

# Planning and Environment Committee

## Report

10th Meeting of the Planning and Environment Committee  
May 28, 2018

PRESENT: Councillors S. Turner (Chair), A. Hopkins, M. Cassidy, J. Helmer, T. Park  
ABSENT: Mayor M. Brown  
ALSO PRESENT: Councillors J. Morgan and M. van Holst; I. Abushehada, J. Adema, A. Anderson, G. Bailey, G. Barrett, M. Corby, L. Dent, M. Elmadhoon, M. Feldberg, J.M. Fleming, K. Gonyou, G. Kotsifas, J. MacKay, H. McNeely, B. O'Hagan, M. Pease, L. Pompili, C. Saunders, S. Spring, R. Turk, J. Yanchula and P. Yeoman

The meeting was called to order at 4:00 PM

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Consent

Moved by: T. Park

Seconded by: A. Hopkins

That Items 2.1 to 2.6, inclusive, BE APPROVED.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

#### 2.1 Core Area Steering Committee Status Update

Moved by: T. Park

Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, the staff report dated May 28, 2018, entitled "Core Area Steering Committee Status update" BE RECEIVED for information. (2018-D19)

**Motion Passed**

#### 2.2 Application - 1284 and 1388 Sunningdale Road West - Removal of Holding Provisions (h and h-100) (H-8887)

Moved by: T. Park

Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Planning, based on the application by Foxhollow North Kent Development Inc., relating to the properties located at 1284 and 1388 Sunningdale Road West, the proposed by-law appended to the staff report dated May 28, 2018 BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject properties FROM a Holding Residential R1 (h\*h-100\*R1-3) Zone TO a Residential

R1 (R1-3) Zone to remove the h. and h-100 holding provisions. (2018-D09)

**Motion Passed**

- 2.3 Application - 1602 Sunningdale Road West - Removal of Holding Provisions (h and h-100) (H-8891)

Moved by: T. Park  
Seconded by: A. Hopkins

That, on the recommendation of the Senior Planner, Development Planning, based on the application by Foxwood Development (London) Inc., relating to the property located at 1602 Sunningdale Road West, the proposed by-law appended to the staff report dated May 28, 2018 BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h\*h-100\*R1-13) Zone and a Holding Residential R1 Special Provision (h\*h-100\*R1-4 (30)) Zone TO a Residential R1 (R1-13) Zone and a Residential R1 Special Provision (R1-4 (30)) Zone to remove the h. and h-100 holding provisions. (2018-D09)

**Motion Passed**

- 2.4 Application - 1635 Commissioners Road East and 2624 Jackson Road - Stormwater Management Facility - Land Acquisition Agreement (39T-06507)

Moved by: T. Park  
Seconded by: A. Hopkins

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into an Agreement between The Corporation of the City of London and 748094 Ontario Ltd., for the subdivision of land over Part of Lots 11 and 12, Concession 1, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the east side of Jackson Road between Commissioners Road East and Bradley Avenue, municipally known as 1635 Commissioners Road East and 2624 Jackson Road:

- a) the Agreement between The Corporation of the City of London and 748094 Ontario Ltd. (39T-06507) appended to the staff report dated May 28, 2018 as Appendix "A", BE APPROVED;
- b) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated May 28, 2018 as Appendix "B"; and,
- c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2018-L07)

**Motion Passed**

2.5 Living in New Neighbourhoods and Unassumed Subdivisions

Moved by: T. Park

Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Development and Compliance Services & Chief Building Official, the following actions be taken with respect to recommended actions to ensure improved communication, engagement, enforcement and compliance in unassumed subdivisions:

a) the proposed strategy for proactive City enforcement, communication and engagement with homeowners, builders and developers in new subdivisions appended to the staff report dated May 28, 2018 BE ENDORSED, which include:

- i) Pre-Strategy Action – Hire “Ambassador” position;
- ii) Phase 1 – Fees, Customer Service and Streamlining;
- iii) Phase 2 – Build Performance and Resources;
- iv) Phase 3 – Improve Regulatory Framework and Process; and,
- v) Phase 4 – Continuous Improvement. (2018-D12)

**Motion Passed**

2.6 Building Division Monthly Report for April 2018

Moved by: T. Park

Seconded by: A. Hopkins

That the Building Division Monthly Report for the month of April, 2018 BE RECEIVED for information. (2018-A23/D04)

**Motion Passed**

**3. Scheduled Items**

3.1 D. Dudek, Chair, London Advisory Committee on Heritage - 6th Report of the London Advisory Committee on Heritage

Moved by: M. Cassidy

Seconded by: A. Hopkins

That, the following actions be taken with respect to the 6th Report of the London Advisory Committee on Heritage from its meeting held on May 9, 2018:

a) the Heritage Planners BE REQUESTED to prepare a Statement of Cultural Heritage Value or Interest for the Fugitive Slave Chapel at its new location at 432 Grey Street pursuant to direction from the Municipal Council during the repeal of the heritage designating by-law for 275 Thames Street; it being noted that a verbal delegation from D. McNeish, with respect to this matter, was received;

it being further noted that the Municipal Council resolution from its meeting held on April 24, 2018, with respect to the 5th Report of the London Advisory Committee on Heritage, was received;

b) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, with respect to the request for the demolition of the heritage listed property located at 2096 Wonderland Road North by Invest Properties Ltd., that notice BE GIVEN, under the provisions of Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property located at 2096 Wonderland Road North to be of cultural heritage value or interest for the reasons included on the Statement of Cultural Heritage Value or Interest appended to the 6th Report of the London Advisory Committee on Heritage;

it being noted that the applicant has also submitted a planning application that will be considered separately at a future meeting of the Planning and Environment Committee;

it being further noted that the presentation from K. Gonyou, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

c) the following actions be taken with respect to the Notice of Application dated March 12, 2018 and the Notice of the Public Meeting dated April 11, 2018 from C. Parker, Senior Planner, with respect to the Old East Village Dundas Street Corridor Secondary Plan:

i) the Civic Administration BE REQUESTED to ensure that the Request for Proposal include a stage 1 archaeological assessment and a Cultural Heritage Resource Assessment; it being noted that the Cultural Heritage Screening Report for Bus Rapid Transit (BRT) considered properties on King Street but not on Dundas Street; and,

ii) the Civic Administration BE REQUESTED to update the study area to include the Western Fair Grounds, as well as the properties located at 430 Elizabeth Street and 345 Lyle Street;

it being noted that the presentation from C. Parker, Senior Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

d) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the Heritage Impact Assessment for the application for a zoning by-law amendment for the property located at 131 King Street with the exception of the following matters:

- the step back should be consistent with the Downtown Heritage Conservation District guidelines;
- the vehicular access on King Street should be removed because it prevents a contiguous building interface; and,

- the frontage on York Street;

it being noted that the LACH supports the activation of the alley, as proposed and the overall design of the building;

e) the communication, dated April 9, 2018, from S. Bentley, with respect to the Philip Aziz Studio on Philip Aziz Drive BE FORWARDED to Western University for review; it being noted that the Philip Aziz Estate, including the house, studio and landscape walls, is a significant cultural heritage resource that is designated under Part IV of the *Ontario Heritage Act*; it being further noted that the London Advisory Committee on Heritage shares the concerns of Ms. Bentley with respect to the maintenance of the property;

f) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application made under Section 42 of the *Ontario Heritage Act*, by Ivy Homes Ltd. to amend the Heritage Alteration Permit for the property located at 33 Beaconsfield Avenue, located within the Wortley Village-Old South Heritage Conservation District, BE PERMITTED as proposed in the drawings appended to the staff report dated May 9, 2018, subject to the following terms and conditions:

- all exposed wood be painted, including but not limited to: the porch railing and spindles, porch skirt, porch steps, window trim, front door, doorway trim, and transom trim; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the presentation from K. Gonyou, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

g) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act*, by H. Virtue, to alter the porch of the building located at 841 Princess Avenue, within the Old East Heritage Conservation District, BE PERMITTED subject to the following terms and conditions:

- the Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design, prior to issuance of the Building Permit;
- all exposed wood be painted; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the presentation from L. Dent, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

h) consent BE GIVEN for the application made under Section 33 of the Ontario Heritage Act, by D. Russell, to erect a new porch on the property located at 529 Princess Avenue (designated under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3014-15), as proposed in the drawings appended to the 6th Report of the London Advisory Committee on Heritage, subject to the following terms and conditions:

- the removal of the turret;
- the width of the porch being revised to only be the width of the house;
- the Heritage Planner being circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design, prior to issuance of the Building Permit;
- the stringer ends and risers be enclosed on both sets of porch stairs;
- all exposed wood being painted; and,
- the Heritage Alteration Permit being displayed in a location visible from the street until the work is completed

it being noted that the presentation from L. Dent, Heritage Planner, appended to the 6th Report of the London Advisory Committee on Heritage, was received with respect to this matter;

i) the following actions be taken with respect to the London Advisory Committee on Heritage Terms of Reference:

a) the City Clerk BE DIRECTED to:

- i) change the Emerging Leaders representative to a representative from a general youth-oriented organization, for example ACO NextGen;
- ii) add a member to represent the indigenous population; and,
- iii) add a member from the London Society of Architects;

b) the membership totals on the current Terms of Reference BE UPDATED; and,

j) clauses 1.1, 2.4, 3.1, 3.2, 3.4 to 3.10, 3.12, 4.1, 5.5 and 6.1, BE RECEIVED.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

3.2 Public Participation Meeting - Application - 583 Oxford Street East (Z-8882)

Moved by: J. Helmer  
Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner, based on the application by Salt Clinic Canada Inc., relating to

the property located at 583 Oxford Street East, the proposed by-law appended to the staff report dated May 28, 2018 BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Day Care (DC) Zone TO an Arterial Commercial Special Provision (AC4(15)) Zone;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement 2014;
- the recommended amendment conforms to the City of London Official Plan policies and Urban Corridor Place Type policies of The London Plan; and,
- the recommended amendment provides an appropriate range of uses that will facilitate the development of an underutilized site. (2018-D09)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: M. Cassidy  
Seconded by: J. Helmer

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

Moved by: T. Park  
Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

### 3.3 Public Participation Meeting - Application - 2096 Wonderland Road North - Request for Demolition

Moved by: J. Helmer  
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, with respect to the request for the demolition of the heritage listed property located at 2096 Wonderland Road North, that notice BE GIVEN under the provisions of

Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property located at 2096 Wonderland Road North to be of cultural heritage value or interest for the reasons outlined in Appendix E of the staff report dated May 28, 2018;

it being noted that the applicant has also submitted a planning application that will be considered separately at a future meeting of the Planning and Environment Committee;

it being further noted that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a communication dated May 17, 2018, from J. Grainger, President, London Region Branch, Architectural Conservancy Ontario;
- a communication dated May 18, 2018, from N. Sultan, 365 Cornelius Court, with respect to this matter;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-R01)

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: M. Cassidy  
Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

Moved by: A. Hopkins  
Seconded by: T. Park

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

#### 3.4 Public Participation Meeting - Application - 1055-1075 Fanshawe Park Road West (Z-8903)

Moved by: M. Cassidy  
Seconded by: T. Park

That, on the recommendation of the Managing Director, Planning and City Planner, based on the application by North London Medical Centre, relating to the property located at 1055-1075 Fanshawe Park Road West,



the proposed by-law appended to the staff report dated May 28, 2018, BE INTRODUCED at the Municipal Council meeting to be held on June 12, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to amend Section 19.4 f) 5) of the Office Special Provision (OF5(5)) Zone to ADD Pharmacies in association with a medical/dental office; Clinics; and Medical/ dental laboratories to the list of permitted uses and to MODIFY the municipal address to which the Zone applies;

it being pointed out that at the public participation meeting associated with these matters, the individual indicated on the attached public participation meeting record made an oral submission regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the recommended Zoning By-law Amendment is consistent with the Provincial Policy Statement;
- the recommended Zoning By-law Amendment conforms to the 1989 Official Plan;
- the recommended uses are within the range of permitted uses contemplated in The London Plan;
- the amount of non-residential gross floor area is not anticipated to increase beyond what is currently permitted by the existing Zoning By-law; and
- the recommended Zoning By-law Amendment would allow an expanded range of uses that would complement the permitted medical/dental office use within a building that is currently under construction. (2018-D09)

Yeas: (4): S. Turner, A. Hopkins, M. Cassidy, and T. Park

Nays: (1): J. Helmer

**Motion Passed (4 to 1)**

Additional Votes:

Moved by: T. Park

Seconded by: M. Cassidy

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

Moved by: M. Cassidy

Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

3.5 Public Participation Meeting - Application - 3234, 3263 and 3274  
Wonderland Road South (OZ-8590)

Moved by: T. Park

Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application by Southside Group, relating to the properties located at 3234, 3263 and 3274 Wonderland Road South:

a) Municipal Council BE ADVISED that the Official Plan and Zoning By-law amendment application (OZ-8590) has been appealed to the Ontario Municipal Board by Analee J. M. Ferreira of Ferreira Law, on behalf of the applicant, on the basis of non-decision by Council within 180 days;

b) the Ontario Municipal Board BE ADVISED that Municipal Council recommends that the request to amend the Official Plan to ADD a Specific Area Policy in Chapter 10 to permit an additional 18,700m<sup>2</sup> of commercial floor area within the Wonderland Road Community Enterprise Corridor land use designation BE REFUSED for the following reasons:

i) the application does not conform to the Southwest Area Secondary Plan policy that permits a maximum commercial floor area of 100,000m<sup>2</sup> in the Wonderland Road Community Enterprise Corridor designation; and,

ii) the application does not conform to the 1989 Official Plan criteria for Specific Area Policies in Chapter 10;

c) the Ontario Municipal Board BE ADVISED that Municipal Council recommends that the request to amend Zoning By-law Z.-1 FROM an Environmental Review (ER) Zone, an Urban Reserve (UR1) Zone, an Urban Reserve (UR4) Zone, and a Holding Light Industrial (h-17•LI1•LI7) Zone TO an Associated Shopping Area Commercial (ASA1•ASA3•ASA4•ASA5•ASA8) Zone, BE REFUSED for the following reasons:

i) the application is not consistent with the Provincial Policy Statement;

ii) the application does not conform to the Southwest Area Secondary Plan policies that direct the built form and design of the site and permits a maximum commercial floor area of 100,000m<sup>2</sup> in the Wonderland Road Community Enterprise Corridor designation;

iii) the application does not conform to the 1989 Official Plan Environmental Policies; and,

iv) the application does not represent good planning;

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated May 25, 2018, from J.W. Harbell, Stikeman Elliott, with respect to this matter;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters;

it being further noted that the Municipal Council approves this application for the following reasons:

- the requested amendments are not consistent with the Provincial Policy Statement;
- the requested amendments do not conform to the Southwest Area Secondary Plan policies that direct the built form and design of the site and permits a maximum commercial floor area of 100,000m<sup>2</sup> in the Wonderland Road Community Enterprise Corridor designation;
- the requested amendments do not conform to the 1989 Official Plan Environmental Policies; and,
- the application does not represent good planning.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

Additional Votes:

Moved by: A. Hopkins  
Seconded by: J. Helmer

Motion to open the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

Moved by: T. Park  
Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

Moved by: A. Hopkins  
Seconded by: T. Park

Motion to grant an extension of time beyond five minutes to R. Zelinka, Zelinka Priamo Ltd.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

#### **4. Items for Direction**

- 4.1 6th Report of the Environmental and Ecological Planning Advisory Committee

Moved by: T. Park  
Seconded by: J. Helmer

That, the following actions be taken with respect to the 6th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on May 17, 2018:

a) the following actions be taken with respect to the Wetlands Working Group comments appended to the 6th Report of the Environmental and Ecological Planning Advisory Committee:

i) the Working Group comments with respect to a wetland conservation strategy BE FORWARDED to the Upper Thames River Conservation Authority, the appropriate Managing Directors for review and to provide comments back to the Environmental and Ecological Planning Advisory Committee; and,

ii) the Environmental and Ecological Planning Advisory Committee members BE REQUESTED to review the Working Group comments and report back at the next meeting;

b) the Working Group comments with respect to the Southdale Road West Environmental Impact Statement to the 6th Report of the Environmental and Ecological Planning Advisory Committee (EEPAC) BE FORWARDED to the appropriate Managing Director for dispersal to the appropriate staff member; it being noted that S. Shannon, Technologist II, forwarded the correspondence to the EEPAC;

c) the Working Group comments with respect to the Sunningdale Court Environmental Impact Statement (600 Sunningdale Road West) appended to the 6th Report of the Environmental and Ecological Planning Advisory Committee (EEPAC) BE FORWARDED to the appropriate Managing Director for dispersal to the appropriate staff member; it being noted that C. Smith, Senior Planner, forwarded the correspondence to the EEPAC; and,

d) clauses 1.1, 2.1, 2.2, 3.1 to 3.5, 5.1 and 6.1, BE RECEIVED.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

## **5. Deferred Matters/Additional Business**

### **5.1 Deferred Matters List**

Moved by: T. Park  
Seconded by: M. Cassidy

That the Managing Director, Development and Compliance Services & Chief Building Official and the Managing Director, Planning and City Planner, BE DIRECTED to update the Deferred Matters List to remove any items that have been addressed by the Civic Administration.

Yeas: (5): S. Turner, A. Hopkins, M. Cassidy, J. Helmer, and T. Park

**Motion Passed (5 to 0)**

**6. Adjournment**

The meeting adjourned at 6:18 PM

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Core Area Steering Committee Status Update  
**Meeting on:** May 28, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the Information Report providing a status update on the Core Area Steering Committee BE RECEIVED.

## Executive Summary

This information report provides a status update on the Core Area Steering Committee approximately one-year after its establishment. A detailed list of current and future core area projects and the role of the Core Area Steering Committee in those projects is included in Appendix 'A'.

## Core Area Steering Committee Background

### Origin

At its session held on October 25, 2016 Municipal Council resolved that the following actions be taken in respect to the Live Work Learn Play Update:

- a) the delegation and attached presentation from J. MacDonald and J. Milos BE RECEIVED;
- b) the presentation noted in a) above BE REFERRED to the Civic Administration in order to report back with a recommendation on ways that the City of London could create an Urban Core Coordinator; it being noted that this Coordinator's proposed purview could be within the City's Core Areas, which would include the Downtown and Rapid Transit and Urban Corridors within neighbourhoods such as Old East Village, Midtown, SoHo, and Blackfriars; and,
- c) the Civic Administration BE DIRECTED to move forward with the coordination of addressing issues in downtown London, including the necessary supports with regard to care (health, mental health and the pertinent forms of care deemed necessary on an individual basis), enforcement and programming, with Market Lane being put forward as a pilot project in this matter. (3/22/SPPC) (AS AMENDED)

In response to the October 25, 2016 Municipal Council resolution an information report entitled "Civic Administration's Approach for Addressing Council's Recent Directions Regarding London's Downtown" was presented at the March 1, 2017 Strategic Priorities and Policy Committee. This report informed Municipal Council that a Core Area Steering Committee (CASC) had been established. Previously, the City did not have a committee set up to discuss and coordinate core area projects across Service Areas of the Corporation.

### Purpose

The purpose of the CASC is to coordinate at the Senior Leadership Team (SLT) level, Administration's response to Municipal's Council's directions regarding the Downtown and Core Area and to implement the various plans and initiatives relating to these

areas. This is the first time that this level of core area coordination has been done at the SLT level.

The CASC develops strategies, processes, programs and projects to implement Downtown and Core Area plans and initiatives. They direct staff and financial resources within established budgets to do so. However, the CASC does not deal with day-to-day implementation of the work that it assigns and directions it makes.

The result of the March 1, 2017 report was to provide coordination of City services immediately, focused in the Market Lane pilot area, while connecting with partnering agencies and organizations to arrive at a consensus on how coordination is best achieved for Dundas Place, Downtown, and the broader urban core.

Originally, the CASC met quarterly and on an ad-hoc basis as needed. In 2017, the CASC met six times. Beginning in 2018, the CASC is now scheduling monthly meetings.

## **Composition**

The CASC is a subset of Managing Directors from the Service Areas whose responsibilities regularly involve addressing core area issues including:

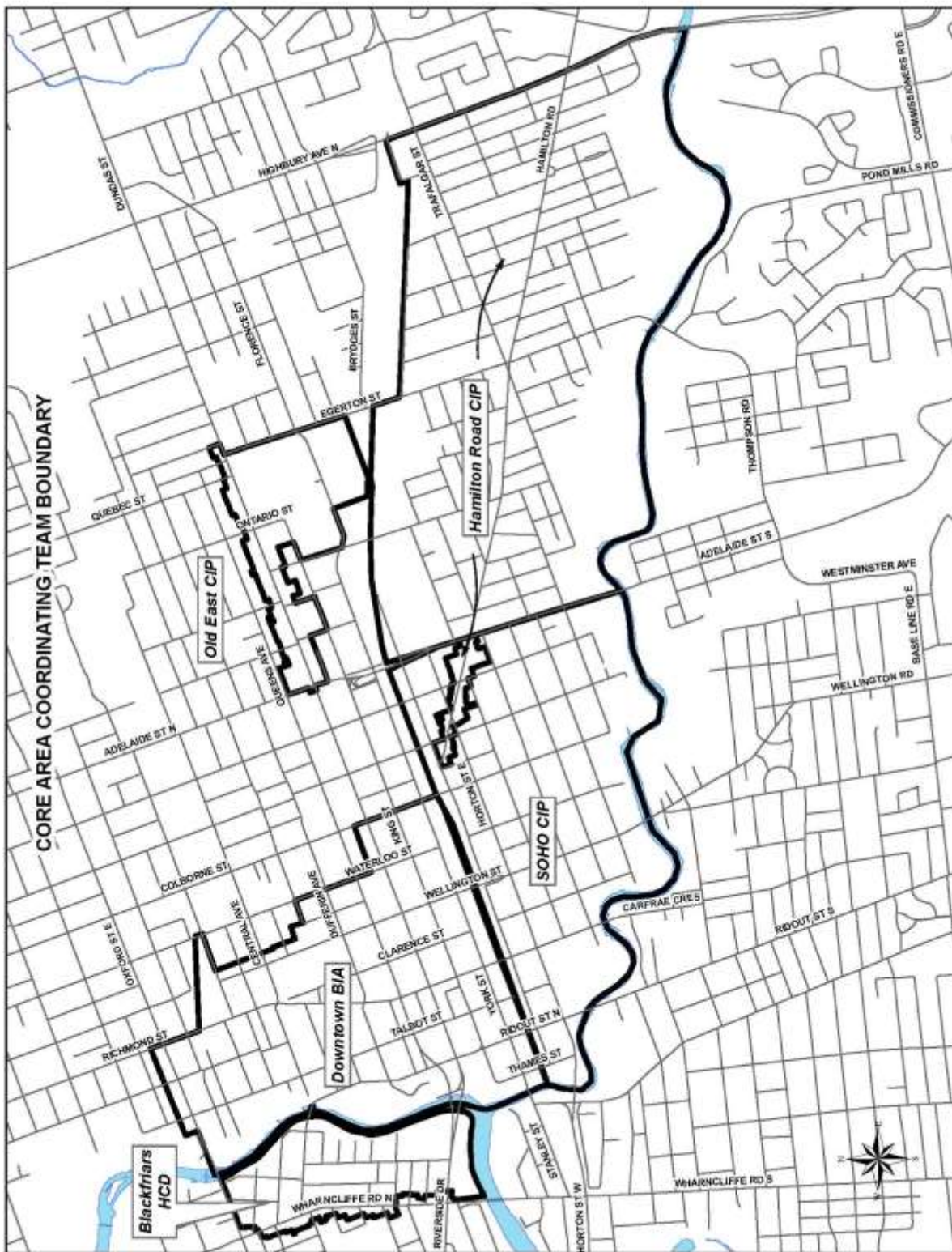
- Delegate from the City Manager's Office;
- Managing Director, Planning Services;
- Managing Director, Parks and Recreation;
- Managing Director, Environmental and Engineering Services;
- Managing Director, Development and Compliance Services;
- Managing Director, Neighbourhood, Children and Fire Services;
- Managing Director, Housing, Social Services and Dearness Home;
- Managing Director, Corporate Services and City Treasurer

The CASC is chaired by the Managing Director of Planning and City Planner.

## **Geographical Area**

The work of the CASC generally relates to the Downtown, Old East Village, SoHo, Blackfriars, and Hamilton Road areas as identified on Figure 1. Areas adjacent to the identified areas are not excluded if a project, initiative, or issue warrants the attention of the CASC.

Figure 1 - Geographical Area of the Core Area Steering Committee



### Core Area Coordinating Team and Community Services Coordinating Team

The CASC established a Core Area Coordinating Team (CACT) to execute the day-to-day implementation of the work directed by the CASC. The Urban Regeneration Manager from Planning Services has been appointed to fulfill the role of Core Area Coordinator and is the lead manager responsible for coordinating the implementation of the work of the CASC.

The CASC also set up a Community Services Coordinating Team (CSCT) to set a coordinated schedule to visit community hot spots or gathering places for street involved individuals, initiate an active communication practice, and identify known hot spots.



The CACT and CSCT both have a Terms of Reference that dictates why the team exists, who makes up the team, what the team does, what resources are required to be effective, and how often the teams meet.

If a core area project or issue falls within the Terms of Reference of the CASC and requires coordination across the Service Areas it is assigned to the CACT or CSCT for implementation and coordination efforts.

The CACT meets bi-weekly and on an ad-hoc basis as needed beyond the bi-weekly schedule. In 2017, the CACT met 15 times.

During the Market Lane pilot project, the CSCT was meeting bi-weekly, but has since changed to meeting as needed. In 2017, the CSCT met 10 times.

The CACT maintains a Register of Actions to track the work directed to it by the CASC, as well as other core area projects and issues that require the CACT's input and coordination. Each Action is ranked as an A (highest) to C (lowest) priority. To date, the CACT has assigned 30 Actions to the Register, of which 24 have been completed. New Actions are assigned as needed to the Register on an ongoing basis.

The formation of the CASC, CACT, and CSCT have provided a regular forum to troubleshoot and coordinate on projects and issues better than the previous ad hoc approach.

## **Core Area Initiatives**

The work of the CASC is based on a variety of City plans, reports, and strategies including but not limited to:

- The London Plan;
- Our Move Forward: London's Downtown Plan;
- Downtown Community Improvement Plan;
- Old East Village Community Improvement Plan;
- SoHo Community Improvement Plan;
- Hamilton Road Area Community Improvement Plan;
- Live Work Lean Play recommendations and reports;
- Heritage Conversation District Plans;
- Homeless Prevention Implementation Plan – Housing First approach.

The CASC helps to implement the aforementioned plans, reports, and strategies and make them come to fruition. This is achieved by the support of SLT who can mobilize resources to make Municipal Council's recommendations and decisions happen.

In addition to the plans, reports and strategies, the work of the CASC relies on numerous stakeholders and partners including but not limited to:

- Downtown London BIA;
- Mainstreet London;
- Old East Village BIA;
- London Music Office;
- London Arts Council;

- London Heritage Council;
- Covent Garden Market;
- Fanshawe College;
- London Police Services;
- London Cares.

Working closely with these important stakeholders and partners helps to ensure Municipal Council's plan for the City's core areas are implemented successfully.

The CASC, CACT, and CSCT have been involved with many core area projects in 2017 and 2018 resulting in improved coordination and facilitation between the Service Areas of the Corporation. Throughout 2017, the bulk of CASC's work focused on the Market Lane Stewardship Pilot Project and Dundas Place (design, maintenance standards, and the Dundas Place Manager). Where coordination on a project or initiative was not required, the Teams continued to monitor these projects to "stay in the loop".

Appendix 'A' outlines in more detail the variety of initiatives that the CASC has been involved with to date and will be involved with in the near future. Appendix 'A' is divided into numerous tables under the following strategic directions inspired by Our Move Forward: London's Downtown Plan:

- Make Dundas Street the Most Exciting Place in London;
- Reconnect with the Thames River;
- Forge Connections with Core Area Neighbourhoods;
- Green the Core Area;
- Build a Great Neighbourhood;
- Create the Buzz.

## **Conclusion**

Coordination has resulted in helping to avoid silos that can often form between Service Areas in large corporations. Further, communication, facilitation, and troubleshooting on core area issues has improved since the creation of the Core Area Steering Committee, Core Area Coordinating Team, and Community Services Coordinating Team. This was especially notable during the Market Lane Stewardship Pilot Project where communication and coordination was improved between Service Areas, but also with external partners and agencies.

Appendix 'A' of this report provides a list of initiatives where the CASC has a current or future role in either monitoring, coordinating, or facilitating.

The first year of the CASC, CACT, and CSCT has proven to be valuable and the efforts are continuing in 2018.

**File: Core Area Steering Committee Status Update  
Planner: G. Bailey**

<b>Prepared by:</b>	<b>Graham Bailey, MCIP, RPP Planner II, Urban Regeneration</b>
<b>Submitted by:</b>	<b>Jim Yanchula, MCIP, RPP Manager, Downtown Projects &amp; Business Relations</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>

May 18, 2018  
GB/gb

Y:\Shared\ADMIN\Core Area Steering Committee\CASC Council Reports and Resolutions\May 28 PEC Report\2018-05-28-Core Area Steering Committee Status Update PEC Report.docx

**Appendix 'A'**

See attached.

## Appendix 'A'

Appendix 'A' outlines in more detail the variety of initiatives that the CASC has been involved with to date and will be involved with in the near future. Appendix 'A' is divided into numerous tables inspired by the strategic directions found in Our Move Forward: London's Downtown Plan.

### Make Dundas Street the Most Exciting Place in London

Initiative	Description	Neighbourhood	CASC Role	Initiative Update
Dundas Place Construction including design	<p>Undertake construction for four blocks of Dundas Place (Phase 1 – Ridout Street to Richmond Street – 2018; Phase 2 – Wellington Street to Richmond Street – 2019).</p> <p>Work with businesses to mitigate construction impact.</p> <p>Use programming to attract business during construction period.</p>	Downtown	Coordinate	<p>Scoping Study and Engagement completed</p> <p>Environmental Assessment completed</p> <p>Detailed Design completed</p> <p>Phase 1 is under construction</p>
Dundas Place Manager	<p>To ensure a management structure is in place for Dundas Place prior to the 2018 completion of phase one of construction.</p> <p>The Dundas Place Manager will maintain a schedule to coordinate activities and work with all parties to resolve conflicts. Events may include, but are not limited to: festivals, special events, sidewalk sales, road closures, bollard removal/relocation, infrastructure repairs, garbage collection, street sweeping, power washing, maintenance activities, and garbage collection.</p>	Downtown	Coordinate	<p>Draft Purchase of Service Agreement has been developed</p> <p>Targeting a June Municipal Council meeting for approval of the Purchase of Service Agreement</p> <p>Targeting to post job immediately after Municipal Council approval</p>

Initiative	Description	Neighbourhood	CASC Role	Initiative Update
Dundas Place Field House	Similar to a field house in a park, the Dundas Place Field House is required to store removable objects, such as bollards, benches, tents, seasonal decorations, etc., as well as the potential to be an office/information desk for visitors, and offer amenities such as a green room for Dundas Place performances and public washrooms.	Downtown	Coordinate	Site options are being investigated
Dundas Place Maintenance Standards	New prescribed maintenance standards and the frequency for the standards are being developed for Dundas Place. This includes such items as snow clearing, power washing, litter collection, repair, resetting brick, etc.	Downtown	Facilitate	Continuing to draft maintenance standards prior to hiring the Dundas Place Manager
Old East Village Dundas Street Corridor Secondary Plan	The purpose of the Secondary Plan is to establish a long term vision for the area and guide the future character of development through more specific policies than those contained in the Rapid Transit and Urban Corridors Section of the London Plan. The Secondary Plan can also be used to implement a vision or design concept, specifically, an urban design framework to connect the King Street rapid transit corridor and the Old East Village business district to the north. The Plan will provide a framework for the evaluation of future amendment applications and public and private investment in the area.	Old East Village	Facilitate in future	Terms of Reference went to Municipal Council on May 8, 2018 for endorsement.

Initiative	Description	Neighbourhood	CASC Role	Initiative Update
<p>Old East Village Dundas Street Improvements (Adelaide Street to west of Ontario Street)</p>	<p>The infrastructure on Dundas Street between Adelaide Street and the future rapid transit route connection at Ontario Street requires renewal. This project will include watermain, sanitary and storm sewer replacements, new traffic signals, streetlights with consideration of tree planting, on-street parking, enhanced streetscape amenities and furniture. It is anticipated that all of the above can be useful to establish goals, objectives, priorities and conceptual directions for the upcoming Dundas Street streetscape improvement project.</p> <p>The Dundas Street streetscape improvement project is considered through the creation of the Old East Village Dundas Street Corridor Secondary Plan.</p>	<p>Old East Village</p>	<p>Facilitate in future</p>	<p>Dundas Infrastructure Renewal &amp; Streetscape Improvement – Design to occur in 2019</p> <p>Construction anticipated in spring 2020</p>

## Reconnect with the Thames River

Initiative	Description	Neighbourhood	CASC Role	Initiative Update
Old Victoria Hospital Lands Redevelopment	<p>Create a diverse and inclusive residential neighbourhood that has a mix of uses and a high standard of urban design.</p> <p>Issue RFQ/RFP for Phase 1 development of City-owned lands.</p> <p>Retrieve and retain selected architectural artifacts from buildings approved for demolition.</p>	SoHo	Coordinate	<p>Old Victoria Hospital Lands Secondary Plan</p> <p>The City has entered into an Agreement of Purchase and Sale with Medallion Corporation for Phase 1</p> <p>Architectural artifacts retrieved from buildings approved for demolition are in storage for future use elsewhere</p>
SoHo Civic Space	<p>The City has a new Urban Civic Spaces program, which focuses on the development of public squares and plazas in the downtown core, on main streets, and in close proximity to new high density development.</p> <p>Civic Space: SoHo 'A Heritage Square' is the first project in this program.</p>	SoHo	Coordinate	<p>Public Information Meeting #1</p> <p>Public Information Meeting #2</p> <p>Design brief is completed</p> <p>Next step it to issue an RFP to hire a consultant for the detailed design</p>



## Forge Connections with Core Area Neighbourhoods

Initiative	Description	Neighbourhood	CASC Role	Initiative Update
Shift – London’s Bus Rapid Transit System	London’s Rapid Transit initiative began in 2014 under the brand “Shift.” The first stage was to complete a Rapid Transit Master Plan (RTMP), which was adopted by City Council in July 2017. The RTMP set out the 24-kilometre network of streets where dedicated lanes for transit should be implemented, and confirmed bus vehicles as the preferred Rapid Transit technology. The approved BRT network is expected to be transformative for the city, generating economic development and supporting long-term municipal sustainability, as quantified in the Business Case completed for the RTMP.	Downtown Old East Village	Monitor	Rapid Transit Master Plan Draft Environmental Project Report
Old East Village / Downtown Cycle Connection	<p>The Cycling Master Plan identified a higher order connection between the Old East Village and Downtown, and more broadly between the Thames Valley Parkway and the Quebec Street / Egerton Street north-south route. With finalization of Rapid Transit routing in the downtown, this routing needs to be revisited. A cycling route assessment that considers origins, destinations, route characteristics and public input will provide guidance on the recommended route and cycling facility type. There are multiple options that require further consideration – for example, Dundas Street, Queens Avenue, King Street.</p> <p>This cycling connection will be considered during the creation of the Old East Village Dundas Street Corridor Secondary Plan.</p>	Downtown Old East Village	Facilitate in future	None yet

## Green the Core Area

Initiative	Description	Neighbourhood	CASC Role	Initiative Update
<p>York Street infrastructure project – Separate existing combined sanitary and storm sewer and tree planting</p>	<p>The City of London is reconstructing York Street over three phases to improve the quality and reliability of the water, sewer, and road infrastructure.</p> <p>Trees will be planted where there is sufficient space to accommodate.</p>	<p>Downtown</p>	<p>Monitor in future</p>	<p>Construction is proceeding on Phase one in stages eastward from the Thames River to Talbot Street. It is estimated to finish in late fall 2018</p>
<p>York Street and Wellington Street Interim Treatment</p>	<p>The City has purchased the properties at the northeast corner of York Street and Wellington Street – 340 Wellington Street and 280 York Street.</p> <p>The two properties combined have a 30.1 metre frontage on York Street and a 30.5 metre frontage on Wellington Street.</p> <p>Demolition of the buildings started March 30<sup>th</sup> and is planned to end in June. Plans to redevelop the site are long-term and the site may sit vacant for some time.</p> <p>This is a highly visible property located at a major “gateway” into the downtown.</p> <p>As a result, an attractive, affordable and temporary treatment is to be installed by November 2018.</p>	<p>Downtown</p>	<p>Coordinate</p>	<p>Demolition of the properties is underway</p> <p>Design for concept plan is expected to finish in late May with detailed design and construction to follow</p>

## Build a Great Neighbourhood

Initiative	Description	Neighbourhood	CASC Role	Initiative Update
Policies and approach for supervised consumption facilities and temporary overdose prevention sites	Policy establishes framework to: ensure facilities serve users; avoid land use conflicts; address site design concerns; establish a neighbourhood consultation process; and, acknowledge the unique characteristics of a Temporary Overdose Prevention Site.	Downtown Old East Village SoHo Hamilton Road	Facilitate	Report to establish policies within The London Plan and the Official Plan (1989) and to add definitions within Zoning By-law Z.-1 for Supervised Consumption Facilities and Temporary Overdose Prevention Sites went to Municipal Council on May 22, 2018
SoHo Civic Space	See Reconnect with the Thames River section	SoHo	Coordinate	See Reconnect with the Thames River Section
Market Lane Stewardship Pilot Project	The Market Lane Stewardship Pilot Project was launched by the CASC in June 2017 to: <ul style="list-style-type: none"> <li>• Coordinate community service efforts;</li> <li>• Coordinate security efforts;</li> <li>• Determine maintenance service level requirements and deliver them as possible;</li> <li>• Provide event programming and activations in Market Lane;</li> <li>• London Arts Live and Poet Laureate Presents provided weekly programming during the 2017 Market Lane Stewardship Pilot Project.</li> </ul>	Downtown	Coordinate	Shared Monitoring Schedule developed  User Satisfaction Survey completed  Market Lane Action Plan on hold due to Dundas Place construction

## Create the Buzz

Initiative	Description	Neighbourhood	CASC Role	Initiative Update
Dundas Place Activation	One service to be provided by the Dundas Place Manager (once they are hired) is to recruit events and maintain a calendar of activities on Dundas Place.	Downtown	Monitor in future	None
Music, Entertainment & Culture Districts Implementation Plan	Establish an implementation plan for the Music, Entertainment and Culture Districts Strategy that provides clear direction for the approach to each task within the Strategy and identify the budget necessary to complete each task identified.	Downtown Old East Village	Monitor in future	Feasibility Study / Strategy  The OMB Appeal has been dropped  Implementation Plan is scheduled for a June PEC agenda (date subject to change)
JUNO Awards	The JUNO Awards has evolved from an industry awards event to a weeklong festival that travels city to city across the country. It encompasses both public-facing fan events and industry/networking opportunities featuring a diverse array of Canadian artists and emerging talent. The JUNO Awards were created to celebrate and promote Canadian music and artists.	Downtown	Monitor in future	Preparing to host the 2019 JUNO Awards
Implement Live Work Learn Play Downtown London Activation Playbook	The Live Work Learn Play “playbook” offers an overview, as well as a strategic framework for future programming and activation for Downtown London and the broader downtown community. It incorporates activation guidelines, tactics, and a means for continuous tracking of event quality, based on existing and potential future activation customers - all to provide greater control and decision-making to Downtown London given their role as the voice and stewards of the area.	Downtown	Coordinate in future	The City’s involvement and coordination with Downtown London is still being developed

Initiative	Description	Neighbourhood	CASC Role	Initiative Update
Developing a media protocol for core area issues	Develop a “one-window” approach to media protocol for Core Area issues.	All	Monitor in future	A number of initiatives are being moved forward in Communications
Relocate People for the City Monument	The People for the City Monument currently located on a median in Wellington Street north of Queens Avenue needs to be moved to a new location where it is more accessible for pedestrian appreciation and subject to less deterioration from environmental conditions.	City Wide	Monitor	Relocation ideas are being presented to the artist for consideration

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P.ENG  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** Application By: Foxhollow North Kent Development Inc.  
1284 and 1388 Sunningdale Road West  
Removal of Holding Provisions (h and h-100)

**Meeting on:** May 28, 2018

## Recommendation

That, on the recommendation of the Senior Planner, Development Planning, based on the application of Foxhollow North Kent Development Inc. relating to the property located at 1284 and 1388 Sunningdale Road West, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 12, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1284 and 1388 Sunningdale Road West **FROM** a Holding Residential R1 (h\*h-100\*R1-3) Zone **TO** a Residential R1 (R1-3) Zone to remove the h. and h-100 holding provisions.

## Executive Summary

### Purpose and the Effect of Recommended Action

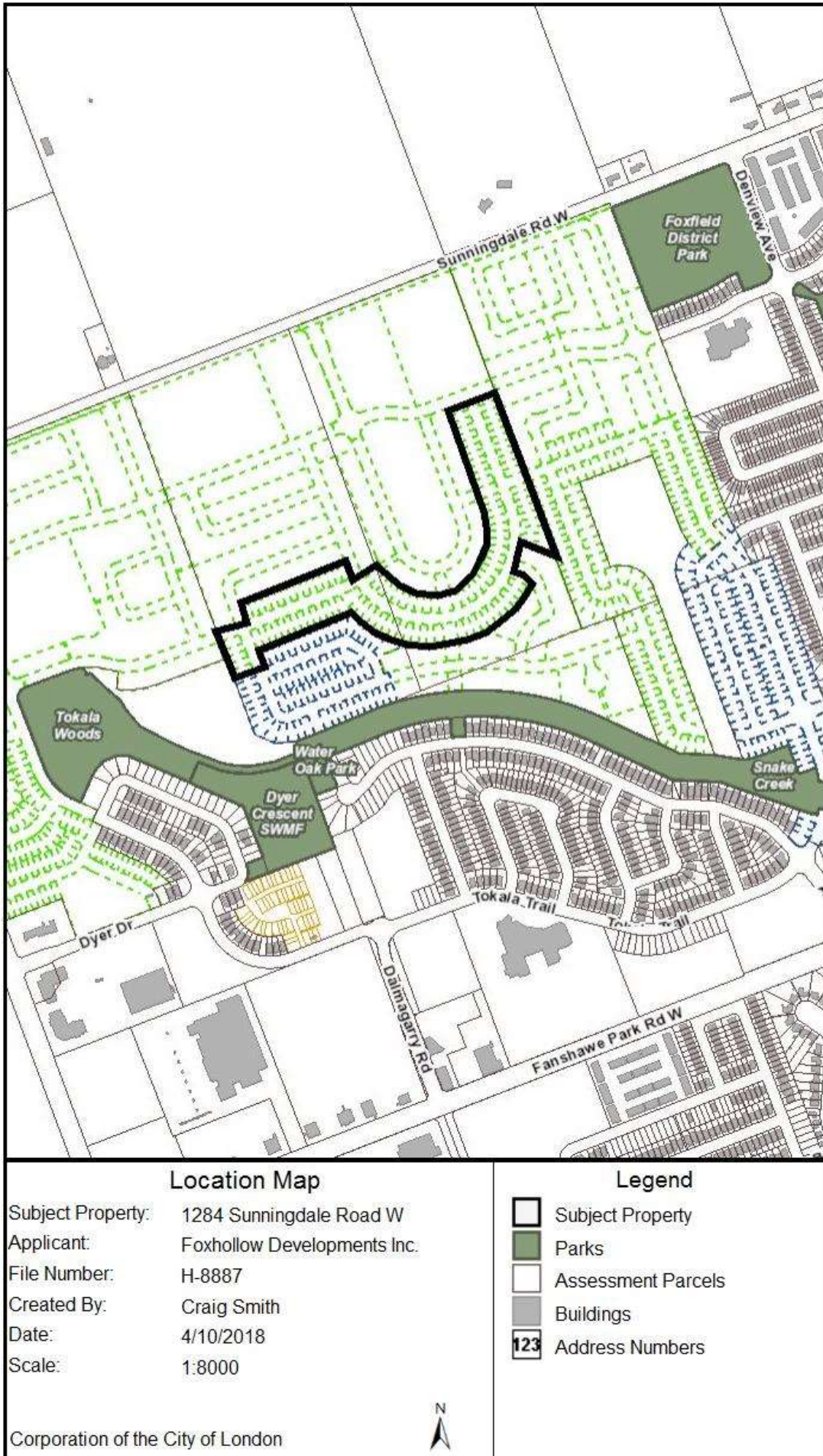
The purpose and effect of this zoning change is to remove the h. and h-100 holding symbols to permit the development of 120 single detached dwelling lots.

### Rationale of Recommended Action

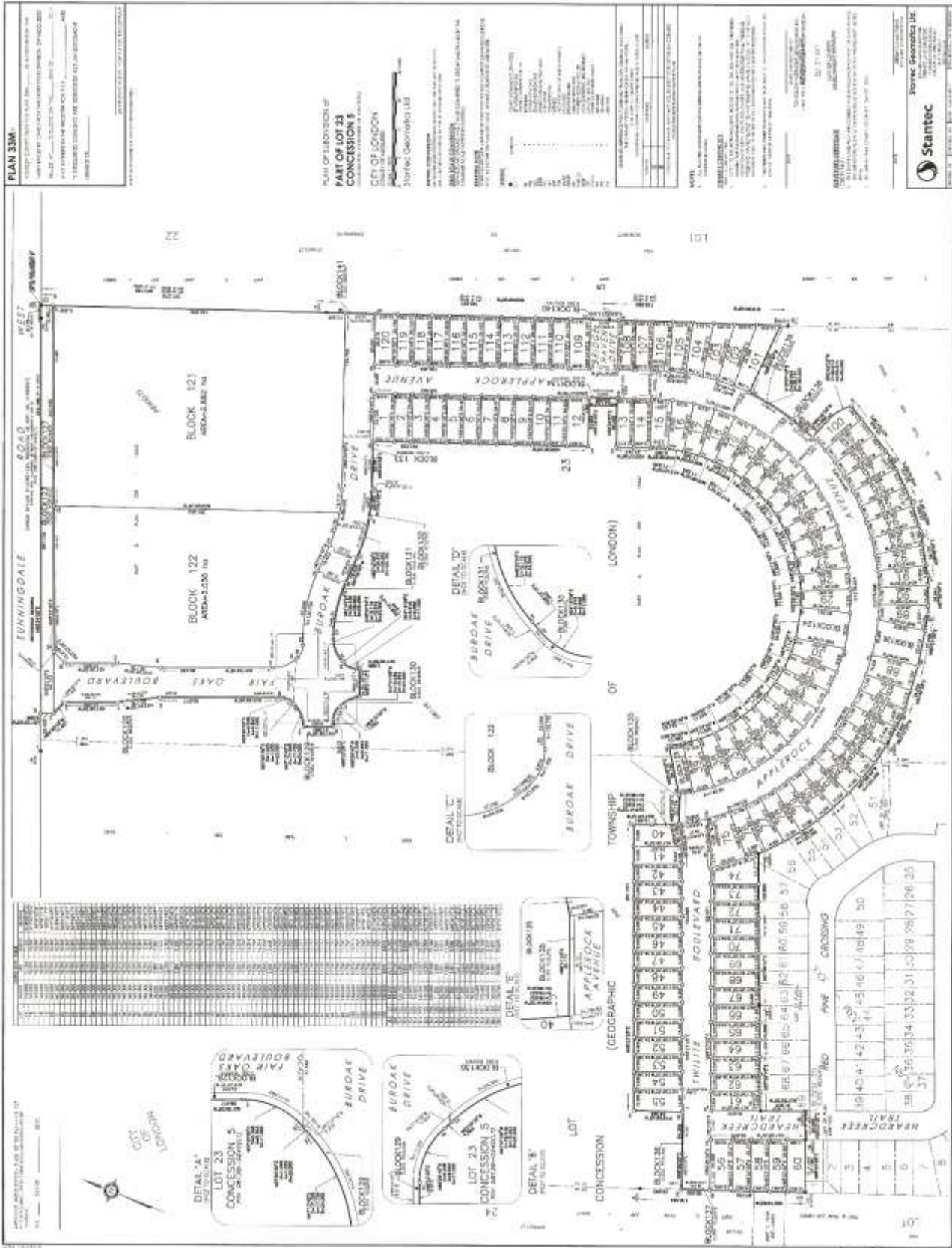
1. The removal of the holding provisions will allow for development in conformity with the Zoning By-law.
2. Through the subdivision approval process the required security has been submitted to the City of London, the execution of the subdivision agreement is imminent and the h. and h-100 holding provisions are no longer required.

# Analysis

## 1.1 Location Map



# 1.2 Subdivision Phase 2<sup>nd</sup> 1284 and 1388 Sunningdale Road West



**PLAN 33M:**  
 Prepared by Stantec GeoGraphics Ltd.  
 Survey No. 2006-01-12-1284 and 1388 Sunningdale Road West  
 Date of Issue: 2006-01-12

**PART OF SUBDIVISION OF  
 PART OF LOT 23  
 CONCESSION 5  
 CITY OF LONDON**  
 Stantec GeoGraphics Ltd.

**STANTEC**  
 Stantec GeoGraphics Ltd.  
 100-10100-102 Street, Suite 201  
 Richmond, BC V6V 1K2  
 Canada  
 Phone: (604) 273-1811  
 Fax: (604) 273-1812  
 Email: info@stantec.com





## **2.0 Description of Proposal**

To remove the h. and h-100 holding provisions from the lands that ensures for the orderly development of land and for the provision of adequate water service and appropriate access, a development agreement shall be entered into to the satisfaction of the City. The removal of the h. and h-100 holding provision will allow for the construction of 120 single detached homes.

## **3.0 Revelant Background**

### **3.1 Planning History**

The application for Draft Plan of Subdivision Approval was originally accepted on November 17, 2004. After the submission of a number of modified versions of the plan, approval was granted by the Approval Authority on October 14, 2009. A number of draft approval extensions have occurred since the original draft approval date. The current expiry date for draft approval is October 14, 2018.

The first phase of the subdivision consists of 69 single family detached lots and was registered on December 7, 2017 (33M-730). Access to the first phase is from the extension of Waterloo Drive from the Claybar Subdivision immediately to the south.

The second phase will have access through the first phase to Waterloo Drive and will have access to Sunningdale Road West. This subdivision shall be registered in one (1) phase, consisting of 120 single family detached lots and two (2) multi-family medium density blocks. On December 12, 2017 Council endorsed the special provisions and recommended that a subdivision agreement be entered into with the City of London. The Owner and the City have signed the subdivision agreement and securities have been posted. Final registration for the subdivision is imminent.

## **4.0 Key Issues and Considerations**

### **Why is it Appropriate to remove this Holding Provision?**

The h. holding provision states that:

*“To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.”*

The applicant has submitted the required security to the City of London for the 2<sup>nd</sup> Phase of the Foxhollow North Kent Development Inc. subdivision. The special provisions have been endorsed by Council. The owner has provided the necessary security and the subdivision agreement is being finalized for execution by the owner and the City. This satisfies the requirement for removal of the “h” holding provision.

### **h-100 Holding Provision**

The (h-100) holding provision states that:

*“To ensure there is adequate water services and appropriate access, no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.”*

The h-100 holding provision requires that a looped watermain system be constructed and a second public access is available for these lands. A looped watermain has been constructed. The subdivision has access through Headcreek Trail to the lands to the south and to Sunningdale Road West to the north through Friar Oak Boulevard. With the

second public access and waterlooping being provided to this subdivision, the requirements for the removal of the “h-100” holding provision is satisfied.

More information and detail about public feedback and zoning is available in Appendix B & C.

## 5.0 Conclusion

It is appropriate to remove the h. and h-100 holding provisions from the subject lands at this time as a second public road access and water looping have been provided and the required security has been submitted to the City of London and registration of the subdivision agreement is imminent.

<b>Prepared and recommended by:</b>	<b>C. Smith, MCIP RPP Senior Planner, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompilii, MPA RPP Manager, Development Planning</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: This report was prepared by or under the supervision of a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994 qualified to provide opinions on planning matters to Municipal Council.	

May 17, 2018

CS/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\H-8887 - 1284 Sunningdale Road West (CS)\AODAPECreport-H-8887.docx

## Appendix A

Bill No. (Number to be inserted by Clerk's Office)  
2018

By-law No. Z.-1- \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1284 and 1388 Sunningdale Road West.

WHEREAS Foxhollow North Kent Development Inc. have applied to remove the holding provisions from the zoning for the lands located at 1284 and 1388 Sunningdale Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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 the lands located at 1284 and 1388 Sunningdale Road West, as shown on the attached map, to remove the h. and h-100 holding provisions so that the zoning of the lands as a Residential R1 (R1-3) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

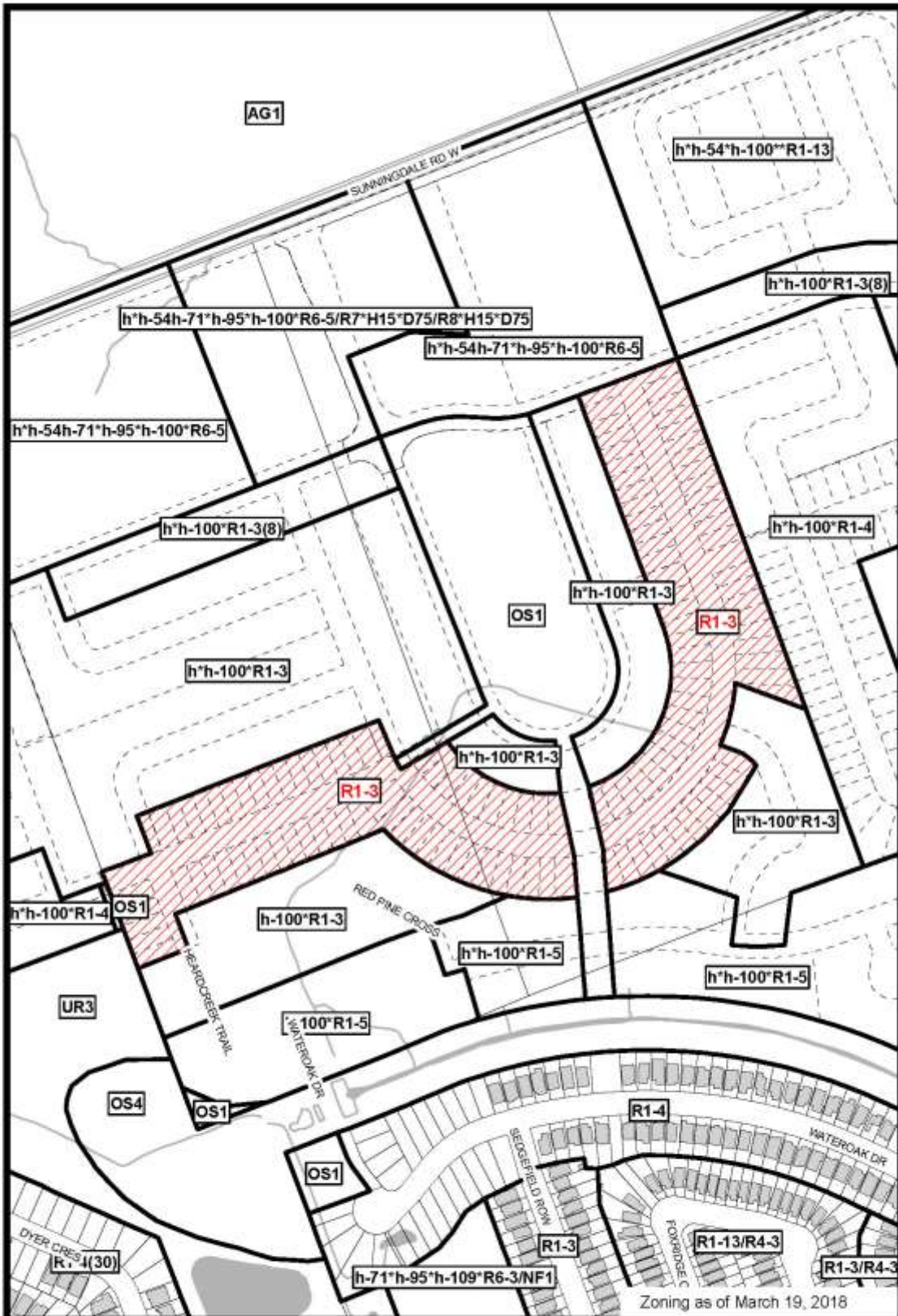
PASSED in Open Council on June 12, 2018.

Matt Brown  
Mayor


Catharine Saunders  
City Clerk

First Reading - June 12, 2018  
Second Reading - June 12, 2018  
Third Reading - June 12, 2018

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



File Number: H-8887  
 Planner: CS  
 Date Prepared: 2018/04/26  
 Technician: rc  
 By-Law No: Z-1-

SUBJECT SITE 

1:4,000

0 20 40 80 120 160 Meters



## Appendix B – Public Engagement

### Community Engagement

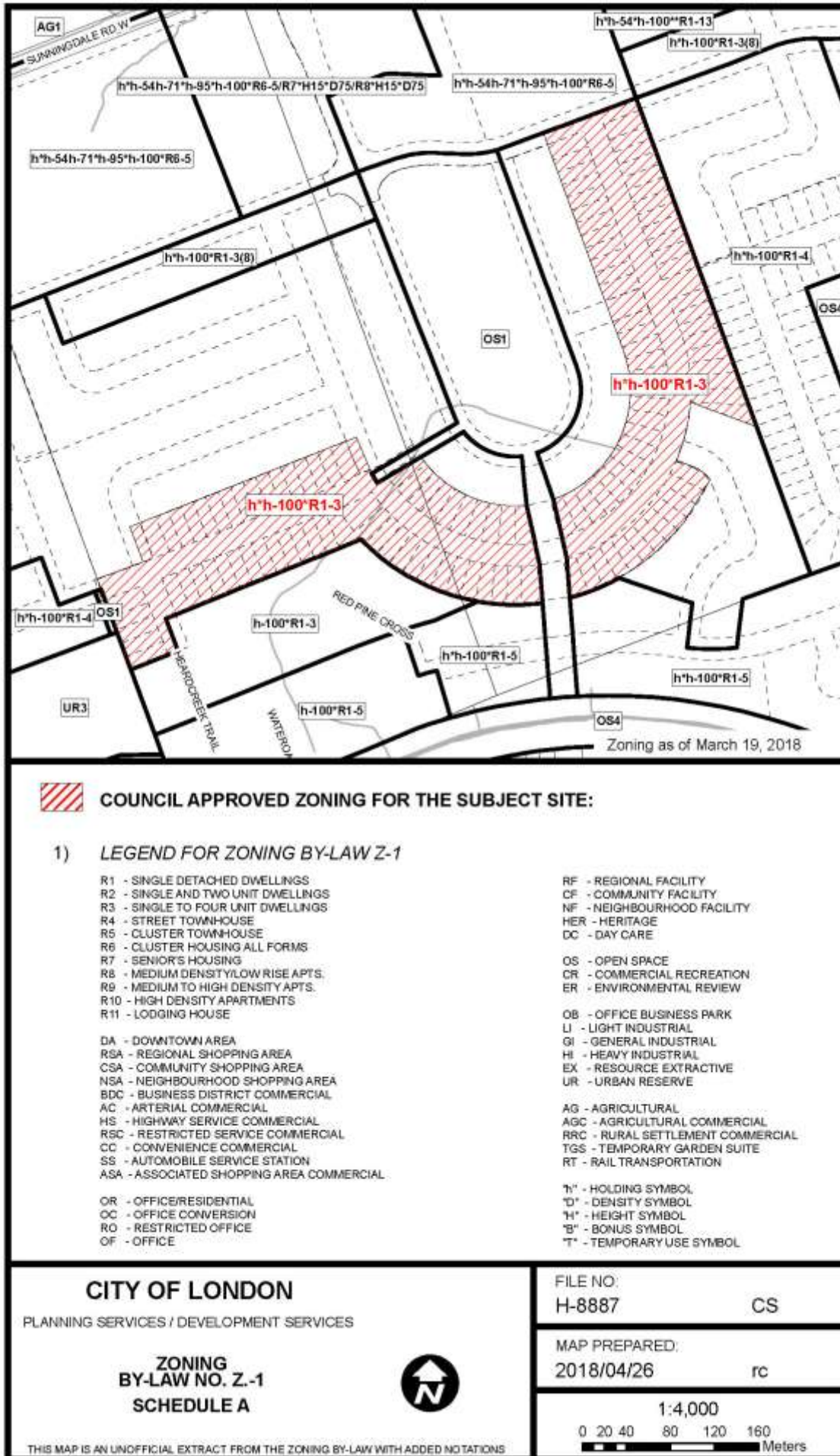
**Public liaison:** Notice of the application was published in the Londoner on April 19, 2018

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the h and h-100 holding provisions from the lands that ensures for the orderly development of land and for the provision of adequate water service and appropriate access a development agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than May 14, 2018.

# Appendix C – Relevant Background

## Existing Zoning Map



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P.ENG  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** Application By: Foxwood Development (London) Inc.  
1602 Sunningdale Road West  
Removal of Holding Provisions (h and h-100)

**Meeting on:** May 28, 2018

## Recommendation

That, on the recommendation of the Senior Planner, Development Planning, based on the application of Foxwood Development (London) Inc. relating to the property located at 1602 Sunningdale Road West the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 12, 2018 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1602 Sunningdale Road West **FROM** a Holding Residential R1 (h\*h-100\*R1-13) Zone and a Holding Residential R1 Special Provision (h\*h-100\*R1-4 (30)) Zone **TO** a Residential R1 (R1-13) Zone and a Residential R1 Special Provision (R1-4 (30)) Zone to remove the h. and h-100 holding provisions.

## Executive Summary

### Purpose and the Effect of Recommended Action

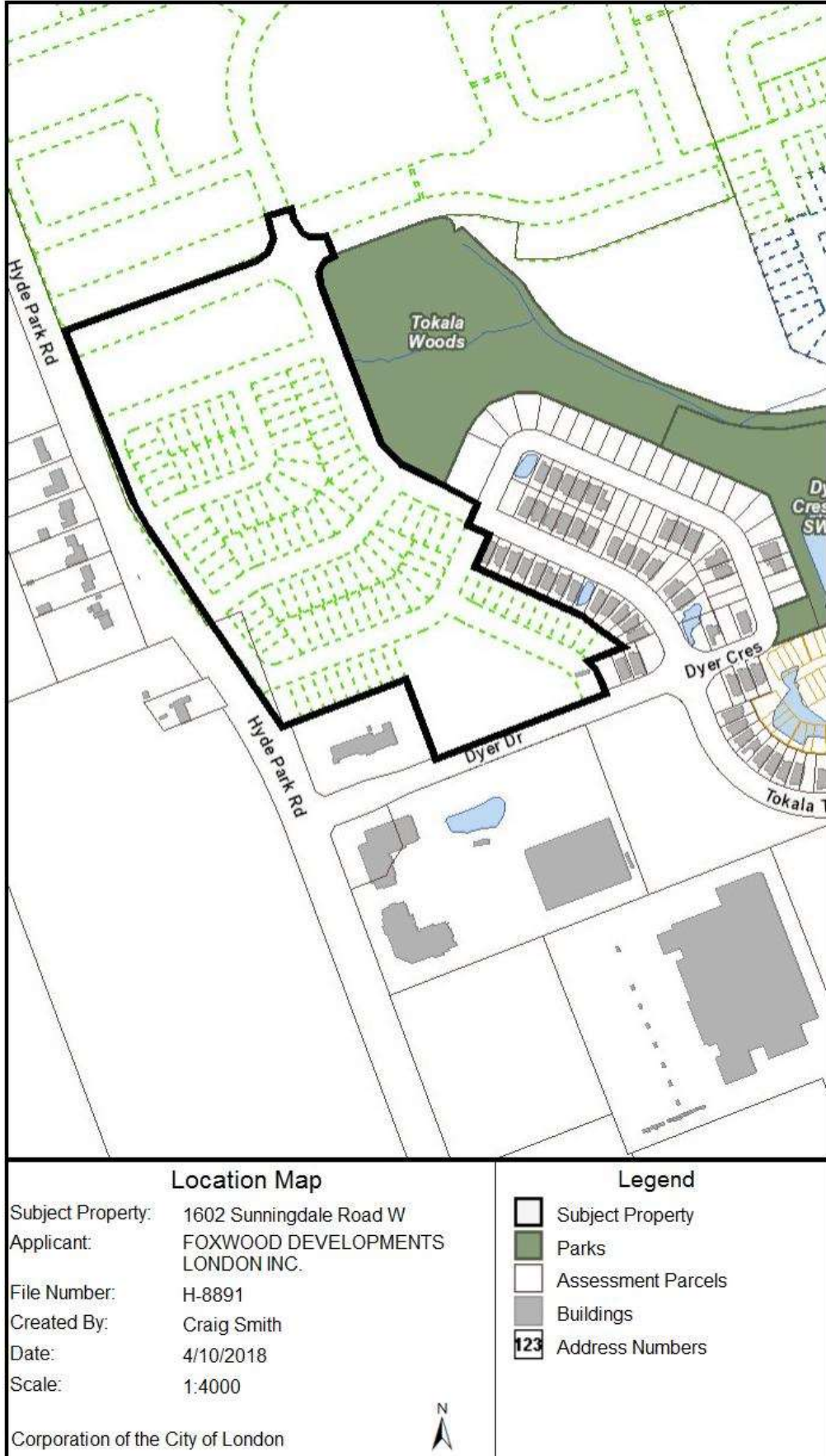
The purpose and effect of this zoning change is to remove the h. and h-100 holding symbols to permit the development of 110 single detached dwelling lots.

### Rationale of Recommended Action

1. The removal of the holding provisions will allow for development in conformity with the Zoning By-law.
2. Through the subdivision approval process the required security has been submitted to the City of London, the execution of the subdivision agreement is imminent and the h. and h-100 holding provisions are no longer required.
3. The holding provisions on the two (2) multi-family blocks will be dealt with through the Site Plan Approval process. Removal of the h.\*h-54\*h-71 and h-100 holding provisions on these blocks is not appropriate at this time.

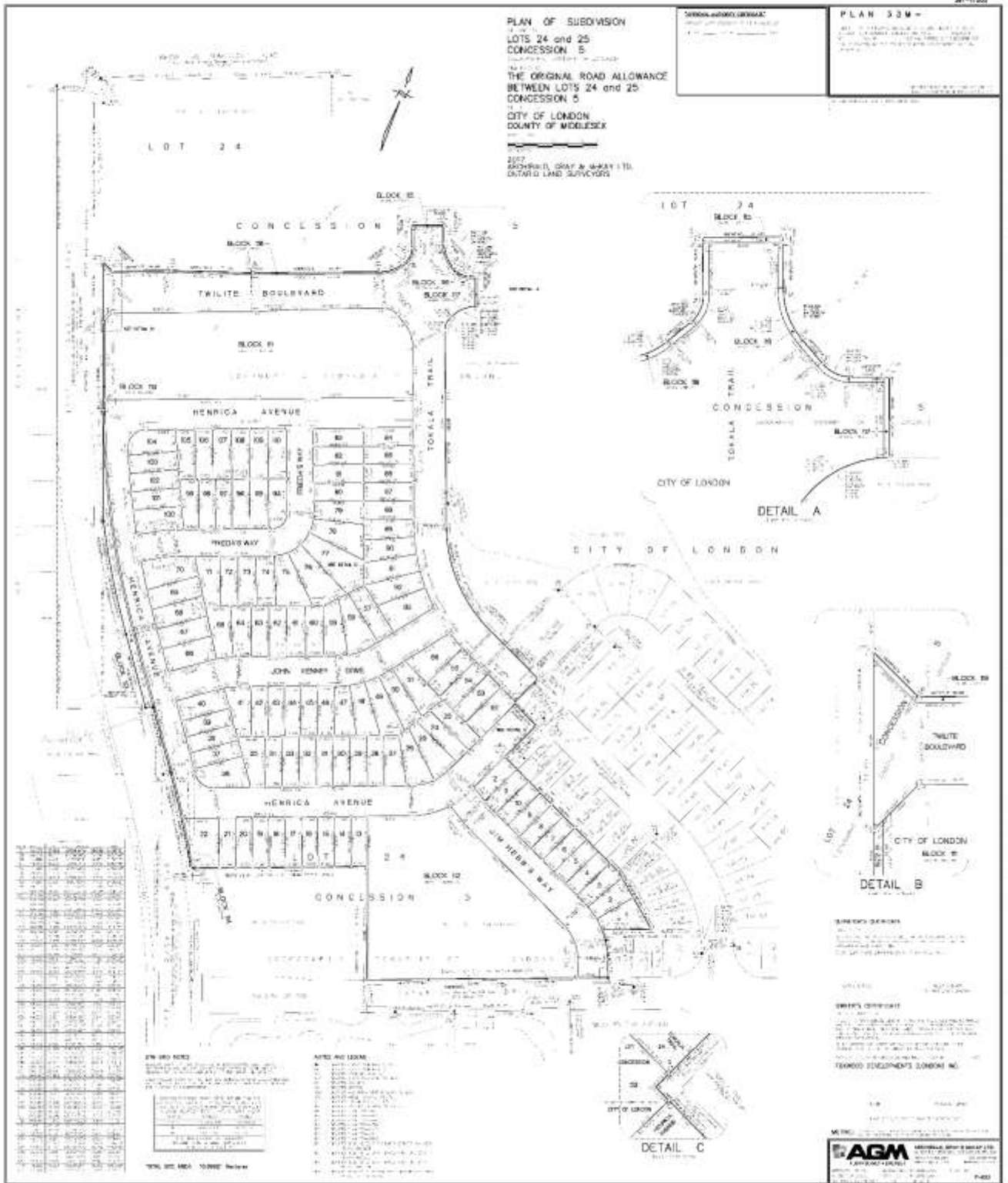
# Analysis

## 1.1 Location Map





1.2 Subdivision Phase 2<sup>nd</sup> 1602 Sunningdale Road West



## 2.0 Description of Proposal

To remove the h. and h-100 holding provisions from the lands that ensures for the orderly development of land and for the provision of adequate water service and appropriate access, a development agreement shall be entered into to the satisfaction of the City. The removal of the h. and h-100 holding provision will allow for the construction of 110 single detached homes.

## 3.0 Relevant Background

### 3.1 Planning History

This application for Draft Plan of Subdivision Approval was accepted on November 11, 2011. On January 23, 2013, the City of London Approval Authority granted draft approval for the plan of subdivision. Draft approval was appealed to the Ontario Municipal Board. On July 31, 2013, the Ontario Municipal Board issued a notice advising the City of London Approval Authority that the appeal was withdrawn by letter dated June 25, 2013. As per Section 51 (51) of the Planning Act, the original draft approval lapse date was June 26, 2016.

The applicant registered the 1st phase of this subdivision (Plan, 33M-685) consisting of 95 single detached lots, one (1) medium density residential block, and various reserve blocks served by 1 new street and the extension of Dyer Drive and Tokala Trail on October 6, 2015.

Council on May 31, 2016 requested that the Approval Authority approve a three year extension of draft plan of subdivision approval for this subdivision subject to revised conditions of draft approval. The draft approval expiry date is June 26, 2019.

This application is to remove the holding provisions from the second phase of the development. The second phase consists of 110 single detached lots and 2 medium density block along with several 0.3 metre reserves, all served by the extension of Tokala Drive and five new streets. On November 28, 2017 Council endorsed the special provisions and recommended that a subdivision agreement be entered into with the City of London. The Owner and the City have signed the subdivision agreement and securities have been posted. Final registration for the subdivision is imminent.

## 4.0 Key Issues and Considerations

### Why is it Appropriate to remove this Holding Provision?

The h. holding provision states that:

*“To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.”*

The applicant has submitted the required security to the City of London for the 2<sup>nd</sup> Phase of the Foxwood Development (London) Inc. subdivision. The special provisions have been endorsed by Council. The owner has provided the necessary security and the subdivision agreement is being finalized for execution by the owner and the City consistent with the draft plan conditions. This satisfies the requirement for removal of the “h” holding provision.

### **h-100 Holding Provision**

The (h-100) holding provision states that:

*“To ensure there is adequate water services and appropriate access, no more than 80 units may be developed until a looped watermain system is constructed and there is a*

*second public access available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.”*

The h-100 holding provision requires that a looped watermain system be constructed and a second public access is available for these lands. A looped watermain has been constructed and Tokala Trail is being extended northerly and will connect to the Twilight Boulevard that connects to Hyde Park Road. The completion Twilight Boulevard and Tokala Drive provides of full public access to the subdivision from Hyde Park Road and Dyer Drive. This satisfies the requirement for removal of the “h-100” holding provision.

The holding provisions h.\*h-54\*h-71 and h-100 on the two (2) multi-family blocks (111 and 112) will be dealt with through the Site Plan Approval process. Removal of the h.\*h-54\*h-71 and h-100 holding provisions on these blocks is not appropriate at this time.

More information and detail about public feedback and zoning is available in Appendix B & C.

## 5.0 Conclusion

It is appropriate to remove the h. and h-100 holding provisions from the subject lands at this time as a second public road access and water looping has been provided and the required security has been submitted to the City of London and registration of the subdivision agreement is imminent.

<b>Prepared and recommended by:</b>	<b>C. Smith, MCIP RPP Senior Planner, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompili, MPA RPP Manager, Development Planning</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: This report was prepared by or under the supervision of a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994 qualified to provide opinions on planning matters to Municipal Council.	

May 17, 2018

CS/

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\H-8891 - 1602 Sunningdale Road West (CS)\AODAPECreport-H-8891.docx

## Appendix A

Bill No. (Number to be inserted by Clerk's Office)  
2018

By-law No. Z.-1- \_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1602 Sunningdale Road West.

WHEREAS Foxwood Development (London) Inc. have applied to remove the holding provisions from the zoning for the lands located at Sunningdale Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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 the lands located at 1602 Sunningdale Road West, as shown on the attached map, to remove the h. and h-100 holding provisions so that the zoning of the lands as a Residential R1 (R1-13) Zone and a Residential R1 Special Provision (R1-4 (30)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

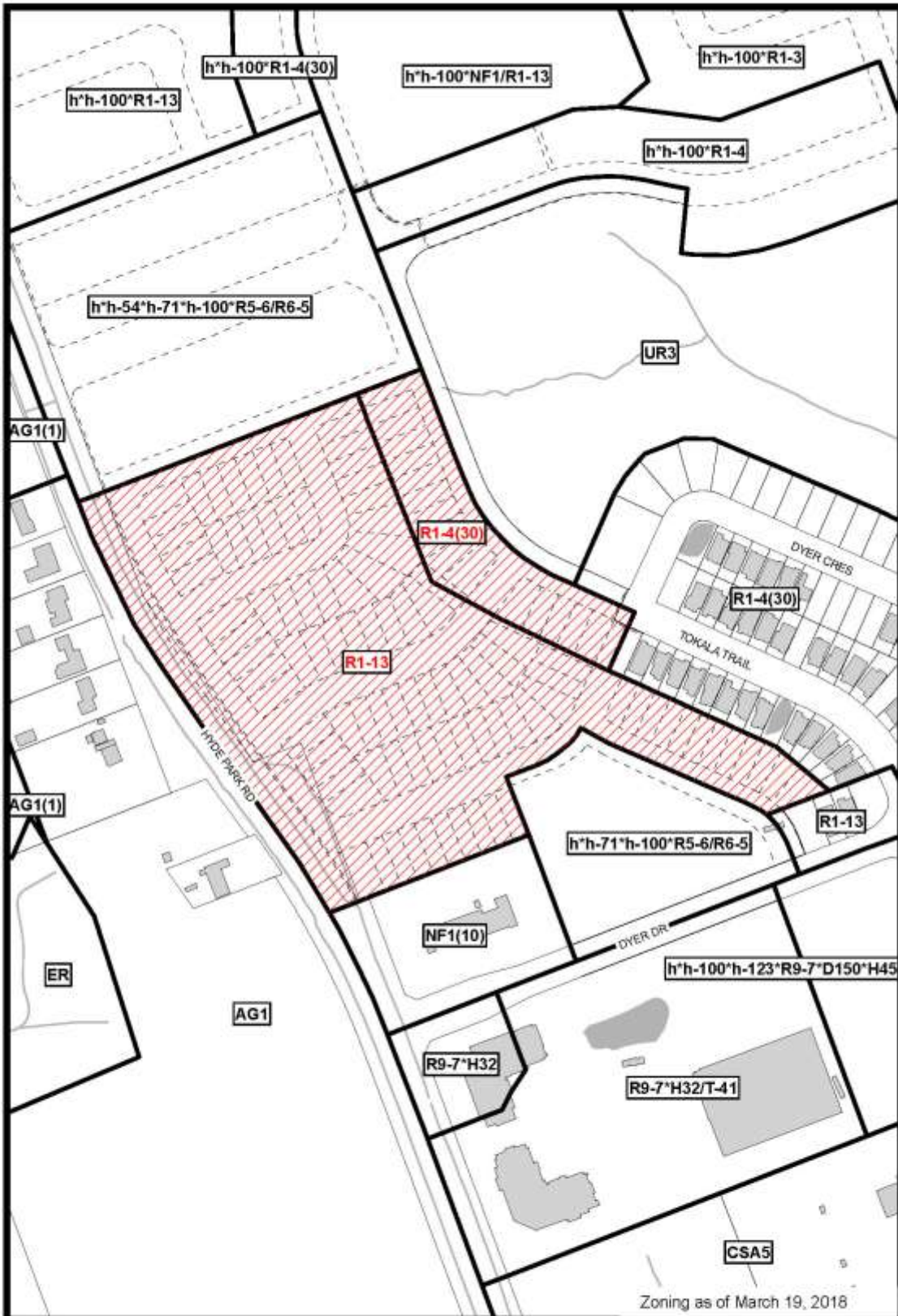
PASSED in Open Council on June 12, 2018.

Matt Brown  
Mayor


Catharine Saunders  
City Clerk

First Reading - June 12, 2018  
Second Reading - June 12, 2018  
Third Reading - June 12, 2018

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



File Number: H-8891  
 Planner: CS  
 Date Prepared: 2018/04/26  
 Technician: rc  
 By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters



## Appendix B – Public Engagement

### Community Engagement

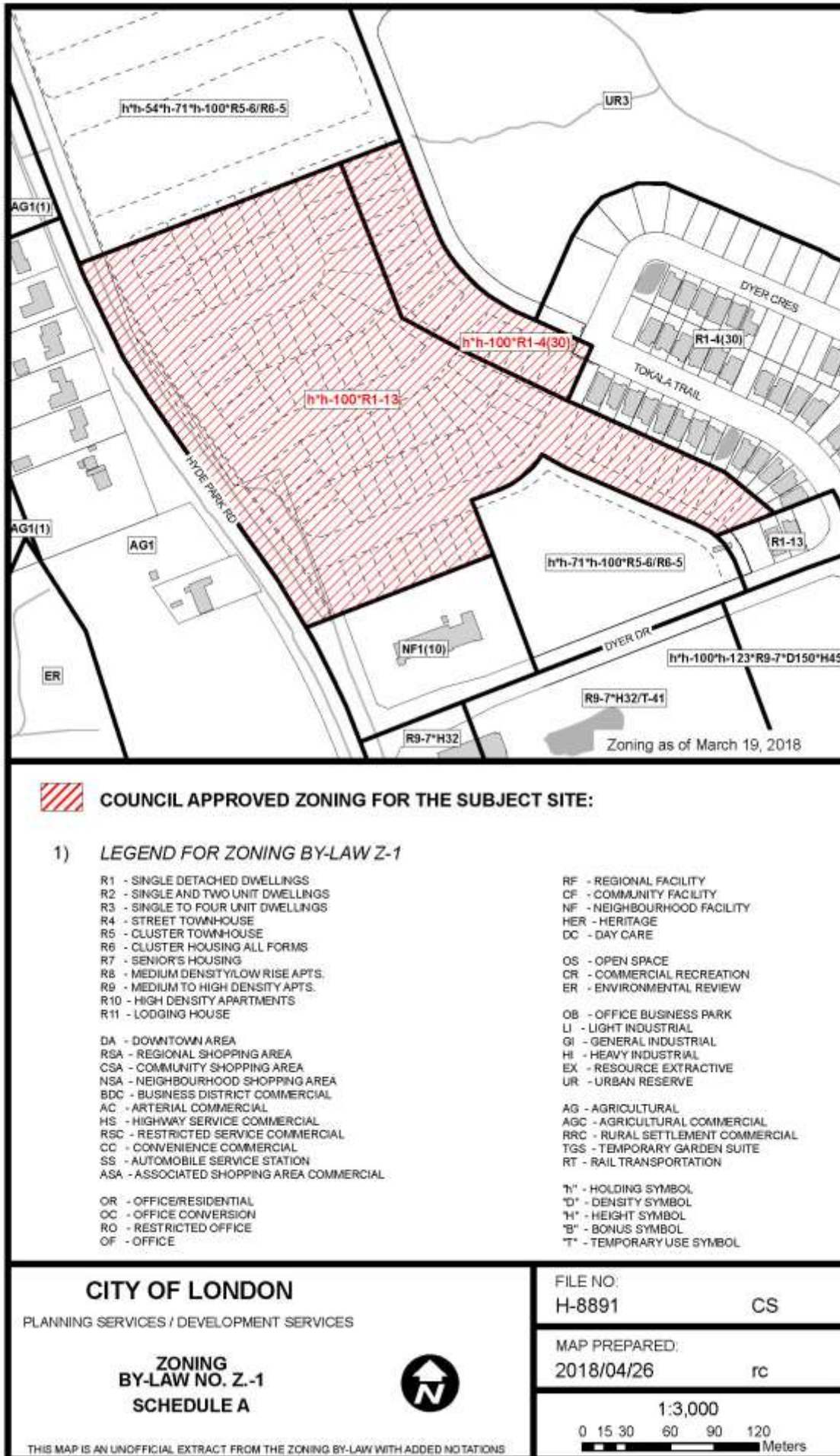
**Public liaison:** Notice of the application was published in the Londoner on April 19, 2018

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the h and h-100 holding provisions from the lands that ensures for the orderly development of land and for the provision of adequate water service and appropriate access a development agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than May 14, 2018.

# Appendix C – Relevant Background

## Existing Zoning Map



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** Application By: 748094 Ontario Ltd.  
1635 Commissioners Road East and 2624 Jackson Road  
Stormwater Management (SWM) Facility  
Land Acquisition Agreement

**Meeting on:** May 28, 2018

## Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into an Agreement between The Corporation of the City of London and 748094 Ontario Ltd. for the subdivision of land over Part of Lots 11 and 12, Concession 1, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the east side of Jackson Road between Commissioners Road East and Bradley Avenue, municipally known as 1635 Commissioners Road East and 2624 Jackson Road:

- (a) the attached Agreement between The Corporation of the City of London and 748094 Ontario Ltd. (39T-06507) attached as Appendix "A", **BE APPROVED**;
- (b) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "B"; and,
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

## Background

The lands which are the subject of this agreement are within a Draft Approved Plan of Subdivision located at 1635 Commissioners Road East and 2624 Jackson Road; east side of Jackson Road between Commissioners Road East and Bradley Avenue, having a total area of approximately 81.5 hectares (201 acres).

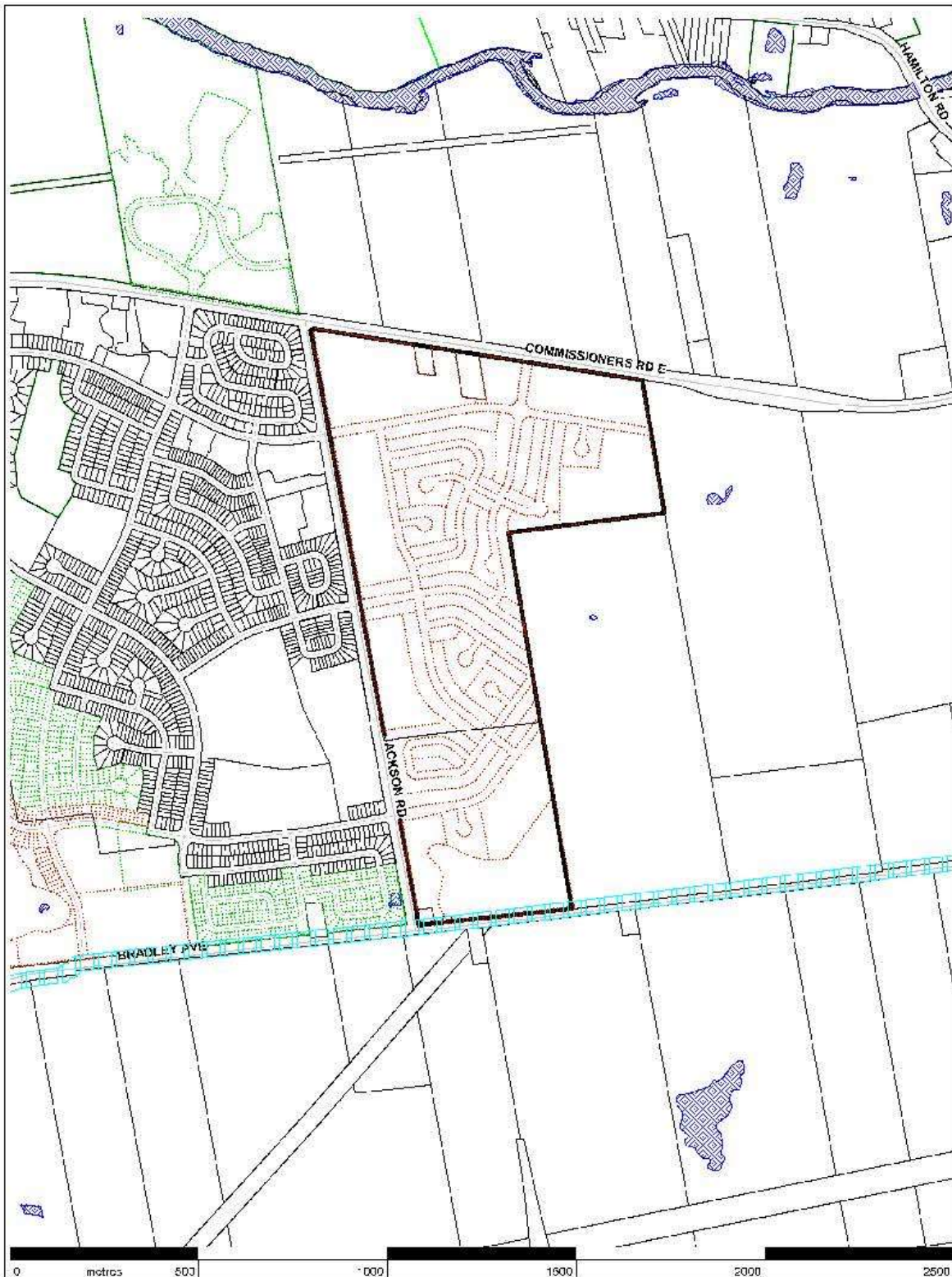
The draft plan consists of 37 low density residential blocks, 17 medium density residential blocks, 3 open space blocks, 2 open space buffer blocks, 5 park blocks, 3 park/walkway blocks, 1 part block, 1 access/servicing block, 1 school block, 1 stormwater management block, 1 existing hydro corridor block, 2 future development blocks, 12 reserve blocks, and 4 road widening blocks. The public meeting to consider the draft plan was held on September 25, 2017. The subdivision was Draft Approved by the Approval Authority on March 14, 2018.

The Development Services Division has reviewed these special provisions with the Owner who is in agreement with them.

This report has been prepared in consultation with the City's Solicitors Office.



# Location Map



## LOCATION MAP

**Subject Site: East side of Jackson Road  
between Commissioners Road East and  
Bradley Avenue**

**Applicant & File Number** 39T-06507/OZ-7176 Z-Group  
O-7178 City of London

**Planner: Jeffrey  
Leunissen**









**Created By:  
Jeffery  
Leunissen**

**Date: 6/1/2006**

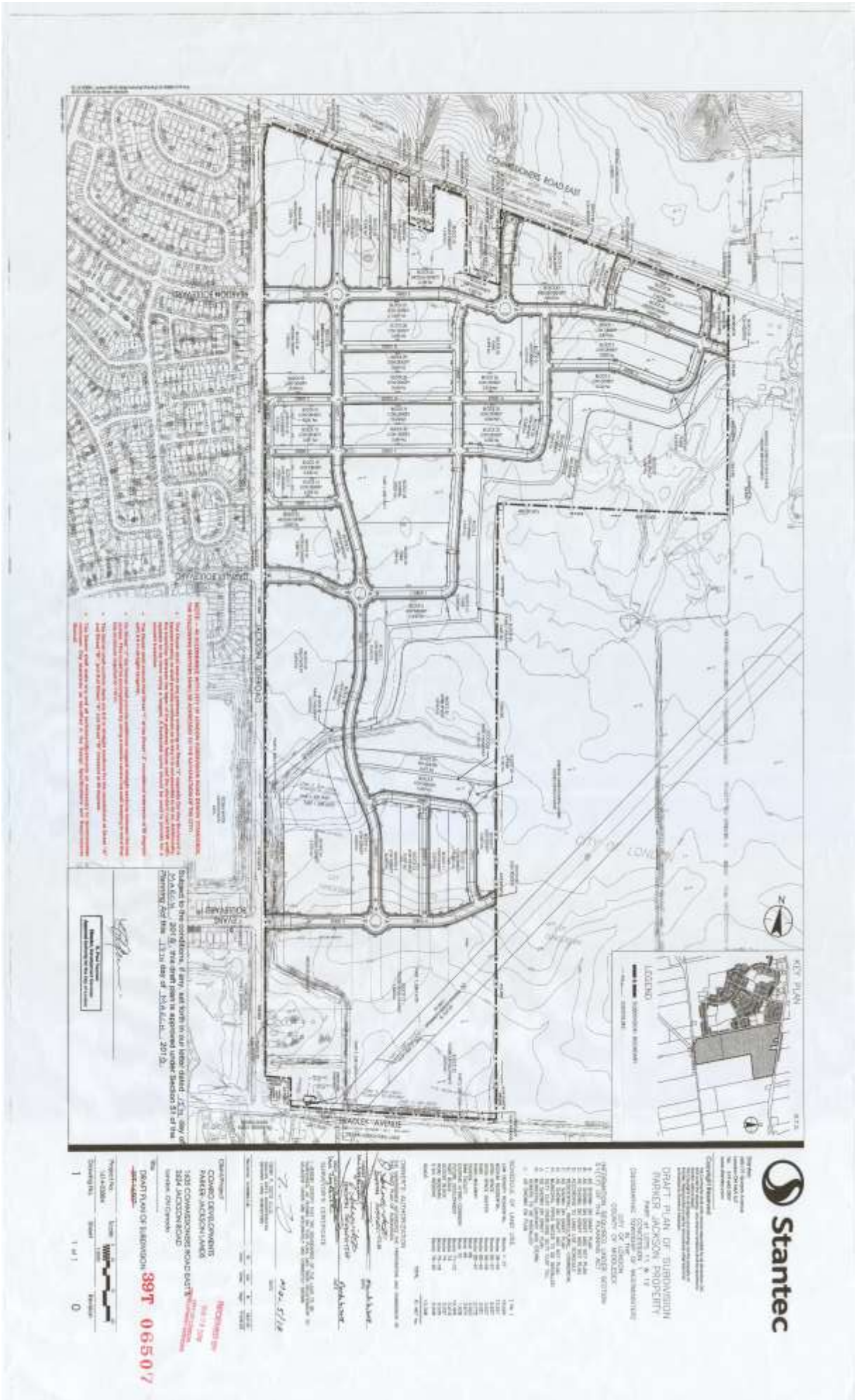


CORPORATION OF THE CITY OF LONDON  
Prepared By: PD - Planning

## LEGEND

-  Subject Site
-  Water
-  Draft Approved  
Parcels
-  Submitted Parcels
-  Union Gas Pipeline  
(20 m buffer)
-  Park
-  Parcel
-  Buildings

Draft Plan of Subdivision



**NOTES:**

1. This plan is a preliminary plan and is subject to change without notice.
2. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities.
3. The owner is responsible for providing all necessary information and data to the engineer.
4. The engineer is not responsible for any errors or omissions in this plan.
5. The engineer is not responsible for any changes made to this plan after it has been approved.

Approved by the engineer, I, **John A. Smith**, on this 21st day of September, 2012.

*John A. Smith*  
Professional Engineer  
No. 12345

**COMMO DEVELOPMENTS**  
PAULER JACKSON LAND  
1535 COMMERCE ROAD EAST  
SUITE 200  
JACKSON, MISSISSIPPI 39201

**DRAFT PLAN OF SUBDIVISION 39T 06507**

**ENGINEER'S CERTIFICATE**

I, **John A. Smith**, a Professional Engineer, do hereby certify that the above is a true and correct copy of the original plan of subdivision as shown to me by the owner.

Dated this 21st day of September, 2012.

*John A. Smith*  
Professional Engineer  
No. 12345

**SCHEDULE OF LOTS**

Lot No.	Area (Acres)	Area (Sq. Ft.)
1	0.15	10,434
2	0.15	10,434
3	0.15	10,434
4	0.15	10,434
5	0.15	10,434
6	0.15	10,434
7	0.15	10,434
8	0.15	10,434
9	0.15	10,434
10	0.15	10,434
11	0.15	10,434
12	0.15	10,434
13	0.15	10,434
14	0.15	10,434
15	0.15	10,434
16	0.15	10,434
17	0.15	10,434
18	0.15	10,434
19	0.15	10,434
20	0.15	10,434
21	0.15	10,434
22	0.15	10,434
23	0.15	10,434
24	0.15	10,434
25	0.15	10,434
26	0.15	10,434
27	0.15	10,434
28	0.15	10,434
29	0.15	10,434
30	0.15	10,434
31	0.15	10,434
32	0.15	10,434
33	0.15	10,434
34	0.15	10,434
35	0.15	10,434
36	0.15	10,434
37	0.15	10,434
38	0.15	10,434
39	0.15	10,434
40	0.15	10,434
41	0.15	10,434
42	0.15	10,434
43	0.15	10,434
44	0.15	10,434
45	0.15	10,434
46	0.15	10,434
47	0.15	10,434
48	0.15	10,434
49	0.15	10,434
50	0.15	10,434

**PROPERTY INFORMATION**

Project Name: **DRAFT PLAN OF SUBDIVISION**  
 Owner: **COMMO DEVELOPMENTS**  
 Address: **1535 COMMERCE ROAD EAST, SUITE 200, JACKSON, MISSISSIPPI 39201**  
 Date of Survey: **09/21/12**

**Stantec**

1000 North Main Street  
 Suite 200  
 Jackson, Mississippi 39201  
 Phone: (601) 955-1234  
 Fax: (601) 955-5678  
 Email: info@stantec.com

<b>Prepared by:</b>	<b>Larry Mottram Senior Planner, Development Services</b>
<b>Recommended and Reviewed by:</b>	<b>Lou Pompilii, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Reviewed by:</b>	<b>Matt Feldberg Manager, Development Services (Subdivision)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>

May 18, 2018

LM/FG Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2006\39T-06507 ~ 2624 Jackson Road & 1635 Commissioners Rd  
E\SWMF AGREEMENT\39T-06507 - Z-Group - Parker-Jackson SWM - PEC Report.docx

## Appendix "A" – Special Provisions

THIS AGREEMENT made this \_\_\_\_ day of May, 2018

BETWEEN:

**THE CORPORATION OF THE CITY OF LONDON**  
(hereinafter called the "City")

OF THE FIRST PART

AND

**748094 ONTARIO LTD.**  
(hereinafter called "the Owner")

OF THE SECOND PART

WHEREAS the Owner represents that it is seized of those lands situate in the City of London, (formerly the Township of Westminster) in the County of Middlesex, more particularly described on **Schedule "A"** attached, (the Lands), and desires to obtain the approval of the City of London for the Draft Plan of Subdivision (39T-06507) of the said Lands.

AND WHEREAS approval of this Plan of Subdivision would be premature, would not be in the public interest, and would not be lands for which municipal services are or would be available unless assurances were given by the Owner that the matters, services, works and things referred to in this Agreement were done in the manner and in the order set out in this Agreement;

AND WHEREAS the Approval Authority has required as a condition precedent to his approval of the said Plan of Subdivision that the Owner enter into this Agreement with the City;

AND WHEREAS the City proposes to construct a Stormwater Management Facility on the Land;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for other valuable consideration and the sum of Two Dollars (\$2.00) of lawful money of Canada, paid by the City to the Owner (the receipt whereof is hereby acknowledged) the parties hereto covenant and agree each with the other to comply with, keep, perform and be bound by each and every term, condition and covenant herein set out to the extent that the same are expressed to be respectively binding upon them, and the same shall ensure to the benefits of and shall be binding upon their respective heirs, executors, administrators, successors and assigns.

### 1. DEFINITIONS

The words and phrases defined in this paragraph shall for all purposes of this Agreement and of any subsequent agreement supplemental hereto have the meanings herein specified unless the context expressly or by necessary implication otherwise requires.

- (a) "Director - Development Finance" means that person who from time to time, is employed by the City as its Director of Development Finance.
- (b) "City Engineer" means that person who, from time to time, is employed by the City as its Engineer.
- (c) "CSRF" or "Fund" means the City Services Reserve Fund.
- (d) "Land" means the land described on Schedule "A".
- (e) "Planning Act" means the Planning Act R.S.O. 1990, c. P.13, as amended;
- (f) "SWM" means Stormwater Management;
- (g) "SWM Facility Works" means those acts necessary for the construction of Parker SWM Facility; and

## **2. LANDS FOR PARKER SWM FACILITY:**

Upon registration of this Agreement, the Owner shall transfer Part 1 of Plan 33R-20075 to the City, free and clear of all encumbrances, all at no cost to the City and all to the satisfaction of the City Engineer. This land dedication is eligible for reimbursement from the CSRF as described in Section 3(a) of this Agreement to be paid in accordance with Section 3(b).

## **3. CLAIMS AGAINST THE CITY SERVICES RESERVE FUND**

Following the transfer of the Land, the Owner may submit a claim to the City for the future reimbursement of the SWM facility land value. The claim shall contain confirmation of the transfer of Land and the final land value, refined from the estimate contained in this Agreement.

- (a) The anticipated reimbursements from the Fund are:

for lands dedicated to the City for the construction of Parker SWM Facility, (being Part 1, on Reference Plan 33R-20075) the estimated cost of which is \$1,132,045.00 Dollars (CDN), which is comprised of 3.665 hectares of Developable Land at \$308,880/hectare (\$125,000/acre), plus applicable taxes.

- (b) On a quarterly basis following the execution of this Agreement, the City will review the building permits and associated Development Charge payments received from new development within the catchment area. A running total will be maintained by the City. Once Development Charge payments totaling \$8.835 million has been received as a result of new development within the stormwater catchment area, as shown on **Schedule "B"** of this Agreement, the City will reimburse the Owner for the land cost in the quarter following achievement of the \$8.835 million threshold.

## **4. TEMPORARY ACCESS**

The Owner shall grant temporary access across lands owned by the Owner that are adjacent to the Land in favor of the City, its consultants, contractors and employees, for the purpose of constructing the SWM Facility Works and completing any peripheral grading work on said lands. The temporary access shall run until the project is complete.

## **5. RELEASE**

Subject to the terms hereof, the Owner releases the City of and from all claims, suits, demands, actions, causes of action, and damages accruing to the Owner resulting directly or indirectly from the use of the Owner's lands, in relation to the City works outlined herein, to the date of this Agreement; save and except for any and all liability, loss, claims, demands and costs caused by or resulting from the actions or omissions of the City, its consultants, contractors, employees and/or agents.

## **6. INCONTESTABILITY**

The Owner will not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal the right of the City to enter into this Agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the City in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.

## **7. REGISTRATION DOCUMENTS**

The City agrees to register the transfers of Part 1 on Plan 33R-20075 (Parker SWM Facility) forthwith upon the delivery thereof to the City and authorize the claims to the CSRF as specified in Section 4 of this Agreement.

## **8. GENERAL PROVISIONS**

- (a) The parties hereby do authorize, empower and instruct their solicitors to enter into an appropriate escrow arrangement to facilitate the completion of those parts of this Agreement to be completed upon registration of this Agreement and those to be completed thereafter. In default of agreement between the parties' solicitors as to the terms such appropriate escrow arrangement; the Documentation Registration published by the Law Society of Upper Canada on its website shall be employed.
- (b) The division of this Agreement into sections and headings (or paragraphs) herein are for convenience or reference only and are not be used in the interpretation of the provisions related to them.
- (c) The Owner and its successors shall not assign this Agreement in whole or in part without the written consent of the City, which consent shall not be unreasonably withheld.
- (d) Subject to the provisions herein, the Owner shall be subject to all By-laws of the City. In the event of a conflict between the provisions of this Agreement and the provision of any By-law of the City, the provisions of the By-law shall prevail.
- (e) All of the provisions of this Agreement are, and are to be construed as, covenants and agreements as though the words importing such covenants and agreements were used in each separate clause hereof. Should any provision of this Agreement be adjudged unlawful or not enforceable, it shall be considered separate and severable from the agreement and its remaining provisions as though the unlawful or unenforceable provision had never been included.



## **SCHEDULE "A"**

This is Schedule "A" to the Subdivision Agreement dated this \_\_\_\_ day of May, 2018, between The Corporation of the City of London and 748094 Ontario Limited to which it is attached and forms a part.

(Parker SWM Facility)

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being Part of Lot 12, Concession 1, Designated as Part 1 on Plan 33R-20075 (geographic Township of Westminster), now in the City of London, County of Middlesex.



**SCHEDULE "B"**



# Parker SWMF Land Calculations

## 1. Land Valuation

Reference Plan	Area (hectares)	DC By-law Classification	Rate (\$ per hectare)	Valuation
Part 1 33R-20075	3.665	Developable	\$308,880	\$1,132,045

## 2. 25% Payment Trigger

ID Label	Category	Yields	DC Rate	Estimated DC Revenue
39T-06507 (Manual Lot Count)	LDR	520	\$ 27,926	\$ 14,521,520
	MDR	476	\$ 20,934	\$ 9,964,584
			Subtotal	\$ 24,486,104
39T-06507 (1) 3.197 hectares (OP Designation - Gross 16 Uph)	LDR (60%)	30	\$ 27,926	\$ 837,780
	MDR (25%)	13	\$ 20,934	\$ 272,142
	HDR (15%)	5	\$ 12,990	\$ 64,950
		3	\$ 17,531	\$ 52,593
			Subtotal	\$ 1,227,465
JC-703 (1) 23.976 hectares (OP Designation - Gross 16 Uph)	LDR (60%)	230	\$ 27,926	\$ 6,422,980
	MDR (25%)	96	\$ 20,934	\$ 2,009,664
	HDR (15%)	35	\$ 12,990	\$ 454,650
		23	\$ 17,531	\$ 403,213
			Subtotal	\$ 9,290,507
JC-703 (2) 0.876 hectares (OP Designation - Gross 16 Uph)	LDR (60%)	8	\$ 27,926	\$ 223,408
	MDR (25%)	4	\$ 20,934	\$ 83,736
	HDR (15%)	1	\$ 12,990	\$ 12,990
		1	\$ 17,531	\$ 17,531
			Subtotal	\$ 337,665
GRAND TOTAL				\$ 35,341,741
25%				\$ 8,835,000

# Appendix "B" – Source of Financing

## APPENDIX "B"

Chair and Members  
Planning & Environment Committee

#18095  
May 28, 2018  
(39T-06507)

**RE: Stormwater Management Facility (SWM) Land Acquisition Agreement  
748094 Ontario Ltd. (Subledger 2434037)  
Capital Budget Project No. ESSWM-PKR - SWM Facility - Parker  
1635 Commissioners Road East and 2624 Jackson Road**

### FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that the cost of this purchase can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Development & Compliance Services & Chief Building Official, the detailed source of financing for this purchase is:

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance For Future Work</u>
Engineering	\$703,077	\$703,077		\$0
Land Acquisition	1,175,000		1,171,085	3,915
Construction	5,455,271	2,370,815		3,084,456
City Related Expenses	5,652	5,652		0
<b>NET ESTIMATED EXPENDITURES</b>	<b>\$7,339,000</b>	<b>\$3,079,544</b>	<b>\$1,171,085</b>	<b>\$3,088,371</b>
<b>SOURCE OF FINANCING</b>				
Drawdown from City Services-Mjr SWM Reserve Fund (Development Charges)	2) 5,351,924	1,795,544	1,171,085	2,385,295
Debenture By-law No. W -5594-39 (Serviced through City Services Mjr SWM Reserve Fund (Development Charges))	2) 703,076			703,076
Other Contributions	1,284,000	1,284,000		0
<b>TOTAL FINANCING</b>	<b>\$7,339,000</b>	<b>\$3,079,544</b>	<b>\$1,171,085</b>	<b>\$3,088,371</b>

1) Financial Note:

Purchase Cost	\$1,132,045
Add: Land Transfer Tax	19,116
Add: HST @13%	147,166
Less: HST Rebate	(127,242)
Total Purchase Cost	<u>\$1,171,085</u>

- 2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.

ms

Jason Davies  
Manager of Financial Planning & Policy

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** G. Kotsifas, P. Eng  
Managing Director, Development & Compliance Services &  
Chief Building Official  
**Subject:** Living in New Neighbourhoods and Unassumed Subdivisions  
**Meeting on:** May 28, 2018

## Recommendation

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to recommended actions to ensure improved communication, engagement, enforcement and compliance in unassumed subdivisions:

- (a) the proposed strategy for proactive City enforcement, communication and engagement with homeowners, builders and developers in new subdivisions BE ENDORSED, including:
- i. Pre-Strategy Action – Hire “Ambassador” position
  - ii. Phase 1 – Fees, Customer Service and Streamlining
  - iii. Phase 2 – Build Performance and Resources
  - iv. Phase 3 – Improve Regulatory Framework and Process
  - v. Phase 4 – Continuous Improvement

## Executive Summary

### Summary of Request

On September 5, 2017, Council directed staff to develop a strategy to improve enforcement and compliance in new subdivisions to resolve typical complaints from homeowners living in these unassumed developments.

### Purpose and the Effect of Recommended Action

The Development and Compliance Services (DCS) proposed strategy identifies methods for connecting home owners to City resources related to living in a new subdivision and home ownership. It will also identify the appropriate City contacts for when homeowners need assistance including recommended enhancements for compliance and enforcement matters in new developments that have not had their parks, pipes and roads assumed by the City.

## Analysis

### 1.0 Council Direction

On September 5, 2017, Council directed staff to develop a strategy, based on the following:

*That the Managing Director, Development and Compliance Services and Chief Building Official BE DIRECTED to report back to the Planning and Environment Committee with respect to recommended changes to our current subdivision and development agreements and enforcement processes to ensure compliance:*

- a) *a plan to better meet the needs of residents living in developing and unassumed subdivisions with enhancements to the process for submitting development and property standards complaints/issues/concerns (including better communication with residents);*
- b) *measures to move to a more proactive model of enforcement of common and reoccurring subdivision agreement and property standards concerns from residents in and near developing areas;*
- c) *suggestions for any new wording in standard subdivision and development agreements that would support a) and b) above*
- d) *a strategy to address the significant increased demand for building permit processing and building/development inspections; and,*
- e) *the costs related to a), b), c) and d) above, and suggested sources of financing.*

## **2.0 Key Issue to Resolve: Improve our Level of Customer Service**

The goal of Development Services' (DS) proposed strategy (Section 4.0) is to improve customer interaction by making process improvements, allocating resources more effectively, growing our outreach strategies and finding ways to “close the loop” when the work is completed. To achieve these outcomes, DS has developed the strategy around four main components:

### Performance Tracking

DS has identified the tracking of the applications throughout the development process as a key priority. By effectively monitoring the status of complaints, securities, subdivision reviews and the City's response to these issues, DS can begin to put process improvements in place that close gaps in service. Further, DS intends to report the performance measures to Council on an annual basis so discussions about resources and/or effectiveness can engage with a broader audience.

### Outreach and Customer Interactions

There is some confusion in the general public about how and where to request services from the City during the build-out phase of the subdivision. Additionally, there are a number of different email addresses, phone numbers and people who interact with the residents in unassumed subdivisions when service is requested. Compounding this issue is that the City does not provide the service in some cases, and in others it does. DS would like to improve the clarity and overall level of outreach by developing proactive communication tools directed at new homeowners – which would include interaction with/through social media, contact information and Frequently Asked Questions (FAQ's).

### Process Improvements

Development Services is going through a transition period and is re-evaluating the processes that exist with partners in the development community, Environmental and Engineering Services (EES), Planning Services and others. Through this review agreement conditions are being streamlined, preliminary tracking databases have been established and working groups have been coordinated. Within each of the process improvements, the principles of Lean Six Sigma are being incorporated wherever possible and “waste” is being removed. Many of the processes are long standing and were developed for a specific reason at the time may not be as relevant or required.

### Resources

It is anticipated that the provision of a higher level of service as requested by Council requires additional resources. This could mean positions that are tasked with managing software interactions (either in DS or ITS), Compliance staff who are more available for follow-up on agreement issues, and/or staff dedicated to developing the outreach tools and activities in new subdivisions. Further, there are a number of existing staff who are near their retirement dates. These positions will need to be backfilled and will require significant transfer of knowledge to ensure that the development processes established continue into the future.

### **3.0 Action Undertaken (To Date) in Response to Council Direction**

#### Building Division

In 2016 and 2017, the Building Division issued record levels of permits in terms of construction value for London.

To address the increased demand for building permit application intake and reviews, the Building Division hired an additional Architectural Plans Examiner on a temporary basis and temporary Customer Service Representatives to improve permit application intake, processing and review time.

Further, an internal audit of the Building Division was conducted by Deloitte in late 2017, with a focus on building permit application processing. One of the observations was related to documenting the reasons for delays in building permit issuance and “...enhancing the e-permit system to handle additional permit types”. Staff will report back to the Audit Committee in June 2018 with a detailed action plan. The Building Division is currently exploring the possibility of expanding paperless permit applications. This will allow for concurrent plan reviews by various staff (i.e. architectural, structural, mechanical, and fire protection) thus increasing efficiency in terms of permit processing times. It should be noted that this service is currently offered for limited types of work on construction projects.

With regard to building inspections in 2017, additional Building Inspectors were hired to address the increased demand and the resulting site inspection deferrals. Operational changes were implemented to utilize Property Standards Officers (also qualified as Building Inspectors) to perform inspections of smaller scale building in new buildings. This section was rebranded to Code Compliance Inspectors and an additional Code Compliance inspector was hired on a part-time basis in 2017. An additional Plumbing Inspector was hired in 2017 on a part-time basis to address the demand for plumbing inspections.

#### Development Compliance

As reported by the Chief Building Official, London has seen increased numbers of building permit activity in recent years. Through that time, DS has been operating in a deficit resource condition. In response to this deficit, an assessment growth business case was accepted by Council whereby two new compliance inspectors were hired. Since that time, the inspectors have been very active in the review and approvals of subdivision security reductions, assumption inspections, undertaking compliance activities (i.e. surface flooding management with the MOECC and erosion and sediment control measures with developers) and responding to public inquiries/concerns. They are providing significant value for the City by providing a higher level of service to the developers and residents, resulting in improved response times. However, there continues to be a backlog of inspection requests and related administrative activities. These positions are generally focused on responding to developer requests related to assumptions activities and do not have the capacity to develop proactive communication and outreach products or systems – which is a gap in the current service level.

#### Unassumed Subdivisions

DCS has an interest in improving the public’s understanding of how and where the City interacts with new developments. Most services provided in new subdivisions are outlined in the developer’s subdivision agreement and are not under care and control of the City until all the conditions can be met. This period can be as little as three years, but often exceeds seven. Most of the complaints during this phase of the development process stem from safety concerns and maintenance of local roads, which can often be attributed to the transition from Conditional Clearance (minimum level of infrastructure required for a building permit) to build-out and how a developer stages the construction of a subdivision.

In order for DS to develop corrective actions, an improved understanding of the issues and what is causing them is required. The list below outlines several examples of complaints that have been received by the City through our contractors, EES, Planning, etc.:

- Sidewalks not constructed, or sidewalks that have been constructed are not maintained;
- Street lights are not functioning or are too bright;
- There is no safe access and connectivity within school zones;
- Construction traffic not adhering to identified construction routes outlined in the subdivision agreement, resulting in cut-through traffic within new neighbourhoods;
- Location of construction trailers on development blocks that are parked next to backyards of single family homes;
- On-street parking of trades and contractors that block the road of residents living in the subdivision;
- Catch basins that flood on a regular basis;
- Dust control not addressed either from dirt and debris on the streets, or nearby dirt stock piles; and
- Understanding the City's role in garbage collection and how to deal with construction debris and litter.

The above list is not exhaustive, but highlights some of the key issues that generate public concerns. As noted previously, some of these issues are best managed by the developer during build-out, but some are issues that were addressed at the Draft Plan or Engineering Drawing review stages of the development approval – which may have occurred 2+ years prior to the house being constructed.

The frustration for a homeowner occurs when, for example, they try to determine when a piece of sidewalk will be constructed or a park will be opened. The developer has established construction staging based on the parameters in their agreement and their business plan. Often, this does not align with the resident's perception of when it should be completed. With the current resource allocation, there are two points in the build-out of a subdivision where DCS is actively involved in the quality of the work completed by the developer. The first point in the process is at Conditional Clearance when the developer can be granted a building permit if they have functioning sewers, watermains and granular road base. The second point is at assumption where a developer has requested a portion, or the entire phase, of the subdivision to be assumed by the City. The DS Compliance Technologists review the quality of the construction and issue deficiency lists to the developers for corrective action at each of these stages. The complication is that they are not responsible for the timing of the work outside of these two points in the build-out process.

#### **4.0 Proposed Strategy for Proactive Response**

The City's Strategic Plan has identified Leading in Public Service as a strategic initiative for this term of Council which DCS actively advances. Through regular stakeholder meetings and engagement, DCS has taken deliberate steps to engage with the local development industry and has made many process improvements and policy changes in order to maximize the value and service provided by our existing resources. In recent years, DCS has added several positions to increase the level of service provided, but there are still opportunities to improve the overall experience for new homeowners and our industry partners.

The proposed strategy is a phased approach leveraging existing resources as much as possible, but also includes the development of a Business Case for additional resources to be considered as part of the next Multi-Year Budget (MYB) process in 2020.

## **Pre-Strategy Action – complete by fall 2018**

The first step in improving our overall service level, and prior to implementing an overall strategy, is to hire the remaining position identified in the “2018 Assessment Growth Business Case #12”. The Business Case identified the addition of 3 new staff of which two have already been hired in the Development Compliance area of DS. The third position will be tasked with providing a dedicated conduit, or act as an “ambassador”, for new homeowners in unassumed subdivisions. They would have a dual role in building improved customer experiences through social media monitoring, communication, process and policy enhancements and being physically available to speak with new homeowners and connect them to City staff when issues arise. The “ambassador’s” main job will be to implement the strategy outlined in this report.

## **Phase 1 – Fees, Customer Service and Streamlining – complete by end of 2018**

### **i. New Homeowner Package(s)**

The City’s website already includes a Homeowner Package section where information about typical activities can be found ([Search "Homeowner Information" on www.london.ca](#)). This is a great foundation to developing further digital and print material that could be made available to homeowners in Model Homes or through some other targeted mailings. Leveraging the community building activities undertaken by Neighborhood, Children and Fire Services (NCFS) or some of the City’s outreach programs run by EES would provide other opportunities to link homeowners to information about their new neighborhoods.

### **ii. Clarification of Roles**

In the short term, an assessment of how other departments fit into the development approvals and assumption process will be undertaken. There are many different links including EES, By-Law Enforcement, Planning, NCFS, Corporate Communications, etc. Understanding how each area interacts with developer and new homeowners is key to comprehending how and where the City can improve its overall effectiveness.

### **iii. Development Agreement Streamlining**

The City has been working closely with the development industry to review and streamline the Draft Plan Conditions and Subdivision Agreement Conditions to ensure that they are actionable and relevant. From time to time reviews of this nature are necessary to improve efficiency and effectiveness of the development approvals and build-out process. Through this project, there has been significant discussion on the enforcement and compliance components of our agreements. While this review has improved the language, a more detailed process review is required to understand how City staff across the Corporation interact and enforce the conditions in the agreements. It is anticipated that tracking interactions in the Customer Relationship Management (CRM) system will provide the opportunity to identify issues related to litter and construction debris, dust control, garbage pick-up, etc. during the course of build-out that would inform a future review of development agreement conditions.

### **iv. Fees and charges review – Future PEC Report**

A review of Building Service and DS fees and charges has commenced with a recommendation anticipated by late Summer 2018. It is anticipated that fee increases will be proposed, providing additional revenue to improve service for residents and developers.



## **Phase 2 – Build Performance and Resources – complete in accordance with MYB deadlines**

### **i. Develop performance measures**

Prior to the completion of the Multi-Year Budget Business Case, DS staff will undertake a review of existing data and best practices from other municipalities and start to craft performance measures. These performance measures will help identify areas for improvement and give staff the ability to demonstrate areas that are working well and those that need to be reworked.

### **ii. Additional resources – Future Multi-Year Budget and/or Assessment Growth Business Case(s)**

The addition of new inspectors to DCS for Building Permit inspections and development compliance has proven to be successful in delivering on the demand for service. A further review will be undertaken to assess opportunities for additional resources to assist with these activities in the future. A separate business case is also anticipated, based on the experience with the “subdivision ambassador” pilot position.

## **Phase 3 – Improve Regulatory Framework and Process – complete by end of 2019 (pending other departments’ ability to accommodate)**

### **i. Leverage Customer Interaction**

The City has made significant investments into Service London over the past number of years, including the development of the CRM software system. Recently, DCS staff have been in conversations with Service London staff to determine the best way to incorporate unassumed subdivisions into the CRM and leverage the tracking data and work flow that is already established. Many of the services requested by new homeowners will ultimately be provided by the City and these property owners are simply looking for ways to connect and resolve their issues.

### **ii. By-Law and Agreement Alignment**

With additional resources and customer data available, staff will undertake a review of the bylaws that are impacted by subdivision build-out and determine where there are changes required. In some cases, the by-laws may need clarification to assist with enforcement issues or the agreement conditions may need to be reworked to close gaps where the conditions and by-laws do not intersect.

## **Phase 4 – Review Program – annual review**

### **i. Continuous improvement**

Following the completion of each calendar year throughout the implementation of the strategy, staff will review the work completed and take steps to make necessary changes and adjustments to match resources and market conditions of the day.

## 5.0 Conclusion

The following strategy has been developed in response to Council's direction from September 5, 2017 where Staff was directed to make changes to development agreements and enforcement processes to ensure compliance:

Goal:

To improve customer interaction by making process improvements, allocating resources more effectively, growing our outreach strategies and finding ways to "close the loop" when the work is completed.

Pre-Strategy Action – Hire Ambassador position

Phase 1 – Fees, Customer Service and Streamlining

1. New homeowner packages
2. Clarification of roles
3. Development agreement streamlining
4. Fees and charges review

Phase 2 – Build Performance and Resources

1. Develop performance measures
2. Additional resources (2020 MYB)

Phase 3 – Improve Regulatory Framework and Process

1. Leverage customer interaction (build work flow into CRM)
2. By-law review and alignment

Phase 4 – Continuous Improvement

1. Annual review and adjustments to the strategy to match market conditions and resident needs.

This report was compiled with the assistance of Peter Kokkoros, Deputy Chief Building Official; Heather McNeely, Manager, Development Services (Site Plans), and Orest Katolyk, Chief Municipal Law Enforcement Officer.

<b>Recommended by:</b>	<b>Matt Feldberg MPA, CET Manager, Development Services (Subdivisions)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>

May 18, 2018

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\Unassumed Subdivisions\MF - PEC - Unassumed Subdivisions - May 15, 2018.docx



London  
CANADA

## Development and Compliance Services Building Division

**To:** G. Kotsifas, P. Eng.  
Managing Director, Development & Compliance Services  
& Chief Building Official

**From:** P. Kokkoros, P. Eng.  
Deputy Chief Building Official

**Date:** May 10, 2018

**RE: Monthly Report for April 2018**

Attached are the Building Division's monthly report for April 2018 and copies of the Summary of the Inspectors' Workload reports.

### **Permit Issuance**

By the end of April, 1290 permits had been issued with a construction value of \$380.6 million, representing 960 new dwelling units. Compared to last year, this represents a 5% increase in the number of permits, a 26.4% increase in the construction value and an 8.8% increase in the number of dwelling units.

To the end of April, the number of single and semi-detached dwellings issued were 262, which was a 17.8% decrease over last year.

At the end of April, there were 782 applications in process, representing approximately \$511 million in construction value and an additional 919 dwelling units, compared with 786 applications having a construction value of \$285 million and an additional 822 dwelling units for the same period last year.

The rate of incoming applications for the month of April averaged out to 21.3 applications a day for a total of 427 in 20 working days. There were 69 permit applications to build 69 new single detached dwellings, 23 townhouse applications to build 52 units, of which 14 were cluster single dwelling units.

There were 401 permits issued in April totalling \$114.7 million including 293 new dwelling units.

### **Inspections**

#### **BUILDING**

*Building Inspectors* received 2453 inspection requests and conducted 3015 building related inspections. An additional 1 inspection was completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 13 inspectors, an average of 231 inspections were conducted this month per inspector.

Based on the 2453 requested inspections for the month, 94% were achieved within the provincially mandated 48 hour time allowance.

#### **PLUMBING**

*Plumbing Inspectors* received 1297 inspection requests and conducted 1358 plumbing related inspections. An additional 1 inspection was completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 226 inspections were conducted this month per inspector.

Based on the 1297 requested inspections for the month, 97% were achieved within the provincially mandated 48 hour time allowance.

**NOTE:**

In some cases, several inspections will be conducted on a project where one call for a specific individual inspection has been made. One call could result in multiple inspections being conducted and reported. Also, in other instances, inspections were prematurely booked, artificially increasing the number of deferred inspections.

AD:ht  
Attach.

c.c.: A. DiCicco, T. Groeneweg, C. DeForest, O. Katolyk, D. Macar, M. Henderson

# CITY OF LONDON

## SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF April 2018

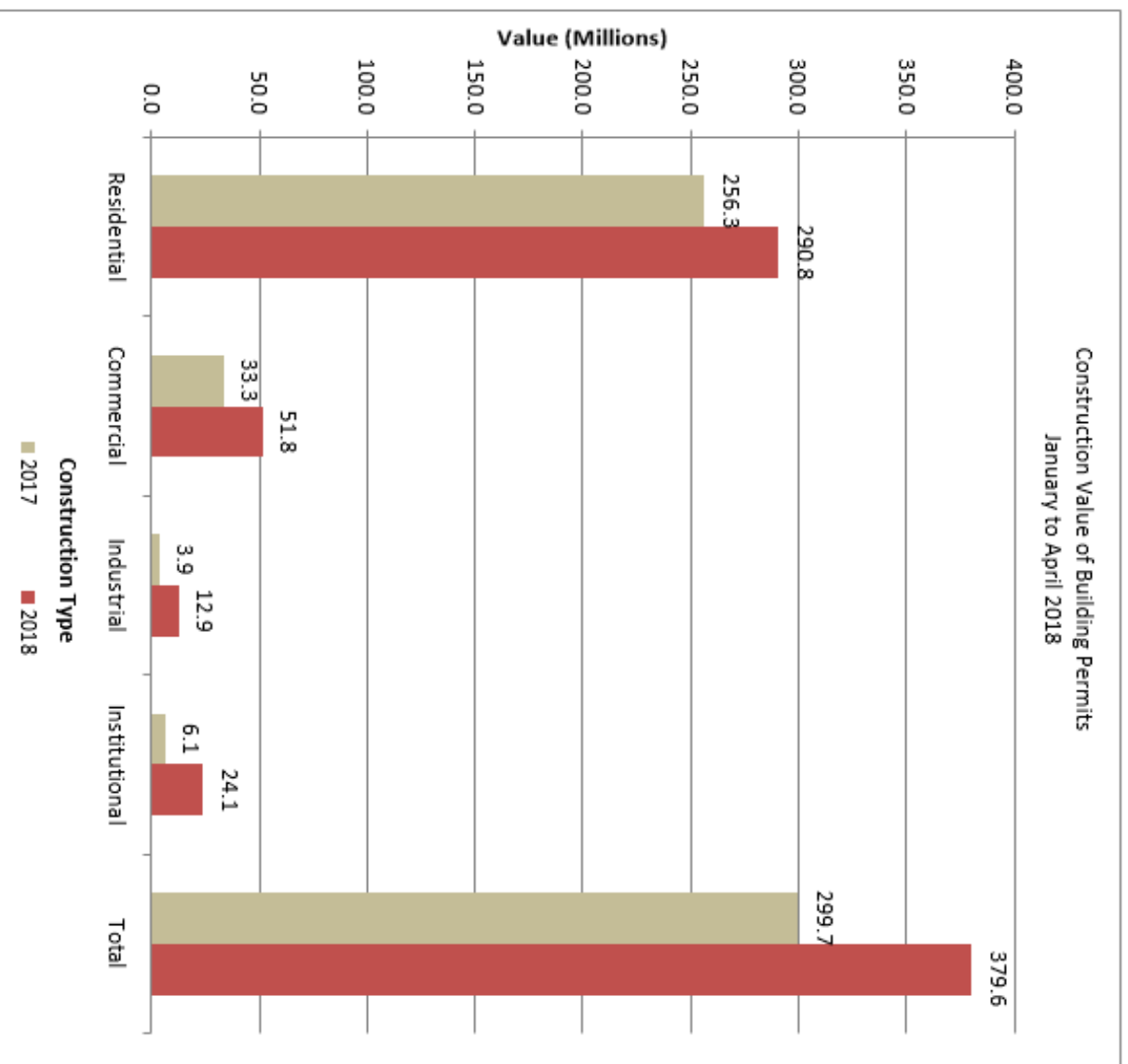
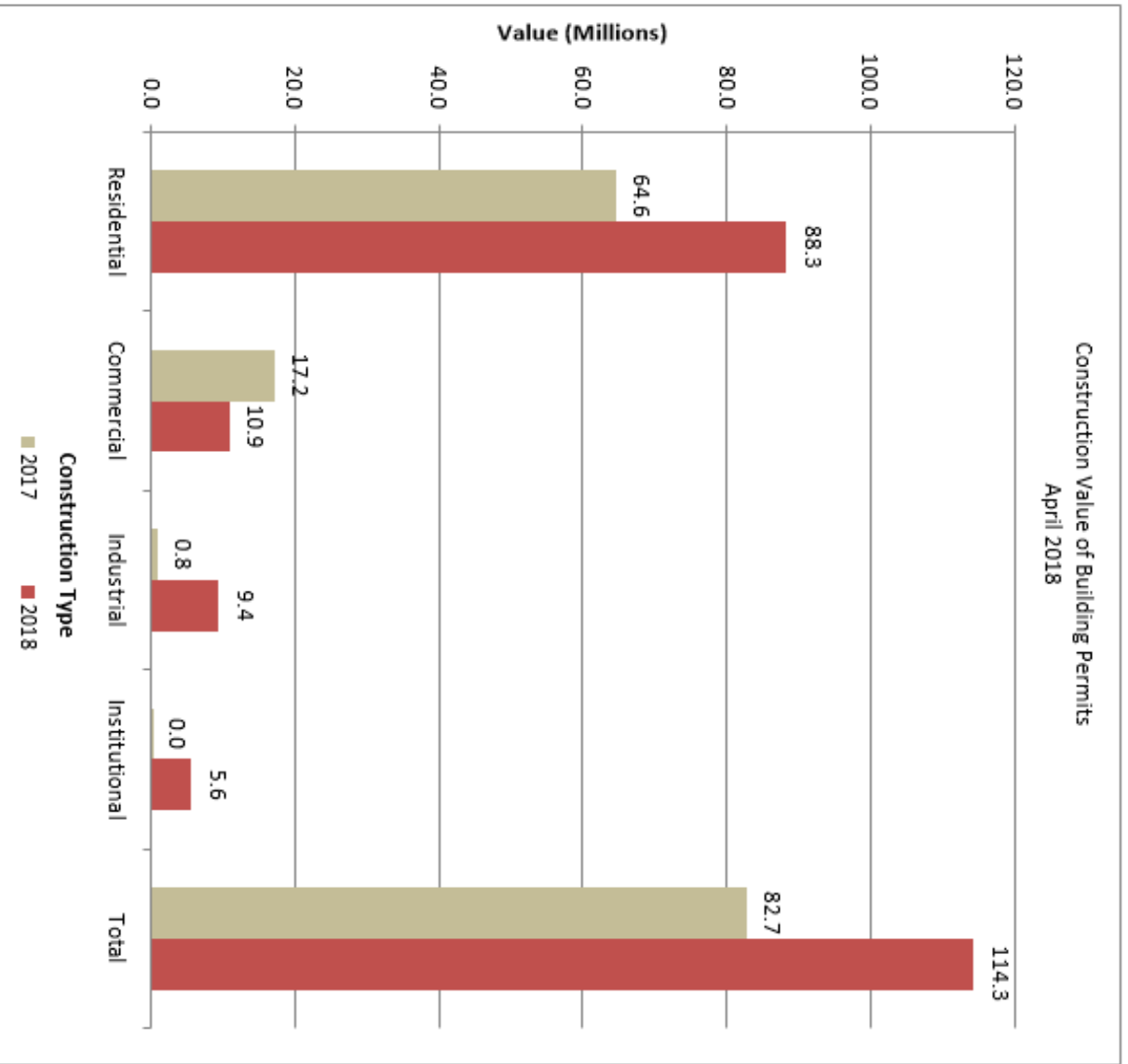
CLASSIFICATION	April 2018			to the end of April 2018			April 2017			to the end of April 2017		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	76	31,342,079	76	262	107,740,246	262	95	36,847,740	95	319	127,382,462	319
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	18	12,902,367	45	64	41,532,794	147	26	18,238,510	77	65	53,628,540	228
DUPLEX, TRIPLEX, QUAD, APT BLDG	2	36,878,400	169	4	124,396,320	532	0	0	0	3	51,556,680	302
RES-ALTER & ADDITIONS	152	7,217,803	3	459	17,111,550	19	131	9,542,473	31	449	23,773,295	33
COMMERCIAL -ERECT	3	4,726,000	0	7	28,861,200	0	1	350	0	3	898,350	0
COMMERCIAL - ADDITION	3	600,718	0	5	1,540,718	0	2	6,672,260	0	6	13,677,260	0
COMMERCIAL - OTHER	36	5,619,300	0	141	21,445,717	0	24	10,494,800	0	100	18,746,000	0
INDUSTRIAL - ERECT	2	8,500,000	0	2	8,500,000	0	0	0	0	0	0	0
INDUSTRIAL - ADDITION	1	140,000	0	2	840,000	0	1	707,400	0	5	2,770,585	0
INDUSTRIAL - OTHER	5	750,000	0	21	3,585,248	0	6	132,250	0	22	1,174,200	0
INSTITUTIONAL - ERECT	0	0	0	0	0	0	0	0	0	0	0	0
INSTITUTIONAL - ADDITION	2	3,050,000	0	3	5,850,000	0	0	0	0	0	0	0
INSTITUTIONAL - OTHER	14	2,555,950	0	70	18,225,300	0	2	45,000	0	28	6,122,600	0
AGRICULTURE	1	50,000	0	1	50,000	0	1	200,000	0	1	200,000	0
SWIMMING POOL FENCES	18	356,038	0	38	717,610	0	19	395,919	0	41	748,812	0
ADMINISTRATIVE	14	68,500	0	38	161,500	0	12	21,900	0	37	248,900	0
DEMOLITION	4	0	1	19	0	12	15	0	10	43	0	33
SIGNS/CANOPY - CITY PROPERTY	1	0	0	3	0	0	1	0	0	14	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	49	0	0	151	0	0	16	0	0	92	0	0
<b>TOTALS</b>	<b>401</b>	<b>114,757,155</b>	<b>293</b>	<b>1,290</b>	<b>380,558,202</b>	<b>960</b>	<b>352</b>	<b>83,298,602</b>	<b>203</b>	<b>1,228</b>	<b>300,927,683</b>	<b>882</b>

Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.

2) Mobile Signs are no longer reported.

3) Construction Values have been rounded up.

May 10, 2018



**City of London - Building Division  
Principal Permits Issued From April 01, 2018 to April 30, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
Kellogg Canada Inc	100 Kellogg Lane	Alter-Amusement Games Establishment-Cm - Change Of Use From Industrial To Commercial	0	1,500,000
1803299 Ontario Inc	100 Kellogg Lane	Alter-Factories-Id- Interior Kitchen Fit-Up For Future Restaurant.	0	400,000
Mc Donald's Restaurants Of Canada Limited	1033 Wonderland Rd S	Alter-Restaurant-Interior & Exterior Renovation For Mcdonalds	0	625,000
Rembrandt Inc Rembrandt Developments (London) Inc.	1061 Eggletrac Dr 160	Erect-Townhouse - Cluster Sdd-Erect - New Cluster Sdd, 2 Storey, 2 Car Garage, 3	1	414,314
Rembrandt Inc Rembrandt Developments (London) Inc.	1061 Eggletrac Dr 190	Erect-Townhouse - Cluster Sdd-Erect New Sdd, 2 Storey, 2 Car Garage, 4 Bedrooms,	1	379,800
Rembrandt Inc Rembrandt Developments (London) Inc.	1061 Eggletrac Dr 192	Erect-Townhouse - Cluster Sdd-Erect New Sdd, 2 Storey, 2 Car Garage, 5 Bedrooms,	1	446,400
Rembrandt Inc Rembrandt Developments (London) Inc.	1061 Eggletrac Dr 194	Erect-Townhouse - Cluster Sdd-Erect New Sdd, 2 Storey, 2 Car Garage, 5 Bedrooms,	1	369,000
White Oaks Mall C/O Bentall Kennedy White Oaks Mall Holdings Ltd	1105 Wellington Rd	Alter-Retail Store-Cm - Alterations To Unit # 247 Dynamite	0	250,000
White Oaks Mall C/O Bentall Kennedy White Oaks Mall Holdings Ltd	1105 Wellington Rd	Alter-Retail Store-Cm - Interior Alter To Unit 251	0	200,000
University Of Western Ontario-Board Of Governors	1137 Western Rd	Add-University-Instlt -- Add To Faculty Of Education Building	0	2,500,000
Valleyview Mennonite Church	1170 Melsandra Ave	Alter-Churches-Alter - Add Washrooms And Install A Lift	0	200,000
Developments Inc	1259 Michael Cir A	Install-Townhouse - Condo-Install - Foundation For Block A, Dpn'S 1261, 1263	0	450,000
Developments Inc	1259 Michael Cir B	Install-Townhouse - Condo-Install - Foundation For Block B- Dpn'S 1269, 1271	0	480,000
Developments Inc	1259 Michael Cir C	Install-Townhouse - Condo-Install - Foundation For Block C - Dpn'S 1277, 127	0	480,000
Developments Inc	1259 Michael Cir D	Install-Townhouse - Condo-Install - Foundation For Block D - Dpn'S 1285, 128	0	480,000
Developments Inc	1259 Michael Cir E	Install-Street Townhouse - Condo-Install Foundation For Townhome Block E	0	480,000
Developments Inc	1259 Michael Cir F	Install-Street Townhouse - Condo-Install Foundation For Townhome Block F	0	480,000
Developments Inc	1259 Michael Cir G	Install-Street Townhouse - Condo-Install Foundation For Townhome Block G	0	495,000
Developments Inc	1259 Michael Cir H	Install-Street Townhouse - Condo-Install Foundation For Townhome Block H	0	480,000
Sifton Limited Sifton Properties Limited	1325 Riverbend Rd	Erect-Apartment Building-Erect 10 Storey Apartment With Mixed Use, Commerci	115	29,678,400
1016747 Inc 1016747 Ontario Inc.	1450 North Wenige Dr 23	Erect-Townhouse - Condo-Erect New Sdd, 2 Car Garage, 2 Storey, Unfinished	1	284,400
Millstone Inc. Millstone Homes Inc.	1468 Byron Baseline Rd	Erect-Townhouse - Cluster Sdd-Erect - 2 Storey, 2 Car Garage, 4 Bedrooms, Unfini	1	513,000
2332840 Ontario Inc	1617 Dundas St	Alter-Offices-Interior Alteration For Offices (Vacant) Shop Dra	0	200,000
Ctr/Realty Holdings Inc C/O Cadillac	1680 Richmond St	Alter-Retail Store-Alter - Cm - Interior Alter For Swarovski, Unit L0	0	498,000
Fairview Corp	1680 Richmond St	Alter-Retail Store-Comm- Alter To Renovate Entrance #5 On East Side O	0	260,000
Ctr/Realty Holdings Inc C/O Cadillac	1680 Richmond St	Alter-Retail Store-Comm- Alter To Renovate Entrance #5 On East Side O	0	260,000
Fairview Corp	1705 Wharmcliffe Rd S	Alter-Retail Store-Cm- Interior Alter Part Of Showroom, Fr Fpo	0	175,000
Hully Gully Limited	1710 Ironwood Rd 33	Erect-Townhouse - Cluster Sdd-Erect - 1 Storey, 2 Car Garage, 3 Bedroom, Finishe	1	437,000
The Ridge At Byron Inc.	1710 Ironwood Rd 37	Erect-Townhouse - Cluster Sdd-Erect 1 Storey, 2 Car Garage, 3 Bedrooms, Finished	1	545,000
The Ridge At Byron Inc.	1800 Hyde Park Rd	Add-Office Complex (Retail/Office)-Cm- Addition To Existing Building For Az, D/E Use	0	545,718
Domain Developments	200 Villagewalk Blvd	Alter-Offices-Interior Alteration For Office Building - Level 2	0	300,000
1904812 Ontario Limited	2040 Shore Rd V	Erect-Townhouse - Condo-Erect 5 Unit Block V - Units 85, 86, 87, 88, 89, D	5	1,088,890
Limited	2070 Meadowgate Blvd F	Erect-Townhouse - Condo-Erect - Townhouse Condo - Block F - 8 Unit - Dpn,	8	2,342,163
Ironstone Company Inc. Ironstone Building Company Inc.	2070 Meadowgate Blvd G	Erect-Townhouse - Condo-Erect - New Townhouse Block G, 8 Units, 3 Storey,	8	2,341,800
Ironstone Company Inc. Ironstone Building Company Inc.	2290 Torrey Pines Way 18	Erect-Townhouse - Cluster Sdd-Erect 1 Storey, 2 Car Garage, 4 Bedrooms, Finished	1	293,400
Legacy Of Upper Richmond Village Inc	24 Swiftsure Ct	Erect-Warehousing-Erect Warehouse Building Separate Permit To Be Su	0	1,000,000

Permits\_Issued\_Greater\_100000\_Construction value

**City of London - Building Division  
Principal Permits Issued From April 01, 2018 to April 30, 2018**

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
Station Park Parking Inc	244 Pall Mall St	Alter-Offices-Cm- Repairs To Existing Parking Garage/Structure	0	226,000
Foxwood Building Corporation	2910 Tokala Trail B	Erect-Townhouse - Condo-Erect New 4 Unit Townhouse Bldg B, Dpns 7.9,11, 13	4	778,400
Foxwood Building Corporation	2910 Tokala Trail D	Erect-Townhouse - Condo-Erect New 4 Unit Townhouse Bldg D, Dpns 21,23,25,2	4	778,400
Dr. Oetker Canada Ltd.	3100 Nova Crt	Install-Plant For Manufacturing-Id - Install New Wash Platform	0	240,000
-Millar Pinpoint Publications Limited	32 Albion St	Alter-Office/Retail/Apt Complex-Cm- Interior Alteration To Upper Floor Residential	0	125,000
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave E	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	966,200
1016747 Inc 1016747 Ontario Inc.	3270 Singleton Ave 28	Erect-Townhouse - Cluster Sdd-Erect 2 Storey, 2 Car Garage, 3 Bedrooms, Unfinish	1	320,400
1016747 Inc 1016747 Ontario Inc.	3270 Singleton Ave 30	Erect-Townhouse - Cluster Sdd-Erect New Townhouse Cluster Sdd, 2 Storey, 2 Car G	1	293,400
1016747 Inc 1016747 Ontario Inc.	3270 Singleton Ave 6	Erect-Townhouse - Cluster Sdd-Erect 2 Storey, 2 Car Garage, 3 Bedroom, Unfinishe	1	320,400
Lift Depot	331 Sovereign Rd	Add-Workshop-Id - Add For Storage Mezzanine (87m2) And Alter F	0	140,000
First London East Developments Inc First London East Developments Inc	332 Clarke Rd	Alter-Retail Plaza-Alter Interior Alteration For Wireless Phone Deale	0	130,000
1699259 Ontario Limited	3325 Wonderland Rd S	Erect-Retail Plaza-Erect 2 Unit Retail Plaza Buy Baby Store. Frr	0	2,600,000
London Health Association	339 Windermere Rd	Alter-Hospitals-Is - Interior Alteration To Room C5-127, 5th Floor	0	700,000
London Health Association	339 Windermere Rd	Alter-Hospitals-Is- Interior Alterations To The Pathology Offices,	0	150,000
Union St Holding Inc.	4414 Castleton Rd	Erect-Warehousing-Erect Warehouse With Office Space	0	7,500,000
Ol	487 Hamilton Rd	Alter-Convenience Store-Interior Alter For Change Of Use From Repair Garag	0	150,000
rites Inc	515 Richmond St	Alter-Office Complex (Retail/Office)-Install Water Service & Rearrange Interior Plumbin	0	150,000
Peter Walsh 1803096 Ontario Inc	623 Wellington Rd	Erect-Carwash-Erect New Jifty Lube And Carwash Shell Only ¿ Se	0	1,272,000
Thames Valley District School Board Thames Valley District School Board	695 Chiddington Ave	Alter-Schools Elementary, Kindergarten-Alter - New Interior Ramps And Accessible Washroo	0	341,000
London City	746 Wellington Rd	Add-Municipal Buildings-Is - Add And Alter To Existing Building	0	550,000
Homes Unlimited (London) Inc Homes Unlimited (London) Inc.	770 Whetter Ave	Erect-Apartment Building-Erect 4 Storey Apartment Building. Frr Fpo Found	54	7,200,000
Roman Catholic Episcopal Corporation Of The Diocese Of London In Ontario	799 Homeview Rd	Alter-Clubs, Recreational Facilities-Is- Interior Alter For New Vestibule, Mechanical U	0	1,025,500
	806 Victoria St	Erect-Funeral Home-Comm- Erect Mausoleum Frr	0	854,000
Total Permits	58	Units	214	Value 78,412,985

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

**Commercial building permits issued - subject to Development Charges under By-law C.P.-1496-244**

Owner

Domain Developments	147 Wortley Rd Inc			
---------------------	--------------------	--	--	--

Permits\_Issued\_Greater\_100000\_Construction value



**City of London - Building Division  
Principal Permits Issued From April 01, 2018 to April 30, 2018**

<b>Owner</b>	<b>Project Location</b>	<b>Proposed Work</b>	<b>No. Of Units</b>	<b>Constr Value</b>
Keillogg Canada Inc C/O Glenn Forrester				
Mc Donald's Restaurants Of Canada Limited				
Wellington Mcgw Limited				
London City				
1699259 Ontario Limited				

Commercial permits regardless of construction value.

# London Advisory Committee on Heritage

## Report

6th Meeting of the London Advisory Committee on Heritage  
May 9, 2018  
Committee Rooms #1 and #2

Attendance                   PRESENT: D. Dudek (Chair), D. Brock, J. Cushing, H. Elmslie,  
S. Gibson, T. Jenkins, J. Manness, B. Vazquez, K. Waud and M.  
Whalley and J. Bunn (Secretary)

ABSENT: H. Garrett

ALSO PRESENT: R. Armistead, J. Dent, L. Dent, K. Gonyou  
and C. Parker

The meeting was called to order at 5:30 PM.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Scheduled Items

#### 2.1 Fugitive Slave Chapel

That the Heritage Planners BE REQUESTED to prepare a Statement of Cultural Heritage Value or Interest for the Fugitive Slave Chapel at its new location at 432 Grey Street pursuant to direction from the Municipal Council during the repeal of the heritage designating by-law for 275 Thames Street; it being noted that a verbal delegation from D. McNeish, with respect to this matter, was received;

it being further noted that the Municipal Council resolution from its meeting held on April 24, 2018, with respect to the 5th Report of the London Advisory Committee on Heritage, was received.

#### 2.2 Demolition Request for Heritage Listed Property at 2096 Wonderland Road North by Invest Group Ltd.

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, with respect to the request for the demolition of the heritage listed property located at 2096 Wonderland Road North by Invest Properties Ltd., that notice BE GIVEN, under the provisions of Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property located at 2096 Wonderland Road North to be of cultural heritage value or interest for the reasons included on the attached Statement of Cultural Heritage Value or Interest;

it being noted that the applicant has also submitted a planning application that will considered separately at a future meeting of the Planning and Environment Committee;

it being further noted that the attached presentation from K. Gonyou, Heritage Planner, was received with respect to this matter.

2.3 Notice of Application - Old East Village Dundas Street Corridor Secondary Plan

That the following actions be taken with respect to the Notice of Application dated March 12, 2018 and the Notice the Public Meeting dated April 11, 2018 from C. Parker, Senior Planner, with respect to the Old East Village Dundas Street Corridor Secondary Plan:

a) the Civic Administration BE REQUESTED to ensure that the Request for Proposal include a stage 1 archaeological assessment and a Cultural Heritage Resource Assessment; it being noted that the Cultural Heritage Screening Report for Bus Rapid Transit (BRT) considered properties on King Street but not on Dundas Street; and,

b) the Civic Administration BE REQUESTED to update the study area to include the Western Fair Grounds, as well as the properties located at 430 Elizabeth Street and 345 Lyle Street;

it being noted that the attached presentation from C. Parker, Senior Planner, was received with respect to this matter.

2.4 Hear, Here Cultural Interpretive Signage Program

That it BE NOTED that the staff report dated May 9, 2018 and the attached presentation from Dr. M. Hamilton, Western University and Dr. M. Tovey, Western University, with respect to the Hear, Here Cultural Interpretive Signage Program, was received.

**3. Consent**

3.1 5th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 5th Report of the London Advisory Committee on Heritage, from its meeting held on April 11, 2018, was received.

3.2 Municipal Council Resolution - 4th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the Municipal Council resolution from its meeting held on April 10, 2018, with respect to the 4th Report of the Environmental and Ecological Planning Advisory Committee, was received.

3.3 Notice of Planning Application - Zoning By-law Amendment - 131 King Street

That the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the Heritage Impact Assessment for the application for a zoning by-law amendment for the property located at 131 King Street with the exception of the following matters:

- the step back should be consistent with the Downtown Heritage Conservation District guidelines;
- the vehicular access on King Street should be removed because it prevents a contiguous building interface; and,
- the frontage on York Street;

it being noted that the LACH supports the activation of the alley, as proposed and the overall design of the building.

3.4 Notice of Application - Draft Plan of Vacant Land Condominium and Zoning By-law Amendment - 459 Hale Street

That it BE NOTED that the Notice of Planning Application dated April 18, 2018, from L. Mottram, Senior Planner, with respect to Draft Plan of Vacant Land Condominium and Zoning By-law Amendment for the property located at 459 Hale Street, was received.

3.5 Notice of Public Meeting - Archaeological Management Plan - The Corporation of the City of London - City-Wide

That it BE NOTED that the Notice of Public Meeting, dated April 11, 2018, from K. Gonyou, Heritage Planner, with respect to the Archaeological Management Plan for the City of London, was received.

3.6 Notice of Public Meeting - The Corporation of the City of London - City-wide - Low-density Residential (R1, R2, R3) Zones within the Primary Transit Area

That it BE NOTED that the Notice of Public Meeting, dated April 25, 2018, from M. Knieriem, Planner II, with respect to Low Density Residential (R1, R2, R3) Zones within the Primary Transit Area, was received.

3.7 Notice of Public Meeting - Official Plan, the London Plan and Downtown Plan Criteria for Downtown Temporary Surface Commercial Parking Lots

That it BE NOTED that the Notice of Public Meeting, dated April 11, 2018, from C. Parker, Senior Planner, with respect to the Official Plan, The London Plan and Downtown Plan criteria for Downtown temporary surface commercial parking lots, was received.

3.8 Maintenance Standards for Heritage Listed Properties

That it BE NOTED that the Memo, dated May 9, 2018, from W. Jeffrey, Supervisor, Municipal Law Enforcement Services and K. Gonyou, Heritage Planner, with respect to maintenance standards for heritage listed properties, was received.

3.9 Shift London (Bus Rapid Transit)

That it BE NOTED that the communication, dated April 22, 2018, from J. Grainger, Architectural Conservancy Ontario - London Region Branch, with respect to Shift London (Bus Rapid Transit BRT) in relation to culturally significant sections of the BRT corridors, was received.

3.10 Fugitive Slave Chapel Preservation Project

That it BE NOTED that the communication, dated May 9, 2018, from G. Hodder, with respect to the Fugitive Slave Chapel Preservation Project Steering Committee, was received.

3.11 Status of the Philip Aziz Studio

That the communication, dated April 9, 2018, from S. Bentley, with respect to the Philip Aziz Studio on Philip Aziz Drive BE FORWARDED to Western University for review; it being noted that the Philip Aziz Estate, including the house, studio and landscape walls, is a significant cultural heritage

resource that is designated under Part IV of the *Ontario Heritage Act*; it being further noted that the London Advisory Committee on Heritage shares the concerns of Ms. Bentley with respect to the maintenance of the property.

3.12 Cultural Heritage Evaluation Report - Kensington Bridge (1-BR-06)

That it BE NOTED that the London Advisory Committee on Heritage supports the findings of the Cultural Heritage Evaluation Report for Kensington Bridge in London, Ontario, dated March 2018 and prepared by AECOM.

**4. Sub-Committees and Working Groups**

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee report, from its meeting held on May 2, 2018, was received.

**5. Items for Discussion**

5.1 Amendment to Heritage Alteration Permit Application by Ivy Homes Ltd. - 33 Beaconsfield Avenue, Wortley Village-Old South Heritage Conservation District

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application made under Section 42 of the *Ontario Heritage Act*, by Ivy Homes Ltd. to amend the Heritage Alteration Permit for the property located at 33 Beaconsfield Avenue, located within the Wortley Village-Old South Heritage Conservation District, BE PERMITTED as proposed in the drawings appended to the staff report dated May 9, 2018, subject to the following terms and conditions:

- all exposed wood be painted, including but not limited to: the porch railing and spindles, porch skirt, porch steps, window trim, front door, doorway trim, and transom trim; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the attached presentation from K. Gonyou, Heritage Planner, was received with respect to this matter.

5.2 Heritage Alteration Permit Application by H. Virtue - 841 Princess Avenue

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act*, by H. Virtue, to alter the porch of the building located at 841 Princess Avenue, within the Old East Heritage Conservation District, BE PERMITTED subject to the following terms and conditions:

- the Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design, prior to issuance of the Building Permit;
- all exposed wood be painted; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the ~~attached~~ presentation from L. Dent, Heritage Planner, was received with respect to this matter.

### 5.3 Heritage Alteration Permit Application by D. Russell - 529 Princess Avenue

That consent BE GIVEN for the application made under Section 33 of the *Ontario Heritage Act*, by D. Russell, to erect a new porch on the property located at 529 Princess Avenue (designated under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3014-15), as proposed in the ~~attached~~ drawings, subject to the following terms and conditions:

- the removal of the turret;
- the width of the porch being revised to only be the width of the house;
- the Heritage Planner being circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design, prior to issuance of the Building Permit;
- the stringer ends and risers be enclosed on both sets of porch stairs;
- all exposed wood being painted; and,
- the Heritage Alteration Permit being displayed in a location visible from the street until the work is completed

it being noted that the ~~attached~~ presentation from L. Dent, Heritage Planner, was received with respect to this matter.

### 5.4 LACH Terms of Reference

That, the following actions be taken with respect to the London Advisory Committee on Heritage Terms of Reference:

- a) the City Clerk BE DIRECTED to:
  - i) change the Emerging Leaders representative to a representative from a general youth-oriented organization, for example ACO NextGen;
  - ii) add a member to represent the indigenous population; and,
  - iii) add a member from the London Society of Architects;
- b) the membership totals on the current Terms of Reference BE UPDATED.

### 5.5 Heritage Planners' Report

That it BE NOTED that the ~~attached~~ submission from K. Gonyou and L. Dent, Heritage Planners, with respect to various updates and events, was received.

## 6. Deferred Matters/Additional Business

### 6.1 (ADDED) CHO Newsletter

That it BE NOTED that copies of the Community Heritage Ontario newsletter dated "Spring 2018", were distributed to the members of the London Advisory Committee on Heritage.

**7. Adjournment**

The meeting adjourned at 9:22 PM.

## Appendix E – Statement of Cultural Heritage Value or Interest

**Legal Description** Lot 17, RCP 1028, London

### **Statement of Cultural Heritage Value or Interest**

#### **Description of Property**

The property at 2096 Wonderland Road North is located on the east side of Wonderland Road North between Fanshawe Park Road East and Sunningdale Road East. A two-storey brick building is located near the northeast corner of the property.

#### **Statement of Cultural Heritage Value or Interest**

The residence at 2096 Wonderland Road North has local significance for design/physical value, historical/associative value, and contextual value.

The residence at 2096 Wonderland Road North has physical or design value as a rare and representative example of a mid-19<sup>th</sup> century Georgian farmhouse. The residence is a two storey structure with a low-pitched hip roof and bookend chimneys. It has a buff brick exterior with a common bond, brick voussoirs, and a stone foundation. The Georgian style of architecture is reflected in the symmetrical façade and minimal use of ornamenting and detail.

The residence at 2096 Wonderland Road North has historical and associative value because of its link with the Warner family. William Warner was the original patent holder on the property, receiving it in 1819. His son, Wesley Warner, inherited the farmstead and was a noted member of London Township for his involvement in the temperance society.

The residence at 2096 Wonderland Road North has contextual value because it is physically and historically linked to its surroundings. It remains located in its original spot on the property and historically reflects the prominent role agriculture played in London Township.

#### **Heritage Attributes**

The heritage attributes which support or contribute to the cultural heritage value or interest of the property at 2096 Wonderland Road North include:

- Georgian two storey farmhouse
- Square shaped plan
- Low pitched hip roof with bookend chimneys
- Buff brick construction
- Field stone foundation
- Brick voussoirs above windows
- 

The addition at the rear of the brick building is not considered to be a heritage attribute.





London  
CANADA



# Demolition Request Heritage Listed Property 2096 Wonderland Road North

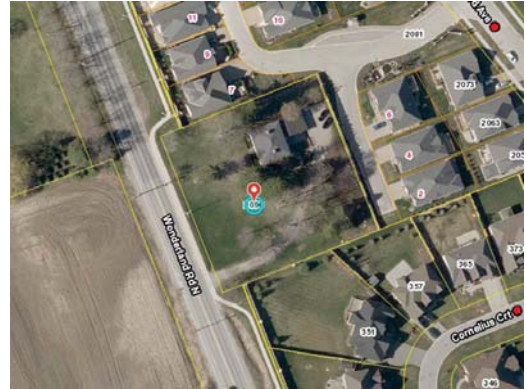
London Advisory Committee on Heritage  
Wednesday May 9, 2018

london.ca



London  
CANADA

# 2096 Wonderland Road North



London  
CANADA

# 2096 Wonderland Road North



- Priority 2
- Built c. 1850s
- Georgian
- Two-storey, brick
- Original owner: William Warner (1819)
- HIS (Stantec, April 10, 2018)



London  
CANADA

# Evaluation (O. Reg. 9/06)

## Physical/Design Value:

- Rare, representative example of a Georgian farmhouse

## Historical/Associative Value:

- Warner family, early pioneer family

## Contextual Values:

- Physically and historically linked to its surroundings



London  
CANADA

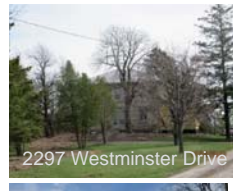
# Comparative Analysis



5 Paddington Avenue



2012 Oxford Street W



2297 Westminster Drive



3565 Westdel Bourne



1458 Huron Street



1057 Oxford Street W

About 14 known Georgian architectural style, two storey brick buildings in the City of London



London  
CANADA

# Heritage Attributes

## HIS

### (Stantec, April 10, 2018)

- Georgian two storey Ontario farmhouse
- Square shaped plan
- Low pitched hip roof with bookend chimneys
- Buff brick construction
- Field stone foundation
- Brick voussoirs above windows
- Original interior features including fireplaces, central staircase with a bannister, hardwood floors, door hardware, door surrounds, window surrounds, and wainscoting

## Staff

- Georgian two storey farmhouse
- Square shaped plan
- Low pitched hip roof with bookend chimneys
- Buff brick construction
- Field stone foundation
- Brick voussoirs above windows

The addition at the rear of the brick building is not considered to be a heritage attribute.



London CANADA

## Heritage Attributes



London CANADA

## Heritage Attributes

### HIS (Stantec, April 10, 2018)



### Site Visit May 2, 2018



London CANADA

## Mitigation

### HIS

- Permanent retention of house on site
- Permanent relocation of house
- Demolition preceded by documentation and salvage



London CANADA

## In Situ Retention



London CANADA

## Staff Recommendation

That, on the recommendation of the Managing Direct, Planning & City Planner, with the advice of the Heritage Planner, with respect to the request for the demolition of the heritage listed property located at 2096 Wonderland Road North, that notice **BE GIVEN** under the provisions of Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property at 2096 Wonderland Road North to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report.

It being noted that the applicant has also submitted a planning application that will be considered separately at a future meeting of the Planning & Environment Committee.

# Old East Village Dundas Street Corridor Secondary Plan Draft Terms of Reference

O-8879

Planning and Environment Committee

April 30, 2018



## Rationale for Secondary Plan

- The London Plan indicates that secondary plans may be used for a number of reasons:
  - To provide more detailed guidance for the development of an identified area, in addition to the more general policies of the London Plan.
  - To coordinate the development of an area that is subject to substantial change.
  - "Areas, in whole or in part, within the..." *Rapid Transit Corridor... Place Type that may require vision and more specific policy guidance for transition from their existing form to the form envisioned by this Plan.*
- The corridor along Dundas and King Streets, between Colborne Street and Burbrock Place/Kellogg Lane is such an area that would benefit from a secondary plan. This area has, or will be, experiencing a number of changes and exciting planning initiatives that will need to be carefully coordinated. They include:
  - The London Plan assignment of the Rapid Transit Corridor Place Type along King Street and Dundas Street.

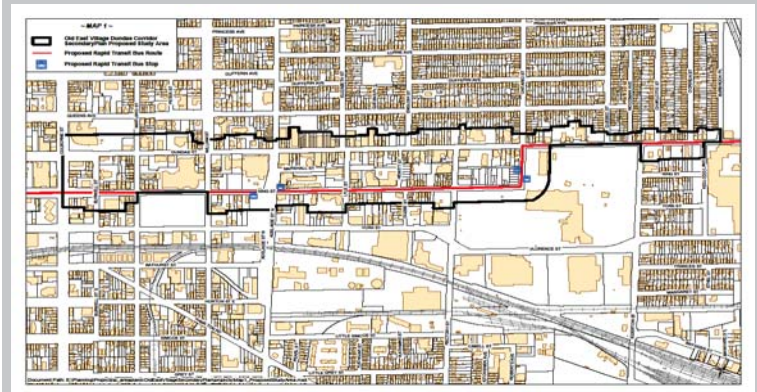


## Rationale (continued)

- Planned construction of rapid transit along King Street from the Downtown through to Ontario Street, and proceeding along Dundas Street from Ontario Street through to Highbury Avenue and eventually to Fanshawe College. With this comes the important need to provide strong connections from the rapid transit stations at Adelaide and King Street and on Ontario Street, to the business corridor on Dundas Street.
  - A planned higher order east-west cycle route through the Old East Village, to connect to the larger cycling network and Downtown.
  - Reconstruction of the Dundas Street underground services and streetscape from Adelaide to Ontario Street – with consideration of sewers, watermain, cycling, tree planting, on-street parking, enhanced streetscape amenities, furniture, etc.
  - Planned construction of an Adelaide Street/CPR rail underpass, to the north of the Dundas Street corridor, and the important connections to it.
  - Continued revitalization of the Western Fair market and fairgrounds, with the possibility of redevelopment of a portion of the fairground site.
  - Redevelopment applications and multiple development interests for the lands along the Dundas Street corridor and King Street corridor – some of which are seeking buildings of significant height.
  - Heritage building conservation and consideration, which has served to establish a heritage image for the neighbourhood north of the corridor, attracting significant investment into the building stock.
  - A desire for a green plan, and a recent patio design guideline, along the Dundas Street Corridor with the intent of setting the standard for a desirable pedestrian and patio experience.
- A secondary plan can knit all of these considerations together for the corridor, and set a more detailed policy context, development design guidelines, and a coordinated approach for delivering capital programs.



## Study Area

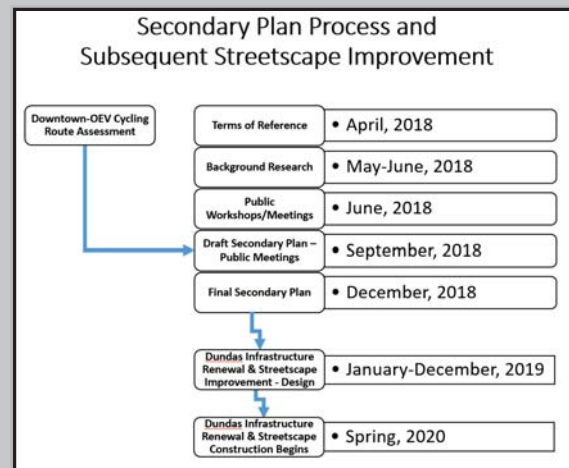


## Preliminary Issues

- Which properties are appropriate for Redevelopment? Retention?
- Consistency with the Community Improvement Plan.
- Locations of Buildings with Greater Height.
- Expansion of the Old East Village Commercial Design Manual adopted in 2016
- Interface between tall buildings and lower density residential neighbourhoods
- Design guidance for public projects
- Integration of the area with the overall City Cycling Network
- Pedestrian connections between King Street and Dundas Street, municipal parking lots and the Western Fair lands
- Impact of the Music, Entertainment and Culture District Study on the Secondary Plan.
- Proximity of Old East Village Heritage Conservation District and pedestrian connections to it.
- "Green Plan" for Old East Village
- Narrow road allowance of Dundas between Adelaide and Ontario Streets
- Impact of Infrastructure Renewal.



## Proposed Process





## What is Hear, Here?

- a location-based mobile phone oral history documentary project



## How Does it Work?



## Hear, Here: SoHo - Objectives

- Represent marginalized voices and populations
- Preserve heritage in an area facing development/gentrification
- Promote relationships between people and spaces
- Generate community involvement and sustainability of the project



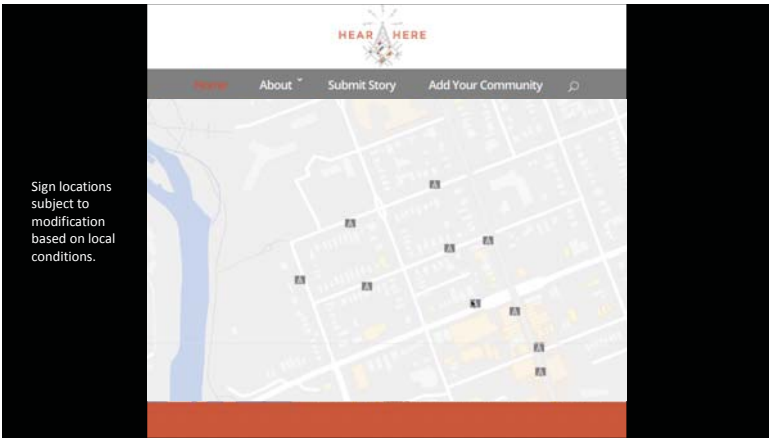
## Hear, Here: SoHo (2018-19)



## Hear Here: Great Talbot & The Village (2018)

- Pilot project (10 signs)
- Options we are exploring:
  - Physical Hear Hear signs, or,
  - a Hear Hear website, or
  - some other option







## Amendment to HAP17-007-D 33 Beaconsfield Avenue, Wortley Village-Old South HCD

London Advisory Committee on Heritage  
Wednesday May 9, 2018

london.ca



## 33 Beaconsfield Avenue

- Built about 1900
- Queen Anne Revival
- Wortley Village-Old South HCD
- C-Rated
- HAP Required
- HAP17-007-D



## HAP17-007-D

- Removal of rear addition
- New rear addition
- Extension of shed style dormer
- Re-cladding of dormer
- Removal of shutters
- Change in siding material
- Clad-wood windows



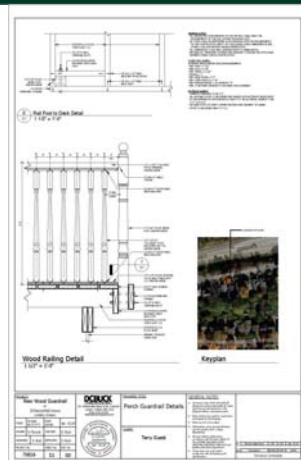
## Unapproved Alterations

1. Removal of front stoop (porch)
2. Removal of front door, transom, doorway
3. Increased hardscaping
4. Removal of wooden window trim
5. Enclosure of window on west facade



## Amendment to HAP17-007-D

1. Remove aluminum railing of porch and stairs; replace with wood railing and spindles
2. Remove door; replace with salvaged painted door and transom
3. Remove paving stones
4. Replicate window trim



## Amendment to HAP17-007-D

1. Remove aluminum railing of porch and stairs; replace with wood railing and spindles
2. Remove door; replace with salvaged painted door and transom
3. Remove paving stones
4. Replicate window trim





London  
CANADA

## Amendment to HAP17-007-D

1. Remove aluminum railing of porch and stairs; replace with wood railing and spindles
2. Remove door; replace with salvaged painted door and transom
3. **Remove paving stones**
4. Replicate window trim



London  
CANADA

## Amendment to HAP17-007-D

1. Remove aluminum railing of porch and stairs; replace with wood railing and spindles
2. Remove door; replace with salvaged painted door and transom
3. Remove paving stones
4. **Replicate window trim**



London  
CANADA

## Staff Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application made under Section 42 of the Ontario Heritage Act to amend the Heritage Alteration Permit for the property located at 33 Beaconsfield Avenue, located within the Wortley Village-Old South Heritage Conservation District, BE PERMITTED as proposed in the attached drawings in Appendix C, subject to the following terms and conditions:

- a) All exposed wood be painted, including but not limited to: the porch railing and spindles, porch skirt, porch steps, window trim, front door, doorway trim, and transom trim; and,
- b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.



# Heritage Alteration Permit 841 Princess Avenue

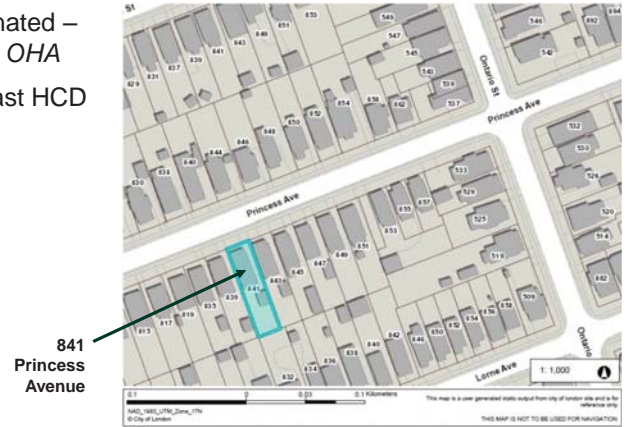
London Advisory Committee on Heritage  
Wednesday May 9, 2018

london.ca



## Property Location + Status

- Designated – Part V OHA
- Old East HCD



## Property Description

- 1-1/2 storey brick
- constructed 1908
- common typology in this area of Princess Ave



Streetscape groupings – 845 to 853 Princess Avenue (OE HCD, p41)



841 Princess Avenue (2014)



## Porch Description



841 Princess Avenue after removal of portions of the existing porch (March 5, 2018; by applicant)

- decorative street facing gable end and fascia
- tongue and groove wood decking
- (3) round wood columns
- rusticated cast concrete piers w/capstone



## Heritage Alteration Permit

- Heritage Alteration Permit application met Conditions for Referral to the LACH (By-law No. C.P.-1502-129)
- Removal of the following portions of the existing porch w/o obtaining a Heritage Alteration Permit
  - Metal railings
  - Porch skirting; and,
  - Aluminum cladding encasing original columns, decorative porch gable end and fascia and beam
- Bring into compliance – with the *Ontario Heritage Act* and policies of the *Old East HCD Guidelines*



## Scope of Work

- **Retain, repair and paint** now exposed –
  - Rounded columns
  - Dentil moulding and detailing on porch gable end and fascia and beam
- **Replace** the following –
  - New wood porch skirting
  - New balustrades with the following details
    - Wood material
    - Painted finish
    - Turned wood newel posts
    - Decorative wood spindles set between a top and bottom rail at a height to tie into the existing capstone.







## Analysis – Old East HCD

The number of surviving **porches** in Old East is one of the most distinctive features of the District, and contributes to its appearance and overall visual character. Preservation and restoration of the design and detail of front porches and verandahs is a high priority for the heritage conservation district (OE HCD Conservation & Design Guidelines, pp2.2, 3.30).

### Section 4.3 of the Old East HCD – Policies and Guidelines

- ✓ stress restoring, rather than replacement, of significant features
- ✓ alterations to porches should complement the original dwelling and incorporate appropriate materials and components that are similar to what was found in the original porch (such as railing, column, baluster details and porch skirting).
- ✓ use of wood, while discouraging fiberglass and plastic versions or imitations, along with painting to protect the finished product.



## Analysis



View of the property located at 857 Princess Avenue – same typology with round columns and original spindles (April 6, 2018)



Similar properties sharing the same typology (i.e. same age, design, builder) can be used as evidence of what were likely original details for reconstruction purposes (Section 4.3)

- ✓ The applicant will be constructing a similar balustrade and porch skirting. The historic railing height will be retained to align with the capstone of the cast concrete piers. Spindles will be spaced no more than 4" on centre.



## Staff Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* to alter the porch of the building located at 841 Princess Avenue, within the Old East Heritage Conservation District, **BE PERMITTED** with the following terms and conditions:

- The Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit;
- All exposed wood be painted; and,
- The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed



# Heritage Alteration Permit 529 Princess Avenue

London Advisory Committee on Heritage  
Wednesday May 9, 2018

london.ca



## Property Location + Status

- Designated –Part IV OHA (By-law No. L.S.P.-3014-15) – December 6, 1990



529 Princess Avenue



## Property Description

- 2-1/2 storey, white brick
- Italianate style; constructed 1880
- historical associations: relate to the property originally being part of Dr. John Salter's (1802-1881) estate
- architectural attributes** identified in the Reasons for Designation include:
  - much of the centre, front gable with decorative bargeboard and frieze with paired brackets,
  - detailed stone keystones and ornate double front doors and chimneys
  - original, functioning exterior shutters
- interior attributes identified:
  - marble fireplaces, ceiling medallions, panelled wall and ceilings et al.



529 Princess Avenue (April 18, 2018)



## Heritage Alteration Permit



529 Princess Avenue after removal and construction of new porch (April 18, 2018)

- Unapproved removal of the existing front porch (prior to February 13, 2018)
- As required by the *Ontario Heritage Act*, Heritage Alteration Permit approval is required for the construction of the **proposed new front porch** and to bring into compliance, the unapproved removal of the previous porch.



## Policy

- Heritage Alteration Permit approval is required under Section 33(1) of the *Ontario Heritage Act* for the alteration of any part of the property if the alteration is likely to affect the property's heritage attributes; attributes are set out in the by-law designating the property.
- The Designating By-law for 529 Princess Avenue (L.S.P.-3104-15) specifically refers to features that are likely to be impacted by the construction of the proposed new porch such as:
  - compatibility of porch design with the overall Italianate styling of the dwelling
  - preservation of existing decorative stone keystones above the front windows
  - the compatibility of porch detailing with original details such as bargeboard millwork on the front and east side gables



## Scope of Work

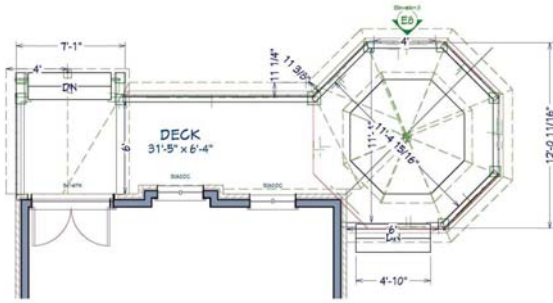
The property owner has applied for a Heritage Alteration Permit for a **new porch** (based on submitted drawings) to include:

- constructed of wood extending across the full front of the façade and wrapping the corner with a porch turret
- wood decking
- asphalt shingles
- composite structural columns
- wood spindles and rail
- wood skirting
- shingle detailing on 2<sup>nd</sup> –tier of turret roof
- finials and gable end millwork





## Proposal – Drawing

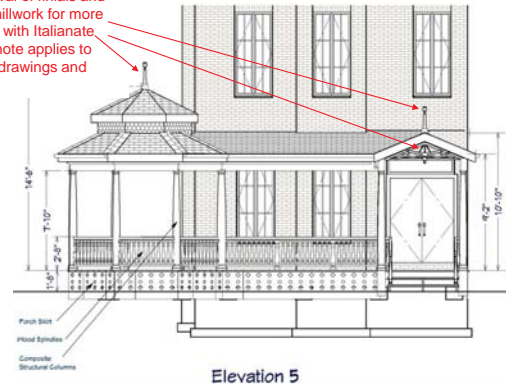


Architectural plan drawing of new porch at 529 Princess Avenue



## Proposal Drawing

**REV** – removal of finials and decorative millwork for more compatibility with Italianate styling; this note applies to subsequent drawings and renderings



Architectural elevation drawing of new porch at 529 Princess Avenue



## Proposal Rendering



Architectural rendering of new porch at 529 Princess Avenue



## Analysis

- Approach has been to replace the porch that was constructed temporarily with a full wrap around porch that will conserve the **Cultural Heritage Value or Interest of this property**.
- This has been achieved through precedence and compatibility in form and detail reflected in the new porch design.
  - ✓ form for the new porch (a wrap around style with a 'porch turret') draws inspiration from the property's corner location and expansive landscaped grounds
  - ✓ positioning of the porch preserves the existing decorative stone keystones above the front windows
  - ✓ decorative porch details are restrained – noting that later revisions indicate the removal of finials and bargeboard millwork on the street facing gable to be more reflective of Italianate styling
  - ✓ limited use of shingling on the second tier of the porch turret references Queen Anne style details found on the east facing gable
  - ✓ 32" porch rail height affords simple, legible and uncluttered lines, limiting the potential visual impact of excessive balustrade heights on the heritage property



## Staff Recommendation

- That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application made under Section 33 of the *Ontario Heritage Act* to erect a new porch on the property located at 529 Princess Avenue (designated under Part IV of the *Ontario Heritage Act* by By-law No. L.S.P.-3014-15), consent **BE GIVEN** as proposed in the drawings attached as Appendix D, subject to the following terms and conditions:
- The Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit;
- Stringer ends and risers be enclosed on both sets of porch stairs;
- All exposed wood be painted; and,
- The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.



## Property Description

### Previous Porch Indicated

- From site inspection (April 18, 2018) and archival photo-evidence
- Heritage Staff has been unable to confirm its existence, but discoloration of the brick indicates that a full width porch could have existed.



View of front (north) façade of dwelling showing past entrance enclosure and steps, note discoloration line indicating possible previous porch extending across the façade (precise date of photo unknown; before 1990)

Appendix D – Drawings

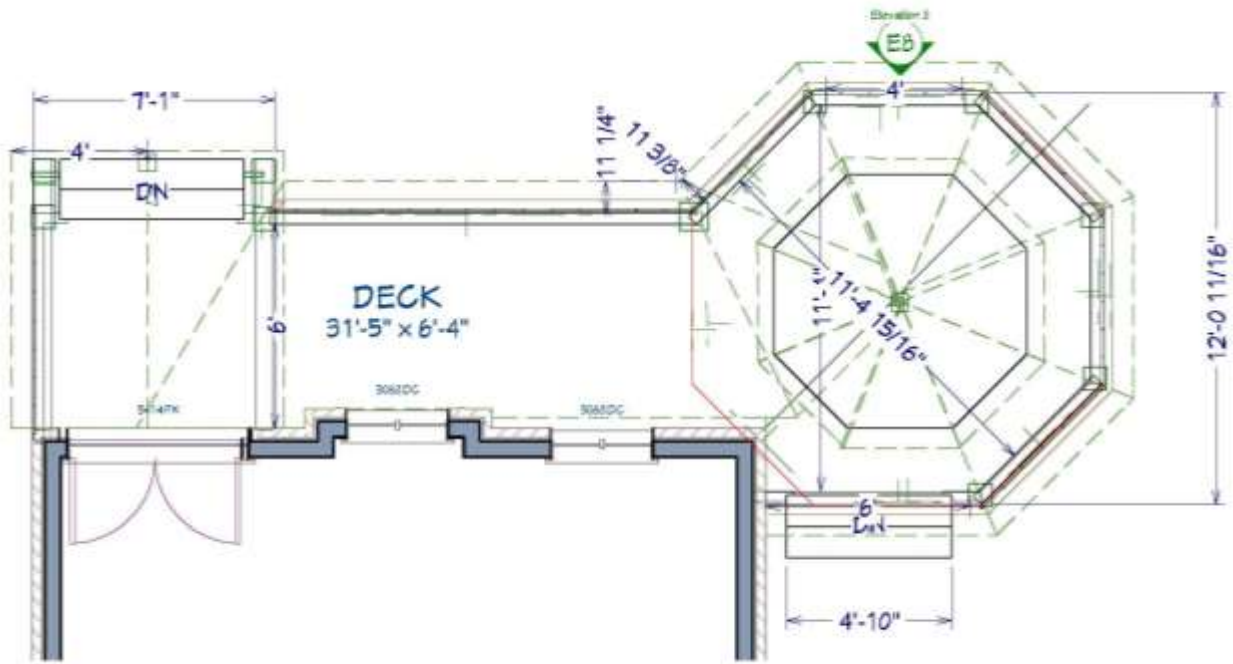


Figure 2: Architectural plan drawing of new porch at 529 Princess Avenue

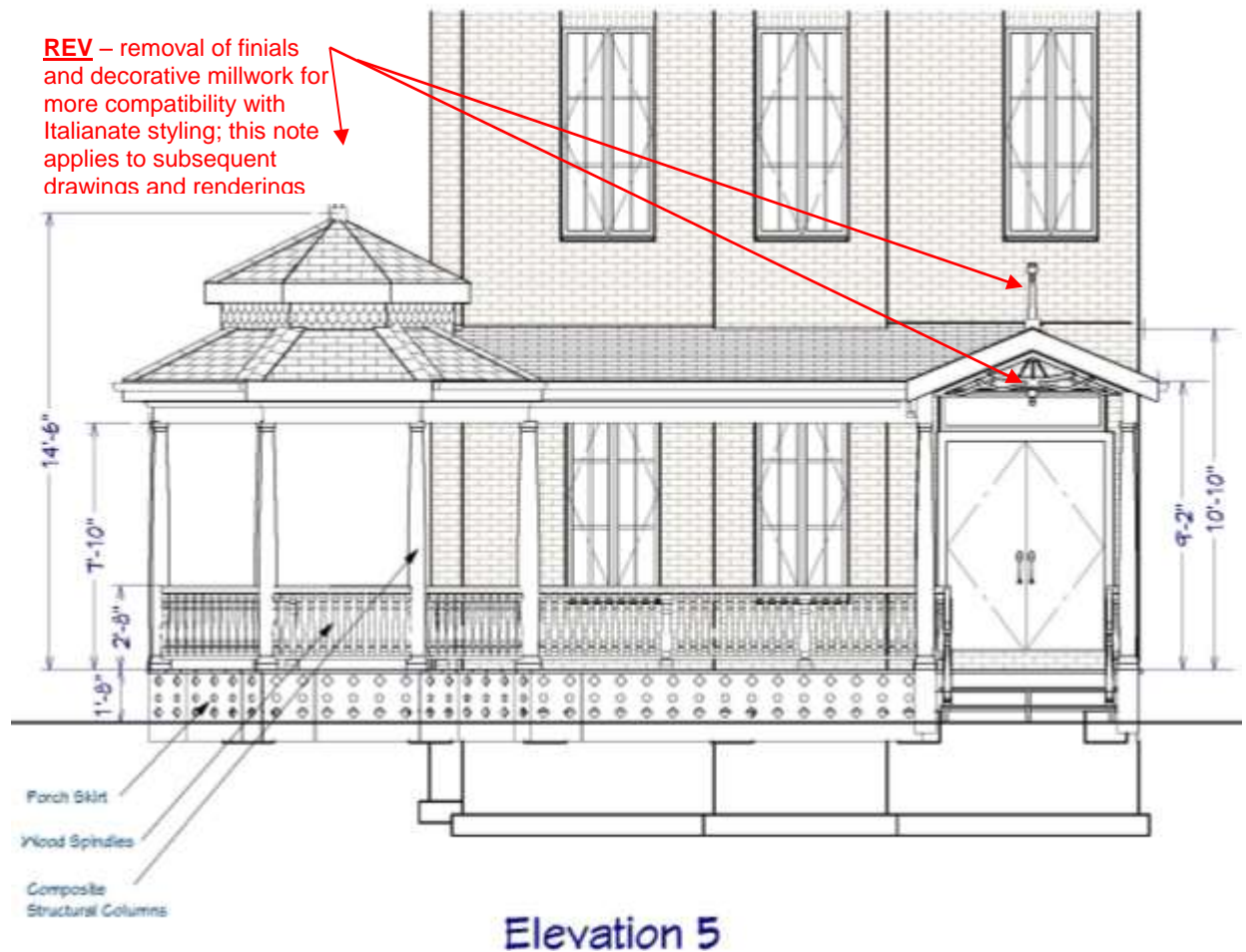


Figure 3: Architectural elevation drawing of new porch (north façade)



Figure 4: Architectural rendering of elevation of new porch (north façade)



Figure 5: Architectural rendering of corner feature of new porch (west view)



Figure 6: Architectural rendering of corner feature of new porch (west view)



Figure 7: Architectural rendering of new porch expansion (north-east view)

## Heritage Planners' Report to LACH: May 9, 2018

1. Heritage Alteration Permits processed under Delegated Authority By-law:
  - a. 89 York Street (Downtown HCD): amendments to building, no LED
  - b. 14 Covent Market Place (Downtown HCD): façade alteration
  - c. 340 Richmond Street (Downtown HCD): façade repointing, parapet
  - d. 234 Dundas Street (Downtown HCD): signage
  - e. 16 Cummings Avenue (Blackfrairs/Petersville HCD): upper/rear addition
  - f. 83 Duchess Avenue (Wortley Village-Old South HCD): solar panels
2. Demolition Activities:
  - a. Rear warehouses of McCormick's (1156 Dundas Street)
  - b. Former Lorne Avenue Public School (723 Lorne Avenue)
3. Update on Plaques:
  - a. Peter MacGregor (London & Middlesex Historical Society, 1906), Ridout Street North and King Street
  - b. Kingsmill's (London Public Library), 132 Dundas Street
4. Update: 660 Sunningdale Road East

## Upcoming Heritage Events

- Votes for Women! – Saturday May 26 (11:00am) Gathering at the London Normal School Grounds ending at the Eldon House Grounds. More information: <http://www.eldonhouse.ca/events/>
- Gathering on the Green 2018 – Saturday June 2, 2018 (10:00am-5:00pm) <https://gpbrown3.wixsite.com/oscogog/2016-gog-info>
- 100 in 1 Day – Saturday June 2, 2018 <https://www.facebook.com/pg/100in1dayldnont/events/>
- 45th Annual Geranium Heritage House Tour – *Wortley Walkabout* Sunday, June 3, 2018 (1:00-5:00). More information: [http://www.acolondon.ca/acolondon/Geranium\\_Tour.html](http://www.acolondon.ca/acolondon/Geranium_Tour.html)
- Ontario Heritage Conference – June 7-9, 2018 in Sault Ste. Marie. More information: [www.ontarioheritageconference.ca/program](http://www.ontarioheritageconference.ca/program)

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Salt Clinic Canada Inc.  
583 Oxford Street East  
**Public Participation Meeting on: May 28, 2018**

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Salt Clinic Canada Inc. relating to the property located at 583 Oxford Street East the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting June 12, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Day Care (DC) Zone, **TO** an Arterial Commercial Special Provision (AC4(15)) Zone.

## Executive Summary

### Summary of Request

The requested amendment would permit a broad range of small scale retail, office, personal service uses and residential dwelling units above the first floor

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to permit the development of a 2-storey structure with retail/commercial uses on the main floor and a dwelling unit on the second floor.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS 2014.
2. The recommended amendment conforms to the City of London Official Plan policies and Urban Corridor Place Type policies of The London Plan.
3. The recommended amendment provides an appropriate range of uses that will facilitate the development of an underutilized site.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the south side of Oxford Street East approximately 100 metres west of Adelaide Street North. A small commercial node exists at the intersection of Oxford and Adelaide with several Residential and Office conversion uses existing to the north and west fronting Oxford Street with low density residential to the north and south of these uses.

#### 1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Main Street Commercial Corridor
- The London Plan Place Type – Urban Corridor
- Existing Zoning – Day Care (DC) Zone

#### 1.3 Site Characteristics

- Current Land Use – Vacant

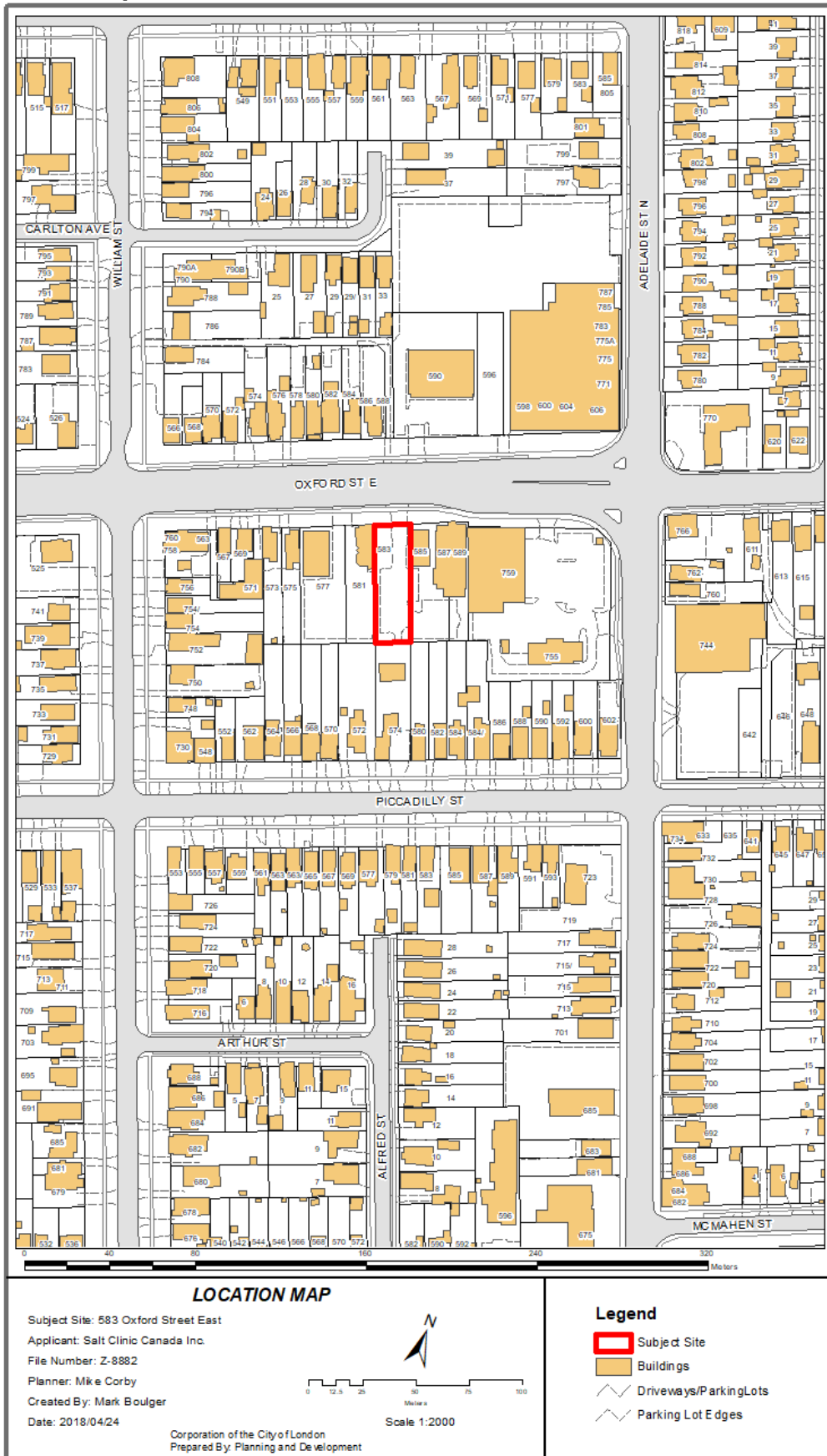


- Frontage – 17.5 metres (57.5 feet)
- Depth – 55 metres (180.5 feet)
- Area – 965.5 m<sup>2</sup> (3167.65 square feet)
- Shape – Rectangular

**1.4 Surrounding Land Uses**

- North – Residential/Office Conversion
- East – Commercial
- South – Low Density Residential
- West – Residential/Office Conversion

**1.5 Location Map**



## 2.0 Description of Proposal

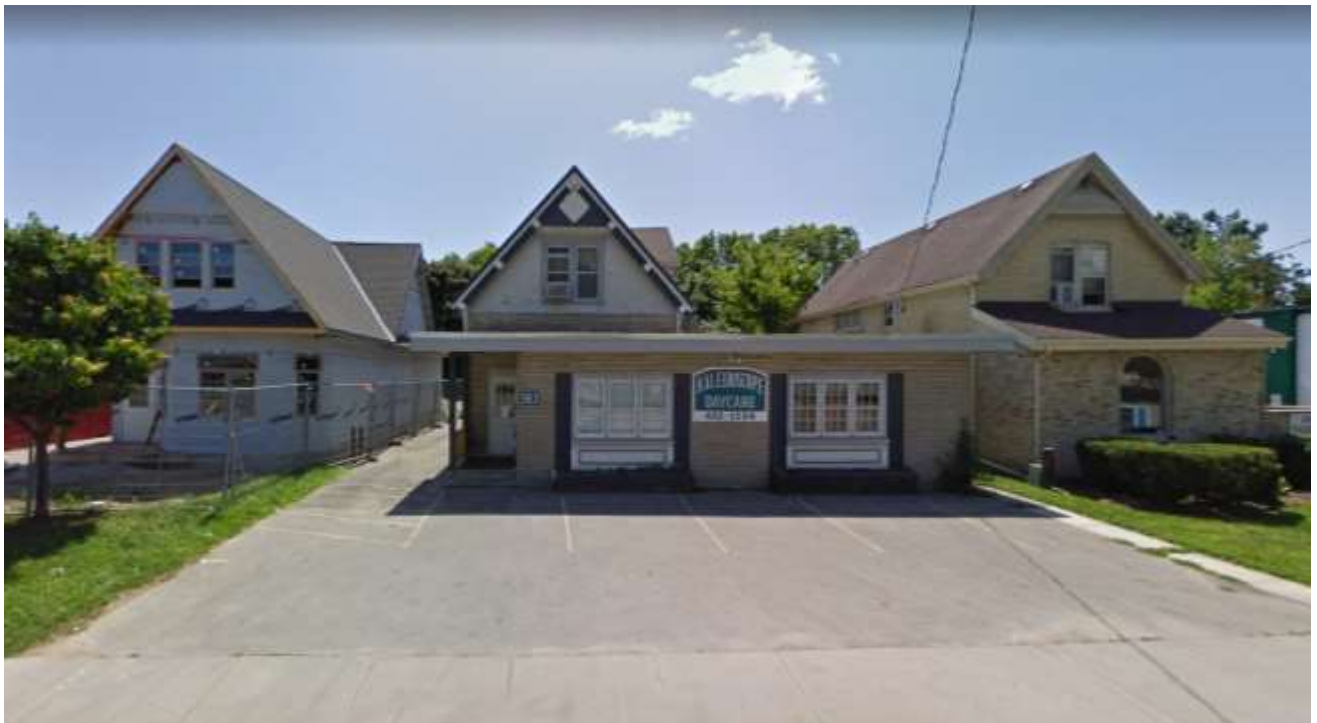
### 2.1 Development Proposal

The proposed development is a two storey building designed to resemble a single detached dwelling similar to the existing buildings that currently front Oxford Street. The proposed development will have retail/commercial uses on the main floor and a dwelling unit above.

## 3.0 Relevant Background

### 3.1 Planning History

The site was previously used as a daycare located within a single detached dwelling that had multiple additions. In 2011 the daycare (single detached dwellings) was demolished and the site has remained vacant since. Site plan approval was received in 2014 for a new daycare use however the development was never constructed as a daycare provider was never found for the property.



### 3.2 Requested Amendment

The requested amendment would permit the development of a 2-storey building with retail/commercial uses on the main floor and a dwelling unit on the second floor. The application seeks to amend the Zoning By-law from a Day Care (DC) Zone to an Arterial Commercial Special Provision (AC4(15)) Zone.

### 3.3 Community Engagement (see more detail in Appendix B)

No concerns were raised.

### 3.4 Policy Context (see more detail in Appendix C)

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective

development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development and directs municipalities to provide for appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing).

### Official Plan

The subject site is designated Main Street Commercial Corridor which permits a wide range of commercial/retail, service uses and residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings (4.4.1.4. Permitted Uses). The MSCC designation encourages the redevelopment of vacant, underutilized or dilapidated properties at a scale which is compatible with adjacent development while promoting mixed-use development to help achieve a diverse mix of land uses (4.4.1.1. Planning Objectives, 4.4.1.8. Mixed Use Development, 4.4.1.7 Scale of Development). All Main Street Commercial Corridors shall be developed and maintained in accordance with the Urban Design Guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas (4.4.1.9. Urban Design).

### London Plan

The subject site is located in an Urban Corridor Place Type which permits a range of residential, retail, service, office, cultural, recreational, and institutional uses. The Place Type also encourages mixed-use buildings while discouraging large floor plate, single use buildings. Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade (Permitted Uses, 837\_).

Development within Corridors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility (Intensity, 840\_). Like the current Official Plan, all planning and development applications will conform with the City Design policies of the London Plan. (Form, 841)

## **4.0 Key Issues and Considerations**

The requested amendment has resulted in no issues or concerns from the public, external agencies or internal departments. The relevant PPS, Main Street Commercial Corridor, and London Plan policies have been met and are outlined below.

### **4.1 Issue and Consideration # 1 - Use**

#### *Provincial Policy Statement, 2014 (PPS)*

The PPS encourages municipalities to seek an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The proposed development is consistent with the PPS as it provides an appropriate range of uses within a mixed-use building helping meet the long term needs to the City while developing a site within a settlement area that has remained vacant for 7 years. The proposed building helps maintain an effective development pattern that is consistent with the form of development that currently exists and minimizes land consumption and servicing costs.

#### *The Official Plan*

The Main Street Commercial Corridors provide for a wide range of retail/commercial uses along with residential uses created through the conversion of existing buildings, or through the development of mixed-use buildings with residential uses permitted above the first floor. The recommended zone conforms to the Official Plan as it implements the permitted uses of the Main Street Commercial Corridor by providing for the

opportunity to develop a mixed use building that will accommodate a range of small scale retail, office, personal service commercial/retail uses on the site and permits a residential unit on the second floor.

The London Plan

The Urban Corridor Place Type policies also encourages mixed-use buildings along the corridors, while discouraging large floor plate, single use buildings. Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade. As noted above the recommendation conforms to The London Plan as it implements these policies through the development of a mixed use building with retail/commercial on the main floor and a residential unit on the second floor.

#### **4.2 Issue and Consideration # 2 – Intensity**

The PPS also encourages appropriate levels of density and a mix of land uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit-supportive. The proposed development is consistent with, and will help implement the goals of, the PPS as the development is located on an arterial road serviced by multiple bus routes and will take advantage of the existing infrastructure available in the immediate area. The site is also capable of accommodating the development as Site Plan Approval (“SPA”) was received in 2014 for a proposed Day Care. Minor revisions to the approved building elevations and a small increase in size to the building footprint have occurred as a result of the proposed change in use however the changes do not require any additional special provisions and the development will conform to the recommended AC4(15) zone regulations, which is currently applied to the land immediately to the east. A future amendment to the existing site plan will be required to reflect these minor changes.

The London Plan

Lot assembly is encouraged to help create comprehensive developments and reduce vehicular accesses to the street and to allow for coordinated parking facilities. Lots will be of sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (Intensity, 840\_).

583 Oxford Street is part of a comprehensive development which includes 585, 587, 589 Oxford Street. Together these properties provide a coordinated parking facility and one access location to service all the properties in conformity to The London Plan. The existing lot is of sufficient size and configuration as all the required regulations of the Zoning By-law can be met.

#### **4.3 Issue and Consideration # 3 - Form**

*Provincial Policy Statement, 2014 (PPS)*

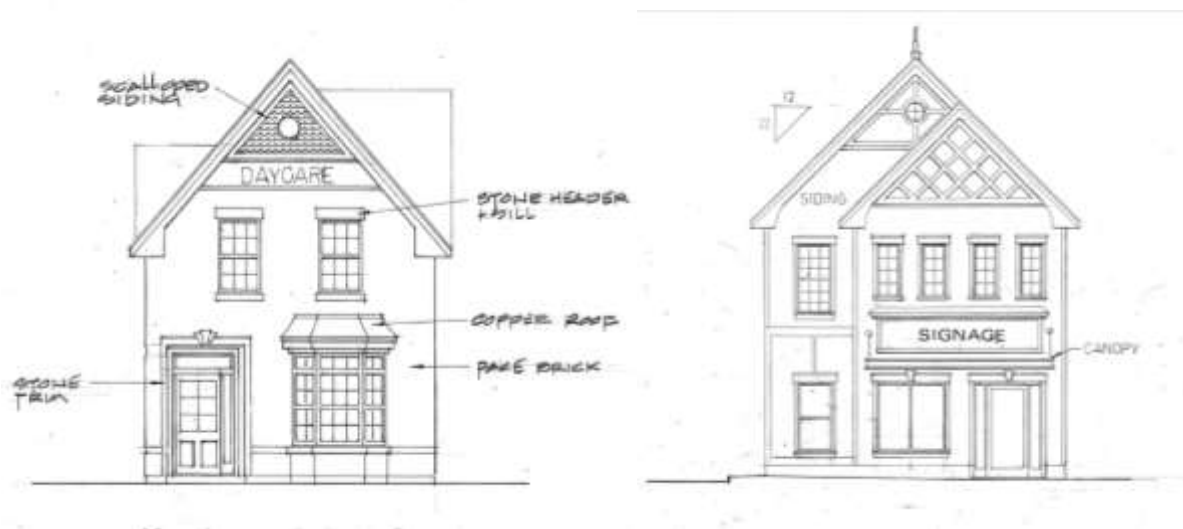
The proposed development is consistent with the PPS as it provides an opportunity for a small infill development through redevelopment at an appropriate location taking into account the existing building stock in the area. The new development provides a similar form that appropriately fits within the surrounding context and develops an underutilized site. The development has been through SPA ensuring it meets current development standards and site plan requirements. The development will promote active transportation limiting the need for a vehicle to perform daily activities in conformity with the goals of the PPS. (PPS 1.1.3.3, 1.1.3.4, 1.6.7.4)

*Official Plan*

The objectives of the Main Street Commercial Corridors are to ensure that when implementing its broad range of permitted uses that the scale is compatible with adjacent developments. The policies aim to maintain a setback that is consistent with adjacent uses while maintaining the character of the existing uses. (4.4.1.1 Planning Objectives, 4.4.1.7 Scale of Development). In order to ensure these objectives of scale,

compatibility and character are achieved, the MSCC has specific Urban Design Objectives (4.4.1.2) to help develop these corridors appropriately. These policies encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics. Main Street Commercial Corridors shall be developed and maintained in accordance with the urban design guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas (4.4.1.9. Urban Design).

The proposed development conforms to the Official Plan given that its design is compatible with the existing built context along the Oxford Street Corridor which is predominately made up of 1.5 – 2.5 storey peaked roof homes. This form has been reviewed by Urban Design Staff through the SPA process where an Urban Design Brief was submitted and was deemed compatible and appropriate within the surrounding context. The development maintains a similar scale and setback as the abutting lands while maintaining the character of the area, providing a sidewalk to the main entrance from the City sidewalk and will support public transit. The applicant has acknowledged that minor changes to the elevation and size of the building will be required to accommodate the change from the proposed Day Care use to commercial/retail uses. However, the elevation changes are minor and maintain the previous character and scale of the originally approved design (see below).



Original Day Care

Revised Elevation

### The London Plan

Development within Urban Corridors requires minimum height of 2 storeys or 8m with the ability to bonus up to 12 storeys (Intensity, 840\_). Similar to the current Official Plan all planning and development applications will conform to the City Design policies of The London Plan. Buildings should be sited close to the front lot line, and be of sufficient height, to create a strong street-wall along Corridors and to create a separation distance between new development and properties that are adjacent to the rear lot line. Surface parking areas should be located in the rear and interior side yard. (Form, 841)

As previously noted the proposed development conforms to The London Plan as it has been reviewed and considered appropriate from a design perspective. The development is sited near the front lot line and is 8 metres in height helping establish a consistent height along Oxford Street and filling in a gap along the corridor contributing to a strong street-wall. Parking for the subject site and abutting developments are provided in the rear of the developments and accessed by one entrance.

More information and detail is available in Appendix B and C of this report.

## 5.0 Conclusion

The recommended amendment would permit a broad range of small scale retail, office, personal service uses and residential dwelling units above the first floor. The recommendation is consistent with the PPS 2014 and conforms to the City of London Official Plan and The London Plan. The recommendation will facilitate the redevelopment of an underutilized site while providing an appropriate range of uses on the subject site.

<b>Prepared by:</b>	<b>Mike Corby, MCIP, RPP Current Planning</b>
<b>Submitted by:</b>	<b>Current Planning, MCIP, RPP Mike Corby Manager, Current Planning</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>

May 18, 2018  
MT/mt

\\FILE2\users-z\pdp\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8882Z - 583 Oxford St E (MC)\PEC-Report-Template-AODA.docx

## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
2018

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 583  
Oxford Street East.

WHEREAS Salt Clinic Canada Inc. has applied to rezone an area of land located at 583 Oxford Street East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 583 Oxford Street East, as shown on the attached map comprising part of Key Map No. A.107, from a Day Care (DC) Zone to an Arterial Commercial Special Provision (AC4(15)) Zone.

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 June 12, 2018

**File:Z-8882**  
**Planner: Name: Mike Corby**

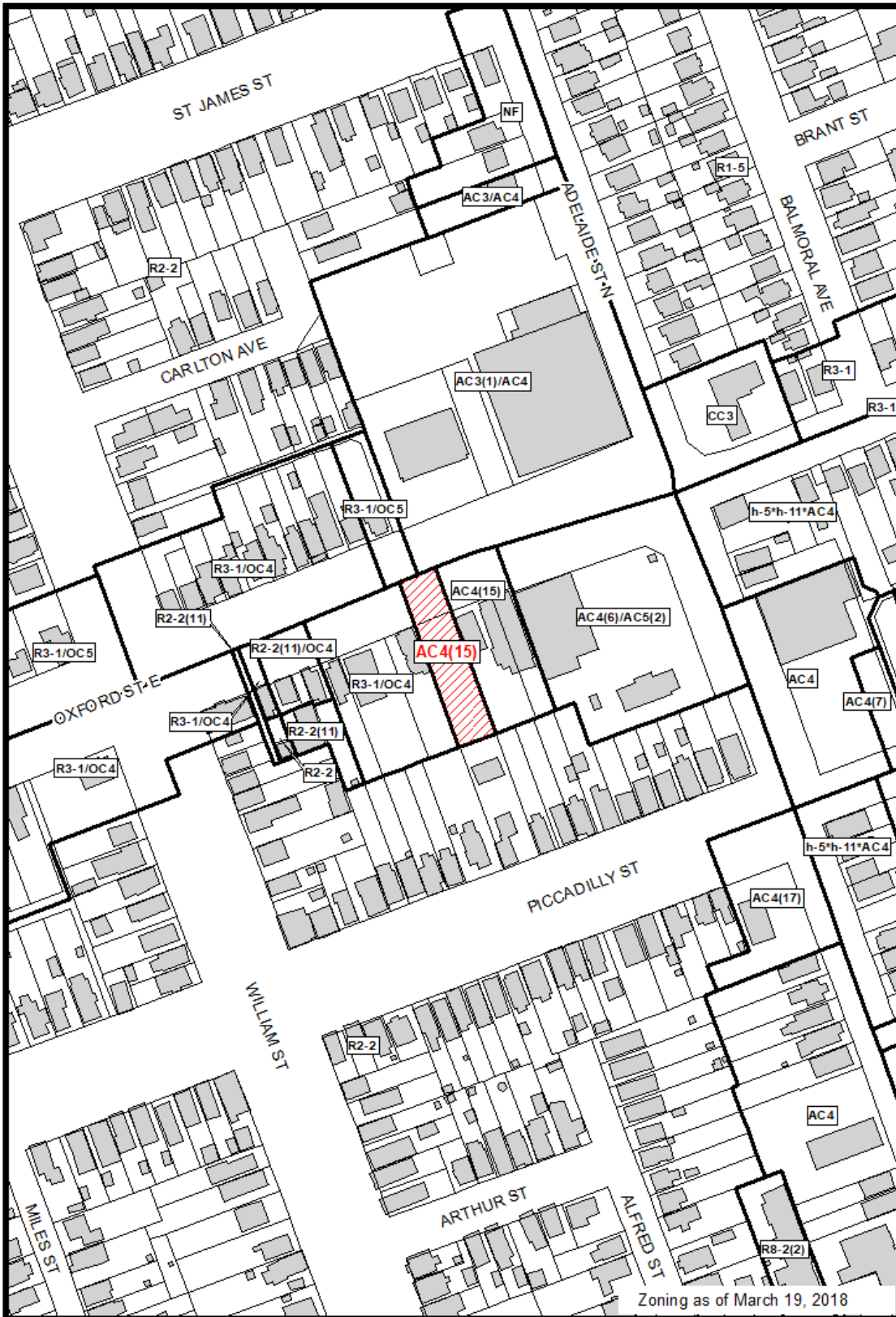
Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 12, 2018  
Second Reading – June 12, 2018  
Third Reading – June 12, 2018




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

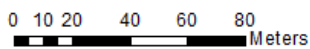


Zoning as of March 19, 2018

File Number: Z-8882  
Planner: MC  
Date Prepared: 2018/04/23  
Technician: MB  
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On March 28, 2018, Notice of Application was sent to 43 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 29, 2018. A “Planning Application” sign was also posted on the site.

One reply was received

**Nature of Liaison:** The purpose and effect of the requested Zoning By-law amendment is to permit the development of a 2-storey structure with retail/commercial uses on the main floor and a dwelling unit on the second floor.

Change Zoning By-law Z.-1 from a Day Care (DC) Zone which permits day care centres to an Arterial Commercial Special Provision (AC4(15)) Zone which permits a broad range of small scale retail, office, personal service uses and residential dwelling units above the first floor.

### Nature of Response:

- Opposed to any further intensification of this property.

### Agency/Departmental Comments

Transportation – April 4, 2018

Please find below Transportations comments regarding the zoning application for 583 Oxford Street East, Z-8882.

- Ensure an agreement is in place to provide for joint access between the various properties
- Road widening dedication of 22.5m from centre line required on Oxford Street East

Upper Thames River Conservation Authority – April 4, 2018

The UTRCA has no objections to this application.

Wastewater and Drainage Engineering – April 6, 2018

WADE has no objection w.r.t. this application.

City Plan #14987 shows a 150mm san. p.d.c. from the streetline of Mun. No.583 Oxford Street East with a double clean-out, to the 250mm sanitary sewer located on the north side of Oxford Street E.. The Applicant’s Engineer is to field verify the san. p.d.c. for condition and location.

## **Appendix C – Policy Context**

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

### **PPS 2014**

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 a, b, c, e, f

1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6

1.4 Housing

1.4.1

1.6.7 Transportation Systems

1.6.7.4

### **Official Plan**

4.4.1 Main Street Commercial Corridor

4.4.1.3. Function

4.4.1.1. Planning Objectives

4.4.1.2. Urban Design Objectives

4.4.1.4. Permitted Uses

4.4.1.7. Scale of Development

4.4.1.9. Urban Design

### **London Plan**

Rapid Transit and Urban Corridors

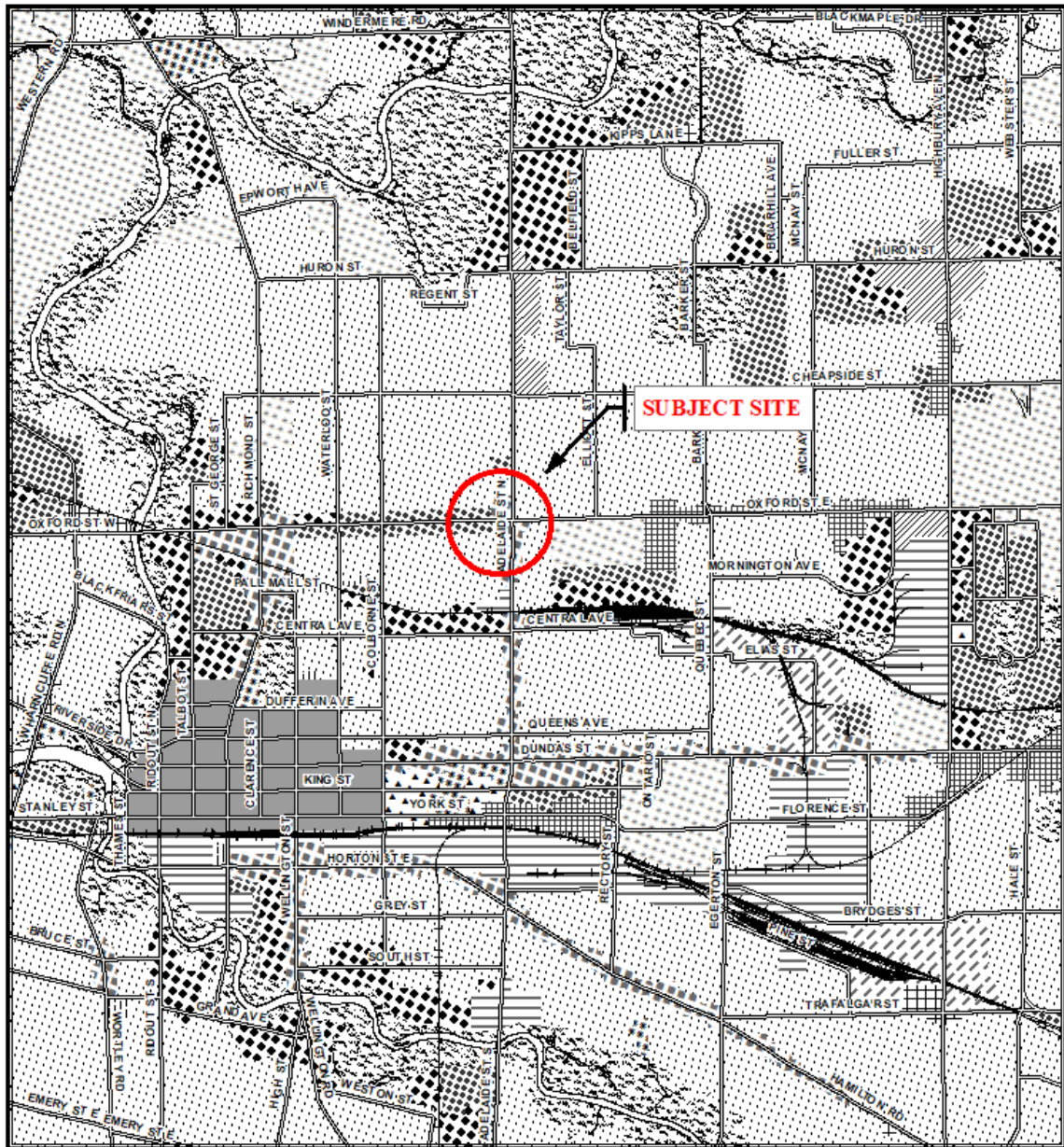
Permitted Uses – 837

Intensity – 840

From – 841

**Appendix D – Relevant Background**

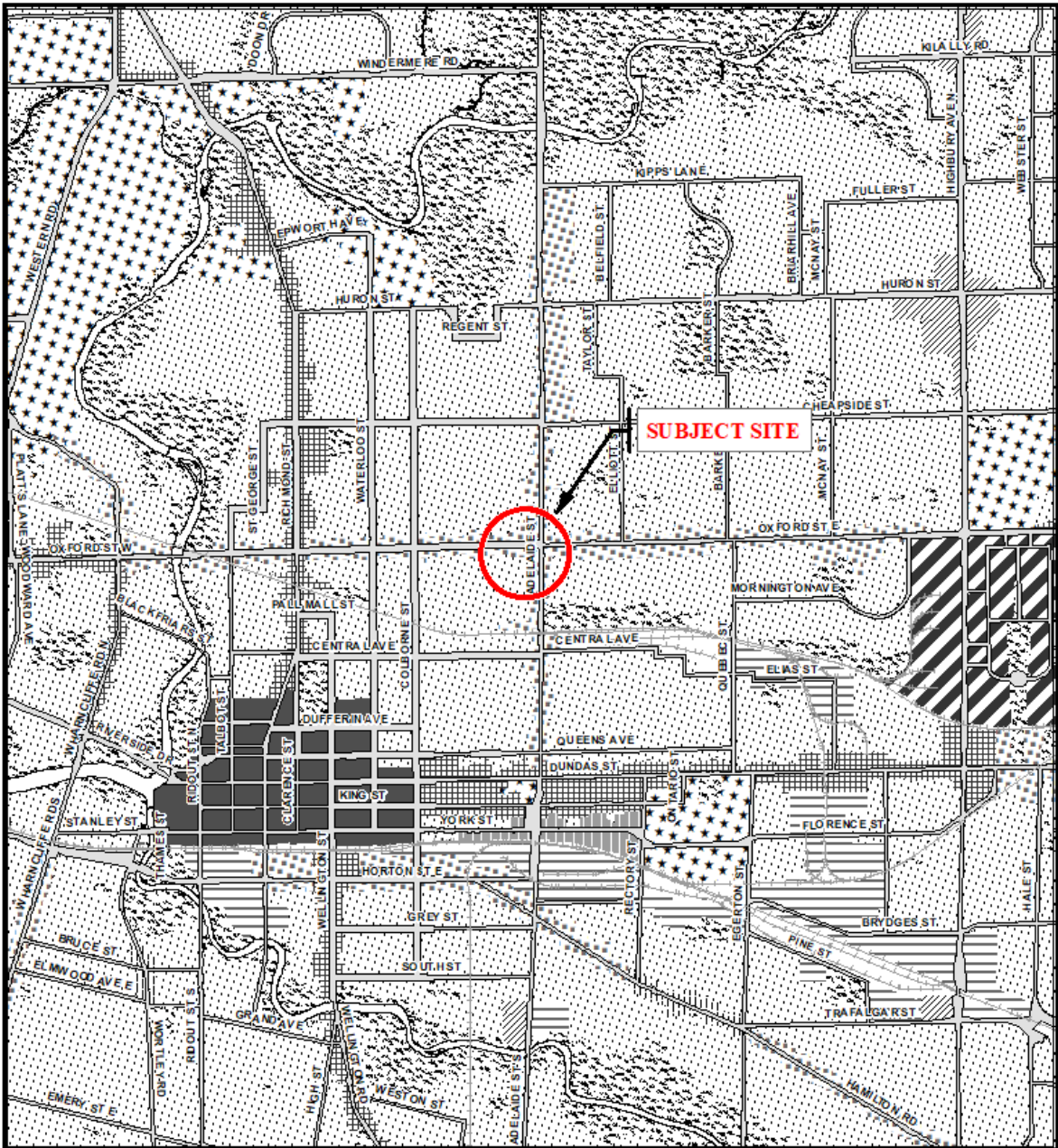
**Additional Maps**



Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p style="text-align: center;">                       Scale 1:30,000                        Meters                 </p>	<p>FILE NUMBER: Z-8882                      PLANNER: MC                      TECHNICIAN: MB                      DATE: 2018/04/24</p>
---	---	---



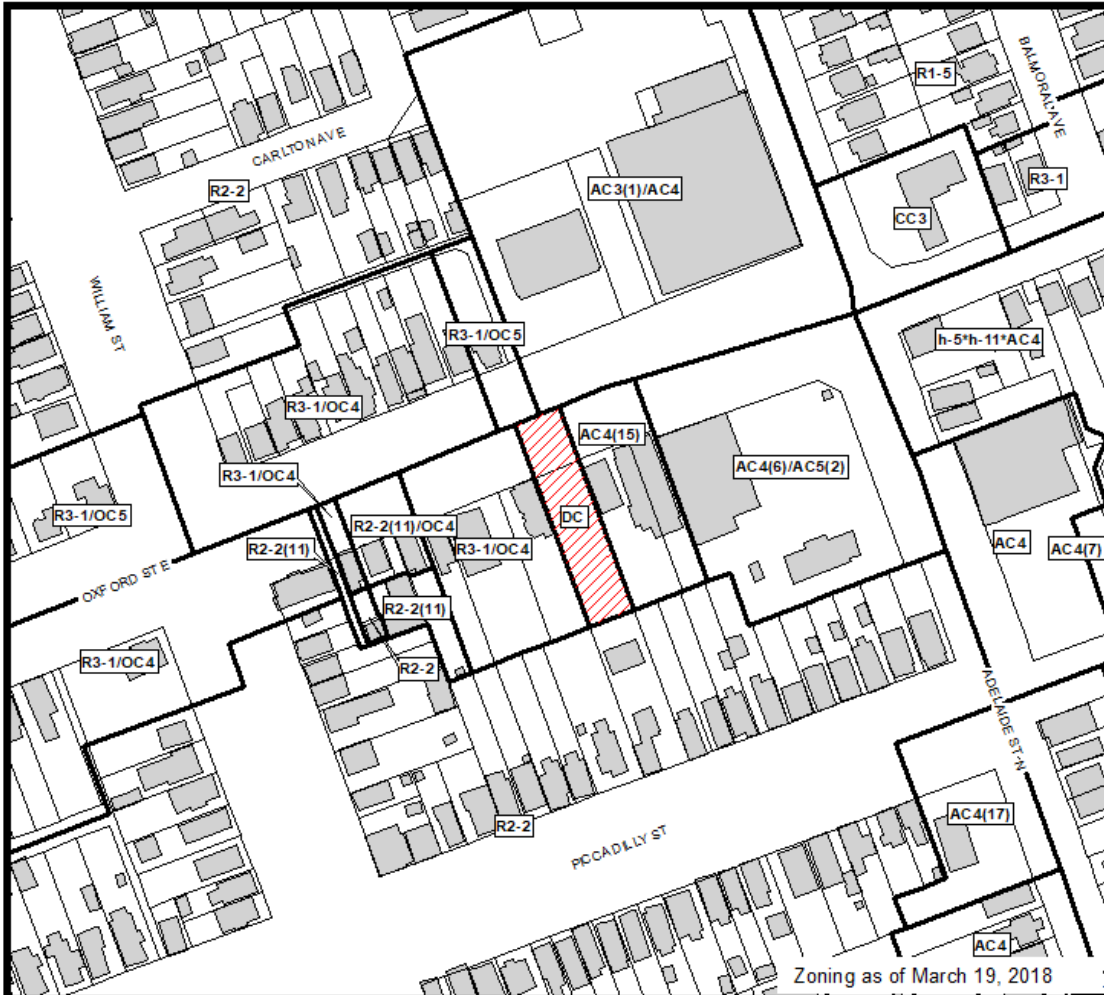
**Legend**

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.*

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services</p> <p><b>LONDON PLAN MAP 1</b>                  - PLACE TYPES -</p> <p>PREPARED BY: Planning Services</p>	 Scale 1:30,000 0 100 200 300 400 500 600 700 800 900 1,000 Meters	<p><b>File Number:</b> Z-8882</p> <p><b>Planner:</b> MC</p> <p><b>Technician:</b> MB</p> <p><b>Date:</b> April 24, 2018</p>
--	---	---



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: DC**

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-8882

MC

MAP PREPARED:

2018/04/23

MB

1:2,000

0 10 20 40 60 80  
 Meters

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

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.2 PUBLIC PARTICIPATION MEETING – 583 Oxford Street East (Z-8882)

- Arnon Kaplansky, applicant – thanking the Planning Department.

## Report to Planning & Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** John M. Fleming  
Managing Director, Planning and City Planner

**Subject:** Demolition Request for Heritage Listed Property at 2096  
Wonderland Road North by Invest Group Ltd.

**Public Participation Meeting on:** May 28, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, with respect to the request for the demolition of the heritage listed property located at 2096 Wonderland Road North, that notice **BE GIVEN** under the provisions of Section 29(3) of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property at 2096 Wonderland Road North to be of cultural heritage value or interest for the reasons outlined in Appendix E of this report.

It being noted that the applicant has also submitted a planning application that will be considered separately at a future meeting of the Planning & Environment Committee.

## Executive Summary

### Summary of Request

A demolition request for the heritage listed property located at 2096 Wonderland Road North was submitted.

### Purpose and the Effect of Recommended Action

The purpose of the recommended action is for Municipal Council to issue its notice of intent to designate the property under Section 29(3) of the *Ontario Heritage Act* with the effect of preventing the demolition of this cultural heritage resource.

### Rationale of Recommended Action

A Heritage Impact Statement was submitted as part of the demolition request for the heritage listed property located at 2096 Wonderland Road North. As part of the Heritage Impact Statement, the property was evaluated using the criteria of *Ontario Heritage Act* Regulation 9/06. This evaluation found that the property met the criteria for designation. Staff generally support this evaluation, and recommend that the property be designated to ensure the conservation of this significant cultural heritage resource. Staff disagree with the mitigation recommendations of the Heritage Impact Statement.

## Analysis

### 1.0 Background

#### 1.1 Property Location

The property at 2096 Wonderland Road North is located on the east side of Wonderland Road North between Fanshawe Park Road West and Sunningdale Road West (Appendix A). The property is part of the former London Township that was annexed by the City of London in 1993.

#### 1.2 Cultural Heritage Status

The property has been included on the *Inventory of Heritage Resources* since 1997. The *Inventory of Heritage Resources* was adopted as the Register pursuant to Section 27 of the *Ontario Heritage Act* in 2007. The property at 2096 Wonderland Road North was identified as a Priority 1 resource; the listing was amended in 2008 to change the



priority level to Priority 2. The property is considered to have potential cultural heritage value or interest.

### 1.3 Description

The building located at 2096 Wonderland Road North is a two storey brick house with stone foundation (Appendix B). The building has a square plan, with rear addition. A hipped roof caps the original portion of the building, which was accented by a pair of double stack chimneys. The building has a balanced, three bay main (west) façade. A doorway with a single leaf door, with replacement sidelights and a rectangular transom, and an applied wood frame entablature, is located in the centre bay. The centre bay of the building is flanked by a window to each side. Three window voids are centred across the second storey of the west façade, above the openings of the ground storey. The windows in the original openings appear to be replacement (vinyl) windows. Original brick detailing, including common bond pattern and voussoirs above the windows, can be found on the façade. Symmetry can also be found in the placement of windows on the other façades of the building as well.

An addition is located at the rear of the original building, which includes a two-bay garage. This addition is clad in board and batten which distinguishes it from the original building. Access to the property is facilitated by a gravel and asphalt driveway, off of Wonderland Road North. The property features mature trees with grass lawns.

### 1.4 History

The property now known as 2096 Wonderland Road North was originally Part Lot 20, Concession V, in the former London Township. The north part of Lot 20, the subject of this history, was granted to William Warner in October 1819. William Warner was part of an influx of immigrants to the former London Township in 1819 (Rosser 1975, 64; *London Township* Volume I, 14). William Warner came to the London area in 1818, and “judged the quality of the land to be excellent, and immediately returned to Prescott where he crossed the [St. Lawrence] river to get his brother-in-law [Orange Clark]” (Rosser 1975, 67). He returned in the following year with his family and obtaining a grant for the north part of Lot 20, Concession V. William Warner obtained the patent from the Crown for the north half of Lot 20, Concession V on March 29, 1833.

William Warner is identified on the *Map of London Township by Thomas Ridout* (Book D) as the occupant of the north half of Lot 20, Concession V as well as on the 1850 *Sketch of Part of London Township* (which shows a building located on the property), 1863 *Map of the Township of London* by Samuel Peters and the 1878 *Map of the Township of London* in the *Illustrated Historical Atlas of Middlesex County* (*London Township* Volume II).

On June 10, 1857, William Warner took out a mortgage on his property in the sum of one hundred and sixty two [pounds] (Instrument 4399, 1857). The mortgage was held by the Middlesex Building Society. The mortgage was released the following year. The Middlesex Building Society was incorporated in 1848. This mortgage may relate to the construction of the brick house located at 2096 Wonderland Road North, however further research is required. Additional research related to the Middlesex Building Society could also be undertaken to support the date of construction of this building.

The 100-acre property remained in the Warner family until it was sold to Albert Haggis in 1907. Albert Haggis sold the property to John McLarty in 1912. The 1917 map of London Township records J., J. S., and D. McLarty as the owners of the north half of Lot 20, Concession V (*London Township* Volume II). John McLarty sold the property in 1920 to William M. May. William May (1887-1963) is recorded as the owner of the north half of Lot 20, Concession V in the 1940 *Map of London Township* (*London Township* Volume II). During the 1950s-1960s, William May began selling pieces of the 100-acre property to various interests. In 1962, a 208' by 208' parcel was established by Instrument 175101. This parcel was subsequently registered under Registrar's Compiled Plan 1028 as Lot 17. This parcel was sold by William May to Michael and

Nancy Yuhasz in 1962. The property is located in the area that was annexed from the former London Township by the City of London in 1993.

In addition to the requirements to clear his land for agriculture and build a home for his family, William Warner would have also been charged with building and maintaining local roads under the *Highway Act* of 1793 (*London Township*, Volume 1, 82). Settlement under Colonel Talbot had high standards, requiring: a “good and sufficient” dwelling house of at least 16x20, clear and fence 10 acres of a 200 acre grant, and clear an open thirty feet wide of the road in front of the lot (Raycraft-Lewis 1967, 20).

William Warner, and his wife Margaret, was buried in the Methodist Episcopal White Church Cemetery, which was formerly located at the southeast corner of Sarnia Road (now Fanshawe Park Road West) and Hutton Sideroad (now Wonderland Road North). Their stone tombstone was consolidated into a cairn, which was subsequently relocated to St. John’s Anglican Church Cemetery in Arva in the early 1990s (*London Township*, Volume I, 198).

### **1.5 Georgian Architectural Style**

While the Georgian architectural style is typically aligned with the Hanoverian Georgian monarchs of the Great Britain, this style demonstrates a colonial lag in its popularity in the colonies. It continued to be popular with British immigrants into the 1850s, eventually eclipsed by more Victorian styles, such as Queen Anne Revival or Italianate. The continuation of the Georgian architectural style is often seen as a demonstration of loyalty to the motherland.

In *Ontario Architecture* (1989), regarding regional interpretations of the Georgian architectural style, John Blumenson notes, “Due to severe climate, the harshness of the land and in particular the limited financial resources of these early settlers, their buildings, with few exceptions, evidence structural necessity more than academic stylistic features, as was the case in the United States or England” (5). Shannon Kyles notes, “The Upper Canadian at this time wanted a sturdy house that reflected his simple dignity.” Marion MacRae notes, the Georgian architectural style was not native to Upper Canada, but “was a physical expression of the cultural mental climate of the first settlers of Upper Canada and was present with them, in a wishful state, while they were living in rude shelters and simple log houses” (4). Vernacular interpretations of the Georgian architectural style are common, but adherence to conventional rules of symmetry, proportion, and uncluttered designs characterize the Georgian architectural style. House plans are generally central, with a balanced façade of windows. Classically-inspired detailing can often be found in the roof, window trim, and moulded surrounds (Blumenson 1989, 5). While earlier Georgian architectural style buildings often featured high pitched gable roofs, the pitch became lower and often hipped in form (Kalman 1994, 148). Thomas F. McIlwraith asserts the preference for brick by early colonial settlers as an assertion of resistance to American preference for the stucco cladding of the Greek Revival architectural style (1997, 93).

Based on these generally accepted characteristics of the Georgian architectural style in Ontario, the building at 2096 Wonderland Road North is considered to be representative of this architectural style. The building demonstrates a balanced façade, with a central entry flanked by window openings. It has stoic, restrained detailing which typifies the Georgian architectural style. The building also has proportions characteristic of other Georgian architectural style buildings. As Kalman notes, later Georgian architectural style buildings often feature hipped roofs, such as that of the building located at 2096 Wonderland Road North.

## **2.0 Legislative and Policy Framework**

### **2.1 Provincial Policy Statement**

Section 2.6.1 of the *Provincial Policy Statement* (2014) directs that “significant built

heritage resources and significant cultural heritage landscapes shall be conserved.” “Significant” is defined in the *Provincial Policy Statement* (2014) as, in regards to cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people.”

The *Provincial Policy Statement* (2014) defines “conserved” as: “Means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is maintained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

## 2.2 Ontario Heritage Act

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

The only cultural heritage protection afforded to heritage listed properties is a 60-day delay in the issuance of a demolition permit. During this time, Council Policy directs that the London Advisory Committee on Heritage (LACH) is consulted, and a public participation meeting is held at the Planning & Environment Committee.

Section 29 of the *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29 of the *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Appeals to the Notice of Intent to Designate a property pursuant to Section 29 of the *Ontario Heritage Act* are referred to the Conservation Review Board (CRB).

## 2.3 Official Plan/The London Plan

Chapter 13 (Heritage of the City of London’s *Official Plan* (1989, as amended) recognizes that properties of cultural heritage value or interest

*Provide physical and cultural links to the original settlement of the area and to specific periods or events in the development of the City. These properties, both individually and collectively, contribute in a very significant way to the identity of the City. They also assist in instilling civic pride, benefitting the local economy by attracting visitors to the City, and favourably influencing the decisions of those contemplating new investment or residence in the City.*

The objectives of Chapter 13 (Heritage) support the conservation of heritage resources, including encouraging new development, redevelopment, and public works to be sensitive to, and in harmony with, the City’s heritage resources (Policy 13.1.iii). This direction is also supported by the policies of *The London Plan* (adopted 2016); *The London Plan* has greater consideration for potential cultural heritage resources that are listed, but not designated under the *Ontario Heritage Act*, through planning processes.

Applicable policies include:

- Policy 563\_: *In conformity with the Urban Regeneration policies in the Our City part of this Plan, initiatives will be taken to support the adaptive re-use of cultural heritage resources to facilitate economic revitalization of neighbourhoods and business areas.*
- Policy 565\_: *New development, redevelopment, and all civic works and project on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A heritage*

*impact assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts, and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.*

- Policy 566\_: *Relocation of cultural heritage resources is discouraged. All options for on-site retention must be exhausted before relocation may be considered.*
- Policy 567\_: *In the event that demolition, salvage, dismantling, relocation or irrevocable damage to a cultural heritage resource is found necessary, as determined by City Council, archival documentation may be required to be undertaken by the proponent and made available for archival purposes.*
- Policy 568\_: *Conservation of whole buildings on properties identified on the Register is encouraged and the retention of facades alone is discouraged. The portion of a cultural heritage resource to be conserved should reflect its significant attributes including its mass and volume.*
- Policy 569\_: *Where, through the specific process established in the Specific Policies for The Protection, Conservation and Stewardship of Cultural Heritage Resources section of this chapter and in accordance with the Ontario Heritage Act, it is determined that a building may be removed, the retention of architectural or landscape feature and the use of other interpretive techniques will be encouraged where appropriate.*

The Strategic Plan for the City of London 2015-2019 identifies heritage conservation as an integral part of “Building a Sustainable City.”

#### **2.4 Register (Inventory of Heritage Resources)**

Municipal Council may include properties on the *Inventory of Heritage Resources* (Register) that it “believes to be of cultural heritage value or interest.” These properties are not designated, but are considered to have potential cultural heritage value or interest. The barns at 660 Sunningdale Road East are considered to have potential cultural heritage value or interest as a heritage listed property.

Priority levels were assigned to properties included in the *Inventory of Heritage Resources* (Register) as an indication of their potential cultural heritage value. Priority 2 properties are:

“Buildings merit evaluation for designation under Part IV of the *Ontario Heritage Act*. They have significant architectural and/or historical value and may be worthy of protection by whatever incentives may be provided through zoning considerations, bonusing or financial advantages” (*Inventory of Heritage Resource*, 2005).

The *Inventory of Heritage Resources* (Register) states that further research is required to determine the cultural heritage value or interest of heritage listed properties.

### **3.0 Demolition Request**

The property owner submitted written notice of their intention to demolish the building located at 2096 Wonderland Road North on April 18, 2018. This demolition request was accompanied by the Heritage Impact Statement (prepared by Stantec Consulting Ltd., dated April 10, 2018) (Appendix D). Municipal Council must respond to a request for the demolition of a heritage listed property within 60 day, or the requested is deemed consented. During this 60-day period, the London Advisory Committee on Heritage (LACH) is consulted and, pursuant to Council Policy, a public participation meeting is held at the Planning & Environment Committee.

The 60-day period for the demolition request for the property at 2096 Wonderland Road North expires on June 17, 2018.

Staff undertook a site visit of the property, accompanied by a representative of the property owner, on May 2, 2018.

## 4.0 Cultural Heritage Evaluation

### 4.1 Criteria for Determining Cultural Heritage Value or Interest

The criteria of *Ontario Heritage Act* Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

1. Physical or design value:
  - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
  - ii. Displays a high degree of craftsmanship or artistic merit; or,
  - iii. Demonstrates a high degree of technical or scientific achievement.
2. Historical or associative value:
  - i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
  - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
  - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. Contextual value:
  - i. Is important in defining, maintaining or supporting the character of an area;
  - ii. Is physically, functionally, visually or historically linked to its surroundings; or,
  - iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet the criteria for designation, the demolition request should be granted and the property removed from the *Inventory of Heritage Resources* (Register).

The Heritage Impact Statement (prepared by Stantec Consulting Ltd., April 10, 2018, see Appendix D) completed an evaluation of the property using the criteria of *Ontario Heritage Act* Regulation 9/06. This evaluation found that the property met three of the nine criteria; one in each category: physical or design value, historical or associative value, and contextual value.

The property at 2096 Wonderland Road North has physical or design value because is a rare, representative example of a Georgian farmhouse dating circa 1850s in the former London Township. The property at 2096 Wonderland Road North has historical or associative value because it has direct associations with the Warner family, who were an early pioneer family in the former London Township, as well as the theme of agricultural settlement in the former London Township. The property at 2096 Wonderland Road North has contextual value because it is physically and historically linked to its surroundings.

A Statement of Cultural Heritage Value or Interest and identification of heritage attributes was completed in the Section 4.2.4 of the Heritage Impact Statement (prepared by Stantec Consulting Ltd., April 10, 2018). Staff generally agree with the findings of the Heritage Impact Statement that the property at 2096 Wonderland Road North is a significant cultural heritage resource, having met the criteria of *Ontario Heritage Act* Regulation 9/06. Staff have recommended edits to the Statement of Cultural Heritage Value or Interest to bring it into compliance with City of London practice, as well as to remove interior heritage attributes identified in the Heritage Impact Statement (Appendices E-F).

### 4.2 Comparative Analysis

With a wealth and diversity of cultural heritage resources in London, Georgian structures dating from the 1850s are rare. There is one Georgian architectural style, two storey, brick building that is designated under Part IV of the *Ontario Heritage Act*, and approximately 10 others that are listed on the Register (*Inventory of Heritage Resources*) (Appendix C). These include:

- 5 Paddington Avenue (1849, Georgian) – designated

- 1 Frank Place (1862), Georgian) listed
- 475 Fanshawe Park Road East (1850, Regency/Georgian) – listed
- 130 Kent Street (1863, Georgian) – listed
- 177 Kent Street (c. 1860, Georgian) – listed
- 1057 Oxford Street West (Elson) (1855, Georgian) – listed
- 2012 Oxford Street West (1865, Georgian/Italianate) – listed
- 40 Ridout Street South (c. 1850, Georgian) – listed
- 2700 Westminster Drive (1869, Georgian influence) – listed
- 4594 White Oak Road (1850, Georgian) – listed
- 444 York Street (1863, Georgian/Italianate) – listed
- 1458 Huron Street (Flower House) (1853, Georgian) – listed

Through this evaluation and research, two additional examples of two storey, brick Georgian architectural style buildings in London have been identified: 2297 Westminster Drive and 3565 Westdel Bourne. While there may be other examples of two storey, brick Georgian architectural style buildings in London, within the sample of the approximately 6,000 properties included on the Register (*Inventory of Heritage Resource*), Georgian buildings are rare.

The two storey, brick, Georgian architectural style building at 2096 Wonderland Road North is rare and also representative of this style.

#### 4.4 Consultation

Pursuant to Council Policy for the demolition of a heritage listed property, notification of the demolition request was sent to 65 property owners within 120m of the subject property on May 9, 2018, as well as community groups including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, the Urban League, the Sunningdale West Resident's Association, and the Fox Hollow Community Association. Notice was also published in *The Londoner* on May 10, 2018.

### 5.0 Heritage Impact Statement

In addition to the evaluation of the property at 2096 Wonderland Road North using the criteria of *Ontario Heritage Act* Regulation 9/06, the Heritage Impact Statement (prepared by Stantec Consulting, April 10, 2018) undertook an assessment of impacts and included mitigation recommendations in light of the proposed townhouse development on the property (see Appendix D).

The property at 2096 Wonderland Road North is a significant cultural heritage resource. Pursuant to the policies of the *Provincial Policy Statement*, it shall be conserved. This is supported by the policies of the *Official Plan* which supports new development, redevelopment, and public works that are sensitive and in harmony with the City's heritage resources. The policies of *The London Plan* which requires new development, redevelopment, and all civic works to be designed to protect heritage attributes and character of cultural heritage resources.

The Heritage Impact Statement only considered three potential mitigation options:

- Permanent retention of the house on site;
- Permanent relocation of the house; or,
- Demolition preceded by documentation and salvage.

As the property at 2096 Wonderland Road North is a significant cultural heritage resource, demolition is discouraged by all of the applicable policies, including the *Provincial Policy Statement*, the *Official Plan*, and *The London Plan*. Demolition is not considered by staff to be an appropriate mitigation option for the building located at 2096 Wonderland Road North.

Section 5.3.2 of the Heritage Impact Statement noted the challenges to the relocation of the house. Within their letter by Strick, Baldinelli, Moniz Civil Structural Engineers, noted that "moving the building to a different location either on the site or off the site would be

extremely difficult and costly, if even possible” (see Appendix D). Policy 566\_ of *The London Plan* states that all options for on-site retention must be exhausted before relocation may be considered. It has not been demonstrated that on-site retention options have been *exhausted*. Given the potential risk to the cultural heritage resource, relocation is not a realistic mitigation option.

Retention in situ is the preferred mitigation. Retention in situ will maintain the historic links between the cultural heritage resource and the property, which would be destroyed by other mitigation options considered by the Heritage Impact Statement. As an existing asset, the conservation of whole buildings on properties identified on the Register is encouraged (Policy 568\_, *The London Plan*) and sensitive to and in harmony with the cultural heritage resource (Policy 13.1.iii, *Official Plan*).

The Heritage Impact Statement states, “the scale of the development of the townhouses requires the removal of the existing residence” (Section 5.3.1, page 5.2). This suggests that the scale of the proposed development is not appropriate and must be reconsidered given the significance of this cultural heritage resource.

While the area may be transitioning, staff disagree with the suggestion of the Heritage Impact Statement that the property will “soon constitute a remnant landscape contextually removed from its historic surroundings and land use patterns.” Change has certainly occurred within the area surrounding the property at 2096 Wonderland Road North, however this does not sufficiently discount the significant cultural heritage value or interest of the property to warrant it value-less. The existing lot size of the property was established in 1962. Changes in the surrounding area further emphasizes the importance of retaining the cultural heritage resource at 2096 Wonderland Road North as a physical, tangible link to the past. Staff also disagree with the Heritage Impact Statement’s conclusion that in situ retention is not their preferred mitigation option.

While staff support the findings of the Heritage Impact Statement with regards to the evaluation of the property’s cultural heritage value or interest, staff disagree with the Heritage Impact Statement’s recommendations regarding mitigation of the substantial adverse impacts as a result of the proposed development by relocation or demolition of the existing building.

## 6.0 Conclusion

Our cultural heritage resources are non-renewable. Once demolished or compromised, they are gone forever. These cultural heritage resources can be tangible links to our past in a changing environment, and maintain a sense of place in an authentic manner.

The evaluation of the property at 2096 Wonderland Road North completed by Stantec Consulting Ltd. in the Heritage Impact Statement (see Appendix D) demonstrates that the property meet the criteria for designation under Section 29 of the *Ontario Heritage Act* (see Statement of Cultural Heritage Value or Interest in Appendix E). Staff agree with this evaluation.

However, staff do not agree with the recommendations of the Heritage Impact Statement. The recommended mitigation measures to relocate the building or document and demolish the building are insufficient and do not conserve the property’s significant cultural heritage value or interest. The requested demolition does not comply with the policies of the *Provincial Policy Statement*, the *Official Plan*, or *The London Plan*.

The parcel is of sufficient size that could accommodate some redevelopment that could be compatible with the cultural heritage resource and ensure the conservation of its heritage attributes. Appropriate and sympathetic intensification of the parcel that retains the building is possible. It should be noted that the later building addition has not been identified as a heritage attribute.

To ensure the conservation its cultural heritage value, the property at 2096 Wonderland Road North should be designated under Part IV of the *Ontario Heritage Act*.

<b>Prepared by:</b>	<b>Kyle Gonyou, CAHP Heritage Planner</b>
<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning &amp; Research</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>

May 18, 2018  
KG/

Appendix A Property Location

Appendix B Images

Appendix C Comparative Analysis Images

Appendix D Heritage Impact Statement (prepared by Stantec Consulting Ltd., April 10, 2018)

Appendix E Statement of Cultural Heritage Value or Interest, 2096 Wonderland Road North

Appendix F Heritage Attributes

### Sources

Blumenson, J. *Ontario Architecture: 1784 to the present*. 1989.  
Kalman, H. *A History of Canadian Architecture*. Volume 1. 1994.  
Kyles, S. *Georgian*. Retrieved from [www.ontarioarchitecture.com](http://www.ontarioarchitecture.com).  
Land Registry Office, LRO 33.  
London Township History Book Committee. *London Township: A Rich Heritage 1796-1997*. Volumes I & II. 2001.  
MacRae, M. and Adamson, A. *The Ancestral Roof: Domestic Architecture of Upper Canada*. 1963.  
McIlwraith, T. F. *Looking for Old Ontario*. 1997.  
Page, H. R. & Co. *Illustrated Historical Atlas of Middlesex County*. 1878.  
Rosser, F. *London Township Pioneers*. 1975.  
Raycraft-Lewis, J. *Llyndinshire*. 1967.  
*Sketch of Part of London Township*. 1850. Courtesy Western Archives.  
*Tremaine's Map of the County of Middlesex, Canada West*. 1862. Courtesy University of Toronto.



**Appendix A**

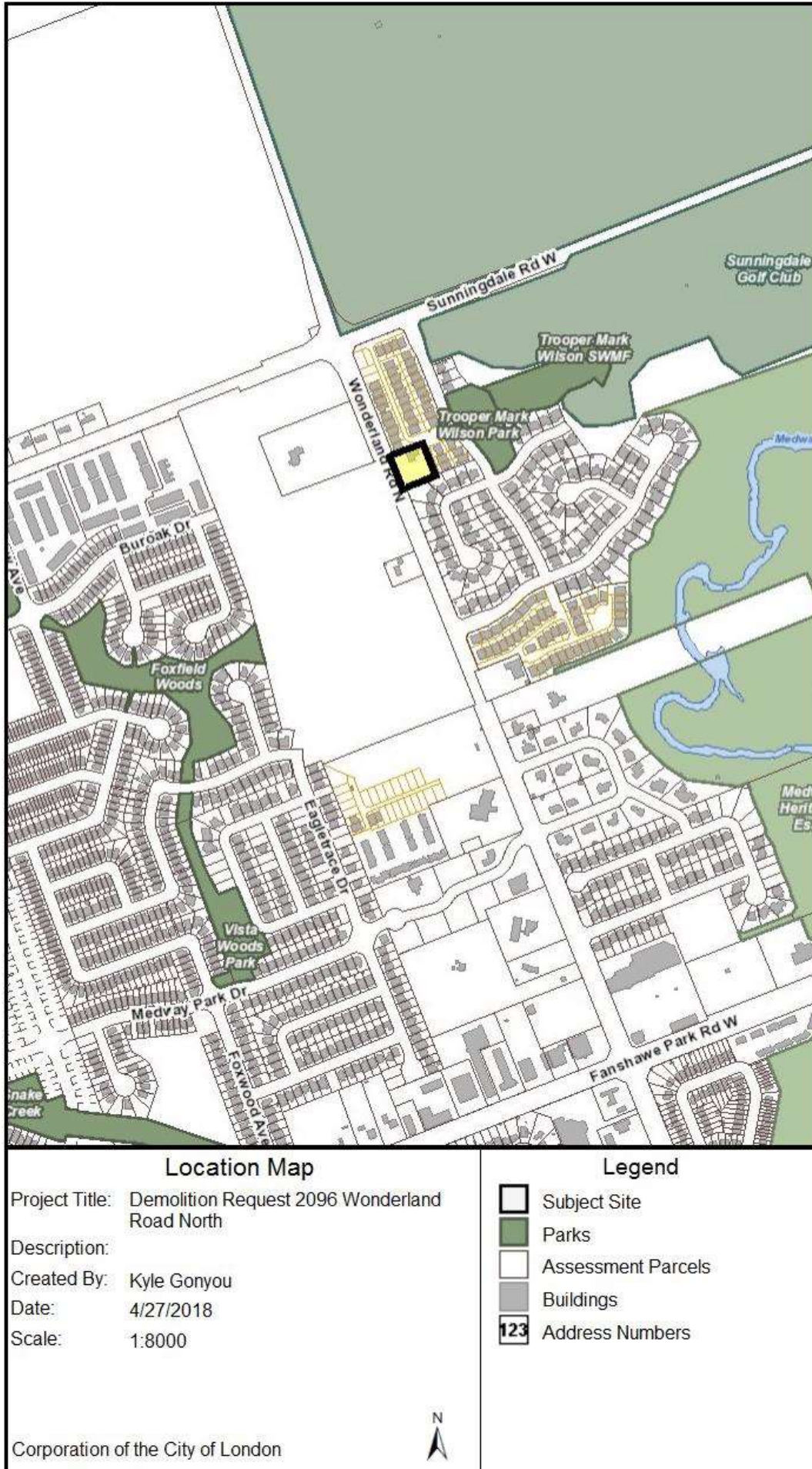


Figure 1: Property location of 2096 Wonderland Road North.

Appendix B



Image 1: Detail of Sketch of Part of the London Township (1850), identifying the Warner property on the north half of Lot 20, Concession V of the former London Township. The red mark indicates a building or structure. Courtesy Western Archives.

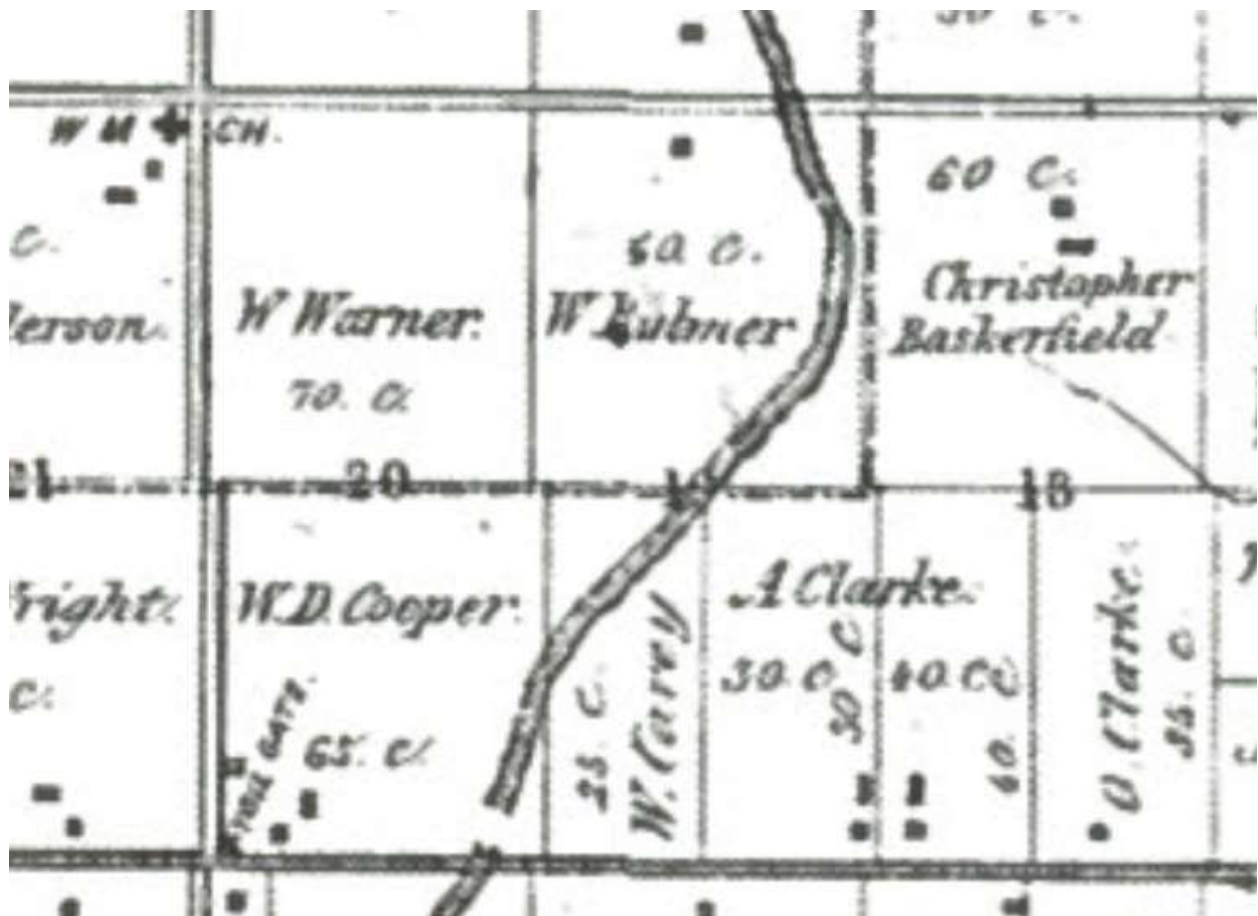


Image 2: Detail of Map of the Township of London, Canada West (1863) by Samuel Peters, identifying the W. Warner property. Note the "CH" refers to the Methodist Episcopal White Church located on the west side of what is now Wonderland Road North.

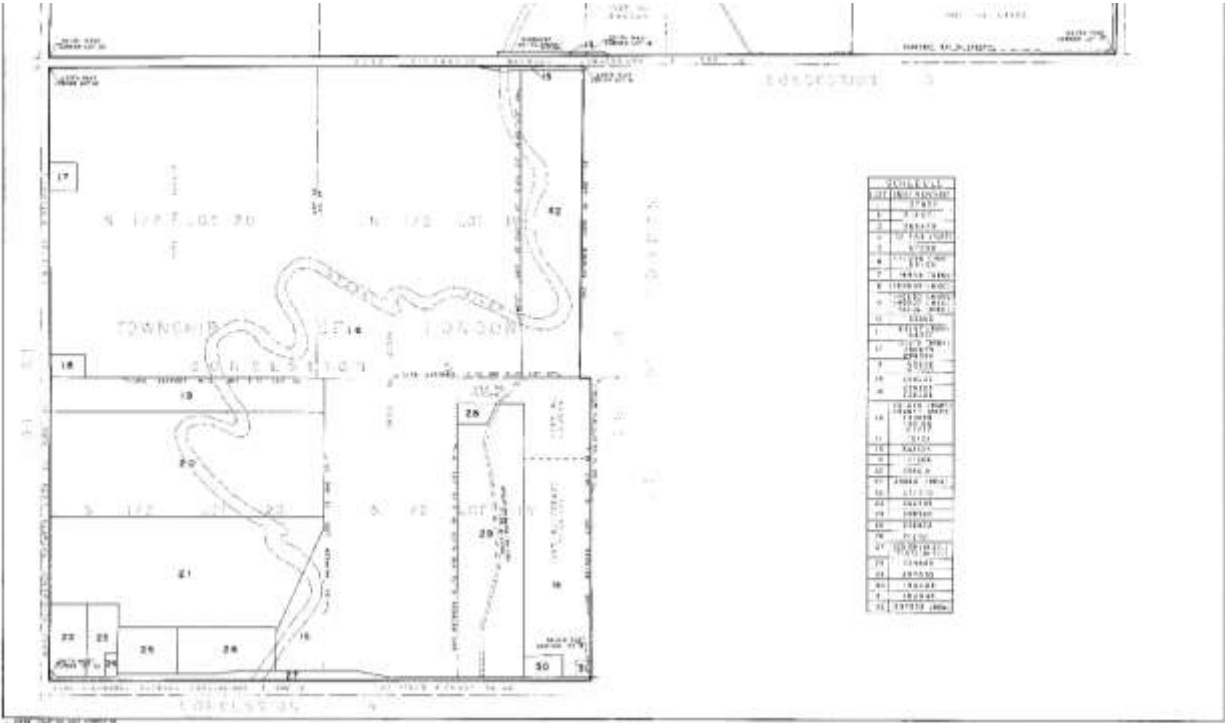


Image 3: Detail of Registrar's Compiled Plan 1028, all of Lots 19 and 20, Concession V, and all of Lots 17, 18, 19, and 20, Concession VI in the Township of London, County of Middlesex (1975). The property at 2096 Wonderland Road North is Lot 17, 208' by 208'.



Image 4: View of the main (west) façade of the building located at 2096 Wonderland Road North (1993).



*Image 5: View of the main (west) façade of the building located at 2096 Wonderland Road North on August 14, 2007.*



*Image 6: Detail of the main (west) façade of the building located at 2096 Wonderland Road North (November 2007).*



Image 7: Main (west) façade of the building located at 2096 Wonderland Road North.



Image 8: South façade of the building located at 2096 Wonderland Road North. Note the rear addition.



Image 9: View of the rear facade of the building located at 2096 Wonderland Road North.



Image 10: View of the north façade of the building located at 2096 Wonderland Road North. Note: the wood board and batten clad addition to the original brick structure.



*Image 11: View of the building located at 2096 Wonderland Road North from the southwest corner of the property (at Wonderland Road North), showing the driveway, lawn, and mature trees.*

**Appendix C – Comparative Analysis Images**



*Image 12: Property at 5 Paddington Avenue, built in 1849.*



*Image 13: Property at 1 Frank Place, built in 1862.*



*Image 14: Property at 475 Fanshawe Park Road East, built in circa 1850.*



*Image 15: Property at 130 Kent Street, built in 1863. Note the side hall plan of the building, painted brick, and asymmetrical massing.*





*Image 16: Property at 177 Kent Street, built circa 1860. Note the urban context of this property, which translates into projecting firewalls at the gable ends of the building.*



*Image 17: Property at 1057 Oxford Street West, built in 1855. This property is known as Elson.*



*Image 18: Property located at 2012 Oxford Street West, built in 1865.*



*Image 19: Property located at 40 Ridout Street South, built in circa 1850.*



*Image 20: Property located at 2700 Westminster Drive, built in 1869.*



*Image 21: Property located at 4594 White Oak Road, built in 1850. Note: building not visible from road; photograph from 1993.*



*Image 22: Property located at 444 York Street, built in 1863.*



*Image 23: Property located at 1458 Huron Street, built in 1853. This property is known as Flower House.*

**Planner: K. Gonyou**



*Image 24: Property located at 2297 Westminster Drive, built circa 1860.*



*Image 25: Property located at 3565 Westdel Bourne, built in 1855. This property is known as Whitney House.*

## **Appendix D – Heritage Impact Statement**

Heritage Impact Statement (prepared by Stantec Consulting Ltd., April 10, 2018)

## Appendix E – Statement of Cultural Heritage Value or Interest

**Legal Description** Lot 17, RCP 1028, London

### **Statement of Cultural Heritage Value or Interest**

#### **Description of Property**

The property at 2096 Wonderland Road North is located on the east side of Wonderland Road North between Fanshawe Park Road East and Sunningdale Road East. A two-storey brick building is located near the northeast corner of the property.

#### **Statement of Cultural Heritage Value or Interest**

The residence at 2096 Wonderland Road North has local significance for design/physical value, historical/associative value, and contextual value.

The residence at 2096 Wonderland Road North has physical or design value as a rare and representative example of a mid-19<sup>th</sup> century Georgian farmhouse. The residence is a two storey structure with a low-pitched hip roof and bookend chimneys. It has a buff brick exterior with a common bond, brick voussoirs, and a stone foundation. The Georgian style of architecture is reflected in the symmetrical façade and minimal use of ornamenting and detail.

The residence at 2096 Wonderland Road North has historical and associative value because of its link with the Warner family. William Warner was the original patent holder on the property, receiving it in 1819. His son, Wesley Warner, inherited the farmstead and was a noted member of London Township for his involvement in the temperance society.

The residence at 2096 Wonderland Road North has contextual value because it is physically and historically linked to its surroundings. It remains located in its original spot on the property and historically reflects the prominent role agriculture played in London Township.

#### **Heritage Attributes**

The heritage attributes which support or contribute to the cultural heritage value or interest of the property at 2096 Wonderland Road North include:

- Georgian two storey farmhouse
- Square shaped plan
- Low pitched hip roof with bookend chimneys
- Buff brick construction
- Field stone foundation
- Brick voussoirs above windows
- 

The addition at the rear of the brick building is not considered to be a heritage attribute.

Appendix F – Heritage Attributes



Figure 2: Heritage attributes of the property located at 2096 Wonderland Road North, as identified in the Statement of Cultural Heritage Value or Interest (see Appendix E).



**Heritage Impact Statement  
2096 Wonderland Road North  
City of London, Ontario**

Part Lot 20, Concession 5, Former Township  
of London

April 10, 2018

Prepared for:

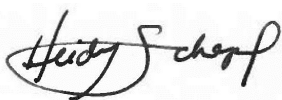
Invest Group Ltd.  
4308 Village Centre Court  
Mississauga ON, L4Z 1S2

Prepared by:

Stantec Consulting Ltd.  
600-171 Queens Avenue  
London ON, N6A 5J7

## Sign-off Sheet

This document entitled Heritage Impact Statement, 2096 Wonderland Road North, City of London, Ontario was prepared by Stantec Consulting Ltd. ("Stantec") for the account of Invest Group Ltd. (the "Client"). Any reliance on this document by any third party is strictly prohibited. The material in it reflects Stantec's professional judgment in light of the scope, schedule and other limitations stated in the document and in the contract between Stantec and the Client. The opinions in the document are based on conditions and information existing at the time the document was published and do not take into account any subsequent changes. In preparing the document, Stantec did not verify information supplied to it by others. Any use which a third party makes of this document is the responsibility of such third party. Such third party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party as a result of decisions made or actions taken based on this document.



Prepared by \_\_\_\_\_

(signature)

**Heidy Schopf, MES, CAHP**



Reviewed by \_\_\_\_\_

(signature)

**Colin Varley, MA, RPA**



Approved by \_\_\_\_\_

(signature)

**Jim Wilson, MA**



## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>I</b>
<b>PROJECT PERSONNEL.....</b>	<b>III</b>
<b>ACKNOWLEDGEMENTS .....</b>	<b>III</b>
<b>1.0 STUDY PURPOSE AND METHODS.....</b>	<b>1.1</b>
<b>2.0 SITE HISTORY .....</b>	<b>2.1</b>
2.1 INTRODUCTION.....	2.1
2.2 PHYSIOGRAPHY .....	2.1
2.3 HISTORICAL DEVELOPMENT .....	2.1
2.3.1 Survey and Settlement .....	2.1
2.3.2 19 <sup>th</sup> Century Development.....	2.2
2.3.3 20 <sup>th</sup> Century Development.....	2.3
2.3.4 Property History.....	2.3
<b>3.0 SITE DESCRIPTION.....</b>	<b>3.1</b>
3.1 PLANNING FRAMEWORK .....	3.1
3.1.1 City of London Official Plan .....	3.1
3.2 LANDSCAPE SETTING .....	3.1
3.3 2096 WONDERLAND ROAD NORTH .....	3.3
3.3.1 Residence Exterior .....	3.3
3.3.2 Residence Interior .....	3.4
3.3.3 Outbuildings.....	3.10
3.3.4 Landscape Features.....	3.10
<b>4.0 HERITAGE EVALUATION .....</b>	<b>4.1</b>
4.1 ONTARIO REGULATION 9/06 .....	4.1
4.2 EVALUATION .....	4.1
4.2.1 Design or Physical Value.....	4.2
4.2.2 Historical or Associative Value .....	4.2
4.2.3 Contextual Value .....	4.3
4.2.4 Statement of Cultural Heritage Value or Interest.....	4.3
4.2.5 Heritage Attributes.....	4.4
<b>5.0 ASSESSMENT AND MITIGATION .....</b>	<b>5.1</b>
5.1 DESCRIPTION OF THE PROPOSED UNDERTAKING .....	5.1
5.2 ASSESSMENT OF IMPACTS.....	5.1
5.3 MITIGATION OPTIONS .....	5.2
5.3.1 Retention .....	5.2
5.3.2 Relocation.....	5.2
5.3.3 Documentation and Salvage .....	5.3
<b>6.0 RECOMMENDATIONS.....</b>	<b>6.1</b>

**7.0 SOURCES .....7.1**

**LIST OF TABLES**

Table 1: Evaluation According to Ontario Regulation 9/06 .....4.2

**LIST OF FIGURES**

Figure 1: Study Area .....1.2  
Figure 2: Map of Grants in London Township .....2.6  
Figure 3: Map of Study Area, 1877 .....2.7  
Figure 4: Aerial View of Study Area, 1954 .....2.8  
Figure 5: Aerial View of Study Area, 1967 .....2.9  
Figure 6: Topographic Map of Study Area, 1973 .....2.10  
Figure 7: Aerial View of Study Area, 1989 .....2.11

**LIST OF APPENDICES**

**APPENDIX A AMENDING LETTER ..... A.1**  
**APPENDIX B PROPOSED DEVELOPMENT ..... B.1**  
**APPENDIX C MOLD REPORT ..... C.1**  
**APPENDIX D DOCUMENTATION AND SALVAGE PLANS ..... D.1**  
**APPENDIX E ENGINEERING LETTER ..... E.2**

## Executive Summary

Invest Group Ltd. retained Stantec Consulting Ltd (Stantec) to conduct a Heritage Impact Statement (HIS) for the property at 2096 Wonderland Road North, in the City of London, Ontario. The property is included on the City of London's list of heritage properties as a Priority 2 building, though it is not designated under Part IV of the Ontario Heritage Act. Invest Group Ltd. is considering a draft plan to rezone the property for townhouses.

The study area at 2096 Wonderland Road North contains a two storey Georgian residence that dates to approximately 1850, with a later addition. Landscape features including plantings and mature trees. The property is historically associated with the Warner family, who owned the property from 1819 to about 1891.

Determination of cultural heritage value or interest (CHVI) was undertaken according to criteria outlined in *Ontario Regulation 9/06* made under the *Ontario Heritage Act*. The property at 2096 Wonderland Road North was determined to have CHVI based on the design of the residence, its association with the Warner family, and for its connection to the early settlement and development of the former London Township.

The two storey residence is an example of the Georgian style. The residence is a symmetrical structure, with a low-pitched hip roof, bookend chimneys, buff brick exterior, brick voussoirs, and stone foundation.

The proposed changes in land-use to townhouse development in the study area will have an effect on the heritage value of this property since the house will be directly impacted and the historical connection to the land will be permanently altered.

Based on the impacts identified to this cultural heritage resource, two mitigation options have been identified. These options are ranked in order of preference. The recommended mitigation options include:

- 1) Relocation of the house is the preferred mitigation option for this property, if feasible. Relocation within the property is preferred in order to maintain some aspect of the contextual and historical associations the house has with its setting. If relocation within the site is demonstrated not to be feasible, relocation to an adjacent site is also a valid mitigation option, if an adjacent site is available. If relocation to an adjacent site is not possible, advertising the house for sale at a discounted price with the condition that the buyer relocate the house is also a valid relocation strategy. A structural engineer has indicated that relocation may be difficult and could potentially cause damage to the house and brick fireplaces.
- 2) If relocation of the house is not feasible, if no prospective buyer can be found to relocate the house, or if the structure is deemed not structurally sound enough to survive relocation, then documentation and salvage (as applicable) of the property is the next preferred mitigation option. Documentation and salvage should be carried out prior to relocation or demolition. Documentation activities should consist of the full heritage recording of the house and landscape through photography, photogrammetry, or LiDAR scan. Salvage activities should consist of the identification and recovery re-useable materials by a reputable salvage company or charity. The documentation and salvage work should be carried out under the direction of a Cultural Heritage Specialist in good professional standing with the Canadian Association of Heritage Professionals (CAHP).

**HERITAGE IMPACT STATEMENT, 2096 WONDERLAND ROAD NORTH, CITY OF LONDON, ONTARIO**

*The Executive Summary highlights key points from the report only; for complete information and findings the reader should examine the complete report.*

## Project Personnel

Project Manager:	Lashia Jones, MA, CAHP
Heritage Consultant:	Heidy Schopf, MES, CAHP
Report Writers:	Frank Smith, MA, Heidy Schopf, MES, CAHP
Geographic Information Specialist:	Andrew White
Office Assistants:	Robyn Taylor, Carol Meerman
Quality Review:	Colin Varley, MA, RPA
Independent Review:	Jim Wilson, MA

## Acknowledgements

Kyle Gonyou	Heritage Planner, City of London
-------------	----------------------------------

## 1.0 STUDY PURPOSE AND METHODS

Invest Group Ltd. retained Stantec Consulting Ltd (Stantec) to prepare a Heritage Impact Statement (HIS) for the property located at 2096 Wonderland Road North, City of London, Ontario (Figure 1). The property is listed on the City of London's *Inventory of Heritage Resources* (City of London 2006) as a Priority 2 Property. The property is not designated under the *Ontario Heritage Act*. Redevelopment of the property is being proposed to remove the existing dwelling and rezone the property for townhouses (See Appendix A for Site Plans). As part of this approach, a HIS must be prepared. The overall objectives of the HIS will be to determine:

1. The cultural heritage value and heritage attributes (if applicable) of the property at 2096 Wonderland Road North.
2. The impact of the development proposal on identified heritage attributes or cultural heritage value of the property.
3. Appropriate alternatives and mitigation measures that will conserve the heritage value of the property.

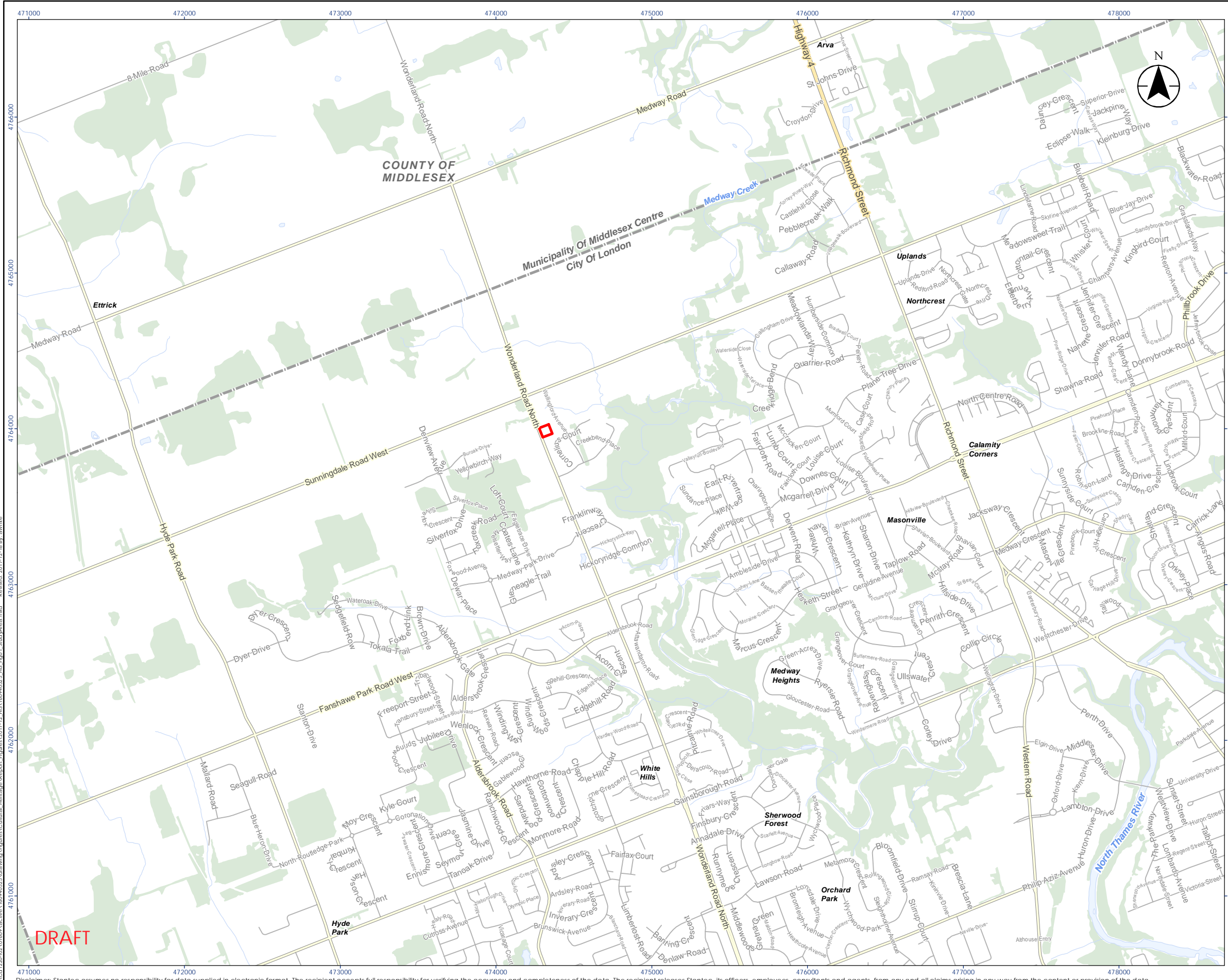
The City of London does not presently have a Terms of Reference for preparing HIS. The preparation of this report will be guided by the Ministry of Tourism, Culture and Sport's to InfoSheet #5 in *Heritage Resources in the Land Use Planning Process, Cultural Heritage and Archaeology Policies of the Ontario Provincial Policy Statement, 2005* (Government of Ontario 2006a) (Info Sheet #5). This document uses *Ontario Regulation 9/06* for determination of cultural heritage value or interest (CHVI) and also provides guidance on the assessment of impacts based on CHVI resulting from a proposed change.

As per the guidance contained in *Infosheet #5*, this report contains the following components:

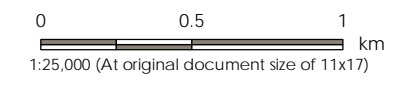
- historical research, site analysis and evaluation
- identification of the significant and heritage attributes of the cultural heritage resource
- description of the proposed development or site alteration
- measurement of development or site alteration impact
- consideration of alternative, mitigation and conservation methods
- implementation and monitoring
- summary statement and conservation recommendations

The study area, referred to throughout this HIS as the "property", contains two storey mid-19<sup>th</sup> century brick house and associated landscape features.

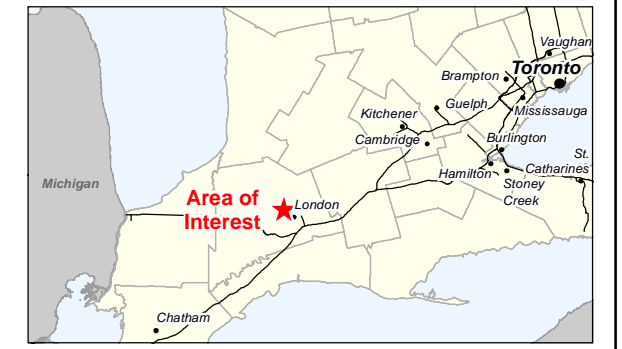
A site assessment of the study area was undertaken on December 11, 2017 by Frank Smith, MA, Cultural Heritage Specialist with Stantec. The weather conditions were overcast and calm. Historical research was conducted at the London Public Library and The University of Western Ontario to verify background information on the property and its context.



- Legend**
- Study Area
  - Highway
  - Major Road
  - Minor Road
  - Watercourse
  - Municipal Boundary
  - Waterbody
  - Wooded Area



- Notes**
1. Coordinate System: NAD 1983 UTM Zone 17N
  2. Base features produced under license with the Ontario Ministry of Natural Resources and Forestry © Queen's Printer for Ontario, 2017.



Project Location: City of London  
 Prepared by AMW on 2017-12-18  
 Technical Review by PD on 2017-12-08  
 Independent Review by ABC on www-mm-dd

Client/Project:  
**INVEST GROUP, LTD.**  
**2096 WONDERLAND ROAD NORTH**  
**HISTORICAL IMPACT STATEMENT**

Figure No. **1**  
 Title **Study Area**

**DRAFT**

\\Cd1220-02\01609\active\160940525\Drawings\Report\_Figures\2017-12-18\MS160940525\_HIS\_Fig01\_StudyArea.mxd  
 Revised: 2017-12-18 By: ewhite  
 4763000  
 4762000  
 4761000

**DRAFT**

## 2.0 SITE HISTORY

### 2.1 INTRODUCTION

The study area is located at 2096 Wonderland Road North, in the former Township of London, now the City of London. The property is located at the northwestern edge of the City of London, approximately 1 kilometre south of the Municipality of Middlesex Centre. The study area is the property boundary of 2096 Wonderland Road North and is situated on part of Lot 20, Concession 5, former Township of London. The following sections outline the historical development of the study area from the time of Euro-Canadian settlement to the 20<sup>th</sup> century.

### 2.2 PHYSIOGRAPHY

The study area is situated with the Stratford Till Plain physiographic region of southern Ontario in undrumlinized till plain landform (Chapman and Putnam 1984). The Stratford Till Plain is a broad clay till plain extending from London to the Grand River Valley. The plain consists of a large ground moraine, interrupted by several terminal moraines. It is divided in its drainage by the Thames River in the centre and southern areas and by the Grand River in the northern area. The plain is included within the Lake Huron lake-effect belt and receives more precipitation than average in southern Ontario. This, combined with the good natural soil fertility, allows it to be one of the most agriculturally productive areas in Ontario (Chapman and Putnam 1984:133-134).

Till plains are large expanses of unstratified glacial drift deposited by glaciers and consisting of clay, sand, gravel or boulders intermixed in any proportion (Department of Agriculture 1976:40). The till plain within the study area was exposed following the retreat of the Laurentian glacier's Ontario lobe (Karrow and Warner 1990:15). The surficial geology of the study area indicates that it is underlain by deposits of glacial till. These till deposits are stone-poor and sandy-silt to silty sand in texture, and overlay a Paleozoic terrain (Ontario Geological Survey 1990).

The study area is located in proximity to Medway Creek. Medway Creek drains an area of approximately 205 square kilometres and is approximately 218 kilometres long. Medway Creek is documented to be habitat for the Rainbow Mussel, historically, an important resource for Aboriginal people (Government of Ontario 2012; Upper Thames River Conservation Authority 2012).

### 2.3 HISTORICAL DEVELOPMENT

#### 2.3.1 Survey and Settlement

In the Canada Constitution Act of 1791, the British Parliament divided the Province of Quebec in two, creating Upper and Lower Canada. This division was both cultural and geographic. Upper Canada was created to carve out a new colony for the United Empire Loyalists and other English-speaking colonists settling in Canada (Taylor 2007: 2). John Graves Simcoe was appointed Lieutenant Governor of Upper Canada and arrived in June 1792 with grand plans to mold the colony into "the very image and transcript of that of Great Britain" (Taylor 2007: 9).

Part of Simcoe's transformative plan for Upper Canada included the use of English place-names that could easily be remembered and pronounced by Loyalist settlers and British immigrants. Simcoe took great interest in the forks of the



Thames River, and selected it as the site for the capital of Upper Canada in 1791. In accordance with his plans, he named the site London. Merchants in Upper Canada, as well as Guy Carleton, Governor of Canada, objected to the proposed site because of its inaccessibility. The capital never moved to London and was eventually transferred from Niagara-on-the-Lake to Toronto (Armstrong 1986: 21).

The London District was created in 1798 by an act of Parliament and included the counties of Middlesex, Huron, Norfolk and Oxford. Initially the County of Middlesex was comprised of ten townships: Aldborough, Dunwich, Southwold, Yarmouth, Malahide, Bayham, Delaware, Westminster, Dorchester, and London (Brock and Moon 1972: 69). London Township was the largest in Middlesex County and contained 96,000 acres (Page 1878: 9).

The first surveyor in the region, Abraham Iredell, reported the agricultural conditions in Southwestern Ontario to be among the finest in North America. The first settler in London Township was Joshua Applegarth, who arrived in 1807, and attempted to cultivate hemp before switching to other crops (Page 1878: 5).

London Township remained almost entirely unsettled until Thomas Talbot, along with surveyor Mahlon Burwell, planned to develop the township in 1810. Talbot would eventually be instrumental in the settlement of 29 townships in Southwestern Ontario. Before the outbreak of the War of 1812, Burwell surveyed Concessions 1-6 of the township, which includes the land in the study area (London Township History Book Committee [LTHBC] 2001a: 12). Burwell completed the rest of the survey in 1818. The first London Township town meeting was held on January 4, 1819, in Joshua Applegarth's house. (Armstrong 1986: 29).

### 2.3.2 19<sup>th</sup> Century Development

Settlement progressed during the first decades of the 19<sup>th</sup> century under the guidance of Thomas Talbot. In 1818, he recommended his relative, Richard Talbot, settle about 25 new families in London Township. These settlers had come from Ireland. In 1819, the population further increased when Thomas Talbot settled an additional 98 immigrants in London Township (LTHBC 2001a: 14).

Within 10 years, the average settler usually built a log cabin, stable, smoke house, granary, and barn on his property. Wheat was the preferred crop, and was shipped abroad from Port Stanley (LTHBC 2001a: 46). Settlers were also tasked with improving the local roads. The road allowance in the study area between became known as Cameron Side Road (today Wonderland Road North) (LTHBC 2001b: vii). Travel conditions in the Township remained arduous until the arrival of the Great Western Railway in London in 1853 (LTHBC 2001a:87).

By the early 1860s, most of the Township had been settled, including the lot within the study area (Figure 2). In 1864, there were 92,489 acres of land settled in the township: 35,684 acres for crops, 11,983 acres for pasture, 1,162 acres for gardens and orchards and the remainder were still classified as woods. Crops grown in the township included barley, peas, oats, Indian corn, potatoes, and turnips (The City of London and Middlesex County Directory and Gazetteer 1864). The American Civil War (1861-1865) also increased demand for barley, oats and livestock, leading farmers to transition away from wheat as their main crop (LTHBC 2001a: 49).

As the City of London grew, portions of London Township were annexed into the City of London. Land in the Township was first annexed in 1840 when the Town of London was established. The Town of London became the City of London in 1855 and continued to grow. In 1885, the City expanded east and annexed the Village of East London from the Township (Curtis 1992:13).

### 2.3.3 20<sup>th</sup> Century Development

The development of the Township in the 20<sup>th</sup> century is highly interconnected with the development of the City of London. London Township remained largely agricultural at the turn of the 20<sup>th</sup> century, in part because of the City of London's annexations. The effects of the First World War, the Great Depression, and the Second World War curtailed demand for new development in the City of London and the city boundaries remained unchanged (Curtis 1992: 15).

Like much of North America, London experienced rapid development and growth in the post-war era. By the 1950s, the City of London was almost fully developed and needed new land to continue growth. As demand for housing in the post-war era grew, London and Westminster Townships began to see significant development along their borders with the City of London. Between 1951 and 1956 the population of London Township increased 66% (Meligrana 2000: 8). In 1958, the City began the process of annexing 57,000 acres of land in London, West Nissouri, and Westminster, and North Dorchester Townships.

Some township residents opposed annexation, and believed their taxes would increase, with little in return from the City. Township officials claimed businesses chose to locate themselves in the township and should not be forced into the City. In May 1960, the Ontario Municipal Board ruled in favour of annexation and awarded 30,000 acres of land in London Township to the City. The annexation became effective in 1961 (Globe and Mail 1960: 10).

The study area remained in London Township until London's next major annexation of surrounding land in 1993, which deducted 84,014 acres from the Township, and annexed the study area into the City of London (LTHBC 2001a:36). The remaining part of London Township amalgamated with Lobo Township and Delaware Township on December 31, 1997 to create the Municipality of Middlesex Centre (LTHBC 2001a: 37).

The City of London is continuing to grow and develop in the 21<sup>st</sup> century. In 2016, the City of London had a population of 383,822 an increase of 4.8% since 2011 (Statistics Canada 2017).

### 2.3.4 Property History

The study area includes the north half of Lot 20, Concession 5, in the former Township of London. Lot 20 was split into two 100 acre parcels. The south half was granted to Orange Clark in September 1818 and the north half was granted in October 1819 to William Warner (Figure 2).

William Warner was born in 1801 in Ontario. According to the 1871 Census of Canada, the Warner family was Wesleyan Methodist of English origin. William lived with his son Wesley Warner, aged 30, his son's wife Esther, aged 27, of Irish descent, Emily Warner, aged 25, William L. Warner, aged 4, and Wesley Warner, aged 2 (Census of Canada 1871).

The 1861 Agricultural Census of Canada shows that William Warner still held the original 100 acres granted to him. Of that 100 acres, 65 were under cultivation. 40 acres was used for crops, 19 for pasture, and 6 for orchards or gardens. 35 acres remained forested. The cash value of the farm was \$5,500, slightly above average compared to other farms on Concession 5 and 6. On his farm, Warner grew wheat, peas, oats, Indian corn, potatoes, turnips, carrots, and hay (Census of Canada East, Canada West, Prince Edward Island, New Brunswick and Nova Scotia 1861). William and his wife Margaret were originally buried at Methodist Episcopal White Church at the southeast corner of present day Fanshawe Park Road and Wonderland Road. In 1934, their tombstones were placed into a

## HERITAGE IMPACT STATEMENT, 2096 WONDERLAND ROAD NORTH, CITY OF LONDON, ONTARIO

cairn—a popular practice at the time (Globe and Mail 1949). In the 1990s, Fanshawe Park Road was widened and the cairn was moved to St. John's Anglican Church where it remains today (LTHBC 2001a: 198).

Page's 1877 map of London Township shows a building present at approximately the same location as the current structure on the property (Figure 3). The map also depicts orchards and that the Warner family owned part of the adjacent lot. The existing residence at the property is a Georgian style building, a style popular in Upper Canada from 1780 to 1860, and which usually replaced a settler's first log-cabin structure (Kyles 2016). The Georgian style residence fell out of favour by 1860 as more ornate Victorian styles, such as Italianate, Queen Anne, and Vernacular residences, became increasingly popular. Therefore, the City of London's Inventory of Heritage Resources date of construction for this residence as circa 1850 is supported, and matches the period of construction of other Georgian residences in the City of London. The Warner family had a farm of an above average value, so they were able to afford a statelier two storey Georgian residence. The prevailing building style at the time in Ontario was the one and a half storey Ontario Gothic Cottage (University of Waterloo 2009).

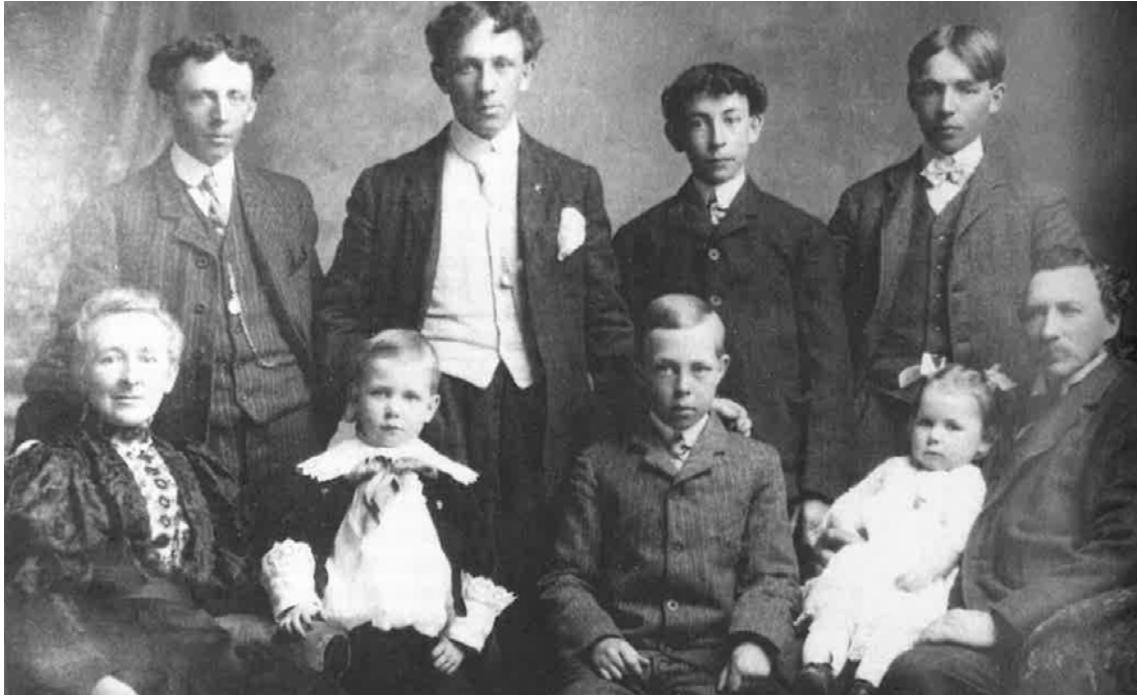
After the death of William, the farm was inherited by his oldest son Wesley. He was described in the *London Advertiser* as an earnest man with a full beard of red whiskers, and devout Methodist. His political beliefs were Reform and he was a noted member of the temperance movement (London Advertiser 1891). Wesley lived on the farm with his wife Esther, aged 38. Together they had five children, Clara, aged 6, William Louis aged 14, and Alice, aged 3. In the 1881 Census of Canada they also had one servant, Elizabeth Floyd, an 18-year-old from England (Census of Canada 1881). By 1890, Wesley and Esther had two more children, Maggie, born 1882, and Walter, born 1887.

Tragedy struck the Warner family on Saturday March 21, 1891. That morning, Wesley and two of his daughters, Clara and Maggie, drove their carriage to market in London. During their trip back, the carriage was struck by a Canadian Pacific Railway train at a notorious crossing with a steep bank that did not offer a view of the tracks until within 25 feet of the railroad. Wesley, Clara, Maggie, and their two horses were instantly killed. The driver of the train, Thomas Rutledge, of the City of London, could not understand how the disaster happened. He explained he blew the train whistle twice at 400 yards. The previous week, Wesley and Esther had celebrated their 25<sup>th</sup> wedding anniversary and invited his neighbors over for a gathering (London Advertiser 1891).

By 1893, the remaining Warner family had left their farmstead and moved to the City of London to reside at 10 Hope Street (The City of London and Middlesex County Directory 1893: 326). Esther lived with her son William Louis, who supported the family as a laborer. The other surviving children, Alice and Walter also lived with them (Census of Canada 1901).

In a 1917 map of London Township, the owners of the north half of Lot 20, Concession 5 are listed as J., J.S., and D. McLarty (LTHBC 2001b: xiv). The 1911 Census of Canada lists the McLarty family as comprising John McLarty, head of the household, aged 55, his wife Margarette, aged 58, their children, Francis, aged 25, John, aged 20, and their grandson, John, aged 4 (Census of Canada 1911).

A 1940 map of London Township shows that the owner of the north half of Lot 20, Concession 5 was William May. William M. May (1887-1963) was the third son of Donald and Mary May, who had settled on the nearby south half of Lot 22, Concession 5. William married Sheila Kennedy (1892-1964) and together they had three daughters, Mary Rose, Edna, and Irene. Mary Rose married Patrick Rondo and eventually moved back to the property in the study area (LTHBC 2001b: 286-287).



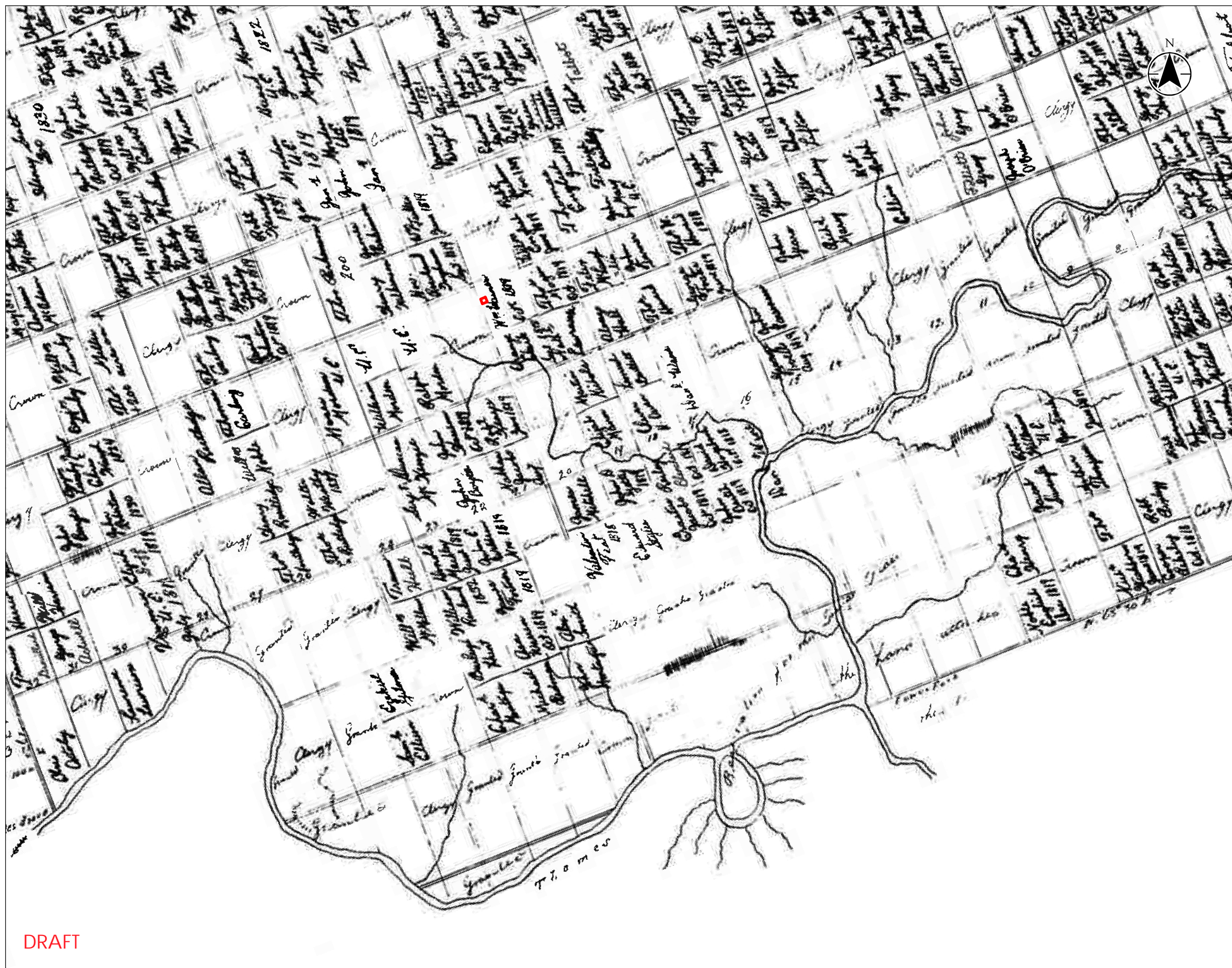
**Plate 1: The May family in 1906, William May is second from left, standing (Source: London Township 2001b: 286)**

In the post-war period, the property and surrounding area remained largely agricultural. A 1954 aerial photograph (Figure 4) of the study area shows an entirely agricultural landscape with the exception of a golf course (now part of Sunningdale Golf & Country Club) along Medway Creek, north of Sunningdale Road. By 1967, the Sunningdale Golf Course had been extended to the southern side of Sunningdale Road (Figure 5). Also during the mid-20<sup>th</sup> century, the Medway Valley Heritage Forest was created by the Upper Thames River Conservation Authority (Upper Thames River Conservation Authority n.d.). Included in the Medway Valley Heritage Forest-North is part of Lot 20, Concession 5. The study area remained mostly agricultural in the 1970s. Topographic mapping from 1973 shows the residence to be one of only four structures north of the intersection of Fanshawe Park Road and Wonderland and south of Sunningdale Road and Wonderland. Additionally, it shows that the Sunningdale Golf & Country Club owned land adjacent to the study area on the north side (Figure 6). By 1989, development was starting to take place north of Fanshawe Park Road along Wonderland, with the first subdivisions visible in aerial photos (Figure 7).

Wonderland Road in the study area was formerly called Cameron Side Road and by the 1960s it was officially called Hutton Road (Vernon's City Directory of London 1965). In 1978, the Guy Lombardo Bridge was constructed linking Hutton Road and Wonderland Road over the Thames River. The erection of the bridge led to the name Wonderland Road being applied to the entire north-south road in the area. Wonderland Road soon became one of the busiest north-south roads in London (Baker and Neary 2003:110).

By the turn of the 21<sup>st</sup> century, agriculture was still taking place on the lot, but the Sunningdale Golf & Country Club was now present in part of the north half of Lot 20, Concession 5 and development was accelerating along Fanshawe Park Road. In 2010, the farm on the property was developed into suburban housing. The Georgian residence remains, having been subdivided into an approximately 1 acre lot.

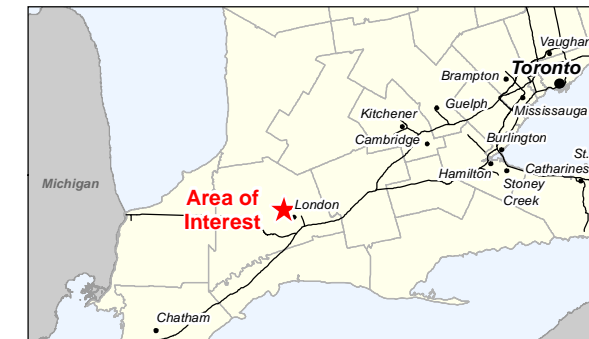
\\Cd1220-02\01609\active\160940525\drawings\Figures\Report\_Figures\2017-12-18\160940525\_CrownGrantRecipients.mxd Revised: 2017-12-18 By: awhite



Legend  
[Red square] Study Area (approximate)

**FIGURE NOT TO SCALE**

Notes  
1. Source: London Township History Book Committee. 2001b. London Township Volume 2: Families Past and Present. Aylmer, Ontario: London Township History Book Committee, page viii.



Project Location: City of London  
160940525 REVA  
Prepared by AMW on 2017-12-18  
Technical Review by PD on 2017-12-08  
Independent Review by ABC on www-mm-dd

Client/Project: INVEST GROUP, LTD.  
2096 WONDERLAND ROAD NORTH  
HISTORICAL IMPACT STATEMENT

Figure No.: 2  
Title: **Map of Grants in London Township**

**DRAFT**

**DRAFT**

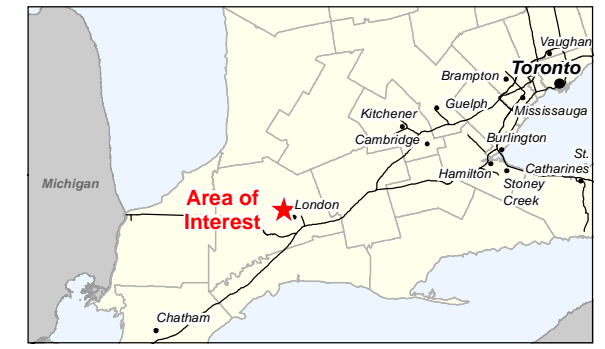
\\Cd1220-02\01609\active\160940525\drawings\Figures\2017-12\_HIS\160940525\_HIS\_Fig03\_1877.mxd Revised: 2017-12-18 By: amwhite



Legend  
[Red square] Study Area (approximate)

**FIGURE NOT TO SCALE**

Notes  
1. Source: Page. H.R. & Co. 1878. Illustrated Historical Atlas of the County of Middlesex. Toronto, Ontario: Correll, Craig & Co. Lith. Toronto.



Project Location: City of London  
160940525 REVA  
Prepared by AMW on 2017-12-18  
Technical Review by PD on 2017-12-08  
Independent Review by ABC on yyyy-mm-dd

Client/Project  
INVEST GROUP, LTD.  
2096 WONDERLAND ROAD NORTH  
HISTORICAL IMPACT STATEMENT

Figure No.  
3

**DRAFT**

Title  
Map of Study Area, 1877

**DRAFT**



Legend  
 Study Area (approximate)

**FIGURE NOT TO SCALE**

Notes

1. Source: University of Toronto. n.d. 1954 Air Photos of Southern Ontario. Electronic Document: <https://mdl.library.utoronto.ca/collections/air-photos/1954-air-photos-southern-ontario/index>. Last Accessed: December 12, 2017



Project Location: City of London  
 Prepared by AMW on 2017-12-18  
 Technical Review by PD on 2017-12-08  
 Independent Review by ABC on yyyy-mm-dd

Client/Project:  
 INVEST GROUP, LTD.  
 2096 WONDERLAND ROAD NORTH  
 HISTORICAL IMPACT STATEMENT

Figure No.  
 4

**DRAFT**

Title  
 Aerial View of Study Area, 1954

DRAFT

\\Cd1220-02\01609\active\160940525\drawing\Figures\Report\_Figures\Figures\2017-12-12\_HIS\_Fig04\_1954.mxd Revised: 2017-12-18 By: awwhite



Legend  
 Study Area (approximate)

**FIGURE NOT TO SCALE**

Notes  
 1. Source: Lockwood Survey Corporation. 1967. London 1967, Line 5, Photo 51.



Project Location: City of London  
 Prepared by AMW on 2017-12-18  
 Technical Review by PD on 2017-12-08  
 Independent Review by ABC on yyyy-mm-dd

Client/Project: INVEST GROUP, LTD.  
 2096 WONDERLAND ROAD NORTH  
 HISTORICAL IMPACT STATEMENT

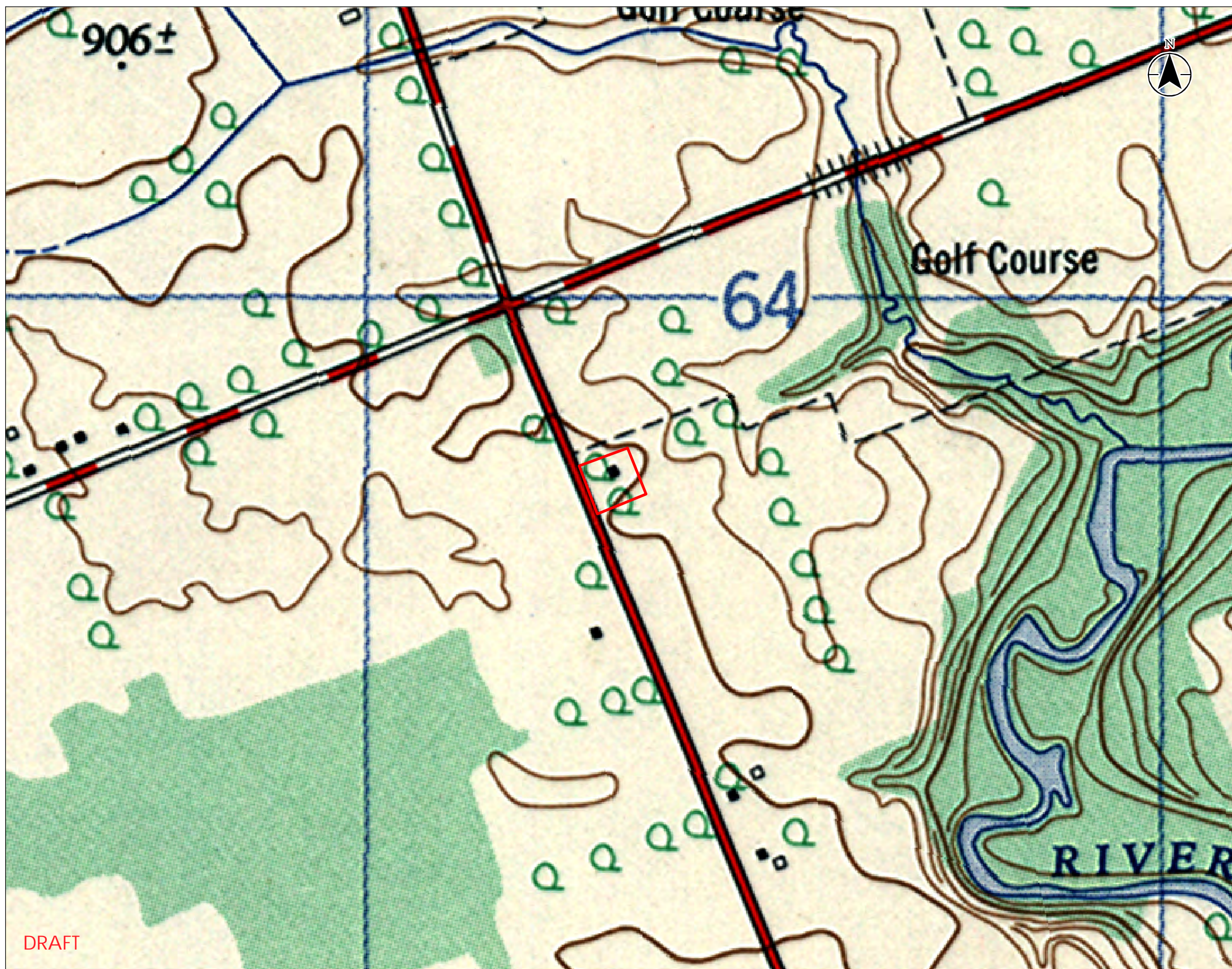
Figure No. 5 **DRAFT**

Title: Aerial View of Study Area, 1967

**DRAFT**

\\Cd1220-02\01609\active\160940525\drawing\Figures\Report\_Figures\2017-12-12\_HIS\_160940525\_HIS\_Fig05\_1967.mxd Revised: 2017-12-18 By: awhite





Legend  
 Study Area (approximate)

**FIGURE NOT TO SCALE**

Notes

1. Source: Department of Energy, Mines and Resources. 1973. Arva, Middlesex County, London Township, Ontario. Canada Map Office: Ottawa.



Project Location: City of London  
 Prepared by AMW on 2017-12-19  
 Technical Review by PD on 2017-12-08  
 Independent Review by ABC on yyyy-mm-dd

Client/Project:  
 INVEST GROUP, LTD.  
 2096 WONDERLAND ROAD NORTH  
 HISTORICAL IMPACT STATEMENT

Figure No. **6** **DRAFT**

Title  
 Topographic Map of Study Area, 1973

DRAFT



Legend

Study Area (approximate)

**FIGURE NOT TO SCALE**

Notes

1. Source: Northway Map Tech, Ltd. 1989. London 1989 Line 8 Photo Number 1040.



Project Location: City of London  
 Prepared by AMW on 2017-12-19  
 Technical Review by PD on 2017-12-08  
 Independent Review by ABC on yyyy-mm-dd

Client/Project:  
 INVEST GROUP, LTD.  
 2096 WONDERLAND ROAD NORTH  
 HISTORICAL IMPACT STATEMENT

Figure No.  
 7

**DRAFT**

Title  
 Aerial View of Study Area, 1989

**DRAFT**

## 3.0 SITE DESCRIPTION

### 3.1 PLANNING FRAMEWORK

#### 3.1.1 City of London Official Plan

The subject property, 2096 Wonderland Road North is listed as a 'Priority 2' property on the City of London's Register as per s. 27 OHA (Inventory of Heritage Resources) (City of London 2006). It is not designated under the *Ontario Heritage Act*. According to the City's Inventory, Priority 2 properties are those that are considered to be "buildings [that] merit designation under Part IV of the Ontario Heritage Act. They have significant architectural and/or historical value and may be worthy of protection by whatever incentives may be provided through zoning considerations, bonusing or financial advantages." The subject property was formerly listed as a 'Priority 1' property on the City of London's Register but was downgraded to a 'Priority 2' property in 2008. The letter confirming the amendment from a 'Priority 1' to a 'Priority 2' property is included in Appendix A.

The City of London Official Plan does not contain detailed policies with regard to properties listed on the City's heritage inventory. The City's Official Plan Section 13.1 contains the following objectives with regard to cultural heritage resources:

- Protect in accordance with Provincial policy those heritage resources which contribute to the identity and character of the City; (Clause i) amended by OPA 438 Dec. 17/09).
- Encourage the protection, enhancement, restoration, maintenance, and utilization of buildings, structures, areas, or sites within London which are considered to be of cultural heritage value or interest to the community; (Clause ii) amended by Ministry Mod. #30 Dec. 17/09).
- Encourage new development, redevelopment, and public works to be sensitive to, and in harmony with, the City's heritage resources; and (Clause iii) amended by OPA 438 Dec. 17/09).
- Increase public awareness and appreciation of the City's heritage resources, and encourage participation by the public, corporations, and other levels of government in the protection, restoration, and utilization of these resources.

### 3.2 LANDSCAPE SETTING

The subject property, 2096 Wonderland Road North, is set in an area transitioning from agricultural use to suburban development. While lands to the immediate west of the residence on the opposite side of Wonderland Road North remain agricultural, lands to the immediate north, east, and south of the study area on the eastern side of Wonderland Road North have been developed into suburban residences (Plate 2, Plate 3, Plate 4). A review of Google Earth Imagery demonstrated that the residential subdivision to the southeast was constructed between 2009-2011. The subdivision to the east and north was constructed between 2011 and 2013. Both subdivisions were constructed after the subject property was downgraded from a 'Priority 1' to a 'Priority 2' property on the City of London's heritage register.

Wonderland Road North is a paved, two lane road with a gravel shoulder on the western side of the road across from the residence and a paved shoulder that narrows in the study area to accommodate the front yard of the residence.

**HERITAGE IMPACT STATEMENT, 2096 WONDERLAND ROAD NORTH, CITY OF LONDON, ONTARIO**

The residence is connected to Wonderland Road North by a gravel driveway that leads to an asphalt parking surface on the eastern side of the residence adjacent to the garage. The front yard of the residence has mature evergreen and deciduous trees interspersed on a grass lawn.



**Plate 2: Wonderland Road North looking North from subject property**



**Plate 3: Wonderland Road north looking South from subject property**



**Plate 4: Looking West across Wonderland Road North from subject property**

### 3.3 2096 WONDERLAND ROAD NORTH

#### 3.3.1 Residence Exterior

The residence at 2096 Wonderland Road North is a two-storey Georgian style farmhouse with a buff brick exterior and stone foundation. The house has a square shape plan, with an addition connecting to a modern garage on the east elevation. The addition likely dates to the 1970s or 1980s. According to the City of London Heritage Register, the original portion of the residence dates to about 1850. The original portion of the residence has a hip roof clad in asphalt shingles and bookend chimneys. The chimney on the south elevation is brick and the chimney on the northern elevation is clad in concrete, the original brick partially visible. The addition is a shed roof garage with loft that is connected to the residence by a buff brick flat roof addition to the original residence.

The front façade (western elevation) is symmetrical with a concrete partial entrance porch. Above the first storey are three modern windows with modern shutters. Each window has a brick voussoir. The first storey of the front façade has two modern windows with modern shutters that also have brick voussoirs. The main entrance has wooden lintels and a transom above the doorway. The door itself is modern (Plate 5).

The north elevation (side) on the second storey has two modern windows with brick voussoirs. The first storey also has two modern windows with brick voussoirs. The stone foundation of the residence is visible and this elevation has three modern basement windows with brick voussoirs just above the foundation where the buff brick exterior meets the stone foundation (Plate 6).

The east elevation (rear) of the second storey has two modern windows with brick voussoirs and a modern door that leads to the flat roof portion of the addition to the residence. The door has a brick voussoir above it. The first storey has one modern window with a brick voussoir and a slide doorway leading to a deck and detached sauna. The east elevation has a flat roof and buff brick addition that connects the original residence with the garage and loft. The flat roof addition has modern double doors and a transom. The garage has a shed roof with a loft and is clad in vertical wooden siding. The garage type is double (Plate 7).

The south elevation (side) has two modern windows on the second storey with brick voussoirs. The first storey has two modern windows with brick voussoirs. The foundation on this elevation is not as visible compared to the north elevation. Two basement windows are located below the first storey windows and these windows have brick voussoirs where the foundation meets the buff brick exterior (Plate 8).

Original architectural elements which form the heritage attributes of the residence are listed in Section 4.2.5 of this report.



**Plate 5: Front façade (western elevation)**



**Plate 6: Northern elevation**



**Plate 7: Eastern elevation**



**Plate 8: Southern elevation**

### 3.3.2 Residence Interior

The interior arrangement of the residence at 2096 Wonderland Road North is a typical layout for a 19<sup>th</sup> century Ontario farmhouse. The first storey contains a kitchen (Plate 9), a laundry room (part of the addition) (Plate 10), dining room (Plate 11, Plate 12), living room (Plate 13, Plate 14), bathroom (Plate 15), den (Plate 16), and foyer (Plate 17, Plate 18). The central portion of the first storey has a hallway with the front entrance door and a staircase which leads to the second storey (Plate 19, Plate 20, Plate 21, Plate 22). The dining room, central hallway, and living room, part of the foyer, and bathroom have wainscoting that is either painted white or naturally finished. The flooring in the foyer, bathroom, and kitchen is modern ceramic tile. The den is carpeted. The living room, dining room and central hallway feature wide plank wooden flooring that appears to be the original hardwood flooring.

The second storey is accessed through the staircase in the central hallway (Plate 23, Plate 24) of the residence and contains two bathrooms and four bedrooms. One bedroom was locked and inaccessible. One bedroom was carpeted, had a fireplace mantle, and an ensuite bathroom (Plate 25, Plate 26). The remainder of the accessible bedrooms had wooden flooring (Plate 27, Plate 28, Plate 29) and the bathroom accessible from the hallway had modern ceramic

## HERITAGE IMPACT STATEMENT, 2096 WONDERLAND ROAD NORTH, CITY OF LONDON, ONTARIO

flooring (Plate 30). All of the rooms, except the ensuite bathroom, are connected by a hallway with a hardwood floor (Plate 31).

The house features a basement, which is accessed via a door in the foyer. The basement encompasses the entirety of the original portion of the residence. The basement has stone walls and a poured concrete floor. The basement has hand hewn joists (Plate 32).

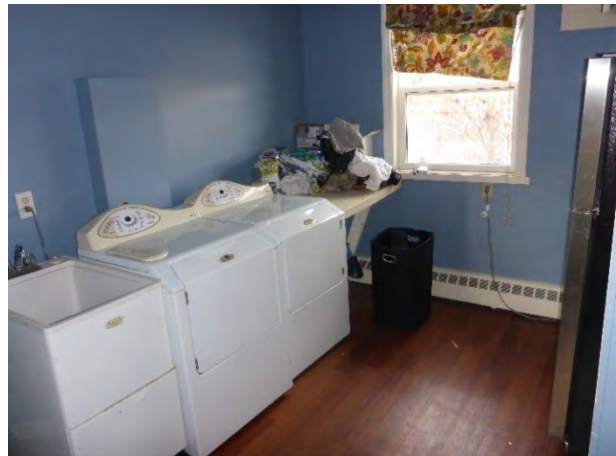
The doors in the residence are wooden and many of them feature skeleton key locks and ornate door knobs (Plate 33). The modern attached garage has a loft above it and is connected to the main residence via the laundry room (Plate 34).

Invest Group has advised Stantec that the roof of the residence leaks and that elevated levels of mold are present in the structure. A building condition specialist should be consulted to determine the impacts these issues may have on the residence. A copy of the Mold Report is in Appendix C.

Original architectural elements which form the heritage attributes of the residence are listed in Section 4.2.5 of this report.



**Plate 9: Kitchen**



**Plate 10: Laundry room**



Plate 11: Dining room, east half



Plate 12: Dining room, west half



Plate 13: Living room, west half



Plate 14: Living room, east half



Plate 15: 1<sup>st</sup> Floor bathroom

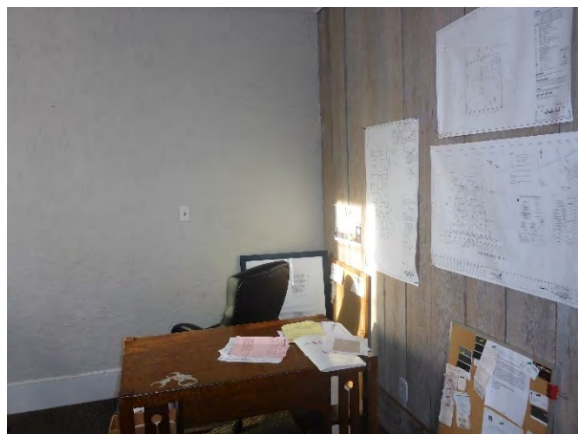


Plate 16: Den





Plate 17: Foyer



Plate 18: Foyer



Plate 19: Central hallway



Plate 20: Central staircase



Plate 21: Central staircase



Plate 22: Entrance door



**Plate 23: Staircase from 2<sup>nd</sup> floor**



**Plate 24: Staircase from 2<sup>nd</sup> floor**



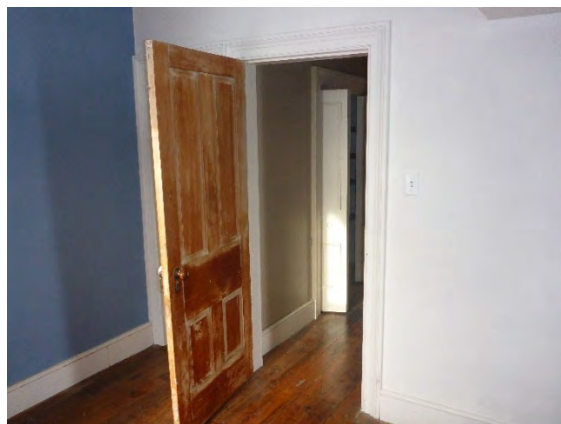
**Plate 25: Northwest upstairs bedroom**



**Plate 26: Northwest upstairs bathroom (ensuite)**



**Plate 27: East upstairs bathroom**



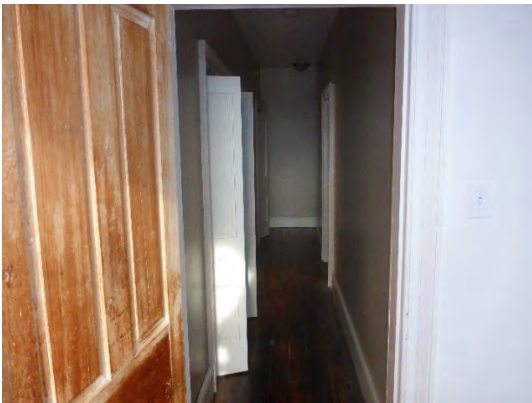
**Plate 28: Southeast upstairs bedroom**



**Plate 29: Southeast, upstairs bedroom**



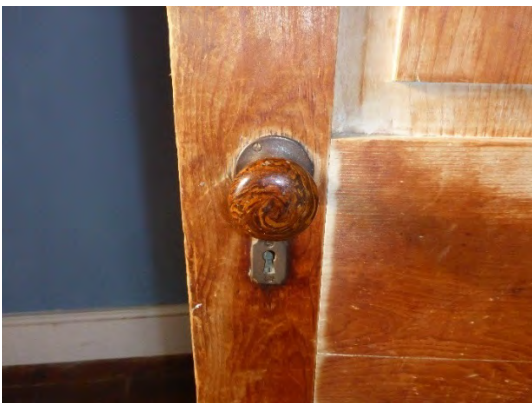
**Plate 30: Upstairs bathroom accessed from hallway.**



**Plate 31: Upstairs Hallway**



**Plate 32: Basement with joists and foundation**



**Plate 33: Door knob and skeleton key lock**



**Plate 34: Loft above garage**

### 3.3.3 Outbuildings

The subject property contains one outbuilding, which is a sauna located on the southeast corner of the residence (Plate 35). The sauna is adjacent to a deck. In aerial photography until at least 1967, outbuildings which may have been barns are present at the east elevation of the property. These barns do not appear in the 1973 Topographic Map or 1989 aerial photo of the area.



**Plate 35: Sauna and Deck**

### 3.3.4 Landscape Features

The subject property contains several landscape features. The property contains a gravel driveway which leads to an asphalt driveway and parking area (Plate 36). There are a number of mature evergreen and deciduous trees on the property (Plate 37). The southeast corner of the property has an ornamental garden (Plate 38). The residence is surrounded with bushes and shrubs including boxwood and yew (Plate 39). The east (rear) elevation has a wooden deck.

To the west of the residence, on the other side of Wonderland Road North, is an agricultural field. New subdivisions surround the property on the north, east, and south sides.



**Plate 36: Gravel driveway and mature trees on property, looking southwest**



**Plate 37: Mature trees on property, facing northwest**



**Plate 38: Garden area at southeast corner of lot.**



**Plate 39: Plantings at front façade of residence.**

## 4.0 HERITAGE EVALUATION

### 4.1 ONTARIO REGULATION 9/06

The criteria for determining CHVI are defined by *Ontario Regulation 9/06 (O. Reg. 9/06)* (Government of Ontario 2006b). If a property meets one or more of the below criteria than it merits designation under Part IV of the *Ontario Heritage Act*.

In order to identify CHVI at least one of the following criteria must be met:

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

### 4.2 EVALUATION

The following table identifies which criteria of Ontario Regulation 9/06 are met. The following section is a detailed discussion of applying the criteria of Ontario Regulation 9/06 to the property. The evaluation is based on existing building conditions.

**Table 1: Evaluation According to Ontario Regulation 9/06**

Criteria of O. Reg 9.06	Y/N
Is a rare, unique, representative or early example of a style, type, expression, material or construction method	Y
Displays a high degree of craftsmanship or artistic merit	N
Demonstrates a high degree of technical or scientific achievement	N
Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	Y
Yields, or has the potential to yield, information that contributes to an understanding of a community or culture	N
Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community	N
Is important in defining, maintaining or supporting the character of an area	N
Is physically, functionally, visually or historically linked to its surroundings	Y
Is a landmark	N

#### 4.2.1 Design or Physical Value

The residence at 2096 Wonderland Road North is a Georgian farm house. It was built in approximately 1850, and the addition at the rear elevation dates to the 1970s to 1980s. The residence is a two storey house with a square plan and stone foundation. The front façade has a symmetrical layout with a hip roof, two chimneys, and modern asphalt shingles. The exterior is buff brick, with a common bond. The architectural details on the front façade include a transom, sidelights, and brick voussoirs. The windows are modern and the sills are metal or plastic. The windows on the front façade have modern shutters. The eaves on the front façade project off the roof line. A partial concrete porch leads to the main doorway. The side elevations of the residence are also symmetrical, with modern windows, and brick voussoirs. The rear section of the house has an addition that was built between the 1970s and 1980s. The addition is not sympathetic in nature and detracts from the architectural features of the rear elevation. The original portion of the residence on this elevation has modern windows and brick voussoirs.

The interior of the residence has a number of original architectural features, including but not limited to: wooden window surrounds with plain sills, fireplaces, door surrounds, door hardware, a central staircase and bannister rail, wainscoting, and hardwood floors.

According to City of London data, there is a total of 13 other Georgian style residences with buff brick and centre hall plans within City limits. Most of these buildings were constructed in areas that were not considered urban at the time of construction. The period of construction for these other Georgian residences is 1850 to 1869, with the later dates including architectural influences from the Italianate style. As there are approximately 6,000 properties listed and designated in the City of London, 14 Georgian style residences including 2096 Wonderland Road would indicate that this type of construction is relatively rare in the City.

The house was determined to have design value and to satisfy O. Reg. 9/06 (i.i) as it is a representative example of Georgian farmhouse that dates to the 1850s in the former London Township.

#### 4.2.2 Historical or Associative Value

The residence at 2096 Wonderland Road North is historically associated with the Warner family, an early settler family in London Township (arriving in 1819). The residence was constructed for William Warner and he passed the

farmstead to his son Wesley Warner after his death. The residence's estimated date of construction on the London Heritage Register is 1850. This date is accurate because it matches the date of construction of other Georgian style residences within city limits and a date of construction after the early 1860s is unlikely as the Georgian style fell out of favour with architects and home owners around 1860.

William Warner is listed as receiving the northern half of Lot 20, Concession 5 from the Crown in 1819. William's son Wesley was a noted member of the community for his work in the temperance society but is not known to have made other notable contributions to the development of the community.

The property was determined to have historical or associative value and satisfy O. Reg. 9/06 (ii.i.) due to the property's association with the Warner family and the theme of agricultural settlement in London Township. The Warner family were the original settlers of Lot 20, Concession 5 and the family farmed the land for nearly 75 years, which establishes a direct historical association between the Warner family and the property, including the existing residential structure..

### 4.2.3 Contextual Value

The property at 2096 Wonderland Road North is part of a landscape transitioning away from agricultural use. During the 2010s, the properties to the north, east, and south of the study area were developed and a residential subdivision was constructed. To the west, on the other side of Wonderland Road North, the landscape remains agricultural, but new residential subdivisions can be seen beyond the farm field.

The residence at 2096 Wonderland Road North is physically and historically linked to its surroundings. As a 19<sup>th</sup> century farmhouse at its original location it is physically linked to 2096 Wonderland Road North. The residence is historically linked because it contextualizes the prominent role agriculture played in the development of the study area and London Township. The residence is also historically linked to the study area because it remains in its original location on the Warner farmstead. Because of this, the property was determined to have contextual value and satisfy O. Reg. 9/06 (iii.ii).

### 4.2.4 Statement of Cultural Heritage Value or Interest

The residence at 2096 Wonderland Road North has CHVI as a representative example of a mid-19<sup>th</sup> century Georgian farmhouse. The residence is a two storey structure with a low-pitched hip roof and bookend chimneys. It has a buff brick exterior with a common bond, brick voussoirs, and a stone foundation. The Georgian style of architecture is reflected in the symmetrical façade and minimal use of ornamentation and detailing.

The residence at 2096 Wonderland Road North has historical and associative value because of its link with the Warner family. William Warner was the original patent holder on the property, receiving it in 1819. His son, Wesley Warner, inherited the farmstead and was a noted member of London Township for his involvement in the temperance society.

The residence at 2096 Wonderland Road is physically and historically linked to its surroundings. It remains located in its original spot on the property and historically reflects the prominent role agriculture played in London Township.

The residence at 2096 Wonderland Road North has local significance for design/physical value, historical/associative, and contextual value. Accordingly, this resource meets the criteria for designation under Part IV of the Ontario Heritage Act.



#### 4.2.5 Heritage Attributes

Based on the evaluation of CHVI, the following heritage attributes were identified for the house:

- Georgian two storey Ontario farmhouse
- Square shaped plan
- Low pitched hip roof with bookend chimneys
- Buff brick construction
- Field stone foundation
- Brick voussoirs above windows
- Original interior features including fireplaces, central staircase with a bannister, hardwood floors, door hardware, door surrounds, window surrounds, and wainscoting.

## 5.0 ASSESSMENT AND MITIGATION

### 5.1 DESCRIPTION OF THE PROPOSED UNDERTAKING

Invest Group Ltd has proposed to remove the existing structure, driveway, and sidewalk at 2096 Wonderland Road North to construct 18 townhouse unit. A draft of the site plan is available in Appendix B. The plan includes the construction of three structures, containing 18 townhouse units, and a driveway in the centre of the property.

### 5.2 ASSESSMENT OF IMPACTS

The residence at 2096 Wonderland Road North has CHVI since it meets the criteria for determining cultural heritage value included in *O. Reg 9/06*. Accordingly, the assessment of potential impacts is limited to the heritage attributes of 2096 Wonderland Road North (See section 4.2.5). Impacts are defined by Info Sheet #5, as discussed in Section 1.0.

**Table 2: Evaluation of Potential Direct Impacts**

Direct Impact	Relevance to 2096 Wonderland Rd. N.
<b>Destruction</b> of any, or part of any, <i>significant heritage attributes</i> or features.	Removal of the residence will result in the destruction of the identified heritage attributes and its historical and physical connection to the property. <b>Therefore, mitigation measures are required.</b>
<b>Alteration</b> that is not sympathetic, or is incompatible, with the historic fabric and appearance.	The owner is proposing to remove the residence. No alterations or modifications are planned for the structure. <b>Therefore, no mitigation measures are required.</b>

**Table 3: Evaluation of Potential Indirect Impacts**

Indirect Impact	Relevance to 2096 Wonderland Rd. N.
<b>Shadows</b> created that alter the appearance of a <i>heritage attribute</i> or change the viability of a natural feature or plantings, such as a garden	The owner is proposing to remove the residence, so there will be a direct impact. Once removed indirect impacts will not be a concern. <b>Therefore, no mitigation measures are required.</b>
<b>Isolation</b> of a <i>heritage attribute</i> from its surrounding environment, context or a <i>significant</i> relationship	The owner is proposing to remove the residence, so there will be a direct impact. Once removed indirect impacts will not be a concern. <b>Therefore, no mitigation measures are required.</b>
<b>Direct or indirect obstruction</b> of <i>significant</i> views or vistas within, from, or of built and natural features	The owner is proposing to remove the residence, so there will be a direct impact. Once removed indirect impacts will not be a concern. <b>Therefore, no mitigation measures are required.</b>
<b>A change in land use</b> such as rezoning a battlefield from open space to residential use, allowing new <i>development</i> or <i>site alteration</i> to fill in the formerly open spaces	The owner is proposing to remove the residence, so there will be a direct impact. Once removed indirect impacts will not be a concern. <b>Therefore, no mitigation measures are required.</b>
<b>Land disturbances</b> such as a change in grade that alters soil, and drainage patterns that adversely affect an <i>archaeological resource</i>	The owner is proposing to remove the residence, so there will be a direct impact. Once removed indirect impacts will not be a concern. <b>Therefore, no mitigation measures are required.</b>

## 5.3 MITIGATION OPTIONS

The residence at 2096 Wonderland Road North has CHVI since it meets the criteria set out in O. Reg 9/06 of the *Ontario Heritage Act*. Further, this house is listed on the City of London Heritage Register as a Priority 2 Building.

As identified in Tables 2 and 3, the proposed change in land use will have an adverse impact on the CHVI of this property. Accordingly, three mitigation options are presented, including:

- permanent retention of the house on site
- permanent relocation of the house
- demolition preceded by documentation and salvage

### 5.3.1 Retention

Generally, retention *in situ* is the preferred option when addressing any structure where CHVI has been identified, even if limited. The benefits of retaining a structure, or structures, must be balanced with site-specific considerations. Not only must the level of CHVI be considered, so too must the structural condition of the heritage resource, the site development plan and the context within which the structure, or structures, would be retained.

In the case of 2096 Wonderland Road North, the proposed change in land use and demolition of the residence will negatively impact the CHVI of the property. The scale of the development of the townhouses requires the removal of the existing residence. Retention of the residence *in situ* would require that the proposed townhouse plan be revised to allow for the existing house to remain. If retained, and townhouses are constructed around the house on the property, the contextual setting of the house will be diminished and the house may be isolated from its historical association with Wonderland Road North. Further, when the broader context of the area is considered, the lands adjacent to the study area are transitioning away from rural, agriculture use and towards new residential development. The residential subdivisions to the south, east, and north were constructed between 2009 and 2013, after the subject property was downgraded from a 'Priority 1' to a 'Priority 2' property on the City of London heritage register. Should the property be retained *in situ*, it would soon constitute a remnant landscape contextually removed from its historic surroundings and land use patterns. Accordingly, retention *in situ* is not considered the preferred mitigation option for the residence at 2096 Wonderland Road North.

### 5.3.2 Relocation

Where retention *in situ* is not feasible or preferred, relocation is often the next option considered to mitigate the loss of a heritage resource. As with retention, relocation of a structure or structures must be balanced with the CHVI identified. Relocation removes the resource from its contextual setting but allows for the preservation of noteworthy heritage attributes, particularly those identified to be of design or physical value (see Section 4.2.1). This is a viable option where the CHVI identified merits preservation and the integrity of the structure is determined to be sound.

The residence at 2096 Wonderland Road North is one of 14 Georgian style or Georgian influenced residences in the City of London's Heritage Register. There is approximately a total of 6,000 buildings on the list, making the Georgian style a relatively rare building style in the City of London. Therefore, relocation within the City of London is the preferred mitigation option to conserve the remaining Georgian residences in the City.

To retain the CHVI of the house, three relocation options should be considered, including:

- Relocation within the property
- Relocation to an unknown, but sympathetic, site such as the rural/agricultural land on the west side of Wonderland Road North
- Sale of the building at a discounted price if the buyer agrees to cover relocation expenses to a sympathetic site.

Of the three relocation options, relocation within the property is preferred since this would maintain the historical and contextual relationship between the house and the landscape. Relocation to an unknown, but sympathetic, property is the next preferred option since this would still maintain the CHVI of the residence, although to a lesser degree. An example of an appropriate, sympathetic location is the rural/agricultural land adjacent to the subject property on the west side of Wonderland Road North. Another possible relocation strategy is to offer the building for sale to the public or City of London for a discounted price (i.e. \$1) with the condition that the buyer agreed to relocate the residence. Advertising the house for sale will demonstrate that this mitigation option has been explored.

It is noted that a letter has been prepared following assessment of the house by Strik, Baldinelli, Moniz (SBM) Engineers (Appendix E), suggesting that relocating the house would be costly and difficult due to the brick construction, and may result in damage to the house and fireplaces.

### **5.3.3 Documentation and Salvage**

Detailed documentation and salvage is often the preferred mitigation strategy where retention or relocation is not feasible or warranted. Documentation creates a public record of the structure, or structures, which provides researchers and the general public with a land use history, construction details, and photographic record of the resource. Through the selective salvage of identified heritage attributes and other materials, the CHVI of the property can be retained, if in a different context. Documentation and salvage acknowledges the heritage attributes in their current context and, where feasible, allows for reuse. Documentation should be carried out in advance of any changes made to the property.

In the event that relocation is not viable for the house at 2096 Wonderland Road North, documentation and salvage is an appropriate mitigation option. Documentation should be carried out in advance of any change to the property, including relocation or demolition activities. Documentation activities should consist of the full heritage recording of the house and landscape through photography, photogrammetry, or LiDAR scan. Salvage activities should consist of the identification and recovery re-useable materials by a reputable salvage company or charity such as The Timeless Material Company, Artefacts Salvage & Design, or Waterloo ReStore. If Documentation and Salvage is the chosen mitigation option, the client has already agreed to utilize architectural elements of the existing residence in the new development (see Appendix D for additional details).

## 6.0 RECOMMENDATIONS

The residence at 2096 Wonderland Road North has CHVI and was identified as a 'Priority 2' heritage resource on the City of London Heritage Inventory. Further, the heritage evaluation carried out in this HIS determined that the resource meets criteria set out in O. Reg. 9/06.

Based on the adverse impacts identified to this cultural heritage resource and the proposed site plan, the following mitigation measure are recommended:

1. Relocation of the house is the preferred mitigation option for this property, if feasible. Relocation within the property is preferred in order to maintain some aspect of the contextual and historical associations the house has with its setting. If relocation within the site is demonstrated not to be feasible, relocation to an adjacent site is also a valid mitigation option, if an adjacent site is available. If relocation to an adjacent site is not possible, advertising the house for sale at a discounted price with the condition that the buyer relocate the house is also a valid relocation strategy. A structural engineer has indicated that relocation may be difficult and could potentially cause damage to the house and brick fireplaces.
2. If relocation of the house is not feasible, if no prospective buyer can be found to relocate the house, or if the structure is deemed not structurally sound enough to survive relocation, then documentation and salvage (as applicable) of the property is the next preferred mitigation option. Documentation and salvage should be carried out prior to relocation or demolition. Documentation activities should consist of the full heritage recording of the house and landscape through photography, photogrammetry, or LiDAR scan. Salvage activities should consist of the identification and recovery re-useable materials by a reputable salvage company or charity. The documentation and salvage work should be carried out under the direction of a Cultural Heritage Specialist in good professional standing with the Canadian Association of Heritage Professionals (CAHP).

## 7.0 SOURCES

- Armstrong, Frederick. 1986. *The Forest City: An Illustrated History of London, Canada*. California: Windsor Publications.
- Baker, Michael and Neary Bates, editors. 2003. *London Street Names an Illustrated Guide*. Toronto: James Lorimer & Company Ltd.
- Brock, Daniel and Muriel Moon, editors. 1972. *The History of the County of Middlesex, Canada*. Belleville: Mika Studio.
- Census of Canada East, Canada West, Prince Edward Island, New Brunswick and Nova Scotia. 1861. Electronic Document: <https://www.bac-lac.gc.ca/eng/census/1861/Pages/results.aspx?k=cnsSurname%3a%22warner%22+AND+cnsGivenName%3a%22william%22+AND+cnsProvinceCode%3a%22CW%22+AND+cnsDistrictNameEn%3a%22middlesex%22>. Last Accessed: December 7, 2017
- Census of Canada 1871. 1871. Electronic Document: <https://www.bac-lac.gc.ca/eng/census/1871/Pages/results.aspx?k=cnsSurname%3a%22warner%22+AND+cnsGivenName%3a%22william%22+AND+cnsProvinceCode%3a%22ON%22+AND+cnsDistrictNameEn%3a%22middlesex%22>. Last Accessed: December 7, 2017
- Census of Canada 1881. 1881. Electronic Document: <https://www.bac-lac.gc.ca/eng/census/1881/Pages/results.aspx?k=cnsSurname%3a%22warner%22+AND+cnsGivenName%3a%22wesley%22+AND+cnsProvinceCode%3a%22ON%22+AND+cnsDistrictNameEn%3a%22middlesex%22>. Last Accessed: December 7, 2017
- Census of Canada 1901. 1901. Electronic Document: <http://automatedgenealogy.com/census/SurnameList.jsp?surname=warner&districtId=86&desc=Search+province+of+Ontario+in+the+1901+Census+of+Canada+records+for+surname&Go=Go>. Last Accessed: December 7, 2017
- Census of Canada 1911. 1911. Electronic Document: <http://automatedgenealogy.com/census11/SplitView.jsp?id=97935>. Last Accessed: December 7, 2017
- Chapman, Lyman John and Donald F. Putnam. 1984. *The Physiography of Southern Ontario*. 3rd ed. Ontario Geological Survey Special Volume 2. Toronto: Ministry of Natural Resources.
- City of London. 2006. *City of London Inventory of Heritage Resources 2006*. Electronic Document: <http://www.london.ca/About-London/heritage/Documents/Inventory-of-Heritage-Resources-2006.pdf>. Last Accessed: December 12, 2017
- Curtis, Bruce E. 1992. *The Boundary Adjustment Process: The Case of Arbitration in the Greater London Area*. Electronic Resource: [http://localgovernment.uwo.ca/resources/docs/research\\_papers/1992/Curtis,%20Bruce%20-%201992.pdf](http://localgovernment.uwo.ca/resources/docs/research_papers/1992/Curtis,%20Bruce%20-%201992.pdf). Last Accessed: December 6, 2017

## HERITAGE IMPACT STATEMENT, 2096 WONDERLAND ROAD NORTH, CITY OF LONDON, ONTARIO

Department of Agriculture. 1976. *Glossary of Terms in Soil Science*. Publication 1459. Ottawa: Department of Agriculture. Electronic document: [http://sis.agr.gc.ca/cansis/publications/manuals/1976-glossary/pub1459\\_report.pdf](http://sis.agr.gc.ca/cansis/publications/manuals/1976-glossary/pub1459_report.pdf). Last accessed: December 6, 2017.

Department of Energy, Mines and Resources. 1973. *Arva, Middlesex County, London Township, Ontario*. Canada Map Office: Ottawa.

Globe and Mail. June 18, 1949. *To Restore an Old Cemetery*

Globe and Mail. May 13, 1960. *Approve Annexation: Population of London to Jump by 40,000*.

Government of Ontario. 2012. *Rainbow Mussel*. Electronic document: <https://www.ontario.ca/page/rainbow-mussel>. Last accessed: December 6, 2017

Government of Ontario. 2006a. *InfoSheet #5 in Heritage Resources in the Land Use Planning Process, Cultural Heritage and Archaeology Policies of the Ontario Provincial Policy Statement, 2005*. Ministry of Tourism, Culture, and Sport (formerly Ministry of Tourism and Culture). Toronto: Queen's Printer for Ontario.

Government of Ontario. 2006b. *Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest, Under the Ontario Heritage Act*. Electronic Document: [http://www.elaws.gov.on.ca/html/regs/english/elaws\\_regs\\_060009\\_e.htm](http://www.elaws.gov.on.ca/html/regs/english/elaws_regs_060009_e.htm)  
Last accessed: December 12, 2017

Karrow, P.F. and B.G. Warner. 1990. The Geological and Biological Environment for Human Occupation in Southern Ontario. In Ellis and Ferris 1990, pp. 5-36.

Kyles, Shannon. 2016. "Georgian (1750-1850)". *Ontario Architecture*. Electronic Document: <http://ontarioarchitecture.com/georgian.htm>. Last Accessed: December 7, 2017

Lockwood Survey Corporation. 1967. *London 1967, Line 5, Photo 51*.

London Advertiser. March 23, 1891. *Terrible Tragedy, Instantaneous Death of Wesley R. Warner and His Two Daughters*

London Township History Book Committee. 2001a. *London Township: Volume 1: A Rich Heritage 1796-1997*. Aylmer, Ontario: London Township History Book Committee.

London Township History Book Committee. 2001b. *London Township Volume 2: Families Past and Present*. Aylmer, Ontario: London Township History Book Committee.

Meligrana, John F. 2000. The Politics of Municipal Annexation: The Case of the City of London's Territorial Ambitions during the 1950s and 1960s. In *Urban History Review* 291: 3-20.

Northway Map Tech, Ltd. 1989. *London 1989 Line 8 Photo Number 1040*.

Ontario Geological Survey. 1990. *Quaternary Geology: Toronto and Surrounding Area*. Electronic document: <http://www.geologyontario.mndm.gov.on.ca/mndmfiles/pub/data/imaging/P2204/p2204.pdf>. Last accessed: December 6, 2017.

## HERITAGE IMPACT STATEMENT, 2096 WONDERLAND ROAD NORTH, CITY OF LONDON, ONTARIO

Page. H.R. & Co. 1878. *Illustrated Historical Atlas of the County of Middlesex*: Toronto, Ontario: Correll, Craig & Co. Lith. Toronto.

Statistics Canada. 2017. *Census Profile, 2016 Census London, City*. Electronic Document: <http://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/details/page.cfm?Lang=E&Geo1=CSD&Code1=3539036&Geo2=CD&Code2=3539&Data=Count&SearchText=London&SearchType=Begins&SearchPR=01&B1=All&TABID=1>. Last Accessed: December 7, 2017

Taylor, Alan. 2007. "The Late Loyalists: Northern Reflections of the Early American Republic." In *Society for Historians of the Early American Republic, Volume 27, Spring 2007*. Electronic Document: <http://jstor.org/stable/30043474>. Last Accessed: December 7, 2017

The London and Middlesex County Directory and Gazetteer. 1864. Accessed on Microfilm at London Public Library.

The London City and Middlesex County Directory 1893. 1893. Toronto: Might Directory Co.

University of Toronto. n.d. *1954 Air Photos of Southern Ontario*. Electronic Document: <https://mdl.library.utoronto.ca/collections/air-photos/1954-air-photos-southern-ontario/index>. Last Accessed: December 12, 2017

University of Waterloo. 2009. *Ontario Architectural Style Guide*. Electronic Document: [https://uwaterloo.ca/heritage-resources-centre/sites/ca.heritage-resources-centre/files/uploads/files/heritage\\_resources\\_centre\\_architectural\\_styles\\_guide\\_reduced.pdf](https://uwaterloo.ca/heritage-resources-centre/sites/ca.heritage-resources-centre/files/uploads/files/heritage_resources_centre_architectural_styles_guide_reduced.pdf). Last Accessed: December 7, 2017

Upper Thames River Conservation Authority. 2012. *Medway Creek 2012 Watershed Report Card*. Electronic document: [http://thamesriver.on.ca/wp-content/uploads/WatershedReportCards/RC\\_Medway.pdf](http://thamesriver.on.ca/wp-content/uploads/WatershedReportCards/RC_Medway.pdf). Last accessed: December 6, 2017

Upper Thames River Conservation Authority. n.d. *Medway Valley Heritage Forest*. Electronic Document: <http://thamesriver.on.ca/parks-recreation-natural-areas/londons-esas/medway-valley-heritage-forest/>. Last Accessed: December 7, 2017

Vernon's City Directory of London 1965. 1965. Hamilton: Griffin & Richmond Co. Ltd.



# APPENDICES

## Appendix A **AMENDING LETTER**



300 Dufferin Avenue  
P.O. Box 5035  
London, ON  
N6A 4L9

**London**  
CANADA

February 5, 2008

Chair and Members  
London Advisory Committee on Heritage

I hereby certify that the Municipal Council, at its session held on February 4, 2008 resolved:

5. That, on the recommendation of the London Advisory Committee on Heritage (LACH), the property located at 2096 Wonderland Road North **BE AMENDED** from a Priority 1 listing to a Priority 2 listing in the 2006 *Inventory of Heritage Resources*. (5/5/PC)

Kevin Bain  
City Clerk  
/hw

cc: R. Panzer, General Manager of Planning and Development  
G. Barrett, Manager, Land Use Planning Policy  
D. Menard, Heritage Planner

The Corporation of the City of London  
Office: 519-661-2500 ext. 0969  
Fax: 519-661-4892  
www.london.ca



## Appendix B PROPOSED DEVELOPMENT



2096 WONDERLAND RD N  
LONDON, ON  
PROPOSED DEVELOPMENT

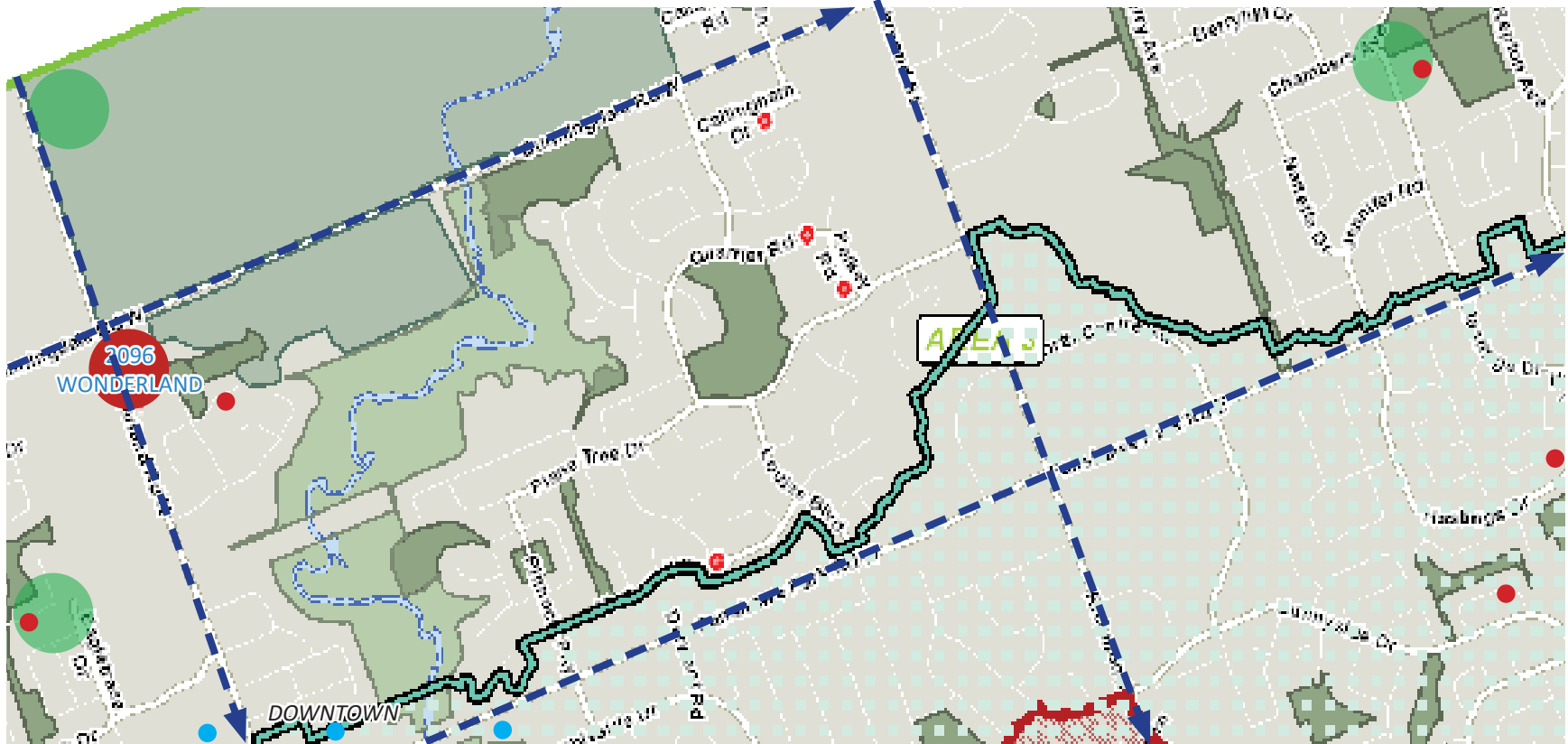
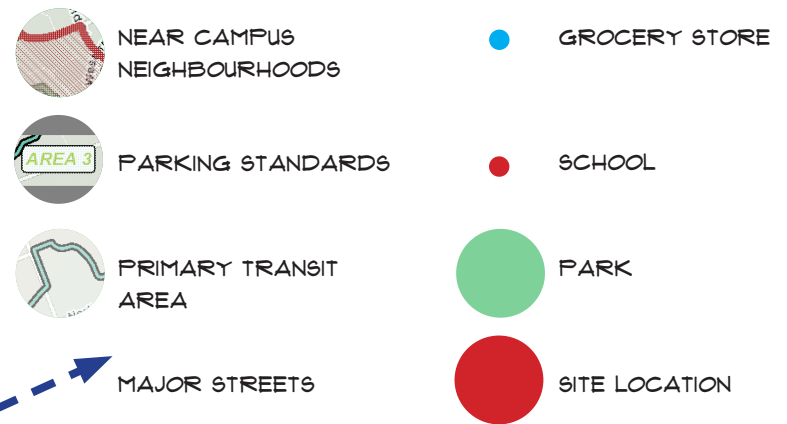
## 1.0 EXISTING SITE AND SURROUNDING AREAS

### 1.1 City Map: POINTS OF INTEREST



## 1.0 EXISTING SITE AND SURROUNDING AREAS

## 1.2 City Map: TRANSIT, SCHOOLS & RECREATION



## 1.0 EXISTING SITE AND SURROUNDING AREAS

### 1.3 City Map: SUBJECT SITE





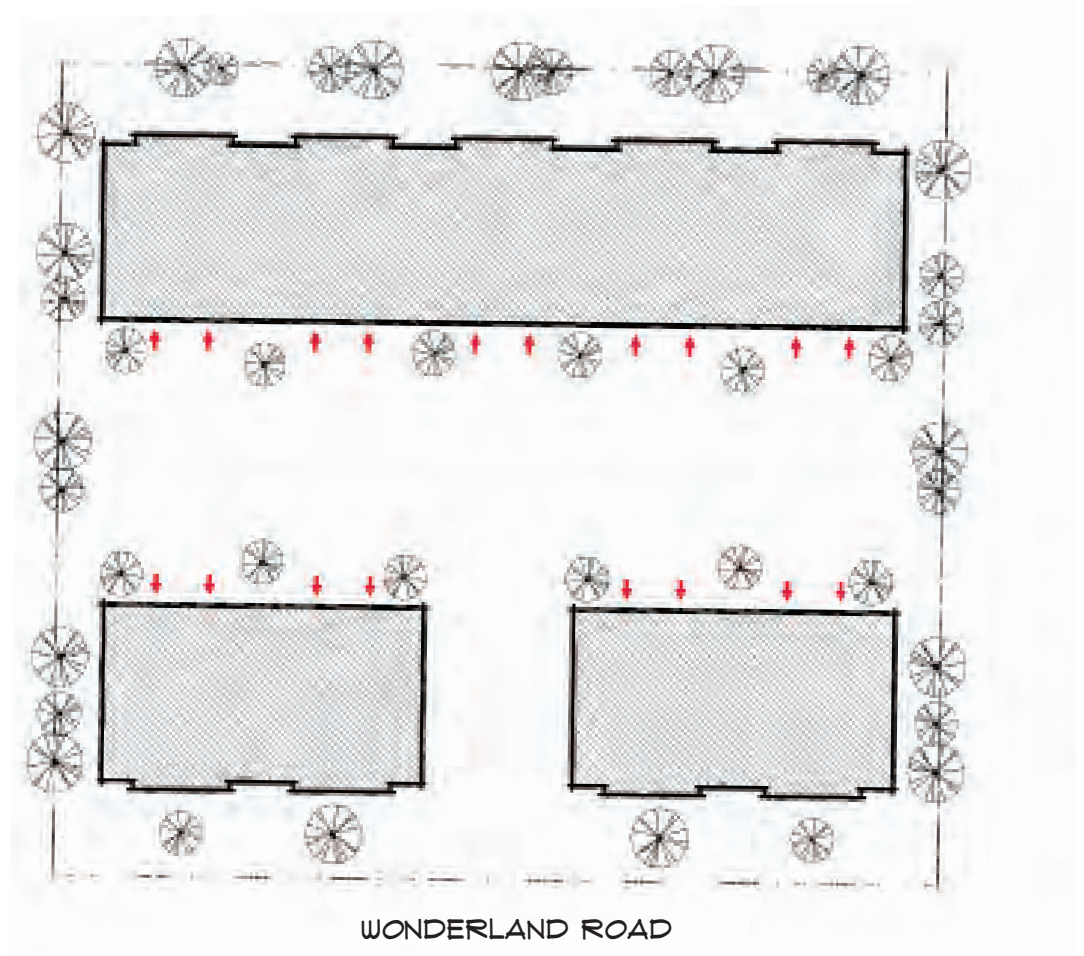
## 1.0 EXISTING SITE AND SURROUNDING AREAS

### 1.4 NEIGHBOURHOOD HOUSES



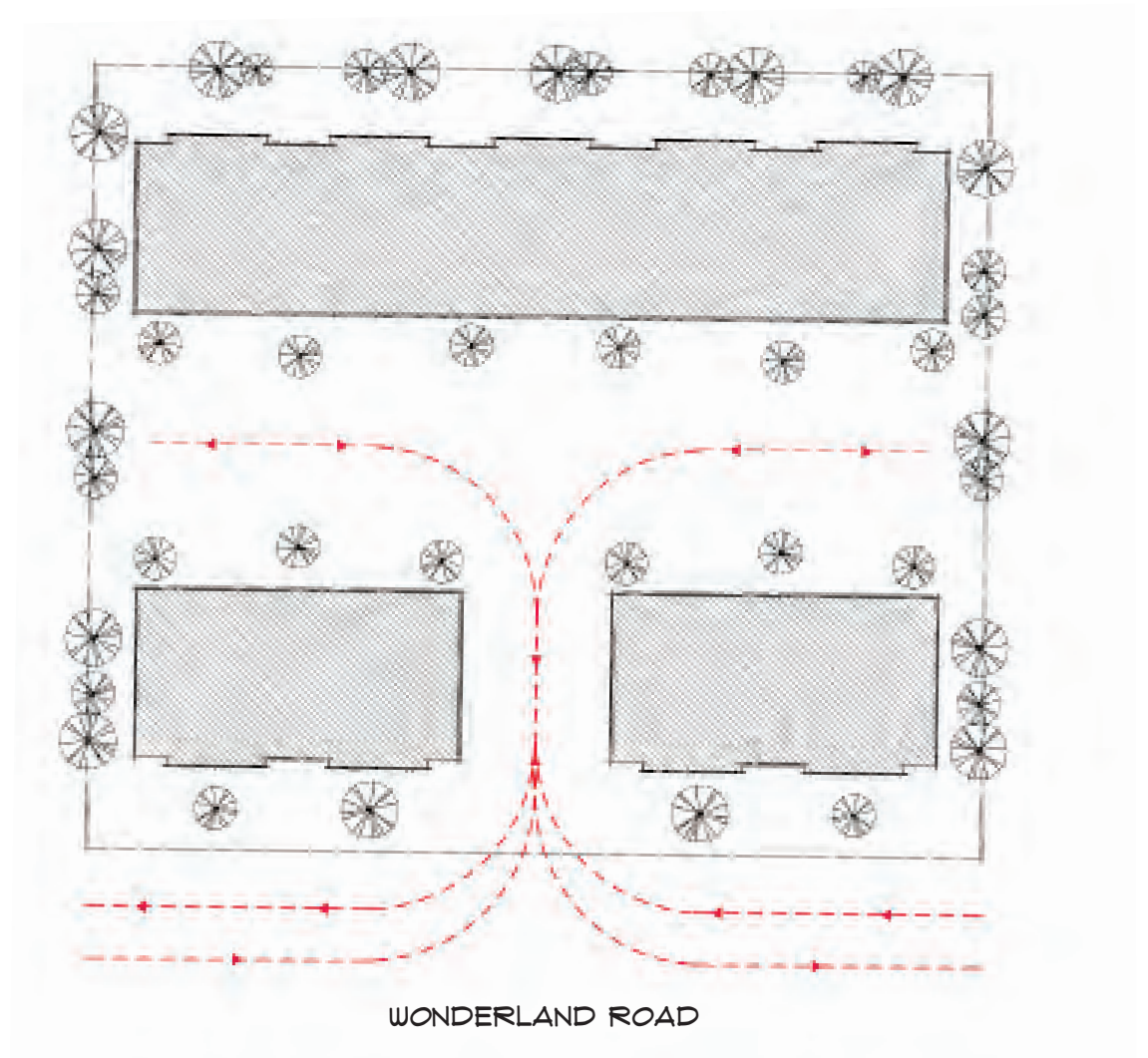
## 1.0 EXISTING SITE AND SURROUNDING AREAS

## 1.5 MASSING AND TOWN HOUSE ENTRANCE

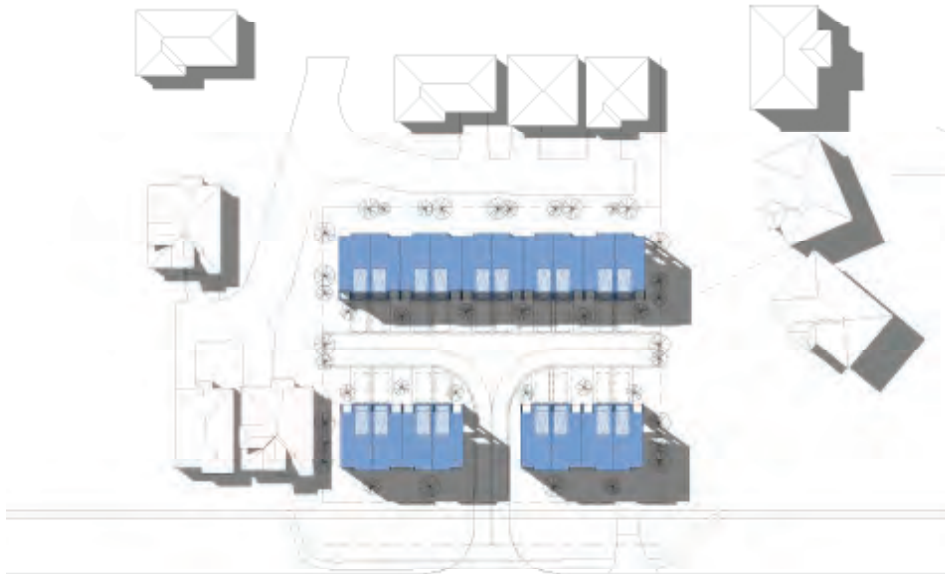


## 1.0 EXISTING SITE AND SURROUNDING AREAS

### 1.6 SITE ACCESS

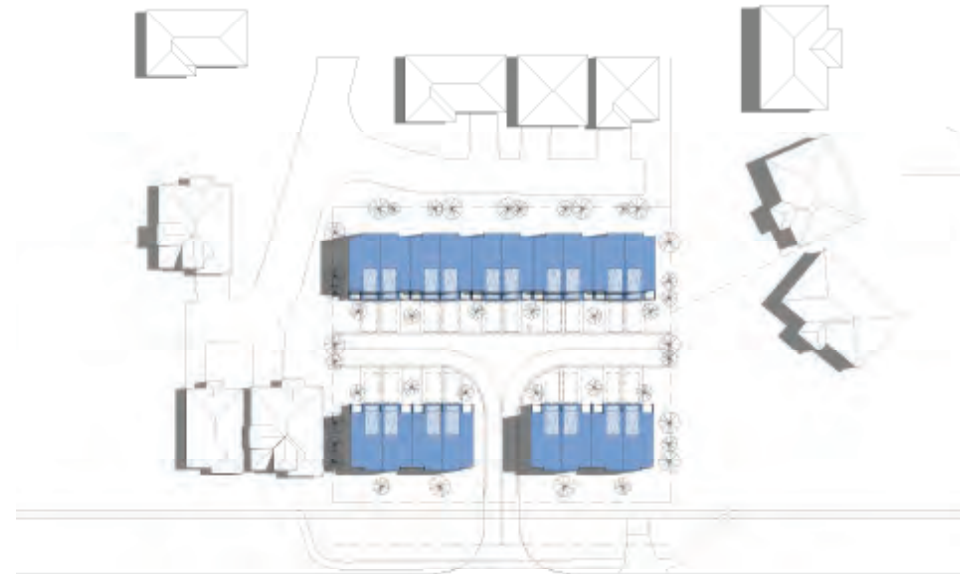


## 2.0 MASSING AND SHADOW STUDY



WONDERLAND ROAD NORTH

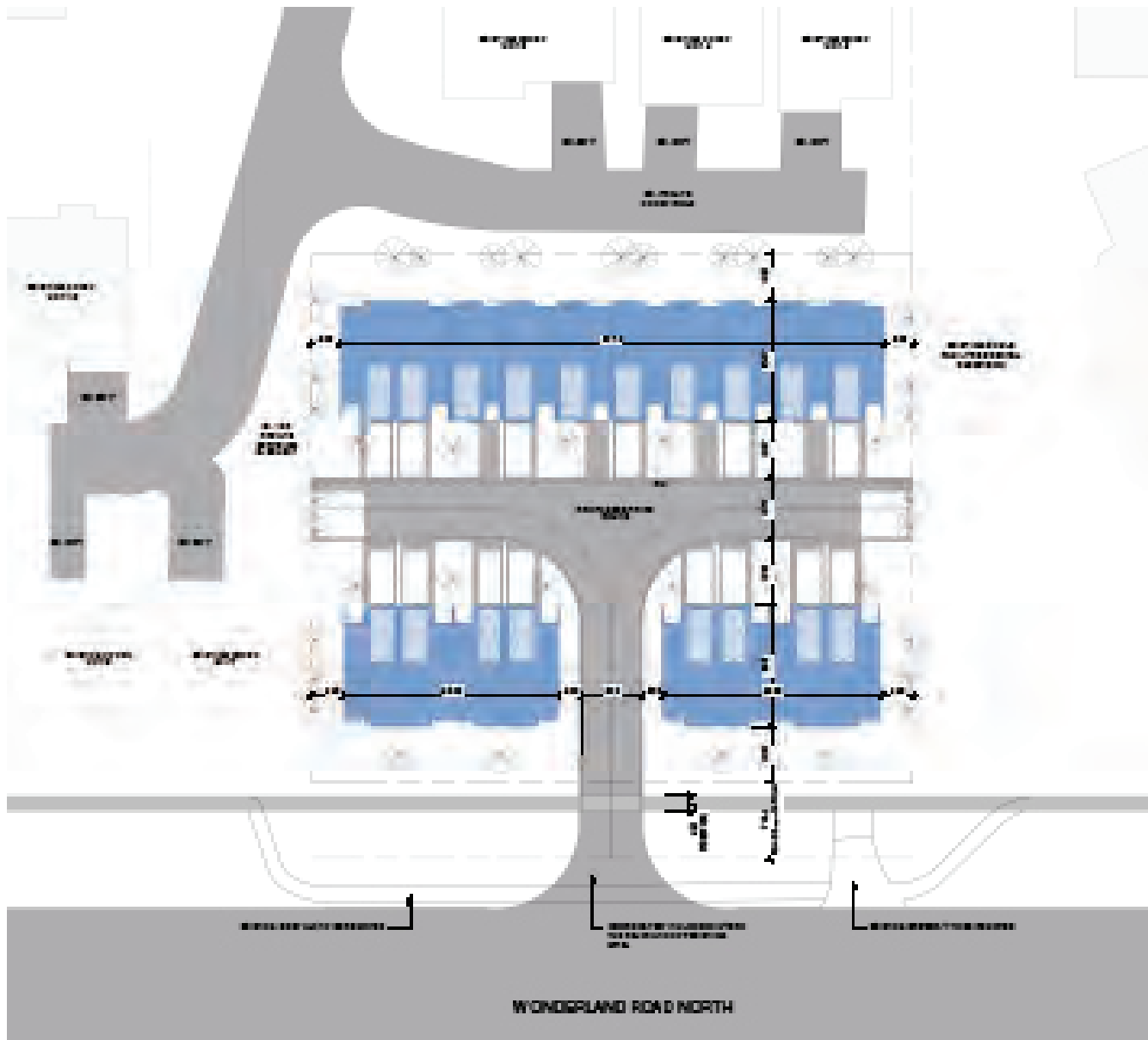
*Shadow Study : June 15 @ 9.00am*



WONDERLAND ROAD NORTH

*Shadow Study : June 15 @ 2.00Pm*

### 3.0 SITE PLAN AND STATISTICS



Site Statistics		
Address: 2096 Wonderland Road North Zoning: RB-5		
LEGAL DESCRIPTION:	xxx	
ZONING	REQUIRED/ALLOWED	PROPOSED
SITE (LOT) AREA:(min.)	800m <sup>2</sup>	4046m <sup>2</sup> GROSS 3,641m <sup>2</sup> NET
LOT FRONTAGE (min.)	16 m	68.6 m
FRONT YARD (min.)	6 m	6 m
EXTERIOR YARD (min.)	8 m	6 m
INTERIOR AND REAR YARD (min.)	3m TO 6m DEPENDING ON BUILDING HEIGHT AND WINDOWS	3m TO 6m
LOT COVERAGE (max.)	40%	81.88%
LANDSCAPE, OPEN SPACE (min.)	30%	81.52%
BUILDING HEIGHT (max.)	12m	12m
UNITS		18
DENSITY (max.)	28 UNIT/ Ha	34.6 UNIT/ Ha GROSS 38.8 UNIT/ Ha-NET
PARKING:	1.8 SPACE/ UNIT (min. 27)	36

## 4.0 REFERENCE ELEVATION



## Appendix C MOLD REPORT



ICON HOME INSPECTIONS INC.  
1867 PARKHURST AVE  
LONDON, ON N5V 2C4

## Certificate of Mold Analysis

Prepared for: ICON HOME INSPECTIONS INC.  
Phone Number: (519) 495-4227  
Fax Number:  
Project Name:  
Test Location: 2096 WONDERLAND RD N  
LONDON, ON N6G 5C3  
Chain of Custody #: 1014446  
Received Date: February 7, 2017  
Report Date: February 8, 2017

Carlos Ochoa, Technical and Quality Control Manager

Currently there are no Provincial regulations for evaluating potential health effects of fungal contamination and remediation. This information is subject to change as more information regarding fungal contaminants becomes available. For more information visit: <http://www.hc-sc.gc.ca/ewh-semt/air/in/poll/mould-moisissure/index-eng.php> or [http://www.cmhc-schl.gc.ca/en/co/maho/yohoyohe/momo/momo\\_005.cfm](http://www.cmhc-schl.gc.ca/en/co/maho/yohoyohe/momo/momo_005.cfm) . This document was designed to follow currently known industry guidelines for the interpretation of microbial sampling, analysis, and remediation. Since interpretation of mold analysis reports is a scientific work in progress, it may as such be changed at any time without notice. The client is solely responsible for the use or interpretation. PRO-LAB/SSPTM Inc. makes no express or implied warranties as to health of a property from only the samples sent to their laboratory for analysis. The Client is hereby notified that due to the subjective nature of fungal analysis and the mold growth process, laboratory samples can and do change over time relative to the originally sampled material. PRO-LAB/SSPTM Inc. reserves the right to properly dispose of all samples after the testing of such samples are sufficiently completed or after a 7 day period, whichever is greater. PRO-LAB/SSPTM Inc. participates in the AIHA EMPAT program (Lab # 184065)

**For more information please contact PRO-LAB at (800) 427-0550 or email [info@prolabinc.com](mailto:info@prolabinc.com)**





Prepared for : ICON HOME INSPECTIONS INC.

Test Address :

2096 WONDERLAND RD N  
LONDON, ON N6G 5C3

ANALYSIS METHOD	Spore trap analysis			Spore trap analysis			Spore trap analysis			INTENTIONALLY BLANK		
LOCATION	KITCHEN			FRONT FOYER			BEDROOMS					
COC / LINE #	1014446-1			1014446-2			1014446-3					
SAMPLE TYPE & VOLUME	AIR-O-CELL - 150L			AIR-O-CELL - 150L			AIR-O-CELL - 150L					
SERIAL NUMBER	23095008			23095003			23095004					
COLLECTION DATE	Feb 6, 2017			Feb 6, 2017			Feb 6, 2017					
ANALYSIS DATE	Feb 8, 2017			Feb 8, 2017			Feb 8, 2017					
CONCLUSION	ELEVATED			ELEVATED			ELEVATED					
IDENTIFICATION	Raw Count	Spores per m <sup>3</sup>	Percent of Total	Raw Count	Spores per m <sup>3</sup>	Percent of Total	Raw Count	Spores per m <sup>3</sup>	Percent of Total	Raw Count	Spores per m <sup>3</sup>	Percent of Total
Chaetomium				20	130	3						
Cladosporium	392	2,600	59	472	3,100	60	552	3,700	83			
Epicoccum				4	27	1						
Other Ascospores	28	190	4				12	80	2			
Other Basidiospores	4	27	1	12	80	2	20	130	3			
Penicillium/Aspergillus	236	1,600	36	264	1,800	35	80	530	12			
Polythrincium							4	27	1			
Stachybotrys				8	53	1						
<b>TOTAL SPORES</b>	660	4,417	100	780	5,190	100	668	4,467	100			
Minimum detection limit:	4	27		4	27		4	27				
BACKGROUND DEBRIS	Light			Light			Light					
OBSERVATIONS & COMMENTS												

Background debris qualitatively estimates the amount of particles that are not pollen or spores and directly affects the accuracy of the spore counts. The categories of Light, Moderate, Heavy and Too Heavy for Accurate Count, are used to indicate the amount of deposited debris. Increasing amounts of debris will obscure small spores and can prevent spores from impacting onto the slide. The actual number of spores present in the sample is likely higher than reported if the debris estimate is 'Heavy' or 'Too Heavy for Accurate Count'. All calculations are rounded to two significant figures and therefore, the total percentage of spore numbers may not equal 100%.

**Minimum Detection Limit.** Based on the volume of air sampled, this is the lowest number of spores that can be detected and is an estimate of the lowest concentration of spores that can be read in the sample. **NA** = Not Applicable.

**Spores that were observed from the samples submitted are listed on this report. If a spore is not listed on this report it was not observed in the samples submitted.**

**Interpretation Guidelines:** A determination is added to the report to help users interpret the mold analysis results. A mold report is only one aspect of an indoor air quality investigation. The most important aspect of mold growth in a living space is the availability of water. Without a source of water, mold generally will not become a problem in buildings. These determinations are in no way meant to imply any health outcomes or financial decisions based solely on this report. For questions relating to medical conditions you should consult an occupational or environmental health physician or professional.

**Control** is a baseline sample showing what the spore count and diversity is at the time of sampling. The control sample(s) is usually collected outside of the structure being tested and used to determine if this sample(s) is similar in diversity and abundance to the inside sample(s).

**Elevated** means that the amount and/or diversity of spores, as compared to the control sample(s), and other samples in our database, are higher than expected. This can indicate that fungi have grown because of a water leak or water intrusion. Fungi that are considered to be indicators of water damage include, but are not limited to: *Chaetomium*, *Fusarium*, *Memnoniella*, *Stachybotrys*, *Scopulariopsis*, *Ulocladium*.

**Not Elevated** means that the amount and/or the diversity of spores, as compared to the control sample and other samples in our database, are lower than expected and may indicate no problematic fungal growth.

**Unusual** means that the presence of current or former growth was observed in the analyzed sample. An abundance of spores are present, and/or growth structures including hyphae and/or fruiting bodies are present and associated with one or more of the types of mold/fungi identified in the analyzed sample.

**Normal** means that no presence of current or former growth was observed in the analyzed sample. If spores are recorded they are normally what is in the air and have settled on the surface(s) tested.



40 Hanlan Road, Suite #45, Vaughan, ON, L4L 3P6 Canada (800) 427-0550

**Chain of Custody #** 1014446

 Kitchen  


**Spores per cubic meter**



40 Hanlan Road, Suite #45, Vaughan, ON, L4L 3P6 Canada (800) 427-0550

**Chain of Custody #** 1014446



Front Foyer



**Spores per cubic meter**



40 Hanlan Road, Suite #45, Vaughan, ON, L4L 3P6 Canada (800) 427-0550

**Chain of Custody #** 1014446



Bedrooms



**Spores per cubic meter**

Identification	Outdoor Habitat	Indoor Habitat	Allergic Potential	Comments
Chaetomium	Growing on dung, dead leaves, wood.	Cellulose substrates, especially wallboard, cardboard and wood. Not normally seen growing indoors unless the building material has been wetted. Unusual / Not Normal to be growing indoors.	Type I (hay fever and asthma) allergies.	Chaetomium is a water-indicating mold. Spores of this type of mold should not be observed in significantly higher numbers in the air above background/control. If growth and/or significantly higher than background/control spore numbers are reported, corrective action should be considered to reduce the source of water, moisture levels and/or spore numbers in the living space.
Cladosporium	The most common spore type reported in the air worldwide. Found on dead and dying plant litter, and soil.	Commonly found on wood and wallboard. Commonly grows on window sills, textiles and foods.	Type I (hay fever and asthma), Type III (hypersensitivity pneumonitis) allergies.	A very common and important allergen source both outdoors and indoors.
Epicoccum	Commonly found everywhere. Grows on plant debris, insects and soil.	Capable of growing on several different substrates, notably wallboard and paper.	Type I (hay fever and asthma) allergies.	Very common in the summer, especially in the midwest and during harvest time.
Ascospores	Common everywhere. Constitutes a large part of the airspora outside. Can reach very high numbers in the air outside during the spring and summer. Can increase in numbers during and after rainfalls.	Very few of this group grow inside. The notable exception is Chaetomium, Ascotricha and Peziza.	Little known for most of this group of fungi. Dependent on the type (see Chaetomium and Ascotricha).	
Basidiospores	Commonly found everywhere, especially in the late summer and fall. These spores are from Mushrooms.	Mushrooms are not normally found growing indoors, but can grow on wet lumber, especially in crawlspaces. Sometimes mushrooms can be seen growing in flower pots indoors.	Some allergenicity reported. Type I (hay fever, asthma) and Type III (hypersensitivity pneumonitis).	Among the group of Mushrooms (Basidiomycetes) are dry rot fungi Serpula and Poria that are particularly destructive to buildings.
Penicillium/Aspergillus	Common everywhere. Normally found in the air in small amounts in outdoor air. Grows on nearly everything.	Wetted wallboard, wood, food, leather, etc. Able to grow on many substrates indoors.	Type I (hay fever and asthma) allergies and Type III (hypersensitivity pneumonitis) allergies.	This is a combination group of Penicillium and Aspergillus and is used when only the spores are seen. The spores are so similar that they cannot be reliably separated into their respective genera.
Polythrincium	Rarely seen in air samples. Grows only on specific plants.	Does not grow indoors.	None known.	
Stachybotrys	Grows in the soil and decaying plant material.	Wallboards and other paper products that are wetted. Needs high water content in the substrate to grow. Not normally seen growing indoors unless the building material has been wetted. Unusual / Not Normal to be growing indoors.	Type I (hay fever and asthma) allergies.	Wet spored mold that generally must be dried out and disturbed before spores can be found in the air. Spores of this type of mold should not be observed in significant numbers in the air above background/control. If growth and/or significantly higher than background/control spore numbers are reported, corrective action should be considered to eliminate the water source, reduce moisture levels and/or spore numbers in the living space.

**Prepared for :** ICON HOME INSPECTIONS INC.

**Test Address :**

2096 WONDERLAND RD N  
LONDON, ON N6G 5C3

### **Indoor Air Quality Testing**

#### **Introduction**

The fungi are a large group of organisms that include mold. In nature, the fungi and mold help breakdown and recycle nutrients in the environment. Mold are the most common type of fungi that grow indoors. Mold are microscopic organisms that live on plants, in the soil, and on animals, in fact almost anywhere food and moisture are available. Mold is everywhere present in the outdoor and normal indoor environments. It is in the air and on surfaces as settled dust. Exposure to mold is inevitable in everyday life. Thus, exposure to mold is considered part of a normal activity for most people. Only environments for which extraordinary preparations have been taken don't have mold present in the air or on surfaces.

#### **Understanding Mold**

Under the right conditions (moisture, a food source, and time) mold will grow, multiply and produce spores. Mold grows throughout nature as well as the built environment. Mold reproduces by microscopic cells called "spores" that can be spread easily through the air. Mold spores are always present in the indoor and outdoor air. There are mold that can grow on any organic substrate including wood, paper, carpet, food, ceiling tiles, dried fish, carpet, or any surface where dust has accumulated. When excessive moisture or water accumulates indoors, mold growth will often occur, particularly if the moisture problem remains undiscovered or un-addressed. There is no practical way to eliminate all mold spores in the indoor environment. The way to control indoor mold growth is to control the amount of moisture available to the mold.

Mold growth can become a problem in your home or office where there is sufficient moisture and the right foodstuff is available. The key to preventing mold growth is to prevent all moisture problems. Of course, hidden mold can grow when there is water available behind walls, sinks, floors, etc. Indications of hidden moisture problems are discoloration of ceiling or walls, warped floors or condensation on the windows or walls.

#### **Controlling Moisture**

The most critical step in solving a mold problem is to accurately identify and fix the source(s) of moisture that allowed the growth to occur. In order to prevent mold from growing, it is important that water damaged areas be dried within a 24-48 hour period. If a small amount of mold is present in the home, the mold can be cleaned up with a mild detergent and the excess water or moisture removed. It is not necessary to try and kill the mold or its spores. You can carefully remove the moldy materials if necessary. There are many common sources of excess moisture that can contribute to indoor mold growth. Some of the primary means of moisture entry into homes and buildings are water leakage (such as roof or plumbing leaks), vapor migration, capillary movement, air infiltration, humidifier use, and inadequate venting of kitchen and bath humidity. The key to controlling moisture is to generally reduce indoor humidity within 35% - 60% (depending what climate you live in) and fix all leaks whatever their cause.

#### **Mold Growth Sources**

If the source of moisture is not easily detected or you have a hidden water leak, mold testing can be helpful. Often a roof leak or a plumbing leak can be identified as the source. The difficulty arises when there is an odor present or when an occupant shows signs of mold exposure but no visible mold can be seen. Excess water intrusion can also lead to dry rot of lumber and cause a serious structural defect in buildings.

#### **Health Related Risks**

Based on the Institute of Medicine and the National Academy of Sciences, dampness and mold in homes is associated with increases in several adverse health effects including cough, upper respiratory symptoms, wheeze, and exacerbation of asthma. Mold and fungi contain many known allergens and toxins that can adversely affect your health. Scientific evidence suggests that the disease of asthma may be more prevalent in damp affected buildings. Dampness and mold in homes, office buildings and schools represent a public health problem. The Institute of Medicine concluded, "When microbial contamination is found, it should be eliminated by means that not only limit the possibility of recurrence but also limit exposure of occupants and persons conducting the remediation".

## **Mold Sampling Methods**

The goal of sampling is to learn about the levels of mold growth and amplification in buildings. There are no EPA or OSHA standards for levels of fungi and mold in indoor environments. There are also no standard collection methods. However, several generally accepted collection methods are available to inspectors to study mold (and bacteria) in indoor environments. Comparison with reference samples can be a useful approach. Reference samples are usually taken outdoors and sometimes samples can be taken from “non-complaint” areas. In general, indoor fungal concentrations should be similar to or lower than outdoor levels. High levels of mold only found inside buildings often suggest indoor amplification of the fungi. Furthermore, the detection of water-indicating fungi, even at low levels, may require further evaluation. There are several types of testing methods that can detect the presence of mold. They can be used to find mold spores that are suspended in air, in settled dust, or mold growing on surfaces of building materials and furnishings. There are different methods that can identify types of live mold and dead mold in a sampled environment. Mold spores can be allergenic and toxic even when dead.

All sampled material obtained in the laboratory is analyzed using modern microscopic methods, standard and innovative mycological techniques, analyzed at 630 – 1,000 times magnification.

Testing for mold with an accredited laboratory is the best way to determine if you have mold and what type of mold it is.

## **Surface Sampling Methods**

Surface sampling can be useful for differentiating between mold growth and stains of various kinds. This type of sampling is used to identify the type of mold growth that may be present and help investigate water intrusion. Surface sampling can help the interpretation of building inspections when used correctly. The following are the different types of surface samples that are commonly used to perform a direct examination of a specific location. Spore counts per area are not normally useful.

### **Tape (or tape-lift)**

These samples are collected using clear adhesive tape or adhesive slide for microscopic examination of suspect stains, settled dust and spores. Tape lifts are an excellent, non-destructive method of sampling. The laboratory is usually able to determine if there is current or former mold growth or if only normally settled spores were sampled.

### **Bulk**

This is a destructive test of materials (e.g., settled dust, sections of wallboard, pieces of duct lining, carpet segments, return-air filters, etc.) to determine if they contain or show mold growth. Bulk sampling collects a portion of material small enough to be transported conveniently and handled easily in the laboratory while still representing the material being sampled. A representative sample is taken from the bulk sample and can be cultured for species identification or analyzed using direct microscopy for genus identification. The laboratory is usually able to determine if there is current or former mold growth or if only normally settled spores were sampled.

### **Swab**

A sterile cotton or synthetic fiber-tipped swab is used to test an area of suspected mold growth. Samples obtained using this method can be cultured for species identification or analyzed using direct microscopy for genus identification. The laboratory is usually able to determine if there is current or former mold growth or if only normally settled spores were sampled. Identified spores are generally reported as “present/absent”.

### **Carpet (filter-type) Cassette**

A carpet cassette is used with a portable air pump (flow rate usually doesn't matter) to collect mold, pollen and other particulates. Samples obtained using this method can be cultured for species identification or analyzed using direct microscopy for genus identification. This method is usually used to determine a presence or absence of water-indicating mold in a carpet. The laboratory is usually able to determine if there is current or former mold growth or if only normally settled spores were sampled.

## Air Sampling Methods

Air samples are possibly the most common type of environmental sample that investigators collect to study bioaerosols (mold, pollen, particulates). The physics of removing particles from the air and the general principles of good sample collection apply to all airborne materials, whether biological or other origin. Therefore, many of the basic principles investigators use to identify and quantify other airborne particulate matter can be adapted to bioaerosol sampling. Common to all aerosol samplers is consideration of collection efficiency. The following are the two most common forms of air sampling methods.

**“Non-Viable Methods”** *(The Laboratory results are reported in “spores per cubic meter (sp/m<sup>3</sup>)”)*

### **Z5 Cassette**

The Z<sup>5</sup> spore trap is used with a portable air pump (5 liters/minute for 1 to 5 minutes) to rapidly collect airborne aerosols including mold, pollen and other airborne particulates. Air is drawn through a small slit at the top of the cassette and spores are trapped on a sticky surface on a small glass slide inside the cassette. They are efficient at collecting spores as small as 1µm.

### **Micro5 Cassette**

The Micro5 Microcell spore trap cassette is used with a portable air pump (5 liters/minute for 1 to 5 minutes) to collect airborne aerosols including mold, pollen and other airborne particulates. Air is drawn through a small circular hole at the top of the cassette and spores are trapped on a sticky coated glass slide inside the cassette. They are efficient at collecting spores as small as 0.8µm.

### **Air-O-Cell Cassette**

The Air-O-Cell spore trap cassette is used with a portable air pump (15 liters/minute for 1 to 10 minutes) to collect airborne aerosols including mold, pollen and other airborne particulates. Air is drawn through a small opening at the top of the cassette and spores are trapped on a sticky coated glass slide inside the cassette. These cassettes are efficient at collecting spores as small as 2.6µm.

### **Allergenco-D Cassette**

The Allergenco-D spore trap cassette is used with a portable air pump (15 liters/minute for 1 to 10 minutes) to collect airborne aerosols including mold, pollen and other airborne particulates. Air is drawn through a small opening at the top of the cassette and spores are trapped on a sticky coated glass slide inside the cassette. These cassettes are efficient at collecting spores as small as 1.7µm.

**“Viable Methods”** *(The Laboratory results are reported in “colony forming units per cubic meter (CFU/m<sup>3</sup>)”)*

### **Agar Impaction Plates**

The agar impaction plates are used with a portable air pump (28.3 liters/minute for 1 to 3 minutes) to collect airborne mold. This is called “viable sampling” because it only grows what is alive at the time of testing. Air is drawn through a 200-400 holes at the top of the impactor and spores are trapped in the agar media. The agar plate should be shipped to the laboratory immediately or kept cool until it can be shipped. These cassettes are 90% efficient at collecting spores as small as 0.7µm. The laboratory results are reported in “colony forming units per cubic meter (CFU/m<sup>3</sup>)”.



## **Data Interpretation**

Information (data) on mold in buildings can consist of the simple observation of fungal growth on a wall, analytical measurements from hundreds of environmental samples, or the results of a survey of building occupants with and without particular building-related conditions. Data interpretation is the process whereby investigators make decisions on (a) the relevance to human exposure of environmental observations and measurements, (b) the strength of associations between exposure and health status, and (c) the probability of current or future risks. These interpretation steps are followed by decisions on what measures can be taken to interrupt exposure and prevent future problems.

## **Remediation of Mold**

Prevention of mold growth indoors is only possible if the factors that allow it to grow are identified and controlled. When prevention has failed and visible growth has occurred in a home or building, remediation and/or restoration may be required. The extent of the mold growth will determine the scope of the remediation required. The goal of remediation is to remove or clean mold-damaged material using work practices that protect occupants by controlling the dispersion of mold from the work area and protect the workers from exposure to mold. You should consult a professional when contemplating fixing a large area of mold growth. Generally, remediation requires (a) removal of porous materials showing extensive microbial growth, (b) physical removal of surface microbial growth on non-porous materials to typical background levels, and (c) reduction of moisture to levels that do not support microbial growth. Identification of the conditions that contributed to microbial proliferation in a home or building is the most important step in remediation. No effective control strategy can be implemented without a clear understanding of the events or building dynamics responsible for microbial growth. Following the completion of the remediation process, mold testing should be performed to obtain clearance.

## **Symptoms of Mold Exposure**

The most common symptoms of mold exposure are runny nose, eye irritation, cough, congestion, and aggravation of asthma. Individuals with persistent health problems that appear to be related to mold or other types of air quality contaminant exposure should see their physicians for a referral to specialists who are trained in occupational/environmental medicine or related specialties and are knowledgeable about these types of exposures. Decisions about removing individuals from an affected area must be based on the results of such medical evaluation. Mold is naturally present in outdoor environments and we share the same air between the indoor and outdoor, it is impossible to eliminate all mold spores indoors.

## **Ten Things You Should Know About Mold**

- 1) Potential health effects and symptoms associated with mold exposures include allergic reactions, asthma, and other respiratory problems.
- 2) There is no practical way to completely eliminate mold and mold spores in the indoor environment. The way to control indoor mold growth is to control moisture.
- 3) If mold is a problem in your home or building, you must clean up the mold and eliminate sources of moisture.
- 4) To prevent mold growth any source of a water problem or leak must be repaired.
- 5) Indoor humidity must be reduced (generally below 60%) to reduce the chances of mold growth by: adequately venting bathrooms, dryers, and other moisture-generating sources to the outside; using air conditioners and de-humidifiers; increasing ventilation; and using exhaust fans whenever cooking, dishwashing and cleaning.
- 6) Clean and dry any damp or wet building materials and furnishings within 24-48 hours to prevent mold growth.
- 7) Clean mold off of hard surfaces with water and detergent and dry completely.
- 8) Prevent condensation: reduce the potential for condensation on cold surfaces (e.g., windows, piping, exterior walls, roof, or floors) by adding insulation.
- 9) In areas where there is a perpetual moisture problem on the floor, do not install carpeting
- 10) Mold can be found almost anywhere. Mold can grow on wood, paper, carpet, foods; almost anything can support some mold growth provided there is moisture, time to grow and food to eat.

## References & Resources

Bioaerosols: Assessment and Control, Janet Macher, Sc.D., M.P.H., Editor. 1999. ACGIH, 1330 Kemper Meadow Drive, Cincinnati, OH 45240-1634.

Health Implications of Fungi in Indoor Environments, Edited by R.A. Samson. 1994. Elsevier Science, P.O. Box 945, Madison Square Station, New York, NY 10159-0945.

Damp Indoor Spaces and Health, Institute of Medicine of the National Academies, Washington, DC, 2004

Field Guide for the Determination of Biological Contaminants in Environmental Samples, 2<sup>nd</sup> Edition, Edited by L-L. Hung, et al. AIHA, Fairfax, VA, 2005.

Recognition, Evaluation, and Control of Indoor Mold, Edited by B. Prezant, et al. AIHA, Fairfax, VA, 2008.

## Useful Websites

[www.acgih.org/resources/links.htm](http://www.acgih.org/resources/links.htm)

American Conference of Governmental Industrial Hygienists - information on Indoor Air Quality and useful links

[www.cal-iaq.org](http://www.cal-iaq.org)

California Indoor Air Quality Program - California Indoor Air Quality resources and useful links

[www.health.state.ny.us/environmental/indoors/air/mold.htm](http://www.health.state.ny.us/environmental/indoors/air/mold.htm)

New York State Department of Health - New York state recommendations for IAQ, indoor mold inspections, remediation, and prevention

<http://www.nyc.gov/html/doh/html/epi/moldrpt1.shtml>

Guidelines for Assessment and Remediation of Fungi in Indoor Environments – a good reference for mold clean up and removal

[orf.od.nih.gov/PoliciesAndGuidelines/ORFPolicies/MoldPrevPolicy.htm](http://orf.od.nih.gov/PoliciesAndGuidelines/ORFPolicies/MoldPrevPolicy.htm)

National Institutes of Health - information mold prevention and remediation

<http://www.niehs.nih.gov/health/topics/agents/mold/index.cfm>

National Institute of Environmental Health Sciences - information on mold

[www.epa.gov/mold/](http://www.epa.gov/mold/)

United States Environmental Protection Agency website on mold and moisture

[www.aaaai.org/nab/index.cfm?p=faq](http://www.aaaai.org/nab/index.cfm?p=faq)

American Academy of Allergy, Asthma, and Immunology – information on mold and allergies and outdoor allergens

<http://www.aanma.org/?s=mold>

Allergy & Asthma Network – information for homes about allergies and asthma

<http://www.homeenergyresourcecenter.org>

Minnesota Department of Commerce Energy Information Center – good information on moisture control in homes

<http://eetd.lbl.gov/ie/>

Governmental Indoor Environment Department – good information on indoor health, comfort and energy efficiency in buildings

<http://www.osha.gov/dts/shib/shib101003.html>

Occupational US Department of Labor (OSHA) - A Brief Guide to Mold in the Workplace

## **Appendix D** DOCUMENTATION AND SALVAGE PLANS

Invest letterhead

January 12, 2018

**Heidy Schopf, MES, CAHP  
Cultural Heritage Specialist  
Stantec Consulting Ltd.  
300W-675 Cochrane Drive  
Markham ON  
L3R 0B8**

**Re: HIA for 2096 Wonderland Road North, City of London -- Invest Group**

---

**Dear Heidy:**

This is to confirm that Invest Group will make every effort to utilize and recycle the existing salvageable heritage materials from the existing residence at 2096 Wonderland Road North in its proposed 18-unit townhouse development to be located on the same site. For example, the yellow brick could be used for landscape design elements such as garden walls and gateway entrance piers.

Also, if the City finds it valuable and has a place to show the existing residence, Invest Group is prepared to have a table model built of the residence as part of the heritage documentation option .

Thank you.

Sincerely,

**Sinan Saltaji  
Managing Partner  
Invest Group**

## Appendix E **ENGINEERING LETTER**

SBM-18-0566  
29 March 2018

**Kirkness Consulting**  
Attn: Laverne Kirkness

**2096 Wonderland Rd N**  
**London, Ontario**

Laverne;

This is to confirm we visited the above site on the afternoon of 23 March 2018, as per your request, to review the existing two storey dwelling on the above site.

The existing building was found to be a two storey home built around 1860 with a one storey addition & garage at the rear of the original house. The main floor & second floor of the home were mostly finished at the time of inspection. Partial access to the existing attic space was provided at the time of inspection. The existing roof framing was timber trusses with stick framed rough lumber rafters. The existing floor construction was 2"x12" rough lumber floor joists at 16" o/c spanning front to back with an approximate span of 17'-0". The existing main floor wall construction was found to be triple wythe masonry construction with an approximate wall height of 10'-0". The existing second floor wall construction was found to be triple wythe masonry construction with an approximate wall height of 9'-0". The existing crawl space had an approximate ceiling height of 6'-2". The existing foundation wall was rubble/fieldstone with mortar. We were unable to inspect the existing foundation wall thoroughly as the crawl space had approx. 16" of water on the floor at the time of inspection.

Two masonry fireplaces were on the main floor with chimneys extending up through the roof structure. The fireplaces continued down to a double wythe masonry foundation in the basement. We completed a walkthrough of the exterior of the building. Some brick cracking was noted with some areas having previous re-pointing. All sides of the existing building had large window openings on both the main floor & second floor.

Based on the weight of the existing building, the lateral strength of the existing wall framing, and the wall, roof & floor construction of the existing building, moving the building to a different location either on the site or off the site would be extremely difficult and costly, if even possible. The existing masonry fireplaces would likely be damaged during moving due to the height & construction of the fireplaces. Due to the construction of the existing building, the building is likely to be extensively damaged during moving.

We trust this report meets your satisfaction, if you need further clarification please do not hesitate to contact us.



Regards,  
**Strik Baldinelli Moniz Ltd.**

*Aaron Strik*

Aaron Strik, P.Eng  
Principal

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.3 PUBLIC PARTICIPATION MEETING – 2096 Wonderland Road North – Request for Demolition

- Laverne Kirkness, Kirkness Planning Consultants, on behalf of the applicant – indicating that Invest Group is a small land development company out of Mississauga; noting that they have not developed anything in London, this is their first go at it; hoping that it will not be their last but they are a little bit frustrated at this point; asking the Planning and Environment Committee to please defer the matter of moving towards designation until their full zoning application is considered; advising that they submitted the zoning application with all the supporting materials; in order to make sure the heritage issue was brought forward, they also put in an application that says on it “Required clearances for demolition permit” and that was only to operate on the principle of full disclosure, that they wanted the demolition issue discussed as part of all of the merits of a zoning application; indicating that it turns out that that got him on a track, a sixty day track that brought him here; noting that they do not want to be here, they think it is premature; advising that the other application is an application to permit, to construct or to demolish; pointing out that there are two different applications and the clearance one is one that they put in trying to operate on the principle of full disclosure; reiterating that that got them on the sixty day track to get them here today that forces the Planning and Environment Committee to make a decision about demolition and moving to designate; stating that he does not know if the Planning and Environment Committee can get out of the sixty day thing; if you consider that they did make an application, even the Planning report says they made an application; believing that, apparently, these two application forms are really one; finding it very confusing; Invest Group is, of course, out of town and they hired him because they figured he knew what he was doing and he has to submit that maybe he did not know what he was doing because he thought they were two separate application forms; indicating that he never would have put in the clearance application form had he known that they would be on this sixty day track; the second problem is that he tried to withdraw the application and the legal advice is that there is no provisions in the *Ontario Heritage Act* for one to withdraw an application; realizing that there is probably a lot of enabling legislation that he is not familiar with that comes from the Province but he does not know of any that sets out requirements to withdraw an application, you just do it, you put an application in and if you do not like it or if it is not going the way you think it should be or if it is the wrong approach, you just withdraw it but he cannot withdraw it, he is committed to this sixty day process to force a decision, to make the Planning and Environment Committee forced into a decision that is premature in their view; if nothing happens out of what he is saying other than getting these applications more clearly defined for the public would really be of help to make it clear; as on the zoning application, it has a couple of pages of introduction and guidance before you get to the content of the form; thinking that these two should have some explanation as they are really one application form and the clearance form is the demolition permit application form, it is not another one that says it is; explaining that is why they are here and they are sad to be here because the system seems to be forcing a decision that is premature because they have not considered everything, that is all the merits of what a rezoning application does; the other point is, why they cannot withdraw the application if they want to, it seems like a denial of natural justice not to be able to do that; advising that Invest Group has taken Mr. K. Gonyou, Heritage Planner’s, advice and the London Advisory Committee on Heritage’s advice very seriously, they have taken back their application for rezoning, the proposed eighteen townhouse units and the demolition, they have taken it back, they are trying to consider an approach where they could keep the heritage farmhouse; asking the Planning and Environment Committee to defer the consideration of heritage designation until they come back with their full application which may very well have the inclusion of the preservation of the farmhouse; indicating that they are at early stages but they are showing very good intent and that is why they asked for the deferral. *(Councillor Turner providing a quick context as to why the demolition application is requested in advance of an application in general; early in their term they had encountered similar circumstances and it became very challenging to concurrently hear a development application and a demolition application or consideration for designation all at the same time; they wanted those treated as separate entities and staff, on their request, have separated those processes so that it is brought forward; perhaps staff might be able to elaborate on that as well.);* Mr. J.M. Fleming, Managing Director, Planning and City Planner, pointing out that there is another piece to that as well, there is

the sixty day time limit that the municipality has when a demolition application is submitted and the clock starts ticking and they are told by their own review of the legislation but also Legals' perspective that there is not an ability to stop that clock by an applicant asking for it to be deferred or any kind of mechanism along those lines so he thinks they were looking for ways to help Mr. L. Kirkness out but at this point they think the clock has begun and Council either has to make a decision whether they want to go forward with designation or not go forward with that at this time.

- *(Councillor T. Park recognizing that they are in the middle of a public participation meeting but thinking it is important to get this question answered before they hear from other people; recognizing the information that they have heard from Mr. Kirkness and Mr. J.M. Fleming, Managing Director, Planning and City Planner, she is really confused about the recommendation that they have before them, it talks about designating but no contemplation about whether to approve or deny a demolition request so if she could hear a bit more about that, it might put some more minds at ease.);* Mr. K. Gonyou, Heritage Planner, responding that the purpose of the notice of intent to designate is to prohibit the demolition of the building on the property; *(Councillor Turner asking for a bit of an expansion on that, asking Mr. G. Barrett, Manager, Long Range Planning and Research, to explain from the conversation had at pre-PEC on Friday morning.);* Mr. G. Barrett, Manager, Long Range Planning and Research, responding that what the Planning and Environment Committee has in front of them is an application to demolish and in the consideration of that application, as a listed property, the time that the Committee has in order to make a decision is to allow the Committee to determine whether or not the property is worthy of designation; the recommendation that the Committee has in front of them this evening is that the property has been recommended to you by staff as being worthy of designation; the effect that that has, as Councillor Turner said, is that then means that the demolition application does not go forward; the demolition triggers the review, the review said this property is worthy of designation, the next step is to issue a Notice of Intent to Designate and then that has the effect of stopping the demolition; Mr. J.M. Fleming, Managing Director, Planning and City Planner, indicating that if you do not move forward with designation, then the demolition will move forward; Mr. G. Barrett, Manager, Long Range Planning and Research, building on that, that is what Mr. L. Kirkness was alluding to, under the *Act*, if Council fails to make a decision on the demolition within a certain period of time that you are deemed to have consented to the demolition and that is why it has this confusing overlap of processes.
- *(Councillor M. van Holst following the same line of questioning; the sixty day period starts when and ends when.);* Mr. G. Barrett, Manager, Long Range Planning and Research, responding that the sixty day period starts on the receipt of the application together with the information as you may require so it was the date that they received it, so it was the date that they received that information from Mr. Kirkness that included his Heritage Impact Statement so all of the information that Mr. K. Gonyou, Heritage Planner, referred to and relied upon in his initial review and subsequent follow-up was all provided by the applicant, so essentially a complete application was made, all the information that they would need in order to make a decision was provided and that is what started the clock; *(Councillor M. van Holst indicating that he was looking for the last date at which they can make a decision, does a decision have to be made tonight or could it be made a cycle or two from now; he wanted to know that.);* Mr. K. Gonyou, Heritage Planner, responding that the demolition request was received on April 18, 2018 and the sixty day time period expires on June 17, 2018; it is his understanding that the Planning and Environment Committee's report will be received on June 12, 2018 which would comply with the sixty day timeline but not enable the deferral.
- *(Councillor A. Hopkins asking for staff's comment on the opportunity not to be able to withdraw the application, is that because the time has started; asking if staff could further comment to the applicants comments on not being able to withdraw.);* Ms. A. Anderson, Solicitor II, responding that there was a reference to a legal opinion and it is just the function of the way the *Act* works, there are other provisions in the *Act* that set out a process for withdrawing something, for example in section 29, subsection 15, it speaks to withdrawing an objection, you serve notice on the Clerk and the Register and that forms the opinion that, because there is no mechanism to withdraw this time of request and accommodation with the deeming to have permitted the demolition, the advice that they have provided is that it cannot be withdrawn once it has gone and been submitted; otherwise, the sixty days will come and go and there is nothing in the *Act* that could be a fall-back for somehow reopening that process; there is nothing that prohibits the applicant



from reapplying once they have more information or are further down a path of a development concept; that is the advice that was provided.

- *(Councillor J. Helmer pointing out that we are still in the middle of the public participation meeting and they have gotten off a bit.)*
- *(Councillor S. Turner indicating that he is allowing it as questions of a technical nature.)*
- Jennifer Grainger, President, Architectural Conservancy of Ontario (ACO), London Branch – relating to the letter that she sent, ACO is obviously not in favour of demolishing the building, it seems to still be in fairly good condition, it has not been terribly neglected; indicating that it is a beautiful example of a Georgian style farmhouse and it is of some historical importance, the Warner family having settled on the farm in 1819 and presumably they built this house in approximately 1853; expressing that they would be absolutely delighted to hear at ACO that Invest Group could find a way to not demolish it after all and to simply incorporate it into their development and hopefully the house itself could be sold to some family who could continue to use it as a home; indicating that what Mr. L. Kirkness was saying is music to their ears and that is exactly what they would hope for.
- Janet Hunten, 253 Huron Street – expressing support for the value of the house and its situation of being surrounded by suburbs so it is a reminder of the agricultural past of that area.



Architectural Conservancy Ontario – London Region Branch  
Grosvenor Lodge  
1017 Western Road  
London, ON N6G 1G5

Thursday, May 17, 2018

Members of Planning & Environment Committee:

Councillor Stephen Turner (Chair)

Councillor Anna Hopkins

Councillor Jesse Helmer

Councillor Maureen Cassidy

Councillor Tanya Park

**Re: Demolition Request for 2096 Wonderland Rd. N.**

Dear Councillors:

I write with concern over Invest Group's demolition request for 2096 Wonderland Rd. N. This listed property, a Priority 2 on London's Inventory of Heritage Resources, is of architectural and historical value for the following reasons:

1. The building is an excellent example of a Georgian-style white brick farmhouse. Its symmetry and simplicity, hipped roof, and central entry flanked by window openings are all representative of the style. Moreover, pictures online indicate this building is well-preserved, possessing such original features as wide floor boards, wainscoting, and fireplaces. It has apparently suffered no neglect, with an updated kitchen and bathrooms, a rear deck, two-car garage, and beautiful grounds with mature trees. There seems little reason to demolish such an attractive home in move-in condition.
2. An early London Township settler named William Warner first settled on this lot in October 1819, his family remaining on the farm until 1907. The family's first home was probably of log construction, this permanent house not being built until mid-nineteenth century when the family was more prosperous. The farmhouse is a magnificent memorial to this early pioneer family and provides us with a physical connection to original settlers of the township. If maintained in good condition, the home could inspire a sense of civic pride in those who live in the north end of London.

To relocate a large brick pre-Confederation home with stone foundation would be difficult, potentially damaging the building as well as reducing its heritage value by removing it from its original context. New developments should ideally not interfere with heritage properties and should be able to exist with them side by side. I urge you to deny the demolition request, advise the developer to revise the development plan to allow this house to remain, and recommend that the house be sold to an appropriate buyer interested in preserving its heritage features for future generations.

Sincerely,

Jennifer Grainger

President, London Region Branch, Architectural Conservancy Ontario

Architectural Conservancy Ontario – London Region Branch  
Grosvenor Lodge, 1017 Western Road, London ON N6G 1G5  
Telephone: 519-645-0981 | Fax: 519-645-0981 | Web: [www.acolondon.ca](http://www.acolondon.ca) | E-mail:  
[info@acolondon.ca](mailto:info@acolondon.ca)

The past. Our present. Your future.



From: Nabil Sultan  
Sent: Friday, May 18, 2018 11:04 AM  
To: Lysynski, Heather <[hlysynsk@London.ca](mailto:hlysynsk@London.ca)>  
Cc: Morgan, Josh <[joshmorgan@london.ca](mailto:joshmorgan@london.ca)>  
Subject: Re: request for demolition - 2096 Wonderland Rd N

Hi there,

I received the notice of the request of demolition of 2096 Wonderland Rd N. I am a property owner that backs on to that property. My address is 365 Cornelius Crt. I have concerns about this proposed demolition, first because it is a heritage home and in this area of the city, there is very little heritage properties left. Also, the property has very large and beautiful trees that are quite old and it would be a real shame to have those trees come down. The area doesn't have many mature trees like that and it would be a shame to lose them.

thank you for considering my comments,

Nabil Sultan  
365 Cornelius Crt  
London,ON  
N6G0E5

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** North London Medical Centre  
1055-1075 Fanshawe Park Road West  
**Public Participation Meeting on:** May 28, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of North London Medical Centre relating to the property located at 1055-1075 Fanshawe Park Road West the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting of June 12, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to amend Section 19.4 f) 5) of the Office Special Provision (OF5(5)) Zone to **ADD** Pharmacies in association with a medical/dental office; Clinics; and Medical/dental laboratories to the list of permitted uses and to **MODIFY** the municipal address to which the Zone applies.

## Executive Summary

### Summary of Request

The requested Zoning By-law Amendment is to permit clinics, medical/dental laboratories, and pharmacies in association with a medical/dental office use, in addition to the medical/dental office use that is already permitted on the site. The existing Special Provisions shall continue to apply to the subject site.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to add clinics, medical/dental laboratories, and pharmacies in association with a medical/dental office use as permitted uses, in addition to the medical/dental office use that is currently permitted on the subject site. The amendment is also intended to recognize the site's new address fronting Fanshawe Park Road West as a result of a consent application which severed the Tokala Trail frontage from the former land holdings. The existing special provisions for height, front yard depth, interpretation of the location of the front lot line, and an exemption from Section 4.19.6 d) of the Zoning By-law (allowing the use of gates to access parking), would continue to apply to the subject site. The recommended action is consistent with the request from the applicant.

### Rationale of Recommended Action

- The recommended Zoning By-law Amendment is consistent with the Provincial Policy Statement;
- The recommended Zoning By-law Amendment conforms to the 1989 Official Plan;
- The recommended uses are within the range of permitted uses contemplated in The London Plan;
- The amount of non-residential gross floor area is not anticipated to increase beyond what is currently permitted by the existing Zoning By-law; and
- The recommended Zoning By-law Amendment would allow an expanded range of uses that would complement the permitted medical/dental office use within a building that is currently under construction.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is an irregular shape with frontage on Fanshawe Park Road West. The site has an area of approximately 2.0 hectares (4.9 acres).

A 3-storey medical/dental office building is currently under construction on the subject site. A surface parking lot which will have 340 parking spaces is also under construction on the subject site, which would service the 3-storey medical/dental office building that is currently under construction.

#### 1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Office Area
- The London Plan Place Type – Neighbourhoods on an Urban Thoroughfare
- Existing Zoning – Office Special Provision (OF5(5)) Zone

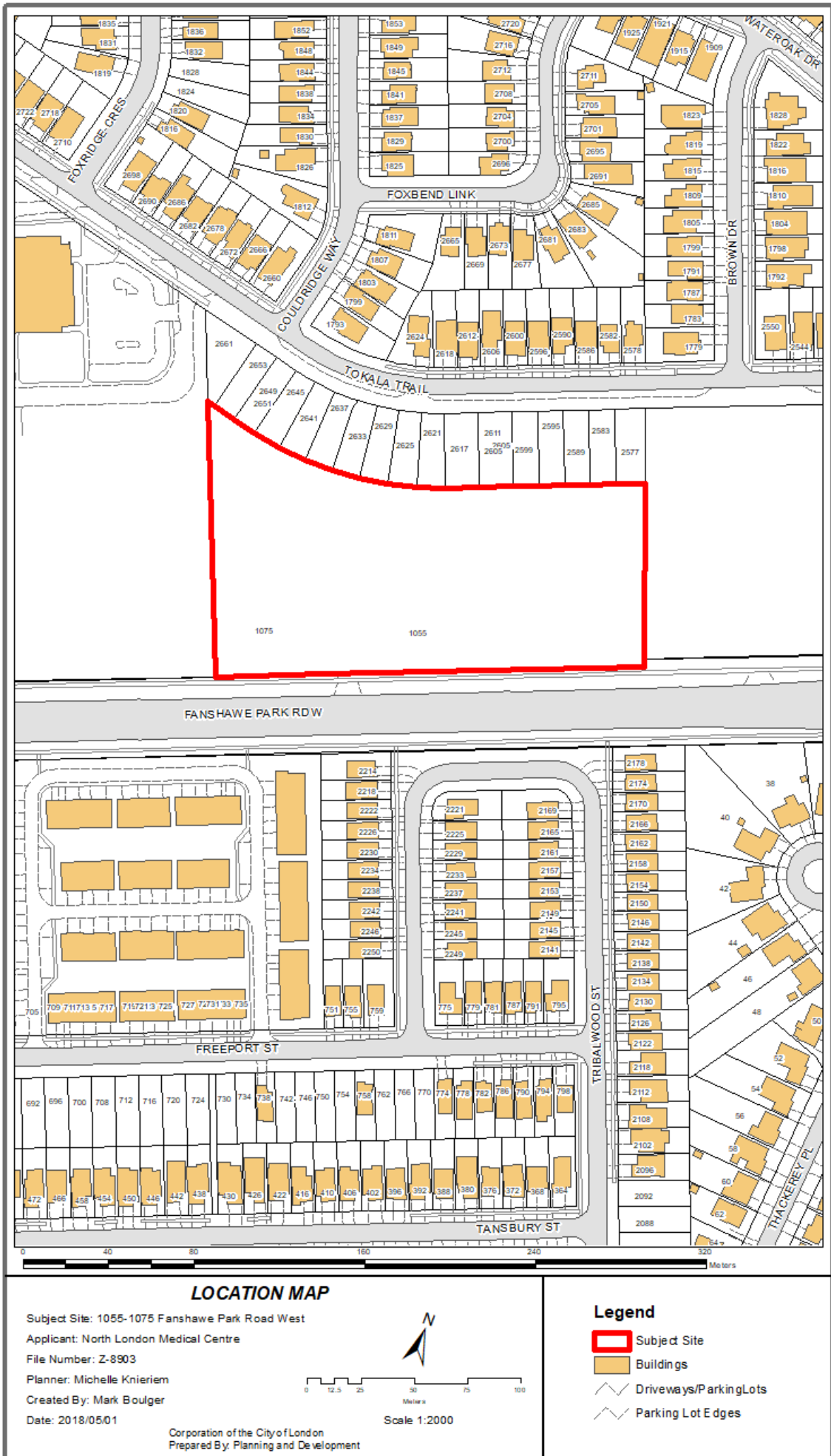
#### 1.3 Site Characteristics

- Current Land Use – Medical/dental office building (under construction)
- Frontage – 200.9 metres (659.1 feet)
- Depth – 90.8 metres to 135.1 metres (297.9 feet to 443.2 feet)
- Area – 2.0 hectares (4.9 acres)
- Shape – Irregular

#### 1.4 Surrounding Land Uses

- North – Single-detached dwellings fronting onto Tokala Trail are located immediately north of the subject site, with additional single-detached dwellings located north of Tokala Trail.
- East – Immediately east of the subject site are vacant lands that are part of an approved draft plan of subdivision application (39T-04503) and intended for future residential development. Further east are vacant lands that are part of an approved draft plan of subdivision application (39T-05512), zoned for convenience commercial uses.
- South – Fanshawe Park Road West is located immediately south of the subject site. Residential uses, including townhouses and single-detached dwellings are located south of Fanshawe Park Road West.
- West – A secondary school (St. Andre Bessette Catholic Secondary School) is located immediately west of the subject site. Further west are commercial uses including restaurants, retail, and personal service establishments.

1.6 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposed development is for the addition of a clinic, medical/dental laboratory, and pharmacy to the subject site. These uses are proposed to be located within the 3-storey building that is currently under construction for medical/dental office building, as approved through a previous Official Plan and Zoning By-law Amendment application (OZ-8511) for the subject site. The recommended pharmacy use is to be in association with a medical/dental office in order to prohibit the development of a stand-alone pharmacy on the subject site.

## 3.0 Relevant Background

### 3.1 Planning History

The subject site is within the Foxhollow Community Plan. The Foxhollow Community Plan was adopted by City Council in 1999 as a guideline document and associated Official Plan Amendment (O-5604). Additional information about the application of the Foxhollow Community Plan to the subject site can be found in Section 3.4 "Policy Context".

The subject site was part of a larger draft plan of subdivision (39T-04503), Official Plan Amendment (O-7644) and Zoning By-law Amendment application (Z-6717) for the lands generally bounded by Tokala Trail to the north, Dalmagarry Road to the west, Fanshawe Park Road West to the south, extending almost to Aldersbrook Gate to the east (1139 Fanshawe Park Road West). This draft plan of subdivision was approved with conditions and the Official Plan and Zoning By-law Amendments were adopted by City Council in 2009.

Phase 1 of this subdivision was registered in 2010 as Registered Plan 33M-623, Phase 2 was registered in 2013 as Registered Plan 33M-655, and Phase 3 was registered in 2014 as Registered Plan 33M-676.

An Official Plan and Zoning By-law Amendment was adopted by City Council in 2015 for 2605-2651 Tokala Trail (OZ-8511), which at the time included the subject site and the lands to the north of the subject site on the south side of Tokala Trail. This Official Plan Amendment changed the land use designation of the subject site from Multi-Family, Medium Density Residential to Office Area. The Zoning By-law Amendment rezoned the lands from a Holding Community Facility/Holding Residential R6 Special Provision/ Residential R7/ Residential R8 (h-95●CF1/h●h-54●h-71●h-95●h-100●R6-5(29)/R7●H15●D75/R8●H15●D75) Zone and a Holding Residential R6 Special Provision/Residential R7/ Residential R8 (h●h-54●h-71●h-95●h-100●R6-5(29)/R7●H15●D75/R8●H15●D75) Zone to a Holding Office Special Provision (h●h-17●h-54●h-71●h-95●OF5(5)) Zone to permit a 3-storey medical/dental office building on the subject site and a Holding Residential R1 Special Provision/Residential R4 (h●h-17●h-54●h-71●h-95●R1-3(8)/R4-1) Zone to permit single detached dwellings and/or street townhouses on the lands to the north of the subject site.

The subject site was part of consent applications (B0.14/16 and B0.15/16), to sever the low-density residential lands to the north fronting Tokala Trail from the subject site.

At its meeting of April 18, 2017, City Council removed the holding provisions from the subject site (H-8732), changing the zoning from a Holding Office Special Provision (h●h-17●h-54●h-95●OF5(5)) to an Office Special Provision (OF5(5)) Zone to allow the development of a 3-storey medical/dental office building.

### 3.2 Requested Amendment

The requested Zoning By-law Amendment is to rezone the subject site to expand the range of permitted uses to include clinics, medical/dental laboratories, and pharmacies in association with a medical/dental office use, in addition to the medical/dental office use that is currently permitted on the subject site.

The applicant has existing zoning permissions for the construction of a 3-storey medical/dental office building on the subject site. The existing zoning permissions limit the uses permitted on the subject site to medical/dental offices. As clinics, medical/dental laboratories, and pharmacies are not permitted uses, the applicant is required to undergo a Zoning By-law Amendment to permit these uses within the building that is under construction. No changes are requested to the special provisions that currently apply to the subject site for height, front yard depth, maximum gross floor area of office uses, interpretation of front yard setback location, and an exemption from Section 4.19.6 d) of the Zoning By-law (allowing the use of gates to access parking), which would continue to apply to the subject site.

### **3.3 Community Engagement (see more detail in Appendix B)**

A notice of application was sent to property owners within a 120 metre radius of the subject site on April 25, 2018 and was published in *The Londoner* on April 26, 2018.

One “Possible Land Use Change” sign was placed on the subject site, fronting onto Fanshawe Park Road West.

As of the date of this report, no community members have contacted Planning Staff with regards to this application.

More information and detail is available in Appendix B of this report.

### **3.4 Policy Context (see more detail in Appendix C)**

*Provincial Policy Statement, 2005 (PPS)*

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, setting the policy foundation for regulating the development and use of land. The subject site is located within a “settlement area” as identified by the PPS. The PPS identifies that planning authorities shall promote economic development and competitiveness by providing for an appropriate range of employment and institutional uses to meet long term needs (Policy 1.3.1). It also encourages compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities (Policy 1.3.1). Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

All decisions of Council affecting land use planning matters are required to be consistent with the PPS.

*Official Plan (1989)*

The City of London 1989 Official Plan implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The 1989 Official Plan assigns specific land use designations to lands and the policies associated with those land uses designations provide for a general range of permitted uses.

The subject site is designated “Office Area” within the 1989 Official Plan. Lands within the Office Area designation are intended to accommodate small and medium-scale office uses within purpose-designed office buildings. These office buildings are intended to be of a high quality design that is compatible with surrounding uses, and located along major roads that serve as entryways to the City (Policy 5.1.2). The primary permitted use within the Office Area designation is offices within purpose-designed office buildings or buildings converted for office uses. Secondary permitted uses include eat-in restaurants, financial institutions, personal services, day care centres, pharmacies, laboratories, and clinics (Policy 5.2.2).

*The London Plan*

The London Plan is the new Official Plan for the City of London and has been adopted by City Council and approved by the Ministry with modification. A portion of this plan is



in-force and effect, and the remainder continues to be under appeal to the Ontario Municipal Board.

The subject site is located in the Neighbourhoods Place Type in The London Plan, with frontage on an Urban Thoroughfare (Fanshawe Park Road West). Neighbourhoods Place Types make up the majority of the City Structure's land area. Each neighbourhood provides a different character and function, giving Londoners abundant choice in affordability, mix, urban vs. suburban character, and access to different employment areas, mobility options, and lifestyles (Policy 917). While the Neighbourhoods Place Type is primarily intended for residential uses, limited commercial uses are permitted depending on the classification of the intersecting street. The range of permitted uses for the subject site include a variety of residential uses, such as stacked townhouses, fourplexes, low-rise apartment buildings, and single-detached homes, and also include mixed-use buildings and stand-alone retail, service and office uses with a gross floor area of up to 2,000 square metres (Table 10, 12). The range of permitted heights for the subject site is 2 to 4 storeys, with the possibility that up to 6 storeys could be permitted through bonusing (Table 11).

#### *Foxhollow Community Plan*

In 1999, City Council adopted the Foxhollow Community Plan as a guideline document pursuant to Section 19.2.1 of the Official Plan. The Foxhollow Community Plan is intended to guide the development of the lands generally bounded by Sunningdale Road to the north, Wonderland Road to the east, Fanshawe Park Road to the south, and Hyde Park Road to the west. The subject site was previously identified as Multi-Family, Medium Density Residential in the Foxhollow Community Plan, intended to accommodate medium density residential uses. In 2015, the land use designation for the subject site in the Official Plan was re-designated to Office Area to accommodate office uses (OZ-8511).

#### *Zoning By-law*

The existing zoning that applies to the subject site is an Office Special Provision (OF5(5)) Zone which limits the permitted uses on the site to medical/dental offices. The existing zoning includes special provisions that permit the following:

- A maximum height of 15 metres
- A maximum front yard depth of 11 metres
- A total gross floor area of all Offices Uses up to 5,000 square metres
- The lot line that abuts an Arterial Road (Fanshawe Park Road West) to be interpreted as the front lot line
- An exemption from Section 4.19.6 d) of the Zoning By-law. This exemption allows the applicant to obstruct the driveway by a gate or similar barrier.

The existing Zoning By-law that applies to the site identifies the site address at 2605-2651 Tokala Trail. The address associated with the existing Zoning By-law pre-dates consent applications B0.14/16 and B0.15/16 which severed the subject site from the properties fronting onto Tokala Trail. As a result of these consent applications, the subject site no longer has frontage on Tokala Trail and instead fronts on Fanshawe Park Road West (1055-1075 Fanshawe Park Road West).

## **4.0 Key Issues and Considerations**

### **4.1 Issue and Consideration # 1: Use**

The applicant has requested a special provision to add pharmacies in association with a medical/dental office use, clinics, and medical/dental laboratories as permitted uses, in addition to the medical/dental office use that is currently permitted on the subject site.

#### *Provincial Policy Statement, 2005 (PPS)*

The Provincial Policy Statement identifies that Planning Authorities shall promote

economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (Policy 1.3.1).

The requested uses are consistent with the Provincial Policy Statement, as the requested pharmacy, laboratory, and clinic uses will contribute to supporting a range of economic activities and will help to support the needs of the medical/dental office use that is already permitted on the subject site.

#### *Official Plan (1989)*

The subject site is within the “Office Areas” land use designation in the 1989 Official Plan. The primary permitted use within Office Areas is offices within a purpose-built office building and buildings converted for office use. Pharmacies, laboratories, and clinics are all identified as secondary permitted uses (5.2.2).

The addition of pharmacies, medical/dental laboratories, and clinics as permitted uses are appropriate within this land use designation and will serve to complement the medical/dental offices permitted on the site. The Zoning By-law Amendment application requests that the provision of pharmacies be limited to pharmacies in association with a medical/dental office use. This is desirable and conforms to the 1989 Official Plan, as it will help to ensure that the primary office functions of the building are maintained rather than have the entire site be occupied by a retail pharmacy.

The Foxhollow Community Plan intended for the subject site to be a Multi-family, Medium Density Residential use, however in 2015 the land use designation in the 1989 Official Plan was amended to Office Areas to accommodate office uses (OZ-8511). The requested Zoning By-law Amendment conforms to the uses permitted under the Office Areas designation.

#### *The London Plan*

The London Plan is the new Official Plan for the City of London and has been adopted by City Council and approved by the Ministry with modification. A portion of this plan is in-force and effect, and the remainder continues to be under appeal to the Ontario Municipal Board.

The subject site is located in the Neighbourhoods Place Type with frontage on an Urban Thoroughfare (Fanshawe Park Road West). The range of permitted uses for the subject site include a variety of residential uses, such as stacked townhouses, fourplexes, low-rise apartment buildings, and single-detached homes. Mixed-use buildings and stand-alone retail, service and office uses with a gross floor area of up to 2,000 square metres are also permitted uses (Table 10, 12). The expanded range of permitted uses requested by the applicant conforms to the range of permitted uses contemplated by The London Plan.

The existing Zoning By-law that applies to the subject site permits up to 5,000 square metres of medical/dental offices, which exceeds the 2,000 square metres for mixed-use buildings and stand-alone retail, service, and office uses that would be permitted under The London Plan. The addition of pharmacies in association with medical/dental offices, medical/dental laboratories and clinics as permitted uses are not intended to increase the total non-residential gross floor area on the subject site, as they are intended to be accommodated within the 4,960 square metre medical/dental office building that is currently under construction.

More information and detail is available in Appendix B and C of this report.

## 5.0 Conclusion

The recommended Zoning By-law Amendment to permit pharmacies in association with a medical/dental office use, clinics, and medical/dental laboratories, in addition to the medical/dental office use currently permitted on the site is consistent with the Provincial Policy Statement and conforms to policies in the 1989 Official Plan. The existing Zoning By-law allows for a greater quantity of non-residential gross floor area on the site than is contemplated by The London Plan. While the recommended Zoning By-law Amendment would allow for an expanded range of non-residential uses on the site, these uses are within the range of permitted uses contemplated by The London Plan and are not anticipated to increase the amount of non-residential gross floor area on the site beyond what is currently permitted by the existing Zoning By-law. There is also a technical amendment recommended to recognize the new address of the subject site.

The requested addition of pharmacies in association with medical/dental offices, clinics and medical/dental laboratories will serve to complement the medical/dental offices that are currently permitted on the site. By requiring that pharmacies on the site be in association with a medical/dental office use, the recommended Zoning By-law will ensure the site retains its primary office function and not become dominated by a retail establishment.

The recommended Zoning By-law Amendment will serve to support the medical/dental office use currently permitted on the subject site, allowing complementary uses that will benefit the medical/dental office use and contribute to the development of a mixed-use community.

<b>Prepared by:</b>	<b>Michelle Knieriem, MCIP, RPP Planner II, Current Planning</b>
<b>Submitted by:</b>	<b>Michael Tomazinic, MCIP, RPP Manager, Current Planning</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>

May 15, 2018

MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8903Z - 1055-1075 Fanshawe Park Road West (MK)\May 15, 2018

## Appendix A

Bill No. (number to be inserted by Clerk's Office)  
(2018)

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 1055-  
1075 Fanshawe Park Road West.

WHEREAS North London Medical Centre has applied to rezone an area of  
land located at 1055-1075 Fanshawe Park Road West as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section Number 19.4 of the Office (OF5) Zone is amended by changing the following  
Special Provision to add a list of permitted uses and modify the municipal address:

- |         |  |                                     |
|---------|--|-------------------------------------|
| OF5 (5) | 1055-1075 Fanshawe Park Road West  |                                     |
| a)      | Permitted Uses   |                                     |
| i)      | Medical/dental offices   |                                     |
| ii)     | Pharmacies in association with a medical/dental office use                               |                                     |
| iii)    | Clinics  |                                     |
| iv)     | Medical/dental laboratories  |                                     |
| b)      | Regulations  |                                     |
| i)      | Height<br>(Maximum)  | 15 m (49.2 ft)                      |
| ii)     | Front Yard Depth<br>(Maximum)  | 11 m (36.1 ft)                      |
| iii)    | Total Gross Floor Area<br>for all Office Uses  | 5,000 m <sup>2</sup> (53,820sq.ft.) |
| iii)    | The lot line which abuts an Arterial Road shall be<br>interpreted as the front lot line. |                                     |
| iv)     | Exemption from Section 4.19.6 d) of the Z.-1 Zoning<br>By-law                            |                                     |

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 June 12, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 12, 2018  
Second Reading – June 12, 2018  
Third Reading – June 12, 2018

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On April 25, 2018, Notice of Application was sent to 104 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 26, 2018. A “Planning Application” sign was also posted on the site.

No replies were received.

**Nature of Liaison:** The purpose and effect of this zoning change is to add a small range of uses complimentary to the permitted medical/dental office. Possible change to Zoning By-law Z.-1 from an Office Special Provision (OF5(5)) Zone to an Office Special Provision (OF5(\_\_)) Zone to permit clinics, medical/dental laboratories, and pharmacies in association with a medical/dental office use, in addition to the medical/dental office use that is already permitted on the site. The Special Provisions already permitted under the existing Zone would continue to apply to the site.

### Agency/Departmental Comments Environmental and Engineering Services

Engineering has no comments.

## Appendix C – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

### Provincial Policy Statement

Policy 1.3.1: Planning authorities shall promote economic development and competitiveness by:

- a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c. encouraging compact, mixed use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d. ensuring the necessary *infrastructure* is provided to support current and projected needs

Policy 4.7: The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

**Official Plan**

**Policy 5.1.2: Office Area Objectives**

- i) Accommodate small and medium-scale office uses within purpose-designed office buildings at appropriate locations.
  
- ii) Encourage the development of high quality office buildings which are compatible with surrounding land uses.
  
- iii) Accommodate general office development along major roads which serve as entryways to the City.

**Policy 5.2.2: Permitted Uses – Office Areas**

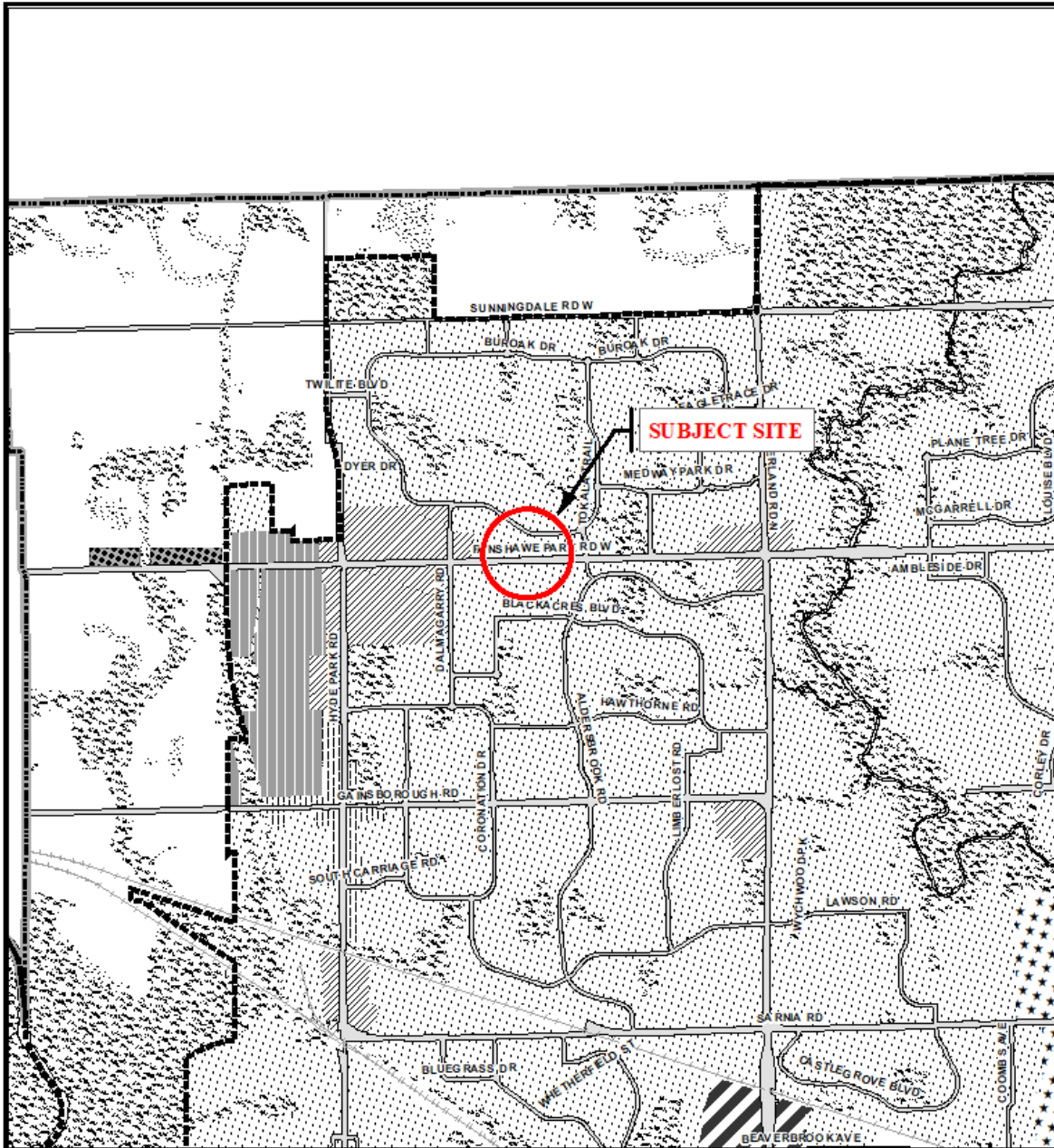
The main permitted use within the Office Area designation shall be offices within purpose-designed office buildings, and buildings converted for office use. Secondary uses which may be permitted as accessory to offices include eat-in restaurants; financial institutions; personal services; day care centres; pharmacies; laboratories; and clinics. The Zoning By-law will regulate the size of secondary uses individually and relative to the total floor area of the building, and may restrict the range of uses permitted on individual sites.

**The London Plan**

Policy 917: Our neighbourhoods make up the vast majority of our City Structure's land area. Our city is the composite of the neighbourhoods that define where we live, work, and play and also defines our city's identity. Each of our neighbourhoods provides a different character and function, giving Londoners abundant choice of affordability, mix, urban vs. suburban character, and access to different employment areas, mobility opportunities, and lifestyles.

**Appendix D – Relevant Background**

**Additional Maps**



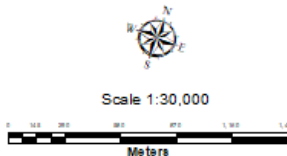
**Legend**

- |                        |                          |   |
|------------------------|--------------------------|---|
| 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.*

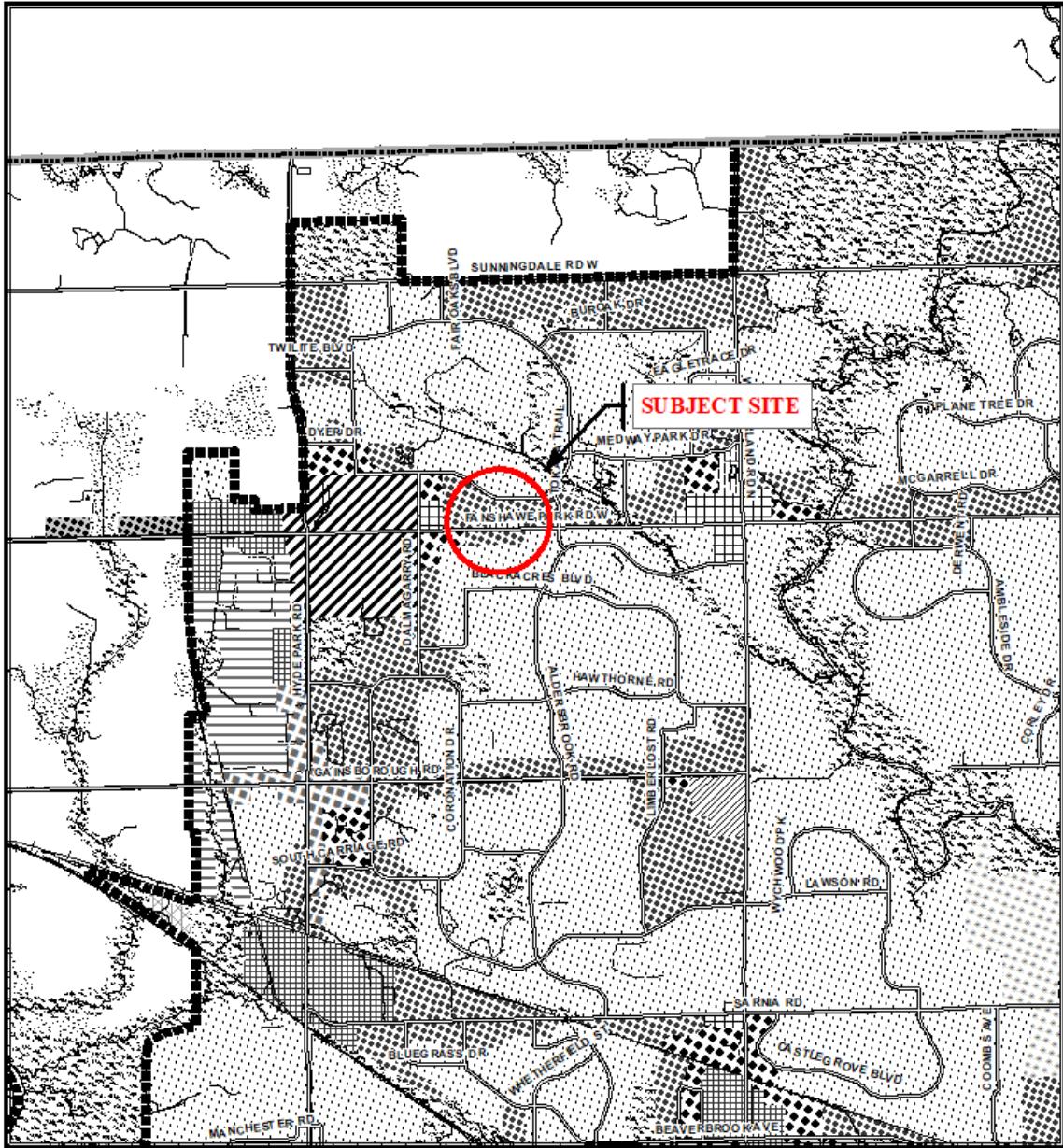
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**  
 Planning Services /  
 Development Services  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning Services



**File Number:** Z-8903  
**Planner:** MK  
**Technician:** MB  
**Date:** May 1, 2018

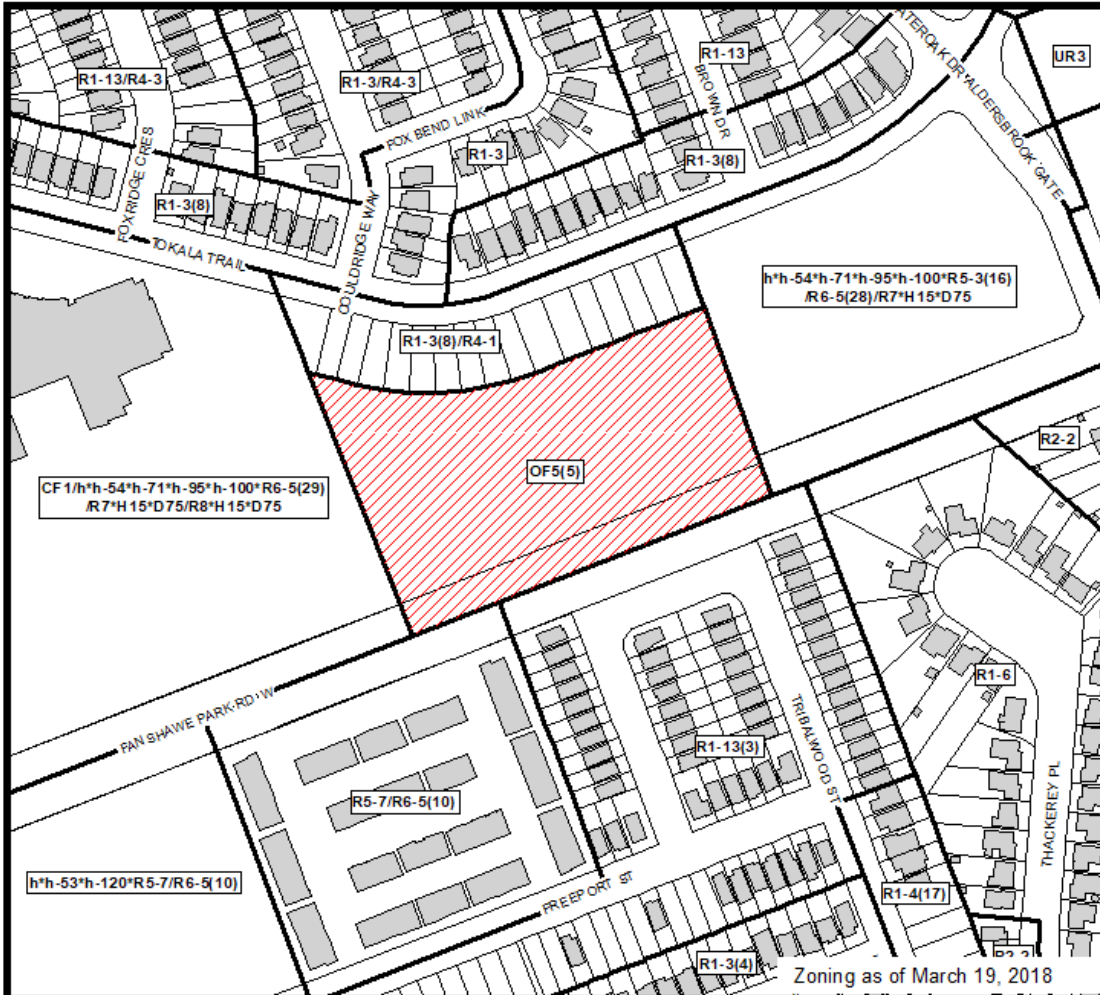




Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services  <b>OFFICIAL PLAN SCHEDULE A</b>                  - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 Scale 1:30,000 Meters	<p>FILE NUMBER: Z-8903                  PLANNER: MK                  TECHNICIAN: MB                  DATE: 2018/05/01</p>
--	------------------------------	---

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consol00\excerpts\mod\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: OF5(5)**

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

- |   |                                   |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS            | RF - REGIONAL FACILITY            |
| R2 - SINGLE AND TWO UNIT DWELLINGS        | CF - COMMUNITY FACILITY           |
| R3 - SINGLE TO FOUR UNIT DWELLINGS        | NF - NEIGHBOURHOOD FACILITY       |
| R4 - STREET TOWNHOUSE                     | HER - HERITAGE                    |
| R5 - CLUSTER TOWNHOUSE                    | DC - DAY CARE                     |
| R6 - CLUSTER HOUSING ALL FORMS            | OS - OPEN SPACE                   |
| R7 - SENIOR'S HOUSING                     | CR - COMMERCIAL RECREATION        |
| R8 - MEDIUM DENSITY/LOW RISE APTS.        | ER - ENVIRONMENTAL REVIEW         |
| R9 - MEDIUM TO HIGH DENSITY APTS.         | OB - OFFICE BUSINESS PARK         |
| R10 - HIGH DENSITY APARTMENTS             | LI - LIGHT INDUSTRIAL             |
| R11 - LODGING HOUSE                       | GI - GENERAL INDUSTRIAL           |
| DA - DOWNTOWN AREA                        | HI - HEAVY INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | EX - RESOURCE EXTRACTIVE          |
| CSA - COMMUNITY SHOPPING AREA             | UR - URBAN RESERVE                |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | AG - AGRICULTURAL                 |
| BDC - BUSINESS DISTRICT COMMERCIAL        | AGC - AGRICULTURAL COMMERCIAL     |
| AC - ARTERIAL COMMERCIAL                  | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL           | TGS - TEMPORARY GARDEN SUITE      |
| RSC - RESTRICTED SERVICE COMMERCIAL       | RT - RAIL TRANSPORTATION          |
| CC - CONVENIENCE COMMERCIAL               |                                   |
| SS - AUTOMOBILE SERVICE STATION           |                                   |
| 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**



FILE NO:

Z-8903

MK

MAP PREPARED:

2018/05/01

MB

1:3,000

0 15 30 60 90 120  
 Meters

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

## Additional Reports

**Application by City of London – Fox Hollow Community Planning Area (O-5604)(Public Participation Meeting February 8, 1999):** City Council adopted the Fox Hollow Community Plan as a guideline document pursuant to Section 19.2.1 of the 1989 Official Plan and adopted an associated Official Plan Amendment (O-5604). The Fox Hollow Community Plan is intended to guide the development for the lands generally bounded by Sunningdale Road to the north, Wonderland Road to the east, Fanshawe Park Road West to the south, and Hyde Park Road to the west.

**Application by Claybar Developments Inc. – 1139 Fanshawe Park Road West (39T-04503/Z-6717)(Public Participation Meeting December 8, 2008):** City Council considered the draft plan of subdivision application for the lands generally bounded by Tokala Trail to the north, Dalmagarry Road to the west, Fanshawe Park Road West to the south, extending almost to Aldersbrook Gate to the east. City Council also considered a Zoning By-law Amendment that applied to these lands. These applications were referred back to staff at the request of the applicant.

**Application by Claybar Developments Inc. – 1139 Fanshawe Park Road West (39T-04503/O-7644/Z-6717)(Public Participation Meeting July 20, 2009):** City Council considered the draft plan of subdivision application for the lands generally bounded by Tokala Trail to the north, Dalmagarry Road to the west, Fanshawe Park Road West to the south, extending almost to Aldersbrook Gate to the east. Official Plan Amendment and Zoning By-law Amendment applications that pertained to these lands were also considered. The actions in this report were subsequently revised based on the request from the applicant at the public meeting, and were implemented by the subsequent report dated July 27, 2009 (below).

**Application by Claybar Developments Inc. – 1139 Fanshawe Park Road West (39T-04503/O-7644/Z-6717)(Public Participation Meeting July 27, 2009):** City Council approved, with conditions, the draft plan of subdivision application for the lands generally bounded by Tokala Trail to the north, Dalmagarry Road to the west, Fanshawe Park Road West to the south, extending almost to Aldersbrook Gate to the east. Official Plan Amendment and Zoning By-law Amendment applications that pertained to these lands were also adopted by City Council.

**Application by Horizon Medical Developments – 2605-2651 Tokala Trail (OZ-8511)(Public Participation Meeting October 19, 2015):** City Council adopted the Official Plan and Zoning By-law Amendment which at the time included the subject site and the lands to the north, located on the south side of Tokala Trail. The Official Plan amendment changed the land use designation of the subject site from Multi-family, Medium Density Residential to Office Area. The Zoning By-law Amendment rezoned the lands from a Holding Community Facility/Holding Residential R6 Special Provision/ Residential R7 Special Provision/ Residential R8 (h-95●CF1/h●h-54●h-71●h-95●h-100●R6-5(29)/R7●H15●D75/R8●H15●D75) Zone and a Holding Residential R6 Special Provision/Residential R7/ Residential R8 (h●h-54●h-71●h-95●h-100●R6-5(29)/R7●H15●D75/R8●H15●D75) Zone to a Holding Office Special Provision (h●h-17●h-54●h-71●h-95●OF5(5)) Zone to permit a 3-storey medical/dental office building on the subject site and a Holding Residential R1 Special Provision/Residential R4 (h●h-17●h-54●h-71●h-95●R1-3(8)/R4-1) Zone to permit single detached dwellings and/or street townhouses on the lands to the north of the subject site

**Application by Horizon Medical Developments – 2605-2651 Tokala Trail and 1055 & 1075 Fanshawe Park Road West (H-8732)(Public Participation Meeting April 10, 2017):** City Council removed the holding provisions from the subject site (H-8732), changing the zoning from a Holding Office Special Provision (h●h-17●h-54●h-95●OF5(5)) to an Office Special Provision (OF5(5)) Zone to allow the development of a 3-storey medical/dental office building.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.4 PUBLIC PARTICIPATION MEETING – 1055-1075 Fanshawe Park Road West (Z-8903)

- Casey Kulchycki, Zelinka Priamo Ltd. – expressing agreement with the staff recommendation.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Southside Group  
3234, 3263, & 3274 Wonderland Road South  
**Public Participation Meeting on:** May 28, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Southside Group relating to the properties located at 3234, 3263, & 3274 Wonderland Road South:

- (a) Municipal Council **BE ADVISED** that this Official Plan and Zoning By-law amendment application (OZ-8590) has been appealed to the Ontario Municipal Board by Analee J. M. Ferreira of Ferreira Law on behalf of the applicant on the basis of non-decision by Council within 180 days;
- (b) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend the Official Plan to **ADD** a Specific Area Policy in Chapter 10 to permit an additional 18,700m<sup>2</sup> of commercial floor area within the Wonderland Road Community Enterprise Corridor land use designation **BE REFUSED** for the following reasons:
  - i) The application does not conform to the Southwest Area Secondary Plan policy that permits a maximum commercial floor area of 100,000m<sup>2</sup> in the Wonderland Road Community Enterprise Corridor designation, and
  - ii) The application does not conform to the 1989 Official Plan criteria for Specific Area Policies in Chapter 10.
- (c) The Ontario Municipal Board **BE ADVISED** that Municipal Council **RECOMMENDS** that the request to amend Zoning By-law Z.-1 **FROM** an Environmental Review (ER) Zone, an Urban Reserve (UR1) Zone, an Urban Reserve (UR4) Zone, and a Holding Light Industrial (h-17•LI1•LI7) Zone **TO** an Associated Shopping Area Commercial (ASA1•ASA3•ASA4•ASA5•ASA8) Zone, **BE REFUSED** for the following reasons:
  - i) The application is not consistent with the Provincial Policy Statement,
  - ii) The application does not conform to the Southwest Area Secondary Plan policies that direct the built form and design of the site and permits a maximum commercial floor area of 100,000m<sup>2</sup> in the Wonderland Road Community Enterprise Corridor designation,
  - iii) The application does not conform to the 1989 Official Plan Environmental Policies, and
  - iv) The application does not represent good planning

## Executive Summary

### Summary of Request

The requested amendment to the Official Plan is to add a Specific Area Policy to Chapter 10 of the 1989 Official Plan to permit commercial development on the site with a floor area of 18,700m<sup>2</sup> above the 100,000m<sup>2</sup> cap on commercial floor area in the Southwest Area Secondary Plan (SWAP) that applies to the Wonderland Road Community Enterprise Corridor (WRCEC) designation.

The requested amendment to the Zoning By-law would apply an Associated Shopping Area (ASA) Zone to permit commercial development on the site, in a pattern similar to the existing development on Wonderland Road South north of Bradley Avenue.

### **Purpose and the Effect of Recommended Action**

The purpose and effect of the recommended action is to advise the Ontario Municipal Board that City Council recommends that the requested amendments intended to facilitate the development of the site with large format commercial uses, in a form that is consistent with the existing development along Wonderland Road South north of Bradley Avenue, be refused.

There are three key issues identified with the requested amendments, including: conformity to the environmental policies in the 1989 Official Plan, conformity to urban design policies in SWAP, and conformity to the commercial cap in the WRCEC designation.

The first key issue is that the requested amendment does not conform to the natural heritage policies in the 1989 Official Plan. The requested zoning amendment and conceptual site plan show development within a wetland that contains Significant Wildlife Habitat, which is not permitted by the 1989 Official Plan or the Provincial Policy Statement (2014).

The second key issue is that the requested amendment does not conform to the SWAP urban design policies. Where commercial development is permitted, the policies intend to create a main street character. This policy should be implemented through zoning requirements that ensures the future development will meet the intent of the policy and facilitates a built form that is well designed, creates a sense of place, and includes active and vibrant public spaces.

The final key issue is that the requested amendment does not comply with the commercial policy in SWAP that includes a commercial floor area cap of 100,000m<sup>2</sup> within the WRCEC designation. Council recently considered a comprehensive review of the commercial policies in the WRCEC designation, and decided to retain the 100,000m<sup>2</sup> cap. The policy states that “commercial development for the entire Wonderland Road Community Enterprise Corridor designation shall not exceed 100,000 square metres gross floor area.” The requested amendment does not conform to SWAP with regards to commercial development in this location.

Other issues were also identified through the department and agency review, all of which could be addressed at this stage of the development process through the inclusion of holding provisions in any approved zoning.

### **Rationale for Recommended Action**

It is recommended that the requested Official Plan and Zoning By-law amendments be refused for the following reasons:

- The requested amendments are not consistent with the Provincial Policy Statement,
- The requested amendments do not conform to the Southwest Area Secondary Plan policies that direct the built form and design of the site and permits a maximum commercial floor area of 100,000m<sup>2</sup> in the Wonderland Road Community Enterprise Corridor designation,
- The requested amendments do not conform to the 1989 Official Plan Environmental Policies, and
- The application does not represent good planning.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject properties are mostly vacant and include lands on the east and west sides of Wonderland Road, immediately south of Bradley Avenue. There is an existing single detached dwelling on the east side of Wonderland Road South, at the south end of the site. There is also a wetland feature located at the northwest corner of the property on the west side of Wonderland Road South.

The lands are within the Wonderland Road Community Enterprise Corridor, which has developed into a regional commercial centre. There is a large commercial development north of the site, between Southdale Road West and Bradley Avenue. South of the site there is a new commercial development on the west side of Wonderland Road South, while the east side of the street has remained primarily light industrial, despite its designation for commercial, residential, and other uses.

The Wonderland Road corridor policies permit residential, commercial, institutional, and office uses. Mixed-use forms of development are encouraged. While to date the main forms of development have included service commercial and retail uses along the corridor, these other uses may be developed in the future.

#### 1.2 Current Planning Information

- Official Plan Designation – Wonderland Road Community Enterprise Corridor
- The London Plan Place Type – Shopping Area
- Existing Zoning – an Environmental Review (ER) Zone, an Urban Reserve (UR1) Zone, Urban Reserve (UR4) Zone, and a Holding Light Industrial (h-17●L11●L17) Zone

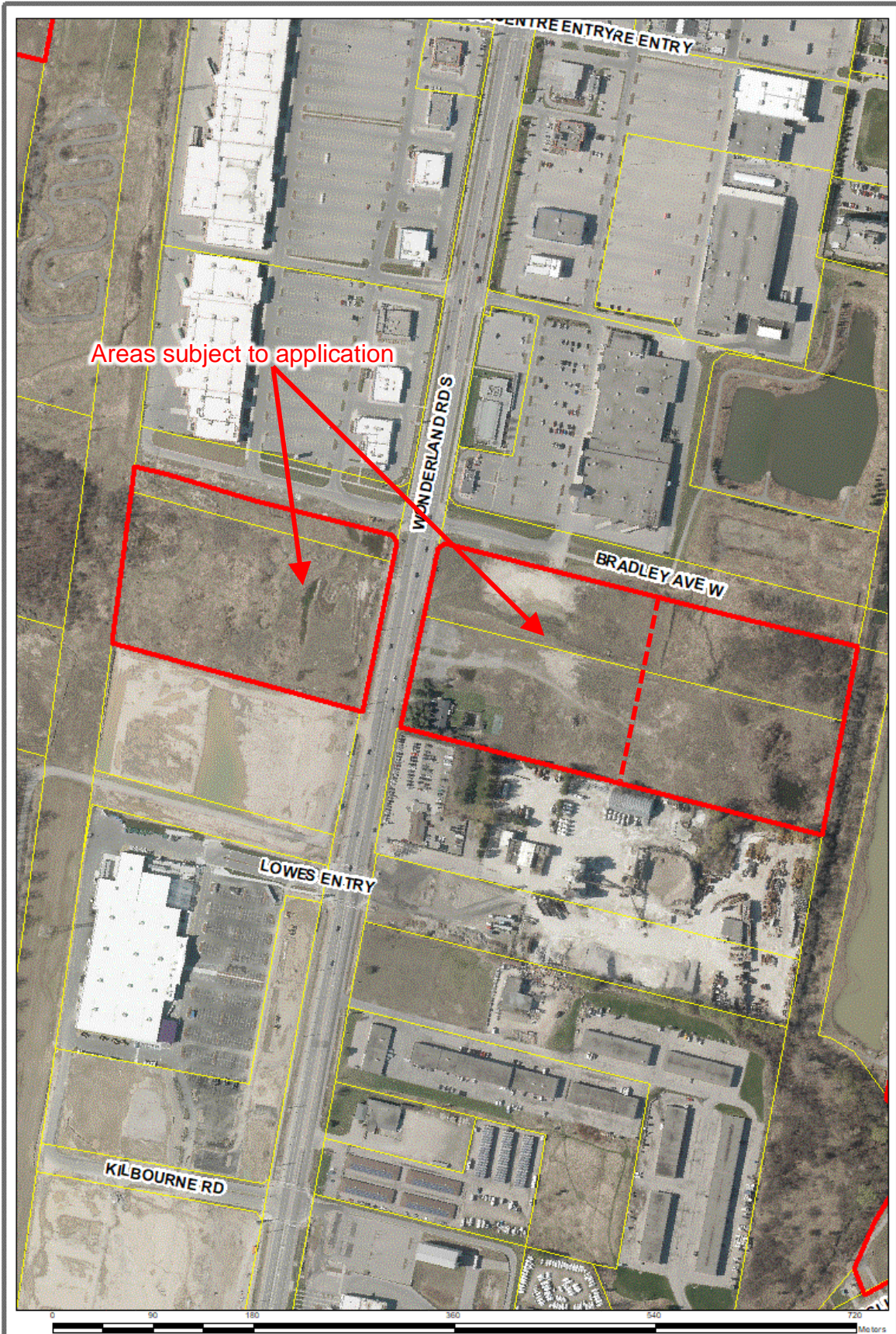
#### 1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 164.28m (east portion) & 153.18m (west portion)
- Depth – 210m (east portion) & 242.5m (west portion)
- Area – 7.38ha (18.24ac)
- Shape – rectangular

#### 1.4 Surrounding Land Uses

- North – large format commercial uses
- East – open space
- South – large format commercial uses, light industrial uses
- West – open space, hydro corridor

1.5 Location Map




**LOCATION MAP**

Subject Site: 3234, 3263, and 3274 Wonderland Rd S  
Applicant:  
File Number : OZ-8590

Planner : JA  
Created By : MB  
Date : 2018/01/11  
Scale : 1:4000

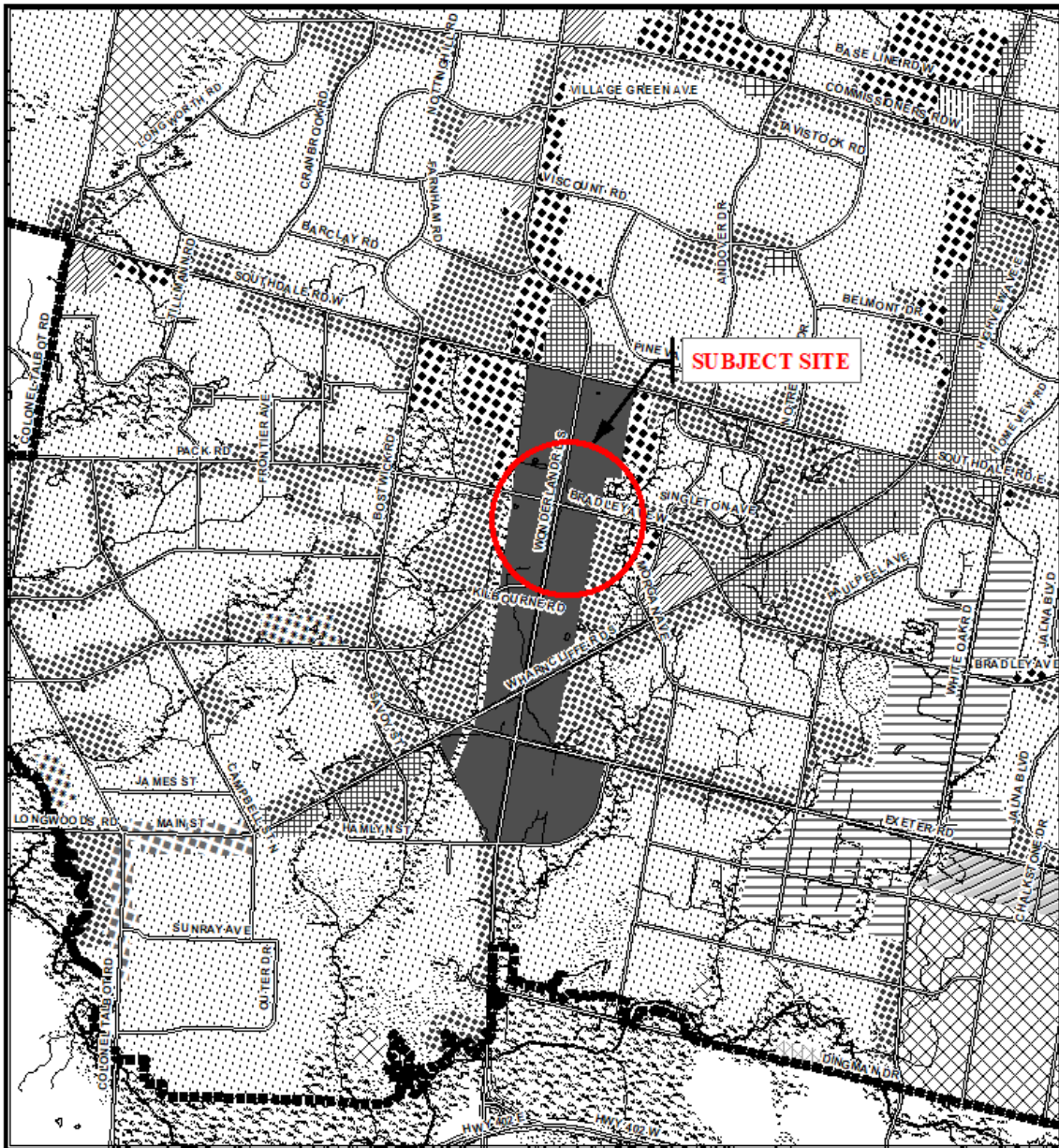
**Legend**

 Subject Site





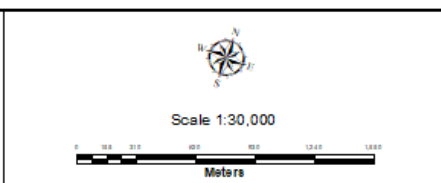
1.6 Official Plan Map



Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

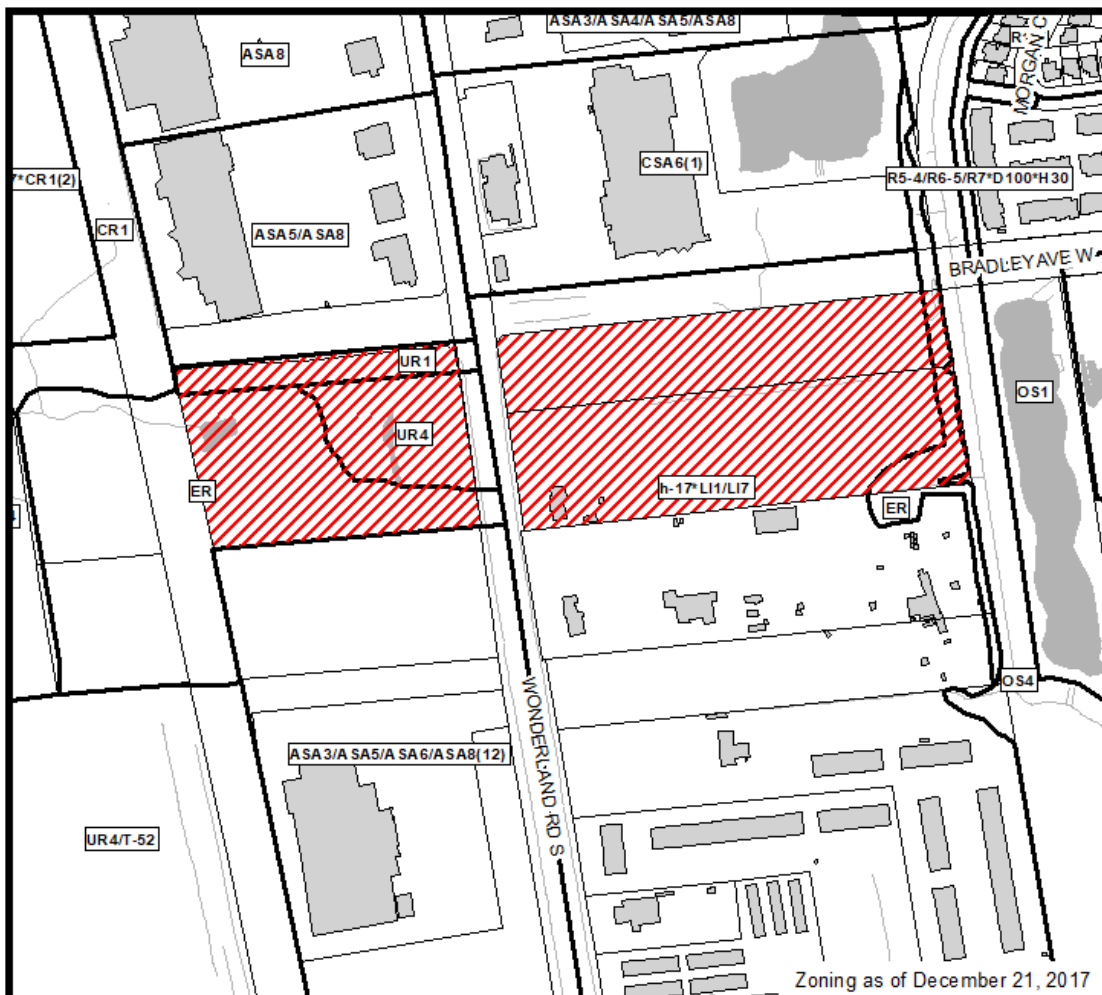
**CITY OF LONDON**  
 Planning Services /  
 Development Services  
**OFFICIAL PLAN SCHEDULE A**  
 - LAND USE -


PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8590  
 PLANNER: JA  
 TECHNICIAN: MB  
 DATE: 2018/01/11

1.7 Zoning Map



 COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-17\*L11/LI7 and UR1 and UR4 and ER

1) LEGEND FOR ZONING BY-LAW Z-1

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

OZ-8590 JA

MAP PREPARED:

2018/01/11 MB

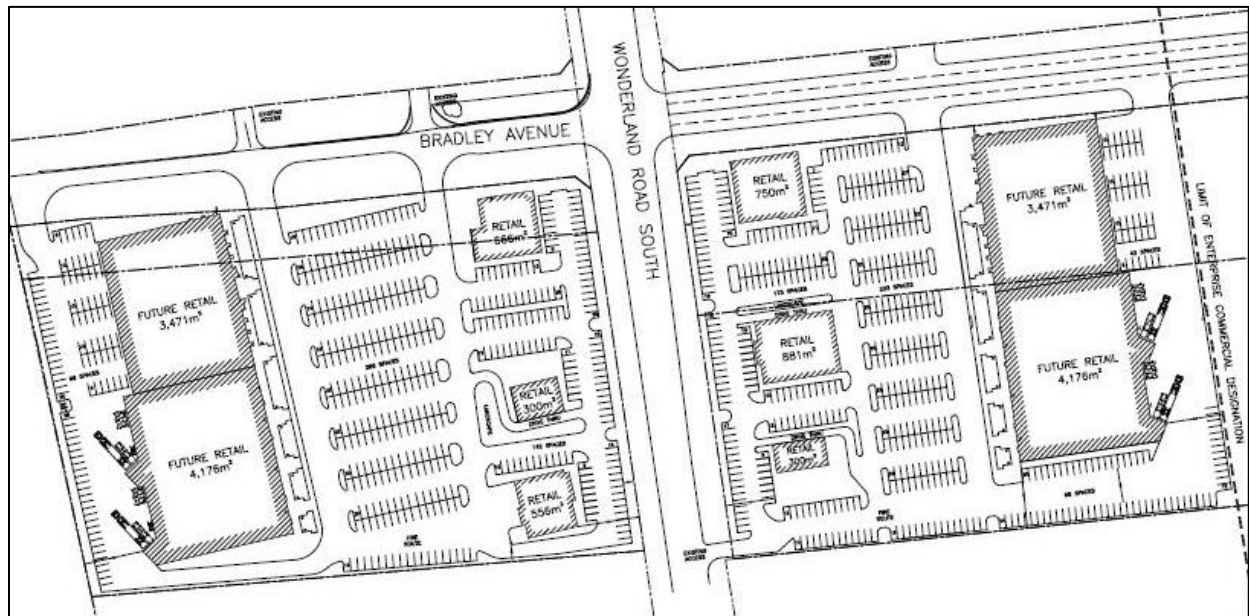
1:5,000

0 25 50 100 150 200 Meters

## 2.0 Description of Proposal

### 2.1 Development Proposal

The requested amendments are intended to facilitate up to 18,700m<sup>2</sup> of commercial development on the subject site. A conceptual site plan provided as part of the application includes six retail units on each side of Wonderland Road South. The plan shows four big-box format retail units to the rear of the site and six smaller retail units on pads closer to the front of the property. The conceptual site plan shows parking along the entire frontage on both sides of Wonderland Road South, and does not provide details such as landscaped areas, setbacks, lot coverage, or other details. The conceptual site plan is shown in the figure below.



## 3.0 Relevant Background

### 3.1 Planning History

The subject site is within the Wonderland Road Community Enterprise Corridor (WRCEC) land use designation within the Southwest Area Secondary Plan (SWAP). This designation was established in 2012 when the Secondary Plan was approved by the Ontario Municipal Board (OMB). The policies permit a range of uses but include a 100,000m<sup>2</sup> gross floor area cap on commercial development within the WRCEC designation south of Bradley Avenue. Soon after the SWAP was approved all of the permitted commercial gross floor area under the cap was allocated, thereby not allowing any further commercial development along the corridor on sites not already zoned.

This application was accepted on January 28, 2016, and the applicant was advised soon after by staff that there was no more gross floor area remaining to be allocated under the commercial cap. Planning staff determined that the best course of action was to undertake a separate analysis of the commercial cap and review the application based on the outcome of that review. The applicant was advised of this approach and agreed to wait until the outcome of that review.

Another application (File O-8543/Z-8712) was also received seeking a site-specific increase in permitted commercial floor area within the WRCEC designation. This application was submitted by Westbury International c/o The Decade Group for the site at 3680 Wonderland Road South, and proposes to increase the commercial cap by 8,548m<sup>2</sup>. The Westbury International application was also held pending the outcome of the commercial policy review, and is expected to be presented at the Planning and Environment Committee later this year.

The City retained Kircher Research Associates to consider the existing policy framework and the impacts of the commercial cap. Several changes to the WRCEC policies were recommended after this review and were presented to the Planning and Environment Committee on June 6, 2017. They included:

1. Removing the maximum commercial floor area;
2. Reducing maximum and minimum permitted residential intensity;
3. Reducing the maximum office floor area per building; and
4. Re-formatting the policies to be structured by use, intensity, and form.

At its meeting on June 13, 2017 Council decided to approve amendments 2, 3, and 4; but referred the first recommended amendment, to remove the commercial cap, back to staff for further study. This application was appealed for non-decision following this referral by Council and is scheduled for a hearing beginning on August 13, 2018.

Another report was taken to the Planning and Environment Committee on March 19, 2018 in response to the previous Council resolution. The report provided additional information regarding the commercial cap, including a study prepared by Coriolis Consulting Corporation evaluating the impacts of removing the cap. On March 27, 2018 Council decided to maintain the commercial cap, retaining the policy that would not allow any commercial development on the corridor beyond what is already zoned or was previously developed.

### **3.2 Requested Amendment**

The requested Official Plan amendment would add a specific policy area to Chapter 10 of the 1989 Official Plan, to permit an additional 18,700m<sup>2</sup> of commercial floor area on the subject site, above the 100,000m<sup>2</sup> maximum established in the SWAP for portions of the WRCEC designation south of Bradley Avenue.

The requested Zoning By-law Amendment would change the zone on the property from an Environmental Review (ER) Zone, Urban Reserve (UR1) Zone, Urban Reserve (UR4) Zone, and Holding Light Industrial (h-17•LI1•LI7) Zone to an Associated Shopping Area Commercial (ASA1•ASA3•ASA4•ASA5•ASA8) Zone. The Environmental Review zone requires that lands remain in a natural condition until their significance is determined through the completion of environmental studies. The Urban Reserve zones permit a limited number of uses and is primarily intended to permit and regulate existing uses until the future land uses have been determined through comprehensive planning processes. The Light Industrial Zone permits a range of light industrial uses. The requested Associated Shopping Area Zones would permit a wide range of commercial uses.

### **3.3 Community Engagement**

A Notice of application was circulated to all properties within 120m of the subject site on March 16, 2016, the application was listed in the Londoner public notices section, and a sign was placed on the property. No responses were received from the public.

One response was received after a notice of public meeting was sent on March 28, 2018 with concerns regarding wildlife along Pincombe Drain. Those concerns were addressed by clarifying that the area where commercial zoning has been requested does not include the portion of the site nearest to Pincombe Drain.

### **3.4 Department and Agency Comments (see more detail in the Appendix)**

The application was circulated to various departments and agencies. Significant comments were received from the following:

- Urban Design
- Urban Design Peer Review Panel
- Environmental and Parks Planning
- Transportation Planning
- Wastewater and Drainage Engineering
- Upper Thames River Conservation Authority (UTRCA)

The Urban Design and Urban Design Peer Review Panel comments relate to the urban design concerns and are discussed in detail in the analysis section below. The Environmental and Parks Planning comments relate to natural heritage concerns and are also discussed in detail in the analysis section below.

Transportation Planning comments identify issues with the Transportation Impact Assessment that was submitted as well as with the access points and internal circulation on the site. A holding provision is recommended in the event that this application is approved to ensure these issues are addressed and that the access is designed to the satisfaction of the City Engineer.

Wastewater and Drainage Engineering comments identify several remaining issues. A holding provision is recommended in the event that this application is approved to ensure that all of the identified concerns are addressed.

UTRCA comments include that development should not be permitted on portions of the site near the Pincombe Drain within hazard areas and a significant woodland. These features are not within the area to be rezoned.

### 3.5 Policy Context

There are three primary planning documents to consider in the evaluation of the requested amendment. These are the Provincial Policy Statement (2014), the Official Plan for the City of London (1989) and the Southwest Area Secondary Plan (2012). The application was accepted on January 28, 2016, which is prior to Council's adoption of The London Plan.

The 1989 Official Plan includes that "more specific land use designations and associated policies may be established through the Secondary Plan" (20.1.1). As such the policies contained in SWAP prevail over the policies in the 1989 Official Plan. Given the comprehensive nature of SWAP, it is the primary planning document that applies to the site, unless the specific issue is not addressed in the Secondary Plan.

## 4.0 Key Issues and Considerations

### 4.1 Natural Heritage

The portion of the subject site located on the west side of Wonderland Road South, municipally known as 3263 Wonderland Road South, includes a significant natural heritage feature requiring protection. The requested amendment proposes that the Associated Shopping Area (ASA) Zone apply to this area, whereas an Open Space (OS5) Zone is required to protect this feature plus an ecological buffer according to Provincial and Official Plan policies.

#### Applicable Policies

The identified feature is within the Environmental Review (ER) Zone. The general purpose of the Environmental Review (ER) Zone is to ensure that lands remain in a natural condition until their significance can be determined through the completion of environmental studies.

The Provincial Policy Statement (PPS), 2014 includes policy direction for the wise use and management of resources, including natural heritage resources. It states that Development and site alteration shall not be permitted in Significant Wildlife Habitat (2.1.5.d) and development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Policy 2.1.5 unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.8).

The PPS defines significant in this context as meaning "*ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system*" and the PPS defines Wildlife Habitat as "*areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species*" (Section 6.0 – Definitions). The PPS also states that "*Natural features and areas shall be protected for the long term*" (2.1.1). Specific criteria for establishing significance are listed in the MNR Ontario Natural

Heritage Reference Manual (Second Edition, 2010), and the MNRF Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (2015).

The SWAP policies for natural heritage include that Natural Heritage Features will be confirmed and/or delineated, and that ecological buffers will be established based upon the recommendations of an approved Environmental Impact Study, in accordance with Section 15 of the Official Plan (Policy 20.5.3.6.c)).

Section 15 of the 1989 Official Plan includes the Environmental Policies. The natural heritage objectives include to *“Provide for the identification, protection, and rehabilitation of significant natural heritage areas”* (15.1.1.ii), *“Protect, maintain and improve surface and groundwater quality and quantity by protecting wetlands, groundwater recharge areas and headwater streams”* (15.1.1.iii), and *“Maintain, restore, and improve the diversity and connectivity of natural features, and the long-term ecological function with biodiversity of natural heritage systems”* (15.1.1.v). The definition of what constitutes a natural heritage area to be designated as Open Space includes, but is not limited to, *“Significant Woodlands, Woodlands, Significant Wildlife Habitat, Habitat of Species of Special Concern, Fish Habitat, Locally Significant Wetlands, and Renaturalization Corridors and Linkages as described in Section 15.4, that are deemed by Council, on the basis of an appropriate environmental study, to satisfy the criteria in Section 15.4”* (15.3.1.f). Ecological buffers are required around natural heritage features and will also be included in the zoning of the open space area (15.3.6). Wildlife Habitat is also protected as part of the natural heritage system Official Plan policies, any areas that meet the criteria for significance will be designated Open Space (15.4.7.ii).

Based on these policies and the status of the wetland as Significant Wildlife Habitat, the PPS and 1989 Official Plan require that it be designated as Open Space and protected for the long term. Therefore, the requested amendment to change the zoning of these lands from an Environmental Review zone to an Associated Shopping Area zone does not conform to the policy of the 1989 Official Plan or SWAP.

#### Communications with Applicant

The application was first submitted in 2016 and included an Environmental Impact Study (EIS) that was prepared for the applicant, dated February 18, 2016. The EIS concludes by stating that “with the proposed Draft Plan there is no direct loss of any significant natural heritage features that warrant protection”.

City staff responded to the conclusions of the EIS in a memo dated June 8, 2016. This memo indicated that multiple revisions were required to the EIS. One particular concern had to do with the identification of a wetland feature located in the northwest corner of the site, identified on ‘Figure 6 – Vegetation Communities’ in the EIS as vegetation community 3a and described in the report as an *“Anthropogenic Dug Depression.”* Comments from the City’s ecologist include that the feature is in fact a wetland, and that based on the data provided in the EIS the feature meets criteria identified in the MNRF Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E for Significant Wildlife Habitat - Amphibian Breeding Habitat (Woodlands). The figure below is taken from the EIS and shows vegetation community 3a with the conceptual site plan overlaid on top.

The data provided by the applicant’s ecologist shows that the feature meets the Official Plan policy for Wildlife Habitat (15.4.7), and is a Locally Significant Wetland under the Official Plan. Given this information, the PPS and the Official Plan require that the feature be protected. This also includes the application of a 30m ecological buffer around the wetland, and designating the Woodland located to the west of the subject site (on lands also owned by the applicant but are not subject to this application) as Significant Wildlife Habitat. The Provincial criteria require that confirmed Significant Wildlife Habitat for Amphibian Breeding Habitat (Woodlands) includes not only the wetland area, but also woodland areas within a 230m radius.



City staff met with the applicant on February 6, 2017 to review the issues on the site. There was a difference of opinion regarding the interpretation of criteria for significance for determining Significant Wildlife Habitat based on Provincial criteria. The criteria for Amphibian Breeding Habitat includes that there be two or more of the listed frog species with at least 20 individuals. The data provided in the EIS identifies that there were more than 20 Spring Peepers and 2 Western Chorus Frogs (both listed species) based on amphibian call surveys, thereby meeting the threshold for Provincial significance. The applicant's representative contended that the criteria were meant to indicate that 20 individuals from each species is required, not in total. It was agreed in the meeting that both the City and the applicant would confirm the interpretation with the Ontario Ministry of Natural Resources and Forestry.

The applicant's ecologist provided a letter dated February 16, 2017 indicating that the MNRF Peterborough office confirmed to them that the City's interpretation of the MNRF Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E is correct. Emails to the City ecologist from the MNRF Aylmer office (which has jurisdiction in the London area) on February 21, 2017 also confirm the City's interpretation to be correct. This confirmation validates the opinion that the area is a Provincially Significant Wildlife Habitat that requires protection as per the PPS (2014) and under the Official Plan policies in effect.

In order to resolve this matter, City staff continued the conversation by providing two options to the applicant. Option one was to apply a 30m buffer around the wetland feature (which is the minimum buffer to wetlands identified by the City's Environmental Management Guidelines 2006 and Official Plan policy 15.3.6), zone the feature Open Space (OS5), and zone the associated woodland as Open Space (OS5). This would allow commercial zoning and development to proceed on the remaining portions of the site.

Option two was to relocate the feature closer to the existing woodland west of the subject site on lands owned by the applicant that are not subject to this application. This would allow for more development area on the subject site but would require the works to move the feature to be completed, and would still require the Woodland to be rezoned to Open Space (OS5) as required by both the MNRF Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E and Official Plan policy. The potential relocation of the wetland feature was supported in this specific case by the London Plan wetland policies (1330-1336), which were used to assist the Applicant with providing the second option for consideration. The City also offered to initiate this amendment, so as to not require additional fees or materials from the applicant.

The applicant's ecologist provided possible locations for the relocated feature in an email on May 11, 2017. However, on May 26, 2017 the applicant's ecologist provided

another email stating that zoning of lands outside of the application to open space was a “non-starter for the client.”

### Recommended Action

Based on the information now available, the feature identified as vegetation community 3a is confirmed to be Provincially Significant Wildlife Habitat and a Locally Significant Wetland. In addition, the associated Woodland (community 4) is also required to be protected from development or site alteration according to MNRF and Official Plan policies.

The applicant has not agreed to either of the two options presented by the City, and the application is not consistent with the PPS and does not conform to the 1989 Official Plan or SWAP with regards to natural heritage protection. Staff therefore recommend that the application be refused on the basis of non-conformity with natural heritage policies.

## **4.2 Urban Design**

Urban design is a significant concern with the proposed development both by City staff and the Urban Design Peer Review Panel. If zoning for commercial uses is to be approved on this site it should include site specific provisions that ensure the form of development will comply with the urban design policies in SWAP. This site specific zoning should implement a site plan, provided by the applicant, that is consistent with the vision for development in this part of the City.

### Applicable Policies

Urban design is a growing concern in the consideration of planning applications across Ontario, as shown in recent changes to the Planning Act where the Matters of Provincial Interest listed in Section 2 has been updated to include:

*The promotion of built form that,*

- i) is well-designed,*
- ii) encourages a sense of place, and*
- iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*

This change to the Planning Act reinforces the important role design plays in forming the built environment into interesting and exciting places to live, work, or visit. The specific vision and policy direction for urban design within the Wonderland Road South corridor is included in SWAP.

The approach to urban design policies in SWAP is laid out in section 20.5.3.9. In general, SWAP provides flexibility in prominent locations with respect to land use, but requires that a high standard of urban design be applied. Principles for development include:

- buildings should respond to and interact with the street to provide an effective interface between the public and private realms (20.5.3.8.iv.a)
- Development should be compact, and pedestrian and transit oriented (20.5.3.9.i.a)
- Buildings should be located and scaled to enhance the pedestrian experience on the street by providing a sense of enclosure (20.5.3.9.iii.a)
- Commercial development should be in a main street format, where shops are oriented to the street to create a pedestrian shopping experience on the sidewalk (20.5.3.9.iii.b).
- Commercial development at an intersection of arterial and collector roads should be oriented towards the intersection (20.5.3.9.iii.c)



In particular, policy 20.5.3.9.iii) b) is an important consideration for this application as it applies to the design of commercial developments. As stated above, this policy encourages development in a main street format. It also lists criteria for commercial development. The policy includes:

*Where commercial development is permitted it will be encouraged in a “main street” format where retail and service commercial uses are oriented to the street creating a pleasant, pedestrian shopping environment, whether in stand-alone stores or in the ground floor of mixed-use buildings. In these areas:*

- *the principal public entrance shall provide direct access onto the public sidewalk;*
- *the primary windows and signage shall face the street;*
- *buildings facing the street shall be encouraged to have awnings, canopies, arcades or front porches to provide weather protection;*
- *no parking, driveways, lanes or aisles shall be permitted between the buildings and public sidewalks;*
- *buildings shall have a consistent setback and parking lots abutting the street shall be limited and designed in accordance with the parking provisions in subsection g) below;*
- *the location and design of any large-format retail stores shall consider the design alternatives set out in subsection g) below; and,*
- *any commercial nodes including large-format retail stores shall be integrated into the pattern of streets and blocks of which they are a part. The pattern of blocks and the physical design of the buildings in relation to the street shall encourage pedestrian circulation to, from and within this commercial area. Streets, sidewalks and the orientation of buildings shall be designed to create comfortable, enjoyable pedestrian movement in a vibrant public realm*

The Wonderland Road South corridor is considered as a gateway to the City, and as such the policies for the WRCEC designation include these extra considerations for the built form:

- Low to mid-rise height are permitted, however development will be required to provide enclosure to the Wonderland Road corridor. This may be achieved through minimum height requirements (20.5.6.vi.a).
- Development is required to provide opportunities for future intensification, through location of buildings where they will allow for future development on the site (20.5.6.vi.b).
- Large format retail uses may be permitted, but shall not detract from the pedestrian experience on the public street (20.5.6.vi.c).

### Urban Design Analysis

The application was circulated to staff and the Urban Design Peer Review Panel for review. Both identified issues with regards to the site layout and proposed buildings. Comments are provided in the Appendix to this report.

The staff comments identify the various aspects of the conceptual site plan that do not conform to the applicable policies. These include:

- Large format, single use complexes are not consistent with the compact, mixed use, pedestrian oriented built form that is required.
- The site does not provide a grid pattern of driveways to accommodate future intensification.
- Parking and drive aisles are not permitted between the street and buildings. This area should be designed to meet the main street character requirements of the Plan.

- Development should be oriented to the corner of Wonderland Road South and Bradley Avenue.
- Where parking is exposed to the street, provide enhanced landscaping in order to screen the parking areas from the street.
- Ensure parking islands can accommodate tree planting.
- Provide pedestrian connections throughout the site.

The staff comments also recommend that holding provisions be required to ensure buildings are oriented to the street and that development conforms to the SWAP policies.

Comments from the Urban Design Peer Review Panel were direct in their dissatisfaction with the conceptual site plan and lack of urban design analysis provided. The comments include that *“It was evident that the proponent decided to ignore the SWAP in its entirety.”*

### Recommended Action

The conceptual site plan does not comply with the policy requirements or intent of the SWAP policies for Wonderland Road South. Some of the issues may be addressed at the Site Plan stage. However, if zoning to permit commercial uses is considered, it should include provisions that can be implemented through site plan approval by a development concept that conforms to the SWAP policies. This would include site specific provisions for issues such as site layout, building setback and orientation, location of parking, and other considerations identified through the urban design comments.

The applicant has stated that the site layout is appropriate as it is consistent with the existing development north of Bradley Avenue. It is important to note that these existing uses were approved prior to the approval of SWAP and were therefore not subject to the same policy regime and these lands are not contiguous with the existing development due to the extension of Bradley Avenue. Lands being developed south of the subject site on the west side of Wonderland Road South, which are contiguous to the subject site, were subject to the SWAP, and as a result they feature elements such as building orientation to the street and direct pedestrian access from buildings to the sidewalk. These features help to achieve the built form objectives of the SWAP. All future development within the WRCEC designation must implement these policies so that a consistent urban character can be achieved. Allowing some sites to develop in a way that does not comply with the vision for urban design will undermine the ability of the whole corridor to achieve its planned function.

To date an acceptable development concept has not been received, so City staff have not been able to prepare site-specific zoning regulations. Due to the lack of conformity to the SWAP policy direction in the requested amendment and conceptual site plan, it is recommended that the requested zoning be refused.

## **4.3 Commercial Policies**

### Background of issue

Another key issue in the review of this application is the WRCEC policy that includes a 100,000m<sup>2</sup> cap on gross commercial floor area. The entire gross floor area permitted under the cap has been allocated through zoning or existing development, and as a result no further commercial zoning may be contemplated within the corridor.

As previously described in the planning history section of this report, City staff recommended that the commercial cap be removed after receiving separate market studies from Kircher Research Associates and Coriolis Consulting Corporation that both concluded that the cap was not a useful planning tool. Council decided to maintain the policy that includes the cap, and this application must be considered in the context of this policy.

### Applicable Policies

Policy 20.5.6. v) a) includes that “Commercial development for the entire Wonderland Road Community Enterprise Corridor designation shall not exceed 100,000 square metres gross floor area. For the purpose of this limit, this shall not include those lands generally located north of the Bradley Avenue extension that are currently developed or are approved/under construction as of October, 2012.”

The requested amendment seeks to add a specific policy to Chapter 10 – Policies for Specific Areas in the 1989 Official Plan to permit an additional 18,700m<sup>2</sup> of commercial gross floor area in the Corridor. It is therefore also subject to the criteria for specific policies in section 10.1.1, which includes:

- i) The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.*
- ii) The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.*
- iii) The existing mix of uses in the area does not lend itself to a specific land use designation for directing future development and a site specific policy is required.*
- iv) The policy is required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in a particular designation, in order to protect other uses in an area from negative impacts associated with excessive noise, traffic, loss of privacy or servicing constraints.*

### Recommended Action

The SWAP policies do not permit any commercial uses beyond what has already been built or zoned for future development. The policies are clear that the 100,000m<sup>2</sup> limit shall not be exceeded. The use of the word shall in the commercial cap policy indicates that there is no flexibility and that no application for additional commercial floor area, even on a site specific basis, may be considered. Therefore, the requested amendment to increase to the cap does not conform to the SWAP policy and should be refused.

For any site specific policy to be added to Chapter 10, the application must meet one or more of the criteria listed in Section 10.1.1 that are quoted above.

The application fails to meet criteria i) as the policies provide for commercial uses within the corridor up to a certain limit, and the proposed uses could be accommodated elsewhere in the corridor where zoning has been approved without having a negative impact on the surrounding area. The policies establish the limit on commercial development in order to prevent the potential negative impacts of overdevelopment given market conditions.

The application fails to meet criteria ii) as Council has determined that the cap is an important tool to control commercial development, and this site specific increase may incrementally lead to overdevelopment of commercial uses. Market studies commissioned by the City have shown that the existing commercial supply on the corridor exceeds demand, so it cannot be argued that additional commercial floor area is required to meet demand.

The application fails to meet criteria iii) as the corridor has been planned with a wide range of uses that could be developed instead of commercial uses in excess of the commercial cap.

Criteria iv) is not applicable as the application seeks to expand uses on the site, not limit

them to mitigate a potential impact.

Given Council's recent decision to maintain the cap, and the wording of the policy that does not permit commercial gross floor area in excess of the 100,000m<sup>2</sup> cap, the requested amendment does not conform to the Official Plan and should be refused.

#### **4.4 Other Department and Agency Comments**

In addition to the significant concerns identified above in this section, other issues were also identified through the department and agency circulation that need to be resolved prior to development. Transportation Planning comments and Wastewater and Drainage Engineering comments both recommend that holding provisions be applied. The application should be revised to include the appropriate holding zones if the application is to proceed.

Given that there are other recommended changes to the zones requested for the site, any work undertaken in the future to prepare an appropriate site specific zone should also include the recommended holding zones.

### **5.0 Conclusion**

The application for amendment to the Official Plan and Zoning By-law was received on January 28, 2016, but was deferred by City staff until a comprehensive review of commercial policies could be completed. Upon the completion of this review, City Council has decided to retain the commercial cap. In light of this decision, the requested amendment needs to be evaluated in the context of this policy. The application does not comply with the commercial policies for the corridor and should be refused.

Other major issues also remain with regards to conformity to urban design and natural heritage policies. The conceptual site plan fails to incorporate urban design features that are required by policy and proposes development within a wetland containing Significant Wildlife Habitat. These two issues warrant refusal in their own right, and must be addressed in order for any zoning to be applied that would permit development of the site. Several more minor issues also remain, which are identified in the department and agency comments and could be resolved at this stage in the planning approvals process through the application of holding provisions.

<b>Prepared by:</b>	<b>Justin Adema, MCIP, RPP Planner II, Long Range Planning &amp; Research</b>
<b>Submitted by:</b>	<b>Michael Tomazincic, MCIP, RPP Manager, Current Planning</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b>

May 18, 2018  
JA/ja

## Appendix – Department and Agency Comments

The following full comments are included below:

1. Urban Design
2. Urban Design Peer Review Panel
3. Environmental and Parks Planning (comments and subsequent correspondence)
  - 3.1 Environmental and Parks Planning Comments – June 8, 2016
  - 3.2 Biologic Response – February 16, 2017
  - 3.3 Ministry of Natural Resources and Forestry email – February 21, 2017
  - 3.4 Environmental and Parks Planning email – March 28, 2017
  - 3.5 BioLogic Inc. email – March 28, 2017
  - 3.6 BioLogic Inc. email – May 11, 2017
  - 3.7 Planning Services email – May 23, 2017
  - 3.8 BioLogic Inc. email – May 26, 2017
4. Wastewater and Drainage Engineering
5. Transportation Planning
6. Upper Thames River Conservation Authority

## 1. Urban Design Comments



# Memo

To: Justin Adema  
Planner II

From: Jerzy Smolarek  
Urban Designer

Cc: Sean Galloway, Manager, Urban Design

Date: January 30, 2017

RE: OZ-8590: 3234, 3263, & 3274 Wonderland Road South

Justin,

Urban design staff have reviewed the proposed site plan concept for the application at the above mentioned property and provide the following comments:

As the subject site falls within the boundaries of the South West Area Secondary Plan (SWASP) it is important that the site plan concept has regard for the policies found in SWASP. In particular the General Policies related to Urban Design (20.5.3.9) and the Wonderland Boulevard Neighbourhood Policies (20.5.6). The following are specific elements that have been found to be deficient or non-existent in the submitted site plan concept:

- The South West Area Secondary Plan envisioned that the Wonderland Road corridor would be designed in a form that is compact, mixed-use, pedestrian oriented and transit friendly. As such single use commercial complexes, as depicted by the submitted concept site plan are not in accordance with policy 20.5.3.8 iv) a), 20.5.3.9 i) a) & iii) a), as well as policy 20.5.6 i) which indicates that the Wonderland Boulevard Neighbourhood is intended to develop as a mixed-use community with a high intensity of built form to support transit services that provides for pedestrian scale, street oriented land use development.
- As it is anticipated that the area may redevelop over time, such that new mixed-use developments or reformatted commercial developments may occur, a grid pattern of streets and blocks should be established on the site with the provision of local roads running perpendicular to Wonderland Road S. in accordance with policies 20.5.3.9 i) c), 20.5.6.1 i), 20.5.6.1 iii).
- The amount of parking area abutting the street should be reduced and the amount of built form at the street increased in accordance with policy 20.5.3.9 iii) b) *bullet 5* in order to implement the "main street" intent of the Wonderland Boulevard which is to create pleasant, pedestrian shopping environment. All buildings proposed directly adjacent to Wonderland Road should be designed in a main street format with the buildings oriented to the street.

- Parking, driveways, lanes and aisles should not be located between the City sidewalk and any proposed buildings along the Wonderland Road and Bradley Avenue frontages.
- Any building(s) proposed at the corner of Bradley Avenue and Wonderland Rd or at the intersections of Wonderland Road/Bradley Avenue and proposed internal driveways should define the corner by providing an active frontage to the street as indicated in policy 20.5.3.9 iii) d).
- Provide enhanced landscaping along street frontages in order to screen all exposed parking lots from the street, in accordance with policy 20.5.3.9 iii) g). This may be achieved introducing a low landscape wall.
- Ensure all parking islands are appropriately landscaped and of a sufficient size to allow for the planting of trees.
- Provide for continuous pedestrian connections through the site, including between this site and the future residential and commercial developments as indicated in policy 20.5.3.9 iii) h). Ensure all buildings have a walkway to the street as well as continuous walkways connecting to other buildings on the site.
- Include a holding provision to ensure buildings are oriented to the street, this would apply to all buildings located directly adjacent to a public Right-of-Way.
- Include the h-184 holding provision which speaks to ensure that the development of the site is consistent with and conforms to the Urban Design Policies of the Southwest Area Secondary Plan.

In addition, there are policies within the secondary plan that affect more detailed design issues surrounding building facades, landscaping and parking lot design. Urban Design staff can send an addendum to this memo if those policies are needed as part of the ZBA process otherwise these policies will be used to review a future site plan application.

If you have any questions or concerns please do not hesitate to get in touch with me.

Sincerely,



Jerzy Smolarek, MAUD  
Urban Designer

JS

## 2. Urban Design Peer Review Panel Comments



### City of London Urban Design Peer Review Panel - Evaluation Summary

To: Proponents

- Michelle Doombosch, Planner, Zelinka Priamo Ltd.
- Vito Frijia, Southside Construction

City of London Personnel

- Jerzy Smolarek, Urban Designer
- Mike David, Site Plan Approval Officer

From: Urban Design Peer Review Panel (UDPRP)

- David Yuhasz, Architect, Chair
- Julie Bogdanowicz, Architect
- Adrian Dyer, Architect
- Sung Ae Sim, Landscape Architect
- Blair Scorgie, Urban Designer
- Jason McIntyre, Architect

*Recused*  
*Regrets*

RE: OPA and ZBA Official Plan and Zoning By-Law Amendment  
3244, 3263 & 3274 Wonderland Road South – Commercial Development

#### *Site Design*

1. The Proponents Submission contained very little information as required by the Urban Design Brief requirements and therefore the panel had difficulty in providing comments to an incomplete submission.
2. Noted, is that opportunities abound in the Southwest Area Plan (SWAP) with regards to design characteristics, Use, Layout, Density and Intensity. It was evident that Proponent decided to ignore the SWAP in its entirety.
3. The drawings provided were insufficient, where required for a proper review it is recommended that a more complete set of architectural drawings and landscape plan, including plans, elevations, details and statistics are provided.
4. There was no apparent effort to establish pedestrian circulation or connections.
5. The entire site plan ignores City's urban streetscape strategies which could have in part included concepts such as:
  - Ensure a high quality of architectural and landscape architectural design.
  - Incorporate an appropriate mix of uses, including a combination of commercial and employment uses, within small format buildings.
  - Prioritize commercial uses at-grade with office uses on upper floors, exploring opportunities for seasonal outdoor uses in key locations (i.e. corners) including patio uses.
  - Locate small format buildings closer to the Wonderland Road edge, orienting entrances toward the street and adjacent surface parking areas.
  - Incorporate double height or two-storey small format buildings along the Wonderland Road frontage.



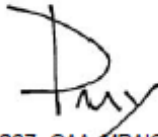
- Mass small format buildings to occupy a greater proportion of the Wonderland Road frontage.
- Minimize surface parking in front of small format buildings by providing a single loaded corridor adjacent to the Wonderland Road frontage, focusing surface parking at the sides and rear of such buildings.
- Provide dedicated and continuous pedestrian connections throughout each site, connecting small and large-format buildings to adjacent surface parking areas. Ensure that pedestrian circulation is not hindered by drive-through aisles, loading and servicing areas, and other obstructions.
- Landscape adjacent street frontages and screen back-of-house functions. Landscape surface parking areas by breaking up parking stalls and providing trees, shrubs and other vegetation.

*Building Design*

1. There were no building designs provided to comment upon.

This UDPRP review is based on City planning and urban design policy, the submitted brief and noted presentation. It is intended to inform the ongoing planning and design process and in this instance the proposed development based upon the review by the panel is suitable for the site and provides for a high level of architectural design.

Sincerely on behalf of the UDPRP,



David Yuhasz, OAA, MRAIC, BFA, B.Arch  
Chair, City of London Urban Design Peer Review Panel

### 3. Environmental and Parks Planning Comments (and subsequent correspondence with applicant)

#### 3.1 Environmental and Parks Planning Comments – June 8, 2016



# Memo

To: Mike Davis, B.U.R.Pl.  
Planner II – Current Planning  
City of London

From: Environmental and Parks Planning

Date: June 8, 2016

RE: BioLogic Environmental Impact  
Study Wonderland Road

Environmental and Parks Planning (E&PP) has reviewed the Environmental Impact Study (EIS) completed by BioLogic for the properties located at 3234 and 3274 Wonderland Road South, received on April 26, 2016. From our review, E&PP have identified a number of deficiencies in the EIS report. E&PP conclude that Biologic's EIS does not comply with our Environmental Management Guidelines (EMG), City of London Official Plan (OP) policies, and the Provincial Policy Statement (PPS 2014). Therefore the EIS cannot be supported by E&PP at this time. Detailed comments on the EIS are presented below.

#### Detailed Comments on the Environmental Impact Study

1. Section 2.4 UTRCA Regulation, as wetlands have been identified on site, the UTRCA has regulatory authority over these features, regardless of if their mapping has it shown as a regulated area or not. It is up to the UTRCA to determine if the features are regulated by the Conservation Authority. **Action: Revise section to accurately reflect that the UTRCA has not been consulted with regards to their regulatory authority for the features on this site.**
2. Section 4.1.4. Hydrology, There is a tributary located adjacent to the west property that flows through the woodland and is clearly visible. **Action: Revise this section accordingly.**
3. Section 4.2.1 Vegetation, Community 3a is referred to as a man-made depression by BioLogic, but should be identified as a wetland community given its composition. BioLogic also referred to this feature as a wetland earlier in the EIS report. The feature may be man-made, however a review of air photos going back almost 20 years clearly show that this feature has been around for at least that long and indicates potentially much longer, and has naturalized as a result. Furthermore, a site visit conducted by E&PP identified multiple wetland pockets and vernal pools throughout the site, which have not been identified by BioLogic. Biologic indicates that there is "no outlet" from the wetland,

however this is incorrect. A site visit conducted by E&PP clearly identified an opening at the rear of the feature (photos taken by E&PP staff) where water can traverse overland out of the feature. All vegetation is to be accurately identified and reported on regarding existing conditions. Community 2 is not an accurate description as shown; there is old field habitat, vernal pools and potential wetlands present and were not identified in BioLogic's report. Community 2 is not simply "1.96 ha" of "cleared topsoil and rubble piles etc". The ELC category for Community 4 does not appear to be accurate as many overstory trees are still present despite dieback. Community 5 classification also does not identify what appears to be wetland habitat located within part of the corridor. **Action: Properly identify this as a wetland feature and provide an accurate ELC code. Provide an accurate description of all of the features (wetlands, vernal pools, ELC codes) for all existing conditions. Provide an explanation of how a clear outlet to the wetland is present yet BioLogic indicates that it does not exist.**

4. Section 4.2.3 Aquatic, the tributary located on the adjacent lands is not identified in BioLogic's EIS report. **Action: Accurately account for the existing conditions and features located on and adjacent to the subject site.**
5. Section 4.2.4 Flora, BioLogic indicates that a life science inventory was recommended as part of the EIS Terms of Reference in the ISR. BioLogic should also note that at the meeting (January 27, 2016) for confirming the scope of the EIS, BioLogic was to carry out the items identified in the ISR, the consultation meeting on January 27, 2016, and the Memo provided to BioLogic dated January 14, 2016. It was made clear to BioLogic that a full 3 season inventory was required for this site. While June 2, 2015 can count as a spring inventory according to the EMG. The June 25, 2015 inventory is quite close to the spring visit and according to the EMG Section 2.0 a summer visit is to take place in mid-July to early August, therefore a summer flora inventory has not taken place as part of the 3 season inventory. The fall (September) inventory is in accordance with the EMG. **Action: BioLogic did not complete a summer flora inventory according to EMG criteria. BioLogic must complete a full 3 season inventory of the subject site as required.**
6. Section 4.2.5 Fauna, ponded water was found along with wetland species on the east property; in addition American toads were heard calling from it. It is unclear how BioLogic could have missed this feature and not identified it. In community 3a, BioLogic identified a substantial number of spring peepers and also a couple Western Chorus frogs and American Toads. Based on a review of BioLogic's data records for this site, it is clear that BioLogic did not conduct the required standard amphibian calling surveys. As BioLogic should be aware, 3 separate site visits are required during specific timing windows to accurately capture all of the potential amphibians using the site. BioLogic did not complete an early spring survey. The first survey occurred on May 4<sup>th</sup>, 2015, which is well past the early spring window for certain species including but not limited to the Western Chorus frog. Furthermore, the temperature recorded during this site visit was 17 C, which is substantially over the initial temperature window where early spring species call within. The fact that 2 Western Chorus frogs were still calling this late into the season indicates that there may have been many more calling during the early spring breeding window. **Action: Complete and accurate amphibian calling surveys were not carried out by**

**BioLogic.** BioLogic was required to conduct a full 3 season inventory of the subject site and all of its features as per the ISR, the discussions that occurred at the meeting held on January 27, 2016, and the memo provided to BioLogic from E&PP dated January 14<sup>th</sup>, 2016. BioLogic is responsible for carrying out the tasks as required and agreed to.

7. Section 5.0 Natural Heritage Policy Considerations – 2.1.5 c) Significant Woodlands, The SWAP study specifically indicated that this woodland did not meet the criteria at a desktop application level, but required an evaluation according to the EMG Section 4.0 at a future point when a more specific application was brought forward in the vicinity along with appropriate field investigations. BioLogic did not conduct an evaluation of this woodland according to the City OP and EMG policies. **Action: A full evaluation according to OP and EMG policies is required as identified by the SWAP, OP policies, and the zoning of these lands as ER.**
8. Section 5.0 Natural Heritage Policy Considerations – Amphibian Breeding (woodland), even with BioLogic not carrying out complete amphibian calling surveys, the wetland located within 120m of the woodland still meets the criteria of having 2 or more of the listed frog species with at least 20 individuals (Spring Peeper + Western Chorus Frog). This is confirmed SWH. **Action: Revise this section to indicate that the MNR criteria for SWH have been met.**
9. Section 5.0 Natural Heritage Policy Considerations – Municipal Policy Woodlands & patches >0.5 hectares, BioLogic indicates that there are no woodlands located on or adjacent to the property, however as noted in the EIS Report and through the SWAP document, there is a woodland located adjacent to the west property that requires evaluation according to City OP policy and the EMG section 4.0. **Action: Revise this section accordingly.**
10. Section 5.0 Natural Heritage Policy Considerations – Municipal Policy Wildlife Habitat, based on the available information and even with the incomplete data collection conducted by BioLogic, portions of the site and surrounding area would meet the criteria for Significant Wildlife Habitat. **Action: Revise this section accordingly.**
11. Section 5.3 UTRCA Policy Considerations and Regulatory Lands, the UTRCA must confirm this conclusion in the EIS and indicate that the UTRCA agrees it has no regulatory authority over portions of these lands. **Action: Revise this section accordingly.**
12. Section 6.0 Development Proposal, this section and the proposed plan will require substantial modification based on the wetlands and associated SWH. A minimum 30m wetland buffer and associated water balance will be needed to ensure the wetland feature(s) are sustained over the long term. **Action: Revise this section accordingly.**
13. Section 7.0 Impacts and Mitigation, this section will require a complete update once the previous sections of the report have been revised. **Action: Revise this section accordingly.**

14. Section 8.0 Summary and Conclusions, this section will require revisions once the previous sections of the report have been revised. **Action: Revise this section accordingly.**
15. Appendix A, E&PP does not agree with how the minutes of the January 27, 2016 meeting have been presented by BioLogic. E&PP provided specific comments with regards to the meeting minutes that were to be incorporated as BioLogic indicates that they were considered. However, it does not appear that BioLogic properly address or incorporate the comments provided by E&PP into the meeting minutes. The meeting minutes do not accurately represent what was discussed or agreed to at the meeting. **Action: Revise this section accordingly.**

3.2 Biologic Response – February 16, 2017



James McKay,  
City Ecologist  
City of London,  
300 Dufferin Ave,  
London, ON ,  
N6A 4L9

February 16 2017

Dear James:

**Re: OZ-8590 Wonderland Road South - email comments February 9 2017**

---

Further to our discussion at the meeting on Monday February 6<sup>th</sup>, the only remaining issue with respect to this development, is the status of a wetland feature at the west end of the property; a dug pond with berms elevated above the surrounding natural topography. It is less than 0.5 ha (actually only 0.1 ha) and has undergone some naturalization since it was created some time ago.

This wetland remains an issue as we have a disagreement as to whether or not it meets the criterion to be considered significant under the MNRF guideline document. You have indicated you have contacted the MNRF and they have confirmed your interpretation of the guideline, yet we have not been supplied with the correspondence to support this position. The reason I have waited for this correspondence is to see what was actually asked.

I am going to quote the Significant Wildlife Habitat (SWH) schedule so that we can be clear in this discussion.

“Presence of breeding population of 1 or more of the listed salamander species or 2 or more of the listed frog species with at least 20 individuals (adults, juveniles, eggs/larval masses) 1xXi. Or 2 or more of the listed frog species with Call Level Codes of 3<sup>E</sup>”  
(MNRF, 2015)

There are a number of survey protocols which can be adopted to assess amphibian breeding habitat. The standard for amphibian breeding surveys has been to follow the Marsh Monitoring Protocols (MMP) developed by Environment Canada. This protocol requires evening surveys which rely on surveys of amphibian calls (sound) to determine presence/absence of amphibians and to track trends over time. While for some species (green frogs and bull frogs for instance), this MMP protocol can also provide a reasonable assessment of individuals. For others, the assessment of numbers through calling codes is not reliable or accurate. Spring peepers are

---

**BioLogic Incorporated**  
110 Riverside Drive, Suite 201  
London, Ontario N6H 4S5  
Telephone: 519-434-1516  
Fax: 519-434-0575

[www.biologic.ca](http://www.biologic.ca)

**Windsor Office**  
2280 Ambassador Drive  
Windsor, Ontario N9C 4E4  
Telephone: 519-966-1645  
Fax: 519-966-1645

particularly notorious for this as their calling frequency is in the neighbourhood of once every few seconds (Lovett, 2013). A handful of these specimens can then reach a calling code of 3 when calls overlap. As a result, a count estimate is not reliable with numbers below 20 (as a result, we will no longer be putting conservative number estimates in for calling code surveys to avoid confusion, unless the representation of the number of individuals is very clear).

It is our opinion that to claim a site as SWH for individuals (20 according to the SWH) we would need to do more detailed investigations later in the season, looking for breeding success. Because MMP studies are focused on calling codes, not population estimates for individuals, the only filter to use here is the criterion based on the calling codes study method (See more discussion on this later in this letter with respect to individuals and calling surveys.)

The confusion over the 20 individuals versus calling code of 3 for two target species is prevalent. In one of the most recent City of London documents (Pedestrian Trail Environmental Assessment), the consultant specifically states SWH for amphibians requires 20 of 2 species based on calling surveys (Aecom, 2016). This analysis and interpretation was reviewed and accepted by yourself. MNRFP has also accepted this interpretation of the SWH in our reports for aggregate applications. This acceptance is based on calling codes and a recognition the call surveys does not reflect individuals with sufficient reliability to act as a direct measure.

For the Wonderland Road site in question, we recorded a calling code of 3 for Spring Peeper in the early spring. At that same time, there were only two individual W. Chorus Frog (calling code 1). Based on calling code filters for SWH (two indicator species with calling code 3) which is the appropriate filter given the study protocol, this site does not meet the criterion for SWH.

#### Summary

It remains our opinion this small anthropogenic feature does not meet the SWH criterion based on the methodology used to determine amphibian breeding use. Notwithstanding this technical discussion, there are opportunities to create a breeding pool feature nearby. We have discussed this option with the landowner and they are prepared to do this. Habitat creation can become a condition of site plan approval.

#### Additional Discussion

The wording of the SWH guideline is not clear, in the context of 20 individuals particularly with the addition of requiring high calling codes for two indicator species. Nevertheless, in SW Ontario at least, where we conduct most of our amphibian surveys, we find amphibian breeding ponds to either be clearly SWH or clearly not SWH, regardless of the filter used for meeting SWH (20 individuals, 20 +20 individuals or 2 indicators with code 3). The only area where we get into the above debate is when Spring Peepers and/or Gray Tree frog are present at calling code 3. It is why it has been our interpretation, until recently, that when using calling codes, the individual numbers would also be 20+20. It is a function of our experience in the field.

Having said this, if we found a ponded feature with 15 wood frog calling, which is a rare occurrence, we would tend to call the feature significant, even if it didn't meet the SWH standard above (individuals or calling codes). We contacted MNRFP Peterborough, to clarify and there

response was that the “intent” was to make features significant with 20 individuals (total) when represented by at least two of the indicator species. Their example was 7 Wood Frogs and 15 Chorus frogs would be significant. I would agree with this mix of indicator species. I would not if it were Code 3 of Spring Peepers and 2 Chorus Frogs.

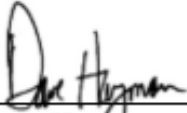
So it is clear now, based on our discussion with MNRF, that to meet the SWH filter for amphibian breeding (although the SWH wording should be fixed to improve the clarity of these filters) that it is 20 individuals represented by detailed studies for population, or 2 indicator species with calling code 3 if MMP is used.

### Moving Forward

As suggested above, using the Marsh Monitoring Protocol, estimations of individuals for Spring Peeper and Gray Tree frog is not reliable. We need to be careful when it is one of these two species that puts us above calling code 3. Chorus Frogs and Wood Frogs are more easily related to numbers and rarely at calling code 3, so I have no issue with relating calling codes to numbers for the latter species.

However, we would be happy to meet with City staff to discuss alternative protocols for amphibian monitoring that leads to reliable population estimates instead. Or perhaps even look at hydroperiod for these small wetland pockets to assess amphibian breeding suitability (Skidd and Golet, 2005). This would mean daytime surveys which are safer for staff to conduct and can be completed in a more controlled setting later in the season, even as part of another site visit. This protocol should reduce costs and improve reliability.

Yours truly,  
BioLogic



Dave Hayman MSc.

SouthsideWondrifiedResponseToJamesMcKayAmphibians.wpd

cc. V. Frijia, Southside Group  
J. Adema, City of London  
M. Tomazincic, City of London  
M. Doorbosch, Zelnka Priamo  
J. Fleming, City Planner.



3.3 Ministry of Natural Resources and Forestry email – February 21, 2017

**MacKay, James**

---

**From:** Webb, Jason (MNRF) [REDACTED]  
**Sent:** Tuesday, February 21, 2017 2:24 PM  
**To:** MacKay, James [REDACTED]  
**Subject:** RE: Amphibian Wetland SWH in a dug pond

Hi James,

Cam's interpretation of the Amphibian Breeding Habitat criteria/thresholds is correct and is how MNRF Aylmer District applies criteria.

20 individuals total of a combined 2 species (e.g. 6 American Toad, 16 Leopard Frogs).

Let me know if you have any other questions.

Thanks,

**Jason Webb**  
Management Biologist  
Ministry of Natural Resources and Forestry  
Aylmer District

[REDACTED]

---

3.4 Environmental and Parks Planning email – March 28, 2017

**Adema, Justin**

---

**From:** MacKay, James  
**Sent:** Tuesday, March 28, 2017 10:52 AM  
**To:** [REDACTED] Hayman, Dave  
**Cc:** Tomazincic, Michael; Adema, Justin; Macpherson, Andrew; Page, Bruce  
**Subject:** RE: OZ-8590 Wonderland Road South  
**Attachments:** MNRFCorrespondence\_Amphibians\_2014&2017\_JM.pdf  
**Importance:** High

Hi Dave,

At this stage to move the project forward, it is not really helpful for me to go into great detail discussing/ disagreeing with a number of issues that you have raised in your memo dated February 16, 2017. The key point for this project file is that the MNRF both the Aylmer district (which has jurisdiction in London) and the Peterborough office agree with the position I have been consistently applying since before starting at the City of London which is that it is a combination total of 20 individuals of 2 or more species. It is unfortunate that you have been consistently claiming it is 20+20 individuals for each species, which has been incorrect. I have attached emails from the MNRF confirming it is a combination of individuals. Based on your data sheet indicating that >20 spring peepers were heard calling in addition to 2 chorus frogs, that combination adds up to 20 or more individuals using 2 or more indicator species as per the SWH Criteria. The City does appreciate, that despite your continued disagreement with what the MNRF has confirmed, the proponent is willing to relocate the wetland. This is a positive direction to proceed, as it will allow for the long-term protection of this significant feature and its functions in the area, and it is also in keeping with the policies of the Council approved and MNRF approved (2016) London Plan, where given how few wetlands remain on the landscape, that all wetlands are considered part of the Natural Heritage System. In addition, the London Plan wetland policies allow for the consideration, in certain circumstances, to relocate wetlands.

Please provide a quick air photo highlighting/confirming (as per the meeting discussion) the proposed location of the relocated wetland feature.

We understand from Michael Tomazincic that Planning Services could proceed with the application, if a holding provision is applied. This holding provision would include the wetland feature plus a reasonable buffer and would ensure that the significant feature is protected until the relocated wetland is established. Planning Services will also require that the woodland and relocated wetland feature be zoned Open Space (OS5) to ensure that it is protected in the future. Applying the OS5 Zone may be completed as a City-initiated Zoning By-law amendment considered concurrently with file OZ-8590.

Environmental and Parks Planning looks forward to working with the proponent to provide input into and review the wetland relocation and associated restoration plan.

Regards,



James MacKay, M.Sc.  
Ecologist  
ISA Certified Arborist  
City of London, Planning Services  
Environmental and Parks Planning



*This email is confidential and privileged and is intended solely for the recipients named in it. Any further distribution without the sender's permission is prohibited. If you receive this email and you are not a recipient named in it, please delete the email and notify the sender. DISCLAIMER RELATING TO PLANNING OPINIONS: A reasonable effort has been made to ensure that the information in this letter is correct. The opinions in this letter reflect the writer's interpretation of the information provided. Any opinion set forth in this letter may be changed at any time during the review process. Only the final report to Planning Committee reflects the position of the Planning and Development Department. The Corporation of the City of London accepts no liability arising from any errors or omissions. Every Applicant should consider seeking independent planning advice.*

3.5 BioLogic Inc. email – March 28, 2017

**Adema, Justin**

---

**From:** Dave Hayman [REDACTED]  
**Sent:** Tuesday, March 28, 2017 2:46 PM  
**To:** MacKay, James; [REDACTED]  
**Cc:** Tomazincic, Michael; Adema, Justin; Macpherson, Andrew; Page, Bruce  
**Subject:** RE: OZ-8590 Wonderland Road South

Before I let this issue go completely, I just want to re-iterate the position for the benefit of those cc'd.

I stand corrected on the 20 individuals total as opposed to 20+20 as we have had the same response back from MNRF. I still disagree that Spring Peeper should be part of this collective as they are very commonly found meeting calling code 2 and 3. In fact, if I take Spring Peeper and possibly Gray Treefrog out of this equation, then I would have no issue with the 20 total for amphibian woodland breeding. I think if I found 8 Wood frog and 10 W. chorus frog, I still might call this significant as that is much more unusual.

The issue then is data collection. We are using the calling code measurement approach, so we are not collecting individual information but calling codes. On the SWH sheets it is clear that two species of calling code 3 must occur to be SWH.

I have suggested we discuss an alternative monitoring protocol to address this particular measurement and am still willing to do so.

In the meantime, we will provide the information requested after I speak to the planner and landowner.

Dave Hayman, MSc.  
BioLogic Incorporated  
110 Riverside Drive  
London, ON N6H 4S5

**Direct:** [REDACTED]  
**Office:** [REDACTED]  
**Fax:** [REDACTED]  
**Windsor:** [REDACTED]

3.6 BioLogic Inc. email – May 11, 2017

**Adema, Justin**

**From:** Dave Hayman [REDACTED]  
**Sent:** Thursday, May 11, 2017 10:14 AM  
**To:** Adema, Justin  
**Cc:** Michelle Doornbosch [REDACTED] Vito Frijia - Southside Group  
**Subject:** FW: OZ-8590 - Wonderland Road  
**Attachments:** Fig 7 - Frog Breeding Replace...pdf

Justin:

This has taken some time on our end to resolve. The main concern for the landowner, with the attached frog habitat opportunity, is the potential constraint this created habitat might pose on them and neighbouring landowners in future development applications.

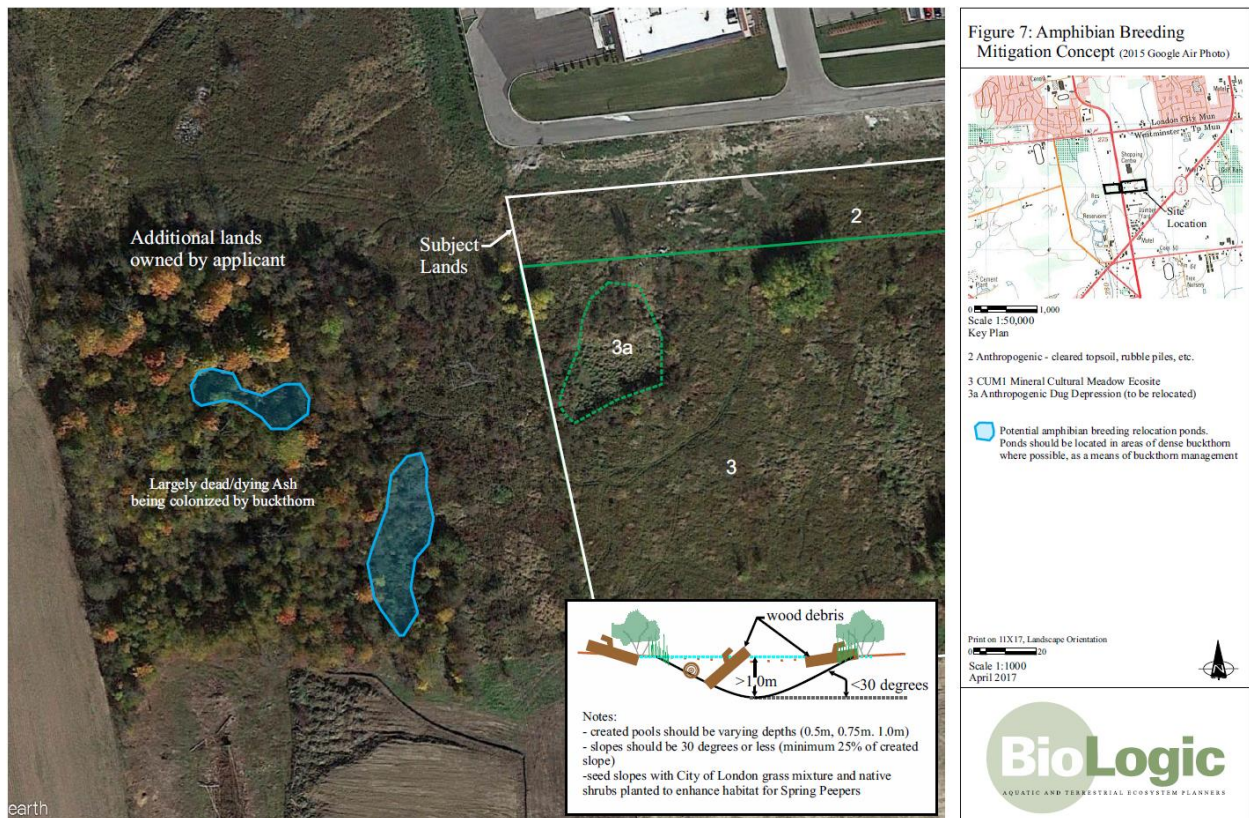
We had other options that made sense but they fell within a hydro easement and it is difficult to get an okay from hydro to go ahead.

Can you have your team review this naturalization opportunity?

Thanks

Dave Hayman M. Sc.  
BioLogic Incorporated  
110 Riverside Drive, Suite 201  
London ON N6H 4S5  
Direct: [REDACTED]  
Office: [REDACTED]  
Fax: [REDACTED]

Windsor: [REDACTED]



3.7 Planning Services email – May 23, 2017

**Adema, Justin**

---

**From:** Adema, Justin  
**Sent:** Tuesday, May 23, 2017 10:54 AM  
**To:** 'Dave Hayman'  
**Cc:** Tomazincic, Michael; MacKay, James  
**Subject:** FW: OZ-8590 - Wonderland Road

Hi Dave,

Please see the response from James below.

Regards,  
Justin



**Justin Adema, MPL, MCIP, RPP**  
Planner II  
Planning Services  
City of London

206 Dundas Street | London, Ontario | N6A 3C4

[REDACTED]  
[jadema@london.ca](mailto:jadema@london.ca) | [www.london.ca](http://www.london.ca)

---

**From:** MacKay, James  
**Sent:** Thursday, May 18, 2017 4:18 PM  
**To:** Adema, Justin [REDACTED]  
**Cc:** Tomazincic, Michael [REDACTED]  
**Subject:** RE: OZ-8590 - Wonderland Road

Hi Justin,

The potential locations are generally acceptable for the relocation of the Significant Wildlife Habitat, the design details and naturalization can be detailed once the project moves forward with the OS5 zoning (as per my previous email) and appropriate conditions are in place.

Regards,



**James MacKay, M.Sc.**  
Ecologist  
ISA Certified Arborist  
City of London, Planning Services  
Environmental and Parks Planning  
[REDACTED]

3.8 BioLogic Inc. email – May 26, 2017

**Adema, Justin**

---

**From:** Dave Hayman [REDACTED]  
**Sent:** Friday, May 26, 2017 10:48 AM  
**To:** Adema, Justin  
**Cc:** Tomazincic, Michael; MacKay, James; Vito Frijia - Southside Group  
[REDACTED]  
**Subject:** RE: OZ-8590 - Wonderland Road

Justin:

The zoning of lands that have not yet been planned is a non-starter for the client. The offer for habitat opportunity is now off the table. This is a huge stretch to suggest a small pocket (actually less than 500m<sup>2</sup>) is significant just because some peepers were there. Particularly since SWAP has been completed and the proposed development is fully consistent with the landuse and identified natural heritage features of that comprehensive study.

Vito has asked that you set up a meeting with John Fleming to discuss.

Dave Hayman, MSc.  
BioLogic Incorporated  
110 Riverside Drive  
London, ON N6H 4S5

**Direct:** [REDACTED]  
**Office:** [REDACTED]  
**Fax:** [REDACTED]

Windsor: [REDACTED]

---

## 4. Wastewater and Drainage Engineering Comments

**Adema, Justin**

---

**From:** Moore, Robert  
**Sent:** Tuesday, January 17, 2017 3:14 PM  
**To:** Adema, Justin  
**Subject:** FW: 3234, 3263, 3274 Wonderland Road South (Notice of Application to Amend the Official Plan & Zoning By-law)

---

**From:** Moore, Robert  
**Sent:** Wednesday, April 06, 2016 4:04 PM  
**To:** Davis, Michael W. [REDACTED]  
**Cc:** Roobroeck, Richard [REDACTED]; Almusawi, Mustafa [REDACTED]; Kuehr, Rico [REDACTED]  
**Subject:** 3234, 3263, 3274 Wonderland Road South (Notice of Application to Amend the Official Plan & Zoning By-law)

The subject lands do not currently have a municipal sanitary outlet available. WADE is currently exploring possible municipal servicing opportunities for these lands through the Bradley Ave. Extension project and would be pleased to meet with the applicant to discuss.

In accordance with the conditions of the Agreement of Purchase and Sale, dated October 6, 2003, between the City and Wonderland Power Centre Inc., the City granted a temporary easement over Part 5 of 33R15502 for the purpose of a sanitary sewer in favour of Part 7 (3234 Wonderland Road S). In order for 3274 Wonderland Road S. to benefit from this temporary easement, it may be necessary to merge the properties on title. Notwithstanding the existing easement across City lands, a joint use and maintenance and/or private easement registered on title of the affected private properties will be required. This would be a non-standard temporary servicing arrangement until a municipal sanitary sewer is available and the applicant should be advised that the proposed connection into the private system will need to comply with OBC and MOE regulations, as applicable.

The submitted Proposal Summary does not clearly identify how ultimate sanitary servicing is expected to be provided to 3263 Wonderland Road S. If the expectation is for a temporary sanitary sewer to be permitted across the City lands to the north, the applicant will be required to negotiate a licensing agreement with City. The licensing agreement will outline the conditions under which a temporary servicing arrangement will be permitted. A joint use and maintenance and/or private easement registered on title of the affected private properties will be required. Again, this would be a non-standard temporary servicing arrangement until a municipal sanitary sewer is available and the applicant should be advised that the proposed connection into the private system will need to be in compliance with OBC and MOE regulations, as applicable.

The servicing concerns flagged at the Pre-Application Consultation have not been addressed.

WADE will require confirmation that:

- the applicant has entered into the required licensing agreement with the City and
- the applicant has registered the private easement(s) and/or joint use and maintenance agreements on all affected properties.
- The applicant will be required to have his consulting engineer submit a sanitary servicing report which outlines the temporary and ultimate servicing strategy.

WADE recommends the inclusion of a holding provision in the by-law.





Erik Veittiaho, P.Eng.  
Wastewater and Drainage Division  
City of London

London  
CANADA

300 Dufferin Ave. P.O.Box 5035 London ON N6A 4L9

[Redacted]

[www.london.ca](http://www.london.ca)

Erik Veittiaho, P.Eng.  
Wastewater and Drainage Engineering  
City of London

Phone

[Redacted]

Email

[Redacted]

## 5. Transportation Planning Comments

**Adema, Justin**

---

**From:** Giesen, Andrew  
**Sent:** Tuesday, January 24, 2017 8:50 AM  
**To:** Adema, Justin  
**Cc:** Roobroeck, Richard; Moore, Robert; Lambert, Brent; Elmadhoon, Maged  
**Subject:** RE: engineering comments for OZ-8590 3234 Wonderland Road

Good Morning,

Please find below Transportations comments regarding rezoning OZ-8590:

- Transportation will be seeking a holding provision for access to the satisfaction of the City Engineer
- Road widening dedication of 21.0m from centre line required on Wonderland road South as identified in the Council Approved Wonderland Road EA,
- Or a Road Widening dedication of 22.5m from centre line as identified in the London Plan
- Road widening required on Bradley Ave of 22.5m from centre line as identified in the London Plan
- Additional sight triangles required as identified in the Council Approved Wonderland Road EA
  
- Access for the east parcel is as follows
  - First access east of Wonderland Road is to be RI/RO/LI only no left out allowed, access will need to be located across from existing access to the north and designed in accordance with the City's AMG, the construction of a left turn lane will be required
  - Second access east of Wonderland Road is to be restricted to RI/RO in accordance with the Bradley Ave detailed design
  - Access to Wonderland Road is to be RI/RO only designed in accordance with the City's AMG
  
- Access for the west parcel is as follows:
  - The first access as proposed west of Bradley will not be permitted due to its proximity to the intersection with Wonderland Road
  - The second and third access west of Bradley Ave would be permitted provided a left turn lane is constructed
  - internal accesses to be constructed and to align with proposed internal access with property to the South (SP 15-000937 York Developments)

Comments regarding the TIA are as follows:

- Trip reduction for site interaction, rationale for the reduction needs to be provided
- Site plan provided should be consistent with the Bradley Ave detailed design and the Wonderland road EA
- Recommendations should identify turn lane and access requirements/restrictions
- No dual left turn lanes will be permitted at Bradley and Wonderland Road
- Analysis should not be undertaken using the ultimate configuration of Wonderland road as there are no proposed plans to construct (analysis should use existing lane configuration)
- Intersection analysis needs to be performed for the following horizon years (Existing, Build out, 5 years after build out)

Thanks,



**Andrew Giesen, C.E.T.**  
Senior Transportation Technologist  
Transportation Planning & Design  
City of London

300 Dufferin Ave, P.O. Box 5035, London ON N6A 4L9



[www.london.ca](http://www.london.ca)

3

## 6. Upper Thames River Conservation Authority Comments



"Inspiring a Healthy Environment"



April 7, 2016

City of London – Planning Services  
P.O. Box 5035  
London, Ontario N6A 4L9

Attention: Mike Davis (sent via e-mail)

Dear Mr. Davis:

Re: **File No. OZ-8590 - Application to Amend the Official Plan & Zoning By-Law**  
**Applicant: Southside Construction Management Ltd.**  
**3234, 3263 & 3274 Wonderland Road South, London, Ontario**

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

### CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the portion of the subject lands that is located on the east side of Wonderland Road South is regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of a riverine flooding hazard associated with the Pincombe Drain and a tributary thereof. The UTRCA has jurisdiction over these lands and landowners may be required to obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

### UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

Policy which is applicable to the subject lands includes:

#### *3.2.2 General Natural Hazard Policies*

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

#### *3.2.3 Riverine Flooding Hazard Policies*

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach (one zone vs. two zones), and uses that may be allowed in the flood plain including the flood fringe subject to satisfying the UTRCA's Section 28 permit requirements.

UTRCA Comments  
File No. OZ-8590

### 3.2.5 Watercourse Policies

The conversion of open surface watercourses and/or drains to closed drains is discouraged. Alterations to a watercourse may be permitted subject to satisfying a number of conditions and factors such as:

- Compliance with relevant EA (where applicable)
- Impacts on upstream and downstream flooding
- The loss of flood plain
- The loss of riparian function
- Overland erosion impacts
- Capacity of existing vs. proposed conditions

#### 3.3.3.1 Significant Woodlands Policies

The UTRCA does not permit new development and site alteration in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands unless an EIS has been completed to the satisfaction of the UTRCA.

The UTRCA is providing the following comments to assist the City in assessing the natural heritage implications of the proposal as it relates to the broader landscape perspective. The woodland features that are located on the subject lands have been identified as being significant in the Middlesex Natural Heritage System Study (MNHSS, 2014). The MNHSS assessed woodland patches across the County of Middlesex at a landscape level, including the City of London to determine criteria that could be utilized as indicators of significance. The study's conclusions included that those patches which met one criterion are significant woodland patches on the Middlesex landscape and should be protected as key elements of the natural heritage framework.

## DRINKING WATER SOURCE PROTECTION

### Clean Water Act

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. We wish to advise that the subject lands are identified as being within a vulnerable area. Mapping which shows these areas is available at:

[http://maps.thamesriver.on.ca/GVH\\_252/?viewer=tsassessmentreport](http://maps.thamesriver.on.ca/GVH_252/?viewer=tsassessmentreport)

### Provincial Policy Statement (PPS, 2014)

Section 2.2.1 requires that: "Planning authorities shall protect, improve or restore the quality and quantity of water by:  
e) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and
2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions."

Section 2.2.2 requires that "Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored."

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

UTRCA Comments  
File No. OZ-8590

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at:

<http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

#### **RECOMMENDATION**

The UTRCA recommends that the hazard lands be appropriately designated and zoned. Furthermore, the applicant should contact the Conservation Authority to obtain written approval prior to undertaking any site alteration or development within the regulated area.

Lastly, as indicated, the woodland which is located on easterly portion of the subject lands has been identified as being significant in the recently completed Middlesex Natural Heritage Systems Study (2014). The UTRCA recommends that this feature be appropriately designated and zoned and protected with a suitable buffer.

#### **MUNICIPAL PLAN REVIEW FEE**

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications. Our fee for this review is \$300.00 and will be invoiced under separate cover.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 293.

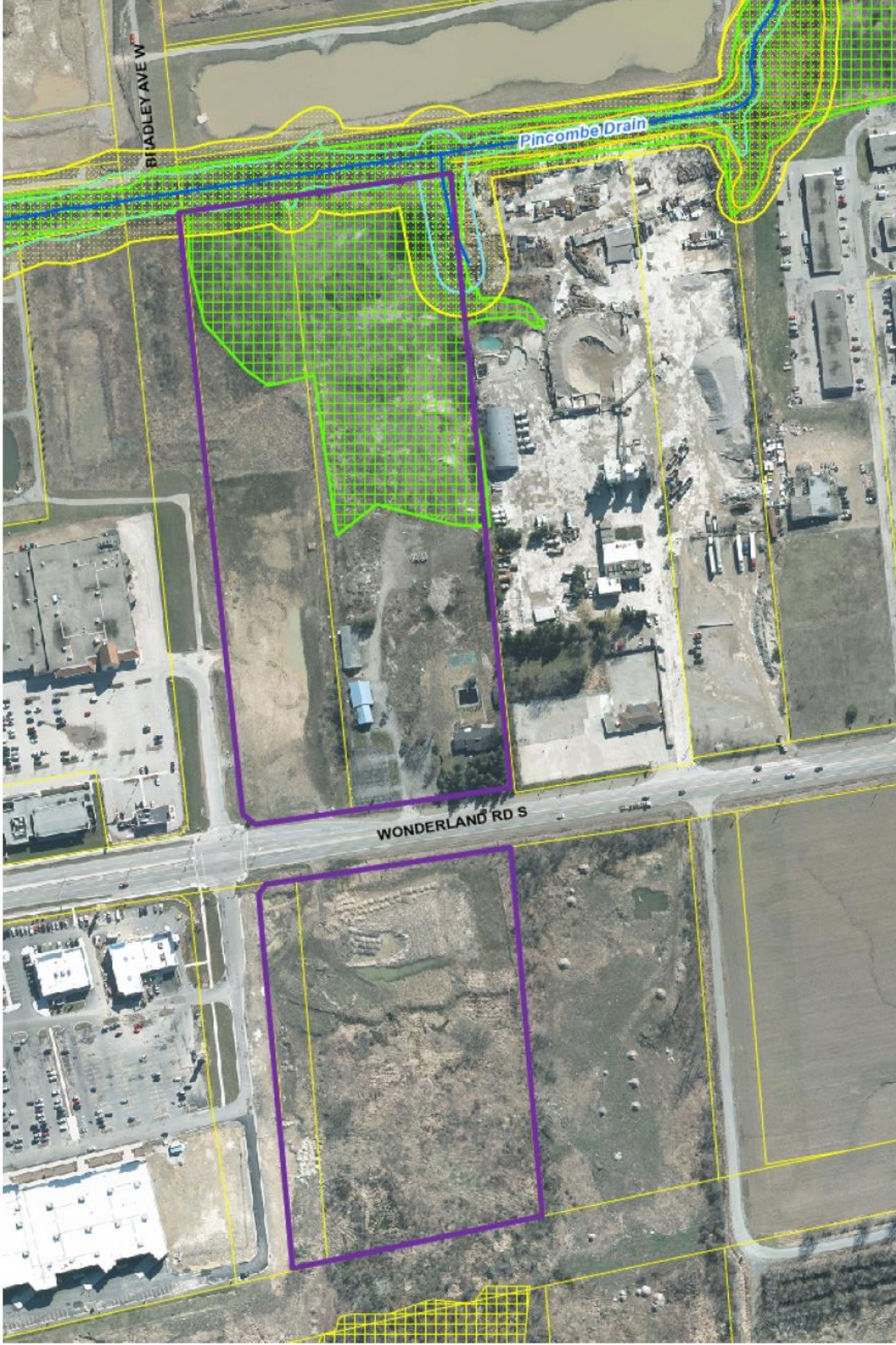
Yours truly,  
UPPER THAMES RIVER CONSERVATION AUTHORITY



Christine Creighton  
Land Use Planner  
CC/cc

Enclosure – Regulations Mapping (please print on legal size paper to ensure that the scales are accurate)

c.c. Applicant – Southside Construction Management Ltd.  
UTRCA – Mark Snowsell, Land Use Regulations Officer (sent via email)



### Regulation Limit

Regulation under s.29 of the Conservation Authorities Act  
 Development, interference with wetlands, and alterations  
 to shorelines and watercourses. O.Reg 157/06, 97/04.

- Legend**
- Watercourse**
    - Open
    - - - Tiled
  - Wetland Hazard**
  - London Hazard**
  - FLD250**
  - Remnant Valley**
  - Stable Slope**
  - Toe Erosion - Stable Slope**
  - Top of Slope**
  - Flooding Hazard**
  - Erosion Hazard**
  - Regulation Limit 2015**
  - Middlesex NHSS (2014)**
  - No Criteria Met**
  - 1+ Criteria Met**
  - Wetlands (MNR)**
  - Evaluated-Provincial**
  - Evaluated-Other**
  - Not Evaluated**
  - Assessment Parcel (MPAC)**

The Regulation Limit depicted on this map schedule is a representation of O.Reg 157/06 under O.Reg 97/04.

The Regulation Limit is a conservative estimation of the hazard lands within the UTRCA watershed. Depending on the specific characteristics of the hazard land and the land use proposed, the Regulation Limit may be subject to change.

The UTRCA disclaims explicitly any warranty, representation or completeness of any of the data depicted and provided herein, for a particular purpose, merchantability or fitness for a particular purpose.

The UTRCA assumes no liability for any errors, omissions or inaccuracies in the information provided herein and further assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon the information and data furnished hereunder.

This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.

Source: Base data 2010 Aerial Photography used under license with the Ontario Ministry of Natural Resources Copyright © Queen's Printer for Ontario; City of London.

**Notes:**  
 3234, 3263 & 3274 Wonderland Road South, London  
 Created By: CC April 7, 2016

Please note: Any reference to scale on this map is only appropriate when it is printed unaltered on legal-sized (8.5" x 14") paper.

0 60 120 240  
 metres  
 1:3,000

**UPPER THAMES RIVER**  
 CONSERVATION AUTHORITY  
 Copyright ©2016 UTRCA.

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.5 PUBLIC PARTICIPATION MEETING – 3234, 3263 and 3274 Wonderland Road South (OZ-8590)

- Richard Zelinka, Zelinka Priamo Ltd. – asking the Planning and Environment Committee's indulgence to allow him to speak beyond the normal five minute allotment, this is a file that has been on the books for two and a half years; advising that a lot has happened in that time and the current recommendation from staff is totally different from what they would have expected given everything that has happened; reiterating that, if the Committee would not mind, he is asking them to allow him to speak a little longer than normal; (*Councillor S. Turner asking Mr. Zelinka how long he requires.*); Mr. R. Zelinka, Zelinka Priamo Ltd., responding ten minutes; (*Councillor S. Turner looking to the Committee to see if they grant the extension; noting that the extension is granted.*); asking the Chair to remind him after five minutes so that he makes sure he is moving along at a clip; appreciating that; indicating that this recommendation was very perplexing to them; this Committee and Council colleagues are very aware, because of staff reports to them over the two and a half years that these lands that are before you today are the preferred location for commercial use from a land use planning standpoint, from an urban design standpoint, from a market standpoint, from a customer convenience standpoint, from the vision of development in this corridor standpoint and it is in the public interest; Council and this Committee have received Planning staff recommendations where they have given their professional opinion to Council that the most desirable lands are the contiguous lands, the ones that are Regional Commercial Node that was previously designated in the Official Plan that is developed now and that contiguous development is the most desirable and preventing that type of thing is bad planning, the Committee has been told that; the Planning and Environment Committee has also heard the planning staff's professional opinion to Council that it is bad planning to maintain the current situation that is preventing those lands from developing for commercial purposes, that is forcing leap frog development, that is ensuring that there is no continuous commercial that is available to the public in this area that is forcing unnecessary movement within the area that is contrary to the vision for this area; stating that the Committee has also heard from planning staff, based on two independent Market Analysts that the City hired; advising that they have come forward with their own Urban Metrics Market Analysis that justifies the commercial on these lands but the Committee has had two additional independent Market Analysts providing their opinion that it would have no adverse effect on the City's commercial structure; coming to this meeting, they are seeing a recommendation that is totally the opposite, it is saying that the things that they told the Committee were bad planning before, it is good planning now, to refuse this, to prevent commercial development within these lands, all those things that they told the Committee before, they do not believe that any more because Council has told them that it does not want to delete the commercial cap from the policies within the area; that is a big difference because Council has not seen this application; Council saw an application from the City of London to delete the entire commercial cap; noting that this application does not request the deletion of the commercial cap, it seeks only an Official Plan Amendment, a site specific Official Plan Amendment that will allow what staff told the Committee was not desirable, will allow commercial development in this spot that, since the early SWAP days, since the first recommendations from staff to Council about what SWAP should have, these were the lands that should go commercial; appreciating that staff was put into an awkward position, they took a recommendation to Council and it was turned down by Council but the recommendation that is before the Committee today is based on pre-judging what Council would do on an individual application; stating that Council did not deal with an individual application, there was the fear of Pandora's box being opened if there were no cap but this is a measured, justified, logical approach to lands that have been identified as being positive for this; having been put into that awkward situation, staff had to come up with a reason for turning this down, the first reason was based on Council's decision not to delete the commercial cap; reiterating that this is not about that at all, this is about increasing it on this site and whether it is done by a Section 10 Site Specific or whether it is done by a site specific modification to the existing cap that is in place, it does not matter, there could have been an approach to that that would have been technically the right way to go; indicating that if it was bad planning to have commercial on these lands, staff would have told you that at the outset of the process, they did not need two and a half years of studying the implications of commercial on the lands if it was bad; what they have now is a situation



where things that are not really major issues are being made into major issues; speaking about natural heritage, they agree with staff that the environmental studies that have gone on there have identified that there is an amphibian breeding area in that westerly part, the western most part of the westerly site; it does not affect the easterly site at all and it only affects the westerly part of the westerly site; expressing agreement with that; advising that when he was a kid this would have been called a froggy pond; agreeing with staff that froggy ponds can be moved; noting that they have not come up with an agreement as to where it can be moved, where it is best to be relocated but you do not stop a major development like this because there is a froggy pond that can be moved, it is a solvable issue, it is a solvable matter and they can work with staff on that; advising that staff has already offered two options as to how it might be done and there are other options that they would like to explore with staff that can probably even be resolved before the Ontario Municipal Board hearing; referring to the Urban Design aspect, again, this is not a site plan approval matter, they did ask for relief from the design policies because if you look at the way the development has occurred, and is shown on the overlay presented at the Committee meeting, the development that has occurred on the lands to the north, in the pattern that has occurred ensures that all the fronts of the buildings face onto the sidewalk, all the activity areas are animating the sidewalk, the public realm because everything is happening right up front; the policies that the City has been trying to enforce do not do that, there is a lot of dead space and as you can see from the York development site to the south, there is a huge sea of parking in front of the Lowe's as a result of the approach being taken; stating that if staff do not wish to change, they can just say that they are not changing the policy, that is all; indicating that you do not turn down commercial development because the site concept that was provided was not good enough to meet your site plan approval; indicating that they are only asking for the zoning that is effectively the same as York has approved to the south; advising that both the natural heritage and urban design issues are solvable issues and staff knows that, they know that and the Committee should be advised of that as well; rather than asking you, as Committee, to predict the results of Council's deliberation on the site specific we are asking you to, as a Committee, commend what Council should do in this situation; not predict what they will do but what they should do based on all of the advice that the Committee has heard from planning staff over the years but certainly over the last year; advising that he has prepared a recommendation which is a reworking of the recommendation, this is what he is asking this Committee to recommend to Council; advising that the first part is the same as the staff recommendation, but the second part; reading his proposed recommendation; advising that the reasons are all reasons from the staff reports previously, they are all things that the planning staff have told the Committee about this; the second part is; reading his proposed recommendation; added in with a holding provision on the westerly part of the westerly site affected by the amphibian breeding pond; reading the reasons; asking the Planning and Environment Committee to endorse these recommendations to Council. (See attached proposed recommendation.)

- Patrick Duffy, Stikeman Elliott, on behalf of York Developments and North American Development Group – indicating that he submitted a communication on behalf of his clients; advising that their interest is with the properties that York Developments owns, are the ones that were referred to on the west side of Wonderland Road, south of these lands; being 3405 Wonderland Road South and 1789 Wharnclyffe Road South; indicating that the comments that they would like to make are those that are reflected in their letter and that concerns the commercial cap for the Enterprise Corridor; expressing support for the staff report and the recommendation that has been made and they are also a party to the Municipal Board proceeding that will be going ahead in August, 2018; stating that the purpose of the cap, which has been reinforced by this Council in its decision in March, is to ensure that there is orderly development across the Corridor and to spread that development throughout the Corridor; having reaffirmed its commitment to the cap very recently it would be illogical in their view to allow ad-hoc applications like this one that would then effectively chip away at and eventually erode and disintegrate that cap and serve no purpose going forward; with respect to contiguous development, these were arguments that have been made previously before the Ontario Municipal Board and it rejected the concept that the purpose of the cap was to promote contiguous development; indicating that the purpose of the cap is actually to do the opposite, which is to promote development in a mixed use kind throughout that corridor and allowing too much commercial to be developed would defeat that purpose and would ultimately be contrary to the vision that is enunciated within the South West Area Plan; expressing support for that view; expressing support for the view articulated by staff in their report and they would

ask you to accept staff's recommendation; as you will know from their letter, it is their intent to be a vigorous party as part of the Municipal Board proceeding as well.

Patrick G. Duffy

May 25, 2018  
File No.: 129002.1001

**By E-mail**  
**pec@london.ca**

Planning and Environment Committee  
City of London  
300 Dufferin Avenue  
PO Box 5035  
London, ON N6A 4L9

Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Planning and Environment Committee Meeting, Item 3.5  
3234, 3263 and 3274 Wonderland Road South (File OZ-8590)**

We are counsel to 1279059 Ontario Inc. and CLF 1 (Wonderland Road) Inc. (c/o York Developments and North American Development Group (“**York / NADG**”)), the owners of lands municipally known as 3405 Wonderland Road South and 1789 Wharnccliffe Road South, London. York/NADG have party status in the current proceeding commenced before the Ontario Municipal Board related to this matter.

We are writing to express our support for the recommendations put forward by City staff in their report to the Planning & Environment Committee, dated May 18, 2018 (the “**Staff Report**”), which recommends refusal of the Official Plan and Zoning By-law Amendment application filed by the Southside Group, bearing File OZ-8590 (the “**Application**”). At its core, the Application seeks to introduce an additional 18,700 m<sup>2</sup> of commercial floor area to the Southside Group lands, above and beyond the 100,000 m<sup>2</sup> cap on commercial floor area across the Wonderland Road Community Enterprise Corridor (the “**Enterprise Corridor**”), which was established by the Ontario Municipal Board in its decision on the Southwest Area Secondary Plan, issued April 29, 2014 (OMB Case No. PL130020).

At its meeting held on March 27, 2018, City Council considered this very issue of removing the 100,000 m<sup>2</sup> commercial cap (File O-8868). In concluding its deliberations, Council voted in favour of retaining the 100,000 m<sup>2</sup> commercial cap across the Enterprise Corridor. Together with our clients’ planning and market consultants, we made written submissions to the Planning & Environment Committee and to City Council in their consideration of this matter. Copies of these submissions are enclosed with this letter for your reference.

We are supportive of staff’s recommendations to refuse the Application—a position that is in accordance with Council’s recent decision to retain the commercial cap. As consistently emphasized through our various submissions on this matter, the commercial cap serves a vital role in ensuring the orderly development of commercial lands in the Enterprise Corridor, particularly when it is evident that existing commercial supply in the Enterprise Corridor exceeds demand. This significance of the cap has been recognized by the Ontario Municipal Board and recently reaffirmed by Council, especially given that the Staff Report and the market studies commissioned by the City readily acknowledge the existence of excess commercial supply in the Enterprise Corridor.

As a matter of clarification, Section 3.3 of the Staff Report notes that no responses were received from the public with respect to the Application following circulation of notice; in actuality, the City cancelled the public meeting initially scheduled for April 16, 2018, and it is upon the rescheduling of this matter to be heard at the present Committee meeting on May 28, 2018, that our client has the opportunity to express its support for the current staff recommendations to refuse the Application and to reiterate its serious concern with any suggestion of removing or increasing the commercial cap across the Enterprise Corridor.

We will continue to follow this matter closely. Please provide us with notice of all upcoming meetings of Council and Committees of Council at which the Application will be considered, and we ask to be provided with notice of the Committee's and Council's decision with respect to this item, as well as any other upcoming meeting or decision regarding the Enterprise Corridor. As a party in the current appeal of the Application commenced before the Ontario Municipal Board, it is our client's intention to appear at the hearing scheduled for August 2018 and to vigorously oppose the appeal.

Yours truly,



Patrick G. Duffy

PGD/jsc

Enclosures

cc. Mimi Ward, *Ward Land Economics Inc.*  
Carol Wiebe & Scott Allen, *MHBC Planning*  
Client

# Stikeman Elliott

Stikeman Elliott LLP  
Barristers & Solicitors  
5300 Commerce Court West  
199 Bay Street  
Toronto, ON Canada M5L 1B9

Main: 416 869 5500  
Fax: 416 947 0866  
www.stikeman.com

James W. Harbell  
Direct: +1 416 869 5690  
jharbell@stikeman.com

March 16, 2018  
File No.: 129002.1001

By E-mail  
*pec@london.ca*

Planning and Environment Committee  
City of London  
300 Dufferin Avenue  
PO Box 5035  
London, ON N6A 4L9

Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Planning and Environment Committee Meeting, Item 3.4  
Wonderland Road Community Enterprise Corridor (File O-8868)**

We are counsel to 1279059 Ontario Inc. and CLF 1 (Wonderland Road) Inc. (c/o York Developments and North American Development Group ("**York / NADG**"), the owners of lands municipally known as 3405 Wonderland Road South and 1789 Wharncliffe Road South, London (the "**Property**").

First, from a procedural perspective, we believe that this matter has been dealt with in the most unfair manner. The Planning Staff Report for this matter, dated March 12, 2018 (the "**Planning Report**") and its recommendations were not made available to us until noon on Wednesday, March 14, 2018, and the City Clerk's office is requiring that we file any response that will be dealt with by the Planning and Environment Committee (the "**Committee**") by 9:00 a.m. on Friday, March 16, 2018. This gives us, and other members of the public, only 45 hours to respond to the Planning Report. Given that the record before the Committee is of utmost importance as any appeals on this matter will go to the Local Planning Appeal Tribunal, we believe that we have not been given sufficient time to respond properly to this matter. On that basis alone, this item ought to be adjourned.

In the event that the Committee proceeds to hear this matter, it is our position that the recommendations of planning staff should not be accepted, and that the proposal to lift the commercial cap in the Wonderland Road Community Enterprise Corridor (the "**Enterprise Corridor**") should either be refused by the Committee or be referred back to planning staff to conduct a proper comprehensive report, which we anticipate will take a number of months in order to adequately complete.

Ward Land Economics Inc. and MHBC Planning have been retained to review this matter from a market and planning perspective. Their reports are attached to this letter. Both firms have been involved in this matter for many years and participated extensively in all matters related to the Southwest Area Secondary Plan and the associated hearing before the Ontario Municipal Board.

The issue of the commercial cap was addressed by the Ontario Municipal Board (the "**Board**") in its decision on the Southwest Area Secondary Plan ("**SWAP**"), issued April 29, 2014 (OMB Case No. PL130020). In fact, the Board dealt with this exact issue of whether the designations along Wonderland Road should be modified to secure retail approvals for the Decade and Southside sites. Southside, who was represented by legal counsel and presented evidence from an expert land use planner, made submissions to the Board that the Enterprise Corridor should be shortened to permit retail designations to

be applied to the Southside and Decade sites. In effect, Southside sought to take away the commercial designations from the Aarts and Greenhills sites, which is precisely the suggestion made in the Impact Report, prepared by Coriolis Consulting Corp., dated February 2018 (the "**Coriolis Report**"), upon which staff rely for this present item before the Committee; the Coriolis Report recommends that Sites 14 and 15 (i.e., the Aarts and Greenhills sites), among others, be designated for uses other than commercial.

At the SWAP hearing, the Board heard expert evidence from Southside's planner that leapfrogging would occur if the Board permitted the corridor to extend further south with a 100,000 sq m cap on commercial space. Southside's evidence was that extending the corridor "exacerbates the City's historical proclivity of over-designating commercial space, will result in scattered commercial nodes being created along Wonderland [Road] and will result in unintended consequences which are not in the public interest". According to Southside, these unintended consequences included that existing commercial centres would be hard-pressed or simply unable to revitalize or reformat and that there could be "leapfrogging" of commercial development in the Enterprise Corridor.

By contrast, the Board stated that the planning intent of the Enterprise Corridor was to create "opportunities for a broad mix of commercial, office, residential and institutional uses". The Board accordingly denied the change requested by Southside and stated "the evidence demonstrated that by having 100,000 sq m of commercial space over a larger area, i.e. between Bradley Avenue and Hamlyn Street, the broader ranges of uses contemplated in the [Enterprise Corridor] were more likely to be promoted". The Board further found that the SWAP does not contain the phrase "continuous commercial corridor", and finally, the Board reached a conclusion, which is not contained in the Planning Report before you, that "by having the [Enterprise Corridor] extend to Hamlyn Street while maintaining the 100,000 sq m of gross floor area, mixed use development as contemplated by the Plan will, in my view, be a logical consequence. Simply put, the permitted amount of commercial space will be spread over a wider area and, consequently, there will be room for as of right development of other complementary uses, thereby resulting in a mix of uses throughout the corridor". (emphasis added).

The Board noted that at that time, planning staff did not support this extension to Hamlyn Street, but that Council did support the extension after an extensive public process. As the Board stated, "[t]he position of municipal planning staff in any planning decision is undoubtedly important, but that position must be balanced against and measured by the planning position(s) advanced by affected parties and, needless to say, by the decision itself of Council".

As outlined in the reports of Ward Land Economics Inc. and MHBC Planning, the recommendation from City planning staff on this matter is fundamentally flawed for the following reasons:

1. It is based on an incorrect reading of the previous Ontario Municipal Board decision that is exactly on point;
2. It is based on an unsubstantiated conclusion that "mixed use development is not economically viable in the Enterprise Corridor";
3. It misinterprets the intent of the designation of the Enterprise Corridor which was never to allow retail uses on every site, but instead, to encourage a mix of uses interspersed throughout the Enterprise Corridor;
4. There is no adequate review of the Provincial Policy Statement (the "**PPS**"), and it is clear that this proposal is inconsistent with the PPS;
5. Staff fail to provide a review of the London Plan and its policies, which encourage mixed use development in corridors—this proposal therefore does not conform with the London Plan;

6. The Coriolis Report suggests that commercial uses will be taken away from landowners such as Aarts, Greenhills, a site adjacent to the new Ikea / Costco regional centre, and two others. The Coriolis Report suggests that redesignation of these sites should be considered, but fails to offer any suggestion of what that redesignation might be. Further, staff do not address this at all in their recommendation, which is at odds with the Coriolis Report. It is clearly premature to lift the commercial cap until all of the ramifications are analyzed and put before Council;
7. Removal of the commercial cap will have an impact on existing commercial centres that are trying to remarket and redevelop as there is already far too much retail space designated in South London, as agreed to by the City's market expert; and
8. It will destabilize the investment retail community which has relied upon past decisions from Council and the Board to spend millions of dollars in infrastructure upgrades.

For these reasons, we believe the Planning Director's recommendations must not be accepted or, in the alternative, that this matter should be sent back to planning staff to require that staff produce a report that contemplates the following, which is missing from the Planning Report:

1. Recommendations for new planning approvals for the five sites listed in the Coriolis Report, for which Coriolis states that notwithstanding their current permissions for retail uses, these sites are recommended to be redesignated for uses other than commercial.
2. A full and proper analysis of whether this proposed Official Plan Amendment conforms with London Plan.
3. A full and proper analysis of whether this proposed Official Plan Amendment is consistent with the PPS.
4. Evidence that, in fact, mixed use development will not occur within the Enterprise Corridor thereby frustrating the intent of SWAP, which is to provide for a mix of uses within the corridor with not each use being based on retail permissions.
5. An appropriate analysis on the potential impact of lifting the commercial cap on existing retail designations in South London, including the Pen Equity / Ikea / Costco site, Westmount Mall, Pond Mills Square, and the planned function of retail corridors, the Downtown Transit Villages, and other commercial areas in London.

Finally, for purposes of the record, we incorporate by reference the Stikeman Elliott letter of June 4, 2017, the Ward Land Economics Inc. letter of June 2, 2017, and the York Developments letter of June 12, 2017.

Yours truly,



James W. Harbell

JWH/rw

Enclosures

cc. Mimi Ward, *Ward Land Economics Inc.*  
Carol Wiebe, *MHBC Planning*  
Scott Allen, *MHBC Planning*  
Client

March 16, 2018

Planning and Environment Committee  
City of London  
300 Dufferin Avenue  
London, Ontario  
PO Box 5035, N6A 4L9

**Attention: Councillor Turner, Chair and Members**

Dear Sirs/Mesdames:

**RE: Proposed Official Plan Amendment, City of London (File: O-8868)  
Wonderland Road Community Enterprise Corridor Land Use Designation  
Southwest Area Secondary Plan  
Our File 1094'A'**

---

On behalf of our clients, we offer the following comments as it pertains to the above noted matter being considered by Planning & Environment Committee on March 19, 2018.

**SUMMARY**

Coriolis Consulting Inc. (Coriolis) has been engaged by the City of London to evaluate whether removing the commercial cap applying to Wonderland Road Community Enterprise Corridor (Enterprise Corridor) would substantially impact upon the existing and planned commercial space in the corridor and the City as a whole. As a result of their engagement, Coriolis provided a Final Report dated February 2018. City Planning Staff subsequently prepared a Report to Planning and Environment Committee dated March 12, 2018 to be presented to the PEC on March 19, 2018.

MHBC has reviewed both the Coriolis and City Planning reports from a land use planning perspective on behalf of 1279059 Ontario Inc. and CLF 1 (Wonderland Road) Inc., owners of a regional shopping centre on lands addressed as 3405 Wonderland Road South and 1789 Wharncliffe Road South.

As an outcome of our review, we have evaluated the conclusions/recommendations of both reports and have identified significant planning concerns with the core rationale advanced by Coriolis for removing the commercial cap. Further, we have concerns with the analysis and rationale provided by Staff.

A synopsis of our assessment is provided below; more detailed commentary on these matters is provided within this letter.



1. Mixed-Use Development Pattern. The Coriolis recommendation to remove the cap is based, in part, on a concern that this area is not viable for a mixed-use development pattern and should be built-out for regional serving retail uses north of Exeter Road. We disagree with this assessment. The SWAP has only been in effect for approximately four years and, in our opinion, lands in the Enterprise Corridor are developing according to the expected growth sequencing. In the fullness of time, it is our opinion that service, employment, residential and community activities will be established within this corridor to (1) meet market demands and (2) achieve the complete and flexible mix of land uses envisioned for this designation.
2. Geographic Distribution of Commercial Uses. The Coriolis report acknowledges that removing the commercial cap increases the land supply for such uses but will not increase market demand in South London. Accordingly, it is noted in the report that the major impact of this measure will be to alter the long-term geographic distribution of development in the Enterprise Corridor. In this respect, Coriolis is proposing to remove the cap to promote the full build-out of this corridor north of Exeter Road for regional serving retail uses. By contrast, the cap encourages a wider mix and geographic distribution of land uses as it affords opportunities for commercial uses and complementary office, institutional and residential activities to be located throughout the corridor. It is therefore our opinion that the cap is consistent with, and helps to realize, the planned function of the Enterprise Corridor.
3. Market Demand Forecast. According to the analysis provided in the Coriolis report, for the forecast period 2017 to 2047, the additional market demand in South London for region serving retail removal would be 167,100 m<sup>2</sup>. With the cap in place, it is stated in the report that there is capacity to accommodate an additional 176,300 m<sup>2</sup> of retail GFA, including 65,600 m<sup>2</sup> in the Enterprise Corridor. It is further noted that removing the cap increases the capacity in South London to approximately 312,700 m<sup>2</sup> (equating to approximately 87% more space than required to meet forecasted market demand). The Coriolis report does not demonstrate that removal of the cap is warranted to address market demand in the long-term.
4. Redesignation of Enterprise Corridor Lands. The substantial over-supply of retail GFA resulting from removal of the cap has the potential to undermine the planned function of both the Enterprise Corridor and other designated commercial areas in South London. The Coriolis report addresses this concern by proposing that strategic measures could be considered to avoid excess capacity other than a GFA cap. One potential measure presented by Coriolis is to redesignate lands in the Enterprise Corridor to uses not required to meet retail market demand (including lands south of Exeter Road). In our opinion, redesignation of these lands for non-commercial uses is not consistent with the planned function of the corridor to accommodate a range and mix of land uses to meet service, employment, residential and community activity needs. Moreover, in our opinion, if elimination of the cap is predicated on the removal of commercial permissions from lands in this corridor, any decision on the cap is premature without a full evaluation of existing and future land use in this designation.
5. Inconsistent with the Provincial Policy Statement (2014). The Staff report states that the proposed Official Plan amendment is consistent with the Provincial Policy Statement (2014) by maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets (Policy 1.7.1.c). Staff also refer to Policy 1.1.1.a) which states that “healthy , livable and safe communities are sustained by promoting efficient development and land use patterns that sustain the financial well-being of the Province and municipalities over the long term”. The report also refers to Policy 1.1.3.6 which states that “new development taking place in designated growth

areas should occur adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.” In their analysis staff has concluded that due to gaps in development along the Wonderland Road corridor this is not consistent with the goal of promoting efficient development patterns and that new growth should occur adjacent to existing built up areas. In our opinion, this is a very narrow interpretation of the PPS and suggests that there cannot be vacant undeveloped parcels along roadways as this would represent an inefficient use of roads, infrastructure and development. The intent of the PPS is not to require contiguous parcels to develop prior to any other development occurring. Further, staff has stated that the commercial cap prevents the corridor from achieving a mix of uses that is promoted within the PPS. However that is not the case as the other development parcels along the Wonderland Road corridor can develop with a range of other uses that are permitted within the Official Plan framework and would achieve the broader goal of providing a mix of uses along the entire corridor.

6. Conformity with the vision and intent of the Southwest Area Secondary Plan (SWAP). The staff report states the commercial cap precludes development in accordance with the planned vision for the Wonderland Road corridor. The long term vision for the Wonderland Road corridor was the establishment of a mixed-use corridor that would include a mix and range of land uses including commercial, office, residential and institutional uses. The policies within SWAP also state that both stand-alone and mixed-use developments are permitted and that a mix of any of these permitted uses within a single building is permitted and encouraged. On this basis, we do not support the position advanced by staff that the commercial cap precludes development in accordance with the planned vision of SWAP. On the contrary, the inclusion of the commercial cap within the Wonderland Road corridor encourages a wider range and mix of uses to locate on parcels that do not have a commercial allocation. The SWAP policies do not require uses other than commercial to be located in mixed-use buildings and therefore there is nothing preventing the development of stand- alone office, residential or institutional uses from being developed at this time.

In light of our review of the Coriolis and City planning reports as well as other documents relating to this Official Plan Amendment application, it is our opinion that no significant planning rationale has been presented to substantiate removal of the commercial cap is warranted to fulfill its planned function. To the contrary, in our opinion the findings of the Coriolis report specifically illustrate that removal of the cap would be detrimental to the planned function of this mixed-use corridor and other commercial areas in North London.

**Given these considerations, we therefore request that the Committee recommend retaining the 100,000 m<sup>2</sup> commercial cap established for the Enterprise Corridor.**

---

### ***Background***

MHBC has been engaged by 1279059 Ontario Inc. and CLF 1 (Wonderland Road) Inc. (c/o York Developments Inc. and North American Development Group (York/NADG) to evaluate planning matters related to their holdings in the Southwest Planning Area addressed as 3405 Wonderland Road

South and 1789 Wharncliffe Road South. In this capacity, MHBC has provided professional planning opinion in relation to several City of London planning processes addressing these lands including:

1. The site-specific Official Plan Amendment/Zoning By-law Amendment (OPA/ZBA) applications which resulted in the designation of the lands New Format Regional Commercial Node and applied commercial zoning to the site. These applications were approved by City Council on June 25, 2013.
2. The Southwest Area (Secondary) Plan (SWAP) and associated Ontario Municipal Board (OMB) hearing which resulted in the redesignation of the subject lands to the Wonderland Road Community Enterprise Corridor (Enterprise Corridor) designation and applied a 100,000 m<sup>2</sup> gross floor area (GFA) 'cap' on commercial development in this designation. The SWAP was approved pursuant to the OMB Decision issued April 26, 2014.
3. The Site Plan Approval application submitted by York/NADG to develop its site for a regional-scale, large format commercial centre. The SPA application was approved by the City of London on May 30, 2016.
4. The new Official Plan (The London Plan) which is proposing to designate the entire Enterprise Corridor as Shopping Area place type. Applicable policies and schedules of the new Official Plan have been appealed to the OMB and are not presently in effect.

MHBC has been retained by York/NADG to evaluate the planning merits of the proposed SWAP amendments associated with the proposed OPA. Given the ownership group's significant investment in the servicing/development of the aforementioned regional shopping centre, our review of the OPA has focused principally on the proposed amendment to remove the Enterprise Corridor commercial cap.

As part of this assessment, we have reviewed several reports and studies pertaining to the establishment and potential removal of this cap including:

1. City of London Planning Division reports to the City's Planning and Environment Committee providing rationale for both the Enterprise Corridor and the approved commercial GFA cap (June 18, 2012; October 15, 2012; October 7, 2014);
2. *Retail Market Demand Analysis for the South West Area Plan (SWAP), City of London, Ontario 2016-2031*, prepared by Kircher Research Associates Ltd. (May 15, 2012; November 24, 2016);
3. Stikeman Elliott LLP submission, dated June 4, 2017, on behalf of York/NADG providing commentary on the above-noted reports and expressing concerns with the proposed removal of the cap (with assistance from Ward Land Economics Inc.); and
4. *Impact of Removing the Retail Development Cap in the Wonderland Road Community Enterprise Corridor (Enterprise Corridor), London Ontario*, dated February 2018 and prepared by Coriolis Consulting Corp.

### ***Planned Function: Enterprise Corridor***

Section 4.8.2 of the current City of London Official Plan (1989) describes that in the context of the SWAP's Wonderland Boulevard Neighbourhood, Wonderland Road South is to service as a significant City gateway and a focal point of the Southwest Planning Area. With respect to planned function, Section

4.8.2 states that the intent of the Enterprise Corridor is to provide for a broad range and mix of uses including commercial, office, residential and institutional uses. The planned function of the Enterprise Corridor is further described in this Section as follows:

*... The intent is to ultimately develop a mixed-use corridor characterized by a high density built form to support transit service and active transportation modes....*

*The Wonderland Road Community Enterprise Corridor will establish the identity of the broader Southwest Secondary Planning Area, and accommodate a range and mix of land uses to meet service, employment, residential and community activity needs. ...*

The planned function of the Enterprise Corridor is further described in the October 15, 2012 Planning Division report to the Planning and Environment Committee regarding the SWAP. As outlined in the 'Rationale' section of this staff report, the intent of the new Enterprise Corridor designation is to support a complete and flexible mix of land uses, including commercial, residential, and institutional and office activities. Additionally, it is stated in the 'Wonderland Road Enterprise Corridor' section of the report that this designation was established in response to Council direction (June 2012), **"To provide for a wide range of land uses, and, rather than geographically distribute these land uses in the Corridor, allow the uses to establish anywhere within the Corridor up to the limits, or caps, as defined in the Plan."** (emphasis added)

Consistent with the current Official Plan, Section 20.5.6.1 (i) of the SWAP states that the intent of the Enterprise Corridor is to provide for a wide range of commercial, office, residential, and institutional uses. Additionally, Section 20.5.6.1 (i) provides general policy direction for commercial development in the Enterprise Corridor designation:

*Commercial uses within this designation are intended to complement the more traditional commercial uses and forms in the Lambeth Village Core, and serve local, neighbourhood and city needs. It is not intended that the specific location of commercial uses be identified within this designation, however, such uses shall be encouraged to locate in mixed use developments over time with the opportunity to incorporate office and/or residential uses.*

### **Commercial Cap: Enterprise Corridor**

As part of the implementation strategy for the Enterprise Corridor, GFA caps were specifically established for commercial uses (100,000 m<sup>2</sup>) and office uses (20,000 m<sup>2</sup>). No caps were applied for residential or institutional uses within the Enterprise Corridor.

The concept of a commercial GFA cap within the Wonderland Road South corridor was initially proposed in a Planning Division report (June 18, 2012) and in a corresponding draft Secondary Plan dated June 2012. The initial commercial cap built on the findings of the retail market demand study prepared by Kircher Research (May 15, 2012) which evaluated warranted commercial demand in the Southwest Planning Area. A cap of 120,000 m<sup>2</sup> was originally proposed for an area extending from Southdale Road West to lands just south of the Bradley Avenue. This cap included 90,000 m<sup>2</sup> of existing commercial development and lands approved and/or under construction. Ultimately, in conjunction with the establishment of the Enterprise Corridor and direction from City Council, the cap was increased to 100,000 m<sup>2</sup>, excluding existing development.

This specific basis for the commercial cap approved under the SWAP is summarized in the 'Wonderland Road Enterprise Corridor' section of the October 15, 2012 Planning Division report as follows:

*To capitalize on the upcoming connection of Wonderland Road South to Highway 401, within the Wonderland Road Enterprise Corridor, up to 100,000 square metres (1,080,000 square feet) of new commercial development may be permitted. This is in addition to the approximately 90,000 square metres (967,000 square feet) already developed or approved/under construction in the corridor on the designated lands generally located north of the Bradley Avenue extension.*

The function of the Enterprise Corridor commercial cap was further articulated in the October 7, 2014 Planning Division report regarding a commercial development proposal for 51 and 99 Exeter Road (Application OZ-8324). Within the 'Analysis' section of the report, the following is stated in relation to this cap:

*The principle behind the **inclusion of a cap on commercial development is to prevent the over-supply of commercial uses in new suburban areas**, where additional public infrastructure and servicing investments are required and must be supported over the long-term. The 2012 Retail Demand Analysis completed by Kircher Associates Ltd. cited difficulties encountered by Westmount Mall after the development of "big-box" commercial uses south of Southdale Road, in suggesting that planning for future retail space in the Southwest Area should be careful to take into account actual market demand in order to prevent overbuilding and ensure that existing public infrastructure is used efficiently. **By preventing over-supply through a GFA cap in planning regulations, it is anticipated that the integrity and planned function of existing commercial centres elsewhere in the City, will be preserved and that existing infrastructure and public services will be continue to be efficiently utilized** in those areas. (emphasis added)*

The inclusion of the cap in the Enterprise Corridor was upheld by the Ontario Municipal Board (OMB) in its Decision regarding the SWAP dated April 29, 2014 (OMB Case No. PL130020).

### **Commentary**

In our opinion, the commercial and office GFA caps introduced into the Enterprise Corridor policy framework are an integral mechanism to achieve the planned function of this unique, mixed-use designation. By prescribing a specific limit on the total space expressly dedicated to retail/service commercial and office development, the caps ensure that only a portion of the entire designation can be dedicated exclusively for those purposes. With these restrictions in place, in its entirety, the policy framework for the corridor encourages and promotes the mix of complementary service, employment, residential and community activities envisioned for this gateway community (without specifying the geographic distribution of such uses).

Additionally, from a market demand perspective, it is our opinion that the commercial GFA cap serves two key functions:

1. To prevent the over-supply of commercial uses in the South London trade area; and
2. To guide the sequencing of the development mix in the Enterprise Corridor.

With respect to the first function, based upon our review of related studies/reports, the cap is intended to limit commercial development in the Enterprise Corridor to a scale that (1) is warranted to meet demand

and (2) is unlikely to undermine the planned function of other designated commercial areas in the South London trade area. This is reflected in the Planning Division comments highlighted above, which recognize that in this circumstance, a GFA cap is an effective measure to preserve the integrity and planned function of existing commercial centres. Given the physical size, gateway function and prominent location of the corridor, we agree that the commercial cap is an important and prudent tool to support the planned function of existing commercial areas by limiting the over-supply of space in the trade area.

In relation to the sequencing of commercial development, in our opinion the Enterprise Corridor commercial cap was initiated to acknowledge that regional-scale retail uses would represent the first phase of growth in this developing area. This type of commercial development requires a large trade area, large development sites and highly accessible locations - attributes consistent with the Wonderland Road South corridor. Regional-scale shopping is also less reliant on a local residential/employment base than locally-oriented retail/service uses. It is anticipated that the second phase of growth in this area will be office and institutional uses that benefit from both proximity to regional shopping areas and access to the City's arterial road network and the Provincial highway system. Residential uses, in low- and mid-rise forms, are anticipated to be the third major growth phase; however depending upon housing market demand, residential development may occur in the corridor as part of phase two. Given these considerations, the cap is an important component of the Enterprise Corridor policy framework (1) to allow for the development of these region servicing commercial uses to meet current market demands and (2) to encourage the establishment of complementary uses in the near- and intermediate-terms.

### **Potential Removal of Commercial Cap**

City staff have advised that Coriolis Consulting Inc. (Coriolis) was engaged to evaluate whether removing the commercial cap would substantially impact upon the existing and planned commercial space in the corridor and the City as a whole. As set out in the associated study report (dated February 2018), Coriolis is recommending that the cap be removed in its entirety. Their recommendation is also premised on the re-designation of a number of existing designated commercial sites in south London. They have stated that this is a more strategic measure to avoid excess capacity once the cap is removed. However, there has been no analysis on what is the most appropriate designation that would exclude commercial uses. The proposed Amendment in the Staff report does not address these existing commercial parcels and therefore the potential supply of excess capacity could be higher than anticipated in the Coriolis report.

Following our review of the Coriolis report, in our opinion the proposal to remove the cap is predicated on the following rationale set out in Sections 10.1 (Demand and Capacity) and 10.2 (Impact of Removing the Cap) of the report:

*...removing the retail cap allows the development of sites in the Enterprise Corridor. This is desirable as sites in the Corridor are the best suited for regional retail development in South London from a market and planning perspective. The Corridor is centrally located, has an existing agglomeration of successful regional retail uses, and has good transportation access. Removing the cap allows full build-out of the Enterprise Corridor to Exeter Road.*

*Removing the cap increases retail GFA capacity to about 312,700 square metres at region serving locations in South London. **Removing the cap increases the capacity but doesn't increase demand so the major impact will be to alter the geographic distribution of development over the next 30 years.** (emphasis added)*

***Since the Enterprise Corridor is a low density, high volume, commercial area and mixed use residential development is not economically viable in this area, the portion of these sites without retail zoning will likely remain vacant. In addition, retail permissions on sites with zoning under the cap are insufficient to accommodate regional retail projects. (emphasis added)***

Taking this matter into account, and considering broader study findings, Coriolis concludes that the Enterprise Corridor commercial cap should be removed. As noted in Section 10.4 (Recommendations) of the report, it is the opinion of Coriolis that removing the cap, *“Will allow the development of sites best suited for regional retail development from a market and planning perspective, promote a contiguous development pattern in the Enterprise Corridor and provide land owners with viable development options over the next 30 years.”*

Notwithstanding these supposed benefits, the Coriolis report identifies the following caveats in Section 10.4:

***Removing the cap creates about 136,400 square metres of excess region serving retail capacity which is not needed between 2017 and 2047. This postpones a viable development option for sites which are less suited for region serving retail development over the next 30 years. (emphasis added)***

*There are more strategic measures that could be considered to avoid excess capacity than a cap on retail development. One strategy is to designate lands for other uses which are not required to meet retail demand between 2017 and 2047 and are appropriate to redesignate from a planning and market perspective.*

### **Commentary**

We have evaluated the conclusions/recommendations of the Coriolis and City Planning reports and have identified significant planning concerns with these findings in the context of the planned function for the Enterprise Corridor.

The core rationale advanced by Coriolis for removing the commercial cap is assessed below:

1. Mixed-Use Development Pattern. The Coriolis recommendation to remove the cap is based, in part, on a concern that this area is not viable for a mixed-use development pattern and should be built-out for regional serving retail uses north of Exeter Road. We disagree with this assessment. The SWAP has only been in effect for approximately four years and lands in the Enterprise Corridor are developing according to the expected growth sequencing. In particular, it is recognized that regional-scale retail uses represent the first phase of growth in this developing area. It is also anticipated that this corridor will diversify with a mix of uses complementary to large format commercial uses including office, institutional and residential development. It is our opinion that in the fullness of time, service, employment, residential and community activities will be established within this corridor to (1) meet market demands and (2) achieve the complete and flexible mix of land uses envisioned for this designation.
2. Geographic Distribution of Commercial Uses. The Coriolis report acknowledges that removing the commercial cap increases the land supply for such uses but will not increase market demand in South London. Accordingly, it is noted in the report that the major impact of this measure will be to alter the long-term geographic distribution of development in the Enterprise Corridor. In this respect, Coriolis is proposing to remove the cap to promote the full build-out of this corridor north

of Exeter Road for regional serving retail uses. A contiguous development pattern of this nature is recommended by Coriolis as a means to take advantage of the corridor's central location in South London, its existing development pattern and its transportation access. Contrary to the approach advanced by Coriolis, which would concentrate commercial uses between Southdale Road West and Exeter Road, implementation of the cap has allocated commercial space throughout this designation (including lands south of Exeter Road). In effect, the cap facilitates a wider mix and geographic distribution of land uses as it affords opportunities for commercial uses and complementary office, institutional and residential activities to be located through the entire Enterprise Corridor. It is our opinion that the cap is consistent with, and helps to realize, the planned function of the Enterprise Corridor and is more effective in ensuring a fair, equitable and reasonable distribution of commercial floor area.

3. Market Demand Forecast. According to the analysis provided in the Coriolis report, for the forecast period 2017 to 2047, the additional market demand in South London for region serving retail removal would be 167,100 m<sup>2</sup>. With the cap in place, it is stated in the report that there is capacity to accommodate an additional 176,300 m<sup>2</sup> of retail GFA, including 65,600 m<sup>2</sup> in the Enterprise Corridor. Given this finding, it is concluded in Section 10.1 of the report that, *"There is enough the capacity to accommodate demand over the next 30 years"*. It is further noted in this Section that removing the cap increases the capacity in South London to approximately 312,700 m<sup>2</sup> (equating to a 77% increase over existing conditions and approximately 87% more space than required to meet forecasted market demand). The Coriolis report does not demonstrate that removal of the cap is warranted to address market demand in the long-term.
4. Redesignation of Enterprise Corridor Lands. The substantial over-supply of retail GFA resulting from removal of the cap is problematic from a planning perspective, given that it could generate increased vacancies and underutilized space in existing and new commercial areas throughout South London. As a result, the over-supply of commercial land resulting from this measure has the potential to undermine the planned function of both the Enterprise Corridor and other designated commercial areas in South London including existing commercial centres such as Westmount Mall and White Oaks Mall. This Coriolis report addresses this concern by proposing that strategic measures could be considered to avoid excess capacity other than a GFA cap. One potential measure presented by Coriolis is to redesignate lands in the Enterprise Corridor to uses not required to meet retail market demand (including lands south of Exeter Road). In our opinion, redesignation of these lands for non-commercial uses is not consistent with the planned function of the Enterprise Corridor to accommodate a range and mix of land uses to meet service, employment, residential and community activity needs. Moreover, in our opinion, if elimination of the cap is predicated on the removal of commercial permissions from lands in the Enterprise Corridor, any decision on the cap is premature without a full evaluation of existing and future land use in this designation.
5. Inconsistent with Provincial Policy Statement (2014). As noted in our review, the Coriolis report acknowledges that the removal of the commercial cap will increase commercial capacity (supply) but will not increase demand. In other words, supply exceeds demand and there will be an excess of commercial space that will impact on both existing and other planned commercial site within South London and the City as a whole. The PPS promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Policy 1.1.1 a). Further, the PPS promotes opportunities for economic development (Policy 1.7.1 a) and optimizing the long-term availability and use of land, resources and infrastructure (Policy 1.7.1 b). The associated risks of creating excess capacity include increased



vacancies in existing commercial centres and incomplete development of new commercial developments. In turn, this results in loss of investment in the City including reduced assessment and the inefficient use of municipal resources and infrastructure. In addition, and as acknowledged in the Coriolis report, the removal of the cap will result in an increase in the supply of commercial lands rather than establishing an appropriate range and mix of residential, employment, institutional, recreation and other uses to meet long-term needs. This is not consistent with Section 1.1.1 b) of the PPS.

### ***Summation***

In summary, it is our opinion that the commercial cap is an integral mechanism to fulfill the planned function of the Enterprise Corridor as a mixed-use development area supporting a wide range of commercial, office, residential, and institutional uses. This vision is set out in the Official Plan, through the Southwest Area Secondary Plan (SWAP), and this vision will not be met with the removal of the commercial cap. Accordingly, in our opinion, the proposed Amendment does not conform to the Official Plan.

Additionally:

- It is our opinion that the findings and recommendations in the Coriolis and City Planning reports do not adequately demonstrate that removal of this cap is warranted to encourage a broader geographic distribution of uses throughout this designation to meet market demand.
- We remain concerned that the removal of this cap would result in the significant over-supply of retail space in South London - a situation that undermines the planned function of designated commercial lands in this area.
- The Coriolis report recommends investigating strategic measures to mitigate the impacts of excess commercial supply, such as redesignating lands in the corridor for non-commercial uses. However, the City Planning report does not address this in their recommendations, thereby leading to an excess supply of commercial lands that have not been fully assessed. In our opinion, measures of this nature require a detailed planning assessment including extensive stakeholder consultation given the prejudicial effects of such a down-designation. More importantly, it is necessary to understand the full impacts of removing the cap in the absence of these other measures that were outlined in the Coriolis report. It is our opinion that it is premature, and inappropriate, to remove the cap on the pretense that measures to address the impacts of excess commercial supply will be investigated in the future.

In light of our review of the Coriolis and City Planning reports and other studies relating to this Official Plan Amendment application, it is our opinion that no significant planning rationale has been presented to substantiate removal of the Wonderland Road Community Economic Corridor commercial cap nor is it warranted to fulfill its planned function. To the contrary, in our opinion the findings of the Coriolis report illustrate that removal of the cap would be detrimental to the planned function of this mixed-use corridor and other commercial areas in London.

**Given these considerations, we therefore request that the Committee recommend retaining the 100,000 m<sup>2</sup> commercial cap established for the Enterprise Corridor.**

We trust that the information presented offers sufficient detail to assist the Committee with its evaluation of this proposal.

Yours truly,

**MHBC**



Carol M. Wiebe, BES  
Partner



Scott Allen, MA, RPP  
Partner

cc. *S. Bishop; NADG*  
*A. Soufan; York Development*  
*J. Harbell, J. Cheng; Stikeman Elliott*  
*M. Ward; Ward Land Economics*

March 15, 2018

File: 17-1004

**Planning and Environment Committee**

City of London  
300 Dufferin Avenue  
London, Ontario  
PO Box 5035, N6A 4L9

Attention: Councillor Turner, Chair, and Members

Dear Sirs/Mesdames:

**Re: Impact of Eliminating the Commercial Development Cap in the Wonderland Road Community Enterprise Corridor, City of London**

The following provides a summary of market findings regarding the City's proposed Official Plan amendment ("OPA") to eliminate the 100,000 sq.m. commercial development cap applied to the Wonderland Road Community Enterprise Corridor ("WRCEC" or "Enterprise Corridor"). The proposed OPA is provided in the City Planning Staff Report to Planning and Environment Committee for Public Participation Meeting on March 19, 2018 (the "March 19, 2018 Staff Report").

This market assessment is based on a review of the Coriolis Consulting Corp. report titled "*Impact of Removing the Retail Development Cap in the Wonderland Road Community Enterprise Corridor (WRCEC), London Ontario*" prepared for the City of London, Final Report dated February 2018 (the "Coriolis Report").

This assessment also accounts for the information, analysis, and findings summarized in the Ward Land Economics Inc. ("WLE") letter dated June 2, 2017 "*Re: Retail Commercial Market Support - Wonderland Road Enterprise Corridor, Southwest Area Secondary Plan (SWAP), London*" (the "WLE June 2017 Letter").

In summary, the market related findings are as follows.

***Based on the Coriolis Report and several other market studies including those conducted on behalf of the City of London, Southside Group, and Westbury International, among others, there is no market need or justification to increase or eliminate the 100,000 sq.m. commercial maximum within the Enterprise Corridor.***

***The Coriolis Report (page 2 and 52) concludes that removing the cap creates excess region serving capacity which is not needed over the next 30 years from 2017 to 2047, and that removal of the cap postpones a viable development option for less suited region serving retail sites over the next 30 years. To avoid excess commercial capacity with removal of the cap, the Coriolis Report recommends that various lands be redesignated for non-commercial uses.***

***It follows that increasing or eliminating the commercial cap would cause significant negative impact on existing and planned commercial sites and areas in the Enterprise Corridor and elsewhere in the City, and therefore, the planned function of commercial areas would be undermined.***

***Uncontrolled retail commercial development in the Enterprise Corridor puts the City's downtown and its revitalization as well as other existing commercial areas at risk of significant negative impact, store closures, and job losses. The City also risks pre-empting and impacting its planned commercial areas including the Enterprise Corridor, the Southwest Area Plan, and the Transit Villages.***

***Removal of the maximum commercial floor area identified in the Enterprise Corridor is not consistent with the City and Provincial planning policy direction.***

The City's March 19, 2018 Staff Report recommends an Official Plan amendment and deletion of policy 20.5.6.1 v) a) of the Southwest Area Secondary Plan ("SWAP") which directs that;

*Commercial development for the entire Wonderland Road Community Enterprise Corridor designation shall not exceed 100,000 square metres gross floor area. For the purposes of this limit, this shall not include those lands generally located north of the Bradley Avenue extension that are currently developed or are approved/under construction as of October, 2012.*

The March 19, 2018 Staff Report informs that the intended purpose and effect of the recommended OPA and removal of the cap is to:

- *Allow development along Wonderland Road South in accordance with the planned vision for the Corridor,*
- *Remove a policy that forces inefficient, discontinuous development patterns that precludes development on desirable commercial sites,*
- *Ensure the WRCEC policies are achieving their intended effect of allowing a fair, equitable, and reasonable distribution of commercial floor area, and*
- *Allow the market to determine appropriate locations for commercial development within commercially designated areas, while not negatively impacting other commercial sites in South London.*

This market assessment is based on a review and findings of the Coriolis Report. As well, this assessment accounts for the findings of other market studies including the following.

- Kircher Research Associates Ltd. report titled “Retail Market Demand Analysis for the South West Area Plan (SWAP), City of London, Ontario, 2016-2031” prepared for The Corporation of the City of London, Ontario, dated November 24<sup>th</sup>, 2016.
- Tate Economic Research Inc. report titled “Supplementary Update, Retail Market Demand and Impact Analysis, City of London, Ontario” prepared for Westbury International (1991) Corporation, dated October 6, 2015.
- urbanMetrics inc. report titled “Retail Market Study, Wonderland Road and Bradley Avenue, London, Ontario” prepared for Southside Group, dated February 5, 2016.

Reference was also made to other market studies and documents which also address retail commercial market need, demand, and impact regarding the Enterprise Corridor, SWAP, and south London. The other market studies and documents include those carried out by: Robin Dee & Associates, Kircher Research Associates Ltd., Malone Given Parsons Ltd.<sup>1</sup>, and Tate Economic Research Inc. Other related and relevant documents were also reviewed including: correspondence, Staff Reports, municipal documents, Ontario Municipal Board decisions, other consultant reports, Statistics Canada documents and data, and various industry documents.

This market assessment is not intended to address all components, gaps, issues, and inconsistencies of the Coriolis Report or other market studies and documents, but it is intended to highlight the overall findings and implications.

### **Enterprise Corridor Commercial Development Space Maximum**

***SWAP and the guiding policies including the 100,000 sq.m. commercial cap resulted from a comprehensive planning process that extended over many years and ultimately was approved by the Ontario Municipal Board less than four years ago.***

Several market reports, including Staff Reports, provided input to the SWAP planning policies which restrict the total commercial space permitted in the Enterprise Corridor to a maximum of 100,000 sq.m. (approximately 1,080,000 sq.ft.). That area excludes lands north of the Bradley Avenue extension which were developed or approved/under construction as of October, 2012.

If the cap were removed, the Coriolis Report identifies an additional 1.3 million square feet of retail and service commercial space in the Enterprise Corridor, for a total of approximately 2.4 million square feet.

---

<sup>1</sup> Mimi Ward, while previously at Malone Given Parsons Ltd., carried out comprehensive quantitative market analyses regarding SWAP, the Enterprise Corridor, and the Commercial cap as summarized in reports, correspondence, witness statement, and a technical appendix.

***The City of London Staff Report dated October 7, 2014 informs that the commercial cap applied to the Enterprise Corridor is to prevent an over-supply of commercial space and to protect the integrity and planned function of existing commercial centres in the City.***

*“The principle behind the inclusion of a cap on commercial development is to prevent the over-supply of commercial uses in new suburban areas, where additional public infrastructure and servicing investments are required and must be supported over the long-term.” (page 9)*

The Staff Report also informs that:

*“By preventing over-supply through a GFA cap in planning regulations, it is anticipated that the integrity and planned function of existing commercial centres elsewhere in the City, will be preserved and that existing infrastructure and public services will continue to be efficiently utilized in those areas.” (page 9)*

***If retail commercial space is built within the Enterprise Corridor before the market support is available, then this puts the City’s existing and planned retail commercial lands and centres, and the planned function of commercial areas at risk of significant negative impact. These lands include the Enterprise Corridor and SWAP, the downtown, other commercial areas, and the planned Transit Villages.***

***This result is not consistent with the City of London Official Plan, the new London Plan, or the Provincial Policy Statement which provide policy direction to protect commercial areas including the downtown.***

### **The Coriolis Report Market Analysis and Findings**

***Based on the Coriolis Report, there is no market need or justification for an increase or elimination of the commercial cap on the Enterprise Corridor over the 30 year planning horizon to 2047.***

***It follows that increasing or eliminating the commercial cap would negatively impact existing and planned commercial space in the Enterprise Corridor and the City as a whole, and the planned function of the commercial areas would be undermined.***

- The Coriolis Report (page 2 and similarly on page 49 and 52) concludes that *“Removing the cap creates about 136,400 sq.m. of excess region serving capacity which is not needed between 2017-2047. This postpones a viable development option for sites designated for retail development which are less suited for region serving retail over the next 30 years.”*
- The Coriolis Report concludes on page 49 that *“Removing the cap creates 1.4 million square feet of retail capacity which is not needed between 2017 and 2047.”*

- An increase or elimination of the Enterprise Corridor commercial cap is therefore not needed or justified over the 30 year planning horizon to 2047.
- The Coriolis Report findings are based on various market inputs which overstate market support for additional retail commercial space.
- The Coriolis Report makes reference to population forecasts provided by The London Plan (the City's new Official Plan, presently under appeal at the Ontario Municipal Board) and the Watson and Associates Population, Housing and Employment Growth Forecasts provided in November 2017 and which are the same in the February 1, 2018 final report. The Watson population forecasts are higher than the London Plan forecasts by approximately 20,000 people in 2031 and the population growth rate is approximately 20% higher from 2017 to 2044 compared with the actual growth rate based on past growth trends.
- The Coriolis Report population forecasts used in the market analysis, are higher than the London Plan population forecast by approximately 10,000 people in 2035 and the population growth rate from 2017 to 2047 is approximately 15% higher than the actual growth rate based on past growth trends. Overstating future population overstates market need and support for additional retail commercial space, which in turn understates impact on existing and planned retail commercial areas and the planned function of those areas.
- The Coriolis Report (page 32) identifies that per capita expenditures are based on the Ontario average not adjusted down to align with the lower incomes of trade area residents. Income levels influence the amount of spending in retail stores. Overstating income and spending overstates market need and support and understates impacts on existing and planned retail commercial areas and the planned function of those areas.
- Although market support for local serving space is identified to be 19.3 sq.ft. per capita in the Primary Trade Area, the Coriolis Report forecasts market demand at 21.5 sq.ft. (per page 38). Overstating the ratio overstates market need and support and understates impacts on existing and planned retail commercial areas and the planned function of those areas.

- The Coriolis Report identifies a very significant supply of existing built retail and service commercial space - approximately 7,708,106 sq.ft. in south London<sup>2</sup> of which the report estimates 10% or 770,800 sq.ft. is vacant. There is a significant amount of vacant commercial space in south London including: Wellington Road, Westmount Shopping Centre, and elsewhere in the City. Vacancies should be filled before the City permits additional commercial space in the Corridor.
- The Coriolis Report identifies an additional 3,782,663 sq.ft. of retail and service commercial space which is permitted but not yet built in south London. This would bring the total supply of existing and potential retail and service commercial space to over 11 million square feet in south London.
- If the cap were removed, the Coriolis Report identifies an additional 1.3 million square feet of retail and service commercial space in the Enterprise Corridor in addition to the 1,080,000 sq.ft. permitted by the cap. This increase represents the introduction of a significant amount of additional commercial space - approximately the size of White Oaks Mall and Masonville Place combined.
- With removal of the cap, the Coriolis Report identifies demand for 1,618,883 sq.ft. of region serving retail commercial space in south London by 2047. However the supply or “capacity” to accommodate retail commercial space is significantly greater at 3,028,884 sq.ft. Therefore, the report identifies and concludes that *“Removing the cap creates excess region serving capacity which is not needed between 2017 and 2047.”* (page 52)

**Table 1: Coriolis Report Summary of Regional Serving Retail Space Demand vs. Capacity with Removal of the Cap - 2017 to 2047**

	sq.m.	sq.ft.
Retail Commercial Demand	150,394	1,618,883
Capacity with Cap Removed	281,383	3,028,884
<b>Difference</b>	<b>-130,989</b>	<b>-1,410,001</b>

Source: Coriolis Report page 50, summarized by Ward Land Economics Inc.

Note: The sq.m. numbers referenced on page 50 of the Coriolis Report appear to be incorrect. The footnote on that page appears to reflect the correct numbers in sq.ft. and which are presented on this table.

<sup>2</sup> The Coriolis Report defines south London as the area of London south of the Thames River. The Coriolis Report also identifies that area as the “Study Area” or “Primary Trade Area”.



- With removal of the cap, the supply of commercial space exceeds demand from 2017 to 2047. Since supply exceeds demand, the Coriolis Report recommends redesignating five commercial sites: Greenhills, Aarts, and three others. However, no market or planning assessment, or public process has been carried out to determine if this recommendation is appropriate or implementable.
- If too much space is permitted too soon in the Enterprise Corridor, the City risks negatively impacting existing and planned retail commercial areas including the Enterprise Corridor and SWAP, existing shopping centres, the downtown, other commercial areas, and the planned Transit Villages.
- Since the Coriolis Report concludes that removal of the cap is not needed and will cause impact, it follows that removal of the cap would undermine and detract from the planned function of existing Shopping Areas or other place types shown in the City Structure Plan and on Map 1 as directed by The London Plan policy 881 (2).
- If the Enterprise Corridor commercial cap is increased or removed, the City risks having a commercial development pattern of partly developed/partly undeveloped commercial sites and vacancies in existing shopping centres and areas. This is not conducive to properly serving residents and shopping needs nor does it provide a balanced distribution of retail commercial space.
- The Coriolis Report does not provide an assessment of the impact of not providing a balanced distribution of retail commercial space required to serve the needs of existing and future residents of the City's other neighbourhood areas.

***The City's proposed Official Plan Amendment provided in the March 19, 2018 Staff Report is not consistent with the Coriolis Report recommendations and the OPA puts the City's commercial areas at significant risk of impact.***

The Coriolis Report recommends that a strategy to avoid excess commercial capacity rather than a cap, is to redesignate various lands for uses other than commercial. The Coriolis Report identifies five sites which have capacity for approximately 600,000 sq.ft. of commercial space to be designated for other uses. However, the proposed OPA does not account for the redesignation of those lands. It follows that the OPA would result in significant negative impact on existing and planned shopping centres and areas.

To be consistent with the Coriolis Report recommendation, the City needs to address the redesignation of existing commercial lands. Additional work and analysis is required for Planning Staff to assess the market and planning implications of the Coriolis Report recommendations and whether or not the recommendations are implementable.

### Inconsistencies with Policy Direction

***An increase or elimination of the maximum commercial floor area identified in the Enterprise Corridor is not consistent with several City and Provincial policy directions. A summary of some of the inconsistencies include the following.***

- An increase or elimination of the cap is not consistent with the SWAP vision and policy direction that the Enterprise Corridor be a mixed-use area.
- An increase or elimination of the cap is not consistent with the London Plan Shopping Area policy 875 which directs that *“It is not expected that new Shopping Areas will be required in London beyond what is shown on Map 1 – Place Types, over the life of this Plan, given the multitude of opportunities in the existing centres, and the many other place types that support commercial uses in the Plan.”*
- Policy 876 1) of The London Plan directs that the City is to *“Plan for a distribution of Shopping Area Place Types across the city to service neighbourhood and collection of neighbourhoods.”*
- Policy 876 2) of The London Plan directs that the City is to *“Discourage the addition of new Shopping Area Place Types, recognizing significant supply of sites that can accommodate commercial uses throughout the city.”*
- With respect to adding new or expanding existing Shopping Area Place Types, Policy 880 of the London Plan directs that *“...new or expanded Shopping Area Place Types will be required to clearly demonstrate the need for the proposed new Shopping Area or the proposed expansion onto additional lands, considering all other opportunities for commercial development or redevelopment that have been planned.”*
- An increase or elimination of the cap is not consistent with The London Plan policy 881 (2) which directs that new Shopping Area Place Types are required to *“...clearly demonstrate need...”* and also to demonstrate that the proposed Shopping Area *“...will not undermine or detract from the planned function of an existing Shopping Area or any other place type shown in the City Structure Plan and on Map 1.”*
- An increase or elimination of the cap is not consistent with several policies of The London Plan Shopping Area Place Type policies which identify commercial caps and total retail gross floor area maximums are specified. For example, Shopping Area policy 889 specifies that *“The total retail gross floor area permitted in the West Five Special Policy Area will be 30,000 square metres.”* Policy 900 specifies that *“Retail uses will not exceed 16,000 m2... ”*

- Removal of the cap is not consistent with the Southwest Area Secondary Plan (SWAP) which directs that the Enterprise Corridor is to be a mixed-use area. The SWAP policy 20.5.6.1 i) directs that *“The Wonderland Road Community Enterprise Corridor designation is intended to provide for a wide range of large scale commercial uses, medium scale office development, high density residential uses, and institutional uses. Both stand-alone and mixed-use developments are permitted.”*
- Removal of the cap puts commercial areas including the Lambeth Village Core at risk of impact which is not consistent with SWAP. The SWAP policy 20.5.6.1 i) directs that it is the intent that within the Enterprise Corridor *“Commercial uses within this designation are intended to complement the more traditional commercial uses and forms in the Lambeth Village Core, and serve local, neighbourhood and city needs.”*
- Removal of the commercial cap puts commercial areas including the City’s Downtown at risk of impact which is not consistent with the City’s existing Official Plan. Section 4.1 of the Official Plan describes the importance of the Downtown as the primary multi-functional activity centre serving the City and the surrounding area. It is intended that the Downtown will continue to be the major office employment centre and commercial district in the City.
- Removal of the commercial cap is not consistent with the Provincial Policy Statement which provides policy direction that protects commercial areas including the downtown. The Provincial Policy Statement (2014) section 1.7.1 c) directs that long-term economic prosperity should be supported by: *“maintaining and enhancing the vitality and viability of downtown and mainstreets;”* (among other items).
- Removal of the commercial cap is not consistent with the existing City of London Official Plan, the new London Plan, or the Provincial Policy Statement which provide policy direction that protects commercial areas including the downtown.

### **Indicators that the Commercial Cap is Appropriate**

***The commercial cap in the Enterprise Corridor allows for a proper distribution of commercial space, retenanting of existing vacancies in existing centres, allows for mixed use development in the Enterprise Corridor, and allows the market to determine appropriate locations for commercial development within commercially designated areas, while not negatively impacting other commercial sites in South London.***

There are various indicators that the commercial cap on the Enterprise Corridor is appropriate and is working to achieve the vision of the Enterprise Corridor while protecting commercial areas from negative impact.

The cap is appropriate since it results in a proper distribution of commercial space, retenanting of vacancies in existing centres, and in turn, the centres fulfil their planned function. For example, the Super Store Mall (Effort Trust), Westminster Centre (First Capital), and the Gleed Plaza at Wellington and Southdale have retenanting/revitalization plans that would result in retenanting of vacancies and in turn, these centres fulfil their planned function.

Maintaining the commercial cap in the Enterprise Corridor allows for a proper distribution of commercial space. City Planning Staff support a distribution of commercial development including planned areas outside the Corridor. The London Free Press October 20, 2017 published the following: *"Costco is a relocation and expansion, but with Ikea, it is a regional draw for the area," said London city planner Michael Tomazincic. "It is gratifying to see these plans come to fruition."*

Contrary to Planning Staff's concern regarding the distribution of commercial space, with the cap in place, a greater amount of new retail space (over 100,000 sq.ft.) has been built in the Enterprise Corridor since the OMB approval of SWAP in 2014, than in other areas of southwest London.

The commercial cap also allows for the development of a mixed-use area as envisioned and directed by planning policy in SWAP. Contrary to the concern that mixed-use is not viable in the Enterprise Corridor, mixed use development in the Enterprise Corridor has in fact been demonstrated to be viable considering Greenhills' current plans for residential development adjacent to their commercial lands.

### **What have we learned if too much space is permitted too soon?**

Based on the Coriolis Report and several market studies, there is no justification to remove the 100,000 sq.m. commercial maximum within the Enterprise Corridor. Removal of the cap would allow for too much space to be built too soon. Based on the Kircher 2016 market study prepared for the City, *"...substantial overbuilding can be costly and inefficient, as clearly illustrated by the history of Westmount Mall which lost most retail space on its second level and Pond Mills Square, which has closed."*

If too much commercial space is permitted too soon, then the City risks significant impact on existing and planned retail commercial areas including the Enterprise Corridor and SWAP, existing shopping centres, the downtown, other commercial areas, and the planned Transit Villages. Significant negative impact leads to undermining the planned function of commercial areas, store closures, and job losses.

This result is not consistent with the City of London Official Plan or the Provincial Policy Statement which provide policy direction that protects commercial areas including the downtown.

### Conclusion and Recommendation

Based on the Coriolis Report and several other market studies, there is no need or justification to increase or eliminate the 100,000 sq.m. commercial maximum within the Enterprise Corridor.

If too much commercial space is permitted too soon in the Enterprise Corridor, the City risks significant impact on existing and planned retail commercial areas, including the Enterprise Corridor and SWAP, existing shopping centres, the downtown, other commercial areas, and the planned Transit Villages.

The City's proposed Official Plan Amendment provided in the March 19, 2018 Staff Report is not consistent with the Coriolis Report recommendations and the OPA puts the City's commercial areas at significant risk of impact. The Coriolis Report recommends that a strategy to avoid excess commercial capacity rather than a cap, is to redesignate various lands for non-commercial uses. To be consistent with the Coriolis Report recommendation, the City needs to address the redesignation of existing commercial lands. Additional work and analysis is required for Planning Staff to assess the market and planning implications of the Coriolis Report recommendations and whether or not the recommendations are implementable.

It is recommended that the City account for and protect its existing and planned retail commercial land, as well as the planned function of its commercial areas, before permitting additional retail commercial land that is not needed and allowing uncontrolled development within the Enterprise Corridor.

Yours very truly,

**Ward Land Economics Inc.**



Mimi Ward, PLE, MCIP, RPP.  
President

James W. Harbell  
Direct: +1 416 869 5690  
jharbell@stikeman.com

March 26, 2018  
File No.: 129002.1001

**By E-mail**  
**csaunders@london.ca;**  
**lmorris@london.ca**

City of London  
300 Dufferin Avenue  
PO Box 5035  
London, ON N6A 4L9

Attention: Mayor Brown and Councillors

Dear Sirs/Mesdames:

**Re: Council Meeting, Item 8.4.17 (Bill 140)**  
**Wonderland Road Community Enterprise Corridor (File O-8868)**

As counsel to 1279059 Ontario Inc. and CLF 1 (Wonderland Road) Inc. (c/o York Developments and North American Development Group), the owners of lands municipally known as 3405 Wonderland Road South and 1789 Wharncliffe Road South, London (the "**Property**"), we are writing in response to the submissions made to the Planning and Environment Committee (the "**Committee**") on Monday, March 19, 2018.

Our clients' position is that the proposed deletion of the commercial cap in the Wonderland Road Community Enterprise Corridor (the "**Enterprise Corridor**") should be turned down by Council or, in the alternative, that Council should find this matter to be premature until planning staff have carefully considered the mitigation of potential impacts resulting from lifting the cap, with a report back to Council.

The reasons in support of this position are as follows:

1. Retention of the commercial cap is in conformity with the intent of Southwest Area Secondary Plan ("**SWAP**");
2. Removal of the cap would be inconsistent with the Provincial Policy Statement ("**PPS**");
3. The proposal to remove the cap is premature until mitigation—as recommended by the City's consultant—is addressed; and
4. In the context of the new Local Planning Appeal Tribunal regime, the City's process regarding this matter is unfair.

## **1. RETENTION OF THE COMMERCIAL CAP IS IN CONFORMITY WITH THE INTENT OF SWAP**

It is our position that the commercial cap has not been given sufficient time for its anticipated planning impact to be fully realized, especially since the cap was approved by the Ontario Municipal Board (the "**Board**") only in 2014. In the usual course, before construction can begin, development proposals must advance through various stages, including obtaining zoning approval, site plan approval, and in the case

of Wonderland Road, the construction of millions of dollars of infrastructure funded mostly through private expenditures. In this respect, at the March 19, 2018 Committee meeting, Mr. Adema correctly advised about the potential for non-retail uses to develop, noting that there will be "change over time and the market will move to support other uses over time". Mr. Adema's statement is in line with what the Board stated in its decision on January 13, 2016, issued in response to appeals filed by Westbury International and The Decade Group. The Board found that the intent of the Enterprise Corridor, as stated in Section 20.5.6.1(ii) "is that the commercial uses 'shall be encouraged to locate in mixed use developments **over time.**' (Board emphasis)"<sup>1</sup>

Further, there were a number of statements made at the March 19, 2018 Committee meeting that suggested that the previous Council was wrong in imposing the commercial cap, and that this matter needs to be fixed. However, the decision that this current Council is now proposing to overturn is in fact a decision of the Ontario Municipal Board—a decision based upon expert planning evidence filed on behalf of the City by an outside planning consultant retained by the City. Since the issuance of the Board's decision on the SWAP, our clients have spent millions of dollars on infrastructure to support the development of the Lowe's Home Improvement retail warehouse and other developments occurring on the Property in reliance upon the intent of the Enterprise Corridor as approved by the Board and as supported by the City. Lifting the cap at this point in time destabilizes the investment environment, discourages economic development, and leaves landowners questioning whether they should be spending millions of dollars on infrastructure if there is not going to be sufficient long-term protection for the policies and permissions set out in the City's planning documents.

It is an inappropriate suggestion, from an economic development perspective, to lift the cap so soon after it has been imposed. Furthermore, lifting the cap may very well ensure that retail migration occurs. If retailers can secure a better site at a similar price, they will move to the location considered to be superior. The end result is a retail strip along Wonderland Road that does not conform with the intent of the SWAP, along with problems in re-tenanting existing commercial areas across the City. It is well established that the City presently has an excess in designated commercial space for anticipated need over the next 30 years. Retaining the cap will better encourage other uses, such as office or residential, to develop on vacant lands, thereby stemming the migration of existing retail uses.

## 2. REMOVAL OF THE CAP WOULD BE INCONSISTENT WITH THE PROVINCIAL POLICY STATEMENT

Attached is the opinion of Carol Wiebe and Scott Allen of MHBC concerning this matter. We urge you to review the letter in full, but for purposes of a summary, here are some selected excerpts:

- i. *In light of the recommendation of the Staff report to remove the commercial cap and the Committee's endorsement of this recommendation, we wish to advise Council Members that as set out in our previous submission, in our opinion that the proposed Amendment is not consistent with the policy framework established for the Enterprise Corridor as set out in the current City of London Official Plan (1989) and the Southwest Area (Secondary) Plan. Further, it is our opinion that no significant planning rationale has been presented to substantiate removal of the commercial cap, particularly at this time when the policies establishing the WRCEC were only approved a few years ago. To the contrary, in our opinion the findings of the Coriolis report specifically illustrate that removal of the cap would be detrimental to the planned function of this mixed-use corridor and other commercial areas in South London. **We therefore respectfully request that Council not support the proposed Official Plan Amendment to remove the Enterprise Corridor commercial cap.***

---

<sup>1</sup> OMB Case No. PL150327.

- ii. *Given these considerations, the commercial GFA cap introduced into the Enterprise Corridor policy framework is an integral mechanism to achieve the planned function of this unique, mixed-use designation. By prescribing a specific limit on the total space expressly dedicated to retail/service commercial development, the policy framework for this corridor facilitates the mix of complementary service, employment, residential and community activities envisioned for this gateway community (recognizing that caps are only applied to commercial and office uses in this Corridor). In addition, the commercial cap addresses an equally important principle to minimize market impact from the premature increase in commercial floor area that would impact on both existing and approved but undeveloped commercial centres.*

*It is our opinion that the mixed-use permissions and commercial/office caps adopted for the Enterprise Corridor support an efficient development pattern that is entirely consistent with this Policy. Removal of the commercial cap as recommended in the Staff report would allow for an uncontrolled expansion of commercial uses throughout the Enterprise Corridor. Suburban shopping areas, such as those currently developed along Wonderland Road South, typically integrate a variety of stand-alone and large format buildings dispersed across expansive surface parking fields. In our opinion, permitting this type of use throughout the entire Enterprise Corridor would result in a highly inefficient land use pattern that does not support the planned function of this mixed-use designation.*

*Based upon our assessment and the foregoing considerations, in our opinion, removal of the cap is not consistent with Policy 1.1.1 a) of the PPS.*

- iii. *it is our opinion that the commercial cap does not promote leap-frog development in the Enterprise Corridor or preclude development of lands for the range of uses envisioned in this designation and supported by this Policy. It is also our opinion that it is not consistent with the planned function of the corridor or sound land use planning to:*
- a. *Remove the cap in its entirety to facilitate a relatively limited amount of additional contiguous commercial development that is not warranted to meet market demand;*
  - b. *Permit the expansion of commercial areas without the benefit of retail market studies demonstrated warranted demand; and*
  - c. *Broaden commercial permissions without addressing the oversupply of commercially-designated land by redesignating lands for non-commercial purposes.*

*With respect to the third concern, as discussed in our previous submission and this letter, it is our opinion that the cap is consistent with, and helps to realize, the planned function of the Enterprise Corridor and is an effective tool to help ensure a fair, equitable and reasonable distribution of warranted commercial space. It is also our opinion that removal of the commercial cap will not facilitate the broad mix of uses that is appropriate for the Enterprise Corridor and in keeping with its planned function in the context of the Southwest Planning Area.*

*In light of these considerations it is our opinion that the commercial cap is a fundamental measure to ensure an appropriate range and mix of land uses in the Enterprise Corridor. It is also our opinion that at the appropriate time, service, employment, residential and community activities will be established within this corridor to (1) meet market demands and (2) achieve the complete and flexible mix of land uses envisioned for this designation. Without the cap, we are concerned that the resultant land use pattern will be inefficient as no planning mechanism would be in place to help guide the scale or distribution of commercial growth in this area or to mitigate the impacts of oversupply. Accordingly, there is the potential that a number of partially-developed commercial sites could be established along the corridor which may preclude opportunities to introduce a broader range of complementary uses. In our opinion, this resultant land use pattern would not*



*be sustainable, supportive of a range and mix of land uses, or consistent with the planned function of the corridor.*

*Based upon our assessment and the foregoing considerations, in our opinion, the proposed Amendment is not consistent with Policy 1.1.1 b) of the PPS.*

- iv. *Consistent with Policy 1.1.1 e), in relation to the above-referenced Policies we are concerned that without a GFA cap in place, commercial land use pattern in the Enterprise Corridor will be inefficient in relation to both land consumption and the associated servicing costs. York/NADG have made significant capital expenditures to develop their lands for a region servicing shopping centre. These expenditures were predicated on the introduction of the Enterprise Corridor commercial cap and the associated Decision of the Board on this specific policy. In this regard, the cap provided York/NADG with a certain level of assurance that investment in the commercial centre would be sustained by market demand. According to the Coriolis report, removal of the commercial cap would introduce approximately 136,400 m<sup>2</sup> of additional commercial space into the South London trade area (equating to a 77% increase over existing conditions and approximately 87% more space than required to meet forecasted market demand). In our opinion, the substantial increase in capacity resulting from cap removal would hinder or prevent the completion of this approved commercial development. This would result in a partially-developed site and the under-utilization of existing infrastructure servicing these lands.*

*Accordingly, in our opinion the proposed Amendment is not consistent with Policy 1.1.3.2 a) 2. of the PPS.*

- v. *Under the proposed Amendment, the cap would be removed without any corresponding policies to minimize the concentration of commercial uses and to ensure the corridor develops in a mixed-use form. Further, in our opinion, without the cap there is no incentive in place to encourage development of the Enterprise Corridor for non-commercial uses. In the Staff report, in relation to this Policy it is argued that “it is not consistent with the PPS to include policies that would prevent the corridor from achieving a mix of uses that result in contiguous development patterns south of Bradley Avenue”. We disagree that the commercial cap is precluding contiguous development south of Bradley Avenue as these lands benefit from residential, office and institutional permissions that serve to complement the adjacent shopping centres. Policy 1.1.3.6 does not stipulate the new development must reflect adjacent uses. Rather, the Policy promotes compact, efficient mixed use development patterns. In our opinion, with the commercial cap in place, the current Enterprise Corridor policy framework is entirely consistent with this Policy. Additionally, the Policy does not stipulate the new development adjacent to existing developed areas must occur without gaps. Market conditions and ownership decisions commonly delay development of lands contiguous to established urban areas. In this respect, we fully anticipate that lands south of Bradley Avenue will develop for a range of non-commercial uses in accordance with the expected growth sequencing for the Enterprise Corridor.*

### **3. THE PROPOSAL IS PREMATURE UNTIL MITIGATION—AS RECOMMENDED BY THE CITY’S CONSULTANT—IS ADDRESSED**

The Impact Report (February 2018) prepared by the City’s consultants, Coriolis Consulting Corp. (the “**Coriolis Report**”) recommends a mitigation strategy to avoid excess commercial capacity in lieu of the commercial cap—namely, the redesignation of various lands for non-commercial uses. However, despite the mitigation strategy recommended in the Coriolis Report, the draft Official Plan Amendment (the “**OPA**”) proposed by City staff fails to address the redesignation of existing commercial lands. As a result, the OPA puts the City’s existing and planned commercial areas at significant risk of impact.

Our clients' market consultant, Ward Land Economics Inc., has analyzed these matters in greater detail in their report, which is enclosed with this letter. While we urge you to review the complete report, we draw your attention to the following excerpts:

i. **What are the Coriolis Report Findings Regarding (1) the Impact of Removing the Cap and (2) the Strategy to Mitigate Impacts of Removing the Cap?**

*The Coriolis Report findings regarding the impact of removing the cap, and the recommended strategy to mitigate impacts are as follows:*

- a. **Impact of Removing the Cap:** *The Coriolis Report (page 2 and 52) identifies that removing the cap creates excess region serving capacity which is not needed over the next 30 years from 2017 to 2047, and that removal of the cap postpones a viable development option for less suited region serving retail sites over the next 30 years.*
- b. **Strategy to Mitigate Impacts:** *To avoid excess commercial capacity with removal of the cap, the Coriolis Report recommends a strategy to mitigate impacts. The Coriolis Report recommends that five commercial sites be redesignated for non-commercial uses. The five commercial sites include: Greenhills, Aarts, two sites on Wharncliffe Road, and one site on Wellington Road South at Highway 401, across from Costco and the future Ikea.*

*Correspondence provided by Greenhills Shopping Centres Limited ("Greenhills") to the City Planning & Environment Committee dated March 15, 2018 states that:*

*"We fundamentally disagree with the notion that the Property should be redesignated now or at any time in the future to exclude retail permission. The intention of Greenhills is to maintain current retail commercial permissions in order to develop the site in a manner consistent with the 2014 zoning amendment approved by City Council..."*

ii. **Is the Proposed Official Plan Amendment Consistent with the Coriolis Report Findings and the Strategy to Mitigate Impacts with Removal of the Cap?**

*No, the City's proposed OPA provided in the March 19, 2018 Staff Report is not consistent with the Coriolis Report recommendations, and the OPA puts the City's commercial areas at risk of significant impact.*

*The Coriolis Report recommends that a mitigation strategy to avoid excess commercial capacity, in lieu of a cap, is to redesignate five sites for uses other than commercial. Based on the Coriolis Report, the five sites have capacity for over 600,000 sq.ft. of commercial space. However, the proposed OPA does not provide for the redesignation of those lands.*

*To be consistent with the Coriolis Report recommendation, the City needs to address the redesignation of existing commercial lands. Additional work and analysis is required for Planning Staff to assess the market and planning implications of the Coriolis Report recommendations and whether or not the recommendations are implementable.*

iii. **What are the Implications of removing the Cap Without Implementing a Corresponding Strategy to Mitigate Impacts?**

*If too much commercial space is permitted too soon, then the City risks significant impact on existing and planned retail commercial areas including the Enterprise Corridor and SWAP, existing shopping centres, the downtown, other commercial areas, and the planned Transit Villages. Significant negative impact leads to undermining the planned function of commercial areas, store closures, and job losses.*

*Southwest London currently has a significant amount, over 800,000 sq.ft., of vacant retail commercial space as detailed in the attached Memorandum prepared by Ward Land Economics Inc. dated March 23, 2018. Accounting for large/anchor space vacancies elsewhere in London, the city has over one million square feet of vacant space. This does not include other vacancies throughout the city.*

*The Kircher 2016 market study prepared for the City also identified the impact implications of permitting too much space too soon. The Kircher 2016 market study states that:*

*"...substantial overbuilding can be costly and inefficient, as clearly illustrated by the history of Westmount Mall which lost most retail space on its second level and Pond Mills Square, which has closed."*

*This result is not consistent with the City of London Official Plan or the Provincial Policy Statement which provide policy direction that protects commercial areas including the downtown.*

#### **4. IN THE CONTEXT OF THE LPAT REGIME, THE CITY'S PROCESS IS UNFAIR**


As mentioned at the Committee meeting held March 19, 2018, and as stated in our March 16, 2018 letter, under the new land use approvals regime of the Local Planning Appeal Tribunal (the "LPAT"), municipalities must consider whether the processes for public consultation and participation are fair, transparent, and accessible. In particular, the City must give sufficient time following the release of materials to allow interested parties and members of the public to review those materials and provide meaningful input. Unlike the former process under the Ontario Municipal Board, under the LPAT regime, there is virtually no opportunity for parties to introduce new evidence of their own accord once Council has made its decision on the planning matter. Furthermore, the scope of the LPAT's analysis is limited to a narrow review of Council's decision.

In this matter, we were given only 45 hours to produce comments from the time the City released the Planning Staff Report at noon on Wednesday, March 14, 2018 until the deadline for public comments at 9:00 a.m. on Friday, March 16, 2018. Within these extremely tight timelines, we produced a Planning Report, a report from our clients' Land Economist, and a legal cover letter. This narrow window of time represents the only opportunity that we had to submit a written response to the Committee, which is also the only venue at which members of the public are allowed to make oral deputations and respond to questions from the Committee. Although there is an opportunity to file written submissions before 9:00 a.m. on Monday, March 26, 2018, in advance of the March 27, 2018 Council meeting, the City of London does not allow oral deputations before Council. As a result, there is no opportunity for us to respond to any questions that Council may have.

In view of these significant procedural changes and fundamental matters of fairness, we urge the City to reconsider its processes regarding this matter and any future *Planning Act* matters under the new LPAT regime.

We will continue to follow this matter closely. Please provide us with notice of all upcoming meetings of Council and Committees of Council at which the Enterprise Corridor will be considered, and we ask to be provided with notice of Council's decision with respect to this item, as well as any other upcoming meeting or decision regarding the Enterprise Corridor.

Yours truly,



for James W. Harbell

JWH/rw

Enclosures

cc. Mimi Ward, *Ward Land Economics Inc.*  
Carol Wiebe, *MHBC Planning*  
Scott Allen, *MHBC Planning*  
Clients

March 23, 2018

City of London Council  
City of London  
300 Dufferin Avenue  
London, Ontario  
PO Box 5035, N6A 4L9

**Attention: Mayor Matt Brown, Members of Council**

Dear Sirs/Mesdames:

**RE: Proposed Official Plan Amendment, City of London (File: O-8868)  
Wonderland Road Community Enterprise Corridor Land Use Designation  
Southwest Area Secondary Plan  
Our File 1094'A'**

---

MHBC has been retained by 1279059 Ontario Inc. and CLF1 (Wonderland Road) Inc. (c/o York Developments Inc. and North American Development Group (York/NADG)) to evaluate planning matters related to their holdings in the Southwest Planning Area addressed as 3405 Wonderland Road South and 1789 Wharncliffe Road South. In this capacity, MHBC has provided professional planning opinion in relation to several planning initiatives respecting these lands including the above-referenced City-initiated Official Plan Amendment (OPA) application.

Given the ownership group's significant investment in the development of a regional shopping centre on the noted site, our review of the OPA has focused principally on the proposed City-initiated Amendment to remove the Wonderland Road Community Enterprise Corridor (Enterprise Corridor) commercial 'cap' (100,000 m<sup>2</sup> of commercial space). We have submitted comments, dated March 19, 2018, specifically on this matter to the Planning and Environment Committee for consideration in conjunction with the March 23, 2018 public meeting for this application. Our submission addressed the Coriolis Consulting Inc. (Coriolis) report evaluating this proposal on behalf of the City of London, dated February 2018, and the associated City Planning Staff Report to the Committee (Staff report), dated March 12, 2018.

In light of the recommendation of the Staff report to remove the commercial cap and the Committee's endorsement of this recommendation, we wish to advise Council Members that as set out in our previous submission, that in our opinion the proposed Amendment is not consistent with the policy framework established for the Enterprise Corridor as set out in the current City of London Official Plan (1989) and the Southwest Area (Secondary) Plan. Further, it is our opinion that no significant planning rationale has been presented to substantiate removal of the commercial cap, particularly at this time when the policies establishing the Enterprise Corridor were only approved a few years ago. To the contrary, in our opinion

the findings of the Coriolis report specifically illustrate that removal of the cap would be detrimental to the planned function of this mixed-use corridor and other commercial areas in South London. **We therefore respectfully request that Council not support the proposed Official Plan Amendment to remove the Enterprise Corridor commercial cap.**

Additionally, as part of our submission, we expressed concern that the Staff Report presents a very narrow interpretation of the consistency of this application with the Provincial Policy Statement (2014). The intent of this letter is to supplement our previous submission to provide Council with (1) a more detailed evaluation of this proposal relative to the 2014 Provincial Policy Statement (PPS) and (2) our opinion that the proposed Amendment is not consistent with the entirety of the PPS.

## **FRAMEWORK**

The PPS sets the policy foundation for regulating the development and use of land in Ontario and applies to all applications, matters or proceedings commenced on or after April 30, 2014. Section 3(5) of the Planning Act requires that all decisions affecting planning matters 'shall be consistent with' policy statements issued under the Act.

The PPS provides a vision for land use planning in Ontario that focuses growth within settlement areas, and encourages an efficient use of land, resources, and public investment in infrastructure. To support this vision, the PPS defines a number of policies to promote strong, liveable, healthy and resilient communities. These policies are set out in Section 1.0, and address such matters as efficient development and land use patterns, coordination, employment areas, housing, public spaces/open space, infrastructure and public service facilities, long-term economic prosperity, and energy and air quality.

Given the nature of the proposed Amendment, in our opinion, Policies contained within Sections 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns), 1.3 (Employment), 1.6 (Infrastructure and Public Service Facilities) and 1.7 (Long-Term Economic Prosperity) of the PPS are relevant to this application. Additionally, Policies in Section 4.0 (Implementation and Interpretation) of the PPS are germane to the evaluation of the proposed Amendment.

It is our opinion that the following Policies have particular relevance to the proposed Amendment to remove the Enterprise Corridor commercial cap. For the purposes of this evaluation and for Council's benefit, the consistency of this proposed is assessed in relation to each identified Policy.

## **POLICY EVALUATION**

### **1.1.1 Healthy, livable and safe communities are sustained by:**

#### **a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;**

Section 4.8.2 of the current Official Plan states that the intent of the Enterprise Corridor is to provide for a broad range and mix of uses including commercial, office, residential and institutional uses. Consistent with this direction, Section 20.5.6.1 (i) of the Southwest Area Plan (SWAP) states that the intent of the Enterprise Corridor is to provide for a wide range of commercial, office, residential, and institutional uses. As part of the implementation strategy for the Enterprise Corridor, gross floor area (GFA) caps were specifically established for commercial uses (100,000 m<sup>2</sup>) and office uses (20,000 m<sup>2</sup>). No caps were applied for residential or institutional uses within the corridor.

The function of the Enterprise Corridor commercial cap was articulated in the October 7, 2014 Planning Division report regarding a commercial development proposal for 51 and 99 Exeter Road (Application OZ-8324). Within the 'Analysis' section of the report, the following is stated in relation to this cap:

*The principle behind the **inclusion of a cap on commercial development is to prevent the oversupply of commercial uses in new suburban areas**, where additional public infrastructure and servicing investments are required and must be supported over the long-term. ... **By preventing oversupply through a GFA cap in planning regulations, it is anticipated that the integrity and planned function of existing commercial centres elsewhere in the City, will be preserved and that existing infrastructure and public services will be continue to be efficiently utilized** in those areas. (emphasis added)*

The inclusion of the cap in the context of the Enterprise Corridor was upheld by the Ontario Municipal Board ('the Board') in its Decision regarding the SWAP dated April 29, 2014 (OMB Case No. PL130020). On behalf of York/NADG, Stikeman Elliott provided the Committee with an assessment of the Board Decision in its March 16, 2018 submission. Of particular importance to Policy 1.1.1 a) were the following conclusions reached by the Board as referenced in the Stikeman Elliott submission:

- The planning intent of the Enterprise Corridor was to create *"opportunities for a broad mix of commercial, office, residential and institutional uses"*.
- *"...by having the [Enterprise Corridor] extend to Hamlyn Street while maintaining the 100,000 sq m of gross floor area, mixed use development as contemplated by the Plan will, in my view, be a logical consequence. Simply put, the permitted amount of commercial space will be spread over a wider area and, consequently, there will be room for as of right development of other complementary uses, thereby resulting in a mix of uses throughout the corridor"*.

As outlined in our previous submission, the new Official Plan (The London Plan) is proposing to designate the entire Enterprise Corridor as Shopping Area place type. Applicable policies and schedules of the new Official Plan have been appealed to the OMB and are not presently in effect. Notwithstanding, pursuant to Policy 1558 of the new Official Plan, *"Where there is a conflict or inconsistency between the parent policies or maps of The London Plan and the policies or maps of a secondary plan, the secondary plan policies or maps will prevail. Otherwise, the parent policies and maps of The London Plan will be read together and in conjunction with the secondary plan."* In this circumstance, the commercial cap represents a policy specific to the SWAP which departs from, and takes precedence over, the standard commercial permissions of the Shopping Area place type. As such, the commercial cap introduced through the SWAP remains the overriding policy framework for commercial uses.

In the context of the current (in-force) Official Plan, the commercial cap applied to **the** Enterprise Corridor is entirely in keeping with the GFA restrictions applied to commercial areas throughout London. The caps and associated development policies set out in Section 4.2 of the current Official Plan define a commercial hierarchy throughout the City based on planned function (e.g., neighbourhood-oriented, community-oriented and regional-scale commercial nodes). Section 4.2.1. of this Plan states the objectives for this commercial hierarchy:

- i) *Promote the orderly distribution and development of commercial uses to satisfy the shopping and service needs of residents and shoppers;*
- ii) *Minimize the impact of commercial development on adjacent land uses and on the traffic-carrying capacity of adjacent roads;*

- iii) *Provide sufficient land at appropriate locations to meet the need for new commercial development; and,*
- iv) *Encourage intensification and redevelopment in existing commercial areas within the built-up area of the City to meet commercial needs, to make better use of existing City infrastructure and to strengthen the vitality of these areas.*

In our opinion, the commercial cap applied to the Enterprise Corridor is consistent with the aforementioned objectives and does not represent a policy tool that is unique to the Official Plan framework or inconsistent with the planned function of this designation. Further, it is our opinion that the application of this cap is consistent with sound land use planning as it helps to guide the appropriate distribution of land uses to: efficiently meet market demand; encourage a mix of compatible land uses; and promote complete communities.

According to the analysis provided in the Coriolis report, for the forecast period 2017 to 2047, the additional market demand in South London for region serving retail removal would be 167,100 m<sup>2</sup>. With the cap in place, it is stated in the report that there is capacity to accommodate an additional 176,300 m<sup>2</sup> of retail GFA, including 65,600 m<sup>2</sup> in the Enterprise Corridor. Given this finding, it is concluded in Section 10.1 of the report that, *“There is enough capacity to accommodate demand over the next 30 years”*. It is further noted in this Section that removing the cap increases the capacity in South London to approximately 312,700 m<sup>2</sup>.

Notwithstanding the function of the commercial cap and the adequate supply of land to meet retail demand, Coriolis and City Planning staff are recommending that the cap be removed in its entirety. It is important to note that the Coriolis recommendation is premised, in part, on the re-designation of a number of existing designated commercial sites in the study area to reduce surplus capacity. However, the proposed Amendment in the Staff report does not include any redesignation of existing commercial lands to mitigate the oversupply of retail space in South London; a situation that undermines the planned function of designated commercial lands in this area.

Given these considerations, the commercial GFA cap introduced into the Enterprise Corridor policy framework is an integral mechanism to achieve the planned function of this unique, mixed-use designation. By prescribing a specific limit on the total space expressly dedicated to retail/service commercial development, the policy framework for this corridor facilitates the mix of complementary service, employment, residential and community activities envisioned for this gateway community (recognizing that caps are only applied to commercial and office uses in this Corridor). In addition, the commercial cap addresses an equally important principle to minimize market impact from the premature increase in commercial floor area that would impact on both existing and approved but undeveloped commercial centres.

It is our opinion that the mixed-use permissions and commercial/office caps adopted for the Enterprise Corridor support an efficient development pattern that is entirely consistent with this Policy. Removal of the commercial cap as recommended in the Staff report would allow for an uncontrolled expansion of commercial uses throughout the Enterprise Corridor. Suburban shopping areas, such as those currently developed along Wonderland Road South, typically integrate a variety of stand-alone and large format buildings dispersed across expansive surface parking fields. In our opinion, permitting this type of use throughout the entire Enterprise Corridor would result in a highly inefficient land use pattern that does not support the planned function of this mixed-use designation.

Based upon our assessment and the foregoing considerations, in our opinion, removal of the cap is not consistent with Policy 1.1.1 a) of the PPS.



**1.1.1 Healthy, livable and safe communities are sustained by:**

- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreational, open space and other uses to meet long-term needs;**

The current Official Plan and SWAP generally define that the planned function of the Enterprise Corridor is to provide for a broad range and mix of uses including commercial, office, residential and institutional uses. Based upon our review of related studies/reports, the cap is intended to limit commercial development in the Enterprise Corridor to a scale that (1) is warranted to meet demand and (2) is unlikely to undermine the planned function of other designated commercial areas in the South London trade area. This is reflected in the Planning Division comments highlighted above, which recognize that in this circumstance, a GFA cap is an effective measure to preserve the integrity and planned function of existing commercial centres. Given the physical size, gateway function and prominent location of the corridor, we agree that the commercial cap is an important and prudent tool to support the planned function of existing commercial areas by limiting the oversupply of space in the trade area.

In the Staff report, three principal concerns with the commercial cap were identified through the OPA process (as presented on Page 8):

- *It precludes sites in the Corridor from developing in accordance with the Corridor's planned vision,*
- *It forces inefficient leap-frog development patterns by creating a situation that precludes development on desirable commercial sites, and*
- *It is not achieving the intended effect of the WRCEC policies, which is to allow a fair, equitable, and reasonable distribution of commercial floor area.*

We disagree with these characterizations of the cap and the related analysis presented in the Staff report. It is also our opinion that these concerns address matters that specifically relate to Policy 1.1.1 b)

With respect to the first concern, in our opinion, the commercial cap facilitates a wide mix and geographic distribution of land uses as it affords opportunities for commercial uses and complementary office, residential and community-oriented activities to be located throughout the entire Enterprise Corridor. In our opinion, this land use pattern is entirely consistent with the vision and planned function of the corridor. There has been no information provided to substantiate the statement that the commercial cap precludes sites from developing. If this is, in fact, one of the main reasons why the City is initiating the removal of the cap, then there needs to be sufficient information to demonstrate this assertion. To date, none has been provided.

We fully anticipate that removal of this restriction would concentrate commercial uses between Southdale Road West and Exeter Road, thereby establishing this area as a largely contiguous (single-use) commercial corridor. Further, the proposed Amendment does not include any associated mechanisms to ensure that the entirety of the corridor does not ultimately develop for regional serving retail purposes as contemplated in the Coriolis report.

The Coriolis report also acknowledges that removal of the commercial cap will not increase market demand in South London. Accordingly, it is noted in the report that the major impact of this measure will be to alter the long-term geographic distribution of development in the Enterprise Corridor. Given the substantial oversupply of commercial land forecasted following removal of the cap, the proposed Amendment has the potential to undermine the planned function of both the Enterprise Corridor and

other designated commercial areas in South London including existing commercial centres such as Westmount Mall and White Oaks Mall.

Given these considerations, in our opinion, maintaining the cap supports a range and mix of uses within the Enterprise Corridor and does not preclude development in accordance with its vision and planned function.

In relation to the second concern, as we discussed in our previous submission, the Enterprise Corridor commercial cap was initiated to acknowledge that regional-scale retail uses would represent the first phase of growth in this developing area. It is anticipated that office and institutional uses would occur in the second phase, with residential uses, in low- and mid-rise forms, anticipated in the third phase. It is therefore our opinion that the cap is a critical element of the Enterprise Corridor policy framework as it (1) allows for the development of these region servicing commercial uses to meet current market demands and (2) helps to encourage the establishment of complementary uses in the near- and intermediate-terms.

Under the proposed Amendment, the cap would be removed without any corresponding mechanisms to (1) ensure the corridor develops in a mixed-use form, (2) require warranted demand for additional commercial space to be demonstrated through retail market studies or (3) remove commercial permissions from sites in South London to address resultant oversupply of commercially-designated land. Further, in our opinion, without the cap there is no incentive in place to encourage development of the Enterprise Corridor for non-commercial uses. We are therefore concerned that **the** proposed Amendment has the potential to adversely impact upon the corridor at this early stage of its development.

In the Staff report, concern is expressed regarding non-contiguous (leap-frog) development for lands in the corridor north of Exeter Road identified as having 'No Commercial Zoning Available'. This delineation includes three specific properties immediately south of Bradley Avenue West addressed as 3234, 3263 and 3274 Wonderland Road South. These vacant lands are subject to a planning application requesting 18,700 m<sup>2</sup> of commercial space above the cap and, in our opinion, these lands are the principal concern of Staff in relation to leap-frog development. Notwithstanding, under current SWAP permissions, these lands are not precluded from development for residential, office or institutional uses to complement adjacent shopping centres. This mix of non-commercial uses is entirely consistent with the planned function of the Enterprise Corridor.

The balance of the lands identified as having no commercial zoning are developed for a variety of uses including a redi-mix plant, several multi-tenant industrial buildings and the London Transit Commission operational centre. These uses are well established and have been at this location for a number of years. As such, there is no immediate need to establish commercial permissions on these properties. Collectively, these lands could ultimately be redeveloped to accommodate a range of uses complementary to the shopping centres on the west side of Wonderland Road South (when there is sufficient economic or operational reason to redevelop/relocate these properties). Accordingly, these properties should not be considered 'development gaps' as discussed in the Staff report and proposed by Staff as rationale for removing the GFA cap. It is also important to recognize that the property owners of these sites did not participate in the aforementioned Ontario Municipal Board hearing in relation to the implementation of the Enterprise Corridor commercial cap. In essence, the so called 'gap' identified by staff represents a very small area of land that does not currently have commercial permissions and is not presently developed for other uses. This pattern of development is common along most of the major roadways in the City where there are small parcels of undeveloped land juxtaposed between developed parcels. In our opinion, this does not warrant a City-initiated Official Plan Amendment as proposed along the Enterprise Corridor.

In light of these considerations, it is our opinion that the commercial cap does not promote leap-frog development in the Enterprise Corridor or preclude development of lands for the range of uses envisioned in this designation and supported by this Policy. It is also our opinion that it is not consistent with the planned function of the corridor or sound land use planning to:

- Remove the cap in its entirety to facilitate a relatively limited amount of additional contiguous commercial development that is not warranted to meet market demand;
- Permit the expansion of commercial areas without the benefit of retail market studies demonstrated warranted demand; and
- Broaden commercial permissions without addressing the oversupply of commercially-designated land by redesignating lands for non-commercial purposes.

With respect to the third concern, as discussed in our previous submission and this letter, it is our opinion that the cap is consistent with, and helps to realize, the planned function of the Enterprise Corridor and is an effective tool to help ensure a fair, equitable and reasonable distribution of warranted commercial space. It is also our opinion that removal of the commercial cap will not facilitate the broad mix of uses that is appropriate for the Enterprise Corridor and in keeping with its planned function in the context of the Southwest Planning Area.

In light of these considerations it is our opinion that the commercial cap is a fundamental measure to ensure an appropriate range and mix of land uses in the Enterprise Corridor. It is also our opinion that at the appropriate time, service, employment, residential and community activities will be established within this corridor to (1) meet market demands and (2) achieve the complete and flexible mix of land uses envisioned for this designation. Without the cap, we are concerned that the resultant land use pattern will be inefficient as no planning mechanism would be in place to help guide the scale or distribution of commercial growth in this area or to mitigate the impacts of oversupply. Accordingly, there is the potential that a number of partially-developed commercial sites could be established along the corridor which may preclude opportunities to introduce a broader range of complementary uses. In our opinion, this resultant land use pattern would not be sustainable, supportive of a range and mix of land uses, or consistent with the planned function of the corridor.

Based upon our assessment and the foregoing considerations, in our opinion, the proposed Amendment is not consistent with Policy 1.1.1 b) of the PPS.

**1.1.1 Healthy, livable and safe communities are sustained by:**

**e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;**

As discussed above, we are concerned that without a GFA cap in place, the resultant land use pattern in the Enterprise Corridor will be inefficient in relation to both land consumption and the associated servicing costs. Based upon the findings of the Coriolis report, there is no substantiated need to increase the commercial land inventory in this corridor or the South London trade area to address market demand for the next 30 years. By contrast, the cap encourages an orderly, compact and cost-effective development pattern by (1) allocating commercial development to specific development areas throughout the corridor and (2) affording opportunities for complementary office, institutional and residential activities at increased densities to be located throughout the corridor. It is therefore our opinion that the proposed Amendment is not consistent with Policy 1.1.1 e) of the PPS.

**1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of housing to meet projected needs for a time horizon of up to 20 years. However, where an alternative time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.**

**Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas. ...**

The SWAP was developed by City staff to provide a long-term planning vision for the Southwest Planning Area. As discussed, under the terms of this Secondary Plan, the Enterprise Corridor is envisioned to develop in the long-term for a complete and flexible mix of land uses, including commercial, residential, and institutional and office activities. This vision is not expected to be realized in the near-term and there are no sequencing policies in the current Official Plan or SWAP that state that the Enterprise Corridor is to develop concurrently as a mixed-use community. In this regard, it is important to recognize that the SWAP has only been in effect for approximately four years and lands in the Enterprise Corridor are developing according to the expected growth sequencing. In our opinion, there has not been sufficient time to conclude that the policies of the SWAP are not functioning effectively or that the cap is precluding the development pattern envisioned for the Enterprise Corridor. Additionally, as discussed, the Coriolis report did not identify any need for additional commercial space within the corridor to meet 30-year market demand. It is therefore our opinion the proposed Amendment is premature, as no significant planning rationale has been presented to substantiate removal of the cap to accommodate projected long-term land needs.

Based upon our assessment and the foregoing considerations, in our opinion, the proposed Amendment is not consistent with Policy 1.1.2 of the PPS.

**1.1.3.2 Land use patterns within settlement areas shall be based on:**

**a) densities and a mix of land uses which:**

- 2. 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;**

Consistent with Policy 1.1.1 e), in relation to the above-referenced Policies we are concerned that without a GFA cap in place, commercial land use pattern in the Enterprise Corridor will be inefficient in relation to both land consumption and the associated servicing costs. York/NADG have made significant capital expenditures to develop their lands for a region servicing shopping centre. These expenditures were predicated on the introduction of the Enterprise Corridor commercial cap and the associated Decision of the Board on this specific policy. In this regard, the cap provided York/NADG with a certain level of assurance that investment in the commercial centre would be sustained by market demand. According to the Coriolis report, removal of the commercial cap would introduce approximately 136,400 m<sup>2</sup> of additional commercial space into the South London trade area (equating to a 77% increase over existing conditions and approximately 87% more space than required to meet forecasted market demand). In our opinion, the substantial increase in capacity resulting from cap removal would hinder or prevent the completion of this approved commercial development. This would result in a partially-developed site and the under-utilization of existing infrastructure servicing these lands.

Accordingly, in our opinion the proposed Amendment is not consistent with Policy 1.1.3.2 a) 2. of the PPS.

**1.1.3.2 Land use patterns within *settlement areas* shall be based on:  
b) a range of uses and opportunities for *intensification and redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.**

Policy 1.1.3.3. of the PPS states that, “*Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs*”. The Enterprise Corridor is currently subject to commercial and office space GFA caps; however no caps are applied for residential or institutional uses within this corridor. **The commercial cap does not prevent intensification or redevelopment.** Rather, the cap serves to limit the overall scale of commercial development within this designation. As discussed, the existing Official Plan includes policies which provide direction on the scale of the commercial node hierarchy in order to maintain the planned function of these areas and to avoid oversupply of commercial space (without justification determined through a retail market study). The current Official Plan and The London Plan also include special policies which limit the commercial gross floor area for site-specific locations to address these key objectives.

The Enterprise Corridor cap serves the same fundamental purpose as the caps applied within traditional commercial areas. Additionally, by limiting the overall scale of commercial use, this policy encourages a range of other uses within this designation (consistent with its planned function). In this respect, these policies work collaboratively, as the cap provides a sufficient supply of commercial lands and supports the development of a range of complementary uses which promote opportunities for substantial intensification and redevelopment. While intensification and redevelopment within the corridor are guided by Official Plan and SWAP policies, the commercial cap represents an important component of the overall policy framework supporting these initiatives. As discussed, elimination of the cap would remove the incentive to develop the Enterprise Corridor for non-commercial uses, which in turn, would limit opportunities for redevelopment and intensification within the corridor.

Based upon our assessment and the foregoing considerations, in our opinion, the proposed Amendment is not consistent with Policy 1.1.3.2 b) the PPS.

**1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure and public service facilities*.**

In the context of the SWAP’s Wonderland Boulevard Neighbourhood, the Enterprise Corridor was established in part to support a complete and flexible mix of land uses, including commercial, residential, and institutional and office activities. The corridor was also established to integrate existing and future development areas collectively into a unique, mixed-use corridor. As discussed, the commercial GFA cap introduced into the Enterprise Corridor policy framework is an integral mechanism to achieve the planned function of this designation. In this regard, the cap ensures that only a portion of the entire designation can be dedicated exclusively for those purposes. With this restriction in place, in its entirety, the policy framework for the corridor encourages and promotes the mix of complementary service, employment, residential and community activities in a compact, efficient form.

Under the proposed Amendment, the cap would be removed without any corresponding policies to minimize the concentration of commercial uses and to ensure the corridor develops in a mixed-use form. Further, in our opinion, without the cap there is no incentive in place to encourage development of the Enterprise Corridor for non-commercial uses. In the Staff report, in relation to this Policy it is argued that,

*"It is not consistent with the PPS to include policies that would prevent the corridor from achieving a mix of uses that result in contiguous development patterns south of Bradley Avenue".* We disagree that the commercial cap is precluding contiguous development south of Bradley Avenue as these lands benefit from residential, office and institutional permissions that serve to complement the adjacent shopping centres. Policy 1.1.3.6 does not stipulate the new development must reflect adjacent uses. Rather, the Policy promotes compact, efficient mixed use development patterns. In our opinion, with the commercial cap in place, the current Enterprise Corridor policy framework is entirely consistent with this Policy. Additionally, the Policy does not stipulate the new development adjacent to existing developed areas must occur without gaps. Market conditions and ownership decisions commonly delay development of lands contiguous to established urban areas. In this respect, we fully anticipate that lands south of Bradley Avenue will develop for a range of non-commercial uses in accordance with the expected growth sequencing for the Enterprise Corridor.

As discussed, without the cap in place, we are concerned that the resultant land use pattern will be inefficient as there would be no planning mechanism in place to guide the scale of commercial sites in this area. Accordingly, there is the potential that a number of partially-developed commercial sites could be established along the corridor which may preclude opportunities to introduce a broader range of complementary uses. We are also concerned that this development pattern would not be sustainable, given that there is already more capacity in South London than is required to serve retail needs for the next 30 years.

Based upon our assessment and the foregoing considerations, in our opinion, the proposed Amendment is not consistent with Policy 1.1.3.6 of the PPS.

**1.3.1 Planning authorities shall promote economic development and competitiveness by:**

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;**
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;**
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; ...**

Policies 1.3.1. a), b) and c) address matters discussed in our previous submission and this letter.

In relation to Policy a) the commercial cap is a fundamental policy to support an appropriate range and mix of land uses in the Enterprise Corridor. Further, it is our opinion that the Enterprise Corridor commercial cap was initiated to acknowledge that regional-scale retail uses would represent the first phase of growth in this developing area. In the fullness of time, we anticipate that service, employment, residential and community activities will be established within this corridor to (1) meet market demands and (2) achieve the complete and flexible mix of land uses envisioned for this designation.

Respecting Policy b), the commercial GFA cap introduced into the Enterprise Corridor policy framework is an integral mechanism to achieve the planned function of this unique, mixed-use designation. By prescribing a specific limit on the total space expressly dedicated to retail/service commercial development, the policy framework for this corridor facilitates the mix of complementary service, employment, residential and community activities envisioned for this gateway community.

With regard to Policy c), the commercial cap ensures that only a portion of the entire designation can be dedicated exclusively for these purposes. With this restriction in place, in its entirety, the policy framework for the corridor encourages and promotes the mix of complementary service, employment, residential and community activities in a compact, efficient form. Moreover, it is our opinion that the application of this cap is consistent with sound land use planning as it helps to guide the appropriate distribution of land uses to promote complete communities and to meet market needs.

Given these considerations, in our opinion the Enterprise Corridor commercial cap supports an efficient development pattern entirely consistent with this Policy. Removal of the commercial cap as recommended in the Staff report would allow for a concentration of commercial uses throughout the Enterprise Corridor. In our opinion, permitting this type of use throughout the Enterprise Corridor would result in a highly inefficient land use pattern that does not support the planned function of this mixed-use designation. Accordingly, in our opinion, removal of the cap is not consistent with Policies 1.3.1 a), b) and c) of the PPS.

**1.6.1 Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.**

**Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so that they are:**

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and**
- b) available to meet current and projected needs.**

In the October 7, 2014 Planning staff report regarding the commercial development proposal (Application OZ-8324) referenced earlier in this letter, it was noted that *"The principle behind the inclusion of a cap on commercial development is to prevent the oversupply of commercial uses in new suburban areas, where additional public infrastructure and servicing investments are required and must be supported over the long-term. ..."*. As discussed we are concerned that without a GFA cap in place to provide direction respecting the scale of commercial sites in the area, the resultant land use pattern in the Enterprise Corridor will be inefficient in relation to both land consumption and the associated servicing costs.

York/NADG have made significant capital expenditures in infrastructure to develop their lands for a region servicing shopping centre. The cap provided existing commercial properties along the Wonderland Road South corridor as well as York/NADG with a certain level of assurance that investment in the commercial centre would be sustained by market demand. As the Coriolis report does not demonstrate that removal of the cap is warranted to address market demand in the long-term, in our opinion the substantial increase in commercial space resulting from cap removal would hinder or prevent the completion of this approved commercial development. This would result in a partially-developed site and the under-utilization of existing infrastructure servicing these lands. By contrast, in our opinion, with the commercial cap in place, the policy framework for the corridor encourages and promotes the type of mixed-use, compact development that serves to optimize investments in infrastructure.

Based upon our assessment and the foregoing considerations, in our opinion, the proposed Amendment is not consistent with Policy 1.6.1 of the PPS.

**1.7.1 Long-term economic prosperity should be supported by:**

- b) optimizing the long-term availability and use of land, resources, *infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;***
- c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;**
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources and cultural heritage landscapes;***

Policies 1.7.1. b), c) and d) address matters discussed in our previous submission and this letter.

Respecting Policy b), in our opinion, removing the Enterprise Corridor commercial cap would result in an inefficient land use pattern as there would be no planning mechanism in place to help guide commercial development in this area. Accordingly, there is the potential that a number of partially-developed commercial sites could be established along the corridor which may preclude opportunities to introduce a broader range of complementary uses. We are concerned that this resultant land use pattern would not be sustainable and would not optimize infrastructure investments, given that there is already more capacity in South London than needed to serve long-term retail needs.

With regard to Policy c), the substantial oversupply of retail GFA resulting from removal of the cap has the potential to undermine the planned function of both the Enterprise Corridor and other designated commercial areas in South London (thereby adversely impacting upon their overall vitality and viability). The Coriolis report addresses this concern by proposing that strategic measures could be considered to avoid excess capacity other than a GFA cap. One potential measure presented by Coriolis is to redesignate lands in the Enterprise Corridor to uses not required to meet retail market demand (including lands south of Exeter Road). In our opinion, redesignation of these lands for non-commercial uses is not consistent with the planned function of the corridor to accommodate a range and mix of land uses to meet service, employment, residential and community activity needs. Moreover, in our opinion, if elimination of the cap is predicated on the removal of commercial permissions from lands in this corridor, any decision on the cap is premature without a full evaluation of existing and future land use in this designation. Additional concerns with the Coriolis recommendations in relation to this Policy are detailed in the Ward Land Economics Inc. (WRE) submission to the Planning and Environment Committee (dated March 15, 2018).

In relation to Policy d), the Coriolis recommendation to remove the cap is based, in part, on a concern that this area is not viable for a mixed-use development pattern and should be built-out for regional serving retail uses north of Exeter Road. We disagree with this assessment and further note that under the current Official Plan and SWAP, the vision of the Enterprise Corridor is to support a complete and flexible mix of land uses. In our opinion, lands in the corridor are developing according to the expected growth sequencing and in the fullness of time, this area will realize its intended, mixed-use character. Accordingly, it is our opinion that the proposed Amendment is premature.

Based upon our assessment and the foregoing considerations, in our opinion, the proposed Amendment is not consistent with Policies 1.7.1 b), c) or d) of the PPS.



**4.4 This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.**

Commentary provided in this letter addresses those Policies of the PPS which, in our opinion, are particularly germane to the proposed Amendment to remove the Enterprise Corridor commercial cap. Consistent with Policy 4.4, all Policies of the PPS were evaluated in conjunction with our assessment of the proposed Amendment. It is also our opinion that the Staff Report presents a very narrow interpretation of the consistency of this proposal with the PPS.

**4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.**

**Official plans shall identify provincial interests and set out appropriate land use designations and policies. ...**

Collectively, our submission to the Planning and Environment Committee on the proposed OPA (dated March 16, 2018) and this letter address the consistency of this proposal with the Provincial Policy Statement (2014) and the City's current Official Plan, new Official Plan (The London Plan) and the Southwest Area (Secondary) Plan. We have specifically evaluated the planning merits of removing the Enterprise Corridor commercial cap relative to the planned function of this designation as defined in the current Official Plan and the SWAP.

Generally, the intent of the Enterprise Corridor is to provide for a wide range of commercial, office, residential, and institutional uses. In our opinion with these restrictions in place, in its entirety, the policy framework for the corridor encourages and promotes the mix of complementary service, employment, residential and community activities envisioned for this gateway community. We have evaluated the conclusions/recommendations of the Coriolis and Planning Staff reports and have identified significant planning concerns with the recommendations of both reports to remove the cap. These concerns are itemized in our submission to the Committee and further discussed in this letter.

In summary, it is our opinion that the commercial cap is an integral mechanism to fulfill the planned function of the Enterprise Corridor as a mixed-use development area supporting a wide range of commercial, office, residential, and institutional uses. This vision is set out in the Official Plan and the SWAP, and this vision will not be achieved with the removal of the commercial cap. Accordingly, in our opinion, the proposed Amendment does not conform to the Official Plan and is therefore not consistent with Policy 4.7 of the PPS.

**SUMMATION**

In light of our review of the Staff report, the Coriolis report and other studies and reports relating to this OPA application, it is our opinion that no significant planning rationale has been presented to substantiate removal of the commercial cap. To the contrary, the findings of the Coriolis report illustrate that removal of the cap would be detrimental to the planned function of this mixed-use corridor and other commercial areas in South London.

**Given these considerations, we therefore respectfully request that Council not support the proposed Official Plan Amendment to remove the Enterprise Corridor commercial cap. Additionally, as outlined in this letter, it is our opinion that the proposed Amendment**

**recommended in the Staff Report and endorsed by the Committee is not consistent with the Provincial Policy Statement.**

We trust that the information presented offers sufficient detail to assist the Council with its evaluation of this proposal.

Yours truly,

**MHBC**



Carol M. Wiebe  
Partner



Scott Allen, MA, RPP  
Partner

cc. *S. Bishop; NADG*  
*A. Soufan; York Development*  
*J. Harbell, J. Cheng; Stikeman Elliott*  
*M. Ward; Ward Land Economics*

March 23, 2018

File: 17-1004

City of London  
300 Dufferin Avenue  
London, Ontario  
PO Box 5035, N6A 4L9

**Attention: Mayor Brown and Councillors**

Dear Sirs/Mesdames:

**Re: Proposed Official Plan Amendment, Wonderland Road Community Enterprise Corridor, Southwest Area Secondary Plan**

At the Planning & Environment Committee Meeting on March 19, 2018 regarding the proposed Official Plan Amendment (“OPA”) to delete policy 20.5.6.1 v) a) of the Southwest Area Secondary Plan (“SWAP”), various questions and items were raised regarding the potential removal of the 100,000 sq.m. commercial development cap in the Wonderland Road Community Enterprise Corridor (“WRCEC” or “Enterprise Corridor”). This letter responds to the market related questions and issues raised at the March 19, 2018 meeting and is based on reference to:

- the Coriolis Consulting Corp. report titled *“Impact of Removing the Retail Development Cap in the Wonderland Road Community Enterprise Corridor (WRCEC), London Ontario”* prepared for the City of London, Final Report dated February 2018 (the “Coriolis Report”); and,
- the Ward Land Economics Inc. letter to Planning & Environment Committee *“Re: Impact of Eliminating the Commercial Development Cap in the Wonderland Road Community Enterprise Corridor, City of London”* dated March 15, 2018 (the “WLE March 15, 2018 Letter”).

**1. What is the Purpose of the Coriolis Report as Directed by City Staff?**

Page 6 of the City’s March 19, 2018 Staff Report informs of the direction given to Coriolis Consulting Corp. in preparing their report. The Staff Report states that:

*Directions given to the consultant were to evaluate the impact of removing the cap on existing and planned retail and service space in the City of London and identify strategies to mitigate any potential impacts. [emphasis added]*

Therefore, the purpose of the Coriolis Report as directed by Planning Staff is two-fold:

- 1) evaluate the impact of removing the cap; and,
- 2) identify strategies to mitigate any potential impacts.

With respect to market impact, the March 19, 2018 Staff Report informs that the intended purpose and effect of the recommended OPA and removal of the cap, is to allow the market to determine appropriate locations while not negatively impacting other commercial sites. Page 6 of the Staff Report states that the OPA and removal of the cap is to (among other items):

*Allow the market to determine appropriate locations for commercial development within commercially designated areas, while not negatively impacting other commercial sites in South London.*

The intent to protect commercial sites from impact is consistent with the City of London October 7, 2014 Staff Report which informs that the purpose of the commercial cap applied to the Enterprise Corridor is to prevent an over-supply of commercial space and to protect the integrity and planned function of existing commercial centres in the City.

The intent to protect commercial sites, commercial areas, and the downtown from negative impact, is also consistent with the City's existing Official Plan, The London Plan, and the Provincial Policy Statement as summarized on pages 8 and 9 of the WLE March 15, 2018 letter.

**2. What are the Coriolis Report Findings Regarding (1) the Impact of Removing the Cap and (2) the Strategy to Mitigate Impacts of Removing the Cap?**

The Coriolis Report findings regarding the impact of removing the cap, and the recommended strategy to mitigate impacts are as follows:

- 1. Impact of Removing the Cap:** The Coriolis Report (page 2 and 52) identifies that removing the cap creates excess region serving capacity which is not needed over the next 30 years from 2017 to 2047, and that removal of the cap postpones a viable development option for less suited region serving retail sites over the next 30 years.
- 2. Strategy to Mitigate Impacts:** To avoid excess commercial capacity with removal of the cap, the Coriolis Report recommends a strategy to mitigate impacts. The Coriolis Report recommends that five commercial sites be redesignated for non-commercial uses. The five commercial sites include: Greenhills, Aarts, two sites on Wharncliffe Road, and one site on Wellington Road South at Highway 401, across from Costco and the future Ikea.

The table below provides a summary of the five commercial sites identified by the Coriolis Report to be redesignated for non-commercial uses. In total the five sites could accommodate over 600,000 sq.ft. (over 56,000 sq.m.) of retail commercial space based on the Coriolis Report.

**Table 1: Coriolis Report Mitigation Strategy – Summary of Commercial Sites Recommended for Redesignation to Non-Commercial Uses**

Site # (1)	Name/Owner	Location Address (1)	Location Description	Designation (1)	Potential Retail Commercial Space (in sq.ft.) (1)
14	Greenhills	51 - 99 Exeter Rd.	Enterprise Corridor	WRCEC	179,858
15	Aarts	17 Exeter Road	Enterprise Corridor	WRCEC	0
25	n/a	4441 Wellington Road South	Hwy. 401 Regional Node	NFRCN	245,107
27	n/a	146 Exeter Road	Wharnccliffe Rd.	AOCC	125,035
28	n/a	1255 - 1229 Wharnccliffe Rd.	Wharnccliffe Rd.	AOCC	56,710
<b>Total (in sq.ft.)</b>					<b>606,710</b>
<b>Total (in sq.m.)</b>					<b>56,365</b>

(1) Based on the Coriolis Report Exhibit 60 and page 52

However, the Coriolis Report does not include a market or planning analysis to assess the implications of redesignating the five commercial sites, nor has a public process been carried out to determine if the Coriolis Report recommendation for redesignation is appropriate or implementable.

Correspondence provided by Greenhills Shopping Centres Limited (“Greenhills”) to the City Planning & Environment Committee dated March 15, 2018 states that:

*“We fundamentally disagree with the notion that the Property should be redesignated now or at any time in the future to exclude retail permission. The intention of Greenhills is to maintain current retail commercial permissions in order to develop the site in a manner consistent with the 2014 zoning amendment approved by City Council...”*

The Greenhills site accounts for over a quarter of the retail commercial space that could be built on the five commercial sites identified by the Coriolis Report to be redesignated. Based on the Greenhills March 15, 2018 correspondence, the recommendation to redesignate the Greenhills site to non-commercial uses does not reflect the intentions of the land owner.

**3) Is the Proposed Official Plan Amendment Consistent with the Coriolis Report Findings and the Strategy to Mitigate Impacts with Removal of the Cap?**

No, the City's proposed OPA provided in the March 19, 2018 Staff Report is not consistent with the Coriolis Report recommendations, and the OPA puts the City's commercial areas at risk of significant impact.

The Coriolis Report recommends that a mitigation strategy to avoid excess commercial capacity, in lieu of a cap, is to redesignate five sites for uses other than commercial. Based on the Coriolis Report, the five sites have capacity for over 600,000 sq.ft. of commercial space. However, the proposed OPA does not provide for the redesignation of those lands.

To be consistent with the Coriolis Report recommendation, the City needs to address the redesignation of existing commercial lands. Additional work and analysis is required for Planning Staff to assess the market and planning implications of the Coriolis Report recommendations and whether or not the recommendations are implementable.

**4) What are the Implications of Removing the Cap Without Implementing a Corresponding Strategy to Mitigate Impacts?**

Since redesignation of the five commercial sites as recommended by the Coriolis Report is not reflected in the proposed OPA, it follows that approval of the OPA would result in significant negative impact on existing and planned shopping centres and commercial areas.

The Coriolis Report recommendation that five commercial sites be redesignated to non-commercial uses would result in a reduction of over 600,000 sq.ft. in the potential supply of commercial space. If the impact mitigation strategy is not implemented, as the proposed OPA is presently drafted, then the City risks significant negative impact on existing shopping centres and commercial areas.

If too much commercial space is permitted too soon, then the City risks significant impact on existing and planned retail commercial areas including the Enterprise Corridor and SWAP, existing shopping centres, the downtown, other commercial areas, and the planned Transit Villages. Significant negative impact leads to undermining the planned function of commercial areas, store closures, and job losses.

Southwest London currently has a significant amount, over 800,000 sq.ft., of vacant retail commercial space as detailed in the attached Memorandum prepared by Ward Land Economics Inc. dated March 23, 2018. Accounting for large/anchor space vacancies elsewhere in London, the city has over one million square feet of vacant space. This does not include other vacancies throughout the city.

The Kircher 2016 market study prepared for the City also identified the impact implications of permitting too much space too soon. The Kircher 2016 market study states that:

*...substantial overbuilding can be costly and inefficient, as clearly illustrated by the history of Westmount Mall which lost most retail space on its second level and Pond Mills Square, which has closed.*

This result is not consistent with the City of London Official Plan or the Provincial Policy Statement which provide policy direction that protects commercial areas including the downtown.

## **5) Is the Commercial Cap Working and is it Appropriate?**

There are various indicators that the commercial cap on the Enterprise Corridor is appropriate and is working to achieve the vision of the Enterprise Corridor while protecting commercial areas from negative impact.

As summarized in the WLE March 15, 2018 letter, the commercial cap in the Enterprise Corridor allows for a proper distribution of commercial space, retenancing of existing vacancies in existing centres, allows for mixed use development in the Enterprise Corridor, and allows the market to determine appropriate locations for commercial development within commercially designated areas, while not negatively impacting other commercial sites in South London.

The commercial cap facilitates the development of a mixed-use area as envisioned and directed by planning policy in SWAP. Contrary to the concern that mixed-use is not viable in the Enterprise Corridor, mixed use development in the Enterprise Corridor has in fact been demonstrated to be viable considering Greenhills' current plans for residential development adjacent to their commercial lands.

## **Conclusion and Recommendation**

The City's proposed Official Plan Amendment provided in the March 19, 2018 Staff Report is not consistent with the Coriolis Report recommendations and therefore, the OPA puts the City's commercial areas at significant risk of impact.

The Coriolis Report recommends that a mitigation strategy to avoid excess commercial capacity in lieu of a cap, is to redesignate various lands for non-commercial uses. To be consistent with the Coriolis Report recommendation, the City needs to address the redesignation of such existing commercial lands.

TO: Mayor Brown and Councillors  
RE: Wonderland Road Commercial Enterprise Corridor, London

---

March 23, 2018

Additional work and analysis is required for Planning Staff to assess the market and planning implications of the Coriolis Report recommendations for redesignation and whether or not the recommendations are implementable.

It is recommended that the City account for and protect its existing and planned retail commercial land, as well as the planned function of its commercial areas, before permitting additional retail commercial land that is not needed and allowing uncontrolled development within the Enterprise Corridor.

Yours very truly,

**Ward Land Economics Inc.**

A handwritten signature in blue ink, appearing to read "M. Ward".

Mimi Ward, PLE, MCIP, RPP.  
President



## MEMORANDUM

**To:** Ali Soufan, *York Developments* and Steve Bishop, *North American*  
**From:** Mimi Ward, *Ward Land Economics Inc.*  
**Date:** March 23, 2018  
**WLE File:** 17-1004  
**Re:** Summary of the March 2018 Retail Commercial Inventory of Southwest London

---

The following provides a summary of the retail and service commercial inventory of existing space carried out in March 2018 of southwest London. The southwest London area extends south from the Thames River, west from Adelaide Street South and the CN Rail tracks, and south and west to the municipal boundary. The southwest London area is the primary trade area which I previously defined to assess the Enterprise Corridor and SWAP market for the 2014 OMB hearing.

The measured field inventory of southwest London was carried out by The Dalvay Group in March 2018 under the direction of Ward Land Economics Inc. The inventory provides an update of an inventory previously carried out by The Dalvay Group in November 2013, under my direction while previously at Malone Given Parsons Ltd. The November 2013 inventory was submitted to the OMB for the SWAP hearing.

An inventory of supermarkets and department stores in all other areas of London was also carried out by The Dalvay Group in March 2018. That inventory was used to identify anchor store changes, closures, and vacancies.

The retail and service commercial inventory includes: food stores, non-food stores, services, and vacant space. The inventory is grouped into commercial nodes as summarized on the attached tables.

The following provides a summary of the findings regarding the March 2018 inventory.

- There is over 6.8 million square feet of retail and service commercial space in southwest London.
- The largest concentration of space, over a quarter of all retail and service commercial space in southwest London, is located within the Wellington Road node followed by the Wonderland Road node which accounts for approximately 16% of the space.

- 
- Over 11% or 803,200 sq.ft. of the retail and service commercial space in southwest London is vacant. That is a significant amount of vacant space. The amount of vacant space together is greater than the size of White Oaks Mall.
  - Vacancy in southwest London increased from 501,400 sq.ft. in November 2013 to 803,200 sq.ft. in March 2018. As such, the amount of vacant space in southwest London increased by 301,800 sq.ft. which represents an increase of 60% within four years.
  - Several of the vacancies have been vacant for many years.
  - Of the 803,200 sq.ft. of vacant space, almost 40% (304,500 sq.ft.) is located along Wellington Road and over a third (34% or 276,700 sq.ft.) is located in the Westmount Shopping Centre.
  - Over half (51% or 276,700 sq.ft.) of Westmount Shopping Centre is vacant. Most of the vacancy is due to the closure of Target and Sears. Vacancy at Westmount Shopping Centre increased from 30,500 sq.ft. in November 2013, to 276,700 sq.ft. today.
  - Over 16% or 304,500 sq.ft. of the Wellington Road node is vacant.
  - There are other vacancies in London which have occurred due to closures of department stores and other stores. The largest of those vacancies include:
    - the former 65,700 sq.ft. Zellers at Pond Mills at Commissioners Road East;
    - the former 97,000 sq.ft. Rona Home Centre at the Summerside Shopping Centre on Commissions Road East; and,
    - the former 75,000 sq.ft. Sears Outlet at London Mall on Oxford Street West.
    - Those three vacancies total 237,500 sq.ft. Together with the 803,200 sq.ft. of vacant space in southwest London, there is more than one million square feet of vacant space. This does not include other vacancies throughout the city.
  - Since the November 2013 inventory was conducted (which was within six months the 2014 OMB approval of SWAP), there have been various additions of retail commercial space within new constructions. Since that time, there has been over 100,000 sq.ft. more new retail commercial space built in the Enterprise Corridor than in other areas of southwest London. Most of the new retail construction is accounted for by the 140,000 sq.ft. Lowes in the Enterprise Corridor. Other additions include: SportChek, Atmosphere, and PetSmart which together with the Lowes totals 177,200 sq.ft. This does not include retenanting of existing space such as the Ikea pick up, as it did not result in a net addition of new space.

- 
- New retail commercial construction elsewhere in southwest London is less than that which has occurred in the Enterprise Corridor. New retail commercial developments in other areas of southwest London include: an 11,000 sq.ft. plaza at 875 Wellington Road, the addition of 24,000 sq.ft. along Wharncliffe Road (Cal Tire and Home Hardware), a new Starbucks on Commissioners Road, and some other smaller additions elsewhere.
  - There are various examples of “retail migration” in particular along Wellington Road. Several stores have relocated to existing buildings within the node including: Farm Boy which replaced a Future Shop, and MEC which relocated within the corridor, among others. Several stores have relocated from Wellington Road to Wonderland Road.
  - There have been a lot of tenant changes and turn-over of businesses in southwest London over the past four years. In particular, there have been several tenant changes along Wellington Road, Westmount Shopping Centre, and White Oaks Mall.

In summary, the March 2018 inventory illustrates that there is a significant amount of vacant space in southwest London. Most of the vacancy is located along Wellington Road and the Westmount Shopping Centre. As well, there are several examples of “retail migration” whereby stores have relocated from one location to another, many of which are in the Wellington Road area. Retail migration results in vacancies after stores relocate to new locations. As well, some of the city’s largest vacancies have resulted from the closure of Zellers/Target and Sears.

TO: Mr. Ali Soufan and Mr. Steve Bishop  
RE: Southwest London Retail Commercial Inventory

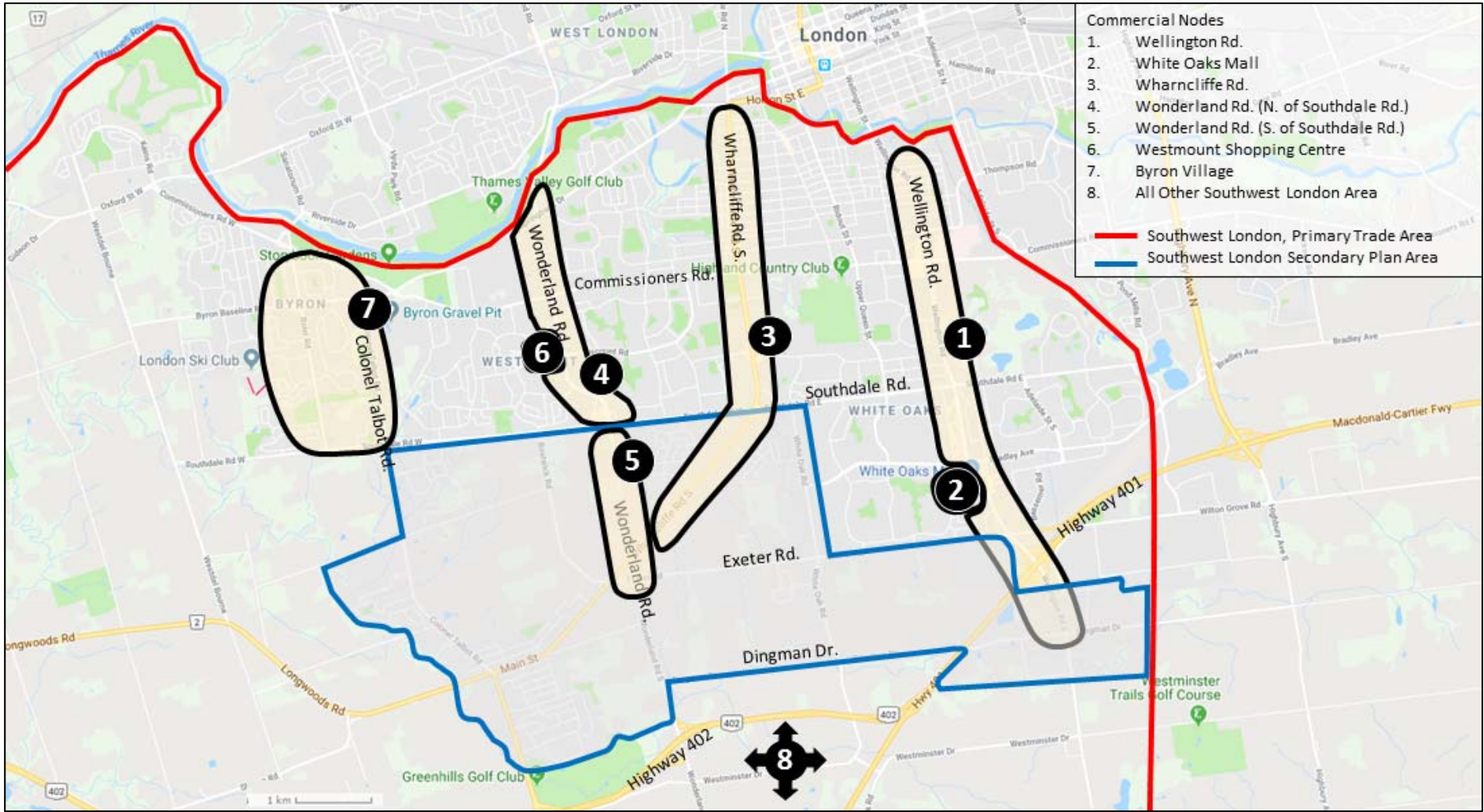
---

March 23, 2018

**Attachment**

**Southwest London Inventory – March 2018**

**Figure 1: Southwest London Retail and Service Commercial Nodes**



*Google Earth base map, overlay information prepared by Ward Land Economics Inc.*

**Table 1: Southwest London Retail and Service Commercial Inventory - March 2018**  
**Space by Node in Square Feet**

	Node 1	Node 2	Node 3	Node 4	Node 5	Node 6	Node 7	Node 8	TOTAL
	Wellington Rd (from just south of Dingman Dr. to Thames River)	White Oaks Mall	Wharncliffe Rd. (from just south of Southdale Rd E to Thames River)	Wonderland Rd. (from Southdale Rd E to Thames River)	Wonderland Rd. (from Southdale Rd E to Wharncliffe Rd S)	Westmount Shopping Centre	Byron Village	All Other Southwest London Area	Total Southwest London
Supermarkets & Grocery	113,000	0	40,100	88,400	115,600	37,000	38,200	146,700	579,000
Other Food Stores	27,100	2,600	10,800	4,300	2,000	8,100	10,300	58,500	123,700
<b>Total Food Store</b>	<b>140,100</b>	<b>2,600</b>	<b>50,900</b>	<b>92,700</b>	<b>117,600</b>	<b>45,100</b>	<b>48,500</b>	<b>205,200</b>	<b>702,700</b>
Department Stores	0	296,780	0	0	0	0	0	0	296,780
Warehouse Membership Club	108,000	0	0	0	0	0	0	0	108,000
Home & Auto Supply, Tires/Batteries/Accessories	161,200	0	28,000	10,900	80,000	0	0	41,700	321,800
Other General Merchandise Stores	88,900	13,400	10,900	0	10,000	5,700	2,300	120,000	251,200
Health and Personal Care Stores	29,700	31,500	35,200	34,100	1,200	4,200	18,800	118,600	273,300
Clothing and Clothing Accessories Stores	140,900	215,300	11,000	22,400	93,500	30,600	0	34,600	548,300
Furniture and Home Furnishings	137,900	14,400	363,700	13,800	157,400	4,400	0	152,800	844,400
Other Non-Food Store	183,700	45,800	40,600	14,600	145,800	2,200	8,100	77,200	518,000
Home Improvement	23,900	0	23,800	55,100	270,000	0	0	86,600	463,400
<b>Total Non-Food Store</b>	<b>878,200</b>	<b>617,180</b>	<b>513,200</b>	<b>150,900</b>	<b>757,900</b>	<b>47,100</b>	<b>29,200</b>	<b>631,500</b>	<b>3,625,180</b>
<b>Total Retail</b>	<b>1,018,300</b>	<b>619,780</b>	<b>564,100</b>	<b>243,600</b>	<b>875,500</b>	<b>92,200</b>	<b>77,700</b>	<b>836,700</b>	<b>4,327,880</b>
Second Hand Merchandise	49,700	0	6,000	0	0	0	500	9,000	65,200
Liquor / Beer / Wine	23,600	0	4,500	0	17,800	0	8,300	10,900	65,100
Miscellaneous	0	0	6,300	0	0	0	0	16,700	23,000
<b>Total Other Retail</b>	<b>73,300</b>	<b>0</b>	<b>16,800</b>	<b>0</b>	<b>17,800</b>	<b>0</b>	<b>8,800</b>	<b>36,600</b>	<b>153,300</b>
Food Services & Drinking Places	235,500	10,900	60,400	43,600	50,000	11,300	26,400	114,700	552,800
Repair and Maintenance Services	18,900	0	12,900	7,300	0	500	1,800	0	41,400
Personal & Laundry	24,500	7,600	25,900	13,200	1,200	1,300	15,000	58,100	146,800
Financial Services	21,500	15,100	15,300	7,100	27,300	0	13,300	38,800	138,400
Medical Services	19,700	2,600	18,400	20,200	0	48,300	24,050	67,300	200,550
Other Professional Services	25,800	1,700	21,900	7,500	9,200	0	2,000	45,100	113,200
Other Services	21,400	0	28,000	11,600	7,000	71,700	13,600	62,400	215,700
Entertainment & Fitness	46,100	0	7,500	0	70,000	40,100	2,600	23,300	189,600
<b>Total Services</b>	<b>413,400</b>	<b>37,900</b>	<b>190,300</b>	<b>110,500</b>	<b>164,700</b>	<b>173,200</b>	<b>98,750</b>	<b>409,700</b>	<b>1,598,450</b>
<b>Total Occupied Space</b>	<b>1,505,000</b>	<b>657,680</b>	<b>771,200</b>	<b>354,100</b>	<b>1,058,000</b>	<b>265,400</b>	<b>185,250</b>	<b>1,283,000</b>	<b>6,079,630</b>
Vacant Space	304,500	33,900	72,300	30,400	23,300	276,700	5,700	56,400	803,200
<b>Total Measured Space (in sq.ft.)</b>	<b>1,809,500</b>	<b>691,580</b>	<b>843,500</b>	<b>384,500</b>	<b>1,081,300</b>	<b>542,100</b>	<b>190,950</b>	<b>1,339,400</b>	<b>6,882,830</b>

Inventory conducted by The Dalvy Group under the direction of Ward Land Economics Inc., March 2018

Other food store space includes convenience stores in gas stations. Vacant space includes retail and commercial services space.

Prepared by Ward Land Economics Inc.

**Table 2: Southwest London Retail and Service Commercial Inventory - March 2018**  
**Distribution of Space by Node**

	Node 1	Node 2	Node 3	Node 4	Node 5	Node 6	Node 7	Node 8	TOTAL
Commercial Node	Wellington Rd (from just south of Dingman Dr. to Thames River)	White Oaks Mall	Wharncliffe Rd. (from just south of Southdale Rd E to Thames River)	Wonderland Rd. (from Southdale Rd E to Thames River)	Wonderland Rd. (from Southdale Rd E to Wharncliffe Rd S)	Westmount Shopping Centre	Byron Village	All Other Southwest London Area	Total Southwest London
Supermarkets & Grocery	19.5%	0.0%	6.9%	15.3%	20.0%	6.4%	6.6%	25.3%	100.0%
Other Food Stores	21.9%	2.1%	8.7%	3.5%	1.6%	6.5%	8.3%	47.3%	100.0%
<b>Total Food Store</b>	<b>19.9%</b>	<b>0.4%</b>	<b>7.2%</b>	<b>13.2%</b>	<b>16.7%</b>	<b>6.4%</b>	<b>6.9%</b>	<b>29.2%</b>	<b>100.0%</b>
Department Stores	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Warehouse Membership Club	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Home & Auto Supply, TBA	50.1%	0.0%	8.7%	3.4%	24.9%	0.0%	0.0%	13.0%	100.0%
Other General Merchandise Stores	35.4%	5.3%	4.3%	0.0%	4.0%	2.3%	0.9%	47.8%	100.0%
Health and Personal Care Stores	10.9%	11.5%	12.9%	12.5%	0.4%	1.5%	6.9%	43.4%	100.0%
Clothing and Clothing Accessories	25.7%	39.3%	2.0%	4.1%	17.1%	5.6%	0.0%	6.3%	100.0%
Furniture and Home Furnishings	16.3%	1.7%	43.1%	1.6%	18.6%	0.5%	0.0%	18.1%	100.0%
Other Non-Food Store	35.5%	8.8%	7.8%	2.8%	28.1%	0.4%	1.6%	14.9%	100.0%
Home Improvement related	6.0%	0.0%	5.1%	11.9%	58.3%	0.0%	0.0%	18.7%	100.0%
<b>Total Non-Food Store</b>	<b>24.2%</b>	<b>17.0%</b>	<b>14.2%</b>	<b>4.2%</b>	<b>20.9%</b>	<b>1.3%</b>	<b>0.8%</b>	<b>17.4%</b>	<b>100.0%</b>
<b>Total Retail</b>	<b>23.5%</b>	<b>14.3%</b>	<b>13.0%</b>	<b>5.6%</b>	<b>20.2%</b>	<b>2.1%</b>	<b>1.8%</b>	<b>19.3%</b>	<b>100.0%</b>
Second Hand Merchandise	76.2%	0.0%	9.2%	0.0%	0.0%	0.0%	0.8%	13.8%	100.0%
Liquor / Beer / Wine	36.3%	0.0%	6.9%	0.0%	27.3%	0.0%	12.7%	16.7%	100.0%
Miscellaneous	0.0%	0.0%	27.4%	0.0%	0.0%	0.0%	0.0%	72.6%	100.0%
<b>Total Other Retail</b>	<b>47.8%</b>	<b>0.0%</b>	<b>11.0%</b>	<b>0.0%</b>	<b>11.6%</b>	<b>0.0%</b>	<b>5.7%</b>	<b>23.9%</b>	<b>100.0%</b>
Food Services & Drinking Places	42.6%	2.0%	10.9%	7.9%	9.0%	2.0%	4.8%	20.7%	100.0%
Repair and Maintenance Services	45.7%	0.0%	31.2%	17.6%	0.0%	1.2%	4.3%	0.0%	100.0%
Personal & Laundry	16.7%	5.2%	17.6%	9.0%	0.8%	0.9%	10.2%	39.6%	100.0%
Financial Services	15.5%	10.9%	11.1%	5.1%	19.7%	0.0%	9.6%	28.0%	100.0%
Medical Services	9.8%	1.3%	9.2%	10.1%	0.0%	24.1%	12.0%	33.6%	100.0%
Other Professional Services	22.8%	1.5%	19.3%	6.6%	8.1%	0.0%	1.8%	39.8%	100.0%
Other Services	9.9%	0.0%	13.0%	5.4%	3.2%	33.2%	6.3%	28.9%	100.0%
Entertainment & Fitness	24.3%	0.0%	4.0%	0.0%	36.9%	21.1%	1.4%	12.3%	100.0%
<b>Total Services</b>	<b>25.9%</b>	<b>2.4%</b>	<b>11.9%</b>	<b>6.9%</b>	<b>10.3%</b>	<b>10.8%</b>	<b>6.2%</b>	<b>25.6%</b>	<b>100.0%</b>
<b>Total Occupied Space</b>	<b>24.8%</b>	<b>10.8%</b>	<b>12.7%</b>	<b>5.8%</b>	<b>17.4%</b>	<b>4.4%</b>	<b>3.0%</b>	<b>21.1%</b>	<b>100.0%</b>
Vacant Space	37.9%	4.2%	9.0%	3.8%	2.9%	34.4%	0.7%	7.0%	100.0%
<b>Total Measured Space</b>	<b>26.3%</b>	<b>10.0%</b>	<b>12.3%</b>	<b>5.6%</b>	<b>15.7%</b>	<b>7.9%</b>	<b>2.8%</b>	<b>19.5%</b>	<b>100.0%</b>

Inventory conducted by The Dalvay Group under the direction of Ward Land Economics Inc., March 2018  
Other food store space includes convenience stores in gas stations. Vacant space includes retail and commercial services space.  
Prepared by Ward Land Economics Inc.

**Table 3: Southwest London Retail and Service Commercial Inventory - March 2018**  
**Distribution of Space by Type, Within Each Node**

Commercial Node	Node 1		Node 2		Node 3		Node 4		Node 5		Node 6		Node 7		Node 8		TOTAL	
	Wellington Rd (from just south of Dingman Dr. to Thames River)		White Oaks Mall		Wharncliffe Rd. (from just south of Southdale Rd E to Thames River)		Wonderland Rd. (from Southdale Rd E to Thames River)		Wonderland Rd. (from Southdale Rd E to Wharncliffe Rd S)		Westmount Shopping Centre		Byron Village		All Other Southwest London Area		Total Southwest London	
	% of Total	% of Sub- Total	% of Total	% of Sub- Total	% of Total	% of Sub- Total	% of Total	% of Sub- Total	% of Total	% of Sub- Total	% of Total	% of Sub- Total	% of Total	% of Sub- Total	% of Total	% of Sub- Total	% of Total	% of Sub- Total
Supermarkets & Grocery	6.2%	80.7%	0.0%	0.0%	4.8%	78.8%	23.0%	95.4%	10.7%	98.3%	6.8%	82.0%	20.0%	78.8%	11.0%	71.5%	8.4%	82.4%
Other Food Stores	1.5%	19.3%	0.4%	100.0%	1.3%	21.2%	1.1%	4.6%	0.2%	1.7%	1.5%	18.0%	5.4%	21.2%	4.4%	28.5%	1.8%	17.6%
<b>Total Food Store</b>	<b>7.7%</b>	<b>100.0%</b>	<b>0.4%</b>	<b>100.0%</b>	<b>6.0%</b>	<b>100.0%</b>	<b>24.1%</b>	<b>100.0%</b>	<b>10.9%</b>	<b>100.0%</b>	<b>8.3%</b>	<b>100.0%</b>	<b>25.4%</b>	<b>100.0%</b>	<b>15.3%</b>	<b>100.0%</b>	<b>10.2%</b>	<b>100.0%</b>
Department Stores	0.0%	0.0%	42.9%	48.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	8.2%
Warehouse Membership Club	6.0%	12.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.6%	3.0%
Home & Auto Supply, TBA	8.9%	18.4%	0.0%	0.0%	3.3%	5.5%	2.8%	7.2%	7.4%	10.6%	0.0%	0.0%	0.0%	0.0%	3.1%	6.6%	4.7%	8.9%
Other General Merchandise Stores	4.9%	10.1%	1.9%	2.2%	1.3%	2.1%	0.0%	0.0%	0.9%	1.3%	1.1%	12.1%	1.2%	7.9%	9.0%	19.0%	3.6%	6.9%
Health and Personal Care Stores	1.6%	3.4%	4.6%	5.1%	4.2%	6.9%	8.9%	22.6%	0.1%	0.2%	0.8%	8.9%	9.8%	64.4%	8.9%	18.8%	4.0%	7.5%
Clothing and Clothing Accessories	7.8%	16.0%	31.1%	34.9%	1.3%	2.1%	5.8%	14.8%	8.6%	12.3%	5.6%	65.0%	0.0%	0.0%	2.6%	5.5%	8.0%	15.1%
Furniture and Home Furnishings	7.6%	15.7%	2.1%	2.3%	43.1%	70.9%	3.6%	9.1%	14.6%	20.8%	0.8%	9.3%	0.0%	0.0%	11.4%	24.2%	12.3%	23.3%
Other Non-Food Store	10.2%	20.9%	6.6%	7.4%	4.8%	7.9%	3.8%	9.7%	13.5%	19.2%	0.4%	4.7%	4.2%	27.7%	5.8%	12.2%	7.5%	14.3%
Home Improvement related	1.5%	3.2%	0.0%	0.0%	2.8%	4.6%	14.3%	36.5%	25.0%	35.6%	0.0%	0.0%	0.0%	0.0%	6.5%	13.7%	6.7%	12.8%
<b>Total Non-Food Store</b>	<b>48.5%</b>	<b>100.0%</b>	<b>89.2%</b>	<b>100.0%</b>	<b>60.8%</b>	<b>100.0%</b>	<b>39.2%</b>	<b>100.0%</b>	<b>70.1%</b>	<b>100.0%</b>	<b>8.7%</b>	<b>100.0%</b>	<b>15.3%</b>	<b>100.0%</b>	<b>47.1%</b>	<b>100.0%</b>	<b>52.7%</b>	<b>100.0%</b>
<b>Total Retail</b>	<b>56.3%</b>		<b>89.6%</b>		<b>66.9%</b>		<b>63.4%</b>		<b>81.0%</b>		<b>17.0%</b>		<b>40.7%</b>		<b>62.5%</b>		<b>62.9%</b>	
Second Hand Merchandise	2.7%	67.8%	0.0%	0.0%	0.7%	35.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%	5.7%	0.7%	24.6%	0.9%	42.5%
Liquor / Beer / Wine	1.3%	32.2%	0.0%	0.0%	0.5%	26.8%	0.0%	0.0%	1.6%	100.0%	0.0%	0.0%	4.3%	94.3%	0.8%	29.8%	0.9%	42.5%
Miscellaneous	0.0%	0.0%	0.0%	0.0%	0.7%	37.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.2%	45.6%	0.3%	15.0%
<b>Total Other Retail</b>	<b>4.1%</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>2.0%</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>1.6%</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>4.6%</b>	<b>100.0%</b>	<b>2.7%</b>	<b>100.0%</b>	<b>2.2%</b>	<b>100.0%</b>
Food Services & Drinking Places	13.0%	57.0%	1.6%	28.8%	7.2%	31.7%	11.3%	39.5%	4.6%	30.4%	2.1%	6.5%	13.8%	26.7%	8.6%	28.0%	8.0%	34.6%
Repair and Maintenance Services	1.0%	4.6%	0.0%	0.0%	1.5%	6.8%	1.9%	6.6%	0.0%	0.0%	0.1%	0.3%	0.9%	1.8%	0.0%	0.0%	0.6%	2.6%
Personal & Laundry	1.4%	5.9%	1.1%	20.1%	3.1%	13.6%	3.4%	11.9%	0.1%	0.7%	0.2%	0.8%	7.9%	15.2%	4.3%	14.2%	2.1%	9.2%
Financial Services	1.2%	5.2%	2.2%	39.8%	1.8%	8.0%	1.8%	6.4%	2.5%	16.6%	0.0%	0.0%	7.0%	13.5%	2.9%	9.5%	2.0%	8.7%
Medical Services	1.1%	4.8%	0.4%	6.9%	2.2%	9.7%	5.3%	18.3%	0.0%	0.0%	8.9%	27.9%	12.6%	24.4%	5.0%	16.4%	2.9%	12.5%
Other Professional Services	1.4%	6.2%	0.2%	4.5%	2.6%	11.5%	2.0%	6.8%	0.9%	5.6%	0.0%	0.0%	1.0%	2.0%	3.4%	11.0%	1.6%	7.1%
Other Services	1.2%	5.2%	0.0%	0.0%	3.3%	14.7%	3.0%	10.5%	0.6%	4.3%	13.2%	41.4%	7.1%	13.8%	4.7%	15.2%	3.1%	13.5%
Entertainment & Fitness	2.5%	11.2%	0.0%	0.0%	0.9%	3.9%	0.0%	0.0%	6.5%	42.5%	7.4%	23.2%	1.4%	2.6%	1.7%	5.7%	2.8%	11.9%
<b>Total Services</b>	<b>22.8%</b>	<b>100.0%</b>	<b>5.5%</b>	<b>100.0%</b>	<b>22.6%</b>	<b>100.0%</b>	<b>28.7%</b>	<b>100.0%</b>	<b>15.2%</b>	<b>100.0%</b>	<b>31.9%</b>	<b>100.0%</b>	<b>51.7%</b>	<b>100.0%</b>	<b>30.6%</b>	<b>100.0%</b>	<b>23.2%</b>	<b>100.0%</b>
<b>Total Occupied Space</b>	<b>83.2%</b>		<b>95.1%</b>		<b>91.4%</b>		<b>92.1%</b>		<b>97.8%</b>		<b>49.0%</b>		<b>97.0%</b>		<b>95.8%</b>		<b>88.3%</b>	
Vacant Space	16.8%		4.9%		8.6%		7.9%		2.2%		51.0%		3.0%		4.2%		11.7%	
<b>Total Measured Space</b>	<b>100.0%</b>		<b>100.0%</b>		<b>100.0%</b>		<b>100.0%</b>		<b>100.0%</b>		<b>100.0%</b>		<b>100.0%</b>		<b>100.0%</b>		<b>100.0%</b>	

Inventory conducted by The Dalvey Group under the direction of Ward Land Economics Inc., March 2018  
 Other food store space includes convenience stores in gas stations. Vacant space includes retail and commercial services space.  
 Prepared by Ward Land Economics Inc.



# Environmental and Ecological Planning Advisory Committee

## Report

The 6th Meeting of the Environmental and Ecological Planning Advisory Committee  
May 17, 2018  
Committee Rooms #1 and #2

Attendance PRESENT: S. Levin (Chair), A. Boyer, C. Dyck, C. Evans, P. Ferguson, S. Hall, N. St. Amour, S. Sivakumar and R. Trudeau and H. Lysynski (Secretary)

ALSO PRESENT: D. Baxter, C. Creighton, T. Copeland, A. Macpherson, J.P. McGonigle, L. Pompilii and P. Yanchuck

REGRETS: E. Arellano, E. Dusenge, B. Krichker, C. Kushnir, S. Madhavji, K. Moser, C. Therrien and I. Whiteside

The meeting was called to order at 5:30 PM

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Scheduled Items

#### 2.1 Overview of the Parks and Recreation Master Plan update

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee (EEPAC) received the attached presentation from D. Baxter, Manager of Development, Neighbourhood, Children & Fire Services and J.P. McGonigle, Division Manager, Parks and Recreation, with respect to an overview of the Parks and Recreation Master Plan; it being noted that the EEPAC will provide comments at their next meeting.

#### 2.2 William Street Stormwater Outfall and Channel in Huron Street Woods

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee (EEPAC) received the attached presentation from S. Stanlake-Wong, Associate, J. Johnson, Dillon Project Manager and T. Goulet, Project Biologist, Dillon Consulting, with respect to the William Street Stormwater Outfall and Channel in Huron Street Woods; it being noted that the EEPAC will establish a Working Group and provide comments at their next meeting.

### 3. Consent

#### 3.1 5th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 5th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on April 19, 2018, was received.

3.2 4th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 4th Report of the Trees and Forests Advisory Committee, from its meeting held on April 25, 2018, was received.

3.3 6th Report of the Advisory Committee on the Environment

That it BE NOTED that the 6th Report of the Advisory Committee on the Environment, from its meeting held on May 2, 2018, was received.

3.4 Municipal Council Resolution - 4th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on April 10, 2018, with respect to the 4th Report of the Environmental and Ecological Planning Advisory Committee, was received.

3.5 3614, 3630 Colonel Talbot Road and 6621 Pack Road

That a Working Group BE ESTABLISHED, consisting of S. Levin (lead), S. Sivakumar and R. Trudeau to review the Environmental Impact Study and Hydrogeological Study, relating to the properties located at 3614, 3630 Colonel Talbot Road and 6621 Pack Road; it being noted that the Environmental and Ecological Planning Advisory Committee reviewed and received communications dated May 7 and May 15, 2018, from N. Pasato, Senior Planner, with respect to this matter.

**4. Sub-Committees and Working Groups**

4.1 Wetlands

That, the following actions be taken with respect to the attached Wetlands Working Group comments:

a) the Working Group comments with respect to a wetland conservation strategy BE FORWARDED to the Upper Thames River Conservation Authority, the Manager, Development Planning and one of the City's Ecologists, for review and to provide comments back to the Environmental and Ecological Planning Advisory Committee; and,

b) the Environmental and Ecological Planning Advisory Committee members BE REQUESTED to review the Working Group comments and report back at the next meeting.

4.2 Southdale Road West Environmental Impact Statement

That the attached Working Group comments with respect to the Southdale Road West Environmental Impact Statement BE FORWARDED to S. Shannon, Technologist II, for consideration.

4.3 Sunningdale Court

That the attached Working Group comments with respect to the Sunningdale Court Environmental Impact Statement (600 Sunningdale Road West) BE FORWARDED to C. Smith, Senior Planner, for consideration.

**5. Items for Discussion**

5.1 Notice of Completion - Master Plan - London Pollution Prevention and Control Plan

That it BE NOTED that the Notice of Completion relating to the London Pollution Prevention and Control Plan Master Plan from M. McKillop, Wastewater and Drainage Engineering and T. Mahood, Project Manager CH2M, was received.

**6. Deferred Matters/Additional Business**

6.1 (ADDED) One River Master Plan Environmental Assessment Study - Notice of Stage 2 Public Information Centre

That it BE NOTED that the One River Master Plan Environmental Assessment Study Notice of Stage 2 Public Information Centre, from A. Rammeloo, Manager, Engineering, Rapid Transit and T. Mahood, Project Manager, Jacobs, was received.

**7. Adjournment**

The meeting adjourned at 7:16 PM.



## Parks & Recreation Master Plan Update

May / June 2018

# Advisory Committees



## Purpose of Connecting With You

Purpose:

1. To review the plan to update the Parks and Recreation Master Plan this year.
2. Ask for your assistance in sharing the Community Survey with your networks and the public.
3. To request your Committee's input.



## About the Master Plan

### Creating a "Game Plan" for Parks, Recreation Programs, Sport Services and Facilities

- The Master Plan provides an overall vision and direction for making decisions. It is a high level/policy directive document.
- It is based on public input, participation trends and usage, best practices, demographic changes and growth forecasts.
- The Plan will be used by the City to guide investment in parks, recreation programs, sport services and facilities over the next ten years and beyond.



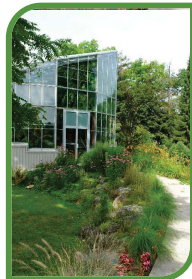
## Master Plan Overview

- The City has retained **Monteith Brown Planning Consultants**, **Tucker-Reid & Associates** and **Swerhun Facilitation** to assist in preparing the Update.



## Master Plan Building Blocks

1. Public and Stakeholder Input
2. Demographics and Growth
3. Trends and Usage Data
4. Existing Policies and Guidelines
5. Park, Program, and Facility Distribution
6. Facility Inventories and Asset Management Data



## Project Scope

### Items within Scope:



- **Recreation Programming**, such as aquatic, sport, wellness, arts/crafts, dance/music, and general interest programs provided by the City and other sectors



- **Recreation and Sport Facilities**, such as community centres, pools, sports fields, playgrounds and more



- **Parks & Civic Spaces**, such as major parks, neighbourhood parks, gardens and civic squares



- **Investment in the Community**, such as neighbourhood opportunities, public engagement, sport tourism and more



## Project Scope

### Items out of Scope:

- **Parkland Dedication Policies** (London Plan)
- **Cycling** (London Plan, Transportation and Cycling Master Plans)
- **Natural Heritage and Trails** (London Plan, Conservation Master Plans, ESA Master Plans)
- **Arts, Culture and Heritage** (Cultural Prosperity Plan and related reports)

Although these items are addressed in other studies, the Master Plan will ensure [alignment](#)



## Guiding and Supporting Documents

The Master Plan is a Strategy that guides the provision and management of parks, recreation programs, sport services and facilities. It is influenced by several Overarching Plans and informs several Technical Reports.

Key Overarching Plans	Key Strategies	Key Technical Reports
The London Plan Council's Strategic Plan Accessibility Plan Sector-specific guiding documents, such as the Framework for Recreation in Canada, Parks for All, and others	Age Friendly London Action Plan Child and Youth Agenda Strengthening Neighbourhoods Strategy Transportation and Cycling Master Plans Cultural Prosperity Plan Community Diversity and Inclusion Strategy SHIFT: Rapid Transit Initiative Back to the River / One River Thames Valley Corridor Plan	Development Charges Background Study Conservation Master Plans for Environmentally Sensitive Areas Park-specific Master Plans Business Cases and Feasibility Studies Various By-laws, Policies and Procedures



## Deliverables and Timing

- **Background Research** March to June 2018
- **Engagement** May to July 2018
  - Community Survey (Opens May 23<sup>rd</sup>)
  - Stakeholder Sessions/Focus Groups/Interviews
- **Draft Plan #1** Sept / Oct 2018
- **Draft Plan #2** Oct / Nov
- **Final Plan** presented to the new Council January 2019



## Community Survey

### Purpose

- To establish a broad picture of usage, satisfaction, priorities, demographics

### Timing

- Will be available May 23 until mid-July, hosted through [getinvolved.london.ca](http://getinvolved.london.ca)

### How can you help?

- Share the link to the survey with your networks
- Let us know if you would like posters or postcards to distribute




## Advisory Committee Input

- Individuals can complete the Community Survey at [getinvolved.london.ca](http://getinvolved.london.ca)
- Tell us about groups or organizations that we should invite to the Stakeholder sessions
- Committee can provide written responses to the Questions AND / OR
- Committee can provide comments on the last Parks and Recreation Strategic Master Plan (2009) and Interim Update (Jan. 2017)

Email to: [PlayYourWay@london.ca](mailto:PlayYourWay@london.ca)





## Advisory Committee Input

### Guiding Questions

1. What are the most pressing **issues and priorities** for your Advisory Committee?
2. How can the City of London's parks, recreation and sport **services and facilities** continue to support the needs of your Committee? Please be specific.
3. How can your Committee, the City and others **work together** to meet future needs?
4. Are there any initiatives that are being contemplated, planned or are being implemented that could tie into these or other priorities for parks, recreation and sport services and facilities?




## Parks & Recreation Master Plan Update

**Thank you!**



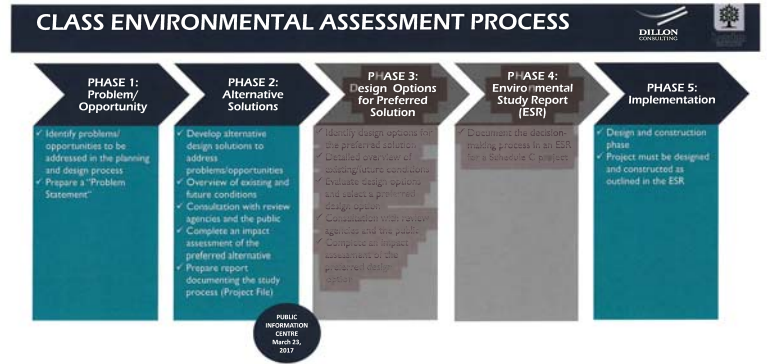
# WELCOME



The City's 'Old North Servicing Strategy' identified the need to improve drainage in the Old North neighbourhood, which will include constructing a new trunk storm sewer on William Street between Huron Street and Grosvenor Street. The storm sewer will be constructed over a number of years, with the first phase including upgrades to the existing outlet at the end of William Street, in Huron Street Woods.

## Presentation Outline:

- ✔ **SUMMARIZE** existing conditions in the Study Area
- ✔ **OUTLINE** alternatives considered and the technically preferred solution
- ✔ **PRESENT** summary of the Environmental Impact Study completed
- ✔ **OUTLINE** the next steps in the planning and design process
- ✔ **DELIVER** a copy of the EIS for EEPAC review and consideration.



The Study followed the requirements of the *Municipal Class Environmental Assessment (EA) (2015)* as a Schedule 'B' project. The study followed Phases 1 and 2 of the Class EA process.



## ALTERNATIVE 1 – DO NOTHING



- Description:**
- Basic channel improvements from the existing headwall to the maintenance road
  - Replace existing culvert with a larger culvert or bridge
  - Maintain existing open aquatic/swamp feature but eliminate significant water ponding
- Pros**
- Reduce flooding and standing water on the Thames Valley Parkway
  - Minimal impact on natural environment
  - Improved drainage
  - Lowest construction cost
  - Eliminate standing water at top of slope at rear of Harrison Crescent properties.

- Cons**
- Potential for culvert to be impacted by beaver activity in the future

7

## ALTERNATIVE 2 – RECOMMENDED



- Description**
- Remove existing headwall
  - Extend storm sewer approximately 35m
  - Install new energy dissipating headwall
  - Replace existing culvert with a larger culvert or bridge
  - Maintain existing open aquatic/swamp feature but eliminate significant water ponding
- Pros**
- Reduce flooding and standing water on the Thames Valley Parkway
  - Impacts of increased flow are reduced (i.e. storm flow is contained in sewer longer), improving slope stability
  - Minimal impact on natural environment

- Cons**
- Potential for culvert to be impacted by beaver activity

8

## ALTERNATIVE 3 – NOT RECOMMENDED



- Description**
- Remove existing headwall and culvert
  - Extend storm sewer under maintenance road before outletting to the existing channel
  - Install new energy dissipating headwall
  - Maintain existing open aquatic/swamp feature but eliminate significant water ponding
- Pros**
- Reduce flooding and standing water on the Thames Valley Parkway
  - Reduce standing water
- Cons**
- Greater impact on natural environment
  - Construction may not be cost effective due to existing soil conditions

9

## ALTERNATIVE 4 – NOT RECOMMENDED



- Description**
- Remove existing headwall and culvert
  - Extend storm sewer under maintenance road before outletting to the existing channel
  - Install new energy dissipating headwall
  - Install drain to direct overland flow to the storm sewer
  - Grade and plant existing open aquatic/swamp feature using native species
- Pros**
- Reduce flooding and standing water on the Thames Valley Parkway
- Cons**
- Greater impact on natural environment
  - Construction may not be cost effective due to existing soil conditions

10

## Summary of Preferred Alternative



- Extension of the storm sewer will improve slope stability
- New storm headwall will be installed, complete with energy dissipation baffle blocks which will assist with decreasing erosion and sediment transport
- Channel designed with a low flow channel, complete with a slight meander to further assist with energy dissipation

## EIS OVERVIEW



An Environmental Impact Study (EIS) was completed for the technically preferred solution.

The EIS included:

- Two years of natural environment inventories (2016-2017).
- An evaluation of significance and impact assessment.
- A summary of impacts and recommended mitigation measures and monitoring to be carried into detail design and construction.

Key objectives of the EIS were to:

- Determine potential impacts on the existing natural heritage system.
- Recommend areas for avoidance of impacts and/or mitigation to ensure protection of significant features and functions.
- Avoid impacts to aquatic resources, Species at Risk (SAR) and natural features.
- Develop recommendations for appropriate mitigation and monitoring plans, including a landscape restoration plan and invasive species management plan.

12



## EIS OVERVIEW



13

## EIS FINDINGS



### Ecological Land Classification

The site contains a former flooded shallow water aquatic community transitioning to a vegetated terrestrial community. Surrounding communities include a Buckthorn deciduous shrub thicket and low density residential areas. Vegetation species are typical of disturbed sites, with high coverage of invasive species. The study area includes part of Huron Street Woods, which is considered a Significant Woodland.

### Aquatic Resources

The storm sewer channel outlets to Huron Creek, a tributary to the North Thames River, and provides seasonal fish habitat with a warm water thermal regime.

14

## EIS FINDINGS



### Amphibians and Other Fauna

A small population of American Toads was identified in the site, but is not large enough to be considered significant wildlife habitat for amphibians. No other amphibians, reptiles, mammals or insects were identified in the site.

### Breeding Birds

Background records found a variety of bird species in the surrounding area, including five Species at Risk or Special Concern (SC) species: Eastern Wood-pewee, Bank Swallow, Wood Thrush, Chimney Swift and Barn Swallow.

### Species at Risk and Special Concern Species

No SAR or SC species were observed during the 2016-2017 inventories. The site contains potential habitat for Eastern Wood-pewee, Bank Swallow, and Wood Thrush, as well as Spiny Softshell turtle and Snapping Turtle, but these species were not identified in the site.

15

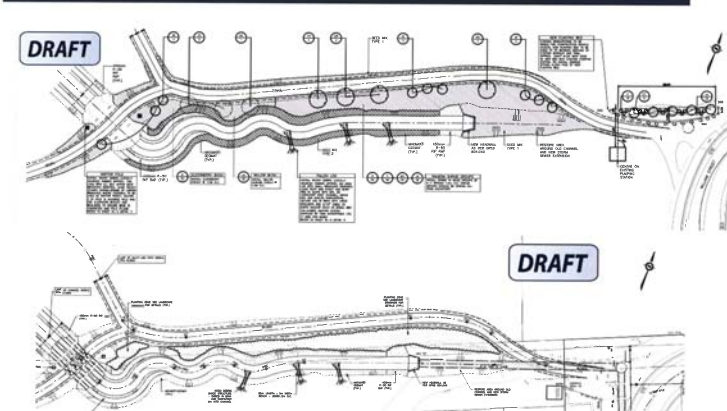
## KEY RECOMMENDATIONS

In addition to typical mitigation measures (erosion and sediment control, timing windows, bird nest searches, etc.), additional key recommendation from the EIS include:

- The works are designed to maintain existing flows in the channel, and to cause no negative impacts to aquatic habitat, shoreline stability and connectivity. The storm sewer extension has been designed to minimize the reduction of habitat to the extent feasible, limited to areas of steep grades with high erosion risk and bank instability, which will be addressed by the extension.
- Fish and wildlife habitat enhancement will be implemented along the remaining portion of the channel from the new outfall location downstream to the new crossing.
- Tree and shrub removal will be limited to the extent feasible, limited to removal of only a few small diameter individuals, including removal of existing invasives. No significant loss of corridor linkage, or fragmentation of the connectivity in Huron Street Woods is expected to occur.
- Wildlife exclusion fencing is recommended to be installed around the project site during construction. A qualified biologist will be available to monitor construction and provide safe relocation of wildlife, if encountered.
- An Invasive Species Management Plan will be implemented to reduce the proliferation of invasives in the Study Area post-construction.
- A Landscape Restoration Plan will be implemented to plant new trees and shrubs of native species.

16

## DRAFT RESTORATION PLAN



17

## NEXT STEPS

### Environmental Impact Study (EIS):

- Receive input from EEPAC, UTRCA and MNRF by June 14, 2018
- Finalize EIS.

### Environmental Study Report (ESR):

- Finalize EA document - June 2018
- Present EIS and EA document to Council for endorsement
- 30-day public and agency review period – Anticipated summer 2018.

### Construction:

- Construction could begin as early as 2020.

18

# Questions?



## **Decision making: Comprehensive assessment of trade-offs between wetland protection and potential benefits of development.**

A Wetland Conservation Strategy for London.

Recommendations for the City of London and Our Development Partners

Prepared for the City of London by the Ecological and Environmental Planning Advisory Committee

### **1. Introduction**

One of the most ecologically diverse and productive ecosystems in the world, wetlands are rich in biodiversity, providing habitat for many species. In the Great Lakes region, wetlands are vital for sustaining populations of a variety of wildlife species and plant life. They also render many ecological services including, water purification, flood regulation, sediment trapping and nutrient cycling. And as we navigate the uncertainties of a changing climate in the coming years, wetlands provide crucial services, removing greenhouse gas from the atmosphere, regulating temperatures and decreasing the urban heat island effect, slowing the impact of droughts, and reducing flood and erosion risks. While they provide 40 percent of all ecosystem services worldwide, they only cover 1.5 percent of the Earth's surface, with Russia and Canada home to the largest wetland areas. Canada's wetlands are diverse, consisting of marshes, bogs, fens, swamps and open water. Wetlands in Ontario currently cover 350,000 square kilometres, comprising 25 percent of all the wetlands in Canada and six percent of the world's wetlands (A Wetland Conservation Strategy, p.2). In addition, they keep communities healthy and safe, and provide opportunities for recreation.

Though wetlands are one of the most important ecosystems on the planet, they are also one of the most threatened due to human activities -- urbanization, economic development and climate change (Pattison-Williams et al., 2017). Wetland loss and degradation around the world has occurred at an alarming rate; over 64 percent of the world's wetlands have disappeared in a little over a century (Pattison-Williams et al., 2017). In Canada, approximately twenty million hectares of wetland have been drained for agricultural purposes since European settlement, totalling an approximately 70 percent loss of wetlands from historical highs (Pattison-Williams et al., 2017). In southern Ontario in the 19th century, two million hectares -- or 25 percent of the terrestrial area -- consisted of wetlands. By 2002, 72 percent (1.4 million hectares) had been lost largely due to agriculture and expanding urban and suburban development. (Ducks Unlimited, p. 1). From 1982 until 2002, southern Ontario lost another 3.5 percent of its pre-settlement wetlands, equally 70,854 hectares, at an average of 3545 hectares per year (Ducks Unlimited, 2010, p.1).

In southwestern Ontario, the loss of wetlands has been the most dramatic, with over 85 percent of the areas originally covered in wetlands converted to other uses. In Middlesex County, 5.1-20 percent of the area was covered by wetlands prior to settlement, but by 2002 less than five percent was covered in wetlands (Ducks Unlimited, 2010, p.9). Between 85 and 100 percent of the wetlands were converted in Middlesex county between 1800-2002 (Ducks Unlimited, 2010, p. 14). These

studies only covered wetlands that are greater than 10 hectares in area, which signifies that if smaller wetlands were included, the annual loss of wetlands would be even greater, especially since smaller wetlands are frequently filled in for development projects, such as construction of housing. With that degree of destruction, southern Ontario has foregone ecosystem services locally and beyond, lost essential habitats for threatened, endangered and/or migratory species, and witnessed a decrease in species' populations.

Until recently, our understanding of wetlands -- and the services and functions they provide -- was limited. Though our knowledge is expanding and society increasingly recognizes the importance of wetland preservation and, in some cases, restoration, wetland losses still continue at an astonishing rate. Wetlands are often considered insect-infested wastelands, and as such land use policies have not and do not prioritize their conservation. Instead, they were (and are) drained and/or filled in for roads, agricultural use, housing developments, new shopping complexes, or even used as waste sites. As Pattison-Williams et al. noted, "Loss of riparian wetlands has occurred because natural ecosystems such as wetlands are not currently valued by the market system and few financial incentives exist for landowners to maintain them" (Pattison-Williams et al., 2017).

At the same time that they are threatened by development projects, wetlands are subject to several stressors, such as encroachment by invasive species, sedimentation, nutrient loading and pollution from agricultural and urban runoff (e.g. phosphorus from fertilizers, de-icing salts), and climate change. In London, urban expansion and development pose a serious threat to wetlands. In year 2017, a large number of development projects involving wetlands were undertaken in London, Ontario. Wetlands are rarely exposed to a single threat; multiple stressors usually interact to exacerbate problems. For instance, invasive species thrive in areas where native species are struggling due to a changing climate. Indeed, climate change has emerged as a major threat to wetlands, as alterations in temperatures and weather patterns may lead to shrinking or disappearance of wetlands. With altered rain patterns, and severe rain events, wetlands may shift from one form to another, or the vegetation may change as native species struggle with temperature differences, or animal species' relationships may alter (A Wetland Conservation Strategy for Ontario, 2017).

Ontario's public strongly supports wetland conservation (Lantz et al., 2013). Given the significant loss of wetlands globally and the large area of wetlands in Ontario, the province has a duty to protect the remaining wetlands it has, and to restore and/or rehabilitate destroyed and/or degraded wetlands. Ontario's wetlands contribute to the province's rich biodiversity and promote the health and safety of its citizens. Going forward, the province's population will continue to grow, placing increasing demands on resources. Consequently, efforts to conserve natural areas, like wetlands, will continue bump up against economic interests. Therefore, the City of London requires a clear set of guidelines governing development projects, such as housing plans and expanded transportation infrastructure, to avoid disturbance, reduce impacts and mitigate unavoidable damage.

## **2. Definitions**

- **Wetland** -- An ecosystem which is seasonally or permanently covered in standing water or saturated with water for a least part of the year, or where the water table is close to or at the surface, such that vegetation has adapted for growth in saturated conditions.
- **Swamp** -- A wetland with trees, associated with flowing water, and tends to be highly productive.
- **Marsh** -- A wetland without trees, associated with flowing water, and tends to be highly productive. Dominated by non-woody plants such as cattails, rushes, pond lilies and submerged plants.
- **Bog** -- A wetland with acidic soils that may or may not have trees, with waterlogged soils -- fed solely by precipitation -- that tend to accumulate peat, and is associated with low productivity. They are often very old, perhaps thousands of years. Bogs often have a low diversity of species. Rare in southern Ontario.
- **Fen** -- A wetland dominated by grasses, sedges and rushes that may or may not have trees, with waterlogged soils that tend to accumulate peat. Fens are fed by groundwater and surface water runoff, and is associated with low productivity. Rare in southern Ontario.
- **LID** -- Low Impact Development
- **Restoration** -- Bringing back areas degraded through actions such as in-filling, changes in drainage patterns, sedimentation, vegetation removal and pollution
- **Rehabilitation/Creation/Re-creation** -- Bringing back once-existing wetlands
- **Biodiversity Offsetting** -- Compensating (or attempting to compensate) for losses of biodiversity at an impact site by either creating ecologically equivalent gains or credits at an in-site or off-site location. The purpose of biodiversity offsetting is to incur no-net loss of biodiversity.
- **Mitigation Hierarchy** -- A tool used in biodiversity offsetting to minimize the harm that occurs due to a project. The preference should be given first to avoiding negative impacts, then to minimizing impacts at a project site, followed by restoration/rehabilitation and finally, offsetting biodiversity losses that cannot be avoided.
- **Urban Heat Island Effect** -- When an urban or metropolitan area is significantly warmer than rural areas due both to human activities and the built environment.
- **Additionality** -- To what degree does an offsetting project generate new and additional contributions to biodiversity conservation/wetland conservation.
- **Wetland Offsetting** -- Compensation for the negative impacts of development through the restoration or creation of new wetlands to achieve no-net-loss or a net environmental gain.
- **Mitigation banking** -- The developer purchases offset credits from a wetland bank, that is, an area that has been previously restored, created, enhanced or preserved and set aside by a third party, and certify for compensation. The banker is responsible for the success of the compensation project.
- **Invasive species** -- a non-native species that outcompetes native species and becomes a nuisance or threat to ecosystems.

## 2. Purpose and Justification

London is a growing and dynamic city. Development projects, especially housing and commerce, continue to expand, regularly coming into conflict with natural areas. With a growing population and economic and social pressures to expand infrastructure and development, project proposals will increasingly come into conflict with our remaining wetlands. Ecosystem services -- considered free, common goods -- provided by wetlands are regularly omitted in the market prices of projects. Consequently, wetland loss and/or disturbance is rarely given adequate consideration in land-use planning decisions. Currently, land conversion is the biggest threat in southern Ontario. Urban pressures are driving up the price of land, making land markets highly competitive, which ultimately leads to significant rates of wetland conversion (Lantz et al., 2013).

Provincial and municipal action is vital to ensure that the region's wetlands can continue to provide ecosystem services, the benefits of which are manifold for both the environment and society. Ontario is moving forward with a strategy to stop wetland loss and to restore wetlands where the largest losses have occurred. The City of London likewise needs to have clear guidelines regarding wetlands, their preservation, restoration and rehabilitation.

*International Law and Wetlands.* Globally nations have recognized the need to preserve wetlands. Internationally, the protection of wetlands is governed by Ramsar, adopted in 1971 and came into force in 1975. Canada ratified Ramsar in 1982, committing itself to wetland conservation. Ontario has eight registered wetlands. The Ramsar Convention conceived to protect "the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl" (Birnie and Boyle, 2002, p. 611). It obliges nations to identify special wetland areas, to list them on the List of Wetlands of International Importance, and to "promote" their protection and wise use.

At a subsequent conference in Regina in 1987, "wise use" of wetlands was defined as "their sustainable utilization for the benefit of humankind in a way compatible with the maintenance of the natural properties of the ecosystem" (Birnie and Boyle, 2002, p. 618). Later, the Working Group on Criteria and Wise Use defined "sustainable utilization" as "human use of a wetland so that it may yield the greatest continuous benefit to present generations whilst maintaining its potential to meet the needs and aspirations of future generations" for the purposes of Article 3 of the Ramsar convention (Birnie and Boyle, 2002, p. 618). They also found that activities involving wetlands should be governed by the precautionary principle, and when complete knowledge is lacking regarding the outcomes of an activity, that activity should be prohibited (Birnie and Boyle, 2002). To date however, the majority of nations are not applying the precautionary principle regularly in regards to wetlands, as evidenced by the continued rapid loss of wetlands.

Wetlands are also governed by the 1972 World Heritage Convention, as they form part of our "natural heritage" -- "areas which constitute the habitat of threatened species of animals of outstanding universal value from the point of view of science and conservation" (Article 2).

Beyond Ramsar, wetlands also receive protection through the 1979 Bonn Convention on Migratory Species, through its calls for conservation of habitat for migratory species. Habitat is defined as "any

area in the range of a migratory species which contains suitable living conditions for that species” (Birnie and Boyle, 2002, p. 611). Wetlands clearly fall under this realm as these ecosystems provide crucial habitat for a wide range of migratory species.

The Convention on Biological Diversity likewise indirectly provides protection for wetlands through Articles 8(d) which “[p]romote[s] the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings”. Article 8(e) also asks for signatories to “Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas. Also relevant to wetlands, given that many have been destroyed and/or degraded is Article 8(f), which asks states to “[r]ehabilitate and restore degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies. Finally, Article 8(h) is important when we consider development projects within the City in or around wetlands as it asks states to “[p]revent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species”. Invasive species regularly take hold after wetland disturbance, either due to species’ stress or due to contaminated construction equipment (like we have seen with the spread of Phragmites in our region). Finally, the Aichi Targets of 2010 (particularly Target 11) requires signatories to protect 17 percent of their nation’s terrestrial area by 2020. However, the majority of nations are not on track to meet that goal; Ontario has only succeeded in protecting 11 percent of its terrestrial area so far.

Often conservation is limited to areas within parks and protected areas; more must be done to protect biodiversity and ecosystem services beyond reserves in daily operations and land use planning. The Convention on Biological Diversity states in Article 6(b) Contracting Parties shall [...] “Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies. Conservation must be incorporated into all areas of policy and development to ensure that wetlands are afforded the appropriate level of protection.

Finally, since wetlands are an integral part of dealing with climate change, both mitigation and adaptation, their protection also falls under the United Nations Framework Convention on Climate Change 1992.

*Provincial Legislation:* Since 1982 wetland conservation has grown in importance, as the province recognizes wetlands as one of its most important natural capital assets. In the early 1980s, Ontario issued a discussion paper titled “Toward a Wetland Policy for Ontario”. From that, the government developed a policy paper called “Guidelines for Wetland Management in Ontario” (1984). In 1992 the government issued the Wetland Policy Statement. Now, over twenty different pieces of legislation govern wetland management, while five provincial ministries, two federal departments, a provincial agency, 36 conservation authorities (which are meant to support municipalities) and 444 municipalities implement wetland policies (A Wetland Conservation Strategy for Ontario, 2017).

Perhaps the most important piece in wetlands conservation today is the 2014 *Provincial Policy Statement*, which prohibits development or site alterations in all provincially significant wetlands, or in lands adjacent to provincially significant wetlands, unless it can be demonstrated that the wetland and/or its ecological functions will suffer no negative impacts (PPS 2.1.4(a)) and that 2.1.6 “[d]evelopment and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements” (PPS 2.1.6). It also states: “The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features, and groundwater features*” (PPS 2.1.2). Furthermore, the *Provincial Policy Statement* makes clear that all of the policies contained within it are minimum standards only and that planning authorities and decision-makers are free to take even more stringent measures regarding conservation. The *Provincial Policy Statement* asserts that our natural heritage is a resource: “The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, and meet its long-term needs” (p.4).

2.1.1 “Natural features and areas shall be protected for the long-term” (PPS, p. 22).

Currently, Ontario’s wetlands strategy is guided by “A Wetland Conservation Strategy for Ontario 2017-2030”. It strives for a social and political climate where “Ontario’s wetlands and their functions are valued, conserved and restored to sustain biodiversity and to provide ecosystem services for present and future generations” (A Wetland Conservation Strategy for Ontario, 2017, p. iii). The strategy comprises two targets: the net loss of wetland area and function will stop by 2025 where wetland loss is the greatest, and a net gain in wetland area and function will occur by 2030 where wetland loss has been the greatest. The Strategy also puts forth the principle that wetlands should be conserved according to three hierarchical priorities -- protect (retain area and functions of wetlands), mitigate (minimize further damage), restore (improve and re-establish wetland area and function).

Most significantly, the fourth principle in “A Wetland Conservation Strategy for Ontario” calls for a precautionary approach regarding wetlands and development and other projects affecting wetlands. This stipulation means incorporating wetland conservation into environmental impact statements provincially and municipally.

Wetland conservation equally appears in other provincial environmental policies. In 2011 Ontario published its biodiversity strategy called “Biodiversity: It’s in our Nature”, which outlined the province’s plan to protect biodiversity from 2012-2020. It specifically includes actions to improve wetland conservation. This strategy falls in line with the *Provincial Policy Statement* what addresses the preservation of the habitat of endangered and threatened species (PPS 2.1.7). Additionally, Ontario’s Climate Change Strategy and Action Plan views wetland conservation as key to mitigating carbon emissions and the impacts of climate change. Ontario has been updating its climate change adaptation planning with “Climate Ready: Ontario’s Adaptation Strategy and Action Plan, 2011-



2014”, which has many reference to maintaining and restoring ecosystem resilience, including protecting and restoring wetlands. And, the *Provincial Policy Statement* asserts that “Healthy, liveable and safe communities [should be] sustained by promoting development and land use patterns that conserve biodiversity and consider the impacts of climate change” (PPS, 1.1.1(h)).

#### *Municipal Policies: The London Plan*

Land use planning has the greatest influence on the conservation of wetlands. Official plans (e.g. The London Plan), local decisions on land use, and community based land use plans have far reaching impacts on the green spaces of our City, and how the City moves forward with approval for development projects that conflict with conservation values. The London Plan has clear provisions for the “identification, protection, conservation, enhancement, and management of our Natural Heritage System” (1293.1). Of particular importance for London as it considers the retention of its wetlands, no matter how small, is The London Plan’s statement that “[t]he diversity and connectivity of natural features and areas, and the long-term ecological function and biodiversity of Natural Heritage Systems, will be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features, and groundwater features” (*The London Plan* 1301). The City plans to ensure that its Natural Heritage System is “protected, conserved, enhanced, and managed for present and for future generations by [...] [p]rotect[ing], maintain[ing], and improv[ing] surface and groundwater quality and quantity by protecting wetlands [...]” (*The London Plan*, 1308).

*The London Plan* specifies that no development or alteration shall occur in provincially significant wetlands as evaluated and confirmed by the Ministry of Natural Resources and Forests (MNR), designating them instead as Green Space (*The London Plan*, 1332, 1333, 1390). This provision is in accordance with the *Provincial Policy Statement*, but in essence it only applies to Sifton Bog and Westminster Ponds, the two PSWs located within London.

The key clause of *The London Plan* for the purposes of these guidelines is 1334, which states that “[d]evelopment and site alteration shall not be permitted within a wetland. There shall be no net loss of wetland features or functions. In some instances, and in consultation with the conservation authority having jurisdiction, the City may consider the replacement of wetlands where the features and functions of the wetland may be provided elsewhere and would enhance or restore the Natural Heritage System” (*The London Plan*, p. 350). Moreover, 1335 goes on to say “Development and site alteration shall not be permitted within and/or adjacent to an unevaluated wetland identified on Map 5 and/ or if an Ecological Land Classification determines that a vegetation community is a wetland that has not been evaluated”. And 1391 again reiterates that ““Development and site alteration shall not be permitted in [...] wetlands [...] unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions”. These paragraphs do not specify that the wetland must be “provincially significant” nor does they qualify ‘wetland’ with a size. However, clause 1334 does suggest an opening for relocation and/or offsetting disturbed wetlands, but without specifications on how these projects should be undertaken or monitored. It is this gap that these guidelines will attempt to fill.

## **2.1 Habitat and Species Impacts**

While the economic benefits of wetlands tend to focus on flood control and water purification, wetlands provide other irreplaceable ecological services. One of the economically unappreciated features of wetlands is their contribution to biodiversity conservation and maintenance of the web of life. Since marshes and swamps are usually shallow enough to allow sunlight to penetrate and to allow for seasonal warming, they support photosynthetic activity, making them highly productive areas, full of diverse and abundant species. In Ontario, wetlands are biodiversity hotspots, supporting a variety of plants, birds, insects, amphibians and fish. Wetlands provide food and habitat for a large variety of species, and are particularly valuable to migratory water and shore bird species for breeding and nesting.

Wetlands come in a variety of types each with their own characteristics and suite of species. Wetland types are recognizable by their indicator and keystone species (Table 1).

Table 1: Common keystone and indicator species in Southwestern Ontario's Wetlands

Species	Habitat Types	Habitat requirements
Broadleaf cattail <i>Typha latifolia</i>	<ul style="list-style-type: none"> <li>• Marshes</li> <li>• Bogs</li> <li>• Fens</li> </ul>	<ul style="list-style-type: none"> <li>• A common resident of the marsh environment, it is usually one of the first species to colonize new habitats</li> <li>• It is common in early-seral and open-canopy communities</li> <li>• This species requires full sunlight</li> <li>• Light and warmth from sunlight are required to germinate seeds</li> <li>• Seeds germinate in all conditions, acidic, neutral or basic but will not germinate in waters above 1 atm of osmotic pressure</li> <li>• Seeds will also germinate in low oxygen conditions</li> <li>• Cattails can occur in sand, silt, loam and clay substrates</li> </ul>
Small-fruited bulrush <i>Scirpus microcarpus</i>	<ul style="list-style-type: none"> <li>• Marshes</li> <li>• Fens</li> </ul>	<ul style="list-style-type: none"> <li>• A common resident of the marsh environment, it can tolerate both full-sunlight and shade</li> <li>• This species requires silty/mucky soil with a high water holding capacity</li> <li>• This species grows best in neutral but can also grow in acidic conditions</li> </ul>
Soft maples <i>Acer saccharinum, A. rubrum</i>	<ul style="list-style-type: none"> <li>• Swamps</li> </ul>	<ul style="list-style-type: none"> <li>• These species are commonly found along the edges of swamps and is tolerant to waterlogged soils and flooding.</li> <li>• They can tolerate sun or shade and in all soil types.</li> <li>• They can thrive in acidic, neutral and basic conditions</li> </ul>
Black spruce	<ul style="list-style-type: none"> <li>• Bogs</li> <li>• Swamps</li> </ul>	<ul style="list-style-type: none"> <li>• This species is indicative of a bog environment and is also found in coniferous swamps.</li> <li>• It is tolerant of highly acidic soils and is most abundant in peat bogs.</li> <li>• It is a pioneer species in bogs and can invadated the <i>Spaghnum</i> spp. mat. It grows well in a variety of soils, moisture levels and light conditions.</li> </ul>
Common cottongrass <i>Eriophorum angustifolium</i>	<ul style="list-style-type: none"> <li>• Bogs</li> <li>• Fens</li> <li>• Marshes</li> </ul>	<ul style="list-style-type: none"> <li>• These species are commonly found in bog and fen environments and can be occasionally found in open wetlands</li> </ul>

		<ul style="list-style-type: none"> <li>• This species prefers calcareous peat and acidic soil. It grows well in poorly drained peat, sand, clay or loam and can survive in chalybeate (iron-enriched) water.</li> <li>• This species survives best in full sun but can grow in partial sun.</li> </ul>
<p>Fragrant white water lily <i>Nymphaea odorata</i></p>	<ul style="list-style-type: none"> <li>• Marshes</li> </ul>	<ul style="list-style-type: none"> <li>• The fragrant white water lily is a perennial plant floating aquatic plant that can grow in up to 8' of water.</li> <li>• It is common in wetlands and can be found in wetlands, lakes and slow-moving areas of rivers.</li> <li>• These plants have faunal associations with a large number of insect species and have food value for ducks.</li> <li>• This species prefer slightly acidic water rather than calcareous and alkaline.</li> </ul>
<p>Purple pitcher plants <i>Sarracenia purpurea</i></p>	<ul style="list-style-type: none"> <li>• Bog</li> <li>• Fen</li> </ul>	<ul style="list-style-type: none"> <li>• This species is indicative of a bog environment and has evolved to survive in the low nutrient and highly acidic environment. It can also be found in fens, although is much less common.</li> <li>• This species is adapted to a nutrient poor soil that are deficient from trace elements such as molybdenum. It requires acidic soils for growth.</li> <li>• This species obtains its essential elements by preying upon invertebrates such as flies, ants and spiders. These species fly into the pitcher and drown in the pitcher water. Digestion is performed through a number of digestive enzymes released by the pitcher plants in addition to a digester community comprised of bacteria, protists, rotifers and other invertebrates such as the mosquito <i>Wyeomyia smithii</i>, the majority of these species being specialists and reliant on the pitcher plant.</li> </ul>

<p>Sphagnum moss <i>Sphagnum</i> spp.</p>	<ul style="list-style-type: none"> <li>• Bogs</li> <li>• Fens</li> </ul>	<ul style="list-style-type: none"> <li>• These species are the keystone species of the bog and fen environments.</li> <li>• They retain a large amount of water while both living and while dead. Further, they do not decay readily as a result of the phenolic compounds found in their tissues. As such, their presence forms large mats of vegetation on acidic water, the basis for bogs.</li> <li>• Their presence helps shape the wetland environment for other species such as carnivorous plants (ie. Purple pitcher plant) and other acidic tolerant plants.</li> </ul>
---	--	---

Wetlands are also a home to a number of Ontario’s species at risk (Table 2).

Table 2: Species at risk that occur in London’s wetlands

Species	Status in Ontario	Habitat type	Habitat requirements	Threats
Eastern Ribbonsnake <i>Thamnophis sauritus</i>	Special concern	<ul style="list-style-type: none"> <li>• Marshes</li> <li>• Fens</li> <li>• Bogs</li> <li>• Swamps</li> </ul>	<ul style="list-style-type: none"> <li>• Found in areas with permanent water near terrestrial habitat (Harding 1997; Schribner and Weatherhead 1995) with shallow water and low, dense shoreline vegetation (Minton 1992; Cosewic 2002)</li> <li>• Habitat includes bare substrate near wetlands including gravel, cobble and boulders (Desroches and Leparé 2004).</li> <li>• Terrestrial habitats close to wetlands include open and sunny areas where there are clumps of grasses, sedges or low shrubbery (Harding 1997; Imlay 2009).</li> <li>• Habitats used by Eastern ribbonsnakes must have a high abundance of amphibians, particularly frogs, as these are their primary food source (Carpenter 1952; Brown 1979; COSEWIC 2012).</li> </ul>	<ul style="list-style-type: none"> <li>• Their biggest threats are loss of habitat including loss of wetland and riparian habitat (Environment Canada 2015).</li> </ul>
Eastern prairie fringed orchid <i>Platanthera leucophaea</i>	Endangered	<ul style="list-style-type: none"> <li>• Marshes</li> <li>• Fens</li> <li>• Swamps</li> </ul>	<ul style="list-style-type: none"> <li>• Requires open conditions with full sunlight and is restricted to graminoid-dominated vegetation communities (Bowles 1993).</li> <li>• It requires soil that is neutral to slightly calcareous (Bowles et al. 2005, Case 1987, Bowles 1983) and can tolerate</li> </ul>	<ul style="list-style-type: none"> <li>• The largest threats to the orchid are the lack of suitable habitat due to its specific</li> </ul>

			<p>pHs of between 5.3 and 7.5 (Zambrana Engineering Inc. 1998).</p> <ul style="list-style-type: none"> <li>• It is also found in a range of soil types, including deep, black calcareous silt loams, and muck soils (Zambrana Engineering Inc. 1998).</li> <li>• Wetland habitats where it occurs in ontario are fens dominated by Wire Sedge (<i>Carex lasiocarpa</i>), fens dominated by Common Reed (<i>Phragmites australis</i>) and other sedges (<i>Carex</i> spp.) and poor fen mats around lakes dominated by sphagnum moss and ericaceous shrubs (Eastern Prairie Fringed-orchid Recovery Team 2010)</li> <li>• The eastern fringed-orchid is adapted to fluctuations in water levels (COSEWIC 2003)</li> </ul>	<p>habitat needs as well as habitat loss and degradation (Eastern Prairie Fringed-orchid Recovery Team 2010)</p>
<p>Spotted turtle <i>Clemmys guttata</i></p>	<p>Endangered</p>	<ul style="list-style-type: none"> <li>• Marshes</li> <li>• Bogs</li> </ul>	<ul style="list-style-type: none"> <li>• This species is commonly found in areas with water associated with lake, marsh, pond and bog environments.</li> <li>• These species rely on connected wetlands and do not disperse more than 3km between suitable wetland habitat</li> </ul>	<ul style="list-style-type: none"> <li>• Two of its major threats are habitat loss and degradation. The loss of wetlands and wetland degradation, especially by way of common reed (<i>Phragmites australis</i>), are</li> </ul>

				devastating to these turtles and the current state of many wetlands may not support populations long term
--	--	--	--	---



## **2.2 Physical Environment Impacts**

Wetlands are vital for people and their health and safety, through their ability to control flood waters, protect against natural disasters, mitigate and adapt to climate change, and purify water. In a bid to encourage preservation and restoration of wetlands, the economic benefits of these ecosystems are often highlighted. In particular, economists point to the monetary value of clean water, flood and erosion mitigation and climate moderation. This ability to store flood water and reduce the amount of water flowing downstream alone is valued at billions of dollars a year. The natural water purification system within wetlands removes silt and sediments, preventing them from entering rivers, gathering nutrients and forming fertile agricultural land. Chemical reactions detoxify and neutralize toxic substances in the water, thereby protecting us from pollution. London is surrounded by agricultural land and wetlands easily remove organic material, particularly phosphorus and nitrogen, preventing it from flowing into our river system. They alleviate drought by holding water when conditions are dry. Water accumulated in wetlands also seeps into the ground, helping to replenish underground aquifers. Wetlands work to mitigate climate change by absorbing greenhouse gases, acting as carbon sinks that stabilize climate conditions. In places in Ontario, such as Lake Simcoe, it has been shown that loss of wetland ecosystems leads to eutrophication of lakes. Simply put, wetlands are an environmentally positive and cost effective means by which to treat a variety of environmental issues

## **3. General Information**

### *3.1 Wetlands as an important natural heritage feature of our city*

Our wetlands are important for our city. With rapid urban growth and development projects, they are a vanishing ecosystem within and beyond the city limits. They provide green space, stepping stones for species on migratory routes, habitat for insects and amphibians, and recreational opportunities for London's citizens. London's wetlands help maintain and enhance the city's biodiversity, forming a network of linkages connecting species. They are transitional habitats, that connect aquatic and terrestrial habitats. As more of the city's land is transformed with impervious covers, the remaining wetlands become increasingly important for flood management. And with climate change, the city's wetlands lessen the urban heat island effect and help combat drought that comes with altered weather patterns. They form a significant part of our natural and cultural heritage landscapes. London is fortunate to have two Provincially Significant Wetlands in two of its Environmentally Significant Areas -- Sifton Bog and Westminster Ponds.

Wetlands can range in size from very small (only a few metres squared) to hundreds of kilometres squared. Wetlands may be isolated, occur along the edges of lakes and rivers, or exist in conjunction with other natural areas such as woodlands, shrublands and native grasslands. In some cases, closely spaced wetlands related in a functional way can also form what is known as a wetland complex. In southern Ontario the average wetland is 25 hectares and most are swamps, dominated by trees and shrubs. They take many years to develop. London has many small wetlands that

frequently come into conflict with development projects and so the city must have clear guidelines on how to deal with wetlands going forward.

**3.2 Primary screening when changes to a wetland are proposed**

The simple procedure systematically considers key criteria to assess the opportunities and implications of whether or not to implement changes to a specific wetland.

**1. Identify present ecological classification of the wetland**

- a) Is the wetland “evaluated wetland” [Ontario Wetland Evaluation System](#)
  - i) Yes.....Access the evaluation file
  - ii) No.....Go To 2. Perform Comprehensive evaluation

Wetlands are ranked to determine whether they should receive special protection as “provincially significant”. Significance is determined by the Ontario Wetland Evaluation System (OWES) . Provincially Significant Wetlands (PSWs) are those areas identified by the province as being the most valuable. Provincially Significant Wetlands are identified using objective criteria based on the best available science The OWES ranking system is a standardized method of assessing wetland functions and societal values, which enables the province to rank wetlands relative to one another. A wetland that has been evaluated using the criteria outlined in the OWES is known as an "evaluated wetland" and will have a "wetland evaluation file. As wetlands may change over time OWES files for a given wetland is considered as an “open file”.

**2. Perform Comprehensive evaluation of Present Ecological Condition**

- a) Undisturbed ..... Go To 3.1, 3-2
- b) Moderate disturbed..... Go To 3.1, 3.2, 3,3
- c) Highly disturbed.....Go To 3.1, 3.2, 3,3

**3. Perform Comprehensive evaluation of Present Ecological Services and Restoration**

<b>(3.1) Services</b>	<b>(3.2) 1= no effect, 10=highest effect</b>	<b>(3.3) Restoration strategy</b>
<b>Regulating</b>		
Influence on air quality how if <.5ha size?		
Climate regulation How if <.5ha?		
Moderation of extreme events		

How if <.5ha?		
Regulation of water flows Is it part of complex, connected to water table?"		
Waste treatment?		
Erosion prevention		
Maintenance of soil fertility		
Pollination		
Biological control		
<b>Habitat Service/Gene Pool</b>	<b>Identify diverse species</b>	
Plant Species		
Animal Species		
Microbes		
<b>Cultural</b>	<b>1= No effect 10=High</b>	
Aesthetic		
Recreation/tourism		
Cognitive information		
Total Evaluation		

4. If Total evaluation is poor (scale less than) Wetland Relocation can be considered
5. If Total evaluation is moderate (scale between xxxx) wetland Restoration recommended
6. If Total evaluation is high Wetland need to be protected

#### **4. General Recommendations**

The purpose of wetland conservation is to both halt wetland loss as well as to restore and rehabilitate wetlands that have been lost.

##### **4.1 Preservation should be the norm**

“Natural ecosystems provide the foundation of a functioning human society” (Pattison-Williams et al., 2017, p. 400).

According to the mitigation hierarchy, preservation or avoidance of harm should always be the first priority. Wetlands are, in fact, afforded even greater protection under any offsetting policy and multiplier ratios due to the recognition of the vital ecosystem services they provide, and the realization that wetland areas have already declined dramatically. Consequently, in London, preservation of our wetlands, no matter their size, should be paramount. The possibility of relocating a wetland for a development project should not be used as an excuse to undertake that project, when avoidance of disturbance is equally an option. Economic concerns should not be given greater weight than environmental concerns where wetlands are concerned.

The more complex the hydrology or the ecological system, the more difficult it is to restore a wetland completely and in fact, in many cases it may be impossible. Very little is known about restoring inland freshwater wetlands, such as ponds, forested wetlands, bogs or fens (Kentula). With forested woodlands, woody vegetation takes so long to grow that often monitoring has ceased before these species have had time to establish. For London, where many of the affected wetlands are in, near or support woodlands, this time lag is significant and should be accounted for in development and post-disturbance monitoring plans.

International, national and provincial legislation and policies stress the importance of employing the precautionary principle in regards to environmental problems. This principle should be applied more rigorously in regards to wetlands where our knowledge of their functions and processes is limited. Instead, too much faith is put into the ability of restoration, relocation and recreation of wetlands to recover lost biodiversity (Maron et al., 2012). This misguided faith has led to an increase in biodiversity loss, as decision-makers, believing that restoration can deliver equivalent or better results, approve development projects that promise to damage ecosystems and functions. Time lags, uncertainty and problems with the measurability of the value being offset can seriously limit the technical success of offsets (Maron et al., 2012). As long as evidence is lacking to prove that restoration science and practice can achieve no-net loss of biodiversity, the precautionary principle should prevail. As Maron et al. advise, “the less certain we are that we possess the knowledge and technological ability to restore a biodiversity value, the less appropriate is offsetting as a response to potential loss of the value” (Maron et al., 2012, p. 145). It is the case that “project impacts cause immediate and certain losses, whereas the conservation gains of an offset are uncertain and may require many years to achieve” (McKenney and Kiesecker, 2010, p. 171).

Of particular importance to London where most of the wetlands that would be affected by development are quite small, studies have shown that larger wetlands recover faster than smaller ones, and that restored and/or created wetlands that are small may become more isolated, surrounded by fragmented landscapes. Small wetlands may only be able to support a limited number of individuals and they may not be connected enough to larger systems for local biota to restore the wetland to pre-impact functioning (Moreno-Mateos et al., 2012).

Restoration, relocation and recreation projects seldom meet targets. As Poulton and Bell noted, “[n]owhere is there a resounding success story, where offsetting has been demonstrated to achieve its full potential” (Poulton and Bell, 2017, p. i). In a study by Suding (2011), reviewing the successes and failures of restoration projects around the world, it was found that only a third to a half of projects were successful where restoration was used to fix a degraded system, and that when restoration was used to re-create a habitat, the success rate was even lower (Maron et al., 2012). Re-vegetated areas on highly degraded sites rarely resemble the target ecosystem (Maron et al., 2012). The actual recovery after ecological restoration is uncertain. In a meta-analysis of restored wetland systems around the world by Moreno-Mateos et al. (2012), it was found that even after a century, the biological structure (i.e. plant assemblages) and biogeochemical functioning (storage of carbon in wetland soils) was on average 26 percent and 23 percent lower respectively than reference sites. Recovery is clearly very slow, or in some cases the post-disturbance systems move toward an alternate state that is different from the reference conditions (Moreno-Mateos et al., 2012). Therefore, wetland offsetting should be used as an absolute last resort in the mitigation sequence, especially in the absence of proof that offsetting consistently leads to no net loss or a net gain in biodiversity. Preservation should always be the first option.

#### ***4.3 Relocation and Monitoring***

Wetland relocation (a compensation plan) is considered when the wetland feature does not achieve a provincially or municipally significance designation or significant wildlife habitat is not confirmed, but the wetland feature provides productive amphibian breeding habitat and habitat for terrestrial crayfish. Under the ‘The London Plan’ (2016) all wetlands regardless of size, are to be protected under the Natural heritage system policies. In every case before we relocate or alter a wetland, we must consider the merits of destroying the functionality of an existing wetland and replacing it with a wetland that may in the future only operate at 75 percent functionality (in the best case scenario) or which may transform into a different type of wetland. In that case we need to ask, is the existing or replacement function more important, will the proposed wetland increase wetland diversity, and is the increased biodiversity worth any loss to habitat of endangered species that may result from a project (Kentula).

If the wetland functions can be replicated, a similar habitat is created elsewhere on the subject lands and target wildlife are gathered and trapped from the wetland habitat lost due to the development project and transported to the compensation wetland.

##### Wildlife Transfer Steps use by Stantec at 905 Sarnia Road

1. Construction of the compensation wetland. (timelines between construction and transfer??)
2. Grading of the new habitat features, and the addition of root wads to the new feature banks.
3. Native seeds are broadcast in the deep pool, shallow pool, riparian areas and dry upland areas surrounding the feature.
4. Dewatering and water transfer of the old pond.
5. Wildlife transfer begins with 7 days of baited minnow trapping.
6. On the drainage date, wildlife capture techniques included dip netting, seine netting and

hand picking. Captured wildlife are placed in tall buckets and transported to the compensation pond.

7. Selective transfer of riparian vegetation from the existing to the compensation pond.

Riparian top soil is not transfer because of the possible presence of invasive seed banks.

8. Aquatic and substrate are removed from the existing wetland and released in the compensation wetland along with the wildlife captures.

9. Downed woody debris are collected from around the existing wetland and placed strategically around and in the compensation area to provide basking opportunities for wildlife transfers.

10. On the final day, additional muck is transferred to the compensation pond.

11. Timing: Period length of transfer? Preparation of compensation pond?

### 'Target' Wildlife in a Wetland

The ecology and life history of 'target' wildlife such as terrestrial crayfish, western chorus frogs, northern leopard frog, eastern newt, brock stickleback, midland painter turtle, and snapping turtle must be considered before wildlife transfer.

For Example:

#### 1. Terrestrial Crayfish

There are nine species of crayfish in Ontario and three of them are consistent (obligate) burrowers . Their names are: *Cambarus d. Diogenes* (Meadow or Devil crayfish), *Fallicambarus fodiens* (Chimney or Digger crayfish) and *Orconetes immunis* (Calico or Papershell crayfish).

#### *Orconetes immunis* (Calico Crayfish)

Calico crayfish are found in stagnant ponds and ditches and slow-moving streams. The bottom is mud with a heavy growth of rooted aquatic vascular plants. Because this species can burrow (1 metre deep) in the ground when necessary, it can utilize temporary pond habitat and spend the winter in the burrows. This species is largely herbivorous, feeding on the abundant vegetation of a pond, or, at night, on terrestrial plants close to shore. They are active both by day and night, but the adults are more strictly nocturnal. The species can travel across dry land at night, especially if there is rain or a heavy dew, and in this way can move from pond to pond. Copulation takes place from mid-July to early October, mostly yearling individuals participating. Eggs are laid in late October, and are carried on the underside of their abdomen through the winter. Hatchling .. Juveniles spend the summer growing, may become sexual active in September, but most wait until late the following summer. The normal lifespan is two years. (Crocker, 1968)

#### 2. *Pseudacris triseriata* (Western Chorus Frog)

These small frogs weigh as much as a paperclip and are less than half as long as your thumb.

Adaptations prevent their cells from freezing. They require 25 days to travel 200 metres. Most individuals live no longer than 1 year, some for 2-3 years. They feed on small insects and other invertebrates. During breeding, western chorus frogs use shallow, fishless ponds and large puddles that dry up in the summer. Reproduction happens just after ice-out in early spring. Eggs hatch and tadpoles grow into adults in as little as two months depending on the water temperature. After breeding, the adults move overland to protected areas (woodlands) where they remain active the rest of the summer and spend the winter in undisturbed soft soil.

Meadows and forests located right next to breeding ponds provide great habitat where frogs can spend the summer and overwinter undisturbed. (Bird Studies Canada pamphlet)

### Annual Post-Construction Monitoring

Before the monitoring process even begins, practitioners, developers, and the City must clearly define what a “successful” relocation or restoration would entail for each *individual* project, and outline a clear set of objectives. For instance, even if a site has revegetated, it could be functionally inadequate, and/or the plant composition may differ from the initial goals.

The three, five, ten year annual monitoring report includes qualitative and quantitative observations of water level, riparian and aquatic vegetation, overflow, breeding birds, amphibians, terrestrial crayfish chimneys and incidental wildlife associated with the constructed feature. However, given that significant time lags occur before a mitigation project can be determined a success, the time scale may require adjustment. Evidence has demonstrated that even 100 years after disturbance and restoration, the functions of a wetland may not have fully recovered. Indeed, to date restoration ecologists have been unable to re-create full functional replacement; it may not even be possible to fully re-create all the functions of a wetland. Careful and regular monitoring over a long period of time is vital to catch any problems that may arise (wetland shrinkage, incursion by invasive species) and to ensure greater probability of success of any wetlands project. In the absence of sufficient monitoring and adaptive management, designing wetlands to be self-sustaining and self-managing will better guarantee that they succeed.

Quantitative observations include an amphibian call survey (3 spring visits), crayfish burrow count using the quadrat method, baited minnow trapping, riparian and aquatic vegetation inventory, and the measuring of spring, summer and fall water levels.

Qualitative observations include turtles, any incidental wildlife, backyard encroachment and the health of neighbouring woodlots and other vegetation (invasive species) near and beyond the wetland.

If monitoring indicates that certain populations are in decline, additional individuals can be transferred into the compensation wetland (e.g. import tadpoles, broadcast more native seeds). Wetlands are particularly vulnerable to invasive species, due to their interconnection with waterways, their proximity to roads (paths along with invasive species may travel), and due to climate change which puts stress on wetlands due to changing weather patterns (increased rainfall

and/or drought). Re-created, restored or relocated wetlands will be particularly vulnerable to invasive species as they have suffered a disturbance and opportunistic plants can establish themselves quickly in areas where native species are stressed. If an invasive species (e.g. phragmites, purple loosestrife) is observed, the growing population can be carefully removed.

#### **4.4 Wetland Offsetting**

An option to prevent the net loss of wetlands in Ontario is the development of a wetland offsetting policy. Recently offsetting has become a popular approach to balance development projects with the need to protect biodiversity. However, it must be made clear that offsetting will not replace other legislation that provides protection for certain wetlands (i.e. provincially significant wetlands) where disturbance is prohibited. Wetland offsetting involves mitigating negative impacts upon one wetland by intentionally restoring or creating a new wetland at a different location. This type of policy is typically set within a mitigation hierarchy and involves the hierarchical progression of alternatives, including avoidance of impacts, minimization or mitigation of avoidable impacts and offsetting of impacts that cannot be avoided. The Ontario government remains committed to offsetting only being used as a last resort (OMNF, 2017). Wetland offsetting is meant to ensure no net loss of biodiversity, and, ideally, a net gain of biodiversity. However, there is always the risk that the offset never achieves an equivalent conservation value.

Several jurisdictions in Canada and around the world have developed wetland offsetting policies. Accepted methods of compensation include wetland restoration, creation, enhancement and preservation. The London Plan touches on offsetting or “compensatory mitigation” in 1402, stating that it may be provided through “[a]dditional rehabilitation and/or remediation beyond the area directly affected by the proposed works” and/or “[o]ff-site works to restore, replace or enhance the ecological functions affected by the proposed works” (The London Plan, 1402).

Biodiversity offsetting usually involves restoration as a way to offset specific losses in biodiversity or to trade for losses that may occur in the future. Biodiversity offsetting and wetland offsetting in particular, is meant to follow the mitigation hierarchy which calls for projects to avoid impacts, then minimize impacts that cannot be avoided, to then mitigate unavoidable impacts and finally to offset impacts that cannot be avoided. The Ontario government has said that it will use offsetting as a last resort in regards to wetlands. A common concern with biodiversity offsetting is that it exchanges “certain losses for uncertain gains” (Maron et al., 2012). And uncertainty regarding the outcome of an offset are significantly higher if the restoration is occurring at a significantly modified site.

There really is no one-size-fits all guidance for offset; local contexts can provide a variety of challenges. As McKenney and Kiesecker (2010) point out, no two areas are exactly ecologically identical and we cannot expect with relocation or re-creation to produce an exactly equivalent wetland. So then, how do we best create “equivalency” to address the losses of biodiversity and functionality? Questions that must be addressed prior to any relocation or offset project are: where



should the offset be located, when and for how long should it be operational, how should we manage risk of failure, and what will we do if an offset fails to reach its goals (McKenney and Kiesecker, 2010). Timing is a major issue with offsetting, whether restoring, relocating or re-creating. It could be many years, if ever, that a wetland project reaches maturity. Sometime policy statements require offsets to be in place before a project takes place, but with the pace of development in London, this provision may not be practicable.

*Multiplier ratios.* To address the problem that restoration or re-creation projects rarely, if ever, produce an equally biodiverse and functional wetland, multipliers are used to determine the scope of an offset project. Since wetlands are particularly valuable, the offset multiplier for wetlands is usually higher compared to other areas. Specifically, a restoration area should be several times larger than the impact site to compensate for the very high risk of failure or low performance. The London Plan specifies that “mitigation shall mean the replacement of the natural heritage feature removed or disturbed on a one-for-one land area basis (The London Plan, 1401), which seems insufficient given the uncertainties of success and the the goal of the provincial wetland strategy aiming for a net gain of wetland area. However, The London Plan goes on to say “[c]ompensatory mitigation shall mean additional measures required to address impacts on the functions of the Natural Heritage System affected by the proposed works. The extent of the compensation required shall be identified in the environmental impact study, and shall be relative to both the degree of the proposed disturbance, and the component(s) of the Natural Heritage System removed and/or disturbed” (The London Plan, 1401). And 1402 (3) does state that “[r]eplacement ratios greater than the one-for-one land area [are] required to mitigate the impacts of the proposed works” (The London Plan, 1402).

*Duration.* Ontario is still determining the duration of wetland offsets, whether they should be for the duration of the negative impacts or whether they should be in perpetuity. Given the ongoing losses of wetlands across southern Ontario, it can be assumed that wetland restoration projects or relocation should continue in perpetuity, especially since it has been demonstrated that evidence does not exist that these wetlands recover full functionality. Moreover, once a wetland has been moved for one project, that “relocated” or offset wetland, should not then itself become the subject of another development project and be relocated again.

A number of factors will have to be determined for offsets: the appropriate policy mechanisms for implementation, the roles and responsibilities for implementation, reviewing long-term results of wetland offsetting and restoration, and establishing monitoring requirements to make sure that the wetlands’ functions have been properly restored (A Wetland Conservation Strategy for Ontario). The three existing mechanisms for compensation are permittee-responsible mitigation and two forms of third party mitigation: mitigation banking and in-lieu mitigation. In permittee-responsible mitigation the development permit holder is responsible for delivering the offset. In the case of mitigation banking, the permit holder purchases offset credits from a wetland bank. In-lieu fee mitigation involves paying funds to an in-lieu fee sponsor (e.g. Ducks Unlimited) that later uses the funds for mitigation purposes (Poulton, 2017).

As Ontario develops its own unique wetland offset policy, lessons learned from other jurisdictions have helped to establish four key considerations (Poulton, 2017). Four of these lessons are:

1. Need for reliable tracking, reporting and record keeping: Baseline data on wetland functions lost to development must be recorded. Establish long-term monitoring requirement to ensure that wetland functions are restored.
2. Need for a watershed-based approach: Rather than a piecemeal approach, decisions are based on an assessment of the wetland needs in the watershed and the potential for the compensatory wetland to persist over time. The individual offset site should be designed to maximize the likelihood that they will make an ongoing ecological contribution to the watershed.
3. Need to adhere to the mitigation sequence: Avoidance and minimization of adverse impacts must be vigorously applied first. Skipping directly to the compensation step leads to opportunities lost to preserve natural heritage.
4. Need to ensure compliance: Compliance monitoring before and after project construction should endure inspection and enforcement by the municipality.

#### 4.4.1 *Restoration and Rehabilitation*

There is two kinds of restoration: “re-establishment” which is returning the natural or historic function of a former wetland with the goal of increasing wetland area, and “rehabilitation” which is repairing the natural or historic functions of a wetland, such that there is an increase in functions but not in the area of wetlands (McKenney and Kiesecker, 2010). Wetland restoration rehabilitates a degraded wetland or it recreates a wetland that was destroyed. It takes place on land that is or was a wetland. In North America (Canada, US, Mexico) US\$70 billion spent attempting to restore 3 million hectares of wetlands from 1992-2012 (Moreno-Mateos et al., 2012). Restoration ecology is a relatively young discipline. Insufficient evidence is available to demonstrate that it is successful.

Several authors warn that “it cannot be assumed that restoration efforts will successfully return a degraded area to a state which is comparable or equivalent to the reference condition” (Matthews and Spyreas, 2010, 143). Hydrologic structure in restored and created wetlands is usually only followed 1-15 years following a project so the long-term changes are unknown (Moreno-Mateos et al., 2012). The abundance, species richness and diversity of native animals and plants in affected wetlands decreases dramatically following disturbance. Many macro-invertebrates cannot recolonize created or restored wetlands by themselves; they must be brought in by flowing waters or be brought in by other organisms (Moreno-Mateos et al., 2012). Moreover, climate variability and changing weather patterns will make predicting restoration outcomes difficult.

Restoration ecologists are increasingly recognizing that, given their complexity, restoring or (re)creating an ecosystem to some specified state, especially within a short time frame, is not particularly feasible (Hobbs et al., 2011 in Maron et al., 2012). Restoring just the functions of ecosystems can take several decades, and evidence has shown that even after a century, wetlands on average only operate at 75 percent functionality compared to reference sites (Moreno-Mateos et al., 2012). So, while plant biomass or species richness may return to pre-disturbance levels in a

shorter period of time, the actual composition of the plants may differ, and the soil composition, chemical properties and ecosystem functions (i.e. nutrient cycling) take significantly longer to be restored (Maron et al., 2012). For instance, Hossler et al. (2011 in Maron et al., 2012) discovered that even though restored and reference wetlands may have similar vegetation and hydrology, restored and created wetlands stored significantly less carbon in their soils and litter and also had much lower rates of denitrification.

Plant assemblages actually take the longest to be restored or created, particularly woody vegetation. It takes an average of thirty years for restored/created wetland sites to converge with the reference states of wetlands. However, the absolute average values of the structural features of plant assemblages was shown to be lower than reference levels even after a hundred years (Moreno-Mateos et al., 2012). Slow or incomplete recovery may be due to dispersal limitation, vulnerable early life history stages or sensitivity of any life stage to altered conditions (Moreno-Mateos et al., 2012). In addition, opportunistic invasive or non-native species may quickly colonize a disturbed area, outcompeting native species, thereby altering the plant assemblage in comparison to reference sites. Moreno-Mateos et al. (2012) also found that carbon and nitrogen storage and cycling drastically decreased in comparison to pre-impact levels.

Restoration can be even more difficult due to challenging situations occurring outside of the site, such as continued urbanization or new development projects that exercise negative influences on the restoration site (Maron et al., 2012). Stranko et al. (2012) looked at the effectiveness of stream restoration in urban areas and found that these restoration activities failed to improve any of eight biodiversity indices. The authors determined that the impacts of urbanization on stream ecology are irreversible and consequently it is unlikely that any biodiversity gains can come from stream restoration projects in urban areas (Maron et al., 2012). The same is likely true of wetlands, and particularly small wetlands, in urban settings.

Recommendations for using restoration to deliver biodiversity offsets or to compensate for wetland loss with development projects.

1. The impacted biodiversity and ecosystem values should be clearly defined and measured.
2. Time lags and uncertainties should be explicitly accounted for in any loss/gain calculation. Time lags should not pose an interim threat to biodiversity values.

Moreno-Mateos et al. (2012) found in their survey of restored wetland ecosystems that those restored wetlands that enjoyed the greatest success were larger wetland areas (greater than 100 hectares) in temperate or tropical climates. Smaller wetlands in colder climates fared least well, which is something important to consider regarding restoration projects in London which are going to involve smaller wetlands in a non-tropical setting. Current restoration practice does not recover original levels of wetland ecosystem functions, even after many decades (Moreno-Mateos, 2012).

#### **4.4.2 Artificial Wetlands**

Before constructing artificial wetlands, the impacted wetland should be looked at within a larger landscape context and a social context to determine what roles it plays within the larger ecosystem/social structure. For instance, is the current wetland a stop on a migratory route? Does it contribute to the watershed levels? It is necessary to look beyond municipal boundaries, which are artificial limits when applied to ecosystems.

Wetland creation -- construction of a wetland where one did not previously exist -- is much more complicated than restoration.

The elements that must be considered when planning to design and create a wetland are:

- Site-selection
- Hydrologic analysis
- Water source and quality
- Substrate augmentation and handling
- Planter material selection and handling
- Buffer zone placement
- Long-term management (Kentula)

Site selection usually is determined based on the availability of land or on policies that require the restored or created wetland to be in close proximity of a wetland loss (usually due to migration considerations). Location is extremely important in terms of influencing the structure and function of the wetland, and guaranteeing its longevity. Planners must consider both present and future land uses.

The hydrologic conditions are probably the most important factor for determining what type of wetland can be established and what kind of wetland processes can be maintained (Kentula). These include inflows and outflows of groundwater and surface water, the resulting water levels and the timing and duration of soil saturation and flooding (Kentula). Hydrology is greatly influenced by the configuration of the basin (i.e. the depression which will contain the wetland). The position of the basin surface relative to the water table affects the degree of soil saturation and flooding (Kentula). To ensure that water is present year-round, many wetlands are excavated such that the deepest part of the basin is below the lowest anticipated water level. The slope of the basin banks determine how much of the site will become vegetated, and by what kinds of plants (Kentula). In a properly constructed freshwater marsh wetland, the lowest point of the wetland will be inundated with water to a depth and for a period long enough that emergent vegetation can persist, but not for so long that it destroys the plants (Kentula).

The water quality of the wetland is highly important, yet often overlooked. If there are chemical inputs from the surrounding area, these can overwhelm a wetland. This is particularly important if the wetland is close to a road due to the de-icing salts. They can alter the productivity and composition of the plant community of the wetland, possibly favouring nuisance species, and they may harm animal species that cannot survive and breed in highly chemically altered waters.

The soils of a wetland are also really important, since though a created wetland may be structurally similar to a natural wetland, its hydrology may differ greatly if the permeability of the substrates are different (Kentula). Often the soils in created wetland contain less organic matter, which may affect plant growth. Using soils from a “donor” wetland or the impacted wetland to help create the new wetland may be able to increase the soil organic matter and provide the nutrients necessary for plant species, microbes and invertebrates (Kentula). Created wetlands will do better if the plants chosen closely resemble those of similar, local wetlands.

Microbes in the wetland play a crucial role in biogeochemical reactions which causes nutrient cycle and sustain other higher plants and animals. Comprehensive understanding of microbial composition and population will facilitate better understanding about a wetland condition (Bodelier and Dedysh 2013).

Garbisch (1986) suggested choosing herbaceous species that would rapidly stabilize the substrate and have potential value for fish and wildlife; to select species that can adapt to a wide range of water depths; to avoid choosing only species that are favoured by animals or you risk denuding the site (i.e. with geese), and to select “low maintenance” vegetation (Kentula).

### **Ducks Unlimited Publication - Wetlands on My Lands?**

#### Steps to Creating a Wetland

1. Site Selection - Select the site during spring runoff to get an idea of where water flows and lies in your property. The catchment area (area that provides surface runoff into your wetland) should also be estimated at this time. A topographic survey can also provide more accurate data about surface flow. If the survey determines that there is less than a 0.6 m drop across the site, then excavating a basin is required.

2. Test the Soil - Impermeable soils are an important characteristic of wetlands. Soils that are fine-textured and not sandy and gravelly are suitable. It is also possible to bring in suitable soils (clay) to line the basin so the wetland will hold water.

3. Size and Shape - Wetlands come in all sizes. Make the wetland irregular in shape with many bends in the shoreline to mimic a natural wetland.

4. Wetland Depth - Excavate the wetland with an undulating bottom to encourage various types of vegetation. Emergent vegetation will grow in water depths of 1 m or less. It is advisable that approximately 25% of the area is 1 m or more in depth to ensure an ideal mixture of vegetation and open water. Excavating some deeper pockets will ensure some area will remain free of vegetation and allow the addition of native fish.

5. Wetland and Upland Enhancements - Establish a buffer around the wetland of undisturbed grasses, trees and shrubs. Install nest boxes to increase cavity nesting birds. Drag a few branches or logs into the wetland to provide basking areas for frogs, turtles and ducklings.

## **5. Conclusion**

We need better scientific understanding of biotic and abiotic factors that hamper the success of restoration and relocation projects before we embrace these policies as a means to compensate for losses stemming from development and urban expansion.

## **6. Policy Recommendations**

- a. When wetlands are involved in an infrastructure project, the priority should always be to avoid impacts to the maximum extent possible.
- b. Any wetland conservation strategy should integrate climate change adaptation and mitigation into its policies and outlook.
- c. Compensatory mitigation should not be used to make a potentially avoidable project seem more acceptable.
- d. Economic criteria should not be given priority over ecological criteria in development decisions.
- e. Restoration and recreation wetlands should be designed to both technically and legally last in perpetuity.
- f. A wetland which has been restored or relocated in compensation for another project should not subject to removal or further threats because of its “unnatural” status. It cannot be used as an excuse for future disturbance. See recommendation d.
- g. All restored and relocated and disturbed wetlands must be monitored for a period of no less than 10 years.
- h. Adaptive management must be incorporated into any and all wetland restoration and relocation projects, including removal of invasive species and other necessary actions to achieve desired outcome.
- i. The precautionary principle should influence all projects involving wetlands.
- j. Buffer zones are very important especially in urban areas. There should be undeveloped, vegetated land around wetlands and/or a fence or barrier. The composition and width of the buffer depends on the land use that is occurring adjacent to the created wetland, and also the requirements of the animals that will use the wetland and the buffer area.

k. The guidelines should apply to ephemeral water bodies (i.e. those present in spring and early summer). Such bodies are present in many areas of London and play a significant role in the maintenance of life systems in green areas.

## **7. References**

## EEPAC COMMENTS

Southdale Road West Class

Environmental Assessment

Subject Lands Status Report and Environmental Impact study

Reviewers: S. Levin, C. Therrien, R. Trudeau

9 May 2018

The main issues identified in this report were as follows:

1. Trees with cavities suitable for roosting bats may be removed from within the study area. Section 10 of the Endangered Species Act forbids the damage to or destruction of SAR habitat. Without acoustic surveys it is unknown which bats species might be present.
2. The Western Tributary is conveyed beneath Southdale Road West through a Corrugated Steel Pipe (CSP) culvert approximately 650 mm in diameter. After field visits, it was determined that it had become buried and serves as a dispersal barrier for fishes. Based on this, it can be concluded that keeping a culvert of the same size will “limit or diminish the ability of fish to use such habitats as spawning grounds and as a migration corridor” which is a direct violation of the Fisheries act section 4.
3. The OMNRF has released a May 2018 report titled “Considerations for the Development of a Wetland Offsetting Policy for Ontario. The document outlines a mitigation sequence that has four steps: Avoid, Minimize, Mitigate and Compensate. The sequence is intended to be applied in a stepwise fashion and since so much in this report is left for the detailed design process, it is important to emphasize that offsetting is considered only when all other steps have been accomplished.
4. A proposed ESA north of Southdale, a potential ESA south of Southdale and an eventual four lane footprint will lead to greater fragmentation and reduced wildlife movement.
5. A detailed tree survey and a tree compensation plan should be included within this EIS.
6. The loss of habitat for species protected by the Endangered Species Act
7. Invasive species management plan should start now



### **Theme #1: Bat habitat.**

“While specific studies for bats were not conducted for the woodland areas, the two forest areas have potential to support bat maternity colonies as habitat for bat SAR.” (Southdale Road West Class EA, EIS, 2018)

Specific studies were conducted for the Boler Mountain Access Road EIS 2016. The study area stretched from Wickerson Road to the west boundary of the Boler Mountain property and south to include part of the northern boundary of the proposed extension of the Dingman Creek ESA. During the 2016 tree inventory, six (6) trees were observed with cavities suitable for roosting bats. Candidate maternity roost habitat is determined by a density of >10 cavities/hectare within a forest, as described in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (OMNRF,2015a). The survey did not meet the Ontario requirement in the Boler Access Road study area as the tree inventory was completed within the proposed access road footprint only and not the entire forest community. The EIS did recommend additional cavity surveys if future development is proposed. The Southdale Road Widening study area, located 200 m south is part of that same forest community.

Replacing snags with bat boxes has had mixed results. See Acta Chiropterologica, “**Bat Boxes — A Review of Their Use and Application, Past, Present and Future,**” 18(1):279-299. 2016

<https://doi.org/10.3161/15081109ACC2016.18.1.017>

**Recommendation 1: Complete a June snag survey to determine potential bat cavities.**

**Recommendation 2: Complete a June bat acoustic survey as there may be a need to seek an overall benefit permit if there is loss of bat SAR habitat.**

### **Theme #2. The Western Tributary and its culvert under Southdale Road**

The description of the current Aquatic Resources (section 4.11) is outdated and incomplete. Since the site visit and its description in 2016, the new SWM pond has been completed and is providing inputs into the west branch of the western tributary. This increased input of water could increase the discharge of the tributary and result in water present in the tributary for more of the year. As such, the EIS should be updated.

The proposed Boler Mountain Access Road project crosses the Western Tributary. A 1050 mm CSP culvert has been proposed. South of that, the Western Tributary is conveyed

beneath the current Boler Mountain Access Road. The size of the pipe/culvert is not known. Culvert sizing is left to the detailed design.

**Provincial policy statement:** Policy 2.1 and 2.2 states alteration of fish habitat is prohibited unless it can be demonstrated that no negative impacts will occur (2.1.5). The current Southdale culvert size is too small and cannot handle flows. Current condition of the culvert is buried as a result of a build up of sediment and detritus around its northern opening (Fig. 1). This build up of debris has cut off much of the opening and future flooding events could result in the complete blockage of the culvert and cause flooding in the surrounding area. As such, keeping it in its current condition will result in negative impacts to fish habitat and culvert size must be address during the design phase.

Include in the detail design requirements, improvements to the watercourse north of Southdale where it crosses the current Boler Mountain Access Road. It is assumed that the area the access road encompasses will be restored to its original state, capable of supporting a forest community.

In section 7.1.3. Watercourse Crossing/Aquatic habitat, it is mentioned that “there may be opportunity to improve fish passage and riparian areas adjacent to the channels”. Keeping a culvert of the same size in the current design will not improve access to fish habitat but will continue to inhibit access to it. As such, a large box culvert is recommended. In addition, riparian areas can be improved if erosion control measures such as bank stabilization are included and a large box culvert is installed as increasing the cross-sectional area of the culvert is found to reduce surface flow and cause less erosion (Booth and Henshaw 2013).

In the report it is mentioned that there is moderate bank erosion downstream of the CSP and transitions to a poorly defined channel. Much of this erosion and channelization is most likely due to the stream passing through a CSP of 650mm in width. Several studies have shown that too small a culvert actually increase downstream erosion and the major cause of this erosion is most likely the result of this undersized culvert (Booth and Henshaw 2013).

Measures to control bank erosion are recommended in addition to increasing the size of the culvert, especially since the mitigation measure include to improve fish passage at watercourse crossings and the fact that the road will be expanded.

**Recommendation #3: There is an opportunity to enhance (a net gain) the fish habitat upstream and downstream of the Southdale crossing by installing a large box culvert where the Western Tributary goes under the road.**

**Recommendation #4: Given the extent of cut and fill, consult landowners near the Western Tributary now with a mitigation plan to add a riparian zone south along private land. Also consult with UTRCA.**

Reference: Booth, D. B. and P. C. Henshaw. 2013. Rates of channel erosion in small urban streams. Pages 17–38 in M.S. Wigmosta and S. J. Burges, editors. Land use and watersheds: human influence on hydrology and geomorphology in urban and forested areas. American Geophysical Association, USA.



**Figure 1.** Image of the partially buried culvert on the north side of Southdale Road. The image shows a large build-up of detritus causing the burying of the opening and restricting fish passage.

### **Theme #3: Wetland Management – Avoid, Minimize, Mitigate, Compensate (Offset)**

Sections 4.4, 6.1 and 8.3.2 summarized:

The wetland features near and west of the Eastern Tributary are too small to be evaluated, isolated and vary in their ability to provide ecological function. The more westerly feature contains significant amphibian breeding habitat and is being treated as locally significant. The wetland feature nearest the Eastern Tributary would require minimal encroachment (0.03ha). Public lands adjacent to the wetland features are limited, so compensation for the loss of wetland habitat will take place elsewhere.

The OMNRF May 2018 document suggests that offsetting does not only refer to wetland area; it should also compensate for loss of ecological function (e.g. hydrologic functions, carbon storage and biodiversity), and traditional, cultural and Indigenous values. A baseline assessment of each impacted wetland is necessary to determine its function and their value within the sub-watershed or watershed.

Some wetland features are just depressions in the soil surface relying on surface flow for their water supply. However, these wetland features are situated relatively close to the Eastern Tributary and appear to serve as natural stormwater facilities. The tributary overflows its banks and the wetland features will: 1. help to control flooding and reduce flood damage, 2. maintain and improve water quality by filtering contaminants and excessive nutrients, 3. trap moderate amount of soils off nearby uplands before they enter Dingman Creek.

The road profile and design will incorporate LID measures in the form of stormwater storage in oversize pipes or perforated pipes to convey roadway runoff. Storage systems called “wetlands” already exist, ready to accept roadway runoff. In the near future, the south side of Southdale will be filled with Low Impact Development. Enhancing these wetland features will support these future LIDs as well.

**Recommendation #5: The road improvement has a defined footprint and therefore avoidance and minimizing the project are not options. However, Southdale will eventually become a four lane road. To insure mitigation measures are long lasting, they should be drawn up based on the eventual four lane footprint.**

**Recommendation #6: A baseline assessment of each impacted wetland is necessary to determine its ecological function.**

**Recommendation #7: Consult landowners near the Eastern tributary now with a mitigation plan to add a riparian zone south along agricultural land. Consult with UTRCA.**

**Recommendation #8: If there is no possibility of avoidance or minimization to the wetlands, there must be a mitigation and/or compensation plan approved by the UTRCA prior to construction. Ideally it is included as a requirement in the bid documents for the construction.**

**Theme #4: Enhancing Wildlife Movement across Southdale Road**

The Boler Mountain Lands Status Report (2012) describes the natural areas within the Boler Mountain study area as having a strong ecological connection to the Dingman Creek ESA located approximately 300 metres to the south of Southdale Road. The large area of native woodland present within the study area is connected to the Dingman Creek ESA through a corridor of similar woodland 100 to 200 metres wide south of Southdale Road. An extension of the existing Dingman Creek ESA boundary is proposed for the Boler Mountain study area. The area between the Dingman ESA and Boler Mountain is an unevaluated, potential ESA.

Leveling Southdale Road will improve sightlines and possibly reduce deer collisions. Upgrading the culverts and adding riparian zones along the Western and Eastern Tributaries will enhance fish migration. Tree planting along Southdale Road will close the forest canopy somewhat to aid bird movement. Terrestrial wildlife (e.g. red fox, coyote, turtles, amphibians chipmunks, squirrels) require a wildlife corridor for safe passage across Southdale Road.

**Recommendation #9: The city should begin acquiring lands south of Southdale Road for long term management ecosystem planning (re: to create a continuous ESA from Boler Mountain to Pack Road.**

**Recommendation #10: Add grassed edges to the box culvert conveying the tributary waters or build a designated wildlife box culvert (tunnel) lined with vegetation for reptile and amphibian movement.**

**Theme #5: Tree Removal and Compensation**

Tree removal must be outside the breeding season. No removal April 1st to Aug 31st as per Migratory Bird Convention.

300 trees documented, only 9 dead 78 over 50 DBH and 97.5% healthy. How do you replace that loss of tree mass and over what period? You cannot claim no net loss of features and functions as Dillon has done in the net impacts table. Page 44 also says compensation planting and “enhancement” to keep natural cover. Where? Not going to be able to replace feature and function of 78 50+DBH trees within the Road Allowance. Missing from the document is a map of where the trees will be lost.

It is inadequate that in the two years between 2016 when the field work was done and the publication of the EIS that NO work appears to have been done on any of the “Plans” for compensation, mitigation or edge effects. It is simply NOT adequate to leave this to “detail design” given the significant cut and fill and limited area for compensation.

In the Boler Mountain Lands Status Report, section #5 – Recommended Designations and Management, two restoration areas were identified for an active restoration program. The areas border both sides of the existing Boler Access Road.

**Recommendation #11: The tree compensation plan should target these degraded woodland areas as well as the existing Boler Access Road which should be restored to its original state.**

**Recommendation #12: Start now with working with adjacent landowners for compensatory mitigation for tree loss as well as loss of wetland and grassland features.**

**Recommendation #13: Identify land for acquisition or City lands for tree planting as it is unlikely sufficient land is available to compensate for the loss of tree ecological functions.**

**Theme #6: Provincially Significant Bird Species observed in the general area**

The Boler Mountain Lands Status Report (2012) reported the following:

One provincially significant bird species was noted on the site: Barn Swallow (with a status of threatened). This species was seen in the west portion of the site, in the strip of successional habitat along the small tributary parallel to Wickerson Road. The Barn Swallow was noted foraging over the fields on the western side of the site and was not noted breeding on the site. Barn Swallow nests were searched for in the barn/shed structure located in the western portion of the site; however, no nests were located within this structure.

An additional provincially significant bird species was noted on adjacent property: Eastern Meadowlark (threatened) was noted on the fence adjacent to the agricultural fields to the west (2011), and from agricultural fields to south of the study area (2012). Although Eastern Meadowlark was not noted on the subject property, this species likely incorporates areas of the site into its breeding territory as there is suitable habitat on the southwestern part of the property (grassy fields). This species is area-sensitive, and depends on large tracts of grassland habitat. It is generally found in broad agricultural landscapes and is extremely rare in urban settings. An adjacent landowner has also identified Bobolink in the grazing lands on the south side of Southdale, east of Wickerson. Ontario’s Endangered Species Act protects both species and their breeding habitat.

Pending and ongoing development in the general area includes: road work on Wickerson Road, a new subdivision under construction along Wickerson Road, a new stormwater pond built between Wickerson Road and Boler Mountain, an Access Road between Wickerson Road and Boler Mountain is nearing the construction phase and the Southdale Road widening project in the design stage.

**Recommendation #14: Reducing habitat of the Eastern Meadowlark is contrary to the Endangered Species Act. Adjacent landowners must be consulted and cooperate in a compensation plan to create and enhance grassland habitat.**

Theme #7 – An Aggressive Invasive Species Strategy.

8.2 “The Study Area was observed to contain high abundance of non-native and/or invasive species which may be attributed to existing negative impacts. An Invasive Species Management Plan is to be developed during the Detailed Design to target aggressive invasive flora which include White Sweet-clover, European Common Reed (Phragmites), Common Buckthorn and Periwinkle.”

Table 4, page 21 - Common Reed Graminoid Mineral Meadow Marsh (MAMM1-12, ELC Community #4). “ This small meadow marsh feature is situated around the outlet of a stormwater management pond located north of Southdale Road West ROW. The outlet forms the headwater for the East Tributary. This small meadow marsh community is dominated by European Common Reed which appears to be taking over a Cattail dominated meadow marsh.”

Table 4, page 21 – Cattail Graminoid Mineral Meadow Marsh (MAMM1-2, ELC Community #5). This community is adjacent to ELC Community #4 which was described in the above paragraph. “The small meadow marsh community is dominated by Cattails and transitions into European Common Reed dominated meadow marsh.”

Following road construction, invasive species are the first to invade. A post-construction plan for their removal is needed. The existing wetlands have already been invaded. Offsetting (compensation) measures have been suggested for wetland habitat loss due to construction. Mitigation, which is step three in the Wetland Strategy mitigation sequence, involves rehabilitation and restoration of features and functions. This should be a pre-construction strategy.

**Recommendation #15: Start the eradication of European Common Reed before construction begins. Rehabilitate the wetland features in the Study Area that will not be impacted by the road construction.**

Sunningdale Court EIS (600 Sunningdale Road West)

October 12, 2017

Reviewed by C. Dyck and S. Levin

### **MAJOR CONCERNS:**

Size of buffers where the buffer is less than 10 m

Lack of information on protection of S2 plant (Two flowered Cynthia) – we believe this omission is sufficient grounds to reject the current version of the EIS

Date of field work predates the construction of the multi-use pathway and bridges

Lack of detail on restoration plans and insufficient monitoring period post restoration

### **BUFFERS**

The rationale for a “relatively small buffer areas” given on page 7.7 is unclear, particularly in explaining why 5 m is sufficient. No explanation is given as to why the construction buffer is only 5 m. Page 7.7 indicates that final buffer requirements are to be determined as part of a site specific EIS. Were these words written at a different time? Isn't the document a final EIS? Regardless, there is no explanation of the buffer widths or a clear buffer management plan (very limited information appears in Table 7-2).

**RECOMMENDATION 1:** Either the EIS be revised to explain why the buffer widths are as narrow as 5 m. Otherwise, 10 m buffers should be the minimum requirement.

**RECOMMENDATION 2:** A buffer management plan with ecosite specific native planting recommendations be a condition of the development agreement.

Figures 6 and 7 note there is a 30 m buffer for fish habitat but the legend indicates “no buffer for the golf course pond.” EEPAC assumes this refers to the pond at the west end of the development in an area that, according to the zoning map that went out with the public notice, will be lands zoned OS5. Therefore, EEPAC is unclear how the pond is not buffered.

**RECOMMENDATION 3:** EEPAC requests that staff ensure that this pond is retained.

### **TWO FLOWERED CYNTHIA**

In Appendix B, two CC of 10 plants are noted. There is some discussion in the text about one of the plants – Twinleaf. Its general location is noted in the report (7.6). This plant is listed as S4. However, there is absolutely no mention in the text of the other CC 10 plant – Two-Flowered Cynthia. This plant is listed as S2 which means Very Rare (page 3.5 uses the word ‘imperiled’ for S2) in Ontario; usually between 6 and 20 occurrences in the province, or found in only a few remaining hectares. For comparison, False Rue Anemone, which is listed as Threatened, also has an S2 ranking.

**RECOMMENDATION 4:** Until it is clarified if this plant is off the development site and protected from disturbance, the EIS be considered incomplete.



## **EDUCATION**

It is unclear to the reviewers how access to the ESA from Block 115 will be limited. Although many will stay on the paved path, there are others who will stray. The EIS mentions in a number of places “education” but does not detail what steps will be taken to “educate.” It is also unclear how fencing will help homeowners avoid fertilizer and herbicide use, or avoid planting invasive species (p. 7.6, section 7.1.6)

EEPAC believes the following recommendation would address both of these.

### ***RECOMMENDATION 5:***

As a condition of development

- the proponent be required to install signage at Block 115 and 116 with information on the ESA including why it is significant and with normative messages consistent with behaviour science (‘nudges’), that encourage people to do the right thing and stay on designated paths, keep dogs on leash, etc. This is more likely to be considered “ongoing public education” (pgs 7.6 and 7.7). In return, EEPAC recommends the requirement for a home owner “package” be deleted from the development agreement.
- 6 months after assumption, the City send each resident the “Living With Natural Areas” brochure

## **NET EFFECTS ASSESSMENT (Section 7)**

***RECOMMENDATION 6:*** Page 7.13 - EEPAC strongly discourages installing bird boxes as a means of mitigating the impacts of this development and recommends that this be removed from the EIS.

As the EIS points out domestic pets are a threat to birds. It is unlikely that birds will “learn” to avoid domestic pets and installing bird boxes simply makes it easier for cats to find nesting birds. Numerous studies indicate that domestic animals increase stress in wildlife populations as they devote energy to avoidance and flight rather than on reproduction.

## **ENVIRONMENTAL MANAGEMENT PLAN (Section 8)**

The report is very general in terms of the restoration and compensation plantings and plans. For example, page 7.4 says “...buffer management techniques will be used to reduce indirect impacts during construction and over the long term.” There is no clear explanation for this assertion.

In Table 7-3 under “ground disturbance and grading” the report recommends “regular inspection and repair of erosion and sediment control measures” and “regular inspection of the outlet and downstream for evidence of erosion.” It is unclear how often “regular” inspection will be and who or what agency will be responsible for monitoring and repair.

The EIS has two different proposed monitoring periods, neither of which, in EEPACs opinion and from examples from other developments, is sufficient.

***RECOMMENDATION 7:*** An Environmental Management Plan be prepared for approval by the City and the UTRCA as a condition of development. The EMP must include a clear explanation for how the Plan will minimize indirect impacts on the Natural Heritage features and functions over the long term as well

as how often inspections will occur during construction. EEPAC recommends the following elements be included in the EMP:

- a. The areas north and to the south (including the area south of the pathway) of the proposed outlet spillway be restored. It is unclear why this area was not restored when the sewer or the path were built. However, it does provide an opportunity for compensation, given the rip-rap spillway will not provide much opportunity for riparian habitat replacement.
- b. Post construction monitoring be for three springs and three falls subsequent to the buffer and restoration plantings.
- c. An Invasive Species Management Plan be required as part of the development agreement, including for lands to be dedicated to the City as part of the City owned ESA (see Table 4-1)
- d. All restoration be with species that are native and appropriate for each ecosite.
- e. Clarification of the proposed "qualitative vegetation monitoring" be provided to EEPAC and if necessary, City staff. Does "quality" refer to the individual plants (i.e. poor health of planted species due to stressors like drought) or does it refer to the "quality" of the overall species composition (i.e. heavy presence of invasive species)? This recommendation should perhaps read "qualitative and quantitative" to determine the degree to which the newly planted vegetation has survived and is thriving. Indicators of overall plant health should be clearly outlined, such that when individual plants do not thrive the warranty period would be triggered, and the vegetation would be replaced.

### **CONSTRUCTION RECOMMENDATIONS**

In section 8.3, it states "while the site is actively being developed/constructed with a log of dates when the facilities (i.e. erosion and sediment controls, construction fencing) were inspected, the condition of the facilities at the time and remedial actions, if any, that were taken." This also appears on page 9.2, recommendation #8. Are these activities that get reported to Development Services? It is unclear which City department receives these reports, or if there any random site visits to see if there is compliance specifically when the development is adjacent to a part of the Natural some other point in time?

As a result of this lack of clarity, EEPAC recommends:

#### ***RECOMMENDATION 8:***

- a) The city conduct random visits to ensure sediment control measures are in place, particularly when the outlet channel is being constructed.
- b) Clean Equipment Protocol be followed.
- c) No equipment shall be stored or refuelled within 30 m of any natural feature or watercourse.
- d) Gates with no fences must (not should as shown on page 7.4) be erected between the development and the ESA.
- e) Removal of vegetation must (not should as stated on page 8.2) take place outside the nesting period of migratory birds.
- f) Invasive plants be removed.

## **STORMWATER**

Page 7.3 indicates at the bottom that the proposed outflow is at “an appropriate spot for discharge to Medway Creek.” Nowhere does the report explain why the proposed location is better there than any other spot along the Creek.

**RECOMMENDATION 9:** A clear rationale for this location be provided before the EIS is accepted.

**RECOMMENDATION 10:** The development agreement be clear in who (the proponent or the City) is responsible for the ongoing maintenance of the OGS and outlet after assumption (see page 7.11, Table 7-3)

## **TO BE FORWARDED TO TRANSPORTATION DIVISION**

EEPAC notes on page 4.10 that there is a perched culvert preventing fish passage. This should be rectified with the road widening. A box culvert is the preferred option.

## **QUALITY OF DATA COLLECTION - AMPHIBIAN SURVEYS**

EEPAC questions if the frog call count surveys were done in a manner consistent with the Marsh Monitoring Protocol. Although the stations are located in areas off the developable lands, it is unusual to see the 3 required surveys done in two different years. It was also unclear as to when the three minute samples were taken, given the wide range of times shown in Table 3-2 on page 3.4. EEPAC notes that sundown on June 16, 2011 was roughly one hour prior to the time period shown in the Table. As well, two of the survey stations were closer than the 500 m recommended in the Protocol.

## **OTHER EDITS, ERRORS and OMISSIONS**

The legend in Figure 7 notes ‘Fence’ but it is not clearly shown on the Figure. It would be helpful to know if the proposed fencing with no gates is actually along all properties particularly the ones abutting Blocks 115 and 116.

- References to UTRCA Watershed Report Card for the Medway should be updated to the most recent version, released this year.

- The first three paragraphs on page 4.2 appear to be unnecessary as:

- the proponent will not be addressing the lack of interior forest in the watershed.
- it is unclear when the benthic survey after 2001 was conducted
- there is little in this EIS that will implement the recommendations in the third paragraph which seem to relate to needs in other parts of the Medway Creek Subwatershed.

EEPAC believes Table 7.1 on pages 7.2/7.3 includes fewer direct impacts than is likely.

Page 9.2 ends abruptly. It is unclear whether a ‘period’ is simply missing to end the sentence, or whether a portion of the sentence/page is missing.

**DEFERRED MATTERS**

**PLANNING AND ENVIRONMENT COMMITTEE  
(AS OF MAY 18, 2018)**

<b>File No.</b>	<b>Subject</b>	<b>Request Date</b>	<b>Requested/ Expected Reply Date</b>	<b>Person Responsible</b>	<b>Status</b>
1	Alternative Planning and Zoning Tools to Holding Provisions – report back on options to redefine and reduce the use of redundant or unnecessary holding provisions in Z.-1.	Dec 3/13 12/25/PEC	Part 1 complete  Part 2 - 2019	Fleming/ Kotsifas	Part 1 of the response is completed – report was prepared and new practice significantly reduces need for the general “h” holding provision. Part 2, the remainder, must be deferred until the London Plan is approved – when the zoning by-law update will occur
2	Staff to report back on types of species able to plant on boulevard	Feb 24/15	Q3, 2018	Fleming/Macpherson	Staff will coordinate with ESD and provide an update on suitable species for street tree planting that address key issues of survivability, canopy cover, maintenance requirements, etc. Revised date per Tree Protection by-Law Implementation Review Report to PEC on November 20, 2017
3	Development and Compliance Services Inspection Fee – <b>Statutory PPM</b> – Receive comments and feedback from industry stakeholders relating to proposed changes to the D&C Services Inspection fee within By-law A-7, Fees and Charges	July 22/14 14/13/PEC	Q2-Q3 2018 (Completion of Fees Review) September 2018 implementation (Fees and Charges By-law)	Kotsifas/Yeoman	Project was delayed as a result of organizational changes in Development Services and could not be completed prior to the intake window for the 2017 Fees and Charges By-law update. Work will resume in late 2017 with community consultants to occur in Spring 2018. <b>Project has commenced with community consultations in June 2018.</b> On track as per the timelines provided.  Both Development Services and Planning Services fees review will occur in parallel due to fee linkages.

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
4	<del>Variances that are granted by the Committee of Adjustment — report annually on nature of variances granted</del>	<del>Feb 17/15 9/5/PEC</del>	<del>Annually March 19, 2018 PEC</del>	<del>Kotsifas/Yeoman</del>	<del>Information compiled for 2015, 2016 and up to Q3 2017. Report received by PEC on March 19, 2018 to provide a 3-year overview and analysis of trends. Annual reports will commence subsequently, with further delivery in February 2019.</del> <b>REQUEST TO BE REMOVED FROM DEFERRED LIST – REPORTED IN MARCH, 2018</b>
5	Review of commercial corridor along Commissioners Road East	March 2/15 13/6/PEC	2019	Fleming/Barrett	Revised date per the Planning Services Work Plan Update report received by PEC on October 10, 2017.
6	EEPAC Terms of Reference – Civic Admin to report allowing EEPAC to work with staff during the collaboration of reports, electronic distribution of files and to provide advice directly to PEC	May 12/15 (7/11/PEC)	Q4 2015	Saunders	Preparing initial report to PEC to seek Council direction.
7	Civic Administration BE DIRECTED to review and report back to a future meeting on how Development Agreements could be modified to include a mechanism for the Civic Administration to undertake compliance investigations to ensure that conditions set out in Environmental Impact Statements are and will be met; it being noted that the Planning and Environment Committee reviewed and received a communication dated January 18, 2016, from Councillor T. Park.	Jan 26/16 (11/2/PEC)	Q2 2018	Kotsifas/Yeoman	This matter has been merged with a review of subdivision agreement conditions associated with the Subdivision Process Reforms and Council's request regarding unassumed subdivisions. Scoping meetings regarding EIS compliance have commenced and information is being gathered. This matter will be reported out to PEC no later than the end of Q2 of 2018.
8	Civic Administration BE REQUESTED to report back at a future meeting with respect to potential policy and/or by-law changes that would provide a mechanism by which green roofs could be included in the calculation of required landscape open space.	May 18/16 (13/19/PEC)	2019	Fleming/Kotsifas	A future report will be brought to PEC.  Revised date per the Planning Services Work Plan Update report received by PEC on October 10, 2017.

[Type here]

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
9	Sanitary Servicing to Arva and Water Servicing to Delaware – City Planner and City Engineer to report back with draft agreement that reflects Option 2 and to pursue a reduction in the sewage servicing area to match the current Arva settlement area boundary.	October 3/17 (13/18/PEC)	Q4 2018	Fleming/Mathers	To be added to the Planning Services work plan, recognizing staff resource constraints.
10	Dundas Place Management and Dundas Place Field House – City Planner to report back on results of monitoring all aspects of Dundas Place Management by mid-2019 in order to inform the development of the 2020-2023 Multi-Year Budget.	November 28/17 (17/22/PEC)	Mid-2019	Fleming/Yanchula	Phase 1 of Dundas Place construction to be completed Q4, 2018 at which time Dundas Place Management will commence.
11	White Oak/Dingman Area Secondary Plan – draft Official Plan policies to be brought forward following consultation with stakeholders, agencies and the public.	December 12/17 (4/1/PEC)	Q4, 2018	Fleming/Barrett	In progress – secondary plan on Planning Services Work Plan update received b Planning Committee on October 10, 2017. Expected completion date Q4, 2018
12	Draft Surplus School Sites Evaluation and Acquisition Policy to be considered at a future PEC meeting following public consultation with the TVDSB, LDCSB, Urban League and Child and Youth Network	April 10/18 (4.1/6/PEC)	Q1, 2019	Fleming/Barrett	Engagement will occur in the coming months with a target date to return Q1, 2019
13	Medway Valley Heritage Forest ESA – Refer back to Staff to report back after deleting the proposed Bridge A and Bridge D; further public consultation with respect to those portions of the CMP that effect changes to the eastern boundary of the ESA, including the use of public streets; further consultation with the ACCAC, the EEPAC, UTRCA and neighbouring First Nations governments and organizations with respect to improved trail access and conditions; actions be	April 24/18 (3.2/7/PEC)	2019/2020	Fleming/Macpherson	Next steps currently under review.

[Type here]

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
	<p>taken to discourage crossings of the creek at sites A, B, C, D and E, as identified in the CMP; hardscaped surfaces on the level 2 trails be limited to the greatest extent possible; ways to improve public consultation process for any ESA and CMP; and, amending the Trails Systems Guidelines to incorporate consultation with neighbouring First Nations, Governments and Organizations at the beginning of the process.</p>				

[Type here]