to be completed to determine ownership and consents required. If the tree is identified to be a boundary tree, consent to injure or remove will be required from property owner who shares the north property line. If consent cannot be obtained from co-owner, then a non-disturbance setback will need to be established at the tree's critical root zone limits as determined by dbh. 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.
- Consent to injure or remove the boundary trees is a requirement of Site Plan approval. A recommendation for provision of the approval letter will be forwarded for Site Plan Review.

Ecology

- This e-mail is to confirm that there are currently no ecological planning issues related to this property and/or associated study requirements.
- 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.

Appendix F – Relevant Background

The London Plan – Map 1 – Place Types



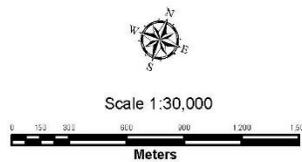
Legend

- | | | |
|------------------------|--------------------------|---|
| 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 -

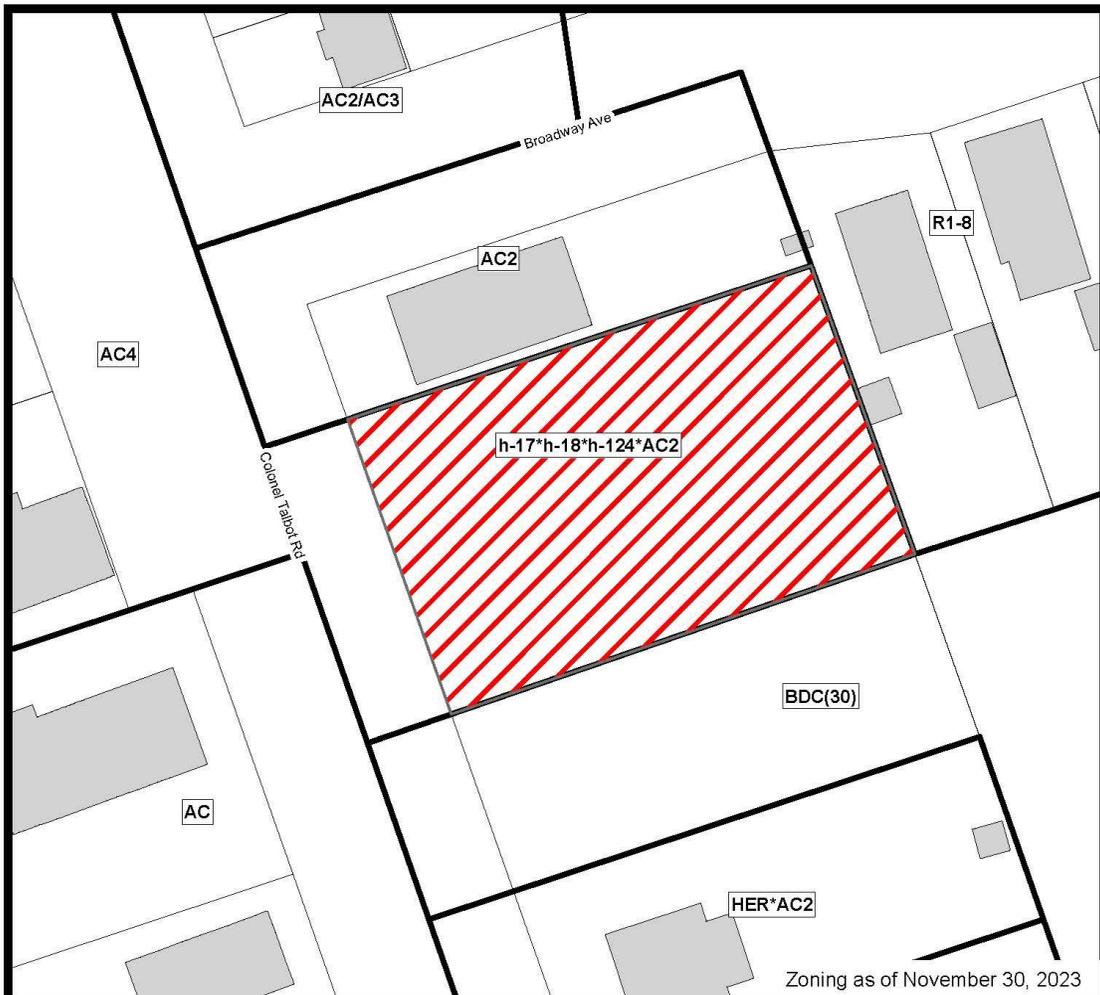
PREPARED BY: Planning & Development



File Number: Z-9676
Planner: MH
Technician: JI
Date: 2023/12/18

Project Location: \\cfile1\giswork\Planning\Projects\p_officialplan\workconsol\00\excerpts_LondonPlan\mxds\Z-9676_Map1_PlaceTypes.mxd

Zoning By-law Z-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-17* h-18* h-124*AC2

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "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-9676

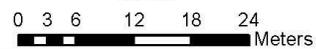
MH

MAP PREPARED:

2023/12/18

Jl

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4366 COLONEL TALBOT ROAD

PROJECT SUMMARY

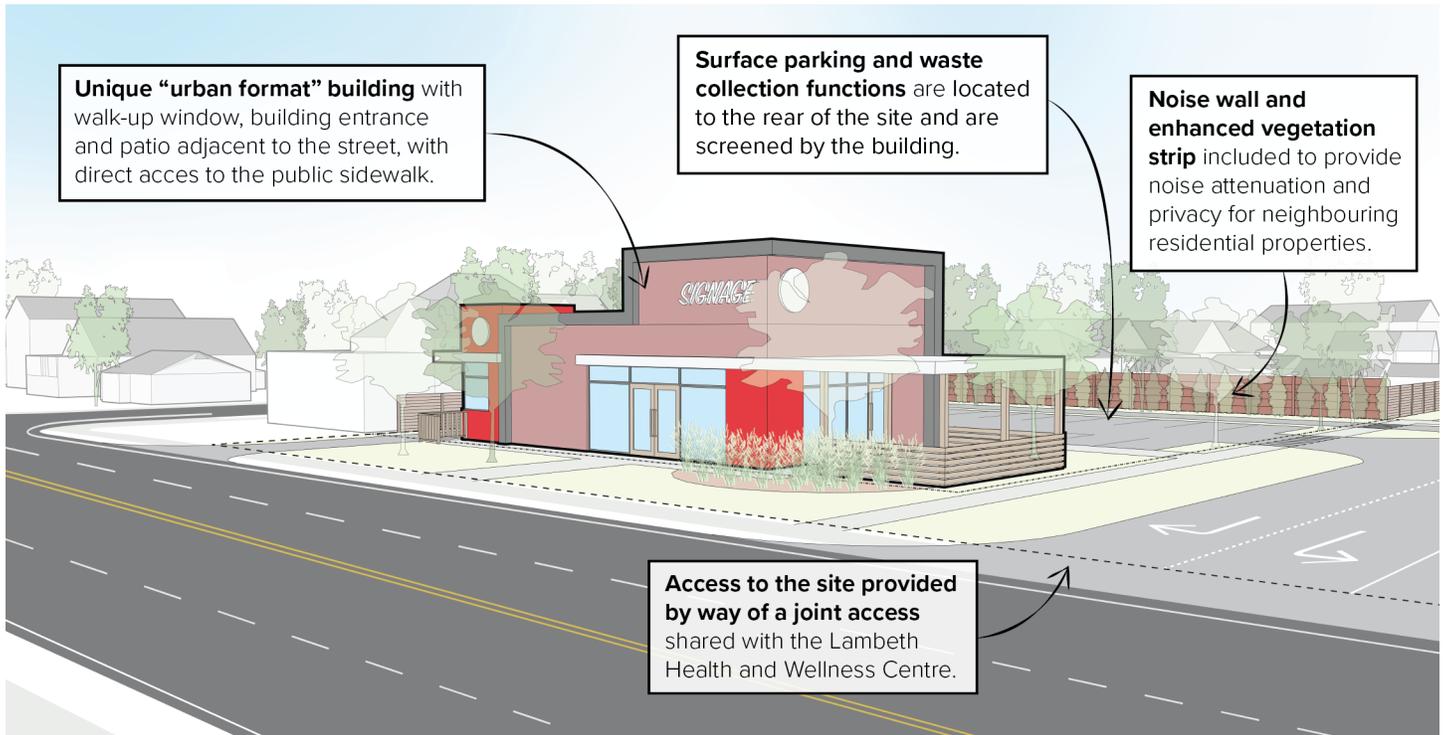
siv-ik.ca/4366ct | **Developer:** Kevlar Development Group

Concept At-A-Glance

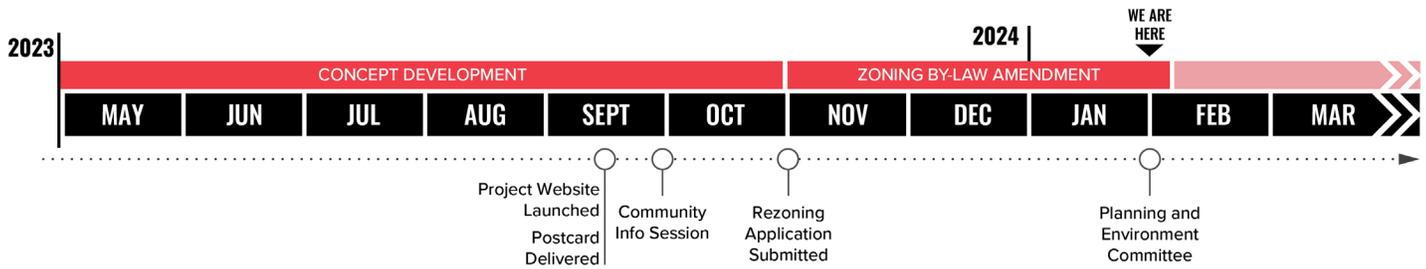


4366 Colonel Talbot Road	
Site Area	1,630m ² (0.163ha)
Frontage	32.9m
Depth	51.2m
Proposed Zoning	Business District Commercial (BDC(_))
Proposed Use(s)	Restaurant (209m ²) with Patio (55m ²)
Height	1 Storey
Parking	1 per 17m ² (15 Surface Spaces and 10 Stacking Spaces)

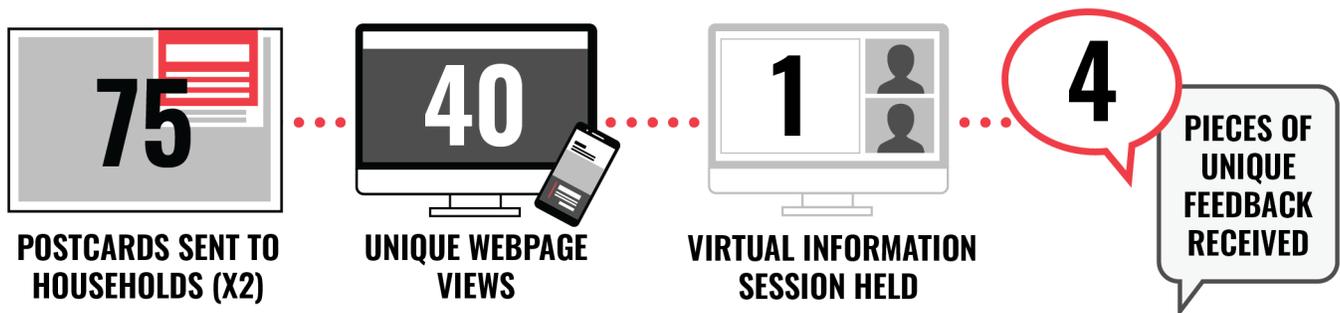
Key Features



Timeline



Community Engagement by the Numbers



*Includes feedback received from the Siv-ik project website feedback form and Virtual Community Information Meeting. The count does not include any feedback sent directly to the City.

Key Themes Heard and Our Response

Traffic	Noise Attenuation
<ul style="list-style-type: none"> Access to the site has been planned strategically by the developer by way of a joint access shared with the Lambeth Health and Wellness Centre. During the first phase of the Lambeth Health and Wellness Centre development, a traffic study was completed which informed the location and type of access required for this site. Traffic is planned to occur at this site, as it is already zoned for a wide range of commercial uses. 	<ul style="list-style-type: none"> In accordance with the Noise Study completed as part of the background work to inform the project design, a 2.43m noise barrier will be developed along the east side yard. The placement and orientation of the order board has been strategically designed to minimize noise impacts on surrounding properties.

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.

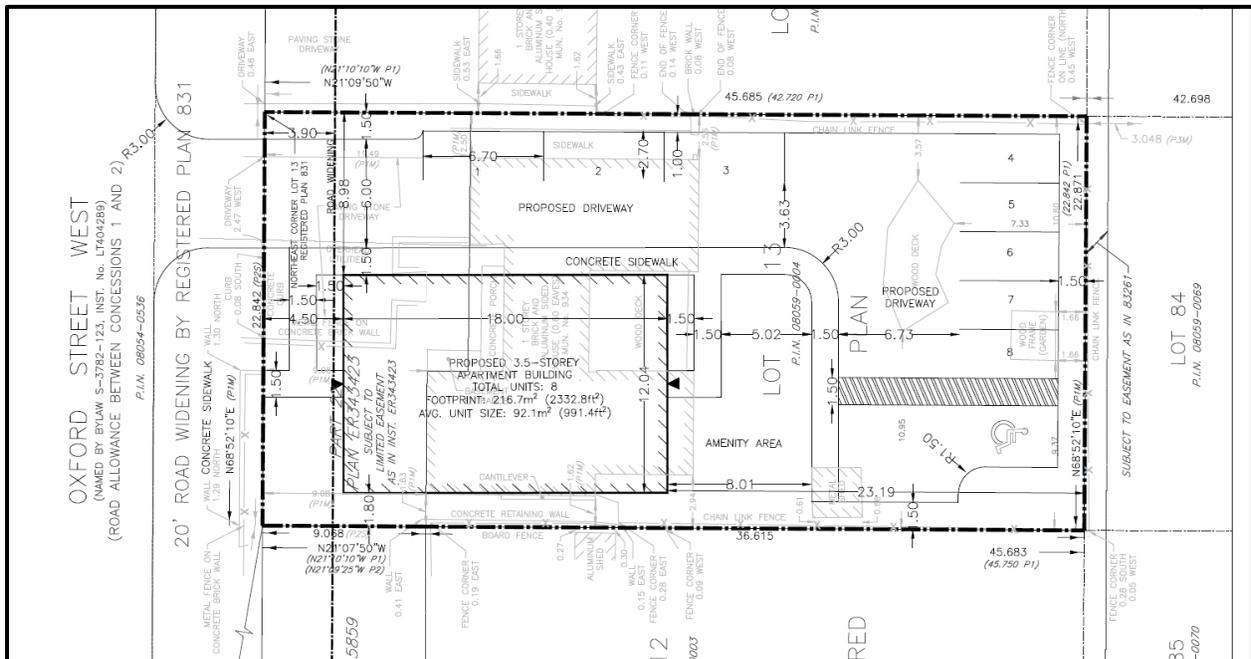


Figure 3 - Conceptual Site Plan (August 2023)



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_2 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_2 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.

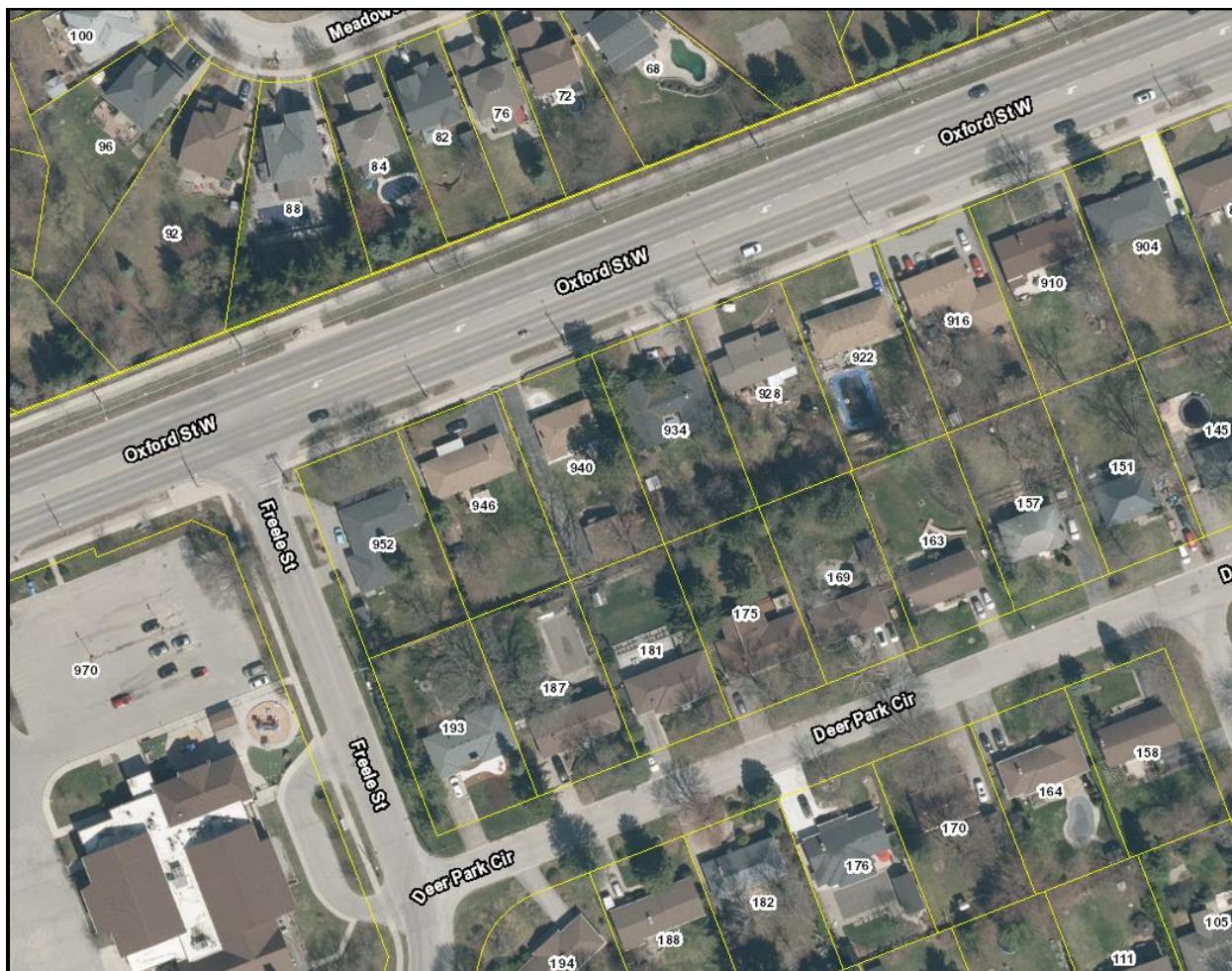


Figure 5 – Lotting pattern for 934 Oxford Street West and adjacent lots

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 397 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 later 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.



Zelinka Priamo Ltd.

LAND USE PLANNERS

January 25, 2024

Chair Lehman & Committee Members
Planning and Environment Committee
City of London
300 Dufferin Street
London, ON
N6B 3L1

**Re: PEC, January 30th, 2024, Item 3.6
Application for Zoning By-law Amendment
2419361 Ontario Inc.
934 Oxford Street West**

City File: Z-9678
Our File: FCR/LON/23-01

We are pleased to provide the Members of the Planning and Environment Committee (“PEC”) with the following information regarding this Zoning By-law Amendment application (“ZBA”), further to our review of the Staff Report, dated January 30, 2024.

Zelinka Priamo Ltd. submitted a Zoning By-law Amendment application on behalf of our client, the land owner of the “subject lands”, in November, 2023 to permit a 3.5-storey, 8-unit residential development. Through initial discussions with City staff, it was clear that they would not support approval of the application in that form. As a result of those discussions, we made substantial revisions to the development plan which addressed City staff concerns, and for which they indicated general support.

Due to the timelines imposed by the Province last year which require a Council decision 90-days from the date an application is submitted, City staff would have insufficient time to recirculate the revised proposal. Without PEC consideration of the revised proposal, the applicant would be required to accept the current recommended refusal at PEC and then proceed to file a new application, thereby extending the approvals process unnecessarily by several months and requiring a duplication of City staff time and effort to re-process the application.

Instead, we respectfully request that PEC consider the revised development plan and revised by-law at the January 30th, 2024 meeting. An analysis of how the revised development plan addresses City staff concerns on the initial application, as outlined in the Staff Report, is detailed in the table below for your consideration.

Response to Key Issues	
Key Issue as identified in Staff Report	Response via Revised Development Plan
<p>Parking: The site requires a two-way driveway for ingress and egress; and the parallel parking spaces are not acceptable or safe.</p>	<p>The revised development plan eliminates parallel parking spaces, and provides the required parking spaces in the rear yard.</p>
<p>Building Height: Eliminate the proposed sunken patios on the street-facing units in preference of an enhanced elevation and to avoid privacy and safety concerns.</p>	<p>The revised development plan adjusts the building from 3.5-storeys to 4-storeys, in order to eliminate the proposed sunken patios. We note that The London Plan policies contemplate building heights of up to 6-storeys in this area.</p>
<p>Building Orientation / Lot Frontage: The reduced lot frontage limits the ability to appropriately orient a building of this scale and intensity to the road.</p>	<p>The requested minimum lot frontage reduction is to recognize the existing dimensions of the subject lands. However, even with this reduction, the revised development plan effectively orients the building to address Oxford Street West.</p>
<p>Access / Lot Consolidation: As per the Access Management Guidelines, joint accesses are encouraged or may be required to minimize the number of driveways on arterial roads. 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. Developments occurring as a result of lot consolidation with fewer individual driveways would be preferred in similar cases.</p>	<p>While we recognize that it is the City's preference for this corridor to develop with lot consolidation, this is not always a feasible or realistic option.</p> <p>Considering that the subject lands have an existing access to Oxford Street West, there is no net increase to the number of access points.</p> <p>It is our professional opinion that it is not reasonable to prevent development in this area, which is planned for intensification by the policies of The London Plan, in the expectation that individual property consolidation will be possible.</p>
<p>Side Yard Setback: The 1.8m setback does not allow appropriate separation, reducing needed interior side yard space to provide appropriate buffering and creating potential privacy concerns. A development with the main entrance and individual unit windows oriented north-south to the street or rear yard</p>	<p>The revised development plan increases the side yard setback from 1.8m to 2.4m to provide appropriate separation space and buffering with landscaping and/or fencing.</p> <p>The revised building design orients the main entrance and unit windows to be facing north-</p>

would be more appropriate and mitigate privacy concerns.	south to mitigate privacy concerns of abutting properties to the east and west.
Front Yard Setback: The proposed front yard setback does not reflect the road widening requirement.	The revised development plan reflects the ultimate road widening requirement, with a further 1.0m setback from the ultimate property line, as requested by City staff through initial discussions. We note that there was some confusion on the ultimate required widening. Both the Record of Pre-Consultation and the Z.-1 Zoning By-law identified a required road widening that was not consistent with Table 6 of The London Plan.
Density: While the increase in density is relatively minor, the density stacks with other site limitations, like frontage and setbacks, to create a site which cannot support the proposed built form.	The revised development plan achieves a more efficient site layout which allows for an increase of two units (10 units total). Given that the revised development plan appropriately addresses the concerns regarding parking, height, orientation, and setbacks, the minor increase in density is considered to be appropriate.

In our professional opinion, the revised development plan satisfactorily addresses all of the relevant comments received relating to access, parking, building orientation, setbacks, and privacy.

On behalf of our client, we thank you for the opportunity to provide the above information in advance of the January 30th, 2024 PEC meeting, and look forward to your consideration of the ZBA. We believe that the proposed development will be a positive addition to the neighbourhood and will provide much needed housing opportunities in a manner and location consistent with The London Plan.

I will be in attendance to address PEC and to answer any questions regarding the proposed development. If you have any questions, please do not hesitate to contact me.

Sincerely,

ZELINKA PRIAMO LTD.



Taylor Whitney, CPT
Intermediate Planner

From: A. Johnson

To: The Chair and Members of PEC: Thank for the opportunity to present my ideas

RE. Item 3.6 934 Oxford ST.W. (Z 9678)

934 Oxford

Of the six projects on this agenda, one global warming wise is a concern, the development at 934 Oxford. “795 Windermere” could actually be replacing some pavement with vegetation, and that’s worthy of some recognition, in our bid to reduce GHG emissions.

934 Oxford is another case of the 1-2 emissions punch. If completed it will bring 77 cars to town and by removing 25 trees, eliminate the means by which car emissions can be mitigated. I have objected to other 1-2 punch projects like this, which were all approved and there are lists of many projects like these in the city plans but the 1-2 punch of itself is not the main reason to reject these projects.

To explain. Developments completed in the last thirty years or so have eliminated thousands of trees and as a result hundreds of acres, show up on the Rainham emissions map¹ in a yellow colour and do an inadequate job at removing emissions because of lack of vegetation. Vegetation is being scraped off as we speak. And in the plans on file for development there are thousands of trees listed for removal.

Of 39 pages of development plans for London² on file, starting with page one and adding trees to be removed, after the first project on the top of page 11, the total is 1006 tree removals³. Significantly, some plans are not formatted to show removal numbers. On page 7, a project of 51 acres at Sunningdale Golf Club will undoubtedly from its appearance, have significant impact on trees and emissions and it is not in this counted mix. “Thousands” is a conservative picture of planned tree removals.

Whatever London’s tree canopy current percentage is, the canopy grows over the course of year. We know that the mature trees are the real leaders in the growth process and contribute most to that overall growth. Protecting the existing canopy means ensuring that the number of trees removed don’t exceed what normal growth⁴ would be expected to provide in a growing season. Ensuring that the canopy might actually expand in that year would mean cutting back less than to that base amount prior to the years growth.

So, the real reason for rejecting this plan to cut down 25 trees at 934 Oxford is lack of knowledge. We don't know the impact of cutting those 25 trees on the tree canopy of London Ontario and we're in the same boat with a stack of plans for potentially removing thousands more.

Before plans for cutting trees are pursued, research is needed to determine the amount of removal from the existing canopy that leaves the base percentage unaffected. Then, a plan could be considered for tree cutting. To actually sanction the cutting of thousands of trees from the tree canopy without any effort to assess the effects on the health of the canopy is a flat out reckless endangerment of a public resource.

My sole ask of this committee is to find a way to fund that research.

While there are too many unknowns about the effect on tree canopy, the effect on emissions of cars coming to town is much clearer. As of this writing, 222 development plans, are filed for London, with 23660 new 'households'. Multiplying 23 660 by a .66 car dependency rate, X households of 2.4 people = potentially 37 477 cars, a 14% increase if the plans are realized added to a car population of 273 000. So vegetation, will be processing at least 14 % more 'on the rise' tailpipe emissions.

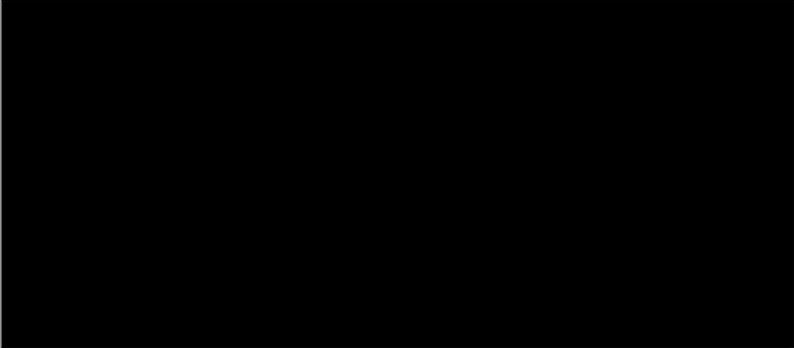
And what will that emission increase be added to? Here's Google Environmental's Transportation Emission Numbers for London⁴. Suggesting that last year in 2023 we may easily have exceeded the pre-covid 2019 high of 824000 tCO2e.

2023 ?

2022	771000 tCO2e (up 13 %)
2021	680000 tCO2e (up 14%)
2020	596000 tCO2e (down 28%)
2019	824000 tCO2e (up 4%)
2018	796000 tCO2e

Signeage? "Welcome to Unsustainable London...Light on Trees Heavy on Cars"

1.(see attached: "Rainham/Dalhousie Emission Map of London by Ward")



Planning Applications | City of London

The official website for the City of London, Ontario.

³ The invitation is open to anyone with the curiosity and more energy than this writer to continue this investigation for the other 29 pages and attempt to arrive at total estimate of possible removals.

⁴ LiDAR estimations revealed that the average annual canopy growth from 2004 to 2010 was $0.26 \pm 0.11 \text{ m m}^{-2} \text{ yr}^{-1}$ at the plot level and $0.26 \pm 0.10 \text{ m m}^{-2} \text{ yr}^{-1}$ at the individual-tree level.

⁵ <https://insights.sustainability.google/places/ChIJC5uNqA7yLogRIWsFmmnXxyg?hl=en-US>

Proposed Motion: Deputy Mayor S. Lewis

Notwithstanding 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 proposed by-law attached hereto **BE INTRODUCED** at the Municipal Council meeting on February 13, 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 R1 (R1-10) Zone **TO** a Residential R8 Special Provision (R8-4()) Zone;

AND BE IT FURTHER RESOLVED that pursuant to subsection 34(17) of the *Planning Act*, no further notice be given;

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

- i) that this decision is consistent with the Provincial Policy Statement
- ii) that the statutory deadline for a decision under Bill 109 regulations cannot be met if a referral back or if recirculation of notice on the revised concept prepared by the applicant in response to staff concerns on the original application submission were directed

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 934 Oxford Street
West

WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 934 Oxford Street West, as shown on the attached map comprising part of Key Map No. A106, **FROM** a Residential R1 (R1-10) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone.
2. Section Number 12.4 of the Residential R8 Zone is amended by adding the following Special Provisions:

R8-4(_) 934 Oxford Street West
 - a. Regulations
 - i) Lot frontage (Minimum): 22.8m
 - ii) Front yard setback from existing lot line (Minimum): 7.3m
 - iii) West interior side yard setback (Minimum): 2.4m
 - iv) East interior side yard setback (Minimum): 2.4m
 - v) Density (Maximum): 96 units per hectare
 - vi) Parking area setback from rear lot line (Minimum): 3.0m
3. 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.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

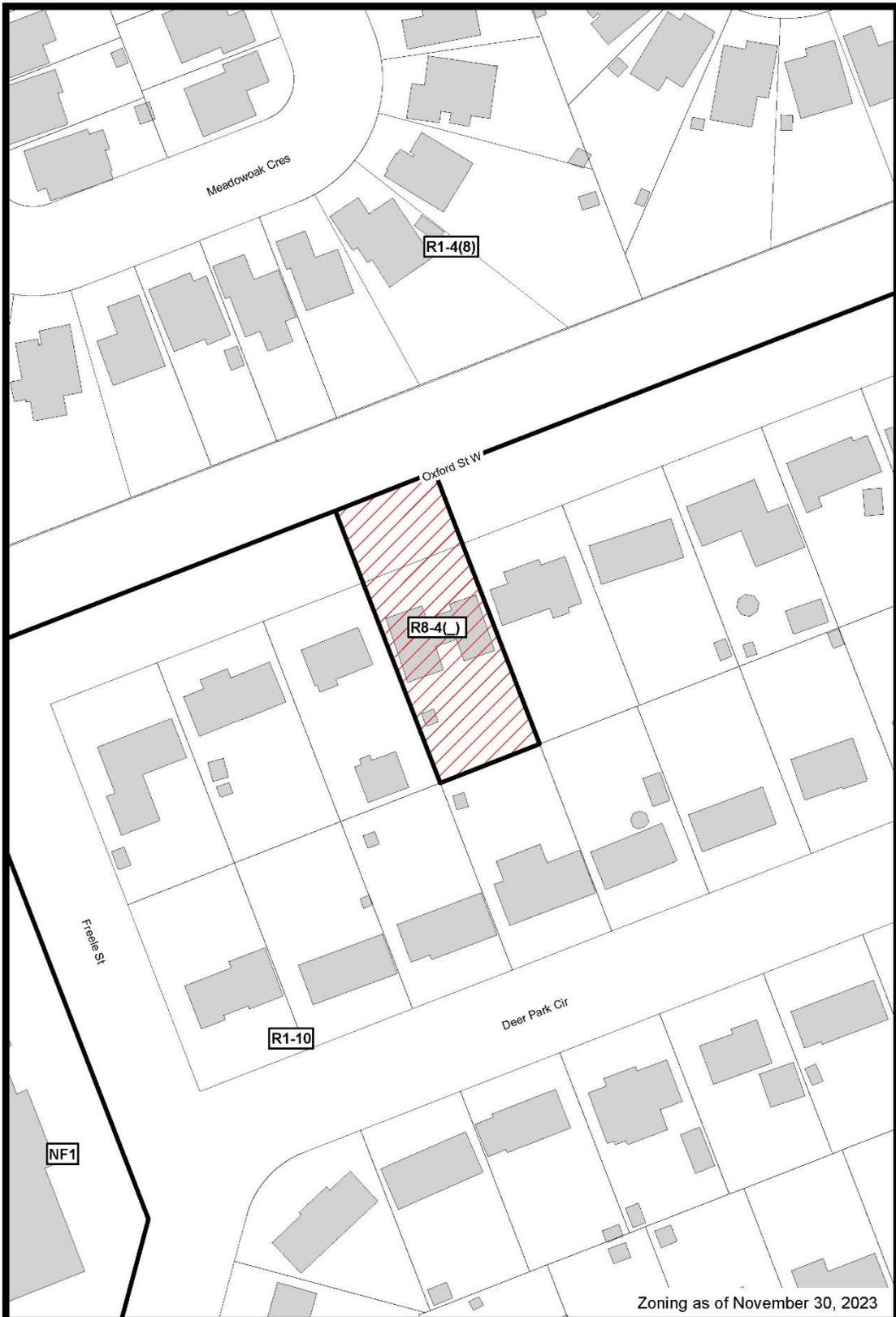
PASSED in Open Council on February 13, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

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



File Number: Z-9678

Planner: NO

Date Prepared: 2023/12/21

Technician: RC

By-Law No: Z.-1-

SUBJECT SITE 

1:1,000

0 5 10 20 30 40 Meters

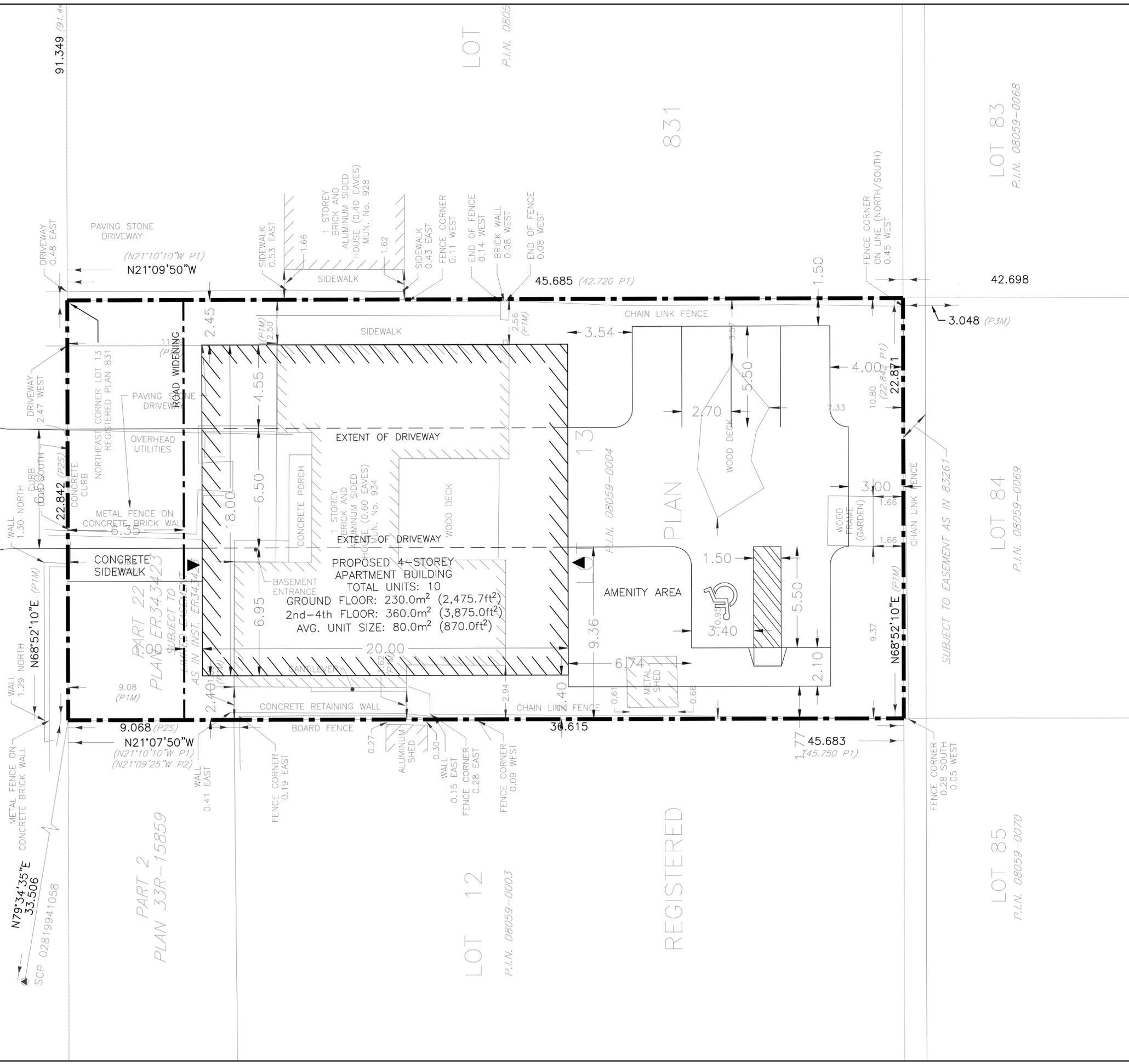


Geodatabase

OXFORD STREET WEST
 (NAMED BY BYLAW S-3782-123, INST. No. LT404289)
 (ROAD ALLOWANCE BETWEEN CONCESSIONS 1 AND 2)

P.I.N. 08054-0536

20' ROAD WIDENING BY REGISTERED PLAN 831



PART 22
 PLAN ER343423
 SUBJECT TO
 AS IN INST. ER343423

PART 2
 PLAN 33R-15859

LOT 12
 P.I.N. 08059-0003

LOT 831
 P.I.N. 0805

REGISTERED

PLAN

LOT 85
 P.I.N. 08059-0070

LOT 84
 P.I.N. 08059-0069

LOT 83
 P.I.N. 08059-0068

KEY PLAN

Subject Lands

SITE PLAN
 OF ALL OF
LOT 13, Reg. Plan 831

CITY OF LONDON
COUNTY OF MIDDLESEX

SITE STATISTICS

Proposed Zone: R8-4(L)

	REQUIRED	PROPOSED
Lot Area (min)	1,000 sq.m	1,044.2 sq.m
Lot Frontage (min)	30m	22.8m*
Lot Depth (min)	N/A	45.7m
Front Yard Setback	7.0m	1.0m*
Interior Side Yard (E)	4.5m	2.4m*
Interior Side Yard (W)	4.5m	2.4m*
Rear Yard Setback (min)	4.5m	18.3m
Lot Coverage (max)	40%	22.0%
Landscape Open Space (min)	30%	41.6%
Height (max)	13.0m	~12.0m
Density (uph)	75	96*
Parking (Total)	6 spaces	6 spaces

*Denotes Special Provision

NO.	REVISION	DATE	INITIAL



934 Oxford St. W.
 Forest City Repairs



318 Wellington Road, London, Ontario N6C 4P4
 Tel: (519) 474-7137 Fax: (519) 474-2284 e-mail: zp@zpplan.com

DRAWN BY CTK	PROJECT NO. FCR/LON/23-01
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DATE JANUARY 2024	SCALE 1:100
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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: Housekeeping Amendment to Zoning Bylaw Z.-1 (City-wide)
(Z-9679)
Public Participation Meeting
Date: January 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024, to amend Zoning By-law Z.-1, by correcting errors and omissions, adjusting and adding definitions, and amending general provisions and definitions.

IT BEING NOTED that the above noted amendments are being recommended for the following reasons:

- i. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
- ii. The recommended amendment conforms to the general intent of *The London Plan*, including but not limited to the City Building Policies;
- iii. The recommended amendment support's Council's commitment to supporting streamlined planning and building approvals, avoiding unnecessary processes and increasing the supply of housing.

Executive Summary

Summary of Request

The recommended amendments to Zoning By-law Z.-1 are intended to correct errors and omissions, adjust and add definitions, and make minor amendments to the general provisions of the Zoning By-law.

Purpose and Effect of Recommended Action

The purpose and effect of the amendment is to amend the Zoning By-Law to streamline regulations related to frequently approved Minor Variance applications. The amendment will also update regulations affected by provincial policy changes, as well as edit wording for interpretation issues.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by increasing the efficiency and consistency of planning and development processes, supporting faster/streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.

Analysis

1.0 Background Information

Zoning By-law Z.-1 was originally introduced in 1993. The By-law regulates zoning across the City through general provisions, zones, and site-specific provisions. The Zoning By-law is regularly amended through site-specific Zoning By-law amendments initiated by properties owners or their agents. It is also occasionally amended more generally through City-initiated Zoning Bylaw applications to address changes to policy and legislation, to introduce new or revised regulation on a city-wide or area-wide basis, and to fix minor interpretation errors and make minor regulation adjustments.

The proposed amendments, attached as Appendix A, intend to update regulations in the Zoning By-law to address changes in provincial policy, interpretation issues in zoning, and provide minor revisions to regulations which are frequently approved minor variances by the Committee of Adjustment.

A series of minor changes are necessary to ensure that Zoning By-law Z.-1 stays up to date and any issues raised about the usability and applicability of Zoning By-law regulations are addressed.

1.1 Minor Variances

A minor variance is a tool provided for through the Planning Act that allows an applicant to vary Zoning By-law regulations in specific instances. Minor variances can vary provisions such as setbacks or maximum height, allow for expansion of uses or variations to definitions, such as in cases where a definition requires more details than the Zoning By-law's definition.

Variances are governed by section 45 of the Planning Act, and fall into four categories: Section 45(1) "general" variances for varying the Zoning By-law regulations, 45(2)(a)(i) expansions to legal non-conforming uses, 45(2)(a)(ii) conversions from one legal non-conforming use to another, and 45(2)(b) variances to definitions where the Zoning By-law uses general terms.

Minor variances are recommended by staff and approved or refused by the Committee of Adjustment based on the criteria outlined in the Planning Act. For example, section 45(1) variances are evaluated by four tests for appropriateness:

- The variance must maintain the general intent and purpose of the Official Plan;
- The variance must maintain the general intent and purpose of Zoning By-law;
- The variance must be minor in nature; and,
- The variance must be desirable for the appropriate development or use of the subject lands.

2.0 Discussion and Considerations

2.1 Purpose of the Amendment

The purpose of this Zoning Bylaw amendment is to revise several regulations that are considered problematic from a process or interpretation perspective. This amendment will also modify regulations that are commonly the subject of minor variances, and particularly those that the Committee of Adjustment deems to be minor in nature through approvals. This amendment also provides staff the opportunity to review the definitions and general provisions of the Zoning Bylaw to make changes where there have previously been concerns around the interpretation of regulations, or where the regulations conflict with each other, other municipal policies or changes to provincial legislation. Lastly, this amendment provides the opportunity to simplify language so that the bylaw is more easily read and interpreted by both staff and the public.

The scope of this amendment focuses only on Section 2 – Definitions and Section 4 – General Provisions. No amendments are proposed for zone-specific or site-specific regulations. Suggestions for amendments were received from the public, the

development and building industry, municipal staff and through observation and analysis of past Committee of Adjustment applications and decisions. The following provides a general summary of identified changes.

2.2 Community and Industry Engagement

On November 8, 2023, Notice of Application was circulated to internal staff, external agencies and interested parties. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 16, 2023. Draft changes to Zoning By-law Z.-1 were sent upon request for review and feedback. Section 3 of this report includes the proposed changes and rationales for the changes.

Feedback from the development and homebuilding industry was received through monthly Customer Service and Process Improvement (CSPI) reference group meetings from August 2023 to December 2023, as well as through individual communications with interested developers and planning consultants. Comments raised by the industry included: reducing process and variances to increase speed of housing approvals, increasing flexibility of regulations related to Additional Residential Units, revising regulations related to new and innovative building typologies, addressing common exclusions from heights and encroachments, addressing common barriers to infill and intensification in urban areas, and building in flexibility that was once afforded through the site plan process for developments of 10 units and less.

Feedback and comments have also been received from the public, through Committee of Adjustment involvement, as well as through questions and comments from ward Councillors. Comments raised by the public included: a desire to avoid variances where only interior changes or minor changes are proposed, clarification of language to meet true intent of regulations, bicycle parking, and addressing recent Provincial legislation changes related to medical clinics and reduced site plan authority.

All comments have been considered in the preparation of this Zoning Bylaw amendment and those items that are of a housekeeping (minor) nature have been incorporated.

Items related to Additional Residential Units are being addressed through a separate amendment also scheduled for the January 30, 2024 Planning and Environment Committee meeting.

Comments received that were not seen as minor or housekeeping in nature have been relayed to the ReThink Zoning project team for consideration in the comprehensive Zoning Bylaw development.

2.3 Minor Variance Review

Staff have reviewed variances received and processed between 2020 and 2023 to determine trends, such as frequent variances and commonly approved variances. A total of 635 applications were received (136 in 2020, 181 in 2021, 161 in 2022, and 157 in 2023). Almost 200 of the variances were on properties located within the Primary Transit Area, which has a separate set of regulations.

The most common variance type were interior side yard setbacks, front and exterior side yards and garage widths. Other trends were identified, such as all variances to building depth being approved or approved with conditions, an emergence of variances for second storey decks based on new building forms, and for driveways and accessible parking spaces for small scale residential development no longer subject to site plan approval.

The primary sections identified for minor variance-related changes are Section 4 (General Provisions), specifically Sections 4.19 (Parking), 4.23 (Primary Transit Area), and 4.27 (Yard Encroachments Permitted).

2.4 Legislative Changes

Staff regularly monitor changes to provincial legislation, to inform updates to our own policies and regulations. In some cases, targeted specific London Plan and/or Zoning Bylaw amendments are required, but in other instances the changes are monitored over time to evaluate any unintended consequences. In 2022, Bill 23, *More Homes Built Faster Act*, introduced changes to the Planning Act eliminating site plan approvals for developments ten units and less. This change reduced the flexibility for certain zoning provisions to be determined through a Site Plan Application, such as driveway width requirements.

Another legislative change staff had received public comments about was Bill 60, *Your Health Act*, which allows an expanded range of surgeries to happen at private clinics. Where this change is impacted by zoning is that occasionally surgeries may require an overnight stay, which is currently prohibited in the definition of 'clinic' in the Zoning Bylaw.

2.4 Interpretation Issues

Planning and Building staff were engaged during the compilation of this zoning amendment to identify any interpretation, typological or definition issues that cause recurring trouble for development and building applications. Some of these issues included encroachments of building elements such as second storey decks and below grade amenity space that were not previously identified in Section 4.27, roof top amenity space not being exempt from height measurement in Section 4.9, and the definition of shipping containers in Section 2 not specifically excluding shipping containers converted to habitable space.

Other minor interpretation issues that have been cleaned up in the proposed amendment include clarification for sight triangles, one-foot reserves, bicycle parking calculations, spelling and grammatical errors, and the simplification of regulations requiring contextual calculations.

2.5 Bicycle Parking

At the Planning and Environment Committee on January 9, 2024, the committee recommended the inclusion of short-term bicycle parking for townhouse developments. At the time of finalizing this report, a Council decision had not yet been made. Staff had already identified bicycle parking as a technical site plan concerns that warrants inclusion in the Zoning Bylaw. Text amendments to clarify and simplify the bicycle parking regulations and exemptions are also proposed. Therefore, this amendment proposes that short-term (visitor) bicycle parking is required at a rate of 0.1 space per unit for townhouse and cluster developments of eleven units or more, that would be subject to Site Plan approval.

2.6 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

Our Tools in The London Plan outlines that City Council may choose to amend the Zoning Bylaw where it is determined that the assumptions and conditions on which the regulations were based have changed, existing regulations need to be refined because of further study, and/or amendments are necessary to implement changes to provincial legislation and statutes. Requests for amendments to the Zoning Bylaw from a person or public body, may also be considered.

Staff are satisfied that the proposed amendments contained in the recommended bylaw attached as Appendix A are consistent with The London Plan policies including Our Strategy, City Building Policies and Our Tools. The amendments are minor in nature and are in the public interest as they reduce barriers for development and increase transparency and accessibility of regulations for the general public.

3.0 Proposed Amendments

The following table outlines proposed amendments to the Zoning Bylaw. Text is bold for added text and strikethrough for deleted text. Rationale for each amendment is provided in the third column. The recommended by-law attached as Appendix A includes the final clean text recommended to be included in the Zoning Bylaw.

Section Number	Proposed Change	Rationale for Proposed Change
2	“OBLIGATED ORGANIZATION” means the Government of Ontario, the Legislative Assembly, a designated public sector organization, a large organization, and a small organization, as outlined in the Accessibility for Ontarians with Disabilities Act (AODA).	Add definition of “obligated authority” under the Accessibility for Ontarians with Disabilities Act (AODA) to clarify accessible parking requirements for smaller scale developments.
2	“MAJOR STREET” means an Arterial Road, and a Rapid Transit Boulevard, Civic Boulevard, Urban Thoroughfare, or Main Street as identified in The London Plan.	Add definition to assist in transitioning from old to new street classification system.
2	"ACCESS CONTROL RESERVE" means a municipally-owned parcel of land used to control access to a right of way. For the purpose of this by-law an access control reserve shall not be considered as a lot.	New definition to clarify where a one-foot reserve exists, the abutting lot should treat it as a right-of-way and not an intervening property (e.g., exterior side yard depths, not interior).
2	b) fronts an open street and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as at the date of the passing of this By-Law, but does not include an ACCESS CONTROL RESERVE; or	Companion amendment to the new definition for 'Access Control Reserve'.
2	"CLINIC" means a building or part thereof, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physiotherapeutic or	Bill 60 introduced the <i>Integrated Community Health Services Centres Act, 2023</i> which, among other things, allows for an expanded range of surgeries to occur at clinics, outside of

Section Number	Proposed Change	Rationale for Proposed Change
	<p>human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but does not include overnight accommodation or operating rooms and does not include a CLINIC, METHADONE."</p> <p>"CLINIC, OUTPATIENT" means a clinic where day surgery and medical treatment is performed; however, no overnight accommodation shall be provided.</p>	<p>hospitals. This would in some cases include overnight stays while recovering.</p>
2	<p>"SHIPPING CONTAINER" means a pre-manufactured (primarily of metal) box that is designed to facilitate the transportation of goods by one or more means of transportation and includes (but is not limited to) intermodal shipping containers and transport box trailers, and does not include containers that have been modified to be used as habitable space.</p>	<p>Clarifies definition of shipping container to not include habitable space.</p>
2	<p>"PUBLIC USE", when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies comprise:</p> <p>a) the Government of Canada, the Government of Ontario, or a municipal corporation;</p> <p>b) any ministry, department, commission, authority, board or agency established by the Government of Canada, or the Government of Ontario, or a municipality;</p> <p>or</p> <p>c) any public utility.</p>	<p>Provides flexibility for interpreting public uses to include agencies, boards and commissions of the City, including for example, London Middlesex Community Housing.</p>
4.1 2)	<p>LOT COVERAGE</p> <p>The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10 percent (10%) of the lot area of the said lot. In agricultural zones the size of accessory buildings is limited to 25% of the size of the main farm dwelling excluding main farm buildings such as barns, greenhouses, stables and driving sheds. The percent coverage's of accessory buildings and structures are included in the percentage total coverage permitted on a lot.</p>	<p>Remove 'main farm' for clarification and interpretation.</p>
4.1 4) a)	<p>a) no accessory building or structure shall be permitted within a required front yard or the required exterior side yard;</p>	<p>Clarification and interpretation.</p>
4.1 4) b)	<p>b) when such accessory building or structure is within a residential zone and is located in an interior side yard or a rear</p>	<p>Added: "within a residential zone and is" to clarify confusion, because</p>

Section Number	Proposed Change	Rationale for Proposed Change
	yard, it shall be no closer than 0.6 metres (2.0 feet) to the side lot line and rear lot line. Where the height exceeds 4.0 metres (13.1 feet) but in no case more than 6 metres (19.7 feet), the side and rear lot line setback shall be increased by the difference in the height above 4.0 metres (13.1 feet);	the following policy 4.1 4) c) says "...within a non-residential zone and is..." which makes this policy only applicable to residential sites. However, if someone read this policy in isolation, they may miss this discrepancy.
4.1 4) d)	d) when such accessory building or structure is wholly or partly located in an exterior side yard, or a rear yard abutting a street, the minimum setback shall not be less than the required front exterior side yard setback for the zone in which the lot is located;	Clarification and interpretation.
4.9	Any height limitations of this By-Law shall not apply to place of worship spires, belfries, cupolas, mechanical penthouses, outdoor rooftop amenity space and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, solar collectors, windmills, bulkheads, hydro, radio, television or microwave towers and antenna and similar features or necessary mechanical appurtenances or electrical supply facilities usually situated above the roof level; nor to any industrial apparatus such as silos, cracking towers, or conveyors; nor any main agricultural buildings or structures, such as barns, grain elevators and storage bins, grain dryers or windmills. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve	Exempts outdoor rooftop amenity space from being included in 'height'
4.19 6) b)	b) For uses subject to site plan control, the driveway widths shall be determined in the site plan approval process and agreement. For uses other than those described in Subsection 4.19(6)(a) and not subject to site plan approval, parking aisles shall have a minimum unobstructed width of 6.5m , driveways and parking aisles shall have a minimum unobstructed width of 6.0 metres where two-way traffic is permitted and 3.0 metres (9.8 feet) where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both but does not apply to stacked parking. The minimum unobstructed width for driveways leading to a rear yard parking area for residential uses less than five (5) units is 3.0 metres, except where the property is accessed from an arterial road (major street), in which case a	Reduction to permit minimum (6.5m) parking aisle width consistent with transportation guidelines. Reduction to permitted minimum (6.0m) driveway where site plan is no longer required, consistent with transportation guidelines. Introduce flexibility for new or expanded multi-unit residential development up to four units to not require a two-way driveway and to avoid variances for driveway width where site plan is no longer required.

Section Number	Proposed Change	Rationale for Proposed Change
	minimum driveway width of 6.0 metres is required.	New regulation excludes development on arterial roads where reversing onto the street is unsafe in the event of an ingress/egress conflict.
4.19 10) b)	Mental Medical /Dental	Replaces typological error within table 2 times - pg 103.
4.19 10) c)	Where parking spaces are provided, in any development owned and maintained by an obligated organization under the Accessibility for Ontarians with Disabilities Act , accessible parking spaces shall also be provided. Off street parking areas shall have a minimum number of accessible parking spaces as follows:	Amend for clarification to reflect requirements of <i>Integrated Accessibility Standards</i> under the <i>Accessibility for Ontarians with Disabilities Act (AODA)</i> . Accessible parking space minimums apply only to developments owned and maintained by obligated organizations and not to all development. Clarifies that small-scale developments owned by an individual versus being owned and maintained by a company do not require Type A accessible spaces. Definition of 'Obligated Organization' also added with reference to AOD Act, in the event this definition changes.
4.19. 14) a) i)	Apartment buildings and lodging houses (with five eleven or more residential units) shall provide 1.0 bicycle parking space per residential unit, allocated as 0.9 long-term bicycle parking spaces per dwelling unit and 0.1 short-term bicycle parking spaces per unit.	Revise to require bicycle parking spaces where site plan is required for eleven or more units, consistent with the intent of Bill 23. Revise wording for clarity between long-term spaces and short-term spaces whereas the current wording makes the allotment unclear whether to round or not.
4.19. 14) a) iii)	iii) Cluster single detached dwellings with eleven or more residential units, cluster townhouse dwellings with eleven or more residential units and cluster stacked townhouse dwellings with eleven or more residential units, shall provide 0.1 short-term bicycle parking spaces per dwelling unit.	Add short-term bicycle parking requirement for cluster single-detached and cluster townhouse developments with eleven or more units. Short term bicycle parking required only, the expectation is that long-term would be located

Section Number	Proposed Change	Rationale for Proposed Change
		within individual units and/or garages.
4.19. 14) b)	Residential Development Exemptions: Notwithstanding clause 4.19.14.a) to the contrary, bicycle parking shall not be required for Conversions of existing space to residential units, or where there are ten (10) or less residential units on a property. Single detached dwellings; semi-detached dwellings; duplex dwellings; triplex dwellings; fourplex dwellings; townhouse dwellings; stacked townhouse dwellings; street townhouses; cluster townhouses; farm dwellings.	Exemption for bicycle parking requirements for all developments not subject to site plan approval for consistency and to remove cluster singles and townhouses.
4.19 14) c)	Mental Medical/Dental	Replaces typological error within table 2 times - pg 110.
4.21	Wager Road CN Rail Right of Way	Replace Wager Road with CN Rail Right of Way in third column of table (page 121). Wager Road does not exist.
4.23 1. a)	<p>a) The Maximum Front and Exterior Side Yard setbacks shall be established as follows:</p> <p>i. 6.0 metres; for front and/or exterior side yards adjacent to arterial roads (major streets);</p> <p>i. ii. the average setback of the two (2) closest residential buildings to the subject site oriented to the same street, within the same block, on the same side of the street;</p> <p>ii. where the setbacks of the two (2) closest buildings to the subject site from (i) above differ by 5.0 metres or greater – the average of the four (4) closest residential buildings oriented to the same street, within the same block, on the same side of the street;</p> <p>iii. 6.0m where the subject site is within a block with fewer than two the required number of existing residential buildings; from (i) or (ii) above, the average setback of all residential buildings oriented to the same street, within the same block, on the same side of the street;</p> <p>iv. Subsection 4.23.1(a) i, ii and iii shall not apply to additions to existing buildings. Notwithstanding 4.23.1(a)i.,ii., iii., where an existing building has a front yard setback and/or exterior side yard setback that is greater than the adjacent buildings, the existing front and/or exterior side yard setback shall be</p>	<p>Add a 6.0m requirement specific to properties on arterial roads to set the future context for redevelopment and consistency.</p> <p>Delete the second step in establishing maximum setback to avoid onerous calculations where no consistent setback exists.</p> <p>Add a 6.0m requirement where there is only one or no existing buildings for consistency.</p> <p>Clarify wording for existing buildings to avoid unnecessary variances when constructing additions.</p> <p>Adjust number for all subsections.</p>

Section Number	Proposed Change	Rationale for Proposed Change
	regarded as the maximum setback that applies to the building;	
4.23 1. b)	<p>The Minimum Front and Exterior Side Yard setbacks shall be established as follows:</p> <p>i. The smallest Main Building setback that exists from (i), (ii) or (iii);</p> <p>i. 3.0 metres; for front and/or exterior side yards adjacent to arterial roads (major streets).</p> <p>ii. The smallest Main Building setback of the four (4) closest residential buildings to the subject site oriented to the same street, within the same block, on the same side of the street, but never less than 1.0 metre.</p> <p>iii. The minimum setback for a Private Garage shall be 6.0 metres, or the setback of the Main Building, whichever is greater.</p> <p>iv. Notwithstanding 4.23.1(b) i. and ii., where an existing building has a front yard setback and/or exterior side yard setback that is less than the adjacent buildings, the existing front and/or exterior side yard setback shall be regarded as the minimum setback that applies to the building.</p>	<p>Adds standard setback for arterials in PTA - 3.0m to avoid averaging, which is not the context we want to provide in these instances.</p> <p>Add flexibility by measuring the minimum setback from the (up to) 4 closest buildings, while protecting for encroachments with a minimum of 1.0m.</p> <p>Renumber renaming regulations.</p>
4.23.2	<p>a) 1.2 metres; for any portion of the side yard adjacent to a part of the building not exceeding two storeys in height, plus 0.6 metres for each storey or part thereof above two storeys; except that, where no private garage is attached to the dwelling, one side yard shall be 3.0 metres.</p> <p>b) Where parking is provided in the side or rear yard, the minimum setback of the opposite side yard may be reduced to a minimum of 0.6 metres for any portion of the side yard adjacent to a part of the building not exceeding two storeys in height, plus 0.6m for each storey or part thereof above two storeys.</p> <p>a) 1.2 metres minimum; where a private garage is attached and accessed from the front yard.</p> <p>b) Where parking is provided in the interior side or rear yard, and accessed from a driveway to the interior side yard, the minimum setback of the opposite side yard may be reduced to a minimum of 0.6 metres.</p> <p>c) Where parking is provided in the interior side or rear yard and accessed by a rear laneway or from an exterior side yard in the case of a corner</p>	<p>Clarify for different setbacks based on garage/parking location – attached, interior side yard driveway, or rear yard access.</p> <p>Excludes corner lots / lots accessing parking from side/rear/alley.</p>

Section Number	Proposed Change	Rationale for Proposed Change
	property, interior side yard setbacks can be a minimum of 0.6 metres.	
4.23.3	The maximum building depth shall not exceed 60% of the actual lot depth. Minimum rear yard setbacks outlined in Table 5.3, Table 6.3 and Table 7.3 still apply.	Very few variances. Rear yard setback and coverage control most aspects of depth.
4.23.4	The maximum residential attached garage width (interior walls) shall not exceed 4.0 metres or 50% of the building façade width, whichever is greater.	Only applies regulation to attached garages. Allows flexibility for narrow lots to include a single car garage
4.23.5	Notwithstanding 4.23.1, where buildings are constructed on lots fronting onto a new street, the minimum and maximum front yard setback, and exterior side yard setback, and garage width will be established by the underlying zone regulations.	Avoid variances where existing new lot widths cause an issue with providing garages.
4.24	Where land is, or has been, dedicated as a sight triangle, the resulting lot fabric shall not act as a lot line for the purpose of setbacks, and will be interpreted as the relevant front, rear or exterior side yard, as measured from the mid-point of the dedication.	Added as new paragraph at the end of section 4.24 Clarifies that there do not need to be additional setbacks specific to the sight triangle lot fabric. Also ensures that the sight triangle lot line is not interpreted to be a regular lot line or it could create confusion, for example as the front yard as it would be the shortest lot line abutting a right of way.
4.27 (5)	Open or covered but unenclosed decks or porches not exceeding one storey in height	Removes 'not exceeding one storey' to recognize new building design with supported second and third storey decks/balconies.

Conclusion

The recommended amendment will adjust wording and regulations in a way which will reduce unnecessary minor variance applications and interpretation issues Planning and Development staff currently face. This amendment will streamline processes, saving time and reducing issues faced by staff and applicants for Minor Variance applications, and development processes involving the Zoning By-law in general.

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Appendix A – Zoning Bylaw Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
modify Section 2 and Section 4

WHEREAS this application conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section 2 is amended by adding the definition for “Obligated Organization” to include the following:

“OBLIGATED ORGANIZATION” means the Government of Ontario, the Legislative Assembly, a designated public sector organization, a large organization, and a small organization, as outlined in the Accessibility for Ontarians with Disabilities Act (AODA).

- 2) Section 2 is amended by adding the definition for “Major Street” to include the following:

“MAJOR STREET” means an Arterial Road, and a Rapid Transit Boulevard, Civic Boulevard, Urban Thoroughfare, or Main Street as identified in The London Plan.

- 3) Section 2 is amended by adding the definition for ‘Access Control Reserve’ to include the following:

“ACCESS CONTROL RESERVE” means a municipally-owned parcel of land used to control access to a right of way. For the purpose of this by-law an access control reserve shall not be considered as a lot.

- 4) Section 2 is amended by modifying part b) of the definition of ‘Lot’ and replacing it with the following:

b) fronts an open street and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as at the date of the passing of this By-Law, but does not include an ACCESS CONTROL RESERVE; or

- 5) Section 2 is amended by modifying the definition of ‘Clinic’ to remove exclusions of overnight stays, replacing it with the following:

“CLINIC” means a building or part thereof, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physiotherapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, and does not include a CLINIC, METHADONE.”

- 6) Section 2 is amended by modifying the definition of ‘Clinic, Outpatient’ to remove exclusions of overnight stays, replacing it with the following:

“CLINIC, OUTPATIENT” means a clinic where day surgery and medical treatment is performed.

- 7) Section 2 is amended by modifying the definition of 'Shipping Container' to exclude shipping containers modified to be used as habitable space by replacing it with the following:

"SHIPPING CONTAINER" means a pre-manufactured (primarily of metal) box that is designed to facilitate the transportation of goods by one or more means of transportation and includes (but is not limited to) intermodal shipping containers and transport box trailers, and does not include containers that have been modified to be used as habitable space.

- 8) Section 2 is amended by modifying the definition of 'Public Use' to include municipally-established organizations in the list of bodies considered as public uses by replacing it with the following:

"PUBLIC USE", when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies comprise:

- a) the Government of Canada, the Government of Ontario, or a municipal corporation;
- b) any ministry, department, commission, authority, board or agency established by the Government of Canada, or the Government of Ontario, or a municipality;
- c) any public utility, or (Z.-1-051390)

- 9) Section 4.1 is amended by modifying 4.1 2) to exclude a mention of main farm dwellings, replacing it with the following:

2) LOT COVERAGE

The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10 percent (10%) of the lot area of the said lot. In agricultural zones the size of accessory buildings is limited to 25% of the size of the dwelling excluding main farm buildings such as barns, greenhouses, stables and driving sheds. The percent coverage's of accessory buildings and structures are included in the percentage total coverage permitted on a lot.

- 10) Section 4.1 is amended by modifying 4.1 4) to clarify the required yards, replacing 4.1 4) a), b), and d) with the following:

4) LOT REQUIREMENTS OR LOCATION

Accessory buildings or structures are permitted in the following locations: (Z.-1-051390)

- a) no accessory building or structure shall be permitted within a required front yard or the required exterior side yard;
- b) when such accessory building or structure is within a residential zone and is located in an interior side yard or a rear yard, it shall be no closer than 0.6 metres (2.0 feet) to the side lot line and rear lot line. Where the height exceeds 4.0 metres (13.1 feet) but in no case more than 6 metres (19.7 feet), the side and rear lot line setback shall be increased by the difference in the height above 4.0 metres (13.1 feet);
- d) when such accessory building or structure is wholly or partly located in an exterior side yard, or a rear yard abutting a street, the minimum setback shall not be less than the required exterior side yard setback for the zone in which the lot is located;

- 11) Section 4.9 is amended by modifying the current regulation to exclude outdoor rooftop amenity space, by replacing it with the following:

Any height limitations of this By-Law shall not apply to place of worship spires, belfries, cupolas, mechanical penthouses, outdoor rooftop amenity space and

domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, solar collectors, windmills, bulkheads, hydro, radio, television or microwave towers and antenna and similar features or necessary mechanical appurtenances or electrical supply facilities usually situated above the roof level; nor to any industrial apparatus such as silos, cracking towers, or conveyors; nor any main agricultural buildings or structures, such as barns, grain elevators and storage bins, grain dryers or windmills. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

12) Section 4.19 is amended by modifying 4.19 6) b) and replacing it with the following:

- b) For uses subject to site plan control, the driveway widths shall be determined in the site plan approval process and agreement. For uses other than those described in Subsection 4.19(6)(a) and not subject to site plan approval, parking aisles shall have a minimum unobstructed width of 6.5m, driveways shall have a minimum unobstructed width of 6.0 metres where two-way traffic is permitted and 3.0 metres (9.8 feet) where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both but does not apply to stacked parking.

The minimum unobstructed width for driveways leading to a rear yard parking area for residential uses less than five (5) units is 3.0 metres, except where the property is accessed from an arterial road (major street), in which case a minimum driveway width of 6.0 metres is required.

13) Section 4.19 is amended by modifying two references in the table to “Mental / Dental” changing it to “Medical / Dental” 4.19 10) b).

14) Section 4.19 is amended by modifying 4.19 10) c) to include reference to obligated organizations under the AODA, replacing it with the following:

- c) Accessible parking spaces

Where parking spaces are provided, in any development owned and maintained by an obligated organization under the Accessibility for Ontarians with Disabilities Act, accessible parking spaces shall also be provided. Off street parking areas shall have a minimum number of accessible parking spaces as follows:

15) Section 4.19 is amended by modifying 4.19 14) a) i) to simplify bicycle parking requirements, replacing it with the following:

- a) Residential Development
 - i) Apartment buildings and lodging houses with eleven or more residential units shall provide 0.9 long-term bicycle parking spaces per dwelling unit and 0.1 short-term bicycle spaces per unit.

16) Section 4.19 is amended by adding a new section on bicycle parking requirements for cluster dwellings, 4.19 14) a) iii), including the following:

- iii) Cluster single detached dwellings with eleven or more residential units, cluster townhouse dwellings with eleven or more residential units, and cluster stacked townhouse dwellings with eleven or more residential units, shall provide 0.1 short-term bicycle parking spaces per dwelling unit.

17) Section 4.19 is amended by modifying 4.19 14) b) i) to remove cluster and townhouse developments and simplify language, replacing it with the following:

- b) Residential Development Exemptions

- i) Notwithstanding clause 4.19.14.a) to the contrary, bicycle parking shall not be required for Conversions of existing space to residential units, or where there are ten (10) or less residential units on a property.

18) Section 4.19 is amended by modifying two references in the table to “Mental / Dental” changing it to “Medical / Dental” 4.19 14) c).

19) Section 4.21 is amended by modifying the third column of the Street Classifications – Specific Roads Table to replace ‘Wager Road’ with ‘CN Rail Right of Way’ , with the following:

STREET	FROM	TO	STREET CLASSIFICATION
Huron Street	Adelaide Street North	CN Rail Right of Way	Arterial

20) Section 4.23 is amended by deleting the existing text of 4.23.1. to reestablish minimum and maximum requirements for front and exterior side yard setbacks in the Primary Transit Area, replacing it with the following:

4.23.1 Front and Exterior Side Yard Setback

- a) The Maximum Front and Exterior Side Yard setbacks shall be established as follows:
 - i. 6.0 metres; for front and/or exterior side yards adjacent to arterial roads (major streets);
 - ii. the average setback of the two (2) closest residential buildings to the subject site oriented to the same street, within the same block, on the same side of the street;
 - iii. 6.0 metres; where the subject site is within a block with fewer than two (2) existing residential buildings;
 - iv. notwithstanding 4.23.1(a)i.,ii. and iii., where an existing building has a front yard setback and/or exterior side yard setback that is greater than the adjacent buildings, the existing front and/or exterior side yard setback shall be regarded as the maximum setback that applies to the building.
- b) The Minimum Front and Exterior Side Yard setbacks shall be established as follows:
 - i. 3.0 metres; for front and/or exterior side yards adjacent to arterial roads (major streets);
 - ii. The smallest Main Building setback of the four (4) closest residential buildings to the subject site oriented to the same street, within the same block, on the same side of the street, but never less than 1.0 metre;
 - iii. The minimum setback for a Private Garage shall be 6.0 metres, or the setback of the Main Building, whichever is greater.
 - iv. Notwithstanding 4.23.1 (b)i. and ii., where an existing building has a front yard setback and/or exterior side yard setback that is less than the adjacent buildings, the existing front and/or exterior side yard setback shall be regarded as the minimum setback that applies to the building.

21) Section 4.23 is amended by deleting the existing text of 4.23.2. to reestablish setback requirements for interior side yard setbacks in the Primary Transit Area and replacing it with the following:

4.23.2 Interior Side Yard Setbacks

- a) 1.2 metres minimum; where a private garage is attached and accessed from the front yard.
- b) Where parking is provided in the interior side or rear yard, and accessed from a driveway to the interior side yard, the minimum setback of the opposite side yard may be reduced to a minimum of 0.6 metres.
- c) Where parking is provided in the interior side or rear yard and accessed by a rear laneway or from an exterior side yard in the case of a corner property, interior side yard setbacks can be a minimum of 0.6 metres.

22) Section 4.23 is amended by deleting 4.23.3 Building Depth and renumbering the remaining subsections, as identified below in 23) and 24).

23) Section 4.23 is amended by modifying 4.23.4, renumbering it and adding the term 'attached garage', replacing it by the following:

4.23.3 Garage Width

The maximum residential attached garage width (interior walls) shall not exceed 4.0 metres or 50% of the building façade width, whichever is greater.

24) Section 4.23 is amended by modifying 4.23.5, renumbering it and including garage width, replacing it by the following:

4.23.4 Notwithstanding 4.23.1 and 4.23.3, where buildings are constructed on lots fronting onto a new street, the minimum and maximum front yard setback, exterior side yard setback, and garage width will be established by the underlying zone regulations.

25) Section 4.23 is amended by renumbering 4.23.5 to 4.23.4.

26) Section 4.24 is amended to clarify sight triangles by adding the following paragraph at the end of the section:

Where land is, or has been, dedicated as a sight triangle, the resulting lot fabric shall not act as a lot line for the purpose of setbacks, and will be interpreted as the relevant front, rear or exterior side yard, as measured from the mid-point of the dedication.

27) Section 4.27 is amended by modifying row (5) of the table by removing 'not exceeding one storey in height', replacing it with the following:

	Structure	Yards in Which Projection is Permitted	Maximum Projection Permitted into Required Yard Under Zone Regulations
(5)	Open or covered but unenclosed decks or porches	All	3.0 metres (9.8 feet) provided projection is no closer than 1.2 metres (3.9 feet) to lot line, except that where the lot line abuts an OS4 or OS5 Zone the projection shall be no closer than 3.0 metres (9.8 feet) to the lot line.

28) 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.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

Appendix B – Community Engagement

On November 8, 2023, Notice of Application was circulated to internal staff, external agencies and interested parties. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 16, 2023.

Draft changes to Zoning By-law Z.-1 were sent upon request for review and feedback. Section 3 of this report includes the proposed changes and rationales for the changes. One email comment was received.

Meetings with Customer Service and Process Improvement Reference Group

- August 30, 2023
- September 13, 2023
- October 4, 2023
- November 8, 2023

Public Comments

From: Carrie O'Brien

Sent: Wednesday, January 3, 2024 10:32 AM

To:

Subject: Zoning (Z.-1) Tweaks - Prior to Comprehensive Zoning By-law review

Not sure if Mike submitted these as part of the LDI package, but we want to ensure they are considered as part of the Z.-1 tweaks. They're "pain point" items that could alleviate a lot of unnecessary zoning by-law amendment and minor variance applications, and ultimately increase the number of units brought to market in the short term.

I've grouped them based on the categories presented in our previous meeting.

To Promote ARU & other forms of gentle intensification:

- **Increase the max permitted density of the R6-5 zone**
 - The R6-5 zone permits a range of development up to and including apartment buildings but the max density is only 35 upha.
 - We propose to increase the density to 75 upha (on a 1 ha block that could result in an additional 40 units).
 - If there is concern with blanketly increasing the density, it could be tied to the abutting street classification (i.e. based on the permissions within Table 11 of the London Plan)
 - To give context, we max out our 4 storey (Talu) product at 75 upha with adequate (1.25+) surface parking.
 - The max height is already basically there (12.0m), although it should be increased to 4 storeys = 15m, per comment below.
- **Driveway widths/parking - Section 4.19 h)**
 - Extra units (associated with ARU's) need extra parking; need to revised the by-law to allow permitted drawing width of up to 6m or 8m (depending on lot frontage) if an ARU permit has been issued (notwithstanding the normal "lesser of" requirement)
- **R5 (town zone)**
 - Standardize the max density across all variations = 60 upha
 - We encounter a lot of sites that require rezoning or MV because they were previously approved at R5-4, it's not maximizing density potential or available servicing

New Zones for key intensification areas along RT corridors:

No (simple) suggestions. Requires further/more detailed analysis.

Correcting common issues that result in frequent MV and ZBA applications:

- **Encroachment corrections for 2nd storey deck/balcony**

- Ex. town houses at 530 Gatestone, 990 Deveron, 925 Deveron, 1870 Evans + at least 3 more upcoming Ironstone files
 - 2nd storey amenity space has structural supports to the ground level, therefore staff have indicated it is a deck not a balcony and subject to the provisions below
- Section 4.27 (General Provisions – Yard Encroachments)... clause (5) limits encroachments to “open or covered but unenclosed decks or porches not exceeding one storey in height”
- **Reflect proper height**
 - Ex. 1515 & 1555 Agathos (470 Edgevalley)
 - Replacing measurements with “storeys” or updating the height maximums to reflect 9-10ft ceiling heights with basement units (both the storey reference and measurement is usually how it’s implemented through submitted ZBA’s now)
 - 3.7m per floor would provide sufficient breathing room
 - Suggestion example: 4 storeys (15m)
- **Front & Exterior Yard Setbacks**
 - Bring it down to 1m minimum to align with London Plan policies (we are NOT supportive of a maximum setback)
- **PTA Garage Widths**
 - Ex. Pond Mills (33M-800) – minor variance needed for the whole subdivision; and will need one for the west side of Evans in 33M-818 and 33M-831 (Summerside)
 - Issue: Section 4.23.4 garage widths cannot exceed 50% of the building façade. This presents an issue on 9m (30ft) lots
 - Two requests:
 - Eliminate (or update 4.23.5 to also include driveway widths)
 - Clean up the figure – despite the language indicating Highbury is the boundary, the boundary in Figure 4.23 extends to Evans Boulevard
- **Driveway widths:**
 - Streets By-law and Z.-1... update to reflect the agreement the Development Industry reached with the City ages ago (with Matt F.)

Any questions, please let me know. I’m happy to supplement with additional information.

Regards,
Carrie

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: City-Wide 5-Bedroom Limits and Increased Permissions for
Additional Residential Units (OZ-9661)
Date: January 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Official Plan and Zoning By-law requirements for 5-bedroom limits and additional residential units:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024 **TO AMEND** the Official Plan, The London Plan, Policy 942 relating to additional residential unit permissions and amend wording referring to accessory buildings containing additional residential units;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024 **TO AMEND** Zoning By-law No. Z.-1 Sections 2, 4, 5, 6, 7, 8 relating to additional residential unit permissions, in part to conform with the Official Plan, The London Plan, as amended in part (a) above; and
- (c) The proposed by-laws attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024 **TO AMEND** Zoning By-law No. Z.-1, to remove the city-wide 5-bedroom limit from Section 2 "Dwelling" definitions, to modify Section 2 "Dwelling Unit" definition to include reference to the Near Campus Neighbourhood 5-bedroom limit, and modify Section 4.37.5 to include provision for bedroom limit increases related to additional residential unit creation within Near Campus Neighbourhoods;

IT BEING NOTED that the above noted amendments are being recommended for the following reasons:

- i. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
- ii. The recommended amendment conforms to the general intent of *The London Plan*, including but not limited to the Neighbourhoods Place Type, Policy 942;
- iii. The recommended amendment supports Council's commitment to increase housing supply and affordability.

Executive Summary

Summary of Request

On October 17, 2023 City Council directed Civic Administration to "remove the bedroom limit city-wide, except Near Campus Neighbourhoods, and report back on possible limits to Near Campus Neighbourhoods (NCN)". Staff have reviewed Council's direction and are recommending the removal of the 5-bedroom limit city-wide, except in Near Campus Neighbourhoods. Following engagement sessions with Near Campus Neighbourhood community representatives and development industry experts, Staff are recommending that the bedroom limit within Near Campus Neighbourhoods be modified to allow increases to the total combined bedroom limit within Near Campus Neighbourhoods when additional residential units (ARU) are created, where permitted.

In addition to the above direction, Staff have identified further amendments that would

create more permissive zoning regulations related to ARUs. These amendments would build on previous Council decisions supporting the city-wide implementation of additional residential units as a form of gentle intensification.

Staff are recommending approval of the requested London Plan amendments and Zoning By-law amendments.

Purpose and the Effect of Recommended Action

The recommended actions will remove the city-wide 5-bedroom limit, except within Near Campus Neighbourhoods. The bedroom limit within Near Campus Neighbourhoods will be amended from three to five, with added provisions to further increase the bedroom limit when creating ARUs, where permitted. The proposed changes will permit ARUs in duplex, triplex, and converted dwellings, permit up to two (2) ARUs per accessory building, and modify wording referring to accessory buildings containing ARUs. Further by-law amendments will define “Detached Additional Residential Units”, permit front yard parking where an attached garage is converted into an ARU, and amend regulations related to detached ARUs. The recommended by-law amendments would encourage increased adoption and creation of ARUs while addressing existing gaps within the regulations related to ARUs.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Housing and Homelessness**, by ensuring London’s growth and development is well-planned and considers use, intensity, and form.
- **Housing and Homelessness**, by supporting faster/streamlined approvals and increasing the supply of housing with a focus on achieving intensification targets.
- **Housing and Homelessness**, by increasing access to a range of quality, affordable, and supportive housing options that meet the unique needs of Londoners.

Analysis

1.0 Background Information

On October 17, 2023 Council passed the following resolution:

...the Civic Administration BE DIRECTED to remove the bedroom limit city-wide, except Near Campus Neighbourhoods, and report back on possible limits to Near Campus Neighbourhoods (NCN); it being noted that the Civic Administration has been directed to undertake a review of the current five-bedroom limit and to report back at a future meeting of the Planning and Environment Committee...

The recommended Official Plan and Zoning By-law amendments are being presented in support of the City of London’s objectives related to housing supply and affordability.

1.1 Previous Reports Related to this Matter

PEC Report – North London Residential Study Proposed Amendments to the Official Plan and Zoning By-Law – October 25, 2004

PEC Report – Near-Campus Neighbourhoods Planning Amendments – June 11, 2012

PEC Report – City-Wide Zoning By-Law Monitoring Amendments Pertaining the Near Campus Neighbourhood Amendments – September 6, 2013

PEC Report – Implementing Additional Residential Unit Requirements of the Planning Act (Bill 108) – November 30, 2020

PEC Report – Additional Residential Unit Amendments as a Result of More Homes Built Faster Act, 2022 (Bill 23) – May 23, 2023

PEC Report – Amendments to Increase Additional Residential Unit Permissions – October 3, 2023

1.2 Planning History

5-Bedroom Limit

On November 1, 2004, Council approved amendments to Zoning By-law Z.-1 Section 2 which established that “a dwelling unit shall contain no more than five (5) bedrooms” (OZ-6564/North London Residential Study Proposed Amendments to the Official Plan and Zoning By-law). The by-law was appealed before the Ontario Municipal Board (OMB). The OMB ruled in favour of the City of London noting that the by-law was well within the power of Council to enact and complied with Section 34(1).4 of the *Planning Act* in addressing the character and use of buildings (OMB Order PL041208, March 15, 2006).

Further amendments were proposed to provide clearer guidance for development in Near Campus Neighbourhoods addressing inappropriate intensification in low density forms of housing. On June 26, 2012, Council approved amendments to introduce three-bedroom limits for dwelling units within semi-detached, duplex, triplex, stacked townhouse, street townhouse, apartment, and converted dwellings (OZ-7663/Near-Campus Neighbourhoods Amendments). The amendment was appealed and heard at two separate OMB hearings. Prior to the July 22 hearing, one appeal was withdrawn, and the hearing resulted in two other appeals being dismissed through the OMB decision (OMB Order PL121033, July 22, 2013). The second hearing ruled that the remaining appeal was allowed in part and the by-law was amended to exclude the appellant’s property from the NCN boundary (OMB Order PL121033, November 21, 2013). As a result, the City of London implemented a Near Campus Neighbourhood bedroom limit of three per unit, where applicable, and a city-wide bedroom limit of five per unit.

On October 17, 2023, Council passed a motion “to remove the bedroom limit city-wide, except Near Campus Neighbourhoods, and report back on possible limits to Near Campus Neighbourhoods (NCN)”. The motion was in direct response to continued pressure related to the housing supply and affordability crisis.

Additional Residential Units

In response to the shifting landscape of housing and affordability, additional residential unit regulations have evolved to expand opportunities for gentle residential intensification. Bill 108, the *More Homes, More Choice Act, 2019* introduced “Additional Residential Units” replacing the former concept of “Secondary Dwelling Unit”. The new legislation permitted three residential units as-of-right on properties containing single detached, semi-detached, or street townhouse dwellings. A maximum of one additional residential unit within the primary dwelling and a maximum of one additional unit within an accessory building was permitted. On December 8, 2020, Council approved amendments (OZ-9176/Additional Residential Unit Review) to conform with the legislative change.

Bill 23, the *More Homes Built Faster Act, 2022* revised requirements for ARUs related to maximum floor area, number of units permitted in the main building, and minimum unit size. Two ARUs were permitted within the primary dwelling, increased from one, but permissions for accessory buildings containing additional units were unchanged. On June 6, 2023, Council approved further amendments (OZ-9581/ Additional Residential Unit amendments as a result of More Homes Built Faster Act, 2022 (Bill 23)) to conform with these further changes to the *Planning Act*.

On August 29, 2023, Council passed a resolution in response to a request from the Minister of Housing, Infrastructure, and Communities of Canada regarding increased city-wide as-of-right permissions beyond the minimum requirements defined within the *Planning Act*. The resolution directed Civic Administration to “prepare a zoning by-law amendment that would permit as of right building permits for up to four (4) residential units wherever a zone permits singles, semis, or street townhomes”. The amendment received Council approval on October 17, 2023, and as a result three (3) ARUs were permitted per lot within the abovementioned dwelling types (OZ-9651/ Amendment to Increase Additional Residential Unit Permissions).

Following the October 17, 2023, amendment, City Staff identified opportunities to

further support residential intensification related to ARUs. The proposed amendment effectively addresses gaps in ARU permissions and represents a natural next step following the October 17 amendments.

In addition to amendments outlined within this report, it should be noted that City Staff are proposing further amendments to Section 4 of the Zoning By-law Z.-1 in a separate housekeeping amendment (OZ-9679) which may amend portions of the by-laws referenced within this report.

2.0 Discussion and Considerations

2.1 Proposed Amendments

Staff recommendations require amendments to the *London Plan* and Zoning By-law Z.-1 to modify permissions related to bedroom limits and ARUs. The following sections summarize the specific amendments being proposed and Appendix D contains a full tracked changes version.

Official Plan Amendment

The proposed amendment to Policy 942 and criteria within the policy would permit ARUs within duplex, triplex, and converted dwellings, permit up to two (2) ARUs within an accessory building, and delete references to “structure” when referring to accessory buildings containing ARUs.

Policy	Existing	Proposed
942	Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings, or street townhouse dwellings where all of the following criteria are met:	Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings, street townhouse dwellings, duplex dwellings, triplex dwellings, or converted dwellings where all of the following criteria are met:
942.1	A maximum of three additional residential units are permitted, which may include a maximum of one additional unit in an accessory structure.	A maximum of three additional residential units are permitted, which may include a maximum of two additional units in an accessory building.
942.10	Additional residential units may be permitted within a legally established accessory structure that: <ul style="list-style-type: none"> a. Is located on the same lot as the primary dwelling unit. b. Is located in the rear yard. c. Cannot be severed. d. Is on full municipal services. e. Maintains the neighbourhood character. f. Meets the requirements of the zone which apply to accessory structures. 	Additional residential units may be permitted within a legally established accessory building that: <ul style="list-style-type: none"> a. Is located on the same lot as the primary dwelling unit. b. Is located in the rear yard. c. Cannot be severed. d. Is on full municipal services. e. Maintains the neighbourhood character. f. Meets the requirements of the zone which apply to accessory buildings.

Zoning By-Law Amendment

The recommended amendment to the Zoning By-law Z.-1, Sections 2, 4, 5, 6, 7, 8 would conform to the above-noted amendments to *The London Plan* and modify regulations related to additional residential units and bedroom limits.

Provision	Existing	Proposed
Section 2	“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit	“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit

Provision	Existing	Proposed
	permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The addition of an additional residential unit does not change a single-detached, semi-detached or street townhouse dwelling into any other type of residential building.	permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building.
Section 2	-	"DETACHED ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit located within an accessory building permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building.
Section 2	"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. A dwelling unit shall contain no more than five bedrooms.	"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit shall contain no more than five bedrooms.
Section 2	"APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within an Apartment Building shall contain no more than three bedrooms.	"APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling.
Section 2	"CONVERTED DWELLING"	"CONVERTED DWELLING" means

Provision	Existing	Proposed
	<p>means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser.</p> <p>Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Converted Dwelling shall contain no more than three bedrooms.</p>	<p>an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser.</p>
Section 2	<p>"DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling. Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Duplex Dwelling shall contain no more than three bedrooms.</p>	<p>"DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling.</p>
Section 2	<p>"FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Fourplex Dwelling shall contain no more than three bedrooms.</p>	<p>"FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling.</p>
Section 2	<p>"SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Semi-Detached Dwelling shall contain no more than three bedrooms.</p>	<p>"SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall.</p>
Section 2	<p>"STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling</p>	<p>"STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit.</p>

Provision	Existing	Proposed
	unit within a Stacked Townhouse shall contain no more than three bedrooms.	
Section 2	"STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Street Townhouse shall contain no more than three bedrooms.	"STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street.
Section 2	"TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Townhouse shall contain no more than three bedrooms.	"TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street.
Section 2	"TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted dwelling or a townhouse dwelling. Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Triplex Dwelling shall contain no more than three bedrooms.	"TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted dwelling or a townhouse dwelling.
Figure 2	NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW. PLEASE ALSO REFER TO THE DEFINITIONS AND THE GENERAL PROVISIONS OF THIS BY-LAW. THESE REGULATIONS DO NOT APPLY TO ACCESSORY BUILDINGS.	NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW. PLEASE ALSO REFER TO THE DEFINITIONS AND GENERAL PROVISIONS OF THIS BY-LAW. THESE ILLUSTRATIONS DO NOT APPLY TO ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIONAL RESIDENTIAL UNIT(S).
4.1.7	-	Detached Additional Residential Units will not be subject to the general provisions subsections 4.1(2), 4.1(3), or 4.1(4), but rather, shall comply with the provisions of Section 4.37 (Additional Residential Units) of this By-law.
4.19.4c(c)		(c) Notwithstanding 4.19 4) c) (b) above, where an attached garage is

Provision	Existing	Proposed
	-	converted to habitable space for the purpose of additional residential unit(s), front yard parking may be permitted in the location of the existing driveway leading to the former parking space(s) within the garage, and shall not be widened beyond that location.
4.26	-	Additional Residential Units: All Zones except for any Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, Environmental Review (ER) Zone
4.37.1	Permitted Zones Additional residential units shall be permitted within any zone in association with the following uses: a. Single detached dwellings b. Semi-detached dwellings c. Street townhouse dwellings	Permitted Zones Additional residential units shall be permitted within any zone, except for an Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, or Environmental Review (ER) Zone in association with the following uses, if permitted: a. Single detached dwellings b. Semi-detached dwellings c. Street townhouse dwellings d. Duplex dwellings e. Triplex dwellings f. Converted dwellings
4.37.2	Number of Additional Residential Units per Lot A maximum of three (3) additional residential units shall be permitted per lot; including a maximum of one (1) additional residential units in an accessory or ancillary structure.	Number of Additional Residential Units per Lot A maximum of three (3) additional residential units shall be permitted up to a total combined maximum of four (4) dwelling units per lot.
4.37.4	Location of Additional Residential Units within Accessory Structures An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.	Detached Additional Residential Units a. A maximum of two (2) additional residential units on a lot may be permitted within a maximum of one (1) accessory building per lot. b. A detached additional residential unit may only be permitted in the rear yard or interior side yard. c. The height of an accessory building containing additional residential unit(s) shall be measured in accordance with the definition of "Building Height" in Section 2 of this By-law and shall not exceed 6.0 metres (19.7 feet). d. A minimum rear yard setback of 3.0 metres (9.8 feet) shall apply. e. The side yard setback of the

Provision	Existing	Proposed
		underlying zone or a side yard setback of 1.2 metres (3.94 feet) shall apply, whichever is greater, except where windows are facing shared side lot lines, where a side yard setback of 3.0 metres (9.8 feet) shall apply. f. A detached additional residential unit shall be part of the maximum coverage for the underlying zone, where applicable. g. A detached additional residential unit shall be connected to municipal services.
4.37.5	Number of Bedrooms The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined.	Number of Bedrooms Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, the combined total number of bedrooms permitted for the primary dwelling unit(s) and additional residential unit(s) shall increase by one (1) following the creation of one (1) additional residential unit up to a total of three (3) additional bedrooms and three (3) additional residential units.
Table 5.3	-	Number of Units Per Lot Maximum 4
Table 6.3	Number of Units Per Lot Maximum Single Detached 1 Semi-Detached 2 Duplex 2 Converted 2	Number of Units Per Lot Maximum 4
Table 7.3	Number of Units Per Lot Maximum Single Detached: 1 Semi-Detached: 2 Duplex: 2 Triplexes and Fourplexes: 4 Converted (R3-1, R3-2, R3-3): See Section 7.3(3) Triplex (R3-4): 3 Converted (R3-4): 3	Number of Units Per Lot Maximum Single Detached: 4 Semi-Detached: 4 Duplex: 4 Triplexes and Fourplexes: 4 Converted (R3-1, R3-2, R3-3): See Section 7.3(3) Triplex (R3-4): 4 Converted (R3-4): 4
Table 8.3	-	Number of Units Per Lot Maximum 4

2.2 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:

- Restriction of development on natural hazard lands
- Restriction of ARUs in Agricultural Zones
- Setbacks, coverage, and height requirements for ARUs
- Language related to accessory buildings containing ARUs

Detailed internal and agency comments are included in Appendix “E” of this report.

2.3 Public Engagement

On December 7, 2024, Notice of Application was sent to 31 residents and interested parties city-wide. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 13, 2023.

There were 19 responses received leading up to and 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.

Concerns expressed by the public relate to:

- Feasibility of creating backyard residential units
- Near Campus Neighbourhoods residential intensification
- Setbacks, coverage, and height requirements for ARUs
- Number of units permitted in an accessory building

Detailed public comments are included in Appendix “F” of this report.

2.4 Policy Context

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 *PPS* provides for and supports intensification under Part IV:

Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Policies supporting additional residential units and intensification are included in Section 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) and 1.4 (Housing). The following policies state that significant supply and mix of housing types shall be accommodated and residential intensification (ARUs) shall be supported:

Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas. (Policy 1.1.3.5)

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3. (Policy 1.4.3b)

The above-noted policies are also pertinent to the removal of city-wide bedroom limits. However, there are additional policies related to sustainable residential intensification which are relevant to the Near Campus Neighbourhoods bedroom limit amendment. Policies supporting sustainable intensification and the development of strong and liveable communities are included in Section 1.0 (Building Strong Healthy Communities) and Section 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns). The following policies provide direction to develop strong, liveable communities and support sustainable intensification:

Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. (Policy 1.0)

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. (Policy 1.1.3.4)

Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential types (including additional residential units) (Policy 1.1.1.b)

It is staff's opinion that the application is consistent with the *Planning Act* and the *PPS*.

The Planning Act

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.

Section 2 of the *Planning Act* defines matters of provincial interests that all approval authorities shall have regard to in carrying out their planning responsibilities. Relevant to proposed bedroom limit amendment are the Municipal Council responsibilities regarding, “the orderly development of safe and healthy communities” (Subsection 2(h)) and “the appropriate location of growth and development” (Subsection 2(p)). Given the longstanding concerns related to inappropriate intensification of low density housing forms, planning controls within the Near Campus Neighbourhood are proposed to remain. The proposed NCN bedroom limit does not conflict with Section 35 which states, “the authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of, [up to] three units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units” (Subsection 35.1(1)). The amended NCN bedroom limit would encourage orderly intensification and development by incentivizing new residential unit creation with added bedrooms beyond the 5-bedroom maximum.

Section 2 of the *Planning Act* outlines Municipal Council's responsibility related to “the adequate provision of a full range of housing, including affordable housing” (Subsection 2(j)). The recommended amendments would support the creation of ARUs through more permissive regulations aimed at increased feasibility for these units. The proposed amendment to ARUs in non-residential zones will avoid further entrenchment of existing non-conforming uses and does not contravene the *Planning Act* Section 35 which only states that a by-law cannot prohibit additional residential units within urban residential lands.

The amendments are in alignment with Council's objectives related to housing.

The London Plan, 2016

The proposed zoning by-law amendments are consistent with *The London Plan* policies and support direction set out within the Plan. The amendments are consistent with Policy 937 which describes residential intensification as “fundamentally important to achieve the vision and key direction of The London Plan”. The policy further emphasizes that neighbourhood intensification policies are “intended to support infill and intensification, while ensuring that proposals are appropriate within their neighbourhoods”. The proposed amendment also adheres to the Policy 966 definition of residential intensity which contemplates both additional occupancy and increased number of bedrooms within an existing dwelling.

Specific policy direction is set out within Policy 970 regarding Near Campus Neighbourhoods which states that:

“Zoning Regulations will be utilized in the Neighbourhoods Place Type within Near-Campus Neighbourhoods to encourage appropriate residential intensification and

intensity that is consistent with the vision, goals, and other policies for Near-Campus Neighbourhoods. Such regulations may include floor area ratios, maximum gross floor area, maximum number of bedrooms per unit by structure type, maximum parking area coverage, minimum landscaped and open space areas, and other regulations as determined by the City.”

The proposed amendment relating to Near Campus Neighbourhood bedroom limits is consistent with *The London Plan* policies and provides appropriate requirements to permit future growth. Furthermore, the proposed amendment to the NCN bedroom limit encourages appropriate intensification while also directing higher forms of intensity outside of single detached housing (e.g., duplex, triplex, fourplex, apartment). This amended approach conforms with Policy 967 which states that:

“most intensification in Near Campus Neighbourhoods will be directed to place types that are intended to allow for mid-rise and high-rise residential development [...] Intensification may also occur in some locations within the Neighbourhoods Place Type where it is permitted in Tables 10 to 12 and meets the Near Campus Neighbourhoods policies of this Plan”

Furthermore, Policy 968 and 969 define criteria relevant to residential intensification and intensity within the NCN. The proposed amendment is consistent with the special policies for Near Campus Neighbourhoods.

Policy 938 defines residential intensification as “the development of a property, site, or area at a higher residential density than currently exists. Intensification adds one or more residential units to a site, or creates one or more additional lots from an existing lot”. Policy 939 defines ARUs as a “very light and discreet form of intensification” and emphasizes that ARUs are an important planning opportunity for “purposeful, sensitive and compatible intensification”. Policies 941-942 list current policies for ARUs and were recently revised to permit up to three additional units (OZ-9651).

The purpose of the recommended amendment is to further support more permissive planning policy related to bedroom limits and ARUs. Staff are of the opinion that the recommended amendment to *The London Plan* are consistent with provincial policy and municipal objectives.

Zoning By-law No. Z-1

The purpose of the recommended amendments is to conform with the recommended Official Plan, *The London Plan*, amendment and its existing policies. Staff are of the opinion that the recommended amendments to the Zoning By-law No. Z-1 is consistent with *The London Plan*.

3.0 Financial Impact

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

4.0 Key Issues and Considerations

4.1 Bedroom Limits

Following the October 17, 2023 Council resolution to remove the bedroom limit city-wide except within Near Campus Neighbourhoods, Staff are proposing amendments to meet Council’s intent. Supportive feedback has been received through public comments and engagement sessions. Comments referenced the need for action regarding the ongoing housing and affordability crisis. Additionally, industry feedback indicated that despite recently amended ARU permissions, the city-wide 5-bedroom limit was hindering ARU adoption and restricting intensification. Staff concede that ARU adoption could be impacted by the bedroom limit where dwellings have appropriate use of the maximum number of bedrooms. Staff did not consider bedroom limits for ARUs, instead, a more

permissive planning approach that relies on *Ontario Building Code* to regulate bedrooms has been proposed.

It should be noted that Near Campus Neighbourhood representation was largely opposed to removing the bedroom limit within the NCN. The concerns primarily cited negative outcomes related to inappropriate intensity for low density housing forms. In response, Staff recommend an amendment which applies the 5-bedroom per unit limit across the NCN, an increase consistent with the existing NCN bedroom limit for single detached dwellings. The amendment creates opportunities for increased intensity within the NCN and conforms with *The London Plan Policy 970* which allows for bedroom maximums enforced through zoning regulations. An added provision is also recommended which permits additional bedrooms beyond the limit when ARUs are created within the NCN; specific details for this provision are provided in Section 4.2 of this report. The continued application of bedroom maximums within the NCN provides an effective planning control for appropriate intensity acknowledging that the Near Campus areas have absorbed significant residential intensification and intensity. The increase to bedroom maximums considers community impacts and conforms with Provincial legislation encouraging residential intensification.

4.2 Near Campus Neighbourhoods

Following the October 17, 2023 Council resolution to consider possible limits for Near Campus Neighbourhoods, the expansion of Floor Area Ratio (FAR) regulations was initially considered and background analysis was completed to assess the impact of these regulations. FAR regulations are currently used in select neighbourhoods within the NCN as an additional planning mechanism to manage intensity and form for low density housing. Engagement with the Near Campus Neighbourhood community associations took place on November 24, 2023. The NCN representatives indicated support for continued use of bedroom limits and expanded FAR regulations. The group emphasized the historic issues regarding inappropriate intensification within the NCN. Comments were also received in opposition of added intensity within the NCN.

Following an engagement session on December 4, 2023, the development industry stated that the current 3-bedroom per unit limit was too restrictive and was creating difficulties related to higher intensity forms for student housing. City Staff have instead proposed a graduated bedroom limit within Near Campus Neighbourhoods as a planning approach that balances the concerns of residents and the development industry. This provision was originally suggested by NCN representatives as an alternative approach and was favourably received by the development industry.

Under the new provision a 5-bedroom per unit limit would apply across the NCN and dwellings permitted to contain ARUs would be able to add bedrooms beyond the limit. Currently only single detached dwellings are permitted five bedrooms whereas other dwelling types, including higher density forms, are permitted three bedrooms per unit in the NCN. The amendment increases intensity within the NCN and incentivizes additional unit creation up to four units per lot, by permitting one additional bedroom above the total combined limit for every created unit. For context, an existing duplex dwelling with three bedrooms per unit would now be permitted five bedrooms per unit and could create two ARUs for an extra two bedrooms on the property. It should be noted that the additional bedrooms are not exclusive to the added units and can be distributed across the units at the property owner’s discretion. As a result, a two-unit property with six bedrooms has the ability through as-of-right permissions to become a four-unit property with twelve bedrooms (see Table 1).

Table 1: Near Campus Neighbourhoods – Graduated Bedroom Limit (total)

Dwelling Type	Bedroom Maximum		Graduated Bedroom Limit		
	Current	Proposed	1 ARU	2 ARUs	3 ARUs
Single Detached	5	5	6	7	8
Semi-detached	3	5	6	7	8

Dwelling Type	Bedroom Maximum		Graduated Bedroom Limit		
	Current	Proposed	1 ARU	2 ARUs	3 ARUs
Street Townhouse	3	5	6	7	8
Duplex	6	10	11	12	n/a
Triplex	9	15	16	n/a	n/a
Fourplex	12	20	n/a	n/a	n/a
Converted Dwelling*	3	5	6	7	8
Apartment	3	5	n/a	n/a	n/a

*Four units per lot maximum applies

The proposed planning approach is consistent with criteria for residential intensification and intensity for NCN outlined in *The London Plan*, specifically related to appropriate intensity for building types and built forms consistent with surrounding scale and character. Furthermore, intensity stemming an increased bedroom limit provides opportunities for appropriate intensification and conforms with *The London Plan* policies which direct most intensification to place types intended for higher forms of density.

4.3 Accessory Buildings

The current accessory use regulations under Section 4.1 of the by-law dictate appropriate use but are restrictive when applied to habitable spaces in accessory buildings. Specific concerns from the development community were related to lot coverage, building height, and setbacks – all of which negatively impact the feasibility of unit creation. The proposed amendments would add specific provisions for Detached Additional Residential Units and create more a permissive by-law that is consistent with *The London Plan*.

Lot Coverage

The current accessory use regulations under Zoning By-law subsection 4.1.2 state “the total lot coverage of all accessory buildings or structures on a lot shall not exceed 10% of the total area of said lot”. Accessory lot coverage was identified as limiting factor for the feasibility of detached ARUs, especially when existing accessory structures are present on a property. The proposed amendment would have detached ARUs included in the total lot coverage calculation, but not accessory use calculation. For example, an R1-8 zone is permitted 35% lot coverage. A property with primary dwelling lot coverage at 15% and an existing accessory structure at 4% coverage would have 20% lot coverage available for a detached ARU. Under the current by-law, the same property would only have 6% lot coverage available understanding that accessory uses are only permitted a combined maximum coverage of 10%. The amendment acknowledges the difference in accessory use when dealing with habitable space and increases available lot coverage while respecting the current zoning for primary dwellings. In addition, the amendment better aligns the City of London with comparable municipalities which are noted to have higher lot coverages associated with ARUs.

It should be noted that comments were received requesting additional lot coverage for detached ARUs citing restrictions for smaller properties or dwellings already at maximum lot coverage. Staff consulted with Stormwater Engineering and technical implications were identified related to site functionality and stormwater management. An in-depth review must be undertaken prior to a recommendation on expanded lot coverage.

Building Height

The current regulations under Zoning By-law subsection 4.1.3 specify that accessory height be measured to the upper most point of the structure and permit a maximum height of 4.0 metres or up to 6.0 metres with increased setbacks. This measurement of height is not consistent with residential use and limits variability in roof types. Feedback supported an amendment which measured height based on the Section 2 definition.

This change provides opportunities for varying roof types and addresses concerns related to neighbourhood character impacts. Staff are supportive of the amendment to height measurement, but internal concerns were raised regarding the maximum height for accessory buildings.

A review of comparable municipalities provided grounds for increased accessory dwelling height. Rear yard privacy and neighbourhood character concerns were weighed against increased accessory building heights. Staff determined that a maximum of 6.0 metres was appropriate as it provides adequate ceiling heights, allows for variable roof types, and may provide necessary height to permit two-storey units. While industry feedback indicated the 6.0 metre height may be restrictive in certain scenarios, the minor variance process exists to ensure greater heights are reviewed within the context of neighbourhood privacy and character concerns.

Rear Yard and Side Yard Setbacks

The current regulations for accessory structures under Zoning By-law subsection 4.1.4 permit a 0.6 metre setback in residential zones, with provisions to increase setbacks when building height is greater than 4.0 metres but in no case greater than 6.0 metres. Staff have determined that 0.6 metre setbacks are inappropriate for rear yard dwellings and are not consistent with existing dwelling setbacks in the Zoning By-law.

Typical residential zone interior side yard setbacks were found to be inadequate when considering rear yard privacy concerns. For example, R1 zones range from 1.2 metres to 1.6 metres plus 0.6 metres for each storey for the primary dwelling unit. The proposed amendment applies the interior side yard setback of the underlying zone or a setback of 1.2 metres, whichever is greater, but a 3.0 metre setback is applied when windows facing shared lot lines are present. During public engagement, support was received for this style of reciprocal setback provision when windows faced shared lot lines. This approach mitigates negative impacts to rear yard privacy stemming from detached ARUs located adjacent to private amenity space while still allowing the development of additional units.

Typical rear yard setbacks were identified as too restrictive in regard to the location of detached ARUs on a lot. In R1 zones a rear yard setback of 7.0 metres is commonly required however the R1 rear yard setbacks range from 4.5 metres to 10.5 metres or more. Staff are proposing an amended rear yard setback of 3.0 metres for detached ARUs, which is better aligned with comparable municipalities and deemed less restrictive.

Number of Units per Accessory Building

Subsection 4.37.2 permits one ARU within an accessory or ancillary structure. An early approach considered further intensification outside of the primary dwelling. However, the adverse impacts regarding stormwater management, coverage, and use were identified as complicating variables. Consultation with local builders revealed appetite to permit more than one accessory building for ARUs. Staff determined that an amendment to permit two ARUs within one accessory building would be more appropriate especially when considering the lack of site plan approvals required as a mechanism to mitigate site risk.

4.4 Additional Residential Unit Location

Natural Hazard Lands

Upper Thames River Conservation Authority (UTRCA) submitted comments requesting the amendment ensures that ARUs are not permitted on natural hazard lands. The UTRCA requested amendments to Policies 942.12, 949, and Zoning By-law Sections 4.26 and 4.37 to address ARUs in new or existing buildings within UTRCA regulated lands. Staff are of the opinion that further amendments are not required because Section 28 of the *Conservation Authorities Act* already addresses these requirements.

Specifically, conversions of existing accessory buildings or new unit creation within the regulated area will require UTRCA approval through the building permit process.

Restrictions of Use in Agricultural Zones

Subsection 4.37.1 currently permits ARUs within any zone in association with single detached, semi-detached, and street townhouse dwellings. The proposed amendment will limit ARUs to urban residential lands which would exclude zones associated with industrial and agricultural uses. The rationale behind the proposed amendment is two-fold. The proposed amendment is consistent with the *Planning Act* which specifies “urban residential areas” in its regulations related to ARUs. Secondly, the amendment would discourage further entrenchment of non-conforming uses in non-residential zones.

The change could be perceived as a limitation or restriction related to “aging in place” within agricultural zones, however, provisions still exist to permit secondary farm dwellings, and these provisions are not impacted by the amendment. Staff are of the opinion that the existing secondary farm dwelling regulations are an appropriate mechanism which supports aging in place throughout rural London. Furthermore, the municipal service connection requirement for ARUs already places controls on rural residential intensification and directs intensification to areas with existing infrastructure and services.

4.5 Terms and Definitions

The current by-law contains inconsistencies in language related to ARUs and accessory buildings. Specifically, the term “structure” was deemed inaccurate when describing an accessory building containing an ARU. As such, the amendment will delete references to accessory structures when referring to ARUs and replace the term with “building”.

The creation of a new definition for “Detached Additional Residential Unit” acknowledges the difference between an ARU within a primary dwelling and an ARU within an accessory building. Furthermore, the creation of a separate definition and simplified term were widely encouraged internally. The amendment supports ongoing public communication efforts related to “additional residential units within accessory structures” by creating a clear and simple terminology.

4.6 Public Concerns

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

- Intensification within NCN
- By-law enforcement within NCN
- Bedroom limit within NCN
- Floor Area Ratio regulations
- Cost sensitivity of detached ARUs
- Garage width regulation issue
- Zones with ARUs as permitted use
- Accessory building height
- Rear and side yard setbacks for accessory buildings
- Bedroom limits
- Heritage alteration permit implications
- Emergency services accessibility concern
- Bedrooms per ARU
- Number of ARUs per accessory building
- Front yard parking and other parking regulations
- Zoning regulations (setbacks, permitted use, zoning changes)

Discussions on NCN concerns, accessory building height, setbacks, lot coverage, zones with ARUs as permitted use, bedroom limits, and number of units per accessory building can be found within previous sections of the report (Section 4.0 – 4.3).

By-law Enforcement Within NCN

The Near Campus Neighbourhood community representatives emphasized their continued concerns related to by-law enforcement within the community. While planning staff heard with these concerns, planning policy is separate from municipal by-law enforcement.

Floor Area Ratio (FAR) Regulations

In early engagement sessions, it was proposed that FAR regulation expansion could be considered as a planning control to address intensity concerns following the removal of bedroom limits. However, consultation with the development community indicated that expansion of these regulations could be restrictive to intensification and counter to the intent of the proposed amendments. Policy 970 of *The London Plan* permits the use of FAR regulations within the NCN, however Staff are confident that the increased bedroom limit and existing regulations for intensity, use, and form will appropriately manage intensity within the NCN.

Cost Sensitivity of Detached ARUs

Engagement with local builders provided detailed cost barriers associated with 'backyard home' projects and development application fees. Consultation and feedback from industry experts was instrumental in drafting the proposed amendment. The proposed amendments will reduce costs associated with 'red tape' related to the construction of detached ARUs. The City of London is also undertaking several initiatives related to the Housing Accelerator Fund which will support the creation of additional units throughout the city.

Garage Width and Parking Regulations

Comments were received both in support and in opposition of further parking regulation changes. Policy 942 of *The London Plan* discourages zoning amendments and minor variances for parking in excess of the minimum parking required for the primary dwelling unit to support ARUs. It should be noted that the proposed amendment to permit front yard parking when an attached garage is converted into an ARU was recommended in response to a high volume of minor variance requests and addresses the loss of required parking area following a garage conversion. Staff do not support the inclusion of further changes related to parking or garage width within the proposed amendments.

Heritage Alteration Permits

The proposed amendment does not remove the requirement for Heritage Alteration permits for Part IV and Part V designated properties.

Emergency Services Accessibility

Concerns were raised regarding emergency services access to detached ARUs. Emergency services were circulated the Notice of Application and no comments were received. Ontario Building Code Part 3 (Fire Protection, Occupant Safety and Accessibility) would dictate construction standards. Furthermore, the proposed interior side yard setbacks are aligned with regulations currently in force and ensure appropriate accessibility for any detached ARU.

Zoning Regulations

Public comment was received requesting a broader review of rear yard setbacks, but however this request is deemed beyond the scope of the proposed amendment. The supporting evidence provided was not identified as a common barrier blocking ARU creation. A review of rear yard setbacks and zone variations would be more appropriate for the ongoing Rethink Zoning project.

Additional comments were received related to multiplex permissions and similar zoning regulations. Similar to the above comments, provisions related to multiplex zones are more appropriately addressed through the ongoing Rethink Zoning project.

Conclusion

Amendments to the Official Plan and Zoning By-law Z.-1 are required to fulfill the October 17, 2023 Council motion which directed City Staff to remove the city-wide 5-

bedroom limit, except within Near Campus Neighbourhoods, and report back on possible limits for the Near Campus Neighbourhoods. An Official Plan and Zoning By-law amendment are required to further support the City of London's additional residential unit policies which have been established through a series of recent amendments.

The recommended action is consistent with the PPS 2020, conforms to *The London Plan* and will contribute to the City of London's housing and affordability objectives.

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Director, Planning and Development

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

Appendix A – Official Plan Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

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

A by-law to amend the Official Plan, The
London Plan for the City of London, 2016
relating to Policy 942

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) or 17(27.1) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

**AMENDMENT NO.
to the
OFFICIAL PLAN, THE LONDON PLAN, FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to update Policy 942 for the Neighbourhood Place Type to revise permissions related to additional residential units, address minor wording issues within the Policy, and delete site plan requirements under Policy 942.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

The amendment would permit additional residential units within duplex, triplex, and converted dwellings, and a maximum of two additional residential units within one accessory building. The amendment would remove reference to “structure” when describing accessory building within Policy 942.

D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Policy 942 be revised and replaced by the policy below:

942_Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings, street townhouse dwellings, duplex dwellings, triplex dwellings, or converted dwellings where all of the following criteria are met:

2. Criteria 1 of Policy 942 be revised to increase additional residential units within accessory buildings and replaced by the policy below:

1. A maximum of three additional residential units are permitted, which may include a maximum of two additional units in an accessory building.

3. Criteria 10 of Policy 942 be revised to delete reference to ‘structure’ and replaced by the policy below:

10. Additional residential units may be permitted within a legally established accessory building that:

- a. Is located on the same lot as the primary dwelling unit.
- b. Is located in the rear yard.
- c. Cannot be severed.
- d. Is on full municipal services.
- e. Maintains the neighbourhood character.
- f. Meets the requirements of the zone which apply to accessory buildings.

Appendix B – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
modify Section 2, Section 4, Section 5,
Section 6, Section 7, Section 8

WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section 2 is amended by revising the existing definition for 'Additional Residential Unit' and replacing it with the following:

"ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

- 2) Section 2 is amended by adding definition for 'Detached Additional Residential Unit' to include the following:

"DETACHED ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit located within an accessory building permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

- 3) Section 2, Figure 2 is amended by modifying the note to clarify relevance to accessory buildings that include additional residential unit(s) and replacing it with:

NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW. PLEASE ALSO REFER TO THE DEFINITIONS AND GENERAL PROVISIONS OF THIS BY-LAW. THESE ILLUSTRATIONS DO NOT APPLY TO ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIONAL RESIDENTIAL UNIT(S).

- 4) Section 4.1 is amended by adding a section pointer clause under 4.1.7 to include the following:

7) Detached Additional Residential Units will not be subject to the general provisions subsections 4.1(2), 4.1(3), or 4.1(4), but rather, shall comply with the provisions of Section 4.37 (Additional Residential Units) of this By-law.

- 5) Section 4.19 is amended by adding a provision to permit front yard parking when an attached garage has been converted under 4.19.4c(c) to include the following:

(c) Notwithstanding 4.19 4) c) (b) above, where an attached garage is converted to habitable space for the purpose of additional residential unit(s), front yard parking may be permitted in the location of the existing driveway leading to the former parking space(s) within the garage, and shall not be widened beyond that location.

- 6) Section 4.26 is amended by adding additional residential units and defining permitted zones to include the following:

Additional Residential Units	All Zones except for any Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, Environmental Review (ER) Zone	4.37
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- 7) Section 4.37 is amended by revising 4.37.1 to define permitted zones and permit duplex, triplex, and converted dwellings and replacing it with the following:

1) Permitted Zones

Additional residential units shall be permitted within any zone, except for an Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, or Environmental Review (ER) Zone in association with the following uses, if permitted:

- a. Single detached dwellings
- b. Semi-detached dwellings
- c. Street townhouse dwellings
- d. Duplex dwellings
- e. Triplex dwellings
- f. Converted dwellings

- 8) Section 4.37 is amended by revising 4.37.2 to remove number of ARUs permitted within an accessory building and include reference to a four unit per lot maximum and replacing it with the following:

2) Number of Additional Residential Units per Lot

A maximum of three (3) additional residential units shall be permitted up to a total combined maximum of four (4) dwelling units per lot.

- 9) Section 4.37.4 is amended by deleting the current subsection and replacing it with the following:

4) Detached Additional Residential Units

- a. A maximum of two (2) additional residential units on a lot may be permitted within a maximum of one (1) accessory building per lot.
- b. A detached additional residential unit may only be permitted in the rear yard or interior side yard.
- c. The height of an accessory building containing additional residential unit(s) shall be measured in accordance with the definition of "Building Height" in Section 2 of this By-law and shall not exceed 6.0 metres (19.7 feet).
- d. A minimum rear yard setback of 3.0 metres (9.8 feet) shall apply.
- e. The interior side yard setback shall be the greater of:
 - 1. The underlying zone, or
 - 2. 1.2 metres (3.94 feet), except where windows are facing a shared lot line
- f. A detached additional residential unit shall be part of the maximum coverage for the underlying zone, where applicable.
- g. A detached additional residential unit shall be connected to municipal services.

10) Section 5, Table 5.3 is amended by adding a defined maximum number of units per lot to all R1 zone variations to include the following:

19	NUMBER OF UNITS PER LOT MAXIMUM	4
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11) Section 6, Table 6.3 is amended by revising the maximum number of units per lot for all R2 zone variations to include the following:

17	NUMBER OF UNITS PER LOT MAXIMUM	4
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12) Section 7, Table 7.3 is amended by revising the maximum number of units per lot for all R3 zone variations, except converted dwellings in R3-1, R3-2, and R3-3, to include the following:

Residential Type	Single Detached			Semi-Detached			Duplex			Triplexes and Fourplexes			Converted			Single Detached	Semi-Detached	Duplex	Triplex	Converted
	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3					
Zone Variations	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	R3-4				
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-					
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3					
Number of Units Per Lot Maximum	4												See Section 7.3(3)			4				

13) Section 8, Table 8.3 is amended by adding a defined maximum number of units per lot for all R4 zone variations to include the following:

Number of Units per Lot Maximum	4
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14) 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.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

PASSED in Open Council on February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

Appendix C – Zoning By-law Amendment

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
modify Section 2 and Subsection 4.37.5

WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Section 2 is amended by deleting reference to Near Campus bedroom limit under the 'Dwelling' definition and replacing it with the following:
 - a) "APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling. (Z.-1-98604)
 - e) "CONVERTED DWELLING" means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser.
 - f) "DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling. (Z.-1-98604)
 - h) "FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling. (Z.-1-93173) (Z.-1-98604)
 - n) "SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall. (O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993) (Z.-1-98604)
 - r) "STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit.
 - s) "STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street.
 - t) "TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street.
 - u) "TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted dwelling or a townhouse dwelling. (Z.-1-98604)
- 2) Section 2 is amended by revising the existing definition for 'Dwelling Unit' and replacing it with the following:

"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit shall contain no more than five bedrooms.

- 3) Subsection 4.37.5 is amended by deleting the bedroom limit and replacing it with the following:

Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, the combined total number of bedrooms permitted for the primary dwelling unit(s) and additional residential unit(s) shall increase by one (1) following the creation of one (1) additional residential unit up to a total of three (3) additional bedrooms and three (3) additional residential units.

- 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 February 13, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

Appendix D – Recommended London Plan and Zoning By-law Amendments with Tracked Changes

Within this appendix underlined text indicates new wording to be added and strikethrough text indicates existing wording to be deleted. Bold text indicates an existing heading.

Official Plan (The London Plan) Amendments

ADDITIONAL RESIDENTIAL UNITS

942_ Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings, ~~or~~ street townhouse dwellings, duplex dwellings, triplex dwellings, or converted dwellings where all of the following criteria are met:

1. A maximum of three additional residential units are permitted, which may include a maximum of ~~one~~ two additional units in an accessory building ~~structure~~.
2. Additional residential units must be located on the same lot as the primary dwelling unit.
3. Additional residential units shall be required to be licensed pursuant to the Residential Rental Unit Licensing By-law.
4. Deleted.
5. Additional residential units shall comply with all regulations of the associated zone.
6. Exterior alterations to the primary dwelling unit to provide for additional residential units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to the additional residential units should be through existing entrances or new entrances located in rear or side yards.
7. Any exterior alterations to accommodate an additional residential unit within a Heritage Conservation District must have consideration and regard for the policies of the Heritage Conservation District Plan and/or Guidelines. Heritage Alteration Permit approval may be required for alterations to designated properties, including properties located in a Heritage Conservation District.
8. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units.
9. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.
10. Additional residential units may be permitted within a legally established accessory ~~structure~~ building that:
 - a. Is located on the same lot as the primary dwelling unit.
 - b. Is located in the rear yard.
 - c. Cannot be severed.
 - d. Is on full municipal services.
 - e. Maintains the neighbourhood character.
 - f. Meets the requirements of the zone which apply to accessory ~~structures~~ buildings.

Zoning By-law Amendment

SECTION 2 – DEFINITIONS

“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The ~~addition~~ creation of additional residential unit(s) does not change a ~~single detached, semi-detached or street townhouse~~ the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

“DETACHED ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit located within an accessory building permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building. (Z.-1-212896 deleted and replaced by Z.-1-233111)

"DWELLING" means a building containing one or more dwelling units.

- a) "APARTMENT BUILDING" means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling. (Z.-1-98604) ~~Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within an Apartment Building shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL121033, July 22, 2013)~~
- b) "APARTMENT BUILDING, HANDICAPPED PERSONS" means an apartment building designed for the accommodation and occupancy by physically handicapped persons which is owned and managed by a public housing authority or non-profit organization or a charitable institution, and which may be associated with a place of worship.
- c) "APARTMENT BUILDING, SENIOR CITIZENS" means an apartment building designed for the accommodation of the elderly, which is owned and managed by a public housing authority or non-profit organization or a charitable institution and which may be associated with a place of worship.
- d) "CLUSTER HOUSING" means a group or groups of dwelling units which may be in various forms, and so located on a lot that each dwelling unit may not have legal frontage on a public street or road and more than one dwelling unit may exist on one lot.
- e) "CONVERTED DWELLING" means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor such as fire escapes, stairwells and entrances to a maximum of 10 percent (10%) of the dwelling or 30.0 square metres, whichever is the lesser. ~~Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Converted Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)(Z.-1-98604)~~
- f) "DUPLEX DWELLING" means a building that is divided horizontally into two separate dwelling units but does not include a converted dwelling.(Z.-198604) ~~Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Duplex Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~
- g) "FARM DWELLING" means a single detached dwelling located in a farm cluster which is incidental and exclusively used in conjunction with a farm and is situated on the same lot therewith. (Z.-1-051390)
- h) "FOURPLEX DWELLING" means a building that is divided horizontally and/or vertically into four separate dwelling units but does not include a converted dwelling or a townhouse dwelling.(Z.-1-93173) (Z.-1-98604) ~~Within Near-Campus~~

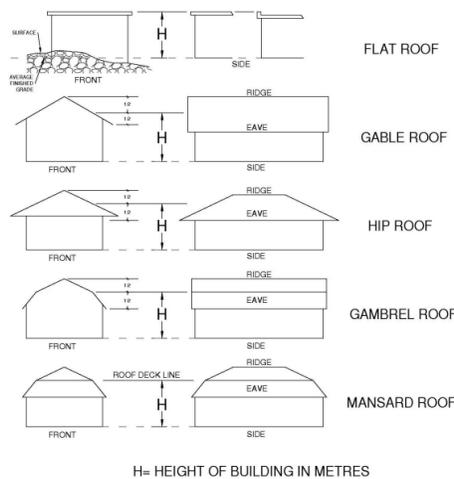
~~Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Fourplex Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~

- i) "LINK DWELLING" - See "SEMI-DETACHED DWELLING". (Z.-1-98604)
- j) "MODULAR DWELLING" means a prefabricated single detached dwelling designed to be transported once only to a final location and constructed so as the shortest side of such dwelling is not less than 6.0 metres (19.7 ft.) in width.
- k) "MULTIPLE DWELLING" means a dwelling containing more than three dwelling units.
- l) "RAISED RANCH DWELLING" means a dwelling with no more than two levels in which the basement has its ceiling not more than 1.8 m (5.9 ft.) above grade and not less than 1.0 m (3.3 ft.) above grade. For the purpose of this by-law a raised ranch dwelling shall be considered as a one storey dwelling. i. (Z.-1-98604) (For Dwelling Illustrations, see Figure 1 at the end of this Section)
- m) "SECONDARY FARM DWELLING" means a single detached dwelling on the farm unit of the farm owner for an immediate family member engaged in fulltime employment on the farm, a full-time employee or living quarters for seasonal help. (Z.-1-051390)
- n) "SEMI-DETACHED DWELLING" means a building which contains two single dwellings units which are attached vertically by a common wall.(O.M.B. File #R910387 - Appeal #9003-1, 9006-1 June 4, 1993) (Z.-1-98604) ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Semi-Detached Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~
- o) "SINGLE DETACHED DWELLING" means a single dwelling which is freestanding, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.
- p) "SINGLE DWELLING" means a dwelling containing not more than one dwelling unit as the sole main use thereof, with or without uses accessory thereto.
- q) "SPLIT LEVEL DWELLING" means a dwelling that is designed and constructed to create no more than four different levels, where at least two levels make up the first storey and all other levels are considered to be basement, and the vertically distance between such levels being always less than the full storey, but in no case can the vertical difference be less than 0.6 m (2 ft.). For the purpose of this By-law, a split level dwelling house shall be considered as one-storey dwelling. (Z.-1-98604)
- r) "STACKED TOWNHOUSE" means a building designed to contain three or more dwelling units attached side by side, two units high, with each dwelling unit having a private entrance to grade level and a private open space area of any upper unit may utilize a portion of the roof of any lower unit. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Stacked Townhouse shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~
- s) "STREET TOWNHOUSE" means a townhouse with each unit on a separate lot and having legal frontage on a public street. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Street Townhouse shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~
- t) "TOWNHOUSE" means a building divided vertically into three or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street. ~~Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Townhouse shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)"~~
- u) "TRIPLEX DWELLING" means a building that is divided horizontally and/or vertically into three separate dwelling units but does not include a converted

dwelling or a townhouse dwelling. (Z.-1-98604) ~~Within Near-Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit within a Triplex Dwelling shall contain no more than three bedrooms. (Z.-1-122125, OMB Order PL12033, July 22, 2013)~~

"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. ~~A dwelling unit shall contain no more than five bedrooms. (Z.-1-93172)(Z.-1-041300—OMB Order 0780—March 15/06)~~ Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit shall contain no more than five bedrooms.

FIGURE 2
ILLUSTRATION
OF
BUILDING HEIGHT DEFINITIONS



NOTE:

THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW.

PLEASE ALSO REFER TO THE DEFINITIONS AND GENERAL PROVISIONS OF THIS BY-LAW.

THESE REGULATIONS ILLUSTRATIONS DO NOT APPLY TO ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIONAL RESIDENTIAL UNIT(S).

SECTION 4 – GENERAL PROVISIONS

4.1 ACCESSORY USES

7) Detached Additional Residential Units will not be subject to the general provisions subsections 4.1(2), 4.1(3), or 4.1(4), but rather, shall comply with the provisions of Section 4.37 (Additional Residential Units) of this By-law.

4.19 PARKING

4) YARDS WHERE PARKING AREAS PERMITTED

- a) No person shall use any land or cause or permit the use of any land situated in any zone for the purpose of parking or storage of a vehicle in any front yard or exterior side yard.
- b) No person shall use any land or cause or permit the use of any land situated in any zone for the purposes of uncovered surface parking areas in any front yard or exterior side yard.
- c) Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas that conform to the provisions of Subsection

4.19(7) (Surface and Drainage of parking Areas and Driveways) of this By-law, shall be permitted in the yards or in the area between the required road allowance and the required setback as follows:

Zone Class

Office, Commercial, Institutional, Open Space, Recreational, Agricultural, Agricultural Commercial & Rural Settlement Commercial Zone and any Zone Class not specified (Z.-1-051390

Residential – R1, R2, R3, R4 and R11 Zones.

Yard in Which Required Parking Area is Permitted

All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 metres (9.8 feet) to any required road allowance except in the DA Zones, the BDC Zones or the OC zones where parking shall not be permitted in the front yard.

(a) The interior side yard and rear yard, provided that no part of any parking area is located closer than 1.0 metres (3.3 feet) to any required road allowance and provided that no part of any rear yard parking area shall be located 99 closer than 3.0 metres (9.8 feet) from the rear lot line and 3.0 metres (9.8 feet) from any one side lot line except where access to a rear yard parking area is obtained by a lane in which case no part of any rear yard parking area shall be located closer than 3.0 metres (9.8 feet) from each side lot line; and. For the purposes of this By-law, where a Private Garage is an accessory use to a permitted use on a lot, such Private Garages shall be exempt from this regulation but shall comply with the provisions for accessory uses set out in Subsection 4.1, (Z.-1-122125, OMB Order PL121033, July 22, 2013) (z.-1-132233)

(b) Driveways in the front yard or driveways in the exterior side yard.

(c) Notwithstanding 4.19 4) c) (b) above, where an attached garage is converted to habitable space for the purpose of additional residential unit(s), front yard parking may be permitted in the location of the existing driveway leading to the former parking space(s) within the garage, and shall not be widened beyond that location.

4.26 USES PERMITTED IN LISTED ZONES

Notwithstanding any other provisions of this By-Law, the following uses are permitted in the listed zones provided they can meet the specific provisions of this By-law:

Use	Zones Permitted	Governing General Provisions Section
Accessory Uses, Buildings or Structures	All Zones	4.1
Construction Uses	All Zones	4.5
Foster Homes (Z.-1-051390)	All residential and agricultural zones	4.7
Group Homes Type 1	All residential zones	4.8

Home Occupation reference deleted by Z.-1-94293		
Household Sales		
Private Home Day Care	All R1, R2, R3, R4 and R5 Residential Zones, the Agricultural (AG) Zone and the OC1 and OC2 Zone variations	4.1
Public Uses	All Zones	See Section 2, Definition for Public Uses
Model Homes (Z.-1-95317)	All R1, R2, R3, R4, R5 and R6 (excluding apartment building) zones	4.5
Urban Agriculture	All Zones with the exception of the Agricultural (AG) Zones, the Open Space (OS4) Zone, the Open Space (OS5) Zone and the Environmental Review (ER) Zone.	4.38
<u>Additional Residential Units</u>	<u>All Zones except for any Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, Environmental Review (ER) Zone</u>	<u>4.37</u>

4.37 ADDITIONAL RESIDENTIAL UNITS

The provisions of this section shall apply to all additional residential units, unless specified by type directly herein.

1) Permitted Zones

Additional residential units shall be permitted within any zone, except for an Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, or Environmental Review (ER) Zone in association with the following uses, if permitted:

- a. Single detached dwellings
- b. Semi-detached dwellings
- c. Street townhouse dwellings
- d. Duplex dwellings
- e. Triplex dwellings
- f. Converted dwellings

2) Number of Additional Residential Units per Lot

A maximum of three (3) additional residential units shall be permitted ~~per lot; including a maximum of one (1) additional residential units in an accessory or ancillary structure. (Z.-1-233147)~~ up to a total combined maximum of four (4) dwelling units per lot.

3) Location of Additional Residential Units

An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

An additional residential unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the

level of any sanitary sewer servicing the building or structure in which the basement is located.

4) ~~Location of Additional Residential Units within Accessory Structures~~
~~An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.~~

- 4) Detached Additional Residential Units
- a. A maximum of two (2) additional residential units on a lot may be permitted within a maximum of one (1) accessory building per lot.
 - b. A detached additional residential unit may only be permitted in the rear yard or interior side yard.
 - c. The height of an accessory building containing additional residential unit(s) shall be measured in accordance with the definition of “Building Height” in Section 2 of this By-law and shall not exceed 6.0 metres (19.7 feet).
 - d. A minimum rear yard setback of 3.0 metres (9.8 feet) shall apply.
 - e. The interior side yard setback shall be the greater of:
 - i. The underlying zone, or
 - ii. 1.2 metres (3.94 feet), except where windows are facing a shared lot line 3.0 metres (9.8 feet) shall apply
 - f. A detached additional residential unit shall be part of the maximum coverage for the underlying zone, where applicable.
 - g. A detached additional residential unit shall be connected to municipal services.

5) Number of Bedrooms

~~The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined.~~

Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, the combined total number of bedrooms permitted for the primary dwelling unit(s) and additional residential unit(s) shall increase by one (1) following the creation of one (1) additional residential unit up to a total of three (3) additional bedrooms and three (3) additional residential units.

6) Parking

- a. No additional parking is required for additional residential units.
- b. A new additional driveway in association with an additional residential unit is not permitted.

SECTION 5 – Residential R1 Zone

**TABLE 5.3
RESIDENTIAL R1 ZONE
REGULATIONS FOR R1 ZONE VARIATIONS**

18	MAXIMUM FLOOR AREA (%) (Z.-1-101938)	N/A *****	Maximum of 10% greater than the floor area that existed on the date of the passing of the by-law *****
19	<u>NUMBER OF UNITS PER LOT MAXIMUM</u>	<u>4</u>	

SECTION 6 – Residential R2 Zone

**TABLE 6.3
RESIDENTIAL R2 ZONE
REGULATIONS FOR R2 ZONE VARIATIONS**

17	NUMBER OF UNITS PER LOT MAXIMUM	1	2	4	2
		<u>4</u>			

SECTION 7 – Residential R3 Zone

**TABLE 7.3
RESIDENTIAL R3 ZONE
REGULATIONS FOR R3 ZONE VARIATIONS**

Residential Type	Single Detached			Semi-Detached			Duplex			Triplexes and Fourplexes			Converted			Single Detached	Semi-Detached	Duplex	Triplex	Converted
	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3	R3-1	R3-2	R3-3					
Zone Variations	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	R3-4				
Number of Units Per Lot Maximum	4			2			2			4			See Section 7.3(3)			4	2	2	3	3
	4									See Section 7.3(3)			4							

SECTION 8 – Residential R4 Zone

**TABLE 8.3
RESIDENTIAL R4 ZONE
REGULATIONS FOR R4 ZONE VARIATIONS**

Height (M) Maximum	10.5	10.5	100.5	10.5	10.5	12.0
Number of Units Per Lot Maximum	4					

Appendix E – Internal and Agency Comments

Zoning – November 23, 2023

- If Floor Area Ratio regulations are expanded, which areas would be likely candidates?
- Section 2, Figure 2 note should be modified to remove reference to the illustration being referred to as a regulation.
- Use of the term 'structure' when referring to ARUs is inaccurate, references should be amended to replace 'structure' with 'building'.
- Supportive of amendment to Section 4.1 to include pointer clause for accessory buildings containing ARUs.
- Section 4.19 amendment should consider minor variance implications if only one parking space is permitted through amendment.
- Section 4.37 should contain explicit regulation specifying four units per lot.
- Current draft of 4.37.4 may not require notwithstanding clauses given amendment to 4.1.
- Agreeable to rear yard and side yard setback amendments separating ARUs from general provisions for accessory uses.
- Supportive of amendment to require municipal servicing.

City of London Internal Review Meeting – November 27, 2023

Building Division

- Ontario Building Code controls bedrooms through minimum size requirements (9.5.7) and occupant load (9.9.1.3)

Zoning

- Recommendation to elevate pointer clause under 4.1 to match intent of amendment.
- Consideration should be given to whether lot coverage regulation is required to avoid situations where an accessory building is larger than the primary residence.

Planning Implementation

- Housekeeping Amendment will modify 4.1.4b to include reference to residential zone.
- Recommendation to amend 4.19.4c to address common minor variances related to attached garage conversions for ARUs. Must account for potential loss of required parking space following conversion. Current by-law does not permit front yard parking. Original draft which proposes permitting one front yard parking space flagged as restrictive policy.
- Recommendation to modify height and setback requirements for accessory buildings to account for rear yard privacy concerns. Consider approach to increase setbacks when windows are facing shared side lot lines or restrict side facing windows in accessory buildings containing ARUs.

Planning Policy

- Consider further definition of zones with ARUs as permitted use. The Planning Act only prohibits the restriction of residential units on urban residential lands. Amendment would address concern related to adding units and entrenching non-conforming uses in non-residential zones.

Policy & Special Operations – December 11, 2023

- Supportive of amendment to add 'Detached Additional Dwelling Unit' under Section 2 Definitions.

Legal Services – December 14, 2023

- Consider amendment to delete definitions for 'single dwelling', 'split level dwelling', 'raised ranch', and 'multiple dwelling' to reflect shift in planning framework.
- Concern indicated for potential confusion of multi-unit dwellings definitions following the adoption of four units per lot through ARU policies.

- Recommendation to amend ARU and Detached ARU definitions to include reference to being on the same lot.
- Review lot coverage regulations to ensure that Detached ARU uptake will not be impeded by minor variances. Refer to ReThink Zoning analysis regarding lot coverages in downtown adjacent neighbourhoods. Is the intent of regulation is accurately reflected in the drafted policy?

Bell Canada – December 18, 2023

- No comment.

Management Review Team Meeting – December 21, 2023

Subdivisions and Development

- Consider amendment of 4.26 and 4.37 to include ARUs within AG zones. Refer to policies in Dutton Dunwich and Southwold as local examples.

Administration

- Concern indicated for limitation placed on rural residential zones. Consider going beyond the minimum requirement of “urban residential land” defined in *The Planning Act*. Monitoring component may be the best approach in light of time constraints to address outcomes.

Municipal Housing and Development

- Supportive of zoning modifications related to permitted use under 4.26 and 4.37.
- Consider amendment to permit multiple detached dwellings for ARUs. Acknowledged concerns regarding stormwater management and site risks given the lack of site plan.

Site Plan

- Consider amendment to permit ARUs within cluster townhomes. Acknowledged that condominium declarations posed barriers for current condo development. Perhaps a site-specific provision for ARUs could be added during site plan.

Planning Implementation

- No concerns regarding minor variance concerns.

Stormwater Engineering Division – January 12, 2024

The Stormwater Engineering Division staff have reviewed the above noted zoning/official plan amendment application and have no comments.

Upper Thames River Conservation Authority – January 16, 2024

- Policy 942 #4 provides a value for maximum gross floor area of an additional residential unit. Please clarify how the proposed changes will be implemented into this policy for accessory dwelling units.
- Policy 942 #12 states the new additional residential units shall not be located in a floodplain as regulated by the conservation area having jurisdiction for that area, unless permitted through a special policy area as described in the Natural and Human Made Hazards policies. Please ensure the policy addresses no additional dwelling units within the flood plain or other natural hazard lands. This should include the conversion of an existing accessory structure into a dwelling unit.
- Policy 949 advises that site plan approval is not required for additional residential units within existing structures and converted dwellings. Please refer to comment #2 and clarify how this policy will be changed to address existing accessory structure conversions. Furthermore, please ensure that UTRCA regulatory requirements are met through the building permit review for property located within natural hazard lands.
- Section 4.37 of Z.-1 outlines regulations for Additional Residential Units. Please ensure this section does not permit additional residential units within natural hazard lands of existing and new buildings/structures as this is not currently specified.
- Section 4.26 provides a list of uses that are permitted in all zones across the City. Please incorporate additional language in this section that speaks to the following uses being permitted provided they can meet the requirements of all applicable law. This will ensure a connection between the Building Code and the

Conservation Authorities Act which may impact the location of ARU's and other permitted uses within various zones that are affected by natural hazards.

- It is important to note that properties affected by natural hazards may not necessarily be zoned to reflect the natural hazard and it is therefore not sufficient to rely on the residential zoning as a test for allowing additional residential units as-of-right.

Appendix F – Public Engagement

Summary of Comments – Received from Meeting with Near Campus Neighbourhood Association Representatives November 24, 2023

Additional Residential Units

- Will require further clarification on ARU implications, but generally supportive of the early draft amendments discussed relating to ARUs.
- Concern raised around accessory buildings and adding more units into Near Campus Neighbourhood.
- Concern raised related to by-law enforcement.

Bedroom Limits

- High concern that removal of bedroom limit within the Near Campus area will negate policies providing relief from intensification.
- High concern regarding the compliance and enforcement of bedrooms. Cited existing problems and historic problems related to issue.
- NCN representatives prefer two options: 1) maintain the bedroom limit and expand Floor Area Ratio regulations; 2) remove the city-wide bedroom limit, but maintain the NCN bedroom limit.

Floor Area Ratio (FAR)

- Will require time to review full implications related to a potential expansion of Floor Area Ratio regulations within the Near Campus Neighbourhood.
- Can Floor Area Ratio analysis be re-calculated to include unfinished basements to possibly capture the potential usable floor area within the NCN?
- Consider adding language to clarify that ARUs cannot be added if the result would go beyond the FAR limit, where regulation applies.
- Consider a graduated bedroom limit policy. The NCN bedroom limit is maintained, but provisions are drafted to allow for additional bedrooms when ARUs are created.
- Will FAR be expanded across the entire NCN? Could it be applied city-wide?

Summary of Comments – Received from Meeting to City Planning Solutions (on behalf of Copps BYH) November 28, 2023

Additional Residential Units

- Emphasis placed on backyard homes adoption having high sensitivity to both cost and risk. Request that zoning regulations follow permissive approach to limit cost sink from zoning amendments, minor variances, etc.
- Consider amendment restricting ARU permissions in industrial zones.
- Consider amendment to regulations related to building depth and how this impacts accessory buildings.

Parking Requirements

- Consider amendment eliminating garage width regulations when garage is located in backyard. Cited lack of impact on streetscape.

Accessory Buildings

- Supportive of change in height measurement of accessory buildings containing ARUs.
- Consider amendment to increase accessory building height to 8.5 metres to allow for two-storey buildings. Referred of prevailing zone height requirements for additions and questioned the difference for ARUs.
- Consider amendment to reduce rear yard and side yard setbacks.
- Supportive of amendment to require municipal servicing.

Bedroom Limits

- Near Campus Neighbourhood limit should be maintained. Cited concerns around creating student ghetto and deteriorated neighbourhoods.
- Concern raised that increased bedroom limit in Near Campus Neighbourhood may result in higher housing costs. Cited added property value and investment potential from higher bedroom limits.

Summary of Comments – Received from Meeting with Development Interest Group December 4, 2023

Additional Residential Units

- Agreeable to added permission for duplex, triplex, and converted dwellings
- Do all types of townhouses have ARU permissions?
- Permitted use amendment in 4.26 and 4.37 - No comment.

Parking Requirements

- Does the amendment to 4.19.4c only apply to attached garage conversions?
- Are other parking changes being considered?

Accessory Buildings (Detached ARUs)

- Agreeable to amendment to permit up to two units per unit.
- A maximum height of 6.0 metres could permit a two-storey building through creative application of building design.
- High concern regarding proposed 3.0 metre side yard setback. Cited R1 zoning typically permits a 1.2 metre setback. A side yard setback of 3.0 metres would significantly impede existing accessory building conversions and result in minor variances.
- No maximum lot coverage tied to accessory buildings containing ARUs could result in accessory building that is larger than primary dwelling.
- Request for specific servicing requirements in by-law. Conceded that the information would be more appropriate as communications piece.

Bedroom Limit

- Highly supportive of removal of city-wide bedroom limits.
- Agreeable to proposed amendment to introduce graduated bedroom limit within Near Campus Neighbourhoods.
- Are apartment buildings also included in the proposed 5-bedroom limit within the Near Campus Neighbourhoods? The 3-bedroom limit is problematic for purpose built student apartment buildings.

Floor Area Ratio

- Concern raised related to full application of FAR regulations citing restrictions on scale and intensity.

General Comments

- Are Heritage alteration permits still required for ARUs?
- Have emergency services reviewed the setback amendments?
- Are unprotected openings and minimum setbacks required for ARUs?
- Questions raised regarding the continued need for NCN specific policy.
- What is the current trend regarding Near Campus complaints?

Public Comments

From: Sean Eden, Magnificent Homes

Sent: Thursday, October 19, 2023

Dear Mr. Coveney,

I hope this email finds you well. I was watching the most recent planning committee meeting presentation regarding the additional residential units and wanted to provide some feedback. Unfortunately, I only became aware of your committee item after the meeting. Otherwise, I would have provided you with a letter in advance of the meeting.

The company that I work for owns two existing single detached dwellings in the arterial commercial zone along Wharncliffe Road South in Lambeth. I wanted to write you to ask that if existing houses in commercial zones do not benefit from the accessory dwelling unit regulations then they should be included moving forward. Also, we are supportive of additional bedrooms being allowed in the accessory dwellings. We feel that each accessory dwelling should be allowed to potentially have up to 3 or more bedrooms per unit.

Thank you for your time and consideration of this matter. I look forward to hearing about the progress and developments regarding the proposed ADU policy in arterial commercial zoned areas and additional bedroom policies.

If you could please keep me on your mailing list once future information becomes available, that would be appreciated.

From: Sean Eden, Magnificent Homes
Sent: November 19, 2023

Hi Brandon,

I just wanted to send you another quick email. We did review our property with the zoning office. However, because it is zoned commercial, there are restrictions on the size of the additional dwelling units. In fact, we would need a variance to add any units other than the existing single unit on the property.

I was wondering, as part of your review, would you be able to look at the size of additional units in commercial zones? I am just wondering if perhaps something in the changes that you are bringing forward to Council would help us to make the best use of the lands.

If you need any additional information regarding our proposal, please let me know.

From: Arnon Kaplansky
Sent: November 9, 2023

Hello Brandon ,
The removal of the 5 bedroom limit "EXCEPT" the near campus.. ..
Really doesn't make any planning sense. This is a political pressure that goes against any good planning principles.
Thank you

From: Jason Shoemaker
Sent: November 13, 2023

I heard that some decisions are being discussed and or made regarding the rethink zoning and Adu. I was also told that you are the person to send my thoughts to. In our previous conversation you mentioned the possibility of a no bedroom limit in non student zones. Wow was I surprised to see how much area that covered and essentially limited a large portion of home owners.

I totally understand a desire from the city to not overpopulate in student areas - especially where long term residents live. Particularly in areas with limited lot coverage and parking.

Obviously the city doesn't want existing buildings to suddenly add bedrooms beyond reasonable capacity that would take away from proper living space and go beyond current limits (usually 5br).

What I think would make logical sense is for all existing buildings to remain at their current bedroom limit. If owners want to split that home into a 3 and 2 or other

combination that's fine. But severely limiting what they can build for bedrooms in an ADU doesn't make sense. This is assuming all the variables of lot size, coverage, parking, setback, etc are in order.

There are several properties that can support multiple units and still meet all zoning standards. I would propose that all ADUs be allowed up to 3 bedrooms per new unit. This would be similar to the rules for R3-1 or R3-2 (I believe - such as the area south of cherry hill mall).

Please let me know anything I can clarify about my ideas or how I can present the concepts if this email isn't the correct way.

Thanks

From: Jean-Marc Metrailler

Sent: Monday, November 27, 2023

Hello Brandon,

Thanks very much for the productive meeting last week.

For your consideration, and in case it is helpful as you prepare your report/recommendation(s), I am just passing along a short summary of the "graduated" bedroom cap proposal I discussed. I also had a couple questions/comments about the FAR/Max Floor Area and setback requirements under consideration:

Graduated Bedroom Cap Proposal

- Maintain current 5-bedroom cap in Near-Campus Neighbourhoods for single family homes without additional residential units
- Add 1 additional bedroom to the cap for each additional residential unit, ei.:
 - Single family home with one additional residential unit: 6 bedroom cap
 - Single family home with two additional residential units: 7 bedroom cap
 - Single family home with three additional residential units: 8 bedroom cap
- Consider implementing together with Floor Area Ratio/Maximum Floor Area requirements being contemplated by staff

Rationale

- Recognizes that a "hard" 5-bedroom cap is limiting on ARUs and unlikely to align with council goals or provincial/federal obligations.
 - As much as neighbourhoods would like the keep existing cap, there is recognition of that reality.
- Floor Area Ratio/Max Floor Area requirement alone does not address concerns for existing structures (ie. large home that currently exceeds FAR can be carved into many bedrooms, without FAR providing any limit)
- Recognizes need to increase units to meet provincial and federal commitments, and in fact incentivizes it. For example, compare two developments:
 - Cheap conversion of a large family home into a 12 bedroom student house adds zero units for housing targets
 - Adding two additional residential units to large family home with 7 total bedrooms adds two units for housing targets
 - The latter is preferable as it assists with housing targets and provides more appropriate, less crowded housing for renters (and likely, fewer nuisance concerns from neighbours)
- Encourages investment from serious landlords committed to creating quality compliant units, vs. cheaply carved up and overcrowded single family homes by amateur investors
- Though planning/code/nuisance enforcement remains key to this working
- Mitigates any argument that bedroom cap is non-compliant with Planning Act requirements re: ARUs because it explicitly raises cap as needed to accommodate ARUs.

Floor Area Ratio/Maximum Floor Area Ratio Questions

- I noticed when reviewing areas currently covered, there are differing "levels" of lot size contemplated. For example in the R1-5(3) area covering Regent/St

George, the largest "level" is for lots greater than 700m². By contrast, on the Parkway and on Victoria backing onto Gibbons, where lots are larger and covered by R1-9(3) and R1-6(7), the largest "level" is for lots larger than 1000m².

- In our neighbourhood, we have for example an R1-10 (on the Orchard Park side) area where the standard lot size appears to be > 1000m², and with a decent number > 1500m². Would we be getting the Regent/St George treatment (the chart in the presentation)? or something with higher "levels" of lot size like what appears to have been done for larger prevailing lots on the Parkway/Victoria? I understand if you don't have a final answer - just something to think about.
- Perhaps this is better question for when there's a concrete proposal contemplated for our neighbourhood area, but would it be possible to get examples of a few sample addresses in our neighbourhood and how they compare to the contemplated FAR/Max Floor Area requirements (as was done in the presentation for a few Old North lots)? A few suggestions: 1 Bloomfield (standard larger Orchard Park lot), 34 Runnymede (standard smaller Sherwood Forest lot), 565 & 557 Leyton (larger homes relative to lot), 548 Kininvie (small home relative to lot)
- I was asked by our neighbourhood group to pass along the recommendation that full unfinished basements be included in the calculation (I agree)

Setbacks

- This wasn't raised at the meeting, but I am curious as to how exactly setbacks for accessory building ARUs will work. I understood from your presentation that the current side-yard depth requirements for the main building will likely apply (2.9ft plus 2ft for each storey >1). That makes sense for the sides, but how does it work at the rear of the yard? Presumably the standard rear yard depth would not have to apply behind the ARU? Rather will it be the sideyard setback that applies at the back of the lot also?
- Don't really have a comment to share on this - just raising the question.

Thanks so much,

From: John Fleming

Sent: Wednesday, November 29, 2023

Thanks for this Brandon. And thanks again to you, Nancy and Justin for giving me the opportunity to provide our perspectives while you formulate the policy. I think you're headed in a very positive direction.

In summary, I think that the best approach is to use the underlying zone to regulate the size and placement of ARU's in accessory structures (backyard homes). This approach has the following benefits:

- The developable building envelope is already defined by existing zoning
- Those who bought a property should be aware of what their neighbours could legally construct within that building envelope via an addition to the main structure for example
- This would put ARU's in accessory structures to the SAME regulatory requirements as an addition – no change
- This approach naturally transitions into the approach you are likely headed with ReThink Zoning, whereby 4 units are allowed and you can choose the form within the building envelope. It's a good transition to bridge the current approach and the future approach
- You could cap height at 8.5m if you want to put an additional constraint on backyard homes – my folks think this is adequate to deal with grades in most cases
- You could indicate to Council that you will monitor the outcomes from this change and bring back any recommendations to "tweak it" if necessary over the next 3 years – in other words, open the door to more housing opportunities, and measure the impacts and implications; you could even do a study of each of these based on building permits over 3 years to see the outcomes.

I've attached my feedback we discussed yesterday – responding to the bullet points you provided earlier this week. I've removed my comments relating to NCN's – I heard lots of good points on this during our discussion and I'm a bit conflicted. So, I'll leave that to you folks, but I'm always happy to provide background on the key considerations and our thinking during the preparation of these policies in the past.

Please don't hesitate to contact me if you want to brainstorm any of the above and attached or have any questions. I'm happy to help.

Attachment (PDF) – comments in *italics*

5-BEDROOM LIMITS

- Remove 5-bedroom limits city-wide, except Near Campus Neighbourhoods (NCN)
 - *Agree*
 - *May want to move forward with these changes for the city as a whole and leave NCN changes to a later date – so that the opportunity in the whole city isn't held back by the controversy that will likely come with the NCN changes*
- Consider possible limits to Near Campus Neighbourhoods
- Alternatives Being Considered:
 - Remove bedroom limit in NCN area and expand Floor Area Ratio (FAR) to limit scale and intensity, where needed.
 - Maintain bedroom limit in NCN and expand FAR into identified areas.
 - Consider graduated bedroom increase tied to ARUs added (e.g., 1 ARU, +1 bedroom permitted).

INCREASED PERMISSIONS FOR ARUs

- ARU Permissions
- Added permissions for Duplex, Triplex, and converted dwellings.
 - *Agree*
- Maximum four (4) dwelling units on a lot, ARU shall not exceed maximum.
 - *Agree*
- ARUs permitted in all zones except Agricultural or Urban Reserve.
 - *Not sure about this. What about industrial?*
- Parking Requirements
- For Garage Conversions, consider front yard parking in location of the existing driveway leading to the former spaces within the garage.
 - *Agree*
 - *Doesn't the combination of the streets by-law and zoning regulations relating to front-yard parking address parking concerns? Do you need any further regulations?*
 - *Allowing for front-yard parking perhaps should be allowed for through a MV, if certain criteria are met. These criteria could be spelled out in OP policy*
- Accessory Buildings with ARUs
- Allow two (2) ARUs within one (1) accessory or ancillary building.
 - *Agree*
- Maximum height measured in accordance with "Height" definition in Section 2.
 - *Agree with height definition of Section 2 – need to address Section 4.2(3) to exclude ARU's and also need to address Figure 2 of the Zoning By-law which both indicate that the height of ARU's as accessory structures would be measured differently.*
- When the height exceeds 4.0m (13.1ft) the side and rear lot line setback shall be increased by the difference in the height above 4.0m (up to 6m).
 - *6m in height is inadequate to support a two-storey ARU. Consider garage with ARU on top. Consider 2-storey ARU that can accommodate a high quality living environment.*

- *Why not just leave this to the prevailing zone? Same as if an addition were made to the primary structure for an ARU? Height, set-backs, coverage all remain.*
- *Why would you want to stop a 2-storey structure?*
- *Why a higher standard for an ARU than for an addition to the main structure?*
- Setback regulations of the underlying zone shall apply to ARUs.
- Change from current provision in 4.1.4b
 - Agree
- Excluded from accessory lot coverage (10%) but included in the maximum coverage calculation as defined by the underlying zone.
 - Agree.
- ARUs must be (not directly) connected to municipal services.
 - Agree. *But must be clear that this could be accommodated through connection to services in the primary structure, with approval through the building permit process.*

Will you be separating ARU regulations from Accessory Uses (Section 4.1). We suggest moving them to 4.37 and pointing to 4.37 for accessory uses that accommodate ARU's

New consideration – current regulations on garage widths should be eliminated where garage is in the backyard. Consider an ARU that has garage in ground level.

4.19 PARKING

(6) (g) Residential Garage Widths for Small Residential Lots

For single detached dwellings permitted in Residential Zones with a lot frontage of less than 12 metres (39.4 feet), the maximum residential garage width shall not exceed 53% of the lot frontage.(Z.-1-00759)

4.23.4 Garage Width

The maximum residential garage width (interior walls) shall not exceed 50% of the building façade width. (Z.-1-041306) (Z-1-051390) (Z.-1-172575)

- Need to sort out Section 4.23 relative to:
 - Front and exterior side yard setbacks (4.23.1)
 - Building depth (4.23.3)
 - Garage width (4.23.4 (as noted above))

Are residential regulations for rear yard depth and exterior side yard depth too large? – 7.5 and 8.0m??

Some example zones comparing underlying zone and accessory structure regulations

Red = Regulations of the Zone

Purple = Regulations of Accessory Uses – 4.1 of By-law

Zone	Height		Coverage		Interior Set-back	
R1-4	9.0m	4.0m <u>OR</u> Up to 6.0m with 2.0 additional set-back	40%	10% for all accessory structures	1.2m <u>OR</u> 3.0 where no attached garage	0.6m <u>OR</u> where more than 4.0m 1.0m for every 1.0m above 4.0m
R1-10	12.0m	4.0m <u>OR</u> Up to 6.0m with 2.0 additional set-back	35%	10% for all accessory structures	1.2m <u>AND</u> 0.6 additional for each storey <u>OR</u> 3.0 where no attached garage	0.6m <u>OR</u> where more than 4.0m 1.0m for every 1.0m above 4.0m
R2-2 (for single)	9.00m		45%		1.2m <u>AND</u> 0.6 additional	

<i>detached building)</i>					<i>for each storey <u>OR</u> 3.0 where no attached garage</i>	
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From: Nick Dyjach

Sent: Monday, December 4, 2023

Hi Brandon – I really appreciate the invite and opportunity to speak at the table today. I agree with everything thus far, except for the height and setback items for accessory buildings.

Most of my discussions with people interested in building a rear-unit already have a garage they want to retrofit. They would just like to add stairs and a storey on top. Preference is to keep that 1st level garage for parking/storage.

Height: If the definition of accessory building height changes to be the average (same as primary), then 6m could be fine – maybe 6.5m; however if still measured to top of peak, then I think min. 7-7.5m would be more appropriate for retrofit considerations.

For the 3m setback – I was a bit confused if it was side or rear yard – both? Regardless, the SPC Bylaw uses separation space to restrict windows of “habitable” rooms. I think this could be used to reduce overlook, instead of creating larger setbacks to the building – i.e. windows/doors would need to be front/rear facing, with other skylights or “horizontal windows” (not sure what they’re called – see image below) used to bring in light.

IMO, retrofits are the easy low hanging fruit. If every retrofit needs a MV, that just more needless red tape that could be avoided.

Phone Call

From: Francois Khouri

Received: December 7, 2023 (x2)

10:20am – phone call

- Mr. Khouri expressed concern that while detached ARUs benefit from an amended rear yard setback, his new build project containing 4 units will be constrained given the realities of his property.
- Mr. Khouri asked who the City of London had consulted with.
 - List of parties consulted provided during call.
- Mr. Khouri expressed displeasure that zone regulations for rear yard setbacks are not being considered within the proposed amendments. The proposed changes will not benefit his proposed project on vacant property due to site constraints and zoning.

3:55pm – phone call

- Mr. Khouri expressed further frustration about the lack rear yard setback amendments for primary dwellings.
- Mr. Khouri indicated that he has reached out to the Home Builders Assoc. expressing concern that the issue wasn’t raised during the Developer Interest Group engagement session.
- Mr. Khouri asked about location of detached ARUs.
 - Details provided during call.
- Mr. Khouri asked for clarification on graduated bedroom cap.
 - Details provided during call.

From: Michael Davis

Sent: Friday, December 22, 2023

Hey Gents –

We were reading through the Draft Zoning By-law Amendments for the ARU regulations this morning – wanted to send a quick kudos – impressed overall with the directions the City is heading on this. This will really start to move the needle I think!

I don't know what you have left for timing, but we've run into some issues on an ARU development project (single detached + 3 ARU's) where zoning staff is subjecting the project to 4.19(6)(b) as opposed to 4.19(6)(a) thereby killing the project. I think it's a misinterpretation on their part but they're not budging. As you guys know – it makes no sense to be requiring expensive/wasteful 6.7m driveways for ARU's.

Is there time to add something about this before PEC to clarify? I feel like some additional language could be added to 4.19(6)(a). Happy to hop on a call to share some thoughts and experience.

Let us know!

From: Arnon Kaplansky

Sent: Wednesday, January 3, 2024

Hello Brandon,

Here is one more thought of the problem.

Can you please add that as well or should i do all this ?

The available lot inventory that complies with the zoning requirements for semi-detached, duplex, triplex, fourplex, converted dwellings (R2 to R3) is minimal to non-existent.

Will be interesting to know how much area is zoned R1 compared to R2/R3 (Excluding R2-2(19) which permits Single detached dwellings; ii) Existing legally established semi-detached dwellings; iii) Existing legally established duplex dwellings; iv) Existing legally established converted dwellings (max. 2 dwelling units) and out of the R2/3 how much area includes additional restriction such as FAR & GFA.

For years the planning department was championing policies to prevent "over intensification" in the NCN which served its purpose by preventing intensification, it will take years to undo the damage

It's time to correct past mistakes.

Phone Call

From: Francois Khouri

Received: January 4, 2024

Subject: re: Notice of Application and PPM

3:54pm – phone call

- Mr. Khouri requested clarification on number of units per ARU proposed through the amendment and the comment period deadline.
 - Details provided during call.
- Mr. Khouri expressed frustration related to the rear yard setbacks associated with zone regulations and indicated that the Home Builders Association had not provided him a response.
- Mr. Khouri indicated dissatisfaction with the amendment and shared personal doubts that the changes will result in units being created.

From: John Reid

Sent: Friday, January 5, 2024

Hello Brandon,

Thanks for your efforts in bringing this forward.

The meeting notice asked for comments by January 12.

I didn't see a link on the notice to comment so I am sending my comments via email.

As mentioned in my earlier email from November 16 2023, I believe there is opportunity to manage additional bedrooms in the NCN with application of bylaw CP-24 to ensure appropriate housing. It is not clear if there is discussion planned on the NCN bedroom limit but the notice does comment "amend NCN bedroom limits to support sustainable residential intensification which may include increased bedroom limits related to ARU creation"

As I mentioned I am a landlord in the NCN area at 869 Waterloo St. I typically, but not exclusively, have had students as my tenants. From discussions with Western Off Campus Housing, this year is the largest first year class on record and there continues to be a shortage of housing for students.

I am very interested in expanding my rental licence for my triplex to allow 6 bedrooms in Unit 1 (it is currently 4 bedroom, 3 bedroom, 3 bedroom in units 1,2,3) and also to add the loft above the detached garage as an ARU.

I am hopeful the changes in the bylaws will allow this and I am planning to attend the meeting January 30th. I have not attended a council meeting previously....does the format of the meeting allow public comment from the audience? If so I would welcome the opportunity to address the council.

Please let me know,
Thanks.

From: Jean-Marc Metrailler
Sent: Friday, January 5, 2024

Hi Brandon,
I've had some more time to look through the detailed draft and just had one additional comment to add on the rear setback. Again this is more of a nitpick of my own and not a formal submission related to the near campus engagement.

My concern is that it is simply a fixed number (ei. 3m, and does not vary based on location of windows and number of storeys, like the side setback does).

All else equal, this seems like it would have the tendency to encourage higher buildings with windows (that will face into neighbour's yard) - since there's no credit given in the rear setback for having a shorter building with no back-facing windows.

It seems to me reasonable (and creates the right kind of incentives) to reduce the rear-yard setback in cases where a shorter building with no windows is proposed. That could be achieved by simply having the same rules for rear-yard setback as you've proposed for side-yard setback.

Thinking as a homeowner, faced with the choice of having a one storey ARU behind me with no windows facing in and a 1.2m setback, or a two storey ARU with windows facing my yard and a 3m setback... I think I'd prefer the former - but the current rear setback requirement seems to incentivize the latter.

I am sure you've thought hard about this and have reasons for how it's been structured, but maybe it's something that could be flagged in the report to PEC as another option.

Thanks as always for your time and attentiveness,

From: Broughdale Community Association
Sent: January 8, 2024

Broughdale, as you well know, is situated very close to Western University. For more than 35 years, the Broughdale Community Association has worked with the City on

housing, planning, and by-law enforcement measures. We have unique concerns arising from the large number of investors who do not live in our neighbourhood and view our housing stock as rental businesses. We are grateful for the policies adopted by City Council in the Near-Campus Neighbourhood (NCN) Plan that have attempted to provide some balance and protection of amenities for long-term residents.

We believe that the very real need for affordable housing in London can be met without abandoning the Near-Campus Neighbourhood guidelines and thereby losing the progress that has been made.

We appreciate being consulted again and are submitting the following comments on the proposed amendments to the Zoning By-law regarding Additional Residential Units (ARUs).

1. The five-bedroom limit has proven to be effective. We believe strongly that this limit is still needed for all housing types in Broughdale, with the exception of Richmond St. which we recognize is destined for future intensification under the London Plan. Elsewhere in the neighbourhood, the cap of three bedrooms in apartment buildings, converted dwellings, duplex dwellings, fourplex dwellings, semi-detached dwellings, stacked townhouses, street townhouses, townhouses, and triplex dwellings should be maintained. Any circumstances, where removing the cap would be desirable, should be specifically defined and, as recommended in the proposed amendment, a cap of five imposed. In addition, the wording of bedroom limits where there are multiple additional units should be clarified (section 4.37(5)).
2. When a studio, bachelor, micro unit, tiny house or other ARU type that consists of one room plus a bathroom is added to a building or lot, then for the purposes of the by-law it should be deemed as a bedroom and included in the total bedroom count.
3. The Floor Area Ratio (FAR) requirement throughout the near-campus neighbourhoods has also proven to be an effective planning tool and we are pleased to see it is to be retained.
4. We agree with the new and reasonable requirements proposed for side yard and rear yard setbacks. Any deviations from these provisions should not be classified as minor variances. Could something be enacted to remove eligibility for a minor variance if a requirement is not met? We have experienced intensification that requires multiple minor variances to “shoehorn” development where it would otherwise not be permitted by the Zoning By-law.
5. We feel strongly that more definitions concerning driveway width, parking, and green space amenities are necessary. From long experience in our neighbourhood, we realize that there is a delicate balance to achieve; there is often inadequate parking for the level of intensity that these dwellings are expected to accommodate, or too much parking is added that results in the elimination of front and back yards. Excessive construction, and paving over or dumping gravel on rear yards, should not be allowed. It is essential to maintain urban green space to mitigate the effects of the climate emergency we are facing and which the City of London has recognized.
6. With increased intensity, safety and security issues should be given more emphasis. Additional residential units should face toward the front of the property or a laneway and should be accessible by a clearly defined pathway. Dwelling units should not create blind spots that facilitate criminal activity and adequate lighting should be required. Unfortunately, break-ins, especially at student houses, are common. Cases of peeping toms and assault of students and residents have occurred in our community.

The comments above relate to Broughdale specifically and to NCNs in general but our concerns regarding safety and security obviously resonate city-wide.

We also wish to point out that the introduction of ARUs in accessory buildings city-wide needs to be accompanied by provisions regarding the visibility of such units for mail carriers, including accessibility via a proper pathway, as well as an easily visible legal street address for fire and emergency vehicles.

Respectfully submitted,

Susan Bentley, Interim President
Broughdale Community Association

Letter

From: Arnon Kaplansky

Received: January 10, 2024

I want to thank the members of the planning department for the opportunity to address the committee.

I have been an infill developer and infill builder in the city of London for 35 years. During this time, I have experienced the evolution of the official plan and zoning bylaws.

35 years ago, responsible infill development was encouraged. This allowed healthy unit development in the core. In 1988 townhouses were allowed, today they are not. Over time and with every change to the official plan and zoning bylaw, the ability to create dwelling units in the core area diminished and townhouses were eliminated from the zoning by law in the core. This has significantly contributed to the intense urban sprawl and housing crisis this city is in.

In response to the growing limitations to develop in the core area, I adapted my projects and started to create proper housing for students within walking distance to the university. Unfortunately, this was met with extreme resistance from NIMBY influence, just as the townhouses were.

The city was swayed by the NIMBY agenda and imposed arbitrary restrictions on the number of bedrooms for each lot, reducing the potential for student housing. This struggle has had a profound impact on the development landscape, affecting not only my projects but also the overall growth and vibrancy of this city. Student housing was forced to sprawl outwards into more areas, taking lip housing from the rest of the population.

The municipality should support student housing right around the university. There should be no difference between near campus neighborhoods and the rest of the city. The housing crisis affects everyone. Allowing more density in the near campus area will reduce the housing crisis for students and free up housing for other people. It should be a no brainer.

Limiting the number of bedrooms to 5 plus one in each additional unit does not make sense financially and for this reason, these units with 1 bedroom will not get built. Perhaps this is the intention. Not to mention, creating three separate units with 1 bedroom as opposed to also allowing 3 bedrooms in one unit, completely goes against the environmental sustainable goals of the city.

There is no legitimate reason for the area defined by the city as near campus neighborhoods not to have the same rules and opportunity as the rest of the city. It defies the purpose of bill 23, it is not proper planning, and it will get challenged at the provincial level.

The city's position that the proposed amendments create an opportunity for appropriate intensity in the near campus neighborhoods is misleading. The so-called opportunity hardly exists. The available lot inventory that is zoned R2 or R3 (semi-detached, duplex, triplex, fourplex, converted dwellings) and complies with the current zoning requirements for such development is minimal to non-existent due to floor area ratio and gross floor area requirements.

The existing and proposed policies and regulations imposed through the zoning bylaw are preventing the creation of quality purposely built student housing near the university.

The province has started reducing hardships such as site plan approval requirements but more needs to be done. For years the planning department championed policies to prevent "over intensification" in the near campus neighborhoods which prevented proper intensification and created the worst urban sprawl.

The current policy changes will not help create more housing. It is to satisfy the province and Bill 23 only.

Amon Kaplansky
Kap Holdings Inc

From: Jackie Farquhar
Sent: Wednesday, January 10, 2024

To: MEMBERS OF PLANNING AND ENVIRONMENT COMMITTEE. Wednesday
January 10th, 2024
From: St. George Grosvenor Neighbourhood Association.

The Executive members of St George Grosvenor Street Neighbourhood Association are overall supportive of the proposed amendments:

- allowing addition of up to four Additional Residential Units (ARU)
- within Near Campus Neighbourhoods: continuing with the 5 bedroom cap. However, allowing 1 additional bedroom for each ARU created
- allowing for ONLY 1 additional residential structure to be built per property (which could contain up to 2 ARU's but not to exceed the total of 4 ARU's per property)
- maintaining the Floor Area Ratio (FAR) for our neighbourhood
- increasing the rear yard set backs for Additional Residential Structures.

Executive Members do have concerns:

- NO increase in parking requirements.
- the ongoing issue of Enforcement.

We would like to thank City Staff members for their willingness to listen to our concerns and react with appropriate changes to address these concerns.

Sincerely,
St George Grosvenor Street Neighbourhood Assoc.
Jeff Gard - Member - SGGNA
Jackie Farquhar - Secretary

From: Ainslie McKinnon
Sent: Friday, January 12, 2024

Good afternoon, Brandon

I never received any notification from being on the circulation list but Susan Bentley (Broughdale Community Association) forwarded your email to me.

I have a few concerns regarding the pending zoning changes and I hope you will consider the following before making final decisions:

- If Richmond St. permits mid-high density on both sides, and Epworth becomes stacked townhouses (as per the information provided at the Oct 17th meeting), even with all of the existing restrictions in place, Mayfair, Bernard, and Raymond will become even more isolated than today, thus likely reducing the attractiveness to single family owners. Imagine the south side of Mayfair backing onto stacked townhouses. (of course, excluding those which back on to the park)
- You pointed out (Oct 17th meeting with Broughdale) that the 5-bedroom rule is difficult to enforce and I noticed the wording below from the memo from the City. What does "alternative limits" mean? "The purpose and effect of the proposed Zoning amendment is to remove the 5-bedroom limit city-wide, except within

Near Campus Neighbourhoods and propose alternative limits for the Near Campus Neighbourhoods."

- The provincial housing mandate suggests to me that there could be a legal argument against excessive restriction, which may put the single family attractiveness of our streets at even further disadvantage. In other words, a modest relaxation of the restrictions, along with the isolation created by Richmond and Epworth, could create a bit of "wild west" scenario with landlords individually pushing the rules to maximize the profitability of their rental units.
- I wonder if there is an argument to zone our streets the same as Epworth? At least with stacked townhouses, the planning and approval process would generally be more rigorous and planful due to its greater impact on the neighbourhood than an individual triplex or fourplex.

Thank you for your consideration.

Regards
Ainslie McKinnon and Karen Walkey

From: John Fleming
Sent: Friday, January 12, 2024

Hi Brandon –

Please find attached our comments regarding Staff’s proposed Zoning amendments to support Detached Additional Residential Units.

Copp’s Backyard Homes (CBYH) is considering a major initiative to advance backyard homes in London to help address London’s housing needs in a meaningful way. The changes you are proposing will play a major role in allowing CBYH to achieve this.

We thank you for the many positive changes you are proposing. We have several comments and requests that we hope will be helpful in breaking down the barriers to backyard homes and meeting the City’s goals for creating new housing supply.

Please do not hesitate to contact me should you have any questions or if you would like to discuss this further.

Thank you,

Attachment [PDF]

Comments & Requests For Revisions - Proposed Amendments to the Z.-1 Zoning By-law for Detached Additional Residential Units
Copp’s Backyard Homes

The below table has been prepared in support of the attached cover letter. We have provided our comments, in detail, relating to the proposed amendments to the Z.-1 Zoning By-law intended to facilitate the development of Detached Additional Residential Units.

Section 2 – Definitions

Proposed Draft By-law	Our Position	Comments
“ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof. The addition creation of additional residential unit(s) does not change a single	Agree	This may require the addition of a definition for “Primary Dwelling” or “Primary Dwelling Unit” in the Zoning By-law. We raise this for your consideration. We believe the City will want to delete the definition of “Secondary Dwelling Unit” from the Zoning By-

detached, semi-detached, or street townhouse the primary dwelling into any other type of residential building.		law – we still see it in the online version of the Zoning By-law
<u>“DETACHED ADDITIONAL RESIDENTIAL UNIT” means a dwelling unit located within an accessory building permitted in addition to a primary dwelling unit, in which food preparation, eating, living, sleeping, and sanitary facilities are provided for the exclusive use of the occupants thereof. The creation of additional residential unit(s) does not change the primary dwelling into any other type of residential building.</u>	Agree	See comment below
“DWELLING” definitions a) e) f) h) n) r) s) t) u)	Agree, given the new definition of dwelling unit.	
“DWELLING UNIT” means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. A dwelling unit shall contain no more than five bedrooms. (Z-1-93172)(Z-1-041300 – OMB Order 0780 March 15/06) Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, a dwelling unit shall contain no more than five bedrooms.	Agree	

Figure 2

Proposed Draft By-law	Our Position	Comments
NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW. PLEASE ALSO REFER TO THE DEFINITION AND GENERAL PROVISIONS OF THIS BY-LAW. THESE REGULATIONS ILLUSTRATIONS DO NOT APPLY	Agree	We agree with the intent of the changes proposed to Figure 2 of the Zoning By-law. However, we suggest that you amend the text from “EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIOINAL RESIDENTIAL UNIT(S)” to “EXCEPT FOR DETACHED ADDITIONAL RESIDENTIAL

TO ACCESSORY BUILDINGS EXCEPT FOR ACCESSORY BUILDINGS THAT INCLUDE ADDITIONAL RESIDENTIAL UNIT(S).		UNIT(S). This would be consistent with the proposed change to the definitions of the Zoning By-law.
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Section 4.1 – Accessory Uses

Proposed Draft By-law	Our Position	Comments
7) <u>Detached Additional Residential Units shall comply with the provisions of Section 4.37 (Additional Residential Units) of this By-law.</u>	Disagree as we believe this clause requires a critical wording change	We do not believe that this proposed provision adequately relieves Detached Residential Units from Section 4.1 of the Zoning By-law as we believe staff intended. For example, we believe that Staff is intending to relieve Detached Residential Units from the lot coverage, height and lot requirements/location regulations of Section 4.1. However, the proposed wording could be argued to suggest that these Sections still apply and Detached Residential Units must comply with these regulations AS WELL AS the regulations of Section 4.37. <u>We are requesting that the wording be changed as follows:</u> “ 7) Sections 4.1 (1) through 4.1(4) will not apply to Detached Additional Residential Units, which will be regulated under the provisions of Section 4.37 of this By-law.”

Section 4.19 – Parking

Proposed Draft By-law	Our Position	Comments
(d) <u>Notwithstanding 4.19 4) c) (b) above, where an attached an attached garage is converted to habitable space for the purpose of additional residential unit(s), front yard parking may be permitted in the location of the existing driveway leading to the former parking space(s) within the garage, and shall not be widened beyond that location.</u>	Agree	

Section 4.26 – Uses Permitted in Listed Zones

Proposed Draft By-law	Our Position	Comments
<u>Additional Residential Unit</u>	Agree	We believe that the first column should read “Additional

<p><u>All Zones except for any Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, Environmental Review (ER) Zone</u></p> <p>4.37</p>		<p>Residential Units” – plural rather than singular.</p>
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Section 4.37 – Additional Residential Units

Proposed Draft By-law	Our Position	Comments
<p>1) Permitted Zones Additional residential units shall be permitted within any zone, <u>except for an Agricultural (AG) Zone, Urban Reserve (UR) Zone, Open Space (OS) Zone, Light Industrial (LI) Zone, General Industrial (GI) Zone, Heavy Industrial (HI) Zone, or Environmental Review (ER) Zone</u> in association with the following uses:</p> <ul style="list-style-type: none"> a. Single detached dwellings b. Semi-detached dwellings c. Street townhouse dwellings d. <u>Duplex dwellings</u> e. <u>Triplex dwellings</u> f. <u>Converted dwellings</u> 	<p>Agree</p>	<p>This clause is appreciated (together with the above changes to 4.26) as there are residential structures in a variety of non-residential zones (eg. commercial zones along corridors) whereby the construction of additional residential units would be appropriate.</p>
<p>2) Number of Additional Residential Units per Lot A maximum of three (3) additional residential units shall be permitted per lot; including a maximum of one (1) additional residential units in an accessory or ancillary structure. (Z. 1-233147) <u>up to a total combined maximum of four (4) dwelling units per lot.</u></p>	<p>Agree</p>	
<p>4) <u>Detached Additional Residential Units</u></p> <ul style="list-style-type: none"> a. <u>A maximum of two (2) additional residential units on a lot may be permitted within a maximum of one (1) accessory building per lot.</u> b. <u>A detached additional residential unit may only be permitted in the rear yard or interior side yard.</u> c. <u>The height of an accessory building containing additional residential unit(s) shall be measured in accordance with the definition of “Building Height” in Section 2 of this By-law and shall not exceed 6.0 metres (19.7 feet).</u> d. <u>A minimum rear side yard setback of 3.0 metres (9.8 feet) shall apply</u> e. <u>The side yard setback of the underlying zone or a side yard setback of 1.2 metres (3.94 feet) shall apply, whichever is greater,</u> 	<p>Agree with: (a); (b) and (d)</p> <p><u>Disagree</u> and requesting changes to: (c); (e); (f) and (g)</p>	<p>We appreciate the Staff recommended clauses a,b and d.</p> <p>Clause (c) We disagree with a height limitation of 6m for a Detached Additional Residential Unit. This would not support a two-storey unit in most circumstances and this could undermine many opportunities for additional residential units that can help address London’s housing crisis. This would also undermine the opportunity for an additional residential unit being constructed above a detached garage –a model for additional residential units commonly utilized throughout Ontario and North America.</p>

except where windows are facing shared side lot lines, where a side yard setback of 3.0 metres (9.8 feet) shall apply.

f. A detached additional residential unit shall be part of the maximum coverage for the underlying zone, where applicable.

g. A detached additional residential unit shall be connected to municipal services.

We believe that two storey backyard homes are appropriate, as long as they conform with the height regulations of the underlying zone. We would be in agreement with a height limitation for Detached Additional Residential Units of 7.5m, which is significantly lower than the height limit for single, semi, duplex, triplex, row, and converted dwellings within all of the existing residential zones. We are requesting a maximum height for Detached Additional Residential Units of 7.5m across all zones.

Clause (e) We have undertaken research of municipalities across Ontario and, consistent with most municipalities, we are requesting a minimum interior side-yard setback of 1.2m. We do not think that the 3.0m set-back requirement in many zones, relating to lots without a garage, is relevant for Detached Additional Residential Units. This 3m set-back was included in the residential zones to allow for parking beside the primary residential building where no garage exits. Further, we do not think it is appropriate to ask for a greater set-back if windows are proposed for a detached additional residential unit. The additional set-back of 1.8m will have no impact on privacy (if that is the intent of this provision) and it may undermine the opportunity for a very positive additional residential unit.

We are requesting that Clause (e) be amended to:

“A minimum interior side-yard setback of 1.2 meters (3.94 feet) shall apply. The exterior side-yard setback of the underlying zone shall apply.”

We note that the City may want to require a 3.0m setback for two-storey detached additional residential units.

Clause (f) We are concerned that the coverage in the underlying zones is unduly restrictive for the

		<p>development of Detached Additional Residential Units on small lots (12m or less). We note that many municipalities are supporting higher coverages or “flat numbers” for building footprints. We are requesting that Staff consider a provision which adds 5% coverage to the maximum coverage regulation of the underlying zone for all those zones that have a minimum lot frontage of 12m or less.</p> <p>Clause (g) We agree with the intent of the proposed clause – to ensure that additional residential units are ultimately connected to municipal services – municipal water, sanitary and storm services. Our concern is that it could be misinterpreted to mean that Detached Additional Residential Units need to be connected directly to municipal services – rather than the more typically accepted method of connecting the DARU to municipal services using a connection to the services of the primary residential building. <u>We are requesting that the clause be modified as follows:</u></p> <p><u>“A detached additional residential unit shall be directly or indirectly connected to municipal services as approved by the City of London.”</u></p>
<p>5) Number of Bedrooms The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined. <u>Within Near Campus Neighbourhoods, as illustrated in Figure 4.36, the combined total number of bedrooms permitted for the primary dwelling unit(s) and the additional residential unit(s) shall increase by one (1) following the creation of one (1) additional residential unit up to a total of three (3) additional bedrooms and three (3) additional residential units.</u></p>	<p>Agree</p>	

Sections 5, 6, 7 and 8 – Number of Units Per Lot

Proposed Draft By-law	Our Position	Comments
Staff are proposing changes to Sections 5, 6, 7 and 8 – Residential R1, R2, R3 and R4 Zones. In each case, the maximum number units per lot is proposed to be 4.	Agree	We agree with this proposal. We note that the word “maximum” occurs in this regulation for R1 and R2 Zones, but not the R3 and R4 Zones.

From: Orchard Park Sherwood Forest Neighbourhood Assoc

Sent: Wednesday, January 17, 2024

On behalf of our Executive, we acknowledge need for more housing units, and generally do not oppose the proposed Near Campus Neighbourhood (NCN) amendments re: ARUs (subject to comments below).

We consider it essential to maintain some form of bedroom cap in NCNs and support the "graduated" cap proposed by staff. It is a reasonable compromise that mitigates longstanding neighbourhood concerns about low quality rooming house “conversions,” while incentivizing more high quality, less crowded, student accommodations through ARUs. If Council's goal is more units (not just more bedrooms) this proposal achieves that.

We do remain concerned about the change in the bedroom cap for townhouse forms of development where a rezoning application from R1 would be required. Although this amendment provides opportunities for appropriate intensification through medium and high-density housing forms where zoning greater than R1 exists, such forms should be directed to locations along higher order streets if included with a rezoning application from R1 to another zone in a NCN.

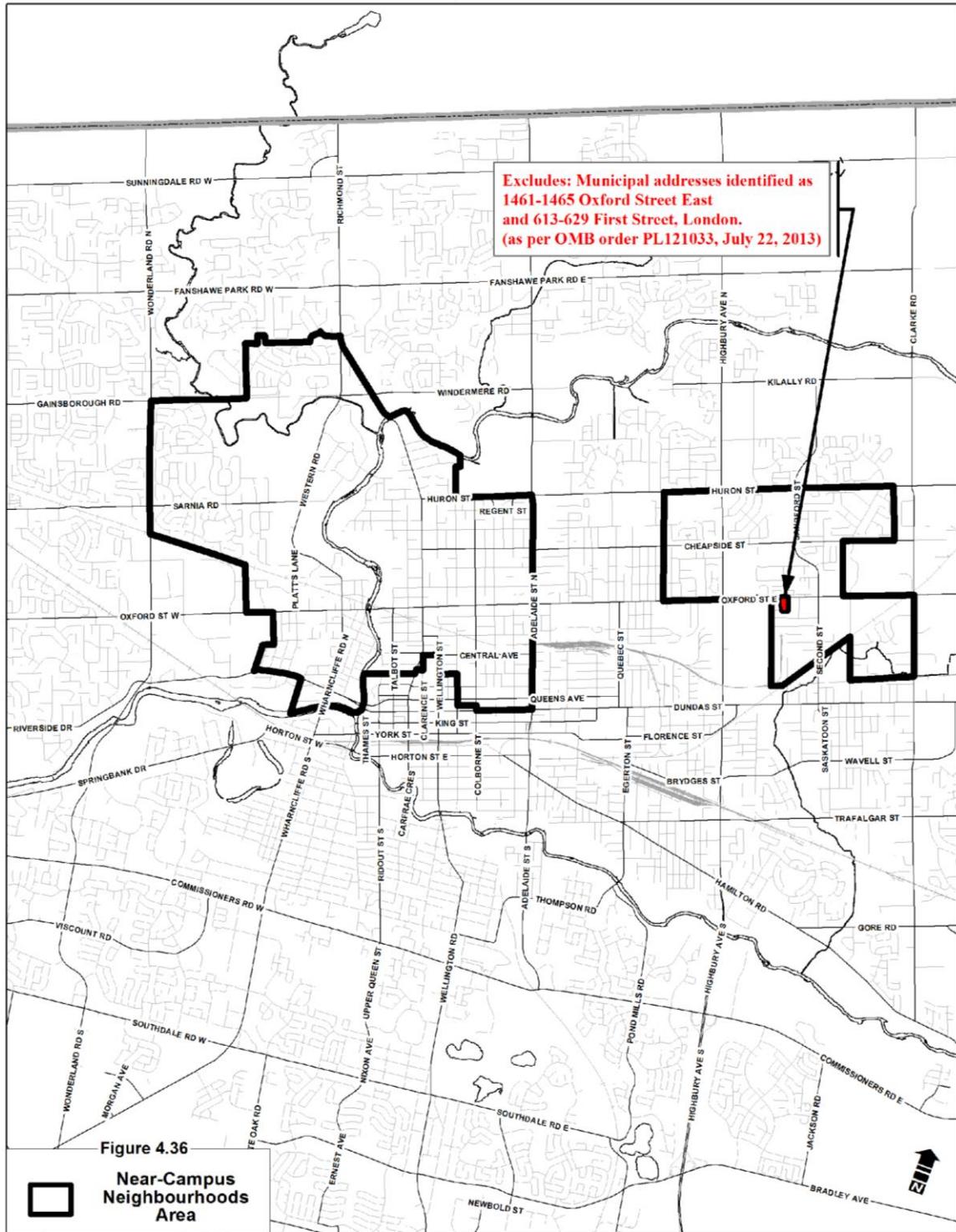
While the setback requirements appear broadly reasonable, there is a technical concern that they do not sufficiently vary with building height. For example, under the proposed amendments, a building with windows on the back and sides appears to have the same 3m rear- and side-yard setback requirement whether it is built 1 storey or 2 storey. All else equal, by not giving even a slight reduction to the setback for choosing a 1 storey over a 2 storey in that scenario (or not requiring an increased setback where a 2 storey is selected), it seems like this will simply incentivize builders to choose 2 storeys. Put simply: an unduly strict requirement for 1 storey buildings relative to 2 storey buildings may unintentionally worsen the privacy concerns the setbacks are intended to address.

Sandy Levin, president
Orchard Park/Sherwood Forest Ratepayers

Appendix G – Relevant Background

Zoning By-Law – Section 4 – Figure 4.36

Schedule "A"
Figure 4.36



(figure replaced by Z.-1-162503)

02-9661

Jan 10, 2024

I want to thank the members of the planning department for the opportunity to address the committee.

I have been an infill developer and infill builder in the city of London for 35 years. During this time, I have experienced the evolution of the official plan and zoning bylaws.

35 years ago, responsible infill development was encouraged. This allowed healthy unit development in the core. In 1988 townhouses were allowed, today they are not. Over time and with every change to the official plan and zoning bylaw, the ability to create dwelling units in the **core** area diminished and townhouses were eliminated from the zoning by law in the **core**. This has significantly contributed to the intense urban sprawl and housing crisis this city is in.

In response to the growing limitations to develop in the core area, I adapted my projects and started to create proper housing for students within walking distance to the university. Unfortunately, this was met with extreme resistance from NIMBY influence, just as the townhouses were.

The city was swayed by the NIMBY agenda and imposed arbitrary restrictions on the number of bedrooms for each lot, reducing the potential for student housing. This struggle has had a profound impact on the development landscape, affecting not only my projects but also the overall growth and vibrancy of this city. Student housing was forced to **sprawl** outwards into more areas, taking up housing from the rest of the population.

The municipality should support student housing right around the university. There should be no difference between near campus neighborhoods and the rest of the city. The housing crisis affects everyone. Allowing more density in the near campus area will reduce the housing crisis for students and free up housing for other people. It should be a no brainer.

Limiting the number of bedrooms to 5 plus one in each additional unit does not make sense financially and for this reason, these units with 1 bedroom will not get built. Perhaps this is the intention. Not to mention, creating three separate units with 1 bedroom as opposed to also allowing 3 bedrooms in one unit, completely goes against the environmental sustainable goals of the city.

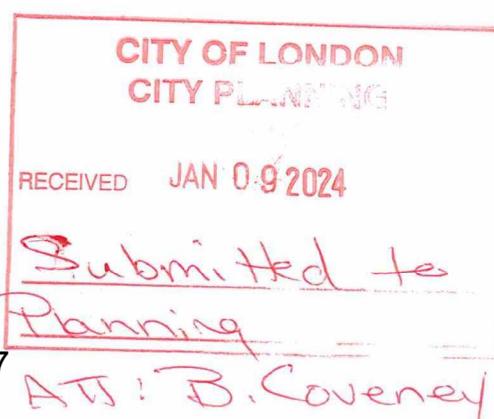
There is no legitimate reason for the area defined by the city as near campus neighborhoods not to have the same rules and opportunity as the rest of the city. It defies the purpose of bill 23, it is not proper planning, and it will get challenged at the provincial level.

The city's position that the proposed amendments create an opportunity for appropriate intensity in the near campus neighborhoods is misleading. The so-called opportunity hardly exists. The available lot inventory that is zoned R2 or R3 (semi-detached, duplex, triplex, fourplex, converted dwellings) and complies with the current zoning requirements for such development is minimal to non-existent due to floor area ratio and gross floor area requirements.

The existing and proposed policies and regulations imposed through the zoning bylaw are preventing the creation of quality purposely built student housing near the university. The **province** has started reducing hardships such as site plan approval requirements but more needs to be done. For years the planning department championed policies to prevent "over intensification" in the near campus neighborhoods which prevented proper intensification and created the worst urban sprawl.

The current policy changes will not help create more housing. It is to satisfy the province and Bill 23 only.

Arnon Kaplansky
Kap Holdings Inc.



Jean-Marc Metrailler
30 Bromleigh Ave, London

January 19, 2024

Via email: PPMClerks@london.ca

Planning and Environment Committee (PEC)

City of London

Re: OZ-9661 – 5-bedroom Limits and Increased Permissions for Additional Residential Units

Dear members of PEC and Council,

I write to provide three comments on the proposed Zoning and Official Plan amendments for ARUs, each of which is explained in greater detail below.

1. *The “graduated” bedroom cap in Near-Campus Neighbourhoods (NCNs) should be approved*

As a resident of an NCN, I commend both city planning staff and neighbourhood associations for productive discussions and engagement on these amendments. The proposed “graduated” bedroom cap, in my view, is a reasonable compromise and a positive product of that engagement.

The “graduated” cap mitigates legitimate neighbourhood concerns flagged by residents’ associations, while also recognizing that a “hard” 5-bedroom cap would be limiting on ARUs and unlikely to align with the city’s housing unit goals or provincial/federal obligations. It also encourages investment from serious developers committed to creating quality compliant units, versus the poorly maintained and overcrowded single family homes too often seen in our NCNs. For those reasons, I support it.

2. *Proposed setback rules do not sufficiently vary for building height*

While the proposed setbacks for detached ARUs appear generally reasonable, I am concerned about scenarios where they do not sufficiently *vary for a higher or lower building heights*, and may thus unintentionally incentivize 2-storey detached ARUs over 1-storey detached ARUs.

To help visualize, my understanding of the proposed setback requirements for detached ARUs can be summarized in the following chart, which shows three scenarios (rear facing windowed and windowless walls, and side-facing windowed walls) where the required setbacks are *the same for 1-storey and 2-storey detached ARUs*:

Detached ARU Wall Type	Rear-Yard Setback	Side Yard Setback
One Storey – No windows	3m	Greater of 1.2m or the setback of the zone (which in most cases increases for 2-storey)
Two Storey – No windows	3m	
One Story – with windows	3m	3m
Two Storey – with windows	3m	3m

All else equal, a rational builder under each scenario will be incentivized to choose 2-storeys over 1-storey. An unduly strict requirement for 1-storey buildings relative to 2-storey buildings may therefore unintentionally worsen the privacy concerns the setbacks are intended to address.

As an alternative, I suggest that the setbacks in each scenario could provide a reduction in required setback when a 1-storey ARU is selected over a 2-storey ARU. For example, instead of a 3m requirement in these cases, the setback might be reduced to 1.5 or 2m if the developer chooses a single-storey.

Such a reduction would not, in my view, create unreasonable privacy concerns (and may in fact improve them) because:

- a) it would rationally incentivize single-storey ARUs over two-storey ARUs; and
- b) the proposed setback rules as a whole would still remain stricter than both London’s current setback rules for detached ARUs¹ and setback rules that have been adopted in other Ontario municipalities for detaches ARUs.²

3. Importing by reference the main dwelling setback requirements of the zone creates complications that may not be intended to apply to ARUs

The requirement that the side-yard setback be the “greater of” 1.2m and the required main dwelling setback for the zone creates some perhaps unintentional complications.

Per section 5.3 (4) and (5) of the current Zoning Bylaw, homes without private garages in most residential zones are required to have a 3m setback on one side. This is sensible for a main dwelling in order to provide space for required parking in the side yard. However, it is not in

¹ Currently, detached ARUs are subject to the normal setback requirements for all other detached accessory structures, which allow rear and side yard setbacks as low as 0.6m.

² [Hamilton](#) and [Windsor](#) for example, appear to have a 1.2m rear and side setback requirement that apply to detached ARUs of all heights. In [Toronto](#) (subject to some exceptions), rear and side setbacks are typically 1.5m. In [Guelph](#), both rear-yard and side-yard setbacks equal side-yard the setback of the zone, and increase to a minimum of 3m only if the ARU is two-storeys and has windows.

my view sensible that this side yard parking-related setback requirement be applied to detached ARUs that will typically be located in the rear yard and which in any event do not have *any* parking requirements.

My suggestion is perhaps to add wording that makes clear this side-yard parking setback does not apply to detached ARUs, or to simply give detached ARUs their own adequate side yard setback requirements that do not import the requirements of the zone for the main dwelling. I'll add that this is another 3m setback that applies *equally* to 1-storey and 2-storey buildings, and which again creates those same incentive concerns.

Notwithstanding my respectful concerns on setbacks, I broadly support the aims of the amendments, and add that city planning staff have been knowledgeable, attentive, and responsive in preparing them. Even if the setback questions are not totally addressed immediately, I am confident that staff will monitor developments and variance requests etc. and that there will be opportunities for further refinement if such issues manifest themselves.

Thank you for taking the time to review and consider my comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean-Marc Metrailler', written in a cursive style.

Jean-Marc Metrailler

LONDON AREA PLANNING CONSULTANTS (LAPC)

January 24, 2024

Planning & Environment Committee
City of London
300 Dufferin Avenue, P.O. Box 5035
London, ON N6A 4L9

Attention: Heather Lysynski, Committee Secretary

Re: Additional Residential Units (ARUs)

London Area Planning Consultants ("LAPC") is an association of Professional Planners working in the private sector of Land Use Planning as consultants or employees helping to achieve well-planned, healthy, complete and sustainable communities.

Our members are very supportive of the general approach being recommended for ARUs across the City, as being a positive step toward removing barriers to the creation of Additional Residential Units.

We also support including the Near Campus Areas in this initiative to generate new housing opportunities through soft intensification. The Near Campus Areas have a known, strong market for additional housing based on their proximity to educational, health care and employment centres, and their ability to foster active mobility and be transit supportive.

In order to help address the critical need for housing, the City and the planning and development communities will be expending resources to encourage the creation of ARUs. Yet, the recommended retention of the use of bedroom limits in Near Campus Areas, combined with the retention of extra-ordinary Floor Area Ratios and Maximum Floor Area regulations in the zoning of Near Campus Areas, will continue to create barriers to needed housing in these areas. These zoning restrictions, introduced during an era of relatively ample and affordable housing availability, are not required by the London Plan, and should be removed to help the City address its pressing housing needs.

Thank you for your consideration of this matter.

Yours very truly,

LONDON AREA PLANNING CONSULTANTS (LAPC)



Richard Zelinka, MES, MCIP, RPP
Chair

-----Original Message-----

From: Jessica Halsall

Sent: Friday, January 26, 2024 12:48 PM

To: ppmclerks <ppmclerks@london.ca>

Subject: [EXTERNAL] Submission process for comments to the new info released for ARU meeting Jan 30th

Good morning,

Is there still an opportunity to add a comment to the agenda for this upcoming ARU meeting?

I would like to request that existing garages (built with a permit and original setbacks) be allowed to be grandfathered into ARU without a minor variance for ARU conversion if they do not meet the new 3m rear setback. This is assuming there will not be any rear windows.

Also, to discuss if there is no rear neighbour (privacy issue) is that another factor that would be considered.

Thank you,
Jessica

The Planning and Environment Committee,
City of London

28 January 2024

Re: Proposed Official Plan and Zoning By-law Amendments OZ-9661

Dear Members of the Planning and Environment Committee:

Doreen and I have resided at [REDACTED] since 1996.

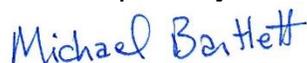
We greatly enjoy living in Broughdale. We are now both Professors Emeriti after lengthy careers at Western. I am very grateful to the senior colleague who advised us, when we arrived in London, to save money (and the environment) by not buying a second car and to keep in shape by walking to work. Our home backs on the Thames River and, particularly since the Covid-19 pandemic restrictions, we have greatly enjoyed walks in the river valley, especially the loop created by the new pedestrian bridges at Ross Park and the North London Athletic Fields. We also delight in our proximity to downtown, the trip to the Grand Theatre or the Covent Garden Market usually takes less than ten minutes. And the public transit between Western and downtown London, particularly the No. 90 express bus, is excellent.

As a member of the Broughdale Community Association Executive Committee, I contributed to the response submitted on January 8th to Planning Staff on the proposed amendments to the Official Plan and Zoning By-laws. I write now to emphasise my strong support for the proposal to retain the five-bedroom limit in London's Near Campus Neighbourhoods for all types of housing, with the exception of Richmond Street. Richmond is clearly an arterial road – I know because I often try to jay-walk across it on my morning trip to campus – and allowing some intensification there to relieve the demands on the inner Broughdale neighbourhood seems desirable.

Some seem to have a vision that the area around Western University should be primarily used to house students. I feel differently: while it is true that the percentage of permanent residents in Broughdale has dropped since we moved here, there are still quite a few of us around. And we are a vibrant community – historically we have held celebrations to welcome new residents to our street and organized travelling dinners. It can take Doreen and me a half hour to navigate the block between Richmond Street and our home on a spring afternoon, with our neighbours all out in their front gardens and wanting to chat.

Please maintain the 5-bedroom limit in Broughdale!

Yours respectfully



Michael Bartlett
[REDACTED]

c.c. BroughdaleCommunityAssociation@gmail.com

To: The Planning and Environment Committee, City of London

From: Christine Barker

Address: [REDACTED]

Date: January 228, 2024

Re: Proposed Official Plan and Zoning By-law Amendments OZ-9661

Dear Councillors,

I am a resident of Broughdale and I have lived in this community for 35 years.

As a resident, and member of the Broughdale Community Association (BCA), I am writing in support of the response submitted by the BCA on January 8th to Planning Staff (copy attached). I agree with all the issues raised in that report and ask that the PEC give due consideration to our concerns and recommendations.

The priority issue for me is the **five-bedroom limit**, which I strongly urge you to retain in the Near Campus Neighbourhoods for all types of housing, with the exception of along Richmond Street; I acknowledge the need to allow for some increased density along this major arterial road.

I live next door to a house that was a single family home when I moved to Broughdale and which was subsequently sold and converted to a five bedroom rental property. While most of the students were relatively responsible, there have definitely been issues with garbage disposal and illegal parking over the years, as well as noise concerns. I am fortunate that a single family now rents the property, but one need only drive along Epworth Avenue, to the south of my home, to see the negative impact of student housing on the upkeep of these properties, as well as garbage and parking concerns, to say nothing of noise infractions.

Allowing even more than the current five bedrooms on these and other neighbourhood properties would only exacerbate the current problems and make the situation untenable. Of note is that there are already several illegal parking lots in this area, where owners have gravelled or paved over greenspace in order to accommodate students' cars.

While I recognize that increased intensification is necessary to provide adequate housing for students and others, I believe that, with input from residents in the Near Campus Neighbourhoods, this can be accomplished in a way that meets the City's needs while respecting and supporting the needs of our community, and our constant efforts to maintain balanced neighbourhoods. Increased student apartment complexes and more university residences (beyond the two new buildings currently planned by Western), are two options that could be considered.

I ask that this letter be added to the additional agenda items for the PPM on January 30th.

Respectfully submitted,



c.c. BroughdaleCommunityAssociation@gmail.com

Dear Mr. Lehman and Members of PEC.

Re PPM January 30th, 2024

I believe you will have seen the Broughdale Community Association's written response to Planning Staff following their consultation with neighbourhood groups on the proposed **By-Law and OP amendments. OZ-9661**. Our response, of necessity, focused on our reaction to the amendments, and we didn't need to provide any context, because staff are well aware of the situation in our neighbourhood.

However, for any Committee members who are unfamiliar with our community, I would like to provide some background.

As a Near Campus Neighbourhood (NCN) situated literally on the doorstep of Western University, we host an almost overwhelming amount of student housing in "low density" residential homes. The neighbourhood of Broughdale itself now has about 80% of its houses and approximately 95% of its high-rise buildings occupied by student renters. Consequently, the balance in the community between long-term residents and short-term renters has shifted almost to the tipping point. I am sure I don't need to remind you of the many issues this has generated, with by-law infractions and the like stemming from this imbalance.

There are members of the development community who say that NIMBYism is rampant close to campus, and that may well be true, but when you see what has happened over the last three decades, you might agree that at least some form of NIMBYism in Broughdale is actually justified.

The modest two-and three-bedroom homes have, in large part, been bought up by investors and by many out-of-town parents who buy a house near campus for their son or daughter to live in with friends while attending Western. They then use the house as income property for several more years, managing it from afar, with all the local problems and lack of maintenance that entails.

The value of this rental housing stock is ridiculously high, and many of these previously modest homes are now income-producing properties of at least 5 bedrooms. That so many of what used to be starter homes for families are now out of reach for families needing affordable housing is a real shame. Many of these houses were home to people who worked at Western or at University Hospital. It was a diverse and homogeneous community. However, since the advent of David Peterson's legislation in the '80s, allowing more than three unrelated people to occupy a house as-of-right, our neighbourhood has been transformed.

From living in people's spare rooms and basement apartments in owner-occupied homes, students now occupy entire houses, with all the attendant problems of upkeep etc. that negatively impact their long-term neighbours. What used to be a one or two car driveway for a family, may now accommodate four or even five cars - not the most attractive urban landscape!

Over the years, we have lost our public school, we have lost our post office, we have lost our library, and we have, consequently, lost hundreds of neighbours, particularly those with children. We have almost, but not quite, lost our own sense of community.

We are gratified, that over the last **35 years**, due to the local impact of huge and steady (and I must say ongoing) increases in enrollment at Western, Planning Staff and Council have tried to introduce measures to keep the balance more even in near-campus neighbourhoods (NCNs), and one of these measures is the bedroom limit.

We were pleased to see that, in their review of this policy, Planning Staff have recommended retaining a bedroom limit ONLY in NCNs.

We well understand that the review of this policy was suggested last fall by Councillor Franke, because she wanted to make sure that opportunities for affordable housing and intensification are fair across the city, a wholly admirable reason.

Our Association would like to suggest, however, that as we have already been subject to an enormous amount of intensification and infill in Broughdale, it would be fairer to **maintain a five-bedroom limit**, as recommended by staff.

We do understand the need for affordable student housing. We are gratified that Western intends to build two new **student residences**, one of which is very close to the Broughdale neighbourhood. We are constantly encouraging them to build more. We also believe that **more purpose-built, safe and affordable student housing** in apartment buildings near campus would be a viable option to help ease the housing shortage.

We note the very recent decision by the Federal Government to put a cap on international students, which may also take some pressure off the local housing supply.

We therefore hope very much that the Committee will see fit to follow Planning Staff's recommendation and retain the five-bedroom limit in Near Campus Neighbourhoods. Most of the other by-law amendments we can live with.

We suggest that limit should apply to all types of housing in Broughdale, except for Richmond Street, which, as a major arterial road, has been targeted for intensification under the London Plan.

Thanks so much for your time and attention.

Yours respectfully

Susan Bentley
Interim President, Broughdale Community Association
and
Resident of Broughdale for 48 years.

██████████
██████████

3.8 City-Wide 5 Bedroom Limits and Increased Permissions for Additional Residential Units (OZ-9661)

Thank you

AnnaMaria Valastro

The North Talbot Neighbourhood and Broughdale Neighbourhood never received notices regarding increasing bedroom limits in near campus neighbourhoods. These two neighbourhoods are dominated by student housing and should have been approached.

Also, a developer submitted written comments referring to people living in these neighbourhoods as NIMBY. No one's concerns should ever be referred to as NIMBY. It is disrespectful. People's concerns are their own and should be heard.

In Near Campus Neighbourhoods, the bedroom limit should remain the same because temporary housing is over represented.

Prior to the limit of 3 bedrooms per unit, there was no cap. The cap was implemented to relieve some of the negative consequences of large units. Staff appear to be unfamiliar with this history of the three bedroom cap.

We seem to be going backwards. **If the city increases bedroom limits to 5 per unit, they are creating frat houses, and/or rooming houses. It is unlikely that anyone other than students can afford these units because rooms in near campus neighbourhood typically cost a min. of \$1000 monthly per room. Families would not be able to afford an entire unit at this cost. This would entrench the transient quality of these neighbourhoods. It is also exploitative of students because landlords tend to require 'guarantors'.**

Too much temporary housing destabilizes a neighbourhood and makes it unsafe.

The majority of these units are empty for several months out of the year. The emptiness of the neighbourhood is prone to squatters and break-ins, or small pop-up encampments in the rear of the property. There are few eyes and ears in the neighbourhood to watch over it. Many times, the police have asked me if I have an outdoor camera directed at the street. I was told by police that the neighbourhood is anonymous. The combination of visitors to the neighbourhood and the empty houses, lets anyone be invisible on the street.

We don't need more of the same.

In less transient neighbourhoods, people know or recognize each other, and this makes it safer.

The NIMBY part of it, and likely why the developer referred to residents as such, is that permanent residents, at times, resent investment landlords because they tend to be absentee landlords with no property management. They are hands off; set no standards for their tenants; no limits on parking; ignore open space requirements, and do not maintain the integrity of the property. This is not an exaggeration. Students are viewed as transient money makers. They come and they go, and each time the rent is raised substantially. Many developers prefer student renters just for this reason. It is exploitative.

I know because I am a landlord, and as a landlord I talk to the owners of the surrounding properties. For example, I have long term tenants and the rent upon entry was approx. at market value. With the rapid rent increases, because of the turnover of students, my current rents are far below market value now. Recently, I had a vacancy and increased the rent \$300 a month for the new tenants, and it is already below market value today. **As a landlord I have benefitted from this exploitation, and I see it for what it is.**

The Near Campus Neighbourhoods have no eyes or ears, and therefore investment landlords tend to have a total discard for sites plans, Ontario Land Tribunal (OLT) decisions, open space requirements and property standards. There is no enforcement.

Attached is a photograph of the front of [REDACTED] John Street. This [REDACTED] [REDACTED] already, and when the OLT issued a decision limiting parking to three rear spaces, this landlord installed front parking and removed the curb to accommodate the driveway. The new house had three units with three bedrooms housing **9 adult students**, each potentially arriving with their own vehicle. That was many years ago, and despite complaints to site plan compliance, there has never been any enforcement. This landlord knew there would be no consequences, and that's why he was brazen.

These neighbourhoods have no enforcement, other than garbage, but even here, garbage can remain on a property for weeks. **The city cannot enforce property standards** if they are ignored. The city cannot enter a property and do the work and then charge the property owner. The property owner would simply ask them to leave. Enforcement can only wait until a property is derelict, and then order demolition. Since students are temporary, they tend to tolerate poor property standards or just move.

I believe Councillor Trosow asked recently why we let properties deteriorate to the point of demolition. That's why.

Near Campus Neighbourhoods are not like other neighbourhoods dominated by single detached houses that tend to be occupied by one family unit or highrises where there is on site property management. They are not chaotic or neglected like student neighbourhoods, and therefore there should be no change to the bedroom limit.

Unless the city is going to increase enforcement, increasing the bedroom limit is just going backwards and making these neighbourhoods more difficult to live in.

Decreased setbacks:

Setbacks are all about safety and environmental issues. **The reason we have setbacks is to allow air circulation between buildings, moisture evaporation, drainage, privacy and green space. Environmentally, open space is needed to absorb rainwater to replenish groundwater.** Ground water is being depleted worldwide as we pave over land, and at the same time drain underground aquifers. **It is the process of rainwater being filtered through the ground that cleans our water.** AND, it is not OK to pave over 'in the name' of increasing density as water tables need to be replenished everywhere and not just 'outside' of cities.

It is tiresome to witness the lack of basic environmental understanding both in the planning department and on Council.

Please do not increase bedroom limits in near campus neighbourhoods. Please maintain setbacks as they are regulated for a reason. Please design livable neighbourhoods. Increasing the number of bedrooms per unit is being pushed by investment property owners because they stand to make a lot of money without any commitment to the neighbourhood.

I hope will you listen to the people that live in these neighbourhoods as much as you do to developers.

Thank You

Photographs:

■■■ John Street

backyards removed for parking

■■■ John: a garbage complaint was filed with by-law enforcement over two weeks ago and still action.

As of today, Jan. 29, 2024

street garbage from the last garbage pick-up on Jan. 26, 2024

My guess is, that every single person on Council would be NIMBY if this was your neighbourhood.











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: Royal Premier Development
1310 Adelaide Street North & 795 Windermere Road
File Number: OZ-8709, Ward 5
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 Royal Premier Development relating to the property located at 1310 Adelaide Street North & 795 Windermere Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 2024 to amend the Official Plan, The London Plan, by **ADDING** a new policy to the Specific Policies for the Green Space Place Type and by **ADDING** the subject lands to Map 7 – Specific Policies Areas – of the Official Plan;
- (b) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 13, 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** an Open Space Special Provision (OS4(2)) Zone **TO** a Holding Open Space Special Provision (h-18*OS4(_)) Zone;
- (c) The requested Permitted Uses, as part of the amendment to Zoning By-law No. Z.-1, **BE REFUSED** for the following reasons:
 - i) The requested range of Permitted Uses do not conform to the policies of The London Plan, specifically the Intensity and Form provisions, the policies and criteria of the Planning Impact Analysis, the policies and criteria of the Specific Area policies, and are considered more intense than the previous use;
- (d) The Site Plan Approval Authority **BE REQUESTED** to consider the following design issues through the site plan process:
 - i) Ensure there is a network of walkways between the parking areas, building entrances, the public sidewalk on Adelaide Street North and the Thames Valley Parkway along Windemere Road to allow for safe and convenient pedestrian connectivity throughout the site and support transit usage
 - ii) Review City parking lot upgrades and field house as part of site plan review process;

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

- i. The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which permits development and site alteration in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards, vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, new

- hazards are not created and existing hazards are not aggravated, and no adverse environmental impacts will result;
- ii. The recommended amendment conforms to *The London Plan*, including but not limited to the Policies for Specific Areas, and the Green Space Place Type policies;
 - iii. The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of *The London Plan*, including, but not limited to Specific Area Policies (Map 7), the Green Space Place Type, the Our Tools, and all other applicable policies in *The London Plan*.
 - iv. The recommended amendment will establish a principle of development for a site by allowing some additional development opportunity, while ensuring protection of public safety and minimizing property damage.

Executive Summary

Summary of Request

The applicant has requested an Official Plan and Zoning By-law amendment to permit two, one-storey commercial buildings. One building will contain a multi-unit commercial building with a total area of 458.3 square metres, while the other is a single use commercial building (restaurant) with a drive through, with a total area of 517 square metres. The proposed development would include a total of 34 on-site parking spaces, with additional parking spaces to be accommodated through the adjacent City lot used for the Adelaide Sports Fields. On a portion of the site, a naturalized drainage channel for flood control is also proposed to help address flooding and flood storage issues.

The applicant has requested an Official Plan amendment to add a special policy to the Green Space Place Type to permit the commercial development with a range of commercial uses within the Green Space Place Type. The applicant has also requested a zoning by-law amendment to amend the existing Open Space Special Provision (OS4(2)) Zone to permit a range of commercial uses including clinics, convenience service establishments, day care centres, financial institutions, food stores, libraries, medical/dental offices, offices, personal service establishments, restaurants, retail stores, service and repair establishments, studios, video rental establishments, brewing on premises establishment, animal hospitals, commercial recreation establishments, funeral homes, grocery stores, and private clubs. The Applicant has also proposed the undertaking of improvements on the abutting City owned parkland and parking lot as a community benefit.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to approve a commercial development with a limited range of commercial and office uses to a maximum of 975.5 square metres (rounded to 976 square metres for the purposes of the by-law). Parking for the uses would be required at a rate of 1 per 30 square metres. The additional parking needed for this development (33 spaces total) will be provided through the adjacent City of London parking lot (24 spaces). The development will also include the dedication of a 7 metre wide corridor along the length of the Windermere Road frontage to accommodate the future Thames Valley Parkway multi-use pathway, the reconfiguration of the City's parking area, and the construction of a fieldhouse on adjacent lands.

Staff are generally supportive of the requested amendments; however, are not supportive of the full range of permitted uses, as the proposed development is located within the flood plain of the Thames River. Currently the only permitted commercial type use on the property is a "Commercial Recreation Establishment within the existing building. The requested range of uses would not only permit more uses but more intensive commercial uses within the floodplain which does not meet the intent of the floodplain policies of the London Plan, and the Upper Thames River Conservation Authority (UTRCA). Instead, staff are recommending the following alternative zoning by-law amendment:

- A zoning by-law amendment to permit the following uses: bake shops, convenience store, commercial recreation establishment, financial institutions, food stores, personal service establishments, and retail stores.
- Additional special provisions are recommended to implement the proposed building design and flood measures: The requested zoning special provisions would permit a maximum gross floor area of 976 square metres; a maximum of 4 individual commercial uses on site; and a maximum of 33 parking spaces.
- A holding provision (h-18) to ensure an archaeological assessment is completed and a sign off from the Ministry has been provided.

Rationale of Recommended Action

1. The recommended amendments are consistent with the *PPS 2020*.
2. The recommended Official Plan amendment is consistent with the policies of the London Plan.
3. The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of The London Plan, including, but not limited to Specific Area Policies (Map 7), the Green Space Place Type, the Our Tools, and all other applicable policies in The London Plan.
4. The recommended amendment will establish a principle of development for a site by allowing some additional development opportunity, while ensuring protection of public safety and minimizing property damage.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by supporting small and growing businesses, entrepreneurs and non-profits to be successful.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None

1.2 Planning History

The subject lands previously contained a vacant residence and gym facility, tennis courts and parking associated with a former GoodLife Fitness Centre. Parking areas and recreational facilities previously associated with this complex extended across the property limits onto lands owned by the UTRCA.

1.3 Property Description and Location

The subject lands are located on the southeast corner of Adelaide Street North and Windermere Road. The subject lands are comprised of two parcels with a total area of approximately 1.29 ha, with a frontage of 91.4 metres along Adelaide Street, and 143.0 metres along Windermere Road.

The site previously contained two structures, three small outbuildings, tennis courts and parking facilities associated with the former GoodLife Fitness Centre.

The subject lands and surrounding properties are situated on flood plain lands associated with the Thames River corridor. The subject lands and the surrounding lands are also located within the Upper Thames River Conservation Authority (UTRCA) Regulation Limit.

The subject lands are surrounded by a restaurant, mini putt and driving range to the north, and City sports fields, including soccer pitches and baseball diamonds to the east, south and west (west of Adelaide Street North).

Site Statistics:

- Current Land Use: vacant
- Frontage: 91.4 m (300.0 ft) (Adelaide Street North)
- Depth: 143.0 m (469.2 ft)
- Area: 1.29 ha (3.18 ac)
- Shape: regular (rectangle)
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: restaurant/commercial recreation (mini-golf, driving range)
- East: open space, sports fields
- South: open space, sports fields
- West: open space, sports fields

Existing Planning Information:

- Existing The London Plan Place Type: Green Space Place Type
- Existing Special Policies: Map 6 – Significant Groundwater Recharge, Regulatory Flood Line, Riverine Hazard Erosion Limit for Confined Systems, Highly Vulnerable Aquifers, Conservation Authority Regulated Area
- Existing Zoning: Open Space Special Provision (OS4(2)) Zone

Additional site information and context is provided in Appendix “C”.



Figure 2- Aerial Photo of 1310 Adelaide Street North and 795 Windermere Road and surrounding lands



Figure 2 - Streetview of 1310 Adelaide Street North (view looking east from Adelaide Street)



Figure 3 - View of 795 Windermere Road looking south

2.0 Discussion and Considerations

2.1 Original Development Proposal (2016)

In November 2016, the Applicant (York Developments) submitted an Official Plan and Zoning By-law amendment application. The development proposal included the following:

- A one storey, multiple-unit commercial building positioned at the street/ intersection of Adelaide Street and Windermere Road, with a total gross floor area (GFA) of approximately 982 square metres (10,570 ft²);
- Enhanced building design and landscaping elements, including floodproofing measures to achieve Upper Thames River Conservation Authority (UTRCA) requirements;
- An internal sidewalk network supporting connectivity between the street frontages, the proposed building, patio/amenity areas, the parking field and adjacent recreational areas;
- Two points of vehicular access, including a right-in/right-out access from Adelaide Street North near the southern limit of the site, and full turning movements via access from Windermere Road near the eastern limit of the site;
- At-grade parking facilities providing 77 vehicular stalls, as well as bicycle parking spaces; and
- Removal of all buildings and structures previously existing on the site.

Further, in conjunction with the application, York Developments intended to restore a gravel portion of the adjacent parking lot and was proposing to dedicate all of 795 Windermere Road to the City for parkland dedication purposes.

The above mentioned proposal was based on the UTRCA's Replacement Structures in the Floodplain policies. The proposal involved consolidating the gross floor area of the structures associated with a former Goodlife fitness facility into an improved site layout and structure that was safer and floodproofed on the portion of the site known municipally as 1310 Adelaide Street North. Through the review of City building records, it was determined that the existing total/maximum permitted gross floor area of the fitness facility was 982 square metres and that there were 9 parking spaces associated with the use.

The balance of the lands known municipally as 795 Windermere Road, were to be dedicated to the City as parkland. In exchange, the City agreed that additional parking from the east parking lot (please refer to Figure 4 below, however please note the error in parking spaces for the east lot – which should be 68, not 62 spaces) could be credited to a replacement project, with the parking area to the east being restored to open space by the proponent. The informal west parking lot, which contains 42 spaces, would be improved by the applicant, would increase the number of parking spaces (spaces that are not required for the commercial uses) and was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the development site and on the City lands. Of those spaces, 77 in total (68 on City lands

and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s).

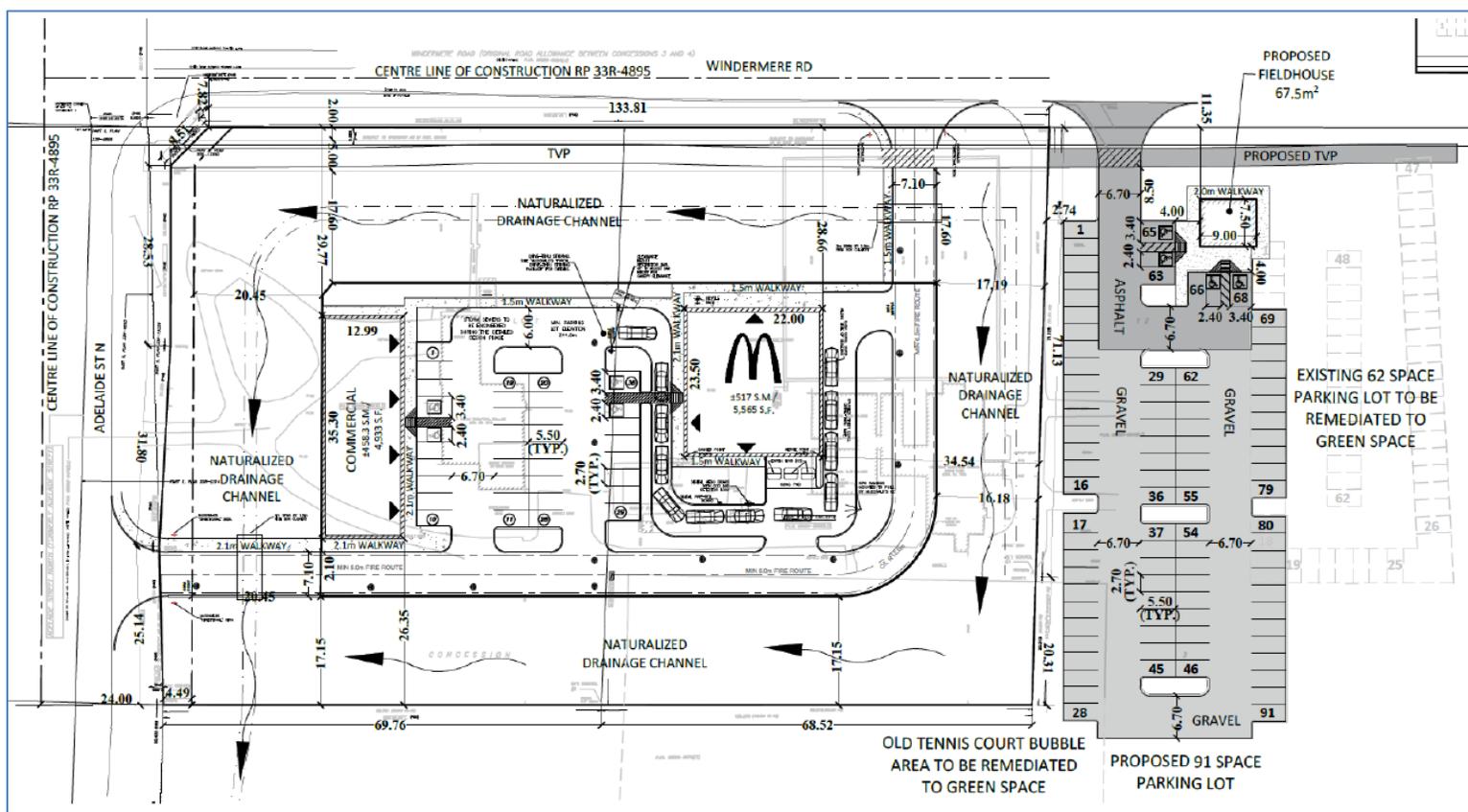


Figure 4 - Graphic detailing proposed site and parking lot changes

York Developments submission included a new Specific Area (SA) policy be added to Chapter 10 of the 1989 Official Plan. The SA policy was proposed as follows:

“In the Open Space Designation at 1310 Adelaide Street North and the adjacent unnumbered parcel, in addition to the uses permitted in the Open Space designation, small retail stores; food stores; pharmacies; convenience commercial uses; personal services; financial institutions; service-oriented office uses such as real estate, insurance and travel agencies; community facilities such as libraries or day care centres; professional and medical/dental offices; small-scale restaurants; commercial recreation establishments; and similar uses that draw customers from a neighbourhood-scale trade area may be permitted in a multi-unit plaza format.”

York Developments also requested an amendment to the existing Open Space Special Provision (OS2(4)) Zone for 1310 Adelaide Street North to add the above noted permitted uses. The range of uses requested were as per the Neighbourhood Shopping Area (NSA1) Zone Variation, which includes a limited range of neighbourhood-scale retail, personal service and office uses. As part of the zone request, the applicant also requested an Open Space (OS4) Zone for the parcel to be conveyed to the City (795 Windermere Road). Additional special provision request included the following:

- Permit a reduction in the exterior yard setback to 3.5 m (11.5 ft) to allow the proposed building to be positioned in close proximity to the Windermere Road frontage;
- Permit a maximum lot coverage of 15.5% to support a more compact redevelopment form and the efficient use of land, infrastructure and public services;
- Permitted Uses: Bake shops; Catalogue stores; Clinics; Convenience Service establishments; Day care centres; Duplicating shops; Financial institutions; Food stores; Libraries; Medical/dental offices; Offices; Personal service establishments; Restaurants; Retail stores; Service and repair establishments; Studios; Video rental establishments; Brewing on Premises Establishment;
- Parking: 77 spaces for the site;

- Floor Slab Elevation (minimum): 243.6 metres (250-year flood elevation).

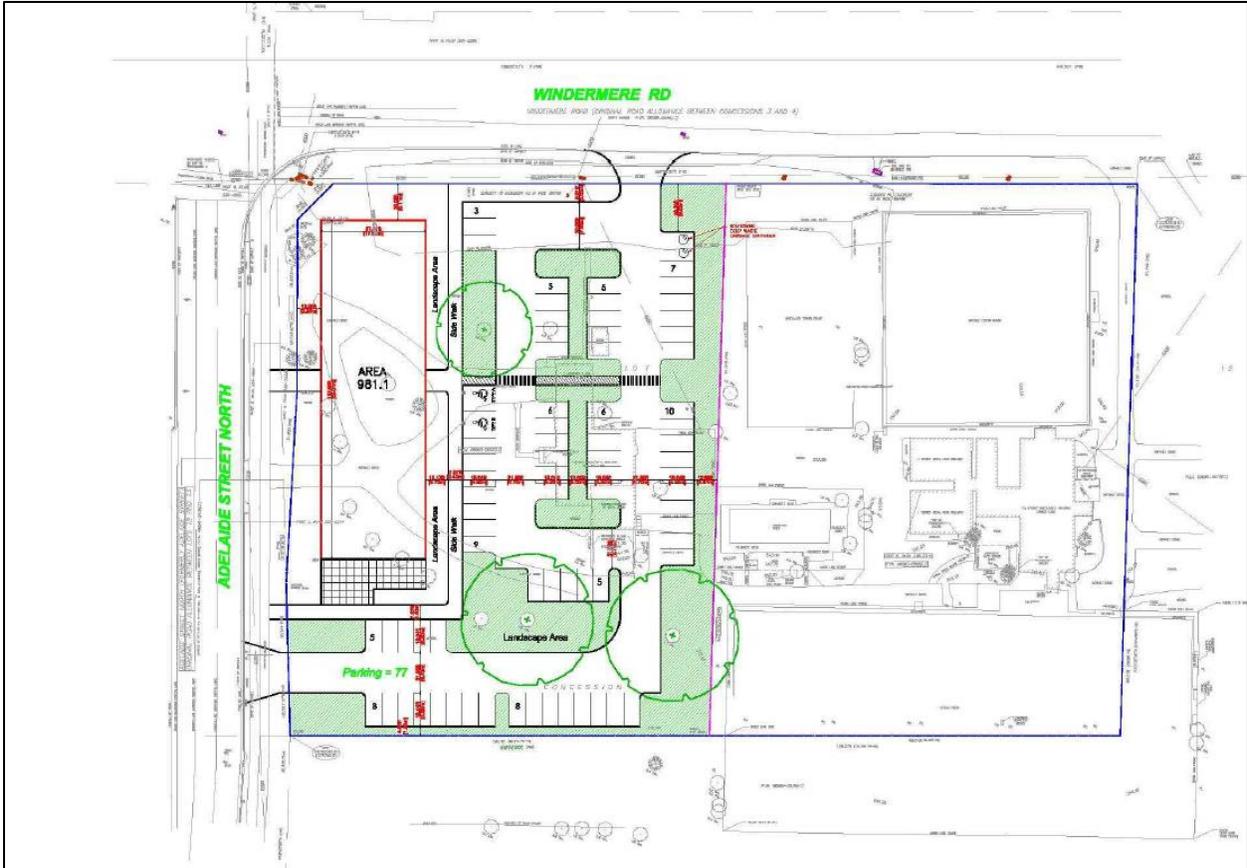


Figure 4 - Site Concept for 1310 Adelaide Street (2016)



Figure 5 - Proposed rendering of development at 1310 Adelaide Street (2016)



Figure 6 - Rendering of development (2016)

2.2 Revised Development Proposal (2023)

In 2020, 2796539 Ontario Inc. (Royal Premier Development) purchased the property from York Developments. A formal revised submission was received in January 2023. The revised development proposal includes the following:

- Land use: commercial plaza
- Form: two, one-storey commercial buildings
- Height: 1 storey (12.0 m)
- Gross floor area: 975.3 square metres
- Building coverage: unknown
- Parking spaces: 48 surface
- Bicycle parking spaces: 6 spaces
- Landscape open space: 60%

As part of the revised application, and as a result of preliminary floodplain modelling which was required, a significant stormwater channel has been added to the site. Over half (52%) of the lot area would consist of a naturalized drainage channel that would surround the new development, between 16m-21m in width and varying in depth. The purpose of the channel would be to direct high-volume flows during extreme storm events (1:250 yr.) to mitigate potential flood impacts from the proposed floodproofing, improve access along Windermere Road, and to re-direct/alleviate stormwater in an efficient manner.

Vehicle and pedestrian access would be provided via two-way accesses and walkways from Adelaide Street North and Windemere Road. Both accesses would be constructed on top of a minimum 4m culvert to allow for stormwater drainage and safe egress. An extension of the Thames Valley Parkway (TVP) would also be constructed as part of this development as required, along 7m of the north property limit to extend the City's pedestrian network of 3m shared use paths through the site.

Due to the proposed construction of the stormwater channel, the previous agreement to dedicate 795 Windermere Road to the City for parkland purposes is no longer being offered. The applicant instead is offering the following:

- The construction of the Thames Valley Parkway (TVP) extension including a 3m shared use path. This path would be located south of Windermere Road and extending between Adelaide Street to the west to the junior ball diamond to the east. The construction of the Parkway is approximately 200m in length.
- Increase in Parkland Dedication from 2% to 7.3% of gross area for the purpose of dedication of land for the extension of the TVP (933 square metres). The portion of the TVP would be contained within a 7m corridor parallel to Windermere Road and acquired as Parkland Dedication (consistent with By-law C.P.9 and the *Planning Act*).
- A portion of the municipal parking lot (approx. 68 spaces) would be removed and remediated to green space, including removal of gravel and replacement with topsoil and landscaping.
- The construction of a new fieldhouse, approximately 67.5 square metres in area to provide public washroom facilities, municipal storage, and changing facilities (detailed building design to be completed at the detailed design stage).
- Re-constructed municipal parking lot (proposed 91 spaces; however based on staff calculations this number would be 62 spaces) for public recreational use and access to the athletic fields. Parking lot re-grading and construction of approximately 2,700 square metres in area, with 0.3m of granular, curb and landscaped islands.
- The mitigation of encroachment of previous development on City or UTRCA-owned lands and the restoration of those encroached lands back to a natural state.

Additional information on the development proposal is provided in Appendix “C”.

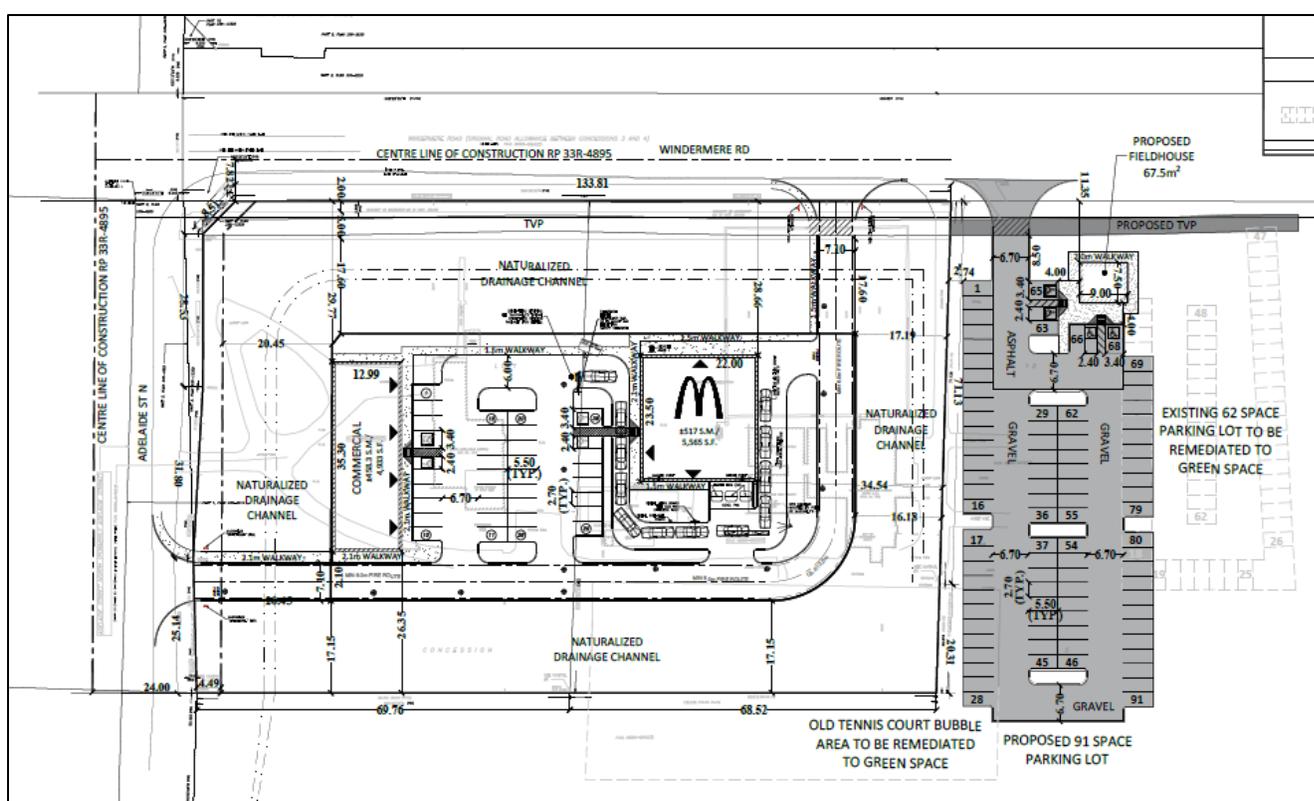


Figure 7 - Conceptual Site Plan (January 2023)



Figure 8 - An aerial rendering of proposed site plan (January 2023)



Figure 9 – Rendering showing proposed restaurant (January 2023)



Figure 10 - A rendering of the subject site looking southwest (January 2023)

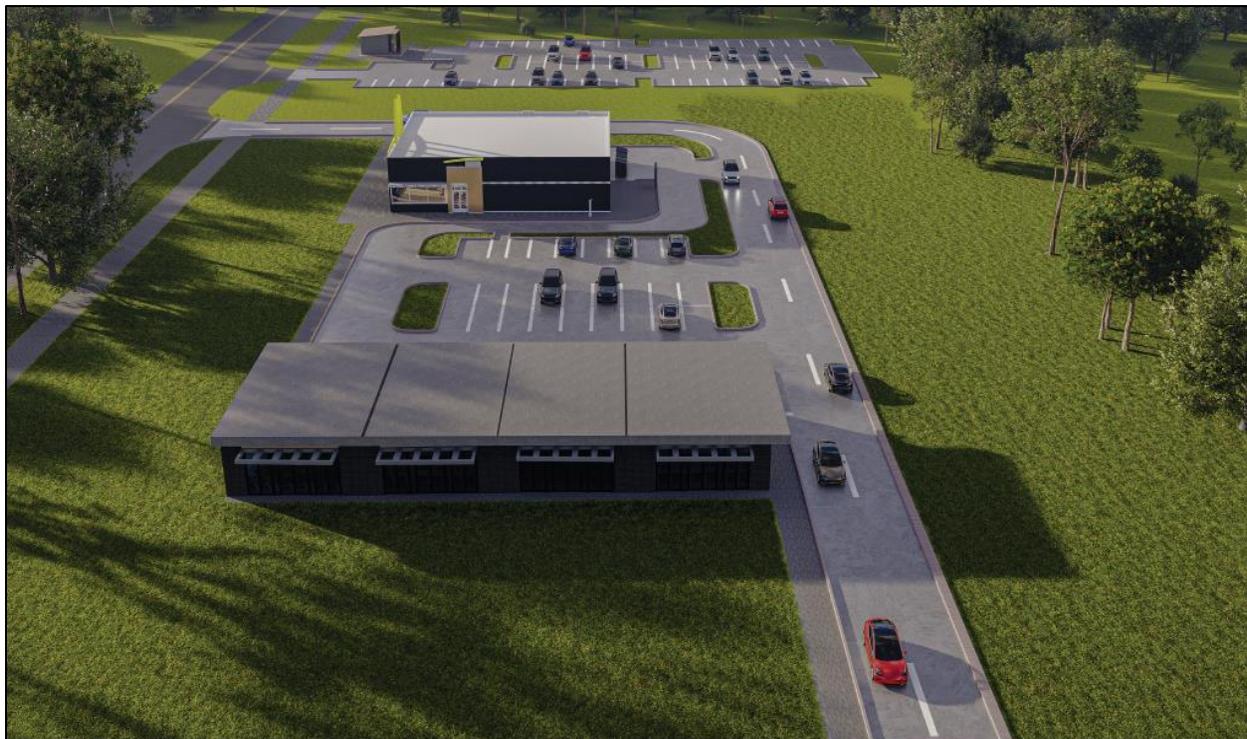


Figure 11 - A rendering of the subject site looking east from Adelaide (January 2023)

2.2 Requested Amendment(s)

The applicant has revised their request to the following:

- An Official Plan amendment to add a site-specific policy to the existing Green Space Place Type to permit the proposed commercial uses, as follows:

1310 ADELAIDE ROAD NORTH AND 795 WINDERMERE ROAD

###_ In the Green Space Place Type applied to the lands located at 1310 Adelaide Road North and 795 Windermere Road, commercial uses may be permitted such as but not limited to, restaurants, retail, or personal service uses with a cumulative gross floor area of 975.5 square metres.

- The applicant has requested an amendment to the Zoning Bylaw Z.-1 to add a new site-specific Open Space Special Provision (OS4(_)) Zone to the site, to recognize a range of commercial and office uses, with additional special

provisions to limit the gross floor area of the site, and the individual commercial uses on site.

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

a) Permitted Uses:

- i) Bake shops
- ii) Convenience store
- iii) Commercial recreation establishment
- iv) Drive-through facility
- v) Financial institutions
- vi) Food stores
- vii) Personal service establishments
- viii) Restaurants
- ix) Retail stores

b) Regulations:

- i) The maximum gross floor area shall be 975.5 square metres.
- ii) The maximum gross floor area for individual uses shall be 520 square metres

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:

1. Servicing & Transportation

- SWM requires details on the drainage channel and conveyance of water – see engineering comments
- Required by SWM prior to advancing zoning amendment
- Access limited on Adelaide St

2. Heritage

- Archaeological Assessment is required prior to development – should consider undertaking study now to avoid a holding provision

3. Zoning

- No support for more intensive uses i.e. restaurant with drive through
- Limited list of additional uses
- Zoning to recognize limited uses in area i.e. Open Space zoning
- Separate zone potentially for drainage channel
- May require special provision for developable land, therefore applicant needs to submit updated zoning data sheet to accurately provide setbacks and coverage
- Parking will be reduced due to limited permitted uses; however, will still require transfer of spaces from City parking lot

4. UTRCA Modeling and Permit

- Update required to modelling, grading etc.
- Justification for intensification of uses/site
- Pre-approval required from UTRCA board of directors prior to zoning by-law amendment. Note: this has not occurred; more details on the process is provided in section 4.6 of this report.

Detailed internal and agency comments are included in Appendix “E” of this report.

2.4 Public Engagement

On February 9, 2023, Notice of Application was sent to OZ-8709 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 February 10, 2023. A “Planning Application” sign was also placed on the site.

There were two 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.

Concerns expressed by the public relate to:

- Health and safety related to flooding
- Will drainage channel impact adjacent sites?
- Impact of a (McDonalds) drive through restaurant
- Better uses for site

Detailed public comments are included in Appendix “F” of this report.

2.5 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework 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 Planning Act specifically contains a provision under Section 34 (subsection 3) which allows municipalities to pass a zoning by-law “For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.”

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

Policy 3.1.1 Directs development outside of areas which are impacted by flooding hazards (b). Further, policy 3.1.2 states that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard (b), or within the floodway, regardless of whether the area of inundation contains high points of land subject to flooding (c).

Policy 3.1.7, however, does permit development and site alteration in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards, vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, new hazards are not created and existing hazards are not aggravated, and no adverse environmental impacts will result.

The London Plan, 2016

The London Plan includes conditions for evaluating the appropriateness of Specific Area Policies where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (TLP 1729-1734).

The following conditions apply when considering a new Specific Area Policy:

1. The proposal meets all other policies of the Plan beyond those that the specific policy identifies.
2. The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.
3. The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area.
4. The proposed use cannot be reasonably altered to conform to the policies of the place type.
5. The proposed policy is in the public interest and represents good planning.

Staff are of the opinion that not all the above conditions have been satisfied. An analysis of the deficiencies is addressed in Section 4.0 of this report.

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

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

3.2 Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Details on the characteristics of the proposed application related to the City's climate action objectives are included in Appendix C of this report.

4.0 Key Issues and Considerations

4.1 Land Use

The Green Space Place Type is made up of a system of public parks and recreational areas, private open spaces, and our most cherished natural areas. It encompasses a linear corridor along the Thames River, which represents the natural heritage and recreational spine of our city. It also encompasses our hazard lands, including our valleylands and ravines, and the floodplains associated with our river system (757_). The Green Space Place Type is comprised of public and private lands, and flood plain lands.

Any development within the Green Space Place Type will reduce the potential for loss of life and damage to property due to flooding by restricting the development of flood plain and hazard lands to an appropriate range of uses (761_6.).

Lands within the Green Space Place Type vary considerably, and the uses that are permitted within these areas will be dependent upon the natural heritage features and

areas contained on the subject lands, the hazards that are present, and the presence of natural resources which are to be protected (762_2.). In the Green Space Place Type, certain activities or uses will not be permitted, or may be permitted only after studies have been undertaken and approved by the City. This policy of the Plan identifies those uses (1388_). Permitted uses may include expansion to existing development and uses provided that it can be demonstrated to the satisfaction of City Council that there will be no negative impacts on natural heritage features and areas or their ecological functions (1389_1.).

The existing zoning (OS4(2)) is one of the most restrictive open space zones and is applied to lands which contain natural hazards and are not considered suitable for development. This zone has been applied to these lands as they are located within the flood plain of the Thames River. Only a very limited range of uses and structures are permitted and must satisfy the regulatory requirements of the Conservation Authority, including but not limited to, access and floodproofing. The existing special provision allows for commercial recreation establishments in existing buildings, in addition to the standard uses permitted in the OS4 Zone. No additional/new built forms are permitted under this zone.

The range of requested additional uses includes the following: bake shops, convenience store, commercial recreation establishment, drive-through facility, financial institutions, food stores, personal service establishments, restaurants, and retail stores.

After the first submission made by Royal Premier Developments, January 2023, staff and the UTRCA provided comments to the applicant on limiting the range of additional permitted uses by removing uses that have the potential to affect groups of vulnerable people such as day cares, and medical/dental offices, and uses which could increase the overall intensity on site such as restaurants and financial institutions with a drive through facility. The requested uses should not result in an increase in intensification from what was previously existing and should not increase the risk to property damage or public safety. These uses are therefore not recommended within the special provisions for this zone.

Staff are therefore recommending a limited range of uses for the site, based on intensity and public safety. Recommended uses include: bake shops, convenience store, commercial recreation establishment, financial institutions, food stores, and retail stores, all without drive through facilities.

Staff are not recommending restaurants, or drive through facilities, for the site.

4.2 Intensity

Within The London Plan, intensity is defined as the concentration of development and use on a site, and is addressed with such measures as height, gross floor area, lot coverage, building floorplate area, residential density in units/ha, number of bedrooms, parking, and floor area ratio (1795_).

The previous uses on the site consisted of a commercial recreation establishment, and a single detached dwelling. The gross floor calculation was based upon 660.3 square metres related to the commercial recreation establishment, and 321.7 square metres related to the single detached dwelling.

This new development, while proposing a gross floor area of 975.5 square metres, now includes a total of five (5) commercial units, resulting in an increase of three (3) units from the existing conditions. As detailed in the UTRCA comments, the former Goodlife operation was smaller than the average Goodlife facility, and would not have had the same level of intensity of use. To compare the existing development to current standards does not provide an accurate description of the intensity of the existing versus proposed use(s). Staff are recommending a reduction in the number of individual commercial uses on the site – from 5 to 4. This reduction will help to lessen the intensity of the proposal by minimizing the amount of units on the site. A reduction to the level of intensity will also serve to ensure less units will be affected by future flooding.

Another measure of intensity relates to hours of operation. Many fast-food restaurants are open 24 hours per day, seven (7) days a week. This would result in a constant and steady flow of traffic to the site including patrons, staff (with overlapping shifts) and delivery trucks bringing supplies to support the day-to-day operations.

Further, the parking requirements for some of the proposed uses greatly exceed those of the existing uses. In comparison, a commercial recreation establishment requires a parking rate of 1 space per 50 square metres. The following uses also require the same parking rate: bake shops, convenience store, financial institutions, food stores, and retail stores. By comparison, a restaurant use requires a parking rate of 1 space per 20 square metres of floor area, and a personal service establishment requires parking at a rate of 1 per 30 square metres, which signifies a greater intensity of use.

Drive through facilities are also considered to be more intense as they have the ability to operate late or even 24 hours and will greatly increase the number of people on a given site. UTRCA has also expressed in their comments that the risk to property damage or public safety is greatly increased with drive through facilities.

The limited range of uses recommended by staff allow for some additional flexibility in uses, while still maintaining the ultimate intent of protecting the floodplain and minimizing public risk and property damage.

4.3 Form

The OS4 and OS5 Zone variations are the most restrictive open space zone variations and are applied to lands that have physical and/or environmental constraints to development. A very limited range of structures is permitted subject to site specific studies. The OS4 Zone variation is intended to be applied to hazard lands; specifically, the floodway, steep slopes and lands that may be subject to erosion as well as landfills and contaminated sites.

Any development within the OS4 Zone is regulated pursuant to the Conservation Authorities Act. The variation is intended to provide for development of low impact recreational facilities that do not normally include structures or buildings and require locations within or adjacent to the floodplain. Buildings may require floodproofing, dry and safe access, etc. if located in flood fringe areas, subject to the Conservation Authorities Act.

The proposed building form includes two buildings, with five commercial units, for a total of 975.5 square metres of gross floor area.

While a number of improvements have been proposed to the site and future structures with respect to floodproofing, the flood risk has not been removed as has been suggested by the consultant. Rather, the flood risk has been addressed or reduced. These lands are subject to frequent flooding and have been predicted to require evacuation within approximately a five (5) year cycle. The most recent flood event occurred in 2018, closing down Windermere Road and flooding surrounding buildings and facilities. Due to the frequency of flooding events in this area, Adelaide Street North underwent improvements during its reconstruction to raise the road; however, it will also be subject to floodwaters during a regulatory storm, which has been experienced within the last 100 years.

The UTRCA contains policies on replacement structures in the flood plain. These policies are meant to limit risk to public health and safety, and minimize overall property damage, while still recognizing and permitting legacy uses. The City and UTRCA staff have been flexible in working with the landowner to ensure that the proposed redevelopment/replacement structure(s) are consistent with the UTRCA policy and will ultimately be safe for patrons and staff. Based on the information submitted to date, the 2D flood modelling is generally acceptable, however certain concerns related to use, intensity and form are still outstanding (such as number of buildings, number of uses,

and range of possible uses). The applicant is also required to attend the UTRCA's hearings committee which may identify further conditions for a Section 28 permit. It is also possible that the hearings committee may not support this development.

4.4 Specific Area Policies

Policies for Specific Areas may be applied where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (1729_). The adoption of policies for Specific Areas may be considered in limited circumstances where the following conditions apply:

The proposal meets all other policies of the Plan beyond those that the specific policy identifies.

- The proposed range of uses and limit on gross floor area will generally ensure that the site continues to be recognized as an area prone to flooding, while also recognizing previous development on site, and expanding on those uses to allow greater flexibility for future development.

The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.

- The special policy will recognize the underlying Green Space Place Type and not permit additional uses as a result.

The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area.

- On the north side of Windermere Road there exists a large commercial recreation establishment and restaurant within an existing structure. A process exists with the UTRCA to determine acceptable redevelopment and replacement structures within the floodway. It is possible that with the approval of this development, the lands on the north side would also seek to redevelop their existing lands, but those lands would be subject to a review that is site-specific to that development proposal.

The proposed use cannot be reasonably altered to conform to the policies of the place type.

- The special policy will recognize the principle of development that exists on the site. The complete removal of all development rights is not possible, therefore the special policy will allow for some additional flexibility.

The proposed policy is in the public interest and represents good planning.

- The proposed development can sufficiently accommodate additional development while minimizing the risk to property damage and public safety.

4.5 Parkland Dedication and Public Benefits, and Public Acquisition

Parkland Dedication

Through discussions in 2016 with the previous landowner, the UTRCA and City agreed that new any new proposal on the subject site could develop up to a maximum of 985 square metres of gross floor area, with 9 parking spaces, in recognition of the previous use on the site. The balance of the lands (known municipally as 795 Windermere Road) were to be dedicated to the City as parkland. In exchange, the City would agree to "transfer" the use of 68 parking spaces within the east parking lot for the new development. The previous area containing the 68 spaces would be restored to open space by the developer. The informal west parking lot, which contains 42 spaces, was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the development site and on the City lands. Of those spaces, 77 in total (68 on City lands and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s).

Since that time, the new owners have proposed the following:

- 795 Windermere Road will no longer be dedicated to the City. Instead, the lands are needed for development, and for the ultimate drainage channel proposed.
- The Applicant now requires 39 parking spaces to be “transferred” from the city parking lot to this development. In exchange, the developer will improve the parking area for the remaining 91 parking spaces.
- The Applicant is offering to design and construct a new fieldhouse/public washroom facility on the public lands.
- The abutting City parking lot would be reduced from 139 spaces to 91 spaces.

However, based on staff’s recommendation and range of permitted uses, there is no longer a need for transferring the 68 parking spaces from the City’s lot for this proposed development. In order to meet the parking rate of 1 per 30 square metres, a transference of 24 parking spaces from the City lot to this development is required. Therefore, the City can retain 86 parking spaces in public use.

Additional items required to be provided as a result of this development include the following:

- As parkland dedication has not been collected for the subject lands, the applicant is required to provide 2% of the land or cash-in-lieu, at the time of site plan.
- Parks staff may require the dedication of a 7.0 metre wide corridor along the length of the Windermere Road frontage to accommodate the future Thames Valley Parkway multi-use pathway.
- The use of existing City of London parking spaces from the Stoneybrook Recreation Field lands to be counted toward required parking for the proposed development may be considered provided that the following public benefits be provided by the applicant:
 - Removal of the gravel parking lot (eastern) and any other former Goodlife facilities from the Stoneybrook Recreation Field lands and the restoration of all disturbed areas to the City of London Park Standards.
 - All remaining parking spaces not required for the proposed development on the eastern parking lot be consolidated with the existing parking spaces in the western parking lot on the Stoneybrook Recreation Field lands. Upgrades to the western parking lot are to be determined through the Site Plan Approval process and completed to the satisfaction of Parks Long Range Planning & Design.
 - Provision of a minimum 67 square metres fieldhouse be constructed on the Stoneybrook Recreation Field lands in a location acceptable to the City and to current City Standards including all UTRCA required flood mitigation measures.

It should be noted that Parks has indicated that should the parking “transfer” for the development no longer be required (and the development can function with 9 parking spaces), the City would not require the parking lot improvements nor the field house. Parks Planning staff have indicated that any redevelopment of the site would either require the dedication of land towards the Thames Valley Parkway, or cash-in-lieu.

Public Acquisition

As specified in policy 773_, if a proposal is made to develop privately owned lands within the Green Space Place Type for uses other than those permitted in the Green

Space Place Type, as per the London Plan, City Council will assess the potential for acquiring the property as public lands on the basis of the following criteria:

The adequacy of the existing supply of public green space in the surrounding area.

- The subject lands are surrounded by lands in public ownership, either through the City of London, or the UTRCA. These lands are currently utilized for a variety of public uses such as soccer fields, baseball diamonds, dog park, regular park, and pathways. However, there is a large tract of land located just north of the subject site (currently a restaurant and a commercial recreation establishment) and a single detached dwelling on the northwest corner of Adelaide and Windermere that remain in private ownership.

The potential impact of the proposed new use or change in existing use on surrounding lands, particularly lands which are expected to remain within the Green Space Place Type.

- The proposed uses will add intensity and will have some additional impacts on adjacent lands. The proposed use will result in impacts to the City parking lots associated with the soccer fields and baseball diamonds resulting in a reduction in parking provided to those uses. Additional benefits however will be provided through the addition to the Thames Valley Parkway, the redevelopment of the City's parking lot, and the construction of a fieldhouse.

The location of the subject lands in relation to flood plain lands.

- The proposed use is directly within the floodplain of the Thames River.

The location of the subject lands in relation to natural heritage features and areas that are within the Green Space Place Type.

- The proposed use is not within close proximity to a significant natural heritage feature (such as a wetland, or a significant woodland).

The presence of natural or desirable features or ecological functions within the subject land.

- There are no natural or desirable features associated with these sites.

The cultural importance of the subject land or its features, whether locally or city-wide.

- There is no cultural importance related to the subject lands.

Overall, the lands would be preferable within city ownership, however, an agreement cannot be reached with the current owner.

4.6 2D Flood Modelling and UTRCA Section 28 Permit

Extensive 2D flood modelling has been provided by the applicant to the UTRCA in support of the proposed development. The UTRCA has provided comments to indicate that the preliminary flood modelling is acceptable at this time. The revised flood modelling however, has recommended that a large floodproofing area be included in any development. This has then changed the nature of the original application (York), which was to convert a whole property (795 Windermere Road) to open space and add area prone to flooding to the City.

The UTRCA has indicated they can support a modified range of uses, to establish the principle of development through the planning process, given the previous use and the UTRCA's replacement structure policies. However, should Council approve the *Planning Act application*, a decision from the UTRCA's Hearing Committee on the Section 28 permit application under the Conservation Authorities Act is still required to address the outstanding comments identified. Should Council modify staff's recommendation, there is the potential that the UTRCA's Hearings Committee will not be able to approve additional uses at this location.

Conclusion

Overall, the recommended specific area policy and Open Space Zone will recognize the

sites longstanding history of a commercial use and allows some expansion to provide flexibility for future redevelopment. The staff recommendation meets the general intent of the PPS and The London Plan. Further permission from the UTRCA will be required to allow for redevelopment.

Prepared by: Nancy Pasato, MCIP, RPP
Manager, Planning Policy (Research)

Reviewed by: Mike Corby, MCIP, RPP
Manager, 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 – Official Plan Amendment

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

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

A by-law to amend the Official Plan, The London Plan for the City of London, 2016 relating to 1310 Adelaide Street North and 795 Windermere Road.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan, The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on February 13, 2024.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

AMENDMENT NO.
to the
OFFICIAL PLAN, THE LONDON PLAN, FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to the Specific Policies for the Green Space Place Type and add the subject lands to Map 7 – Specific Policy Areas - of the City of London to permit a range of commercial uses, subject to the policies for Green Space contained in this Plan.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1310 Adelaide Street North and 795 Windermere Road in the City of London.

C. BASIS OF THE AMENDMENT

The site-specific amendment would allow for a commercial development with a limited range of commercial and office uses to a maximum of 976 square metres. Parking for the uses would be required at a rate of 1 per 30 square metres. Additional parking (24 spaces) will be provided through the transferring of parking from the adjacent City of London parking lot. On-site flood control measures are required as part of the development. The recommended amendment is consistent with the *Provincial Policy Statement, 2020 (PPS)*, which permits development and site alteration in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards, vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, new hazards are not created and existing hazards are not aggravated, and no adverse environmental impacts will result. The recommended amendment conforms to *The London Plan*, including but not limited to the Policies for Specific Areas, and the Green Space Place Type policies. The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of *The London Plan*, including, but not limited to Specific Area Policies (Map 7), the Green Space Place Type, the Our Tools, and all other applicable policies in *The London Plan*. The recommended amendment will establish a principle of development for a site by allowing some additional development opportunity, while ensuring protection of public safety and minimizing property damage.

D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Specific Policies for the Green Space Place Type of Official Plan, The London Plan, for the City of London is amended by adding the following:

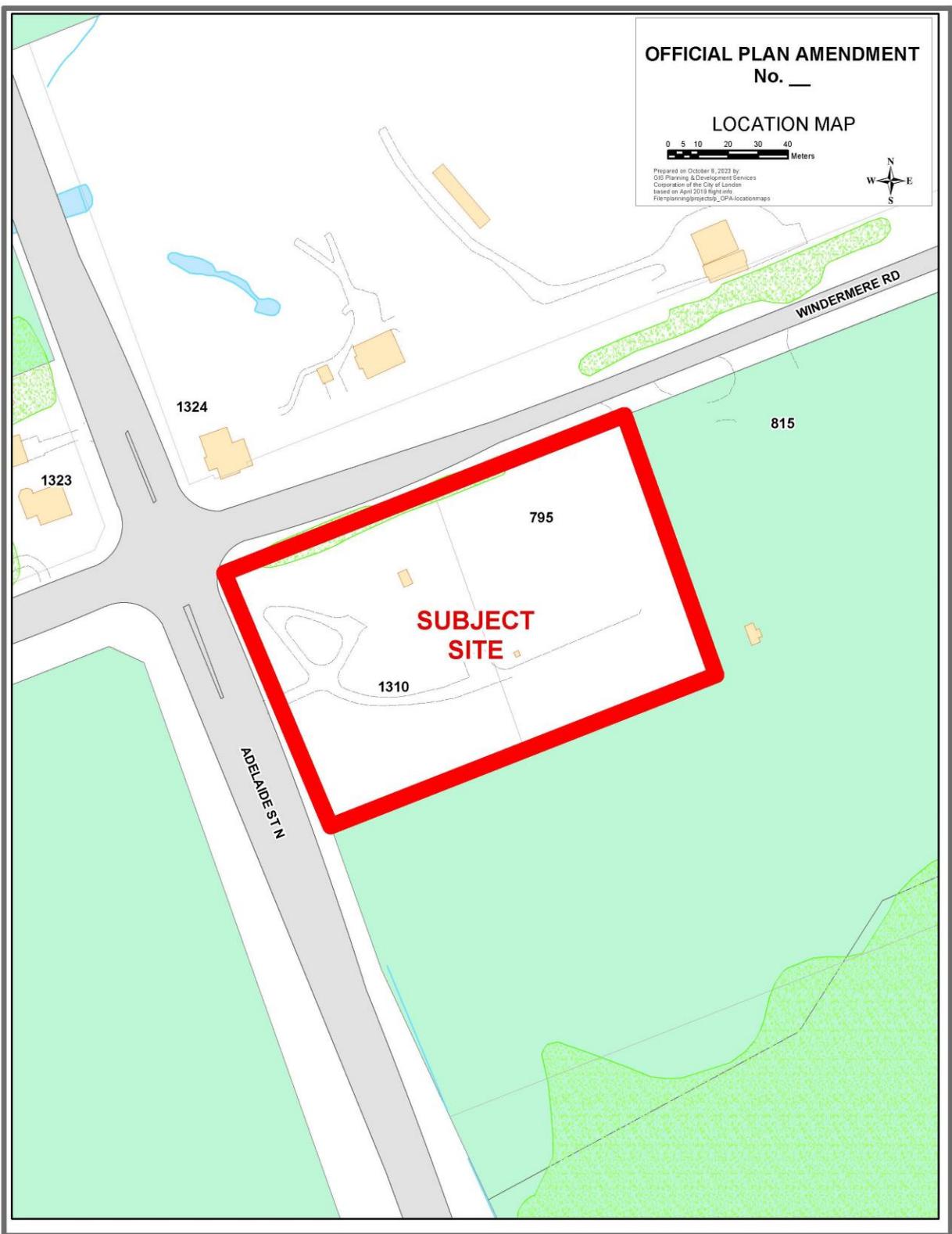
() 1310 Adelaide Street North and 795 Windermere Road

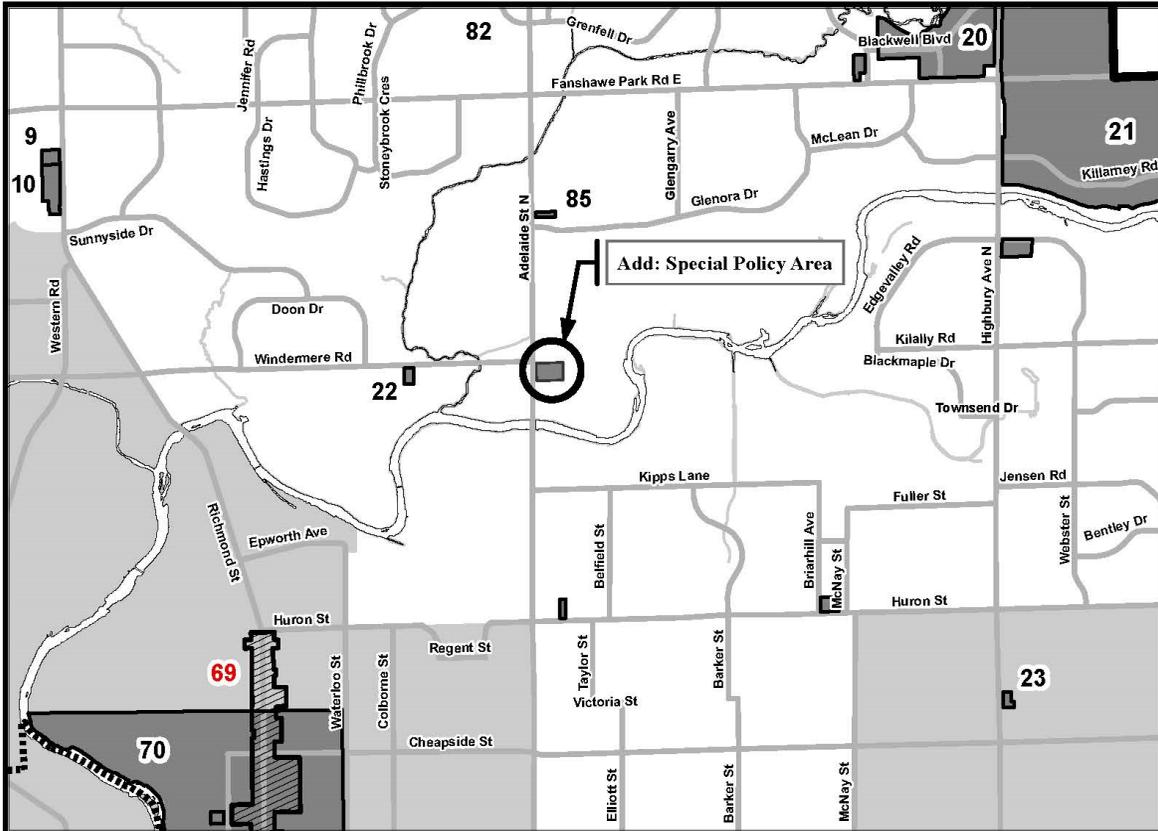
In the Green Space Place Type located at 1310 Adelaide Street North and 795 Windermere Road, additional commercial uses such as bake shops, convenience stores, commercial recreation establishment, financial institutions, food stores, and personal service establishments are permitted.

2. Map 7 - Specific Policy Areas, to the Official Plan, The London Plan, for the City of London Planning Area is amended by adding a Specific Policy Area for the lands located at 1310 Adelaide Street North and 795 Windermere Road in the City of London, as indicated on “Schedule 1”

attached hereto.

“Schedule 1”





LEGEND

-  Specific Policies
-  Rapid Transit and Urban Corridor Specific-Segment Policies
-  Near Campus Neighbourhood
-  Secondary Plans

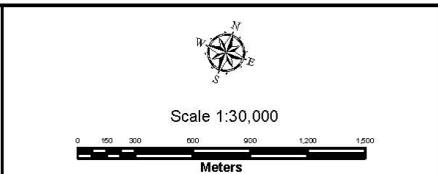
BASE MAP FEATURES

-  Streets (See Map 3)
-  Railways
-  Urban Growth Boundary
-  Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

SCHEDULE #
TO
OFFICIAL AMENDMENT NO. _____

PREPARED BY: Planning & Development



FILE NUMBER: OZ-8709
PLANNER: NP
TECHNICIAN: JI
DATE: 12/19/2023

Appendix B – 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 1310 Adelaide Street North and 795 Windermere Road.

WHEREAS Royal Premier Development has applied to rezone an area of land located at 1310 Adelaide Street North and 795 Windermere Road, as shown on the map attached to this by-law, as set out below;

WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1310 Adelaide Street North and 795 Windermere Road, as shown on the attached map comprising part of Key Map No. A103, **FROM** an Open Space Special Provision (OS4(2)) Zone **TO** a Holding Open Space Special Provision (h-18*OS4(_)) Zone.
2. Section Number 36.4 of the Open Space Zone is amended by adding the following Special Provisions:

OS4 () 1310 Adelaide Street North and 795 Windermere Road

a. Permitted Uses

- i. Bake shops
- ii. Convenience store
- iii. Commercial recreation establishment
- iv. Financial institutions
- v. Food stores
- vi. Personal service establishments
- vii. Retail stores

b. Regulations

- | | |
|----------------------------------|---|
| i. Gross floor area
(Maximum) | 976 square metres
(10,505.6 square feet) |
| ii. Parking
(Maximum) | 33 spaces |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

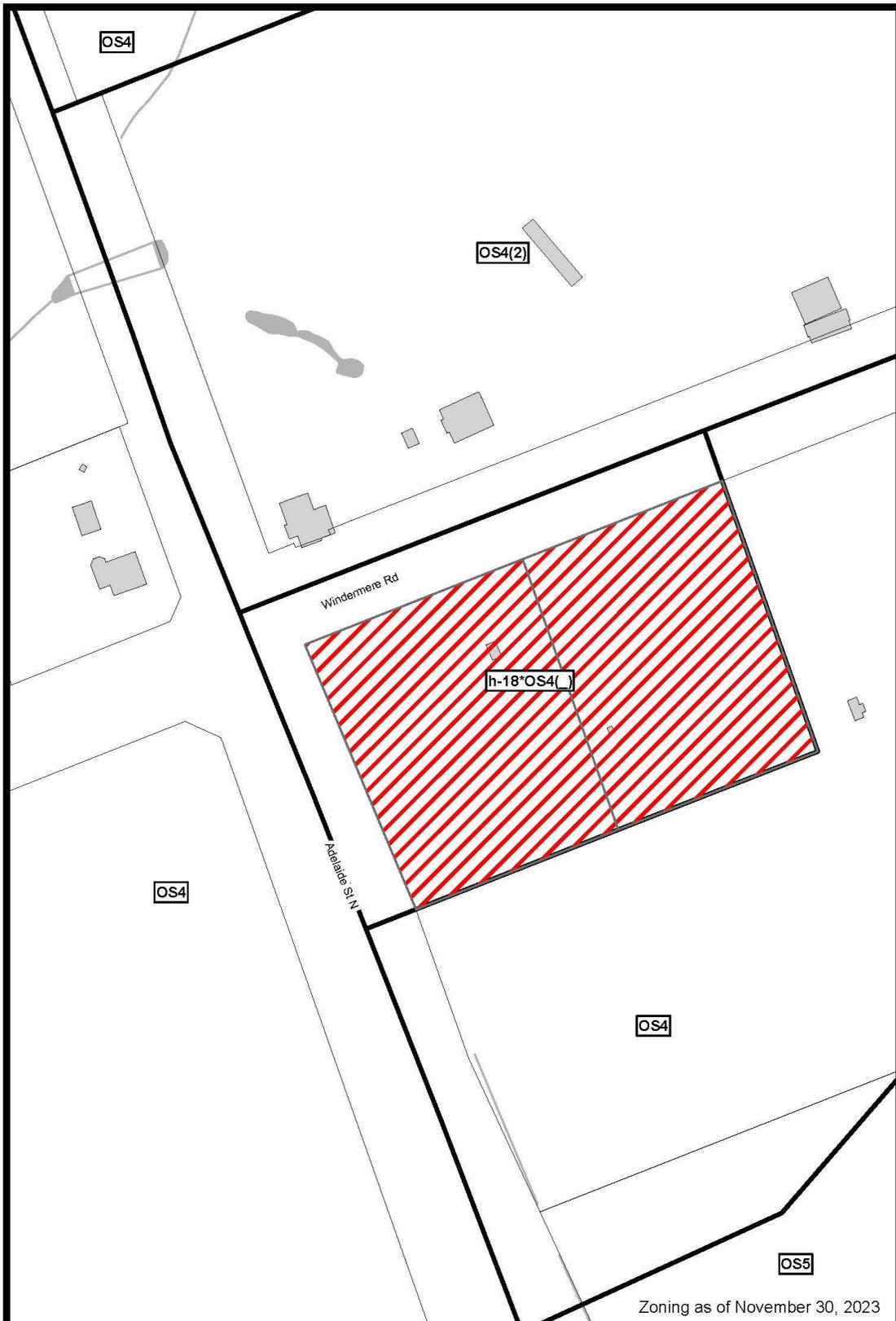
PASSED in Open Council on February 13, 2024.

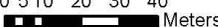
Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – February 13, 2024
Second Reading – February 13, 2024
Third Reading – February 13, 2024

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



<p>File Number: OZ-8709 Planner: NP Date Prepared: 2023/12/19 Technician: JI By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:1,500</p> <p>0 5 10 20 30 40  Meters</p> <p></p>
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Geodatabase

Appendix C - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Vacant
Frontage	91.4 m (300.0 feet) (Adelaide Street North)
Depth	143.0 m (469.2 ft)
Area	1.29 ha (3.18 ac)
Shape	regular (rectangle)
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	restaurant/commercial recreation (mini-golf, driving range)
East	open space, sports fields
South	open space, sports fields
West	open space, sports fields

Proximity to Nearest Amenities

Major Intersection	Adelaide Street North/Windermere Road (0 m)
Dedicated cycling infrastructure	Adelaide Street North, Thames Valley Parkway (267 m)
London Transit stop	545 m (at Kipps Lane)
Public open space	Stoneybrook Recreation Field (0 m)

B. Planning Information and Request

Current Planning Information

Current Place Type	Green Space Place Type on a Civic Boulevard (Adelaide Street North) and a Neighbourhood Street (Windermere Road)
Current Special Policies	Map 6 – Significant Groundwater Recharge, Regulatory Flood Line, Riverine Hazard Erosion Limit for Confined Systems, Highly Vulnerable Aquifers, Conservation Authority Regulated Area
Current Zoning	Open Space Special Provision (OS4(2)) Zone

Requested Designation and Zone

Requested Place Type	n/a
Requested Special Policies	Specific Area Policy within the Green Space Place Type
Requested Zoning	Open Space Special Provision (OS4(_)) Zone

Requested Special Provisions

Regulation (Zone)	Required	Proposed
Maximum gross floor area	n/a	975.5 square metres
Maximum gross floor area for individual uses	n/a	520 square metres

C. Development Proposal Summary

Development Overview

The purpose and effect of the recommended action is to approve a commercial development with a limited range of commercial to a maximum of 976 square metres. Parking for the uses would be required at a rate of 1 per 30 square metres. The additional parking needed for this development (33 spaces total) will be provided through the adjacent City of London parking lot (24 spaces). The development will also include the dedication of a 7 metre wide corridor along the length of the Windermere Road frontage to accommodate the future Thames Valley Parkway multi-use pathway, the reconfiguration of the City's parking area, and the construction of a fieldhouse on adjacent lands.

Proposal Statistics

Land use	Commercial
Form	1 storey commercial, 2 buildings
Height	1 Storey (8 metres)
Gross floor area	975.5 square metres
Building coverage	8%
Landscape open space	60%
Functional amenity space	n/a
New use being added to the local community	Yes

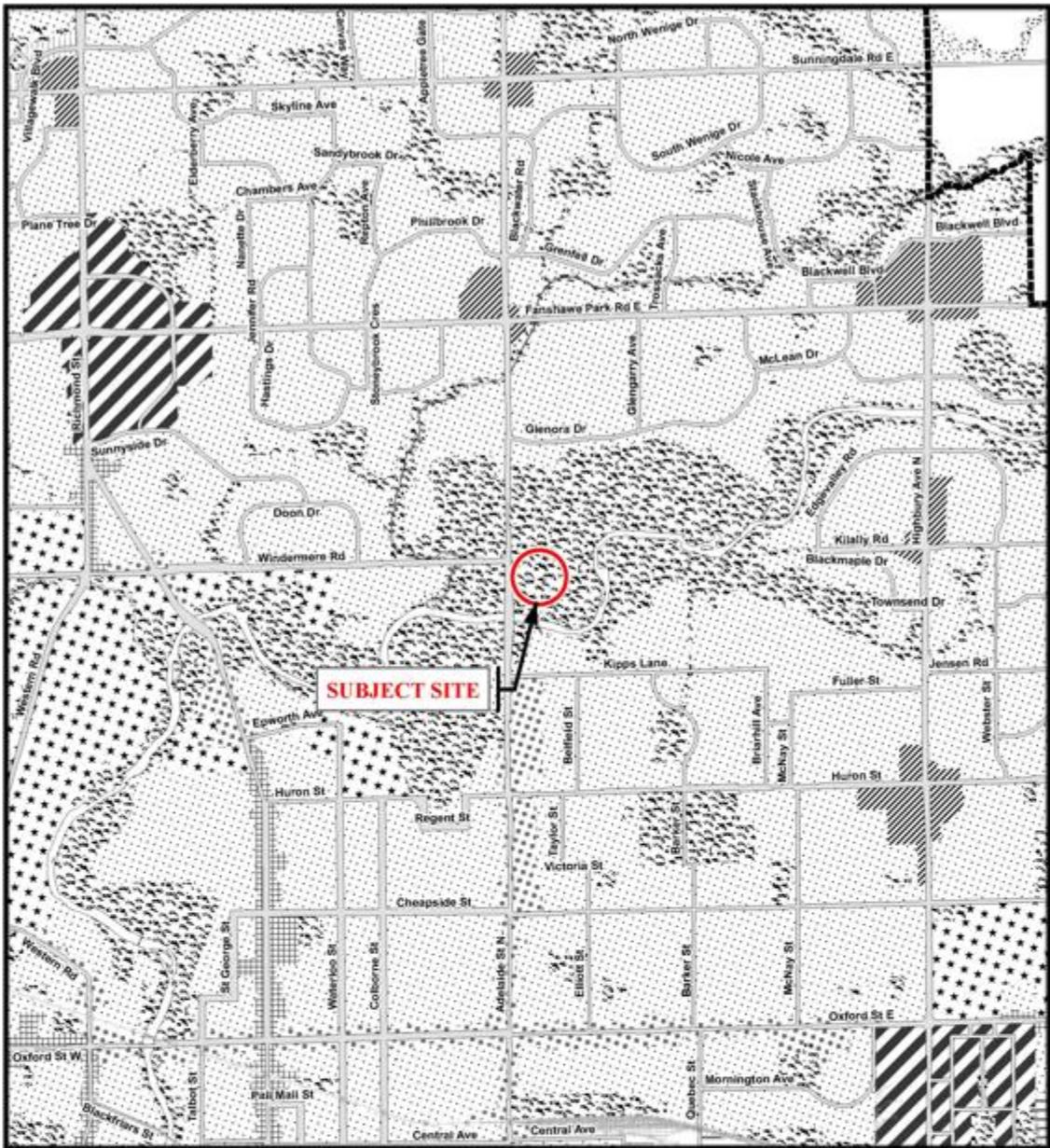
Mobility

Parking spaces	48 surface parking spaces
Vehicle parking ratio	1 per 20 square metres
New electric vehicles charging stations	Unknown
Secured bike parking spaces	6
Secured bike parking ratio	Tier 1 bike parking is: 3 + 0.3/100 square metres gross floor area
Completes gaps in the public sidewalk	Yes
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	Yes

Environmental Impact

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

Appendix D – Additional Plans and Drawings

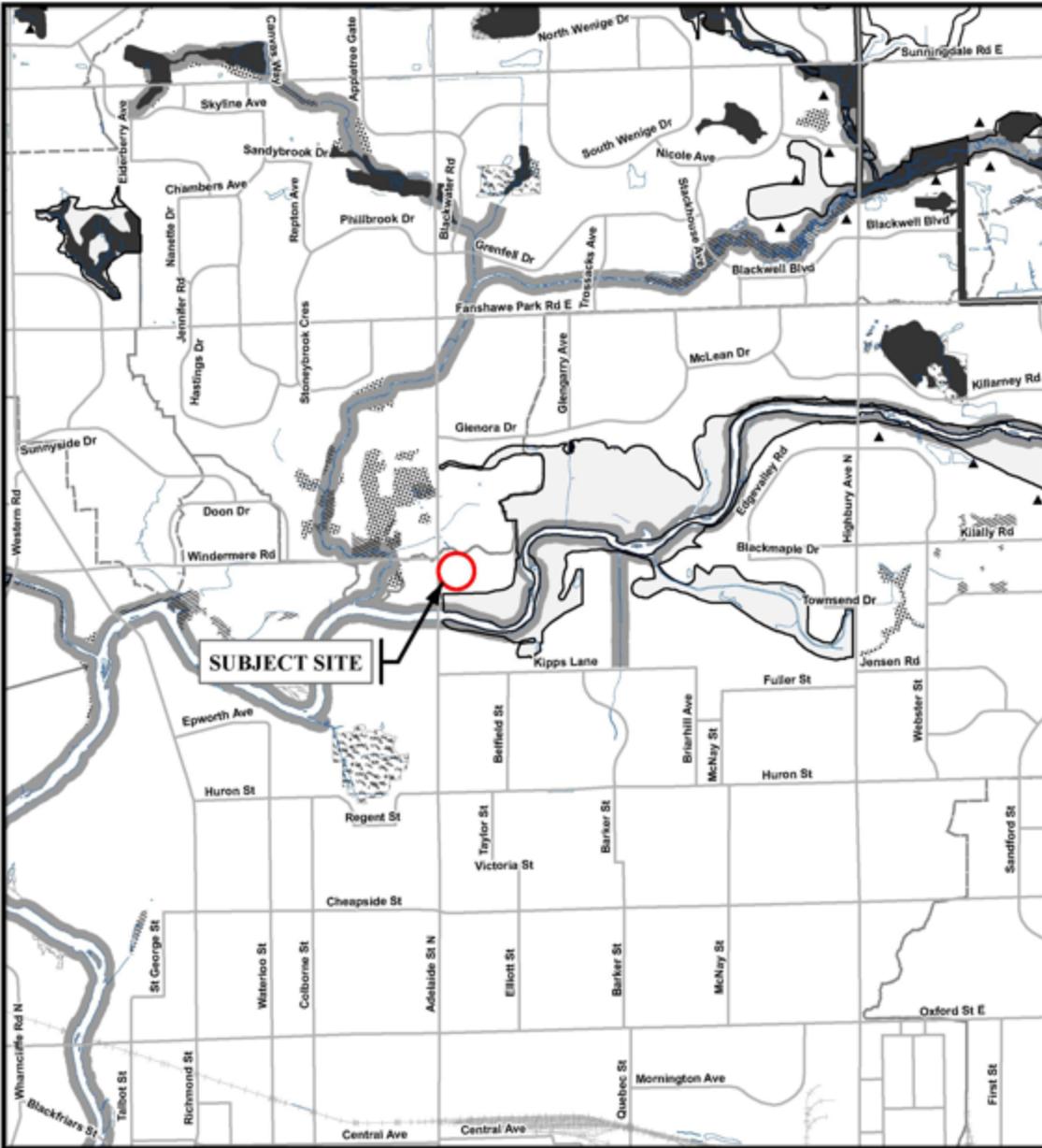


Legend

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.

<p>CITY OF LONDON Official Plan</p> <p>LONDON PLAN MAP 1 - PLACE TYPES -</p> <p>PREPARED BY: Planning & Development</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>File Number: OZ-8709</p> <p>Planner: NP</p> <p>Technician: JI</p> <p>Date: 2023/6/2</p>
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NATURAL HERITAGE SYSTEM

- Provincially Significant Wetlands
- Wetlands
- Unevaluated Wetlands
- Significant Woodlands
- Woodlands
- Significant Valley Lands
- Valley Lands
- Areas of Natural and Scientific Interest
- Environmentally Significant Areas (ESA)
- Potential ESAs
- Upland Corridors
- Potential Naturalization Areas
- Unevaluated Vegetation Patches

Base Map Features

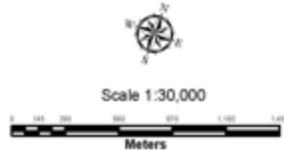
- Railways
- Water Courses/Ponds
- Streets (see Map 3)
- Conservation Authority Boundary
- Subwatershed Boundary
- Subject to Site Specific Appeals (LPAT Appeal PL170100)

This is an excerpt from Planning & Development's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.

CITY OF LONDON
Official Plan

LONDON PLAN MAP 5
- NATURAL HERITAGE -

PREPARED BY: Planning & Development

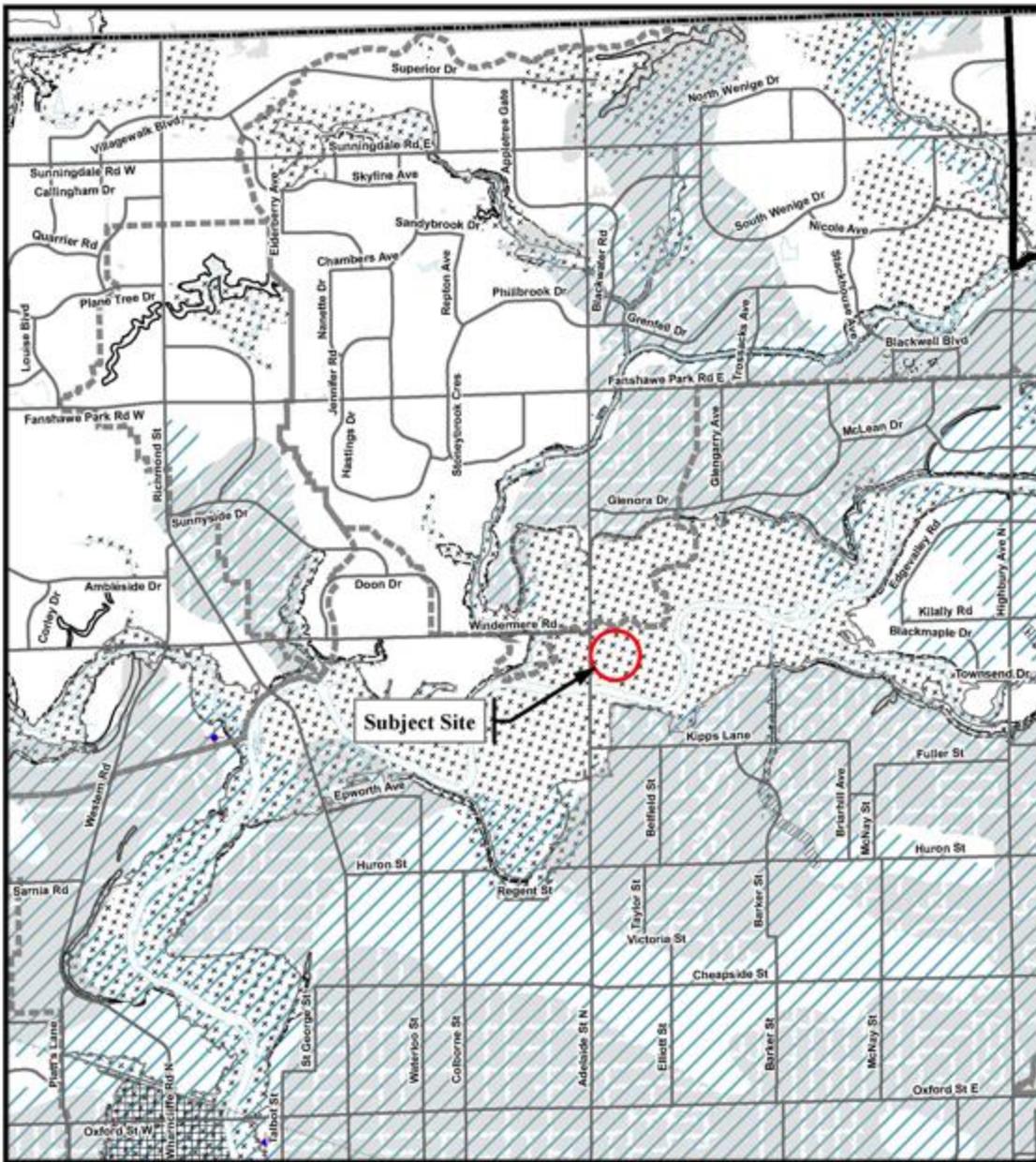


File Number: OZ-8709

Planner: NP

Technician: JI

Date: 8/2/2023



HAZARDS

- Regulatory Flood Line
NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.
NOTE 2: Flood Fringe mapping for certain areas of the City is available from the Upper Thames Conservation Authority.
- Special Policy Areas
- Potential Special Policy Areas
- Riverine Erosion Hazard Limit for Confined Systems
NOTE: Steep Slopes Outside the Riverine Erosion Hazard Limit on the map are approximate. Precise delineation is available from the Conservation Authority having jurisdiction.
- Riverine Erosion Hazard Limit for Unconfined Systems
- Maximum Hazard Line

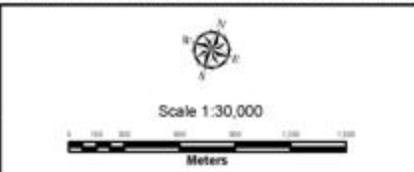
- Conservation Authority Regulation Limit
- Abandoned Oil/Gas Wells
- NATURAL RESOURCES**
- Aggregate Resource Areas
- Extractive Industrial Areas
- Wellhead Protection Area
- Emergency Municipal Water Wells
- Significant Groundwater Recharge Areas
- Highly Vulnerable Aquifers

BASE MAP FEATURES

- Streets (see Map 3)
- Railways
- Urban Growth Boundary
- Water Courses/Ponds
- Conservation Authority Boundary
- Subwatershed Boundary

This is an excerpt from Planning & Development's working consolidation of Map 6 - Hazards and Natural Resources of the London Plan, with added notations.

CITY OF LONDON
Official Plan
 LONDON PLAN MAP 6
 - NATURAL HAZARDS AND NATURAL RESOURCES -
 PREPARED BY: Planning & Development



FILE NUMBER: OZ-8709
PLANNER: NP
TECHNICIAN: JL
DATE: 8/2/2023



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OS4(2)

1) LEGEND FOR ZONING BY-LAW Z-1

- | | |
|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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**



FILE NO:

OZ-8709

NP

MAP PREPARED:

2023/08/02

JI

1:2,111

0 10 20 40 60 80
Meters

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

Appendix E – Internal and Agency Comments

Urban Design – February 17, 2023

Urban Design is generally supportive of the use and intensity of the proposed development on the subject site and would have the following directions to Site Plan Authority:

1. Ensure there is a network of walkways between the parking areas, building entrances, the public sidewalk on Adelaide St N and the Thames Valley Parkway along Windemere Rd to allow for safe and convenient pedestrian connectivity throughout the site and support transit usage. Refer to the London Plan, Policy 255 & 879_2.c.
2. Provide a store-front design for the proposed buildings along the street frontages. This should include a higher proportion of vision glass and signage on the facades visible from the public streets and the provision for canopies and lighting to frame the primary entrances. Refer to the London Plan, Policy 289.
 - Consider providing amenities, such as landscaping, street furniture, and patios on the site to attract pedestrian activity to the front of these buildings facing the public streets. Refer to the London Plan, Policy 879_4.
3. The design of the site should have regard for any significant mature trees located on the site, particularly along the Windemere Rd and Adelaide St N. Refer to the London Plan, Policy 879_8.

Landscape Architect – February 21, 2023

I don't see any conflicts with boundary or offsite trees that would be impacted by the development. The only thing that could require an atypical setback would be if an endangered species was identified on site. A butternut needs a 50m setback unless it is sick or dead [would need to be assessed]. In light of this a TPP should be completed at ZBA.

A tree preservation plan will be required to develop the site at 1310 Adelaide St N/795 Windemere Rd to

- Identify City Owned trees and shrubs that require consent to injure or remove. The approvals required for city tree removals can be coordinated during Site Plan Application.
- Identify rare or endangered species that are protected by the province's Endangered Species Act, 2007, S.O., C.6. If a butternut tree is identified within the site, a Butternut Health Assessment (BHA) must be completed, and an accompanying report submitted to the MNRF to ensure that development and site alteration within **50m of the tree** can occur in accordance with Endangered Species Act requirements. The BHA should be completed during the leaf-on season by a Certified Butternut Health Assessor, accredited by the MNRF.
- Determine total dbh proposed for removal to determine tree replacement. London Plan Policy 399 requires 1 tree for every cm dbh removed. Tree replacement and application of LP Policy 399, will be determined during Site Plan Application.

The tree preservation plan and tree protection measures must be completed in accordance with City of London Design Specifications and Requirements Manual, Chapter 12 Tree Planting and Protection Guidelines Section 12.2.2 <https://www.roadauthority.com/Standards>

London Hydro – March 2, 2023

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.

Environmental Stewardship and Action Community Advisory Committee – March 8, 2023

Item 5.1 on March 1 ESACAC agenda

<https://london.ca/business-development/planning-development-applications/planning-application/s/1310-adelaide-street>

Applicant: Royal Premier Development

What is Proposed? Official Plan and Zoning amendments to allow:

- two commercial buildings with a combined total of 975.3 square metres, with 48 parking spaces
 - a naturalized drainage channel for flood control on a portion of the site
1. This site plan includes two parking lots and drive-thru, infrastructure that is designed specifically for automobiles. Is this design consistent with the Climate Emergency Action Plan and the City's objective to reduce auto-dependence?
 2. Is the ratio of parking spaces proportional to the development that is being proposed? Given the low density of the surrounding area and the size of commercial space, it is unclear what justification exists for building a second parking lot that is not connected to the commercial area.
 3. Will the bathroom shown in the rendering be open to the public and serviced by the City?
This amenity could be useful for the surrounding recreational features (e.g., Kilally Meadows ESA, athletic fields). It would be ideal if the bathroom could be designed to accommodate wheelchair users.
 4. This is floodplain area and LID design should be incorporated. Site plan should be in line with Stormwater Design Specifications Requirements Manual – i.e., infiltration first. Recommend using permeable pavement.
 5. Plans appear to show that a McDonalds fast food restaurant is going to be included in the development. What tools does the City have to help limit the amount of litter from the business that enters the watercourse nearby? (e.g., installing more garbage receptacles, signage about fines for littering)
 6. Will there be any outdoor seating areas?
 7. There are mature trees present at the site ([see here](#)). What proportion of the trees will be retained?

Parks Planning – March 10, 2023

Parks Long Range Planning and Design staff have reviewed the submitted notice of application and offer the following comments:

- Parkland dedication has not been collected for the subject lands. Consistent with the regulations of the Ontario Planning Act, the applicant shall provide 2% of the land or cash-in-lieu. Parkland dedication will be provided at the time of site plan approval.
- The dedication of a 7metre wide corridor along the length of the Windermere Road frontage to accommodate the future Thames Valley Parkway multi-use pathway.
- The use of existing City of London parking spaces from the Stoneybrook Recreation Field lands toward required parking for the proposed development may be considered provided that the following public benefits be provided by the applicant to the satisfaction of and at no cost to the City:
 - Removal of the gravel parking lot (eastern) and any other former Goodlife facilities from the Stoneybrook Recreation Field lands and the restoration of all disturbed areas to the City of London Park Standards.

- All remaining parking spaces not required for the proposed development on the eastern parking lot be consolidated with the existing parking spaces in the western parking lot on the Stoneybrook Recreation Field lands. Upgrades to the western parking lot are to be determined through the Site Plan Approval process and completed to the satisfaction of Parks Long Range Planning & Design.
- Provision of a minimum 67m² fieldhouse be constructed on the Stoneybrook Recreation Field lands in a location acceptable to the City and to current City Standards including all UTRCA required flood mitigation measures.
- Required parking will be determined subject to approval of the use of the subject lands. If any development on the subject lands is approved that does not require the allocation of existing parking spaces from the Stoneybrook Recreation Field lands to meet minimum requirements, the City would not require the above proposed improvements. Future improvements as needed in the Stoneybrook Recreation Field would be provided in conformity with the Parks and Recreation Master Plan.

Engineering – March 10, 2023

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned pre-application:

Items for a Complete Application:

- It is anticipated that onsite detention/storage will be required to meet the quantity requirements detailed above (pre to post). The consultant is to provide a preliminary servicing brief, quantifying the required storage volume and proposed storage means (ie. rooftop, super pipes, gallery, etc.).
- Secondary access will be permitted along Adelaide Street North at least 75.0m South of the intersection, this access will be a right-in/right-out restricted access by way of extending the center-road median South down Adelaide Street to a point 25.0m beyond the South access (South) curb line, as per City Access Management Guidelines;

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

Transportation:

- Access will be permitted along Windermere Road at least 60.0m East of the intersection, and can be a full turn movement access, as per City Access Management Guidelines;
- Newly dedicated ROW must be graded up from the back of the curb at a slope of 2-4%, and the boulevard restored as per City Standard;
- Right-of-way dedication of 24.0 m from the centre line be required along Adelaide St N.
- A revised daylight triangle at the intersection.

Sanitary:

- The municipal sanitary sewer available is the 900mm diameter trunk sewer on Windermere Road with existing 150mm diameter AC PDC connected at municipal manhole SB752.
- The existing PDC is to be properly abandoned and removed, with a new 200mm diameter PDC for the entirety of the subject lands as per City of London standards. Inspection manhole required entirely on private property but as close to the street as possible.

Water:

- Water is available to the subject site via the municipal 450mm PVC watermain on Adelaide St. N.

Stormwater:

- 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 (70% TSS removal) as per the MECP guidelines and/or as per the EIS field information; and
 - shall comply with riparian right (common) law.

The consultant shall provide a servicing report and drawings to present calculations, recommendations and details to address these requirements.
- The subject lands are located in the Stoney Creek Subwatershed. The Owner shall be required to comply with the SWM criteria and environmental targets identified in the Stoney Creek Study, which may include but not be limited to quantity, quality and erosion control;
- The Owner shall submit a servicing report prepared by a Professional Engineer, licensed in the province of Ontario, for the subject site. The report is to be in accordance with City of London and MOECC standards and guidelines, all to the satisfaction of the City Engineer. The report shall take into account any drawings, reports, and previously prepared development agreements;
- The Owner’s Professional Engineering shall design Private Permanent Systems (PPS) for this site as per City of London Deigns Standards and Requirements. The PPS shall meet the criteria detailed in the applicable report or study for the site. The grading plan is to detail ponding extents and depths for the 2-year and 100-year storm events and details the major overland flow route for the 250-year storm event;
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP’s) within the plan, where possible, to the satisfaction of the City Engineer;
- The Owner is required to provide a lot grading plan for stormwater flows and address major overland flow paths to safely convey the 250 year storm event.
- 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 and 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 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 Functional Storm/Drainage Servicing Report.
- The preliminary list of SWM issues/requirements to be addressed/considered by the applicant includes, but it is not limited to:
 - The approved storm/drainage and SWM servicing functional Report for the subject lands
 - The City Design Requirements for on-site SWM controls which may include but not be limited to quantity/quality and erosion controls
 - The City’s Waste Discharge and Drainage By-Laws; the Ministry of the Environment Planning & Design Manual; as well as all applicable Acts, Policies, Guidelines, Standards and Requirements of all approval agencies (e.g. UTRCA).
 - The design of the SWM servicing work shall include but not be limited to such aspects as requirements for Oil/Grit separator for the proposed 36 parking spaces, on-site SWM controls design, SWM Best Management Practices, grading and drainage design (minor, and major flows), storm drainage conveyance from external areas (including any associated easements), hydrological conditions, etc.

- Existing 300mm storm sewers on Adelaide St. N. and Windermere Rd were sized to convey road surface flows from small sections of Adelaide St N and Windermere Rd. Should the applicant wishes to utilized any surplus capacity on these existing storm sewers to service the proposed re-development, his consultant will be required to provide a storm sewer capacity analysis and/or alternative on-site SWM controls design to the satisfaction of the City Engineer.
- Appropriate sediment and erosion control measures must be in place prior to any removal/decommissioning or demolition activity, to the satisfaction of the City Engineer.

Heritage – March 30, 2023

two commercial buildings

MRT 2023-03-30; demo clearances-both 2021-06-14

Cultural Heritage Context

Archaeological potential at both 1310 Adelaide Street N and 795 Windermere Road (subject lands) is identified on the City’s Archaeological Mapping. The proposed scope of work will result in soil disturbance due to development and extensive parking on the properties (subject lands).

The subject lands is also located adjacent to a LISTED property on the City’s *Register of Cultural Heritage Resources* at 1324 Adelaide St N (1880 – agricultural, farmhouse-Victorian). Current policies of *The London Plan* (565_), require that a heritage impact assessment be completed for “new development on, and adjacent to, heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.” However, policies at the time that the original application was circulated in 2016 did not require a heritage impact assessment (HIA), and an HIA was not included as a condition of a complete application at that time.

Related Policy

Per Policy 616 of *The London Plan*, “[a]n archaeological assessment is required where a proposal involves development or site alteration, and if it is determined through the application of the Archaeological Management Plan model that any part of a subject area possesses archaeological resource potential or known archaeological resources.”

Conditions – complete application (re: heritage planning)

- Archaeological Assessment Stage 1-2 – both properties, 1310 Adelaide Street N & 795 Windemere Road (full subject lands)
 - The following should be submitted for review to the satisfaction of the city and heritage planning staff:
 - both a hard copy and digital format of archaeological reports
 - Ministry of Citizenship and Multiculturalism (MCM) compliance letter

If an archaeological assessment has already been completed and received a compliance letter from the ministry, the compliance letter along with the assessment report may be submitted for review to ensure they meet municipal requirements.

Notes:

Archaeological Assessment

- The proponent shall retain a consultant archaeologist, licensed by the Ministry of Citizenship and Multiculturalism (MCM) under the provisions of the *Ontario Heritage Act* (R.S.O. 1990 as amended), to carry out a minimum of a Stage 1-2 archaeological assessment and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4).
- The archaeological assessment must be completed in accordance with the most current *Standards and Guidelines for Consulting Archaeologists*, set by the ministry.

- All archaeological assessment reports will to be submitted to the City of London once the Ministry of Citizenship and Multiculturalism (MCM) has accepted them into the Public Registry.
- No soil disturbance arising from demolition, construction, or any other activity shall take place on the property prior to Planning & Development receiving the Ministry of Citizenship and Multiculturalism (MCM) compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.
- It is an offence under Section 48 and 69 of the *Ontario Heritage Act* for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
- Should previously undocumented (i.e., unknown, or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
- If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The *Funerals, Burials and Cremation Services Act* requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Government and Consumer Services.

UTRCA – April 11, 2023

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority* (June 2006). These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2020, PPS)*.

PLANNING HISTORY/BACKGROUND

Initial Development Proposal

Conservation Authority staff have been involved with the planning/pre-consultation process for the subject lands since 2014. The site has an area of approximately 1.27 hectares and is located on the south east corner of the intersection of Adelaide Street North and Windermere Road in the floodplain of the Thames River.

A previous landowner had approached the City and the UTRCA regarding the possibility of redeveloping the site pursuant to the UTRCA's Replacement Structures in the Floodplain policies (please see below). The proposal involved consolidating the gross floor area of the structures associated with a former Goodlife fitness facility into an improved site layout and structure that was safer and floodproofed on the portion of the site known municipally as 1310 Adelaide Street North. Through the review of City building records, it was determined that the existing total/maximum permitted gross floor area of the fitness facility was 982m² and that there were 9 parking spaces associated with the use.

The balance of the lands known municipally as 795 Windermere Road, were to be dedicated to the City as parkland. In exchange, the City agreed that the 68 parking spaces in the east parking lot (please refer to map) could be credited to a replacement project with the parking area being restored to open space by the proponent. The informal west parking lot, which contains 42 spaces, was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the

development site and on the City lands. Of those spaces, 77 in total (68 on City lands and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s).

The notice of application was initially circulated by the City on November 9, 2016. In correspondence dated January 23, 2017, the UTRCA recommended that the application be deferred until such time that the applicant had demonstrated, through the preparation and acceptance of the necessary technical studies (e.g. 2D Floodplain Modelling, confirmation of floodproofing requirements), that the development could proceed for consideration of approval to the UTRCA's Hearings Committee and City Council.

While there were technical matters to be addressed, intended to ensure that the project would not have an impact on the surrounding properties, both City and UTRCA staff were of the opinion that "in principle" the proposal had merit. Ultimately, the previous landowner chose not to pursue the improvement of the lands.

Current Development Proposal

In 2020 the lands were sold to the current applicant, Royal Premier Homes. In 2021, the applicant submitted two (2) preliminary site plan concepts for the potential redevelopment of the site. City and UTRCA staff outlined various concerns and requirements that would need to be addressed prior to the submission of a formal revised application. As the applicant endeavoured to address the requirements, the UTRCA issued a clearance for the demolition of the existing structures on November 16, 2021.

The current development proposal includes two (2) commercial buildings with a combined gross floor area of 975.3 m² and 48 associated parking spaces. The commercial buildings are proposed to include a fast food restaurant with a drive-through and a secondary commercial building with approximately four (4) commercial units labelled as "shops" on the building renderings and as "commercial retail" on the Conceptual Site Plan. The proposal utilizes the lands on both 1310 Adelaide Street North and 795 Windermere Road.

This new proposal is not in keeping with the original concept that City and UTRCA staff had previously agreed to. There was also a misconception that all of the necessary approvals had been secured from the Conservation Authority which was not the case. The required Floodplain Impact Assessment, 2D Modelling Study and Staged Storage Analysis had not yet been prepared/accepted and were crucial with respect to providing the technical justification to satisfy the policy requirements for the proposed replacement structure and use of the site.

Official Plan Designation & Zoning

The subject lands are within *Green Space* Place Type on Map 1 of the London Plan, and within the Regulatory Flood Line and Conservation Authority Regulation Limit on Map 6.

The applicant has requested that the lands be re-designated to the *Shopping Area* Place Type. Given that the lands are located entirely in the flood plain of the Thames River, the requested Place Type is not appropriate and cannot be supported. Instead, the current *Green Space* Place Type should be maintained to accurately reflect the natural hazards and provide for special policy/provisions to establish the use.

The existing zoning is *Open Space OS4 (2)*. This is one of the most restrictive open space zones and is applied to lands which contain natural hazards and are not considered suitable for development. This zone has been applied to these lands as they are located within the flood plain of the Thames River. Only a very limited range of uses and structures are permitted and must satisfy the regulatory requirements of the Conservation Authority, including but not limited to access and floodproofing. The existing special provision allows for *commercial recreation establishments in existing buildings*, in addition to the standard uses permitted in the *OS4* zone.

The applicant has requested that the lands be rezoned to *Neighbourhood Shopping Area NSA4* which permits a range of commercial uses. Given that the lands are in the flood plain, the UTRCA recommends that the lands continue to be zoned *Open Space OS4* and include special provisions regarding the permitted uses, the permitted maximum gross floor area and the parking requirements.

The application submission package included the following information:

- Conceptual Site Plan SP1 (Preliminary Site Plan & Zoning Chart) prepared by Strik, Baldinelli Moniz Ltd., dated October 12, 2022;
- Area Context Plan SP1 - Municipal Parking & TVP Development prepared by Strik, Baldinelli Moniz Ltd., dated October 20, 2022;
- Building Renderings prepared by Strik, Baldinelli Moniz Ltd., no date;
- Planning Report prepared by Strik, Baldinelli Moniz Ltd., dated October 2022; and,
- 2D Hydraulic Modeling Assessment prepared by Matrix Solutions Inc., dated October 25, 2022.

DELEGATED RESPONSIBILITY & STATUTORY ROLE

Provincial Policy Statement 2020

The UTRCA represents the provincial interest in commenting on development applications with respect to natural hazards ensuring that applications are consistent with the PPS. This responsibility has been established in a Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing.

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

CONSERVATION AUTHORITIES ACT

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

- a riverine flooding hazard associated with the Thames River.

Please be advised that in cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA.

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

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/wp-content/uploads//PlanningRegulations/EnvPlanningPolicyManual-update2017.pdf>

NATURAL HAZARDS

In Ontario, prevention is the preferred approach for managing hazards in order to minimize the risk to life and property. The UTRCA's natural hazard policies are consistent with the PPS and the applicable policies include:

3.2.2 General Natural Hazard Policies

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

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

4.2.2.6 Replacement Structures in the Floodway

These policies relate to structures that replace existing buildings or structures that have (recently) been demolished or destroyed, but does not include reconstruction on remnant foundations. Replacement structures may be permitted by the UTRCA provided that they comply with the following:

- a) The structure can be floodproofed to the level of the *Regulatory Flood*. If *Regulatory Flood* protection is not technically feasible, a lower level of flood risk protection may be permitted and must be provided to the maximum elevation possible as determined on the basis of site-specific evaluation.
- b) The proposed structure must not exceed the total "footprint" area of the original structure as it existed on April 25, 2000.
- c) The flood risk must not exceed the risk associated with the previous/existing structure or development such that:
 - i. The location of the *replacement structure* and services are not susceptible to higher depths and/or velocities of flooding;
 - ii. The use associated with the *replacement structure* and development does not increase the risk to property damage or public safety (e.g. converting from habitable to non-habitable); and
 - iii. The use within the *replacement structure* and/or the property as a whole is not intensified.
- d) The proponent agrees to carry out site-specific flood damage reduction measures such that, in order of priority:
 - i. *Dry, passive floodproofing* measures shall be implemented to the extent technically possible to achieve the required level of flood protection; and /or
 - ii. *Wet floodproofing* measures are incorporated as required to achieve and maximize the required level of flood protection.
- e) Ingress and egress should be "safe" or "dry" pursuant to contemporary floodproofing guidelines in addition to Provincial Policy and/or achieve the maximum level of flood protection determined to be feasible and practical based on existing infrastructure.
- f) The proposed flood damage reduction measures do not increase flood risk on adjacent, upstream and/or downstream properties.
- g) All applications for development approval must be accompanied by engineering studies, prepared by qualified professional, detailing such matters as flood frequency, depth and velocity flow, soil conditions, proposed flood damage reduction measures

including structural design details, stormwater management and other information and studies as may be required by the UTRCA and the local municipality.

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

Please note that where a proposed replacement structure does not meet the intent of the eight (8) considerations above, a full Hearing will be required.

TECHNICAL PEER REVIEW

2D Hydraulic Modeling Floodplain Impact Assessment

The Conservation Authority has reviewed the Matrix Solutions Inc. submission and while generally satisfied with the provided information, the following matters are outstanding and need to be addressed:

1. Version 2 of the Conceptual Site Plan (SP1) identifies a proposed/improved 91 space gravel parking lot on City-owned lands. This parking area/proposed development does not appear to have been included in the hydraulic analysis. The design/layout/floodproofing of this proposed/improved parking lot may impact the hydraulics in the area and therefore must be included in the assessment. Please revise the model/report.
2. The report should include clear statements/summaries which demonstrate that the proposed development is consistent with and satisfies the requirements of Policy 4.2.2.6 of the UTRCA Environmental Planning Policy Manual, and will not result in a negative impact on flood storage, surrounding properties, etc. Please revise the report to provide responses/justification to the each of the aforementioned policies.
3. Through the pre-consultation process, the UTRCA advised that a preliminary Staged Storage Analysis was required which accounted for all of the proposed development and grading, and must strive to achieve a balance. It is recognized that grading is generally finalized through the Site Plan/Section 28 Permit process, however a preliminary submission is required now in order to ensure the development can be accommodated in principle. Please provide.
4. Please note that if the redevelopment concept for the site changes including the proposed uses, building footprint, parking etc, the model must be revised.

Planning Report

The Conservation Authority has reviewed the report prepared by Strik Baldinelli Moniz and offer the following comments:

5. On page 4 of the October 21, 2022 report, it is indicated that “the UTRCA and City agreed with the development principles” that would allow for the reconfiguration and re-establishment of a replacement structure on the subject lands. It is acknowledged that the current concept which includes a fast food restaurant with a drive through along with a second commercial structure was not consistent with an earlier proposal for the site. As noted, the previously agreed upon approach allowed for the redevelopment of the lands and the use of parking credits from City lands in exchange for the dedication of open space lands to the municipality, as well as the restoration of the former Goodlife lands to open space. It is also noted that the City of London had expressed concern about the current concept because a public benefit was not being achieved. In response, the applicant is proposing to provide a Field House and an improved 91 space parking lot as shown on enclosed **Drawing Sheet No. SP1 – AREA CONTEXT PLAN – MUNICIPAL PARKING & TVP DEVELOPMENT – 815 WINDERMERE RD, LONDON, ON** prepared by sbm dated October, 20, 2022
6. To be clear, while UTRCA staff has indicated “in principle” that it does not object to the redevelopment of the lands, this opinion was subject to the applicant meeting all of the applicable policy and technical requirements of Section 4.2.2 of the UTRCA's Environmental Planning Policy Manual to the satisfaction of the Conservation Authority.

- a. Intensification: The applicant must demonstrate that the proposed use within the replacement structure and/or the property as a whole has not been intensified. Previously, there was one commercial recreation operation and now based on the building renderings, it appears that 5 units/businesses are proposed. Furthermore, there are only 9 parking spaces credited towards the previous commercial recreation operation whereas the parking requirements on the conceptual site plan indicates that the proposed uses require 48 spaces. Both the proposed number of units/businesses and the required parking spaces suggest that the redevelopment of the site represents intensification of both the use in the replacement structure and of the property. This is not consistent with our policy and proper justification must be provided, or alternatively, the development concept must be revised so that it meets the intent of the policy.
- b. Change in Use: The existing zoning accounts for uses permitted within the OS4 zone, as well as a *commercial recreation establishment within existing buildings*. Please provide rationale for the number of permitted uses being proposed with a specific lens on Policy 4.2.2.6 c).

SUMMARY & RECOMMENDATIONS

As indicated, the subject lands are regulated by the UTRCA due to the presence of a riverine flooding hazard associated with the Thames River. The UTRCA alongside the City of London have been working with the current and previous owner on re-developing these lands for a number of years. The proposal has been revised to include two (2) new commercial buildings with approximately five (5) new units/businesses and a variety of permitted uses. The UTRCA has provided the aforementioned comments that shall be addressed prior to development proceeding. As such, we offer the following recommendations:

Recommendation 1:

As per the Revised Notice of Planning Application, the applicant is requesting that the subject lands be redesignated to *Shopping Area Place Type* and rezoned to *Neighbourhood Shopping Area (NSA4)* to permit a broad range of retail, service, office, entertainment recreational, educational, institutional and residential uses. Given that the lands are located within the riverine flooding hazard associated with the Thames River, the UTRCA recommends that the applicant's application **be refused**.

Recommendation 2:

The UTRCA recommends that the application **be deferred** to address the following concerns:

- a) That the proposed Place Type and Zoning request be modified to:
- i. *Green Space Place Type* to accurately reflect the natural hazards and provide for special policy/provisions to establish the use; and,
 - ii. *Open Space OS4(X)* with special provisions to detail the zoning regulations required (ie maximum gross floor area), as well as limit the number and type of permitted uses.

The lands must first and foremost be identified as natural hazard lands in both the London Plan and in the Zoning By-Law. The current list of permitted uses generally includes conservation and parks, with a special provision for *commercial recreation establishments in existing buildings*. The applicant must identify a list of permitted uses that does not result in intensification, and does not increase the risk to property damage or public safety.

b) That the 2D flood modelling and associated report be revised to implement the comments provided herein, with specific reference to UTRCA Policy 4.2.2.6 (as per above).

c) That the applicant apply for 'Approval in Principle' from the UTRCA's Hearing Committee to establish support for the redevelopment of the subject lands through the *Planning Act*, and identify further conditions that may be required for a future Section 28 permit application under the *Conservation Authorities Act*. The UTRCA will continue to

work with the applicant to ensure the application has been deemed complete by staff prior to advancing to the Hearing itself. A complete application will include, but is not limited to:

- i. Identifying appropriate Place Type and zoning;
- ii. Revising the modeling and associated reports;
- iii. Providing written responses and revised documentation that addresses the aforementioned comments; and,
- iv. Payment of the Hearing Request Fee (Major) of \$5,300.

UTRCA – December 8, 2023

Further to our correspondence dated April 11, 2023, the Upper Thames River Conservation Authority (UTRCA) has reviewed the additional information that has been submitted alongside the proposed Official Plan and Zoning By-Law Amendment applications.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands are located entirely within the flood plain of the Thames River and are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*.

PLANNING BACKGROUND & PROPOSALS

Initial Development Proposal

Conservation Authority staff have been involved with the planning/pre-consultation process for the subject lands since 2014. At the time, the previous landowner had approached the City and the UTRCA regarding the possibility of redeveloping the site pursuant to the UTRCA's policies for Replacement Structures in the Floodplain (please see below). While the proposal was not in keeping with the typical/traditional approach for replacement structures, it was felt that the project had merit subject to satisfying all of the policy and technical requirements.

The initial proposal consolidated the gross floor area of the existing structures associated with a former Goodlife fitness facility which included a residential component as shown on enclosed Figure 1B "Existing Conditions". Through the review of City building records, it was determined that the existing total/maximum permitted gross floor area of the buildings on site was 982m² and that there were 9 parking spaces associated with the use. The Conservation Authority was of the opinion that the replacement project which was to be entirely located on 1310 Adelaide Street North portion of the site, would provide for an improved layout and a structure that was safer and floodproofed.

The landowner intended to dedicate the balance of the lands known municipally as 795 Windermere Road to the City as parkland which City staff deemed to be a public net benefit. Accordingly, the City agreed to credit the 68 parking spaces located in the east parking lot to a replacement project. The parking lot was to be restored to open space by the proponent. The informal west parking lot containing 42 spaces was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the development site and on the City lands. Of those spaces, 77 in total (68 on City lands and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s) benefit. Accordingly, the City agreed to credit the 68 parking spaces located in the east parking lot to a replacement project. The parking lot was to be restored to open space by the proponent. The informal west parking lot containing 42 spaces was to remain to serve the City-owned sport fields. Effectively, there are a total of 119 parking spaces on the development site and on the City lands. Of those spaces, 77 in total (68 on City lands and 9 from the former Goodlife operation) could be allocated for a potential replacement commercial structure/use(s). The concept was comprised of one structure - a plaza that included locally oriented commercial uses such as retail, personal service and small-scale office uses (Please refer to *Figure 2 - Overlay Topo Site Plan*, MHBC, October 2016). It should be noted that the previous landowner did not complete the required flood modelling of the flood

plain which was a key component of securing the necessary *Planning Act* and *Conservation Authorities Act* approvals.

Current Development Proposal

The current development proposal represents a significant departure from the initial replacement concept that City and UTRCA staff agreed had merit, in principle. The current proposal includes two (2), one storey, commercial buildings with a combined gross floor area of 975 m², requiring 48 parking spaces. One of the buildings is proposed for a fast food restaurant with a drive through with queuing for 16 vehicles. As shown on Figure 9 “Plan View Rendering” of the proposed Site Development in the Planning Justification Report, the second commercial building appears to have four (4) commercial units labelled as “SHOPS”. The proposed replacement structure utilizes the entirety of the site known municipally as 1310 Adelaide Street North and 795 Windermere Road.

The existing zoning is *Open Space OS4 (2)* which is one the most restrictive open space zones and applies to natural hazards. As indicated, the subject lands and the surrounding area are located within the flood plain of the Thames River. Only a very limited range of uses and structures are permitted and must satisfy the regulatory requirements of the Conservation Authority, including but not limited to access and floodproofing. The special provision in the current zoning allows for *commercial recreation establishments in existing buildings*, in addition to the standard uses permitted in the *OS4* zone which are restrictive in nature. This use is considered to be relatively passive as is reflected by the parking requirement of 1 parking space for every 50 square metres.

The applicant has requested that the lands be rezoned to *Neighbourhood Shopping Area NSA4* which permits a range of commercial uses. Given that the lands are in the flood plain, the request cannot be supported and we recommend that the lands continue to be zoned *Open Space OS4* and include special provisions regarding the permitted and restricted uses, the permitted maximum gross floor area, and the parking requirements.

The recent submission includes:

- i. **2D Hydraulic Modeling Assessment – Version 3** prepared by Matrix Solutions Inc., dated October 6, 2023
- ii. **Stormwater Management Report Proposed Redevelopment - 1310 Adelaide Street North & 795 Windermere Road, London, Ontario** prepared by Strik, Baldinelli Moniz Ltd., dated June 23, 2023; and
- iii. **Planning Justification Report – Official Plan and Zoning By-Law Amendments – 1310 Adelaide St N. & 795 Windermere Rd, London**, prepared by Strik, Baldinelli Moniz Ltd., dated September 2023

TECHNICAL PEER REVIEW

UTRCA staff have completed a technical review of the aforementioned documents, and offer the following comments:

Stormwater Management Report

S1. **New.** Please confirm if the minimum on-site storage volume of 18.18 m³ is under the 250-year storm. Using a Rational Method and flows under the pre- and post-development conditions shows that approximately 80 m³ of volume is required for the 100-year storm on the site under the proposed conditions. Please provide storage to control the flows under the proposed conditions to the 250-year storm.

S2. **New.** Please provide details of the proposed naturalized drainage channel including detailed design, parameters, cross sections showing the 100-year and the 250-year flood elevations and the conveyance capacity of the proposed channel.

S3. **New.** Please provide justification for the C- value of 0.42 under the proposed conditions.

S4. **New.** Please report flows for all the storm events ranging from 2 to the 250-year storms under the pre-and post-development conditions.

S5. **New.** Please provide justification and supporting calculations for the Time of Concentration (Tc) of 23 and 21.7 minutes used under the pre- and post-development conditions.

2D Hydraulic Modeling Floodplain Impact Assessment

1. **Addressed.**
2. **Addressed.**
3. **Addressed.**
4. **Addressed.**

Planning Justification Report

The Conservation Authority has reviewed the revised Planning Justification Report (September, 2023) prepared by Strik Baldinelli Moniz and offers the following comments:

5. **Partially Addressed.** As noted previously, there are significant changes from the initial development proposal to the current development proposal. Additionally, as part of the proposals there was discussions amongst the developer and the City regarding parking credits. A breakdown of the previously existing versus proposed spaces is as follows:

Existing Location	# of Spaces	Proposed Location	# of Spaces
Municipal Lots	110 spaces (68 in east + 42 in west)	Municipal Lot	91 spaces
Goodlife	9 spaces*	Development	48 spaces
TOTAL	119	TOTAL	139

6. **Not addressed.** This comment speaks to connecting the planning and technical requirements for permitting replacement structures within the floodplain.

- a. Intensification.
- b. Change in Use.

As it relates to the UTRCA's policies, the following criteria are required to be met, to the satisfaction of Conservation Authority staff and/or the Hearings Committee. The specific policies have been relocated into this comment to aid in establishing an understanding for how these policies are to be applied to the review of this application.	Replacement Structure Policy	Applicability to this Application
4.2.2.6		

- | | | |
|----|---|--|
| a) | The structure can be floodproofed to the level of the <i>Regulatory Flood</i> . If <i>Regulatory Flood</i> protection is not technically feasible, a lower level of flood risk protection may be permitted and must be provided to the maximum elevation possible as determined on the basis of site-specific evaluation. | Addressed. Flood modeling has been completed and accepted. |
| b) | The proposed structure must not exceed the total "footprint" area of the original structure as it existed on April 25, 2000. | Addressed. The existing gross floor area was 982 m2, whereas the proposed |

- development has a gross floor area of 975m².
(see below)
- c) The flood risk must not exceed the risk associated with the previous/existing structure or development such that:
- c) i. The location of the *replacement structure* and services are not susceptible to higher depths and/or velocities of flooding;
- c) ii. The use associated with the *replacement structure* and development does not increase the risk to property damage or public safety (e.g. converting from habitable to non-habitable); and,
- c) iii. The use within the *replacement structure* and/or the property as a whole is not intensified.
- Addressed.** The development has been designed with floodproofing, to be finalized through the Section 28 permit application/Hearing process.
- Partially Addressed.** While there is benefit to removing the existing residential dwelling unit and replacing with a commercial use, there is an overall increase in the number of units proposed. Although floodproofing is proposed to reduce the risk of property damage, concerns remain as it relates to public safety.
- Not addressed.** As identified in comment c) ii. above, the lands previously contained a residential dwelling unit and a commercial recreational establishment (gym). The proposed development now includes a total of five (5) commercial units, resulting in an increase of three (3) units from the existing conditions. There are many differences between the existing use and the proposed uses. The former Goodlife operation was not a full size, standard gym as we know today and would not have had the same level of intensity of use. The previous fitness centre had a gross floor area of 635 m² while the Goodlife fitness centre located at 710 Proudfoot Lane has a gross floor area of 1,745 m². To compare the existing development to current standards does not provide an accurate description of the intensity of the existing versus proposed use(s). Another matter to consider is the hours of operation. Many fast food restaurants are open 24 hours per day, seven (7) days a week. This would

result in a constant and steady flow of traffic to the site including patrons, staff (with overlapping shifts) and delivery trucks bringing supplies to support the day to day operations. Additionally, the parking requirements for the proposed uses greatly exceed those of the existing uses. Please refer to comment 5 for more details. While a number of improvements have been made to the site and the proposed structure with respect to floodproofing, the flood risk has not been removed as has been suggested by the consultant. Rather, the flood risk has been addressed/reduced. (Figure 12. Preferred Site Layout – Flood Risk for Regulatory Event).

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

 - i. *Dry, passive floodproofing* measures shall be implemented to the extent technically possible to achieve the required level of flood protection; and /or,
 - ii. *Wet floodproofing* measures are incorporated as required to achieve and maximize the required level of flood protection.

Partially addressed. Further details are required for the Section 28 permit application/Hearing process, should the *Planning Act* applications receive approval.
- e) Ingress and egress should be “safe” or “dry” pursuant to contemporary floodproofing guidelines in addition to Provincial Policy and/or achieve the maximum level of flood protection determined to be feasible and practical based on existing infrastructure.

Addressed. Safe or dry access cannot be achieved on these lands, however the applicant has designed to the maximum extent feasible based on the limitations on existing transportation infrastructure.
- f) The proposed flood damage reduction measures do not increase flood risk on adjacent, upstream and/or downstream properties.

Addressed. The required flood modeling confirmed no impacts.
- g) All applications for development approval must be accompanied by engineering studies,

Partially addressed. Comments have been provided herein which can be finalized through the Section

prepared by qualified professional, detailing such matters as flood frequency, depth and velocity flow, soil conditions, proposed flood damage reduction measures including structural design details, stormwater management and other information and studies as may be required by the UTRCA and the local municipality.

28 permit application/Hearing process, should the *Planning Act* applications receive approval.

SUMMARY & RECOMMENDATIONS

The subject lands are regulated by the UTRCA due to the presence of a riverine flooding hazard associated with the Thames River. These lands are subject to frequent flooding and have been predicted to require evacuation within approximately five (5) year cycles. The most recent flood event occurred in 2018, closing down Windermere Road and flooding surrounding buildings and facilities. Due to the frequency of flooding events in this area, Adelaide Street North underwent improvements during its reconstruction to raise the road and yet would also be inundated with floodwaters during a regulatory storm, which has been experienced within the last 100 years.

The UTRCA's core mandate focuses on protecting both people and property through staff's review of development applications. This is a challenging site and project, and the proper due diligence must be completed to the satisfaction of the Conservation Authority to ensure that the necessary Section 28 permit can be issued. Both City and UTRCA staff have been flexible in working with the land owner to ensure that the proposed redevelopment/replacement structure is consistent with policy and will be safe. Based on the information submitted to date, certain concerns have been addressed while others remain outstanding.

Based on a summary of the policies provided herein, the application is not consistent with the Provincial Policy Statement, does not conform to the London Plan, and does not comply with Ontario Regulation 157/06 – *Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards*. Modifications are required to ensure that this can be satisfied.

We offer the following recommendations:

Recommendation 1

As per the Notice of Revised Planning Application, the applicant is requesting that the subject lands be redesignated to *Shopping Area* Place Type and rezoned to *Neighbourhood Shopping Area (NSA4)* to permit a broad range of retail, service, office, entertainment recreational, educational, institutional and residential uses. Given that the lands are located within the riverine flooding hazard associated with the Thames River, it would be inappropriate to remove the *Green Space* Place Type and *Open Space* zone from the lands; as such, the UTRCA recommends that the applicant's application **be refused**.

Recommendation 2

As per the revised submission of the Planning Application, the applicant is requesting that the subject lands remain within the *Green Space* Place Type with a site-specific policy, and remain within the *Open Space OS4* zone to permit a broad range of restaurant, retail or personal service uses.

Based on the rationale provided throughout this letter, the UTRCA recommends modifying the proposed list of permitted uses to ensure that the overall use of the lands is not intensified, including matching the rate of parking spaces to that which was permitted for the existing commercial recreation establishments (1 space per 20m²).

Requested by Applicant

Bake Shop
 Convenience Store
 Commercial Recreation Establishment
 Drive-through Facility
 Financial Institutions
 Food Stores
 Personal Service Establishments
 Restaurants
 Retail Stores

Permissible by UTRCA

Bake Shop
 Convenience Store
 Commercial Recreation Establishment
 Duplicating Shop
 Financial Institution
 Food Store
 Garden Store
 Hardware Store
 Laundromat
 Office – not medical/dental
 Pharmacy
 Post Office
 Retail Store
 Service & Repair Establishment

The UTRCA is offering a recommendation of no objections subject to modifications, to establish the principle of development through the planning process given the existing use and the UTRCA's replacement structure policies. Should Council approve the *Planning Act* application, a decision from the UTRCA's Hearing Committee on the Section 28 permit application under the *Conservation Authorities Act* is still required to address the outstanding comments identified herein. Should Council approve the *Planning Act* application without modifications, there is a chance that the UTRCA's Hearings Committee will not be able to approve a drive-through/restaurant use at this location.

If the necessary Section 28 approvals are not obtained from the Hearing's Committee for the proposed redevelopment, the lands are to be zoned Open Space (OS4) with the removal of the special provisions.

Transportation – December 14, 2023

Updated Traffic Impact Assessment is acceptable and transportation has no further comment to offer.

However, we do have some high level site plan related comments and appreciate if you can include them now:

- Newly dedicated ROW must be graded up from the back of the curb at a slope of 2-4%, and the boulevard restored as per City Standard;
- Access will be permitted along Windermere Road at least 60.0m East of the intersection, and can be a full turn movement access, as per City Access Management Guidelines;
- Secondary access will be permitted along Adelaide Street North at least 75.0m South of the intersection, this access will be a right-in/right-out restricted access by way of extending the center-road median South down Adelaide Street to a point 25.0m beyond the South access (South) curb line, as per City Access Management Guidelines;
- Additional detailed comments regarding accesses will be provided through the Site Plan process.

Appendix F – Public Engagement

Fern Hill – March 4, 2023 – email

Further to our telephone conversation of February 24, I wish to express my concerns in connection with the proposed development at 1310 Adelaide Street North and 795 Windermere Road. While I have no objection to the suggested use of the land, I am very concerned about the infrastructure required for the proposed development and its effect on my property.

1. This property exists on flood plain land and is considerably below the Windermere and Adelaide Road level. It will require a vast amount of fill to raise it to the road level. Roughly every twenty years (1937, 1947/48, 1968, 1979, 1985, 2000/01, 2018) there is a significant flood which totally covers this area. (The Police Department had a drone photo of the area during the 2018 flood which confirms this.) I am concerned that the displacement by the required infill will cause increased and severe flooding to the adjacent properties and my property, in particular.

2. I note that the plan calls for a “drainage ditch” for flood control. In the case of a major flood, where this property basically becomes an extension of the Thames River, where does the drainage ditch drain to?

I trust that any approval for this development by City Council and the Upper Thames Conservation Authority will take into consideration the damaging effect it could have on properties in this location and will ensure that these properties are in no way adversely affected by this proposed development.

Elizabeth Blokker – February 27, 2023 – email

As a resident in ward 5, I am disappointed to see that there has been an application for rezoning a “Green Space Place Type” to a “Shopping Area Place” at the location of 1310 Adelaide Street North and 795 Windermere Road.

I fail to see how this rezoning is in line with London’s vision of being “a sustainable city [...] providing a safe, affordable, welcoming, and healthy future for today and for the next generation.” Or how achieves the mission of “Improve quality of life and build a strong and vibrant community”.

There are a number of reasons that the application does not meet these criteria:

1. Sustainability:

- As I have discussed with you before Jerry, green spaces are CRITICAL in London’s future in adapting and mitigating climate change. Parking lots and concrete absorb and re-radiate heat incredibly well. This leads to the surrounding area being much more warm, and during the summer months, increases the energy consumption for cooling for surrounding businesses and homes. This is known as the “heat island” effect. Tree canopy and green spaces reduce this effect by providing more shade, which in turn reduces the surrounding temperature.
- This area of London is incredibly prone to flooding. In the future, London is expected to get more precipitation and be more prone to flooding. Natural green spaces absorb water MUCH more effectively than concrete, which is impermeable. By putting huge parking lots in this flood prone area, this will push water into the surrounding fields and into the river, which will just cause bigger problems for the city because of the expensive clean ups.

If London is serious about being a sustainable city, developments such as these need to stop. Our green spaces are critical to our adaptation and mitigation of climate change.

2. Health and Safety

- I noticed in the application that there is a plan for a McDonalds to be located here. Do we really need another fast food chain in this location? It’s no small secret that McDonalds is not health food, so I fail to see how this promotes health and safety in building a thriving vibrant community. There is already a Wendy’s down the street, a

Popeye's, Starbucks, and Tim Hortons nearby, and a McDonalds close to Masonville Mall. This area is already saturated for fast food options.

- There are multiple soccer fields in the area where we are teaching young people about the importance of health and well-being. Situating a McDonald's immediately next door to a recreational facility for young people sends mixed messaging to these growing minds, and enables unhealthy behaviours.

- Further, there is a well-loved restaurant across the street, the Waltzing Weasel. I can't imagine putting a fast food chain across the street will be beneficial for this locally owned restaurant.

- I noticed in the rendering there is a plan to put an entrance/exit to this plaza off of Adelaide street. Making an entrance/exit off of Adelaide will only further slow down traffic and make it dangerous to turn out into Adelaide, increasing the risk of accidents.

This planned development does not meet London's vision of providing a healthy future for today and the next generation.

I believe there are a number of proposed alternatives that could be explored for this lot.

1. Naturalized area, educational space, floodplain.

- This area is well situated to be connected to the Thames Valley Parkway. People already enjoy hiking in this area and further naturalization of the area so that it can be enjoyed by everyone would be greatly appreciated by those living nearby. As I stated above, there are a myriad of benefits to green spaces including (but not limited to), reducing the heat island effect, reducing the risks of floods, promoting biodiversity, and many more.

- It could also have a dual purpose as an outdoor educational space for surrounding schools to learn about biodiversity (ie. A.B. Lucas is well connected nearby).

2. Housing and local businesses

If it is to be rezoned, make space for local businesses ONLY and housing development.

- I recognize that London is in desperate need of more housing. This is a well connected part of the city, close to the Thames Valley trail, and recreational facilities. Development of a mid-density housing unit here (ie. townhouses) would further promote infill within London so that we can reduce our expansion outwards (which only increases our citizens' reliance on unsustainable car transit cars). There could be commercial development reserved for locally owned businesses closer to Adelaide so that the houses are not right up against a busy road.

- Reduce the area that the parking lot is taking up and leave more space for naturalization. As stated earlier, there are many downsides to impermeable surfaces such as concrete which promote runoff and flooding in this area. Naturalized area reduces London's heat island effect and makes the whole area more cool in the summer, reducing energy costs. It is also beneficial for local wildlife, pollinators, and overall people's well being and mental health!

- At the very least, it should be mandated to put in permeable pavers in this development so that water doesn't just run off the impermeable concrete into the surrounding soccer fields.

I greatly appreciate you taking the time today to read through my suggestions. I truly believe that the proposal for this lot could be greatly improved to be aligned with London's mission, vision, and values.

I am happy to provide any further thoughts or ideas if you would like them.

**DEFERRED MATTERS
PLANNING AND ENVIRONMENT COMMITTEE
(AS OF JANUARY 22, 2024)**

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
1	Draft City-Wide Urban Design Guidelines – Civic Admin to report back at a future PPM of the PEC	Oct 29/19 (2.1/18/PEC)	Q4 2024	McNeely/Edwards	Staff are working to incorporate the contents of the draft Urban Design Guidelines into the Site Plan Control By-law update (expected Q2 2024) as well as the new Zoning By-law (expected Q4 2024). The need for additional independent UDG will be assessed after those projects are complete.
2	Homeowner Education Package – 3 rd Report of EEPAC - part c) the Civic Administration BE REQUESTED to report back at a future Planning and Environment Committee meeting with respect to the feasibility of continuing with the homeowner education package as part of Special Provisions or to replace it with a requirement to post descriptive signage describing the adjacent natural feature; it being noted that the Environmental and Ecological Planning Advisory Committee (EEPAC) was asked to undertake research on best practices of other municipalities to assist in determining the best method(s) of advising new residents as to the importance of and the need to protect, the adjacent feature; and,	May 4/21 (3.1/7/PEC)	Q2 2024	McNeely/Davenport/ Edwards	Staff have undertaken a detailed review of the recommendations made in the EIS Monitoring Report and are reviewing overall best practices.

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
3	Medway Valley Heritage Forest ESA – c) the portion of the pathway and trail system from Gloucester Road (Access A11) to its connection with the pathway in the Valley shown on “Appendix B” of the Medway Valley Heritage Environmentally Significant Area (South) Conservation Master Plan BE DEFERRED to be considered at a future meeting of the Planning and Environment Committee following further consultation and review with the adjacent neighbours, the Upper Thames River Conservation Authority, the Environmental and Ecological Planning Advisory Committee and the Accessibility Advisory Committee	August 10/21 (3.9/11/PEC)	Q1 2024	McNeely/Edwards	Staff are reviewing the detailed design recommendations of the retained consultants and have undertaken community consultation with the adjacent neighbours, UTRCA, ECAC and ACAC. Staff are preparing a staff report with a recommendation.
4	Food Based Businesses – Regulations in Zoning By-law Z-1 for home occupations as it relates to food based businesses	Nov 16/21 (4.2/16/PEC)	Q2 2024	McNeely/Adema	A planning review has been initiated with a report that includes any recommended amendments targeted for Q2 2024.
5	Global Bird Rescue – update Site Plan Control By-law and Guidelines for Bird Friendly Buildings	Nov 16/21 (4.3/16/PEC)	Q2 2024	McNeely/O’Hagan	Staff are working to update the Site Plan Control by-law (expected Q2 2024), which will include Bird Friendly standards and guidelines.
6	Civic Administration to review existing and consider in future housing-related CIPs opportunities to include and incentivize the creation of affordable housing units and report back no later than Q2 of 2024, including but not limited to the introduction of	June 27, 2023 (3.2/10/PEC)	Q2 2024	S. Thompson/J. Yanchula	This work is underway.

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
	mandatory minimums to access CIP funds; and options to include affordable housing units in existing buildings				
7	Additional Residential Units – Civic Administration to review current five-bedroom limit and report back; Review of the current parking and driveway widths policies in additional residential units and report back;	June 6, 2023 (3.4/9/PEC)	Q1 2024	H. McNeely/J. Adema	Report presented to PEC January 30, 2024. <i>(if the amendment is approved, this can be deleted)</i>
8	Byron Gravel Pits Secondary Plan – Civic Administration to report back on consultation process, and the outcome of supporting studies that will inform the Final Byron Gravel Pits Secondary Plan and implementing an OPA	July 25, 2023 (2.2/12/PEC)	Q1 2024	H. McNeely/P. Kavcic	Two public consultation events were held, and staff are targeting consultation with advisory committees during Q1 2024. Following the consultation, staff are planning to bring forward the secondary plan for approval in Q2 2024.