

Agenda Including Addeds

Planning and Environment Committee

4th Meeting of the Planning and Environment Committee

February 21, 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, Mayor J. Morgan

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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7. Adjournment

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: 2023 Annual Heritage Report
Date: February 21, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following report **BE RECEIVED**.

Executive Summary

The purpose of this report is to provide Municipal Council with information regarding activities in 2023 on the heritage planning program, including information regarding archaeology, the Register of Cultural Heritage Resources, heritage property designations, Heritage Alteration Permits, demolition requests, and municipally owned heritage properties.

Linkage to the Corporate Strategic Plan

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

- London has safe, vibrant, and healthy 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.
- The City of London is trusted, open, and accountable in service of the community.
 - Londoners have trust and confidence in their municipal government.
 - Measure and regularly report to Council and the community on the City's performance.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Annual Heritage Reports have been prepared since 2015 and submitted to the London Advisory Committee on Heritage/Community Advisory Committee on Planning:

- Memo to Community Advisory Committee on Planning, 2022 Heritage Planning Program: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=96964>
- Memo to London Advisory Committee on Heritage, 2021 Heritage Planning Program: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=89707>
- Memo to London Advisory Committee on Heritage, 2020 Heritage Planning Program: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=82837>

2.0 Discussion and Considerations

2.1 Legislative Changes

Amendments to the *Ontario Heritage Act* in Bill 23, *More Homes Built Faster Act*, were proclaimed on January 1, 2023. These amendments included, but are not limited to:

- Requiring a property to meet two or more of the prescribed criteria of O. Reg. 9/06 to merit designation under the *Ontario Heritage Act*

- Prescribing the evaluation criteria for the designation of a Heritage Conservation District
- Limiting the designation of a property under Section 29, *Ontario Heritage Act*, during a “prescribed event” to those listed on a municipal register
- Limiting the inclusion of a property on a municipal register to only two-years, followed by a five-year prohibition on re-listing a property

During 2023, staff have worked to implement the new legislative framework. For example, there were four (4) planning applications that were “Prescribed Events” under the new legislative framework. This required consideration of the potential cultural heritage value of a resource on those properties within the first 90-days of the planning application, resulting in staff recommendations to designate two of those properties; one property was ultimately designated under the *Ontario Heritage Act*.

Proposed amendments to the *Ontario Heritage Act* in Bill 139, *Less Red Tape, More Common Sense Act*, which would affect heritage designated places of worship was not proclaimed in 2023.

Staff will continue to monitor the status of the amendments for modifications to the City’s Register of Cultural Heritage Resources or other processes, as applicable.

2.2 Archaeology

In 2023, 111 archaeological assessments were received and updated on the archaeological potential model. Most of these archaeological assessments were received as part of a planning application and are used to continuously update the archaeological potential model.

Additionally, an archaeological consultant was retained to undertake a review of archaeological integrity mapping in targeted areas. This project continued work completed during the development of the *Archaeological Management Plan (2018)* that focused on the historic urban core of London. This detailed analysis confirmed which areas retain integrity, from an archaeological perspective, to focus any requirements for an archaeological assessment during a planning application. The detailed analysis resulted in a reduction of 1,123.5 hectares (2,776 acres) of areas identified as formerly having archaeological potential within the City of London. Further review of specified areas can be considered as budget allows.

2.3 Register of Cultural Heritage Resources

The Register of Cultural Heritage Resources is an important reference tool – identifying the cultural heritage status of properties in London, including all heritage designated properties and heritage listed (non-designated) properties. The proactive identification of resources of potential cultural heritage value (non-designated properties) acts as an important flag to ensure those resources are further studied and evaluated prior to a major change like redevelopment or a demolition.

At the end of 2023, the City of London has:

- 3,954 heritage designated properties, including:
 - 3,611 properties in one of London’s seven Heritage Conservation Districts designated pursuant to Part V, *Ontario Heritage Act*
 - 103 properties designated pursuant to both Parts IV and V, *Ontario Heritage Act*
 - 240 properties designated pursuant to Part IV, *Ontario Heritage Act*
- 2,201 heritage listed properties, including:
 - One cultural heritage landscape.

In total, there are 6,155 heritage listed properties and heritage designated properties are included on the City of London’s Register of Cultural Heritage Resources.

No properties were added to the Register of Cultural Heritage Resources in 2023. In 2023, 8 properties were removed from the Register of Cultural Heritage Resources (see Section 2.7).

2.4 Individually Designated Heritage Properties

In 2023, three properties were individually designated under the *Ontario Heritage Act*:

- 81 Wilson Avenue (see Image 1)
- 1350 Wharncliffe Road South
- 634 Commissioners Road West^a

These properties were included on the Register of Cultural Heritage Resources prior to their heritage designation.



Image 1: Installation of the blue City of London Heritage Property plaque on the heritage designated property at 81 Wilson Avenue on November 22, 2023.

The appeal regarding the heritage designation of the properties at 183 Ann Street and 197 Ann Street is still before the Ontario Land Tribunal (OLT).

The appeal regarding the heritage designation of the property at 247 Halls Mill Road is still before the Conservation Review Board (CRB).

2.5 Heritage Conservation Districts

There are seven Heritage Conservation Districts in London designated pursuant to Part V, *Ontario Heritage Act*. No new Heritage Conservation Districts were designated in 2023.

2.6 Heritage Alteration Permits

The decision-making process enabled through the Heritage Alteration Permit application works to ensure that the heritage attributes of a heritage designated property are appropriately protected and conserved during the process of change. Heritage Alteration Permit approval is required for an alteration to an individually designated heritage property if it is “likely to affect” any of the property’s heritage attributes or as determined by the Classes of Alterations defined in the applicable Heritage Conservation District plan.

In 2023, 105 Heritage Alteration Permits (HAPs) applications pursuant to the *Ontario Heritage Act* were processed. Of these, 92% (97/105 Heritage Alteration Permits) were processed administratively pursuant to the Delegated Authority By-law (see Table 1 and

^a The property at 634 Commissioners Road West was also noted in the 2022 Annual Report. The heritage designating by-law for the property at 634 Commissioners Road West was passed in 2022 but registered (after no appeals were received) in 2023.

Figures 1-2). The Delegated Authority By-law enables staff to approve, or approve with terms and conditions, Heritage Alteration Permit application that comply with applicable policies and guidelines. Staff are not able to refuse a Heritage Alteration Permit application under the Delegated Authority By-law.

Table 1: Summary of Heritage Alteration Permits (HAP) by review type and year.

	Delegated Authority HAPs	Municipal Council HAPs	Total HAPs
HAP applications (2023)	97	8	105
HAP applications (2022)	89	14	103
HAP applications (2021)	70	16	86
HAP applications (2020)	64	16	80
HAP applications (2019)	111	16	127

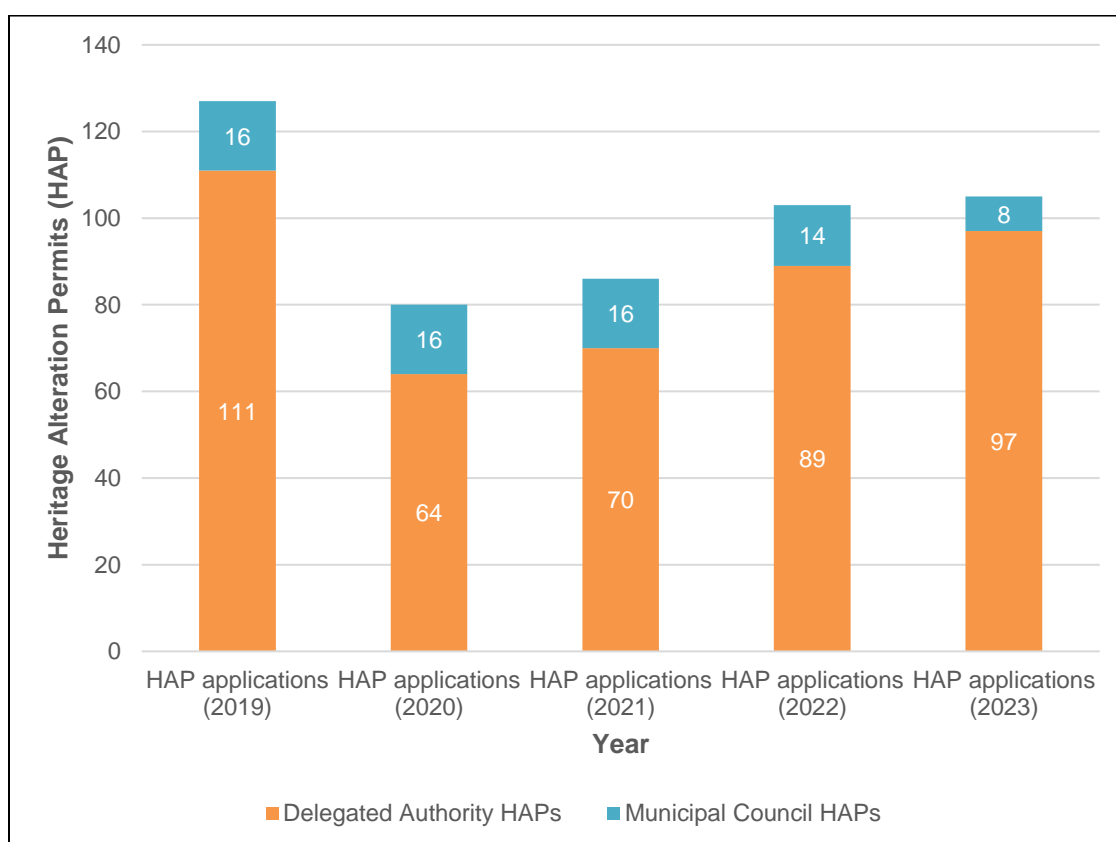


Figure 1: The proportion of Heritage Alteration Permit applications processed through the Delegated Authority By-law and those Heritage Alteration Permit applications requiring consultation with the CACP and a decision by Municipal Council since 2019.

The remaining eight (8) Heritage Alteration Permit applications met at least one of the “Conditions for Referral” in the Delegated Authority By-law, thus requiring consultation with the Community Advisory Committee on Planning (CACP) and a decision of Municipal Council to approve, approve with terms and conditions, or refuse the application. Of the eight Heritage Alteration Permit applications referred to the CACP and Municipal Council for a decision, only one (1) Heritage Alteration Permit application was recommended for refusal by staff. All eight Heritage Alteration Permits referred to the CACP and Municipal Council were approved or approved with terms and conditions in 2023.

The review of 100% of these Heritage Alteration Permit applications was completed within the provincially mandated timeline. See Appendix A for a list of Heritage Alteration Permits processed in 2023.

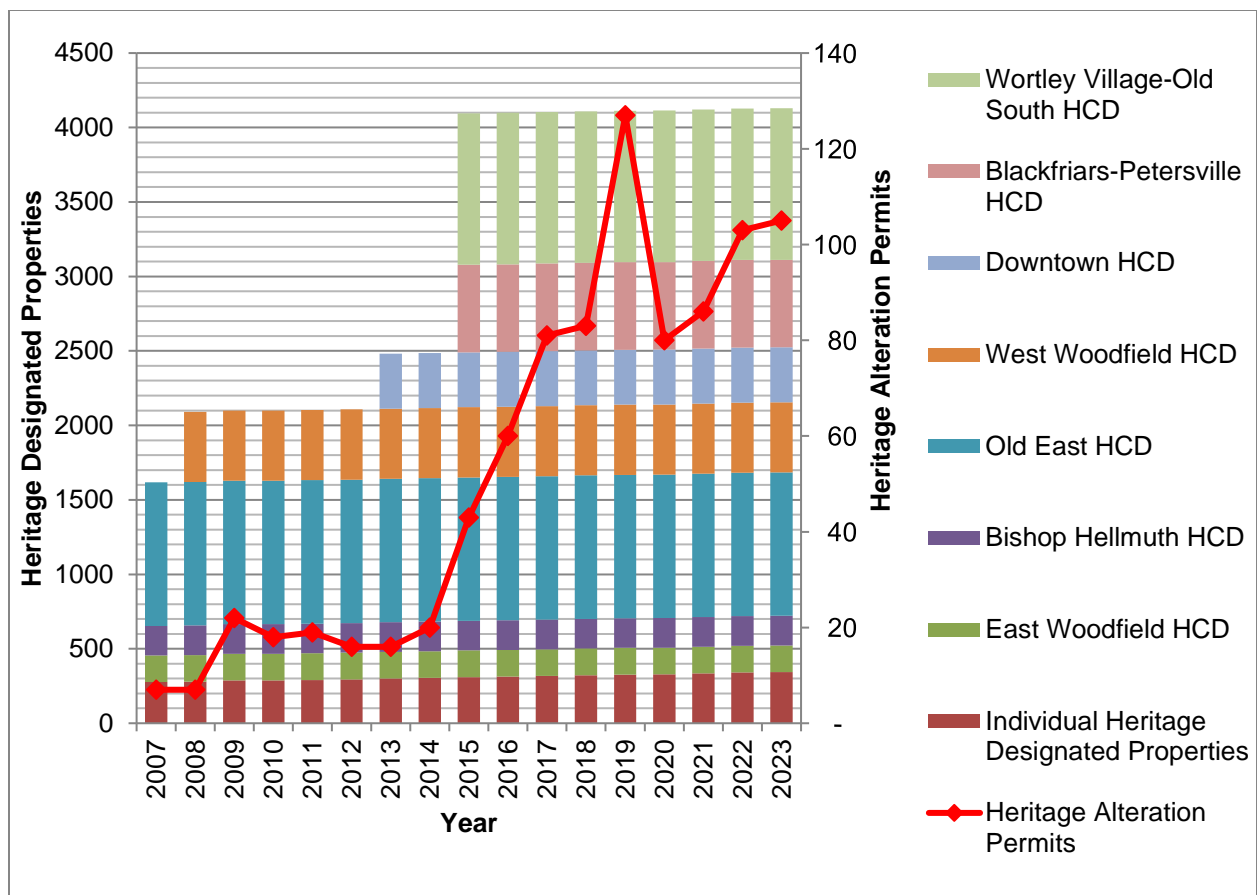


Figure 2: The number of heritage designated properties in London and the number of Heritage Alteration Permits by year.

Enforcing the requirements of the *Ontario Heritage Act* with respect to heritage designating by-laws and Heritage Alteration Permits for properties continues to be a challenge.

Approval pursuant to a Heritage Easement Agreement was sought for one property in 2023: 39 Carfrae Street.

2.7 Demolition Requests

In 2023, there were eleven (11) demolition requests for heritage listed properties and heritage designated properties. Each of these demolition requests required consultation with the CACP, a public participation meeting at Planning and Environment Committee, and a decision of Municipal Council.

Of the 11 demolition requests, 8 request were for non-designated properties listed on the Register of Cultural Heritage Resources. All 8 of those requests resulted in the removal of the property from the Register of Cultural Heritage Resources, which allowed the demolition to proceed. The following properties were removed from the Register of Cultural Heritage Resources by resolution of Municipal Council in 2023:

- 2 Kennon Place
- 3 Kennon Place
- 689 Hamilton Road
- 763-769 Dundas Street
- 1588 Clarke Road
- 176 Piccadilly Street
- 5200 Wellington Road South
- 7056 Pack Road

One demolition request was considered for an individually designated heritage property at 247 Halls Mill Road. The demolition request for this property was restricted to the removal of debris on the former accessory structure, a process that was required to continue proceedings with the Conservation Review Board.

Two demolition requests were accompanied by Heritage Alteration Permit applications for proposed new buildings within two different Heritage Conservation Districts:

- 320 King Street, Downtown Heritage Conservation District
- 187 Wharncliffe Road North, Blackfriars/Petersville Heritage Conservation District

In 2023, the Ontario Land Tribunal (OLT) closed the appeal regarding Municipal Council's refusal of the demolition request for the heritage designated property at 183 King Street, Downtown Heritage Conservation District.

Additionally, the Heritage Planners completed 109 Required Clearances for Demolition Permit forms in 2023.

2.2 Municipally Owned Heritage Properties

In cooperation with Facilities, Heritage Planning staff continued to support the lifecycle renewal of municipally owned heritage properties in 2023. Highlights include:

- Repair and partial replacement of the cedar roof at Park Farm
- Construction of an accessible pathway at Eldon House (see Image 2)
- Replacement of the wood fence at Eldon House
- Restoration of the gate and fence at Elsie Perrin Williams Estate
- Removal of asbestos flooring at Grosvenor Lodge



Image 2: The new accessible pathway on the east side of Eldon House. This project was completed with the assistance of the City of London's AODA budget.

In December 2021, the City of London made an application to the Historic Sites and Monuments Board of Canada to recognize Labatt Memorial Park as a National Historic Site of Canada. A decision on the application is still pending.

Conclusion

The purpose of this report is to provide Municipal Council with information regarding activities in 2023 on the heritage planning program, including information regarding archaeology, the Register of Cultural Heritage Resources, heritage property designations, Heritage Alteration Permits, demolition requests, and municipally owned heritage properties (see Figure 3).

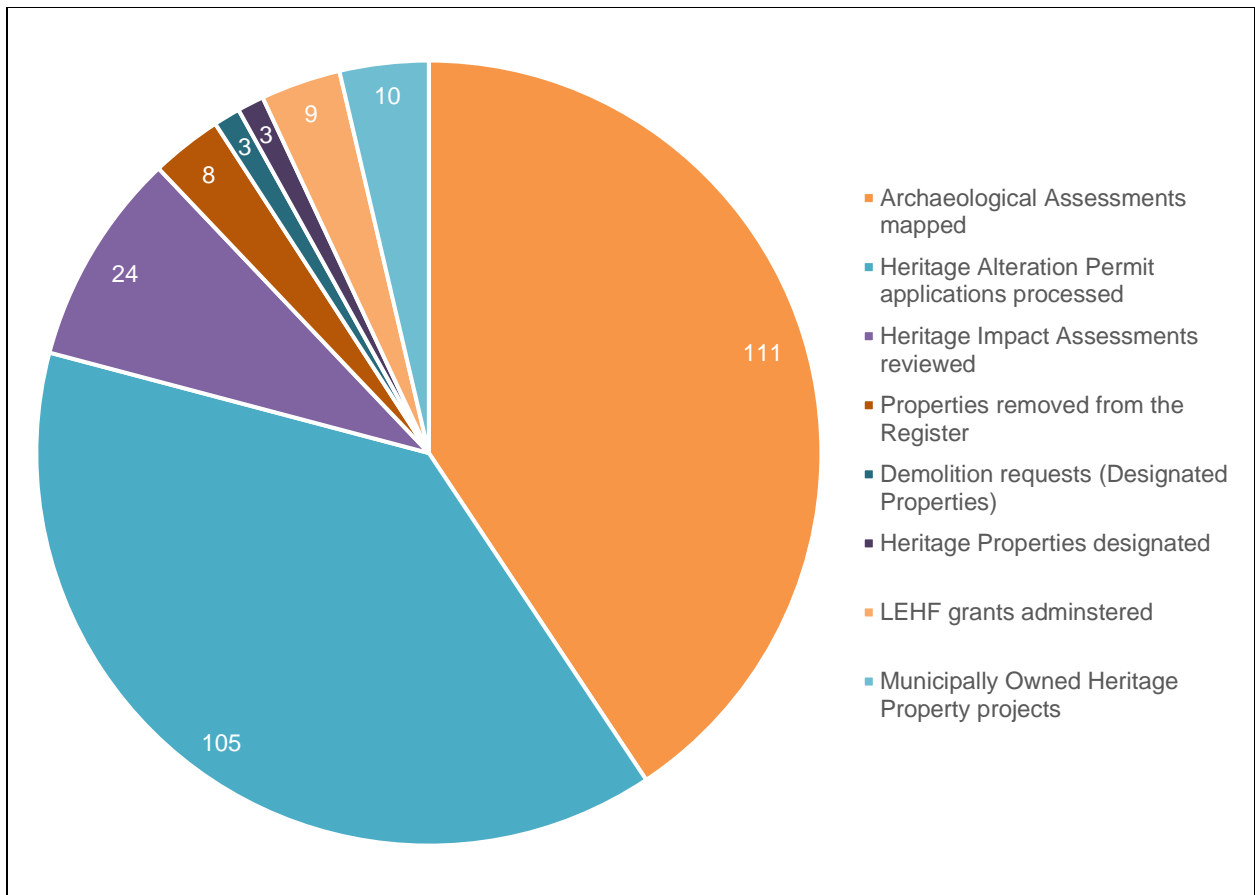


Figure 3: Summary highlight of the heritage planning program in 2023.

Prepared by: Kyle Gonyou, RPP, MCIP, CAHP
Manager, Heritage and Urban Design

Submitted by: Kevin Edwards, RPP, MCIP
Manager, Community Planning

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

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

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 Laura Dent, Heritage Planner
 Michael Greguol, Heritage Planner
 Konner Mitchener, Heritage Planner
 Sean McHugh, Acting Director Building, Chief Building Official
 Kyle Wilding, Manager, Plans Examination

Appendix A Heritage Alteration Permit applications in 2023 by Review Type

Appendix A – Heritage Alteration Permits

Heritage Alteration Permit applications processed in 2023 by review type:

Municipal Council

- HAP23-001-L, 54 Duchess Avenue, Wortley Village-Old South HCD
- HAP23-011-L, 19 Blackfriars Street, Blackfriars/Petersville HCD
- HAP23-015-L, 27 Bruce Street, Wortley Village-Old South HCD
- HAP23-036-L, 1 Cathcart Street/115 Bruce Street, Wortley Village-Old South HCD
- HAP23-040-L, 320 King Street, Downtown HCD
- HAP23-042-L, 520 Ontario Street, Old East HCD
- HAP23-047-L, 134 Wortley Road, Wortley Village-Old South HCD
- HAP23-074-L, 187 Wharncliffe Road North, Blackfriars/Petersville HCD

Delegated Authority

- HAP23-002-L, 209-213 King Street, Downtown HCD
- HAP22-082-D-a, 790 Queens Avenue, Old East HCD
- HAP23-003-D, 824 Lorne Avenue, Old East HCD
- HAP23-004-D, 294 Central Avenue, West Woodfield HCD
- HAP23-005-D, 178 Wharncliffe Road North, Blackfriars/Petersville HCD
- HAP23-006-D, 42 Albion Street, Blackfriars/Petersville HCD
- HAP23-007-D, 532 Dufferin Avenue, East Woodfield HCD
- HAP23-008-D, 82 Albion Street, Blackfriars/Petersville HCD
- HAP23-009-D, 28 Palace Street, East Woodfield HCD
- HAP23-010-D, 116 Wilson Avenue, Blackfriars/Petersville HCD
- HAP22-082-D-b, 790 Queens Avenue, Old East HCD
- HAP23-012-D, 83 Elmwood Avenue East, Wortley Village-Old South HCD
- HAP23-013-D, 16 Blackfriars Street, Blackfriars/Petersville HCD
- HAP23-014-D, 553 Dufferin Avenue, East Woodfield HCD
- HAP22-001-D-a, 808 Waterloo Street, Bishop Hellmuth HCD
- HAP22-083-D-a, 4402 Colonel Talbot Road
- HAP23-016-D, 820 Queens Avenue, Old East HCD
- HAP23-017-D, 140 Dundas Street, Downtown HCD
- HAP23-018-D, 892 Princess Avenue, Old East HCD
- HAP23-019-D, 854 Wellington Street, Bishop Hellmuth HCD
- HAP23-020-D, 141 Wortley Road, Wortley Village-Old South HCD
- HAP23-021-D, 560 English Street, Old East HCD
- HAP23-022-D, 74 Albion Street, Blackfriars/Petersville HCD
- HAP23-023-D, 29 Elmwood Avenue East, Wortley Village-Old South HCD
- HAP23-024-D, 363 Central Avenue, West Woodfield HCD
- HAP23-025-D, 514 Pall Mall Street
- HAP16-046-D-a, 188-190 Dundas Street, Downtown HCD
- HAP23-026-D, 312 Grosvenor Street, Bishop Hellmuth HCD
- HAP23-027-D, 89 King Street, Downtown HCD
- HAP21-080-D-b, 473 Colborne Street, West Woodfield HCD
- HAP23-028-D, 227 Wharncliffe Road North, Blackfriars/Petersville HCD
- HAP20-064-D-a, 6 Napier Street, Blackfriars/Petersville HCD
- HAP23-029-D, 496 Waterloo Street
- HAP23-030-D, 332 St James Street, Bishop Hellmuth HCD
- HAP23-031-D, 186 Dundas Street, Downtown HCD
- HAP22-070-D-a, 41 Cathcart Street, Wortley Village-Old South HCD
- HAP23-032-D, 625 Elizabeth Street, Old East HCD
- HAP23-033-D, 545 Ontario Street, Old East HCD
- HAP23-020-D-a, 141 Wortley Road, Wortley Village-Old South HCD
- HAP23-034-D, 261 Wortley Road, Wortley Village-Old South HCD
- HAP23-035-D, 201 Queens Avenue, Downtown HCD
- HAP23-037-D, 332 Central Avenue, West Woodfield HCD

- HAP23-038-D, 40 Oxford Street West, Blackfriars/Petersville HCD
- HAP23-039-D, 248 Hyman Street, West Woodfield HCD
- HAP23-041-D, 60 Bruce Street, Wortley Village-Old South HCD
- HAP23-043-D, 163 Oxford Street East
- HAP23-044-D, 6 Ingleside Place, Wortley Village-Old South HCD
- HAP23-045-D, 30 Victor Street, Wortley Village-Old South HCD
- HAP23-020-D-b, 141 Wortley Road, Wortley Village-Old South HCD
- HAP23-046-D, 447 Quebec Street, Old East HCD
- HAP23-048-D, 36 Askin Street, Wortley Village-Old South HCD*
- HAP22-026-D-c, 119 Elmwood Avenue East, Wortley Village-Old South HCD
- HAP23-049-D, 647 Elias Street, Old East HCD
- HAP23-050-D, 129-131 Wellington Street
- HAP23-051-D, 8 Cherry Street, Blackfriars/Petersville HCD
- HAP23-052-D, 338 St James Street
- HAP22-026-D-d, 119 Elmwood Avenue East, Wortley Village-Old South HCD
- HAP23-053-D, 174-184 York Street, Downtown HCD
- HAP23-054-D, 472 Elizabeth Street, Old East HCD
- HAP22-088-D-a, 920 Dufferin Avenue, Old East HCD
- HAP23-055-D, 415-417 Richmond Street, Downtown HCD
- HAP23-056-d, 89 Elmwood Avenue East, Wortley Village-Old South HCD
- HAP23-057-D, 94 Bruce Street, Wortley Village-Old South HCD
- HAP23-058-D, 169 Wortley Road, Wortley Village-Old South HCD
- HAP23-059-D, 189 Dundas Street, Downtown HCD
- HAP23-060-D, 141 Duchess Avenue, Wortley Village-Old South HCD
- HAP23-061-D, 527 Princess Avenue
- HAP23-062-D, 226 Dundas Street, Downtown HCD
- HAP23-063-D, 225 Queens Avenue, Downtown HCD
- HAP23-064-D, 316 Grosvenor Street, Bishop Hellmuth HCD
- HAP23-065-D, 802 Waterloo Street, Bishop Hellmuth HCD
- HAP23-066-D, 148 York Street, Downtown HCD
- HAP23-067-D, 140 Wortley Road, Wortley Village-Old South HCD
- HAP23-068-D, 122 Wharnccliffe Road South, Wortley Village-Old South HCD
- HAP23-069-D, 68 Albion Street, Blackfriars/Petersville HCD
- HAP23-070-D, 189 Dundas Street, Downtown HCD
- HAP23-071-D, 171 Wortley Road, Wortley Village-Old South HCD
- HAP23-072-D, 34 Empress Avenue, Blackfriars/Petersville HCD
- HAP23-073-D, 27 Victor Street, Wortley Village-Old South HCD
- HAP23-075-D, 785 Wellington Street, Bishop Hellmuth HCD
- HAP23-034-D-a, 261 Wortley Road, Wortley Village-Old South HCD
- HAP23-076-D, 57 Askin Street, Wortley Village-Old South HCD
- HAP22-086-D-a, 173 Duchess Avenue, Wortley Village-Old South HCD
- HAP23-077-D, 139 Duchess Avenue, Wortley Village-Old South HCD
- HAP23-078-D, 129 Wharnccliffe Road North, Wortley Village-Old South HCD
- HAP22-001-D-b, 808 Waterloo Street
- HAP23-079-D, 795 Lorne Avenue, Old East HCD
- HAP23-080-D, 330 Clarence Street, Downtown HCD
- HAP23-069-D-a, 68 Albion Street, Blackfriars/Petersville HCD
- HAP23-081-D, 421 Ridout Street North, Downtown HCD
- HAP23-082-D, 4 Brighton Street, Wortley Village-Old South HCD
- HAP23-083-D, 15 Ingleside Place, Wortley Village-Old South HCD
- HAP23-084-D, 195 Dundas Street, Downtown HCD
- HAP23-085-D, 538 Colborne Street, West Woodfield HCD
- HAP23-086-D, 506 Ontario Street, Old East HCD
- HAP23-087-D, 47 Bruce Street, Wortley Village-Old South HCD
- HAP23-077-D-a, 139 Duchess Avenue, Wortley Village-Old South HCD

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: 2023 Annual Development Report
Date: February 21, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the 2023 Annual Development Report, attached as Appendix “A”, **BE RECEIVED** for information.

Executive Summary

An Annual Development Report provides annual update and commentary on development activity in the City of London. The Annual Development Report monitors historic and forecasted near-term growth of residential, commercial, institutional and industrial development; development application statistics; and Planning and Development process improvement initiatives.

The 2023 Annual Development Report is the fifth report prepared by the City and is attached as Appendix A to this report. Various changes have been made to the approach taken in the 2023 report as compared to previous reports, which includes new reporting metrics related to the City’s housing supply and more data visualizations including charts and graphs. The 2023 report contains new sections on affordable housing units and residential units in development approval stages to track progress towards the Roadmap to 3,000 Affordable Units and London’s Housing Pledge of 47,000 units.

Linkage to the Corporate Strategic Plan

The Annual Development Report supports the 2023-2027 Strategic Plan for the City of London through the Housing and Homelessness strategic area of focus by developing and enhancing planning implementation tools that advance the policies of The London Plan and increasing the efficiency and consistency of planning and development processes.

Background

On June 17, 2019, a staff report recommending that a regular reporting tool to communicate development statistics and progress on continuous improvement initiatives be developed and published on an annual basis was submitted to the Planning and Environment Committee. The recommendation was approved by Council.

Previous Annual Development Reports for 2019, 2020, 2021 and 2022 were submitted to Planning and Environment Committee.

Similar to previous years, the attached 2023 Annual Development Report covers historic and forecasted near-term growth by development type, 2019-2023 development application activity, and continuous improvement initiatives that were taken in 2023, as well as the percentage of new residential units located within the Built-Area Boundary.

New reporting metrics have been developed and incorporated into the 2023 edition to track progress of the Roadmap to 3,000 Affordable Units Plan and the City’s Housing Pledge for 47,000 new units. The Roadmap which sets the framework for creating 3,000 new affordable housing units by 2026 was approved in December 2021. A new section in the 2023 Annual Development Report provides an update on the Roadmap along with numbers of new affordable housing units tracked to date.

On February 14, 2023, Council adopted the Province's pledge to increase the housing supply by an additional 47,000 units by 2031. The City also secured \$74 million from federal Housing Accelerator Fund (HAF) on September 13, 2023 to accelerate delivery of those housing units.

On October 31, 2023, a report was brought forward to the Strategic Priorities and Policy Committee highlighting the number of units in the various stages of land development and planning application processes as of June 2023. In the 2023 Annual Development Report, the diagram of "buckets" of units in various development approval stages has been updated with current information (December 2023), and is applied as a key performance metric that can be monitored over time. Unit counts in the "Un-serviced" and "Serviced" stages are an estimate of the number of units from annual updates to the Growth Management Implementation Strategy (GMIS), and therefore are not included in the Annual Development Report.

Key Findings

In 2023, total new residential units were down 39% in the City over 2022. Of new residential units in 2023, 16.3% were single detached and semi-detached dwellings, 23.8% were rowhouses and townhouses and 59.9% were apartments. In addition, permits for 260 new Additional Residential Units (ARUs) were issued in 2023, which represent a 24% increase in the number of ARUs from 2022.

The 2023 residential permit activity demonstrates the continuation of the recent trend towards more medium-density (townhouse) and high-density (apartment) forms of housing being built compared to low-density (singles and semi-detached) units. Also, as identified in the October 31, 2023 Housing Pledge report to the Strategic Priorities and Policy Committee, it is anticipated that the drop in overall residential building activity in 2023 can in part be attributed to:

- Consumer demand dropping due to higher mortgage rates and increasing difficulty in consumers meeting requirements of mortgage payments;
- Higher construction costs and higher interest rates making it more difficult to acquire financing for large construction projects; and
- Substantial and increasing fixed costs for components of midrise buildings making some forms of midrise building less financially viable at this time.

In tracking progress towards achieving the Housing Pledge of 47,000 new units, there have been a total of 4,324 residential units constructed in 2022 and 2023 (2,598 units in 2022 and 1,726 units in 2023). Council approvals of projects going through the planning and development approval process have also remained stable in 2023, despite the reduction in building permits for new units in 2023. Since January 2022, Council has approved 9,767 units through site-specific zoning by-law amendments and draft approved subdivision plans. In 2022, Council approved zoning for 4,002 units through site-specific zoning by-law amendments and 428 units in draft approved subdivisions. In 2023, Council approved zoning for 5,082 units through site-specific zoning by-law amendments and 255 units in draft approved subdivision plans. Additionally, 5,801 units were in registered subdivisions as individual building lots or multi-unit blocks, as of the end of 2023.

The intensification rate which means new units created within the 2016 Built-Area Boundary as identified in The London Plan was 43.5% in 2023. After a very low level in 2022, the intensification rate increased due to greater high density residential (i.e. apartments and other multi-unit dwellings) units being located within the Built-Area Boundary.

For non-residential development, industrial growth was down 66.1% in 2023 returning to historic levels after an exceptional 2022 that was boosted by permits for new manufacturing plants and additions to existing buildings. Commercial (retail and office) growth was down 61.9% after an increase in 2022 due to restaurants and retail stores

including Costco Wholesale. Institutional growth increased 54.7% due to new buildings for various uses ranging from long-term care facilities and schools to animal shelters.

Since the inception of the Roadmap to 3,000 Affordable Units Plan in 2021, a total of 1,825 affordable housing units have been tracked up to the end of 2023. The City has constructed or contributed to the construction of 479 affordable housing units and secured additional 19 affordable housing units through bonus zoning. The City has started or guided construction of 598 affordable housing units, and engaged in the project scoping and planning process for 729 affordable housing units. Future opportunities for 1,175 units are being assessed and explored.

Development application activity levels remained stable in 2023. A total of 412 applications were received. Of those applications received, 175 site-specific rezoning and site plan applications proposed for creation of 7,154 residential units. Several types of applications, including Official Plan Amendments and Zoning By-law Amendments, have improved processing timelines.

It should be noted that the percentages of development applications processing *Planning Act* statutory timelines over the past 5 years have been adjusted to be consistent with quarterly reporting submitted to the province. The percentages may be changed over time as some applications are being processed with no decision or draft approval.

In addition, several process improvement initiatives are underway to improve service delivery, submission quality and application processing times. Various changes and improvements to application processes have been implemented in response to Provincial legislative changes. Those include delegation of approval authority to staff for subdivision, condominium and part-lot control processes, streamlined notice process and updates to planning documents.

Conclusion

The attached 2023 Annual Development Report provides a summary of historic and forecasted near-term growth of residential and non-residential development, 2019-2023 development application activity, and continuous improvement initiatives that were undertaken in 2023, as well as updates on affordable housing units and residential units in development approval stages.

Staff anticipate that the Annual Development Report will be a helpful monitoring tool for Council as well as a reference for market analysis studies undertaken by members of the community. It will also provide an enhanced input into the Growth Management Implementation Strategy (GMIS) and recommendations for infrastructure planning.

A separate report will be brought forward to a future meeting of the Strategic Priorities and Policy Committee to introduce a Housing Supply Action Plan (HSAP). The HSAP is anticipated to include foundations for actions and initiatives in support of the Housing Pledge, including how the City reports on development tracking.

Prepared by: Joanne Lee
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Kyle Wilding
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Peter Kavcic
Manager, Subdivisions and Development Inspections



2023

ANNUAL DEVELOPMENT REPORT

PLANNING & DEVELOPMENT



The City of London

London
CANADA

2023 Annual Development Report

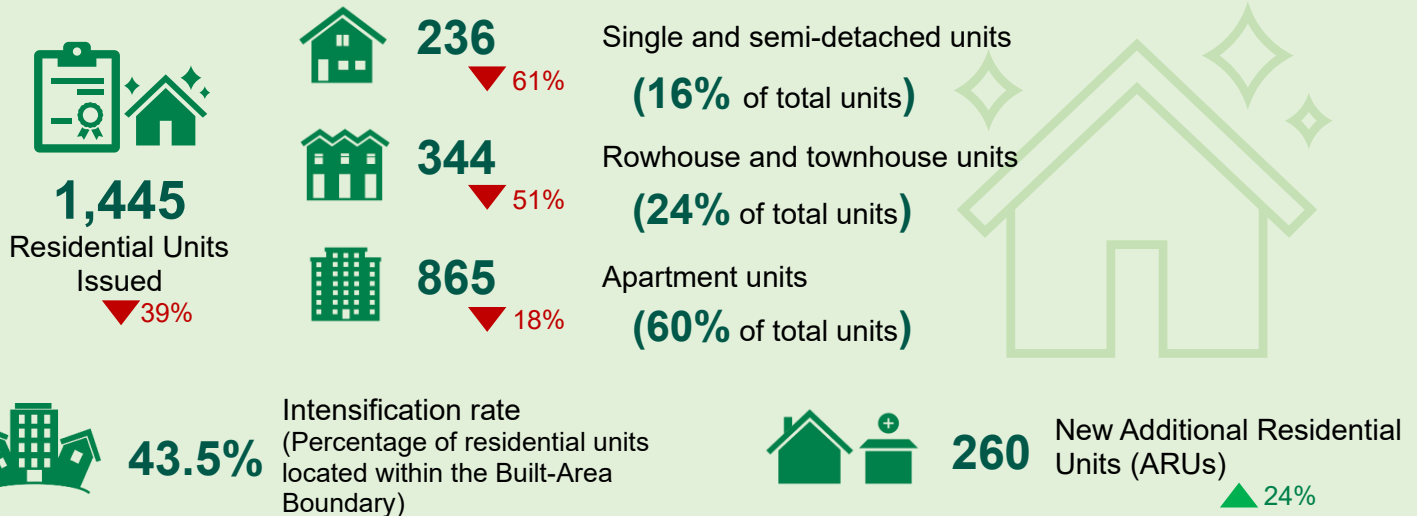
The Annual Development Report (ADR) provides updates and commentary on development activity in the City of London. The ADR monitors:

- residential, commercial, institutional and industrial development;
- affordable housing unit supply;
- residential units in various stages of the development approval process;
- development application statistics; and
- Planning and Development process-based continuous improvement initiatives.

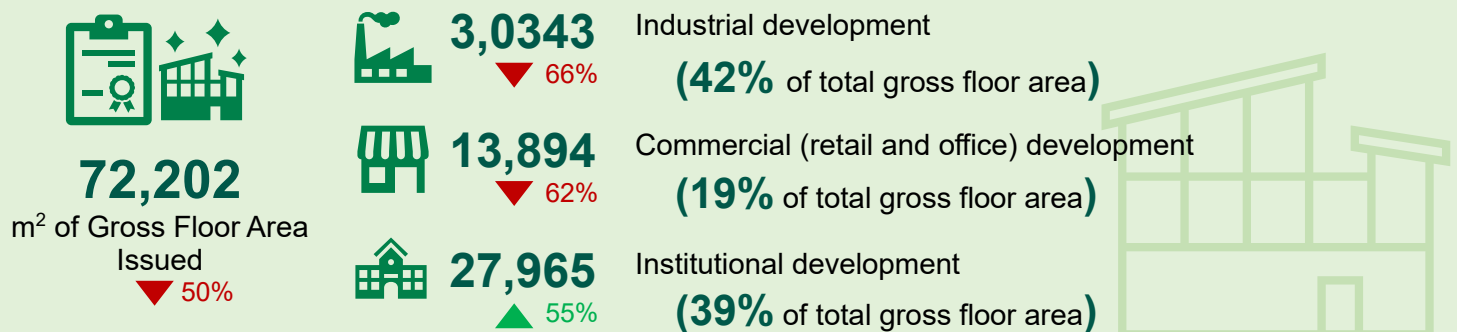
Highlights in 2023

Change (▲▼) compared to 2022

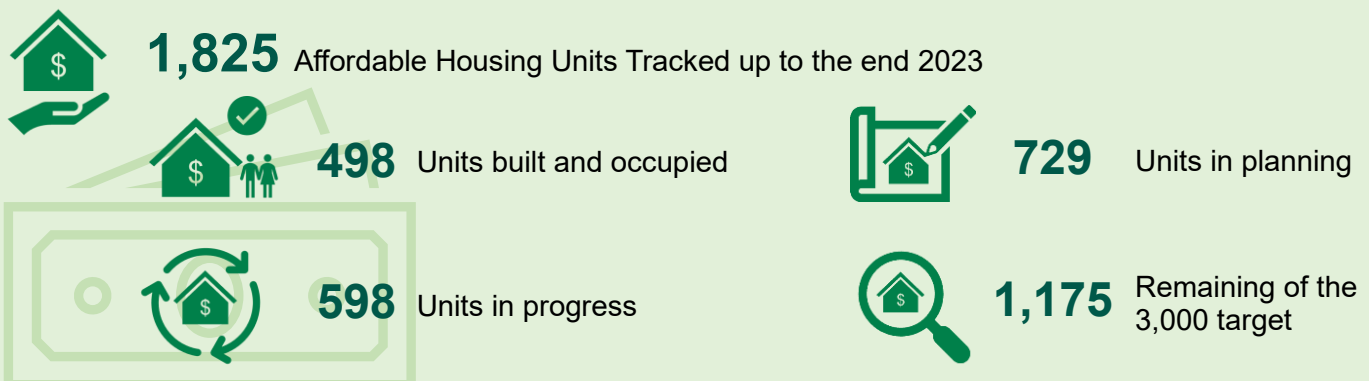
Residential Development



Non-Residential Development



Affordable Housing



Residential Units in the Development Approvals Process

3,100 Units (2022) & **3,447** Units (2023)



London's Annual Housing Targets for 2022 and 2023

2,598* units constructed in 2022

1,726* units constructed in 2023

*These units are based on building permit data and the Province bases their values on this housing starts information.



Council
Approved

4,430 units in 2022

5,337 units in 2023



Approved Lots
and Blocks

5,742 units in 2022

5,801 units in 2023



Open Site Plans
and Condos

12,771 units in 2022

14,598 units in 2023



Permits and
Inspection

2,598 units in 2022

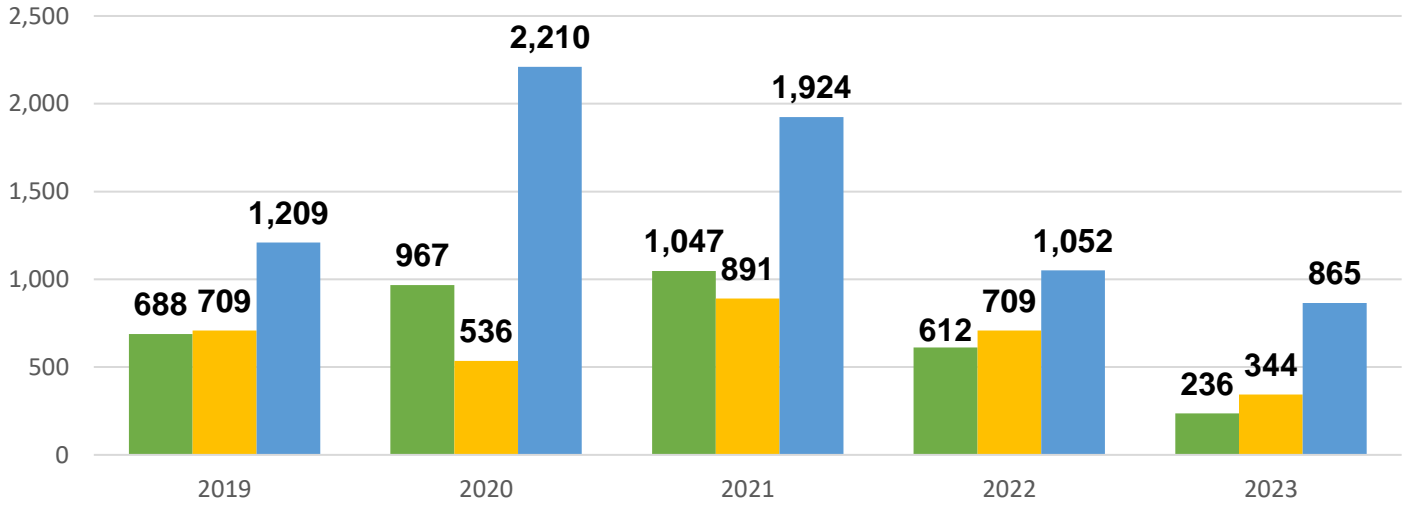
1,726 units in 2023

Development Application Activity

	Percentages of Applications Processed within <i>Planning Act</i> Timelines	Average Days to Process (In Calendar Days)	
<p>412 applications received</p> <p>▼ 9%</p> <p>7,154 residential units proposed through applications (Site-specific Zoning By-law Amendments and Site Plans)</p>	Official Plan Amendment and Zoning By-law Amendment	69%	115
	Zoning By-law Amendment	45%	144
	Temporary Zoning	50%	112
	Removal of Holding Provision	74%	71
	Draft Plan of Subdivision	40%	179
	Draft Plan of Condominium	69%	114
	Condominium Conversion Plans	0%	n/a
	Part Lot Control Exemption	n/a	43
	Consent	97%	57
	Minor Variance	85%	30
Site Plan	100%	25	

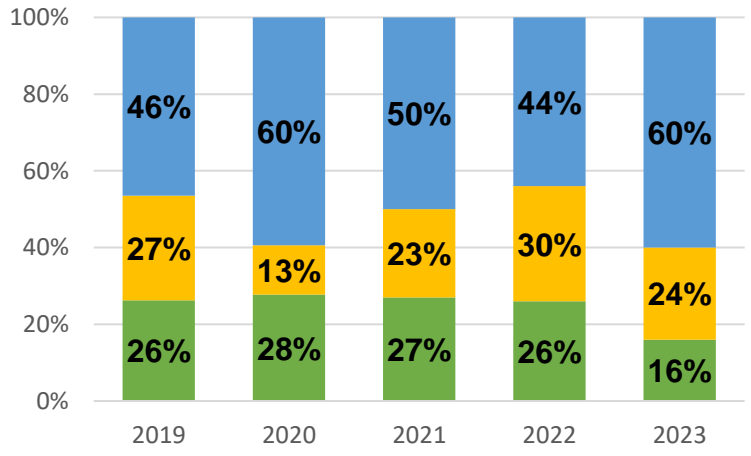
Building Permit Activity

Residential Development

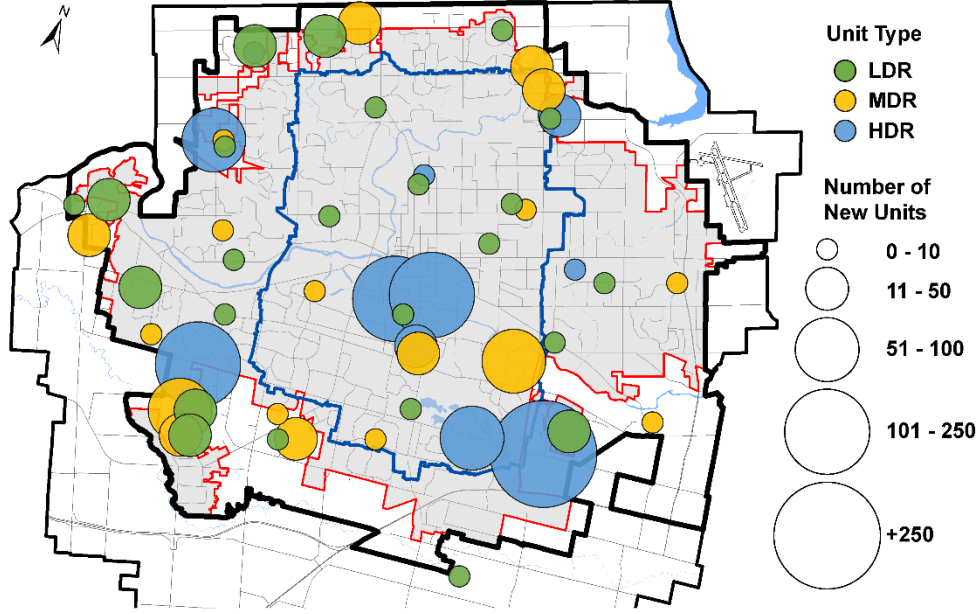


Units & Change (▲▼) compared to 2022

- Low Density Residential (LDR)**
 Single and semi-detached dwellings
236 ▼ 61%
- Medium Density Residential (MDR)**
 Rowhouses and townhouses
334 ▼ 51%
- High Density Residential (HDR)**
 Apartments
865 ▼ 18%

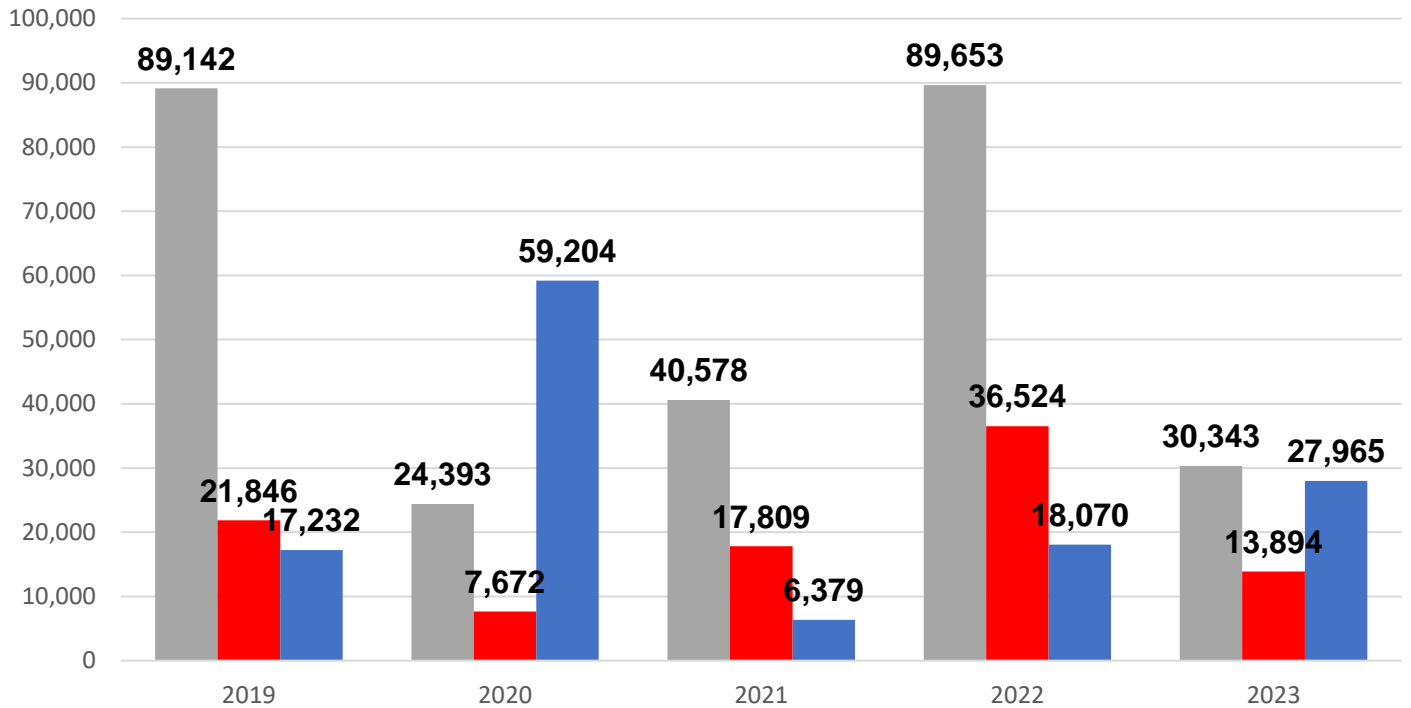


2023 Total Residential Permits by Location



- 1,445** Units issued (Total)
- 10** Single detached cluster units issued in Vacant Land Condominiums
- 13** Apartment buildings issued ranging in size from 6 units to 153 units

Non-Residential Development



72,202 m² of GFA issued (Total)

42% is industrial.

19% is commercial.

39% is institutional.

5 New industrial buildings issued

9 New commercial buildings issued

5 New institutional buildings issued



Industrial



Commercial



(Retail & Office)
Institutional

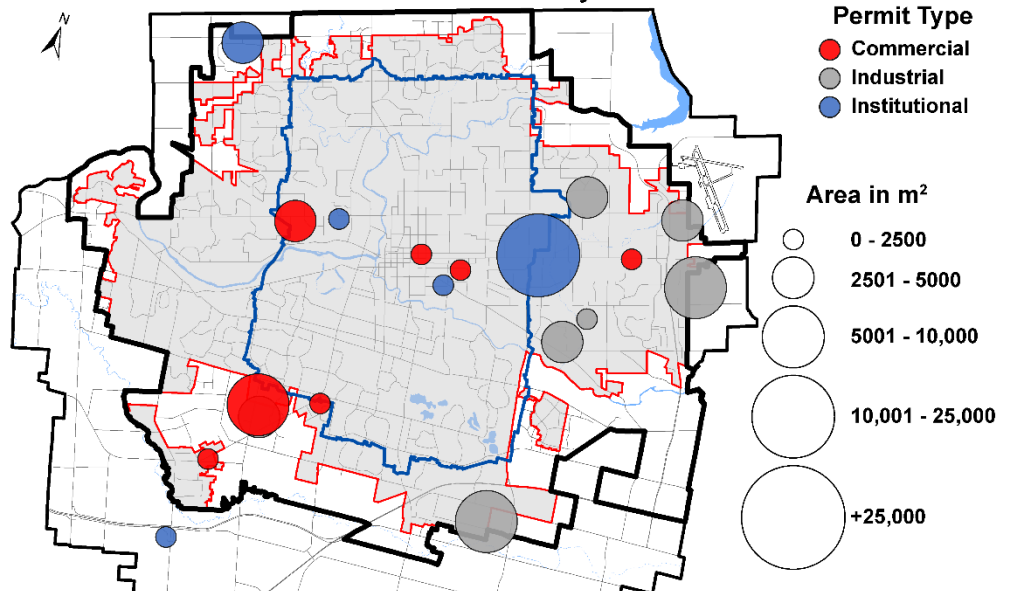
GFA (m²) & Change (▲▼) compared to 2022

30,343 ▼ 66%

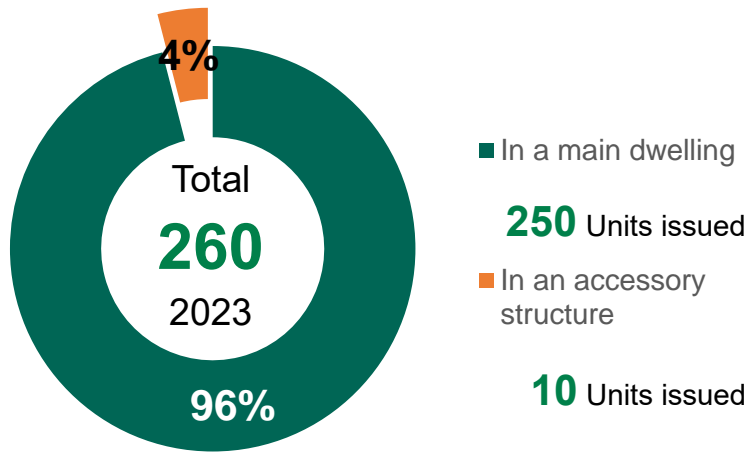
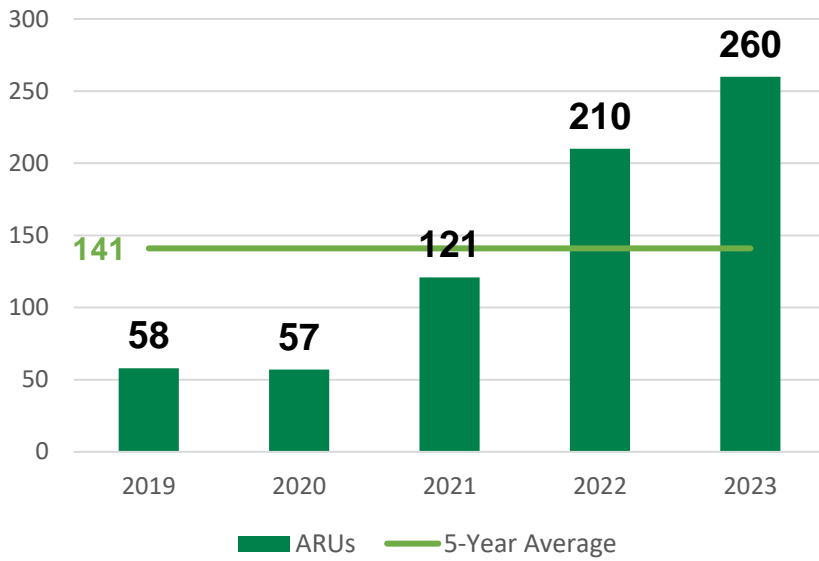
13,894 ▼ 62%

27,965 ▲ 55%

2023 Total Non-Residential Permits by Location



Additional Residential Units (ARUs)



An Additional Residential Unit (ARU) is a self-contained residential unit with kitchen and bathroom facilities within, and an ancillary to, an existing dwelling.

ARUs in a main dwelling



Upper level ARU



Basement ARU



Attached ARU

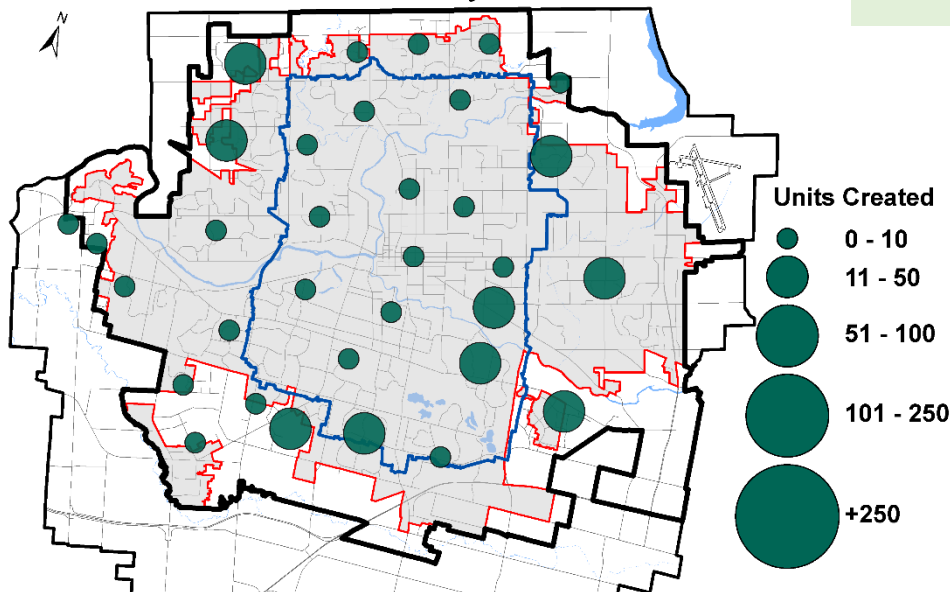
ARUs in an accessory structure



Detached ARU

A maximum of three ARUs are permitted within a single-detached, semi-detached or street townhouse dwelling in a lot, including a maximum of one ARU in an accessory structure. ARUs do not include garden suites, lodging houses or converted dwellings.

2023 ARU Permits by Location



24%

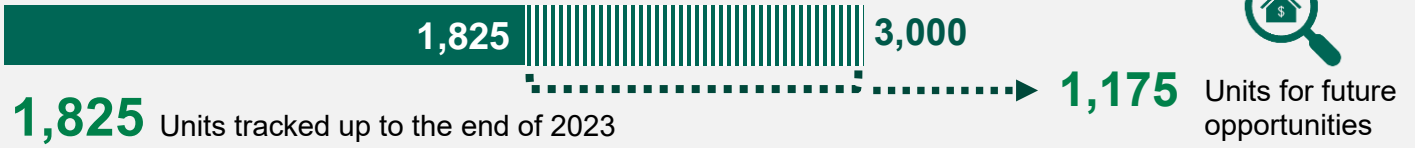
Increased in the number of ARUs from 2022.

62%

of new ARUs were in the Built-Area Boundary.

Affordable Housing

Affordable Housing Target by 2026



Affordable Housing Projects Tracked



804 units

Affordable Rental



50 units

Affordable Ownership



6 units

Secondary Suites



399 units

City-led Shovel Ready



93 units

LMCH Intensifications



338 units

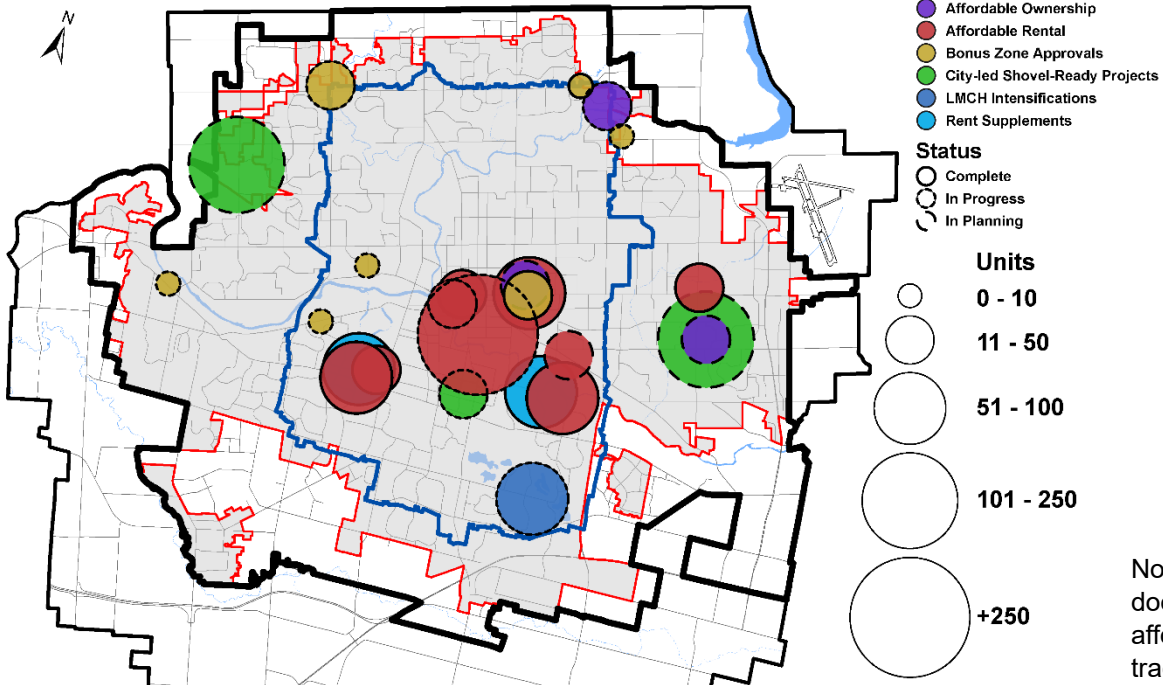
Bonusing Zone Approvals



135 units

Rent Supplements

Affordable Housing Units by Location



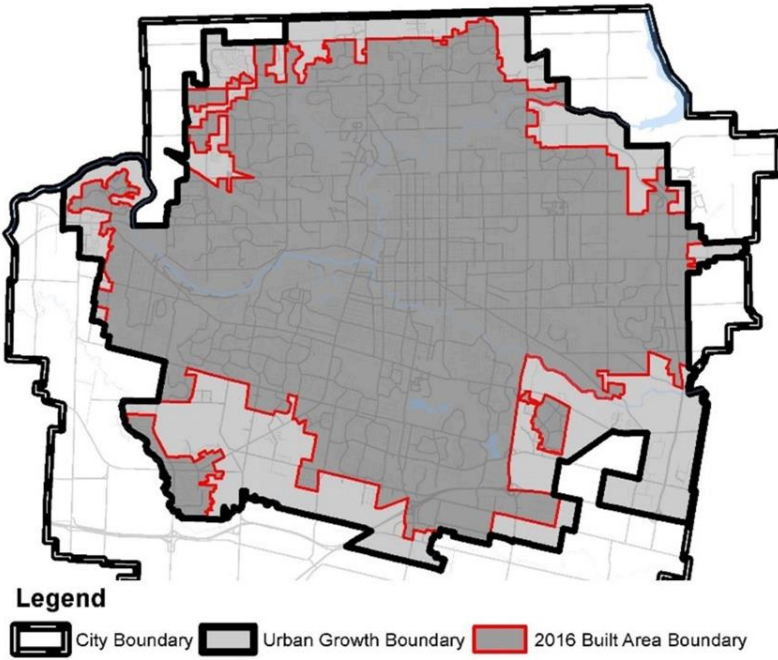
498 Units complete

598 Units in progress

729 Units in planning

Note: The map on the left does not contain all the affordable housing units tracked.

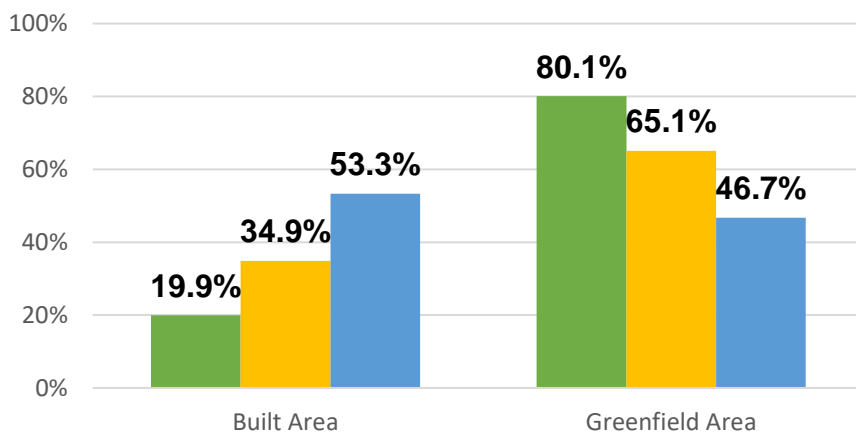
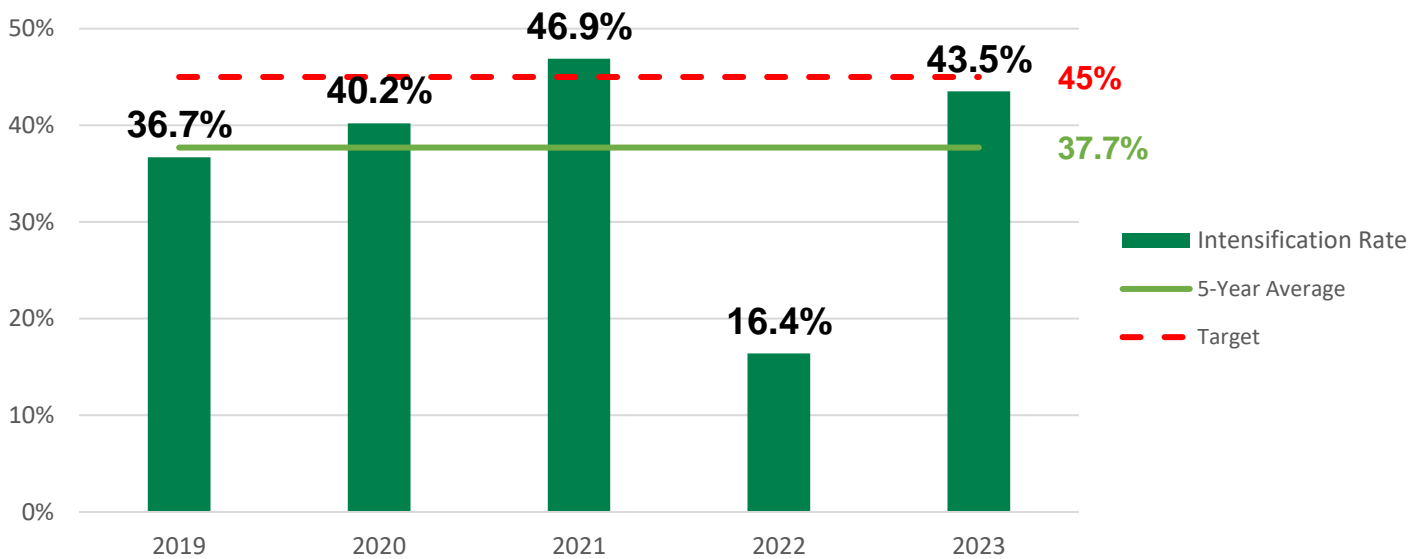
Residential Intensification Rate



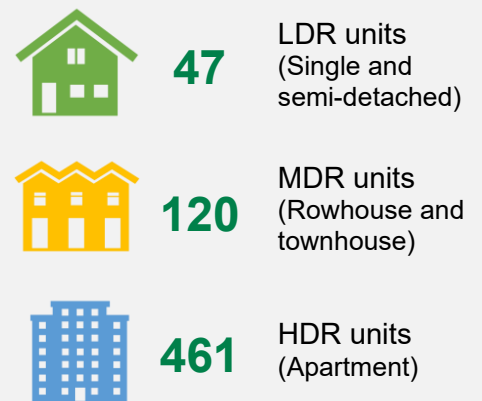
A **Built-Area Boundary** is a fixed line that acts an important land use planning tool to measure intensification and redevelopment.

The London Plan targets a minimum 45% of all new residential units to be constructed within the 2016 Built-Area Boundary of the city, meaning the lands that were substantially built out as of 2016.

The 2016 Built-Area Boundary identified in the London Plan is shown in dark grey on the left.



Residential Units Issued within the 2016 Built-Area Boundary



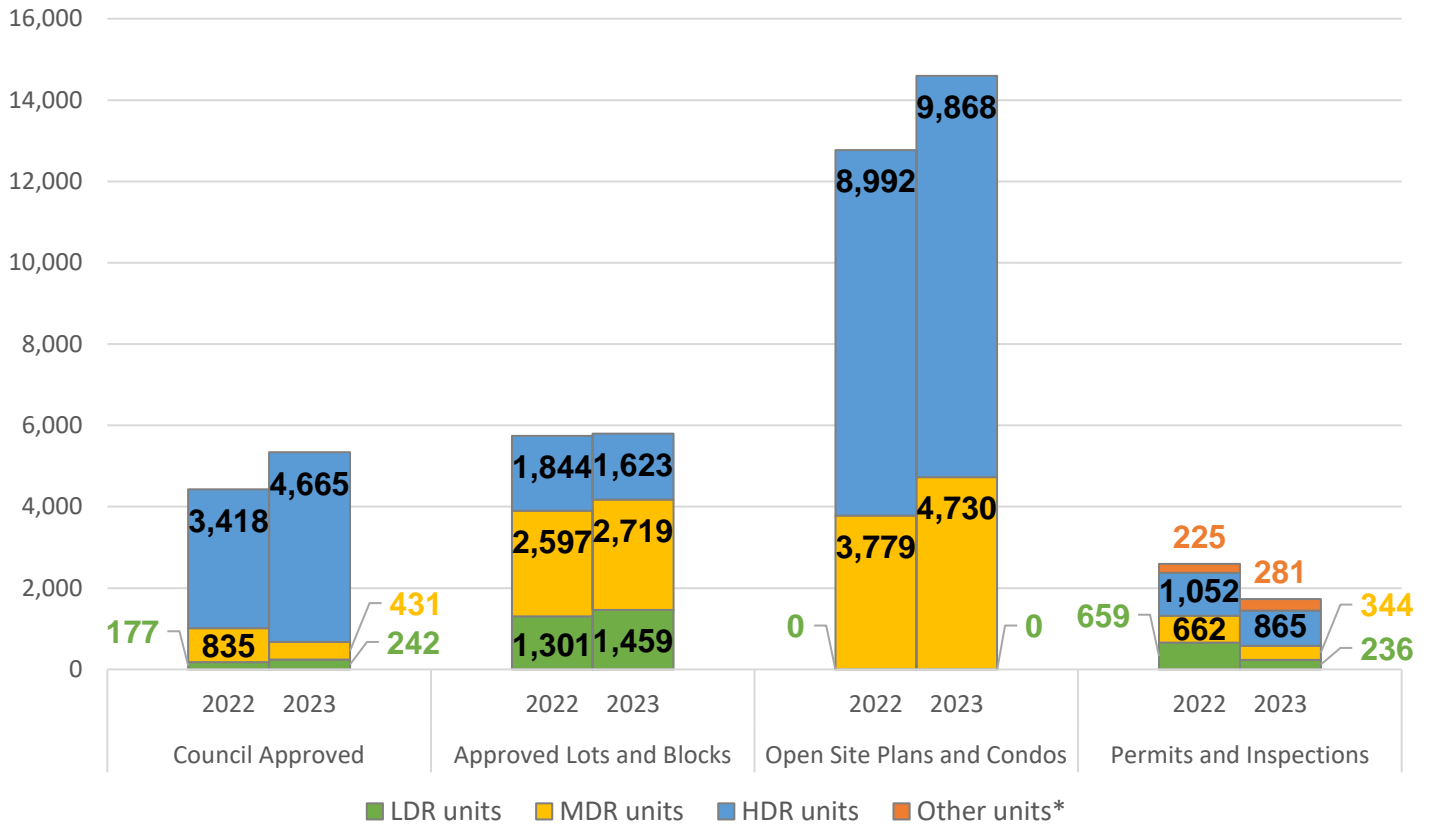
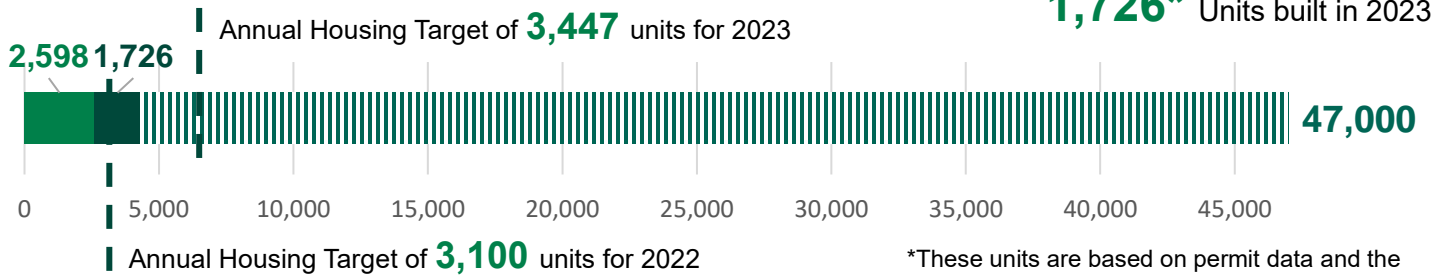
❖ Higher intensification rates are typically driven by high levels of HDR permits are generally located within the Built-Area Boundary.

Residential Units in the Development Approvals Process

Roadmap to Municipal Housing Target of **47,000** units by 2031

2,598* Units built in 2022

1,726* Units built in 2023



4,430 units in 2022
5,337 units in 2023



Council Approved
Units in draft approved Subdivision Plans and approved site-specific Zoning By-law Amendments.

5,742 units in 2022
5,801 units in 2023



Approved Lots and Blocks
Units in Registered Subdivision, Condominium and Reference Plans.

12,771 units in 2022
14,598 units in 2023



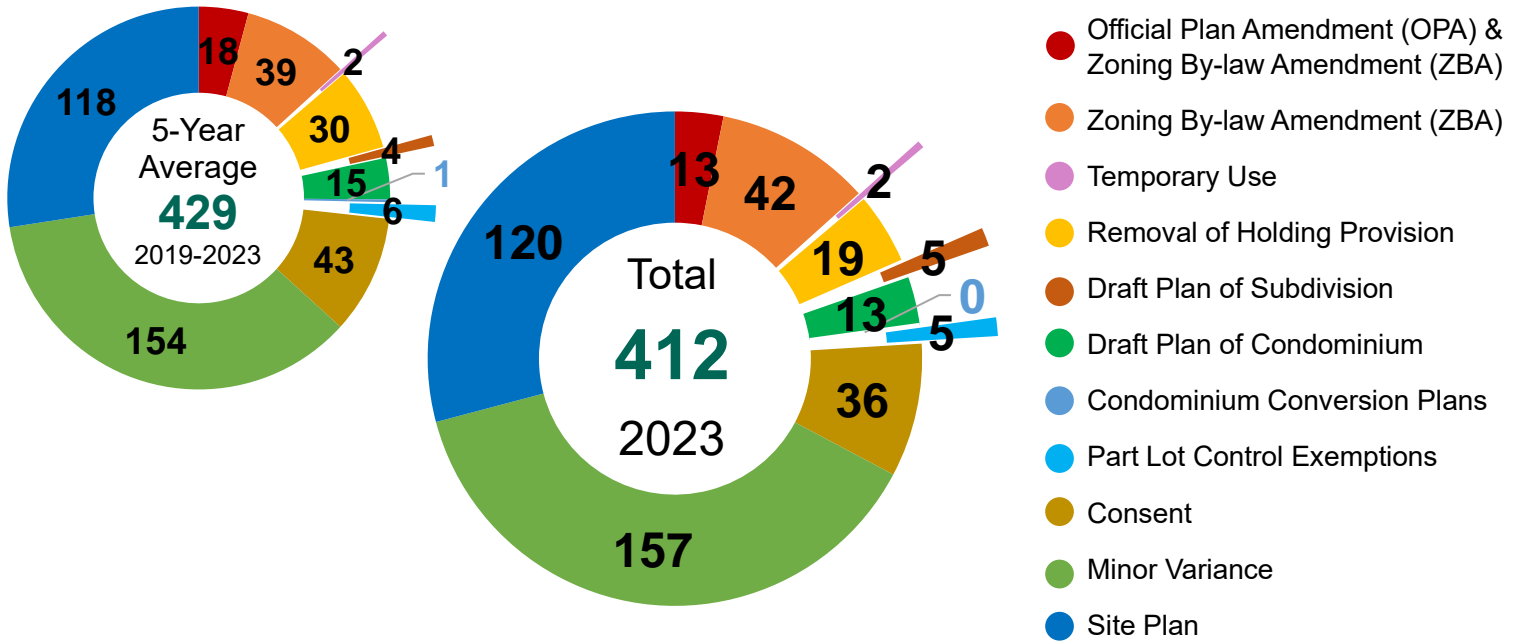
Open Site Plans and Condos
Units in Open Site Plans and Draft Approved Condos and Under Review Condos.

2,598 units in 2022
1,726 units in 2023



Permits and Inspections
Units in building permit applications.
*Other units include Additional Residential Units.

Development Application Activity



Percentages of Applications Processing *Planning Act* Timelines & Change (▲▼) compared to 2022

★★★	69%	OPA and ZBA	▲ 384%	★★★☆	40%	Draft Plan of Subdivision	⊘ N/A**
★★★☆	45%	ZBA	▲ 653%	★★★	69%	Draft Plan of Condominium	▲ 11%
★★★☆	50%	Temporary Use	⊘ N/A**	---	0%	Condominium Conversion Plans	⊘ N/A**
★★★	74%	Removal of Holding Provision	▲ 64%	★★★	97%	Consent	▲ 17%
★★★	100%	Site Plan	▲ 7%	★★★	85%	Minor Variance	▲ 1133%

*There is no statutory timeline for Part Lot Control Exemption application.

** There was no application received or 0% of applications processing timelines in 2022.

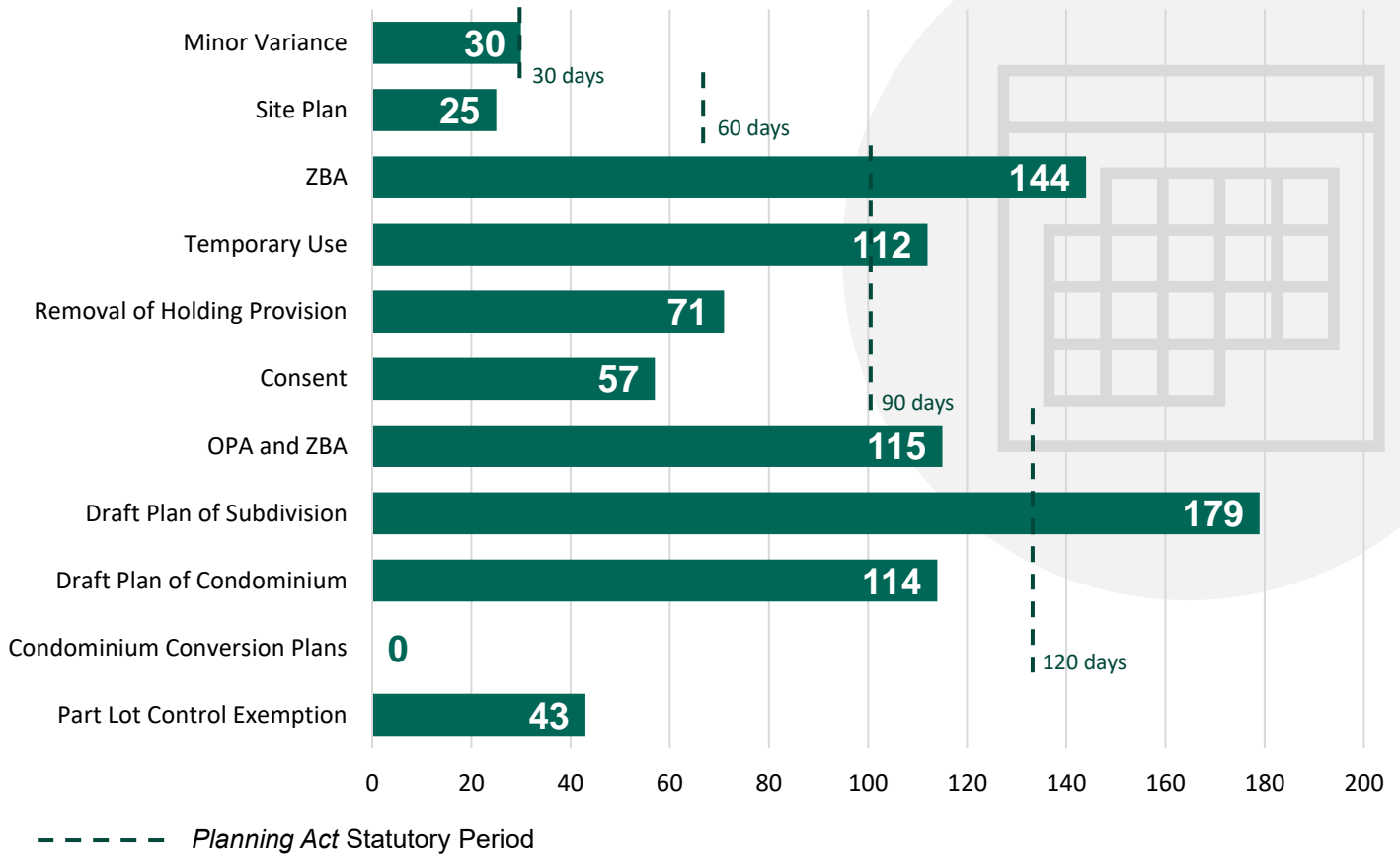
321 Consultations held in 2023 (Total)
162 Pre-Application Consultations
159 Site Plan Consultations

97% of Consents were heard within 75 days.
94% of Minor Variances were heard within 40 days.

100% of OPAs and ZBAs received after July 1st have met the timelines.
96% of Minor Variances received after July 1st have met the timelines.

- ! *Planning Act* timeframes are measured in calendar days, which is not consistent with actual working days. This has an impact mainly on application types with short timeframes like Minor Variances.
- ! Time for resubmissions and applications put on hold at the request of an applicant are counted within timelines. Time associated with these are beyond the City's control but still impact timeframes.

Planning and Development Process Metrics and Targets (in Calendar Days)



Residential Units Proposed in Applications*

2,850 Units in Site-Specific OPAs and ZBAs (Total)

17 were LDR units.

650 were MDR units.

2,183 were HDR units.

4,304 Units in Site Plans (Total)


0 were LDR units.


1,445 were MDR units.

2,859 were HDR units.

* These units have been proposed from January 1, 2023 to December 31, 2023.

2023 Continuous Improvement (CI) Initiatives

 A key principle of Council's Strategic Plan is that City services put residents and businesses at the centre, using innovative approaches and continuous improvement to meet the needs of Londoners.

 Throughout 2023, Planning and Development has continued to move forward on measures to improve service delivery, submission quality and application processing times.

LONDON'S HOUSING PLEDGE



London secured funding from the federal government's Housing Accelerator Fund (HAF) to accelerate new housing. Staff have moved forward with works highlighted in the HAF in the form of zoning and official plan changes, Community Improvement Plan updates, new programs and process improvement initiatives. A Housing Supply Action Plan is currently under development in collaboration with industry partners. A final plan is expected to be released for Council consideration in Q1 2024.

OFFICIAL PLAN AND ZONING CI INITIATIVE

Various improvements to the application process were implemented, including new 90-day timeline calendar for Zoning Bylaw Amendments (ZBAs) with optional pre-submission circulation, streamlined notice process, and revised report template. Several positive outcomes include a 50% reduction in ZBA processing time since July 2023. Planning and Development will continue to monitor the application process and explore possible adjustments or improvements over 2024.



SITE PLAN CI INITIATIVE



The internal training manual was modernized and restructured for more efficient on-boarding while several actions were and are being undertaken to facilitate more meaningful conversations and conflict resolutions. Those include modified consultation and application records and the extension of City and applicant external meetings. In addition, a draft of an updated London's Site Plan Control Manual was completed. A comprehensive review of the draft is underway to further streamline the document.

SUBDIVISION CI INITIATIVE

Council's approval has been delegated to Civic Administration for administrative processes through the subdivision, condominium and part-lot control planning processes. Improvements have resulted in one to two months time savings for the industry to be able to deliver permit ready lots sooner.



COMMITTEE OF ADJUSTMENT (CoA) CI INITIATIVE



The CoA meeting structure was reformatted to resume hybrid, online and in-person meetings for more flexibility for attendees. Staff is currently drafting a report to delegate approval authority for consent applications to staff to reduce processing timelines.

DIGITAL PLANNING APPLICATION TRACKER (DPAT)

Planning and Development is currently working with Information Technology Services on a digital planning application tracking portal to enable the development industry to track milestone dates through their *Planning Act* application processes. This will provide clarity and increased transparency on the entire application process for *Planning Act* applications.



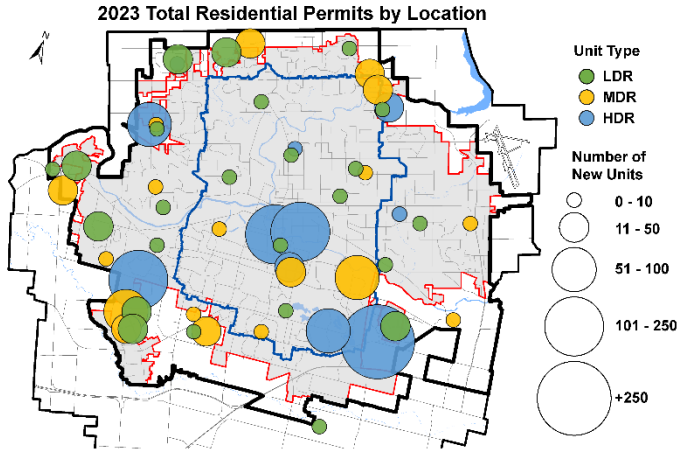
Appendix

Building Permit Activity: New Residential Units

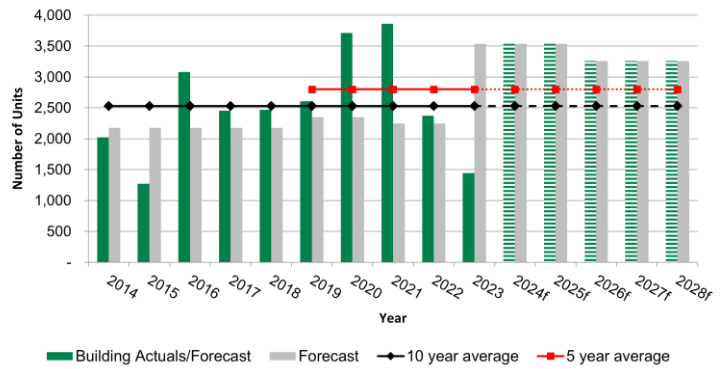
Total Residential Units

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024f	2025f	2026f	2027f	2028f
Altus/Watson Forecast	2,176	2,176	2,176	2,176	2,176	2,349	2,349	2,249	2,249	3,538	3,538	3,538	3,258	3,258	3,258
Actual/Forecast	2,021	1,270	3,083	2,455	2,470	2,606	3,713	3,862	2,373	1,445	3,538	3,538	3,258	3,258	3,258
10 Year Average	2,530														
5 Year Average	2,800														

Note: Totals exclude Additional Residential Units.

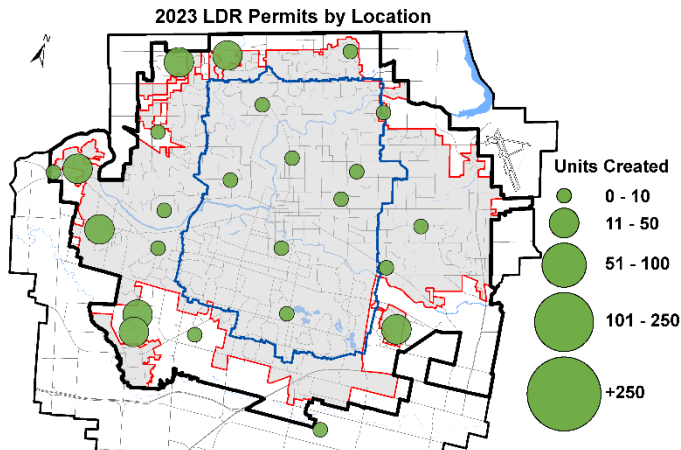


Total Residential Projected Growth and Actual Growth: 2014 - 2028

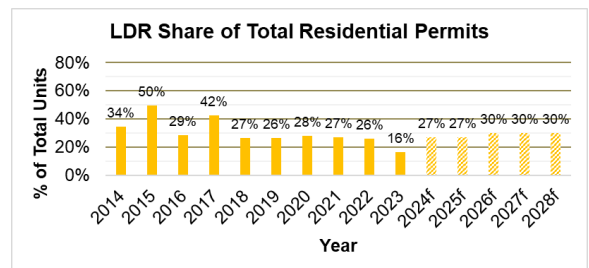
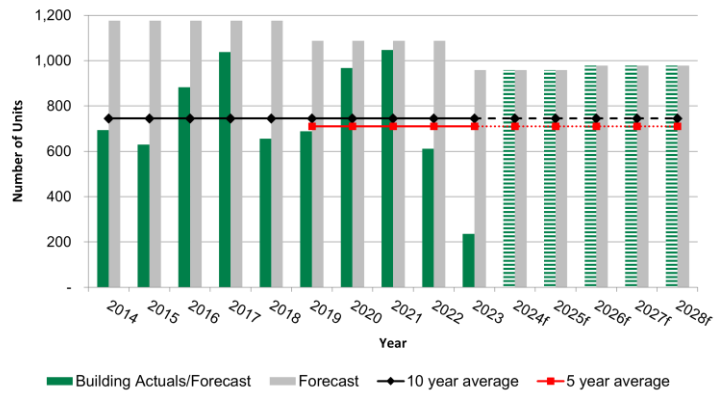


Low Density Residential (LDR) Units

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024f	2025f	2026f	2027f	2028f
Altus/Watson Forecast	1,176	1,176	1,176	1,176	1,176	1,088	1,088	1,088	1,088	958	958	958	978	978	978
Actual/Forecast	693	630	883	1,038	656	688	967	1,047	612	236	958	958	978	978	978
10 Year Average	745														
5 Year Average	710														



LDR Projected Growth and Actual Growth: 2014 - 2028

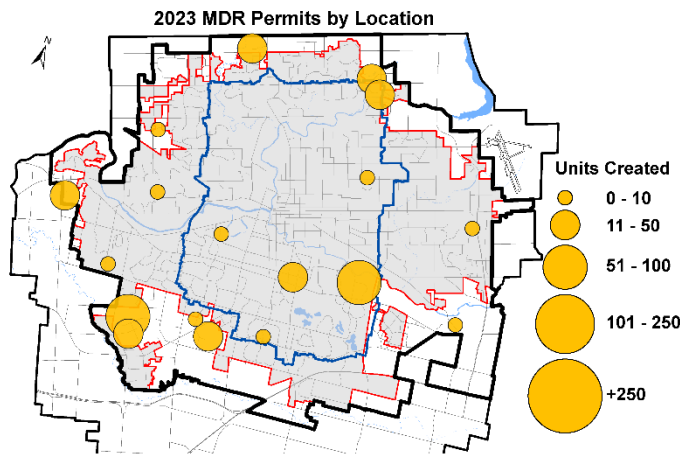


Low Density Residential (LDR) means single and semi-detached dwellings. LDR does not include duplexes.

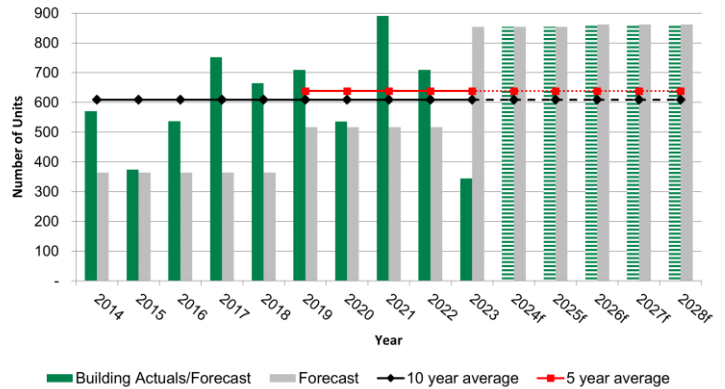
Medium Density Residential (MDR) Units

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024f	2025f	2026f	2027f	2028f
Altus/Watson Forecast	364	364	364	364	364	517	517	517	517	854	854	854	862	862	862
Actual/Forecast	570	374	537	752	665	709	536	891	709	344	854	854	862	862	862
10 Year Average	609														
5 Year Average	638														

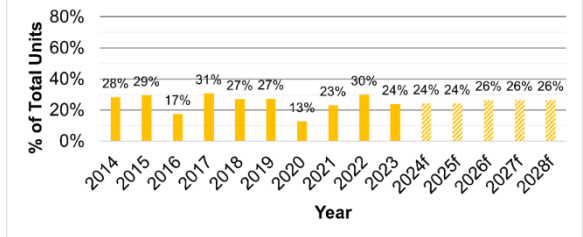
Note: Totals includes single detached cluster units in Vacant Land Condominiums; Building Division Report counts these as MDR Townhouse/Rowhouses.



MDR Projected Growth and Actual Growth: 2014 - 2028



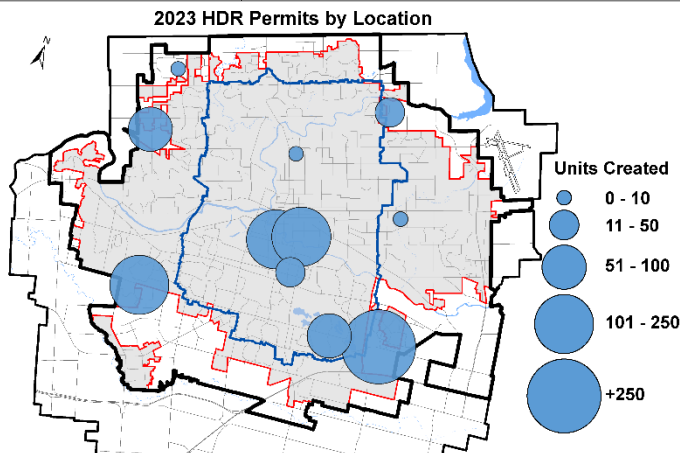
MDR Share of Total Residential Permits



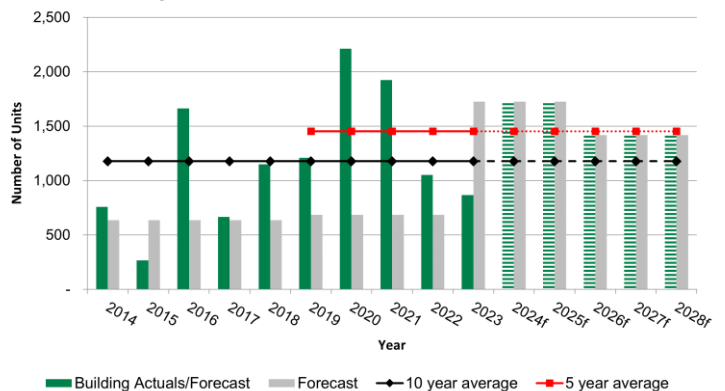
Medium Density Residential (MDR) means rowhouses and townhouses. The City's Building Division counts single-detached cluster dwellings in vacant condominium lands as MDR, but triplexes and fourplexes are not included in MDR.

High Density Residential (HDR) Units

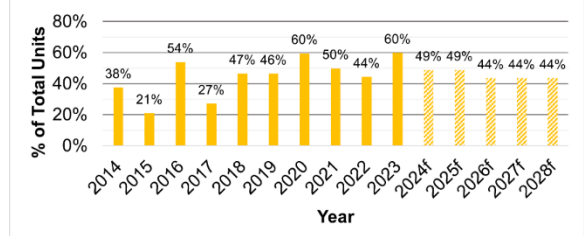
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024f	2025f	2026f	2027f	2028f
Altus/Watson Forecast	636	636	636	636	636	684	684	684	684	1,726	1,726	1,726	1,418	1,418	1,418
Actual/Forecast	758	266	1,663	665	1,149	1,209	2,210	1,924	1,052	865	1,726	1,726	1,418	1,418	1,418
10 Year Average	1,176														
5 Year Average	1,452														



HDR Projected Growth and Actual Growth: 2014 - 2028



HDR Share of Total Residential Permits

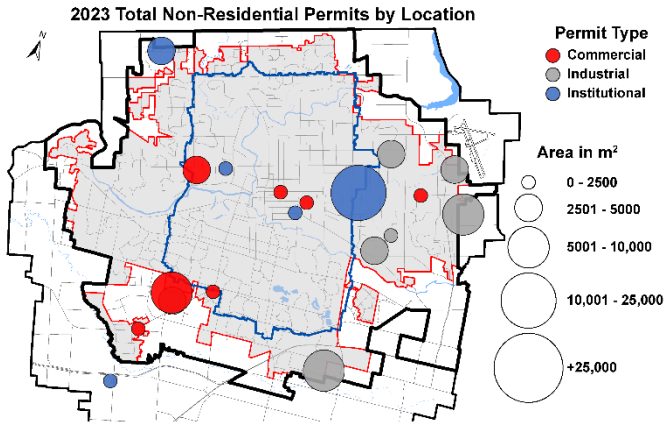


High Density Residential (HDR) means apartments and other multi-unit dwellings, including duplexes, triplexes and fourplexes. The City's Building Division counts duplexes, triplexes and fourplexes as apartments/multi-unit dwellings.

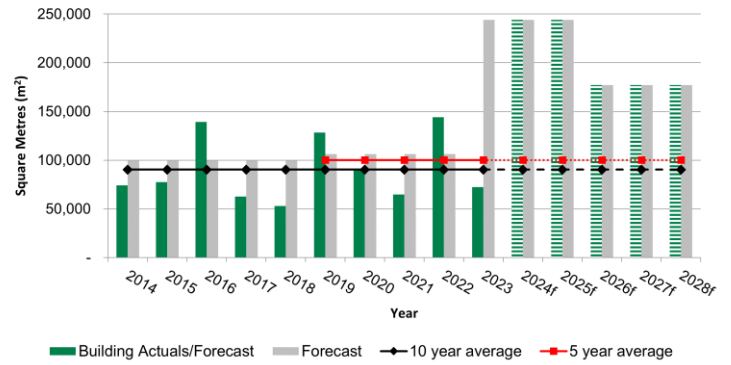
Building Permit Activity: New Gross Floor Area (GFA) of Non-Residential Development

Total Non-Residential GFA

(m ²)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024f	2025f	2026f	2027f	2028f
Altus/Watson Forecast	99,588	99,588	99,588	99,588	99,588	106,235	106,235	106,235	106,235	244,064	244,064	244,064	177,041	177,041	177,041
Actual/Forecast	74,157	77,606	139,150	62,734	52,789	128,220	91,269	64,766	144,247	72,202	244,064	244,064	177,041	177,041	177,041
10 Year Average	90,247														
5 Year Average	100,141														

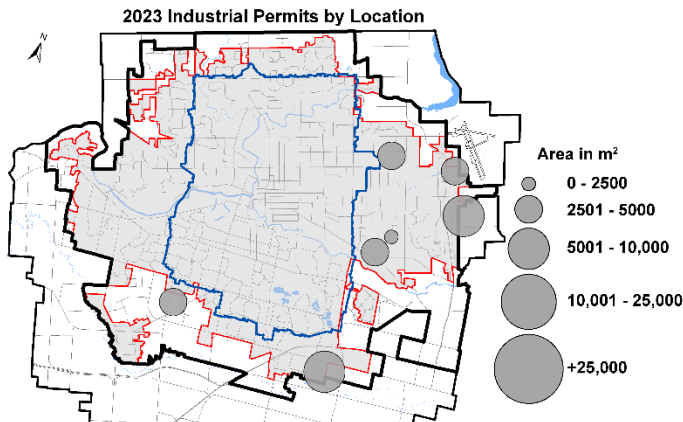


Total Non-Residential Projected Growth and Actual Growth: 2014 - 2028 (square metres)

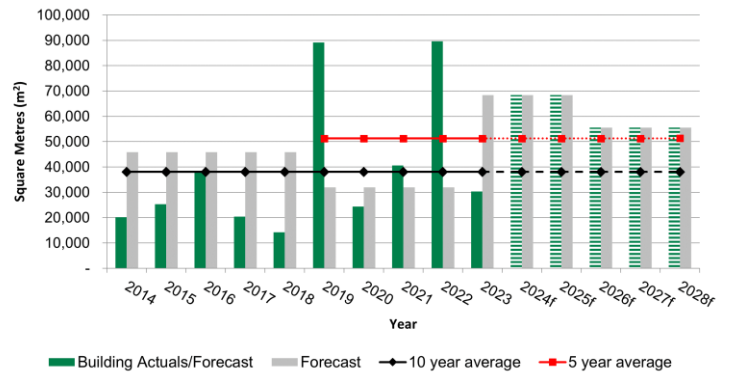


New Industrial GFA

(m ²)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024f	2025f	2026f	2027f	2028f
Altus/Watson Forecast	45,855	45,855	45,855	45,855	45,855	31,894	31,894	31,894	31,894	68,377	68,377	68,377	55,556	55,556	55,556
Actual/Forecast	20,171	25,270	37,780	20,433	14,216	89,142	24,393	40,578	89,653	30,343	68,377	68,377	55,556	55,556	55,556
10 Year Average	38,063														
5 Year Average	51,234														

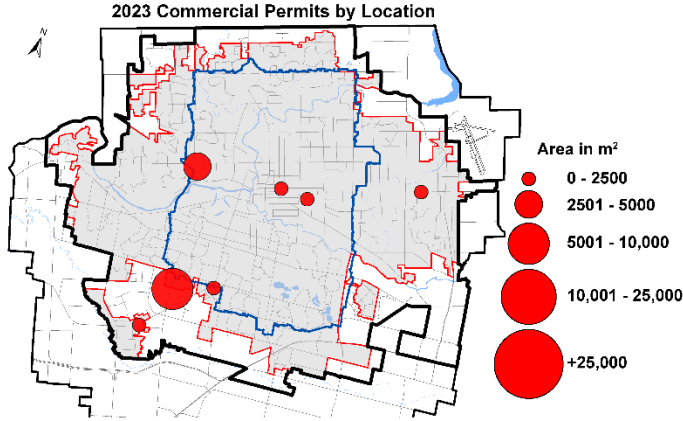


Industrial Projected Growth and Actual Growth: 2014 - 2028 (square metres)

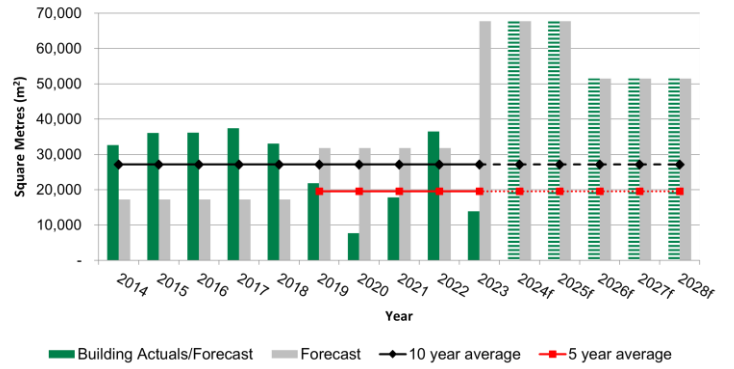


New Commercial GFA

(m ²)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024f	2025f	2026f	2027f	2028f
Altus/Watson Forecast	17,242	17,242	17,242	17,242	17,242	31,829	31,829	31,829	31,829	67,734	67,734	67,734	51,520	51,520	51,520
Actual/Forecast	32,612	36,104	36,125	37,430	33,059	21,846	7,672	17,809	36,524	13,894	67,734	67,734	51,520	51,520	51,520
10 Year Average	27,126														
5 Year Average	19,549														

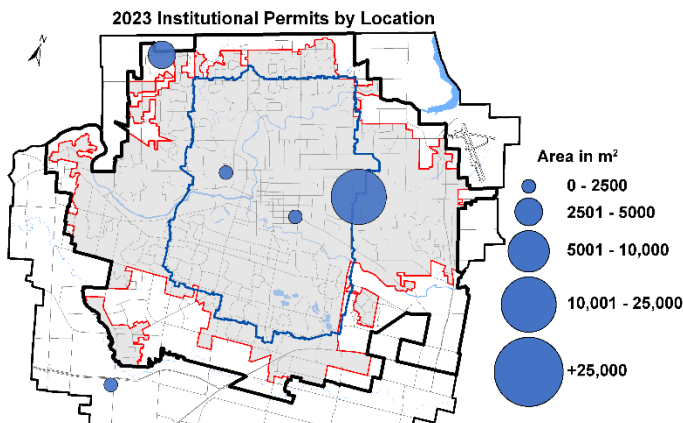


Commercial Projected Growth and Actual Growth: 2014 - 2028 (square metres)

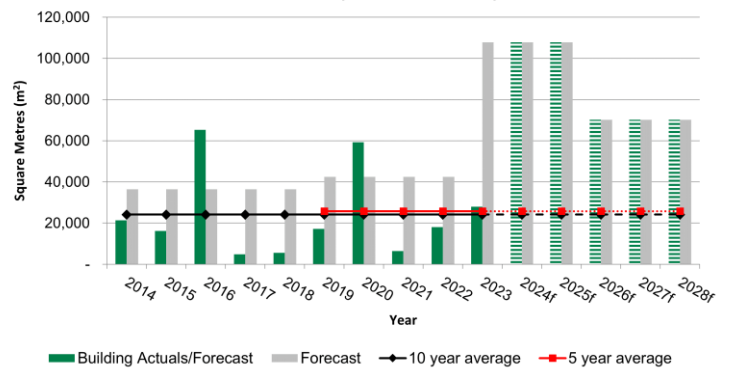


New Institutional GFA

(m ²)	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024f	2025f	2026f	2027f	2028f
Altus/Watson Forecast	36,491	36,491	36,491	36,491	36,491	42,512	42,512	42,512	42,512	107,853	107,853	107,853	70,235	70,235	70,235
Actual/Forecast	21,374	16,232	65,245	4,871	5,514	17,232	59,204	6,379	18,070	27,965	107,853	107,853	70,235	70,235	70,235
10 Year Average	24,104														
5 Year Average	25,770														



Institutional Projected Growth and Actual Growth: 2014 - 2028 (square metres)



Affordable Housing

Road Map Programs	Units Complete	Units in Progress	Units in Planning	Total Units Tracked
Secondary Suites	2	0	4	6
Affordable Rental	342	420	42	804
Affordable Ownership	0	14	36	50
City-led Shovel Ready Projects	0	42	357	399
Other - Transitional	0	0	0	0
LMCH Intensifications	0	93	0	93
Donations of Land/Property/Capital	0	0	0	0
Bonus Zone Approvals on Planning Applications	19	29	290	338
Rent Supplements*	135	0	0	135
5-Year Program Target Units Total Outcomes To Date	498	598	729	1,825

Note: Not all projects are funded by Roadmap.

*Rent Supplement units are reported when agreements are in place.

Residential Units in the Development Approvals Process

Dwelling Type	Council Approved		Approved Lots and Blocks		Open Site Plans and Condos		Permits and Inspections	
	2022	2023	2022	2023	2022	2023	2022	2023
Low Density Residential	177	242	1,301	1,459	0	0	659	236
Medium Density Residential	835	431	2,597	2,719	3,779	4,730	662	344
High Density Residential	3,418	4,665	1,844	1,623	8,992	9,868	1,052	865
Total	4,430	5,337	5,742	5,801	12,771	14,598	2,598*	1,726*

* Total includes residential alteration/addition permits, including Additional Residential Units.

Development Application Activity

2019-2023 Applications Received and Processed within *Planning Act* Timeframes

Application Type	2019			2020			2021			2022			2023			5-Year Average of Applications Received
	Applications Received	Statutory Period (Days) (2)	% (1)	Applications Received	Statutory Period (Days)	% (1), (3)	Applications Received	Statutory Period (Days)	% (1)	Applications Received	Statutory Period (Days)	% (1)	Applications Received	Statutory Period (Days)	% (1)	
OPA and ZBA	19	210/120	68%	17	120	29%	25	120	20%	14	120	14%	13	120	69%	18
Zoning By-law Amendment (ZBA)	41	150/90	56%	27	90	26%	36	90	3%	50	90	6%	42	90	45%	39
Temporary Use	3	150/90	100%	2	90	100%	3	90	67%	1	90	0%	2	90	50%	2
Removal of Holding Provision	37	150/90	73%	35	90	43%	37	90	51%	20	90	45%	19	90	74%	30
Draft Plan of Subdivision	2	180/120	0%	3	120	0%	8	120	0%	4	120	0%	5	120	40%	4
Draft Plan of Condominium	17	180/120	76%	14	120	64%	21	120	29%	8	120	63%	13	120	69%	15
Condominium Conversion Plans	2	180/120	100%	0	120	0%	1	120	100%	0	120	0%	0	120	0%	1
Part Lot Control Exemption	7	n/a	n/a	4	n/a	n/a	10	n/a	n/a	5	n/a	n/a	5	n/a	n/a	6
Consent	58	90	36%	38	90	37%	43	90	77%	42	90	83%	36	90	97%	43
Minor Variance	143	30	3%	142	30	14%	170	30	9%	158	30	7%	157	30	85%	154
Site Plan	116	30	75%	113	30	86%	122	30	55%	117	30/60 (4)	93%	120	60	100%	118
TOTAL APPLICATIONS	445	-	-	395	-	-	476	-	-	419	-	-	412	-	-	429
Pre-Application Consultations	124	n/a	n/a	118	n/a	n/a	138	n/a	n/a	128	n/a	n/a	162	n/a	n/a	134
Site Plan Consultations	192	n/a	n/a	162	n/a	n/a	212	n/a	n/a	224	n/a	n/a	159	n/a	n/a	190
GRAND TOTAL	761	-	-	675	-	-	826	-	-	771	-	-	733	-	-	753

(1) % of applications considered by Planning and Environment Committee/Committee of Adjustment within *Planning Act* Timeframe.

(1) % Includes applications put on hold at the request of the applicant.

(2) Revised Bill 108 Statutory Periods came into force on September 3, 2019.

(3) *Planning Act* timelines suspended from March 17, 2020 to June 22, 2020. As such, this period is omitted from the above timeframes.

(4) Revised Bill 109 Statutory Period applies to applications received on or after July 1, 2022.



2023

ANNUAL

DEVELOPMENT

REPORT

PLANNING & DEVELOPMENT



City of London

Planning & Development

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: Amendments to the Downtown Community Improvement
Plan Financial Incentive Program Guidelines to introduce an
Office-to-Residential Conversion Grant Program
Date: February 21, 2024

Recommendation

That, on the recommendation of the Director, Economic Services and Supports, the following action be taken with respect to updating the program guidelines for financial incentive programs permitted through the Downtown Community Improvement Plan:

- (a) That the proposed by-law attached as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on March 5, 2024, to amend By-law C.P.-1467-175, as amended, being A By-law to establish financial incentives for the Downtown Community Improvement Project Areas, by deleting Schedule “1” and replacing it with Schedule “1” the new Downtown Community Improvement Plan – Financial Incentive Program Guidelines.

Executive Summary

Summary of Request

The main purpose of this report is to update the Downtown Community Improvement Plan Financial Incentive Program Guidelines to introduce an Office-to-Residential (OTR) Conversion Grant Program. The Program would provide a grant to eligible office-to-residential conversion projects equal to the amount of applicable development charges based on the number of bedrooms per unit and the total number of residential units created, up to \$2 million per property (\$2,000,000).

Program Guidelines amendments are also proposed to:

- introduce new definitions to support office-to-residential conversion projects;
- remove references to outdated job titles and City of London departments and service areas;
- provide better clarity for processing all loan and grant programs; and,
- improve the Program Guidelines’ AODA compliance.

Purpose and the Effect of Recommended Action

The recommended action will provide an additional incentive to convert vacant Class ‘B’ and ‘C’ office space into residential units in the Downtown Community Improvement Project Areas.

Rationale of Recommended Action

The recommended action helps to implement the Downtown Community Improvement Plan’s goals and objectives, specifically:

- Goal III a. “to enhance the Downtown as a unique community in the Heart of the City. The Downtown shall be a place where people are attracted to live, work, shop and play”;
- Objective IV c. “stimulate private property maintenance and reinvestment activity”.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

- **Economic Growth, Culture, and Prosperity** by increasing residential occupancy and livability in the Core Area.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Strategic Priorities and Policy Committee – Core Area Land and Building Vacancy Reduction Strategy – May 30, 2023

Planning and Environment Committee Report – 5-Year Review – Community Improvement Plans and Financial Incentive Programs – June 12, 2023

Strategic Priorities and Policy Committee – London’s Approved Housing Accelerator Fund Application – September 19, 2023

1.2 Downtown Community Improvement

The Downtown Community Improvement Plan (CIP) was adopted by Municipal Council in 1996 and was amended in 2017 to expand the community improvement project area boundary to include Richmond Row. The purpose of the Downtown CIP is to provide the context for a coordinated municipal effort to improve the physical, economic, and social climate of the Downtown. The initiatives summarized in the CIP, are intended to stimulate private investment and property maintenance and renewal in the Downtown. The focus of these initiatives, and of the CIP is to foster an environment that will increase the supply of residential units within the Downtown to ensure a viable Downtown population, and to encourage the provision of unique or specialized attractions and public facilities, and the location of community amenities to make the Downtown an attractive place for these types of investment to occur.

The Downtown CIP provides the legislative and policy framework to provide financial incentive programs to private property owners that support the goals of the CIP.

The financial incentive programs are contained within a separate by-law from the Downtown CIP and its community improvement project areas. This separation allows Civic Administration to make edits to the financial incentive programs without having to amend the CIP.

Civic Administration is of the opinion that updating the Downtown CIP Financial Incentive Program Guidelines to better incentivize office-to-residential conversion projects satisfies Goal c. of the CIP and meets the overall purpose of the CIP.

1.3 Housing Accelerator Fund

In April 2023, the Canada Mortgage and Housing Corporation (CMHC) released details on the Housing Accelerator Fund (HAF). HAF is a \$4 billion incentive program targeting local municipal governments, with an anticipated outcome of 100,000 additional building permits issued in Canada over a three-year period.

HAF’s aim is to encourage new municipal initiatives that will increase housing supply at an accelerated pace and enhance certainty for developers in the approvals and building permit processes, resulting in transformational change to the housing system.

London’s approved application provides a housing target of 2,187 additional units between 2024-2026 for eligibility of up to \$74,058,143.00 under the HAF. These units must be over and above London’s recent unit construction average.

The HAF application process required the City to select seven initiatives from a list of twenty-five initiatives developed by CMHC to accelerate new housing.

The initiative most relevant to this project is:

- Promoting high-density development without the need for privately initiated rezoning (as-of-right zoning), e.g., for housing developments up to 10 stories that

are in proximity (within 1.5km) of rapid transit stations and reducing car dependency.

- Noting: The City would also tie these incentives to inclusion of housing unit types for families, students, and seniors at various levels of affordability to ensure a diverse and inclusive community is created. This initiative will also include implementing incentives for conversions from non-residential to residential and multi-unit housing within close proximity to transit through the development of a Community Improvement Plan.

1.4 Core Area Vacancy Reduction Strategy (CAVRS)

The Core Area Land and Building Vacancy Study (CAVRS) was received by Municipal Council in June 2023.

CAVRS serves as a guide to address Core Area land and building vacancy in London. It is first and foremost a property-based strategy, with supporting strategic initiatives related to people, place, and promotion. While each area of focus is important, this is foundationally a property-based strategy, meaning that occupancy-ready property must be available to reduce Core Area land and building vacancy. Without a supply of occupancy-ready properties, the other three CAVRS areas of focus alone will not be sufficient to reduce Core Area land and building vacancy.

Converting vacant office space into residential units is specifically cited among the thirteen Property Strategic Initiatives in CAVRS.

Potential programs identified therein include:

- A new grant program that bridges the economic viability gap and achieves the conversion of vacant Class B and C office space into residential units (e.g., a per square foot grant as used elsewhere in Canada).
- A program that improves air quality when converting office space to residential units.
- A program to support undertaking feasibility studies for eligible office properties to determine if it can be converted.
- A grant program to cover the cost of planning application fees for eligible conversion projects.

A consultant has been engaged to assist in developing these potential programs. Civic Administration will bring report(s) to future Planning and Environment Committee meeting(s) regarding any new recommended financial incentive programs or amendments to existing programs to help incentivize office-to-residential conversion projects.

1.5 5-Year Community Improvement Plan Review

The 5-Year CIP and Financial Incentives Review was completed in June 2023.

Its purpose was to propose changes to several of the CIPs, to the scope and terms of existing Financial Incentive Programs, and to consider new programs and approaches to address community improvement issues.

On June 27, 2023, Municipal Council directed those thirty-five recommendations from the review be implemented with many recommendations requiring funding approval through the Multi-Year Budget process.

The recommendation relevant to this report is:

d) xiv) the Civic Administration BE DIRECTED to investigate the feasibility of a new community improvement financial incentive program to support conversion of vacant commercial buildings with a low potential for continued commercial use to residential units in alignment with the multi-year budget process.

2.0 Proposed Changes to Program Guidelines

2.1 Office-to-Residential (OTR) Conversion Grant Program

This Section outlines the recommended changes to the Program Guidelines to implement the proposed Office-to-Residential (OTR) Conversion Grant Program.

Though called a grant program, the OTR Conversion Grant Program will function as a forgivable loan. As per *Planning Act* regulations, this allows the City of London to register a lien on a property as security to ensure the funding is used to convert the vacant office space to residential units.

Because the OTR Conversion Grant Program was developed as an amendment to the existing Downtown Residential Development Charges (DC) Grant Program, a new section (17B) in the Program Guidelines was created.

Section 17B for the OTR Conversion Grant Program is based on Section 17 (Residential DC Grant Program) text. Section 17 has now been renamed to 17A. The creation of Section 17B does not change the eligibility or administration of the existing Residential DC Grant Program.

Section 17B was created to allow for better administration of the OTR Conversion Grant Program independently from the other programs, and to allow Civic Administration to tie the Program to CAVRS and the HAF.

The OTR Conversion Grant Program is only available to eligible properties located in the Downtown Community Improvement Project Areas, including the Richmond Row expansion. Through CAVRS it was determined that there are no properties in Old East Village with industry characteristics ascribed to professional office space (e.g., a converted residential house) that can be tracked as “Downtown office space”.

Section 17B outlines the program-specific eligibility criteria for the OTR Conversion Grant Program, the additional application requirements above the standard for a complete financial incentive application, the grant terms, the grant calculation, the requirements for a grant agreement, and how the grant is paid.

To encourage a reasonable distribution of available Program funding, it is proposed that the OTR Conversion Grant Program be capped at \$2 million per property.

The Program would provide a grant to eligible office-to-residential conversion projects equal to the amount of applicable development charges based on the number of bedrooms per unit and the total number of residential units created. The example in Table 1 shows how the OTR Conversion Grant is calculated for a fictional 100-unit office-to-residential conversion project with five bachelor units, 45 one-bedroom units, 40 two-bedroom units, and 10 three-bedroom units. In this example, the calculation equals \$2,446,570; however, the total OTR Conversion Grant is \$2,000,000 as that is the maximum amount permitted.

Table 1 – OTR Conversion Grant Calculation Example

Unit Type	Unit Count	2024 Grant Calculation* for Apartments with <2 Bedrooms	2024 Grant Calculation* for Apartments with >= 2 Bedrooms	Total
Bachelor	5	\$20,777		\$103,855
One-bedroom	45	\$20,777		\$934,965
Two-bedroom	40		\$28,155	\$1,126,200
Three-bedroom	10		\$28,155	\$281,550
Total	100			\$2,446,570
Total Grant				\$2,000,000

*2024 Grant value matches 2024 DC Rate

The Housing Accelerator Fund is tracking the number of net new units permitted for residential buildings during the reporting period. Permitted units refers to units for which building permits for new housing construction were issued. As a result, in alignment with HAF, the grant will be issued to the applicant when the building permit is issued, and the grant agreement has been signed.

The general administration process for the OTR Conversion Grant Program will be:

- Applications to the program will be accepted by Economic Services and Supports staff at the same time an application for a building permit to undertake the office-to-residential-conversion project is submitted to the Building Division;
- Upon receipt of the grant application, Economic Services and Supports staff will review the application for completeness and approval;
- If the application is complete and approved, the Economic Services and Supports staff will issue a grant commitment letter to the applicant once the building permit has been issued. This will help ensure the City is not prematurely committing grant funding to projects that might not receive a building permit;
- The grant will only be issued to the applicant after Economic Services and Supports staff have confirmed:
 - The building permit is issued as verified by the Building Division;
 - The grant agreement is signed;
 - The lien is registered on property title as security;
 - The property taxes are in good standing as verified by the City’s Tax Office; and,
 - That any outstanding Community Improvement Plan loans related to the property are in good standing.
- The lien is discharged from the property when the final building permit inspection has passed confirming the work to create the residential units has concluded and meets the requirements of the Ontario Building Code.

All funding needs to be disbursed by September 8, 2027, meaning applicants have until that date to obtain their building permit and receive the grant.

Finally, to support the OTR Conversion Grant Program, numerous new definitions need to be included in the Program Guidelines. These new definitions include:

- Class ‘A’ Office Buildings
- Class ‘B’ Office Buildings
- Class ‘C’ Office Buildings
- Lump Sum Grant Amount and Calculation
- Office-to-residential Conversion Project
- Vacant

To promote policy consistency in the administration of program guidelines, the definition of 'A', 'B', and 'C' Office Buildings are derived from CAVRS.

2.2 Other Changes to the Program Guidelines

Civic Administration also took this opportunity to recommend “housekeeping changes” to the entire Downtown CIP Financial Incentive Program Guidelines to:

- remove references to outdated job titles and City of London departments and service areas;
- provide better clarity for processing all loan and grant programs, including program administration which has been brought exclusively into the City’s responsibility (i.e., removal of most Downtown London BIA references); and,
- improve the Program Guidelines’ AODA compliance.

3.0 Financial Impact/Considerations

A budget of \$10 million has been established to fund the proposed Office-to-Residential Conversion Grant portion of the amended Program Guidelines, up to a \$2 million maximum grant per property. This budget is supported by the \$20 million Housing Accelerator Fund application for per unit financial incentives to support multi-unit non-residential conversions. As a result, the OTR Conversion Grant Program has no impact on the tax levy. The other financial incentive programs within the Program Guidelines will continue to be funded through the tax-supported Community Improvement Program Reserve Fund.

Conclusion

This report and appendix propose amendments to the Downtown Community Improvement Plan financial incentive program guidelines to introduce an Office-to-Residential Conversion Grant Program to help Downtown private property owners convert their vacant Class ‘B’ and ‘C’ office buildings to residential units. Numerous amendments to the Program Guidelines are required including a new section for the administration of the OTR Conversion Grant Program and new definitions. Housekeeping amendments are also being proposed.

Civic Administration is of the opinion that updating the Downtown CIP Financial Incentive Program Guidelines to better incentivize office-to-residential conversion projects is an implementation measure consistent with the goals and objectives in the Downtown CIP.

The OTR Conversion Grant Program will also help the City meet its obligations to the Housing Accelerator Fund and help implement the recommendations of CAVRS and the 5-Year CIP Review.

Prepared by: **Graham Bailey, MCIP, RPP**
Senior Planner, Core Area and Urban Regeneration

Reviewed by: **Jim Yanchula, MCIP, RPP**
Manager, Core Area and Urban Regeneration

Recommended by: **Stephen Thompson, MCIP, RPP**
Director, Economic Services and Supports

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

Copy:
Alan Dunbar, Manager, Financial Planning & Policy
Michelle Butlin, Solicitor, Legal Services

Appendix A – Downtown Financial Incentive Program By-law Amendment

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

2024

By-law No. C.P.-1467-

A by-law to amend C.P.-1467-175, as amended, being "A by-law to establish financial incentives for the Downtown Community Improvement Project Areas".

WHEREAS by Subsection 28(2) of the *Planning Act*, 1990, the Council of a municipal corporation may, by by-law, designate such an area as a community improvement project area;

AND WHEREAS by Subsection 28(4) of the *Planning Act*, 1990, the Council of a municipal corporation may adopt a community improvement plan for the community improvement project area;

AND WHEREAS by By-law C.P. 1356-234 Municipal Council of The Corporation of the City of London designated the Downtown Community Improvement Project Area a community improvement project area;

AND WHEREAS by By-law C.P. 1357-249 Municipal Council of The Corporation of the City of London adopted the Downtown Community Improvement Plan;

AND WHEREAS Municipal Council of The Corporation of the City of London established financial incentives for the Downtown Community Improvement Project Area by By-law C.P. 1467-175;

AND WHEREAS Municipal Council of The Corporation of the City of London wishes to amend the financial incentives for the Downtown Community Improvement Project Area;

AND WHEREAS the Official Plan for the City of London contains provisions relating to community improvement within the City of London;

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

1. By-law C.P.-1467-175, as amended, being A By-law to establish financial incentives for the Downtown Community Improvement Project Areas, is amended by deleting Schedule "1" and replacing it with Schedule "1" the new Downtown Community Improvement Plan – Financial Incentive Program Guidelines attached to this bylaw, which is hereby adopted;
2. This by-law shall come into effect on the day it is passed subject to the provisions of Part VI.1 of the *Municipal Act*, 2001.

PASSED in Open Council on March 5, 2024, subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – March 5, 2024
Second Reading – March 5, 2024
Third Reading – March 5, 2024

Schedule 1

Downtown Community Improvement Plan – Financial Incentive Program Guidelines

*** Effective January 1, 2018 ***
*** Revised March 3, 2020 ***
*** Revised October 27, 2020 ***
*** Revised March 5, 2023 ***

These program guidelines provide the details on the financial incentive programs provided by the City of London through the Downtown Community Improvement Plan (CIP), which includes:

- Façade Improvement Loan Program (including non-street façades and forgivable loans)
- Upgrade to Building Code Loan Program (including forgivable loans)
- Rehabilitation & Redevelopment “Tax Grant” Program
- Combined Residential Development Charges and Tax Grant Program
- Office-to-Residential Conversion Grant Program

Table of Contents

How to Read this Document

Map 1 – Original Downtown Community Improvement Project Area

Map 2 – Expanded Richmond Row Community Improvement Project Area

Map 3 – Downtown Boundaries (BIA, Heritage Conservation District, and CIP)

Table 1 – Financial Incentive Programs Offered in Downtown and Richmond Row

1. Definitions
2. List of Targeted & Non-Targeted Uses (Table 2)
3. Eligibility Criteria for Financial Incentive Programs
4. Application Process
5. Financial Incentive Approval
6. Additional Rehabilitation and Demolition
7. Inspection of Completed Works
8. Incentive Application Refusal and Appeal
9. Relationship to other Financial Incentive Programs
10. Loan Repayment Deferral Due to Road Construction
11. Monitoring & Discontinuation of Programs
12. Program Monitoring Data
13. Activity Monitoring Reports
14. Façade Improvement Loan Program
15. Upgrade to Building Code Loan Program
16. Rehabilitation and Redevelopment Tax Grant Program (“Tax Grant”)
- 17A. Combined Residential Development Charges (DC) and Tax Grant Program
- 17B. Office-to-Residential (OTR) Conversion Grant Program

How to Read this Document

Each of the financial incentive programs has its own specific Purpose, Program Objectives and Eligible Improvements. There are many areas of each program that are the same including Definitions, Eligibility Criteria, Targeted & Non-Targeted Uses, Appeal of Refusal Section, Relationship to other Financial Incentive Programs, as well as Monitoring & Discontinuation of Programs.

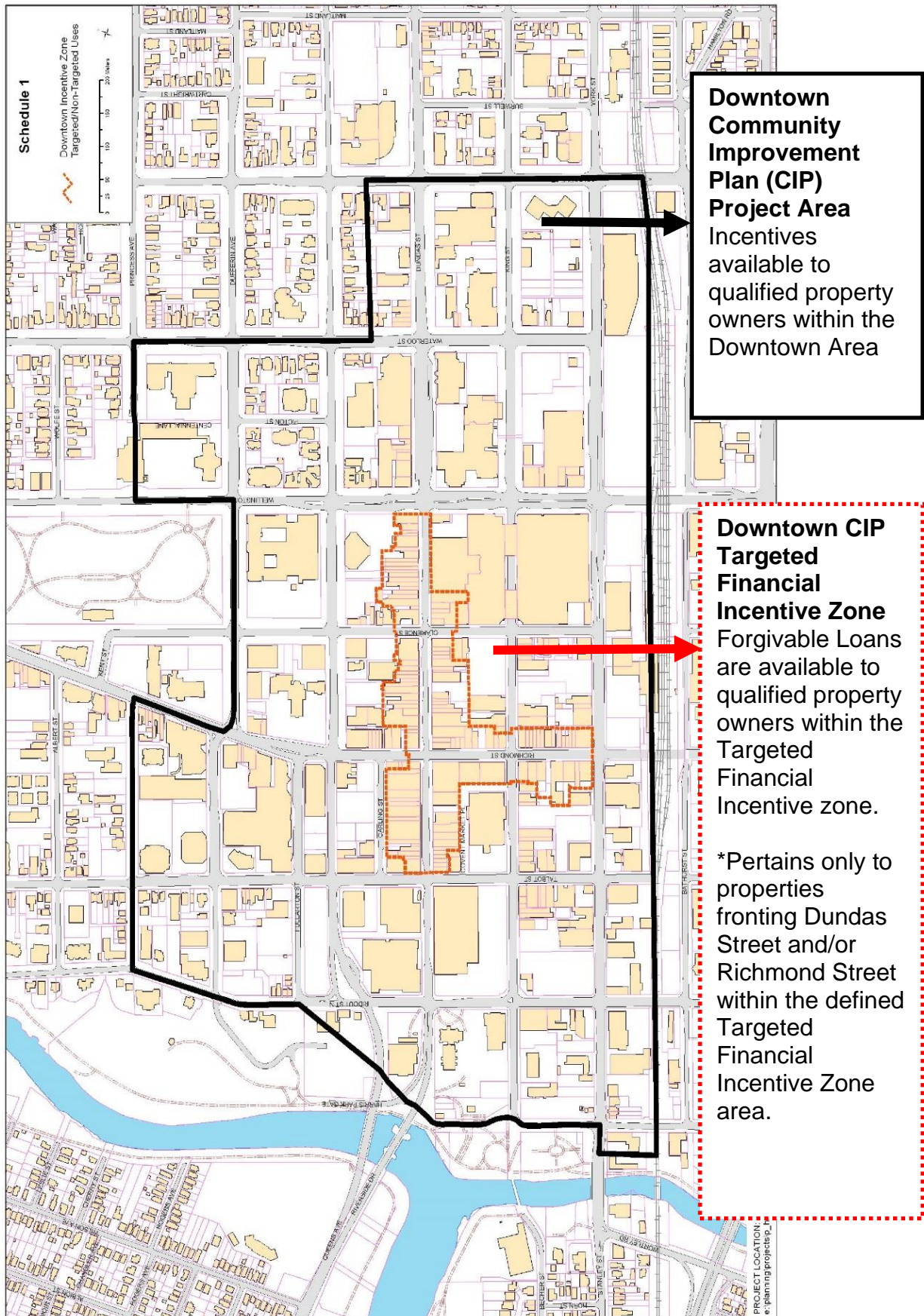
Therefore, the program guidelines are arranged so that information respecting all programs is stated once and details specific to individual programs are outlined in the program specific sections.

Further, the document helps to identify what the responsibility of each participant is in the incentive program process. The initials **PO** indicate the property owner (or agent acting on behalf of the property owner) is responsible for completing that task or action, whereas **CL** indicates that a City of London staff member is responsible.

PO – Check Maps 1 and 2 to locate your property in the Downtown Community Improvement Project Areas. Depending on where the property is located will determine what financial incentive programs may apply. After verifying the property location on the map(s), check Table 1 to verify what programs may apply. Then proceed to review the rest of the program guidelines or use the Table of Contents to skip directly to a program to learn more about it and its eligibility information.

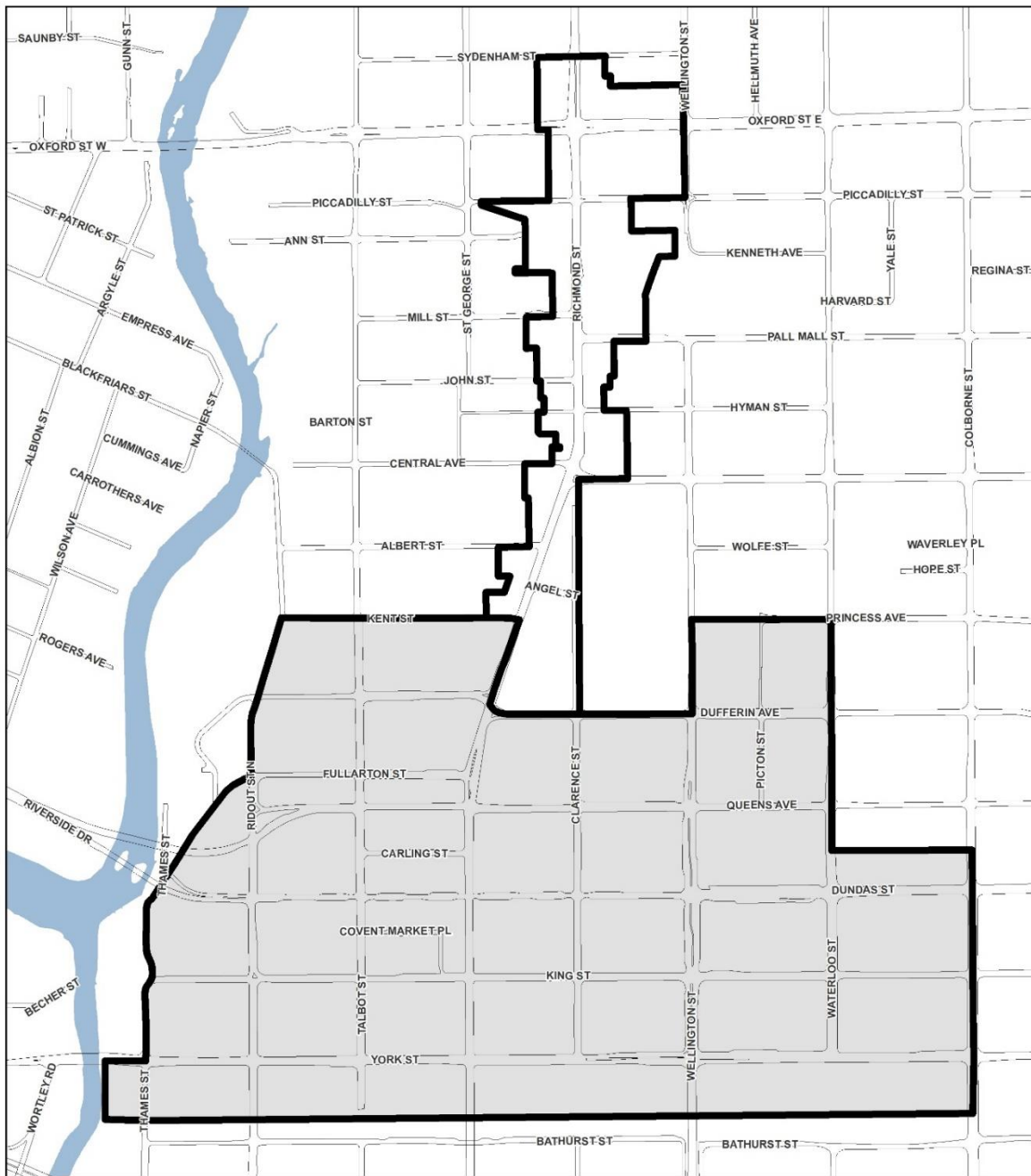
Map 3 is provided to show the various Downtown boundaries including the BIA, Heritage Conservation District (HCD), and the Community Improvement Project Areas.



Map 1 – Original Downtown Community Improvement Project Area



Map 2 – Expanded Richmond Row Community Improvement Project Area

THE DOWNTOWN COMMUNITY IMPROVEMENT AREA



-  Original Community Improvement Project Area
-  Expanded Richmond Row Community Improvement Project Area



Document Path: E:\Planning\Projects\p_BIAs\DowntownCIPExpansion\projects\Downtown_CIP_Area_ExistingAndExpanded_July2017_6x11.mxd

Map 3 – Downtown Boundaries (BIA, Heritage Conservation District, and CIP)

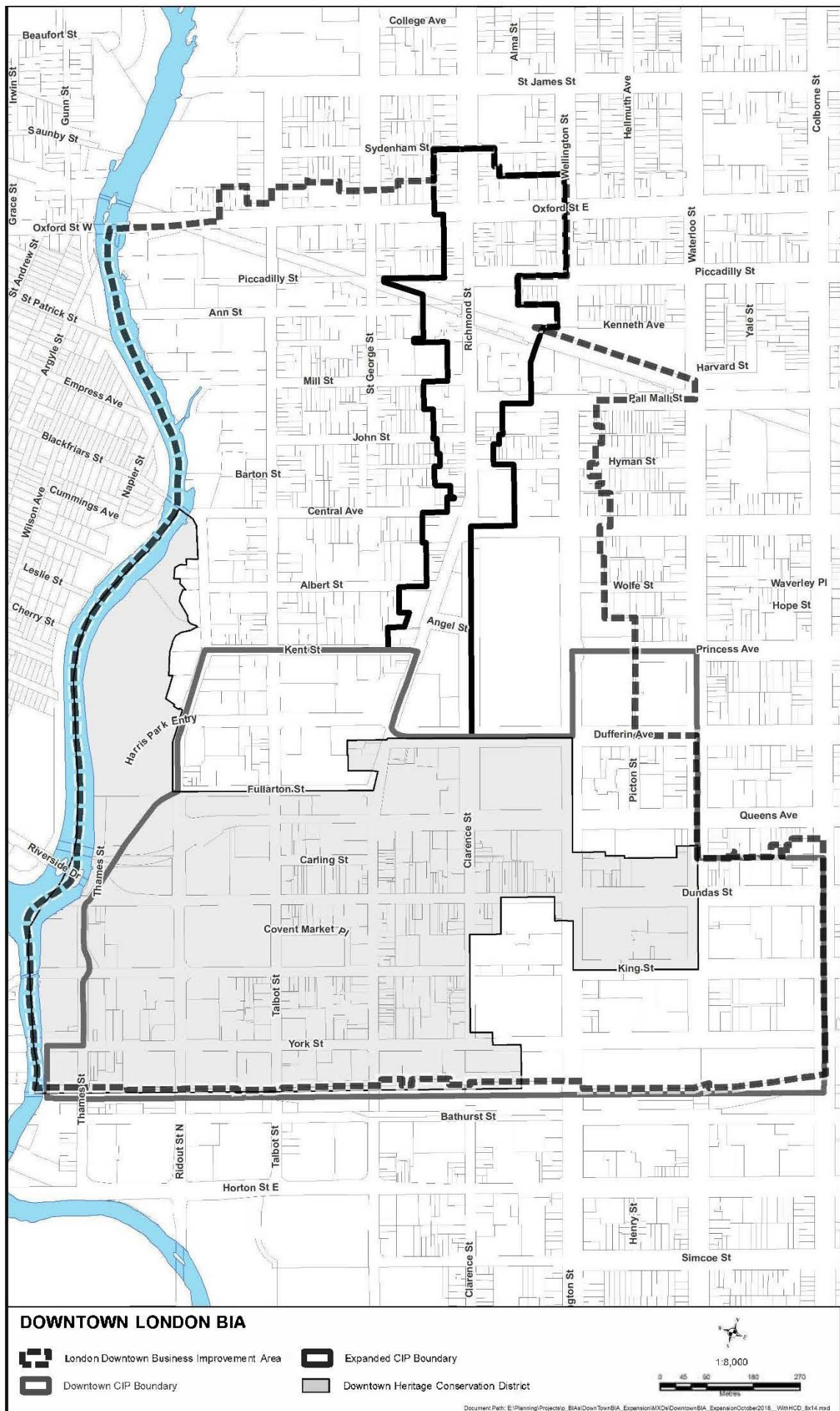


Table 1 – Financial Incentive Programs Offered in Downtown and Richmond Row

Financial Incentive Program	Original Downtown CIP (see Map 1)	Richmond Row (see Map 2)
Façade Improvement Loan	X	X
Forgivable Façade Improvement Loan	X	
Upgrade to Building Code Loan	X	X
Forgivable Upgrade to Building Code Loan	X	
Rehabilitation and Redevelopment Tax Grant	X	
Combined Residential Development Charges Grant and Tax Grant Program (Section 17A)	X	
Office-to-Residential Conversion Grant Program (Section 17B)	X	X

1. Definitions

Active Occupancy – The space being used by a business that is open, in operation and serving customers.

Annual Grant Amount – The annual grant is defined as the grant amount that would be given to the applicant in any one year of the ten-year grant period.

- For Tax Grant this means each property owner will be given ten annual grants and the annual grant amount will change over this period depending upon year and grant level;
- For Forgivable Loans this means the amount that would be given each year based on the *Yearly Grant Value* set out in the agreement and *Pro-rated Yearly Grant Percentage* which is based on ground floor occupancy;
- For the Combined Development Charge (DC)/Tax Grant this means the amount that would be given to the applicant in any one year of the grant period. Each property owner will be given annual grants until such time as the value of Residential DCs have been repaid. The annual grant amount may change over the term of the grant period depending upon year and grant level.

Annual Grant Calculation – For property owners that pay property taxes, the annual grant for any single year will be calculated as follows, the *Annual Tax Increment* multiplied by the *Year/Level Factor*. For property owners that are exempt from paying property taxes, the annual Residential Development Charges Grant for any single year will be calculated as follows, the total amount of net residential development charges paid multiplied by 1/10th).

Annual Tax Increment – The incremental difference between the municipal portion of property taxes that would be paid for a full year before the improvement versus after the improvement. This can also be considered the tax increase that is directly related to the renovation or redevelopment project. This amount is fixed based on the tax rate at the time of pre-improved assessed value.

Annual Tax Increment Calculation – The annual tax increment will be calculated as follows, the annual taxes based on the post-improved assessed value less the annual taxes based on the pre-improved assessed value. This annual tax increment is fixed for the ten-year duration of the grant schedule. Changes to the tax rate, general reassessments or changes in tax legislation will not be considered for the purpose of calculating the annual tax increment.

Example:

Annual tax based on post-improved assessed value	\$100,000
<u>- Annual tax based on pre-improved assessed value</u>	<u>- \$25,000</u>
= <i>Annual Tax Increment</i>	= \$75,000

Approved Works – The materials, labour and/or effort made to improve a property that are determined to meet eligibility criteria under the incentive program requirements.

Applicant – The person who makes a formal application for a financial incentive program offered through the City's Community Improvement Plans. The person may be the owner of the subject property, or an agent, including a business owner who is occupying space on the subject property or contractor who has been retained to undertake improvements on the subject property. If the *Applicant* is not a registered owner of the property subject to the incentive program the *Applicant* will be required to provide authorization in writing from the registered owner as part of a complete application.

Calendar Year – The 12 months of the year commencing January 1 and ending December 31.

Class 'A' Office Building - The most prestigious office buildings with the most amenities in the best locations. They generally are the most attractive buildings built with the highest quality materials and construction methods. Class 'A' buildings are ineligible for the Office-to-Residential Conversion Grant Program.

Class 'B' Office Building – These office buildings are a grade below Class A. Generally, they are slightly older buildings with good management and quality tenants.

Class 'C' Office Building – This is the lowest grade for useable office buildings. These office buildings are generally older and may be located on less desirable streets in older sections of the city, for example. Many of these buildings usually have higher than average vacancy rates for their market. Older, less desirable architecture, limited infrastructure, and antiquated technology define these buildings. For these reasons, Class C buildings offer lower rental rates and can be more difficult to lease. Many times, these buildings are targeted for re-development.

Commitment Letter – A document prepared by the City of London outlining its agreement with a property owner, to provide a future financial incentive – loan(s) and/or grant(s) – to a property owner, based on a redevelopment, rehabilitation and/or renovation project that the applicant has yet to undertake. The letter describes the specific scope of approved works that the property owner will undertake to receive the grant or loan and specifies the time length of the City's commitment.

Complete Application – Includes a completed application form for financial incentive program(s) with the property owner(s) signature and date, which is accompanied by:

- Complete drawings of the works to be undertaken (including a façade drawing for façade projects);
- Itemized list of specific improvements;
- For the two loan programs, two (2) comparable quotations by qualified contractors showing cost estimates for each of the proposed works which are required to be included in the incentive program. In general, the lower of the two estimates will be taken as the cost of the eligible works. Cost estimates should be consistent with the estimate noted on the accompanying Building Permit (if required).
- A cover letter that summarizes the work to be completed and summarizes the provided quotations;
- For the two loan programs, a signed copy of the Addendum including the Hold Harmless Agreement, General Liability Insurance, and Contractor qualifications.
- A copy of the Building Permit (if required);
- A copy of the Heritage Alteration Permit (if required);
- Any other information that may be deemed necessary by the Director, Economic Services and Supports, or designate (Manager, Core Area and Urban Regeneration or otherwise identified by the Director).

Deferral – Means the delaying of loan repayments for a specified period.

Development Charge – Means any Development Charge (DC) that may be imposed pursuant to the City of London's Development Charge By-law under the Development Charges Act, 1997, as amended.

Discrete Building – Means any permanent structure which is separated from other structures by a solid party wall and is used or intended to be used for the shelter, accommodation, or enclosure of persons. To be a discrete building, the structure will have a distinct municipal address.

Dwelling unit – Means a suite operated as a housekeeping unit, used, or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities.

First storey – The storey that has its floor closest to grade and its underside of finished ceiling more than 1.8m above the average grade.

Grant Cap – The maximum amount of money that the City will provide as a grant back to the property owner.

Lump Sum Grant Amount and Calculation – For the Office-to-Residential Conversion Grant Program, the entire grant is provided in one lump sum equal to the amount of development charges that would have been paid by the developer based on the number of bedrooms per unit and the total number of residential units created, up to \$2 million per property. Section 17B outlines the grant calculation for the Office-to-Residential Conversion Grant Program.

Maximum Yearly Grant Value – Grant values are established in the payment schedule which is included in the agreement between the City and the property owner. With respect to the forgivable loans the annual grant equals the yearly loan repayments multiplied by a percentage, to a cap, as shown below:

Program	Loan Amount	Forgivable Loan Portion	Considerations for Yearly Grant
Upgrade to Building Code	\$200,000 maximum	The lesser of a maximum of \$25,000 or 12.5% of the loan is eligible to be paid back in the form of grants over the term of the loan	- Number of payments made in the previous <i>Calendar Year</i> - Number of months the main floor was actively occupied with a targeted use in previous <i>Calendar Year</i>
Façade Improvement	\$50,000 maximum	The lesser of a maximum of \$12,500 or 25% of the loan is eligible to be paid back in the form of grants over the term of the loan	- Number of payments made in the previous <i>Calendar Year</i> - Number of months the main floor was actively occupied with a targeted use in previous <i>Calendar Year</i>

Municipal Portion of Property Tax – For the purposes of the Tax Grant program, property taxes refer only to the municipal portion of the property taxes paid, and does not include such charges/taxes/levies as education, water, sewer, transit, or phase-in.

Non-Targeted Area – Lands within the Downtown Community Improvement Plan Project Area which are eligible for incentive programs; however, are not eligible for Forgivable Loans.

Non-Targeted Uses – The use occupying the ground floor of a building which is permitted under the land use zone but not listed as a targeted use. Please refer to Section #2 for a full list of *Targeted* and *Non-Targeted Uses*.

Office-to-Residential Conversion Project – Means a *Rehabilitation Project* of an eligible vacant Class ‘B’ or Class ‘C’ office building into a residential or mixed-use (residential with commercial as permitted in the Zoning By-law) building.

Post-Improved Assessed Value – For the purpose of calculating the *Annual Tax Increment*, the *Post-Improved Assessed Value* of the property will be established based on:

- i. Completion of the project as identified by the applicant; and
- ii. Completion of the reassessment of the property by the Municipal Property Assessment Corporation (MPAC) such that the work done at the project completion date (defined in i. above) is recognized. Note: Receiving the *Post-Improved Assessed Value* from MPAC may take one to two years or longer.

Pre-improved Assessed Value – For the purpose of calculating the *Annual Tax Increment*, the pre-improved assessed value of the property will be established as the earlier of the following:

- i. Date of application for building permit;
- ii. Date of application for demolition permit; or
- iii. Date of application for the Rehabilitation and Redevelopment Tax Grant Program.

Future increases in taxes that may be phased in AFTER the *Post-Improved Assessment Date* (as defined above) will not be eligible for grant calculation.

Pro-rated Yearly Grant Percentage – The percentage of months in the *Calendar Year* where the ground floor is actively occupied by a targeted use and can be used in calculating the value of a yearly grant payment on the forgivable portion of a loan.

Rehabilitation Project – For the purpose of the incentive programs shall mean the restoration or reconstruction of buildings, structures, or parts thereof to modern building standards without the removal of the building or structure from the lot.

Redevelopment Project – For the purpose of the incentive programs shall mean the development of lands, which are cleared, planned for demolition, in part or in whole, or which will have the building or structure removed from the lot.

Relevant Tax Class Rate – For the purpose of the incentive program means the applicable tax class as of the date of the corresponding grant year.

Road Construction – Means the building, replacing, or improving of the road surface, sidewalk, watermain, sanitary sewer, storm sewer, utility, or similar private or public works that results in at least one lane of the road being closed to vehicular traffic for a minimum of one month.

Targeted Area – Lands within a defined area of the Downtown Community Improvement Plan Project Area which are eligible for incentive programs including consideration of Forgivable Loans (see Map #1).

Targeted Uses – The use occupying the ground floor of a building which is permitted under the land use zone and has a key role in achieving the goals of the City's Strategic Plan, the Business Improvement Area, the Community Improvement Plan, and any other current or future related plans. Please refer to Section #2 for a full list of *Targeted and Non-Targeted Uses*.

Vacant – Means unoccupied floor area in buildings on commercial office and retail properties in the Downtown Community Improvement Project Area.

Year 1 – The first full calendar year that taxes are paid after the project is completed and reassessed. This becomes the first of the ten years of grant payments.

Yearly Grant Value – Means the amount of money granted back to the applicant which may change from year to year based on the calculation of the *Yearly Loan Repayments* multiplied by 25% (for Façade Improvement loan) or 12.5% (for Upgrade to Building Code loan) to give the *Maximum Yearly Grant Value* that is multiplied by the *Pro-rated Yearly Grant Percentage*.

Example (Upgrade to Building Code Loan with the ground floor occupied for six months of the *Calendar Year*):

Yearly Loan Repayments multiplied by 12.5% = *Maximum Yearly Grant Value*
\$60,000 x 12.5% = \$7,500
Maximum Yearly Grant Value multiplied by *Pro-rated Yearly Grant Percentage*
= *Yearly Grant Value*
\$7,500 x 50% = \$3,750

Yearly Loan Repayments – The total value of the loan payment made by the applicant to the City in a *Calendar Year*. The loan agreement includes a loan schedule which provides details on the terms of loan including when loan repayment begins as well as the number of monthly repayments.

Year/Level Factor – The following tables illustrate the *Year/Level Factor* that is used for each of the Tax Grant levels. The appropriate table will be populated based on the *Annual Tax Increment Calculation* and the *Annual Grant Calculation* and will be included as part of the Grant Agreement between the property owner and the City of London:

Year	Level 1 - Part IV Heritage Designated	Level 2 - Existing Buildings	Level 3 - Cleared Land
1	100%	70%	60%
2	100%	70%	60%
3	100%	60%	50%
4	90%	50%	40%
5	80%	40%	30%
6	70%	30%	20%
7	60%	20%	10%
8	50%	10%	10%
9	40%	10%	10%
10	30%	10%	10%

2. List of Targeted & Non-Targeted Uses (Table 2)

Targeted uses as defined for the targeted incentive zone are to encourage:

- Arts and culture;
- Entertainment including cinemas and live theatre (but excluding adult entertainment purposes);
- Restaurants, coffee houses, and cafes;
- Niche/specialty retail uses and anchor/destination-oriented retail uses;
- Support/service to the Downtown residential community;
- Support/service to Downtown employees;
- Tourism-oriented/tourism-servicing uses;
- Alignment with The London Plan.

Permitted Uses within Original Downtown CIPA	Targeted	Non-Targeted
Amusement game establishments	X	
Apartment buildings	X	
Apartment hotels	X	
Art galleries	X	
Artisan Workshop	X	
Assembly halls	X	
Bake shops	X	
Bed and Breakfast Establishment	X	
Brewing on Premises Establishment	X	
Business Service Establishment	X	
Clinics	X	
Commercial parking structures		X
Commercial recreation establishments	X	
Community Centres	X	
Convenience stores		X
Craft Brewery	X	
Day care centres	X	
Dry cleaning and laundry depots	X	
Duplicating shops	X	

Dwelling units (restricted to the rear portion of the ground floor or on the second floor, or above with any or all of the other permitted uses in the front portion of the ground floor)	X	
Emergency care establishments		X
Film processing depots / Photography retail	X	
Financial institutions (excluding cheque cashing)	X	
Food Stores	X	
Funeral homes	X	
Group homes type 2		X
Hotels	X	
Institutions	X	
Laboratories	X	
Laundromats	X	
Libraries	X	
Lodging houses class 2		X
Medical/dental offices and laboratories	X	
Museums	X	
Office-apartment buildings	X	
Offices (above first floor)	X	
Patient testing centre laboratories	X	
Personal service establishments	X	
Pharmacies	X	
Place of Entertainment (excluding adult)	X	
Places of Worship		X
Police Station	X	
Printing establishments	X	
Private clubs	X	
Repair and rental establishments	X	
Restaurants	X	
Restaurants, outdoor patio	X	
Retail stores	X	
Schools (Education)	X	
Senior citizen apartment building	X	
Service and repair establishments	X	
Service trades	X	
Studios	X	
Supermarkets and Grocery Store	X	
Taverns	X	
Theatres and cinemas	X	
Video rental establishments	X	

3. Eligibility Criteria for Financial Incentive Programs

Financial Incentive Programs will not apply retroactively to work started prior to the approval of an application by the Director, Economic Services or Supports, or designate.

To be eligible for any Financial Incentive Program, the applicant, property, and project must meet all applicable conditions outlined in Section 3.

Property Owner Considerations

- The applicant must be the registered owner of the property or an agent (including building tenant or contractor who has been retained to undertake improvements). If the applicant is not a registered owner of the subject property, the applicant will be required to provide authorization in writing from the registered owner as part of a complete application;
- For loan applicants, all mortgages and charges, including the subject financial incentive(s), must not exceed 90% of the post-rehabilitation appraised value of

the property (i.e. the owner must maintain 10% equity in the property post-improvement);

- All City of London property taxes must be paid in full when the loan and/or grant is issued and remain so for the lifetime of the loan and/or grant;
- The registered owner of the property must have no outstanding debts to the City of London;
- The property owner and/or applicant, must not have ever defaulted on any City loan or grant program, including by way of individual affiliation with any company or group of people authorized to act as a single entity such as a corporation;
- The Financial Incentive Programs will not apply retroactively to work completed prior to the approval of the application by the Director, Economic Services and Supports, or designate.

Property Considerations

- The property must be located within the Downtown Community Improvement Project Areas as defined in the Downtown London Community Improvement Area By-law (see Map #1 and the Richmond Row Map #2);
- There are not any City of London Building Division orders or deficiencies relating to the subject property at the time the loan or grant is issued;
- Each property is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans (for example, applications for an Upgrade to Building Code Loan, Facade Improvement Loan, and Tax Grant can be made at the same time).

Building Considerations

- Separate applications must be submitted for each *discrete building* (as defined) on a single property;
- The property must contain an existing building (occupied or unoccupied) located within an identified area for improvement under the Downtown CIP (for the Combined Residential Development Charge Grant & Tax Grant Programs, the property may also be cleared land with no buildings on it);
- Where the entirety of a multi-unit building, which contains separate units, are all under the same ownership, (or with condominium status) it will be considered as one building for the purpose of the incentive programs;
- Where a building is within a contiguous group of buildings, a *discrete building* will be interpreted as any structure which is separated from other structures by a solid party wall and a distinct municipal address;
- Each *discrete building* on each property is eligible for financial incentive programs;
- Each *discrete building* is eligible for multiple Upgrade to Building Code loans provided the total of all loans do not exceed the maximum amount allowable under the program guidelines (\$200,000), additional Upgrade to Building Code loans may be considered after the previous loan(s) is repaid;
- Each *discrete building* is eligible for multiple Façade Improvement loans provided the total of all loans do not exceed the maximum amount allowable under the program guidelines (\$50,000), additional Façade Improvement loans may be considered after the previous loan(s) is repaid;
- Each property is eligible for a Rehabilitation and Redevelopment Tax Grant;
- Each *discrete building* is eligible to avail simultaneously of multiple incentive programs provided through the various Community Improvement Plans (for example applications for an Upgrade to Building Code Loan, Facade Improvement Loan, and Tax Grant can be made at the same time);
- There must be no City of London Building Division orders or deficiencies and no by-law infractions when the loan or grant is issued.

4. Application Process

Consultation Phase

Step 1 – PO – The Applicant contacts City of London staff who will arrange a meeting to share ideas for the proposed project, information about incentive programs, provide application form(s) and assist with the application process. This meeting will also help to

identify what permits or permissions may be required to complete the proposed improvement project. Consultation with an Urban Designer and/or Heritage Planner may be necessary. Where possible, the City will make appropriate staff available for this meeting, which is usually on site at the property where the proposed work is planned.

Applications made for financial incentive programs do not in any way replace the need for obtaining any necessary approvals. Prior to undertaking building improvements, the property owner (**PO**) is required to obtain any necessary approvals and/or permits. Heritage Alteration Permits (for properties requiring them) will be required before financial incentive applications are accepted. Discussions with City staff are encouraged early in the conceptual phase to ensure proposed façade improvements comply with City regulations and guidelines, and the proposed improvements are eligible under the incentive program criteria. Service London Business staff are also available to help with clarifying/applying for applicable permits.

Concept Phase

Step 2 – PO – A *Complete Application* (see Definition Section) for incentive programs is submitted to the City of London.

For the Tax Grant and Residential Development Charge Grant programs, the applicant must also obtain a building permit and make full payment of residential development charges. For an eligible *Office-to-Residential Conversion Project* the payment of residential development charges may not be required.

The Residential Development Charge Grant Program and the Office-to-Residential Conversion Grant Program are processed by Economic Services and Supports in conjunction with the Building Division. Application to the Residential Development Charge (DC) Grant program is triggered when an applicant applies to rezone, enter site plan consultation, or construct a project that will result in the payment of residential DCs. **PO – Prior to construction beginning, applicants must contact the City to complete the application process.**

Step 3 – CL – City of London Economic Services and Supports staff will review the application for completeness and inform the applicant in writing that either, more information is required, or the application is accepted. If accepted, the City will provide a *Commitment Letter* which outlines the approved works, related costs, and monetary commitment that the City is making to the project. The letter will also state whether the commitment is for a Forgivable Loan. For the Residential DC Grant the residential DCs do not need to be paid prior to the City's issuance of a *Commitment Letter*. In this instance, the City's *Commitment Letter* will outline that the residential DCs amount will be confirmed prior to any grants being issued. For *Office-to-Residential Conversion Projects*, the *Commitment Letter* will outline the City's Forgivable Loan commitment based on the residential unit information provided in the application and confirmed with the building permit application. For the Loan Programs, the City's commitment is valid for one year from the date of issuance of the *Commitment Letter*. The City's commitment applies only to the project as submitted. **PO – Any subsequent changes to the project will require review and approval by the City.**

Step 4 – CL – Economic Services and Supports staff may visit the subject property and take photographs, both before and after the subject work is completed. When considering forgivable loans, staff will also confirm that the intended use meets the eligibility requirements of the program.

Construction Phase

Step 5 – PO – Having obtained all necessary approvals and/or permits and receiving a *Commitment Letter* from the City for approved works the applicant may start to undertake eligible improvements. With respect to the Residential DC Grant there is an additional requirement that the DCs have been paid or a Development Charges Alternative Payment Agreement indicating when DCs will be paid has been signed prior to commencing the approved work. With respect to the OTR Conversion Grant Program, the construction phase step does not apply as the Forgivable Loan is provided when the building permit is issued.

Confirmation Phase

Step 6 – PO – The applicant will notify the City in writing (via letter or email) once the project is complete and the costs respecting those works are paid. For Loans, the applicant will submit paid receipts (as proof of payment in full). Confirmation that related building permits are closed is also required so that the City may begin drafting an agreement. With respect to Tax Grant and Residential DC Grant, when the project is complete or following the re-assessment of the property, the applicant will notify City Planning, in writing, that the project is complete for the purpose of calculating the *Post-Improved Assessed Value*. With respect to OTR Conversion Grant Program, Economic Services and Supports will confirm with the Building Division that the building permit has been issued.

Step 7 – CL – Before setting up any agreement Economic Services and Support staff must ensure the improvements, as described in the City's *Commitment Letter* are completed and other criteria, as set out in the respective program guidelines, have been met. This may include:

- Related costs, or bills respecting those approved works are paid in full;
- Related building permits are closed;
- The loan must be in good standing with no arrears owing;
- All City of London property taxes must be paid in full and the account deemed in good standing by the City's Tax Office;
- There must be no outstanding debts to the City;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding Building Division orders or deficiencies against the subject property.

For *Office-to-Residential Conversion Projects*, Economic Services and Supports will confirm that a building permit has been issued.

Step 7.i (Grants) – CL – Upon written notice from the applicant, Economic Services and Supports will request the City's Tax Office provide a grant schedule that establishes the value of the annual grant over the term of the grant program. For *Office-to-Residential Conversion Projects*, Economic Services and Supports will confirm the *Lump Sum Grant Amount*, provided as a Forgivable Loan, based on the building permit submission. The final *Lump Sum Grant Amount* may differ if the residential unit mix changed between applying to the OTR Conversion Grant Program and the issuing of the building permit.

Step 7.ii (Grants) – CL – Upon request by Economic Services and Supports, the City's Tax Office will establish a *Post-Improved Assessed Value*. To do this they will review the assessed value of the property and determine whether this is the final assessment relating to the completion of the renovation or development project. If this is not the final assessment, the City's Tax Office will contact the Municipal Property Assessment Corporation (MPAC) and request that the final assessment be prepared.

Step 7.iii (Grants) – CL – The City's Tax Office will prepare and note the annual tax increment for the purpose of calculating the grant schedule. The City's Tax Office will then prepare a schedule for the first year that the new taxes were levied for the full year.

Step 7.iv (Grants) – CL – At the completion of the *Calendar Year*, Economic Services and Supports staff will ask the City's Tax Office to confirm that all taxes have been paid for that year and that the tax account is in good standing with a zero balance.

Agreement Phase

Step 8 (Loans) – CL – Once the approved works are verified by Economic Services and Supports staff will draft the loan agreement.

Step 8 (Grants) – CL – Once the eligible works are verified and the grant schedule is completed, or the *Lump Sum Grant Amount* for an *Office-to-Residential Conversion Project* is calculated, Economic Services and Support staff will draft the grant agreement (grant to be provided as a forgivable loan) and provide a draft copy of the grant agreement to the applicant for review. Economic Services and Supports will

prepare a Document General to place a lien on the property in the amount of the forgivable loan.

Step 9 (Loans) – CL – Economic Services and Supports staff will request a cheque, and the Document General to place a lien on the property in the amount of the loan is prepared.

Step 9 (Grants) – CL – After the applicant has approved the grant agreement Economic Services and Support staff can prepare two hard copies of the agreement to be signed.

Step 10 – CL – When all the documentation is ready Economic Services and Support staff will contact the applicant to arrange for a meeting to sign the documents. For loan applicants, the City will exchange a loan cheque for the first 12 post-dated repayment cheques provided by the property owner or applicant, or automatic withdrawal information may also be provided to the City's Accounts Receivable department prior to loan payments starting. (**PO**)).

Full loan repayment can be made at any time without penalty. **PO** – To make a full or partial repayment above the standard monthly payment, please contact Economic Services and Supports or Accounts Receivable.

Step 11 – Economic Services and Support staff will have two original copies of the agreement available for signing. One original signed copy is kept by the applicant, and one is retained by the City.

5. Financial Incentive Approval

Once all eligibility criteria and conditions are met, and if funds are available in the supporting Reserve Fund, the Director, Economic Services and Supports or designate will approve the incentive application. Approval by means of a letter to the applicant will represent a commitment by the City of London. Loan commitments will be valid for one year and will expire if the work is not completed within that period. The Director, Economic Services and Supports or designate may, at their discretion, provide a written time extension of up to one year. **PO – It is important to note that the consideration of such an extension will require a written request from the applicant detailing the reasons the extension is being sought.**

6. Additional Rehabilitation and Demolition

Additional work to the interior of the building can be undertaken without Economic Services and Supports approval subject to obtaining a building and/or heritage alteration permit, when required. The loan programs do not impose any specific restrictions on demolition except that any outstanding loan amount must be repaid to the City prior to the issuance of a demolition permit.

7. Inspection of Completed Works

The loan will be paid to the property owner (or alternate as authorized by the property owner) following City receipt of invoices for all completed work and after the City inspection of all completed improvements has taken place. The City will inspect the work completed to verify that the proposed improvements have been completed as described in the application. For *Office-to-Residential Conversion Projects*, the Economic Services and Support staff may inspect the property to ensure the residential units have been completed. These inspections are not a building permit inspection. Completion of this inspection does not mean the property meets all Ontario Building Code requirements.

8. Incentive Application Refusal and Appeal

If an application is refused, the applicant may, in writing, appeal the decision of the Director, Economic Services and Supports, or designate to the City Clerk's Office who

will provide direction to have the matter heard before Municipal Council through the Planning and Environment Committee.

9. Relationship to other Financial Incentive Programs

It is intended that the Loan and Grant Programs will complement other incentive programs offered by the City of London. Property owners may also qualify for financial assistance under those programs specifically detailed within the program guidelines. However, the funding from these programs cannot be used to subsidize the property owner's share of the total cost of the loan programs property improvements.

PO – Applicants are advised to check with the London Downtown Business Improvement Association about its proprietary programs which complement the City's financial incentive programs.

10. Loan Repayment Deferral Due to Road Construction

In the event of a *road construction* project in the Downtown community improvement project areas, an applicant's loan repayments can be deferred for the duration of the *road construction* project.

Economic Services and Supports staff will review the Community Improvement Area construction schedule annually. To determine what streets will be under construction in the upcoming years, Economic Services and Supports staff will monitor Notice of Project and Construction Notice letters that are mailed to property owners to inform them of upcoming construction projects.

Economic Services and Supports staff will compile a list of properties with loans in the *road construction* project area. Only properties that are directly adjacent (front or side property line) to the *road construction* project area will be eligible for the deferral of loan repayments. The Director, Economic Services and Supports, or designate will be the approval authority for any disagreements regarding the eligibility of an applicant to defer their loan(s) repayments.

A letter with an accompanying form will be mailed and/or emailed (if available) to each eligible loan applicant to ask if they wish to defer the repayment of their loan(s) during the scheduled *road construction* period. The scheduled *road construction* period and duration of the *deferral* will be determined by Economic Services and Supports staff by reviewing the project timeline on the Construction Notice letter and by coordinating with the City Project Manager of a *road construction* project.

The duration of the *deferral* will be set at the onset of the *road construction* project. If a project is delayed or extends beyond the anticipated deadline, the *deferral* will not be extended. As a result, the *deferral* will be at least one month longer than the anticipated length of the *road construction* project. For example, if *road construction* is anticipated to conclude in November, the *deferral* will be set to expire at the end of December.

If an applicant wishes to defer the repayment of their loan, they must complete and return the form to Economic Services and Supports staff that indicates they agree to the *deferral* and sets out the revised loan repayment schedule.

An applicant may choose not to defer their loan repayment. An applicant can opt out of the *deferral* by not returning the form by the stated deadline. In this instance, repayment of the loan will continue as outlined in the loan agreement.

Upon receiving confirmation that an applicant wishes to defer repayment of their loan(s), Economic Services and Supports staff will:

- Process the returned forms for the applicant's seeking deferral;
- Complete supporting documentation to send to Accounts Receivable. This documentation will allow Accounts Receivable to update its records regarding the loan repayment schedule and allow Accounts Receivable to remove any post-

dated cheques that may be in its possession for repayment during the *deferral* period. Cheques will be return to the applicant or destroyed;

- Accounts Receivable will contact the loan applicant when new post-dated cheques are required to restart the loan repayment after the *deferral* period ends.

If an applicant fails to provide new post-dated cheques to Accounts Receivable after the *deferral* is finished, they will be in jeopardy of defaulting on the loan(s).

If a *road construction* project is cancelled, the *deferral* of the loan repayment will also be cancelled, and an applicant will be required to re-submit any post-dated cheques that were removed.

11. Monitoring & Discontinuation of Programs

As part of the program administration, Economic Services and Supports staff will monitor all the financial incentive programs. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in Community Improvement Plan reviews which will be prepared to determine if programs should continue, be modified, or cease to issue any new commitments. Each program is monitored to ensure it implements the goals and objectives of the Community Improvement Plan within which the program applies. The City may discontinue the Financial Incentive Programs at any time; however, any existing loan or grant will continue in accordance with the agreement. A program's success in implementing a Community Improvement Plan's goals will be based on the ongoing monitoring and measurement of a series of identified targets that represent indicators of the CIP's goals and objectives, as noted in the Program Monitoring Data section.

12. Program Monitoring Data

The following information will be collected and serve as indicators to monitor the financial incentive programs offered through the Downtown Community Improvement Plan. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the CIP have been met.

<p>Façade Improvement Loan Program Monitoring</p>	<ul style="list-style-type: none"> - Number of Applications (approved and denied); - Approved value of the loan and the total construction cost (i.e. total public investment and private investment); - Pre-Assessment Value; - Total Value of Building Permit (if required); - Location of façade being improved (Front, Non-Street Front); - Post-Assessment Value; - Use Type (Targeted or Non-Targeted); - Increase in assessed value of participating property; - Total Loan Amount; - Number of forgivable loans; - Number of loan defaults; - Cost/Value of loan defaults.
<p>Upgrade to Building Code Loan Program Monitoring</p>	<ul style="list-style-type: none"> - Number of Applications (approved and denied); - Approved value of the loan and the total construction cost (i.e. total public investment and private investment); - Pre-Assessment Value; - Total Value of Building Permit; - Post-Assessment Value; - Use Type (Targeted or Non-Targeted); - Increase in assessed value of participating property; - Total Loan Amount; - Number of forgivable loans; - Number of loan defaults; - Cost/Value of loan defaults.

<p>Tax Grant Program Monitoring</p>	<ul style="list-style-type: none"> - Number of Applications (approved and denied); - Pre-Assessment Value; - Total Value of Building Permit; - Level of Grant (Type 1, Type 2 or Type 3); - Post-Assessment Value; - Use Type (Targeted or Non-Targeted); - Number of residential units created; - Increase in assessed value of participating property; - Total Grant Amount; - Number of grant defaults; - Cost/Value of grant defaults.
<p>Residential Development Charge Grant Program Monitoring</p>	<ul style="list-style-type: none"> - Number of Applications (approved and denied); - Pre-Assessment Value; - Total Value of Building Permit; - Number of residential units created; - Post-Assessment Value; - Increase in assessed value of participating property; - Total Grant Amount; - Number of grant defaults; - Cost/Value of grant defaults.
<p>Office-to-Residential Conversion Grant Program Monitoring</p>	<ul style="list-style-type: none"> - Number of Applications (approved and denied); - Pre-Assessment Value; - Total Value of Building Permit; - Number of residential units created; - Vacant office space removed; - Post-Assessment Value; - Increase in assessed value of participating property; - Total Grant Amount; - Number of grant defaults; - Cost/Value of grant defaults.

13. Activity Monitoring Reports

Activity Reports will be prepared at regular intervals when City Administration reviews community improvement plans and programs, which measure the following annual variables:

- Number of applications by type;
- Increase in assessment value of properties;
- Value of the tax increment (i.e. increase in property tax after the construction activity);
- Value of construction and building permits issued;
- Number of units created (by type, ownership/rental);
- Number and value of incentive program defaults;
- Ground floor occupancy rates within the CIP area where the program(s) is in effect.

14. Façade Improvement Loan Program

Façade Improvement Loan Program – Purpose

The Façade Improvement Loan Program is intended to assist property owners in identified community improvement project areas with façade improvements and to bring participating buildings and properties within the identified community improvement areas into conformity with the City of London Property Standards By-law. Through this program, the City provides a no interest 10-year loan. Loans will be issued to cover 50% of the cost of the eligible works to a maximum of \$50,000. In some locations (see the targeted incentive zone on Map 1 for specific locations) a portion of these loans may be partially forgivable in the form of a grant from the City.

Façade Improvement Program – Goals

The overarching goals of this Program are to:

- Support the maintenance, improvement and beautification of the exterior appearance of buildings in downtown London;
- Encourage reinvestment in downtown London that complies with the Downtown Heritage Conservation District and other design guidelines;
- Help make the downtown environment interesting and aesthetically pleasing for residents, patrons and visitors alike;
- Bring participating buildings and properties into conformity with the City of London Property Standards By-law.

Façade Improvement Program – Eligible Works

Eligible works that will be financed through this program include improvements that are demonstrated to enhance the appearance of building exteriors while meeting the Heritage Conservation District Plan as well as applicable Urban Design Guidelines. Examples of works that may be eligible under this program include:

- Exterior street front renovations compliant with the Downtown Heritage Conservation District Plan;
- Exterior street front renovations compliant with Downtown Design Study Guidelines (1991);
- Portions of non-street front buildings, visible from adjacent streets. Non-street front visible portions may only be eligible for funding after the street front façade has been improved or street front improvements have been deemed unnecessary by the Director, Economic Services and Supports, or designate;
- Awnings that are affixed to the exterior street front of a building which are used to keep the sun or rain off a storefront, window, doorway, or sidewalk, and/or to provide signage for a commercial tenant;
- Business name signage that is affixed to the exterior street front of a building;
- Decorative lighting which is affixed to the exterior street front of a building that is ornamental and installed for aesthetic effect;
- Eaves troughs, rain gutters, soffits, fascia, bargeboard, and other materials that direct rain water;
- Doors, windows and their finished framing;
- Professional fees for the preparation of drawings and technical specifications required for eligible works (limited to the lesser of a maximum of \$5,000 or 10% of the loan).

Note: A Heritage Alteration Permit is required for all works in the Downtown Heritage Conservation District including signage.

Façade Improvement Program – Works Not Eligible

The following list provides examples of materials that are not eligible to be financed through this program:

- New stucco building materials;
- Back lit signs;
- Vinyl windows;
- Metal siding with faux-wood grain or similar products;
- Stacked stone veneer or similar products;
- Any other materials that at the discretion of the Director, Economic Services and Supports, or designate, are deemed ineligible, inauthentic, or inconsistent with the Downtown Heritage Conservation District Plan.

Façade Improvement Program – Loan Terms

A complete application must be received, and a City *Commitment Letter* issued before any work can commence.

Period

The loan will be interest free and will be amortized over a 10-year period.

Loan Amount

Loans will be issued to cover the lesser of:

- 50% of the cost of the eligible works per building;
- A maximum of \$50,000 per building.

While more than one *discrete building* on a single property may be eligible for a loan, loans will not exceed 50% of the cost of the eligible works that related to each *discrete building*.

More than one loan may be issued for each *discrete building* on each property, but the sum of these loans must not exceed the maximum loan amount of \$50,000 per *discrete building*.

Determination of Eligible Non-Street Front Façade Improvements

The Director, Economic Services and Supports or designate will decide when this program can be applied to a building façade that is not street facing. Typically, this consideration is made when the street-front façade is deemed to be in compliance with the Downtown Heritage Conservation District Plan, Downtown Design Study Guidelines (1991), as well as Building and Fire Codes.

Determination of Façade Improvements where there are Two Street Frontages

If a building has both the front and rear façade facing a municipal street (not a private street or a laneway), then the building is eligible for a Façade Improvement Loan for each unique street fronting façade. Further, if a building is on a corner property where two or more façades face a municipal street (not a private street or laneway), then the building is eligible for two or more Façade Improvement Loans. All façade designs must be in compliance with the Downtown Heritage Conservation District Plan, Downtown Design Study Guidelines (1991), as well as Building and Fire Codes, to be eligible for loans.

Loan Distribution

The City will provide the applicant with one cheque in the full amount of the approved loan after: (1) the City has completed its due diligence to ensure the applicant and property remain eligible for the loan, (2) the Loan Agreement has been signed, and (3) the first 12 months of post-dated cheques (to be used for the first-year repayment of the loan) are received or automatic withdrawal information is provided. If required, City of London Accounts Receivable staff will contact the applicant annually to request a supply of cheques in subsequent years. **PO** – The applicant will notify the City about any changes to their banking arrangements and replace cheques as appropriate over the term of the loan. **The City will not provide partial loan amounts or progress payments.**

Loan Security and Postponement

Loans will be secured through the registration of a lien placed on property title for the total amount of the loan. Liens will be noted on the tax roll and will be registered and discharged by the City. The Director, Economic Services and Supports or designate may postpone the lien (subordination of a lien to another lien on the same property) which is given as security for the loan in circumstances where any of the registered mortgages are being replaced, consolidated, or renewed and the total value of all mortgages and charges including the City's lien does not exceed 90% of the appraised value of the property.

Loan Agreement

Participating property owners in the financial incentive programs shall be required to enter into a loan agreement with the City. This agreement shall specify such items as (but not limited to) the loan amount, the duration of the loan, and the owner's obligation to repay the City for any monies received if the property is demolished before the loan period elapses. The agreement shall include the terms and conditions included in the program guidelines.

Repayment Provisions

Loan repayments will begin six months after the advancement of funds, unless the repayment will begin during a *road construction* project; in that instance, the applicant can decide if the loan repayment will begin six months after the advancement of funds

or after the *road construction* deferral period as determined in the Loan Repayment Deferral Due to Road Construction section has concluded. Repayment of the loan will be monthly and does not include interest. The monthly payment amount will be calculated based on the total loan amount divided by **114 payments**. Full repayment can be made at any time without penalty.

Transferable Loans

At the discretion of the City, loans may be transferable to a new property owner providing that the new owner meets the eligibility criteria and agrees to the terms and conditions of the loan. The new owner must enter into a new loan agreement with the City for the outstanding loan value at the time of purchase. Otherwise, where the ownership is transferred the outstanding balance of the loan shall immediately become due and payable by the selling property owner.

Façade Improvement Program – Forgivable Loan – Grant Terms

Subject to the eligibility criteria detailed in the program guidelines, forgivable loans are set up to grant a percentage of the annual loan repayment back to the applicant over a 10-year period.

Forgivable Grant Amount

Where applicable, and if confirmed in the City's *Commitment Letter*, a portion of the Façade Improvement loan may be forgivable and paid back to the applicant in the form of a grant to cover the lesser of:

- A maximum of \$12,500; or
- 25% of the loan amount.

Annual Grant Value

Means the amount of money granted back to the applicant which may change from year to year based on the calculation of the *Yearly Loan Repayments* multiplied by 25% to give the *Maximum Yearly Grant Value* that is multiplied by the *Pro-rated Yearly Grant Percentage*.

For example:

\$50,000 Façade Improvement Loan
Yearly Loan Repayments = \$50,000 / 114 payments = \$438.60 / month x 12
monthly payments = \$5,263.20

Maximum Yearly Grant Value = \$5,263.20 x 25% = \$1,315.80

Maximum Yearly Grant Value multiplied by *Pro-rated Yearly Grant Percentage*
= *Yearly Grant Value*

\$1,315.80 x 50% (assumes ground floor was only occupied for 50% of the
Calendar Year) = \$657.90.

The grant value may differ from year to year based on targeted use occupancy. Grant amounts will be monitored to ensure the maximum Forgivable Grant Amount is not exceeded.

Grant Disbursement

PO – The disbursement of the grant requires action by the applicant. During the first quarter of the *Calendar Year* the City will send out an acknowledgment letter requesting that the applicant verify the number of actual months in which a targeted or non-targeted use actively occupied the ground floor of the building for the previous *Calendar Year*.

PO – To be eligible to receive the annual grant, the applicant must meet all conditions detailed in the program guidelines including:

- The loan must be in good standing with no arrears owing;
- All City of London property taxes must be paid in full and the account deemed in good standing by the Taxation Division;

- There must be no outstanding debts to the City of London;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding City of London Building Division orders or deficiencies against the subject property;
- The acknowledgement letter is completed by the applicant and returned to City of London.

Having confirmed that the applicant has met all conditions of the program guidelines, the annual grant can be disbursed. Providing misleading information can result in the default of the balance of the loan and the forfeiture of the ongoing grant.

15. Upgrade to Building Code Loan Program

Upgrade to Building Code Loan Program – Purpose

The Upgrade to Building Code Loan Program is intended to assist property owners with the financing of building improvements that are often necessary to ensure older buildings comply with current Building Code Requirements. The costs associated with these improvements frequently pose a major issue for building owners wanting to upgrade their properties. This issue is amplified in the Downtown where much of the building stock is older and needs major rehabilitation. Through this program, the City provides a no interest 10-year loan for an eligible property. Loans will be issued to cover 50% of the cost of the eligible works to a maximum of \$200,000. In some locations (see the targeted incentive zone map for specific locations) a portion of these loans may be partially forgivable in the form of a grant from the City.

Upgrade to Building Code Loan Program – Goals

The overarching goals of this Program are to:

- Support the maintenance, improvement, beautification, and viability of the historic building stock in downtown London;
- Encourage the development of residential units in older buildings through conversion and adaptive re-use;
- Support the development of distinctive, interesting and attractive commercial spaces in existing buildings to assist in the regeneration of Downtown London;
- Help ensure that buildings are safe for residents, patrons, and visitors alike by meeting Ontario Building Code and Fire Code regulations;
- Bring participating buildings and properties into conformity with the City of London Property Standards By-law.

Upgrade to Building Code Loan Program – Eligible Works

Eligible works that will be financed through this program include improvements that are demonstrated to be necessary to meet Building and Fire Code requirements, address one or more health and safety issues, and accessibility and/or environmental sustainability issues. Examples of works that may be eligible under this program include:

- The installation or alteration of fire protection systems such as sprinklers, stand pipes, fire alarms, emergency power, lighting, and exit signs;
- Installation or alteration of fire separations, fire doors, fire shutters and other fire protection devices;
- The relocation of fire escapes and the installation of new exit facilities;
- The extension of plumbing and electrical services for the creation of habitable space;
- The replacement of plumbing, electrical, and mechanical systems that no longer meet Building Code requirements;
- The construction or alteration of stairs, guards, handrails, etc.;
- The reinforcement or reconstruction of floors, walls, ceilings or roofs;
- The installation or alteration of required window openings to residential spaces;
- Required improvements to ventilation systems;
- Improvements for barrier-free accessibility including elevators, ramps, and washrooms;

- Improvements for green, or sustainable developments such as living walls and green roofs;
- Improvement to basements, or other such spaces that can be occupied and are located below the first storey;
- Asbestos abatement, including the removal, enclosure and/or encapsulating to prevent building occupant from being exposed to the fibers;
- Renovations required to remove moulds (or other materials caused by water-damage from interior building materials), replace affected materials and install vapour barriers;
- Professional fees for the preparation of drawings and technical specifications required for eligible works (limited to the lesser of a maximum of \$5,000 or 10% of the loan);
- Other improvements related to health and safety issues at the discretion of the Director, Economic Services and Supports or designate.

Upgrade to Building Code Loan Program – Loan Terms

Period

The loan will be interest free and will be amortized over a 10-year period.

Loan Amount

Loans will be issued to cover the lesser of:

- 50% of the cost of the eligible works per buildings; or
- A maximum of \$200,000 per building.

While more than one *discrete building* on a single property may be eligible for a loan, loans will not exceed 50% of the cost of the eligible works that relate to each *discrete building*.

More than one loan may be issued for each *discrete building* on each property, but the sum of these loans must not exceed the maximum loan amount of \$200,000 per *discrete building*.

Loan Distribution

The City will provide the applicant with one cheque in the full amount of the approved loan after: (1) the City has completed its due diligence to ensure the applicant and property remain eligible for the loan, (2) the Loan Agreement has been signed, and (3) the first 12 months of post-dated cheques (to be used for the first year repayment of the loan) are received or automatic withdrawal information is provided. If required, City of London Accounts Receivable staff will contact the applicant annually to request a supply of cheques in subsequent years. **PO** – The applicant will notify the City about any changes to their banking arrangements and replace cheques as appropriate over the term of the loan. **The City will not provide partial loan amounts or progress payments.**

Loan Security and Postponement

Loans will be secured through the registration of a lien placed on title for the total amount of the loan. Liens will be noted on the tax roll and will be registered and discharged by the City. The Director, Economic Services and Supports or designate may postpone the lien (subordination of a lien to another lien on the same property) which is given as security for the loan in circumstances where any of the registered mortgages are being replaced, consolidated, or renewed and the total value of all mortgages and charges including the City's lien does not exceed 90% of the appraised value of the property.

Loan Agreement

Participating property owners in the financial incentive programs shall be required to enter into a loan agreement with the City. This agreement shall specify such items as (but not limited to) the loan amount, the duration of the loan, and the owner's obligation to repay the City for any monies received if the property is demolished before the loan

period elapses. The agreement shall include the terms and conditions included in the program guidelines.

Repayment Provisions

Loan repayments will begin six months after the advancement of funds, unless the repayment will begin during a *road construction* project; in that instance, the applicant can decide if the loan repayment will begin six months after the advancement of funds or after the *road construction* deferral period as determined in the Loan Repayment Deferral Due to Road Construction section has concluded. Repayment of the loan will be monthly and does not include interest. The monthly payment amount will be calculated based on the total loan amount divided by **114 payments**. Full repayment can be made at any time without penalty.

Transferable Loans

At the discretion of the City, loans may be transferable to a new property owner providing that the new owner meets the eligibility criteria and agrees to the terms and conditions of the loan. The new owner must enter into a new loan agreement with the City for the outstanding loan value at the time of purchase. Otherwise, where the ownership is transferred the outstanding balance of the loan shall immediately become due and payable by the selling property owner.

Upgrade to Building Code Loan Program – Forgivable Loan – Grant Terms

Subject to the eligibility criteria detailed in the program guidelines, Forgivable Loans are set up to grant a percentage of the annual loan repayments back to the applicant over a 10-year period.

Forgivable Grant Amount

Where applicable, and if confirmed in the City's *Commitment Letter*, a portion of the Upgrade to Building Code loan may be forgivable and paid back to the applicant in the form of a grant to cover the lesser of:

- Maximum of \$25,000; or
- 12.5% of the loan amount.

Annual Grant Value

Means the amount of money granted back to the applicant which may change from year to year based on the calculation of the *Yearly Loan Repayments* multiplied by 12.5% to give the *Maximum Yearly Grant Value* that is multiplied by the *Pro-rated Yearly Grant Percentage*.

For example:

\$150,000 Upgrade to Building Code Loan
Yearly Loan Repayments = \$150,000 / 114 payments = \$1,315.79 / month x 12
monthly payments = \$15,789.48

Maximum Yearly Grant Value = \$15,789.48 x 12.5% = \$1,973.69

Maximum Yearly Grant Value multiplied by *Pro-rated Yearly Grant Percentage*
= *Yearly Grant Value*

\$1,973.69 x 100% (assumes ground floor was occupied for the entire *Calendar Year*) = \$1,973.69.

The grant value may differ from year to year based on targeted use occupancy. Grant amounts will be monitored to ensure the maximum Forgivable Grant Amount is not exceeded.

Grant Disbursement

PO – The disbursement of the grant requires action by the applicant. During the first quarter of the calendar year the City will send out an acknowledgment letter requesting that the applicant verify the actual number of months in which a targeted or non-targeted use actively occupied the ground floor of the building for the previous *Calendar Year*.

PO – To be eligible to receive the annual grant, the applicant must meet all conditions detailed in the program guidelines including:

- The loan must be in good standing with no arrears owing;
- All City of London property taxes must be paid in full and the account deemed in good standing by the Taxation Division;
- There must be no outstanding debts to the City of London;
- The property owner must not have defaulted on any City loans or grants;
- There must be no outstanding City of London Building Division orders or deficiencies against the subject property;
- The acknowledgement letter is completed by the applicant and returned to City of London.

Having confirmed that the applicant has met all conditions of the program guidelines, the annual grant can be disbursed. Providing misleading information can result in the default of the balance of the loan and the forfeiture of the ongoing grant.

16. Rehabilitation and Redevelopment Tax Grant Program (“Tax Grant”)

This program is only available in the Original Downtown Community Improvement Project Area (See Map 2)

Tax Grant Program – Purpose

The Tax Grant is intended to provide economic incentive for the rehabilitation and/or redevelopment of residential and commercial properties in the Original Downtown Community Improvement Project Area. Properties in the Expanded Richmond Row Community Improvement Project Area are not eligible. The program helps property owner’s transition to a higher tax assessment because of property improvements. Through this program, the City provides a ten-year tax grant for an eligible property, with annual grant amounts declining over this ten-year period. The total grant value is based on the increase in municipal taxes resulting from the rehabilitation and/or redevelopment of the property according to the MPAC assessment.

Tax Grant Program – Goals

The overarching goals of the Tax Grant are to:

- Grow our economy through investing in London’s downtown as the heart of our city;
- Stimulate and assist private property owners to rehabilitate buildings in the Downtown to ensure long term viability;
- Encourage preservation of significant heritage resources;
- Foster a diverse and resilient economy.

Tax Grant Program – Eligible Works

Eligible works that will be financed through this program include:

- Construction, erection, or placing of one or more buildings or structures on land that has the effect of increasing municipal property taxes;
- Additions or alterations to a building or structure that has the effect of increasing municipal property taxes;
- Other improvements related to health and safety issues at the discretion of the Director, Economic Services and Supports, or designate, that have the effect of increasing municipal property taxes.

Tax Grant Program – Additional General Eligibility Criteria and Conditions

- All applicable property taxes owing for each year must be fully paid prior to the disbursement of any annual grant amount under this program. If property taxes are owing on a property for more than one full year, the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant;

- The City is not responsible for any costs incurred by an applicant in relation to the Tax Grant program, including without limitation, costs incurred in application of a grant;
- Notwithstanding any other calculations relating to the grant amount, the City will not pay an annual grant which is greater than the municipal portion of the property tax collected for a property in any one year (i.e., if a general reassessment substantially reduces annual property taxes on a property, the annual grant amount will be capped at the municipal portion of the property tax collected for that property in any one year);
- The annual grant is based upon changes in property taxes as a result of construction and improvement to the property, and is not based upon occupancy or changes in occupancy, except if the project converts an eligible vacant office building to residential units;
- If the property is under an assessment appeal, the application will be held in abeyance until the appeal is resolved;
- The amount of the grants provided for a property over the life of this program will not exceed the value of the work done that resulted in the increased level of municipal tax assessment. For this reason, the amount of grants may be monitored in relation to the total value of work done and the grants will cease if they equal the value of the work done;
- The applicant will be responsible for ensuring that they can be contacted by the City for the purpose of delivering grant cheques. If applicants cannot be reached over a protracted period (greater than 2 years), the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant. **PO** – The property owner will notify the City if mail or email address changes throughout the term of the Tax Grant program.
- In instances where a participating Level 1, Level 2, or Level 3 Grant property has undergone a tax reclassification during the period of an executed grant agreement, the municipality reserves the right to recalculate the grant schedule to reflect the new tax class of the participating property. Should it be determined that the grant agreement and grant schedule is no longer appropriate because it results in grants not reflecting the new tax class, the value of the taxes received and the value of grants provided, the municipality reserves the right to amend the current agreement and establish a new grant schedule and grant agreement for the balance of the grant period. This amended grant agreement and grant schedule may be pro-rated to reflect the date of reclassification;
- Tax increases that result from a general reassessment, a change in tax legislation or an increase in the tax (or mill) rate will not be considered for the purposes of calculating the grant. The annual tax increment will be held constant over the ten-year grant period (i.e., changes in tax (or mill) rate or phased in assessment increases after the post-improvement date is established will not be incorporated into the calculation of the annual tax increment;
- If buildings are to be demolished to clear the site for redevelopment, a demolition permit must be obtained prior to any demolition work. Failure to obtain a demolition permit will result in the application being ineligible for this program;
- In instances where a participating Level 1 or Level 2 Grant property is demolished in whole before the grant period elapses the grant shall become forfeit and is to be repaid to the City no later than 30 days after the demolition has occurred;
- For participating Level 1, Level 2, or Level 3 Grant properties, demolition, in part, may be permitted entirely at the discretion of the City of London without a requirement for grant repayment, but only in those instances where a written request by the property owner is received and a corresponding letter of permission is granted by the City and a demolition permit is obtained.

Eligibility for Level 1: Grants for Rehabilitation of Heritage Designated Properties

Grant Level 1 of the Tax Grant program applies to properties that are individually designated under Part IV of the *Ontario Heritage Act* and where the buildings or structures are rehabilitated or renovated in such a way that would not compromise the reasons for designation. The eligibility requirements for this program level are:

- The property shall be designated under Part IV of the *Ontario Heritage Act* (in other words, is not just listed in the Inventory of Heritage Resources);
- The property shall be rehabilitated/renovated such that it will not compromise the reasons for designation;
- A Heritage Alteration Permit shall be required prior to undertaking any work on a designated property;
- The renovations undertaken shall be sufficient to result in a re-assessment of the property.

Eligibility for Level 2: Rehabilitation / Renovation Grants

This level of the Tax Grant program applies to existing buildings that are rehabilitated or renovated to ensure longer-term viability. The purpose of this grant level is to further encourage finer-grained, small-scale revitalization projects. The eligibility requirements for this program level are:

- Property shall contain an existing building;
- For properties listed as Priority 1, 2 or 3 in the City of London's "Inventory of Heritage Resources" a Heritage Planner will be consulted to assess works to be undertaken;
- The property shall be rehabilitated/renovated such that it will be consistent with Council-approved Guidelines;
- Eligible vacant office buildings converted to residential units are considered a Level 2 grant.
- The renovations undertaken shall be sufficient to result in a re-assessment of the property.

Eligibility for Level 3: Redevelopment Grants

This level of the Tax Grant program applies to new buildings that are developed on cleared sites with no buildings on them. The purpose of this level is to encourage the rehabilitation of under-utilized sites. The eligibility requirements for this level of the program are:

- The property shall be redeveloped, such that the design of the new structure is consistent with Council-approved Guidelines;
- The construction undertaken shall be sufficient to result in a re-assessment of the property.

Tax Grant Program – Grant Terms

Period

Grants will be paid over a ten-year period, with Year 1 being the first full calendar year that taxes are paid after the project is completed and reassessed. For example, where a project is completed and the property is reassessed on February 28, 2017, the grant recipient will receive a Year 1 grant at the end of 2018 (after a full year of taxes are paid at the new rate in 2018). However, where the total value of the grant is less than or equal to one thousand dollars (\$1,000), a one-time lump sum payment of the total grant amount as detailed in the grant agreement will be issued.

Calculation of Annual Tax Increment

See Definitions.

Grant Amount

The amount of the grant will vary from project to project and will decline over the course of the 10-year payback period. The grant will be based on the increase in the municipal portion of property taxes that is directly related to the eligible project (in other words, the tax increase that results from the improvements to the property) and the assigned *Year/Level Factor*, as shown below:

Year	Level 1 - Part IV Heritage Designated	Level 2 - Existing Buildings	Level 3 - Cleared Land
1	100%	70%	60%
2	100%	70%	60%
3	100%	60%	50%
4	90%	50%	40%
5	80%	40%	30%
6	70%	30%	20%
7	60%	20%	10%
8	50%	10%	10%
9	40%	10%	10%
10	30%	10%	10%

PO – Please note that the reassessment could take one to two years or longer. It is the property owner’s responsibility to notify Economic Services and Supports about an increase in property assessment related to the improvement project to activate the grant program.

Grant Agreement

Participating property owners in the Tax Grant program shall be required to enter into a grant agreement with the City. This agreement shall specify such items as (but not limited to) the applicable grant level, the duration of the grant, and the owner's obligation to repay the City for any grants received if the property is demolished before the grant period elapses. The agreement shall include the terms and conditions included in the program guidelines. The grant agreement will be signed by the Director, Economic Services and Supports, or designate.

Grant Distribution

At the end of each year, Economic Services and Supports will provide a list of grant properties to the City’s Tax Office requesting confirmation that all taxes have been paid for the previous year and that the tax accounts are in good standing. Economic Services and Supports will also confirm that any outstanding loans relating to the properties are in good standing. Finally, Economic Services and Supports will verify that there are no outstanding orders or bylaw contraventions relating to the properties. Upon receiving such confirmation, Economic Services and Supports will contact applicants and provide them with their grant cheques. The City aims to provide grant cheques in the first quarter of the following year.

Transferable Grants / Condominium Projects

If a participating property is sold, in whole or in part, before the grant period elapses, the applicant and/or the subsequent landowner is not entitled to outstanding grant payments (on either the portion sold or retained by the applicant). The City may, entirely at its own discretion, enter into a new agreement with any subsequent owners of the property to receive outstanding grant payments under this program.

For the purposes of sale of condominium units, the property owner, as signatory to the grant agreement, is and remains entitled to receive the grant in accordance with the terms of the grant agreement.

PO - The property owner who is selling a property with active loans or grants should contact Economic Services and Supports prior to finalizing the sale to either repay the loans to remove the liens or transfer the outstanding loan or grant balance to the new property owner (if the new property owner agrees to take on the loan or grant).

17A. Combined Residential Development Charges (DC) and Tax Grant Program

This program is available only in the Original Downtown Community Improvement Project Area (See Map 2)

DC & Tax Grant Program – Purpose

The Combined Residential Development Charges (DC) and Tax Grant program is intended to provide economic incentive for the development of residential properties in the Original Downtown Community Improvement Project Area. Properties in the Expanded Richmond Row Community Improvement Project Area are not eligible.

Through this program, the City provides a combined 10-year grant for an eligible property. For property owners who pay property taxes, the grants cover 100% of the residential development charges and a portion of the increase in municipal taxes resulting from the development of the property (as outlined in the Tax Grant Program Section). For property owners who are exempt from paying property taxes, the grants cover 100% of the residential development charges.

DC & Tax Grant Incentive – Goals

The overarching goals of this combined program are to:

- Grow our economy through investing in London's downtown as the heart of our city, in particular by developing new residential units;
- Promote intensification and redevelopment within the existing built-up area;
- Encourage the development of residential units in older buildings through conversion and adaptive re-use;
- Strengthen the Downtown property assessment base;
- Bring participating buildings and properties within the Original Downtown Community Improvement Project Area into conformity with the City of London Property Standards By-law and Building Code.

DC & Tax Grant Program – Eligible Works

Eligible works that will be financed through this program include:

- The construction, erection, or placement of one or more buildings or structures on a property that has the effect of creating new dwelling units for which residential Development Charges are required to be paid in accordance with the Development Charges By-law;
- The addition or alteration to a building or structure that has the effect of creating new dwelling units for which residential Development Charges are required to be paid in accordance with the Development Charges By-law;
- Multi-unit residential and mixed-use buildings will be considered and funded as single projects; however, the Grant will only apply to the residential DC portion of a mixed-use building.

DC & Tax Grant Incentive – Additional Application Requirements

- The application must be submitted prior to or coincident with the application of a building permit and approved by Economic Services and Supports prior to construction on the project beginning;
- Under no circumstances shall an applicant have their Development Charges payable waived by this program and also receive DC grant funding disbursed by the City to the applicant;
- Applicants who select to pay development charges over 21 annual installments are not eligible for application to this grant program;
- All additional application requirements found in the Rehabilitation and Redevelopment Tax Grant Program ("Tax Grant") section also apply to the Combined DC & Tax Grant Program, unless the property owner is exempt from paying property taxes, then requirements regarding the payment of property taxes are not valid.

DC & Tax Grant Incentive – Grant Terms

All construction and improvements made to buildings and/or land shall be made pursuant to a building permit, and/or other required permits, and constructed in

accordance with the Ontario Building Code and all applicable Official Plan, Zoning By-law, and any other planning requirements and approvals.

Calculation of Annual Tax Increment

See Definitions.

Period

If the property owner is exempt from paying property taxes, please see the section entitled Period – Property Tax Exempt Property Owners. The combined Residential Development Charge and Tax Grant commences in the same year (after re-assessment by MPAC). The scheduled grant will be equivalent to 100% of the municipal portion of the tax increment each year until all the DCs have been repaid. The grants will generally be over a 10-year period, equivalent to 100% of the municipal portion of the *Annual Tax Increment* each year until all the DCs have been repaid. The Residential Development Charge grant payment period may extend beyond 10 years with annual payments being made, until such time that the applicant receives a grant for the full amount of the Residential DCs paid. The Tax Grant program will expire after 10 years.

Example of a Level 3 Project with a net residential development charge of \$4 million and an *Annual Tax Increment* of \$650,000:

Table 3 – Level 3 Combined DC and Tax Grant Example

Development Charges:		\$4,000,000			
Annual Tax Increment:		\$650,000			
Assessed Value:		\$55,000,000			
Year	Tax Grant		DC Grant		Annual Grant Amount
	Rate (%)	\$	Rate (%)	\$	= (100% of increment)
1	60	\$390,000	40	\$260,000	\$650,000
2	60	\$390,000	40	\$260,000	\$650,000
3	50	\$325,000	50	\$325,000	\$650,000
4	40	\$260,000	60	\$390,000	\$650,000
5	30	\$195,000	70	\$455,000	\$650,000
6	20	\$130,000	80	\$520,000	\$650,000
7	10	\$65,000	90	\$585,000	\$650,000
8	10	\$65,000	90	\$585,000	\$650,000
9	10	\$65,000	90	\$585,000	\$650,000
10	10	\$65,000	90	\$35,000	\$100,000
Total		\$1,950,000		\$4,000,000	\$5,950,000

Period – Property Tax Exempt Property Owners

For property owners who do not pay property taxes, the Residential Development Charges Grant commences the year after the residential units in the building can be occupied. For example, if the building can be occupied in 2021, the first grant is issued in the first quarter of 2022.

Economic Services and Supports will monitor the payment of development charges to ensure that at no time, a grant is issued before development charges have been paid and to ensure the amount of development charges collected by the City of London is always equal to or more than the amount of the Residential Development Charges Grant provided to the applicant.

The Residential Development Charges Grant will be paid in 10 equal annual installments until such time that the applicant receives a grant for the full amount of the Residential DCs paid.

Example of a Level 3 Project with a net residential development charge of \$4 million:

Table 4 – Level 3 Residential DC Grant for Tax Exempt Property Owner Example

Development Charges:		\$4,000,000			
Annual Tax Increment:		N/A			
Assessed Value:		\$55,000,000			
Year	Tax Grant		DC Grant		Annual Grant Amount
	Rate (%)	\$	Rate (%)	\$	
1	N/A	N/A	N/A	\$400,000	\$400,000
2	N/A	N/A	N/A	\$400,000	\$400,000
3	N/A	N/A	N/A	\$400,000	\$400,000
4	N/A	N/A	N/A	\$400,000	\$400,000
5	N/A	N/A	N/A	\$400,000	\$400,000
6	N/A	N/A	N/A	\$400,000	\$400,000
7	N/A	N/A	N/A	\$400,000	\$400,000
8	N/A	N/A	N/A	\$400,000	\$400,000
9	N/A	N/A	N/A	\$400,000	\$400,000
10	N/A	N/A	N/A	\$400,000	\$400,000
Total		\$0		\$4,000,000	\$4,000,000

Lump Sum Payment Option

Where the total value of the Residential Development Charges Grant is less than or equal to fifty thousand dollars (\$50,000), a one-time lump sum payment of the total grant amount will be issued, after confirmation that the residential units in the building are occupied and as detailed in the grant agreement.

Grant Amount

The amount of the grant will be based upon:

- The value of net residential Development Charges paid to the City for the eligible project as calculated by the Chief Building Official (or designate);
- For property owners required to pay property taxes, the increase in the municipal portion of property taxes that is directly related to the eligible project (in other words, the tax increase that results from improvements to the property).

Grant Agreement

Participating property owners in the combined Residential Development Charges and Tax Grant program shall be required to enter into a grant agreement with the City. This agreement shall specify such items as (but not limited to) the applicable grant level, the duration of the grant, and the owner's obligation to repay the City for any grants received if the property is demolished before the grant period elapses. The agreement shall include the terms and conditions included in the program guidelines. The agreement will be altered for property owners exempt from paying property taxes to modify the terms and conditions regarding reassessment and property tax payments. The grant agreement will be signed by the Director, Economic Services and Supports, or designate.

Grant Distribution

At the end of each year, Economic Services and Supports will provide a list of grant properties to the City's Tax Office requesting confirmation that all taxes have been paid for the previous year and that the tax accounts are in good standing. The City's Tax Office will also confirm that any property owners who were previously exempt from paying property taxes are still exempt. Economic Services and Supports will also confirm that any outstanding loans relating to the properties are in good standing and finally Economic Services and Supports will also verify that there are no outstanding orders or bylaw contraventions relating to the properties. Upon receiving such confirmation, Economic Services and Supports will contact applicants and provide them with their grant cheques. The City aims to provide grant cheques in the first quarter of the following year.

Transferable Grants / Condominium Projects

If a participating property is sold, in whole or in part, before the grant period elapses, the applicant and/or the subsequent landowner is not entitled to outstanding grant

payments (on either the portion sold or retained by the applicant). The City may, entirely at its own discretion, enter into a new agreement with any subsequent owners of the property to receive outstanding grant payments under this program.

For the purposes of sale of condominium units, the property owner, as signatory to the grant agreement, is and remains entitled to receive the grant in accordance with the terms of the grant agreement.

PO - The property owner who is selling a property with active loans or grants should contact Economic Services and Supports prior to finalizing the sale to either repay the loans to remove the liens or transfer the outstanding loan or grant balance to the new property owner (if the new property owner agrees to take on the loan or grant).

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

Application No.:

Name of Property Owner(s):

Address of Project:

Legal Description of Property (Lot and Plan Number):

Roll Number(s):

Mailing Address of Owner:

Telephone No.:

Fax No.:

Heritage Alteration Permit Information:

Date Permit Approved (attach copy):

Designating By-Law:

PROJECT INFORMATION (Attach copy of Building Permit)

Building Permit Number:

Date of Permit:

Value of Project (from Building Permit):

Application Tracking Information (for Staff use only)	Date and Staff Initials
Application Accepted	
Pre-improved Assessment Value Determined	
Commitment Letter Issued	
Project Completion (applicant's written confirmation)	
Request to Finance and Corporate Services for Preparation of Schedules	
Post-improved Assessed Value Determined	
Economic Services and Supports Receives Grant Schedules from Finance	
Applicant Chooses Grant Schedule	
Date of Lump Sum Payment (if applicable)	
First Grant Cheque Issued	
Last Grant Cheque Issued - File Closed	

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

GRANT CALCULATION:

Grant Level:

Pre-improved assessed value:

Date:

Post-improved assessed value:

Date:

Increase in assessed value after adjustments:

Applicable tax (mill) rate (municipal portion):

Annual tax increment:

Net Residential Development Charges paid:

Schedule 1

Year (Tax Year)	Year/Level Factor	Tax Grant (\$)	Residential Development Charges Grant (\$)
1	%	\$	\$
2	%	\$	\$
3	%	\$	\$
4	%	\$	\$
5	%	\$	\$
6	%	\$	\$
7	%	\$	\$
8	%	\$	\$
9	%	\$	\$
10	%	\$	\$
Total		\$	\$

Lump Sum Payment Amount (if applicable):

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

Conditions:

1. The term "Applicable Tax (Mill) Rate" refers to the General, or Municipal portion only of the total tax (mill) rate paid. It does not include such taxes/charges as Education, Transportation, Local Improvement, or other "area charges", Business Improvement Area (BIA) levy, or any Phase In, or Encroachment Fee. Changes in the tax (mill) rate or phased in assessment increases after the post-improvement date is established will not be incorporated into the calculation of the annual tax increment.
2. Grants are not payable by the City until such time as all additional assessment eligible for grant has been added to an assessment roll by the Municipal Property Assessment Corporation, all taxes eligible for grant have been billed by the City, and all taxes outstanding including billed taxes that have not yet become due are paid in full for all years by the taxpayer. Grants are also not payable by the City until such time as all possible assessment appeals relating to value of the land before the additional assessment or to the value of the additional assessment have been filed and decided. If property taxes are owing on a property for more than one full year, the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant.
3. Notwithstanding any other calculations relating to the grant amount, the City will not pay an annual grant which is greater than the municipal portion of the property tax collected for a property in any one year (i.e. if a general reassessment substantially reduces annual property taxes on a property, the annual grant amount will be capped at the municipal portion of the property tax collected for that property in any one year).
4. The applicant(s) for a Tax Grant and Residential Development Charges Grant must be the registered owner(s) of the subject property.
5. Separate applications must be made for each discrete property under consideration for a grant.
6. The annual grant is based upon changes in property taxes as a result of construction and improvement to the property, and is not based upon occupancy or changes in occupancy.
7. The total value of the grants provided under this program over the full term of the grant payment shall not exceed the value of the work done. Furthermore, the amount of the grant shall not exceed the municipal portion of the tax bill. Taxes and charges including transit and education taxes and cap adjustments, phase-ins or claw back amounts are excluded in the calculation.
8. Tax increases that result from a general reassessment, a change in tax legislation or an increase in the tax (mill) rate will not be considered for the purposes of calculating the grant. The annual tax increment will be held constant over the ten-year grant period (i.e. changes in tax (mill) rate after the post-improvement date is established will not be incorporated into the calculation of the annual tax increment).

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

9. If a participating property is demolished in whole before the rebate grant elapses it shall cause the grant to be forfeited and be repayable to the municipality. Demolition, in part, may be permitted entirely at the discretion of the City of London without a requirement for repayment, but only in those instances where a written request by the property owner is received and a corresponding letter of permission is granted by the City. In the event of demolition in the absence of the consent of the City, either partial or complete, the forfeited grant shall be repayable within ninety (90) days of notice being provided by the City to the applicant that the funds already provided have been deemed to be forfeited and are now due to be repaid. In addition, any amount of future grant money to be paid in accordance with Schedule 1 is deemed forfeited.
10. The amount of the grants provided for a property over the life of this program will not exceed the value of the work done that resulted in the increased level of municipal tax assessment. For this reason, the amount of grants may be monitored in relation to the total value of work done and the grants will cease if they equal the value of the work done.
11. The applicant will be responsible for ensuring that they can be contacted by the City for the purpose of delivering grant cheques. The City will make reasonable efforts to reach the applicant by way of written correspondence to the address in this Agreement, or any last known address provided by the applicant to the City. If applicants cannot be reached over a protracted period (greater than 2 years), the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant.
12. In those instances where the total value of the Tax Grant over the full term of the grant period is less than or equal to one thousand dollars (\$1,000), the City may exercise, at its own discretion, the option of issuing a one-time lump sum payment of the total grant amount. In those instances where the total value of the Residential Development Charges Grant is less than or equal to fifty thousand dollars (\$50,000), the City may exercise, at its own discretion, the option of issuing a one-time lump sum payment of the total grant amount.
13. Any portion of the property that is sold (excluding one or more condominium units) during a calendar year, will not be eligible for a grant rebate for that entire year or subsequent years of the grant schedule. The grant schedule included in this agreement will be modified each year, as necessary, to reflect the sale of the property or portions thereof. For the purposes of sale of condominium units, where the property owner, as signatory to the grant agreement, is and remains entitled to receive the grant in accordance with the terms of the grant agreement.
14. Any appeals of the property's assessed value that result in a reduction in the assessed value of the property, will cause the entire 10-year grant schedule to be re-calculated recognizing the property's revised assessed value.
15. In those instances where a participating property has undergone a tax reclassification and the municipality has determined that an amended grant agreement and grant schedule is required, the participating property owner agrees to the amendment of the grant agreement and grant schedule and the execution of an amended grant agreement and grant schedule.

EXAMPLE DOWNTOWN GRANT AGREEMENT

THIS AGREEMENT CONSISTS OF FIVE PAGES

- A. I/WE HEREBY AGREE TO ALL OF THE CONDITIONS IN THIS GRANT AGREEMENT (consisting of five pages) and the terms and conditions of the Tax Grant Program and Residential Development Charge Grant Program guidelines (as attached).
- B. I/WE HEREBY CERTIFY that the information given above is true, correct, and complete in every respect and may be verified by the municipality. The City is relying upon the information provided by the applicant and if the information in this agreement, or the associated application, proves to be false or substantially inaccurate, the grant will be forfeited and be repayable to the City.
- C. I/WE HEREBY AGREE that in the event this property is demolished in whole, prior to the expiration of the grant period, any funds paid under this Program shall immediately be forfeited and all previously received grant payments will become due and repayable to the City. Demolition, in part, may be permitted entirely at the discretion of the City of London without a requirement for repayment, but only in those instances where a written request by the property owner is received and a corresponding letter of permission is granted by the City.
- D. I/WE HEREBY AGREE that if the ownership of the lands described herein, and in receipt of a grant under this program, is transferred to any person other than the signatory of this agreement (Owner), by sale, assignment, or otherwise, then this agreement shall no longer apply. The City may enter into an agreement with any subsequent owner to continue the agreement pursuant to any conditions that the City may apply or may choose to discontinue the applicable grant schedule.

I, _____ agree to the above conditions, and have the authority to bind the corporation named as property owner on page 1 of this agreement.

SIGNATURE (TITLE)

DATE

CO-SIGNATURE (TITLE)

DATE

This agreement is hereby approved, subject to the above-specified conditions.

SIGNATURE

DATE

Economic Services and Supports

17B. Office-to-Residential (OTR) Conversion Grant Program

This program is available only to vacant Class ‘B’ and Class ‘C’ office buildings located within the Downtown Community Improvement Project Area including the Expanded Richmond Row Community Improvement Project Area (see Map 2)

Though called a grant program, the OTR Conversion Grant Program will function as a forgivable loan. As per *Planning Act* regulations, this allows the City of London to register a lien on a property as security to ensure the funding is used to convert the vacant office space to residential units.

OTR Conversion Grant Program – Purpose

The Office-to-residential (OTR) Conversion Grant Program does not offer a development charges grant. This grant is intended to provide economic incentive for the conversion of vacant Class ‘B’ and ‘C’ office buildings to residential units in the Downtown Community Improvement Project Areas. The grant is indexed to the development charges rate and uses the development charges rate to calculate the *Lump Sum Grant Amount*. Through this program, the City provides a grant for new residential units converted from vacant office space to the applicant equal to the amount of applicable development charges in the year the application was submitted, up to the maximum grant amount of two million dollars (\$2,000,000) per property.

OTR Conversion Grant Incentive – Goals

The goals of this grant program are to:

- Grow our economy through investing in London’s downtown as the heart of our city, in particular by developing new residential units;
- Promote redevelopment within the existing built-up area;
- Encourage the development of residential units in older buildings through conversion and adaptive re-use;
- Remove underperforming vacant office space;
- Maintain the Downtown property assessment base;
- Bring participating buildings and properties into conformity with the City of London Property Standards By-law and Building Code.

OTR Conversion Grant Program – Eligible Works

Eligible works that will be financed through this grant program include:

- *An Office-to-Residential Conversion Project;*
- Final determination of a building’s or structure’s eligibility for the OTR Conversion Grant Program will be made by the Director, Economic Services and Supports, or designate.

OTR Conversion Grant Incentive – Additional Application Requirements

- The grant application must be submitted coincident with the application of a building permit;
- The grant application must be approved by Economic Services and Supports prior to construction on the project beginning;
- All applicable property taxes owing must be fully paid prior to the disbursement of any grant under this program. If property taxes are owing on a property for more than one full year, the City will have the option, without notice and at its own discretion, of terminating all future grant payments, thereby eliminating all grant obligations to the applicant;
- The City is not responsible for any costs incurred by an applicant in relation to the OTR Conversion Grant Program, including without limitation, costs incurred in application of a grant.
- All funding under this program must be disbursed by September 8, 2027, meaning applicants have until that date to obtain their building permit and receive the grant.

OTR Conversion Grant Incentive – Grant Terms

All construction and improvements made to buildings and/or land shall be made pursuant to a building permit, and/or other required permits, and constructed in accordance with the Ontario Building Code and all applicable Official Plan, Zoning By-law, and any other planning requirements and approvals.

OTR Conversion Grant Calculation

The grant will be calculated based on the applicable development charges rate per residential dwelling unit in the year that the application to the OTR Conversion Grant Program is made. For example, if a complete OTR Conversion Grant application is received in 2024, the OTR Conversion Grant is based on the applicable 2024 DC rates. The maximum grant amount is two million dollars (\$2,000,000) per property.

The example in Table 5 shows how the OTR Conversion Grant is calculated for a 100-unit office-to-residential conversion project with five bachelor units, 45 one-bedroom units, 40 two-bedroom units, and 10 three-bedroom units. In this example, the calculation equals \$2,446,570; however, the total OTR Conversion Grant is \$2,000,000 as that is the maximum amount permitted.

Table 5 – OTR Conversion Grant Calculation

Unit Type	Unit Count	2024 Grant Calculation* for Apartments with <2 Bedrooms	2024 Grant Calculation* for Apartments with >= 2 Bedrooms	Total
Bachelor	5	\$20,777		\$103,855
One-bedroom	45	\$20,777		\$934,965
Two-bedroom	40		\$28,155	\$1,126,200
Three-bedroom	10		\$28,155	\$281,550
Total	100			\$2,446,570
Total Grant				\$2,000,000

*2024 Grant value matches 2024 DC Rate

Grant Security and Postponement

The OTR Conversion Grant will be secured through the registration of a lien placed on title for the total amount of the grant. Liens will be noted on the tax roll and will be registered and discharged by the City. The Director, Economic Services and Supports or designate may postpone the lien (subordination of a lien to another lien on the same property) which is given as security for the grant in circumstances where any of the registered mortgages are being replaced, consolidated, or renewed and the total value of all mortgages and charges including the City’s lien does not exceed 90% of the appraised value of the property. The lien is discharged from the property when the final building permit inspection has passed confirming the work to create the residential units has concluded and meets the requirements of the Ontario Building Code.

Grant Agreement

Participating applicants in the OTR Conversion Grant program shall be required to enter into a grant agreement with the City. This agreement shall specify such items as (but not limited to) the amount of the grant, grant payment date, and the owner's obligation to repay the City for any grants received if the property is demolished within two years of receiving the grant. The agreement shall include the terms and conditions included in these program guidelines. The grant agreement will be signed by the Director, Economic Services and Supports, or designate.

Grant Distribution

Economic Services and Supports will issue the OTR Conversion Grant to the applicant upon the grant agreement being signed and confirmation from the Chief Building Official or designate that the building permit has been issued. Prior to issuing the grant, Economic Services and Supports will also confirm:

- A lien in the amount of the grant has been registered on title as security.
- The property taxes are verified in good standing by the City's Tax Office.
- That any outstanding loans related to the property are in good standing.
- That there are no outstanding orders or bylaw contraventions related to the property that affect the issuing of the building permit.

Upon confirming, Economic Services and Supports will contact the applicant and provide them with the grant cheque.

Transferable Grants

If a participating property is sold, in whole or in part, before the grant is issued, the applicant and/or the subsequent landowner is not entitled to the outstanding grant payment (on either the portion sold or retained by the applicant). The City may, entirely at its own discretion, enter into a new agreement with any subsequent owners of the property to receive the outstanding grant payment under this program.

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: Heritage Easement Agreement for 39 Carfrae Street, Ward 11
Date: Wednesday, February 21, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the proposed updated Schedule “C” and Schedule “D” for the Heritage Easement Agreement pursuant to Section 37 of the Ontario Heritage Act for the property at 39 Carfrae Street **BE APPROVED**, as attached in Appendix B of this report.

IT BEING NOTED that the Owner is requesting to resolve outstanding concerns with the remainder of the Heritage Easement Agreement, with the intent to bring forward that portion of the easement agreement at a later date for approval together with the Schedules “C” and “D”, as approved above.

Executive Summary

The property at 39 Carfrae Street is a very significant cultural heritage resource designated pursuant to Part IV of the Ontario Heritage Act and protected by a Heritage Easement Agreement.

In July 2023, Council directed staff to work with the owner of the property to resolve concerns with Schedule “C” and Schedule “D” of the Heritage Easement Agreement. Since then, staff have met and collaborated with the owner to provide further clarity on the heritage attributes that demonstrate the cultural heritage value of the property, and have updated site photographs, documenting the existing conditions of Carfrae Cottage. These updates are attached as Appendix C to this report.

Linkage to the Corporate Strategic Plan

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

- Wellbeing and Safety: London has safe, vibrant, and healthy 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.

Analysis

1.0 Background Information

1.1 Property Location

The property at 39 Carfrae Street, known as Carfrae Cottage, is located on the south side of Carfrae Street between Ridout Street South and Carfrae Crescent (Appendix A).

1.2 Cultural Heritage Status

The property is designated pursuant to Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-2978-65 passed in 1988. It was designated for its “historical and architectural value” per the requirements of the *Ontario Heritage Act* at the time of designation.

In 2021, a Heritage Easement Agreement was entered into to protect the significant cultural heritage value of Carfrae Cottage. Heritage Easement Agreements are intended to provide the highest level of protection for significant cultural heritage resources under

the *Ontario Heritage Act*. The agreement is registered on the title of the property and is binding on future owners.

Heritage easement agreements establish requirements for maintaining a property, or specific features or attributes of a property. Pursuant to Section 37(5) of the *Ontario Heritage Act*, in the event of a conflict between a heritage easement agreement and a heritage designating by-law, a heritage easement agreement prevails.

1.3 Description

In 1834, Robert Carfrae received a grant of 24 acres of land along the south branch of the Thames River off Wortley Road in Westminster Township in compensation for his assistance in the construction of the London District Court House (399 Ridout Street North). While he continued to reside north of the Thames River, Robert Carfrae and his family eventually moved to this plot of land. The existing house, Carfrae Cottage, was constructed in circa 1848.

Over time, portions of the property were sold. The Carfrae Cottage property remained in the ownership of the Carfrae family (and their descendants) until 1944. The property has been owned by several subsequent owners since its sale in 1944.

Carfrae Cottage is an early example of traditional Ontario Cottage architecture in both style and type. It demonstrates elements of the Gothic Revival architectural style with a high degree of craftsmanship that reflects the property's historical value.

1.4 Previous Reports Related to this Matter

March 10, 2021, Report to London Advisory Committee on Heritage, Heritage Easement Agreement, 39 Carfrae Street: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=78271>.

July 17, 2023, Report to Planning and Environment Committee, Application Pursuant to the Heritage Easement Agreement, 39 Carfrae Street, Ward 11: <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=100685>

At its July 25, 2023 meeting Municipal Council resolved the following:

- a) *the Civic Administration BE DIRECTED to work with the applicant to resolve outstanding concerns with Schedule "C" and Schedule "D" of the Heritage Easement Agreement and bring back an update within 6 months on the status; it being noted that staff are directed to suspend enforcement measures on the existing fireplace matters until further direction from Council on the Heritage Easement Agreement.*

As such, this report is focused on the outcomes of addressing the outstanding concerns with Schedule "C" and Schedule "D" of the Heritage Easement Agreement for the property at 39 Carfrae Street. Noting, the Owner has requested a to resolve concerns associated with the remainder of the agreement.

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

The *Ontario Heritage Act* enables municipalities to protect properties of cultural heritage value or interest. Properties of cultural heritage value can be protected individually, pursuant to Section 29 of the *Ontario Heritage Act*, or where groups of properties have cultural heritage value together, pursuant to Section 41 of the *Ontario Heritage Act* as a Heritage Conservation District (HCD). Designations pursuant to the *Ontario Heritage Act* are based on real property, not just buildings.

The *Ontario Heritage Act* also enables other tools to protect and conserve cultural heritage resources, including Heritage Easement Agreements.

Section 37 of the *Ontario Heritage Act* states,

37(1) Despite subsection 36(1), after consultation with its municipal heritage committee, if one is established, the council of a municipality may pass by-laws providing for the entering into of easements or covenants with owners of real property or interests in real property, for the conservation of property of cultural heritage value or interest. 2002, c. 18, Sched. F, s. 2 (19).

(2) Any easement or covenant entered into by a council of a municipality may be registered, against the real property affected, in the proper land registry office. R. S. O. 1990, c. O. 18, s. 37 (2).

(3) Where an easement or covenant is registered against real property under subsection (2), the easement or covenant shall run with the real property and the council of the municipality may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property, and the council of the municipality may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant. R. S.O. 1990, c. O. 18, s. 37 (3).

(4) Any assignment or covenant entered into by the council of the municipality under subsection (2) may be assigned to any person and such easement or covenant shall continue to run with the real property and the assignee may enforce the easement or covenant as if it were the council of the municipality and it owned no other land which would be accommodated or benefitted by such easement or covenant. R. S.O. 1990, c. O. 18, s. 37 (4).

(5) Where there is conflict between an easement or covenant entered into by a council of a municipality under subsection (1) and section 33 or 34, the easement or covenant shall prevail. R. S.O. 1990, c. O. 18, s. 37 (5).

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.”

554_2 *In all of the planning and development we do, and the initiatives we take as a municipality we will: conserve London's cultural heritage resources so they can be passed on to our future generations.*

570_5 *For the purposes of cultural heritage protection and conservation, City Council may adopt a number of specific strategies and programs including: Heritage easements.*

583_ *To ensure a greater degree of protection to designated properties of cultural heritage value or interest, City Council may enter into agreements with property owners or may attempt to secure conservation easements in order to protect those features deemed to have heritage value. Council may also consider the application of zoning that includes regulations to further protect the property.*

587_ *Where a property of cultural heritage value or interest is designated under Part IV of the Ontario Heritage Act, no alteration, removal or demolition shall be undertaken that would adversely affect the reasons for designation except in accordance with the Ontario Heritage Act.*

589_ - *A property owner may apply to alter the cultural heritage attributes of a property designated under the Ontario Heritage Act. The City may, pursuant to the Act, issue a permit to alter the structure. In consultation with the London Advisory Committee on Heritage, the municipality may delegate approvals for such permits to an authority.*

2.1.4 Management of Heritage Easement Agreements

Heritage Easement Agreements provide the ability to set out requirements for maintaining a property, or heritage attributes for a property. In addition, the agreement provides the opportunity identify a specific process for contemplating changes or alterations to the property or its heritage attributes. Much like a heritage designating by-law, the intention of a Heritage Easement Agreement is to protect and conserve the cultural heritage value of a property but also to manage change to a property over time.

Importantly, for both heritage-designated properties and for properties subject to a Heritage Easement Agreement, heritage attributes are not frozen in time. For heritage-designated properties, the Heritage Alteration Permit (HAP) process is an application process by which the City manages change – or alterations – to properties in a manner that protects the overall cultural heritage value of the property.

Though the HAP process is not directly used for change management processes for Heritage Easement Agreements, a similar process is used for alterations sought pursuant to a Heritage Easement Agreement. In general, best practice principles and standards for heritage conservation are used for contemplating and reviewing approvals sought under the Heritage Easement Agreement. This may include but not be limited to review of best practice documents such as Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*, and the Province of Ontario's *Eight Guiding Principles in the Conservation of Built Heritage Properties*, and the *Ontario Heritage Toolkit*. Together, these documents provide a framework for heritage conservation and change management.

Heritage Easement Agreements may vary based on the content included within the agreement. Where alterations or changes to the property are contemplated for future developments or alterations, it is possible to include and incorporate a Conservation Plan or conservation strategy into a Heritage Easement Agreement. This approach provides the opportunity to effectively “pre-approve” alterations.

Heritage Easement Agreements, and decisions made pursuant to easement agreements are not appealable to the Ontario Land Tribunal.

3.0 Key Issues and Considerations

3.1 Management of Heritage Easement Agreement for 39 Carfrae Street

Under the current ownership, the City has received numerous requests for alterations to the property at 39 Carfrae Street. The requests have included landscaping for the property as well as alterations to the building.

As set out in Section 2.1 (Normal Repairs and Alterations) of the Heritage Easement Agreement, alterations have primarily been sought by the owner in the form of written requests to the City, with the City required to reply within timelines set out in the agreement. When requests are supported by staff, written approval has been provided administratively by the Manager of Heritage and Urban Design, or Manager of Community Planning, similar to HAP approvals processed pursuant to the Delegated Authority By-Law.

Where approval has not been recommended by staff, a similar process to the HAP process has been followed in bringing the request to the Community Advisory Committee on Planning (CACP), Planning and Environment Committee (PEC), and to Council for decision.

3.2 Alterations to Property Since 2021

Following the registration of the Heritage Easement Agreement in 2021, and subsequent purchase by the current owner, the property has been subject to various alterations. See below for a summary of the alterations. These include, but are not limited to:

- Installation of a new perimeter fence around the property (approved by Staff);
- Removal of Scotch Thistle from gable peak (for repair; re-installed in Fall 2023);
- Removal/alteration of interior fireplaces in east and west room;
- Replacement of roofing material (approved by Council);
- Removal of plantings in front yard of the property (approved administratively);
- Removal of storm-windows (replaced in kind);
- Exterior painting of wood trim and detailing (not subject to easement);
- Exterior painting of stucco (not subject to easement);
- Removal of shutters.

3.3 Review of Heritage Attributes in Schedule C and Schedule D of HEA

The owner of the property at 39 Carfrae Street has identified concerns associated with the content of the Heritage Easement Agreement for the property. In July 2023, Council directed staff to “work with the applicant to resolve outstanding concerns with Schedule ‘C’ and Schedule ‘D’ of the Heritage Easement Agreement.”

- Schedule “C” includes the Statement of Cultural Heritage Value of Interest for 39 Carfrae Street,
- Schedule “D” includes the accompanying photographs.

Since the July 2023 Council resolution, staff have met on several occasions and worked collaboratively with the owner to revise these Schedules.

Many of the concerns identified by the property owner with Schedule “C” are focused on the “Heritage Attributes” of the property. A heritage attribute, as defined by the Provincial Policy Statement (2020) “means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).”

It is important to note that heritage attributes do not need to be original building elements to be identified as heritage attributes. As noted within the *Ontario Heritage*

Toolkit (Heritage Property Evaluation): “A cultural heritage property does not need to be in original condition. Few survive without alterations on the long journey between their date of origin and today. Integrity is a question of whether the surviving physical features (heritage attributes) continue to represent or support the cultural heritage value or interest of the property.” For instance, exterior physical features or elements (heritage attributes) such as porch details, exterior cladding, or roofing materials often have finite lifespans, especially in climates with varying conditions or extremes such as ours. It is understandable that these features may need to be replaced or altered over time. Provided that the replacement or altered element continues to support the cultural heritage value of the property, the replacement item can continue to be identified as a heritage attribute. Alteration processes such as the HAP process play an important role in managing the changes or alterations, so that the cultural heritage value of the property is conserved.

This perspective has been important in reviewing and considering the heritage attributes included in Schedule “C” of the Heritage Easement Agreement for 39 Carfrae Street. While it is inevitable that many of the materials have been replaced or altered since the construction of Carfrae Cottage around 1848, the important consideration is whether the heritage attribute in question continues to support the cultural heritage value of the property.

Heritage staff have worked closely with the property owner to revise the list of Heritage Attributes included in Schedule “C” and have revised Schedule “D” with updated site photographs that document the existing conditions of Carfrae Cottage. Appendix B includes the proposed updated Schedules “C” and “D” for the Heritage Easement Agreement for 39 Carfrae Street. Mutual agreement between the City and the owner may be required to amend or enter into a new agreement for the purposes of implementing the proposed updated Schedules.

These updates would resolve outstanding concerns the Owner has with Schedules “C” and “D”.

For next steps, the Owner has requested to work with staff to resolve outstanding concerns associated with the remainder of the Heritage Easement Agreement. Staff will continue to work with the Owner regarding this request and anticipate bringing forward any amendments for Council approval at a future date.

Conclusion

The property at 39 Carfrae Street is a significant cultural heritage resource designated pursuant to Part IV of the Ontario Heritage Act and protected by a Heritage Easement Agreement

In July 2023, Council directed staff to work with the owner of the property to resolve concerns with Schedule “C” and Schedule “D” of the Heritage Easement Agreement. Since then, staff have met and collaborated with the owner on an update to Schedule “C” and “D” of the Heritage Easement Agreement, attached as Appendix B to this report. Staff recommend that the updated Schedule “C” and Schedule “D” be approved.

Prepared by: Michael Greguol, CAHP
Heritage Planner

Reviewed by: Kevin Edwards, RPP, MCIP
Manager, Community Planning

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 Location
Appendix B	Proposed Updates to Schedule “C” and Schedule “D”

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).

Appendix A – Property Location

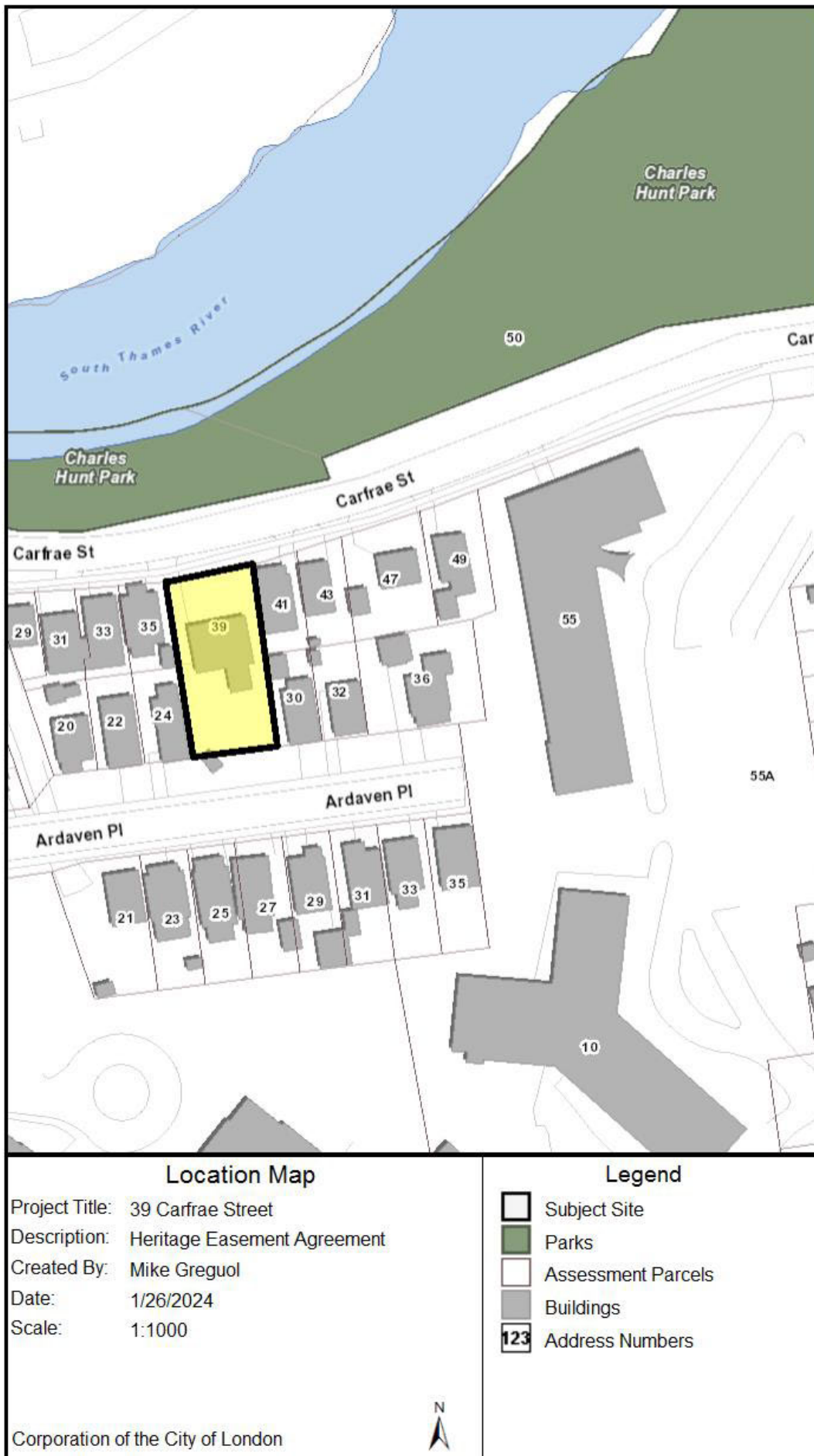


Figure 1: Location Map showing the property located at 39 Carfrae Street.

Appendix B – Proposed Updates to Schedule “C” and “D” of HEA

SCHEDULE “C” – Cultural Heritage Value or Interest

Description

The property at 39 Carfrae Street, the Building known as Carfrae Cottage, is located on the south side of Carfrae Street between Ridout Street South and Carfrae Crescent. Carfrae Street is the first street south of the South Branch of the Thames River, with views of the river from the property’s doorstep. The rear of the property fronts Ardaven Place.

The property is located in the former Westminster Township, now City of London. The property is in the Old South neighbourhood.

Statement of Cultural Heritage Value or Interest

Carfrae Cottage property, 39 Carfrae Street, is of significant cultural heritage value or interest for its physical or design values, its historical and associative values, and its contextual values.

Built circa 1848, Carfrae Cottage is an early example of traditional Ontario Cottage architecture in both style and type. The Ontario Cottage type is demonstrated in the well proportioned, balanced composition of the building with its central doorway flanked by evenly spaced windows, a hipped roof accented by a gable dormer over the front doorway. The classic simplicity of the three-bay design is a type that is replicated throughout southern Ontario but well executed at Carfrae Cottage. Carfrae Cottage demonstrates elements of the Gothic Revival architectural style, in a modest and subdued way reflecting its context and period, particularly in the window labels, pierced decorative bargeboard, and primitive pointed attic window. These elements demonstrate a high degree of craftsmanship reflective of the property’s historical or associative values.

Carfrae Cottage was built by Robert Carfrae (1804-1881), who was born in Leith, Scotland and trained as a carpenter. He came to London from Toronto (York) in 1827 to help build the old London District (Middlesex County) Court House. In 1834, Robert Carfrae received a grant of 24 acres on the east side of Wortley Road, which included much of the area of present Carfrae Street and Carfrae Crescent, from the Crown. At the time of his death, Robert Carfrae was the oldest inhabitant of London. The property went to his wife, Sara, who lived there until her death in 1902. Although the size of the property was much reduced, the house remained with the family descendants until 1944. The property has direct associations with Robert Carfrae, who is significant to the early building and development of London. The property also demonstrates the work of Robert Carfrae, a builder, who is significant to London through his role in the construction of the Court House.

As one of the earliest extant buildings in the area, Carfrae Cottage is important in defining the character of the area. The original land grant to Robert Carfrae provide the namesake of Carfrae Street, Carfrae Crescent, and Carfrae Park - East which demonstrate the historical links of the property to its surroundings. As an early building, it differs from nearby and adjacent structures in material, form, style and siting on the property which distinguishes the heritage character of the property.

Heritage attributes which contribute to the cultural heritage value or interest of the property at 39 Carfrae Street, Carfrae Cottage are:

- The form, scale, and massing of the one-and-a-half storey cottage building
- The location of the building on the property, contrasting to adjacent properties and emphasizing the setback of the north façade from Carfrae Street
- Rectangular in footprint of the dwelling with a rear kitchen wing or ell
- Rubble stone foundation
- Hipped roof
- Sloped, painted soffit of the roof
- Pair of reconstructed chimneys with parged finish; one on the east slope and one on the west slope of the roof
- Traditional stucco parging (cementitious smooth textured exterior ‘stucco’ finish) over double brick wall construction
- On the north façade,
 - Symmetrical arrangement of the front (north) façade, with a central doorway flanked by two windows
 - Single leaf, altered painted wood door with two long panels, set in a rectangular opening with rectangular sidelights to both sides, a panelled dado below, and a

rectangular transom. The sidelights and transom feature a reconstructed leaded stained glass window in repetitive geometric patterns with coloured and textured glass. The doorway is recessed in the façade with a plain reveal. The door opening is framed by pilasters with entablature supporting the architectural framework of the doorway

- The simple form of the painted wood porch over the front doorway, a later addition
- The porch base that connects to a path which leads to the sidewalk of Carfrae Street and is flanked to both sides by lawn/garden and parallel to the single width driveway along the westerly property line
- The painted wood double hung front (north) façade windows with six-over-six glazing pattern
- The painted wood labels over the front (north) façade windows and wood sills
- Central gable dormer on the front (north) façade with a primitive Gothic pointed wood window
- Replicated decorative wood bargeboard on the central gable dormer
- The Scotch thistle, affixed at the top of the gable
- On the west façade
 - The painted wood French doors and painted wood storm doors in the western opening of the former verandah of Carfrae Cottage.
 - The painted wood six-over-six single hung window
- On the east façade
 - Six-over-six double hung painted wood window
 - Six-over-six double hung painted wood window with wood sill
- On the interior,
 - The plan of the Centre hallway with equally proportioned east and west rooms
 - The hallway, accessed via the front doorway, with painted wood baseboards, painted wood casing, and crown moulding
 - The east room with fireplace, painted wood baseboard, painted wood window and door casings, and painted wood panelling below the windows
 - The west room with fireplace, painted wood baseboard, painted wood window and door casings, and painted wood panelling below the window
- Paint colour is not regulated.

SCHEDULE "D" – Photographs

Photographs



Image 1: Photograph of Carfrae Cottage in 1988 at the time of its designation pursuant to Section 29 of the Ontario Heritage Act.



Image 2: Photograph of Carfrae Cottage on July 21, 2015.



Image 3: Photograph of Carfrae Cottage on November 29, 2023.



Image 4: View of the property at 39 Carfrae Street, looking south to the front (north) facade of Carfrae Cottage (2021).



Image 5: View of Carfrae Cottage, looking southeast from the northwest corner of the property at 39 Carfrae Street (2021).



Image 6: View of Carfrae Cottage, looking southeast from the northwest corner of the property at 39 Carfrae Street (2023).



Image 7: View to the east of the property at 39 Carfrae Street, showing the properties at 41 Carfrae Street and 43 Carfrae Street (2021).



Image 8: View to the west of the property at 39 Carfrae Street, showing the property at 35 Carfrae Street (2021).



Image 9: Photograph showing an example of the rubble stone foundation construction of Carfrae Cottage, as seen in the basement (2021).



Image 10: Photograph of the west chimney, as seen from Carfrae Street (2021).



Image 11: Photograph of the east chimney, as seen from Carfrae Street (2021).



Image 12: Photograph showing the sloped soffit of the roofline (2021).



Image 13: Photograph showing the sloped soffit of the roofline (2023).



Image 14: Photograph, showing a representative example, of the traditional stucco parging (cementitious smooth textured exterior 'stucco' finish) over the double brick construction of Carfrae Cottage (2021).



Image 15: Photograph showing the front doorway with single leaf, painted wood door with two long panels, set in a rectangular opening with rectangular sidelights to both sides, a panelled dado below, and a rectangular transom. The sidelights and transom feature reconstructed leaded and stained glass in repetitive geometric patterns with coloured and textured glass. The doorway is recessed in the façade with a plain reveal. The door opening is framed by pilasters, with entablature supporting the architectural framework of the doorway (2021).



Image 16: Photograph showing the front doorway with single leaf, painted wood door with two long panels, set in a rectangular opening with rectangular sidelights to both sides, a panelled dado below, and a rectangular transom. The sidelights and transom feature reconstructed leaded and stained glass in repetitive geometric patterns with coloured and textured glass. The doorway is recessed in the façade with a plain reveal. The door opening is framed by pilasters, with entablature supporting the architectural framework of the doorway (2023).



Image 17: Detail photograph showing the entablature of the doorway with pilaster, as well as a detail of the stained glass transom (2021).



Image 18: Detail photograph showing the entablature of the doorway with pilaster, as well as a detail of the stained glass transom (2023).



Image 19: Photograph showing the simple form of the painted wood porch over the front doorway with a shingle gable roof, supported by a plain frieze and boxed piers with simple capital and base details (2021).



Image 20: Photograph showing the simple form of the painted wood porch over the front doorway with a shingle gable roof, supported by a plain frieze and boxed piers with simple capital and base details (2023).



Image 21: View showing the easterly window, sill, and label on the front (north) façade of Carfrae Cottage (2021).



Image 22: View showing the easterly window, sill, and label on the front (north) façade of Carfrae Cottage (2023).



Image 23: Photograph showing the westerly front window, label, and sill of the front (north) façade of Carfrae Cottage (2021).



Image 24: Photograph showing the westerly front window, label, and sill of the front (north) façade of Carfrae Cottage (2023).



Image 25: View of the central gable dormer on the front (north) facade of Carfrae Cottage with a primitive Gothic pointed wood window. The decorative wood bargeboard of the central gable dormer is also shown, as well as the Scotch thistle (2021).



Image 26: View of the central gable dormer on the front (north) facade of Carfrae Cottage with a primitive Gothic pointed wood window. The decorative wood bargeboard of the central gable dormer is also shown, as well as the Scotch thistle (2023).



Image 27: View of the west and south facades of Carfrae Cottage, and showing the driveway along the westerly property boundary (2021).



Image 28: Photograph of the painted wood French doors and painted wood storm doors in the opening of the west façade, sill as an indication of the former verandah of Carfrae Cottage (2021).



Image 29: Photograph of the painted wood French doors and painted wood storm doors in the opening of the west façade, sill as an indication of the former verandah of Carfrae Cottage (2023).



Image 30: Photograph of the painted wood six-over-six shingle hung wood window on west façade (2021).



Image 31: Photograph of the painted wood six-over-six shingle hung wood window on west façade (2023).



Image 32: Photograph of the six-over-six painted wood window on east façade (2021).



Image 33: Photograph of the painted wood six-over-six shingle hung wood window on west façade (2023).



Image 34: Photograph of the six-over-six double hung painted window on east façade and wood sill on the east façade (2021).



Image 35: Photograph of the six-over-six double hung painted window on east façade and wood sill on the east façade (2023).



Image 36: Photograph showing the Centre hall, looking towards the front doorway of Carfrae Cottage. Note the baseboards, casing, and crown moulding (2021).

From: Jeff Gard
Sent: Wednesday, February 14, 2024 9:05 PM
To: PEC <pec@london.ca>
Subject: [EXTERNAL] PEC 21

Hi Heather

I am requesting delegation status at this meeting to speak regarding agenda item 2.4 -
39 Carfrae Street

Please confirm you have received this email.

Thank you

Jeff Gard
London ON N6A 2B9

Mr. Chair and Committee Members of Planning and Environment,

We seek your support in addressing the concerns we have encountered regarding the May 2021 Heritage Easement for our property at [REDACTED], London, Ontario.

Since December 2021, my husband, [REDACTED], and I, Jeff Gard, have been actively navigating the complexities associated with the Heritage Easement. This journey has proven to be emotionally charged, stressful, time-intensive, exceptionally educational, and financially burdensome.

Attached herewith, please find an updated and corrected Heritage Easement with Schedules. We firmly believe that the suggested modifications to the Easement align with the changes in Schedules C and D, serving the interests of both ourselves and the City. These proposed amendments are not only reasonable and appropriate but also enhance the overall Agreement. Implementing these changes will afford both parties a voice in preserving the historical significance of Carfrae Cottage.

We are hoping that PEC can recommend the proposed Easement Agreement, including Schedule C and D, BE ACCEPTED.

Your consideration and support in this matter are greatly appreciated.

Sincerely,
Jeff Gard and [REDACTED]
Owners, [REDACTED], London, Ontario

HERITAGE EASEMENT AGREEMENT

THIS AGREEMENT made this ___ day of ___ between;

Jeffrey R Gard and [REDACTED]
(the "Owner")

-and-

The Corporation of the City of London
(the "City")

WHEREAS the Owner is the owner of certain lands and premises situated in the City of London in the County of Middlesex and Province of Ontario, and municipally known as 39 Carfrae Street (hereinafter called the "Property"), and more particularly described in Schedule "A" attached hereto and which there is a dwelling (hereinafter called the "Building");

AND WHEREAS one of the purposes of the Ontario Heritage Act, R. S. O. , 1990, c. 0.18, is to support, encourage, and facilitate the conservation, protection, and preservation of the heritage of Ontario;

AND WHEREAS by Subsection 37(1) of the Ontario Heritage Act, the City is entitled to enter into easements or covenants with owners of real property, or interests therein, for the conservation of property of cultural heritage value or interest;

AND WHEREAS in accordance with Subsection 37(1) of the Ontario Heritage Act, the City has passed by-law No. LSP-3491-144 authorizing this Agreement, a copy of which is attached as Schedule "B" to this Agreement;

AND WHEREAS by Subsection 37(3) of the Ontario Heritage Act, such covenants and easements entered into by the City when registered in the proper Land Registry Office against the real property affected by them shall run with the real property and may, whether positive or negative in nature, be enforced by the City or its assignee against the owners or any subsequent owners of the real property, even where the City owns no other land which would be accommodated or benefitted by such covenants or easements;

AND WHEREAS the Owner and City desire to conserve the cultural heritage value or interest of the property set out in the "Cultural Heritage Value" attached as Schedule "C" and as may be depicted in the Photographs attached as Schedule "D" to this agreement;

AND WHEREAS to this end, the Owner and the City agree to enter into this heritage easement agreement (hereinafter called the "Agreement");

NOW THEREFORE THIS AGREEMENT WITNESSTH that in consideration of the sum of TWO DOLLARS (\$2.00) of lawful money of Canada now paid by the City to the Owner (the receipt of which is hereby acknowledged), other valuable considerations and the mutual covenants and restrictions hereinafter set forth, the Owner and the City agree to abide by the following covenants, easements, and restrictions which shall run with the Property forever;

1.0 Cultural Heritage Value or Interest

1.1 Statement of Cultural Heritage Value or Interest

The Owner and the City agree that for the purposes of this Agreement the Statement (hereinafter called the "Cultural Heritage Value or Interest") attached as Schedule "C" to this Agreement sets out the reasons why the Property has been identified by the City as having cultural heritage value or interest:

1.2 Photographs Relevant to the Duties of the Owner

The Owner acknowledges that a set of dated photographs, hereinafter referred to collectively as "the Photographs" and attached as Schedule "D", document the state of the Property as of

the date of execution of this Agreement. The photographs will be kept on file at the City's offices or such other locations as the City may determine, and may be examined at any time upon reasonable notice to the City. The Photographs generally depict certain heritage attribute of the appearance or the construction of the Building and Property and the Cultural Heritage Value or Interest and the Photographs shall be referred to in determining the duties of the Owner under this Agreement.

When alterations are made to the Building pursuant to paragraph 2.1 and/or 2.4, the Owner shall within ninety (90) days of completion of such alterations and at the Owner's expense, provide to the City new photographs taken from the same vantage point and identifying the same features of the appearance or construction as the original photographs. Such photographs shall be dated and filed with the City. The City shall number the said photographs which shall supersede the original Photographs and all references in this Agreement to the Photographs shall be deemed to refer to such new replacement photographs.

2.0 Duties of Owner

2.1 Normal Repairs and Alterations

The Owner shall not, except as hereinafter set forth, without the prior written approval of the City, undertake or permit any demolition, construction, alteration, remodelling, or act which would materially affect the attributes, features or the appearance or construction of the Building as set out in the Cultural Heritage Value or Interest and as may be depicted in the copies of the Photographs on file or drawings or other documents attached hereto. The approval required to be obtained from the City herein shall be deemed to have been given upon the failure of the City to respond in writing to a written request for it within ninety (90) days of receiving such request at its address as set out in paragraph 5.1 of this Agreement.

2.2 Insurance

The Owner shall at all times during the currency of this Agreement keep the Building insured against normal perils that are coverable by fire and extended coverage insurance in an amount equal to the replacement cost of the Building. The Owner shall notify the City immediately, in writing, if such insurance policy is cancelled or terminated for any reason. It is further agreed and understood that while the City has the right to be provided with proof that insurance is in effect, it is the Owner's responsibility to obtain the required insurance, and it is not the City's obligation to ensure that the Owner has done so.

If the Owner fails to so insure the Building, or in any such insurance on the Building is cancelled, the City may effect such insurance as the City deems necessary and any sum paid in so doing shall forthwith be paid by the Owner to the City, or if not shall be a debt due and owing to the City and recoverable from the Owner by action in a court of law. All proceeds receivable by the Owner under any fire and extended coverage insurance policy or policies on the Building shall, on the written demand and in accordance with the requirements of the City, be applied to replacement, rebuilding, restoration, or repair of the Building to the fullest extent possible having regard for the Cultural Heritage Value or Interest, the particular nature of the Building and the cost of such work.

2.3 Damage or Destruction

The Owner shall notify the City of any damage or destruction to the Building within ten (10) days of such damage or destruction occurring. In the event that the Building is damaged or destroyed and the replacement, rebuild, restoration, or repair of it is impractical because of the financial costs involved, or because of the particular nature of the Building, the Owner shall, in writing within forty (40) days of the giving by the Owner of such notice of such damage or destruction, request written approval by the City to demolish the Building, in accordance with paragraph 2.1. If the approval of the City is given or deemed to be given, the Owner shall be entitled to retain any proceeds from the insurance hereinbefore mentioned and to demolish the building.

2.4 Reconstruction by Owner

If the Owner has not requested the approval to demolish referred to in paragraph 2.3 or if the City does not give the approval to demolish referred to in paragraph 2.3, the Owner shall replace, rebuilding, restore, or repair the Building so as to effect the complete restoration of the Building. Before the commencement of such work, the Owner shall submit all plans and specifications for the replacement, rebuilding, restoration, or repair of the Building to the City for its written approval within one hundred and thirty-five (135) days of the damage or destruction occurring to the Building. A refusal by the City to approve any plans and specifications may be based upon choice of materials, appearance, architectural style, or any other grounds and grounds including, but not limited to, purely aesthetic grounds. The Owner shall not commence or cause restorative work to be commenced before receiving the written approval of the City of the plans and specifications for it. Such approval shall be deemed to have been received upon failure of the City to respond in writing to a written request for it

within ninety (90) days of receipt of such request by the City. The Owner shall cause all replacement, rebuilding, restoration, and repair work on the Building to be commenced within thirty (30) days of the approval by the City of the plans and specifications for it and to be completed within nine (9) months of commencement, or as soon as possible thereafter if factors beyond their control prevent completion within the said nine (9) months, and the Owner shall cause all such work to conform to the plans and specifications approved of and terms and conditions stipulated by the City.

2.5 Failure of the Owner to Reconstruct

In the event that a request to demolish is not submitted or is refused pursuant to the provision of paragraph 2.3 and the Owner fails to submit plans and specifications pursuant to paragraph 2.4 which are acceptable to the City within one hundred and thirty-five (135) days of the damage or destruction occurring to the Building, the City may prepare its own set of plans and specifications. The Owner shall have thirty (30) days from receiving a copy of such plans and specifications to notify the City in writing that they intend to replace, rebuild, restore, or repair the Building in accordance with those plans and specifications.

2.6 Maintenance of the Building

The Owner shall at all time maintain the Building in as good and as sound of a state of repair as a prudent owner would normally do so, so that no deterioration in the Building's condition and appearance shall take place, including, without limiting the generality of the foregoing, taking all reasonable measures to secure and protect the Building from vandalism, fire, and damage from inclement weather.

2.7 Signs, Etc.

The Owner shall not erect or permit the erection on the Building of any signs, awnings, television aerials, or other objects of similar nature without the prior written approval of the City provided, however, the approval of the City shall not be unreasonably withheld, having regard to the Owner's use of the Building, the Cultural Heritage Value or Interest, and the Photographs.

2.8 No Act of Waste

The Owner shall not commit or permit any act of waste on the Property. In particular, the Owner shall not, except with the prior written approval of the City:

- (a) Grant any easement or right-of-way which would adversely affect the easement hereby granted;
- (b) Allow the dumping of soil, rubbish, ashes, garbage, waste, or other unsightly, hazardous, or offensive materials of any type or description;
- (c) Except for the maintenance of existing improvements, allow any changes in the general appearance or topography of the lands that would negatively affect the Building;
- (d) Allow any activities, actions, or uses detrimental or adverse to water conservation, erosion control, and soil conservation;
- (e) Allow the planting of trees, shrubs, or other vegetation which would cause any damage or a real likelihood of damage to the Building; and,
- (f) Erect or remove or permit the erection or removal of any building, fence, or structure of any type whatsoever on the Property provided, however, that the approval of the City shall not be unreasonably withheld if such erection or removal would not cause any damage or a real likelihood of damage to the Building.

2.9 Breach of Owner's Obligations

If the City is of the opinion that the Owner has neglected or refused to perform any of their obligations set out in this agreement, the City may, in addition to any of its other legal or equitable remedies, serve on the Owner a notice setting out particulars of the breach. Both the City and the Owner agree to have any issue(s) mediated pursuant to the Mediation Rules of the ADR Institute of Ontario. The location of the mediation shall be mutually convenient to both parties. Furthermore, if either party disagrees, each may appeal to the Ontario Land Tribunal.

2.10 Waiver

The failure of the City at any time to require performance by the Owner of any obligations under this Agreement shall in no way affect its right thereafter to enforce such obligations, nor shall the waiver by the City of the performance of any obligations hereunder be taken or be held to be a waiver of the performance of the same or any other obligation hereunder at any later time.

2.11 Extension of Time

Time shall be of the essence of this Agreement. Any time limits specified in this Agreement may be extended with the consent in writing of both the Owner and the City, but no such extension

of time shall operate or be deemed to operate as an extension of any other time limit, and time shall be deemed to remain of the essence of this Agreement notwithstanding any extension of any time limit.

2.12 Emergencies

Notwithstanding the provisions of paragraph 2.1, it is understood and agreed that the Owner may undertake such temporary measures in respect of the Building as are:

- (a) In keeping with the intentions of this Agreement;
- (b) Consistent with the conservation of the Building; and,
- (c) Reasonably necessary to deal with an emergency which puts the security or integrity of the Building or occupants of the Building at risk of damage.

Provided that the Building Code Act, 1992, S. O. 1992, c. 23, as amended, or re-enacted from time to time is complied with and, where time permits, the City's Heritage Planner is consulted.

3.0 Use of Property

The Owner expressly reserves for itself, its representatives, heirs, successors, and assigns the right to continue the use of the Property for all purposes not inconsistent with this Agreement.

4.0 Inspection by City

The City or its representatives shall be permitted, upon providing the reason/objective, may enter upon and inspect the Property and the Building upon prior written notice to the Owner of more than twenty-four (24) hours to permit compliance with tenant legislation.

5.0 Notice of Easement

5.1 Plaque

The Owner agrees to allow the City to erect a plaque on the Building or Property, in a tasteful manner and at the City's expense, indicating that the City holds a conservation easement on the Property, provided the City takes full responsibility and all costs for repairing any damage caused to the façade, including any acts of vandalism.

5.2 Publicity

The Owner agrees to allow the City to publicize the existence of the easement. The City will notify the Owner in writing thirty (30) days in advance of any publication.

6.0 Notice

6.1 Address of Parties

Any notices to be given under this Agreement shall be delivered to the parties at their respective addresses. The respective addresses of the parties for such purposes presently are as follows:

Owner

[REDACTED]
London, Ontario
N6A 2B9

E - m a i l :

[REDACTED]

City

The Corporation of the City of London
300 Dufferin Avenue
P.O. Box 5035
London, Ontario
N6A 4L9

The parties agree to notify each other immediately, in writing, of any changes of address from those set out above.

6.2 Method of Notice

Any notices, and communications required by this Agreement, may be delivered by Canada Post and/or electronic communication addressed to each party as per section 6.1 or such other address/e-mails as the parties shall designate.

7.0 Entire Agreement

Except as set out herein, this written Agreement embodies the entire agreement of the parties regarding the matters dealt with herein, and no understandings or agreements, verbal or otherwise, exist between the parties except as herein expressly set out.

8.0 Severability

The Owner and the City agree that all covenants, easements, and restrictions contained in this Agreement shall be severable, and that should any covenant, easement, or restriction in this Agreement be declared invalid or unenforceable, the remaining covenants, easements, and restrictions shall not terminate thereby.

9.0 Binding on Successors

9.1 The covenants, easements, and restrictions set out in this Agreement shall run with the Property and shall enure to the benefit and be binding upon the parties and their respective heirs, executors, administrators, successors, and assigns as the case may be, in accordance with Section 37 of the Ontario Heritage Act, as amended. "Owned" wherever used in this Agreement, is intended and shall be construed to include such subsequent owners, successors and assigns.

9.2 The Owner shall notify the City within ten (10) days of divesting themselves of any legal or beneficial interest in the Property or the Building.

10.0 Termination

Notwithstanding any other provision of this Agreement, this Agreement shall terminate and all covenants, easements and restrictions contained herein shall be released immediately upon the City providing approval to demolish the Building pursuant to paragraph 2.3.

11.0 General

11.1 The Owner hereby agrees to request a postponement which the City Solicitor considers necessary to provide priority of this Agreement over other interests in the Property.

11.2 The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for the convenience of reference only.


11.3 This Agreement shall be construed with all changes in number and gender as may be required by the context.

11.4 This Agreement shall be governed in accordance with the laws of the Province of Ontario.

- 11.5 The following schedule attached hereto shall be deemed to form a part of this Agreement:
- (a) Schedule "A" - Legal Description of the Lands
 - (b) Schedule "B" - Authorizing By-Law
 - (c) Schedule "C" - Cultural Heritage Value or Interest
 - (d) Schedule "D" - Photographs

IN WITNESS WHEREOF the party hereto has executed this Agreement effective as of the date first written above.

Jeffrey R Gard

_____ 

IN WITNESS WHEREOF The Corporation of the City of London hereto has hereunto caused to be affixed its Corporate Seal attested by the hands of its proper signing officers pursuant to the authority contained in By-law No. _____ of the Council of The Corporation of the City of London passed the _____ day of _____, 2024.

THE CORPORATION OF THE CITY OF LONDON

Josh Morgan, Mayor

Michael Schulthess, City Clerk

SCHEDULE "A" – Legal Description of the Property

Legal Description: LOT 5, PLAN 451 (4TH); LONDON

PIN: 08374-0082 (LT)

LRO No.: 33 (Middlesex County)

Municipal Address: 39 Carfrae Street, London, Ontario

SCHEDULE "B" – COPY OF AUTHORIZING BY-LAW

SCHEDULE “C” – Cultural Heritage Value or Interest

Description

The property at 39 Carfrae Street, the Building known as Carfrae Cottage, is located on the south side of Carfrae Street between Ridout Street South and Carfrae Crescent. Carfrae Street is the first street south of the South Branch of the Thames River, with views of the river from the property’s doorstep. The rear of the property fronts Ardaven Place.

The property is located in the former Westminster Township, now City of London. The property is in the Old South neighbourhood.

Statement of Cultural Heritage Value or Interest

Carfrae Cottage property, 39 Carfrae Street, is of significant cultural heritage value or interest for its physical or design values, its historical and associative values, and its contextual values.

Built circa 1848, Carfrae Cottage is an early example of traditional Ontario Cottage architecture in both style and type. The Ontario Cottage type is demonstrated in the well proportioned, balanced composition of the building with its central doorway flanked by evenly spaced windows, a hipped roof accented by a gable dormer over the front doorway. The classic simplicity of the three-bay design is a type that is replicated throughout southern Ontario but well executed at Carfrae Cottage. Carfrae Cottage demonstrates elements of the Gothic Revival architectural style, in a modest and subdued way reflecting its context and period, particularly in the window labels, pierced decorative bargeboard, and primitive pointed attic window. These elements demonstrate a high degree of craftsmanship reflective of the property’s historical or associative values.

Carfrae Cottage was built by Robert Carfrae (1804-1881), who was born in Leith, Scotland and trained as a carpenter. He came to London from Toronto (York) in 1827 to help build the old London District (Middlesex County) Court House. In 1834, Robert Carfrae received a grant of 24 acres on the east side of Wortley Road, which included much of the area of present Carfrae Street and Carfrae Crescent, from the Crown. At the time of his death, Robert Carfrae was the oldest inhabitant of London. The property went to his wife, Sara, who lived there until her death in 1902. Although the size of the property was much reduced, the house remained with the family descendants until 1944. The property has direct associations with Robert Carfrae, who is significant to the early building and development of London. The property also demonstrates the work of Robert Carfrae, a builder, who is significant to London through his role in the construction of the Court House.

As one of the earliest extant buildings in the area, Carfrae Cottage is important in defining the character of the area. The original land grant to Robert Carfrae provide the namesake of Carfrae Street, Carfrae Crescent, and Carfrae Park - East which demonstrate the historical links of the property to its surroundings. As an early building, it differs from nearby and adjacent structures in material, form, style and siting on the property which distinguishes the heritage character of the property.

Heritage attributes which contribute to the cultural heritage value or interest of the property at 39 Carfrae Street, Carfrae Cottage are:

- The form, scale, and massing of the one-and-a-half storey cottage building
- The location of the building on the property, contrasting to adjacent properties and emphasizing the setback of the north façade from Carfrae Street
- Rectangular in footprint of the dwelling with a rear kitchen wing or ell
- Rubble stone foundation
- Hipped roof
- Sloped, painted soffit of the roof
- Pair of reconstructed chimneys with parged finish; one on the east slope and one on the west slope of the roof
- Traditional stucco parging (cementitious smooth textured exterior ‘stucco’ finish) over double brick wall construction
- On the north façade,
 - Symmetrical arrangement of the front (north) façade, with a central doorway flanked by two windows
 - Single leaf, altered painted wood door with two long panels, set in a rectangular opening with rectangular sidelights to both sides, a panelled dado below, and a

rectangular transom. The sidelights and transom feature a reconstructed leaded stained glass window in repetitive geometric patterns with coloured and textured glass. The doorway is recessed in the façade with a plain reveal. The door opening is framed by pilasters with entablature supporting the architectural framework of the doorway

- The simple form of the painted wood porch over the front doorway, a later addition
- The porch base that connects to a path which leads to the sidewalk of Carfrae Street and is flanked to both sides by lawn/garden and parallel to the single width driveway along the westerly property line
- The painted wood double hung front (north) façade windows with six-over-six glazing pattern
- The painted wood labels over the front (north) façade windows and wood sills
- Central gable dormer on the front (north) façade with a primitive Gothic pointed wood window
- Replicated decorative wood bargeboard on the central gable dormer
- The Scotch thistle, affixed at the top of the gable
- On the west façade
 - The painted wood French doors and painted wood storm doors in the western opening of the former verandah of Carfrae Cottage.
 - The painted wood six-over-six single hung window
- On the east façade
 - Six-over-six double hung painted wood window
 - Six-over-six double hung painted wood window with wood sill
- On the interior,
 - The plan of the Centre hallway with equally proportioned east and west rooms
 - The hallway, accessed via the front doorway, with painted wood baseboards, painted wood casing, and crown moulding
 - The east room with fireplace, painted wood baseboard, painted wood window and door casings, and painted wood panelling below the windows
 - The west room with fireplace, painted wood baseboard, painted wood window and door casings, and painted wood panelling below the window
- Paint colour is not regulated.

SCHEDULE “D” – Photographs

Photographs



Image 1: Photograph of Carfrae Cottage in 1988 at the time of its designation pursuant to Section 29 of the Ontario Heritage Act.



Image 2: Photograph of Carfrae Cottage on July 21, 2015.



Image 3: Photograph of Carfrae Cottage on November 29, 2023.



Image 4: View of the property at 39 Carfrae Street, looking south to the front (north) facade of Carfrae Cottage (2021).



Image 5: View of Carfrae Cottage, looking southeast from the northwest corner of the property at 39 Carfrae Street (2021).



Image 6: View of Carfrae Cottage, looking southeast from the northwest corner of the property at 39 Carfrae Street (2023).



Image 7: View to the east of the property at 39 Carfrae Street, showing the properties at 41 Carfrae Street and 43 Carfrae Street (2021).



Image 8: View to the west of the property at 39 Carfrae Street, showing the property at 35 Carfrae Street (2021).



Image 9: Photograph showing an example of the rubble stone foundation construction of Carfrae Cottage, as seen in the basement (2021).



Image 10: Photograph of the west chimney, as seen from Carfrae Street (2021).



Image 11: Photograph of the east chimney, as seen from Carfrae Street (2021).



Image 12: Photograph showing the sloped soffit of the roofline (2021).



Image 13: Photograph showing the sloped soffit of the roofline (2023).



Image 14: Photograph, showing a representative example, of the traditional stucco parging (cementitious smooth textured exterior 'stucco' finish) over the double brick construction of Carfrae Cottage (2021).



Image 15: Photograph showing the front doorway with single leaf, painted wood door with two long panels, set in a rectangular opening with rectangular sidelights to both sides, a panelled dado below, and a rectangular transom. The sidelights and transom feature reconstructed leaded and stained glass in repetitive geometric patterns with coloured and textured glass. The doorway is recessed in the façade with a plain reveal. The door opening is framed by pilasters, with entablature supporting the architectural framework of the doorway (2021).



Image 16: Photograph showing the front doorway with single leaf, painted wood door with two long panels, set in a rectangular opening with rectangular sidelights to both sides, a panelled dado below, and a rectangular transom. The sidelights and transom feature reconstructed leaded and stained glass in repetitive geometric patterns with coloured and textured glass. The doorway is recessed in the façade with a plain reveal. The door opening is framed by pilasters, with entablature supporting the architectural framework of the doorway (2023).



Image 17: Detail photograph showing the entablature of the doorway with pilaster, as well as a detail of the stained glass transom (2021).



Image 18: Detail photograph showing the entablature of the doorway with pilaster, as well as a detail of the stained glass transom (2023).



Image 19: Photograph showing the simple form of the painted wood porch over the front doorway with a shingle gable roof, supported by a plain frieze and boxed piers with simple capital and base details (2021).



Image 20: Photograph showing the simple form of the painted wood porch over the front doorway with a shingle gable roof, supported by a plain frieze and boxed piers with simple capital and base details (2023).



Image 21: View showing the easterly window, sill, and label on the front (north) façade of Carfrae Cottage (2021).



Image 22: View showing the easterly window, sill, and label on the front (north) façade of Carfrae Cottage (2023).



Image 23: Photograph showing the westerly front window, label, and sill of the front (north) façade of Carfrae Cottage (2021).



Image 24: Photograph showing the westerly front window, label, and sill of the front (north) façade of Carfrae Cottage (2023).



Image 25: View of the central gable dormer on the front (north) facade of Carfrae Cottage with a primitive Gothic pointed wood window. The decorative wood bargeboard of the central gable dormer is also shown, as well as the Scotch thistle (2021).



Image 26: View of the central gable dormer on the front (north) facade of Carfrae Cottage with a primitive Gothic pointed wood window. The decorative wood bargeboard of the central gable dormer is also shown, as well as the Scotch thistle (2023).



Image 27: View of the west and south facades of Carfrae Cottage, and showing the driveway along the westerly property boundary (2021).



Image 28: Photograph of the painted wood French doors and painted wood storm doors in the opening of the west façade, sill as an indication of the former verandah of Carfrae Cottage (2021).



Image 29: Photograph of the painted wood French doors and painted wood storm doors in the opening of the west façade, sill as an indication of the former verandah of Carfrae Cottage (2023).



Image 30: Photograph of the painted wood six-over-six shingle hung wood window on west façade (2021).



Image 31: Photograph of the painted wood six-over-six shingle hung wood window on west façade (2023).



Image 32: Photograph of the six-over-six painted wood window on east façade (2021).



Image 33: Photograph of the painted wood six-over-six shingle hung wood window on west façade (2023).



Image 34: Photograph of the six-over-six double hung painted window on east façade and wood sill on the east façade (2021).



Image 35: Photograph of the six-over-six double hung painted window on east façade and wood sill on the east façade (2023).



Image 36: Photograph showing the Centre hall, looking towards the front doorway of Carfrae Cottage. Note the baseboards, casing, and crown moulding (2021).

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: 2793774 Ontario Inc. and Goldfield 1 Ltd.
1160 Wharncliffe Road South and 234 Exeter Road
File Number: OZ-9450/39T-21507, Ward 12
Public Participation Meeting

Date: February 21, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of 2793774 Ontario Inc. and Goldfield 1 Ltd. relating to the property located at 1160 Wharncliffe Road South and 234 Exeter Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 5, 2024, to **AMEND** the Official Plan, The London Plan by revising Map 1 – Place Types to change the designation of a portion of the subject lands **FROM** a Neighbourhoods Place Type **TO** a Green Space Place Type;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on March 5, 2024 to **AMEND** the Southwest Area Secondary Plan, forming part of the Official Plan, The London Plan, by revising Schedule 4 and Schedule 10 of the Southwest Area Secondary Plan to change the designation of a portion of the subject lands **FROM** a Low Density Residential designation **TO** a Medium Density Residential designation and an Open Space and Environmental Review designations;
- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on March 5, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, and the Southwest Area Secondary Plan as amended in part (a) and part (b) above, to change the zoning of the subject property **FROM** an Urban Reserve (UR6), an Environmental Review (ER) and a Holding Light Industrial (h-17*LI2/LI7) Zone **TO** a Holding Residential R1 (h-h-161*R1-3) Zone, a Holding Residential R4 (h-h100*h161*R4-4(2)), a Holding Residential R6 Special Provision (h-h-100*h161*R6-5(_)) Zone, and a Holding Residential R6 Special Provision (h-h-2*h-100*h161*R6-5(_)) Zone and an Open Space (OS4) Zone;
- (d) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised through the application review process for the property located at 1160 Wharncliffe Road South and 234 Exeter Road; and,
 - (a) the Approval Authority **BE ADVISED** that Municipal Council supports issuing draft approval of the proposed Plan of Subdivision as submitted by 2793774 Ontario Inc. and Goldfield 1 Ltd. (File No. 39T-21507), prepared by MHBC (Project No. 17334"j"), dated November 10, 2021.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Official Plan, The London Plan, to redesignate a portion of the property from a Neighbourhoods Place type to a Green Space Place Type.

The applicant has requested an amendment to the Southwest Area Secondary Plan to designate a portion of the property from a Low Density Residential designation to a Medium Density Residential designation and an Open Space and Environmental Review designations.

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Urban Reserve (UR6), Environmental Review (ER) and Holding Light Industrial (h-17*LI2/LI7) Zone to a Holding Residential R1 (h-h-161*R1-3) Zone, a Holding Residential R4 (h-h-100*h161*R4-4(2)), a Holding Residential R6 Special Provision (h-h-100*h161*R6-5(_)) Zone, and a Holding Residential R6 Special Provision (h-h-2*h-100*h161*R6-5(_)) Zone and an Open Space (OS4) Zone.

Staff are recommending approval of the requested amendment to The London Plan, Southwest Area Secondary Plan and Zoning Bylaw amendment with additional holding provisions that will facilitate the proposed residential development.

This Official Plan amendment, Zoning amendment and Draft Plan of Subdivision will add approximately **339 new residential dwelling units** in the City of London.

Purpose and Effect of the Recommended Action

The purpose and effect of the recommended action is for Municipal Council to approve the recommended Official Plan and Zoning By-law Amendments to permit the use, intensity and form of the associated proposed plan of subdivision, which is being considered by the Approval Authority.

Linkage to the Corporate Strategic Plan

Housing and Homelessness - A well planned and growing community. London's growth and development is well-planned and considers use, intensity, and form.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

December 9, 2002 – Information Report to Planning Committee on the North Longwoods Area Plan Review (02OFFAN).

May 12, 2003 – Report and Public Participation Meeting to Planning Committee on the introduction of the North Longwoods Area Plan and corresponding Official Plan Amendments (O-6424).

June 30, 2003 – Report to Planning Committee on the introduction of the North Longwoods Area and Plan and corresponding Official Plan Amendments after referral back to Staff (O-6424).

April 26, 2010 – Report to Planning Committee to present the Draft Southwest Area Secondary Plan and associated background studies.

August 31, 2017 – Report to the London Consent Authority regarding a Consent to Sever (B.031/17).

November 6, 2017 – Report to Committee of Adjustment regarding requested variances related to Consent to Sever B.031/17 (A.162/17).

August 19, 2020 – Report to London Consent Authority regarding a Consent to Sever (B.020-20).

1.2 Planning History

In 2001, the Long-Term Transportation Corridor Protection Study was approved by Council and identified extending Bradley Avenue between Bostwick Road and Wonderland Road South, and Wharncliffe Road South and White Oak Road.

The North Longwoods Area Plan was introduced in May of 2013 to guide development for the lands bounded by Southdale Road to the North, White Oak Road to the east, the Bradley Avenue extension to the south and Wharncliffe Road South the west. The lands are also subject to the Southwest Area Secondary Plan (SWAP), and more specifically the policies for the Central Longwoods Residential Neighbourhood. SWAP was approved by the Ontario Municipal board on April 29, 2014, and is intended to provide a comprehensive land use plan, servicing requirements and servicing strategy for the lands south of Southdale Road, east of the Dingman Creek and north of the Highway 401/402 corridor.

In 2017, an application was made to sever an 1866.3 square metre parcel from 1160 Wharncliffe Road south to 3427 Paul Peel Road to allow for the creation of seven (7) single-detached dwellings (see Figure 1 below). This request was presented to the London Consent Authority on August 31, 2017, and granted on October 3, 2017. A Minor Variance application was submitted in conjunction with the consent to sever to permit reduced lot area and lot frontage for both the retained and severed parcels. These requests were presented to the Committee of Adjustment on November 6, 2017, and granted with conditions on November 28, 2017. Another consent to sever request was submitted in 2020 to sever the back portion of 234 Exeter Road and its access lane from the retained industrial lands fronting on Exeter Road. This request was granted on November 16th, 2020, and an access easement for the retained lands exists over the access lane from Exeter Road.

This application for a Draft Plan of Subdivision and related Official Plan and Zoning By-law Amendments was accepted as a complete application on December 7, 2022.

1.3 Property Description and Location

The subject property is generally located south of Wharncliffe Road South, north of Exeter Road and west of White Oak Road, described as Part of Lots 3 to 7 of Concession 2 in the former Westminster Township. This proposed development would permit the development of single detached lots, multi-family blocks and a stormwater management complete corridor. Currently, the site is vacant and approximately 14.625 hectares (36.14 acres) in size. The site would have access to municipal services and is in an area planned for growth.

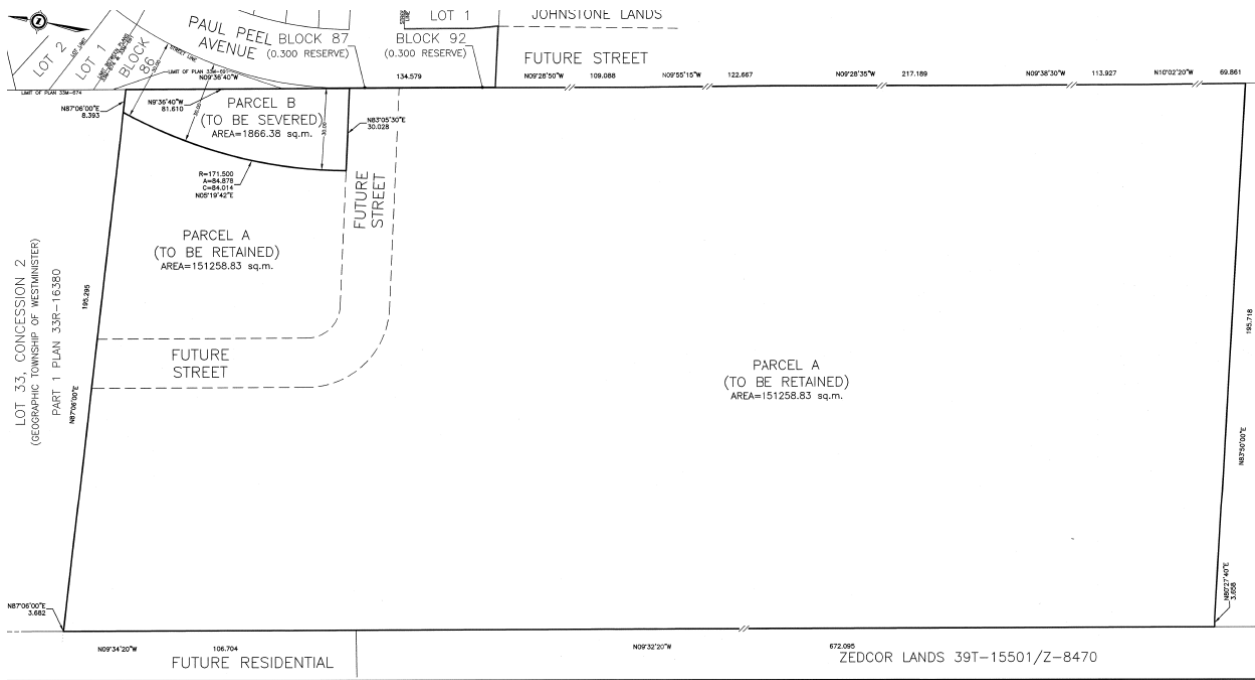


Figure 1 – 2017 Consent Application



Figure 2 - Streetview of 1160 Wharnccliffe Road South (view looking North from Exeter Road)

Site Statistics:

- Current Land Use – vacant
- Frontage – 199 metres on the Bradley Avenue Extension and 23 metres on Exeter Road
- Depth – 920 metres
- Area – 14.625 hectares (36.14 acres)
- Shape – Rectangular/Irregular
- Located within the Built Area Boundary - No
- Located within the Primary Transit Area - No

Surrounding Land Uses:

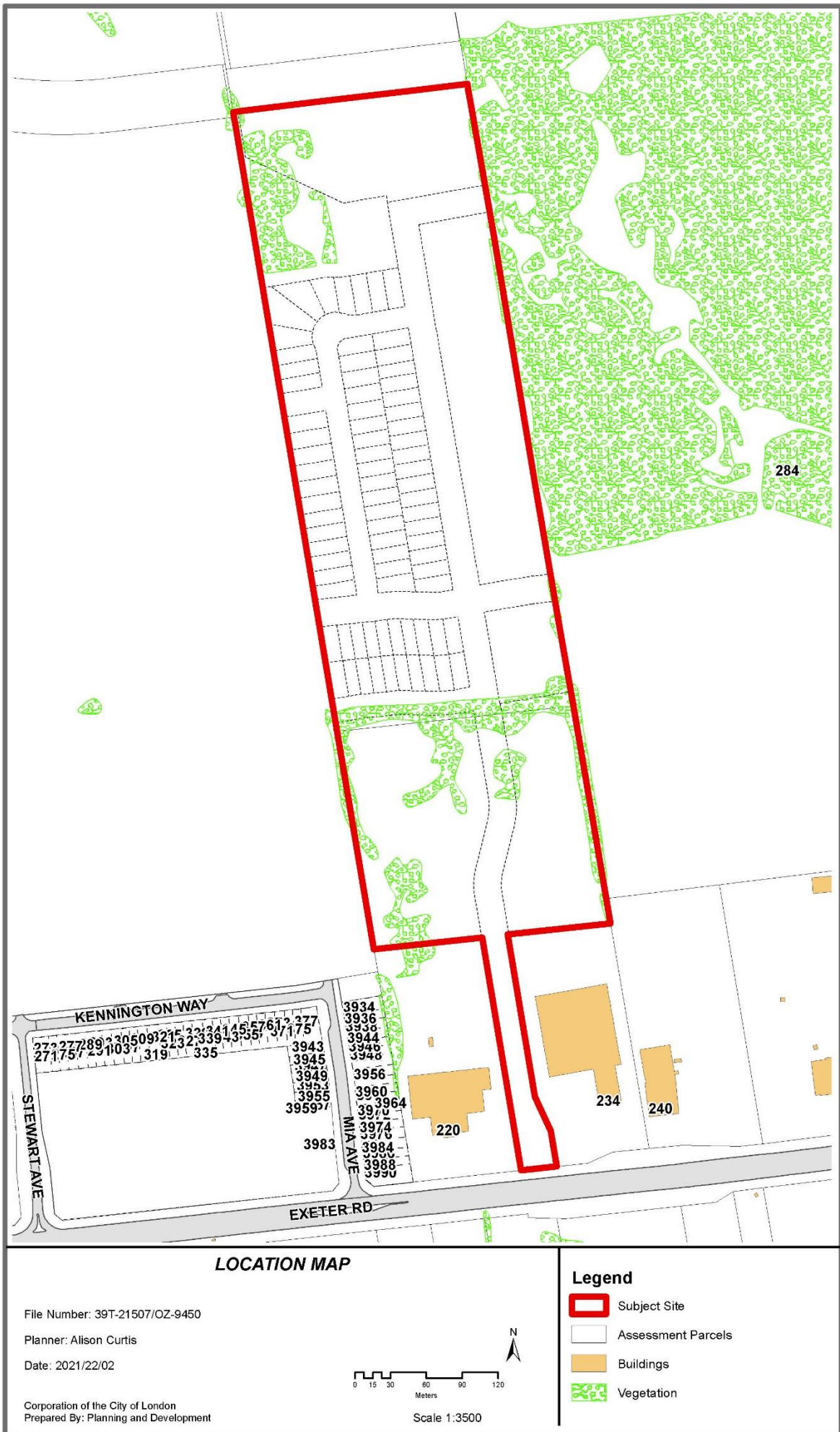
- North – Medium Density Residential and Commercial
- East – Environmental Review and Light Industrial
- South – Light Industrial
- West – Low and Medium Density Residential

Existing Planning Information:

- Existing The London Plan Place Type – Neighbourhoods
- Existing Zone – Urban Reserve, Environment Review and Holding Light Industrial (UR6/ERh-17*LI2/LI7)

Additional site information and context is provided in Appendix “H”.

Location Map:



2.0 Discussion and Considerations

2.1 Development Proposal

The Official Plan amendment and Zoning By-law amendment will facilitate the development of a Draft Plan of Subdivision that provides for the following:

- 80 lots for single-detached dwellings (Lots 1 to 80);
- Two (2) blocks for street townhouses (Blocks 81 and 82);
- Three (3) blocks for future, multiple-attached residential dwellings along the proposed Street A and the Bradley Avenue Extension (Blocks 103 to 105);
- One (1) block for future development (Block 115);
- A stormwater management complete corridor is proposed to provide recreational opportunities and support stormwater management, terrestrial, and aquatic functions (Blocks 106 to 108); and,
- Five (5) public roads and four (4) reserve blocks (Blocks 109 to 114).

Please note that the Draft Plan of Subdivision, seen below, may be further refined and reviewed prior to Draft Approval by Civic Administration

Additional information on the development proposal is provided in Appendix “D”.

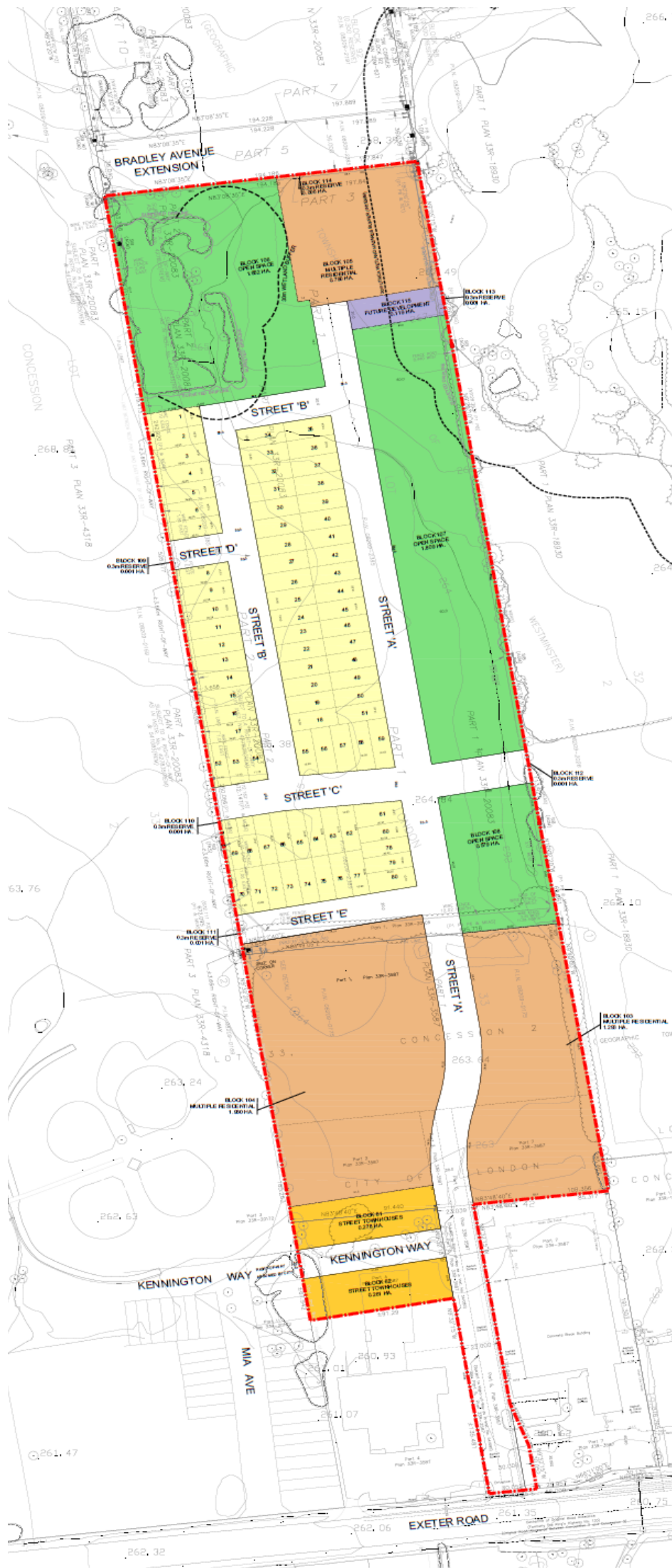


Figure 3 – Draft Plan

of Subdivision

2.2 Requested Amendments

The applicant has requested an Official Plan Amendment and a Zoning Bylaw Amendment to facilitate the proposed subdivision development.

The requested amendment to The London Plan is to redesignate a portion of the property to include the Green Space Place Type to permit recreational uses associated with the passive enjoyment of natural features, and conservation, mitigation and rehabilitation works. This Place Type will accommodate the stormwater management complete corridor.

The requested amendment to the Southwest Area Secondary Plan is to redesignate a portion of the property as described below:

- From Low Density Residential designation to Medium Density Residential designation to permit cluster housing.
- From Low Density Residential to Open Space and Environmental Review designations to accommodate the stormwater management complete corridor.

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Urban Reserve (UR6), Environmental Review (ER) and Holding Light Industrial (h-17*LI2/LI7) Zone to a Holding Residential R1 (h-h-161*R1-3) Zone, a Holding Residential R4 (h-h-100*h-161*R4-4(2)), a Holding Residential R6 Special Provision (h-h-100*h-161*R6-5(_)) Zone, and a Holding Residential R6 Special Provision (h-h-2*h-100*h-161*R6-5(_)) Zone and an Open Space (OS4) Zone.

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

Lots	Zone String	Special Provisions Requested
Lots 1 to 80	h-h-161*R1-3	<ul style="list-style-type: none"> • No Special Provisions Requested
Blocks 81 and 82	h-h-100*h-161*R4-4(2)	<ul style="list-style-type: none"> • No Special Provisions Requested
Blocks 103 and 104	h-h-100*h-161*R6-5(_)	<ul style="list-style-type: none"> • Maximum density of 75 units per hectare, whereas 35 units per hectare is permitted
Blocks 105	h-h-2*h-100*h-161*R6-5(_)	<ul style="list-style-type: none"> • Maximum density of 75 units per hectare, whereas 35 units per hectare is permitted
Blocks 106 to 108	OS4	<ul style="list-style-type: none"> • No Special Provisions Requested
Block 115	h-h-2*h-100*h-161*R6-5(_)	<ul style="list-style-type: none"> • Maximum density of 75 units per hectare, whereas 35 units per hectare is permitted

On May 25, 2022, the Ontario Land Tribunal ordered that the 1989 Official Plan be repealed in its entirety and The London Plan came into full force and effect. At the time the application was made, the Applicant has requested amendments to the 1989 Official Plan in order to facilitate the proposed development. The requested amendments to the 1989 Official Plan, included below, are no longer required to support the proposed development, and any Official Plan amendment required will be exclusively to The London Plan.

- **Requested Amendments to Schedule “A” Land Use Map of the 1989 Official Plan:**
 - Redesignate Blocks 103 and 104 from Low Density Residential to Multi-Family, Medium Density Residential to permit cluster housing.
 - Extend the Multi-Family, Medium Density Residential designation to include Block 105.
 - Designated Blocks 106 to 108 Open Space to conserve natural features in the ‘complete corridor’.

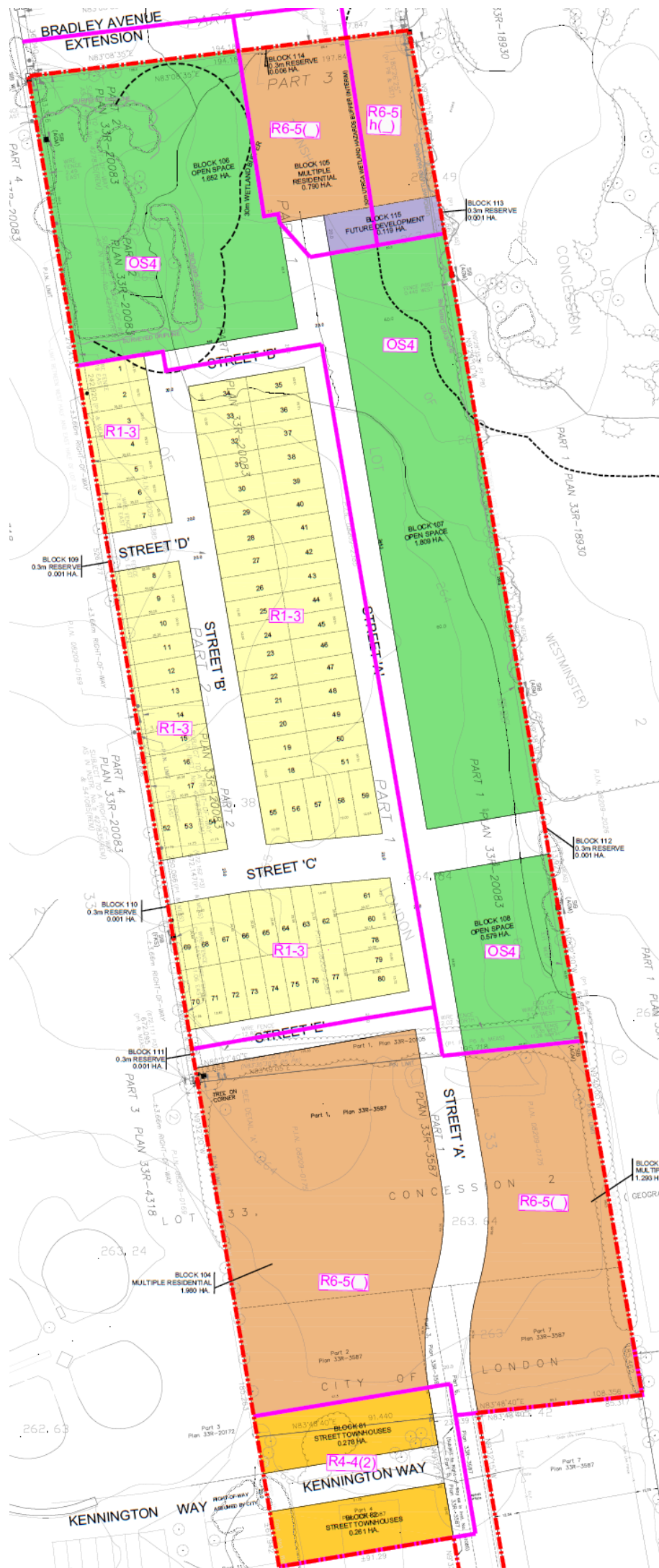


Figure 4: Proposed Zoning from Applicant

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:

- Wetland relocation within the stormwater management complete corridor;
- Street and pedestrian orientation within medium density blocks; and,
- Inclusion of holding provision in the zoning to ensure orderly development.

Detailed internal and agency comments are included in Appendix “F” of this report.

2.4 Public Engagement

On January 6, 2022, Notice of Application was sent to 23 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 January 6, 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.

Concerns expressed by the public relate to:

- Business access during subdivision build out and completion; and,
- Timelines for construction.

Detailed public comments are included in Appendix “G” of this report.

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*.

Section 1 of the *PPS* outlines policies to achieve sustainability through efficient land use and development patterns that promote strong, liveable, healthy, and resilient communities. Policy Sections 1.1.1, 1.1.3 and 1.6 requires land use within settlement areas to effectively use the land and resources through appropriate densities, range of uses and the efficient use of infrastructure. This contributes to resilient development and the creation of healthy, livable, and safe communities. This proposal will develop a vacant site within the settlement area that has full access to municipal services and are designated and intended, over the long term, to be used for multiple-dwelling, low to medium density residential uses. In addition to the single detached lots, the concept plans provided for the multi-family block, which are subject to change, illustrate cluster townhouse developments in conventional and back-to-back configuration. This provides for a range of housing options and densities, in a compact form that provide for current and future residents (Section 1.4).

The *PPS* states that “Natural features and areas shall be protected for the long term” and that “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” (Sections 2.1.1 and 2.1.8). As noted, there is unevaluated vegetation on the northern portion neighbouring property to the east. The h-2 holding

provision will be placed on the development block the abuts the unevaluated vegetation patch, and it shall not be removed until the extent of development determined and ensure that it will not have a negative impact on the Natural Heritage System. The implementation of the stormwater management complete corridor will also help to protect and conserve natural heritage features contained within the subject lands.

This section of the *PPS* sets out policies for the protection of significant built heritage resources and significant cultural heritage landscapes to ensure they are conserved, and development or site alteration shall not be permitted adjacent to protected heritage property, except where the proposed development or site alteration has been evaluated and demonstrated that the heritage attributes of the protected property will be conserved (Sections 2.6.1 and 2.6.3). A Stage 1 Archaeological Assessment was conducted for the subject lands, which determined that there was high potential for the discovery of archaeological resources, and a subsequent Stage 2 Archaeological Assessment was conducted. The Stage 2 identified four archaeological locations, three of which did not meet the Provincial criteria for a Stage 3 assessment and no further work was recommended. A Stage 3 Site Specific Assessment was undertaken for the remaining archaeological location, which was deemed to retain no further cultural heritage or value. The Ministry of Culture, Tourism and Sport was satisfied by the fieldwork and reporting, and the report was entered into the Ontario Public Register of Archaeological Reports.

The proposal does not direct development towards any natural human hazards and is of a sufficient distance away from human made hazards, satisfying Section 3 – Protecting Public Health and Safety of the *PPS*. The requested amendment has been reviewed for consistency with the *PPS*. Staff are of the opinion that the zoning amendment and draft plan of subdivision are consistent with 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 2020* 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.

The subject lands currently designated within the Neighbourhoods Place Type along a Civic Boulevard (Exeter Road) and an Urban Thoroughfare (the proposed Bradley Avenue Extension), with a Neighbourhood Connector (the extension of Roy McDonald Drive) connecting the subject lands to the existing subdivisions to the west. This Place Type at these locations, based on street classification, permits a range of residential uses, including: single detached, semi-detached, townhouses, stacked town houses, and low-rise apartments (Table 11). Neighbourhood Streets and Connectors permit a maximum height of 2.5 storeys, and Civic Boulevard and Urban Thoroughfares permit a maximum height of 4 storeys (Table 11). The proposal is in keeping with these policies set out in *The London Plan*.

The vision for the Neighbourhoods Place Type is to ensure that neighbourhoods are vibrant and exciting places that contribute to community well-being and quality of life. This vision is supported by key elements, some of which include strong neighbourhood character, attractive streetscapes, diverse housing choices, well-connected

neighbourhoods, alternatives for mobility, employment opportunities close to where people live, and parks and recreational opportunities. The proposal is in keeping with the vision for the Neighbourhoods Place Type and its key elements. It contributes to a neighbourhood character, attractive streetscapes and a diversity of housing choices. The proposed Subdivision is near to lands designated with the Shopping Area and Commercial Industrial Place Types, providing for amenities and employment opportunities within a distance appropriate active transportation. The provision of park and open space provides for recreational opportunities attractive alternatives for mobility.

An excerpt from *The London Plan* Map 1 – Place Types is found in Appendix “H”.

Southwest Area Secondary Plan (SWAP)

The *Southwest Area Secondary Plan* has been reviewed in its entirety and it is Staff’s opinion that the proposed Zoning By-law Amendment is consistent with these policies.

This site forms part of the Southwest Area Secondary Plan and is subject to the development vision and detailed policies of the Secondary Plan. Additionally, the site forms part of the ‘Central Longwoods Neighbourhood’ within the greater plan. This secondary plan sets out policy and guidance to create neighbourhoods that have the following features: a mix of uses and diverse mix of residential housing; an emphasis on design parameters with placemaking features; walkability within and between neighbourhoods; an integration of the Natural Heritage System as an opportunity for residents to enjoy; and, Neighbourhood Central Activity Nodes as destination places in the neighbourhood.

The site is designated as Low Density Residential and Medium Density Residential in the Southwest Area Secondary Plan and is located along Exeter Road, which is an arterial road. These designations encourage a mix of housing forms at a higher intensity than suburban neighbourhoods, and residential development that supports public and active transportation opportunities. Southwest Area Secondary Plan also permits a limited range of convenience and personal service commercial uses, small-scale eat-in restaurants, civic and institutional uses, such as parks, schools and churches, and live-work uses may be permitted within the Medium Density Residential Designation. The Low Density Residential designation permits a minimum density of 18 units per hectare and maximum of 35 units per hectares. Building heights within this designation shall not exceed four (4) storeys and be sensitive to the scale of development in the surrounding neighbourhood. A minimum density of 30 units per hectare and a maximum density of 75 units per hectare is permitted in Medium Density Residential designation at this location.

This proposal will contribute to a range of dwelling types in the area and could contribute to creating opportunities for affordable housing, as required in section 50.5.3.1 Housing, in a compact form of development, which could contribute to a reduction of land and energy, as set out in section 20.5.3.2 Sustainable/Green Development.

3.0 Financial Impact and Considerations

3.1 Financial Impact

Through the completion of the works associated with this application, fees, development charges and taxes will be collected. There will be increased operating and maintenance costs for works being assumed by the City.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed stacked-townhouse and single detached dwellings in this development would provide a mix of housing choices in compact form that are street oriented, which

contributes to a safe pedestrian environment that promotes connectivity to adjacent lands within the Commercial Industrial and Shopping Area Place Types (TLP 285, 286, 916 and 1578).

There are lands located west and northwest of the subject lands, from the intersection of Wharncliffe Road South and Bradley Avenue, designated within the Shopping Area Place Type that provide for amenities and employment opportunities within a distance appropriate for active transportation (TLP 285, 286, 916 and 1578). The proximity of parks and other open space lands to the southeast provides for recreational opportunities and attractive alternatives for mobility (TLP 916). There are school sites located north of Southdale Road East and West, and east of White Oaks Road. Lands within the Neighbourhoods Place Type are located directly to the north, south, east, and west, and there are additional lands further east within the Neighbourhoods Place Type (TLP 916).

The London Plan provides direction for growth and development that is compact in form and directed to strategic locations, taking into consideration the required infrastructures and services required to support growth. “Inward and upward” growth is emphasized in The London Plan to achieve a compact urban form, and residential intensification is identified as playing a large role in achieving this goal (TLP 79 and 80). The proposed development is located close to the border of the Built Area Boundary, but represents infill development of a vacant and underutilized lot within the Urban Growth Boundary in a use that is in keeping with the surrounding existing and proposed land use.

The proposed development is generally consistent with Zoning By-law Z.-1 and The London Plan and surrounding residential and commercial developments.

4.2 Intensity

Approximately 339 new residential dwelling units are proposed within the Draft Plan of Subdivision, which is approximately 22 units per hectare for the entire subject lands. This aligns with the density permissions of the Low and Medium Density Residential designations in *SWAP*. The subject lands are sufficient in size and configuration to accommodate the development of street townhouses and single detached dwellings.

The Residential R1-3 Zone variation requires a minimum lot area of 300 square metres per single detached lot and a minimum lot frontage of 10 metres, which is satisfied. The R4-4(2) requires a minimum of 180 square metres while the Residential R6-5 Zone Variation requires a minimum lot area of 850 square metres for cluster townhouse developments. Blocks 81, 82, 103, 104, and 105 of the Draft Plan of Subdivision satisfy these zoning requirements. Further west and north of the subject lands there are townhouse dwellings fronting onto Wharncliffe Road South, and lands directly to the west are Draft Approved for townhouses of a similar intensity.

The Residential R4-4 Zone Variation does not specify a density maximum as it provides regulations based on one unit per lot, and the Residential R6-5 Zone Variation permits a maximum density of 35 units per hectare. A special provision for a maximum of 75 units per hectare has been required for the R6-5 Zone for Block 103 to 105. Similar densities have been considered and permitted in the R6-5 Zone Variation, and similar densities are permitted on lands directly to the north and west. The proposed size the Blocks meet the minimum lot size and are sufficient to accommodate the increased density requested.

The street and cluster townhomes proposed for Blocks 103 to 105 will serve as a transition in densities, buffering the proposed single detached dwellings to the south and southeast from Bradley Avenue and the existing Light Industrial uses to the south. Building heights within the Neighbourhoods Place Type, at this location, shall not exceed four (4) storeys. Heights above this, to a maximum of six (6) storeys, may be permitted in conformity with the Our Tools policies of this Plan relating to Zoning to the Upper Maximum Height (Policies 1638 to 1641). Development proposed for Blocks 81, 82, 103, 104, and 105 are compliant with these Official Plan requirements and zone regulations.

4.3 Form

As previously noted, the recommended zoning would permit medium density residential development in the form of townhouses and single detached dwellings, which can be accommodated on the lands. The recommended zoning would facilitate the development of mid-rise development, which aligns with the form identified as appropriate in The London Plan and is designed with street and pedestrian orientation in mind to promote connectivity. This connectivity could contribute to walkability to support lands to the northwest and northeast in the Shopping Area and Commercial Industrial Place Types.

Policies for the street network require the following: the configuration of streets planned for new neighbourhoods will be a grid or modified grid; cul-de-sacs and dead ends will be limited; new neighbourhood streets will be designed to have multiple direct connections to existing and future neighbourhoods; street patterns will be easy and safe to navigate by walking and cycling and will be supportive of transit services; and blocks within a neighbourhood should be of a size and configuration that supports connections to transit and other neighbourhood amenities, typically within a ten minute walk (212, 213, 218 and 228). The proposed subdivision maintains a grid pattern of the surrounding context and will provide connections to adjacent subdivisions. The proposed blocks are of a size and configuration that supports connections to transit services in the neighbourhood on Wharnccliffe Road South, as well as provide for safe and easy walking and cycling on Bradley Avenue and Wharnccliffe Road South. To support walkability, sidewalks shall be located on both sides of all streets (349). The proposed Draft Plan of subdivision includes sidewalks on both sides of the proposed streets.

The policies relating to buildings promote an active street front at a human scale to support pedestrian activity and safety (285 and 286). The urban design brief provided outlines that a positive pedestrian experience will be created along street frontages through architectural design, articulate, enhance landscaping, and active streetscapes. Crime Prevention Through Environment Design principles will also be considered in the design to create a safe pedestrian environment. The built form, site layout, key entrances and streetscape should be designed to establish a sense of place and character consistent with the planning vision of the place type and the surrounding area (197, 202, 221 and 252). The stormwater management complete corridor will help to create a sense of place and community character as an architectural vista, and the urban design brief notes that the street pattern is design such that they terminate around the Corridor. Enhanced landscaping will be considered during the Site Plan stage at the main entrances and gateways will be incorporate to create a sense of place and character, as well as a variety will be included in the building heights, materials and colours.

The subject lands are currently zoned Urban Reserve (UR6), Environmental Review (ER) and Holding Light Industrial (h-17*LI2/LI7) Zone. The Urban Reserve UR6 Zone is applied to areas where industrial development is anticipated over the long term, and permitted uses include: existing dwellings, agricultural uses, with exceptions conservation lands, managed woodlots, wayside pits, passive recreation uses, farm gate sales, kennels, private outdoor recreation clubs, riding stables, and existing defined industrial uses. The Light Industrial Zones provide for and regulate a range of industrial uses and their associated secondary uses.

The Applicant has requested zone changes to facilitate residential development, which is consistent with Neighbourhoods Place Type in The London Plan and surrounding development. The recommended zoning is: Holding Residential R1 (h-h-161*R1-3) Zone, a Holding Residential R4 (h-h100*h161*R4-4(2)), a Holding Residential R6 Special Provision (h-h-100*h161*R6-5(_)) Zone, and a Holding Residential R6 Special Provision (h-h-2*h-100*h161*R6-5(_)) Zone and an Open Space (OS4) Zone.

The Holding Provisions that are proposed to form part of the zone are to ensure the following:

- h: orderly development and adequate provision of municipal services through an approved Development Agreement;
- h-2: determine the extent of development that can be permitted such that it does not have a negative impact on relevant components of the Natural Heritage System;
- h-100: there is adequate water services and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer; and,
- h-161: the proposed stormwater management system servicing the subdivision is constructed and operational

The Applicant has requested a Special Provisions zone to allow the follow:

Maximum Density of 75 units per hectare – Blocks 103 - 105

The Residential 6-5 Zone Variation permits a maximum density of 35 units per hectare. A maximum of 75 units per hectare has been required for the R6-5 Zone for Blocks 103 to 105. A minimum density of 30 units per hectare and a maximum density of 75 units per hectare is permitted in Medium Density Residential designation of SWAP at this location. Similar densities have been considered and permitted in the R6-5 Zone Variation, and similar densities are permitted on lands directly to the east and west. The proposed size of these blocks meets the minimum lot size and are sufficient to accommodate the increased density requested.

Staff support the requested special provision, and it is included in the recommendation.

4.4 Adjacent Industrial Land Uses

Industrial land uses have the potential to produce point source or fugitive air emissions (i.e., noise) that could have adverse effects on sensitive land uses, which includes residential development. As such, the Province of Ontario established the D-Series Guidelines to prevent or minimize future land use conflicts when sensitive uses encroach on existing industrial land uses. The Guidelines provides: a breakdown of different industrial uses into Classes; the influence area and minimum distance separation for each Class; and, evaluation criteria that can be used to assess the compatibility between a sensitive land use and existing industrial facilities. Please refer to Appendix E for a full description of the classes and criteria. As there are existing industrial facilities and land uses adjacent to the subject lands, in particular the WM Waste Management Facility, an assessment of the D-Series Guidelines was completed for the subject lands.

WM Waste Management – 290 Exeter Road

A WM Waste Management operates a Waste Transfer Station and Recycling Depot at 290 Exeter Road, which offers the following services: dumpster rental, business waste pickup, garbage and disposal drop-off. They do not accept hazardous waste; construction and demolition debris; and, industrial or special wastes. The Ministry of Environment, Conservation and Parks has noted that odour is frequent from this site. A Special Provision Zone is included in the zoning, which permits a Waste Transfer Stations and Recycling Depots and defines it as:

a type of waste disposal site as defined and the Environmental Protection Act, for non-hazardous solid wastes and liquids, including transferring, separation, processing and recycling of such wastes

The Special Provision Zone further stipulates that: outside storage of liquid or solid wastes shall be prohibited; outside storage of goods accessory to the waste transfer station and recycling depot shall not be permitted in any required front or exterior side yard; and, any outside storage of goods accessory to the waste transfer station and recycling depot shall not exceed 5% of the total lot area.

The Classes established by the D-Series Guidelines do not apply to Waste Transfer Stations; however, it may be considered similar to a Class 2 Industry based on its scale of operations, hours of operations, permission for outdoor storage and potential for outputs of point source or fugitive emissions. Under the Guidelines, Class 2 Industries have an influence area of 300 metres and the required minimum distance separation from sensitive uses of 70 metres. The lower portion of Street A, that is proposed to intersect with Exeter Road, is approximately 481 metres away and Block 103 is approximately 397 metres away. The subject lands are of a sufficient distance from the facility to minimize potential adverse effects.

220 and 234 Exeter Road

These properties are zoned for industrial uses, but designated with the Neighbourhoods Place Type under The London Plan Council's long-term intent of these lands for residential land uses. They are currently zoned Holding Light Industrial zone Variation 2 and 7 (h-17*LI2/LI7), which requires a rear yard setback of 25 metres and 75 metres, respectively, when abutting a residential zone. In both instances, the minimum requirement is exceeded. The building at 234 Exeter Road has a rear-yard setback of approximately 48 metres from the proposed residential zone and the building at 220 Exeter Road has a rear yard setback of approximately 107 metres. Given the existing situation, and the existing zoning regulations, the identified industrial uses will have minimal impact on the proposed residential development.

Conclusion

The proposed amendments are consistent with the Provincial Policy Statement, 2020 which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs. The proposed Official Plan, Zoning By-Law Amendment and Draft Plan of Subdivision are consistent with the general intent and purpose of The London Plan and the Southwest Area Secondary Plan. No outstanding significant concerns have been identified with the proposed amendments.

The recommended zoning and special provisions of the zoning amendment will permit townhouse units, single detached dwellings and a stormwater management complete corridor that are considered appropriate and compatible with existing and future land uses in the surrounding area. Therefore, staff are satisfied that the proposal represents good planning in the broad public interest and recommend approval of this development application.

Prepared by: Alison Curtis, MA
Planner, Subdivision Planning

Reviewed by: Bruce Page
Manager, Subdivision Planning

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

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

Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning and Development.

CC: Peter Kavcic, Manager, Subdivisions and Development Inspections
Michael Pease, Manager, Site Plans
Ismail Abushehada, Manager, Subdivision Engineering

HM//BP/AC/ac

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\39T-21507 - 1160 Wharnclyffe Road South (AC)

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, relating to 1160 Wharnccliffe Road South and 234 Exeter 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 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 March 5, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – March 5, 2024
Second Reading – March 5, 2024
Third Reading – March 5, 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 of The London Plan to add a Green Space Place Type to a portion of the subject property.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1160 Wharnccliffe Road South and 234 Exeter Road in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the PPS and policies of The London Plan and the Southwest Area Secondary Plan. The recommended amendment would facilitate the development of a residential subdivision consisting of: eighty (80) single detached lots (Lots 1 to 80), two (2) blocks for street towns (Blocks 81 and 82) three (3) medium density residential blocks (Blocks 103 to 105), three (3) open space blocks (Block 106 to 108), one (1) block for future development (Block 115), four (4) road reserve blocks (109 to 114), serviced by five (5) new streets.

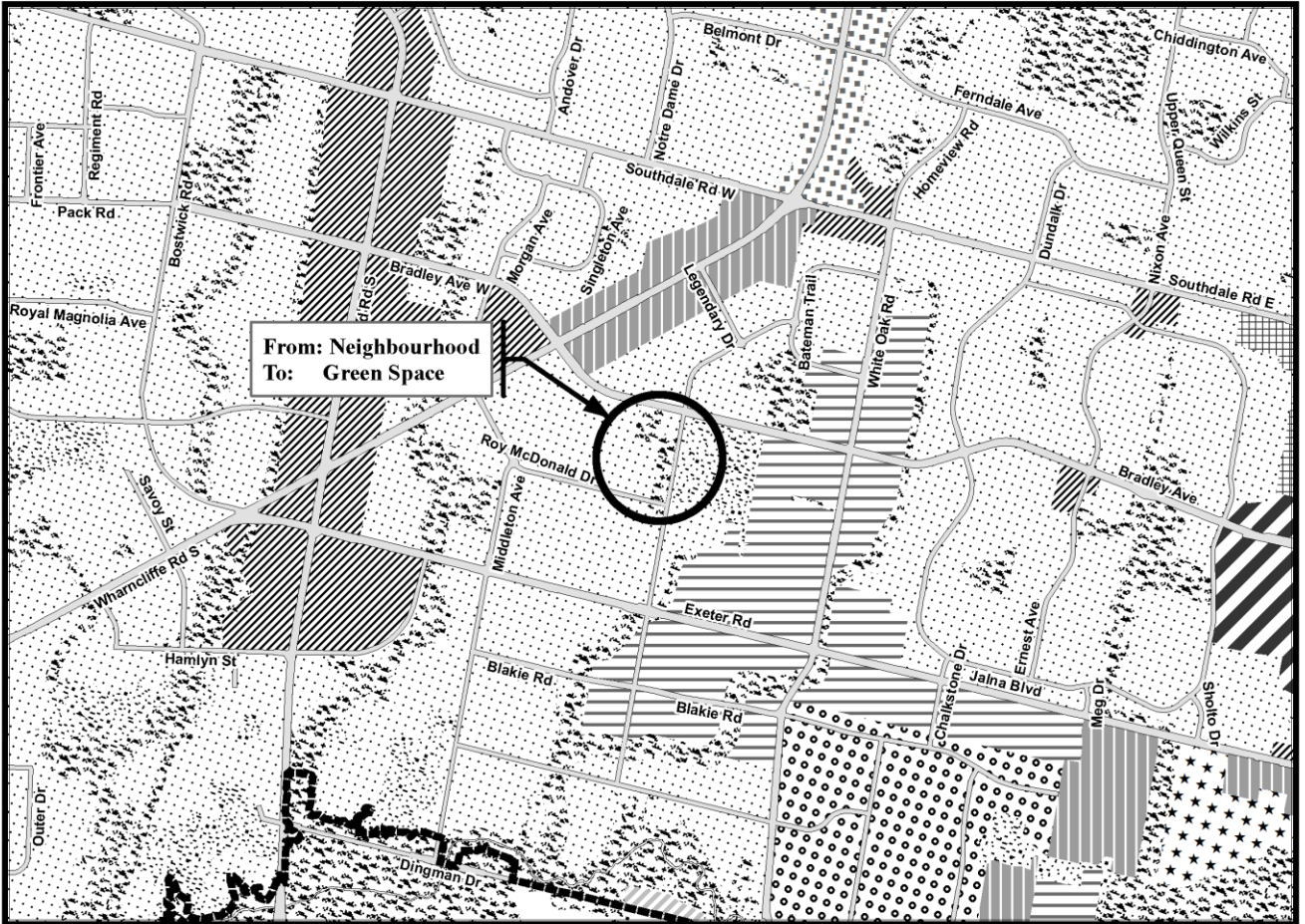
D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Map 1 – Place Types, to the Official Plan, The London Plan, for the City of London Planning Area is amended by adding a Green Space Place Type, as indicated on “Schedule 1” attached hereto.

“Schedule 1”

AMENDMENT NO:



Legend

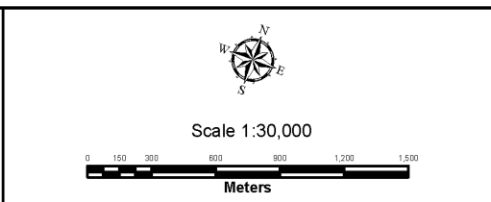
Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street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

**SCHEDULE 1
TO**

OFFICIAL AMENDMENT NO. _____

PREPARED BY: Planning & Development



FILE NUMBER: OZ-9450

PLANNER: AC

TECHNICIAN: RC

DATE: 1/30/2024

Appendix B – 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, relating to 1160 Wharcliffe Road South and 234 Exeter 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, 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 March 5, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – March 5, 2024
Second Reading – March 5, 2024
Third Reading – March 5, 2024

AMENDMENT NO.
to the
OFFICIAL PLAN, THE LONDON PLAN, FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

B. The purpose of this Amendment is to amend Section 1565_5 of The London Plan, List of Secondary Plans – Southwest Area Secondary Plan, by changing the designation of the subject lands from Low Density Residential to Medium Density Residential and Open Space and Environmental Review on Schedule 4 Southwest Area Land Use Plan, and Schedule 10 Central Longwoods Residential Neighbourhood Land Use designation.

C. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1160 Wharncliffe Road South and 234 Exeter Road in the City of London.

D. BASIS OF THE AMENDMENT

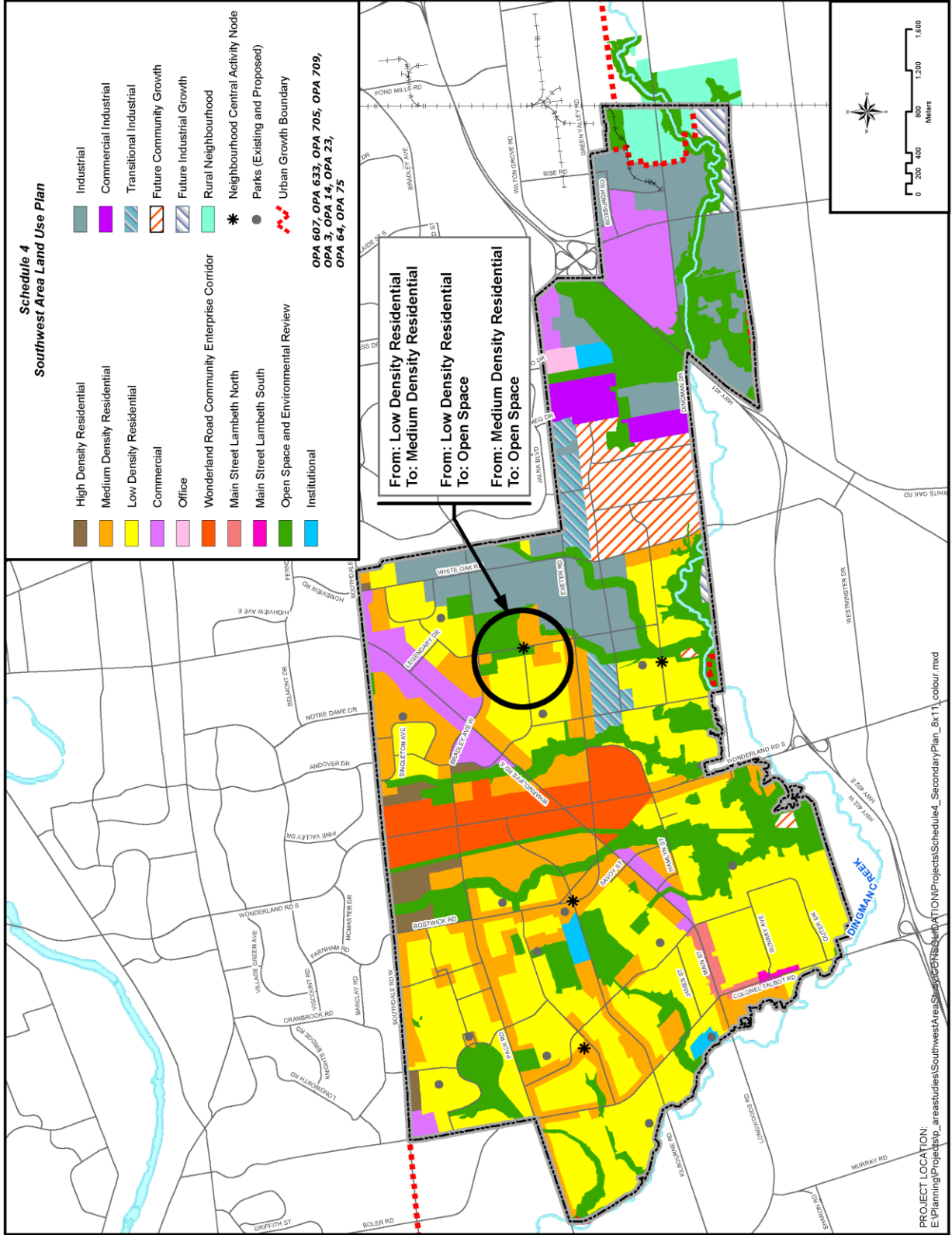
The recommended amendment is consistent with the PPS and policies of The London Plan and the Southwest Area Secondary Plan. The recommended amendment would facilitate the development of a residential subdivision consisting of: eighty (80) single detached lots (Lots 1 to 80), two (2) blocks for street towns (Blocks 81 and 82) three (3) medium density residential blocks (Blocks 103 to 105), three (3) open space blocks (Block 106 to 108), one (1) block for future development (Block 115), four (4) road reserve blocks (109 to 114), serviced by five (5) new streets

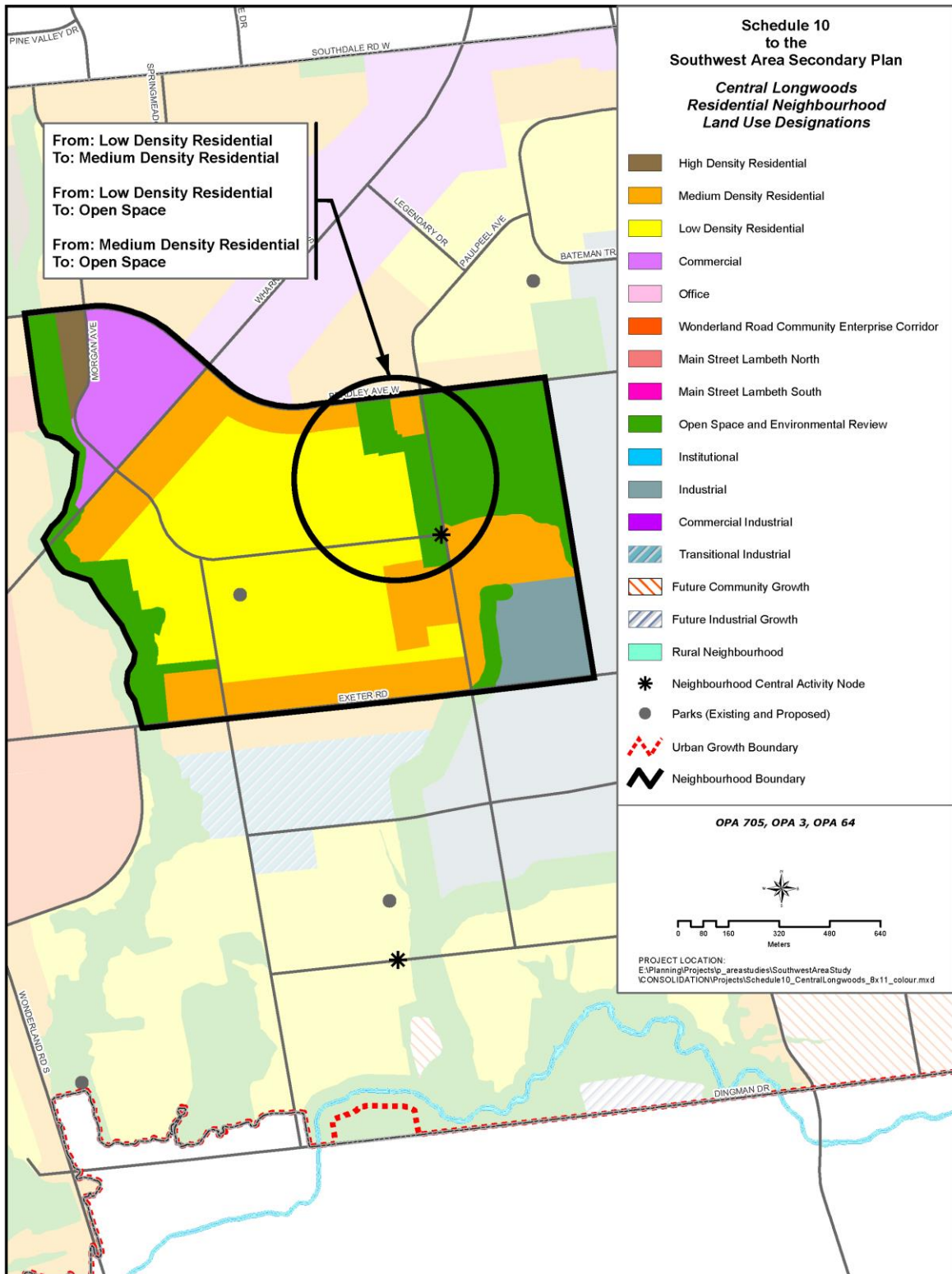
E. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Section 1565_5 of The London Plan, List of Secondary Plans – Southwest Area Secondary Plan, Schedule 4 Southwest Area Secondary Plan Land Use Plan, and Schedule 10 Central Longwoods Residential Neighbourhood Land Use designation is amended by redesignation of the subject lands, as indicated on “Schedule 2” attached here to Low Density Residential to Medium Density Residential and to Open Space and Environmental Review.

"Schedule 2"





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 1160 Wharncliffe Road South and 234 Exeter Road

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 1160 Wharncliffe Road South and 234 Exeter Road as shown on the attached map comprising part of Key Map No. A111, **FROM** an Urban Reserve (UR6), Environmental Review (ER) and Holding Light Industrial (h-17*LI2/LI7) Zone **TO** a Holding Residential R1 (h*h-161*R1-3) Zone, Holding Residential R4 (h*h100*h161*R4-4(2)), Holding Residential R6 Special Provision (h*h-100*h161*R6-5(_)) Zone, and Holding Residential R6 Special Provision (h*h-2*h-100*h161*R6-5(_)) Zone and Open Space (OS4) Zone.
2. Section Number 10.4 of the R6 Zone is amended by adding the following Special Provisions:

R6-5 () 1160 Wharncliffe Road South and 234 Exeter Road

a. Regulations

i) Density (Maximum) – 75 units per hectare

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 March 5, 2024 subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – March 5, 2024
Second Reading – March 5, 2024
Third Reading – March 5, 2024

Appendix D - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Vacant
Frontage	199 metres on the Bradley Avenue Extension and 23 metres on Exeter Road
Depth	920 metres (3018 feet)
Area	14.625 hectares (36.14 acres)
Shape	Rectangular/Irregular
Within Built Area Boundary	No
Within Primary Transit Area	No

Surrounding Land Uses

North	Medium Density Residential and Commercial
East	Environmental Review and Light Industrial
South	Light Industrial
West	Low and Medium Density Residential

B. Planning Information and Request

Current Planning Information

Current Place Type	Neighbourhoods, Urban Thoroughfare (Bradley Avenue) and Civic Boulevard (Exeter Road)
Current Special Policies	N/A
Current Zoning	Urban Reserve (UR6), Environmental Review (ER) and Holding Light Industrial (h-17*LI2/LI7) Zone

Requested Designation and Zone

Requested Place Type	Neighbourhoods and Green Space Place Types
Requested Special Policies	N/A
Requested Zoning	Holding Residential R1 (h-h-161*R1-3) Zone, Holding Residential R4 (h-h-100*h-161*R4-4(2)), Holding Residential R6 Special Provision (h-h-100*h-161*R6-5(_)) Zone, and Holding Residential R6 Special Provision (h-h-2*h-100*h-161*R6-5(_)) Zone and Open Space (OS4) Zone.

Requested Special Provisions

Lots	Zone String	Special Provisions Requested
Lots 1 to 80	h-h-161*R1-3	<ul style="list-style-type: none"> No Special Provisions Requested
Blocks 81 and 82	h-h-100*h-161*R4-4(2)	<ul style="list-style-type: none"> No Special Provisions Requested
Blocks 103 to 104	h-h-100*h-161*R6-5(_)	<ul style="list-style-type: none"> Maximum density of 75 units per hectare, whereas 35 is permitted
Blocks 105	h-h-2*h-100*h-161*R6-5(_)	<ul style="list-style-type: none"> Maximum density of 75 units per hectare, whereas 35 is permitted
Blocks 106 to 108	OS4	<ul style="list-style-type: none"> No Special Provisions Requested
Block 115	h-h-2*h-100*h-161*R6-5(_)	<ul style="list-style-type: none"> Maximum density of 75 units per hectare, where as 35 is permitted

C. Development Proposal Summary

Development Overview

The Zoning By-law amendment will facilitate the development of a Draft Plan of Subdivision that provides for the following:

- 80 lots for single-detached dwellings (Lots 1 to 80);
- Two (2) blocks for street townhouses (Blocks 81 to 82);
- Three (3) blocks for future, multiple-attached residential dwellings along the proposed Street A and the Bradley Avenue Extension (Blocks 103 to 105);
- One (1) block for future development (Block 115);
- A complete corridor is proposed to provide recreational opportunities and support stormwater management, terrestrial, and aquatic functions (Blocks 106 to 108); and,
- The proposed Draft Plan is also comprised five (5) new Streets and four (4) reserve blocks (Blocks 109 to 114).

Proposal Statistics

Land use	Residential
Form	Single-detached, Townhouses, and Medium Density Residential
Height	Varies
Residential units	TBD
Density	Varies
Parkland	Cash-in lieu

Mobility

Parking spaces	TBD
Vehicle parking ratio	TBD
New electric vehicles charging stations	TBD
Secured bike parking spaces	TBD
Secured bike parking ratio	TBD
Completes gaps in the public sidewalk	NA
Connection from the site to a public sidewalk	No
Connection from the site to a multi-use path	NA

Environmental Impact

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

Appendix E – Provincial D6 Series Guidelines Information

Class I Industries

- **Influence Area:** 70 metres
- **Minimum Distance Separation:** 20 metres

Outputs	Scale	Process	Operation /Intensity	Possible Examples
<p>Noise: sound not audible off property</p> <p>Dust and/or Odour: Infrequent and not intense</p> <p>Vibration: no ground borne vibration on plant property</p>	<p>No outside storage.</p> <p>Small scale plant or scale is irrelevant in relation to all other criteria for this Class</p>	<p>Self contained plant or building which produces/stores a packaged product. Low probability of fugitive emissions.</p>	<p>Daytime operations only.</p> <p>Infrequent movement of products and/or heavy trucks.</p>	<p>Electronics manufacturing and repair</p> <p>Furniture repair and refinishing</p> <p>Beverages bottling</p> <p>Auto parts supply</p> <p>Packaging and crafting services</p> <p>Distribution of dairy products</p> <p>Laundry and linen supply</p>

Class II Industries

- **Influence Area:** 300 metres
- **Minimum Distance Separation:** 70 metres

Outputs	Scale	Process	Operation /Intensity	Possible Examples
<p>Noise: Sound occasionally audible off property</p> <p>Dust and/or Odour: Frequent and occasionally intense</p> <p>Vibration: Possible groundborne vibration, but cannot be perceived off property</p>	<p>Outside storage permitted</p> <p>Medium level of production allowed</p>	<p>Open process</p> <p>Periodic outputs of minor annoyance</p> <p>Low probability of fugitive emissions</p>	<p>Shift operations permitted</p> <p>Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours</p>	<p>Magazine printing</p> <p>Paint spray booths</p> <p>Metal command</p> <p>Electrical production manufacturing</p> <p>Manufacturing of dairy products</p> <p>Dry cleaning services</p> <p>Feed packing plant</p>

Class III Industries

- **Influence Area:** 1000 metres
- **Minimum Distance Separation:** 300 metres

Outputs	Scale	Process	Operation /Intensity	Possible Examples
<p>Noise: sound frequently audible off property</p> <p>Dust and/or Odour: Persistent and/or intense</p> <p>Vibration: Ground-borne vibration can frequently be perceived off property</p>	<p>Outside storage of raw and finished products</p> <p>Large production levels</p>	<p>Open process</p> <p>Frequent outputs of major annoyances</p> <p>High probability of fugitive emissions</p>	<p>Continuous movement of products and employees</p> <p>Daily shift operations permitted</p>	<p>Manufacturing of paint and varnish</p> <p>Organic chemicals manufacturing</p> <p>Breweries</p> <p>Solvent recovery plants</p> <p>Soaps and detergent manufacturing</p> <p>Manufacturing of resins and costing</p> <p>Metal manufacturing</p>

Appendix F – Internal and Agency Comments

Internal Department Comments

Parks Planning and Design

Parks Planning and Design has reviewed the submission for the above noted plan of subdivision and offers the following comments:

PARKS AND OPEN SPACE

- The complete corridor will be acquired through SWM Development Charge processes and will not be acquired using parkland dedication (CP-9).
- Required parkland dedication shall be taken as Cash in Lieu as per Parkland Conveyance and Levy By-law - CP-9.
- In conjunction with Focused Design Studies, the Owner's qualified consultant shall prepare and submit a conceptual pathway plan that includes safe pedestrian crossings at all street and corridor crossings that intersect with the pathway system, along with a connection from the northern terminus of the pathway in Block 83 to the northeast linking with the future extension of Bradley Avenue, all to the satisfaction of the City.
- In conjunction with the first submission of engineering drawings, the Owner's qualified consultant shall incorporate pathways in accordance with the accepted conceptual pathway plan and City standards into the engineering drawings to the satisfaction of the City.
- The Owner shall construct 1.5m high chain link fencing without gates in accordance with current City Park standards (SPO 4.8) or approved alternate, along the property limit interface of all existing and proposed private lots adjacent to Complete Corridor. Fencing shall be completed to the satisfaction of the City, within one (1) year of the registration of the plan.

Urban Design

The following urban design comments should be addressed through the Subdivision/Rezoning process:

- Consider a higher density building form fronting onto Bradley Road (such as a mid-rise apartment building) to provide a range and mix of housing types and compact residential development.
- Relocate the east-west portion of Street B to be located adjacent to Block 82 to maintain views and accessibility to the Open Space or continue Street D straight through to Street A to provide views/vistas of the Open Space on Block 83.
- Single Detached Dwelling Blocks:
 - Ensure all lots currently proposed along Street A are fronting onto the higher order street (currently units 1, 2, 59, 60, 77, and 78).
- To ensure street-oriented development and front entrances that are oriented to the street, provide a minimum setback of 1.0 metre and a maximum setback of 4.5 metres along Bradley Ave.
- Ensure corner lots are sized to accommodate enhanced features and articulation on both elevations front onto public streets or open spaces. Provide the primary pedestrian entrance on the higher order street and provide garages on the lower order street. Ensure any fencing proposed along public streets is limited to 50% of the yard depth.

Blocks 79, 80 and 81 should be redesigned to provide a variety of built forms which are designed to appropriately address the public streets and open spaces, are well-structured, connected and pedestrian-oriented and which provide

amenity spaces for the residents. Should the design of these blocks continue as proposed, following comments will be considered through the Site Plan process:

- Ensure adequate separation between proposed townhouse blocks (approximately 6m) to avoid clutter and break up the linearity of the proposed built form.
- Provide amenity spaces for all blocks containing back-to-back townhouses that are centrally located and adequately sized to accommodate the proposed residential units.
- Minimize private property interfaces with open spaces by providing window streets or public access adjacent to natural features. Where residential units are located adjacent to open spaces, buildings should be oriented to take advantage of their location next to the natural feature. Orienting buildings to open spaces
- Provide enhanced elevations for all end units for townhouses that are highly visible from the streets and open spaces with architectural details similar to the front elevations including but not limited to number and size of windows, materials and articulation, wrapping porches and front entrances etc.
- Block 79: specific comments for the individual blocks including rotating building to reduce the amount of internal drive aisles, breaking up visitor parking into smaller sections throughout the site, and removing window streets along public streets.
 - Rotate units 21-34 to directly front onto the main internal drive and reduce the amount of asphalt/drive aisles proposed.
 - Relocate the visitor parking away from the view terminus at the end of the internal drive aisle
- Block 80:
 - Break up the proposed parking at the center of Block 80 to smaller portions strategically located throughout the block to reduce the large amount of asphalt.
 - Rotate units 43-50 to reduce the amount on internal drive aisles and asphalt proposed.
- Block 81:
 - Remove the window street and relocate townhouses to directly front onto Bradley Street. Ensure the setbacks allow for active frontages/front doors that face Bradley Street with direct pedestrian connections to the future City sidewalk.
 - Remove the window street adjacent to the future Paul Peel expansion on the east side of the block.
 - Provide a midblock pedestrian connection that directly connects Bradley Avenue to Street A through the center of the block.
 - Ensure rear yards and visitor parking are not located adjacent to open spaces.
 - Rotate units 1-16 to front onto the proposed street/open space rather than another internal drive aisle.

UD Comments to be incorporated as Zoning:

- i. Front yard depth (minimum) on arterial roads: 1.0 m
- ii. Front yard depth (maximum) on arterial roads: 4.5 m
- iii. The front façade and primary entrance of dwelling units shall be oriented to adjacent public streets and/or open spaces with direct pedestrian connections to the public sidewalk.
- iv. Attached garages shall not contain garage doors that occupy more than 50% of the unit width and shall not project beyond the façade of the dwelling or the façade of any porch.
- v. Minimum outdoor amenity space for medium density residential blocks: 5m² per unit

I have also included the below urban design comments to be included in your report that will be addressed through the site plan process.

Urban Design requirements to be addressed through the SPA process:

- Blocks shall be structured generally on a grid with enhanced pedestrian connectivity (including mid-block connections).
- All buildings and dwelling units shall front the highest order street and/or open space with primary entrances and active building elements with enhanced articulation (i.e., windows or openings, porches, canopies, architectural details and materials) along the street and/or open space and direct pedestrian connections to the public sidewalk. Provide more intense residential building forms (i.e., low-rise apartment building) along arterial streets.
- Window streets and garages shall be avoided along arterial streets.
- Surface parking shall be broken into smaller areas along the internal roads to reduce the amount of hard-surface area.
- Noise walls and non-transparent fencing (i.e., board on board) shall not be permitted adjacent to public street and public open space. Fencing will be limited to only decorative transparent fencing with a maximum height of 4ft (1.2m) with openings for pedestrian access along public streets or open space.

Ecology

Ecology Comments on 1160 Wharnccliffe Road:

1. The Impact analysis and recommendations sections are lacking. More detail is needed on the complete corridor, the relocation of natural heritage features identified in the SLSR/ EIS, and how this is justified through a net environmental benefit for the area, given the nature of the existing site and the potential habitat improvements for the complete corridor, this should be well articulated. Should focus on the quality of vegetation that can be incorporated into the channel vs. existing vegetation on-site, wildlife habitat creation, support to the existing adjacent vegetated area through the alignment of the complete corridor etc.
2. The buffers section references the UTRCA for buffer requirements, however the City has jurisdiction on buffers to Natural Heritage Features and should reference the EMG, this section does not mention the EMG or City policy. It was also discussed in the field a number of years ago about the acceptable buffers to the features that were in line with the EMG (2007), this should be identified.
3. Remove the proposed development overlay from the adjacent sites, these have not been approved and EIS work has not been submitted as part of a complete application, so the blocks/ road alignment (aside from Bradley Ave.) are not approved and should not be shown.
 - a. Also, the road alignment on the current site as it relates to the corridor narrows the corridor quite significantly when it crosses street 'A', it appears the corridor is only approximately 20-30m at this point, while a pinch point is potentially understandable, this is quite substantial and may need to be further considered.
4. A holding provision should be applied to the residential block R6-5 at the northeast end of the site (outside of the complete corridor) where a buffer to the adjacent feature was required, and which may or may not be implemented depending on the outcome of the adjacent development final draft plan, which at this point does not appear to be in the near term. Either the development provides the 10m buffer and proceeds on that basis with the understanding that it may not have been necessary, or development in this small section is held out until the development on the adjacent property is approved and it will be known if a buffer is required or is not.
5. Numbered recommendations are needed to identify all of the requirements that are to be carried forward to the future design stages after draft approval. These need to cover a wide array of recommendations including but not limited to: Sediment and erosion control measures, any onsite requirements during construction and post-construction, vegetation clearing windows, wildlife transfer plan to be developed, restoration plan goals and objectives, habitat creation (e.g. part of the channel slopes/ tablelands need to be restored to a forest to replace the significant woodland being removed etc.), relocation requirements for creating wetlands within the complete corridor, water balance for relocated

features, education package for all residents, signage for the complete corridor, wildlife passages for all crossings of the complete corridor etc....).

6. The monitoring recommendations need to be more robust, they do not reflect the fact that multiple NHFs are being removed and relocated on site, along with wildlife habitat. And that these need more detailed monitoring over a longer period of time to ensure they are functioning as intended beyond the warranty period for vegetation and clear of invasives.

Engineering Comments Zoning By-law Amendment

Development Services and the above-noted engineering divisions have no objection to the proposed Zoning By-law Amendment for the proposed revised draft plan of subdivision subject to the following:

1. 'h' holding provision is implemented with respect to servicing, including sanitary, stormwater and water, to the satisfaction of the Deputy City Manager, Environment and Infrastructure and the entering of a subdivision agreement.
2. 'h-100' holding provision is implemented with respect to water services and appropriate access that no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access is available, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
3. holding provision to any affected lots/blocks should the Owner proceed with any interim SWM strategy in advance of having the tributary WCT-3 Complete Corridor constructed by the City for any development of any proposed blocks and lots located over the existing alignment of the tributary WCT-3 until such time as the Complete Corridor is functional and operational.

Required Revisions to the Draft Plan

Note: Revisions are required to the draft plan as follows:

- i) Add 0.3 metre reserves along the east and west limit of Street 'A' abutting adjacent properties with breaks for access to adjacent properties to be determined at engineering drawing stage
- ii) Add a 0.3 metre reserve fronting Bradley Avenue
- iii) Add 0.3 metre reserve block at northeast limit of Street 'A'
- iv) Identify all centreline radii. Ensure meet City standards.
- v) Revise Street 'B' to be 20.0 metres in width
- vi) Provide radii on Street 'A' at Open space Block 82
- vii) Revise right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots, if necessary.
- viii) Revise Street 'A' to be 20.0 metres in width
- ix) Remove bump out on Street 'B'
- x) Dedicate 6.0 m x 6.0 m "daylighting triangles" at all intersections (including internal neighbourhood street/connector intersections and intersections with external roads) as determined Focused Design Studies, to the satisfaction of the City.
- xi) The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

•	<u>Road Allowance</u>	<u>S/L Radius</u>
•	20.0 m	9.5 m

External Agency Comments

Bell Canada

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

Bell Canada Condition(s) of Approval

The Owner acknowledges and agrees to convey any easement(s) as deemed

necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

London Hydro

London Hydro has no objections to this propose or possible official plan and/or zoning by-law amendment. Any new or relocation of the existing service will be at the expense of the owner.

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 16weeks. Contact the Engineering Dept. to confirm requirements & availability.

Hydro One

We are in receipt of your Plan of Subdivision application, 39T-23501 dated July 18th, 2023. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One’s 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

Enbridge Gas (Union Gas)

It is Enbridge Gas Inc.’s request that as a condition of final approval that the owner/developer provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.



"Inspiring a Healthy Environment"

October 30, 2023

City of London - Development Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Alison Curtis (sent via e-mail)

Re: UTRCA Comments
File No. 39T-21507 and OZ-9450
Application for Draft Plan of Subdivision, Official Plan Amendment and
Zoning By-law Amendment
Applicant: 2793774 Ontario Inc. and Goldfield 1 Ltd.
1160 Wharncliffe Road South and 234 Exeter Road, London

Further to our letter dated July 12, 2022, the Upper Thames River Conservation Authority (UTRCA) has received the following documentation from the applicant to form part of their second submission package:

- Comment Response Matrix prepared by members of the consulting team, dated June 2, 2023;
- Conceptual Plan of the Complete Corridor prepared by Stantec Consulting Inc., dated May 31, 2023;
- Plant List prepared by NRSI, no date; and,
- Preliminary Draft Plan 1 and 2 prepared by MHBC, dated May 11, 2023.

COMMENTS

The UTRCA has reviewed the aforementioned documentation and offer the following comments:

Final Proposal Report

1. **Addressed.**
2. **Partially Addressed.** The response provided adequately describes the application of a holding provision at the extent of the 30m buffer, however the blocks described do not align with the submitted versions of the Draft Plan. It is recognized that Block 81 on the first submission Draft Plan (dated November 8, 2021), has since be revised on the second submission Draft Plan (dated May 11, 2023) to Block 80. Please provide clarity on the blocks applicable to the holding provision.
3.
 - a) **Outstanding.** The UTRCA understands the City's desire for a connection to Paul Peele Avenue, however it is pre-mature to consider this an appropriate connection point until technical studies have been completed on the adjacent lands. Please revise the draft plan to show this portion of the road as a 'block' for the future road connection.
 - b) **Outstanding.** As there are no road connections required in this location, it is pre-mature to consider this an appropriate connection point until

technical studies have been completed on the adjacent lands. Please revise the draft plan to show this portion of the road as a 'block' for the future road connection.

4. **Outstanding.** Measurements have not been provided on a revised Draft Plan, and the blocks described do not align with the submitted version of the Draft Plan. It is recognized that Block 83, 83 and 84 on the first submission Draft Plan (dated November 8, 2021), has since be revised on the second submission Draft Plan (dated May 11, 2023) to Block 79, 81 and 82.

1424 Clarke Road, London, ON N5V 5B9 · T: 519.451.2800 · E: infoline@thamesriver.on.ca
www.thamesriver.on.ca

In summary, the FPR has provided sufficient policy support for residential development to proceed on these lands. Please address the outstanding comments and provide revised drawings to account for the requested changes.

Environmental Impact Study

As per Ontario Regulation 596/22, Conservation Authorities have been prohibited from providing comments related to natural heritage matters as of January 1, 2023. Through the first submission review in 2022, the UTRCA provided natural heritage advice on this application to the City of London as the application pre-dated the prescribed implementation date set out in O. Reg. 596/22. The UTRCA will provide no further comments on natural heritage, and will defer any responses or outstanding natural heritage matters to the City. To provide clarity, our previous comments on this section have been included with a strikethrough added to matters related natural heritage.

Wetlands and their surrounding areas of interference, have components of both hazard and heritage features. Accordingly, the UTRCA will continue to provide comments related to the hazard components of the wetland features.

5. **Acknowledged.** The proposed development plan has been revised, and we are satisfied with the proposed area of wetland compensation (b) and the drainage features (e). The remaining matters are related to natural heritage.
- ~~a) Pre and post development of the 800 trees;~~
 - ~~e) Post development area of the 0.5ha CUP significant woodland;~~
 - ~~d) Pre and post development area of the terrestrial crayfish significant wildlife habitat;~~
 - ~~f) Post development area for milkweed; and,~~
 - g) Pre and post development area of the CUT located south of the hedgerow (please refer to comment 8 (a, b, and c) below regarding the potential wetland thicket in this area based on species and soil).
6. **Addressed.** Permit requirements will be provided through Focused/Detailed Design for the removal of the wetland features and realignment of the drainage features.
7. **Addressed.**
- 8.
- a) **Addressed.** Thank you for providing the vegetation list.
 - ~~b) Further information of the classification of the CUT located south of H1. A site visit may also be required;~~
 - ~~c) A conservative approach assumes habitat is present in the southern wetland features for amphibians, including significant wildlife habitat for Western Chorus Frogs;~~
 - ~~d) An explanation as to why the northwest MAM2 was not surveyed for anurans.~~
 - ~~e) A conservative approach assumes bat habitat is present in any suitable ELC communities in this area;~~

- ~~f) A conservative approach that assumes the CUP community is habitat for Great Horned Owl or significant wildlife habitat for Woodland Raptor Nesting given that a Great Horned Owl pellet and an owl/raptor stick nest was found through site investigations, yet not surveys were conducted for either.~~
- 9.
- a) **Addressed.** Thank you for providing the complete corridor conceptual design.
 - b) **Addressed.**
 - ~~c) Please identify if linkages are proposed for wildlife and connection between habitat features on the subject lands and adjacent lands.~~
 - ~~d) Please provide justification for the crossings of the corridor and consider any impacts on the natural features, wildlife and habitat.~~
10. ~~Salvage and relocation of terrestrial crayfish, Carolina Rose and Rock Elm is proposed, however insufficient information has been provided to support this relocation. Please provide sufficient information to support this request, including the depth to the groundwater at the current proposed locations for the crayfish.~~
- ~~a) Under Section 9, please include monitoring to determine the success of the relocations as well as mitigation options should the relocations be deemed unsuccessful.~~
11. ~~Please confirm the need for bat acoustic surveys to determine if the hedgerow is potential significant wildlife habitat for species at risk.~~
- ~~a) Please identify and provide correspondence with MNRF to support the proposed approach used for these lands.~~
 - ~~b) Please identify how this information will be incorporated into the EIS.~~
12. ~~The existing watercourse supports downstream fish species with cool water preferences. Please provide further information as to how the complete corridor design will ensure the amount, timing and quality (including temperature) of water will be maintained or improved under post development conditions.~~
- ~~a) Please ensure the corridor is vegetated and graded appropriately to ensure sedimentation and erosion issues are mitigated.~~
13. **Addressed.**
14. ~~Please include the terrestrial crayfish habitat as significant wildlife habitat in Table 4 of Appendix II.~~
15. **Addressed.**

Hydrogeological Assessment

The UTRCA has deferred the formal review of the Hydrogeological Assessment to the City of London.

Preliminary Stormwater Management Report

- 16. **Addressed.** Please provide additional information through Focused/Detailed Design.
- 17. **Addressed.** Please provide additional information through Focused/Detailed Design.
- 18. **Addressed.** Please provide additional information through Focused/Detailed Design.
- 19. **Outstanding.** This information is required prior to Focused/Detailed Design. In addition to satisfying the City's requirements, the UTRCA is also an approval authority for the Complete Corridor, as a Section 28 permit application is required to undertake these works.
- 20. **Outstanding.** This information is required prior to Focused/Detailed Design. The regulatory storm for the Upper Thames River watershed is the 250-year event.
- 21. **Addressed.** Please provide additional information through Focused/Detailed Design.
- 22. **Addressed.** Please provide additional information through Focused/Detailed Design.
- 23. **Outstanding.** This information is required prior to Focused/Detailed Design. There is a deficit noted in infiltration under the proposed condition which may impact the wetlands.

24. **Addressed.** Please provide additional information through Focused/Detailed Design.
25. **Addressed.** Please provide additional information through Focused/Detailed Design.

Water Balance

26. **Addressed.** Please provide additional information through Focused/Detailed Design relating to the deficit in infiltration.
27. **Addressed.** 28. **Addressed.**
29. **Addressed.**

Fluvial Geomorphology Assessment

30. **Addressed.**
31. **Addressed.**
32. **Addressed.** Please provide additional information through Focused/Detailed Design.
33. **Addressed.** Please provide additional information through Focused/Detailed Design.

Additional Comments

34. **NEW.** There are two culverts proposed to accommodate the proposed road network. Please provide additional information through Focused/Detailed Design to ensure that the 250-year storm can be safely conveyed through the infrastructure.
35. **NEW.** A 5.0m wide pathway has been shown between the proposed SWM facility and channel corridor. It is our general understanding that this doesn't appear to be in keeping with the City's Park's requirements for a pathway block.
 - a) Please confirm that the City's Park's Department has provided sign-off on the area proposed for the pathway in this location. Should additional lands be required to accommodate the proposed pathway, the corridor may need to expand beyond 60m.
 - b) Please advise if the proposed pathway will extend to the west side of Street 'A', identified as Block 79 on the Draft Plan (dated May 11, 2023).

MUNICIPAL PLAN REVIEW FEES

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of *Planning Act* applications, associated technical studies, and permit applications. As per our approved fee schedule, fees that were charged during the first submission of this application included one comprehensive report review and one revised report review. Additional technical review fee charges are not applicable at this time, however a planning processing fee of \$265 will be charged for the compilation of the aforementioned responses. The applicant will be invoiced \$265 under separate cover.

SUMMARY AND RECOMMENDATION

Overall, the majority of our comments on the initial submission were addressed through the applicants comment response chart. It was noted however that there are outstanding concerns related to the proposed road network that may impact environmental features. It may be beneficial to discuss these matters through a meeting with the City, UTRCA and the applicant to ensure appropriate long-term planning has been considered prior to approvals.

Additionally, it would appear that the version of the Draft Plan circulated to our office is out of date.

Please provide the most recent version of the Draft Plan to confirm our interests have been addressed.

In summary, the majority of the UTRCA's concerns have been satisfied with the responses provided. Please continue working with staff on the outstanding matters noted above, while the remainder of the details can be deferred to Focused/Detailed Design.

Thank you for the opportunity to comment.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY

A handwritten signature in black ink that reads "SPratt". The letters are cursive and connected.

Stefanie Pratt
Planning Coordinator

Enclosure: UTRCA Regulation Limit Mapping (please print on legal size paper for accurate scales)

c.c.: Bruce Page, City of London Development Services (Subdivisions) Manager
Jessica Schnaithmann, UTRCA Land Use Regulations Officer

Appendix G – Public Engagement

Community Engagement

Public Liaison: Information regarding the requested Zoning By-law Amendment application and opportunities to provide comments were provided to the public as follows:

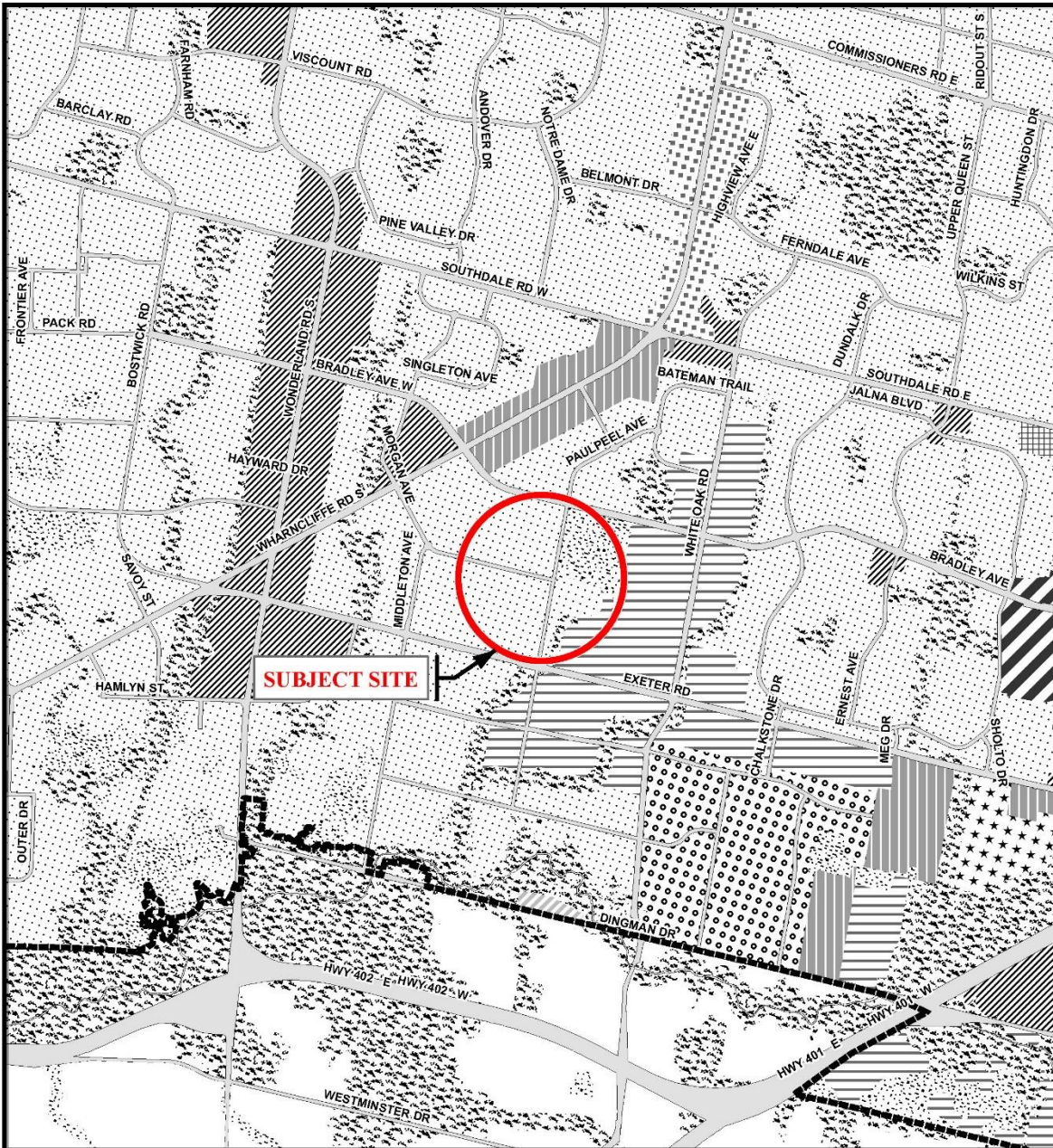
- Notice of Public Participation Meeting was sent to property owners within 120 metres of the subject property and on published in the Public Notices and Bidding Opportunities section of The Londoner February 1, 2024.
- Notice of Application was sent to property owners within 120 metres of the subject property on January 6, 2022.
- Information about the Application were posted on the website on January 6, 2022.

Notice of Application - Londoner January 13, 2022

1160 Wharncliffe Road South and 234 Exeter Road; located south of Wharncliffe Road South and west of White Oak Road – The purpose and effect of this application is to consider a proposed Draft Plan of Subdivision, Official Plan Amendments and Zoning By-law Amendments to allow for a residential subdivision consisting of low-density single detached dwellings, medium density multiple attached dwellings and open space, serviced by five (5) new streets. **Draft Plan of Subdivision** – Consideration of proposed Draft Plan of Subdivision and amendments to allow for: 78 single detached residential lots; three (3) medium density, multi-family residential blocks; three (3) open space blocks; four (4) reserve blocks; and, five (5) new streets (Streets A through E). **Official Plan Amendment** – Consideration of possible amendments to the (1989) Official Plan, including amendments to Schedule ‘A’ – Land Use Map to change the land use designations from “Low Density Residential” to “Multi-Family, Medium Density Residential” for Blocks 79 to 81 on the Draft Plan of Subdivision and from “Low Density Residential” to “Open Space” for Blocks 82 to 84 on the Draft Plan of Subdivision. Consideration of possible amendments to the Southwest Area Secondary Plan, including amendments to Schedule 4 to extend the Medium Density designation to Blocks 79 to 81, and designated Blocks 82 to 84 Open Space and Environmental Review. Consideration of possible amendments to The London Plan, including amendments to Map 1 to add the Green Space Place Type. **Zoning By-law Amendment** – Consideration of an amendment to the Z.-1 Zoning By-law to change the zoning from an Urban Reserve UR1, Environmental Review ER and Light Industrial LI2/LI7 Zone to: Residential R1 (R1-4) Zone for Lots 1 to 78 to permit single detached dwellings on lots with a minimum lot area of 365 square metres and minimum lot frontage of 12 metres; Residential R6 Special Provision (R6-5(*)) Zone for Blocks 79 to 81 to permit various forms of cluster housing up to a maximum of 35 units per hectare and maximum height of 12 metres; and, Open Space (OS4) for Blocks 82 to 84 to permit such uses as conservation lands, conservation works, golf courses, public and private parks, recreational buildings associated with conservation lands and public parks, campgrounds, and managed forests. The City may also consider applying Holding Provisions in the zoning.

File: 39T-21507/OZ-9450 Planner: A. Curtis x. 4497

Appendix H – The London Plan and Zoning By-law Excerpts



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.

At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000

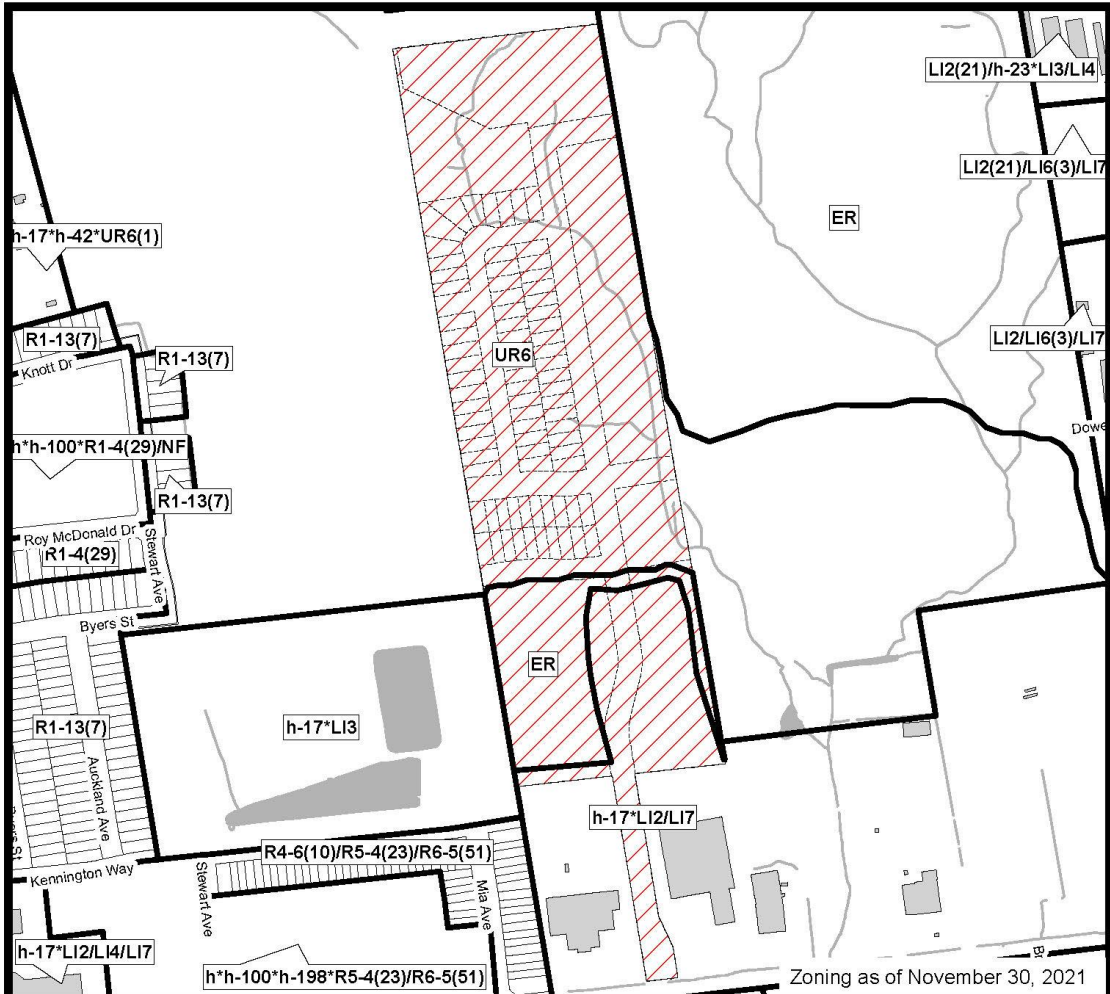


File Number: 39T-21507/OZ-9450

Planner: AC

Technician: RC

Date: December 22, 2021



Zoning as of November 30, 2021



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 |
| | 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:

H-9452

AC

MAP PREPARED:

2021/12/17

rc

1:5,500

0 25 50 100 150 200

Meters

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: Michael Clark Construction (c/o Strik Baldinelli Moniz Ltd.)
475 Wharncliffe Road South
File Number: Z-9687, Ward 11
Public Participation Meeting
Date: February 21, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Michael Clark Construction (c/o Strik Baldinelli Moniz Ltd.) relating to the property located at 475 Wharncliffe Road South:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 5, 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 Restrictive Service Commercial (RSC2/RSC4) Zone **TO** a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone;

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

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Urban Corridor Place Type.
3. The recommended amendment would facilitate the reuse of the existing building with a range of potential uses that is appropriate for the context of the site.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Restrictive Service Commercial (RSC2/RSC4) Zone to a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone to allow additional permitted uses include retail stores, bakeries, clinics (medical/dental) laboratories, private clubs, and restaurants (with drive-through) and reduced lot size regulations of an existing building

Staff are recommending approval of the expanded range of commercial uses, as requested, with special provisions that will facilitate reuse of the existing building and recognize the current site layout. Special provisions include a minimum lot depth of 57.2 metres, whereas 60 metres is required; an exterior side yard setback of 7.7 metres, whereas 8.0 metres is required; a rear yard depth of 4.2 metres, whereas 7.5 metres is the minimum required; landscaped open space of 0%, whereas 15.0% is the minimum required; maximum lot coverage of 35.2%, whereas 30% is the maximum required; and a parking setback from the ultimate road allowance of 0.0 metres.

Purpose and the Effect of Recommended Action

The recommended action will permit additional service/commercial/retail uses on the subject lands within an existing building.

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

N/A

1.2 Planning History

N/A

1.3 Property Description and Location

The subject lands are located on the southwest corner of the Wharncliffe Road South and Baseline Road West intersection. The lands currently are occupied by a vacant building (formerly Dalmar Motors VW automotive dealership) with an approximate land area of 4,351m². The surrounding land uses include multiple Neighbourhood Shopping Centres with large floor plans for commercial development. These include a Shoppers Drug Mart to the north, and a No-Frills grocery store to the east. The surrounding area further south on Wharncliffe Road South also consists of many smaller commercial uses within close proximity to the subject lands.

Site Statistics:

- Current Land Use: Vacant building
- Frontage: 52 metres (Wharncliffe Road South) & 57 metres (Baseline Road West)
- Depth: approximately 70.5 metres (229.6 feet)
- Area: 0.4 hectares (0.98 acres)
- Shape: irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: Yes

Surrounding Land Uses:

- North: Neighbourhood Shopping Centre
- East: Neighbourhood Shopping Centre/Grocery Store
- South: Auto Dealership (Audi)
- West: Office building

Existing Planning Information:

- Existing The London Plan Place Type: Urban Corridors
- Existing Special Policies: N/A
- Existing Zoning: Restrictive Service Commercial (RSC2/RSC4)

Additional site information and context is provided in Appendix "B/C".

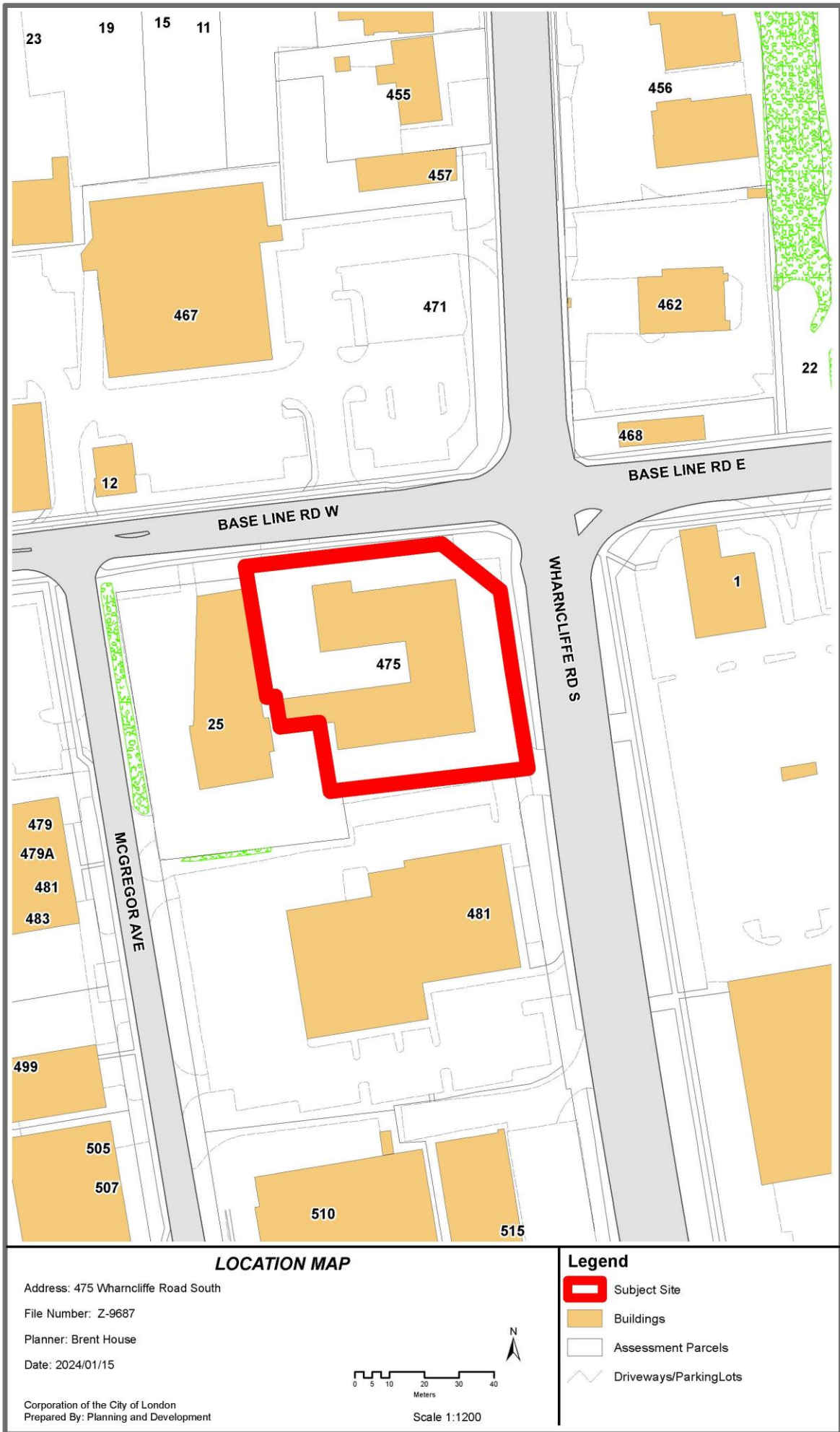


Figure 1- Aerial Photo of 475 Wharnclyffe Road South and surrounding lands



Figure 2 - Streetview of 475 Wharncliffe Road South (view looking NW)

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing to re-utilize the property and existing building to create a multi-unit development consisting of service/commercial/retail uses. Additional permitted commercial/retail/office uses are being sought to maximize the re-utilization and marketability potential of the existing building.

There are no additional buildings or site alterations proposed as part of this application. The internal building layout would be reconfigured and repurposed through the applicable building permit review and approval processes as specific tenants/clients are identified.

The proposed development includes the following features:

- Land use: Vacant
- Form: auto dealership
- Height: 2 storeys (7.0 m)
- Residential units: zero (0)
- Gross floor area: 1,531.0m²
- Building coverage: 36%
- Parking spaces: 51
- Bicycle parking spaces: 8
- Landscape open space: 0.0% (existing)

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

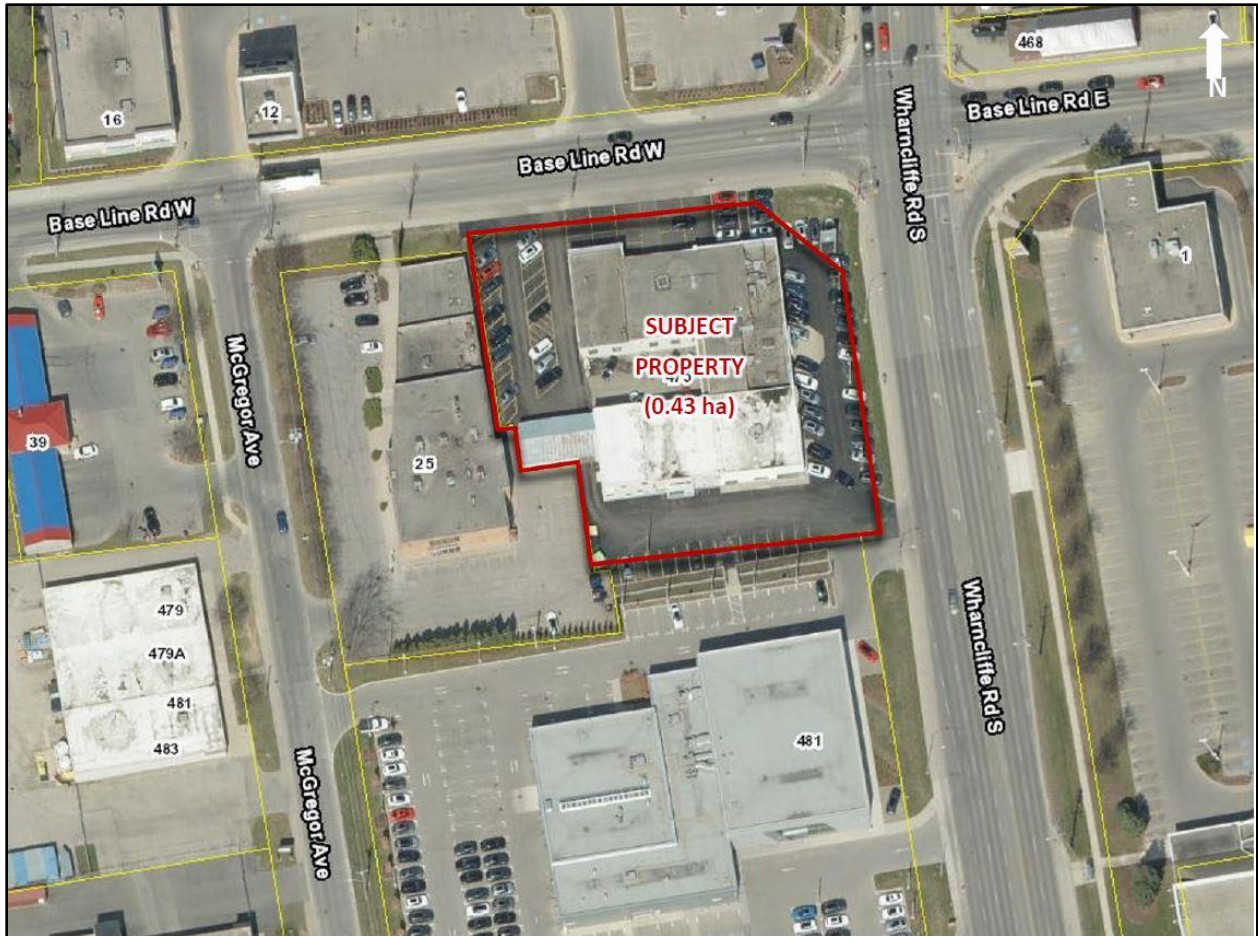


Figure 3 – Aerial imagery of the subject lands

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

2.2 Requested Amendment

The applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from a Restrictive Service Commercial (RSC2/RSC4) Zone to a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone.

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

Regulation (RSC2/RSC4(_))	Required	Proposed
Lot Depth (minimum)	60 metres	57.2 metres (existing)
Exterior side yard setback (minimum)	8.0 metres	7.7 metres (existing)
Rear yard depth (minimum)	7.5 metres	4.2 metres (existing)
Landscaped open space (minimum)	15%	0.0% (existing)
Lot coverage (maximum)	30%	35.2% (existing)
Parking setback from ultimate road allowance		0.0 metres (existing)

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.

Staff identified no key issues surrounding this application.

Detailed internal and agency comments are included in Appendix “E” of this report.

2.4 Public Engagement

On December 11, 2023, Notice of Application was sent to 27 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 December 21, 2023. A “Planning Application” sign was also placed on the site.

There were zero (0) 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.

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 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

None.

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 proposed uses are contemplated in the Urban Corridors Place Type in The London

Plan (The London Plan, 837) which permits a range of residential, retail, service, office, cultural, recreational, and institutional uses. The Urban Corridor Place Type encourages built form that are mixed-use. The requested range of uses, allows for efficient and flexible use of the subject lands, and takes advantage of existing servicing for a commercial use (The London Plan, 826).

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 facilitate intensification and redevelopment (PPS 1.1.3.4).

The existing two-storey commercial building and associated surface parking lot are within the intensity contemplated in the Urban Corridors Place Type. Given no new development, no exterior changes and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate a range of commercial/retail/office type uses. The additional uses added through this zoning amendment are not anticipated to have any negative impacts on the surrounding neighbourhood (The London Plan, 840_1).

4.3 Form

Given no new development, no exterior changes, and no changes to the site layout are proposed as part of this zoning application, staff are satisfied that the subject site continues to be an appropriate shape and size to accommodate the proposed new uses (The London Plan, 840_4).

4.4 Zoning

The applicant has requested to rezone the subject site to a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone to expand the range of permitted uses on the subject lands, to include retail stores, bakeries, clinics (medical/dental), laboratories, private clubs, and restaurants (with drive-through). Drive through facilities may be permitted in the Rapid Transit or Urban Corridor Place Types 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. Proposals for new drive through facilities will be subject to a zoning by-law amendment and site plan approval, in conformity with the City Design policies of this Plan (TLP, Policy 838_). The following summarizes the special provisions that have been proposed by the applicant and recommended by staff in order to recognize the existing site layout.

1. Recognize the existing lot depth of 57.2 metres, whereas 60 metres is the minimum required.
2. Recognize the existing exterior side yard depth of 7.7 metres, whereas 8.0 metres is the minimum required.
3. Recognize the rear yard depth of 4.2 metres, whereas 7.5 metres is the minimum required.
4. Recognize the existing landscaped open space of 0%, whereas 15% is the minimum required.
5. Recognize the existing lot coverage of 35.2%, whereas 30% is the maximum required.
6. Recognize the parking setback from the ultimate road allowance of 0.0 metres.

Given the site has existed with the existing built form and lot configuration for an extended period of time and has achieved a level of compatibility within the surrounding context Planning and Development consider it appropriate to recognize these existing conditions through the proposed zoning by-law amendment allowing for the continued use of the site for a wider range of potential uses.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Restrictive Service Commercial (RSC2/RSC4) Zone to a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) 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 facilitate the re-utilization of the property and existing building, establishing a multi-use development comprised of service/commercial/retail uses.

Prepared by: Brent House, 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
Justin Adema, Manager, Long Range Planning
Nancy Pasato, Manager, Policy Planning (Research)

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 475
Wharncliffe Road South

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 475 Wharncliffe Road South, as shown on the attached map comprising part of Key Map No. A107, **FROM** a Restrictive Service Commercial (RSC2/RSC4) Zone **TO** a Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone.
2. Section Number 28.4 of the Restrictive Service Commercial RSC4 Zone is amended by adding the following Special Provisions:

RSC4() 475 Wharncliffe Road South

a. Additional Permitted Use:

- i. Retail stores;
- ii. Bakeries;
- iii. Clinics (medical/dental);
- iv. Private clubs;
- v. Restaurants (with drive-through);

b. Regulations

- | | |
|--|---|
| i. Rear Yard Setback (Minimum) | As existing on the date of passing this by-law (4.2 metres). |
| ii. Exterior Side Yard Setback (Minimum) | As existing on the date of passing this by-law (7.7 metres). |
| iii. Landscaped Open Space (Minimum) | As existing on the date of passing this by-law (0.0%). |
| iv. Parking Setback from Ultimate Road Allowance (Minimum) | As existing on the date of passing this by-law (0.0 metres). |
| v. Lot Depth (Minimum) | As existing on the date of passing this by-law (57.2 metres). |
| vi. Lot Coverage (Maximum) | As existing on the date of passing this by-law (35.2%). |

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.

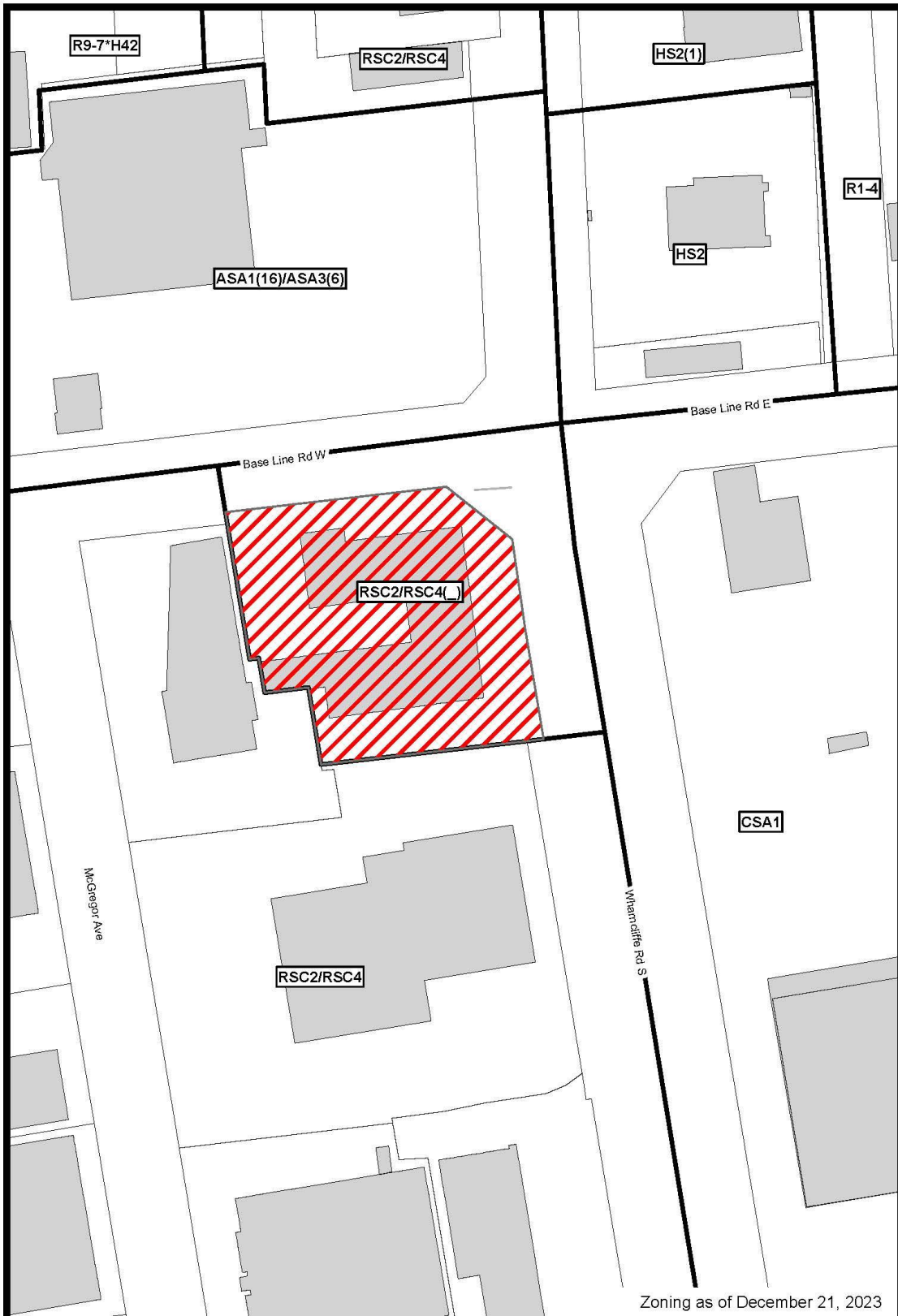
PASSED in Open Council on March 5, 2024, subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.


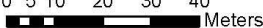

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – March 5, 2024
Second Reading – March 5, 2024
Third Reading – March 5, 2024

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



<p>File Number: Z-9687 Planner: BH Date Prepared: 2024/01/15 Technician: JI By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:1,200</p> <p>0 5 10 20 30 40 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	Vacant Building
Frontage	52 metres (feet) Wharncliffe Road South 57 metres (feet) Baseline Road West
Depth	Approximately 70.5 metres (229.6 feet)
Area	0.4 hectares (0.98 acres)
Shape	irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	Yes

Surrounding Land Uses

North	Neighbourhood Shopping Centre
East	Neighbourhood Shopping Centre/Grocery Store
South	Auto Dealership (Audi)
West	Office Building

Proximity to Nearest Amenities

Major Intersection	Wharncliffe Road South (Civic Boulevard) & Commissioners Road West (Civic Boulevard) Intersection, ~197.2 metres
Dedicated cycling infrastructure	Baseline Road West, ~52 metres
London Transit stop	Wharncliffe at Baseline NS SB #2016, 170 metres
Public open space	Basil Grover Park, ~205 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Urban Corridor Place Type, fronting a Civic Boulevard (Wharncliffe Road South) & a Neighbourhood Connector (Baseline Road West)
Current Special Policies	N/A
Current Zoning	Restrictive Service Commercial (RSC2/RSC4)

Requested Designation and Zone

Requested Place Type	Urban Corridor Place Type, fronting a Civic Boulevard (Wharncliffe Road South) & a Neighbourhood Connector (Baseline Road West)
Requested Special Policies	include a minimum lot depth of 57.2 metres, whereas 60 metres is required; an exterior side yard setback of 7.7 metres, whereas 8.0 metres is required; a rear yard depth of 4.2 metres, whereas 7.5 metres is the minimum required; landscaped open space of 0%, whereas 15.0% is the minimum required; maximum lot coverage of 35.2%, whereas 30% is the maximum required; and a parking setback from the ultimate road allowance of 0.0 metres
Requested Zoning	Restrictive Service Commercial Special Provision (RSC2/RSC4(_)) Zone

Requested Special Provisions

Regulation (RSC4(_))	Required	Proposed
Lot Depth (minimum)	60 metres	57.2 metres (existing)
Exterior side yard setback (minimum)	8.0 metres	7.7 metres (existing)
Rear yard depth (minimum)	7.5 metres	4.2 metres (existing)
Landscaped open space (minimum)	15%	0.0% (existing)
Lot coverage (maximum)	30%	35.2% (existing)
Parking setback from ultimate road allowance		0.0 metres (existing)

C. Development Proposal Summary

This section is only required where new development or site alterations are proposed.

Development Overview

<p>The applicant is proposing to re-utilize the property and existing building to form a multi-use development of compatible service/commercial/retail uses. Additional permitted commercial/retail/office uses are being sought to maximize the re-utilization and marketability potential of the existing building.</p> <p>There are no additional buildings or site development proposed as part of this application. Internal building layout would be reconfigured and repurposed through the applicable permitting review and approval processes as specific tenants/clients are identified.</p>
--

Proposal Statistics

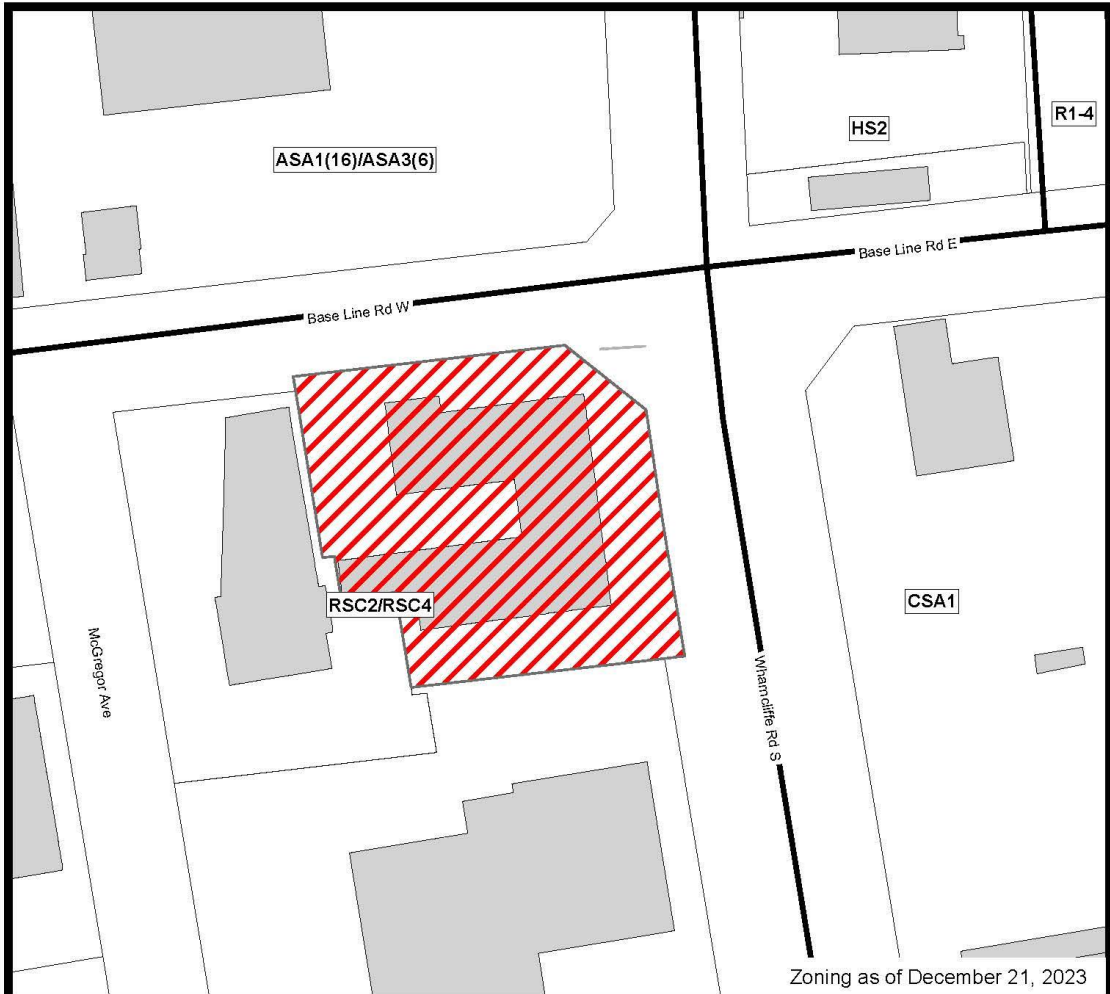
Land use	Vacant Lands
Form	2-storey building
Height	2 Storeys (7.0 metres)
Residential units	N/A (Commercial)
Density	N/A (Commercial)
Gross floor area	1,531.0 Metres ²
Building coverage	36% (existing)
Landscape open space	0% (Existing)
Functional amenity space	N/A (Commercial)
New use being added to the local community	Yes

Mobility

Parking spaces	51 surface spaces
Vehicle parking ratio	N/A (Commercial)
New electric vehicles charging stations	Zero (0)
Secured bike parking spaces	8 spaces
Secured bike parking ratio	N/A (Commercial)
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	NA

Environment

Tree removals	Zero (0)
Tree plantings	Zero (0)
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	Yes
Existing structures repurposed or reused	Yes
Green building features	Unknown



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSC2/RSC4

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-9687

BH

MAP PREPARED:

2024/01/15

Jl

1:1,200

0 5 10 20 30 40 Meters

Appendix D – Internal and Agency Comments

Ecology

- There are currently no ecological planning issues related to this property and/or associated study requirements.

Parks

- No requirements.

Upper Thames River Conservation Authority:

- The UTRCA has no objections to this proposal, and we have no Section 28 approval requirements.

Engineering

- No major concerns with this application.
- If no SP is required, Engineering would request that the applicant confirm the existing services will be adequate for the repurposing this building as part of the ZBA.

Wastewater

- The existing PDC is to be field verified and certified by the applicants engineer that it is adequate in size, slope, and condition for the proposed reuse. Label existing manhole on site suitable for use as an inspection manhole. If the existing PDC is not adequate and certified by the applicants engineer, a new PDC minimum 150mm diameter at 1.0% required with the minimum diameter PDC of 200mm permitted for direct connection to existing manholes.

Stormwater

- No Comments.

Water

- The owner's engineer is to confirm the existing water service is sufficient for the proposed addition and change in use.

Landscape Architecture

- No external changes – no Landscape Architecture requirements.

Urban Design

- No external changes – Urban Design has no comment.

Site Plan

- Site plan not required.

Heritage

- No heritage issues.

Appendix E – Public Engagement

No Public Comments Received.

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: David Moubarak (c/o Strik Baldinelli Moniz Ltd.)
1494 Commissioners Road West
File Number: Z-9689, Ward 09
Public Participation Meeting

Date: February 21, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of David Moubarak (c/o Strik Baldinelli Moniz Ltd.) relating to the property located at 1494 Commissioners Road West.

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 5, 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 (R1-8) Zone **TO** a Residential R8 Special Provision (R8-4(_)) Zone and Open Space (OS5) Zone;
- (b) The requested Special Provision, as part of the amendment to Zoning By-law No. Z.-1, that a west interior side yard setback of 1.5 metres, **BE REFUSED** for the following reasons:
 - i) The requested Special Provision does not provide sufficient space within the interior side yard to accommodate adequate screening, protection from boundary trees and privacy to the abutting properties.

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 Neighbourhoods Place Type policies;
- iii) 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 the Zoning By-law Z.-1 to rezone the property from a Residential R1 (R1-8) Zone TO a Residential R8 Special Provision (R8-4(_)) Zone and Open Space (OS5) Zone. The proposed development consists of a 4-storey apartment building (13.5 metres) containing 10 dwelling units. Special provisions are required to permit reduced west and east interior side yard setbacks, an increased maximum height, an increased maximum lot coverage and a reduced rear yard depth.

Purpose and the Effect of Recommended Action

The recommended action will permit a 4-storey, 10-unit residential apartment building

with a maximum height of 13.5 metres. Special provisions are required to permit reduced west and east interior side yard setbacks, an increased maximum height, an increased maximum lot coverage and a reduced rear yard depth.

Staff is refusing the requested special provision for a reduced west interior side yard setback of 1.5 metres as it does not provide sufficient space within the interior side yard to accommodate adequate screening, protection from boundary trees and privacy to the abutting properties. A larger 2.5 metre west interior side yard setback is being recommended, to provide additional space for further landscape buffering between the proposed development and the neighbouring properties.

A holding provision is also being recommended to ensure storm and sanitary servicing for this site is available prior to development.

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

OZ-8090 – 1494 Commissioners Road West - 2018

1.2 Planning History

The previous application (Z-8090) was an application for a Zoning By-law Amendment to permit a personal service spa on the subject lands. The application was to rezone the lands from a Residential R1 (R1-8) Zone to a Community Facility Special Provision (CF1(_)) Zone. The application was subsequently put on hold and the zoning change never materialized. With the submission of the new application (Z-9689) the past application was closed in favor of the new development.

During the previous application in 2018, there was an agreement made between the City of London Ecologist Staff and the applicant to maintain the dripline as the limit of development, and to naturalize the area under the dripline. Additional buffering would be required at the rear of the site where the former residence would be removed and naturalized. The proposed development is consistent with the development limits agreed to at that time.

1.3 Property Description and Location

The subject lands are located in southwest London within the Byron neighbourhood, on the south side of Commissioners Road West between Chestnut Hill and Grand View Avenue. The lot is irregularly shaped, with an area of 2,056.27 square metres (0.2 hectares), a lot width of 30.5 metres and a lot depth of 74 metres. Currently the subject site is composed of an existing single detached dwelling and an accessory structure. Mature trees, naturalized vegetation and sloping terrain on the south and east sides of the lot are characteristic features of the landscape.

Site Statistics:

- Current Land Use: Single Detached Dwelling and Accessory Structure
- Frontage: 30.5 metres (100.06 feet)
- Depth: 74 metres (242.7 feet)
- Area: 0.2 hectares (0.49 acres)

- Shape: irregular
- Located within the Built Area Boundary: Yes
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Townhouse development
- East: Warbler Woods ESA
- South: Warbler Woods ESA
- West: Single Detached Dwellings

Existing Planning Information:

- Existing The London Plan Place Type: Neighbourhoods fronting a Civic Boulevard
- Existing Special Policies: N/A
- Existing Zoning: Residential R1 (R1-8)

Additional site information and context is provided in Appendix “B”.

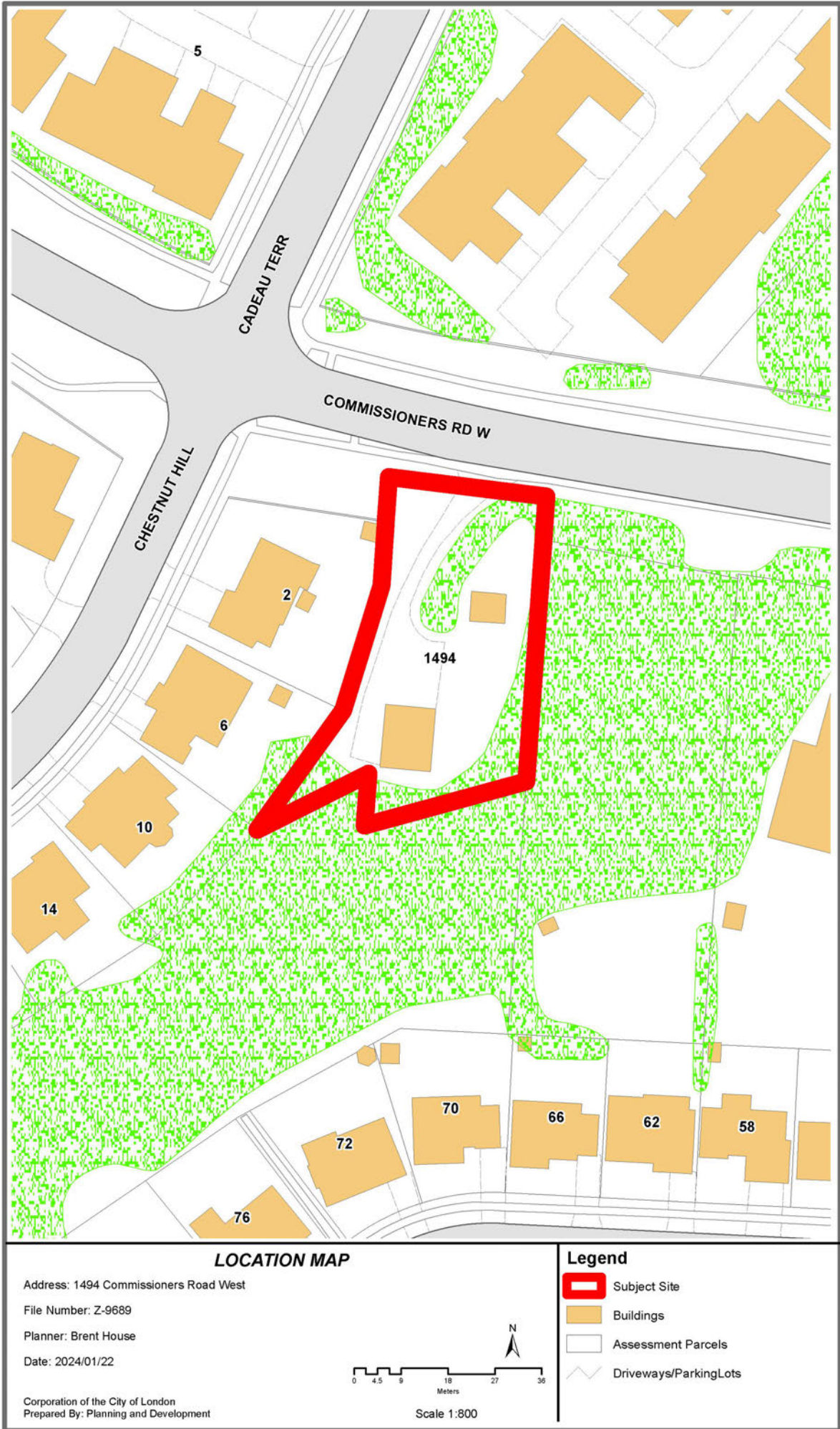


Figure 1- Aerial Photo of 1494 Commissioners Road West and surrounding lands



Figure 2 - Streetview of 1494 Commissioners Road West (view looking south)

2.0 Discussion and Considerations

2.1 Development Proposal

The existing buildings on the Subject Site are proposed to be demolished and replaced with a 10- unit, four-storey apartment building with a maximum height of 13.5 metres. The proposed dwelling units are comprised of two-and three-bedroom units. The building is to be situated in the interior of the Subject Site with a minimum front yard depth of 9.4 metres measured from the new property line after the required 8.3 metre road widening dedication. A two-way driveway connected to Commissioners Road West would provide access to a parking garage and one surface barrier-free parking space. The portion of the site, south of the erosion hazard limit line, is proposed to be zoned Open Space (OS5) that would restrict development from occurring within this zoned area.

The proposed development includes the following features:

- Land use: Residential
- Form: Low-Rise Apartment Building
- Height: 4 storeys (13.5 metres)
- Residential units: 10
- Density: 50 Units per Hectare
- Gross floor area: 1746m²
- Building coverage: 46%
- Parking spaces: 1 Barrier Free Parking Space (above ground) & 10 underground parking spaces
- Bicycle parking spaces: 10 long term & 2 short-term
- Landscape open space: 45%
- Functional amenity space: 53m²

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



Figure 5 – West Elevation (Received December 2023)



Figure 6 – North Elevation (Received December 2023)



Figure 7 – South Elevation (Received December 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 Residential R1 (R1-8) Zone to a Residential Special Provision R8 (R8-4(_)) Zone and Open Space (OS5) Zone.

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

Regulation (R8-4(_))	Required	Proposed	Staff Recommended
Rear yard Setback (minimum)	4.5 metres	0.3 metres	0.3 metres
West Interior Side Yard Setback (minimum)	4.5 metres	1.5 metres	2.5 metres
East Interior Side Yard Setback (minimum)	4.5 metres	0.3 metres	0.3 metres
Lot Coverage (maximum)	40%	46.2%	46.2%
Height (maximum)	13 metres	13.5 metres	13.5 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:

- West Interior Side Yard Setback of 1.5 metres.
- Holding Provisions for servicing.

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

2.4 Public Engagement

On December 21, 2023, Notice of Application was sent to 141 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 December 28, 2023. A “Planning Application” sign was also placed on the site.

There were 43 responses received during the public consultation period. A petition with 36 signatures was also received. 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:

- Time to comment/timing of February 21, 2024, PEC meeting. (Family day)
- Tree removal and planting
- Setback requirements
- Fit for the neighbourhood.
- Lack of privacy
- Disruption to neighbourhood due to construction

Detailed public comments are included in Appendix “E” of this report.

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

None.

4.0 Key Issues and Considerations

4.1 Land Use

The subject lands are located in the Neighbourhoods Place Type on Map 1 – Place Types in The London Plan. The subject lands have frontage along a Civic Boulevard on Map 3 – Street Classifications, which permits a wide range of residential uses, including low-rise apartment buildings (The London Plan, Policy 922). The London Plan contemplates heights up to four (4) storeys along Civic Boulevards, with an upper maximum height of six (6) storeys.

As per The London Plan, the proposed four (4) storey residential apartment building is supported by the policies of the Provincial Policy Statement and contemplated in the Neighbourhoods Place Type in The London Plan. The recommended low-rise apartment building will contribute to the existing range and mix of housing types in the area, which consists of mostly one and two-storey single detached dwellings to the west. The recommended zoning would permit medium density residential development in the form of a low-rise mixed-use apartment building containing 10 residential units, with a total of 11 parking spaces at a density of 55.5 units per hectare, and at a maximum height of four (4) storeys. It should be noted that this application does not require a Site Plan application as the building contains 10 residential units or less.

4.2 Intensity

The London Plan contemplates residential intensification in appropriate locations and in a way that is sensitive to and a good fit with existing neighbourhoods (83_). Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective

use of land in neighbourhoods (937_).

The London Plan uses height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2 storeys and a standard maximum height of 4 storeys, is contemplated within the Neighbourhoods Place Type where a property has frontage on a Civic Boulevard. (Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). Additionally, an upper maximum height of 6 storeys can be achieved if the proposal is in keeping with the Our Tools Part of this plan. The full extent of intensity described in Table 11 will not necessarily be permitted on all sites within the Neighbourhoods Place Type (935_4)

As noted, Commissioners Road West is considered a Civic Boulevard providing the subject lands permissions for higher intensity uses however, the intensity of development must be appropriate for the size of the lot (953_3.) Zoning will be applied to ensure the intensity of development is appropriate to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space (935_3).

The subject site consists of 0.2 hectares of land (2,056.27 square metres), with 1,850.79 square metres dedicated to the residential development limit and an Open Space area being 669.5 square metres in size at the rear of the property. It should also be noted that the lot slopes down from the west to east. In an effort to limit the impacts of the proposed intensity, the 4-storey built form is located only on the easterly side of the site where the grade is at its lowest and impacts will be limited, while the development presents as a 2-3 storey apartment building along the west side of the property where the development abuts the rear of the existing single detached dwellings. As part of the review process Staff and the public have raised concerns about the developments interface along the west interior side yard and the abutting rear lots. As part of Staff's recommendation special provisions are being proposed to help ensure the development is compatible within the surrounding context. Additional details are provided within Section 4.5 of this report.

Engineering Staff have noted that there is no municipal sewer fronting the subject site. The following h-149 holding provision is being recommended to ensure storm and sanitary servicing for this site is available prior to development:

- *h-149 Purpose: To ensure the orderly development of the lands the symbol shall not be deleted until sanitary and stormwater servicing reports have been prepared and confirmation that sanitary and stormwater management systems are implemented to the satisfaction of the City Engineer.*

4.3 Form

The London Plan encourages compact forms of development as a means of planning and managing for growth (7_, 66_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59_ 2, 79_). Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (953_ 2.a. to f.).

The proposed R8-4() Zone requires a minimum lot area of 1000 square metres and a minimum lot frontage of 30 metres. These requirements are satisfied as the lands are approximately 1,850.79 square meters and there are approximately 30.5 metres of lot frontage on Commissioners Road West.

The proposed built form is generally consistent with the Neighbourhoods Place Type and the City Design Policies in The London Plan The building is oriented with the main street wall along Commissioners Road West. The location and massing of the proposed

building is consistent with urban design goals, specifically the building design incorporating a transition in height adjacent to the low-rise residential property to the west, reducing habitable windows along the west elevation, and incorporating a high degree of transparent glazing, material changes and articulation on the street-facing façade. The recommended Zoning and Special Provisions would facilitate an alternative and appropriate form of development that will add new housing to the area.

The proposed building establishes an appropriate interface with the public realm given the building is proposed to be in a similar location to the established streetscape along the south side of Commissioners Road West. The building height would be a maximum of 13.5 metres (4-storeys) and the staggered profile ranges in height from two/three storeys on the west side, which abuts an existing residential subdivision with houses fronting Chestnut Hill and to three/four storeys along the east, north and south sides of the property. This transition in height and massing respects the residential character to the west. The articulation directs window views towards the street, and to the south and east property lines, to maintain privacy for the neighbouring properties to the west as outlined in Figure 4. Staff are requesting a Special Provision for the windows along the west property line to be non-habitable windows, to provide privacy and screening from the west property line.

The parking area includes one barrier free parking space as surface parking, with the rest of the parking being located underground. The applicant has provided 1 parking space per unit, at a total of 10 spaces. Bicycle parking has also been included in the proposal with 10 long-term spaces provided as well as 2 short-term spaces.

In regard to the rear portion of the property, the applicant has requested the lands be zoned Open Space (OS5) which will restrict development beyond the Erosion Hazard Limit. This provides further protection to the Natural Heritage Feature as explained below in Section 4.4.

4.4 Natural Heritage Feature

It should be noted that the rear portion of the subject lands designated Open Space (OS5) Zone variation is the most restrictive open space zone variation and is applied to lands which have physical and/or environmental constraints to development. The OS5 Zone variation applies to important natural features and functions that have been recognized by Council as being of City-wide, regional, or provincial significance and identified as components of the Natural Heritage System of the Official Plan. Development and site alteration is permitted only if it has been demonstrated through an appropriate study that there will be no negative impacts on the features and functions for which the area has been identified. In accordance with the PPS, development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (2.1.8). Through the submitted documents (Environmental Impact Assessment) and the previous agreement between Ecology Staff and the applicant in 2018, the dripline will be used as the limit of development and naturalization under the dripline will be required as part of the current proposed development. As such, Ecology Staff and the UTRCA are satisfied that the proposed development meets the details of the previous agreement and the location of the building in relation to the abutting feature is suitable.

To ensure the continued protection of the natural heritage feature at the rear of the site, staff is recommending that it be rezoned to the most restrictive open space OS5 zone. Minimal uses such as conservation lands, conservation works, managed woodlots and passive recreation uses, including hiking trails and multi-use pathways are permitted.

4.5 Zoning

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the subject lands from a Residential R1 (R1-8) Zone to a Residential Special Provision R8

(R8-4(_)) Zone and Open Space (OS5) Zone at 1494 Commissioners Road West. The following summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

A minimum rear yard setback of 0.3 metres, and east interior side yard setback of 0.3 metres.

The intent of interior side yard setbacks and rear yard setbacks is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties. In this case, the zone line (the line that separates the Open Space (OS5) Zone and the proposed Residential Special Provision R8 (R8-4(_)) Zone) acts as the line in which both the rear yard setback and the east interior side yard setback are measured to rather than the typical rear property line. The rear portion of the property is to be zoned Open Space (OS5), which is to ensure appropriating buffering to the natural heritage features and to protect the proposed development from potential soil erosion. The proposed OS5 Zone is providing a 14.1 metre buffer from the rear lot line to the rear of the building. As previous agreements between City Ecology Staff and the applicant outlined the development limit being the erosion hazard limit, Staff are satisfied that the proposed building maintains appropriate buffering and remains within the existing agreement boundaries.

To permit a maximum lot coverage of 46.2 percent.

Table 12.3 of the Zoning By-law outlines all zoning standards for the R8 Zone, including lot coverage, in which 40% is the maximum permitted. The intent of regulating maximum lot coverage is to limit the extent of development on site to ensure adequate space is provided for open space and landscaping, site functionalities such as amenity space and access, and site maintenance.

Staff are of the opinion that the requested special provision does not facilitate a substantial increase in lot coverage beyond what is permitted. Although the lot coverage exceeds the permissions outlined in the Zoning By-law, the landscaped open space exceeds the minimum of 30% (with a proposed 45%), and the proposed access remains compliant with Zoning standards. The increased maximum lot coverage is a result of the reduced lot area based on the final zone line and is considered sufficient to accommodate the proposed apartment building.

To permit a maximum height of 13.5 metres.

Table 12.3 of the Zoning By-law includes regulations to maximum permitted heights in the R8 Zone. Buildings in the R8-4 Zone variation are permitted a maximum height of 13.0 metres. The intent of the regulation is to ensure proper massing and reduce unnecessary shading and privacy concerns to adjacent properties. As discussed above, the building will remain within the maximum permitted height outlined in Table 11 of The London Plan, as it will remain a 4-storey building, and Staff have no concerns with an increase of 0.5 metres to the overall building height.

A minimum west interior side yard setback of 1.5 metres.

The intent of the interior side yard setback is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties. Within the base R8 Zone, table 12.3 of the Zoning By-law outlines that interior side yard depths are to be in no case less than 4.5 metres from the property line and will require an even further setback as the building height increases to help mitigate its impacts. In this instance, the applicant is requesting a 1.5 metre setback from the west property line, which acts as a pinch point for their development as shown in figure 2. Staff are not supportive of the proposed 1.5 metre setback as it does not provide sufficient space for screening and creates significant impacts on the neighbouring properties to the west, in regard to visual impacts and privacy. Staff are recommending a setback of 2.5 metres, where the westerly wall facing the west interior side yard contains no windows to habitable rooms, which will provide further relief from the west interior side yard setback and provide a sufficient buffer to allow for tree planting, tree protection and help reduce

the impacts of the development on the rear yards of the neighbouring properties. Staff are also recommending a special provision which would limit the height of the development to 2-storeys along the westerly property line and require a setback of 2.0 metres before 3 storeys could be achieved.

These provisions are in keeping with the proposed westerly elevation for the building which currently shows no habitable windows. Staff are satisfied that these provisions for no habitable windows, limiting the height to 2-storeys along the westerly property line and providing a setback to the third storey along the western building façade will provide further privacy and buffering to the neighbouring properties. It should be noted that one of the trees located on the west interior side yard setback in the submitted Tree Preservation Plan was determined to be a boundary tree, which would require consent by the applicant from the neighbour to remove. As consent has not been granted at this time, Staff's Landscape Architect is recommending additional setbacks to protect the tree's critical root zone. Based on Staff's recommendation of a 2.5 metre setback and the proposed building location, staff believe a sufficient setback can be achieved from the boundary trees located along the west property line as shown in figure 8 below.

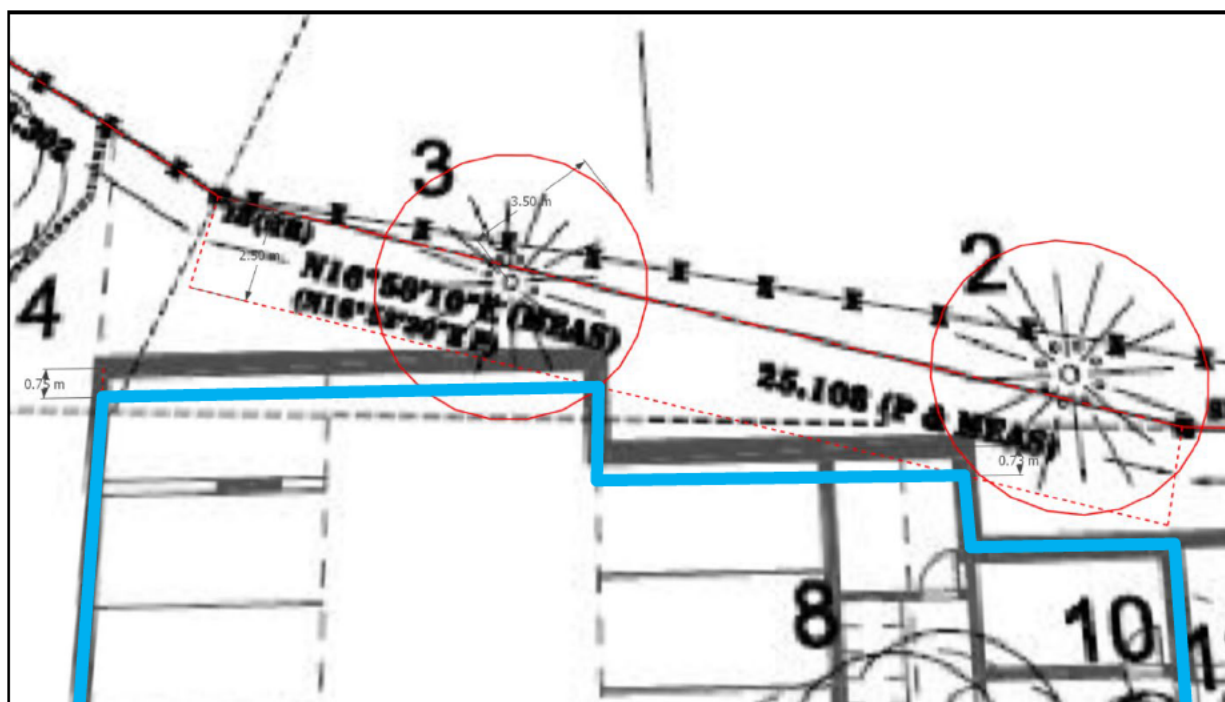


Figure 8: Image depicting 3.5 metre radius around the boundary tree and requested setbacks.

4.5 Neighbourhood Concerns

Comments provided on the application focused on impacts to adjacent properties, including:

- Privacy
- Construction impacts
- Traffic
- Noise
- Impact on property values
- Environmental impacts

Privacy and Overlook

Members of the public expressed concerns about the height of the building leading to loss of privacy from the location of the building in terms of the west interior side yard setback. The proposed building setback from the west property line is 1.5 metres. Staff have recommended a further setback of 2.5 metres with no windows into habitable space along the westerly property line in order to protect the neighbouring properties.

No balconies are proposed along the western building façade.

Construction Impacts

Comments on construction impacts adjacent to existing homes was made. Construction impacts will be temporary, and all traffic associated with construction will be limited to the main roads (Commissioners Road West).

Traffic Impacts

Concerns on the impact of this development on traffic were also raised.

Transportation Engineering Staff did not require a Traffic Impact Assessment as part of the Complete Application Requirement as the proposal only includes an additional 10 parking spaces at a rate of 1 per unit for the proposed development.

Noise

Nearby property owners were concerned with the level of noise being generated by the apartment use. The proposed development is not expected to negatively impact the surrounding adjacent properties. Activity areas associated with the residential uses will be concentrated within the building. Noise impacts are expected to be negligible and more consistent with noise patterns expected of a residential area.

Environmental Concerns

Residents indicated that destruction of many trees will occur on multiple properties, which will affect the environment overall. As per the tree preservation plan, several trees are to be removed from the subject site. However, any adjacent trees on adjacent properties cannot be removed, and additional setbacks to ensure protection of adjacent critical root zones have been requested by Staff for the west interior side yard setback. Additionally, all tree removals must take place between September 1 and April 1st to avoid disturbing nesting migratory birds. Trees may be removed outside this window only if a qualified bird specialist has been determined there are not nesting birds in the trees. This requirement is in accordance with the Migratory Birds Convention Act, 1994. Concerns noted for the re-zoning also include the loss of Environmentally Significant Lands located in the Warbler Woods ESA at the rear of the property. As discussed above, this land is being re-zoned to an Open Space (OS5) Zone, which restricts any form of development on the lands at the rear. Staff are satisfied that this portion of the lands being re-zoned OS5 is sufficient to protect the natural heritage features that are apart of the Warbler Woods Environmentally Significant Area.

Conclusion

The applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from a Residential R1 (R1-8) Zone to a Residential Special Provision R8 (R8-4(_)) & Open Space (OS5) Zone. Staff are recommending approval of the requested Zoning Bylaw amendment with special provisions. Staff are recommending refusal of a 1.5 metre setback in favour of a 2.5 metre setback to allow for mitigation measures within the west interior side yard setback.

The recommended action is consistent with the PPS 2020, conforms to The London Plan and will permit a four (4) storey apartment building at 13.5 metres in height with 10 dwelling units. Further, the recommended amendment will facilitate the development of new dwelling types in the area, with a land use, intensity and form that is appropriate for the site.

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 – 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 rezone an area of land located at 1494 Commissioners Road West.

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 1494 Commissioners Road West, as shown on the attached map comprising part of Key Map No. A106, **FROM** a Residential R1 (R1-8) Zone **TO** a Residential Special Provision R8 (R8-4(□)) Zone and Open Space (OS5) Zone.
2. Section Number 12.4 of the Residential R8-4 Zone is amended by adding the following Special Provisions:

R8-4(□) 1494 Commissioners Road West

a. Regulations

1. West Interior Side Yard Setback (Minimum)
2.5 metres, where the westerly wall facing the west interior side yard contains no windows to habitable rooms.
2. East Interior Side Yard Setback (Minimum) 0.3 metres
3. Rear Yard Setback (Minimum) 0.3 metres
4. Lot Coverage (Maximum) 46.2%
5. Height (Maximum) 13.5 metres
6. West Interior Side Yard Building Height (Maximum) 2-storeys
7. West Interior Side Yard Building Stepback (3rd storey) 2.0 metres

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.

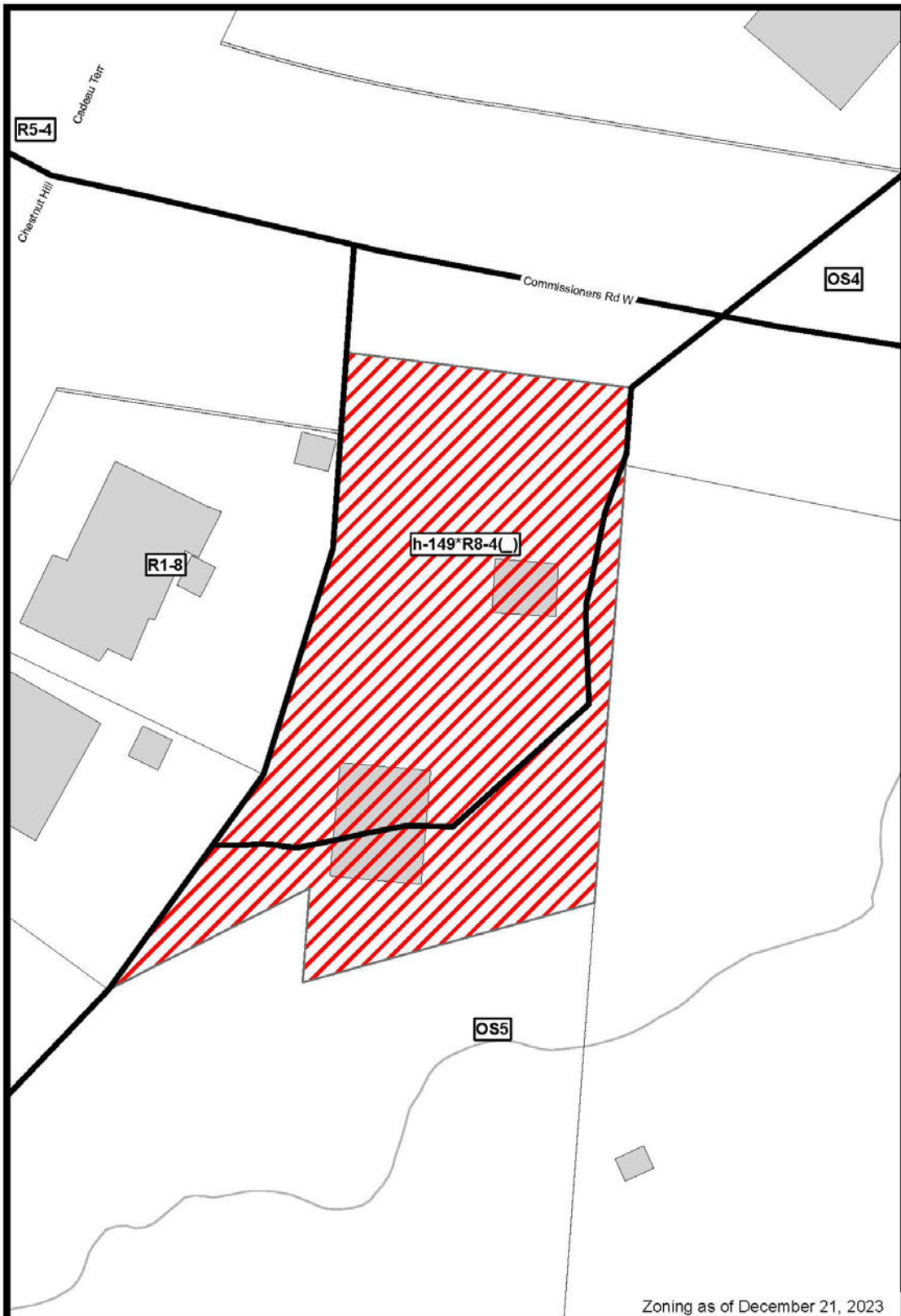
PASSED in Open Council on March 5, 2024, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – March 5, 2024
Second Reading – March 5, 2024
Third Reading – March 5, 2024

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



Zoning as of December 21, 2023

File Number: Z-9689
Planner: BH
Date Prepared: 2024/02/07
Technician: JI
By-Law No: Z.-1-

SUBJECT SITE 

1:500

0 2.5 5 10 15 20 Meters



Geodatabase

Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Single-Detached Dwelling, Accessory Structure
Frontage	30.5 Metres (100.06 feet)
Depth	74 Metres (247.7 feet)
Area	0.2 Hectares (0.49 acres)
Shape	irregular
Within Built Area Boundary	Yes
Within Primary Transit Area	No

Surrounding Land Uses

North	Townhouse development
East	Warbler Woods ESA
South	Warbler Woods ESA
West	Single-detached Dwellings

Proximity to Nearest Amenities

Major Intersection	Commissioners Road West, Oxford Street West 771 metres
Dedicated cycling infrastructure	Commissioners Road West, 485 metres
London Transit stop	Commissioners at Chestnut Hill 2 SB - #2534, 10 metres
Public open space	Springbank Park, 1,195.5 metres
Commercial area/use	Byron Village Centre, 1,244.1 metres
Food store	Metro Byron Village, 1,244.1 metres
Community/recreation amenity	Byron Public Library, 1,025.1 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Neighbourhoods Place Type, Fronting a Civic Boulevard
Current Special Policies	N/A
Current Zoning	Residential R1 (R1-8)

Requested Designation and Zone

Requested Place Type	Neighbourhoods Place Type, Fronting a Civic Boulevard
Requested Special Policies	N/A
Requested Zoning	Residential Special Provision R8 (R8-4(*)) & Open Space (OS5)

Requested Special Provisions

Regulation (R8-4(_))	Required	Proposed	Staff Recommended
Rear yard Setback (minimum)	4.5 metres	0.3 metres	0.3 metres
West Interior Side Yard Setback (minimum)	4.5 metres	1.5 metres	3.5 metres
East Interior Side Yard Setback (minimum)	4.5 metres	0.3 metres	0.3 metres
Lot Coverage (maximum)	40%	46.2%	46.2%
Height (maximum)	13 metres	13.5 metres	13.5 metres

C. Development Proposal Summary

Development Overview

The existing buildings on the Subject Site are proposed to be demolished and replaced with a four-storey apartment building with a maximum height of 13.5 metres. The 10 proposed dwelling units are comprised of two- and three-bedroom units. The building is proposed in the interior of the Subject Site with a minimum front yard depth of 9.4 metres measured from the new property line after the required 8.3 metre width road dedication/widening. A two-way driveway connected to Commissioners Road West would provide access to the interior parking garage and one surface barrier-free parking space. The rear of the Subject Site, south of the erosion hazard limit line, is proposed to be zoned Open Space (OS5) and is not proposed to be developed.

Proposal Statistics

Land use	Residential
Form	Low-rise apartment building
Height	4 Storeys (13.5 metres)
Residential units	10
Density	55.5 Units per hectare
Gross floor area	1746 Metres ²
Building coverage	46%
Landscape open space	45%
Functional amenity space	Metres ²
New use being added to the local community	Yes

Mobility

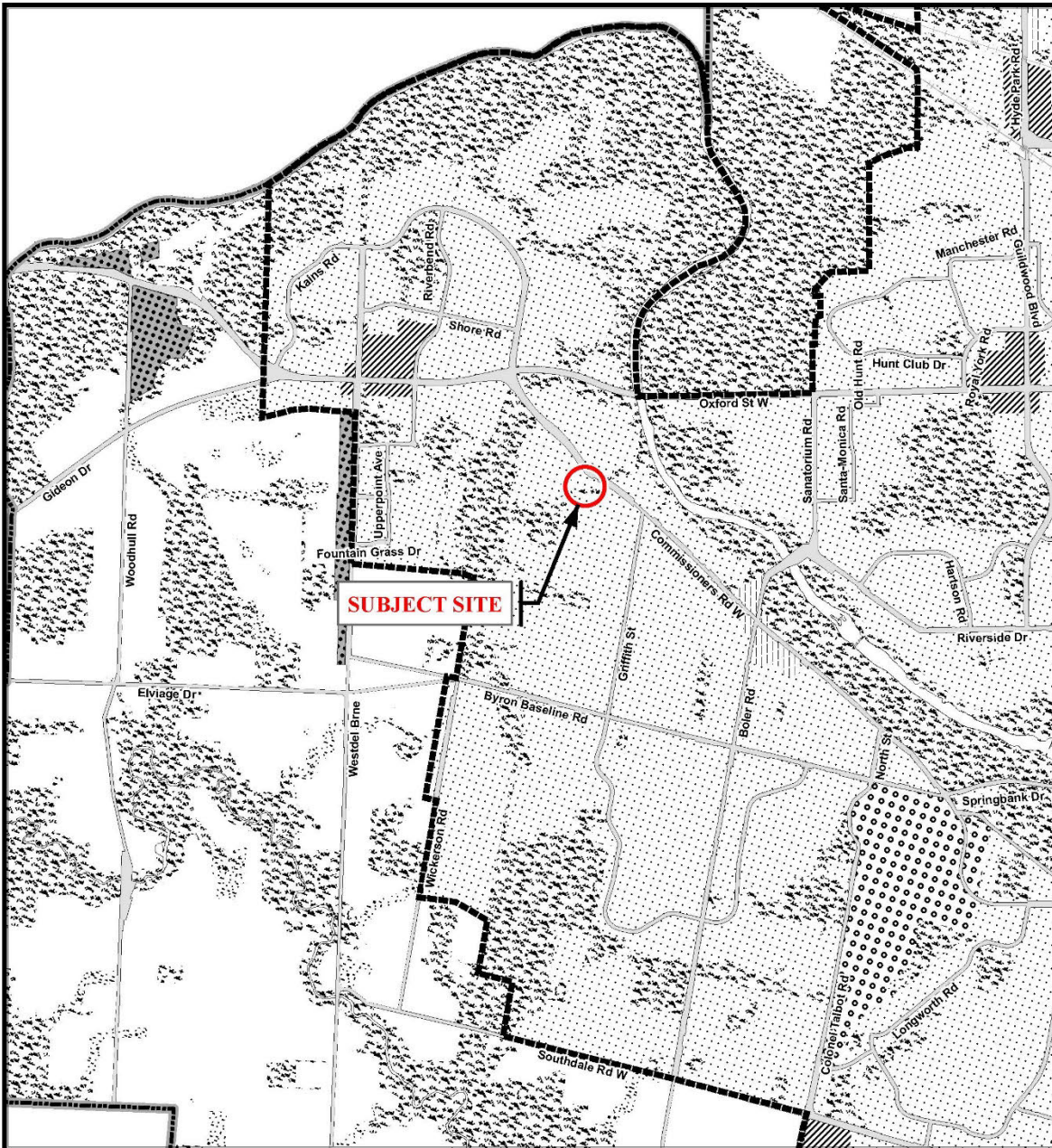
Parking spaces	10 underground parking spaces and 1 barrier free space on the surface
Vehicle parking ratio	1 Space per unit
New electric vehicles charging stations	Zero (0)
Secured bike parking spaces	10 long term parking spaces, and 2 short term
Secured bike parking ratio	1 space per unit
Completes gaps in the public sidewalk	NA
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	NA

Environment

Tree removals	21 trees
Tree plantings	13 trees
Tree Protection Area	Yes (area zoned OS5)
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	The rear portion of the site will be zoned OS5, and previous agreements allow development up until the dripline

	or the erosion hazard limit, whatever is greater.
Existing structures repurposed or reused	No
Green building features	Yes

Appendix C – 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: Z-9689</p> <p>Planner: BH</p> <p>Technician JI</p> <p>Date: 2024/01/22</p>
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Project Location: \\cfile1\giswork\Planning\Projects\p_officialplan\workconsol\00\excerpts_LondonPlan\mxds\Z-9689_Map1_PlaceTypes.mxd



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-8

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 & DEVELOPMENT

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



FILE NO:

Z-9689

BH

MAP PREPARED:

2024/01/22

Jl

1:1,000

0 5 10 20 30 40 Meters

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

Appendix D – Internal and Agency Comments

Heritage

- archaeological requirements for this application can be considered addressed.

Ecology

1. The proposed development does not align with the current policy framework and Environmental Management Guidelines, 2021 (EMGs) regarding ecological buffers. To adequately mitigate impacts to the Significant Woodland within Warbler Woods ESA, it is recommended that a 30m ecological buffer be applied in accordance with the current EMGs. City Ecology staff do not agree with the conclusions of the EIS that the proposed development will not impact the adjacent natural features to be protected.
2. However, the Record of Pre-Application Consultation identifies a historic understanding on this site between former City ecologists and the applicant's ecologist to maintain the dripline as the limit of development, and to naturalize under the dripline. Additional buffering would be required to the rear where the former residence would be removed and naturalized. The proposed development is consistent with this historic understanding.
3. The EIS has not been updated to address the previous Ecology comments provided October 27, 2023. It is recommended that these items be addressed in a revised EIS. See City Ecology responses to the Agent responses provided below.
 - **MTE Response:** *"A request for the EIS to recommend a re-zoning is beyond the scope of our EIS. The method of protecting setbacks and buffers are varied and so this OS5 request is best handled by the planners."*
 - **City Ecology Response:** City Ecology staff disagree that this request is beyond the scope of the EIS. Establishing ecological buffers through zoning is an important mitigation tool to protect natural heritage features and is a typical component of an EIS. Furthermore, the applicant has agreed to zone the natural heritage features and ecological buffers to OS5 and the EIS should be updated to reflect this. A figure should be included in the EIS to confirm that the OS5 line is consistent with the ecological buffer and the dripline of the ESA feature.
 - **MTE Response:** *"Bird Friendly design has been offered by the proponent. It is really also not our expertise to dictate to the architect which methods they wish to use to compliment their elevation designs. There are guidance documents they can follow to select which is most suited to their plans."*
 - **City Ecology Response:** City Ecology staff disagree that addressing bird collision mitigation is outside of the expertise or scope of the EIS. While it may be more appropriate for the architect to suggest bird-friendly design elements that fit with the development, these suggested design elements should be assessed in the EIS to determine whether the proposed designs will in fact effectively mitigate bird collisions. The EIS should also recommend suitable guidance documents and standards, as mentioned above, that represent current best practices such as the "CSA Bird-Friendly Design Standard".
4. A detailed Landscape Plan for the proposed naturalization area is identified as a requirement in the EIS and previous Ecology comments but has not been provided to date. Please include.

Engineering

Sewers:

- There is no municipal sanitary sewer fronting the subject lands. As this application is for an apartment building a municipal sanitary outlet is required.
- The subject lands subject to a holding provision as it will be required that they demonstrate a suitable outlet including extension of services.

Water:

- Water is available via the municipal 400mm watermain on Commissioners Road

- Our record doesn't show any municipal water connection to the property, if there is a well in the property it is to be properly abandoned as per Ontario regulation 903 (Well Regulation) and new municipal service to be connected.

UTRCA

- As indicated, the subject lands are regulated by the UTRCA. While we have no objections to this application to amend the Zoning By-Law with respect to the natural hazard matters, the UTRCA requires a revised Final Geotechnical/Slope Stability Report. Although this was a requirement of the complete application, the study can be provided as part of the Section 28 permit approval process.
- We recommend that the natural hazard lands be zoned with an appropriate Open Space zone.
- A Section 28 permit will be required for the demolition of existing structures and a separate permit will be required for the proposed development. Erosion and Sediment Control (ESC) measures including detailed drawings with staging, construction timing and sequence of works, rehabilitation/revegetation plan, grading plan, access and construction laydown areas will be required. The UTRCA will also require written confirmation from the geotechnical engineer (exp) that the design and site plan drawings accurately reflect the Erosion Hazard Limit and that the requirements/recommendations contained in the Geotechnical Investigation/Slope Stability Assessment have been implemented on the site and for the proposed development. Details regarding restoration and proposed plantings (Landscape Plan) of the area within the Erosion Hazard Limit and where existing structures were demolished, including construction/planting methods, timing and access, will also be required through the Section 28 permit approval process. We encourage the applicant to contact the Authority's Land Use Regulations staff regarding the submission and associated fees.

Urban Design

Matters for ZBA:

- This site is located within the Neighbourhoods Place Type along a Civic Boulevard in The London Plan [TLP], which permits the proposed use and height. Urban Design is generally supportive of the proposed 4-storey apartment building and commends the applicant for providing a site and building design that incorporates an adequate transition in height to the adjacent low-rise residential property to the west and for incorporating a high degree of transparent glazing, material changes and articulation on the street-facing façade.
- If the proposed 4-storey apartment building is deemed appropriate, Urban Design recommends the following Special Provisions be incorporated into the proposed R8-4 Zone to foster a safe, comfortable and accessible public realm, and to reduce potential impacts on neighbouring properties:
 - Maximum height;
 - Include a Special Provision to maintain the proposed step-backs above the 2nd/3rd storey to the west [TLP Policy 253, 298];
 - Minimum and maximum front yard setbacks to ensure the proposed building is both street-oriented and respects the character of the surrounding neighbourhood [TLP Policy 252, 256, 259];
 - Minimum interior side yard setback to allow adequate space for landscaping and buffering from the neighbouring low density property to the west [TLP Policy 253].

Considerations for Site Design:

- This application would not proceed through the Site Plan Approval process given the current unit count, however, Urban Design recommends the following site design matters be considered:
 - Provide a walkway that connects between the principal building entrance and the public sidewalk on Commissioners Road W to ensure pedestrians can safely access the site [TLP Policy 268];

- The proposed accessible parking space and garbage storage area should not be located in the front yard. Urban Design recommends the applicant explore opportunities to relocate these functions away from the street frontage [TLP Policy 266, 272]:
 - Given the constraints of the site, Urban Design can accept this condition if the applicant provides enhanced landscaping to screen these elements from the street [TLP Policy 278].
- Ensure enhanced landscaping is provided between the proposed apartment building and the low-rise residential property to the west to mitigate impacts such as privacy and noise [TLP Policy 253];
- Retain and incorporate as many of the existing mature trees on site as possible [TLP Policy 258].

Parks Planning

1. Major Issues

- None.

2. Matters for OPA/ZBA

- None.

3. Matters for Building Permit

- Parkland dedication has not been taken for this site. The required parkland dedication shall be calculated pursuant to Section 51 of the Planning Act and the City of London By-law CP-25. Required parkland dedication can be satisfied through the combination of land dedication and payment of cash-in-lieu of parkland.
- Parks would consider the dedication of the open space lands south of the shown development limit on the southerly portion of the site (shown on the diagram below). Dedication of the open space land would be dedicated at a constrained rate of 1:30 as per CP-25 By-law the balance of the required dedication would be taken as cash in lieu.
- The Owner shall construct 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface and the Open Space.

Landscape Architecture

1. Major Issues

- One boundary tree was captured on the tree inventory. Consent to remove tree must be obtained from owner of 2 Chestnut Hill. If consent can not be obtained a setback of 3.5m will be required from west property line.
- One off-site tree [#2] is proposed for removal. Consent to remove tree must be obtained from the owner of 2 Chestnut Hill. If consent can not be obtained a setback of 3.5m will be required from west property line.
- The reduced west interior yard setback is not supported. Sufficient volume of soil must be provided to support tree growth, as required in Site Plan Control Bylaw and to meet canopy goals of the London Plan and the Urban Forest Strategy. The rear and 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 residential properties to the west. In addition, the current proposal will impact trees growing in abutting Tree Protection Area and Warbler Woods ESA
- 801 cm dbh proposed for removal. In accordance with LP Policy 399, 80 replacement trees are to be planted within site. A recommendation for replacement trees will be made to Applicable Staff. If all replacement trees cannot be accommodated within the site, a cash-in-lieu fee will be charged.

Site Plan

Major Issues

- N/A

Matters for OPA/ZBA

- N/A

Matters for Site Plan

- N/A – not required

Complete Application Requirements

- N/A

London Hydro

- 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 E – Public Engagement

On December 21, 2023, Notice of Application was sent to 141 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 December 28, 2023. A “Planning Application” sign was also placed on the site.

Nature of Liaison: The purpose and effect of this zoning change is to permit a 4-storey apartment building consisting of 10 dwelling units. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-8) Zone **TO** a Residential R8 Special Provision (R8-4(*)) & Open Space (OS5) Zones. Special Provisions are requested to permit a minimum rear yard setback of 0.3 metres, whereas 4.5 metres is the minimum required; east Interior side yard depth of 0.3 metres, whereas 4.5 metres is the minimum required; west interior side yard depth of 1.5 metres, whereas 4.5 metres is the minimum required; lot coverage of 46.2%, whereas 40% is the maximum permitted; height of 13.5 metres, whereas 13 metres is the minimum required.

There were 41 responses received during the public consultation period. 1 petition was received with 36 signatures. The petition states that the signatures object to the application at 1494 Commissioners Road West London File #Z-9689 for the 4-storey apartment complex:

Public Comment #1 – Seyed Mirsattari

Dear Ms. Hopkins and Mr. House!

We received a letter of “Notice of planning application & notice of public planning) dated December 21, 2023. Your names were mentioned as the contact persons for matters related to this rezoning application to build a 4 storey apartment building that could house 10 units.

Please note that we dealt with another rezoning proposal about this property by the same owner more than 10 years ago that brought all of the neighborhood together against a business development in this residential area next the Environmentally Significant Area (ESA of Warbler Woods). We hope that those original documents are still on record and will be taken into account as the voice of the community as a whole and be respected because the community has already spoken about any rezoning of this land with one strong voice before.

We all have young children and have chosen the Warbler Woods neighborhood to raise our families in the tranquility of this Environmentally significant area (ESA). Like our properties, 1494 Commissioners Rd West is immediately adjacent to this ESA and an inappropriate location for any developments of the kind proposed here.

We, the immediate neighbours, (Francielle Fernandez, Matthew Parezanovic, Ghasaq Al-Bakkal, Seyed Mirsattari) are all healthcare workers and unable to attend the public meeting at 1 pm on Wednesday February 21, 2024. Moreover, _____ was just sold and the new owners do not take possession of it for another 2-3 months. It would not be fair to them to hold such meeting in their absence and without their knowledge or input.

We kindly ask you to preserve the spirit of this hidden gem within the city of London and do not allow any development that disturbs its natural habitat.

Merry Christmas! Wishing to preserve the green Warbler Woods in 2024 and beyond.

Kindest regards!

Francielle Fernandez
Matthew Parezanovic
Ghasaq Al-Bakkal

Seyed Mirsattari

Public Comment #2 – Deb Caldwell

Dear Ms Hopkins

I am writing with regard to zoning by-law amendment for [1484 Commissioners Road West](#). I seem to remember that in the original application, there was specific mention that many of the current trees would need to be removed, and that the contractor promised to replace all of them and more? with comparable trees. I noticed that in the special provisions section of requested zoning that the building will be bigger on all sides not complying with current minimum and maximum requirements. Will that affect the replacement of all trees that will be removed during the process?

Thank you for your continued service to our community. I applaud the hard work, long hours and dedication you provide.

Public Comment #3 – Ghasaq Bakka

Dear Ms. Hopkins and Mr. House!

We received a letter of “Notice of planning application & notice of public planning) dated December 21, 2023. Your names were mentioned as the contact persons for matters related to this rezoning application to build a 4 storey apartment building that could house 10 units. We vehemently opposing this.

Please note that we dealt with another rezoning proposal about this property by the same owner more than 10 years ago that brought all of the neighborhood together against a business development in this residential area next the Environmentally Significant Area (ESA of Warbler Woods). We hope that those original documents are still on record and will be taken into account as the voice of the community as a whole and be respected because the community has already spoken about any rezoning of this land with one strong voice before.

We all have young children and have chosen the Warbler Woods neighborhood to raise our families in the tranquility of this Environmentally significant area (ESA). Like our properties, 1494 Commissioners Rd West is immediately adjacent to this ESA and an inappropriate location for any developments of the kind proposed here.

We, the immediate neighbours, (Francielle Fernandez, Matthew Parezanovic, Seyed Mirsattari) are all healthcare workers and unable to attend the public meeting at 1 pm on Wednesday February 21, 2024. Moreover, _____ was just sold and the new owners do not take possession until Feb 8th, 2024. It would not be fair to them to hold such meeting in their absence and without their knowledge or input.

Furthermore, I would also like to add some of our concerns regarding this development :

1) by granting an R8 zoning, with special provisions, equates to spot zoning in a neighbourhood with R1 and R5 zoning on all sides of the proposed rezoning application address, is setting a precedent that puts other single family dwellings adjacent to the Warbler Woods Environmental Significant Area at risk of also being redeveloped. This is the core of the opposition to this proposal. No other structure adjacent to this area has such a large foot print or height. This will negatively alter the tranquil environment and compromise the privacy of the adjacent single family dwellings.

2) The current owner does not reside on the property, raising concerns regarding his/ her / their intentions, respect to neighbouring properties occupied by the owners, and a sense of community.

3) The 1.5m distance to the property line is extremely close to our fence and raises concerns regarding privacy and also the structural integrity of our swimming pool due to the proposed construction below grade.

4) Disruption by construction and redevolvement is a concern. Additionally, noise and light disruptions at night from tenants on balconies and vehicles entering and exiting the property will have long term impact on our property.

4) We feel that this rezoning application benefits the property owner in terms of property value, while compromising the value of our property due to the majority of the view at the rear of our property being replaced by this building. In turn, we are concerned that our property will be less favourable for future resale compared to other properties adjacent to the Warbler Woods area.

5) Removing and destroying a significant number of distinctive trees and trees in a designated tree protection area that form a habitat to a variety of birds, including protected species such as the Downy Woodpecker and Red Bellied Woodpecker.

6) We are not opposed to this property being redeveloped, however the plan needs to maintain a foot print and height similar to the properties surrounding the rezoning application property. Therefore, there will be less impact on the environment and neighboring homes.

Thank you,
Yours respectfully
Ghasaq Bakkal

Public Comment #3 – Victoria Lanteigne

Dear Brent House,

I hope this email finds you well. My name is Victoria Lanteigne, I am an owner of [REDACTED], I am writing to express my deep concerns regarding the proposed new build development on 1494 Commissioner Road W, particularly its potential impact on our community's privacy and tranquility.

As a resident who cherishes the natural beauty of the ravine and the peaceful ambiance of our surroundings, I am apprehensive about the potential disruptions this development might bring. My family and I specifically chose this area to relish the serenity, tranquility, and closeness to nature. Unfortunately, the proposed build threatens these qualities in several ways.

Foremost among my concerns is the anticipated increase in noise pollution. The construction process itself will undoubtedly introduce disruptive noise levels, and once completed, the new development may contribute to ongoing disturbances, such as amplified vehicle and pedestrian traffic. This could significantly detract from the calm environment we currently enjoy.

Furthermore, the prospect of increased light pollution resulting from this development raises considerable apprehension. The tranquility of our evenings and the ability to appreciate the natural night sky could be compromised, affecting not only our privacy but also the nocturnal ecosystem of the area.

Additionally, the augmented foot and car traffic stemming from this development may pose safety concerns for our community, especially if it leads to congestion and altered traffic patterns that could potentially compromise the safety of pedestrians and residents.

The inclusion of proposed balconies in this development is particularly worrisome for me. The privacy that my property currently enjoys is a significant factor that influenced my initial decision to purchase it. Any alterations that compromise this essential aspect would significantly affect the value and appeal of my home. I believe it's crucial to preserve the privacy that residents in this area currently experience. The introduction of balconies overlooking properties could infringe upon this fundamental aspect, altering the peaceful and secluded environment that many of us cherish and seek to maintain.

In essence, as a committed member of this community, **I firmly oppose this development proposal**. I believe it contradicts the essence of what drew many of us to reside in this area in the first place. I urge you to consider the profound impact this build might have on our neighbourhood's unique character and the values we hold dear. I implore you to reassess this proposal with a focus on preserving the peaceful, natural essence of our community.

I encourage you to reassess the chosen date for the community meeting on Feb 21, 2024, as numerous families will be unavailable due to the Family Day Holiday that week. This situation appears unjust for our community members who deserve the opportunity to voice their opinions about this new development. Considering the late notice sent in December 2023, many have already solidified their plans for February, making it challenging for them to participate.

Thank you for your attention to this matter. I am more than willing to participate in any discussions or initiatives aimed at maintaining the integrity and tranquility of our neighbourhood.

Best regards,

Victoria Lanteigne

Public Comment #4 – Cathy Traicus

Living at [REDACTED] and having seen the Notice of Planning Application & Notice of Public Meeting for the above address, I have the following concerns.

1. **Safety:** Commissioners Road is heavily travelled by pedestrians including many students coming from Riverbend area & Warbler Woods area heading to and from school, work and shopping. As well there are many cycling and running. This would provide yet another traffic entrance/exit which would further endanger these students, seniors and adults. As it is people don't make safe stops & turns entering or exiting Chestnut Hill, local Montessori School, Grandview, Griffith, Reynolds, & Stephen Street! This would make an existing safety problem much, much worse with at least twenty more vehicles entering and exiting this proposed building. A safety nightmare.
2. **Environmentally:** This area is mainly a lovely ravine area with mature trees and a stream. Deer and other wildlife regularly use this area as a thoroughfare to other green spaces. Birds in this area are amazing and this would greatly shrink the green space and habitats. After all, we're supposed to be "The Forest City".
3. **School:** The feeder schools in Riverdale & Byron, whether elementary or secondary, are already overfull with many portables in use to accommodate students. If this building includes more young people, the schools would be unnecessarily negatively impacted. Overcrowding in schools is a current problem and getting worse. This proposal would add greatly to the current problem.
4. **Traffic On Commissioners Road:** During morning and evening rush hours, Commissioners Road is now often at a standstill and during construction on alternate routes it is currently impossible to make it through in a timely fashion. Whether residents or visitors or staff, this proposed building would just add to the current congestion.

It is not a well thought out plan.

5. **Neighbours - Privacy and Property:** This proposal negatively affects the privacy of both the local Montessori school and the neighbours whose homes back onto the area proposed for this application and re-zoning changes. As such, it would also affect property values as many do not want a four-storey building overshadowing their backyards. Currently, the school yard of the Montessori

school is quite private and this is good for the pre-schoolers attending and much safer. A building of this size, proximity of building and subsequent individuals living & driving there could possibly increasingly pose a threat to the toddlers.

In my opinion, this area is not conducive to building anything other than a single family dwelling and is not suitable to the proposal for 1494 Commissioners Road West File: Z-9689. Please reconsider this plan and deny the building application and proposed rezoning applications. Also, please re-schedule the meeting for the following week. Scheduling this meeting for Family Day week really impinges upon families and does not allow for as many as possible to attend the meeting.

Sincerely,

Cathy E. Traicus

Public Comment #6 – Matthew Parezanovic

Dear Brent House and Councillor Anna Hopkins

We reside at [REDACTED] and have received notice regarding Zoning By-law Amendment Z-9689 - 1494 Commissioners Rd W. to allow a 4 storey apartment building with 10 units to be built. This property is immediately behind our property and also adjacent to the Warbler Woods, Environmentally Sensitive Area, which forms the backbone of our neighbourhood. Our home and many others back on to this wooded ravine, which provides a quiet, private and tranquil environment.

We are opposed to Zoning By-law Amendment Z-9689 - 1494 Commissioners Rd W and have provided the following comments and concerns:

1) Due to the Notice of Planning Application and Notice of Public Meeting regarding File Z-9689 being released on December 21, 2023, just before the start of the Christmas and New Year's holidays, we are concerned that many homeowners have not had enough time to review and respond to the notice. Moreover, we have been informed that the recent sales of [REDACTED] and [REDACTED] may have resulted in the new owners not being made aware of this rezoning application. Additionally, there is a discrepancy in the notice that was received by mail stating that the applicant is the city vs. the notice available on the city website, listing the property owner. See the online notice attached. Therefore, we are requesting more time for all homeowners within 120 meters of 1494 Commissioners Rd W. to respond to the notice.

2) Granting R8 zoning, with special provisions, can be considered spot zoning in a neighbourhood with R1 and R5 zoning on all sides of 1494 Commissioners Rd W. This would set a precedent that puts other single family dwellings adjacent to the Warbler Woods, Environmentally Sensitive Area at risk of also being redeveloped in the future. This is the core of the opposition to Zoning By-law Amendment Z-9689. No other structure adjacent to this area has such a large footprint or height. This will negatively alter the tranquil environment and compromise the privacy of the adjacent single family dwellings.

3) The special provisions granting reduced yard setbacks and side yard depth is a concern, especially the reduction of the side yard adjacent to [REDACTED]. This will allow the proposed apartment building to be only 1.5 meters from the property line, raising concerns regarding privacy, shadow casting and also concern regarding the structural integrity of the adjacent swimming pool at [REDACTED], due to the proposed construction below grade at close proximity.

4) Disruption by construction and redevelopment is a concern to the surrounding dwellings that are adjacent to 1494 Commissioners Rd W. Additionally, noise and light disruptions at night from tenants on balconies and vehicles entering and exiting the property will have long term impact on our properties and neighbourhood.

5) The current owner of 1494 Commissioners Rd W. does not reside on the property, raising concerns regarding their intentions, respect to neighbouring properties occupied by the owners, and a sense of community.

6) We feel that this rezoning application unfairly benefits 1494 Commissioners Rd W. in terms of property value, while compromising the value of our property due to the majority of the view at the rear of our property being replaced by this building. In turn, we are concerned that our property will be less favourable for future resale compared to other properties adjacent to the Warbler Woods, Environmentally Sensitive Area that are not affected by the proposed apartment building.

7) Removing and destroying a significant number of distinctive trees and trees in a designated tree protection area that form a habitat to a variety of birds, including protected species such as the Downy Woodpecker and Red Bellied Woodpecker.

8) A large portion of 1494 Commissioners Rd W. is within an area regulated by the Upper Thames Conservation Authority. Concern is raised if the Authority has been made aware of this rezoning application and the role it plays in this process.

9) Access to 1494 Commissioners Rd W. from Commissioners Rd W, especially for westbound traffic, requires a left turn. This would require vehicles to obstruct the entrance to the left turning lane designated for vehicles turning left onto Chestnut Hill. Therefore, the increased number of vehicles that will be turning into the entrance to 1494 Commissioners Rd W. raises concern for increased motor vehicle collisions

10) We are not opposed to this property being redeveloped, however the plan needs to maintain a footprint and height similar to the properties surrounding the 1494 Commissioners Rd W. Therefore, there will be less impact on the environment and neighbouring homes.

Thank you,

Matthew Parezanovic and Francielle Fernandez

Public Comment #7 – Marie Kronstal

Attention: Brent House and Anna Hopkins

Re: Notice of Planning Application for
Zoning By-law Amendment Z-9689 - 1494 Commissioners Rd W.

Brent House and Anna Hopkins,

I am opposed to this rezoning application and I am in complete agreement with all of the objections provided below by Matthew Parezanovic and Francielle Fernandez.

Further, this is at least the 3rd time the owners of this property have applied for rezoning from R1 (R1-8) to other than Single Detached dwellings. Previously, they have applied to rezone to commercial property to operate a Salon. The same objections to the flow of traffic still apply and are intensified with an even larger number of vehicles turning into the entrance to 1494 Commissioners Rd W.

As stated in objection number 10 in the letter from Matthew Parezanovic and Francielle Fernandez, this property needs to maintain a footprint and height similar to the properties surrounding the 1494 Commissioners Rd W. to ensure minimum impact on the environment and neighbouring homes.

Thank You

Marie Kronstal

Public Comment #8 – William Loomis

City Planner Brent House, This e-mail is from William Loomis at [REDACTED]
[REDACTED] Regarding the Zoning **By-Law Amendment Z-9689, 1494 Commissioners Rd. W.**
We are totally against this By-Law change.

This this will make **1494 Commissioners Intersection unsafe**. The traffic now completely over runs this road. Traffic making a left turn into 1494 Commissioners will disrupt traffic flow and cause accidents. This Amendment change is a bad choice!!!

Thank you, William Loomis

Public Comment #9 – Marco DiLoreto

Good morning.

I am writing this email in response to the proposed new build at Commissioners and Chestnut. File # Z-9689

I and my wife are against this proposed development.

The allowances of reducing the property variances is unacceptable. The encroachment into protected lands by the UTRCA is also unacceptable. This alone should be a clear reason to scrap this proposal and by failing to do so questions the integrity of UTRCA and the City of London not to mention the Councilor who is suppose to reflect the concerns of the property owners and respect their points of view.

It is inconceivable that the plans for this has been in the works for 2 years without even a conversation being had to the property owners, by the city and the councilor who is suppose to represent the said property owners. Ms Hopkins has been elected and works for the citizens of this community. She is not paid to represent developers. It is also very suspicious that this notice and the timing was delivered during the holiday season with very little time for discussion and recourse.

No one is against development, however this type of development does not co-exist with the surrounding esthetics of this neighbourhood. This area is zoned single family and should not be changed.

I am president of the home owners at MCC125 and as president have been under obligation to respect and maintain the integrity of the protected ravine by UTRCA. We as a board have worked in cooperation with UTRCA and have a amicable relationship. I fail to see how the ravine at the proposed site which is under UTRCA is any different. The proposal would have them encroach on this ravine thereby affecting the environment and wildlife that exist.

I am completely in agreement with all the valid points and well thought out points presented to us by Francielle Fernandez and Matt Parezanovic.

I hope that the planning depart of the City of London and Councilor Hopkins as well as UTRCA do some deep investigating before pushing this agenda through. It would be in the best interest of all involved to defer this application for everyone's to do their due diligence.

Regards

Marco DiLoreto
Liz DiLoreto

Public Comment #10 – Nancy Lea

Dear Brent & Anna,

I hope this message finds you well. I am writing to express my very strong opposition to the proposed new build development in our neighborhood.

Having been a resident here since 1984, I have come to cherish the serene environment the woods offer. I am deeply concerned that a multi-unit development would disrupt the tranquility we have all grown to appreciate.

The potential noise and light pollution stemming from this development are worrying. It could significantly detract from the peaceful ambiance we currently enjoy, affecting both the environment and the quality of life for all residents.

Moreover, I am deeply invested in preserving the natural environment of our area. Introducing such a development could have adverse effects on the local ecosystem, which I believe is crucial to safeguard for future generations. At one time we have seen 24 deer in our backyard (on ravine near where intended project in question) While we still see deer they are no where near the numbers that used to enjoy the areas.

In summary, I firmly believe that a multi-unit development is not in harmony with the essence of our neighborhood. As a very long-standing member of this community, I join many others in expressing our collective disapproval of this development proposal.

I urge you to reconsider this proposal and explore alternatives that align more closely with preserving the unique character and serenity of our neighborhood and safety for the animals and wildlife.

Thank you for considering my perspective.

Best regards,

Nancy Lea

Public Comment 11 – Phil McDowell

Thank you for the opportunity to respond to the above noted application for this property. I would like to express my opposition to the proposed zoning change from R1 single family to the R8 designation as well as the proposed development itself.

As you can see from many available municipal map sources, the bulk of the existing development surrounding this proposal is a mix of single family detached and townhouse condominium homes in very large part. The single family homes are a mix of styles as you would expect with the larger of these being two storey in design. The condominium residences are almost exclusively one floor in style. As a result the dominant zoning in the vicinity is primarily a mix of R1 and R5 and of a moderate overall density. A four storey building would not conform well with surrounding homes and could easily block access to light and privacy for the properties immediately to the west along Chestnut Hill. It would seem to make sense that any re-development proposals could be done within current R1-R5 zoning that would accomplish an increase in existing density while conforming well to the character of the vicinity.

This proposal could also pose traffic issues in front of 1494 Commissioners Road West due to a slight curve in the road and an intersection very close to the west at Chestnut Hill. As it is presently the existing dwelling sits well above street level of Commissioners Road West with the drive rising from the road to the residence.

Of importance is the fact that the rear boundary of this proposal at 1494 Commissioners Road West backs directly to what is commonly referred to as Warbler Woods, a marked Environmentally Sensitive area. The full east boundary also backs onto this same wooded area but this portion is owned by our family with a lot size slightly over one acre and frontage along Commissioners Road West as well as Springfield Crescent. We are fortunate enough to have

lived here long enough to have known the original owners of 1494 Commissioners Road West, George and Norma Cross.

I would like to point out that the closest R8 designation is approximately one kilometer to the east and is not adjacent to established parkland but is directly opposite a public school. This newer development (two in a small area) was already surrounded by multi family use on the sides when recently developed. In the case of 1494 Commissioners Road West you have a property backing onto green space and protected woodland plus single family utility on the three sides. A rather different location.

If I could suggest the obvious, nearby development of a multi-family nature is one floor in the area. An increase in residential density can be achieved by allowing for development within existing guidelines of a one floor townhouse condominium proposal. This in accordance with adjoining properties having the R5 designation while having respect for the woodland areas and conformity.

This application desires a zoning change well above and beyond what would conform to adjacent dwellings. It further basically ignores most existing requirements under the proposed R8 zoning designation in various ways, not limited to height, coverage and overall density. The applicant seems to also believe that both the existing rear and east side requirement of a minimum rear yard setback requirement of 4.5 meters are mere suggestions. Asking for each to be reduced by approximately 93% and on the west side to be reduced by 33% seems to be centred on the need to in any way possible create real estate value for the applicant. This, rather than a residential proposal which conforms to the neighbourhood, respects existing development and green space alike appears to be the motivation of this application.

In reviewing the limited information received in the mail just before the holiday period it would also appear that the proposed development has very limited area designated for parking. Figure 1 in the concept plan for the site shows a small front yard space available between the proposed building and the roadway. In addition, with a large four storey proposed structure, to where is any generated waste water, rain water to be directed? Towards the so called ravine on the sketch, which is owned by others? With a proposal of 10 units, it would seem a fair number of parking spots should be planned for, space for delivery vehicles and the like.

A conversion of the existing home to duplex or triplex utility would seem to me to be much more appropriate and conforming use of the site. If development is allowed, a low rise or townhouse style would blend in well with the neighbourhood, while meeting the needs of increasing density on a gradual overall basis.

As a final point, according to the information I received in the mail the applicant is shown as The Corporation of the City of London. I hope I can assume this was a simple typographic error.

Thanks again for this opportunity to comment. I/we look forward to attending the Planning Committee meeting on February 21, 2024.

Public Comment 12 – Elanna Delaurier

Dear Brent & Anna,

I am writing to express my very strong opposition to the proposed new build development in our neighborhood. I am deeply concerned that a multi-unit development would disrupt the tranquility we have all grown to appreciate.

The potential noise and light pollution stemming from this development are worrying. It could significantly distract from the peaceful ambiance we currently enjoy, affecting both the environment and the quality of life for all residents.

Moreover, I am deeply invested in preserving the natural environment of our area. Introducing such a development could have adverse effects on the local ecosystem, which I believe is crucial to safeguard for future generations. At one time we saw 24 deer in our backyard (on ravine near where intended project in question) While we still see deer, they are nowhere near the numbers that used to enjoy the areas.

In summary, I firmly believe that a multi-unit development is not in harmony with the essence of our neighborhood. As a very long-standing member of this community, I join many others in expressing our collective disapproval of this development proposal.

I urge you to reconsider this proposal and explore alternatives that align more closely with preserving the unique character and serenity of our neighborhood and safety for the animals and wildlife.

Thank you for considering my perspective.

Best regards,

Elena Delaurier

Public Comment 13 – Melissa Allman-Fournier

Good afternoon Brent,

My name is Melissa Allman-Fournier of [REDACTED]. I have lived in London for over 30 years and I have lived at this address since 2010.

I chose my home based on the old saying "location location location". My home is in the heart of Byron, within steps of Warbler Woods. My street is quiet, lined with mature trees and most of all, it is surrounded by wildlife. My neighbours are hard working, take great pride in their home ownership and properties. We spend our days off working in our quiet yards, sitting by pools or firepits, or just outside in our favourite lawn chairs reading.

I personally spend much of my days watching the many species of birds and animals that flock to my yard. I have 3 types of woodpeckers alone that come to my trees.

I have great concerns about a proposed 4 storey development to be located at 1494 Commissioners Street W. This is currently zoned as a R1, with a single dwelling home on the property. The proposed request wants to change this to a zone 8, which would have a 4 story apartment building built on environmentally significant land.

I have many concerns with this request.

1. This property backs on to Warbler Woods. This 4 story development will result in the loss of many native trees, ground cover such as trillium and loss of habitat for so many species. The proposal is to cover 46.2% of the land. Does The Upper Thames River Conservation Area support this type of destruction? I don't. A large portion of 1494 Commissioners Rd W. is within an area regulated by the Upper Thames Conservation Authority. Concern is raised if the Authority has been made aware of this rezoning application and the role it plays in this process.

2. Noise. Currently the only noise I hear is that of children playing, neighbours chatting and cars on Commissioners road. Having a 10 unit building with patios, will create a lot more noise pollution. Including the sounds of cars trucks coming and going from this building at all hours.

3. Light pollution. Currently, the neighbour is only lit with street lights and is fairly dark and quiet. Adding this structure will create not only more light pollution but also a visual change in my sight lines of Warbler Woods. I currently only see trees, lots of mature

trees. I have no interest in looking out into a 4 story building. Granting R8 zoning, with special provisions, equates to spot zoning in a neighbourhood with R1 and R5 zoning on all sides of 1494 Commissioners Rd W. This would set a precedent that puts other single family dwellings adjacent to the Warbler Woods, Environmentally Sensitive Area at risk of also being redeveloped in the future. This is the core of the opposition to Zoning By-law Amendment Z-9689. No other structure adjacent to this area has such a large footprint or height. This will negatively alter the tranquil environment and compromise the privacy of the adjacent single family dwellings.

4. Depreciation of house value. Currently, my street is highly sought after. I get letters in my mailbox a few times a year asking if we are going to sell. This means my home has value. If you build an apartment building that will overlook not only my home but all of my neighbours homes, you have just brought down the value of our homes. We have all put a lot of money into our homes to keep their value. These homes were built in the 1970s, so you can appreciate the money that has been put into them to keep them looking as good as they do. My neighbours have spent thousands of dollars in backyard improvements, including addition of pools, decks and landscaping. I'm pretty sure they don't want families to be able to look into their backyards from 4 stories up, while they are enjoying their family time.

I am not opposed to rebuilding on this site. I am opposed to having it rezoned to a R8. A one-story building or condos would be fine. It would fit in with the environment. I am asking for you to not allow a 4 story structure to destroy our enjoyment of Warbler Woods.

I will be forwarding this email to the UTRCA and to my Ward Councillor, Anna Hopkins.

Sincerely,
Melissa Allman-Fournier

Public Comment 13 – Frank Smith

Please accept our comments in this regard.

Re: File: Z-9689
Applicant: Mr. David Moubarak / The Corporation of the City of London
Proposal: Zoning By-law amendment to allow:

A 4 storey apartment building with a maximum height of 13.5 meters (m) and 10 dwelling units.

Special Provisions requested to permit a minimum rear yard setback of 0.3 m., east interior side yard depth of 0.3 m., west interior side yard depth of 1.5 m., lot coverage of 46.2% and a height of 13.5 m.

Please be advised that we are opposed to the Zoning By-law amendment as referred to in File Z-9689 for the following reasons:

1. Who is the applicant? Mr. Moubarak, the current property owner, is listed on the London City's website whereas the delivered paper copy shows, "The Corporation of the City of London appears on the Notice of Planning Application & Notice of Public Meeting", dated December 21, 2023.

2. Insufficient Notice & Consultation: Prior to December 21, 2023, there hasn't been any consultation with the affected homeowners. The limited timeframe for response from Dec 21, 2023 to Jan 8, 2024, is totally inappropriate. Therefore, there should be an extension granted to allow all those affected to adequately address and respond to this proposal.

3. Upper Thames Conservation Authority (UTCA): A significant portion of 1494 Commissioners Rd W. is within an area regulated by the UTCA. Has the UTCA been involved in the planning process of this rezoning application?

4. The proposed R8-4 zoning with special provisions and permitted uses will have a significant impact on existing single family residences bordering and backing onto the property of 1494 Commissioners Rd West. This will set a precedent where single family homes adjacent to Warbler Woods, Springfield Crescent, and Land managed by the UTC A will be at risk of additional stresses caused by an increase in road traffic & noise and potential for future redevelopment. This strikes to the core of our opposing to the Zoning By-law Amendment Z-9689.

5. The special provisions granting reduced yard setbacks and side yard depth is a concern, especially the reduction of the West interior side yard depth adjacent to homes on Chestnut Hill. This would allow the proposed apartment building to be only 1.5 meters from the property line, raising concerns of loss of privacy and loss of sunlight from shadowing. No other structure adjacent to this area has such a large footprint or height. Similarly, reduction to the East interior side yard depth from 4.5 meters to 0.3 meters will encroach on neighbouring residential property. In totality, these proposed changes will negatively impact the peaceful environment and compromise the privacy of the adjacent single family dwellings.

6. Disruption / Spillover from construction and development: the proposed apartment building is a concern to the surrounding single homes adjacent to 1494 Commissioners Rd West. Additionally, noise and light disruptions at night from tenants on balconies and vehicles entering and exiting the property will have long term impact on our properties and neighbourhood.

7. The current owner of 1494 Commissioners Rd W. does not reside on the property, thereby raising concerns of his intentions with respect to neighbouring properties occupied by the owners, and a sense of community.

8. Potential loss in property values and a neighbourhood in equilibrium: We feel this rezoning application unfairly benefits the current owner of 1494 Commissioners Rd W in terms of property value, while compromising the value of our property(s). Historically, home owners have paid a premium for properties bordering onto the UTCA Land and properties adjacent to 1494 Commissioners Rd W. Home owners choose these lots because of their location near conservation land, a neighbourhood consisting of single homes, low density, and, for peace and enjoyment, to name a few. If Proposal under File Z-9689 is approved, there is a strong likelihood that our property values and the surrounding amenities that we have come to enjoy over the years will be threatened.

9. Environmental Stress: Removing and destroying vegetation that is primarily indigenous to this area will negatively impact the habitat in support of a variety of song birds, birds of prey, turkeys, deer, fox, coyotes and other fur bearing mammals.

10. Traffic: Access to 1494 Commissioners Rd W. from Commissioners Rd W, especially for westbound traffic, requires a left turn. This would require vehicles to obstruct the entrance to the left turning lane designated for vehicles turning left onto Chestnut Hill. Therefore, the increased number of vehicles that will be turning into the entrance to 1494 Commissioners Rd W. raises concern for increased motor vehicle congestion and collisions.

In summary, we believe the current interface between the neighbouring homes, 1494 Commissioners Rd W and the UTCA land, strikes a good balance in neighbourhood planning and harmony with our treasured environment. The current development proposal is totally out of scale with the existing neighbourhood. The only way to preserve this state is to Not approve the proposal as noted above, but look at the feasibility of the redevelopment of 1494 Commissioners Rd W in accordance to the current Residential By-law for our neighbourhood.

Regards,
Frank & Marlene Smith

Public Comment 14 – Monica Andreatta

Hi

We received notice of the proposal to build a new 4 storey apartment building at 1494 Commissioners Rd W.

As resident near this site, I'm concerned about the impacts:

- Increased light/noise pollution
- Privacy concerns for residents with 120 metre radius
- Encroachment on Warbler Woods ecosystem and wildlife
- Damaging to my/our property values
- More foot/vehicle traffic in the area causing congestion (see noise point in first bullet)
- Uncertainty of tenant types, more foot traffic in and behind Warbler Woods trails - causes safety concern to our community

Thank you for taking to the time to review my concerns.

Monica Andreatta & Graham Rogers

Public Comment 15 – Dianne Fahselt

Our single storey unit at [REDACTED] looks out over the same beautiful ravine as 1494 Commissioners Road. The ravine and linked natural areas support undisturbed southern deciduous forest communities and provide refuge for numerous species of native birds and animals. It was largely this natural environment that drew many neighbors to purchase here, near one of a limited number of protected natural areas that remain within the expanding city of London.

The multi-storey development to accommodate 10 families that is being planned a bit upstream would be an outlier in an area of conservation land and single-family units, and existing by-laws preclude building such in this location. Changing by-laws to accommodate something this massive makes a mockery of current standards, and it also sets a dangerous precedent and encourages similar outsized developments in inappropriate locations.

Because the building will be oversized normal setbacks from property lines can not be met, and application to reduce them from 4.5 m to one third of that means that one side of a large building will be 1.5 m from the edge of a steep ravine. Erosion due to rain and gravity happens naturally at the top of any steep slope and 1.5 m is not very far, so footings of the building will probably be affected and in time the structure will require stabilization from below. This would involve engineered support from outside the property lines and disturbance of a ravine which is supposed to be protected.

Spacial limitations being what they are, initial construction is also certain to impact ravine communities. Considering there will be only 1.5 m passages around the outside of the building on three sides, effects of excavation and other activities are bound to overflow into adjacent properties.

Aside from placing an anomalous building on a lot that's too small for it, there's impact on climate to consider and that would suggest it's imperative to preserve all self-sufficient natural vegetation. Most people now understand that a blanket of carbon dioxide (CO2) in the atmosphere is warming the earth and destabilizing the climate. Fewer realize that attempts to capture excess of this "greenhouse gas" artificially have failed dismally. However, and for hundreds of millions of years, plants have routinely been capturing CO2 and making it into the sugars which are at the base of every food chain, all the while producing the oxygen we so like to breathe. Consequently it's inadvisable to damage or displace any more natural communities than we already have.

Neither in the short nor the long term is there sense in allowing outsized construction at 1491 Commissioners, so do not amend any by-law that would permit such.

It seems as if proponents of this project recognize its fallibility and would like to slide the amendment through council before too many naturalists and neighbours become aware of it. Plans were drafted in 2022 but not made public for more than a year. They surfaced in the winter holiday season of 2023 and in January 2024 feedback was only permitted in the first 5 working days after New Years.

Dianne Fahselt

Public Comment 16 – Brian Twigg

Dear Mr. House, I am an owner and resident of [REDACTED], which is within close proximity of 1494 Commissioners Rd. W, the subject of this proposed By law amendment.

Besides the very negative environmental impact this development would cause, my greatest concern is that the granting of R 8 zoning with special provisions, could and probably would, be considered "Spot Zoning" in a neighborhood with R1 and R5 zoning on, all sides of the subject property. This would then set a precedent that puts other single family homes adjacent to the Warbler Woods environmentally sensitive area, at risk of also being developed in the future.

Hence, with respect, I urge you to decline this request for the amendment.

Thank you,
Sincerely,

Brian Twigg

Public Comment 18 – Tom Heath

Dear Brent House and Anna Hopkins,

My name is Thomas Heath and I reside with my family [REDACTED]. We received a notice of planning application in the mail for a zoning By-law amendment at 1494 Commissioners Road West.

We are strongly opposed to this rezoning application and are provided the following comments and concerns:

1) Due to the Notice of Planning Application and Notice of Public Meeting regarding File Z-9689 being released on December 21, 2023, just before the start of the Christmas and New Year's holidays, we are concerned that many homeowners have not had enough time to review and respond to the notice. Additionally, there is a discrepancy in the notice that was received by mail stating that the applicant is the city vs. the notice available on the city website, listing the property owner. Therefore, we are requesting more time for all homeowners within 120 meters of 1494 Commissioners Rd W. to respond to the notice.

2) We are opposed to granting R8 zoning, with special provisions, can be considered spot zoning in a neighbourhood with R1 and R5 zoning on all sides of 1494 Commissioners Rd W. This would set a precedent that puts other single family dwellings adjacent to the Warbler Woods, Environmentally Sensitive Area at risk of also being redeveloped in the future. This is the core of the opposition to Zoning By-law Amendment Z-9689. There are no other structures adjacent to this area that have such a large footprint and a 4-storey height which will overlook the entire neighborhood that currently has a seamless overall look consistent skyline. This will negatively alter the tranquil environment and compromise the privacy of all adjacent single family dwellings in the Warbler Woods neighbourhood. This proposed development does not fit the overall development landscape and is better suited somewhere else in London that has multi story properties.

3) As stated above, the neighbourhood has not been informed about this development prior to receiving the letter in the mail on Dec 21, 2023. No signs have been posted on the property to make residents aware of this major development that will change our neighbourhood in a negative way.

4) This development will cause major disruption by construction and redevelopment is a concern to the surrounding dwellings that are adjacent to 1494 Commissioners Rd W. This is a very constricted entrance with no access to parking for construction vehicles or workers. Additional noise and light disruptions at night from the 10 new tenants on balconies and vehicles entering and exiting the property will have long term impact on our properties and neighbourhood. This intersection is a single lane road with a left turning lane onto Chestnut Hill. As it stands, it is a very congested roadway and this additional traffic will cause major concerns to residents and many walking pedestrians that go to Warbler Woods.

5) The current property owner of 1494 Commissioners Rd W. does not reside on the property and it has been rented out for the past 5 years. The current residence is nestled into a very tranquil wooded area that connects all of the Warbler Woods wildlife area. This area is surrounded by current residents that have 2 storey home and overlook the entire property. There is also a business that is connected to this property (Montessori School) that has 100's of children is close proximity.

6) We feel that this rezoning application unfairly benefits 1494 Commissioners Rd W. in terms of property value, while compromising the value of our property due to the majority of the view at the rear of our property being replaced by this building. In turn, we are concerned that our property will be less favourable for future resale compared to other properties adjacent to the Warbler Woods, Environmentally Sensitive Area that are not affected by the proposed apartment building.

7) We are very concerned about the permanent removal and destroying a significant number of distinctive trees and trees in a designated tree protection area that form a habitat to Deer, Raccoons and a variety of birds, including protected species such as the Downy Woodpecker and Red Bellied Woodpecker. There are trees that are over 100 years old in this area and has a water basin that many of these animals rely on.

8) A large portion of 1494 Commissioners Rd W. is within an area regulated by the Upper Thames Conservation Authority. Concern is raised if the Authority has been made aware of this rezoning application and the role it plays in this process.

9) We have a major concern with regards to access into 1494 Commissioners Rd W. from Commissioners Rd W, especially for westbound traffic, requires a left turn. This would require vehicles to obstruct the entrance to the left turning lane designated for vehicles turning left onto Chestnut Hill. Therefore, the increased number of vehicles that will be turning into the entrance to 1494 Commissioners Rd W. raises concern for increased motor vehicle collisions. We also have the same concern with the right hand turn into this property which is only 10 meters away from the actual lights. There is no turn lane for this entrance and cars will need to come to substantially slow down to make this turn.

Commissioners Road is only a 1 lane road that already has high vehicle traffic and many pedestrians that use this intersection while walking to Warbler Woods. This is a major concern for our beautiful neighbourhood and the people that travel through it to get to this unique and popular wildlife park.

10) I would like to state that we are not opposed to this property being redeveloped, however the plan needs to maintain a footprint and height similar to the properties surrounding the 1494 Commissioners Rd W. Therefore, there will be less impact on the environment and neighbouring homes.

We will be attending in person on Feb 21, 2024 at City Hall to provide our comments to oppose this major development in our beautiful neighborhood of Warbler Woods. As stated before, this 4-storey mega building is not suitable for our neighborhood and

should be planned somewhere else in London that has these types of multi unit occupancy.

Thank you,

Thomas Heath and Tuula Zuliani

Public Comment 19 – Will Sentjens

Hello Mr. House and Ms. Hopkins,

My name is Will Sentjens and I live at [REDACTED]. I have recently been made aware of the Zoning By-law Amendment for 1494 Commissioners Road West and I would like to raise some concerns about this amendment.

This property backs onto the ravine that is part of the Warbler Woods hiking trail. If the rezoning of this property occurs and a 4-storey apartment is built on this property, I can imagine that a significant part of the ravine would be damaged and hence part of the Warbler Woods environment would also be damaged. I recently went past the property at 1494 Commissioners Road West and if the apartment was built, many trees would need to be removed and much of the ravine would need to be changed, remodified, and transformed. As an occasional user of this hiking trail, I would not want to see any unnatural changes to the ravine. It is currently a habitat for many different wildlife, and I have seen deer, raccoons, coyotes, snakes, fox, squirrels, hawks, crows, turkey vultures, to name many of the types of wildlife that exist in the ravine and I would not like their habitat removed or damaged. This past spring a mallard duck nested in my backyard and when the ducklings hatched, the mother duck marched her brood into the ravine to begin their new life.

I understand that in the city of London, there is a need for more housing and Byron is doing its part in providing some more housing, as is apparent by the recent apartment buildings at 1355 and 1341 Commissioners Road West. I'm certain that there was rezoning in order for these two buildings to be built as these buildings replaced four or five single family dwellings. These two apartment buildings were built with minimal damage to the environment and blended in well with the condo buildings behind them. An apartment building at 1494 Commissioners Road West would not blend in with the existing residential housing that it would be adjacent to and it would cause significant environmental damage.

I do not consider the zoning change at 1494 Commissioners Road West from Residential R1 (R1-8) to Residential R8 Special Provision (R8-4(*)) to be in the best interest of the environment and the community.

Mr. House and Ms. Hopkins, your consideration in this matter is greatly appreciated.

Sincerely, Will Sentjens

Public Comment 20 – Jeff Hubbart

Brad House
Development Services, City of London

Regarding: Zoning By-Law Amendment
Z-9689 1494 Commissioners Road West

As the owners of the property at [REDACTED]
Our property backs directly onto the property of the proposed by-law amendment Z-9689, 1494 Commissioners Road West.
We (Jeff & Trudy Hubbart) are opposed to the rezoning File Z-9689 of 1494 Commissioners Road West from R1 to R8 zoning with special provisions.

We are opposed to the proposed Apartment building with a large footprint amounting to a zero lot line building. With minimum rear yard setback of "0.3 meters (11.8 inches)", east interior side yard depth of "0.3 meters (11.8 inches)", west interior side yard depth of "1.5 meters (4 feet - 11 inches)".

A building of this size with "minimal green space" as a yard and with numerous tenants will directly impact the adjacent Warbler Woods Environmentally Sensitive Area and its unique ecosystems and wildlife over the long term. These numerous tenants will create increased foot traffic, outdoor recreational activities, dog excrement with no attempt to pick up after their pets since it's a wooded area. A wooded area designated as Environmentally sensitive.

The proposed height of this Apartment building will degrade our current sight lines of the wooded area known as Warbler Woods. This proposed Apartment building will obviously be damaging to the neighbourhood property values our property included. As well our current privacy will be compromised and infringed upon by numerous tenants on their balconies generating light and noise issues throughout the day and night.

In conclusion we are opposed to this spot development of dropping an "R8 Zoned" Apartment building in amongst the surrounding "R1 Zoned" single family homes. If this property is to be redeveloped the plan needs to have a similar base & height to the R1 Zoned properties adjacent to 1494 Commissioners Rd West. Obviously the current owner of 1494 Commissioners Road West is seeking the benefit of a financial gain by the redevelopment of this property. But there are **"zero"** benefits to be had by the adjacent property owners as well as the adjacent Environmentally Sensitive Warbler Woods Area.

Jeff & Trudy Hubbert

Public Comment 21 – Fran O’Leary

Mr. Brent House, Ms. Anna Hopkins, I am writing to you to let you know I am totally against the proposed changes to the above noted address. I live on [REDACTED] so this proposed change affects me and my family.

This area, that I call my home, is a single family residential area. The proposed changes which ask for special provisions regarding setbacks violate the zoning requirements of this area and should be denied.

The fact that the proposed building will tower above surrounding residences will restrict privacy for neighbouring residences along with denying them the beauty and serenity that they currently have.

The proposal encroaches on a valuable natural resource, namely Warbler Woods, and will undoubtedly adversely affect the ecosystem, wildlife and access to this area. It will place a substantial increase to the use of the Warbler Woods trails.

In terms of property values, a towering apartment building set in between single family residential properties will severely impact the values of neighbouring homes; Homes which residents have paid dearly for.

This portion of Commissioners Road is already heavily travelled by vehicles and pedestrians and will be further negatively impacted by the additional traffic and people congestion, noise and light pollution that the apartment residents would generate.

The Byron Village has enough apartments already which have negatively impacted this community. Please do not proceed with changing this portion of Byron too.

In summary, I vehemently do not support the proposed plan for 1494 Commissioners Road West.

Fran O'Leary

Public Comment 22 – Caitlin Dobie

To whom it may concern,

I hope this message finds you well. I am writing to express my strong concerns about the proposed new build development in our neighbourhood. Firstly, I fear that this development will significantly impact the value of our neighbourhood. The increase in foot and vehicle traffic could disrupt the peaceful atmosphere we currently enjoy, potentially diminishing the appeal of the area for current and prospective residents. Moreover, I'm deeply concerned about the potential impact on the Warbler Woods environment and wildlife. Any construction or increased human activity in the area could disturb the delicate balance of this habitat, threatening the wildlife and natural beauty that make our neighbourhood so special. Additionally, the heightened traffic resulting from this development poses safety risks for our community members. It could lead to congestion traffic, potentially compromising the safety of pedestrians, residents and wildlife. In summary, I firmly oppose this development proposal due to its potential negative effects on our neighbourhood's value, increased traffic, potential harm to the Warbler Woods environment and wildlife, and safety concerns for our community. Thank you for considering my concerns. I hope we can explore alternative solutions that preserve the integrity and safety of our neighbourhood.

Best regards,
Caitlin Dobie

Public Comment 23 – Emma Pace

Dear Brent and Anna,

I hope this message finds you well.

I am writing as a resident deeply invested in the preservation of our neighborhood to express my concerns about the recent development proposal on 1494 Commissioners Rd West.

While I am not personally connected to the land's past ownership, insights from a local discussion have brought to light several issues that I believe merit our collective attention. The proposed structure's size may not be compatible with the actual space, potentially leading to a building that looms over existing homes and disrupts the character of our community.

Moreover, the development's proximity to a sensitive wetland and floodplain raises environmental concerns. Any encroachment here could have long-lasting repercussions on the local ecosystem. The presence of a natural trail used by wildlife, including deer, for river access, adds another layer of complexity. Altering this pathway could increase the likelihood of accidents and disturb the natural habits of the wildlife we coexist with.

Much like many others in Warbler Woods, when we decided to purchase our home in this neighborhood, we did so specifically for the based on the premise of having private, protected, mature lands as our backdrop. This type of development changes the dynamic of our amazing neighbors and the reason so many of our neighbors made their specific home purchase. It greatly affects the enjoyment of the private use of our own properties.

The increased traffic is also worrisome, threatening to escalate noise levels, pollution, and generalized traffic for Byron.

I urge the City Council to take these concerns into account. It's important to us that we preserve the essence of our community and the natural environment that surrounds us.

I do understand the important of higher density neighborhoods given immigration targets, and the housing and rental prices in our city. A smaller multi family home such as a triplex may be more conducive to the feel of the neighborhood while allowing for more housing.

Our community would appreciate the opportunity to contribute our thoughts and concerns at any future hearings. Please keep us notified.

Thank you, and Happy New Year.

Public Comment 24 – Diane Rowe

I am opposed to this rezoning application.

The footprint of this development is too large for the site.

Special provisions are required for the rear (south), east and west to shoe horn this development onto the property and way too close to the west property line.

I'm concerned about your letter that states "The city may consider the use of holding provisions, and additional special provisions to facilitate the proposed development". Who gets a say if the city should do that?

This development is adjacent to the Warbler Woods an environmentally sensitive area which requires special consideration.

Exiting left from this property is a problem due to being so close to the lights at Cadeau and Chestnut Hill.

I am not against redevelopment but make it sensible and in keeping with the neighbourhood and the environment.

Diane Rowe

Public Comment 25 – Jim O’Kruk

Dear Brent House,

I live on [REDACTED] and I oppose the new 4 story apartment build proposal with 10 dwelling units on 1494 Commissioners Road West.

Such a large scale apartment complex is not needed and would significantly increase local traffic congestion and noise, add further stress to the Warbler woods ecosystem and reduce local property values.

I trust you can see my point of view and will support me and others in the Warbler woods community who do not support this development proposal and the negative impact it would have.

Sincerely, Jim O’Kruk

Public Comment 26 – Janis Oram Cardy

Dear Mr. House and Ms. Hopkins,

I currently live at [REDACTED]. I am vehemently opposed to the application to amend the Zoning of 1494 Commissioners Rd W from a Residential R1 (R1-8) Zone to a Residential Special Provision R8 R8-4(*) Zone. The owner of this property wants to put a 4-storey, 10-unit apartment building on the property, which currently contains a single, detached, residential home. The rear of this property projects to the rear corner of my

property, and fully backs onto the properties of my two neighbours. Although the photos and drawings submitted by the applicant create the impression that his current and proposed properties are masked by trees from his Chestnut Hill neighbours, this is simply not accurate. I can see the current house on the property from my own at all times of year, including the summer. As such, what happens on this property is of great significance to me and my family, and to future owners of our property.

From our backyard, my family currently enjoys an undisturbed, peaceful view of the Warbler Woods. We have no window treatments the windows on the rear of our home expressly because we bought the property for its views of the woods, a designated Environmentally Significant Area. We are extremely distressed at the prospect of viewing and hearing apartment residents, staff, and service people from our home and our backyard at all hours of the day. The Southeast Isometric view in the architectural drawings for the proposed apartment building show that our current view (which is limited to two small windows along the back corner of the house) will be replaced by a four-storey building with eight windows, four balconies, and a large common amenity terrace, all directly in our sight (and hearing). This level of residential density placed at our property line would detract immensely from our ability to enjoy our yard and deck on weekends and in the evenings, and our current experience of living in a residential, well-forested, and peaceful neighbourhood, prohibiting our Right to Quiet Enjoyment. It is not what we paid for, or expected, from the neighbourhood when we chose to purchase this home and is contrary to the original plan and zoning.

We pay over \$10,000 per year in property taxes, partly because the presence of the protected green space behind our home contributes to a higher property value. If there had been an apartment building located behind our property when we came to view it 14 years ago, we would not have even bothered to stop to look at it. An apartment in what is otherwise a low-density residential area is not appealing to us, nor will it be to the future owners of this home. In addition to the immediate negative impact on the residential nature of our neighbourhood, construction of a 4-storey building behind our home will have a negative impact on the future property value. Should this application be approved against our wishes and those of my neighbours, we expect to be provided with details of the City's plans to significantly reduce the property taxes on our home given the loss of privacy at our back door and increase in noise all hours of the day, resulting in the loss of our right of quiet enjoyment and diminished property value.

I would also like to voice my extreme opposition to all aspects of the Special Provisions request, including excessive height and overall coverage. I am most dismayed by the applicant's request to have a minimum rear yard setback and east interior side yard depth of only 0.3 metres where 4.5 is the standard minimum required. These sides of the property about the Warbler Woods ESA (OS5). No other property that surrounds the Warbler Woods in this area comes even close to the 4.5 metre minimum. To have such a large multi-residential structure right up against this ESA will absolutely destroy the natural landscape and woodland views for all those who currently enjoy this section of the Warbler Woods.

An additional concern is the negative impact of an apartment building at this specific site from a traffic and safety perspective. Having walked two of my children to and from Byron Woods Montessori School, which is located close to 1494 Commissioners Rd W, I have experienced firsthand the risk presented by the curve in the road approaching the Montessori School. Both the speed with which cars come down Commissioners Road from Oxford, and the close proximity of the very narrow sidewalk to the road, already present a hazardous situation for pedestrians, many of whom are families with young children who attend the Montessori school. This safety hazard will be increased tenfold with the increased traffic presented by the comings and goings of the apartment residents, staff, and service people as they enter and exit the property in their vehicles. Commissioners Road was clearly not planned in such a way as to accommodate the traffic that comes an apartment building in this location.

This is not the first time I have received notification of an application for a zoning amendment from this property owner. In fact, it is the third. I received my first notification in 2012 when he sought an amendment to place a business (salon/spa) on the property. At the time, my then 5-year daughter was in the midst of hospitalization for acute myeloid leukaemia. Given the extreme distress I was under, I was only able to contribute my signature to my neighbour's petition in opposition to the proposal. The owner then put the application on hold. In 2016, I was very disturbed to be faced once

again with the task opposing additional efforts by this owner to disrupt our neighbourhood with a commercial business that was not welcomed by the residents. Again, following submission of our opposition, the owner placed his application on hold. Since that time, I have had to contact the City on multiple occasions to report unauthorized cutting of trees on and around his property. In addition, he threatened my neighbour to the effect that if we keep opposing him, he would teach us a lesson by putting up an apartment building instead. It is clear that this owner is not a good steward of the Warbler Woods ESA or his neighbourhood. I am hopeful that this will be his last, and unsuccessful, effort to change the zoning on this property.

I implore the Planning & Environment Committee to carefully consider whether the principals of sound planning are being applied in designating this particular property as R8 and allowing the Special Provisions for excessive set back and side yard depth right up against the ESA. With the removal of residences along Commissioners Rd W closer to Boler Road and apartment buildings in the West 5 area, it would seem a more reasonable approach to continue to situate apartment buildings in these areas instead of creating unpleasant sprawl towards some of Byron's most preferred environmentally significant woods. I seek better stewardship of such an important area than to consider intruding upon it with an apartment building and am deeply hopeful that the City of London will agree with me.

Sincerely,
Janis Oram Cardy

Public Comment 27 – Megan Pasierbek

To whom it may concern,

I am writing this letter to express my concerns about the apartment building proposal for 1494 Commissioners Rd W.

As a resident within 120 meters of this location I have a number of concerns I would like to voice.

I am very concerned about our privacy being impacted as this building will tower over our house.

I am also concerned about the encroachment on the Warbler Woods ecosystem and the vast wildlife that reside in this area.

Building a 10 dwelling unit causes me concern as it will increase foot and vehicle traffic in an already congested area of the city. Commissioners Road West is a very busy road and I am frequently witnessing cars speeding and driving dangerously in this area. We do not have the infrastructure in place to support an apartment building with 10 units.

Thank you for taking the time to consider these concerns. I hope you will rethink this apartment building proposal.

Megan Pasierbek

Public Comment 28 – Susan Beatty

Dear Brent and Anna,

I live on [REDACTED] I oppose the new 4 story apartment build proposal with 10 dwelling units on 1494 Commissioners Road West. The property is too small to support such a large building.

Such a large scale apartment complex would significantly increase local traffic congestion. That is a dangerous turn onto Commissioners from the property. I am also worried about stress to the Warbler woods and the impact on our local property values.

I trust you will support me and others in the Warbler woods community who do not support this development proposal and the negative impact it would have.

Thank You,
Susan Beatty

Public Comment 29 – Matthew DaCosta

To Brent House and Anna Hopkins

I am writing this letter to express my concerns about the apartment building proposal for 1494 Commissioners Rd W.

We are disappointed to have received this letter that there is a consideration to amend the zoning by law in our area. This proposal will completely destroy the integrity of the neighbourhood and cause extreme congestion and danger to an already busy and congested area of the city.

With a day care and primary school directly beside this proposed apartment building we are concerned of the privacy of the school and daycare along with the privacy of the residents surrounding this building. The new apartment building will be able to oversee the school/day cares playground and is a potential danger to the children of the school and their privacy.

A ten unit building in this location would be detrimental to the warbler woods area, the wildlife that live there, and the environment surrounding it.

This area should remain zoned as residential as it has been for over 60 years, the homes that surround it were built to create a safe environmentally friendly neighbourhood and this would change that

Matthew DaCosta

Public Comment 30 – Heather Murrell

Hi Brent,

We are writing in regards to the new apartment build proposal for 1494 Commissions Road West.

We live close to this location backing on to Warbler Woods. We are fortunate to back onto this beautiful protected space so want to express our concerns that this new apartment could have an impact on the forest and the many creatures that live in the area. We've witnessed a lot of wildlife in our area, including a flying squirrel (our favourite), deer, foxes, snakes, toads, frogs, owls, wood duck, salamanders, possums, coyotes and other critters and birds. We are worried that the increase in the # of people in the area, the light pollution after the apartment is built and the increased space the apartment takes up could have an impact on the wildlife and possibly take away a regular path for the deer to get down to the river safely.

The Upper Thames Conservation Authority has restrictions on building near the creek that runs near this property, and they also have rules that must be followed when building near the forest. We are interested to hear whether the Upper Thames allows this to be built given how protective they are of the area. Below is the map from the Upper Thames website as you can see that the property falls within the red zone.



Many of the homeowners that are within sight of this property bought their houses assuming they were backing onto a house / forest. Building an apartment in place of the existing house will significantly negatively impact their property values, and would take away much of their existing view / privacy. Looking out on a house is much different than looking into an apartment – we really feel for the existing homeowners close to this if this goes through, this is detrimental to them.

Craig and Heather Murrell

Public Comment 31 – James Dobie

Dear Mr. House and Counsellor Hopkins,

I hope this message finds you well. I am writing to express my strong concerns about the proposed new build development in our neighbourhood.

Firstly, I fear that this development will significantly impact the value of our neighbourhood. The increase in foot and vehicle traffic could disrupt the peaceful atmosphere we currently enjoy, potentially diminishing the appeal of the area for current and prospective residents.

Moreover, I'm deeply concerned about the potential impact on the Warbler Woods environment and wildlife. Any construction or increased human activity in the area could disturb the delicate balance of this habitat, threatening the wildlife and natural beauty that make our neighbourhood so special.

Additionally, the heightened traffic resulting from this development poses safety risks for our community members. It could lead to congestion traffic, potentially compromising the safety of pedestrians, residents and wildlife.

In summary, I firmly oppose this development proposal due to its potential negative effects on our neighbourhood's value, increased traffic, potential harm to the Warbler Woods environment and wildlife, and safety concerns for our community.

Thank you for considering my concerns. I hope we can explore alternative solutions that preserve the integrity and safety of our neighbourhood.

Thank you,

James Dobie

Public Comment 32 – Linda Forsythe

When I saw this site get approved for a “spa” and no construction advance I felt it was probably just a plan to get a commercial re zone accomplished for bigger plans ! How true that was.

We bought our home across from a farmer's field in Westmount in 1980. Unfortunately that led to many many years of construction all around our property.

When we retired to a condo about 35 years later we consciously decided to purchase a home in an already developed neighborhood.

Being overlooked by an apartment complex was definitely something to be avoided ! Please do not allow these builders to swish a complex such as this on such a small piece of land in a beautiful ravine area.

Linda Forsythe

Public Comment 33 – Chris & Stef Kubinski

Good afternoon,

I would like to express concern for the future development of the property at 1494 Commissioners Rd. W. (Cadeau/Chestnut Hill and Commissioners) This seems to have been pushed through with little to no input from the general public and surrounding neighbours. [REDACTED], and the first we heard of this pending development was over the holiday's when most have their minds on other things than the local news. This appears to already be a done deal, and literally the first we have heard of it. I would have thought that such a zoning change would have required some public input. Where were the announcements to local residence? This seems like a very small lot for an apartment structure. The environmental impact of constructing and sustaining such a large structure into the side of the ravine seems counter to the Forest City approach. I feel an apartment looming over the forest area of Warblerwoods is very disappointing.

Byron has always been a small town community that has brought in home owners looking for a less Metropolitan life style. Our community is quickly being taken over by apartment complexes and cut through traffic heading to West 5, Kilworth and Komoka developments. Cramming Apartment Complex's in every small space they can find (some environmentally sensitive) only lessens our quality of life as well as the value of our properties. Additional properties along Byron's main Street have recently been purchased by what appears to be more developers. Are we doomed to have our small community becoming a canyon of apartment buildings lining our main street?

Sincerely,

Stephanie Kubinski

Public Comment 34 – Ellen Hecimovic

MY VOTE Ellen Hecimovic at [REDACTED]. I OPPOSE 1494 COMMISSIONERS ROAD WEST ZONING BY LAW AMENDMENT Z-9689

Ty
Ellen

Public Comment 35 – Linda Quigley

Dear Brent,

Thank you for listening to me and taking my phone call.
Also want to thank you for postponing the deadline to comment on this proposal until Jan 22nd.

We are deeply concerned about the size of this project and the impact it would have on the adjacent properties as well as the damaging effect on Warbler Woods.

I received the ammended By-Law notice you sent by mail. Thank you.

You can contact us on this email address to keep us aware of any new developments.

Best regards,
Linda and Harry Quigley

Public Comment 36 – Inez Boehme

I am a resident of 2 Cadeau Terrace and am writing in protest of the proposed zoning by-law amendment of the property at 1494 Commissioners Rd. West.

This affects all residents of Cadeau not just 2 Cadeau.

Traffic is already horrific in volume and speed.

Also, I am concerned regarding future zoning of the the three adjacent properties to 1494.

Thank you

Inez Boehme

Public Comment 37 – Glen Alexander

Good morning Brent, I'm messaging you to try and get more details on the property at 1494 Commissioners RdW. Going through the notice I see that they are going to widen Commissioners Rd. Can you confirm the details on this widening of the road. Is it only for a turning lane at this address or will it involve more. The intersection at the lights is already dangerous enough as pretty much 8 times out of ten that we approach commissioners rd from Cadeau terrace at the lights a vehicle will be speeding through a red light.

If this is only a turn lane for the property can you please confirm the dimensions of the widening.

Also of concern to us is the ravine that this project is adjacent too. We would hate to see this damaged in anyway!!

Thank you for your time.

Glen Deveaux

Public Comment 38 – Dr Anna Kempinska Komorowsky

Brent House
Planner, City of London
Development Services

Anna Hopkins
Councillor
City of London

January 19th, 2024

Dear Brent House and Councillor Anna Hopkins

We are writing in regards to the proposed development and zoning by-law amendment Z-9689 for the property at 1494 Commissioners Road West. As you may recall, I (Anna Kempinska) had phone conversations with you both on Wednesday January 10th. I really appreciate you taking the time for these conversations.

In November 2023, we put an offer to purchase _____, which was subsequently accepted. Our closing date for final purchase will be February 8th, 2024. We became aware of the proposed development on January 7th, 2023, via an acquaintance. We understand there is to be a public meeting on February 21st, 2024, which we will be attending.

We are opposed to Zoning By-law Amendment Z-9689 – 1494 Commissioners Road West. The following are our concerns regarding the proposed development.

1. Amendment of Zoning By-Law

It is proposed to change the zoning for 1494 Commissioners Road West from R1-8 to R8-4 zone. The Warbler Woods and Byron areas are neighbourhood communities with a residential housing set amidst a natural heritage area. Our future home backs onto these woods and we and many in the neighbourhood appreciate the sense of calm and privacy that this beautiful area brings. Changing the bylaw to allow for this multistory development would set a precedent to allow this to happen on future land in the neighbourhood. This would impact the current sense of neighbourhood and community.

The proposed building is large and has a footprint in footage and height out of keeping with residences in the area. While we understand the need for housing development, this surely could be done in an area where zoning is already slated for this, and not out of keeping with an established neighbourhood.

2. Impact on adjacent Environmentally Significant Area (Warbler Woods)

The proposed development plan shows the south and east portions of the site directly next to an Environmentally Significant Area with very little buffer between building and this land. This area is a site of natural heritage and natural sensitivity. We are extremely concerned about the impact this multistory development would have on this protected area.

Despite just having placed an offer on the home at [REDACTED] shortly prior to the public notice for this proposed development, we have had several opportunities to see wildlife in the area. This area is known for small and large wildlife; deer walk a well-used path directly through Warbler Woods. In fact, this path is a known deer travel corridor through Warbler Woods to cross over Commissioners Road for access to the Thames River. On one occasion while visiting our home prior to purchase, we had the opportunity to see a beautiful large buck deer walk through the woods and directly onto the property at 1494 Commissioners Road.

On a recent visit to the public land behind Chestnut Hill, many wildlife prints were visible in snow. In fact, the property at the proposed development site has a "Wildlife Sanctuary" sign. (See Photo 1 and Photo 2 below). The property and the adjacent land at Warbler Woods is certainly full of natural heritage, and development to this property will bring along increased use from people and cars, and noise pollution from construction and increased use, and will deter wildlife.

3. Impact on surrounding residential housing

The height of the proposed building requires a special provision zoning amendment. The large height of this building has a direct impact on the outlook of neighbouring houses, most of which were built 30-50 years ago. While trees may cover a portion of this building in summer, the building will be visible above the trees year-round and through the winter/spring/fall months, especially for those homes that are directly adjacent to the property. In fact, the proposed multistory building is so close to homes on Chestnut Hill that its height will have a large new shadow effect on these homes (see architectural drawings). Casting this shade will decrease sunlight and affect vegetation growth on adjacent properties and the ESA land.

In addition, light disruption from multiple units will have an impact on surrounding residences which are in very close proximity. Privacy will also be disrupted from balcony use, considering how close the apartment building is to residential homes.

4. Impact of construction on air pollution and particulate matter

The exhaust from machinery and debris from construction will create particle pollution (particulate matter) that has a proven negative impact on human and animal health. The proposed development is directly next to residential buildings as well as an early childhood education centre (Byron Woods Montessori).

Particle pollution has been shown to cause irritation to lungs, eyes, and throats. It can be considerably harmful to those living in the area with chronic lung conditions such as

asthma and COPD, as well as linked to lung cancer, heart disease and the developing respiratory system of young children. ¹

In addition, the proposed development's proximity to Warbler Woods (of which it is directly next to) will create pollution that will have an impact on the wildlife and natural flora of this Environmentally Significant Area.

5. Noise Pollution from construction and development

The noise from construction and development at the site is a concern, particularly in context of such close proximity to residential housing. Evidence has shown that noise pollution contributes to hearing loss, tinnitus, and hypersensitivity to sound, and can cause cardiovascular disease, diabetes, sleep disturbances, stress, mental health and cognition problems, including memory impairment and attention deficits, childhood learning delays, and low birth weight. ²

6. Impact on Pedestrian and Traffic Safety

We are concerned about the impact of increased traffic use of the property both during construction as well as with vehicles for a proposed 10 unit building.

The driveway will be extremely close (32m) to a traffic light and pedestrian crosswalk (at Chestnut Hill/Cadeau Terrace and Commissioners Road W). In addition, the proposed driveway is very close to Byron Woods Montessori (to the east). Commissioners Road W is a well-traveled path for pedestrians with several city bus stops (one just 20 m away) and school bus drop offs along the sidewalk. Increased vehicle use at this property will be a hazard for any pedestrian traffic along this route.

In addition to the impact on pedestrian safety, there will be an impact on traffic safety due to the turning into and out of the property from and to 1494 Commissioners Road W. The entrance to the property is situated on a curve with a suboptimal site line, making turns here increasingly hazardous.

Turning left out of the property onto Commissioners Road in the westbound direction is concerning as the traffic light is just 32 m away. Turning onto the property heading east along Commissioners Road is just past a traffic light/pedestrian crosswalk, making it a hazard for cars due to quick slowing of traffic, especially around a curve.

We understand the need for increased housing in a growing city, but this development has many concerns and negative impacts that would not be experienced in an area already zoned for multiresidential use, and in addition, not in direct proximity of an Environmentally Significant Area.

We thank you kindly for your consideration of our letter, and we appreciate the attention you give to this important issue.

Yours truly,

Dr Anna Kempinska Komorowsky

Public Comment 39 – Steven Christopher

We are writing to express our opposition to Zoning By-law Amendment Z-9689 and the construction of a 10 unit apartment building at 1494 Commissioners Road. W.

We are residents of [REDACTED] and as such are frequent users of the intersection at Commissioners Rd. and Chestnut Hill. This intersection is already hazardous because of traffic on Commissioners Road in both directions speeding and running the lights. On more than one occasion we have narrowly missed being 'T-boned' when the light has turned green for us but crossing traffic was oblivious or proceeding too fast to stop. We can only assume that this situation will worsen should this apartment building be allowed. The driveway for it is a very short distance east of our intersection. This alone would seem to make the approval of the proposed zoning change very ill advised.

We also express our dismay that the residents of properties on Chestnut Hill would be overlooked and so closely abutted by the proposed building. This would surely affect their resale value as well as the quiet enjoyment of their properties.

Allowing this should be against the law.

Yours truly,

Steven Christopher
Sandra Christopher

Public Comment 40 – Rudy Rybansky

William Brent House,

I am writing you to express my concerns as a resident of the Warble Wood West neighborhood regarding the subject, proposed development of a 10 unit, 4 storey building.

My primary concern is the impaired vehicular and pedestrian traffic safety resulting from regular in and out traffic from such a building so close to the Chestnut Hill and Commissioners Road West intersection. As a long time resident using that intersection I can attest to its dangers as speeders race down the incline, ignore red lights and encroach on the left turn lanes. Neighbours have recently been T-boned in their car as a car ignored the red light. Add in the narrow sidewalk immediately abutting the south side of Commissioners Rd W, the existing bus stop and the proximity of two schools combined with the hidden driveway for the subject property, all immediately east of the Chestnut Hill intersection; combined with the high traffic volume on Commissioners Rd W, the proposed property development is a recipe for disaster both for drivers and pedestrians. There is no room to provide a safer entrance and exit to the property for multiple residents.

Changing zoning to accomodate this proposed development is highly detrimental to existing, adjacent single-detached homeowners property values and quality of life and to the Warbler Woods natural environment.

I strongly object to this proposal.

Sincerely,

Rudy Rybansky

Public Comment 41 – Michael Harnadek

January 20, 2024
Brent House
bhouse@london.ca
Development Services, City of London
300 Dufferin Avenue, 6th Floor
London, ON PO Box 5035 N6A 4L9
Anna Hopkins
ahopkins@london.ca
Councillor – Ward 9

Re: 1494 Commissioners Road West – Zoning By-law Amendment

File: Z-9689

Thank you for the opportunity to offer our concerns for the planned development of 1494 Commissioners Road W.

We are not opposed to the building of a low density multi-unit apartment/condominium on 1494 Commissioners Road W. London's housing shortage is well-recognized and support for in-fill development plays a key role in helping lessen urban sprawl. We do have concerns regarding (1) potential implications for the zoning change on adjacent properties, (2) the proposed size of the construction and impact upon noise, (3) need to protect the privacy of neighbouring properties, and (4) protection of the adjacent Ecologically Sensitive Area (ESA). Our final concern relates to the traffic problems being experienced along Commissioners Road W in proximity of the development.

1. Impact of Zoning Change on Adjacent Properties

It is not clear from the application whether the request to rezone 1494 Commissioners Road W, from R1 (R1-8) to R8 (R8-4) would also affect the zoning of properties that are not adjacent to the Commissioners Road corridor. The peaceful residential character of Chestnut Hill is partly formed through consistent mixture of residential buildings that share a similar height and footprint, with an interplay of towering trees.

Any future application for rezoning (from R1 to R8) in areas away from Commissioners Road W should be made on a case by case basis. That would permit residents the opportunity to offer feedback to assist the city in its consideration of the appropriateness of the proposed development.

2. Concern Regarding the Proposed Size and Impact on Noise

The developer has requested that the size of the building area be increased from 40% to 46.2%, with west setbacks reduced to 0.3m from 4.5m. We are concerned that the changes to the allowable footprint unnecessarily encroaches upon the neighbouring properties to the west.

With the building structure serving as a backdrop, noise from elevated levels (the 4th floor rooftop terrace facing northwest; 4th floor extended balcony/terrace along the south side) will be projected and amplified down into the ravine. This has the potential to be very disruptive to residents living along the west side of Warbler Woods (off of Chestnut Hill) and the east side of Warbler Woods (off of Springfield Crescent). It is not at all clear what, if any, steps have been planned to mitigate noise pollution into the ravine.

Our suggestion is to reduce the height of the proposed structure on the south side to 2 stories, and eliminating the northwest facing 4th floor rooftop terrace. If the builder and the city are not agreeable to a change in the building height on the south side, significantly reducing the size of the south facing 4th floor balcony/terrace, to a size comparable to the balcony proposed for units C or D, is strongly recommended. Also recommended is the use of sound absorbing materials to prevent the reflection of sound back into the ravine (such as timber battens and privacy screens).

3. Need to Ensure Peace and Privacy for Neighbours

The residents who purchased properties along the ESA did so with the understanding that it offered a high level of privacy. They paid a premium in residential costs to buy in that area. The proposed development threatens to remove that privacy, with little mitigation or compensation for residents.

Increased noise and lighting will be unwanted elements. Ensuring that the trees along the south of the property (specifically, those identified as "cluster 5", 6 and 7 within the August 28, 2023 Tree Preservation Report) remain intact and unharmed will also help lessen the increase in ambient and reflected noise, and visual privacy during the spring to fall when the foliage is out. Those trees should be protected against accidental or planned removal.

Such provisions, however, will not eliminate the fact that there will be increased noise from balconies that overlook the ESA. Noise projected (or reflected) in the ravine carries farther than in other areas, possibly due to the absence of other structures to block the sound. The developer should be required to take steps to mitigate the increased noise that will result, such as reducing the height of the south portion of the building to 3 stories, or reduce the size of the south facing 4th floor balcony/terrace to the same size as a balcony for unit C or D, or installing sound absorbing materials (such as timber battens and privacy screens) along the south facing balconies.

Increased light from exterior fixtures will also be a necessary but unwanted factor. One of the joys of living against the ESA is enjoying the natural darkness of the ravine during the evenings, without bright lights bearing down. It is also not clear to what extent the increase in night time light upon the ESA will have an adverse effect upon the animals that live there (such as the deer). The developer should be required to install light fixtures directed away from the ESA, and which direct the beams downward and not allow unrestricted ambient light to shine towards neighbouring residences.

4. Protection of the Environmentally Sensitive Area

There is a need to protect the ESA from factors that can disturb its nature or the welfare of the animals that live there. We understand that the Upper Thames River Conservation Authority has provided input into that matter.

5. Traffic and Sidewalk Along Commissioners Road W.

We are concerned that the close proximity of the entrance to the planned construction, to the westbound turn lane into Chestnut Hill, poses an increased traffic problem. Traffic speeds along the stretch of Commissioners Road W from Oxford Street to Grandview Avenue tends to be fast. It is not uncommon to observe eastbound and westbound cross the intersection against the red traffic light. Increasing local traffic in that area will increase the potential for a dangerous collision.

Additionally, the south side sidewalk that passes in front of the proposed development is used by children as a main route to Byron Northview Elementary School, and to St. Thomas Aquinas Catholic secondary school. There is little to no shoulder along the road beside the sidewalk and the roadway, increasing the risk of injury to pedestrians and cyclists if a vehicle swerves in the lane. Adding additional residential traffic in and out of the proposed development will serve to exacerbate this risk.

Final Thought

Let us end by reiterating our opinion that we are generally supportive of the plan for in-fill development on the 1494 Commissioners Road W property. A review of the size of that development, along with the mitigation of concerns to adjacent residents, are issues that should be addressed before the development proceeds. Doing so will help ensure that the new development, and the homes it offers, are a welcome addition to the neighbourhood.

Thank you for providing the opportunity for us to respond to this zoning change application.

Public Comment 42 – Nancy Moser

As per my previous phone call on January 21, 2024 I am strongly apposed to the zoning by-law amendment Z- 9689 - 1494 Commissioners Road West, London ON. Kindly support our opposition to this application and have it turned down. My address is [REDACTED]

Sincerely,
Nancy Moser

Public Comment 43 – John and Marlene Seachrist

File: Z-9689 Rezoning By-law Amendment & Planning Application for 1494 Commissioners Road West

We would like to start by saying “Thank You” for extending the deadline to the 22nd. Our biggest concern is the additional traffic which a ten-unit apartment complex will bring to the area. There have been several accidents in this area already by speeding cars as they round the bend going east nearing Chestnut Hill. There have also been some close calls with cars in the left turn lane going west. With a ten-unit apartment complex there will be increased traffic turning from the driveway which is very close to the Chestnut Hill traffic lights.

There are also the environmental concerns having a large apartment complex boarding on the eco-sensitive ravine. Litter and water runoff from the parking lot could contaminate the stream, which runs into the Thames River. Being the Forest City, the loss of carbon capture trees and vegetation is also a concern. The trees and vegetation need to be replaced by the developer in another location to minimize the loss of the carbon capture.

The noise and lights from the apartment complex will unquestionably reduce the quality of life for the adjoining properties. We can sympathize with the home owners that will be backing on to the ten-unit apartment complex, because we have a neighbor that has weddings and large events every summer. This reduces the use of our backyard. They also have lights shining at the back of our house making the rear bedrooms lit up all night. Until you have experienced these hardships, you can't understand how it impacts your life so negatively!

The ten-unit apartment complex will have a detrimental affect on property values, with the setbacks being reduced to 0.3 & 1.5, in the proximity. Although the apartment complex may increase the existing property taxes this will be off set by lower taxes on neighbouring properties. Therefore, creating a loss of revenue for the city.

In conclusion, we would prefer a single-family home on the location, but we believe a duplex or maximum fourplex in similar height and size in keeping with the style of properties in the area would have less of a negative impact on the neighborhood. Thank you for your time and consideration in helping the residents of the Warbler Woods West neighborhood.

John and Marlene Seachrist

R8-4() 1494 Commissioners Road West

a. Regulations

1. West Interior Side Yard Setback (Minimum)
2.5 metres and no habitable windows directly facing the west shared lot line.
2. East Interior Side Yard Setback (Minimum) 0.3 metres
3. Rear Yard Setback (Minimum) 0.3 metres
4. Lot Coverage (Maximum) 46.2%
5. Height (Maximum) 13.5 metres
6. West Interior Side Yard Building Height (Maximum) 2-storeys
7. West Interior Side Yard Building Stepback (3rd storey) 2.0 metres

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: Nabataeans Homes (c/o Stantec Consulting Ltd.)
1467 Wharncliffe Road South
File Number: OZ-9680, Ward 10
Public Participation Meeting

Date: February 21, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Nabataeans Homes relating to the property located at 1467 Wharncliffe Road South:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 5, 2024, to amend the Southwest Area Plan (SWAP), for the City of London by **CHANGING** the designation of the subject lands **FROM** Commercial **TO** Medium Density Residential on Schedule 4 Southwest Area Land Use Plan, and Schedule 10 Central Longwoods Neighbourhood Land Use Designations;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on March 5, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, as amended in part (a) above, to change the zoning of the subject property **FROM** an Urban Reserve (UR4) Zone **TO** a holding Residential R8 Special Provision (h-149*R8-4(_)) Zone;

IT BEING NOTED, that the above noted amendments are being recommended for the following reasons:

- i) The recommended amendments are 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. The *PPS* directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
- ii) The recommended amendments conform to The London Plan, including but not limited to the Key Directions, City Design and Building policies, and the Shopping Area Place Type policies;
- iii) The recommended amendments conform to the Southwest Area Secondary Plan, including but not limited to the Central Longwoods Neighbourhood policies; and
- iv) The recommended amendments would permit an appropriate form of development at an intensity that is appropriate for the site and surrounding neighbourhood.

Executive Summary

Summary of Request

The applicant has requested an amendment to the Southwest Area Secondary Plan, to redesignate the property from a Commercial designation to a Medium Density Residential designation. Further, the applicant has requested an amendment to the Zoning By-law Z.-1 to rezone the property from an Urban Reserve (UR4) Zone to a Residential R8 Special Provision (R8-4(_)) Zone.

Purpose and the Effect of Recommended Action

Staff are recommending approval of the requested Official Plan and Zoning By-law amendment with additional special provisions to permit a 3.5 storey residential stacked townhouse development with a maximum density of 77 units per hectare (uph). Staff are recommending a holding provision (h-149) to ensure sanitary and stormwater management servicing reports will be prepared and implemented.

Special provisions requested by the applicant and recommended by staff include: a maximum density of 77 uph, whereas 75 uph is the maximum permitted, a minimum front yard depth of 4.5 metres, whereas 7.0 metres is required; a minimum exterior side yard depth of 5.3 metres, whereas 7.0 metres is required; and a minimum exterior parking setback of 2.0 metres, whereas 3 metres is required.

The recommended action will permit a 3.5 storey, 20 unit residential development.

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.
- **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.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

PEC Report – Bostwick East Area Plan (O-6872) – September 12, 2005

PEC Report – Bostwick East Area Plan (O-6872) – May 30, 2005

1.2 Planning History

The subject lands comprise part of the Bostwick East Plan. In 2003, the City of London and Sifton Properties Limited initiated the Bostwick East Area Plan as a developer-led community plan to guide development for the lands bounded by Southdale Road West, Wharncliffe Road South and Wonderland Road South. City Council adopted Official Plan Amendments in 2005 to implement the Area Plan. The lands are now subject to the *Southwest Area Secondary Plan (SWAP)*, and more specifically the policies for the Central Longwoods Residential Neighborhood. *SWAP* was approved by the Ontario Municipal Board on April 29, 2014, and is intended to provide a comprehensive land use plan, servicing requirements and servicing strategy for the lands south of Southdale Road, east of the Dingman Creek and north of the Highway 401/402 corridor.

1.3 Property Description and Location

The subject site is a corner property located at the intersection of Wharncliffe Road South and Morgan Avenue, within the Bostwick Planning District. The site has a total area of approximately 0.26 hectares, with a 45.7 metres frontage along Wharncliffe Road South and a 57.9 metres frontage along Morgan Avenue, and a total maximum lot depth of 57.9 metres. The lands currently contain a single detached dwelling and detached accessory garage and generally slope downward from Morgan Avenue and Wharncliffe Road South. A swale is running along the north and west boundaries.

The subject site is part of a growing commercial and medium-density residential community, with a mix of existing and future single detached, townhouse and multi-unit dwellings, ranging in built form and height in the surrounding area from two to three storeys. A number of planning applications are ongoing on the lands abutting the

subject lands. The property immediately to the northeast is vacant and is anticipated for future residential development, and the property across Morgan Avenue to the southwest was redesignated to a Restricted Service Commercial land use. Several adjacent sites across Wharncliffe Road, to the southeast and southwest of the subject site, are currently under construction with a mix of low and medium density residential in the form of single detached dwellings, townhouses and multi-unit dwellings. To the northwest of the subject lands is a long-term care residential property with frontage onto Morgan Avenue.

Wharncliffe Road is an arterial road classified as a Civic Boulevard on Map 3-Street Classifications of The London Plan. The road segment between Morgan Avenue and Bradley Avenue has a traffic volume of approximately 15,000 vehicles per day. The subject site also has frontage onto Morgan Avenue, which is classified as a Neighbourhood Connector on Map 3-Street Classifications of The London Plan. The site is located on an existing LTC transit route, with a bus stop located on Wharncliffe Road South in front of the subject site.

Site Statistics:

- Current Land Use: single detached dwelling
- Frontage: 45.7 metres (149.9 feet) onto Wharncliffe Road South & 57.9 metres (190.0 feet) onto Morgan Avenue
- Depth: 57.9 metres (190 feet)
- Area: 0.264 hectares (0.65 acres)
- Shape: regular (rectangle)
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

Surrounding Land Uses:

- North: Residential
- East: Residential
- South: Residential & Open Space
- West: Open Space & future Commercial

Existing Planning Information:

- Existing The London Plan Place Type: Shopping Area
- Existing Special Policies: Southwest Area Secondary Plan: Commercial
- Existing Zoning: Urban Reserve (UR4)

Additional site information and context is provided in Appendix C.

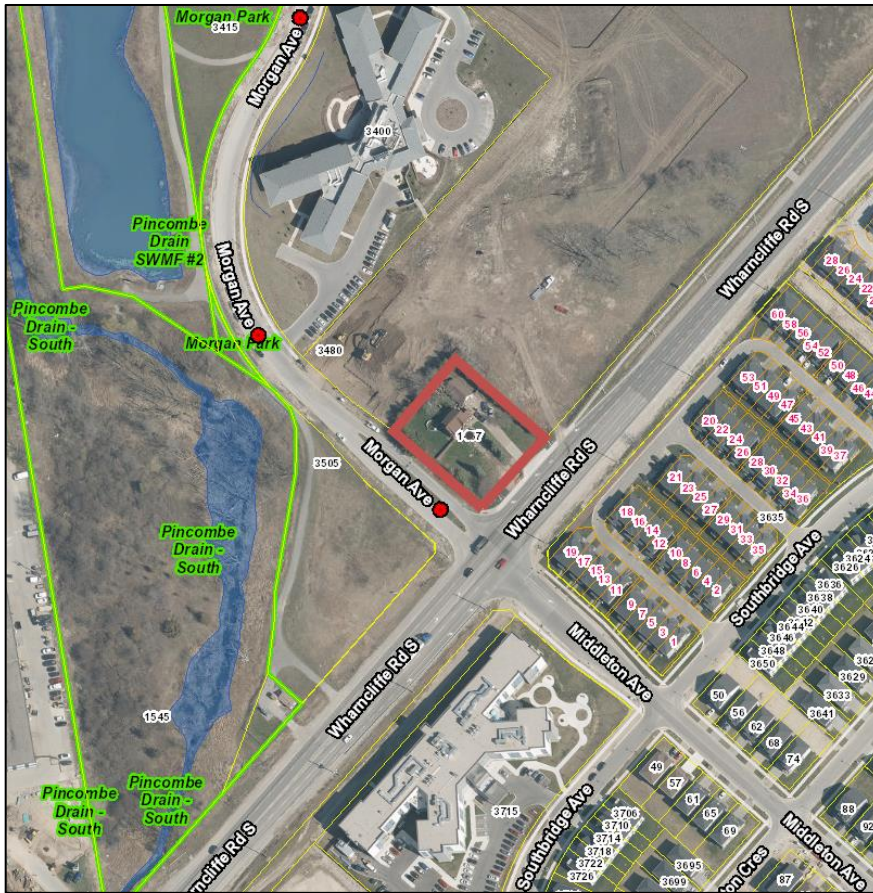


Figure 1- Aerial Photo of 1467 Wharncliffe Road South and surrounding lands



Figure 2 - Streetview of 1467 Wharncliffe Road South (view looking northwest from Wharncliffe Road S)

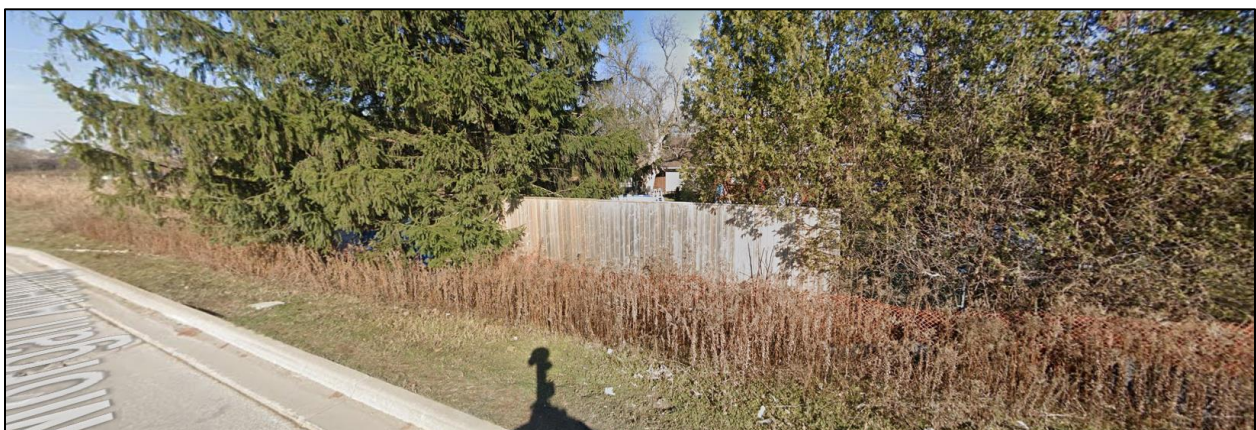


Figure 3: Streetview of 1467 Wharncliffe Road South (view looking northwest from Morgan Avenue)

2.0 Discussion and Considerations

2.1 Development Proposal

In November 2023, the City accepted a complete Official Plan and Zoning By-law amendment application. The development proposal is comprised of a 3.5 storey, 20-unit, residential stacked townhouse development with a maximum density of 77 units

per hectare. The original conceptual site plan is shown below as Figure 4. Building renderings and elevations are shown in Figures 5-7 below.

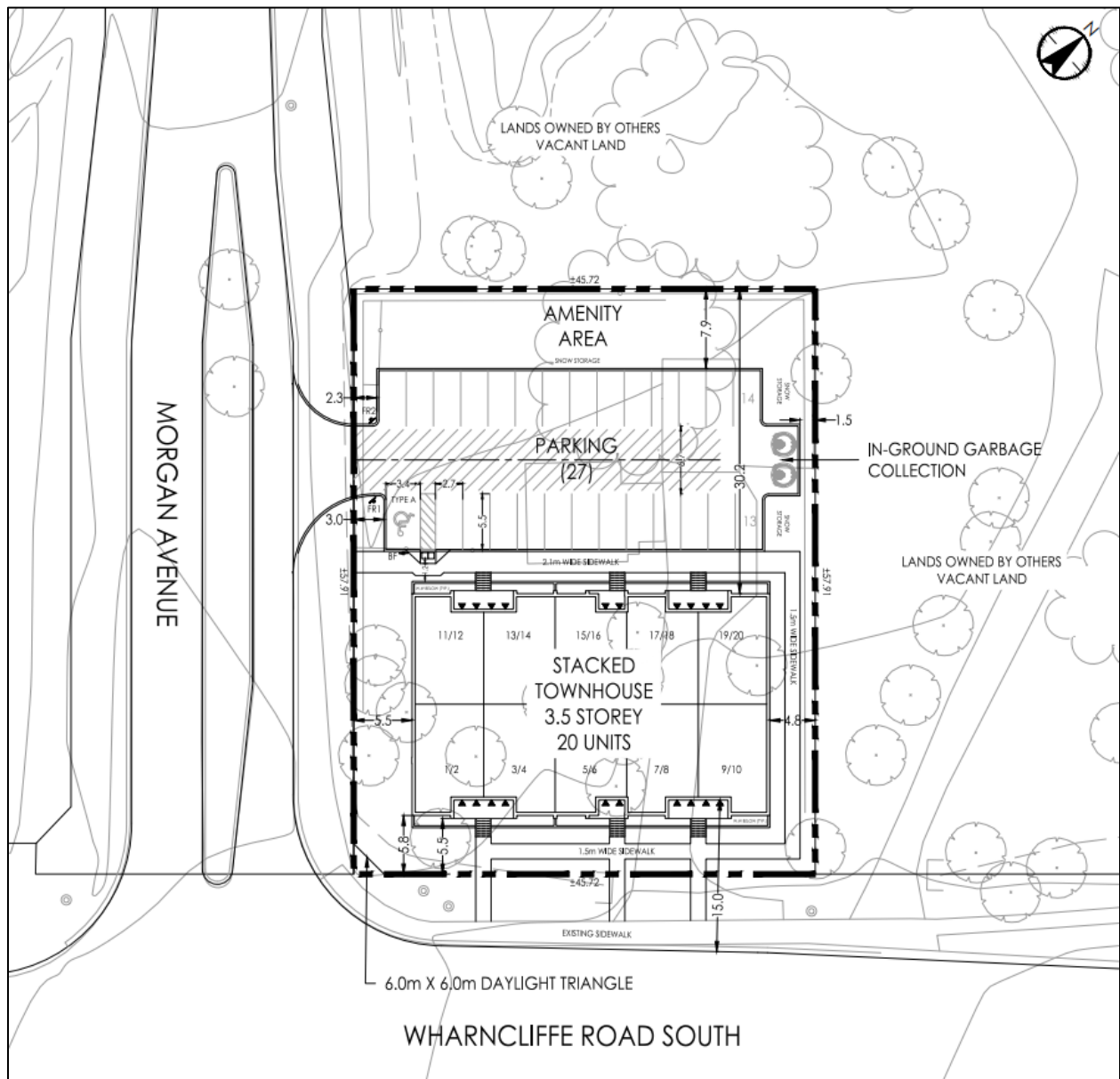


Figure 4: Conceptual Site Plan



Figure 5: Rendering front elevation of proposed stacked townhouse development at 1467 Wharncliffe Road.



Figure 6: Rendering rear elevation of proposed stacked townhouse development at 1467 Wharnccliffe Road South.



Figure 7: Renderings left and right elevation of proposed stacked townhouse development at 1467 Wharnccliffe Road South.

2.2 Revised Development Proposal (November 2023)

Based on comments provided by Staff, the applicant submitted a revised conceptual site plan, shown in Figure 8 below. The revised development proposal continues to comprise of a 3.5-storey, 20-unit, stacked townhouse development with a maximum density of 77uph. Revisions to the development proposal include:

- an additional barrier free accessible parking space;
- a pedestrian connection from the building sidewalk to the proposed amenity space; and,
- clarification that private garbage collection will be used.

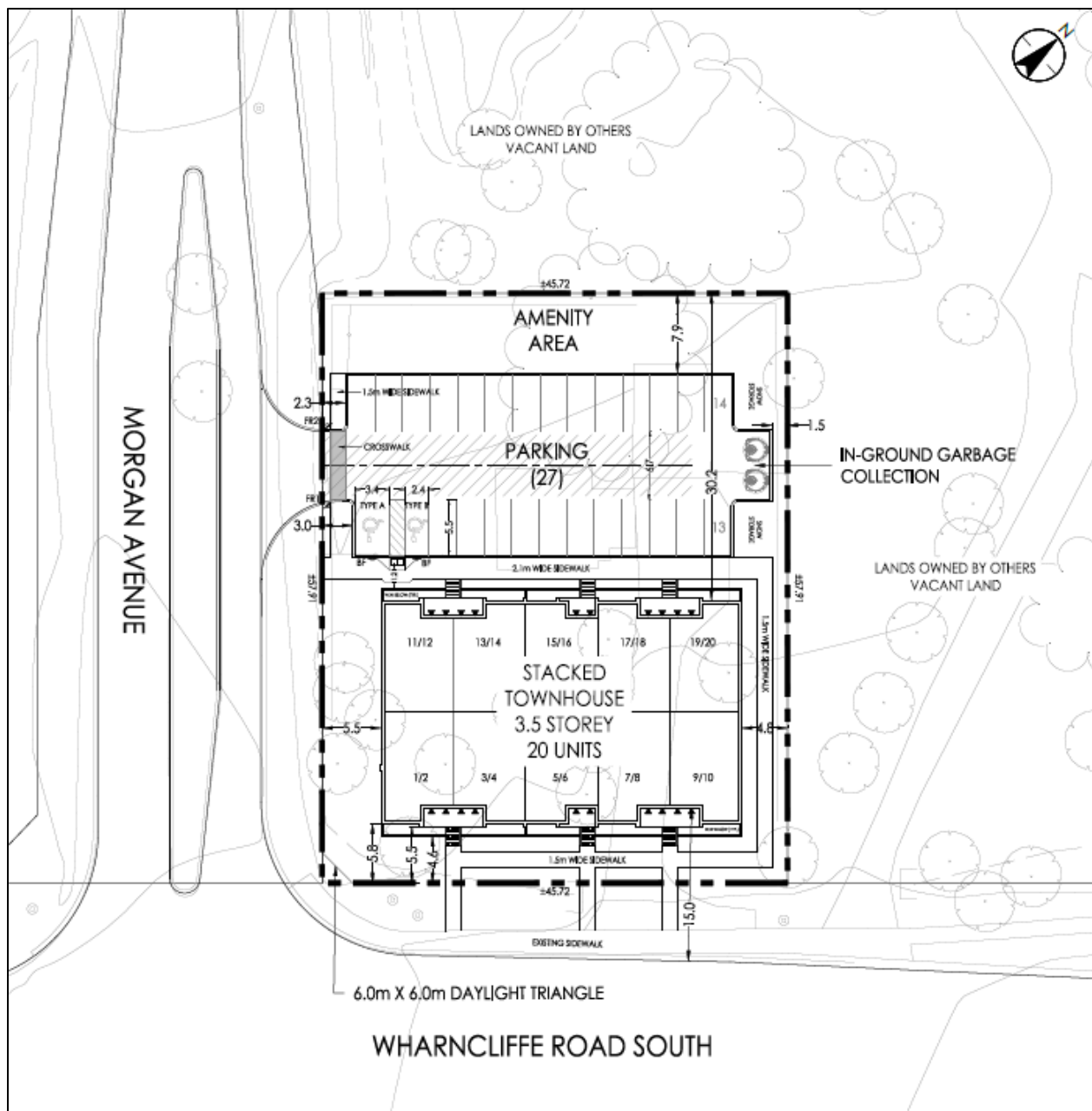


Figure 8: Revised Conceptual Site Plan (received November 2023)

The proposed development includes the following features:

- Land use: residential
- Form: stacked townhouse development
- Height: 3.5 storeys (12.6m)
- Residential units: 20 units
- Density: 77 units per hectare
- Gross floor area: 2,940.8m²
- Building coverage: 27.7%
- Parking spaces: 27 surface parking spaces
- Bicycle parking spaces: no bicycle parking
- Landscape open space: 39.4%
- Functional amenity space: 360m²

Additional information on the development proposal is provided in Appendix “C”.

2.3 Revised Development Proposal (January 2024)

The applicant submitted a revised conceptual site plan, shown in Figure 9 below. The revised development proposal continues to comprise of a 3.5-storey, 20-unit, stacked townhouse development with a maximum density of 77uph. Revisions to the development proposal include:

- Request for special provision for minimum front yard depth of 4.5 metres, instead of 4.6m;
- Request for special provision for exterior side yard depth of 5.3 metres, instead of 5.5m.

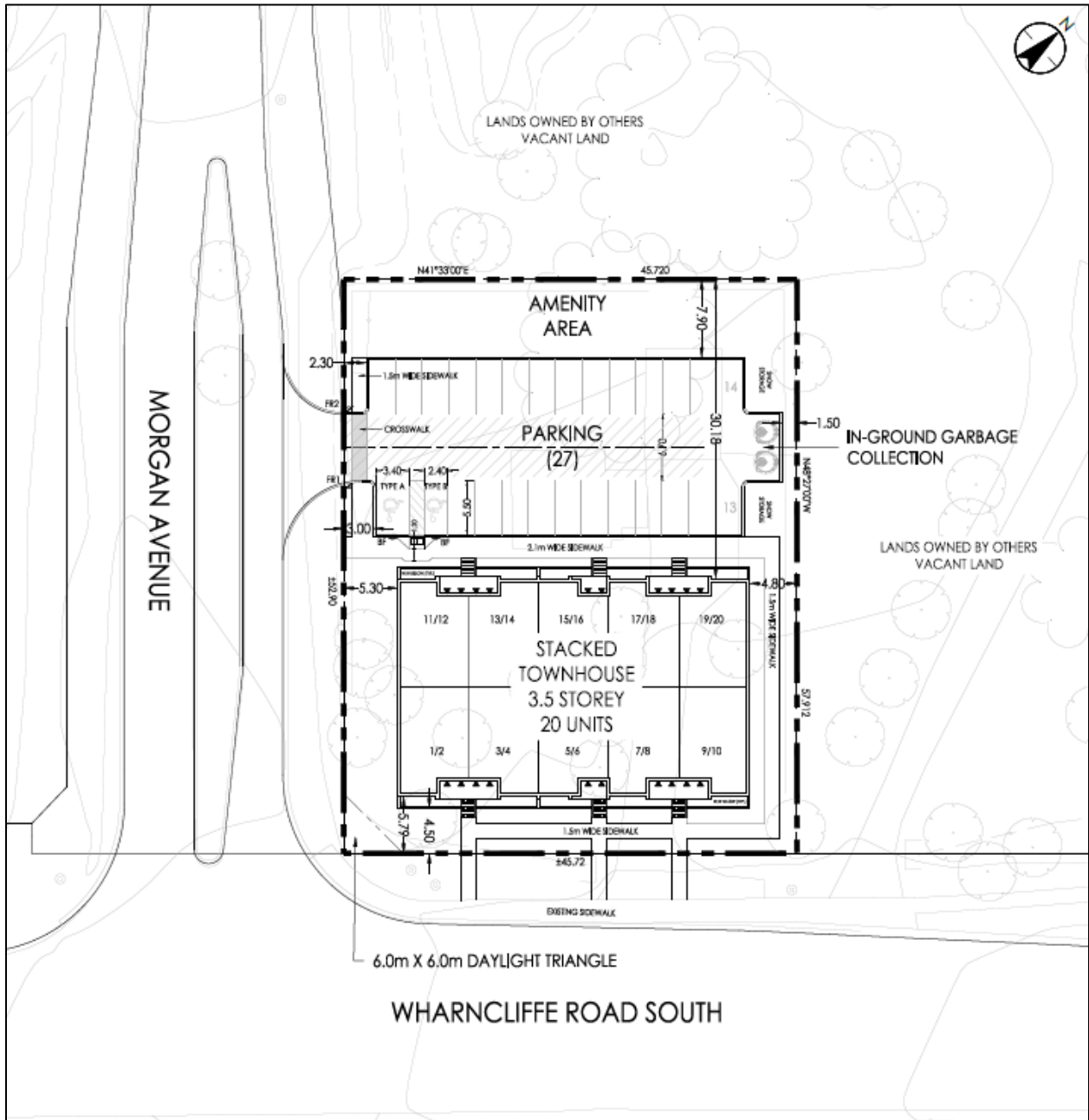


Figure 9: Revised Conceptual Site Plan (received January 2024)

The proposed development includes the following features:

- Land use: residential
- Form: stacked townhouse development
- Height: 3.5 storeys (12.6m)
- Residential units: 20 units
- Density: 77 units per hectare
- Gross floor area: 2,940.8m²
- Building coverage: 27.7%
- Parking spaces: 27 surface parking spaces
- Bicycle parking spaces: no bicycle parking
- Landscape open space: 39.4%
- Functional amenity space: 360m²

Additional information on the development proposal is provided in Appendix “C”.

2.4 Requested Amendment(s)

The applicant has requested to redesignate the property from a Commercial designation to Medium Density Residential designation in the *Southwest Area Secondary Plan (SWAP)*. Further, the applicant has requested an amendment to the Zoning Bylaw Z.-1 to rezone the property from an Urban Reserve (UR4) Zone to a Residential R8 Special Provision (R8-4(_)) Zone.

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

Regulation (R8-4 Zone)	Required	Proposed
Maximum Density (units per hectare)	75	77
Minimum Front Yard Depth (metres)	7.0	4.5
Minimum Exterior Side Yard Depth (metres)	7.0	5.3
Minimum Parking Setback from right-of-way (metres)	3.0	2.0

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 included:

- The following site layout and built form features have been acknowledged and should be carried forward:
 - Continuous street wall along Wharncliffe Road and Morgan Avenue with primary entrances and direct pedestrian connections to Wharncliffe Road South.
 - Appropriately sized amenity space for the proposed residential units.
 - Continuous and safe pedestrian connections through the site.
- There are no immediate storm or sanitary sewer connections available. It will ultimately be up to the owner to demonstrate how they can service their site.
- A holding h-149 is required to ensure sanitary and stormwater servicing reports have been prepared and implemented.

Detailed internal and agency comments are included in Appendix “E” of this report.

2.5 Public Engagement

On November 16, 2023, Notice of Application was sent to 62 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 was one 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.

No concerns were expressed by the public.

Detailed public comments are included in Appendix “F” of this report.

2.6 Policy Context

The Planning Act and the Provincial Policy Statement, 2020

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. Section 1.1 of the PPS encourages healthy, livable, and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. Healthy, livable, and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential types, and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimize transit investments, and standards to minimize land consumption and servicing costs (1.1.1.b) & 1.1.1.e)).

The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). Further, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation; are transit-supportive, where transit is planned, exists, or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of use and opportunities for intensification and redevelopment (1.1.3.2). Finally, the PPS supports long-term economic prosperity by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce, and by encouraging a sense of place by promoting well-designed built form (1.7.1.b) & 1.7.1.e)).

The proposed development meets the intent of the PPS policies by introducing residential intensification in the form of stacked townhouse dwellings within the urban growth boundary and in close proximity to transit and other services.

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.

Southwest Area Secondary Plan

The *Southwest Area Secondary Plan (SWAP)* has been reviewed in its entirety and it is staff's opinion that the proposed Official Plan and Zoning Bylaw amendment is consistent with it. The subject lands are designated Commercial pursuant to Schedule 10 (Central Longwoods Residential Neighbourhood Land Use Designations) of the *SWAP*.

3.0 Financial Impact/Considerations

3.1 Financial Impact

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

4.0 Key Issues and Considerations

4.1 Land Use

The proposed residential use on the subject site is supported by the policies of the *Provincial Policy Statement, 2020 (PPS)* and is contemplated in the Shopping Area Place Type in The London Plan (TLP 877_). Policy 877_1 of the Shopping Area Place Type permits a broad range of retail, service, office, entertainment, recreational, educational, institutional and residential uses. The proposed stacked townhouse residential use aligns with the goals of The London Plan to plan for infill and intensification of various types and forms and by ensuring a mix of housing types within our neighbourhoods (TLP 59_4).

Southwest Area Secondary Plan

Within *SWAP*, the subject site is located within the Central Longwoods Neighbourhood and has been designated Commercial, which does not permit residential development (*SWAP* Schedule 10 – Central Longwoods Residential Neighbourhood Land Use Designations). As such, the applicant has requested an Official Plan Amendment to redesignate the subject lands from its current Commercial designation to a Medium Density Residential designation, which would permit the proposed stacked townhouse development.

The intent of the Low and Medium Density Residential designation is to encourage a mix of housing types, forms and intensities throughout the Central Longwoods Neighbourhood. The focus of new development will be of a mix of low to mid-rise housing forms, which range from single detached dwellings to low-rise apartment buildings, throughout the Central Longwoods Neighbourhood (10.0.i). Uses that are generally permitted within Medium Density Residential areas include single detached, semi-detached and duplex dwellings, triplexes, fourplexes, townhouses or cluster houses, low-rise apartment buildings, rooming and boarding houses, emergency care facilities, converted dwellings, small-scale nursing homes, rest homes and homes for the aged (10.1.ii). The proposed stacked townhouse development is supported by the policies of the Provincial Policy Statement, contemplated in the *Shopping Area* Place Type in the London Plan (TLP 877) and a permitted use in the Medium Density Residential Designation of *SWAP* (10.1.ii).

4.2 Intensity

The proposed residential intensity is consistent with the policies of the PPS that encourage residential intensification, redevelopment, and compact form (1.1.3.4), and a diversified mix of housing types and densities (1.1.3.4). The proposed height of 3.5 storeys development conforms with the Shopping Area Place Type in The London Plan which contemplates a standard maximum height of four storeys (TLP 878_2).

The proposed residential intensity will facilitate an appropriate scale of development that is compatible with the existing neighbourhood character (TLP 878_4). Further, the stacked townhouses can be accommodated on a parcel that is of sufficient size to support their use and can provide sufficient setbacks to buffer the neighbouring existing and future commercial and residential development. The redevelopment of the parcel will facilitate the efficient use of land and existing municipal services, as servicing is available for the proposed uses.

Southwest Area Secondary Plan

SWAP provides that the Central Longwoods Neighbourhood will provide for residential

development of an intensity that is generally higher than achieved in other areas of the city, but is less than the intensity of the Bostwick Neighbourhood (10.0.i)). Higher intensity mid-rise, transit-oriented development is along portions of the Urban Thoroughfare, Civic Boulevard, Rapid Transit Boulevard and Main Street network within these neighbourhoods to support the provision of transit services (10.i). As provided in policy 10.1.ii, within the Medium Density Residential Designation shall have a minimum density of 30 units per hectare and a maximum density of 75 units per hectare. The applicant has requested a special provision to permit a maximum density of 77 units per hectare, more detail is provided in Section 4.4 of this report. As set out in Policy 43 of The London Plan, it is intended that the policies of the plan will allow for a reasonable amount of flexibility through interpretation (TLP, 43_).

The proposed 3.5 storey stacked townhouse development with special provision to permit a maximum density of 77 uph are supported by the policies of the Provincial Policy Statement, contemplated in the *Shopping Area Place Type* in the London Plan (TLP 878) and generally in keeping with the intensity policies for the Medium Density Residential Designation of *SWAP* (10.1.ii).

4.3 Form

The proposed built form on the subject site is supported by the policies of the *Provincial Policy Statement, 2020 (PPS)* and is contemplated in the *Shopping Area Place Type* in The London Plan (TLP 878_1). It is the intent of The London Plan to allow for more intense and efficient use of Shopping Area sites through redevelopment, expansion and the introduction of residential development (TLP 878_1).

The proposed built form facilitates an appropriate form and scale of residential intensification on a lot of sufficient size to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (TLP 878_5). Specifically, the proposed built form supports a positive pedestrian environment directly to Wharncliffe Road South and the public transit stop located in front of the proposed development. The proposed development will add to the mix of housing types within the neighbourhood and is designed to be a good fit and compatible with the surrounding context (TLP 193_).

The stacked townhouses are oriented towards the higher-order street classification (Wharncliffe Road South), and would have a walk-up front entrance and portico, with a varied street-fronting façade and use a variety of materials to add interest to the building design (TLP 261_ & 301_). The proposed stacked townhouse development would be accessible from Morgan Avenue, with 27 surface parking spaces provided behind the building and screened with landscaping from Morgan Avenue to minimize the visual exposure of parking areas to the street (TLP 269_).

Southwest Area Secondary Plan

As set out in *SWAP*, the Urban Design Policies in Section 3.9 provide that all development shall be designed in a form that is to be compact, pedestrian-oriented and transit friendly (3.9.i a)). Further, building densities and land uses located along transit routes are to be designed to support transit and the users of those services, which is the case for the proposed stacked townhouse development located close to a public transit stop. *SWAP* provides that buildings shall be designed to provide visual interest to pedestrians, as well as a “sense of enclosure” to the street (3.9.iii a)). Building on corner lots shall be sited and massed towards the intersection, which has been achieved through the requested special provisions for reduced front yard and exterior side yard setbacks.

The proposed stacked townhouse development with special provisions for front yard setbacks, exterior side yard setbacks and parking area setbacks are supported by the policies of the Provincial Policy Statement, contemplated in the *Shopping Area Place Type* in the London Plan (TLP 878_) and in keeping with the Urban Design policies of *SWAP* (3.9).

4.4 Zoning

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Urban Reserve (UR4) Zone to a Residential R8 Special Provision (R8-4(_)) Zone. The following summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

A maximum density of 77 units per hectare.

The intent of maximum density within the Southwest Area Plan is to ensure intensity for new development is higher than found in more recent suburban neighbourhoods and to encourage the integration of a range of housing types (SWAP, 10.1.i). Policy 10.1.iii) of SWAP sets out a maximum density of 75 units per hectare in the Medium Density Residential Designation of the Central Longwoods Neighbourhood in SWAP, similar to the maximum density of 75 uph in the requested Residential R8-4 Zone variation (ZBL 12.3). In this case, the increased maximum density of 77 units per hectare is considered appropriate to facilitate the stacked townhouse development, prioritize intensification within the Urban Growth Boundary and increase the utilization and activity of future commercial development, public services, infrastructure and transit in proximity to the subject site.

A reduced front yard setback of 4.5 metres

The applicant has requested a reduced front yard setback of 4.5 metres, whereas 7.0 metres is the minimum required. The reduced front yard setback is a relatively minor reduction that contributes an active and comfortable pedestrian environment (TLP 259_). Further, the reduced front yard setback will help to establish a continuous street wall along Wharncliffe Road.

A reduced exterior side yard setback of 5.3 metres

The applicant has requested a reduced exterior side yard setback of 5.3 metres, whereas 7.0 metres is the minimum required. The requested special provision is a minor reduction that would site the building closer to the street to provide a comfortable pedestrian environment, and will help to establish a continuous street wall along Morgan Avenue.

A reduced minimum parking setback of 2.0 metres from ROW

The applicant has requested a reduced minimum parking setback of 2.0 metres from the right-of-way, whereas 3.0 metres is the minimum required. This minor deviation from the Zoning By-law is appropriate to facilitate the development while providing screening to reduce the visual impact of the parking area located in the rear yard. The reduced parking setback is considered sufficient for the provisions of site maintenance and functionality between the parking area and lot line,

4.5 Holding Provision

Sanitary and Stormwater servicing

h-149: To ensure the orderly development of the lands the symbol shall not be deleted until sanitary and stormwater servicing reports have been prepared and confirmation that sanitary and stormwater management systems are implemented to the satisfaction of the City Engineer.

Conclusion

The applicant has requested an amendment to the Southwest Area Secondary Plan to change the designation of the subject lands from Commercial to Medium Density Residential on Schedule 4 Southwest Area Land Use Plan, and Schedule 10 Central Longwoods Neighbourhood Land Use Designations.

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Urban Reserve UR4 Zone to a holding Residential R8 Special Provision (h-149*R8-4(_)) Zone. Staff are recommending approval of the requested Official Plan and Zoning By-law Amendment with a holding provision and special provisions.

The recommended action is consistent with the *Provincial Policy Statement, 2020 (PPS)*, conforms to The London Plan and the Southwest Area Secondary Plan and will permit a 3.5 storey, 20-unit, residential stacked townhouse development.

Prepared by: Isaac de Ceuster
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 – 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 1467 Wharncliffe Road South

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 March 5, 2024

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – March 5, 2024
Second Reading – March 5, 2024
Third Reading – March 5, 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 Section 1565_5 of The London Plan, List of Secondary Plans – Southwest Area Secondary Plan, by changing the designation of the subject lands from Commercial to Medium Density Residential on Schedule 4 Southwest Area Land Use Plan, and Schedule 10 Central Longwoods Residential Neighbourhood Land Use Designations.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1467 Wharnccliffe Road South in the City of London.

C. BASIS OF THE AMENDMENT

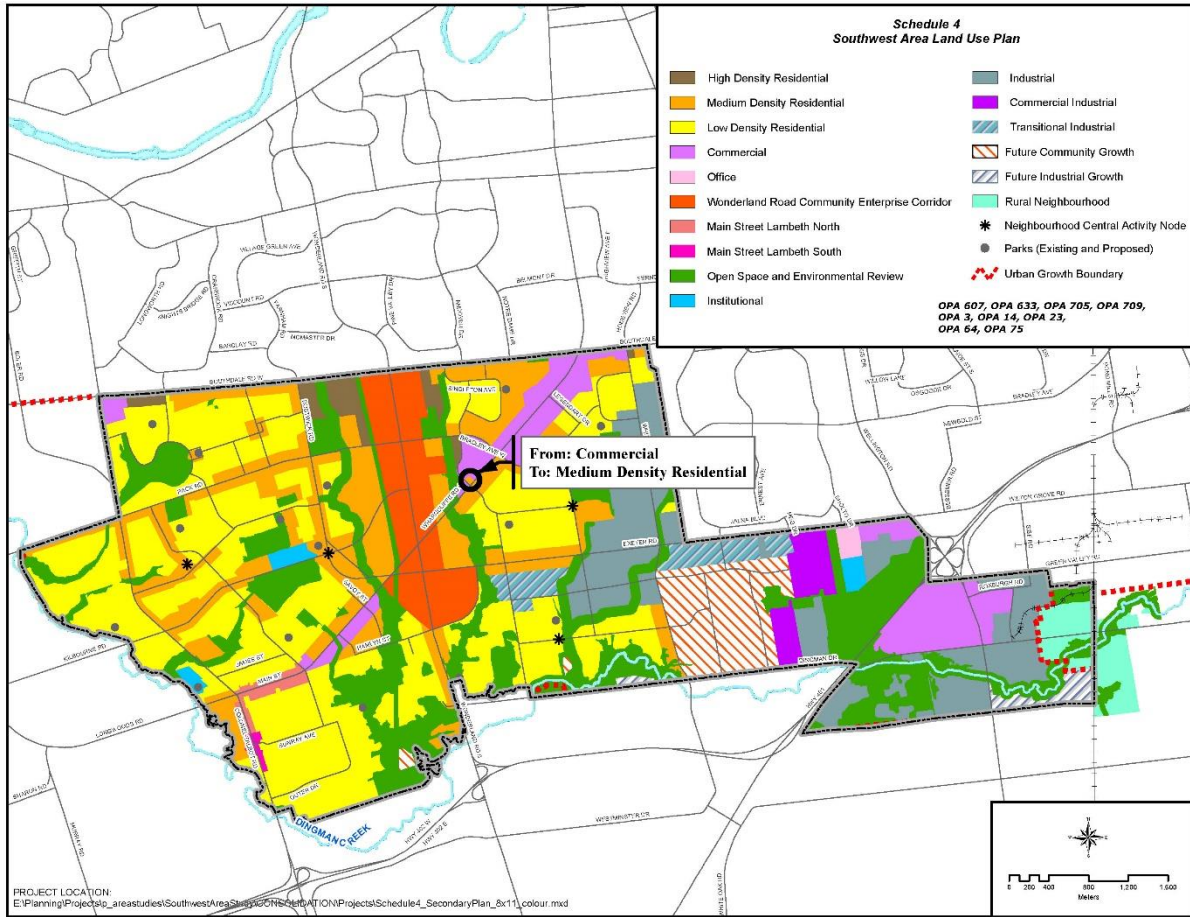
The recommended amendment is consistent with the PPS and policies of The London Plan and the Southwest Area Secondary Plan. The recommended amendment facilitates a 3.5 storey, 20-unit, residential stacked townhouse development. The recommended development will contribute to intensification within the Urban Growth Boundary, add to the mix of housing types within the neighbourhood and provides a compact, pedestrian-oriented and transit-friendly built form.

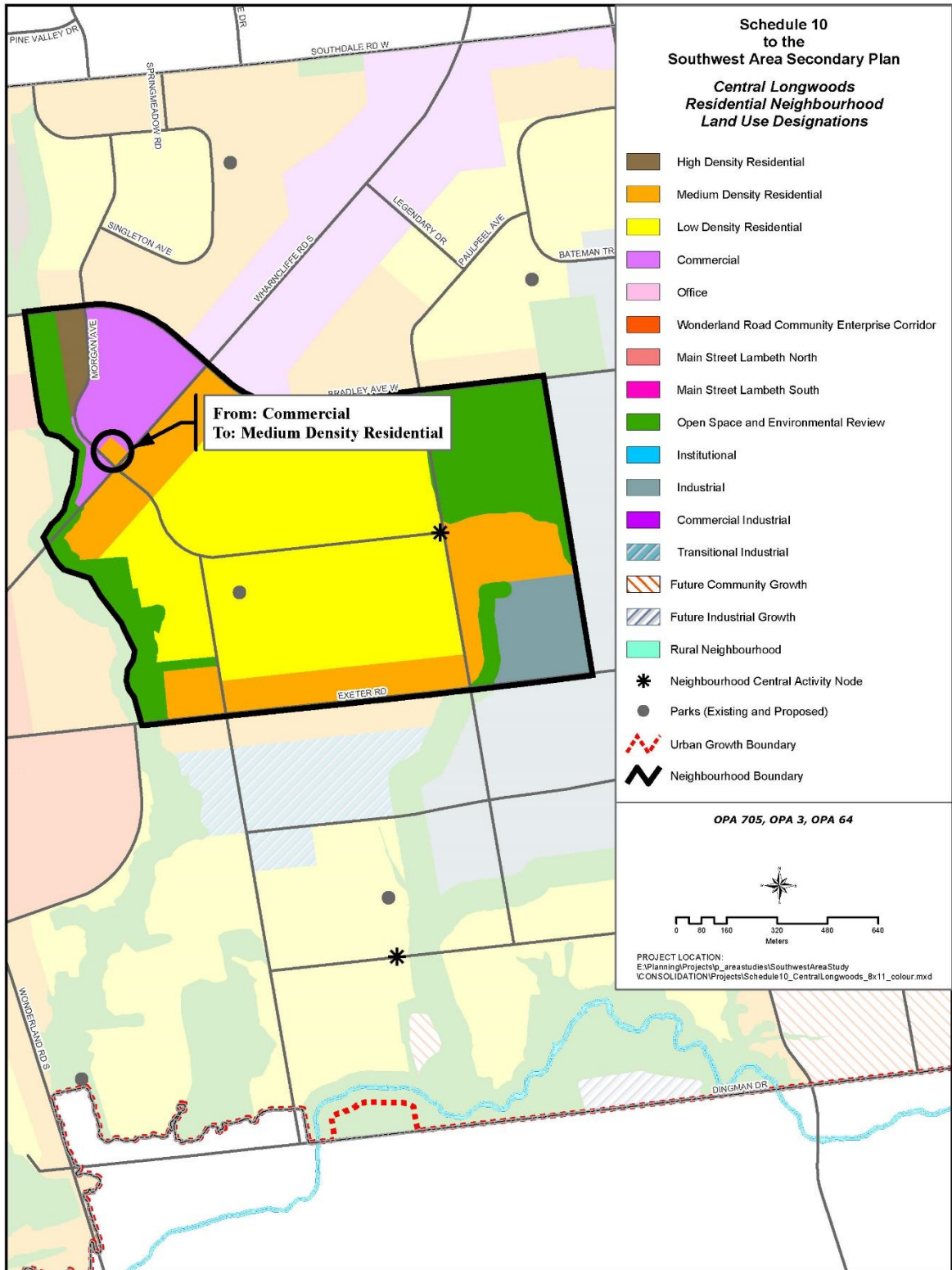
D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Section 1565_5 of The London Plan, List of Secondary Plans – Southwest Area Secondary Plan, Schedule 4 Southwest Area Secondary Plan Land Use Plan, and Schedule 10 Central Longwoods Residential Neighbourhood Land Use Designations is amended by redesignating the subject lands, as indicated on “Schedule 2” attached hereto from Commercial to Medium Density Residential.

“Schedule 1”





Appendix B – 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
rezone an area of land located at 1467
Wharncliffe Road South

WHEREAS Nabataeans Homes has applied to rezone an area of land located at 1467 Wharncliffe Road South, as shown on the map attached to this by-law, as set out below;

AND 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 1467 Wharncliffe Road South, as shown on the attached map comprising part of Key Map No. A111, **FROM** an Urban Reserve (UR4) Zone **TO** a holding Residential R8 Special Provision (h-149*R8-4(_)) Zone.
2. Section Number 12.4 of the Residential R8-4 Zone is amended by adding the following Special Provisions:

R8-4 () 1467 Wharncliffe Road South

a. Regulations

- | | |
|---|------------------|
| i) Density – Units per hectare
(maximum) | 77 |
| ii) Front Yard Setback
(minimum) | 4.5m (15.1 feet) |
| iii) Exterior Side Yard Setback
(minimum) | 5.3m (18.0 feet) |
| iv) Parking Setback from Westerly Lot Line
(minimum) | 2.0m (6.6 feet) |

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.

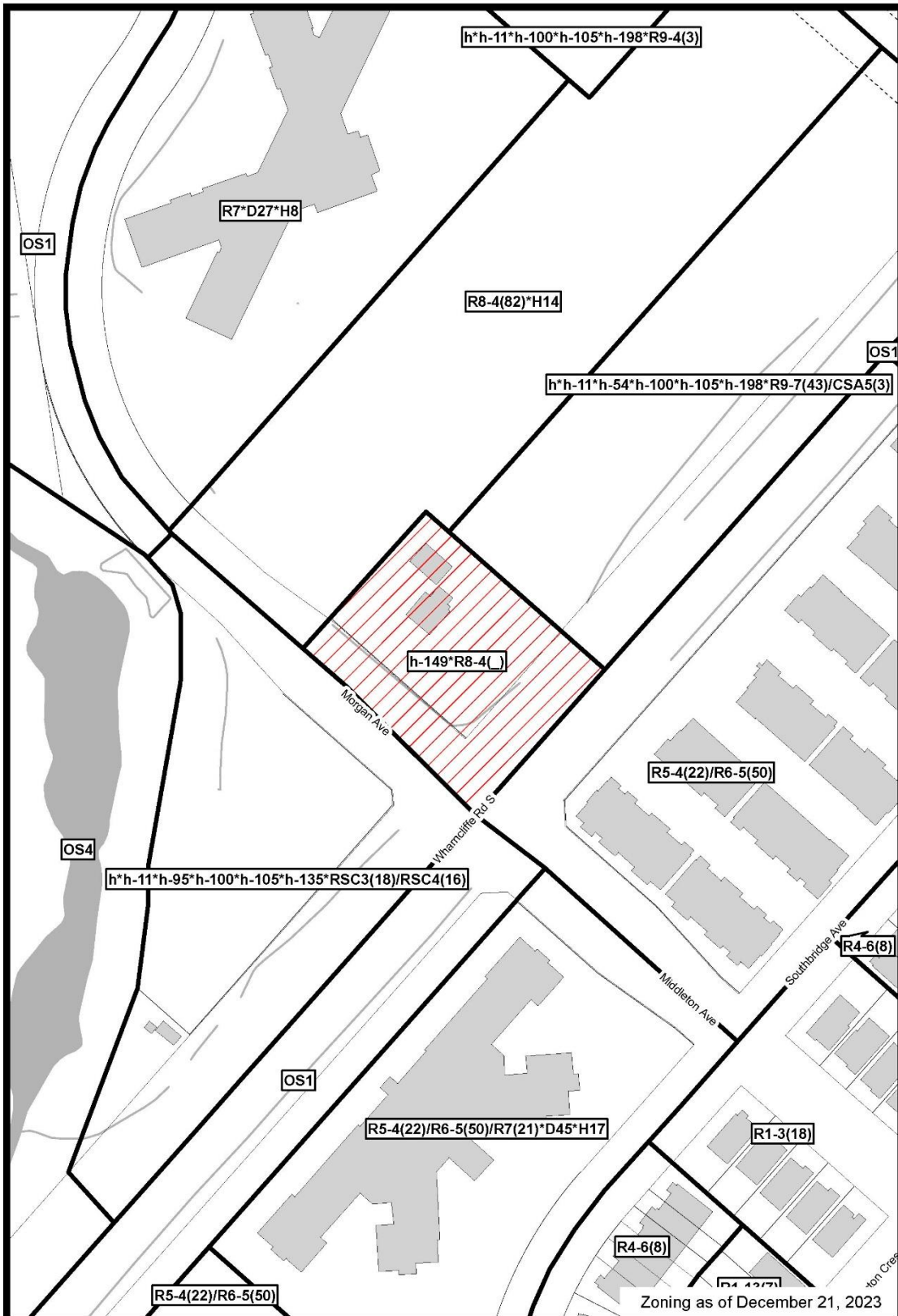
PASSED in Open Council on March 5, 2024


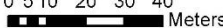

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – March 5, 2024
Second Reading – March 5, 2024
Third Reading – March 5, 2024

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



<p>File Number: OZ-9680 Planner: ID Date Prepared: 2024/01/17 Technician: RC 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	Single Detached Dwelling
Frontage	45.7 metres (Wharncliffe Road South), 57.9 metres (Morgan Avenue)
Depth	57.9 metres (190 feet)
Area	0.264 Hectares (0.65 acres)
Shape	Regular (rectangle)
Within Built Area Boundary	No
Within Primary Transit Area	No

Surrounding Land Uses

North	Residential
East	Residential
South	Residential & Open Space
West	Open Space & Future Commercial

Proximity to Nearest Amenities

Major Intersection	Wharncliffe Road South, Morgan Avenue (0 metres)
Dedicated cycling infrastructure	Bradley Avenue West, 500 metres
London Transit stop	Wharncliffe Road South, 0 metres
Public open space	Pincombe Park, 250 metres
Commercial area/use	Wonderland Road/West Wood Centre, 1,000 metres
Food store	Loblaws Wonderland Road, 1,100 metres
Community/recreation amenity	Bostwick Community Centre, 1,700 metres

B. Planning Information and Request

Current Planning Information

Current Place Type	Shopping Area, Civic Boulevard & Neighbourhood Connector
Current Special Policies	Commercial Designation in Central Longwoods Neighbourhood of <i>SWAP</i>
Current Zoning	Urban Reserve (UR-4) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	Medium Density Residential Designation in Central Longwoods Neighbourhood of <i>SWAP</i>
Requested Zoning	Residential R8 Special Provision (R8-4()) Zone

Requested Special Provisions

Regulation (R8-4)	Required	Proposed
Density units per hectare (maximum)	75	77
Front Yard Depth (minimum)	7.0 metres	4.5 metres
West Exterior Side Yard Depth (minimum)	7.0 metres	5.3 metres
Parking setback from ROW (minimum)	3.0 metres	2.0 metres

C. Development Proposal Summary

Development Overview

The development proposal comprises of a 3.5-storey stacked townhouse development containing 20 units, with a maximum density of 77 uph.

Proposal Statistics

Land use	Residential
Form	Stacked Townhouses
Height	3.5 storeys (12.6 metres)
Residential units	20
Density	77 Units per hectare
Gross floor area	2,940.8m ²
Building coverage	27.7%
Landscape open space	39.4%
Functional amenity space	360m ²
New use being added to the local community	No

Mobility

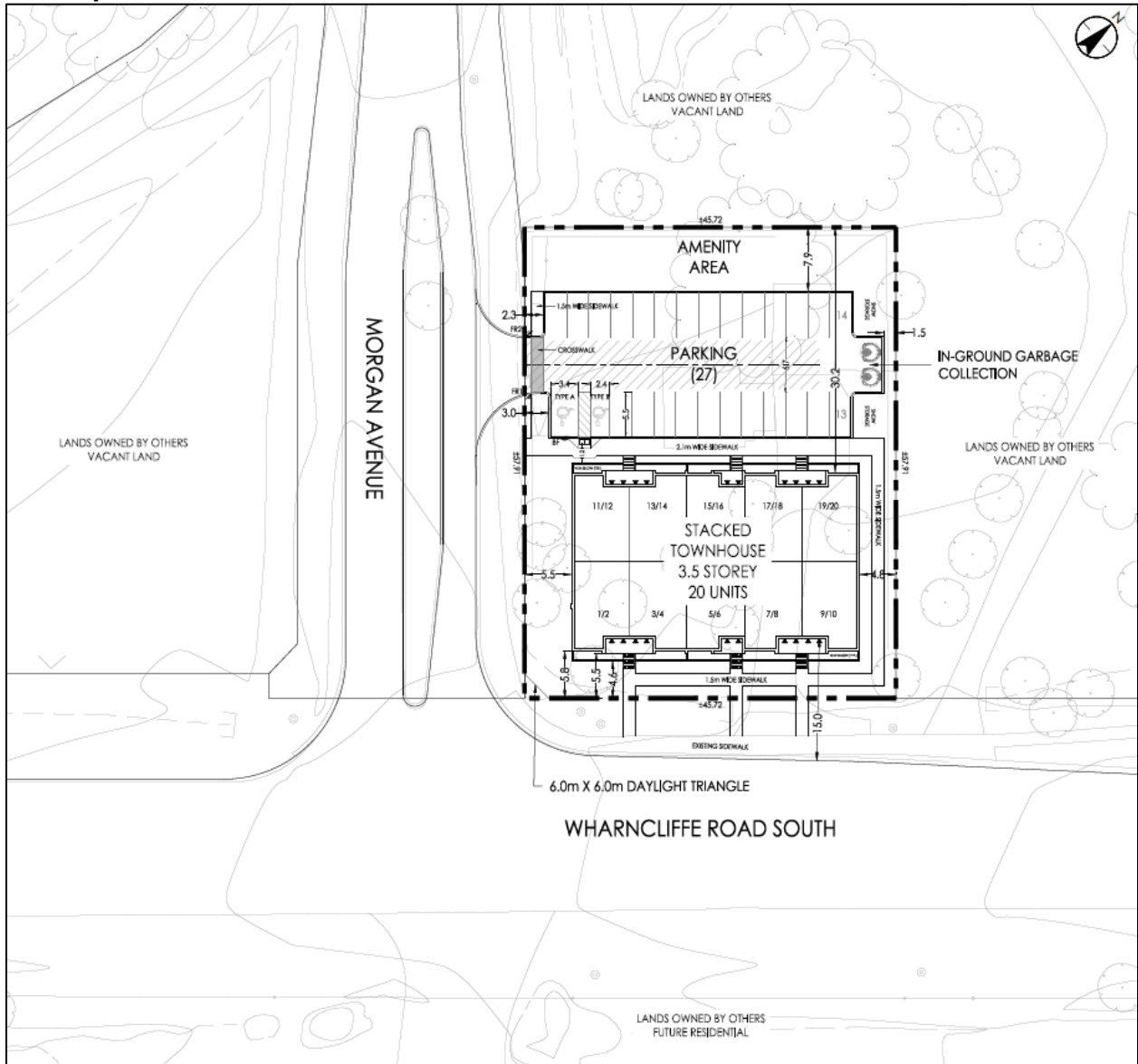
Parking spaces	27 surface spaces
Vehicle parking ratio	1.35 Spaces per unit
New electric vehicles charging stations	N/A
Secured bike parking spaces	N/A
Secured bike parking ratio	N/A
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	Yes
Connection from the site to a multi-use path	N/A

Environment

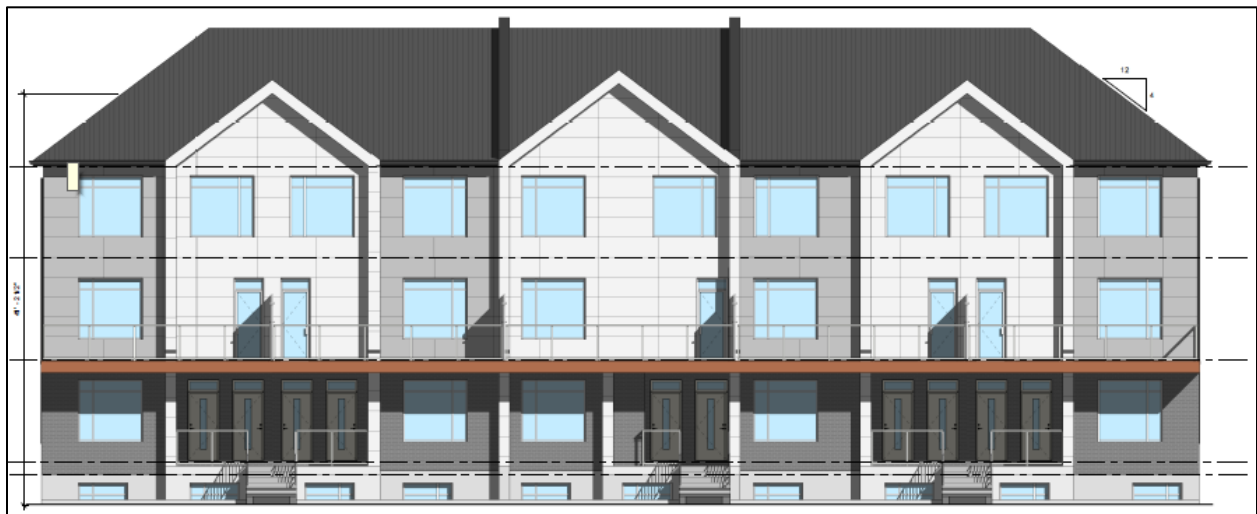
Tree removals	Yes
Tree plantings	No
Tree Protection Area	No
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	N/A
Existing structures repurposed or reused	No
Green building features	Unknown

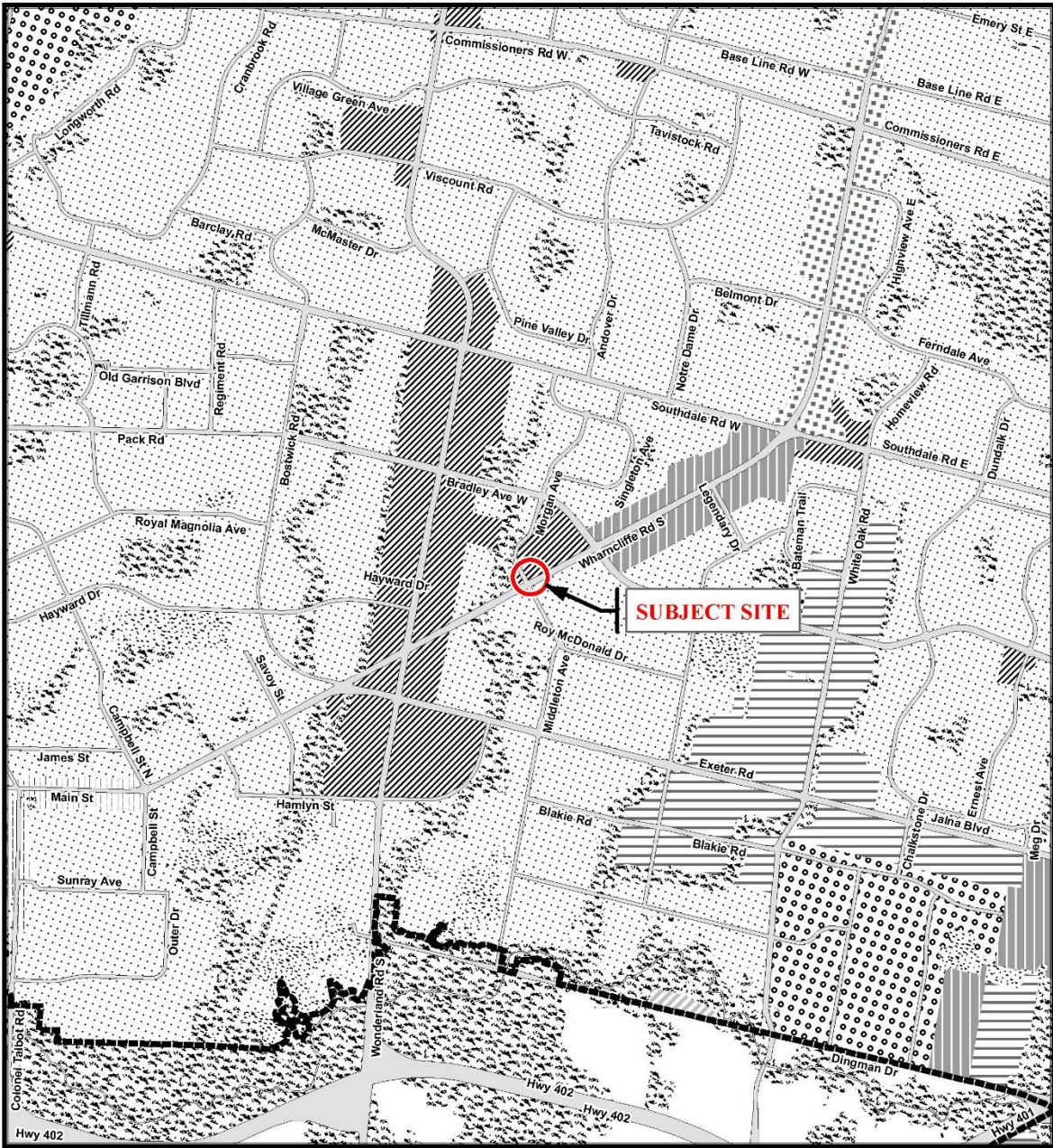
Appendix D – Additional Plans and Drawings

Concept Site Plan



Front Elevation





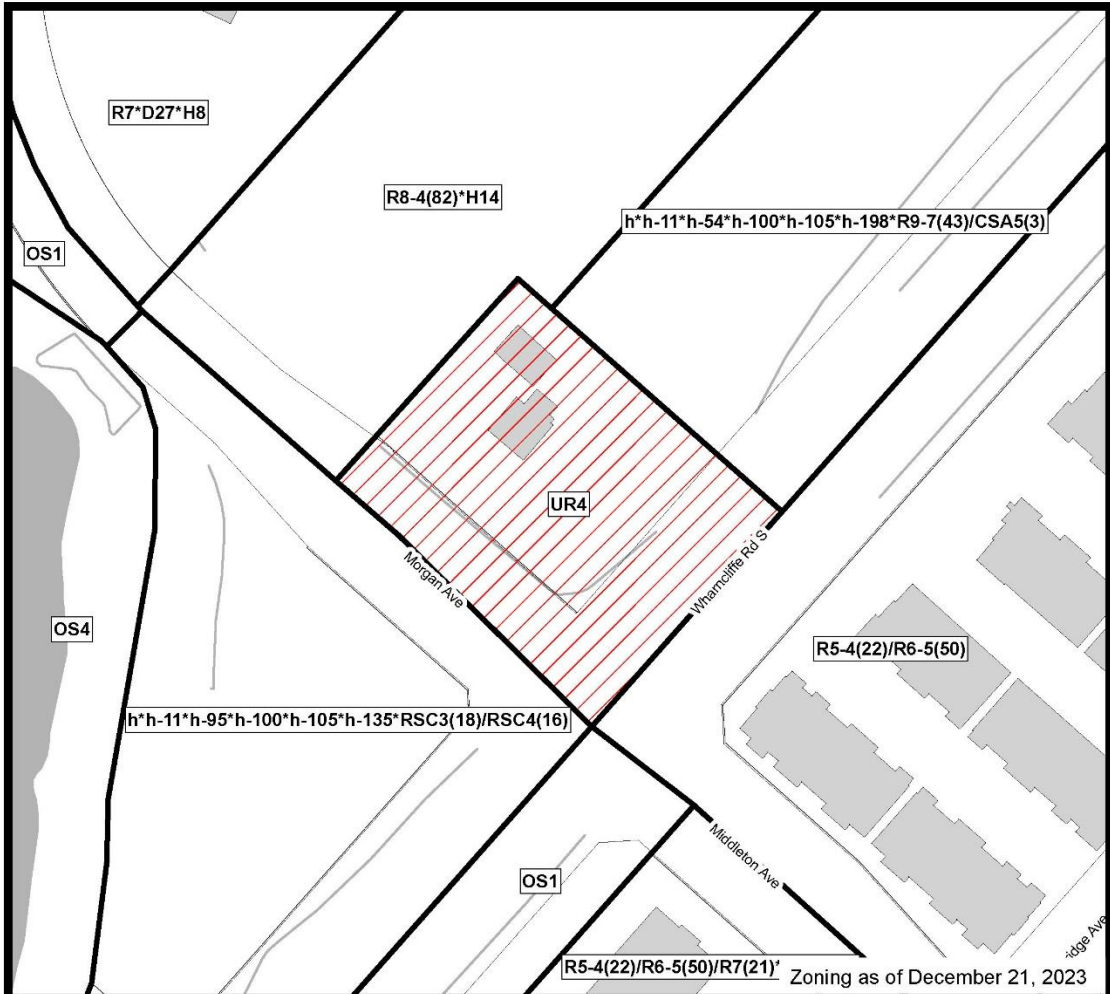
Legend

- | | | |
|------------------------|--------------------------|---|
| 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 LONDON PLAN MAP 1 - PLACE TYPES - PREPARED BY: Planning & Development</p>	<p>Scale 1:30,000 0 150 300 600 900 1200 1500 Meters</p>	<p>File Number: OZ-9680 Planner: ID Technician: RC Date: 2023/01/17</p>
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Project Location: E:\Planning\Projects\p_officialplan\work\consolid\0\excerpts_LondonPlan\mxd\OZ-9680-Map1_PlaceTypes.mxd



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: RSC2/RSC4

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. | |
| R10 - HIGH DENSITY APARTMENTS | OB - OFFICE BUSINESS PARK |
| R11 - LODGING HOUSE | 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:

OZ-9680

ID

MAP PREPARED:

2024/01/17

RC

1:1,250

0 5 10 20 30 40

Meters

Appendix E – Internal and Agency Comments

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

The proposed development is located within the commercial designation in the Southwest Area Secondary Plan, the Shopping Area Place Type of The London Plan and the Urban Reserve zone. The proposed zoning and Place Type allows for townhouse development, and therefore Urban Design is generally supportive of this application. Please see below for specific Urban Design comments:

- The following site layout and built form features have been acknowledged and should be carried forward:
 - Continuous street wall along Wharncliffe Road South and Morgan Avenue with primary entrances and direct pedestrian connections to Wharncliffe Road South.
 - Appropriately sized amenity space for the proposed residential units.
 - Continuous and safe pedestrian connections throughout the site.

Matters for Site Plan

- Provide a high level of transparent glazing and other architectural elements such as wrap around porches on west building façade to allow for passive surveillance and activation on Morgan Avenue (refer to The London Plan, Policy 291).
- Provide landscape screening along the north and south frontages of the building to reduce the effects of headlight glare from both the street and parking area into the lower units.

Site Plan

Major Issues

- None

Matters for OPA/ZBA

- Special provisions required for:
 - Reduced front & exterior side yard depth
 - Increased density
 - Reduced parking setback from road allowance

Matters for Site Plan

- All site plan details for landscaping, tree preservation, fencing, parking, pedestrian access, garbage etc. will be addressed through standard site plan review.

Ecology

- This is to conform 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.

Engineering

- There are no immediate storm or sanitary sewer connections available.

- As per the accepted servicing drawings for SPA22-059, 3480 Morgan Avenue will potentially be providing storm and sanitary outlets at the common property line but it will be up to the application to coordinate a shared servicing agreement with the owner of this property. Should this approach not be suitable, alternative outlets are available but it will ultimately be up to the owner to demonstrate how they can service their site.
- Recommendation to a h-149 as it captures both storm and sanitary.

Parks Planning and Design

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 Approval process.

Landscape Architect

Major Issues

- No potential grounds for refusal, or issues that could require significant changes to the proposal.

Matters for OPA/ZBA

- No matters that will influence the OP/ZBL mapping, designation/zone, regulations, special provisions, holding provisions.

Matters for Site Plan

- The setback between the parking lot and Morgan Avenue does not meet Site Plan Control Bylaw requirement of 3.0m. Vegetative screening of the parking lot will be required in accordance with London Plan Policy 278_ Surface parking located in highly-visible areas should be screened by low walls and landscape treatments.
- Treed parking islands is a requirement of the Site Plan Control Bylaw- 1/15 stalls. LP Policy 277 Policy 401.14 Surface parking lots should be designed to include a sustainable tree canopy at 20 years of anticipated growth. Appropriate soil volume, drainage and appropriate technology will be used to ensure the long-term sustainability of trees. Provision of islands may impact number of stalls available for residents.
- A total of 447 cm dbh is proposed for removal. In accordance with London Plan Policy 399 [1 replacement tree is required for every 10 cm dbh removed], a recommendation will be made to Site Plan for 45 replacement trees on site.

Heritage

- This is to confirm that heritage has no concerns with this application.

London Hydro

- 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. A blanket easement will be required. **Note:** Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.
- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Appendix F – Public Engagement

Community Engagement

Public liaison: On November 16, Notice of Planning Application was sent to 62 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.

Nature of Liaison: The purpose and effect of this Official Plan and zoning change is to permit a 3.5 storey, stacked townhouse development with 20 units. Possible Official Plan Amendment to the *Southwest Area Secondary Plan* to redesignate the subject lands from Commercial to Medium Density Residential designation. Possible change to Zoning By-law Z.-1 from an Urban Reserve (UR4) zone to a Residential R8 Special Provision (R8-4(_)) Zone. Special Provisions: Maximum density of 80 UPH, reduced front yard depth of 5m, reduced exterior side yard depth of 5m, reduced, reduced parking setback from right-of-way of 2m.

One public comment was received:

Hello,

Please be informed, there is no Imperial infrastructure in the vicinity of this location, and there is no need for further engagement.

Many thanks!

Kind regards,

Exxon Mobile

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: Gloucester Deferred Trail Segment – Medway Valley Heritage
Forest (South) Conservation Master Plan
Date: February 21, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development;

- (a) That the portion of the pathway and trail system from Gloucester Road (Access 12) to its connection with the pathway in the valley shown on “Appendix A” of the Medway Valley Heritage Environmentally Significant Area (South) Conservation Master Plan **BE APPROVED** as a Level 2 Trail.
- (b) That Parks and Forestry **BE DIRECTED** to consult on the need to establish public access through the City owned Green Acres Drive unopened highway road allowance through to Ambleside Park and report back to the appropriate Standing Committee.
- (c) That the Medway Valley Conservation Master Plan Gloucester Deferred Trail segment item be removed from the Planning and Environment Committee Deferred Matters list.

Executive Summary

The Medway Valley (South) Conservation Master Plan (CMP) was approved in 2021, with the exception of the deferred Gloucester Trail Segment. Council’s approval of either a Level 1 or 2 trail will establish the design parameters, with the final specifications determined during the detailed design process.

Staff are recommending that this segment be approved as a Level 2 which is consistent with the approved 2021 CMP and the City’s Trail Management Guidelines. The feasibility as a Level 2 trail has been determined based on the additional works completed since 2021. A Level 2 trail would also meet Accessibility for Ontarians with Disability Act (AODA) legislated requirements to provide trail access. In addition, a Level 2 trail would provide the least environmental impact in facilitating maintenance access to the Medway Valley trunk sanitary sewer.

The Green Acres Drive unopened highway road allowance remains an unresolved issue from the 2021 Council Resolution. It is recommended that Council provide direction to Parks and Forestry to consult on the need to establish public access to determine the future use of this City owned property.

Linkage to the Corporate Strategic Plan

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

- Climate Action and Sustainable Growth
 - Waterways, wetlands, watersheds, and natural areas are protected and enhanced.
 - Protect natural heritage areas for the needs of Londoners now and into the future.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

July 26, 2021 – Planning and Environment Committee – Medway Valley Heritage Forest Environmentally Significant Area Conservation Master Plan (South) Phase II and related Official Plan Amendments (File OZ-9367)

April 16, 2018 – Planning and Environment Committee – Conservation Master Plan for the Medway Valley Heritage Forest Environmentally Significant Area (South)

February 6, 2017 – Planning and Environment Committee – Phase 1 Conservation Master Plan for the Medway Valley Heritage Forest Environmentally Significant Area (South)

June 20, 2016 – Planning and Environment Committee – Guidelines for Management Zones and Trails in Environmentally Significant Areas

1.2 Background

Environmentally Significant Areas (ESAs) are considered as the largest, highest quality areas with the City's Natural Heritage System. A Conservation Master Plan (CMP) is a tool identified by The London Plan that Council can adopt for the purposes of providing direction on the management of these areas. The CMP process is undertaken in two phases as prescribed by The London Plan and the City's Trail Management Guidelines and provides substantial opportunities for engagement and participation.

Phase 1 of the Medway Valley Heritage Forest ESA (South) CMP was approved by Council in February 2017 that provides a detailed life science inventory sufficient to formalize and refine ESA boundary delineation, defines management zones based on environmental significance (natural environment, nature reserve or cultural heritage), reviews existing trails and identifies management issues.

Phase 2 was then initiated to determine the goals, objectives, and recommendations for the future management of the ESA including ecological enhancement and restoration, trail planning and design, and priorities for implementation. A Phase 2 CMP was first presented to Council in 2018 and referred back to Staff for additional work. Staff completed the directions noted in the resolution, including removing bridges from the trails plan and completing additional consultation with First Nations, former Environmental and Ecological Planning Advisory Committee (EEPAC, now Ecological Community Advisory Committee (ECAC)), former Accessibility Advisory Committee (ACCAC, now Accessibility Community Advisory Committee (ACAC)), Upper Thames River Conservation Authority (UTRCA) and the community on the eastern side of Medway Creek.

A revised Phase 2 CMP was presented to Planning and Environment Committee on July 26, 2021. Letters of support were received from former EEPAC, former ACCAC, and UTRCA indicating that the revised CMP meets the AODA legislated requirement for establishing additional access opportunities. Letters of opposition and public participation meeting presentations from residents on the eastern side of Medway Creek were also received. Concerns mainly related to the potential pedestrian connection between Green Acres Drive and the Medway Valley trail and pathway system, and the proposed change to the existing trail beginning at the Gloucester Road Access (Access 12) from a Level 1 to a Level 2 trail.

The Medway Valley Heritage Environmentally Significant Area (South) CMP was adopted by by-law at Council on August 10, 2021 with two outstanding items.

- b) that NO ACTION BE TAKEN with respect to implementing the Green Acres Drive connection to the Medway Valley trail and pathway system at this time;*

- 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.*

As the adopted CMP identifies the subject trail as Level 2, should Council confirm a Level 2 in this location, no revisions to the CMP are required. However, should Council choose to approve a Level 1 trail in this location, Staff will introduce a by-law at a future meeting to amend the CMP to identify a Level 1 trail.

This report focuses on the two outstanding items to resolve the Medway Valley South CMP in its entirety: a) whether the Gloucester deferred trail segment should be a Level 1 or Level 2 trail, and b) whether Council should direct that a process be initiated to resolve the future use of the Green Acres Drive unopened highway road allowance.

1.3 Trail Planning and Design in ESAs

Decision-making in ESAs is guided by the Council approved ‘Guidelines for Management Zones and Trails in Environmentally Significant Areas’ (Trail Guidelines). The Trail Guidelines establish policy, process and practice that must be followed when undertaking a CMP and establishing ecological management zones, reviewing existing trails, and planning new trails. Within ESAs, three management zones are to be identified as follows:

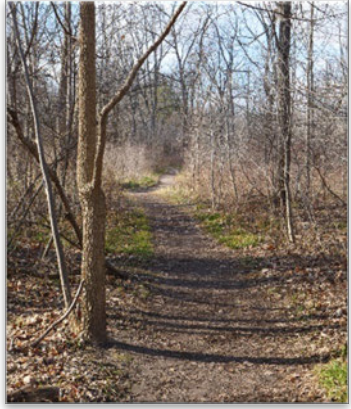


- *Nature Reserve Zone*: These areas represent natural vegetation communities that require the highest level of protection to preserve the ecological integrity of the ESA.
- *Natural Environment Zone*: These are areas with cultural vegetation communities that result from previous disturbances such as land clearing and often contain large numbers of non-native species.
- *Cultural Heritage Zone*: These areas are identified cultural and archaeological features located within an ESA but are distinct from the natural area.

In addition, ‘overlay’ zones may be applied to the underlying management zones if applicable. These include:

- *Restoration Overlay*: This overlay highlights areas within an ESA that require active ecological restoration or special management to improve ecological conditions.
- *Utility Overlay*: This overlay identifies where an existing condition such as a utility site or corridor (e.g. hydro transmission lines, sanitary sewers, gas or water pipeline, etc.) is present within the ESA that precludes ecological restoration.

Based on the identified management zones, appropriate trail types can then be determined. The Trail Guidelines contain three trail levels with Level 1 being the most ecologically sensitive. As such, within a ‘Nature Reserve Zone’, trails are restricted to Level 1. However, both Level 1 and Level 2 trails are permitted within a ‘Natural Environment Zone’ given previous disturbances and the need for restoration activities. Level 3 trails are only permitted in a ‘Cultural Heritage Zone’, areas distinct from the natural area. A summary of trail type specifications is provided below:

Table 1. Trail Type Examples

Level 1	Level 2	Level 3
		
<ul style="list-style-type: none"> • Natural surface • 1.0m (3.3') – 1.5m (4.9') wide • Can be granular in wet areas 	<ul style="list-style-type: none"> • Granular surface • 1.5m (4.9') – 2.0m (6.5') wide • Permeable 	<ul style="list-style-type: none"> • Asphalt surface • 2.0m (6.5') – 3.0m (9.5') wide

As an outcome of a detailed life science inventory, the Medway CMP identified the area containing the trail segment under review as within a 'Natural Environment Zone'. A 'Restoration Overlay' is also applied as the area was previously disturbed and there are large patches of common buckthorn, a highly invasive species that needs to be controlled and/or eradicated. Restoration work is required to restore the area to deciduous forest. As a 'Natural Environment Zone', Level 1 and 2 trails are permitted by the Trail Guidelines for the deferred trail segment. The revised Phase 2 CMP presented in 2021 recommended the trail segment under review as a Level 2 trail based on the Natural Environment Zone, Restoration Overlay, utility considerations and slope considerations.

2.0 Gloucester Deferred Trail Segment

This trail segment under review is approximately 250 metres in length and runs from Gloucester Road to the approved Level 2 trail at the bottom of the slope. It is identified within a 'Natural Environment Zone' with a 'Restoration Overlay'. The management zones and extent of the deferred trail segment are shown on Appendix A.

2.1 Existing Conditions

The trail is accessed from Gloucester Road using an unassumed highway road allowance that has an approximate width of 10 metres, approximate depth of 60 metres, and is zoned Open Space (OS5) in the Z.-1 Zoning By-law. No fixed structures and no landscaping that would inhibit existing uses are permitted within the road allowance.

The surface of the road allowance is a granular that has compacted over time. Overall, the access meets the 'firm and stable' test where it coincides with the existing graveled area. As this is an unassumed highway road allowance, any revisions to the access are required to respect the existing driveway and provide consideration for adjacent access to the east. It is noted that this road allowance is also used as a second access to a multicar garage on the adjacent property at 1607 Gloucester Road. In 2017, an addition to the garage was constructed bringing this home close to the road allowance.

The existing ESA access sign is located approximately 60 metres from Gloucester Road at the rear of the road allowance. It is barely visible from Gloucester Road. It is not evident that this is a public space and trailhead that members of the public are free to enter.

Beyond the gravel portion on the road allowance and ESA access sign, the trail descends into the Medway valley. The current path is a historic desire line with an approximate slope of 11.5 degrees. The fall line directs water down the existing trail alignment from the top of the bank into the valley. As a result, the dirt trail material has eroded and trail gouging of up to a foot in depth has occurred in places. Staff note that the trail needs to

be realigned to some degree and works need to be undertaken to address risk management and erosion issues regardless of the trail being identified as Level 1 or 2.

Council's approval of a Level 1 or a Level 2 trail will establish the design parameters, with the final specifications determined during the detailed design process. Conservation master plans lay out these conceptual trail design parameters, but the ultimate alignment, final materials and grading specifics are finalized during the detailed design process.

It is also noted that a 975 millimetre trunk sanitary sewer that services most of northwest London is located within the Medway Valley that follows the approved Level 2 trail at the bottom of the deferred trail segment. The deferred trail segment provides the only viable access for operational repairs and emergencies like sewer blockages for the portion of the trunk sewer between Miggie Lawson Park and Elsie Perrin Williams Estate as Medway Creek prevents access to this area from the north and east, and there is a steep slope on the trail into the valley that is accessed from Windemere Road.

2.2 Trail Options

As identified in the 2021 staff report, a key element for the rationale of the deferral was to determine whether a sustainable trail at this location would require switchbacks or other works to reduce the grade of the walking surface. Since the Council deferral in 2021, two conceptual alignments have been developed to assist in assessing feasibility and implications. The two conceptual alignments (A and B) are identified in Appendix C.

Alignment A: This meander approximately follows the existing trail alignment, while increasing the run 6 metres on the upper section and 2 metres on the lower section. This increased run allows for the average slope to be reduced from approximately 11.5% to 10-11% along the upper section and to 3.5% - 4.5% along the bottom section. This alignment is the closest footprint to the current alignment that will allow for sustainable trail methods to be implemented. This alignment would facilitate a Level 1 or a Level 2 trail with grades that exceed the 10%

Alignment B: This meander extends beyond the existing alignment to facilitate greater accessibility and sustainable trail implementation methods. It proposes to increase the run 59% along the upper section and 4 metres on the lower section resulting in a decrease of the trail slope to 6-7% along the upper section and 3-4% along the bottom. The larger meander extends further into Natural Environment Zone and Restoration Overlay identified for invasive species removal. This alignment would facilitate either a Level 1 or Level 2 trail with its reduced slope able to provide for greater accessibility.

To understand the technical feasibility of the conceptual alignments, the following work has been undertaken to date:

Geotechnical Opinion Letter

Golder Associates was retained to assess the feasibility of the conceptual alignments to determine if slope stability was a concern. Both alignments were considered suitable and would not result in slope stability issues.

Archaeological Assessment

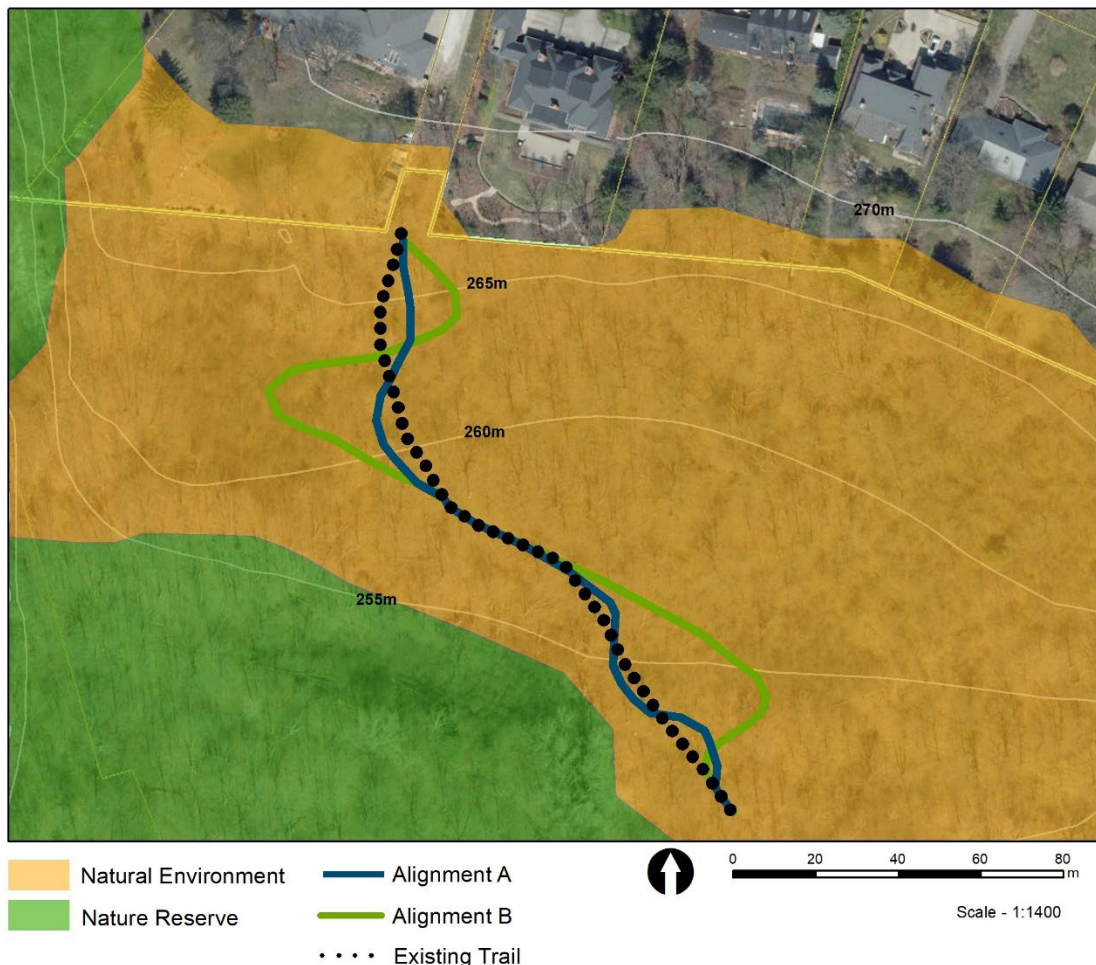
Timmins Martelle Heritage Consultants was retained to complete a Stage I Archaeological Assessment. The assessment noted that earth disturbance beyond laying material will require a Stage II assessment as the area has a high potential for archaeological significance. As such, Staff will leverage precautionary construction methods which limit ground disturbance. These methods are utilized across the City to reduce archaeological considerations and avoid Stage II and Stage III concerns.

UTRCA Regulatory Assessment

Staff consulted with the UTRCA Regulatory department to ensure that there were no concerns with the proposed alignments. UTRCA Staff identified no feasibility

concerns based on the conceptual alignments but did note that a Section 28 permit would be required if any works require base materials to be placed.

The two conceptual alignments are shown below. While both alignments have been determined to be feasible from a slope and regulatory perspective, these are conceptual. The ultimate alignment, final materials and grading specifications would be determined during the detailed design stage as routing may need to be adjusted to avoid micro-level constraints such as non-invasive trees. While Alignment B provides for greater accessibility, Staff anticipate that micro-siting constraints will result in an ultimate alignment that may be closer to Alignment A in many locations.



2.3 Community Consultation

Substantial consultation associated with this project has been undertaken over the last ten years. The 2023 process included site meetings held with the access adjacent Owners and a community meeting at Sherwood Library to share updates on the project and receive community input. A project webpage has also been active through the process to provide information and receive feedback.

Adjacent Owners to Access A12, UTRCA, ECAC and ACCAC

In November 2023, Staff met onsite with the owners adjacent to the A12 access from 1597 Gloucester Road and 1607 Gloucester Road. A representative from the Ecological Community Advisory Committee, Upper Thames River Conservation Authority's ESA Team and a delegate from the Accessibility Community Advisory Committee also attended to answer questions on sustainable trail development and how the trail segment was selected as a Level 2 trail during 2021 plan development.

The owners of 1607 Gloucester Road at that time were not supportive of any proposed changes to be made to the access area or the proposed revision of the trail to a Level 2.

The owners of 1597 Gloucester Road were not supportive of the proposed revision of the trail to a Level 2. Discreet signage and managing overland waterflow were important items noted during the meeting. They requested that any relocation of the access signage generally remain in the current location and not be brought closer to Gloucester than the existing graveled area. They were not supportive of trail realignment closer to their fencing but were receptive to being consulted as part of any future work on native species plantings that could improve privacy at the back of their property.

Meeting notes are attached in Appendix D. Despite several revisions, Staff were unable to reach a shared understanding with the owners of 1607 Gloucester Road on the contents of the November 9th meeting minutes.

Community Meeting

An open house was held on December 14, 2023 at Sherwood Forest Library from 3 pm to 6 pm. A notice of open house was circulated to residents within 120 metres from the eastern edge of the ESA property and previous registrants of the 2021 community meeting. See Appendix E for notice.

The focus of the Open House was to provide an update regarding the conceptual alignments and technical work that have taken place since 2021 and provide an opportunity to provide input on the proposed trail Level for the Gloucester deferred segment. 41 members of the public attended.

Tally votes were collected on the desired trail level (Level 1 or Level 2) along the segment as well as the trail footprint (moderate or small meander). The tally vote results from the community meeting were divided with 30 selecting Level 1, and 11 selecting Level 2. 28 favoured Option A (small meander), while 13 favoured Option B (moderate meander).

Comment sheets provided participants with an additional opportunity to communicate concerns and support.

Comments Received

Comments received through the 2023 process included support and opposition for both Level 1 or Level 2 trails, and support and opposition to updates to Access 12. Overall comment themes were similar to those identified during the 2021 consultation. Comments in opposition were received from the owners of the properties adjacent to Access 12. A previous neighbourhood petition from 2018 opposing changes was also submitted that noted concerns with safety, nuisance, no public demand or need and liability.

Other community comments received through the process related to a desire for more parking near trails city-wide and the need for an appropriate access to maintain the sewer trunk. Residents also shared confusion as to why this consultation was going forward as some understood the 2021 resolution as the final project stage and expressed general dissatisfaction with the consultation process.

Comments received through the 2023 process are found in Appendix F.

2.4 Discussion and Considerations

The existing path has an approximate slope of 11.5%. The alternative path into the valley (Access 13 from Windemere Road) traverses a Nature Reserve Zone and includes a section with a 44.5% slope. Within the definition of recreational trails, an AODA compliant slope is 10% however 8% is a best practice target. Given the Nature Reserve Zone and slope, the trail from Access 13 (Windemere) was determined to be not feasible as a Level 2.

Level 1 Trail

The current level 1 trail has never been brought up to basic sustainable trail standards and is facing increasing erosion concerns. While Level 1 trails generally have a natural earth surface, in instances of erosion on slopes, the Trail Management Guidelines in Section 7.1.1 notes *Poorly drained and permanently wet soils generally do not make for*

good trail surfaces. Where rerouting is not feasible, alternative trail surfacing such as boardwalks or granular materials should be used to prevent environmental impacts associated with compaction, trail widening and alteration of drainage. If a Level 1 is directed by Council, trail improvements would still be required and granular may still be needed along parts of this segment to address erosion concerns.

Level 2 Trail

As the existing Level 1 trail is located within a Natural Environment Zone, conversion to Level 2 is consistent with the Trail Guidelines. Level 2 trails are to have a non-erodible surface (e.g. granular) to create a firm and stable surface thereby improving accessibility for more people compared to a Level 1 trail. The Trail Guidelines in Section 2.4 note that *'firm and stable surfaces may be permitted within specified zones to accommodate persons with disabilities or to best protect the natural features from heavy use.'* To achieve this, a Level 2 trail is typically 0.5m (1.6') wider than a Level 1 trail.

Based on the life science inventory completed as part of the CMP, Natural Environment Zone, and Restoration Overlay noting management activities are required here due to large patches of buckthorn to be controlled, the long-term impacts to the natural feature are not expected to be any different than a Level 1 trail. Some residents are supportive of this trail segment as a Level 2 trail, but most in the immediate vicinity are opposed.

Utility Considerations

As noted, a large trunk sanitary sewer is located in Medway Valley which is identified in the CMP with a Utility Overlay. The trunk sanitary sewer is 36 years old and requires routine condition assessment every 3 years. For this portion of the trunk, the deferred trail segment provides the only viable maintenance and emergency access as the alternative traverses a Nature Reserve Zone and includes a section with a 44.5% slope (Access 13 from Windemere Road). It is noted that emergency access to the portion of the trunk on the west side of Medway Creek was required on September 29, 2023, to alleviate a sewage blockage. Equipment was able to use a firm and stable Level 2 trail for access.

Improved Access 12

In support of the either a Level 1 or 2 trail, minor works to formalize Access 12 would be required. A minor regrading of the existing driveway which already meets the firm and stable test, bringing forward the ESA signage approximately 5-10 metres, and adding short posts to demarcate the access would be included. Any improvements to the existing access conditions at Access 12 would be considered beneficial to its recognition as a public space and improving accessibility, mainly surface stability. Given existing erosion issues, modifications to the existing trail at the top of the trail within the City owned road allowance may also be necessary. This would also support emergency access to the trunk sanitary sewer should a blockage occur. Some residents are supportive of access revisions but most in the immediate neighbourhood are opposed.

Preferred Trail Level

As the science and policy framework that proposed the trail segment remain the same as in 2021, Staff are recommending that this segment be approved as a Level 2. This recommendation aligns with the AODA legislation to provide more access where appropriate, is consistent with the approved 2021 CMP and the City's Trail Management Guidelines and has been determined to be feasible based on the additional works completed since 2021.

Moreover, a Level 2 trail with a firm and stable surface would allow for maintenance equipment to access the sanitary sewer in response to emergencies without the need for unplanned tree removals or other environmental impacts.

3.0 Green Acres Drive Unopened Highway Road Allowance

Significant encroachments on the City unopened road allowance between 74 and 84 Green Acres Drive have been identified as an issue since at least 2005. Existing

encroachments including brick walls, wood fences, and sheds are constructed on City owned property.

The Parks and Recreation Master Plan identifies connectivity and access to recreational amenities such as playgrounds as important aspects of a liveable city. To facilitate recreational access, the City staff identified a need for a connection in 2018 and consulted with the owners at 74 and 84 Green Acres Drive in developing several options to facilitate a connection over city-owned lands from Green Acres Drive to the adjacent 257 Ambleside Drive. This would provide a connection from Green Acres Drive to Ambleside Park that would greatly reduce walking distances to playground amenities and not require use of an arterial road. Options provided consideration for the current driveway access of both properties to their garages and established a public throughway, on City owned land. The initial concepts developed in 2006 and 2010 are provided in Appendix B.

While the road allowance falls outside of the ESA, the Phase 2 CMP identified that the connection would also be able to serve as an appropriate routing of users away from rare plant communities and facilitate the closure of the North/South informal trail in the valley between Gloucester Road and Glenridge Crescent/Ambleside Park that forces trail users to trespass on private property along an eroding bank and dangerous slope.

Council direction in 2021 was that no action be taken at 'this time' to implement the Green Acres Drive connection to the Medway Valley trail and pathway system. No further actions have been taken by Staff since 2021 as directed by the Council Resolution. However, in resolving the Medway Valley CMP this outstanding issue remains.

As the encroachment issues have not been resolved and there remains the potential for improved connectivity, it is recommended that Council provide direction to consult on the need to establish public access through the unopened highway road allowance to Ambleside Park and report back to the appropriate Standing Committee. As the road allowance is located outside of the ESA, this would be facilitated by Parks and Forestry staff.

4.0 Financial Impact

There is no immediate financial impact associated with this report. Future implementation of either a Level 1 or Level 2 trail will use funds as available in the Planning and Development 'Maintain Environmentally Significant Areas' budget.

Conclusion

Staff recommend the Gloucester deferred trail segment as a Level 2 trail based on the feasibility, conformity with the City's approved Conservation Master Plan, conformity with the Trail Management Guidelines and in support the long-term ecological integrity of the Medway Valley Heritage Forest. This project meets the legislated requirements of the Accessibility Disability Ontarians Act.

Staff are requesting direction from Council on next steps to resolve the Green Acres Drive unopened highway road allowance.

Prepared by: Emily Williamson, MSc
Ecologist Planner, Community Planning

Reviewed by: Kevin Edwards, MCIP RPP
Manager, Community Planning

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

**Recommended and
Submitted by:**

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

Appendices

Appendix A: Gloucester Deferred Trail Segment Location Map and Utility Overlay Map

Appendix B: Previous Green Acres Drive Concept Maps

Appendix C: Conceptual Alignments

Appendix D: Access Adjacent Neighbours Meeting Notes

Appendix E: Open House Notice and Materials

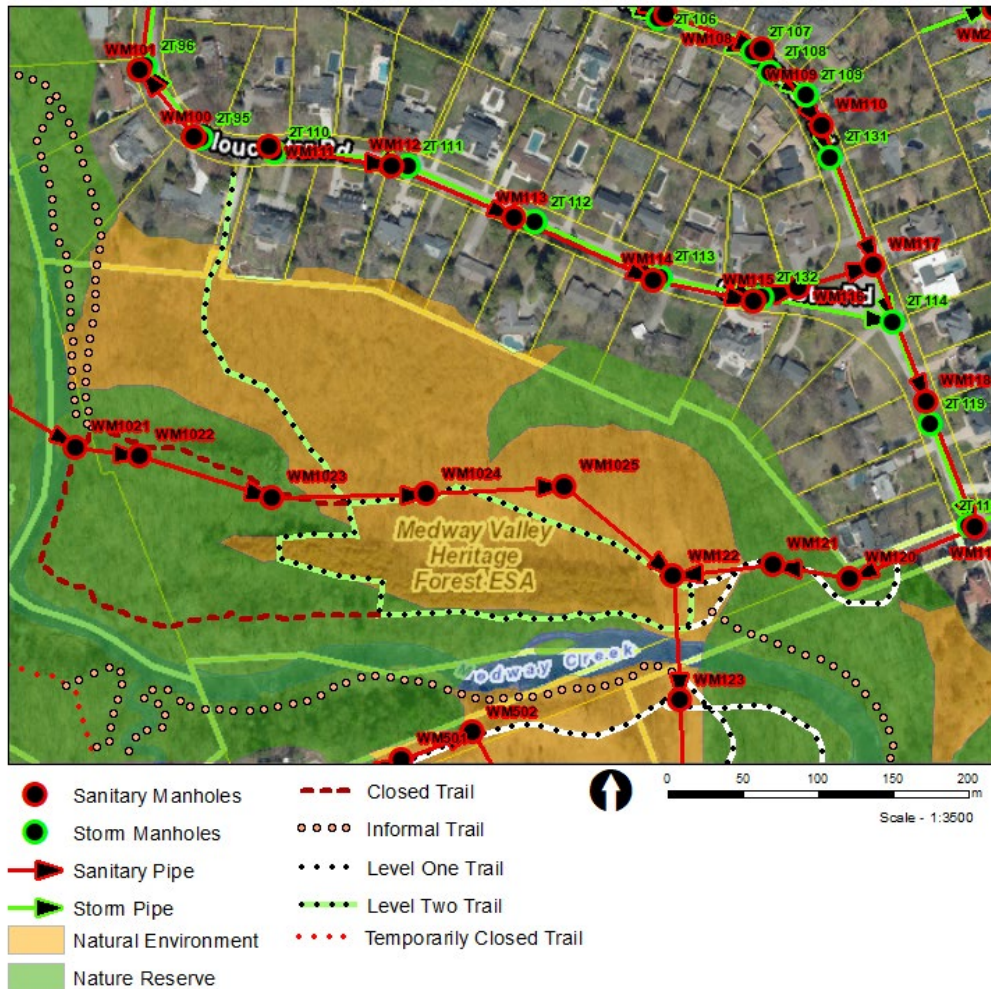
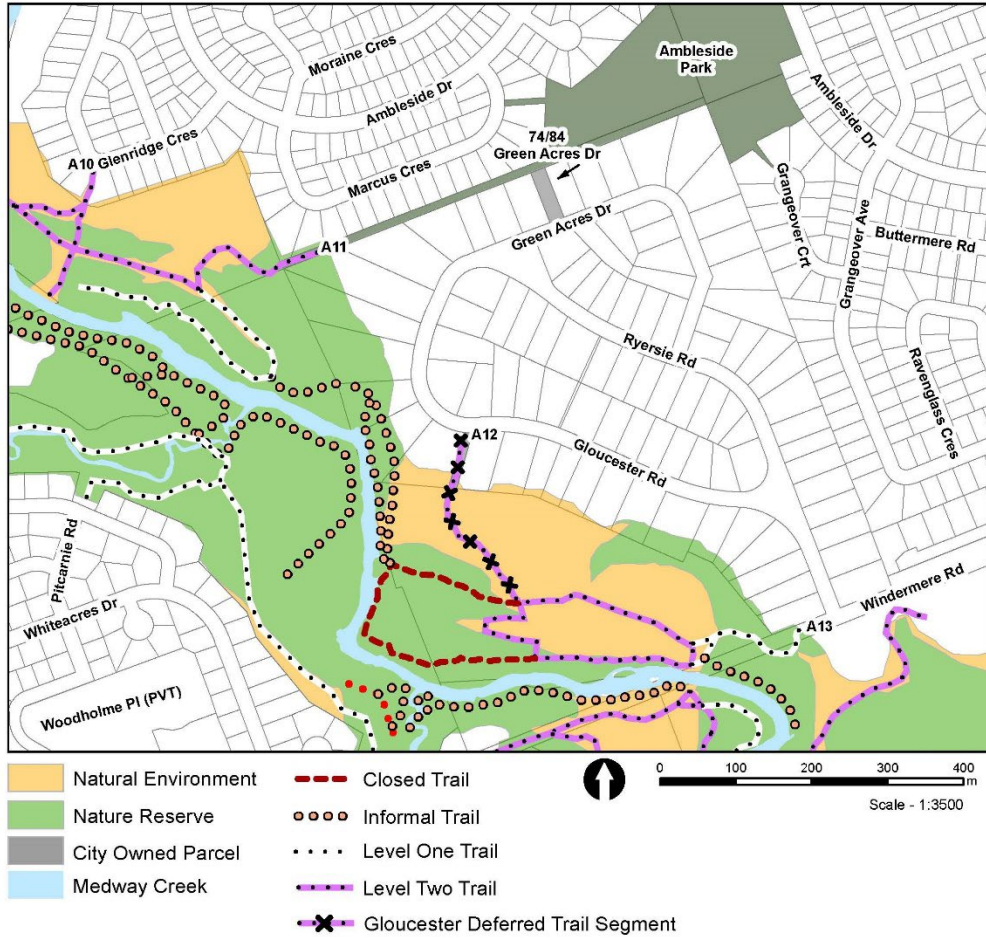
Appendix F: Public Comments

CC: Kelly Scherr, Deputy City Manager, Environment and Infrastructure

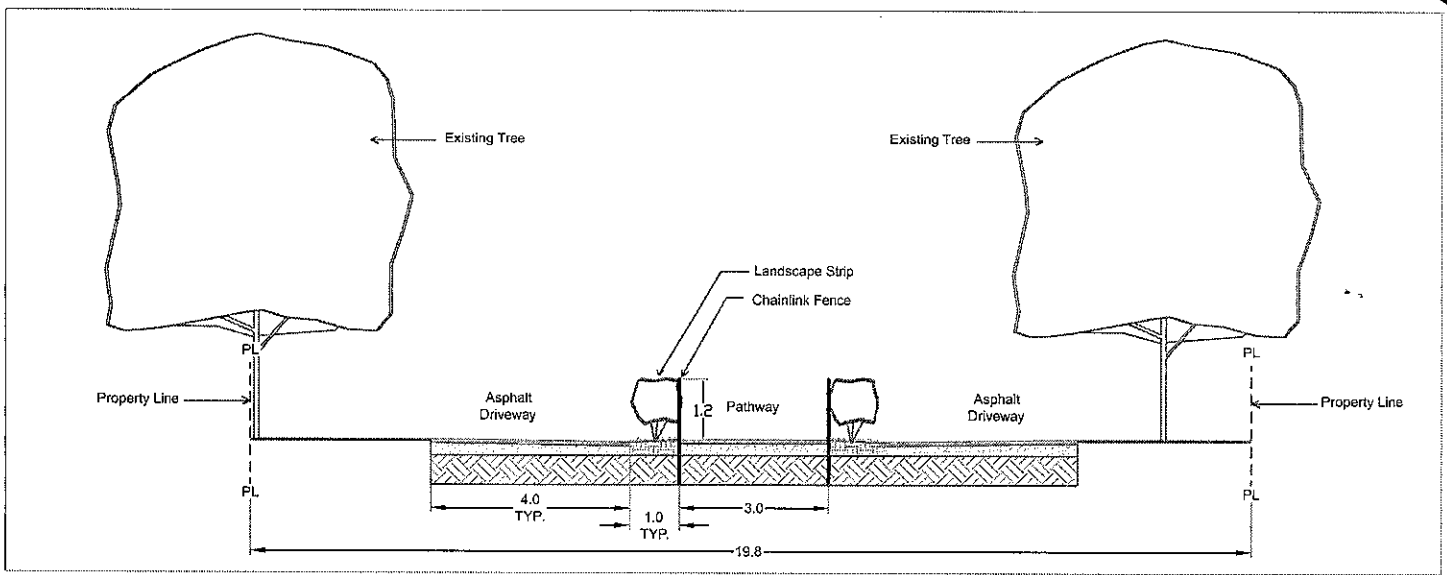
Ashley Rammeloo, Director, Water Wastewater and Stormwater

Paul Yeoman, Director, Parks and Forestry

Appendix A: Gloucester Deferred Trail Segment Location Map and Utility Overlay Map



Appendix B: Previous Green Acres Drive Concept Maps



Section 'A'. Typical section of road allowance at entry off of Green Acres Drive. NTS

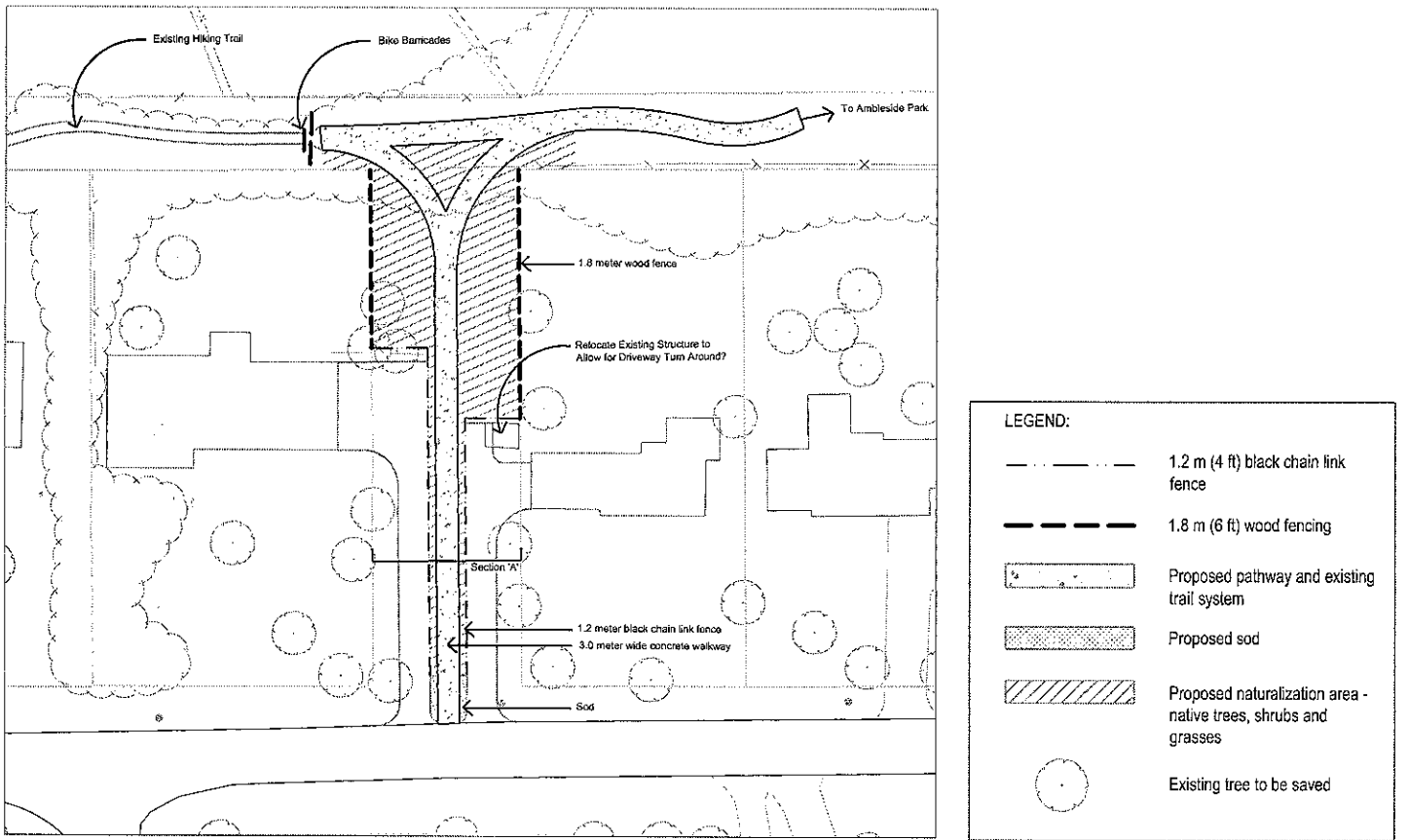


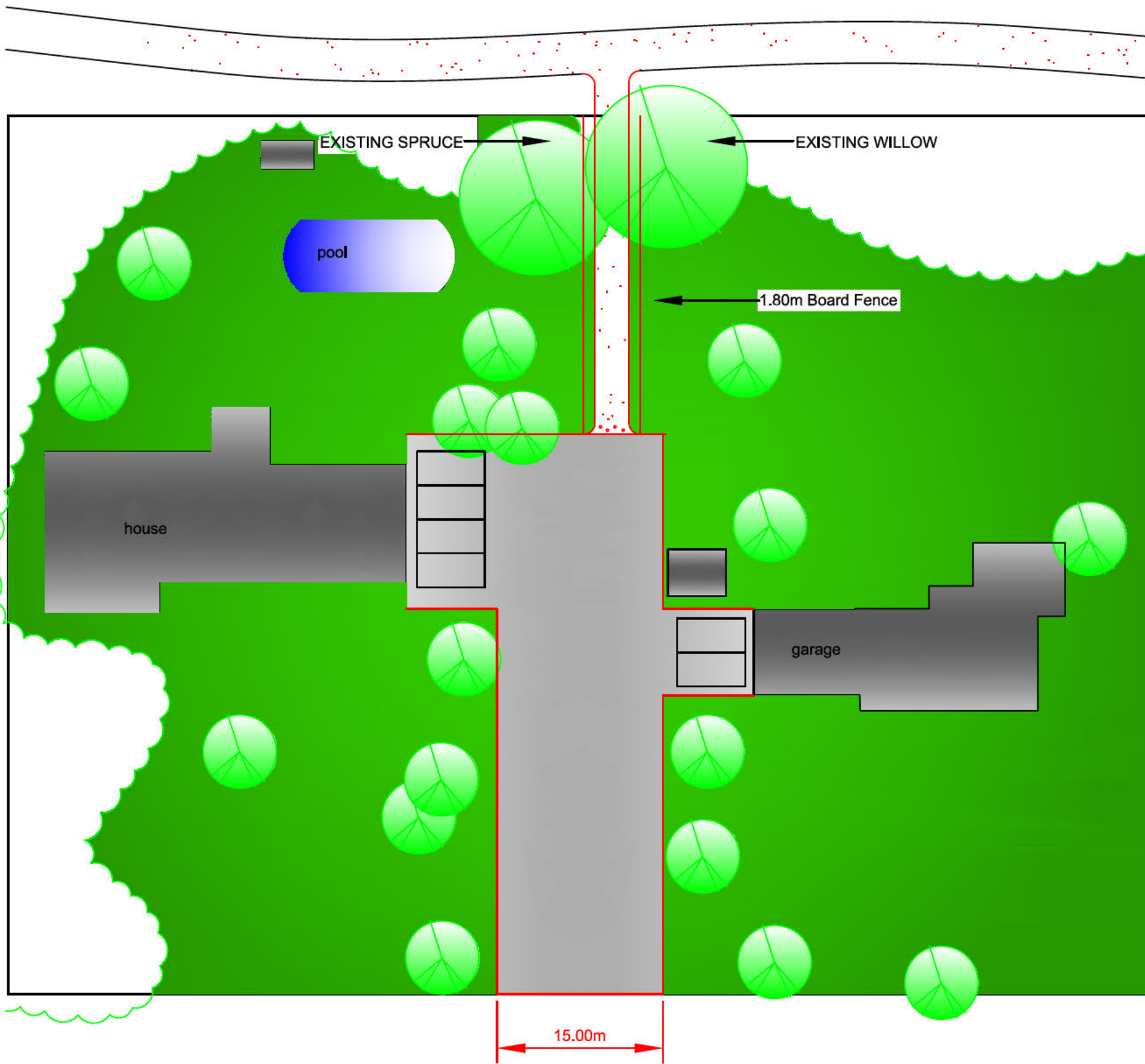
Fig 1. Preliminary Concept Layout.



1:1000

<p>CORPORATION OF THE CITY OF LONDON</p>	DRAWING NAME: CONCEPT LAYOUT		
	PROJECT NAME: Road Allowance Between 74 and 84 Green Acres Drive		
PARK NUMBER: P-000	REVISION NUMBER: 1	DATE: March 13, 2006 304	DRAWING NUMBER: L-1

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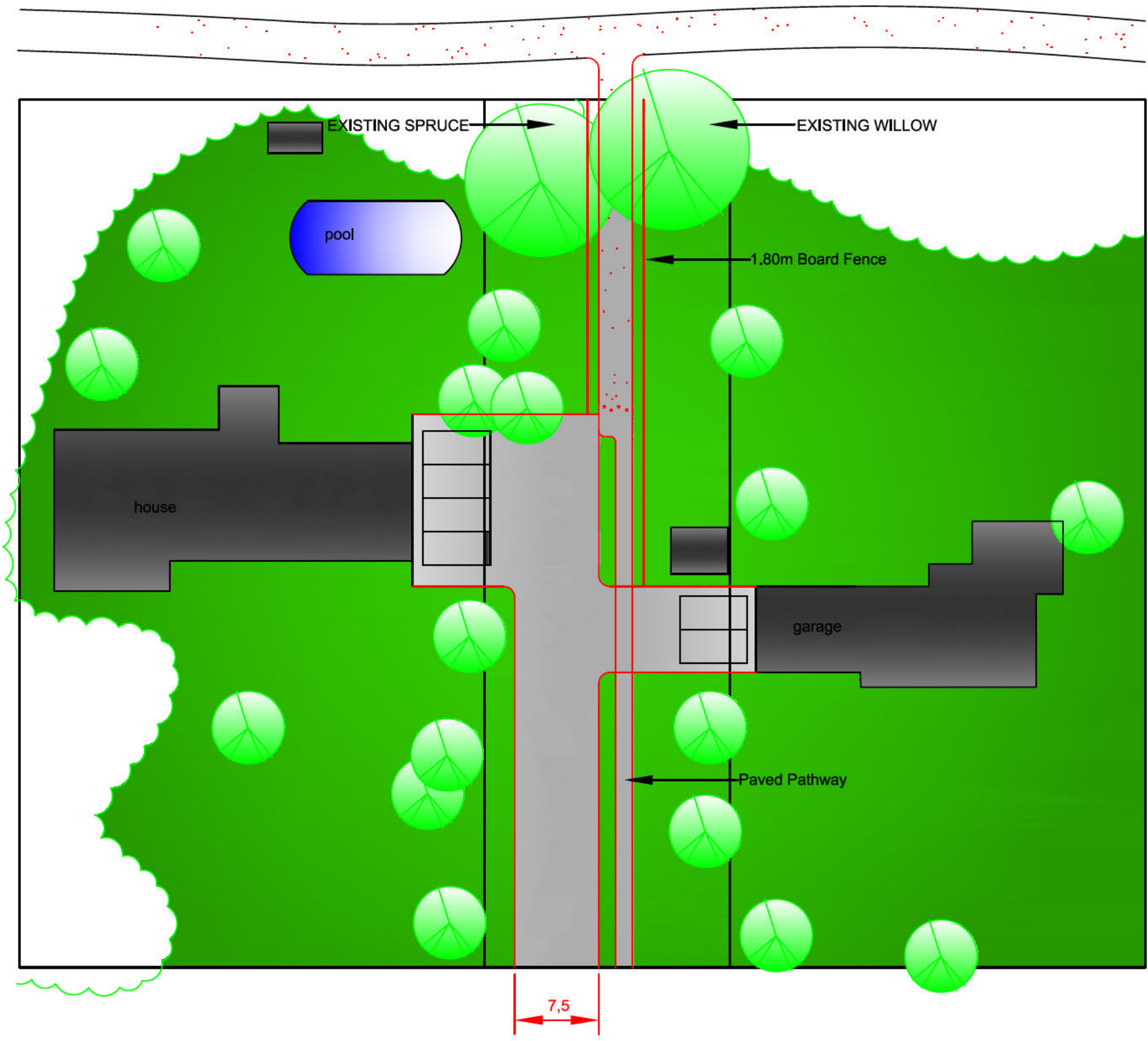
PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT





 CORPORATION OF THE CITY OF LONDON		DEPARTMENT: PARKS PLANNING AND DESIGN		
		PROJECT NAME: Easement and Road Allowance Between 74 & 84 Green Acres Drive		
PARK NUMBER: P-213	REVISION NUMBER: 1	DATE: 08/07/2010	SCALE: NTS	DRAWING NUMBER: Option A

PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT

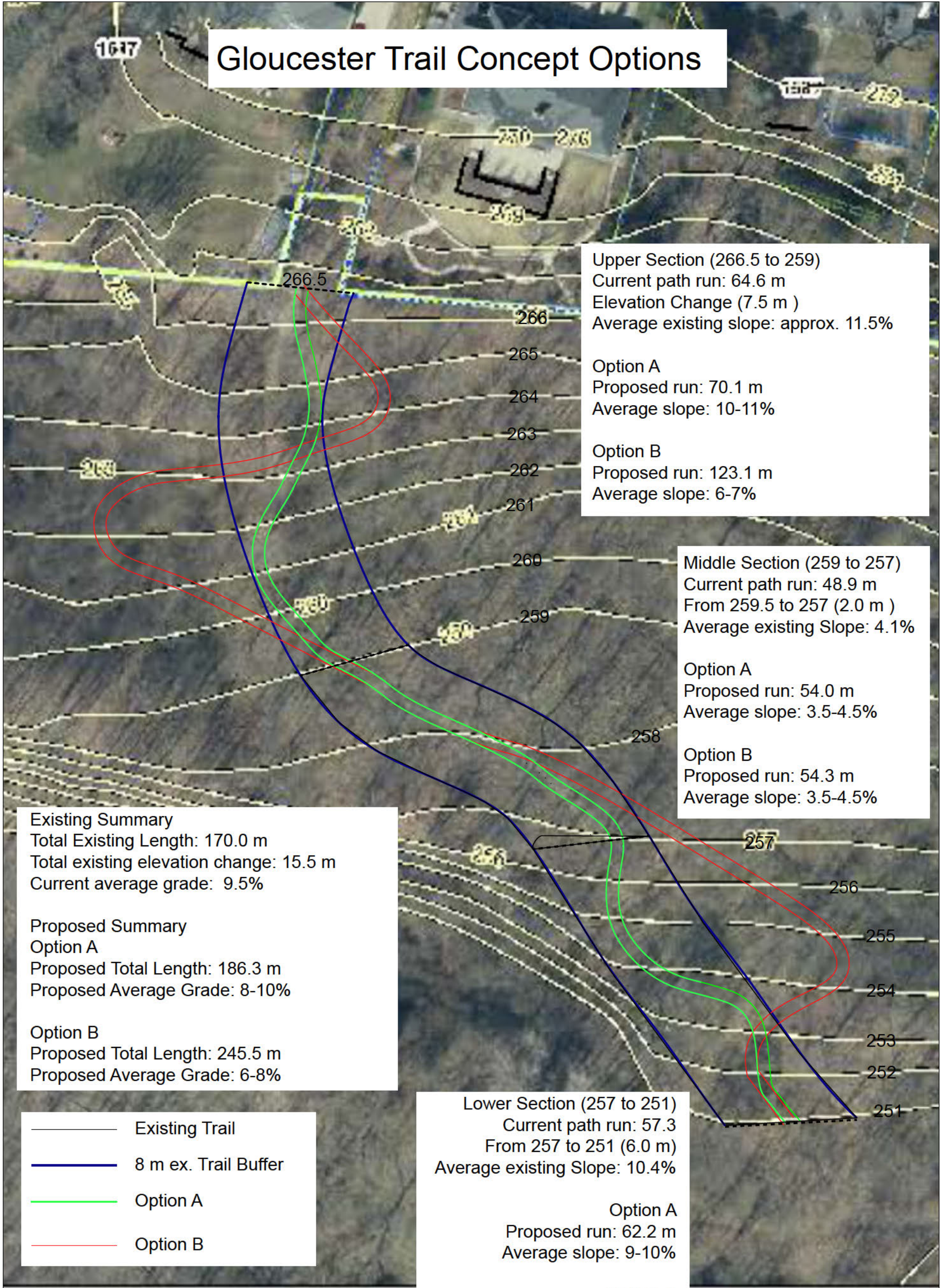
PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT



 CORPORATION OF THE CITY OF LONDON		DEPARTMENT: PARKS PLANNING AND DESIGN		
		PROJECT NAME: Easement and Road Allowance Between 74 & 84 Green Acres Drive		
PARK NUMBER: P-213	REVISION NUMBER: 1	DATE: 08/07/2010	SCALE: NTS	DRAWING NUMBER: Option B

Appendix C: Conceptual Alignments

Gloucester Trail Concept Options



Upper Section (266.5 to 259)
 Current path run: 64.6 m
 Elevation Change (7.5 m)
 Average existing slope: approx. 11.5%

Option A
 Proposed run: 70.1 m
 Average slope: 10-11%

Option B
 Proposed run: 123.1 m
 Average slope: 6-7%

Middle Section (259 to 257)
 Current path run: 48.9 m
 From 259.5 to 257 (2.0 m)
 Average existing Slope: 4.1%

Option A
 Proposed run: 54.0 m
 Average slope: 3.5-4.5%

Option B
 Proposed run: 54.3 m
 Average slope: 3.5-4.5%

Existing Summary
 Total Existing Length: 170.0 m
 Total existing elevation change: 15.5 m
 Current average grade: 9.5%

Proposed Summary
Option A
 Proposed Total Length: 186.3 m
 Proposed Average Grade: 8-10%

Option B
 Proposed Total Length: 245.5 m
 Proposed Average Grade: 6-8%

- Existing Trail
- 8 m ex. Trail Buffer
- Option A
- Option B

Lower Section (257 to 251)
 Current path run: 57.3
 From 257 to 251 (6.0 m)
 Average existing Slope: 10.4%

Option A
 Proposed run: 62.2 m
 Average slope: 9-10%

Option B
 Proposed run: 68.1 m
 Average slope: 8-9%

Note: This is a concept plan for internal use only. Specific location of proposed options would be determined through survey, tree inventory and detailed design.

Appendix D: Access Adjacent Neighbours Meeting Notes



Meeting Minutes

Project Name: Medway Valley Heritage Forest Conservation Master Plan Phase 2

Attendees:

- Salvator Pacifico, Access Adjacent Resident
- Silvana Pacifico, Access Adjacent Resident
- Samantha Pacifico, Access Adjacent Resident
- Jackie Madden, Accessibility Advisory Committee
- Sandy Levin, Ecological Community Advisory Committee
- Brandon Williamson, Upper Thames River Conservation Authority
- Kevin Edwards, City of London
- Emily Williamson, City of London

CC:

- Jay Menard, Accessibility Advisory Committee

Date: November 9th, 2023. 2 – 4 pm.

Re: Gloucester Deferred Trail Segment

Topic	Comments
1. Introduction	Emily Williamson: <ul style="list-style-type: none"> - Overview of the project history and previous community consultation. Project spans 10 years and has numerous public consultation opportunities. - The scope of this consultation is to resolve the Council direction for additional consultation on this trail segment, atypical for such a small section and outside of the typical trails implementation process for Planning and Parks Staff. - Scope of this consultation is limited to the trail segment from Gloucester Drive to the approved Level 2 loop east of Medway Creek. - High-level summary and reminder of the difference between Level 1 and Level 2 trails in ESAs and that the Conservation Master Plan process is prescribed in the Council approved Trail Management Guidelines Document. A copy of the Trail Management Guidelines is attached to the meeting minute circulation.

Topic	Comments
<p>2. Previous Consultation Comments</p>	<p>Sal Pacifico:</p> <ul style="list-style-type: none"> - Notes all the issues and concerns from the last round of consultation including: <ul style="list-style-type: none"> o Neighbourhood not requesting this additional access. o Suggest Level 2 trail will result in an increase in crime. Noted criminologist that participated in the consultation in 2018 and voiced opposition to any changes that would result in increased access to the neighbourhood. o Suggest that increased users will park in front of access 12 on Gloucester Road. o Parking/traffic safety issues at the parking lot and the end of Windemere. o Suggest that this will encourage more people to access the valley. In the past, notes that there have been encampments. o Notes that a resident who lives close to the Windemere access point has witnessed and documented drug use. o Suggest that Level 2 will result in increased bike use in the ESAs. - Doesn't believe that the access beside their home is useful. <p>Brandon Williamson:</p> <ul style="list-style-type: none"> - ESA Staffing does not support constant presence of enforcement officers and enforcement of City Bylaws within the ESA. ESA team completes enforcement blitz in response to ESA use concerns outside of the approved hours and suggests neighbours report instances or typical timing of concerns so that enforcement plans can be catered to address issues.
<p>3. Environmental Impacts</p>	<p>Samantha Pacifico:</p> <ul style="list-style-type: none"> - Noted previous environmental professional experiences on the West Coast as an environmental educator. Has concerns that implementing greater access into the Medway Valley. Notes similar situation in Toronto Cedarvale Ravine. Notes that residents that have been in that area for 50 years felt trails resulted in substantial degradation to the ravine associated with traffic increases. As residents they are concerned and want to keep the area naturalized. <p>Silvana Pacifico:</p> <ul style="list-style-type: none"> - Concerns about using hardening materials such as recycled asphalt material could leech contaminants in the ESA. - Believes that a Level 2 trail goes against nature. - Very concerned that the trail level will result in environmental degradation. <p>Emily Williamson:</p> <ul style="list-style-type: none"> - Noted that additional traffic and interest in the ESA without trail improvements will result in additional damage. Staff are attempting to be proactive, not reactive.

Topic	Comments
4. Planning Context	<p>Emily Williamson</p> <ul style="list-style-type: none"> - The Windemere access is approved as a Level 1. The slope on that segment would require much larger meanders and more environmental impacts to implement, generally. The portion of the consultation is complete and not being considered through this consultation. - The specific materials for the Gloucester deferred trail segment, if approved as a Level 2 trail, would be in-line with the Level 2 material guidelines noted in the Trail Management Guidelines and could include a-gravel or recycled asphalt along the slope. <p>Kevin Edwards:</p> <ul style="list-style-type: none"> - The existing access is an City owned, unassumed, public lane.
5. Accessibility Input	<p>Jackie Madden:</p> <ul style="list-style-type: none"> - Notes that the assessment of the Level 2 trail went through the consultation process prescribed by Council and found a way to meet both the AODA legislative requirements and environmental concerns addressed by ECAC. - A Level 2 trail in this location meets those requirements and can accommodate a firm and stable surface at or close to the AODA slope standard. - ACCAC is open to increasing access for everyone, expanding the user group that can use this trail segment. <p>Brandon Williamson:</p> <ul style="list-style-type: none"> - Noted that Tread Scape (https://www.treadscape.ca/) claims to be able to establish firm and stable trails without having to use a manufactured material. <p>Emily Williamson:</p> <ul style="list-style-type: none"> - Open to assessing the area with a company such as Treadscape to determine if this section could be a pilot project.
6. Consistency Across Medway Valley	<p>Sandy Levin:</p> <ul style="list-style-type: none"> - Level 2 trails and recycled asphalt are included on the main trails on the west side of Medway Creek. These trails meet the 'firm and stable' test in most conditions. <p>Brandon Williamson:</p> <ul style="list-style-type: none"> - 'Recycled asphalt' is a bad name for a good product. Present in multiple other locations in the ESA, including the west side of Medway Creek.

Topic	Comments
<p>7. Access Specific Comments</p>	<p>Sal Pacifico:</p> <ul style="list-style-type: none"> - No desire for additional signage beyond the existing sign. - On-street parking is an issue and believes approving this trail segment as a Level 2 will increase crime. - Concern that there will insufficient street parking and possibly parking in the City owned, unassumed public lane/ driveway. - Does not believe that a no parking sign on the road will address concerns about parking. - There is an insufficient turning radius on Gloucester Road to accommodate more people using the ESA than are currently using it and considers the road narrow. Concerned that there will be additional congestion. Very concerned about creating a hazardous situation for pedestrians and motorists. - Suggest that Staff and the retained consultants have an agenda they are pushing forward. - Suggest other access should be Level 2 with the parking at Windemere. <p>Emily Williamson</p> <ul style="list-style-type: none"> - Identified that there are native planting opportunities along the access and fencing to differentiate the public space from the private space.
<p>8. Trail Segment Specific</p>	<p>Brandon Williamson:</p> <ul style="list-style-type: none"> - Existing trail alignment does not meet the sustainable trail standards. - The trail segment fall line collects water that continues to erode away the surface. - Erosion issues will require a trail remediation so that trail is maintained to standard. - Seeps coming from the slope are determining the trail fall line. - Barricades are used to prevent bike access. Notes that the types of trails that mountain bikers seek out are rugged and steep like those that currently exist (single track) rather than accessible moderately sloped trails. - Most trails are created by desire lines, not be sustainable trail practices. It's then the job of the management team to find appropriate ways to increased the sustainability and reduce the impacts that these trails cause long term, while ensuring user safety. <p>Emily Williamson</p> <ul style="list-style-type: none"> - Erosion concerns may require a sustainable trail plan and associated meanders regardless of the approved Level 1 or Level 2 trail segment. It's important to also note that the material will be dependent on the specific site conditions. The trail material could include a-gravel or recycled asphalt.

Topic	Comments
9. Next Steps	<p>Emily Williamson:</p> <ul style="list-style-type: none"> - Staff will be coming forward with a recommendation to PEC in February. - A community open house will be held at Sherwood library on December 14. The notice is available on the GetInvolved website. An email will be circulated to all subscribed participants and a mailout will be completed for all residents within 120 m of the access. All those residents that submit comments and their addresses to the 2018 and 2021 PEC meetings will also be included in the mailing list. - Staff will circulate a link to the PEC report, once available. <p>Sandy Levin:</p> <ul style="list-style-type: none"> - Residents can request delegation status to speak at committee by sending a pre-emptive email to Clerks requesting that they reach out when the report is received in advance of PEC.
10. Summary	<p>Staff and ECAC/ACCAC/ UTRCA met onsite with access adjacent neighbours to discuss the deferred trail segment.</p> <p>Staff note that the policy guidance, study findings and legislative triggers to adopt this segment as a Level 2 trail remain the same from previous consultation rounds. Additional works including Geotech, Archaeology Stage 1 and a refined concept have been completed to provide the access adjacent neighbours and community with a greater understanding of the feasibility and greater design certainty of the concept for this planning process. If the segment is not approved as a Level 2, the approved Level 2 loop at the base of the slope will only be accessible by Level 1 trails.</p> <p>The Pacificos are extremely concerned that the approval of a Level 2 trail access rather than a Level 1 will result in environmental degradation. They request that Staff recommend leaving the access and trail as it is, Level 1, and that no further work is completed. They are opposed to any trail realignment or refinement that changes the current conformation. They did not express interest in access design options of fencing, signage or plantings.</p>



Meeting Minutes

Project Name: Medway Valley Heritage Forest Conservation Master Plan Phase 2

Attendees:

- George Sinker, Access Adjacent Resident
- Sydney Sinker, Access Adjacent Resident
- Cole Volkaert, Upper Thames River Conservation Authority
- Kevin Edwards, City of London
- Emily Williamson, City of London

Date: November 28th, 2023. 11– 12 pm.

Re: Gloucester Deferred Trail Segment

Topic	Comments
1. Introduction	<p>Emily Williamson:</p> <ul style="list-style-type: none"> - Overview of the project history and previous community consultation. Project spans 10 years and has numerous public consultation opportunities. - The scope of this consultation is to resolve the Council direction for additional consultation to the trail segment from Gloucester Drive to the approved Level 2 loop east of Medway Creek. <p>George/Sydney Sinker:</p> <ul style="list-style-type: none"> - Open to working with the City to align on the best approach while also noting that they may not support the final recommendation if it causes undue impacts to their property.
2. Planning Context	<p>Kevin Edwards:</p> <ul style="list-style-type: none"> - The existing access is a City owned, unassumed, public lane. <p>Emily Williamson</p> <ul style="list-style-type: none"> - The specific materials for the Gloucester deferred trail segment, if approved as a Level 2 trail, would be in-line with the Level 2 material guidelines noted in the Trail Management Guidelines and could include a-gravel, recycled asphalt or boardwalk where appropriate along the slope. - Windemere access is approved as a Level 1. The slope on that segment would require much larger meanders and more environmental impacts to implement, generally. That portion of the consultation is complete and not being considered through this consultation. <p>George/Sydney Sinker:</p> <ul style="list-style-type: none"> - Note that their property does not encroach onto the unassumed public lane.

Topic	Comments
	<p>Cole Volkaert:</p> <ul style="list-style-type: none"> - Notes that the area falls within the UTRCA Regulatory Limit. Will follow-up with the Regulatory Line.
<p>3. Access Specific Comments</p>	<p>George/Sydney Sinker:</p> <ul style="list-style-type: none"> - Open to sign being relocated forward toward Gloucester Road for greater access visibility but only to the existing graveled section ~ 8-10 m forward. Believe this will sufficiently demarcate this as a public space. - On-street parking is an issue and believes approving this trail segment as a Level 2 will increase parking infractions. Requests that should this be approved as a Level 2 segment that 'No Parking' signs are included along Gloucester Road. - Noted that erosion at the access point and down the trail is the result of filling activities at 1607 Gloucester that occurred around 2017. Substantial trees were removed and fill was placed in the back yard. Fill, logs and debris were pushed onto the western portion of the public lane, and as a result trail users are now directed to the easterly side of the access. - Noted that cedars were also planted in the lane in the same period which further direct trail users to the easterly side. - Opposed to additional fill material being added to the existing driveway surface north of the access sign. Open to regrading of existing material, however noted that the filled area adjacent to the 1607 Gloucester fenceline is already firm and stable. - Open to native plantings within the access south of the existing gravel 'driveway' and potentially behind their property to increase privacy. - Open to ESA posts demarcating the access, but don't believe that a bike barrier would be helpful. - Note that the fence at 1607 Gloucester has a 7' board on board fence, providing privacy, while 1597 Gloucester has a low iron fence which does not provide privacy. <p>Emily Williamson:</p> <ul style="list-style-type: none"> - Identified that there are native planting opportunities along the access and fencing to differentiate the public space from the private space. Suggested species could include service berries, native conifers and ninebark. - As part of any trail improvement project, the City is supportive of including the Sinkers in native planting plans for beside or behind their property. - Addressing the invasive species and dead/declining trees within the access would be the first stage in advance of the final detailed design. - Looking for opportunities to clearly define this City owned, unassumed road as a public space that welcomes users. The current access is unclear.

Topic	Comments
	<ul style="list-style-type: none"> - Note that adding road signage would be a conversation with Road Operations and that there is a mechanism to request no parking signs. <p>Kevin Edwards:</p> <ul style="list-style-type: none"> - At the height of the pandemic there were only two locations in the City where parking concerns were raised concerning ESA access points. There have been no complaints from residents since. <p>Cole Volkaert:</p> <ul style="list-style-type: none"> - Barricades are used to prevent bike access. Notes that the types of trails that mountain bikers seek out are rugged and steep like those that currently exist (single track) rather than accessible moderately sloped trails.
4. Trail Segment Specific	<p>Emily Williamson</p> <ul style="list-style-type: none"> - Erosion concerns may require a sustainable trail plan and associated meanders regardless of whether the trail segment is approved as Level 1 or Level 2. It's important to also note that the material will be dependent on the segment conditions and is finalized at detailed design. The trail material could include a-gravel or recycled asphalt. - High-level summary and reminder of the difference between Level 1 and Level 2 trails in ESAs and that the Conservation Master Plan process is prescribed in the Council approved Trail Management Guidelines Document. - Addressing the invasive species and dead/declining trees within the access would be the first stage in advance of the final detailed design. - Noted 'firm and stable earthen trail' suggestion at previous site visit. This is an unproved construction method that could be explored at detailed design. <p>Cole Volkaert:</p> <ul style="list-style-type: none"> - Existing trail alignment does not meet the sustainable trail standards. - The trail segment fall line collects water that continues to erode away the surface and create deep rills. - Erosion issues will require a trail remediation so that trail is maintained to standard. <p>George/Sydney Sinker:</p> <ul style="list-style-type: none"> - Note that the proposed meander at the top of the trail segment would be more suitable as a small meander or no meander. The bottom half of the trail segment would be suitable as a meander. - Opposed to recycled asphalt application generally as it does not keep with the naturalized character of the trail.
5. Accessibility Input	<p>George Sinker:</p> <ul style="list-style-type: none"> - Questions whether the smaller meander and revised trail surface will enable those in wheelchairs to access the trail. <p>Emily Williamson:</p> <ul style="list-style-type: none"> - ACCAC is open to increasing access for everyone, expanding the user group that can use this trail segment.

Topic	Comments
	<ul style="list-style-type: none"> - Confirm that the intent is to provide greater accessibility and that the firm and stable surface of a Level 2 trail along the segment will enable wheelchair access in most conditions, but not in all seasons. Increased accessibility does not mean that strict AODA grades will be met, but that more people of varying abilities will be able to comfortably use the trail.
6. Consistency Across Medway Valley	<p>Emily Williamson:</p> <ul style="list-style-type: none"> - Level 2 trails with gravel and/or recycled asphalt are included on the main trails on the west side of Medway Creek. These trails meet the 'firm and stable' test in most conditions.
7. Next Steps	<p>Emily Williamson:</p> <ul style="list-style-type: none"> - Will circulate the meeting minutes for the Sinker's comment and as a summary of the discussion. - Community meeting will be held on December 14 to discuss the current project status, works completed to date, share the concept designs and provide an opportunity for the attendees to note their thoughts on which meander option they are in support of.
8. Summary	<p>Staff and UTRCA met onsite with access adjacent neighbours to discuss the deferred trail segment and access into Medway Valley.</p> <p>Staff note that the policy guidance, study findings and legislative triggers to adopt this segment as a Level 2 trail remain the same from previous consultation rounds. Additional works have been completed to provide the access adjacent neighbours and community with a greater understanding of the feasibility and greater design certainty of the concept for this planning process. If the segment is not approved as a Level 2, the approved Level 2 loop at the base of the slope will only be accessible by Level 1 trails.</p> <p>Mr. and Mrs. Sinker are concerned that the approval of a Level 2 trail access rather than a Level 1 will result in undue impacts.</p> <p>They provided suggestions in an effort to work with Staff on developing the least offensive approach to resolve the trail segment and access concerns. They note that despite this, they may be opposed to the recommendation that Staff bring forward pending the final proposal.</p> <p>They are agreeable to larger meanders at the bottom of the Valley slope and suggest a modest meander, where necessary, beginning beyond the access.</p> <p>Regarding the design of the access, they do not support additional gravel being put on the existing lane but are not opposed to regrading the existing material of this area. They are open to the addition of access point demarcation such as posts where the current cedar hedge and moving the sign closer to the road, but not beyond the current gravel firm and stable</p>

Topic	Comments
	section. Staff confirmed that the existing sign is what Staff intend to recommend as a larger marquee sign at this access wouldn't make sense.

From: [REDACTED]
To: [Williamson, Emily](mailto:ewilliam@london.ca)
Subject: [EXTERNAL] Re: Gloucester Deferred Trail Segment - November 29 Draft Meeting Minutes and Access Concept
Date: Monday, December 11, 2023 2:40:57 PM

Good Afternoon Emily

We have reviewed your notes relating to our recent meeting. If you wish to include your notes in any discussions with staff, councillors or publicly in any other way we feel it would only be appropriate if your notes are accompanied by a copy of our email to you dated December 4th 2023 together with this email. We continue to feel that your failure to disclose a potential change in the status of the Green Acres access was disingenuous at a minimum.

It appears to us that the cart has been put before the horse. The major reason for the proposed change of the Gloucester access and the actual change of the relevant trail related thereto on the valley floor to level 2 was to service additional traffic generated by the proposed change of the Green Acres access to level 3.

Unless and until the Green Acres access becomes a reality, there appears to be no reason to complete level 2 improvements to either the deferred Gloucester access or the trail to which it connects.

With respect to the placement of the sign, we agreed that it should either stay where it is or be moved marginally forward and not to be closer to the road than the beginning of our neighbour's fence.

George and Sydney


Sent from my iPhone

On Dec 11, 2023, at 1:57 PM, Williamson, Emily <ewilliam@london.ca> wrote:

Good Afternoon Mr. and Mrs. Sinker,

Just following up on these – please let me know if you have any revisions.

Best Regards,

< **Emily Williamson, MSc.**
Ecologist | Planner
Community Planning
Planning and Economic Development
City of London

300 Dufferin Ave PO Box 5035 N6A 4L9
P: 519.661.CITY(2489) x 5076
ewilliamson@london.ca | www.london.ca

From: Williamson, Emily
Sent: Friday, December 1, 2023 9:11 AM
To: George Sinker [REDACTED]; Cole Volkaert
<volkaertc@thamesriver.on.ca>
Cc: Edwards, Kevin <kedwards@london.ca>
Subject: Gloucester Deferred Trail Segment - November 29 Draft Meeting Minutes and Access Concept

Hello Mr. and Mrs. Sinker,

Thank you for meeting with Staff to discuss the Gloucester deferred trail segment and Access 12. Staff appreciate your time and input. I've included my best account of our meeting and should you have revisions or concerns, please feel free to let me know. Also attached is a figure that depicts a proposed concept based on our discussion.

Please note that commentary was grouped by general theme based on notes taken during the meeting. If this does not agree with your records of the meeting, or if there are any omissions, please advise. Otherwise, we will assume the contents to be correct.

Next steps:

- Staff will be coming forward with a recommendation to PEC in February.
- As you are aware, a community open house will be held at Sherwood library on December 14. The notice is available on the GetInvolved website. An email was circulated to all subscribed participants and a mailout was completed for all residents within 120 m of the access. All those residents that submitted comments and their addresses to the 2018 and 2021 PEC meetings were also be included in the mailing list.
- Staff will circulate a link to the PEC report, once available.
- Residents can request delegation status to speak at committee by sending a pre-emptive email to Clerks requesting that they reach out when the report is received in advance of PEC.

Happy to discuss specifics over a quick phone call if preferred.

Best Regards,

<image001.png> **Emily Williamson, MSc.**
Ecologist | Planner
Community Planning
Planning and Economic Development
City of London



COMMUNITY OPEN HOUSE

Gloucester Deferred Trail Segment

YOU ARE INVITED!

The City of London will be hosting a drop-in open house seeking public input on the work currently underway for the deferred Gloucester Trail Segment within the Medway Valley Heritage Forest Environmental Significant Area Conservation Master Plan (2021). The open house will include project boards with staff available to update residents on additional works that have been completed since 2021. It will also provide an opportunity for feedback on this proposed level 2 trail segment and access. No formal presentation will take place.

Registration is required for this event. Please register by December 12, 2023 through the City's website: getinvolved.london.ca/medway-valley-cmp

Meeting Location: Sherwood Library, Meeting Room B

#32-1225 Wonderland Rd. N., London, ON

Meeting Date: December 14, 2023

Meeting Time: 3:00pm to 6:00 pm

LEARN MORE & PROVIDE INPUT

For more information contact:

Emily Williamson, MSc.

ewilliamson@london.ca

519-661-CITY (2489) ext. 5076

Planning and Development, City of London

300 Dufferin Avenue, London ON N6A 4L9

getinvolved.london.ca/medway-valley-cmp

Please Note: This meeting is a non-statutory public information meeting which the City's Planning and Development Department at times convenes when, in the opinion of the Director, Planning and Development, that the community should have a further opportunity to obtain information regarding a planning process.

If you are a landlord, please post a copy of this notice where your tenants can see it. We want to make sure they have a chance to take part.



Medway Valley Heritage Forest CMP Gloucester Deferred Trail Segment

Sherwood Forest Library - December 14, 2023

Project Background

Environmentally Significant Areas (ESAs)

- Largest, core features of the Natural Heritage System
- Includes Medway Valley Heritage Forest
- Governed by London Plan Policy
- Management Prescribed by Conservation Master Plans (CMPs)
- Council approved Trail Management Guidelines outline the process and framework for trail works within London's ESAs

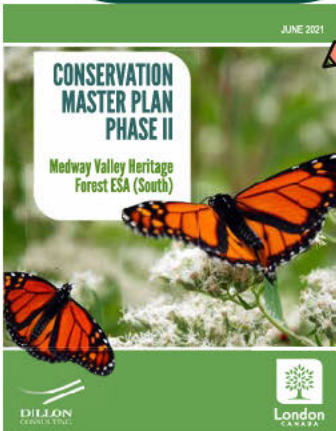
Phase 1

- Community Engagement and Participation
- Life Science Inventory and Evaluation
- Boundary Delineation
- Application of Management Zones and Review of Existing Trails
- Identification and Management Issues



Phase 2

- Community Engagement and Participation
- Goals, Objectives and Recommendations
- Ecological Protection, Enhancement and Restoration
- Trail Planning and Design Process
- Priorities for Implementation
- Final Conservation Master Plan



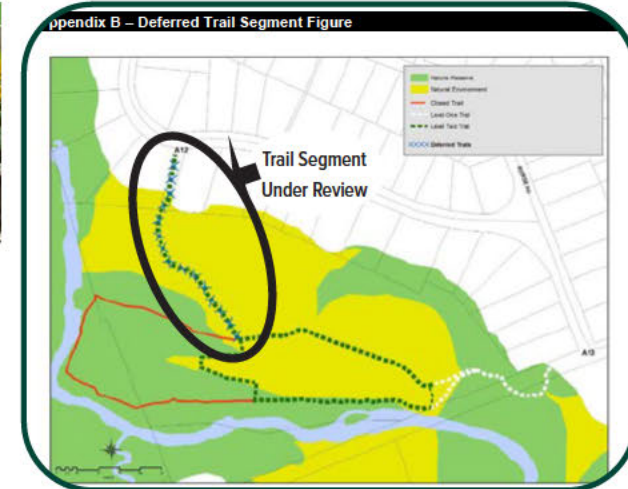
Project Timeline

- 2013 - Phase 1 Conservation Master Plan is initiated
- 2015 - Phase 1 Conservation Master Plan is approved
- 2018 - Phase 2 Conservation Master Plan referred back to staff
- 2019 - Consultation with EEPAC, UTRCA, ACCAC, and Community
- 2021 - Phase 2 Conservation Master Plan is approved by Council with Gloucester deferred Segment
- 2023/2024 - Addressing Council Resolution
 1. Complete additional feasibility assessment:
 - Stage 1 Archaeological Assessment
 - Geotechnical Opinion Letter
 - UTRCA consultation on Section 28 requirements
 - Sustainable Trail
 2. Access Adjacent Neighbours Site Visits
 3. Community Meeting
 4. Febuary PEC Meeting.

2021 Council Resolution

Medway Valley South Conservation Master Plan was approved, save and except

- That **NO ACTION BE TAKEN** with respect to implementing the Green Acres Drive connection to the Medway Valley trail and pathway system at this time; and
- The portion of the pathway and trail system from Gloucester Road (Access A12) to its connection with the pathway in the Valley shown on "Appendix B" **BE DEFERRED** to be considered at a future meeting 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:



We Are Here



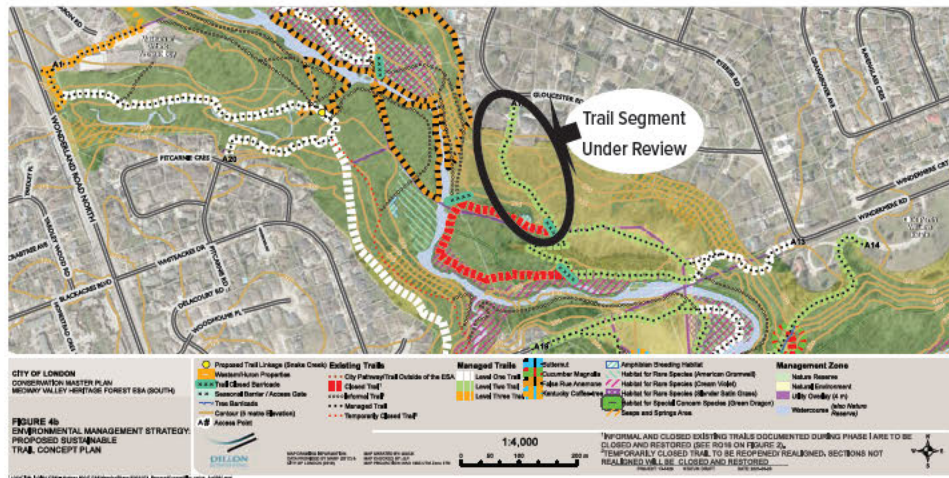
Medway Valley Heritage Forest CMP Gloucester Deferred Trail Segment

Sherwood Forest Library - December 14, 2023

Trail Review Considerations

Review Level 1 and Level 2 Trail Options based on

- Council approved Guidelines for Management Zones & Trails in ESAs
- Neighbourhood Consultation
- Ecological Sensitivity
- Addressing Erosion Issues along Trail Segment
- Sanitary Sewer Maintenance Access
- Accessibility for Ontarians with Disabilities Act (AODA)
- Feasibility of Construction



A12 Access

A12 Street View
20 m City owned, unassumed public lane
Sign view from street

A12 Halway to Entrance
Granular material, grass and driveway use.

Wychwood Access
Known public space
Includes barriers and ESA sign



AODA Trail Type Examples



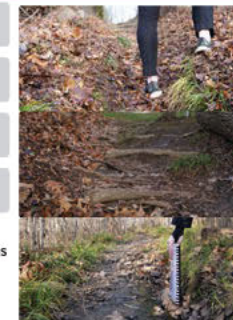
Sanitary Sewer Considerations



- The CMP identifies utility overlays require access for operational maintenance
- A 975mm trunk sanitary sewer that services most of Northwest London is located within the Medway Valley
- The sewer is 36 years old and requires routine condition assessments every 3 years.
- Emergency access for the trunk sanitary sewer was needed on September 29, 2023, on the west side of Medway Creek to alleviate a sewage blockage.

Technical Work Completed

- Archaeology Stage 1
- Geotechnical Opinion
- UTRCA Section 28 Requirements
- Current Sewer Infrastructure Access Needs



Erosion Issues Identified
1' Drop in trail along water fall line in areas
Exposed tree roots
Inconsistent trail surface.



Existing Trail
Water travels on the fall line down the hill

Level 1 transitioning to level 2



London
CANADA

Concept Drawing

Trail Type

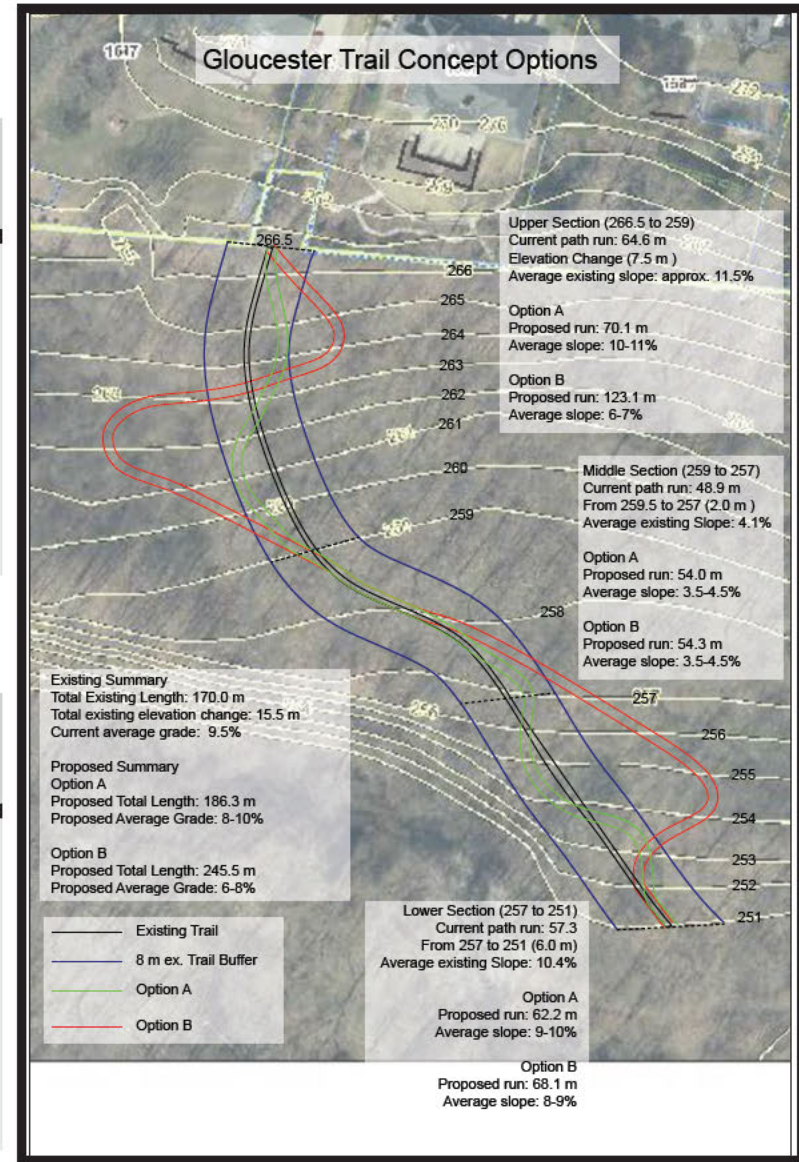
Level 1

Level 2

Trail Meander

Option A

Option B



From: [REDACTED]
To: [Williamson, Emily](#)
Subject: [EXTERNAL] Medway Valley A12 Access
Date: Wednesday, November 29, 2023 6:49:49 PM

Good Evening Emily,

George and I have spent a few hours today reviewing our file with respect to the elevation of the A12 Medway Valley access from level one to level two. We have come to the conclusion that this is not necessary for the following reasons.

1. The proposed level 3 trail outside the ESA over lands behind Marcus Crescent, Green Acres Drive and Gloucester Road and over Green Acres Drive and Gloucester Road was not approved by council and it directed that no further action be taken in this regard. Accordingly, as this is a dead issue, pedestrian use of the A12 access will be significantly reduced by this decision. There appears to be no compelling reason for elevating the A12 trail access to level 2.
2. The A12 access leads to a trail to nowhere. It consists of a small closed loop mainly through meadow on the floor of the valley. There is no connectivity. Furthermore this trail does not appear to need improvement to level 2. It appears to be stable.
3. We are concerned that you personally have no control over the installation of the remedial measures we discussed at our November 28th meeting.
4. It occurs to us that the sole purpose of elevating access A12 to level 2 is to facilitate construction access to the valley in order that the closed loop may be "improved" now that the City has allocated funds for same. This is a waste of taxpayers money.

For the above reasons we will be objecting to the access level change and mobilizing the neighbourhood in this regard.

George and Sydney Sinker
Sent from my iPhone

From: [REDACTED]
To: [Williamson, Emily](#); [REDACTED]; [Rahman, Corrine](#); [City of London, Mayor](#)
Subject: [EXTERNAL] Re: Medway Valley Heritage Forest ESA - deferred Gloucester Trail Segment
Date: Wednesday, November 29, 2023 12:45:28 PM

Emily and related stakeholders

My family utilizes the Medway valley system on a daily basis. We enjoy the valley as presently is. I personally have been hearing about the City of London proposed changes for years. In truth since I was a kid (I am 64 years old). Nothing much happens in the Medway valley and that seems logical. So I will respectfully decline another presentation with the hope that the City listens to their constituents/taxpayers and prioritizes other more important projects.

On a related note I have lived in this community for much of my life. I believe that the asphalt on Windemere Rd. is the same asphalt surface (with spotty maintenance) as the asphalt that was there 50 years ago. Windemere Road is the only access to our community and it is in terrible shape. I would think taxpayers dollars might be spent more wisely on this project rather than a new Medway valley pathway system that no one is asking for.

Thanks
Michael Smith
[REDACTED]

On Nov 29, 2023, at 11:50 AM, Williamson, Emily <ewilliam@london.ca> wrote:

YOU ARE INVITED!

The City of London will be hosting a drop-in Open House seeking input on the work currently underway for the deferred Gloucester Trail Segment within the Medway Valley Heritage Forest Environmental Significant Area Conservation Master Plan (2021).

The Open House will include project boards with staff available to update residents on additional works that have been completed since 2021. It will also provide an opportunity for feedback on this proposed level 2 trail segment and access. No formal presentation will take place.

Meeting Location: Sherwood Library, Meeting Room B

#32-1225 Wonderland Rd. N., London, ON

Meeting Date: December 14, 2023

Meeting Time: 3:00 to 6:00 p.m.

Registration is required for this event. Please register by December 12, 2023 through the City's [engagement website](#).

For more information contact:

Emily Williamson, MSc.
ewilliamson@london.ca
519-661-CITY (2489) ext. 5076
Planning and Development, City of London
300 Dufferin Avenue, London ON N6A 4L9

From: [REDACTED]; [Williamson, Emily](#); [REDACTED]; [Rahman, Corrine](#); [City of London, Mayor](#)
Subject: [EXTERNAL] RE: Medway Valley Heritage Forest ESA - deferred Gloucester Trail Segment
Date: Wednesday, November 29, 2023 9:54:17 PM
Attachments: [Petition Gloucester Rversie Green Acres.pdf](#)
[med-resoultion-2018.pdf](#)
[2021-08-11 Resolet 3.9-11-PEC.pdf](#)
[Windermere #5.jpg](#)
[Windermere #6.jpg](#)
[Windermere #7.jpg](#)
[Windermere #8.jpg](#)

Dear Mayor Morgan, Councillor Rahman and Ms. Williamson,

I have registered to attend the public meeting on December 14 with my wife Carey.

If you recall, this same issue has been raised by the City twice previously. Attached is the petition against this initiative, albeit a slightly different initiative, that was signed by most of our Medway Heights neighbours in 2018. Pretty much the entire neighbourhood opposed this initiative when the City brought it forward again in 2021. I am aware of 45 letters that were written opposing this in 2021 which led to the City agreeing not to proceed. Fast forward another two years and here we are again opposing the same initiative.

In a time of limited resources, soaring interest rates, record inflation, record proposed increase to property taxes in this City, labour shortages and a need to deploy funding to decaying infrastructure like the one project mentioned by Michael Smith below, what on earth is driving the City's desire to pave the forest?

Please excuse my emotion on this, but I think this is one of the most asinine adventures in wasting time and money I have come across in recent times. I am not aware of any support for this initiative outside of City Hall and, instead, almost unanimous opposition.

If you are looking for good projects to spend money on, I would be pleased to name a number.

Regards,

Holden and Carey Rhodes
[REDACTED]

From: Michael Smith [REDACTED]
Sent: Wednesday, November 29, 2023 12:45 PM
To: Williamson, Emily <ewilliam@london.ca>; [REDACTED]
[REDACTED]; crahman@london.ca; mayor@london.ca
Subject: Re: Medway Valley Heritage Forest ESA - deferred Gloucester Trail Segment

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Emily and related stakeholders

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On a related note I have lived in this community for much of my life. I believe that the asphalt on Windemere Rd. is the same asphalt surface (with spotty maintenance) as the asphalt that was there 50 years ago. Windemere Road is the only access to our community and it is in terrible shape. I would think taxpayers dollars might be spent more wisely on this project rather than a new Medway valley pathway system that no one is asking for.

Thanks

Michael Smith
[REDACTED]
[REDACTED]

On Nov 29, 2023, at 11:50 AM, Williamson, Emily <ewilliam@london.ca> wrote:

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The Open House will include project boards with staff available to update residents on additional works that have been completed since 2021. It will also provide an opportunity for feedback on this proposed level 2 trail segment and access. No formal presentation will take place.

Meeting Location: Sherwood Library, Meeting Room B

#32-1225 Wonderland Rd. N., London, ON

Meeting Date: December 14, 2023

Meeting Time: 3:00 to 6:00 p.m.

Registration is required for this event. Please register by December 12, 2023 through the City's [engagement website](#).

For more information contact:

Emily Williamson, MSc.
ewilliamson@london.ca
519-661-CITY (2489) ext. 5076
Planning and Development, City of London
300 Dufferin Avenue, London ON N6A 4L9

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**Petition to City of London
 Planning and Environment Committee
 Conservation Master Plan Phase II – Medway Valley Heritage Forest ESA (South)
 March 22, 2018**

Petition summary and background	The neighbourhood residents that own the properties that abut Gloucester Road, Ryersie Road, and Green Acres Drive, otherwise known as the Medway Heights neighbourhood, have recently become aware that, among other intended changes to the Medway Valley trail system, the City of London, through its Planning and Environment Committee, plans on establishing a connection outside of the ESA boundaries and utilizing the City right-of-ways, existing City trails outside the ESA, and Green Acres Drive/Gloucester Road to connect Access #11 and Access #12 in accordance with Figure 4 of the Conservation Mater Plan, an excerpt of which is attached to this petition as Schedule A. For the reasons set out on Schedule B to this petition the undersigned are petitioning the City of London for the Action identified below.
Action petitioned for	We, the undersigned, are concerned citizens who urge the City of London, through its Planning and Environment Committee and ultimately, through Council, to (i) remove the connection along Gloucester Road between Access #11 and Access #12, and to (ii) consider closing up the rights of way to Access #11 and Access #12.


Date
Apr 4/18
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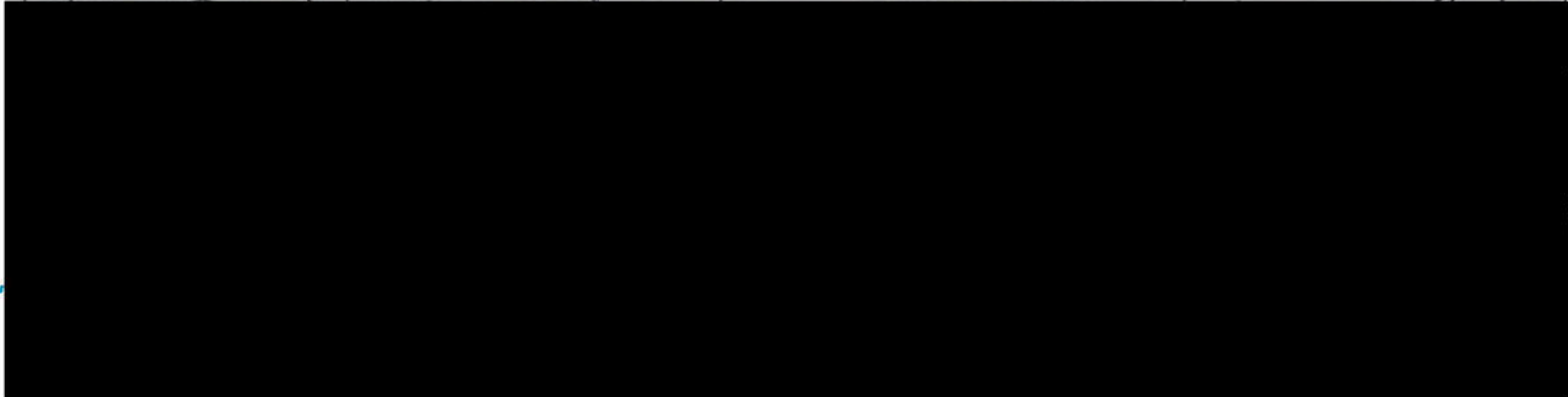
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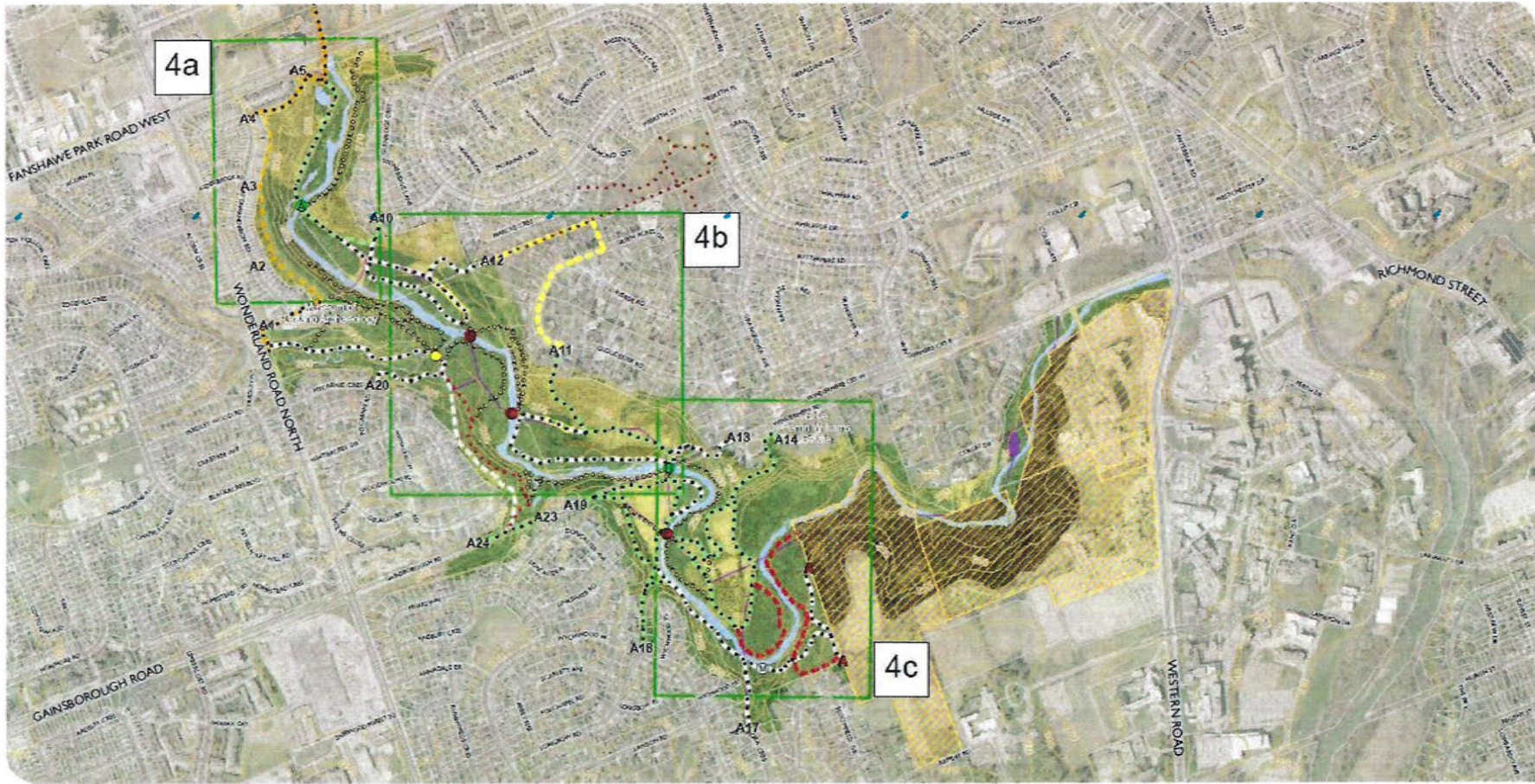
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Mar 28/18				

Printed Name	Signature	Address	Comment	Date
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A petition signed by approximately 57 individuals is on file in the City Clerk's Office.

Schedule "A"



CITY OF LONDON
 CONSERVATION MASTER PLAN
 MEDWAY VALLEY HERITAGE FOREST ESA (SOUTH)

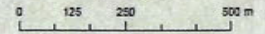
FIGURE 4
 ENVIRONMENTAL MANAGEMENT STRATEGY:
 PROPOSED SUSTAINABLE TRAIL
 CONCEPT PLAN

- | | | | | |
|--|---|--|--|---|
| <ul style="list-style-type: none"> ● Proposed Trail Linkage (not recommended for implementation) ● Proposed Trail Linkage (Medway Creek) ● Proposed Trail Linkage (Snake Creek) ● Existing Trail Linkage (Metamora Bridge) ● Potential Future Access (PFA) A # Access Point | <ul style="list-style-type: none"> --- Existing Trails --- City Trail Outside of ESA --- Closed Trail¹ --- Informal Trail² --- Managed Trail --- Temporarily Closed Trail² | <ul style="list-style-type: none"> --- Managed Trails --- Future Connection Outside the ESA --- Level One Trail --- Level Two Trail --- Level Three Trail --- Improved Trail Surface | <ul style="list-style-type: none"> --- Contour (5 metre Elevation) --- Property Boundaries --- Utility Overlay (4 m) --- Western-Huron Properties --- Watercourse (also Nature Reserve) | <ul style="list-style-type: none"> --- Management Zone --- Nature Reserve --- Natural Environment |
|--|---|--|--|---|

THE PROPOSED CONCEPT PLAN COMPLIES WITH THE COUNCIL APPROVED GUIDELINES FOR MANAGEMENT ZONES AND TRAILS IN ESAS (2016) AND AODA LEGISLATION

MAP DRAWING INFORMATION: DATA PROVIDED BY: MAP CREATED BY: MAP CHECKED BY: MAP PRODUCTION: MAP DATE: 180 17th June 17th
 MAP CHECKED BY: J.P.
 MAP PRODUCTION: S.A.D. 180 17th June 17th

1:10,000



¹INFORMAL AND CLOSED EXISTING TRAILS DOCUMENTED DURING PHASE I ARE TO BE CLOSED AND RESTORED (SEE R016 ON FIGURE 2).
²TEMPORARILY CLOSED TRAIL TO BE REOPENED/ REALIGNED. SECTIONS NOT REALIGNED WILL BE CLOSED AND RESTORED

PROJECT: 17-0001 - SINKHOLE DEWALT DATE: 08/08/17

FILE LOCATION: I:\170001 - Medway MHF ESA Mapping Phase 1\FA_ProposalConceptPlan_1st Draft.dwg

Schedule "B"

Reasons for the Petition

The residents of the Medway Heights neighbourhood (there are only 88 homes in the neighbourhood) who have signed the petition above are concerned about the City of London's decision to proceed with creating a connection between Access #11 and Access #12 on Gloucester Road and Green Acres Drive respectively. Reasons for the concern and the request to remove the connection and the access are set out below.

1. **Safety** – encouraging parking on Gloucester Road by the public in order to connect the two access points along Gloucester Road and Green Acres Drive will create safety issues of passage of other vehicular, bike and pedestrian traffic given the narrowness of the road which becomes considerably worse in winter months when snow piles up. Our neighbourhood is poorly maintained by municipal plows with them often coming several hours or days after snow falls. This creates significant ruts and very icy conditions on the street. There is no public transport that comes anywhere near our neighbourhood so the only way to get in is to drive and park. Parked vehicles on this narrow street (23' in width) will cause further safety issues for snow removal and garbage collection. Given the size of the lots, most people in the neighbourhood have lawn maintenance services in the spring, fall and winter months. These vehicles and trailers already park on the street so additional parking by people being encouraged to enter the trail system on Gloucester Road and Green Acres Drive would simply cause more congestion and issues passing by these vehicles. Additionally, there is no City maintenance or lighting of the access points so there is a danger for liability to the City and to neighbouring property owners.
2. **Inconvenient/Annoyance/Nuisance** – while safety is an issue as identified above, given there are no curbs or sidewalks in the neighbourhood, parked cars on the street will also be a nuisance to residents of the neighbourhood as they try to pass around the parked cars and we would no doubt end up with cars parking on part of the front lawns of our property and that of our neighbours. While we appreciate everyone's lawns represent a component of unopened/unused road allowance which is owned by the municipality, each resident meticulously maintains their lawns and cars parking on them would be very problematic in this regard.
3. **More than Adequate Nearby Existing Access Elsewhere** – there is plenty of access to the trail system through Elsie Perrin Estate. There is also plentiful and safe parking there. Additionally, that parking is cleared of snow and ice in the wintertime. Access #11 and #12 are not cleared of snow and ice by the City.
4. **Liability** - The risk of potential personal injury and other liabilities is much greater than the reward of public access especially since there is almost no evidence that the public is using these access points.
5. **No Public Demand** – it is extremely rare to see anyone from the neighbourhood and especially anyone from outside the neighbourhood use these access points. Unless a title search was conducted to determine where Access #11 and #12 were located, from the physical attributes of the area, members of the public would assume the property in question is owned by the neighbours and not the City.

From: Jacqueline Madden
Sent: Thursday, February 15, 2024 2:01 PM
To: ppmclerks <ppmclerks@london.ca>
Cc: Williamson, Emily <ewilliam@london.ca>; Menard, Jay
Subject: [EXTERNAL] Medway Valley Conservation Master Plan-Gloucester Deferred Trail

Please include the following email in the added agenda for the PIC meeting on Feb. 21st.

My name is Jacqueline Madden and I have been involved in the Medway Valley Conservation Master Plan as an accessibility advocate since 2012. I initially participated as a neighbour, then as a member of ACCAC and most recently as a community accessibility advocate.

I am pleased to see the final portion of this plan being completed and agree with the staff recommendation of a Level 2 trail at the Gloucester Rd, access point number 12.

This has been an incredibly long process that included much community consultation in the development of both the CMP phase one and CMP phase II. After CMP phase II was referred back to staff for additional work, many collaborative working sessions took place involving staff and members of EEPAC and ACCAC. The result of these meetings was the revised CMP phase II which was approved by Council in 2021 except for this one small access point. The access point was deferred mainly due to the objections of the local community who did not want to see any changes to their neighbourhood.

I would like to draw your attention to the City of London's "Guidelines for Management Zones & Trails in Environmentally Significant Areas" which was published in 2016 after considerable public consultation with community stakeholders. In Section 2.3, Trails and Permitted Activities, it states, "Trails to permit access for persons with disabilities, consistent with these guiding principles and AODA requirements, will be provided where this can be achieved while protecting the ecological integrity and ecosystem health of the ESA". It is my understanding that all the appropriate studies have been done to determine that it is ecologically feasible, and perhaps even desirable, to install a level 2 trail at this access point. This is certainly consistent with the overarching accessibility approach to make any trail as accessible as possible to allow for enjoyment by the greatest number of our community members.

While I understand that neighbourhoods are resistant to change, it is incumbent upon our elected officials to ensure that we are following our own guidelines that have been put in place through much hard work and community consultation as well as the laws that govern accessibility (AODA) so that those most vulnerable are not forgotten in the process. Both our City-developed guidelines and our provincial laws support the inclusion of a level 2 trail at this access point.

I urge you to approve this trail as recommended by the staff.

Jacqueline Madden

Jay Ménard
To the members of PEC,

The members of ACAC would like to strongly encourage council to support the development of an accessible pathway through the Gloucester deferred trail segment. While we appreciate that the residents have expressed concerns about providing an accessible pathway into the neighbourhood due to perceived concerns that it will open the area to less-than-desirable traffic, we do not believe that the solution to preventing crime in an area should be a heavy-handed approach that restricts key and valuable members of our society.

Accessible trails are not just for the disabled. Accessible trails support all members of our community. They support our elderly community, who may have mobility challenges and would benefit from a supportive pathway; they support families introducing young children to nature and pushing strollers through the area; and, of course, they allow people with disabilities to fully participate in all that the community offers, as opposed to putting up barriers and mandating that to access everything London has to offer, one must be able-bodied.

Accessible pathways, as we heard in the previous debates about the Medway Valley, also have a wonderfully unintentional benefit – when there is a defined pathway in place, not only does it make it easier for all people in our community to access a treasured environmental area, but they also increase the security of sensitive wildlife, fauna, and flora. Simply put, when there are defined paths, people tend to stay on defined paths and not wander off, or create their own – putting sensitive environmental elements at risk of being trampled or disturbed.

Right now, the area presents an unintentional barrier to accessibility. With AODA coming into full effect in 2025, we feel the onus should be on doing everything we can to make this community as accessible as possible. If we choose to not move forward with an accessible pathway in this area, we are now actively engaging in systemic ableism by turning an unintentional barrier into an intentional barrier.

Our hope is that the committee sees the benefits of an accessible trail, not only for the community that ACAC represents, but for all Londoners and for the environmental protection of the area impacted by the Gloucester Deferred trail segment.

Thank you for your time and attention to this matter. I am happy to discuss this further with you.

Community Advisory Committee on Planning Report

2nd Meeting of the Community Advisory Committee on Planning
February 14, 2024

Attendance PRESENT: S. Bergman (Chair), M. Ambrogio, I. Connidis, J. Gard, S. Jory, J.M. Metrailler, M. Rice, M. Wallace, K. Waud and M. Whalley and J. Bunn (Committee Clerk)

ABSENT: M. Bloxam, J. Dent, A. Johnson, S. Singh Dohil and M. Wojtak

ALSO PRESENT: L. Dent, K. Edwards, E. Hunt, K. Gonyou, M. Greguol and K. Mitchener

The meeting was called to order at 5:30 PM; it being noted that I. Connidis, S. Jory, M. Rice and M. Wallace were in remote attendance.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

J. Gard discloses a pecuniary interest in clause 5.1 of the 2nd Report of the Community Advisory Committee on Planning, having to do with a Heritage Easement Agreement for the property located at 39 Carfrae Street, by indicating that he owns the property.

2. Scheduled Items

None.

3. Consent

3.1 1st Report of the Community Advisory Committee on Planning

That it BE NOTED that the 1st Report of the Community Advisory Committee on Planning, from the meeting held on January 10, 2024, was received.

3.2 Notice of Planning Application - Intent to Remove Holding Provision - 447 Ashland Avenue

That it BE NOTED that the Notice of Planning Application, dated January 23, 2024, from A. Patel, Planner, with respect to an Intent to Remove a Holding Provision related to the property located at 447 Ashland Avenue, was received.

3.3 Notice of Planning Application and Notice of Public Meeting - Zoning By-law Amendment - 192-196 Central 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 January 12, 2024, from I. de Ceuster, Planner, with respect to a Zoning By-law Amendment related to the properties located at 192-196 Central Avenue and the Heritage Impact Assessment (HIA), dated July 24, 2023, from MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC), with respect to the properties located at 192-194 Central Avenue and the CACP is generally supportive of the findings of the above-noted HIA; it being noted that the CACP encourages a

greater emphasis on a landscaping plan to transition to neighbouring properties and indicates that consideration should be given to increasing setbacks to protect adjacent heritage properties.

3.4 2023 Annual Heritage Report

That it BE NOTED that the staff report, dated February 14, 2024, with respect to the 2023 Annual Heritage Report, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee Report, dated January 2024, was received.

5. Items for Discussion

5.1 Heritage Easement Agreement for the property located at 39 Carfrae Street

That it BE NOTED that the Community Advisory Committee on Planning (CACP) received a staff report, dated February 14, 2024, with respect to a Heritage Easement Agreement for the property located at 39 Carfrae Street and the CACP supports the staff recommendation.

5.2 Updates on Bill 23 Implementation and the Heritage Register - Discussion

That Mayor J. Morgan BE REQUESTED to send a letter to Doug Ford, Premier of Ontario, with copies to Michael Ford, Minister of Citizenship and Multiculturalism, Peter Bethlenfalvy, Minister of Finance and John Ecker, Chair, Ontario Heritage Trust, requesting that Subsection 27(16) of the Ontario Heritage Act be amended to extend the deadline for the removal of listed (non-designated) properties from municipal heritage registers for five years from January 1, 2025 to January 1, 2030; it being noted that the communication, as appended to the Added Agenda, from P. King, with respect to this matter, was received.

5.3 Heritage Planners' Report

That it BE NOTED that the Heritage Planners' Report, dated February 14, 2024, was received.

6. Adjournment

The meeting adjourned at 7:35 PM.

**DEFERRED MATTERS
PLANNING AND ENVIRONMENT COMMITTEE
(AS OF FEBRUARY 20, 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)	Q4 2023	McNeely/Davenport/ Edwards	Through the EIS Monitoring Project, staff are assessing the efficacy and implementation of EIS recommendations across a number of now assumed developments. Following the completion of this project, a more detailed review of the recommendations made in the EIS and overall best practices will be reviewed.

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)	Q4 2023	McNeely/Edwards	Staff are resolving the detailed design aspects of the project in advance of initiating consultation with the adjacent neighbours, UTRCA, ECAC and ACAC. Following the detailed design recommendations of the retained consultants and community consultation, staff will recommend a preferred alternative.
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 – Review 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	Under review.
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.